



**18 August 2021**

A meeting of the **WAVERLEY LOCAL PLANNING PANEL** will be held by video conference at:

**12.00PM WEDNESDAY, 25 August 2021**

**QUORUM:** Three Panel members.

**APOLOGIES:** By email to [WLPP@waverley.nsw.gov.au](mailto:WLPP@waverley.nsw.gov.au)



## **AGENDA**

### **WLPP-2108.A**

#### **Apologies**

### **WLPP-2108.DI**

#### **Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-2108.1**

**Page 4**

**262 Campbell Parade, BONDI BEACH NSW 2026 - Amendment to the approved shop-top housing development (DA-381/2018) including reducing the number of apartments from 6 to 2 and new terraces to Ramsgate Avenue. (DA-422/2020)**

Report dated 12 August from the Development and Building Unit.

**Council Recommendation:** That the development application be GRANTED DEFERRED COMMENCEMENT CONSENT by the Waverley Local Planning Panel subject to the conditions in Appendix A.

### **WLPP-2108.2**

**Page 98**

**92 Ramsgate Avenue, BONDI BEACH NSW 2026 - Modification to approved residential flat building including additional excavation and reconfiguration of basement, alterations to apartments to increase floor space including offer of a Planning Agreement, and deletion of condition A.2(a) relating to the height of part of the side boundary fence within the front building setback. (DA-381/2019/B)**

Report dated 13 August from the Development and Building Unit.

**Council Recommendation:** That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

### **WLPP-2108.3**

**Page 175**

**42 Varna Street, WAVERLEY NSW 2024 - Partial demolition and alterations and additions to the existing semi-detached dwelling. (DA-232/2021)**

Report dated 13 August from the Development and Building Unit.

**Council Recommendation:** That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.



**WLPP-2108.4****Page 213**

**9 Zarita Avenue, WAVERLEY NSW 2024 - Construction of a detached single-storey secondary dwelling and new swimming pool.(DA-212/2021)**

Report dated 16 August from the Development and Building Unit.

**Council Recommendation:** That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

**WLPP-2108.5****Page 242**

**18 & 20 Allens Parade, BONDI JUNCTION NSW 2022 - Alterations and additions to apartments on the upper level (Level 2) to provide an additional bedroom to each apartment and relocate balconies further to the northern boundary. (DA-88/2019/A)**

Report dated 13 August from the Development and Building Unit.

**Council Recommendation:** That the modification application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

**WLPP-2108.6****Page 288**

**42-44 Hall Street, BONDI BEACH NSW 2026 - Demolition of existing buildings and construction of a four storey shop top housing development with basement storage, ground floor retail and residential units above. (DA-448/2020)**

Report dated 13 August from the Development and Building Unit.

**Council Recommendation:** That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

**WLPP-2108.7****Page 386**

**78 Military Road, DOVER HEIGHTS NSW 2030 - Demolition of existing structures; construction of a new dual occupancy with integrated parking and swimming pools; and Strata subdivision. (DA-115/2021)**

Report dated 15 August from the Development and Building Unit.

**Council Recommendation:** That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

**WLPP-2108.8****Page 465**

**10 Rawson Avenue, QUEENS PARK NSW 2022 - Alterations and additions to single-storey dwelling including substantial demolition, internal reconfiguration and first floor addition. (DA-199/2021)**

Report dated 16 August from the Development and Building Unit.

**Council Recommendation:** That the Development Application is **APPROVED** by the Development and Building Unit subject to the Conditions in Appendix A.





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-422/2020
<b>Site address</b>	262 Campbell Parade, BONDI BEACH
<b>Proposal</b>	Amendment to the approved shop-top housing development (DA-381/2018) including reducing the number of apartments from 6 to 2 and new terraces to Ramsgate Avenue.
<b>Date of lodgement</b>	10/12/2020
<b>Owner / Applicant</b>	Jeje Global Pty Ltd and Igal Pty Ltd
<b>Submissions</b>	Two
<b>Cost of works</b>	\$12 160 499
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• FSR</li> <li>• Heritage conservation</li> <li>• Streetscape and Design</li> </ul>
<b>Recommendation</b>	That the application be granted DEFERRED COMMENCEMENT CONSENT in accordance with the conditions contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The application is classed as an 'amending development application' and seeks development consent to amend the approved shop top housing development (DA-381/2018/A) through a reduction in the number of dwellings from six to two, reduction in the number of vehicle and motorcycle spaces, exterior design changes and interior alterations at the site known as 262 Campbell Parade, Bondi Beach.

The principal issues arising from the assessment of the application are as follows:

- The application relies on the 'existing use rights' provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations).
- The proposal results in a reduction in the FSR from the principal development consent through the provision of private open space on the Ramsgate Avenue frontage for each dwelling. As this is an amending development application, rather than a modification under Section 4.55, an assessment against Clause 4.6 is required. The built form, setbacks and height of the amending proposal remain consistent with the principal development consent without further unreasonable impacts upon the amenity of surrounding properties.
- The height of the amending proposal remains consistent with the principal development consent and deferred commencement conditions relating to height imposed on that consent.
- The design, streetscape appearance and contribution to the conservation area need further minor resolution in terms of window design and details of finishes. These changes will be required by deferred commencement conditions.
- Although the amending proposal will reduce the amount of apartments on site, the density remains generally the same and the proposal is considered to be consistent with the objectives of the zoning, regardless of the fact that the site enjoys existing use rights.

The assessment finds these issues acceptable.

A total number of two submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of deferred commencement consent.

### 1.2. Site and Surrounding Locality

The site is identified as Lots 7 and 8 in DP 14120, known as 262 Campbell Parade, Bondi Beach. The site is located on the northern side of Campbell Parade on the corner with Ramsgate Avenue opposite North Bondi Surf Club and North Bondi Beach.

The site is irregular in shape with frontage to both Ramsgate Avenue and Campbell Parade. The site has an area of 329.8m<sup>2</sup> and falls from the corner with Ramsgate Avenue (east) towards the west along



Campbell Parade by approximately 1.17 metres. The site also falls from the north (Ramsgate Avenue) to the south (Campbell Parade) by almost 2 metres.

The site contains a part three and four-storey mixed use building with a café at the ground floor level on the corner with Ramsgate Avenue and residential units on the levels above. There is no vehicular access to the site.

The subject site is adjoined by No. 252 Campbell Parade, a part three and four-storey mixed use building, with a café/restaurant at the ground floor level and a boarding house above. To the east, on the opposite corner with Ramsgate Avenue, are two mixed use buildings, No. 110-114 Ramsgate Avenue and No. 264-268 Campbell Parade, both with cafes at the ground level with residential units above. No. 110-114 Ramsgate Avenue is a three-storey building and No. 264-268 Campbell Parade is a four-storey building. The locality is characterised by a variety of residential development, including medium and low density residential flat buildings and dwellings.

**Figures 1 to 4** are photos of the site and its context.



**Figure 1:** Site frontage to Campbell Parade



**Figure 2:** Site viewed from the corner of Ramsgate Avenue



**Figure 3:** Site viewed from Ramsgate Avenue



**Figure 4:** Existing upper level



### 1.3. Relevant Development History

A search of Council records indicates the following historic consents relate to 262 Campbell Parade:

- DA-151/1978: Use ground floor shop premises as sandwich shop approved on 31 October 1978.
- DA-146/1979: Use take away premises as hot food bar approved on 23 November 1979.

The above consents are the earliest records found that relate to the shop at 262 Campbell Parade. These consents refer to the shop as existing indicating that this shop was in existence and in use, prior to the earliest consents found. In this regard, Council is satisfied that the site benefits from existing use rights.

#### Recent development history

**DA-560/2016:** Deferred commencement consent was granted for the demolition of buildings and construction of a four and five-storey mixed use building with basement parking over the subject site and the adjoining property at 252 Campbell Parade by the Waverley Local Planning Panel (WLPP) on 28 March 2018. There are a number of deferred commencement conditions generally requiring the removal of the fifth-storey of the building and the limitation of the overall height to RL 19.3 (with the exception of roof plant and services), that the roof shall be non-trafficable with no roof terraces permitted and design changes.

**DA-560/2016/A:** Extend the period in which to satisfy the deferred commencement conditions to 2 years was approved on 28 February 2019.

**DA-381/2018:** Deferred commencement consent was granted for the demolition of the existing shop top housing and construction of a new shop top housing development containing shops, residential units and basement parking by the WLPP on 28 August 2019. This consent removed No. 262 Campbell Parade from the scheme, and relates to the subject site, No. 252 only. The conditions of deferred commencement require an amended BASIX Certificate, that they enter into a planning agreement for the additional floor space above the existing and the following design changes:

#### 1) DESIGN CHANGES AND AMENDED PLANS

- (a) The roof terraces are not approved and shall be deleted from the proposal. The building (including height of the street wall of the proposal and the roof level) shall not extend above RL 19.3. Only the roof plant/services, including the lift overrun and mechanical risers as indicated on the plans shall be permitted to extend above RL 19.3 but no higher than RL 20.3. The skylights and solar panels shall be flush with the roof or extend no higher than RL 19.3.*
- (b) Further to 1(a) above, Apartment 3.1 (as nominated on the plans) shall be provided with a skylight over the living area to provide solar access. The skylight shall be flush with the roof or shall extend no higher than RL 19.3.*
- (c) The amended roof level shall not be used as a trafficable area and may only be accessed for maintenance purposes only. In this regard, no decking or open space area shall be shown on the plans and as required in 1(a) above, the lift shall not extend to the roof level. An amended roof plan shall be provided.*
- (d) Apartments 3.1 and 3.2 shall be provided with balconies on the southern side of the building directly accessed from the living areas of each apartment. Each balcony shall be a minimum size of 12m<sup>2</sup> in area with a minimum depth of 2.4m. The floor plan of Level 03 shall be altered to be consistent with Level 02 below. The balconies shall also be provided with skylights for solar access. The skylight shall be flush with the roof or shall extend no higher than RL 19.3.*



- (e) The glass line at the retail frontage shall align with the front boundary along Campbell Parade to eliminate the pedestrian hazard of the soffit at the street level. In this regard, the retail level (including glazing) shall be built up to the Campbell Parade frontage boundary with no setback.
- (f) Provide further detailed design of the return corner at the junction of Campbell Parade and Ramsgate Avenue, showing proposed surface treatment, detailing of sun hoods in response to the curved wall and design and detail of any external signage and lighting.
- (g) Provide colour schedules for the building including guidelines for signage and treatment of awnings.
- (h) Retail Shop 2 shall provide bin storage within the shop to ensure ease of access and to inhibit the use of the residential lobby by the shop.

**Figures 5 and 6 below** show the approved facades to both Campbell Parade and Ramsgate Avenue to the above development (noting that the changes required by the deferred commencement conditions above do not form part of these elevations):



**Figure 5:** Approved Campbell Parade frontage



**Figure 6:** Approved Ramsgate Avenue frontage

**DA-381/2018/A:** Modification to extend the time frame for satisfying the deferred commencement matters to 2 years was approved on 5 March 2020.

#### 1.4. Proposal



The application is classed as an 'amending development application' and seeks development consent to amend the approved development (DA-381/2018/A) as follows:

- Reduction in the number of dwellings from six (approved) to two and associated internal alterations. The residential component of the proposal will provide two apartments each with five bedrooms.
- Reduction in the number of parking spaces by two spaces (total of 10 spaces).
- Reduction in the number of motorcycle spaces by two spaces (total of 4 spaces).
- Deletion of the six balconies on the Campbell Parade frontage and provision of two balconies on the Ramsgate Avenue frontage at the top floor level.
- Reconfiguration of the ground level to:
  - Provide new individual entries to the residential dwellings from Ramsgate Avenue instead of the approved shared entry from Campbell Parade.
  - Extend the retail component across the entire frontage on Campbell Parade (common residential entry relocated). Each shop will have sanitary facilities, storage and lift access to the basement waste storage area.
  - Slight relocation of the car lift to the east to accommodate the residential entry along the western boundary and alteration to the car lift size. The car lift continues to be accessed via Ramsgate Avenue.

Overall, the proposal will continue to provide a shop top housing development however with two x five-bedroom dwellings above two retail shops at ground. The proposal reconfigures the approved three levels of basement parking for 10 vehicles, 4 motorcycle spaces, 3 storage areas, a residential waste storage room and separate retail waste storage rooms for each shop. The car park will continue to be accessed from Ramsgate Avenue via a car lift to the basement levels.

A Voluntary Planning Agreement (VPA) was offered for the original DA (DA-381/2018) and is also offered as part of this subject application, having regard to the excess floor space and the *Waverley Planning Agreement Policy*. This is discussed in greater detail within the report.

## 1.5. Background

The development application was deferred on 7 April 2021 for the following reasons:

- 1) To address *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) to address the potential loss of affordable housing.
- 2) To clarify the height in relation to the existing ground level.
- 3) Heritage conservation and architectural resolution.
- 4) Stormwater matters.
- 5) Design changes in regard to the residential entries, ceiling fans, mechanical exhaust, waste and clarification of parking.

Amended plans and documentation were received 17 May 2021 and form the subject of the assessment within this report.



## 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. Existing Use Rights Provisions – Section 4.65 of the Act

The application relies on the ‘existing use rights’ provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations).

Part 5 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent. Clause 4.67 *Regulations respecting existing use* of the Act states the following:

- (1) *The regulations may make provision for or with respect to existing use and, in particular, for or with respect to—*
  - (a) *the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and*
  - (b) *the change of an existing use to another use, and*
  - (c) *the enlargement or expansion or intensification of an existing use.*
  - (d) *(Repealed)*
- (2) *The provisions (in this section referred to as the incorporated provisions) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.*
- (3) *An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.*
- (4) *Any right or authority granted by the incorporated provisions or any provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an existing use which commenced pursuant to a consent of the Minister under section 4.33 to a development application for consent to carry out prohibited development.*

In *Saffioti v Kiama Municipal Council* [2018] NSW LEC 1426 (“*Saffioti 2018*”) a Commissioner of the LEC considered the issue of whether the controls in a DCP could be considered in assessing the merits of an application for development consent for development with existing use rights. The Commissioner decided that the relevant controls in the DCP could be considered, as the Act provides that any provisions of an *environmental planning instrument* (EPI) which would derogate from the provisions in



the Regulations have no effect. In *Saffioti 2018*, the Commissioner found that as a DCP is not an EPI, section 4.67(3) does not apply to the provisions of such an instrument. The Commissioner also considered provisions of the LEP and found that only those provisions of the LEP which could have the effect of prohibiting the development derogated from the incorporated provisions and therefore could not be taken into account.

The Applicant appealed against the Commissioner's findings to a Judge of the Court on questions of law in *Saffioti v Kiama Municipal Council [2019] NSWLEC 57* ("*Saffioti 2019*"). The appeal was heard by the Chief Judge of the Court and failed on all grounds.

What can be taken away from *Saffioti 2019*, is that provisions of an EPI (eg. a local environmental plan) may establish factual pre-conditions that a consent authority must be satisfied exist in order to grant development consent or fix developmental standards. An applicant seeking development consent to enlarge, expand or intensify an existing use must comply with any such provisions.

Such provisions will not derogate from the existing use 'incorporated provisions' in the Regulations. They will only do so (and have no effect for the purpose of section 4.67(3) of the EPA Act) if they derogate from the entitlement **to make** the relevant development application.

Previously, existing use rights have been assessed as if the provisions of the LEP and DCP do not apply and can only be used as a guide to development in as much as they control development upon surrounding sites. Existing Use Right assessments have been based upon four questions as set out in *Fodor Investments v Hornsby Shire Council [2005] NSWLEC 71*.

Given the outcome of *Saffioti 2019*, the assessment of existing use rights should be considered against both the development standards of the LEP and the controls of the DCP as detailed within this report.

### 2.1.2. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Coastal Management) 2018.
- SEPP (Affordable Rental Housing) 2009.
- SEPP (Vegetation in Non-Rural Areas) 2017.

A detailed discussion is provided for relevant SEPPs as follows:  
SEPP (Design Quality of Residential Apartment Design)

Although the principal development consent (DA-381/2018/A), which the current application seeks to amend, was assessed against SEPP 65, the current application seeks only two dwellings on site. SEPP 65



applies to building of three or more storeys and four or more apartments. In this regard SEPP 65 does not apply to the proposed development.

*SEPP (Affordable Rental Housing) 2009 (ARH SEPP)*

Council Officers requested in the deferral matters that the Applicant address Part 3 of the ARH SEPP in relation to any loss of low-rental residential buildings from the existing building. The definition of low-rental residential building is defined under clause 47 of the SEPP:

***low-rental residential building*** means a building used as a ***residential flat building*** containing a low-rental dwelling or as a boarding house and includes a building:

- (a) that, at the time of lodgement of a development application to which this Part applies, is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or*
- (b) that was used as a residential flat building containing a low-rental dwelling or as a boarding house but that use has been changed unlawfully to another use, or*
- (c) that is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house.*

The existing building on the site is defined as ‘shop top housing’ and the Applicant sought clarification regarding this matter from the Housing Policy Division of the Department of Planning, Industry and Environment (DPIE) who provided the following advice:

*In view of the above, Part 3 does not apply to other forms of residential accommodation that are separately defined as an alternative land use such as “shop top housing”. This is confirmed in the Guidelines for Retention of Existing Affordable Rental Housing, page 4.*

In this regard, the Affordable Housing SEPP does not apply to the subject development.

*SEPP (Coastal Management) 2018.*

The proposal does not restrict public access to the coastal zone and will protect and preserve the natural environment and the amenity and scenic quality of the coastal zone. Overshadowing, impacts upon views from public places and the impact of the development upon environmental heritage has been considered as detailed elsewhere in this report and are considered reasonable. Wind funnelling is unlikely to increase significantly beyond that potentially already occurring given that the proposal largely follows the existing street wall on Campbell Parade and follows the pattern of development on Ramsgate Avenue.

The site is located opposite land designated as high sensitivity for Aboriginal Heritage, although not located within that area itself. This site is located within the Bondi - Rose Bay Sand Body as identified in Council’s Aboriginal Cultural Heritage Study 2009. In this regard, an appropriate condition of consent is included requiring that 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.

It is considered that the proposal is consistent with the matters for consideration contained in the SEPP and can be supported in this regard.

*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) Any vegetation on Land identified as 'Biodiversity' on the Terrestrial Biodiversity Map in WLEP 2012;*
- (ii) Any vegetation on Land identified as 'Biodiversity Habitat Corridor' in WDCP2012; or*
- (iii) A tree identified on the Waverley Significant Tree Register; or*
- (iv) A tree or vegetation that forms part of a Heritage Item or is within a Heritage Conservation Area;*
- (v) Any tree with a height of five metres or greater and trunk width of 300mm or greater at ground level;*  
*or*
- (vi) Any tree with a canopy spread of five metres or greater and trunk width of 300mm or greater at ground level.*

As per the principal development consent, one tree has been approved to be removed from the site as it is within the footprint of the approved building. However, Condition 12 of the original consent requires that three new street trees be planted on the Council's nature strip to offset the loss of vegetation which will be reimposed as part of this development. This is consistent with the referral comments from Council's Tree Preservation Officer (refer to section 3.9 of this report).



### 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Medium Density Residential Zone	No	<p>The principal development consent was for shop top housing containing retail shops at ground and six residential dwellings above.</p> <p><b>Shop top housing</b> is defined as ‘one or more dwellings located above ground floor retail premises or business premises’.</p> <p>The proposal reduces the number of residential apartments on the site to two, however as the definition requires one or more dwellings above retail/business premises, the amending proposal continues to be defined as ‘shop top housing’ consistent with the principal development consent.</p> <p>Shop top housing is prohibited in the R3 zone.</p> <p>The land use of the existing building is shop top housing which was approved and constructed prior to the LEP prohibiting the use within the zone and as such is considered to be an Existing Use under Division 4.11 of the EP&amp;A Act.</p> <p>Refer to the following section of this report for detailed discussion.</p>
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>12.5m</li> </ul>	Yes	The proposal has a maximum height of 12.5m to the top of the lift overrun.
4.4 Floor space ratio <ul style="list-style-type: none"> <li>0.9:1</li> </ul>	No	The existing building has an FSR of 2.18:1 and the previous approval for this site increased this to 2.77:1 (subject to conditions regarding balconies which reduced the FSR) with the offer of a VPA.



Provision	Compliance	Comment
		The subject proposal has an FSR of 2.74:1 providing a reduction of 10.34m <sup>2</sup> from the previous consent. Notwithstanding, the amending proposal will exceed the development standard by 605.44m <sup>2</sup> or 204%. A VPA has also been offered with the subject proposal.
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 FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	No	<p>The subject site is not heritage listed however it is located within vicinity of a group of heritage listed buildings to the west at 246-248 and 250 Campbell Parade, (including the Rose Bay Surf Club) and opposite 264-268 and 270 Campbell Parade to the east on the corner with Ramsgate Avenue. The site is also located within the Bondi Beach Urban Conservation Area.</p> <p>Refer to discussion below this table.</p>
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	<p>The site is designated as Class 4 land on the Acid Sulfate Soils Map.</p> <p>A Geotechnical and Hydrogeological Desk Study by Asset Geotechnical Engineering P/L was provided with the principal consent, DA-381/2018. The report indicates that there may be implications regarding Acid Sulfate soils. The report states that if the presence of acid sulfate soils is found on site, a soil management plan will be prepared.</p> <p>Accordingly, a condition is provided referencing the previous report in regard to Acid Sulfate soils as per the principal development consent.</p>
6.2 Earthworks	Yes	The proposal includes extensive excavation to provide basement parking over a number of levels.



Provision	Compliance	Comment
		<p>As previously indicated a Geotechnical and Hydrogeological Desk Study was submitted with the previous application providing recommendations and methodology to alleviate impacts upon surrounding properties. The report states that if the development is designed and constructed in accordance with the recommendations given in the report, the impacts on adjacent developments are anticipated to be negligible and within acceptable limits. The report is referenced in the conditions of consent.</p> <p>Furthermore, all standard conditions in relation to excavation are included in the consent conditions and as such the excavation proposed is considered acceptable.</p>
6.3 Flood planning	Yes	<p>The site is not identified as flood affected under LEP 2012.</p> <p>However, since approval of the principal development consent, the property has been identified as flood affected under the Council endorsed Waverley LGA Flood Study 2020. However, this flood study has not yet been incorporated into the LEP and has no statutory weight at this stage.</p> <p>The Applicant has been made aware of this and an advisory note is included on the consent. As the Flood Study 2020 has no statutory weight and the principal development consent has been approved prior to the Flood Study, any additional requirements cannot be imposed or introduced as part of this amending application.</p>

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 the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.



The site is subject to a maximum FSR development standard of 0.9:1. The proposed development has an FSR of 2.74:1, exceeding the standard by 605.44 m<sup>2</sup> equating to a 204% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of 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.

#### Applicant's 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) *This proposal seeks to reduce the floor space ratio by 0.03:1 (3%), to allow for a total GFA of 902.26m<sup>2</sup>. This represents a total FSR of 2.74:1 – a variation to the control of 204%. Despite the magnitude of the numerical variation, this proposed development does not alter the height, scale, bulk, form or impact as compared to the approved development.*
  - (ii) *The lower amount of floor space is manifested by the introduction of open terraces at the rear of the property which previously were calculated as gross floor area and some recalculations caused by the different definitional approach to calculating staircases between the approved development and the current proposal.*
  - (iii) *The approved building complies the height standard and exceeds the floor space standard for this site, allowing for a parapet height of RL19.3 and overall height of RL 20.3. Being an amending DA, the proposal is limited to its amendment of the already approved outcome on the site. In this respect, the maximum building height, parapet height, wall height and setbacks are all entirely unchanged and the satisfaction of this objective is therefore as previously approved. The proposed reduction in floor space continues the approved correlation between the maximum building heights and density controls.*
  - (iv) *The approved development will contribute to the future character of the locality. A reduction in the calculable floor space caused by internal changes to the building have no consequence on the compatibility of this approved development on the locality.*
  - (v) *The overall scale of the development preserves the environmental amenity of the neighbouring properties and the locality to the same extent as the approved development. The reduction in floor space “maintains [the development] in its original or existing state”, meeting the common definition of preservation.*



(vi) *The proposed reduction in floor space does not cause injury, harm or destruction to the amenity of neighbouring properties of the locality. It keeps up the approved built form, height, setbacks and design attributes already accepted as appropriate to this site.*

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

(i) *The variation is necessary to improve the design and amenity of the built environment, being a stated Object of the Act (1.3(g) of the EP&A Act). In particular, the reduction in FSR is necessary to provide improved access to private open space areas within the approved development, notwithstanding the scale, form, height and articulation of the building are retained as approved.*

(ii) *The variation is necessary to facilitate the orderly and economic use and development of land, being a stated Object of the Act (1.3(c) of the EP&A Act). In particular, the variation allows for the conversion of the approved development for the use as two dwellings which achieve a high level of amenity. The FSR facilitates the retention of a shop-top housing development with retail activation at the ground floor level that relies on Existing Use Rights.*

(iii) *The development is below the maximum height of the existing building, and in some areas almost a full floor below the maximum height control.*

(iv) *The scale of the building remains complementary to the future desired character of the locality, and retains the approved scale.*

(v) *The proposal is consistent with the objectives of the FSR development standard and the objectives of the zone.*

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 development 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 justifications 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; and*
- (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.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant's justification is considered sound particularly as the amending proposal seeks to reduce the FSR of the principal development consent. The assessment report for the principal development consent, DA-381/2018, provides extensive discussion of the development in relation to the objectives of the FSR development standard with particular focus upon impacts on private views from surrounding properties, privacy and overshadowing. The amending development application will not result in greater impacts upon the amenity of surrounding properties as the built form including the height, footprint and setbacks are being maintained. The deferred commencement conditions of the principal development consent provided specific requirements for the wall height and plant on the roof with which the amending proposal complies.

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 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 development standard and the objectives for development within the zone in which the development is proposed to be carried out, despite the fact that the building has existing use rights.

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 and scale of 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 the locality.*

Objective (a) is not relevant to the subject site.

The amending proposal will result in decreased gross floor area through the reallocation of floor space, loss of multiple balconies on the Campbell Parade frontage and the provision of two terraces on the Ramsgate Avenue frontage. Notwithstanding, the footprint, setbacks, height and bulk of the amending proposal essentially remains the same as that which was approved under the principal development consent. In this regard, given that the principal development consent was determined to provide an appropriate correlation between maximum building heights and density controls, it stands to reason that the amending proposal is also consistent with objective (b).

The same is true for objective (c) which requires that the bulk and scale of the development is compatible with the desired future character of the locality. Given that the bulk and scale of the amending development is unchanged, it is also consistent with the desired future character. This is discussed further in section 2.14 of this report, particularly Table 6 which discusses the controls in relation to the Bondi Beachfront Area.

The amending proposed development will not increase the bulk, height or scale of the principal development consent. As detailed elsewhere in this report, the proposal will not result in unreasonable additional privacy impacts, overshadowing or impacts upon views from surrounding sites. The impacts of the amending application are commensurate with the impacts of the building already approved under the principal development consent. In this regard, the amenity of surrounding properties and the locality will be preserved consistent with objective (d).

The subject site enjoys the benefit of existing use rights. Given that the R3 zoning prohibits the land use of shop top housing, the R3 zoning does not apply to the development as it is this part of the LEP which derogates from the existing use 'incorporated provisions' in the Regulations.

Notwithstanding, an assessment against the objectives of the zone is provided following for an abundance of caution. The objectives of the R3 zone are as follows:

- *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.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposal provides two dwellings on the site, a reduction from the six apartments approved in the principal development consent. Residential flat buildings, dual occupancy development and dwellings are a permitted use within the R3 zone. Effectively, the proposal provides a dual occupancy over the retail shops and given that a dual occupancy is a permitted use, the proposal is consistent with the objective to provide for the housing needs of the community within a medium density residential



environment. Council's controls contain FSR provisions as a means of controlling density, rather than bedrooms or people per hectare. The amended proposal provides a similar FSR to the principal development consent, however with fewer dwellings. The dwellings are five-bedroom apartments more likely to be utilised by large families and/or extended families. Given that most new medium density development within the LGA is comprised predominantly of one and two-bedroom apartments, the proposal to provide five-bedroom apartments targeting larger family groups clearly contributes to the variety of housing types being offered within the area.

The proposal provides other land uses that provide facilities or services to meet the day to day needs of the residents through the provision of the retail component at ground level. Maximisation of public transport use, walking and cycling will be encouraged by providing no more than the maximum permitted parking spaces allowed on site.

During assessment of the principal development consent, the applicant submitted an undertaking to Council regarding their commitment to enter into a voluntary planning agreement (VPA) for the additional gross floor area above the existing building on the site in accordance with the *Waverley Council Planning Agreement Policy 2014* (the Policy). The applicant has reiterated this commitment to enter into the VPA as part this amending application.

The Policy provides a mechanism to address the public benefit offset of additional reasonable impacts from developments exceeding development standards. The offer to enter into a planning agreement addresses the public benefit aspect of maintaining the FSR development standard when Council considers a variation with the standard by way of assessing and determining a development application.

As the development standards of the LEP do not technically apply to this site given existing use rights, the benefit has been calculated by way of the additional floor space above what already exists on the site.

The fundamental principle of the Policy is that any benefit that arises from agreement to vary development standards is shared between developer and the community and must be acceptable on environmental impact grounds. The reasonableness of impacts associated with the additional floor space of the proposed development has been considered against the likely public interest (i.e. public domain improvements in the area), which has been found to be acceptable in this instance. The reasonableness relates to the merits of this case only as discussed in the body of this assessment report.

The proposal is in accordance with other variations which have been permitted in conjunction with public benefits or purpose, such as affordable housing, public domain works or the like. The proposed development is not against the public interest as it complies with the limitations set in the Policy.

A suitable public purpose or benefit is considered to be provided in the form of the forthcoming execution of a planning agreement, which would contribute to public works or a similar public benefit within the catchment of the site. Appropriate conditions are included in Appendix A in relation to the Planning Agreement.



## 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 FSR development standard and the R3 zone.

## **Heritage conservation**

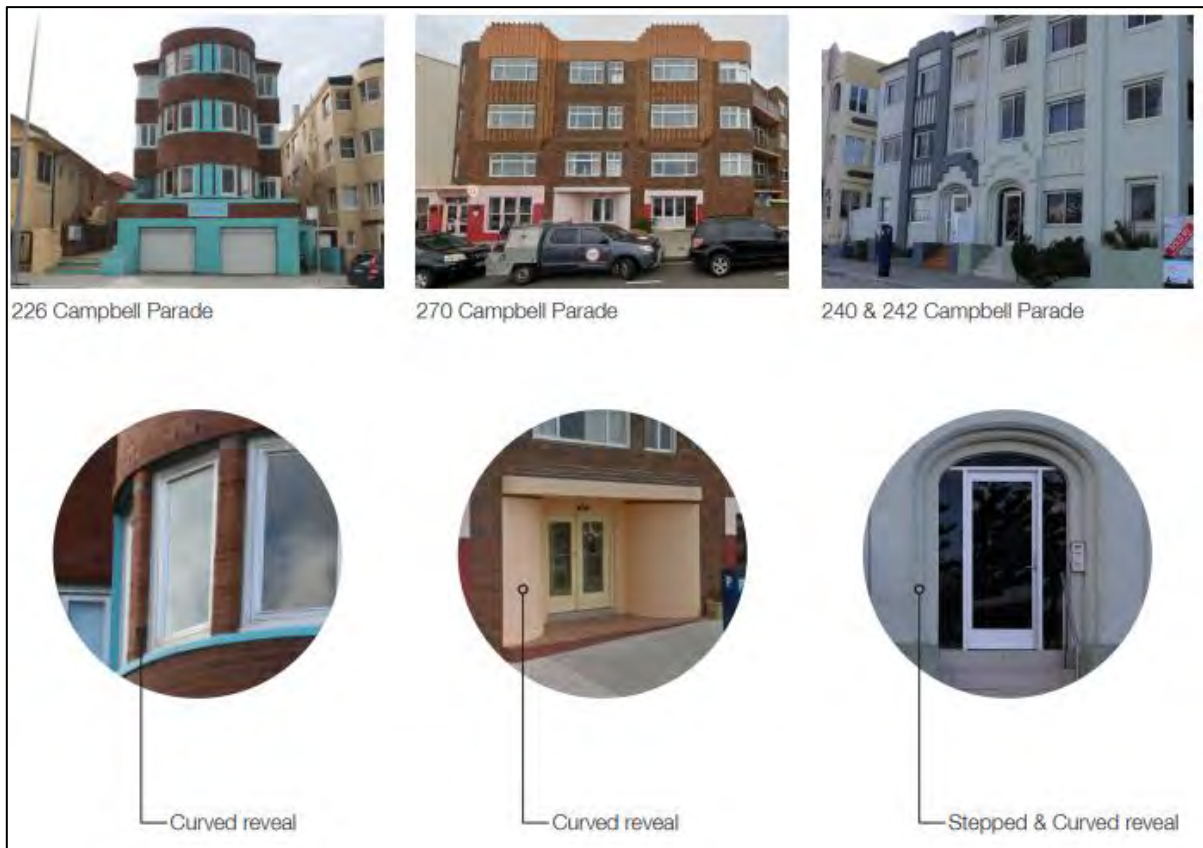
The subject site is not heritage listed however it is located within vicinity of a group of heritage listed buildings to the west at 246-248 and 250 Campbell Parade, (including the Rose Bay Surf Club) and opposite 264-268 and 270 Campbell Parade to the east on the corner with Ramsgate Avenue. The site is also located within the Bondi Beach Urban Conservation Area.

Comments were sought from Council's Heritage Advisor in relation to the original and amended scheme under this current application. The application was deferred to address matters raised in relation to the conservation area including that:

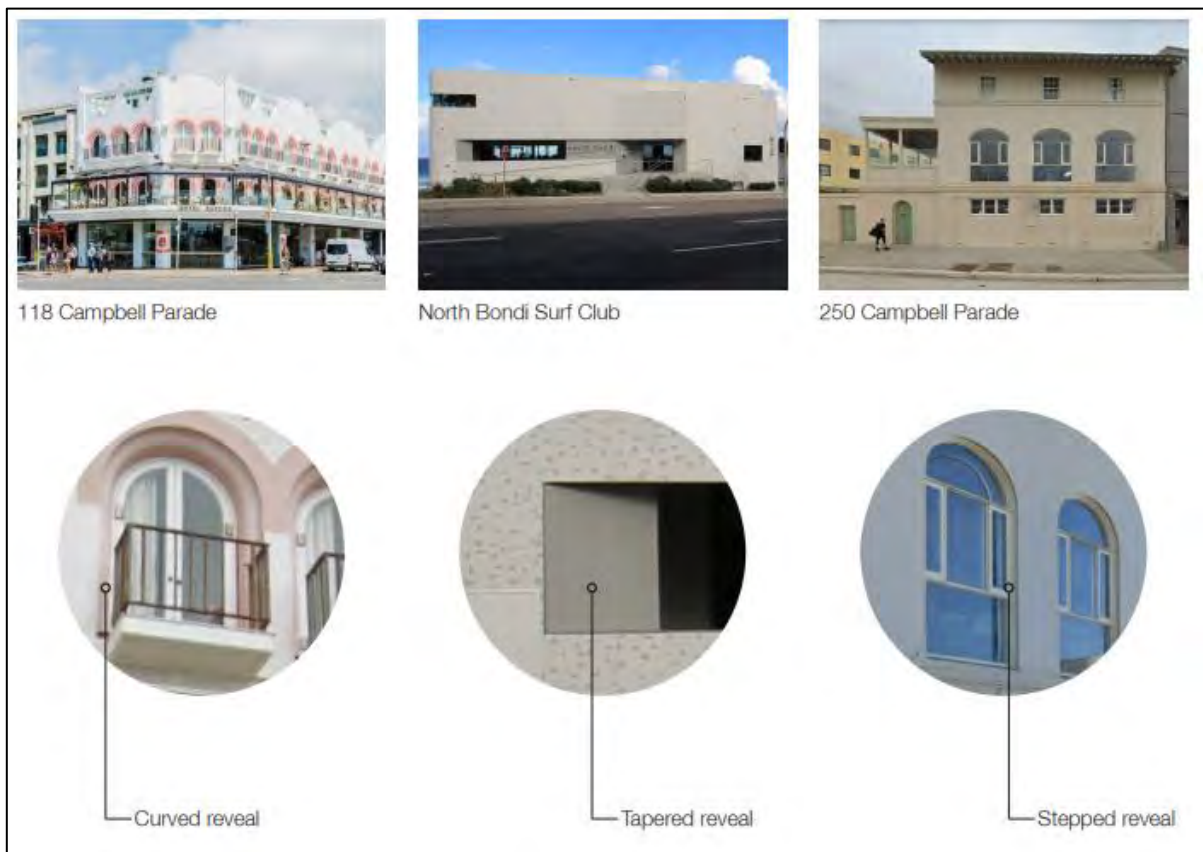
- The treatment of the cantilevered balconies to the Campbell Parade elevation should be amended to a form providing greater visual and weather protection with no projection from the facade. The possible amalgamation of the central balconies with or adjacent to the curved central recess should be considered.
- Reconsider location and design of balconies, so they are contained within the building form (not protruding beyond the façade) and ideally provided with direct access from the living areas.
- The proliferation of curved reveals to window openings should be reconsidered in deference to the applicant's stated design intent of 'punched openings' as a defining aspect of the Conservation Area incorporated in the proposed development.
- The nature of proposed stone cladding and related detailing should be clarified. Alternatively, an alternate, durable material should be considered that is in keeping with the conservation area.

The cantilevered balconies were deleted from the amended proposal however the Applicant has sought the retention of the curved reveals and provided examples of where this is part of the Bondi Beachfront conservation area as per **Figures 5 and 6** below.





**Figure 7:** Examples of treatment of opening reveals along Campbell Parade



**Figure 8:** Examples of treatment of opening reveals along Campbell Parade



The amended plans and information regarding the curved reveals of the conservation area were referred to Council's Heritage Advisor with the following comments that relate to the heritage conservation area summarised below:

- The proposed external cladding with an unspecified type of stone remains unresolved. The comparative examples are generally of stepped or splayed surfaces and not of curved surfaces clad in stone. The latter require cutting from a thick panel inevitably with a continuous vertical joint at the outer face of the reveal. Details of stone selection and panel sections in plan and fixing alignment need to be provided.
- The curved reveals to all openings tend to emphasise monolithic form rather than reflect historic traditions of 'punched openings' in masonry and deep shadow lines of awnings. The proliferation of curved reveals to window openings should be further considered in terms of material selection and detailing.

Given that the detailing of the windows requires more attention and detail, a condition of deferred commencement is recommended.

In terms of the external cladding the applicant has stated: *'The type of stone has not yet been selected however it is intended to be a superior product to the approved rendered finish. It is acknowledged that Council requires this product detail prior to material selection and as such a condition of consent is warranted ...'* As such, this is also required as a deferred commencement condition.

#### 2.1.4. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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	<p>The subject amendments reduce the number of apartments on site to two thereby reducing the number of bins required. The bin storage would be required to accommodate 4 bins for the residential and 4 bins for each retail shop. The DCP also requires 5m<sup>2</sup> for bulky waste storage.</p> <p>These requirements will be accommodated within the basement car park with separate residential and commercial waste rooms and storage for bulky waste items. Additionally each retail tenancy will have separate independent</p>



Development Control	Compliance	Comment
		<p>waste areas within the shop as part of their fit-out.</p> <p>The waste bins can be transported within the car or passenger lift to the street for collection. This is the same arrangement as was previously approved under the principal development consent (DA-381/2018/A).</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.</p>
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	<p>Given the block edge design of the building there are limited opportunities for landscaping. Notwithstanding, landscaping is provided around the street edge on the Campbell Parade frontage and the corner with Ramsgate Avenue.</p> <p>The site is located in a Habitat Corridor. The application was referred to Council's Biodiversity Officer and conditions were recommended regarding landscaping on the site.</p>
4. Coastal Risk Management	Yes	Satisfactory (refer to previous discussion under Section 2.1.2 of this report).
5. Vegetation Preservation	Yes	This was approved as part of the principal development consent (refer to previous discussion under Section 2.1.2 of this report).
6. Stormwater	Yes	This was approved as part of the principal development consent (refer to previous discussion under Section 2.1.3 of this report and section 3).
7. Accessibility and Adaptability	Yes	The proposal provides a lift to all levels of the building from the basement car park. The shops are accessible from the footpath level. Each of the two dwellings will have separate entry from Ramsgate Avenue which are not accessible however no adaptable or liveable units are required given that only two dwellings are proposed.



Development Control	Compliance	Comment
<p>8. Transport</p> <p>Parking Zone 2</p> <p>Residential:</p> <ul style="list-style-type: none"> <li>• Max of 2 spaces per dwelling</li> <li>• 1 visitor per 5 units</li> </ul> <p>Commercial:</p> <ul style="list-style-type: none"> <li>• Minimum – 0</li> <li>• Maximum – 3.3/100m<sup>2</sup></li> </ul>	Yes	<p>The DCP requires a minimum of nil spaces and maximum of four resident car spaces for the residential use. For the commercial use, the minimum amount of parking is nil and the maximum permitted is six retail spaces. The DCP also requires three motorcycle spaces.</p> <p>The proposal provides 10 car spaces and four motorcycle spaces within a three level basement car park complying with the requirements of the DCP. A condition will require that the spaces are allocated according to the DCP provisions.</p> <p>The DCP also requires 1 bicycle space per dwelling and 2 space for the commercial tenancies (including 1 visitor). The proposal provides storage rooms for each residential apartment and the commercial units capable of providing bicycle parking.</p> <p>The basement car park will be accessed via a single car lift from Ramsgate Avenue. The location of the car lift is shifted slightly to the east in the amending application from the principal development consent. This is considered satisfactory.</p> <p>A Traffic Report was provided with the application outlining the impact upon the local road network and on-street parking. The proposal is acceptable in this regard noting that traffic generation would be reduced from the principal development consent with the reduction in the number of dwellings and car spaces.</p> <p>The proposal is acceptable in regard to this part of the DCP.</p>
9. Heritage	Yes	Comments from Council's Heritage Architect have been discussed in detail in section 2.1.3 with additional discussion in section 3.2 of this report.
10. Safety	Yes	The proposal has been designed to provide separate entries to the commercial and residential premises with the dwellings each having an entry from Ramsgate Avenue.



Development Control	Compliance	Comment
		<p>The amending proposal provides two separate lifts providing access to/from the basement carpark to one shop and one dwelling from each lift. It is likely that the lift will have keyed entry to each level for security which is considered acceptable.</p> <p>The proposal provides windows on Campbell Parade and windows and balconies on Ramsgate Avenue overlooking the street and providing passive surveillance of both frontages.</p> <p>The retail frontages provide activity on Campbell Parade also improving the security along this part of the street and the corner with Ramsgate Avenue.</p> <p>The proposal is consistent with the aims and objectives of this part of the DCP.</p>
12. Design Excellence	Yes	<p>The amending application was referred to the Design Excellence Advisory Panel (DEAP) for comments in relation to this part of the DCP (refer to section 3.1 of this report for full comments). The DEAP found the design acceptable given the surrounding context of the area and that the proposal is considered capable of achieving design excellence.</p>
14. Excavation	Yes	<p>The proposal includes extensive excavation to provide basement parking over three levels.</p> <p>As previously indicated a Geotechnical and Hydrogeological Desk Study was provided for the principal development consent. This report provided recommendations and methodology to alleviate impacts upon surrounding properties. The report states that if the development is designed and constructed in accordance with the recommendations given, the impacts on adjacent developments are anticipated to be negligible and within acceptable limits. The report is referenced in the conditions of consent for the subject amending application.</p> <p>Furthermore, all standard conditions in relation to excavation were provided in the principal development consent which are recommended reimposed upon this development for clarity and</p>



Development Control	Compliance	Comment
		as such the excavation proposed is considered acceptable.
15. Advertising and Signage	N/A	The tenancies of the retail spaces are unknown at this stage and therefore advertising and signage would be subject to a separate application (if applicable).
16. Public Domain	Yes	The application was reviewed by Council's Public Domain team with conditions recommended which are included in the consent.
17. Inter War Buildings	N/A	The demolition of the building has been approved under the previous application and at the time, the Inter War buildings controls were not part of the DCP. The proposal seeks only to amend the previous approval and as such the demolition of this building is previously approved.

**Table 3: Waverley DCP 2012 – Part C1 – Special Character Areas**

Development Control	Compliance	Comment
<b>1.2 North Bondi</b>		
Desired Future Character Objectives <ul style="list-style-type: none"> <li>• Maintain streetscape rhythm in building frontages</li> <li>• Improve amenity on site and adjoining sites</li> <li>• Minor alterations in the roof space.</li> </ul>	N/A	The majority of the controls within this part of the DCP are not relevant to the subject proposal as there are more specific controls under Part E2 Bondi Beachfront Area (refer to Table 6). These controls relate to residential flat buildings, rather than mixed use development.

**Table 4: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Site, scale and frontage</b>		
Development is not to result in isolated sites with a minimum street frontage of: <ul style="list-style-type: none"> <li>• Minimum frontage: 15m – R3 zone</li> </ul>	Yes	The frontage of the site to Campbell Parade is 26.69m and to Ramsgate Avenue, is 21.095m.
<b>3.2 Height</b>		



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Refer to the LEP</li> <li>Maximum external wall height: 9.5m</li> </ul>	N/A	<p>The Bondi Beach Character Study Area specifies an external wall height of 12.5m on this site overriding this control as it is more site specific.</p> <p>Notwithstanding, height has been previously discussed in this report with the height being approved as part of the principal development consent.</p>
<b>3.3 Setbacks</b>		
<p>3.3.1 - Street setbacks</p> <ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	Yes	<p>The street setback on Ramsgate Avenue is consistent with the adjoining property at 250 and 252 Campbell Parade to the west. The setback on Campbell Parade is consistent with properties fronting this street and the Bondi Beach Character Area controls which require a four-storey street wall with nil setbacks.</p> <p>The amended proposal essentially retains the same footprint as approved except at Level 3 where the building is to be set back behind a street wall façade with balconies set behind on the Ramsgate Avenue frontage. The proposal retains a solid street wall on Ramsgate Avenue so it essentially retains the block edge appearance of the building on this frontage. This is considered acceptable.</p>
<p>3.3.2- Side and rear setbacks</p> <ul style="list-style-type: none"> <li>Minimum side setback: 1.5m</li> <li>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</li> <li>Deep soil along side boundary min 2m wide</li> </ul>	N/A	<p>The setback controls of the DCP as they relate to the R3 zoning are not relevant to this site. The Bondi Beach Character Area controls are more specific in the requirements for this part of Campbell Parade and require street edge design and nil side boundary setbacks when consistent with adjoining properties and the streetscape.</p>
<b>3.4 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Façade to be articulated</li> <li>Maximum unit depth: 18m</li> </ul>	Yes	<p>The footprint and built form of the amending application is consistent with the principal development consent. There will be no alteration to the length and depth of the building.</p> <p>The dwellings retain two window walls with orientation to both Ramsgate Avenue and Campbell Parade and as such, receive adequate light, ventilation and solar access. Accordingly,</p>



Development Control	Compliance	Comment
		the layout, and depths, of the proposed dwellings are considered acceptable.
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> <li>Corner sites to address both streets as primary frontages</li> <li>Removal of original architectural features not supported.</li> </ul>	Yes	Subject to amendments discussed elsewhere in this report, the amending proposal will continue to respond appropriately to the streetscape by repeating the rhythm of the existing building with a strong masonry street wall with recessed openings. The building retains the curve at the corner with Ramsgate Avenue, providing a strong focus to this corner without overwhelming the streetscape.
<b>3.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level and respond to pattern within the street</li> <li>Accessible entry</li> <li>Separate to vehicular entry</li> <li>Legible, safe, well-lit</li> </ul>	Yes	<p>Accessible entry to each of the retail shops continues to be provided directly from Campbell Parade.</p> <p>Individual entries to the two dwellings are provided from Ramsgate Avenue which are separate to the retail entries.</p>
<b>3.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Comply with part B3- Landscaping and Biodiversity</li> <li>Minimum of 30% of site area landscaped</li> <li>50% of the above is to be deep soil</li> </ul>	Yes	<p>The principal development provides minimal landscaping with the street edge design of the proposal leaving little room for landscaping particularly when following the setbacks of adjoining properties on Campbell Parade and Ramsgate Avenue.</p> <p>Notwithstanding, the glass line at the ground floor level is slightly inset along Campbell Parade and on the corner with Ramsgate Avenue enabling perimeter planting boxes around this frontage. The planters will be raised and will enable the planting of vegetation on the street frontages. There are other small areas for planting also introduced throughout the site including a small niche adjoining 252 Campbell and adjacent to one balcony at Level 3.</p> <p>In the principal development consent the recessed glassline and projecting soffit presented a safety hazard to pedestrians and as such a deferred commencement condition required that the glassline of the shops be brought forward to the street boundary. The amending proposal by introducing a raised planter around the corner at</p>



Development Control	Compliance	Comment
		<p>ground that aligns with the soffit above. In this regard, it is recommended that the deferred commencement condition to align the glassline with the boundary not be reimposed on the amending development.</p> <p>The amending proposal has made efforts to increase the landscaping provision on site, improving the streetscape and the amenity for the dwellings. This is considered acceptable.</p>
<b>3.10 Communal open space</b>		
<ul style="list-style-type: none"> <li>• Minimum 15% communal (R3 zone)</li> <li>• Minimum dimensions: 6m x 6m</li> <li>• Minimum of 30% of communal area must receive three hours of sunlight</li> <li>• Accessible</li> </ul>	N/A	The proposal provides only two dwellings and therefore is not a residential flat building. The provision of communal space is therefore not required, particularly given that each dwelling will have a private balcony.
<b>3.11 Private Open Space</b>		
<p>3.11.1 – Courtyards</p> <ul style="list-style-type: none"> <li>• Private Courtyards – min 25m<sup>2</sup> area and 3m width and depth</li> <li>• Planting to be provided</li> <li>• Private open space not to be provided at the front, unless a buffer it provided</li> <li>• Max gradient 1 in 10</li> </ul> <p>3.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> <li>• Balcony additions to match the character of the building</li> <li>• Should not dominate the façade</li> <li>• No wrap around balconies</li> <li>• Located to maximise solar access and privacy</li> <li>• Balustrades to allow views and casual surveillance of the street &amp; privacy</li> </ul>	Yes	<p>The proposal provides individual balconies with a northerly aspect on the Ramsgate Avenue frontage. The balconies are integrated into the design of the building set behind a parapet to present to the street with a consistent street wall.</p> <p>Access from living areas is discussed in part 3.13 of this table and section 3.2 of this report. As Bondi Beach is to the south, the living areas are located to enjoy these views, whilst the open space areas are on the northern side for solar access. Although the private open space does not directly adjoin the living areas, it is located on the same level, is within view from the living space and is accessed via a hall connecting the two areas. Given the unique views achieved from this site, this is considered to be an appropriate solution.</p> <p>The balconies on Ramsgate Avenue are integrated into the design of the building, set behind a strong street wall. A condition will ensure that the area above the balustrade is to be open to ensure no enclosure of this space.</p>



Development Control	Compliance	Comment
<b>3.12 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>• Car parking to be integrated into the design of the development</li> <li>• Max 1 x 2 way vehicle access point</li> <li>• Provided from secondary street or lane</li> <li>• Pedestrian safety considered</li> </ul>	Yes	<p>The car park entry from Ramsgate Avenue is consistent with the principal development consent. The car park entry remains integrated into the design of the building.</p> <p>The car park entry is separate from the pedestrian entries.</p>
<b>3.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>• Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June</li> <li>• New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter.</li> <li>• Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June.</li> </ul>	Yes	<p>The proposal is not a residential flat building and as such this requirement does not apply.</p> <p>Notwithstanding, in order to provide solar access to balconies, these have been repositioned from the south (where they were located in the principal development consent) to the northern side of the building fronting Ramsgate Avenue. This allows solar access to both balconies meeting the minimum requirements of the DCP.</p> <p>It should be noted that the site is positioned to overlook Bondi Beach and the iconic views it provides. In this regard, living areas have been orientated toward the south to achieve these views. The dwellings achieve satisfactory solar access to the north-facing balconies (private open space) and although the living areas are south facing to take advantage of extensive significant views, solar access is achieved through glazed doors and windows to the balconies.</p> <p>Given the unique characteristics of the site, it is considered appropriate to provide the main windows on the southern side of the building and the variation to the solar access controls of the ADG is supported in this instance. Particularly as the amending DA provides a better solution to the principal development consent by at least providing full solar access to the private open space.</p>
<b>3.14 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>• Minimise view loss through design</li> <li>• Landscaping on sites adjacent to a Council park</li> </ul>	Yes	<p>View impacts were considered extensively during the assessment of the principal consent, DA-381/2018/A. Conditions of deferred commencement were imposed to strictly limit</p>



Development Control	Compliance	Comment
<p>or reserve should be sympathetic to soften the public/private interface.</p> <ul style="list-style-type: none"> <li>Views from public spaces to be maintained.</li> </ul>		<p>the height of the building and remove roof terraces that could potentially intrude on views from surrounding properties. The amended application satisfies these conditions and as such, will have no additional impacts upon views, beyond that already deemed acceptable by the approval of the principal consent.</p>
<b>3.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Dwellings to be orientated to the street with entrances and street numbering visible</li> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>Privacy be considered in relation to context density, separation use and design.</li> <li>Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site.</li> </ul>	Yes	<p>The site is opposite residential properties on Ramsgate Avenue to the north and east. Although the proposal is built up to all boundaries, a roadway separates the site from adjoining residential properties with the nearest property boundary being 15m from the subject site. In this regard, the proposal provides adequate separation from adjoining residential properties to meet the requirements of the ADG.</p> <p>Dwellings are orientated toward both street frontages and the corner. Living area windows are on the southern frontage and bedrooms windows and balconies on the northern Ramsgate Avenue frontage. The balconies will overlook the street separated from properties opposite by the width of Ramsgate Avenue and will not result in unreasonable additional privacy impacts.</p>
<b>3.16 Dwelling size and layout</b>		
<ul style="list-style-type: none"> <li>Max habitable room depth for single aspect is 8m from window</li> <li>Max width of dwelling over 15m deep is min 4m</li> <li>All habitable rooms to have a window</li> <li>Provide a range of dwelling types and sizes</li> <li>Min sizes 3 bedroom = 100m<sup>2</sup></li> </ul>	Yes	<p>There are no single aspect dwellings with both having two aspects.</p> <p>The width of the dwellings is over 12m and 14m.</p> <p>All habitable rooms will have a window.</p> <p>The amending proposal provides two five-bedroom dwellings contributing to housing stock for large families/groups or co-living arrangements. The amending application provides two larger dwellings rather than six smaller dwellings. The applicant has advised that this is in response to local demand during COVID-19. Larger dwellings contribute to the mix of dwellings just as much as smaller dwellings.</p> <p>Both dwellings well exceed the minimum apartment sizes.</p>



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Flexible design</li> <li>Accessible and Adaptable</li> </ul>		Accessibility and adaptability have been previously discussed.
<b>3.17 Ceiling Heights</b>		
<ul style="list-style-type: none"> <li>Min 2.7m floor to ceiling height residential floors</li> <li>Min 2.4m floor to ceiling height attic levels</li> </ul>	N/A	This was approved as part of the principal development consent
<b>3.18 Storage</b>		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> <li>Studio and 1 bed = 6m<sup>3</sup></li> <li>2 bed = 8m<sup>3</sup></li> <li>3 or more bed = 10m<sup>3</sup></li> <li>All to provide bulk storage are in basement or ancillary structure</li> </ul>	Yes	<p>Sufficient storage is provided within each dwelling in addition to storage rooms within the basement car park.</p> <p>Bulk storage rooms are also provided within the basement.</p>
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	<p>Both dwellings have similar uses adjoining, with living areas at Level 3 and bedrooms on the levels below.</p> <p>In regard to acoustic separation of the retail level from the residential level, a condition to ensure that the amenity of the units above the retail are appropriately treated was provided on the principal development consent and is recommended to be repeated in this consent.</p>
<b>3.20 Natural Ventilation</b>		
<ul style="list-style-type: none"> <li>All dwellings to be naturally cross-ventilated</li> <li>Building to be orientated to maximise breezes</li> <li>Ceiling fans are to be provided in all habitable rooms.</li> </ul>	Yes	<p>Both dwellings will be naturally cross-ventilated with all habitable rooms being provided with a window.</p> <p>The amended plans provide ceiling fans in all habitable rooms.</p>
<b>3.21 Building services</b>		
<ul style="list-style-type: none"> <li>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms,</li> </ul>	Yes	<p>A communal clothes drying area is considered unnecessary as there are only two dwellings and each has a balcony recessed back from the street.</p> <p>The roof contains lift overrun and mechanical risers, skylights, AC plant and photovoltaic solar panels. The AC plant is to be screened to a height no more than that allowed by the previous</p>



Development Control	Compliance	Comment
satellite/communications structures • Outdoor Communal clothes drying area to be provided • Plant rooms away from entry communal and private open spaces and bedrooms. • Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge	N/A  Yes  Yes	<p>deferred consent conditions of the principal consent. Deferred commencement condition 1 requires, in part, <i>'The building (including height of the street wall of the proposal and the roof level) shall not extend above RL 19.3. Only the roof plant/services, including the lift overrun and mechanical risers as indicated on the plans shall be permitted to extend above RL 19.3 but no higher than RL 20.3. The skylights and solar panels shall be flush with the roof or extend no higher than RL 19.3.'</i> The amending application satisfies this condition and as such, it is not recommended to be reimposed.</p> <p>All plant on the roof is set back from the edges of the building to ensure low visibility from the street.</p>

**Table 6: Waverley DCP 2012 - Part E2 Bondi Beachfront Area Compliance Table**

Development Control	Compliance	Comment
<b>2.1 General Controls</b>		
2.1.1 Public domain interface	Yes	<p>The proposal provides a strong retail frontage at the ground floor level addressing Campbell Parade and wrapping around part of the Ramsgate Avenue frontage. The ground floor retail maximises the frontage on Campbell Parade and is active, open and inviting. Additionally, the retail frontage is provided with an awning on Campbell Parade.</p> <p>The commercial and residential entries are separated and are clear, legible and safe.</p> <p>As vehicular entries are prohibited on Campbell Parade, the proposal provides driveway access from Ramsgate Avenue as per the principal development consent.</p> <p>The proposal is consistent with this part of the DCP.</p>
2.1.2 Building use	N/A	<p>The use of each shop has not been nominated as part of this application or the principal development consent. Any shop use would need to comply with the requirements of existing use rights however this is subject to a separate</p>



Development Control	Compliance	Comment
		<p>assessment under a separate development application.</p> <p>Notwithstanding, the waste storage has been designed assuming the waste generation of a food shop, which has the highest waste generation rate. This is to 'future-proof' the retail spaces for a variety of uses.</p>
2.1.3 Built form	Yes	<p>The DCP requires that new buildings are sympathetic to the scale and height of existing buildings. The amending development continues to be consistent with the pattern of development for properties fronting Campbell Parade and Ramsgate Avenue.</p> <p>The proposal complements the building adjoining the site at 252 Campbell Parade (and the design of the activated consent) providing an appropriate transition to the corner. The strong street wall and masonry appearance of the building is consistent with the existing building on the site and those adjoining.</p> <p>Notwithstanding, the amending proposal provides large full height glazed openings at the top floor level which does not reflect the proportions of the glazing to solid ratio of the levels below, the existing building or the principal development consent. This is also inconsistent with the conservation area. A condition to this effect is included in the deferred commencement conditions.</p> <p>Subject to the above, the proposal will be consistent with this part of the DCP.</p>
2.1.4 Roofs	Yes	<p>The roof is consistent with the conditions of deferred commencement of the principal development consent. The roof terraces at this level have been removed and the plant does not exceed the maximum RL specified in the condition of RL20.3.</p>
2.1.5 Views	Yes	<p>Private views were considered in the principal development consent and further unreasonable impact is anticipated by the amending application.</p>



Development Control	Compliance	Comment
		There are no known public domain views that would be adversely affected by the proposal.
2.1.6 Heritage conservation	Yes	The site is not heritage-listed nor is the building contributory to the conservation area under the DCP. The proposal in relation to the conservation area has been previously discussed in detail elsewhere in this report.
2.1.7 Infill buildings	Yes	The replacement building does not mimic decorative details of the conservation area. However, as previously discussed, the openings at the upper floor level do not reflect the proportions of the glazing to solid ratio of the levels below or the buildings in the conservation area. A condition of deferred commencement is recommended to address this issue.
<b>2.2 Character Areas</b>		
Campbell Parade North Character Area	Yes	<p>The desired future character objectives of this part of the DCP seek to support the unique mixed use character of this section of Campbell Parade, discourage residential accommodation at street level, ensure new developments are in character with the street and to ensure new development is built to the street with no setbacks along Campbell Parade. The amending application continues to be consistent with the desired future character by maintaining and enforcing the retail component of the existing use rights of the site, locating residential above street level (ie, the shops) and providing a development which is consistent with the character of the street and built up to Campbell Parade.</p> <p>Conditions will require further detail regarding the materials and window reveals, in addition to window proportions that more accurately reflect the character of the area. This is further reinforced by the controls in this part of the DCP which requires vertical expression to openings as the proposed glazing at the top level has horizontal proportions.</p> <p>Subject to the deferred commencement conditions, the proposed amended building is consistent with the relevant built form controls of</p>



Development Control	Compliance	Comment
		the DCP and will provide a positive contribution to the streetscape and conservation area.

## 2.2. Other Impacts of the Development

The proposal is considered to 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 suitable for the proposal.

## 2.4. Any Submissions

The application was notified for at least 21 days (extended notification due to the Christmas/Holiday period) and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*. No submissions were received.

Following receipt of amended plans and additional information, the application was re-notified for 21 days and a site notice erected on site. The full notification was carried out for the amended plans as the number of properties notified was substantially increased to encompass all properties that were notified during the principal development consent, DA-381/2018, and all objectors.

A total of two unique submissions were received from the following properties:

**Table 5: Number of and where submissions were received from.**

Count	Property Address
1.	63A Ramsgate Avenue, BONDI BEACH
2.	106 Ramsgate Avenue, BONDI BEACH

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Loss of affordable housing

All other issues raised in the submissions are summarised and discussed below.

**Issue:** *Suggest an imposition of a standard condition to the effect that noise from the proposed car lift and any other plant and equipment should not exceed 5dBA above ambient background noise levels.*

**Response:** The principal development consent provides conditions relating to noise, including for the car lift, which are repeated as part of this application in the Recommendation.



## 2.5. Public Interest

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

## 3. REFERRALS

The internal referral comments sought are summarised following:

### 3.1. Design Excellence Advisory Panel

The amended plans were referred to the DEAP 9 June 2021 for assessment in regard to Part B12 of the DCP. The comments of the DEAP are:

*(a) Development is to achieve a high standard of architectural design, materials and detailing appropriate to the building type and location.*

#### **DEAP Panel comment:**

- While the extent of changes from the amended DA are relatively minor the Panel understood the need to ensure design excellence was still maintained in accordance with the Waverley DCP Part B12, and that the quality of design intent was consistent.
- The Panel appreciated the level of thought and detail on the materiality and durability of finishes. The further design development of fixtures and integration of services will be critical given the harsh marine / beach front environment of this site, so it is recommended that due consideration is given to the longevity of the built end product.
- The removal of the projecting balconies and simpler flush openings for Level 3 was supported, and the expression of soft / rounded indent openings was regarded as an appropriate detail instead of the previous façade approach with punched openings. This alternative was well supported by the facade study of other contextual examples in the area.
- The Panel considered the use of travertine stone panels could be supported but will require careful detailing on the curves to avoid any excessively faceted finishes, and the proportions of panel sizes and joints will be critical in achieving a high-quality appearance.
- The potential to use some of the sandstone from excavation was recommended by the Panel to provide a gravel ballast to the roof areas and some of the landscaped areas.
- There was concern raised by the Panel on the proposed Vergola to the upper Level 3 terrace. Scope for a fixed awning over the bifold door openings would be recommended, and simplification of the louver system may be necessary.

**Assessment Planner response:** Deferred commencement conditions will require the above.

*(b) The form and external appearance of development is to improve the quality and amenity of the public domain.*



**DEAP Panel comment:**

- It was considered by the Panel that there was potential for social 'bump' or incidental bench seating to be incorporated at key points around the perimeter planter such as at the corner of Ramsgate Avenue and the entrance to the retail tenancies to further improve the amenity of public domain.
- In the detail for 'bump' seating it is recommended to consider an appropriate hardwood slatted bench that is suitable for weathering and user comfort.
- The Applicant needs to comply with the DA condition of 3 new trees in Ramsgate Avenue be planted as per Council's standard public domain detail. The tree species are to comply with Council's conditions of DA approval.
- There is potential to improve public amenity with the inclusion of perimeter lighting to the underside of the awning.

**Assessment Planner response:** Any seating along the frontage of this site would be in full view from the lower level of the shop which will have glazed windows with outlook to the seating from below. As the site is located opposite Bondi Beach there is ample public seating and spaces for social interaction and therefore public seating in the very limited space along this frontage is considered unnecessary.

A condition requiring that there be perimeter lighting to the underside of the awning is provided in Appendix A.

*(c) Development is to consider and retain view corridors. Development will not be supported where detrimental impacts upon views and vistas is imposed, particularly those views from the public domain.*

**DEAP Panel comment:**

The Panel appreciates the benefits of the reduced height and integration of lifts within the limits of the height plane. It will be critical to also manage the screening to roof top perimeters for a/c condensers and integration PV panels, and consideration of potential view impacts from properties to the rear.

**Assessment Planner response:** The view impacts were considered in the principal development consent and the deferred commencement condition limiting the height of any plant to a specific RL was imposed. The roof plant will be positioned where it continues to be lower than the existing building on the site and does not exceed the RL specified in the conditions of the principal development consent to ensure that views from surrounding properties are not impacted.

*(d) Development must not have a detrimental effect upon the amenity of public plazas and public open spaces.*

**DEAP Panel comment:**

Refer to the point raised above with respect to integration of casual bench seating in appropriate locations around the perimeter footpath.

*(e) Development must consider the following:*



- (i) *The suitability of the land for development;*
- (ii) *Existing and proposed uses and use mix;*
- (iii) *Heritage issues and streetscape constraints;*
- (iv) *The relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity, and urban form;*
- (v) *Bulk, massing and modulation of buildings;*
- (vi) *Street frontage heights;*
- (vii) *Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;*
- (viii) *The achievement of the principles of ecologically sustainable development;*
- (ix) *Pedestrian, cycle, vehicular and service access, circulation requirements; and*
- (x) *The impact on, and any proposed improvements to, the public domain.*

**DEAP Panel comment:**

As per points raised above the integration and resolution of details and services together with development of the construction detailing will be critical to achieving the required design excellence. The Panel supports the inclusion of ceiling fans to all bedrooms and living areas but would also recommend consideration of the window operation to ensure natural cross ventilation wherever possible.

**Assessment Planner response:** This requirement is also included in the deferred commencement conditions.

### 3.2. Heritage conservation

Comments were provided by Council's Heritage Advisor upon referral of the originally submitted plans which were incorporated into the deferral letter. Upon receipt of amended plans and documentation these were also referred to Council's Heritage Advisor with detailed comments subsequently provided. A large part of the referral comments are in relation to internal planning and matters that do not relate to the conservation area. These matters are related to planning and are also considered by the DEAP for which conflicting comments have been received. The comments of the Heritage Advisor that relate to the conservation area have been discussed in detail in section 2.1.3 of this report.

The Heritage Advisor raised issue with the location of the central stair and toilet off the living area stating that *'the central stair core should be reconsidered in respect to limitation of visual and movement links between the sheltered rear (al fresco) decks and the main living areas'....'the assessed outcome of planning decisions that engender potential for substantial ongoing change to the building exterior remain a key consideration in assessing new development within the Conservation Area. The very specific climatic conditions of Campbell Parade are well known, in particular the consistency of onshore winds limiting opportunity for opening of doors/windows overlooking the beach. This remains the basis for recommendation of internal layouts optimising access and linkage of the main living areas to the more sheltered deck areas to the northern, rear area of the apartments'.*



As outlined previously in this report, the location of the living areas with outlook to the significant views to the south has been previously approved and is considered acceptable on this site. This application seeks to relocate the private open space from the south side of the building to the north side which will provide improved solar access and shelter from the strong onshore winds. The private open space and living areas are located on the same level however are separated by the staircases and lift with an accessway between connecting the living areas and open space. In order to reduce the separation between the two spaces, the proposal includes glazed bifold doors opening across the stairs allowing a visual connection to the private open space from the living areas, in addition to improved cross-ventilation. Given the unique characteristics of this site, this arrangement is considered acceptable.

It should be noted that Council cannot assess an application assuming changes in the future. If modifications are sought in the future they will be assessed at that time, including regarding impacts upon the conservation area.

### **3.3. Stormwater**

Flood planning has been discussed previously in this report (refer to section 2.1.3) and an advisory condition has been provided by Council's Stormwater Engineers advising that the site has been identified as flood affected under the flood study.

Noting that the stormwater conditions of the principal development consent will continue to apply, Council's Stormwater Engineer recommended further updated conditions that are included in Appendix A.

### **3.4. Strategic Planning**

Conditions were recommended regarding modification of the planning agreement condition of the principal development consent. In accordance with Waverley Planning Agreement Policy 2014 (Amendment 3), the VPA rate in Bondi Beach is \$4,000/sqm for the 184.26sqm additional GFA exceedance. The VPA payable would therefore be \$737,040.00. The recommended condition regarding the VPA is included in Appendix A.

It was further recommended that the assessing officer consider whether the proposed reduction of units from six to two is consistent with the objectives of the R3 Medium Density Zone. Consideration of the proposal against the objectives of the zone have been previously discussed in this report.

### **3.5. Infrastructure Services (Roads, Footpaths and Encroachments)**

The proposal will have a minor encroachment over Council land by way of the projecting hoods around the windows. Conditions have been provided which are included in Appendix A.

### **3.6. Waste and Recycling**

Conditions were recommended which are included in Appendix A.



### 3.7. Biodiversity

Conditions were recommended which are included in Appendix A.

### 3.8. Public Domain

Conditions were recommended which are included in Appendix A.

### 3.9. Tree Management

A condition was recommended which is included in Appendix A.

### 3.10. Traffic and Development

Comments had not been received at the time of writing of this report. The amending application makes only minor changes to the parking and vehicular access arrangements on site and as such the previous conditions on the principal development consent, amended as outlined in this report, will apply.

## 4. CONCLUSION

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of deferred commencement consent.

#### *Development and Building Unit (DBU) Decision:*

The application was reviewed by the DBU at the meeting on 30/03/2021 and the DBU determined:



- (a) The application should be deferred for amendments required outlined within the deferral letter.

These matters have now been addressed as outlined within this report, and the application is recommended for approval, subject to conditions addressing any outstanding matters.

DBU members: *M Reid, A Rossi, B McNamara and B Magistrale.*

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be GRANTED DEFERRED COMMENCEMENT CONSENT 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:
	



Kylie Lucas	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)</b>
<b>Date: 05/08/2021</b>	<b>Date: 12/08/2021</b>

*Reason for WLPP referral:*

3. Departure from any development standard in an EPI by more than 10%
4. Sensitive development:
  - (a) Planning Agreements



## **APPENDIX A –DEFERRED COMMENCEMENT CONDITIONS**

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 external cladding with an unspecified type of stone remains unresolved. The comparative examples are generally of stepped or splayed surfaces and not of curved surfaces clad in stone. The latter require cutting from a thick panel inevitably with a continuous vertical joint at the outer face of the reveal. Details of stone selection and panel sections in plan and fixing alignment are required to be provided.
- (b) The curved reveals to all openings tend to emphasise monolithic form rather than reflect historic traditions of ‘punched openings’ in masonry and deep shadow lines of awnings. The proliferation of curved reveals to window openings should be further considered in terms of material selection and detailing.
- (c) The large full height glazed openings at the top floor level do not reflect the proportions of the glazing to solid ratio of the levels below, the existing building or the principal development consent. This is also inconsistent with the conservation area. The windows at the upper floor level are required to be amended to more appropriately reflect the size and proportions of the two levels below with less glazing and recessive openings.
- (d) Details of all materials and finishes are to be provided.

**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.**



## APPENDIX B – CONDITIONS OF CONSENT

**Upon satisfying the consent authority as to the matters in Attachment A, the following conditions will apply.**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by SJB Architects including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA-0101 Rev. 27	Site Plan and Site Analysis	27/04/2021	17/05/2021
DA-0200 Rev. 04	Floor Plan – Basement 3	27/04/2021	17/05/2021
DA-0201 Rev. 27	Floor Plan – Basement 2	27/04/2021	17/05/2021
DA-0202 Rev. 27	Floor Plan – Basement 1	27/04/2021	17/05/2021
DA-0203 Rev. 29	Floor Plan – Ground	27/04/2021	17/05/2021
DA-0204 Rev. 28	Floor Plan – Level 1	27/04/2021	17/05/2021
DA-0205 Rev. 27	Floor Plan – Level 2	27/04/2021	17/05/2021
DA-0206 Rev. 27	Floor Plan – Level 3	27/04/2021	17/05/2021
DA-0207 Rev. 27	Floor Plan – Roof	27/04/2021	17/05/2021
DA-0501 Rev. 27	Elevations – North (Ramsgate Avenue)	27/04/2021	17/05/2021
DA-0502 Rev. 27	Elevations – South (Campbell Parade)	27/04/2021	17/05/2021
DA-0503 Rev. 27	Elevations – West	27/04/2021	17/05/2021
DA-0601 Rev. 26	Sections – A1 and A2	27/04/2021	17/05/2021
DA-0602 Rev. 26	Sections – B	27/04/2021	17/05/2021
DA-0701 Rev. 03	Detailed Section – Campbell Street Façade	27/04/2021	17/05/2021

(a) BASIX Certificate;

(b) Landscape plans numbered 1-G, 1-1, 1-2 and 1-3 drawn by Marcia Hosking dated October 2020 and received by Council on 10/12/2020;

(c) Traffic and Parking Assessment Report prepared by Varga Traffic Planning dated 24 November 2020 and received by Council on 10 December 2020;

(d) Geotechnical and Hydrogeological Desk Study 3722-R1-Rev3 by Asset Geotechnical Engineering dated 3 August 2017 and received by Council on 25 October 2018 (as per DA-381/2020);

(e) Schedule of external finishes and colours as per deferred commencement condition 4 above; and



- (f) 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.

**NOTE – Plan references above are likely to change following satisfaction of the deferred commencement matter. As this occurs, condition 1 will be updated to reflect the new documentation.**

## **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) The skylights and solar panels shall be flush with the roof or extend no higher than RL 19.3.
- (b) Consideration should be given to the longevity of the built end product of fixtures and integration of services given the harsh marine, beachfront environment of this site. Details are to be provided for approval.
- (c) The sandstone from excavation of the site is to be used as gravel ballast to the roof areas and some of the landscaped areas.
- (d) A fixed awning over the bifold door openings to the level 3 balconies/terraces shall be provided for weather protection.
- (e) Perimeter lighting to the underside of the awning is required.
- (f) Further consideration of window operation to ensure natural cross ventilation is required.
- (g) The area above the balustrades to the Level 3 terrace/balconies on Ramsgate Avenue is to be open (ie, no glass or enclosure). In this regard, the alfresco dining area's shall be open to the elements (not enclosed).
- (h) Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared internal of the building. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

The amendments are to be approved by the **Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. 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. FOOTPATH AWNING**

The awning shall:

- (a) Extend along the entire Campbell Parade frontage of the site.
- (b) Be minimum 3m in width (extending out from building façade);
- (c) Have a height between 3.1 – 4.2m measured above footpath level, that steps/tapers with the topography of the site;
- (d) Be offset a minimum of 600mm behind the kerb.



## **B. PRIOR TO THE ISSUE OF A 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.

### **GENERAL REQUIREMENTS**

#### **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 and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and 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. SURRENDER OF DEVELOPMENT CONSENT**

Development consent DA-381/2018 and any subsequent modifications are to be surrendered by the applicant, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*. The surrender is to be received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consent takes effect when Council receives the notice.

### **CONTRIBUTIONS, FEES & BONDS**

#### **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:
  - (i) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (ii) 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;

- (i) A development valued at \$100,000 or less will be exempt from the levy.
- (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
- (iii) 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 any 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.

## **7. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of \$240,000 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any 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 all of works associated with this consent (including the required public works) 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 the Principal Certifying Authority prior to the issue of any 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. PLANNING AGREEMENT**

(a) The owner/ applicant is to:

- (i) Enter into an Agreement in accordance with *Waverley's Planning Agreement Policy 2014* prior to the issue of any Construction Certificate for the development that relates to works contained in DA-422/2020; and
- (ii) Pay a monetary contribution amount of **\$737,040.00** prior to the issue of any Occupation Certificate for the Development.
- (iii) A Planning Agreement will be entered into under Section 7.4 of the *Environmental Planning and Assessment Act 1979* between the owner/applicant of the land subject of the Development and Council.

