



17 February 2020

A meeting of the **WAVERLEY LOCAL PLANNING PANEL** will be held on level 3, Waverley Council Chambers, Cnr Bondi Road and Paul Street, Bondi Junction at:

12.00 PM WEDNESDAY 26 FEBRUARY 2020

QUORUM: Three Panel members.

APOLOGIES: By e-mail to WLPP@waverley.nsw.gov.au

OR

Late notice by telephone to the WLPP Co-ordinator on 9083 8273.

AGENDA

WLPP-2002.A

Apologies

WLPP-2002.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2002.1

PAGE 5

19A Gardyne Street, Bronte - Demolition of existing dwelling and garage, excavation and construction of a new part two, part three storey dwelling with integrated parking, swimming pool to the rear and tree removal (DA-283/2019)

Report dated 17 February 2020 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-2002.2

PAGE 87

29 Read Street, Bronte - Alterations and additions to existing dwelling including new first floor addition and garage to Read Lane (DA-354/2019)

Report dated 20 January 2020 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-2002.3

PAGE 143

26 Cross Street, Bronte - Construction of swimming pool with associated decking and landscaping to dwelling (DA-90/2019/1)

Report dated 12 February 2020 from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reason contained in the report.

WLPP-2002.4**PAGE 178**

21 Thompson Street, Tamarama - Alterations to the approved (not yet constructed) dwelling house and change of use to a dual occupancy (DA-163/2019)

Report dated 31 January 2020 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-2002.5**PAGE 248**

77 Fletcher Street, Tamarama - Alterations and additions to existing dwelling house, including second floor level addition (DA-322/2019)

Report dated 17 February 2020 from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reason contained in the report.

WLPP-2002.6**PAGE 273**

8 Denham Street, Bondi - Modification to remove condition (2) of consent to allow double carport to the front of the dwelling (DA-249/2019/A)

Report dated 13 February 2020 from the Development and Building Unit.

Recommendation: That the application be refused in accordance with the reason contained in the report.

WLPP-2002.7**PAGE 293**

Scarborough Crescent, North Bondi - Creation of a new lot around the existing war memorial within Scarborough Crescent road reserve that is adjacent to the North Bondi RSL Club (DA-406/2019)

Report dated 4 February 2020 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-2002.8**PAGE 303**

2 Bulga Road, Dover Heights - Demolition of existing dwelling and construction of a pair of semi-detached dwellings with car parking and landscaping (DA-458/2018/1)

Report dated 3 February 2020 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-2002.9**PAGE 361**

12 Chris Bang Crescent, Vaucluse - Alterations and additions to dwelling-house (DA-247/2019)

Report dated 4 February 2020 from the Development and Building Unit.

Recommendation: That the application be approved in accordance with the conditions contained in the report.

WLPP-2002.10**PAGE 419**

319 Old South Head Road, Bondi Beach - Demolition of the existing structures on the site and the construction of a new three storey residential flat building comprising five units (three of which are infill affordable housing) with basement car parking and Strata Subdivision (DA-101/2019)

Report dated 14 February 2020 from the Development and Building Unit.

Recommendation: That the application be granted deferred commencement consent in accordance with the conditions contained in the report.



Report to the Waverley Local Planning Panel

Application number	DA-283/2019
Site address	19A Gardyne Street, Bronte
Proposal	Demolition of existing dwelling and garage, excavation and construction of a new part two, part three storey dwelling with integrated parking, swimming pool to the rear and tree removal.
Date of lodgement	29/08/2019
Owner	Mr V Vosoba & Mrs I Vosoba
Applicant	Bohemia Investment Pty Ltd (c/o De Moyer Architecture Pty Ltd)
Submissions	Seven
Cost of works	\$2,517,786
Issues	FSR, Wall Height, View Loss, Removal of natural sandstone
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 16 October 2019.

The site is identified as Lot 2 in DP 205100, known as 19A Gardyne Street, Bronte. The site is irregular in shape with a north Gardyne Street frontage of 13.73m, a southern rear boundary of 8.875m, western side boundary of 38.05m and an eastern side boundary of 39.485m. The site has an area of 430m² and falls from the south towards the north to the area above the garage by approximately 3.33m.

The site is occupied by a single storey detached dwelling with vehicular access provided to a garage located at the front of the site accessed from Gardyne Street.

The subject site is adjoined by dwellings on either side. The locality is characterised by a majority of detached dwellings.



Figure 1: Site viewed from Gardyne Street with the shared steps to 19 and 19A Gardyne Street.



Figure 2: Site viewed from the rear private open space

1.2 Relevant History

There is no relevant history for the site.

1.3 Proposal

The development application is for the demolition of the existing dwelling and garage, excavation and construction of a new part two, part three storey dwelling with integrated parking, swimming pool to the rear and tree removal.

Basement

- Two car space garage;
- New pedestrian access; and
- Lift to each level.

Lower Ground Floor

- Bedroom 1 with deck;
- Bathroom;
- Plant room;
- Entry lobby; and
- Stairs to ground floor.

Ground Floor

- Two x bedrooms to rear facing rear deck;
- Laundry;
- Bathroom;
- Rumpus room;
- Master bedroom with associated front balcony, W/R and ensuite;
- Partially enclosed spiral Stairs to first floor; and
- In-ground pool.

First Floor

- Study;
- Bathroom;
- Open plan family, kitchen, dining and living room;
- Pantry;
- Front balcony; and
- Rear balcony.

The application has been amended since lodgement to address various issues raised by Council officers, including:

- inclusion of excluded gross floor area (GFA);
- reduction in building height;
- view loss assessment;
- proposed garage and its impact on existing sandstone and streetscape;
- amended arboricultural report and landscape plan;
- reduce wall height;
- increase front setback;
- fencing details; and
- reduce rear balcony.

Final amended plans were received on 24 January 2020, which form the assessment of this application.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State Environmental Planning Policies (SEPPs), and development control plans.

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the Development Application.

The BASIX Certificate and NatHERs certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures

detailed in the BASIX Certificate and NatHERs certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered to meet the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The original design proposed an overall height of 8.69m. The application was deferred to address this non-compliance and the amended design now results in a compliant building height at 8.464m.
4.4 Floor space ratio (FSR) and 4.4A Exceptions to floor space ratio $[(550 - 430) \times 0.0011] + 0.5$ <ul style="list-style-type: none"> 0.632:1 271.76m² 	No. Clause 4.6 included.	Basement: 0m ² Lower Ground Floor: 43.98m ² Ground Floor: 128.96m ² First Floor: 122.83m ² TOTAL GFA: 295.77m ² Site Area: 430m ² FSR: 0.687:1 The development exceeds the maximum GFA by 24.01m ² or 8.8%.
4.6 Exceptions to development standards	See Discussion.	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Height of Building development standard. A detailed discussion

Provision	Compliance	Comment
		of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	No. Condition recommended.	<p>The subject site fronts the Gardyne Street Landscape Conservation Area.</p> <p>The application was referred to Council's Heritage Advisor who stated:</p> <ul style="list-style-type: none"> <i>The proposed development replicates the form but little of the finishes of the existing street front wall. There appears little reason not to duplicate the existing face brick finish to the garage frontage given the symmetry of this with the wall to the adjacent site.</i> <p>It is therefore recommended that the brick finish to the street front wall remains in mirror reverse pattern to the adjoining face brick wall. A suitable condition is recommended.</p>
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is classed as acid sulfate soils class 5. However, the proposal is not anticipated to disturb, expose or drain acid sulfate soils and cause environmental damage.
6.2 Earthworks	Yes	A geotechnical report is submitted with the DA. The geotechnical report recommendations are to be followed during the construction of the dwelling.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the WLEP 2012.

Clause 4.6 Exceptions to Development Standards - FSR

The application seeks to vary the FSR development standard in Clause 4.4 of the Waverley LEP 2012.

The site is subject to a maximum FSR control of 0.632:1. The proposed development has a FSR of 0.687:1, exceeding the standard by 24.01m² equating to a 8.8% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the WLEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the FSR development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- *It is noted that under Clause 4.6(4)(a)ii, 'achieved' has been replaced by the lesser test of 'consistent'. Despite the non-compliance, the proposal is consistent with the desired low density character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls.*
 - *The proposal complies with the height development standard and the majority of controls in the DCP. The skilful design is consistent with the surrounding bulk and scale and maintains the amenity of neighbouring dwellings. The exceedance is a result of including the rear of the lower ground floor level in the GFA. This area is located underground and will not contribute to the visual bulk of the dwelling. Accordingly, the proposed correlation between the building height and density is considered appropriate.*
 - *The proposal is compatible with the scale and pattern of development in the surrounding area, providing a low-density development consistent with the surrounding R2 Zone and the desired future character of the locality. The proposal also provides an appropriate transition in visual bulk and scale in the streetscape, providing a maximum RL of 75.060, which is lower than No. 21 Gardyne Street (RL 75.970) and higher than No. 19 Gardyne Street (RL 74.560) (see Figure below). Accordingly, the proposal has carefully considered the surrounding development to ensure that the building is compatible with the bulk, scale, streetscape and desired future character of the locality.*



Figure 3: Extract of 'Figure 2' in the Clause 4.6 submitted by applicant

- *As the area of additional GFA is primarily below existing ground level and does not include any habitable rooms, it will not affect the amenity of neighbouring properties or the locality. Furthermore, the additional GFA would not be perceivable from the public domain, given the site's elevated appearance on Gardyne Street.*
- *The proposal will significantly enhance the streetscape appeal of the site, providing a high-quality contemporary development that is consistent with the emerging character of the area.*
- *The proposal has been skilfully designed to ensure that the amenity of adjoining dwellings is maintained. The additional GFA is primarily underground, is oriented towards the front of the site and will not be visible from adjoining dwellings. Therefore, the exceedance will not result in any view impacts and will maintain the privacy and solar access of neighbouring dwellings.*
- *The proposal replaces the existing single storey dwelling, which is at the end of its useable life, with an architecturally designed contemporary dwelling. The proposed dwelling will improve the amenity of the site for future residents and will be a positive contribution to the streetscape.*
- *The proposal utilises a variety of materials, well-articulated facades and a detailed landscaping plan to further soften the bulk and scale of the dwelling.*
- *Due to the existing site constraints, the garage is located at the lower level and it is difficult to provide effective access throughout the site. The non-compliance is a function of including non-habitable underground areas, which are necessary to provide storage and access into the dwelling. Enforcing strict compliance would reduce the amenity and accessibility, without noticeably benefiting the neighbouring properties. If the lower ground floor were deleted, access would need to be provided to the ground floor level from external stairs and/or a lift, which would create unnecessary bulk at the street frontage and would reduce aural and visual privacy for the residents and adjoining properties. The proposal effectively responds to the site constraints by utilising the lower ground floor level for access and provides a better outcome for amenity and visual appearance.*
- *While the standard has not been virtually abandoned or destroyed, there are numerous examples of developments in the Waverley LGA which have been approved with non-compliances with the maximum FSR development standard.*
 - *On 16 April 2019, Council approved DA-724/2004/C, for internal and external changes to the existing dwelling at No. 57 Gardyne Street, Bronte. The approved dwelling has an FSR of 0.73:1 on a site with a maximum FSR of 0.5:1. The primary justification was the proposal's minimal impacts on adjoining dwellings and the works being located within the existing envelope.*
 - *On 13 December 2016, Council approved DA-50/2016, for alterations and additions including a first floor addition at No. 42A Gardyne Street, Bronte. The site has a FSR development standard of 0.5:1, while the approved development has an FSR of 0.65:1. The main arguments for the non-compliance were the proposal's compatibility with surrounding development and the compliance with the height development standard.*
 - *On 10 November 2015, Council approved DA-208/2015, for partial demolition and significant alterations to the existing dwelling including double garage, lower level ground floor and front balconies at No. 17 Gardyne Street, Bronte. The site has a*

maximum FSR of 0.5:1 and the approved development has an FSR of 0.66:1. The primary justification for the non-compliance was that the additional area is located at the lower ground floor level, will not create additional bulk and will maintain neighbouring amenity.

- *On 23 October 2013, Council approved DA-352/2013, for an extension to the dwelling and internal and external alterations at No. 31 Gardyne Street, Bronte. This site has a FSR development standard of 0.5:1, while the approved dwelling had an FSR of 0.53:1. The main justification was that the non-compliance would not result in any additional environmental impacts and that the dwelling would be consistent with the character of the streetscape and locality.*

(b) That there are sufficient environmental planning grounds to justify contravening the standard:

- *The proposal is permissible within the R2 Low Density Residential Zone and has a compliant building envelope. The proposal is also consistent with the scale and density of developments in the surrounding area.*
- *The additional floor space is located at the lower ground floor level and will largely be located below existing ground level (see Figure below). As a result of the steep topography, several dwellings along Gardyne Street are located above a garage level, with a stepped built form that appears as three storeys when viewed from the street frontage. This limits excavation and improves residential amenity. The proposal is consistent with this pattern of development and utilises the lower ground floor level as the main entrance.*
- *As detailed, strict compliance with the development standard would not result in a better outcome for development. It would unnecessarily complicate orderly and economic development of the land in accordance with the intentions of the zoning and the objects of the EPA Act. As the exceedance is primarily underground, it will not result in any environmental impacts, particularly in relation to the views, solar access and privacy of adjoining dwellings. The non-compliance relates to the inclusion of non-habitable spaces and deleting the lower ground floor level would unreasonably impact the amenity and accessibility of the dwelling. Strict compliance with the standard would not result in a desirable urban design outcome, in accordance with object (g) of EPA Act, to promote good design and amenity of the built environment.*
- *The non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).*

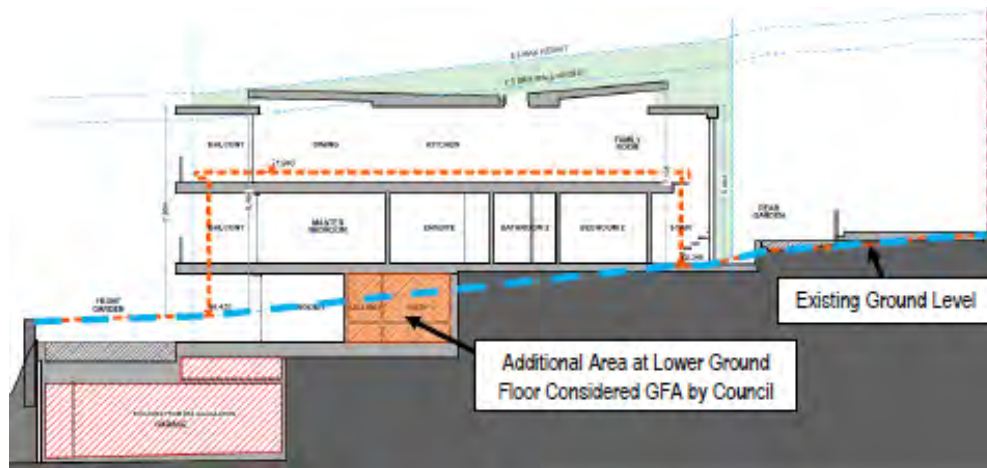


Figure 4: Extract of 'Figure 3' in the Clause 4.6 submitted by applicant

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- d) *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- e) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing that the proposed development is located in a compliant building envelope, including overall height, setbacks and landscaping. The applicant has detailed that the development is a similar scale to other development in the street, with a portion of the GFA located below EGL. The applicant has concluded that strict compliance with the development standard would over complicate the development, not resulting in a better outcome.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out including;

Clause 2.1 - Land Use Zone – R2 Low Density Residential

The objectives of this clause that are relevant to this development are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposal is for a new single dwelling and satisfies the objective. The development provides housing in a form that is compatible with the low density residential environment. Accordingly, the proposal is considered to be in the public interest.

Clause 4.4.1 – Floor space ratio

The objectives of this clause that are relevant to this development are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*

The proposed development provides an appropriate correlation between maximum building height and density controls. The development is located below the maximum height line of 8.5m, is compliant with front and rear setbacks and provides generous side setbacks.

- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*

This section of Gardyne Street has been heavily developed over the recent years. The proposed development is reflective of the bulk and scale of the residential dwellings located in the streetscape, particularly 11, 17, 17A, 21 Gardyne Street and 31A Yanko Avenue.

- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

Limitations have been placed on the scale of the development; which has been provided through an amended generally compliant design, through its overall height and setbacks. This will be discussed in greater detail throughout this report.

Conclusion

For the reasons provided above, the requested variation to the FSR is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley LEP 2012; and the proposed development would be in the public interest because it is consistent with the objectives of FSR and the Low Density Residential (R2) Zone.

2.1.4 Waverley Development Control Plan 2012 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes. Conditions recommended.	<p>A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent is recommended regarding ongoing waste on the site.</p> <p>The waste and recycling storage area is located in an area convenient for users of the site.</p>
2. Ecologically sustainable Development	Yes. Condition recommended.	<p>The proposal incorporates passive design, contains a rainwater tank (as per BASIX conditions), and solar panelled hot water system.</p>
3. Landscaping and Biodiversity	Yes. Conditions recommended.	<p>The landscaping plan has been reviewed by Council's Tree Officer and is considered acceptable.</p> <p>A green roof is proposed and a condition of consent is recommended to ensure that it meets the details required by the DCP.</p> <p>The existing natural features (sandstone wall / outcrops) of the site is recommended to be retained where possible and a suitable condition is recommended.</p> <p>The site does not contain remnant vegetation which are listed as threatened in the Environment Protection and Biodiversity Conservation Act 1999, and in the NSW Biodiversity Conservation Act 2016.</p> <p>The site is not located in a Habitat Corridor.</p>

Development Control	Compliance	Comment
5. Tree preservation	Yes. Condition recommended.	<p>The proposed development has been reviewed by Council's Tree Officer, as the DA contains the removal of three trees. These trees are 2 x <i>Cinnamomum Camphora</i> and 1 x <i>Plumeria Sp.</i></p> <p>The landscape plan proposes the planting of:</p> <ul style="list-style-type: none"> • One <i>Syzygium luehmannii</i> (Riberry Lilly Pilly) growing to a height of 10-12m; and • Two <i>Hibiscus tiliaceus Rubra</i> growing to a height of 5m. <p>A condition will be imposed that the <i>Syzygium luehmannii</i> (Riberry Lilly Pilly) be replaced with a tree that has a maximum height of 5m, to take into account view sharing.</p> <p>Suitable conditions are recommended.</p>
6. Stormwater	Yes. Conditions recommended.	The application was reviewed by Council's Stormwater Engineer who recommended conditions to be applied to the consent.
8. Transport		
8.1 – Streetscape	Removal of existing rock outcrop not supported. Conditions recommended.	The proposal will result in the demolition of the existing garage and construction of a new garage. The type of garage proposed is reflective of the streetscape. However, the proposal will result in the partial removal of existing sandstone wall which is considered a key attribute to the Gardyne Street Landscape Conservation Area.
8.2 – On-site parking	-	The subject site is located in parking zone 2.
8.2.1 – Vehicle Access	No. Condition recommend. See Discussion.	One vehicle crossover is proposed. The width of the crossover at the footpath is 3m, exceeding the maximum 2.7m. A condition is recommended that the existing crossover is maintained.
8.2.2 – Car parking provision rates	Yes	The proposed type of parking is common in the streetscape. The development proposes a maximum of two off street parking spaces, which is compliant.
9. Heritage	No. Condition recommended.	This has been discussed above.
12. Design Excellence	Yes	The proposal is considered to achieve design excellence and will contribute to the overall design quality of Waverley, subject to conditions.

Development Control	Compliance	Comment
14. Excavation	No. Condition recommended. See Discussion.	Excavation results in removal of sandstone due to the proposed garage. This is not supported, and a condition of consent is recommended. Excavation is more than 0.9m from a side boundary, which is acceptable.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a “*Dwelling House*” in the Waverley LEP 2012.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	Yes	<p>The proposal does not contravene the general objectives of this part of the Waverley DCP 2012.</p> <p>It is considered that some view loss will occur from the proposal; this is discussed further below.</p>
2.1 Height		
<p>Flat roof dwelling house</p> <ul style="list-style-type: none"> • Maximum wall height of 7.5m 	No. See discussion.	<p>The wall height from the original design has been reduced.</p> <p>The maximum wall height towards the front of the dwelling is 7.87m exceeding the control by 0.37m or 4.9%.</p> <p>The clerestory window is not included in this calculation as per the definition in the DCP.</p>
2.2 Setbacks		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	<p>Yes</p> <p>Yes</p>	<p>The dwelling has been pushed back from the street through an amended design. This is to address issues with the front setback.</p> <p>Front Setbacks</p> <p>Basement: Will not alter, garage entrance built to front boundary.</p> <p>Lower Ground: Consistent with front building line.</p>

Development Control	Compliance	Comment
	Yes	Ground Floor: Consistent with front building line.
	Yes	First Floor: Consistent with front building line.
		Rear Setbacks
	Yes	Ground Floor: Acceptable
	Yes	First Floor: Acceptable
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposed development will provide a minimum side setback of 1.2m to all levels, which is acceptable.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Yes	<p>Contemporary development is common in the streetscape and the proposal is satisfactory, subject to the retention of the existing garage formation and sandstone outcrop.</p> <p>The proposed development is similar to other dwellings in the streetscape that are part two, part three storey detached dwellings with a basement garage. Other examples in the streetscape are located at 11, 17, 17A, 21 & 25A Gardyne Street.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes. Condition recommended.	A 1.8m side boundary fence is proposed. A condition is recommended to ensure the fence will not exceed 1.8m from Natural Ground Level.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures 	Yes	Windows to side elevations are considered acceptable, as they are either screened, are of an acceptable size or have a high sill height. It is noted W12 is not screened, however this is to provide natural light to a bedroom, and the window will not look directly into the neighbouring property due to the existing boundary fence which is proposed to be retained.

Development Control	Compliance	Comment
<p>are incorporated into the design.</p> <ul style="list-style-type: none"> External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>Yes</p> <p>Yes, on merit.</p>	<p>The external stairs have now been appropriately enclosed through an amended design.</p> <p>The rear balcony to the first floor will have a depth of 1.5m and an area of 7.7m². This has been reduced significantly to a compliant size.</p> <p>The two front balconies exceed the controls outlined in the DCP, however, the size is considered appropriate as it captures ocean views and there are other examples within the vicinity. Additionally, these balconies are within a compliant front setback. Screening to the eastern side of the balcony is not considered appropriate as it will obstruct ocean views.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Acceptable	<p><u>19 Gardyne St, BRONTE</u></p> <p>From 11am onwards the proposed development shadow will not fall on 19 Gardyne Street, and site will retain sufficient solar access to the rear.</p> <p><u>21 Gardyne St, BRONTE</u></p> <p>Some additional overshadowing will occur from 12 noon and is considered acceptable</p> <p><u>Subject Site</u></p> <p>Some of the subject sites' rear private open space will be overshadowed by the proposal. However, it is to be noted, given south facing private open space, it is difficult to be fully compliant with the DCP. Solar access will be provided to the rear of the site from 11am.</p> <p>Each of the three sites detailed above do have north facing living areas, which will not be substantially impacted by additional overshadowing.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of 	Acceptable	See further discussion below.

Development Control	Compliance	Comment
views with surrounding dwellings particularly from habitable rooms and decks.		
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> • Parking only allowed where site conditions permit • Designed to complement the building and streetscape • Car parking structures to be behind the front building line • Driveways are to be located to minimise the loss of on street parking • Parking to be provided from secondary streets or lanes where possible. 	Yes, to be conditioned.	The proposal includes a garage, which is acceptable within the streetscape, subject to conditions regarding its retention.
<p>2.8.2 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> • 2 spaces for 3 or more bedrooms 	Yes	Two off-street parking spaces are proposed within the garage.
<p>2.8.3 Location</p> <ul style="list-style-type: none"> • Behind front building line for new dwellings • Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	The proposed parking area is acceptable and is common within the streetscape.
<p>2.8.4 Design</p> <ul style="list-style-type: none"> • Complement the style, massing and detail of the dwelling • Secondary in area & appearance to the design of the residences 	No. Condition recommended.	The proposed garage will result in the removal of an existing natural sandstone wall. It is recommended that the development utilise the existing driveway cross-over and garage entrance and incorporate a new garage behind this façade. The shared entry between 19 Gardyne St and the subject site is also recommended to be maintained.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> No part of the façade is to be demolished to accommodate car parking 		
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The proposed garage is in excess of these dimensions.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	No. Condition recommended.	<p>One vehicle cross over is proposed. The width of the cross-over at the street kerb is 3.6m. This is considered excessive in width.</p> <p>A condition is recommended that the existing driveway cross-over is maintained.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	Yes Yes Yes Yes No. Condition recommend.	77.1% 24.4% Over 25m ² 81.3% 61.1% A condition is recommended to ensure this is achieved.
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes Yes	<p>The proposed swimming pool is located within the private open space to the rear of the dwelling.</p> <p>The swimming pool is considered to be appropriately setback from trees. Council's Tree Officer had no issues with the location of the pool.</p> <p>The decking associated with the pool abuts the western side boundary.</p> <p>A condition is recommended to ensure the pool equipment is located within an acoustically treated structure.</p>

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the WDCP 2012.

Wall Height

The proposed development exceeds the maximum wall height stipulated in the Waverley DCP 2012 to the front of the dwelling. The overall maximum wall height permitted is 7.5m, the development will result in a maximum wall height of 7.87m. exceeding the control by 0.37m or 4.9%.

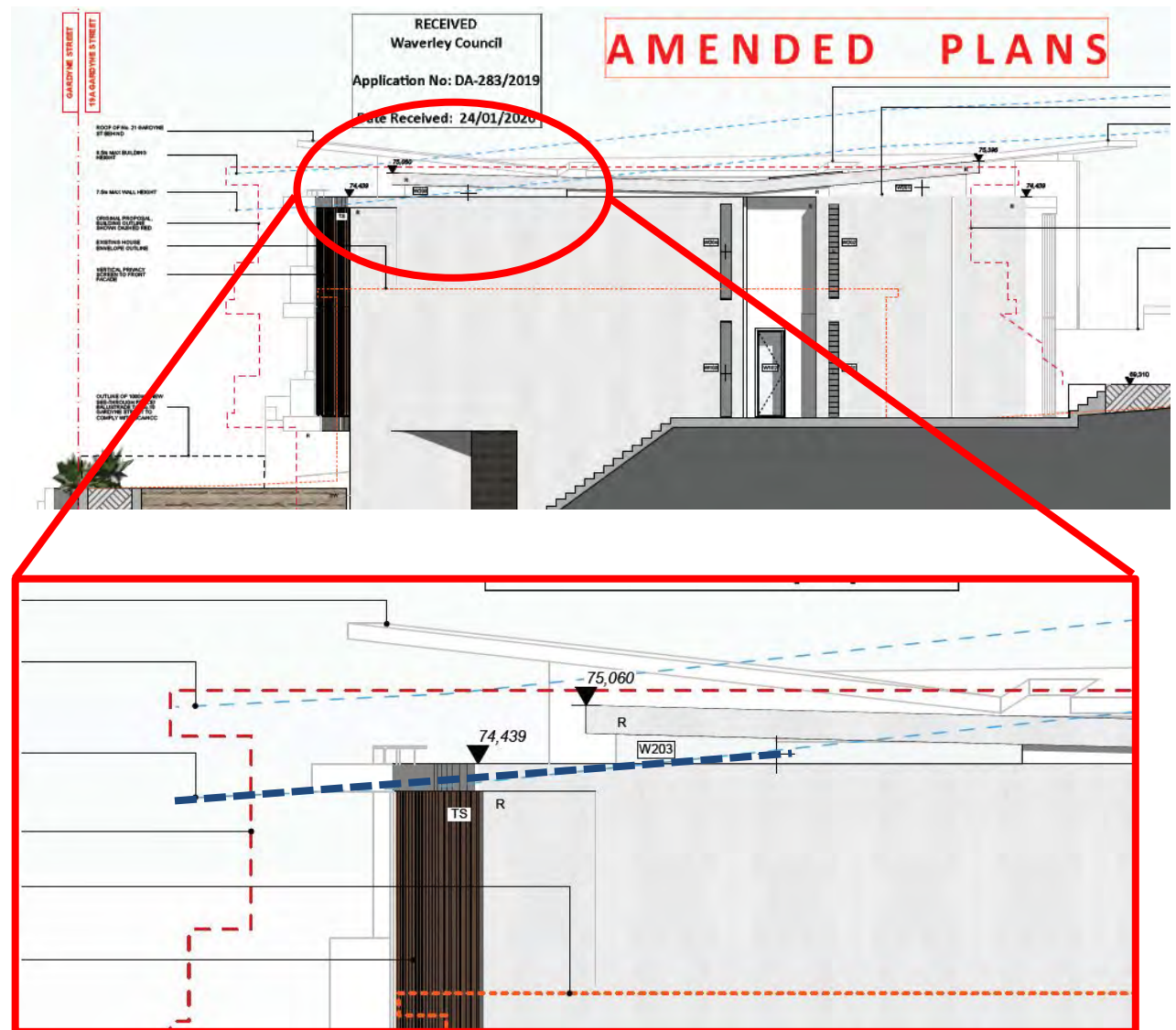


Figure 5: Wall height exceedance to western elevation (dashed in dark blue).

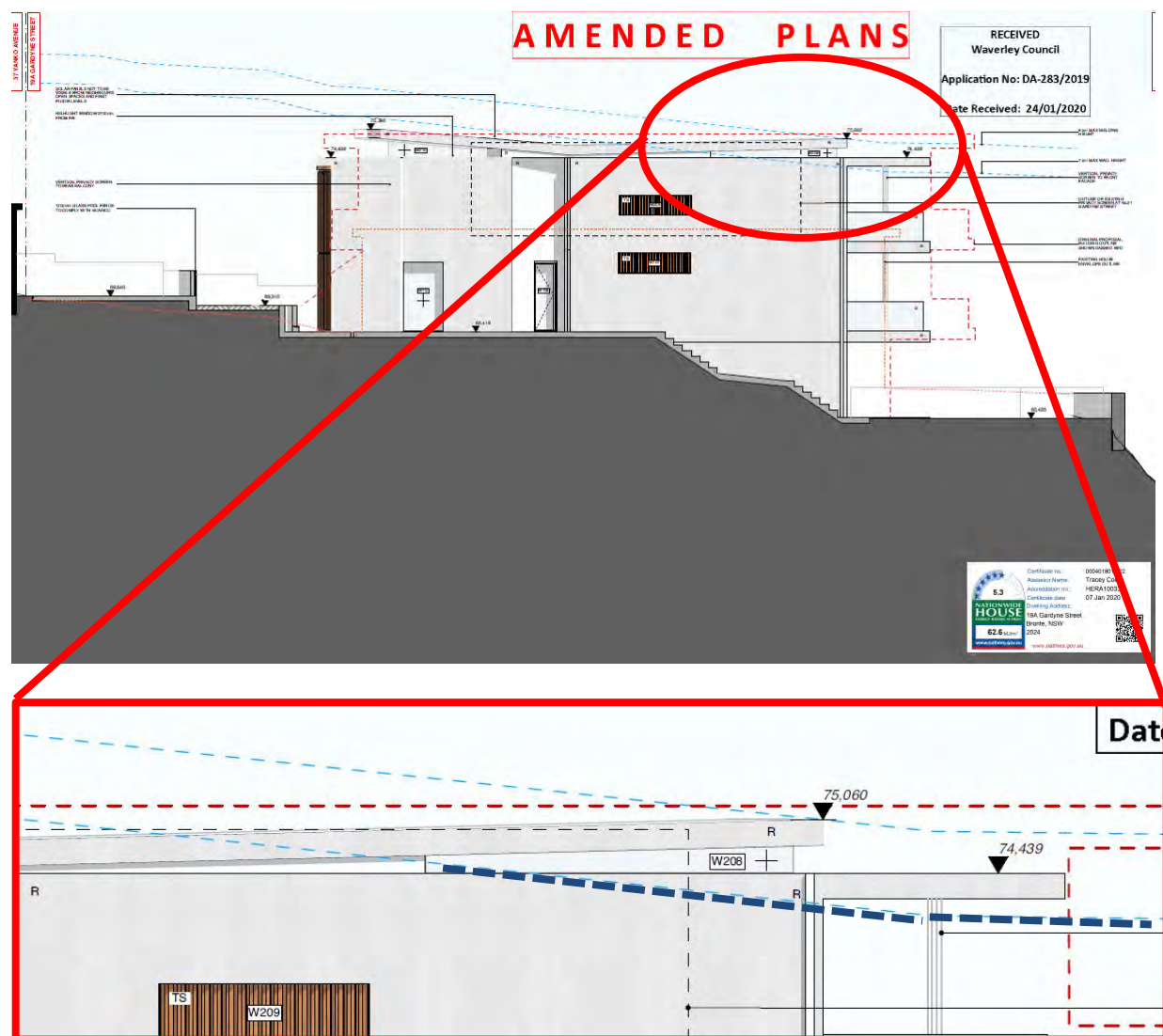


Figure 6: Wall height exceedance to eastern elevation (dashed in dark blue).

The proposal only results in a small exceedance to the maximum wall height, as according to the Waverley DCP 2012 wall height definition, clerestory windows are not included in the overall wall height calculations.

A streetscape analysis has been undertaken along Gardyne Street to understand if this breach is common in the streetscape, due to the topography of the surrounding land. The streetscape analysis concluded the following:

Table 4: Results from the Gardyne Street Streetscape Analysis

11 Gardyne St DA-199/2003	This DA was approved on 28 June 2004 for alterations and additions including an additional storey and garage. The DA was approved with a maximum wall height of 7.9m from EGL (to front of dwelling), exceeding the 7.5m control by 0.4m.
17 Gardyne St DA-172/2018	This DA was approved on 3 September 2018 for minor excavation works and the construction of a new part two, part three storey dwelling with garage. The DA was approved with a maximum wall height of 8.4m (to front of dwelling), exceeding the 7.5m control by 0.9m.

17A Gardyne St DA-561/2004	This DA was approved on 28 July 2005 for alterations and additions including additional storey and swimming pool. The DA was approved with a maximum wall height of 7.5m, compliant with the control.
21 Gardyne St DA-535/2002	This DA was approved on 3 April 2003 for a new three storey dwelling with carparking. The DA was approved with a maximum all height of 7.5m. However, the clerestory windows protruded the maximum wall height line, similar to the proposal.
25A Gardyne St DA-479/2018	This DA was approved on 1 May 2019 for alterations and additions to an existing dwelling, new garage and associated residential works. The DA was approved with a maximum wall height of 8.2m, exceeding the control of 7m by 1.2m.

Therefore, it can be concluded that the proposed minor wall height breach can be justified on the basis it meets the precedence of the streetscape and is not detrimental to the streetscape or adjacent dwellings.

Driveway Cross-Over

The proposed development proposes a new driveway cross-over and associated new garage.

The original proposal resulted in a driveway cross-over that adjoined the neighbouring driveway cross-over of 19 Gardyne Street. However, this was not supported as it resulted in an overall cross-over of 10.2m, which was deemed excessive. The applicant was advised in the deferral letter dated 6 November 2019, *the extension of the existing driveway crossover is too wide and will contravene clause 2.8.1, Control (d) and Control 2.8.6 (c) of the Waverley DCP 2012. No extension to the width of the driveway cross-over is permitted. It is encouraged to use the existing shared driveway cross-over and garage door.*

The amended design results in a separate driveway cross-over of 3.6m (breaching Waverley DCP 2012 control), this is still considered excessive. Additionally, the distance between driveway cross-over between 19 Gardyne Street and the subject site is 2.8m, not wide enough to allow for an on-street vehicle parking space. Given the high demand for on-street parking, especially in summer months, it is recommended that the development utilises the existing shared cross-over, this will result in the development using the shared entry path and garage entry; this is discussed further below.

Garage and Shared Entryway

The proposed development will result in the removal of the existing garage entryway and shared entry and construction of a new garage entry and private entry. This is not supported. The site fronts the Gardyne Street Landscape Conservation Area and hosts a large amount of naturally occurring sandstone.

The proposal is contrary to the following controls within the Waverley DCP 2012:

- Part B, Section B8 - Transport, Control 8.1 (e)
Existing natural rock faces and heritage listed sandstone walls must not be removed for the purpose of car parking.
- Part B, Section B14 - Excavation, Control (j)
Excavation for garaging within sandstone walls facing the street must be minimised to preserve as much of the original wall as possible.

- Part C, Section C2 - Low Density Residential, Control 2.8.4 (e)

Exposed natural rock faces and heritage listed sandstone walls must not be removed for any car parking.



Figure 7: Naturally occurring sandstone to front of the subject site which is recommended to be protected.

It is therefore recommended that the proposal retains the existing driveway (for the reasons listed above), garage façade and shared entry. This will assist in maintaining the naturally occurring sandstone along the Landscape Conservation Area. The proposed internal configuration to the garage is acceptable as this will not impact the naturally occurring sandstone. A condition is recommended that alterations to the internal configuration of the garage are permitted, and the lift is to remain in the same position as to not affect the internal layout of the levels above.

View Loss

In accordance with clause 2.7 of the Waverley DCP 2012 – Views, it is generally accepted that views do not ‘belong’ to anyone or any property, nor is a view the exclusive right to any one property or to certain individuals. ‘View sharing’ is an important principle to consider when developing a property.

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment.

Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.

In order to make a planning decision regarding the potential view loss, the judgment in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*, sets down four steps that should be undertaken to reach a decision on whether a view impact is reasonable.

Table 5: Tenacity Assessment

Address	39 Yanko Avenue, BRONTE (south of site)
View Reference	Balcony
Description	Ground floor north facing balcony accessed from living room
Photos	



Figure 8: View Loss analysis from ground floor of 39 Yanko Avenue

**View from kitchen window is similar to Figure 8*

Test 1 - Assessment of Views		
<i>The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i>		
Description	District and Ocean View	Comment: The view is to the north east of the dwelling, overlooking the Bondi valley with a partial view of the ocean in the distance. There is also a view of the Bondi Sewer vent in the distance.
Value	Water/Iconic (subjective)	
Amount	Partial	

Test 2 – Location of View		
<i>The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.</i>		
Floor	Ground	<u>Comment:</u> The view is to the rear of the ground floor and is accessed by standing.
Boundary/Elevation	Rear	
View Level	Standing	
Test 3 – Extent of Impact		
<i>The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas. The impact may be assessed quantitatively, but in many cases this can be meaningless. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.</i>		
Use Area	Balcony accessed from living area	<u>Comment:</u> The qualitative loss is considered severe. The site will lose most of the district view and all of the ocean view from this position. Some of the district view will be maintained.
Quantitative Loss	-	
Qualitative Loss	Severe	
Test 4– Reasonableness of Impact		
<i>A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.</i>		
Height Compliance	Yes Allowable Height: 8.5m Proposed Height: 8.464m	<u>Comment:</u> The breach to the FSR is acceptable as discussed earlier in the report. <u>Comment:</u> The breach to the overall wall height can be supported as it is only to the front of the site due to the topography of the land. Additionally, a streetscape analysis has concluded this is a common contravention in the streetscape and will not impact on water views. <u>Comment:</u> The height of the dwelling has been reduced to comply with the
FSR Compliance	No Allowable FSR: 0.63:1 Proposed FSR: 0.687:1	
DCP Compliance	No State: The maximum wall height towards the front of the dwelling is 7.87m. exceeding the control by 0.37m or 4.9%.	
Alternative design	Skilful design with same development potential can be created: Development	

	has been reduced in height through an amended design.	maximum building height, through an amended design.
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Additionally, a view loss analysis was provided (from the applicant) from the first floor of 39 Yanko Avenue. This view loss analysis concluded the view from a bedroom of the first floor will not be significantly impacted.



Figure 9: View Loss analysis from first floor of 39 Yanko Avenue.

Therefore it is considered that the view from 19 Gardyne Street will not be significantly impacted from the development and the proposed development is reasonable and acceptable.

Currently the owners of 37 Yanko Avenue do not benefit from a view. The proposal was supported by this site.

Waverley DCP 2012 View Considerations

Notwithstanding the above, when assessed in conjunction with Clause 2.7 of the Waverley DCP 2012 for impact to views:

- 2.7 (a) The proposal results in existing views and vistas available from the public domain being maintained where possible by the design of buildings.
- 2.7 (b) The Bondi Sewer main being classed as an iconic view is subjective. It is not a quintessential iconic view such as the Sydney Harbour Bridge or Opera House. Whilst, the dwelling will lose this view to the ground floor, it will be maintained to the first floor.

- 2.7 (c) The proposal has been reduced to conform with the maximum overall height development standard.

Conclusion

The proposal will impact the ground floor views that 39 Yanko Avenue. However, it has been concluded that it would be extremely difficult for these views to be maintained with any type of first floor addition. It is to be expected that the currently under-developed subject site would soon be developed to a bulk and scale that is similar to the existing along Gardyne Street. The proposal results in a bulk and scale that is considered consistent with the surrounding streetscape. In addition, the development maintains views to the first floor of 39 Yanko Avenue, ensuring view sharing at this level.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Seven submissions were received. The issues raised in the submissions are summarised and discussed below.

The amended plans were not re-notified as it was deemed the development does not result in any significant additional impacts. Additionally, objectors have the opportunity to voice their concerns at the Waverley Local Planning Panel.

Table 6: Summary of property addresses that lodged a submission

Property
Bronte Beach Precinct
26 Gardyne Street, BRONTE
23 Gardyne Street, BRONTE
6 Gardyne Street, BRONTE
24 Gardyne Street, BRONTE
21 & 19 Gardyne Street, BRONTE (joint submission)
39 Yanko Avenue, BRONTE

Issue: Construction Noise and Dust and Construction Vehicle and Construction work on street.

Response: Appropriate conditions recommended.

Issue: Condition the amount of construction to occur in the street by restricting time between each construction

Response: Council does not have the authority to do this, standard construction conditions are recommended.

Issue: Drawings do not sufficiently detail EGL

Response: The EGL has been illustrated on DA602 – Height Analysis. The RL's have been confirmed against the survey. As discussed previously, the height of the building is compliant with the Waverley LEP 2012, and a clause 4.6 variation is not required.

Issue: Exceeds overall height and wall height

Response: The proposal has been amended to comply with the overall height. The contravention to wall height has been discussed above and is considered acceptable.

Issue: Maximum height of flat roof dwelling is 7.5m

Response: This is incorrect. Amendment 6 of the Waverley DCP 2012 states the maximum wall height is 7.5m above existing ground level for buildings with a flat roof.

Issue: Front Setback

Response: The front setback has been increased through an amended design. The front setback is considered acceptable, with DA102 – Site Plan, demonstrating that the front setback is appropriate through a context plan. It is to be noted, the lot layout of 21 and 19A Gardyne Street are slightly different regarding rear boundary line, and this could lead to a small deviation between the two dwellings. 19 Gardyne Street is a one storey dwelling and therefore the first floor front setback of the subject dwelling cannot be assessed against 19 Gardyne Street.

Issue: Rear Setback

Response: Although the rear setback has been slightly reduced, to further increase the front setback. It can be demonstrated that the rear setback is acceptable.

Issue: Side Setbacks

Response: Some submissions have referenced Amendment 5 of the Waverley DCP 2012, however, Amendment 6 is the relevant documentation to be used. As discussed in the report, the amended design has compliant side setbacks.

Issue: GFA and FSR

Response: The GFA calculations have included the bathroom, hallway and entry way at the lower ground floor. The plant room has been excluded as per the Waverley LEP 2012 definition of GFA. It is noted that the development exceeds the FSR, however a well-founded Clause 4.6 has been submitted with the application.

Issue: Impact on Streetscape

Response: This has been discussed in the report and is considered acceptable, subject to the retention of the sandstone and existing garage.

Issue: Visual and Acoustic Privacy

Response: This has been discussed in the report and is considered to be acceptable.

Issue: View loss

Response: A view loss analysis using the principles of Tenacity have been discussed in this report. It is to be noted view loss cannot be considered for any future development of neighbouring properties.

Issue: Fencing

Response: A fencing detail plan has been submitted. Along the western side boundary, a 1.8m fence is proposed, whilst along the eastern boundary, the existing fence is to be maintained.

Issue: Void

Response: The dwelling is to be built to the approved plans.

Issue: Screening to front balconies

Response: This has been discussed in the report and is considered acceptable.

Issue: Floor to Floor Height

Response: Concern was raised that the floor to floor height between the garage and lower ground is considered excessive and the floor slab thickness of the lower ground floor is also excessive. The applicant responded to this:

Several submissions seek further clarification on the floor to floor heights between the garage and lower ground floor levels, suggesting the void area is unnecessary. The maximum 4.5m floor to floor height is a function of maintaining the established levels of neighbouring sites within the steeply sloping area. The garage is at street level while the lower ground floor is above the existing street wall. Dropping the lower ground floor would reduce internal amenity and create inconsistencies with the established streetscape pattern. The garage is at grade with the street and the street wall has a maximum height at RL 66.49 which is consistent with No. 19 Gardyne Street. The void will store mechanical plant equipment, which ensures that they are not visible from the streetscape or public domain. This further enhances the amenity of neighbouring dwellings by preventing any potential visual or acoustic impacts resulting from the plant equipment.

In any event, a 4.5m floor to floor height is insufficient for an additional level as a 'Trojan Horse' as suggested by Nos. 19-21 Gardyne Street. The void will be enclosed and cannot be converted into a habitable area, which is different to what is suggested in the objections.

Issue: Height of trees not to exceed 5-6m

Response: A suitable condition is recommended.

2.5 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS**3.1 Heritage, Waverley Futures**

The amended design was referred to Council's Heritage Architect who concluded:

- *The proposed development replicates the form but little of the finishes of the existing street front wall. There appears little reason not to duplicate the existing face brick finish to the garage frontage given the symmetry of this with the wall to the adjacent site.*
- *The garage street wall has been inspected together with proposed removal of sections of the adjacent 'live rock' Both contribute to the Landscape Conservation Area. Replacement of the brick faced wall would detract from the cohesion of the adjoining garage and the contributory value to the Landscape Conservation Area.*

3.2 Trees, Clean and Attractive Waverley

The amended landscape plan was referred to council's Tree Officer who supported the proposal.

3.3 Traffic, Creating Waverley

Suitable conditions of consent are recommended. Concern was raised regarding retention of the sandstone.

3.4 Stormwater, Creating Waverley

The amended design was referred to Council's Stormwater Engineer who supported the application subject to recommended conditions of consent.

4. SUMMARY

The proposal is for the demolition of existing dwelling and garage, excavation and construction of a new part two, part three storey dwelling with integrated parking, swimming pool to the rear and tree removal.

The development has an FSR of 0.687:1, exceeding the standard by 24.01m² equating to an 8.8% variation. However, it is considered the clause 4.6 variation submitted with the application was well-founded adequately addressed clauses 4.6(3)(a) and (b) of the Waverley LEP 2012.

The development exceeds the maximum wall height towards the front of the dwelling by 0.37m or 4.9%. However, a streetscape analysis concluded this is a common breach in the streetscape due to the topography of the land and is considered acceptable.

An assessment against view loss at 39 Yanko Avenue was undertaken using the principles of Tenacity and the Waverley DCP 2012. It was determined that the neighbouring dwelling will lose the majority of views from the ground floor, but will maintain views from the first floor. It would be extremely difficult for these views to be maintained with any type of first floor addition. In addition, it is to be expected that the currently under-developed subject site would soon be developed to a bulk and scale that is similar to the existing along Gardyne Street. The proposal results in a bulk and scale that is considered consistent with the surrounding streetscape.

Conditions of consent are recommended to be imposed on the development consent. The existing driveway cross-over is to be maintained and the front façade of the existing garage, associated garage door and shared entry is to be maintained to preserve the existing rock outcrop. Minor internal changes may occur to the garage; however the lift is to remain in the same position as to not affect the internal layout of the levels above. An additional condition is recommended to ensure the proposed *Syzygium luehmannii* (Riberry Lilly Pilly) is replaced with a tree is to be selected from Annexure B2-1 of the Waverley DCP 2012 that does not exceed 5m.

The DA received seven objections which have been either addressed in the report or via amended plans.

The application is recommended for approval subject to appropriate conditions of consent.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 29/01/2019 and the DBU determined:

- (a) *The application is recommended for approval, subject to the conditions in Appendix A and a determination concluded by the WLPP.*

DBU members: *M Reid, B McNamara*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**

Joseph Somerville
Development Assessment Planner

Bridget McNamara
Manager, Development Assessment (South)

Date: 31/01/2019

Date: 17 February 2020

Reason for referral:

- 1 Contentious development

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by De Moyer Architecture as follows:

Plan description	Revision No / Date	Date received by Council
Site Plan (DA102)	Rev I / 13/12/2019	24/01/2020
Proposed Basement Level (DA201)	Rev I / 13/12/2019	24/01/2020
Proposed Lower Ground Level (DA202)	Rev I / 13/12/2019	24/01/2020
Proposed Ground Level (DA203)	Rev I / 13/12/2019	24/01/2020
Proposed Upper Level (DA204)	Rev I / 13/12/2019	24/01/2020
Proposed Roof Level (DA205)	Rev I / 13/12/2019	24/01/2020
Elevation North (DA301)	Rev I / 13/12/2019	24/01/2020
Elevation South (DA302)	Rev I / 13/12/2019	24/01/2020
Elevation West (DA303)	Rev I / 13/12/2019	24/01/2020
Elevation East (DA304)	Rev I / 13/12/2019	24/01/2020
Section A (DA401)	Rev I / 13/12/2019	24/01/2020
Section B (DA402)	Rev I / 13/12/2019	24/01/2020
Proposed Boundary Fencing (DA702)	Rev I / 13/12/2019	24/01/2020

(b) Landscape Plans prepared by Fieldwork Associates as follows:

Plan description	Revision No / Date	Date received by Council
Drawing Register, Plant Schedule and Project Notes (LDA-01)	Revision C / 10/01/2020	24/01/2020
Landscape Plan – Existing Trees (LDA-02)	Revision C / 10/01/2020	24/01/2020
Proposed Landscape DA Plan – Lower Ground Floor (LDA-03)	Revision C / 10/01/2020	24/01/2020
Proposed Landscape DA Plan – Ground Floor (LDA-04)	Revision C / 10/01/2020	24/01/2020
Schematic Planting Details (LDA-05)	Revision C / 10/01/2020	24/01/2020

(c) BASIX and NatHERs Certificate;

(d) Stormwater Details and documentation prepared by Partridge (Revision P3) dated 10/01/2020, and received by Council on 24/01/2020;

(e) Arborist Report prepared by Arbspec Arboriculturally Assessment (Revision B) dated 20/12/2019, and received by Council on 24/01/2020;

(f) Schedule of external finishes and colours (Revision I) received by Council on 24/01/2020; and

(g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 dated 28/8/2019.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The existing driveway cross-over is to be maintained; and
- (b) The front façade of the existing garage, associated garage door and shared entry is to be maintained where possible to preserve the existing rock outcrop. Internal changes may occur to the garage, however the lift is to remain in the same position as to not affect the internal layout of the levels above. Additionally, minor changes may also occur to the entry path on the lower ground level to ensure the existing shared entry is maintained.

The amendments are to be approved by the **Executive Manager, Building Waverley (or delegate)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. APPROVED USE -DWELLING HOUSE

This application approves the use of the buildings on the site for single dwelling house.

4. SANDSTONE WALL

The existing sandstone wall fronting Gardyne Street must be retained and protected. If there is any damage to the sandstone, it is to be repaired and any replacement stone shall be of a suitable quality to match the existing and adjoining walls.

Details of the works, including provision for storage of stone if required and grade of matching stone, shall be provided for in the Construction Certificate plans to the satisfaction of the Principal Certifying Authority.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

5. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979 and

- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000 and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

6. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

7. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
 - (1) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (2) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following:
 - (a) A development valued at \$100,000 or less will be exempt from the levy.
 - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,650** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

9. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

10. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

11. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

13. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

14. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

15. ENGINEERING DETAILS

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

16. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate.

17. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

18. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

19. AMENDED LANDSCAPE PLAN

The Landscape Plan is to be amended by the following changes:

- (a) The proposed *Syzygium luehmannii* (Riberry Lilly Pilly) is to be replaced with a tree that has a maximum height of 5m. The tree is to be selected from Annexure B2-1 of the Waverley Development Control Plan 2012.

The amended landscape plan is to be submitted to the Principal Certifying Authority with the plans for the Construction Certificate.

20. TREE PRUNING ON ADJOINING PROPERTIES

Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building will require consent under a separate Tree Preservation Order (TPO) application for works to the trees. No works can occur to these trees without a valid TPO.

The TPO application shall be supported by an Arborist report prepared by an Arborist with AQF level 5 qualification or above, certifying that the affected trees will be maintained in a healthy manner after the pruning works, to the satisfaction of Council's Tree Management Officer.

A valid TPO for the works to the above listed trees is to be presented to the Certifying Authority prior to the issue of the relevant Construction Certificate and prior to any pruning of trees.

21. GREEN ROOF

In accordance with the controls in Waverley DCP 2012 – Amendment 6, the approved green roof shall:

- (a) Comprise plants that are suitable for the site in relation to sun access, wind, views, overshadowing and other environmental conditions. Please refer to Annexure B2 – 1 for indigenous or local native plants to Waverley.
- (b) Utilise lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species. Seek suitable professional advice regarding appropriate soil depths and types.
- (c) The plants shall have a maximum maturity height of 200mm above the roof level.
- (d) Demonstrate that adequate drainage and waterproofing is provided for the species and volumes of plants and soil.
- (e) Provide appropriate methods for capturing, storing and treating run off from landscapes on structures for reuse on the site.
- (f) Consideration should be given to the strength of a waterproofing membrane through the following method:
 - i. Flood testing
 - ii. Electrical filed vector mapping (EVFM)
 - iii. Destructive testing.
- (g) The overall design of the green roof should minimize wind uplift.
- (h) Sub-surface drip irrigators should be used to direct moisture to plant roots.
- (i) Irrigation should be provided from rainwater harvesting, treated grey water or treated black water.

22. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of a Construction Certificate, the applicant is to submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an

- unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
- Note:
- (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

23. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

24. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

25. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

26. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall

cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

27. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

28. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

29. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.

- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

30. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

31. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

32. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement Concrete & Aggregates Australia Technical Note TN68 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

33. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

34. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) Sundays and public holidays;
- (b) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

35. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

All building materials and any other items associated with the development are to be stored within the the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

36. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

37. CERTIFICATE OF SURVEY – LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

38. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority

to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

39. SERVICE PIPES

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

40. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed as a part of this development application;

Tree Species & approx height	Location	To be replaced with
Cinnamomum Camphora	Rear of Site	Hibiscus tiliaceus Rubra
Cinnamomum Camphora	Rear of Site	Hibiscus tiliaceus Rubra
Plumeria SP	Front of site	A tree selected from Annexure B2-1 of the Waverley Development Control Plan 2012. As per condition 19.

No other trees other than those specified above are permitted to be removed as a part of this development application.

41. LANDSCAPE CONSULTANT

A qualified Landscape and/or Arboricultural Consultant shall be retained for the duration of the construction of the development. The Consultant shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

42. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

43. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) The finished level of the proposed pool/spa is not to exceed a maximum height of [state] mm above the existing ground level;
- (f) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

44. SIDE FENCE HEIGHT

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

45. STORMWATER MANAGEMENT

The stormwater plans prepared by Partridge Hydraulic Services, Job No. 2019H0083, DWG No. SWDA 1.1 to 1.5, Rev. P3, dated 10/01/20 have been checked and considered satisfactory with respect to Councils stormwater requirements.

Under the current design of the OSD, the orifice diameter to be 100mm.

To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and piped by gravity flow in accordance with Councils Stormwater Management Technical Manual.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

46. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied.

47. STORMWATER MANAGEMENT

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

Any infrastructure within the councils public domain, inclusive of stormwater kerb and gutter, pavement, grass verge and vehicle crossovers within the extent works shall be replaced as per the Councils Public Domain Technical Manual

48. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (a) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

49. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application. This information does not form part of the conditions of development consent.

1. SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

4. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

5. TREE REMOVAL/PRESERVATION

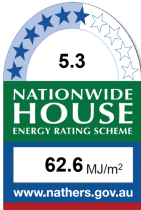
Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

6. WORK OUTSIDE PROPERTY BOUNDARY

These consent does not authorise any work outside the property boundary.



AMENDED PLANS



Certificate no.: 0004018016-02
Assessor Name: Tracey Cools
Accreditation no.: HERA10033
Certificate date: 07 Jan 2020
Dwelling Address: 19A Gardyne Street
Bronte, NSW 2024



RECEIVED
Waverley Council

Application No: DA-283/2019

Date Received: 24/01/2020

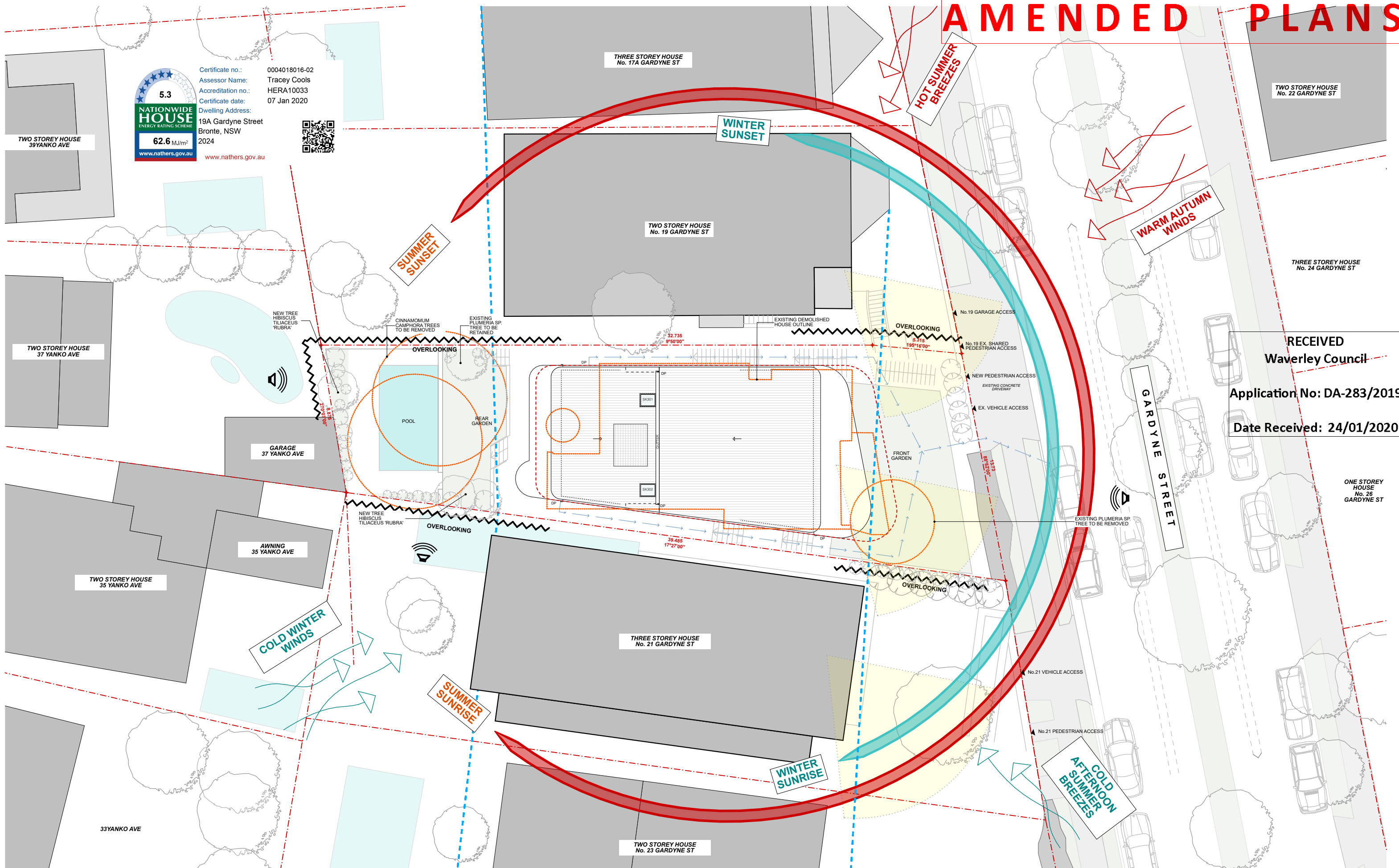
DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL 19A GARDYNE STREET BRONTE NSW 2026 AMENDED SUBMISSION TO DA-283/2019



ARCHITECTURAL PLANS by DE MOYER ARCHITECTURE

NO.	NAME	SCALE @...	REV.	DATE
DA101	SITE ANALYSIS	1:200	I	13/12/19, 12:32
DA102	SITE PLAN	1:200	I	13/12/19, 12:32
DA201	PROPOSED BASEMENT LEVEL	1:100	I	13/12/19, 12:32
DA202	PROPOSED LOWER GROUND LEVEL	1:100	I	13/12/19, 12:32
DA203	PROPOSED GROUND LEVEL	1:100	I	13/12/19, 12:32
DA204	PROPOSED UPPER LEVEL	1:100	I	13/12/19, 12:32
DA205	PROPOSED ROOF LEVEL	1:100	I	13/12/19, 12:32
DA301	ELEVATION NORTH	1:100	I	13/12/19, 12:32
DA302	ELEVATION SOUTH	1:100	I	13/12/19, 12:32
DA303	ELEVATION WEST	1:100	I	13/12/19, 12:32
DA304	ELEVATION EAST	1:100	I	13/12/19, 12:32
DA401	SECTION A	1:100	I	13/12/19, 12:32
DA402	SECTION B	1:100	I	13/12/19, 12:32
DA501	PHOTOMONTAGE		I	13/12/19, 12:32
DA502	EXTERNAL FINISHES SCHEDULE		I	13/12/19, 12:32
DA601	FSR + LANDSCAPING ANALYSIS	1:200	I	13/12/19, 12:32
DA602	HEIGHT ANALYSIS	1:200, 1:250	I	13/12/19, 12:32
DA603	VIEW ANALYSIS FOR 19 GARDYNE ST	1:250	I	13/12/19, 12:32
DA604	VIEW ANALYSIS FOR 37 YANKO AVE	1:250	I	13/12/19, 12:32
DA605	VIEW ANALYSIS FOR 39 YANKO AVE	1:250	I	13/12/19, 12:32
DA606	21 JUNE SHADOW DIAGRAMS 9am	1:100	I	13/12/19, 12:32
DA607	21 JUNE SHADOW DIAGRAMS 10am	1:100	I	13/12/19, 12:32
DA608	21 JUNE SHADOW DIAGRAMS 11am	1:100	I	13/12/19, 12:32
DA609	21 JUNE SHADOW DIAGRAMS 12pm	1:100	I	13/12/19, 12:32
DA610	21 JUNE SHADOW DIAGRAMS 1pm	1:100	I	13/12/19, 12:32
DA611	21 JUNE SHADOW DIAGRAMS 2pm	1:100	I	13/12/19, 12:32
DA612	21 JUNE SHADOW DIAGRAMS 3pm	1:100	I	13/12/19, 12:32
DA701	DRIVEWAY CROSSING - WASTE & RECYCLING PLAN	1:100, 1:20	I	13/12/19, 12:32
DA702	PROPOSED BOUNDARY FENCING	1:100	I	13/12/19, 12:32
DA801	NOTIFICATION PLANS - SITE PLAN	1:200	I	13/12/19, 12:32
DA802	NOTIFICATION PLANS - ELEVATIONS	1:200	I	13/12/19, 12:32

AMENDED PLANS



RECEIVED
Waverley Council

Application No: DA-283/2019

Date Received: 24/01/2020

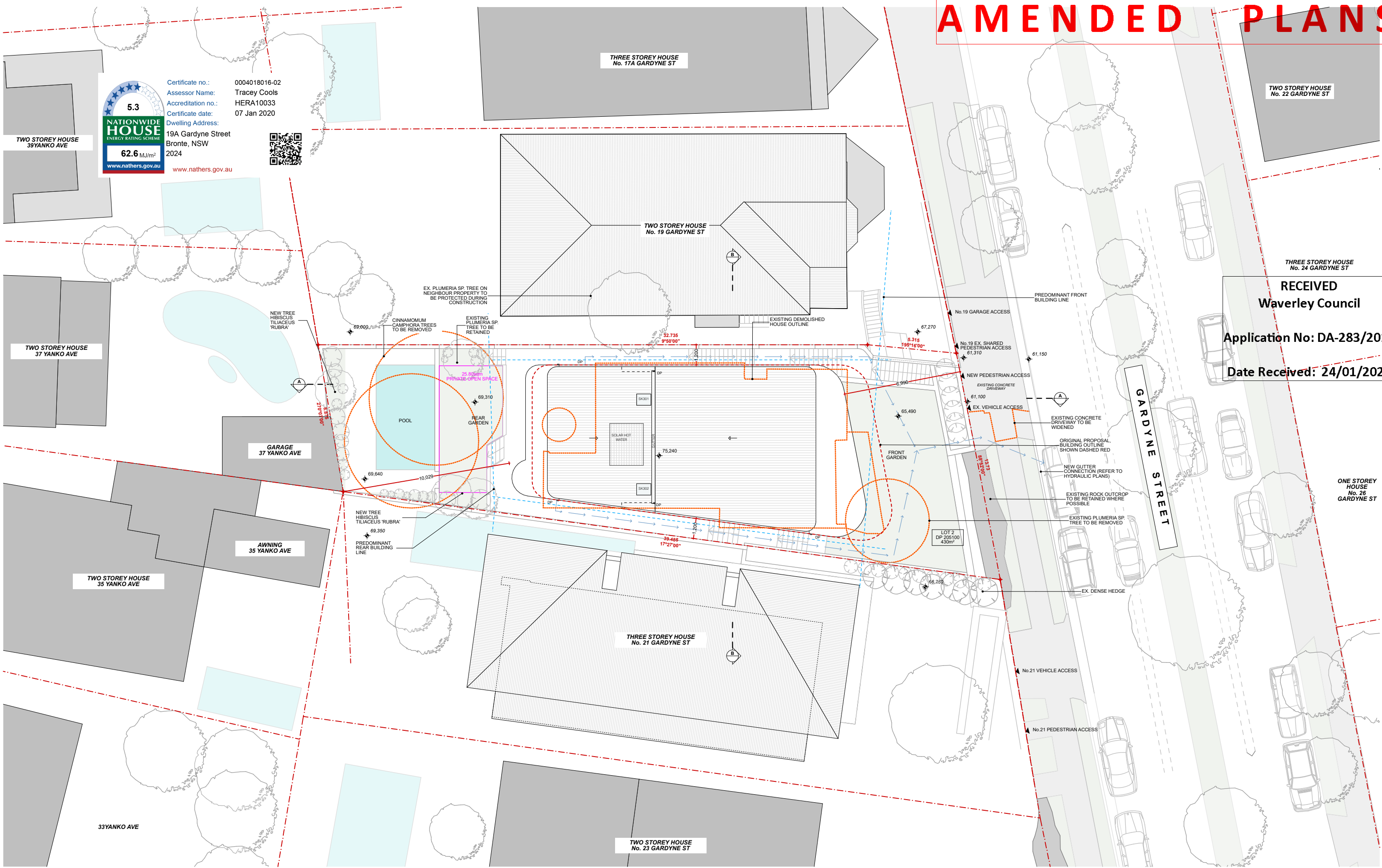
**ONE STOREY
HOUSE
No. 26
GARDYNE ST**

<div>NOTES:</div> <div>Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.</div> <div>© Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.</div>	DATE	REV	NOTES :	CONSULTANTS	<div><div>DE MOYER ARCHITECTURE</div><div>15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 0414 774 444</div><div>Nominated Architect Misha De Moyer NSW Reg. No. 9066</div></div>	PROJECT PROJECT NO : 1808	DRAWING TITLE		DRAWN BY
	06.06.2019	D	DRAFT DA SET - TOWNPLANNER	HYDRAULIC: PARTRIDGE		DEMOLITION OF EXISTING DWELLING	MB		
	24.06.2019	E	FINAL DA SET - CONSULTANTS	GEOTECHNICAL: EI AUSTRALIA		AND ERECTION OF A NEW DWELLING	CHECK BY		
	12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS	LANDSCAPE: FIELDWORK ASSOCIATES		INCL. NEW SWIMMING POOL	MDM		
	22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL	PLANNER: GSA PLANNING		PROJECT ADDRESS	SCALE		
	25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL	QUANTITY S. : JRQS		19A GARDYNE STREET BRONTE NSW 2026	1:200@A3		
	13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL	SURVEYOR: C&A		CLIENT	PHASE		
				BASIX & NaTHERS CERTIFICATES: EFFICIENT LIVING		BOHEMIA INVESTMENT PTY LTD	DA101	DA	
							DATE 13/12/19	REVISION I	52

PILOT DATE: 13/12/19

52

AMENDED PLANS



5.3

NATIONWIDE

HOUSE

ENERGY RATING SCHEME

62.6 MJ/m²

2024

www.nathers.gov.au

Certificate no.:

0004018016-02

Assessor Name:

Tracey Cools

Accreditation no.:

HERA10033

Certificate date:

07 Jan 2020

Dwelling Address:

19A Gardyne Street
Bronte, NSW
2024

www.nathers.gov.au

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	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. © Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.	DATE 06.06.2019 24.06.2019 12.08.2019 22.11.2019 25.11.2019 13.12.2019	REV D E F G H I	NOTES : DRAFT DA SET - TOWNPLANNER FINAL DA SET - CONSULTANTS FINAL DEVELOPMENT APPLICATION PLANS DRAFT AMENDED DA PLANS FOR COUNCIL DRAFT AMENDED DA PLANS FOR COUNCIL FINAL AMENDED DA PLANS FOR COUNCIL	CONSULTANTS HYDRAULIC: PARTRIDGE GEOTECHNICAL: EI AUSTRALIA LANDSCAPE: FIELDWORK ASSOCIATES PLANNER: GSA PLANNING QUANTITY S.: JRQS SURVEYOR: C&A BASIX & NATHERS CERTIFICATES: EFFICIENT LIVING	DE MOYER ARCHITECTURE 15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 0414 774 444 Nominated Architect Misha De Moyer NSW Reg. No. 9066	PROJECT DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL PROJECT ADDRESS 19A GARDYNE STREET BRONTE NSW 2026 CLIENT BOHEMIA INVESTMENT PTY LTD	PROJECT NO : 1808	DRAWING TITLE SITE PLAN DRAWING NO DA102	DATE 13/12/19 REVISION I	DRAWN BY MB CHECK BY MDM SCALE 1:200@A3 PHASE DA	53

PLOT DATE: 13/12/19

LEGEND

EXISTING ELEMENTS TO BE RETAINED

BOUNDARY

ORIGINAL PROPOSAL - OUTLINE

EXISTING TO BE DEMOLISHED - OUTLINE

COUNCIL CONTROLS

AFALUMINIUM FRAME

BBRICK WALL

CCONCRETE

DPDOWNPIPE

EXEXISTING

GGLASS

MCMETAL CLADDING

PVPHOTOVOLTAIC PANELS

RRENDER

SKSKYLIGHT

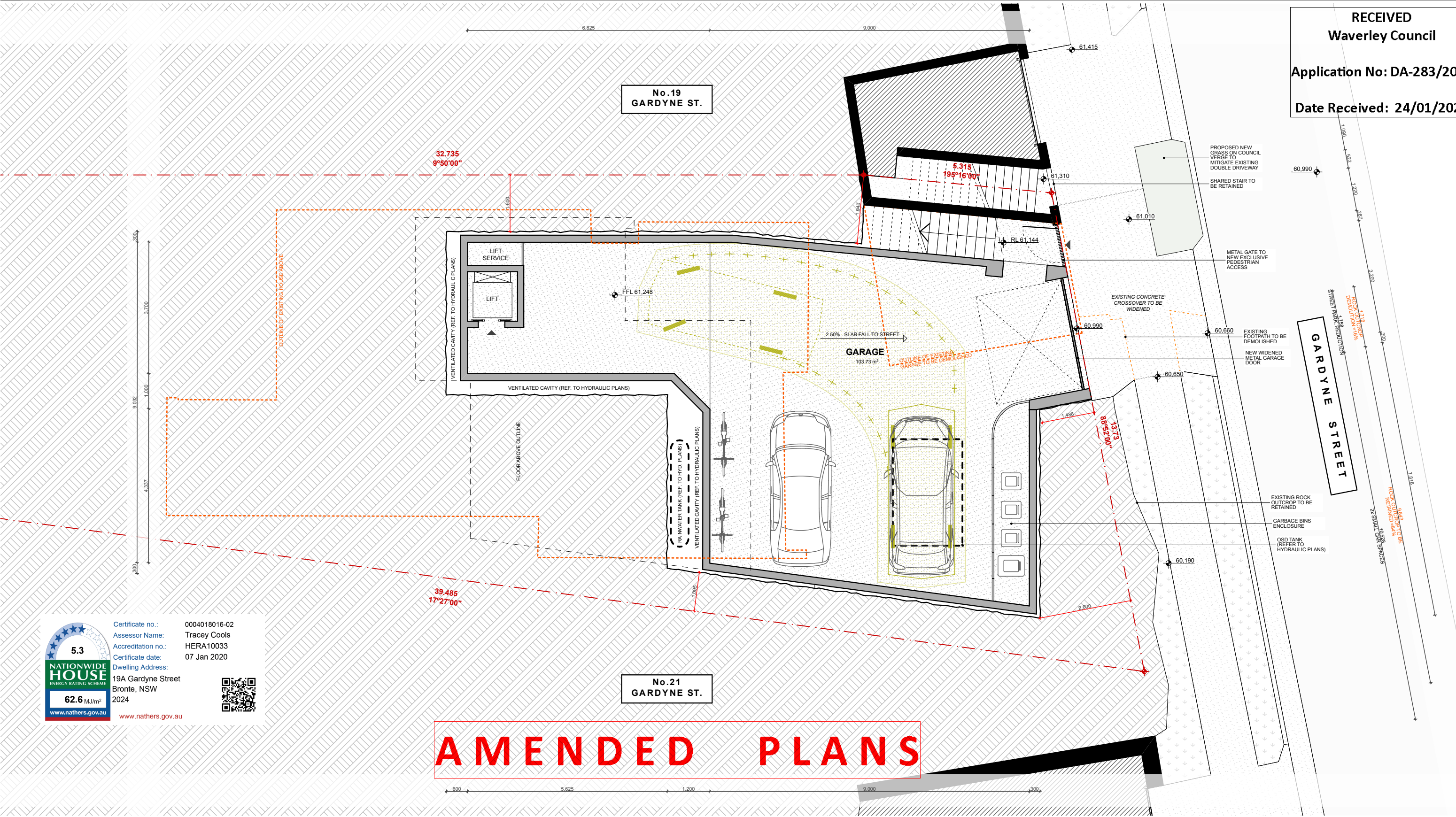
SWSANDSTONE WALL

TS

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Given values are AFRC, total window system values (glass and frame)
Roof: Concrete roof with R2.2 external insulation required. External colour: Light (SA<0.475)
Ceiling: Plasterboard ceiling, no insulation required (product only value) required where roof and balcony is over plasterboard to internal ceilings, no insulation required. Plasterboard ceiling with RT.0 insulation to Garage ceiling where habitable rooms above. Note: All ceiling penetrations have been modelled in accordance with NatHERS protocols, all downlights are assume sealed LED downlights.
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Floor Coverings: Carpet to bedrooms, tiles to bathrooms and laundry, timber elsewhere
External Shading: Shading as per stamped documentation

Water Commitments:
Landscape: The applicant must plant indigenous or low water use species of vegetation throughout 29 square metres of the site.
Fixtures: Install showerheads minimum rating of 3.0 stars (>6 and <= 7.5 Litres/min). Install toilet flushing system with a minimum rating of 4.0 stars in each toilet. Install tap with minimum rating of 4.0 stars in the kitchen. Install taps with minimum rating of 4.0 stars in each bathroom.
Alternative Water: Install rainwater tank, minimum 3,000L capacity collected from min. 100m² roof area. Tank connected to - landscape and laundry.
Swimming Pool: The swimming pool must not have a volume greater than 32.6 kilolitres. The swimming pool must be outdoors.

Energy Commitments:
Hot Water System: Solar gas boosted (evacuated tube or flat plate); minimum 15 to 20 STCs
Cooling System: 1 phase air conditioning to living areas and bedrooms: 6-Star
Heating System: 1 phase air conditioning to living areas and bedrooms: 6-Star
Ventilation: Kitchen- Individual fan, externally ducted to roof or façade, manual on/off switch; Bathrooms - Individual fan, externally ducted to roof or façade, manual on/off switch; Laundry- Individual fan, externally ducted to roof or façade, manual on/off switch
Others: Gas cooktop & gas oven, outdoor clothes drying line, well-ventilated fridge space



RECEIVED
Waverley Council
Application No: DA-283/2019
Date Received: 24/01/2020

5.3

NATIONWIDE HOUSE ENERGY RATING SCHEME

62.6 MJ/m²

www.nathers.gov.au

Certificate no.: 0004018016-02

Assessor Name: Tracey Cools

Accreditation no.: HERA10033

Certificate date: 07 Jan 2020

Dwelling Address: 19A Gardyne Street Bronte, NSW 2024

AMENDED PLANS

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PLOT DATE: 13/12/19

LEGEND

EXISTING ELEMENTS TO BE RETAINED

BOUNDARY

ORIGINAL PROPOSAL - OUTLINE

EXISTING TO BE DEMOLISHED - OUTLINE

COUNCIL CONTROLS

AFALUMINIUM FRAME

BBRICK WALL

CCONCRETE

DPDOWNPIPE

EXEXISTING

GGLASS

MCMETAL CLADDING

PVPHOTOVOLTAIC PANELS

RRENDER

SKSKYLIGHT

SWSANDSTONE WALL

TS

BASIX REQUIREMENTS

(Basix No. 10257045 - Date of Issue: 17/07/2019 by Efficient Living Pty Ltd)

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A - awning windows + hinged glazed doors: U-Value: 3.10 (equal to or lower than) SHGC: 0.39 (±10%)

B - sliding doors/windows + fixed glazing + louvered windows: U-Value: 3.10 (equal to or lower than) SHGC: 0.49 (±10%)

Given values are AFRC, total window system values (glass and frame)

Roof: Concrete roof with R2.2 external insulation required. External colour: Light (SA<0.475)

CEILING: Plasterboard ceiling, no insulation required (product only value) required where roof and balcony is over plasterboard to internal ceilings, no insulation required. Plasterboard ceiling with RT.0 insulation to Garage ceiling where habitable rooms above. Note: All ceiling penetrations have been modelled in accordance with NatHERS protocols, all downlights are assume sealed LED downlights.

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Floors: Concrete slab on ground, no insulation required. Suspended concrete slab, with a minimum R2.0 insulation (product only value) required. Concrete between levels, no insulation required

Floor Coverings: Carpet to bedrooms, tiles to bathrooms and laundry, timber elsewhere

External Shading: Shading as per stamped documentation

Water Commitments:

Landscape: The applicant must plant indigenous or low water use species of vegetation throughout 29 square metres of the site

Fixtures: Install showerheads minimum rating of 3.0 stars (>6 and <= 7.5 Litres/min). Install toilet flushing system with a minimum rating of 4.0 stars in each toilet. Install tap with minimum rating of 4.0 stars in the kitchen. Install taps with minimum rating of 4.0 stars in each bathroom.

Alternative Water: Install rainwater tank, minimum 3,000L capacity collected from min. 100m² roof area. Tank connected to - landscape and laundry

Swimming Pool: The swimming pool must not have a volume greater than 32.6 kilolitres. The swimming pool must be outdoors.

Energy Commitments:

Hot Water System: Solar gas boosted (evacuated tube or flat plate); minimum 15 to 20 STCs

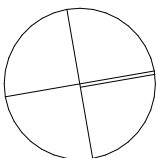
Cooling System: 1 phase air conditioning to living areas and bedrooms: 6-Star

Heating System: 1 phase air conditioning to living areas and bedrooms: 6-Star

Ventilation: Kitchen- Individual fan, externally ducted to roof or facade, manual on/off switch; Bathrooms - Individual fan, externally ducted to roof or facade, manual on/off switch; Laundry- Individual fan, externally ducted to roof or facade, manual on/off switch

Others: Gas cooktop & gas oven, outdoor clothes drying line, well-ventilated fridge space

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PLOT DATE: 13/12/19

LEGEND

EXISTING ELEMENTS TO BE RETAINED

BOUNDARY

ORIGINAL PROPOSAL - OUTLINE

EXISTING TO BE DEMOLISHED - OUTLINE

COUNCIL CONTROLS

AFALUMINIUM FRAME

BBRICK WALL

CCONCRETE

DPDOWNPIPE

EXEXISTING

GGLASS

MCMETAL CLADDING

PVPHOTOVOLTAIC PANELS

RRENDER

SKSKYLIGHT

SWSANDSTONE WALL

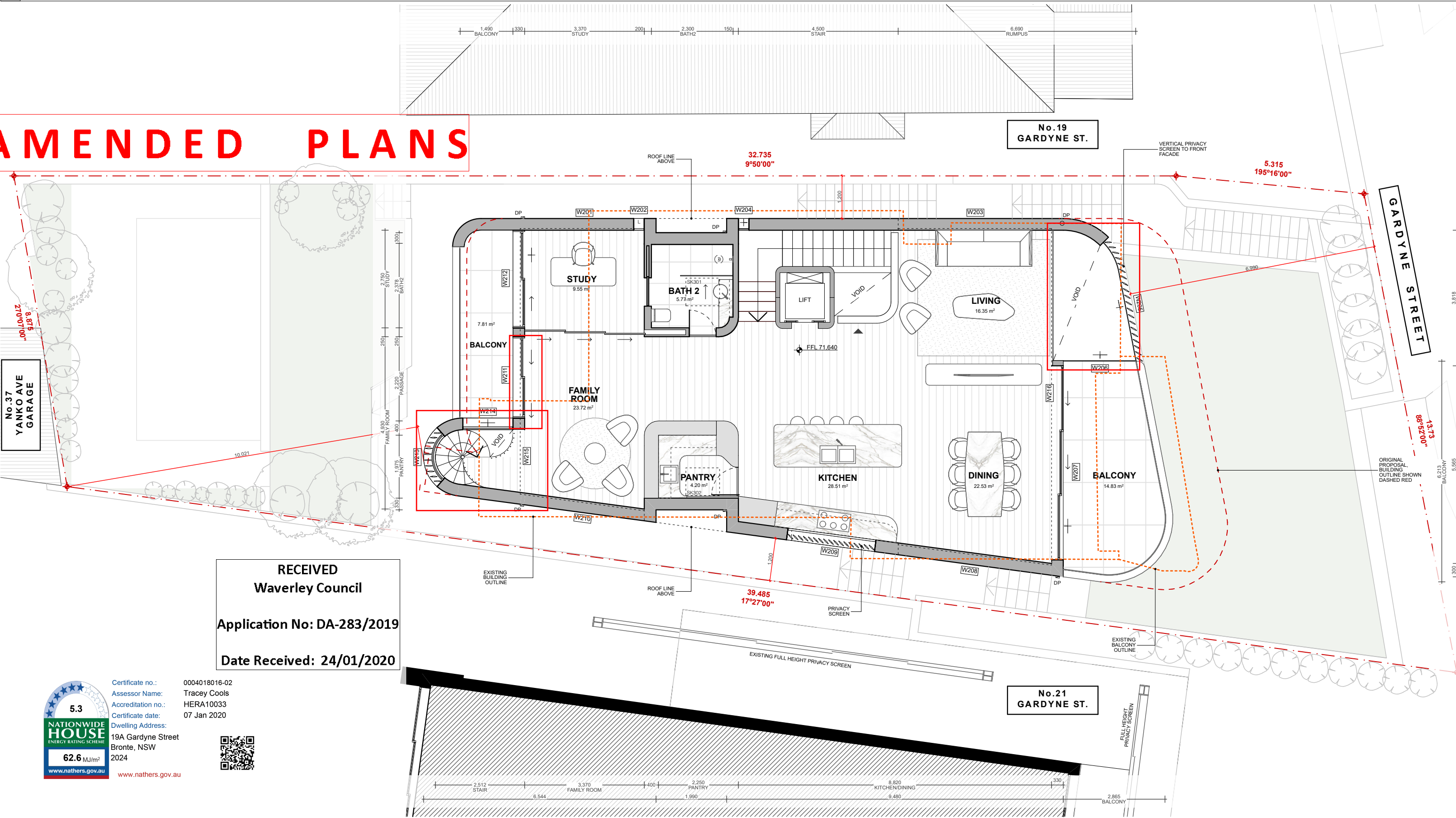
TS

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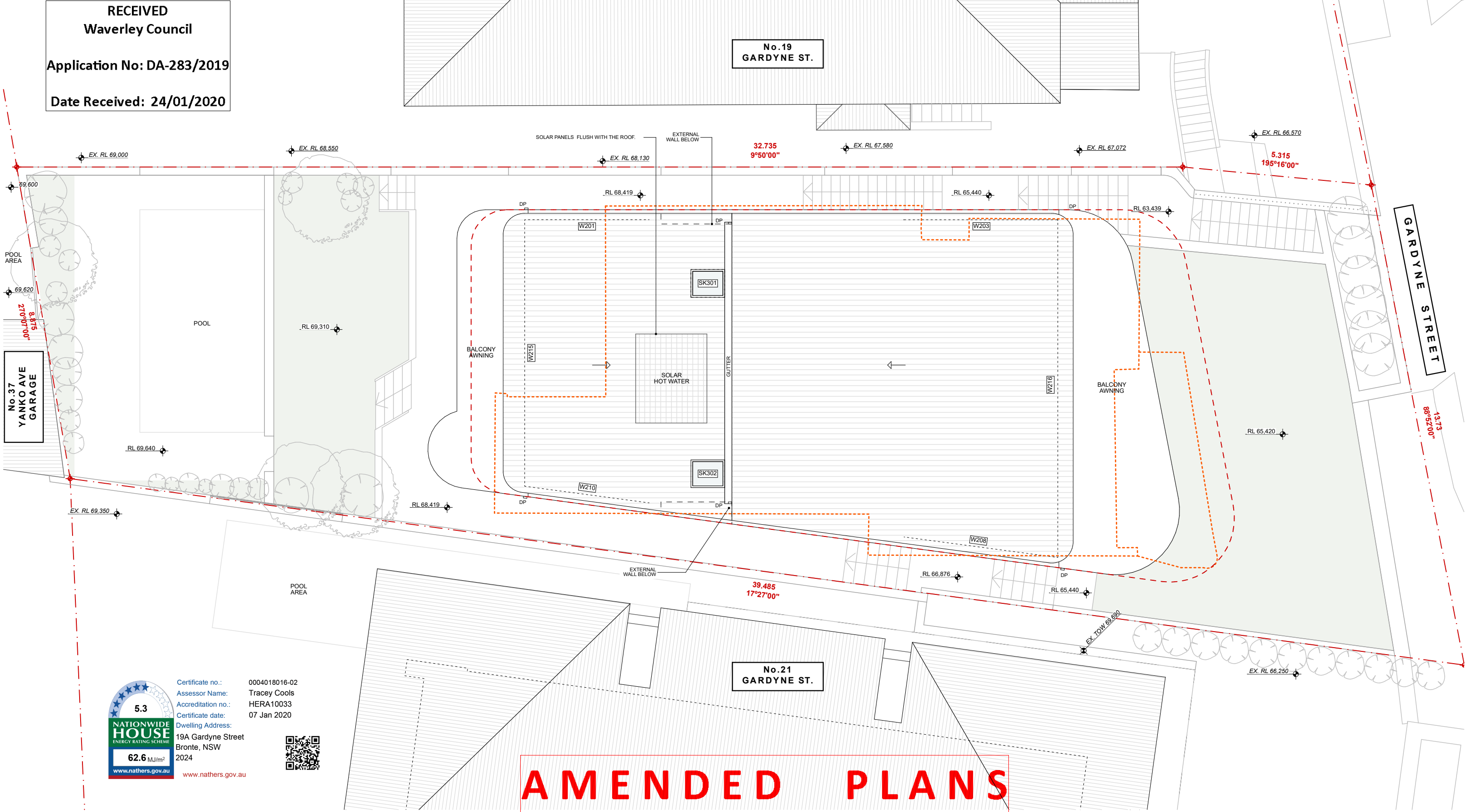
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Swimming Pool: The swimming pool must not have a volume greater than 32.6 kilolitres. The swimming pool must be outdoors.

Energy Commitments:
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AMENDED PLANS



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	NOTES:	DATE	REV	NOTES :	CONSULTANTS	<div><div>DE MOYER ARCHITECTURE</div><div>15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 0414 774 444</div><div>Nominated Architect Misha De Moyer NSW Reg. No. 9066</div></div>	PROJECT DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL	PROJECT NO : 1808	DRAWING TITLE		DRAWN BY MB
	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	06.06.2019	D	DRAFT DA SET - TOWNPLANNER	HYDRAULIC: PARTRIDGE GEOTECHNICAL: EI AUSTRALIA LANDSCAPE: FIELDWORK ASSOCIATES PLANNER: GSA PLANNING QUANTITY S. : JRQS SURVEYOR: C&A BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING		PROPOSED ROOF LEVEL	CHECK BY MDM	<div>58</div> <div>PLOT DATE: 13/12/19</div>		
	© Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.	24.06.2019	E	FINAL DA SET - CONSULTANTS			DRAWING NO	DATE 13/12/19 REVISION I		SCALE 1:100@A3 PHASE DA	
	12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS								
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	25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL								
13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL									

LEGEND

EXISTING ELEMENTS TO BE RETAINED

BOUNDARY

ORIGINAL PROPOSAL - OUTLINE

EXISTING TO BE DEMOLISHED - OUTLINE

COUNCIL CONTROLS

AFALUMINIUM FRAME

BBRICK WALL

CCONCRETE

DPDOWNPIPE

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MCMETAL CLADDING

PVPHOTOVOLTAIC PANELS

RRENDER

SKSKYLIGHT

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Ventilation: Kitchen- Individual fan, externally ducted to roof or façade, manual on/off switch; Bathrooms - Individual fan, externally ducted to roof or façade, manual on/off switch; Laundry- Individual fan, externally ducted to roof or façade, manual on/off switch

Others: Gas cooktop & gas oven, outdoor clothes drying line, well-ventilated fridge space

AMENDED PLANS

RECEIVED

Waverley Council

Application No: DA-283/2019

Date Received: 24/01/2020

5.3

NATIONWIDE HOUSE

ENERGY RATING SCHEME

62.6 MJ/m²

www.nathers.gov.au

Certificate no.:

Assessor Name:

Accreditation no.:

Certificate date:

Dwelling Address:

0004018016-02

Tracey Cools

HERA10033

07 Jan 2020

19A Gardyne Street

Bronte, NSW

2024

www.nathers.gov.au

www.nathers.gov.au

NOTES:	DATE	REV	NOTES :	CONSULTANTS	PROJECT	PROJECT NO : 1808	DRAWING TITLE		DRAWN BY		
	06.06.2019	D	DRAFT DA SET - TOWNPLANNER	HYDRAULIC: PARTRIDGE			DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL				
Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	24.06.2019	E	FINAL DA SET - CONSULTANTS	GEOTECHNICAL: EI AUSTRALIA	PROJECT ADDRESS	19A GARDYNE STREET BRONTE NSW 2026	ELEVATION NORTH		CHECK BY		
	12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS	LANDSCAPE: FIELDWORK ASSOCIATES			DRAWING NO				
© Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.	22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL	PLANNER: GSA PLANNING	CLIENT	BOHEMIA INVESTMENT PTY LTD	DATE	13/12/19	SCALE		
	25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL	QUANTITY S. : JRQS							
	13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL	SURVEYOR: C&A			REVISION	I	PHASE		
				BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING							
							DA301		DA		

DE MOYER ARCHITECTURE

15 BAY STREET
DOUBLE BAY NSW 2028
misha@demoyer.com | 0414 774 444

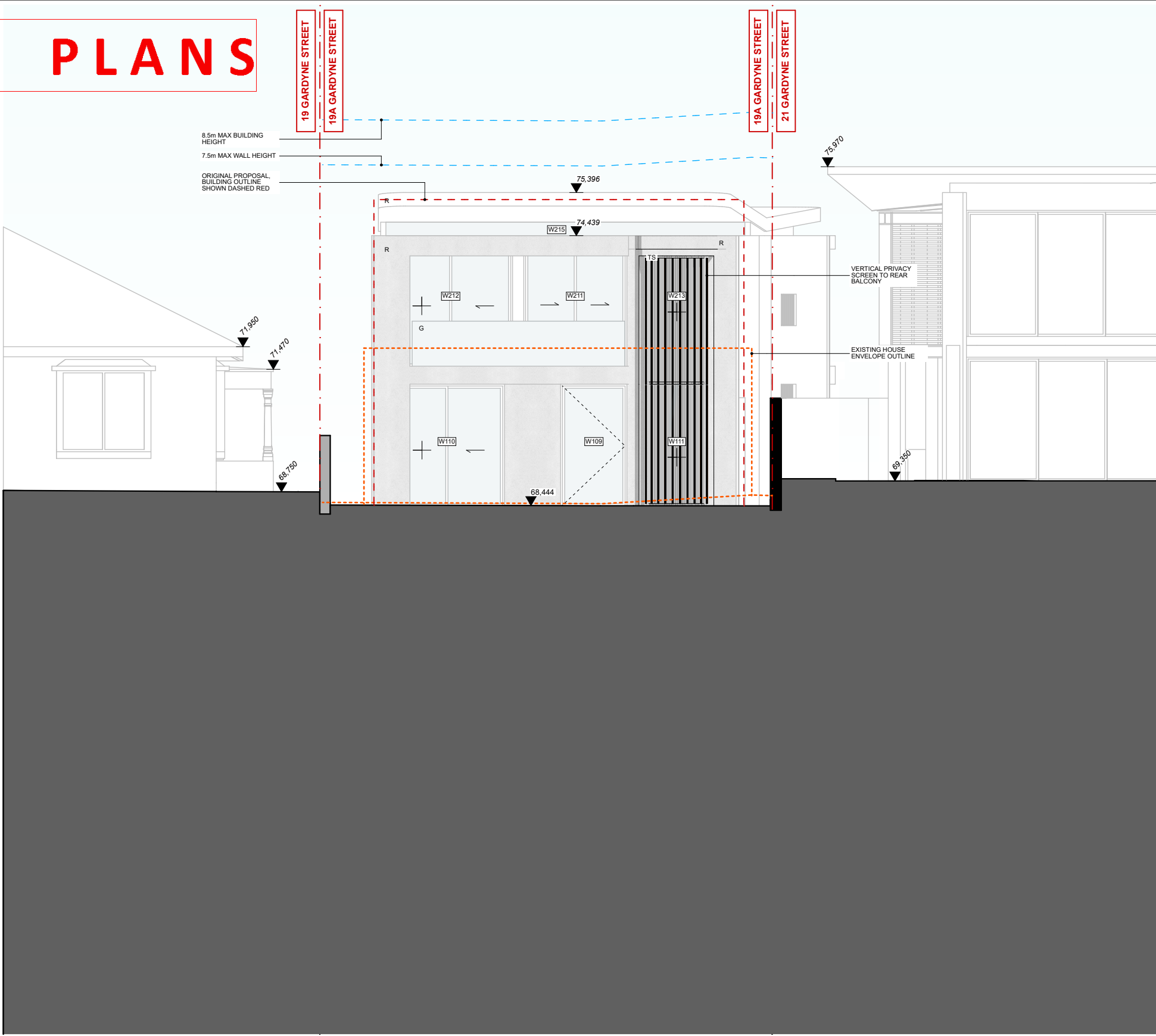
Nominated Architect
Misha De Moyer
NSW Reg. No. 9066

59

PLOT DATE: 13/12/19

LEGEND		EXISTING ELEMENTS TO BE RETAINED	AF	ALUMINIUM FRAME	MC	METAL CLADDING
		BOUNDARY	B	BRICK WALL	PV	PHOTOVOLTAIC PANELS
		ORIGINAL PROPOSAL - OUTLINE	C	CONCRETE	R	RENDER
		EXISTING TO BE DEMOLISHED - OUTLINE	DP	DOWNPIPE	SK	SKYLIGHT
		COUNCIL CONTROLS	EX	EXISTING	SW	SANDSTONE WALL
			G	GLASS	TS	TIMBER SCREEN
BASIX REQUIREMENTS (Basix No. 10257045 - Date of Issue: 17/07/2019 by Efficient Living Pty Ltd) Thermal Comfort Commitments: Glazed doors/windows: Aluminium thermally broken framed double glazing throughout: A - awning windows + hinged glazed doors: U-Value: 3.10 (equal to or lower than) SHGC: 0.39 (±10%) B - sliding doors/windows + fixed glazing + louvered windows: U-Value: 3.10 (equal to or lower than) SHGC: 0.49 (±10%) Given values are AFRC, total window system values (glass and frame) Roof: Concrete roof with R2.2 external insulation required. External colour: Light (SA<0.475) Ceiling: Plasterboard ceiling, no insulation required (product only value) required where roof and balcony is over plasterboard to internal ceilings, no insulation required. Plasterboard ceiling with RT1.0 insulation to Garage ceiling where habitable rooms above. Note: All ceiling penetrations have been modelled in accordance with NatHERS protocols, all downlights are assume sealed LED downlights. External Walls: Hebel Power Blocks 200mm and rigid insulated panels (60/80mm) with R2.2 external insulation (insulation only value). Hebel Power Blocks 200mm with no insulation to the garage walls. External colour: Light (SA < 0.75) Internal Walls: Hebel blocks in AAC throughout except to cavity slider doors plasterboard on studs to internal walls where cavity slider doors are present. Floors: Concrete slab on ground, no insulation required. Suspended concrete slab, with a minimum R2.0 insulation (product only value) required. Concrete between levels, no insulation required Floor Coverings: Carpet to bedrooms, tiles to bathrooms and laundry, timber elsewhere External Shading: Shading as per stamped documentation						Water Commitments: Landscape: The applicant must plant indigenous or low water use species of vegetation throughout 29 square metres of the site Fixtures: Install showerheads minimum rating of 3.0 stars (>6 and <= 7.5 Litres/min). Install toilet flushing system with a minimum rating of 4.0 stars in each toilet. Install tap with minimum rating of 4.0 stars in the kitchen. Install taps with minimum rating of 4.0 stars in each bathroom. Alternative Water: Install rainwater tank, minimum 3,000L capacity collected from min. 100m² roof area. Tank connected to – landscape and laundry Swimming Pool: The swimming pool must not have a volume greater than 32.6 kilolitres. The swimming pool must be outdoors. Energy Commitments: Hot Water System: Solar gas boosted (evacuated tube or flat plate); minimum 15 to 20 STCs Cooling System: 1 phase air conditioning to living areas and bedrooms: 6-Star Heating System: 1 phase air conditioning to living areas and bedrooms: 6-Star Ventilation: Kitchen- Individual fan, externally ducted to roof or façade, manual on/off switch; Bathrooms - Individual fan, externally ducted to roof or façade, manual on/off switch; Laundry- Individual fan, externally ducted to roof or façade, manual on/off switch Others: Gas cooktop & gas oven, outdoor clothes drying line, well-ventilated fridge space

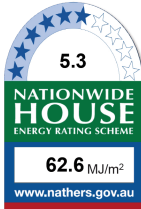
AMENDED PLANS



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Application No: DA-283/2019

Date Received: 24/01/2020

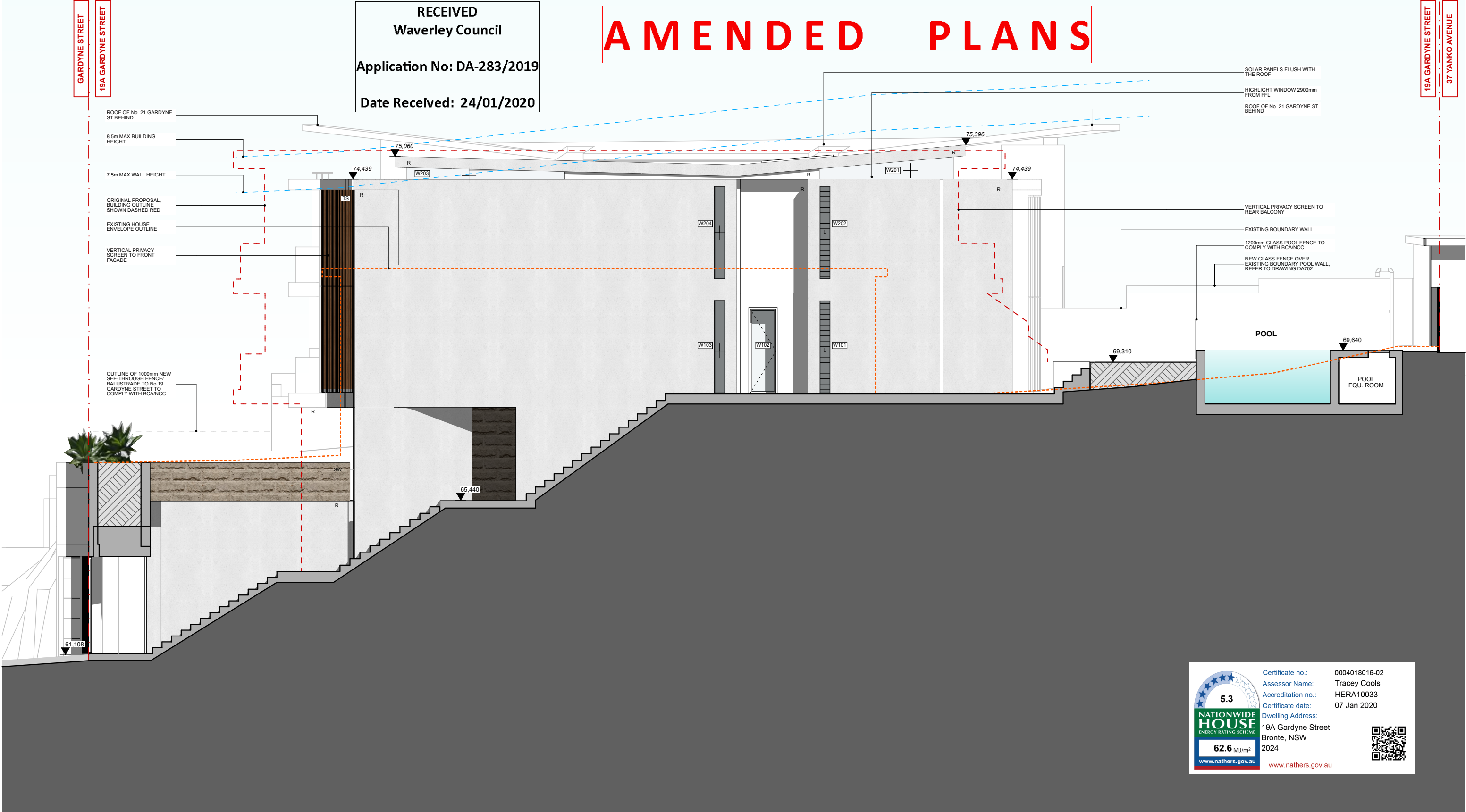


Certificate no.: 0004018016-02
Assessor Name: Tracey Cools
Accreditation no.: HERA10033
Certificate date: 07 Jan 2020
Dwelling Address:
19A Gardyne Street
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www.nathers.gov.au







	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. © Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.	DATE 06.06.2019 24.06.2019 12.08.2019 22.11.2019 25.11.2019 13.12.2019	REV D E F G H I	NOTES : DRAFT DA SET - TOWNPLANNER FINAL DA SET - CONSULTANTS FINAL DEVELOPMENT APPLICATION PLANS DRAFT AMENDED DA PLANS FOR COUNCIL DRAFT AMENDED DA PLANS FOR COUNCIL FINAL AMENDED DA PLANS FOR COUNCIL	CONSULTANTS HYDRAULIC: PARTRIDGE GEOTECHNICAL: EI AUSTRALIA LANDSCAPE: FIELDWORK ASSOCIATES PLANNER: GSA PLANNING QUANTITY S.: JRQS SURVEYOR: C&A BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING	<div>DE MOYER ARCHITECTURE</div> <div>15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 0414 774 444</div> <div>Nominated Architect Misha De Moyer NSW Reg. No. 9066</div>	PROJECT DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL PROJECT ADDRESS 19A GARDYNE STREET BRONTE NSW 2026 CLIENT BOHEMIA INVESTMENT PTY LTD	PROJECT NO : 1808	DRAWING TITLE ELEVATION SOUTH DRAWING NO DA302	DATE 13/12/19 REVISION I	DRAWN BY MB CHECK BY MDM SCALE 1:100@A3 PHASE DA	60

PLOT DATE: 13/12/19



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	06.06.2019	D	DRAFT DA SET - TOWNPLANNER	HYDRAULIC: PARTRIDGE		DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL	MB			
	24.06.2019	E	FINAL DA SET - CONSULTANTS	GEOTECHNICAL: EI AUSTRALIA		ELEVATION WEST	CHECK BY			
	12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS	LANDSCAPE: FIELDWORK ASSOCIATES			MDM			
	22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL	PLANNER: GSA PLANNING						
	25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL	QUANTITY S.: JRQS						
	13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL	SURVEYOR: C&A						
			BASIX & NATHERS CERTIFICATES: EFFICIENT LIVING	PROJECT ADDRESS	19A GARDYNE STREET BRONTE NSW 2026					
				CLIENT	BOHEMIA INVESTMENT PTY LTD					

37 YANKO AVENUE
19A GARDYNE STREET

	EXISTING ELEMENTS TO BE RETAINED	AF	ALUMINIUM FRAME	MC	METAL CLADDING
	BOUNDARY	B	BRICK WALL	PV	PHOTOVOLTAIC PANELS
	ORIGINAL PROPOSAL - OUTLINE	C	CONCRETE	R	RENDER
	EXISTING TO BE DEMOLISHED - OUTLINE	DP	DOWNPIPE	SK	SKYLIGHT
	COUNCIL CONTROLS	EX	EXISTING	SW	SANDSTONE WALL
		G	GLASS	TS	TIMBER SCREEN

BASIX REQUIREMENTS (Basix No. 1025704S - Date of Issue: 17/07/2019 by Efficient Living Pty Ltd)

Thermal Comfort Commitments:
Glazed doors/windows: Aluminum thermally broken frame double glazing throughout.
A – air infiltration: 3.0 air changed doors: U-Value: 3.10 (1.0 to be lower than) SHGC: 0.39 (±10%)
B – sliding doors/windows + fixed glazing + lowered windows: U-Value: 3.10 (1.0 to be lower than) SHGC: 0.49 (±10%)
Even values are AFRC, total window system values (glass and frame).
Lighting: 1.0 to be less than R-2.2 external insulation required for light: Light (SA-0.475)
Ceiling: Plasterboard ceiling, no insulation required (product only value) required where roof and balcony is over plasterboard.
Floors: Carpet to bedrooms, tile to living areas, laundry, tile elsewhere.
External Shading: Shading as per stamped documentation

Water Commitments:
Landscape: The applicant must plant indigenous or low water use species of vegetation throughout 29 square metres of the site.
Fixtures: Install showerheads minimum rating of 3.0 stars (with ≤ 7.5 Litres/min). Install toilet flushing system with a minimum rating of 4.0 stars in each toilet. Install tap minimum rating of 4.0 stars in the kitchen. Install taps with minimum rating of 4.0 stars in each bathroom.
Alternative Water: Install rainwater tank, minimum 3,000L capacity collected from min. 100m² roof area. Tank connected to – landscape and laundry
Swimming Pool: The swimming pool must not have a volume greater than 32.6 kilolitres. The swimming pool must be outdoors.

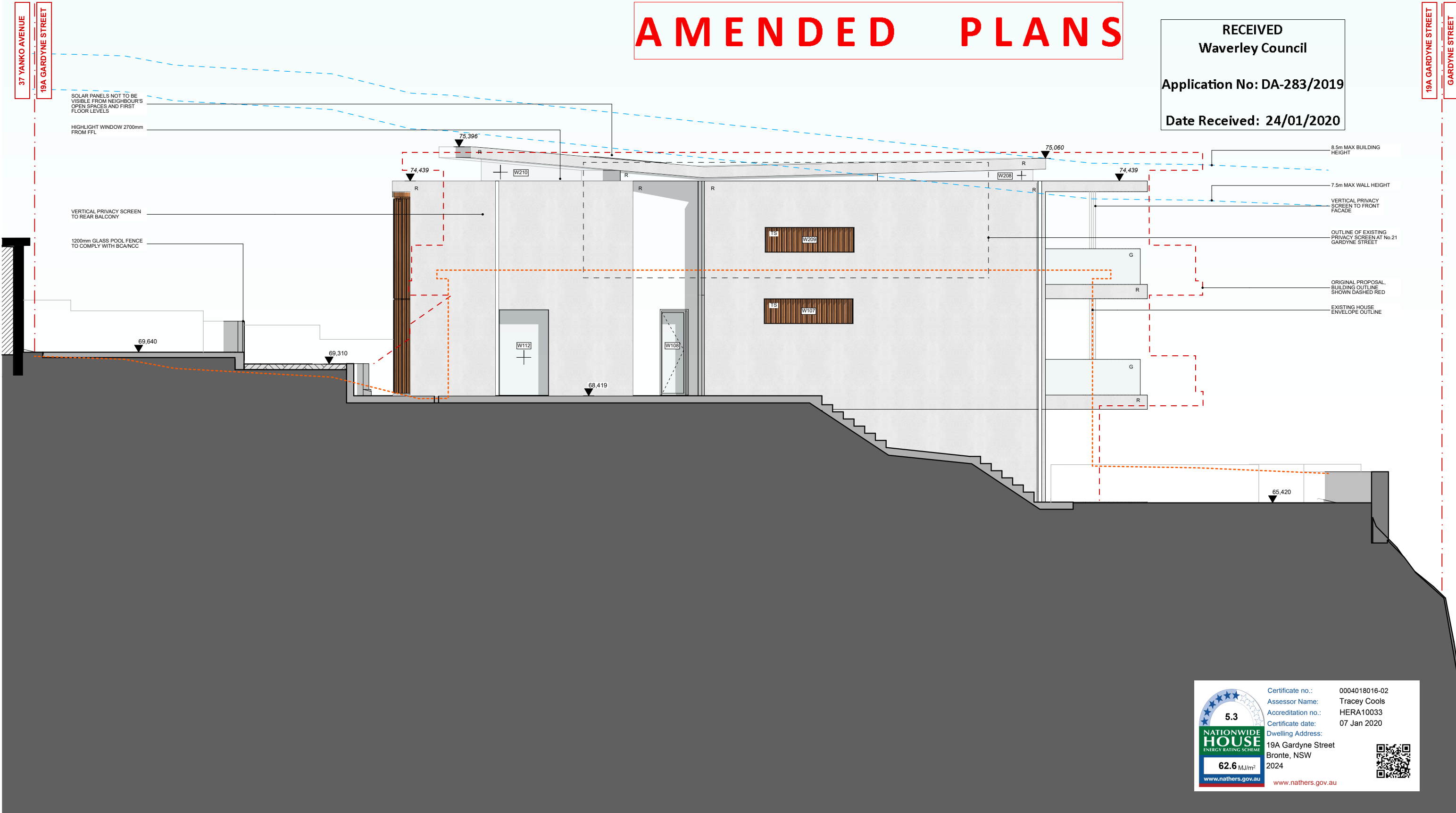
Energy Commitments:
Hot Water System: Solar gas boosted (evacuated tube or flat plate): minimum 15 to 20 STCs
Cooling System: 1 phase air conditioning to living areas and bedrooms: 6-Star
Heating System: 1 phase air conditioning to living areas and bedrooms: 6-Star
Ventilation: Kitchen- Individual fan, externally ducted to roof or façade, manual on/off switch; Bathrooms - Individual fan, externally ducted to roof or façade, manual on/off switch; Laundry- Individual fan, externally ducted to roof or façade, manual on/off switch
Others: Gas cooktop & gas oven, outdoor clothes drying line, well-ventilated fridge space

AMENDED PLANS

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Waverley Council

Application No: DA-283/2019

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 <p>5.3</p> <p>NATIONHOUSE</p> <p>ENERGY RATING SCHEME</p> <p>62.6 MJ/m²</p> <p>www.nathers.gov.au</p>	<p>Certificate no.: 0004018016-02</p> <p>Assessor Name: Tracey Cools</p> <p>Accreditation no.: HERA10033</p> <p>Certificate date: 07 Jan 2020</p>	
	<p>Dwelling Address:</p> <p>19A Gardyne Street</p> <p>Bronte, NSW</p> <p>2024</p>	
	<p>www.nathers.gov.au</p>	
	<p>www.nathers.gov.au</p>	
	<p>www.nathers.gov.au</p>	

	NOTES:	DATE	REV	NOTES :	CONSULTANTS	<div><div>DE MOYER ARCHITECTURE</div><div><div>15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 04 14 774 444</div><div>Nominated Architect Misha De Moyer NSW Reg. No. 9066</div></div></div>	PROJECT	PROJECT NO : 1808	DRAWING TITLE		DRAWN BY
	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. © Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.	06.06.2019	D	DRAFT DA SET - TOWNPLANNER	HYDRAULIC: PARTRIDGE		DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL	MB			
		24.06.2019	E	FINAL DA SET - CONSULTANTS	GEOTECHNICAL: EI AUSTRALIA		ELEVATION EAST	CHECK BY			
		12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS	LANDSCAPE: FIELDWORK ASSOCIATES			MDM			
		22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL	PLANNER: GSA PLANNING			DRAWING NO	SCALE		
25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL	QUANTITY S. : JRQS	1:100@A3							
		13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL	BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING	CLIENT	19A GARDYNE STREET BRONTE NSW 2026	REVISION	I	PHASE	
							BOHEMIA INVESTMENT PTY LTD			DA	

LEGEND

EXISTING ELEMENTS TO BE RETAINED

BOUNDARY

ORIGINAL PROPOSAL - OUTLINE

EXISTING TO BE DEMOLISHED - OUTLINE

COUNCIL CONTROLS

AF ALUMINIUM FRAME

B BRICK WALL

C CONCRETE

DP DOWNPIPE

EX EXISTING

G GLASS

MC METAL CLADDING

PV PHOTOVOLTAIC PANELS

R RENDER

SK SKYLIGHT

SW SANDSTONE WALL

TS TIMBER SCREEN

BASIX REQUIREMENTS

Thermal Comfort Commitments:

Glazed doors/windows: Aluminum thermally broken framed double glazing throughout:

A - awning windows + hinged glazed doors: U-Value: 3.10 (equal to or lower than) SHGC: 0.39 (±10%)

B - sliding doors/windows + fixed glazing + louvered windows: U-Value: 3.10 (equal to or lower than) SHGC: 0.49 (±10%)

Given values are AFRC, total window system values (glass and frame)

Roof: Concrete roof with R2.2 external insulation required. External colour: Light (SA<0.475)

Ceiling: Plasterboard ceiling, no insulation required (product only value) required where roof and balcony is over plasterboard to internal ceilings, no insulation required. Plasterboard ceiling with RT.0 insulation to Garage ceiling where habitable rooms above. Note: All ceiling penetrations have been modelled in accordance with NatHERS protocols, all downlights are assume sealed LED downlights.

External Walls: Hebel Power Blocks 200mm and rigid insulated panels (60/80mm) with R2.2 external insulation (insulation only value). Hebel Power Blocks 200mm with no insulation to the garage walls. External colour: Light (SA < 0.75)

Internal Walls: Hebel blocks in AAC throughout except to cavity slider doors plasterboard on studs to internal walls where cavity slider doors are present.

Floors: Concrete slab on ground, no insulation required. Suspended concrete slab, with a minimum R2.0 insulation (product only value) required. Concrete between levels, no insulation required

Floor Coverings: Carpet to bedrooms, tiles to bathrooms and laundry, timber elsewhere

External Shading: Shading as per stamped documentation

Water Commitments:

Landscape: The applicant must plant indigenous or low water use species of vegetation throughout 29 square metres of the site

Fixtures: Install showerheads minimum rating of 3.0 stars (>6 and <= 7.5 litres/min). Install toilet flushing system with a minimum rating of 4.0 stars in each toilet. Install tap with minimum rating of 4.0 stars in the kitchen. Install taps with minimum rating of 4.0 stars in each bathroom.

Alternative Water: Install rainwater tank, minimum 3,000L capacity collected from min. 100m² roof area. Tank connected to - landscape and laundry

Swimming Pool: The swimming pool must not have a volume greater than 32.6 kilolitres. The swimming pool must be outdoors.

Energy Commitments:

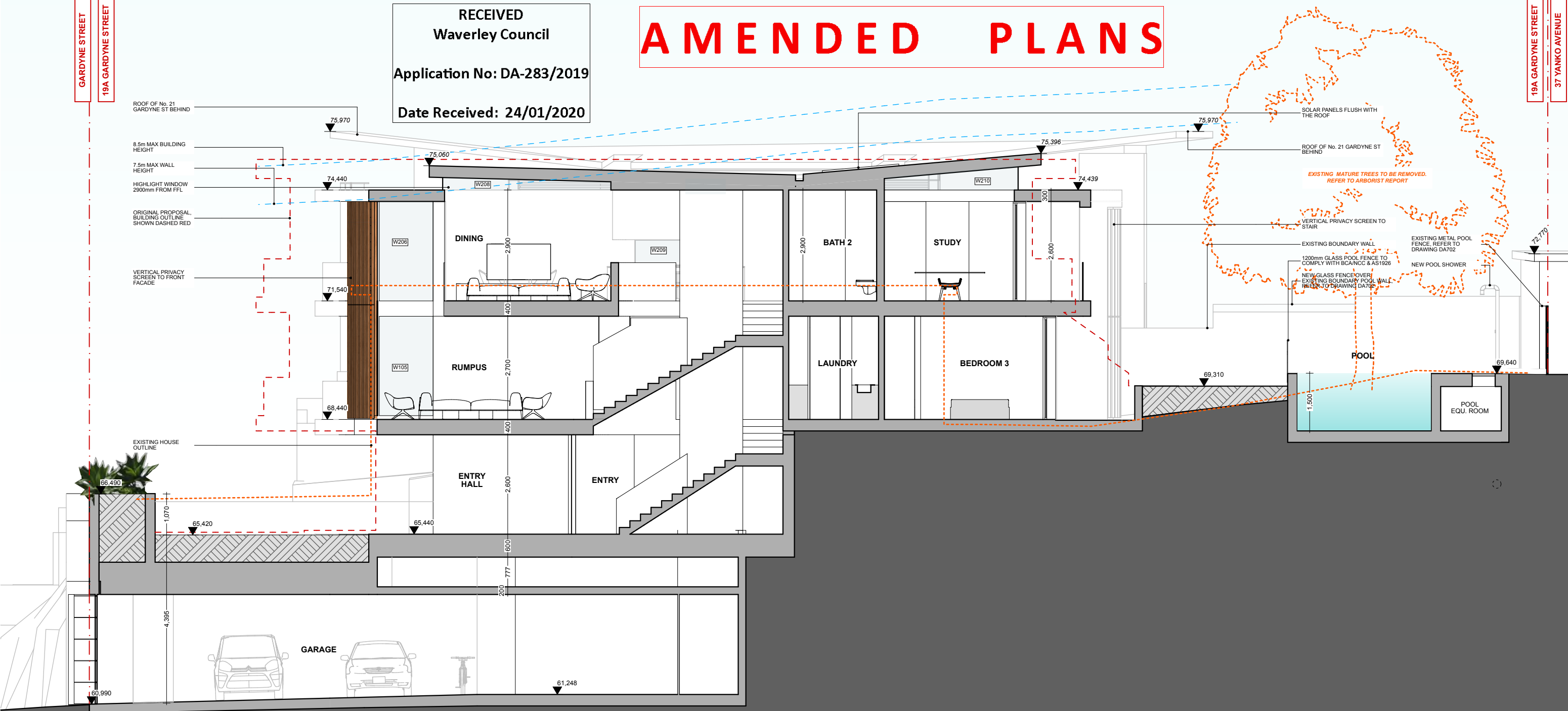
Hot Water System: Solar gas boosted (evacuated tube or flat plate); minimum 15 to 20 STCs

Cooling System: 1 phase air conditioning to living areas and bedrooms: 6-Star

Heating System: 1 phase air conditioning to living areas and bedrooms: 6-Star

Ventilation: Kitchen- Individual fan, externally ducted to roof or façade, manual on/off switch; Bathrooms - Individual fan, externally ducted to roof or façade, manual on/off switch; Laundry - Individual fan, externally ducted to roof or façade, manual on/off switch

Others: Gas cooktop & gas oven, outdoor clothes drying line, well-ventilated fridge space



5.3

NATIONWIDE HOUSE ENERGY RATING SCHEME

62.6 MJ/m²

www.nathers.gov.au

Certificate no.:

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Certificate date:

Dwelling Address:

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Tracey Cools

HERA10033

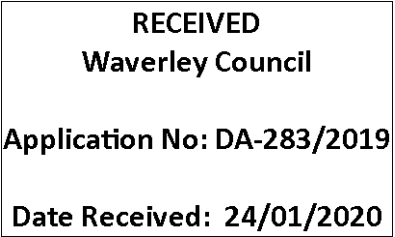
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	24.06.2019	E	FINAL DA SET - CONSULTANTS				
	12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS				
	22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL				
	25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL	15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 0414 774 444	Nominated Architect Misha De Moyer NSW Reg. No. 9066	DRAWING NO DA401	CHECK BY MDM
	13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL				
				PROJECT NO : 1808		DATE 13/12/19	SCALE 1:100@A3
						REVISION I	PHASE DA
							63

PLOT DATE: 13/12/19



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	06.06.2019	D	DRAFT DA SET - TOWNPLANNER	HYDRAULIC: PARTRIDGE GEOTECHNICAL: EI AUSTRALIA LANDSCAPE: FIELDWORK ASSOCIATES PLANNER: GSA PLANNING QUANTITY S. : JRQS SURVEYOR: C&A BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING		DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL		DATE	CHECK BY
	24.06.2019	E	FINAL DA SET - CONSULTANTS						MDM
	12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS						SCALE
	22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL						1:100@A3
	25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL						PHASE
13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL				CLIENT BOHEMIA INVESTMENT PTY LTD	DA402 I	DA	

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PLOT DATE: 13/12/19

AMENDED PLANS

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Waverley Council

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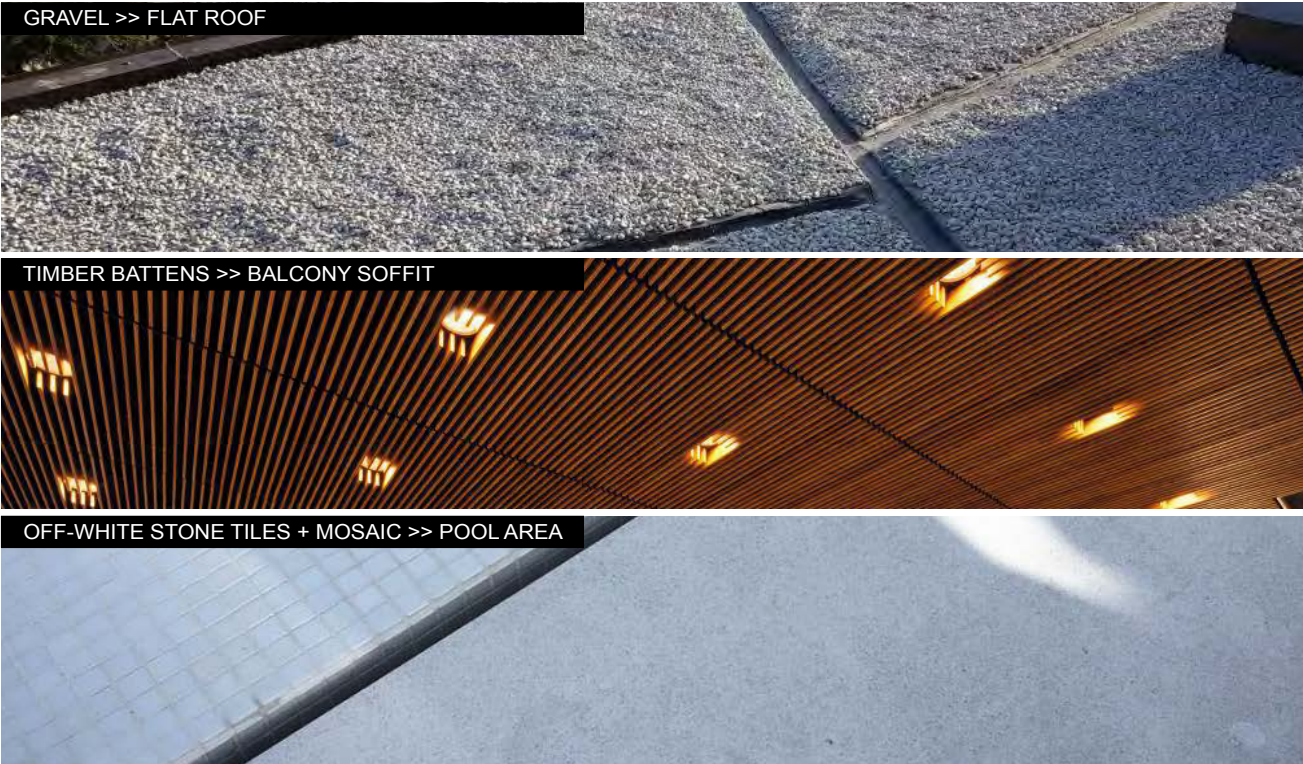
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	24.06.2019	E	FINAL DA SET - CONSULTANTS	GEOTECHNICAL: EI AUSTRALIA				CHECK BY	
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	25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL	QUANTITY S. : JRQS		19A GARDYNE STREET BRONTE NSW 2026		@A3	
13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL	SURVEYOR: C&A	CLIENT		PHASE			
			FINAL AMENDED DA PLANS FOR COUNCIL	BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING		ROHEMIA INVESTMENT PTY LTD	REVISION	1	DA

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5.3

NATIONWIDE
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Certificate no.: 0004018016-02

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www.nathers.gov.au

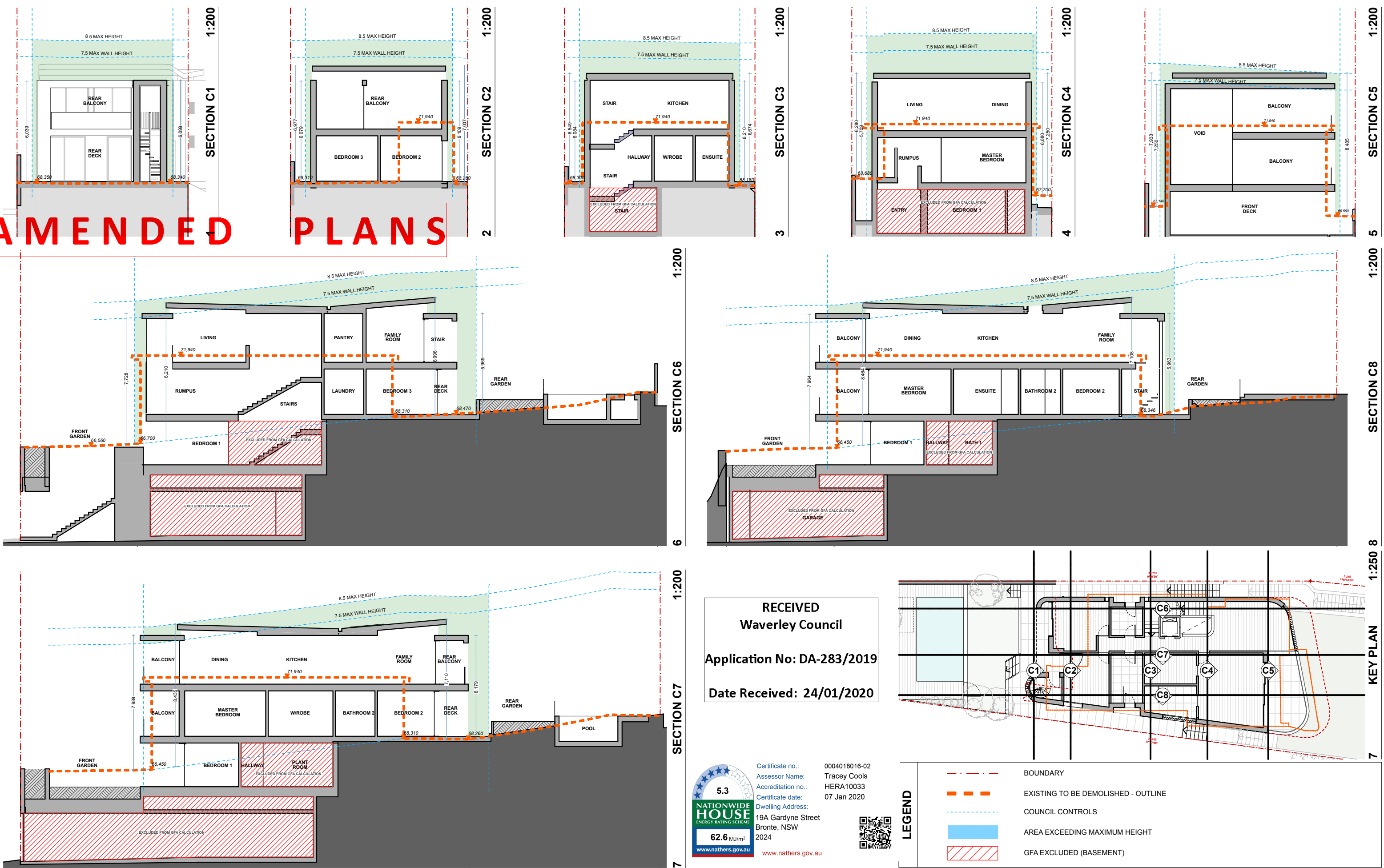
	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. © Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.	DATE 06.06.2019 24.06.2019 12.08.2019 22.11.2019 25.11.2019 13.12.2019	REV D E F G H I	NOTES : DRAFT DA SET - TOWNPLANNER FINAL DA SET - CONSULTANTS FINAL DEVELOPMENT APPLICATION PLANS DRAFT AMENDED DA PLANS FOR COUNCIL DRAFT AMENDED DA PLANS FOR COUNCIL FINAL AMENDED DA PLANS FOR COUNCIL	CONSULTANTS HYDRAULIC: PARTRIDGE GEOTECHNICAL: EI AUSTRALIA LANDSCAPE: FIELDWORK ASSOCIATES PLANNER: GSA PLANNING QUANTITY S.: JRQS SURVEYOR: C&A BASIX & NATHERS CERTIFICATES: EFFICIENT LIVING	<div><div>DE MOYER ARCHITECTURE</div><div>15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 0414 774 444</div><div>Nominated Architect Misha De Moyer NSW Reg. No. 9066</div></div>	PROJECT DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL PROJECT ADDRESS 19A GARDYNE STREET BRONTE NSW 2026 CLIENT BOHEMIA INVESTMENT PTY LTD	DRAWING TITLE EXTERNAL FINISHES SCHEDULE DRAWING NO DA502	DATE 13/12/19 REVISION I	DRAWN BY MB CHECK BY MDM SCALE @A3 PHASE DA	66

PLOT DATE: 13/12/19



	NOTES:	DATE	REV	NOTES :	CONSULTANTS	<div>DE MOYER ARCHITECTURE</div> <div>15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 0414 774 444</div> <div>Nominated Architect Misha De Moyer NSW Reg. No. 9066</div>	PROJECT PROJECT NO : 1808 DEMOLITION OF EXISTING DWELLING AND ERECTION OF A NEW DWELLING INCL. NEW SWIMMING POOL	DRAWING TITLE	DRAWN BY MB
	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	06.06.2019	D	DRAFT DA SET - TOWNPLANNER	HYDRAULIC: PARTRIDGE GEOTECHNICAL: EI AUSTRALIA LANDSCAPE: FIELDWORK ASSOCIATES PLANNER: GSA PLANNING QUANTITY S. : JRQS SURVEYOR: C&A BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING		FSR + LANDSCAPING ANALYSIS	CHECK BY MDM	
	© Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.	24.06.2019	E	FINAL DA SET - CONSULTANTS			DRAWING NO	SCALE 1:200@A3	
		12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS			DATE 13/12/19	PHASE DA	
		22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL					
		25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL					
		13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL					
							CLIENT BOHEMIA INVESTMENT PTY LTD	REVISION I	67

AMENDED PLANS



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DATE

06.06.2019
24.06.2019
12.08.2019
22.11.2019
25.11.2019
13.12.2019

REV

D
E
F
G
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I

NOTES :

DRAFT DA SET - TOWNPLANNER
FINAL DA SET - CONSULTANTS
FINAL DEVELOPMENT APPLICATION PLANS
DRAFT AMENDED DA PLANS FOR COUNCIL
DRAFT AMENDED DA PLANS FOR COUNCIL
FINAL AMENDED DA PLANS FOR COUNCIL

CONSULTANTS

HYDRAULIC: PARTRIDGE
GEOTECHNICAL: EI AUSTRALIA
LANDSCAPE: FIELDWORK ASSOCIATES
PLANNER: GSA PLANNING
QUANTITY S.: JRQS
SURVEYOR: C&A
BASIX & NATHERS CERTIFICATES: EFFICIENT LIVING

DE MOYER ARCHITECTURE

15 BAY STREET
DOUBLE BAY NSW 2028
misha@demoyer.com | 0414 774 444

Nominated Architect
Misha De Moyer
NSW Reg. No. 9066

PROJECT

DEMOLITION OF EXISTING DWELLING
AND ERECTION OF A NEW DWELLING
INCL. NEW SWIMMING POOL
PROJECT ADDRESS
19A GARDYNE STREET BRONTE NSW 2026
CLIENT
BOHEMIA INVESTMENT PTY LTD

PROJECT NO : 1808

DRAWING TITLE

HEIGHT ANALYSIS

DRAWING NO

DA602

DATE

13/12/19

REVISION

I

DRAWN BY
MB

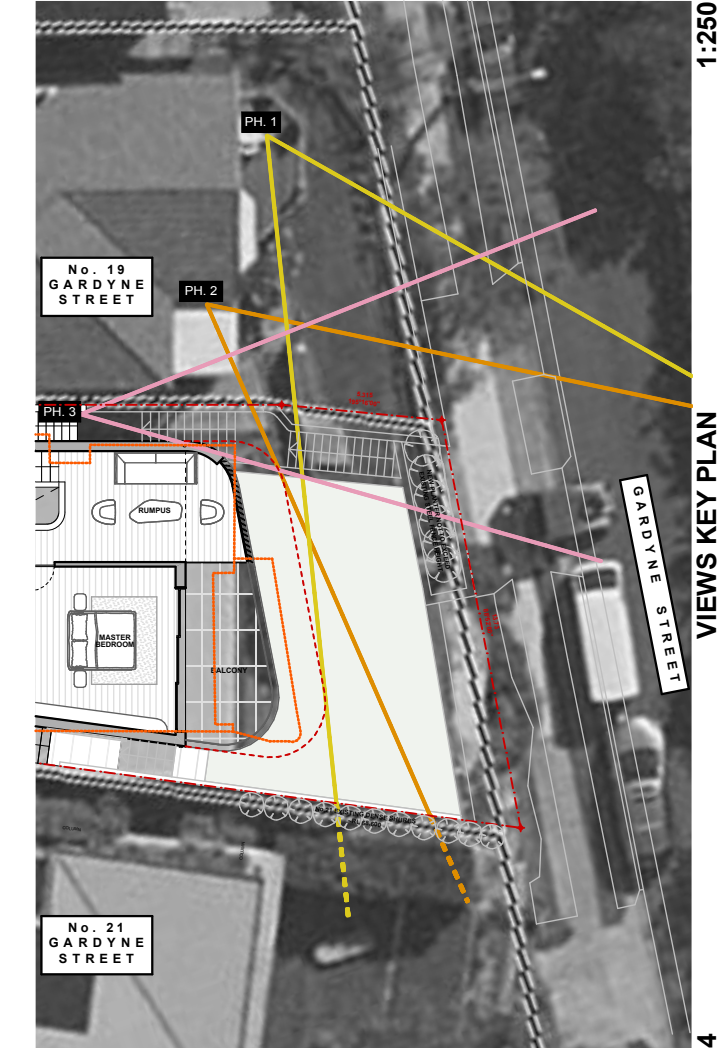
CHECK BY
MDM

SCALE
1:200, 1:250@A3

PHASE
DA

68

PLOT DATE: 13/12/19



RECEIVED
Waverley Council
Application No: DA-283/2019
Date Received: 24/01/2020

AMENDED PLANS

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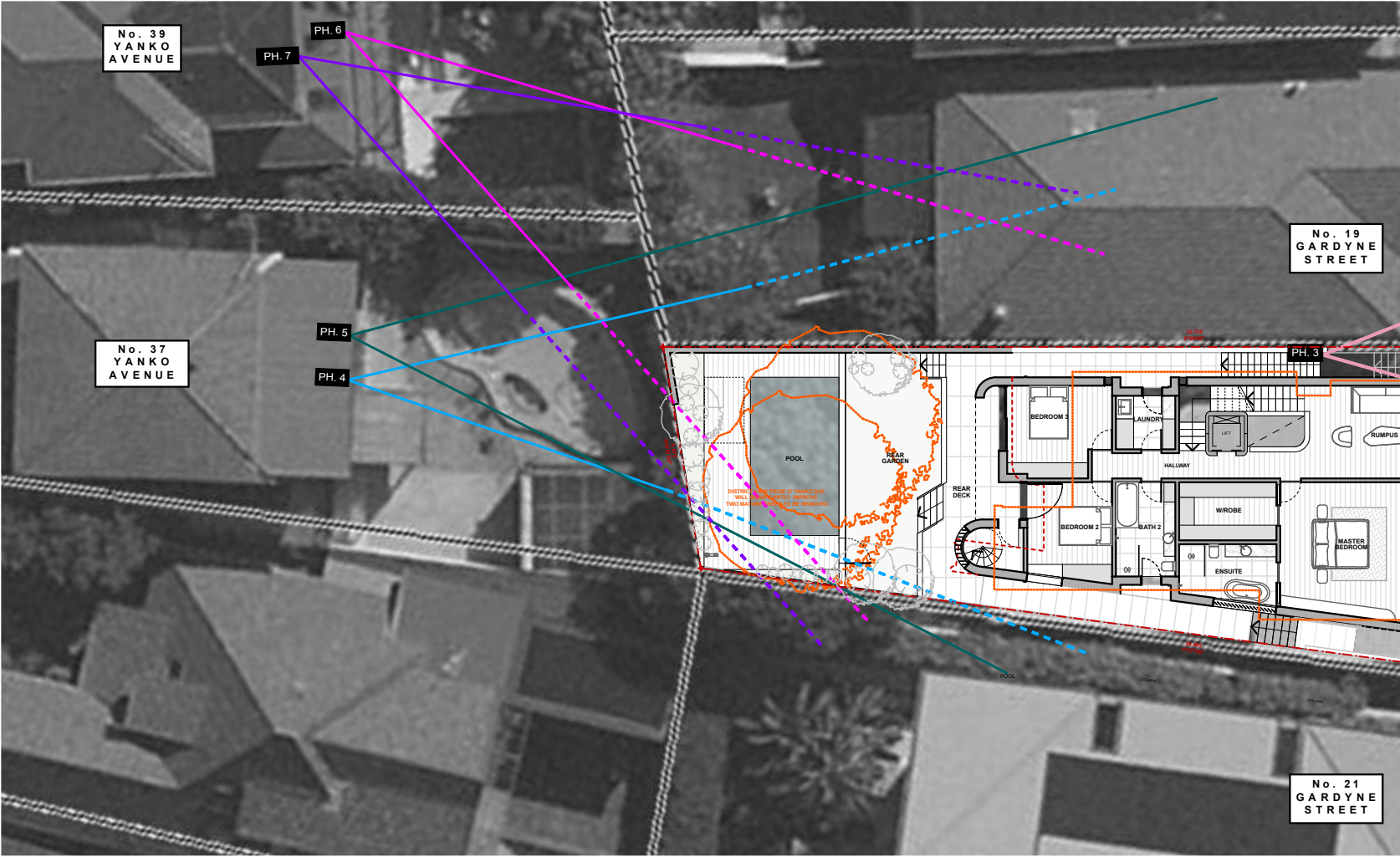


4 | VIEW FROM No.37 YANKO AVENUE - GROUND LEVEL BALCONY



5 | VIEW FROM No.37 YANKO AVENUE - FIRST FLOOR WINDOW

AMENDED PLANS



1:250

VIEWS KEY PLAN

3

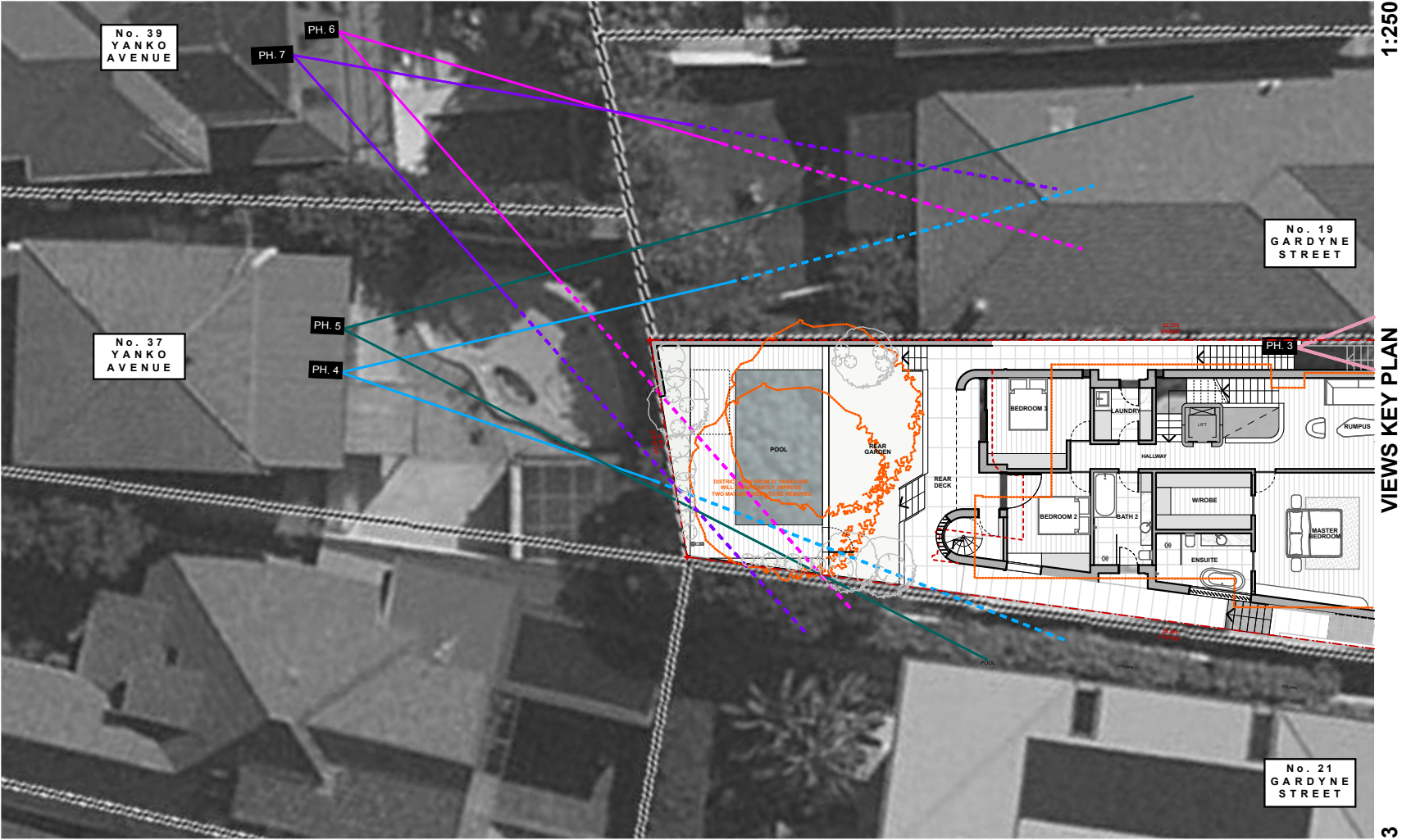
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Application No: DA-283/2019

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AMENDED PLANS



Application No: DA-283/2019

Date Received: 24/01/2020

DRAWING TITLE		DRAWN BY	PILOT DATE- 13/12/19
VIEW ANALYSIS FOR 39 YANKO AVE		MB	
		CHECK BY	
DRAWING NO		MDM	
DATE 13/12/19	REVISION I	SCALE 1:250@A3	71
		PHASE DA	
DA605			

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	24.06.2019	E	FINAL DA SET - CONSULTANTS	GEOTECHNICAL: EI AUSTRALIA
	12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS	LANDSCAPE: FIELDWORK ASSOCIATES
	22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL	PLANNER: GSA PLANNING
	25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL	QUANTITY S : JRQS
	13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL	SURVEYOR: C&A
				BASIX & NATHERS CERTIFICATES: EFFICIENT LIVING

CONSULTANTS

HYDRAULIC: PARTRIDGE
GEOTECHNICAL: EI AUSTRALIA
LANDSCAPE: FIELDWORK ASSOCIATES
PLANNER: GSA PLANNING
QUANTITY S.: JRQS
SURVEYOR: C&A
BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING

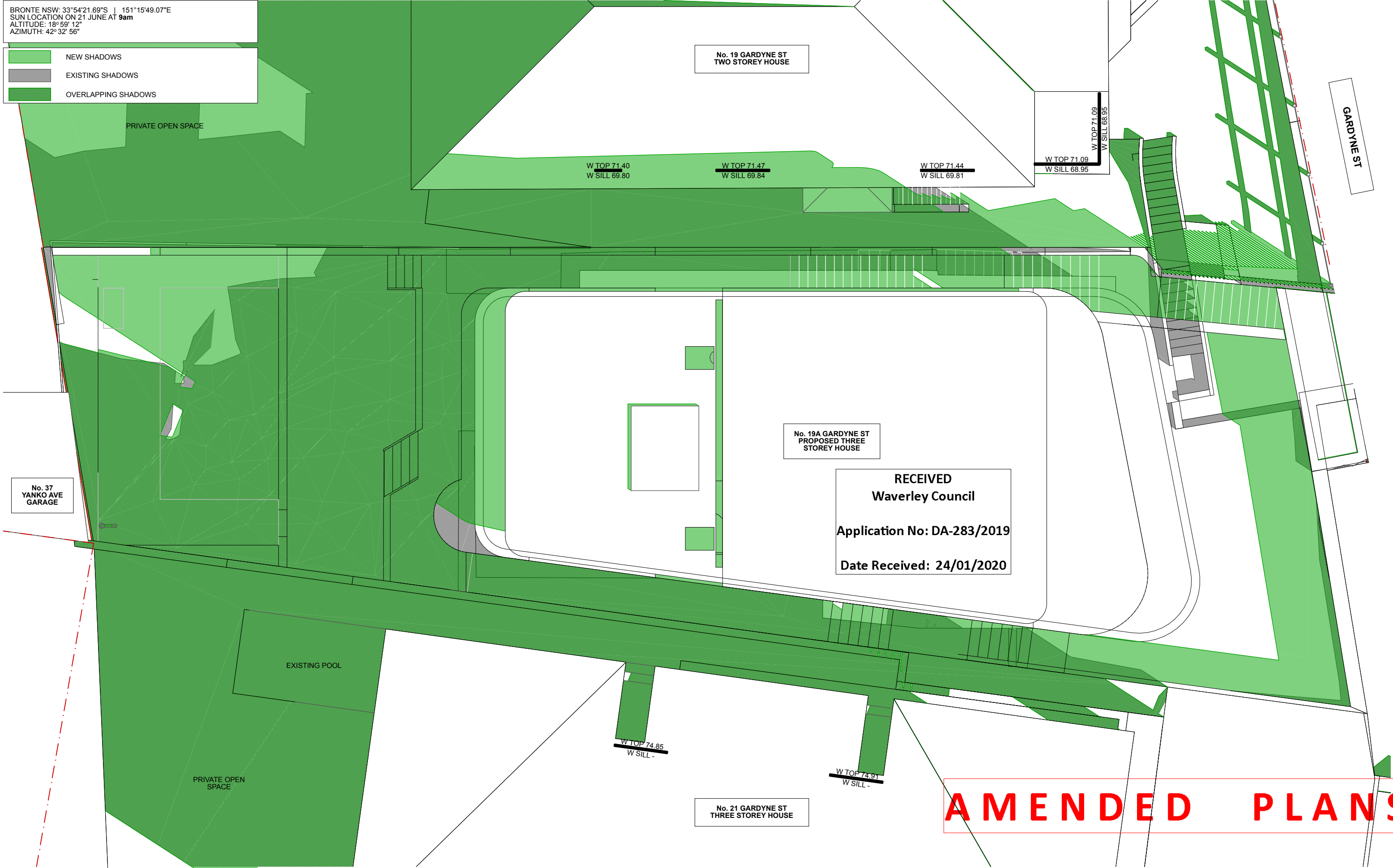
DE MOYER ARCHITECTURE

15 BAY STREET
DOUBLE BAY NSW 2028
misha@demoyer.com | 0414 774 444

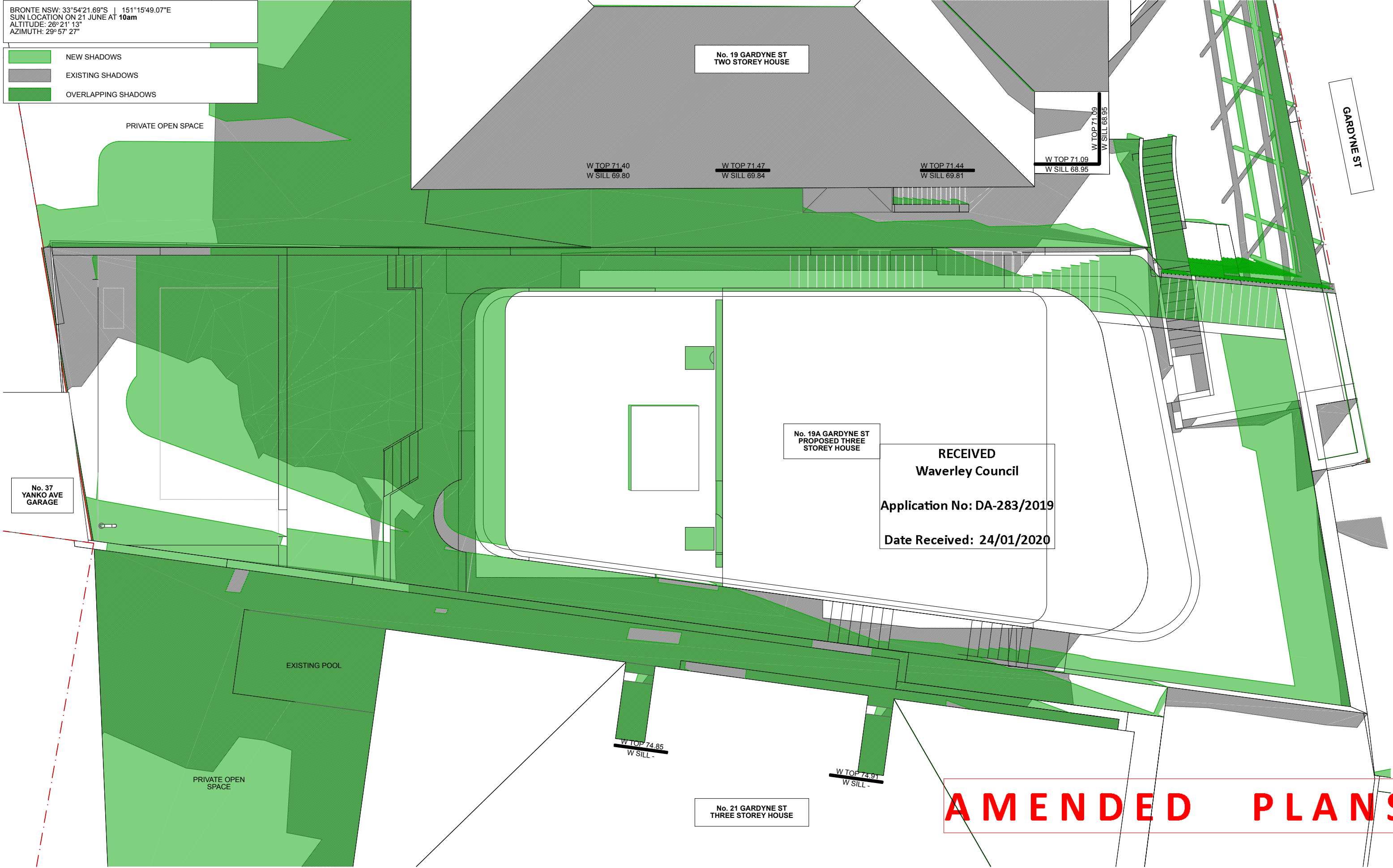
Nominated Architect
Misha De Moyer
NSW Reg. No. 9066

PROJECT PROJECT NO : 1808
DEMOLITION OF EXISTING DWELLING
AND ERECTION OF A NEW DWELLING
INCL. NEW SWIMMING POOL
PROJECT ADDRESS
19A GARDYNE STREET BRONTE NSW 2026
CLIENT
BOHEMIA INVESTMENT PTY LTD

DE MOYER ARCHITECTURE






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	DRAWING NO DA606		DATE 13/12/19 REVISION I								CHECK BY MDM	SCALE 1:100@A3	PHASE DA	



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									CHECK BY MDM	
								DRAWING NO DA607	DATE 13/12/19 REVISION I	SCALE 1:100@A3
									PHASE DA	73

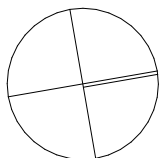
PLOT DATE: 13/12/19

-  NEW SHADOWS
-  EXISTING SHADOWS
-  OVERLAPPING SHADOWS

W TOP 71.09
W SILL 68.95

No. 37
YANKO AVE
GARAGE

AMENDED PLANS



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H

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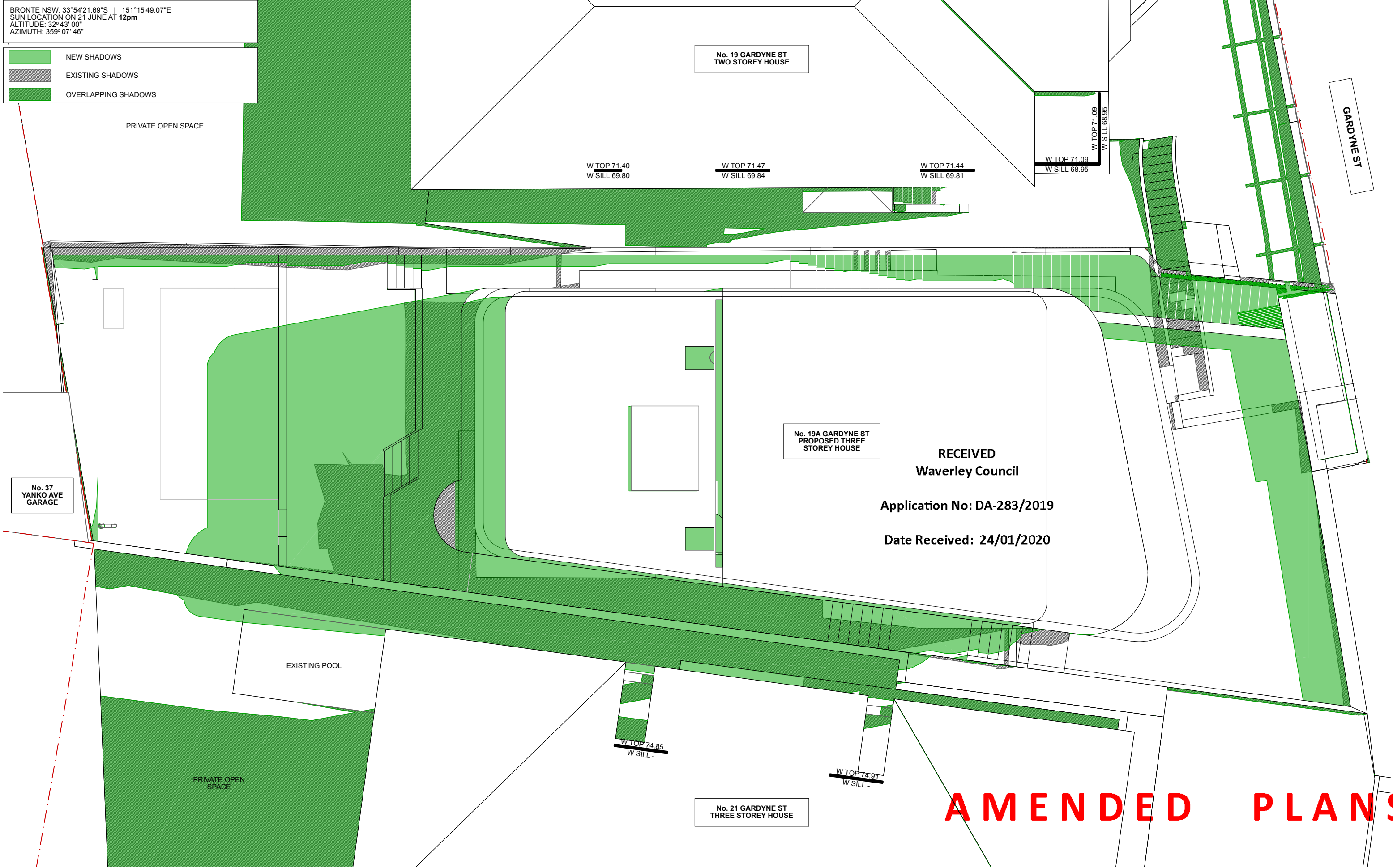
HYDRAULIC: PARTRIDGE
GEOTECHNICAL: EI AUSTRALIA
LANDSCAPE: FIELDWORK ASSOCIATES
PLANNER: GSA PLANNING
QUANTITY S.: JRQS
SURVEYOR: C&A
BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING

Nominated Architect
Misha De Moyer
NSW Reg. No. 9066

BOHEMIA INVESTMENT PTY LTD

74

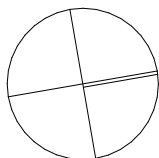
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- NEW SHADOWS
- EXISTING SHADOWS
- OVERLAPPING SHADOWS

AMENDED PLANS



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HYDRAULIC: PARTRIDGE
GEOTECHNICAL: EI AUSTRALIA
LANDSCAPE: FIELDWORK ASSOCIATES
PLANNER: GSA PLANNING
QUANTITY S.: JRQS
SURVEYOR: C&A
BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING

Nominated Architect
Misha De Moyer
NSW Reg. No. 9066

PROJECT NO : 1808

DRAWN BY
MB

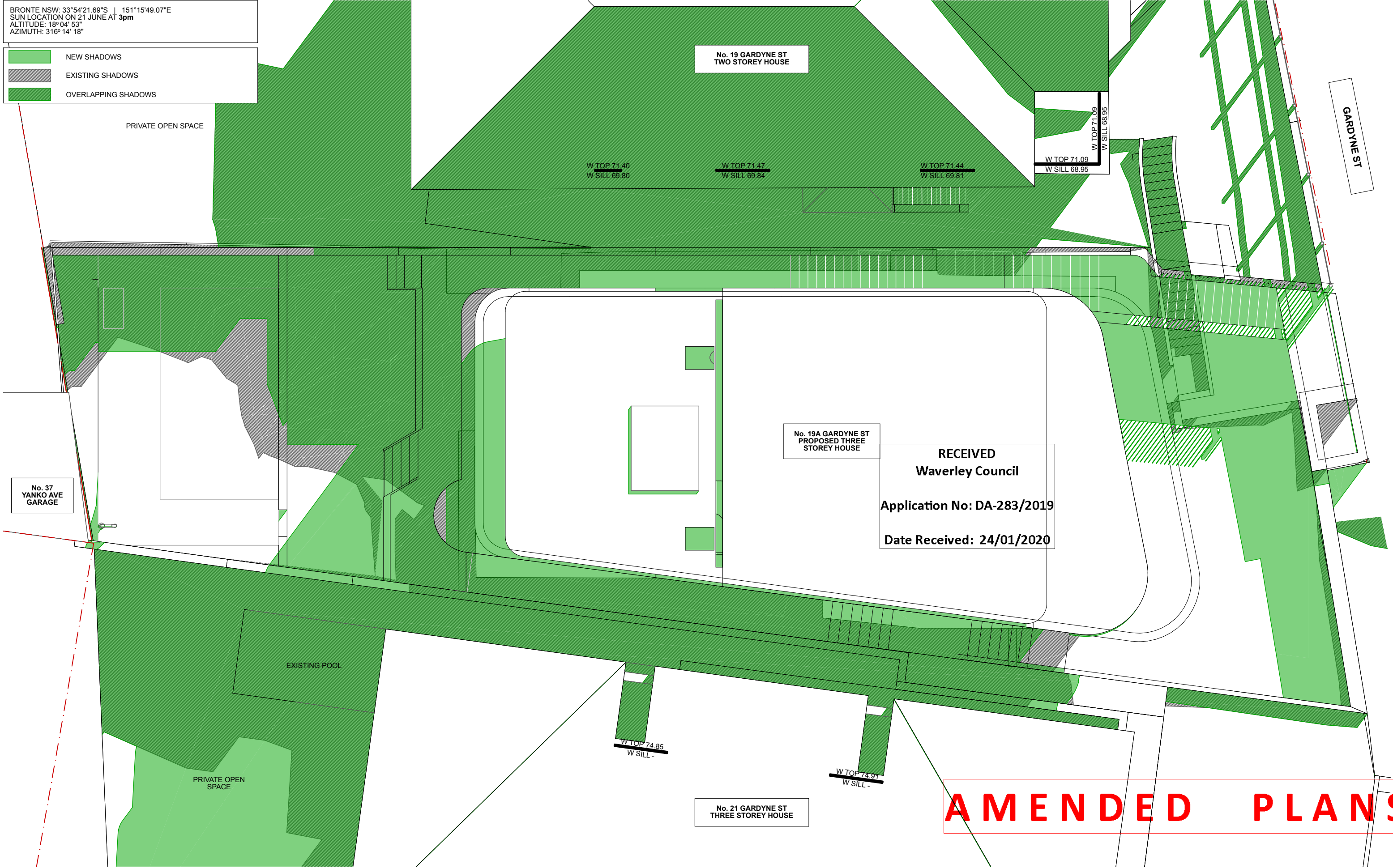
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MDM

SCALE
1:100@A3

PHASE
DA

PLOT DATE: 13/12/19

76



AMENDED PLANS

19A GARDYNE STREET

RECEIVED
Waverley Council
Application No: DA-283/2019
Date Received: 24/01/2020

Application No: DA-283/2019

Date Received: 24/01/2020

NEW GARAGE CONCRETE SLAB.
FALL TO STREET 2.50%

GARDYNE STREET

NEW GARAGE DOOR

OUTLINE BOTTOM B85 VEHICLE
AS PER AS2890.1:2004

NEW REINFORCED CONCRETE
DRIVEWAY CROSSING AS PER
COUNCIL'S GUIDELINES

GARDYNE ST. EXISTING
TARMAC TO BE RETAINED

2.054@12%

2.066@4%

PROJECT PROJECT NO : 11
DEMOLITION OF EXISTING DWELLING
AND ERECTION OF A NEW DWELLING
INCL. NEW SWIMMING POOL

PROJECT ADDRESS
19A GARDYNE STREET BRONTE NSW 202

CLIENT
BOHEMIA INVESTMENT PTY LTD

PROJECT NO : 1808

DRAWING TITLE

**DRIVEWAY CROSSING - WASTE
& RECYCLING PLAN**

DRAWING NO.

DATE
13/12/19
REVISION
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DRAWN BY
 CHECK BY
 SALE
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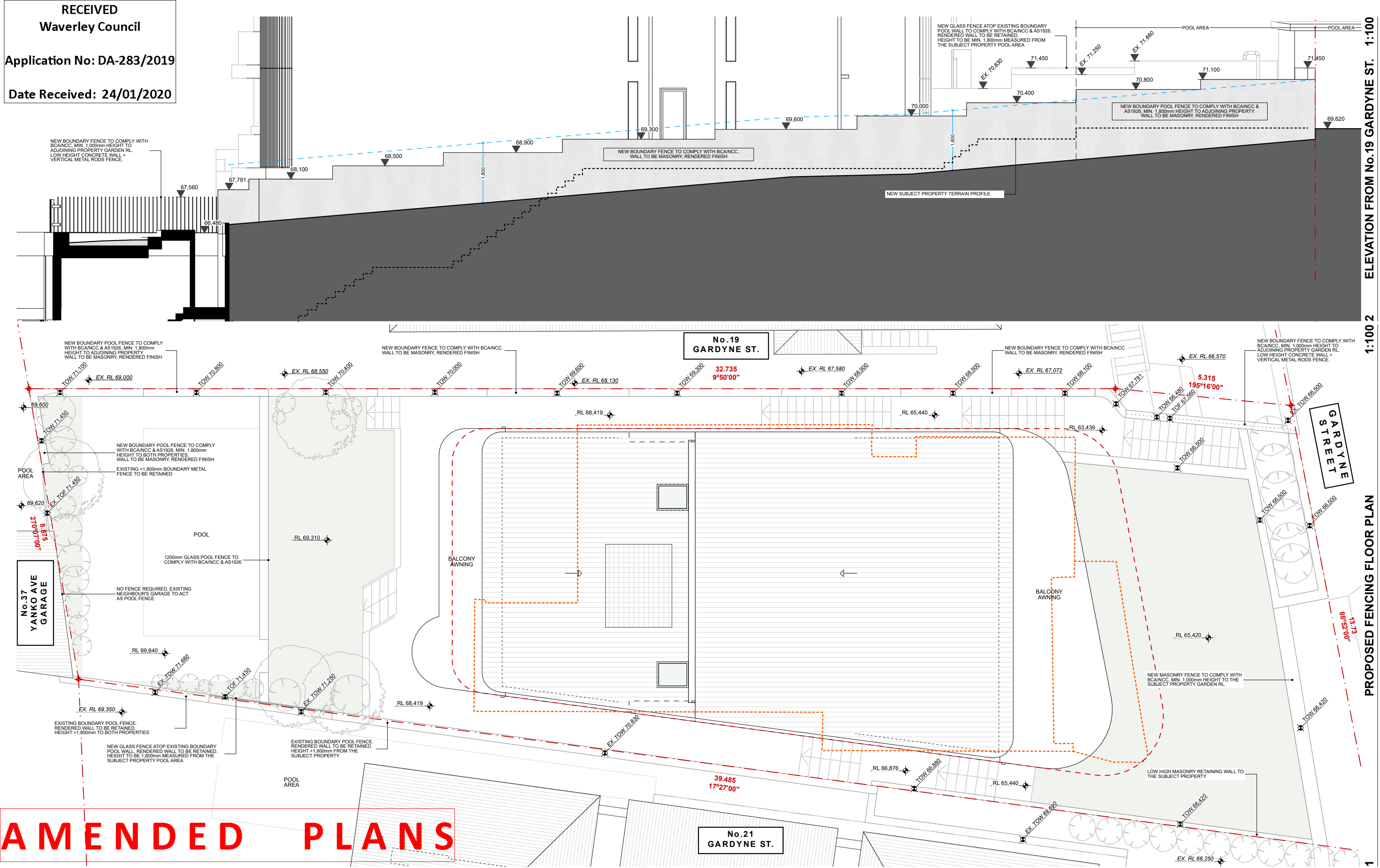
PLOT DATE: 13/12/19

DRIVEWAY CROSSING SECTION

SITE WASTE & RECYCLING AREA - BASEMENT LEVEL

1:100

GARBAGE BIN ENCLOSURE.
LOCATION OF HOUSEHOLD
RUBBISH AND RECYCLING BINS



AMENDED PLANS

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1:100 2 ELEVATION FROM No.19 GARDYNE ST. 1:100 2
PROPOSED FENCING FLOOR PLAN
1
PLOT DATE: 13/12/19

NO. 19A (SUBJECT PROPERTY) & NO. 19
BRICK GARAGES, SANDSTONE WALLING, SIGNIFICANT ROCK
OUTCROP EXISTING AND 84% RETAINED
2 x GARAGES

GARAGE LEFT WIDTH 2,465mm EXISTING, 3,200mm PROPOSED
GARAGE RIGHT WIDTH 2,440mm (NO. 19, UNCHANGED)
DRIVEWAY WIDTH 7,900mm EXISTING, TWO SEPARATE
DRIVEWAYS PROPOSED AT 3,200mm WIDTH EACH WITH GREEN
STRIP IN BETWEEN; STREET CAR PARKING UNCHANGED.

NO. 17A
SANDSTONE CLADDING,
RENDERED & PAINTED ENTRY
EVIDENCE OF SIGNIFICANT
ROCK OUTCROP REMOVED
GARAGE WIDTH 4,020mm
DRIVEWAY WIDTH 4,060mm

NO. 17
SANDSTONE CLADDING,
EVIDENCE OF SIGNIFICANT
ROCK OUTCROP REMOVED
GARAGE WIDTH 4,700mm
DRIVEWAY WIDTH 4,240mm

NO. 15
BRICK PAINTED
NO NATURAL FEATURES
GARAGE WIDTH 5,115mm
DRIVEWAY WIDTH 5,180mm

NO. 11A
BRICK
NO NATURAL FEATURES
GARAGE WIDTH 2,755mm
DRIVEWAY WIDTH 3,015mm

NO. 11
SANDSTONE CLADDING AND
RENDERED & PAINTED
NO NATURAL FEATURES
GARAGE WIDTH 2,690mm
DRIVEWAY WIDTH 3,000mm

NO. 9A
SANDSTONE w/ CONCRETE LINTEL
NO NATURAL FEATURES
GARAGE WIDTH 4,850mm
DRIVEWAY WIDTH 4,710mm

NO. 9
SANDSTONE CLADDING,
NO NATURAL FEATURES
GARAGE WIDTH 5,400mm
DRIVEWAY WIDTH 4,800mm



NO. 33
SANDSTONE CLADDING,
NO NATURAL FEATURES
GARAGE WIDTH 4,720mm
DRIVEWAY WIDTH 4,800mm

NO. 31
 RENDERED & PAINTED
 NO NATURAL FEATURES
 GARAGE WIDTH 4,580mm
 (APPEARANCE WIDTH 7,200mm)
 DRIVEWAY WIDTH 4,580mm

NO. 29
 RENDERED & PAINTED
 NO NATURAL FEATURES
 3 x GARAGES,
 GARAGE LEFT WIDTH 2,510mm
 GARAGE CENTRE WIDTH 2,320mm
 GARAGE RIGHT WIDTH 2,335mm
 DRIVEWAY WIDTH 9,700mm

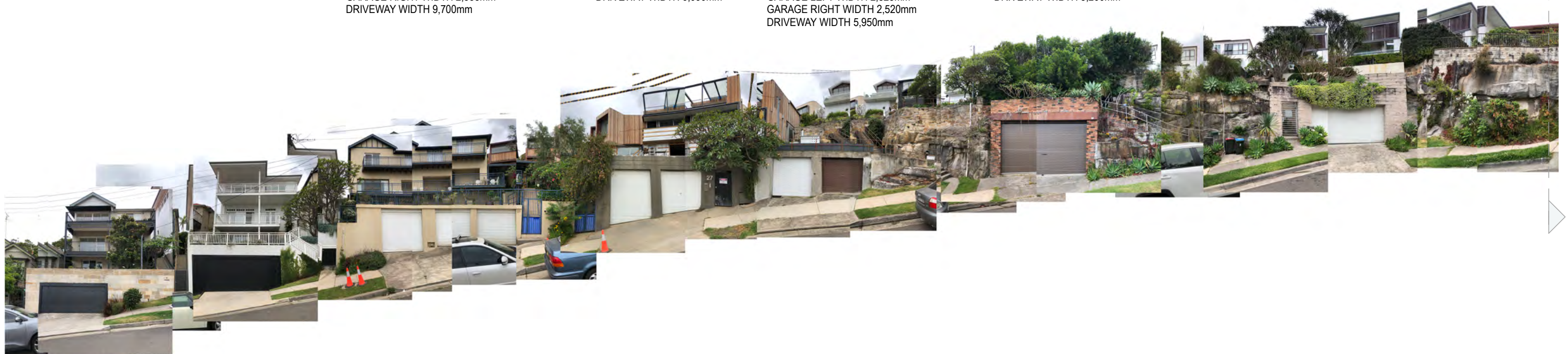
NO. 27
 RENDERED & PAINTED
 NO NATURAL FEATURES
 2 x GARAGES,
 GARAGE LEFT WIDTH 2,470mm
 GARAGE RIGHT WIDTH 2,480mm
 DRIVEWAY WIDTH 6,090mm

NO. 25 & NO. 25A
 RENDERED
 LOW HEIGHT NATURAL ROCK
 OUTCROP, SHAPED TO SUIT
 WALKWAY / ENTRANCE
 2 x GARAGES,
 GARAGE LEFT WIDTH 2,525mm
 GARAGE RIGHT WIDTH 2,520mm
 DRIVEWAY WIDTH 5,950mm

NO. 23
BRICK W/ CONCRETE LINTEL
SOME NATURAL ROCK OUTCROP,
SHAPED TO SUIT WALKWAY / ENTRANCE
GARAGE WIDTH 4,920mm
(GARAGE HEIGHT 2,850mm)
DRIVEWAY WIDTH 5,200mm

NO. 21
SANDSTONE CLADDING,
NO NATURAL FEATURES
GARAGE WIDTH 4,010mm
DRIVEWAY WIDTH 4,000mm

SUBJECT
PROPERTY
NO. 19A



	NOTES:	DATE	REV	NOTES :	CONSULTANTS	<div><div></div><div>DE MOYER ARCHITECTURE</div><div><div>15 BAY STREET DOUBLE BAY NSW 2028 misha@demoyer.com 0414 774 444</div><div>Nominated Architect Misha De Moyer NSW Reg. No. 9066</div></div></div>	PROJECT PROJECT NO : 1808	DRAWING TITLE		DRAWN BY	
	Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect.	22.11.2019	D	DRAFT DA SET - TOWNPLANNER	HYDRAULIC: PARTRIDGE		DEMOLITION OF EXISTING DWELLING	MDM			
		24.06.2019	E	FINAL DA SET - CONSULTANTS	GEOTECHNICAL: EI AUSTRALIA		AND ERECTION OF A NEW DWELLING	CHECK BY			
	© Copyright: De Moyer Architecture Pty Ltd, 2019. Information contained on this drawing is the copyright of De Moyer Architecture Pty Ltd. Copying of this drawing or part hereof without written permission infringes copyright.	12.08.2019	F	FINAL DEVELOPMENT APPLICATION PLANS	LANDSCAPE: FIELDWORK ASSOCIATES		INCL. NEW SWIMMING POOL	MDM			
		22.11.2019	G	DRAFT AMENDED DA PLANS FOR COUNCIL	PLANNER: GSA PLANNING		PROJECT ADDRESS	DRAWING NO	DATE	SCALE	
		25.11.2019	H	DRAFT AMENDED DA PLANS FOR COUNCIL	SURVEYOR: C&A		19A GARDYNE STREET BRONTE NSW 2026	13/12/19		@A3	
		13.12.2019	I	FINAL AMENDED DA PLANS FOR COUNCIL	BASIX & NatHERS CERTIFICATES: EFFICIENT LIVING		CLIENT	REVISION	PHASE		
						BOHEMIA INVESTMENT PTY LTD	I	DA	81		
PLOT DATE: 24/1/20											

AMENDED PLANS

DRAWING REGISTER

DRAWING NUMBER	DRAWING TITLE	DRAWING SCALE	PAGE SIZE
LDA-01	DRAWING REGISTER, PROPOSED PLANT SCHEDULES, AND PROJECT NOTES	NO SCALE	A3
LDA-02	LANDSCAPE SITE PLAN - EXISTING TREES	1:150	A3
LDA-03	PROPOSED LANDSCAPE DA PLAN - LOWER GROUND FLOOR	1:100	A3
LDA-04	PROPOSED LANDSCAPE DA PLAN - GROUND FLOOR	1:100	A3
LDA-05	SCHEMATIC PLANTING DETAILS	1:20	A3

PROPOSED PLANT SCHEDULE - LOWER GROUND FLOOR

LATIN NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD	POT SIZE	QUANTITY
AGAVE AMERICANA	CENTURY PLANT	0.9 - 1.5M	1.5 - 2.5M	300MM	20
CARPOBROTUS GLAUDESCENS	PIG FACE	0.2M	2M	100MM	150
CORREA ALBA	WHITE CORREA	1.5M	1.5M	200MM	28
LOMANDRA CONFERTIFOLIA RUBIGNOSA 'CRACKER JACK'	LOMANDRA CRACKER JACK	0.7M	1M	140MM	85
SENECIO SERPENS	BLUE CHALKSTICK	0.3 - 0.5M	0.9 - 1.5M	100MM	85
WESTRINGIA FRUTICOSA 'JERVIS GEM'	COASTAL ROSEMARY	1M	1M	200MM	42
XANTHORRHOEA GLAUCA	GRASS TREE	0.9 - 1.5M	0.6 - 0.9M	300MM	8

PROPOSED PLANT SCHEDULE - GROUND FLOOR

LATIN NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD	POT SIZE	QUANTITY
AGAVE 'BLUE GLOW'	AGAVE BLUE GLOW	0.3 - 0.6M	0.6 - 0.9M	300MM	4
HIBISCUS TILIACEUS 'RUBRA'	NATIVE COTTONWOOD	5M	3.5M	100L	2
LOMANDRA LONGIFOLIA 'TANIKA'	TANIKA MAT RUSH	0.4 - 0.5M	0.6M	140MM	30
MISCANTHUS TRANSMORRISONENSIS	EVERGREEN FEATHER GRASS	1M	1M	200MM	11
PITTOSPORUM TOBIRA 'MISS MUFFET'	DWARF PITOSPORUM	1 - 2M	1 - 2M	200MM	23
TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	GROUNDCOVER	GROUNDCOVER	140MM	35
STENOTAPHRUM SECUNDATUM	SIR WALTER BUFFALO	MAINTAINED	MAINTAINED	TURF	26M²
SYZYGIUM LUEHMANNII	SMALL LEAVED LILLY PILLY	10 - 12M	5M	100L	1

NOTES - GENERAL

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DO NOT SCALE FROM DRAWINGS

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LANDSCAPE TECHNICAL SPECIFICATION

NO 'WASH OUT' FROM CONSTRUCTION TO TAKE PLACE IN IDENTIFIED GARDEN AREAS

ALL DISCREPANCIES OR CONFLICT TO BE BROUGHT TO THE ATTENTION OF THE PROJECT LANDSCAPE DESIGNER PRIOR TO CONSTRUCTION OR INSTALLATION

ALL DIMENSIONS IN MM UNLESS OTHERWISE STATED

ALL TREE DIMENSIONS AND RL'S IN METERS

USE FIGURED DIMENSIONS ONLY

VERIFY ALL DIMENSIONS ON SITE BEFORE THE COMMENCEMENT OF ANY WORKS

ANY LEVELS ARE NOMINAL AND ARE INDICATIVE ONLY

CONTRACTORS SHALL LOCATE AND PROTECT ALL SERVICES PRIOR TO CONSTRUCTION

ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH CURRENT VERSIONS OF AUSTRALIAN STANDARDS, BCA AND LOCAL GOVERNMENT REGULATIONS

STRUCTURAL DETAILS SHALL BE SUBJECT TO ENGINEER'S SPECIFICATIONS

DRAINAGE AND WATER FEATURE DETAILS SHALL BE SUBJECT TO HYDRAULIC ENGINEER'S SPECIFICATIONS

ALL WORK SHALL BE CARRIED OUT IN A PROFESSIONAL MANNER BY QUALIFIED TRADESPERSON ACCORDING TO THE LANDSCAPE DRAWINGS & TECHNICAL SPECIFICATION AND ENGINEER'S SPECIFICATIONS

PROTECT ALL ADJOINING PROPERTY BUILDING, WALLS AND PAVING. DAMAGED ELEMENTS ARE TO BE REPLACED AT NO COST TO THE CLIENT

NO RESPONSIBILITY WILL BE TAKEN BY FIELDWORK ASSOCIATES PTY LTD FOR ANY VARIATIONS IN DESIGN, CONSTRUCTION METHOD, MATERIALS SPECIFIED AND GENERAL SPECIFICATIONS WITHOUT PERMISSION FROM THE PROJECT ENGINEER OR LANDSCAPE DESIGNER

ANY SPECIFIED MATERIALS OR PRODUCTS ARE TO BE INSTALLED AS PER THE MANUFACTURER'S / SUPPLIER'S INSTRUCTIONS

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NOTES - PLANTING

LANDSCAPE DESIGNER TO SET OUT PLANT MATERIAL

PLANT QUANTITIES TO BE CONFIRMED BY LANDSCAPE DESIGNER AT TIME OF CONSTRUCTION

ALL GARDEN BED AREAS TO BE CLEARED OF RUBBLE AND DEBRIS PRIOR TO PLANTING

ANL PLANTER BOX MIX OR BENEDICT'S PLANTER BOX MIX TO BE USED IN ALL PLANTERS

ALL WEED SPECIES ON SITE ARE TO BE ERADICATED

ALL SITE SOIL IS TO BE MAINTAINED AND IMPROVED WITH COMPOST SPECIFIED BY THE LANDSCAPE DESIGNER

ALL PLANT SPECIES SHOULD BE IN ACCORDANCE WITH THE PLANTING SCHEDULE UNLESS CONSENT IS GIVEN FROM THE DESIGNER

ALL GARDEN BEDS ARE TO BE MULCHED. MULCH TYPE TBC WITH LANDSCAPE DESIGNER

RECEIVED
Waverley Council

Application No: DA-283/2019

Date Received: 24/01/2020

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FIELDWORK
ASSOCIATES

FIELDWORK ASSOCIATES
SUITE 111, 120 BOURKE STREET
WOOLLOOMOOLOO, NSW 2011
PHONE 0499 589 199
EMAIL DESIGN@FIELDWORK.NET.AU

19A GARDYNE STREET
BRONTE

LANDSCAPE DA DOCUMENTATION
DRAWING REGISTER, PLANT SCHEDULE AND PROJECT NOTES

DRAWING NO.
LDA-01

SCALE

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DATE
08.08.2019
22.11.2019
10.01.2020

ISSUE
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C

REASON FOR ISSUE
REVIEW
REVIEW
DA

DESIGNED
C. OWEN

DRAWN
E. ROWE, C. LEE

CHECKED
C. OWEN

DATE
10.01.2020

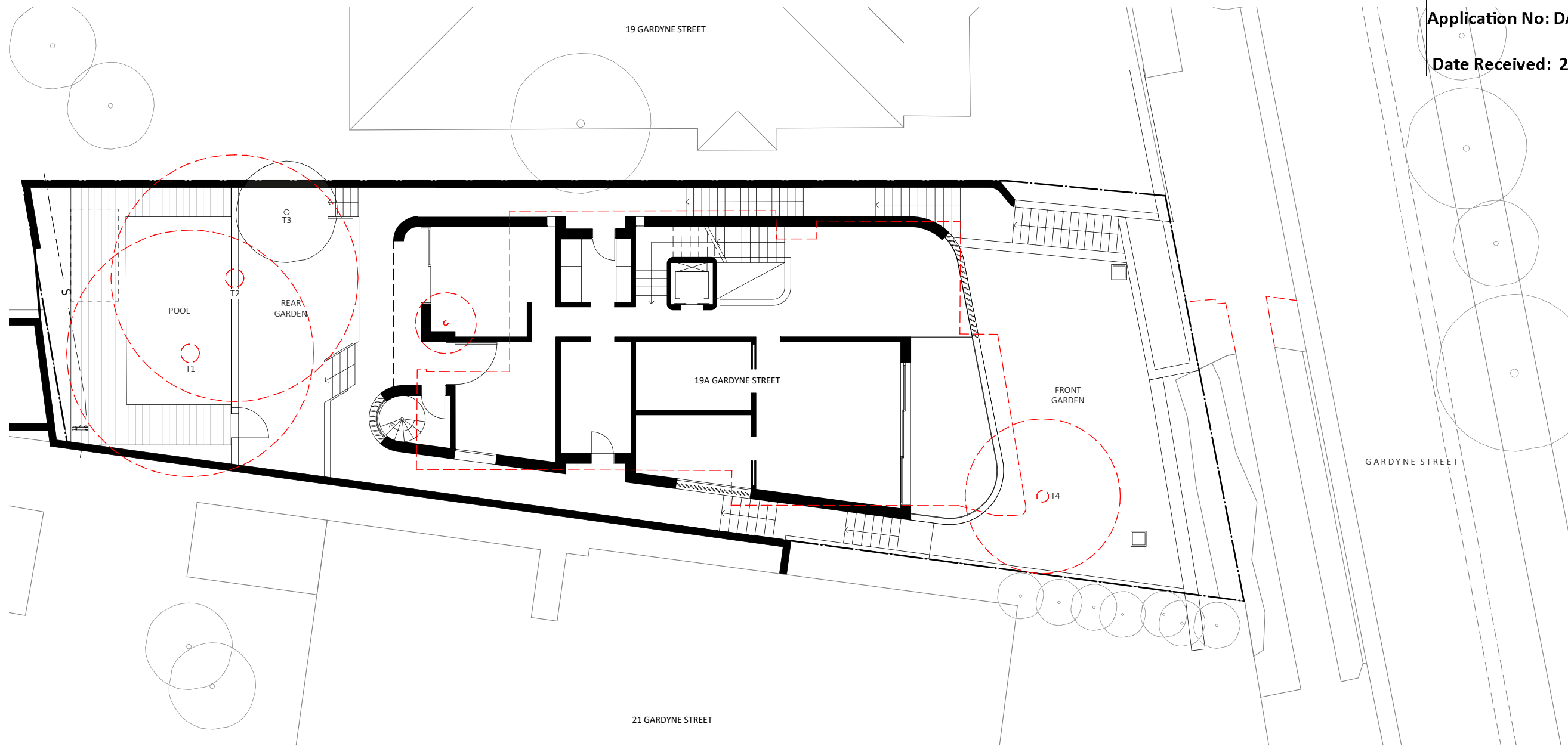
82

AMENDED PLANS

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Application No: DA-283/2019

Date Received: 24/01/2020



1
- LANDSCAPE SITE PLAN - EXISTING TREES
1:150

EXISTING TREES - RETAINED AND PROTECTED

T3 - PLUMERIA SP.

EXISTING TREES - PROPOSED REMOVAL

T1 - CINNAMOMUM CAMPHORA

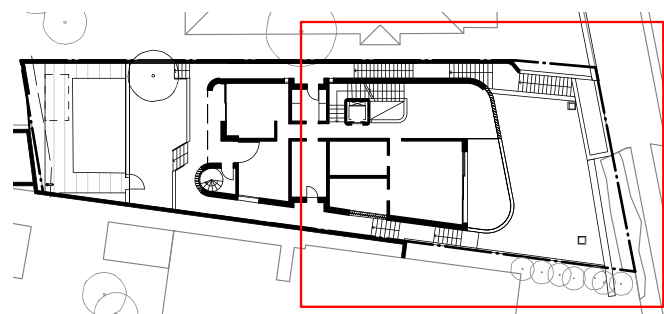
T2 - CINNAMOMUM CAMPHORA

T4 - PLUMERIA SP.

REFER TO ARBORICULTURAL IMPACT ASSESSMENT BY ARBSPEC

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AMENDED PLANS

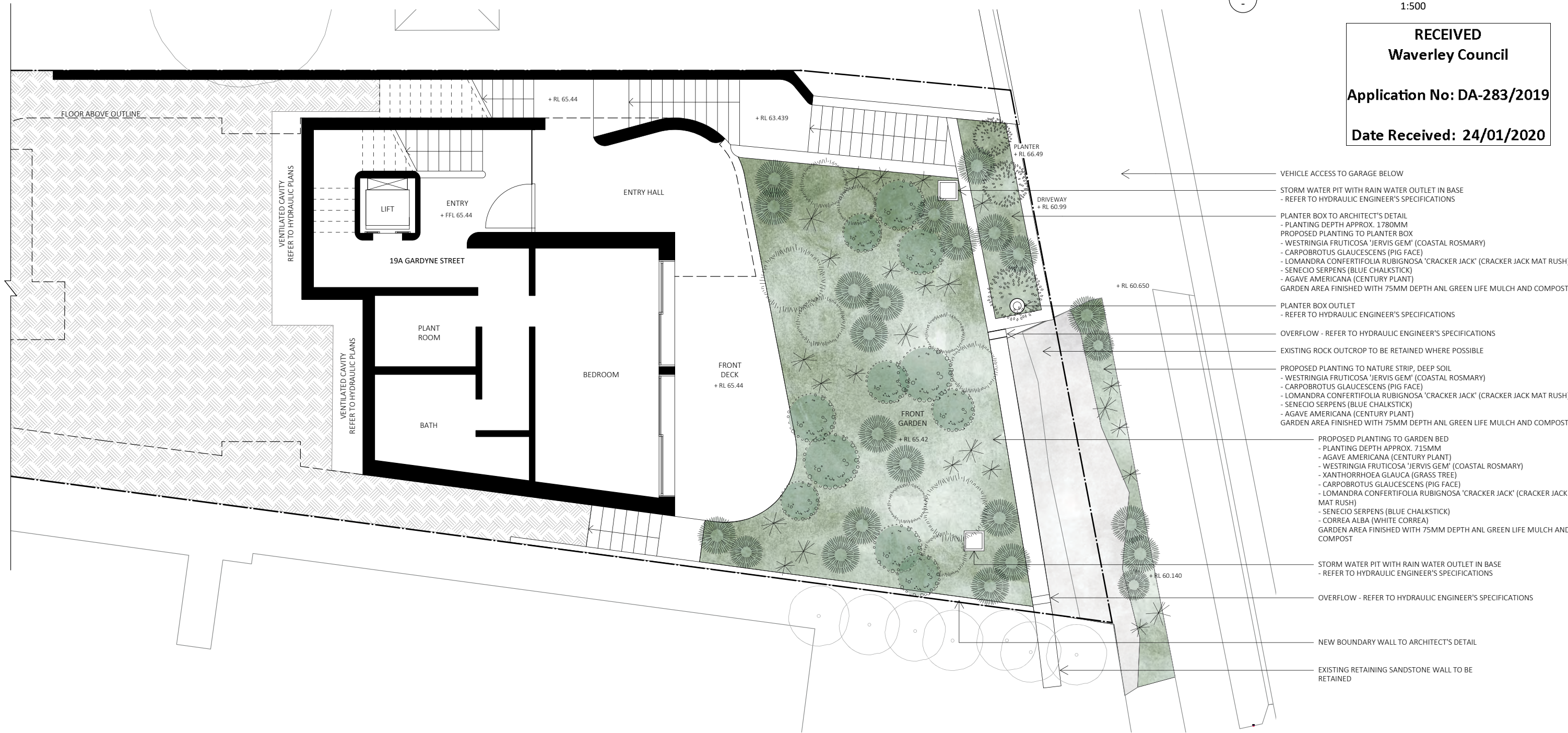


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-
REFERENCE PLAN
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Application No: DA-283/2019

Date Received: 24/01/2020

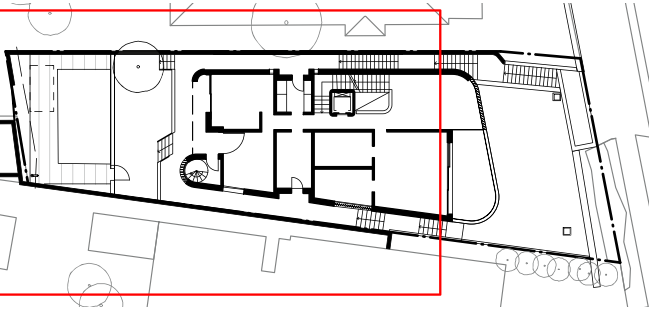


1
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PROPOSED LANDSCAPE DA PLAN - LOWER GROUND FLOOR
1:100

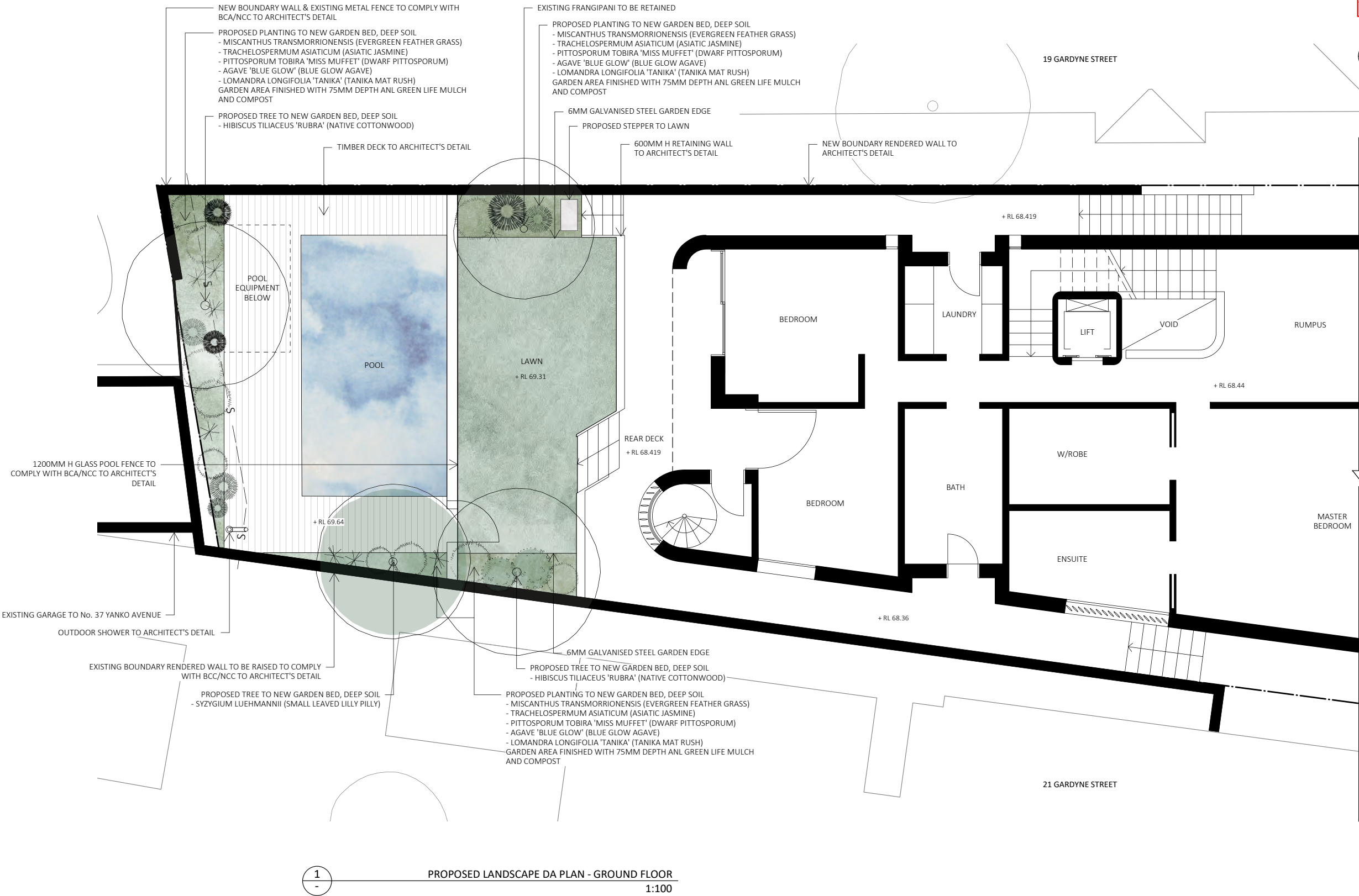
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	FIELDWORK ASSOCIATES SUITE 111, 120 BOURKE STREET WOOLLOOMOOLOO, NSW 2011 PHONE 0499 589 199 EMAIL DESIGN@FIELDWORK.NET.AU	 1:100		19A GARDYNE STREET BRONTE	DATE 08.08.2019 22.11.2019 10.01.2020	ISSUE A B C	REASON FOR ISSUE REVIEW REVIEW DA	DESIGNED C. OWEN
				LANDSCAPE DA DOCUMENTATION PROPOSED LANDSCAPE DA PLAN - LOWER GROUND FLOOR				DRAWN E. ROWE, C. LEE
				DRAWING NO. LDA-03				CHECKED C. OWEN
				SCALE 1:100@A3				DATE 10.01.2020

AMENDED PLANS



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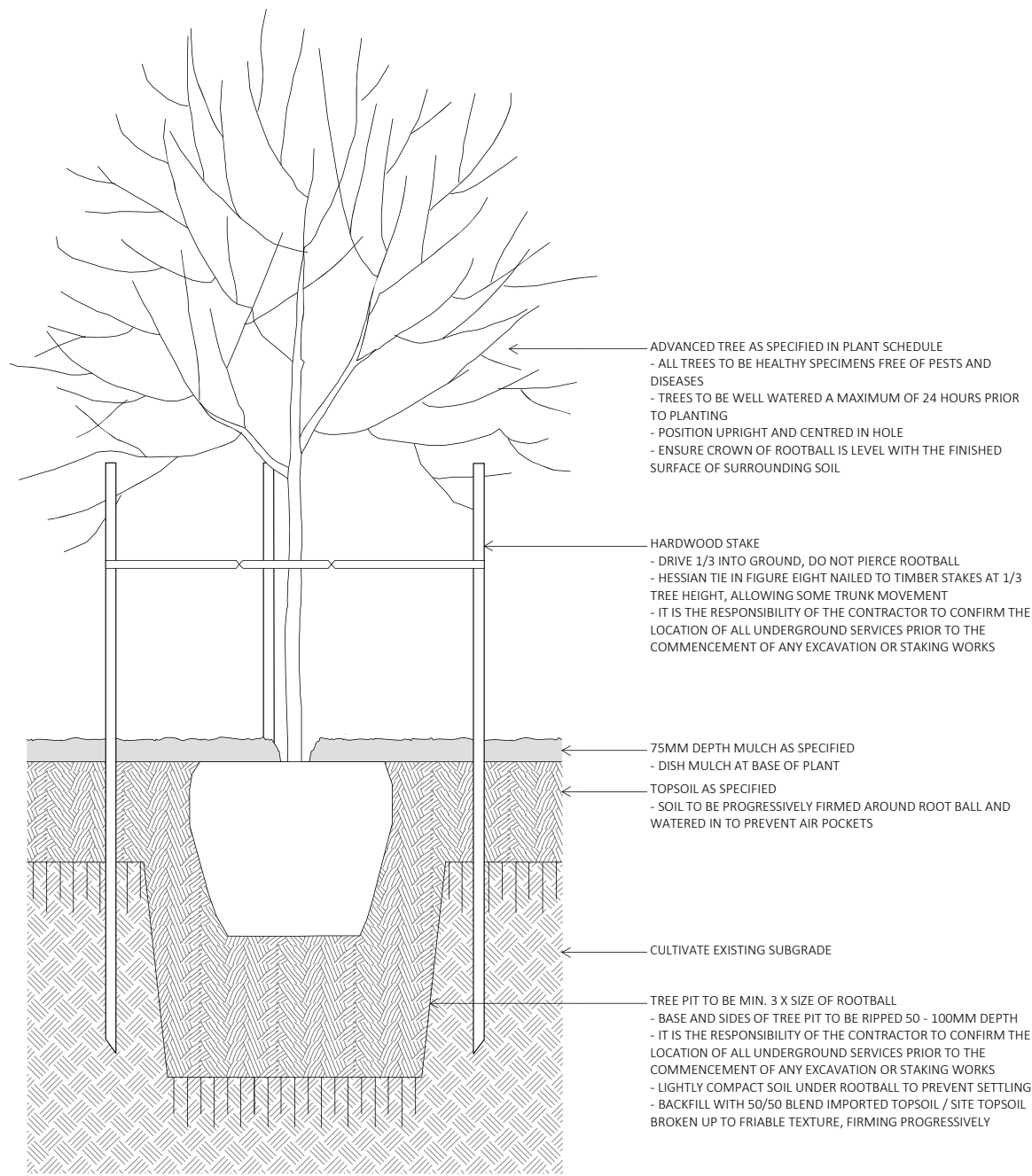
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Application No: DA-283/2019

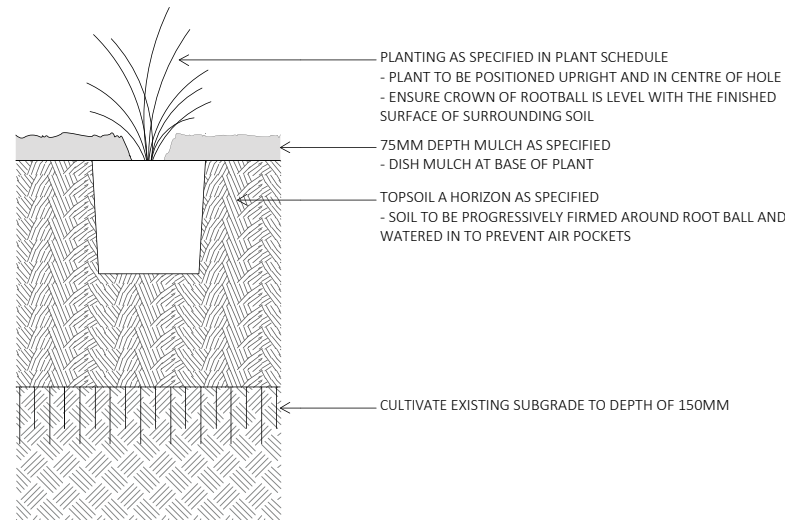
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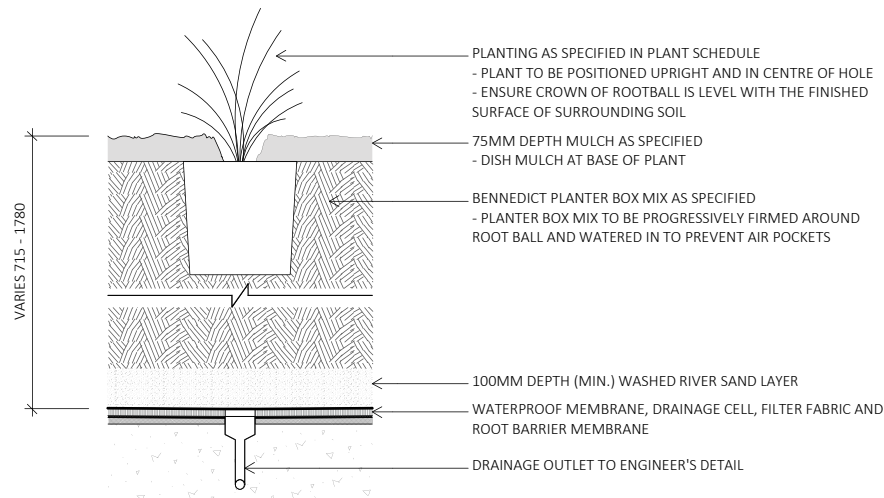
AMENDED PLANS



1
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SCHEMATIC TREE PLANTING TO DEEP SOIL
1:20



2
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SCHEMATIC SHRUB PLANTING TO DEEP SOIL
1:20



3
-
SCHEMATIC PLANTING TO SLAB / PLANTER
1:20

- NOTES - PLANTING
- LANDSCAPE DESIGNER TO SET OUT PLANT MATERIAL
 - PLANT QUANTITIES TO BE CONFIRMED BY LANDSCAPE DESIGNER AT TIME OF CONSTRUCTION
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ASSOCIATES

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PHONE 0499 589 199
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19A GARDYNE STREET
BRONTE

LANDSCAPE DA DOCUMENTATION
SCHEMATIC PLANTING DETAILS

DRAWING NO.
LDA-05

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1:20@A3

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DATE
08.08.2019
22.11.2019
10.01.2020

ISSUE
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REASON FOR ISSUE
REVIEW
REVIEW
DA

DESIGNED
C. OWEN

DRAWN
E. ROWE, C. LEE

CHECKED
C. OWEN

DATE
10.01.2020

86



Report to the Waverley Local Planning Panel

Application number	DA-354/2019
Site address	29 Read Street, BRONTE
Proposal	Alterations and additions to existing dwelling including new first floor addition and garage to Read Lane.
Date of lodgement	30 October 2019
Owner	Mr A C & Mrs L A Ugarte-Carral
Applicant	David Fleeting Architects
Submissions	Nil
Cost of works	\$847,550
Issues	Height of Building, FSR, Wall Height, Terraced Balcony
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 28 November 2019.

The site is identified as Lot X in DP 106258, known as 29 Read Street, BRONTE. The site is rectangular in shape with a northern street frontage of 6.145m, a southern rear boundary to Read Lane of 6.19m, a western side boundary of 34.165m and an eastern side boundary of 32.22m. The site has an area of 207.2m² and falls from the north to the south by approximately 2.55m.

The site is occupied by a two storey semi-detached dwelling with vehicular access provided from Read Lane to a hardstand parking space.

The subject site is adjoined by a semi-detached dwelling (attached to the subject site) to the east and a detached dwelling to the west. The locality is characterised by a variety of residential developments, including semi-detached and detached dwellings as well as residential flat buildings.



Figure 1: Site viewed from Read Street.



Figure 2: Site viewed from private open space, looking towards the rear of the dwelling.

1.2 Relevant History

LD-567/2001

Construction of a skylight and a deck at the rear of the ground floor level

Approved: 11 September 2001

DA-587/2014

Alterations and additions including a first floor and rear double car garage with terrace above.

Approved (deferred commencement): 07 May 2015

However, this consent expired on 07 May 2016, as the deferred commencement was not satisfied. The deferred commencement specified:

Condition 1 of DA-587/2014:

The tree in the rear backyard of the neighbouring property at No. 27 Read Street (Ficus sp) appears to be within the zone of proposed additions (i.e. substantially overhanging the boundary) and is covered by Waverley Council's Tree Preservation Order.

Therefore, a detailed arboricultural impact assessment report is to be submitted to Council assessing the impact of the proposed construction will have on the tree (Ficus sp) located at the rear of 27 Read Street. The report is to be prepared by a qualified consultant Arborist (AQF Level 5) to the requirements as stated in Appendix 2.2 of Council's Tree Management Policy 2013 and must include root mapping of the tree.

Should the report conclude that pruning or other works are required to facilitate the construction of the development, separate consent from Council by way of a Tree Permit Application is to be submitted for consideration. This Tree Permit application cannot be submitted without the owner's consent of the property in which the tree is located, nor can any works (pruning or the like) occur on the tree without that owners consent (no. 27 Read Street).

Neighbouring property - 31 Read St, BRONTE (DA-273/2014)

Alterations and additions including a first floor and rear double car garage with terrace above.
Approved: 14 November 2014

1.3 Proposal

The Development Application is for alterations and additions to the existing dwelling including a new first floor addition with balcony and pergola, double garage accessed from Read Lane with terrace above and extension to the ground level. The proposed works are to match those of the adjoining semi-detached dwelling at 31 Read street.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans (DCPs).

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination on the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone (Low Density Residential)	Yes	The proposal is defined as a semi-detached dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No. Clause 4.6 submitted.	The development will have an overall height of 9.05m. The proposal exceeds the development standard by 0.55m or 6.5%.
4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> $(((550 - 207.2) \times 0.0011) + 0.5):1$ 0.88:1 or 181.7m² 	No. Clause 4.6 submitted.	The development will have a GFA of: Basement: 49.1m ² Ground Floor: 98.4m ² First Floor: 59.9m ² TOTAL: 207.4m ² LOT SIZE: 207.2m ² FSR: 1:1 The proposal exceeds the development standard by 25.7m ² or 14.1%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by two separate written requests pursuant to clause 4.6 of Waverley LEP 2012 to vary the Height of Buildings and Floor Space Ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is in acid sulfate soils class 5, however the proposed development is not likely to disturb, expose or drain acid sulfate soils and cause environmental damage.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

Clause 4.6 Exceptions to Development Standards - Height of Building

The application seeks to vary the Height of buildings development standard in Clause 4.3.

The site is subject to a maximum building height control of 8.5m. The proposed development has a maximum building height of 9.05m, exceeding the standard by 0.55m equating to a 6.5% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel (WLPP) for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of building development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The underlying objectives, specifically those stated in clauses 4.3(1)(a) and 4.3(1)(d) (of WLEP 2012) would be not be enhanced if compliance was required as the attached dwellings would appear to be physically incomplete and no longer positively compliment and contribute to the physical definition and character of the street and neighbouring developments;*
 - (ii) *The West Elevation and Street Elevation also show that objectives for a compatible bulk, scale and streetscape are also maintained as the building height does not exceed the limitation at street view; and*
 - (iii) *This development is also a part of the R2 Low density residential zone. The non-compliance of the building height clause, in this circumstance does not inhibit or depart from the objectives of the relevant zone or standard, making this development in the public interest and an appropriate proposal.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The non-compliance is due to a sloping site;*
 - (ii) *No significant overshadowing;*
 - (iii) *No significant loss of privacy;*
 - (iv) *No significant view loss;*
 - (v) *The proposal completes its logical pairing with its neighbouring attached dwelling, matching its height, bulk and scale, as well as the desired character of the locality; and*
 - (vi) *The strict adherence to the height control would result in an awkward roof-shape resolution that adds an un-necessary complexity to the dwelling.*

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- d) *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- e) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the Height standard referencing that the development would not result in significant impacts to the locality or the amenity of neighbouring properties. The applicant states that the proposal would compliment the adjoining semi-detached dwelling at 31 Read Street by constructing a first floor addition that mirrors the approved and built neighbouring first floor addition.

Is the development in the public interest?

The proposed development is considered to be in the public interest because it is consistent with both the objectives of the height development standard and the objectives for development within the zone in which the development is proposed to be carried out including:

Objective of R2 Zone

- a) *To provide for the housing needs of the community within a low density residential environment.*

Comment

The proposed development achieves housing needs for the community within a low density residential environment. Although the proposed development contravenes development standards outlined within the Waverley LEP 2012, the proposed development is considered acceptable as it will result in a similar bulk and scale to the neighbouring semi-detached dwelling at 31 Read St.

Clause 4.3, Objective (a)

- b) To establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*

Comment

The proposed height of the dwelling is considered acceptable as it is limited to the height of the approved and constructed dwelling at 31 Read Street. With the proposed works maintaining this height, the proposed development would result in a consistent pair of semi-detached dwellings that are interconnected.

Clause 4.3, Objective (d)

- c) To ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

Comment

The proposed alterations and additions have been appropriately designed to replicate the approved and constructed works at 31 Read Street. The proposal demonstrates compatibility with the surrounding development in height, bulk and scale and positively complements and contributes to the streetscape.

Conclusion

For the reasons provided above, the requested variation to the height of building is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings and the Low Density Residential Zone.

Clause 4.6 Exceptions to Development Standards - Floor Space Ratio

The application seeks to vary the FSR development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.88:1. The proposed development has a FSR of 1:1, exceeding the standard by 25.7m², equating to a 14.1% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the WLPP for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the FSR development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- (i) *In relation to objective (b) (clause 4.4 of the WLEP 2012) 'to provide an appropriate correlation between maximum building heights and density controls'. The LEP specifies a maximum building height of 8.5 metres, and the proposed building extends to a maximum height of approximately 9.05 metres.*

Accordingly, the numerical variation to the FSR control is not associated with, or related to, a variation to the building height control.

- (ii) *In relation objective (c) (clause 4.4 of the WLEP 2012) 'to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality'. The site is located within an established urban neighbourhood characterised by a wide variety of attached and detached dwellings, semi-detached dwellings and multi-storey residential flat buildings.*

The existing buildings extend across multiple development eras, contributing to an eclectic mix of building forms and architectural styles.

The height, bulk and scale of the building when viewed from the public domain will not be antipathetic to the existing buildings in the locality, or visually jarring when viewed from either the public domain or the adjoining properties.

- (iii) *In relation to objective (d) (clause 4.4 of the WLEP 2012) 'to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality'. The proposed development will not impose any significant or unreasonable impacts on the amenity of surrounding land in terms of the key considerations of visual bulk, overshadowing, loss of privacy or loss of views.*

- (iv) *This development is also a part of the R2 Low density residential zone. The non-compliance of the FSR clause, in this circumstance does not inhibit or depart from the objectives of the relevant zone or standard, making this development in the public interest and an appropriate proposal.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) *The bulk and scale are also controlled through the FSR as a large part of the FSR is at the lower ground level (see diagram on page 6 of Clause 4.6 variation). The design of the development directly ensures that the relevant underlying objectives of the standards stated above, particularly, CL4.4(1)(b), CL4.4(1)(c) and CL4.4(1)(d) are achieved notwithstanding non-compliance.*

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- d) *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- e) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard, referencing that the exceedance in FSR is located predominantly at lower ground level and the proposed development would not affect the amenity of the area, and the CL4.4(1)(b), (c) and (d) objectives are achieved.

Is the development in the public interest?

The proposed development is considered to be in the public interest because it is consistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out including:

Objective of R2 Zone

- a) *To provide for the housing needs of the community within a low density residential environment.*

Comment

The proposed development achieves housing needs for the community within a low density residential environment. Although the proposed development contravenes development standards outlined within the Waverley LEP 2012, the proposed development is considered acceptable as it would result in a similar bulk and scale to the neighbouring semi-detached dwelling at 31 Read St.

Clause 4.4, Objective (b)

- b) *To provide an appropriate correlation between maximum building heights and density controls,*

Comment

The bulk and scale of the proposed alterations and additions would mirror that of 31 Read St. The proposed development achieves an acceptable height (as discussed above) and has adequately achieved an appropriate density for the R2 zone.

Clause 4.4, Objective (c)

- c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*

Comment

The proposed development is compatible with bulk, scale and streetscape. The dwelling relates well to the adjoining semi-detached dwelling at 31 Read St. It is to be noted that a large portion of floor space is located at the basement level and cannot be seen from the streetscape, nor would it add to the overall bulk and scale of the dwelling.

Clause 4.4, Objective (d)

- d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

Comment

The proposed development has limited its bulk and scale to that of the approved and constructed works at 31 Read St. In addition, the scale of the development is respectful of the neighbouring property in terms of privacy and overshadowing.

Conclusion

For the reasons provided above, the requested variation to the FSR is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012. The proposed development would be in the public interest because it is consistent with the objectives of FSR and the Low Density Residential Zone.

2.1.4 Waverley Development Control Plan 2012 (Amendment 6)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management Plan has been submitted with the application to address waste disposal during construction. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	A BASIX certificate has been submitted with the application which satisfactorily addresses this part of the DCP.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	The landscaping plan has been reviewed and is considered acceptable. It maintains as much existing vegetation as possible and is cohesive with the site and streetscape.
5. Tree preservation	Yes. Subject to condition.	<p>The application will result in the pruning of the existing <i>Ficus benjamnina</i> (Weeping Fig), located at the neighbouring property of 27 Read Street.</p> <p>The pruning is permitted subject to a supervising arborist (AQF Level 5) being present on site to supervise the pruning of the Weeping Fig.</p> <p>The application has been accompanied by written consent from one owner of 27 Read Street. A condition of consent is recommended to require that consent be sought from both registered owners of this site for the pruning works to the subject tree.</p>
6. Stormwater	No. Condition recommended	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.
8. Transport		
8.1 Streetscape	Yes	The off-street parking space is accessed from Read Lane and is considered acceptable given the precedence of the streetscape of off-street parking.
8.2 On-Site Parking	-	The subject site is located in parking zone 2.
8.2.1 Vehicle Access	Yes. Condition recommended	The proposed garage meets the rear boundary, resulting in no driveway being required. A condition of consent is recommended relating to the cross over.
8.2.2 Car Parking Provision Rates	Yes	The development proposes two off-street parking spaces, which is permitted with consent.
12. Design Excellence	Yes	The proposed development has been designed to correlate with the approved and constructed alterations and additions at 31 Read Street. The design of the building is supported given it will result in better cohesion between the two dwellings.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a “Semi-detached dwelling” in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Pitched Roof dwelling house <ul style="list-style-type: none"> • Maximum external wall height of 7m 	No. However, considered acceptable.	<p>The development will have a wall height of 7.9m.</p> <p>Although the development exceeds the maximum wall height control, it is considered acceptable as it will be at a similar Reduced Level (RL) to that of No. 31. This similar wall height will result in a pair of semi-detached dwellings that relate well to one another.</p> <p>In addition, the breach to the wall height control would not result in unreasonable overshadowing to the neighbouring property.</p>
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	The front and rear setbacks of the semi-detached dwelling will reflect the setbacks of the attached semi-detached dwelling at 31 Read Street.
2.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 0.9m 	No. However, considered appropriate.	<p>The alterations and additions will result in the following setbacks to the western side of the dwelling:</p> <p><u>Basement:</u> 0.8m (this setback is to remain as existing).</p> <p><u>Ground Floor:</u> 0.8m (this setback is to maintain the existing side setback to the rear addition).</p> <p><u>First Floor:</u> 0.8m</p> <p>The proposed addition is to maintain the existing side setback. This minor breach to the</p>

Development Control	Compliance	Comment
		<p>side setback is supported as it will not affect shadowing to 27 Read St.</p> <p>The garage fronting Read Lane will have a nil side setback. However, this is considered acceptable as it is the precedence of the streetscape and will be similar to the rear garage at 31 Read St.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. 	Yes	The development is considered to have an appropriate streetscape and visual impact as it is designed to replicate the neighbouring dwelling at 31 Read Street.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	<p>Yes. Condition recommended to be imposed.</p> <p>No. However acceptable.</p>	<p>Two elevated balconies are proposed. At first floor, a balcony is proposed to the rear with a depth of 1.4m and area of 4.8m² which complies with the Waverley DCP 2012. To ensure visual privacy is achieved, a condition is recommended requiring a privacy screen to either side of the first floor balcony, to a height of 1.8m. It is noted that a pergola is also proposed to match No. 31.</p> <p>The elevated terrace over the garage exceeds the 10m² control, with dimensions of 4.7m x 3.8m and a total area of 17.86m². However, this is considered appropriate as it would be of a similar size and location to the approved and constructed terrace at No. 31.</p> <p>The outdoor terrace is surrounded by planters, which set back the terrace appropriately from the side and rear boundaries. The design is to match No. 31.</p> <p>The proposed external stairs are acceptable as they are similar to the approved and constructed at No. 31.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas 	Yes	The dwelling and adjoining properties are orientated north with the front of the dwellings receiving the most amount of sunlight. The rear of the dwelling, being the principle open space,

Development Control	Compliance	Comment
<p>and principal open space areas on 21 June</p> <ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 		<p>is south facing and therefore does not receive significant solar access. The proposal; however, does not further impact the private open space or living areas to an unacceptable level.</p>
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	Yes. Condition recommended	<p>Parking is accessed from Read Lane. The proposed double garage is designed to be constructed to reflect the approved garage at No. 31. A condition is recommended that the RL's of the garage and associated terrace above match.</p>
<p>2.8.2 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	<p>Two proposed car parking spaces are acceptable.</p>
<p>2.8.3 Location</p> <ul style="list-style-type: none"> Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	<p>Car parking is accessed from Read Lane. The location of the garage is supported as it is accessed via the rear lane.</p>
<p>2.8.4 Design</p> <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area & appearance to the design of the residences 	Yes	<p>The proposed garage, which fronts the rear lane will match the constructed rear lane garage of No. 31.</p>

Development Control	Compliance	Comment
<p>and maintain the existing front roof slope</p> <ul style="list-style-type: none"> Additions to be located a minimum of 1m behind the front main gable Limit the rise of the interface with adjoining semi-detached dwelling to 600mm First floor additions should match the style of the additions on the adjoining semi (if relevant). 		
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling Historic features of the roofscape are to be incorporated into the addition New windows to have a similar proportion to the existing Upper wall finishes to reflect the style & character of the original building. 	Yes	Although the finishes of the development differ from the adjoining semi-detached dwelling, it is considered acceptable as it would differentiate the two dwellings from one another whilst providing a cohesive built form when viewed from the Read Street frontage.
2.14 Dual Frontage Development		
<p>2.14.2 - Laneway Design Provisions</p> <ul style="list-style-type: none"> Maximum external wall height of 3.6m Maximum overall height of 6m to the roof ridge Gable ends not encouraged Pitched roof form required 	Yes	The wall height of the proposed garage does not exceed 3.6m, and the overall height of the rear lane garage does not exceed 6m. The structure is proposed with landscaped beds on and around the eastern, southern and western boundaries to enhance the streetscape and provide privacy and amenity.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Landscape character of the lane maintained External stairs not acceptable Garages to employ gable ended and hipped roof forms with continues roof pitch from outer walls to ridgeline 		

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

Conditions of Consent

This DA is proposed to be constructed to be consistent in built form to the neighbouring dwelling at 31 Read St. The subject DA proposes the same design that was previously approved under DA-587/2014, however the consent on this DA expired 7 May 2016. To maintain consistency between the current DA, the previously approved DA relating to the subject site (DA-587/2014) and the adjoining semi-detached dwelling at 31 Read Street (DA-273/2014), the General Modification Conditions specified under DA-273/2014 (neighbouring property) and DA-587/2014 (subject site) are reviewed below to determine whether the conditions are applicable to the subject DA.

DA-273/2014 – 31 Read St, BRONTE	
Conditions	Applicable to Subject DA
2(a) <i>The front section of the roof over the first floor addition (approximately for a distance of 8.8m) prior to the stepping down of the roof towards the rear to be of tile construction to match the adjoining semidetached dwelling;</i>	This portion of the roof will not be identified from the streetscape. Therefore, this condition is not recommended for the subject site.
2(b) <i>The garage being reduced in height to a maximum height of 2.4m plus a BCA compliant parapet/ planter.</i>	The proposed garage is of a height that complies with the laneway development provisions under the Waverley DCP 2012. However, to ensure consistency, a condition is recommended that the garage floor and associated terrace is to be constructed to the same RL as No. 31.
2(c) <i>The first floor rear balcony being reduced to a maximum usable depth of 1500mm, in accordance with Council's DCP requirement.</i>	The first floor rear balcony is of a size that complies with the Waverley DCP 2012 and generally matches No. 31. Therefore, this condition is not required.
2(d) <i>An 1800mm high privacy screen to be provided to the western side of the rear first floor terrace.</i>	Agreed. A condition is recommended that a privacy screen is to be constructed to either side of the rear balcony.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions of consent being imposed.

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

No submissions were received.

2.5 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

3.1 Trees, Clean and Attractive Waverley

An internal referral was sought from Council's Tree Officer who supported the pruning of the *Ficus benjamina* (Weeping Fig) tree, subject to a supervising arborist (AQF Level 5) being present on site to supervise the pruning of the tree. A condition of consent is recommended to reflect this advice.

3.2 Traffic, Creating Waverley

An internal referral was sought from Council's Traffic Engineer who supported the application subject to conditions of consent.

3.3 Stormwater, Creating Waverley

An internal referral was sought from Council's Stormwater Engineer who was not supportive of the stormwater plans submitted. Conditions of consent are recommended to address Council's stormwater requirements.

4. SUMMARY

The application is for alterations and additions to a semi-detached dwelling including the construction of a double garage, accessed from a rear lane with terrace above and a new first floor addition.

The proposed development exceeds the Height of Building and FSR controls; however, a well-founded Clause 4.6 was submitted, which is considered to adequately address the relevant sections of Clause 4.6 of the Waverley LEP 2012.

The proposed development also exceeded wall height and breached side setback controls; however, the proposed development is designed to reflect the constructed development at 31 Read Street and therefore the contravention to the Waverley DCP 2012 is supported.

Conditions of consent are recommended for the development to maintain consistency between the two adjoining dwellings and to also protect the amenity of neighbouring properties.

The application received no submissions.

The application is recommended for approval.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**

Joseph Somerville
Development Assessment Planner
Date: 20 January 2020

Bridget McNamara
Manager, Development Assessment (South)
Date: 20 January 2020

Reason for referral:

- 1 Departure from any development standard in an EPI by more than 10%

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by David Fleeting Architects as follows:

Plan description	Revision No / Date	Date received by Council
Proposed Site Plan (A-B02)	Rev 2 / 29/10/2019	30/10/2019
Proposed Basement / Garage Level (A-F01)	Rev 2 / 29/10/2019	30/10/2019
Proposed Ground Floor Plan (A-F02)	Rev 2 / 29/10/2019	30/10/2019
Proposed Upper Floor Plan (A-F03)	Rev 2 / 29/10/2019	30/10/2019
Proposed Roof Plan (A-F04)	Rev 2 / 29/10/2019	30/10/2019
Proposed Long Section (A-G01)	Rev 2 / 29/10/2019	30/10/2019
Proposed Cross Section (A-G02)	Rev 2 / 29/10/2019	30/10/2019
Proposed Street Section (A-G03)	Rev 2 / 29/10/2019	30/10/2019
Proposed Garage Section (A-G04)	Rev 2 / 29/10/2019	30/10/2019
Proposed Street Elevation (A-H03)	Rev 1 / 29/10/2019	30/10/2019
Proposed North and South Elevations (A-H04)	Rev 2 / 29/10/2019	30/10/2019
Proposed West Elevation (A-H05)	Rev 2 / 29/10/2019	30/10/2019
Landscape Plan Ground Level (A-J04)	Rev 1 / 29/10/2019	30/10/2019
Landscape Plan Basement Level (A-J05)	Rev 1 / 29/10/2019	30/10/2019

(b) BASIX Certificate;

(c) Letter prepared by Naturally Trees and dated 03 June 2016, and received by Council on 30/10/2019

(d) Schedule of external finishes and colours received by Council on 30/10/2019; and

(e) The Site Waste and Recycling Management Plan (SWRMP), Part 1 dated 30 October 2019.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) Privacy screens are to be provided on the side elevations of the rear first floor balcony and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material and be 1.8m high when measured from the finished floor level of the balcony.

- (b) The proposed garage, outdoor terrace and associated planters are to be constructed to the same RL as the approved and constructed garage, outdoor terrace and associated planters as 31 Read Street, BRONTE (DA-273/2014).

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. PRUNING OF FICUS BENJAMNINA (WEEPING FIG)

Prior to any pruning of the *Ficus Benjamina* (Weeping Fig), written consent is required from **ALL** landowners of 27 Read Street, BRONTE and must be provided to the Principal Certifying Authority.

A supervising arborist (AQF Level 5) must be present on site to supervise the pruning of the *Ficus benjamina* (Weeping Fig)

4. APPROVED USE - DWELLING HOUSE

This application approves the use of the building on the site for a single dwelling house only.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

5. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979 and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000 and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

6. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

7. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
 - (1) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (2) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
 - (a) A development valued at \$100,000 or less will be exempt from the levy.
 - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$21,525.00** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit

9. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

10. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

11. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book).

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

13. ENGINEERING CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions.

14. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, written consent of all owners of all properties upon which work will take place has been obtained.

15. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

16. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT (CVPPM)

Prior to the issue of a Construction Certificate, the applicant is to submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.

Note:

- (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.

- (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

17. LONG SECTIONS OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Read Lane carriageway, the kerb and gutter, and the garage floor.
- (c) Include existing and design levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show paving on the garage floor at entry being sloped to follow the longitudinal fall on the Council's concrete gutter at all points across the door opening.

18. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

19. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

A completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is also required.

20. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

21. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

22. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

23. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

24. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014.

25. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) Sundays and public holidays;
- (b) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

26. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

27. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

28. CERTIFICATE OF SURVEY – LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

30. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

31. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed garage. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

32. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

33. STORMWATER MANAGEMENT

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified Hydraulic Engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

34. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application. This information does not form part of the conditions of development consent.

1. SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

4. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

5. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

6. WORK OUTSIDE PROPERTY BOUNDARY

These consent does not authorise any work outside the property boundary.

THE FOLLOWING IS A LIST OF ALL BASIX COMMITMENTS TO WHICH THE ARCHITECTURAL DRAWINGS IN THIS DEVELOPMENT APPLICATION FOR 29 READ STREET ADHERE TO.

All Drawings are listed on sheet A02 - CONTENTS AND LOCATION



Alterations and Additions

Certificate number: A207235_02

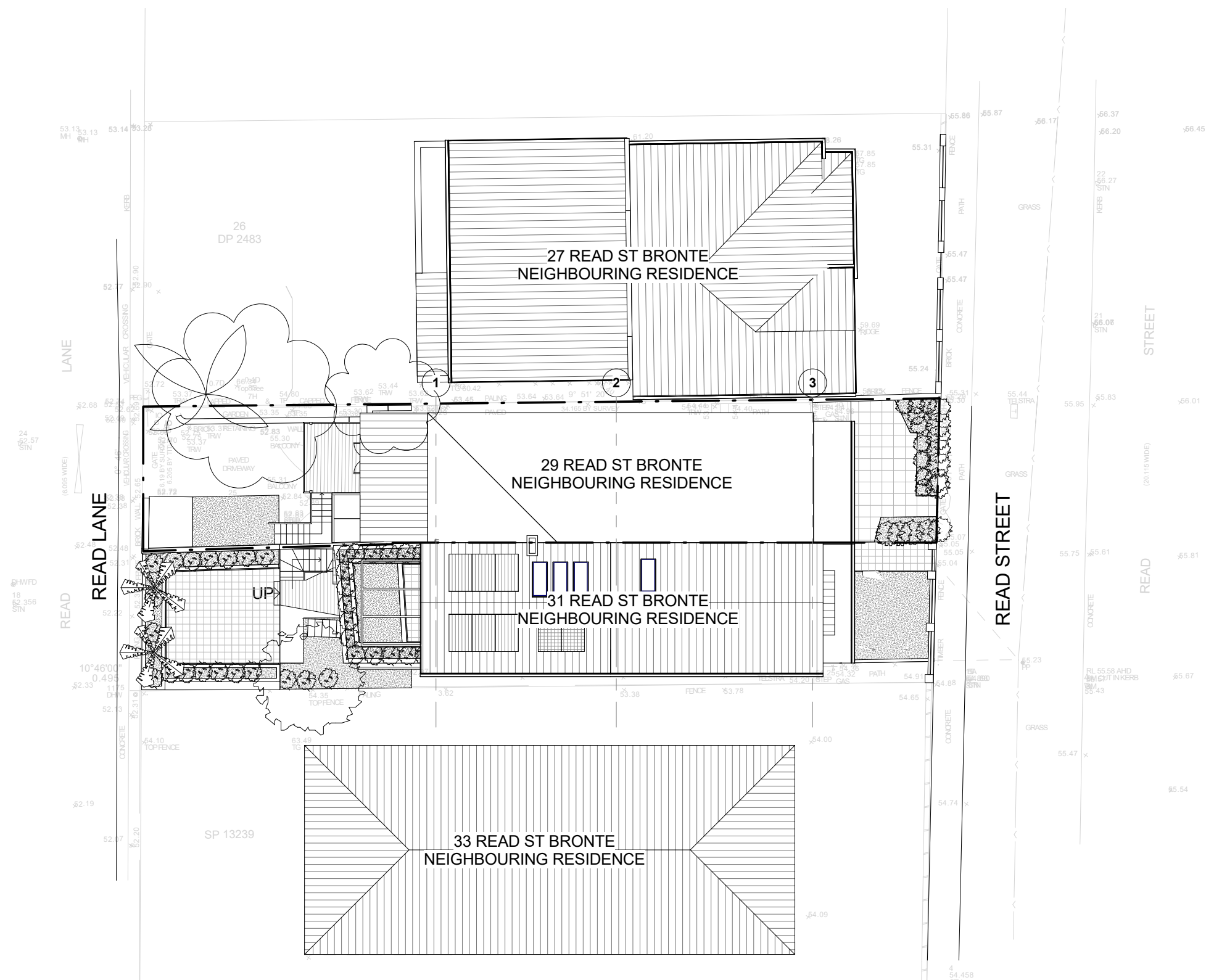
Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: IDarch
ABN (if applicable): 95524388916

Project address	
Project name	Ugarte Residence_02
Street address	29 Read Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Deposited Plan 106258
Lot number	X
Section number	
Project type	
Dwelling type	Attached dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Hot water			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications	
concrete slab on ground floor.	nil		
suspended floor with open subfloor: framed (R0.7).	R0.8 (down) (or R1.50 including construction)		
floor above existing dwelling or building.	nil		
external wall: cavity brick	nil		
external wall: brick veneer	R1.16 (or R1.70 including construction)		
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		
flat ceiling, pitched roof	ceiling: R3.00 (up), roof: foil/sarking	dark (solar absorptance > 0.70)	
raked ceiling, pitched/skillion roof: framed	ceiling: R3.00 (up), roof: foil/sarking	dark (solar absorptance > 0.70)	
flat ceiling, flat roof: framed	ceiling: R3.00 (up), roof: foil/sarking	dark (solar absorptance > 0.70)	

Glazing requirements		Show on DA Plans	Show on CC Plans & specs	Certifier		
Date Received						
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.		✓	✓	✓		
The following requirements must also be satisfied in relation to each window and glazed door:			✓	✓		
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.			✓	✓		
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.			✓	✓		
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.		✓	✓	✓		
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.			✓	✓		
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.			✓	✓		
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.			✓	✓		
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.		✓	✓	✓		
Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type	
WG01	S	13.2	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
WG02	W	2.1	0	0	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
WG03	W	2.8	4.1	1.7	none	5.71, SHGC: 0.66) timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
WG04	W	1.7	4.2	1.7	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
WG05	W	0.6	1.3	1.7	external louvre/blind (adjustable)	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
WG06	W	0.8	1.9	1.95	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WG07	N	3.6	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WF01	S	8	0	0	eave/verandah/pergola/balcony >=600 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
WF02	W	1.1	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WF03	W	1.1	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WF04	W	1.1	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WF05	W	1.1	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WF06	W	1.1	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WF07	W	1.1	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WF08	W	0.4	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
WF09	N	3.2	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
WF10	E	0.4	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
Skylights						
The applicant must install the skylights in accordance with the specifications listed in the table below.		✓	✓	✓		
The following requirements must also be satisfied in relation to each skylight:			✓	✓		
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.			✓	✓		
Skylights glazing requirements						
Skylight number	Area of glazing inc. frame (m2)	Shading device		Frame and glass type		
S1	0.77	no shading		timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)		



Rev.	Date	Revision Description
1	05-12-2014	DEVELOPMENT APPLICATION
	07/05/2015	DEVELOPMENT APPLICATION APPROVAL - DA - 587/2014
2	29/10/2019	DEVELOPMENT APPLICATION RE-ISSUE

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IF CONTRADICTIONS OCCUR CONTACT
THE ARCHITECT



Residence
Andrew & Linda Ugarte
29 Read Street
Bronte NSW

Drw: RF
Chk: DF

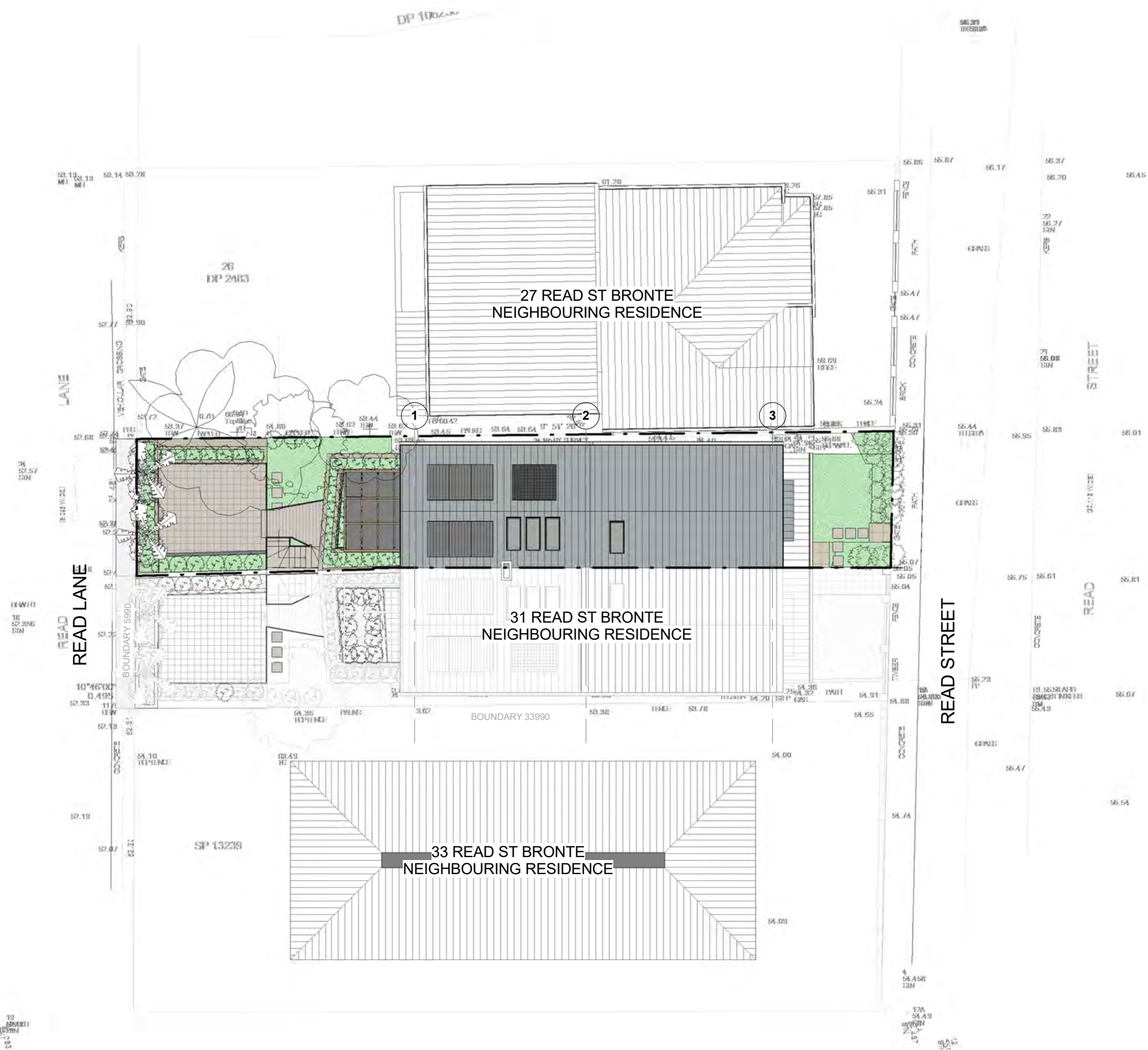
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EXISTING SITE PLANS

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DA	A- B01	2

DA RE-ISSUE



DAVID FLEETING
ARCHITECTS
PO BOX 364 WAVERLEY NSW 2024
AUSTRALIA
M: 0407 414 755
E: david@dfarchitects.com.au
ARCHITECT PTY LTD TRADING AS DAVID FLEETING ARCHITECTS ABN 565167945
Nominated Architect: DAVID FLEETING NSW ARB5145

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1	05-12-2014	DEVELOPMENT APPLICATION
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29 Read Street
Bronte NSW

Drw: RF
Chk: DF

Proj Date:

PROPOSED SITE PLAN

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Dwg Set Drawing Number

DA

A-

B02

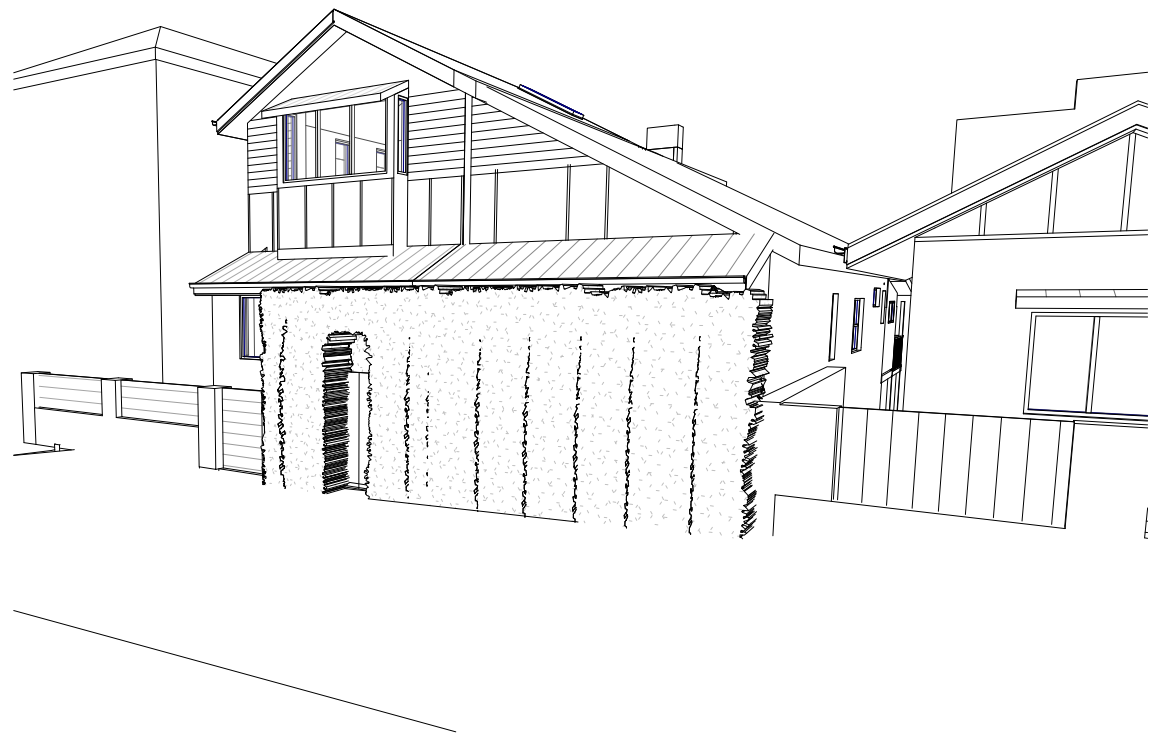
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2

DA RE-ISSUE



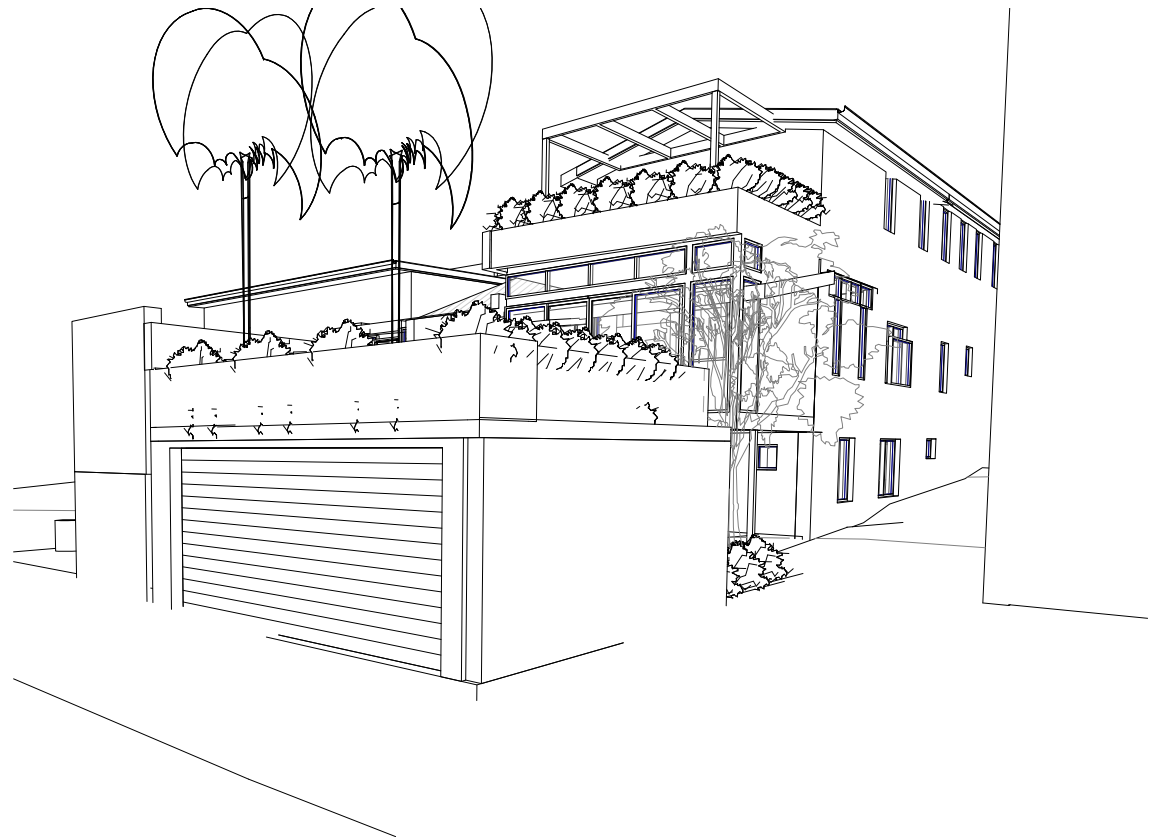
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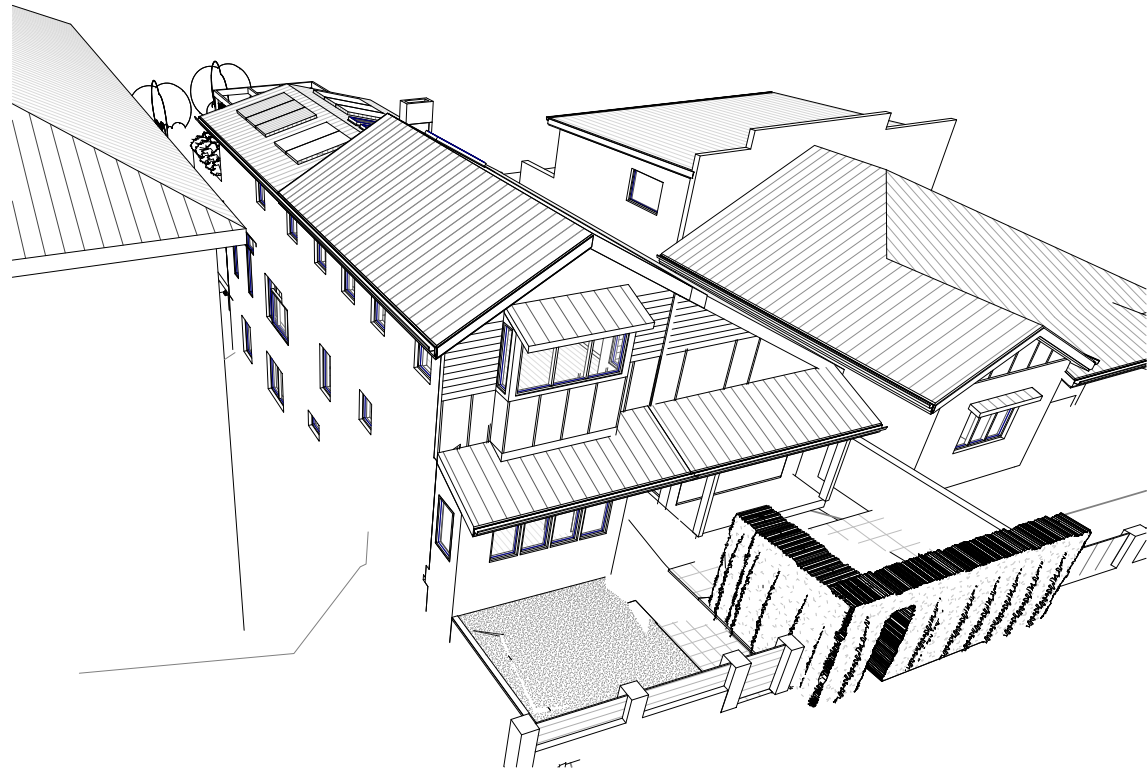
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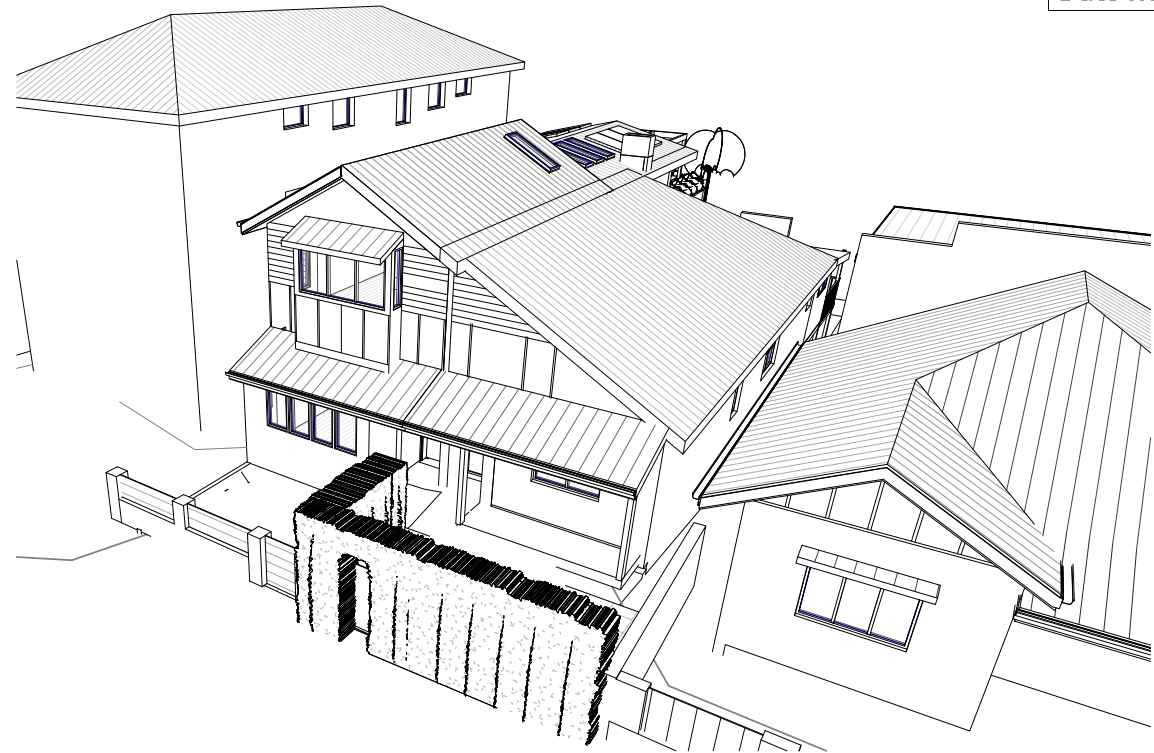
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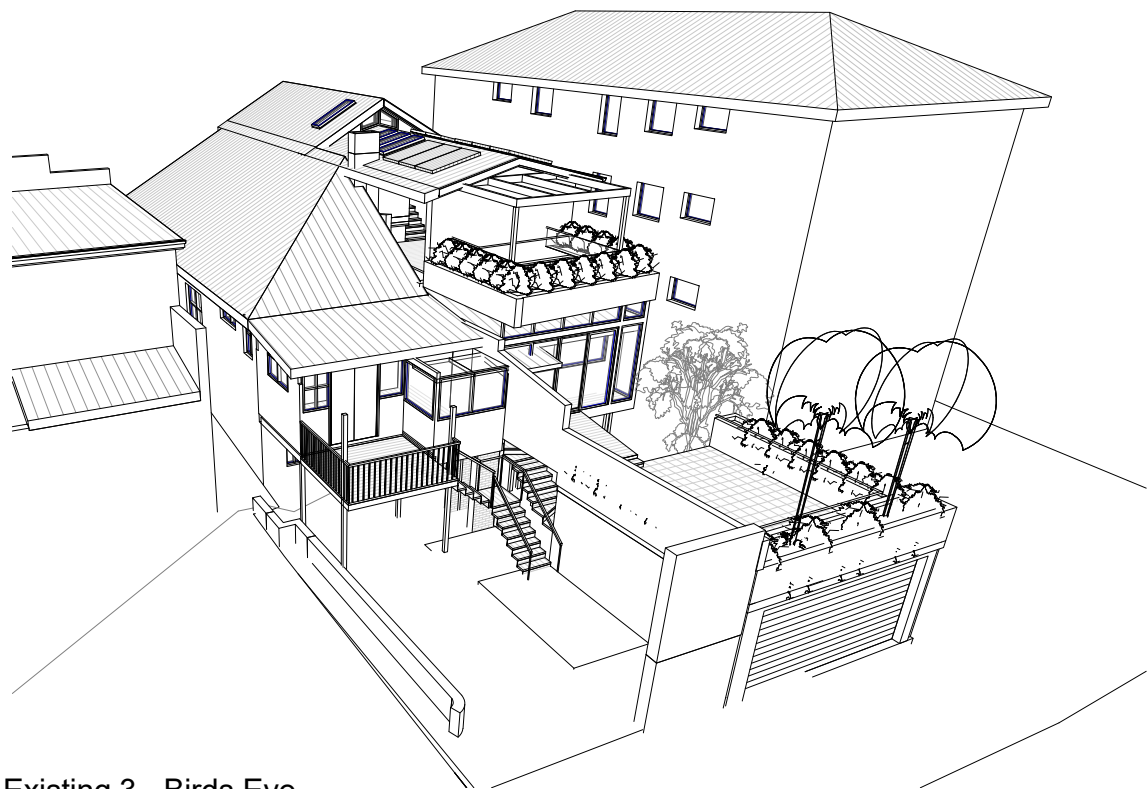
4 Existing 4 - Eye Level