(b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:



- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development,
- (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
  - In a form acceptable to Council and from an institution acceptable to Council
  - Irrevocable
  - Unconditional
  - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014 (Amendment 3).

Note: Any queries relating to this condition, shall be directed to Council's Strategic Planning team.

#### **10. STREET TREE REMOVAL AND BOND**

To ensure maximum street tree canopy and continuity of the streetscape the applicant may remove the street tree on Ramsgate Avenue subject to the following conditions:

- (a) Construction of 3 tree pits to the Ramsgate Avenue frontage.
- (b) Plant three (3) replacement trees on the naturestrip in Ramsgate Ave.
- (c) The trees are to be planted prior to the issue of the Occupation Certificate.
- (d) The trees are to be a super advanced *Cupaniopsis anarcardioides* (tuckeroo) trees of a minimum pot size of 75 litres and grown to Natspec standard.
- (e) Each tree must be planted by a qualified horticulturist experienced in planting super advanced trees.
- (f) A bond of \$1,000 for each tree (total of \$3,000) 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 trees on Ramsgate Avenue. The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 24 months from date of issue of an Occupation Certificate, on condition that the tuckeroo trees are maintained in good condition as determined by Council's Tree Officer. If the trees require replacing within the bond period, they must be replaced within one month of notification from Council and not at the end of the bond period.

### **CONSTRUCTION MATTERS**

#### **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's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

#### **12. EROSION & SEDIMENT CONTROL**



A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

### **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/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.

### **15. 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, prior to the issue of the relevant Construction Certificate.

### **16. GROUND ANCHORS**

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to and approved by



Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) on 9083 8886.

Separate approval will be required for ground anchors beneath roadways governed by the Roads and Maritime Services.

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.

## **TRAFFIC MANAGEMENT**

### **17. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **STORMWATER & FLOODING**

### **18. STORMWATER MANAGEMENT**

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater drainage plan prepared by GreenArrow Hydraulics Pty Ltd, Project No. 220-1960, Drawing No. STW-000, STW-001, STW-002, STW-003, STW-004 & STW-005, Revision A, dated 16.11.2020, are considered concept only.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) The plans shall provide details of any required on-site stormwater detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) Any proposed OSD system shall be designed to allow for the system to be freely draining, with the invert of the orifice higher than the hydraulic grade line (HGL) at the discharge point.



- c) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- d) Submit full hydraulic details and pump manufacturers specification.
- e) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location are to be provided.
- f) A long section of the connection to Council's infrastructure shall be provided and its details must be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- g) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- h) During construction of the proposed stormwater connection to the existing Council stormwater pit located on Campbell Parade, any infrastructure within the Council's Public Domain, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Council's Public Domain Technical Manual. The applicant will be responsible for the full width renewal and restoration of the neighbouring driveways affected by the stormwater connection works, with all costs borne by the applicant.

Notes:

Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

## PUBLIC DOMAIN

### **19. PUBLIC DOMAIN IMPROVEMENTS**

The public domain is to be upgraded on both Campbell Parade and Ramsgate Avenue street frontages for the development site in accordance with the current Waverley Council Development Control Plan (DCP), Public Domain Technical Manual (PDTM) and Campbell Parade Streetscape Upgrade at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate:

- Pedestrian footpath
- Road pavement
- Kerb and gutter
- Stormwater infrastructure located on the Council kerb
- Street light poles
- Street furniture
- Landscape and street tree plantings

### **20. 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 must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Domain Engineer:

- a) The full renewal and reconstruction of asphalt pavement for half road width in Ramsgate Avenue street frontage. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) The pedestrian footpath traversing along Campbell Parade and Ramsgate Avenue street full site frontages shall be upgraded. The proposed footpath material, profile and details traversing the corner intersection to be advised by Council.
- c) Replace all kerb and gutter traversing both full site frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.
- d) The full design detailed of the proposed pedestrian raised threshold on Ramsgate Avenue and T-Section shall be submitted to Council.
- e) The reconstruction of the vehicular crossing on the Ramsgate Avenue frontage of the development site to match the pavement finish of the adjacent footpath. The design must match the existing levels of kerb and gutter on Ramsgate Avenue and include transition works to the proposed driveway within the property.
- f) Landscape and update of the street plantings on the frontage as advised by Councils Tree Management Officer.
- g) Make provision for two (2) new street lights serviced by metered underground power and on multifunction poles (MFPs) coordinated with new Traffic Control Signals. The consultant shall liaise with Council in obtaining Councils requirements and specifications for the street columns and components, including the appropriate LED luminaire.

New lighting shall be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces. Plans shall be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Councils Public Domain Engineer for approval prior to lodgement of the scheme with Ausgrid for their approval.

- h) 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 plans submission. All the requirements of the Public Authority shall be complied with.
- i) The existing electricity pillar on the Ramsgate Avenue frontage to be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with Ausgrid for their approval and communicate to Council with written confirmation, before executing any works.



Notes:

- 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.

## **21. 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.

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **22. BASIX**

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

### **23. ENERGY EFFICIENCY**

An Energy Assessment Report is to be submitted in accordance with the Waverley Development Control Plan 2012, which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Co-ordinator Sustainable Energy prior to the issue of a Construction Certificate for any works above ground level.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

## **WASTE**

### **24. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

### **25. WASTE STORAGE AREAS**



(a) The proposal must have a bin storage point for a *minimum*;

- **Residential**

- Two Mobile Garbage Bins (MGBs) for general waste
- One MGBs for paper and cardboard recycling
- One MGBs for container recycling
- Extra bins for excess waste, garden organics etc.

- **Commercial**

- Four x 660L MGBs collected twice per week for general waste
- Four x 660L MGBs and collected one per week for comingled recycling
- Extra storage for milk and bread crates, and excess cardboard and other packaging materials
- Collection frequencies must be adjusted to accommodate volumes of waste generated

- (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) All bulky unwanted household items such as old furniture must be stored in a designated area of 4m<sup>2</sup> floor space within the property while awaiting Council collection.
- (d) Composting facilities must meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan.
- (e) 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.
- (f) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (g) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.
- (h) 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.
- (i) 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.
- (j) 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.
- (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) 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.
- (m) All new developments are to provide adequate storage for waste to accommodate future change of uses including grease traps.
- (n) Kitchens, office tea rooms, and the like are to be designed with sufficient space for the interim storage of recyclable, organic and regular waste in separate receptacles.
- (o) Sufficient space must be allocated within the building for the storage of reusable items such as crates and pallets.
- (p) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (q) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.



- (r) Separate space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap. The area is preferably to be within the building, however if circumstances do not permit, an area that is screened from the public and commercial domains may be negotiated with Council.
- (s) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (t) For commercial premises whose waste contains 20% or more food waste, or other waste which is considered by Council to have potential amenity impacts, a daily waste collection is required, unless an alternative is agreed upon with Council.
- (u) Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature.

## **NOISE**

### **26. ACOUSTIC SEPARATION**

Appropriate acoustic separation of the retail level from the residential level shall be incorporated into the design to ensure that any future use of the retail shops does not unreasonably impact upon the acoustic amenity of the residential units. Details are to be provided to the Principle Certifying Authority prior to the issue of a Construction Certificate.

### **27. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

### **28. NOISE – ACOUSTIC REPORT**

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website:



[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **LANDSCAPING**

### **29. LANDSCAPE WORKS IN A HABITAT CORRIDOR**

A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list with a minimum of 50% of the proposed plantings (not including turfed areas) to be indigenous or local native plants as listed in Annexure B2 - 1 of the *Waverley Development Control Plan 2012*.

Amended plans will need to include a proper planting schedule that shows intended numbers of each species to be planted. Care will need to be taken when amending plans to ensure that species selected are frontline salt tolerant. (Ground level plants will also need to be shade tolerant as will be covered by awnings). It is also recommended that spiky plants such as aloes, agaves, yuccas, echinocactus and opuntia be omitted from the design at street level where the garden adjoins the footpath.



## **C. COMPLIANCE PRIOR TO WORK COMMENCING 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.

### **PRIOR TO ANY WORKS**

#### **30. 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.

#### **31. DILAPIDATION REPORT**

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners on request.

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

### **DEMOLITION & EXCAVATION**

#### **32. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

The applicant must ensure that the waste generated during the demolition and construction phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.



- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012 (amendment 6).
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

### **33. 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 2017;
- 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.

#### **34. CONTROL OF DUST ON CONSTRUCTION SITES**

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 (e.g.: 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.

#### **35. 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.

#### **36. 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.

#### **37. MANAGEMENT OF ACIDIC SULFATE SOIL**

Following the demolition stage, but prior to the construction stage, further investigations for Acid Sulfate soils shall be undertaken by a suitably qualified expert. 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 and Concrete Association of Australia Technical Note TN57 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.

### **38. 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.

## **CONSTRUCTION MATTERS**

### **39. 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 2017.

### **40. 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.

### **41. 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.

#### **42. 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.

#### **43. 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.

### **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

#### **44. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed **basement car park**. 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.

The finished level at the property boundary on **both** sides of the vehicle crossing is to match the level of the existing concrete footpath.

#### **45. VEHICLE ACCESS**

All vehicles entering and exiting the basement garage shall do so in a forward direction at all times. Details are to be provided to the Principle Certifying Authority as to the measures to achieve this ie, turntable within the basement car park or similar.

#### **46. 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 basement car park from Ramsgate Avenue and the parking spaces from the car lift shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.



2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Ramsgate Avenue both opposite and to the immediate east and west of the proposed driveway.
3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed car park.
4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

#### **47. RELOCATION OF PARKING / STREET SIGNS**

- (a) Where necessary, the applicant shall meet the cost of the relocation/installation of any traffic, meters or parking control signs.
- (b) Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

#### **48. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**

Prior to commencement of the public domain works notice shall be submitted to Council's Public Domain Engineer. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the contact details of the managing site supervisor/engineer.

Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

#### **49. PRE-CONSTRUCTION DILAPIDATION REPORT – PUBLIC DOMAIN**

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
- Adjacent property facades and awnings
- 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. 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.

#### **51. 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 & Footpath Paving

- After preparation of subgrade
- After completion of formwork and prior to casting of concrete
- After full completion and restoration

Road Pavement

- Subgrade trim & compacted
- Sub-base spread and compacted
- Base course spread & compacted
- Intermediate course spread and compacted
- Binder course spread & consolidated
- Wearing course laid

Landscape

- After full completion and restoration

Street Lighting

- After full completion

All applicable engineering inspections fee 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 final inspection.

STORMWATER

**52. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT**

Prior to doing any works, internal inspection of Council's existing stormwater conduit at least up to the next pit downstream of the proposed works shall be submitted. This is to determine its structural and serviceability condition. The internal inspection must be carried out using Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for its review. No works on Council's stormwater infrastructure shall commence until given approval by Council.



## **D. PRIOR TO THE ISSUE OF AN OCCUPATION 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 an Occupation Certificate or Subdivision Certificate, whichever applies.

### **CERTIFICATION AND LICENCES**

#### **53. 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.

#### **54. 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 and 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.

#### **55. 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 (including the car lift) comply with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards in relation to noise.

#### **56. USE OF ROOF**

The roof shall be non-trafficable and accessed for maintenance purposes only.

#### **57. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **58. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **59. CERTIFICATION OF LANDSCAPING**



At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

#### **60. CERTIFICATION OF STORMWATER SYSTEM**

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.

#### **61. CERTIFICATION OF ALL MECHANICAL PLANT**

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

#### **62. CERTIFICATION OF PUBLIC DOMAIN WORKS**

Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council's satisfaction.

Notes:

- The issue of a Final Compliance Certificate from the Council Engineer 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.

#### **63. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN**

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.



The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

#### **64. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN**

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.

#### **65. ELECTRICITY ACCOUNTS FOR NEW STREET LIGHTING**

Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Public Domain Development Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

#### **66. POSITIVE COVENANT**

A positive covenant shall be placed on the title of the property acknowledging any future redevelopment of the site shall be within the property boundary. The proposed building encroachment, inclusive of window hoods into the Council road reserve shall be noted in the Positive Covenant with details of the extent of these encroachments.

The building owner will not be permitted to alter the extent of the encroachment/s. The wording of the covenant must acknowledge the property owner will not assert adverse possession of the encroachment/s.

The Survey Plan prepared by a qualified surveyor shall be submitted to Council. A deposited plan and/or dealing to be submitted to Land Registry Service.

Evidence of the creation of the covenant is to be submitted and approved by Council prior to the issue of any Occupation Certificate. The covenant shall not be revoked or modified without the prior approval of Council. All costs associated with the covenant shall be borne by the applicant.

### **VEHICLE ACCESS, MOVEMENT AND PARKING**

#### **67. CAR PARKING**

A total of **10** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 4 residential parking spaces
- (b) 6 retail parking spaces
- (c) At least 10% of all the car parking spaces are to be allocated as accessible parking spaces and be shared amongst the residential and commercial spaces where applicable.

Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.



Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling. All car spaces are to be appropriately signposted and parked.

Car parking spaces shall not be independent lots, but rather part lots attached to each retail shop or dwelling as per the allocations in (a) and (b) above, in any future Subdivision Plans. Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

#### **68. MOTORCYCLE PARKING**

A total of **3** 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.

#### **69. BICYCLE PARKING**

A total of **4** bicycle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 2 residential bicycle spaces (1 per dwelling)
- (b) 1 retail bicycle space
- (c) 1 retail visitor bicycle space
- (d) At least 1 of these spaces to be located at ground level.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle 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 of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

#### **70. ADJUSTMENTS TO STREET SIGNS**

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements.

#### **71. 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.

### **STORMWATER**

#### **72. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**



- a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- b. A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works and basement pump-out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

#### **73. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

#### **74. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**

A “Restriction on the Use of Land” and “Positive Covenant” shall be created for any On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that any OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove any OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

#### **75. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT**

Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on the existing stormwater conduit at least up to the next pit downstream of the proposed works. This is to ensure Council’s stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council’s Executive Manager, Infrastructure Services (or delegate).

The report shall be used by Council’s Executive Manager, Infrastructure Services (or delegate) to assess whether any rectification works will be required. The applicant shall obtain written approval from



Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the Occupation Certificate.

## **OTHER MATTERS**

### **76. ALLOCATION OF STREET NUMBER/S**

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

- No. 262 - primary address site number
- Campbell Parade - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary.

- Shop G1 and Shop G2/262 Campbell Parade for the commercial sub-address sites within the building correlating with retail 1 and 2 on the floor plans for the building,
- Nos. 101 and 102/262 Campbell Parade for the residential sub-address site within the building correlating with residence 1 and 2 on the floor plans for the building.

The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

The address number for a sub-address site shall not consist of the primary address number on its own. Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision 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.

### **77. WAVERLEY DIGITAL MODEL**

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/decision\\_makers/3d\\_modelling](https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling)



## **E. OPERATIONAL MATTERS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

### **GENERAL MATTERS**

#### **78. DOMESTIC HEATERS/ FIREPLACES**

The provision of solid fuel heating/cooking appliances (including wood, coal or other solid fuels) is prohibited. In this regard, use of liquid fuels or gaseous fuels such as gas may be used.

#### **79. AIR EMISSIONS**

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

### **NOISE**

#### **80. NOISE EMISSIONS**

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

#### **81. 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.
- (a) 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.

### **PARKING AND ACCESS**

#### **82. PARKING SPACES**

The resident and visitor car parking spaces in the basement shall remain clearly line marked and signposted.

#### **83. VEHICULAR ACCESS TO AND FROM RAMSGATE AVENUE**



Having regard to the narrow carriageway in Ramsgate Avenue and the high demand for on street parking on both sides, any application to Council seeking approval for the installation of parking restrictions in the vicinity of the proposed driveway on either side of Ramsgate Avenue to improve vehicular access will not be approved.

#### **84. CAR LIFT**

To prevent vehicle delays, the car lift mechanism is to default to the Ramsgate Avenue ground level when not in operation.

#### **85. PARKING PERMITS**

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when 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.

### **AD1. POTENTIAL FLOOD AFFECTED LAND**

The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2020. The finished floor level (FFL) of the proposed development is lower than the FFL that would generally be required. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters during a 1% Annual Exceedance Probability (AEP) storm event.

As flood events can cause significant damage to property and pose risk to life, it is advised that the following measures are undertaken:

- The minimum habitable finished floor level must be set at or above the 1% AEP flood level + 300 mm freeboard.
- All new building material must be flood resistant or flood compatible to a height of 1% AEP flood level + 300 mm freeboard.
- All new internal electrical switches, power points or similar utilities liable to flood damage must be set at or above the 1% AEP flood level + 300 mm freeboard.
- A suitably qualified engineer certifies that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to and including the 1% AEP flood level + 300 mm freeboard.
- A storage area is to be provided at or above the 1% AEP flood level + 300 mm freeboard for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding.
- Any proposed fencing must be built using flood compatible material.

In addition, it is recommended that a site flood emergency response plan is prepared, and any required flood warning system are installed and fully tested. If a plan is created, a copy of this plan should be submitted to the Private Certifier and to Waverley Council.

You are advised that the site flood emergency response warning systems and plan should be regularly maintained, reviewed and/or updated and should be in good working order at all times.

### **AD2. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au), in person (at Council's Customer Service Centre) or via post service.
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition)
- Include DA reference number
- Include condition number/s seeking to be addressed



- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.
- Any queries, please contact Council's Duty Planner on [duty.planner@waverley.nsw.gov.au](mailto:duty.planner@waverley.nsw.gov.au)

### **AD3. 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.

### **AD4. 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.

### **AD5. 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](http://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.

### **AD6. 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.

**AD7. EXCAVATION TO BE LIMITED**

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

**AD8. BONDI - ROSE BAY SAND BODY**

This site may be 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.

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.

**AD9. SEPARATE APPLICATIONS FOR USE/FIT OUT**

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

**AD10. SEPARATE APPLICATION FOR SIGNAGE**

No signage has been proposed in this application, therefore any advertising or signage requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

**AD11. 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.

**AD12. WORK OUTSIDE PROPERTY BOUNDARY**

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

**AD13. BUILDING TO BE WRAPPED**

The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time. Any advertising on the hoarding requires Council's written approval.

**AD14. SYDNEY WATER CERTIFICATE**



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.**

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.

#### **AD15. SUITABLY QUALIFIED ACOUSTIC CONSULTANT**

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.



AMENDED PLANS

SJB Architects

BASIX Commitments	
WATER OPTIONS	
Landscape vegetation:	- Common: 30m <sup>2</sup> gardens, with 15m <sup>2</sup> low-water use species.
Rainwater tank:	- Not required by BASIX.
Toilets, Showerheads, Taps:	- Shower heads '3 Star' (6.0-7.5L/min), Toilets '4 Star', Kitchen Taps '3 Star', Bathroom Taps '3 Star'.
THERMAL COMFORT (AccuRate) OPTIONS:	
Floor:	- Concrete; 'Light' colour. - 25 mm EPS insulation to planter floor (Residence 1).
Ceilings:	- Minimum R2.5 insulation with concrete roof/ terrace above. - Rated with sealed exhaust ventilation. Not rated with down-lights.
External walls:	- Cavity brick. - 'Light' colour.
Internal walls:	- Plasterboard on stud within units. - Concrete block 'party walls'.
Floors:	- Concrete throughout with carpet, timber and tile coverings (as per plans).
Glazing:	- NFRC: Uw=4.8, SHGC=0.59 to all glazing (eg. aluminium-framed double glazed clear glass). - NFRC: Uw=4.2, SHGC=0.72 to skylight glazing, with 100% shading (eg. aluminium-framed single-glazed clear glass).
ENERGY OPTIONS - PROJECT 'COMMON AREAS':	
'Common Areas' identified:	- Car-parks; Garbage rooms; Switch room; Plant rooms; Storage; lobbies; lifts.
Lighting:	- Fluorescents to car park with motion sensors. - Compact fluorescents to all other common areas. - Garbage, switch, plant & storage rooms with manual switches. - Lobbies with motion sensors.
Lift systems:	- Hydraulic
Ventilation:	- No Mechanical ventilation to 'Common Areas'.
ENERGY OPTIONS - DWELLINGS:	
Ventilation:	- Kitchens + Bathrooms + Laundries: exhausts ducted and sealed, manual 'on/off'.
Cooling:	- Air-conditioners, 3-phase, 2.5-3.0 EER to Living & Bed areas. - Ceiling fans to bedroom areas. - 'Day/night zoned' between Living and Bed areas.
Heating:	- Air-conditioners, 3-phase, 2.5-3.0 EER to Living & Bed areas. - 'Day/night zoned' between Living and Bed areas.
Water Heating:	- Gas instantaneous, 6.0 'STAR'.
Energy Efficient Lighting:	- Compact fluorescents or LED, with dedicated fittings, to: ALL rooms.
Cooking:	- Gas cook-top, electric oven.
Refrigerator space:	- Well ventilated.
Drying lines:	- Indoor line and private outdoor line installed.
Alternative Energy Supply:	- Photovoltaic, 2.0 kilowatt peak each.

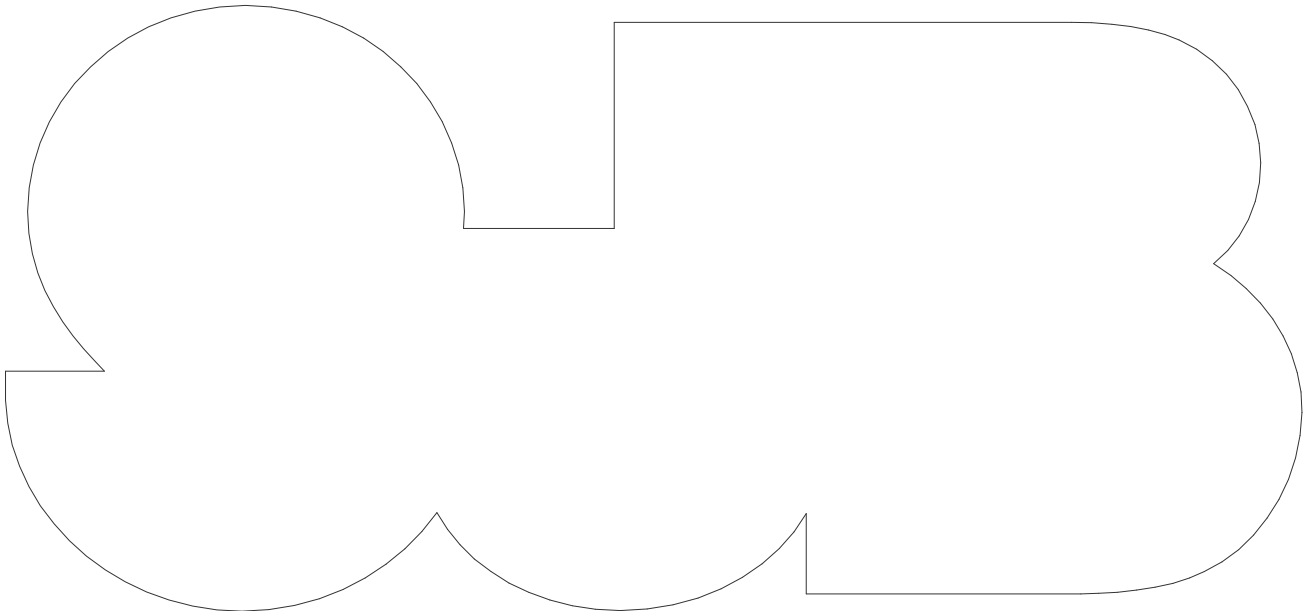
Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026

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Surry Hills NSW  
2010 Australia  
T 61 2 9380 9911  
F 61 2 9380 9922

Project Number: 5427  
Date: 27.04.21  
Client: Stargate Property  
Issue: Revised Issue For Amending DA

Architectural Drawing List

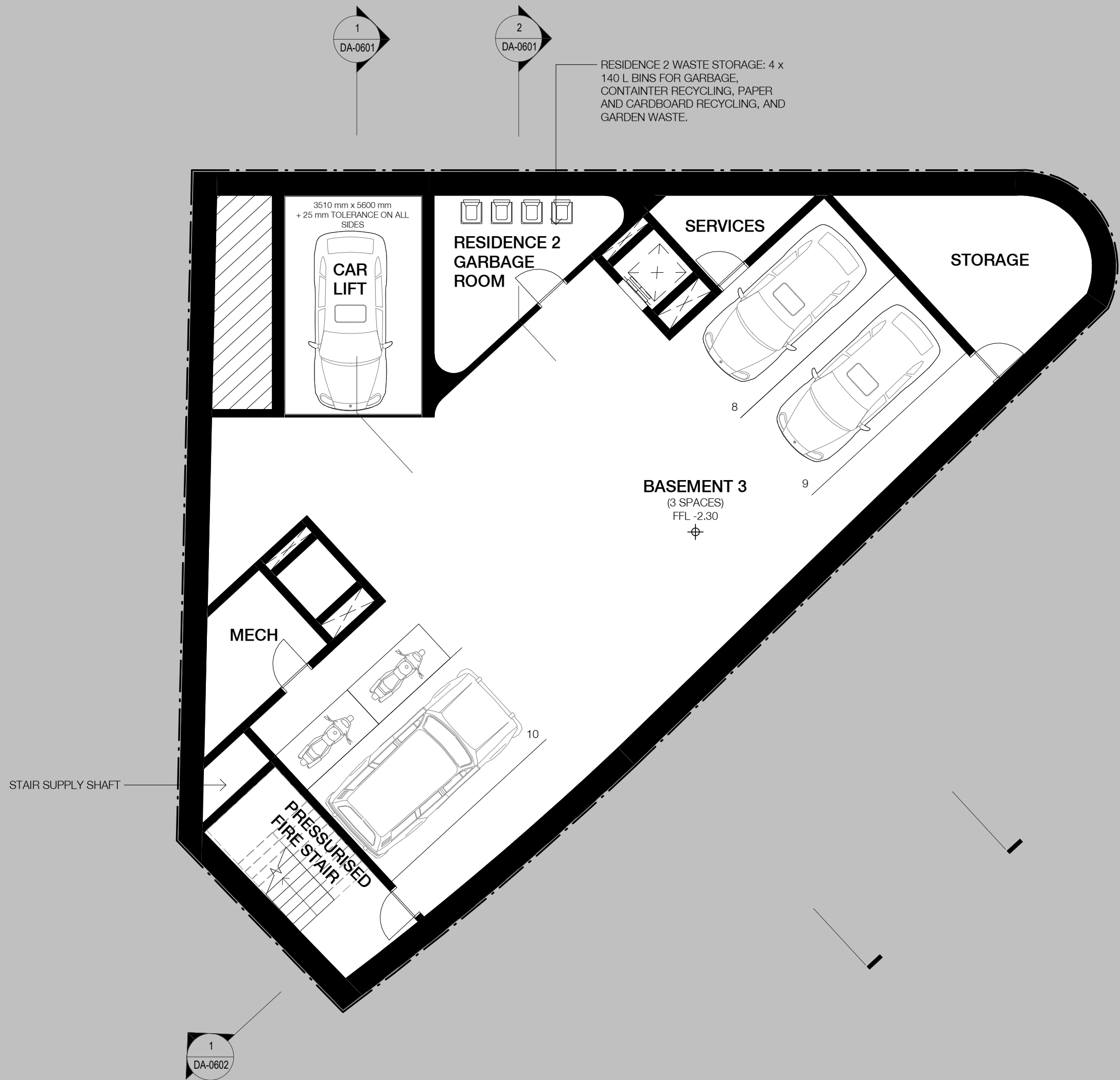
Sheet Number	Sheet Name	Current Revision
DA-0001	Cover	27
DA-0101	Site Plan and Site Analysis	27
DA-0200	Floor Plan - Basement 3	04
DA-0201	Floor Plan - Basement 2	28
DA-0202	Floor Plan - Basement 1	28
DA-0203	Floor Plan - Ground	29
DA-0204	Floor Plan - Level 1	28
DA-0205	Floor Plan - Level 2	27
DA-0206	Floor Plan - Level 3	27
DA-0207	Floor Plan - Roof	27
DA-0501	Elevations - North (Ramsgate Avenue)	27
DA-0502	Elevations - South (Campbell Parade)	27
DA-0503	Elevations - West	27
DA-0601	Sections - A1 and A2	26
DA-0602	Sections - B	26
DA-0701	Detailed Section - Campbell Street Facade	03
DA-2901	Area Analysis - GFA Plans	26
DA-2902	Area Analysis - Elevations	03
DA-3020	LEP Height Plane Diagram	01
DA-3050	3D Views	01
Total Sheets: 20		





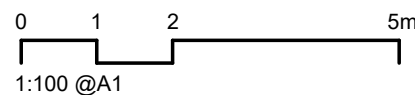
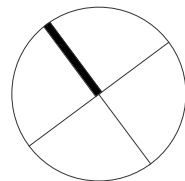






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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



Rev	Date	Revision	By	Chk.
01	02.11.20	Draft Issue for Consultant Coordination	MS	CM
02	06.11.20	Revised Parking Layout	MS	CM
03	13.11.20	Issue For Amending DA	MS	CM
04	27.04.21	Revised Issue For Amending DA	MS	GS

Legend

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Project

Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026

Drawing Name

Floor Plan - Basement 3

Date

27.04.21

Scale

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Sheet Size

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MS

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CM

Drawing No.

DA-0200

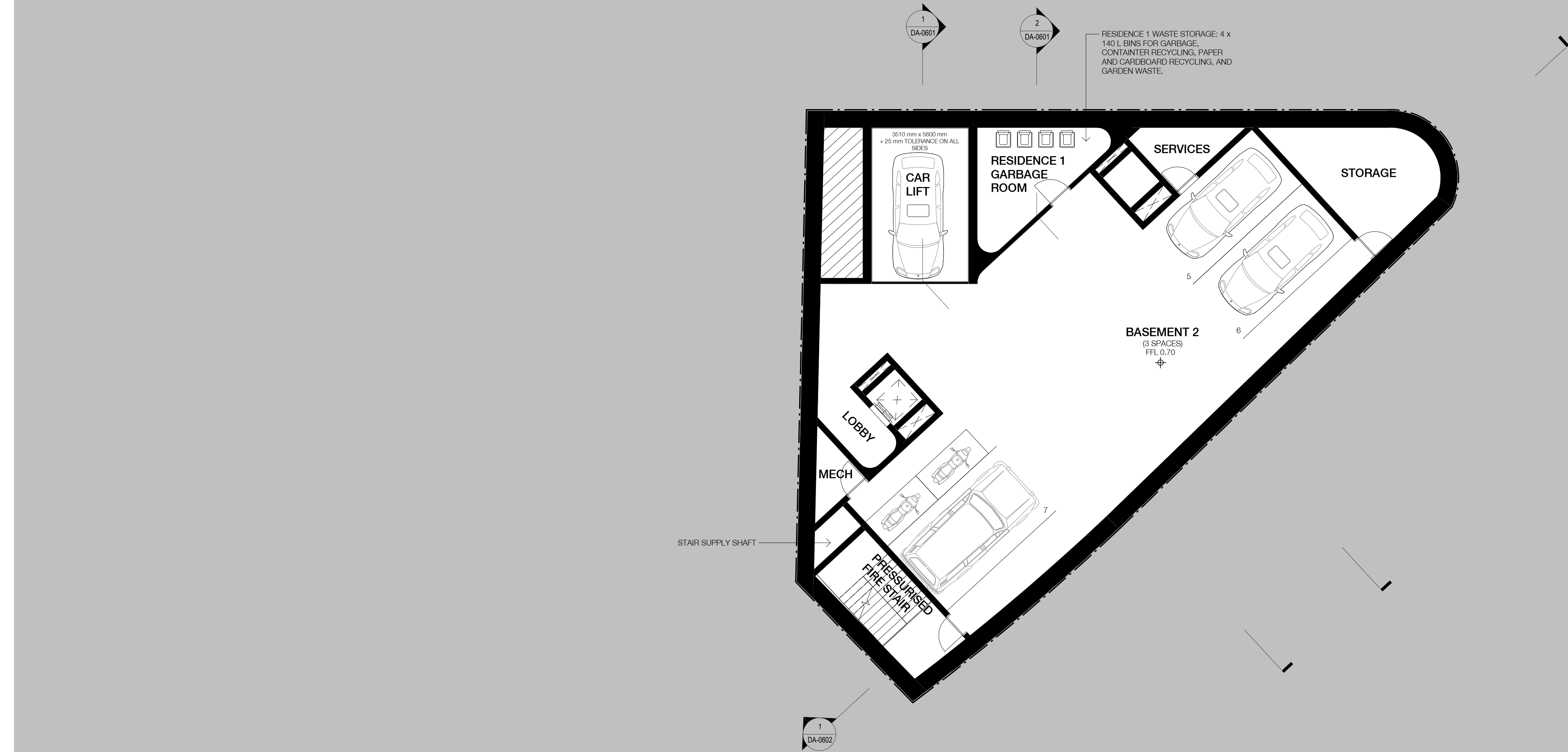
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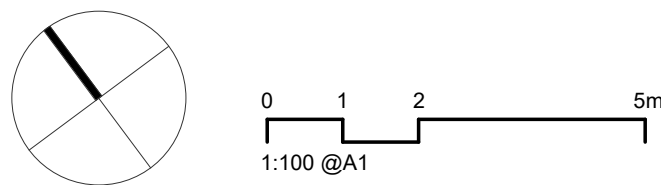






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27	27.04.21	Revised Issue For Amending DA	MS	GS

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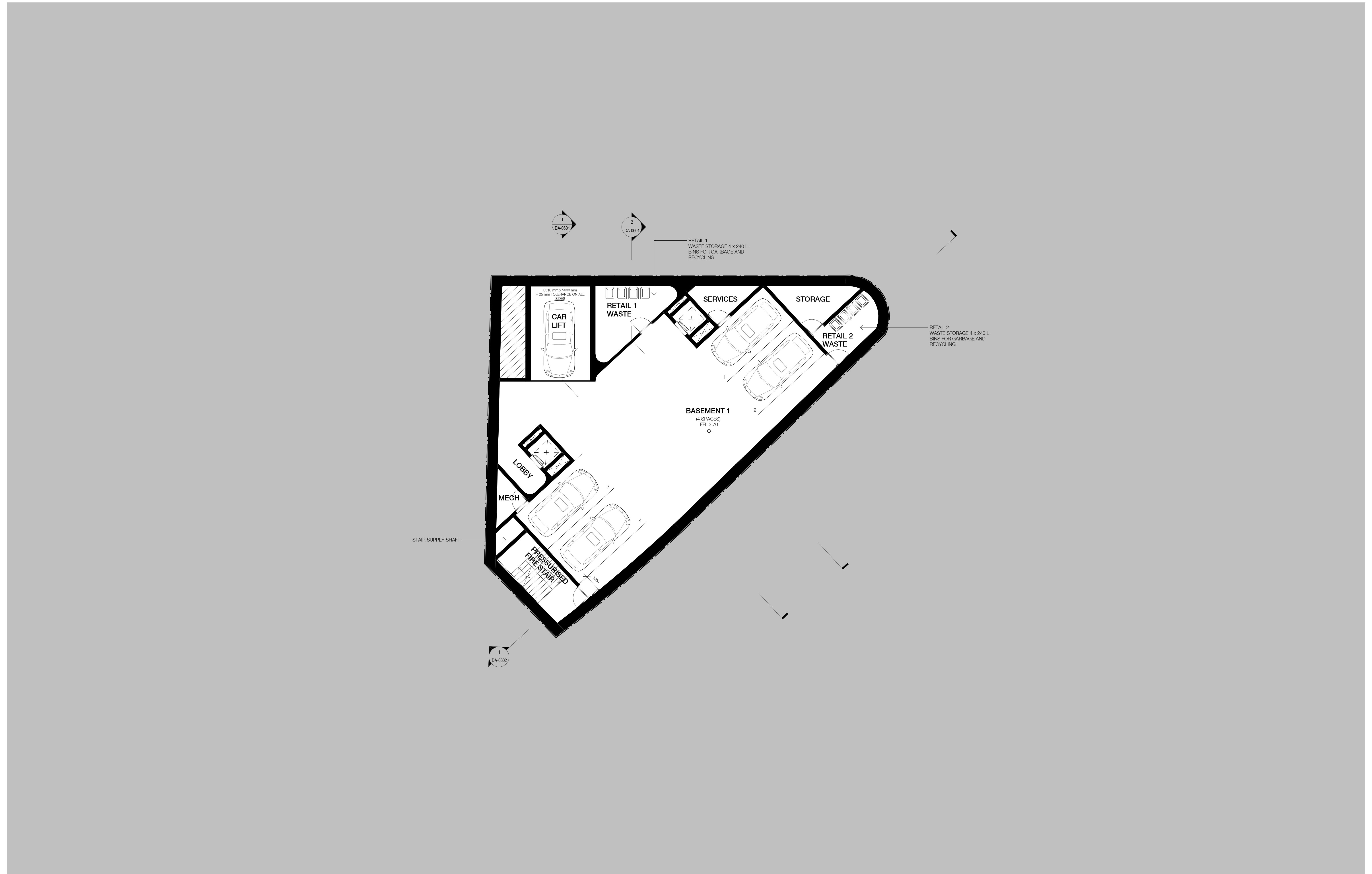
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Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026  
Drawing Name  
Floor Plan - Basement 2

Date	Scale	Sheet Size
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Drawing No.	Revision	
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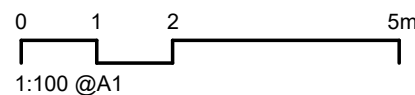
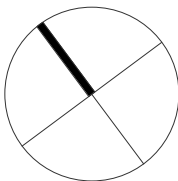






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Legend

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Project

Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026  
Drawing Name  
Floor Plan - Basement 1

Date

27.04.21

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Drawing No.

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Revision

/ 27

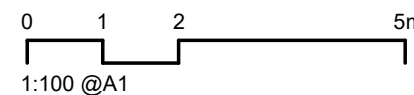
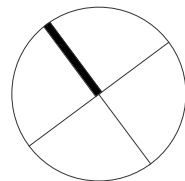
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29	27.04.21	Revised Issue For Amending DA	MS	GS

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Project

Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026

Drawing Name

Floor Plan - Ground

Date

27.04.21

Scale

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Sheet Size

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Drawn

MS

Chk.

CM

Drawing No.

DA-0203

Revision

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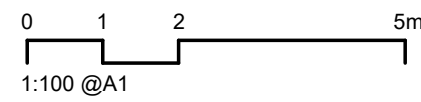
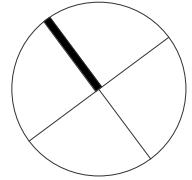
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28	27.04.21	Revised Issue For Amending DA	MS	GS

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AMENDED PLANS

Client  
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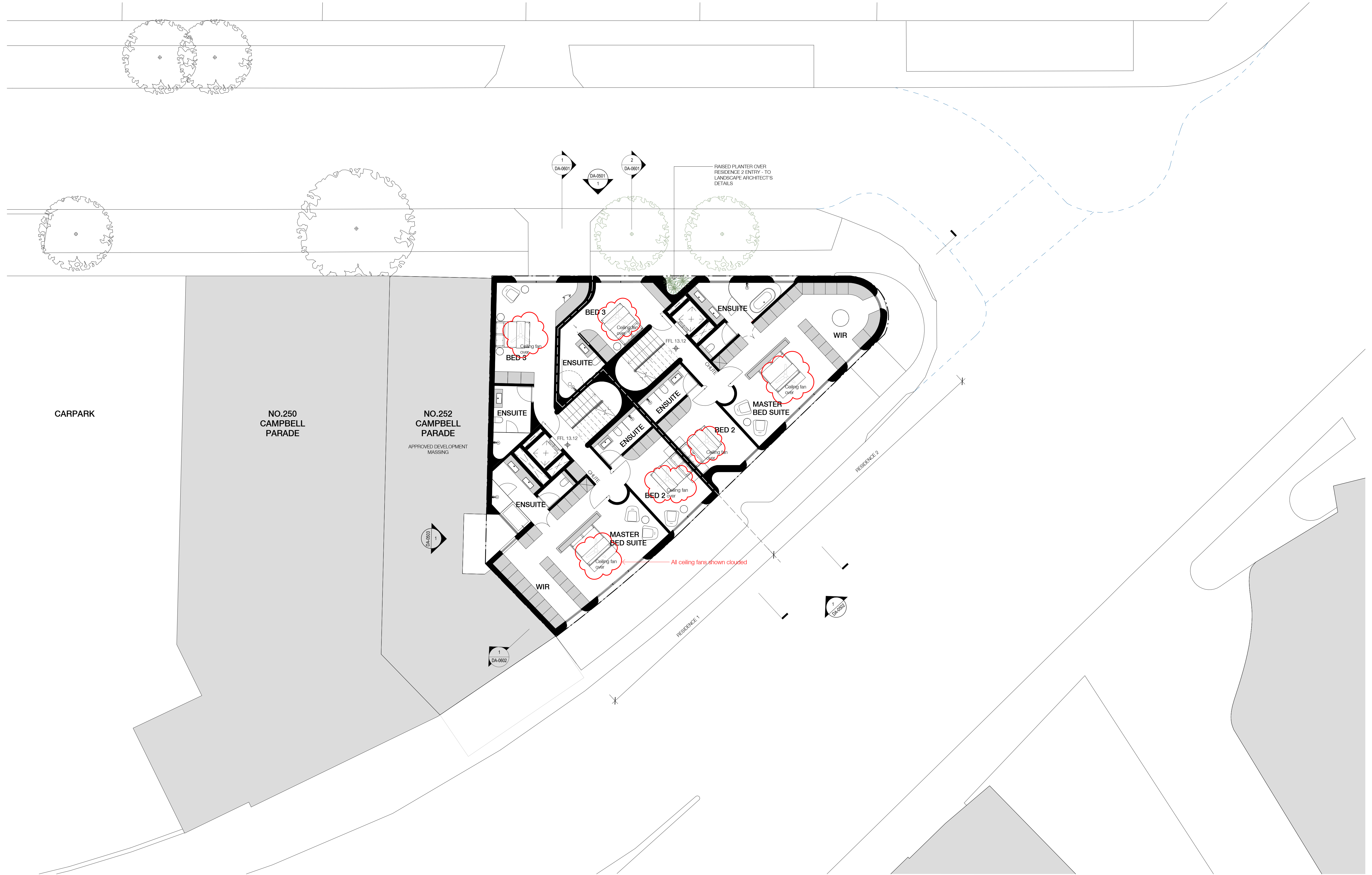
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262 Campbell Parade  
Bondi Beach NSW 2026  
Drawing Name  
Floor Plan - Level 1

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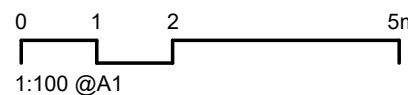
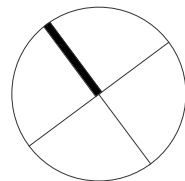
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27	27.04.21	Revised Issue For Amending DA	MS	GS

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Client

Stargate Property

Project

Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026

Drawing Name

Floor Plan - Level 2

Date

27.04.21

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Drawing No.

DA-0205

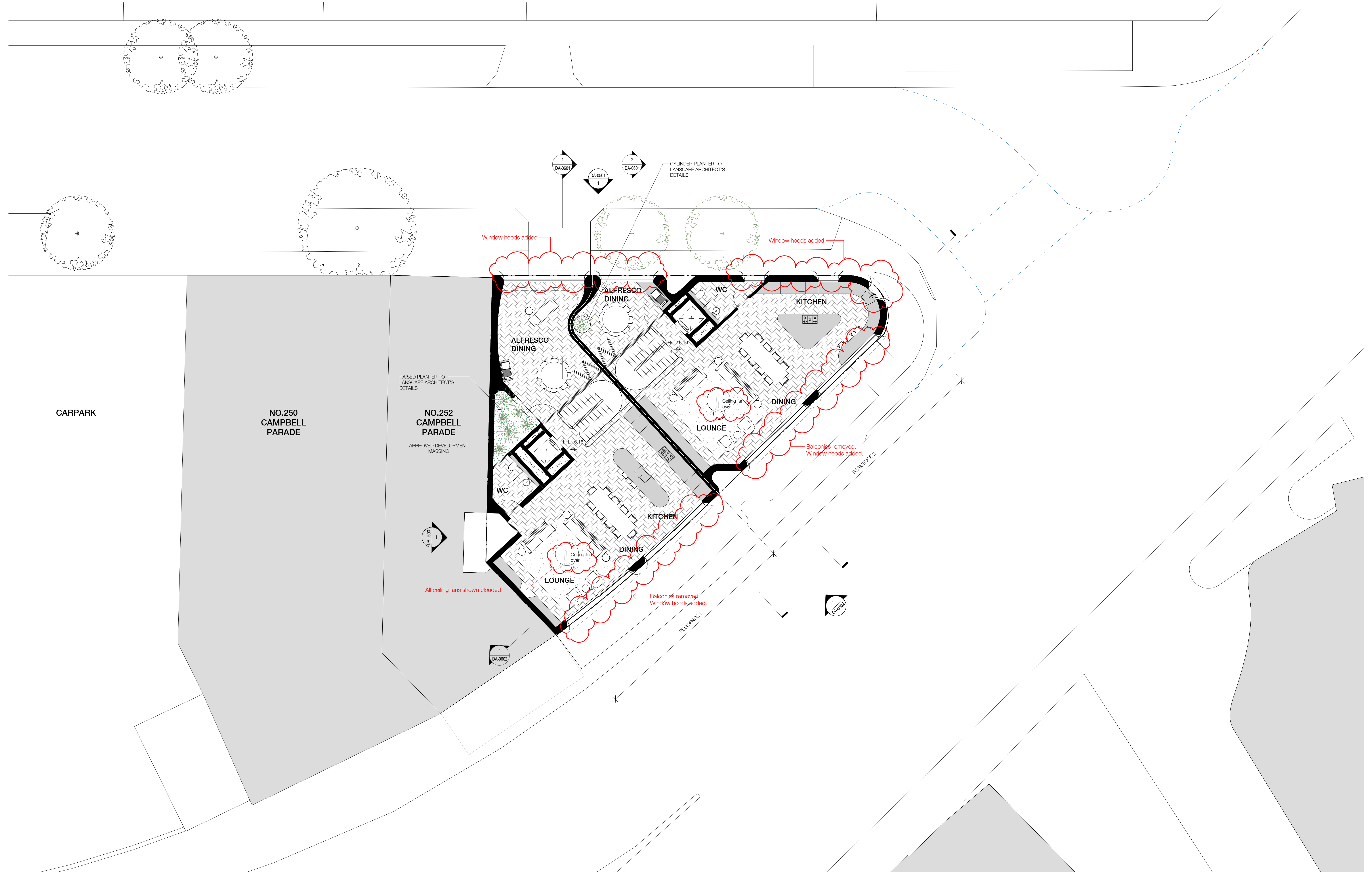
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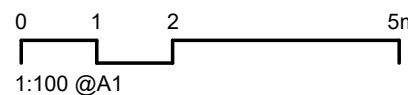
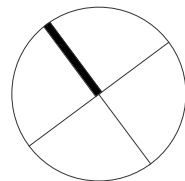
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26	13.11.20	Issue For Amending DA	MS	CM
27	27.04.21	Revised Issue For Amending DA	MS	GS

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Project

Mixed Use Development  
262 Campbell Parade  
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Drawing Name  
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Date

27.04.21

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Drawing No.

DA-0206

Revision

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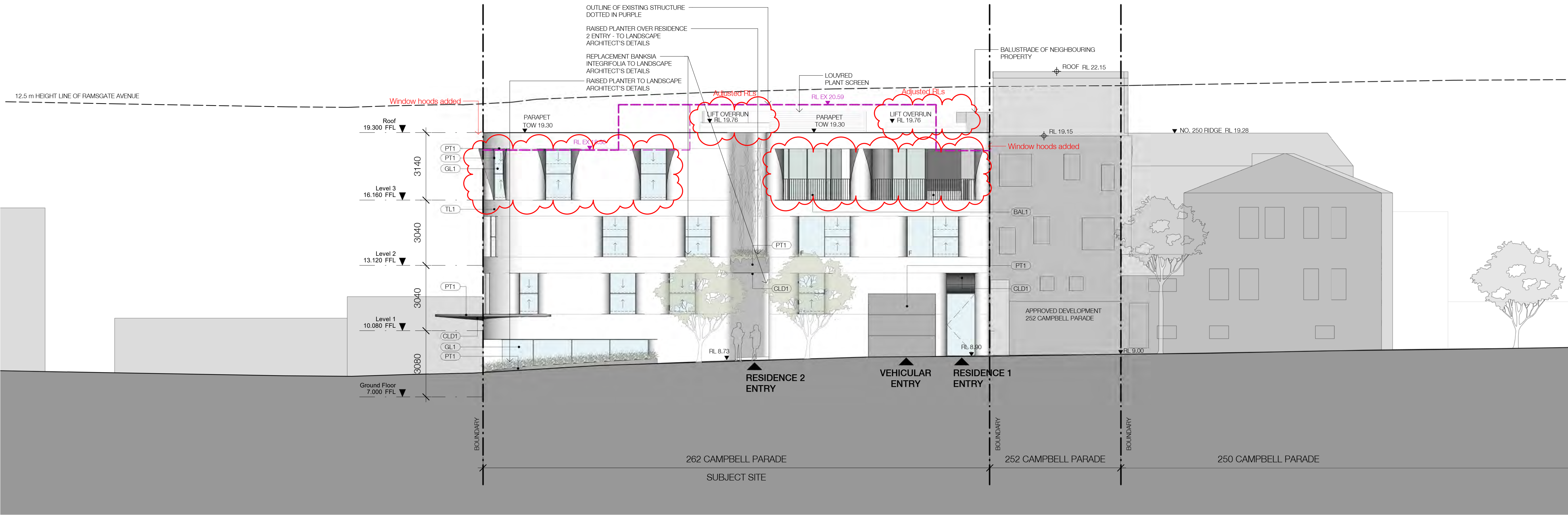
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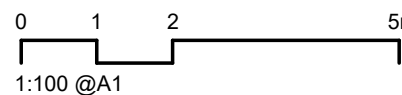






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Rev	Date	Revision	By	Chk.
23	14.05.19	Revised DA Issue	GS	CP
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26	13.11.20	Issue For Amending DA	MS	CM
27	27.04.21	Revised Issue For Amending DA	MS	GS

Legend
BAL1 - BRONZE BALUSTRADE
BAL2 - GLAZED BALUSTRADE
CLD1 - BRASS CLADDING
GL1 - CLEAR GLASS
GL2 - TRANSLUCENT GLASS
PA1 - GREY PAINT
PA2 - WARM WHITE PAINT
PT1 - ALUMINIUM FRAMING MID-BRONZE FINISH
TL1 - MASONRY FINISH

Client  
**Stargate Property**

Project  
**Mixed Use Development**  
**262 Campbell Parade**  
**Bondi Beach NSW 2026**  
Drawing Name  
**Elevations - North (Ramsgate Avenue)**

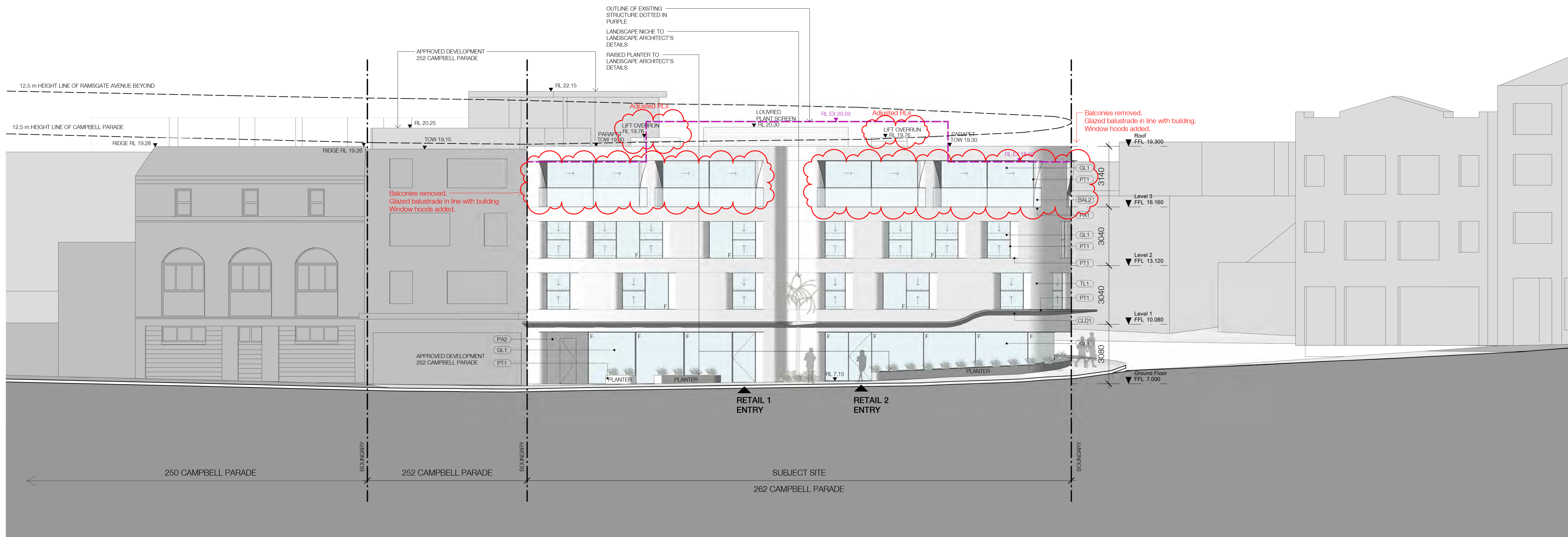
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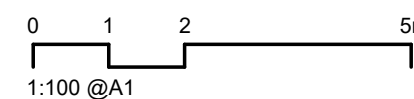


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[illegible]

**Legend**

BAL1 - BRONZE BALUSTRADE  
BAL2 - GLAZED BALUSTRADE  
CLD1 - BRASS CLADDING  
GL1 - CLEAR GLASS  
GL2 - TRANSLUCENT GLASS  
PA1 - GREY PAINT  
PA2 - WARM WHITE PAINT  
PT1 - ALUMINIUM FRAMING MID-BRONZE FINISH  
TL1 - MASONRY FINISH

Client  
**Stargate Property**

Project

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**Mixed Use Development**  
262 Campbell Parade  
Bondi Beach NSW 2026

Drawing Name

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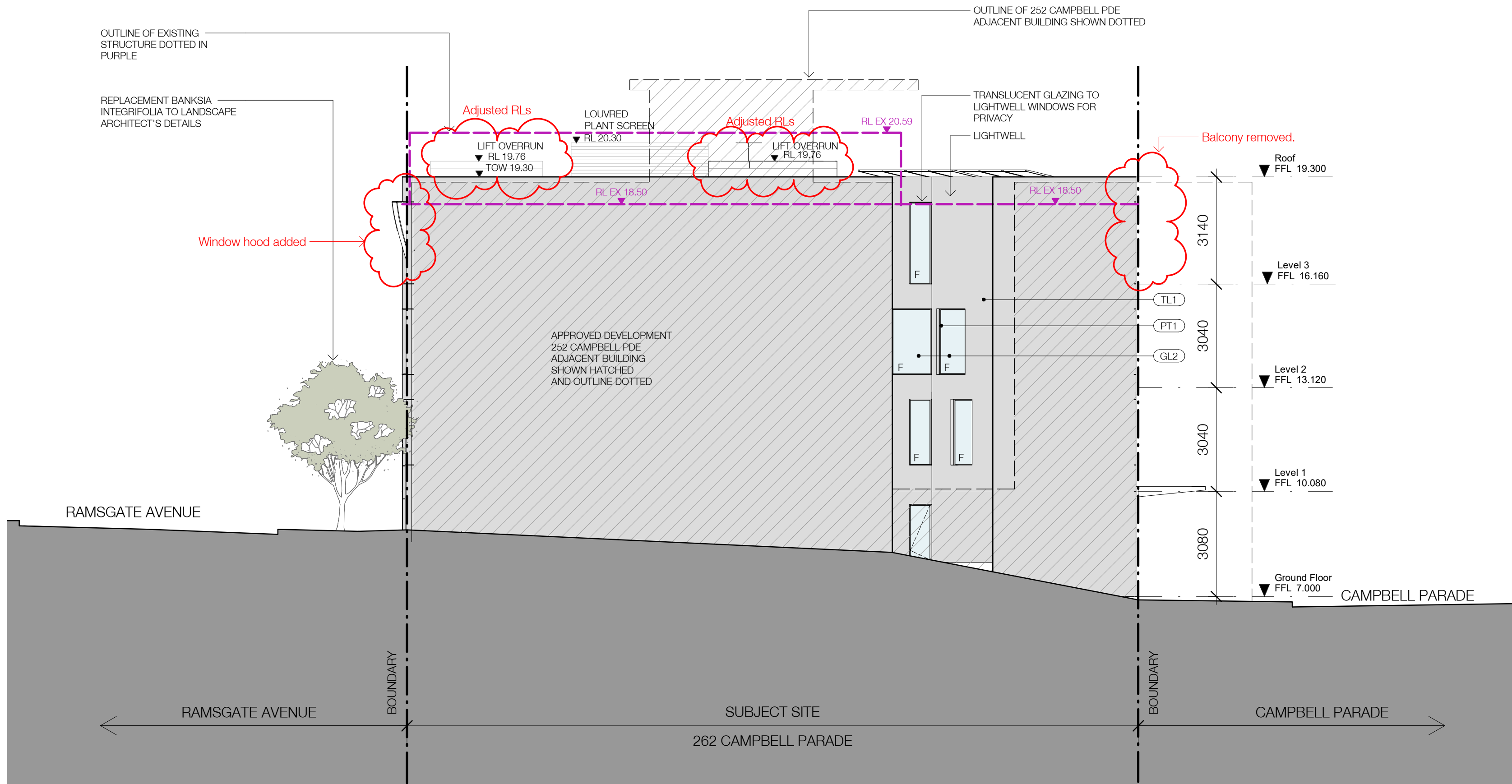
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Date	Scale	Sheet Size
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Drawn	Chk.	
MS	CM	
Drawing No.	Revision	
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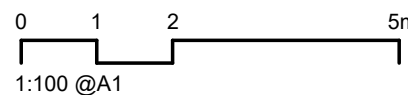






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Legend
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TL1 - MASONRY FINISH

Client  
**Stargate Property**

Project  
**Mixed Use Development**  
**262 Campbell Parade**  
**Bondi Beach NSW 2026**  
Drawing Name  
**Elevations - West**

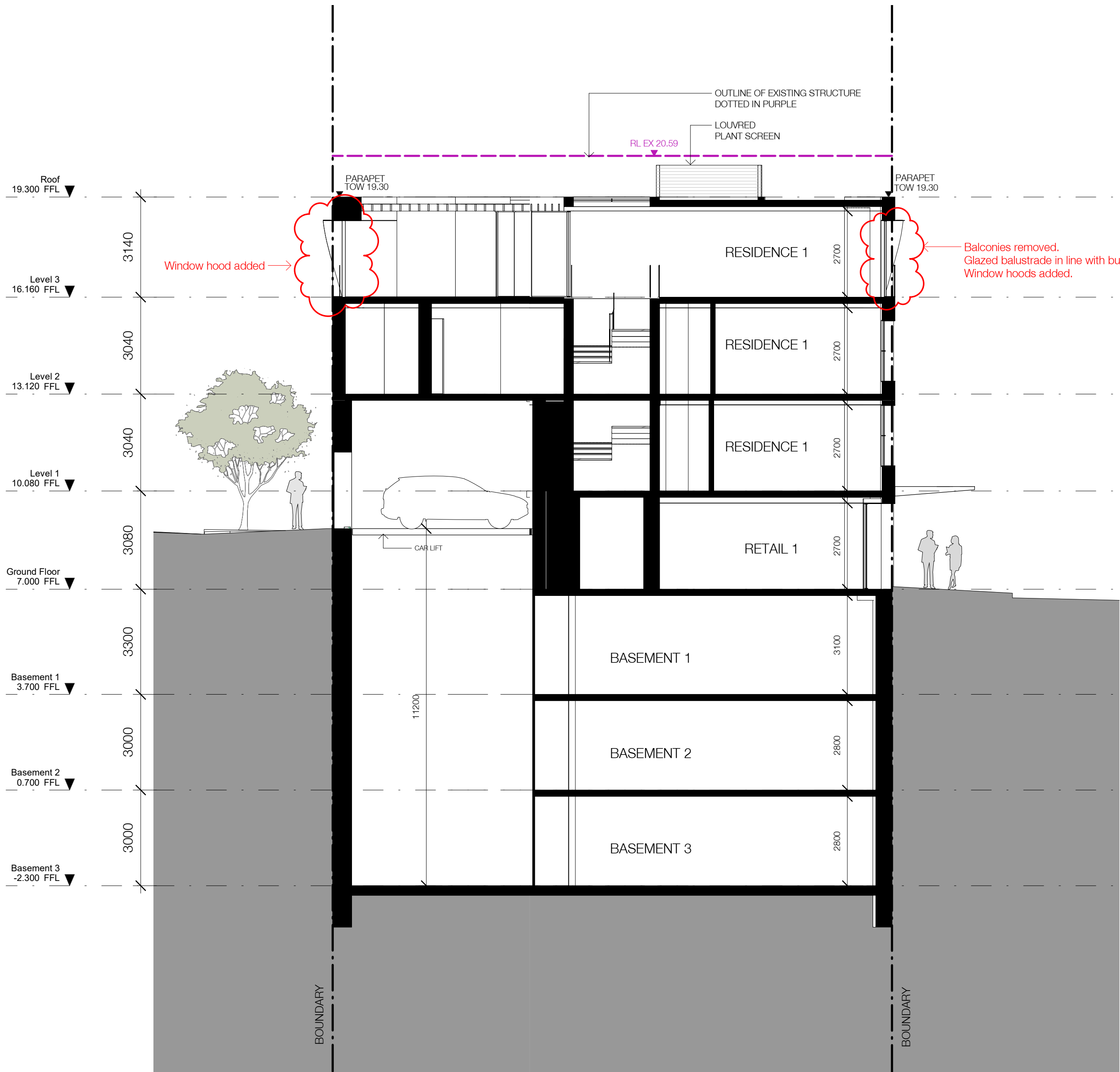
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MS	CM	
Drawing No.	Revision	
DA-0503	/ 27	

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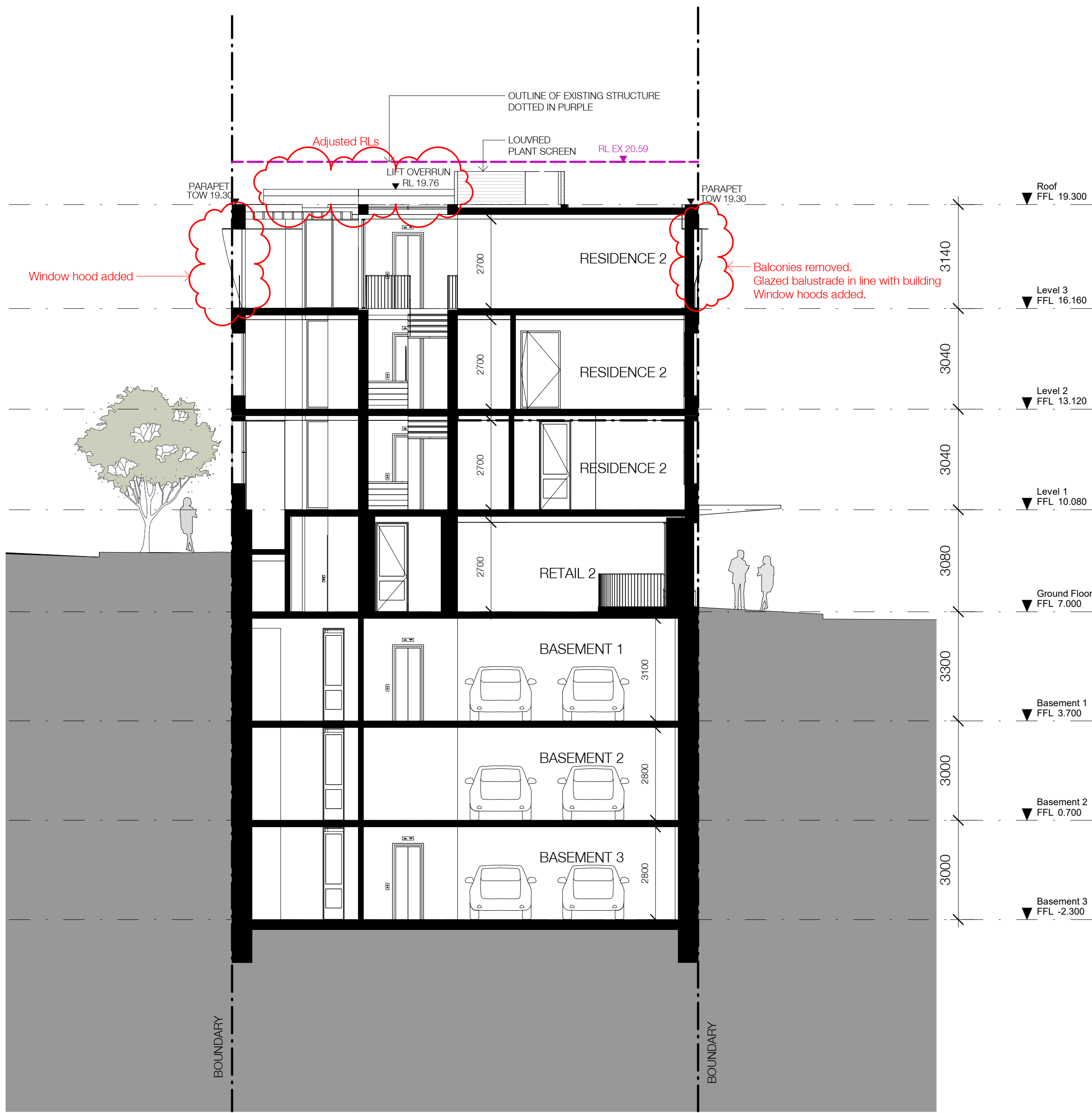




AMENDED PLANS

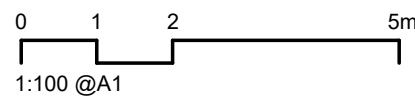


1 Section A1  
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2 Section A2  
1 : 100

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



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23	13.05.19	Revised DA Issue	GS	CP	
24	02.11.20	Draft Issue for Consultant Coordination	MS	CM	
25	13.11.20	Issue For Amending DA	MS	CM	
26	27.04.21	Revised Issue For Amending DA	MS	GS	

Client  
**Stargate Property**

Project  
**Mixed Use Development**  
**262 Campbell Parade**  
**Bondi Beach NSW 2026**  
Drawing Name  
**Sections - A1 and A2**

Date  
**27.04.21**  
Scale  
**1 : 100**  
Sheet Size  
**@ A1**  
Drawn  
**MS**  
Chk.  
**CM**  
Drawing No.  
**DA-0601**  
Revision  
**/ 26**

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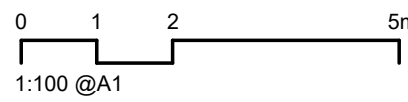






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25	13.11.20	Issue For Amending DA	MS	CM	
26	27.04.21	Revised Issue For Amending DA	MS	GS	

Client  
**Stargate Property**

Project  
**Mixed Use Development**  
**262 Campbell Parade**  
**Bondi Beach NSW 2026**  
Drawing Name  
**Sections - B**

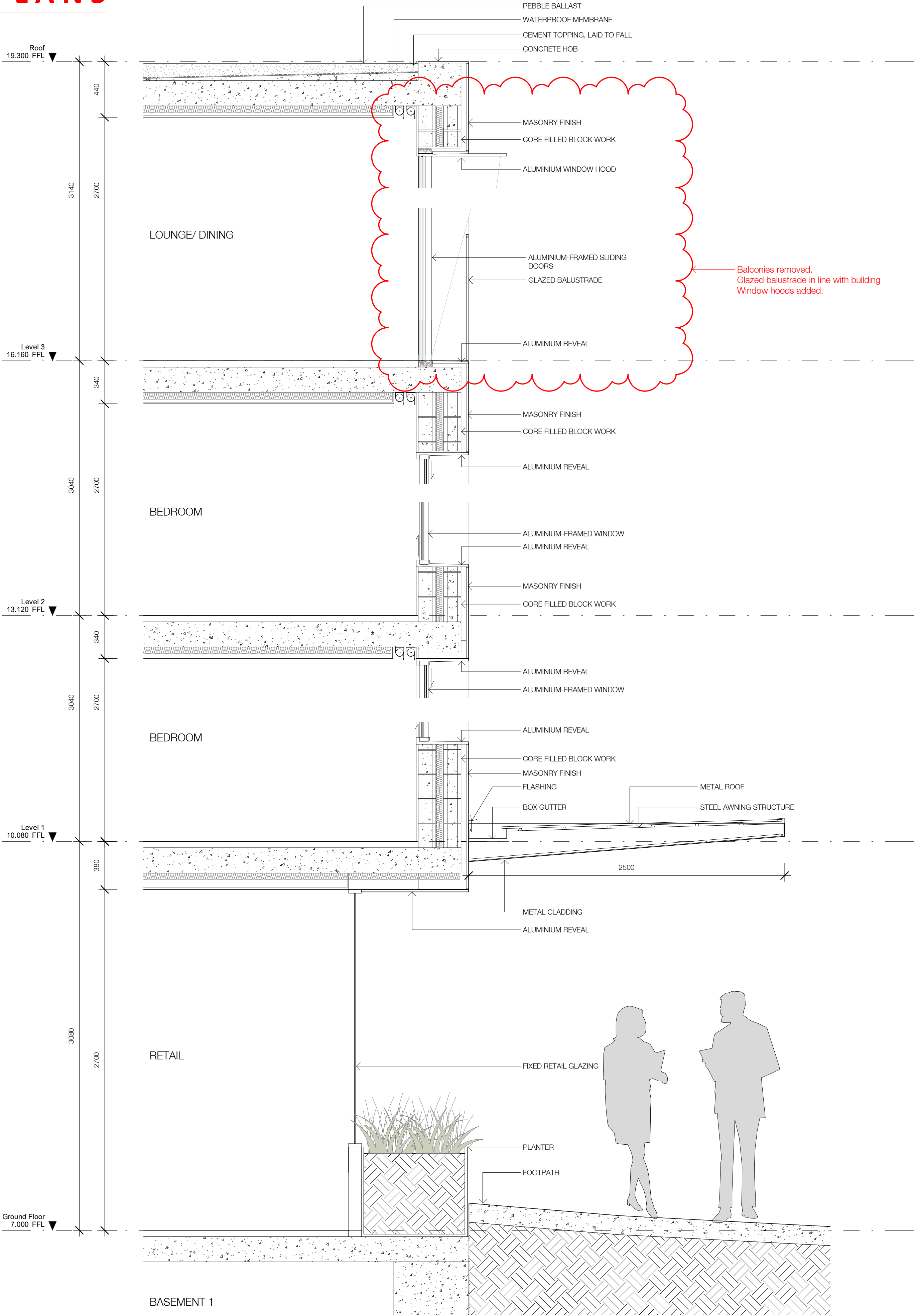
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Drawing No.	Revision	
DA-0602	/ 26	

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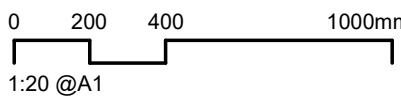




AMENDED PLANS



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00	14.08.19	Revised DA Issue	PB	GS	
01	02.11.20	Draft Issue for Consultant Coordination	MS	CM	
02	13.11.20	Issue For Amending DA	MS	CM	
03	27.04.21	Revised Issue For Amending DA	MS	GS	

Client  
Stargate Property

Project  
Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026  
Drawing Name  
Detailed Section - Campbell Street  
Facade

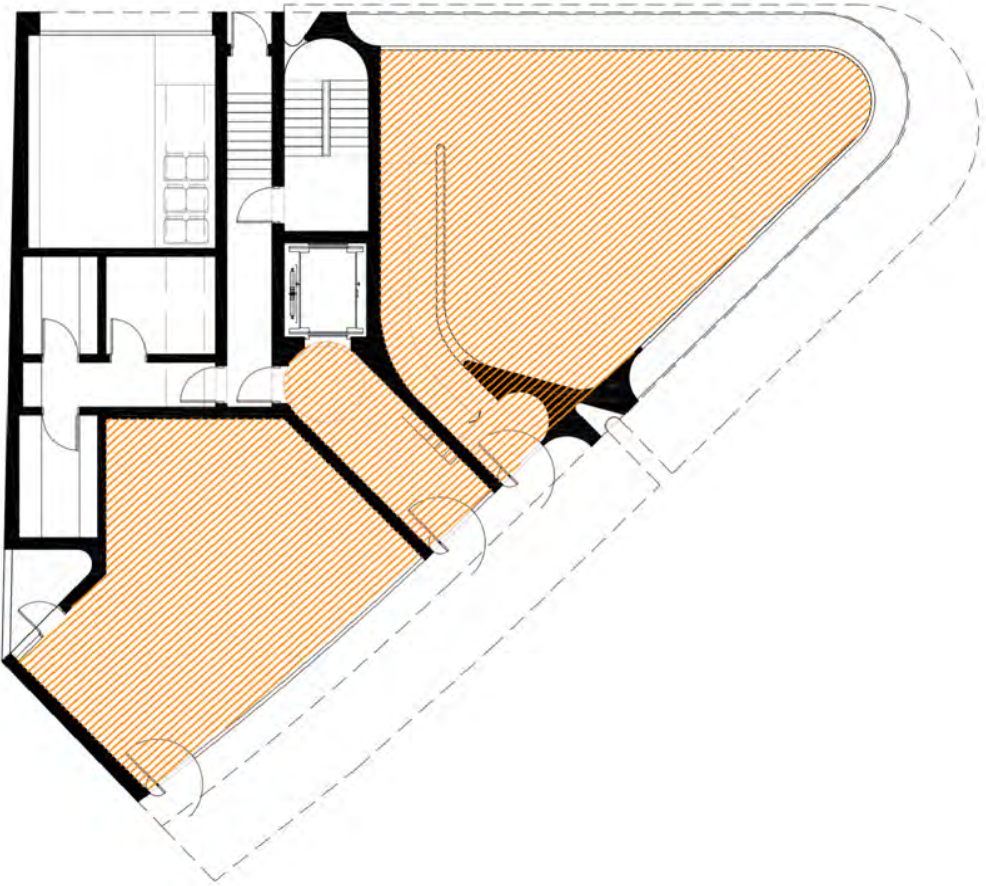
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Drawing No.	Revision	
DA-0701	/ 03	

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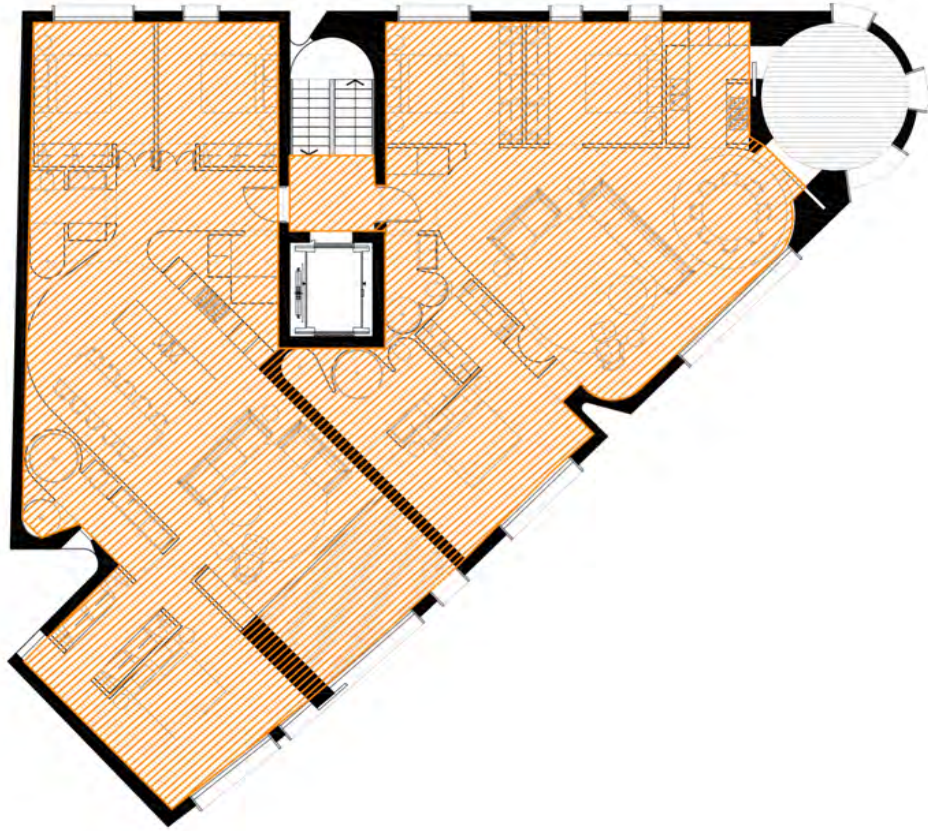
AMENDED PLANS