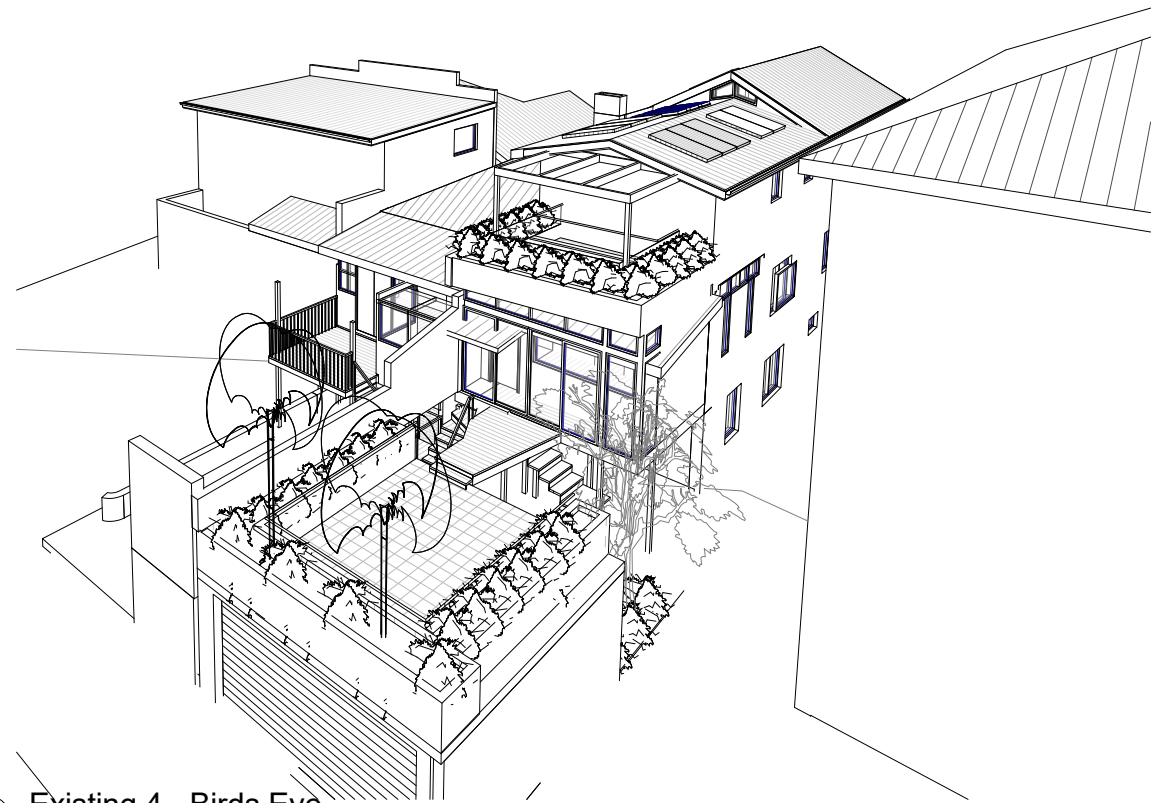
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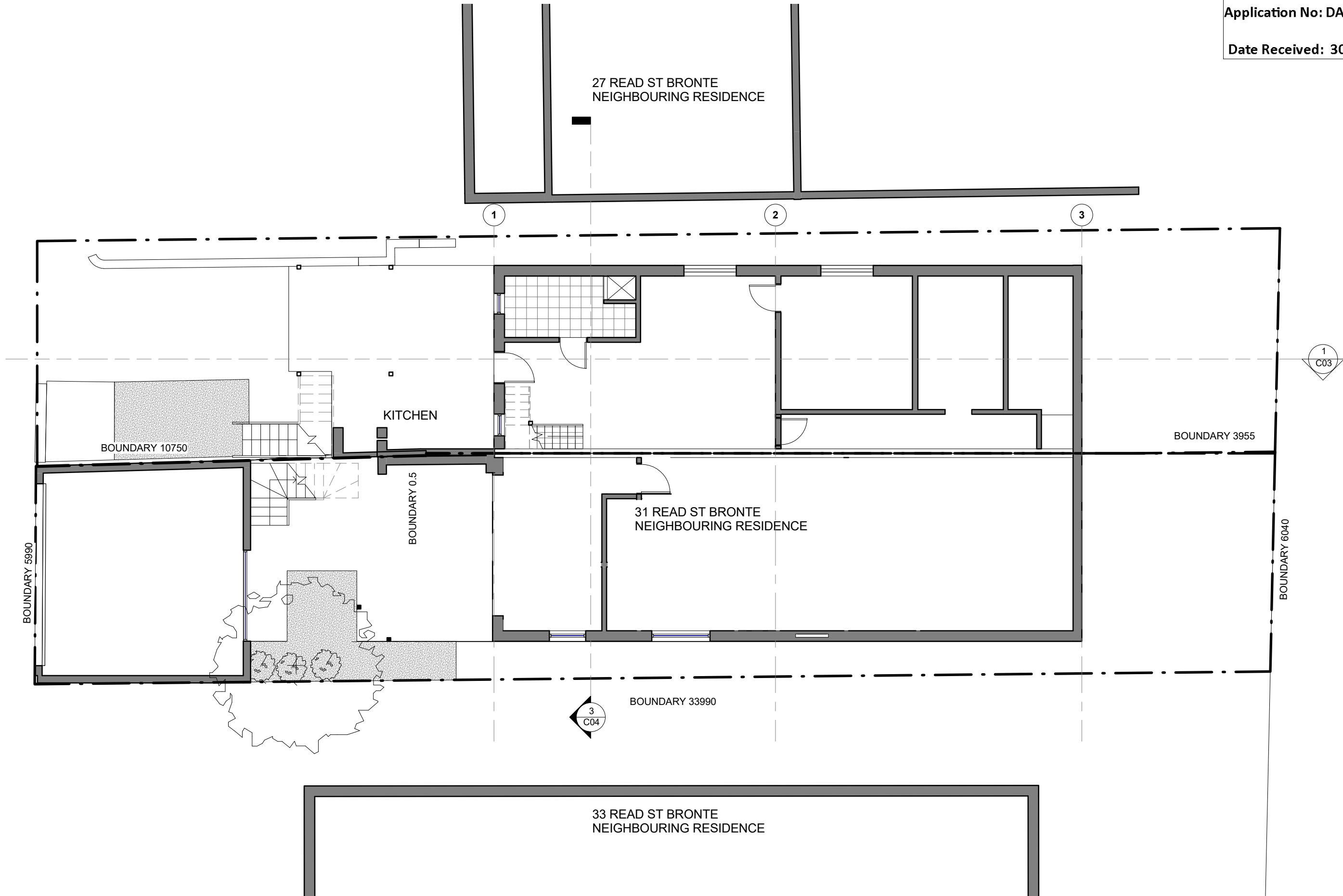
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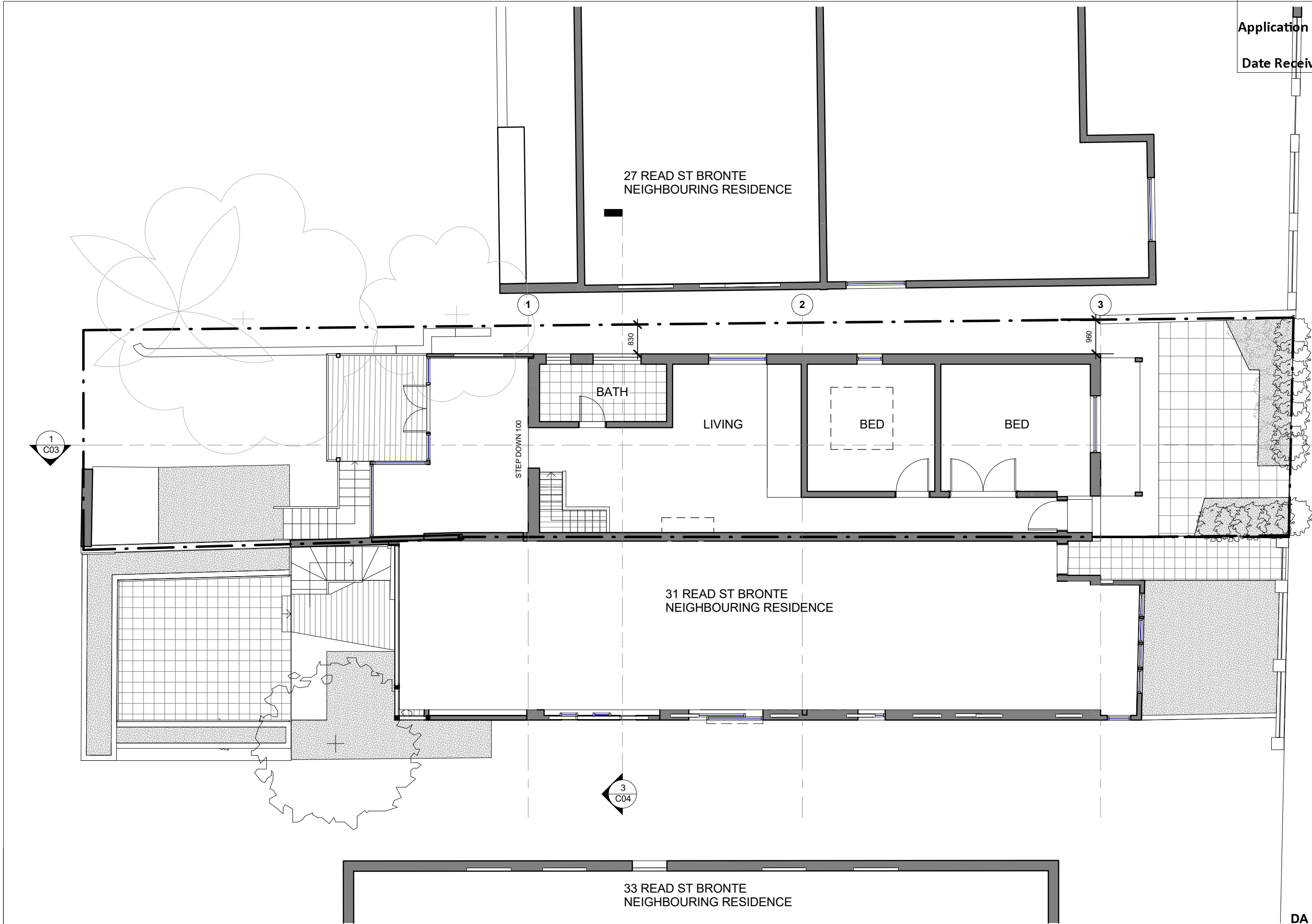
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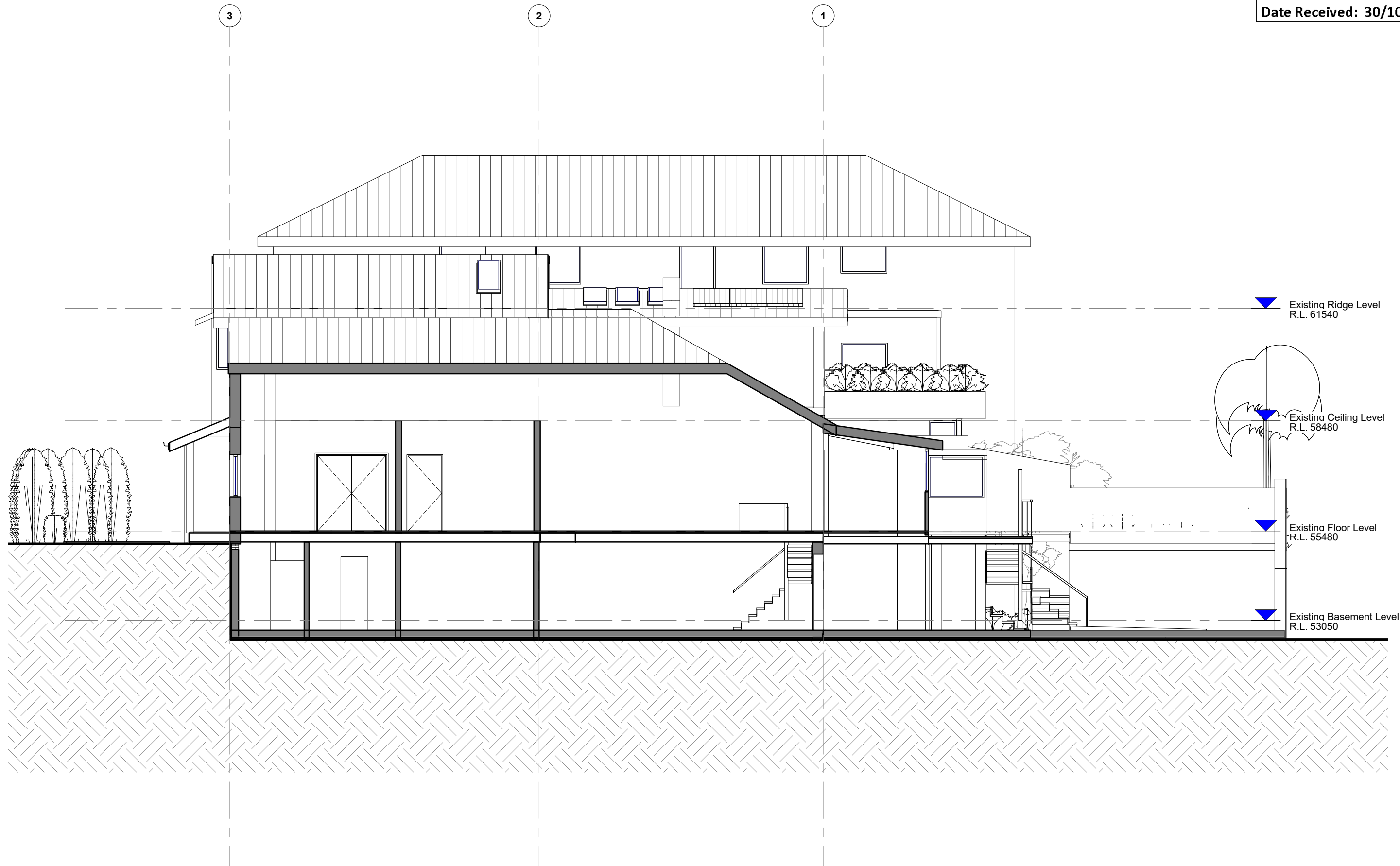


4 Existing 4 - Birds Eye



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1	05-12-2014	DEVELOPMENT APPLICATION
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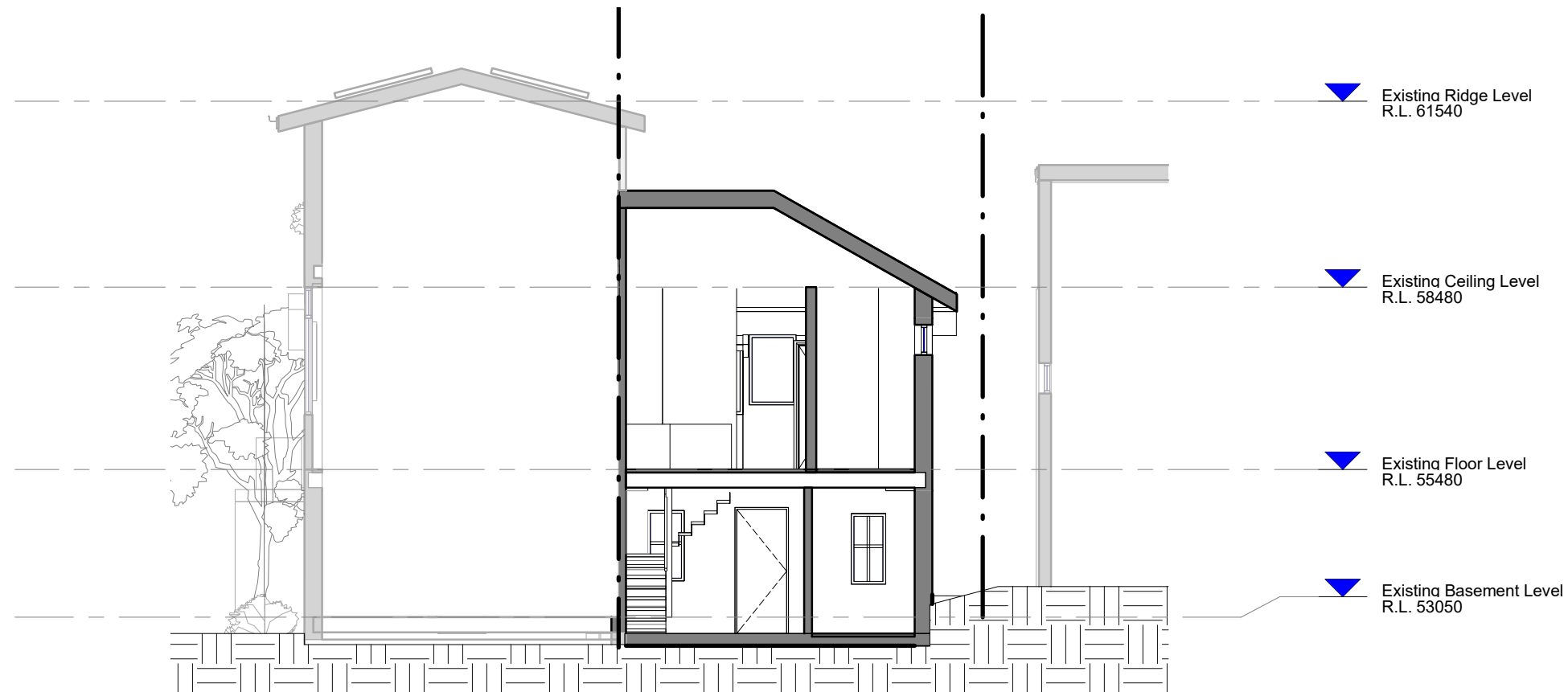
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Bronte NSW

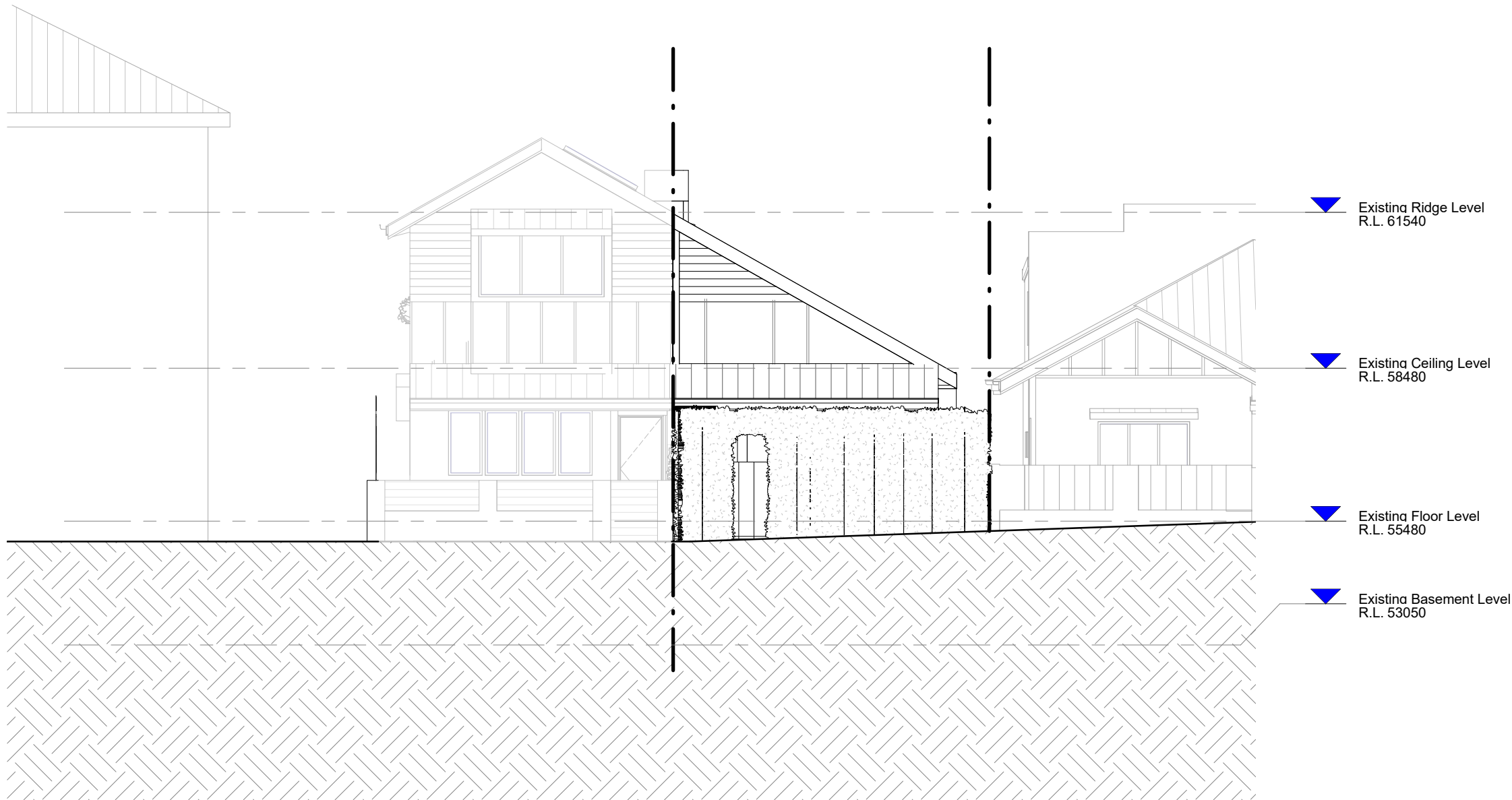
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Drawing Number	Rev
C03	1

DA RE-ISSUE



Rev.	Date	Revision Description
1	05-12-2014	DEVELOPMENT APPLICATION
	07/05/2015	DEVELOPMENT APPLICATION APPROVAL - DA - 587/2014
2	29/10/2019	DEVELOPMENT APPLICATION RE-ISSUE



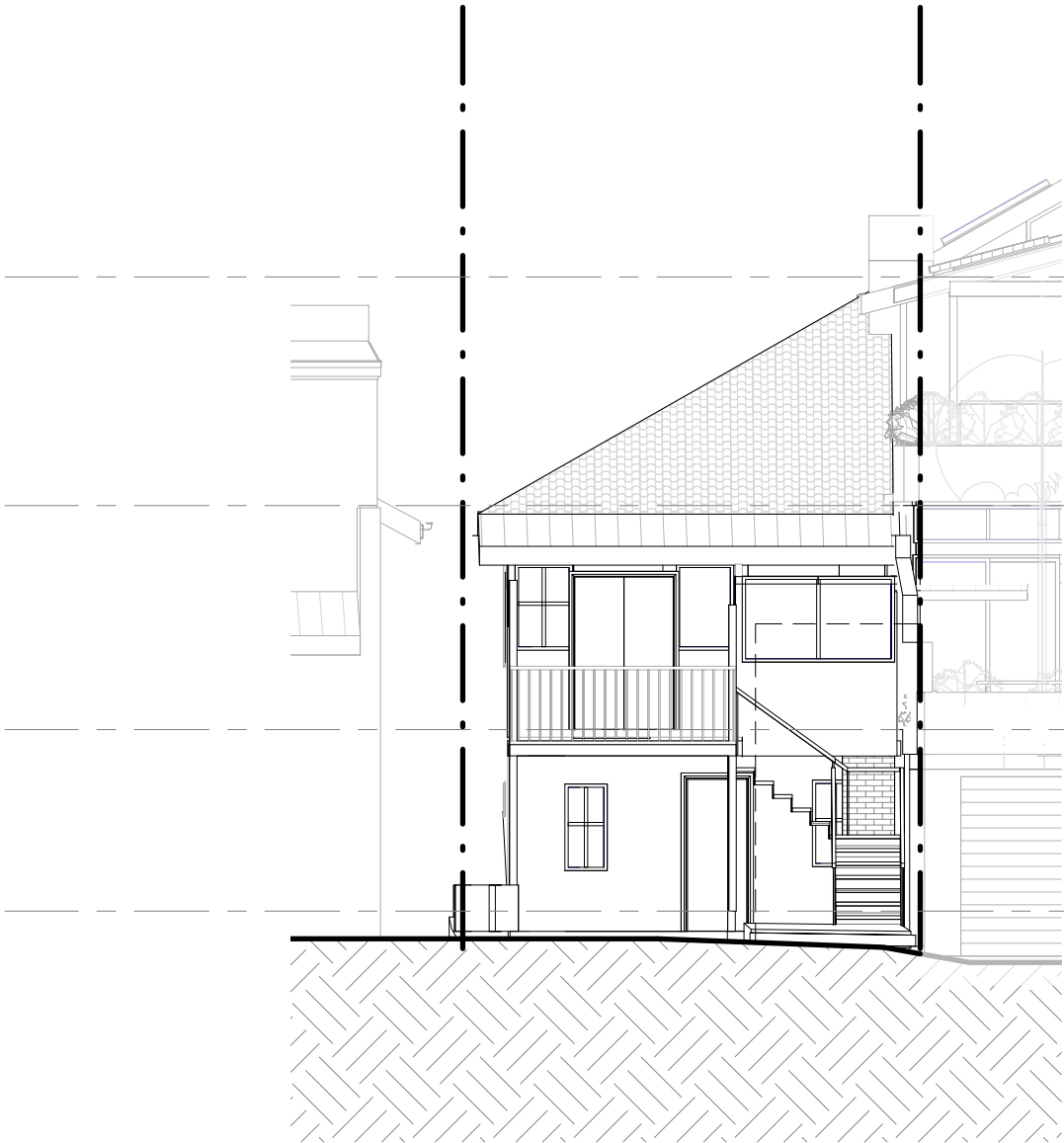
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1	29/10/2019	DEVELOPMENT APPLICATION RE-ISSUE

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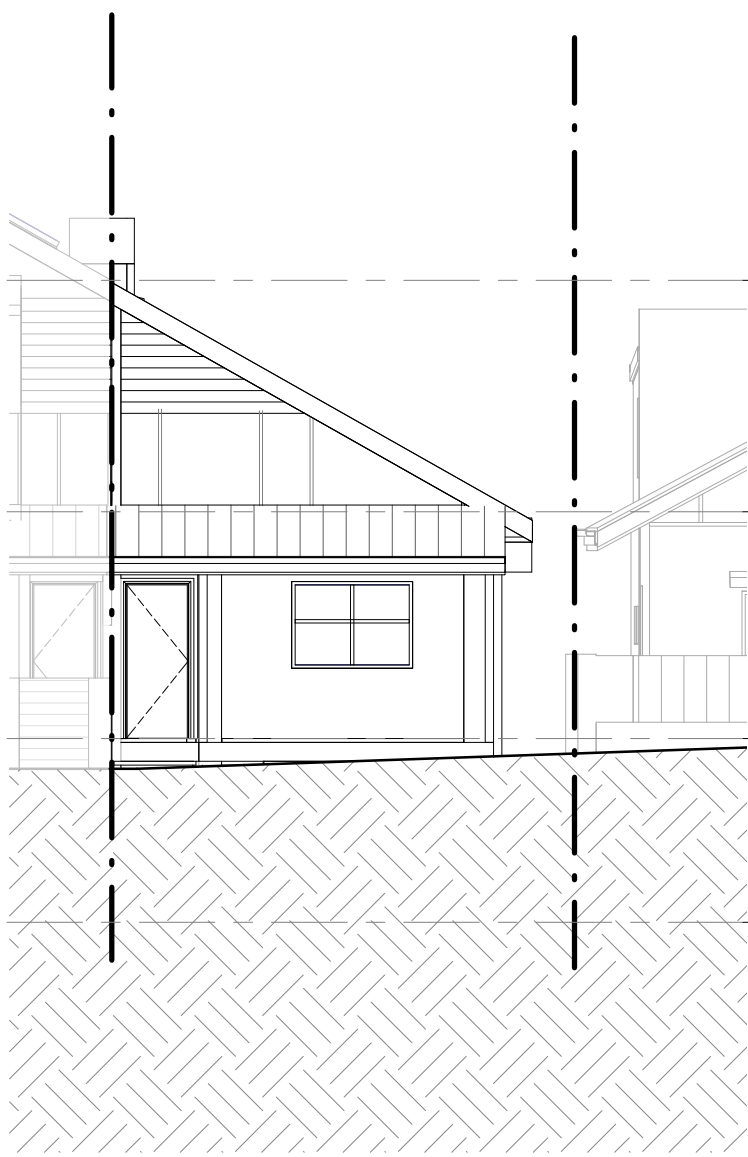
North
Residence
Andrew & Linda Ugarte
29 Read Street
Bronte NSW

EXISTING STREET ELEVATION
Dwg Set: DA A- C05
Drawing Number: 127
Rev: 1
Drw: RF
Chk: DF
Proj Date: Scale 1 : 100 @A3

DA RE-ISSUE



2 EXISTING SOUTH ELEVATION
1 : 100



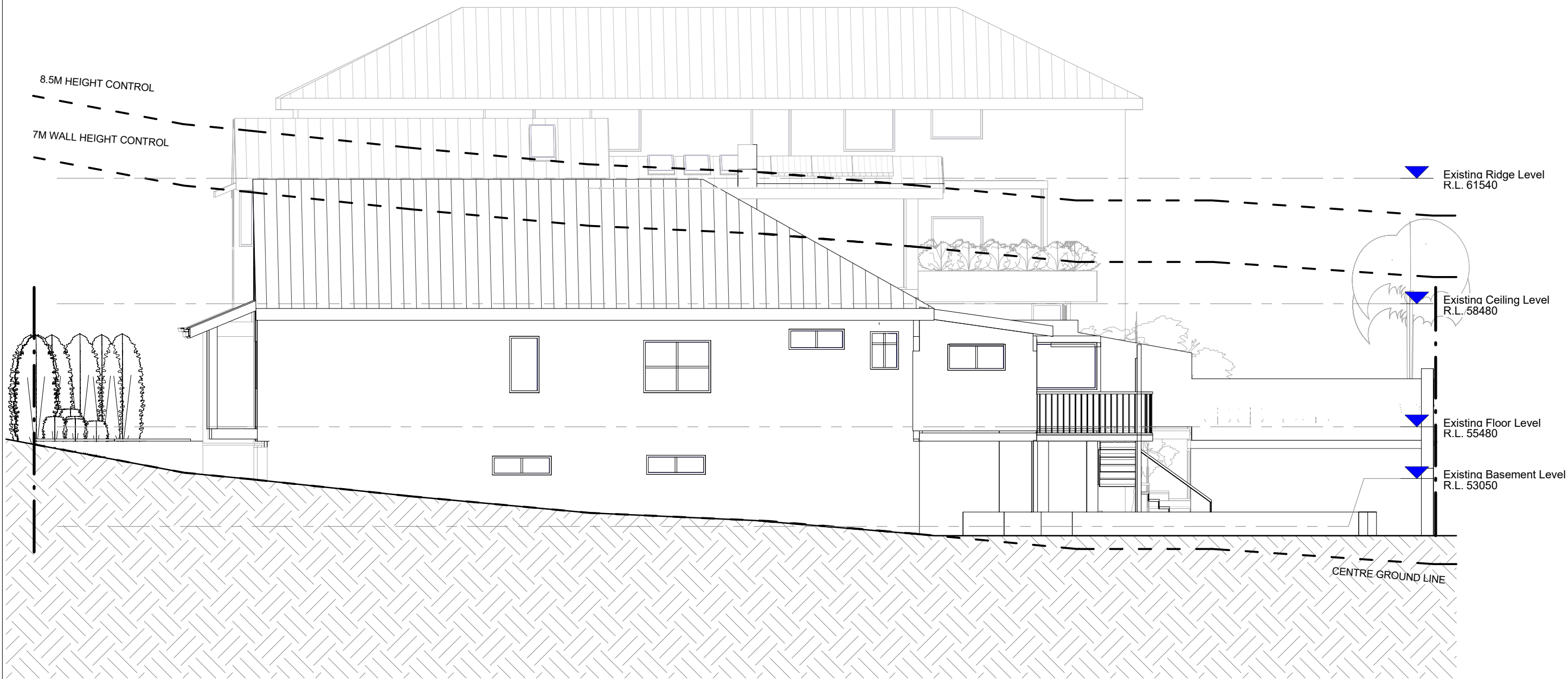
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Existing Ceiling Level
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Existing Floor Level
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Existing Basement Level
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1 EXISTING NORTH ELEVATION
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1 Existing 1- Eye Level



2 Proposed 2- Eye Level



3 Proposed 3-Eye Level



4 Proposed 4- Eye Level



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PROPOSED 3D VIEWS - EYE LEVEL

Drw: RF
Chk: DF

Proj Date:

Scale

@A3

Dwg Set
DA

Drawing Number
A-

E01

Rev
2

DA RE-ISSUE

130

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1 Copy of Existing 1 - Birds Eye



2 Copy of Existing 2 - Birds Eye



3 Copy of Existing 3 - Birds Eye



4 Copy (2) of Proposed 4 - Birds Eye



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PROPOSED 3D VIEWS - BIRDS EYE

Drw: RF
Chk: DF

Proj Date:

Scale

@A3

Dwg Set
DA

Drawing Number
A- E02

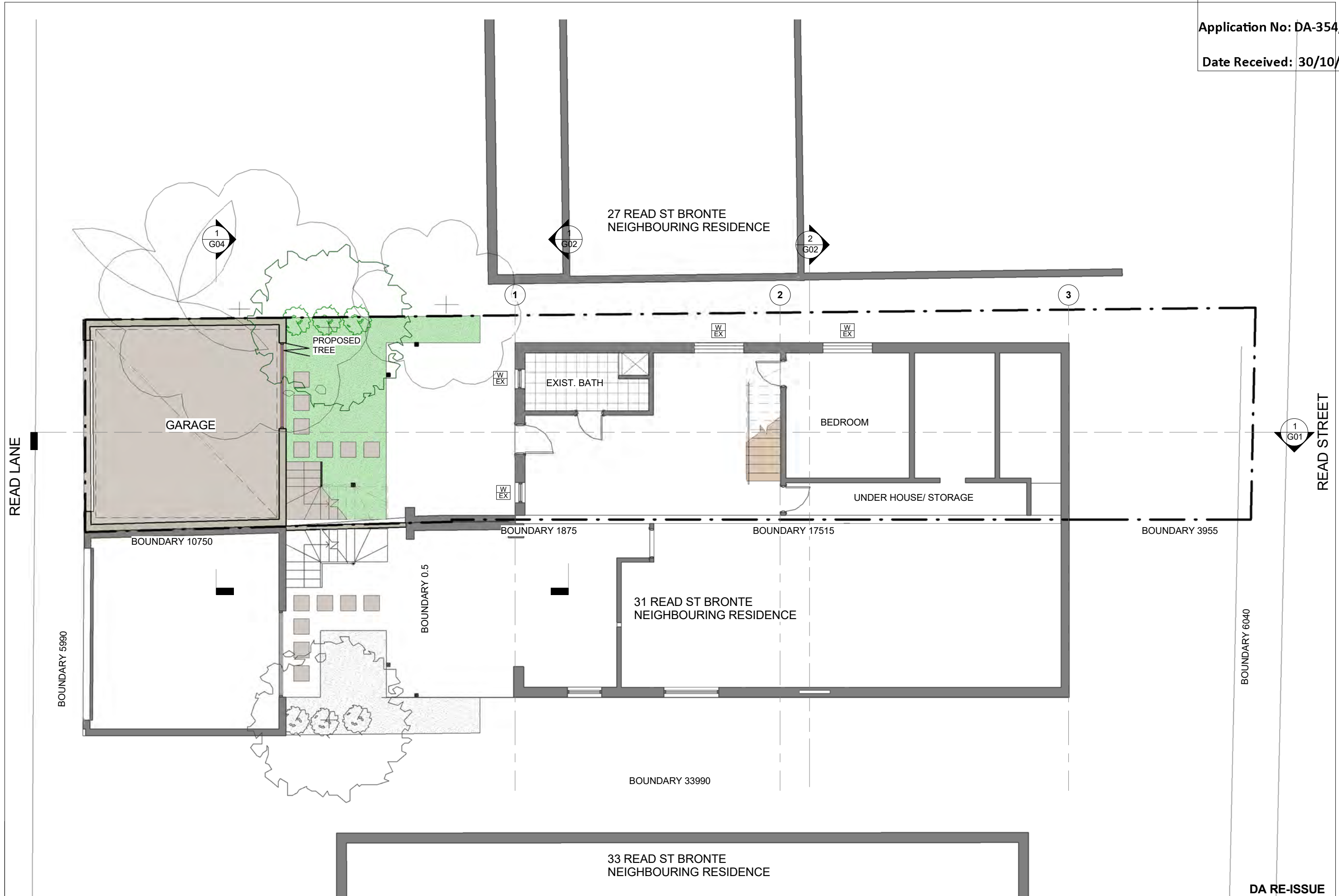
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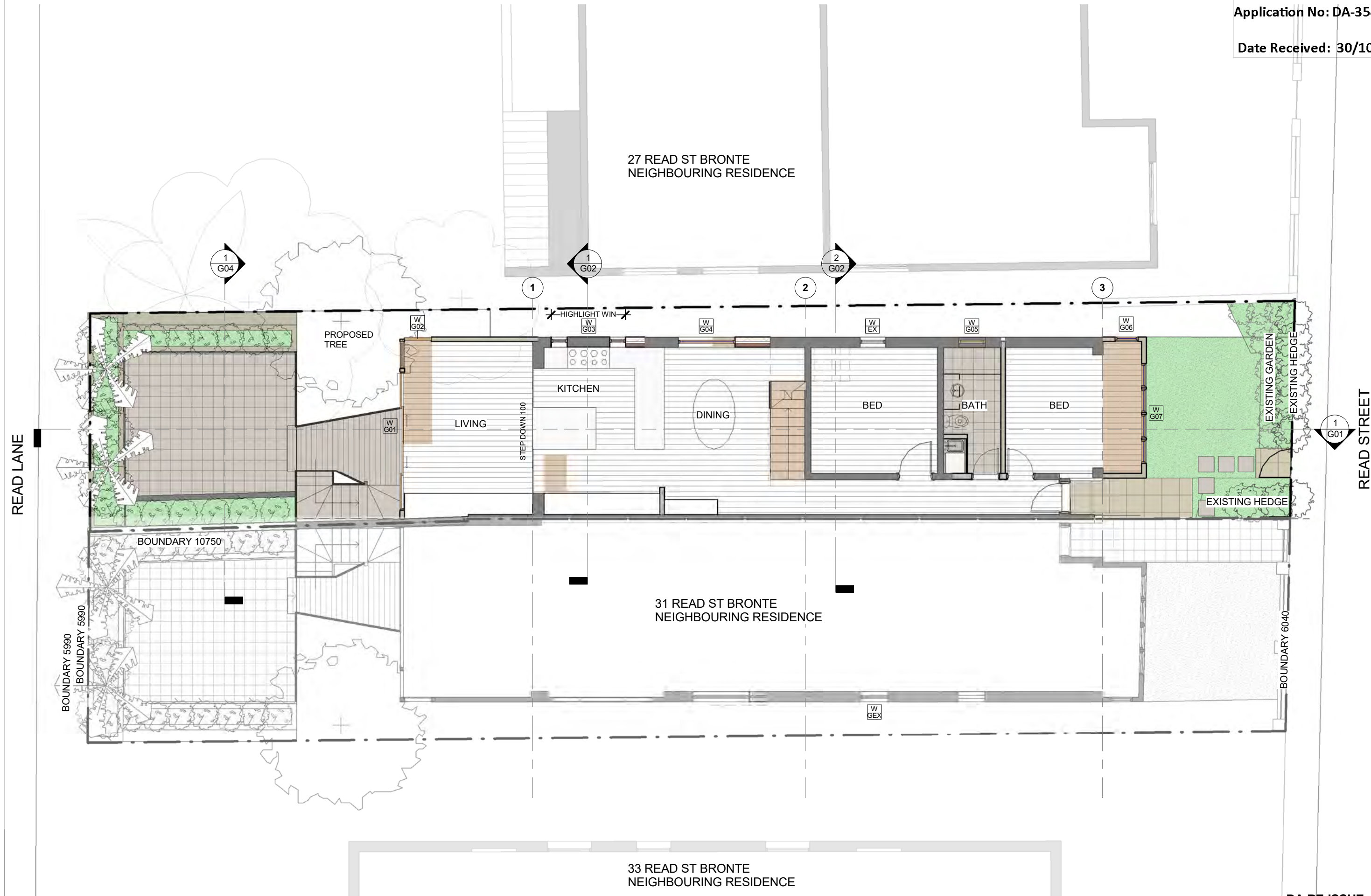
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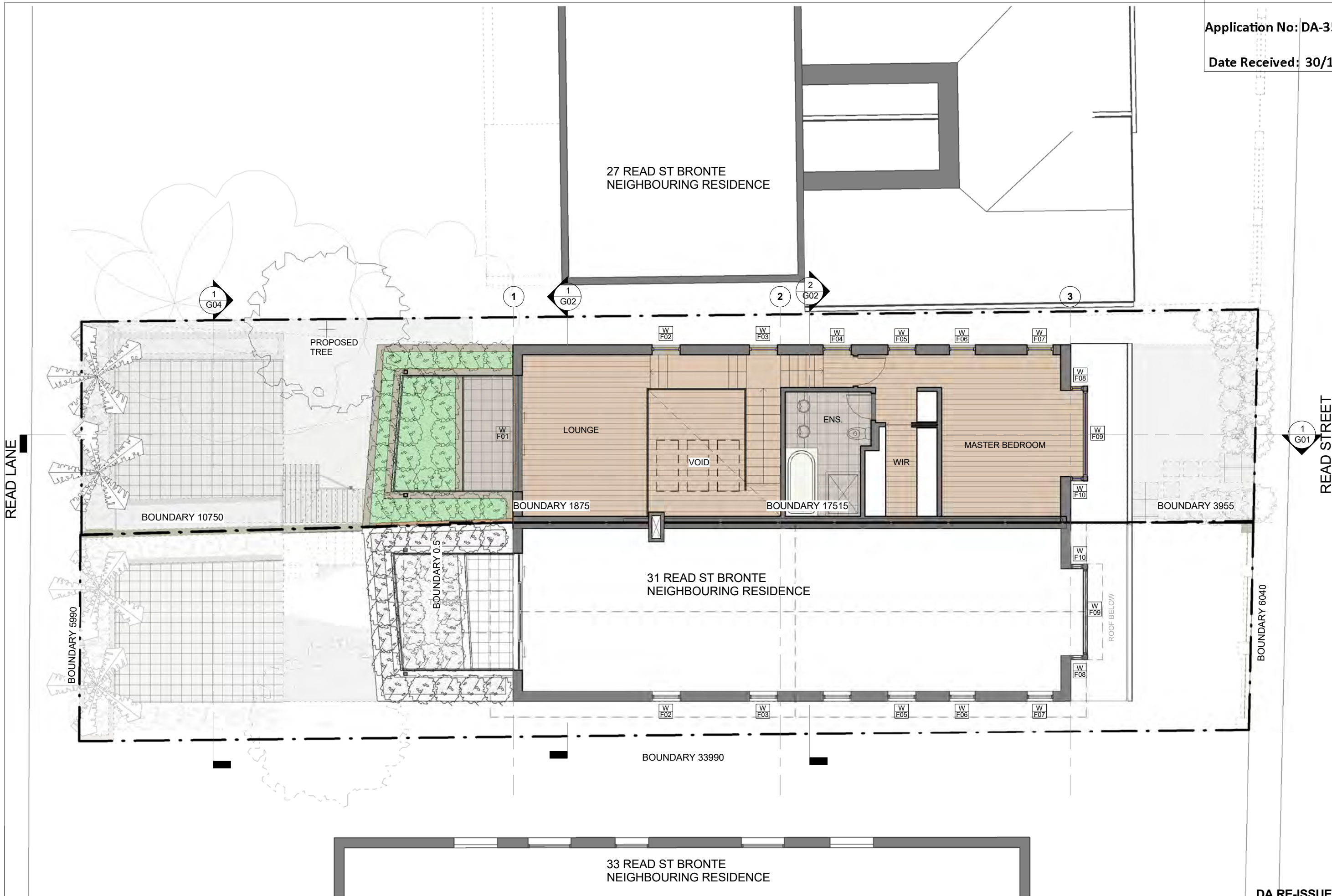
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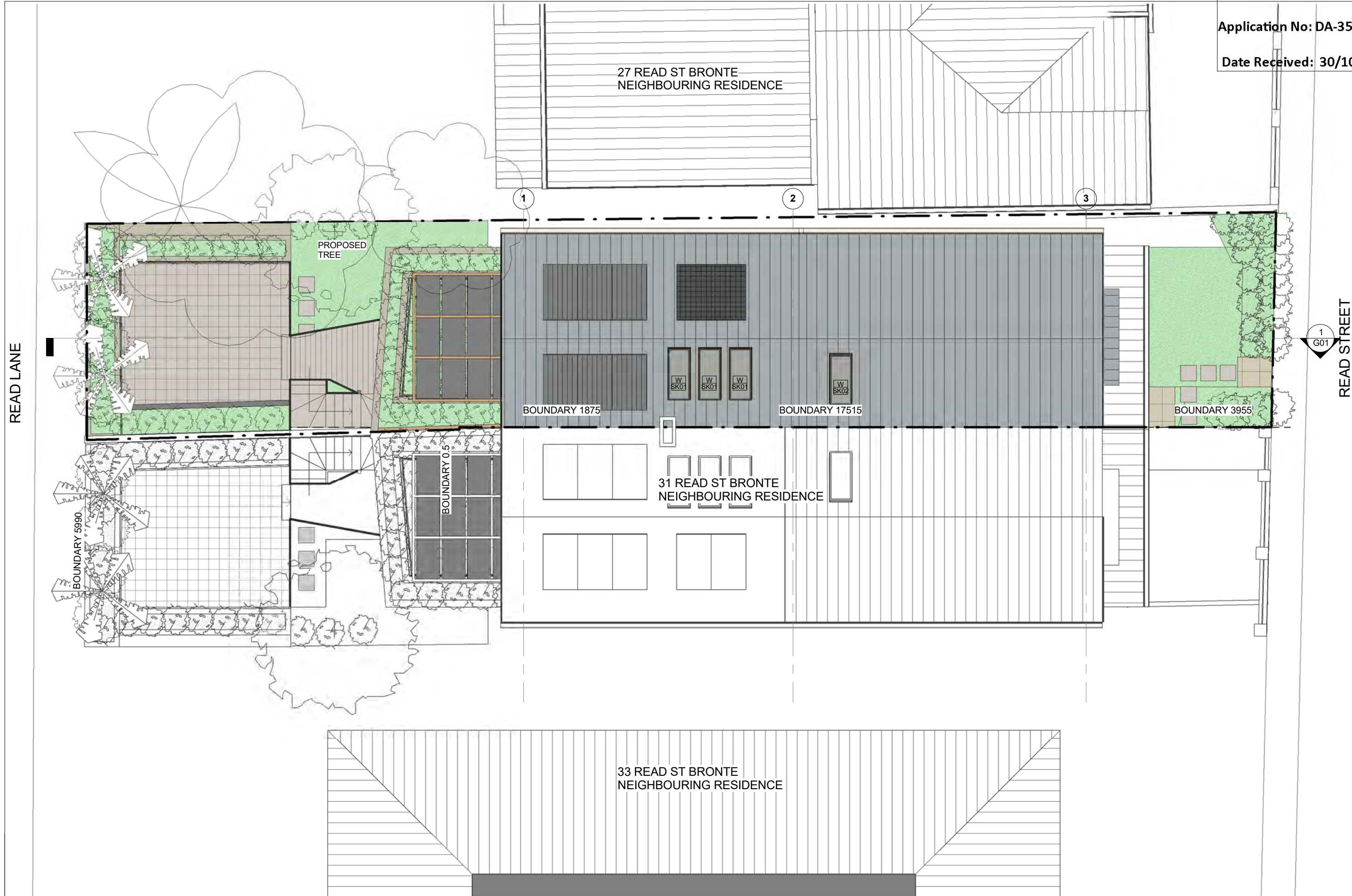
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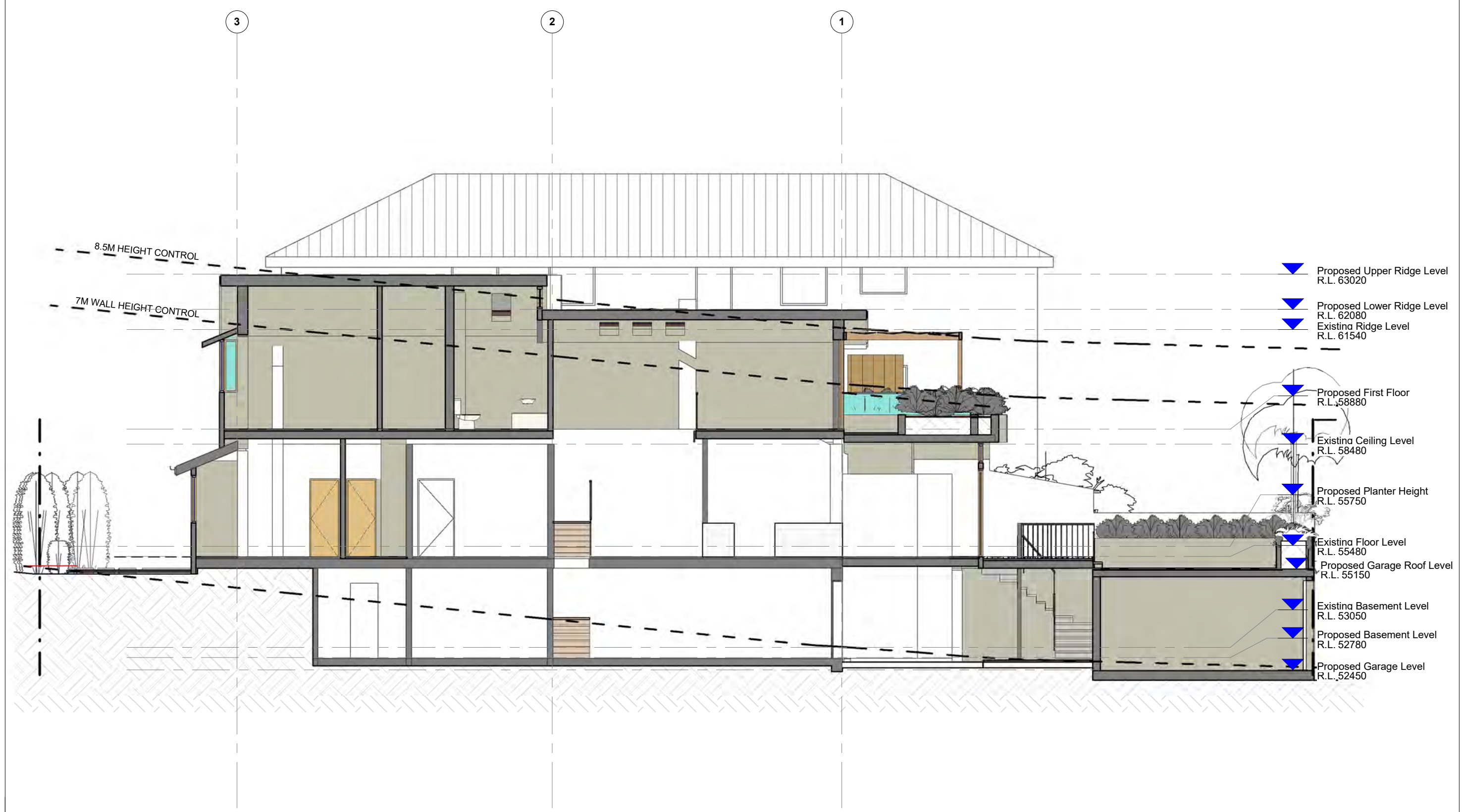
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PROPOSED CROSS SECTIONS
Dwg Set: DA
Drawing Number: A-G02
Rev: 2
Drw: RF
Chk: DF
Proj Date:
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DA RE-ISSUE
DA A- G02 2



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PROPOSED GARAGE SECTION

Drw: RF
Chk: DF

Proj Date:

Scale 1 : 100 @A3

Dwg Set Drawing Number

DA A- G04

Rev

2

DA RE-ISSUE

139

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Bronte NSW

**PROPOSED NORTH AND SOUTH
ELEVATIONS**

Drw: RF
Chk: DF

Proj Date:

Scale 1 : 100 @A3

Dwg Set
DA A-

Drawing Number

H04

Rev

2

DA RE-ISSUE

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141



1 WEST ELEVATION
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Report to the Waverley Local Planning Panel

Application number	DA-90/2019/1
Site address	26 Cross Street, Bronte
Proposal	Construction of swimming pool with associated decking and landscaping to dwelling.
Date of lodgement	12 November 2019 (Determination date of original consent: 11 September 2019)
Owner	John Botella
Applicant	Kaeley Draper
Submissions	Nil
Cost of works	\$90,200
Issues	Setback, streetscape, swimming pool and privacy
Recommendation	That the application be REFUSED for the reasons in this report.

Site Plan



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 30 January 2020.

The site is identified as Lot A in DP 174231, known as 26 Cross Street, Bronte. It has an area of 373.9m². The site is rectangular in shape with both north and south boundaries measuring 10.06m, together with east and west (side) boundaries measuring 37.185m. The site has three street frontages, namely Cross Street (west), Turner Street (north) and Darling Street (south).

The site is occupied by a two storey detached rendered brick dwelling with vehicular access and garage provided from Cross Street at the rear of the property. The existing dwelling is located above a natural sandstone vegetated rock face, elevated by approximately 5.5m in height above Darling Street level. The subject site is adjoined by detached dwellings to the east and across Cross Street to the west.

The locality is characterised by a variety of residential developments including large one to two storey detached dwellings and dual occupancy and semi- detached dwellings.

The property includes a local heritage item (identified as 'I511') under the Waverley Local Environmental Plan 2012 (Waverley LEP 2012), which comprises two Canary Island Date Palm trees that are located adjacent to the Darling Street frontage of the site.



Figure 1: Site viewed from Darling Street, looking north, with the two Heritage listed Canary island Date Palm trees shown.



Figure 2: Site (centre of photo) and its immediate context within the Darling Street streetscape



Figure 3: View of pool location and one of the heritage listed palms.

1.2 Relevant History

A search of Council's records revealed the following recent and relevant development history:

- DA-180/2010

A development application to 'demolish the existing dwelling and construction of a part two and part three storey dwelling and rear garage' was approved by Council on 8 December 2012.

- DA-180/2010/A

Section 96 for the above application was approved to modify the garage, windows and enclosure of ground floor on 10 May 2012.

DA-90/2019, which this application is seeking to review, sought consent for construction of a swimming pool with associated decking and landscaping and was approved by Council's Development and Building Unit on 11 September 2019. Condition 2 of the development consent required design changes to the proposal as follows:

2. **GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) *Provision is to be made for a minimum of 3.5m setback for the proposed deck and pool from Darling Street front boundary, thereby this setback will be consistent with the elevated setback of the lawn of the adjoining property at no. 18 Darling Street, Bronte. The proposed pool and deck are to be reduced in size and the landscape plan is to be amended, to better address the setback, swimming pool, privacy and streetscape controls under the Waverley DCP 2012.*
- (b) *The proposed screening to exposed portions of pool under-croft areas is to be extended to the full width / depth of the deck fronting Darling Street, to ensure the structure is not visible from Darling Street. This screening is to be maintained in perpetuity and to be painted in natural dark colours so that the structure is not visible (exposed) from Darling Street.*
- (c) *Provision is to be made for a minimum of 80mm gaps and collars around the palm (Phoenix Canariensis) tree trunks on the deck to allow for future movement and growth of the tree. In addition, a minimum of 1 metre clearance is to be provided from each palm tree trunks from any pier, post or column, digging or excavation, to ensure no health impacts on the trees.*

*The amendments are to be approved by the **Executive Manager, Development Assessment** or delegate prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.*

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

1.3 **Proposal**

The subject application (DA-90/2019/1) was lodged on 12 November 2019 and seeks to specifically review a condition of consent and effectively the determination of the original application, known as DA-90/2019, under the provisions of section 8.3 of the *Environmental Planning and Assessment Act 1979*. The application can be reviewed as it has been made within the six-month period from the date of its determination, being 11 September 2019.

Original application

The applicant sought approval for the construction of an above ground swimming pool, glass terrace, balcony and timber deck, which are at a similar level to the dwelling's elevated ground floor level from Cross Street. The proposal is to be constructed within the front setback to Darling Street and will be elevated between 2m to 6m in height over a steep natural rock embankment.

The swimming pool is L-shaped with dimensions of 5.35m x 4.45m and the deck (24m² in area) will include round cut-out areas to accommodate for the retention of the two existing palm trees. It is to be noted that the two existing large palm trees on the subject site are heritage listed under the Waverley LEP 2012 and are also on the significant tree register. The proposal includes the provision of the pool on concrete columns / piers and the deck on timber posts / stilts above ground rock level. A glass terrace and new balcony are also proposed to extend the deck and sit over the lower level courtyard area.

Review application

The applicant does not change the scope and detail of the design of the proposal as submitted in the original application, other than to increase the setback of the proposed deck from the site's Darling Street boundary from 0.914m (as proposed in the original application) to 1.5m. The review application seeks to review the imposition of condition 2(a) of the development consent. The condition is as follows:

- (a) *Provision is to be made for a minimum of 3.5m setback for the proposed deck and pool from Darling Street front boundary, thereby this setback will be consistent with the elevated setback of the lawn of the adjoining property at no. 18 Darling Street, Bronte. The proposed pool and deck are to be reduced in size and the landscape plan is to be amended, to better address the setback, swimming pool, privacy and streetscape controls under the Waverley DCP 2012.*

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 and 8.3 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 8.3 Considerations

Section 8.3 of the Act enables Council to review a previous determination of a development application subject to the following provisions:

- (2) *A determination or decision cannot be reviewed under this Division:*
 - (a) *after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
 - (b) *after the Court has disposed of an appeal against the determination or decision.*
- (3) *In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*

The determination of the original development application was made on 11 September 2019. The period of the right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is six months after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 26 February 2020, which satisfies the statutory timeframe to determine this review application.

Council is satisfied that the essential elements of the development, the subject of the original development application, are substantially the same as the development that is the subject of this

review application. The overall scope and description of the development between the two applications remain unchanged.

2.2 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate is not required for the proposed development due to the small size and capacity of the proposed pool.

2.2.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.2.3 SEPP Vegetation in Non-Rural Areas 2017

The proposal retains the two large Canary Island Date Palm trees on the subject site, which are heritage listed and listed on the significant tree register because of their cultural significance. An arborist report was submitted with the original application and was reviewed by Council's Tree Management Officer, who found the report and proposal acceptable in terms of the proposal's impact on the health of the tree (and not specifically the cultural and heritage significance), subject to condition. Should the application be approved, the proposal is to be in accordance with the "*tree protection plan*" outlined in the Arborist Report submitted with the original application and standard and specific tree protection measures (via conditions).

2.2.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal does not satisfy the particular aim under clause 1.2(2)(f) of Waverley LEP 2012 as it does not respect or enhance the existing natural features of the site, specifically the sandstone outcrop and vegetation that fronts Darling Street.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is ancillary to the residential use of the dwelling and is permissible within the zone, subject to development consent.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal has an overall building height of 7.97m (measured to the top of the southern balustrade or glass balustrade above existing ground level).
Part 5 Miscellaneous provisions		
5.10 Heritage Conservation	No	The site contains a local heritage item (identified as I511) under Schedule 5 of the LEP, which are known as 'Palm Trees', specifically the two Canary Island Date Palm trees adjacent to the site's Darling Street frontage. While the proposal retains these trees, it will affect the natural setting and curtilage of these trees and consequently affect the presence of the trees when viewed from Darling Street. The assessment of this proposal against clause 5.10(4) of the LEP finds this impact unacceptable.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is identified as being Class 5 acid sulfate soils. No significant excavation is proposed for the subject site that would disturb acid sulfate soils. The proposal complies with this clause of the Waverley LEP 2012.

2.2.5 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	The applicant has submitted a site waste and recycling management plan in support of the application.
3. Landscaping and Biodiversity	No	A landscape plan was submitted with the original application; however, it has not been included in this review application. It is to be noted that the site is located within a recognised habitat corridor (as identified in section 3.2.2 of Part B3 of the DCP). The landscape plan does not meet the requirements for the minimum provision of 50% of indigenous plantings for sites within habitat corridors. This is a matter that could be

Development Control	Compliance	Comment
		<p>dealt with by condition of consent, should the application be supported.</p> <p>The proposal effectively detracts from and obscures the naturally occurring sandstone outcrop appearance and character of the site when viewed from Darling Street. The deck and part of the pool cantilevers from the edge of the uppermost part of the sandstone outcrop, which will expose the underside, support column and operational equipment for the deck and pool to Darling Street and appear unsightly. Utilising landscaping to screen the deck and pool alone is not a reasonable measure. Overall, this is not an acceptable outcome despite the applicant's claim that a precedent has been set by a similar proposal that was approved at 20 Darling Street (to the east of the subject site). This precedent argument is discussed further in the report.</p> <p>The proposal fails to satisfy objective (a) under section 3.1 and control (e) under section 3.1.1 of Part B3 of the DCP, as the proposal will not enhance the amenity and visual setting of the site and surrounding neighbourhood.</p>
5. Tree Preservation	Yes	Discussed in commentary under SEPP Vegetation in Non-Rural Areas 2017.
6. Stormwater	Can be resolved	This is a matter that could be dealt with by condition of consent, should the application be supported.
9. Heritage	No	The proposed swimming pool and deck will have its underside, services and supporting columns exposed to Darling Street, which will result in an unsightly appearance from the street. Further, it will diminish the natural and landscape setting of the southern portion of the site, which comprises landscape heritage items (i.e. the two large Canary Island Date Palms) and sandstone outcrop. Therefore, the proposal fails to satisfy objectives (a) and (b) and comply with control (a) under section 9.14 and objective (a) and control (a) under section 9.16.1 of Part B9 of the DCP.
12. Design Excellence	No	The proposal does not demonstrate an understanding of an appropriate response to the specific conditions of the site, contrary to section 12.2 objectives (b) and (d) and control (a)(viii) of Part B12 of the DCP.

Development Control	Compliance	Comment
14. Excavation	No	The proposal involves cutting into the naturally occurring sandstone outcrop to accommodate supporting columns of the deck and pool, which diminishes the natural features of the site. The proposal is therefore contrary to control (f) and objective (a) under Part B14 of the DCP.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.2 Setback		
<ul style="list-style-type: none"> Extensions to existing buildings are to extend no further than the front and rear predominant building lines 	No	<p>The site has three street frontages and the primary entry / access to the dwelling on the site is achieved from the side, Cross Street. The proposal is situated within the 'rear' portion of the site; however this portion presents to Darling Street. In any case, whether the proposal is assessed against the front or rear building line, the predominant building line test continues to apply to the proposal.</p> <p>The emerging pattern of redeveloped sites along Darling Street (at Nos. 18 to 32 Darling Street) orient their private open space area to Darling Street. The setback of 1.5m of the deck and pool from the Darling Street boundary of the site is not considered consistent with the setback of comparable ancillary structures (i.e. raised decks), especially compared to the adjoining property to the east of the site at 18 Darling Street. The limited front setback of the proposed deck and pool of 1.5m will protrude beyond the elevated lawn of the adjoining property at 18 Darling Street and is highly exposed from the public domain/street. It is considered to result in both adverse privacy and streetscape impacts. In this regard, the proposal fails to comply with control (a) under section 2.2.1 and does not satisfy objectives (a), (b), (d), (f) and (h) under section 2.2 of Part C2 of the DCP.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development visually compatible with its streetscape. It should respond to essential elements that make up the character of the area. 	No	<p>The bulk and scale of the proposed deck and pool structure will be highly visible within the Darling Street streetscape due to the rock embankment / topography and constraints of the site.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Development must not dominate or erode the character of the streetscape, particularly when viewed from a public place. 		<p>The proposal will also be an obvious visual interruption of the consistent pattern of natural sandstone outcrops and vegetated frontages of properties that face Darling Street which are situated between the public reserve of Cross Street and Ashley Street to the east. The proposal will therefore dominate the landscape character of the streetscape (when viewed from a public place).</p> <p>The visual appearance of the proposal is considered unsympathetic and undesirable in this particular unique section of Darling Street.</p> <p>While vegetation is proposed to screen the undersides and overall appearance of the deck and pool, vegetation alone will not be enough to overcome the extent of streetscape impact. In this regard, the proposal fails to comply with controls (d) and (e) under section 2.3 of Part C2 of the DCP.</p>
2.5 Visual and acoustic privacy		
<p><i>Maximum size of deck / balconies:</i></p> <ul style="list-style-type: none"> 10m² in area 1.5m deep Pre-existing pattern of development Visual impact in terms of bulk and scale Compliance with height and setback controls 	No	<p>The total area of the proposed deck, terrace and balcony is 36m² (does not include the pool and the existing balcony area) and an overall depth of 5.3m, which are considered excessively large and do not comply with the maximum size controls (e) under section 2.5 of Part C2 of the DCP.</p> <p>The deck will jut out and extend past the southern outer edge of the rear balcony /deck of the adjoining dwelling to the east of the site at 18 Darling Street. This will cause privacy impacts and contribute the overall bulk of the overall structure in terms of installing privacy screens along the eastern edge of the proposed deck/pool area. This will further emphasise the presence of the pool/deck structure from Darling Street, and is therefore, not an acceptable outcome. The proposal fails satisfy objectives (a) and (c) under section 2.5 of Part C2 of the DCP.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	The proposed pool and deck do not reduce the existing extent of open space area of the subject site.
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	No	The proposal provides a minimum landscape area of 51.8m ² , which is 13.8% of the overall area site. It fails to comply with the minimum

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>As existing</p> <p>As existing</p>	<p>provision of landscaped area for this site, which is 15% of the site area as expressed by control (c) under section 2.9 of Part C2 of the DCP. The non-compliance demonstrates the inappropriateness of the proposal to the site.</p> <p>The subject site has a private open space area that exceeds 25m².</p> <p>No changes are proposed to Cross or Turner Street frontages.</p>
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property & in the case of a corner block the pool must not be located within the primary frontage Not located in side setback Decking to boundary, adjoining neighbours Exposed pool structures to be screened All pool equipment enclosed 	<p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p>	<p>The site is a corner lot with three frontages. While the pool is not located within the 'primary' frontage and would comply with control (c) under section 2.10 of Part C2 of the DCP, the pool is still highly exposed from Darling Street. It therefore fails to satisfy objective (c) under section 2.10 of Part C2 of the DCP, as it will cause adverse streetscape impacts. The poor performance of the proposal against this objective demonstrates that the pool is inappropriate for the site, especially given the site's unique topography. Further discussion on how the pool is inappropriate is given below this table.</p> <p>The pool structure will be visible above ground and is proposed to be screened, however screening in the case is not considered a proper mitigation measure to alleviate both privacy and streetscape impacts.</p> <p>No details on pool plant are included on the plans and any necessary equipment to support the operations of the pool would be exposed from Darling Street, contributing to the overall unsightly appearance of the deck and pool structures when viewed from the street.</p>
2.14 Dual frontage development		
	No	The proposal fails to comply with controls (a) and (c) under section 2.14.1 of Part C2 of the DCP as the proposal does not adequately address the unique characteristics of the Darling Street frontage of the site and the predominant vegetated embankment/sandstone outcrop presentation of adjoining

Development Control	Compliance	Comment
		properties to the east of the subject site that also front Darling Street. The proposal fails to satisfy objective (a) under section 2.14 of Part C2 of the DCP.

Streetscape Impacts

As identified and discussed in the compliance tables for Parts B and C2 of the Waverley DCP 2012, the overall appearance of the proposed deck and pool will dominate the streetscape of Darling Street. The applicant has sought to review the imposition of condition 2(a) of the development consent by arguing how certain setback controls in the Waverley DCP 2012 have been applied to measure and assess the merits of the setback of the pool/deck from Darling Street, in seeking to increase the extent of the setback to offset and lessen the presence of the proposal from the street. This argument does not overcome the principal issue that the proposed deck/pool will cause adverse streetscape impacts upon Darling Street because, irrespective of whether a setback of 1.5m (proposed by applicant) or 3.5m (required by consent) applies, the proposed pool/deck will result in an elevated and dominant appearance within Darling Street. This outcome is evident at 20 Darling Street (two properties to the east of the subject site) that comprises a recent swimming pool structure that faces Darling Street (via DA 92/2016). As seen in the photos of the pool at this property in **Figure 4** below, the undersides and supporting columns of the swimming pool are unsightly and apparent from the street despite the presence of vegetation in front of the pool and deck structures on this site.



Figure 4: Consequence of elevated swimming pool presentation to Darling Street at the property known as 20 Darling Street

Therefore, this is an undesirable precedent, and this should not and cannot be used to justify the acceptability of the subject proposal. In this regard, the assessment of this review application has led to a recommendation of changing the determination from approval (with a condition increasing the setback of the pool/deck from Darling Street to 3.5m) to refusal.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have a significant detrimental effect relating to environmental impacts on the locality, and is recommended for refusal.

2.4 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.5 Any Submissions

The application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

No submissions were received in relation to this review application.

2.6 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest, and is recommended for refusal.

3. REFERRALS

The original application was referred to the following technical officers within Council and their commentary to the original application is provided below:

Heritage

The application was referred to Council's Heritage Advisor, who recommended that, details of the "collars" surrounding the palm trees be provided.

Tree Management Officer

Council's Tree Management Officer recommended that a tree protection condition be attached.

4. SUMMARY

The application seeks to review the determination of the original application, DA-90/2019, for the construction of a swimming pool with associated decking and landscaping at 26 Cross Street, Bronte, specifically the imposition of condition 2(a) of the consent that requires the pool/deck to be set back 3.5m from the site's Darling Street boundary.

The main issues of the proposal relate to heritage, streetscape, setbacks, privacy and landscaping. The assessment finds these issues unacceptable. While the scope of the review relates to the imposition of a condition of consent relating to one aspect of the approved development and the overall assessment position held on the original application differs from that of this review application, the consent authority is entitled under section 8.3 of the Act to review all aspects of a previous determination. In this case, the review application finds the overall proposal inappropriate, principally due to its unacceptable streetscape impacts. The review application is referred to the Waverley Local Planning Panel for determination on this basis. If the Panel decides to approve the review application and retain the development consent, then deletion of condition 2(a) of the consent should not be supported.

The application has been assessed against sections 4.15 and 8.3 of the Act, and is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the review application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A.

If the Panel resolves to support the review application and maintain an approval determination, then the conditions included in the development consent (known as DA-90/2019) should be reaffirmed as per **Appendix B**.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 4 February 2020 and the DBU determined:

- (a) The application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: *A Rossi, B McNamara and B Matlawski.*

Report prepared by:

Ben Magistrale
Senior Development Assessment Planner
Date: 7 February 2020

Application reviewed and agreed on behalf of the Development and Building Unit by:

Bridget McNamara
Manager, Development Assessment (South)
Date: 12 February 2020

Reason for referral:

- 1. A review of decision

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (the Act), the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Act, as stipulated in section 1.3 (g), as the proposal does not promote good design and amenity of the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Act, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. The particular aim expressed under clause 1.2(2)(f) of WLEP as the proposal does not respect the existing natural features of the site, specifically the sandstone outcrop and vegetation that fronts Darling Street.
 - b. The assessment of the effect of the proposal on the heritage item on the site against clause 5.10(4) of WLEP finds the proposal unacceptable, specifically as the proposal will affect the natural setting and curtilage of the heritage listed Canary Island Date Palm trees, and consequently affect the presence of the trees when viewed from Darling Street.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Act, as the proposal is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

Part B3 – Landscaping and Biodiversity

- a. The proposal fails to satisfy objective (a) under section 3.1 and control (e) under section 3.1.1. The proposal obscures the naturally occurring sandstone outcrop appearance and character of the site when viewed from Darling Street. The deck and part of the pool cantilevers from the edge of the uppermost part of the sandstone outcrop, which will expose the underside, support columns and operational equipment for the deck and pool to Darling Street and will appear unsightly.

Part B9 – Heritage

- b. The proposal fails to satisfy objectives (a) and (b) and does not comply with control (a) under section 9.14 and objective (a) and control (a) under section 9.16.1. The proposed swimming pool and deck structure will have its underside, services and supporting columns exposed to Darling Street, which will result in an unsightly appearance from the street. Further, it will diminish the natural and landscape setting of the southern portion of the site, which comprises landscape heritage items and sandstone outcrop.

Part B12 – Design Excellence

- c. The proposal fails to satisfy objectives (b) and (d) and control (a)(viii) under section 12.2, as the proposal does not provide an appropriate response to the specific conditions of the site.

Part B14 – Excavation

- d. The proposal is contrary to control (f) and objective (a), as it involves cutting into the naturally occurring sandstone outcrop of the site to accommodate supporting columns for the deck and pool structure, which diminishes the natural features of the site.

Part C2 – Low Density Residential Development

- e. The proposal fails to comply with control (a) under section 2.2.1 and does not satisfy objectives (a), (b), (d), (f) and (h) under section 2.2 in relation to respecting prevailing setbacks and building lines within the Darling Street streetscape. The siting of the deck/pool structure is inappropriate and will cause adverse streetscape, bulk and scale and privacy impacts.
 - f. The proposal fails to comply with controls (d) and (e) under section 2.3 in relation to streetscape and visual impact. It will be an obvious visual interruption of the consistent pattern of natural sandstone outcrops and vegetated frontages of properties that face Darling Street which are situated between the public reserve of Cross Street and Ashley Street to the east. The proposal will therefore dominate the landscape character of the streetscape of Darling Street.
 - g. The proposal fails to comply with control (e) and does not satisfy objectives (a) and (c) under section 2.5 in relation to visual and acoustic privacy as the deck/pool will jut out and extend past the southern outer edge of the rear balcony /deck of the adjoining dwelling to the east of the site at 18 Darling Street and cause unreasonable visual and acoustic privacy impacts.
 - h. The proposal does not comply with the minimum provision of landscape area stipulated by control (c) under section 2.9. This non-compliance demonstrates the inappropriateness of the proposal to the site and the proposal consequently fails to satisfy objective (a) under section 2.9.
 - i. The proposal fails to satisfy objective (c) under section 2.10, which ensures the location of swimming pools do not adversely impact upon surrounding properties and streetscapes. The proposed pool is still highly exposed from Darling Street and its elevated and dominant appearance will adversely affect the streetscape of Darling Street.
 - j. The proposal fails to comply with controls (a) and (c) under section 2.14.1 and objective (a) under section 2.14 in relation to dual frontage development, as it does not adequately address the unique characteristics of the Darling Street frontage of the site and the predominant vegetated embankment/sandstone outcrop presentation of adjoining properties to the east of the subject site that also front Darling Street.
- 4. The proposal does not satisfy section 4.15 (1)(b) of the Act 1979, as the proposal will have an undesirable and unacceptable impact on the streetscape of Darling Street, and would adversely impact upon the amenity of the locality and surrounding built environment.
 - 5. The proposal is contrary to section 4.15 (1)(c) of the Act, as the site characteristics do not allow for the proposal to be appropriately accommodated without any disturbance to the streetscape and natural features of the site. Therefore, the proposal is considered unsuitable for the site.
 - 6. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to section 4.15 (1)(e) of the Act.

APPENDIX B – CONDITIONS OF CONSENT DA-90/2019

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plans prepared by “Outside Living” as follows:

Plan description	Drawing	Issue	Date	Date received by Council
Site Plan	2	C	13-8-19	20/08/2019
Part Site Plan	3	C	13-8-19	20/08/2019
Pool and Deck Plan	4	C	13-8-19	20/08/2019
Section A-A & B-B	5	C	13-8-19	20/08/2019
Section C-C	6	C	13-8-19	20/08/2019
East Elevation	7	C	13-8-19	20/08/2019
West Elevation	8	C	13-8-19	20/08/2019
South Elevation	9	C	13-8-19	20/08/2019

- (b) Landscape plan prepared by Thirty-three parallel, drawing no. L_001 to L_003 dated 01/03/19;
- (c) Tree protection plan and pier location plan as outlined in the Koala Arborist consulting report prepared by David Shrimpton dated 01.3.2019; and,
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Provision is to be made for a minimum of 3.5m setback for the proposed deck and pool from Darling Street front boundary, thereby this setback will be consistent with the elevated setback of the lawn of the adjoining property at no. 18 Darling Street, Bronte. The proposed pool and deck are to be reduced in size and the landscape plan is to be amended, to better address the setback, swimming pool, privacy and streetscape controls under the Waverley DCP 2012.
- (b) The proposed screening to exposed portions of pool under-croft areas is to be extended to the full width / depth of the deck fronting Darling Street, to ensure the structure is not visible from Darling Street. This screening is to be maintained in perpetuity and to be painted in natural dark colours so that the structure is not visible (exposed) from Darling Street.
- (c) Provision is to be made for a minimum of 80mm gaps and collars around the palm (Phoenix Canariensis) tree trunks on the deck to allow for future movement and growth

of the tree. In addition, a minimum of 1 metre clearance is to be provided from each palm tree trunks from any pier, post or column, digging or excavation, to ensure no health impacts on the trees.

The amendments are to be approved by the **Executive Manager, Development Assessment** or delegate prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. INDIGENOUS PLANTING

Any new landscaping to the subject site is to be 50% indigenous species as the property is located within the habitat corridor as identified by the WDCP 2012 and all noxious weeds on the property are to be removed by a suitably qualified person.

4. TREE PROTECTION

Precautions shall be taken when working near trees (particularly the **2 Phoenix palm trees**) to ensure their protection and retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees on neighbouring properties require pruning then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

5. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:
 - (1) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (2) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from:

www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$2665.00** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

8. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

9. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & the Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

10. HOARDING REQUIRED

Where a standard A or B Class hoarding is required, the hoarding is to be designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

11. GEOTECHNICAL ENGINEERS REPORT

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

12. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

13. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

15. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the

facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

16. EROSION, SEDIMENT AND POLLUTION CONTROL

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Stormwater Policy and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

17. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

If On-Site Stormwater Detention (OSD) tank/s are required, details are to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

18. ENGINEERING DETAILS

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

19. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

20. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or

person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

21. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

22. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

23. SITE HEALTH & SAFETY PLAN

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

- (a) hazard identification and control
- (b) site security
- (c) personal protective equipment
- (d) work zones and decontamination procedures
- (e) contingency plans and incident reporting environmental monitoring

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

24. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

All site works complying with the occupational health and safety requirements of WorkCover NSW.

25. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

26. STOCKPILES

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

27. LOCATION OF BUILDING OPERATIONS

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

28. ALL BUILDING MATERIALS STORED ON SITE

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

29. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

30. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

31. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of

compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

MANDATORY Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any stormwater drainage connections; and
- (f) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) swimming pool fencing prior to filling the pool.

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

32. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed **works** including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

33. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.

- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

35. FINAL OCCUPATION CERTIFICATE

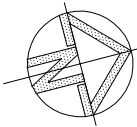
The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

36. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior to being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (f) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.

- (g) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.



IDENTIFY & MARK THE LOCATION OF ALL ABOVE & BELOW GROUND SERVICES PRIOR TO COMMENCING ANY WORK. TAKE ALL REQUIRED PRECAUTIONS TO PREVENT DAMAGE TO SERVICES

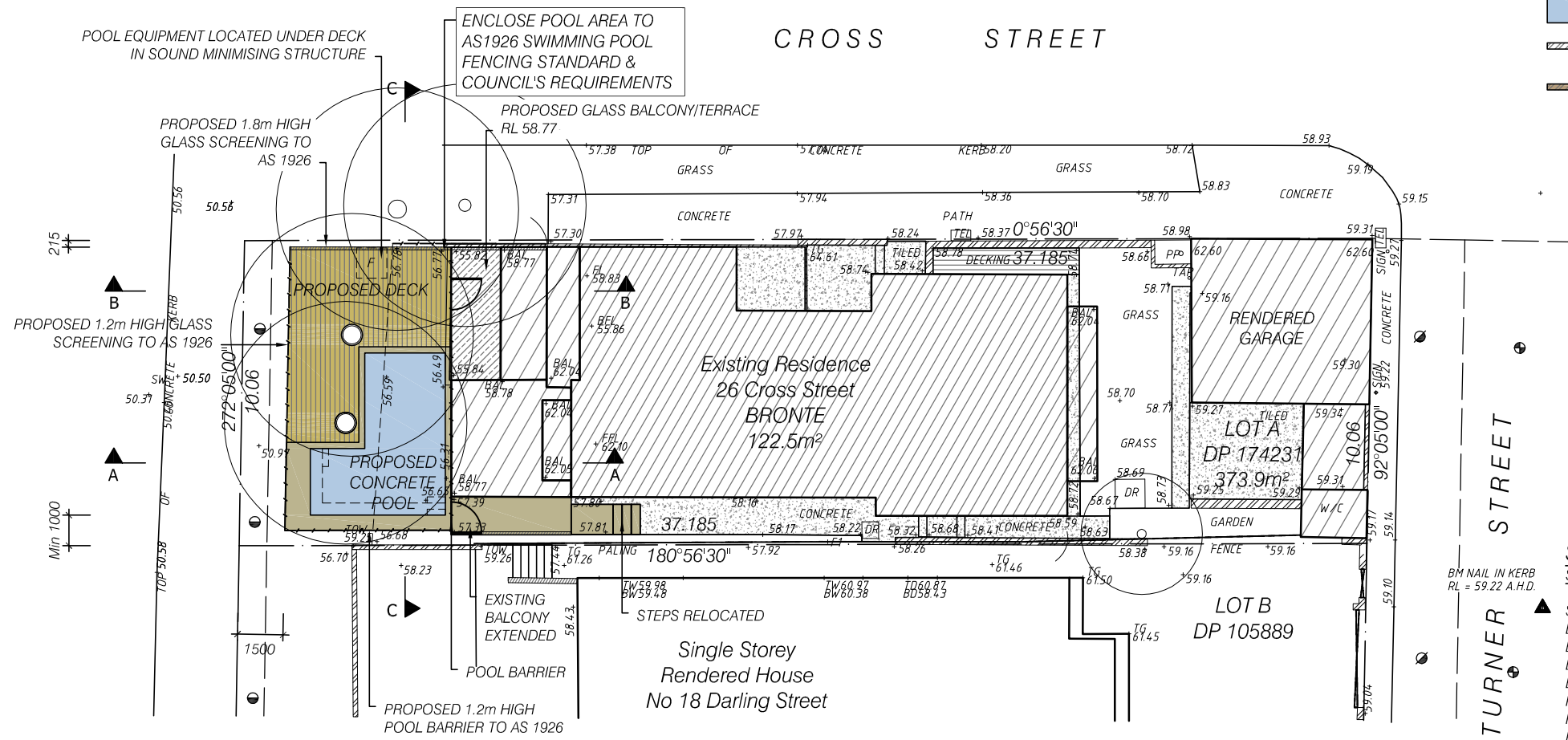
F SOUND PROOF FILTER BOX

POOL OVERFLOW TO BE PUMPED TO SEWER TO COUNCIL'S & SYDNEY WATER'S REQUIREMENTS

NOTE- FENCE LOCATIONS HAVE NOT BEEN DETERMINED IN RELATION TO BOUNDARIES

DECKS TO AS 1684 RESIDENTIAL TIMBER FRAMED CONSTRUCTION

DARLING STREET

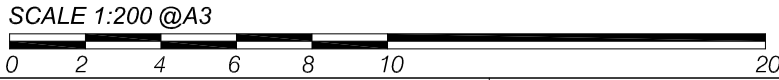


- LEGEND
- BOUNDARY
 - EXISTING BUILDING
 - EXISTING DECK
 - PROPOSED DECK
 - EXISTING PAVING
 - PROPOSED PAVING
 - PROPOSED POOL
 - EXISTING RETAINING WALL/WALL
 - PROPOSED RETAINING WALL/WALL

SITE CALCULATIONS	
SITE -	379.9m ²
SITE COVERAGE	
EXISTING RESIDENCE (Incl Entry & Balconies) -	159.9m ²
EXISTING GARAGE & ANCILLARY STRUCTURES -	41.6m ²
EXISTING PAVED AREAS -	41.9m ²
EXISTING DECKS -	4.2m ²
PROPOSED POOL -	18.1m ²
PROPOSED POOL COPING -	7.3m ²
PROPOSED TERRACE -	7.1m ²
PROPOSED DECK -	24.2m ²
PROPOSED BALCONY EXTENSION -	6m ²
OPEN SPACE - TOTAL	
(Required - 40% of site)	154.9m ² (40.7% OF SITE)
LANDSCAPED AREA	
(Required - 15% of site)	69.6m ² (18.3% OF SITE)

- RIGHT OF WAY 0.914 WIDE
- RIGHT OF WAY 3.05 WIDE
- RIGHT OF WAY 3.66 WIDE

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Application No: DA-90/2019/1
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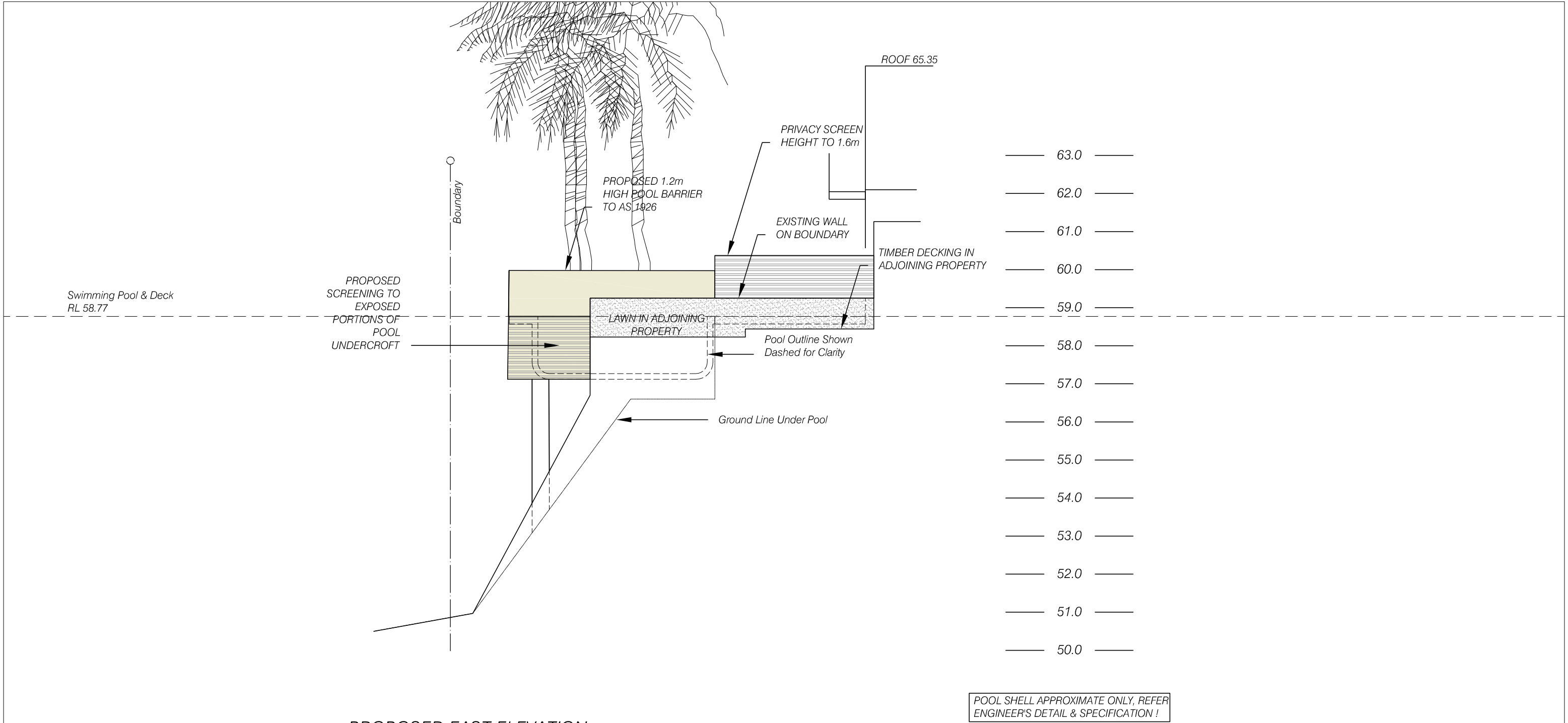
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CLIENT
BOTELLA RESIDENCE
SITE
26 CROSS STREET
BRONTE

DRAWING
SITE PLAN
PROJECT
PROPOSED SWIMMING POOL AND TERRACES

Date of Issue
A 26-2-19
B 15-3-19 For DA
C 13-8-19 Setbacks and barriers adjusted for Council

JOB No
18-07
ISSUE
C
DWG No
1720

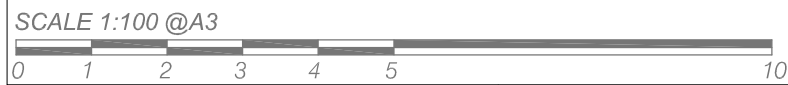


PROPOSED EAST ELEVATION

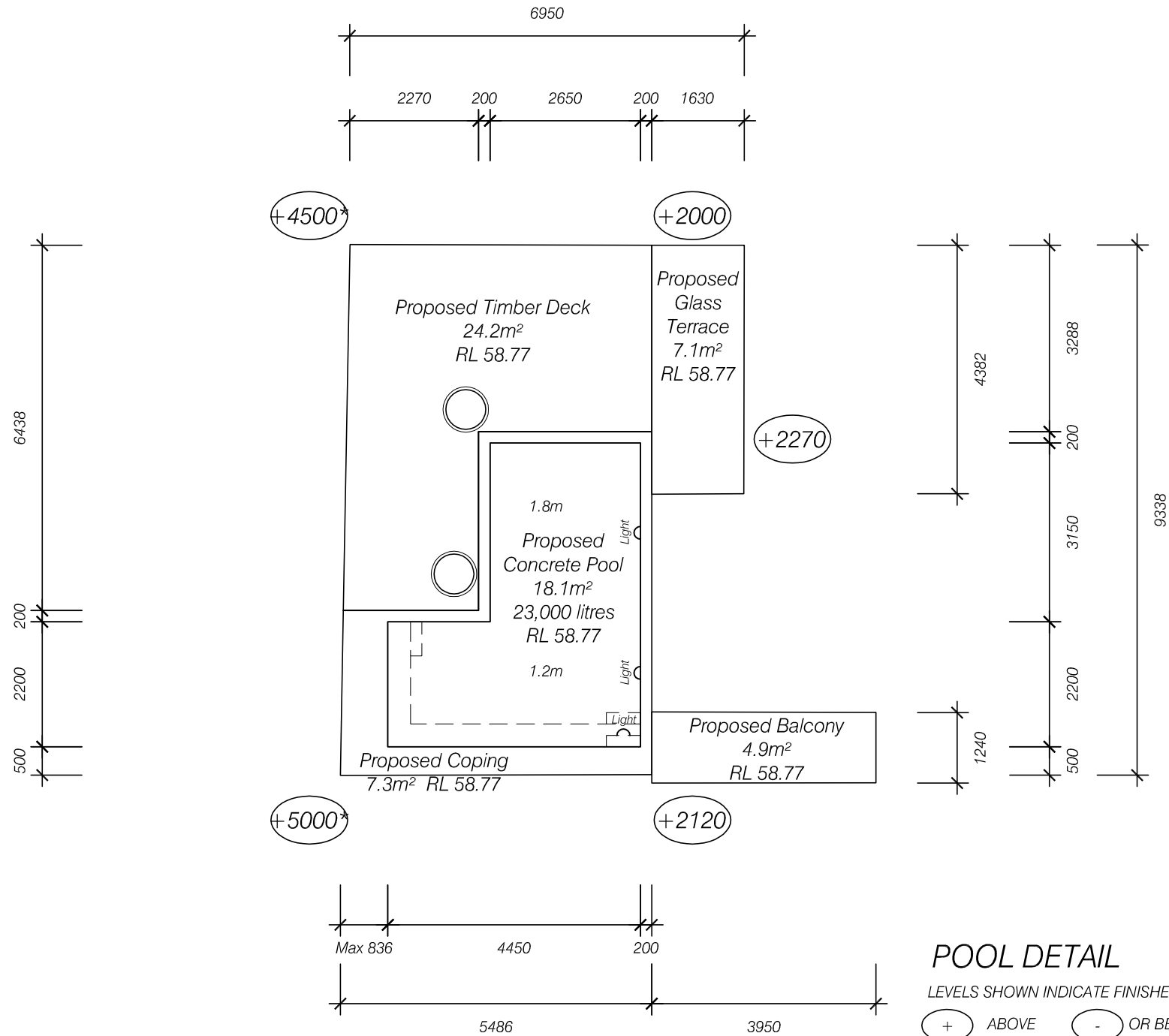
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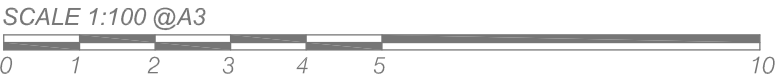
<div><div>DRAWN BY</div><div>Unit 20</div><div>12 Phillip Mall</div><div>West Pymble 2073</div><div>Phone 9440 5451 Facsimile 9402 6499</div><div>ABN 97 077 163 663</div><div>Fellow of Australian Institute of Landscape Designers and Managers</div></div> <div></div>	<div>NOTES TO THE PLAN</div> <div>THIS PLAN IS TO BE READ AS PART OF A COMPLETE SET OF DRAWINGS RELATING TO THE PROPOSED DEVELOPMENT</div> <div>THIS PLAN RELATES TO A SPECIFIC DEVELOPMENT INFORMATION RELATING TO THE DEVELOPMENT NEEDS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION</div> <div>ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE INDICATED</div>	<div>CLIENT</div> <div>BOTELLA RESIDENCE</div> <div>SITE</div> <div>26 CROSS STREET</div> <div>BRONTE</div>	<div>DRAWING</div> <div>EAST ELEVATION</div> <div>PROJECT</div> <div>PROPOSED SWIMMING POOL AND TERRACES</div>	<div>Date of Issue</div> <div>A 26-2-19</div> <div>B 15-3-19 For DA</div> <div>C 13-8-19 Setbacks and barriers adjusted for Council</div>	<div>JOB No</div> <div>18-07</div> <div>ISSUE</div> <div>C</div> <div>DWG No</div> <div>171</div>
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Application No: DA-90/2019/1

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CLIENT
BOTELLA RESIDENCE

SITE
26 CROSS STREET

BRONTE

DRAWING
POOL AND DECK PLAN

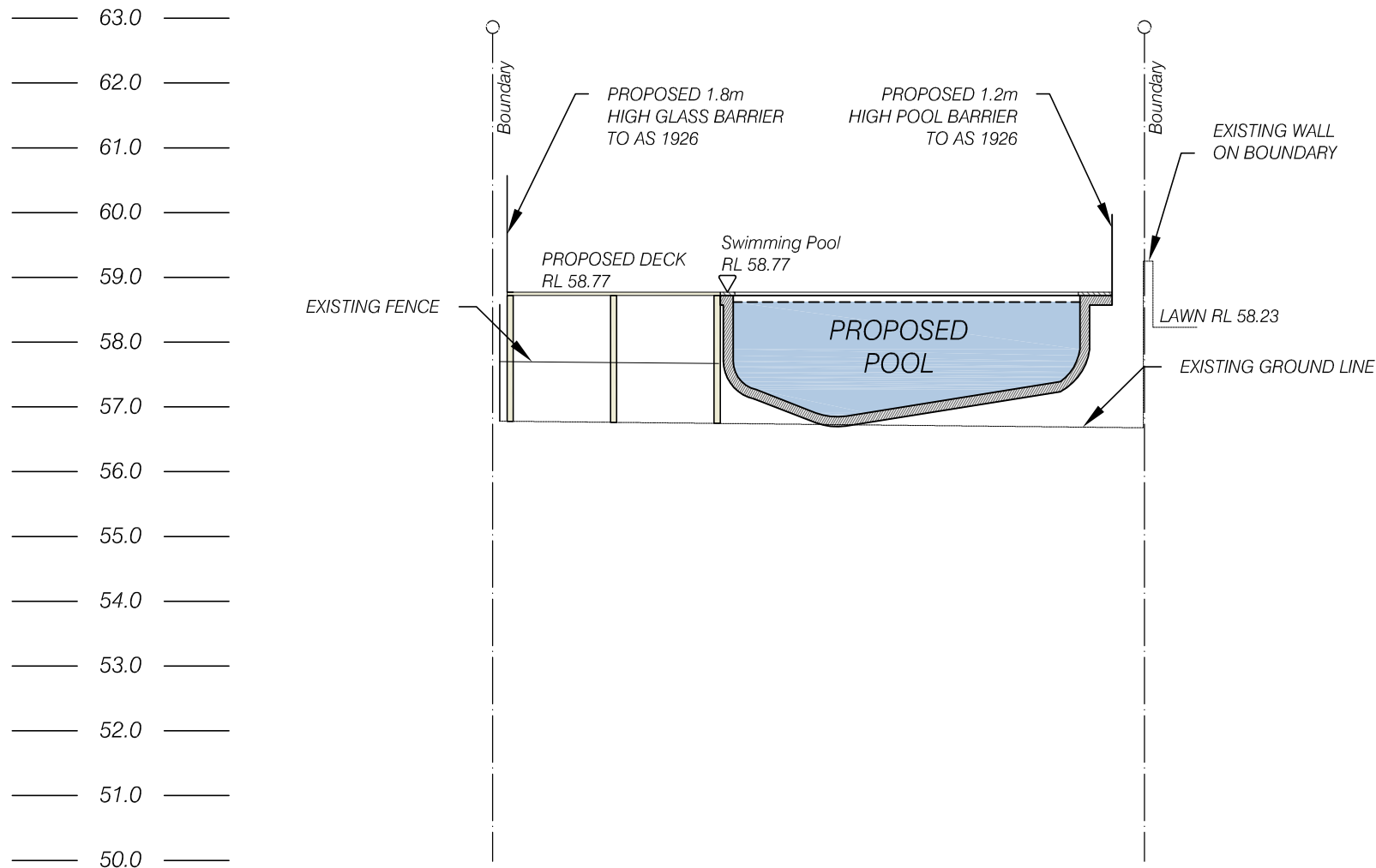
PROJECT
PROPOSED SWIMMING POOL AND TERRACES

Date of Issue
A 26-2-19
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JOB No
18-07

ISSUE
C

DWG No
173



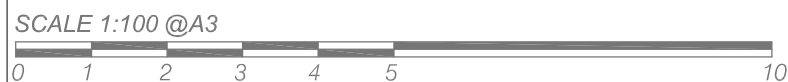
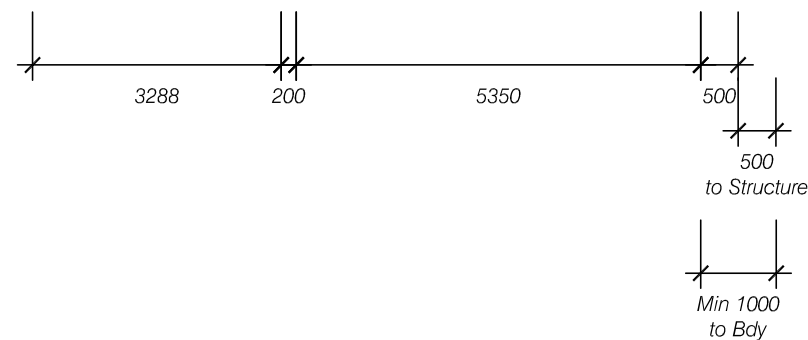
POOL SHELL APPROXIMATE ONLY, REFER
ENGINEER'S DETAIL & SPECIFICATION !

PROPOSED SECTION C-C

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Application No: DA-90/2019/1

Date Received: 12/11/2019



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12 Phillip Mall
West Pymble 2073

outside
LIVING

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ABN 97 077 163 663
Fellow of Australian Institute of Landscape Designers and Managers

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CLIENT
BOTELLA RESIDENCE

SITE
26 CROSS STREET
BRONTE

DRAWING
SECTION C-C

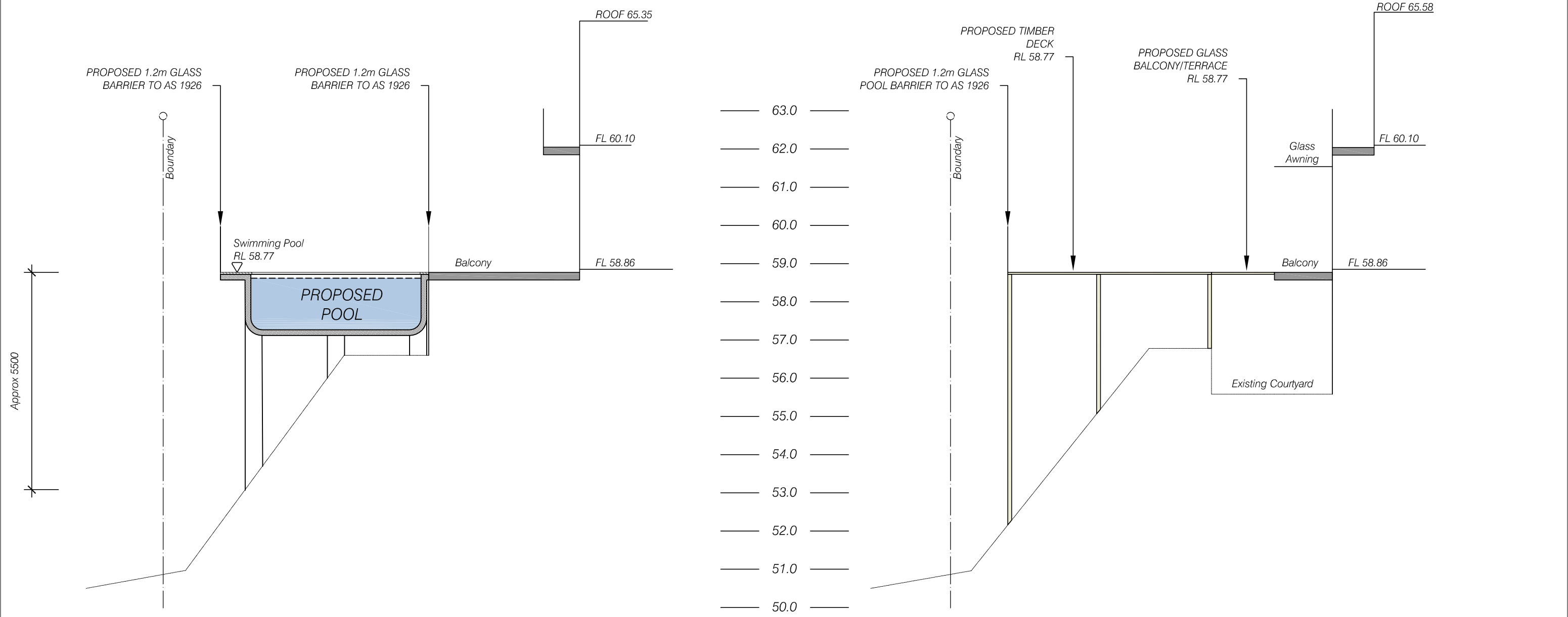
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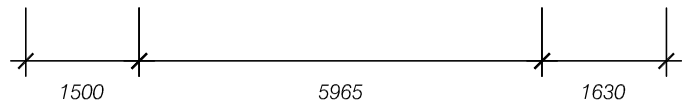
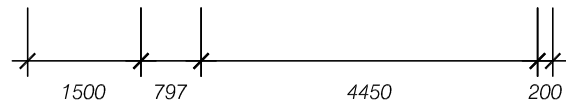
ISSUE
C

DWG No
174



PROPOSED SECTION A-A

PROPOSED SECTION B-B



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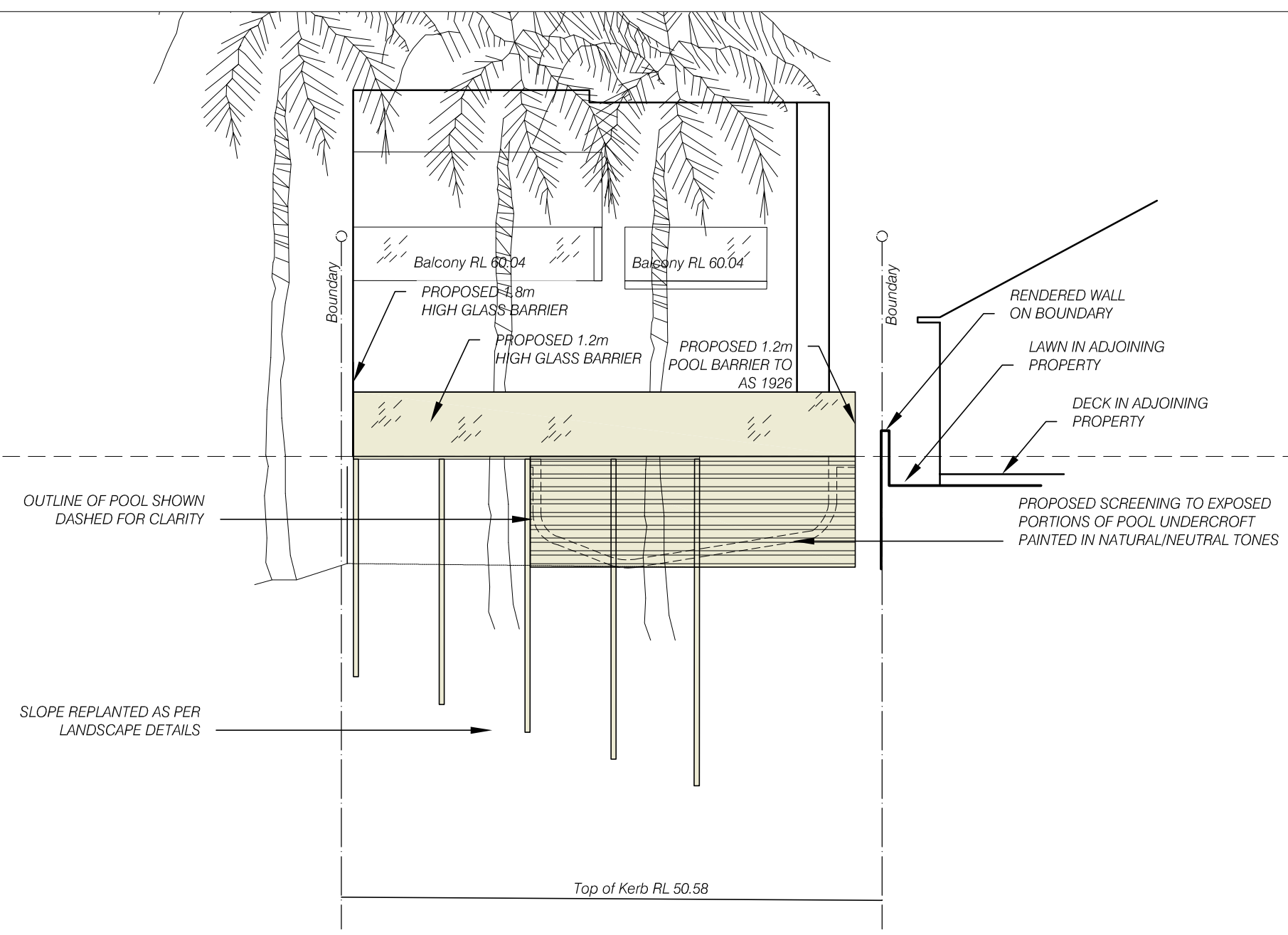
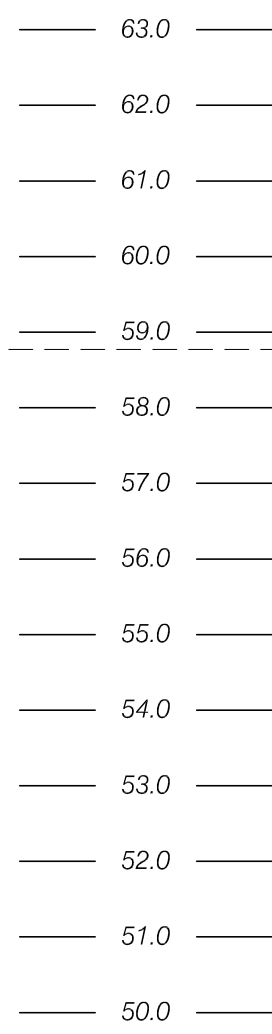


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CLIENT
BOTELLA RESIDENCE
SITE
26 CROSS STREET
BRONTE

DRAWING
SECTION A-A and SECTION B-B
PROJECT
PROPOSED SWIMMING POOL AND TERRACES

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C 13-8-19 Setbacks and barriers adjusted for Council	C
	DWG No
	175



POOL SHELL APPROXIMATE ONLY, REFER
ENGINEER'S DETAIL & SPECIFICATION !

PROPOSED SOUTH ELEVATION

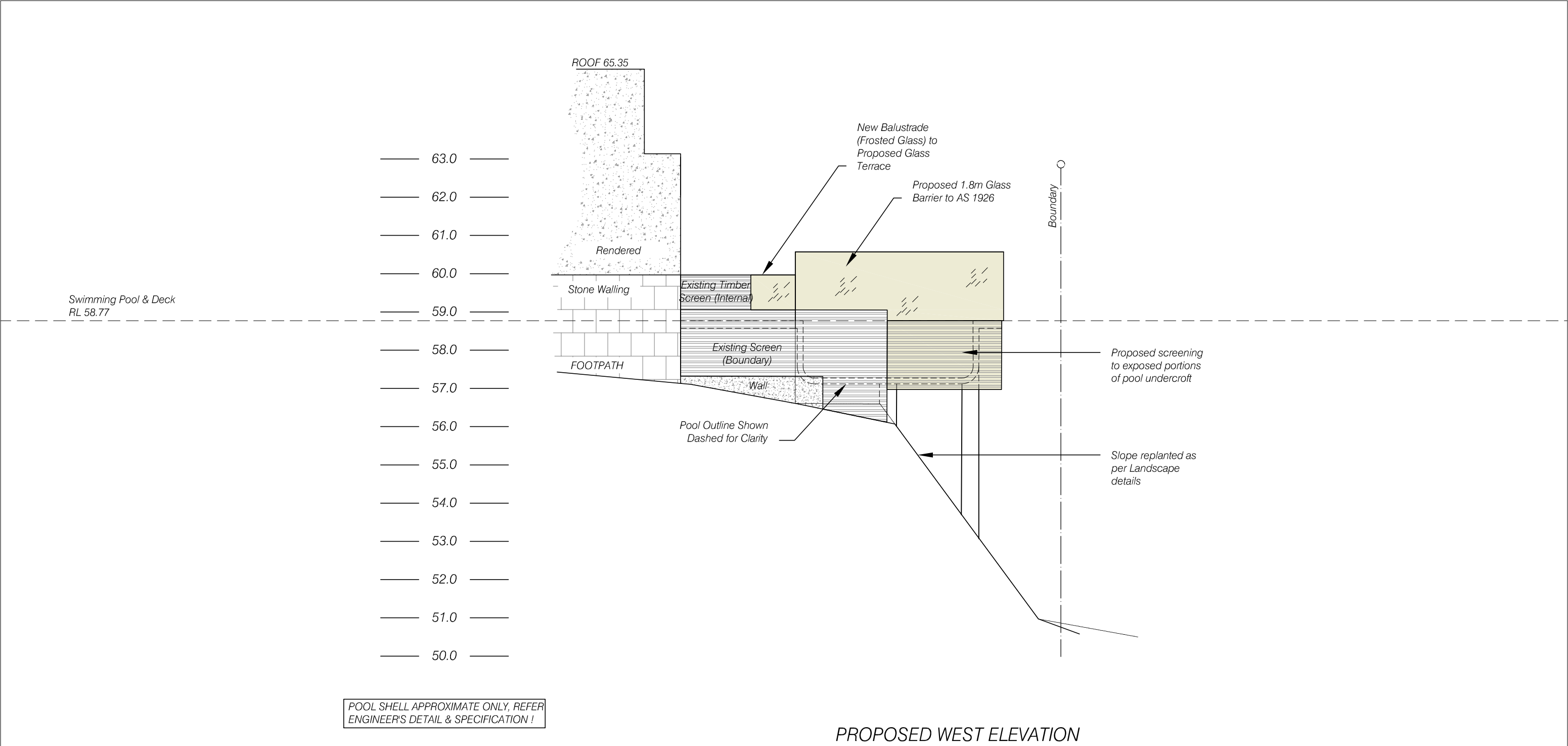
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					<div>ISSUE</div> <div>C</div>
					<div>DWG No</div> <div>176</div>




PROPOSED WEST ELEVATION

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Application No: DA-90/2019/1

Date Received: 12/11/2019



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Report to the Waverley Local Planning Panel

Application number	DA-163/2019
Site address	21 Thompson Street, Tamarama
Proposal	Alterations to the approved (not yet constructed) dwelling house and change of use to a dual occupancy
Date of lodgement	27 May 2019 Amended plans addressing inconsistencies with gross floor area calculations received 15 August 2019. Further information regarding BCA compliance received 13 December 2019.
Owner	Mr M Rossi and Ms S Stokes
Applicant	Built Development Group Pty Ltd
Submissions	10
Cost of works	\$5,431,258
Issues	FSR, height, excavation
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

The site and immediate locality have been inspected.

The site, the two immediately adjoining properties to the east and to the west and some nearby properties in Thompson Street have been visited, including during the most recent Land and Environment Court hearing, discussed below.

The site is identified as Lot 43 in DP 10771, known as 21 Thompson Street, Tamarama. The site has a parallelogram shape with a frontage of 12.495m to Thompson Street, side boundaries of 49.455m and a total site area of 578.4m². The site has a natural ground level fall from Thompson Street to the rear of the site (south to north) of around 18.51m.

The site was occupied by a +three level dwelling house, with a double garage and pool towards the street and the rest of the dwelling stepping down the site. Demolition and construction works, associated with a previous development consent, have started on site, which has included the complete demolition of all structures and excavation works.

The site has been for some time a very deeply excavated hole on the southern side of the sloping land overlooking Tamarama Marine Drive and Tamarama Beach.

Adjoining the site to the east is a two storey dwelling house, positioned towards north on that site with a garage at street level. To the west is a two storey dwelling house also located to the north with a double garage at the street level. Both adjoining sites are heavily landscaped with mature vegetation.

The site is burdened by a series of height covenants which benefit the property two away to the west known as 17 Thompson Street. The height covenants are contained within DP638148 and restricts building above RL36.400 and above RL26.940. The diagram below shows the original dwelling dotted in red with the 8.5m Council height control shown in pink. The height covenant applies in two steps as shown by the blue dotted line. The first step restricts building above RL36.400 and the second restricts building above RL26.940 on the lower part of the site.

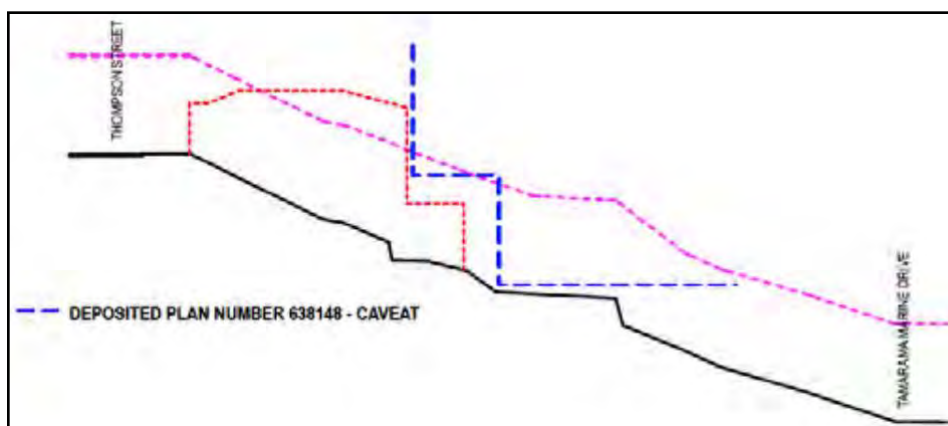


Figure 1: Height covenants affecting the site

The locality is generally characterised by detached residential dwelling houses, consisting of a mix of older and contemporary styles.



Figure 2: Site viewed from Pacific Avenue showing excavation and surrounding dwelling houses

1.2 Relevant History

DA-494/2011

Demolition of existing dwelling and construction of a five storey dwelling including a car stacker and new swimming pool, approved by the Land and Environment Court on 7 June 2012.

The approved FSR under this development application was 0.74:1 (434.8m²).

DA 444/2013

Alterations and additions to the dwelling including a car lift with basement parking, swimming pool, new windows and landscaping, approved 18 June 2014.

The approved FSR under this development application was 0.84:1 (485.06m²).

DA-365/2014

Demolition of existing building and construction of a 4-5 storey dwelling including integrated garage and swimming pool, approved on 23 December 2014.

The approved FSR under this development application was 1.02:1 (500.8m²).

DA-365/2014/A

Section 96(1A) application to modify development consent approved on 18 September 2015 and included the following:

- Glass lift location and size adjusted at all levels. The height of the lift overrun is RL43.785m.
- Car lift reconfigured at all levels,
- Master terrace balustrade raised to 1200mm, remains below covenant,
- Fences modified on the eastern and western boundaries,

- Stair along western side of house removed and ground grade raised slightly, terraced planter beds and dense planting proposed instead,
- Exterior materials and finishes altered from white cement concrete to stone clad walls,

The approved FSR under this development application was 1.22:1 (711.2m²).

DA-404/2017

Alterations and additions to the approved dwelling house and change of use to a dual occupancy.

The application was lodged as an amending development application of DA365/2014/A. The proposal retained the envelope and heights and generally the façade presentation of the approved development under DA365/2014/A. The DA proposed changes to the internal layouts within the envelope to allow for two dwellings (dual occupancy). The total gross floor area (GFA) was proposed to be increased from 711m² to 823m².

The DA was refused by the Waverley Development Assessment Panel on 28 March 2018. The reasons for refusal were:

1. *The variation to the development standard for the floor space ratio is excessive, and is not well-founded, nor in the public interest, being 185% above the standard, having regard to Clause 4.6 of the Waverley Local Environmental Plan 2012.*
2. *The proposal represents an overdevelopment of the site.*
3. *A portion of the additional floor space is located within an area that has been excavated without consent.*
4. *Retrospective approval cannot be granted for that part of the excavation works that were undertaken without consent. This is evident in the comparison drawings, in particular the elevations, sections and plans that compare the proposed development to the 'OUTLINE OF PREVIOUS SUBMITTAL' as shown in red outline.*
5. *The proposal is contrary to the public interest or orderly development.*

The refusal was the subject of an appeal to the Land and Environment Court (LEC), (*Stokes v Waverley Council* [2019] NSWLEC 1137) with the Court dismissing the appeal and refusing the application on 3 April 2019.

This LEC decision was in turn the subject of an appeal (*Stokes V Waverley Council (No. 2)* [2019] NSWLEC 174). This appeal was upheld.

Both appeals are discussed below

First appeal – 2019 NSWLEC 1137

This was a Class 1 merit appeal against the Panel's refusal of the DA.

The Court found that it did not have the jurisdictional power to approve the application. Relevant paragraphs explaining the Court's position are included below:

30 *For the reasons provided below, I have no power to approve this development without the requisite owner's consent. In this instance, the adjoining owners consent from 19 Thompson Street continues to, and remains to this day outstanding and I find that the proposed conditions of consent do not satisfy this requirement.*

...

35 *Although not a contention in the SoFC, as a consequence of information received in evidence during the hearing, namely the amended survey plan, the parties agree that there are (at least) two piles identified and constructed as part of commencement of a previous DA consent for the site, which are located on adjoining land, being 19 Thompson Street.*

36 *A development application must be made by the owner of the land to which the development applies. Relevantly cl 49(1) of the Environmental Planning and Assessment Regulation 2000 (EPA Reg) states:*

49 Persons who can make development applications

(1) A development application may be made:

- (a) by the owner of the land to which the development application relates, or*
- (b) by any other person, with the consent in writing of the owner of that land.*

37 *A development application must provide relevant supporting information, pursuant to cl 50(1)(a) of the EPA Reg. Relevant information that is required to support this DA includes evidence of owners consent for works that the development relies upon, as specified in Sch 1, Pt 1, 1(1)(b) and (i).*

...

52 *I find that the proposed development relies on the piles located on an adjoining property and therefore requires evidence of owners consent for application of the DA before development consent can be granted by the Court, pursuant to cl 49(1) of the EPA Reg.*

...

56 *I find that the proposed development relies on existing piling including piles located on 19 Thompson Street and that there is no owners consent provided to do so. This is a fundamental jurisdictional hurdle that has not been overcome.*

57 *I need evidence at the time of the assessment to be satisfied that the works can be isolated to the applicant's land and that impacts on the adjoining properties are satisfactorily addressed, particularly in circumstances where an adjoining owner has raised a concern about cracking of*

structures on his site and suggested generated by the excavation to date. There is insufficient information before me to satisfy the assessment of s 4.15 of the EPA Act.

58 *I find that I have no power to grant consent to DA 404/2017, as cll 49(1)(b) and 50(1)(a) of the EPA Reg have not been satisfied.*

Conclusion

59 *I have determined that the DA does not satisfy the requirements of cll 49(1)(b) and 50(1)(a) of the EPA Reg. I therefore find that the DA does not comply with s 4.15 of the EPA Act.*

60 *I am not required to address the other contentions raised by Council, as they relate to this DA, and I make no decision as to their resolution.*

61 *As I am not satisfied that the proposed development is lawful as it does not comply with the relevant provisions of the EPA Act, I am unable to grant consent to DA 404/2017.*

As noted above in the judgement, the Court did not address the other Contentions dealt with during the appeal – notwithstanding that considerable written and verbal evidence was provided to the Court.

For the purposes of reporting on this current application, it is relevant to inform the Panel of the way in which the planning Contentions were dealt with by the planning experts during the course of this appeal, as this in turn provides the context for the lodgement and assessment of the current application.

- A number of Contentions were raised by the Council, principally associated with the increase in GFA/FSR over and above that previously approved (711.2 sqm and 1.22:1); the extent of excavation; and visual and acoustic privacy impacts on neighbours arising from a 120 sqm living area terrace.
- During the Court process, including the relevant Council and applicant experts conferencing to try and narrow the areas of disagreement, as well as the respective parties (Council and the applicant) undertaking mandatory mediation, the GFA was reduced to be consistent with and no greater than previously approved (711 sqm); the applicant agreed to backfill some of the over-excavation that had been undertaken without approval; the trafficable area of the terrace was reduced and the previously approved swimming pool deleted.
- In short, as a result of significant amendments made to the application by the applicant during the mediation process, the Council was satisfied that the various planning Contentions had been satisfactorily addressed.

- The extent of the excavation of the site was interrogated in great detail by the Court, leading to the preparation of additional survey information with more detailed information regarding the property boundaries and levels. This more detailed survey information revealed that some of the temporary piling structure supporting the excavation undertaken along the western boundary of the site slightly extended on to the adjoining property at No 19 Thompson Street.
- Whereas previously it had been assumed that the new building would be set against the excavated sandstone walls along both the eastern and western sides of the site, the over-excavation resulted in a “void” between the walls/structural support of the new building and the over-excavated sides. The Court was not satisfied that there was adequate evidence before it as to how the void would be treated, nor did the evidence before the Court satisfactorily address the Court’s concern regarding the piles located on the adjoining property, including whether these piles would be used for structural support.
- In the absence of adequate information regarding the structural reliance or otherwise of the encroaching piling, the Court found that the development did rely on the piles on adjoining property and that this component of the development did not have owner’s consent – hence the jurisdictional impediment.

Second appeal – 2019 NSWLEC 174

The applicant appealed against the Court’s earlier determination regarding jurisdiction. The Court determined that the decision was in legal error with respect to the lack of owner’s consent from the adjoining neighbour and also was in legal error as the Commissioner denied procedural fairness to the parties when she determined the matter on the basis of a contention (that is with respect to owner’s consent) that was not raised by the Council or in the hearing itself without affording the parties an opportunity to be heard in this regard.

The Council’s lawyers have advised in writing that the evidence in the proceedings (first appeal) established that no work was proposed on the adjoining property. This decision is predicated on the basis that the eastern edge of the two piles that are partially located on the adjoining land are within the site that is the subject of the development application. There was an engineering solution provided in the proceedings (first appeal) that would have regularised any reliance on structures off-site but in any event the Judge noted that there is a distinction between works that are the subject of a development application and off-site works that may be carried out pursuant to conditions of consent.

In upholding the applicant’s appeal (second appeal), the Court in turn remitted the first appeal to the same Commissioner for further determination. In other words, the Commissioner is now required to consider all of the evidence relating to all of the contentions raised in the appeal and make a determination. This determination has yet to occur.

1.3 Proposal

The application seeks to amend DA365/2014/A.

Whilst it is a new DA it is essentially an amended version of DA-404/2017, seeking to incorporate the agreed changes to the design as occurred during the first appeal, summarised above.

The application also seeks to address the reason for refusal of the previous appeal by the Court, also summarised above – notwithstanding that the second appeal (subsequent to the lodgement of this DA) dismissed this as a valid reason.

The proposal retains the approved maximum building height, the approved envelope, the approved GFA (1.22:1 approved under DA-356/2014A) and generally the approved façade presentation under DA365/2014/A. The proposal proposes changes to the internal layouts within the envelope to allow for two dwellings (dual occupancy). The proposal also includes some deeper excavation on part of the southern section of the site (deeper than approved and deeper than has occurred) as well as some backfilling of some of the over-excavation towards the centre of the site.

The application states that it does not seek any greater GFA than approved under DA365/2014/A, being 711 sqm and a FSR of 1.22:1 Amended architectural plans received on 15 August 2019 confirm a GFA of 711 sqm as defined under WLEP 2012.

Minor changes have been made to the building envelope including the deletion of the curved lift form at the north-west corner of the approved dwelling, increased setback at Levels 1 and 0 to the terrace and bedroom level from the eastern side boundary providing a staggered wall alignment. Additional glazing is proposed at the east and west elevations. The proposal no longer includes a swimming pool.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012) – Amendment 6.

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The approved development has a maximum height of 15.4m with the ridge at RL43.785m. The modifications do not exceed this approved height.
4.4 Floor space ratio and <ul style="list-style-type: none"> Maximum FSR – 0.5:1 	No	Site area: 578.4m ² Maximum GFA: 289.2 m ² Proposed GFA: 711 m ² Breach of maximum GFA: 421.8 m ² (145%) Proposed FSR: 1.22:1 The DA does not propose any additional floor space above that approved under DA365/2014/A.
4.6 Exceptions to development standards	Yes	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the maximum building height and maximum FSR development standards. A detailed discussion of the variation to the development standards is presented below this table. In short the requests to vary the standards are supported in this case as there is no additional floor space or building height over and above that already approved.
Part 5 Miscellaneous provisions		
No clauses are applicable to the proposed amendments.		

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.2 Earthworks	Yes	<p>The site has been extensively excavated. Excavation is a relevant matter in the consideration of this DA. The issues include:</p> <ul style="list-style-type: none"> • Over excavation, both in width and in depth in some areas, over and above that previously approved. • Over excavation has resulted in structure across the property boundary with No. 19 to the west. • Proposed additional excavation at the southern end of the site to accommodate car lift. • Proposed backfilling of some of the over excavated area within the centre of the site.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

Clause 4.6 Exceptions to Development Standards

The application seeks to vary both the maximum building height development standard of 8.5m and the FSR development standard of 0.5:1.

The building height variation is 6.9m to a maximum height of 15.4m as measured above the ground levels prior to the current excavation. The variation is 81%.

The variation to the FSR standard of 0.5:1 to 1.22:1 represents a GFA variation of 421.8 m² or 145% .

Written requests have been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 2012 seeking to justify the contraventions of the development standards by demonstrating:

- (a) That compliance with the development standards is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standards.

A copy of the applicant's written requests have been provided to the Waverley Local Planning Panel for consideration.