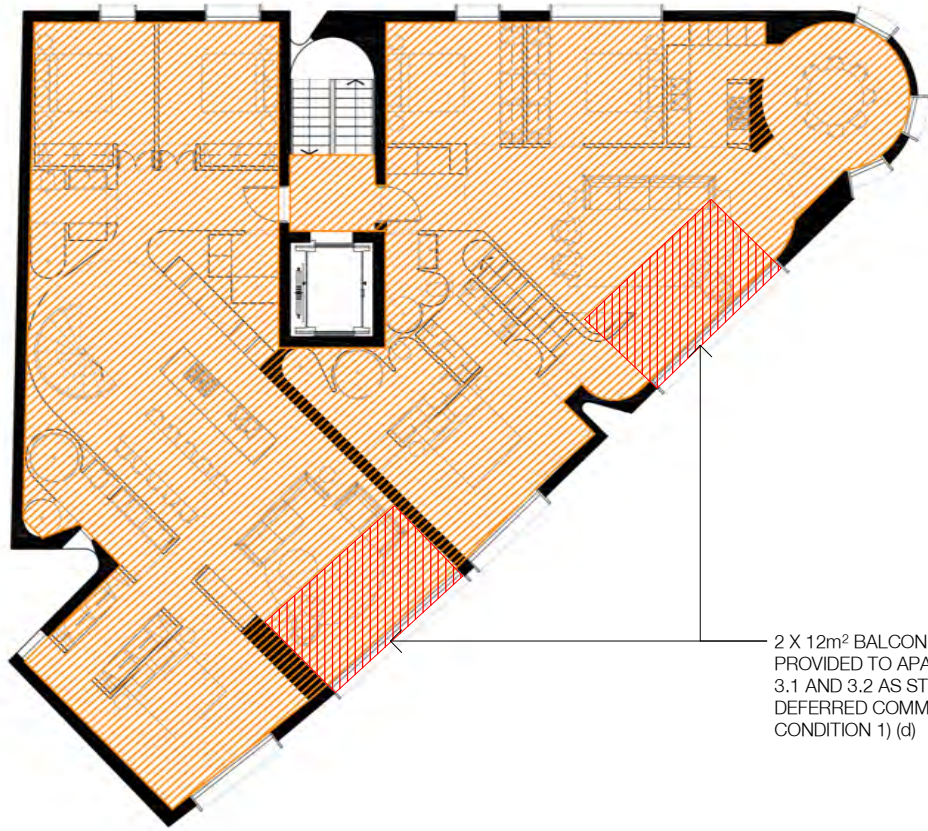
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6 DA Approved GFA Plan - Level 1  
1 : 200




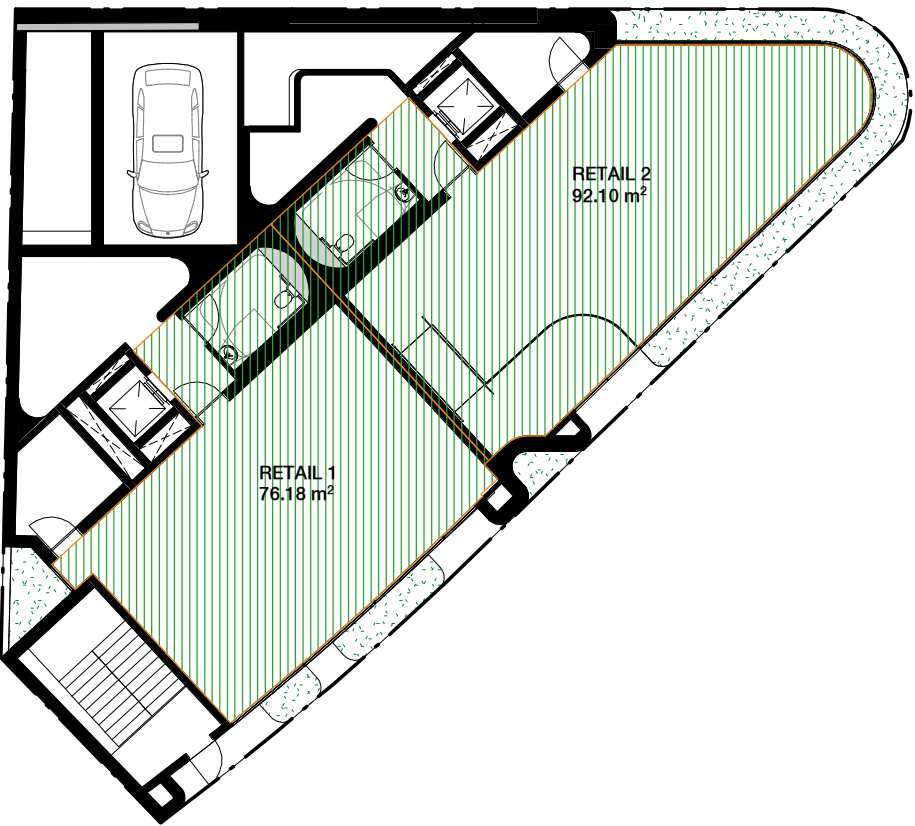
7 DA Approved GFA Plan - Level 2  
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8 DA Approved GFA Plan - Level 3  
1 : 200

DA APPROVED GFA PLANS  
(DA-381/2018)

	DA Approved GFA
GFA CALCULATIONS - DA APPROVED (DA-381/2018)	
SITE AREA	329.8 m <sup>2</sup>
GROSS FLOOR AREA	
Ground Floor	167.6 m <sup>2</sup>
Level 1	225.2 m <sup>2</sup>
Level 2	264.6 m <sup>2</sup>
Level 3	279.2 m <sup>2</sup>
Sub Total	936.6 m <sup>2</sup>
2 X 12m <sup>2</sup> BALCONIES PROVIDED TO APARTMENTS 3.1 AND 3.2 AS STATED IN DEFERRED COMMENCEMENT CONDITION 1) (d)	-24 m <sup>2</sup>
DA Approved GFA	912.6 m <sup>2</sup>
DA Approved FSR	2.77:1



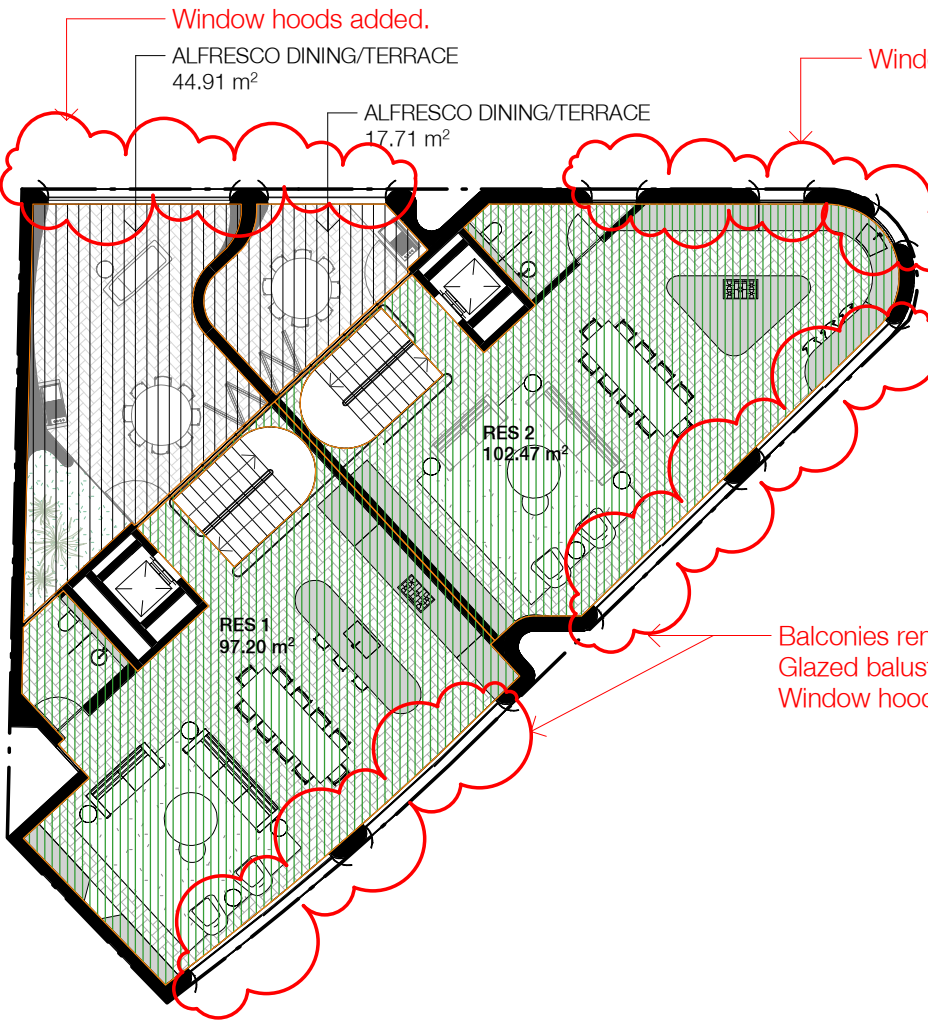
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1 : 200




3 Proposed GFA Plan - Level 2  
1 : 200

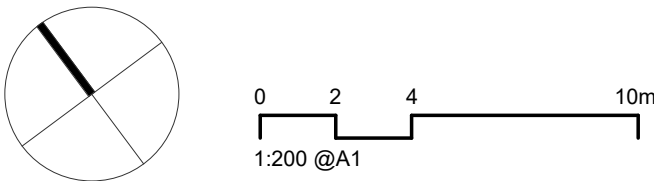


4 Proposed GFA Plan - Level 3  
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PROPOSED S4.55 GFA PLANS

	Proposed GFA
GFA CALCULATIONS - PROPOSED	
SITE AREA	329.8 m <sup>2</sup>
GROSS FLOOR AREA	
Ground Floor	168.28 m <sup>2</sup>
Level 1	252.52 m <sup>2</sup>
Level 2	281.79 m <sup>2</sup>
Level 3	199.67 m <sup>2</sup>
Proposed GFA	902.26 m <sup>2</sup>
Proposed FSR	2.74:1

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Client  
Stargate Property

Project  
Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026  
Drawing Name  
Area Analysis - GFA Plans

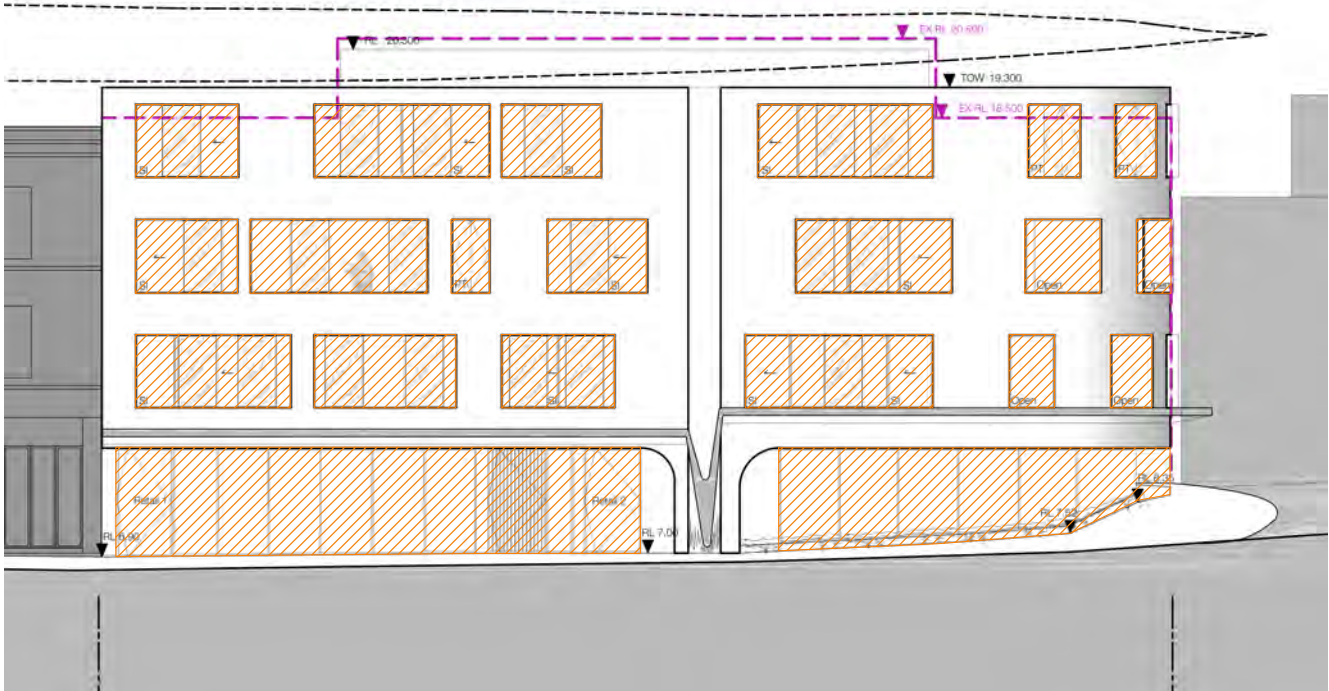
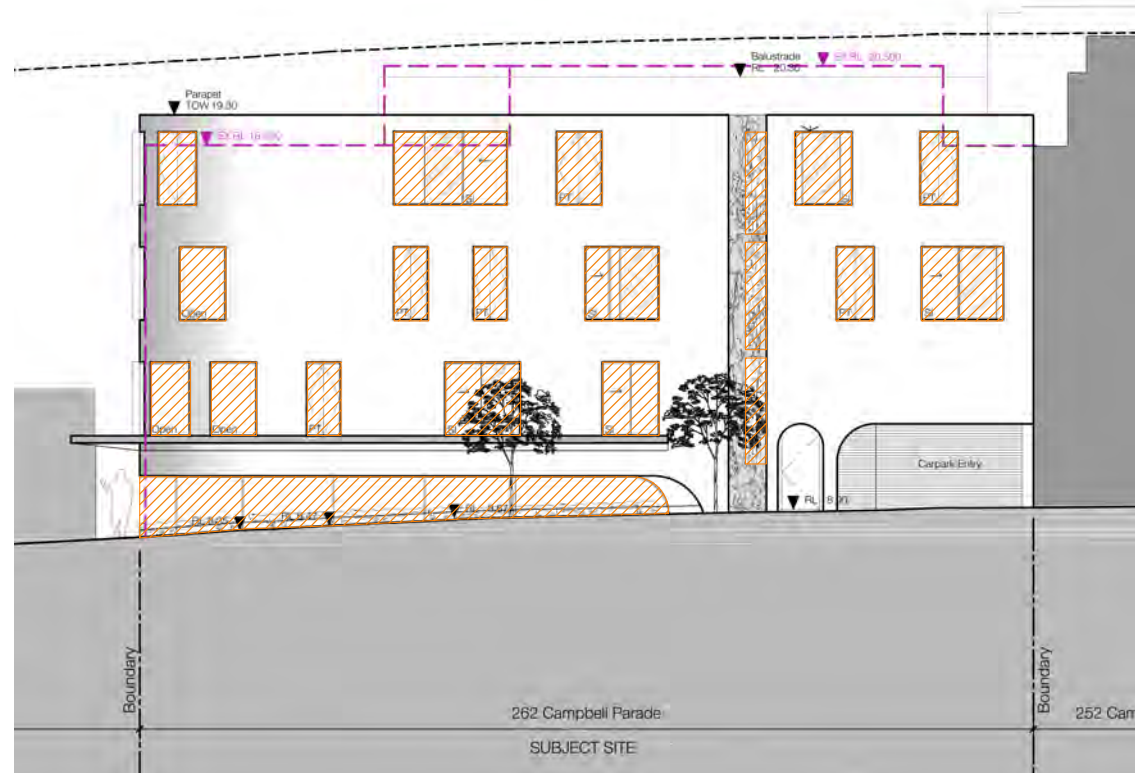
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CM  
Drawing No.  
DA-2901  
Revision  
/ 26

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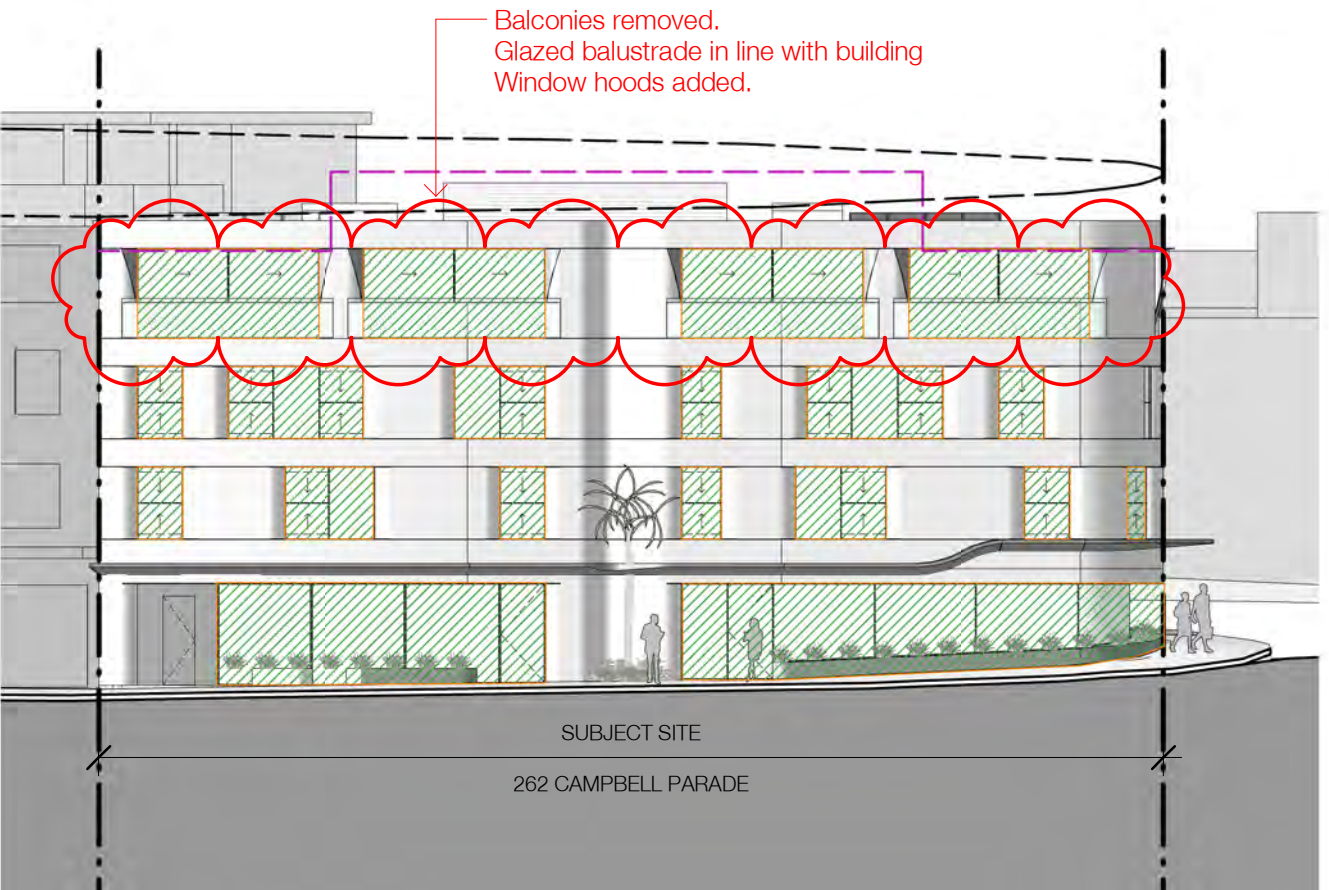


AMENDED PLANS



DA APPROVED ELEVATIONS  
(DA-381/2018)

DA Approved Openings	
OPENING CALCULATIONS - DA APPROVED (DA-381/2018)	
North Elevation	65.48 m²
South Elevation	169.93 m²
Total	235.41 m²

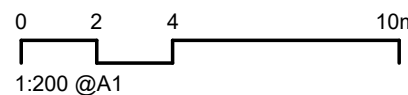


PROPOSED AMENDING DA  
ELEVATIONS

Proposed Openings	
OPENING CALCULATIONS - PROPOSED	
North Elevation	58.18 m²
South Elevation	143.49 m²
Total	201.67 m²

**CONCLUSION:**  
The amending DA openings are 33.74 m²  
less than the DA Approved elevations.

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01	02.11.20	Draft Issue for Consultant Coordination	MS	CM	
02	13.11.20	Issue For Amending DA	MS	CM	
03	27.04.21	Revised Issue For Amending DA	MS	GS	

Client  
**Stargate Property**

Project  
**Mixed Use Development**  
**262 Campbell Parade**  
**Bondi Beach NSW 2026**  
Drawing Name  
**Area Analysis - Elevations**

Date  
**27.04.21**  
Scale  
**1 : 200**  
Sheet Size  
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Drawn  
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Chk.  
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Drawing No.  
**DA-2902**  
Revision  
**/ 03**

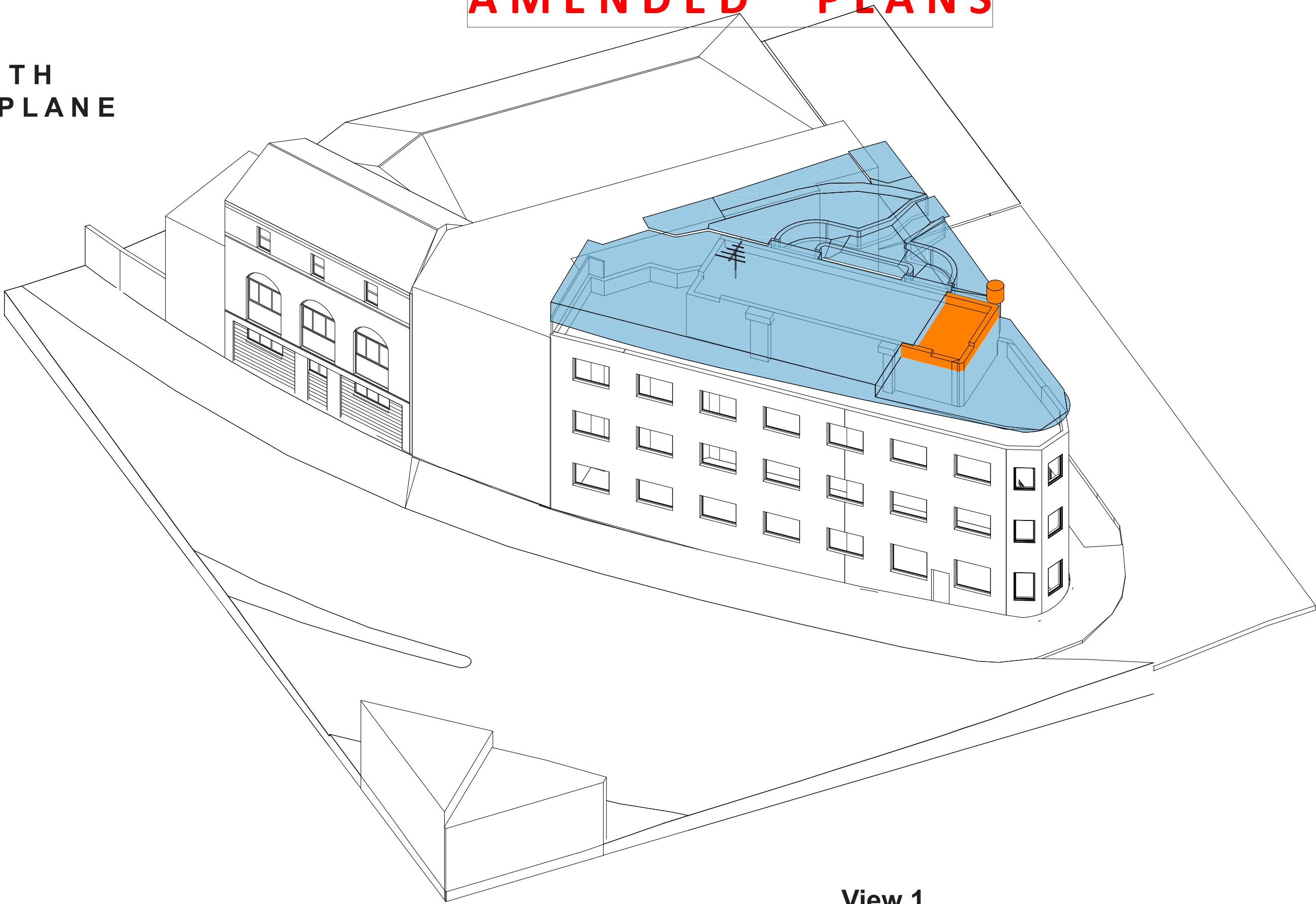
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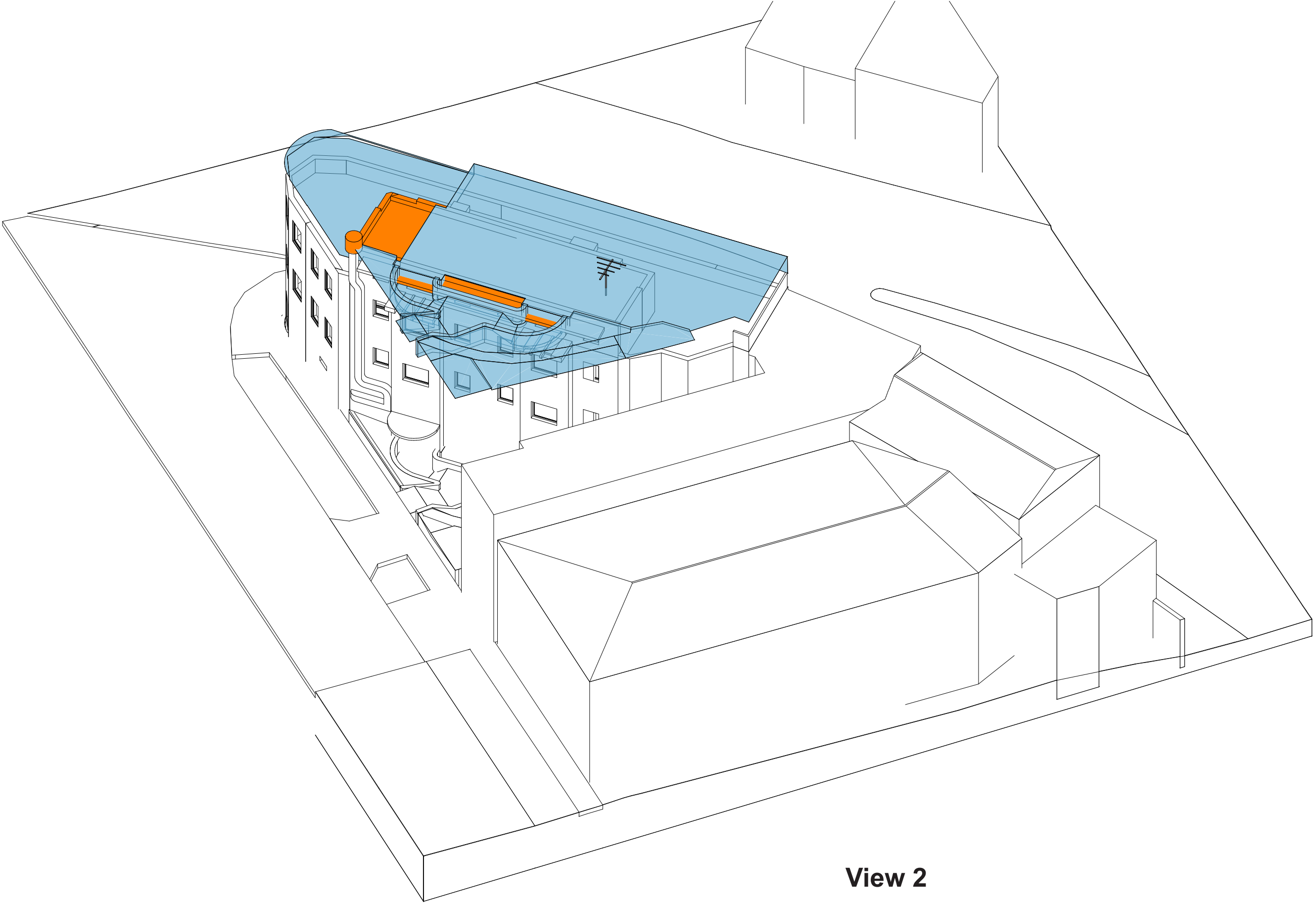


AMENDED PLANS

EXISTING - WITH  
12.5m HEIGHT PLANE

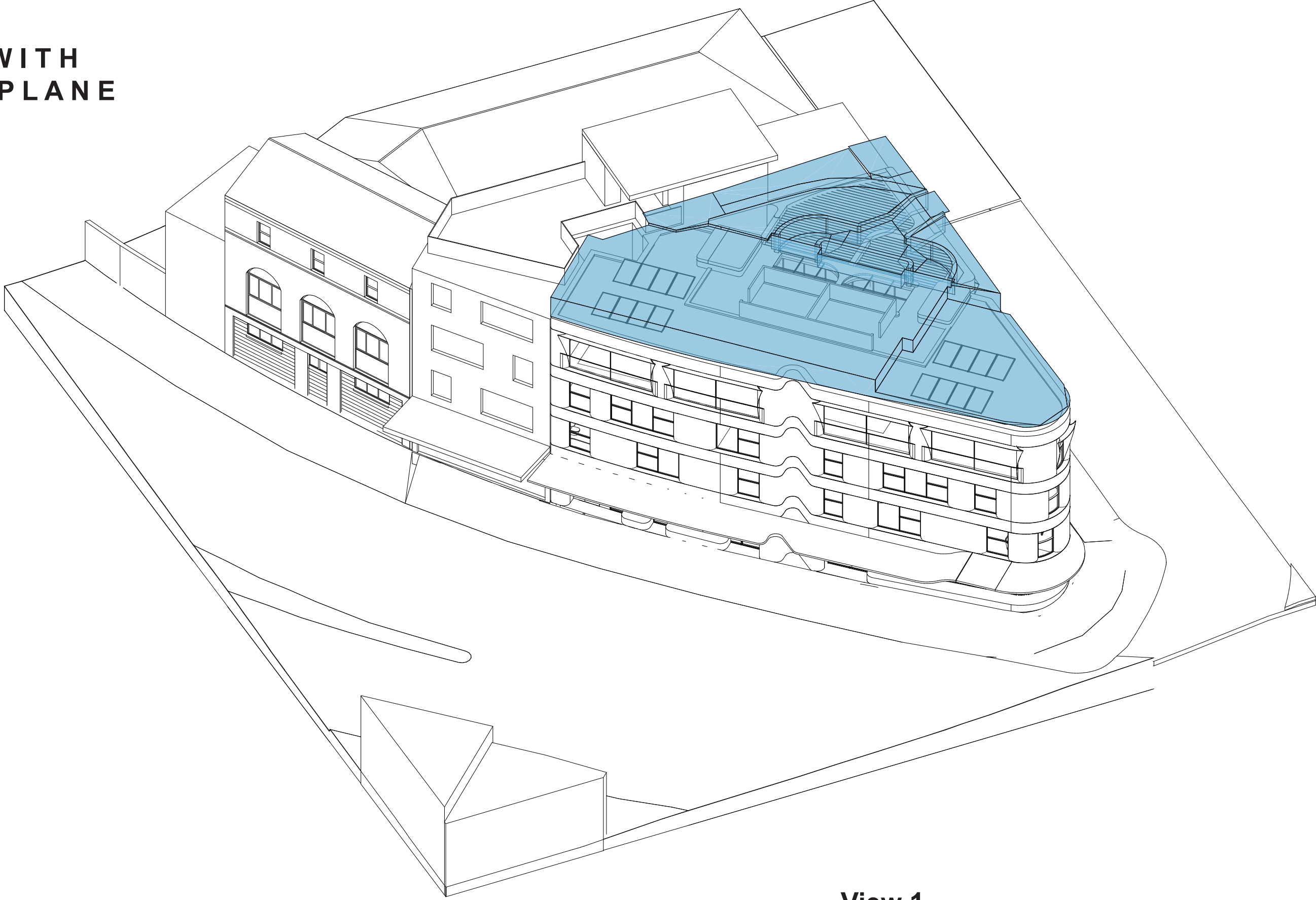


View 1

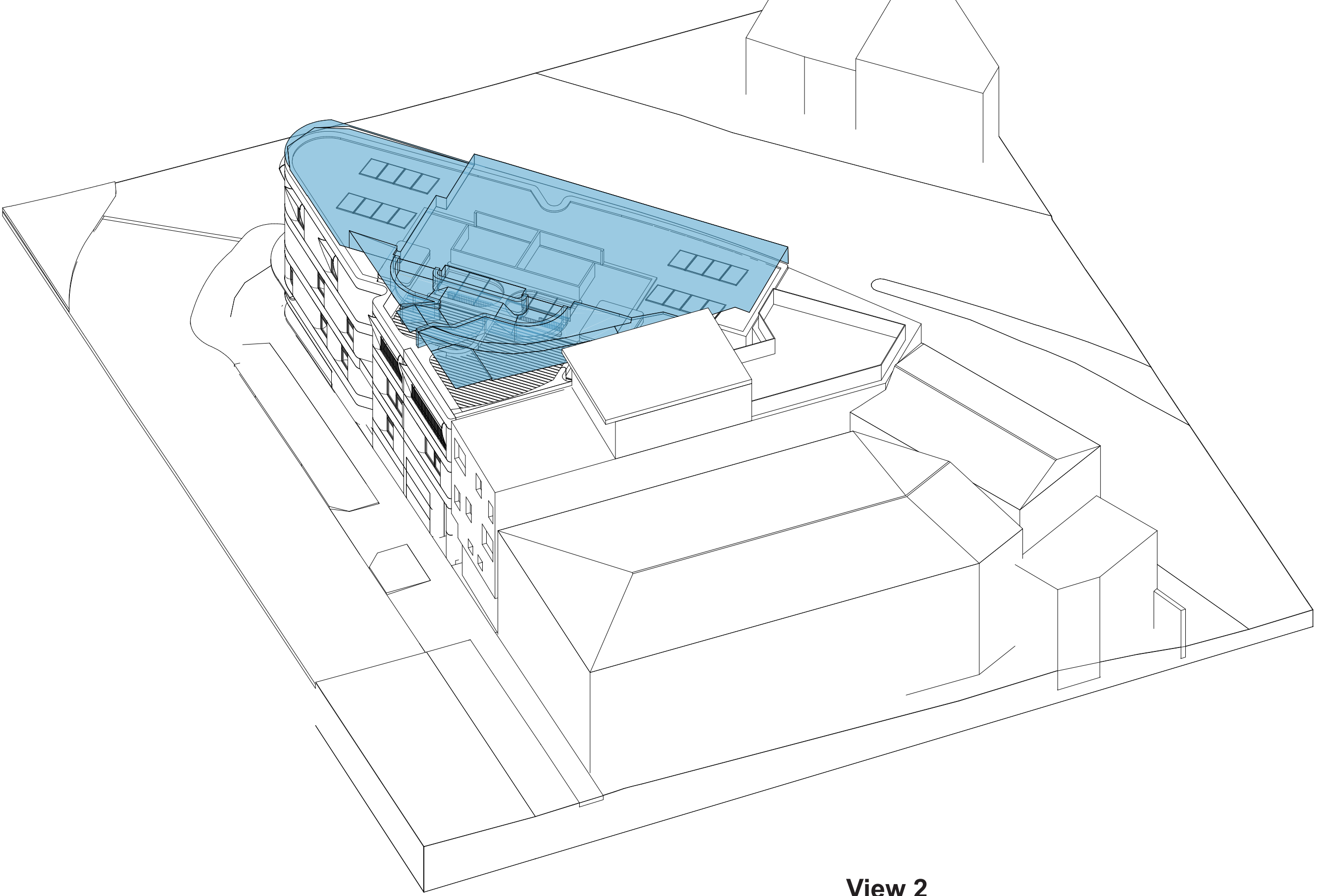


View 2

PROPOSED - WITH  
12.5m HEIGHT PLANE



View 1



View 2

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Rev	Date	Revision	By	Chk.
03	XX.04.21	Revised Issue For Amending DA	MS	GS

Legend
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Stargate Property

Project  
Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026  
Drawing Name  
LEP Height Plane Diagram

Date	Scale	Sheet Size
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Drawn	Chk.	
MS	GS	
Drawing No.	Revision	
DA-3020	/ 01	

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View 1 - Campbell Parade



View 3 - Campbell Parade and Ramsgate Avenue corner



View 2 - Campbell Parade Elevation



View 4 - Ramsgate Avenue

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Rev	Date	Revision	By	Chk.
01	27.04.21	Revised Issue For Amending DA	MS	GS

Legend

Client  
Stargate Property

Project  
Mixed Use Development  
262 Campbell Parade  
Bondi Beach NSW 2026  
Drawing Name  
3D Views

Date	Scale	Sheet Size
27.04.21	NTS	@ A1
Drawn	Chk.	
MS	GS	
Drawing No.	Revision	
DA-3050	/ 01	

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## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-381/2019/B
<b>Site address</b>	92 Ramsgate Avenue, Bondi Beach
<b>Proposal</b>	Modification to approved residential flat building including additional excavation and reconfiguration of basement, alterations to apartments to increase floor space including offer of a Planning Agreement, and deletion of condition A.2(a) relating to the height of part of the side boundary fence within the front building setback.
<b>Description of Approved Development</b>	Demolition of an existing dwelling and ancillary structures and construction of a part three, part four (attic) storey Residential Flat Building with basement parking, swimming pool and associated landscaping.
<b>Date of lodgement</b>	13 April 2021
<b>Owner</b>	Mrs S J Kogan
<b>Applicant</b>	Mhnhu and Common Office
<b>Submissions</b>	Sixteen (16) submissions
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Floor space ratio</li> <li>• Excavation</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-381/2019/A for demolition of an existing dwelling and ancillary structures and construction of a part three, part four (attic) storey residential flat building with basement parking, swimming pool and associated landscaping, at the site known as 92 Ramsgate Avenue, Bondi Beach. In summary, the proposed modifications are for additional excavation along the eastern side boundary to provide a new pool pump room and reconfiguration of car parking in the basement, infill ground floor and first floor void along the eastern side setback to increase living areas of apartments and reduction of green roof area on the second floor level to extend width of circulation space within the second floor apartment.

The principal issues arising from the assessment of the application are as follows:

- Exceedance of the maximum floor space ratio development standard under Clause 4.4 of the Waverley Environmental Plan (WLEP) 2012
- Excavation along the eastern side boundary

The assessment finds these issues acceptable as the additional residential floor space is considered to be consistent with the objectives of the R3 Medium Density Residential Zone and the objectives of the floor space ratio development standard under the WLEP 2012. The applicant has offered to enter into a planning agreement with Council to make a development contribution for a material public benefit (i.e. funding of public domain improvements and affordable housing within the Waverley local government area) as a means to offset the variation of the floor space ratio development standard.

A total number of sixteen (16) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received.

The application has been assessed against the relevant matters for consideration under section 4.55(1A) the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

### 1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application in March 2020 and a further inspection was carried out on 13 July 2021.

The site is identified as Lot 20 Sec 2 in DP 9177, known as 92 Ramsgate Avenue, Bondi Beach. It is located on the north-eastern side of Ramsgate Avenue between Campbell Parade and Wairoa Avenue.

The site is rectangular in shape with a frontage to Ramsgate Avenue measuring 12.19m. The site has an area of 477.3m<sup>2</sup> and it gradually rises from the front (south-western portion) towards the rear (north-eastern portion) by approximately 600mm.



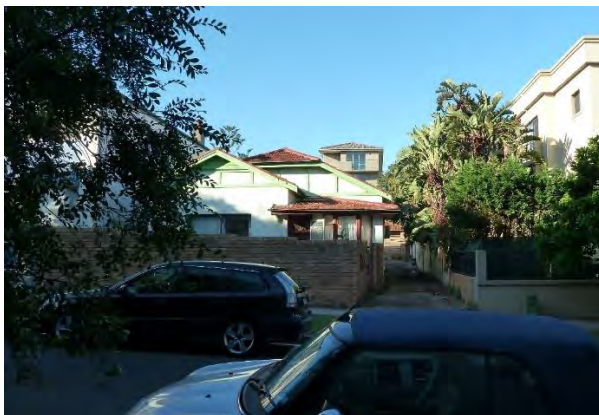
The site was occupied by a single storey dwelling house with vehicular access provided from Ramsgate Avenue and a garage in the rear yard. Demolition works in accordance with the development consent have substantially commenced including excavation and site preparation works for the basement car park.

The subject site is adjoined by a:

- three storey residential flat building to the south-east at 94-98 Ramsgate Avenue
- two storey residential flat building to the north-west at 90 Ramsgate Avenue
- three storey residential flat building to the north-east (rear of the site) at 63 Brighton Boulevard.

The locality is characterised by predominantly medium density residential development, including residential flat buildings.

**Figures 1 to 4** are photos of the site and its context.



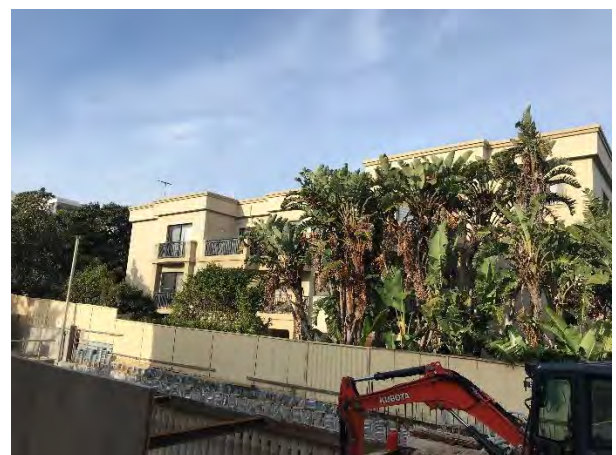
**Figure 1:** View of subject site from Ramsgate Avenue, looking north-east prior to demolition of existing structures (March 2020)



**Figure 2:** View of subject site from Ramsgate Avenue, looking north-east



**Figure 3:** View of current site works looking towards rear boundary



**Figure 4:** View of No. 94-98 Ramsgate Avenue, looking east from the subject site



### 1.3. Details of Approved Development

The original development application, known as DA-381/2019 for demolition of an existing dwelling and ancillary structures and construction of a part three, part four (attic) storey residential flat building with basement parking, swimming pool and associated landscaping, was approved on 29 May 2020 under delegated authority.

A previous modification application has been determined as follows:

- DA-381/2018/A to modify the roof design including raising the ridge height, dormers and lift overrun and correction of drawings to satisfy Condition 2(c) was approved under delegated authority on 1 September 2020.

The following conditions are copied from the development consent as they have direct relevance to this modification application.

#### 1. **APPROVED PLANS AND DOCUMENTATION**

*The development must be in accordance with:*

- (a) *Architectural Plans prepared by Common Office in ~~associated~~ association with MHND Union of Project known as '92 RAMSGATE AVE BONDI BEACH' including the following:*

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA02[2]	Site Plan	8 July 2020	9 July 2020
DA05[2]	Basement Plan	8 July 2020	9 July 2020
DA06[2]	Ground Floor Plan	8 July 2020	9 July 2020
DA07[2]	First Floor Plan	8 July 2020	9 July 2020
DA08[2]	Second Floor Plan	8 July 2020	9 July 2020
DA09[2]	Attic (Third) Floor Plan	8 July 2020	9 July 2020
DA10[2]	Roof Plan	8 July 2020	9 July 2020
DA11[2]	South Elevation	8 July 2020	9 July 2020
DA12[2]	North Elevation	8 July 2020	9 July 2020
DA13[2]	West Elevation	8 July 2020	9 July 2020
DA14[2]	East Elevation	8 July 2020	9 July 2020
DA15[2]	Streetscape (South) Elevation	8 July 2020	9 July 2020
DA16[2]	Section A	8 July 2020	9 July 2020
DA17[2]	Section B	8 July 2020	9 July 2020



DA18[2]	Section C	8 July 2020	9 July 2020
DA19[2]	Areas + Compliance	8 July 2020	9 July 2020
DA21[2]	Finishes	8 July 2020	9 July 2020
DA22[2]	Ramp Details	8 July 2020	9 July 2020
DA23[2]	Waste Management Plan	8 July 2020	9 July 2020
DA23[2]	Section A, B and C	8 July 2020	9 July 2020
DA26[02]	South Façade Details	8 July 2020	9 July 2020
DA27[2]	Attic Detail Section A	8 July 2020	9 July 2020
DA28[2]	Attic Detail Sections B	8 July 2020	9 July 2020

**(MODIFIED BY DA-381/2019/A)**

- (b) Landscape Plan No. LP 01 (Revision A) and PS 01 (Revision A) dated 29 April 2020 and received by Council on 6 May 2020 and Landscape Plan No. LP 02 (Revision 0) dated 12 November 2019 and received by Council on 28 November 2019 and documentation all prepared by Edwina Stuart Landscape Design.
- (c) BASIX and NatHERs Certificates.
- (d) Stormwater details and documentation approved in accordance with condition 17 of this consent.
- (e) Geotechnical Investigation Report (Reference No. 32756YCrpt) prepared by JK Geotechnics, dated 4 November 2019 and received by Council on 28 November 2019.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

## **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) In order to limit streetscape and amenity impacts, the height of part of the south-eastern side fence, between the street boundary of the site and the front building setback of the proposed development on the site, shall be no higher than RL11.78 (which is the top of wall of the existing brick wall on the south-eastern boundary of the site).
- (b) In order to achieve a cohesive and sightly appearance from the street, the fire hydrant booster and letter boxes shall be neatly integrated into the street wall with the letter boxes being legible and located immediately adjacent to the entry gate.
- ~~(c) Delete incorrect annotation of the front balcony that states "Terrace 13.8m<sup>2</sup>" from Drawing No. DA09[01] (i.e. Attic Third Floor Plan) that is identified in condition 1(a) of this development consent.~~  
**(DELETED BY DA-381/2019/A).**

The amendments are to be approved by the appointed **Principal Certifying Authority** prior to the issue of any Construction Certificate.



## 1.4. Proposal

The modification application has been submitted under section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

- Reduce height of part of the eastern side fence between the street boundary and the front building line to RL11.78, to satisfy Condition 2(a);
- Reduction in height of the front fence adjacent to the eastern side boundary to RL11.78;
- Additional excavation to the eastern side boundary and to the north for a new pool pump room and reconfiguration of 2 x car parking spaces and storage to the eastern boundary;
- Remove bathroom in the south-western corner of basement;
- Extension of ground and first floor apartments (Apartments 01 and 02) to infill the terrace area and void adjacent to the eastern side boundary consisting of new dining rooms with highlight windows; and
- Extend width of hallway in Apartment 03 on the second floor by 1.05m to the east resulting in a reduction in area of non-trafficable roof garden.
- Offer of a Voluntary Planning Agreement (VPA), calculated in accordance with the *Waverley Planning Agreement Policy*.

## 1.5. Background

The modification application was lodged on 13 April 2021. Following a preliminary assessment of the proposal and site inspection Council's assessment officer sought further clarification from the applicant regarding the following:

1. Opportunities to relocate and reduce the size of the proposed pool pump room in the basement to minimise excavation along the eastern side boundary.
2. Extent of excavation that has been undertaken within the site.
3. Intention to enter into a Planning Agreement in accordance with the Waverley Planning Agreement Policy.

On 26 July 2021 the applicant submitted an amended basement plan showing a reduction in the size of the proposed pool plant room. The proposal continues to seek approval for additional excavation along the eastern side boundary.

On 30 July 2021 the owners submitted a letter of offer to enter into a Planning Agreement with Council to provide a monetary contribution of \$137,320.00 for the variation to the floor space ratio development standard by 34.33m<sup>2</sup>.

## 2. ASSESSMENT

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



## 2.1. Section 4.55 – Modification of consents – generally

### ***Section 4.55(1A) – Minor impact***

The application is made under section 4.55(1A) of the Act. The proposed modifications are considered to have minimal environmental impact for reasons identified and explained in the following sections of this report.

The application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*.

The application was publicly notified and sixteen (16) submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

## 2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

### 2.2.1. Planning Instruments and Development Control Plans

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

#### ***State Environmental Planning Policies (SEPPs)***

The following SEPPs apply and have been considered acceptable in the assessment of this modification application:

- SEPP 55 Remediation of Land.
- SEPP (Building Sustainability Index – BASIX) 2004.

A detailed discussion is provided for relevant SEPPs as follows:

#### ***SEPP 55 Remediation of Land***

There is no known history of contamination applicable to the site. As per the assessment of the original development application the site has historically been used for residential purposes and land contamination is considered unlikely and no further investigations is necessary.

#### ***SEPP (Building Sustainability Index – BASIX) 2004***

An amended BASIX Certificate and NatHERs Certificate have been submitted demonstrating compliance with required commitments under the SEPP.



### *Waverley Local Environmental Plan 2012 (Waverley LEP 2012)*

The land use definition of the approved development as a residential flat building remains unchanged and continues to be permitted development in the R3 Medium Density Residential zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 1** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant for the reasons discussed below.

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none"><li>12.5m</li></ul>	12.23m	No change	Yes
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"><li>0.9:1</li></ul>	0.898:1	0.972:1	No

The following is a detailed discussion of exceedances of particular development standards under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

#### **Floor Space Ratio (FSR)**

The proposed modifications result in a net increase of gross floor area (GFA) of 35.2m<sup>2</sup>, resulting in an overall FSR of 0.972:1. This culminates in an overall exceedance of the FSR development standard by 34.33m<sup>2</sup> or 8%. The net increase of FSR due to the proposed modifications represents 8% of the overall exceedance of the standard.

The applicant has provided some written justification for the non-compliance with the FSR development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the 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 and scale of 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 the locality.*



The justification provided by the applicant to support the increased exceedance of the FSR development standard is summarised as follows:

- Subclause (a) is not applicable to the proposal.
- The proposal satisfies subclause (b) as the modification does not change the approved height of the building and the additional floor space is within the recessed area of the eastern side elevation, maintaining the approved building bulk and articulation with compliant with setback controls and no alterations to the front elevation.
- The proposal satisfies subclause (c) as it continues to contribute to the mix of uses and built forms permitted within the R3 zone and is compatible with the building envelopes of adjoining properties.
- The proposal is recessed within the eastern side setback to minimise additional building bulk and does not have additional privacy, acoustic, view loss or overshadowing impacts on adjoining properties. The proposal replaces floor to ceiling glazed doors and courtyard area on the ground floor with an enclosed area with high light windows which will likely improve privacy for adjoining properties to the east. The proposal does not alter the approved landscaping and deep soil areas and remain compliant with relevant provisions.

The proposed infill of the void adjacent to the eastern side boundary does not contribute to any significant additional building bulk when viewed from the public domain and does not have any impact on the appearance of the development from the street or adjacent heritage conservation area. The proposal has demonstrated that it is consistent with the objectives (b)-(d) of the development standard as the proposed addition does not significantly contribute to additional building bulk or have adverse amenity impacts on surrounding properties. In particular, the proposal is contained within the approved building envelope and building height, is compliant with side boundary setback controls and will not result in any additional overshadowing or loss of visual or acoustic privacy impacts for adjoining properties. The proposed enclosure of the open terrace will likely reduce visual and acoustic impacts on adjoining properties as the solid wall and high light windows will mitigate the transfer of noise from the use of the private open space.

Whilst the external walls and windows of the proposed infill will be visible from some of the apartments with a western outlook at No. 94-98 Ramsgate Avenue, the ground floor infill will have minimal visual impact as it will be predominantly obscured by the proposed side boundary fence and existing landscaping. The proposed infill has an acceptable visual impact as the proposed built form is setback 2.4m from the eastern side boundary and is consistent with the permissible side setback under the WDCP 2012.

Notwithstanding the proposal demonstrating consistency with the objectives of the FSR development standard, the public interest needs to be considered to establish whether there is any public benefit for the proposed development to depart from the FSR development standard.

Parts of the LGA have experienced a significant uplift in development potential following extensive studies, analysis and community consultation, culminating in Waverley LEP 2012. In some cases, sites have seen a maximum FSR increase of more than double in the past 10 years. The impact from new



developments that are compliant with these increased development standards is significantly greater than anticipated by the previous controls, however if the development meets all other relevant standards and controls, these impacts are accepted as being generally anticipated by the controls. The purpose of development standards is to stipulate the maximum development potential of a site and provide certainty to the public and facilitate economic and orderly use of land.

To justify the proposed development, the applicant has offered to enter into a planning agreement with Council for gross floor area that exceeds the maximum gross floor area permitted by the FSR development standard in accordance the *Waverley Council Planning Agreement Policy 2014* (the Policy). The Policy aims to provide a material public benefit that is in the public interest to offset impacts arising from a development contravening a development standard when those impacts are found to be reasonable and non-adverse. The subject proposal seeks to vary the FSR development standard by 8%, which is consistent with the purpose of the planning agreements permitted under the Policy.

The fundamental principle of the Policy is that any benefit that arises from an agreement to vary *Planning Agreement Policy 2014* development standards is shared between the developer and the community and must be acceptable on environmental impact grounds. Having regard to the Policy, the reasonableness of impacts associated with the additional floor space has been weighted against the likely public interest (i.e. public domain improvements in the area) and it has been concluded that the impacts in this case would be acceptable. This relates to the merits of this case only - the reasonableness of these impacts would have a lesser weight in the absence of a clear public benefit.

It is considered that the proposal is not against the public interest as it complies with the limitations set in the Policy and offers a monetary contribution for public domain work within the local vicinity. If development consent is granted to the application, it is recommended that the in-principle Planning Agreement be accepted by the Waverley Local Planning Panel.

Despite the numerical non-compliance with the FSR development standard, the additional gross floor area is considered reasonable in this instance as the proposed development does not present as excessive in building bulk and scale, and is consistent with building bulk and scale envisaged for the site and existing surrounding buildings. The non-compliance will also not result in material environmental planning impacts that will adversely affect the amenity of surrounding properties and the public domain. A condition is recommended to require the applicant to enter into a planning agreement for the part of the gross floor area of the proposed development that exceeds the FSR development standard as an unconditional and irrevocable development contribution in accordance with the provisions of the *Waverley Council Planning Agreement Policy 2014*.

The approved development, as proposed to be modified, will be consistent with the relevant objectives of the FSR development standard and establishes a benefit to the public interest. Therefore, the net exceedance is deemed acceptable and is supported.

The following is a detailed discussion on any other provision of Waverley LEP 2012.



## Heritage Conservation

The site is not within a heritage conservation area however, it borders the heritage conservation area, known as 'Bondi Beach Conservation Area – General' and identified in the LEP as 'C2' and having local heritage significance.

The additional floor space within the recessed setback along the eastern side elevation does not result in significant building bulk and has minimal impact on the streetscape as the scope of works is not visually prominent from the street or the adjacent heritage conservation area. Therefore, the proposal will not materially affect the significance of the heritage conservation area and is acceptable.

### *Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9*

The approved development, as proposed to be modified, generally achieves compliance with relevant parts and sections of Waverley DCP 2012 and is acceptable on merit as outlined below. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 2** and **3** of this report and detailed discussion below the tables.

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
6. Stormwater	Acceptable subject to conditions	Refer to section 3 of this report on referral commentary in relation to stormwater.
9. Heritage	Yes	Satisfactory. The site is not identified as a heritage item or located within a heritage conservation area; however, it borders the 'Bondi Beach Conservation Area – General' (Conservation Area C2 under the WLEP 2012) located to the south of the site. The proposed infill of part of the void adjacent to the eastern side boundary has no additional bulk and scale impact when viewed from Ramsgate Street or the adjacent heritage conservation area. Therefore, the proposal is not considered to have any material impact on the significance of the heritage conservation area.
12. Design Excellence	Yes	Satisfactory. The proposed infill of the void adjacent to the eastern side boundary does not



Development Control	Compliance	Comment
		<p>alter the fundamental architectural design of the approved building when viewed from the public domain. The proposed materials and finishes are consistent with that of the approved building and will appear cohesive when viewed from adjoining properties.</p> <p>The proposal does not result in any additional overshadowing, overlooking or acoustic privacy impacts on adjoining properties and satisfactorily exhibits design excellence.</p>
14. Excavation	No – acceptable on merit	<p>Satisfactory. The proposal does not comply with control (I) under this part of the DCP as the proposed additional excavation has nil side setbacks to the eastern boundary. The additional excavation will enable provision of a pool pump room in the basement instead of an above ground pool pump and will minimise amenity impacts on adjoining properties (post construction). The additional excavation is acceptable in this instance as it enables a functional basement consisting of car parking spaces, storage and the pool pump equipment, and does not add to the scale of the building or result in the loss of naturally occurring sandstone.</p> <p>Conditions imposed in the original consent relating to excavation works to minimise and eliminate damage to adjoining properties remain applicable.</p>

**Table 3: Waverley DCP 2012 – Part C1 – Special Character Areas**

Development Control	Compliance	Comment
<b>1.2 North Bondi</b>		
<p>Desired Future Character Objectives</p> <ul style="list-style-type: none"> <li>• Maintain streetscape rhythm in building frontages</li> <li>• Improve amenity on site and adjoining sites</li> </ul>	Yes	<p>The site is within the 'North Bondi Special Character Area'. The proposal complements the approved contemporary architectural style of the building and will not have any additional impacts on the existing character of the streetscape and adjacent conservation area. Therefore, the proposal will have a street presentation that maintains the streetscape rhythm.</p>



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Minor alterations in the roof space.</li> </ul>		The proposed infill of the void area approved as private open space at ground level is likely to improve visual and acoustic privacy for adjacent apartments to the east at No. 94-98 Ramsgate Avenue and noise and overlooking will be mitigated by enclosure of the void with solid walls and highlight windows.
Controls	Yes	The development controls for the North Bondi Special Character Area are not specifically relevant to the scope of modifications sought as part of this application as the proposal does not seek amendment to the approved street façade, landscape plantings, roof form and materiality of the approved building.

**Table 4: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>3.3 Setbacks</b>		
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> <li>Minimum side setback: 1.5m</li> </ul>	Yes	The proposed infill of the void area is setback 2.4m from the eastern side boundary. The proposal maintains the approved 1.5m side setback of the eastern façade of the building from the eastern side boundary.
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes	The proposal does not seek any changes to the elevation fronting Ramsgate Avenue. The infill of the void area adjacent to the eastern side boundary consists of materials and finishes is consistent with the approved finishes for the development. The infill area is setback from the street and will not be visually prominent.
<b>3.7 Fences and walls</b>		
<i>Front Fence:</i> <ul style="list-style-type: none"> <li><i>Maximum height 1.2m</i></li> </ul>	No - acceptable on merit	In accordance with Condition 2(a) of consent the proposal seeks to reduce the height of the side boundary fence along the south-eastern boundary between the front boundary and the front building setback to a maximum height of RL11.78. The reduction in height of the side boundary fence



Development Control	Compliance	Comment
<p><i>Side fence:</i></p> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul> <p><i>Rear fence:</i></p> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul>	Yes	<p>has been clearly shown on the proposed plans and satisfies Condition 2(a).</p> <p>In addition, the proposal also seeks to reduce the height of the front fence at the south-eastern corner of the site to a height of RL11.78 (0.98m) to match the required height reduction of the adjacent side boundary fence. This is supported as the height of the front boundary fence will respond appropriately to the natural slope of the site and the street and complements the solid portions of the existing front fence immediately to the east at No. 94-98 Ramsgate Avenue.</p> <p>The proposed increase in height for the rear and side boundary fences to 1.8m as measured from adjoining properties complies with the maximum side and rear boundary fence height permitted under the DCP. Whilst the total height of the fences is approximately 2.7m when measured from the subject site (having regard to the ground level being lower than adjoining properties) the fences will measure 1.8m from adjoining properties and is compliant with the controls under the DCP.</p> <p>On balance, the height of the fences is acceptable as the fences will provide greater privacy between the site and adjoining properties, and sufficient landscaping is proposed along the side and rear boundaries of the site.</p>
<b>3.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Comply with part B3- Landscaping and Biodiversity</li> <li>Minimum of 30% of site area landscaped: 143.19m<sup>2</sup></li> <li>50% of the above is to be deep soil: 71.6m<sup>2</sup></li> </ul>	<p>Yes</p> <p>Yes</p>	<p>No change to the approved landscaped or deep soil areas as the ground floor terrace area was paved and infilling the area does not impact the amount of landscaping on the site. The amount of deep soil area provided remains 79.4m<sup>2</sup> as originally approved and is not impacted by the additional excavation to the eastern side boundary.</p> <p>As noted in the original development assessment report, the non-trafficable roof garden is not</p>



Development Control	Compliance	Comment
		<p>defined as a landscaped area under the WLEP 2012 and is not counted as landscaped area.</p> <p>The proposal maintains compliance with the minimum requirement for the provision of 50% deep soil area within the landscaped area of the site.</p>
<b>3.11 Private Open Space</b>		
<p>3.11.1 – Courtyards</p> <ul style="list-style-type: none"> <li>Private Courtyards – min 25m<sup>2</sup> area and 3m width and depth</li> <li>Planting to be provided</li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The ground floor apartment maintains private open space and landscaped areas to the north of the open plan living area that is in excess of the minimum area and dimensions required under the DCP. The proposed infill of the terrace adjacent to the eastern side boundary will not have any impact on the provision of sufficient private open space for the ground floor apartment.</p>
<b>3.12 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>Car parking to be integrated into the design of the development</li> <li>Max 1 x 2 way vehicle access point</li> <li>Pedestrian safety considered</li> <li>Basement parking should not contravene deep soil zone controls</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No change is proposed to the basement car park in relation to the number of car parking spaces, access and egress, pedestrian safety or provision of adequate deep soil areas.</p> <p>The extension of the basement car park to the eastern side boundary provides access to the proposed pool pump room and enables functional use of the basement.</p>
<b>3.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June</li> <li>New development should maintain at least two hours of sunlight to solar</li> </ul>	<p>Yes</p> <p>No change from</p>	<p>The proposal will not result in any additional overshadowing impacts on adjoining properties as the additional gross floor areas are contained within the void, setback from the eastern façade and does not project beyond the approved building height.</p> <p>The submitted shadowing diagrams and view from the sun diagrams provide a comparison between</p>



Development Control	Compliance	Comment
<p>collectors on adjoining properties in mid winter.</p> <ul style="list-style-type: none"> <li>Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June.</li> </ul>	approved development	the shadow impacts of the approved development and the subject modifications. The submitted information has adequately demonstrated that the scope of the proposal will not result in any additional overshadowing impacts on adjoining properties and is acceptable.
<b>3.16 Dwelling size and layout</b>		
<ul style="list-style-type: none"> <li>Max width of dwelling over 15m deep is min 4m</li> <li>All habitable rooms to have a window</li> <li>Provide a range of dwelling types and sizes</li> <li>Min sizes <ul style="list-style-type: none"> <li>Studio = 35m<sup>2</sup></li> <li>1 bedroom = 50m<sup>2</sup></li> <li>2 bedroom = 80m<sup>2</sup></li> <li>3 bedroom = 100m<sup>2</sup></li> </ul> </li> <li>Flexible design</li> <li>Accessible and Adaptable</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal does not change the approved depth or width of apartments.</p> <p>The new dining rooms have east facing highlight windows.</p> <p>No changes are proposed to apartment mix within the development. The proposed apartments have areas ranging between 128m<sup>2</sup> and 171.9m<sup>2</sup> which exceeds the minimum apartment sizes under the DCP.</p> <p>The proposal does not change accessibility and adaptability of the apartments as originally approved. The proposal provides additional opportunities for flexible uses of internal areas of the apartments.</p>
<b>3.17 Ceiling Heights</b>		
<ul style="list-style-type: none"> <li>Min 2.7m floor to ceiling height residential floors</li> </ul>	Yes	<p>The infill areas on the ground and first floor have a floor to ceiling height of 2.7m, matching the approved floor to ceiling height of the ground and first floor apartments.</p> <p>The extension of the circulation area on the second floor apartment has a floor to ceiling height of 2.7m, matching the approved floor to ceiling height for the apartment.</p>
<b>3.19 Acoustic privacy</b>		



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	The proposed new dining rooms on the ground and first floors are immediately adjacent to living areas within the apartment and is orientated to the side boundary of the site. The proposed enclosed dining area is likely to minimise noise impacts on adjoining properties compared to the originally approved open terrace which would likely have been used as outdoor dining or passive recreation.
<b>3.21 Building services</b>		
<ul style="list-style-type: none"> <li>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> <li>Plant rooms away from entry communal and private open spaces and bedrooms.</li> </ul>	Yes	The proposal seeks to provide a pool plant room in the basement level to minimise amenity impacts on future occupants and adjoining properties.

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

### Excavation

The proposal seeks to extend excavation of the basement to the eastern side boundary by 5.3m x 0.7m (and area of 4.2m<sup>2</sup> additional excavation) and 1.38m x 3.5m to the north for a new pool pump room area measuring 3m<sup>2</sup> additional excavation. The excavation to the eastern side boundary will enable access to the new pool pump room and relocation of car parking space nos. 4 and 5 further to the east. The proposed excavation to the eastern side boundary is inconsistent with the maximum excavation control of 900mm from a side boundary under Section B14(l) of the WDCP 2012. However, the proposed excavation to the eastern side boundary is acceptable as the excavation will enable functional use of the basement for car parking and services and achieves compliance with other controls under Section B14 with no additional building bulk, maintains adequate landscaping across the site and will not result in the loss of naturally occurring sandstone. The proposal satisfies the objectives under Section B14 of the WDCP 2012 and does not result in any adverse impacts on the natural environment, adjoining properties or the streetscape. Conditions relating to excavation works imposed on the original development



consent are applicable to the proposed excavation to minimise any environmental or amenity impacts on surrounding properties.

### 2.2.2. Other Impacts of the Development

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

### 2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

### 2.2.4. Any Submissions

The application was notified for 14 days and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- Reduction in the area of the pool plant room results in less excavation at the centre of the site.

A total of sixteen (16) unique submissions were received from the following properties:

**Table 5: Number of and where submissions were received from.**

Count	Property Address
1.	Unit 2, 90 Ramsgate Avenue, Bondi Beach
2.	Unit 1, 94 Ramsgate Avenue, Bondi Beach
3.	Unit 2, 94 Ramsgate Avenue, Bondi Beach
4.	Unit 7, 94 Ramsgate Avenue, Bondi Beach
5.	Unit 8, 94 Ramsgate Avenue, Bondi Beach
6.	Unit 11, 94 Ramsgate Avenue, Bondi Beach
7.	Unit 12, 94 Ramsgate Avenue, Bondi Beach
8.	Unit 13, 94 Ramsgate Avenue, Bondi Beach
9.	Unit 15, 94 Ramsgate Avenue, Bondi Beach
10.	Unit 4, 65 Brighton Boulevard, Bondi Beach
11.	Unit 4, 65 Brighton Boulevard, Bondi Beach
12.	Unit 12, 65 Brighton Boulevard, Bondi Beach



13.	Unit 20, 65 Brighton Boulevard, Bondi Beach
14.	Unit 21, 65 Brighton Boulevard, Bondi Beach
15.	Unit 22, 65 Brighton Boulevard, Bondi Beach
16.	Unit 23, 65 Brighton Boulevard, Bondi Beach

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- The modification application is not substantially the same development as the originally approved development.
- Extension of excavation along the eastern side boundary is inconsistent with the development controls.
- Pool pump equipment should not be located above ground to minimise amenity impacts on neighbours.
- Excessive height of boundary fences and infill of the void adjacent to the eastern side boundary will have additional overshadowing and visual impacts to adjoining properties.

All other issues raised in the submissions are summarised and discussed below.

**Issue:** The developer has not consulted with adjoining property owners.

**Response:** Whilst consultation with surrounding property owners and occupiers may be beneficial, there are no provisions under the *Environmental Planning and Assessment Act 1979* requiring developers to undertake consultation prior to the lodgement of a development application.

**Issue:** Residents of Ramsgate Avenue have not received notification of the application from Council.

**Response:** Council records show that notification letters were generated and sent to owners and occupiers of 19 surrounding properties including properties in Ramsgate Avenue, Brighton Boulevard and Campbell Parade.

**Issue:** Excavation works including piling for the extension of the basement have been carried out by the developer resulting in damage to landscaping and property of adjoining properties.

**Response:** The original consent contains a condition (Condition 26) requiring the preparation of dilapidation reports prior to the commencement of works for adjoining properties that may be affected by potential damage associated with approved works. Any damage to adjoining properties as a result of the works undertaken on the site is a civil matter and does not form part of the matters for consideration for the subject application under the provisions of the *Environmental Planning and Assessment Act 1979*.

**Issue:** Excavation at the south-western corner of the basement should be deleted as the bathroom is no longer proposed.



**Response:** No change is proposed to the extent of excavation along the western side boundary which was approved as part of the original development consent. Whilst the proposal seeks to delete the bathroom in the basement, it is not considered necessary to delete the approved excavation at the south-western corner of the basement as it does not result in any building bulk or have amenity impacts on the adjoining property to the west of the site.

**Issue:** Shadow diagrams are inaccurate and do not show shadow impacts year round.

**Response:** Shadow diagrams demonstrating additional shadow impacts on adjoining properties were submitted with the application, deemed adequate (based on winter solstice when shadows are at their worst) and have been reviewed by Council's assessment officer.

**Issue:** Insufficient details on plans and elevations to show extent of increased boundary fence heights.

**Response:** The submitted plans and elevations provide sufficient detail of the proposed boundary fences, in particular drawings show the location of the top of wall height to openings on the ground floor and includes RLs.

**Issue:** Proposed block walls as boundary fences will impact on outlook from adjoining properties and the developer has advised neighbours that they will challenge Condition 36 – Treatment of Boundary walls/fences.

**Response:** Solid boundary fences at a maximum height of 1.8m is permitted under Council's development controls and is acceptable. This application does not seek to delete or alter the requirements of Condition 36 which requires fences to be finished to a quality matching the building for a consistent visual appearance. The requirement of Condition 36 remains valid and the applicant must comply with the condition of consent.

**Issue:** Extension of the basement will increase car noise and potential excavation impacts on neighbouring properties.

**Response:** The extension of the basement to the eastern side boundary is unlikely to result in any adverse additional noise impacts on adjoining properties as there is no additional increase in vehicles to be accommodated in the basement car park. Conditions relating to excavation works and measures to minimise impacts on adjoining properties have been imposed on the original development consent and remain applicable to the proposed additional excavation work.

**Issue:** The four storey building results in building bulk and the attic level will result in loss of privacy and visual impacts on neighbouring properties.

**Response:** The concerns raised relate to the approved built form that are not included in the scope of amendments sought as part of this application. Therefore, the concern with the 4 storey building and attic level is not a relevant consideration

**Issue:** Estimated time of completion.



**Response:** No estimated time of completion of construction has been provided for the development. However, construction works have commenced on the site and is likely to continue in a timely manner.

**Issue:** More women should be employed in construction and should form part of Council's broader policy for equal opportunities.

**Response:** Employment of construction workers is not a matter for consideration for the assessment of this application under the *Environmental Planning and Assessment Act 1979*.

### 2.2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Strategic Planning

Council's Strategic Planner reviewed the owner's letter of offer to enter into a planning agreement with Council to provide a monetary development contribution for the amount of gross floor area that exceeds the maximum FSR development standard under the WLEP 2012. A condition has been recommended and is included in Appendix A as follows:

#### **PLANNING AGREEMENT**

(a) *The owner/applicant is to:*

- (i) *Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-381/2019/B.*
- (ii) *Pay a monetary contribution amount of **\$137,320.00** prior to the issue of any Occupation certificate for the Development.*
- (iii) *A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.*

(b) *In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:*

- (i) *The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development.*
- (ii) *The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:*
  - *In a form acceptable to Council and from an institution acceptable to Council*



- *Irrevocable*
- *Unconditional*
- *With no end date*

(c) *The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.*

### 3.2. Stormwater

Council's Stormwater Engineer reviewed the proposal and raised no objection, subject to appropriate design of the side and rear boundary fences to maintain satisfactory stormwater runoff from upstream/uphill properties. A condition has been included in Appendix A as follows:

*The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any on-site stormwater detention system).*

### 3.3. Tree Management

Council's Tree Management Officer reviewed the proposal and raised no objection as there are no trees on the site that will be impacted by the additional excavation or infill of the garden terrace adjacent to the eastern side boundary.

## 4. CONCLUSION

The modification application seeks to modify development consent, known as DA-381/2019/A for demolition of an existing dwelling and ancillary structures and construction of a part three, part four (attic) storey residential flat building with basement parking, swimming pool and associated landscaping, at the site known as 92 Ramsgate Avenue, Bondi Beach. In summary, the proposed modifications are for additional excavation along the eastern side boundary to provide a new pool pump room and reconfiguration of car parking in the basement, infill ground floor and first floor void along the eastern side setback to increase living areas of apartments and reduction of green roof area on the second floor level to extend width of circulation space within the second floor apartment.

The principal issues arising from the assessment of the application are as follows:

- Exceedance of the maximum floor space ratio development standard under Clause 4.4 of the Waverley Environmental Plan (WLEP) 2012
- Excavation along the eastern side boundary

The assessment finds these issues acceptable as the additional residential floor space is considered to be consistent with the objectives of the R3 Medium Density Residential Zone and the objectives of the floor space ratio development standard under the WLEP 2012. The applicant has offered to enter into a planning agreement with Council to make a development contribution for a material public benefit (i.e. funding of public domain improvements and affordable housing within the Waverley local government



area) as a means to offset the variation of the floor space ratio development standard, in accordance with the *Waverley Planning Agreement Policy*.

A total number of sixteen (16) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received.

There is no declared conflict of interest for the application.

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

***Development and Building Unit (DBU) Decision:***

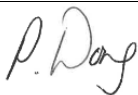

The application was reviewed by the DBU at the meeting on 27 July 2021 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, A Rossi, B McNamara and B Magistrale*

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

<b>Report prepared by:</b>	<b>Application reviewed and agreed on behalf of the Development and Building Unit by:</b>
	
Peggy Wong	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>Manager, Development Assessment (Central)</b> <b>(Reviewed and agreed on behalf of the Development and Building Unit)</b>
<b>Date: 6 August 2021</b>	<b>Date: 13 August 2021</b>

***Reason for WLPP referral:***

The original development application was determined under delegated authority, this modification is made under section 4.55(2) of the Act and relates to:

2. Contentious development (10 or more objections)
4. Sensitive development - offer to enter into a planning agreement



## APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

### A. Amended/Deleted Conditions

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Common Office in association with MHND Union of Project known as '92 RAMSGATE AVE BONDI BEACH' including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA02[ <del>2</del> 3]	Site Plan	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA05[ <del>2</del> 4]	Basement Plan	<del>8 July 2020</del> 26 July 2021	<del>9 July 2020</del> 28 July 2021
DA06[ <del>2</del> 3]	Ground Floor Plan	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA07[ <del>2</del> 3]	First Floor Plan	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA08[ <del>2</del> 3]	Second Floor Plan	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA09[ <del>2</del> 3]	Attic (Third) Floor Plan	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA10[ <del>2</del> 3]	Roof Plan	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA11[ <del>2</del> 3]	South Elevation	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA12[ <del>2</del> 3]	North Elevation	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA13[ <del>2</del> 3]	West Elevation	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA14[ <del>2</del> 3]	East Elevation	<del>8 July 2020</del>	<del>9 July 2020</del>



		10 March 2021	13 April 2021
DA15[2 3]	Streetscape (South) Elevation	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA16[2 3]	Section A	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA17[2 3]	Section B	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA18[2 3]	Section C	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA19[2 3]	Areas + Compliance	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA21[2 3]	Finishes	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA22[2]	Ramp Details	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA23[2]	Waste Management Plan	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
<del>DA23[2]</del>	<del>Section A, B and C</del>	<del>8 July 2020</del>	<del>9 July 2020</del>
DA26[02]	South Façade Details	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA27[2]	Attic Detail Section A	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021
DA28[2 3]	Attic Detail Sections B	<del>8 July 2020</del> 10 March 2021	<del>9 July 2020</del> 13 April 2021

(b) Landscape Plan No. LP 01 (Revision A) and PS 01 (Revision A) dated 29 April 2020 and received by Council on 6 May 2020 and Landscape Plan No. LP 02 (Revision 0) dated 12 November 2019 and received by Council on 28 November 2019 and documentation all prepared by Edwina Stuart Landscape Design.

(c) BASIX and NatHERs Certificates.

(d) Stormwater details and documentation approved in accordance with condition 17 of this consent.