Applicant's Written Requests - Clause 4.6(3)(a) and (b)

Clause 4.3 - Building height

The applicant seeks to justify the contravention of the building height development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) The built-form provided by the proposed building is generally consistent with the bulk and scale of the surrounding buildings and approvals and requiring compliance with the Height of Buildings standard would result in an inconsistent building form.
 - (ii) In this instance the proposed development exceeds the Height of Buildings development standard as a result of the unique site conditions where the site is steeply sloping and had been excavated to accommodate the original dwelling within the set of height covenants which affect the site.
 - (iii) The approved and commenced dwelling followed those site conditions and the original excavation to accommodate the approved and commenced dwelling within the set of height covenants which affect the site. The current proposal utilizes that envelope of the approved and commenced dwelling with no increase or change to the height and therefore also requires a variation to that standard.
 - (iv) The proposal presents as a building predominantly within the maximum height of buildings as it presents to the street and steps down the slope of the site. The breach to the height control arises from a combination of a localised step in the topography where the slope falls over a ledge and where the site had been excavated for the previous dwelling. While the northern portion of the proposal is comfortably compliant with the control the step in the topography in the centre of the site means that the leading edge of the central portion of the building breaches the control.
 - (v) The proposal has preserved the environmental amenity of the neighbouring properties and public spaces by sensitively locating these portions of the building in a manner which preserves the environmental amenity in terms of solar access, privacy, daylight, visual impacts, outlook and views. Those parts of the building which breach the height control do not give rise to any adverse impacts which would cause the environmental amenity of the neighbouring properties and public spaces not to be preserved.
 - (vi) The height of the proposal is considered to be compatible with the height, bulk and scale of the existing character of the locality. The locality comprises a variety of large dwellings of varying designs responding to the topography by stepping down the slope on both sides of the street. The proposal presents a two storey form to Thompson Street which is compatible in height, bulk and scale with the two, three and four storey presentations of existing development describing the character surrounding the site in Thompson Street.
 - (vii) The proposal presents a stepped form following the slope to Tamarama Marine Drive to the north which is compatible in height, bulk and scale with the stepped form of existing development describing the character surrounding the site in Tamarama Marine Drive
 - (viii) The proposal is consistent with the objectives of the standard and the zone.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal seeks flexibility in the application of the standard where the breach to the height control arises from a building, which is compatible in bulk and scale with the existing and desired future character. A compliant building would unnecessarily mass the building form further north on the site in order to achieve the height control while

providing a higher lower level and impact upon cross views over the site. The design is considered to achieve flexibility consistent with the objectives of this clause.

- (ii) More height on the lower level, would have significant view impacts upon the adjoining residential buildings. The solution to lower the building and reduce its extension to the north provides a better planning outcome for both the occupants and the neighbours and retains an acceptable level of solar access for the neighbouring buildings.
- (iii) The proposal provides for a better outcome in massing the building in a manner consistent with the massing of the buildings forming the existing and desired future character so that the breach to the height control is instrumental to a lower building where view sharing can be created.

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing, as detailed above.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the development standard are detailed below, together with comments:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted.

(b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,

Comment: not relevant.

(c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,

Comment: not relevant.

(d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted.

The objectives of the zone are also detailed below, together with comments:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment: this objective is met. The dual occupancy development will provide additional housing. The dual occupancy development does not change the approved height of development.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: not relevant.

Conclusion

For the reasons provided above the requested variation to the building height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the standard and the zone. The development application does not propose any height over and above that already approved and therefore the variation of the development standard has no impact additional to that already determined by the Council to be acceptable.

Clause 4.4 – Floor Space Ratio (FSR)

The applicant seeks to justify the contravention of the FSR development standard on the following basis:

- (c) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) In this instance the proposed development exceeds the FSR development standard as a result of the unique site conditions where the site is steeply sloping and had been

excavated to accommodate the original dwelling within the set of height covenants which affect the site.

- (ii) The approved and commenced dwelling followed those site conditions and the original excavation to accommodate the approved and commenced dwelling within the set of height covenants which affect the site. The current proposal utilises that envelope of the approved and commenced dwelling with no increase or change to the FSR and therefore also requires a variation to that standard.
 - (iii) The approved and commenced dwelling envelope is retained by the proposal but the space within the envelope has been reconfigured to accommodate two dwellings within a dual occupancy.
 - (iv) The proposal is consistent with the objectives of the standard and the zone.
- (d) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal provides for a better outcome in providing two dwellings within the envelope of the currently approved and commenced single dwelling making available additional housing in a low density environment, which benefit from high amenity and high levels of solar access and outlook. This is considered to be a better outcome consistent with the objectives of this standard.
 - (ii) The proposal presents as a building predominantly within the maximum Building Height and Floor Space Ratio as it presents to Thompson Street. The significant excavation which existed on the site to accommodate the original dwelling and the subsequent excavation from subsequent approvals have created a unique situation where a significant portion of the gross floor area of the proposed dwellings is located below ground and does not contribute to the bulk and scale of the proposal. Consequently, this provides for an appropriate correlation between height and floor space for the proposed development on this site meeting the objective of this control.
 - (iii) The bulk, scale and streetscape of the proposal is considered to be compatible with the bulk, scale and streetscape of the desired future character of the locality. The locality comprises a variety of recently approved large dwellings of varying designs responding to the topography by stepping down the slope on both sides of the street.

The proposal presents a two storey form to Thompson Street which is compatible in height, bulk and scale with the two, three and four storey presentations of recently approved development describing the desired future character surrounding the site in Thompson Street
 - (iv) The proposal provides an appropriate overall bulk and scale and maintains the established view sharing regime and preserves the environmental amenity of neighbouring properties and public spaces.

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- c) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard

is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

- d) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- b) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing, as detailed above.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the development standard are detailed below, together with comments:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*

Comment: not relevant.

- (b) to provide an appropriate correlation between maximum building heights and density controls,*

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted.

- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted.

- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted. There is no increase in floor space over and above that already approved. As the building envelope, height and density (floor space) does not change from that already approved, the contravention of the development standard in this case does preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

The objectives of the zone are also detailed below, together with comments:

- *To provide for the housing needs of the community within a low density residential environment.*

Comment: this objective is met. The dual occupancy development will provide additional housing. The dual occupancy development does not change the approved FSR of development.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: not relevant.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the standard and the zone. The development application does not propose any floor space over and above that already approved and therefore the variation of the development standard has no impact additional to that already determined by the Council to be acceptable.

2.1.4 Waverley Development Control Plan 2012 (Amendment 6)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	A BASIX Certificate has been submitted with the application, which satisfies this section of the DCP.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	<p>The subject site is located within a biodiversity corridor. The original development application was referred to Council's Senior Environment Officer who raised no objection subject to conditions. There is no change to the building envelope that would affect this as part of the amending DA.</p> <p>The landscaping plan has been reviewed and is generally considered acceptable subject to some amendments required by conditions of consent.</p>
5. Tree preservation	Yes	The site already excavated to accommodate development.
6. Stormwater	Yes	The stormwater plans submitted have been reviewed by the Council's Stormwater Engineer and are satisfactory. Relevant conditions of consent are included.
8. Transport	Yes	The amending development application does not change the proposed vehicle access. Internal car arrangements have been reconfigured given the proposed change of use to a dual occupancy. Car lift and stackers are proposed. The Council's traffic engineer has raised no objection.
14. Excavation	Yes/No	<p>The site has been extensively excavated and it cannot be said that excavation has been minimised. The extent of current excavation exceeds the past approvals.</p> <p>Further depth of excavation at the southern end of the site (Thompson Street end) is proposed to accommodate the car stacker operation.</p> <p>The application also proposes some backfilling to address some of the over excavation.</p> <p>Existing excavation to side boundaries exceeds that approved but this application does not propose any additional excavation towards side boundaries.</p> <p>The extent of excavation, including 2 piles extending into the neighbouring property to the west at 19 Thompson Street, is discussed further in the report.</p>

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a "Dual Occupancy" in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	Yes	The building envelope, building height and density of development and standard of design has been previously determined to be acceptable and approved. The change to a dual occupancy does not change the circumstances.
2.1 Height		
Pitched Roof dwelling house <ul style="list-style-type: none"> • Maximum external wall height of 7m 	No, acceptable on merit	There are no changes to the approved building height or wall heights.
Flat roof dwelling house <ul style="list-style-type: none"> • Maximum wall height of 7.5m 		
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	No, acceptable on merit	No changes proposed under this amending DA to minimum setbacks already approved.
2.2.2 Side setbacks	No, acceptable on merit	No changes proposed under this amending DA to minimum setbacks already approved.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context • Replacement windows to complement the style & proportions of existing dwelling • Significant landscaping to be maintained. • Porticos only permitted where a character of the streetscape 	Yes	The streetscape presentation of the dwelling is consistent with the approved DA and the surrounding environment.
2.4 Fences		
<i>Front:</i> <i>Side and Rear:</i> <ul style="list-style-type: none"> • Maximum height of 1.8m 	Yes	1.8m side boundary fences proposed. Condition to be imposed to ensure any structures do not extend above the covenant line.

Development Control	Compliance	Comment
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	Yes	<p>Extent of glazing has increased on eastern and western side elevations (see further discussion below).</p> <p>The removal of the approved swimming pool at Level 1 has been replaced with a terrace with extensive planter and non-trafficable areas. This design change actually results in a reduced potential for privacy and amenity impacts as compared to the currently approved development.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	The proposed changes do not increase the height or approved building envelope and no additional shadow is cast over adjoining properties.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	The proposed changes do not exceed the height covenants that apply to the site. The proposal does not change the approved height of the building and as considered in the original DA, is reasonable in regards to view sharing.
2.8 Car parking		
2.8.2 Design Approach	Yes	Car parking access from Thompson Street unchanged.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 		
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	The proposal provides 2 car parking spaces per dwelling within the garage, located on level 1A, accessed via the car lift and car turning table.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area & appearance to the design of the residences No part of the façade is to be demolished to accommodate car parking Gates to have an open design 	Yes	<p>The garage entry is located at the front of the building and has a nil front setback to Thompson Street. This is acceptable in this instance given the existing building and adjoining sites which have garages located at street level with the houses at a lower level behind.</p> <p>The car turning table will allow vehicles to enter and exit the site in a forward direction.</p>
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The Council's traffic engineer has confirmed compliance.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	Yes	Satisfactory
2.9 Landscaping and open space		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes	<p>The proposal provides additional landscaping on the eastern, western and northern sides of the development.</p> <p>As the site is affected by covenants restricting the height of structures, objects or growth, an additional condition will be imposed ensuring maturity height of species does not extend above this covenant height.</p> <p>An amended landscape plan will be conditioned to be updated to reflect the additional landscaping proposed.</p>
2.15 Dual Occupancy Development		
<ul style="list-style-type: none"> Min 450m² attached dwellings Min 600m² detached dwellings 	Yes	Attached dwellings on site area of 578.4 sqm.

Visual and acoustic privacy

The eastern and western elevations are unchanged from the design included in DA-404/2017 previously considered by the Panel. This includes an increase in glass on the eastern and western side elevations compared to the currently approved development.

On the eastern elevation, Level 4 contains additional glazing associated with the stairs down to the lower dwelling unit which was previously a garage with a small highlight window at this location. This area overlooks the frontage of the adjoining property. Some of this glazing will be screened by the dense planting proposed along the eastern boundary at this location. This area is associated with circulation space which is not considered likely to cause opportunity for adverse overlooking.

Glazing on the western elevation has been changed to narrow vertical strips with granite columns in between. The majority of this modified glazing at Levels 4 and 5 is associated with circulation space and void, both areas that are not habitable rooms and are not considered likely to cause opportunity for adverse overlooking.

Changes have been made to the elevated master balcony on the northern elevation so as to be accessible from the master bedroom and associated bathroom. The balcony has shifted closer to the western side boundary from 4 metres to a minimum of 2 metres and angled towards the east. Privacy screens are not able to be added to this balcony due to the height covenants affecting the site, however it is considered that the setback distance proposed will not result in unreasonable impacts on privacy to the adjoining property.

DA-404/2017 included a very large terrace to Level 1, replacing the area of the currently approved swimming pool, located adjacent to the dwelling at No.23 Thompson Street. This current application has significantly reduced the size of the terrace, introduced planters and includes a significant non-trafficable area, as shown in the extract below.

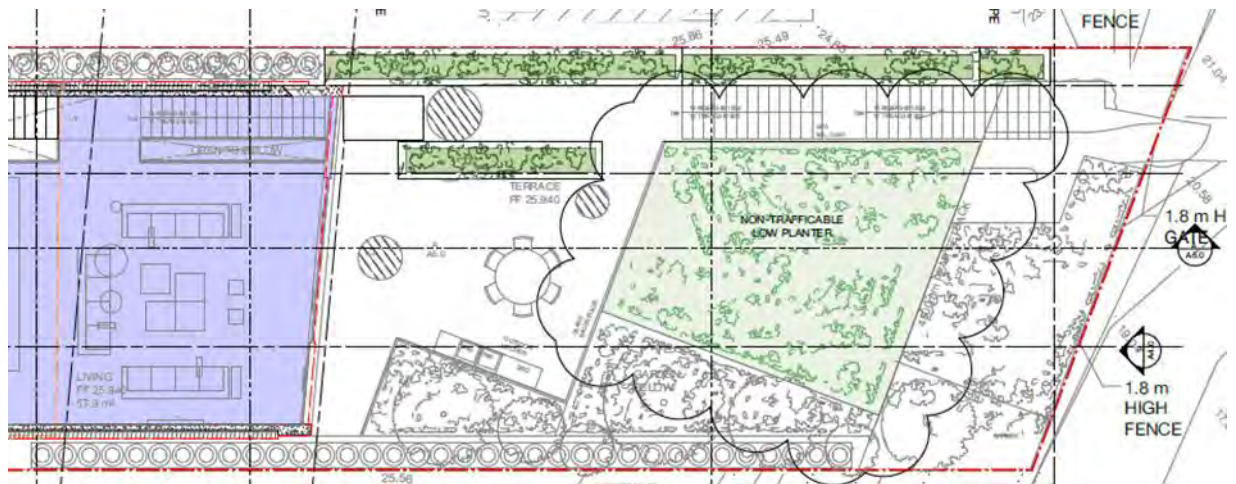


Figure 2: lower level living area terrace with large non-trafficable area and planting.

The reduction in the size of this terrace was one of the issues addressed through the first appeal whereby the applicant amended that application and this design change has been carried forward into the current application.

Overall the development is not considered to create any additional or unacceptable overlooking, privacy or amenity impacts.

Excavation

The extent, impact and acceptability of excavation of the site was a significant issue during the first appeal and was also central to the second appeal. Excavation has been raised in submissions to the current application, including excavation of a depth and width additional to that previously approved, and also including structural piles extending into the neighbouring property to the west at No. 19 Thompson Street.

The application includes additional depth of excavation at the southern end of the site in order to accommodate the car park stacker lift shaft. The application also includes some backfilling of over-excavation.

An extract of one of the section drawings is included below.



Figure 4: extract of cross section showing excavation levels in colour.

The hatched area in the central part of the drawing is the proposed backfilling.

The orange line is the previously approved excavation.

The pink line is the current excavation.

The blue line, where it extends below the pink line towards the left side of the drawing, is the additional excavation in order to accommodate the car lift shaft.

The second appeal was limited to considering whether there had been an error on a question(s) of law arising from the first appeal, associated with the extent of excavation and works extending on to No 19. The second appeal considered:

- (1) the finding that the Court did not have jurisdiction to grant consent to the DA before the Court;
- (2) the finding that the consent of the owner of adjoining land was required pursuant to clause 49 of the EPA Regulation;
- (3) the finding that the location of the two existing piles on no. 19 Thompson Street used for structural stability raised an issue of jurisdiction;
- (4) the finding that jurisdiction to determine the appeal was only provided if the two piles were structurally isolated from the proposed development; and
- (5) the decision dismissing the appeal without giving the parties an opportunity to make submissions as to whether the consent of the owner of adjoining land was required and whether the Commissioner had jurisdiction to grant consent to the DA.

In this second appeal the Court determined that the 2 structural piles that encroach on to No. 19 Thompson Street were not within the scope of the DA and were (are) not on the land to which the DA relates. The Judge also found that the evidence (in the first appeal) established that no work was proposed on No. 19. No owners consent was required because no works were proposed. There was no jurisdictional hurdle.

The judgement also found that there had been a lack of procedural fairness as the Commissioner denied the procedural fairness to the parties when she determined the matter on the basis of a contention (that is with respect to owner's consent) that was not raised by the Council or in the hearing itself without affording the parties an opportunity to be heard in this regard.

The Council's lawyers have advised in writing that the evidence in the proceedings (first appeal) established that no work was proposed on the adjoining property. This decision is predicated on the basis that the eastern edge of the two piles that are partially located on the adjoining land are within the site that is the subject of the development application. There was an engineering solution provided in the proceedings (first appeal) that would have regularised any reliance on structures off-site but in any event the Judge noted that there is a distinction between works that are the subject of a development application and off-site works that may be carried out pursuant to conditions of consent.

In upholding the applicant's appeal (second appeal), the Court in turn remitted the first appeal to the same Commissioner for further determination. In other words, the Commissioner is now required to consider all of the evidence relating to all of the contentions raised in the appeal and make a determination. This determination has yet to occur.

Finally with regard to excavation, condition(s) of consent are recommended that require the submission of structural engineering plans detailing the structural support along and adjacent to the

eastern boundary with No. 23 Thompson Street and the same along and adjacent to the western boundary with No 19 Thompson Street. These structural engineering plans are to detail how the proposed building will be structurally independent of the adjoining properties as well as how those adequate properties will maintain adequate support. In the case of the relationship with No 23, the structural engineering plans must also consider the need for any support on the subject site and along the boundary in order to ensure the integrity of the adjoining sewer main. The condition(s) will require that the applicant's engineering drawings are subject to a peer review, also prior to the issue of any construction certificate.

2.2 Other Impacts of the Development

BCA

The proposed development is capable of complying with the BCA, subject to appropriate conditions being imposed.

Sydney Water Sewer

A Sydney Water sewer main is located within Thompson Street as it runs east then traverses the edge of the south-east corner of the subject site before turning 90 degrees north and running within the western side of 23 Thompson Street close to the common boundary with the subject site. An extract of the site survey identifying the sewer line is shown below, with the sewer shown as the dashed line with "S" and the property boundary in red.

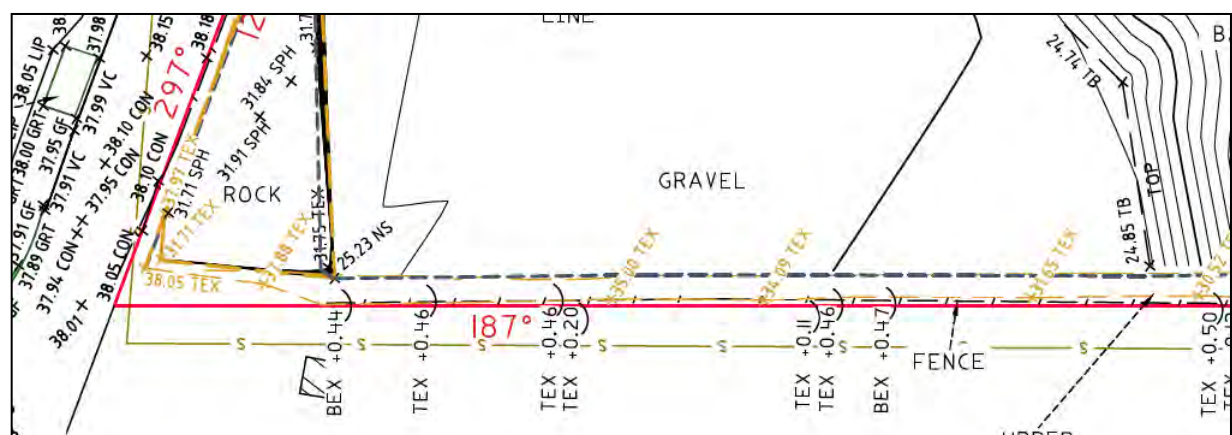


Figure 5: location of sewer (denoted as -S-) in south-east corner of the site and on No. 23 and associated property boundary in red

The extent of (over) excavation is close to the sewer line. While the current application does not propose any further excavation, the Council's Manager Design (development engineer) has recommended a condition of consent requiring plans being presented to a Sydney Water Quick Check Agent for their approval. This step will occur prior to the issue of any construction certificate for any further works on the site.

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development, subject to the conditions of consent, particularly in relation to further structural engineering details.

2.4 Any Submissions

The application was notified and advertised for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

11 submissions were received from 10 properties. The issues raised in the submissions are summarised and discussed below.

Table 3: Summary of property addresses that lodged a submission

Property
23 Thompson Street
19 Thompson Street
17 Thompson Street
12 Thompson Street
27 Thompson Street
14 Thompson Street
18 Thompson Street
2 Mirimar Street
4 Mirimar Street
8 Mirimar Street

Issue: Breach of Sydney Water Condition which affects 23 Thompson Street

D/A 365/2014 showed contiguous supporting piles on the boundary on the western side of 23 Thompson Street and 45 supporting piles on the boundary on the eastern side of 19 Thompson Street. In February, 2015, the Agent for Sydney Water provided a Service Protection Report on 23 Thompson Street which stated: Approval to D/A for 21 Thompson Street granted: Condition of Approval: "Concrete piers required as marked on the plans".

In short the objector is concerned that the current application requires referral to and approval from Sydney Water given the existence of the sewer main in proximity on 23 Thompson Street.

Response: a condition of consent is recommended requiring approval of the plans by Sydney Water (agent) prior to the release of any construction certificate.

Issue: the applicant has not demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. Nor has the Applicant demonstrated that the proposed development would be in the public interest

Response: the written requests to vary the building height and FSR development standards are discussed within the body of the report. The variations are supported in the circumstances of the case. On balance, approval is considered to be in the public interest.

Issue: will also add to the parking and traffic problems in the area adjacent to 21 Thompson Street, which is not in the public interest.

Response: the Council's traffic engineer has raised no objection to the proposed parking and access arrangements for the development. Each dwelling is provided with 2 car spaces.

Issue: DA previously refused by WLPP.

Response: the current application includes some significant changes to that previously refused by the Panel. These changes are detailed in this report and most notably include the FSR reduced to be no greater than previously approved.

Issue: No owner's consent from 19 Thompson Street

Response: the second appeal to the Land and Environment Court determined that the consent of No. 19 is not required. Conditions of consent are recommended regarding structural engineering along the boundary with No 19.

Issue: request the Council take action to require the works impacting on 19 Thompson Street be demolished and repair/restoration occur.

Response: this is a separate compliance matter, referred to the Council's Manager Compliance.

Issue: exceeds FSR standard.

Response: the proposed FSR is discussed in the body of the report. The FSR has been reduced so as to be no greater than that previously approved.

Issue: exceeds building height standard

Response: the proposed building height is discussed in the body of the report. The height is no greater than that previously approved.

Issue: extent of unauthorised excavation

Response: this has been discussed in detail in the body of the report.

Issue: roofing material is highly reflective

Response: the materials and finishes schedule indicate a matte titanium roof is proposed.

Issue: non-compliance with the height covenant affecting the property and benefitting 21 Thompson Street in part due to proposed plantings.

Response: relevant conditions of consent are proposed ensuring compliance with the covenant.

2.5 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

3.1 Stormwater – Creating Waverley

The application was referred to Council's Stormwater Engineer who has advised that the plans are satisfactory with respect to the stormwater details. Standard conditions have been included.

3.2 Urban Ecology Coordinator Environmental Sustainability

The application was referred to Council's Urban Ecology team who advised that given the property lies adjacent to a bushland remnant, section 3.1 of Part B3 of WDCP 2012 applies. The submitted landscape plans do not comply with control (c) which requires a minimum of 90% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1. It is recommended that the landscape plans be amended to comply with this control. A relevant condition has been included.

3.3 Fire Safety Officer

The application was referred to Council's Fire Safety Officer who advised there were a number of non-compliances with the BCA. The applicant was requested to provide an updated BCA report. An updated BCA report was received, which advises that the proposed building is capable of complying with the BCA. Given the development relates to a building that is not yet constructed, the building will be required to comply with the relevant clauses of the BCA.

4. SUMMARY

The possible redevelopment of the subject site has a long history of development applications, development consents and two recent appeals to the Land and Environment Court, all of which are detailed in the opening sections of this report.

The current application seeks to amend an existing consent DA-365/2014A for a dwelling house to allow a dual occupancy use including internal modifications, some additional excavation to accommodate a car lift and some backfilling of unauthorised excavation.

The application does not propose any increase in FSR or building height over and above that already approved.

While the previous DA-404/217 for the site was refused by the Land and Environment Court on jurisdictional grounds (first appeal), that decision was overturned on appeal (second appeal). The matter is again before the Court for determination based on the planning merit contentions and evidence considered by the Court in the first appeal.

During the course of the first appeal the then application was amended by the applicant, in response to concerns raised by the Council, to the point where the Council's planning expert and the Council were satisfied that the application warranted approval by the Court. Importantly, the FSR was significantly reduced, so as to be no greater than that previously approved by the Council.

The current application is the same as that application, as amended, that remains before the Court, and which has been recommended for approval by the Court.

The proposal continues to exceed the FSR and height development standards applying to the site – but importantly by no more than previously approved. In relation to FSR, this is a significant change to DA-404/2017 refused by the Panel at its meeting on 28 March 2018.

The applicant has submitted clause 4.6 exceptions which are considered to warrant the support as the building envelope is very similar to the previous DA approval issued DA-365/2014/A and also the approved development applications prior to that. The proposed development does not have any additional height or FSR than previously approved. All development is contained within the existing

bulk of the building and is not considered to create additional adverse environmental impacts such as overshadowing, loss of privacy or view impacts to adjoining properties.

As detailed in this report, excavation has been a major issue considered by the Court and raised in objections. The report deals in detail with the issues associated with excavation and relevant conditions of consent are included.

The application has been assessed against the Waverley LEP, DCP and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**

Stuart McDonald
SJB Planning
Consultant Planner to Waverley Council
Date: 20/12/19

Mitchell Reid
Executive Manager, Development Assessment
Date: 31/1/20

Reason for referral

- 1 Conflict of interest
- 2 Contentious development (10 or more objections)
- 3 Departure from any development standard in an EPI by more than 10%

APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) The following Architectural Plans, prepared by Wallace E. Cunningham Inc, received by Council on 27 May 2019:

Drawings	Stamp Date Received
A1.1 Site Plan	27 May 2019
A2.0 Roof Plan	27 May 2019
A10.01/1 Floor Plan Level 5 – Living Dwelling 1	27 May 2019
A10.02/1 Floor Plan Level 5A – Entry	27 May 2019
A10.03/1 Floor Plan Level 4 – Bed Dwelling 1	27 May 2019
A10.04/1 Floor Plan - Level 3 - Master Bed Dwelling 1	27 May 2019
A10.05/1 Floor Plan – Level 2 - Loft	27 May 2019
A10.06/1 Floor Plan – Level 1 - Living	27 May 2019
A10.07/1 Floor Plan – Level 0 - Bedrooms	27 May 2019
A10.08/1 Section A	27 May 2019
A10.09 Section A with excavation survey overlay	27 May 2019
A10.10 Section B	27 May 2019
A10.11 Section C	27 May 2019
A10.12 Section D	27 May 2019
A10.13 Section E	27 May 2019
A10.10/1 Section F	27 May 2019
A10.15 North Elevation	27 May 2019
A10.16 East Elevation	27 May 2019
A10.17 South Elevation 2	27 May 2019
A10.18 West Elevation	27 May 2019
A4.9 Elevation 4 – West – colour code	27 May 2019
A5.6 Section F	27 May 2019
A7.0 Exterior finish schedule	27 May 2019

- (b) Landscape Plans prepared by Myles Baldwin Design dated 16 May 2019:

Drawing No.	Stamp Date Received
MBD_2IT_01, Cover Page, Issue C	27 May 2019
MBD_2IT_02, Entry Level Plan, Issue C	27 May 2019
MBD_2IT_03, Level 1 Balcony Plan, Issue C	27 May 2019
MBD_2IT_04, Lower Bedroom Level Plan, Issue C	27 May 2019

- (c) Sediment & Erosion Control Plan, No. H5505, Rev B, dated 25/7/2014, prepared by &M Group;
- (d) Stormwater plans prepared by at&l, Project No. 17-482, drawing numbers DAC001, DAC010, DAC015, DAC016, DAC020, DAC030, all Issue P4, dated 1 May 2019;
- (e) BASIX Certificate;

- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B1 Waverley DCP 2012.

Except where amended by the following conditions of consent;

2. MODIFICATION OF DEVELOPMENT CONSENT 365/2014/A

Pursuant to section 4.17(1)(b) and (5) (previously section 80A(1)(b) and (5)) of the *Environmental Planning and Assessment Act 1979*, Development Consent No.365/2014 dated 23 December 2014 as modified by Section 96 application No.365/2014/A dated 18 September 2015 are modified as necessary so that each of these development consents are consistent with this development consent. In this respect Condition 1 of Development Consent No. DA-365/2014/A are modified to include the approved architectural plans and BASIX certificate referred to in Condition 1 above.

3. RELATIONSHIP TO DEVELOPMENT CONSENT DA-365/2014/A

This development consent shall operate concurrently with Development Consent No.DA-365/2014/A and the applicant shall comply with the conditions of that Consent when undertaking the works approved in this amending development consent.

A separate construction certificate is to be obtained for works approved under this amending development consent to combine the approved works with those works being undertaken in accordance with Development Consent No.DA-365/2014/A. All conditions of consent imposed on Development Consent No.DA-365/2014/A are to be read in conjunction with this development consent.

4. NATIONAL CODE OF CONSTRUCTION – CHANGE IN CLASSIFICATION

The approved development now contains portions of a Class 2 and Class 7 building under the NCC and will requires an assessment of the fire safety implications prior to the release of a Construction Certificate. In particular, attention is drawn to the requirements for any protection of openings and the impact this may have on the external finishes and windows. Should any design changes to the external façade be required to address the NCC, those details are to be submitted to and approved by the Executive Manager, Building Waverley, Waverley Council, prior to the issue of a Construction Certificate.

5. LANDSCAPE PLAN

- (a) The landscape plan is to be amended to replace those plantings within the RL 36.4 covenant areas at the eastern and western sides of the development with species that have a growth height at full maturity that do not extend above the RL36.4 height of the restrictive covenant on title. The landscape plan is to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate;
- (b) The landscape plan is to be amended to replace those plantings within the RL26.94 covenant areas at the eastern, western and northern sides of the development with species that have a growth height at full maturity that do not extend above the RL26.94 height of the restrictive covenant on title. The landscape plan is to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
- (c) The landscape plan is to be amended to provide a minimum of 90% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 – 1 of Waverley Development Control Plan 2012. It should be noted that cultivar species such as Lomandra ‘Little Pal’, are not considered to be indigenous or locally native. Potential and recognized weeds such as Hedera canariensis and Jasminum azoricum need to be omitted from the plans.

6. PROPOSED GRADE LINE

The plans are to be amended to show the location of the proposed grade line and any associated structures, located below the restrictive covenant height of RL26.94, with amended plans being submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

7. PROPOSED REAR GATE TO TAMARAMA PARK RESERVE AT NORTHERN BOUNDARY

The proposed rear entry/exit gate located at the northern rear boundary and adjoining Tamarama Park is not to open outwards over that property boundary with details being submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

8. REMOVAL OF REFERENCE TO POOL LEVEL

Any reference to Pool and Pool level being deleted from the approved plans, with details being submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

9. NO STRUCTURES OR PLANTINGS ABOVE COVENANTS

No structures of any kind and including but not limited to plantings, screens, fences and retaining walls, are to be located above the covenant levels RL36.4 and RL 26.94 as identified on the approved plans

10. UPDATED GEOTECHNICAL INFORMATION INCLUDING EXCAVATION AND BACKFILLING

- a) The extent of excavation approved is strictly limited to that detailed in the approved drawings for DA-163/2019
- b) To the extent that the site, through previous action prior to the issue of the consent, has been over-excavated greater than necessary to accommodate approved Level 0, as approved under this consent, then the site is to be back-filled to comply with the land profile and levels approved in this consent
- c) Geotechnical engineering drawings prepared by a suitably qualified and experienced geotechnical engineer are to be submitted and approved by Council detailing the back-filling consistent with this condition, prior to the lodgement of any Construction Certificate.
- d) All back-filling, including any approved method of support for the backfilling under c), is to occur prior to any other works occurring on the site.
- e) Upon completion of the back-filling, the works are to be certified in writing by a suitably qualified and experienced geotechnical engineer as being consistent with the terms of this consent, including confirmation of finished levels and the structural stability of the fill to sustain the proposed construction of the development. This certification must be issued to the Council prior to the lodgement of any Construction Certificate.
- f) The issue of any Construction Certificate must include details of the certified approved fill.

11. UPDATED STRUCTURAL ENGINEERING DRAWINGS

Updated structural engineering drawings detailing:

- a) The independent structural integrity of the proposed building demonstrating no reliance of any form on neighbouring properties or land. The drawings are to include detailed sections showing property boundary locations and be fully dimensioned identifying the exact location of the proposed structure(s) within the site and the location of adjoining land. The drawings are to also accurately

identify, based on certified survey information, the exact location of the Sydney Water sewer main that intersects the south-eastern corner of the subject site as well as where the sewer main is located as it extends north-south on the adjoining land at No. 23 Thompson Street.

- b) The structural support to be incorporated along and adjacent to the eastern and western boundaries of the site in order to ensure the adjoining properties and the Sydney Water sewer main are fully protected and retained and in no way impacted or undermined by the proposed works. The drawings are to include detailed sections showing property boundary locations, the Sydney Water sewer main location and be fully dimensioned identifying the exact location of the proposed structure(s) within the site and the location of adjoining land.

The updated structural engineering drawings must be subject to and supported by a written peer review prepared by a suitably and experienced structural engineer.

The updated structural engineering drawings and peer review are to be submitted to the Council for the separate written approval of the Council's Executive Manager Development Assessment prior to the lodgement of any construction certificate.

12. APPROVAL OF SYDNEY WATER

The updated structural engineering drawings required by Condition 11 of this consent are to be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. In particular the written approval of Sydney Water is required regarding the acceptability of the development in relation to the sewer main that traverses the south-eastern corner of the site and extends in a north-south alignment through the neighbouring property at No 23 Thompson Street.

Written confirmation from Sydney Water is to be provided to the to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

11. UPDATED CONSTRUCTION MANAGEMENT PLAN (CMP)

An updated Construction Management Plan which addresses the revised design under this modified development application is to be submitted prior to the release of the Construction Certificate by a suitably qualified expert and be to the satisfaction of the Principal Certifying Authority. The CMP is to include but not be limited to the following:

- (1) Geotechnical engineer's design and construction recommendations as concluded in the report required by condition 10.
- (2) Structural engineering plans and report detailing the type and method of excavation, retaining structures, footings and dwelling design as required by condition of this consent.
- (3) The Construction Vehicle and Pedestrian Plan of Management (CVPPM) as required by condition 16 of development consent DA-365/2014/A.
- (4) Construction Methodology Plan detailing materials handling, methods of construction and programming.

The CMP shall detail any precautionary works required to be undertaken on the subject property to protect the structural integrity of adjoining properties.

A copy of the updated CMP referred to in this condition and the documents referred to in conditions 10 and 11 shall be provided to the owner of **19 Thompson Street** and **23 Thompson Street** prior to release of the Construction Certificate.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

- (1) Where the total development cost is less than \$500,000:

- "Waverley Council Cost Summary Report"; or,

- (2) Where the total development cost is \$500,000 or more:

- "Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

- (a) A development valued at \$100,000 or less will be exempt from the levy.

- (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR

- (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

13. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

14. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$230,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

15. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, including demolition, must not be commenced until:

- (a) A Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) A Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & the Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

16. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) The name and contractor licence number of the licensee who has contracted to do, or intends to do, work; or
- (b) The name and permit number of the owner/builder who intends to do the work; and
- (c) Any change to these arrangements for doing of the work.

17. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

MANDATORY Critical Stage Inspections MUST be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified MANDATORY inspections are:

In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

Application No: DA-163/2019
Date Received: 27/05/2019

A M E N D E D P L A N S

A10.00	-	COVER PAGE	DATE OF REVISION	-	13/05/2019
A	-	THERMAL LIVING ASSESSMENT PLAN	DATE OF REVISION	-	16/5/2019
S1.0	-	SURVEY	DATE OF REVISION	-	15/6/2017
A1.1	-	SITE PLAN	DATE OF REVISION	-	13/05/2019
A1.2	-	OPEN SPACE DIAGRAM PLAN	DATE OF REVISION	-	13/05/2019
A1.3	-	LANDSCAPE DIAGRAM	DATE OF REVISION	-	13/05/2019
A1.4	-	STREET FRONTAGE DIAGRAM	DATE OF REVISION	-	13/05/2019
A2.0	-	ROOF PLAN	DATE OF REVISION	-	13/05/2019
A10.01	-	FLOOR PLAN - LEVEL 5, DWELLING 1, LIVING - 149M ²	DATE OF REVISION	-	13/05/2019
A10.02	-	FLOOR PLAN - LEVEL 5A, DWELLING 1+2, ENTRY - 37M ²	DATE OF REVISION	-	13/05/2019
A10.03	-	FLOOR PLAN - LEVEL 4, DWELLING 1, BED - 140M ²	DATE OF REVISION	-	13/05/2019
A10.04	-	FLOOR PLAN - LEVEL 3, DWELLING 1, MASTER BED- 91.5M ²	DATE OF REVISION	-	13/05/2019
A10.05	-	FLOOR PLAN - LEVEL 2, DWELLING 2, LOFT - 15M ²	DATE OF REVISION	-	13/05/2019
A10.06	-	FLOOR PLAN - LEVEL 1, DWELLING 2, LIVING -143M ²	DATE OF REVISION	-	13/05/2019
A10.07	-	FLOOR PLAN - LEVEL 0, DWELLING 2, BEDROOMS - 126.5M ²	DATE OF REVISION	-	13/05/2019
A10.08	-	SECTION A	DATE OF REVISION	-	13/05/2019
A10.09	-	SECTION A-With excavation overlay	DATE OF REVISION	-	13/05/2019
A10.10	-	SECTION B	DATE OF REVISION	-	13/05/2019
A10.11	-	SECTION C	DATE OF REVISION	-	13/05/2019
A10.12	-	SECTION D	DATE OF REVISION	-	13/05/2019
A10.13	-	SECTION E	DATE OF REVISION	-	13/05/2019
A-10.14	-	SECTION F	DATE OF REVISION	-	13/05/2019
A-10.15	-	NORTH ELEVATION	DATE OF REVISION	-	13/05/2019
A-10.16	-	EAST ELEVATION	DATE OF REVISION	-	13/05/2019
A-10.17	-	SOUTH - STREET ELEVATION	DATE OF REVISION	-	13/05/2019
A-10.18	-	WEST ELEVATION	DATE OF REVISION	-	13/05/2019
A6.0	-	SHADOW DIAGRAMS	DATE OF REVISION	-	13/05/2019
A6.1	-	SHADOW DIAGRAMS	DATE OF REVISION	-	13/05/2019
A6.2	-	SHADOW DIAGRAMS	DATE OF REVISION	-	13/05/2019
A7.0	-	EXTERNAL FINISH SCHEDULE	DATE OF REVISION	-	13/05/2019

CLIENT: ROSS/

SHEET TITLE: COVER PAGE

WALLACE E. CUNNINGHAM, INC.

SCALE: DATE: 13/05/2019

REVISION:

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

Thermal Comfort Assessment

This home has been assessed under the thermal simulation method of the BASIX Protocol

Assessor Tracey Cools

Accreditation Number VIC/BDAV/12/1473

BASIX Details

Certificate Number: 0003618400

Dwelling 1 (upper)

BASIX adjusted conditioned area: 395m²

Area adjusted cooling load: 48 MJ/m²/pa

BASIX adjusted un-conditioned area: 0m²

Area adjusted heating load: 38 MJ/m²/pa

Dwelling 2 (lower)

BASIX adjusted conditioned area: 321m²

Area adjusted cooling load: 11.4 MJ/m²/pa

BASIX adjusted un-conditioned area: 11m²

Area adjusted heating load: 63.9 MJ/m²/pa

Specification

The following specification was used to achieve the thermal performance values. Modelling proxies are used at times and if the buildings element details vary the thermal performance specifications below shall take precedence.

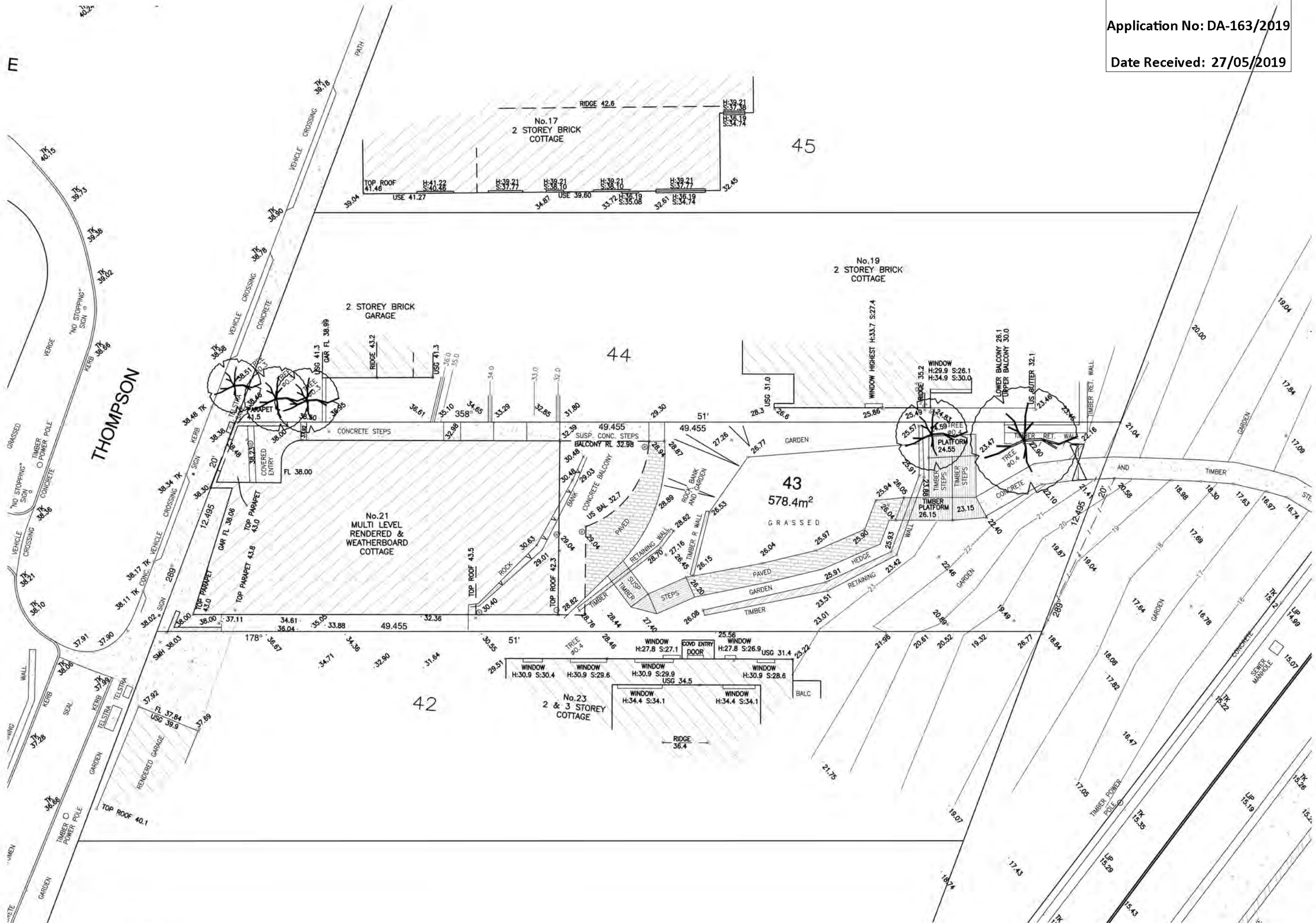
If there is a change to this specification during design or construction phases please contact Efficient Living for advice and if required an updated certificate will be issued.

Thermal Performance Specifications

Floors	Concrete slab on ground Suspended concrete slab with a R1.0 insulation
Walls	External walls 30mm Stone Cladding / 50mm air gap / 190mm Concrete block / 92mm Stud / R2.0 bulk insulation / Venetian Plaster 200mm Dintel / 92mm Stud / R2.0 bulk insulation / Venetian Plaster light colour (SA < 0.475) Internal walls: Masonry with venetian plaster, no insulation
Windows	Aluminium frame performance glazing: U-Value: 4.80 equal to or lower than SHGC: 0.59 + or - 10% Frameless performance glazing: U-Value: 4.80 equal to or lower than SHGC: 0.59 + or - 10% Given values are NFRC, total window values
Skylights	None
Ceilings	Plasterboard with R2.5 bulk insulation where roof is above Loss of ceiling insulation related to installation of downlights has been accounted for in accordance with BCA technical note 2. All downlights are assumed sealed LED downlights.
Roof	Matte titanium metal roof with R1.0 foil backed blanket, dark colour (SA > 0.7)
Floor coverings	20mm stone throughout
External shade	Eaves – As per Plans External blinds (adjustable) to north windows on level 1 & 2
Ventilation	All external doors have weather seals, all exhaust fans and chimney have dampers, any down lights proposed will have capped fittings.

BCA requirements

In addition to the BASIX requirements; all new residential dwellings (class 1 buildings) Must comply with; NSW PART 3.12.1 Building sealing & 3.12.5.0 - 3.12.5.3



SURVEY
scale: 1:200

CLIENT: ROSSI
SHEET TITLE: SURVEY
WALLACE E. CUNNINGHAM, INC.

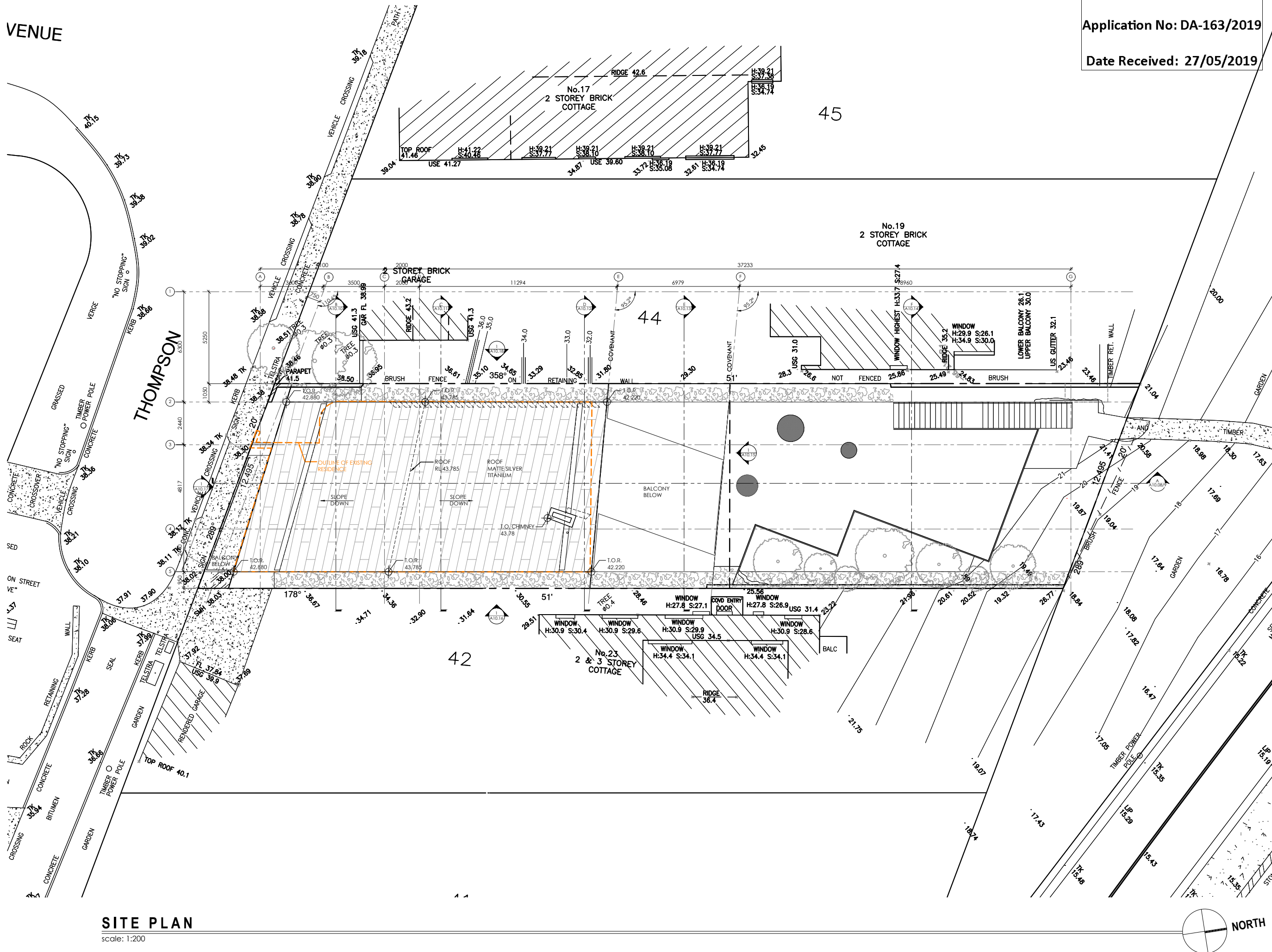
DATE: 15/06/2017
ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU
REVISION:
SCALE: 1:200
3
4
9
3
1
4
9
3
2
1
3
7
-
1
4
9
3
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1
9
2
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7
6
4
0

VENUE

RECEIVED
Waverley Council

Application No: DA-163/2019

Date Received: 27/05/2019



SITE PLAN

scale: 1:200



CLIENT: ROSSI

SHEET TITLE: SITE PLAN

A WALLACE E. CUNNINGHAM, INC.

P. O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

DATE: 13/05/2019
SCALE: 1:200

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU
REVISION:

CLIENT: ROSSI

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

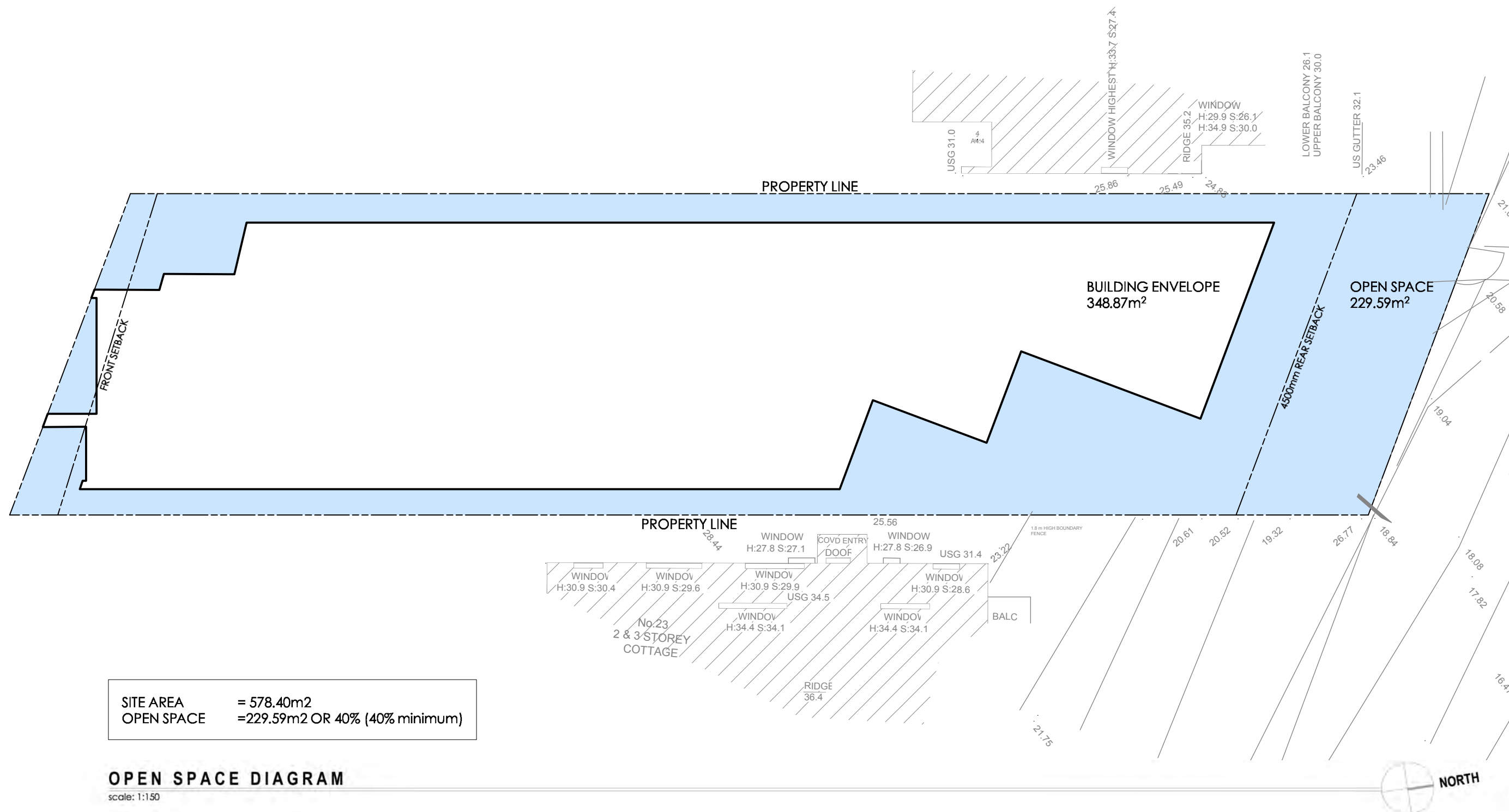
DATE: 13/05/2019
REVISION:

P. O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

SHEET TITLE: OPEN SPACE DIAGRAM

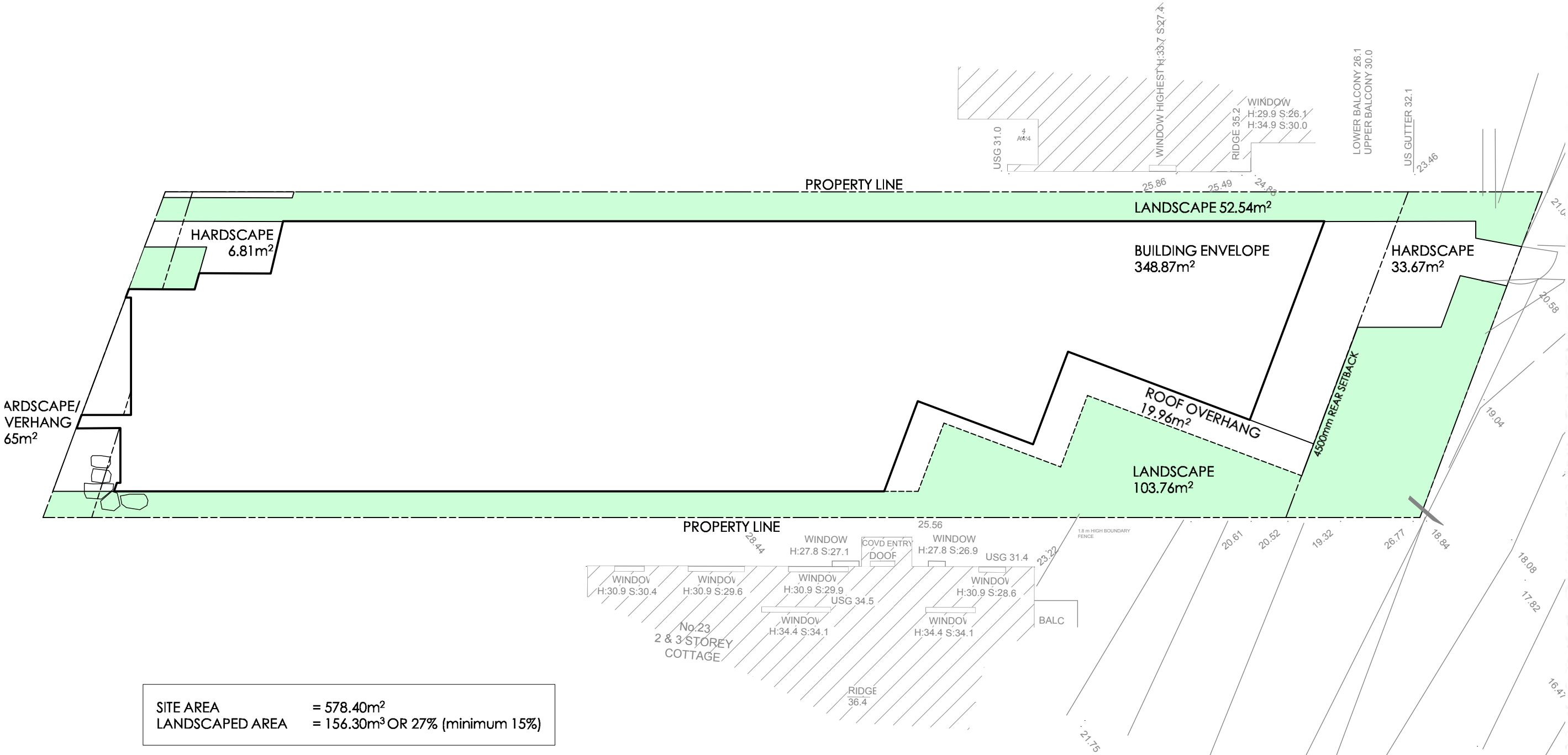
WALLACE E. CUNNINGHAM, INC.

A 1.2



SITE AREA = 578.40m²
OPEN SPACE = 229.59m² OR 40% (40% minimum)

OPEN SPACE DIAGRAM



SITE AREA = 578.40m²
LANDSCAPED AREA = 156.30m³ OR 27% (minimum 15%)

LANDSCAPE AREA DIAGRAM
scale: 1:150



CLIENT: ROSSI

SHEET TITLE: LANDSCAPE AREA DIAGRAM

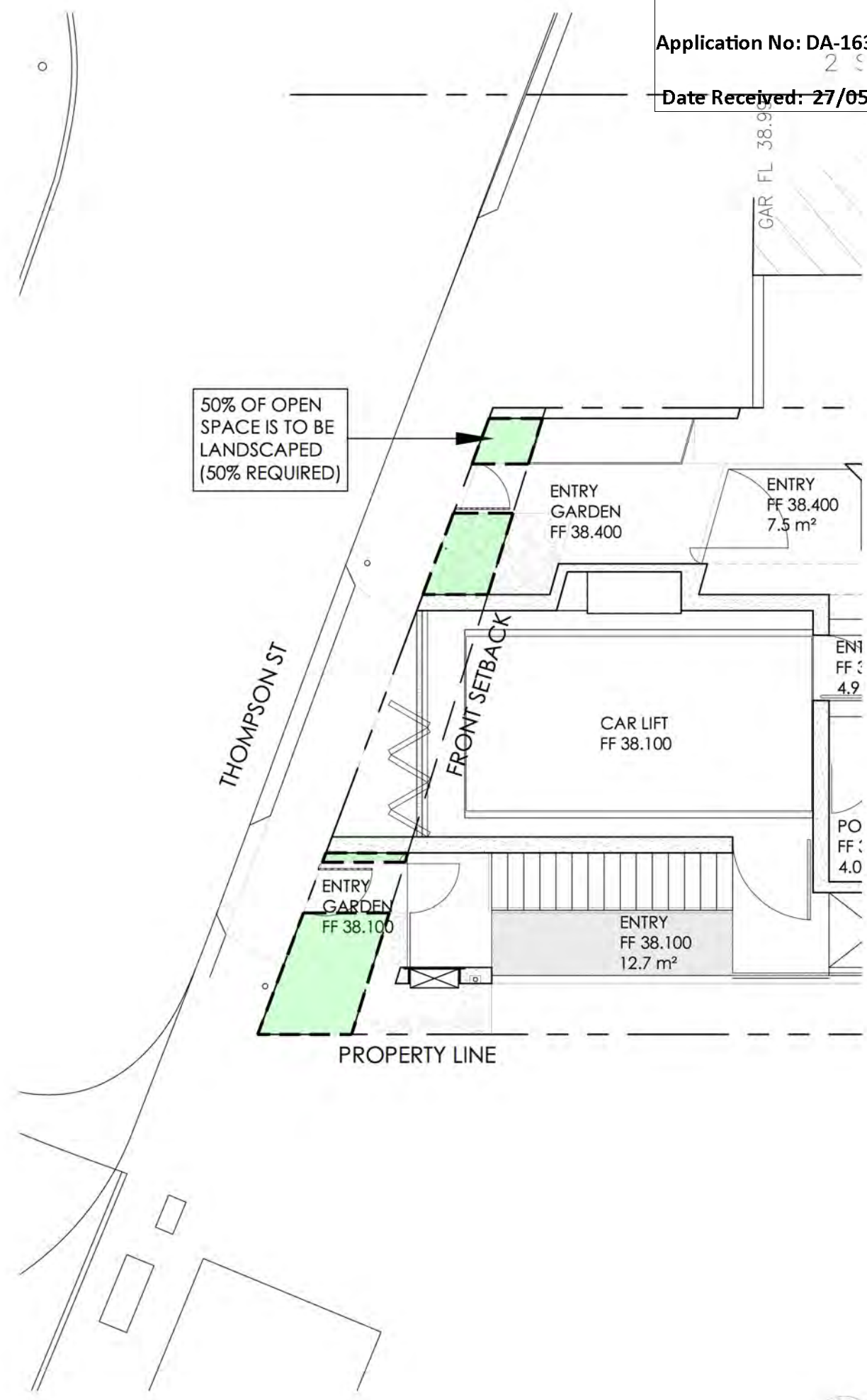
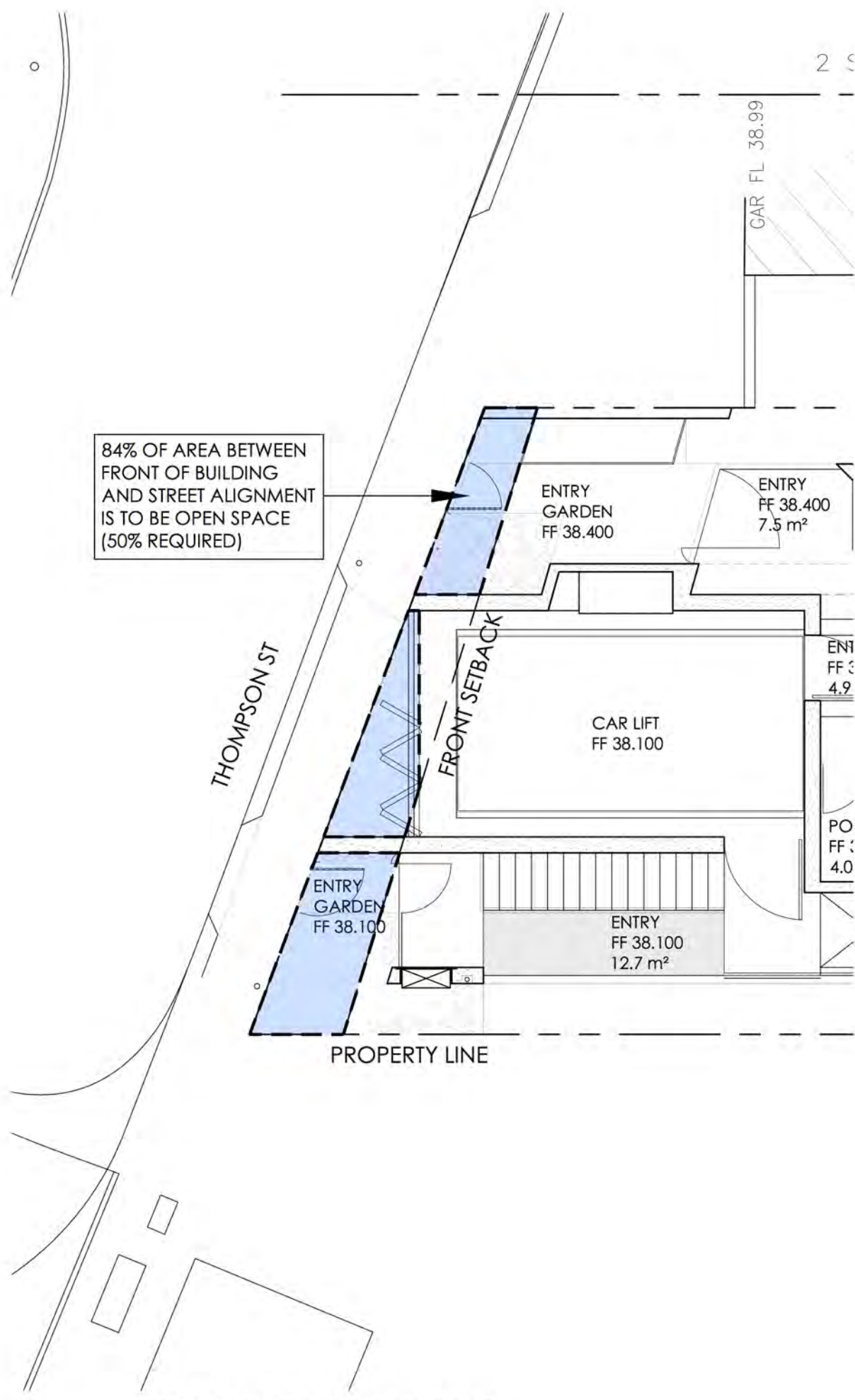
WALLACE E. CUNNINGHAM, INC.

A 1.2

DATE: 13/05/2019
ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

SCALE: 1:150

REVISION:
1 2 3 4 5 6 7 8 9 10
P O B O X 3 7 1 4 9 3
S A N D I E G O , C A 9 2 1 3 7 - 1 4 9 3
6 1 9 . 2 9 3 . 7 6 4 0



STREET FRONT DIAGRAM
scale: 1:100

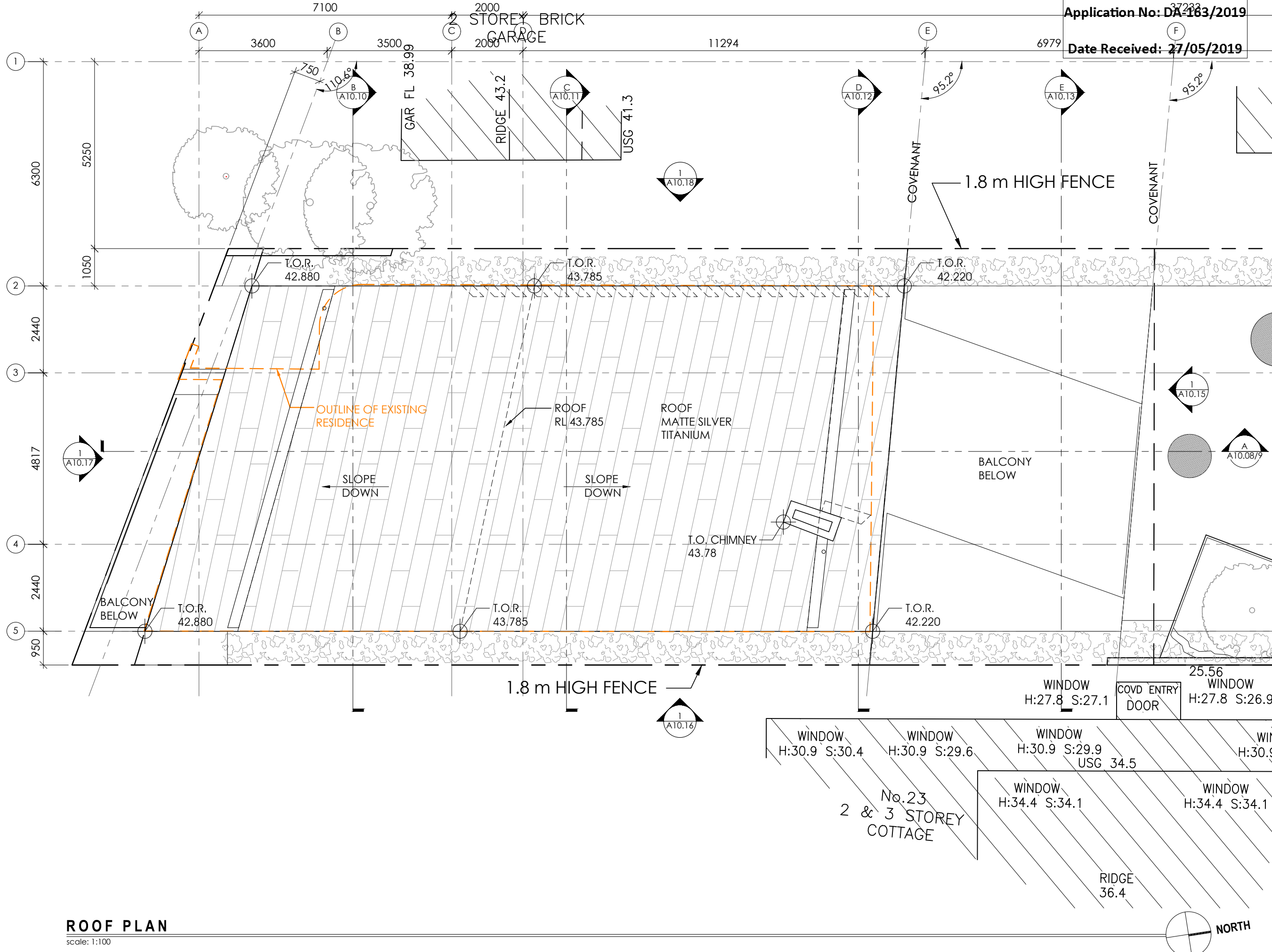


CLIENT: ROSSI
SHEET TITLE: STREET FRONT DIAGRAM

DATE: 13/05/2019
ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU
REVISION:
SCALE: 1:100

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640



ROOF PLAN
scale: 1:100

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Waverley Council
Application No: DA-163/2019
Date Received: 27/05/2019

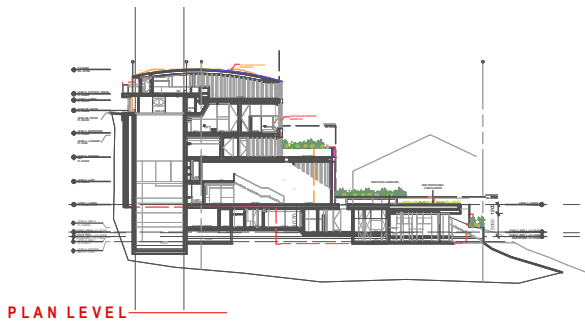
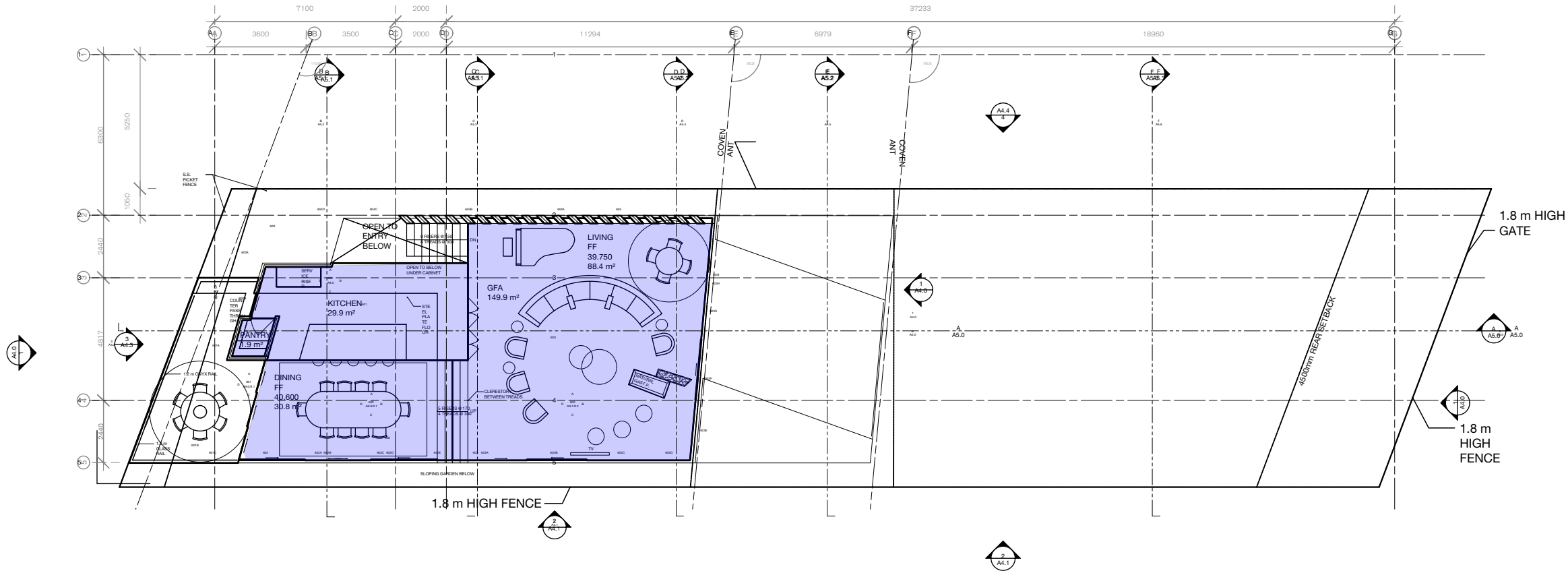
CLIENT: ROSSI

SHEET TITLE: ROOF PLAN

WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU
DATE: 13/05/2019
SCALE: 1:100
REVISION:
P . O . B O X 3 7 1 4 9 3
S A N D I E G O , C A 9 2 1 3 7 - 1 4 9 3
6 1 9 . 2 9 3 . 7 6 4 0

Application No: DA-163/2019
Date Received: 27/05/2019



FLOOR PLAN - LEVEL 5 - LIVING- DWELLING 1 -149M2 -
scale: 1:200

S OF ISSUES - 149

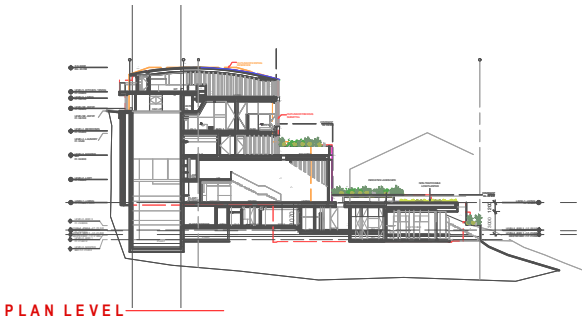
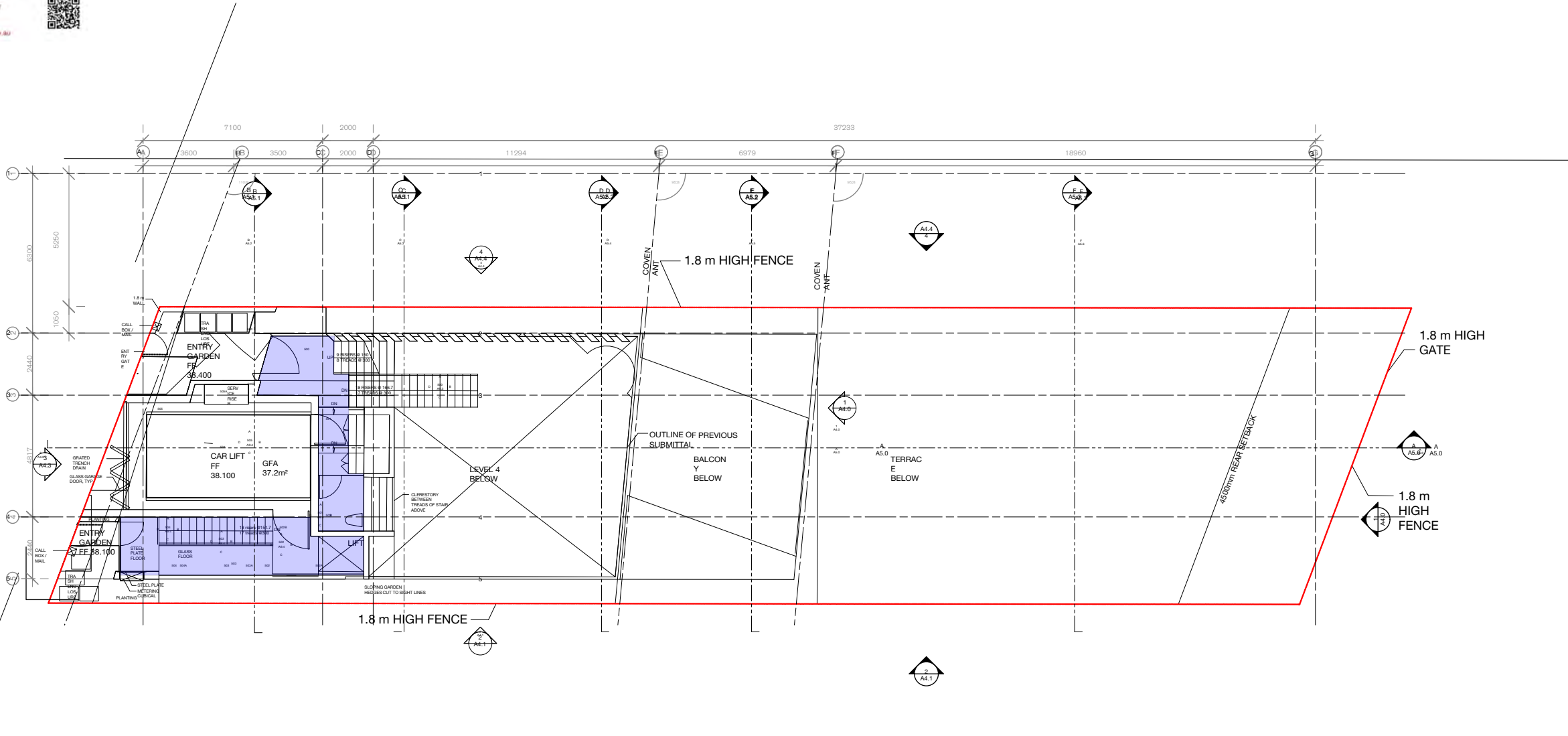
CLIENT: ROSSI
SHEET TITLE: FLOORPLAN

SCALE: 1:200
DATE: 27/03/2018
REVISION: 04/02/2019
ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

A10.01/1

Application No: DA-163/2019
Date Received: 27/05/2019



FLOOR PLAN - LEVEL 5A - ENTRY- DWELLING 1+2 -34M2 - S OF ISSUES - 34 m2
scale: 1:200

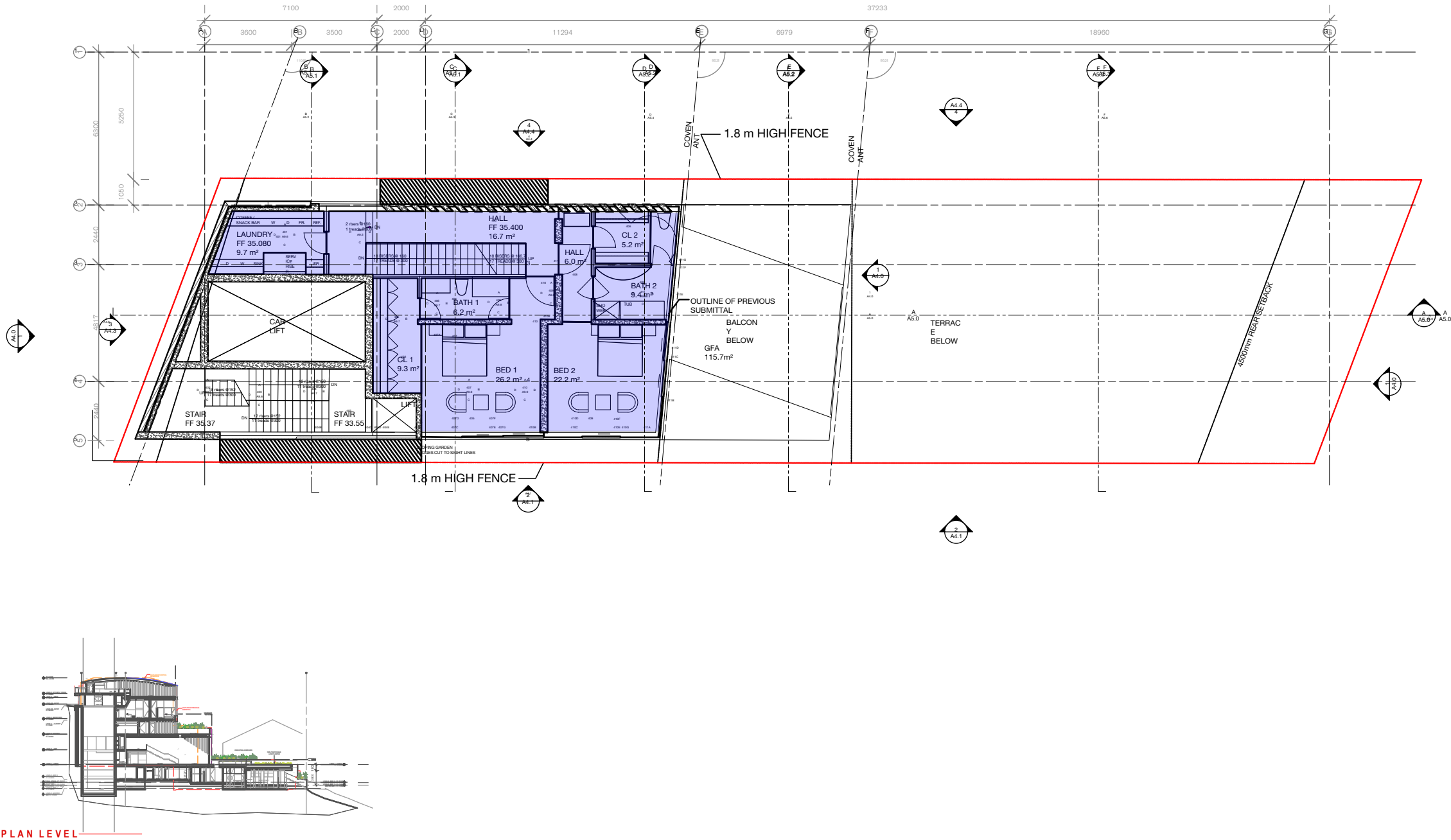
WALLACE E. CUNNINGHAM, INC. SHEET TITLE: FLOORPLAN CLIENT: ROSSI

SCALE: 1:200 DATE: 27/03/2018 ADDRESS: 21 THOMPSON STREET TAMARAMA, NSW, 2026, AU
REVISION: 04/02/2019

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

A10.02/1

Application No: DA-163/2019
Date Received: 27/05/2019



CLIENT: ROSSI
SHEET TITLE: FLOORPLAN

SCALE: 1:200
DATE: 27/03/2018
REVISION: 04/02/2019
ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

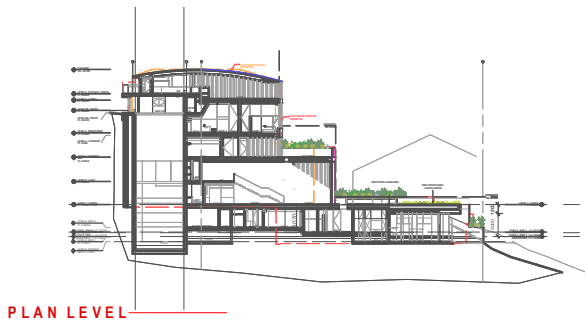
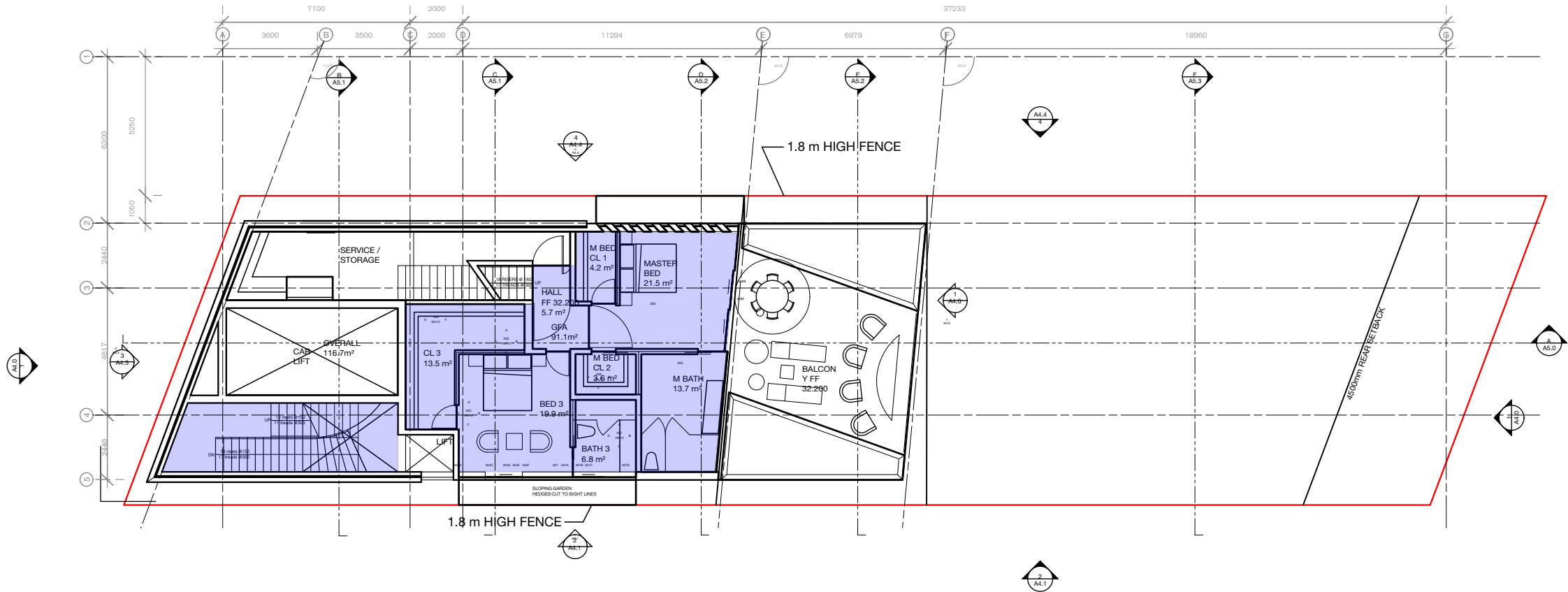
P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

FLOOR PLAN - LEVEL 4 - BED- DWELLING 1 - 123 M² -
scale: 1:200

S OF ISSUES - 123 m²

A10.03/1

Application No: DA-163/2019
Date Received: 27/05/2019

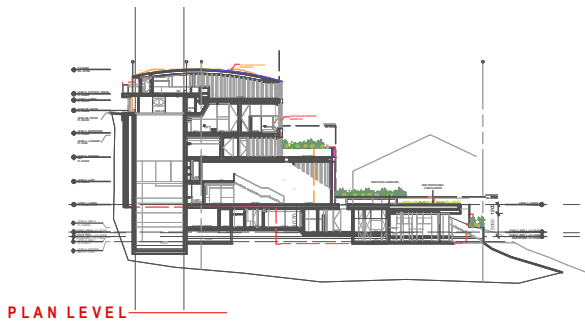
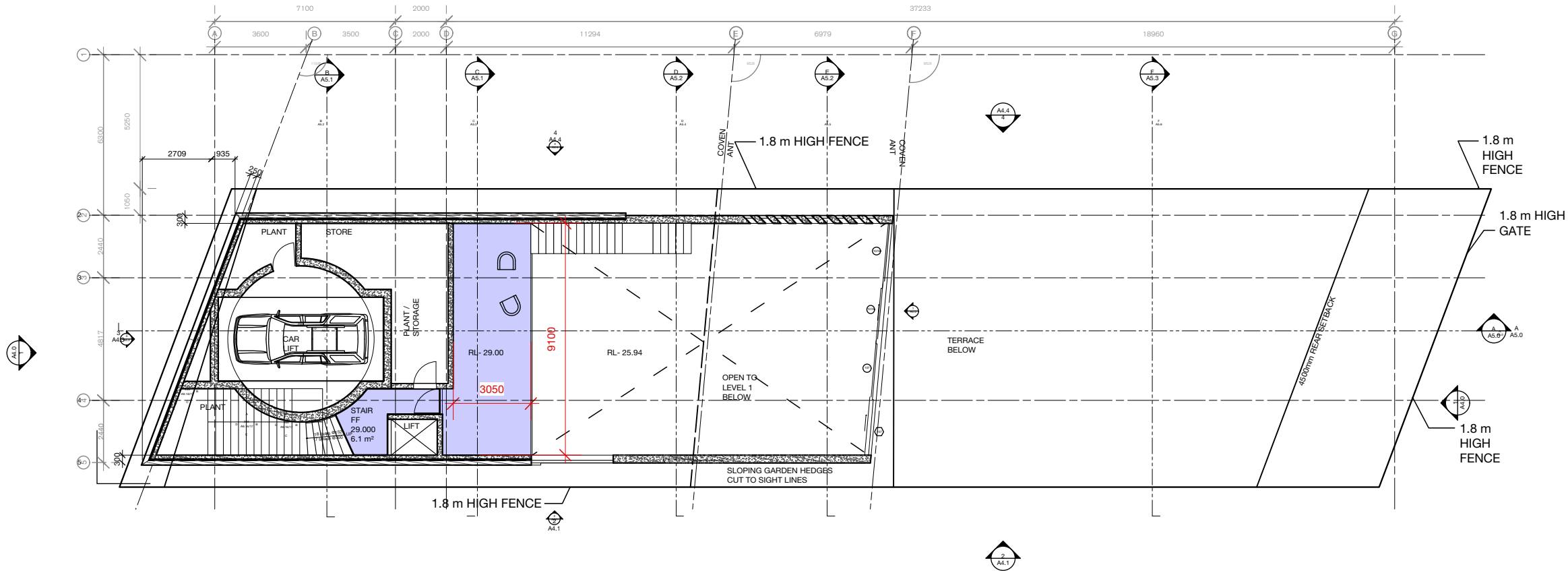


FLOOR PLAN - LEVEL 3 - MASTER BED - DWELLING 1 - 113 M² - S OF ISSUES - 112.5 m²
scale: 1:200

CLIENT: ROSSI
SHEET TITLE: FLOORPLAN
WALLACE E. CUNNINGHAM, INC.
P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640
SCALE: 1:200
DATE: 27/03/2018
REVISION: 04/02/2019
ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

A10.04/1

Application No: DA-163/2019
Date Received: 27/05/2019



FLOOR PLAN - LEVEL 2 - LOFT - 35M2
scale: 1:200

S OF ISSUES - 67 m2

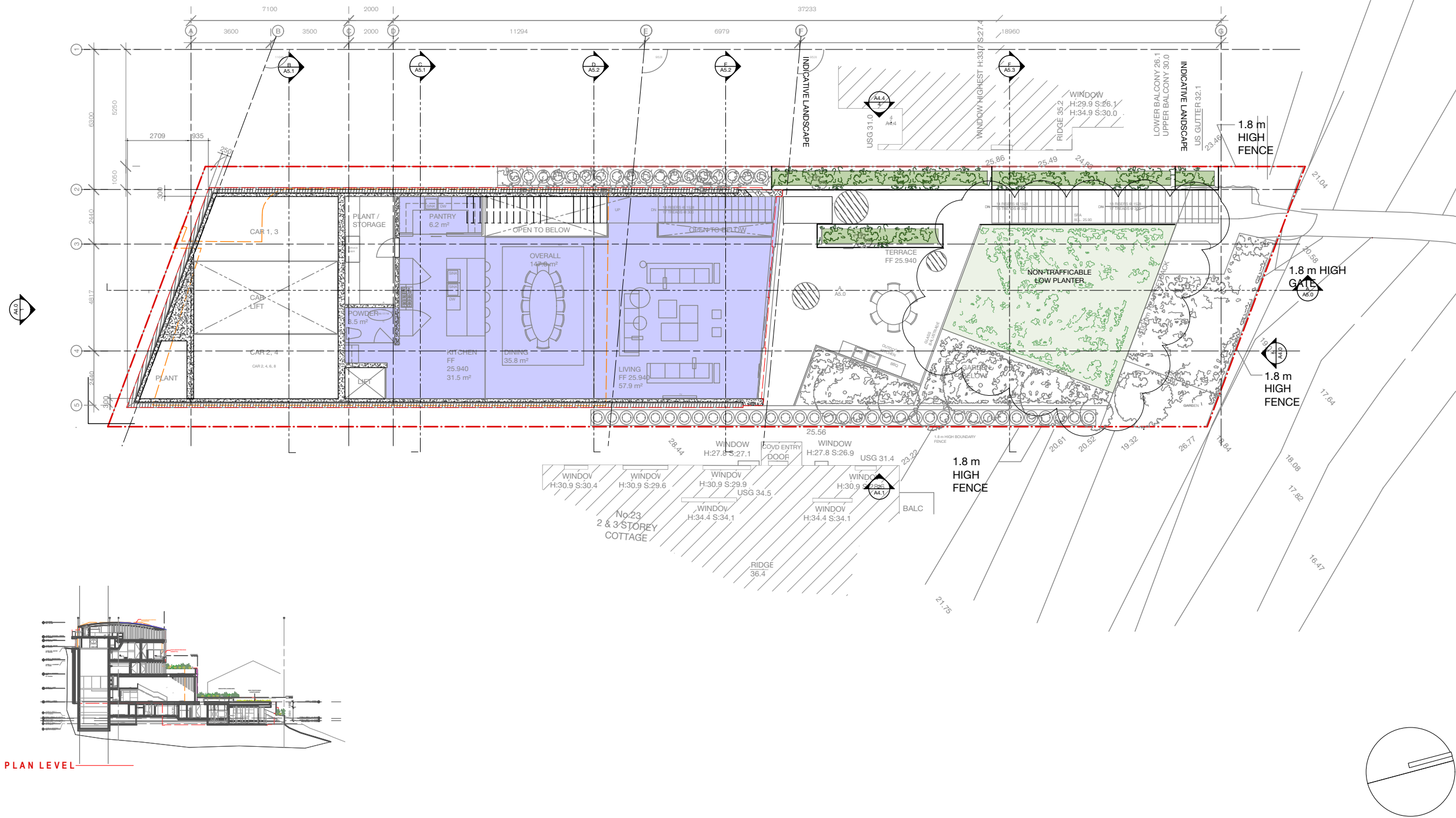
WALLACE E. CUNNINGHAM, INC. SHEET TITLE: FLOORPLAN CLIENT: ROSSI

SCALE: 1:200 DATE: 27/03/2018 ADDRESS: 21 THOMPSON STREET TAMARAMA, NSW, 2026, AU
REVISION: 04/02/2019

P.O. BOX 371493
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619.293.7640

A10.05/1

Application No: DA-163/2019
Date Received: 27/05/2019



FLOOR PLAN - LEVEL 1 - LIVING -143M2
scale: 1:200

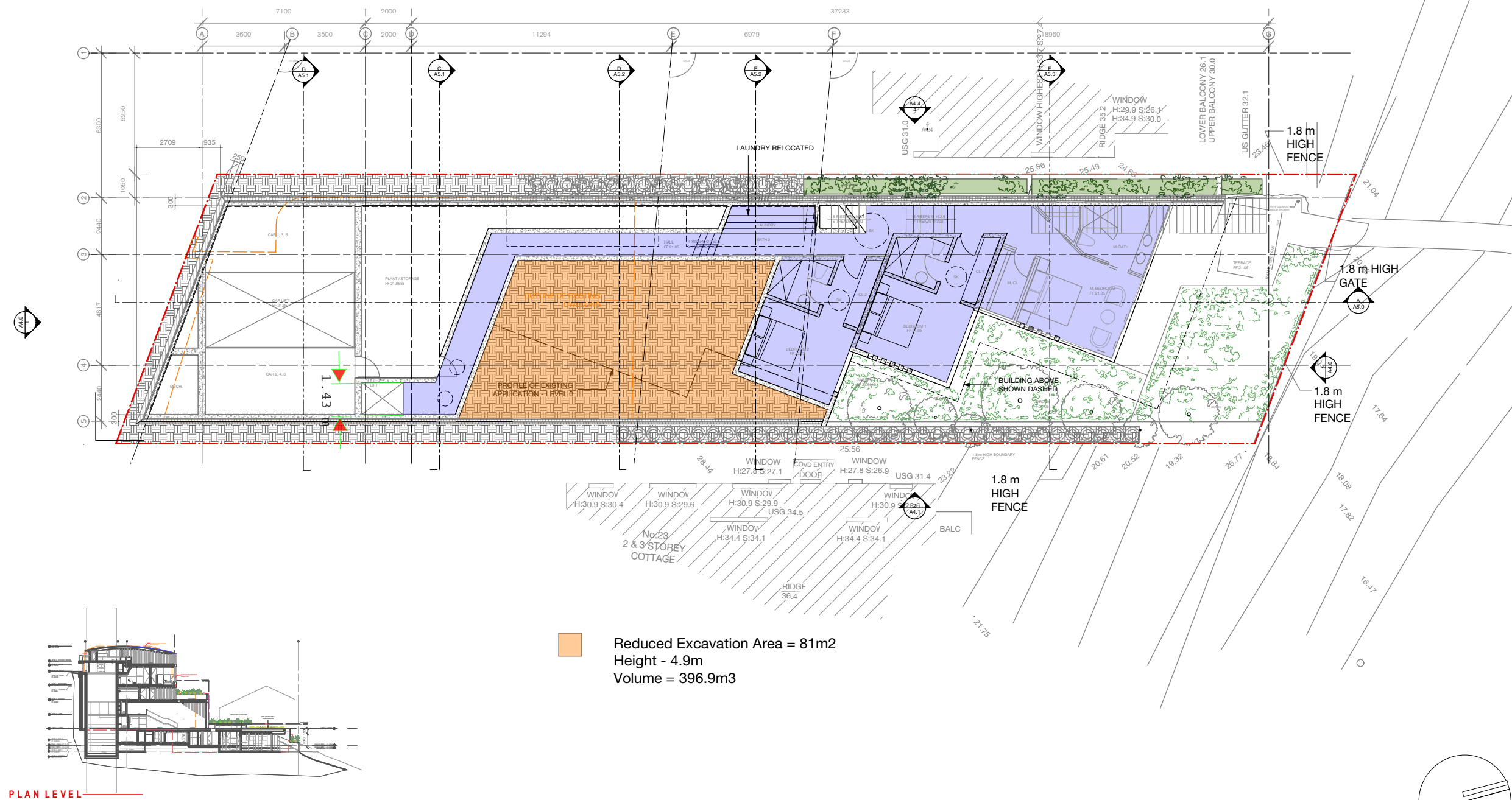
S OF ISSUES - 143m2

CLIENT: ROSSI
SHEET TITLE: FLOORPLAN

SCALE: 1:200
DATE: 27/03/2018
REVISION: 04/02/2019
ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

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A10.06/1



WALLACE E. CUNNINGHAM, INC.

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SAN DIEGO, CA 92137-1493
619.293.7640

SCALE: 1:200
DATE: 27/03/2018
REVISION: 04/02/2019

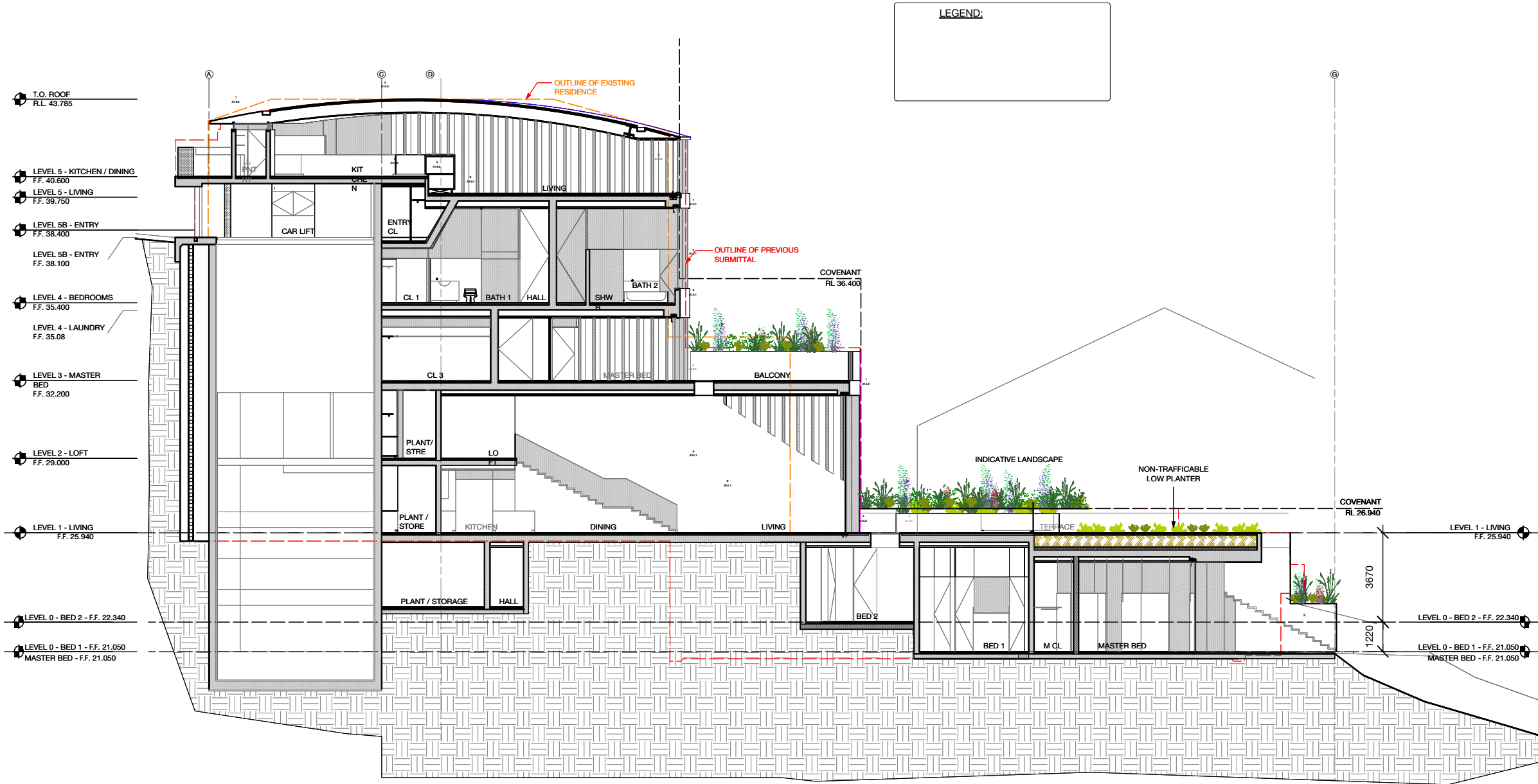
ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

FLOOR PLAN - LEVEL 0 - BEDROOMS - 135M²
scale: 1:200

S O F I S S U E S - 177

A10.07/1

Application No: DA-163/2019
Date Received: 27/05/2019



SECTION A
scale: 1:200

CLIENT: ROSSI

SHEET TITLE: SECTIONS

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

SCALE: 1:200 DATE: 27/03/2018 ADDRESS: 21 THOMPSON STREET
REVISION: 04/02/2019 TAMARAMA, NSW, 2026, AU

A10.08/1

SHEET TITLE: SECTIONS

WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

SCALE: 1:200 DATE: 13/05/2019
REVISION:

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

A.10.09



SECTION A- with Excavation Survey Overlay

T.O. ROOF
R.L. 43.785

LEVEL 5 - KITCHEN / DINING
F.F. 40.600

LEVEL 5 - LIVING
F.F. 39.750

LEVEL 5B - ENTRY
F.F. 38.400

LEVEL 5B - ENTRY
F.F. 38.100

LEVEL 4 - BEDROOMS
F.F. 35.400

LEVEL 4 - LAUNDRY
F.F. 35.08

LEVEL 3 - MASTER BED
F.F. 32.200

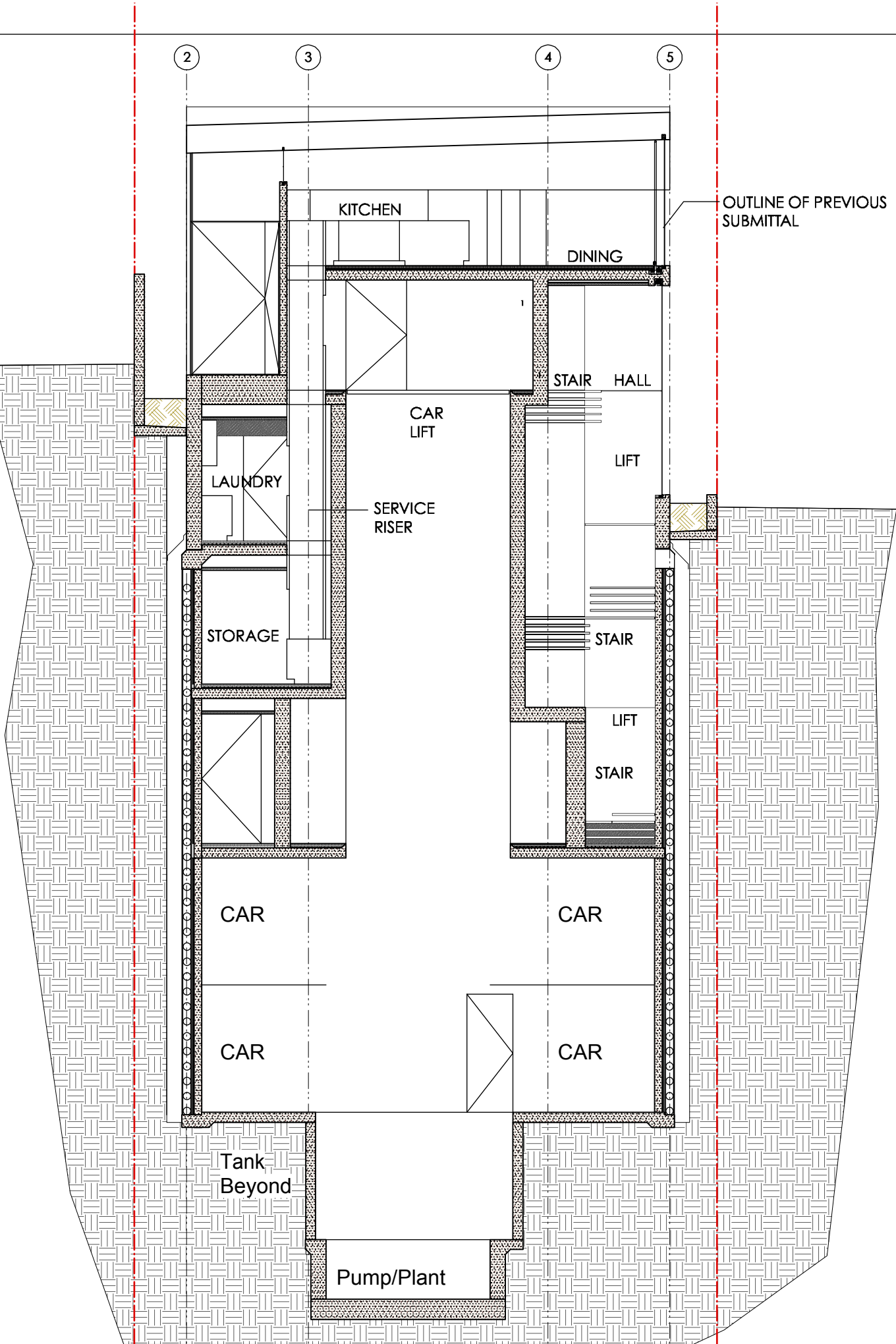
LEVEL 2 - LOFT
F.F. 29.000

LEVEL 1 - LIVING
F.F. 25.940

LEVEL 0 - BED 2
F.F. 22.340

LEVEL 0 - MASTER BED + BED 1
F.F. 21.050

LEVEL 00 - LIFT SUMP
F.F. 19.450



SECTION B
scale: 1:100

CLIENT: ROSSI

SHEET TITLE: SECTIONS

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

SCALE: 1:100 DATE: 13/05/2019
REVISION:

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

A10.10

CLIENT: ROSSI

SHEET TITLE: SECTIONS

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

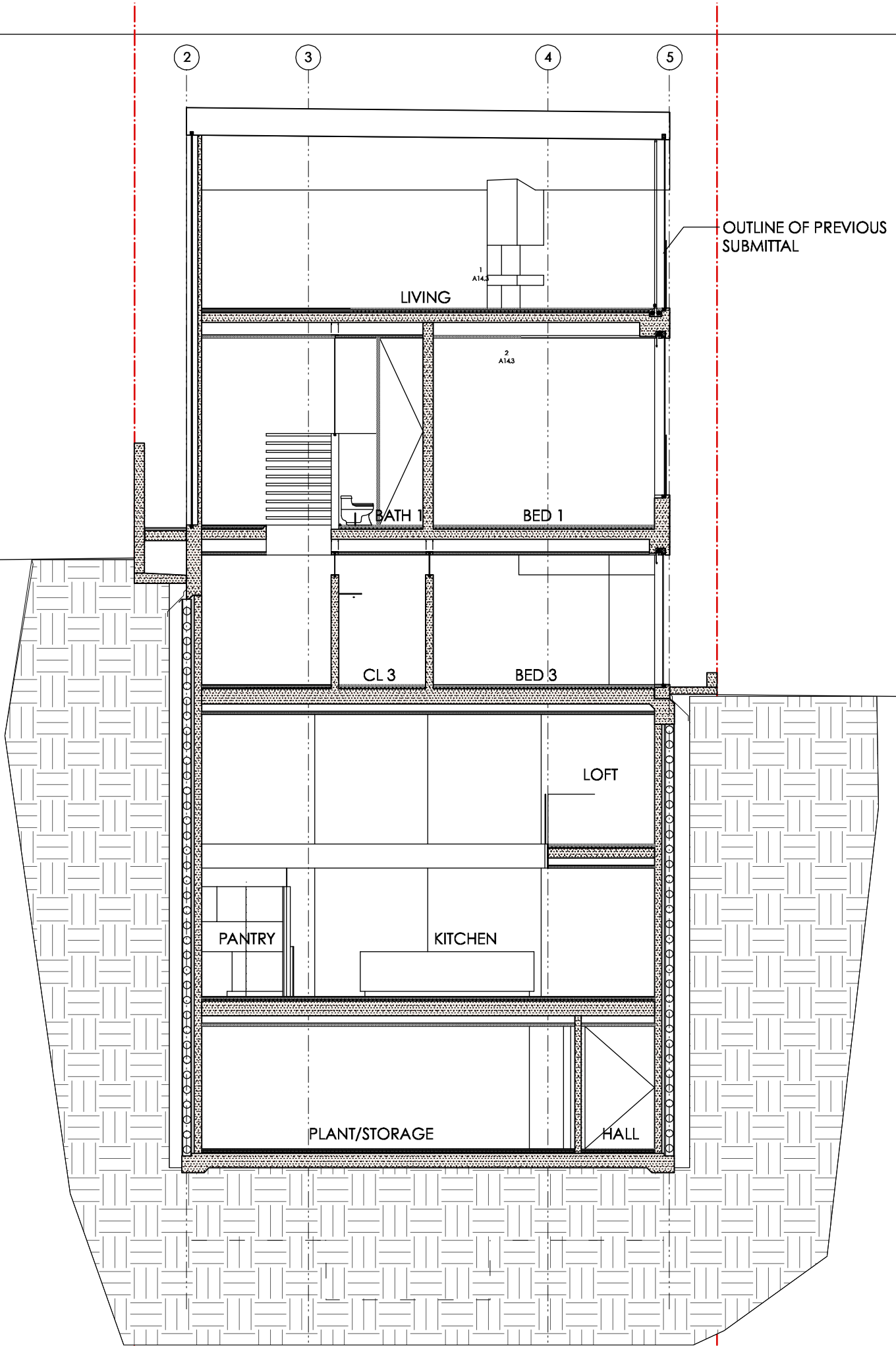
SCALE: 1:100 DATE: 13/05/2019
REVISION:

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

WALLACE E. CUNNINGHAM, INC.

A10.11

- T.O. ROOF
R.L. 43.785
- LEVEL 5 - KITCHEN / DINING
F.F. 40.600
- LEVEL 5 - LIVING
F.F. 39.750
- LEVEL 5B - ENTRY
F.F. 38.400
- LEVEL 5B - ENTRY
F.F. 38.100
- LEVEL 4 - BEDROOMS
F.F. 35.400
- LEVEL 4 - LAUNDRY
F.F. 35.08
- LEVEL 3 - MASTER BED
F.F. 32.200
- LEVEL 2 - LOFT
F.F. 29.000
- LEVEL 1 - LIVING
F.F. 25.940
- LEVEL 0 - Hall/Store
F.F. 22.940
- LEVEL 0 - BED 2
F.F. 22.340
- LEVEL 0 - MASTER BED + BED 1
F.F. 21.050



Application No: DA-163/2019

Date Received: 27/05/2019

T.O. ROOF
R.L. 43.785

LEVEL 5 - KITCHEN / DINING
F.F. 40.600

LEVEL 5 - LIVING
F.F. 39.750

LEVEL 5B - ENTRY
F.F. 38.400

LEVEL 5B - ENTRY
F.F. 38.100

LEVEL 4 - BEDROOMS
F.F. 35.400

LEVEL 4 - LAUNDRY
F.F. 35.08

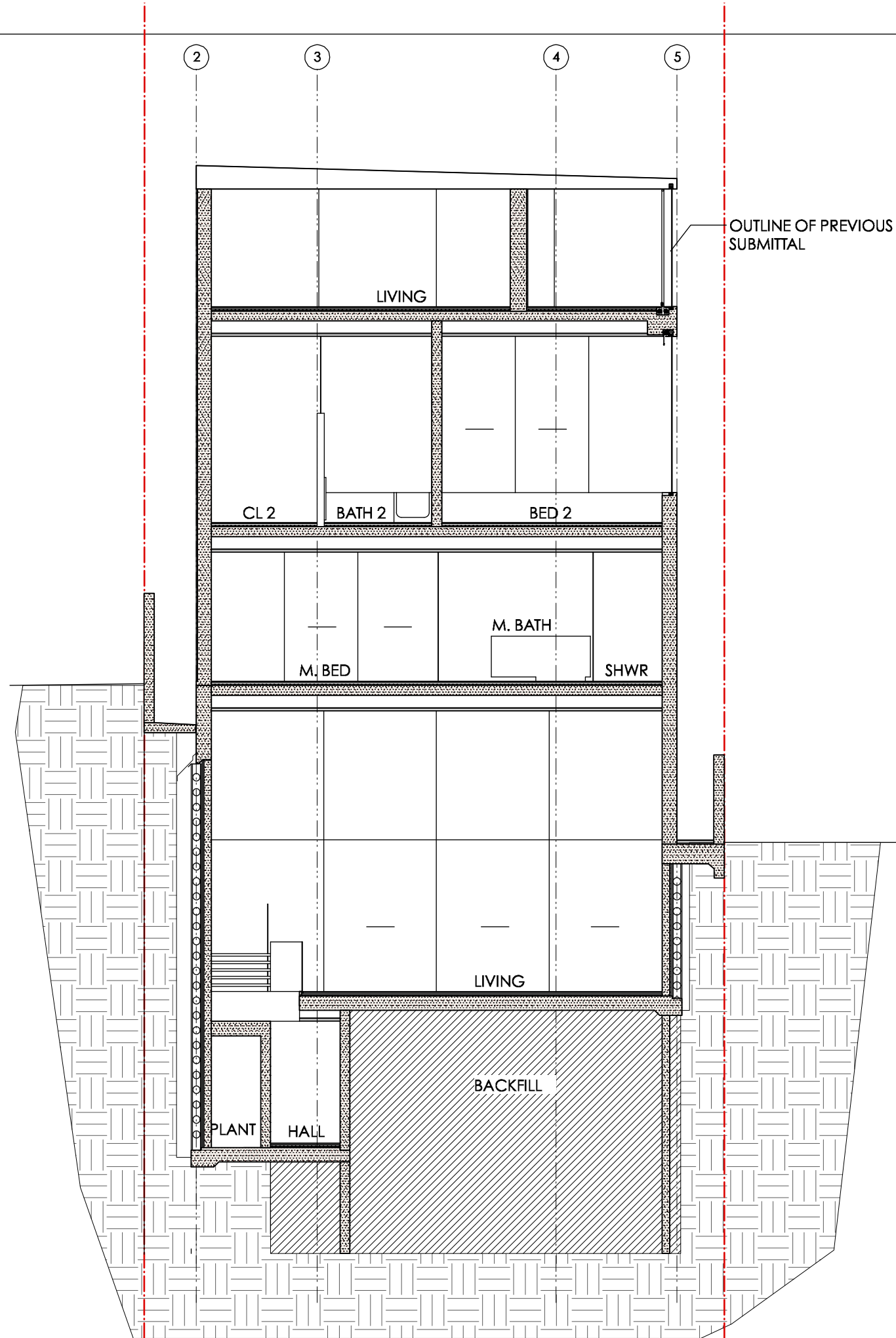
LEVEL 3 - MASTER BED
F.F. 32.200

LEVEL 2 - LOFT
F.F. 29.000

LEVEL 1 - LIVING
F.F. 25.940

LEVEL 0 - BED 2
F.F. 22.340

LEVEL 0 - MASTER BED + BED 1
F.F. 21.050



SECTION D
scale: 1:100

CLIENT: ROSSI

SHEET TITLE: SECTIONS

SCALE: 1:100
DATE: 13/05/2019
REVISION:

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

A10.12

SECTION E

scale: 1:100

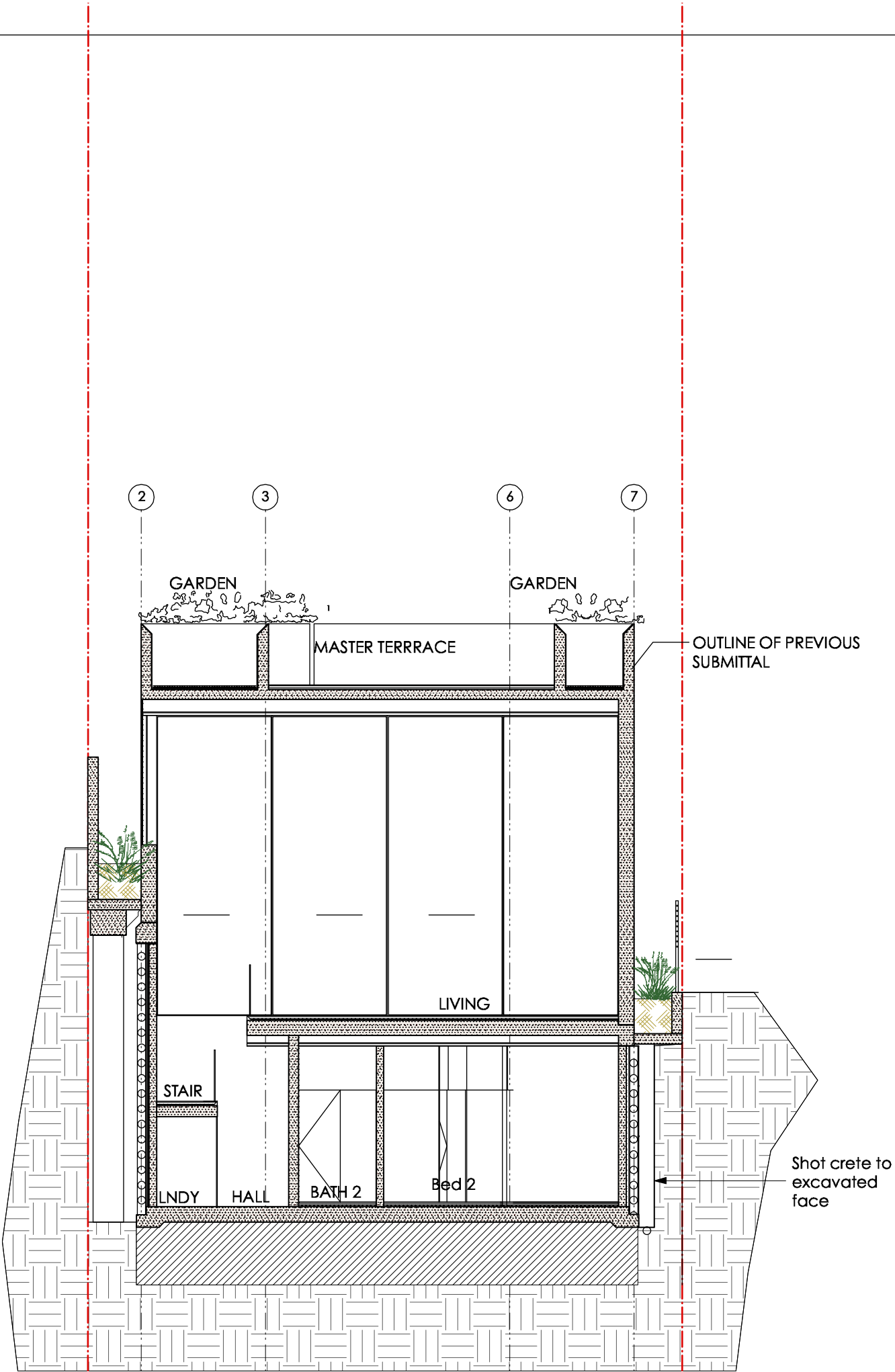
LEVEL 3 - MASTER BED
F.F. 32.200

LEVEL 2 - LOFT
F.F. 29.000

LEVEL 1 - LIVING
F.F. 25.940

LEVEL 0 - BED 2
F.F. 22.340

LEVEL 0 - MASTER BED + BED 1
F.F. 21.050



WALLACE E. CUNNINGHAM, INC.

SHEET TITLE: SECTIONS

CLIENT: ROSSI

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

SCALE: 1:100

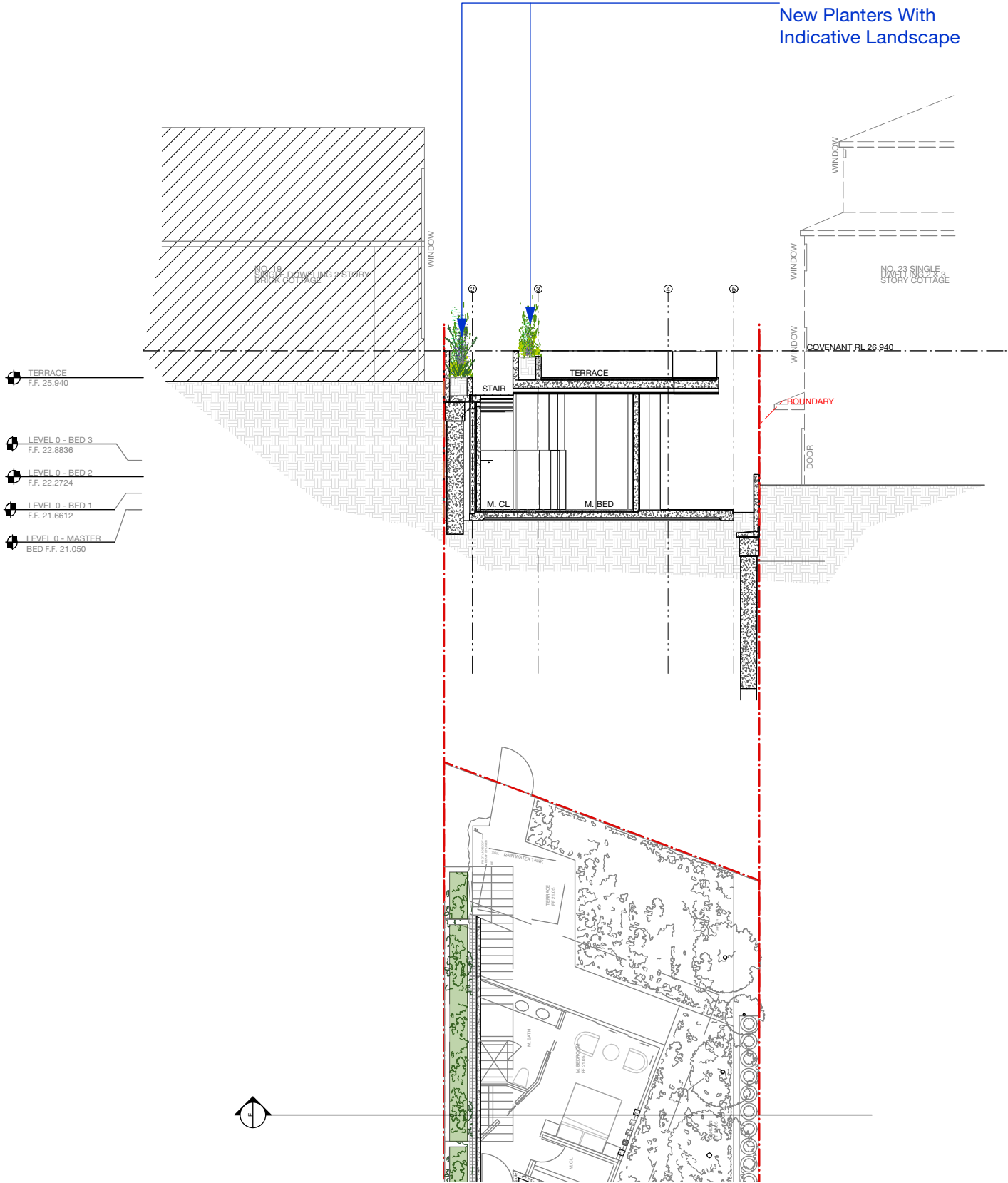
DATE: 13/05/2019

REVISION:

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

Application No: DA-163/2019

Date Received: 27/05/2019



SECTION F
scale: 1:200

CLIENT: ROSSI

SHEET TITLE: SECTIONS

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

SCALE: 1:200
DATE: 27/03/2018
REVISION:

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

A10.10/1

CLIENT: ROSSI

SHEET TITLE: Elevation

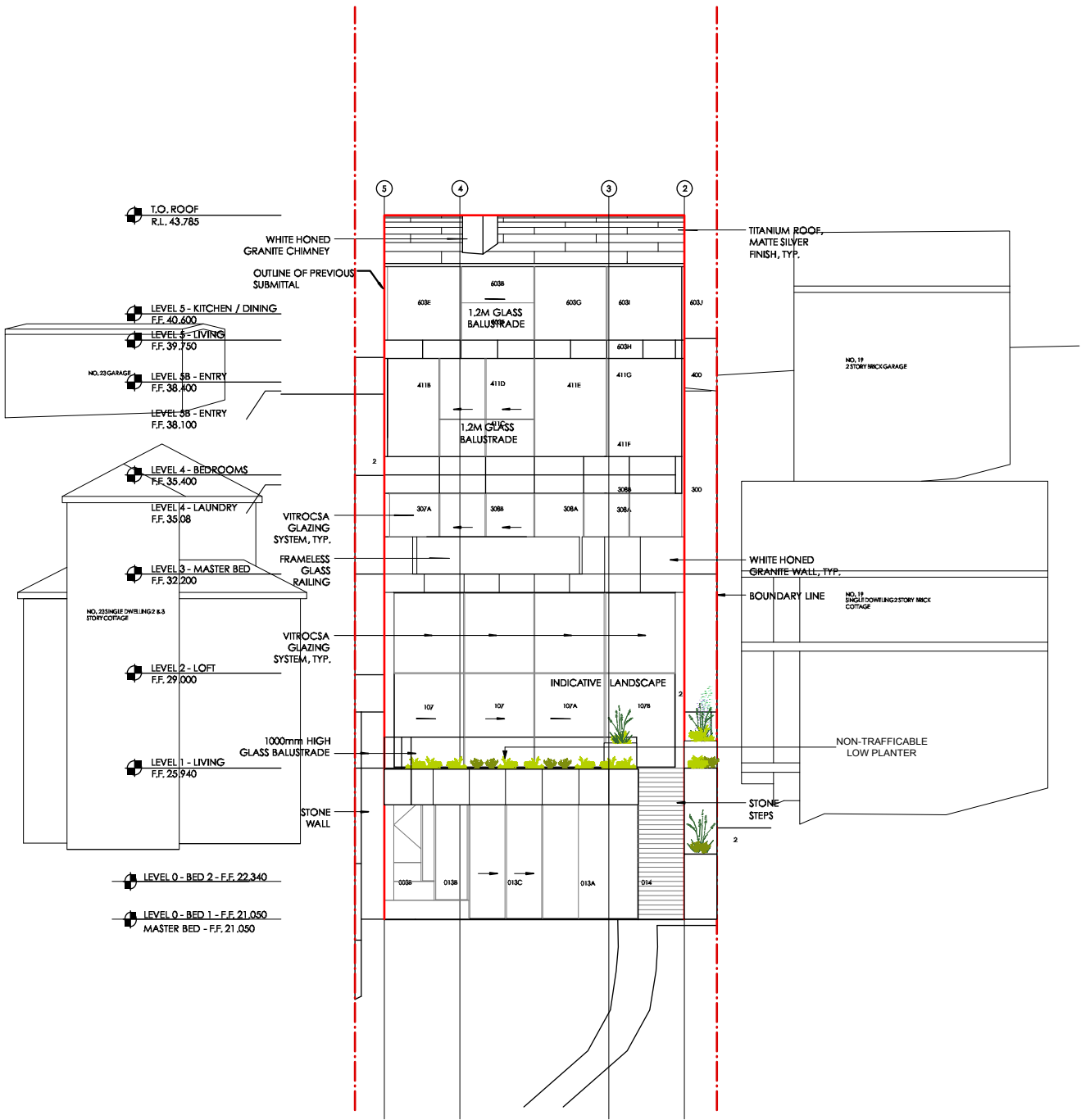
WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

SCALE: 1:200 DATE: 13/05/2019
REVISION:

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

A10.15



North Elevation

scale: 1:200

CLIENT: ROSSI

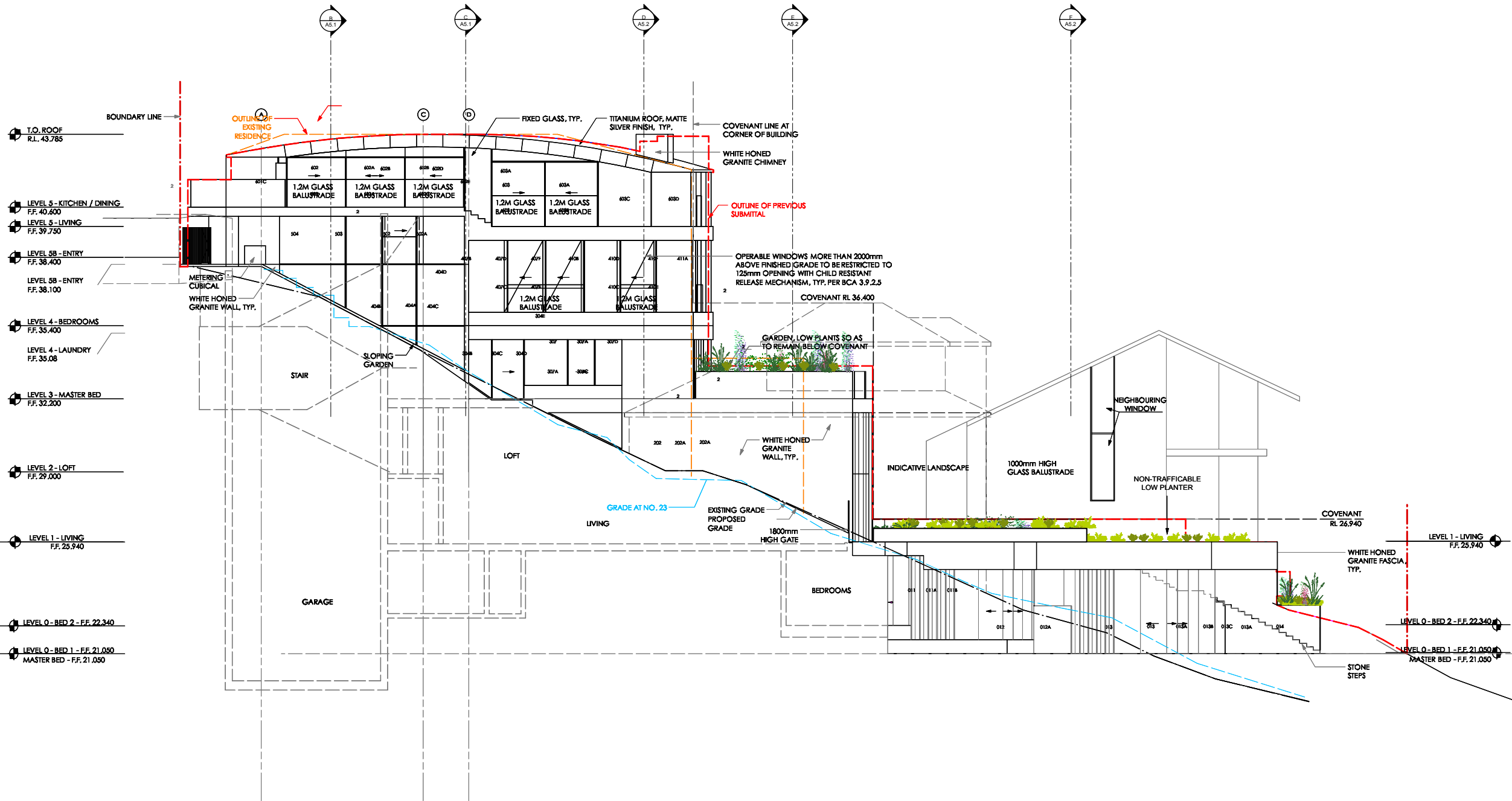
SHEET TITLE: Elevation

WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

SCALE: 1:200 DATE: 13/05/2019
REVISION:

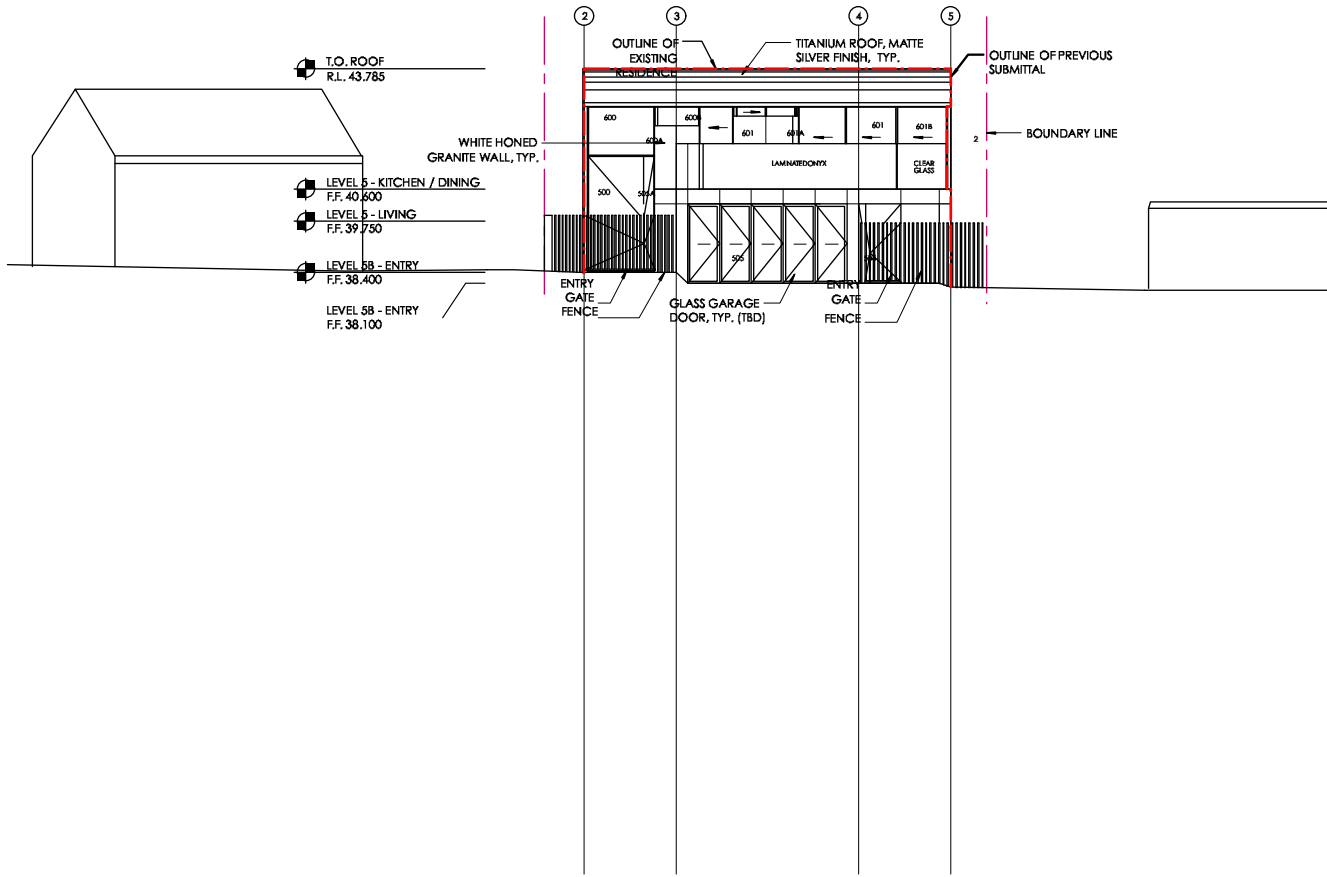
P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640



East Elevation

scale: 1:200

A10.16



South - Street Elevation

scale: 1:200

CLIENT: ROSSI

SHEET TITLE: Elevation

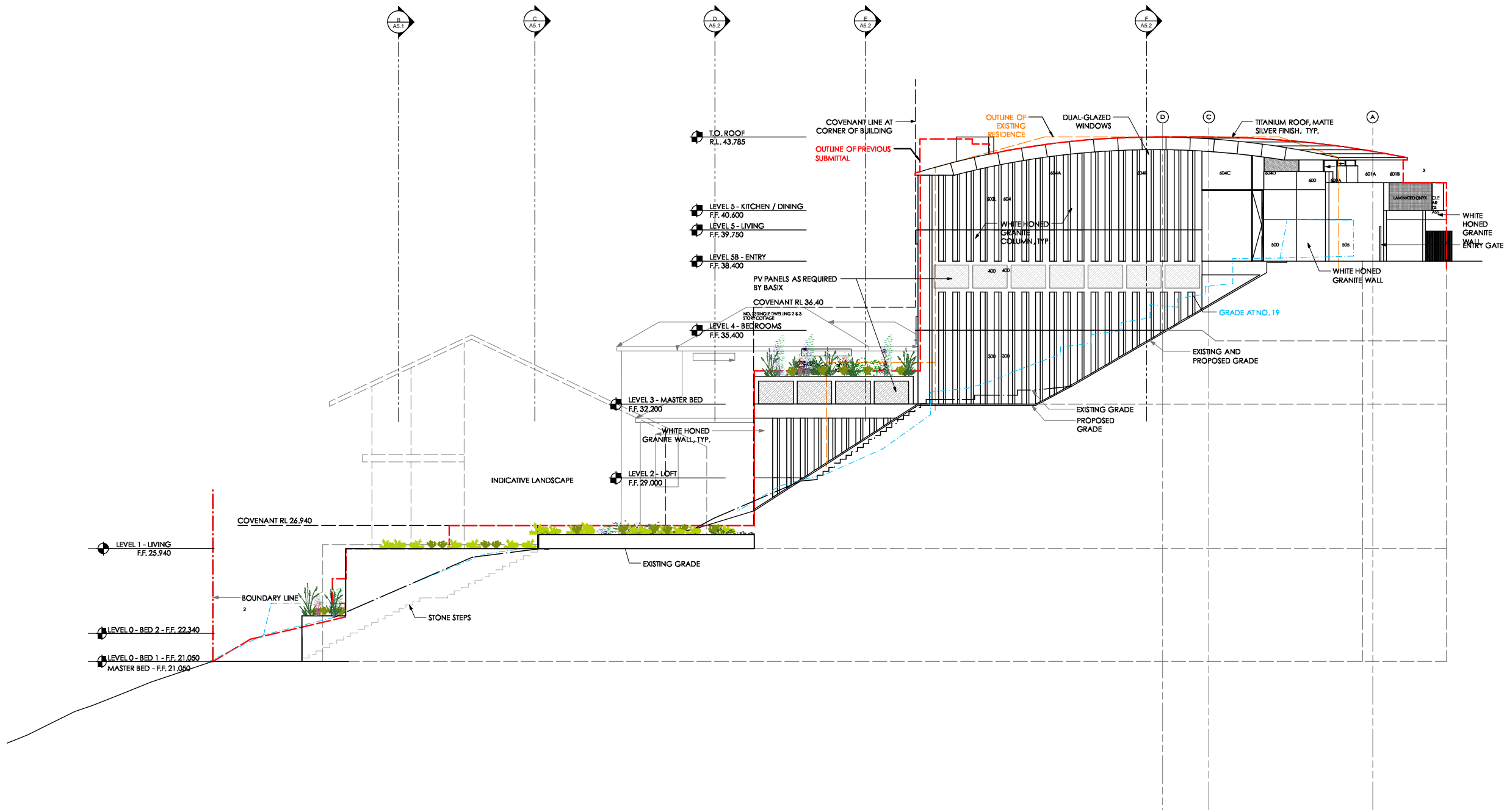
WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

SCALE: 1:200 DATE: 13/05/2019
REVISION:

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

A10.17



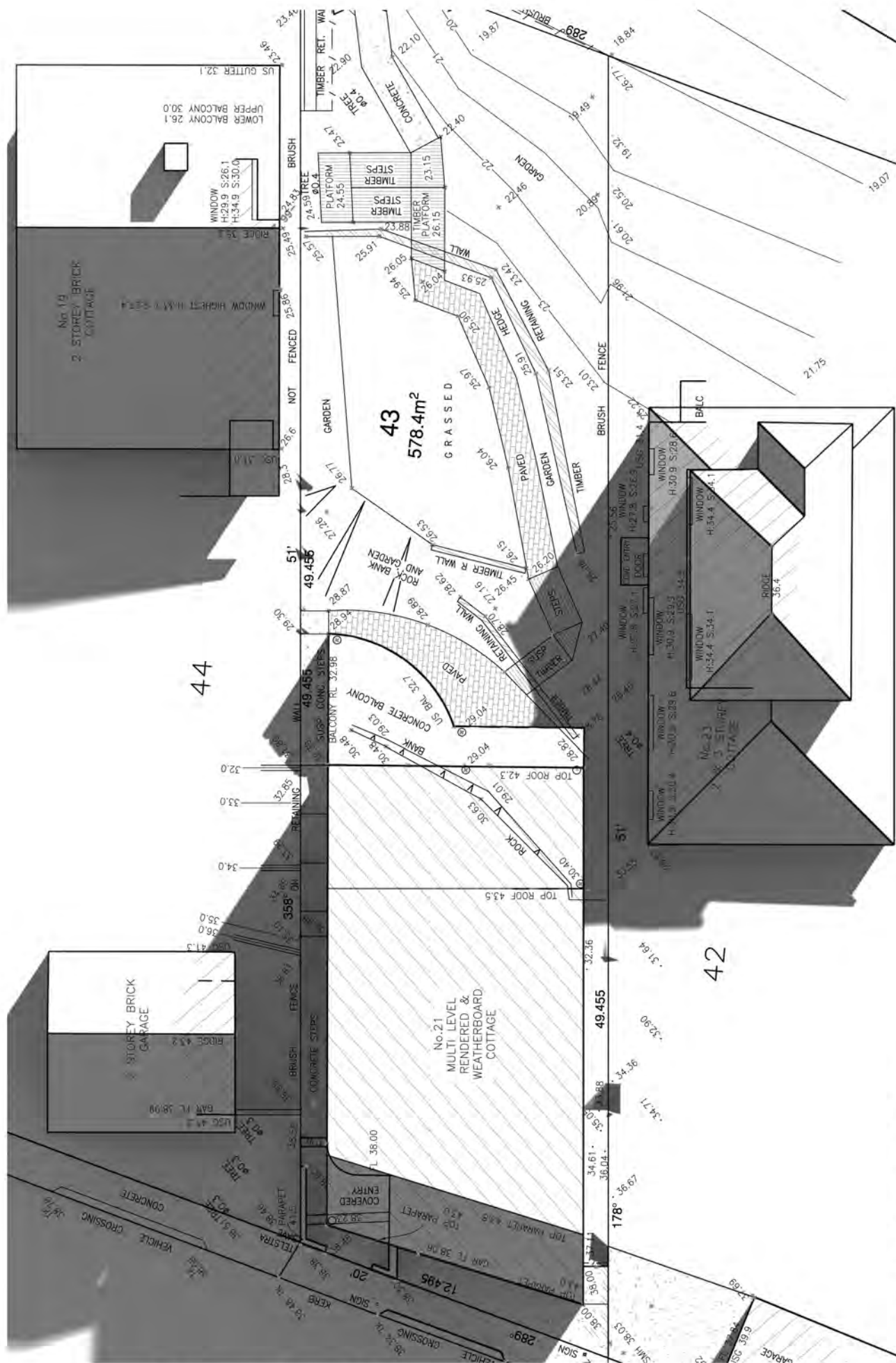
West Elevation
scale: 1:200

WALLACE E. CUNNINGHAM, INC. SHEET TITLE: Elevation CLIENT: ROSSI

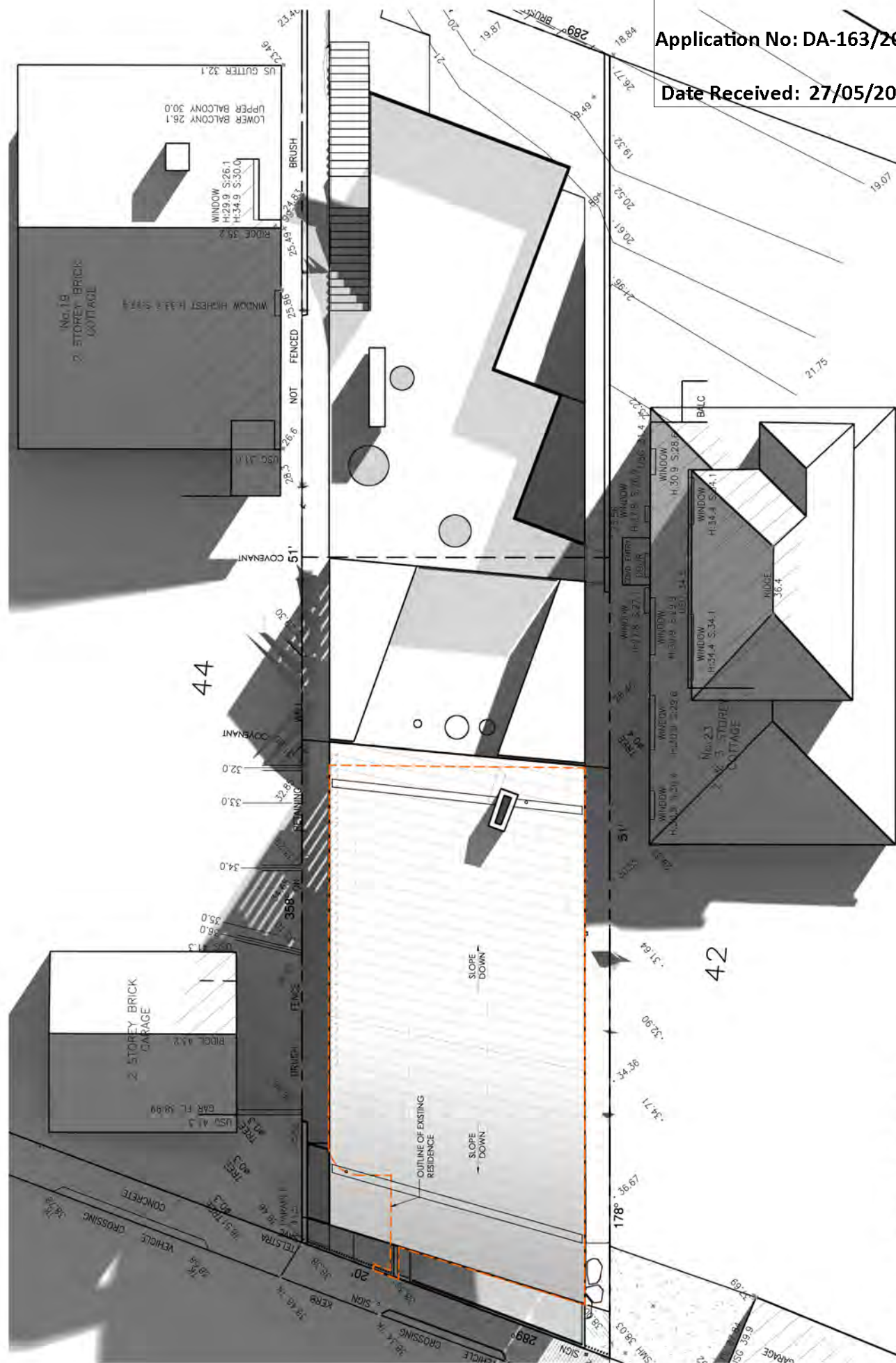
P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

SCALE: 1:200 DATE: 13/05/2019 ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

REVISION:



EXISTING RESIDENCE



PROPOSED RESIDENCE

CLIENT: ROSSI

SHEET TITLE: SHADOW STUDIES

WALLACE E. CUNNINGHAM, INC.

DATE: 13/05/2019 ADDRESS: 21 THOMPSON STREET
REVISION: TAMARAMA, NSW, 2026, AU

SCALE: 1:200

3 7 1 4 9 3
9 2 1 3 7 - 1 4 9 3
2 9 3 . 7 6 4 0

A6.0

CLIENT: ROSSI

SHEET TITLE: SHADOW STUDIES

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

DATE: 13/05/2019

SCALE: 1:200

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2 9 3 . 7 6 4 0

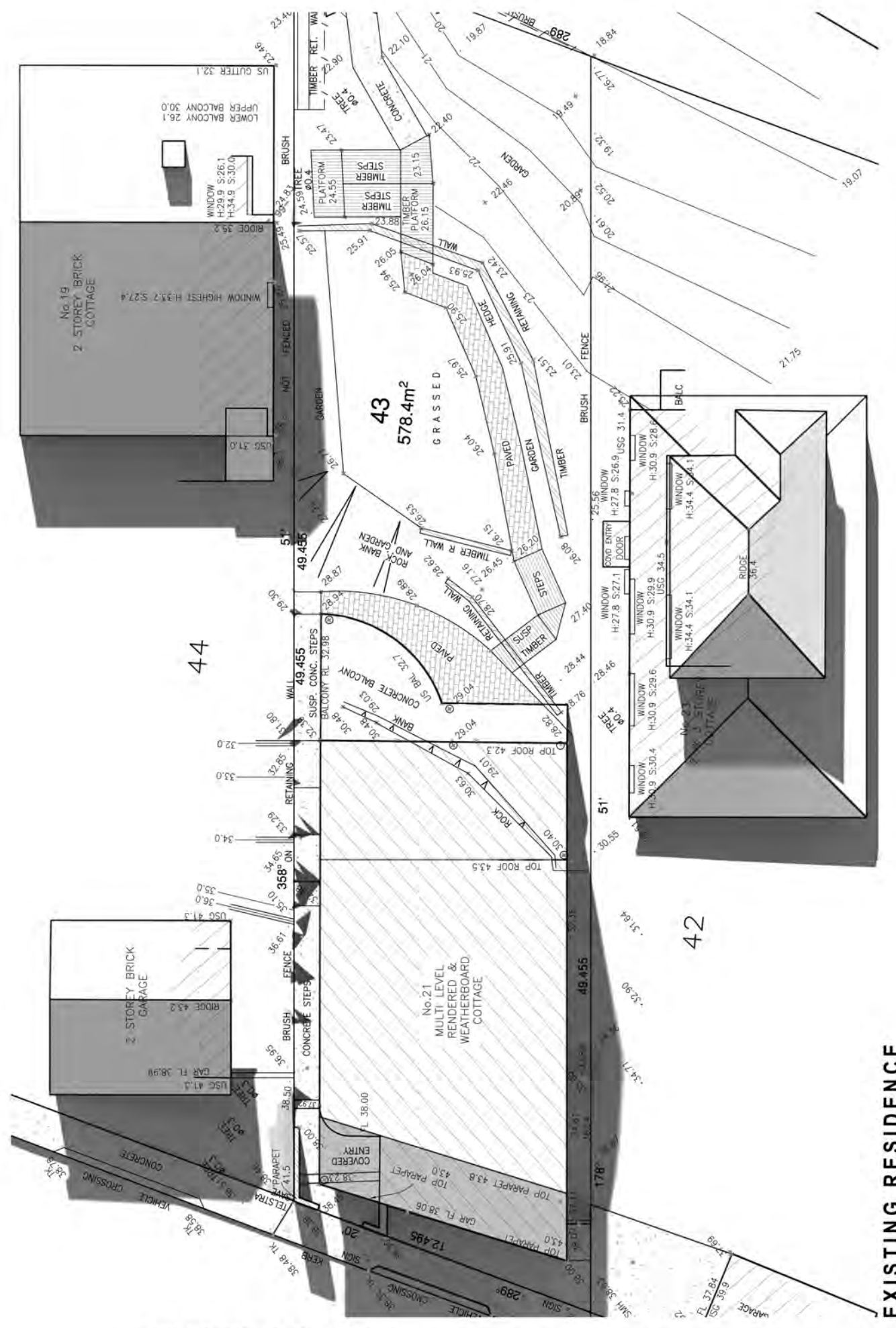
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CA 9 2 1 3 7 - 1 4 9 3

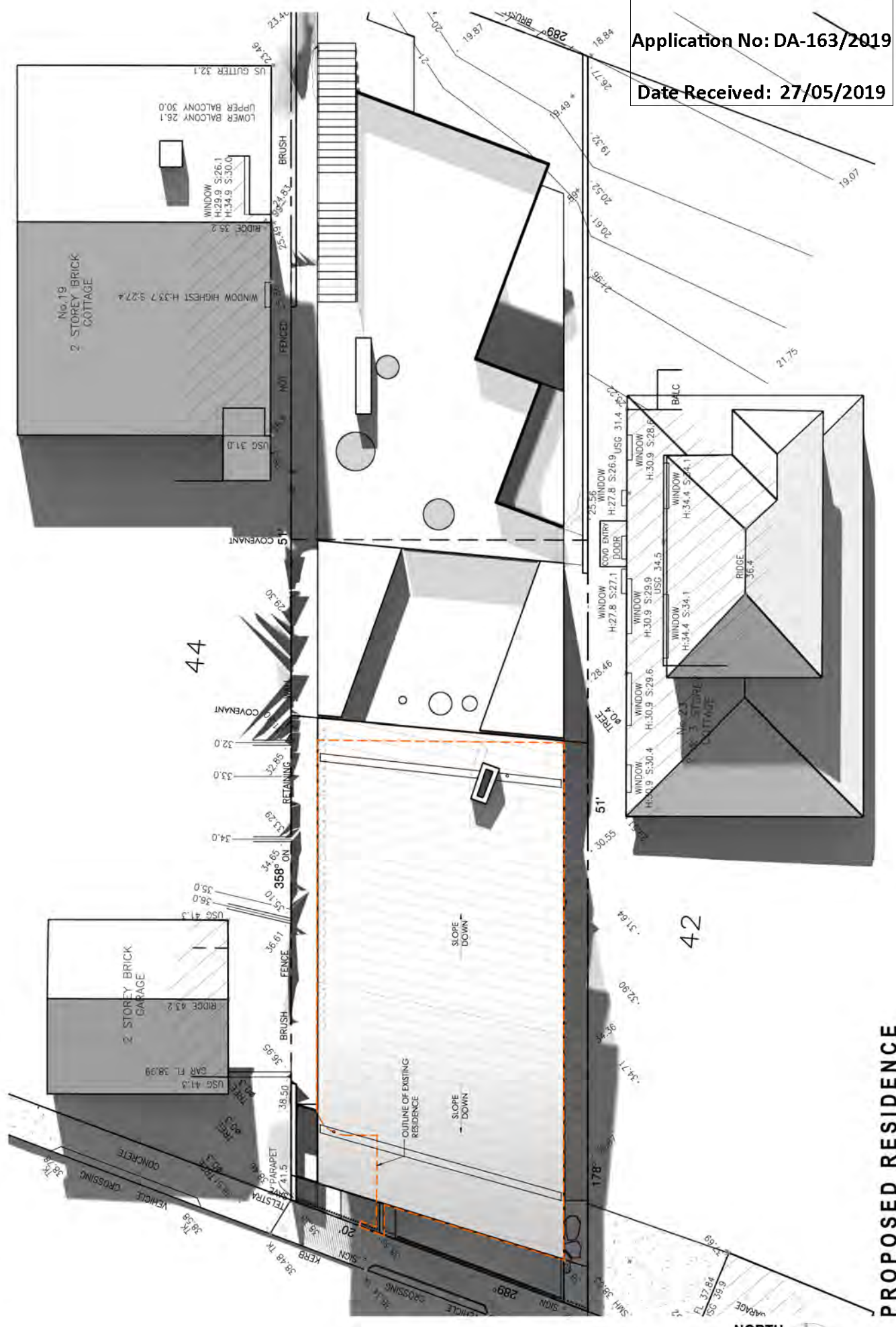
P . O . B O X

A WALLACE E. CUNNINGHAM, INC.

6 . 1



EXISTING RESIDENCE



PROPOSED RESIDENCE

CLIENT: ROSSI

SHEET TITLE: SHADOW STUDIES

ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU

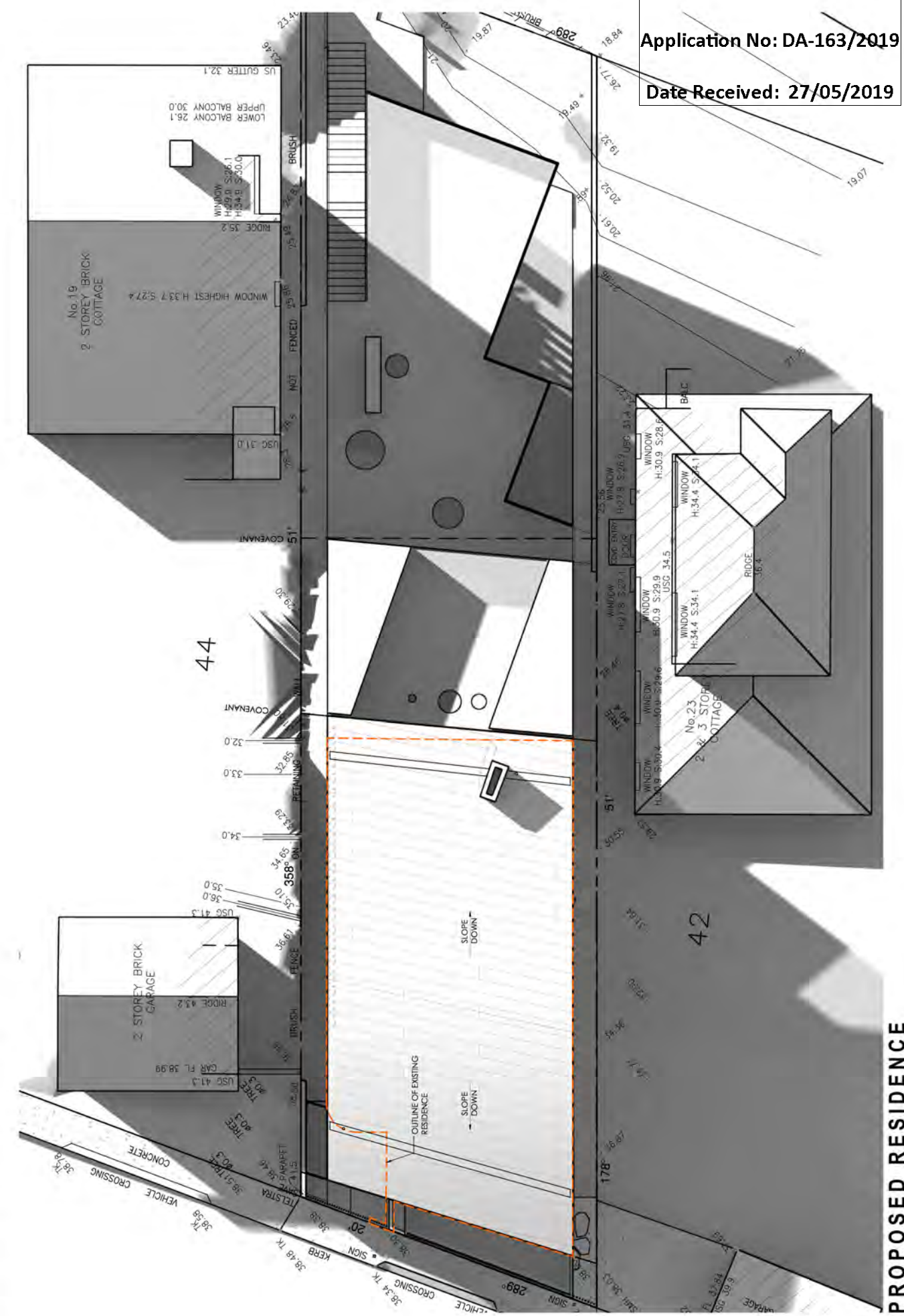
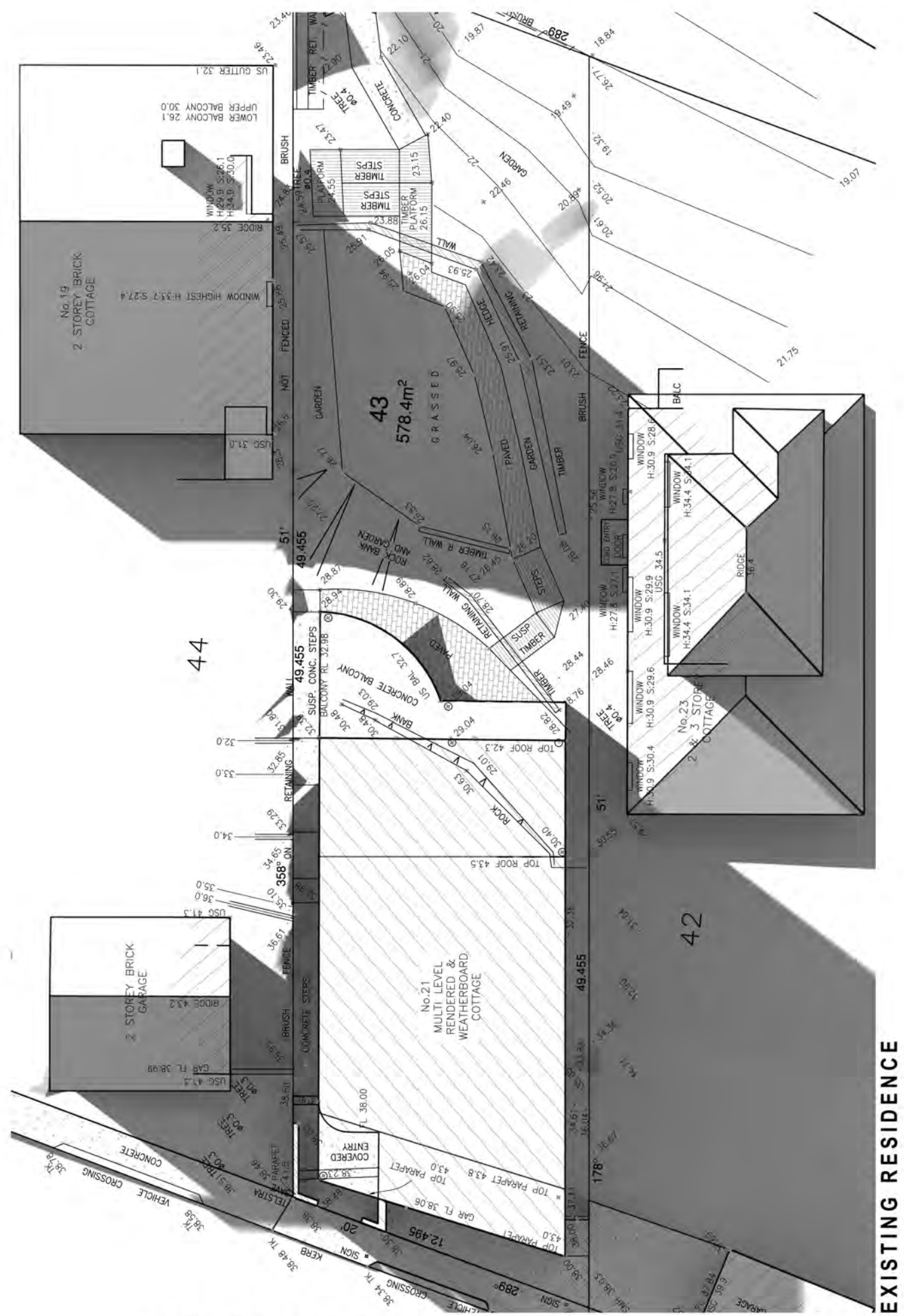
DATE: 13/05/2019
REVISION:

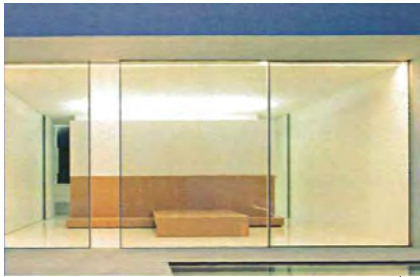
SCALE: 1:200

P.O. BOX 3 7 1 4 9 3
SAN DIEGO, CA 9 2 1 3 7 - 1 4 9 3
6 1 9 . 2 9 3 . 7 6 4 0

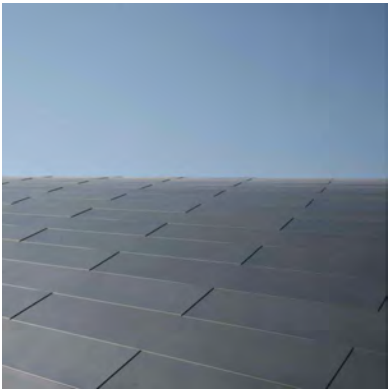
A WALLACE E. CUNNINGHAM, INC.

A6.2





ALUMINUM FRAMED GLAZING



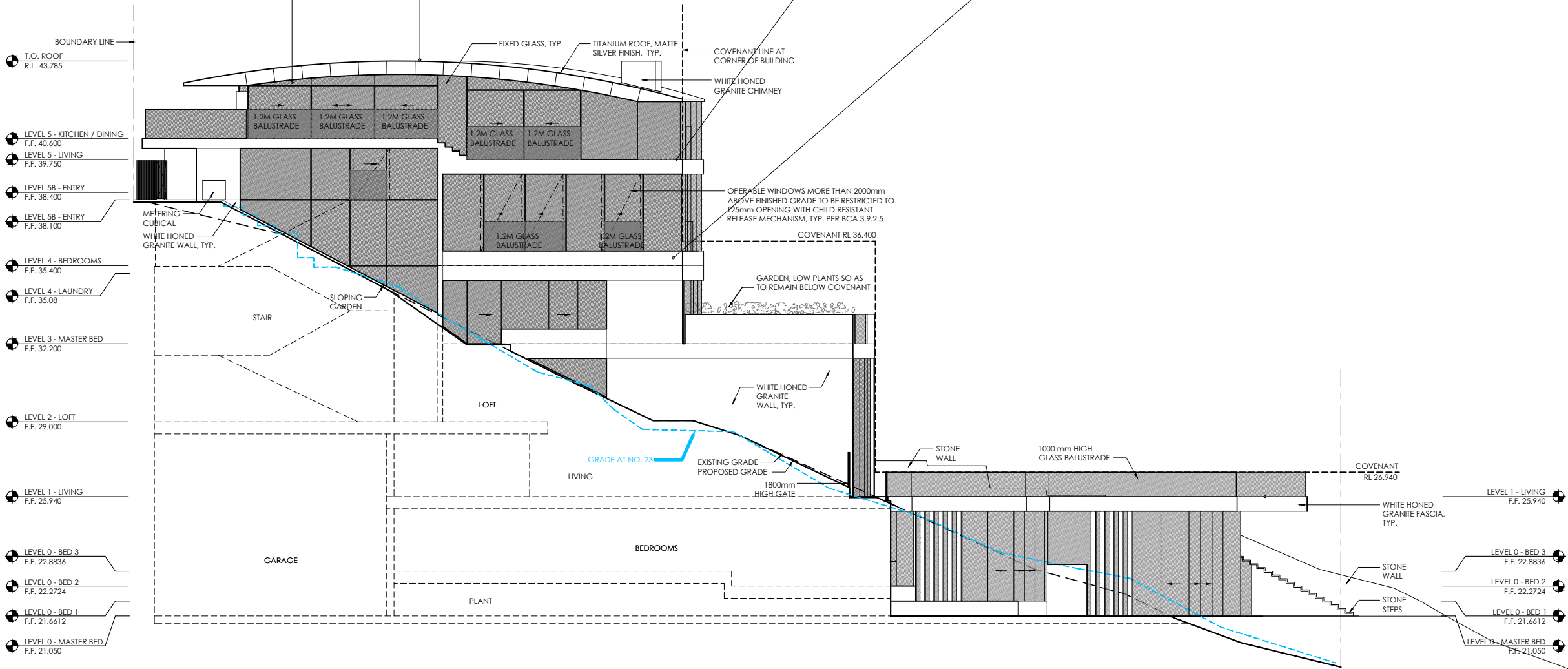
MATTE SILVER TITANIUM ROOF



WHITE TRAVERTINE FLOORS



WHITE HONED GRANITE WALLS



EXTERIOR FINISH SCHEDULE

scale: 1:200

CLIENT: ROSSI

SHEET TITLE: EXTERNAL FINISH SCHEDULE

WALLACE E. CUNNINGHAM, INC.

DATE: 13/05/2019 ADDRESS: 21 THOMPSON STREET
TAMARAMA, NSW, 2026, AU
REVISION:

SCALE: 1:200

P.O. BOX 371493
SAN DIEGO, CA 92137-1493
619.293.7640

A7.0

NOTES

- MBD TO SOURCE ALL PROPOSED TREES.
- 'AUSTRALIAN NATIVE LANDSCAPE PLANTER BOX MIX' TO BE USED AS THE PLANTING MEDIA IN ALL PLANTERS.
- ALL MULCH TO BE 'GREENLIFE® MULCH AND COMPOST'.
- ALL LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECTS AND ADDITIONAL CONSULTANT'S DRAWINGS, SPECIFICATIONS AND REPORTS.
- CROSS REFERENCE WITH THE ARCHITECT'S DRAWINGS FOR FINISHED LEVELS.
- ALL PUBLIC UTILITY SERVICES ARE TO BE LOCATED ON SITE BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS. THE LOCATION, PRESENCE AND EXTENT OF SERVICES SHOWN ARE NOT GUARANTEED COMPLETE OR CORRECT.
- NO TREES PROTECTED UNDER THE LOCAL COUNCIL'S TREE PRESERVATION ORDER ARE TO BE REMOVED UNLESS APPROVED BY DEVELOPMENT CONSENT OR PERMIT OBTAINED FROM COUNCIL.
- ALL STEEL EDGING TO BE MILD STEEL PLATE, 3mm X 200mm. THE TOP EDGE OF THE PLATE IS TO BE FLUSH WITH THE LEVEL OF THE LAWN.
- ALL PAVING IS INDICATIVE, TO BE TO FUTURE SPECIFICATION, AND SET OUT ON SITE.
- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LOCAL COUNCIL'S APPROVAL, STANDARDS AND CODES.
- THE CONTRACTOR IS TO ENSURE THAT ALL THE WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE WORK HEALTH AND SAFETY ACT.

DRAWING SCHEDULE

MBD_21T_01	COVER PAGE
MBD_21T_02	ENTRY LEVEL PLAN
MBD_21T_03	LEVEL 1 BALCONY
MBD_21T_04	LOWER BEDROOM LEVEL PLAN

PLANT SCHEDULE

FRONT GARDEN

TREES					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Re	RHAPIS EXCELSA	BROADLEAF LADY PALM	3	500mm	2.5m
SHRUBS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Al	ACACIA 'LIMELIGHT'	DWARF ACACIA	16	300mm	0.6m
PERENNIALS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Dc	DIANELLA CAERULEA	FLAX-LILY	6	200mm	600mm
GROUNDCOVERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Vh	VIOLA HEDERACEA	VIOLET	45	140mm	GROUNDCOVER

LEVEL 1 BALCONY

PERENNIALS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Lc	LOMANDRA CONFERTIFOLIA	LITTLE PAL	25	200mm	600mm
GROUNDCOVERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Cg	CARPOBROTUS GLAUCESCENS	PIGFACE	150	140mm	GROUNDCOVER

LOWER BEDROOM GARDENS

TREES					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ba	BANKSIA INTEGRIFOLIA	COAST BANKSIA	4	100L	4m
Br	BRACHYCHITON RUPESTRIS	THE QLD BOTTLE TREE	1	300L	4m
Fr	FICUS RUBIGINOSA	PORT JACKSON FIG	1	200L	5m
Gf	GLOCHIDION FERDINANDI	CHEESE TREE	3	200L	7m
SHRUBS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
As	ACMENA SMITHII	LILY PILLY	16	400mm	4m
Bc	BACKHOUSIA CITRIODORA	LEMON SCENTED MYRTLE	18	400mm	5m
Ca	CORREA ALBA	WHITE CORREA	25	400mm	1.2m
Cf	CYCAS REVOLUTA	CYCAD	5	400mm	800mm
Da	DOODIA ASPERA	RASP FERN	30	200mm	0.6m
No	NERIUM OLEANDER	OLEANDER	9	300mm	2m
Sf	STICHERUS FLABELLATUS	UMBRELLA FERN	25	300mm	1m
Wf	WESTRINGIA FRUTICOSA	COASTAL ROSEMARY	18	400mm	1.4m
PERENNIALS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Am	ALOCASIA MACRORRHIZOS	GIANT ELEPHANT EAR	16	200mm	1.5m
Dc	DIANELLA CAERULEA	FLAX-LILY	30	200mm	600mm
Lc	LOMANDRA CONFERTIFOLIA	LITTLE PAL	60	200mm	600mm

GROUNDCOVERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Hc	HEDERA CANARIENSIS	ALGERIAN IVY	50	140mm	GROUNDCOVER
Mp	MYOPORUM PARVIFOLIUM	CREeping BOOBIALLA	80	200mm	GROUNDCOVER
Sh	SCAEVOLA HUMILIS	SCAEVOLA PURPLE	40	100mm	0.5m
CLIMBERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ca	CISSUS ANTARCTICA	KANGAROO VINE	12	200mm	CLIMBER
Ja	JASMINUM AZORICUM	LEMON-SCENTED JASMINE	16	300mm	CLIMBER

SIDE BOUNDARIES

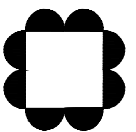
TREES					
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Ca	CUPANIOPSIS ANACARDIOIDES	TUCKEROO	3	200L	5m
Mq	MELALEUCA QUINQUENERVIA	BROAD-LEAVED PAPERBARK	7	200L	6m
PERENNIALS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Lc	LOMANDRA CONFERTIFOLIA	LITTLE PAL	120	200mm	600mm
Re	RUSSELLIA EQUISETIFORMIS	FIRECRACKER PLANT	50	300mm	1m
GROUNDCOVERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ca	CISSUS ANTARCTICA	KANGAROO VINE	80	200mm	CLIMBER
CLIMBERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ja	JASMINUM AZORICUM	LEMON-SCENTED JASMINE	16	300mm	CLIMBER

NOTE

PLANT SCHEDULES TO BE CONFIRMED BY DESIGNER PRIOR TO CONSTRUCTION



SITE LOCATION MAP
GOOGLE MAPS - NTS



MYLES BALDWIN DESIGN

Level 1, 357-359 Cleveland St, Redfern, Sydney, NSW, 2016, Australia
PH +61 2 9699 2622 | www.mylesbaldwin.com

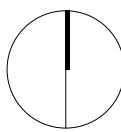
PROJECT:
21 THOMPSON STREET, TAMARAMA

CLIENT:
ROSSI

AMENDMENT		
ISSUE	DATE	DETAILS
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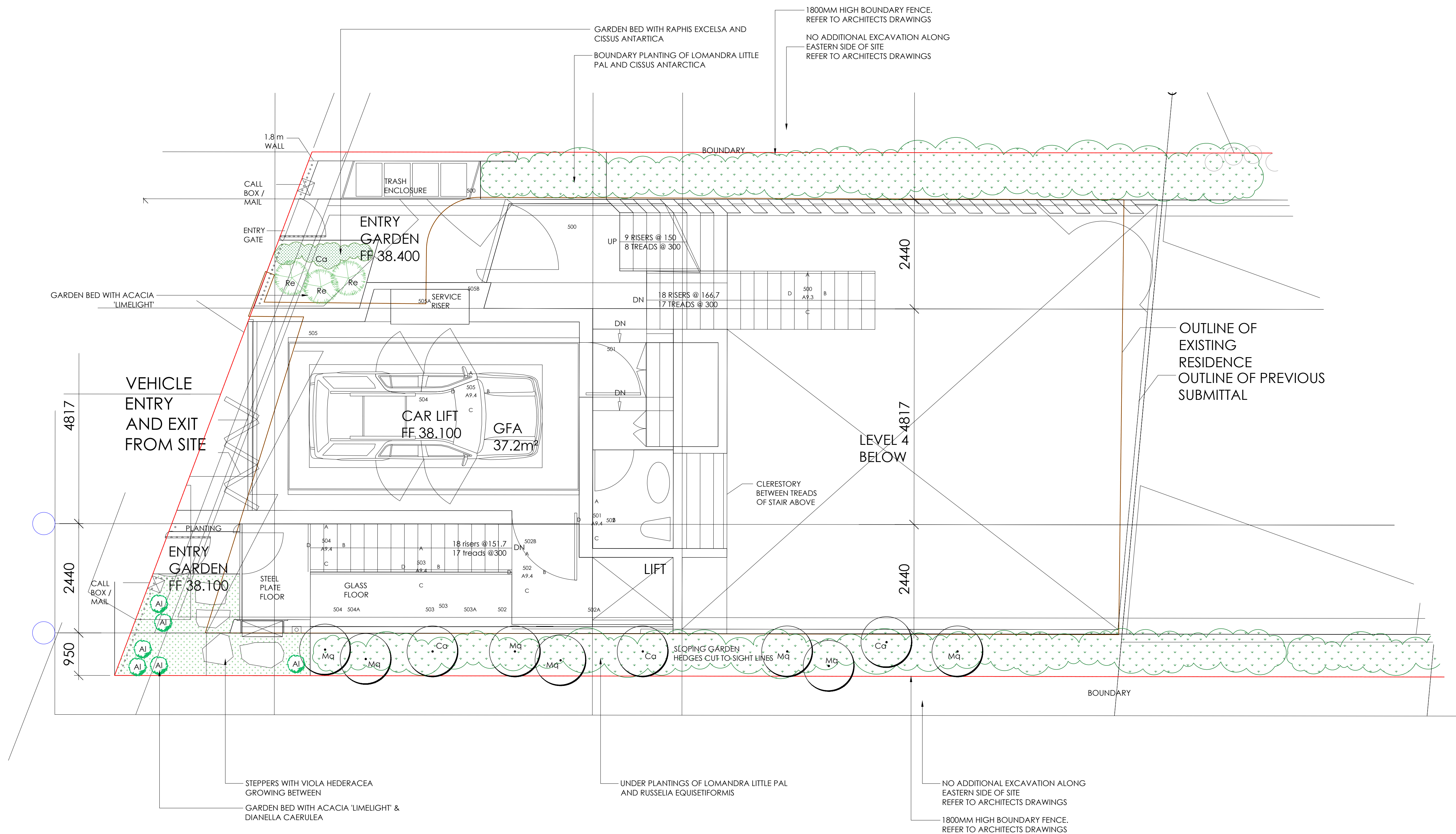
MBD MUST BE PRESENT ON-SITE FOR THE POSITIONING OF ALL PLANTS.
CONTACT DESIGNER IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.
BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

DRAWING:
COVER PAGE

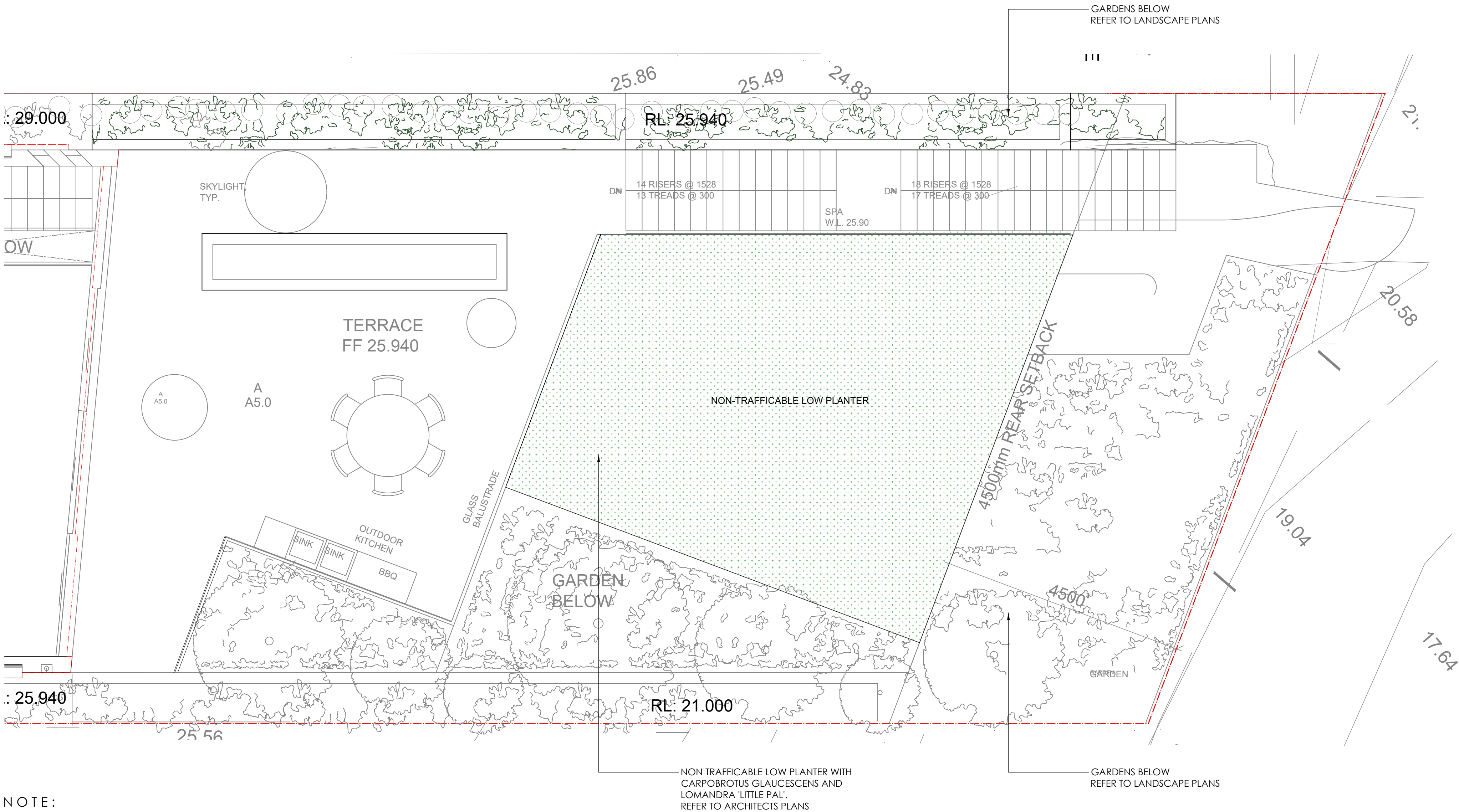


DWG No: MBD_21T_01
SCALE: AS NOTED
DRAWN: LM/MP

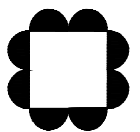
CHECKED: MB
ISSUE: C
THIS DRAWING IS COPYRIGHT



NOTE:
REFER TO MBD_21T_01 FOR PLANT SCHEDULE



NOTE:
REFER TO MBD_21T_01 FOR PLANT SCHEDULE



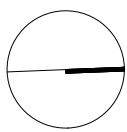
MYLES BALDWIN DESIGN
Level 1, 357-359 Cleveland St, Redfern, Sydney, NSW, 2016, Australia
PH +61 2 9699 2622 | www.mylesbaldwin.com

PROJECT:
21 THOMPSON STREET, TAMARAMA
CLIENT:
ROSSI

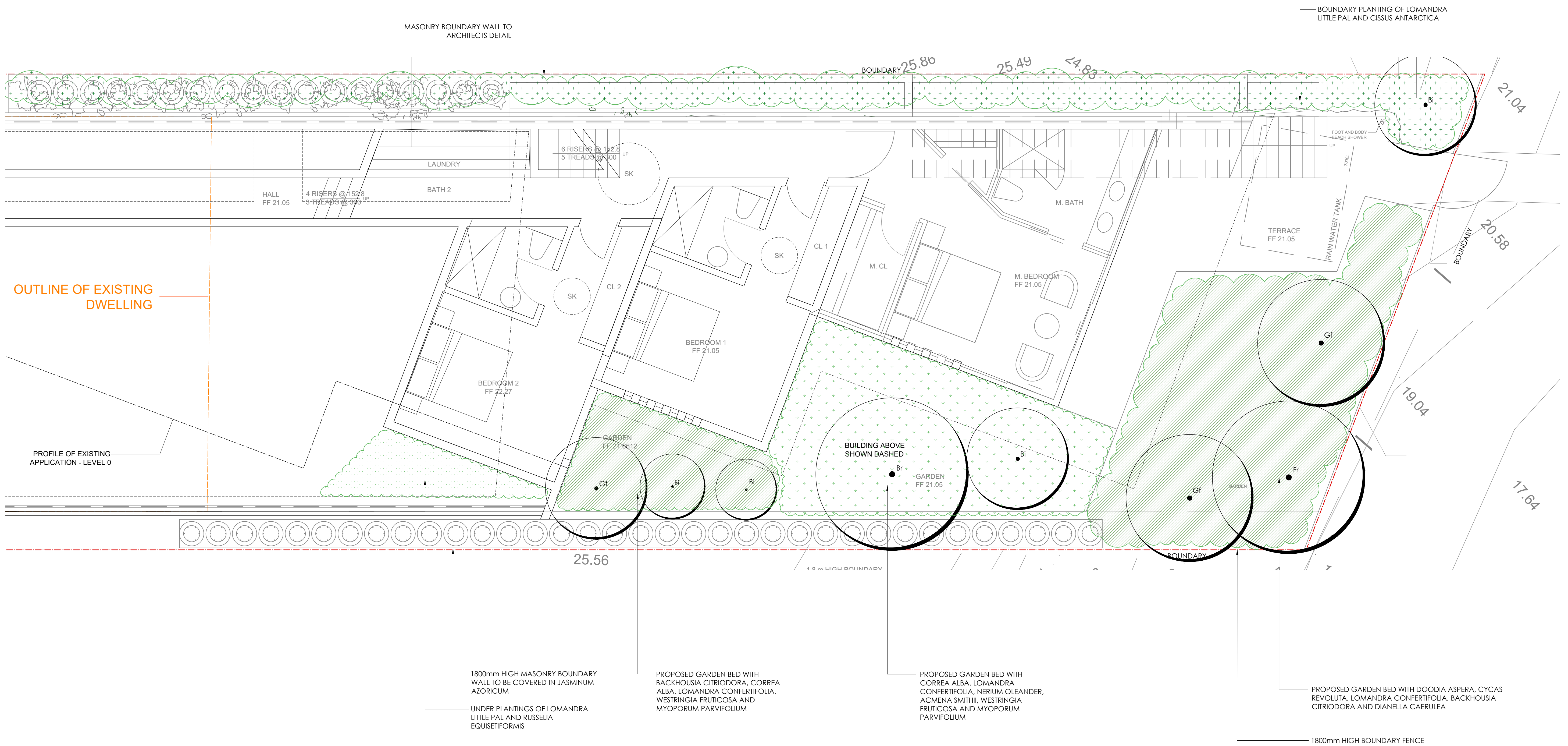
AMENDMENT		
ISSUE	DATE	DETAILS
C	14.05.19	FOR COUNCIL

MBD MUST BE PRESENT ON-SITE FOR THE POSITIONING OF ALL PLANTS.
CONTACT DESIGNER IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.
BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

DRAWING:
LEVEL 1 BALCONY



DWG No: MBD_21T_03
SCALE: 1:50@A1
DRAWN: LM/MP
CHECKED: MB
ISSUE: C
THIS DRAWING IS COPYRIGHT



NOTE:
REFER TO MBD_21T_01 FOR PLANT SCHEDULE



Report to the Waverley Local Planning Panel

Application number	DA-322/2019
Site address	77 Fletcher Street, Tamarama
Proposal	Alterations and additions to existing dwelling house, including second floor level addition
Date of lodgement	30 September 2019
Owner	M W Gribble
Applicant	Jake Dowse Architects
Submissions	Two (2)
Cost of works	\$400,000
Issues	Height of building and FSR
Recommendation	That the application be REFUSED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 6 November 2019.

The site is identified as Lot 19 in DP 10118, known as 77 Fletcher Street, TAMARAMA. The site is rectangular in shape with a 12.495m frontage and 36.575m depth. The site has an area of 457.1m² and falls towards the rear of the site by approximately 2.2m.

The site is occupied by a two to three storey dwelling house with lower level basement garage accessed from Fletcher Street and swimming pool to the rear.

The subject site is adjoined by a two to three storey end terrace forming part of a group of three to the east and a one to two storey semi-detached dwelling to the west.

The locality is characterised by a variety of residential developments including semi-detached and detached single dwellings and residential flat buildings.



1.2 Relevant History

- DA-571/2012: Alterations and additions to dwelling including first floor addition, lower ground garage and swimming pool; Approved 20 June 2013.
- TPO-106/2016: Remove two (2) Conifer trees, two (2) Strelitzia trees and one (1) golden cane palm located in the rear yard; Approved 5 May 2016.
- PD-8/2019: Pre-DA for alterations and additions to existing dwelling house, including attic level addition; Non-supportive comments provided 17 April 2019.
- **DA-322/2019 (current application):** Alterations and additions, including upper level addition. On 4 December 2019, the applicant was formally advised that the proposal was considered to represent an overdevelopment of the land. In response, the applicant advised that further information would be submitted to Council to justify the proposal in its current form; this information has not been received by Council.

1.3 Proposal

The application seeks consent to undertake alterations and additions to the existing dwelling house, as follows:

Lower Ground Level

- As existing

Ground Level

- Entry covered by balcony above
- Hardstand covered in part by balcony above

First Floor Level

- Internal layout changes
- Addition to front of dwelling
- North-facing balcony measuring 15m² (10m wide x 1.5m deep)
- Privacy screens and plantings to both short sides of the proposed balcony

Second Floor Level

- Altered roof form
- Addition comprising study and bedroom
- North-facing balcony measuring 19.33m² (6.445m wide x 3m deep)
- South-facing balcony measuring 7.73m² (6.445m wide x 1.2m deep)
- Privacy plantings to short sides of proposed balconies
- Altered roof form
- New parapet to match

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate and NatHERs certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate and NatHERs certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP (Coastal Management) 2018

The SEPP applies to the subject site as it is wholly located within a Coastal use area (Clause 14) according to the SEPP.

Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The above matters have been considered and in the context of the subject site/application, it is unlikely that the proposal will have an adverse impact.

Clause 15 states *Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

The proposal will not increase the risk of coastal hazards on the site or other land.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The proposal has a non-compliant overall height of building of 10.9m, which exceeds the control by 14.7% (or 1.4m).
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.6:1 	No	The proposal has a non-compliant FSR of 0.786:1, which exceeds the control by 31% (or 85.14m ²).
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is located within Class 5 acid sulfate soils. Proposed works will have no impact in this regard.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

Clause 4.6 Exceptions to Development Standards – Height of Building

The application seeks to vary the height of buildings development standard in Clause 4.3.

The site is subject to a maximum height of building control of 9.5m. The proposed development has a height of 10.9m, exceeding the standard by 1.4m or equating to a 14.7% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 2012 seeking to justify the contravention of the development standard.

This document refers to the height of the building as being up to 11.45m, making reference to drawing no. 4.01; however, based on levels depicted on the said drawing, the height of the building measures at 10.9m above adjacent existing ground level, or 11.525m above the finished floor level of the lower ground level.

The request to vary the development standard is made by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of building development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) The numerical breach is due to the topography of the site and also the rolled roof form.
 - (ii) Irrespective of the numerical breach of the control, the objectives of the control clearly states that the preservation of the environmental amenity of neighbouring properties, and if appropriate, the sharing of views are paramount to a performance compliance. It is therefore logical to state that provided the environmental amenity of neighbouring properties and the sharing of views are not impacted by the proposed breach in the development standard, then the objectives of the development standard are both met and therefore strict numerical compliance is unreasonable and unnecessary,
 - (iii) In this instance the proposed works resulting in a minor breach of the height control in the middle of the property only:
 - Have no impact on the existing views afforded to adjoining properties and the public domain
 - Have no impact on solar access to existing dwellings and the public domain
 - Have no adverse privacy issues (both acoustic and visual) for adjoining neighbours and the public domain
 - Is compatible with the scale, density and streetscape of the area
 - Promotes the character of the existing and desired future character of the area.
 - (iv) Therefore it is submitted that, despite a numerical breach in the height control by the proposed roof form, this objective of the LEP is achieved.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The area of non-compliance to the height control is considerably setback from all boundaries (front, side and rear) and is not readily visible from any private or public domain.
 - (ii) Overall the existing building with its proposed alterations and additions, are compatible with the height, bulk and scale of the existing and desired future character of the locality and will enhance the streetscape by providing a simple architectural form to the allotment.

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case even though it has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- d) *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- e) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard.

Conclusion

For the reasons provided above the requested variation to the height of building development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by cl 4.6(3) of the Waverley Local Environmental Plan 2012.

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.6:1. The proposed development has an FSR of 0.786:1, exceeding the standard by 85.14m² equating to a 31% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 2012 seeking to justify the contravention of the development standard.

This document refers to the FSR as being 0.77:1, making reference to a 72m² increase in floor area; however, on review, the submitted plans have a gross floor area of 359.4m², 8.4m² more than that referred to by the applicant.

The request to vary the development standard is made by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the FSR development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The objectives of this density control clearly are met by submitting the proposed additions and extensions to the existing building:
 - Have no impact on the existing views afforded to adjoining properties and the public domain
 - Have no impact on solar access to existing dwellings and the public domain
 - Have no adverse privacy impacts (both acoustic and visual) for adjoining neighbours and the public domain
 - Are compatible with the scale, density and streetscape of the area
 - Promotes the character of the existing and desired future character of the area.
 - (ii) Therefore it is submitted that, despite a numerical breach in the density control by the proposed additions and extensions to the existing building, this objective of the LEP is achieved.
 - (iii) Irrespective of the numerical breach of the control, the objectives on the control clearly states that the preservation of the environmental amenity of neighbouring properties, and if appropriate, the sharing of views are paramount to a performance compliance. It is therefore logical to state that provided the environmental amenity of neighbouring properties and the sharing of views are not impacted upon by the proposed breach in the development standard, then the objective of the development standard are both met and therefore strict compliance is unreasonable and unnecessary.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposed alterations and additions to the existing building have no effect on the environmental amenity of neighbouring properties as there is no measurable or perceived effect of views, solar access and privacy to these properties. Similarly there are no adverse impacts on the amenity of the locality.
 - (ii) In addition, compatibility to the eclectic streetscape and existing and desired future character of the locality is provided by the proposed overall height, setbacks, building elements such as balconies and rolled roof forms.

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- c) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- d) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case even though it has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- f) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- g) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- h) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- i) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- j) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant states that the proposal has no adverse impacts upon neighbouring properties referencing solar access and privacy; however, submitted shadow diagrams illustrate additional shadow impacts upon neighbouring properties between 9am and 3pm on 21 June. Further, the

proposed second floor level comprises two balconies, both exceeding 10m² in area and in breach of visual and acoustic privacy controls as set out in the WDCP 2012.

Therefore, it is considered that the submitted Clause 4.6 has not adequately addressed environmental planning grounds in its justification for contravening the standard.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by cl 4.6(3) of the Waverley Local Environmental Plan 2012.

2.1.5 Waverley Development Control Plan 2012 (Amendment 6)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. However, for other reasons in this report, the application is recommended for refusal. Should the application be approved, appropriate conditions should be imposed.
2. Ecologically sustainable Development	Yes	The application is accompanied by a BASIX certificate. However, for other reasons in this report, the application is recommended for refusal.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a “Dwelling House” in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	No	<p>The proposal is not of an appropriate scale and represents an exceedance of both the height and FSR development standards. Further, the proposed development detracts from the amenity of other dwellings.</p> <p>The proposed alterations and additions are not sympathetic in bulk and scale to the character of the area, nor does it demonstrate a high design standard.</p>

Development Control	Compliance	Comment
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	No	<p>The application proposes three upper level balconies:</p> <ul style="list-style-type: none"> First floor level front balcony: 15m² (10m wide x 1.5m deep); Second floor level front balcony: 19.33m² (6.445m wide x 3m deep); Second floor level rear balcony: 7.73m² (6.445m wide x 1.2m deep). <p>Notwithstanding the inclusion of screening to its sides, the rear-facing second floor level balcony provides direct views into both the habitable room windows and open space areas of neighbouring properties.</p> <p>The proposal will impact upon the visual and acoustic privacy of neighbouring properties and is therefore not supported. The application is recommended for refusal.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	No	<p>Part C2, Clause 2.6 of the DCP 2012 seeks to minimise overshadowing of windows to internal living areas and private open spaces of adjoining dwellings. In this regard, control (c) states, where a variation to FSR, building height and/or wall height causes a reduction in direct sunlight to adjoining properties, any reduction may be considered unacceptable.</p> <p>Submitted shadow diagrams illustrate additional shadow will be cast over the habitable room windows and open space of neighbouring properties at 9am, 12 noon and 3pm on 21 June. The applicant has not demonstrated that variances to FSR, building height and/or wall height controls do not contribute towards the additional shadow. As such, the proposal is not supported.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings. 	Yes	<p>The proposal will not result in the loss of views from the public domain or surrounding properties.</p> <p>Notwithstanding this, the application is not supported for other reasons outlined in this report.</p>

Development Control	Compliance	Comment
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Assessment cannot be made	<p>Landscaping plans were not provided to make a full and proper assessment of the landscaping on site. However, the proposal seeks to maintain the existing ground floor landscaping on site and provide additional balconies.</p> <p>Notwithstanding this, the proposed development is not supported for other reasons outlined in this report. The application is recommended for refusal.</p>

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have a significant detrimental effect relating to environmental, social or economic impacts on the locality, and therefore it is recommended for refusal.

2.3 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Two (2) submissions were received. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
75 Fletcher Street, Tamarama
79 Fletcher Street, Tamarama

Issue: Non-compliant height of building and FSR

Response: Acknowledged. As discussed in this report, the application is recommended for refusal.

Issue: Visual and acoustic privacy and overshadowing impacts

Response: Acknowledged. As discussed in this report, the application is recommended for refusal.

2.5 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest.

3. REFERRALS

3.1 Biodiversity

Not determined as landscape plans were not provided.

3.2 Stormwater Management

The Soil and Water Management plans prepared by Jake Dowse Architects, Project No. 1801, DWG No. DA 1.09 (Issue A), dated 30 September 2019 have been checked and considered not satisfactory with respect to stormwater details. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual. Should the application be supported, appropriate conditions may be imposed.

4. SUMMARY

The application seeks consent to undertake alterations and additions to an existing two/ three storey dwelling house, including an upper level addition.

The proposal exceeds the maximum height of building and FSR development standards as set out in the Waverley LEP 2012 by 14.7% and 31% respectively. In both cases, the applicant has not adequately justified the non-compliance in accordance with Clause 4.6.

Notification resulted in the receipt of two (2) submissions. Raised issues are discussed within this report. No Councillor submissions were received. No conflicts of interest were declared in relation to the application/site.

When assessed against the matters for consideration under section 4.15 of the EP&A Act, 1979, the proposal is considered to represent an overdevelopment of the land. The application is recommended for Refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A:

Report prepared by:

Fiona Koutsikas
Senior Development Assessment Planner

Date: 7/2/2020

Reason for referral:

3 Departure from any development standard in an EPI by more than 10%

Application reviewed and agreed on behalf of the Development and Building Unit by:

Emma Finnegan
A/Manager, Development Assessment (Central)

Date: 17/2/2020

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design on amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. *Clause 4.3(1)(a) and (d) and (2) as the proposal will further exceed the maximum building height which will result in unreasonable amenity impacts and be incompatible with the character of the locality.*
 - b. *Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.*
 - c. *Clause 4.6(4)(a)(i) and (ii) as the proposal would be inconsistent with the objectives of the height of building and FSR development standards and the objectives of R3 zone.*
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. *Part C2 – Low Density Residential;*
 - i. *Clause 2.1 Height, specifically control (a) as the proposal exceeds maximum wall height control of 7m above existing ground level.*
 - ii. *Clause 2.3 Streetscape and Visual Impact, specifically control (a) as the proposal is not visually compatible with its streetscape context.*
 - iii. *Clause 2.5 Visual and Acoustic Privacy, specifically controls (d) and (e) with regards to proposed balconies.*
 - iv. *Clause 2.6 Solar Access, specifically controls (a), (b) and (c) as the proposal adversely impacts upon neighbouring properties through overshadowing.*
4. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal *will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.*
5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is *excessive in bulk and scale* and is therefore considered unsuitable for the site.
6. The proposal is not considered to be in the public interest *for the reasons outlined above/ for the reasons outlined in public submissions*, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

Application No: DA-322/2019
Date Received: 30/09/2019

10805

4

3

2

1

0

14510

1800

4010

5450

1
3.04

75

36.575
boundary

A

1250

10045

12.495
boundary

24.60

1
3.02

B

1200

36.575
boundary

1
3.03

1
4.01

1
3.01

boundary
12.495

NOTE
Required commitments of BASIX Certificate A356531 to be
incorporated in development noted on cover sheet DA-1.00

01

EXISTING PLAN

2.00

Lower Ground Level L00

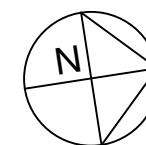
Scale 1 : 100

0 1 2 5 10 M

SCALE BAR

Additional GFA this level: 0 m2
Proposed overall GFA: 351 m2

79



B	DA Submission	2019.09.30
A	DA Review	2019.05.00
issue	description	date

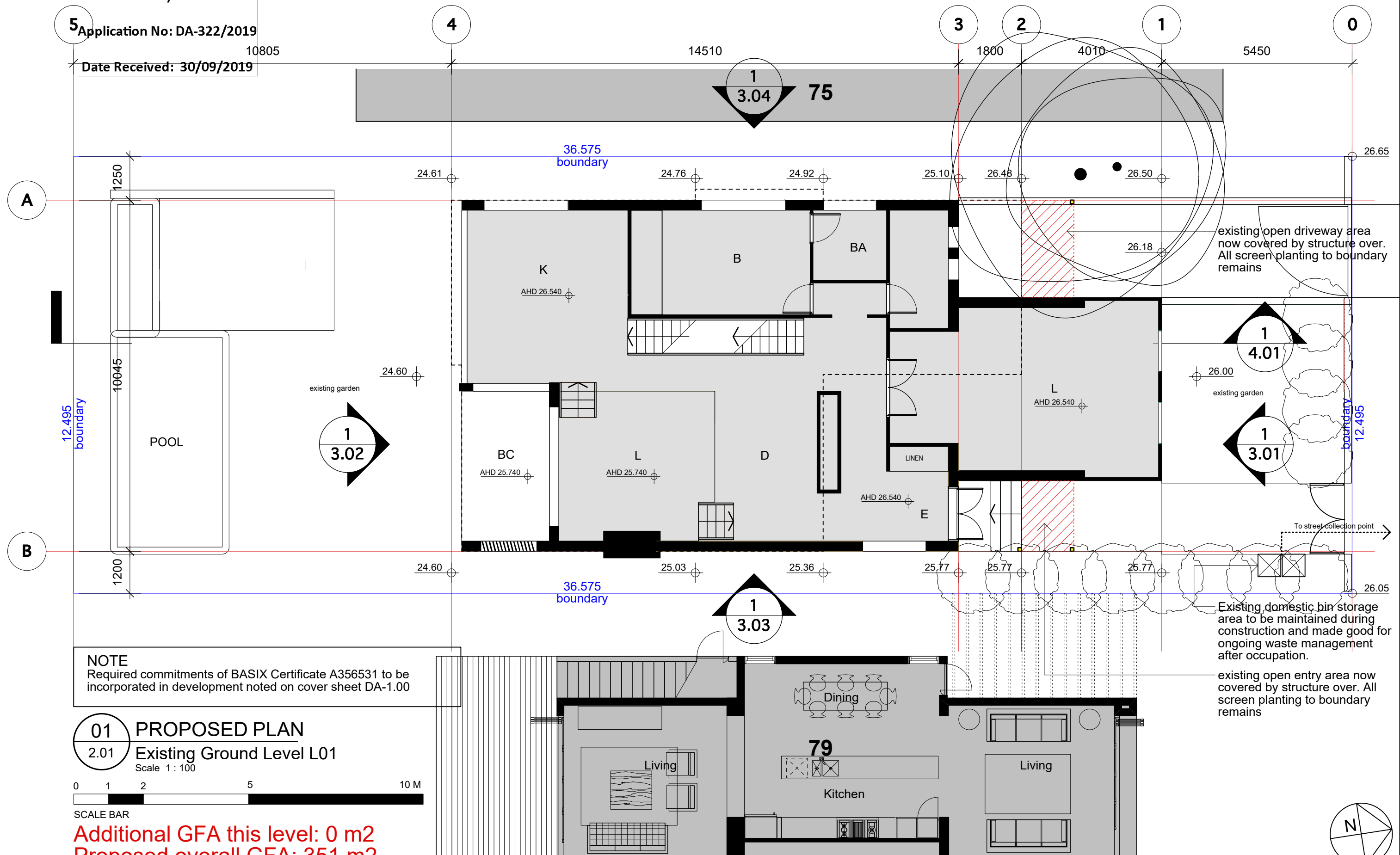
project	Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia
title	PROPOSED L00
	1801 - DA Set

project no	1801
dwg no	DA 2.00
scale	1:100 @ A3
issue	B

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Application No: DA-322/2019
Date Received: 30/09/2019

10805



B	DA Submission	2019.09.30
A	DA Review	2019.05.00
issue	description	date

project	Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia
title	PROPOSED L01
	1801 - DA Set

project no	1801
dwg no	DA 2.01
scale	1:100 @ A3
issue	B

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Date Received: 30/09/2019

10805

4

3

2

1

0

14510

1800

4010

5450

1
3.04

75

Convert existing bedroom into
new bathroom

36.575
boundary

1500

privacy screen and permanent
planting to balcony side

A

1250

Existing layout all to remain

Existing internal staircase to be
extended to access proposed
new level as indicated.

1
3.02

Existing balcony to remain with
new roof structure over.

B

1200

Existing external walls increased to
new level of gutter as indicated on the
elevations (typical)

36.575
boundary

1
3.03

1
4.01

existing roof garden modified
into balcony and planter boxes

1
3.01

existing roof space modified
and extended to form new front
bedrooms

privacy screen and permanent
planting to balcony side

new external walls to new level
of gutter as indicated on the
elevations (typical)

NOTE

Required commitments of BASIX Certificate A356531 to be
incorporated in development noted on cover sheet DA-1.00

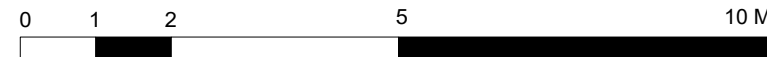
01

PROPOSED PLAN

2.02

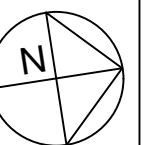
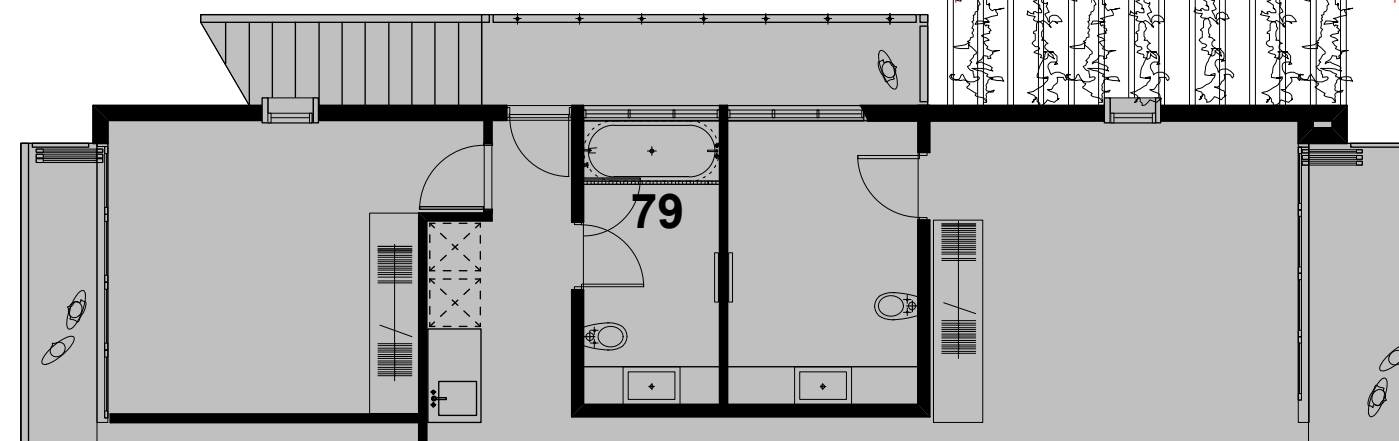
Modified Mid Level L02

Scale 1 : 100



SCALE BAR

Additional GFA this level: 28 m2
Proposed overall GFA: 351 m2

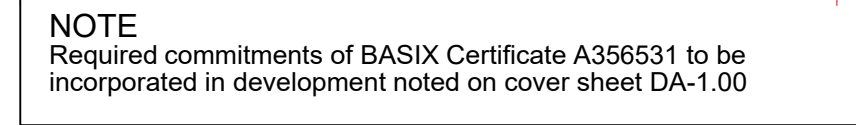


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A	DA Review	2019.05.00
issue	description	date

project	Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia
title	PROPOSED L02
	1801 - DA Set

project no	1801
dwg no	DA 2.02
scale	1:100 @ A3
issue	B

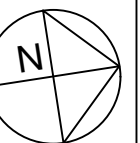
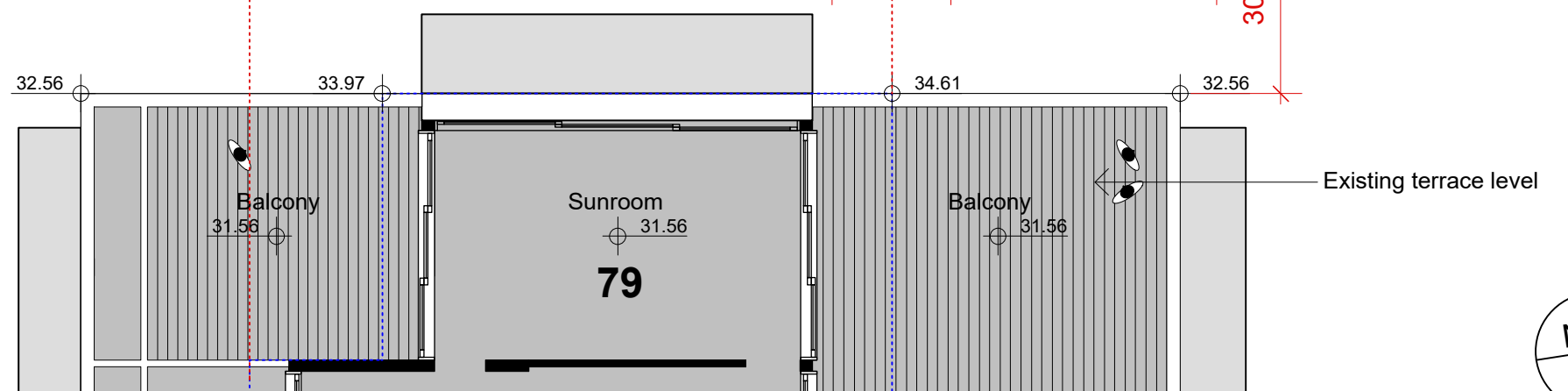
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0 1 2 5 10 M

SCALE BAR

Additional GFA this level: 44 m2
Proposed overall GFA: 351 m2



			project Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia	project no 1801	JAKE DOWSE ARCHITECTS
				dwg no DA 2.03	
B	DA Submission	2019.09.30		title PROPOSED L03 1801 - DA Set	scale 1:100 @ A3
A	DA Review	2019.05.00	issue B		
issue	description	date			

Application No: DA-322/2019
Date Received: 30/09/2019

10805

4

3

2

1

0

14510

1800

4010

5450

1
3.04

75

A

1250

36.575
boundary

32.69

32.99

32.99

32.99

Roof below

Front balcony below

1
4.01

Rear balcony below

Rolled metal deck roof form

1
3.02

35.59

1
3.01

Existing chimney to remain

32.69

33.99

32.99

B

1200

36.575
boundary

Roofs align

Existing rear balcony below

1
3.03

Roofs align

NOTE
Required commitments of BASIX Certificate A356531 to be
incorporated in development noted on cover sheet DA-1.00

01 PROPOSED PLAN

2.04 New Roof

Scale 1 : 100

0 1 2 5 10 M

SCALE BAR

New structure

32.56

33.97

34.61

32.56

79

Existing front balcony below



B	DA Submission	2019.09.30
A	DA Review	2019.05.00
issue	description	date

project	Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia
title	PROPOSED ROOF
	1801 - DA Set

project no	1801
dwg no	DA 2.04
scale	1:100 @ A3
issue	B

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Application No: DA-322/2019

Date Received: 30/09/2019

New rolled metal deck roof
beyond with ridge 9.05M above
existing GF level and 2.4M
ceiling height to central area of
attic

Metal framed glazing with eave
shading to Basix compliance

Permanent planters to sides of
new upper level balcony
(typical)

Line of existing building

3000

B

A

1
4.01

Solid balustrade parapet to new
upper level balcony

New hipped roof form over new
balcony below

Solid balustrade to middle level
balcony including fixed privacy
screens and planters to each
side (typical)

L03

32.990

L02

29.990

L01

26.575

L00

24.065

79

75

73

NOTE

Required commitments of BASIX Certificate A356531 to be
incorporated in development noted on cover sheet DA-1.00

01

NORTH ELEVATION

3.01

Front - Fletcher Street

Scale 1 : 100



SCALE BAR

Mature planting to all
boundaries to remain (typical)

Metal framed glazing to
bedroom walls beyond (typical)

Existing fences, gates,
driveway, pathways and garden
to remain

project

Alterations & Additions to Residence
77 Fletcher Street
Tamarama NSW Australia

project no

1801

dwg no

DA 3.01

title

NORTH ELEVATION

scale

1:100 @ A3

issue

B

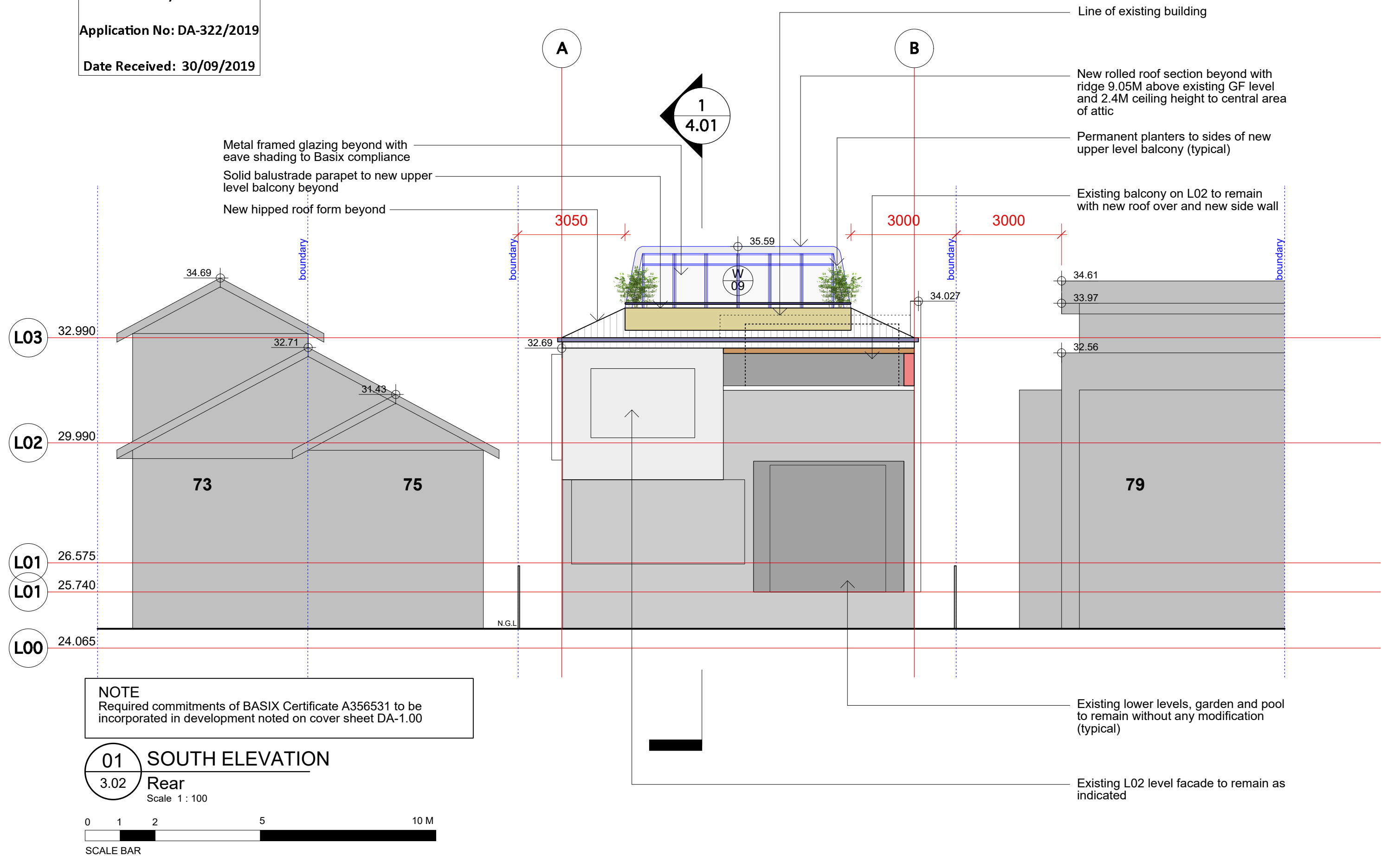
1801 - DA Set

JAKE DOWSE ARCHITECTS

architecture | landscapes | construction | development

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B	DA Submission	2019.09.30
A	DA Review	2019.05.00
issue	description	date

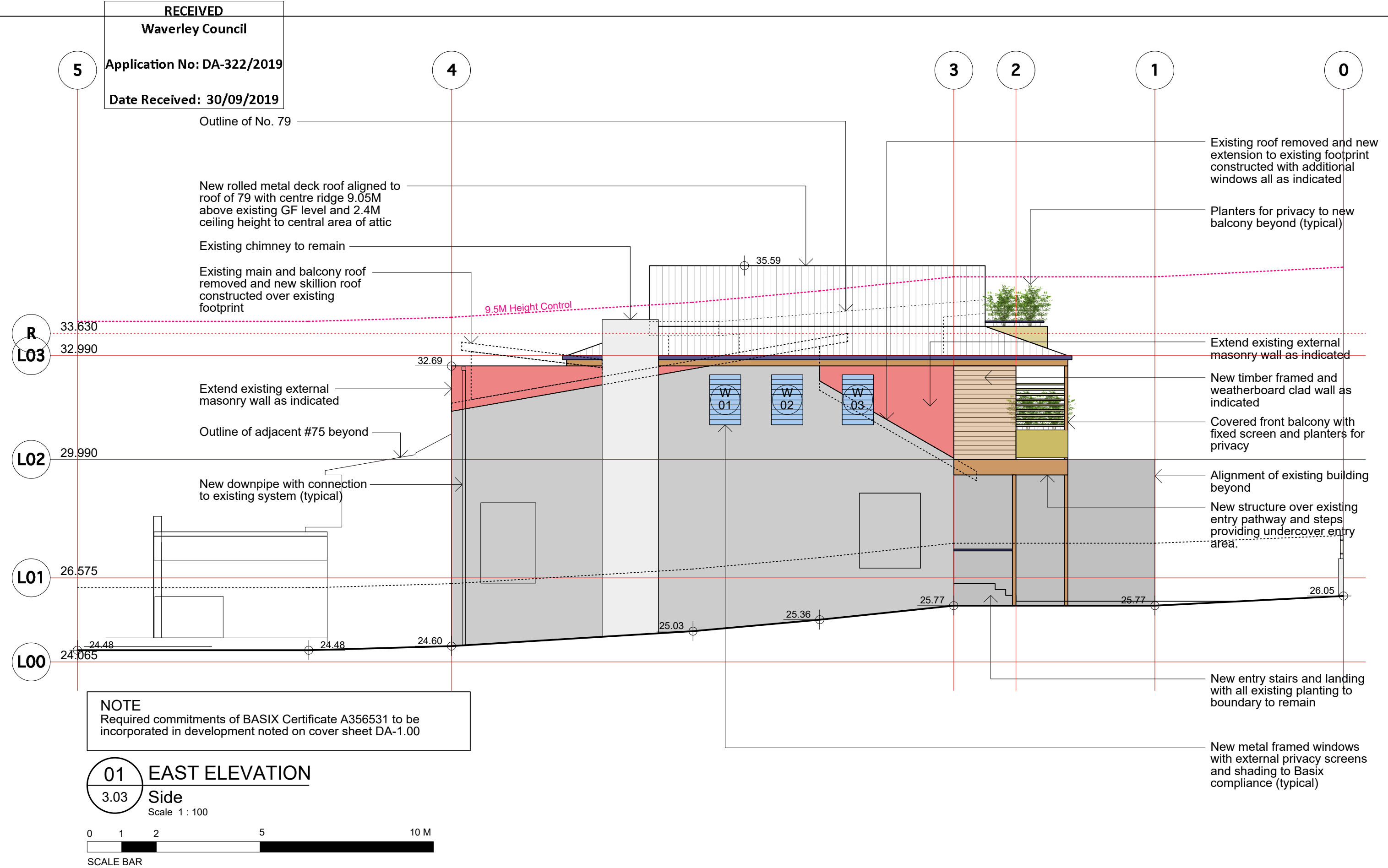


NOTE
Required commitments of BASIX Certificate A356531 to be incorporated in development noted on cover sheet DA-1.00

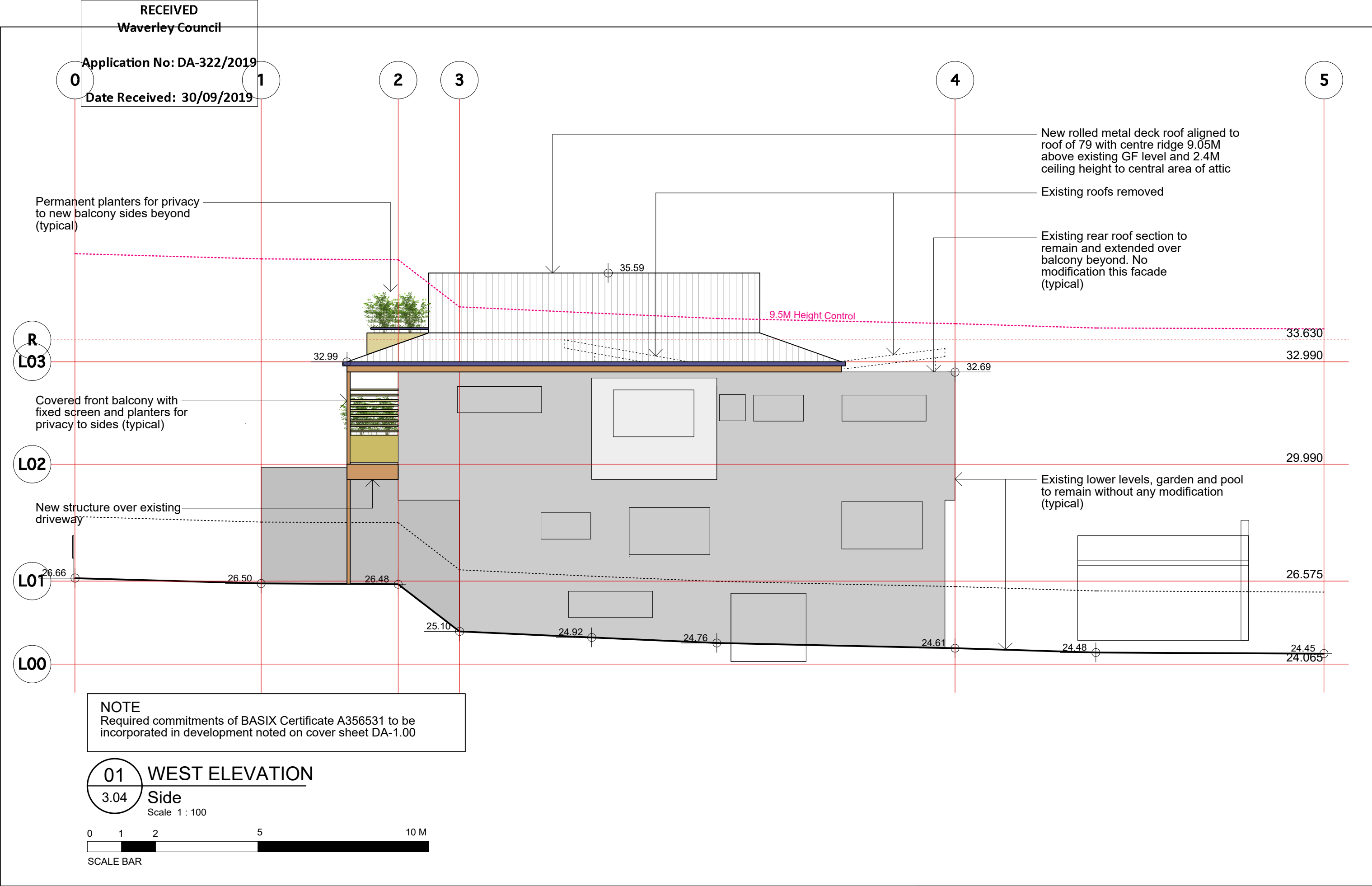
01 SOUTH ELEVATION
3.02 Rear
Scale 1 : 100



			project	Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia	project no	1801	JAKE DOWSE ARCHITECTS	
					dwg no	DA 3.02		
B	DA Submission	2019.09.30			title	SOUTH ELEVATION 1801 - DA Set	scale	1:100 @ A3
A	DA Review	2019.05.00	issue	B				
issue	description	date						



			project Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia	project no 1801	JAKE DOWSE ARCHITECTS
				dwg no DA 3.03	
B A issue	DA Submission DA Review description	2019.09.30 2019.05.00 date		title EAST ELEVATION 1801 - DA Set	scale 1:100 @ A3 issue B



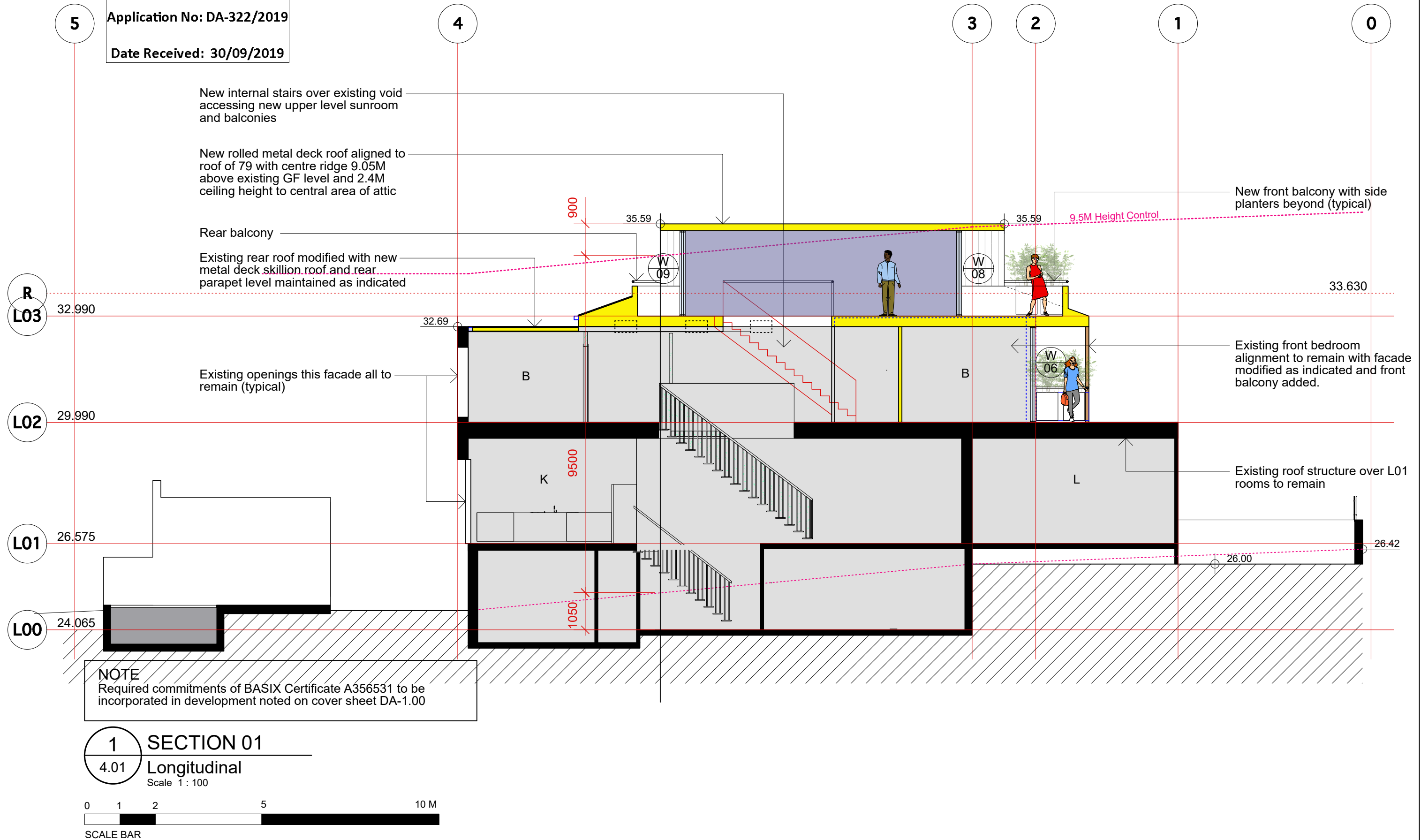
			project Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia	project no 1801	JAKE DOWSE ARCHITECTS architecture landscapes construction development
				dwg no DA 3.04	
B A issue	DA Submission DA Review description	2019.09.30 2019.05.00 date		title WEST ELEVATION 1801 - DA Set	scale 1:100 @ A3 issue B

RECEIVED

Waverley Council

Application No: DA-322/2019

Date Received: 30/09/2019



B	DA Submission	2019.09.30
A	DA Review	2019.05.00
issue	description	date

project	Alterations & Additions to Residence 77 Fletcher Street Tamarama NSW Australia
title	SECTION 01
	1801 - DA Set

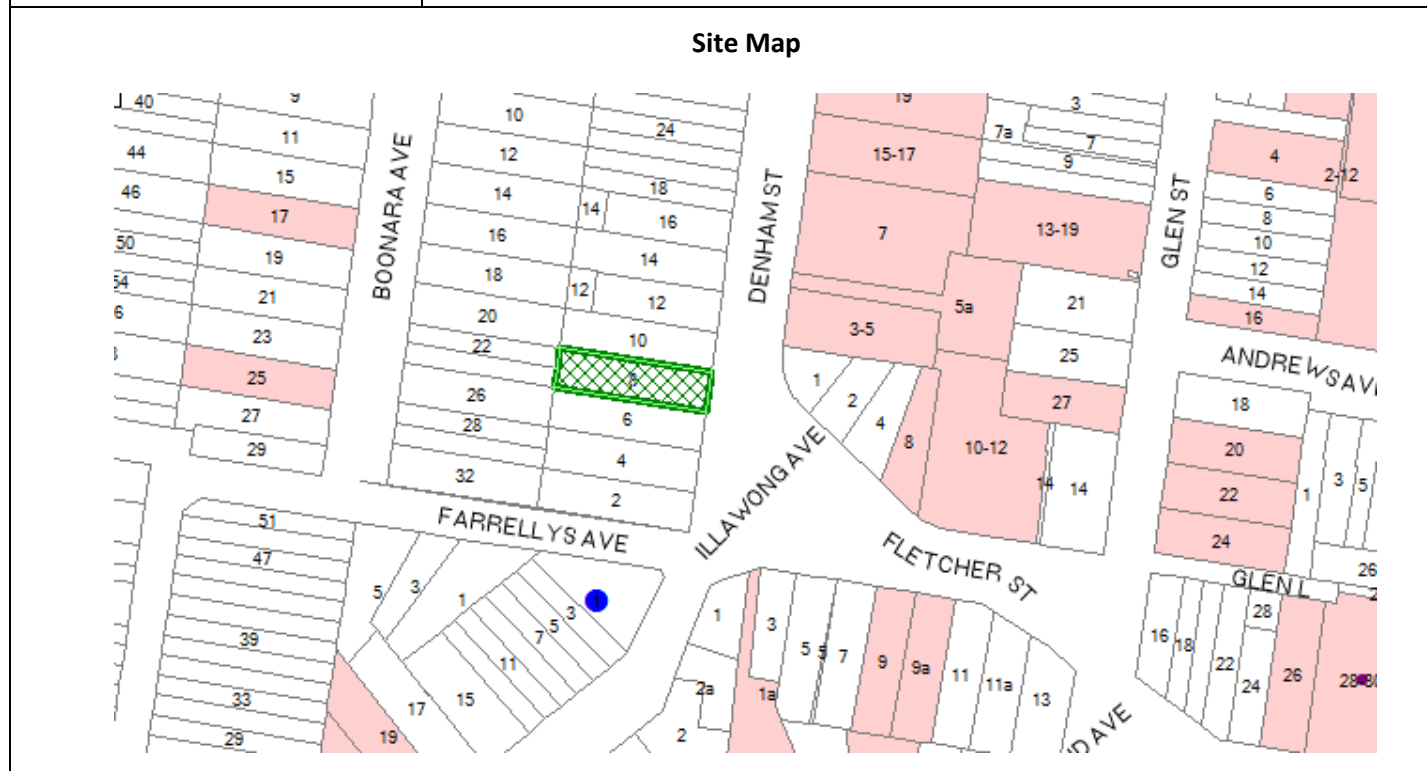
project no	1801
dwg no	DA 4.01
scale	1:100 @ A3
issue	B

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Report to Waverley Local Planning Panel

Application number	DA-249/2019/A
Site address	8 Denham Street, BONDI
Proposal	Modification to remove condition (2) of consent to allow double carport to the front of the dwelling.
Approved development description	Alterations and additions to single dwelling including construction of a car space at the front.
Date of lodgement	08 November 2019
Owner	Mr G J Reynolds and Ms G White
Applicant	Outlook Planning and Development
Submissions	Nil
Cost of Works	\$49,500 (original cost of works)
Issues	Streetscape and car parking
Recommendation	That the application be REFUSED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 04 December 2019.

The subject site is located on the western side of Denham St, opposite to the Illawong Avenue intersection. The site is rectangular in shape and has a site area of 557.2m², and a 12.19m frontage to Denham Street. This section of Denham Street is unique in that the street is split into two sections, one being a one-way section (north to south), to which the subject site has direct access to, whilst the other is the main street leading to Fletcher St to the east.

The site has an existing single storey detached dwelling house, with no on-site parking. The provision of carparking at the front of sites along Denham Street is varied – there are examples of hardstand car spaces within the front yard areas of semi-detached dwellings to the north of the subject site. Other free-standing dwellings within Denham Street have side vehicular access to garages at the rear of the dwellings. While some properties have no off-street parking.



Figure 1: Subject site frontage



Figure 2: Front of the dwelling

1.2 Details of Approved Development

The original development sought consent for double hard stand car parking spaces and associated car port structure within the front setback. The application was approved under DA-249/2019 on 26 September 2019, subject to the following conditions:

CONDITION 2: GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) No approval is granted or implied for the double carport structure as it detracts from the design integrity of the front façade of the dwelling. The carport structure shall be deleted.*
- (b) Carparking approved for the site shall be limited to a single hardstand carspace only.*
- (c) To maintain the design integrity of the front façade of the dwelling, the enclosed verandah is to be maintained with the hardstand carspace being sympathetically integrated between the two support pillars of the enclosed verandah.*
- (d) The existing sandstone which is removed from the front façade to accommodate the hardstand carspace is to be sympathetically reused within the front façade of the dwelling, front fencing or landscaping the front yard area.*

(e) The opening in the front fence and associated driveway for the vehicle crossing shall be reduced to a maximum width of 3m at the eastern property boundary. The front gate (comprising the telescopic gate) shall be reduced in height to a maximum of 1.6m (consisting of an open design).

*(f) The rendering of the dwelling is **not approved**, to maintain the design integrity of the front façade of the existing dwelling.*

The amendments are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

1.3 Relevant History

A search of Council's building and development records found the following relevant applications to the subject site:

DA-165/2006

Approved: 26 April 2006

Alterations and additions to a detached dwelling including an extension of the house to the back and a new pergola.

DA-165/2006/A

Approved: 13 June 2007

Modification to extend main roof over approved pergola.

DA-249/2019

Approved: 24 September 2019

Alterations and additions to single dwelling including the construction of a carspace at the front, subject to design modification conditions (as detailed above).

1.4 Proposal

The application has been lodged as a section 4.55 (2) application and seeks to modify the consent by deletion of Condition 2 (as detailed above) of DA-249/2019.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

Section 4.55 (2) applications - the modifications if approved are substantially the same development as the original consent. Council has consulted any relevant Minister or Authority and notified the application and considered submissions as discussed further in the report.

2.2 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has not been submitted with the application.

2.2.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposal are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of this plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposed alterations and additions relate to a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The carport will have a height of 3.1m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	Cannot be accurately assessed	Due to lack of internal floor plans the FSR cannot be accurately calculated. The development will result in a reduction of FSR due to the demolition of the existing sun room.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is located in acid sulfate soil class 5. However, the proposal does not include excavation and therefore is not likely to disturb, expose or drain acid sulfate soils and cause environmental damage.

2.2.4 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposal are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
5. Tree preservation	Tree removal approved under DA-249/2019	The original consent (DA-249/2019) conditioned that the one (1) Pheonix roebelenii (Dwarf Date Palm) and the one (1) Plumeria acutifolia (Frangipani), located with the front setback can be removed, subject to the planting of two (2) replacement trees. Removal was supported as it possessed no outstanding attributes worthy of retention.
6. Stormwater	Condition Imposed under DA-249/2019	The stormwater plans were reviewed under DA-249/2019 and were considered unsatisfactory, not complying with the Water Management Technical Manual. A condition of consent was imposed on the original approval regarding stormwater. These conditions are to remain.
8. Transport		
8.1 Streetscape	See Discussion	See discussion below for a detailed streetscape analysis.
8.2 On-site Parking	-	The subject site is located in parking zone 2.
8.2.1 Vehicle Access	No, Condition 2(e) imposed	The driveway at the footpath is 4.9m. Condition 2(e) was imposed on the original consent requiring the associated driveway vehicle crossing to be reduced to a maximum width of 3m at the eastern property boundary. It is recommended that condition 2(e) of DA-249/2019 remains on the consent.
8.2.2 Car Parking Provision Rates	No, Condition 2(c) and 2(d) imposed	The proposal is for a carport within the front setback and associated removal of the front sun room. This does not compliment the dwelling as it will result in the removal key attributes to the dwellings front façade. It is recommended that Condition 2(c) and 2(d) of DA-249/2019 remain.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table





Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	No	<p>As conditioned, (i.e. with a single parking space only), the development is consistent with the general objectives of this part of the DCP.</p> <p>However, the modification to delete Condition 2 and obtain two car parking spaces is not sympathetic to the character of the area and detracts from the existing dwelling. Therefore, it contravenes the general objectives of this part of the DCP.</p>
2.2 Setbacks		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	No, Condition 2(a), 2(b) and 2(c) imposed	<p>Hardstand carparking spaces forward of the building line are evident within this section of Denham Street, being between the intersections of Fletcher Street and Bondi Rd, located to the north of the subject site.</p> <p>Generally, there are no structures within the front setback of dwellings and semi-detached dwellings. Except for anomalies at 4 and 26 Denham Street, which comprises of attached garages to a dwelling and semi-detached dwelling respectively.</p> <p>The proposed double carport encroaches upon the established building line. However, having regard to the existing streetscape, it is considered that rather, a single hardstand carspace could be supported (in lieu of a carport structure) that retains the verandah form and columns.</p> <p>Therefore, it is recommended that conditions 2(a), 2(b) and 2(c) of DA-249/2019 remain.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> • Minimum of 0.9m 	No, Condition 2(a) imposed	<p>The proposed carport will be 0.4m from the southern boundary.</p> <p>Therefore it is recommended that Condition (a) of DA-249/2019 be retained.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context • Replacement windows to complement the style & 	No, Condition 2(a), 2(b) and 2(c) imposed	<p>It can be identified in the streetscape analysis there is not a precedence of carports forward of the building line. The predominant type of parking in the streetscape is single space hardstands forward of the building line.</p>






Development Control	Compliance	Comment
proportions of existing dwelling <ul style="list-style-type: none"> Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 		No. 4 and 26 Denham St possess garages forward of the building line. However, these were approved prior to the commencement of the WDCP 2012 and this type of car structure is not supported as facilitating a negative precedence is to be avoided. Therefore, it is recommended that Conditions 2(a), 2(b) and 2(c) DA-249/2019 be retained.
2.4 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	No, Condition 2(e) imposed	The height of the gate is considered excessive and the condition reducing it to 1.6m has been imposed on the original consent. Therefore, it is recommended that Condition 2(e) of DA-249/2019 be retained.
2.8 Car parking		
2.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	No, Condition 2(a), 2(b), 2(c) and 2(d) imposed	The proposal is for a double carport forward of the building line. As stated above, the proposed double carport is not reflective of the streetscape and does not compliment the dwelling as it will result in the removal key attributes to the dwellings front façade. Therefore, it is recommended that Conditions 2(a), (b), (c) and (d) of DA-249/2019 be retained.
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	The dwelling has four (4) bedrooms, therefore the site is permitted a maximum of two (2) off-street parking spaces.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	No, Condition 2(a) and 2(b) imposed	The proposed carport is forward of the building line. A parking space forward of the building line can be deemed acceptable as there is no rear lane access. However, the double carport is considered excessive as it occupies 54.1% of the frontage width and is not reflective of the streetscape.





Development Control	Compliance	Comment
		Therefore, it is recommended that Conditions 2(a) and 2(b) of DA-249/2019 are retained.
2.8.4 Design <ul style="list-style-type: none"> • Complement the style, massing and detail of the dwelling • Secondary in area & appearance to the design of the residences • No part of the façade is to be demolished to accommodate car parking • Gates to have an open design 	No, Condition 2(a), (b), (c) and (d) imposed.	<p>The proposed carport will result in the removal of the front sunroom and associated sandstone. This does not compliment the dwelling as it will result in the removal key attributes to the dwellings front façade.</p> <p>Therefore, it is recommended that condition 2(a), 2(b), 2(c) and 2(d) of DA-249/2019 remain.</p>
2.8.5 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes, as conditioned	The single car space, as conditioned, will be 7.2m(l) x 5.6m(w).
2.8.6 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) • Crossings not permitted where 2 on street spaces are lost 	Yes, as conditioned	Driveway, as conditioned, is considered appropriate.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 	Yes Yes Yes Yes No, Condition 2(b) imposed.	63.3% 35.8% Over 25m ² 100% <p>The proposed double car park results in a front landscaped area which is only 34% of the front open space. As conditioned, the single car parking space will result in greater than 50% of the front open space being landscaped.</p>

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

Table 4: Parking Streetscape Analysis

	<p>34 Denham St, BONDI</p> <ul style="list-style-type: none"> • L-352/1998 • Construct a Hardstand carspace • Approved: 16/12/1998 <p>36 Denham St, BONDI</p> <ul style="list-style-type: none"> • DA-287/2006 • Construct a double carport • Approved: 07/07/2006 • Condition 2: Reduce to single car space • The car space was removed under DA-556/2017 and parking accessed from side lane.
	<p>30 Denham St, BONDI</p> <ul style="list-style-type: none"> • BR-527/1991 • Construct a single hardstand car space • Approved: 05/11/1991 <p>32 Denham St, BONDI</p> <ul style="list-style-type: none"> • Consent cannot be located
	<p>28 Denham St, BONDI</p> <ul style="list-style-type: none"> • Consent cannot be located
	<p>26 Denham St, BONDI</p> <ul style="list-style-type: none"> • BA-668/1996 • Approved: 09/04/1997 • Double Garage

	<p>22 Denham St, BONDI</p> <ul style="list-style-type: none"> • BA-671/1994 • Approved: 15/07/1994 • Construction of a carport above existing hardstand, conditioned to be 3.6m in width. <p>24 Denham St, BONDI</p> <ul style="list-style-type: none"> • DA-654/2008 • Approved: 10/02/2009 • alter existing hardstand (approval for one space)
	<p>Off-street parking not existing.</p>
	<p>Parking located behind the dwelling, accessed from side driveway.</p>
	<p>Parking located behind the dwelling, accessed from side driveway.</p>
	<p>Parking located behind the dwelling, accessed from side driveway.</p>

	<p>Parking located behind the dwelling, accessed from side driveway.</p>
	<p>Subject Site.</p>
	<p>Parking located behind the dwelling, accessed from side driveway.</p>
	<p>DA-82/1979 Approval for a carport</p>

Although the development results in alterations to the front facade to provide a compliant depth for the car space, this can be accepted as similar works have also been carried out to other properties in the street as demonstrated above.

The extent of works to the front of the dwelling and the construction of a double carport however were **not supported** as it results in a disunity between the character of the existing building. The proposal to demolish the front wall of the dwelling to provide a 7.32m deep car spaces which are covered by a double pergola structure within the front building line is considered excessive.

It is considered that the proposal to construct a double carport **cannot be supported**, however a single hardstand car space with the retention of the front verandah structure being maintained could be. As such the original development was approved, subject to design modification conditions (Condition 2). The outcome of this condition results in only a portion of the front façade being demolished between the architectural support pillars that frame the enclosed verandah.

Subject to the retention of Condition 2, the proposal will be generally in keeping with the existing character of the existing dwelling and the streetscape. In this regard, a large single hardstand car space is considered suitable in the context of this site.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

2.4 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development, subject to Condition 2 being retained.

2.5 Any Submissions

The modification application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

No submissions were received.

2.6 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

3.1 Traffic, Creating Waverley

The application was referred to Council's Traffic Engineer who supported the application subject to conditions of consent. These conditions were imposed on the original consent and are recommended to be retained.

3.2 Heritage, Creating Waverley

The application was referred to Council's Heritage Advisor who was not supportive of the proposal. Council's Heritage Advisor concluded:

To maintain cohesion with the existing fabric, and the streetscape it is recommended that the application is amended. The applicant should provide a fully dimensioned application demonstrating cohesion with the existing built form and the established streetscape.

Any intrusion into the existing verandah is to retain the principle features of the verandah including the support columns and side balustrade walls.

Existing face brick work is to be retained without painting, rendering or other coatings.

Therefore, it is recommended that Conditions 2(c), 2(d) and 2(f) remain.

4. SUMMARY

DA-249/2019 sought consent for alterations to the front of the dwelling to provide for a double car parking space and associated car port structure within the front setback. Consent was granted under delegation, subject to Condition 2 (General Modifications). Condition 2 required the development to be modified to remove the carport structure, reduce the hard stand to a single car space only, reduce the width of the driveway crossing to 3 metres, reduce the height of the fence to a maximum of 1.6m and required sympathetic alterations to the front façade.

This subject Section 4.55 application seeks to modify the consent by deleting Condition 2 and construct the double car parking space and associated carport structure as originally proposed.

A detailed assessment has been completed and concludes that each part of Condition 2 is appropriate in that it ensures the development is consistent with the objectives and controls of Waverley DCP 2012 Parts B8 and C2.

The S4.55 modification application received nil submissions. It is recommended that the application be refused, and that Condition 2 remain on the consent.

5. DETERMINATION – DELEGATED AUTHORITY

That the Section 4.55 Modification Application is **REFUSED** by the Development and Building Unit for the following reasons:

Report prepared by:

Joseph Somerville
Development Assessment Planner

Date: 17/12/2019

Reason for referral:

Review of condition

Application determined by:

Emma Finnegan
A/Manager, Development Assessment (Central)

(Reviewed and agreed on behalf of the Development and Building Unit)

Date: 13/02/2020

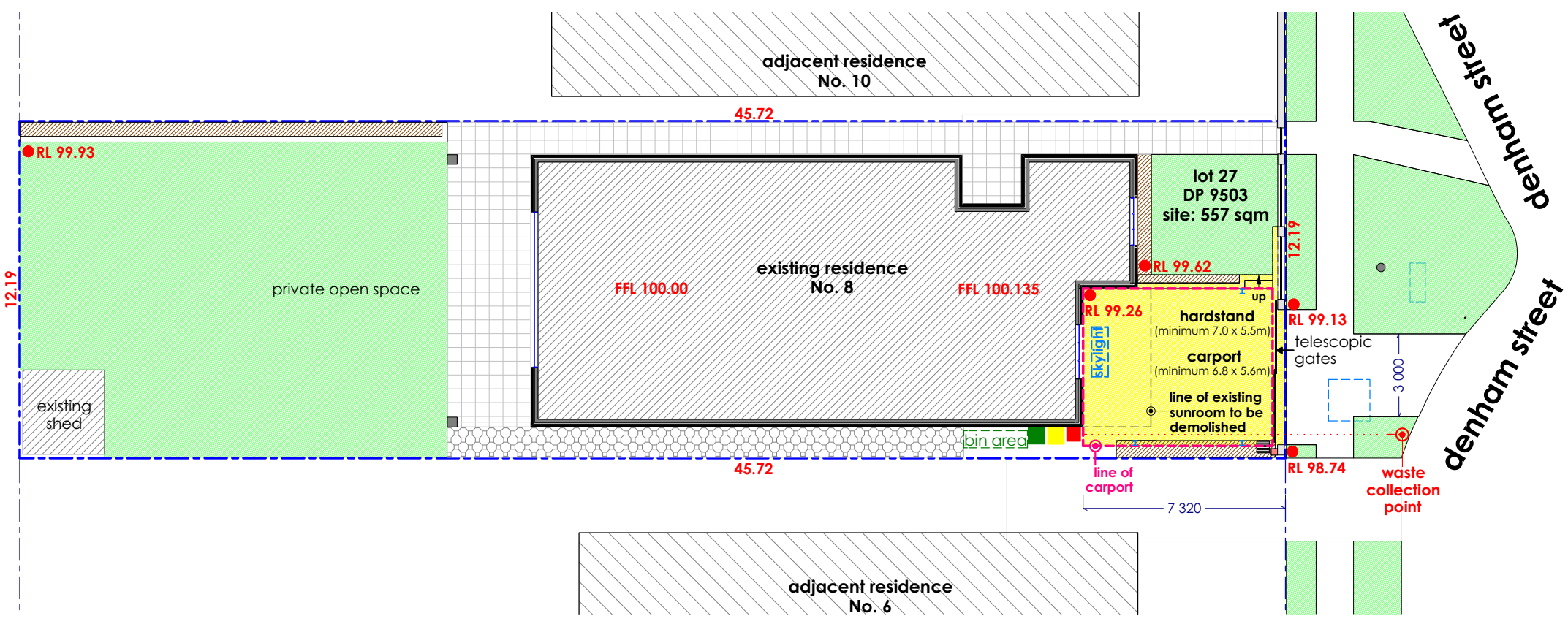
APPENDIX A – REASONS FOR REFUSAL

After considering all the relevant issues, your application to modify development consent DA-249/2019 has been **refused** for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B8 – Transport
 - i. Clause 8.2.1 Vehicle Access, specifically control (k), as the cross over at the footpath is considered excessive in width; and
 - ii. Clause 8.2.2 Car Parking Provision Rates, specifically control (b), as the proposed double carport does not complement the design of the building and associated streetscape.
 - b. Part C2 – Low Density Residential Development;
 - i. Clause 2.0 General Objectives, specifically control (d) as the development is not sympathetic with the character of the area;
 - ii. Clause 2.2.1 Front and rear building lines, specifically control (a), as the carport does not conform with the predominant front building line of the streetscape;
 - iii. Clause 2.3 Streetscape and Visual Impact, specifically objectives (a) and (b) and controls (a) and (d) as the proposed double carport is not reflective of the streetscape;
 - iv. Clause 2.4 Fences, specifically control (b) as the front gate is considered excessive in height;
 - v. Clause 2.8.1 Design Approach, specifically control (b) as the proposal does not complement the existing dwelling or associated streetscape;
 - vi. Clause 2.8.3 Location, specifically control (d) (ii) and (iii) as the double carport exceeds 45% of the lots width;
 - vii. Clause 2.8.4 Design, specifically control (a), (b) and (c) as the carport does not relate well or sympathetically integrate into the dwelling it is attached to. In addition, the proposed carport will result in significant removal to the existing front façade of the dwelling; and
 - viii. Clause 2.9 Landscaping and Open Space, specifically control (g) as the double parking space will reduce the amount of landscaping to the front setback.

3. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
4. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

ALL CONDITIONS FOR DEVELOPMENT CONSENT DA-249/2019 DATED 24 September 2019 ARE REAFFIRMED.



Legend

- Existing dwelling
- Soft landscaping (deep soil >400mm)
lawn - existing lawn
garden - 300 - 600mm high evergreen plants positioned at 450mm centres
- Existing paved area
- Proposed works

Site Calculations

Site	557 sq. metres
Floor space:	
Existing dwelling	213 sq. metres (38.2%)
Proposed dwelling	202 sq. metres (36.2%)
Landscaping:	
Proposed soft (permeable area)	199 sq. metres (35.7%)

note:
the proposal does not result in the loss of any current street parking spaces as the area of the proposed driveway crossing is located in a no stopping area



site plan

NOTE:
Drain roof water from the new roof and hardstand area into the existing absorption pit (absorption pit to be upgraded / relocated as necessary)
The stormwater drainage system where altered or newly constructed must be designed to comply with Australian Standard AS3500.3:2003

site analysis statement

- proposed design respects the existing site contours (i.e. minimal excavation required)
- proposed carport is a low profile open structure
- alterations to existing residence are minor
- two trees to be removed (refer to drawing DA.1002)
- proposed gates complement the existing front fence and maintains height of existing fence
- proposal does not affect primary views of adjacent properties
- proposal does not affect solar access of adjacent properties (minimal additional shadowing falls on adjacent property No.6 driveway)
- proposal allows vision of pedestrians & cyclist when vehicles enter & exit the site
- proposal allows for existing footpath and proposed driveway crossing levels to correspond whereby pedestrian and cyclist accessibility and safety is maintained.
- proposal provides two off street parking spaces with no loss of street parking spaces

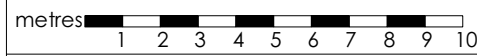
proposed hardstand & carport



proposed telescopic gates

proposed driveway crossing & layback

streetscape



All work to comply with B.C.A and relevant Australian Standards.