- (e) Geotechnical Investigation Report (Reference No. 32756YCrpt) prepared by JK Geotechnics, dated 4 November 2019 and received by Council on 28 November 2019.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

**(AMENDED BY DA-381/2019/B)**

## **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- ~~(a) In order to limit streetscape and amenity impacts, the height of part of the south-eastern side fence, between the street boundary of the site and the front building setback of the proposed development on the site, shall be no higher than RL11.78 (which is the top of wall of the existing brick wall on the south-eastern boundary of the site).~~
- (b) In order to achieve a cohesive and sightly appearance from the street, the fire hydrant booster and letter boxes shall be neatly integrated into the street wall with the letter boxes being legible and located immediately adjacent to the entry gate.
- (c) (DELETED BY DA-381/2019/A)

The amendments are to be approved by the appointed **Principal Certifying Authority** prior to the issue of any Construction Certificate.

**(AMENDED BY DA-381/2019/B)**

## **B. New Conditions**

### **5A. PLANNING AGREEMENT**

- (a) The owner/applicant is to:
  - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-381/2019/B.
  - (ii) Pay a monetary contribution amount of **\$137,320.00** prior to the issue of any Occupation certificate for the Development.
  - (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
  - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development.



- (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
- In a form acceptable to Council and from an institution acceptable to Council
  - Irrevocable
  - Unconditional
  - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

***(ADDED BY DA-381-2019/B)***

#### **17A. STORMWATER RUNOFF**

The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any on-site stormwater detention system).

***(ADDED BY DA-381/2019/B)***



## APPENDIX B – FULL SET OF CONDITIONS

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

- (a) Architectural Plans prepared by Common Office in association with MHND Union of Project known as '92 RAMSGATE AVE BONDI BEACH' including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA02[3]	Site Plan	10 March 2021	13 April 2021
DA05[4]	Basement Plan	26 July 2021	28 July 2021
DA06[3]	Ground Floor Plan	10 March 2021	13 April 2021
DA07[3]	First Floor Plan	10 March 2021	13 April 2021
DA08[3]	Second Floor Plan	10 March 2021	13 April 2021
DA09[3]	Attic (Third) Floor Plan	10 March 2021	13 April 2021
DA10[3]	Roof Plan	10 March 2021	13 April 2021
DA11[3]	South Elevation	10 March 2021	13 April 2021
DA12[3]	North Elevation	10 March 2021	13 April 2021
DA13[3]	West Elevation	10 March 2021	13 April 2021
DA14[3]	East Elevation	10 March 2021	13 April 2021
DA15[3]	Streetscape (South) Elevation	10 March 2021	13 April 2021
DA16[3]	Section A	10 March 2021	13 April 2021
DA17[3]	Section B	10 March 2021	13 April 2021
DA18[3]	Section C	10 March 2021	13 April 2021
DA19[3]	Areas + Compliance	10 March 2021	13 April 2021
DA21[3]	Finishes	10 March 2021	13 April 2021
DA22[2]	Ramp Details	10 March 2021	13 April 2021
DA23[2]	Waste Management Plan	10 March 2021	13 April 2021
DA26[02]	South Façade Details	10 March 2021	13 April 2021
DA27[2]	Attic Detail Section A	10 March 2021	13 April 2021



DA28[3]	Attic Detail Sections B	10 March 2021	13 April 2021
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- (b) Landscape Plan No. LP 01 (Revision A) and PS 01 (Revision A) dated 29 April 2020 and received by Council on 6 May 2020 and Landscape Plan No. LP 02 (Revision 0) dated 12 November 2019 and received by Council on 28 November 2019 and documentation all prepared by Edwina Stuart Landscape Design.
- (c) BASIX and NatHERs Certificates.
- (d) Stormwater details and documentation approved in accordance with condition 17 of this consent.
- (e) Geotechnical Investigation Report (Reference No. 32756YCrpt) prepared by JK Geotechnics, dated 4 November 2019 and received by Council on 28 November 2019.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

***(AMENDED BY DA-381/2019/B)***

## **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) ***(DELETED BY DA-381/2019/B)***
- (b) In order to achieve a cohesive and sightly appearance from the street, the fire hydrant booster and letter boxes shall be neatly integrated into the street wall with the letter boxes being legible and located immediately adjacent to the entry gate.
- (c) ***(DELETED BY DA-381/2019/A)***

The amendments are to be approved by the appointed **Principal Certifying Authority** prior to the issue of any Construction Certificate.

***(AMENDED BY DA-381/2019/B)***

## **3. MULTI UNIT HOUSING DEVELOPMENT DESIGN**

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.



## **B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **GENERAL REQUIREMENTS**

#### **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.

### **CONTRIBUTIONS, FEES & BONDS**

#### **5. 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 any 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.



## **5A. PLANNING AGREEMENT**

- (a) The owner/applicant is to:
- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-381/2019/B.
  - (ii) Pay a monetary contribution amount of **\$137,320.00** prior to the issue of any Occupation certificate for the Development.
  - (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development.
  - (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
    - In a form acceptable to Council and from an institution acceptable to Council
    - Irrevocable
    - Unconditional
    - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

***(ADDED BY DA-381/2019/B)***

## **6. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$26,650** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any 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 all of works associated with this consent (including the required public works) to the person who paid the deposit.



## **7. 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 the Principal Certifying Authority prior to the issue of any 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.

### **PLAN DETAILS**

## **8. BASEMENT STORAGE**

The basement level is to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

## **9. UNIVERSAL HOUSING**

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupant's over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2012*.

### **CONSTRUCTION & SITE MATTERS**

## **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's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

## **11. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

## **12. 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.

### **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, prior to the issue of the relevant Construction Certificate.

### **14. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS**

Evidence is to be provided to the Principal Certifier that arrangements have been made for;

- (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

### **TRAFFIC MANAGEMENT**

#### **15. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

#### **16. VEHICULAR ACCESS CONTROL SYSTEM**

An electronically operated vehicular access control system shall be provided on the access ramp in order to minimise the incidence of more than one vehicle being on the ramp at any one time and to give priority to those entering the site. Details are to be shown on the plans prior to the issue of the Construction Certificate.

### **STORMWATER & FLOODING**

#### **17. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.



The stormwater plans prepared by ITM Design Pty Ltd, Job No. 19/119, DWG No. H-DA-00 & H-DA-01 (Rev A), dated 26 November 2019 have been reviewed and considered **not satisfactory** with respect to stormwater details.

The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans to include:

- (a) **OSD Details:** The provided plans do not provide sufficient details of the proposed On-Site Stormwater Detention (OSD) tank and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc and pit overflow. Councils amended mandatory OSD checklist as set out in page 22 of the Councils water management technical manual shall be submitted.
- (b) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the Stormwater Drainage System.
- (c) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.

Notes:

- 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 Engineering 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 infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

#### **17A. STORMWATER RUNOFF**

The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any on-site stormwater detention system).

***(ADDED BY DA-381/2019/B)***

#### **18. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, 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 subject development.

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **19. BASIX**

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

## **WASTE**

### **20. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

### **21. WASTE STORAGE AREAS**

- (a) The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the development;
  - 2 x 240L Mobile Garbage Bins (MGB) for general waste
  - 2 x 240L MGB for container recycling
  - 2 x 240L MGB for paper and cardboard recycling
  - 1 x 240L MGB for garden organics should this type of waste be generated at the property
- (b) Provide a minimum of 4 m<sup>2</sup> floor space for the storage of bulky unwanted household items such as old furniture awaiting Council collection and 1 m<sup>2</sup> floor space for the storage problem wastes. This area must be clearly marked or gated and appropriate signage provided.
- (c) 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.

## **LANDSCAPING & TREES**

### **22. GREEN ROOF LANDSCAPING DETAILS**

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* including;



- (a) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species; and
- (b) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

### **23. STREET TREE REMOVAL AND BOND**

To ensure maximum street tree canopy and continuity of the streetscape the applicant shall plant a street tree on the front verge of the subject site.

- (a) Construction of 1 tree pit to the Ramsgate Avenue frontage.
- (b) Plant one (1) tree on the naturestrip in Ramsgate Ave.
- (c) The tree is to be planted prior to the issue of the Occupation Certificate.
- (d) The tree is to be either a super advanced *Cupaniopsis anacardioides* (tuckeroo) tree or Coastal Banksia tree of a minimum pot size of 75 litres and grown to Natspec standard.
- (e) The tree must be planted by a qualified horticulturist experienced in planting super advanced trees.
- (f) A bond of \$1,000 for each tree 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 tree on Ramsgate Avenue. 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 tuckeroo trees are maintained in good condition as determined by Council's Tree Officer. If the trees require replacing within the bond period, they must be replaced within one month of notification from Council and not at the end of the bond period.

### **24. 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.

The Applicant must submit plans and specifications to Council and be approved by Council's Tree Management Officer prior to the issue of the relevant Construction Certificate:

- (a) A consulting arborist is to submit specifications and design for tree pits for the street trees with the relevant Construction Certificate for approval by Council's Tree Management Officer. The design is to include measures to minimise tree root conflict with any adjacent services/infrastructure and the installation of a tree guard installed to manufacturer's specifications.

The tree pit size, planting species and location are to be approved by Council's Tree Management Officer.



## **C. COMPLIANCE PRIOR TO WORK COMMENCING 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.

### **PRIOR TO ANY WORKS**

#### **25. 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.

#### **26. DILAPIDATION REPORT**

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners on request.

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

### **DEMOLITION**

#### **27. 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 2017;
- 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.

## **28. CONTROL OF DUST ON CONSTRUCTION SITES**

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 (e.g.: 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.

## **29. 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.

## **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.

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.



## **CONSTRUCTION MATTERS**

### **31. 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 2017.

### **32. 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.

### **33. 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.

### **34. 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.

### **35. 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.

### **36. TREATMENT OF BOUNDARY WALLS/FENCES**

The side and rear boundary walls/fences approved on the south-eastern, north-eastern and north-western boundaries with neighbouring properties are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.



### **37. 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.

### **TREE PROTECTION AND REMOVAL**

#### **38. STREET TREES TO BE RETAINED/TREE PROTECTION**

No existing street trees shall be removed without Council approval. 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) event 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 in accordance with AS4970-2009 "Protection of trees on construction sites.
- (d) Landscape and update of the street plantings on the frontage as advised by Council's Tree Management Officer.

#### **39. STREET TREE PLANTING - RESIDENTIAL ZONES**

The proposed street planting to Ramsgate Avenue (species, size and spacing) is to be undertaken in accordance with Council's requirements and the following:

- (a) adequate drainage with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm;
- (b) solid cast aluminium tree guards and root barriers in accordance with Council's Tree Management Policy;
- (c) a protective wire mesh guard with a minimum height of 1.5m shall be erected and secured around each tree;
- (d) planting areas within 1m of concrete structures shall have a flexible root barrier installed around the perimeter of the planting hole.



(e) Species, size and spacing to be approved by Council's Strategic Tree Officer.

## **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

### **40. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed basement car park. 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 Council's Executive Manager, Infrastructure Services (or delegate) confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

### **41. VEHICULAR 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.

### **42. 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.

### **43. 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.

### **44. ROOF SERVICES**

- (a) Any future solar panels / photovoltaic panels, are to be flush with the roof.
- (b) Any future roof services/plant (excluding solar panels) shall be limited to 20% of the roof plane.



## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION 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 an Occupation Certificate or Subdivision Certificate, whichever applies.

### **CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS**

#### **45. 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.

#### **46. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **47. CERTIFICATION OF LANDSCAPING**

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

#### **48. 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 Consultant. 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.

#### **49. CERTIFICATION OF STORMWATER SYSTEM**

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.

#### **50. ON-SITE STORMWATER DETENTION CERTIFICATION**

The submission of certification by a suitably qualified Civil Engineer for the on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of any Occupation Certificate.



## **51. 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.

## **52. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**

Prior to the pool being used, the following must be provided;

- (a) Certification that the pool has been constructed in accordance with the consulting engineers design.
- (b) Evidence that the swimming pool/outdoor spa have been registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>).
- (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council.
- (d) A copy of the occupation certificate must be submitted to Council.

Note: Swimming/spa pool pumps are restricted from use 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 2017.

## **MANAGEMENT PLANS**

### **53. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**

A Waste Management Plan for ongoing use and management must be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the relevant occupation certificate and include including the following where relevant;

- (a) 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.
- (b) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (c) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.
- (d) 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.



- (e) All waste and recycling bins must be put out for collection no earlier than the night before collection (i.e. 5:30pm) and brought in the same day as the collection service.
- (f) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (g) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains unless otherwise approved by Council under Section 68 of the Local Government Act 1993.

## **VEHICLE ACCESS AND PARKING**

### **54. CAR PARKING**

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.

Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

### **55. BICYCLE PARKING**

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle 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 basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars).

## **OTHER MATTERS**

### **56. ALLOCATION OF STREET NUMBER**

The redevelopment of the property has led to the following allocation of primary and sub-address numbers for a strata subdivision:

- No. 92 - primary address site number
- Ramsgate Avenue - primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Ramsgate Avenue.

As the redevelopment has sub-address sites the following sub-addressing will apply;

- No. 1/92 Ramsgate Avenue for the sub-addresses within the building correlating with the ground floor lot on floor plans for the building,



- No. 2/92 Ramsgate Avenue for the sub-addresses within the building correlating with the first floor lot on floor plans for the building,
- No. 3/92 Ramsgate Avenue for the sub-addresses within the building correlating with the third floor lot on floor plans for the building.

The address number for a sub-address site shall not consist of the primary address number on its own.

Sub-address numbers shall be applied in a logical sequence in the street and within a primary address site shall be unique regardless of the type of the address.

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

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 address to be lodged with Council.

## **57. 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 Planning, Environment and Regulatory 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 4.55 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.

## **58. 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.



## **E. OPERATIONAL MATTERS**

### **59. VEHICLE ACCESS**

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

### **60. PARKING PERMITS**

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

### **61. 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.



Section 4.55(1A) Application

92 RAMSGATE AVENUE BONDI BEACH  
LOT 20 SEC.2 IN DP9177

10 March 2021

DA00[03]	COVER PAGE	nts
DA01[02]	AERIAL CONTEXT	nts
DA02[03]	SITE PLAN	1:200
DA03[03]	SITE ANALYSIS PLAN	1:200
DA04[02]	SETBACKS PLAN	1:500
DA05[02]	BASEMENT PLAN	1:100
DA06[03]	GROUND FLOOR PLAN	1:100
DA07[03]	FIRST FLOOR PLAN	1:100
DA08[03]	SECOND FLOOR PLAN	1:100
DA09[03]	ATTIC (THIRD) FLOOR PLAN	1:100
DA10[03]	ROOF PLAN	1:100
DA11[03]	SOUTH ELEVATION	1:100
DA12[03]	NORTH ELEVATION	1:100
DA13[03]	WEST ELEVATION	1:100
DA14[03]	EAST ELEVATION	1:100
DA15[03]	STREETSCAPE (RAMSGATE) ELEVATION	1:200
DA16[02]	SECTION A	1:100
DA17[03]	SECTION B	1:100
DA18[03]	SECTION C	1:100
DA19[03]	AREAS + COMPLIANCE	1:250
DA20[03]	LANDSCAPE CALCULATIONS	1:250
DA21[02]	FINISHES	nts
DA22[02]	DRIVEWAY DETAILS	1:50
DA23[02]	WASTE MANAGEMENT PLAN	1:100
DA24[02]	PHOTOMONTAGE	nts
DA25[02]	AMENDED FACADE STUDY	nts
DA26[02]	SOUTH FACADE DETAILS	1:50
DA27[02]	ROOF ATTIC DETAIL SECTIONS A	1:50
DA28[03]	ROOF ATTIC DETAIL SECTIONS B	1:50
DA29[00]	VIEWS LOOKING NORTH	nts

REVISIONS			LEGEND			
00	ISSUED FOR DA	27/11/2019	AWN	AWNING (STEEL)BAGGED	LYR	LOUVRES (GLASS)
01	AMENDED PLANS	06/06/2020	BB	BRICK	MB	METAL BALLUSTRADE
02	ISSUED FOR S4.55	06/07/2020	CPR	COPPER CLADDING	PAV	PAVING
03	ISSUED FOR S4.55	11/03/2021	DP	DOWN PIPE	RP	RENDER + PAINT
			FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
			FG	FIXED GLAZING	SWP	STORMWATER PIT
			FP	FIRE PROTECTION	TD	TRENCH DRAIN
			GB	GLASS BALLUSTRADE	TOW	TOP OF WALL
			GLD	GLASS DOORS	TRF	TURF
			GLW	GLASS WINDOWS		

NOTES		BASIX	
FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION		ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS	
1. All works to be in accordance with the Building Code of Australia, Australian Standards, Statutory Regulations and Local Authority Reqs.		WATER OPTIONS:	
2. Contractor to ensure consistency between materials is maintained		Showerheads: 3 Star	
3. Contractor to notify Common Office of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacturing.		Toilets: 4 Star	
4. Common Office to review all contractors detailed drawings/setting out prior to construction		Kitchen taps: 4 Star	
5. All dimensions to be verified on site - do not scale		Bathroom Taps: 4 Star	
6. All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade.		Rain Water Tank: 40KJ	
ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS		Pool/Spa: Collect Run Off Area:	
		ENERGY OPTIONS:	
		Cooling & Heating:	
		1-Phase air conditioning	
		4 Star to living and bedroom areas.	
		Day/Night Zoned	
		Kitchen & laundry individual fans, ducted	
		Gas instant, 5 star	
		Gas cooktop, electric oven	
		Ventilation:	
		Water Heating:	
		Cook Tops:	



RECEIVED	
Waverley Council	
S4.55 LIST OF CHANGES	
AMENDMENT No	DESCRIPTION
1	Application No: DA-381/2019/B
2	Pool Pump Room
3	Minor Basement Expansion to allow access to Pump Room
4	Remove Bathroom to Basement
5	Infill Courtyard
6	Highlight Windows
7	Hallway Expansion
8	DA Condition 2a (South West Boundary Fence Lowering
	Boundary Wall Heights

Date Received: 13/04/2021







REVISIONS

00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55

27/11/2019  
06/06/2020  
06/07/2020  
11/03/2021

LEGEND

AWN	AWNING (STEEL)BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWN PIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORM WATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

NOTES

FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION  
1. All works to be in accordance with the Building Code of Australia, Australian Standards, Statutory Regulations and Local Authority Reqs.  
2. Contractor to ensure consistency between materials is maintained  
3. Contractor to notify Common Office of any discrepancies, dimensional inconsistencies or the need for clarification prior to manufacturing.  
4. Common Office to review all contractors detailed drawings/setting out prior to construction  
5. All dimensions to be verified on site - do not scale  
6. All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade.  
ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:  
Showerheads: 3 Star  
Toilets: 4 Star  
Kitchen taps: 4 Star  
Bathroom Taps: 4 Star  
Rain Water Tank: 40KJ  
Pool/Spa: 40KJ  
Collect Run Off Area:

ENERGY OPTIONS:  
Cooling & Heating:  
Ventilation:  
Water Heating:  
Cook Tops:

1-Phase air conditioning  
4 Star to living and bedroom areas.  
Day/Night Zoned  
Kitchen & laundry individual fans, ducted  
Gas instant, 5 star  
Gas cooktop, electric oven

THERMAL COMFORT OPTIONS  
R2.5 Insulation To:  
R2.0 Insulation To:  
R1.0 Insulation To:  
Windows:  
Skylights:  
Roof:

Plasterboard External Ceilings, External Walls  
Suspended concrete floors  
Concrete External Ceilings  
U-value 4.30 (or less than) & SHGC 0.50  
U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]  
Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)  
Metal, 60mm Foil Blanket

COMMON OFFICE  
MHN DUNION

Nominated Architect Brian Meyerson NSW Reg No 4907  
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35 Richards Lane  
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mhn.com

PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
AERIAL CONTEXT  
10 March 2021  
N/A  
DA01[02]



Application No: DA-381/2019/B  
38 RAMSGATE AVENUE  
10 STOREY BRICK COTTAGE  
Date Received: 13/04/2021

**59 BRIGHTON BLVD**  
TWO STOREY RENDERED UN  
TILE ROOF


65 BRIGHTON BLVRD

**59 BRIGHTON BLVRD**  
TWO STOREY RENDERED UN  
TILE ROOF

A top-down line drawing of a car. The front door on the left side is open, showing the interior door panel and the hinge mechanism. The rest of the car is closed.

**0005785020 16 Mar 2021**

<b>Assessor</b>	David Howard
<b>Accreditation No.</b>	20039
<b>Address</b>	
92 Ramsgate Ave, Bondi Beach, NSW, 2026	



ND		
OWNING (STEEL)BAGGED	LVR	LOUVRES (GLASS)
RICK	MB	METAL BALUSTRADE
OPPER CLADDING	PAV	PAVING
OWN PIPE	RP	RENDER + PAINT
NISHED FLOOR LVL	SK	SKYLIGHTS
ED GLAZING	SWP	STORMWATER PIT
RE PROTECTION	TD	TRENCH DRAIN
LASS BALUSTRADE	TOW	TOP OF WALL
LASS DOORS	TRF	TURF
LASS WINDOWS		

**FOR DA PURPOSE ONLY - NOT FOR CONSTRUCTION**

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**ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS**

<b>WATER OPTIONS:</b>		<b>ENERGY OPTIONS:</b>
Showerheads:	3 Star	Cooling & Heating:
Toilets:	4 Star	
Kitchen taps:	4 Star	Ventilation:
Bathroom Taps:	4 Star	
Rain Water Tank:		Water Heating:
Pool/Spa:	40Kl	Cook Tops:
Collect Run Off Area:		

ENERGY OPTIONS  
Cooling & Heating:  
  
Ventilation:  
  
Water Heating:  
Cook Tops:

1-Phase air conditioning  
4 Star to living and bedroom areas.  
Day/Night Zoned  
Kitchen & laundry individual  
fans, ducted  
Gas instant, 5 star  
Gas cooktop, electric oven

THERMAL COM  
R2.5 Insulation To:  
R2.0 Insulation To:  
R1.0 Insulation To:  
Windows:  
Skylights:

<b>THERMAL COMFORT OPTIONS</b>	
R2.5 Insulation To:	Plasterboard External Ceilings, External Walls Suspended concrete floors
R2.0 Insulation To:	Concrete External Ceilings
R1.0 Insulation To:	U-value 4.30 (or less than) & SHGC 0.50
Windows:	U-value 3.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Roofs:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
Skylights:	Metal, 60mm Foil Blanked

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NSW, Australia, 2029  
mhndu.com

PROJECT 92 RAMSGATE AVE BONDI BEACH  
DRAWING SITE PLAN

1:200  
A02[03]

27/11/2019  
06/05/2020  
06/07/2020  
11/03/2021

AWN	AWNING (STEEL)BAGGED
BB	BRICK
CPR	COPPER CLADDING
DP	DOWN PIPE
FFL	FINISHED FLOOR LVL
FG	FIXED GLAZING
FP	FIRE PROTECTION
GB	GLASS BALUSTRADE
GLD	GLASS DOORS
GLW	GLASS WINDOWS

LVR	LOUVRES (GLASS)
MB	METAL BALUSTRADE
PAV	PAVING
RP	RENDER + PAINT
SK	SKYLIGHTS
SWP	STORMWATER PIT
TD	TRENCH DRAIN
TOW	TOP OF WALL
TRF	TURF

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<b>WATER OPTIONS:</b>		<b>ENERGY OPTIONS:</b>
Showerheads:	3 Star	Cooling & Heating:
Toilets:	4 Star	
Kitchen taps:	4 Star	Ventilation:
Bathroom Taps:	4 Star	
Rain Water Tank:		Water Heating:
Pool/Spa:	40Kl	Cook Tops:
Collect Run Off Area:		

ENERGY OPTIONS  
Cooling & Heating:  
  
Ventilation:  
  
Water Heating:  
Cook Tops:

1-Phase air conditioning  
4 Star to living and bedroom areas.  
Day/Night Zoned  
Kitchen & laundry individual  
fans, ducted  
Gas instant, 5 star  
Gas cooktop, electric oven

THERMAL COM  
R2.5 Insulation To:  
R2.0 Insulation To:  
R1.0 Insulation To:  
Windows:  
Skylights:

<b>THERMAL COMFORT OPTIONS</b>	
R2.5 Insulation To:	Plasterboard External Ceilings, External Walls Suspended concrete floors
R2.0 Insulation To:	Concrete External Ceilings
R1.0 Insulation To:	U-value 4.30 (or less than) & SHGC 0.50
Windows:	U-value 3.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Roofs:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
Skylights:	Metal, 60mm Foil Blanked

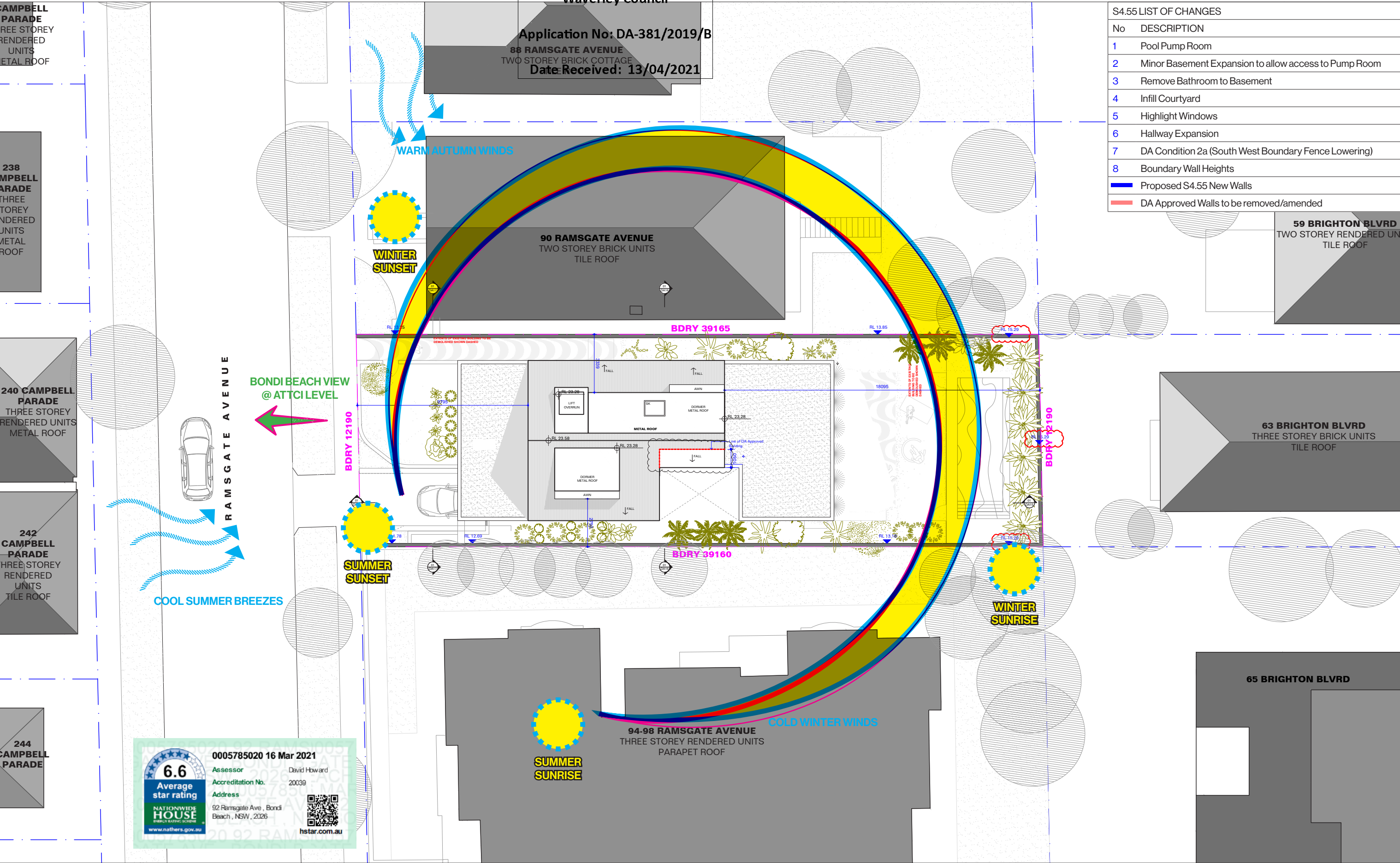
Nominated Architect Brian Meyerson NSW Reg No 4907  
Common Office Pty Ltd  
35 Richards Lane  
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common-office.com

MHN Design Union Pty Ltd  
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mhndu.com

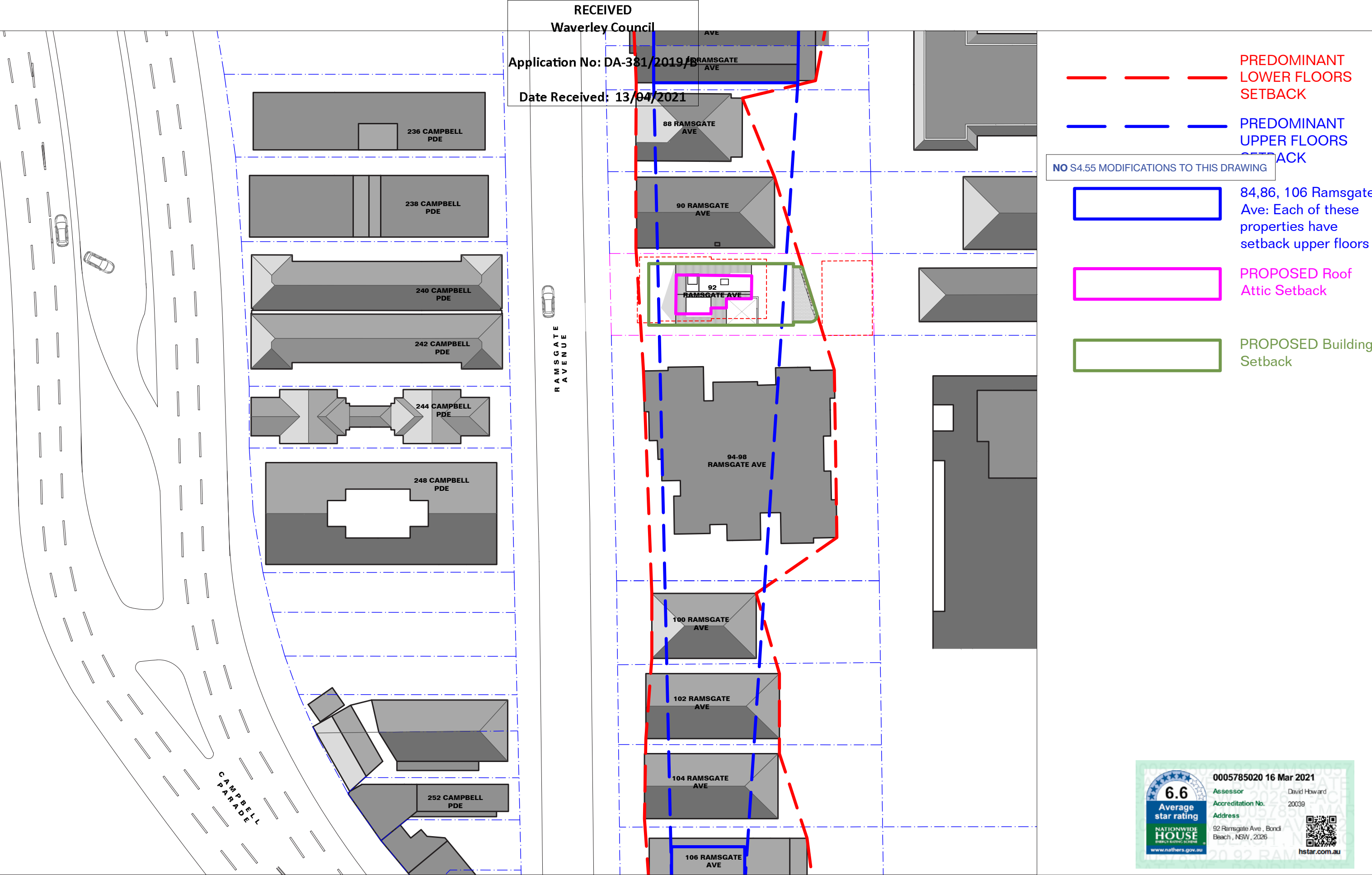
PROJECT 92 RAMSGATE AVE BONDI BEACH  
DRAWING SITE PLAN

1:200  
A02[03]







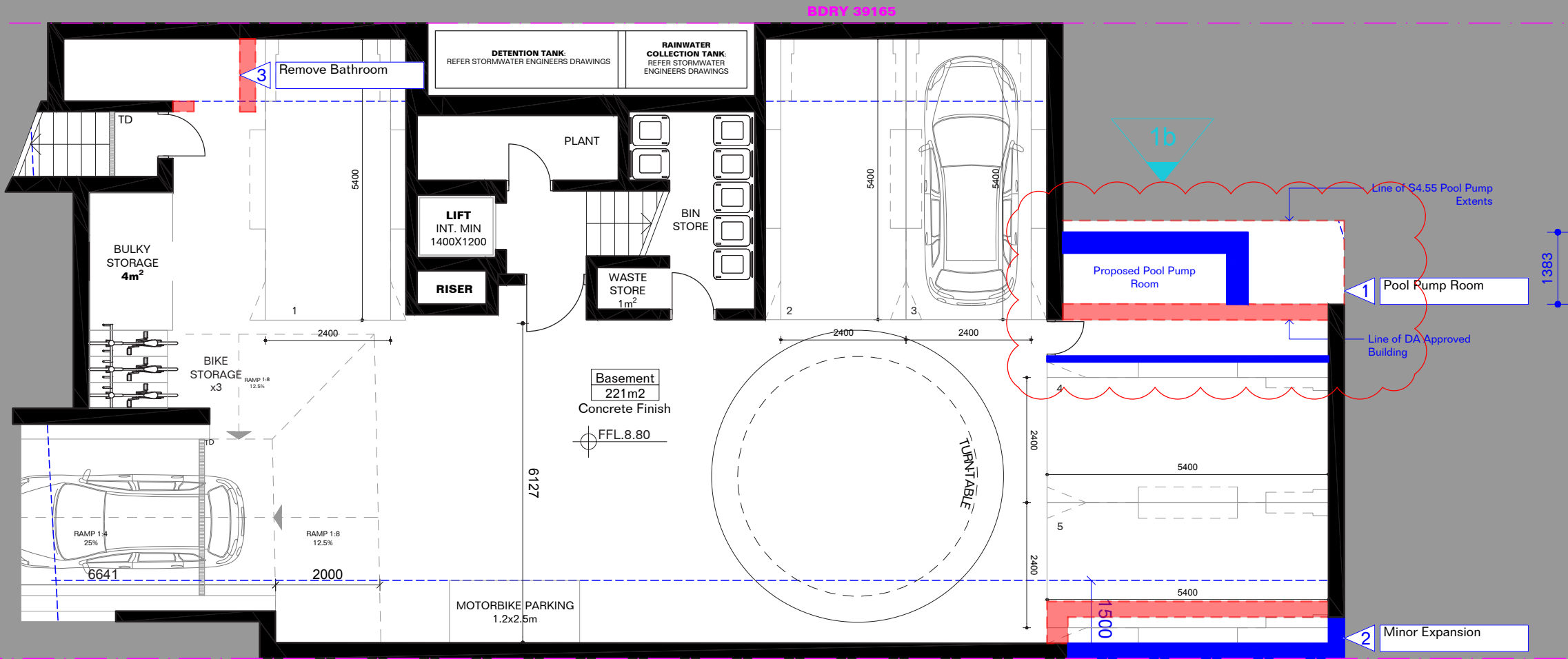




RECEIVED  
Waverley Council  
Application No: DA-381/2019/B  
Date Received: 28/07/2021

AMENDED PLANS

S4.55 LIST OF CHANGES	
No	DESCRIPTION
1b	Pool Pump Room
2	Minor Basement Expansion to allow access to Pump Room
3	Remove Bathroom to Basement
4	Infill Courtyard
5	Highlight Windows
6	Hallway Expansion
7	DA Condition 2a (South West Boundary Fence Lowering)
8	Boundary Wall Heights
Proposed S4.55 New Walls	
DA Approved Walls to be removed/amended	



REVISIONS	
00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55
04	AMENDED PUMP ROOM

LEGEND	
AWN	AWNING (STEEL) BAGGED
BB	BRICK
CPR	COPPER CLADDING
DP	DOWN PIPE
FFL	FINISHED FLOOR LVL
FG	FIXED GLAZING
FP	FIRE PROTECTION
GB	GLASS BALUSTRADE
GLD	GLASS DOORS
GLW	GLASS WINDOWS
LVR	LOUVRES (GLASS)
MB	METAL BALUSTRADE
PAV	PAVING
RP	RENDER + PAINT
SK	SKYLIGHTS
SWP	STORMWATER PIT
TD	TRENCH DRAIN
TOW	TOP OF WALL
TRF	TURF

NOTES  
FOR DA PURPOSES ONLY - NOT FOR CONSTRUCTION  
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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX  
WATER OPTIONS:  
Showerheads: 3 Star  
Toilets: 4 Star  
Kitchen taps: 4 Star  
Bathroom Taps: 4 Star  
Rain Water Tank: 40KJ  
Pool/Spa: 40KJ  
Collect Run Off Area:

ENERGY OPTIONS:  
Cooling & Heating: 1-Phase air conditioning  
4 Star to living and bedroom areas.  
Day/Night Zoned  
Kitchen & laundry individual fans, ducted  
Gas instant, 5 star  
Gas cooktop, electric oven  
Ventilation: 40KJ  
Water Heating: 40KJ  
Cook Tops:

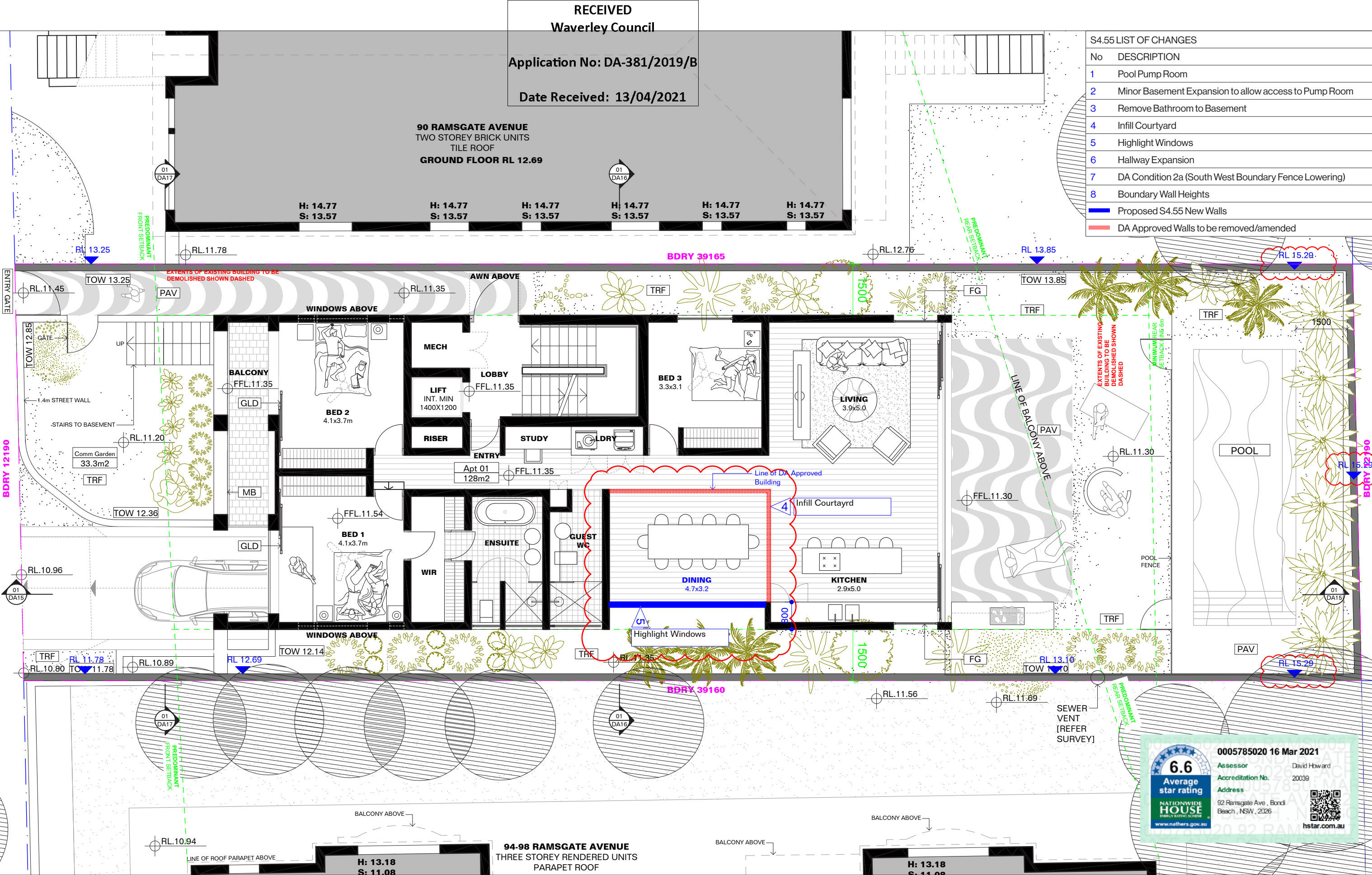
THERMAL COMFORT OPTIONS  
R2.5 Insulation To: Plasterboard External Ceilings, External Walls  
Suspended concrete floors  
Concrete External Ceilings  
U-value 4.30 (or less than) & SHGC 0.50  
U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]  
R2.0 Insulation To: Rain Water Tank  
R1.0 Insulation To: Pool/Spa  
Windows: Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)  
Metal, 60mm Foil Blanket  
Skylights: Metal, 60mm Foil Blanket  
Roof:

COMMON OFFICE  
MHNDUNION  
IN ASSOCIATION  
Nominated Architect Brian Meyerson NSW Reg No 4907  
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35 Richards Lane  
Surrey Hills  
NSW, Australia, 2029  
mhndu.com

PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
BASEMENT PLAN  
26 July 2021  
1:100  
DA05[04]

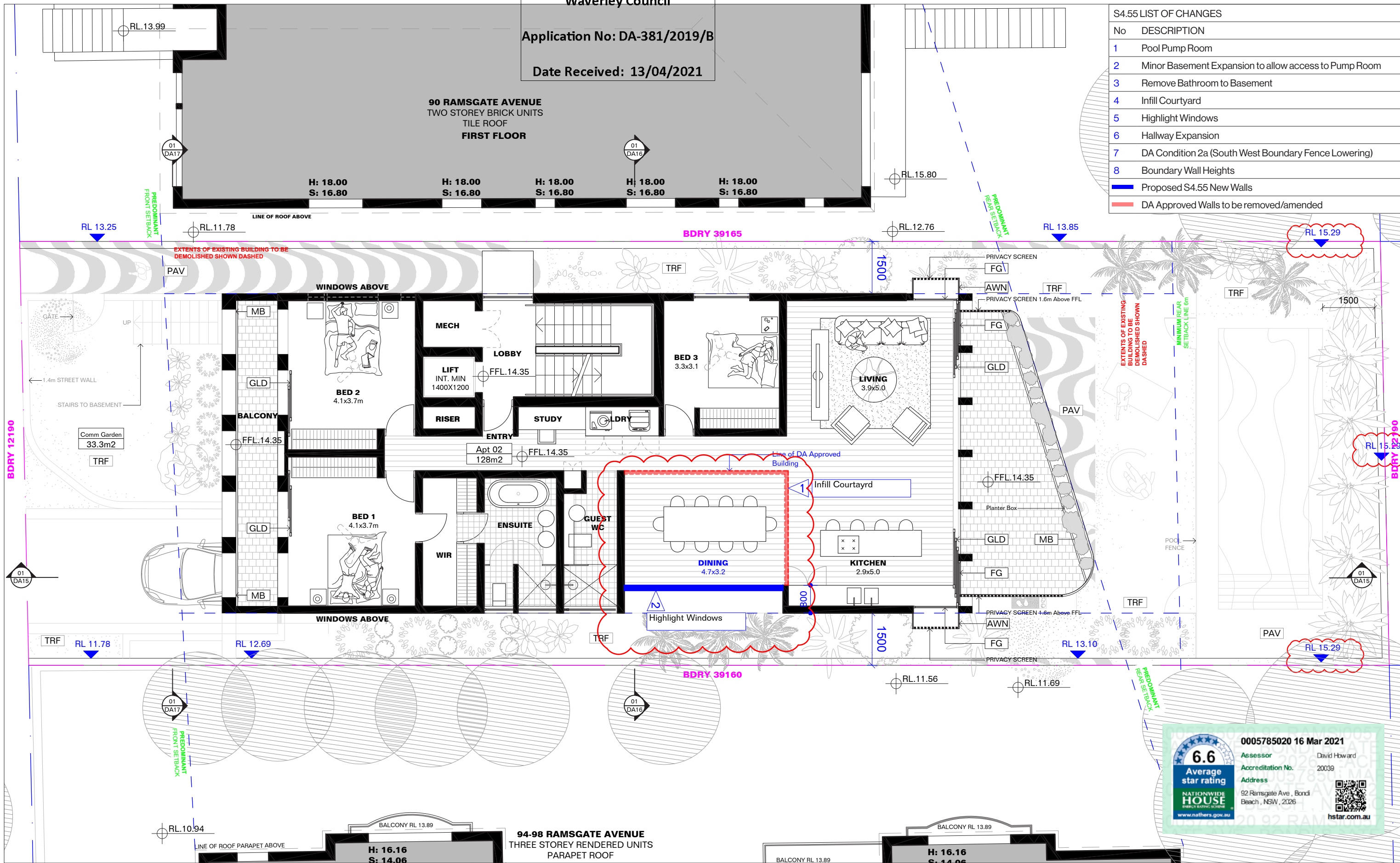






RECEIVED  
Waverley Council  
Application No: DA-381/2019/B  
Date Received: 13/04/2021

S4.55 LIST OF CHANGES	
No	DESCRIPTION
1	Pool Pump Room
2	Minor Basement Expansion to allow access to Pump Room
3	Remove Bathroom to Basement
4	Infill Courtyard
5	Highlight Windows
6	Hallway Expansion
7	DA Condition 2a (South West Boundary Fence Lowering)
8	Boundary Wall Heights
Proposed S4.55 New Walls	
DA Approved Walls to be removed/amended	



REVISIONS

00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55

LEGEND

AWN	AWNING (STEEL) BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWNPIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:	3 Star	ENERGY OPTIONS:	4 Star
Showerheads:	4 Star	Cooling & Heating:	4 Star
Toilets:	4 Star	Ventilation:	4 Star
Kitchen taps:	4 Star	Water Heating:	4 Star
Bathroom Taps:	4 Star	Cook Tops:	4 Star
Rain Water Tank:	40KJ		
Pool/Spa:			
Collect Run Off Area:			

ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLAN

1-Phase air conditioning	4 Star to living and bedroom areas.
Day/Night Zoned	Kitchen & laundry individual fans, ducted
Gas instant, 5 star	Gas cooktop, electric oven

THERMAL COMFORT OPTIONS	
R2.5 Insulation To:	Plasterboard External Ceilings, External Walls
R2.0 Insulation To:	Suspended concrete floors
R1.0 Insulation To:	Concrete External Ceilings
Windows:	U-value 4.30 (or less than) & SHGC 0.50
Skylights:	U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Roof:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
	Metal, 60mm Foil Blanket

COMMON OFFICE  
MHN DUNION

Nominated Architect Brian Mayerson NSW Reg No 4907  
Common Office Pty Ltd  
35 Richards Lane  
Surrey Hills  
NSW, Australia, 2029  
common-office.com

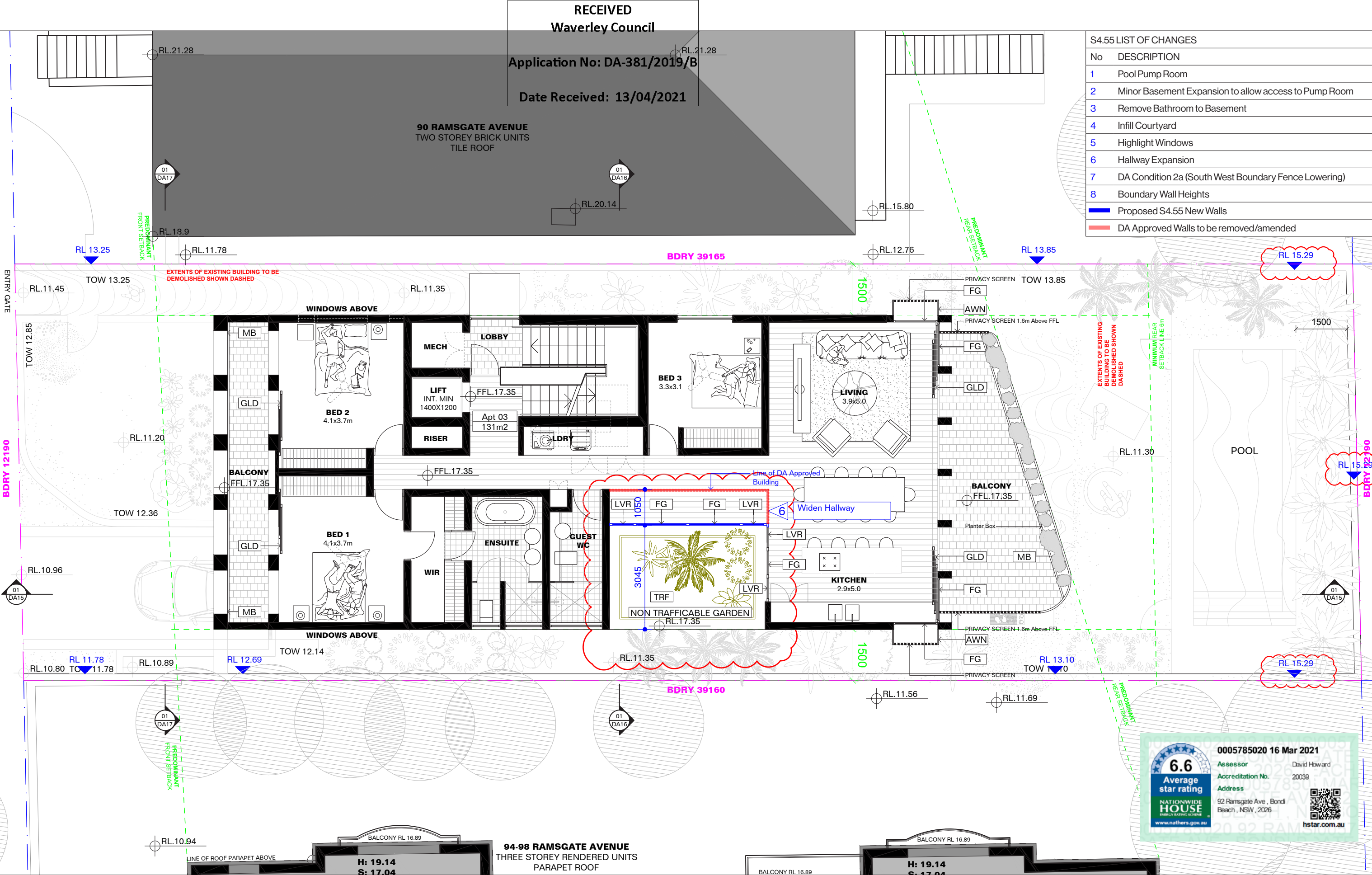


PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
FIRST FLOOR PLAN  
10 March 2021  
1:100  
DA07[03]









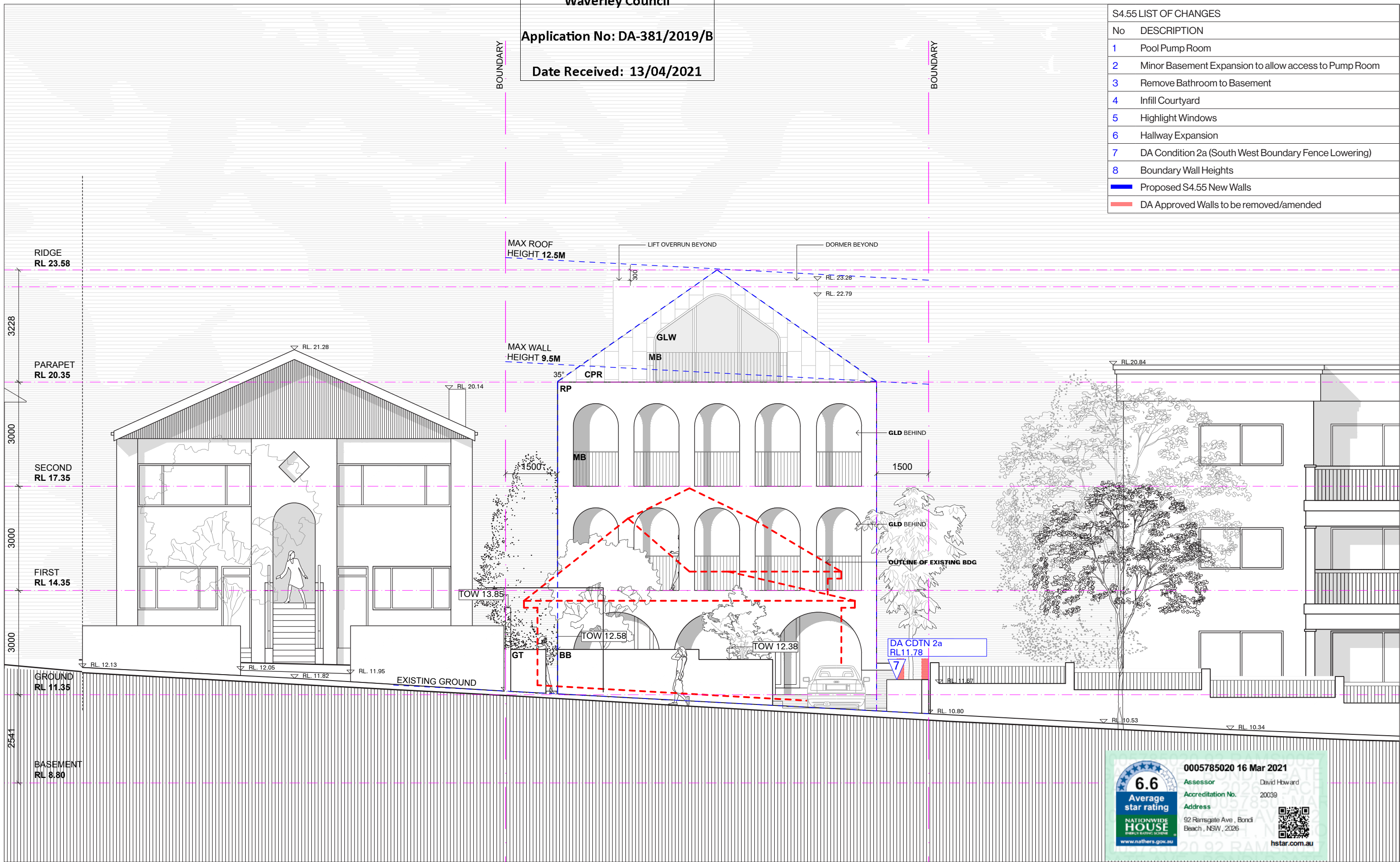








S4.55 LIST OF CHANGES	
No	DESCRIPTION
1	Pool Pump Room
2	Minor Basement Expansion to allow access to Pump Room
3	Remove Bathroom to Basement
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8	Boundary Wall Heights
Proposed S4.55 New Walls	
DA Approved Walls to be removed/amended	



REVISIONS

00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55

27/11/2019
06/05/2020
06/07/2020
11/03/2021

LEGEND

AWN	AWNING (STEEL) BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWNPIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:	
Showerheads:	3 Star
Toilets:	4 Star
Kitchen taps:	4 Star
Bathroom Taps:	4 Star
Rain Water Tank:	
Pool/Spa:	
Collect Run Off Area:	40KJ

ENERGY OPTIONS:

Cooling & Heating:	
1-Phase air conditioning:	
4 Star to living and bedroom areas:	
Day/Night Zoned:	
Kitchen & laundry individual fans, ducted:	
Gas instant, 5 star:	
Gas cooktop, electric oven:	

Thermal Comfort Options:	
R2.5 Insulation To:	
R2.0 Insulation To:	
R1.0 Insulation To:	
Windows:	
Skylights:	
Roof:	

Plasterboard External Ceilings, External Walls
Suspended concrete floors
Concrete External Ceilings
U-value 4.30 (or less than) & SHGC 0.50
U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
Metal, 60mm Foil Blanket

COMMON OFFICE  
MHN DUNION

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MHN Design Union Pty Ltd  
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Surrey Hills  
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mhn-du.com

PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

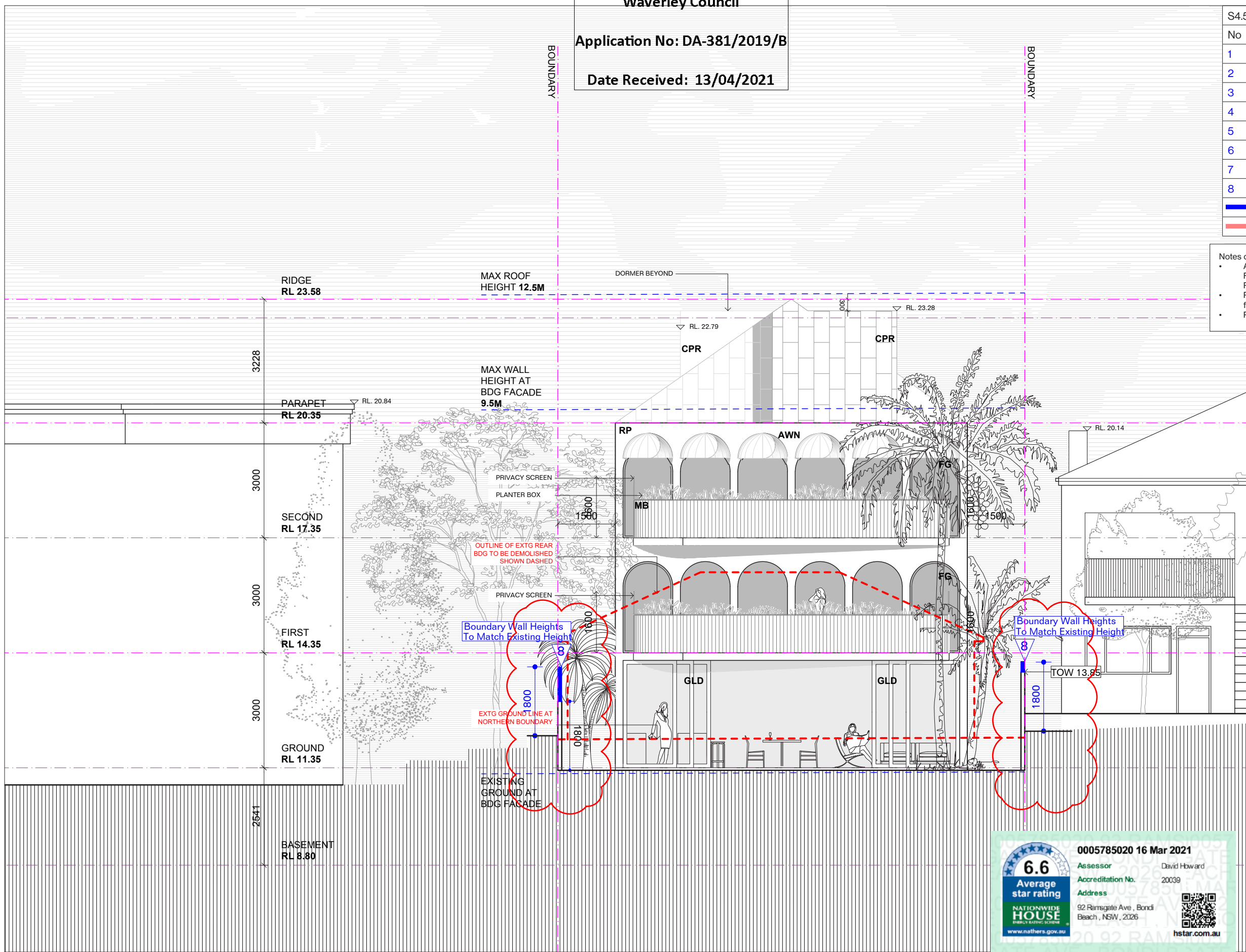
92 RAMSGATE AVE BONDI BEACH  
SOUTH ELEVATION  
10 March 2021  
1:100  
DA11[03]



S4.55 LIST OF CHANGES	
No	DESCRIPTION
1	Pool Pump Room
2	Minor Basement Expansion to allow access to Pump Room
3	Remove Bathroom to Basement
4	Infill Courtyard
5	Highlight Windows
6	Hallway Expansion
7	DA Condition 2a (South West Boundary Fence Lowering)
8	Boundary Wall Heights
■ Proposed S4.55 New Walls	
■ DA Approved Walls to be removed/amended	

Notes on Privacy Screens:

- All Privacy Screens to be minimum 1600mm Above Finished Floor Level, except for Kitchen and Living Room Windows which are the full extent of the windows
- Privacy screens to be constructed out of aluminium, finish Dulux Natural White
- Privacy Screens to be fixed



**THERMAL PERFORMANCE SPECIFICATIONS:** (21122\_03 – 92 Ramsgate Ave)

The following specifications take precedence over other plan notations for the construction of this building.

**NOTE:** In addition to BASIX commitments, building compliance is required to comply with the 'New South Wales Additions' in the current edition of the NCC – Vol. 1, at the time of building. This includes New South Wales Part J(A). Specifically:

- Building thermal construction is in accordance with part J1.2
- loss of ceiling insulation is compensated for by increased roof insulation in accordance with Part J1.3(c)
- where metal frames are used that thermal breaks are installed in accordance with Part J1.3(d) and J1.5(c)
- Any roof lights, windows, doors and exhaust fans are sealed in accordance Part J3
- Any new air-conditioning system is installed in accordance with Parts J5.2(a), J5.2(b), J5.2(c), J5.2(d), J5.2(f) & J5.2(g)
- Any new mechanical ventilation system is installed in accordance with Part J5.3
- Any new miscellaneous exhaust system is installed in accordance with Part J5.4
- Any new heated water system is installed in accordance Part J7.2
- Energy monitoring equipment is installed in accordance Part J8.3

**WINDOWS** (total product specification – glass + frame)  
U-value 4.30 (or less than) & SHGC 0.50 (+/-5%) Typically: Low-e clear glass in Timb. frame)  
U-value 3.00 (or less than) & SHGC 0.56 (+/-5%) Typically: Clear Double Glazing in Timb. frame)  
(Double glazing where specified)

**SKYLIGHTS**  
VELUX – Double Glazed OPAL (U = 2.60 & SHGC = 0.24)

**EXTERNAL WALL (Light colour)**  
Concrete/Plasterboard Lined – Insulbreak 80 with Reflective airgap  
Cavity Panel – R2.5 – 90mm thick bulk insulation

**INTERNAL WALL**  
Cavity Panel/Concrete – No Insulation  
Partition walls – No thermal insulation required

**EXTERNAL FLOOR**  
Suspended Concrete (above Basement areas) – R1.0 Bulk insulation

**EXTERNAL CEILING**  
Concrete – R1.0 bulk insulation (where roofspace or balcony above)  
Plasterboard – R2.5 Bulk insulation

**EXTERNAL ROOF (Medium colour)**  
Metal – 60mm Foil blanket with reflective airgap

**RATED** either with NO DOWNLIGHTS or with LED downlights which do not penetrate ceiling insulation (ie: IC rated)

Refer to current HERS Certificate to validate these thermal specification details.

REVISIONS

00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55

27/11/2019
06/05/2020
06/07/2020
11/03/2021

LEGEND

AWN	AWNING (STEEL) BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWNPIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:	
Showerheads:	3 Star
Toilets:	4 Star
Kitchen taps:	4 Star
Bathroom Taps:	4 Star
Rain Water Tank:	
Pool/Spa:	40KJ
Collect Run Off Area:	

ENERGY OPTIONS:

Cooling & Heating:	
1-Phase air conditioning	
4 Star to living and bedroom areas.	
Day/Night Zoned	
Kitchen & laundry individual fans, ducted	
Gas instant, 5 star	
Gas cooktop, electric oven	

THERMAL COMFORT OPTIONS

R2.5 Insulation To:	Plasterboard External Ceilings, External Walls
R2.0 Insulation To:	Suspended concrete floors
R1.0 Insulation To:	Concrete External Ceilings
Windows:	U-value 4.30 (or less than) & SHGC 0.50
	U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Skylights:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
Roof:	Metal, 60mm Foil Blanket

COMMON OFFICE  
MHN DUNION

Nominated Architect Brian Mayerson NSW Reg No 4907

Common Office Pty Ltd  
35 Richards Lane  
Sunny Hills  
NSW, Australia, 2029  
common-office.com

MHN Design Union Pty Ltd  
35 Richards Lane  
Sunny Hills  
NSW, Australia, 2029  
mhn-design.com

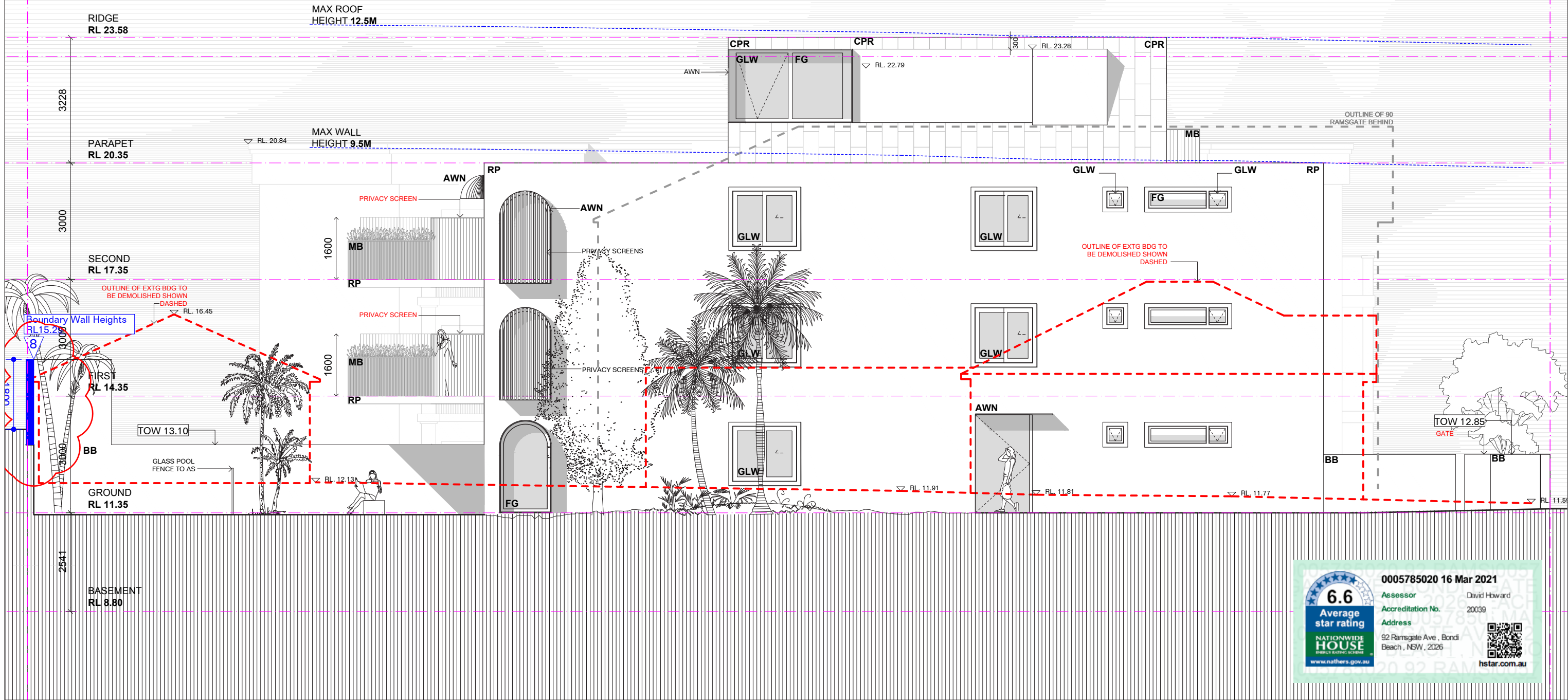


PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
NORTH ELEVATION  
10 March 2021  
1:100  
DA12[03]



S4.55 LIST OF CHANGES	
No	DESCRIPTION
1	Pool Pump Room
2	Minor Basement Expansion to allow access to Pump Room
3	Remove Bathroom to Basement
4	Infill Courtyard
5	Highlight Windows
6	Hallway Expansion
7	DA Condition 2a (South West Boundary Fence Lowering)
8	Boundary Wall Heights
■ Proposed S4.55 New Walls	
■ DA Approved Walls to be removed/amended	



REVISIONS

00	ISSUED FOR DA	27/11/2019
01	AMENDED PLANS	06/05/2020
02	ISSUED FOR S4.55	06/07/2020
03	ISSUED FOR S4.55	11/03/2021

LEGEND

AWN	AWNING (STEEL) BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWNPIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:	
Showerheads:	3 Star
Toilets:	4 Star
Kitchen taps:	4 Star
Bathroom Taps:	4 Star
Rain Water Tank:	
Pool/Spa:	40KJ
Collect Run Off Area:	

ENERGY OPTIONS:

Cooling & Heating:	
1-Phase air conditioning	
4 Star to living and bedroom areas.	
Day/Night Zoned	
Kitchen & laundry individual fans, ducted	
Gas instant, 5 star	
Gas cooktop, electric oven	

Thermal Comfort Options:	
R2.5 Insulation To:	
Plasterboard External Ceilings, External Walls	
Suspended concrete floors	
Concrete External Ceilings	
U-value 4.30 (or less than) & SHGC 0.50	
U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]	
Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)	
Metal 60mm Foil Blanket	

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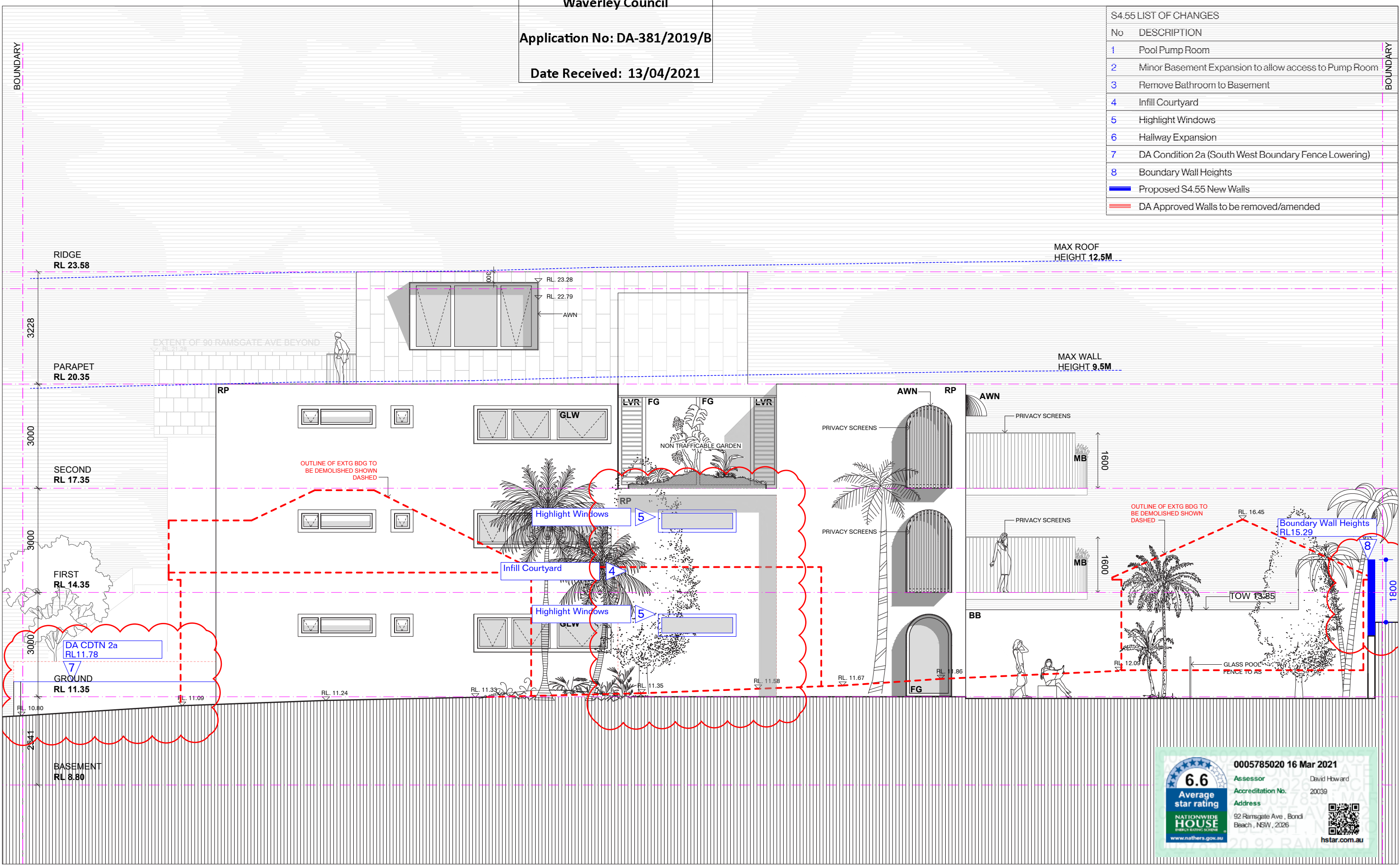


PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

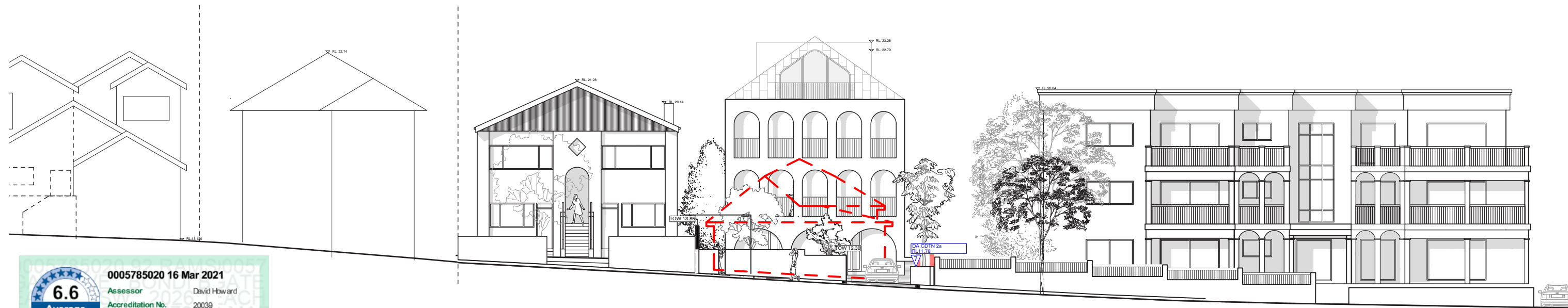
92 RAMSGATE AVE BONDI BEACH  
WEST ELEVATION  
10 March 2021  
1:100  
DA13[03]



S4.55 LIST OF CHANGES	
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86 RAMSGATE AVE      88 RAMSGATE AVE      90 RAMSGATE AVE      92 RAMSGATE AVE      96 RAMSGATE AVE

REVISIONS

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DP	DOWNPIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
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BASIX

WATER OPTIONS:

Showerheads: 3 Star

Toilets: 4 Star

Kitchen taps: 4 Star

Bathroom Taps: 4 Star

Rain Water Tank: 40KJ

Pool/Spa: Collect Run Off Area:

ENERGY OPTIONS:

Cooling & Heating: 1-Phase air conditioning

Ventilation: 4 Star to living and bedroom areas.