Do not scale off drawings. Builders and subcontractors should check and confirm all measurements on-site and discuss any inconsistencies with the owner before commencing work.

Any detailing not provided on these drawings, shall be resolved between the Owner and the Builder to the owners approval except any structural detailing and design which is to be supplied by a Structural Engineer.

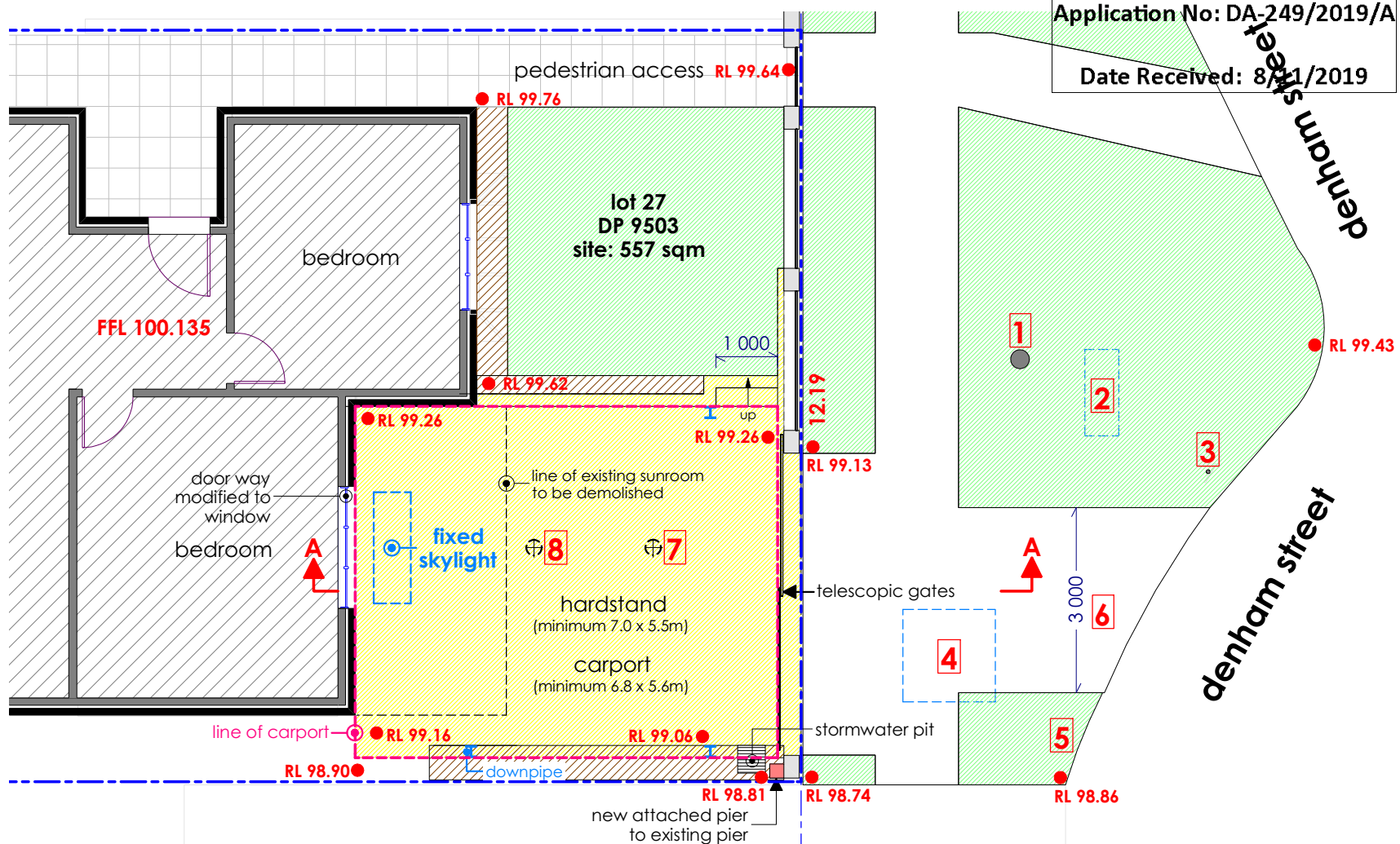
drawing by:

9 Walker Road
Port Hacking NSW 2229
Phone: 0419 644 365

Project: Proposed hardstand & carport (including minor alterations to existing residence)	Drawing: SITE PLAN / SITE ANALYSIS (includes stormwater & landscape concept)
At: 8 Denham Street, Bondi	Date: July 2019
For: Mr & Mrs Reynolds	Drawing No. DA.1001
	Scale: 1:200
	Issue: 1



3D renderings



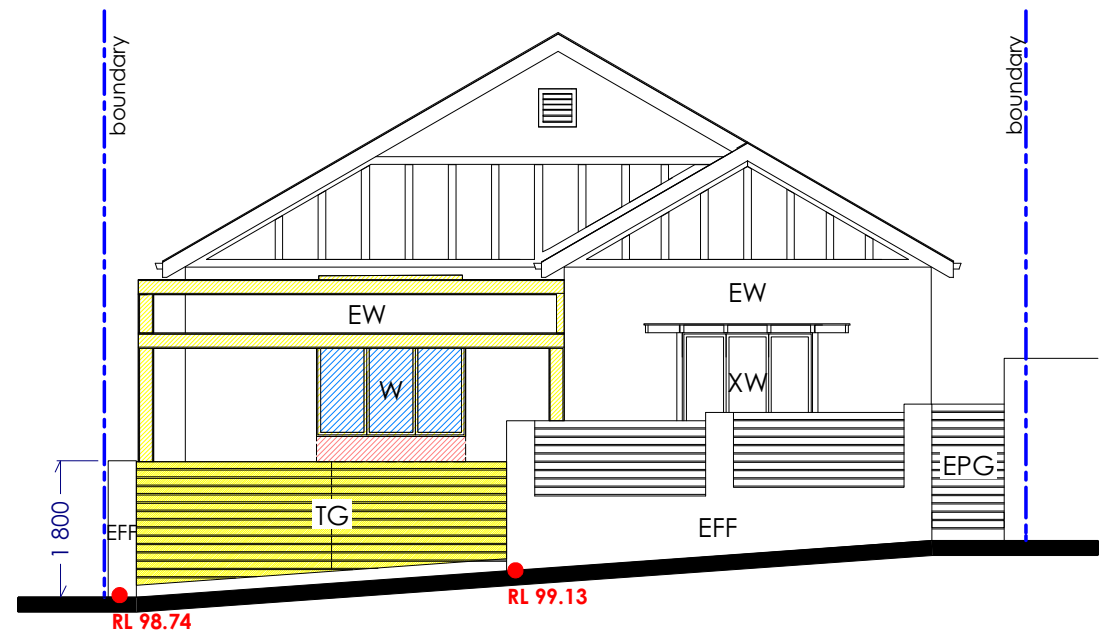
plan

colour scheme for new work (as per 3D renderings)	
Front fence masonry	Ironstone
Telescopic gates	Horizontal timber slats to match existing
Carport structure	Ironstone
Residence walls & gables	White mystery
Residence barge boards	Ironstone
Residence gable fretwork	White exchange
Residence roof sheets	Shale grey

- 1 existing power pole
- 2 existing nbn pit
- 3 existing one way sign (remains)
- 4 existing telstra pit to be converted to a trafficable pit at owners expense
- 5 existing no stopping sign to be removed (not required due to proposed driveway)
- 6 new concrete crossover & laybacks to council specification make good nature strips
- 7 remove existing palm tree (phoenix roebeni)
- 8 remove existing frangipani tree (plumeria rubra)

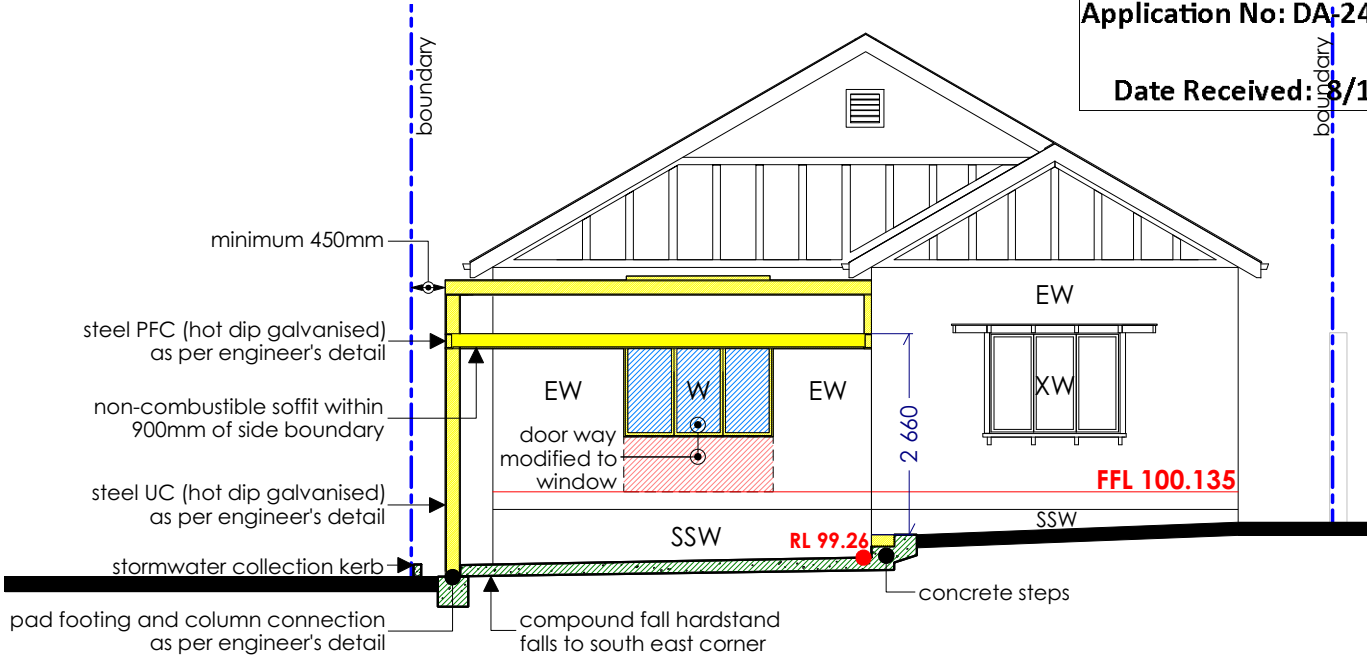


All work to comply with B.C.A and relevant Australian Standards. Do not scale off drawings. Builders and subcontractors should check and confirm all measurements on-site and discuss any inconsistencies with the owner before commencing work. Any detailing not provided on these drawings, shall be resolved between the Owner and the Builder to the owners approval except any structural detailing and design which is to be supplied by a Structural Engineer.	drawing by:		Project: Proposed hardstand & carport (including minor alterations to existing residence)		Drawing: PLAN + COLOUR SCHEME	
	9 Walker Road Port Hacking NSW 2229 Phone: 0419 644 365		At: 8 Denham Street, Bondi		Date: July 2019	Scale: 1:100
			For: Mr & Mrs Reynolds		Drawing No. DA.1002	
					Issue: 1	



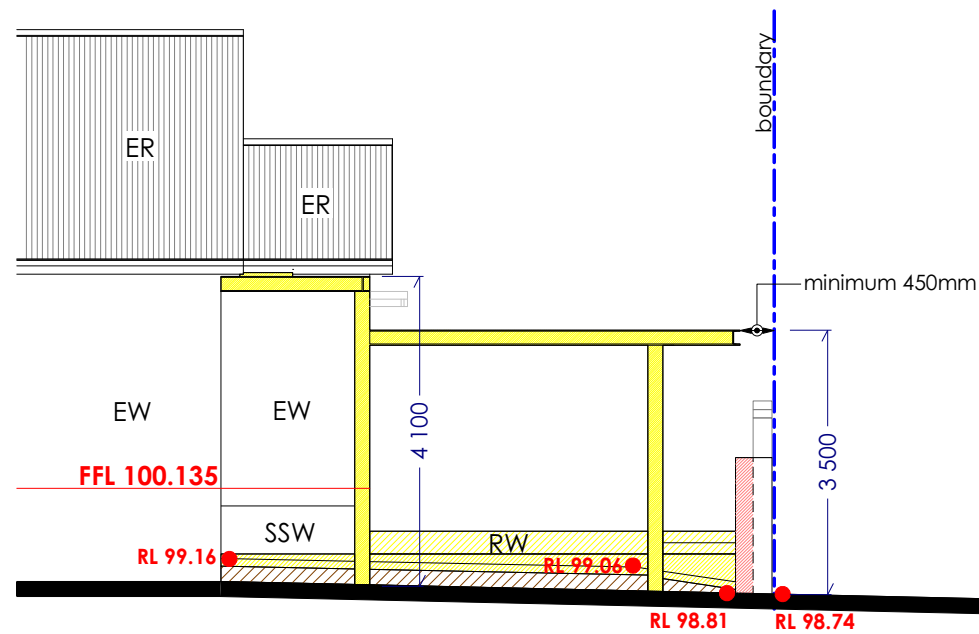
east elevation 1

NOTE:
provide termite protection in
accordance with AS 3660.1-2000 &
moisture barrier to AS 2870.

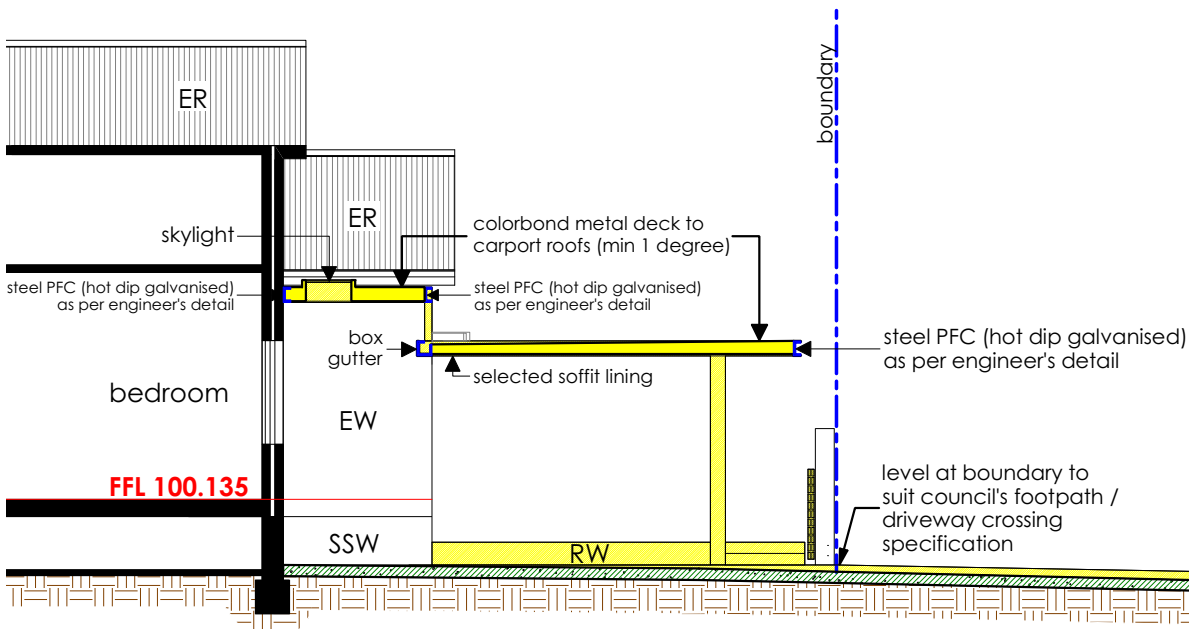


east elevation 2

- EW Existing wall to be rendered for paint finish
- SSW Existing sandstone subfloor wall
- ER Existing roof - replace tiles with colorbond custom orb
- XW Existing window
- EFF Existing front fence
- EPG Existing pedestrian gate
- W New window in existing door opening (make good head & sill)
- RW New retaining wall constructed with sunroom subfloor sandstone
- TG New telescopic gate (horizontal battens to match existing)



south elevation



section a - a



All work to comply with B.C.A and relevant Australian Standards.

Do not scale off drawings. Builders and subcontractors should check and confirm all measurements on-site and discuss any inconsistencies with the owner before commencing work.

Any detailing not provided on these drawings, shall be resolved between the Owner and the Builder to the owners approval except any structural detailing and design which is to be supplied by a Structural Engineer.

drawing by:



Project: Proposed hardstand & carport
(including minor alterations to existing residence)

At: 8 Denham Street, Bondi

For: Mr & Mrs Reynolds

Drawing: ELEVATIONS + SECTION A - A

Date: July 2019

Drawing No. DA.1003

Scale: 1:100

Issue: 291

Application No: DA-249/2019/A
Date received: 8/11/2019


NOTES


- Before work commences carry out the following:
1. Establish a single stabilised entry/exit point.
 2. Install sediment fence(s) as directed by council.
 3. Clear only the areas necessary and plan the staging of work to minimise the amount of soil exposed at any time.
 4. Store stockpiles on site and place sediment controls around them. If additional storage room is needed at any time, Council approval must be obtained prior to the placement of materials on the footpath.
 5. Install onsite waste receptacles and remove/empty at regular intervals.
 6. All stockpiles are to be clear of drains, gutters and footpaths.
 7. Drainage is to be connected to the stormwater system as soon as possible.
 8. Wash equipment in an area of the site that does not drain into the stormwater system.


Maintenance of Controls


1. All erosion and sediment control measures are to be inspected and maintained daily by the site manager.
2. Inspect roadway and footpath and sweep up any sediment.

Legend of Symbols

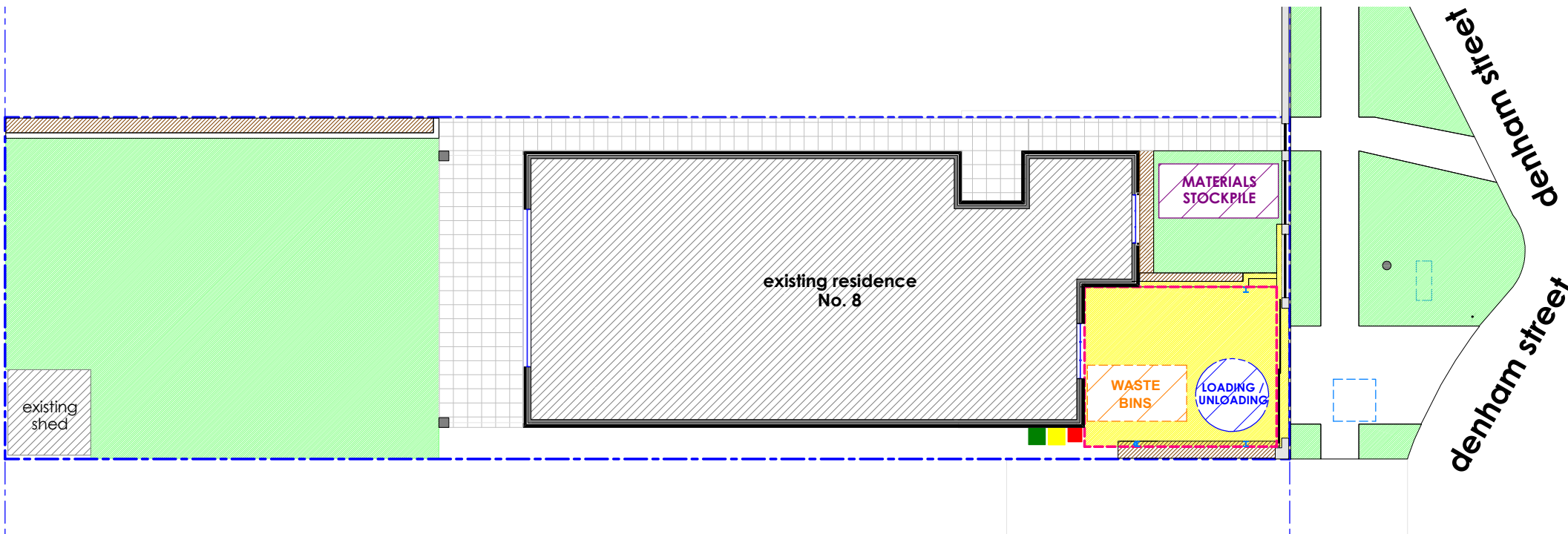
- 

Area for delivery and loading/unloading materials
- 

Waste Bins
- 

All building materials to be stored on site
- 

Sediment Barrier (geotextile fabric or straw bales)



construction management plan



All work to comply with B.C.A and relevant Australian Standards.

Do not scale off drawings. Builders and subcontractors should check and confirm all measurements on-site and discuss any inconsistencies with the owner before commencing work.

Any detailing not provided on these drawings, shall be resolved between the Owner and the Builder to the owners approval except any structural detailing and design which is to be supplied by a Structural Engineer.

drawing by:



VALUEDPROJECTS
PTY LTD

9 Walker Road
Port Hacking NSW 2229
Phone: 0419 644 365

Project:	Proposed hardstand & carport (including minor alterations to existing residence)
At:	8 Denham Street, Bondi
For:	Mr & Mrs Reynolds

Drawing:	CONSTRUCTION MANAGEMENT PLAN		
Date:	July 2019	Scale:	1:200
Drawing No.	DA.1004	Issue:	A



Report to the Waverley Local Planning Panel

Application number	DA-406/2019
Site address	Scarborough Crescent, NORTH BONDI
Proposal	Creation of a new lot around the existing war memorial within Scarborough Crescent road reserve that is adjacent to the North Bondi RSL Club
Date of lodgement	16 December 2019
Owner	Waverley Council
Applicant	Waverley Council
Submissions	One submission received
Cost of works	Nil
Issues	Conflict of interest (i.e. Council is the applicant and land owner)
Recommendation	That the application be APPROVED subject to conditions of consent

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 30 January 2020.

The application relates to part of the road reserve of Scarborough Crescent in North Bondi, which is an unformed road and pedestrian reserve linking Campbell Parade and Ramsgate Avenue. Scarborough Crescent provides some vehicular access from Ramsgate Avenue to properties known as 118 Ramsgate Avenue, which is occupied by the North Bondi RSL Club, and 99 Brighton Boulevard. A footpath traverses the eastern edge of the reserve, between Campbell Parade and Ramsgate Avenue.

The reserve accommodates a war memorial structure (hereafter known as the War Memorial) within its south-western or Ramsgate Avenue end. The War Memorial is adjacent to the North Bondi RSL Club. The application relates to this part of Scarborough Crescent.

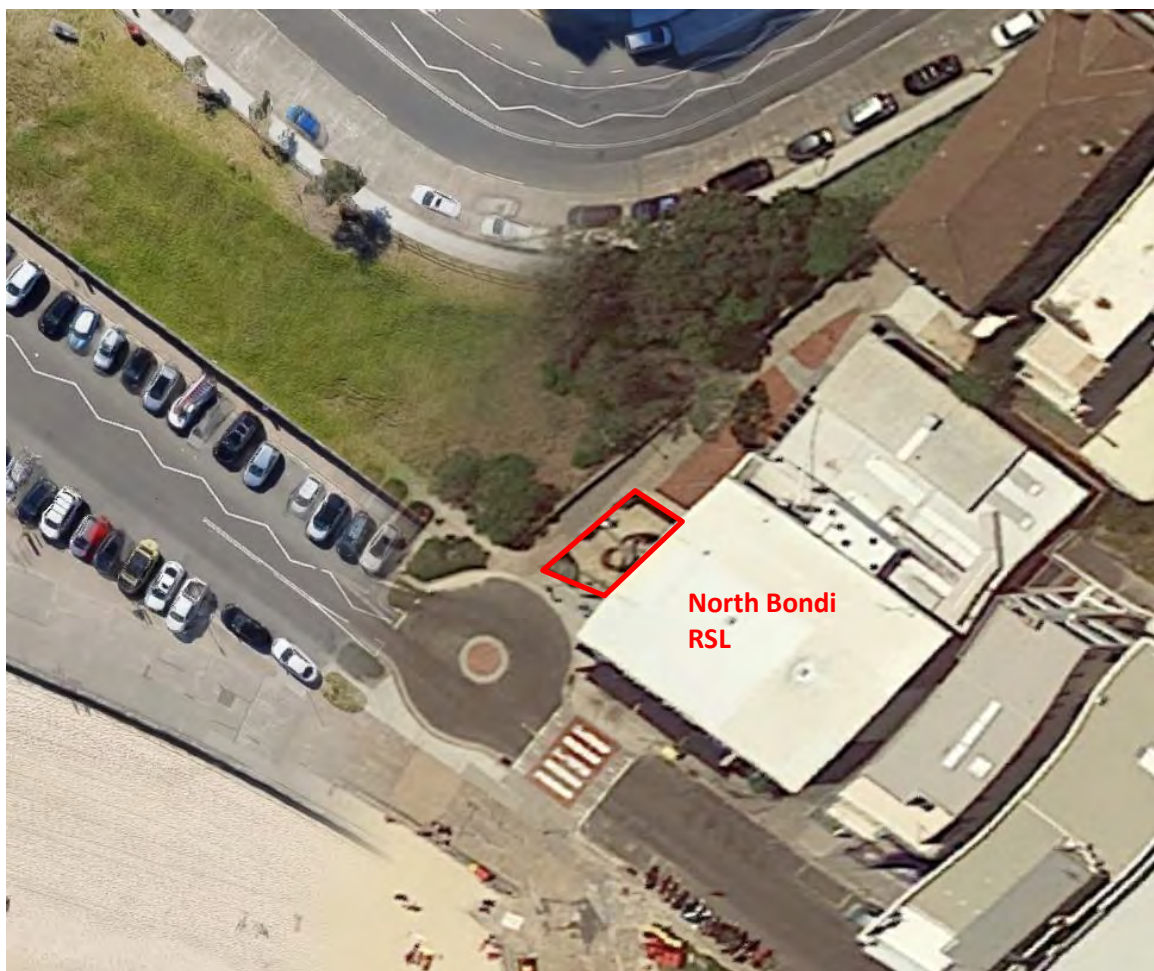


Figure 1: Aerial photo of Scarborough Reserve (War Memorial highlighted in red)



Figure 2: The War Memorial and the North Bondi RSL Club (in background), as viewed from Ramsgate Avenue, looking north-east



Figure 3: The War Memorial, as viewed within Scarborough Crescent, looking south

1.2 Relevant History

The chronology of the approval and construction of the War Memorial structure is summarised as follows:

- | | |
|--------------------------|---|
| 28 October 2007 | The North Bondi Sub-branch of the RSL submits an application with Council to demolish and rebuild a war memorial structure on Scarborough Crescent that is directly adjacent to the North Bondi RSL Club. |
| 8 March 2008 | The then elected Council approves the application mentioned above, subject to conditions of consent. |
| 31 December 2009 | A separate application made under Part 5 of the <i>Environmental Planning and Assessment Act 1979</i> (known as A06/1703) is submitted to Council for a war memorial design that differs from the initially approved application. |
| 27 April 2010 | The Development Control Committee of the then elected Council approves this second application (known as A06/1703), subject to conditions of consent. |
| 6 May 2010 | Consent is issued for the application (i.e. A06/1703) to the North Bondi Sub-branch of the RSL, informing the approval of the War Memorial. |
| 16 August 2011 | <p>The then elected Council resolves to amend the consent (i.e. A06/1703) by way of the passed motion/resolution:</p> <p><i>That Council:</i></p> <ol style="list-style-type: none">1. <i>Delete Condition 22 of the approval issued 6 May 2010 with regard to the construction of a War Memorial by North Bondi RSL.</i>2. <i>Reaffirm Condition 21 of the approval issued 6 May 2010 with regard to the construction of a War Memorial by North Bondi RSL.</i>3. <i>Undertake to have the area occupied by the War Memorial excised from the unformed public road and designated as a War Memorial Trust with the RSL appointed as Custodian.*</i> |
| 12 September 2012 | Council and the North Bondi Sub-branch of the RSL enter into a deed of consent for the orderly management and maintenance of the War Memorial. |

*The third matter of Council's resolution on 16 August 2011 has been bolded to highlight the relevance to the subject application. This application has been ultimately made in response to that particular of Council's resolution.

1.3 Proposal

The application seeks development consent for subdivision to excise part of the land where the War Memorial is situated from the Scarborough Reserve and so that the title of the new lot is transferred to the Trustees of the North Bondi Sub-branch of the RSL.

The application does not involve any physical work nor changes to any facet of the existing War Memorial.

The application is accompanied by a draft subdivision plan, indicating the survey points and dimensions of the proposed lot. The total area of the proposed lot is 66.8m². There are no prospective easements or encumbrances shown on the draft subdivision plan.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

2.1.1 SEPP (Coastal Management) 2018

While the site is within the coastal zone or area affected by SEPP (Coastal Management 2018), this SEPP has no particular relevance to the assessment of this application. The proposal has no effect on existing public access and thoroughfare arrangements within Scarborough Crescent given no physical work is proposed.

2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	Development consent for subdivision is being sought by this application, specifically under clause 2.6(1) of Waverley LEP 2012.
Land Use Table B1 Neighbourhood Centre Zone	Yes	The proposal is for subdivision only and is not a land use and does not change the current use of the land as a 'road'.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size • No numeric standard applies	N/A	The application is not subject to a minimum subdivision lot size development standard. Nonetheless, the proposal is considered against the objectives of the development standard. See discussion below.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is within the 'Bondi Beach Conservation Area – General', identified as 'C2' on the Heritage Map of the LEP. Given

Provision	Compliance	Comment
		the proposal involves no physical works, the subdivision is not expected to have any discernible effect on the heritage conservation area.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

Minimum Subdivision Lot Size

The application is not subject to a numeric minimum subdivision lot size development standard (as demonstrated in **Figure 4** below, showing an extract of the 'Lot Size Map' of the LEP). Therefore, clause 4.1 of Waverley LEP 2012 does not apply (as specifically stated in clause 4.1(2) of the LEP).

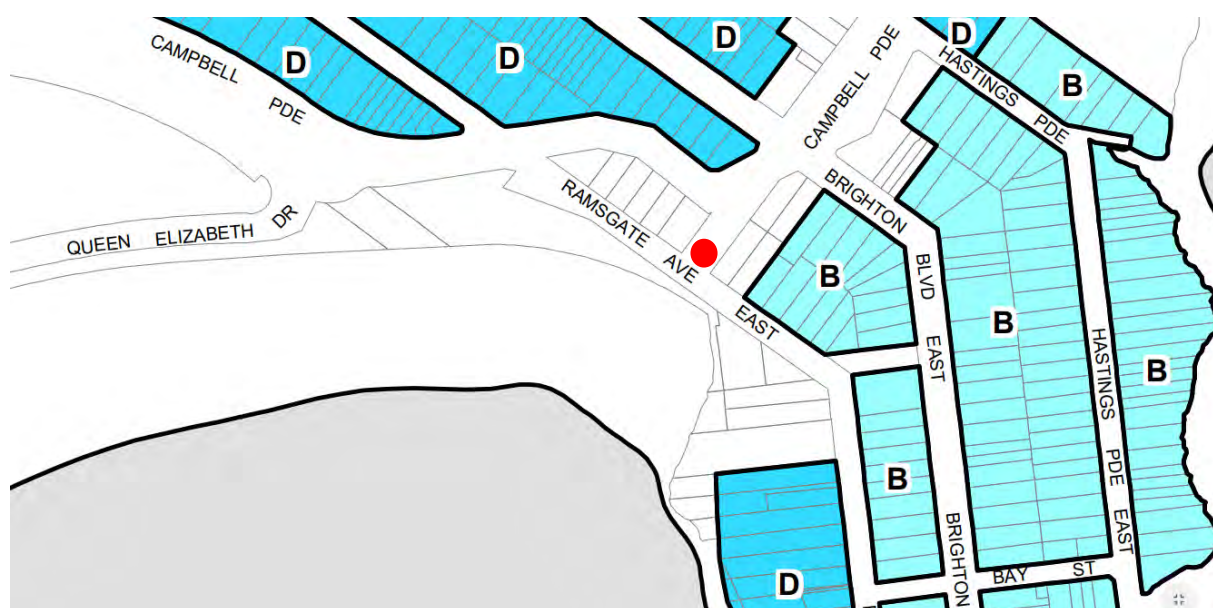


Figure 4: Extract of 'Lot Size Map' of Waverley LEP 2012 (proposed subdivided lot identified by red dot)

The objectives of the minimum subdivision lot size development standard do not necessarily apply when assessing the merits of this application. The proposed subdivision is to enable a transfer of title of the proposed lot that is occupied by the War Memorial to the Trustees of the North Bondi Sub-branch of the RSL from Council. It would therefore not adversely impact on the predominant subdivision pattern of the area nor the amenity of neighbouring properties. The proposal is considered reasonable.

2.1.3 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
13. Subdivision	N/A	The proposed subdivision is not intended for the new lot to be redeveloped in the interim or in the future. The subdivision will not hinder or restrict pedestrian and vehicular access within Scarborough Reserve. The proposal merely intends to transfer ownership of the land in which the War Memorial sits to the Trustees of the North Bondi Sub-branch of the RSL.

2.2 Other Impacts of the Development

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

The application was notified for 21 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

One submission was received from 99 Brighton Boulevard, North Bondi. The issues raised in the submissions are summarised and discussed below.

Issue: *The proposal will block vehicular access to 99 Brighton Boulevard and North Bondi RSL*

Response: Disagree. The proposal does not involve any physical work and is only for subdivision. The proposed subdivision will not affect existing vehicular and pedestrian access within Scarborough Reserve.

Issue: *Decrease in value of 99 Brighton Boulevard if proposal blocks vehicular access*

Response: The proposed subdivision will not affect existing vehicular access arrangements. While claims of a decline in property value is not a matter for consideration under section 4.15 of the Act, the proposal is not expected to affect the property value of 99 Brighton Boulevard given that the proposal does not affect vehicular access and no works are proposed.

2.5 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

3.1 GIS and ePlanning

Council's GIS Officer has recommended that the proposed new lot should be known as 2 Scarborough Crescent, North Bondi based on the principles of section 6.2.1 of the NSW Addressing User Manual from Geographical Names Board NSW. A condition of consent is recommended to this effect.

4. SUMMARY

The application seeks development consent for subdivision to excise part of the land within the road reserve of Scarborough Crescent, North Bondi, which comprises a war memorial, in order to transfer the ownership of the new lot to the Trustees of the North Bondi Sub-branch of the RSL from Council for the orderly management and maintenance of the War Memorial.

The assessment of the application encountered no issues.

The application is required to be determined by the Waverley Local Planning Panel as Council is the applicant and land owner.

The application attracted one submission and the issues raised in that submission have been addressed in the body of this report.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for approval, subject to conditions of consent.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 4 February 2020 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *A Rossi, B McNamara and B Matlawski*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

Report prepared by:

Ben Magistrale
Senior Development Assessment Planner

Date: 4 February 2020

Reason for referral:

- 1 Conflict of interest (Council is the applicant and land owner)

Application reviewed and agreed on behalf of the Development and Building Unit by:

Bridget McNamara
Manager, Development Assessment (North)

Date: 4 February 2020

APPENDIX A – CONDITIONS OF CONSENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Plan of Subdivision of Part of Scarborough Crescent for Title Issue and Road Closure under the Roads Act 1993 (Comprised in Vol 380 Fol 42), Surveyor's Ref. (11897007007_01), prepared by Matthew William Cleary and dated 26 August 2019

except where amended by the following conditions of consent.

2. SUBDIVISION CERTIFICATE

- (a) Linen plans and six copies of these plans are to be submitted to Council in accordance with section 6.4(d) of the *Environmental Planning and Assessment Act 1979*.
- (b) Prior to the registration of the linen plans, a Subdivision Certificate must be obtained from Council or an Accredited Certifier in accordance with section 6.4(d) of the *Environmental Planning and Assessment Act 1979*.

3. LAND INFORMATION

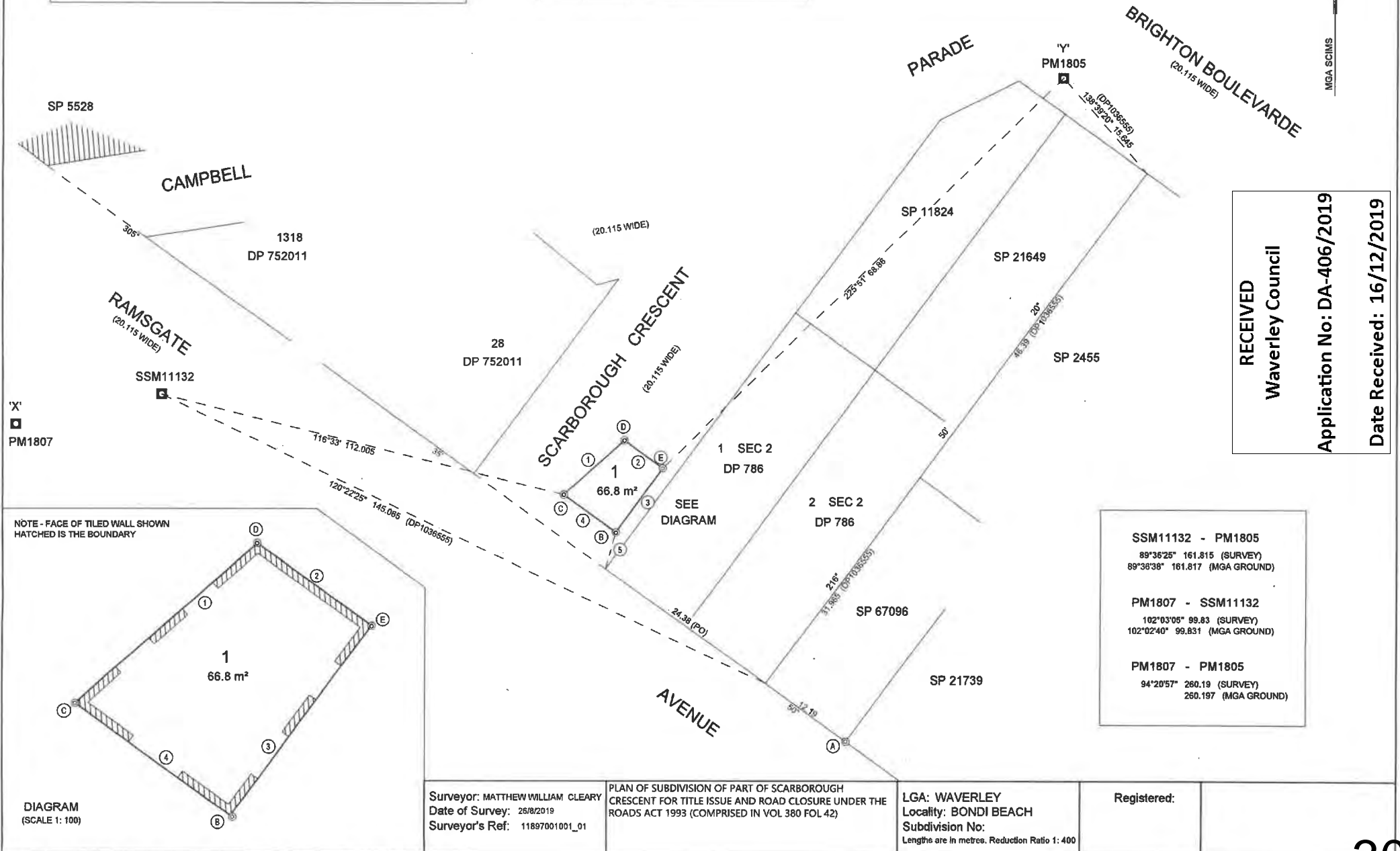
The approved subdivided lot shall be known as 2 Scarborough Crescent, North Bondi. The subdivision certificate application should acknowledge this land information/address details for the approved lot.

Surveying and Spatial Information Regulation 2017: CLAUSE 70(1)(a)							
MARKS	MGA - CO-ORDINATES		ZONE	CLASS	ORDER	METHOD	STATE
	EASTING	NORTHING					
SSM 76685	341 229.582	6 248 723.048	56	B	2	SCIMS	FD
SSM 57071	340 970.159	6 248 742.778	56	B	2	SCIMS	FD
SSM 76684	341 067.784	6 248 721.948	56	B	2	SCIMS	FD

SOURCE: MGA CO-ORDINATES ADOPTED FROM SCIMS ON THE 25/7/2019
MGA DATUM: GDA94 COMBINED SEA LEVEL & SCALE FACTOR = 0.999905

Number	Bearing	Distance	Description
A	37°10'	2.765	DH&W FD (DP1036555)
B	27°35'	8.865	DH&W PLACED
7	41°32'35"	16.235	DH&W PLACED
C	66°04'45"	20.39	DH&W PLACED
	86°09'35"	8.41	DH&W PLACED
D	183°09'15"	22.11	DH&W PLACED
E	207°28'	23.35	DH&W PLACED

Number	Bearing	Distance
1	48°28'55"	10
2	125°54'15"	5.83
3	216°38'30"	9.725
4	305°38'95"	7.88
5	15°40'	4.67

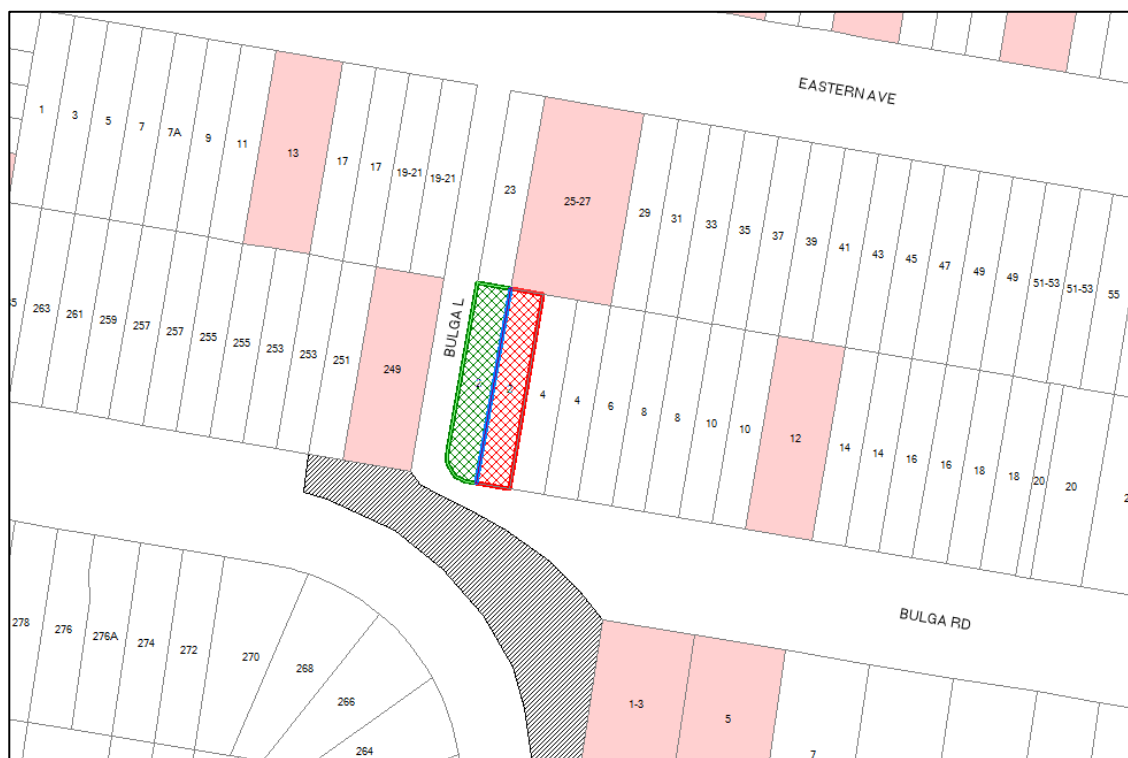




Report to the Waverley Local Planning Panel

Application number	DA-458/2018/1
Site address	2 Bulga Road, DOVER HEIGHTS
Proposal	Demolition of existing dwelling and construction of a pair of semi-detached dwellings with car parking and landscaping
Date of lodgement	1 November 2019
Owner	Mrs M F Power
Applicant	Mrs M F Power
Submissions	2 unique and 14 pro-forma
Cost of works	\$1,061,924
Issues	View loss, privacy
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 23 May 2019.

The site is identified as Lot 113 in DP 455721 (#2) and Lot 115 in DP 837 (#2A). It is mostly rectangular in shape, with a total site area of approximately 423.88m² (Lot 113 measuring 209.2m² and Lot 115 measuring 214.6m²). The site is steep, with a fall from the front (south) to the rear (north) of approximately 5.9m.

The site is occupied by a one to two storey single dwelling with a pitched roof. Vehicular access is provided to a garage from across the side boundary of the site at the rear on Bulga Lane. Surrounding land uses include single dwellings, dual occupancies and residential flat buildings.



Figure 1: Existing dwelling with Cook Island Palm trees within the front garden



Figure 2: Site viewed from Bulga Lane looking north east



Figure 2: Site viewed from Bulga Lane looking south showing existing dual occupancy development at 249 Military Road to the right and the subject site on the left

1.2 Relevant History

DA-458/2018: The original application sought consent for demolition of the existing single storey dwelling and construction of two x three storey semi-detached dwellings as follows:

Dwelling #2 Bulga Road:

- Double hardstand car parking space off Bulga Lane, across the side boundary of the site;
- Lower ground floor rumpus/storage;
- Ground floor living, kitchen and dining areas with rear deck and pedestrian access across the side boundary; and
- First floor three bedrooms and rear balcony.

Dwelling #2A Bulga Road:

- Lower ground floor rumpus/storage and swimming pool at the rear;
- Ground floor car port accessed from the front boundary (Bulga Road);
- Ground floor bedrooms and rear balconies; and
- First floor pedestrian entry and living, kitchen dining areas with rear facing balcony.

On 11 April 2019, the applicant was advised that the application would be supported as it exceeded the height and floor space ratio and had adverse impacts relating to view loss, excavation, setbacks, visual bulk and massing and car parking. The applicant was advised to withdraw the application. However, the applicant requested to submit amended plans and supporting documentation, which were received on 18 April 2019 and 3 May 2019.

The amended proposal did not address the above concerns and it was refused by the Development and Building Unit on 6 September 2019 for the following reasons:

1. *The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.*
2. *The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:*
 - a. *Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum building height which will result in unreasonable amenity impacts and be incompatible with the character of the locality.*
 - b. *Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts and no Clause 4.6 has been submitted.*
 - c. *Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height and floor space ratio development standards and the objectives of R2 zone.*
3. *The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
 - a. *Part B2 – Ecological Sustainable Development*
 - i. *as an amended BASIX Certificate has not been provided.*
 - b. *Part B3 – Landscaping and Biodiversity*

- i. as a landscape plan has not been submitted.
 - ii. as the proposal does not retain the existing significant trees on site.
 - c. Part B5 – Tree Preservation
 - i. as the proposal does not retain the existing significant trees on site.
 - d. Part B6 – Stormwater
 - i. as the submitted stormwater plans do not sufficiently address the requirements.
 - e. Part B8 – Transport
 - i. as the car parking is not in accordance with Australian Standards and does not minimise the potential conflict between vehicles and pedestrians.
 - f. Part B14 – Excavation
 - i. as a geotechnical report has not been provided.
 - g. Part C2 – Low Density Residential Development, in particular:
 - i. 2.0 General Objectives
 - ii. 2.1 Height
 - iii. 2.2 Setbacks
 - iv. 2.3 Streetscape and visual impact
 - v. 2.4 Fences
 - vi. 2.5 Visual and acoustic privacy
 - vii. 2.7 Views
 - viii. 2.8 Car parking
 - ix. 2.9 Landscaping and open space
4. *The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:*
 - a. *Geotechnical Investigation Report*
 - b. *View Loss Assessment*
 - c. *Materials and finishes schedule*
 5. *The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.*
 6. *The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.*
 7. *The proposal is not considered to be in the public interest for the reasons outlined above and in the public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.*

1.3 Proposal

The subject Section 8.3 application seeks a review of the determination made under DA-458/2018. In a response to the refusal of the application, the applicant has made the following amendments:

Basement:

- Reduce extent of excavation for the basement level and reduce the floor to ceiling height to 2.4m; and
- Geotechnical report submitted for the proposed excavation.

Ground floor:

- Increase the ground floor rear setback of Dwelling 2 balcony by a further 1 metre;
- Delete the car parking and car port to Dwelling 2A within the front setback from Bulga Road;
- Arborist report submitted to retain the Cook Island Palm tree in the front garden; and
- Reduce the car parking in Dwelling 2 from a double garage to a single garage accessible via Bulga Lane.

First floor:

- Internal reconfiguration including relocation of the pedestrian entrance to Dwelling 2A; and
- Alter the Dwelling 2A balcony size and provide a planter box.

Overall, the amendments have reduced the height of the development by 300mm, bringing the development into compliance with the maximum height development standard of 8.5m. The amendments also reduce the overall GFA by 44.1m², which result in a compliant FSR for each lot.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 8.3 Considerations

Section 8.3 of the Act enables Council to review a previous determination of a development application subject to the following provisions:

(2) A determination or decision cannot be reviewed under this Division:

- (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
- (b) after the Court has disposed of an appeal against the determination or decision.*

(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.

The determination of the original development application was made on 6 September 2019. The period of the right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is six months after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 26 February 2020, which satisfies the statutory timeframe to determine this review application.

Council officers are satisfied that the essential elements of the development, the subject of the original development application, are substantially the same as the amended development, the subject of this review application. The overall scope and description of the development between the two applications remain unchanged.

2.2 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

2.2.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the Plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The proposal does not include subdivision. There are currently two lots on title, and the existing single dwelling straddles the two lots. The applicant has provided the Certificate of Title and an updated survey to indicate that the Lots are already subdivided.
Land Use Table R2 Low density residential zone	Yes	The proposal is defined as semi-detached dwellings, which are permitted with consent in the R2 Zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposed height is 8.5m, which complies.

Provision	Compliance	Comment
4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Dwelling #2 Permissible FSR: 0.87:1 (GFA 183 m²) Dwelling #2A Permissible FSR: 0.86:1 (GFA 184.5 m²) 	Yes	<u>Dwelling #2:</u> Site area: 209.2m ² Proposed GFA: 166.5 m ² Proposed FSR: 0.79:1, which complies. <u>Dwelling #2A:</u> Site area: 214.6 m ² Proposed GFA: 176.2 m ² Proposed FSR: 0.82:1, which complies.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	During the assessment of the original application, the applicant provided a "Slope Stability Assessment" which provided details of a landslip risk assessment. The amendments reduce the extent of excavation proposed. The applicant has provided a letter to accompany the original geotechnical investigation, which states that should the recommendations in the original report be adhered to, then the site is suitable for the proposed development. Standard conditions are recommended relating to excavation to ensure that the development does not have impacts on neighbouring properties.

2.2.4 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

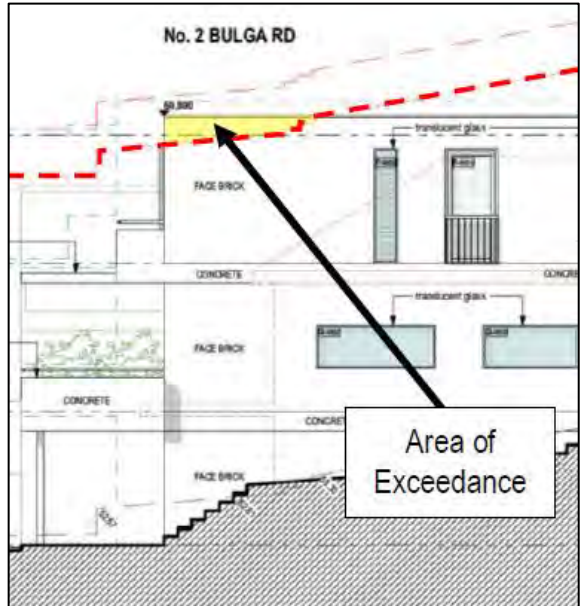
Development Control	Compliance	Comment
1. Waste	Yes	A standard condition has been imposed relating to a revised Site Waste and Recycling Management Plan (SWMRP).
2. Energy and water conservation	Yes	An amended BASIX Certificate for each dwelling have been provided. A standard condition is recommended requiring the details of the BASIX certificate be included on the construction certificate drawings.

Development Control	Compliance	Comment
5. Tree preservation	Yes	<p>The applicant was advised that Council does not support the removal of the two Cook Island Pine trees (<i>Arucaria columnaris</i>) in the front garden of the site. The original plans indicated that a carport, boundary fence and bin storage area would intersect one of the trees.</p> <p>The amended proposal deletes the car port and relocates the bin storage area. The boundary fence is shown to circle the tree. An arborist report has also been submitted with the Review application outlining that the trees can be retained.</p>
6. Stormwater	Yes	<p>An amended stormwater management plan has been submitted. Council's stormwater engineer has reviewed the plan and advises that it is satisfactory with regards to stormwater. Standard conditions have been recommended.</p>
8. Transport	Yes	<p>The amended proposal deletes the car parking space across the front boundary on Bulga Road associated with Dwelling 2A.</p> <p>The car parking associated with Dwelling 2, across the side boundary on Bulga Lane has been reduced from a double width to be consistent with the existing single car parking space on site. This has been discussed with Council's Traffic Engineer who advised that the proposal is acceptable.</p>
14. Excavation	Yes	<p>The amended proposal significantly reduces the extent of excavation. The lower ground floor level is setback 900mm from the side boundaries and is considered appropriate.</p> <p>As discussed above, standard conditions are recommended to ensure that the proposal does not have adverse impacts on neighbouring properties.</p>

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a "Semi-detached dwelling".

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> Appropriate scale Does not detract from amenity of other 	Yes	<p>The proposal complies with the maximum height and FSR development standards. The proposal is of a density and scale that is appropriate for the allotment size and other developments in the</p>

Development Control	Compliance	Comment
dwellings or view corridors <ul style="list-style-type: none"> ESD has been considered High design standard 		vicinity. Details of materials and finishes have been provided, which are considered acceptable.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No, but considered acceptable	<p>The proposed dwellings have a flat roof. A portion of the development exceeds the maximum wall height of 7.5m. The non-compliance relates only to a small portion of the building, at the rear of the site where the ground level drops.</p> <p>The proposed development complies with the maximum building height development standard of 8.5m prescribed in the in the WLEP 2012.</p>  <p>Excerpt of western elevation diagram provided by applicant indicating the portion of the development which exceeds the 7.5m wall height.</p>
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<p>The front and rear building line along Bulga Road is not consistent.</p> <p>The proposed front and rear setbacks are appropriate given the front setback is consistent with the existing dwelling and the rear setback is in line with #4 Bulga Road.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The side setbacks are 0.9m.

Development Control	Compliance	Comment
		<p>Dwelling 2: The balcony off the living room (noted ground floor on the plans) measures 13.5m² in size, with a depth of 2.8m.</p> <p>Dwelling 2A: The balcony off the living room (noted first floor on the plans) measures 12m² in size, with a depth of 2.4m.</p> <p>The non-compliance is considered acceptable in this instance. Consideration has been given to Clauses 2.5 (e)(i) to(v). The proposal complies with the height and setback controls, efforts have been made to mitigate visual and acoustic privacy impacts through permanent screening devices. The balconies are of a similar height and depth to the existing balcony on site, which currently has no privacy screening. The proposal will be an improvement in that it provides a pergola roof, solid walls in part and landscaping.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	The shadow diagrams submitted indicate that the front portion of the subject dwellings and front gardens will be overshadowed for most of the day. At 3pm on the winter solstice, a portion of the roof and front garden at 4 Bulga Road is overshadowed. This is acceptable as the proposal does not impact solar access to the rear portions of the site which include living room windows and private open space.
2.7 Views		
<ul style="list-style-type: none"> Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	See discussion below.
2.8 Car parking		
<p>2.8.2 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit 	Yes	The car parking to Dwelling 2A from Bulga Road has been deleted. The existing vehicle cross over from Bulga Lane is to be retained to Dwelling 2 to provide one car space. This is considered acceptable.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	<p>Overall Open Space:</p> <p>Dwelling #2: 127.9.2m², 61.1% (complies)</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>Yes</p>	<p>Dwelling #2A: 133m², 61.9% (complies)</p> <p>Overall landscaped area:</p> <p>Dwelling #2: 70.8m², 33.8% (complies)</p> <p>Dwelling #2A: 67.9m², 31.6% (complies)</p> <p>Front open space:</p> <p>100% front building setback area open and landscaped other than the pedestrian entry path to Dwelling 2A.</p>
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	<p>Dwelling 2A includes a pool in the rear yard. The pool equipment is located in the plant room within the basement. A condition is recommended requiring it to be acoustically treated.</p> <p>The proposed pool decking will be at the same level as the existing yard and pool surrounds (RL 50.90). Given the topography of the subject and adjoining sites, this means that the pool surrounds are at a higher level than the 4 Bulga Road. Clause (e) requires that where decking abuts any boundary, additional consideration must be given to the visual privacy of adjoining properties. The applicant has advised they are willing to install a higher fence in this location to maintain privacy. A condition is recommended to be included.</p>

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

View Loss

Objections were received from 249 Military Road, which state that the proposed development will significantly impact views. The submissions state that view loss from Unit 1 (lower level dwelling) would be “severe” and view loss from Unit 2 (upper level dwelling) would be “moderate”.

Council officers inspected both dwellings at 249 Military Road during assessment of the original development application. The photos below are photos of the view from the upper and lower dwelling, eastward views of the ocean. It is noted that the view east is of the water and does not include coastline or land/water interface.

The proposed development will impact views enjoyed from the Unit 1 (lower level dwelling) balcony, kitchen/dining and lounge room. The proposed development will not impact views from Unit 2 (upper level dwelling) balcony and kitchen/dining, however it will have a minor impact on views from the lounge room.

Both Unit 1 and Unit 2 will retain a significant portion of their view to the east, over the rear of the subject site and the rear yards of dwellings on Bulga Road. The only portion of the view that is impacted is that which is above the existing roofs of the Bulga Road properties.



Figure 4: View from balcony at 1/249 Military Road (lower level dwelling)



Figure 5: View from balcony at 2/249 Military Road (upper level dwelling)



Figure 6: View from kitchen/dining area at 1/249 Military Road (lower level dwelling)



Figure 7: View from kitchen/dining area at 2/249 Military Road (upper level dwelling)



Figure 8: View from lounge room at 1/249 Military Road (lower level dwelling)



Figure 9: View from lounge room at 2/249 Military Road (upper level dwelling)

Consistent with the NSW LEC Planning Principle on view sharing arising from the case of *Tenacity Consulting vs Warringah [2004] LEC 140*, the views are only available across side boundaries of a number of properties. The applicant has provided a sketch (provided below) detailing a view impact analysis. The sketch reveals that the proposal will impact views from Unit 1. However, the view loss will not be devastating or unreasonable.



Figure 10: View loss analysis provided by the applicant for Unit 1 (lower level dwelling)

The view loss is considered reasonable given:

- The proposed development complies with the height and FSR development standards in the Waverley LEP 2012 and the setback controls in the Waverley DCP 2012. While the 7.5m wall height control in the Waverley DCP 2012 is exceeded for a small portion of the site, this is because of a level drop. It is noted that view loss would still occur if the proposal included a pitched roof building with a wall height of 7.5m.
- The views currently enjoyed from 249 Military Road are across the side boundaries and roofs of a number of properties. It is entirely reasonable to expect that the Bulga Road properties will be redeveloped in accordance with the development standards in Waverley LEP 2012.
- The dwellings at 249 Military Road will retain a significant portion of water views both to the north east and the east that are not impacted by the proposal. The only portion of the view that is impacted is the water view across the top of existing roofs. Therefore, the proposal complies with Waverley DCP 2012 Part C2 Clause 2.7(c) in that it is designed to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

2.4 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.5 Any Submissions

The application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Two unique and 14 pro-forma submissions were received. The issues raised in the submissions are summarised and discussed below.

Table 3: Summary of property addresses that lodged a submission

Property
Unique
268 Military Rd, Dover Heights
4 Bulga Rd, Dover Heights
Pro-forma
1/249 Military Rd, Dover Heights
2/249 Military Rd, Dover Heights
249 Military Rd, Dover Heights (Proprietors of SP 60867)
1/247 Military Rd, Dover Heights
251 Military Rd, Dover Heights
4/1-3 Bulga Rd, Dover Heights
7/1-3 Bulga Rd, Dover Heights
6/5 Bulga Rd, Dover Heights
17 Bulga Rd, Dover Heights
20 Bulga Rd, Dover Heights
1/25-27 Eastern Ave, Dover Heights
2/25-27 Eastern Ave, Dover Heights
3/25-27 Eastern Ave, Dover Heights
23 Eastern Ave, Dover Heights

Issue: Overshadowing is the same as the refused application

Response: The assessing officer did not cite overshadowing as a reason for refusal. The proposal is considered acceptable with regards to solar access as discussed in the Waverley DCP 2012 table above.

Issue: Privacy impacts given the decking around the pool

Response: The pool decking is the same height as existing. A condition is recommended for privacy screening or landscaping to the boundary of 4 Bulga Road. See discussion in the Waverley DCP 2012 table above.

Issue: Non-compliance with FSR and height controls

Response: The amended proposal does not exceed the building height or floor space ratio development standard in the Waverley LEP 2012. It is acknowledged that a portion of the building

(where the land drops levels) exceeds the 7.5m wall height control in the Waverley DCP 2012. This is discussed in the Waverley DCP 2012 table above.

Issue: View Loss

Response: The submission refers Waverley DCP 2012 Part C2, 2.7 stating that views are to be 'maintained'. This is incorrect; Waverley DCP 2012 Part C2 2.7 states that views do not belong to anyone or any property. View sharing is an important principle to consider. The proposed development has been amended to reduce the overall height and increase the rear setback allow for view sharing from the properties at 249 Military Road. The proposal complies with the height, FSR and setback controls and is therefore has a reasonable impact on views. The dwellings at 249 Military Road will maintain a significant portion of their view across the rear of the subject site.

Issue: Photomontage is misleading

Response: The photomontage has been provided to demonstrate the materials and finishes. The architectural drawings form part of the development consent, not the photomontage.

Issue: Excessive balcony size which impacts views and noise

Response: The balconies are considered acceptable given the context. This is discussed in detail in the Waverley DCP 2012 table above.

Issue: Excavation

Response: The amended proposal reduces the extent of excavation and is considered acceptable, as discussed above.

Issue: Concern about Torren or Strata subdivision

Response: The site is already subdivided. The existing dwelling straddles 2 existing lots.

Issue: Concern that the plant room will become a habitable room which increases FSR

Response: The plant room does not include windows and is not labelled as a habitable room on the submitted drawings. Therefore, it is not required to be included in the calculation of FSR.

Issue: Parking dimensions

Response: The existing parking arrangements on site are to be retained. The application was discussed with Council's Traffic Engineer who advises that the application can be supported subject to standard conditions.

2.6 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

3.1 Waste and Recycling

The Sustainable Waste Officer advised that the plans indicate a specified bin storage area. The application is supportable subject to the recommended standard conditions.

3.2 Stormwater

The Stormwater Engineer advised that the stormwater plans provided are considered satisfactory with respect to stormwater details. Conditions of consent are recommended which relate to an easement for stormwater over 2 Bulga Road in favour of 2A Bulga Road.

3.3 Tree Management

The application was referred to Council's Tree Management Officer who reviewed the Landscape Plan and Arborist Report. The officer has advised that the two Cook Island pine trees in the front yard are in healthy condition and their removal is not supported. All other vegetation on site possesses no outstanding attributes worthy of retention and their removal is supported. The architectural drawings and supporting documentation demonstrate that the two Cook Island pine trees are to be retained. Suitable conditions of consent have been recommended.

3.4 Traffic and transport

The application was referred to Council's Traffic Engineer who advised that the amended proposal is supportable, subject to standard conditions being imposed. The existing vehicle crossing (on Bulga Lane) is to be demolished and a new crossing constructed to provide access to the hardstand. Conditions of consent have been recommended.

3.5 Public Domain

The application was referred to Council's Public Domain Team who recommended a number of conditions be imposed. The conditions require the upgrade of the pedestrian footpath, vehicular crossing and kerb and gutter along both the Bulga Road and Bulga Lane frontages. Requiring the full frontage of the development to be reconstructed and upgraded is considered onerous in this instance. The proposed development is setback 6 metres from the Bulga Road boundary and 900mm from the Bulga Lane boundary.

A condition relating to a security bond deposit of \$26,650 is recommended to ensure that the footpath, kerb and guttering remain in their existing condition or are reinstated. A condition from the Traffic Engineer relating to the reconstruction of the existing vehicle crossing is included in the recommended conditions. In this regard, further conditions relating to reconstruction of the site frontages will not be imposed.

4. SUMMARY

The application seeks a review of the refusal of DA-458/2018, which sought consent for demolition of the existing single dwelling and construction of two x semi-detached dwellings. In response to the refusal of the application, the applicant has made amendments to reduce the issues regarding excessive FSR, height, car parking and amenity impacts on neighbouring properties.

The proposal will result in a partial loss of views from properties at 249 Military Road (an existing dual occupancy development). However, the proposal is considered to be in keeping with Waverley DCP 2012 Part C2, 2.7 Views and Planning Principle *Tenacity consulting v Warringah [2004] NSWLEC 140* in that the proposal complies with the Waverley LEP 2012 height and FSR development standards and promotes the sharing of views. Views are still maintained from 249 Military Road across the rear of the subject site.

Two unique and 14 pro-forma submissions were received. Many concerns raised in the submissions have been resolved by the amended plans or addressed by conditions. Other matters raised in the submissions are considered unjustified and have been discussed above.

The application is recommended for APPROVAL, subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **APPROVED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A:

Report prepared by:

**Application reviewed and agreed on behalf of
the Development and Building Unit by:**

Emma Finnegan
Senior Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment
(North/South)**

Date: 31/01/2020

Date: 3 February 2020

Reason for referral:

1. Review of decision

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Uri T Design:

Plan Number	Revision No / Date	Date received by Council
DA-0000	Rev A / 1 November 2019	1 November 2019
DA-1001	Rev C / 31 October 2019	1 November 2019
DA-1002	Rev C / 1 November 2019	1 November 2019
DA-1003	Rev C / 31 October 2019	1 November 2019
DA-1004	Rev C / 31 October 2019	1 November 2019
DA-2001	Rev C / 31 November 2019	1 November 2019
DA-2002	Rev C / 31 November 2019	1 November 2019
DA-2003	Rev C / 31 November 2019	1 November 2019
DA-2004	Rev C / 31 November 2019	1 November 2019
DA-2005	Rev A / 31 October 2019	1 November 2019
DA-3001	Rev C / 1 November 2019	1 November 2019
DA-3002	Rev C / 31 October 2019	1 November 2019
DA-4001	Rev A / 31 October 2019	1 November 2019

(b) Landscape Plan Numbers LA00-LA03, prepared by Taylor Brammer, dated 30 October 2019, and received by Council on 1 November 2019;

(c) Stormwater Details and documentation, DWG number 1723-C01, prepared by R. Balas Consulting Pty Ltd, dated 1 November, and received by Council on 1 November 2019;

(d) Arborist Report prepared by George Palmer Botanics Tree Wise People dated October 2019, received by Council on 1 November 2019.

(e) Schedule of external finishes DWG number DA-4001 Rev A dated 31 October 2019, received by Council on 1 November 2019;

(f) BASIX and NatHERs Certificate; and

(g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 dated 1 November 2019.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) Privacy screening, either by a fixed screen or landscaping, is to be provided on the eastern boundary of the pool decking to a height of 1.8m to ensure adequate privacy is maintained for 4 Bulga Road, Dover Heights.

The amendments are to be approved by the **Principal Certifying Authority (PCA)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. APPROVED USE -DWELLING HOUSE

This application approves the use of the building/s on the site for single dwelling house on each lot.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required prior to the issue of a Construction Certificate.

4. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979 and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000 and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

5. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

6. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
 - (1) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (2) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
 - (a) A development valued at \$100,000 or less will be exempt from the levy.
 - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,650** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit

8. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

9. ADDITIONAL DA FEE REQUIRED

Council considers the estimated cost of the proposed building work indicated on the development application form to be understated. In this regard, an accurate cost summary report is required to be submitted and any required additional development application fee is to be paid, prior to the issue of the Construction Certificate.

10. EROSION, SEDIMENT AND POLLUTION CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book).

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

11. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

13. ENGINEERING DETAILS

Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works.

14. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

15. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

16. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

17. ENGINEERING DETAILS

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

18. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate.

19. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties

should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

20. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of a Construction Certificate, the applicant is to submit a “Construction Vehicle and Pedestrian Plan of Management” (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

21. LONG SECTIONS OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to issue of the Construction Certificate.

The long section drawings shall:

- a) Be drawn at a scale of 1:25
- b) Include reduced levels (RL's) of the Bulga Lane carriageway, the kerb and gutter, property boundary and the hardstand floor.
- c) Include existing and design levels.
- d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- e) Show paving on the hardstand floor at entry being sloped to follow the longitudinal fall on the Council's concrete kerb at all points across the door opening.

22. NEW VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed **hardstand**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

23. VEHICLE ACCESS – FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to match the level of the existing concrete footpath.

24. STORMWATER MANAGEMENT

A stormwater management system is to be designed in accordance with the Waverley Water Management Technical Manual/Guidelines 2014 and certification is to be provided from a suitably qualified professional engineer.

25. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

26. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

27. TREES TO BE RETAINED AND PROTECTED

The following trees are to be retained and protected as per Arborist Report prepared by George Palmer Botanics Tree Wise People, dated October 2019

Tree No	Species	Location	Action
1	Araucaria columnaris (Cook Island pine)	On-site front garden	Retain & Protect N4. TREE PROTECTION
2	Araucaria columnaris (Cook island pine)	On-site front garden	Retain & Protect N4. TREE PROTECTION

28. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

29. TREE PROTECTION ZONE

A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). It is the arborist's responsibility to determine if

such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

30. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) The name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) The name and permit number of the owner/builder who intends to do the work; and
- (c) Any change to these arrangements for doing of the work.

31. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

32. ALL BUILDING MATERIALS STORED ON SITE

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

33. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

34. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) Preserve and protect the building from damage; and
- (b) If necessary, must underpin and support the building in an approved manner; and

- (c) Must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

35. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) A hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) The work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) A hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

36. WORKS ON PUBLIC ROADS

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

37. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must meet the following objectives for sustainable demolition and construction waste management;

- a) To minimize the amount of construction waste that is sent to landfill
- b) To minimise waste generated during demolition and construction.
- c) To increase efficiency of development and encourage sustainable practices.
- d) To maximise the re-use of clean excavated material, concrete, bricks and timber.
- e) To ensure the safe removal and disposal of hazardous building materials.

The applicant must ensure that the demolition and construction phase complies with the following;

- (a) A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the SWRMP.
- (b) Separate construction waste collection bins or construction waste storage areas are to be provided giving consideration to slope, drainage, vegetation, access and handling requirements and may include:
 - a. Landfill waste;
 - b. Recyclable waste;
 - c. Materials to be re-used on-site; and / or
 - d. Excavation materials (refer to Annexure B1-1 for common building materials that can be re-used and recycled).

- (c) Waste that can be recycled or reclaimed is to be identified in the SWRMP, as well as the intended methods for recovery and reclamation.
- (d) All sandstone must be re-used on site or reclaimed through an appropriate contractor.
- (e) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act 1997, in accordance with the provisions of Safe Work NSW, and Council's Asbestos Policy.
- (f) Materials that cannot be reused or recycled must be:
- (g) Disposed of at a State Government approved facility and specified in the SWRMP; and
- (h) Disposed of via a contractor that operates in accordance with the Proximity Principle outlined in State Government Legislation.
- (i) Records are to be retained on-site demonstrating lawful disposal of waste.
- (j) Easy vehicular access to waste and recycling material storage areas must be provided and detailed in the SWRMP.
- (k) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors. Skip bins are to be utilised and located in accordance with Council's building waste and hoardings policy.
- (l) All materials are to be stored in way that:
 - a. Prevents damage from the elements, and reduces odour, health risks and windborne litter; and
 - b. Prevents impacts to the environment under State Government Legislation (including stormwater pollution and runoff).

38. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

39. USE OF FILL ON SITE

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- (a) Virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) Any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environment Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

40. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land; or
- (c) Particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by WorkCover NSW (catalogue WC03561)
- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

41. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

42. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

43. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

44. FOOTPATH PROTECTION

The footpaths in front of the site must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

45. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) Sundays and public holidays;
- (b) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

46. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

47. NATIONAL CONSTRUCTION CODE

All building work must be carried out in accordance with the requirements of the National Construction Code (formerly known as the Building Code of Australia).

48. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

49. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

50. SIDE FENCE HEIGHT

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

51. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

52. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least 14 days prior to commencement of building operations.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

53. STORMWATER EASEMENT

A stormwater easement shall be created over 2 Bulga Road in favour of 2A Bulga Road. The easement and appropriate Section 88B instrument under the *Conveyancing Act 1919* must be registered with the Land and Property Information Office prior to occupation of the building and/or commencement of the land use, whichever occurs first. All associated costs are to be borne by the applicant.

54. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied.

55. STORMWATER MANAGEMENT

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

56. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a minimum bin storage of;
 - **Residential** (weekly collection of general waste and fortnightly collection of recycling)
 - 2 x 3-bedroom semi-detached dwellings (1 set per dwelling)
 - 2 x 140L Mobile Garbage Bins for general waste
 - 2 x 140L MGB for container recycling
 - 2 x 140L MGB for paper and cardboard recycling
 - 2 x 140L MGB for garden organics, should this type of waste be generated at the premise

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the Waverley Council Development Control Plan 2012 to the satisfaction of the Principal Certifying Authority.

57. SWIMMING POOL/OUTDOOR SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.

- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (a) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

58. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application. This information does not form part of the conditions of development consent.

1. SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

4. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

5. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

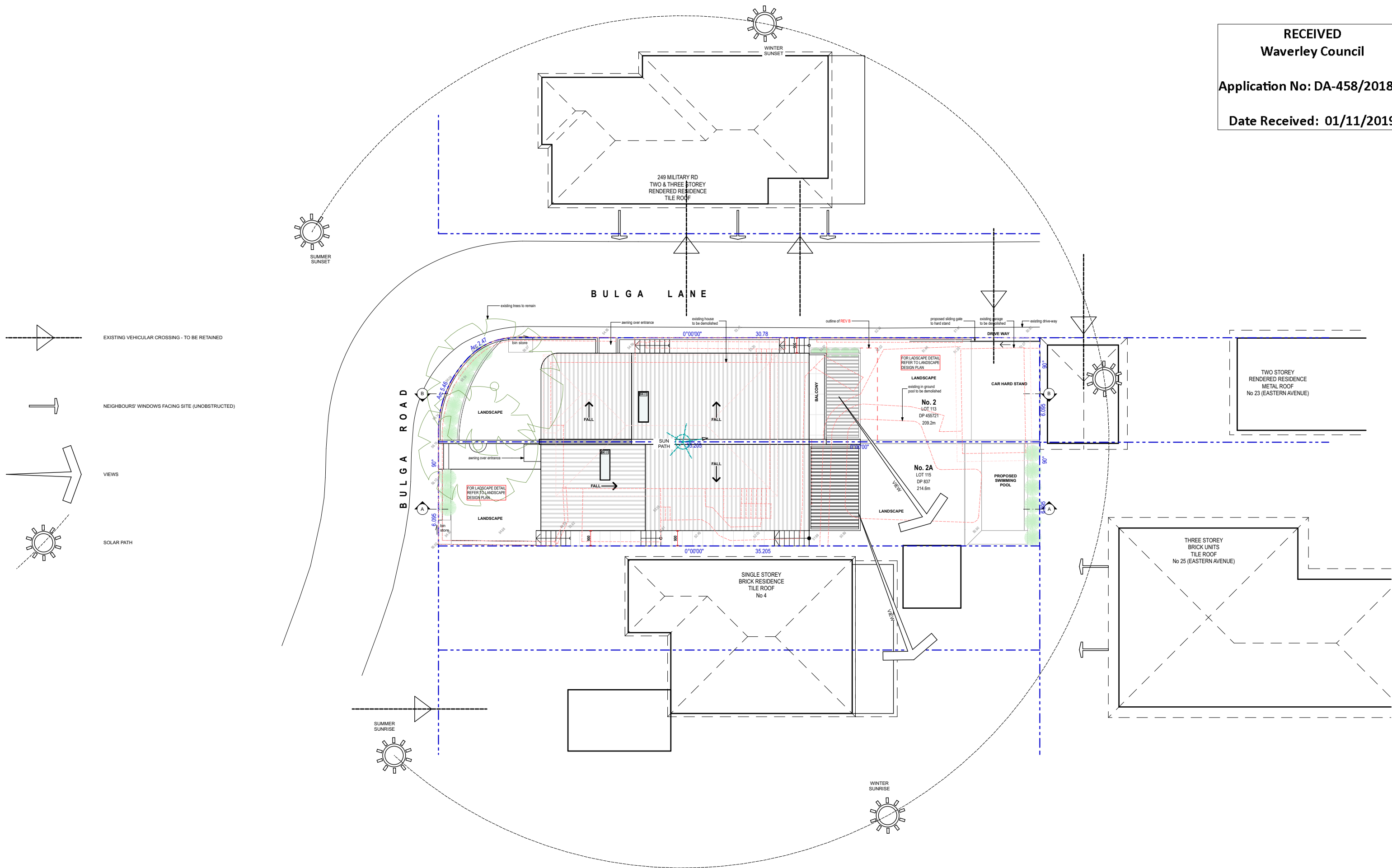
6. WORK OUTSIDE PROPERTY BOUNDARY

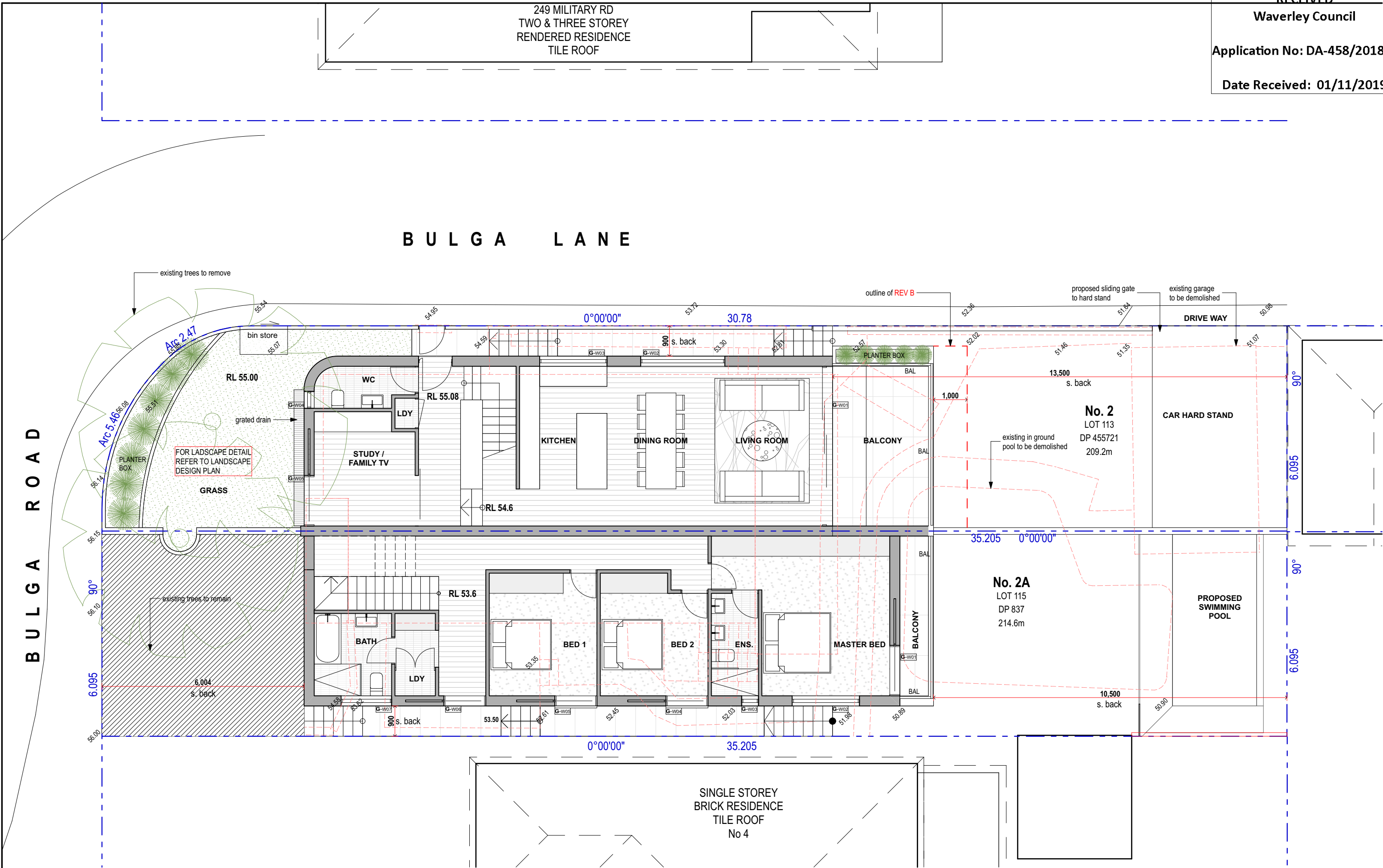
These consent does not authorise any work outside the property boundary.



DRAWING SCHEDULE

Layout ID	Layout Name	Drawing Scales
DA-0000	COVER PAGE	
DA-1001	ROOF AND SITE ANALYSIS	1:200
DA-1002	LOWER GROUND FLOOR	1:100
DA-1003	GROUND FLOOR PLAN	1:100
DA-1004	FIRST FLOOR PLAN	1:100
DA-1005	SHADOWS DIAGRAM - EXISTING	1:300
DA-1006	SHADOW DIAGRAM - PROPOSED	1:300
DA-1007	AREA CALCULATIONS	1:200
DA-1008	WASTE MANAGMENT PLAN	1:100
DA-1009	VIEW ANALYSIS PLAN	1:150
DA-2001	EAST ELEVATION	1:100
DA-2002	NORTH ELEVATION	1:100
DA-2003	WEST ELEVATION	1:100
DA-2004	SOUTH ELEVATIONS	1:100
DA-2005	SOUTH AND WEST FENCE ELEVATIONS	1:100
DA-3001	SECTIONS AA	1:100
DA-3002	SECTION BB	1:100
DA-4001	MATERIALS SCHEDULE	
DA-4002	NOTIFICATION	1:400





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REVISIONS	
REV A	
REV B - RETAIN TREES, DELETE ROOF TERRACE AND SWIMMING POOL, RELOCATING OF CARPORT, MOVING L. GROUND AND GROUND LEVEL 1m SOUTH	
REV C - SECTION 83 REVIEW	

Contractor to verify all dimensions on site prior to commencing work. Uri T Design is to be notified of any discrepancies in the dimension and setting out of the work. Copyright of designs shown hereon is retained by Uri T Design. Authority is required for any reproduction.

DRAWING	GROUND FLOOR PLAN	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-1003
	DOVER HEIGHTS NSW 2030	REVISION	REV C

SCALE: 1:100 @ A3 PLOTTED: 31/10/19



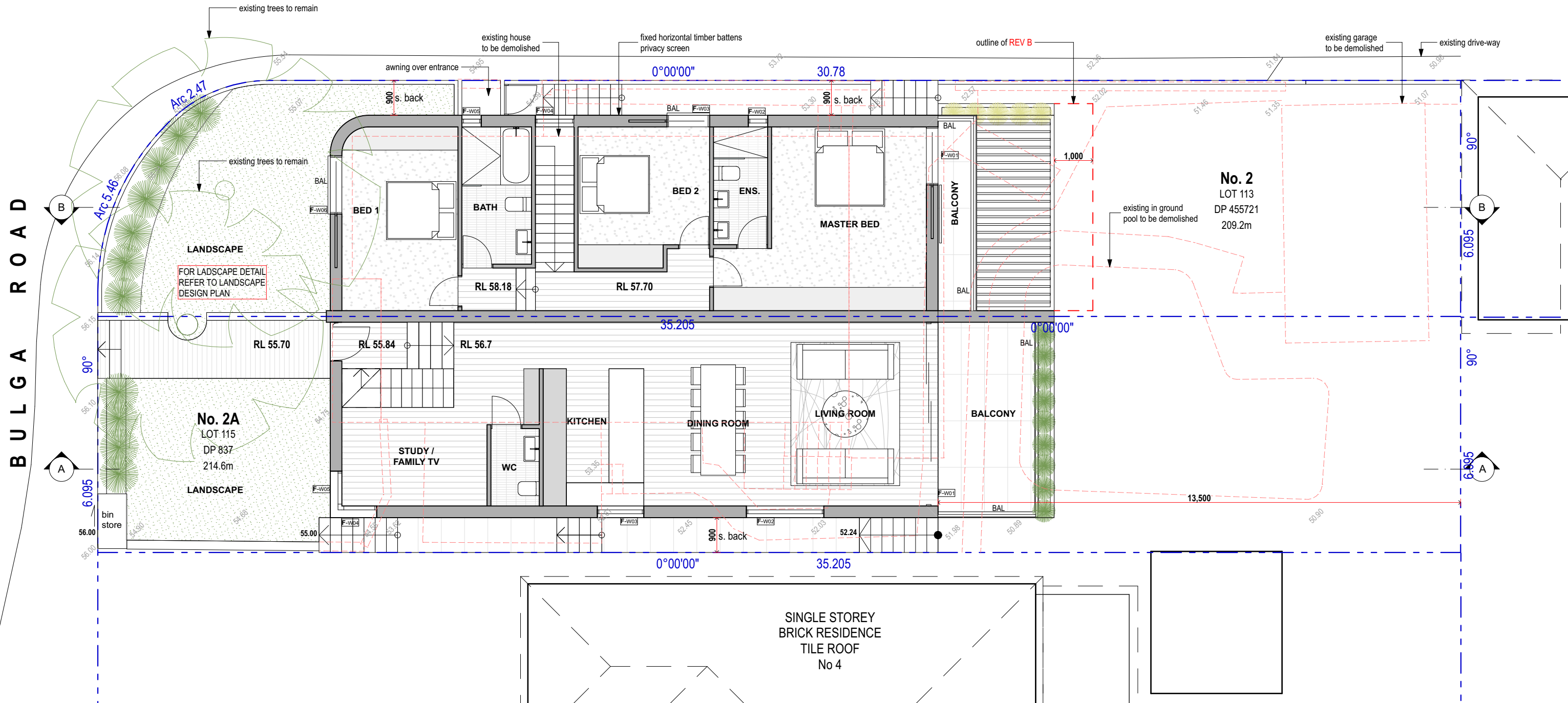
249 MILITARY RD
TWO & THREE STOREY
RENDERED RESIDENCE
TILE ROOF

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Waverley Council

Application No: DA-458/2018/1

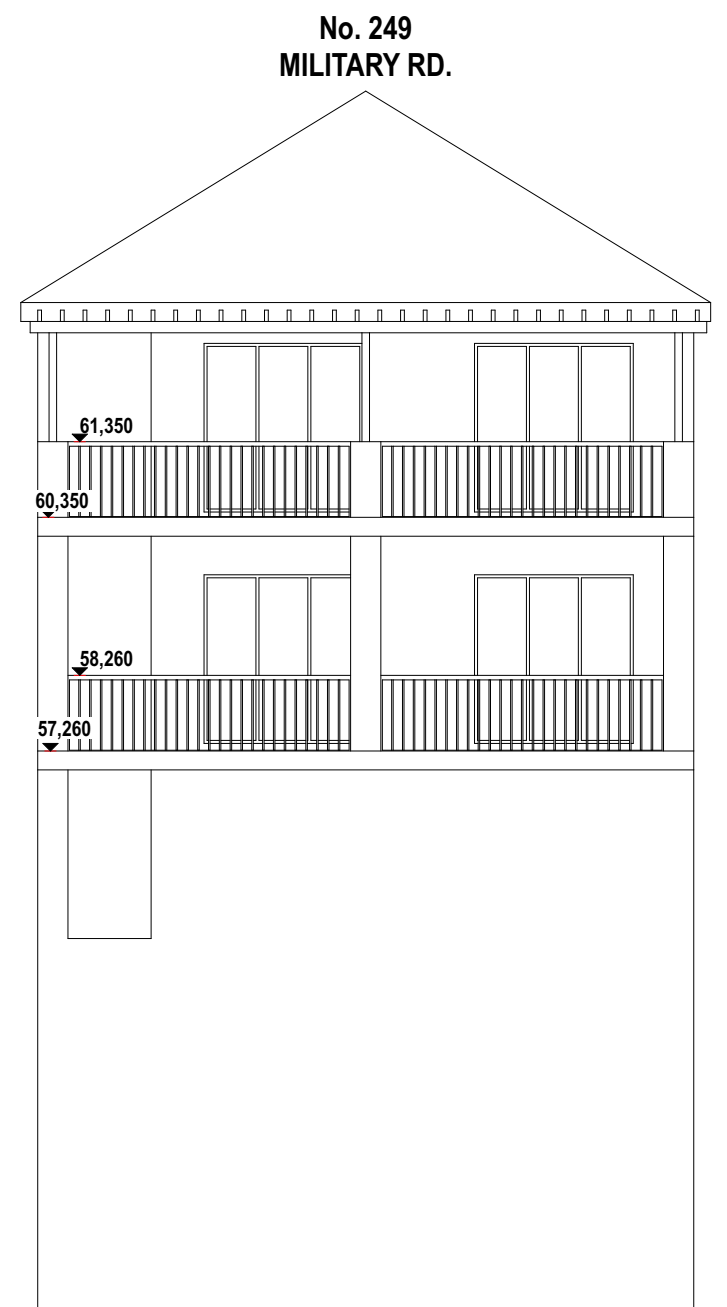
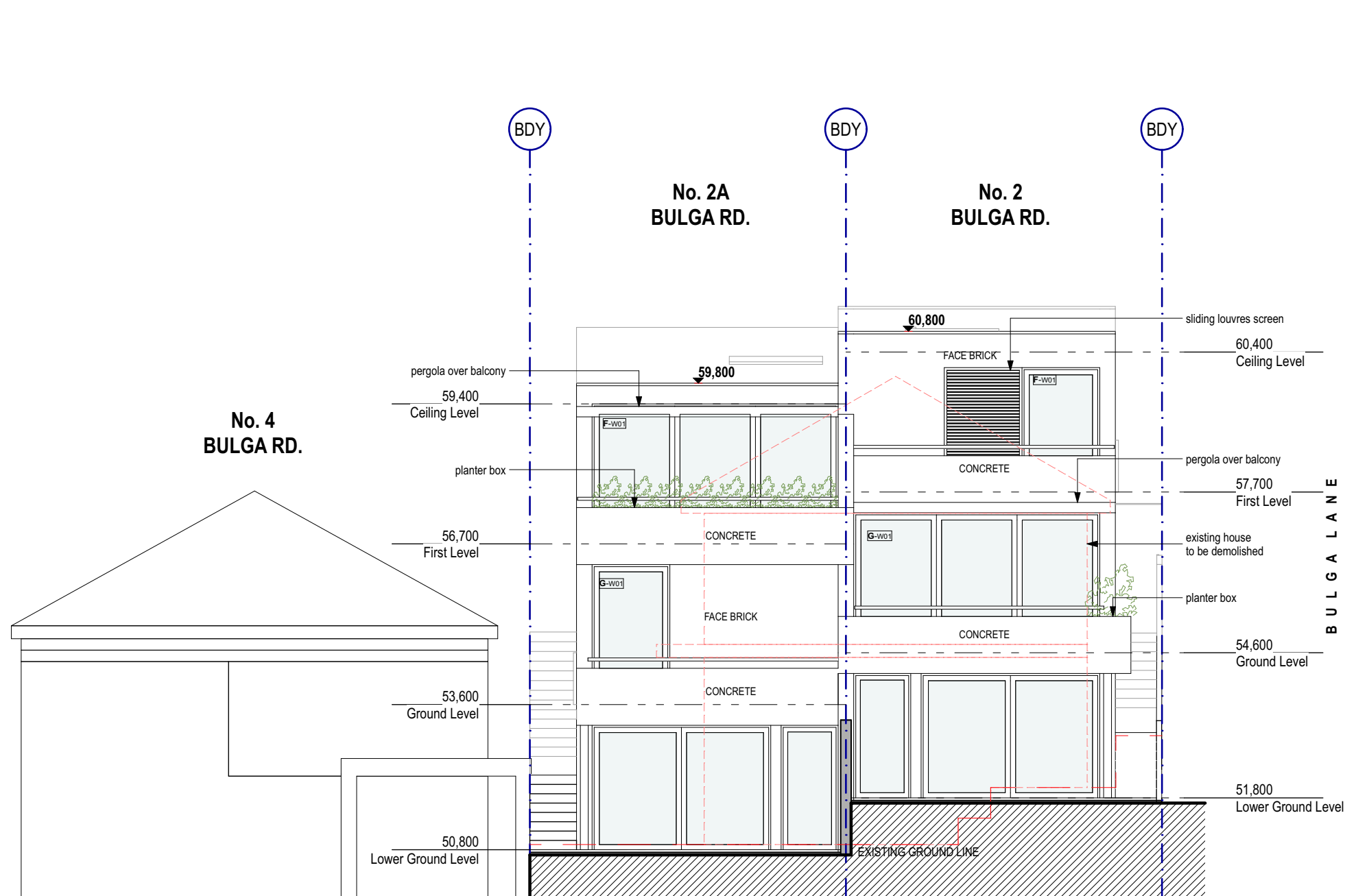
Date Received: 01/11/2019

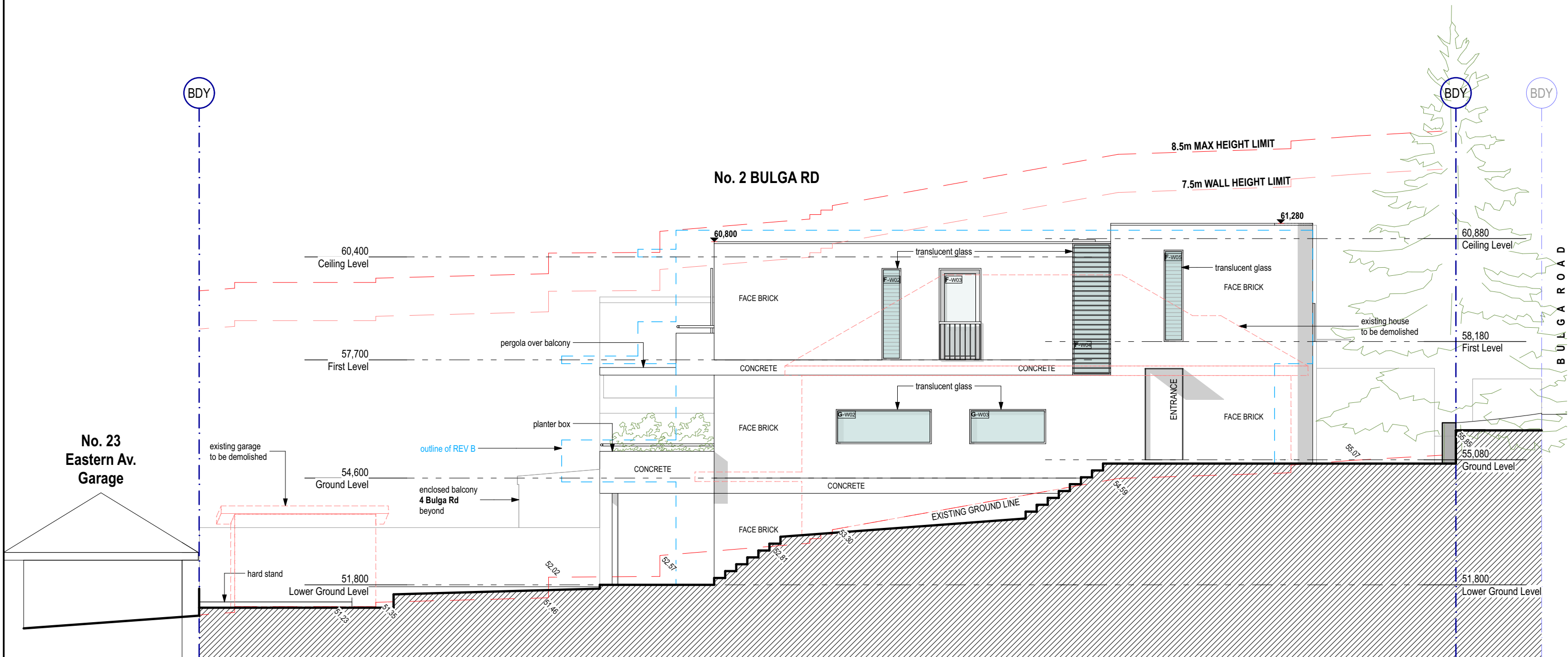
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Date Received: 01/11/2019

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REV B - RETAIN TREES, DELETE ROOF TERRACE AND SWIMMING POOL, RELOCATING OF CARPORT, MOVING L. GROUND AND GROUND LEVEL 1m SOUTH
REV C - SECTION 83 REVIEW

DRAWING WEST ELEVATION

DRAWN BY UT

PROJECT NEW BUILDING

JOB NO DA-B02

2 BULGA ROAD

DRAWING NO DA-2003

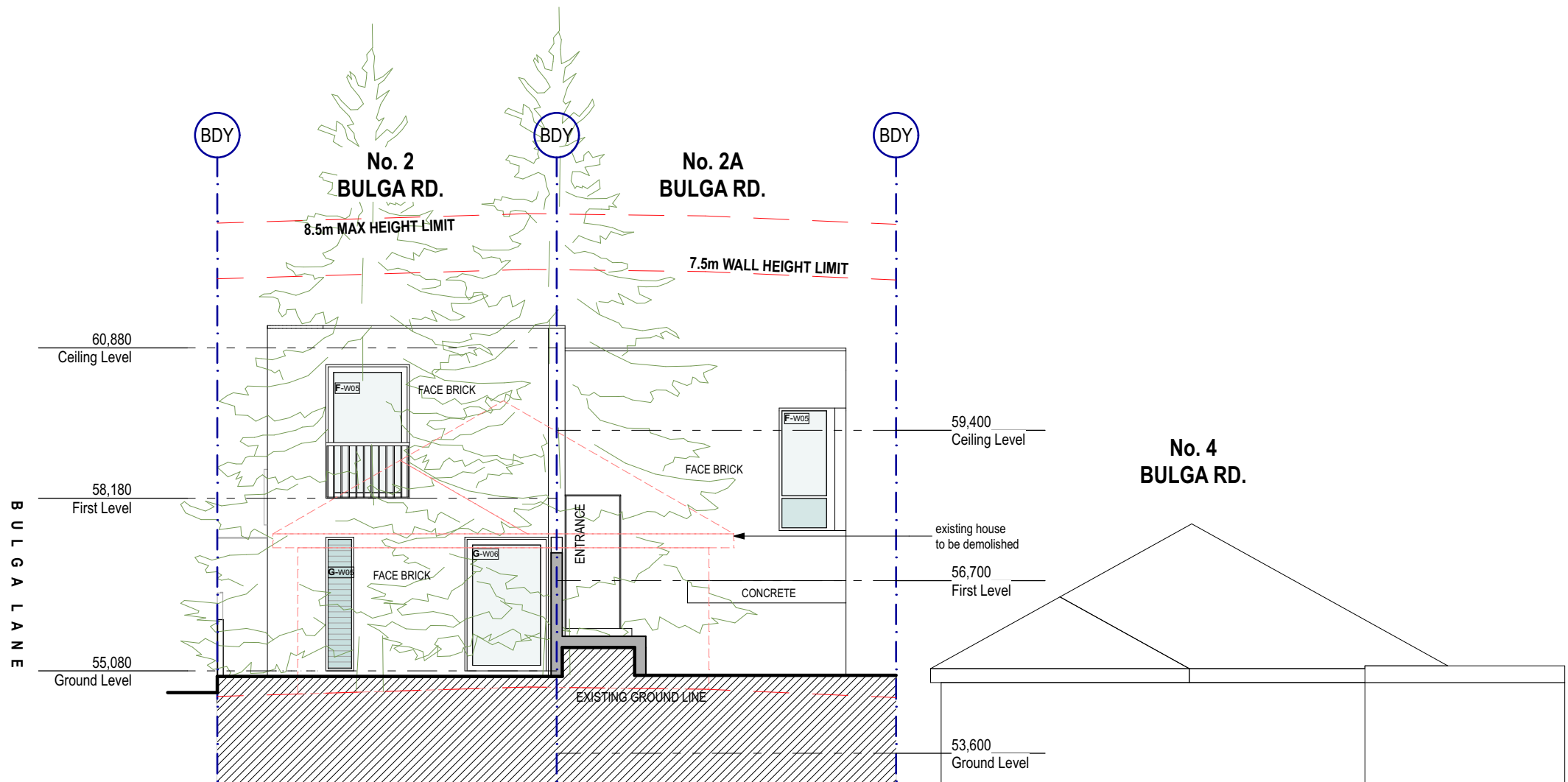
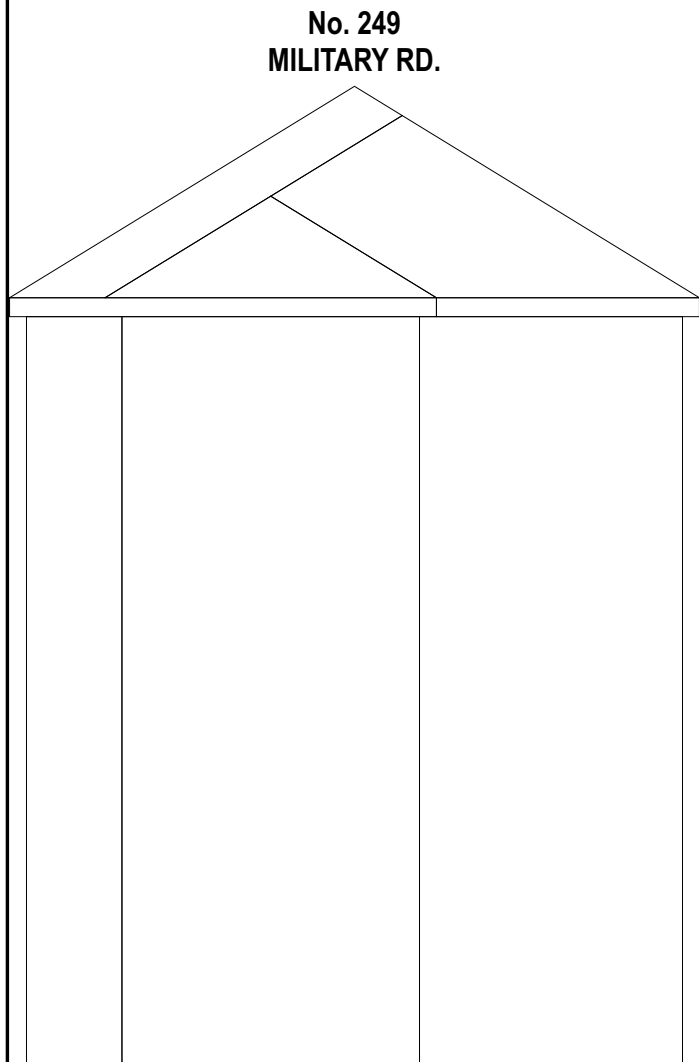
DOVER HEIGHTS NSW 2030

REVISION REV C

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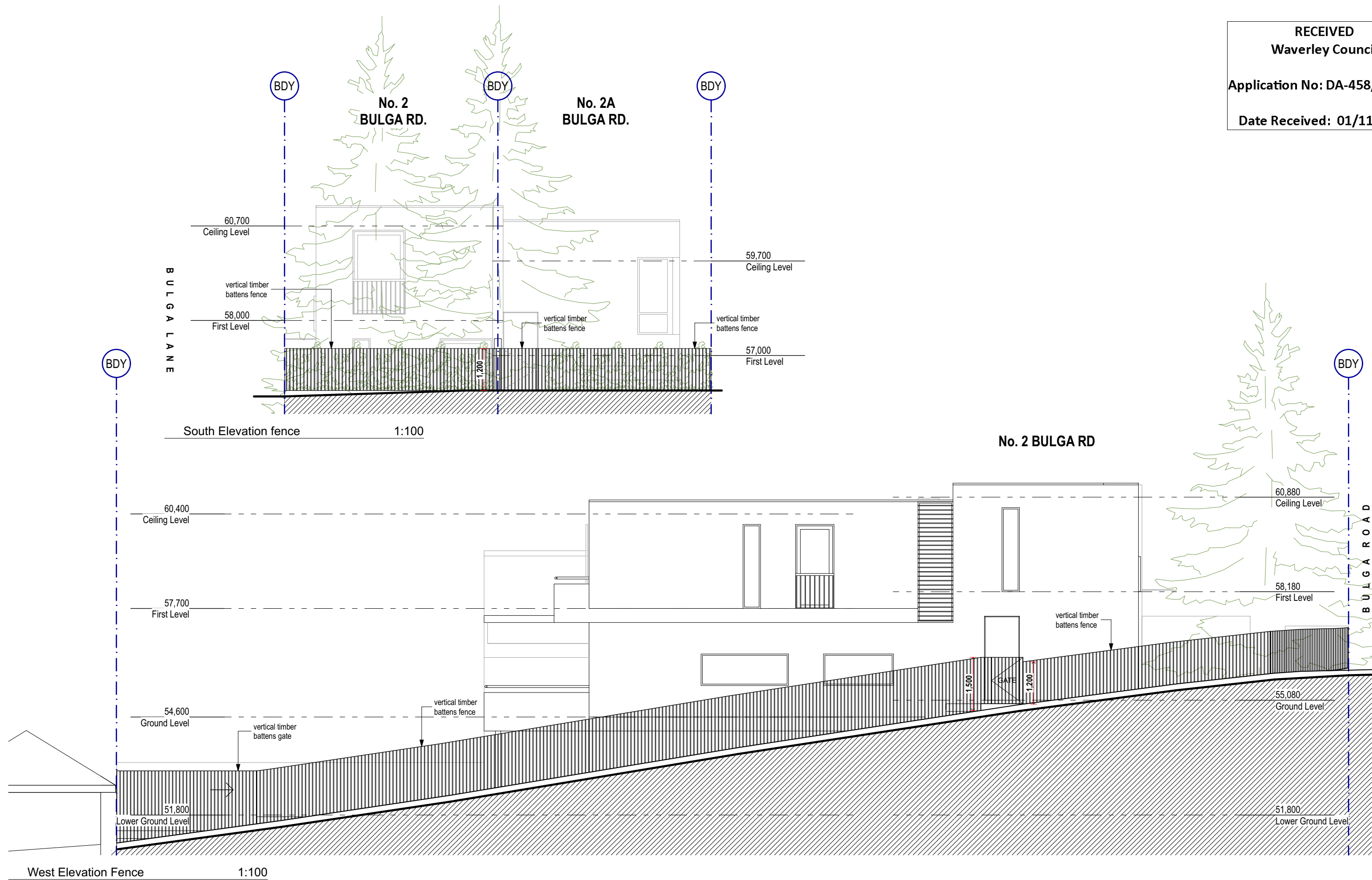
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- REV A
 - REV B - RETAIN TREES, DELETE ROOF TERRACE AND SWIMMING POOL, RELOCATING OF CARPORT, MOVING L. GROUND AND GROUND LEVEL 1m SOUTH
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DRAWING	SOUTH ELEVATIONS	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-2004
	DOVER HEIGHTS NSW 2030	REVISION	REV C

SCALE: 1:100 @ A3 PLOTTED: 31/10/19



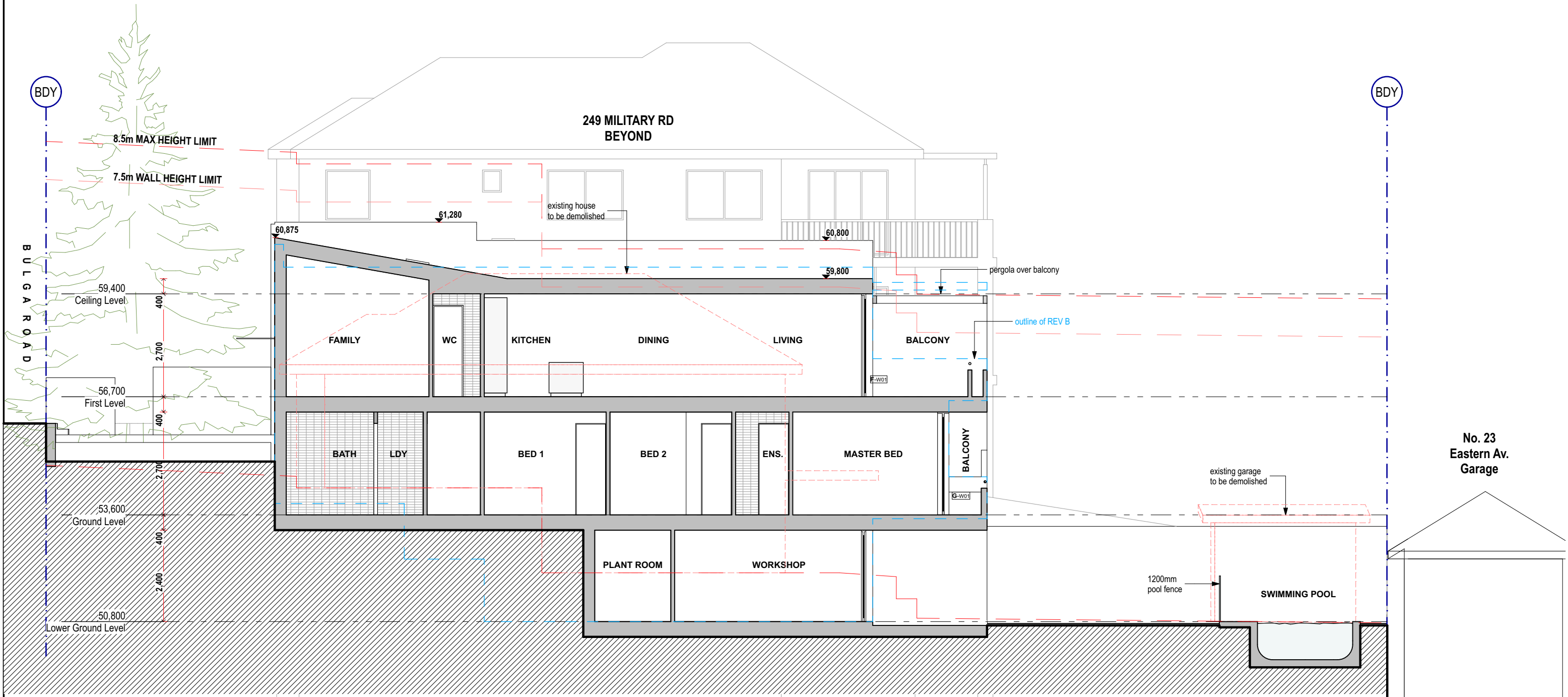
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uri@uri t d e s i g n . c o m

REVISIONS
REV A

DRAWING	SOUTH AND WEST FENCE ELEVATIONS	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-2005
	DOVER HEIGHTS NSW 2030	REVISION	REV A

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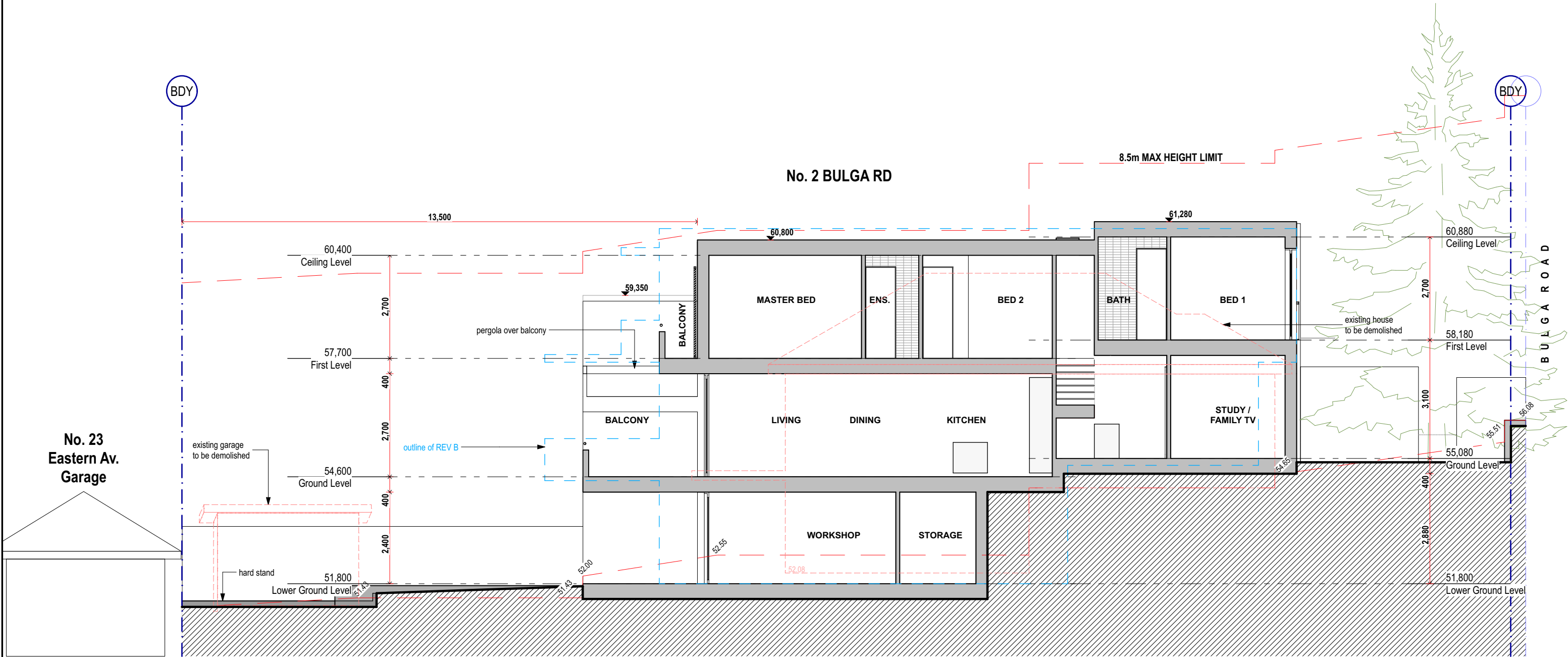
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REVISIONS	
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REV C - SECTION 83 REVIEW	

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DRAWING	SECTIONS AA	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-3001
	DOVER HEIGHTS NSW 2030	REVISION	REV C

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REV C - SECTION 83 REVIEW	

DRAWING	SECTION BB	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-3002
	DOVER HEIGHTS NSW 2030	REVISION	REV C

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3. Sliding screen
timber louvers



4. Timber handrail



1. External wall - face brickwork



2. Windows and doors - black Aluminium



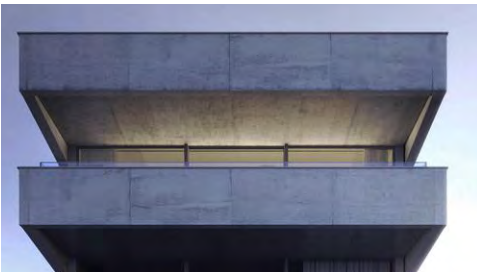
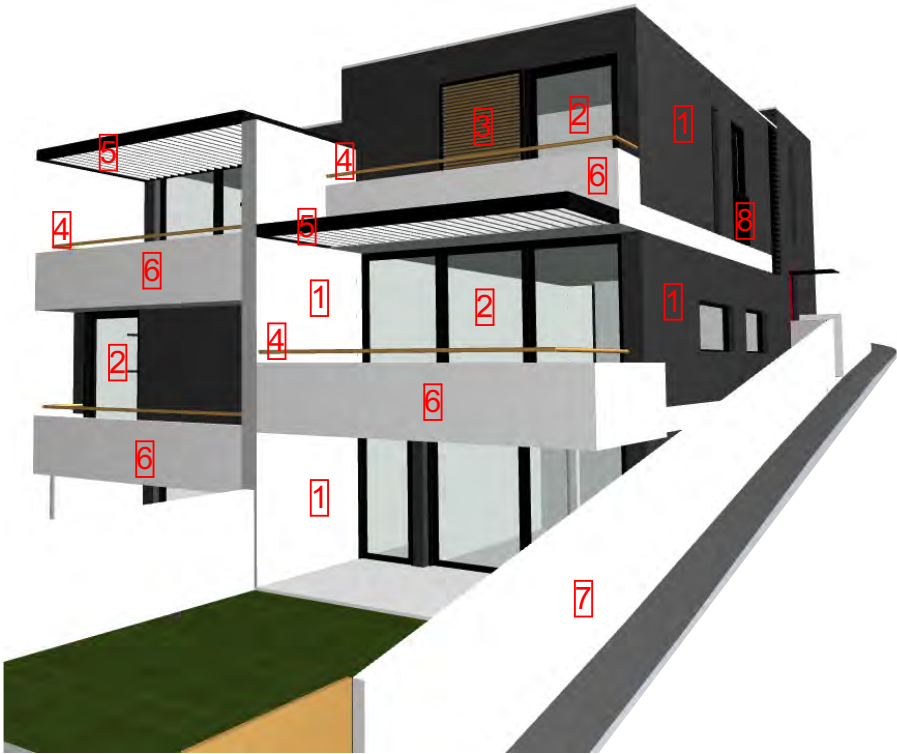
7. Boundary timber fence



8. Black steel balustrade



9. Timber entrance door
with steel awning



6. Exposed concrete



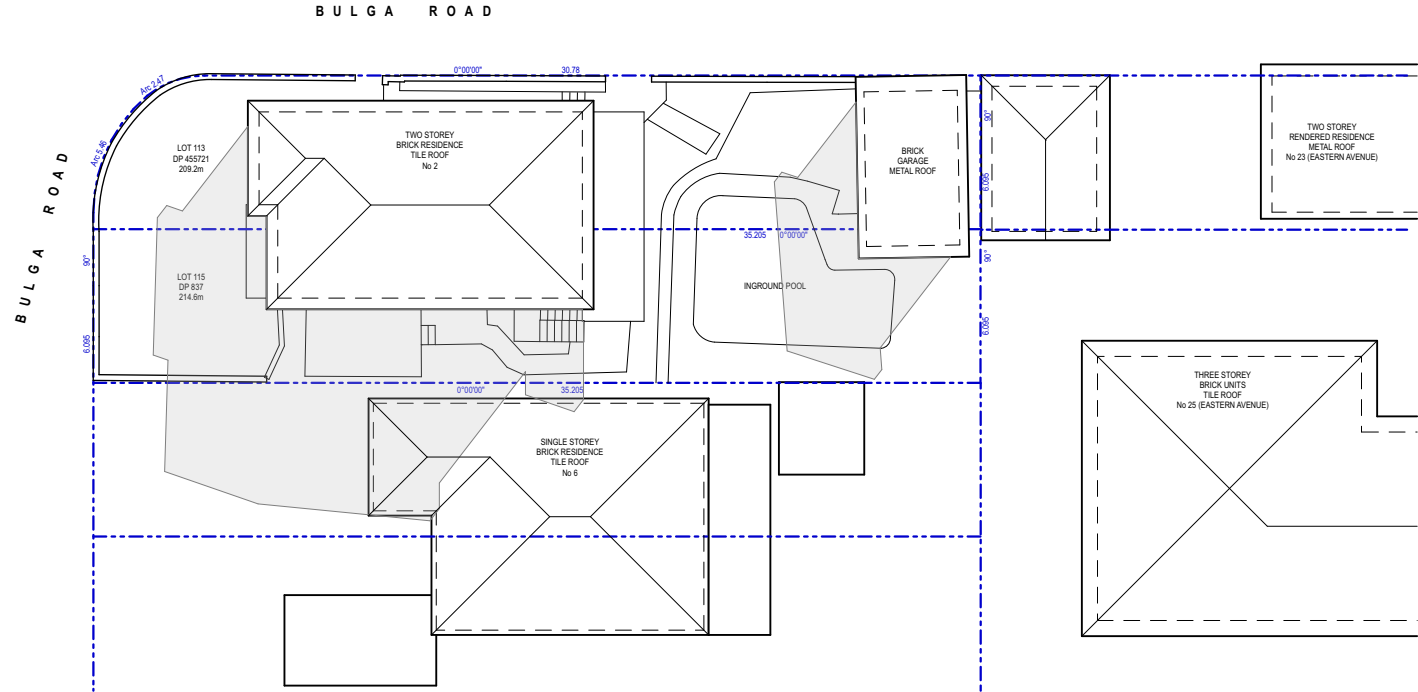
5. Steel & Timber pergola



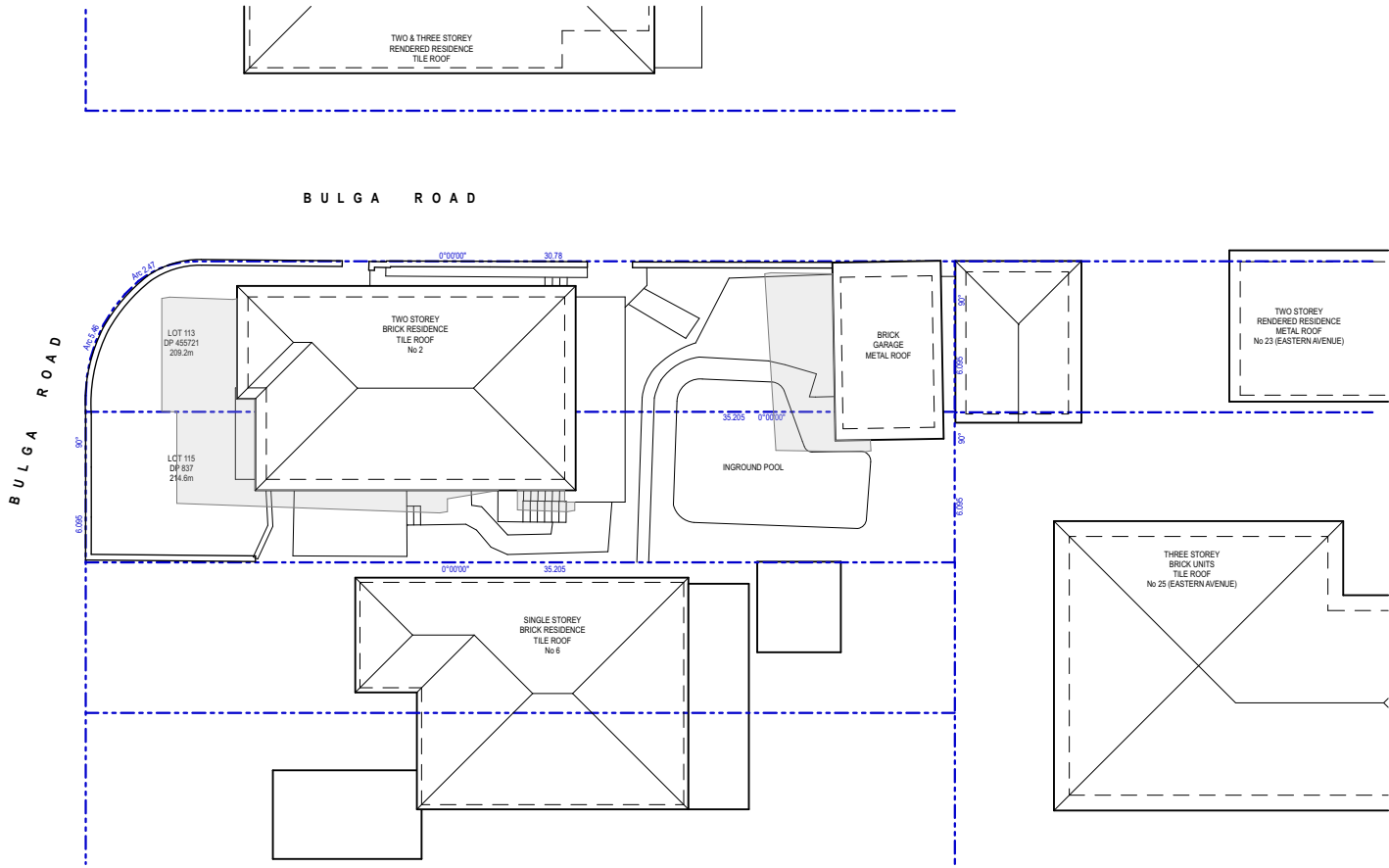
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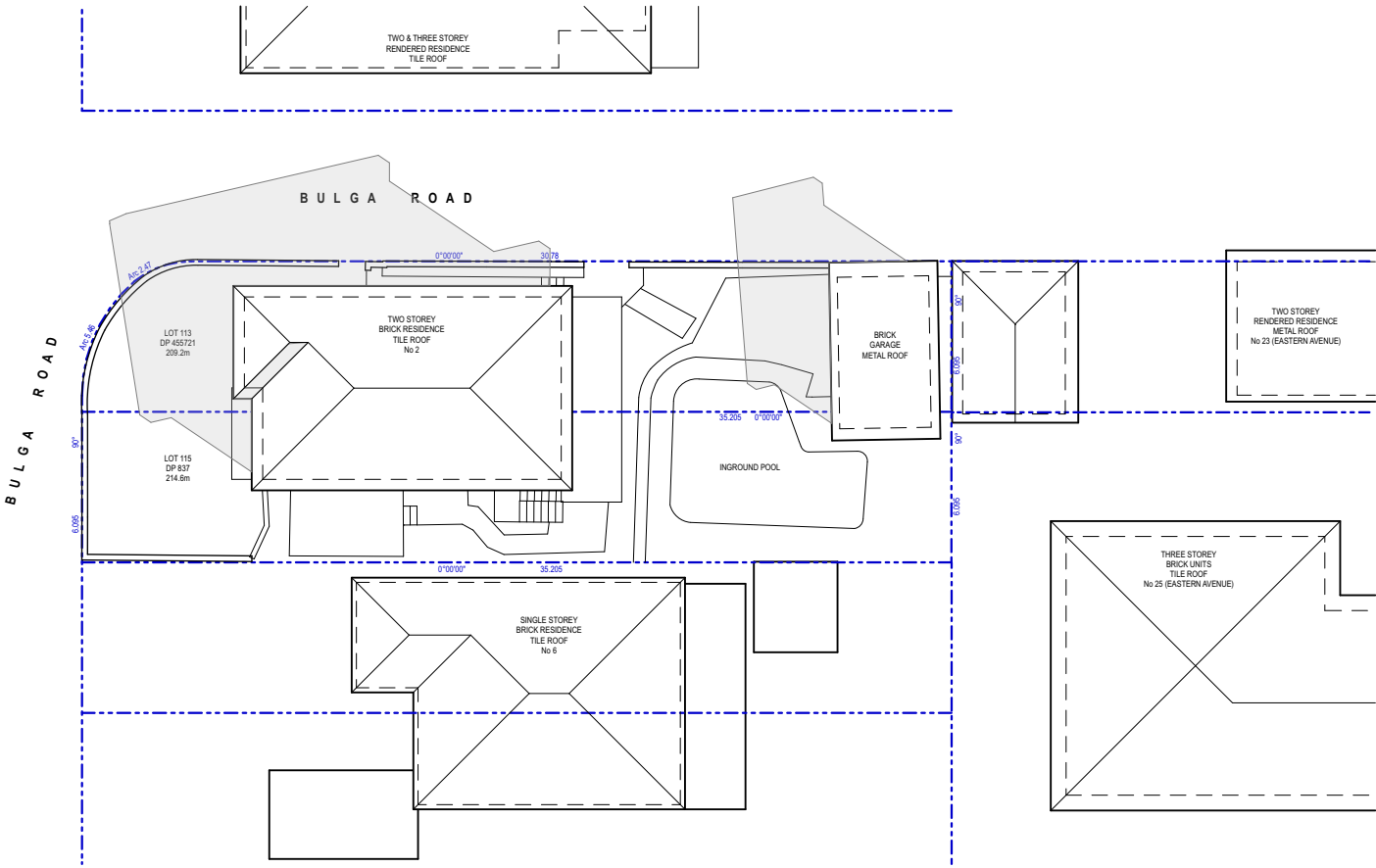
Date Received: 01/11/2019