Water Heating: Day/Night Zoned

Cook Tops: Kitchen & laundry individual fans, ducted

Gas Instant: 5 star

Gas cooktop, electric oven

THERMAL COMFORT OPTIONS:

R2.5 Insulation To: Plasterboard External Ceilings, External Walls

R2.0 Insulation To: Suspended concrete floors

R1.0 Insulation To: Concrete External Ceilings

Windows: U-value 4.30 (or less than) & SHGC 0.50

Skylights: U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]

Roof: Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)

Metal, 60mm Foil Blanket

COMMON OFFICE

MHNDUNION

Nominated Architect Brian Meyerson NSW Reg No 4907

Common Office Pty Ltd 35 Richards Lane Surry Hills NSW, Australia, 2029 common-office.com

MHN Design Union Pty Ltd 35 Richards Lane Surry Hills NSW, Australia, 2029 mndu.com

PROJECT

DRAWING

DATE

SCALE

DRAWING No

92 RAMSGATE AVE BONDI BEACH

STREETSCAPE (SOUTH) ELEVATION

10 March 2021

1:200

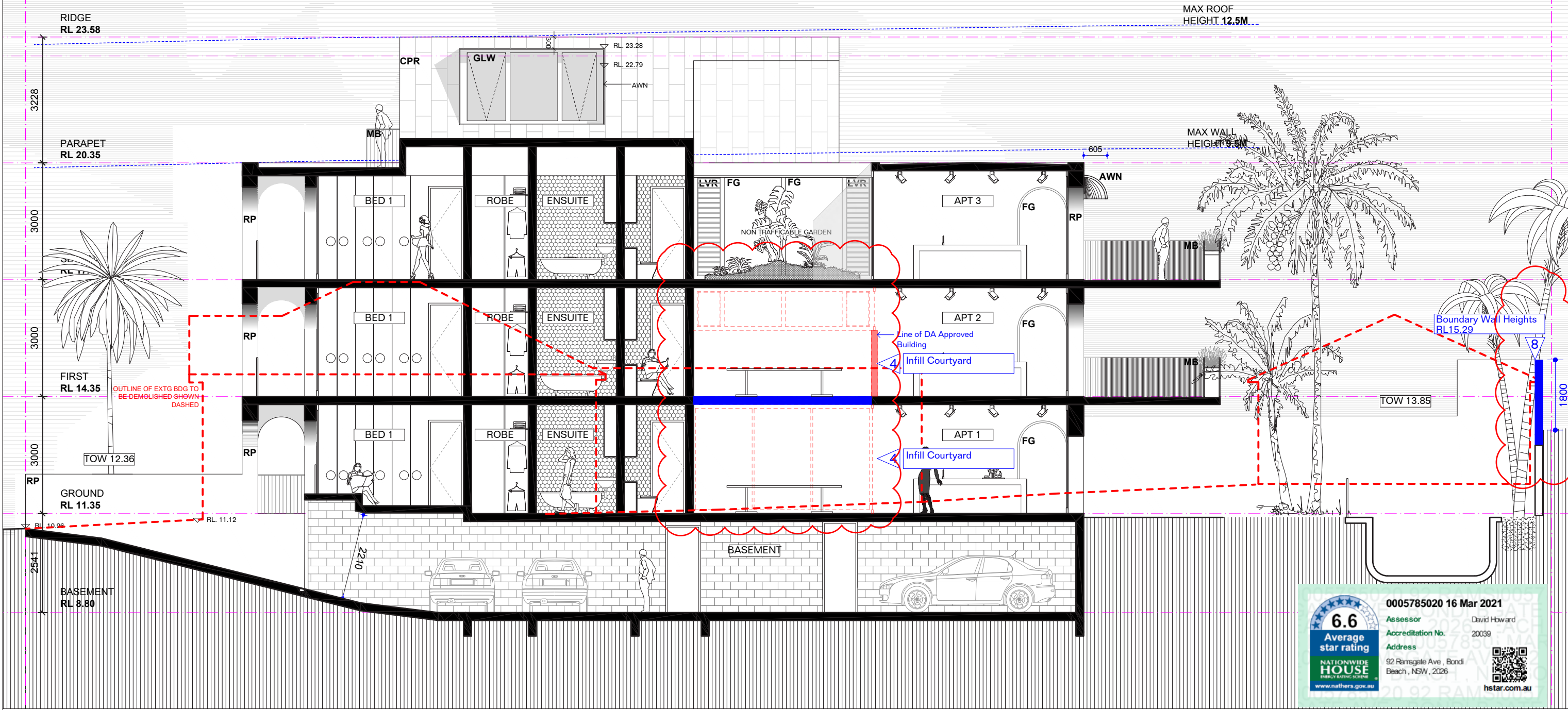
DA15[03]

0 1 2 3m

2m 4m 6m



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6.6  
Average  
star rating

NATIONWIDE  
HOUSE

www.nathers.gov.au

0005785020 16 Mar 2021

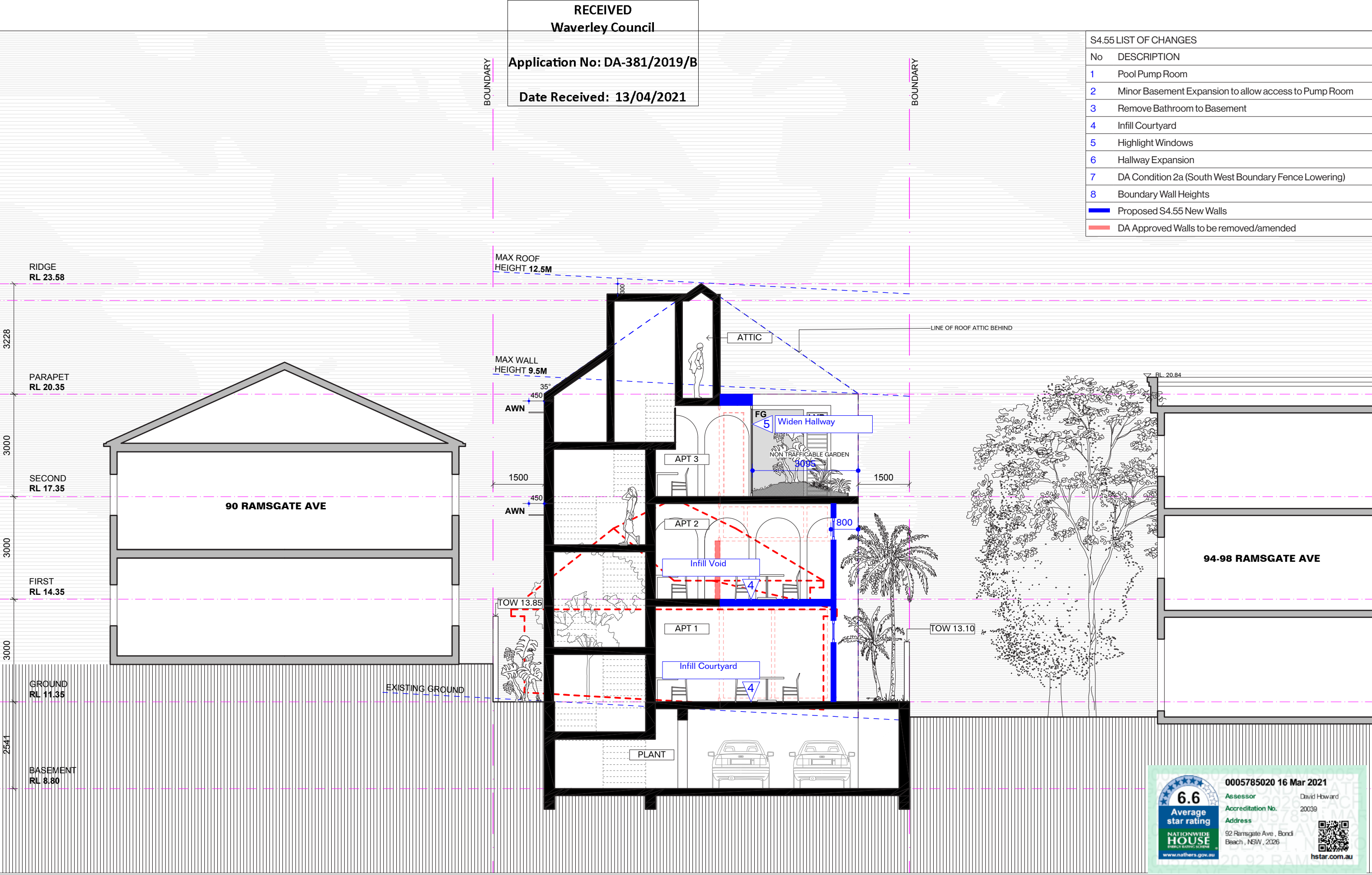
Assessor David Howard

Accreditation No. 20039

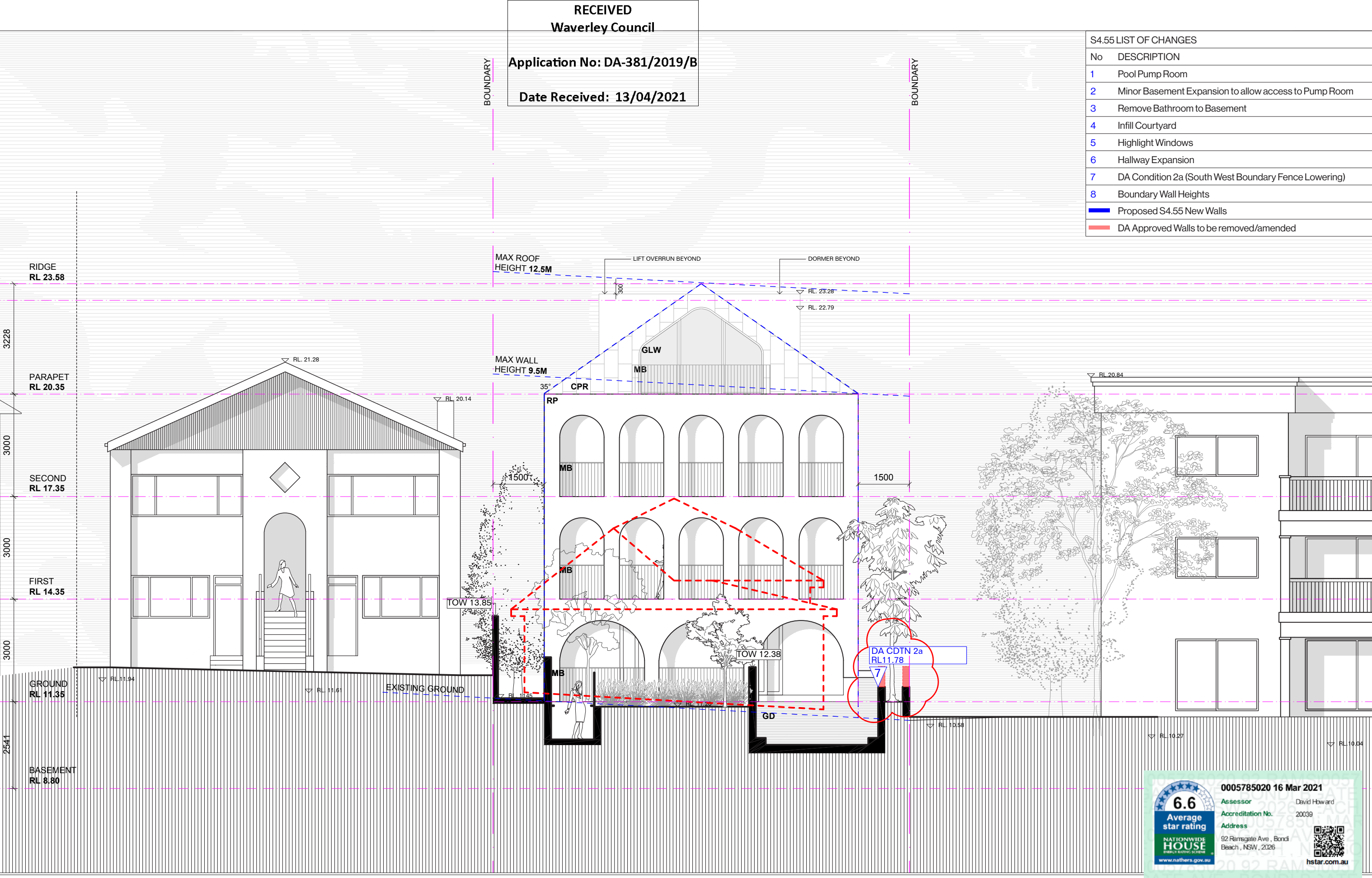
Address 92 Ramsgate Ave, Bondi Beach, NSW, 2026

hstar.com.au









REVISIONS

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01	AMENDED PLANS	06/05/2020
02	ISSUED FOR S4.55	06/07/2020
03	ISSUED FOR S4.55	11/03/2021

LEGEND

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BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
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FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
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Toilets: 4 Star

Kitchen taps: 4 Star

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Rain Water Tank: 40KJ

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Collect Run Off Area: 40KJ

ENERGY OPTIONS:

Cooling & Heating: 4 Star

Ventilation: 4 Star

Water Heating: 40KJ

Cook Tops: 4 Star

1-Phase air conditioning

4 Star to living and bedroom areas.

Day/Night Zoned

Kitchen & laundry individual fans, ducted

Gas instant, 5 star

Gas cooktop, electric oven

THERMAL COMFORT OPTIONS

R2.5 Insulation To:

R2.0 Insulation To:

R1.0 Insulation To:

Windows:

Skylights:

Roof:

Plasterboard External Ceilings, External Walls

Suspended concrete floors

Concrete External Ceilings

U-value 4.30 (or less than) & SHGC 0.50

U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]

Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)

Metal, 60mm Foil Blanket

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Surry Hills

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common-office.com

MHNDUNION Pty Ltd

35 Richards Lane

Surry Hills

NSW, Australia, 2029

mhndu.com

PROJECT

DRAWING

DATE

SCALE

DRAWING No

92 RAMSGATE AVE BONDI BEACH

SECTION C

10 March 2021

1:100

DA18[03]

6.6

Average star rating

NATIONWIDE HOUSE

www.nethers.gov.au

0005785020 16 Mar 2021

Assessor

Accreditation No.

Address

92 Ramsgate Ave, Bondi Beach, NSW, 2026

David Howard

20039

hstar.com.au

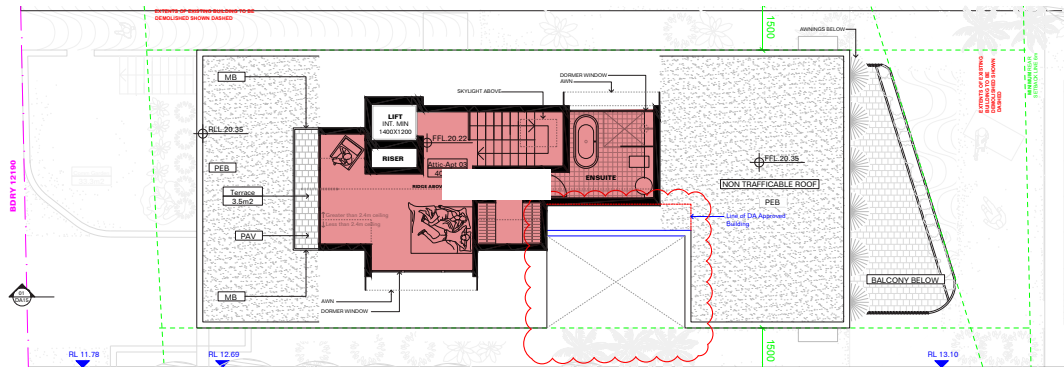
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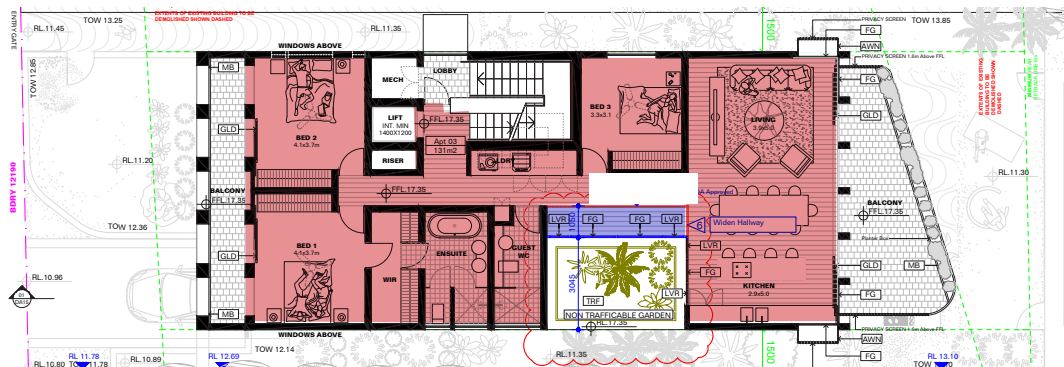
2

3m

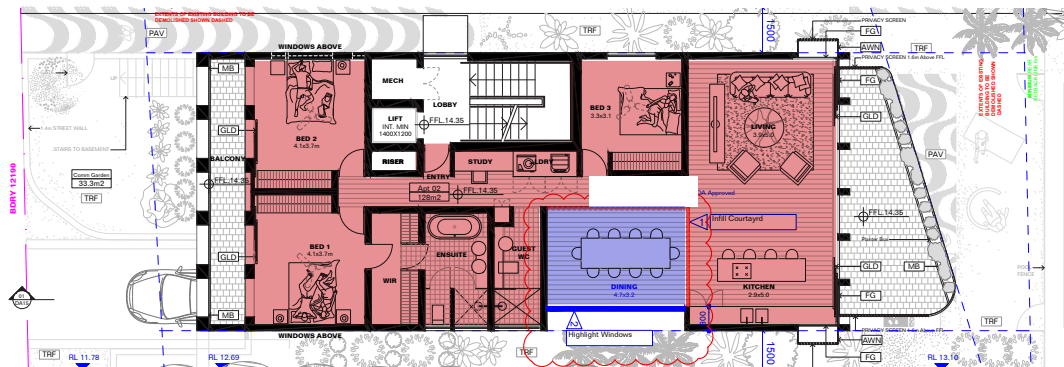




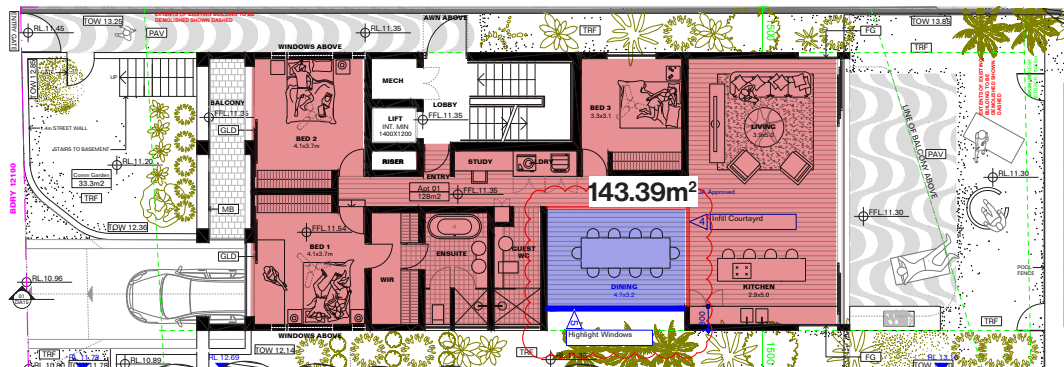
Attic  
41.7m² NO CHANGE



Second Floor  
13m² 135.42



First Floor  
128m² 143.39



Ground Floor  
128m² 143.39

## RECEIVED Waverley Council

Application No: DA-381/2019/B

Date Received: 13/04/2021

SITE AREA 477.3m²

COUNCIL CONTROL	DCP/LEP CONTROL	PROPOSED	COMPLIANCE
Floor Space Ratio	0.9:1	0.9:1 0.97:1	N
Gross Floor Area	429.57m²	428.7m² 463.9m²	N
Max Building Height	12.5m	12.4m (Ridge)	Y
Max Wall Height	9.5m	9.5m	Y
Setback - Front	Approx 4.1m	Approx 5.5m	Y
Setback - Side	1.5m	1.5m	Y
Setback - Rear	Predominant Bdg Line	Predominant Bdg Line	Y
Excavation	1.5m From Boundary	Varies between 0m to 1.6m	N
Car Parking	1.5 spaces for 3bed Units + 1 visitor space per unit =5.4+1 =5.5 parking spaces	5	Y Y Y

### AREAS SUMMARY

UNIT No	GFA
UNIT 1	128m² 143.39
UNIT 2	128m² 143.39
UNIT 3	172.7m² 177.12

### DEFINITIONS (Waverley LEP 2012)

Gross Floor Area:  
means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—  
(a) the area of a mezzanine, and  
(b) habitable rooms in a basement or an attic, and  
(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—  
(d) any area for common vertical circulation, such as lifts and stairs, and  
(e) any basement—  
(i) storage, and  
(ii) vehicular access, loading areas, garbage and services, and  
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and  
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and  
(h) any space used for the loading or unloading of goods (including access to it), and  
(i) terraces and balconies with outer walls less than 1.4 metres high, and  
(j) voids above a floor at the level of a storey or storey above.

### REVISIONS

00	ISSUED FOR DA	27/11/2019
01	AMENDED PLANS	06/05/2020
02	ISSUED FOR S4.55	06/07/2020
03	ISSUED FOR S4.55	11/03/2021

### LEGEND

AWN	AWNING (STEEL) BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWN PIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORM WATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
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GLW	GLASS WINDOWS		

### NOTES

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### BASIX

WATER OPTIONS:		ENERGY OPTIONS:	
Showerheads:	3 Star	Cooling & Heating:	
Toilets:	4 Star		
Kitchen taps:	4 Star		
Bathroom Taps:	4 Star	Ventilation:	
Rain Water Tank:			
Pool/Spa:		Water Heating:	
Collect Run Off Area:	40KJ	Cook Tops:	

1-Phase air conditioning  
4 Star to living and bedroom areas.  
Day/Night Zoned  
Kitchen & laundry individual fans, ducted  
Gas instant, 5 star  
Gas cooktop, electric oven

Thermal Comfort Options  
R2.5 Insulation To:  
Plasterboard External Ceilings, External Walls  
Suspended concrete floors  
Concrete External Ceilings  
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PROJECT  
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DRAWING No

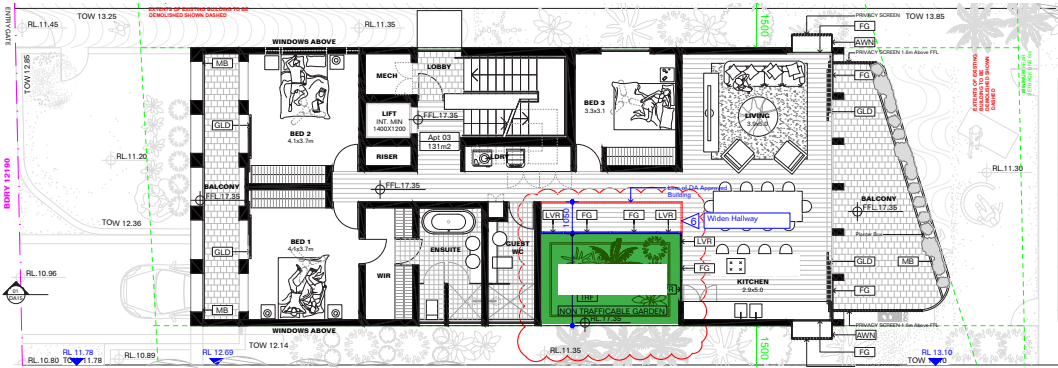
92 RAMSGATE AVE BONDI BEACH  
AREAS + COMPLIANCE  
10 March 2021  
1:250  
DA19[03]



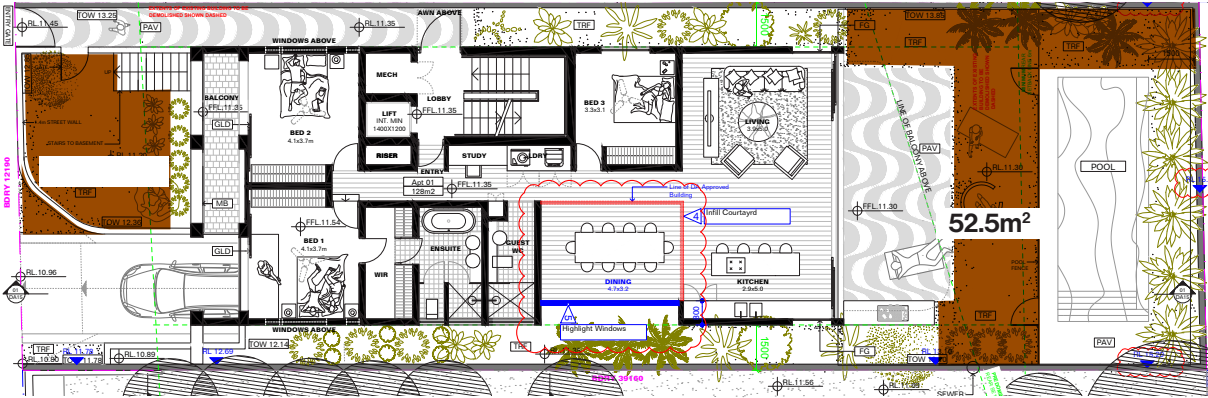


SITE AREA 477.3m²

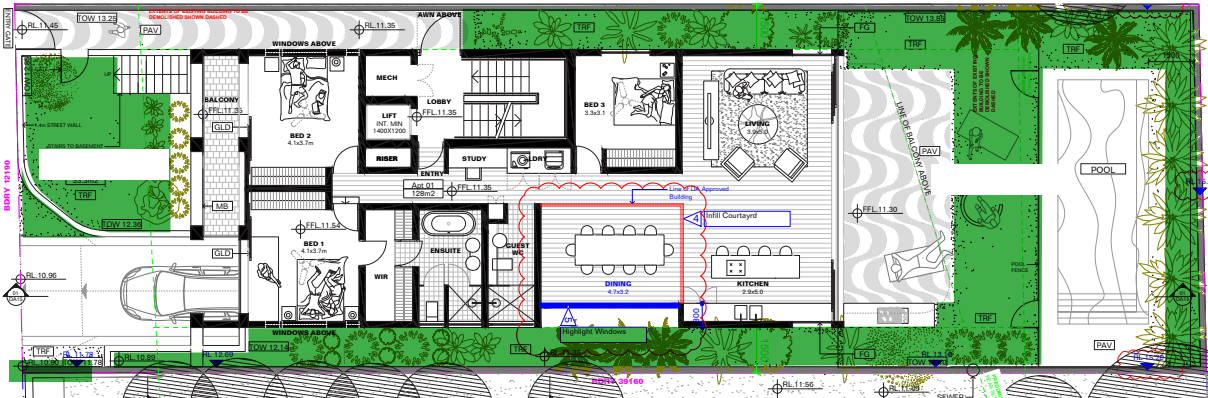
COUNCIL CONTROL	DCP/LEP CONTROL	PROPOSED	COMPLIANCE
% Site Area to be landscaped*	30% of 477.3m² = 143.19m²	143.1m² Ground Floor 17.6m²14m² 2nd Floor Garden Terrace 160.7m² 157.2m² Total Landscaped Area	Y
% Landscaped area to be Deep Soil**	50% of 143.19 = 71.6m²	52.5m² + 26.9m² 79.4m² Total Deep Soil Zone	Y



LANDSCAPED\* AREA:  
Second Floor Plan  
17.6m²14m² Landscape



DEEP SOIL\*\* ZONE:  
Ground Floor Plan  
52.5m² + 26.9m²  
79.4m² Total Deep Soil Zone  
NO CHANGE



LANDSCAPED\* AREA:  
Ground Floor Plan  
116.2m² + 26.9m²  
143.1m² Landscape  
NO CHANGE



REVISIONS

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LEGEND

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Rain Water Tank:			
Pool/Spa:		Water Heating:	
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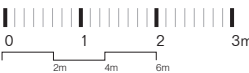
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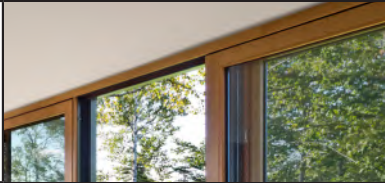

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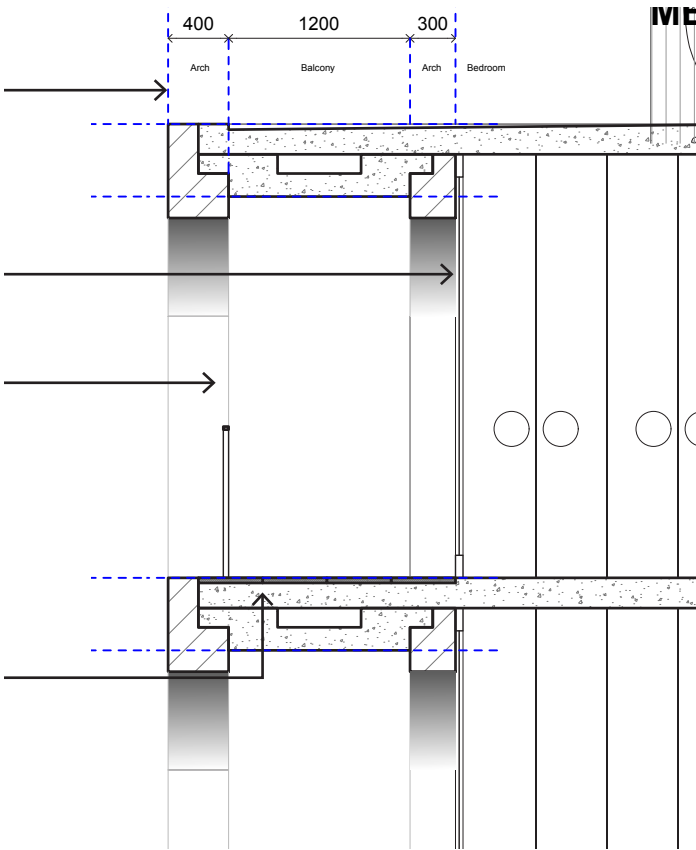


PROJECT  
DRAWING  
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92 RAMSGATE AVE BONDI BEACH  
LANDSCAPE CALCULATIONS  
10 March 2021  
1:250  
DA20[03]



			RECEIVED Waverley Council
			Application No: DA-381/2019/B
			Date Received: 13/04/2021
CODE	DESCRIPTION	LOCATION	IMAGE REFERENCE
AWN	STEEL PLATE AWNINGS	TO ATTIC DORMER WINDOWS	
CPR	COPPER CLADDING	ROOF AND DORMERS	
BB	BAGGED BRICK	FRONT BOUNDARY WALL	
MB	METAL BALUSTRADE (PALISADE) COLOUR TO MATCH PAINT	ALL BALUSTRADES	
FG	TIMBER FRAMED FIXED GLAZING	WINDOWS - FIXED	
GLW	TIMBER FRAMED OPERABLE GLASS WINDOWS	WINDOWS - OPERABLE	
GLD	TIMBER FRAMED GLASS SLIDING DOORS	SLIDING DOORS	
RP	RENDER + PAINT TO FACADE PAINT TO BE EITHER: DULUX NATURAL WHITE SW1F4 OR DULUX ANTIQUE WHITE USA	ALL FACADES/ELEVATIONS	



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6. All works to be verified against drawings following construction and designer to be notified of any discrepancies prior to proceeding with next trade.  
ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:  
Showerheads: 3 Star  
Toilets: 4 Star  
Kitchen taps: 4 Star  
Bathroom Taps: 4 Star  
Rain Water Tank: 40KJ  
Pool/Spa: 40KJ  
Collect Run Off Area: 40KJ

ENERGY OPTIONS:  
Cooling & Heating:  
1-Phase air conditioning  
4 Star to living and bedroom areas.  
Day/Night Zoned  
Kitchen & laundry individual fans, ducted  
Gas instant, 5 star  
Gas cooktop, electric oven  
Ventilation:  
Water Heating:  
Cook Tops:

THERMAL COMFORT OPTIONS  
R2.5 Insulation To:  
Plasterboard External Ceilings, External Walls  
Suspended concrete floors  
Concrete External Ceilings  
R2.0 Insulation To:  
U-value 4.30 (or less than) & SHGC 0.50  
R1.0 Insulation To:  
U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]  
Windows:  
Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)  
Metal, 60mm Foil Blanket  
Skylights:  
Roof:

COMMON OFFICE  
MHN DUNION

Nominated Architect Brian Mayerson NSW Reg No 4907  
Common Office Pty Ltd  
35 Richards Lane  
Surrey Hills  
NSW, Australia, 2029  
common-office.com  
MHN Design Union Pty Ltd  
35 Richards Lane  
Surrey Hills  
NSW, Australia, 2029  
mhndu.com



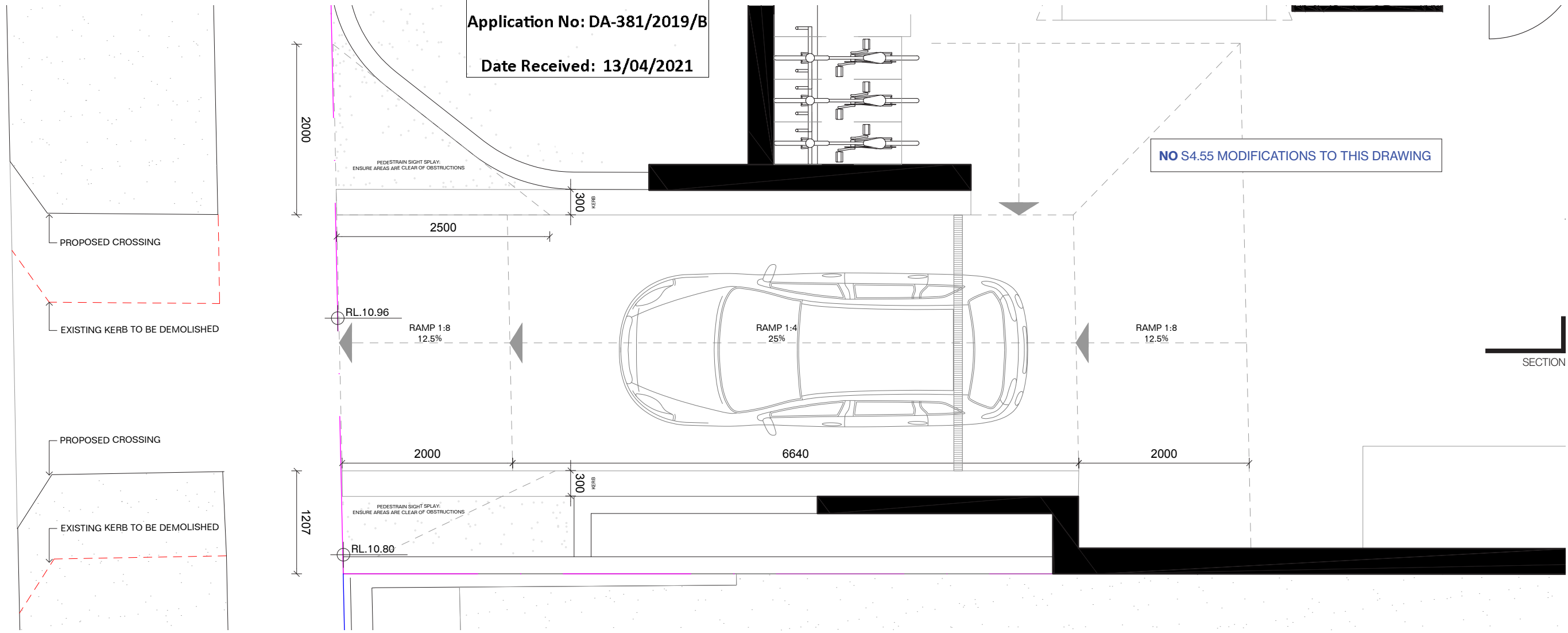
PROJECT  
DRAWING

DATE  
SCALE  
DRAWING No

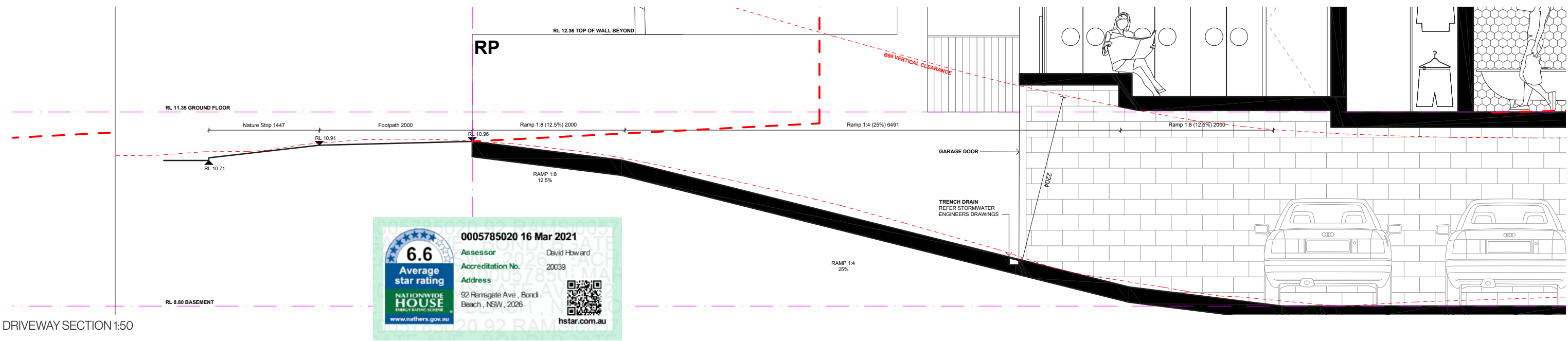
92 RAMSGATE AVE BONDI BEACH  
FINISHES

10 March 2021  
n/a  
DA21[02]





DRIVEWAY PLAN 1:50



DRIVEWAY SECTION 1:50

REVISIONS

00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55

LEGEND

27/11/2019	AWN	AWNING (STEEL) BAGGED	LVR	LOUVRES (GLASS)
06/05/2020	BB	BRICK	MB	METAL BALUSTRADE
06/07/2020	CPR	COPPER CLADDING	PAV	PAVING
11/03/2021	DP	DOWN PIPE	RP	RENDER + PAINT
	FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
	FG	FIXED GLAZING	SWP	STORMWATER PIT
	FP	FIRE PROTECTION	TD	TRENCH DRAIN
	GB	GLASS BALUSTRADE	TOW	TOP OF WALL
	GLD	GLASS DOORS	TRF	TURF
	GLW	GLASS WINDOWS		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:	3 Star
Showerheads:	4 Star
Toilets:	4 Star
Kitchen taps:	4 Star
Bathroom Taps:	4 Star
Rain Water Tank:	40KJ
Pool/Spa:	
Collect Run Off Area:	

ENERGY OPTIONS:

Cooling & Heating:	1-Phase air conditioning
	4 Star to living and bedroom areas.
Ventilation:	Day/Night Zoned
	Kitchen & laundry individual fans, ducted
Water Heating:	Gas instant, 5 star
Cook Tops:	Gas cooktop, electric oven

THERMAL COMFORT OPTIONS

R25 Insulation To:	Plasterboard External Ceilings, External Walls
R20 Insulation To:	Suspended concrete floors
R10 Insulation To:	Concrete External Ceilings
Windows:	U-value 4.30 (or less than) & SHGC 0.50
	U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Skylights:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
Roof:	Metal, 60mm Foil Blanket

COMMON OFFICE  
MHN DUNION

Nominated Architect Brian Meyerson NSW Reg No 4907  
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35 Richards Lane  
Sunny Hills  
NSW, Australia, 2029  
common-office.com

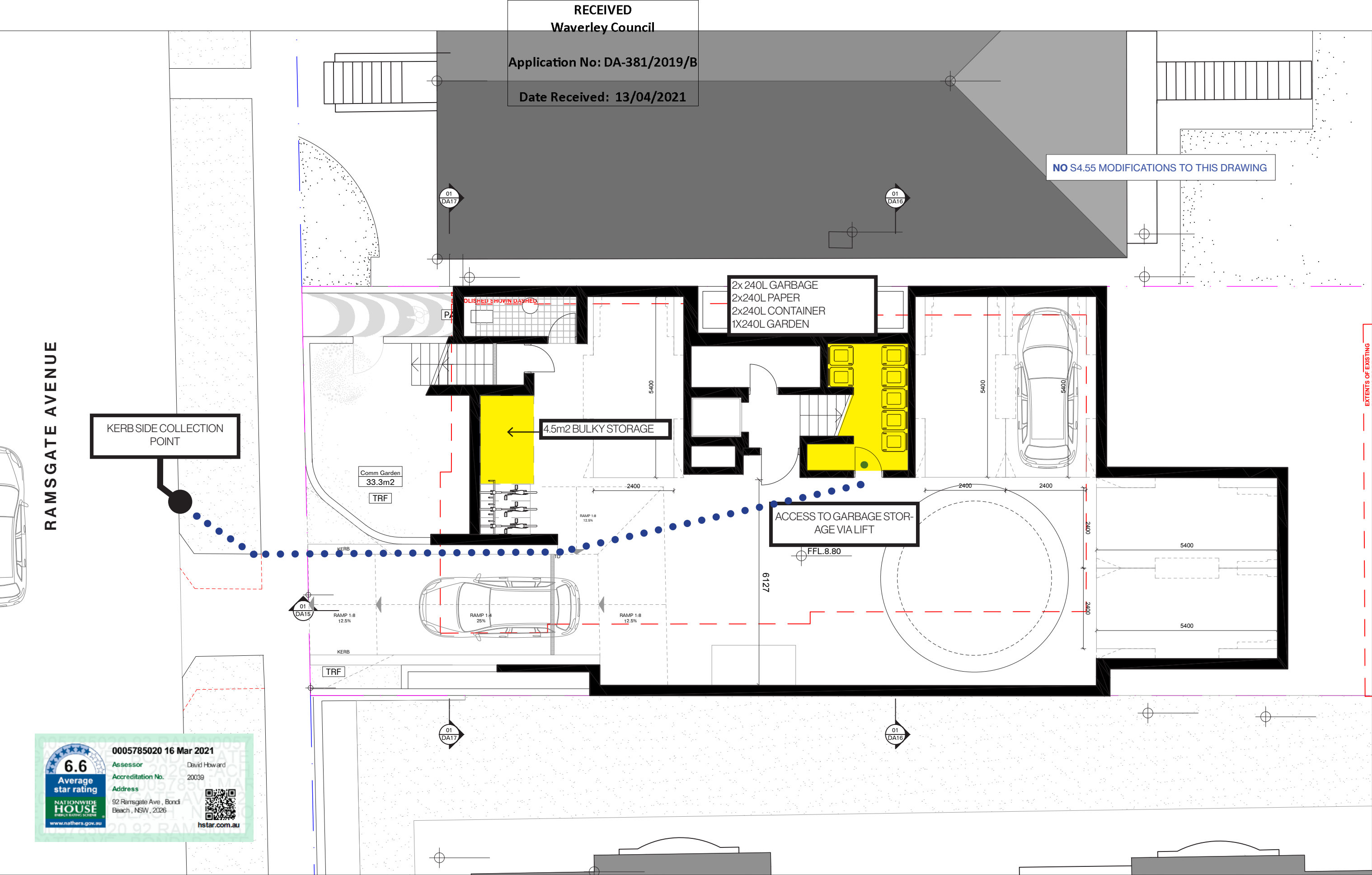
MHN Design Union Pty Ltd  
35 Richards Lane  
Sunny Hills  
NSW, Australia, 2029  
mhnunion.com



PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
RAMP DETAILS  
10 March 2021  
1:50  
DA22[02]





REVISIONS

00	ISSUED FOR DA	27/11/2019
01	AMENDED PLANS	06/05/2020
02	ISSUED FOR S4.55	06/07/2020
03	ISSUED FOR S4.55	11/03/2021

LEGEND

AWN	AWNING (STEEL) BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWN PIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:  
Showerheads: 3 Star  
Toilets: 4 Star  
Kitchen taps: 4 Star  
Bathroom Taps: 4 Star  
Rain Water Tank: 40KJ  
Pool/Spa: Collect Run Off Area

ENERGY OPTIONS:  
Cooling & Heating: 1-Phase air conditioning  
4 Star to living and bedroom areas.  
Day/Night Zoned  
Kitchen & laundry individual fans, ducted  
Gas instant, 5 star  
Gas cooktop, electric oven

THERMAL COMFORT OPTIONS  
R2.5 Insulation To: Plasterboard External Ceilings, External Walls  
Suspended concrete floors  
Concrete External Ceilings  
U-value 4.30 (or less than) & SHGC 0.50  
U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]  
Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)  
Metal, 60mm Foil Blanket

COMMON OFFICE  
MHNDUNION

Nominated Architect Brian Mayerson NSW Reg No 4907  
Common Office Pty Ltd  
35 Richards Lane  
Sunny Hills  
NSW, Australia, 2029  
common-office.com



PROJECT  
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DATE  
SCALE  
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92 RAMSGATE AVE BONDI BEACH  
WASTE MANAGEMENT PLAN  
10 March 2021  
1:100  
DA23[02]



NO S4.55 MODIFICATIONS TO THIS DRAWING



EXISTING CONDITION



PROPOSAL

6.6

Average star rating

NATIONWIDE HOUSE ENERGY RATING SCHEME

www.nathers.gov.au

0005785020 16 Mar 2021

Assessor David Howard

Accreditation No. 20039

Address 92 Ramsgate Ave , Bondi Beach , NSW , 2026

QR CODE

hstar.com.au

REVISIONS

00	ISSUED FOR DA	27/11/2019
01	AMENDED PLANS	06/06/2020
02	ISSUED FOR S4.55	06/07/2020
03	ISSUED FOR S4.55	11/03/2021

LEGEND

AWN	AWNING (STEEL)BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWN PIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:	3 Star	ENERGY OPTIONS:	1-Phase air conditioning
Showerheads:	4 Star	Cooling & Heating:	4 Star to living and bedroom areas.
Toilets:	4 Star	Day/Night Zoned	Kitchen & laundry individual fans, ducted
Kitchen taps:	4 Star	Ventilation:	Gas instant, 5 star
Bathroom Taps:	4 Star	Water Heating:	Gas cooktop, electric oven
Rain Water Tank:	40KJ	Cook Tops:	
Pool/Spa:			
Collect Run Off Area:			

THERMAL COMFORT OPTIONS	
R2.5 Insulation To:	Plasterboard External Ceilings, External Walls
R2.0 Insulation To:	Suspended concrete floors
R1.0 Insulation To:	Concrete External Ceilings
Windows:	U-value 4.30 (or less than) & SHGC 0.50
Skylights:	U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Roof:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
	Metal, 60mm Foil Blanket

COMMON OFFICE

MHNDUNION

IN ASSOCIATION

Nominated Architect Brian Meyerson NSW Reg No 4907

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Surry Hills

NSW, Australia, 2029

common-office.com

MHND Design Union Pty Ltd

35 Richards Lane

Surry Hills

NSW, Australia, 2029

mhndu.com

PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
PHOTOMONTAGE  
10 March 2021  
N/A  
DA24[02]



NO S4.55 MODIFICATIONS TO THIS DRAWING



APPROVED DA STREETSCAPE

THIS S4.55 PROPOSAL

6.6

Average star rating

NATIONWIDE HOUSE

www.nathers.gov.au

0005785020 16 Mar 2021

Assessor David Howard

Accreditation No. 20039

Address 92 Ramsgate Ave , Bondi Beach , NSW , 2026

QR CODE

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REVISIONS

00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55

27/11/2019
06/06/2020
06/07/2020
11/03/2021

LEGEND

AWN	AWNING (STEEL)BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWN PIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

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BASIX

WATER OPTIONS:	
Showerheads:	3 Star
Toilets:	4 Star
Kitchen taps:	4 Star
Bathroom Taps:	4 Star
Rain Water Tank:	
Pool/Spa:	40KJ
Collect Run Off Area:	

ENERGY OPTIONS:

Cooling & Heating:	
1-Phase air conditioning	
4 Star to living and bedroom areas.	
Day/Night Zoned	
Kitchen & laundry individual fans, ducted	
Gas instant, 5 star	
Gas cooktop, electric oven	

Thermal Comfort Options	
R2.5 Insulation To:	Plasterboard External Ceilings, External Walls
	Suspended concrete floors
R2.0 Insulation To:	Concrete External Ceilings
R1.0 Insulation To:	U-value 4.30 (or less than) & SHGC 0.50
Windows:	U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Skylights:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
Roof:	Metal, 60mm Foil Blanket

COMMON OFFICE

MHNDUNION

IN ASSOCIATION

Nominated Architect Brian Meyerson NSW Reg No 4907

Common Office Pty Ltd

35 Richards Lane

Surry Hills

NSW, Australia, 2029

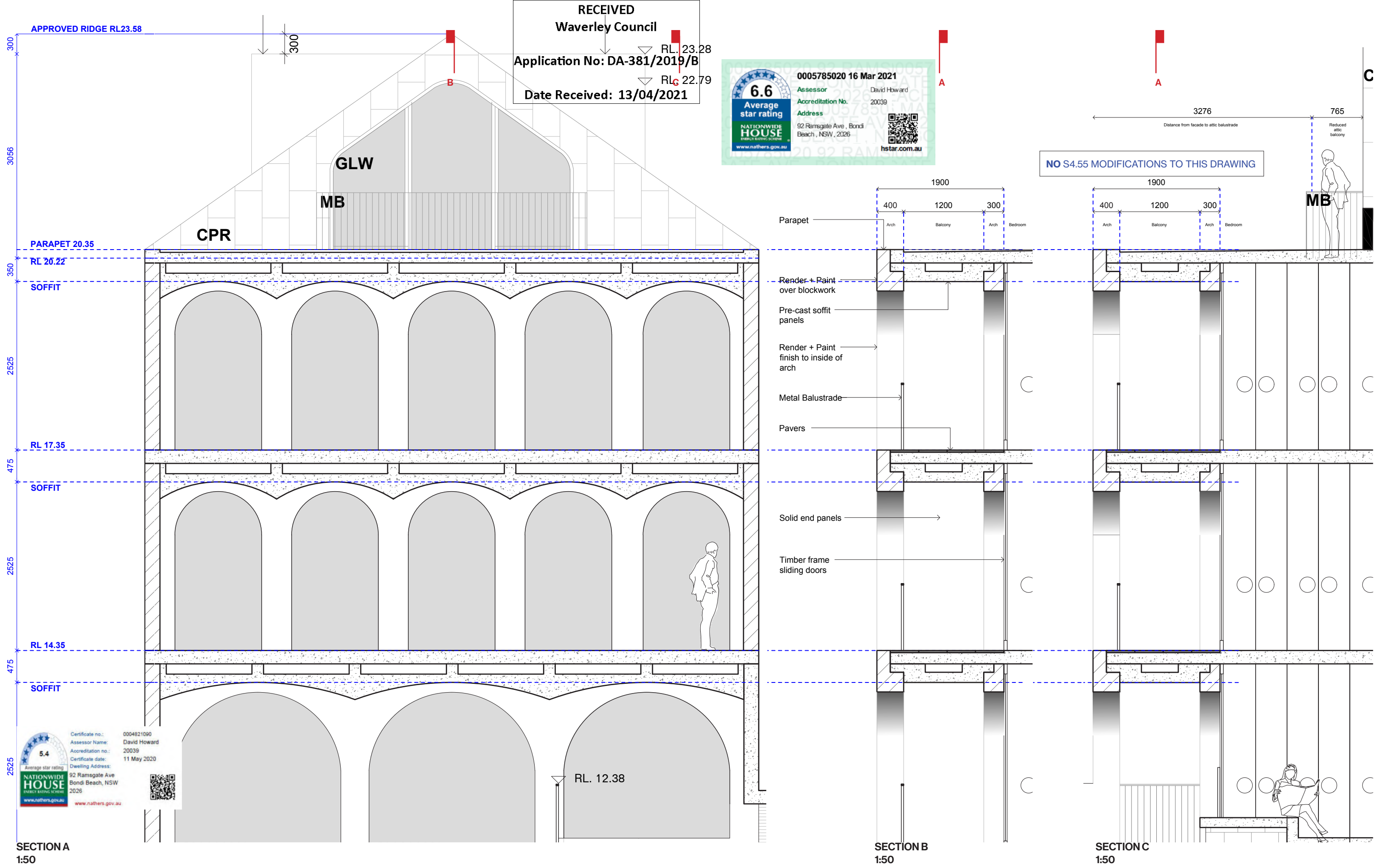
common-office.com



PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
FACADE STUDIES  
10 March 2021  
NTS  
DA25[02]





REVISIONS

00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55

LEGEND

27/11/2019	AWN	AWNING (STEEL) BAGGED	LVR	LOUVRES (GLASS)
06/05/2020	BB	BRICK	MB	METAL BALUSTRADE
06/07/2020	CPR	COPPER CLADDING	PAV	PAVING
11/03/2021	DP	DOWN PIPE	RP	RENDER + PAINT
	FFL	FINISHED FLOOR	SK	SKYLIGHTS
	FG	FIXED GLAZING	SWP	STORMWATER PIT
	FP	FIRE PROTECTION	TD	TRENCH DRAIN
	GB	GLASS BALUSTRADE	TOW	TOP OF WALL
	GLD	GLASS DOORS	TRF	TURF
	GLW	GLASS WINDOWS		

NOTES

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ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES AND AUSTRALIAN STANDARDS

BASIX

WATER OPTIONS:

Showerheads:	3 Star
Toilets:	4 Star
Kitchen taps:	4 Star
Bathroom Taps:	4 Star
Rain Water Tank:	40KJ
Pool/Spa:	
Collect Run Off Area:	

ENERGY OPTIONS:

Cooling & Heating:	1-Phase air conditioning
	4 Star to living and bedroom areas.
	Day/Night Zoned
	Kitchen & laundry individual fans, ducted
	Gas instant, 5 star
	Gas cooktop, electric oven
Ventilation:	
Water Heating:	
Cook Tops:	

THERMAL COMFORT OPTIONS

R2.5 Insulation To:	Plasterboard External Ceilings, External Walls
R2.0 Insulation To:	Concrete External Ceilings
R1.0 Insulation To:	U-value 4.30 (or less than) & SHGC 0.50
Windows:	U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Skylights:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
Roof:	Metal, 60mm Foil Blanket

COMMON OFFICE

MHNDUNION

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Surrey Hills  
NSW, Australia, 2029  
common-office.com

MHN Design Union Pty Ltd  
35 Richards Lane  
Surrey Hills  
NSW, Australia, 2029  
mndu.com

PROJECT

DRAWING

DATE

SCALE

DRAWING No

92 RAMSGATE AVE BONDI BEACH

SOUTH FACADE DETAILS

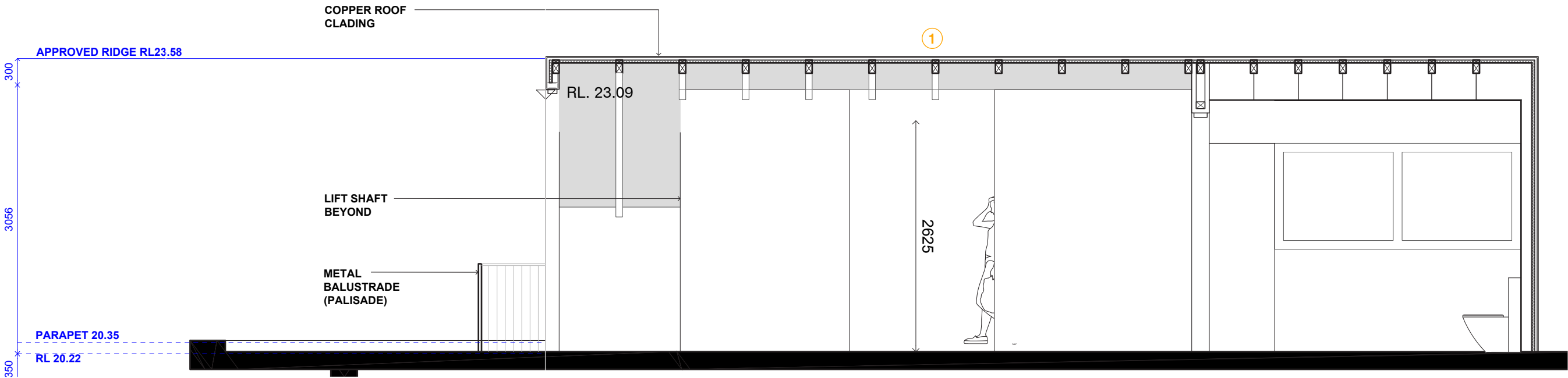
10 March 2021

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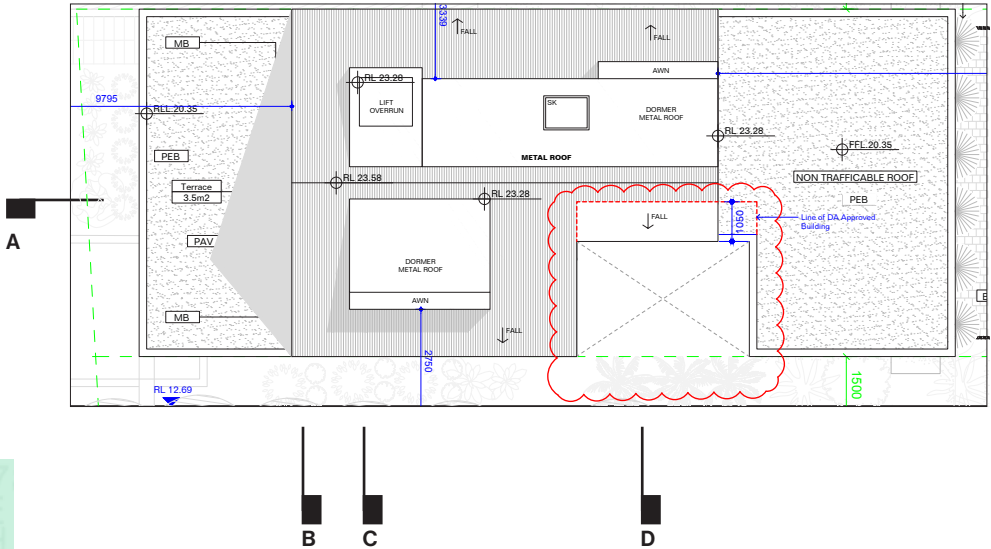
DA26[02]



NO S4.55 MODIFICATIONS TO THIS DRAWING



SECTION A  
1:50



REVISIONS

00	ISSUED FOR DA
01	AMENDED PLANS
02	ISSUED FOR S4.55
03	ISSUED FOR S4.55

27/11/2019	
06/05/2020	
06/07/2020	
11/03/2021	

LEGEND

AWN	AWNING (STEEL)BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWN PIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

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BASIX

WATER OPTIONS:	3 Star	ENERGY OPTIONS:	Cooling & Heating:
Showerheads:	4 Star	1-Phase air conditioning	4 Star to living and bedroom areas.
Toilets:	4 Star	Day/Night Zoned	Kitchen & laundry individual fans, ducted
Kitchen taps:	4 Star	Gas instant, 5 star	Gas cooktop, electric oven
Bathroom Taps:	4 Star	Water Heating:	Cook Tops:
Rain Water Tank:	40KJ		
Pool/Spa:			
Collect Run Off Area:			

THERMAL COMFORT
R2.5 Insulation To:
R2.0 Insulation To:
R1.0 Insulation To:
Windows:
Skylights:
Roof:

COMMON OFFICE  
MHN DUNION

Nominated Architect Brian Mayerson NSW Reg No 4907  
Common Office Pty Ltd  
35 Richards Lane  
Sunny Hills  
NSW, Australia, 2029  
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PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
ATTIC DETAIL SECTIONS A  
10 March 2021  
1:50  
DA27[02]







S4.55 LIST OF CHANGES	
No	DESCRIPTION
1	Pool Pump Room
2	Minor Basement Expansion to allow access to Pump Room
3	Remove Bathroom to Basement
4	Infill Courtyard
5	Highlight Windows
6	Hallway Expansion
7	DA Condition 2a (South West Boundary Fence Lowering)
8	Boundary Wall Heights
<div>■ Proposed S4.55 New Walls</div>	
<div>■ DA Approved Walls to be removed/amended</div>	



APPROVED - LOOKING NORTH

6.6

Average star rating

NATIONWIDE HOUSE

ENERGYSAVING RATING

www.nathers.gov.au

0005785020 16 Mar 2021

Assessor David Howard

Accreditation No. 20039

Address 92 Ramsgate Ave , Bondi Beach , NSW , 2026

QR CODE

hstar.com.au

THIS S4.55 PROPOSAL

REVISIONS

00 ISSUED FOR S4.55

11/03/2021

LEGEND

AWN	AWNING (STEEL)BAGGED	LVR	LOUVRES (GLASS)
BB	BRICK	MB	METAL BALUSTRADE
CPR	COPPER CLADDING	PAV	PAVING
DP	DOWN PIPE	RP	RENDER + PAINT
FFL	FINISHED FLOOR LVL	SK	SKYLIGHTS
FG	FIXED GLAZING	SWP	STORMWATER PIT
FP	FIRE PROTECTION	TD	TRENCH DRAIN
GB	GLASS BALUSTRADE	TOW	TOP OF WALL
GLD	GLASS DOORS	TRF	TURF
GLW	GLASS WINDOWS		

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BASIX

ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS

WATER OPTIONS:		ENERGY OPTIONS:	
Showerheads:	3 Star	Cooling & Heating:	1-Phase air conditioning
Toilets:	4 Star		4 Star to living and bedroom areas.
Kitchen taps:	4 Star	Day/Night Zoned	
Bathroom Taps:	4 Star	Kitchen & laundry individual fans, ducted	
Rain Water Tank:		Gas instant, 5 star	
Pool/Spa:		Gas cooktop, electric oven	
Collect Run Off Area:	40KJ		

THERMAL COMFORT OPTIONS	
R2.5 Insulation To:	Plasterboard External Ceilings, External Walls
R2.0 Insulation To:	Suspended concrete floors
R1.0 Insulation To:	Concrete External Ceilings
Windows:	U-value 4.30 (or less than) & SHGC 0.50
Skylights:	U-value 5.00 (or less than) & SHGC 0.56 [Double glazing where specified]
Roof:	Velux - Double Glazed OPAL (U=2.60 SHGC=0.24)
	Metal, 60mm Foil Blanket

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Sunny Hills  
NSW, Australia, 2029  
mhndu.com



PROJECT  
DRAWING  
DATE  
SCALE  
DRAWING No

92 RAMSGATE AVE BONDI BEACH  
Views Looking NORTH  
10 March 2021  
NTS  
DA29[00]





## Report to the Waverley Local Planning Panel

Application number	DA-232/2021
Site address	42 Varna Street, Waverley
Proposal	Partial demolition and alterations and additions to the existing semi-detached dwelling
Date of lodgement	18 June 2021
Owner	Dr H Galvin
Applicant	Dr H Galvin
Submissions	Six (6)
Cost of works	\$1,632,582
Principal Issues	<ul style="list-style-type: none"> <li>Non-compliant Floor Space Ratio (FSR)</li> <li>No Clause 4.6 submission</li> <li>Non-compliances with Waverley DCP 2012</li> </ul>
Recommendation	That the application be <b>REFUSED</b> for the reasons contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for demolition and alterations and additions to the existing semi-detached dwelling at the site known as 42 Varna Street, Waverley.

The principal issues arising from the assessment of the application are as follows:

- Non-compliant Floor Space Ratio (FSR)
- No Clause 4.6 submission
- Non-compliances with Waverley DCP 2012

The assessment finds these issues unacceptable with the proposed development resulting in unreasonable impacts on the amenity of neighbouring properties and the locality.

A total number of six (6) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for refusal.

### 1.2. Site and Surrounding Locality

A site visit was carried out on 29 June 2021.

The site is identified as Lot 1 in DP735517, known as 42 Varna Street, Waverley.

The site is rectangular in shape with a southern frontage to Varna Street, measuring 5.065m and a secondary western frontage to Carlton Street, measuring 30.485m. It has an area of 162.5m<sup>2</sup> and has a fall from the rear to the front of approximately 1m.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided from Carlton Street to a single carport.

The site is adjoined by its single storey semi-detached dwelling pair to the east. It is part of a row of six semi-detached dwellings. The locality is characterised by a variety of low density residential development. Varna Street delineates the boundary between the Waverley and Randwick local government areas.



**Figures 1 to 3** are photos of the site and its context.



**Figure 1:** View looking north-east towards the site



**Figure 2:** View looking south-east down Carlton Street towards the site



**Figure 3:** View looking north-west showing the adjacent building at the corner of Varna Street and Carlton Street

### 1.3. Relevant Development History

A search of Council's records revealed that there is no recent or relevant development history for the site.

### 1.4. Proposal

The development application seeks consent for partial demolition and alterations and additions to the existing semi-detached dwelling, specifically the following:



**Demolition** - The proposal seeks demolition for a substantial part of the existing semi-detached dwelling on site, with the exception of the front roof profile, front verandah and common side boundary wall.

**Basement Floor Level** – Excavation to accommodate a new basement floor level, which is labelled as ‘storage’. New windows are proposed to this space at the western street elevation.

**Ground Floor Level** – Construction of a new rear addition and internal reconfiguration to include four bedrooms, new bathroom and laundry. The existing ground floor RL is proposed to be raised by approximately 300mm to allow for the proposed basement ‘storage’. A new internal stair is proposed to access the basement and first floor level. A new double car space masonry carport is proposed to the rear.

**First Floor** – A new first floor addition to accommodate a new living, kitchen and dining area. This area opens onto a new rear raised outdoor terrace which extends to the north, east and western boundaries.



**Figure 4:** Perspective of western elevation from Carlton Street

## 1.5. Background

The development application was lodged on 18 June 2021 and notified from 29 June to 13 July 2021. Following a preliminary review of the application, it was determined that the application could not be supported given the number of non-compliances with Council’s development standard and controls and the lack of supporting information. An email was sent to the applicant on 6 July 2021 advising of a number of issues with the application including the non-compliance with the FSR development standard, lack of supporting information in the form of a Clause 4.6 submission and the number of non-compliances with the Waverley DCP 2012. It was recommended to the applicant to withdraw the application or proceed to determination with a recommendation for refusal. The applicant in their email response dated 7 July 2021 requested for the application proceed to determination.



## 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. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Vegetation in Non-Rural Areas) 2017.

#### 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	No	The proposal is not considered to be consistent with regards to clause 1.2 - Aims of plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table Low Density Residential R2 Zone	Yes	The proposal is defined as alterations and additions to a <i>semi-detached dwelling</i> , which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 8.5m	Yes	7.785m
4.4 Floor space ratio (FSR) and 4.4A Exceptions to FSR • 0.926:1 or 150.5m <sup>2</sup>	No	In their calculations of gross floor area (GFA), the applicant advises that the proposal equates to 147.6m <sup>2</sup> of GFA or an FSR of 0.908:1. The applicant has not included the proposed space at basement floor level, which equates to approximately 46m <sup>2</sup> of additional GFA (inclusive of stair access). The applicant



Provision	Compliance	Comment
		contends that the space is to be used for storage, however, compliant habitable floor to ceiling heights and windows are proposed to the basement floor level. It is apparent from the design of this space that it is to be used for habitable purposes, contributing to the proposed GFA on site. The inclusion of this space as GFA contributes to an overall floor space calculation of 193.6m <sup>2</sup> or an FSR of 1.19:1, an exceedance of 43.1m <sup>2</sup> or 28.6%.
4.6 Exceptions to development standards	No	The application is not accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	No	It is proposed to excavate up to a depth of approximately 3m to accommodate the proposed basement floor level. The excavation is to extend from side boundary to side boundary. A Geotechnical Report has been submitted with the application which provides recommendations on construction methodology. Notwithstanding this, the proposed excavation results in a non-compliance with the setback distance control for excavation required by Waverley DCP 2012 which is addressed in further detail below under Table 2.

### 2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	No	Unsatisfactory. The subject development results in a non-compliance with the required landscaped area on site (see discussion below).
5. Vegetation Preservation	Yes	The application includes the removal/transplanting of vegetation on site. The



Development Control	Compliance	Comment
		application was referred to Council's Tree Management Officer who raised no objection.
6. Stormwater	No	See discussion under the Referrals section of this report.
8. Transport	No	<p>The subject site currently accommodates one off-street car space within a single storey carport accessed from Carlton Street.</p> <p>It is proposed to extend the existing carport and construct two off-street car spaces within a predominantly enclosed masonry 'carport' structure. The provision of two off-street car spaces as proposed contributes to the poor design outcome, forsaking at grade open space and landscaping provision over car parking.</p> <p>The proposed carport design contributes to the inappropriate built form through the site, which is discussed in further detail below.</p>
10. Safety	Yes	Satisfactory
12. Design Excellence	No	The proposed development does not achieve design excellence, as it does not appropriately consider the site context, amenity impacts and the relationship of the development to other development on neighbouring sites and the locality (see further discussion below).
14. Excavation	No	Excavation is required to accommodate the proposed development, including the provision of the basement floor level. The proposed excavation is to a depth of approximately 3m. This excavation is to be sited with no setback from the side boundaries, a non-compliance with Part B14 control (l) of Waverley DCP 2012.

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
• Appropriate scale	No	See discussion below this table
• Does not detract from amenity of other dwellings or view corridors	No	
• ESD has been considered	Yes	
• High design standard	No	



Development Control	Compliance	Comment
<b>2.1 Height</b>		
Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum wall height of 7.5m</li> </ul>	No	7.775m – See discussion below this table
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes  No	  See discussion below this table
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	No	See discussion below this table
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> </ul>	No	See discission below this table
<b>2.4 Fences</b>		
<i>Front:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <i>Side and Rear:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes  No	  A wall height of up to 4.2m is proposed to the common boundary with No.44 Varna Street at the location of the neighbouring rear private open space.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</li> </ul>	Yes	







Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>		
<p>2.8.2 Parking rates</p> <p>Maximum parking rate:</p> <p>2 spaces for 3 or more bedrooms.</p>	Yes	It is proposed to provide two off-street car spaces accessed from Carlton Street
<p>2.8.3 Location</p> <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> <li>Existing development to be in accordance with the hierarchy of preferred car parking locations</li> </ul>	<p>Yes</p> <p>Yes</p>	
<p>2.8.4 Design</p> <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area and appearance to the design of the residences</li> <li>No part of the façade is to be demolished to accommodate car parking</li> <li>Gates to have an open design</li> </ul>	<p>No</p> <p>No</p> <p>Yes</p> <p>None proposed</p>	<p>The proposal includes the provision of two off-street car spaces within what the applicant describes as a 'carport'; however, it is noted that these spaces are predominantly enclosed with no doors or gates proposed to its Carlton Street frontage.</p> <p>Access to the car spaces is proposed from Carlton Street via a double width crossover. The design of the 'carports' contributes to the overall massing of the development as it presents to Carlton Street, reducing the availability of at grade landscaping and open space.</p> <p>The provision of the two car spaces contributes to the overall poor planning outcome which is considered to be unacceptable (see further discussion below).</p>
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	No	The length of one of the car spaces does not comply with the 5.4m minimum dimension control, with the car space to the north having a dimension of 4.5m x 2.5m. This may result in vehicles extending over the pedestrian footpath when parked within the carport.
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> </ul>	<p>Yes</p> <p>No</p>	



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area (65m<sup>2</sup>)</li> </ul>	Yes	70m <sup>2</sup> or 43%
<ul style="list-style-type: none"> <li>Overall landscaped area: 15% of site area (24.3m<sup>2</sup>)</li> </ul>	No	16.5m <sup>2</sup> or 10%
<ul style="list-style-type: none"> <li>Minimum area of 25m<sup>2</sup> for private open space</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Front open space: 50% of front building setback area</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Outdoor clothes drying area to be provided</li> </ul>	Not shown	
<b>2.13 Semi-detached dwellings and terrace style development</b>		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> <li>Additions to match the style of the original semi-detached dwelling</li> </ul>	No	<p>The proposed development has not considered the relationship of the proposed alterations and additions to the character of the existing semi-detached dwelling and the row of dwellings to which it adjoins.</p> <p>While the front verandah is to be maintained, it is noted that a full floor to ceiling screened enclosure is to be erected around its edge.</p>
<ul style="list-style-type: none"> <li>Existing roof form maintained forward of principal ridgeline</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Front verandahs to be maintained.</li> </ul>	Partial	
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> <li>First floor addition to be setback from the principal street frontage and maintain the existing front roof slope</li> </ul>	Yes	The proposed flat roof addition is to be located on the front ridge line.
<ul style="list-style-type: none"> <li>Flat roofs should be only used when not seen in a Heritage Conservation Area</li> </ul>	Yes	The subject site is not located within a heritage conservation area.
<ul style="list-style-type: none"> <li>Limit the rise of the interface with adjoining</li> </ul>	Not yet developed	







The adjoining properties are predominantly characterised by one and two storey dwellings on narrow lot frontages with varied rear setbacks and rear north facing ground floor level principal areas of private open space. The neighbouring single storey semi-detached dwelling pair to the east, at No. 44 Varna Street, has a 7.1m rear setback to its ground floor level with a rear north facing private open space. The adjacent property to the west on the opposite corner of Carlton and Varna Streets comprises a two storey dual occupancy development, known as No.40 Varna Street. Sites to the west have deeper lot frontages than those to the east of the site resulting in longer building depths through their sites. To the north of the site is a two storey dwelling that is orientated west-east on a larger allotment with its frontage to Carlton Street, known as 28 Carlton Street (refer to **Figure 5** below).



**Figure 5:** Subject site showing relationship of building line to adjoining properties

The existing dwelling on site comprises a modest single storey building with pitched roof profile to the front and skillion roof towards the rear. This is characteristic of the row of semi-detached dwellings of which it adjoins. A single storey carport is sited at the northern rear boundary. The semi-detached dwelling to the east at No.50 Varna Street is the only one in the row which has undertaken a modest first floor addition.

#### *Streetscape Impacts and Additions to Semi-Detached Dwellings*

Part C2 Section 2.13 of Waverley DCP 2012 provides development controls for alterations and additions to semi-detached dwellings. The objectives of these controls include as follows:

- (a) *To ensure alterations and additions visually read as a cohesive part of the existing dwelling from the streetscape.*



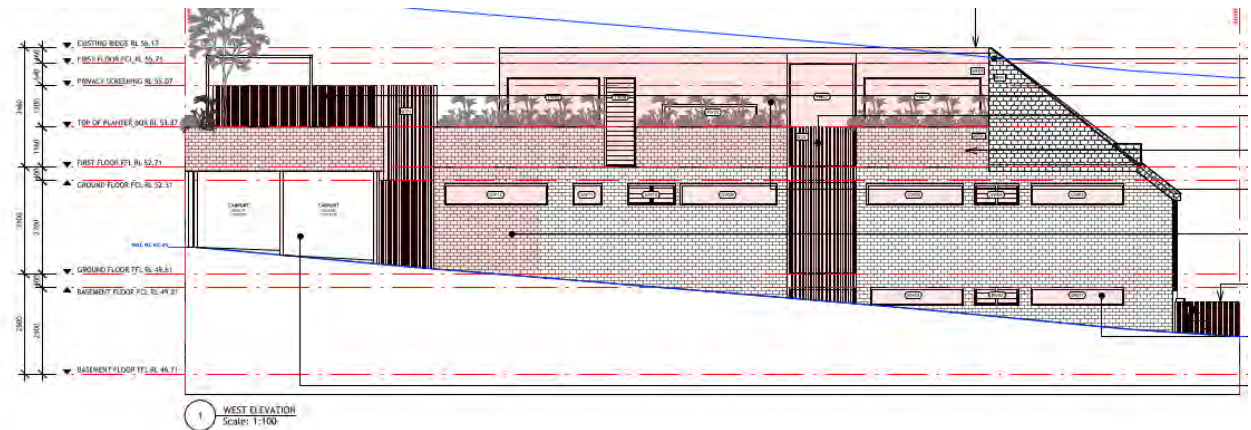
- (b) Materials and detailing of design elements such as roof features are to be of a high quality and reference existing architectural style and features.*
- (c) To maintain the original style, form and detail of development to provide cohesion between semi-detached or attached buildings.*
- (d) To maintain the appearance of semi-detached development as one of a pair, demonstrating consistent scale, character and established streetscape values.*
- (e) To retain the ability of the adjoining residence to undertake comparable cohesive additions.*
- (f) To ensure that additions present as an extension of the historic form of the existing building envelope.*
- (g) To ensure that the design of first floor additions provides for cohesion, both at the interface of dwellings resulting from additions to one dwelling and the overall form resulting from additions to both adjoining semi-detached dwellings.*

The subject proposal results in the demolition of a substantial portion of the existing semi-detached dwelling on site, retaining the common eastern side boundary wall, front roof profile, and verandah to Varna Street only. The building envelope of the semi-detached dwelling is essentially 'reconstructed' and extended over three floor levels. Excavation is proposed to provide for a basement floor level which protrudes above the existing ground level when viewed from Carlton Street by approximately 1.6m (maximum). The nil boundary wall height to Carlton Street is increased from a single storey wall height to up to 5.2m to provide for boundary planter boxes at the first floor level before stepping back by 600mm to the main wall of the first floor living area. The first floor addition is proposed with a flat roof to an overall height of 7.785m. The proposed building footprint extends for most of the length and width of the site with the exception of the existing small 1.85m wide front setback and small inset garden nooks to Carlton Street.

The proposed alterations and additions do not visually read as a cohesive part of the existing dwelling from the streetscape. The design resolution of the new alterations and additions has failed to respect the existing semi-detached dwelling on site and the row of six semi-detached dwellings to which it is a part of, contrary to the objectives and controls for alterations and additions to semi-detached dwellings within the Waverley DCP 2012. There has been little regard given to the context of the site and its surrounds and the unreasonable impacts that result, which is discussed in further detail below.

Whilst the existing single storey dwelling on the site is built up to both side boundaries, the extent of the new nil boundary wall height and massing through the site as it presents to Carlton Street is imposing, dominating the façade and resulting in undesirable streetscape impacts. Given the extent of the building footprint proposed on site, there is minimal areas of deep soil landscaping proposed. The subject site requires the provision of 15% of landscaped area to be provided in accordance with Part 2.9 *Landscaping and Open Space* of Waverley DCP 2012. The subject development proposes 10% or 16.5m<sup>2</sup> only.





**Figure 6:** West Elevation to Carlton Street

The subject development appears to be taking cues from the existing two storey dual occupancy development to the west on the opposite side of Carlton Street at No.40 Varna Street as opposed to the modest semi-detached dwellings to the east. While the development at 40 Varna Street dates back prior to the introduction of the current Waverley LEP and DCP controls currently in place, this dual occupancy development is provided with compliant side and rear boundary setbacks and large areas of deep soil landscaping along its side boundaries and to the rear. It is also noted that development sites to the west have deeper lots in comparison to the subject site and its adjoining semi-detached neighbours to the east, resulting in the allowance for greater building depths.

The subject site would be the first in the row of semi-detached dwellings to divert from the development standards and controls in terms of introducing a solid built form for the majority of the length of the site. The number of non-compliances with the development standard and controls of Waverley LEP and DCP 2012, including FSR, wall height, setbacks, excavation, visual and acoustic privacy, streetscape, side boundary fencing, landscaping and alterations and additions to semi-detached dwellings, provides a clear indication that the proposal is an overdevelopment of the subject site. The development of the subject site to the scale proposed could consequently affect the orderly future redevelopment of the adjoining sites. Council is concerned that the proposal may create an undesirable precedent that is contrary to its development controls, and it is not supported.

#### *Rear and Side Boundary Setbacks*

The proposed new development seeks to extend the building footprint to encompass primarily full site coverage, with the exception of the minimal front setback area to Varna Street and small landscaped nooks to Carlton Street. The applicant contends that the development is consistent with the setbacks of neighbouring properties over both the ground and first floor levels, however, Council disagrees with this contention.

Part C2, Section 2.2 of the Waverley DCP 2012 sets out the following objectives for setbacks, relevant to the proposed development:

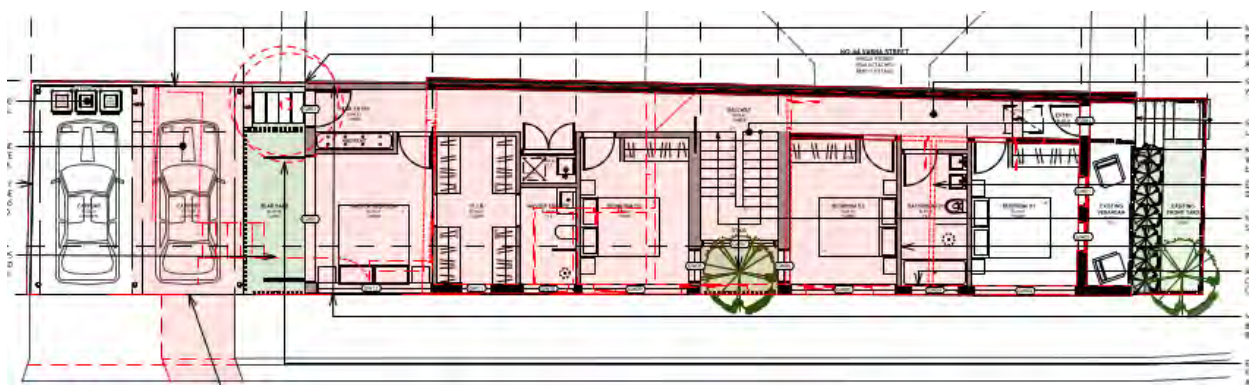
- (a) *To ensure that the bulk and appearance of the proposed development is appropriate to the streetscape.*



- (b) To set a rhythm and character to residential streets.
- (c) To ensure the distance between buildings on adjacent properties allows adequate solar access, ventilation and privacy.
- (d) To ensure that the amenity of rear yards, their function as private open space, and their visual and landscape contribution to the surrounding area is protected and enhanced.
- (f) To ensure the front and rear setbacks of buildings are consistent with surrounding buildings and do not visually detract from the streetscape.
- (h) To ensure buildings on corner lots are consistent with the predominant building lines of adjoining sites.

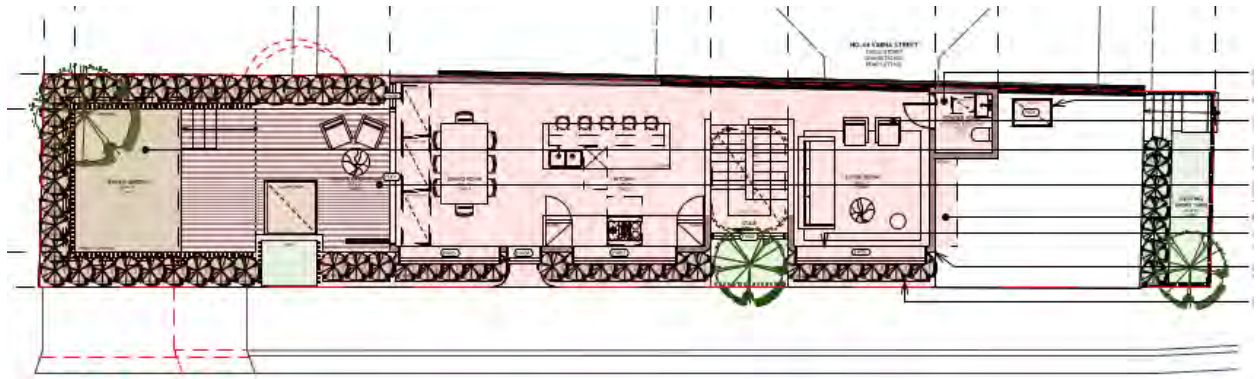
Part C2 2.2 Setbacks, control (a) requires that *new buildings and extensions to existing buildings are to extend no further than the front and rear predominant building lines*. For the rear building line, control (b) requires that *the building line be determined separately for each floor level*. It goes on to state that *in most circumstances development at first floor level and above shall be set back from the rear building line of the ground floor level in order to minimise bulk and scale impacts and provide visual relief for the open space and living areas at adjacent properties*.

The proposed development includes the demolition of a significant portion of the existing dwelling. The applicant proposes that the new ground floor level addition is to be extended towards the rear to align with the neighbouring dwelling to the east at No.44 Varna Street, however, the footprint extends beyond that and to the rear northern boundary of the subject site. A narrow 1.6m wide roofed 'rear yard' area provides a transition from the internal living areas to the proposed primarily enclosed double 'carports' which have their frontages to Carlton Street. The development proposes a continuous built form along its Carlton Street frontage, with the exception of the front setback. Given the enclosed form of the building at Ground Floor Level, no rear setback is proposed, contravening the setback controls of Waverley DCP 2012.



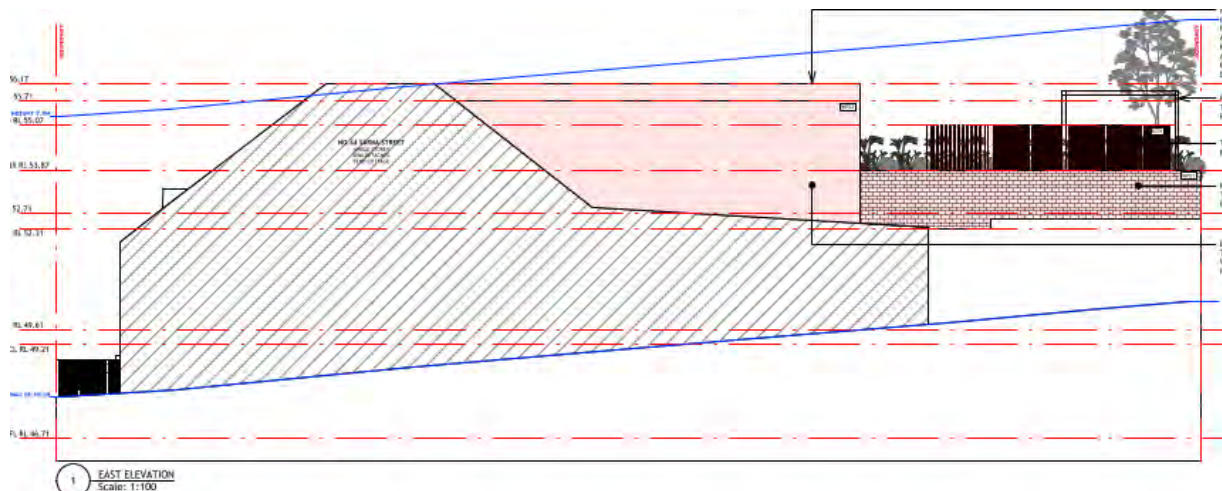
**Figure 7:** Ground Floor Plan demonstrating the proposed building footprint





**Figure 8:** First Floor Plan demonstrating the proposed building footprint

The ground floor level provides the 'podium' base for the principal area of private open space in the form of an elevated terrace that sits above the proposed carports and is accessed from the proposed new first floor. The new first floor is to also accommodate the main living areas contained within a flat roofed addition. The elevated terrace is sited approximately 3m above the rear private open space of the neighbouring semi-detached dwelling pair to the east. Exacerbating the proposed boundary wall height which encompasses this terrace is the provision of 1.2m high planter boxes. Privacy screens are also proposed to be sited behind these planter boxes which measure approximately 1.2m in height. A 2.7m high pergola structure is also proposed to the rear elevated section of the proposed terrace.



**Figure 9:** Eastern elevation as it presents to No.44 Varna Street

Whilst the applicant has attempted to address overlooking with the provision of planter boxes to the edge of the terrace area, essentially the proposed development exposes the neighbouring property at No.44 Varna Street to a wall height of at least 4.2m for the length of its principal area of private open space, which results in unreasonable and unacceptable visual bulk and scale impacts.

Council notes that the existing row of semi-detached dwellings to the east does not feature an emerging new rear building alignment that would be precedent setting in this instance. Varna Street is characterised by one and two storey modest dwellings with large areas of rear open space at ground floor level. This is particularly characteristic of the row of semi-detached dwellings to the east that the



subject dwelling is a part of. Whilst Council is not against modernising and providing first floor contemporary additions to semi-detached dwellings, any new additions are to be respectful of the context of the dwelling itself, the characteristics of adjoining development and the applicable development controls that are in place, ensuring that no unreasonable impacts result.

The proposed development also results in a non-compliance with Council's side setback control of 900mm at the western side boundary. While the current dwelling on site has a nil setback at its western side, it is proposed to extend this setback non-compliance to the first floor level. Proposed planter boxes to the western side are to have a nil setback before stepping back to a predominantly glazed facade with a setback of 600mm proposed from the western side boundary. The proposed nil boundary wall height to the secondary Carlton Street frontage ranges from 4m up to 5.2m, resulting in a dominating façade when viewed from the public domain (see **Figure 6** above).

#### *Visual and Acoustic Privacy*

The proposal includes a large elevated terrace to the rear of the dwelling sited above the roof level of the proposed carports at first floor level, which is to be used as the principal area of private open space. The terrace will have an area of approximately 32m<sup>2</sup> and will be accessed via large glazed doors at the north elevation.

Landscaped planter boxes to a height of 1.2m are proposed to extend around the east, north and western sides of the terrace. 1.2m high privacy screens then sit above and behind the planter boxes to ameliorate against overlooking to neighbouring properties. A 2.7m high pergola structure is also proposed.

There are a number of roof terraces over garages to the frontages of dwellings to the north of the subject site on Carlton Street, including at Nos.10, 12, 14 and 28 Carlton Street. These roof terraces do not exceed 15m<sup>2</sup> in area and are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas. There are none in the immediate vicinity of the subject site along Varna Street.

The 32m<sup>2</sup> elevated terrace which is to function as the principal area of private open space will result in unreasonable visual and acoustic privacy impacts to neighbouring properties in addition to contributing to the visual bulk and scale of the development. The proposed elevated terrace is not supported.

## **2.2. Other Impacts of the Development**

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality, and is recommended for refusal.

## **2.3. Suitability of the Site for the Development**

The site is not considered suitable for the proposal.



## 2.4. Any Submissions

The application was notified for 14 days in accordance with *Waverley Community Participation Plan*. Six 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
8 Carlton Street, Waverley
14 Carlton Street, Waverley
18 Carlton Street, Waverley
26 Carlton Street, Waverley
28 Carlton Street, Waverley
38 Varna Street, Waverley

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

### *Issues:*

- *Non-compliant FSR*
- *Overdevelopment*
- *Impact on streetscape character*
- *Visual bulk and scale impacts*
- *Overshadowing*
- *Visual and acoustic privacy impacts*
- *Setting an undesirable precedent*
  
- *Loss of on street parking*

**Response:** Council's Traffic Engineer has stated that there will not be a reduction in on street parking. Notwithstanding, the application is recommended for refusal.

## 2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest and is recommended for refusal.

## 3. REFERRALS

The following internal referral comments were sought:



### 3.1. Traffic and Development

Subject to the relocation of the proposed bin storage area due to its location contributing to the undersized car space, Council's Traffic and Development Engineer raised no objection to the proposal subject to conditions, should the application be approved.

### 3.2. Stormwater

The application was referred to Council's Stormwater Engineer who provided the following comments (in summary):

- *The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2020;*
- *The applicant has submitted a stormwater management plan. Council's mandatory checklist has not been submitted. In addition, if the OSD overflows, surcharge will escape from the access grates and potentially enter the dwelling's rear yard and habitable areas (freeboard) or uncontrolled runoff across Council land. The design will need to be amended prior to the issue of the Construction Certificate.*

Stormwater management measures would need to be addressed via condition should the application be approved.

### 3.3. Tree Management

The application was referred to Council's Tree Management officer and no objections were raised subject to conditions should the application be approved.

## 4. CONCLUSION

The development application seeks consent for alterations and additions to the existing semi-detached dwelling at 42 Varna Street, Waverley.

The principal issues arising from the assessment of the application are as follows:

- Non-compliant Floor Space Ratio;
- No Clause 4.6 submission; and
- Non-compliances with Waverley DCP 2012.

The assessment finds these issues unacceptable resulting in an overdevelopment of the subject site and unreasonable impacts on the amenity of neighbouring properties and the locality.

A total number of six submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. There has been no Councillor submission or no identified conflict of interest.



The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for refusal.

*Development and Building Unit (DBU) Decision:*

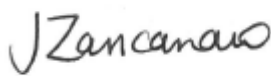

The application was reviewed by the DBU at the meeting on 6 July 2021 and the DBU determined:

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

DBU members: *A Rossi, B McNamara, B Magistrale, K Lucas*

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:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Jo Zancanaro	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 6 August 2021	Date: 13 August 2021

*Reason for WLPP referral:*

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



## 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 (the application) is refused for the following reasons:

1. 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 2012, in particular the following provisions:
  - a. *Clause 4.4 Floor Space Ratio* as the proposal is considered an overdevelopment of the subject site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1)(d) of Waverley Local Environmental Plan 2012.
  - b. *Clause 4.6 Exceptions to development standards* (1) and (3) as the applicant has failed to provide a written request seeking to justify the contravention of the Floor Space Ratio development standard.
2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:

### *Part B8 Transport*

- a. Objective (d) under this Part as the proposed design of the car parking contributes to a poor planning outcome, resulting in an adverse impact on the character of the streetscape, landscape and the development itself.
- b. Section 8.1 *Streetscape*, specifically objectives (a) and (b) and controls (c) and (d), as the proposed design of the car parking results in an unacceptable impact on the streetscape, landscape and the development. The proposed undersized car space may also result in vehicles being parked across the pedestrian footpath.

### *Part B12 – Design Excellence*

- a. Section 12.1 *Design* specifically objectives (a) to (d), controls (a), (b) and (e) and 12.2 *Context Analysis* objectives (a) to (d), control (a) as the proposal has failed to consider the suitability of the land for development given the relationship of the development to other development (existing or proposed) on neighbouring sites in terms of design, amenity and urban form. The overall visual bulk and scale of the development is unreasonable. The proposal does not demonstrate an understanding of an appropriate response to the specific conditions of both the site, existing dwelling and surrounds and fails to ensure that the opportunities and constraints of a site are fully considered and incorporated into the design.



*Part B14 Excavation*

- a. Objectives (a), (e) and (h), and controls (d) and (l) under this Part, given the proposed excavation to accommodate the basement floor area provides nil setbacks from side boundaries of the site, posing structural risks to the neighbouring property. The proposed new basement floor area is proposed with habitable floor to ceiling heights and highlight windows promoting its use as habitable subterranean floor space, contributing to the calculable gross floor area on site and the overall visual bulk and scale of the development.

*Part C2 – Low Density Residential Development:*

- a. Section 2.0 *General objectives*, specifically objectives (a), (b), (d) and (e) as the proposed development is not of a scale or density that is appropriate for the allotment or other dwellings in the locality, impacts on the amenity of the locality and is not sympathetic in bulk, scale and character with the desired future character of the area.
- b. Section 2.1 *Height*, specifically objectives (a) and (b) and control (b). The proposed development has failed to provide a compliant wall height.
- c. Section 2.2 *Setbacks*, specifically objectives (a), (b), (c), (d) and (f), Section 2.2.1 *Front and Rear Building Lines* controls (a), (b) and (d). The proposed rear building line is not characteristic or consistent with the predominant rear building line as required by Waverley Development Control Plan 2012, resulting in unreasonable amenity impacts to the adjoining properties and unacceptable visual bulk and scale impacts within the streetscape.
- d. Section 2.2 *Setbacks*, 2.2.2 *Side Setbacks* specifically control (a) as the proposed western side setback fails to comply with the 900mm minimum setback control of Waverley Development Control Plan 2012, resulting in unreasonable visual bulk and scale impacts within the streetscape.
- e. Section 2.3 *Streetscape and Visual Impact*, specifically objectives (a) and (b) and controls (a), (d) and (e). The proposed built form dominates the streetscape as the visual appearance, particularly the bulk and scale, do not respond to the site context, its surrounds or the desired future character of the locality.
- f. Section 2.4 *Fences*, specifically objective (e), control (d) as the proposed 4.2m high rear eastern boundary wall height as it presents to the neighbouring property to the east results in unreasonable visual bulk and scale impacts.
- g. Section 2.5 *Visual and Acoustic Privacy*, specifically objectives (a), (b) and (c), control (e) as increased privacy impacts arise from the non-compliant rear building line and the proposed first floor level elevated terrace.
- h. Section 2.8 *Car Parking*, specifically objectives (b) and (d), 2.8.1 *Design Approach* controls (a) and (b), 2.8.2 *Parking Rates* control (b), 2.8.4 *Design* control (a) and (b), 2.8.5 *Dimensions Control* (a) and (b). The proposed design of the car parking contributes to a poor planning outcome for



the overall design of the proposed development. The proposed undersized car space may result in vehicles being parked across the pedestrian footpath.

- i. Section 2.9 *Landscaping and Open Space* specifically objective (a), control (c) as the proposed development fails to comply with the required minimum 15% of the total site area being provided as landscaped area.
  - j. Section 2.13 *Semi-Detached Dwellings & Terrace Style Development*, specifically objectives (a) to (g), 2.13.1 *Built Form* control (e), 2.13.2 *First Floor Additions to Semi-detached Dwellings* controls (a), (b) and (h), and 2.13.3 *Material Finishes and Detail for Semi-detached Dwellings* controls (a) to (c) and (e). The proposed alterations and additions to the existing semi-detached dwelling do not complement and are not cohesive with the existing building nor the adjoining semi-detached dwelling or the row of semi-detached dwellings to which it is a part of.
3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
  4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The development of the subject site (to the scale proposed) could consequently affect orderly future redevelopment of adjoining sites.
  5. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
  6. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.





FOR DEVELOPMENT APPLICATION ONLY 1 SITE ANALYSIS PLAN  
Scale: 1:200

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Nominated architect: Matthew Stubbs NSW Registered Architect No.7212, AIA No.28118  
Fredric Kakish NSW Registered Architect No.8833 AIA No. 52004

Notes

→ DWELLING ENTRY

→ NEIGHBORING WINDOWS

→ FALL OF AREA

→ EXISTING SITE STRUCTURES TO BE DEMOLISHED

→ LOT BOUNDARIES

→ PROPOSED NEW DWELLING

→ EXISTING DWELLING TO BE DEMOLISHED

→ GROSS FLOOR AREA

→ VEHICULAR ENTRY

→ PUBLIC TRANSPORTATION STOP

→ NOISE SOURCE

→ TRAFFIC FLOW

→ SITE PHOTO KEY

→ SOLAR ANGLES

→ DISTRICT VIEWS

→ PREDOMINANT BREEZES

1

→ SITE PHOTO KEY

1

→ SITE PHOTO KEY



1 FRONT VIEW OF PROPERTY  
(42 VARNA ST)



2 REAR VIEW OF PROPERTY  
(42 VARNA ST)



3 SIDE VIEW OF PROPERTY  
(CARLTON ST)

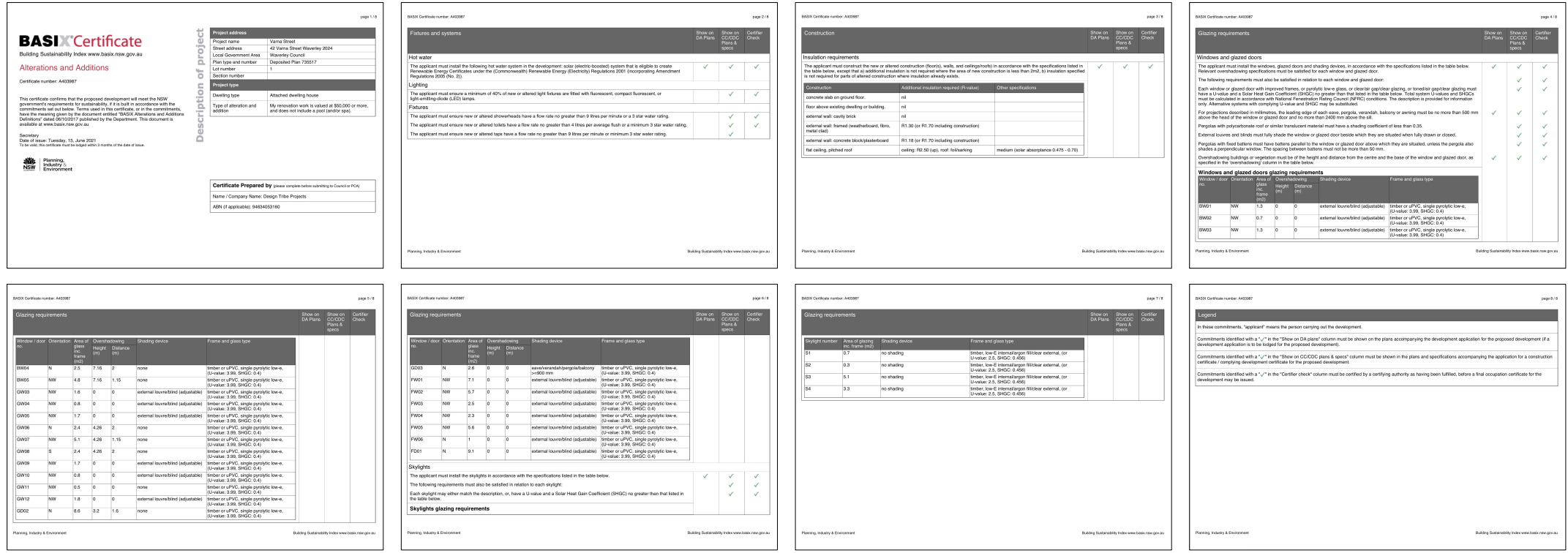


4 SIDE BOUNDARY EAST  
(42-44 VARNA ST)



2 EXISTING GROUND FLOOR PLAN  
Scale: 1:100

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Waverley Council  
Application No: DA-232/2021  
Date Received: 23/06/2021



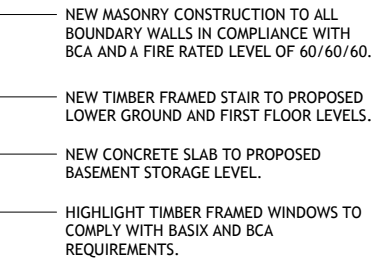
3 BASIX CERTIFICATE

COMPLIANCE TABLE				
CONTROL	REQUIREMENT	EXISTING	PROPOSED	COMPLIANCE
HEIGHT OF BUILDINGS	MAXIMUM 8.5M	MAXIMUM 7.785 M	MAXIMUM 7.785 M	YES
FRONT SETBACK	PREDOMINANT BUILDING LINE	3.01 M	GF= AS EXISTING FF= BEHIND EXISTING RIDGELINE	YES
REAR SETBACK	PREDOMINANT BUILDING LINE	10.624 M	GF= 7.1M FF= 9M	YES
SIDE SETBACK	0.9M UP TO 8.5M LANEWAY 0M UP TO 3.6M	0 M	GF= 0M FF= 0.9M	YES
LANDSCAPED AREA	MIN. 15% OF SITE AREA = 20.5 SQM	35.5 SQM	28.2 SQM	YES
OPEN SPACE	MIN. 40% OF SITE AREA = 65 SQM	40 SQM	45.5% SITE AREA= 74 SQM	YES
PRIVATE OPEN SPACE	MIN. OF 25SQM MIN. 5M X 5M WIDE	34.4 SQM	30 SQM	YES
PARKING FACILITIES	MAXIMUM 2 SPACES MIN 5.4M X 2.4M	SINGLE CARPORT	DOUBLE CARPORT	YES
FLOOR SPACE RATIO	0.93 : 1 150.5 SQM	GFA= 82.2 SQM FSR= 0.5 : 1	GFA= 147.6 SQM FSR= 0.9 : 1	YES

4 COMPLIANCE TABLE

No.	Date	REVISION	By	Stage	VARNA STREET RESIDENCE	Drawing No. DA1.00 1 OF 14
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Client					Project No.	Dwg Date: Plot Date:
BEN & HANNAH GALVIN					1820	1820
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




**Application No: DA-232/2021**

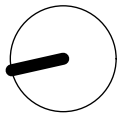
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**BASIX**Certificate

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Fredric Kakish NSW Registered Architect No. 8833 AIA No. 52004

 EXISTING WALLS TO BE RETAINED  
 PROPOSED WALLS  
 PROPOSED WORKS  
 WALLS TO BE DEMOLISHED  
 LOT BOUNDARY



No.	Date	REVISION

## VARNA STREET RESIDENCE

Drawing Title

PROPOSED BASEMENT FLOOR PLAN

Project No. 1820

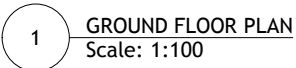
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2 OF 14

SSUE # A 1:50 ISO A

Dwg Date: Plot Date:










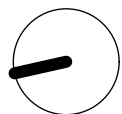
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EXTENDED TO ALLOW FOR A DOUBLE CAR  
CROSSOVER TO PROPOSED CARPORT.

**Date Received: 23/06/2021**

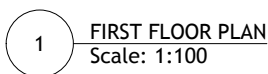
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Notes

	EXISTING WALLS TO BE RETAINED
	PROPOSED WALLS
	PROPOSED WORKS
	WALLS TO BE DEMOLISHED
	LOT BOUNDARY

Page 201 of 537





**Date Received: 23/06/2021**

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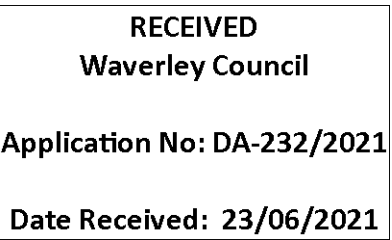
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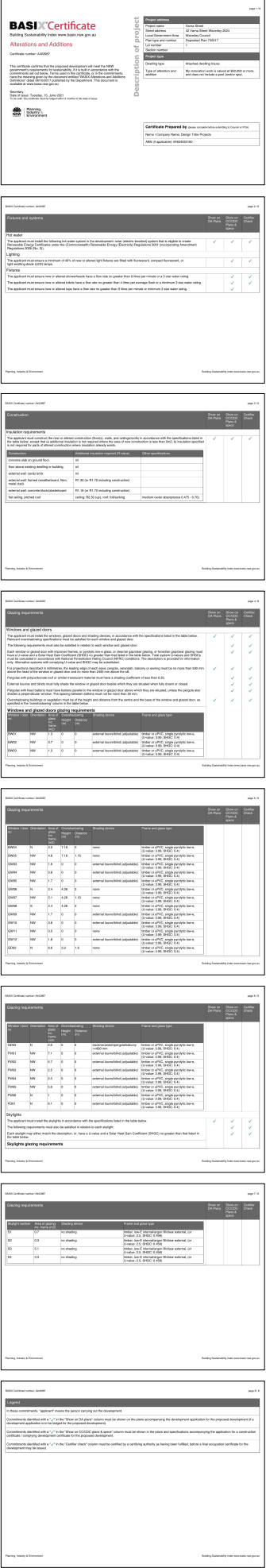
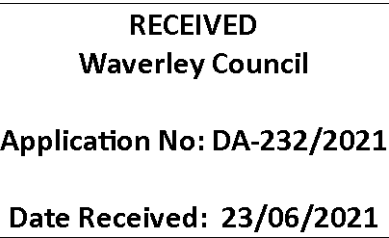
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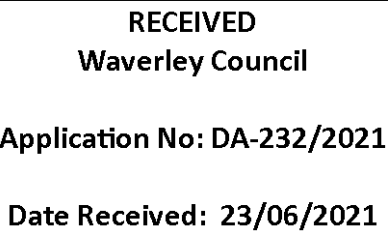
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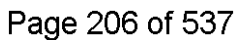
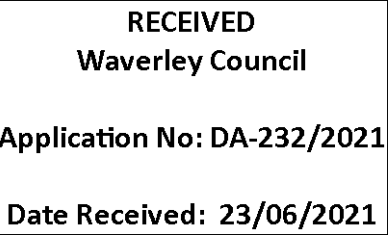
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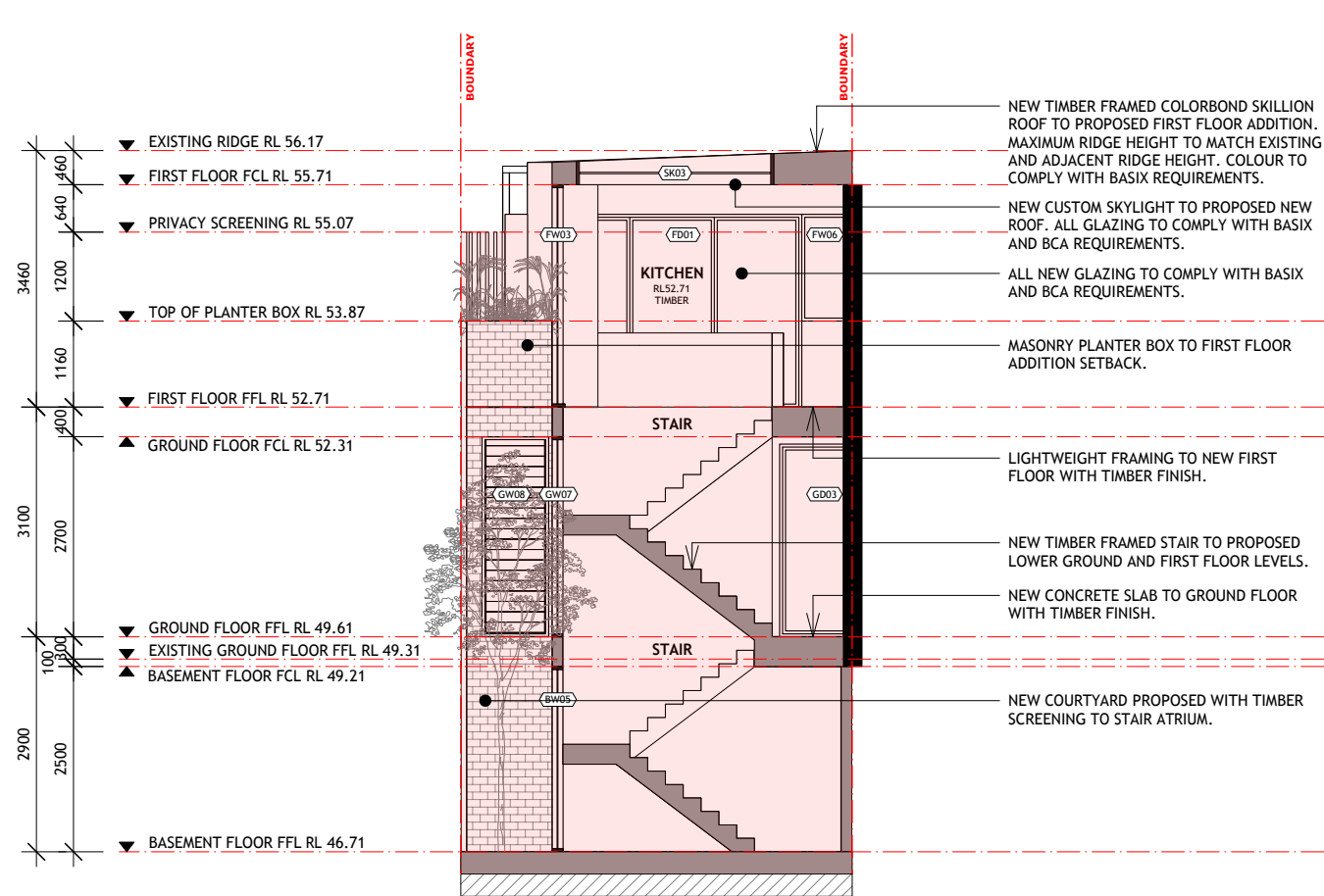


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<p>Client</p> <p><b>BEN &amp; HANNAH GALVIN</b></p>		<table border="1"> <thead> <tr> <th>Project No.</th> <th>Dwg Date:</th> <th>Plot Date:</th> </tr> </thead> <tbody> <tr> <td>1820</td> <td> </td> <td> </td> </tr> </tbody> </table>	Project No.	Dwg Date:	Plot Date:	1820																																
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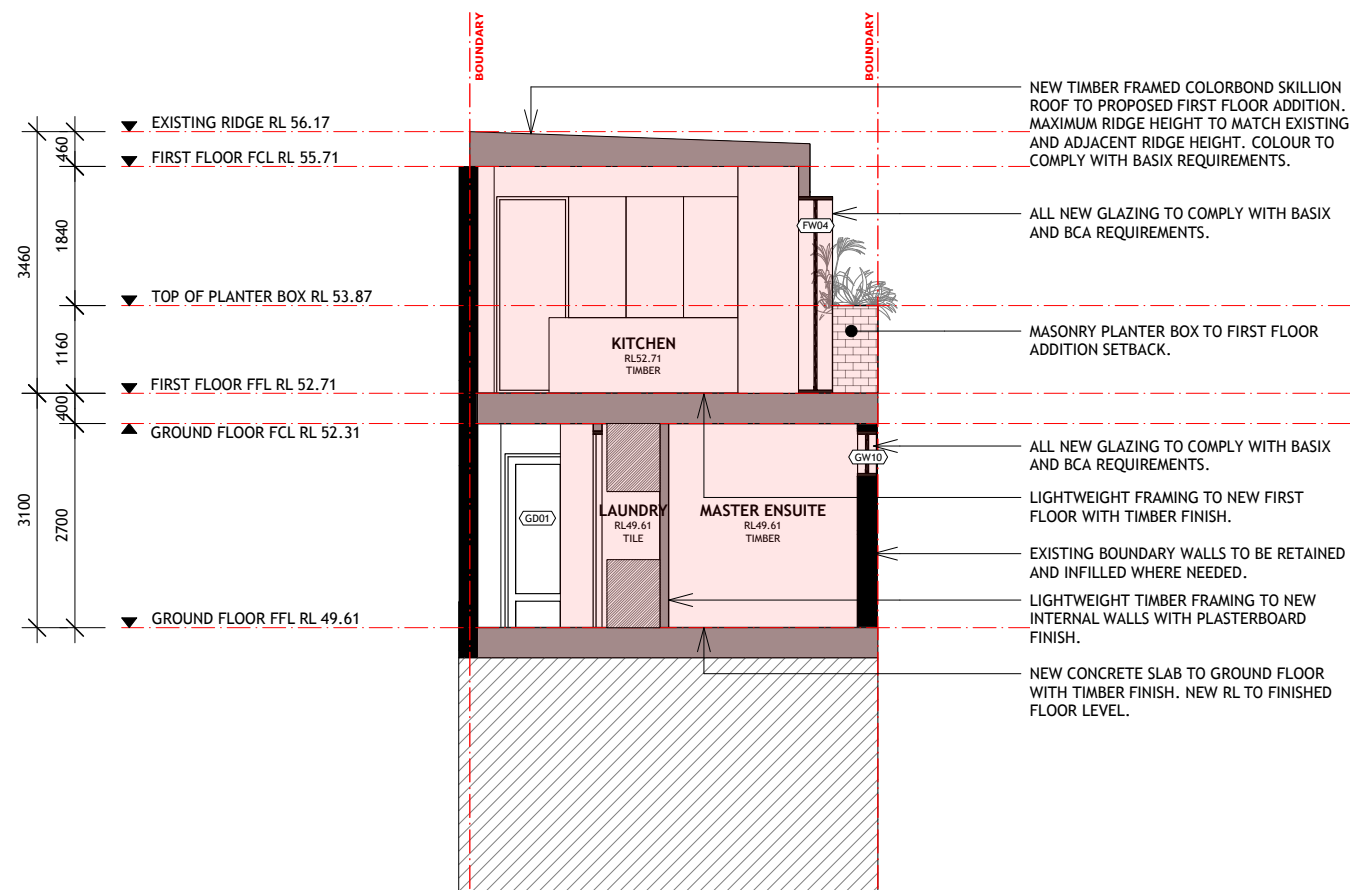




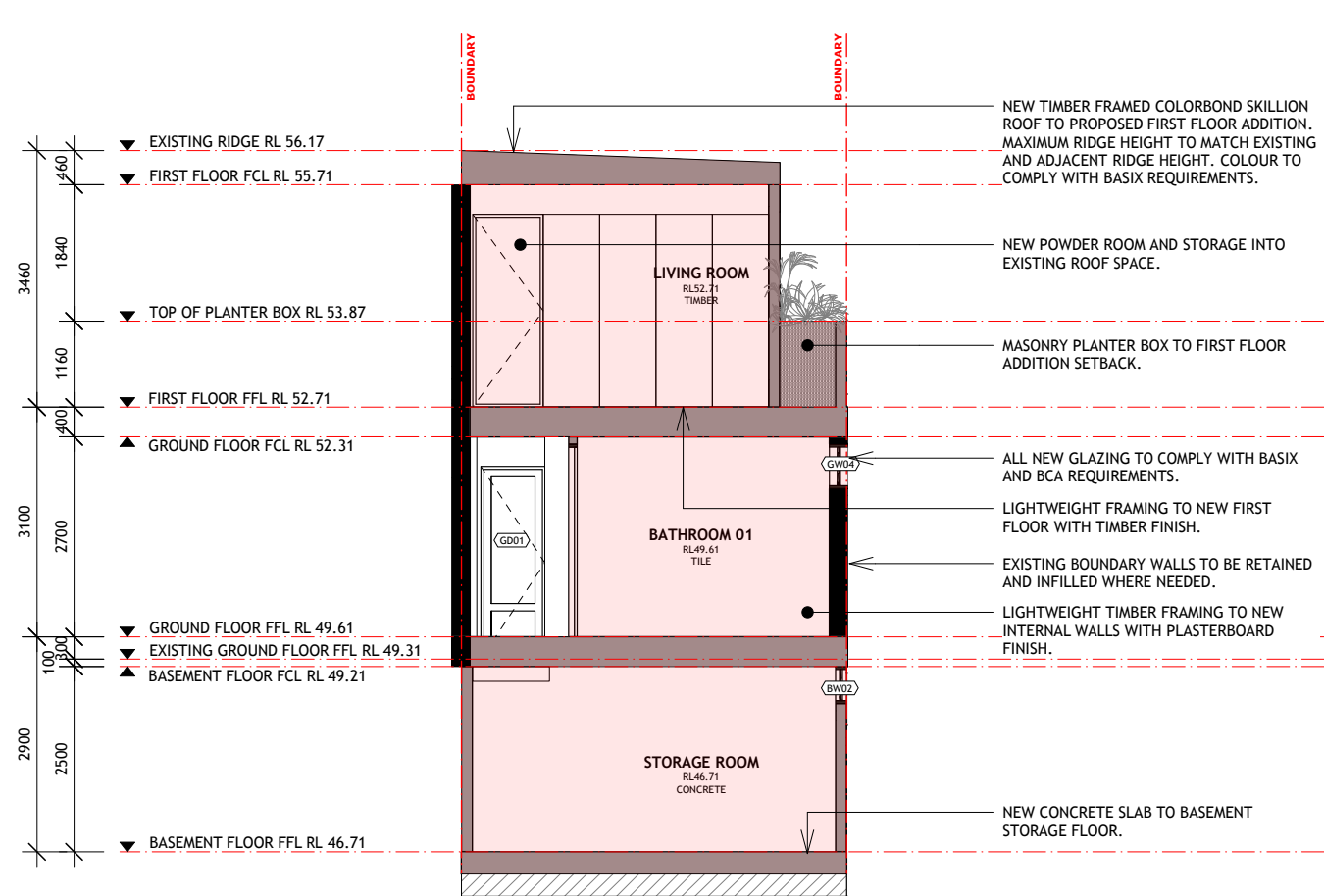




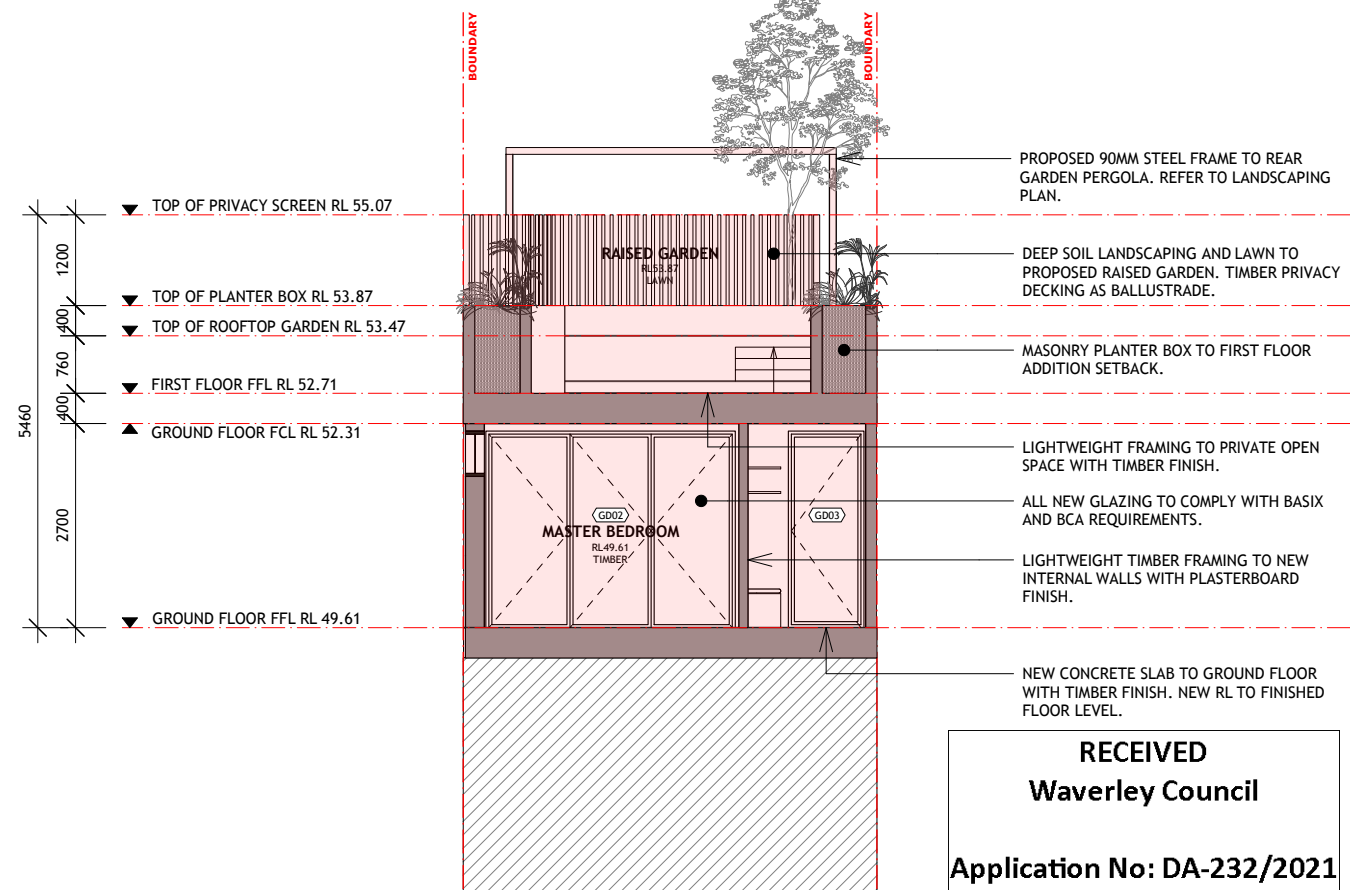
1 SHORT SECTION 01  
Scale: 1:100



3 SHORT SECTION 03  
Scale: 1:100



2 SHORT SECTION 02  
Scale: 1:100



4 SHORT SECTION 04  
Scale: 1:100

**RECEIVED**  
**Waverley Council**  
  
**Application No: DA-232/2021**  
  
**Date Received: 23/06/2021**

**BASIX Certificate**  
BASIX is a requirement for all new buildings and buildings undergoing renovation or alteration. It is designed to ensure that new buildings and buildings undergoing renovation or alteration are designed to be energy efficient and to reduce greenhouse gas emissions. The BASIX Certificate is a document that is issued to the owner of the building, and it is a condition of the building's approval that the building must comply with the BASIX requirements. The BASIX Certificate is a document that is issued to the owner of the building, and it is a condition of the building's approval that the building must comply with the BASIX requirements.

**Short Section 01**  
This section shows the proposed first floor addition and existing structure. The section shows a kitchen, stairs, and a planter box. Key levels include: Existing Ridge RL 56.17, First Floor FCL RL 55.71, Privacy Screening RL 55.07, Top of Planter Box RL 53.87, First Floor FFL RL 52.71, Ground Floor FCL RL 52.31, Ground Floor FFL RL 49.61, Existing Ground Floor FFL RL 49.31, Basement Floor FCL RL 49.21, and Basement Floor FFL RL 46.71. Annotations specify: New timber framed colorbond skillion roof to proposed first floor addition, maximum ridge height to match existing and adjacent ridge height. Colour to comply with BASIX requirements. New custom skylight to proposed new roof. All glazing to comply with BASIX and BCA requirements. All new glazing to comply with BASIX and BCA requirements. Masonry planter box to first floor addition setback. Lightweight framing to new first floor with timber finish. New timber framed stair to proposed lower ground and first floor levels. New concrete slab to ground floor with timber finish. New courtyard proposed with timber screening to stair atrium.

**Short Section 02**  
This section shows the proposed first floor addition and existing structure. The section shows a living room, bathroom, and storage room. Key levels include: Existing Ridge RL 56.17, First Floor FCL RL 55.71, Top of Planter Box RL 53.87, First Floor FFL RL 52.71, Ground Floor FCL RL 52.31, Ground Floor FFL RL 49.61, Existing Ground Floor FFL RL 49.31, Basement Floor FCL RL 49.21, and Basement Floor FFL RL 46.71. Annotations specify: New timber framed colorbond skillion roof to proposed first floor addition, maximum ridge height to match existing and adjacent ridge height. Colour to comply with BASIX requirements. New powder room and storage into existing roof space. Masonry planter box to first floor addition setback. All new glazing to comply with BASIX and BCA requirements. Lightweight framing to new first floor with timber finish. Existing boundary walls to be retained and infilled where needed. Lightweight timber framing to new internal walls with plasterboard finish. New concrete slab to basement storage floor.

**Short Section 03**  
This section shows the proposed first floor addition and existing structure. The section shows a kitchen, laundry, and master ensuite. Key levels include: Existing Ridge RL 56.17, First Floor FCL RL 55.71, Top of Planter Box RL 53.87, First Floor FFL RL 52.71, Ground Floor FCL RL 52.31, Ground Floor FFL RL 49.61. Annotations specify: New timber framed colorbond skillion roof to proposed first floor addition, maximum ridge height to match existing and adjacent ridge height. Colour to comply with BASIX requirements. All new glazing to comply with BASIX and BCA requirements. Masonry planter box to first floor addition setback. Lightweight framing to new first floor with timber finish. Existing boundary walls to be retained and infilled where needed. Lightweight timber framing to new internal walls with plasterboard finish. New concrete slab to ground floor with timber finish. New RL to finished floor level.

**Short Section 04**  
This section shows the proposed first floor addition and existing structure. The section shows a master bedroom, raised garden, and lawn. Key levels include: Top of Privacy Screen RL 55.07, Top of Planter Box RL 53.87, Top of Rooftop Garden RL 53.47, First Floor FFL RL 52.71, Ground Floor FCL RL 52.31, and Ground Floor FFL RL 49.61. Annotations specify: Proposed 90mm steel frame to rear garden pergola. Refer to landscaping plan. Deep soil landscaping and lawn to proposed raised garden. Timber privacy decking as ballustrade. Masonry planter box to first floor addition setback. Lightweight framing to private open space with timber finish. All new glazing to comply with BASIX and BCA requirements. Lightweight timber framing to new internal walls with plasterboard finish. New concrete slab to ground floor with timber finish. New RL to finished floor level.

**Short Section 01**  
This section shows the proposed first floor addition and existing structure. The section shows a kitchen, stairs, and a planter box. Key levels include: Existing Ridge RL 56.17, First Floor FCL RL 55.71, Privacy Screening RL 55.07, Top of Planter Box RL 53.87, First Floor FFL RL 52.71, Ground Floor FCL RL 52.31, Ground Floor FFL RL 49.61, Existing Ground Floor FFL RL 49.31, Basement Floor FCL RL 49.21, and Basement Floor FFL RL 46.71. Annotations specify: New timber framed colorbond skillion roof to proposed first floor addition, maximum ridge height to match existing and adjacent ridge height. Colour to comply with BASIX requirements. New custom skylight to proposed new roof. All glazing to comply with BASIX and BCA requirements. All new glazing to comply with BASIX and BCA requirements. Masonry planter box to first floor addition setback. Lightweight framing to new first floor with timber finish. New timber framed stair to proposed lower ground and first floor levels. New concrete slab to ground floor with timber finish. New courtyard proposed with timber screening to stair atrium.

**Short Section 02**  
This section shows the proposed first floor addition and existing structure. The section shows a living room, bathroom, and storage room. Key levels include: Existing Ridge RL 56.17, First Floor FCL RL 55.71, Top of Planter Box RL 53.87, First Floor FFL RL 52.71, Ground Floor FCL RL 52.31, Ground Floor FFL RL 49.61, Existing Ground Floor FFL RL 49.31, Basement Floor FCL RL 49.21, and Basement Floor FFL RL 46.71. Annotations specify: New timber framed colorbond skillion roof to proposed first floor addition, maximum ridge height to match existing and adjacent ridge height. Colour to comply with BASIX requirements. New powder room and storage into existing roof space. Masonry planter box to first floor addition setback. All new glazing to comply with BASIX and BCA requirements. Lightweight framing to new first floor with timber finish. Existing boundary walls to be retained and infilled where needed. Lightweight timber framing to new internal walls with plasterboard finish. New concrete slab to basement storage floor.

**Short Section 03**  
This section shows the proposed first floor addition and existing structure. The section shows a kitchen, laundry, and master ensuite. Key levels include: Existing Ridge RL 56.17, First Floor FCL RL 55.71, Top of Planter Box RL 53.87, First Floor FFL RL 52.71, Ground Floor FCL RL 52.31, Ground Floor FFL RL 49.61. Annotations specify: New timber framed colorbond skillion roof to proposed first floor addition, maximum ridge height to match existing and adjacent ridge height. Colour to comply with BASIX requirements. All new glazing to comply with BASIX and BCA requirements. Masonry planter box to first floor addition setback. Lightweight framing to new first floor with timber finish. Existing boundary walls to be retained and infilled where needed. Lightweight timber framing to new internal walls with plasterboard finish. New concrete slab to ground floor with timber finish. New RL to finished floor level.

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Northern Architects: Matthew Stubbins NSW Registered Architect No. 7212, AIA No 28118  
Frederic Kalish NSW Registered Architect No. 8833 AIA No. 52004

- Notes
- EXISTING WALLS TO BE RETAINED
  - PROPOSED WALLS
  - PROPOSED WORKS
  - WALLS TO BE DEMOLISHED
  - LOT BOUNDARY

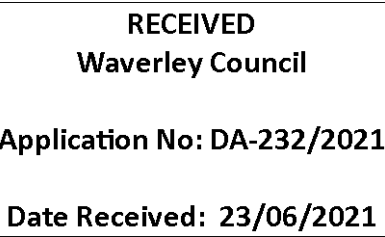
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				STAGE 2
No.	Date	ISSUE	By	
A	23/6/21	DA ISSUE	AT	

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Client	BEN & HANNAH GALVIN

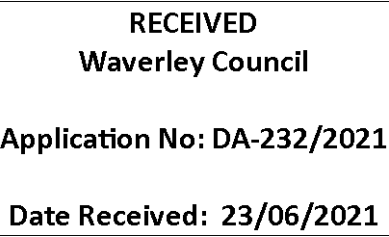
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Project No.	1820
CAD File Name	1820_210309_S2.rwx

Drawing No.	DA1.08
Rev #	9 OF 14
SCALE	1:50
PAGE	ISO A3
Issue #	A
Dwg Date:	
Plot Date:	
Checked By	MS
Drawn By	AT














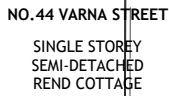
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Notes

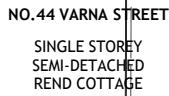
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	PROPOSED WALLS
	PROPOSED WORKS
	WALLS TO BE DEMOLISHED
	LOT BOUNDARY

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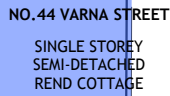




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Scale: 1:200



2) JUNE 21st 12PM  
Scale: 1:200



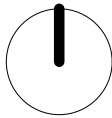
3) JUNE 21st 3PM  
Scale: 1:200

**Date Received: 23/06/2021**

<p>Open</p>	<p>Open 1</p>
<p>1. These constraints, applied<sup>1</sup> means the proven working in the development.</p> <p>Comments identified with a "<sup>1</sup>" in the "Open" column must be shown in the figure accompanying the development application for the proposed development if a development application is to be submitted for the proposed development.</p> <p>Comments identified with a "<sup>2</sup>" in the "Open" column must be shown in the figure and specifications accompanying the application for a variation to the development conditions submitted for the proposed development.</p> <p>Comments identified with a "<sup>3</sup>" in the "Open" column must be verified by a verified authority having been verified, unless a data incorporation certificate for the development is provided.</p>	

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Fredric Kakhis NSW Registered Architect No.8833 AIA No. 52004

EXISTING SHADOWS  
PROPOSED SHADOWS

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**WF01**  
EXISTING + NEW EXPOSED BRICK WITH  
LIMEWASH FINISH



**WF02**  
NEW LIGHTWEIGHT FRAMED EXTERNAL  
WALL WITH WHITE TEXTURED RENDER  
FINISH



**SC01**  
NEW OPEN SLAT TIMBER VERTICAL  
SCREENING



**W01**  
NEW TIMBER FRAMED WINDOWS WITH  
NATURAL FINISH



**RF01**  
EXISTING ROOF TILES  
REPLACE WHERE REQUIRED



**RF02**  
NEW ROOF  
LYSAGHT HYSpan KLIP-LOK

PROPOSED FINISHES

RECEIVED

Waverley Council

Application No: DA-232/2021

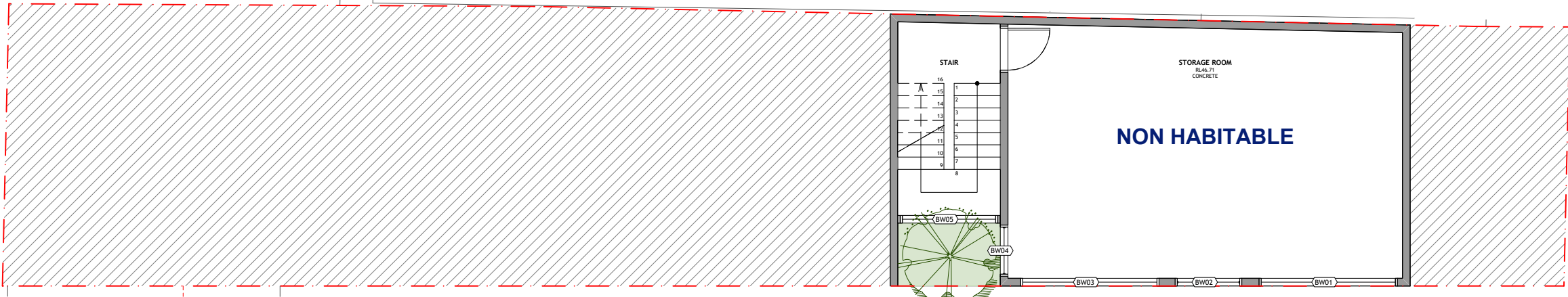
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									Address	42 VARNA STREET, WAVERLEY		Rev # ISSUE # A	SCALE 1:50	PAGE ISO A3
					No.	Date	ISSUE	By	Client	BEN & HANNAH GALVIN		Dwg Date:	Plot Date:	
					A	23/6/21	DA ISSUE	AT			Project No. 1820	Checked By MS		Drawn By AT
										CAD File Name 1820_210309_S2.vwx				

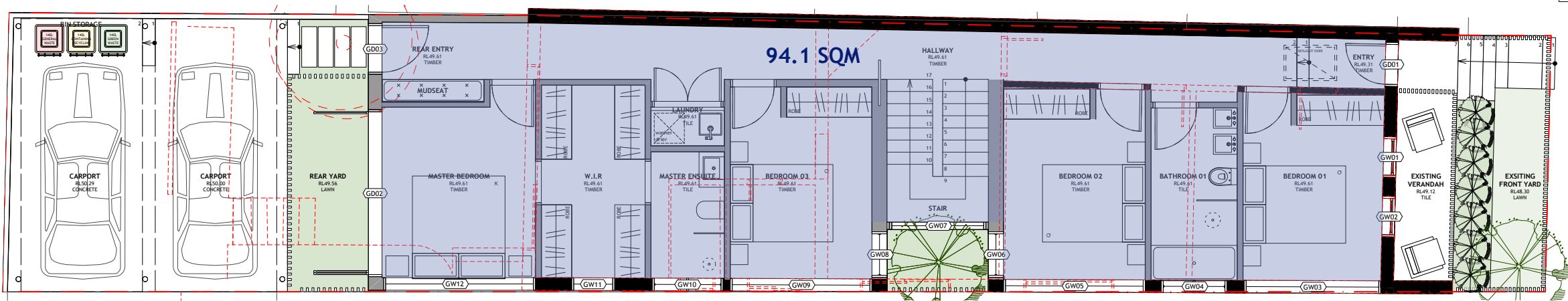
Page 211 of 537



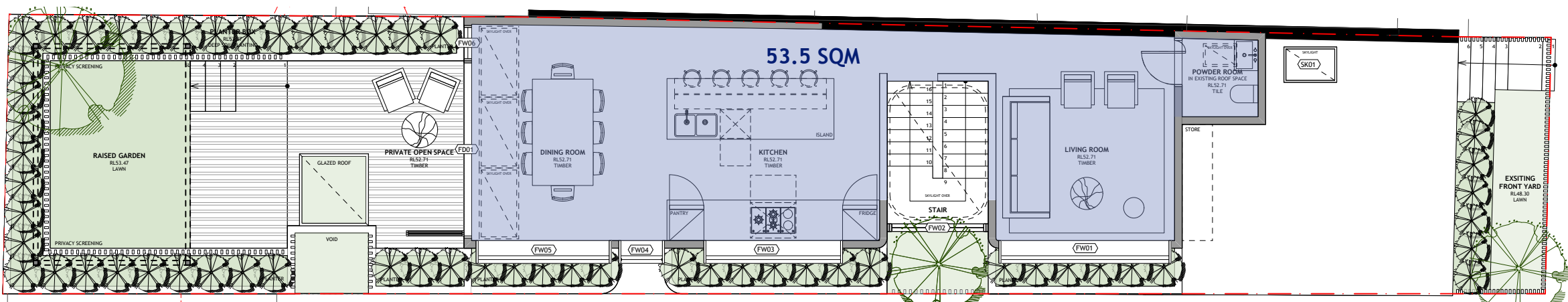


1 BASEMENT FLOOR PLAN  
Scale: 1:100

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Application No: DA-232/2021  
  
Date Received: 23/06/2021



2 GROUND FLOOR PLAN  
Scale: 1:100



3 FIRST FLOOR PLAN  
Scale: 1:100

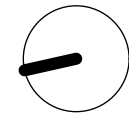
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Nominated Architect: Matthew Stubbs NSW Registered Architect No. 7212, AIA No 28118  
Frederic Kalish NSW Registered Architect No. 8833 AIA No. 52004

Notes  
GFA TOTAL = 147.6



No.	Date	REVISION	By	Stage STAGE 2	VARNA STREET RESIDENCE	Drawing No. DA1.13 14 OF 14			
				Address 42 VARNA STREET, WAVERLEY		Drawing Title PROPOSED GFA PLANS	Rev # ISSUE # A	SCALE 1:50	PAGE ISO A3
No.	Date	ISSUE	By	Client BEN & HANNAH GALVIN		Project No. 1820	Dwg Date:	Plot Date:	
A	23/6/21	DA ISSUE	AT		CAD File Name 1820_210309_S2.rwx	Checked By MS	Drawn By AT		





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-212/2021
<b>Site address</b>	9 Zarita Avenue, Waverley
<b>Proposal</b>	Construction of a detached single-storey secondary dwelling and new swimming pool.
<b>Date of lodgement</b>	8 June 2021
<b>Owner</b>	Ms K Ostensson
<b>Applicant</b>	Backspace Living
<b>Submissions</b>	12 objections
<b>Cost of works</b>	\$293,391
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Site suitability</li> <li>• Visual and acoustic privacy</li> <li>• Height of secondary dwelling</li> <li>• Security of neighbouring properties</li> </ul>
<b>Recommendation</b>	That the application be REFUSED for the reasons contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for construction of a detached single-storey secondary dwelling and new swimming pool at the site known as 9 Zarita Avenue, Waverley.

The principal issues arising from the assessment of the application are as follows:

- Site suitability;
- Visual and acoustic privacy;
- Height of secondary dwelling; and
- Security of neighbouring properties.

The assessment finds these issues unacceptable due to the unusual subdivision pattern of the site, the adverse impacts on surrounding residential properties and non-compliances with the Waverley DCP 2012.

A total number of 12 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for refusal.

### 1.2. Site and Surrounding Locality

A site visit was carried out on 25 June 2021.

The site is identified as Lot 2 in DP 561380, known as 9 Zarita Avenue, Waverley.

The site is irregular in shape with a corner frontage to Zarita Avenue, measuring approximately 24.21m. The site has an unusual subdivision pattern, as the rear yard (151.4m<sup>2</sup> in size, not including the handle) is detached from the dwelling by a 1.2m wide and 18.7m in length access handle along the southern boundary, which also adjoins the rear of the semi-detached dwelling at 7 Zarita Avenue. It has an area of 417.3m<sup>2</sup> and the site falls from the rear western boundary towards the eastern boundary by approximately 1.55m.

The site is occupied by a single storey semi-detached dwelling with no vehicular access to the site. There is a small shed located in the rear yard that faces west and landscaping including two mature trees on the western boundary.

The site is adjoined by its semi-detached dwelling pair to the west, 7 Zarita Avenue; a detached dwelling to the south at 29A Campbell Street; and a detached dwelling to the west of the rear yard area at No. 5 Zarita Avenue. The locality is characterised by a variety of low residential development.



**Figures 1 to 6** are photos of the site and its context.



**Figure 1:** View towards the subject site looking south west from Zarita Avenue.



**Figure 2:** 1.2m wide pedestrian access way along the southern boundary to the subject sites rear yard. The windows on the right are to No. 7 Zarita Avenue, which are bedroom and bathroom windows.





**Figure 3:** View towards to the north east, showing the subject site's existing shed in the rear yard and western facing windows of 7 Zarita Avenue.



**Figure 4:** View towards the south east, showing north facing windows from neighbouring properties at 29 & 29A Campbell Street.



**Figure 5:** View toward the west, showing existing vegetation and windows of 5 Zarita Avenue.



**Figure 6:** View towards the north west, showing the adjoining properties at 5 Zarita Avenue (two storey dwelling) and 7 Zarita Avenue (brick wall).

### 1.3. Relevant Development History

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

- DA-390/2014: Development application for the alterations and additional storey to semi-detached dwelling, ancillary building in the rear of the site and a swimming pool, was approved by the WDAP on 17 December 2014. This approval was never constructed.
- DA-575/2017: Development application for the boundary realignment of three lots (5, 7 and 9 Zarita Avenue) including dividing the rear yard of 9 Zarita Ave between 5 and 7 Zarita Avenue; however, was withdrawn on 22 January 2018.

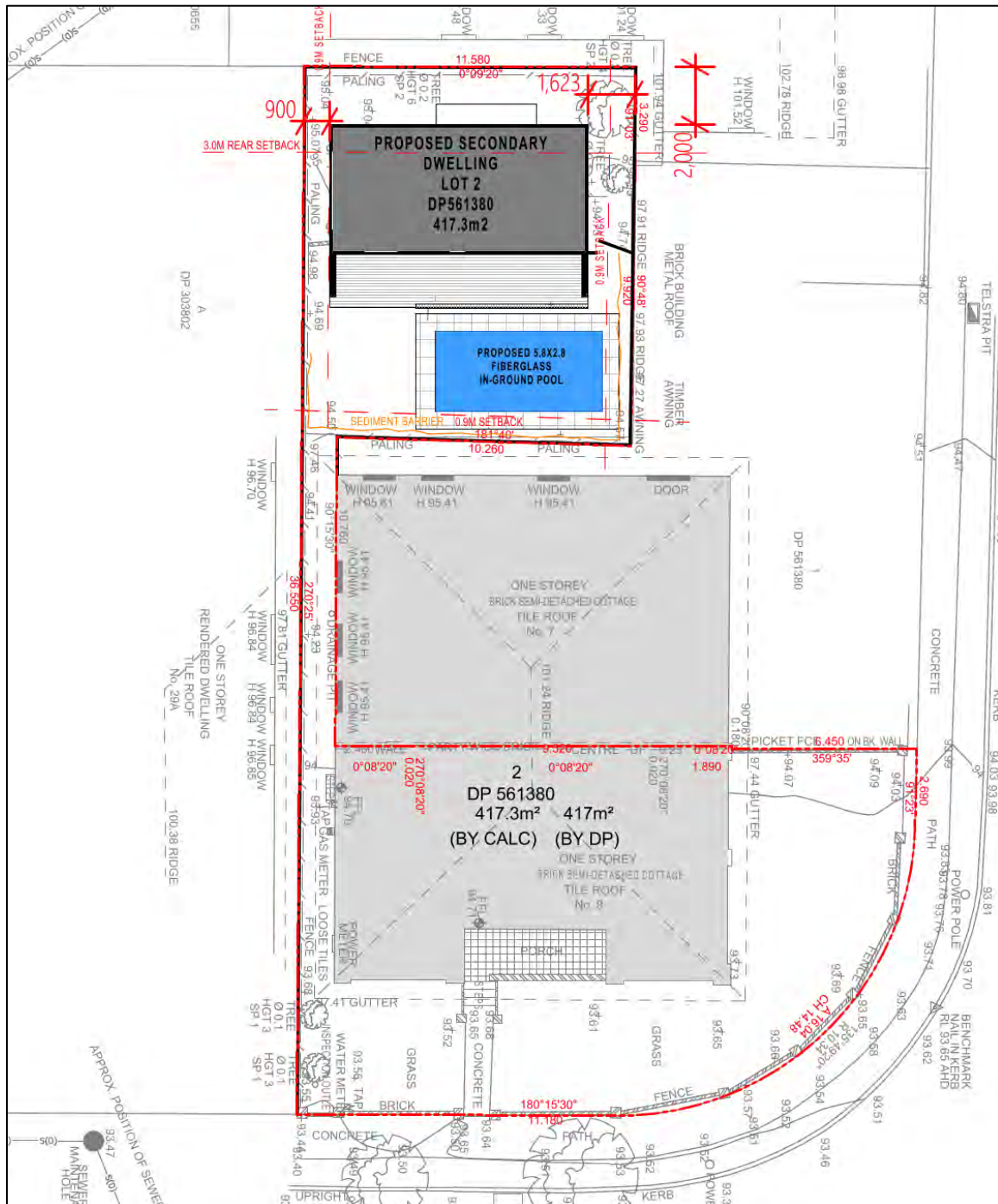
### 1.4. Proposal

The development application, as amended, seeks consent for the construction of a secondary dwelling and swimming pool within the western portion of the site, specifically the following:



- Kitchen, laundry, dining room, lounge room, bedroom with built-in-robe, bathroom and timber deck extending to east.

- In-ground swimming pool, coping and timber deck; and
- Removal of one 6m tall tree and proposed landscaping.



**Figure 7:** Proposed site plan of the secondary dwelling and pool in the rear yard.



## 1.5. Background

The development application was lodged on 8 June 2021 and deferred on 6 July 2021 for the following reasons:

- Calculated Gross Floor Area (GFA): Insufficient detail on the plans showing the existing GFA on site.
- Height of building: The proposed secondary dwelling proposes a building height of 3.8m, which is over the maximum permitted height by 0.8m.
- Visual and acoustic privacy: Access to the secondary dwelling along the southern access handle results in adverse privacy and noise impacts to the surrounding neighbours. Consider rotating the development.
- Hardstand car space and driveway: The proposed hardstand and driveway is not mentioned in the application, other than shown in the site plan. This is not supported and is to be deleted from the plans.
- Missing information: Stormwater Plan and Landscape Plan.
- Landscaping: The paving and decking surrounding the pool is considered excessive in area and is to be reduced.

Amended and additional information was submitted on the 19 July 2021 showing the calculated GFA, reducing the height of the secondary dwelling, adding privacy and vegetation screening, deleting the hardstand. The application has been assessed against this set of Architectural Plans.

## 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. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Affordable Rental Housing) 2009.

A detailed discussion is provided for relevant SEPP as follows:



*SEPP (Affordable Rental Housing) 2009:*

The proposal involves the construction of a detached secondary dwelling and pool. The provisions of *SEPP (Affordable Rental Housing) 2009* apply to the proposal.

Division 2 of SEPP relates to secondary dwellings with Clause 22 (3) outlining that the consent authority must not consent to development to which this Division applies unless:

*(3) A consent authority must not consent to development to which this Division applies unless—*

- a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*
- b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.*

It is noted that Waverley Local Environmental Plan 2012 (Waverley LEP 2012) stipulates that the total floor area of a secondary dwelling must not exceed whichever of the following is the greater:

- (a) 60 square metres,*
- (b) 30% of the total floor area of the principle dwelling.*

Clause 4.4 of Waverley LEP 2012 allows a maximum FSR of 0.646 be achieved on the site. The proposed secondary dwelling has a gross floor area (GFA) of 38m<sup>2</sup> that is compliant. Therefore, the total GFA on the site would be 130.71m<sup>2</sup>, that equates to a floor space ratio of 0.313:1, which is compliant with Clause 4.4 of Waverley LEP 2012 and SEPP (ARH) 2009.

## 2.1.2. 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Partial	The proposal is not inconsistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a secondary dwelling, which is permitted with consent in the R2 zone.



Provision	Compliance	Comment
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	Yes	The secondary dwelling proposes a maximum height of 3.38m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.646:1 (269.6m<sup>2</sup>)</li> </ul>	Yes	The existing dwelling and secondary dwelling results in a compliant FSR of 0.313:1 (130.71m <sup>2</sup> ).
<b>Part 5 Miscellaneous provisions</b>		
5.4 Controls relating to miscellaneous permissible uses - (9) Secondary Dwellings must not exceed whichever is greater: (a) 60m <sup>2</sup> (b) 30% of the total floor area of the principal dwelling	Yes	The secondary dwelling proposes a floor area of 38m <sup>2</sup> and no parking is proposed.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	Excavation is required to accommodate the proposed development, including the swimming pool, with an approximate volume of 25.6m <sup>3</sup> .

### 2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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	No	<p>A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction. Should approval be granted, a condition of consent would be imposed regarding ongoing waste on site.</p> <p>The waste and recycling storage area is located in an area convenient for users of the site but will impact on the amenity of No. 7, as the future occupants will have to take the rubbish out weekly past the master bedroom windows.</p>



Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Yes	The proposal incorporates passive design and contains a rainwater tank.
3. Landscaping and Biodiversity	Yes	Acceptable
5. Vegetation Preservation	Yes	The development proposes the removal of one 6m tree along the western boundary. Council's Tree Management Officer raised no objection to its removal as it is not a significant tree and if approved a replacement tree would be conditioned.
6. Stormwater	Yes	The stormwater plans were referred to Council's Stormwater Engineer; from a stormwater drainage perspective there are no objections to approval of this application subject to standard recommended conditions.
10. Safety	No	The proposed secondary dwelling may impact on the security of No.7. Occupants of the secondary dwelling are required to access the site via the 1.2m wide, 18m long access handle, which passes by the bedroom windows of No. 7 and may result in security impacts to this dwelling. This is of particular concern if the secondary dwelling is used for short term rentals.
12. Design Excellence	No	The development does not achieve design excellence and is not suitable for the site, as it does not appropriately consider the context of the unusual subdivision pattern of the site and the relationship of the development to other dwellings on neighbouring sites.
14. Excavation	Yes	The proposal includes excavation for the swimming pool, which does not add to the scale of the building. The pool is setback an appropriate distance from boundaries. In event of an approval, standard conditions relating to excavation would be imposed.

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
	No	The proposal contravenes the general objectives of this part of the DCP. The bulk and use of the secondary dwelling and swimming pool are not appropriate for the lot size and subdivision pattern of the land.







Development Control	Compliance	Comment
open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design		
2.6 Solar access		
<ul style="list-style-type: none"><li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li><li>Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li><li>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li></ul>	No  No  No	<p>The submitted shadow diagrams do not correctly show the existing shadows from the adjoining dwellings at 5 and 7 Zarita Avenue, nor do they show the shadow from the proposed 2.1m boundary fences. Without this information, it cannot be determined if the site will maintain three hours of solar access to the secondary dwelling.</p> <p>The shadow diagrams are incorrect and solar access to adjoining yards is unable to be determined.</p> <p>The 3.3m tall non-compliant secondary dwelling will inevitably result in the loss of some solar access to existing private open space to 29A Campbell Street.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"><li>Overall open space: 40% of site area</li><li>Overall landscaped area: 15% of site area</li><li>Minimum area of 25m<sup>2</sup> for private open space</li></ul>	Yes  Yes  No	<p>65.8% (275.53m<sup>2</sup>) of site area is open space.</p> <p>46.46% (194.01m<sup>2</sup>) of the site is landscaped area. The landscaped area surrounding the pool varies from a width 0.3m-0.5m, which is not considered enough space to plant vegetation screening.</p> <p>The secondary dwelling will be provided with sufficient private open space; however, the main dwelling loses this private open space and relies on the open space within the front setback which is not supported.</p>
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"><li>Located in the rear of property</li><li>Pool decks on side boundaries must consider visual privacy</li></ul>	Yes  No	<p>The swimming pool is positioned in the rear yard.</p> <p>The pool and raised decking is positioned 2.1m from three existing bedroom windows on 7 Zarita Avenue with a boundary fence between but significantly impacts the visual privacy on this neighbour.</p>
2.12 Battle axe blocks		
<ul style="list-style-type: none"><li>Maximum of one storey in height</li></ul>	Yes	The secondary dwelling is one storey in height.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Alignment to take reference from dwellings on adjacent sites</li> </ul>	No	The development is not of a size and scale that minimises adverse impacts on the amenity of adjoining residential properties.
<b>2.16 Secondary dwellings and ancillary buildings</b>		
2.16.1 - Secondary dwellings <ul style="list-style-type: none"> <li>Comply with clause 5.4(9) of Waverley LEP 2012.</li> <li>Read as a secondary structure</li> <li>Provide storage for waste in addition to the primary dwelling</li> <li>If not to a laneway be max 3m in height</li> <li>Side setbacks are to be determined on a site by site basis, with consideration given to the context and amenity of neighbouring properties.</li> </ul>	Yes  Yes  Yes  No	The secondary dwelling and existing dwelling comply with the maximum FSR for the site.  The secondary dwelling reads as a secondary structure, but is not associated with the principal dwelling, by being located 18m down an accessway.  An additional waste area is provided to the south of the secondary dwelling, but must be dragged past the habitable windows of No. 7 and will create adverse amenity issues.  The secondary dwelling has a maximum height of 3.3m and is not supported.  The secondary dwelling significantly impacts upon the privacy and amenity of neighbouring properties. The unusual shape of the lot is not suitable for the proposed use which could be used for short term rental accommodation and result in anti-social behaviour from guests. The site is surrounded by four neighbouring properties that will be adversely impacted.  As the site is only accessed via a 1.2m wide, 18m long access path, construction of the proposal will be difficult and will adversely impact on No. 7.