Shadow 3pm 1:300



Shadow 12pm 1:300



Shadow 9am 1:300

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REVISIONS
REV A

DRAWING	SHADOWS DIAGRAM - EXISTING	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-1005
	DOVER HEIGHTS NSW 2030	REVISION	REV A

SCALE: 1:300 @ A3 PLOTTED: 31/10/19

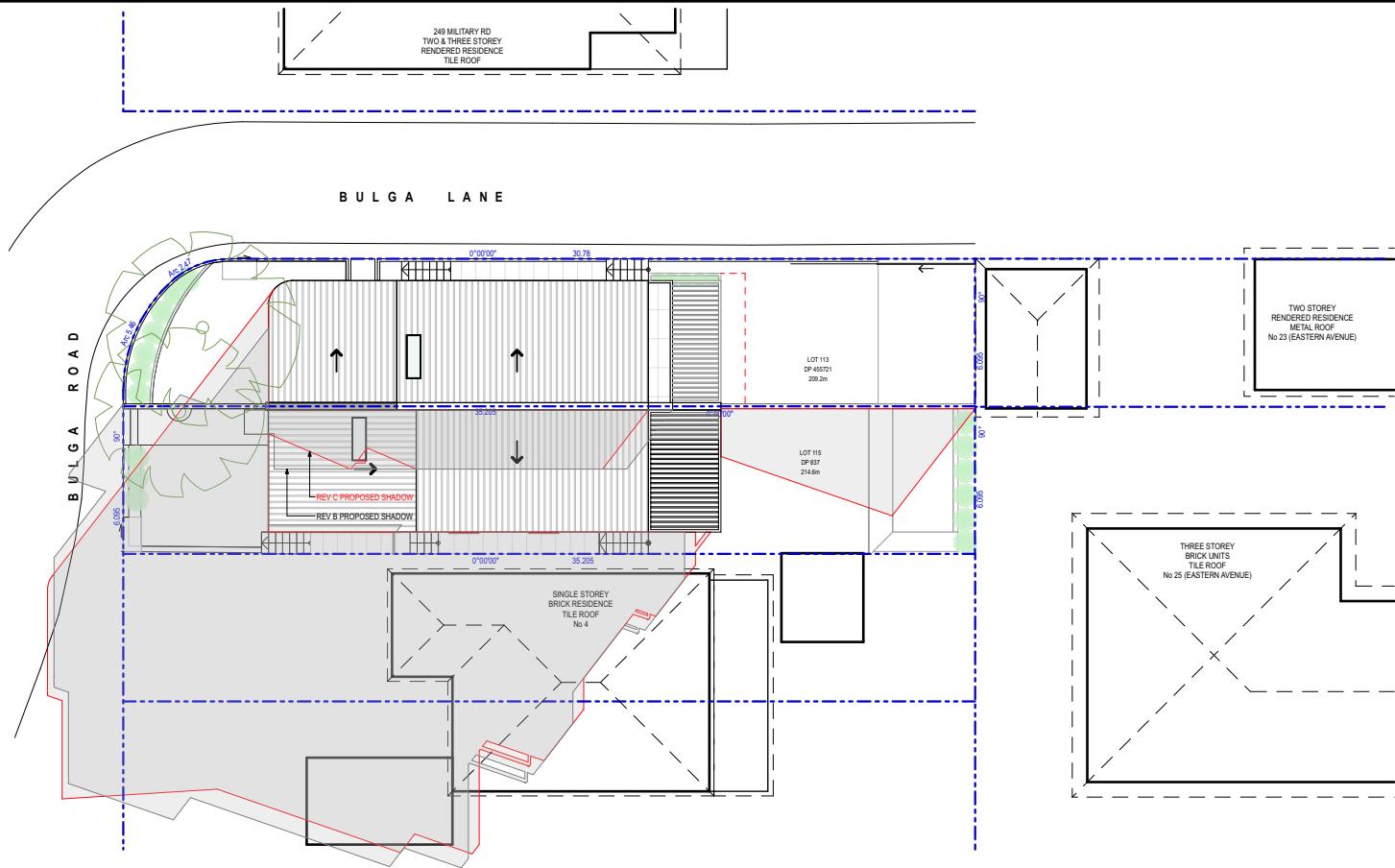
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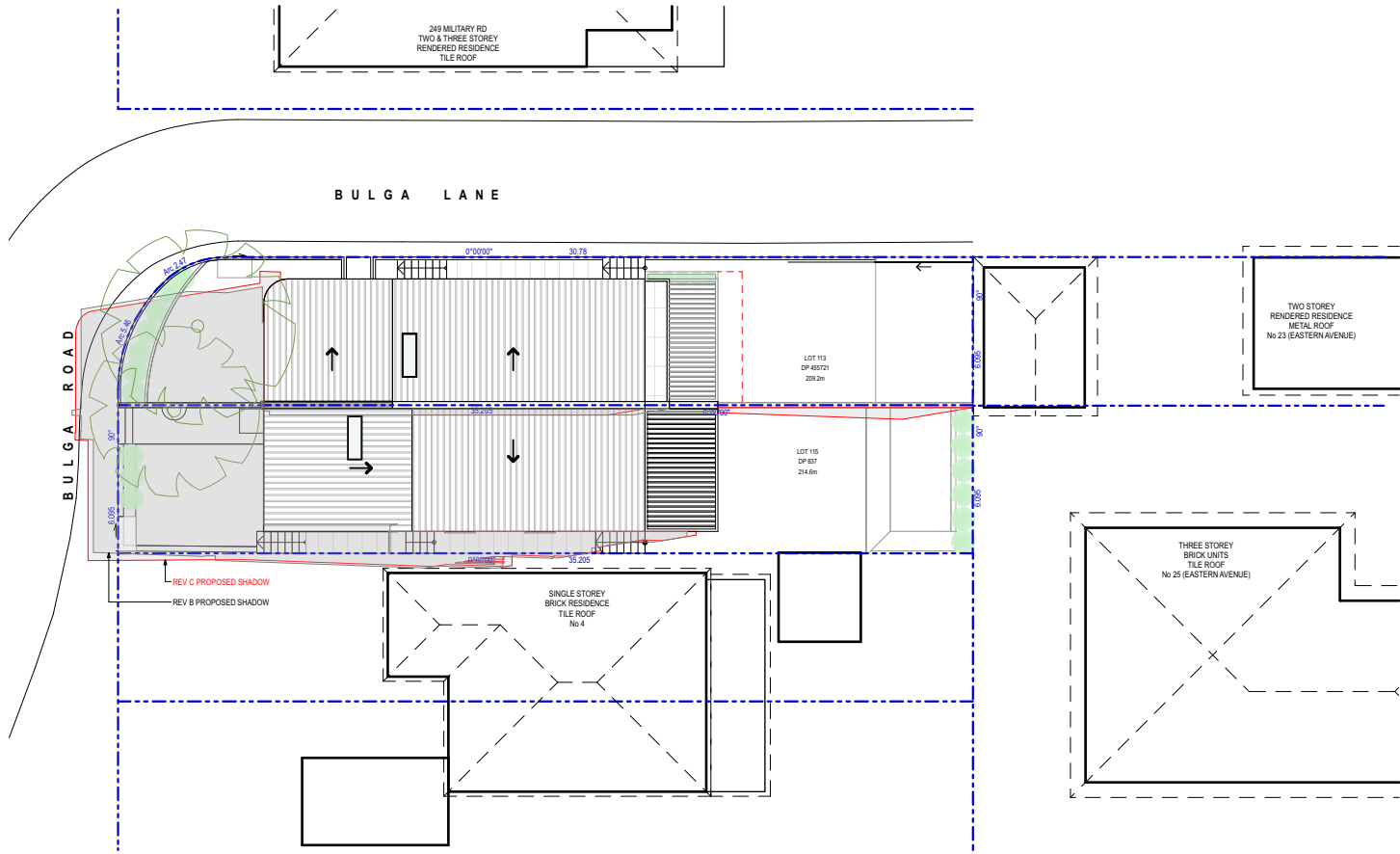
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Application No: DA-458/2018/1

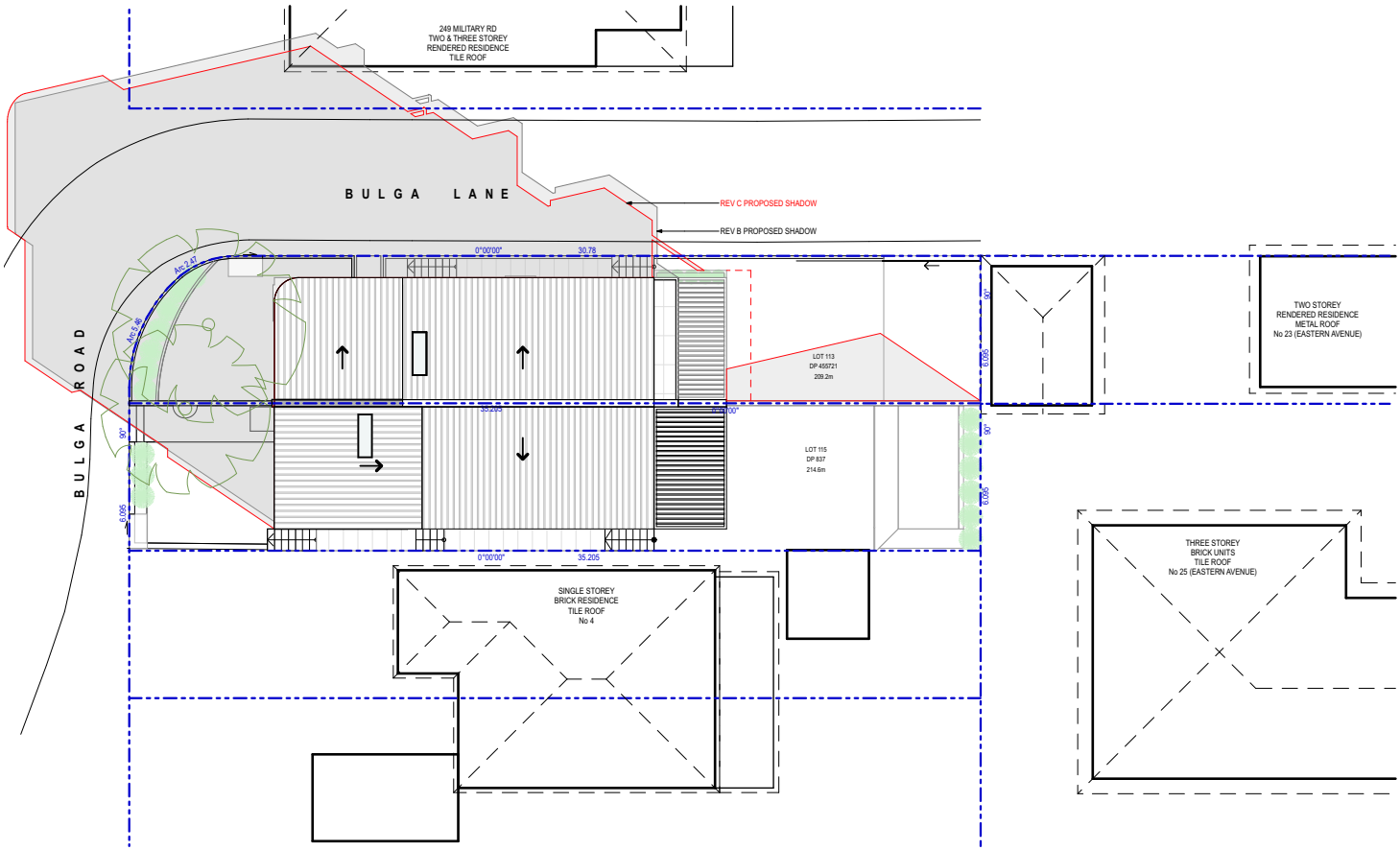
Date Received: 01/11/2019



Shadow 3pm 1:300



Shadow 12 pm 1:300



Shadow 9am 1:300

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DRAWING	SHADOW DIAGRAM - PROPOSED	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-1006
	DOVER HEIGHTS NSW 2030	REVISION	REV C

SCALE: 1:300 @ A3 PLOTTED: 31/10/19



AREA CALCULATIONS No. 2

Site Area - 209.2m²
Site Coverage - 81.4m²
Open Space - 127.9m²

L. Ground GFA - 23.3m²
Ground GFA - 71.6m²
First GFA - 71.6m²

Total GFA - 166.5m²

Site Coverage % - 38.9%

Proposed FSR - 0.79:1

Permissible FSR - 0.87:1 = 183m²

$(550 - 209.2) \times 0.0011 + 0.5 = 0.875$

AREA CALCULATIONS No. 2A:

Site Area - 214.6m²
Site Coverage - 79.4m²
Open Space - 133.0m²

L. Ground GFA - 23.3m²
Ground GFA - 81.2m²
First GFA - 71.7m²

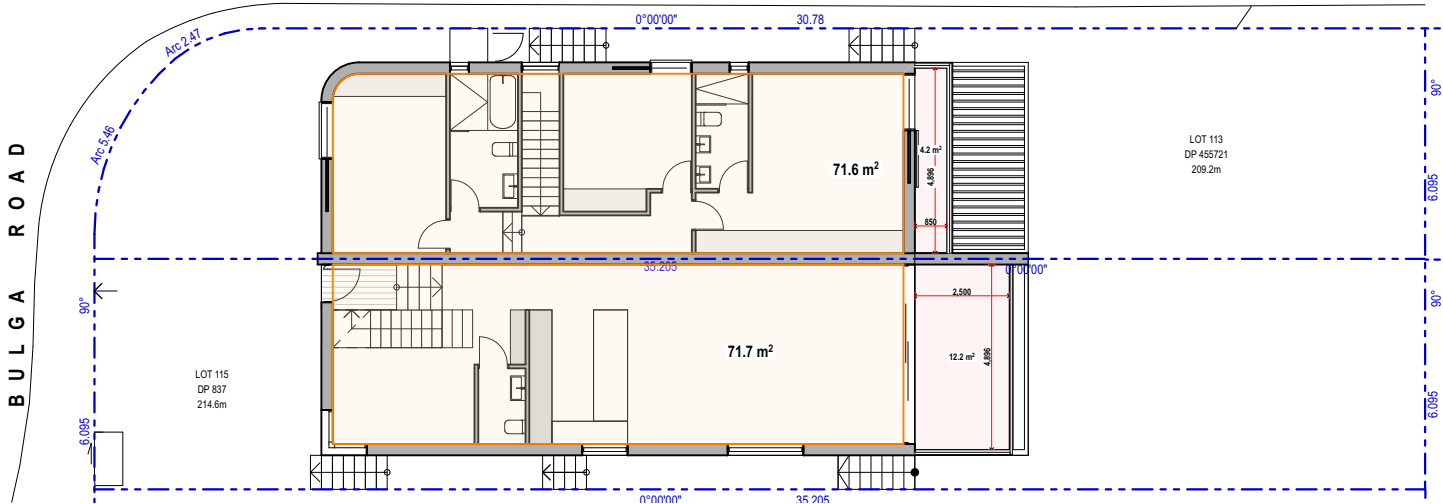
Total GFA - 176.2m²

Site Coverage % - 36.9%

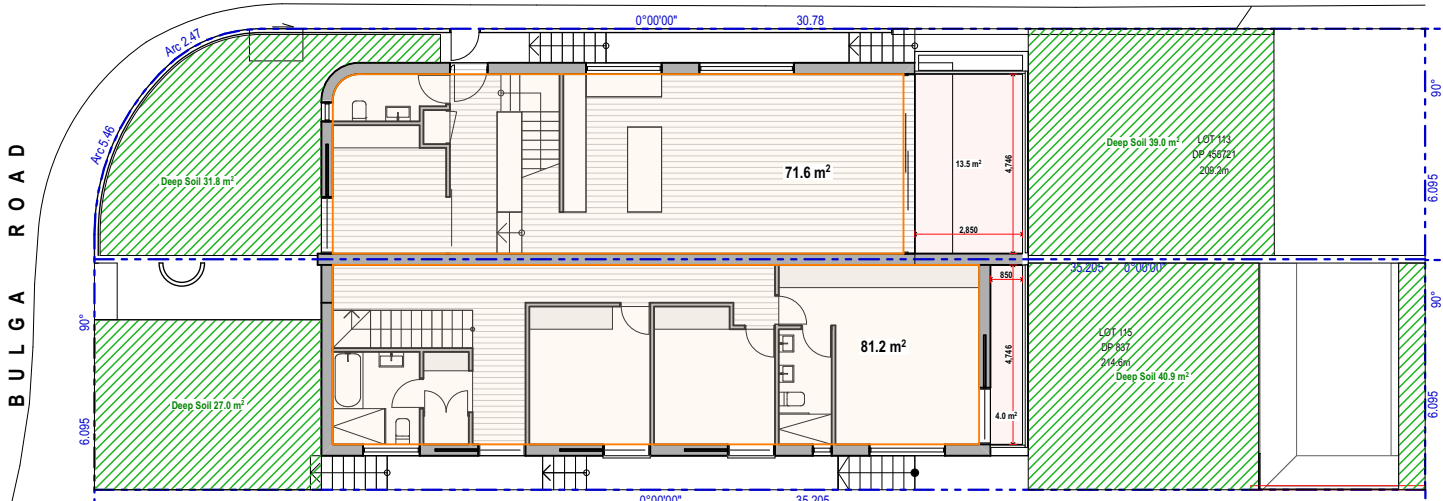
Proposed FSR - 0.82:1

Permissible FSR - 0.86:1 = 184.5m²

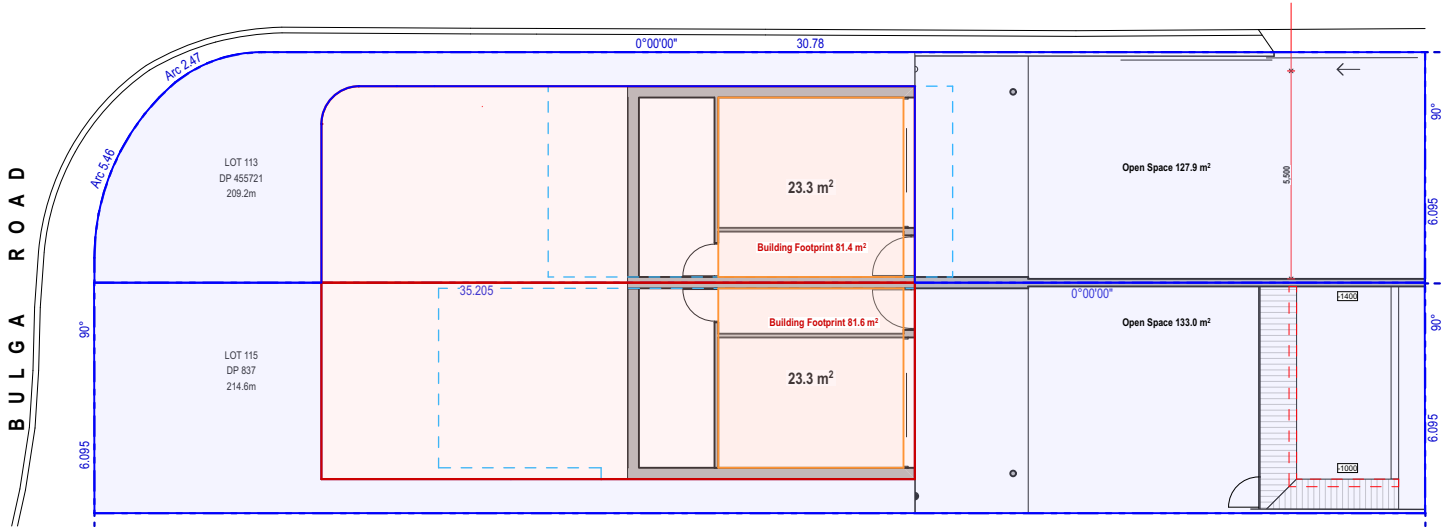
$(550 - 214.6) \times 0.0011 + 0.5 = 0.869$



First Level GFA 1:200



Ground Level GFA 1:200



Lower Ground GFA 1:200

B U L G A L A N E

B U L G A R O A D

B U L G A R O A D

WASTE BIN STORAGE
AND WASHING AREA

GARBAGE COLLECTION
POINT

0°00'00"

30.78

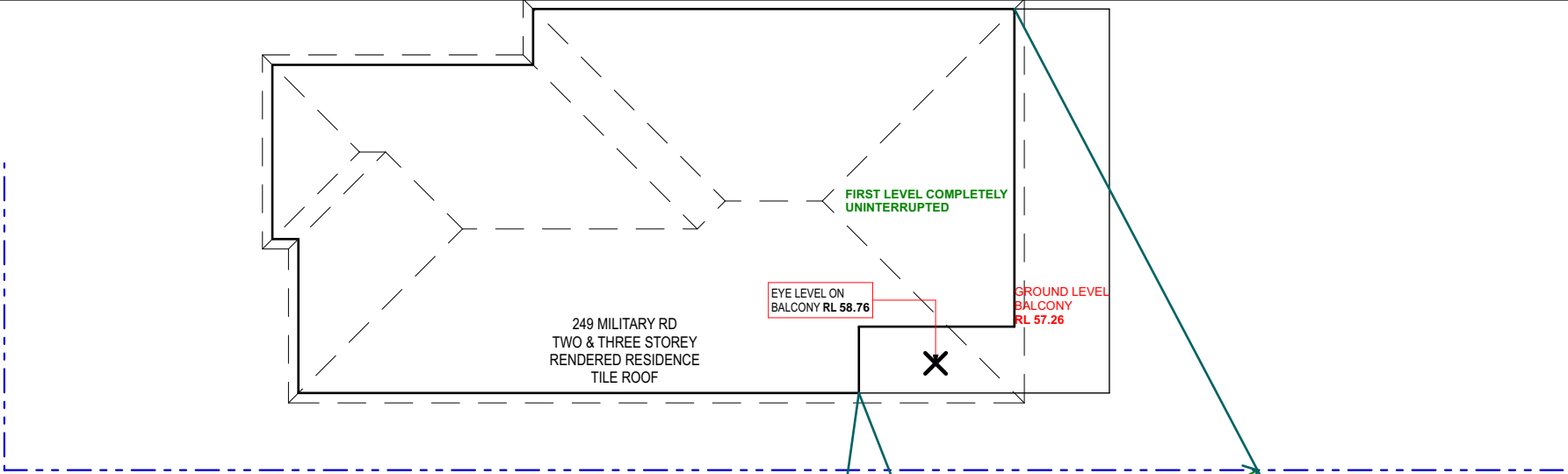
ROUTE TO WASTE BIN
STORAGE AREA

NO. 2

RECEIVED
Waverley Council

Application No: DA-458/2018/1

Date Received: 01/11/2019

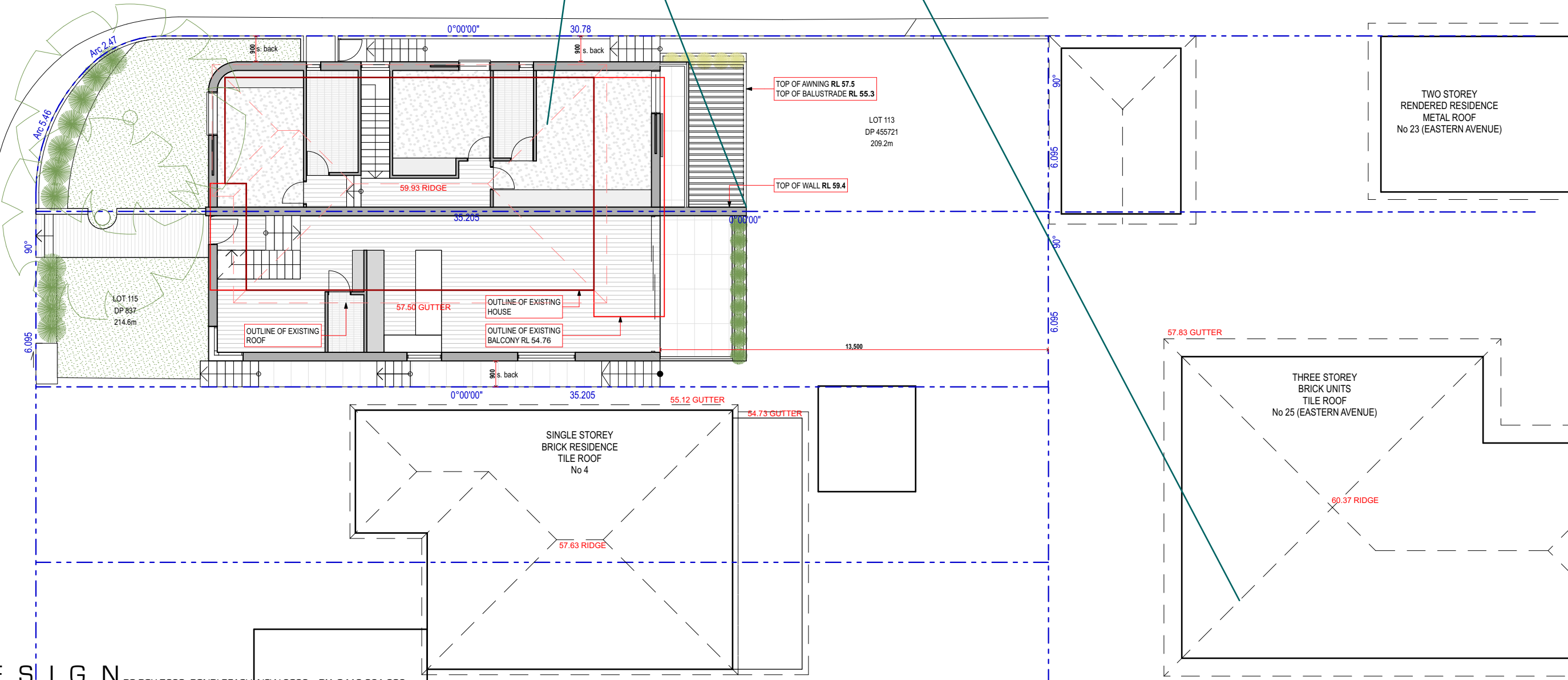


BULGA LANE

IMPACTED VIEW
FROM GROUND
LEVEL ONLY

UNIMPACTED VIEW

BULGA ROAD



URI T DESIGN

PO BOX 7368 BOND BEACH NSW 2026 PH: 0416 321 982
uri@uridesign.com

REVISIONS
REV A

DRAWING	VIEW ANALYSIS PLAN	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-1009
	DOVER HEIGHTS NSW 2030	REVISION	REV A

Contractor to verify all dimensions on site prior to commencing work. Uri T Design is to be notified of any discrepancies in the dimension and setting out of the work. Copyright of designs shown hereon is retained by Uri T Design. Authority is required for any reproduction.

SCALE: 1:150 @ A3 PLOTTED: 31/10/19

RECEIVED
Waverley Council
Application No: DA-458/2018/1
Date Received: 01/11/2019



URI T DESIGN PO BOX 7368 BONDJ BEACH, NSW 2026 PH: 0416 321 982
uri@uri t design . com

REVISIONS
REV A

Contractor to verify all dimensions on site prior to commencing work. Uri T Design is to be notified of any discrepancies in the dimension and setting out of the work. Copyright of designs shown hereon is retained by Uri T Design. Authority is required for any reproduction.

DRAWING	PHOTOMONTAGE	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-B02
	2 BULGA ROAD	DRAWING NO	DA-4002
	DOVER HEIGHTS NSW 2030	REVISION	REV A

SCALE: 1:1 @ A3 PLOTTED: 1/11/19

360



Report to the Waverley Local Planning Panel

Application number	DA-247/2019
Site address	12 Chris Bang Crescent, Vacluse
Proposal	Alterations and additions to dwelling-house
Date of lodgement	7 August 2019
Owner	Mrs Michelle Attenborough
Applicant	Mrs Michelle Attenborough
Submissions	Three (original including one in support), Three (amended)
Cost of works	\$2,140,000
Issues	Non-compliant height, view impacts
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 19 September 2019.

The site is identified as Lot 12 in DP23597, known as 12 Chris Bang Crescent, Vaucluse and is located at its corner with Young Street. The site is irregular in shape with a northern boundary of 34.54m, a south-eastern boundary of 38.2m and a combined western frontage to Chris Bang Crescent and Young Street of 31.19m, providing a total site area of 614.3m². The site falls from the north towards the south by approximately 3m. The site is occupied by a part two part three storey dwelling with vehicular access provided from Chris Bang Crescent to an integrated garage. The height of the existing dwelling is to RL 64.8.

To the north of the subject site is a two storey residential flat building at 1-3 Macdonald Street. A dual occupancy development to the east of the subject site at 11 Chris Bang Crescent has been approved and is currently under construction (DA-206/2016). The locality is characterised by a variety of residential developments including dwelling-houses, semi-detached dwellings and residential flat buildings.



Figure 1: Frontage of the subject site



Figure 2: View towards the subject dwelling looking north over the adjoining site of 11 Chris Bang Crescent which is currently under construction



Figure 3: Rear of the subject dwelling

1.2 Relevant History

A search of Council's records found no recent development applications for the subject site.

In regards to the subject DA, following a preliminary assessment, the application was deferred to address issues of height, setbacks and view loss. Amended plans and documentation were received on 7 August 2019 and renotified to surrounding properties. The amended plans form the subject of the assessment within this report.

1.3 Proposal

The development application seeks approval for alterations and additions to the existing dwelling house. Details of the proposed works are as follows:

Lower Ground Floor Level

The Lower Ground Floor Level is at RL55.24 AHD. The proposal includes the extension of the existing single car garage to the south to accommodate two car spaces accessed via the existing driveway at Chris Bang Crescent. Pedestrian access is also provided from new stairs to the entrance.

Ground Floor Level

The Ground Floor Level is at RL57.95 AHD. This level will be reconfigured internally and partially reconstructed to include an open plan kitchen, pantry, dining area, two living areas, laundry and water closet. The internal layout of this level is to be reconstructed to provide an additional living area and dining room in an open plan configuration by removing the existing bathroom and bedroom. It is proposed to convert the existing living room into an outdoor patio with a flat roof and a gas fireplace, and to construct a gas fireplace and terrace adjoining the sitting room. Pedestrian access to this level is provided by front entry stairs that will be reconstructed in a similar location to the existing, and new internal stairs to lower and upper levels.

First Floor Level

The First Floor Level is at RL61.22 AHD and includes reconstruction of external walls and a reconfigured layout comprising the master bedroom with an ensuite and walk-in robe, bedrooms, one bathroom and a walk-in linen cupboard. The proposal converts the existing roof space on the northern side to provide a new bedroom. The existing ensuite bathroom will be demolished and the south-eastern side of this level will be extended to provide an additional new bedroom. Access will be provided from new internal stairs.

Roof

The proposal reconstructs the existing pitched roof to provide a pitched and hipped roof form with skylights to an overall height to RL65.44 AHD. The north-eastern roof over the patio will be flat with a small fall for drainage. A chimney is proposed at the front southern elevation and to the rear north elevation.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) regulates the clearing of vegetation that is below the Biodiversity Offset Scheme threshold referred to in the Biodiversity Conservation Act 2016.

In accordance with Part 3 of the Vegetation SEPP, a permit is required from Council to clear any vegetation in an area identified:

- i. as 'Biodiversity' on the Terrestrial Biodiversity Map in WLEP 2012; and/or
- ii. as 'Biodiversity Habitat Corridor' in WDCP2012.

The subject site is located within a habitat corridor. It is proposed to clear vegetation at the rear of the site. The application was referred to Council's Tree Management officer who raised no objection to the removal of trees. The application was also referred to Council's Biodiversity officer who advised that the amended landscape plan is satisfactory. The amended plan proposes replacement planting which is satisfactory and is recommended to be conditioned.

2.1.4 SEPP (Coastal Management) 2018

The SEPP applies to the subject site as it is wholly located within the Coastal environment area (Clause 13) and a Coastal use area (Clause 14) according to the SEPP.

The proposal includes alterations and additions to the existing dwelling with minor earthworks. The proposal has been assessed against the provisions of the Coastal SEPP and is considered to be satisfactory.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered to be consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
Height of buildings - 8.5m	No	9.6m or 13%
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio - 0.5:1 or 307.15m ²	Yes	0.45:1 or 274m ²
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.5 Development within the Coastal Zone	Yes	See discussion above
Part 6 Additional local provisions		
6.2 Earthworks	Yes	Minor earthworks are proposed to accommodate the extension to the garage with fill proposed at western side of dwelling.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

Clause 4.6 Exceptions to Development Standards - Height

The application seeks to vary the height of buildings development standard in Clause 4.3 of Waverley LEP 2012.

The site is subject to a maximum height control of 8.5m. The proposed development has a height of 9.6m, exceeding the standard by 1.1m equating to a 13% variation.

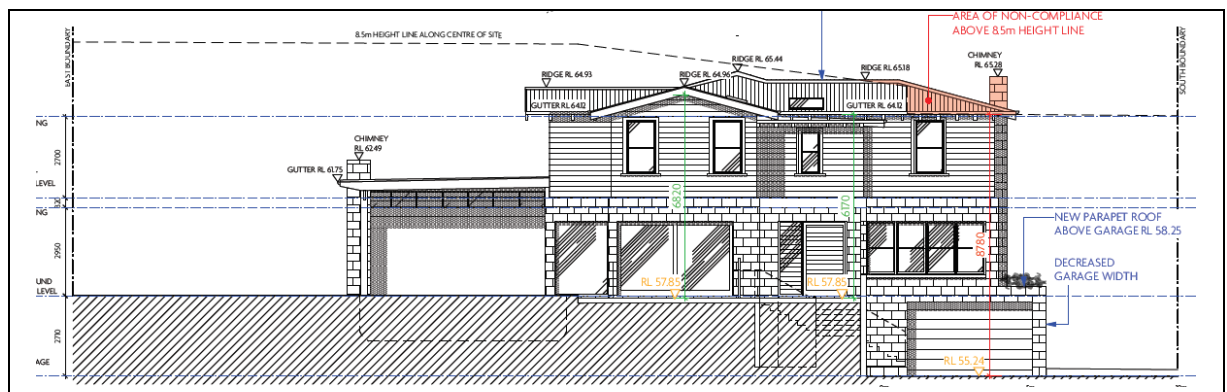


Figure 4: Extent of height con-compliance of west elevation

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - *It is noted that under Clause 4.6(4)(a)ii, 'achieved' has been replaced by the lesser test of 'consistent'. Despite the non-compliance, the proposal is consistent with the desired low density character of the area. The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls.*
 - *The extent of non-compliance is limited to the roof form at the front of the dwelling. As a result, the proposed height will not result in any impacts on privacy and no unreasonable impacts on overshadowing. At the rear façade towards the north, the proposal is 0.9m - 1.5m below the height limit, measured from the maximum ridge height at RL 65.44, which further reduces potential adverse impacts to neighbouring dwellings.*
 - *As the area of height non-compliance only relates to the southern portion of the roof form, the view impacts at No. 19 Young Street will be very minor and will continue to have horizon views towards the ocean. Similarly, at No. 1 Macdonald Street, the views will generally be maintained, and any land/water interface views will not be reduced by the area that exceeds the height development standard. A detailed view analysis is provided the SEE and a separate written response to Council's correspondence dated October 2019 demonstrates that the proposal facilitates equitable view sharing within an established area.*

- *The locality is characterised by two storey dwelling houses displaying a range of architectural styles. Many older brick dwellings are being replaced with contemporary designed buildings that represent the future character of the area. In the surrounding area, dwellings are typically located above a garage level which present as three storeys when viewed from the public domain.*
 - *The proposed dwelling will retain the residential scale and will positively contribute to the desired character of the area. The proposal is compliant with the FSR development standard and is of a bulk and scale that is consistent with surrounding development. The substantial alterations and additions proposed maintain the outlook as a two storey dwelling with a garage level and will retain the traditional pitched roof form. The dwelling appropriately responds to the underlying topography and includes landscaping and articulated elevations to provide visual interest.*
 - *Accordingly, although a portion of the proposed roof at the southern end will exceed the height control, this is unlikely to have any significant adverse impacts as the design is generally contained within a compliant building envelope.*
 - *Compliance with the development standard would result in the removal of the southern portion of the second floor as any roof structure would in some form exceed the height standard due to the presence of the existing garage. Even if a pitched/skillion roof was proposed, the falls required for drainage would reduce the height of the first floor ceiling to less than 2.7m, which is not desirable, given this height is preferred in order to encourage penetration of natural sunlight into the rooms. It is also unnecessary when the area of non-compliance is not discernible within the context of the overall roof design, is contextually appropriate in the locality and does not result in unreasonable view affectation, privacy or solar impacts.*
 - *As the existing dwelling does not comply with the maximum roof height, any renovations or improvement works on the upper level would in variably also not comply.*
 - *Accordingly, strict compliance with the height standard would unnecessarily complicate orderly and economic development of the land in accordance with the intentions of the zoning and the objectives of the Environmental Planning and Assessment Act (1979). For the reasons contained in the SEE, the response to Council's correspondence dated October 2019 and outlined above, the development standard is unreasonable and unnecessary in this instance.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard
- *The proposal has a maximum ridge height of RL 65.44 and is located on a corner allotment where Chris Bang Crescent and Young Street intersect. The subject site adjoins a residential flat building at No. 1 Macdonald Street which has a maximum RL of 70.31 and adjoins the approved dual occupancy at No. 11 Chris Bang, which will have a maximum RL of 62.35. Therefore, the proposal will provide an appropriate transition in height when viewed from Young Street and Chris Bang Crescent.*
 - *The dwelling is consistent with the development along Chris Bang Crescent and will continue to be located above a garage level located at grade to reduce excavation. As*

indicated, there are several additional environmental planning grounds that justify the proposed height, including:

- The proposed height facilitates a low density residential development (two storeys and garage level at the southern end), consistent with the planning objectives of the area as well as recently approved developments in the locality;*
- The proposal represents a preferred design outcome by promoting consistent internal floor and ceiling levels;*
- As with the development as a whole, the area of non-compliance satisfies the relevant objective of the R2 Low Density Residential zone, which is to provide for the housing needs of the community within a low density residential environment. The extent of non-compliance occurs over a two storey dwelling and garage structure which is consistent with other development in the locality and in the R2 zone.*
- The appropriate response to the sloping topography;*
- Maintaining environmental amenity for nearby dwellings and the public domain;*
- The minor contravention of height relating only to the roof form; and*
- Compliance with the FSR development standard and the majority of DCP controls.*

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it*

applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing that the development meets the objectives of Clause 4.3 of the Waverley LEP 2012. The material impact of the alterations and additions to the existing dwelling is not unreasonable and does not impact on the integrity of the development standard. The proposed development is characteristic of development in this area. The proposed location of the height non-compliance towards the front of the dwelling does not result in any unreasonable impacts having regard to visual bulk, overshadowing or view loss (addressed in further detail below). In regards to Clause 4.6(3), the design results in a positive outcome for the site, providing an improved design and amenity for its occupants without compromising the amenity of the adjoining properties or the locality.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out including:

Clause 2.1 - Land Use Zone – R2 Low Density Residential

The objectives of this clause that are relevant to this development are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*

The proposed alterations and additions to the existing single dwelling satisfies this objective. The development provides housing in a form that is compatible with the low density residential environment. Accordingly, the proposal is considered to be in the public interest.

Clause 4.3 - Height of buildings:

The objectives of this clause that are relevant to this development are as follows:

- (a) *To establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views;*
- (d) *To ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The majority of the proposed development is contained within the height development standard for the site. The proposal is considered able to comply with the objectives of the height of buildings development standard as environmental amenity is preserved for adjoining properties having regard to the location of the height non-compliance towards the front of the dwelling. The non-compliance covers a portion of the roof at the southern end of the dwelling to enable consistent floor levels and is exacerbated due to the sloping nature of the site. It is noted that the rear portion of the dwelling is up to 1.5m below the 8.5m height limit. View loss assessment has been undertaken from neighbouring properties and surrounding public domain areas which concluded that there will be no unreasonable impacts on views as a result of the proposed development. This is discussed in further detail below under Section 2.3.1 of this Report.

Shadow diagrams submitted with the application demonstrate that the proposal will result in an increase in overshadowing to the adjoining property to the east as a result of the orientation of the

allotments, however, it is considered that the proposed shadow impact is not unreasonable in the circumstances of the case. The applicant has submitted shadow diagrams demonstrating the impact of shadow from the non-compliant part of the dwelling which demonstrates that environmental amenity is preserved to the adjoining property to the east at 11 Chris Bang Crescent with a small portion of shadow falling on the south-western corner of this new dwelling at 3pm winter solstice from the non-compliant part of the dwelling. This adjoining property at 11 Chris Bang Crescent is currently under construction for a dual occupancy development approved under DA-206/2016 on 23 November 2016.

The proposed built form will result in an improved outcome for the site. The development is consistent and compatible with the desired low density character of the area. Accordingly, the proposal is in the public interest and it is therefore considered there are sufficient planning grounds to justify contravening the standard.

Conclusion

For the reasons provided above, the requested variation to the height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the height development standard and the R2 Low Density Residential zone.

2.3.1 Waverley Development Control Plan 2012 (Amendment 6)

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal.
3. Landscaping and Biodiversity	Yes	The site is located in a Habitat Corridor. The submitted landscape plan is compliant with the relevant controls of the DCP.
4. Coastal risk management	Yes	Minor earthworks are proposed to accommodate the extension to the garage.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
8. Transport	Yes	It is proposed to extend the existing single garage to double garage accommodation.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
12. Design Excellence	Yes	The proposal is considered to achieve design excellence and will contribute to the overall design quality of Waverley.

Development Control	Compliance	Comment
		overhang on all elevations is to provide sun protection to windows and is considered reasonable along this side boundary.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Significant landscaping to be maintained. 	<p>Yes</p> <p>Partial</p>	<p>The proposed dwelling incorporates a high quality architectural finish that will complement the existing and emerging streetscape character.</p> <p>It is proposed to remove existing landscaping to the rear of the subject site which has been assessed by Council's Tree Management Officer as being acceptable.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Not proposed</p> <p>Yes</p>	
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. Maximum size of balconies: <i>10m² in area and 1.5m deep</i> 	<p>Yes</p> <p>Yes</p>	<p>Visual and acoustic privacy is considered acceptable between properties. New windows are proposed at first floor level. The proposed windows to the north elevation are domestic in scale and setback a minimum of 9m from the rear northern property boundary. The proposed windows to the east elevation are also domestic in scale and proposed to bedroom and bathroom windows. Bathroom windows are proposed to be provided with obscure glazing to lower window panes. The proposed domestic scale of windows, separation distances and window treatments will ensure that privacy is not compromised to the adjoining properties.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June 	Yes	The living and private open space areas face north. Solar access is satisfactory.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	There will be an increase in overshadowing to the adjoining property to the east as a result of the orientation of the allotments, however, the adjoining property will maintain a minimum three hours of sunlight to living areas and principal open space areas.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p> <p>Acceptable</p>	See further discussion below
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Driveways are to be located to minimise the loss of on street parking 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	It is proposed to extend the existing single car garage out towards the front boundary, with a minimum setback of 900mm proposed. This will enable the provision of two car spaces on site. The garage is integrated into the design of the dwelling house.
<p>2.8.2 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	Two car spaces are proposed.
<p>2.8.3 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings 	Partial	The design of the garage extension has been integrated into the house design. The garage extension sits partially forward of the front building line in order to accommodate two vehicles on site given the sites corner location and irregular allotment size. It is considered that the design outcome is not unreasonable (see further discussion below under Front Building Line).
<p>2.8.4 Design</p> <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling 	Yes	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Secondary in area and appearance to the design of the residences 	Yes	
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes As existing	
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes Yes Yes Yes Yes	Overall open space: 422m ² (68%) Overall landscaped area: 230m ² (37%) Private open space: >25m ² Front open space: >50% Front landscaped area: >50%
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	As existing
2.14 Dual Frontage Development		
2.14.1 - General Controls <ul style="list-style-type: none"> Primary and secondary frontage to be defined Appropriate forms to be provided to each street 	Yes Yes	

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

Wall Height

Part C2 2.1 of Waverley DCP 2012 requires a maximum wall height of 7m for a building with a pitched roof. It is proposed to construct the alterations and additions to the dwelling to a wall height of 8.5m at the dwelling's south elevation at the location of the main entry. At the eastern elevation the maximum wall height is 8.2m. The wall height reduces to a compliant wall height as it moves deeper

into the site and towards the rear of the dwelling. The proposed height of the dwelling relates to the topography of the land sloping down towards the south.

The bulk and massing of the main walls of the dwelling have been appropriately articulated with use of timber panel cladding to the upper floor, setbacks and glazing. The dwelling is also contextually appropriate having regard to the prevailing and emerging character of development in the area. The proposed alterations and additions do not result in unreasonable overshadow or view loss impact as discussed above and below. The variation to the wall height control of the Waverley DCP 2012 is considered reasonable and can be supported.

Front Building Line and Streetscape

The pattern of development in the immediate locality is a mix of single detached dwellings on large allotments, dual occupancy developments and residential flat buildings. The context of development changes on the opposite side of the subject site to Young Street with a change in zoning to R3 Medium Density Residential with larger scale residential flat buildings dominating the streetscape.

The amended plans propose the dwelling to be setback 900mm from the Chris Bang Crescent frontage to the lower ground floor garage level. The adjoining property to the west at 11 Chris Bang Crescent has an approved minimum front setback of 5.3m (DA-206/2016 currently under construction). The adjoining property to the north at 1 Macdonald Street with secondary frontage to Young Street has a setback to Young Street of 3.5m



Figure 5: Subject site showing relationship of building line to adjoining properties

The original submission proposed an extension of the garage building out to the property boundary with a large outdoor terrace above, resulting in a dominating structure within this streetscape setting. Following discussions with the applicant and in response to Council's deferral letter, the front setback has been increased and the front elevation has been amended to delete the large terrace with a green roof above the garage roof slab proposed. The plans now show a proposed minimum front setback of 900mm at the dwellings south-western corner. The front setback increases and varies due to the sites irregular curved shape at this corner location with the 900mm

measurement being the absolute minimum proposed before the dwelling transitions around its corner.



Figure 6: Comparison of the existing dwelling and the proposal when viewed from the corner of Young Street and Chris Bang Crescent (Source: GSA Planning dated 21 October 2019)

The proposed dwelling is consistent with the emerging character of the area and is consistent with the streetscape and visual impact objectives and controls of Waverley DCP 2012. The existing streetscape contains an eclectic mix of dwelling designs including contemporary and more traditional built forms. Given the location of the proposal on a street bend, the proposed design provides an adequate transition between adjoining properties and is considered to adhere to the predominant front building line. The large expanse of Council verge also provides an appropriate visual separation within this streetscape. The amended proposal with the revised front elevation of the dwelling is appropriate in the context of the streetscape.

Views

The subject site is located on the high side of Chris Bang Crescent opposite Diamond Bay Reserve. During public notification, two properties indicated that the proposed building will impact on private domain views being Units 2 and 4/ 1 Macdonald Street, Vaucluse. These units located to the rear, have partial views of the Pacific Ocean.

Part C2 2.7 Views of Waverley DCP 2012 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. The proposal has also been assessed against the Land and Environment Court's Tenacity principle for view sharing. A site inspection was carried out on 16 September 2019 to Unit 4/1 Macdonald Street and subsequently on 18 November 2019 to Unit 2/1 Macdonald Street.

The view impact analysis taken from the property to the north at Unit 2/1 Macdonald Street shows that views are obtained across the subject site from a balcony at the southern elevation. The view corridor traverses the rear and side setback of the subject site and over the adjoining site at No.11 Chris Bang Crescent which is currently under construction as a two storey dual occupancy with basement parking. The impacted views are summarised and illustrated in Figures 7 and 8 below.

Unit 2/ 1 Macdonald Street, Vaucluse – View Impact Analysis



Figure 7: View from balcony towards the subject site (standing)



Figure 8: View from balcony towards the subject site (standing)

The view impact analysis taken from the property to the north, at Unit 4/1 Macdonald Street which is located on the top floor of the residential flat building, shows that views are obtained across the subject site from the balcony and living room at the southern elevation. The view corridor traverses the side setback of the subject site. The impacted views are summarised and illustrated in Figures 9-12 below.

Unit 4/ 1 Macdonald Street, Vaucluse – View Impact Analysis

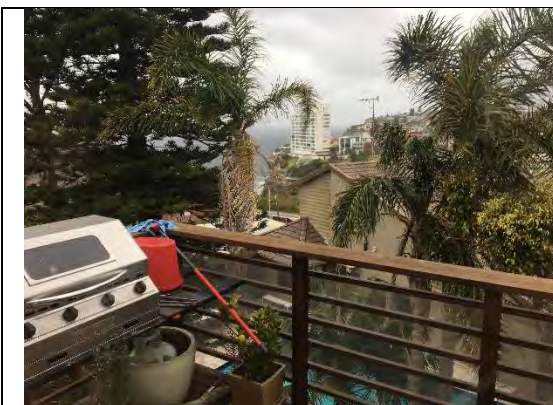


Figure 9: View from balcony towards the subject site (standing)



Figure 10: View from balcony towards the subject site (standing)



Council's view sharing objectives under Waverley DCP 2012 require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regards to view sharing, with the impact on neighbours views assessed as follows:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Views from 2/1 Macdonald Street have the majority of their ocean views obscured by vegetation but there are partial views of the ocean between the vegetation. Views from Unit 4/1 Macdonald Street have partial views of the ocean obscured by vegetation and a clear corridor view towards Diamond Bay coastline with a land/sea interface view with buildings above including the Harry Seidler designed apartment building at 33 Kimberley Street, Vaucluse.

2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

From Unit 2/1 Macdonald Street, views are obtained from a standing position across the rear of this site and over the side boundary of the subject site. From Unit 4/1 Macdonald Street, the views are enjoyed from both a sitting and standing position. The views are obtained across the rear of their site and across the rear and side boundaries of the subject site.

3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Whilst 4/1 Macdonald Street may lose some views of the interface between land and water, the view loss is considered to be minor, with views of the ocean still being retained above the proposed roof. Furthermore, the extent of this view loss is over that part of the proposed dwelling which is height compliant and which could be approved under a Complying Development Certificate. The northern rear of the dwelling is up to 1.5m below the 8.5m height control. That part of the dwelling which has a non-compliant height, is located further to the south-west and does not impact on these views. The impact from this non-compliant portion is minor with a small portion of district/ building view loss which is obscured by landscaping.

The views from the lower level unit at 2/4 Macdonald Street are not considered to be quality views as it is mostly obscured by vegetation and existing buildings to the rear. The view impacts are considered minor.

Whilst no submission was received, view impact analysis was submitted by the applicant demonstrating view impacts from 19 Young Street which is a residential flat development located to the south-west of the subject site. An assessment of this analysis and a site inspection of the area indicated this view impact to be minimal.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

In Council's deferral letter to the applicant dated 30 September 2019, the applicant was requested to consider view loss impacts more extensively than was originally submitted and also sought to consider a skilful redesign to reduce impacts on the land/ sea interface views enjoyed by Unit 4/1 Macdonald Street. In the amended plans received on 22 October 2019, the applicant reduced the roof height by 100mm.

Whilst the proposal does not comply with the maximum height control of the Waverley LEP 2012 and the side setback and wall height controls of the Waverley DCP 2012, these non-compliant elements are not the cause of this view loss. The majority of the filtered views towards Diamond Bay will be retained as a result of the amended proposal, whilst a small area of land/ sea interface will be visible over the eastern compliant end of the dwelling (refer to **Figure 13** below).



Figure 13: Extent of the proposed view impact from Unit 4/1 Macdonald Street (source: GSA Planning dated 21 October 2019)

The proposal has been designed with careful consideration to minimise impacts to surrounding properties, with the rear of the dwelling being designed to sit well below the maximum height development standard. The proposal is considered supportable and it is unreasonable to expect that entire views are to be maintained from the objector's properties given the compliant built form proposed at the rear of the site. The subject proposal is also well below the maximum FSR applicable to the site under Waverley LEP 2012. Even if a compliant height development was provided on site, it would result in a negligible improvement in the views from the objector's properties.

Although it is acknowledged that there would be a view loss impact for the neighbouring properties in question, it is still considered that the proposal is reasonable and that any development of the subject site, even one with a compliant height would likely result in view loss impacts for the objector's properties, which would lose some existing views currently obtained across the subject site. The proposed view loss impacts have been considered against the various view loss controls in the Waverley LEP 2012, Waverley DCP 2012 and NSW Land and Environment Court Tenacity view loss planning principle. The view loss impacts are not considered unreasonable and accordingly do not warrant a refusal of the application.

2.4 Other Impacts of the Development

The proposed development is capable of complying with the NCC.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality.

2.5 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.6 Any Submissions

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development* and three submissions were received plus one in support. The amended application was also notified for a period of 14 days and three submissions were received.

Table 4: Summary of property addresses that lodged a submission

Property
Unit 2/ 1 Macdonald Street, Vaucluse (amended)
Unit 4/ 1 Macdonald Street, Vaucluse (original and amended)
11 Chris Bang Crescent, Vaucluse (original and amended)
Unit 15/19 Young Street, Vaucluse (original in support)

The following issues raised in the submissions have been previously addressed in the body of the report:

- Non-compliance with the height of buildings development standard under Waverley LEP 2012
- Visual bulk and scale
- View loss
- Visual privacy
- Overshadowing impact and solar access
- Front setback
- Streetscape and visual impact

2.7 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

3.1 Biodiversity – Sustainable Waverley

The landscape plan was referred to Council's Biodiversity officer who raised no objection subject to conditions.

3.2 Tree Management Officer

The application was referred to Council's Tree Management officer who raised no objection to the proposed tree removal.

3.3 Stormwater – Creating Waverley

The application was referred to Council's Stormwater Engineer who raised no objection subject to conditions.

4. SUMMARY

The application seeks alterations and additions to the existing dwelling. The design of the dwelling additions follows the guidance of the Waverley LEP and DCP 2012, however, seeks variations in response to site conditions. The proposal does not comply with the maximum height development standard permitted for the site nor the applicable wall height control of Waverley DCP 2012. The non-compliances with the development standard and DCP control are considered to be minor, with the proposed development preserving the environmental amenity of the adjoining properties and the locality whilst upholding the objectives of the low density residential zone. The Clause 4.6 variation request is considered to be warranted and is supported on merit.

The submissions received from the adjoining properties have been considered with the issues raised not considered to have sufficient planning merit to warrant refusal or further amendment to the proposal. The scheme is considered to be satisfactorily resolved.

Accordingly, the application has been assessed against the relevant SEPP's, Waverley LEP, DCP and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the application is recommended for approval.

DBU Decision

The application was reviewed by the DBU at the meeting on 11 December 2019 and the DBU determined that the application is acceptable and is recommended for approval, subject to the conditions in Appendix A.

DBU members: *M Reid, A Rossi, B McNamara, B Matlawski*

5. DETERMINATION

That the Development Application is **APPROVED** by the Waverley Local Planning Panel subject to the conditions in Appendix A:

Report prepared by:

Jo Zancanaro
Senior Development Assessment Planner

Date: 3 February 2020

Reason for referral:

- 1 Departure from any development standard in an EPI by more than 10%

Application determined by:

Bridget McNamara
Manager, Development Assessment
(North/South)

(Reviewed and agreed on behalf of the
Development and Building Unit)

Date: 4 February 2020

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural plans prepared by Annabelle Chapman as follows:

Plan description	Date and Revision	Date received by Council
005 - Proposed Site Plan & Site Analysis plan	Issue B – 22 October 2019	22 October 2019
101 - Proposed Lower Ground Floor Plan	Issue B – 22 October 2019	22 October 2019
101a - Proposed Lower Ground Floor Plan	Issue B – 22 October 2019	22 October 2019
102 - Proposed Ground Floor Plan	Issue B – 22 October 2019	22 October 2019
102a – Proposed Ground Floor Plan	Issue A – 22 October 2019	22 October 2019
103 – Proposed First Floor Plan	Issue B – 22 October 2019	22 October 2019
103a – Proposed First Floor Plan	Issue A – 22 October 2019	22 October 2019
104 – Proposed Roof Plan	Issue B – 22 October 2019	22 October 2019
104a – Proposed First Floor Plan	Issue A – 22 October 2019	22 October 2019
201 – Proposed West Elevation	Issue B – 22 October 2019	22 October 2019
201a – Proposed West Elevation	Issue B – 22 October 2019	22 October 2019
201b – Proposed West Elevation	Issue A – 22 October 2019	22 October 2019
202 – Proposed South Elevation	Issue B – 22 October 2019	22 October 2019
202a – Proposed South Elevation	Issue A – 22 October 2019	22 October 2019
203 – Proposed East Elevation	Issue B – 22 October 2019	22 October 2019
203a – Proposed East Elevation	Issue A – 22 October 2019	22 October 2019
204 – Proposed North Elevation	Issue B – 22 October 2019	22 October 2019
204a – Proposed North Elevation	Issue A – 22 October 2019	22 October 2019
301 – Proposed section C-C & A-A	Issue B – 22 October 2019	22 October 2019
301a – Proposed Sections	Issue A – 22 October 2019	22 October 2019
302 – Proposed Section B-B	Issue A – 22 October 2019	22 October 2019
302a – Proposed Sections	Issue A – 22 October 2019	22 October 2019

(b) BASIX Certificate;

- (c) Plan No.701 Issue A Schedule of External Finishes prepared by Annabelle Chapman Architect dated 7 August 2019 and date stamp received by Council on 7 August 2019;
- (d) Stormwater plans prepared by Peninsula Consulting Engineers, Job No. 19-0524, DWG No. H01 and H02 (Revision A), dated 1 August 2019;
- (e) Landscape Plan No.1908 drawing No.LP01 Revision D dated 15 October 2019 and prepared by Fiona Yeates Consulting Pty Ltd and received by Council on 22 October 2019;
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 dated 7 August 2019;
- (g) Arboricultural Impact Assessment Report prepared by Margot Blues Consulting Arborist dated 7 June 2019;

Except where amended by the following conditions of consent.

2. PROPOSED GREEN ROOF TO GARAGE

The roof slab over the extended garage at the south elevation shall be a non-trafficable green roof only. No decking or useable open space area shall be shown on the plans in this area and no balustrade is to be provided. The area is to be planted as a green roof in accordance with the controls as outlined under Part B3 Section 3.1.3 Green Roofs and Walls of Waverley Development Control Plan 2012.

The green roof is to have a minimum soil depth of 300mm and comprise plants that are suitable for the site in relation to sun access, wind, views, overshadowing and other environmental conditions. Refer to Annexure B2 – 1 for indigenous or local native plants to Waverley. The plants shall have a maximum maturity height of 200mm above the roof level.

The Landscape Plan is to be amended to reflect this design requirement and submitted to Council for approval by the Executive Manager, Development Assessment (or delegate) prior to the issue of the Construction Certificate under the Environmental Planning and Assessment Act 1979.

The green roof is to be planted and completed, prior to the issue of any Occupation Certificate.

3. APPROVED USE - DWELLING HOUSE

This application approves the use of the building on the site for a single dwelling house only.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

4. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979 and

(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000 and

(c) Council is given at least two days' notice in writing of the intention to commence the building works.

5. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

6. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

(a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:

(1) Where the total development cost is less than \$500,000:

"Waverley Council Cost Summary Report"; or,

(2) Where the total development cost is \$500,000 or more:

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

(a) A development valued at \$100,000 or less will be exempt from the levy.

(b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR

(c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

(c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,650** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit

8. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

9. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book).

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

10. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

11. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

12. ENGINEERING DETAILS

Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works.

13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions.

14. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

15. STORMWATER MANAGEMENT

A stormwater management system is to be designed in accordance with the Waverley Water Management Technical Manual/Guidelines 2014 and certification is to be provided from a suitably qualified professional engineer.

Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

16. BASIX

All requirements of the BASIX Certificate and NatHERS documentation are to be shown on the Construction Certificate plans and documentation.

17. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of a Construction Certificate, the applicant is to submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

18. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

19. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2011;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;

At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

21. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

22. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land. The excavation is to be managed by a practising structural engineer.

23. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) Sundays and public holidays;
- (b) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environment Operations (Noise Control) Regulation 2000.

24. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014

25. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

26. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

27. CERTIFICATE OF SURVEY – LEVELS

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

28. SIDE FENCE HEIGHT

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

29. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand

excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

30. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

31. STORMWATER MANAGEMENT

Prior to issue of an Occupation Certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

32. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application. This information does not form part of the conditions of development consent.

1. SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

4. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

5. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

6. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

7. WORK OUTSIDE PROPERTY BOUNDARY

These consent does not authorise any work outside the property boundary.

Application No. DA-247/2019

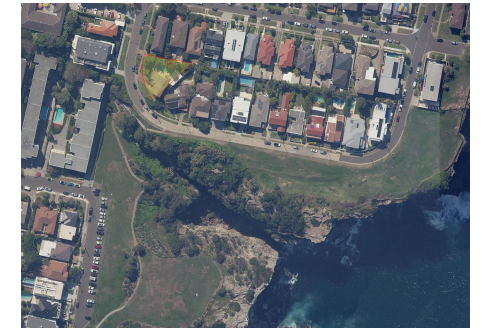
Date Received: 22/10/2019



VIEW FROM FIRST FLOOR



DIRECTION OF VIEWS FROM SITE



SITE CONTEXT



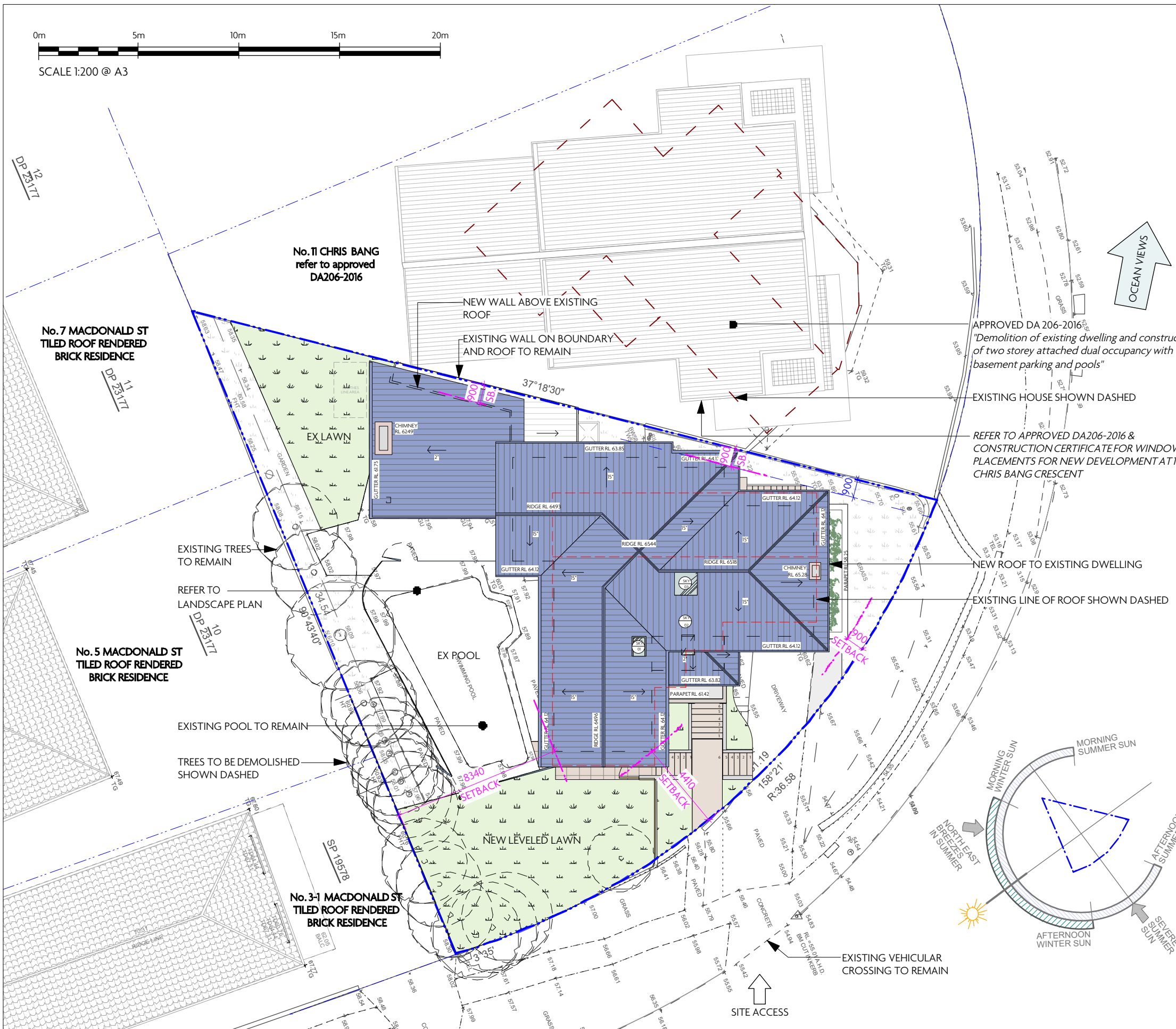
VIEW OF NEIGHBOUR 1-3 MACDONALD ST



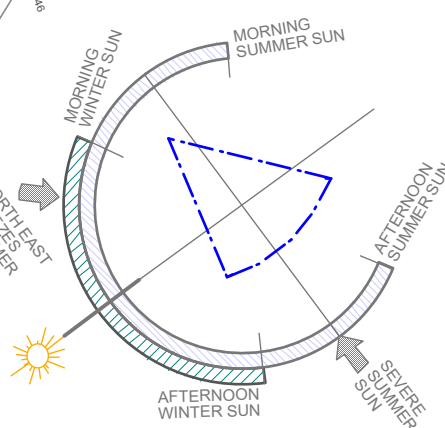
VIEW OF NEIGHBOUR 15-17 & 19 CHRIS BANG CRESCENT





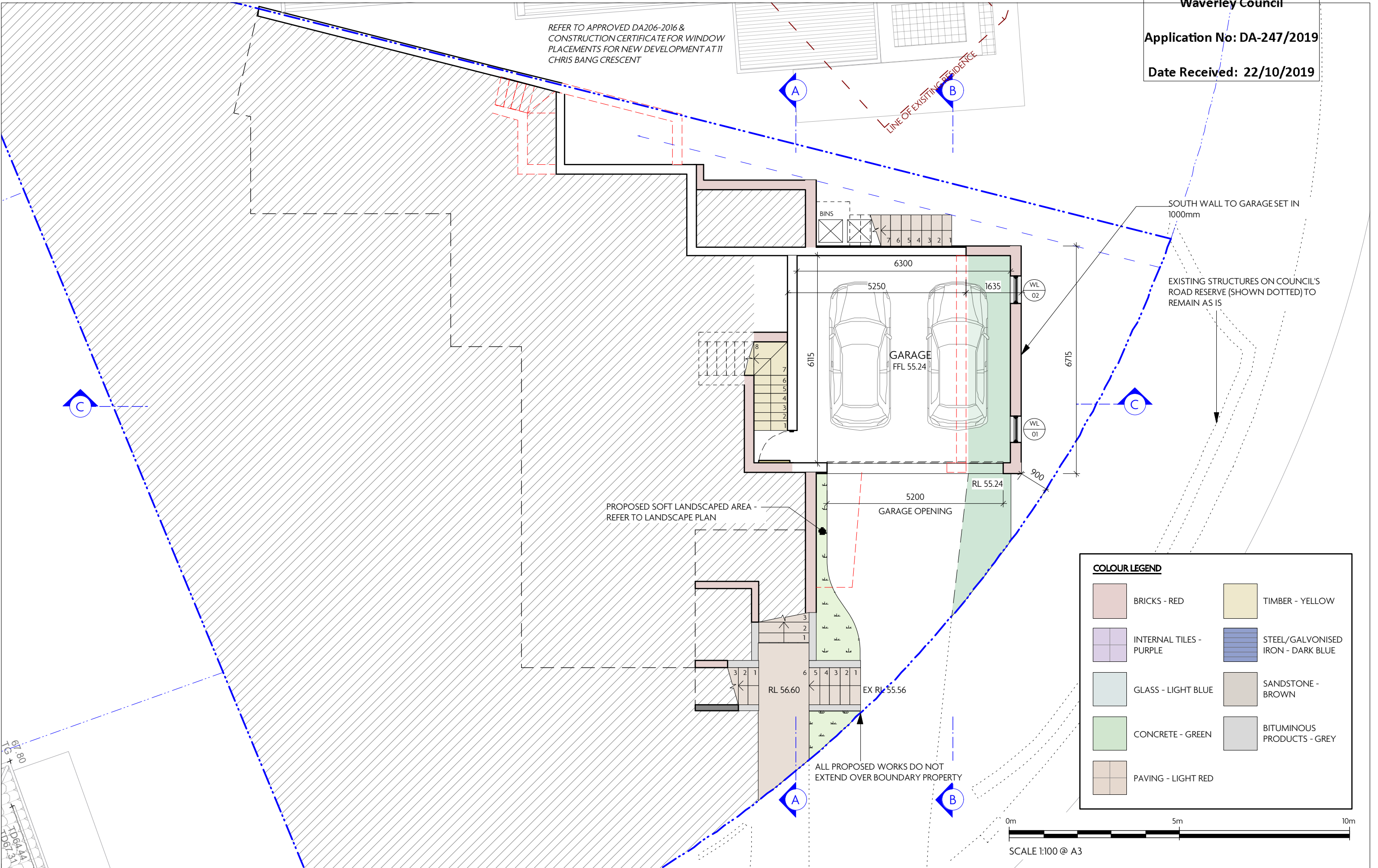
PANORAMIC VIEW OF SUBJECT PROPERTY





CHRIS BANG CRESCENT



 TRUE NORTH	NOTES The builder is responsible for setting out the works, checking all dimensions and levels on site. Report any discrepancies to the Architect prior to the commencement of work. Do not scale drawings. Check boundary distance on survey.	 ANNABELLE CHAPMAN ARCHITECT ANNABELLE CHAPMAN ARCHITECT PTY LTD Nominated Architect: Annabelle Chapman NSWARB Reg No 4921 ABN: 66 095 399 518 Level 19, 100 William Street, Sydney, New South Wales 2000 t 02 8076 5333 m 0412 665 412 e info@achapmanarchitect.com.au w achapmanarchitect.com.au	ISSUE	DATE	NOTE	DWN BY	PROJECT	CLIENT ADDRESS	PROJECT #	DATE #	
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			B	22/10/19	RE-ISSUED FOR DA	AM					
PROPOSED SITE PLAN & SITE ANALYSIS PLAN								SCALE @ A3	DWG #		
								1:200@A3	005		
								DRAWN	AM	ISSUE	STAGE
								CHECKED	AC	B	397



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			PROPOSED LOWER GROUND FLOOR PLAN		DRAWN AM	ISSUE B	STAGE 101			
		CHECKED AC								

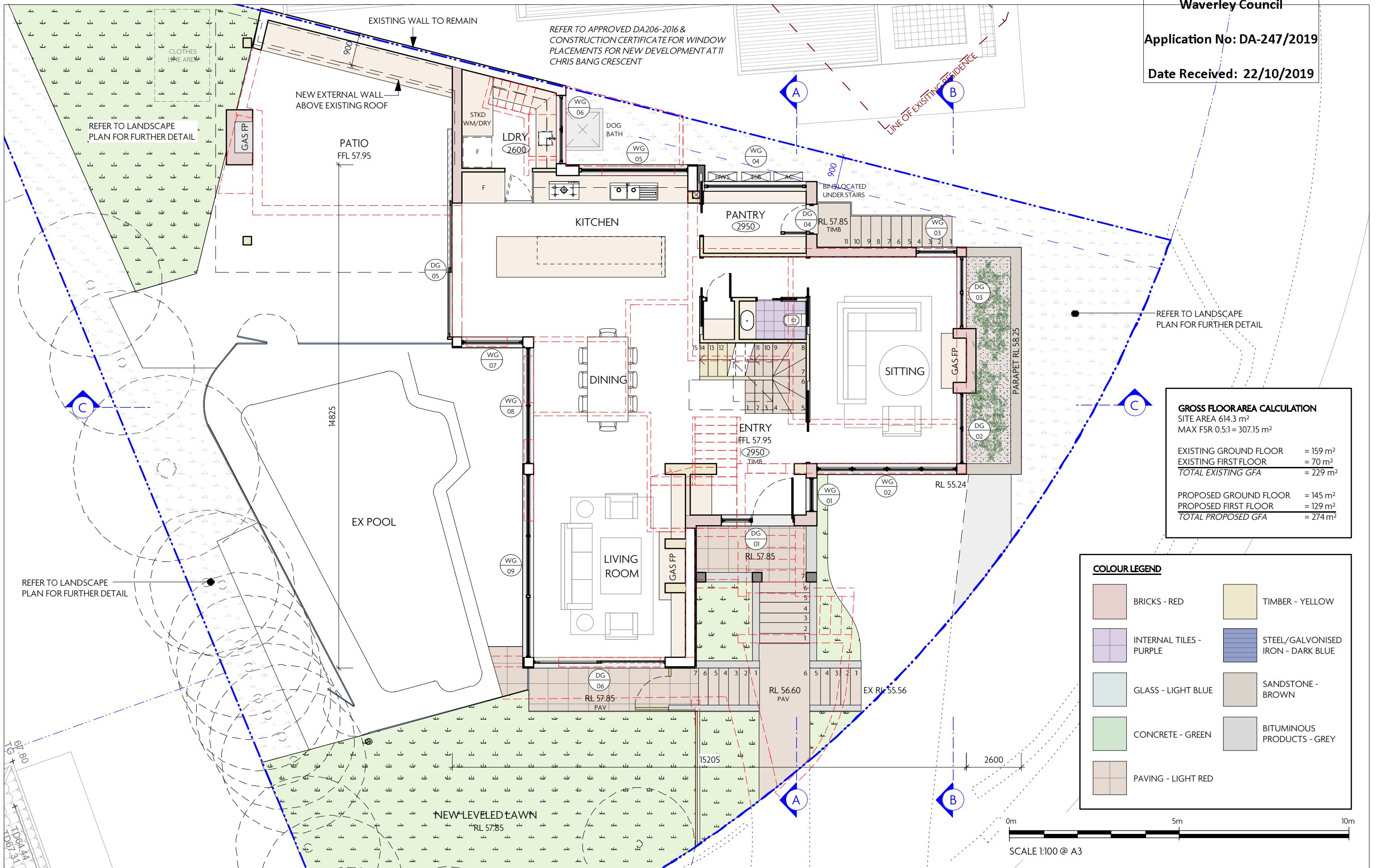
Date Received: 22/10/2019

EXISTING STRUCTURES ON
COUNCIL'S ROAD RESERVE
(SHOWN DOTTED) TO
REMAIN AS IS

0m 5m 10m

SCALE 1:100 @ A3

PROJECT # 1807		DATE # 22/10/19	
SCALE @ A3 1:100@A3		DWG # 101a	
DRAWN	AM	ISSUE	STAGE
CHECKED	AC	A 200	



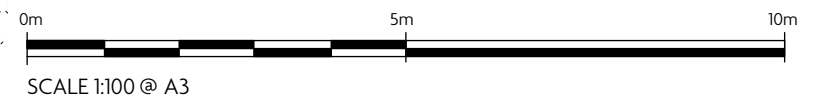
GROSS FLOOR AREA CALCULATION


SITE AREA 614.3 m²
MAX FSR 0.5:1 = 307.15 m²

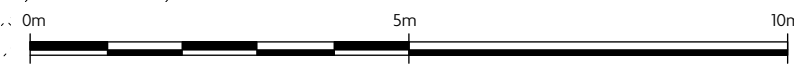
EXISTING GROUND FLOOR	= 159 m ²
EXISTING FIRST FLOOR	= 70 m ²
TOTAL EXISTING GFA	= 229 m²
PROPOSED GROUND FLOOR	= 145 m ²
PROPOSED FIRST FLOOR	= 129 m ²
TOTAL PROPOSED GFA	= 274 m²

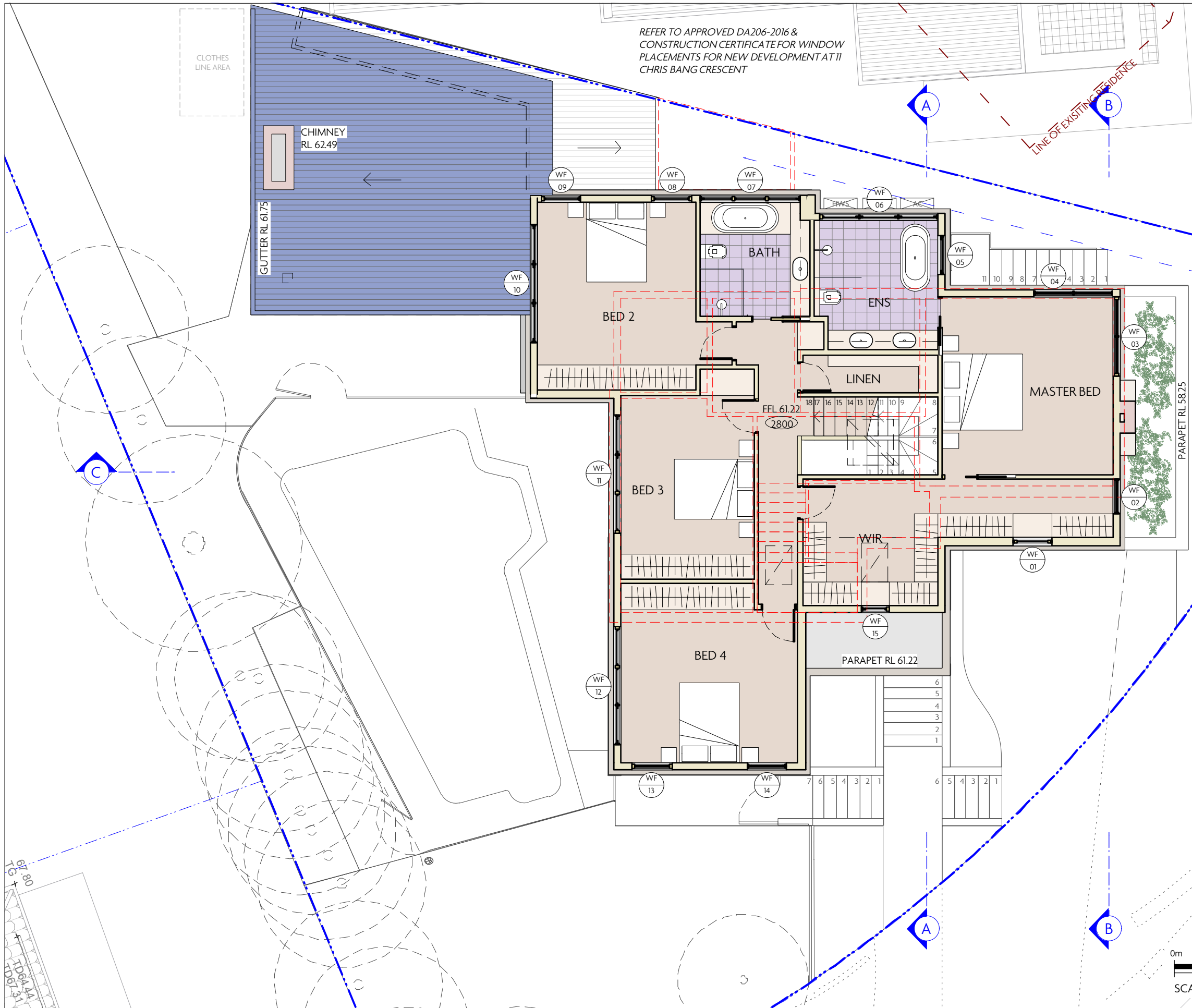
COLOUR LEGEND

	BRICKS - RED		TIMBER - YELLOW
	INTERNAL TILES - PURPLE		STEEL/GALVANISED IRON - DARK BLUE
	GLASS - LIGHT BLUE		SANDSTONE - BROWN
	CONCRETE - GREEN		BITUMINOUS PRODUCTS - GREY
	PAVING - LIGHT RED		












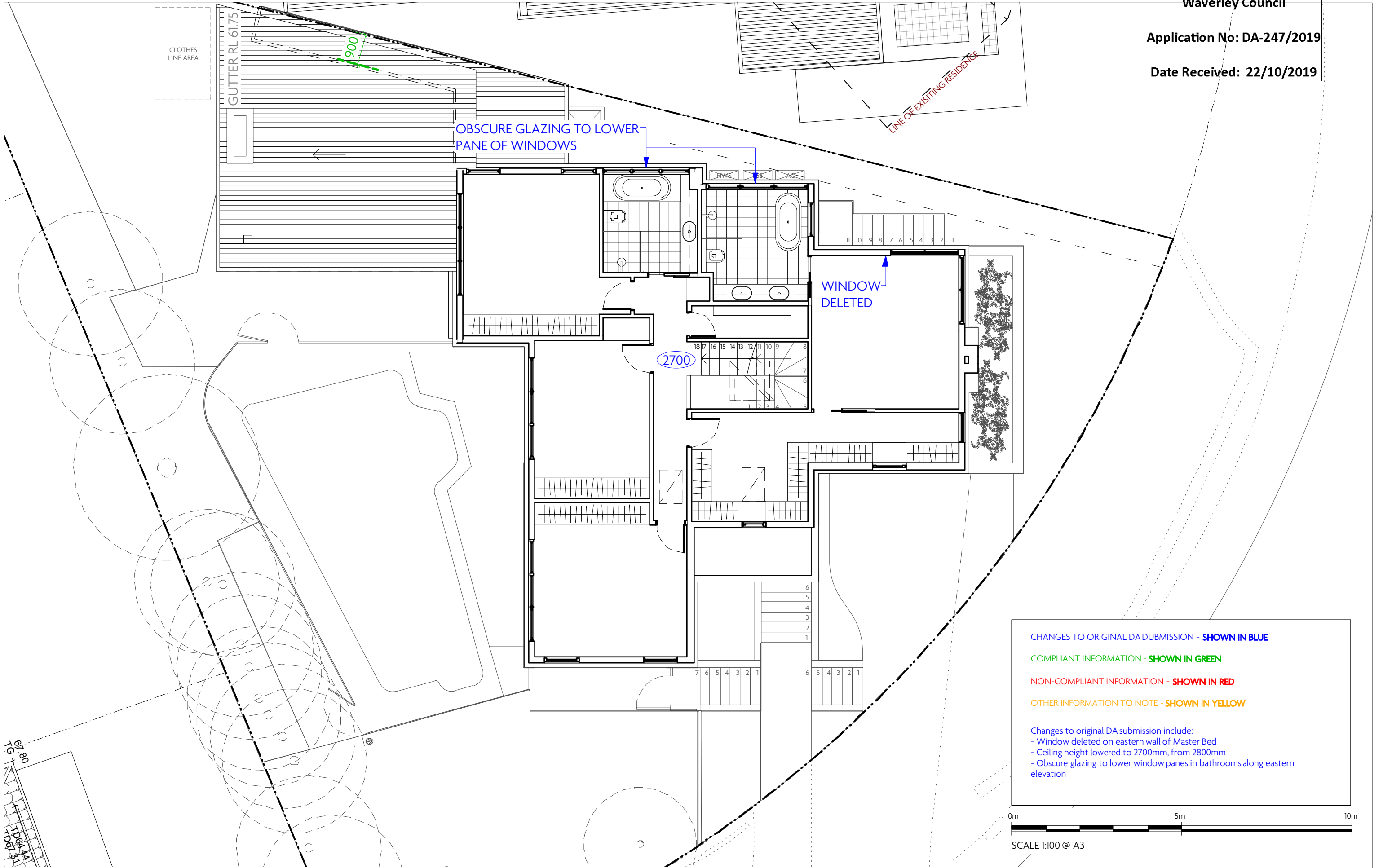
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			<div>B</div>	<div>22/10/19</div>	<div>RE-ISSUED FOR DA</div>	<div>AM</div>	<div>FOR</div>	<div>DWG</div> <div>PROPOSED GROUND FLOOR PLAN</div>	<div>SCALE @ A3</div> <div>1:100@A3</div>	<div>DWG #</div> <div>102</div>	<div>DRAWN</div> <div>AM</div>	<div>ISSUE</div> <div>B</div>	<div>STAGE</div> <div>100</div>
							<div>MR & MRS ATTENBOROUGH</div>		<div>CHECKED</div> <div>AC</div>				

401



GROSS FLOOR AREA CALCULATION	
SITE AREA 614.3 m ²	
MAX FSR 0.5:1 = 307.15 m ²	
EXISTING GROUND FLOOR	= 159 m ²
EXISTING FIRST FLOOR	= 70 m ²
<u>TOTAL EXISTING GFA</u>	<u>= 229 m²</u>
PROPOSED GROUND FLOOR	= 145 m ²
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	STEEL/GALVANISED IRON - DARK BLUE
	SANDSTONE - BROWN
	BITUMINOUS PRODUCTS - GREY



CHANGES TO ORIGINAL DA DUBMISSION - **SHOWN IN BLUE**

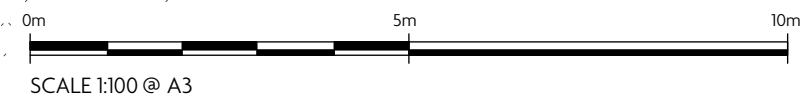
COMPLIANT INFORMATION - **SHOWN IN GREEN**

NON-COMPLIANT INFORMATION - **SHOWN IN RED**

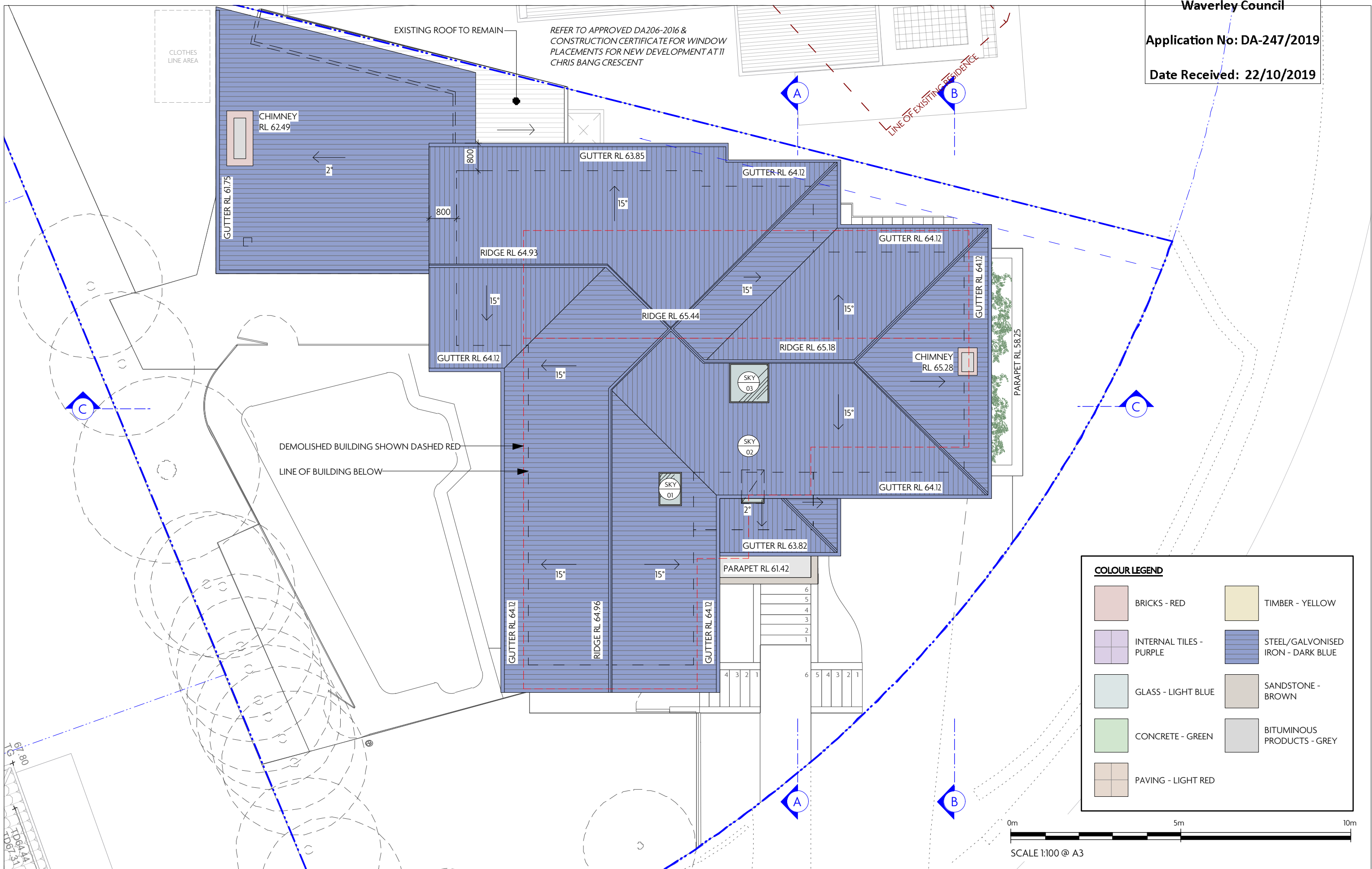
OTHER INFORMATION TO NOTE - **SHOWN IN YELLOW**

Changes to original DA submission include:










- Window deleted on eastern wall of Master Bed
- Ceiling height lowered to 2700mm, from 2800mm
- Obscure glazing to lower window panes in bathrooms along eastern elevation




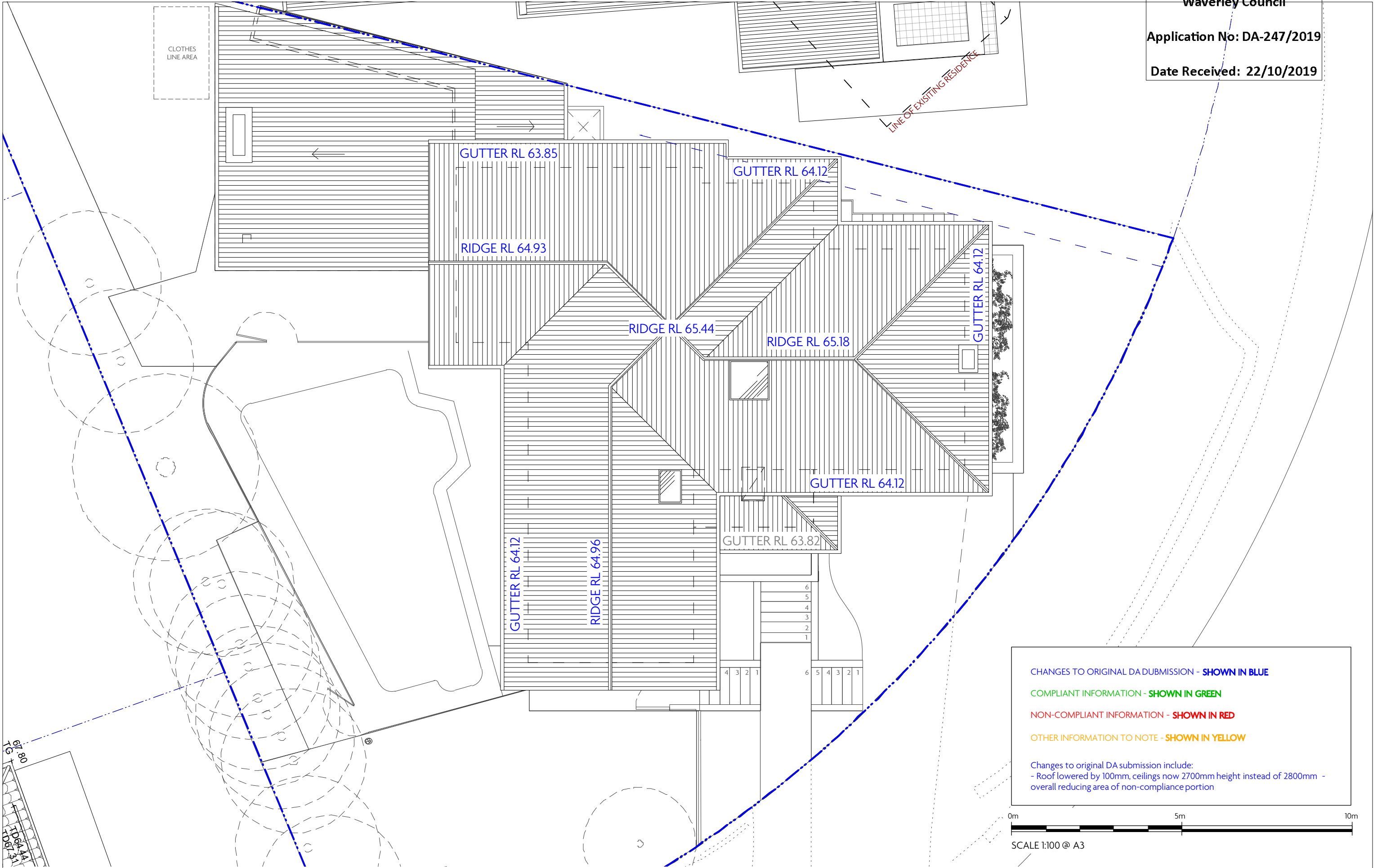
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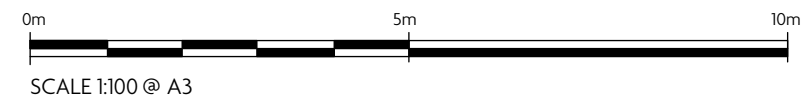
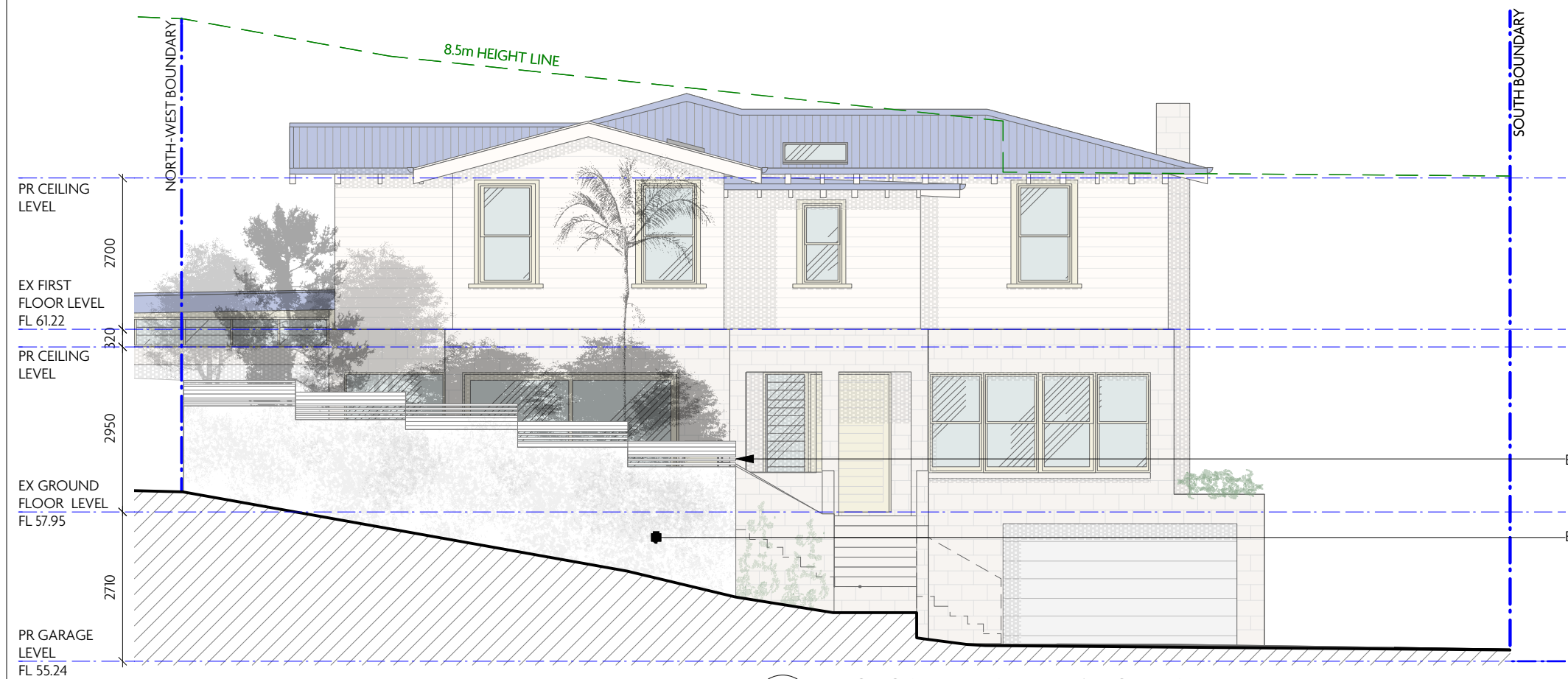
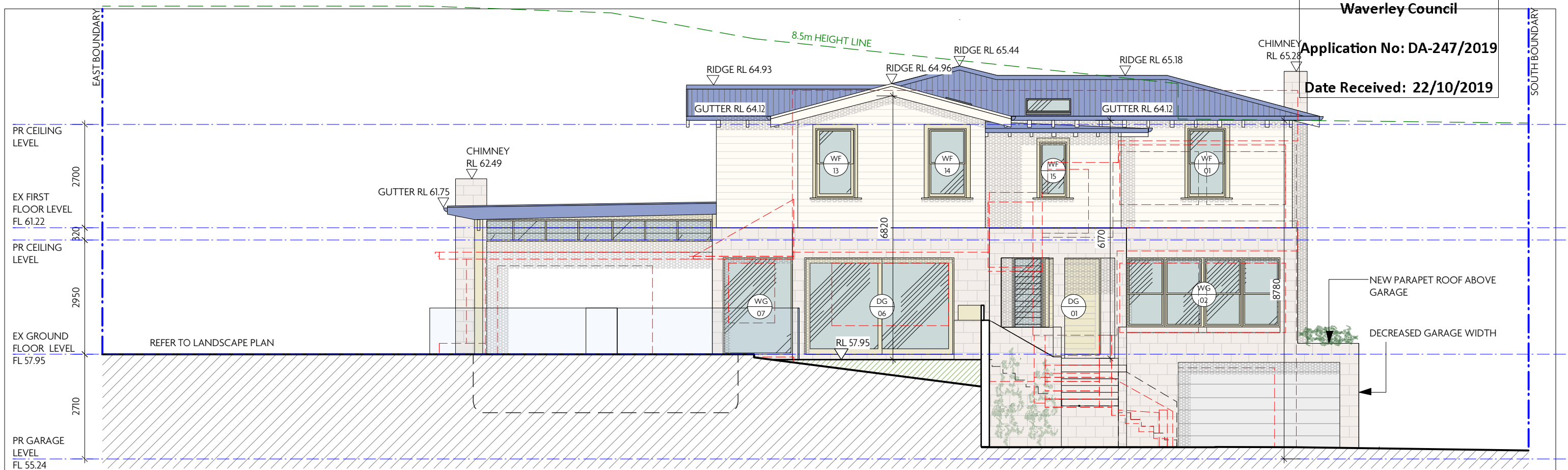


COLOUR LEGEND

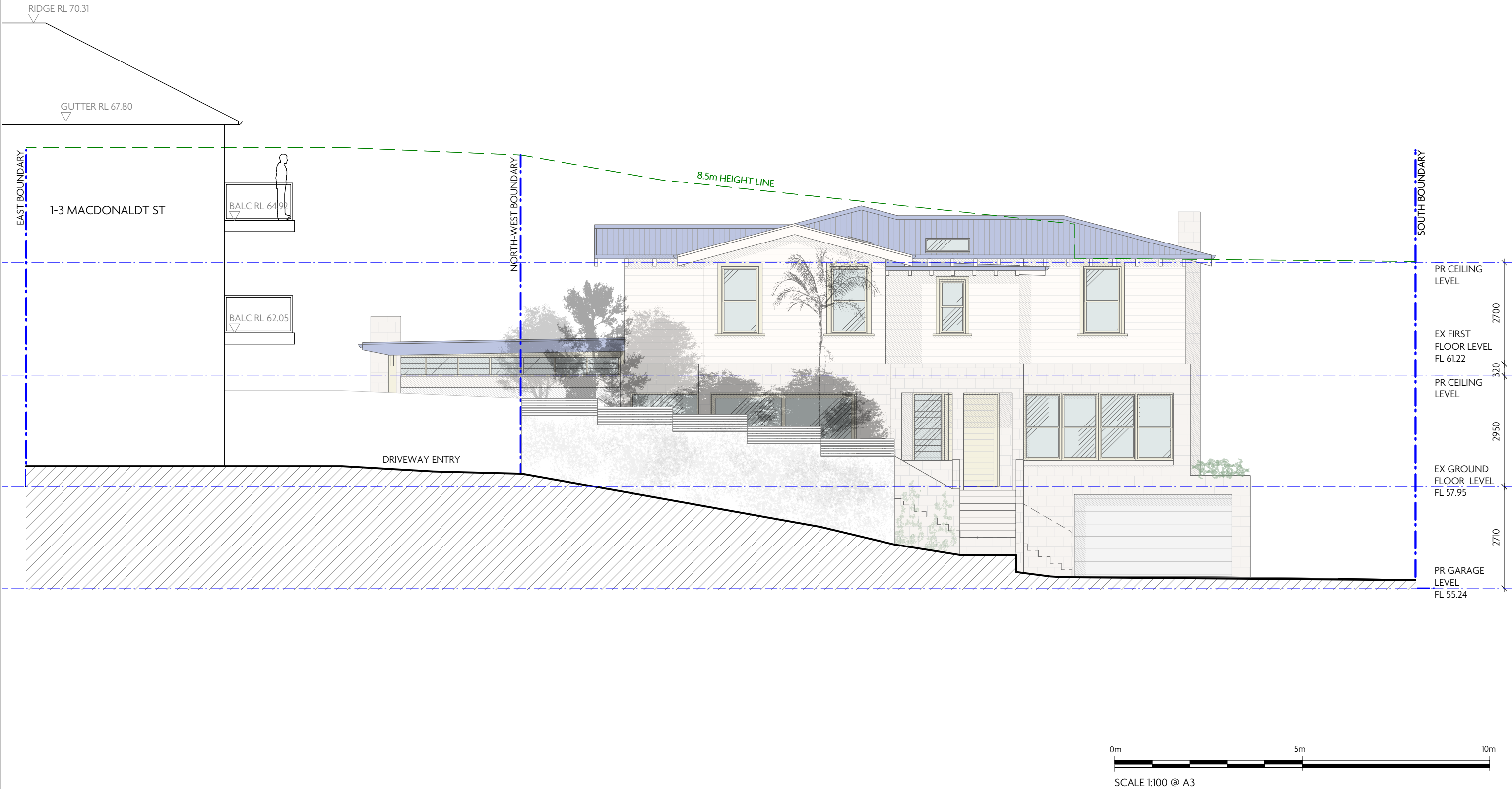
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DRAWN	AM	ISSUE	STAGE																							
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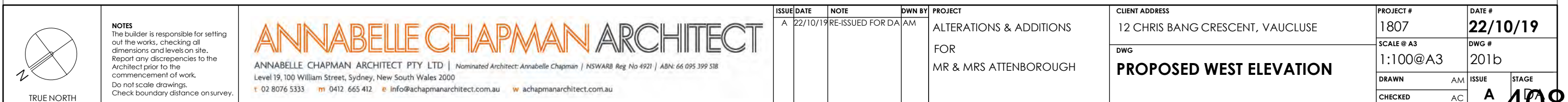




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FOR MR & MRS ATTENBOROUGH								DWG	SCALE @ A3	DWG #		
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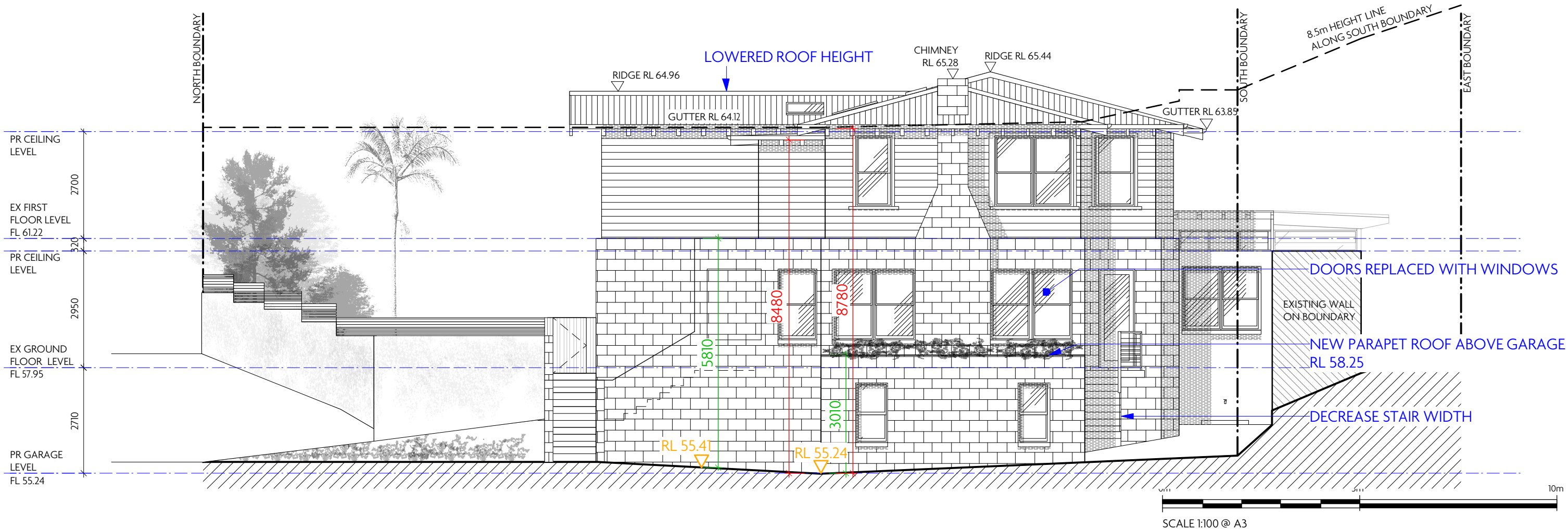
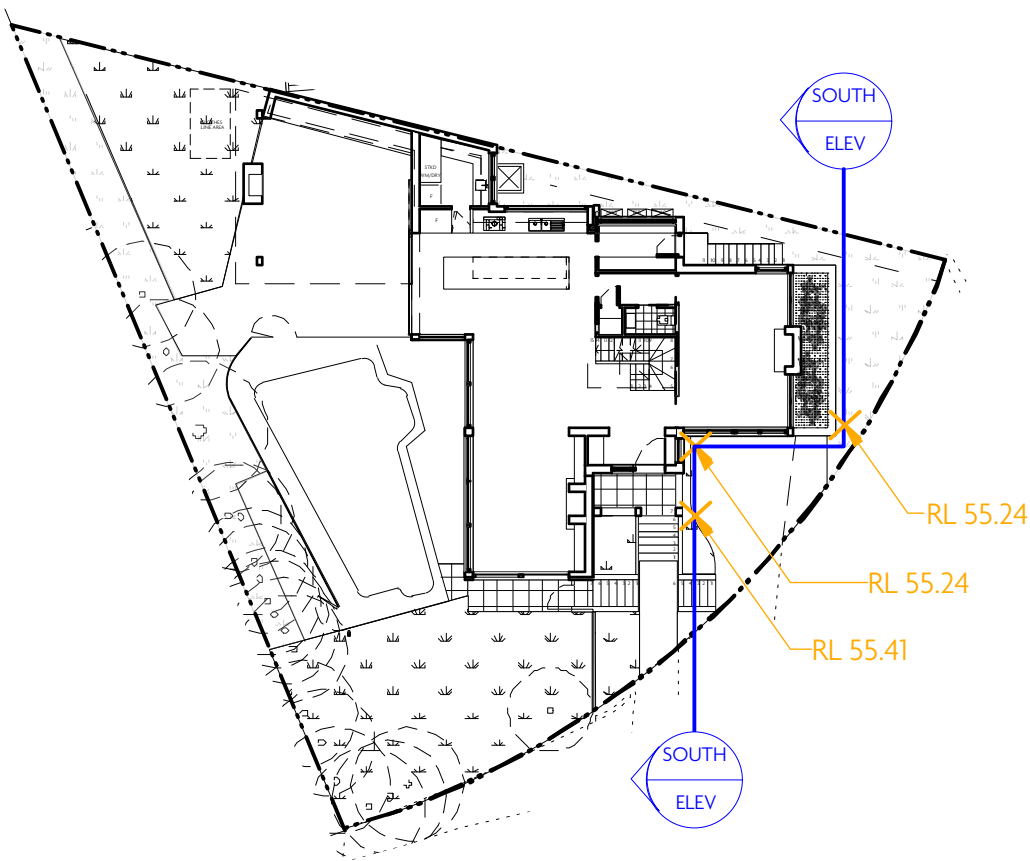
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Application No: DA-247/2019
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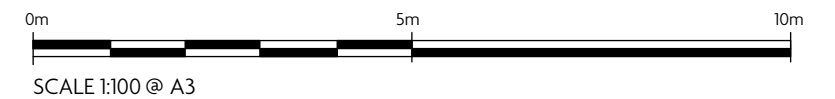
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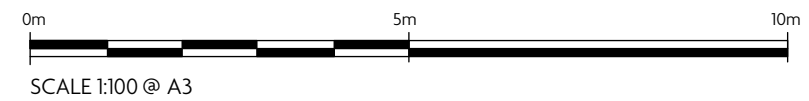
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CLIENT ADDRESS
12 CHRIS BANG CRESCENT, VAUCLUSE
DWG
PROPOSED SOUTH ELEVATION

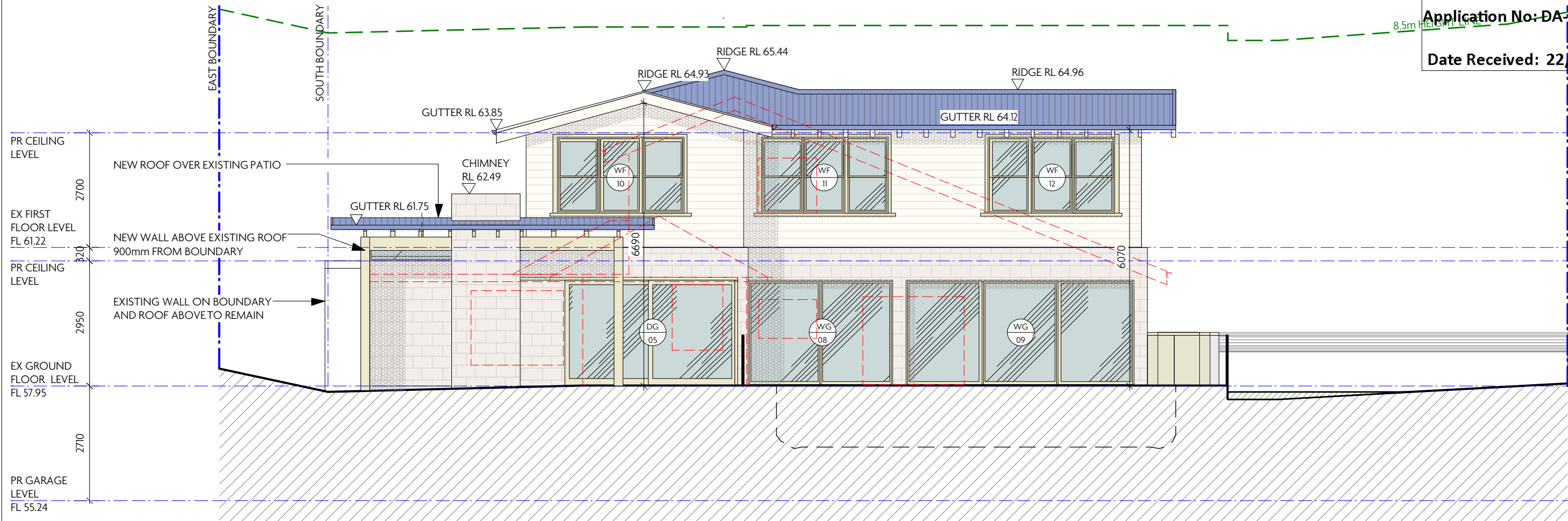
PROJECT # 1807	DATE # 22/10/19
SCALE @ A3 1:100@A3	DWG # 202a
DRAWN AM	ISSUE A
CHECKED AC	STAGE DA

411

CHANGES TO
COMPLIANT
NON-COMP
OTHER INFO



412



BASIX REQUIRMENTS

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m)	Distance (m)	Shading device	Frame and glass type
WL01	S	1.2	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WL02	S	1.2	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
DG01	W	1.6	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WG01	S	1.8	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WG02	W	7.2	0	0	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)	
DG02	S	3.8	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
DG03	S	3.8	0	0	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WG03	E	2.2	2.5	5.4	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
DG04	S	2.24	4	4.4	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WG04	E	1.9	3.1	3.2	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WG05	E	1.9	3.1	4.6	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WG06	S	3.2	3.1	3.3	none	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
DG05	N	10	9.5	22.6	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
SKY01	0.65	no shading	aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808)
SKY02	1.3	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
SKY03	1.3	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)

WG07	W	4	9.5	23.5	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WG08	N	8.6	9.5	23.7	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WG09	N	13.5	9.8	17	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
DG06	W	9.7	9.8	17	projection/height above sill ratio >=0.23	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF01	W	1.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF02	S	1.6	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF03	S	3.6	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF04	E	3.6	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF05	S	1.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF06	E	5.2	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF07	E	3.9	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF08	E	1.6	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF09	E	1.6	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF10	N	5.4	5.4	22.6	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF11	N	5.4	5.4	23	pergola (adjustable shade) >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF12	N	5.4	5.8	15	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF13	W	1.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF14	W	1.8	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)
WF15	W	1	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single toned, (or U-value: 5.67, SHGC: 0.49)

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor.	nil	
floor above existing dwelling or building.	nil	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R1.45 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)

Fixtures and systems

Hot water

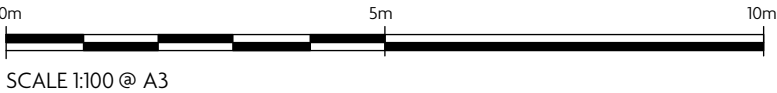
The applicant must install the following hot water system in the development: solar (gas-boosted) system that is eligible to create Renewable Energy Certificates under the (Commonwealth) Renewable Energy (Electricity) Regulations 2001 (incorporating Amendment Regulations 2005 (No. 2)).

Lighting

The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

Fixtures

The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.