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

### *Privacy*

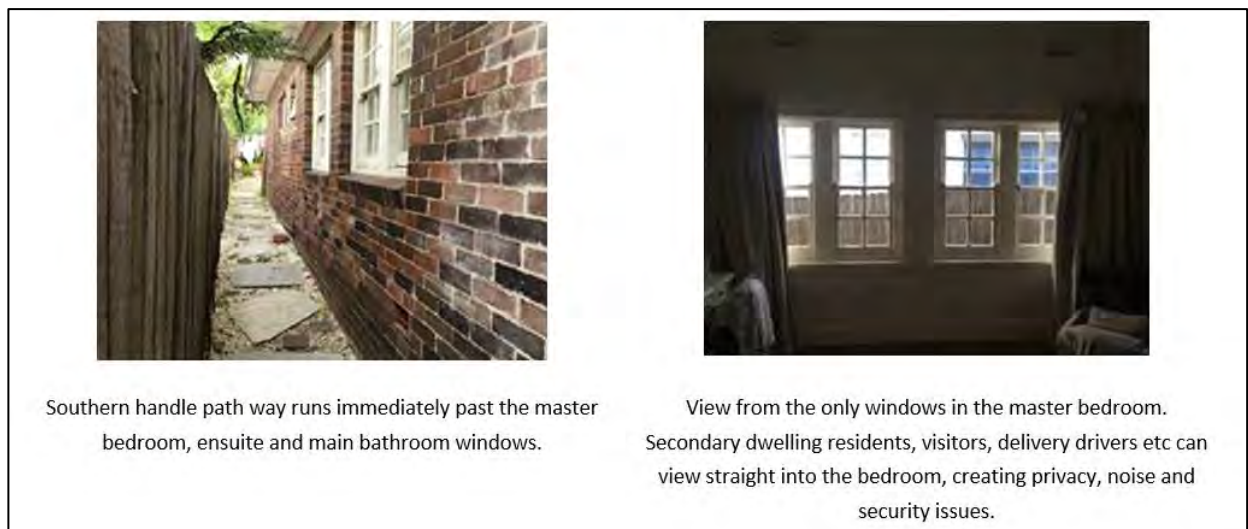
The alfresco area directly faces the existing four windows on the western elevation of 7 Zarita Avenue (**Figure 3**). The proposal incorporates vegetation screening and 0.3m privacy screens to top the existing boundary fences, however as previously stated, this is not appropriate and worsens the impacts on the surrounding neighbours. Vegetation screening cannot be relied on as discussed in Privacy Planning Principle in *Super Studio v Waverley Council* [2004] NSWLEC 91 at 5-7. The proposed width of the area for planting next to the pool is 0.2m, which is insufficient to establish mature vegetation to screen the pool.

The side pedestrian access way to the secondary dwelling at the rear of the site passes two windows off the master bedroom from 7 Zarita Avenue (**Figure 8**). The proposed secondary dwelling use will increase the foot traffic past these windows and significantly impact their amenity, including visual and acoustic, and security to this bedroom. The proposal has failed to consider the suitability of the land for a



secondary dwelling, given the irregular access to the rear yard and the relationship of the development to other neighbouring dwellings.

The pool decking is raised 0.3m above ground level and is positioned 2.1m from three existing west facing bedroom windows of 7 Zarita Avenue, significantly impacting the visual and acoustic privacy of this neighbour. The pool does not provide an appropriate distance from these existing windows.



**Figure 8:** Existing 1.2m wide access handle and habitable windows off 7 Zarita Street facing the access path.

## 2.2. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality, and is recommended for refusal.

## 2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

## 2.4. Any Submissions

The application was notified for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- Height reduction to 3.3m;
- Reduction to the alfresco and pool decking area; and
- Additional privacy measures including vegetation screening and screening to top the existing fencing.



A total of 12 unique submissions were received from the following properties listed in **Table 4**:

**Table 4: Number of and where submissions were received from.**

Count	Property Address
1.	3 Zarita Avenue, Waverley
2.	5 Zarita Avenue, Waverley x 2
3.	6 Zarita Avenue, Waverley
4.	7 Zarita Avenue, Waverley
5.	8 Zarita Avenue, Waverley
6.	10 Zarita Avenue, Waverley
7.	12 Zarita Avenue, Waverley x 2
8.	14 Zarita Avenue, Waverley
9.	18 Zarita Avenue, Waverley
10.	29a Campbell Street, Waverley

The following issues raised in the submissions have already been discussed and addressed in the body of this report:

- Application lacking details;
- Site suitability and overdevelopment;
- Hardstand and driveway;
- SEPP (Affordable Housing); and
- Height of secondary dwelling.

All other issues raised in the submissions are summarised and discussed below.

***Issue: The noise, loss of privacy, overshadowing, amenity and enjoyment for the immediate and surrounding neighbours would be intolerable.***

**Response:** This is a valid issue, and the application is recommended for refusal.

***Issue: This application does not provide adequate detail in respect of the scope of works and will have a negative impact on the living standards of those in the surrounding area and presumably on the value of our properties.***

**Response:** This is something that Council cannot take into consideration. However, the relevant controls and objectives aim in limiting environmental impacts to surrounding properties.

***Issue: Access to the site is through a 1m wide side accessway passing by both neighbouring windows raising concerns over privacy, noise and construction will be disruptive.***

**Response:** This is a valid issue, and the application is recommended for refusal.

***Issue: The introduction of a 1.8m paling fence + 300mm screening creates a 2.1m barrier surrounding the site which I believe creates yet more non-compliances with fence height, loss of views and solar access to the western facing rooms of 7 Zarita Ave.***



**Response:** This is a valid issue, and the application is recommended for refusal.

## 2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest, and is recommended for refusal.

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Stormwater

No objections were raised against the proposal

### 3.2. Tree Management

No objections were raised against the proposal.

## 4. CONCLUSION

The development application seeks consent for construction of a detached single-storey secondary dwelling and new swimming pool at the site known as 9 Zarita Avenue, Waverley.

The principal issues arising from the assessment of the application are as follows:

- Site suitability;
- Visual and acoustic privacy;
- Height of secondary dwelling; and
- Security of neighbouring properties.

The assessment finds these issues unacceptable due to the unusual subdivision pattern of the site, the adverse impacts on surrounding residential properties and non-compliances with the Waverley DCP 2012.

A total number of 12 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for refusal.

### *Development and Building Unit (DBU) Decision:*

The application was reviewed by the DBU at the meeting on 27 July 2021 and the DBU determined:

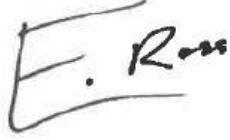

- (a) The application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: *M Reid, A Rossi, B McNamara and B Magistrale*



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:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Edwina Ross	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 6/08/2021	Date: 16/08/2021

*Reason for WLPP referral:*

1. Contentious development (10 or more objections)



## 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:

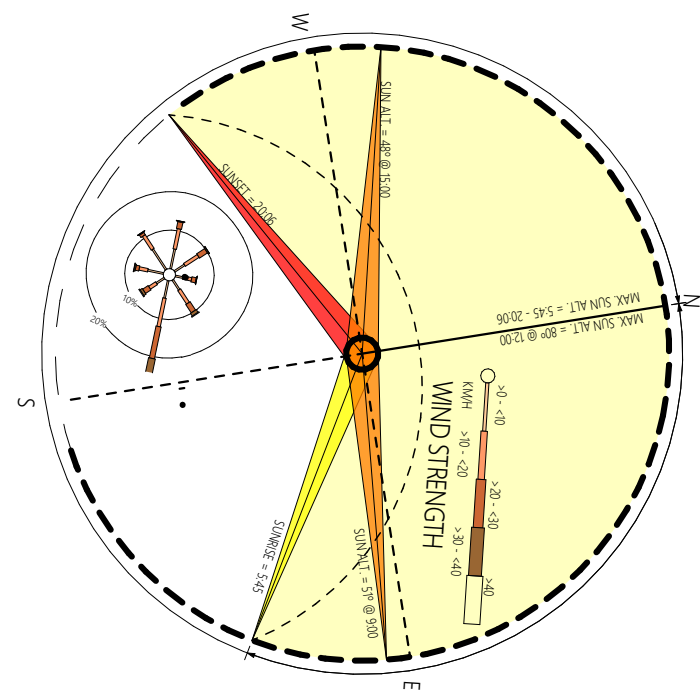
1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposed development is contrary to Waverley Development Control Plan 2012 (Amendment 9), in respect to the following provisions:
  - a) Part B1 – *Waste*, contrary to section 1.2, objective (h), the proposed waste area for the secondary dwelling and its route for collection will adversely impact on the amenity of No.7 Zarita Avenue.
  - b) Part B10 – *Safety*, the proposal is contrary to section 10.1 *Built Form*, as the secondary dwellings access is via a 1.2m wide, 18m in length access way, which passes directly next to habitable room windows of No. 7 Zarita Avenue.
  - c) Part B12 – *Design Excellence* -Section 12.1 *Design*, specifically objectives (a) and (d) and control (e) and section 12.2 *Context Analysis*, specifically objectives (a) to (d), as the proposal has failed to consider the suitability of the land for development given the irregular subdivision pattern; the relationship of the development to other existing residential dwellings on neighbouring sites in terms of access, height, amenity and urban form; the overall bulk and massing of the development; and environmental impacts such as overshadowing and solar access.
  - d) Part C2 – *Low Density Residential*,
    - i. Section 2, *General Objectives* (a), (b), (d) and (e), as the development will detract from the amenity of neighbouring properties and is not appropriate within the site context.
    - ii. Section 2.3, *Streetscape and Visual Impact* specifically objectives (a) and (b), as the secondary dwelling and pool does not enhance the built form and does not provide quality design that corresponds harmoniously with the surroundings.
    - iii. Section 2.4, *Fences* specifically objective (b) and (e), as the 2.1m tall boundary fence creates adverse visual impacts to adjoining properties.
    - iv. Section 2.5, *Visual and Acoustic Privacy* specifically objective (a) and (c), as the secondary dwelling and pool will result in unreasonable visual and acoustic privacy impacts to adjoining properties and does not maintain an appropriate aesthetic quality of development.
    - v. Section 2.6, *Solar Access* specifically objectives (a) and (d), as the shadow diagrams do not show the full impact of the development and the potential impacts from the secondary dwelling have not been appropriately considered.
    - vi. Section 2.10, *Swimming pools* specifically objectives (a), (b) and (c), as the pool will impact on the amenity of adjoining properties.



- vii. Section 2.16, *Secondary dwellings and ancillary buildings* specifically objectives (a), (b) and (d), as the secondary dwelling is over the 3m height limit and fails to minimise the adverse amenity impacts on adjoining properties.
- 3. 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) Shadow diagrams are incorrectly drawn.
- 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 results in unreasonable privacy impacts to surrounding properties.
- 5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal is not suitable for the site due to adverse amenity impacts on surrounding properties.
- 6. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
- 7. The proposal is not considered to be in the public interest for the reasons outlined above and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.



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SITE ANALYSIS PLAN

1:1200

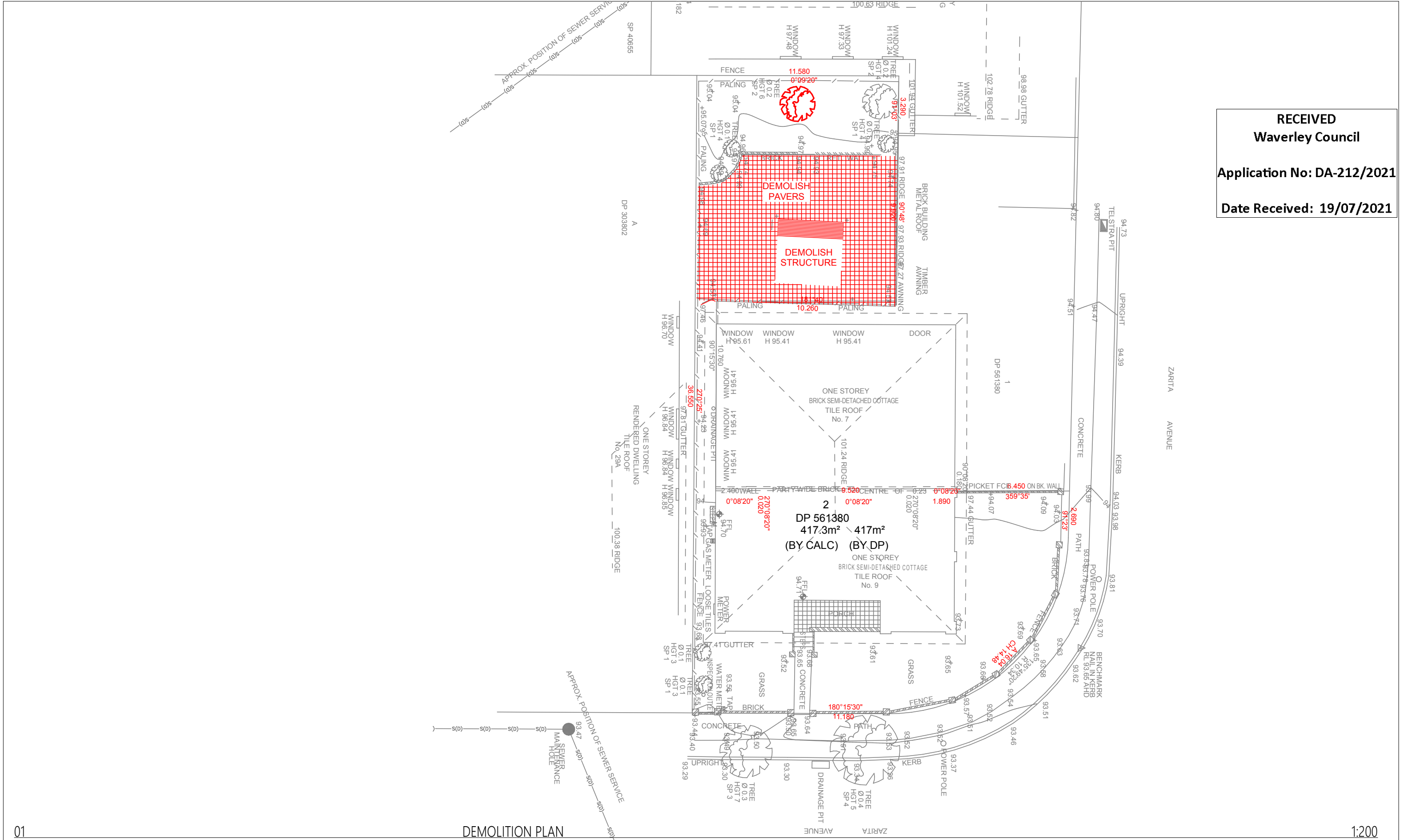
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A	13/07/2021	ISSUED FOR DEVELOPMENT APPLICATION	B.GIBB	<p>WORK TO DIMENSION MARKERS IN PREFERENCE TO SCALE. THESE PLANS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS AND SPECIALIST PLANS/REPORTS.</p> <p>ALL CONSTRUCTION TO BE TO CURRENT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REGULATIONS. RETAINING WALLS WHERE AUSTRALIA REGULATIONS. RETAINING WALLS WHERE DEPICTED, TO ENGINEER'S SPECIFICATION AND/OR MANUFACTURERS SPECIFICATIONS AND TO INCLUDE SUB - SOIL DRAINAGE BEHIND WALL.</p> <p>ALL DIMENSIONS AND REDUCED LEVELS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS.</p> <p>THIS DRAWING IS THE COPYRIGHT OF BACKSPACE LIVING AND MUST NOT BE ALTERED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF BACKSPACE LIVING.</p>	<p>ADDRESS: 1A / 135 BULLS GARDEN ROAD, GATESHEAD, NSW, 2290</p> <p>EMAIL: admin@backspaceliving.com</p> <p>PHONE: 1300 561 169</p> <p>WEBSITE: www.backspaceliving.com</p>		<p>CLIENT: K. OSTENSSON</p> <p>ADDRESS: 9 ZARITA AVE, WAVERLEY NSW 2024</p> <p>DRAWN BY: BEN GIBB</p> <p>DATE: 13/07/2021</p> <p>STATUS: DEVELOPMENT APPLICATION</p> <p>DESIGN: SECONDARY DWELLING</p>	



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Figure 4.1

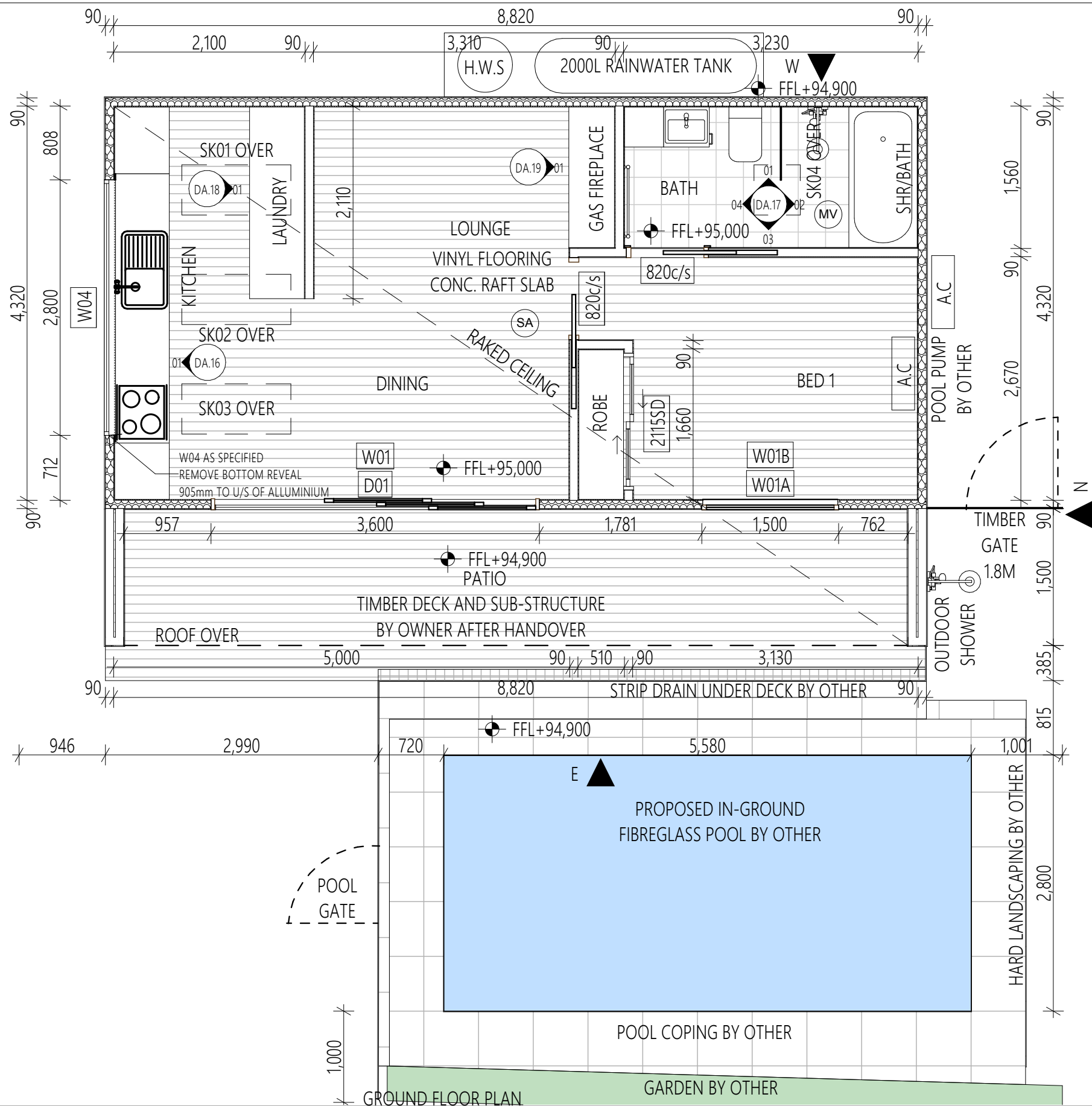


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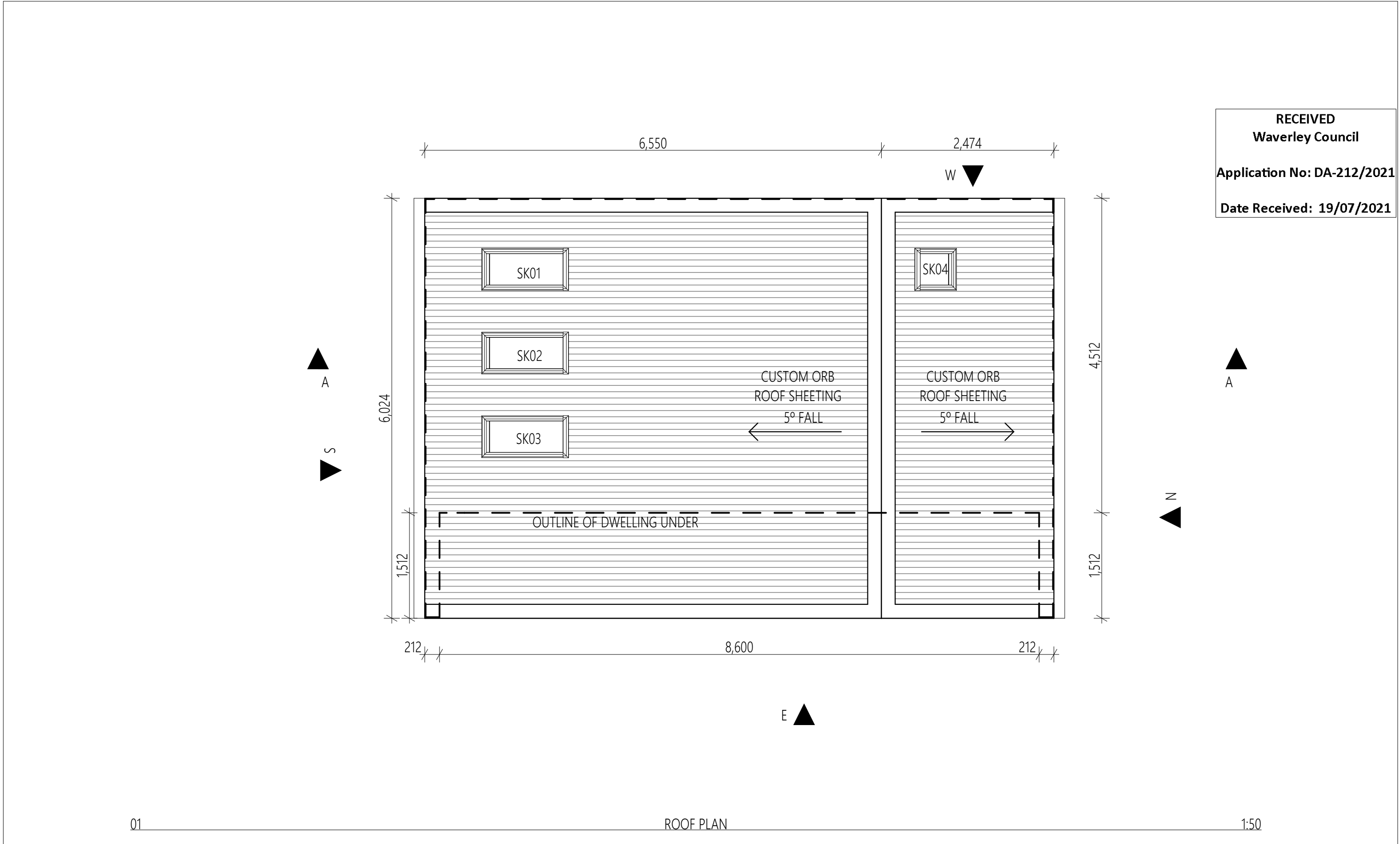


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REV.	DATE	COMMENTS	DRWN	NOTES	BACKSPACE LIVING	ORIENTATION	GROUND FLOOR PLAN	SCALE: 1:50 @A3
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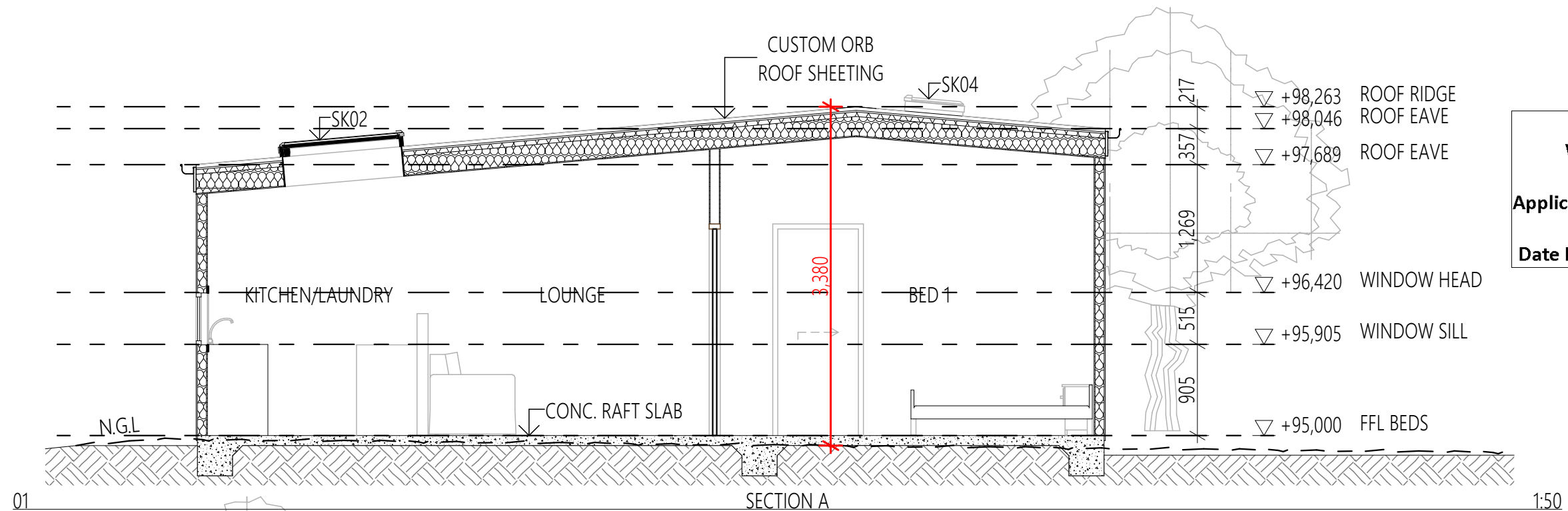
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REV.	DATE	COMMENTS	DRWN	NOTES	BACKSPACE LIVING	ORIENTATION	ROOF PLAN	
A	13/07/2021	ISSUED FOR DEVELOPMENT APPLICATION	B.GIBB	WORK TO DIMENSION MARKERS IN PREFERENCE TO SCALE. THESE PLANS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS AND SPECIALIST PLANS/REPORTS. ALL CONSTRUCTION TO BE TO CURRENT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REGULATIONS. RETAINING WALLS WHERE AUSTRALIA REGULATIONS. RETAINING WALLS WHERE DEPICTED, TO ENGINEER'S SPECIFICATION AND/OR MANUFACTURERS SPECIFICATIONS AND TO INCLUDE SUB - SOIL DRAINAGE BEHIND WALL. ALL DIMENSIONS AND REDUCED LEVELS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS. THIS DRAWING IS THE COPYRIGHT OF BACKSPACE LIVING AND MUST NOT BE ALTERED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF BACKSPACE LIVING.	<div>ADDRESS: 1A / 135 BULLS GARDEN ROAD, GATESHEAD, NSW, 2290</div> <div>EMAIL: admin@backspaceliving.com</div> <div>PHONE: 1300 561 169</div> <div>WEBSITE: www.backspaceliving.com</div>		CLIENT: K. OSTENSSON ADDRESS: 9 ZARITA AVE, WAVERLEY NSW 2024 DRAWN BY: BEN GIBB DATE: 13/07/2021 STATUS: DEVELOPMENT APPLICATION DESIGN: SECONDARY DWELLING	SCALE: 1:50 @A3

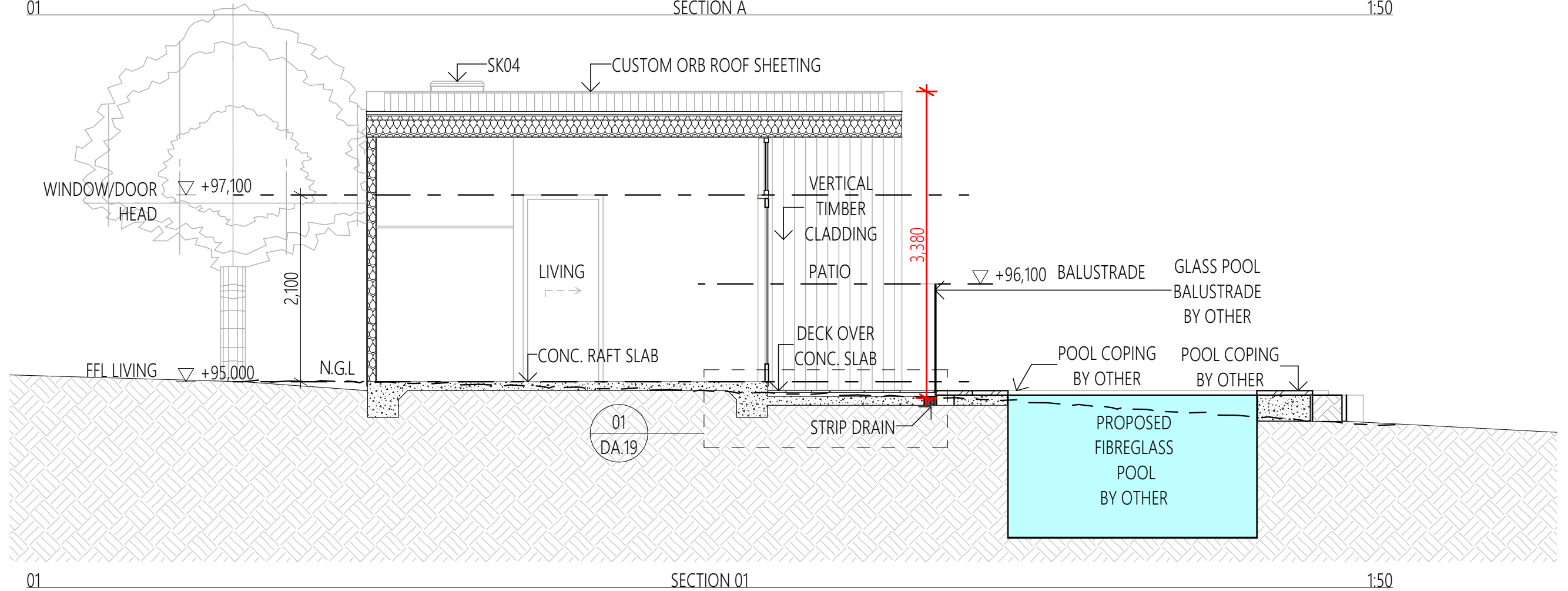




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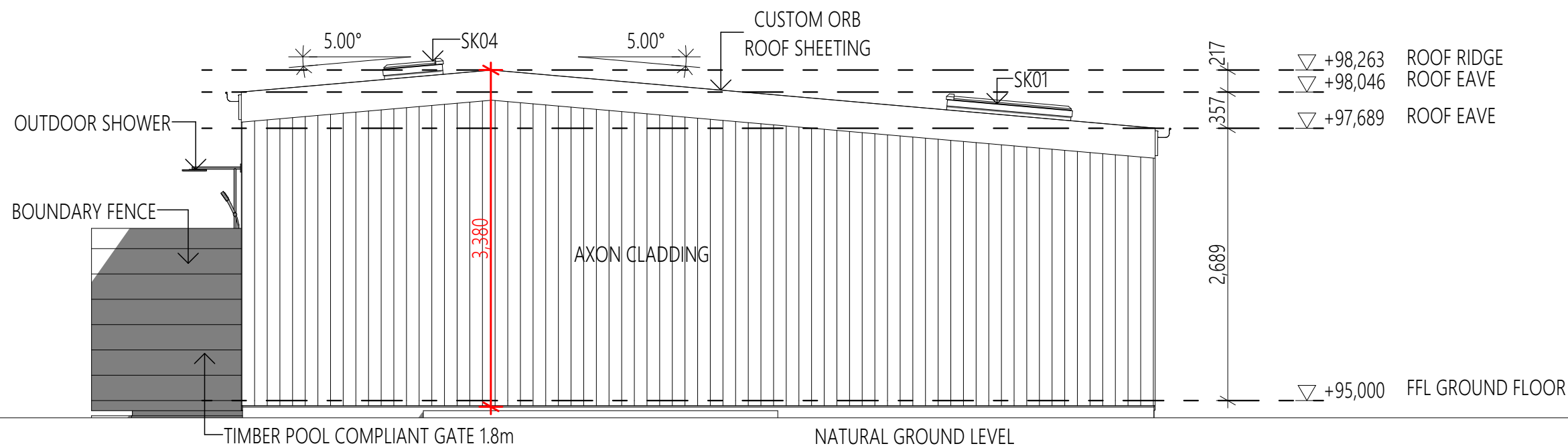
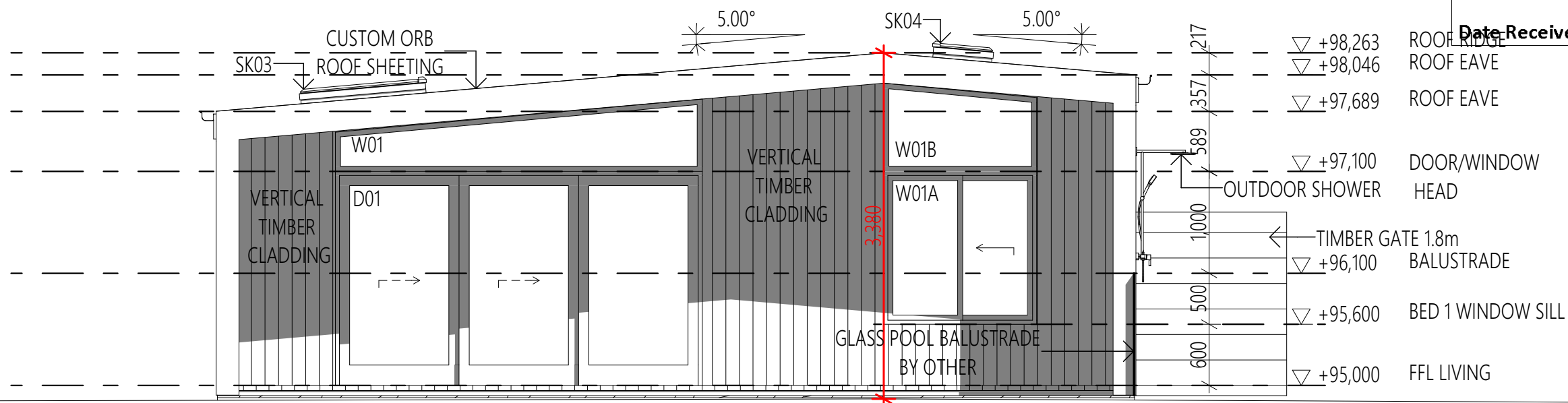
**Application No: DA-212/2021**

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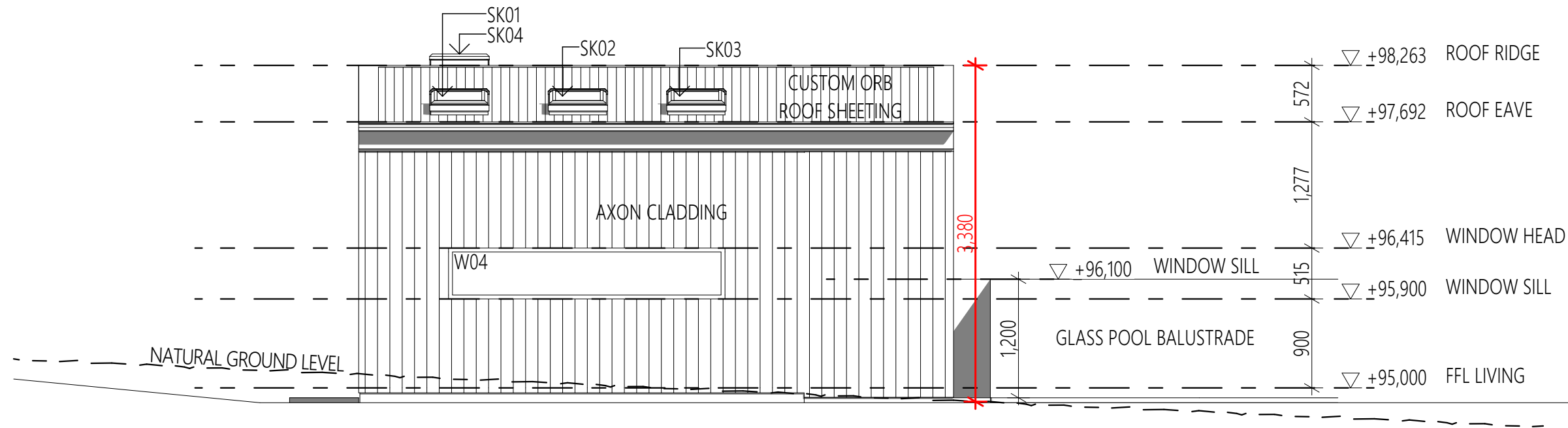
REV.	DATE	COMMENTS	DRWN	NOTES	BACKSPACE LIVING	ORIENTATION	SECTIONS	SCALE: 1:50 @A3
A	13/07/2021	ISSUED FOR DEVELOPMENT APPLICATION	B.GIBB	<p>WORK TO DIMENSION MARKERS IN PREFERENCE TO SCALE. THESE PLANS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS AND SPECIALIST PLANS/REPORTS.</p> <p>ALL CONSTRUCTION TO BE TO CURRENT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REGULATIONS. RETAINING WALLS WHERE AUSTRALIA REGULATIONS. RETAINING WALLS WHERE DEPICTED, TO ENGINEER'S SPECIFICATION AND/OR MANUFACTURERS SPECIFICATIONS AND TO INCLUDE SUB - SOIL DRAINAGE BEHIND WALL.</p> <p>ALL DIMENSIONS AND REDUCED LEVELS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS.</p> <p>THIS DRAWING IS THE COPYRIGHT OF BACKSPACE LIVING AND MUST NOT BE ALTERED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF BACKSPACE LIVING.</p>	<p><b>BACKSPACE LIVING</b></p> <p>ADDRESS: 1A / 135 BULLS GARDEN ROAD, GATESHEAD, NSW, 2290</p> <p>EMAIL: admin@backspaceliving.com</p> <p>PHONE: 1300 561 169</p> <p>WEBSITE: www.backspaceliving.com</p>		<p>CLIENT: K. OSTENSSON</p> <p>ADDRESS: 9 ZARITA AVE, WAVERLEY NSW 2024</p> <p>DRAWN BY: BEN GIBB</p> <p>DATE: 13/07/2021</p> <p>STATUS: DEVELOPMENT APPLICATION</p> <p>DESIGN: SECONDARY DWELLING</p>	





REV.	DATE	COMMENTS	DRWN	NOTES	BACKSPACE LIVING	ORIENTATION	ELEVATIONS	SCALE: 1:50 @A3
A	13/07/2021	ISSUED FOR DEVELOPMENT APPLICATION	B.GIBB	<p>WORK TO DIMENSION MARKERS IN PREFERENCE TO SCALE. THESE PLANS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS AND SPECIALIST PLANS/REPORTS.</p> <p>ALL CONSTRUCTION TO BE TO CURRENT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REGULATIONS. RETAINING WALLS WHERE AUSTRALIA REGULATIONS. RETAINING WALLS WHERE DEPICTED, TO ENGINEER'S SPECIFICATION AND/OR MANUFACTURERS SPECIFICATIONS AND TO INCLUDE SUB - SOIL DRAINAGE BEHIND WALL.</p> <p>ALL DIMENSIONS AND REDUCED LEVELS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS.</p> <p>THIS DRAWING IS THE COPYRIGHT OF BACKSPACE LIVING AND MUST NOT BE ALTERED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF BACKSPACE LIVING.</p>	<p>ADDRESS: 1A / 135 BULLS GARDEN ROAD, GATESHEAD, NSW, 2290</p> <p>EMAIL: admin@backspaceliving.com</p> <p>PHONE: 1300 561 169</p> <p>WEBSITE: www.backspaceliving.com</p>		<p>CLIENT: K. OSTENSSON</p> <p>ADDRESS: 9 ZARITA AVE, WAVERLEY NSW 2024</p> <p>DRAWN BY: BEN GIBB</p> <p>DATE: 13/07/2021</p> <p>STATUS: DEVELOPMENT APPLICATION</p> <p>DESIGN: SECONDARY DWELLING</p>	



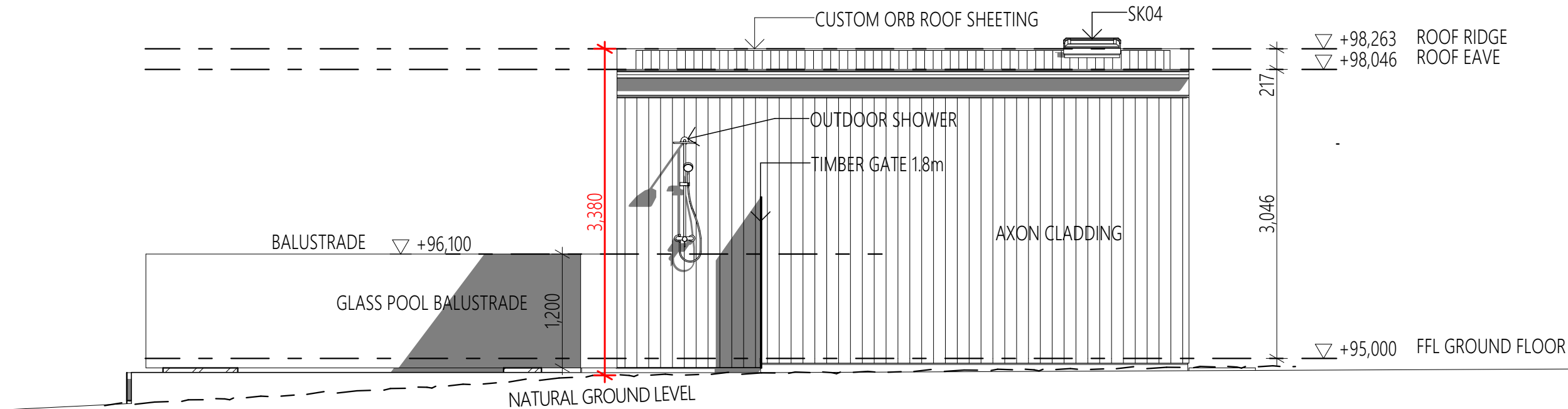


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SOUTH ELEVATION

1:50



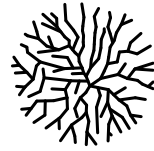
02

NORTH ELEVATION

1:50

REV.	DATE	COMMENTS	DRWN	NOTES	BACKSPACE LIVING	ORIENTATION	ELEVATIONS	SCALE
A	13/07/2021	ISSUED FOR DEVELOPMENT APPLICATION	B.GIBB	<p>WORK TO DIMENSION MARKERS IN PREFERENCE TO SCALE. THESE PLANS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS AND SPECIALIST PLANS/REPORTS.</p> <p>ALL CONSTRUCTION TO BE TO CURRENT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REGULATIONS. RETAINING WALLS WHERE AUSTRALIA REGULATIONS. RETAINING WALLS WHERE DEPICTED, TO ENGINEER'S SPECIFICATION AND/OR MANUFACTURERS SPECIFICATIONS AND TO INCLUDE SUB - SOIL DRAINAGE BEHIND WALL.</p> <p>ALL DIMENSIONS AND REDUCED LEVELS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS.</p> <p>THIS DRAWING IS THE COPYRIGHT OF BACKSPACE LIVING AND MUST NOT BE ALTERED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF BACKSPACE LIVING.</p>	<p><b>BACKSPACE LIVING</b></p> <p>ADDRESS: 1A / 135 BULLS GARDEN ROAD, GATESHEAD, NSW, 2290</p> <p>EMAIL: admin@backspaceliving.com</p> <p>PHONE: 1300 561 169</p> <p>WEBSITE: www.backspaceliving.com</p>		<p>CLIENT: K. OSTENSSON</p> <p>ADDRESS: 9 ZARITA AVE, WAVERLEY NSW 2024</p> <p>DRAWN BY: BEN GIBB</p> <p>DATE: 13/07/2021</p> <p>STATUS: DEVELOPMENT APPLICATION</p> <p>DESIGN: SECONDARY DWELLING</p>	SCALE: 1:50 @A3





EXISTING TREE TO BE RETAINED



EXISTING LANDSCAPING REMAIN UNCHANGED



TURFED LAWN - ELYMUS REPENS 'COUCH'



1.8M HIGH TIMBER PALING FENCE WITH 300MM  
PRIVACY SCREEN OVER



PRIVACY HEDGE SCREENING - BUXUS JAPONICA  
AVERAGE HEIGHT OF 2.0m



JASMINOILES TRACHELOSPERMUM (STAR JASMINE)



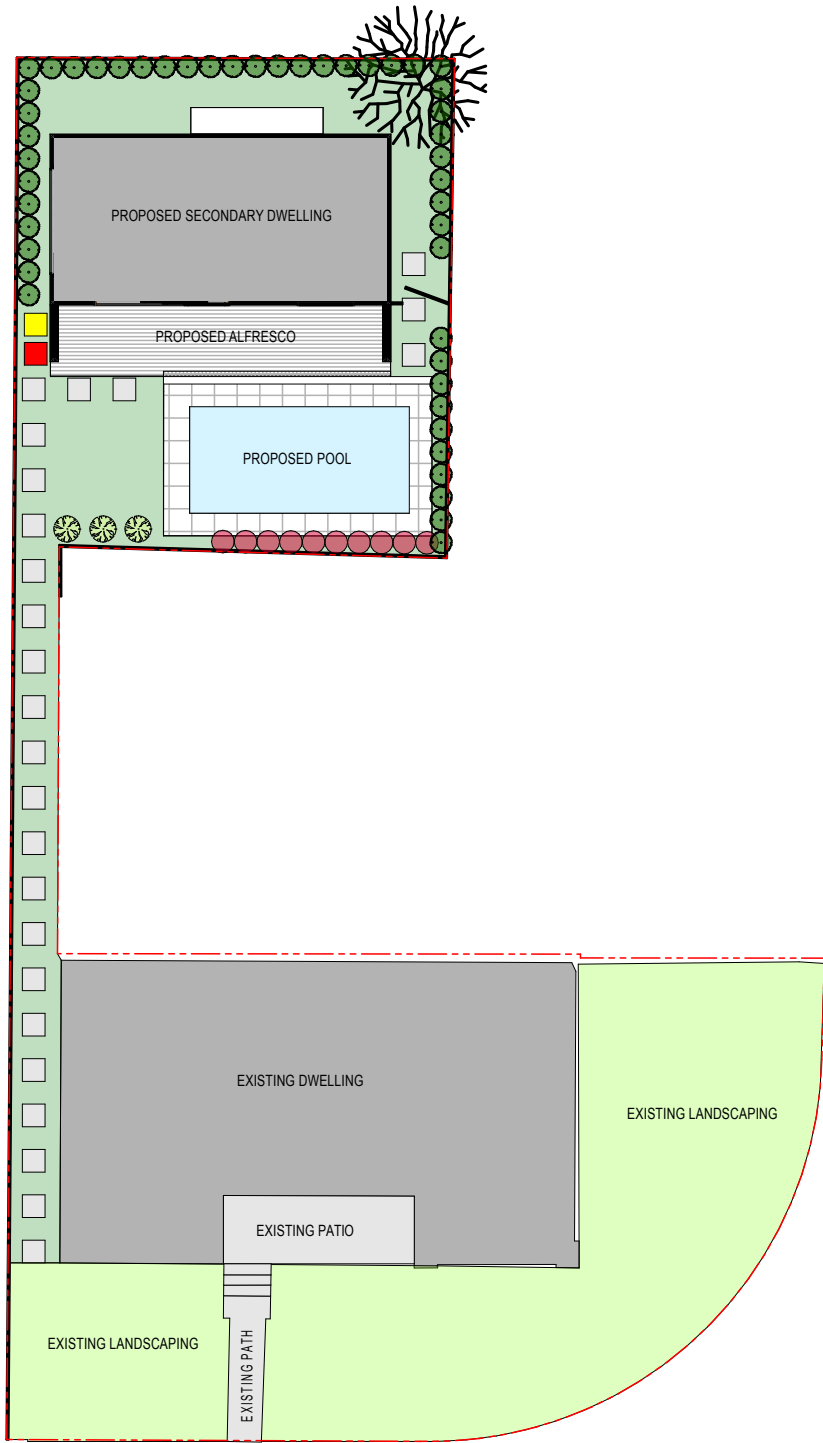
ALTERNANTHERA - 'LITTLE RUBY'



CONCRETE PAVERS



WASTE AND RECYCLING BINS



RECEIVED  
Waverley Council  
Application No: DA-212/2021  
Date Received: 19/07/2021

01		LANDSCAPE PLAN				1:200	
REV.	DATE	COMMENTS	DRWN	NOTES	BACKSPACE LIVING	ORIENTATION	LANDSCAPE PLAN
A	13/07/2021	ISSUED FOR DEVELOPMENT APPLICATION	B.GIBB	<p>WORK TO DIMENSION MARKERS IN PREFERENCE TO SCALE. THESE PLANS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS AND SPECIALIST PLANS/REPORTS.</p> <p>ALL CONSTRUCTION TO BE TO CURRENT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REGULATIONS. RETAINING WALLS WHERE AUSTRALIA REGULATIONS. RETAINING WALLS WHERE DEPICTED, TO ENGINEER'S SPECIFICATION AND/OR MANUFACTURERS SPECIFICATIONS AND TO INCLUDE SUB - SOIL DRAINAGE BEHIND WALL.</p> <p>ALL DIMENSIONS AND REDUCED LEVELS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS.</p> <p>THIS DRAWING IS THE COPYRIGHT OF BACKSPACE LIVING AND MUST NOT BE ALTERED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF BACKSPACE LIVING.</p>	<p>ADDRESS: 1A / 135 BULLS GARDEN ROAD, GATESHEAD, NSW, 2290</p> <p>EMAIL: admin@backspaceliving.com</p> <p>PHONE: 1300 561 169</p> <p>WEBSITE: www.backspaceliving.com</p>		<p>CLIENT: K. OSTENSSON</p> <p>ADDRESS: 9 ZARITA AVE, WAVERLEY NSW 2024</p> <p>DRAWN BY: BEN GIBB</p> <p>DATE: 13/07/2021</p> <p>STATUS: DEVELOPMENT APPLICATION</p> <p>DESIGN: SECONDARY DWELLING</p>



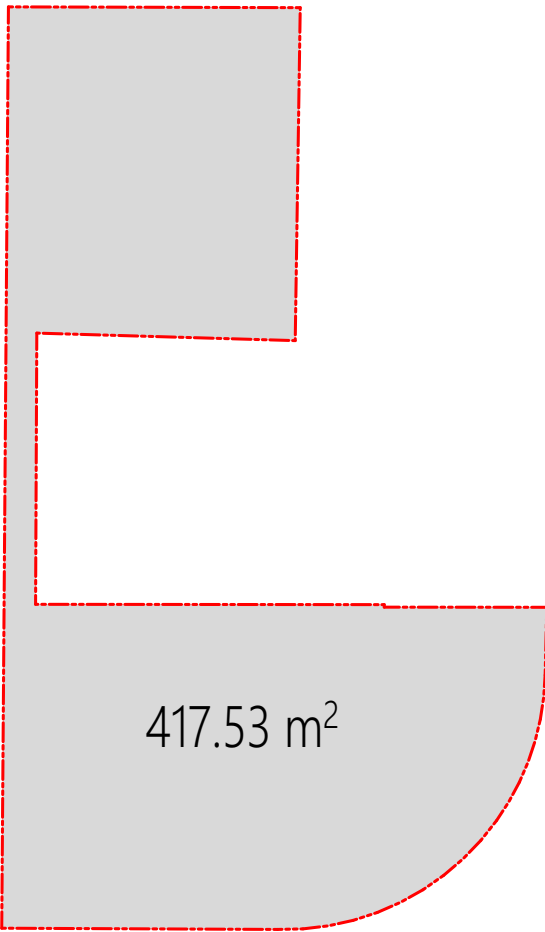
AREA CALCULATION			
CALCULATION	ID	(m2)	SITE
CALC - EXISTING GFA	CALC - GFA	92.88	MAX 208.76m2
CALC - GFA	CALC - GFA	37.83	
CALC - LANDSCAPE	CALC - LANDSCAPE	194.01	46.46%
CALC - SITE	CALC - SITE AREA	417.53	100%
CALC - SITE COVERAGE	CALC - SITE COVER...	142.76	34.19%

RECEIVED

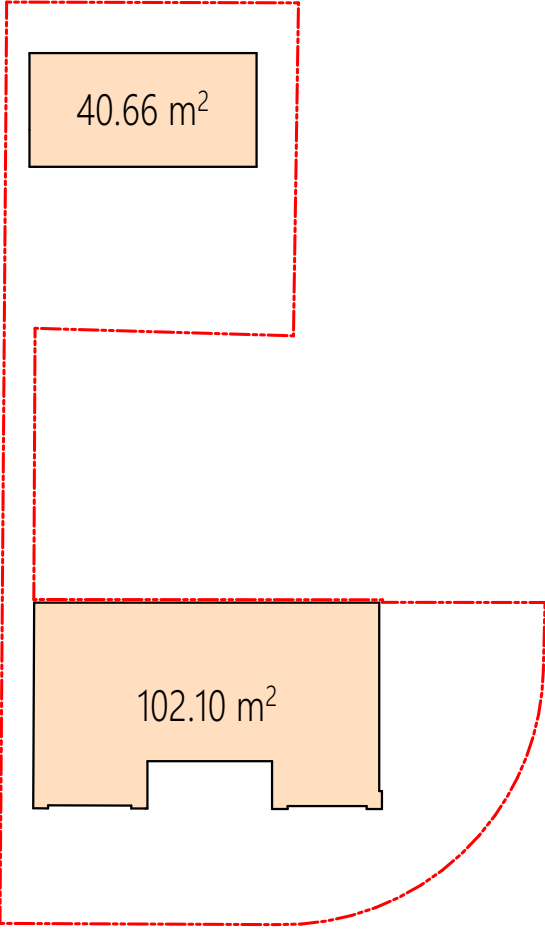
Waverley Council

Application No: DA-212/2021

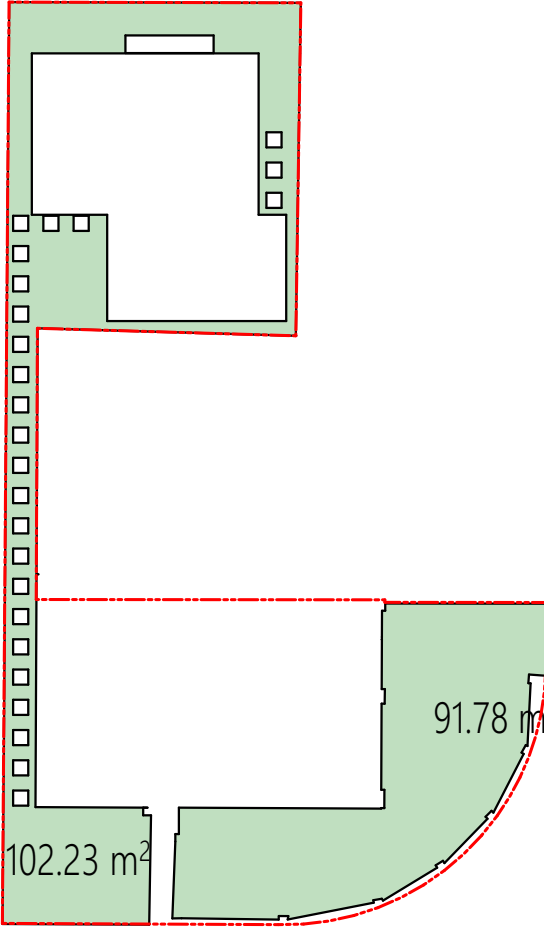
Date Received: 19/07/2021



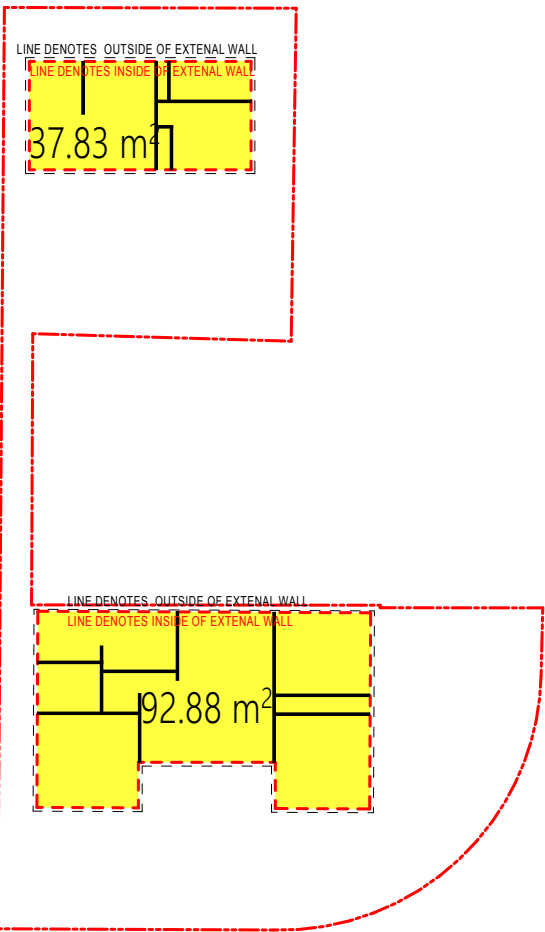
02 SITE CALC - SITE AREA 1:300



02 SITE CALC - SITE COVERAGE 1:300



03 SITE CALC - LANDSCAPE 1:300



04 SITE CALC - GFA 1:300

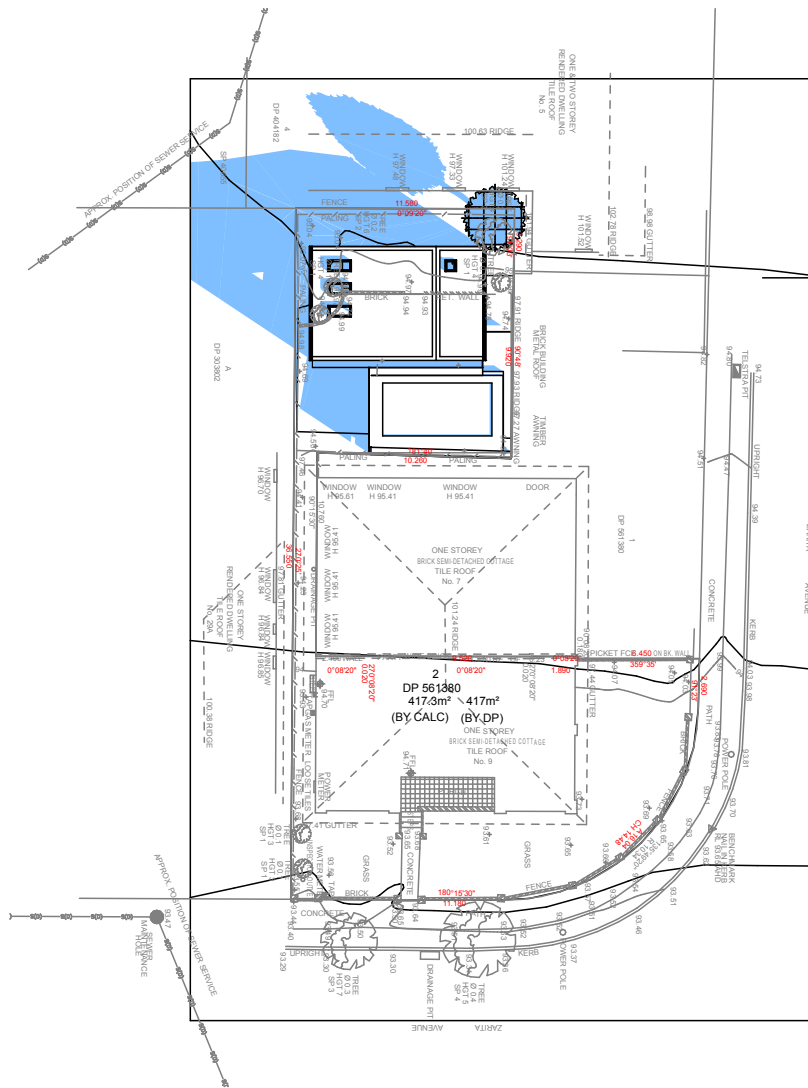
REV.	DATE	COMMENTS	DRWN	NOTES	BACKSPACE LIVING	ORIENTATION	SITE CALCULATIONS	SCALE: 1:1, 1:300 @A3
A	13/07/2021	ISSUED FOR DEVELOPMENT APPLICATION	B.GIBB	<p>WORK TO DIMENSION MARKERS IN PREFERENCE TO SCALE. THESE PLANS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS AND SPECIALIST PLANS/REPORTS.</p> <p>ALL CONSTRUCTION TO BE TO CURRENT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REGULATIONS. RETAINING WALLS WHERE AUSTRALIA REGULATIONS. RETAINING WALLS WHERE DEPICTED, TO ENGINEER'S SPECIFICATION AND/OR MANUFACTURERS SPECIFICATIONS AND TO INCLUDE SUB - SOIL DRAINAGE BEHIND WALL.</p> <p>ALL DIMENSIONS AND REDUCED LEVELS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS.</p> <p>THIS DRAWING IS THE COPYRIGHT OF BACKSPACE LIVING AND MUST NOT BE ALTERED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF BACKSPACE LIVING.</p>	<div>BACKSPACE LIVING</div> <div>ADDRESS: 1A / 135 BULLS GARDEN ROAD, GATESHEAD, NSW, 2290</div> <div>EMAIL: admin@backspaceliving.com</div> <div>PHONE: 1300 561 169</div> <div>WEBSITE: www.backspaceliving.com</div>	<div>ORIENTATION</div> <div></div>	<div>SITE CALCULATIONS</div> <div>CLIENT: K. OSTENSSON</div> <div>ADDRESS: 9 ZARITA AVE, WAVERLEY NSW 2024</div> <div>DRAWN BY: BEN GIBB</div> <div>DATE: 13/07/2021</div> <div>STATUS: DEVELOPMENT APPLICATION</div> <div>DESIGN: SECONDARY DWELLING</div>	



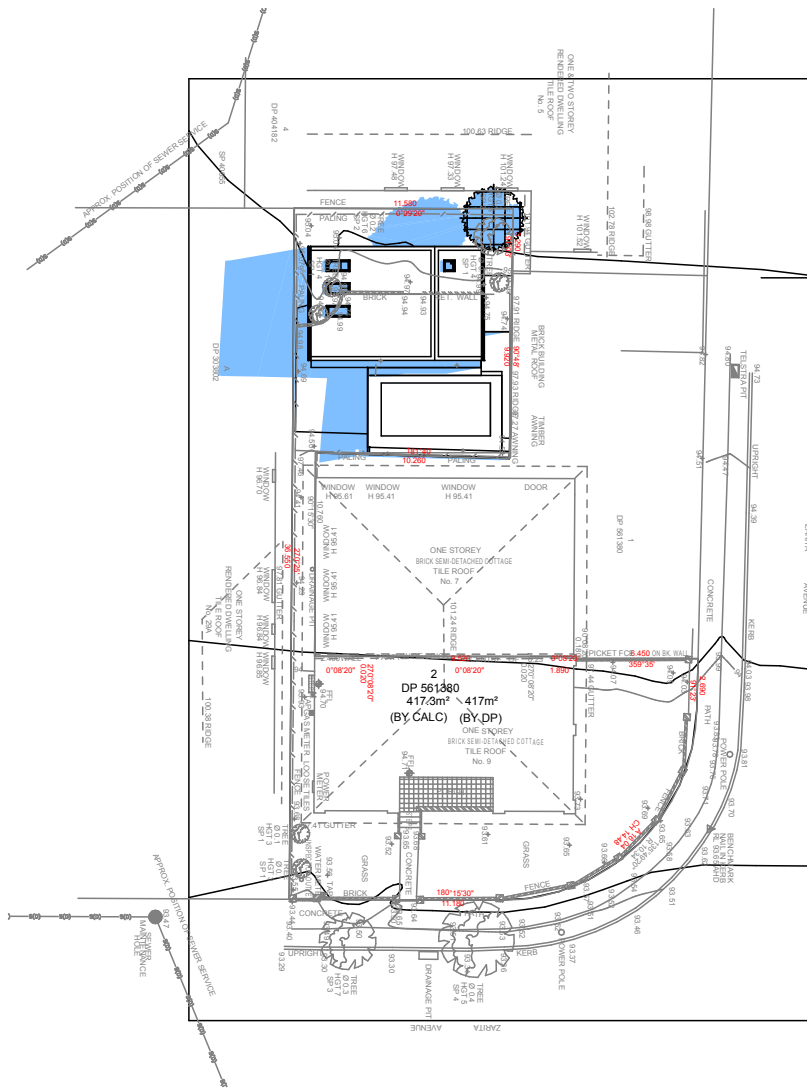
RECEIVED  
Waverley Council

Application No: DA-212/2021

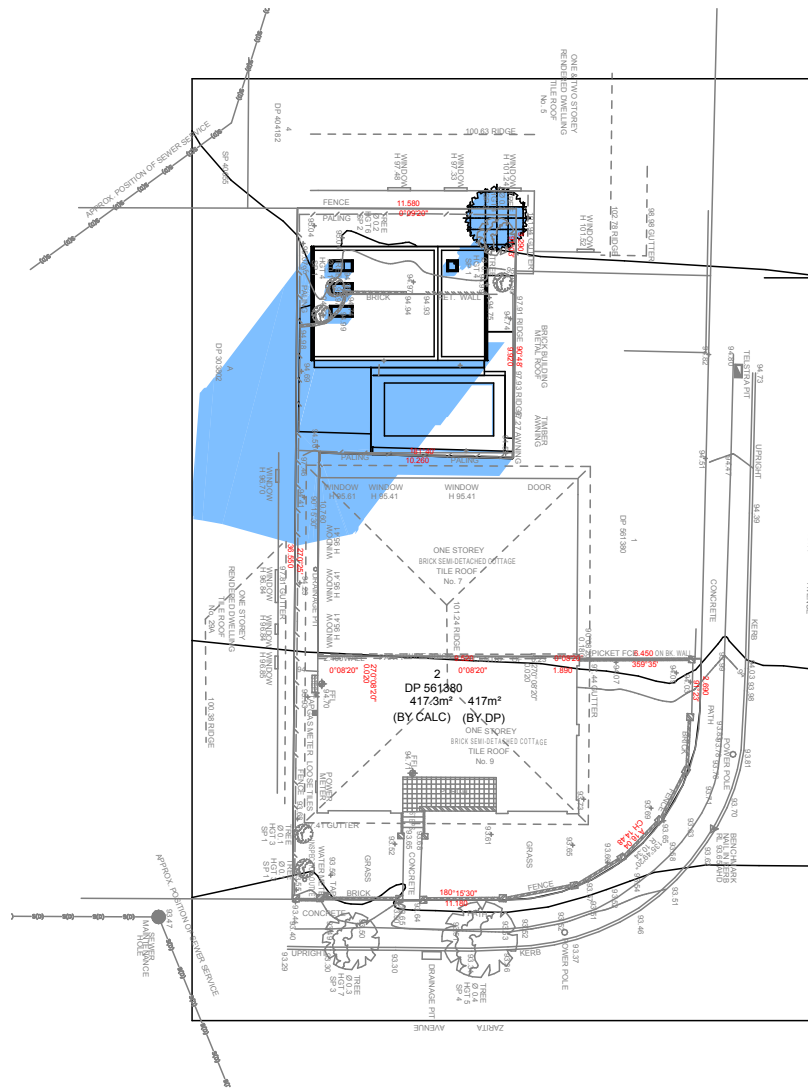
Date Received: 19/07/2021



03 SHADOWS - JUN 21 9:00 1:400



03 PROPOSED SHADOWS - JUNE 21 12:00 1:400



03 PROPOSED SHADOWS - JUNE 21 15:00 1:400

REV.	DATE	COMMENTS	DRWN	NOTES	BACKSPACE LIVING	ORIENTATION	SHADOW DIAGRAMS - PROPOSED	SCALE: 1:400 @A3
A	13/07/2021	ISSUED FOR DEVELOPMENT APPLICATION	B.GIBB	<p>WORK TO DIMENSION MARKERS IN PREFERENCE TO SCALE. THESE PLANS TO BE READ IN CONJUNCTION WITH ENGINEER'S DETAILS AND SPECIALIST PLANS/REPORTS.</p> <p>ALL CONSTRUCTION TO BE TO CURRENT AUSTRALIAN STANDARDS AND BUILDING CODE OF AUSTRALIA REGULATIONS. RETAINING WALLS WHERE AUSTRALIA REGULATIONS. RETAINING WALLS WHERE DEPICTED, TO ENGINEER'S SPECIFICATION AND/OR MANUFACTURERS SPECIFICATIONS AND TO INCLUDE SUB - SOIL DRAINAGE BEHIND WALL.</p> <p>ALL DIMENSIONS AND REDUCED LEVELS MUST BE CHECKED AND VERIFIED ON SITE PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE OFF DRAWINGS.</p> <p>THIS DRAWING IS THE COPYRIGHT OF BACKSPACE LIVING AND MUST NOT BE ALTERED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS IN PART OR IN WHOLE WITHOUT THE WRITTEN PERMISSION OF BACKSPACE LIVING.</p>	<p>BACKSPACE LIVING</p> <p>ADDRESS: 1A / 135 BULLS GARDEN ROAD, GATESHEAD, NSW, 2290</p> <p>EMAIL: admin@backspaceliving.com</p> <p>PHONE: 1300 561 169</p> <p>WEBSITE: www.backspaceliving.com</p>	<p>ORIENTATION</p> <p>N</p>	<p>SHADOW DIAGRAMS - PROPOSED</p> <p>CLIENT: K. OSTENSSON</p> <p>ADDRESS: 9 ZARITA AVE, WAVERLEY NSW 2024</p> <p>DRAWN BY: BEN GIBB</p> <p>DATE: 13/07/2021</p> <p>STATUS: DEVELOPMENT APPLICATION</p> <p>DESIGN: SECONDARY DWELLING</p>	SCALE: 1:400 @A3





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-88/2019/A
<b>Site address</b>	18-20 Allens Parade, Bondi Junction
<b>Proposal</b>	Alterations and additions to apartments on the upper level (Level 2) to provide an additional bedroom to each apartment and relocate balconies further to the northern boundary
<b>Description of Approved Development</b>	Demolition of 2 detached dwellings and the construction of a three-storey residential flat building with basement parking
<b>Date of lodgement</b>	7 April 2021
<b>Owner</b>	Mrs A L Lavecky
<b>Applicant</b>	Antoniades Architects
<b>Submissions</b>	Twelve (12) submissions
<b>Amended cost of works</b>	\$2,993,097
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Variation to Floor Space Ratio</li> <li>• Bulk and scale</li> <li>• Amenity impacts on adjoining properties</li> </ul>
<b>Recommendation</b>	That the application be REFUSED for the reasons contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-88/2019 for demolition of two (2) detached dwellings and construction of a three (3) storey residential flat building comprising 6 apartments and basement car parking for 6 car parking spaces at the site known as 18-20 Allens Parade. In summary, the proposed modifications are for alterations and additions to two apartments on the upper most level (Level 2) to reconfigure and provide an additional bedroom to each apartment, amend rear balconies at this level and reduce the setback to the northern boundary.

The principal issues arising from the assessment of the application are as follows:

- Exceedance of floor space ratio (FSR) development standard by 6.2%;
- Additional building bulk resulting in additional overshadowing; and
- Additional visual impacts and loss of privacy for adjoining properties.

The assessment finds these issues unacceptable as the exceedance in floor space ratio results in additional building bulk at the upper level that causes additional overshadowing impacts and the reduced balcony setback to the northern rear boundary will result in additional privacy impacts on adjoining properties. The proposal is also not considered to be in the public interest. The applicant has indicated they do not intend to offer a planning agreement in an attempt to offset the exceedance in floor space for contributions towards the provision of public facilities.

A total number of twelve (12) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions were received.

The application has been assessed against the relevant matters for consideration under section 4.56 the *Environmental Planning and Assessment Act 1979* and is recommended for refusal.

### 1.2. Site and Surrounding Locality

A site visit was carried out on 4 May 2021.

The site is identified as Lot 5 and 6 in DP 11196, known as 18-20 Allens Parade, Bondi Junction. The site has an area of 928m<sup>2</sup> and is occupied by two single storey detached dwellings with vehicular access from Allens Parade.

The site is within a medium density residential locality. The site is adjoined by a two storey residential flat building to the west at No. 16 Allens Parade, a single storey detached dwelling to the east at No. 22 Allens Parade and two storey terrace houses to the north at Nos. 131, 133, 135 and 137 Ebley Street, and a single storey dwelling at No. 139 Ebley Street.



Construction works associated with the original Development Consent has not commenced as of time of site inspection.

**Figures 1 to 6** are photos of the site and its context.



**Figure 1:** View of site looking north on Allens Parade



**Figure 2:** View of No. 18 from Allens Parade



**Figure 3:** View of front elevation of No. 20 Allens Parade



**Figure 4:** View west from rear yard of No. 18 towards adjoining residential flat building and existing windows at No. 16 Allens Parade



**Figure 5:** View of properties immediately to the north (rear) boundary from No. 18 Allens Parade



**Figure 6:** View of No. 137 looking north from rear yard of No. 20 Allens Parade



### 1.3. Details of Approved Development

The original development application, known as DA-88/2019 for the demolition of 2 detached dwellings and construction of a three storey residential flat building comprising 6 apartments, one level of basement car parking for 6 vehicles accessed from Allens Parade and Strata subdivision was lodged with Council on 19 March 2019.

The original development application was reviewed by the Waverley Design Excellence Advisory Panel (DEAP) on 15 April 2019. The Panel generally supported the proposal in regards to addressing the design quality principles of State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) (SEPP 65), subject to design amendments including presentation to the street, additional landscape treatments, sight lines for vehicles exiting the basement car park and enhancing amenity for future occupants.

The applicant lodged a Class 1 appeal against Council's deemed refusal of the development application with the NSW Land and Environment Court (LEC) on 3 October 2019. The Council, as part of the s34 conciliation process provided the applicant with detailed reasoning for the need to reduce the scope of development to a more reasonable and acceptable form. Subsequently, further amendments were made (post s34 conciliation conference) to address design issues raised by Council (and community members) including bulk and scale, heritage considerations, amenity impacts on adjoining properties and compatibility with the streetscape and locality. Importantly, the amended scheme reduced the impact and provided a development that complied with the development standards and was deemed acceptable.

On 15 February 2021, a Section 34 Agreement was reached between the applicant and Council. The amended proposal provided for a new residential flat building that complied with the height and floor space development standards. Subsequently, the NSW LEC upheld the appeal on 9 March 2021. Worthy to note is the current modification application seeks to effectively put back additional bulk to the top rear of the building previously sought, which were fundamental components of concern in the previous appeal. In other words, the current proposal reneges on the agreed scheme of the development that was the subject of the appeal in the Court on the original proposal.

The approval comprised of 2 x 1 bedroom + study apartments with north facing balconies on Level 2. The rear balconies were approved with setbacks between 12.0m and 12.3m from the northern boundary and dwellings fronting Ebley Street.