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Application No: DA-247/2019

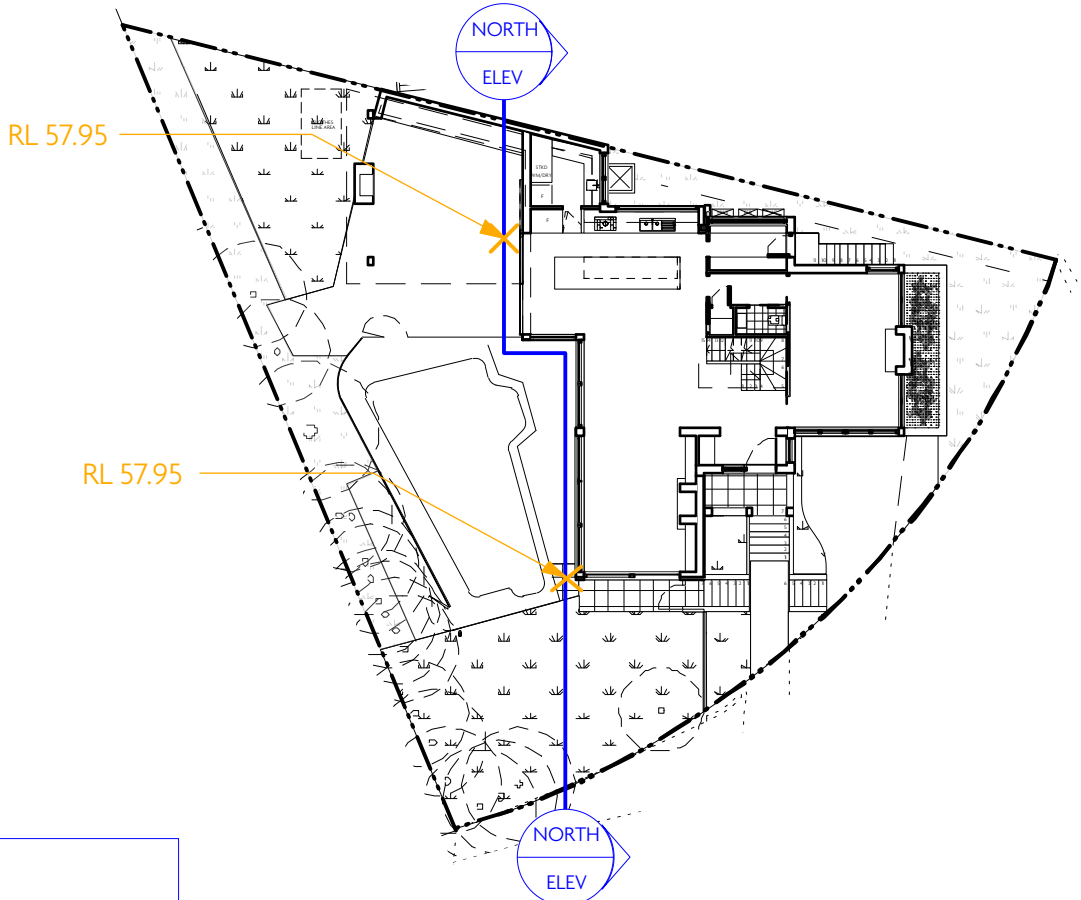
CHANGES TO ORIGINAL DA SUBMISSION - SHOWN IN BLUE

Date Received: 22/10/2019

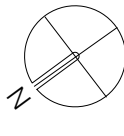
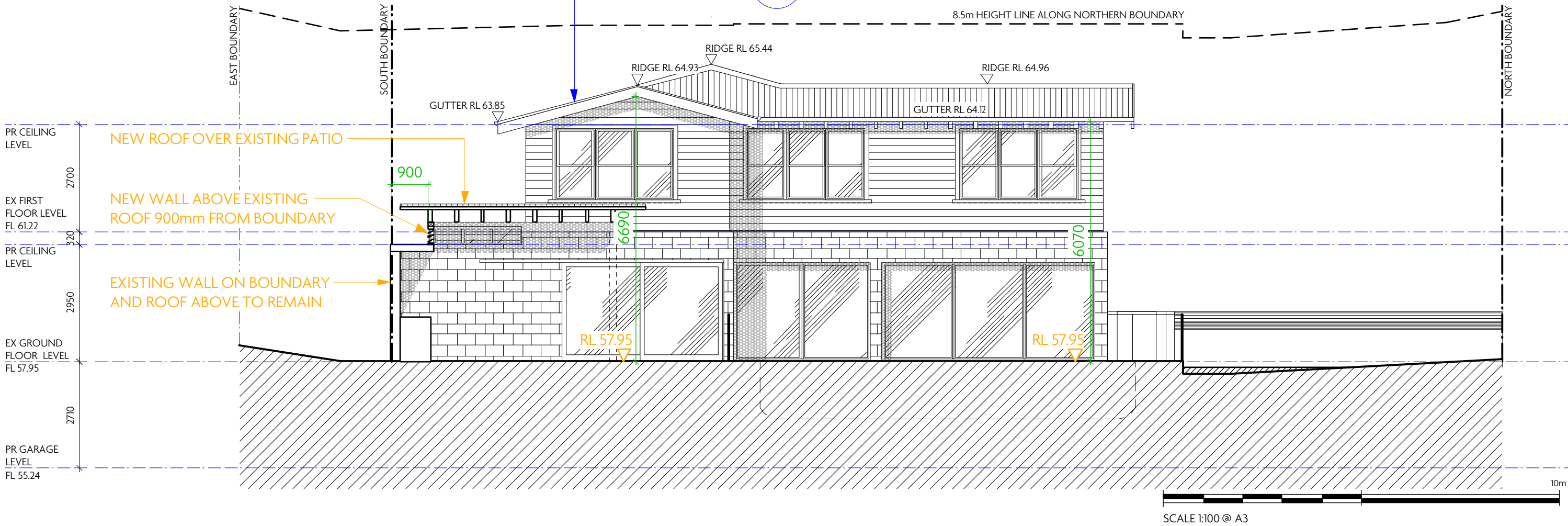
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NON-COMPLIANT INFORMATION - SHOWN IN RED

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LOWERED ROOF HEIGHT



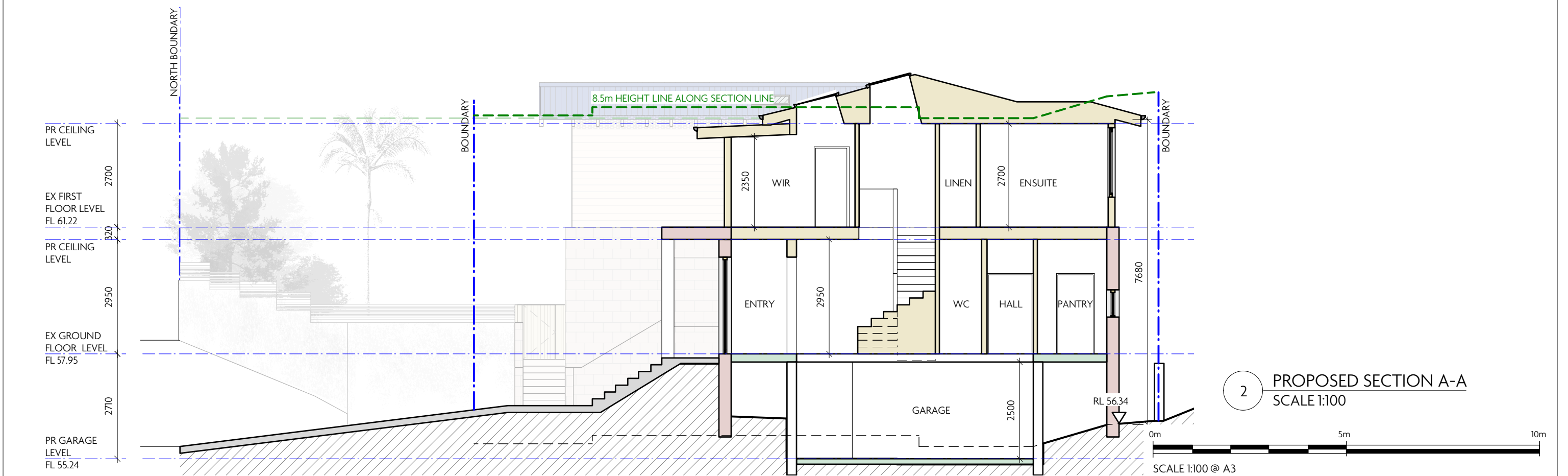
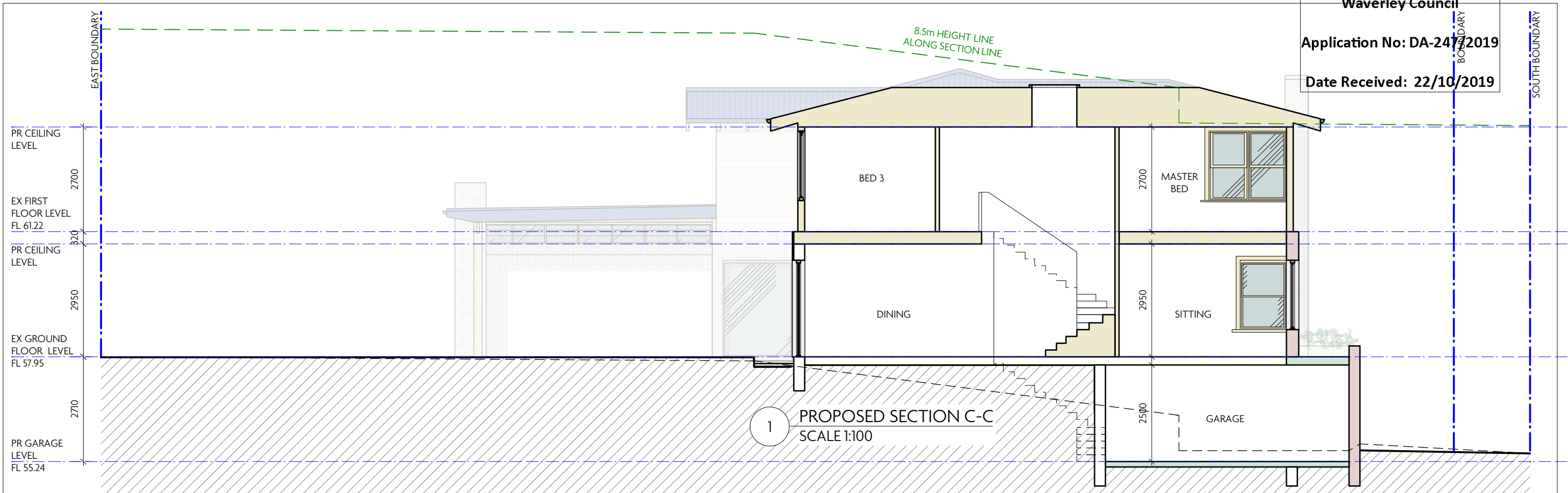
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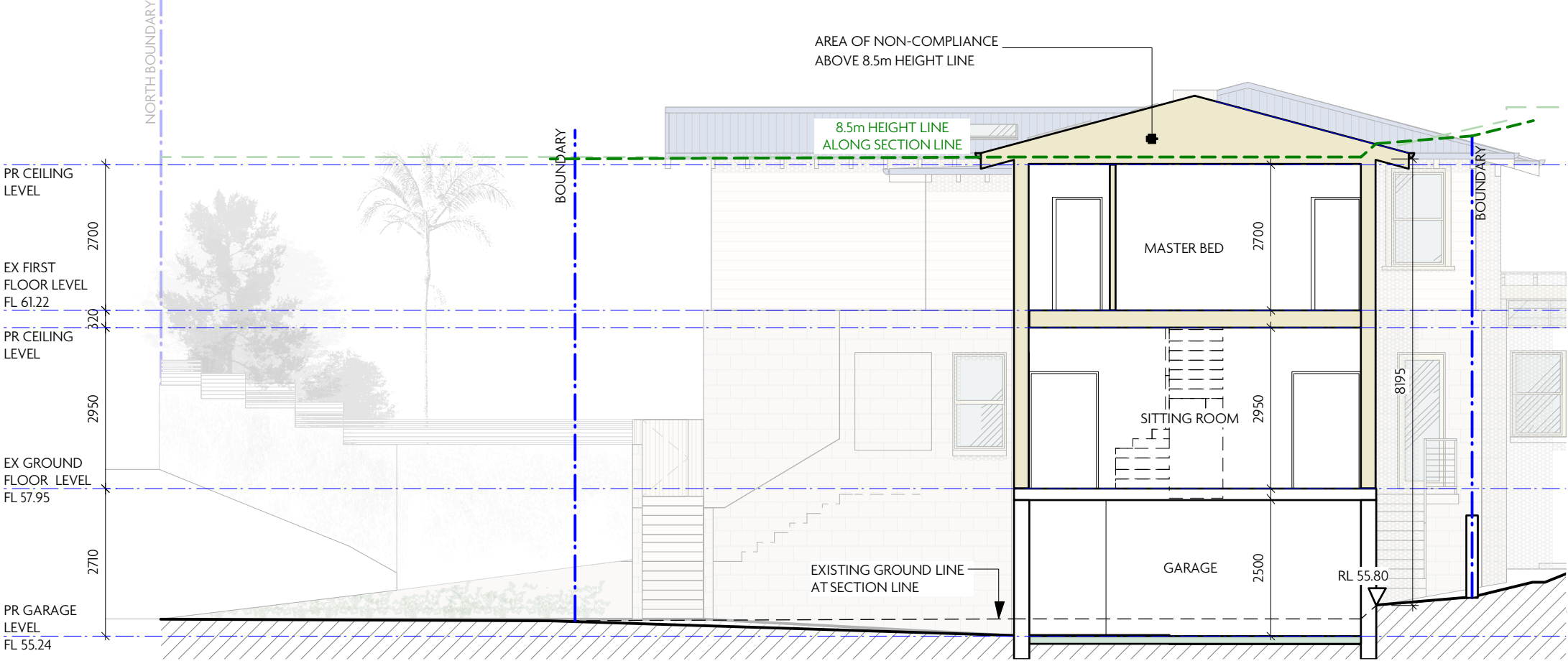
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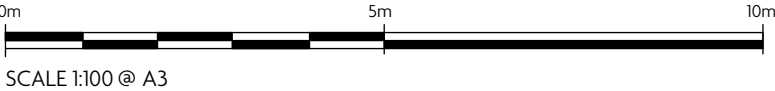
CLIENT ADDRESS	12 CHRIS BANG CRESCENT, VAUCLUSE
DWG	PROPOSED NORTH ELEVATION

PROJECT #	1807	DATE #	22/10/19
SCALE @ A3	1:100@A3	DWG #	204a
DRAWN	AM	ISSUE	A
CHECKED	AC	STAGE	DA





1 PROPOSED SECTION B-B
SCALE 1:100



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							FOR			
							MR & MRS ATTENBOROUGH			
							DWG	SCALE @ A3	DWG #	
								1:100@A3	302	
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								DRAWN AM	ISSUE	STAGE
								CHECKED AC	A	DA

Application No: DA-247/2019

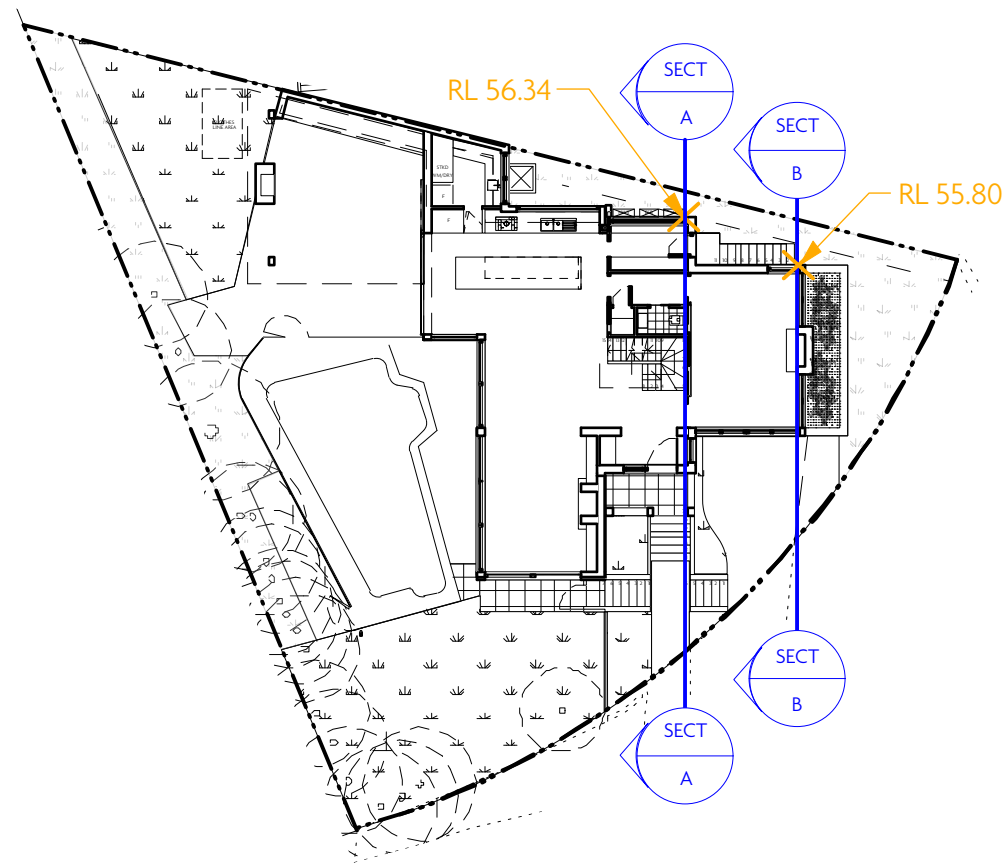
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COMPLIANT INFORMATION - SHOWN IN GREEN

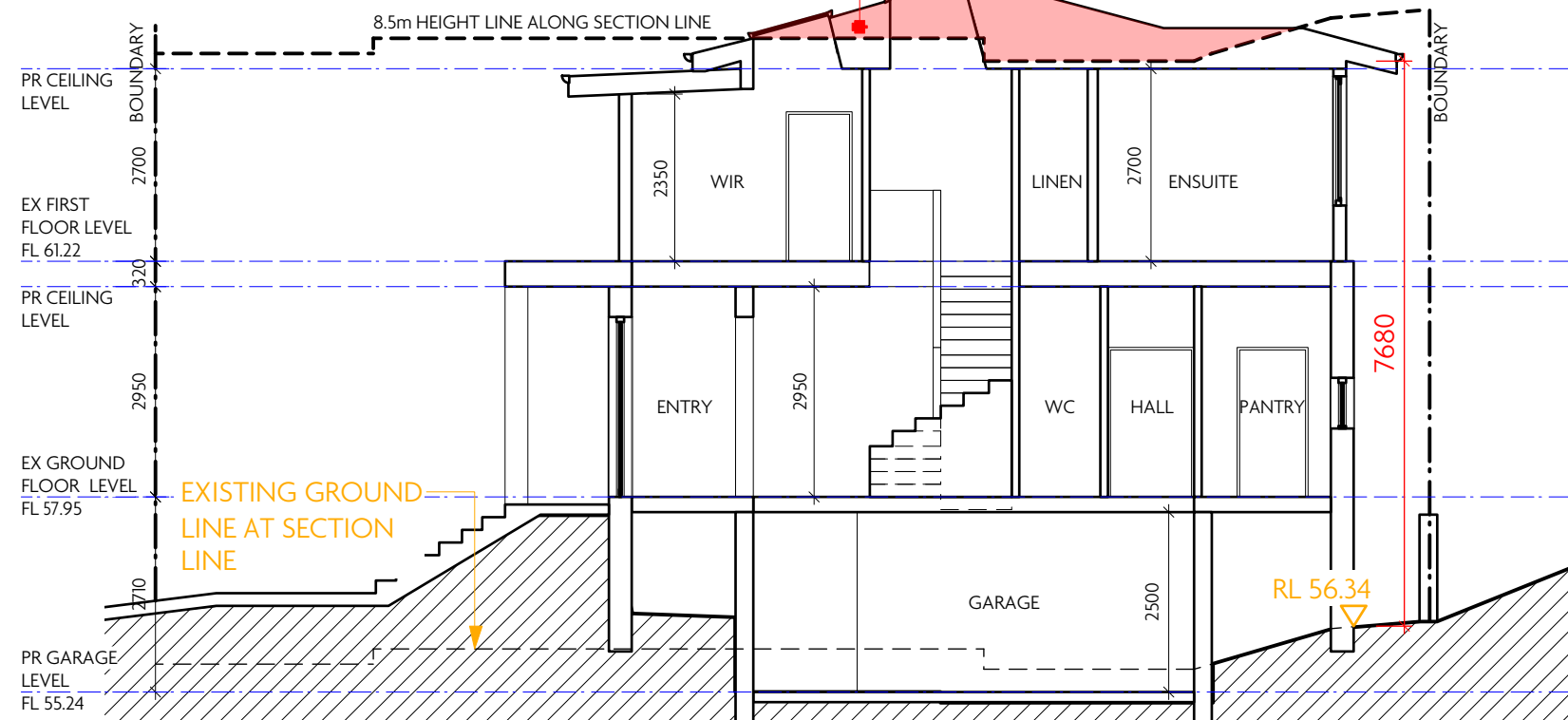
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NON-COMPLIANT INFORMATION - SHOWN IN RED

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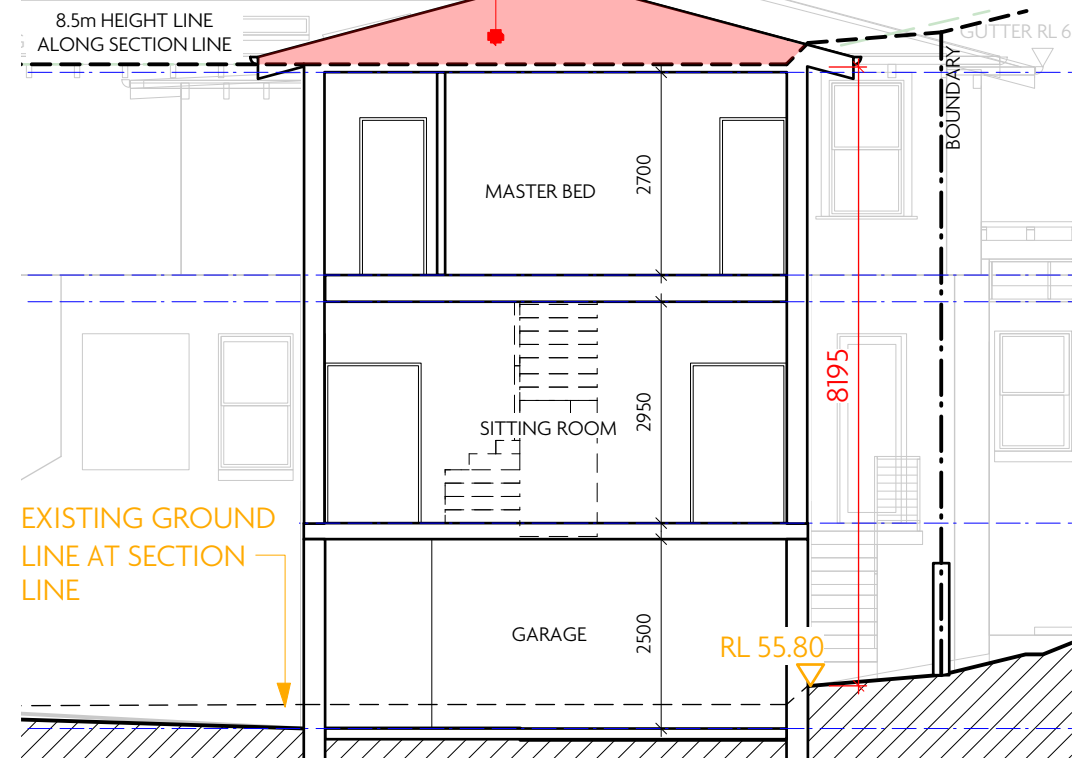


AREA OF NON-COMPLIANCE
ABOVE 8.5m HEIGHT LINE

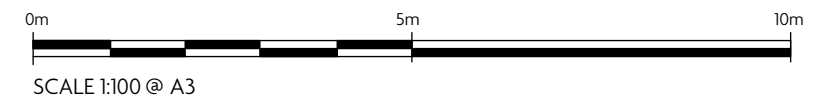


1 SECTION A-A
SCALE 1:100

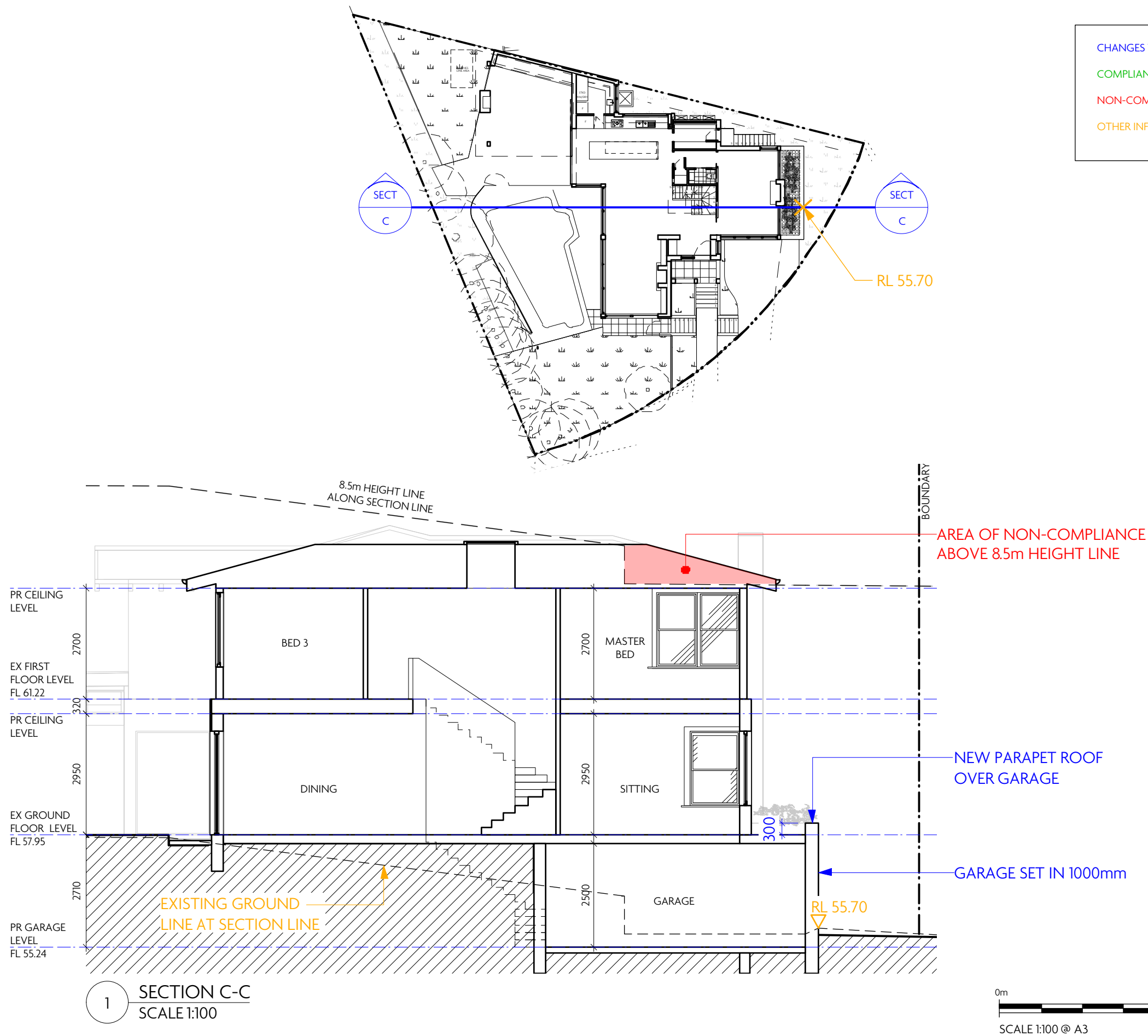
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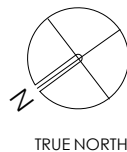
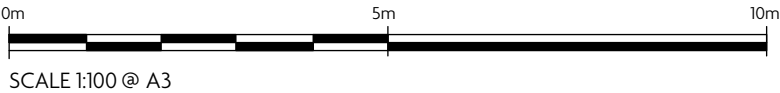
2 SECTION B-B
SCALE 1:100



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1 SECTION C-C
SCALE 1:100



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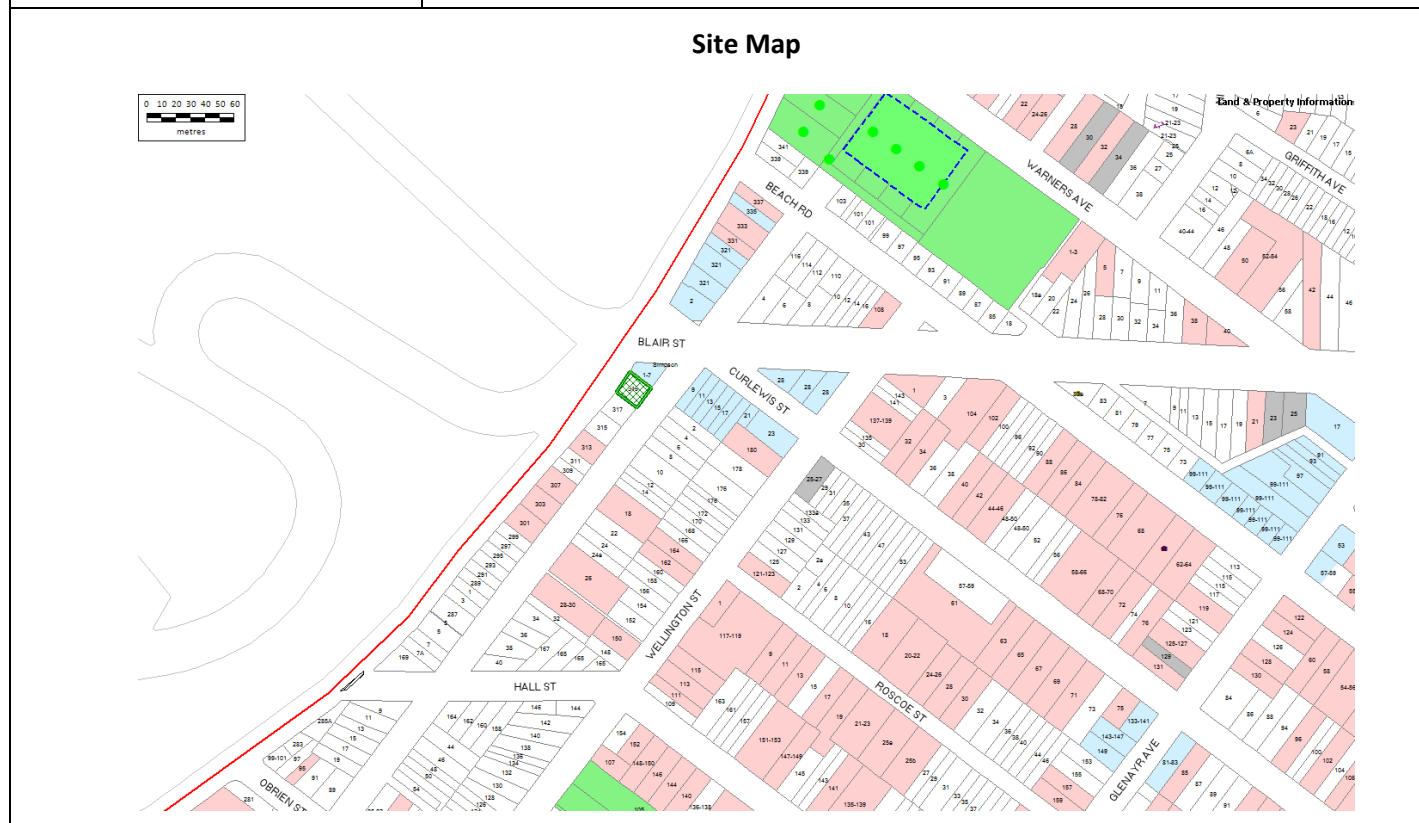
CLIENT ADDRESS	12 CHRIS BANG CRESCENT, VAUCLUSE
DWG	PROPOSED SECTIONS

PROJECT #	1807	DATE #	22/10/19
SCALE @ A3	1:100@A3	DWG #	302a
DRAWN	AM	ISSUE	A
CHECKED	AC	STAGE	DA



Report to the Waverley Local Planning Panel

Application number	DA-101/2019
Site address	319 Old South Head Road, Bondi Beach
Proposal	Demolition of the existing structures on the site and the construction of a new three storey residential flat building comprising five units (three of which are infill affordable housing) with basement car parking and Strata Subdivision
Date of lodgement	28 March 2019
Owner	Mrs S L Mineeff
Applicant	Mr Philip Perrie
Submissions	Five (original), three (amended)
Cost of works	\$2,188,393.32
Issues	Non-compliant height, FSR, separation distances
Recommendation	That the application be granted a deferred commencement consent



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 22 May 2019 and again on 18 November 2019.

The site is identified as Lot 1 in DP1159149, 319 Old South Head Road, Bondi Beach. It is located on the south-eastern side of Old South Head and has dual frontage to Simpson Street.

The site is generally regular in shape with a front boundary of 16.85m to Old South Head Road to the west, a south-eastern boundary of 16.765m to Simpson Street, a north-eastern side boundary of 18.615m and a south-western side boundary of 17.35m. The site has an area of 296.2m² and falls from the south-western side boundary towards the north-eastern boundary by approximately 2.5m.

The site is occupied by a single storey detached dwelling with off street parking provided in a detached garage accessed via Simpson Street.

The subject site is adjoined by a part one and part two storey dwelling to the south-west at 315 Old South Head Road. To the north-east at 1-7 Curlew Street is an existing two storey mixed commercial/residential development. This site is currently the subject of a development proposal for a four storey plus basement indoor recreation facility (DA-403/2018).

To the south-east of the subject site on the opposite side of Simpson Street is a two storey residential flat building at 2 Simpson Street and a part one part two storey dwelling at No.4 Simpson Street. To the north-west on the opposite side of Old South Head Road is a three storey mixed commercial/residential building comprising a motor vehicle repair station at ground floor level with residential above. To the north is the Woollahra Golf Course.



Figure 1: Subject site frontage to Old South Head Road



Figure 2: Subject site in streetscape context to Old South Head Road (site is on the left)



Figure 3: Site viewed from Simpson Street

1.2 Relevant History

The following relevant development history applies to the subject site:

- PD-40/2017: Pre-DA for the demolition of the existing building and the construction of a four storey shop top housing development finalised on 22 January 2018. This Pre-DA also incorporated the adjoining site to the north-east at 1-7 Curlewis Street.

Council is currently in receipt of a development application at 1-7 Curlewis Street which adjoins the subject site to the north-east. **DA-403/2018** for the demolition of the existing building and construction of a four storey plus basement recreation facility is currently under assessment. The development proposes a nil boundary setback at its south-western rear/side boundary for a height of 9.4m (that adjoins the subject site).

After preliminary assessment of the subject application, the application was deferred to address the following (summarised):

- FSR and height non-compliances
- Bulk, scale and privacy
- Design excellence
- Traffic
- Waste management
- Landscaping
- Further information

Amended plans and documentation were received on 26 August 2019 and renotified to surrounding properties. The amended plans form the subject of the assessment within this report.

1.3 Proposal

The proposal seeks consent for the demolition of all structures on the site and construction of a three-storey residential flat building with integrated basement car parking.

The proposal will provide five (5) apartments comprised of 1 x studio apartment, 2 x 1-bedroom units and 2 x 2 bedroom unit. The proposal also includes a level of basement car parking which accommodates 4 car parking spaces, 1 motorcycle space, 3 bicycle spaces and 5 storage cages.

Apartments 1 (studio), 2 (1 bedroom) and 5 (1 bedroom plus study) are to be allocated as affordable housing under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 which constitutes 49% of the gross floor area (GFA) of the proposed development.

The development is to be constructed of off form concrete, weathered steel cladding, sandstone cladding, aluminium framed windows/ doors and motorised louvered screens to balconies.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments, including State environmental planning policies (SEPPs), and development control plans.

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are incorporated into the Construction Certificate drawings and implemented.

2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for residential purposes. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP 65 Design Quality of Residential Apartment Development

The original proposal was referred to the Waverley Design Excellence Panel (DEP) on 20 May 2019. The Panel's comment of the proposed development with regard to the nine design quality principles under SEPP 65 are set out in **Table 1** below. A planning response is below each principle, where relevant, discussing the amended plans in relation to matters raised by the DEP.

Table 1: Assessment against the Nine Design Quality Principles under SEPP 65

Principle
Principle 1: Context and Neighbourhood
<i>The neighbour to the north-east has submitted a DA for a zero lot-line, four-storey, indoor recreation facility including a swimming pool, change rooms and gymnasium, with a simple building form unified on all street frontages by a vertical screen of louvres at varying angles. The proposal for 319 Old South Head Road has adopted the vertical screen expression and satisfactorily addresses the party wall on the boundary and the solar access needs of the neighbour to the south west.</i> <i>With respect to context the proposal is an acceptable response to the emerging character of the western end of Curlewis Street. However, the Panel considers that some adjustments need to be made as outlined below in this report.</i>
Planning comment: Noted. The applicant has since amended the louvre expression from vertical to horizontal to distinguish from the adjoining development and to provide improved amenity and operability to the proposed units.
Principle 2: Built Form and Scale
<i>The maximum FSR control for this site under the Affordable Housing is 1.1:1 (0.6:1 +0.5:1). The FSR sought is 1.18:1 – an extra 22.5m² on a 450m² lot. Any argument for increased density needs to be</i>

supported by excellent urban design, appropriate response to the context, high quality architectural, environment and landscape design, good amenity to all dwellings and reasonable impacts on neighbours

Given that the design does not achieve the required solar access to 70% of the units the Panel suggest that the following built form strategies be investigated:

- *Non-provision of carparking – the site is located in an area of high amenity and good public transport. The basement parking seems excessive in relation to the provision of affordable housing. The non-provision of carparking should be discussed with Council and would be supported by the Panel.*
- *No basement carparking would eliminate the need for the stair in the north-west corner*
- *The stair to Levels 1 and 2 could be an open stair rather than enclosed as it only connects 2 floors to the ground.*
- *Re-plan units 2 and 4 to achieve more solar access – they could run east west*
- *The large terrace to Unit 5 could be reduced in size to moderate the possible noise and privacy impacts to the immediate neighbour.*
- *The breach of the height control would not be necessary if the stair was an open stair without the need for clerestory windows. Otherwise, the small breach of the parapets could be considered acceptable as there does not appear to be any external impacts on neighbours or public space.*

Planning comment: The amended plans address a number of issues raised above as follows:

- The bulk and scale have been reduced by a reduction in floor space and height.
- 80% of units achieve the required solar access
- The roof area adjoining Unit 05 has the potential to be converted to useable private open space. It is recommended that any approval to be conditioned for this to be provided as a green roof.

The design changes are in response to the comments of the DEP and are considered to appropriately address the issues raised. In terms of the remaining issues raised by the DEP the following comments apply:

- Basement car parking is still to be provided which is considered to be satisfactory. The subject development is to be provided with sufficient areas of deep soil to support tree planting.

Principle 3: Density

The additional density being proposed is considered excessive unless improvements can be made as suggested under 2. Scale and Built Form.

Planning comment: The amended proposal appropriately addresses the bulk and scale concerns of the DEP.

Principle 4: Sustainability

Improvements to solar access need to be made to comply with the controls. The thermal performance of the concrete walls exposed to western sun should be considered as they have the potential to radiate heat into the habitable spaces well after the sun has set. The removal of the basement would provide a more sustainable outcome.

The proposal should also include:

- *consideration of solar hot water heaters and on-site water retention*
- *ceiling fans for bedrooms and living areas – which need to be clearly marked on the plans*

- *roof slabs with foam insulation covered with pebble ballast to provide effective thermal comfort to the top floor apartments.*

Planning comment: Improvements have been made to solar access to comply with the controls. Approval recommendation to include a condition requiring the provision of ceiling fans. Green roof to be provided to Apartment 05 as per condition requirement. Remainder of roof to be conditioned as per DEP requirements.

Principle 5: Landscape

The landscape design will need to be adjusted when the architectural planning is developed. There is potential for more deep soil areas if a basement is not needed. The removal of any existing trees should be noted on the drawings. The provision of new street trees should be discussed with Council.

Planning comment: The subject site is located within a habitat corridor. The application was referred to Council's Biodiversity officer and Tree Management officer for comment. Relevant conditions have been included in the recommendation.

Principle 6: Amenity

Generally, the planning arrangements are acceptable however changes will need to be made to improve solar access and reduce overlooking impacts on the neighbour.

Other issues include:

- *The entry area at the front doors to the ground floor units is restricted*
- *Noise from Old South Head Road – the operable vertical louvres on the balconies and bedroom windows may not solve this issue adequately, and as they are solid they will obstruct natural light and ventilation if they are closed. Vertical screens can also obstruct views more than horizontal screens*
- *The study nooks need to be discussed with Council as they could be considered as habitable spaces that should have windows*
- *Unit 5 planning - disproportionally large living, dining and balcony areas in relation to the kitchen; the laundry would be more pleasant to use if it were facing and accessed directly from the corridor; and the entry landing on the stair is restricted. Other planning arrangements for Unit 5 could be investigated.*

Planning comment: The above matters have been addressed in the amended plans.

Principle 7: Safety

The Panel questioned the footpath visibility for cars exiting the car lift.

Fire safety in any basement should consider equitable access to a safe area in case of a fire.

Planning comment: A condition regarding BCA compliance is included in Appendix A. The application was also referred to Council's Traffic Engineer who raised no objection subject to appropriate conditions.

Principle 8: Housing Diversity and Social Interaction

The provision of genuinely affordable housing is an important long-term issue. The Panel understands that under the provisions of the SEPP Affordable Housing the affordable component need only be offered at 80% of the market rental rate and this requirement is extinguished after 10 years. As this time period is short relative to the life of a building the Panel does not support the FSR exceedance beyond that of the SEPP.

Planning comment: The FSR exceedance has now been reduced to 9m² or 2.8%. This exceedance is addressed below under Waverley LEP 2012.

Principle 9: Aesthetics

The aesthetics and materiality are a reasonable response to the potential development on the corner however changes need to be considered in relation to massing and amenity as noted in this report.

Planning comment: These issues have been previously discussed and it is considered that the amended plans adequately address the previous issues raised by the DEP.

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in the table below.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
Part 3 Siting the development		
3B Orientation		
<ul style="list-style-type: none">Building types and layouts respond to the streetscape and site while optimising solar access within the development	Yes	The subject site has the advantage of dual frontages to both Old South Head Road to the north-west and Simpson Street to the south-east. The building has been designed to orientate to both frontages with entries proposed to both. Private open space areas and living areas are also orientated to both frontages to take advantage of solar access.
<ul style="list-style-type: none">Overshadowing of neighbouring properties is minimised during mid-winter.	Yes	Minor additional shadowing of the open space area of the adjoining property to the south-east at 3pm winter solstice. This is as a consequence of the orientation of the allotments, which is not considered to be unreasonable. Remainder of shadow falls predominantly within existing shadow and over the public domain with part shadow at 3pm over the frontages of the adjacent allotments on the opposite side of Simpson Street.

3C Public Domain Interface		
<ul style="list-style-type: none"> Transition between private and public domain is achieved without compromising safety and security. 	Yes	
3D Communal and Public Open Space		
<ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site 	No	There is no provision of communal open space on site, however, each unit is provided with large areas of private open space.
3E Deep Soil Zones		
<ul style="list-style-type: none"> 7% of site area and 3m minimum dimension 	No	34.7m ² of deep soil zone at south-western side boundary with minimum dimension of 2m. This equates to 11.7% of site area which is considered to be satisfactory to support tree planting.
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable and 3m non-habitable 	No	Minimum of 3m separation distance proposed to habitable room windows at ground and first floor level. Proposed windows have been limited in size and do not result in any unreasonable impacts on privacy. A large non-trafficable roof area is proposed at level 3 accessed from Apartment 05. There is potential for this roof area to be converted to a private terrace. Any approval to be conditioned for this roof to be provided as a non-trafficable green roof.
Part 4 Designing the building		
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter 	Yes	80% of units receive at least 2 hours mid-winter.
<ul style="list-style-type: none"> A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	100% of units receive direct sunlight
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated 	Yes	All habitable rooms are provided with at least one window for natural ventilation.
<ul style="list-style-type: none"> Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	All units are naturally cross ventilated.

2.1.4 SEPP (Infrastructure) 2007

101 Development with frontage to classified road

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal has frontage to Old South Head Road which is a classified road however vehicular access to the site is provided from Simpson Street. The driveway location in Simpson Street is considered the most appropriate vehicular entry point, particularly as the site is located within proximity of the busy intersection of Old South Head Road, Curlewis Street, Birriga Road and O'Sullivan Road.

The proposal for five (5) apartments with four (4) parking spaces will not result in unacceptable or unreasonable frequency of vehicles using the classified road.

In accordance with 2(c) above, an Acoustic Report has been provided with the application which assesses the noise intrusion from Old South Head Road and from within the development itself. The Acoustic Report provides a number of recommendations for construction. The acoustic report, including the recommendations, is referenced in the conditions of consent in Appendix A.

The proposal is considered to adequately address the provisions of the Infrastructure SEPP and can be supported in this respect.

102 Impact of road noise or vibration on non-road development

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*
- (a) residential accommodation,*
 - (b) a place of public worship,*
 - (c) a hospital,*
 - (d) an educational establishment or centre-based child care facility.*

- (2) *Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*
- (a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Old South Head Road has an average daily traffic volume in excess of 20,000 vehicles and as such the provisions of this clause are applicable to the proposed development. As detailed above, an Acoustic Report has been provided with the application which assesses the noise intrusion from Old South Head Road and provides recommendations in order to achieve the stated noise criteria in 102 (3) above. The Acoustic Report, including the recommendations, is referenced in the conditions of consent in Appendix A.

2.1.5 SEPP (Affordable Rental Housing) 2009

Part 2 Division 1 – In-fill affordable housing

Part 2 division 1 of SEPP (Affordable Rental Housing) 2009 (the ARHSEPP) relates to development for the purposes of in-fill affordable housing.

The subject site is zoned R3 Medium Density Residential and residential flat buildings are permissible with development consent. The site does not contain a heritage item or draft heritage item.

The site is located within 400m walking distance of a bus stop used by a regular bus service and as such is located within an accessible area.

Accordingly, this Division, and the following clauses, apply to the development application.

Table 3: Clause 13 Floor space ratios

Development Standard	Compliance	Planning Comment
13 - Floor space ratios:		Site = 296.2m ²
(1) 20% of GFA to be used for affordable housing; Total GFA = 332.2m ² 20% = 66.44m ²	Yes	The proposal will provide 49% (164.4m ²) of floor space as affordable housing and as such qualifies for the bonus.
(2) (a) if the existing maximum floor space ratio is 2.5:1 or less: (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or	No	As the development proposes only 49% as affordable housing, the bonus offered is 0.49:1 resulting in a total FSR control of 1.09:1 or 323m ² of GFA. The proposed FSR is 1.12:1 or 332m ² of GFA, a non-compliance of 2.8% (see further discussion below).

Development Standard	Compliance	Planning Comment
(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing. $Y = AH \div 100$		

Clause 14 - Standards that cannot be used to refuse consent

Clause 14 of the SEPP outlines that if the proposal complies with set standards, the application cannot be refused on the grounds of those standards. If the proposal does not comply with the standards of Clause 14, the consent authority reserves the right to refuse the application on those grounds. An assessment of the proposal has been carried out according to these standards as outlined in the table below.

Table 4: Clause 14 – Standards that cannot be used to refuse consent

Development Standard	Compliance	Planning Comment
Site area: • At least 450m ²	No	The site is 296.2m ²
Landscaped area: • 30% of the site	Yes	The proposal provides 33% of the site as landscaped area.
Deep soil zone: • 15% of site; • Min dimension of 3m; • If practicable, at least 2/3 at rear.	No	The proposal provides 11% of the site as deep soil the majority of which is contained along the side boundary with a minimum dimension of only 2m (the applicant contends compliance however, includes areas that are undersized).
Solar access: • Living rooms and POS of 70% of units receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter	Yes	100% of the affordable housing units receive 3 hours solar access to the principal area of private open space and living area windows being those units located on the Old South Head Road (north-western) façade of the development.
Parking: • At least 0.5 parking spaces for each dwelling containing 1 bedroom and at least 1 parking space for each dwelling containing 2 bedrooms and at least 1.5 parking spaces for each	Yes	A total of 2 spaces is required for the affordable housing units. A condition to this effect is provided in Appendix B.

Development Standard	Compliance	Planning Comment
dwelling containing 3 or more bedrooms.		
Dwelling size: 35sqm – studio; 50sqm – 1-bed; 70sqm – 2-bed; 95sqm – 3+ bed.	Yes	
16 – Continued application of SEPP 65	Yes	SEPP 65 applies and is discussed in detail in Tables 1 and 2 of this report.
16A – Character of local area	Yes	Refer to Table 1 of this report for discussion in relation to the comments of the Design Excellence Panel. The proposal is considered to appropriately respond to the emerging and desired future character of the local area. The amended proposal is compatible with the height, bulk and scale of surrounding and nearby development.
17 – Must be used for affordable housing for 10 years	Yes	A condition to this effect is included in Appendix B.
18 – Subdivision	Yes	Strata subdivision is proposed

2.1.6 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The relevant matters to be considered under the Waverley LEP 2012 for the proposed development are outlined below:

Table 5: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3 zone. The proposal is consistent with the objectives of the zone.
Part 4 Principal development standards		
4.3 Height of buildings • 9.5m	No	The proposed development provides a height of 9.8m exceeding the development standard by 300mm or 3.2%.

Provision	Compliance	Comment
4.4 Floor space ratio • 1.09:1	No	The proposal provides an FSR of 1.12:1, exceeding the development standard by 9m ² or 2.8%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not within a heritage conservation area or heritage listed. However, the site is located within close proximity to the Blair Street Landscape Conservation Area (C23). The proposal will not read within the streetscape of the conservation area being located further to the north. The proposal is consistent with the design of more contemporary development within the area and the desired future character.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	Class 5 – standard conditions will form part of the conditions of consent at Appendix B.
6.2 Earthworks	Yes	The proposal includes excavation of the site to provide a car park. A Geotechnical Investigation has not been provided with the application but will form part of the deferred commencement matters at Appendix A.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Waverley LEP 2012.

Exceptions to Development Standards

Clause 4.3 Height of buildings

The application seeks to vary the height of buildings development standard in Clause 4.3. The proposal has an overall building height of 9.8m, which exceeds the height of buildings development standard of 9.5m prescribed under Clause 4.3 of Waverley LEP 2012 by 300mm or 3%.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 2012 seeking to justify the contravention of the development standard by demonstrating:

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- b) That there are sufficient environmental planning grounds to justify contravening the standard.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height development standard on the following basis:

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- *The proposed building does not impact on any open space areas or established views. The additional height is for a building parapet and the building is generally compliant with the 9.5m building height control.*
 - *The proposed building complies with objective (a) of the building height control.*
 - *The land to the north of the site is zoned B4 Mixed Use and has a 13m building height control. The existing building on the adjoining site at 1-7 Curlewis Street is a large volume 2-storey commercial building generally built to its boundaries (including a part 2-storey boundary wall to the site's north boundary).*
 - *The building is modelled to complement the existing and likely new building on the adjoining B4 land.*
 - *The proposed building complies with Objective (d) of the building height control.*
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *As discussed above, the non-compliance with the building height control is minor, for an architectural reason (a parapet) and supported by the site's context.*
 - *The solar impacts of the building are also fully compliant with the relevant controls and there are no adverse environmental impacts associated with this non-compliance.*
 - *There are reasonable planning grounds to justify contravening the building height control in this instance.*

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- d) *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- e) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard as the objectives of the standard are achieved despite the non-compliance, in reference to one of the justifications/tests arising from *Wehbe v Pittwater Council* (2007) 156 LGERA 446.

The written request has outlined the minimal consequences of the non-compliance upon the environmental amenity of surrounding properties and the streetscape and has sufficiently argued that these consequences are reasonable. The written request has also highlighted that the extent of the non-compliance is minimal and inconsequential and provides a convincing argument that strict compliance would be burdensome on the proposal achieving orderly and economic use of the site to accommodate additional housing stock in the locality. Discussion below justifies how the development achieves the objectives of the development standard and the zone objectives despite the non-compliance with the development standard.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Clause 2.1 – Land Use Zone – R3 Medium Density Residential

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the relevant objectives of the R3 zoning in that it provides for the housing needs of the community with a variety of housing types within a medium density residential

environment. The proposed development will provide 49% of the development as affordable housing. There is a significant need for affordable housing within the Waverley Local Government Area and the subject development will provide a generous contribution to the affordable housing stock available. A condition will require that the affordable housing is retained for 10 years consistent with the requirements of the ARHSEPP.

The objectives of the height development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The subject site is not contained within the area designated as the Bondi Junction centre and as such, objectives (b) and (c) do not apply.

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*

The majority of the proposed development is contained within the height development standard for the site. The exception to this is a small portion of the parapet centre of the building.

In assessing the breach, consideration needs to be given as to whether the overall height of the development preserves the environmental amenity of neighbouring properties. Shadow diagrams submitted with the application demonstrate that there will be a minor increase in overshadowing to the adjoining property to the south-west from 9am to 12pm. This increase falls mainly on the frontage of the property from 9am to 10am and to part of the living/dining room window and outdoor patio between 10am and 11am. This is a minor increase with the majority of the proposed building height compliant in proximity of this adjoining building. The amenity of this property is preserved as at least 50% of the private open space of the adjoining property will receive solar access from 12pm to 3pm mid-winter in compliance with the Waverley DCP 2012.

The diagrams indicate that there will be an increase in overshadowing to the properties on the opposite side of Simpson Street at 2pm-3pm mid-winter, however the extent of this shadow impact is not unreasonable falling mainly on the frontages of these properties for a short period of time.

The height non-compliance is located in an area of the building which will not give rise to unreasonable additional overshadowing or impact upon amenity in terms of privacy. There is also no identified impacts upon views from surrounding properties. Additionally, the proposed non-compliance will not have unreasonable impacts upon views from the public domain.

As will be discussed under objective (d) below, to require strict compliance with the development standard will not give rise to improved amenity for surrounding properties and will result in a building with a poor presentation to the street due to the need for a reduction in the height of the parapet.

The proposed development is considered to be consistent with objective (a) of the height development standard.

(d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

The height non-compliance is due to the sloping topography of the site from south-west to north-east. This results in only a minor non-compliance with the height development standard by 300mm towards the centre of the building. To require strict compliance with the height development standard would result in a minor height reduction to the central parapet impacting upon the design of the building and the presentation to the street without any discernible reduction in impact upon the amenity of surrounding properties.

The height non-compliance will not result in a building with increased bulk and scale beyond that envisioned by the controls and the resultant building will be consistent with the desired future character of the locality. The proposal is considered to be consistent with objective (d) of the height development standard.

Conclusion

For the reasons provided above the requested variation to the height is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the height development standard and the R3 - *Medium Density Residential* zone.

Clause 4.4 Floor Space Ratio

The application seeks to vary the FSR development standard in Clause 4.4. The proposal has a total FSR of 1.12:1 or 332m² of gross floor area, which exceeds the FSR development standard of 1.09:1 prescribed under clause 4.4 of Waverley LEP 2012 and the bonus afforded the development under the ARHSEPP by 2.8%.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 2012 seeking to justify the contravention of the development standard by demonstrating:

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height development standard on the following basis:

- c) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- *The application is lodged under the Affordable Housing SEPP and there are no objectives to the clause 13 floor space control provisions of the SEPP. The Affordable Housing SEPP does have general aims at clause 3, that are provide below (relevant aims italics bold):*

“3 Aims of Policy

The aims of this Policy are as follows:

- a) *to provide a consistent planning regime for the provision of affordable rental housing,*
 - b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
 - c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
 - d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
 - e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
 - f) *to support local business centres by providing affordable rental housing for workers close to places of work,*
 - g) *to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.”*
- *The proposal complies with the relevant aims of the SEPP, that being aims (b), (d) and (f) that seek to promote affordable housing provision. There is a great need for affordable housing in the eastern suburbs of Sydney and Waverley Council has adopted affordable housing provision as one of its core corporate goals. The site is an appropriate location to address this need.*
 - *The SEPP also seeks to encourage affordable housing near a local business centre (aim (f)). which the proposal satisfies as the site abuts B4 Zoned land.*

In regards to the objectives of the floor space ratio development standard at Clause 4.4 of Waverley LEP, the applicant has provided the following justification:

- *The proposed building floor space does not equate to a building height that is inappropriate for the site, noting its context next to B4 zoned land with a 13m building height control and the minor variation sought to the 9.5m building height control.*
- *The additional floor space sought is in part the result of the site abutting B4 land and the urban design requirements of this relationship. The existing and proposed building on the adjoining B4 land presents a boundary wall to the north side of the site and it is rational building practice to build to this wall. This site opportunity allows for additional floor space via a nil building setback to the north side/B4 zone land.*
- *The degree of non-compliance is minor 2.8% or 9.3m² and the result of Council’s request to locate the waste room in a more accessible location, hence it has been moved from the basement to the ground floor. When located on the ground floor the waste room becomes part of calculable GFA. If the waste room was retained in the basement the percentage of affordable housing in the development would rise to 50.5% and the building would be compliant with the Affordable SEPP FSR control. In this instance, the actual bulk and scale*

of the building approximates the expected building under the relevant FSR control. The non-compliance is in part to provide an amenity to the building and allow better waste management in the form of an at-grade waste room. This is a positive impact in terms of the amenity of the locality.

- *When the site's zoning and policy context is considered a building as proposed, that is a functional 2-3 storey building, is warranted on merit ground. The resultant non-compliance with the floor space control is reasonable in the circumstances of the case.*
- d) That there are sufficient environmental planning grounds to justify contravening the standard:
- *The site adjoins B4 land, a boundary wall to its north side boundary and provides affordable housing in an appropriate location. There are adequate planning merit grounds for the small variation to the floor space control sought.*
 - *Consideration should also be given to clause 4.4A "Exceptions to floor space ratio" in the LEP that allows for more floor space on smaller sites. The clause is provided below:
"Despite clause 4.4, the maximum floor space ratio for a dwelling house or dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential is as follows:*
 - *for lots with an area less than 100 square metres—1:1,*
 - *for lots with an area of 100 square metres to 550 square metres— $[(550 - \text{lot area}) \times 0.0011] + 0.5$:1,*
 - *for lots with an area greater than 550 square metres—0.5:1."**Utilising the above formula, the applicable FSR control for the site for dual occupancy development (where one dwelling is dedicated to affordable housing) is $0.78:1 + 0.5:1 = 1.28:1$.*
 - *For a part affordable housing dual occupancy, the maximum permissible GFA achievable on the site is 379m² or an FSR of 1.28:1. The proposal is 46.8m² (or 12%) under this nominal maximum FSR control for the site and provides for a more diverse mix of housing better suited to site context. The site is better suited to smaller dwellings than large dual occupancy style housing.*
 - *Also, as stated if the waste room were in the basement the amended building would be fully compliant with the FSR control. The non-compliance with the FSR control is to allow for a more accessible waste room and in this sense, the FSR non-compliance is a better outcome than compliance.*
 - *Compliance with the FSR standard is inappropriate, considering a bulkier residential building could be built under clause 4.4A of the LEP on the land without a Clause 4.6 Request. This non-compliance is minor and for a planning purpose (an accessible waste facility).*
 - *There are planning ground to vary the FSR control in this instance.*

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- c) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- d) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- e) *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- f) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard as the objectives of the standard are achieved despite the non-compliance, in reference to one of the justifications/tests arising from *Wehbe v Pittwater Council* (2007) 156 LGERA 446.

The written request has outlined the minimal consequences of the non-compliance upon the environmental amenity of surrounding properties and the streetscape and has sufficiently argued that these consequences are reasonable. The written request has also highlighted that the extent of the non-compliance is minimal and inconsequential and provides a convincing argument that strict compliance would be burdensome on the proposal achieving orderly and economic use of the site to accommodate additional housing stock in the locality. Discussion below justifies how the development achieves the objectives of the development standard and the zone objectives despite the non-compliance with the development standard.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Clause 2.1 – Land Use Zone – R3 Medium Density Residential

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the relevant objectives of the R3 zoning in that it provides for the housing needs of the community with a variety of housing types within a medium density residential

environment. The proposed development will provide 49% of the development as affordable housing. There is a significant need for affordable housing within the Waverley Local Government Area and the subject development will provide a generous contribution to the affordable housing stock available. A condition will require that the affordable housing is retained for 10 years consistent with the requirements of the ARHSEPP.

Clause 4.4 – Floor Space Ratio

The objectives of the FSR development standard are as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

The subject site is not contained within the area designated as the Bondi Junction centre and as such, objective (a) does not apply.

- (b) to provide an appropriate correlation between maximum building heights and density controls,*

The development on the site proposes a total gross floor area of 332m², exceeding the standard by 9.3m² or 2.8%. It is noted that this floor space exceedance relates mainly to the requirement for the waste room to be relocated from the Basement level to ground floor level where it becomes calculable floor space. As will be discussed under objective (d) below, to require strict compliance with the development standard will not give rise to improved amenity for surrounding properties. The proposed development is considered to be consistent with objective (b) of the FSR development standard.

- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*

The subject development provides an appropriate transition between the adjoining property to the north which is zoned B4 Mixed Use with a 13m height standard and 1.5:1 FSR standard. The proposed development is compatible in bulk and scale with the desired future character of the locality.

- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

In assessing the breach, consideration needs to be given as to whether the overall scale of the development preserves the environmental amenity of neighbouring properties and does not result in adverse impacts on the amenity of the locality. Shadow diagrams submitted with the application demonstrate that there will be a minor increase in overshadowing to the adjoining property to the south-west from 9am to 12pm. This increase falls mainly on the frontage of the property from 9am to 10am and to part of the living/dining room window and outdoor patio between 10am and 11am. This is a minor increase which would not be resolved if the building was FSR compliant. The amenity of this property is preserved as at least 50% of the private open space of the adjoining property will receive solar access from 12pm to 3pm mid-winter in compliance with the Waverley DCP 2012. Notwithstanding this, a reduction in floor space by 9m² to ensure compliance would not alter the minimal shadow impacts to the adjoining property given the orientation of the allotments.

The diagrams indicate that there will be an increase in overshadowing to the properties on the opposite side of Simpson Street at 2pm-3pm mid-winter, however the extent of this shadow impact is not unreasonable falling mainly on the frontages of these properties for a short period of time.

A site inspection undertaken on 11 April 2019 and subsequently on 18 November 2019 did not identify any impacts on views as a result of the proposed redevelopment and no submissions were received which raised an issue with the loss of views.

It is recommended that appropriate conditions be imposed to address overlooking from the roof terrace area adjoining Apartment 05. Having regard to the above matters, it is considered that the proposed minor FSR non-compliance will preserve the amenity of neighbouring properties and will not result in adverse impacts on the locality and can be supported.

Conclusion

For the reasons provided above the requested variation to the FSR is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the FSR development standard and the R3 - *Medium Density Residential* zone.

2.1.7 Waverley Development Control Plan 2012

The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

Table 6: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste 1.4.1.1 Storage <ul style="list-style-type: none"> Bin storage area to be provided with rates in B1-2 1.4.1.2 – Residential <ul style="list-style-type: none"> Bulky waste storage area To be provided and bulky problem waste area with rates. > 3 storeys convenient waste transport system (ie. Chute) 1.4.2 – Access and Collection 1.4.3 – Amenity 1.4.4- Management 	No, condition	<p>A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent will be imposed regarding ongoing waste management on site.</p> <p>The waste and recycling storage area is located at ground level to the Simpson Street frontage of the property, which is a convenient location for users of the site. The applicant however has still miscalculated the number of bins as part of the amended plans which is to be addressed by condition at Appendix B.</p> <p>Council's Waste and Recycling Officer has reviewed the proposal and the waste management plan submitted with the proposal and raised no objections subject to the imposition of conditions relating to the size of waste storage areas, number of bins and ongoing management of waste.</p>

Development Control	Compliance	Comment
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.
3. Landscaping and Biodiversity	Condition	An amended landscape plan is required.
5. Tree preservation	Yes	The application was referred to Council's Tree Management Officer who supported the removal of a number of trees subject to the planting of replacement trees.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
7. Accessibility and adaptability	Yes	Conditions of consent are recommended to ensure that the proposed works comply with the access standards.
8. Transport 8.1 – Streetscape 8.2 – On Site Parking Zone 1 <ul style="list-style-type: none"> • Vehicle Access • Car parking Provision Rates • Motorcycle Parking • Bike Parking 8.4 – Pedestrian/Bicycle Circulation and Safety 8.6 - Traffic and transport Management Plan	Yes	<p>The proposal provides a driveway from Simpson Street to a car lift providing access to basement parking.</p> <p>The vehicular access to the site is limited to one cross over. The amended proposal was referred to Council's Traffic Engineer for comment who has advised that the submitted long sections are still unsatisfactory. This, however, can be addressed as a deferred commencement matter.</p> <p>The parking rate requirement differs between the affordable units and the non-affordable units. As previously discussed in Table 4, the ARSEPP is a higher order control and overrides the provisions of the DCP. In this regard, a minimum of 2 spaces are required for the affordable housing units.</p> <p>In terms of the non-affordable units the following maximum parking is allowable (noting that the minimum is nil spaces) under the DCP:</p> <ul style="list-style-type: none"> • 2 x 2-bed = 1.8 spaces • Visitor spaces = 0.4 spaces <p>A maximum of 2 spaces for the non-affordable housing units is allowable. As previously outlined in section 2.1.5 of this report, the minimum requirement under the SEPP is two (2) spaces.</p> <p>The proposal provides four (4) spaces at basement level.</p>

Development Control	Compliance	Comment
		<p>One (1) motorcycle space as per the requirement of the DCP is also provided within the basement car park. The proposal provides three (3) bicycle parking spaces, however, it is recommended that a bicycle space be allocated to each unit.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP, subject to conditions. Also refer to Section 3 of this report for comments from Council's Traffic Engineer.</p>
10. Safety	Yes	The proposal is consistent with the objectives of this part of the DCP.
14. Excavation	Condition	The proposed excavation does not add to the scale of the building. Appropriate conditions are included in Appendix A and B in regards to the excavation.
16. Public Domain	Yes	Conditions in regards to improvements within the public domain are included in Appendix B.

Table 7: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table

Development Control	Compliance	Comment
4.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m – R3 zone 	Yes	Site frontage of 16.85m
4.2 Height		
<ul style="list-style-type: none"> Refer to the LEP 	Yes	This matter is discussed above and meets the objectives of the DCP control.
4.3 – Excavation		
<ul style="list-style-type: none"> Fill shall not be used to raise the ground level. 	Yes	There will be limited use of fill on site.
<ul style="list-style-type: none"> Not within a 1.5m setback from side boundaries and only within the building footprint except where access to a basement car park is required. 	No	The excavation is built up to the side boundaries of the site to accommodate the basement car park. The proposed earthworks do not add to the bulk and scale of the building on site but are required to extend to the boundaries due to the site constraints. The submission of a Geotechnical assessment report will be required as a deferred commencement matter.
<ul style="list-style-type: none"> Basement car parking is to be located fully below natural ground level or max 1.2m above ground 	Yes	
<ul style="list-style-type: none"> Excavation should not add to the visual bulk and scale of the building. 		
<ul style="list-style-type: none"> Existing natural features including trees and sandstone walls should be retained 	Partial	The proposal requires the removal of trees on site which has been addressed by Council's Tree Management officer.

Development Control	Compliance	Comment
<ul style="list-style-type: none">OSD to be within the excavated area.	Yes	
4.4 Streetscape		
<ul style="list-style-type: none">Setbacks to be consistent with building line along the street	Yes	The amended proposal retains the predominant street setback.
<ul style="list-style-type: none">Maintain existing trees	No	The application was referred to Council’s Tree Management officer who raised no objection subject to planting.
<ul style="list-style-type: none">Front setback to provide deep soil landscaping	Partial	Undersized areas at the property frontages to accommodate tree planting. Basement extends predominantly property boundaries given site constraints which can be supported.
<ul style="list-style-type: none">Sympathetic external finishes	Yes	The external finishes are considered appropriate.
<ul style="list-style-type: none">Setbacks above street frontage height are to be included where the adjacent buildings includes upper level setbacks	Yes	The development has been provided with upper level setbacks and appropriate articulation especially to both street frontages. The development provides a suitable transition between the adjoining shop top housing building to the to the north and the adjoining lower density residential dwellings to the south-west. Maximum building length of 14.5m
<ul style="list-style-type: none">Max building length to the street is 24m.	Yes	
<ul style="list-style-type: none">Buildings to be articulated to respond to the streetscape.	Yes	
4.5 Building Design and Streetscape		
<ul style="list-style-type: none">Building design is to respond to the existing streetscape character of the area.	Yes	The design is considered appropriate responding to the context of the site and the desired future character of the area.
<ul style="list-style-type: none">The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building.	Yes	
4.6 Fences and walls		
<ul style="list-style-type: none">Front fence to be provided where it is characteristic of the street	Yes	New fences are proposed to Old South Head Rd and Simpson Street boundaries to a maximum height of 1.8m. This is suitable given the sites location. It is noted that the existing fence to Old South Head Road is located outside the boundary of the subject site, encroaching into Council’s road reserve. Any approval to be conditioned ensuring all works are contained within the property boundaries.
<ul style="list-style-type: none">Front fences must have a max proportion of two thirds solid to one third open design.	Yes	
<ul style="list-style-type: none">Front fences up to a height of 1.8m and/or of	Yes	

Development Control	Compliance	Comment
<p>solid material provided it can be shown that the fence acts as an effective noise barrier as a result of adjoining a street with high traffic volume.</p> <ul style="list-style-type: none"> Fences are to respond to the architectural character of the street in terms of materials used, predominant height, vertical/horizontal rhythm and predominant setback. Sightlines between pedestrians and vehicles exiting the site are not to be obscured and gates do not open over the public roadway or footpath or into parks. 	<p>Yes</p> <p>Yes</p>	
4.7 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Provided from secondary street or lane Pedestrian safety considered Basement parking should not contravene deep soil zone controls 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>The car parking is integrated into the design of the building being located below ground.</p> <p>The proposal provides a single driveway access point to the car lift from Simpson Street.</p> <p>There will be sufficient sightlines available from the driveway.</p> <p>Deep soil zones are retained at the side of the site, however, the width of is limited to two (2) metres due to the site constraints.</p>
4.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Entry is provided from street level from Old South Head Road and Simpson Street. The entry points are accessible, legible and separate to the vehicular entry from Simpson Street.</p>
4.9 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 89m² 50% of the above is to be deep soil: 44.5m² 	<p>Yes</p> <p>No</p>	<p>The landscaped area is 98m² or 33% of the site.</p> <p>The applicant states that the deep soil is 44.6m², however, this includes those areas that are not</p>

Development Control	Compliance	Comment
		of the required width. Whilst these areas are undersized, the provision of a basement car park limits the opportunity for greater widths to be provided to ensure compliance given the constraints of the site.
4.10- Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Views from public spaces to be maintained. 	Yes	A site inspection was held on 22 May and 18 November 2019 which did not identify any impacts on views as a result of the proposed development. No submissions were received which identified a view loss impact.
	Yes	
4.11 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible Above ground open space must not overlook rooms and private landscaped areas of adjoining properties unless screened Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Privacy be considered in relation to context density, separation use and design. 	Yes	All units are orientated to the street.
	Yes	Whilst not identified as private open space, there is scope for the roof area adjoining Apartment 05 at the second floor to be utilised as a private roof terrace. This has the potential of impacting on the privacy enjoyed by the adjoining property to the south-west. It is recommended that this area be amended to a green roof that is non-trafficable.
	Yes	The proposal involves reduced separation distance between the subject development and the adjoining property to the south-west, however, subject to appropriate conditions regarding overlooking, it is considered that the amenity of the property is preserved.
4.12 Acoustic privacy		
<ul style="list-style-type: none"> Sound proofing through acoustic glazing Internal amenity by locating noisy areas away from quiet areas 	Condition	
	Yes	
4.13 Building services		
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided Services are to be integrated into the design of buildings Plant rooms away from entry communal and 	No	Each unit is provided with an internal laundry.
	Yes	All services are integrated into the design of the development. Plant is located within the basement.
	Yes	

Development Control	Compliance	Comment
private open spaces and bedrooms. • Building services setback from walls, edges and front entrances • Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge	Yes Not shown	

2.2 Other Impacts of the Development

The proposed development is capable of complying with the NCC.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development.

2.4 Any Submissions

The original application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Five submissions were received.

The amended application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Three submissions were received.

The issues raised in the submissions are summarised and discussed below.

Table 3: Summary of property addresses that lodged a submission

Property
315 Old South Head Road, Bondi Beach (original)
317 Old South Head Road, Bondi Beach (original and amended)
Unit 1 / 2 Simpson Street, Bondi Beach (original and amended)
Unit 2 / 2 Simpson Street, Bondi Beach (original and amended)
4 Simpson Street, Bondi Beach (original)

Issue:

- Height
- FSR
- Increased traffic and insufficient car parking
- Overshadowing
- Privacy
- Not in accordance with the Waverley LEP 2012

- Bin storage
- Amount of open space

Response: These issues have been discussed previously in this report.

Issue: Social issues associated with affordable housing

Response: This issue does not provide a justifiable reason to refuse the application under the EP&A Act 1979.

Issue: Noise and damage during construction

Response: Suitable conditions will be imposed to address these issues accordingly.

2.5 Public Interest

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

3.1 Urban Design

The original proposal was referred to Council's Urban Designer with the following recommendations provided (full detailed comments provided on file):

Overall, there is general support for the design approach proposed in the current design. The use of the party wall and the staggered setback to the neighbouring residential property is supported. However there are some modifications outlined above that aim to achieve better urban design and landscape design outcomes. These recommendations seek to improve the relationship between the building and the streetscape through modifications to the internal layout, private open space and the design of the fence. The removal of the underground car parking is recommended and will significantly improve the relationship of the building to the street and the amount of deep soil provision for significant tree and vegetation planting.

The application has been amended to address a number of issues raised by Council's Urban Designer with the exception of the provision for basement car parking. Whilst the removal of the basement would promote additional deep soil landscaping, it removes the benefit of the availability of off street car parking in this already at capacity area for on street parking. It is considered that the development as amended can be supported.

3.2 Waste and Recycling

Conditions were recommended which are included in Appendix B.

3.3 Traffic and Development

The following comments were provided in response to the amended proposal:

I have reviewed the amended traffic report and long sections contained in the latter pages.

The queuing concerns are addressed.

*However, the long sections are not in accordance with what Council asked in the initial deferral letter. Specifically point 3 which asks to 'Show the finished level of paving at the property boundary being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the vehicular access opening and being finished **30mm** above the existing back edge of the concrete footpath'*

It was our intention to have it being finished 30mm above at all points. (Currently 150mm on the northern side) And not a minimum of 30mm being shown.

This will require the levels of the car lift entry being modified to be lower than the initial design and more of a transition 'wedge' being created.

This matter is to be addressed as a deferred commencement matter.

3.4 Public Domain

Conditions were recommended which are included in Appendix B.

3.5 Tree Preservation

Conditions were provided which are included in Appendix B.

3.6 Stormwater

The submitted stormwater plans are satisfactory.

3.7 Land Information

Conditions were recommended which are included in Appendix B.

4. SUMMARY

The application proposes the demolition of the existing single storey dwelling and detached garage and the subsequent excavation, construction of a residential flat building at 319 Old South Head Road, Bondi Beach. The replacement building is proposed at three storeys and is to contain five residential units (three of which are infill affordable housing units) with basement parking for four vehicles and Strata subdivision.

The proposal does not comply with the maximum height development standard permitted for the site nor the applicable FSR development standard. The non-compliances with these development standards are considered to be minor with the proposed development preserving the environmental amenity of the adjoining properties and the locality whilst providing much needed affordable housing stock in the Waverley LGA. The Clause 4.6 variation requests are considered to be warranted and are supported on merit.

The submissions received from the adjoining and nearby properties have either been resolved by the amended plans, or conditions of consent and any remaining issues were not considered to have sufficient planning merit to warrant refusal or further amendment to the proposal. The scheme is considered to be satisfactorily resolved.

Accordingly, the application has been assessed against the relevant SEPP's, Waverley LEP, DCP and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the application is recommended for approval.

DBU Decision

The application was reviewed by the DBU at the meeting on 22 July 2019 and the DBU determined that the application is acceptable and should be approved, subject to the deferred commencement matters in Appendix A and conditions in Appendix B.

DBU members: *M Reid, A Rossi, E Finnegan*

5. RECOMMENDATION TO THE WAVERLEY LOCAL PLANNING PANEL

That the Development Application be granted deferred commencement consent by the Waverley Local Planning Panel subject to the deferred commencement matters in Appendix A and Conditions in Appendix B:

Report prepared by:

Jo Zancanaro
Senior Development Assessment Planner

Date: 29 January 2020

Application reviewed and agreed on behalf of the Development and Building Unit by:

Emma Finnegan
A/Manager, Development Assessment (Central)

Date: 14 February 2020

Reason for referral:

- 4 Sensitive development:
(b) SEPP 65 development

APPENDIX A – DEFERRED COMMENCEMENT MATTERS

That the Council grant deferred commencement consent in accordance with the provisions of Section 4.16 (3) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has satisfied Council as to the following matters:

1. DESIGN CHANGES AND AMENDED PLANS

- a) The proposed terrace to Apartment 05 (western elevation), associated landscaping and planter boxes, is not approved and shall be deleted from the plans. The whole of the roof slab adjoining Apartment 05 at the second floor level shall be amended to a non trafficable green roof. No decking or useable open space area shall be shown on the plans in this area. The whole area is to be planted as a green roof in accordance with the controls as outlined under Part B3 Section 3.1.3 Green Roofs and Walls of Waverley Development Control Plan 2012. The green roof is to have a minimum soil depth of 300mm.
- b) A Juliet balcony (maximum depth of 500mm) may be provided to the Living/ Dining area to Apartment 05 at its western elevation, maintaining the openings as proposed.
- c) The main roof slab (other than the roof area adjacent to Apartment 05 at Second Floor Level) is to be provided with foam insulation covered with pebble ballast to provide effective thermal comfort to the top floor apartments.
- d) Ceiling fans are to be provided to all habitable rooms within the development.

2. AMENDED LANDSCAPE PLAN

An amended Landscape Plan shall be provided detailing the amendments required by the Deferred Commencement conditions matter 1 above. In addition, the Landscape Plan shall include:

- a) A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of Waverley Development Control Plan 2012. In this regard the proposed *Syzygium* "Cascade" is a cultivar, not a locally indigenous native species and is to be deleted from the plans.
- b) Be fitted with automatic irrigation systems including the green roof at the second floor level.

3. GEOTECHNICAL ASSESSMENT

A geotechnical investigation report prepared by a suitably qualified Engineer is to be submitted outlining methodology of excavation and recommendations. Specifically, the Geotechnical Investigation Report shall assess the following;

- a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- b) the effect of the development on the likely future use or redevelopment of the land,
- c) the quality of the fill or the soil to be excavated, or both,
- d) the effect of the development on the existing and likely amenity of adjoining properties,

- e) the source of any fill material and the destination of any excavated material,
- f) the likelihood of disturbing relics,
- g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

Following satisfaction of the abovementioned requirements, the Geotechnical Investigation Report shall form part of the suite of approval documents outlined in condition 1 of this development consent (Attachment B).

4. LONG SECTIONS OF DRIVEWAY

Long sections, drawn along both edges of the driveway, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The long section drawings shall:

- a) Be drawn at a scale of 1:25
- b) Include reduced levels (RL's) of the Simpson Street carriageway, the kerb and gutter, footpath, property boundary and the proposed vehicular lift floor. **Note:** due to the Council's footpath having a fall/slope from south to north, the vehicular lift floor is not approved to be installed level at the property boundary.
- c) Show the finished level of paving at the property boundary being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the vehicular access opening and being finished **30mm** above the existing back edge of the concrete footpath.
- d) Include existing and design levels.
- e) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- f) Show all paving on Council's land being sloped/ drained towards the roadway.
- g) Show the vehicular lift being setback from the property boundary a sufficient distance to satisfy points c, e and f above.

5. ADDITIONAL DA SUBDIVISION FEE REQUIRED

Review of fees paid for this development application indicate no fees have been paid for the strata subdivision component. In this regard, an additional development application fee of **\$655** is to be paid to Council.

6. STRATA SUBDIVISION

Draft subdivision plans are to be submitted reflecting the approved scheme including the apartments, common areas, private open space, car parking and storage spaces. In respect to the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally

allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the regulations, as to the matters specified in the above conditions and Waverley Council confirms such satisfaction in writing.

Note: An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing these matters, including a covering letter shall be provided to Council for review and approval.

APPENDIX B – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans prepared by Philip Perrie Architect as follows:

Drawing Number/ rev	Plan description	Dated	Received by Council
DA.001_A4 Rev.B	Site Analysis	13/08/19	26/08/2019
DA.100 Rev.B	Plan Basement	13/08/19	26/08/2019
DA.101 Rev.B	Plan Ground Floor	23/08/19	26/08/2019
DA.102 Rev.B	Plan First Floor	14/08/19	26/08/2019
DA.103 Rev.B	Plan Second Floor	13/08/19	26/08/2019
DA.104_A4 Rev.B	Notification Plan Roof	13/08/19	26/08/2019
DA.304 Rev.A	Elevation East	13/08/19	26/08/2019
DA.301 Rev.B	Elevation North	13/08/19	26/08/2019
DA.302 Rev.B	Elevation South	13/08/19	26/08/2019
DA.303 Rev.B	Elevation West	13/08/19	26/08/2019
DA.400 Rev.B	Section A	13/08/19	26/08/2019
DA.401 Rev.B	Section B	13/08/19	26/08/2019
DA.700 Rev.B	Sechedule External Finishes	13/08/19	26/08/2019

(b) Landscape Plans Job No.190206 Drawing Nos. 1-3 Revision B prepared by Gabi Parke Landscape Architect, dated 14 August 2019, and received by Council on 26/08/2019;

(c) BASIX Certificate;

(d) Acoustic Assessment Report prepared by Envirotech dated 12 March 2019 and received by Council on 28/03/2019 as amended by the architectural plans at Condition 1(a);

(e) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. MUST BE USED AS AFFORDABLE HOUSING FOR 10 YEARS

The following condition is imposed in accordance with Clause 17 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*:

For 10 years from the date of the issue of the occupation certificate:

a) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and

- b) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and
- c) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.
- d) The cost of preparation and registration of any legal agreement(s) and all other documentation is to be met by the Registered Proprietor.

Management

The Property is to be managed by a community organisation identified by Council and is to provide accommodation for a household identified to be on low to moderate incomes.

Costs

The cost of preparation and registration of any legal agreement(s) and all other documentation is to be met by the Registered Proprietor.

Occupation Certificate

An Occupation Certificate must not be issued in respect of the building the subject of this Consent until such time as the Lease has been signed by the Owner and the Council or its Nominee Manager.

3. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

4. ARCHITECT TO SUPERVISE DESIGN

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of **a qualified designer** in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

5. BONDI - ROSE BAY SAND BODY

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

6. WALL/ FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed wall or fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate.

7. GREEN ROOF

The green roof shall comprise plants selected from the 'Grasses/Sedges' and 'Climbers/Groundcovers' tables in the Planting List in Annexure B2-1 of Part B of Waverley Development Control Plan 2012. The plants shall have a maximum maturity height of 200mm above the roof level.

The green roof is a non-trafficable area and must be irrigated and generally maintainable without requiring frequent access. The irrigation system/process is to be nominated on a landscape plan as part of the Construction Certificate documentation. A balustrade at the perimeter is not, and will not be, permitted to address any safety or other implications from accessing the area for infrequent maintenance purposes.

Direct access to the area (eg a gate or door from the same level, or a fixed stair from the level below) must not be incorporated into the design in order to discourage frequent use.

8. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

9. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along all 2 street frontages of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Infrastructure Services during construction and prior to the issue of the Occupation Certificate.

- Pedestrian footpath
- Vehicular Crossings
- Road pavement
- Kerb & gutter
- Stormwater infrastructure located within the Council kerb and/or footpath
- Street furniture
- Landscape and street tree plantings

10. PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council,

the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

11. PUBLIC AREAS AND RESTORATION WORKS

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but not limited to works performed for the purpose of connection/s to public utilities, including repairs of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

12. WORKS ON PUBLIC ROADS

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:
 - (1) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (2) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

Waverley Council Development Contributions Plans 2006 may be inspected at Waverley Council Customer Service Centre.

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

14. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,650** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

15. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the issue of a Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

16. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier for the issue of a Construction Certificate and to be the Principle Certifying Authority.

17. GROUND ANCHORS

Prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley. Any ground anchors that are proposed to extend beyond the property boundary into adjoining land, must provide Council with written evidence of owners consent (from affected properties) for such works.

Please note, a fee will be applied for each anchor approved to extend into a road reserve.

18. ESSENTIAL SERVICES - NEW BUILDING

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) basis of design;
- (b) standard to which the system is to be installed; and
- (c) all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) inspection, testing and commissioning details;
- (b) date of inspection, testing and commissioning;
- (c) the name and address of the individual who carried out the test; and
- (d) a statement that the service has been designed, installed and is capable of operating to the above standard.

19. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

In accordance with clause 143a of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

20. SERVICE AUTHORITIES

The applicant is to seek approval from Sydney Water regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

21. HOARDING

To ensure the site is contained during construction, a hoarding may be required for the approved works. If required, the hoarding shall be designed and constructed in accordance with the requirements of **Safe Work NSW**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

22. ENGINEERING DETAILS

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with all structural components prior to the issue of a Construction Certificate.

23. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

24. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

The builder and all subcontractors shall comply with the approved SWRMP at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times during demolition and construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on-site at all times during construction.

25. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

Under the current design, capacity of both the duty and standby pumps to be 3.4 l/s.

26. EROSION, SEDIMENT AND POLLUTION CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and exiting the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

27. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

28. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of a Construction Certificate, the applicant is to submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

29. RECONSTRUCT VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed **car lift**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

30. SWEPT WHEEL PATH DRAWINGS

Prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of a vehicle entering and exiting the car lift from Simpson Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

- i. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
- ii. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Simpson Street both opposite and to the immediate north and south of the proposed driveway.
- iii. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed car lift.
- iv. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

31. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council for approval and comment prior to the issue of a construction certificate and complied with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

32. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

33. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to the issue of the Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Domain Engineer:

- a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Simpson Street. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: The existing footpath, kerb and gutter traversing both street frontages to be reconstructed and upgraded to comply with the 'Bondi Beach' precinct masterplan, in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath material, profile and street furniture details traversing the development site to be advised by Council.

Any stormwater infrastructure within the extent of public domain works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.

- c) Street Trees: Landscape and update of the street plantings on both street frontages.

Applicant to provide a minimum of 2 new street trees on the Simpson Street frontage.

All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds and root cell barriers as per the Waverley Council Public Domain Technical Manual.

All proposed tree species, locations and tree sizes to be approved by Council Officer prior to commencement of public domain works.

The applicant to provide *Tristania laurina* (water gum) street trees, with a minimum pot size of 400 litres, certified and grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The chosen tree species and location shall not interfere with the wheel swept path or obstruct the surrounding vehicular crossings.

- d) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.
- f) Communicate the relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

34. ENERGY AUSTRALIA

The applicant to confer with Energy Australia to obtain that authority's needs for the provision and location of a kiosk type distribution centre on the subject land, and if deemed necessary, the applicant to make available land to that Authority for the siting of such kiosk/sub-station. Documentary evidence of compliance is to be provided to the satisfaction of the Principle Certifying Authority prior to the issue of the Construction Certificate.

35. CAR PARKING ALLOCATIONS

A total of **four (4)** car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) Two (2) allocated to the affordable rental units (maximum of one per unit of allocation);
- (b) Remaining two allocated to any other unit separately (maximum of one per unit)

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

36. BICYCLE PARKING

A total of **five (5)** bicycle parking spaces are to be provided. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent, within any forecourt or within the basement car parking area.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

37. MOTORCYCLE PARKING

A total of **one (1)** motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

38. BASEMENT STORAGE

The basement level is to provide storage areas, allocated to each unit in the development as indicated on the approved plans. Each individual residential unit is to be allocated at least one storage area.

39. TREE MANAGEMENT

To ensure maximum street tree canopy and continuity of the streetscape the applicant **may remove the two (2) Callistemon spp and one (1) Schefflera actinophylla (Umbrella Tree)** but must plant two (2) replacement trees on the naturestrip in Simpson St. The following conditions will apply:

- i. Plant two (2) replacement tree on the naturestrip in Simpson St.
- ii. The trees are to be planted prior to the issue of the occupation certificate.
- iii. The trees are to be a super advanced *Tristaniaopsis laurina* (water gum) of a minimum pot size of 100 litres and grown to AS 2303:2018 Trees Stock for Landscape use.
- iv. The trees must be planted by a qualified horticulturist experienced in planting super advanced trees.
- v. A bond of \$2,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the newly planted *Tristaniaopsis laurina* (water gum) trees in Simpson St. The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 24 months on condition that the water gum trees are maintained in good condition as determined by Council's Tree Officer. If the trees require replacing within the bond period, the trees must be replaced within one month of notification from Council and not at the end of the bond period.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

40. PRIOR TO SITE WORKS

The Principal Certifying Authority must be informed in writing before any site works, building or demolition commences of:

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and
- (c) any change to these arrangements for doing of the work.

41. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

42. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

43. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

44. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

45. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely “zone of influence” of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

46. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must meet the following objectives for sustainable demolition and construction waste management;

- a) To minimize the amount of construction waste that is sent to landfill
- b) To minimise waste generated during demolition and construction.
- c) To increase efficiency of development and encourage sustainable practices.
- d) To maximise the re-use of clean excavated material, concrete, bricks and timber.
- e) To ensure the safe removal and disposal of hazardous building materials.

The applicant must ensure that the demolition and construction phase complies with the following;

- (a) A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the SWRMP.
- (b) Separate construction waste collection bins or construction waste storage areas are to be provided giving consideration to slope, drainage, vegetation, access and handling requirements and may include:
 - a. Landfill waste;
 - b. Recyclable waste;
 - c. Materials to be re-used on-site; and / or

- d. Excavation materials (refer to Annexure B1-1 for common building materials that can be re-used and recycled).
- (c) Waste that can be recycled or reclaimed is to be identified in the SWRMP, as well as the intended methods for recovery and reclamation.
- (d) All sandstone must be re-used on site or reclaimed through an appropriate contractor.
- (e) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act 1997, in accordance with the provisions of Safe Work NSW, and Council's Asbestos Policy.
- (f) Materials that cannot be reused or recycled must be:
- (g) Disposed of at a State Government approved facility and specified in the SWRMP; and
- (h) Disposed of via a contractor that operates in accordance with the Proximity Principle outlined in State Government Legislation.
- (i) Records are to be retained on-site demonstrating lawful disposal of waste.
- (j) Easy vehicular access to waste and recycling material storage areas must be provided and detailed in the SWRMP.
- (k) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors. Skip bins are to be utilised and located in accordance with Council's building waste and hoardings policy.
- (l) All materials are to be stored in way that:
 - a. Prevents damage from the elements, and reduces odour, health risks and windborne litter; and
 - b. Prevents impacts to the environment under State Government Legislation (including stormwater pollution and runoff).

47. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Councils Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

48. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

49. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted

to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Any other relevant infrastructure.

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site.

All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

50. NOTIFICATION OF ADJOINING OWNERS & OCCUPIERS

The Applicant shall provide the adjoining owners and occupiers' written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

51. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING

To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.

52. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's engineer for the following hold points:

Kerb and Gutter, Stormwater Infrastructure & Footpath Paving

- After completion of formwork and prior to casting of concrete
- After full completion and restoration

Road Pavement

- Subgrade trim & compacted
- Binder course spread & consolidated
- After Wearing course laid and full completion

Landscape

- After the excavation and installation of root cells
- After full completion and restoration

All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.

The Principal Certifying Authority shall not issue any Occupation Certificate until Council has conducted a final inspection of the completed works and has issued a final compliance certificate certifying satisfactory completion of the works.

53. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

54. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

55. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).

- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

56. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

57. COMPLIANCE WITH SAFE WORK NSW

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

58. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering **to Council, and possibly NSW EPA throughout construction;**
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

59. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

60. FOOTPATH PROTECTION

The footpath and driveway must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

61. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

All building materials and any other items associated with the development are to be stored within the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footpaths or in any locations which could lead to the discharge of materials into the stormwater drainage system.

62. SEDIMENT REMOVAL FROM VEHICLE WHEELS

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Soil and Water Management Plan for the site prior to the commencement of any site works or activities.

63. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2000.

64. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this

condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

65. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

66. EXCAVATION AND BACKFILLING

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

67. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

68. BUILDING CODE OF AUSTRALIA

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

69. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

MANDATORY Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;

- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

Note: Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

70. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

71. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

72. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

73. SERVICE PIPES

All plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

74. ALL BUILDING MATERIALS STORED ON SITE

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

75. TREATMENT OF BOUNDARY WALLS

The wall approved on the north-eastern boundary with the neighbouring property is to be finished to the same high standard as the remaining building and not left unfinished to ensure a pleasing aesthetic to adjoining buildings.

76. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

77. OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act, 1979 have been satisfied.

78. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

79. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

In accordance with clause 154A of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

80. STORMWATER

Prior to the issue of an Occupation Certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been **constructed** in accordance with the approved stormwater management plans and to best engineering practice.

81. WASTE AND RECYCLING STORAGE AND COLLECTION

(a) The proposal must have a minimum bin storage of;

- **Residential apartment block**
 - 3x 240L Mobile Garbage Bins (MGBs) for general waste with a weekly collection
 - 2x 240L MGB for container recycling with a fortnightly collection
 - 2x 240L MGB for paper and cardboard recycling with a fortnightly collection
 - 1 x 240L MGB for garden organics should this be generated at the property

(b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and

recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.

- (c) Details of ongoing waste management strategy are to be documented within the SWRMP, and reviewed every 5 years to employ updated waste reduction strategies and technologies.
- (d) Provide a minimum of 4 m² floor space for the storage of bulky unwanted household items such as old furniture awaiting Council collection and 1 m² floor space for the storage problem wastes.
- (e) Composting facilities must meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan.
- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (g) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (h) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.
- (i) All waste and recycling must be presented with lids closed to reduce littering, storm water pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (j) All waste and recycling bins must be put out for collection no earlier than the night before collection and brought in the same day as the collection service.
- (k) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (l) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.
- (m) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (n) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (o) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.

82. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and

specifications. The certificate shall include commentary to support any variations from the approved drawings.

83. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's engineer. The Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

Notes:

- The issue of a Compliance Certificate from the Council officer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

84. FIRE SAFETY WORKS

The Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:-

- (a) has been assessed by a properly qualified person; and
- (b) has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

85. WAVERLEY DIGITAL MODEL

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Waverley Futures Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - (i) a building envelope which includes all elements affecting shadow analysis;
 - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - (iii) a ground level terrain showing accurate RLs extending to site boundaries.

- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Shaping Waverley.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

86. LIGHTING

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

87. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary address and sub-address (unit) numbering:

The primary address number and location for the property:

- No. 319 - primary address site number
- Old South Head Road - primary address location.
 - Simpson Street – alternate street location

As the redevelopment has sub-address sites the following unit numbers will apply;

- No. 1-5 for the sub-addresses within the building correlating with proposed apartments 1-5 on the floor plans for the building.

Premises with multiple street frontages and/or access points shall display the 'primary address site number' on the site boundary of the primary address location and display both the primary address site number and primary address location at alternative street address entry points to the building.

The premises number for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point and be clearly visible on the site boundaries that front Old South Head Road and Simpson Street.

The address number for a sub-address site shall not consist of the primary address number on its own.

The premises numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

88. PARKING

- a. Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- b. A minimum of one car space shall be allocated to any affordable housing unit/dwelling to ensure equitable allocation overall.
- c. Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

89. PARKING PERMITS

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

90. VEHICLE ACCESS

All vehicles entering and exiting the basement car park shall do so in a forward direction at all times.

91. RESIDENT AND VISITOR PARKING SPACES

All resident and visitor car parking spaces shall be clearly delineated and numbered.

92. NOISE - MECHANICAL PLANT

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

93. NOISE ATTENUATION CERTIFICATE

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with Condition; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

94. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

95. FIRE SAFETY - EXITS

Exits and paths of travel to exits are to be kept clear and at all times to provide clear access to exits and provide a safe passage for occupants to open space in accordance with Section D of the BCA.

96. FIRE SAFETY MAINTENANCE

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

97. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Not be adjacent to neighbouring bedroom windows.
- (b) Not reduce the structural integrity of the building.
- (c) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (d) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (c).

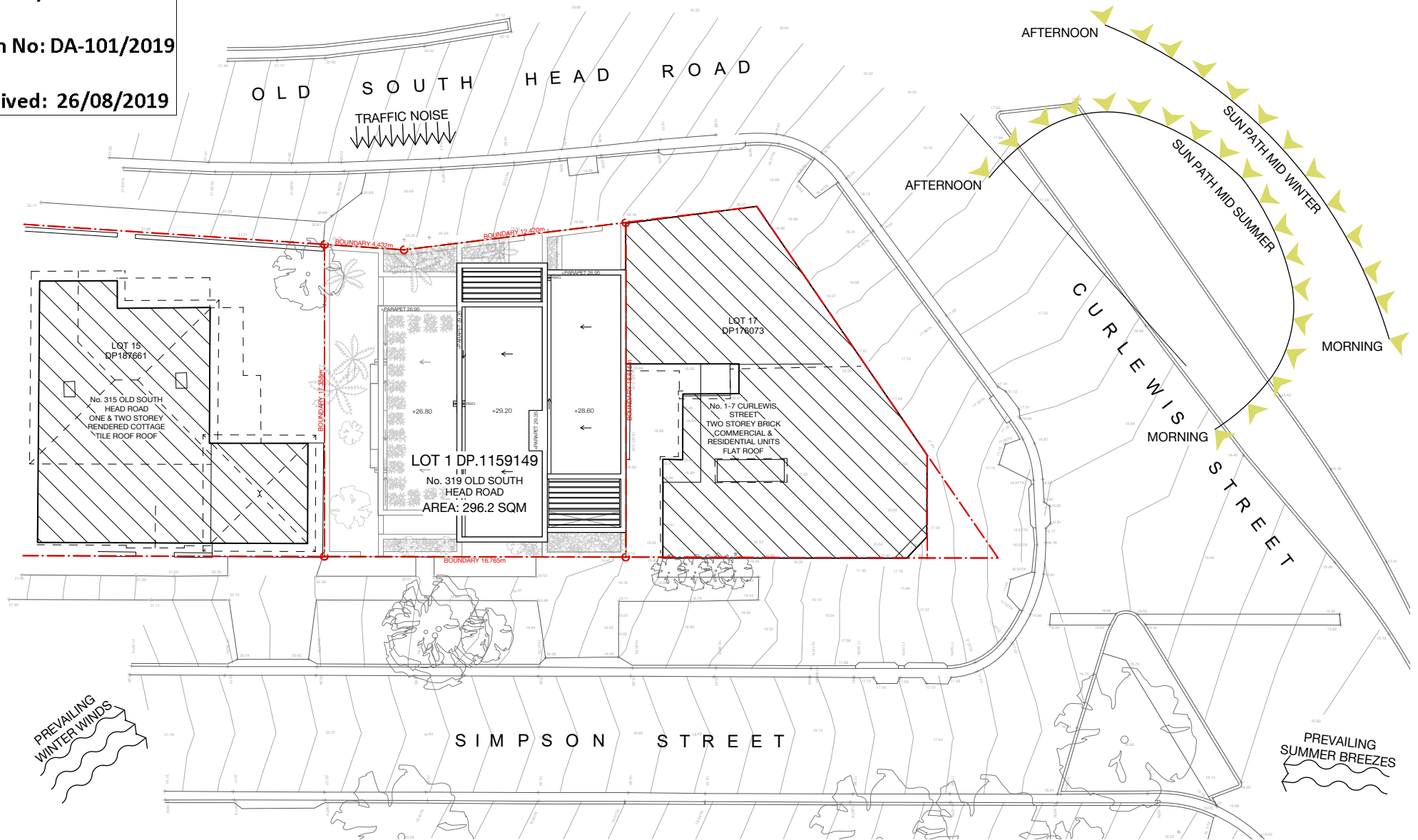
98. STRATA SUBDIVISION

In respect to the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property. Part allotments are to be generally allocated in accordance with the storage requirements of Waverley Development Control Plan 2012.

99. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with Section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

Any legal costs associated with the review of this application shall be wholly borne by the applicant.



PROJECT 319 OLD SOUTH HEAD ROAD

DATE 13.08.19

SCALE @ A4 1:300

DRAWING NOTIFICATION PLAN

DRAWN SF

SITE ANALYSIS

DRG. NO. DA.001_A4

REV NO. B

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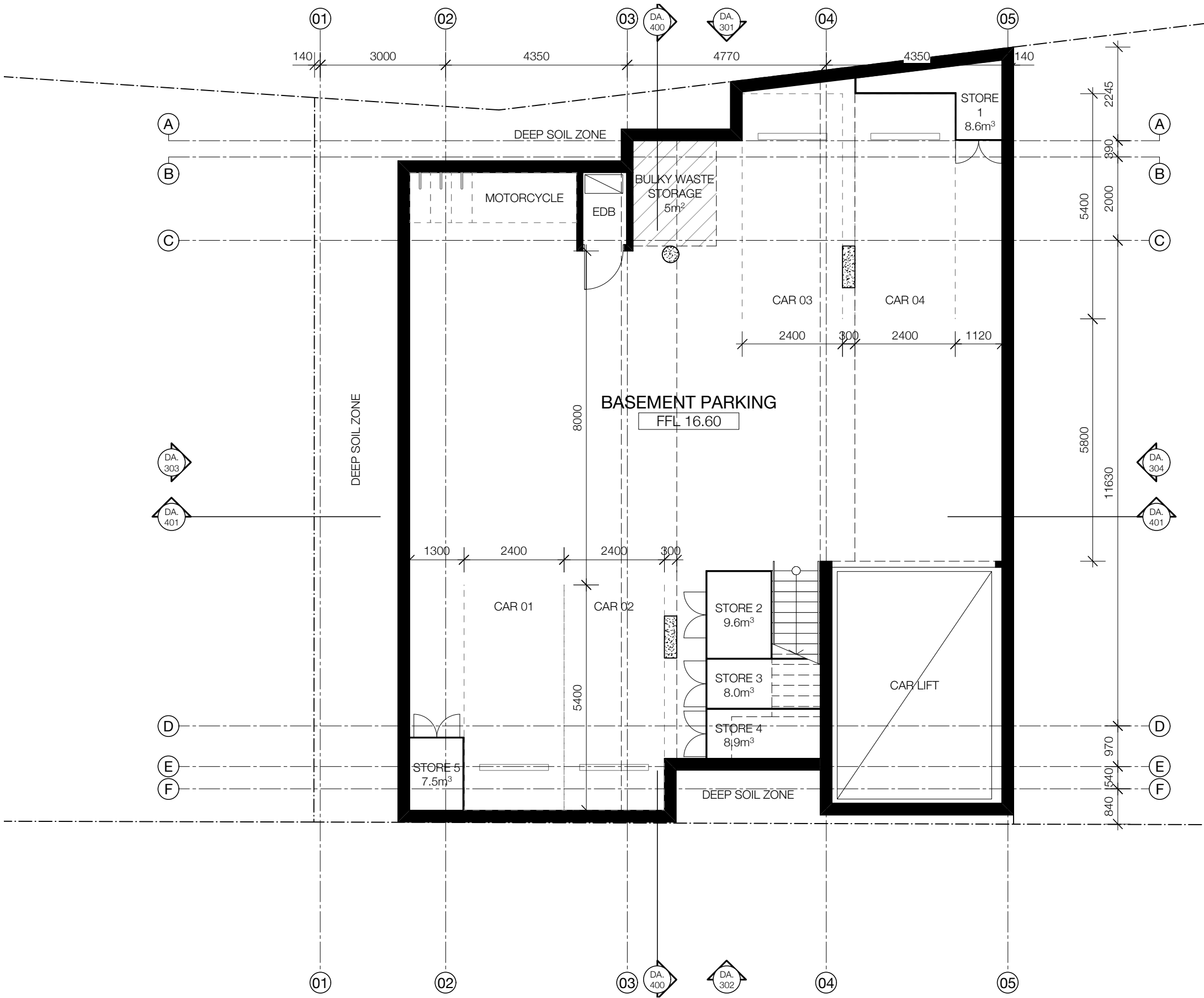
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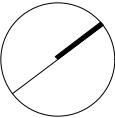
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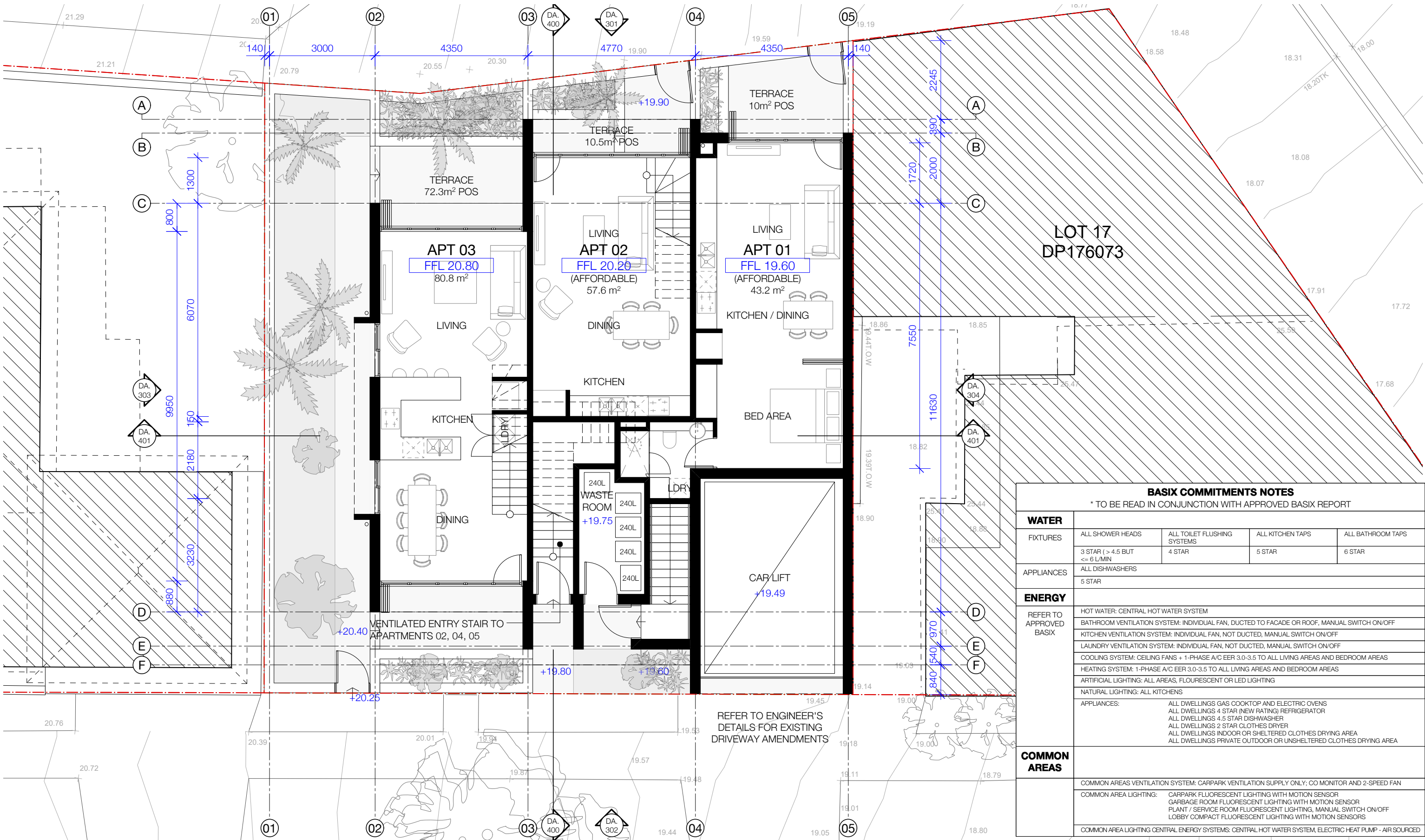
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BASIX COMMITMENTS NOTES				
* TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT				
WATER				
FIXTURES	ALL SHOWER HEADS	ALL TOILET FLUSHING SYSTEMS	ALL KITCHEN TAPS	ALL BATHROOM TAPS
	3 STAR (> 4.5 BUT <= 6 L/MIN	4 STAR	5 STAR	6 STAR
APPLIANCES	ALL DISHWASHERS			
	5 STAR			
ENERGY				
REFER TO APPROVED BASIX	HOT WATER: CENTRAL HOT WATER SYSTEM			
	BATHROOM VENTILATION SYSTEM: INDIVIDUAL FAN, DUCTED TO FACADE OR ROOF, MANUAL SWITCH ON/OFF			
	KITCHEN VENTILATION SYSTEM: INDIVIDUAL FAN, NOT DUCTED, MANUAL SWITCH ON/OFF			
	LAUNDRY VENTILATION SYSTEM: INDIVIDUAL FAN, NOT DUCTED, MANUAL SWITCH ON/OFF			
	COOLING SYSTEM: CEILING FANS + 1-PHASE A/C EER 3.0-3.5 TO ALL LIVING AREAS AND BEDROOM AREAS			
	HEATING SYSTEM: 1-PHASE A/C EER 3.0-3.5 TO ALL LIVING AREAS AND BEDROOM AREAS			
	ARTIFICIAL LIGHTING: ALL AREAS, FLOURESCENT OR LED LIGHTING			
	NATURAL LIGHTING: ALL KITCHENS			
	APPLIANCES: ALL DWELLINGS GAS COOKTOP AND ELECTRIC OVENS ALL DWELLINGS 4 STAR (NEW RATING) REFRIGERATOR ALL DWELLINGS 4.5 STAR DISHWASHER ALL DWELLINGS 2 STAR CLOTHES DRYER ALL DWELLINGS INDOOR OR SHELTERED CLOTHES DRYING AREA ALL DWELLINGS PRIVATE OUTDOOR OR UNSHELTERED CLOTHES DRYING AREA			
COMMON AREAS				
	COMMON AREAS VENTILATION SYSTEM: CARPARK VENTILATION SUPPLY ONLY; CO MONITOR AND 2-SPEED FAN			
	COMMON AREA LIGHTING:	CARPARK FLUORESCENT LIGHTING WITH MOTION SENSOR GARBAGE ROOM FLUORESCENT LIGHTING WITH MOTION SENSOR PLANT / SERVICE ROOM FLUORESCENT LIGHTING, MANUAL SWITCH ON/OFF LOBBY COMPACT FLUORESCENT LIGHTING WITH MOTION SENSORS		
	COMMON AREA LIGHTING CENTRAL ENERGY SYSTEMS: CENTRAL HOT WATER SYSTEM, ELECTRIC HEAT PUMP - AIR SOURCED			





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PROJECT 319 OLD SOUTH HEAD ROAD

DRAWING PLAN

GROUND FLOOR

DATE 23.08.19 SCALE @ A3 1:100

DRAWN SF

DRG. NO. DA.101 REV NO. B

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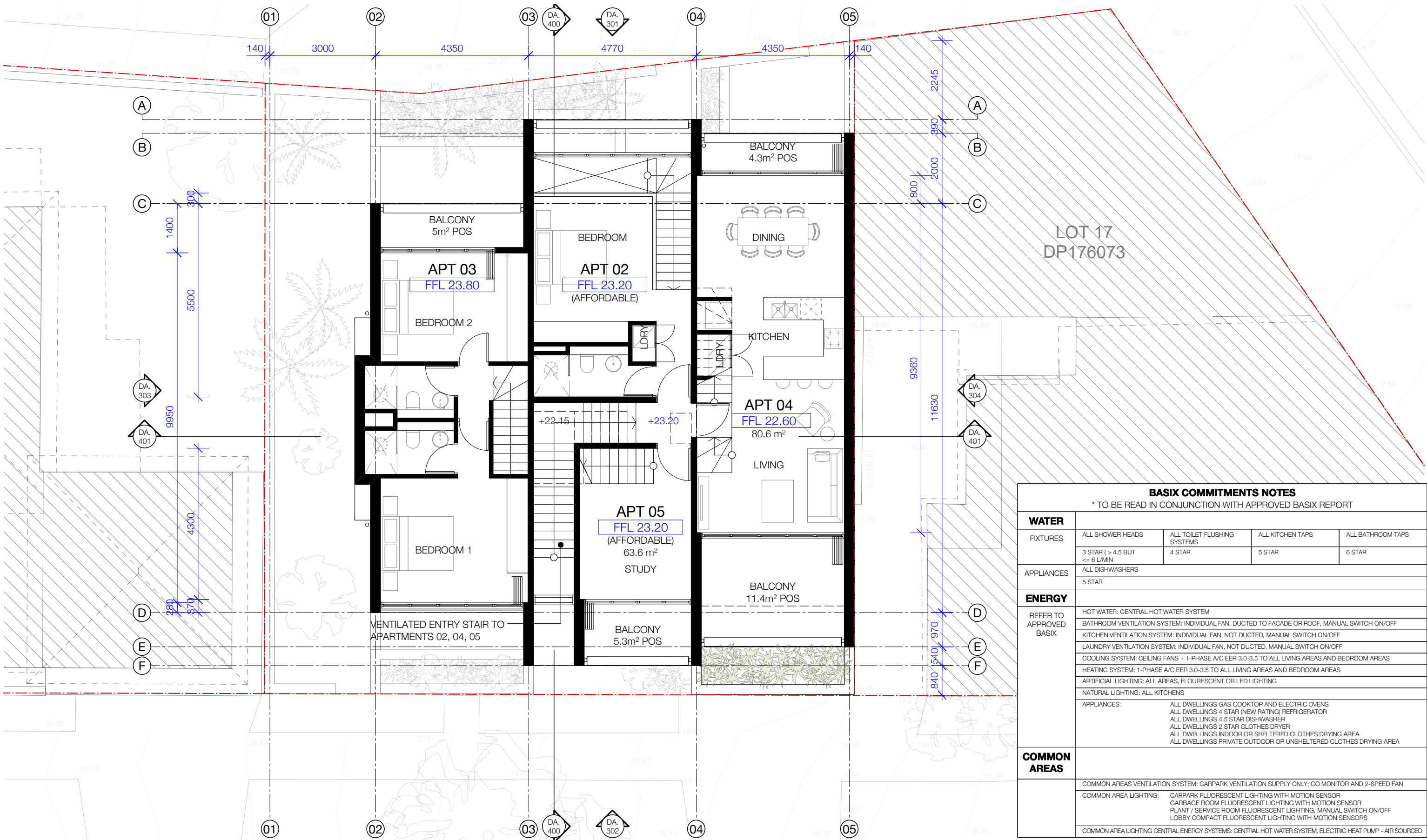
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PROJECT 319 OLD SOUTH HEAD ROAD

DRAWING PLAN

FIRST FLOOR

DATE 14.08.19 SCALE @ A3 1:100

DRAWN SF

DRG. NO. DA.102 REV NO. B

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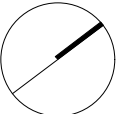
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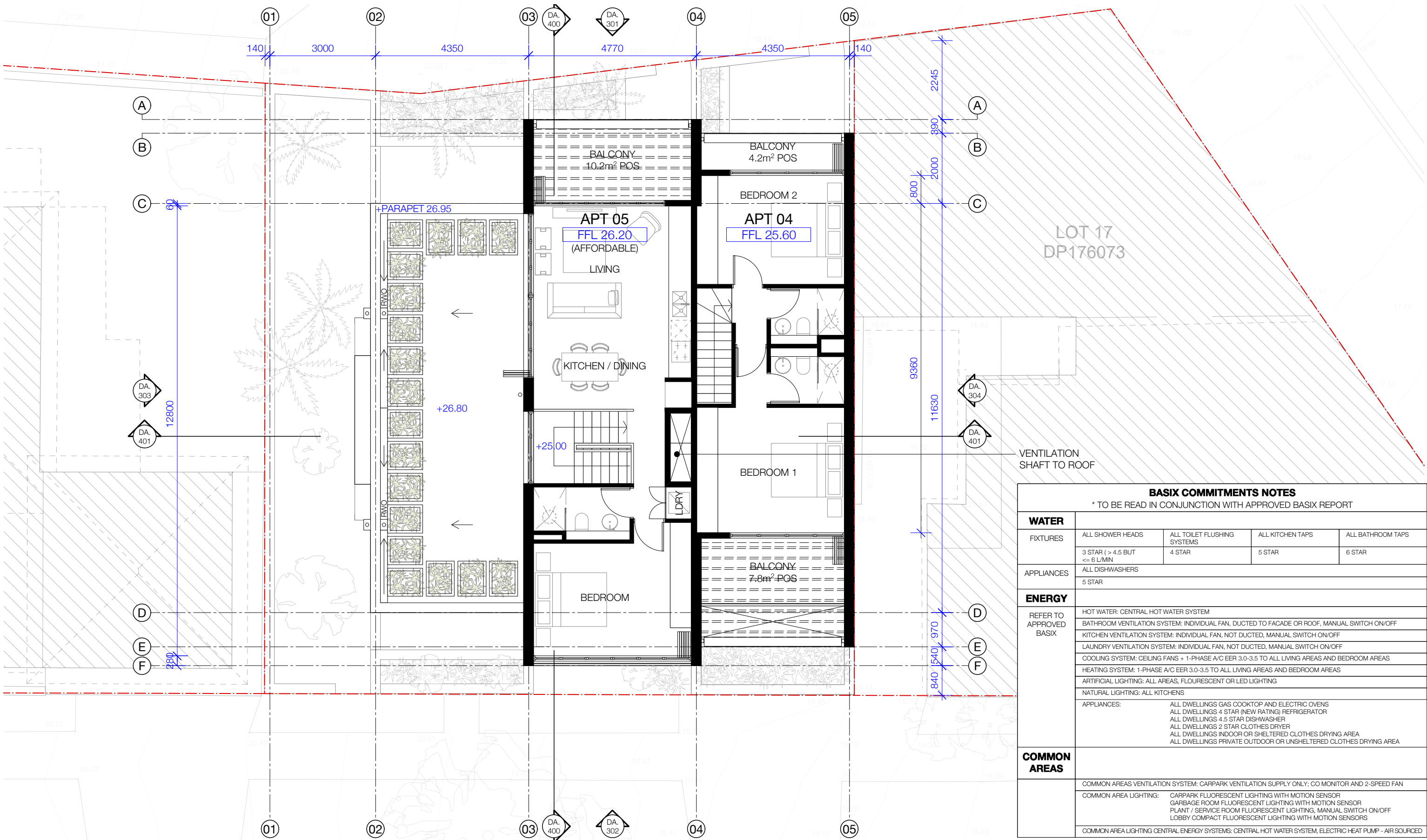
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BASIX COMMITMENTS NOTES				
* TO BE READ IN CONJUNCTION WITH APPROVED BASIX REPORT				
WATER				
FIXTURES	ALL SHOWER HEADS	ALL TOILET FLUSHING SYSTEMS	ALL KITCHEN TAPS	ALL BATHROOM TAPS
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	COMMON AREA LIGHTING CENTRAL ENERGY SYSTEMS: CENTRAL HOT WATER SYSTEM, ELECTRIC HEAT PUMP - AIR SOURCED			

PROJECT 319 OLD SOUTH HEAD ROAD

DRAWING PLAN

SECOND FLOOR

DATE 13.08.19 SCALE @ A3 1:100

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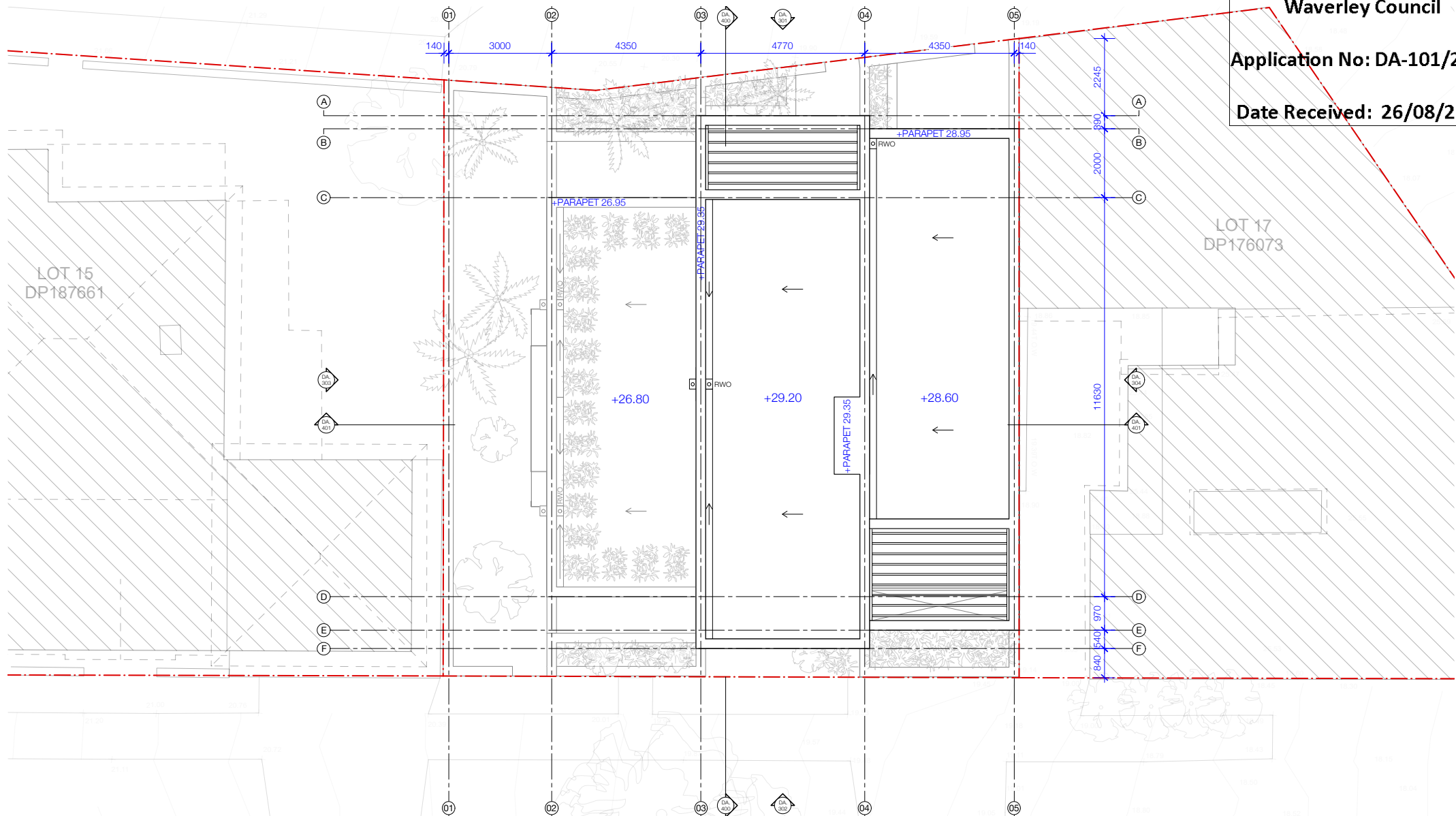
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PROJECT 319 OLD SOUTH HEAD ROAD

DATE 13.08.19

SCALE @ A4 1:150

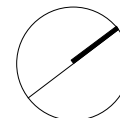
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ROOF

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490

SIMPSON STREET

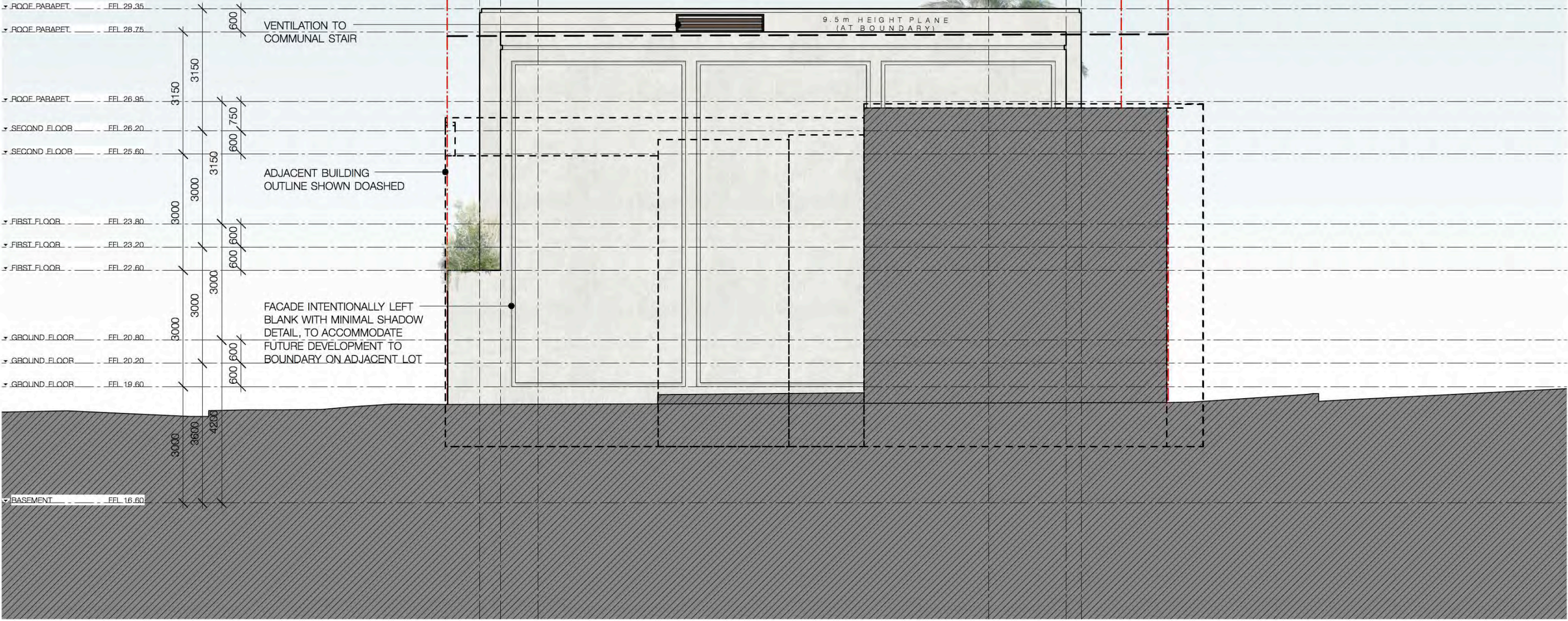
SUBJECT SITE
319 OLD SOUTH HEAD ROAD

OLD SOUTH HEAD ROAD

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Waverley Council

Application No: DA-101/2019

Date Received: 26/08/2019



PROJECT 319 OLD SOUTH HEAD ROAD

DATE 13.08.19 SCALE @ A3 1:100

DRAWING ELEVATION

DRAWN SF

EAST

DRG. NO. DA.304 REV NO. A

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491



PROJECT 319 OLD SOUTH HEAD ROAD

DRAWING ELEVATION

NORTH

DATE 13.08.19 SCALE @ A3 1:100

DRAWN SF

DRG. NO. DA.301 REV NO. B

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ADJACENT SITE
EXISTING RESIDENCE



SUBJECT SITE
319 OLD SOUTH HEAD ROAD

RECEIVED
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Application No: DA-101/2019

Date Received: 26/08/2019



DATE 13.08.19 SCALE @ A3 1:100

DRAWN SF

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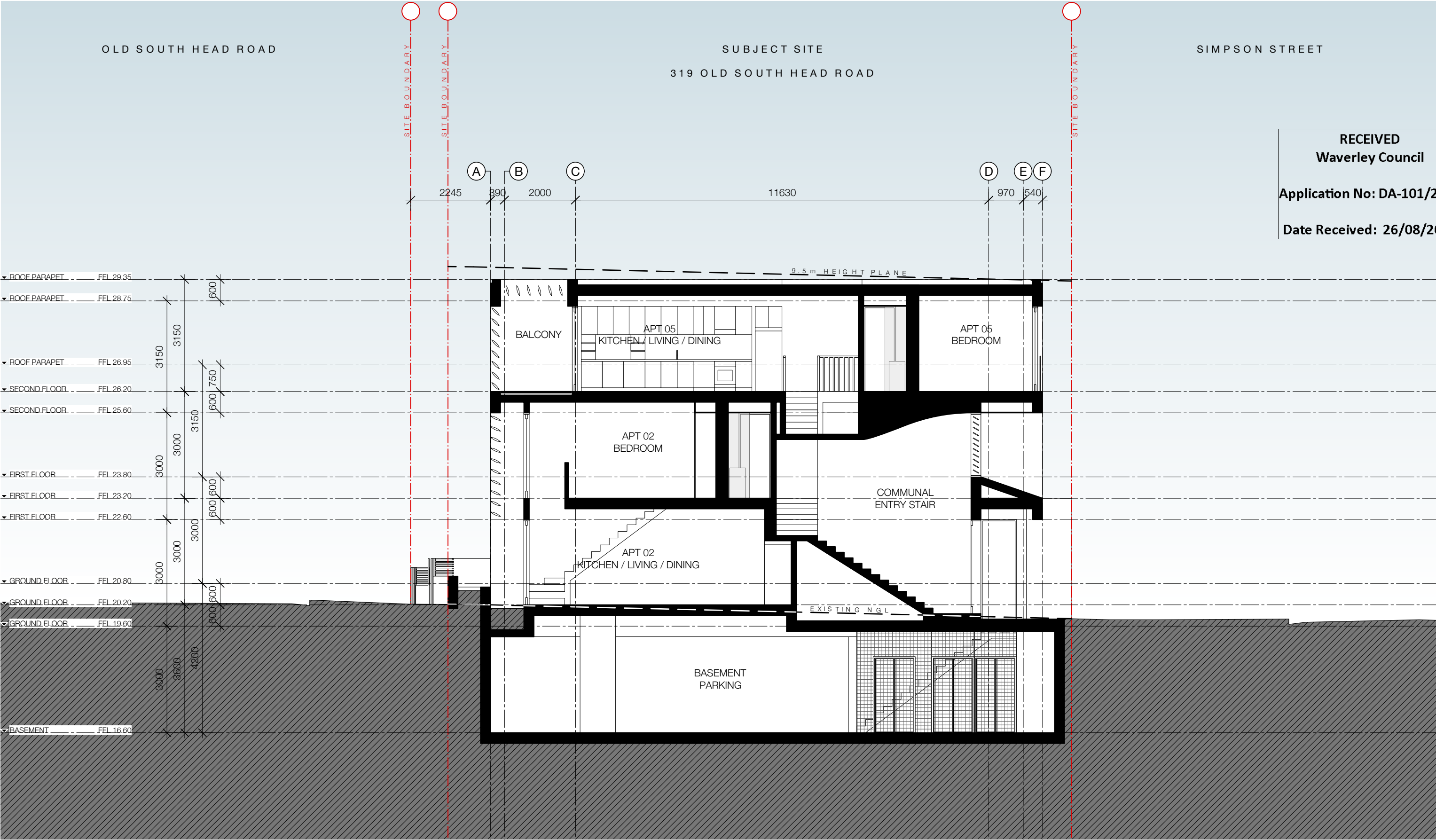
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PROJECT 319 OLD SOUTH HEAD ROAD

DRAWING SECTION

SECTION A

DATE 13.08.19 SCALE @ A3 1:100

DRAWN SF

DRG. NO. DA.400 REV NO. B

DISCLAIMER

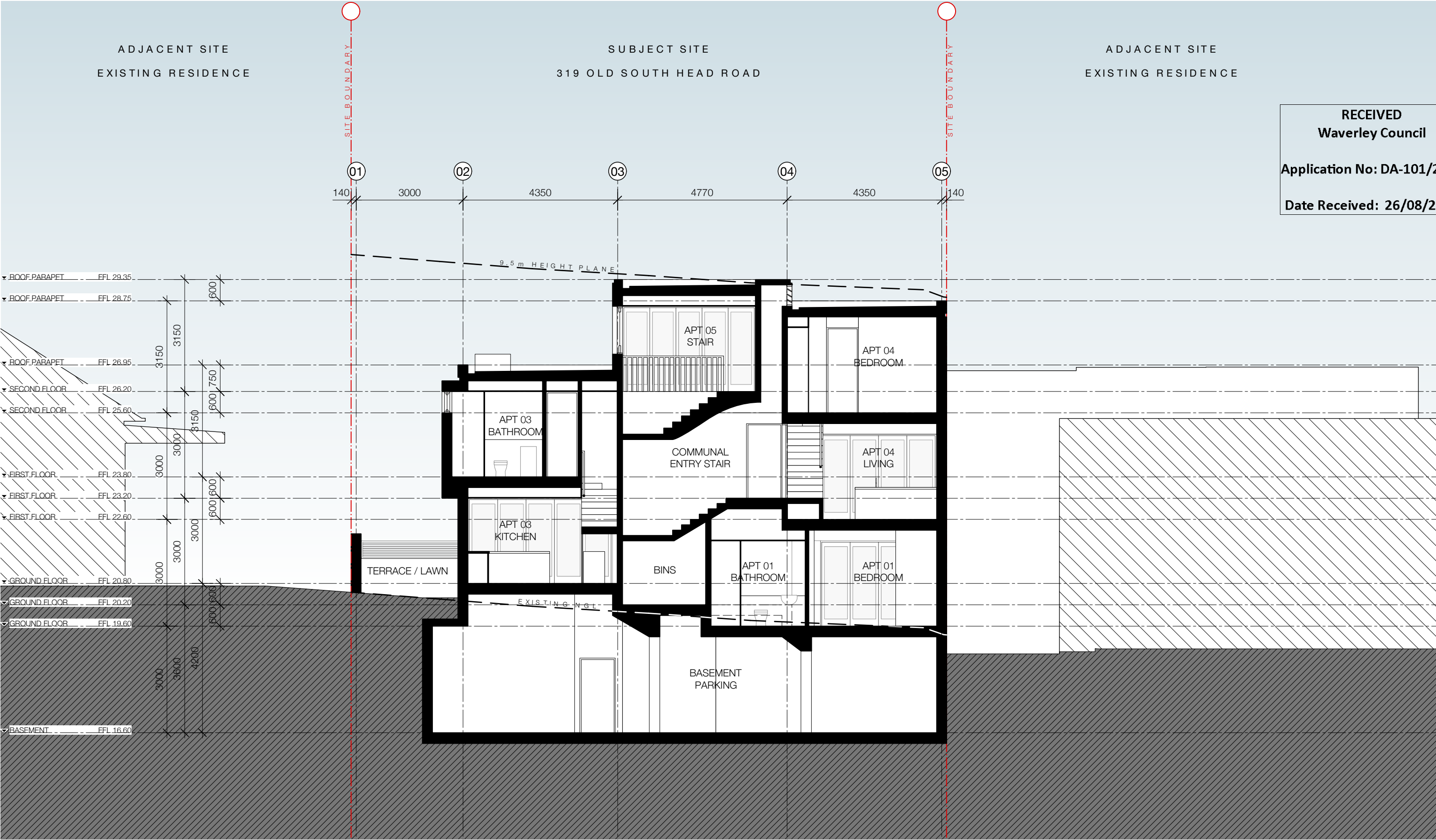
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Application No: DA-101/2019
Date Received: 26/08/2019

PROJECT 319 OLD SOUTH HEAD ROAD
DRAWING SECTION
SECTION B

DATE 13.08.19 SCALE @ A3 1:100
DRAWN SF
DRG. NO. DA.401 REV NO. B

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PHILIP PERRIE ARCHITECT

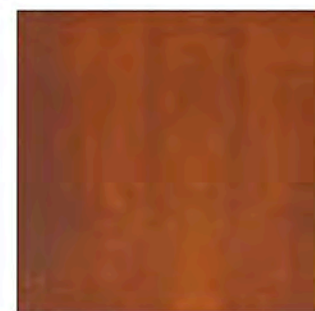
Suite 3 710 New South Head Road, Rose Bay NSW 2029
T: 0410582877
E: perrie.architect@bigpond.com



01 NORTH ELEVATION



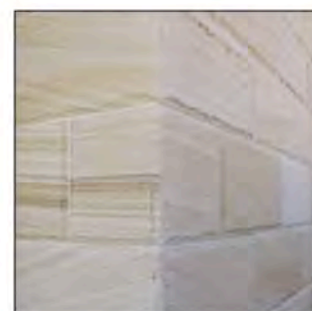
02 SOUTH ELEVATION



1. CORTEN WEATHERED STEEL CLADDING, NATURAL FINISH



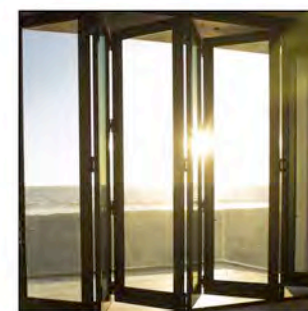
2. OFF-FORM CONCRETE, NATURAL FINISH



3. SANDSTONE CLADDING, HONED, NATURAL FINISH



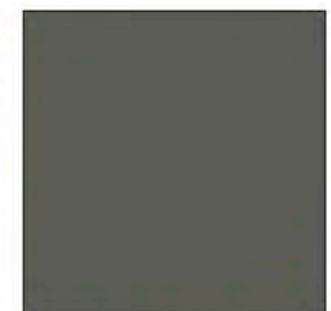
4. MOTORISED ALUMINIUM LOUVRES: LOUVRETEC 300mm AIRFOIL MAXI LOUVRE, POWDERCOAT, COLOUR DULUX "WOODLAND GREY"



5. ALUMINIUM FRAMED GLAZING, POWDERCOAT, COLOUR DULUX "WOODLAND GREY"



6. ALUMINIUM FRAMED PRIVACY SCREEN, POWDERCOAT, COLOUR DULUX "WOODLAND GREY"



DULUX "WOODLAND GREY"



03 WEST ELEVATION

RECEIVED
Waverley Council
Application No: DA-101/2019
Date Received: 26/08/2019

PROJECT 319 OLD SOUTH HEAD ROAD

DRAWING SCHEDULE

EXTERNAL FINISHES

DATE 13.08.19 SCALE @ A3 1:150

DRAWN SF

DRG. NO. DA.700 REV NO. B

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