### 1.4. Proposal

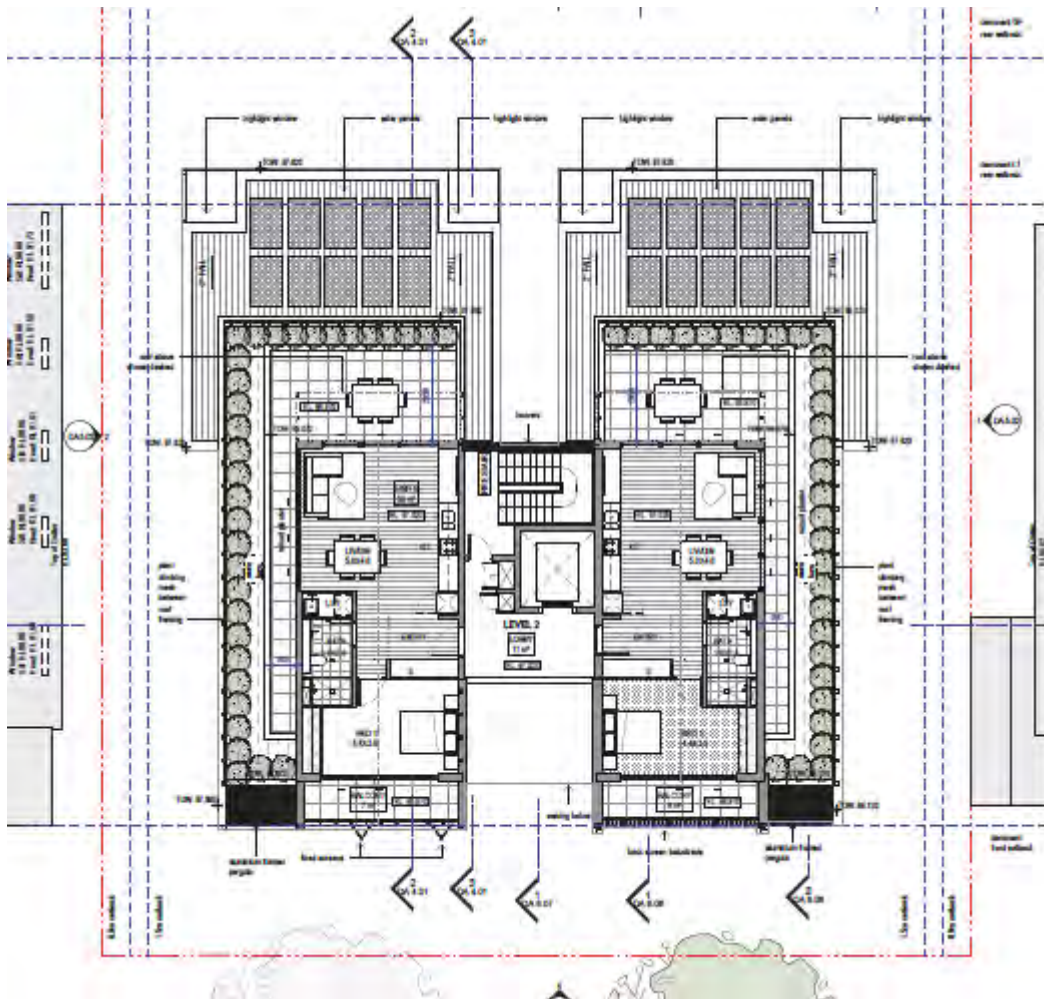
The modification application has been submitted under section 4.56 of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the upper most level (Level 2) of the approved development:

- Extension and internal reconfiguration of apartments to convert study to a bedroom with an ensuite to each apartment;



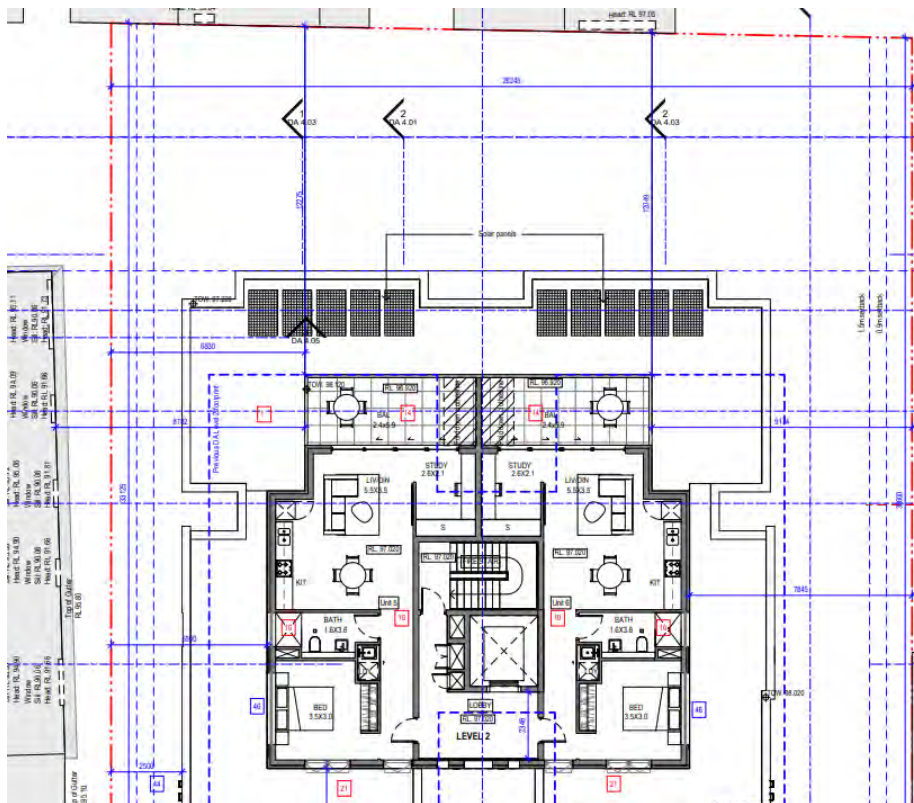
- Reduce the eastern and western setback of the rear portion of the apartments from 9.17m to 8.4m (eastern boundary) and 8.78m to 6.1m (western boundary);
- Reduce rear (northern) setback of balconies by 2.5m, measuring 1.2m from the parapet on the northern elevation; and
- Reduce the dimensions of the balconies from 2.4m x 5.9m to 2.0m x 5.9m and reduce the setback of the balconies to 9.6 to 9.8m to the northern boundary.

A comparison of 3 floor and elevation plans for Level 2 are shown below; the original proposal, the amended and subsequently approved plan (via s34 conciliation discussions) and the now proposed plan for Level 2 floor plan:

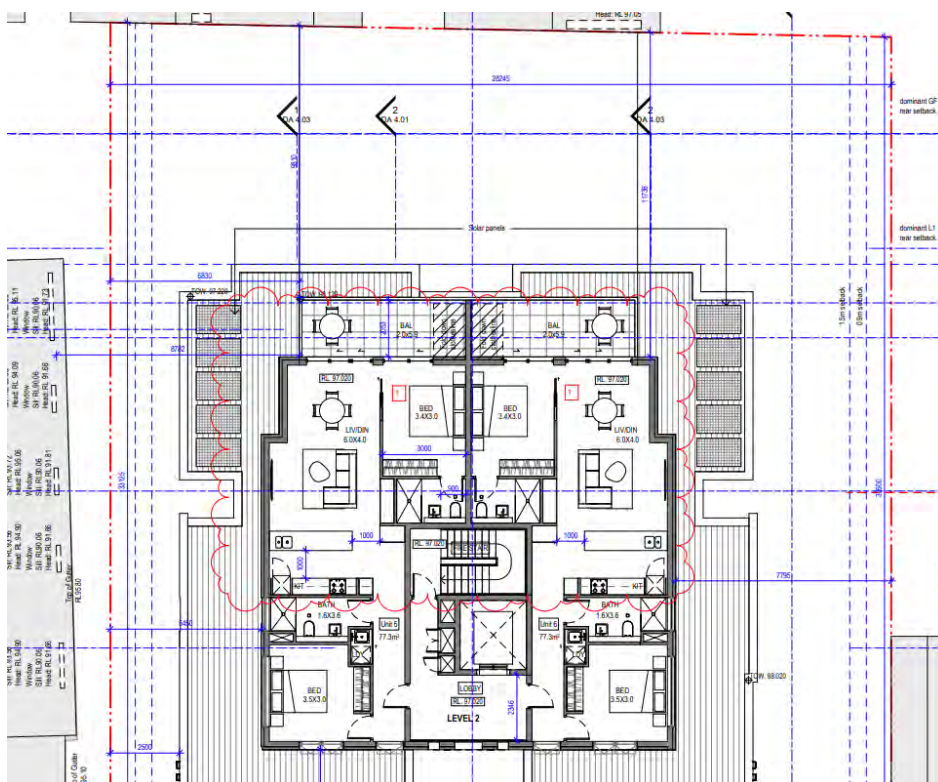


**Figure 7:** Original lodgement of Level 2 floor plan – DA-88/2019



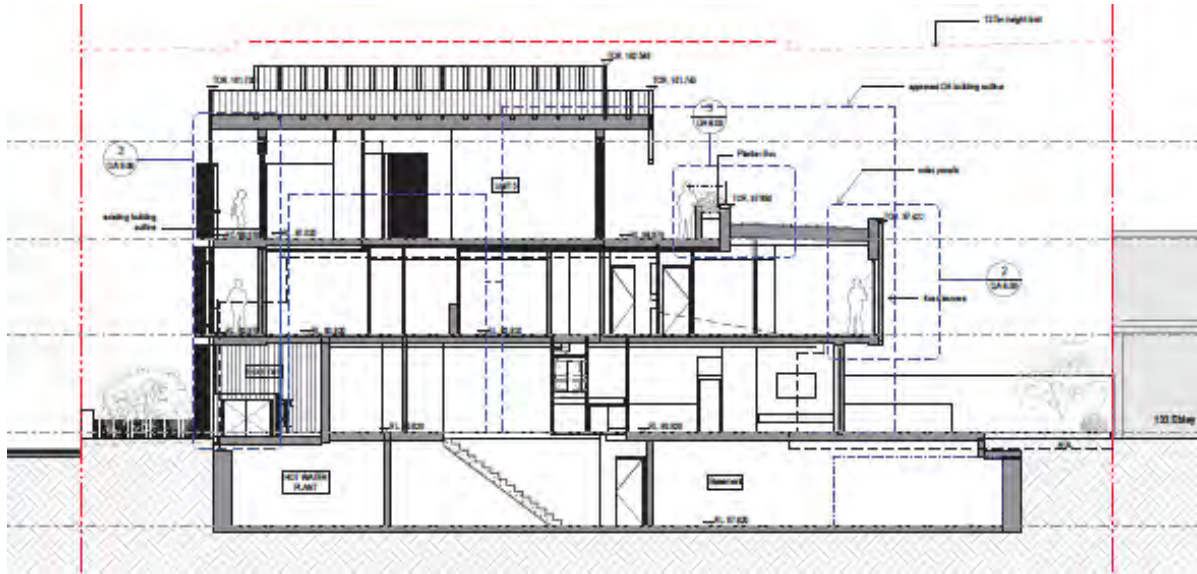


**Figure 8:** Original approved Level 2 floor plan (amended plan) based on s34 agreement – DA-88/2019

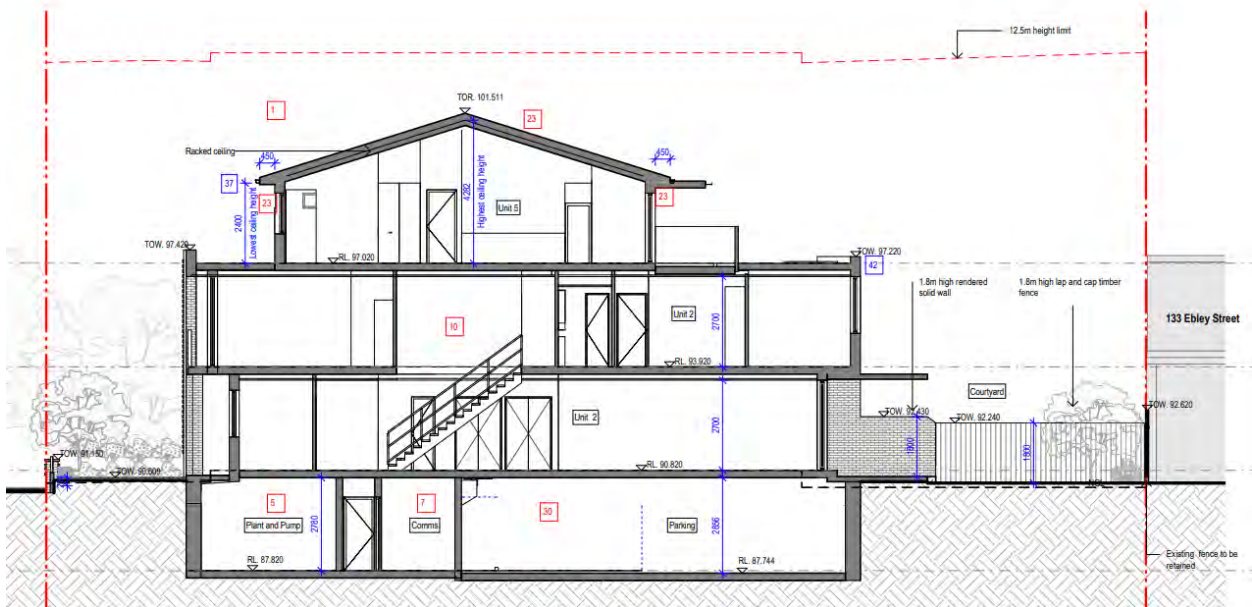


**Figure 9:** Proposed Level 2 floor plan – DA-88/2019/A



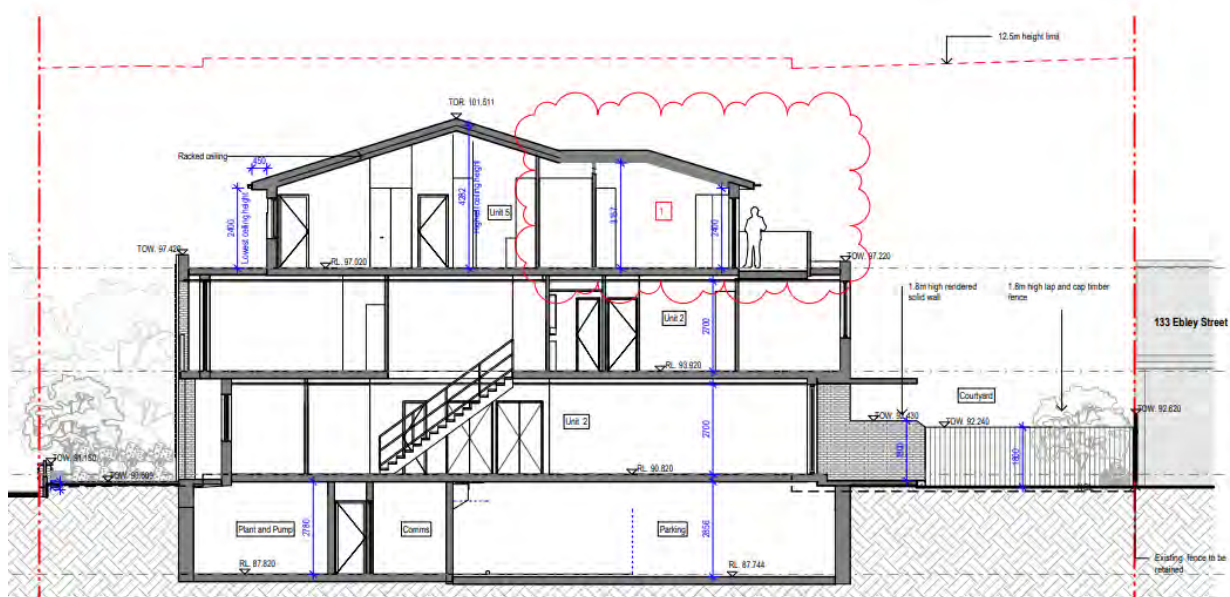


**Figure 10:** Original lodgement of north-south section – DA-88/2019



**Figure 11:** Original approved north-south section – DA-88/2019





**Figure 12:** Proposed north-south section showing increase in building bulk and reduced rear setbacks – DA-88/2019/A

On the 8 July 2021, a deemed refusal appeal for the subject modification application was filed with the Land and Environment Court.

## 2. ASSESSMENT

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

### 2.1. Section 4.56 – Modification by consent authorities of consents granted by the Court

The application is made under section 4.56 of the Act as the original consent was granted by the Court. The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be substantially the same as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council* (1999) 106 LGERA 298.

The application was publicly notified and twelve (12) submissions were received. Reasonable attempts have been made to notify each person who made a submission in respect to the relevant development application of the proposed modification. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

The reasons given by the Court to give consent to the original development consent have also been considered in the assessment of this modification application.



## 2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.56(1A) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

### 2.2.1. Planning Instruments and Development Control Plans

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

#### *State Environmental Planning Policies (SEPPs)*

The following SEPPs apply and have been considered acceptable in the assessment of this modification application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 65 (Design Quality of Residential Apartment Development).

A detailed discussion is provided for relevant SEPPs as follows:

#### *SEPP 65 (Design Quality of Residential Apartment Design)*

The application was not referred to the Waverley Design Advisory Excellence Panel (the Panel) as the scope of the amendments sought do not substantially alter the approved development and the Panel was generally supportive of the scale of the original proposal subject to some design amendments which are not affected by the subject application. Council's assessment officer has undertaken an assessment of the except for the design principles set out in **Table 1** of this report.

**Table 1: Assessment against the Nine Design Quality Principles under SEPP 65**

Principle	Planning Comment
1. Context and Neighbourhood	The character of the immediately surrounding neighbourhood comprises a mix of low to medium density dwelling types and is in a period of transition. The site is immediately adjoined by heritage items to the west at No. 16 Allens Parade and two storey terraces to the north with frontages to Ebley Street. Whilst the proposal does not directly impact on the streetscape as viewed from Allens Parade, the additional building bulk at the rear will exceed the FSR development standard, increase visual bulk, create additional over shadowing and privacy impacts on surrounding properties and is not compatible with surrounding properties.



Principle	Planning Comment
2. Built form and Scale	<p>The proposed alterations and additions to the apartments on Level 2 result in reduction in rear and side setbacks and additional building bulk that will be visible from immediately adjoining properties.</p> <p>The additional building bulk exceeds the maximum floor space ratio development standard under Clause 4.4 of the WLEP 2012 and will result in additional amenity impacts on adjoining properties. As such, the proposed increase of building bulk is not considered suitable for the site and adjoining properties.</p>
3. Density	The proposal results in an additional 43m <sup>2</sup> of GFA and exceeds the floor space ratio development standard under Clause 4.4 of the WLEP 2012 by 6.2%. The proposed increase in density of the site also increases building bulk and has additional overshadowing and privacy impacts on adjoining properties and is not supported.
4. Sustainability	No changes to impact for future occupants.
5. Landscape	No change
6. Amenity	The reduction of side and rear setbacks at Level 2 reduces the physical and visual separation of Level 2 from adjoining properties and results in additional building bulk being more visible from adjoining properties. The position of the balconies will have additional visual privacy impacts on properties to the north due to the increase in floor space of the apartments and is not supported.
7. Safety	No change
8. Housing Diversity and Social Interaction	<p>No change to communal spaces.</p> <p>The approved apartment mix was considered suitable for the site and housing needs of the community.</p>
9. Aesthetics	No change to approved external materials and finishes.

### *Apartment Design Guide*

Clause 6A of SEPP 65 requires that development control plans (DCPs) 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 DCP 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 relevant provisions within the ADG is provided in **Table 2** of this report.

**Table 2: Apartment Design Guide**

Design Criteria	Compliance	Comment
<b>3F Visual privacy</b>		
<ul style="list-style-type: none"> <li>Min separation distances from buildings to side and rear boundaries:</li> <li>Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</li> </ul>	Yes	<p>The proposal provides a northern setback of 9.6m from the balcony of Unit 6 to northern boundary and rear of No. 137 Ebley Street and 9.81m from the balcony of Unit 5 to the northern boundary and rear of No. 133 Ebley Street.</p> <p>The proposed extension of the apartments on Level 2 results in a reduction along part of the eastern and western side setbacks. However, proposed amendments provide a minimum 8.4m setback to the eastern boundary and 6.1m setback to the western boundary and achieves the minimum separation requirements.</p>
<b>4A Solar and daylight access</b>		
<ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</li> <li>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</li> </ul>	Yes	No change to solar access to proposed apartments.
<b>4B Natural ventilation</b>		
<ul style="list-style-type: none"> <li>All habitable rooms are naturally ventilated</li> <li>Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> <li>At least 60% of units naturally ventilated</li> </ul> </li> </ul>	Yes	No change to natural ventilation to apartments.
<b>4C Ceiling heights</b>		
<ul style="list-style-type: none"> <li>Habitable rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> </ul>	Yes	The ceiling height within the northern extension of the apartment ranges between 3.157m and 2.4m with the lowest point measuring 2.4m at the glazed sliding doors to the balcony. The



Design Criteria	Compliance	Comment
		sloping floor to ceiling height is consistent with the approved floor to ceiling height to bedrooms on the southern side of the apartments and is acceptable.
<b>4D Apartment size and layout</b>		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li>• <i>Studio = 35 m<sup>2</sup></i></li> <li>• <i>1 Bed = 50 m<sup>2</sup></i></li> <li>• <i>2 Bed = 70 m<sup>2</sup></i></li> <li>• <i>3 Bed = 90 m<sup>2</sup></i></li> <li>• <i>Add 5m<sup>2</sup> for each additional bathroom (above 1)</i></li> </ul> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window</p>	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The proposed 2 bedroom apartments have areas of 77.3m<sup>2</sup> and is consistent with the minimum apartment size under the ADG.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>Each habitable room achieves compliance with the minimum required glazed area.</p> <p>The relocation of the kitchen to the southern wall of the open plan layout results in the kitchen setback 8.4m from the northern window opening.</p>
<b>4E Private open space and balconies</b>		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>• 1-bed – 8m<sup>2</sup> &amp; 2m depth</li> <li>• 2-bed - 10m<sup>2</sup> &amp; 2m depth</li> <li>• 3+bed - 12m<sup>2</sup> &amp; 2.4m depth</li> <li>• Ground level, min 15m<sup>2</sup> &amp; 3m depth</li> </ul>	Yes	<p>The proposed balconies have a minimum depth of 2m and an area 11.8m<sup>2</sup> each. The balconies are accessed directly from main living areas, maintains a northern aspect and satisfies the requirements for private open space.</p> <p>Notwithstanding the appropriate proportions of the balconies for use by future occupants, the reduction in setback from the northern boundary will result in additional loss of privacy to the rear of adjoining properties.</p>
<b>4G Storage</b>		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> <li>• 1-bed – 6m<sup>3</sup></li> <li>• 2-bed – 8m<sup>3</sup></li> <li>• 3+bed – 10m<sup>3</sup></li> </ul>	Yes	The proposal provides adequate storage and meets the requirements and objectives of the ADG.

The following is a detailed discussion of the issues identified in **Table 2** of this report in relation to the ADG.



## Depth of Open Plan Layout

The proposed Level 2 apartments have a depth of 16.4m measured from the balustrade of the balcony to the southern external wall which is consistent with the building depth range of between 12m-18m under Part 2E of the ADG. However, the proposed extension of the apartment to the north and reconfiguration of living areas to accommodate an additional bedroom and ensuite increases the distance between the rear wall of the kitchen to the external window/door opening to 8.4m. The proposed depth exceeds the maximum depth of 8m under Objective 4D-2(2) of the ADG and does not result in improved amenity for future occupants. In particular, the proposal does not comprise of secondary windows adjacent to the kitchen or open plan living area that would improve internal amenity and the view from the sun diagrams submitted demonstrate that sunlight between 9am and 3pm on 21 June will not reach beyond the internal area shown as a dining space. As such, the proposal will result in no direct sunlight to the lounge or kitchen area of the apartments which reduces the amenity for future occupants compared to the original approved development where the living area and kitchen were in closer proximity to the window/door openings to the balcony.

### *Waverley Local Environmental Plan 2012 (Waverley LEP 2012)*

The land use definition of the approved development as a residential flat building remains unchanged and continues to be permitted development in the R3 Medium Density Residential zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 3** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

**Table 3: Waverley LEP 2012 Compliance Table**

Provision	Approved	Proposed Modified	Compliance
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • Control - 0.75:1 (GFA 696m <sup>2</sup> )	0.75:1 (696m <sup>2</sup> )	0.79:1 (739m <sup>2</sup> )	No

The following is a detailed discussion of exceedance to the floor space ratio development standard under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

### **Floor Space Ratio (FSR)**

The proposed modifications result in a net increase of gross floor area (GFA) of 43m<sup>2</sup>, resulting in an overall FSR of 0.79:1. This culminates in an overall exceedance of the FSR development standard by 43m<sup>2</sup>



or 6.2%. The proposed modifications result in the net increase of FSR and overall exceedance of the standard.

The applicant has provided some written justification for the non-compliance with the FSR development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard are as follows:

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

*(c) to ensure that buildings are compatible with the bulk and scale of 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 the locality.*

The justification provided by the applicant to support the increased exceedance of the FSR development standard is summarised as follows:

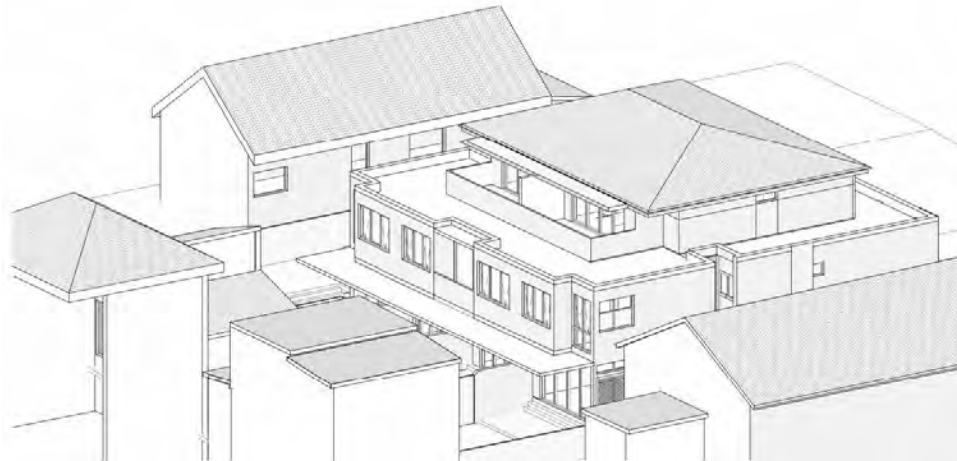
- The proposal will not alter the approved building height or number of storeys of the residential flat building and will not result in additional environmental or amenity impacts on surrounding properties;
- The proposal is contained within the approved building footprint and generally contained within the building envelope;
- The proposed setbacks at the rear of Level 2 maintains the approved building bulk and reduces perceived bulk and
- There is no streetscape impact as the proposed additions are not readily visible from the public domain; and
- The proposal maintains the use of approved materials and finishes and complements the character of the area.

An assessment of the amendments sought to Level 2 of the approved residential flat building indicate that the increase in FSR and additional building bulk will have additional amenity impacts on surrounding properties. In particular, the reduction in rear and side setbacks increases the visibility of the northern portion of Level 2 from adjoining properties and the relocation of the balconies closer to the northern rear boundary will have additional visual privacy impacts and perceived building bulk when viewed from adjoining properties. These amenity impacts were satisfactorily mitigated by the setbacks provided by the original approved development. Whilst the proposed amendments to Level 2 do not alter the approved building height and complies with the building height development standard under the WLEP 2012, Council's officer disagree with the applicant's justification that the exceedance to the FSR development standard satisfies objective (c) of Clause 4.4 of the WLEP 2012 and has no additional bulk and scale or amenity impacts on surrounding properties.

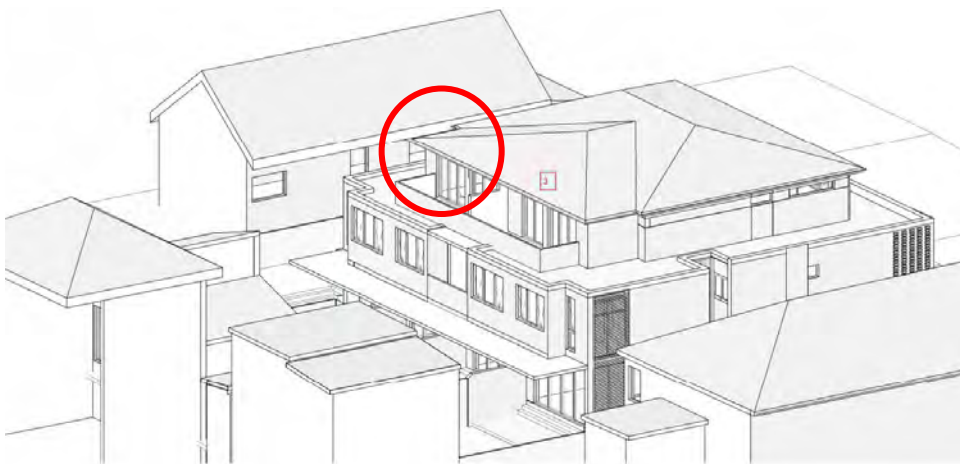
The proposal does not satisfy objective (d) of Clause 4.4 of the WLEP 2012 as the additional building bulk and reduction of side and rear setbacks projects the envelope of Level 2 further to the northern, eastern and western boundaries and will result in additional overshadowing of an existing west facing window



at No. 22 Allens Parade at 3pm on 21 June. This window is not affected by overshadowing as a result of the original approved development. This is demonstrated in the comparison of the approved development and proposed view from sun diagrams in Figures 11 and 12. The additional overshadowing is a direct result of the proposed increase in gross floor area and does not satisfy objective (d) as the amendment does not preserve the solar access received by the adjoining property compared to the approved development which complies with the FSR development standard.



**Figure 13:** View from the sun diagram (original approved development) at 3pm on 21 June showing overshadowing impacts to existing windows at No. 22 Allens Parade



**Figure 14:** View from the sun at 3pm on 21 June impacting on existing window at No. 22 Allens Parade

The relocation of the balconies further to the north reduces the physical separation between the balconies and adjoining properties. Notwithstanding the setback of the balcony satisfying the building separation requirements under the ADG, the balconies will be more visible from surrounding properties and enable future occupants to have more direct sightlines to surrounding properties particularly to the north and is not acceptable.



Whilst the proposed additions are not predominantly visible from the public domain and may not result in additional streetscape impacts, the additional building bulk and exceedance in FSR is not consistent with the expected bulk and scale for the site or the desired future character having regard to compatibility with surrounding properties and additional amenity impacts.

The development standards applicable to the site have been developed through robust processes, publicly exhibited and there is a community expectation that any new development shall adhere to such controls, to maintain the integrity of the LEP. Having regard to unreasonable impacts and absence of public benefit for the non compliance of gross floor area, the proposed exceedance of FSR is deemed unacceptable and is not supported.

The following is a detailed discussion on any other provision of Waverley LEP 2012.

### Clause 5.10 Heritage Conservation

The site is not identified as a heritage item but is located within the Botany Street Conservation Area (C3) under Clause 5.10 of the WLEP 2012 (refer to **Figure 13**). The scope of the proposed amendments will have any adverse impact on the heritage significance of surrounding heritage items or the character of the conservation area and satisfies Clauses 5.10(4) and (5) of the WLEP 2012.

A Heritage Statement prepared by Zoltan Kovacs was submitted with the application addressing the impacts of the proposal on surrounding heritage items and the conservation area. Council's Heritage Advisor has reviewed the proposal and raises objection to the scope of the amendments as the additions will increase the bulk of the building and negatively impact on the relationship between the approved built form (with a recessive upper level) and surrounding properties in the conservation area.





The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012, except for the matters of non compliance identified in the table below. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Table 4** of this report and detailed discussion below the table.

**Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory. No change is proposed.
2. Ecologically Sustainable Development	Yes	Satisfactory. An amended Basix Certificate and NatHERS Certificate has been submitted.
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	Satisfactory. No change is proposed for overall accessibility and adaptability of the development.
8. Transport  Zone 1 RFBs Minimum parking rate: <ul style="list-style-type: none"> <li>Nil</li> </ul> Maximum parking rate: <ul style="list-style-type: none"> <li>6</li> </ul> Visitor parking: <ul style="list-style-type: none"> <li>Nil</li> </ul> Motorcycle spaces: <ul style="list-style-type: none"> <li>Resident: 2</li> <li>Visitor: Nil</li> </ul> Bicycle spaces (minimum): <ul style="list-style-type: none"> <li>Resident: 6</li> <li>Visitor: Nil</li> </ul>	Yes	<p>The proposal maintains the approved 6 residential parking spaces, 2 motorcycle parking spaces and 6 bicycle parking spaces and complies with car, motorcycle and bicycle parking requirements under the WDCP 2012.</p> <p>The proposal as modified maintains the approved number of apartments and is not required to provide any visitor car parking, motorcycling parking or bicycle parking spaces. The layout of the basement carpark remains as approved and complies with the DCP.</p>
9. Heritage	No	Unsatisfactory. The proposed modifications will increase building bulk and the compatibility of the residential flat building with the scale of surrounding properties in the conservation area.
10. Safety	Yes	Satisfactory. No change is proposed.
12. Design Excellence	No	Unsatisfactory as the alterations and additions to Level 2 will result in additional building bulk, overshadowing and privacy impacts on adjoining properties. The proposal exceeds the maximum FSR development standard and does not satisfactorily address the objectives of the standard under WLEP 2012 as discussed in the report above.
13. Subdivision	Yes	Satisfactory. No change is proposed.



**Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>3.3 Setbacks</b>		
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> <li>Minimum side setback: 1.5m</li> <li>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</li> </ul>	Yes	The proposed modification results in reduced side and rear setback to parts of Level 2, however the proposal is consistent with the minimum setback requirements under the DCP. As discussed in Table 2, the proposed setbacks are also consistent with the requirements in the ADG.
<b>3.4 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Façade to be articulated</li> <li>Maximum unit depth: 18m</li> </ul>	Yes  Yes Yes	The proposal does not change overall building depth. The façade remains appropriately articulated. The maximum depth of apartments of Level 2 does not exceed 18m.
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes Yes	No change is proposed to the streetscape elevation or materials and finishes.
<b>3.11 Private Open Space</b>		
3.11.2 – Balconies/decks <ul style="list-style-type: none"> <li>Balcony additions to match the character of the building</li> <li>Should not dominate the façade</li> <li>Located to maximise solar access and privacy</li> </ul>	Yes  Yes  No	The reduction in depth of the balconies and relocation to be closer to the rear elevation of the building do not dominate the façade, however the private open space will be in closer proximity to adjoining properties to the north and will have additional loss of privacy impacts to adjoining properties.
<b>3.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>Privacy be considered in relation to context density, separation use and design.</li> </ul>	No	The proposal reduces the physical and visual separation between the balconies on Level 2 and adjoining properties. The amenity impacts resulting from the reduction in setback of the balconies have not been adequately addressed and will result in loss of privacy to adjoining properties.
<b>3.16 Dwelling size and layout</b>		
<ul style="list-style-type: none"> <li>Max habitable room depth for single aspect dwelling is 8m from a window</li> <li>Max width of dwelling over 15m deep is min 4m</li> </ul>	No  Yes	Refer to assessment in <b>Table 2</b> .  The apartments on Level 2 have a minimum width of 4.9m.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>All habitable rooms to have a window</li> <li>Provide a range of dwelling types and sizes</li> <li>Min sizes Studio = 35m<sup>2</sup> 1 bedroom = 50m<sup>2</sup> 2 bedroom = 80m<sup>2</sup> 3 bedroom = 100m<sup>2</sup></li> <li>Flexible design</li> <li>Accessible and Adaptable</li> </ul>	Yes	The proposal provides a mix of 2 and 3 bedroom apartments with lift access throughout the building. The apartment sizes are consistent with the requirements of the ADG assessed in <b>Table 2</b> .
<b>3.17 Ceiling Heights</b>		
<ul style="list-style-type: none"> <li>Min 2.7m floor to ceiling height residential floors</li> </ul>	No – acceptable on merit	The proposal provides adequate floor to ceiling heights for Level 2 apartments except at the northern end between the internal living areas, bedrooms and the balcony where the floor to ceiling height is 2.4m. The proposed 2.4m floor to ceiling height is consistent with the approved ceiling height at the southern end of the apartments, adjacent to the bedroom window and is unlikely to have any adverse impacts on the amenity of future occupants.
<b>3.18 Storage</b>		
In addition to kitchen cupboards and bedroom wardrobes, min storage required is:	Yes	Refer to assessment in <b>Table 2</b> .
<ul style="list-style-type: none"> <li>2 bed = 8m<sup>3</sup></li> <li>All to provide bulk storage are in basement or ancillary structure</li> </ul>	Yes	No change proposed.
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	The proposed reconfiguration of Units 5 and 6 locates bedrooms adjacent to bedrooms which also buffers noise transfer between the open plan living areas.
<b>3.20 Natural Ventilation</b>		
<ul style="list-style-type: none"> <li>All dwellings to be naturally cross-ventilated</li> <li>Building to be orientated to maximise breezes</li> <li>Ceiling fans are to be provided in all habitable rooms.</li> </ul>	Yes	No change proposed.



### 2.2.2. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality, and is recommended for refusal.

### 2.2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

### 2.2.4. Any Submissions

The application was notified 14 days and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of twelve (12) unique submissions were received from the following properties:

- 10 Allens Parade
- 16 Allens Parade
- 19 Allens Parade
- 22 Allens Parade
- 28 Allens Parade
- 32 Allens Parade
- 38 Allens Parade
- 141 Ebley Street

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Excessive bulk and scale
- Inconsistent with character of the streetscape
- Amenity impacts (visual, social and privacy) on adjoining properties
- Insufficient on site car parking

All other issues raised in the submissions are summarised and discussed below.

***Issue: Notification of the modification application was not received by surrounding residents.***

**Response:** Council records indicate that notification letters were generated and sent to immediately surrounding properties in accordance with the requirements of the *Waverley Community Development Participation and Consultation Plan*.

***Issue: The applicant is continually altering and adding to the development approved by the LEC.***



**Response:** The applicant is permitted to seek modification to an approved development under Section 4.56 of the *Environmental Planning and Assessment Act (EP&A Act) 1979*. There are no restrictions on the number of modifications an applicant may seek under the EP&A Act 1979.

**Issue:** *Plans do not clearly compare the approved development with proposed modifications.*

**Response:** Sufficient information has been submitted to enable Council officers to identify the scope of the modifications sought and to undertake a proper assessment of the subject application.

**Issue:** *The proposed increase in density will have traffic and parking impacts on surrounding streets.*

**Response:** The proposal maintains the approved 6 car parking spaces within the basement car park and is compliant with the maximum car parking rates for the proposed unit mix under Section 8.2 in Part B8 of the WDCP 2012. As the number of car parking spaces do not exceed the maximum permitted car parking spaces for the development, it is not likely to result in additional traffic and parking impacts on the locality.

**Issue:** *The proposal will set an undesirable precedent for future developments in the area.*

**Response:** Agreed. The additional bulk and scale of the additions to Level 2 is inconsistent with the maximum FSR development standard and the objectives of the standard. As discussed in this report, the proposal is inconsistent with the desired future character for the area and will have additional amenity impacts on adjoining properties, and is not supported.

**Issue:** Lift access for a 3 storey residential flat building is not necessary and contributes to building bulk as it is excluded from FSR calculations.

**Response:** The provision of lift access within the development was approved as part of the original development and satisfies equitable access requirements. As no changes are proposed to the approved lift, the lift does not form part of the assessment of the subject application.

## 2.2.5. Public Interest

The proposal represents an overdevelopment of the site having regard to the exceedance to the FSR development standard under Clause 4.4 of the WLEP 2012 as discussed in section 2.2.1 of the report and will result in unacceptable additional amenity impacts on adjoining properties.

The proposal will benefit significantly from conversion of the 2 x 1 bedroom + study apartments to 2 x 2 bedroom apartments whilst no offer to contribute to improving public facilities and amenity has been provided.

The proposal is considered to have a detrimental effect on the public interest and is recommended for refusal.



### 3. REFERRALS

The following internal and external referral comments were sought:

#### 3.1. Stormwater

Council's Stormwater Engineer has reviewed the proposal and raises no objection to the modifications sought as there are no changes to stormwater drainage or the public domain. They did raise however that clarification on the use of rainwater tank was required, specifically while a 10,000 Litre rainwater reuse system is proposed, it is uncertain how rainwater will be used within the premises.

#### 3.2. Heritage Advisor

Council's Heritage Advisor has reviewed the proposal and raises objection to the additional building bulk as it will detract from the significance of the surrounding heritage item and the conservation area. The expanded volume including encroachment on rear setbacks and impact of extended privacy screens has an impact on the Conservation Area, setting and streetscape that cannot be supported regardless of mitigating form and finishes.

### 4. CONCLUSION

The modification application seeks to modify development consent, known as DA-88/2019 for demolition of two (2) detached dwellings and construction of a three (3) storey residential flat building comprising 6 apartments and basement car parking for 6 car parking spaces at the site known as 18-20 Allens Parade. In summary, the proposed modifications are for alterations and additions to two apartments on Level 2 to provide an additional bedroom to each apartment and reduction in the setback of locate rear balconies to the northern boundary.

The principal issues arising from the assessment of the application are as follows:

- Exceedance of floor space ratio (FSR) development standard by 6.2%;
- Additional building bulk resulting in additional overshadowing; and
- Additional visual impacts and loss of privacy for adjoining properties.

The assessment finds these issues unacceptable as the exceedance in floor space ratio results in additional building bulk at the upper level that causes additional overshadowing impacts and the reduced balcony setback to the northern rear boundary will result in additional privacy impacts on adjoining properties. The proposal is also not considered to be in the public interest.

A total number of twelve (12) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions were received.

There is no declared conflict of interest on this application.



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

***Development and Building Unit (DBU) Decision:***



The application was reviewed by the DBU at the meeting on 6 July 2021 and the DBU determined:

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

DBU members: *A Rossi, B McNamara, B Magistrale and K Lucas*

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed on behalf of the Development and Building Unit by:</b>
	
Peggy Wong	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)</b>
<b>Date: 9 July 2021</b>	<b>Date: 13 August 2021</b>

***Reason for WLPP referral:***

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to:

2. Contentious development (10 or more objections)



## APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.56 and section 4.15(1) of the *Environmental Planning and Assessment Act 1979 (the Act)* the modification application is refused for the following reasons:

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to Waverley Local Environmental Plan (WLEP) 2012, specifically the following provisions:
  - a. Clause 4.4 Floor Space Ratio, as the application exceeds the floor space ratio (FSR) development standard and is inconsistent with the objectives in subclauses 4.4(1)(b), (c) and (d) as the additional building bulk will be visible from adjoining properties and have additional overshadowing and privacy impacts on adjoining properties. The proposal is not considered compatible with the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties and the surrounding locality.
  - b. Clause 5.10(1)(a) and (b) as the proposal does not conserve the environmental heritage of Waverley, adversely impacts upon the adjacent heritage items and the Botany Street Heritage Conservation Area.
2. 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.
3. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not comply with State Environmental Planning Policy (SEPP) 65 Design Quality of Residential Flat Development, in respect to the following provisions:
  - a. The proposal does not achieve the 10 Design Quality Principles, specifically, Principle 1 Context and Neighbourhood, Principle 2 Built form and Scale, Principle 3 Density and Principle 6 Amenity as the modifications result in incompatible building bulk and scale to surrounding properties, additional overshadowing and loss of privacy to adjoining properties.
  - b. The proposal does not satisfy the Objective 4D-2(2) in Part 4D of the Apartment Design Guide as the reconfiguration of the apartments on Level 2 result in the depth open plan living areas exceeding 8 metres, with no secondary source of natural light, outlook or ventilation. The internal amenity of the apartments will be reduced as the internal living areas beyond the proposed extension do not receive access to direct sunlight.
4. 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 B12 – Design Excellence
    - i. Clause 12.1 Objective (a) and Controls (e)(iv), (v), (vii), as the additional building bulk will result in additional environmental and amenity impacts on adjoining properties and does not exhibit design excellence that contributes to the overall design quality of Waverley.



- ii. Clause 12.2 Objectives (b) –(d) as the proposal does not demonstrate an appropriate design response to address environmental and amenity impacts on adjoining properties.
  - b. Part C3 – Other Residential Development
    - i. Clauses 3.11.2(e) and Clause 3.15 Objectives (a) and (b) and Clause 3.15(d), as the reduction in the northern setback of the balconies do not enhance separation or privacy between future occupants and adjoining properties and will have additional privacy impacts on adjoining properties.
  - c. Part B9 – Heritage
    - i. Clause 9.4 Objectives (a) and (b) as the additional building bulk detracts from the compatibility of the built form with adjoining heritage items and the character of the conservation area.
    - ii. Clause 9.6 Objective (a) and (c), Clauses 9.6.3( a) and (b), Clause 9.8 Objectives (b) and (c), and Clause 9.8.2 (a) as the proposed reduction in setbacks and additional building bulk does not sympathetic to the character of surrounding heritage items, surrounding properties and the conservation area.
- 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 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 for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.



18-20 Allens Parade Bondi Junction

DEVELOPMENT APPLICATION FOR DEMOLITION OF TWO EXISTING DWELLINGS, EXCAVATION AND CONSTRUCTION OF A THREE STOREY RESIDENTIAL FLAT BUILDING WITH 6 UNITS AND ONE STOREY BASEMENT CAR PARKING

MARCH 2021

Council                      Waverley Council  
Lot & DP                    Lot 5&6 DP 11196  
Zoning                        R3 - Medium Density Residential  
Site Area                    928m²

DA Drawing Schedule			
Sheet Number	Sheet Name	Revision	Rev Date
DA 0.01	Cover Page	M	02.03.21
DA 3.01	Site Plan	U	02.03.21
DA 3.02	Basement	W	02.03.21
DA 3.03	Ground Floor	V	02.03.21
DA 3.04	Level 01	V	02.03.21
DA 3.05	Level 02	V	02.03.21
DA 3.06	Roof	V	02.03.21
DA 4.01	Sections 1	R	02.03.21
DA 4.02	Sections 2	I	02.03.21
DA 4.03	Sections 3	H	02.03.21
DA 4.04	Sections 4	B	02.03.21
DA 4.05	Sections 5	B	02.03.21
DA 5.01	Elevations - South & North	R	02.03.21
DA 5.02	Elevations East & West	R	02.03.21
DA 6.01	Project Data Schedule	P	02.03.21
DA 6.03	Sun's Eye View - 9am-12pm	J	02.03.21
DA 6.04	Sun's Eye View - 1pm-3pm	J	02.03.21
DA 6.09	Shadow Elevation - 16 Allens Parade	G	02.03.21
DA 6.10	Streetscape Elevation	D	02.03.21
DA 6.20	Sightline Diagrams	C	02.03.21
DA 6.21	Sightline Diagrams	C	02.03.21
DA 6.22	Sightline Diagrams	C	02.03.21
DA 7.01	Elevations Materials	K	02.03.21



BASIX REQUIREMENT

WATER		THERMAL COMFORT			ENERGY	
Pass – 40% (40% required to pass)		Pass – 7.0 Star Average			Pass – 47% (45% required to pass)	
Rainwater Tank	Central 10,000L RWT connected to all landscape.	GLAZING (Aluminium Non-Thermally Broken Frames)			COMMON AREA	
	Collecting rainwater from at least 200m <sup>2</sup> of roof area	Units	Sliding / Fixed / Louvre	Awning / Bi-fold / Door	Lighting	Car Park Level – Fluorescent w/ motion sensors Switch/Plant Rooms – Fluorescent w/ motion sensors Garbage Rooms – Fluorescent w/ motion sensors Storage – Fluorescent w/ motion sensors Common Corridors – LED w/ motion sensors
		All	Max U-value 4.80 SHGC 0.59 (± 5%) Single, Low-e	Max U-value 4.80 SHGC 0.51 (± 5%) Single, Low-e		
Common Landscape	Nil	WALLS			Lift	Gearless Traction w/ VVVF Motor – LED Lighting w/ link to call button
Private Landscape	1 – 111.0m <sup>2</sup> 2 – 44.0m <sup>2</sup> 3 – 41.0m <sup>2</sup> 4 – 123.0m <sup>2</sup>	External Walls	Brick Veneer – Additional R2.5 Insulation			
	All w/ 20% low water use or indigenous landscape	Inter-tenancy Walls	No Additional Insulation Modelled			
		Walls to corridors/lift/stairs	Additional R2.5 Insulation			
		Internal Walls in Units	Stud walls - No Additional Insulation Modelled			
All Taps	5 Star	FLOORS			DWELLINGS	
All Showerheads	3 Star (4.5 GL/min)	All suspended floors to open or car park areas below	Concrete - Additional R1.5 Insulation		Hot Water	Solar – Gas Boosted (Min 5m <sup>2</sup> of collector area) R1.0 on pipe work
All Toilet Flushers	4 Star	ROOF			Heating /Cooling	Individual systems – AC 1 Star Heating and Cooling. Living rooms only
		Ceiling to exposed roof	Additional R3.0 Insulation		Lighting	Dedicated LED throughout
Dishwasher	4 Star Water	Roof	Reflective sarking		Ventilation	Bathroom - ducted w/ Interlock to light Kitchen - ducted w/ Manual Switch Laundry - ducted w/ Interlock to light Well ventilated Fridge Space
					Appliances	Gas oven w/ gas cooktop Dishwasher – 4 Star Energy Clothes Dryer – 1.5 Star
					Drying lines	Ground floor units
					Photovoltaic System	2.8pKW system - connected to common area and central systems.

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REV	DESCRIPTION	DATE
C	Draft DA Package	19.12.18
D	Issued for Coordination	04.02.19
E	Issued for Information	13.03.19
F	DA Submission	18.03.19
G	Issued to council - S34	30.06.20
H	Issued to council - S34	13.07.20
I	Issued to council - S34	04.08.20
J	Issued for information	02.11.20
K	Issued for LEC submission	12.11.20
L	Issued for information	20.01.21
M	Issue for Section 4.56	02.03.21

PROJECT PHASE

SECTION 4.56

STATUS

FOR SUBMISSION

PROJECT NO.  
AA.RES.1803

PROJECT  
Allens Parade

ADDRESS  
18-20 Allens Parade Bondi Junction NSW

CLIENT  
Double Bay Capital (Developments) Pty Ltd

SCALE

NTS

SCALE BAR

DRAWN BY  
EM

CHECKED BY  
AA

DRAWING SERIES  
General Information

DRAWING TITLE  
Cover Page

DRAWING NO.  
DA 0.01

REVISION  
M

ANTONIAADES ARCHITECTS

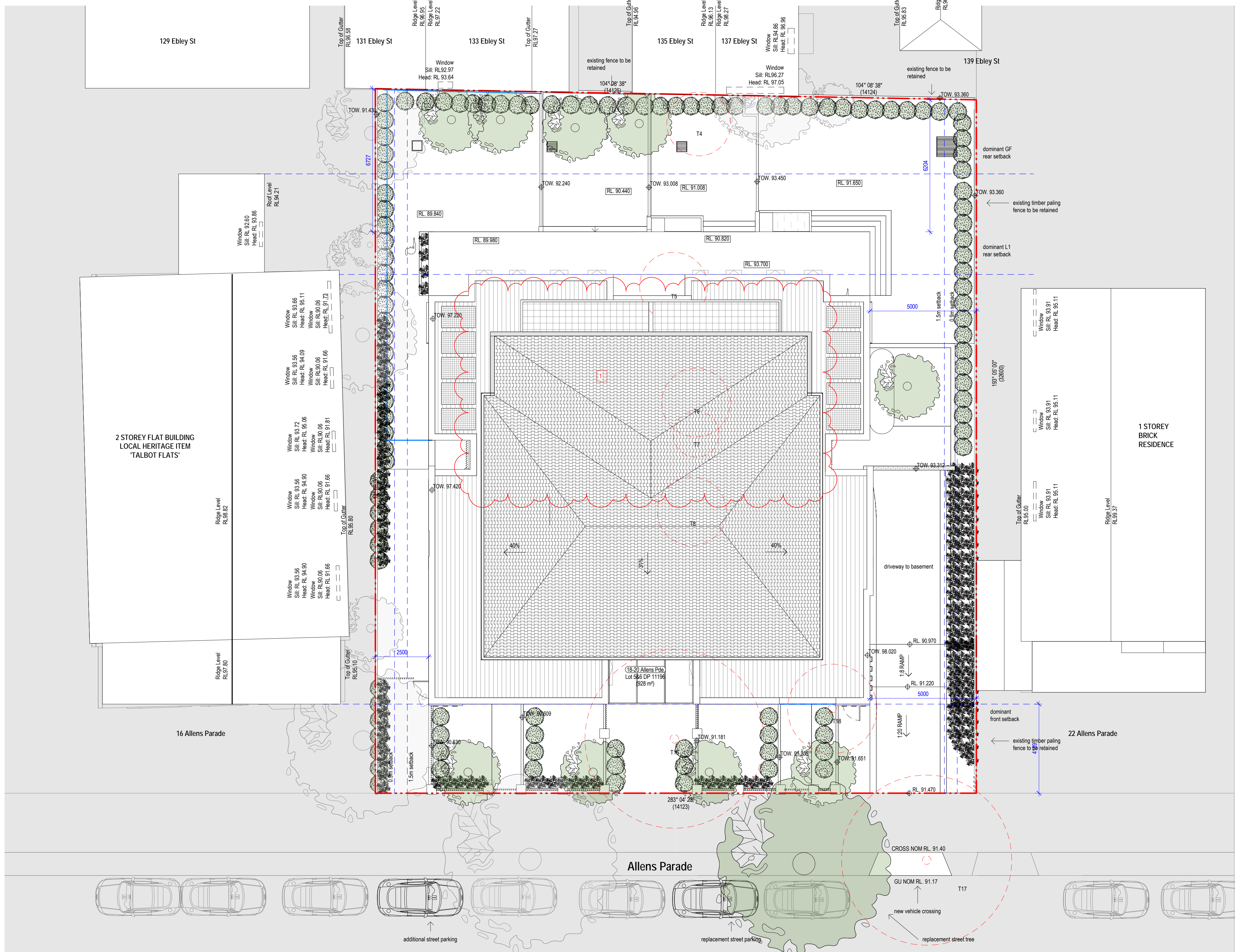
www.antoniaades.com.au

Nominated Architect: Andreas Antoniaades

ACN 129 731 559

NSW Registration 7954



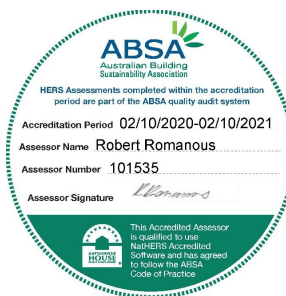


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**CHANGES:**

1. 1 bedroom units changed to 2 bedrooms units
2. Project Data Schedule updated to reflect new units on Level 02
3. Roof form updated



REV	DESCRIPTION	DATE
K	Issued for information	27.02.20
L	Issued for information	04.03.20
M	Issued for information	11.03.20
N	Issued to council - S34	06.04.20
O	Issued to council - S34	30.06.20
P	Issued to council - S34	13.07.20
Q	Issued to council - S34	04.08.20
R	Issued for information	02.11.20
S	Issued for LEC submission	12.11.20
T	Issued for information	20.01.21
U	Issue for Section 4.56	02.03.21

PROJECT PHASE  
**SECTION 4.56**  
  
STATUS  
**FOR SUBMISSION**

PROJECT NO.  
**AA.RES.1803**  
  
PROJECT  
**Allens Parade**  
  
ADDRESS  
**18-20 Allens Parade Bondi Junction NSW**  
  
CLIENT  
**Double Bay Capital (Developments) Pty Ltd**

SCALE  
**1:100**  
  
SCALE BAR  
**0m 2 4 5m**  
Scale 1:100  
  
DRAWN BY  
**EM**  
CHECKED BY  
**AA**  
  
NORTH

DRAWING SERIES  
**Plans**  
DRAWING TITLE  
**Site Plan**  
  
ANTONIADES ARCHITECTS  
www.antoniaades.com.au  
Nominated Architect: Andreas Antoniaades  
  
DRAWING NO.  
**DA 3.01**  
REVISION  
**U**  
  
ACN 129 731 559  
NSW Registration 7954

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**Waverley Council**  
  
Application No: **DA-88/2019/A**  
  
Date Received: **07/04/2021**



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CHANGES:

- 1 bedroom units changed to 2 bedrooms units
- 2 Project Data Schedule updated to reflect new units on Level 02
3. Roof form updated



REV	DESCRIPTION	DATE
M	Issued for information	19.02.20
N	Issued to council	06.04.20
O	Issued for information	26.05.20
P	Issued to council - S34	30.06.20
Q	Issued to council - S34	13.07.20
R	Issued to council - S34	04.08.20
S	Issued for information	29.10.20
T	Issued for information	02.11.20
U	Issued for LEC submission	12.11.20
V	Issued for information	20.01.21
W	Issue for Section 4.56	02.03.21

PROJECT PHASE  
SECTION 4.56

STATUS  
FOR SUBMISSION

PROJECT NO.  
AARES.1803  
PROJECT  
Allens Parade  
ADDRESS  
18-20 Allens Parade Bondi Junction NSW  
CLIENT  
Double Bay Capital (Developments) Pty Ltd

SCALE  
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DRAWN BY  
EM  
CHECKED BY  
AA  
SCALE BAR  
0m 2 4 5m  
Scale 1:100  
NORTH

DRAWING SERIES  
Plans  
DRAWING TITLE  
Basement  
ANTONIADES ARCHITECTS  
www.antoniadis.com.au  
Nominated Architect: Andreas Antoniadis  
ACN 129 731 559  
NSW Registration 7954

DRAWING NO.  
DA 3.02

REVISION  
W

Application No: DA-88/2019/A

Date Received: 07/04/2021

- Legend:
- Property Boundary
  - Setbacks
  - Overhead
  - Hidden
  - Level Marker (Plan)
  - Level Marker (Elevation)
  - Level Marker (Spot)
  - Existing Tree to be retained
  - Existing Tree to be removed
  - Room Tag
  - Room Number
  - Room Name
  - Room Area
  - Material Tag
  - See Material Board for code reference
  - Hatches
  - Existing Elements (Projection)
  - Existing Elements (Cut)
  - Demolished Elements (Projection)
  - Demolished Elements (Cut)
  - Zone for Service Penetration
  - Envelope Previous Submitted DA
  - Shadow Diagrams
  - Shadows Cast by Existing Building
  - Shadows Cast by Proposed Building
  - Shadows Cast by Approved DA
  - Shadow Elevation
  - Additional Shadow Cast by Proposed Building
  - Additional Shadows Cast by Approved DA-88/2019
  - Existing Shadows Cast by the Existing Buildings
  - Abbreviations
  - RL Relative Level (AHD)
  - FFL Finished Floor Level
  - AFFL Above FFL
  - TOW Top Of Wall Level
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  - P Full Height Pantry Cupboard
  - S Storage Cupboard
  - R Wardrobe
  - OBS Obscure Glass
  - BR-XX Brick
  - CPT-XX Carpet Finish
  - CONC-XX Concrete Finish
  - GL-XX Glass
  - LV-XX Louvers
  - MET-XX Metal Finish
  - PCF-XX Powdercoat Finish
  - PAV-XX Pavers
  - PMB-XX Permeable Driveway
  - PF-XX Paint Finish
  - RF-XX Roof Sheetting
  - STN-XX Stone Finish
  - TL-XX Tile Finish
  - TMB-XX Timber Finish
  - Refer to Materials Board for finishes specifications

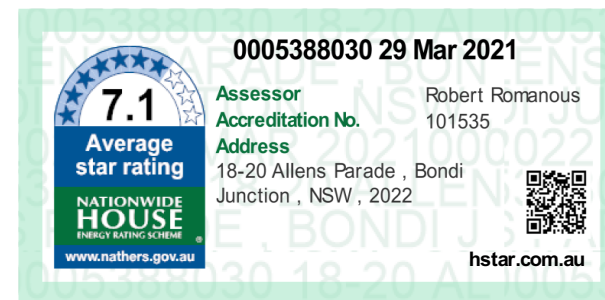


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- Roof form updated



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U	Issued for information	20.01.21
V	Issue for Section 4.56	02.03.21

PROJECT NO.  
AARES.1803

PROJECT  
Allens Parade

ADDRESS  
18-20 Allens Parade Bondi Junction NSW

CLIENT  
Double Bay Capital (Developments) Pty Ltd

SECTION 4.56

STATUS

FOR SUBMISSION

SCALE

1: 100

SCALE BAR

0m 2 4 5m

Scale 1:100

NORTH

DRAWING SERIES  
Plans

DRAWING TITLE  
Ground Floor

ANTONIADES ARCHITECTS

www.antoniaades.com.au

Nominated Architect: Andreas Antoniaades

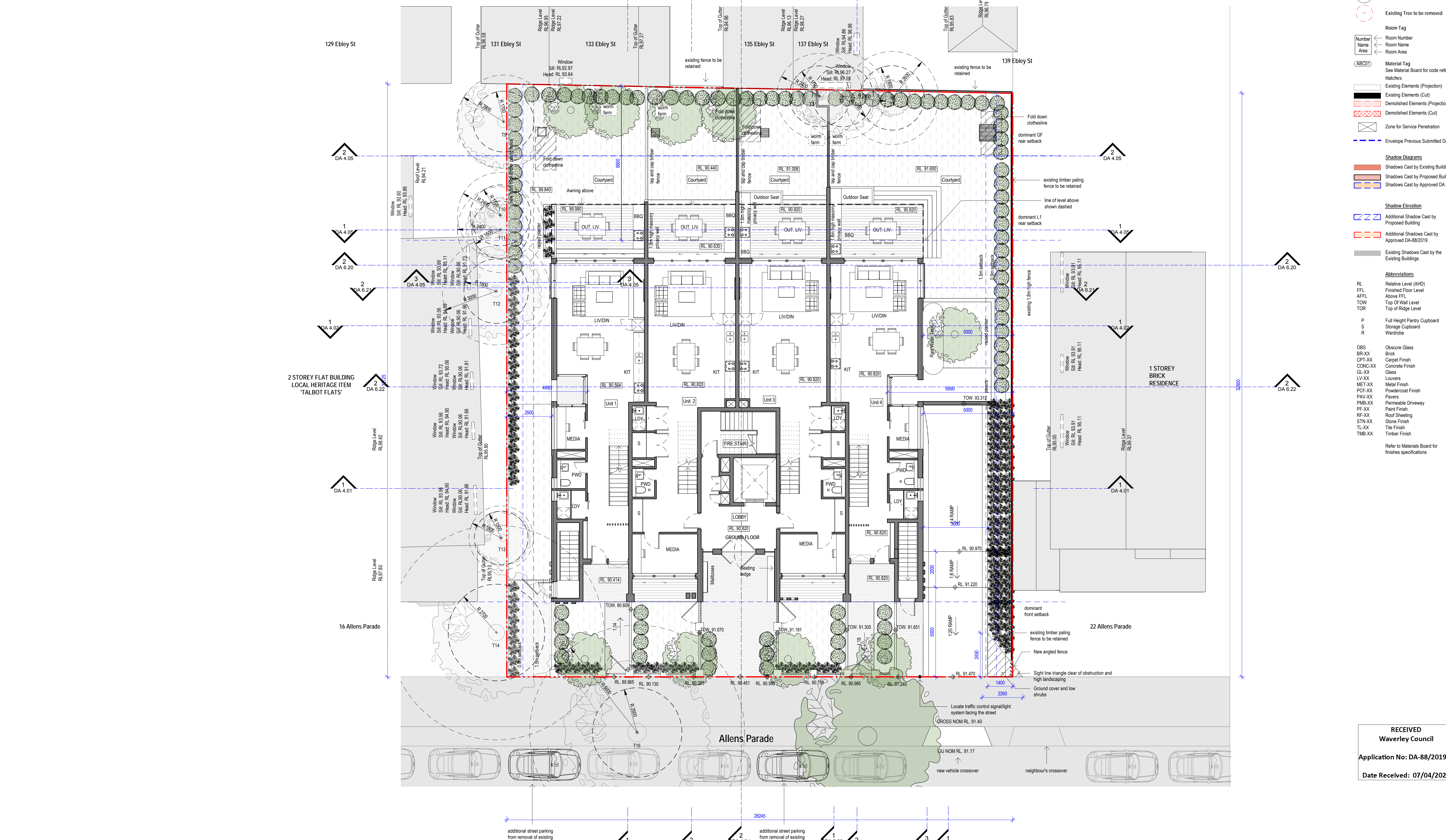
ACN 129 731 559

NSW Registration 7954

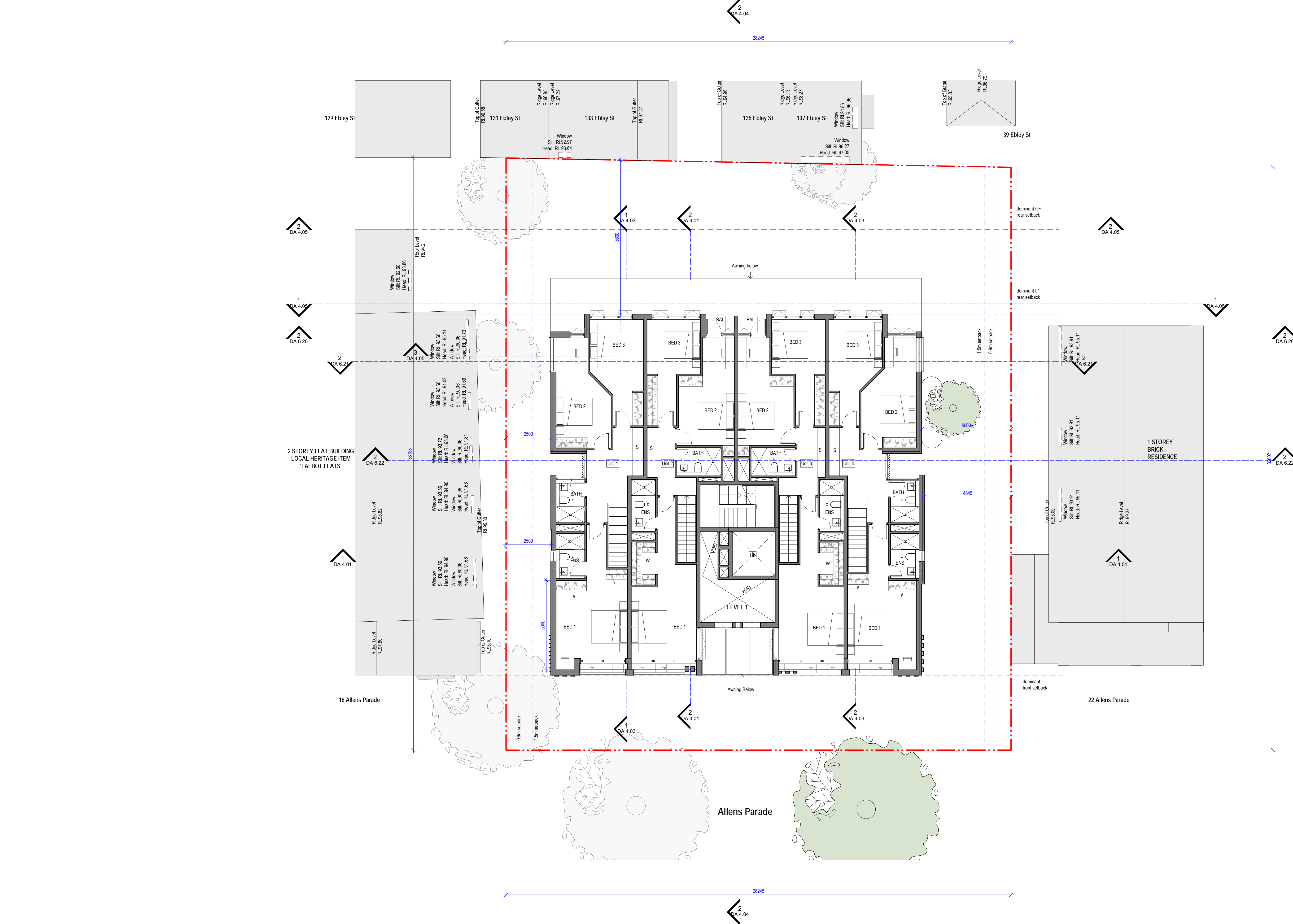
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Application No: DA-88/2019/A

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**Legend:**

- Property Boundary
- Setbacks
- Overhead
- Hidden
- Level Marker (Plan)
- Level Marker (Elevation)
- Level Marker (Spot)
- Existing Tree to be retained
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- Abbreviations**
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- AFFL: Above FFL
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- STN-XX: Stone Finish
- TL-XX: Tile Finish
- TMB-XX: Timber Finish
- Refer to Materials Board for finishes specifications

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- 3. Roof form updated

0005388030 29 Mar 2021

Assessor Accreditation No. Robert Romanous 101535

Address 18-20 Allens Parade, Bondi Junction, NSW, 2022

7.1 Average star rating

www.ustr.gov.au

ABSA

Assessor Name: Robert Romanous

Assessor Number: 101535

Assessment Date: 02/10/2020-02/10/2021

Assessor Signature: [Signature]

REV	DESCRIPTION	DATE
L	Issued for information	19.02.20
M	Issued for information	27.02.20
N	Issued to council - S34	06.04.20
O	Issued to council - S34	30.06.20
P	Issued to council - S34	13.07.20
Q	Issued to council - S34	04.08.20
R	Issued for information	29.10.20
S	Issued for information	02.11.20
T	Issued for information	12.11.20
U	Issued for information	20.01.21
V	Issue for Section 4.56	02.03.21

PROJECT PHASE

**SECTION 4.56**

STATUS

**FOR SUBMISSION**

PROJECT NO. AA.RES.1803

PROJECT **Allens Parade**

ADDRESS 18-20 Allens Parade Bondi Junction NSW

CLIENT Double Bay Capital (Developments) Pty Ltd

SCALE 1:100

DRAWN BY **EM** CHECKED BY **AA**

SCALE BAR 0m 2m 4m 5m

Scale 1:100

NORTH

DRAWING SERIES **Plans**

DRAWING TITLE **Level 01**

ANTONIADES ARCHITECTS

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Nominated Architect: Andreas Antoniadis

ACN 129 731 559

NSW Registration 7954

DRAWING NO. **DA 3.04**

REVISION **V**

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Waverley Council

Application No: DA-88/2019/A

Date Received: 07/04/2021

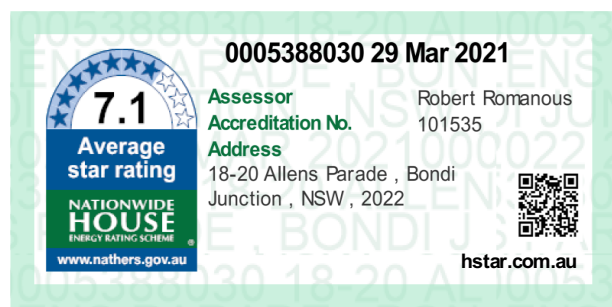


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3. Roof form updated



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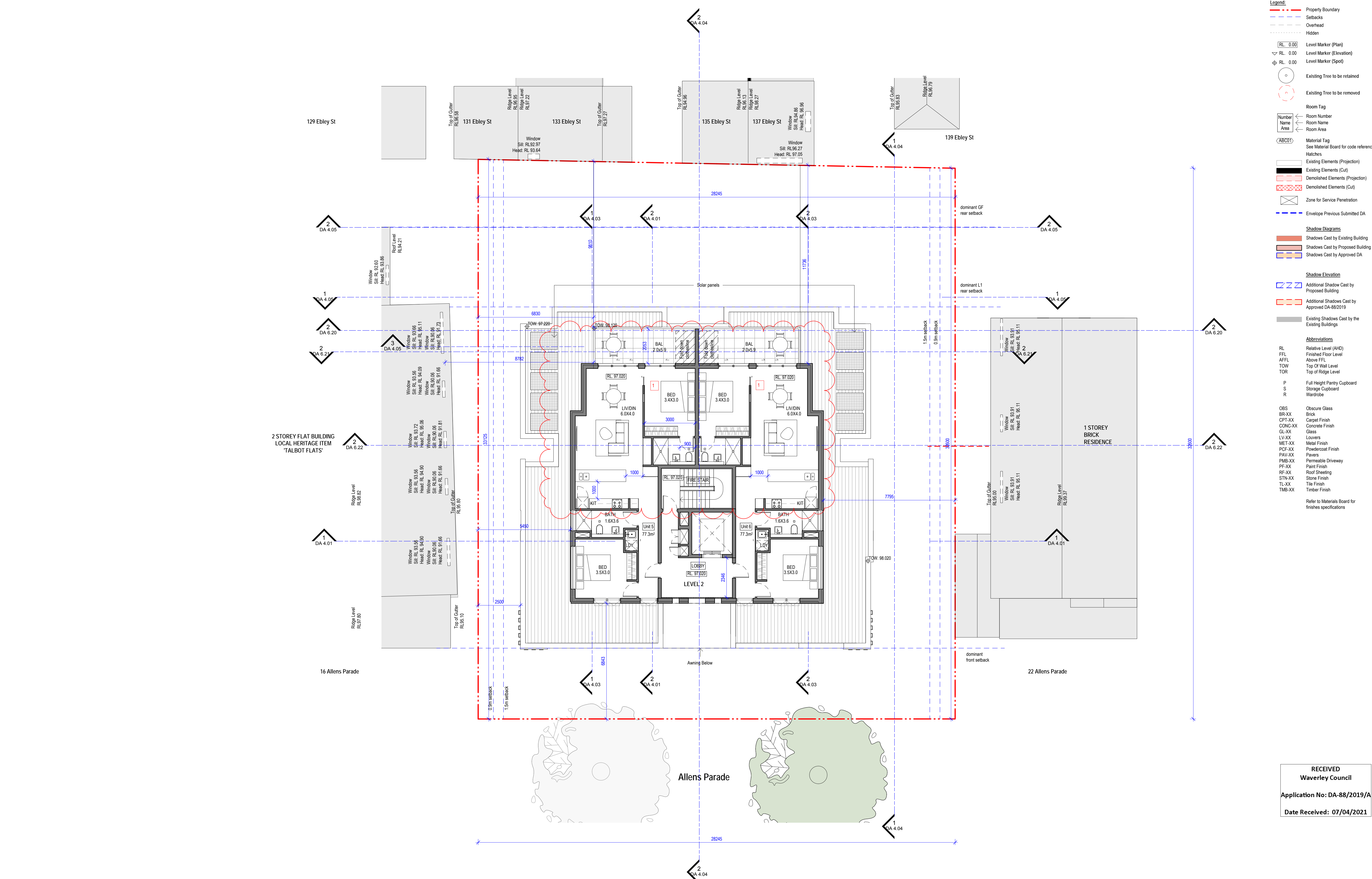
PROJECT PHASE  
**SECTION 4.56**  
  
STATUS  
**FOR SUBMISSION**

PROJECT NO.  
**AA.RES.1803**  
  
PROJECT  
**Allens Parade**  
  
ADDRESS  
**18-20 Allens Parade Bondi Junction NSW**  
  
CLIENT  
**Double Bay Capital (Developments) Pty Ltd**

SCALE  
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SCALE BAR  
0m 2 4 5m  
Scale 1:100  
  
DRAWN BY  
**EM**  
CHECKED BY  
**AA**  
  
NORTH

DRAWING SERIES  
**Plans**  
DRAWING TITLE  
**Level 02**  
  
ANTONIADES ARCHITECTS  
www.antoniaades.com.au  
Nominated Architect: Andreas Antoniaades  
  
DRAWING NO.  
**DA 3.05**  
REVISION  
**V**  
  
ACN 129 731 559  
NSW Registration: 7954

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**Waverley Council**  
  
Application No: **DA-88/2019/A**  
  
Date Received: **07/04/2021**



- Legend:**
- Property Boundary
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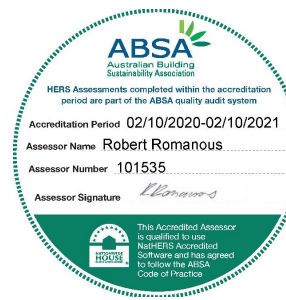


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## CHANGES:

- 1 bedroom units changed to 2 bedrooms units
- 2 Project Data Schedule updated to reflect new units on Level 02
3. Roof form updated



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R	Issued for information	29.10.20
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T	Issued for information	12.11.20
U	Issued for information	20.01.21
V	Issued for Section 4.56	02.03.21

## PROJECT PHASE

SECTION 4.56

## STATUS

FOR SUBMISSION

## PROJECT NO.

A.ARES.1803

## PROJECT

Allens Parade

ADDRESS  
18-20 Allens Parade Bondi Junction NSW

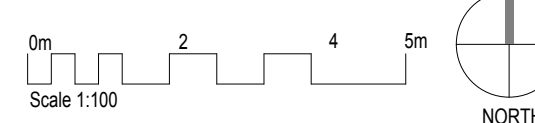
## CLIENT

Double Bay Capital (Developments) Pty Ltd

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## SCALE BAR



## DRAWN BY

EM

## CHECKED BY

AA

## DRAWING SERIES

Plans

## DRAWING TITLE

Roof

ANTONIADES  
ARCHITECTS

www.antoniadis.com.au

Nominated Architect: Andreas Antoniadis

## DRAWING NO.

DA 3.06

## REVISION

V

## DATE

07/04/2021

## CLIENT

Double Bay Capital (Developments) Pty Ltd

www.antoniadis.com.au

Nominated Architect: Andreas Antoniadis

ACN 129 731 559  
NSW Registration 7954

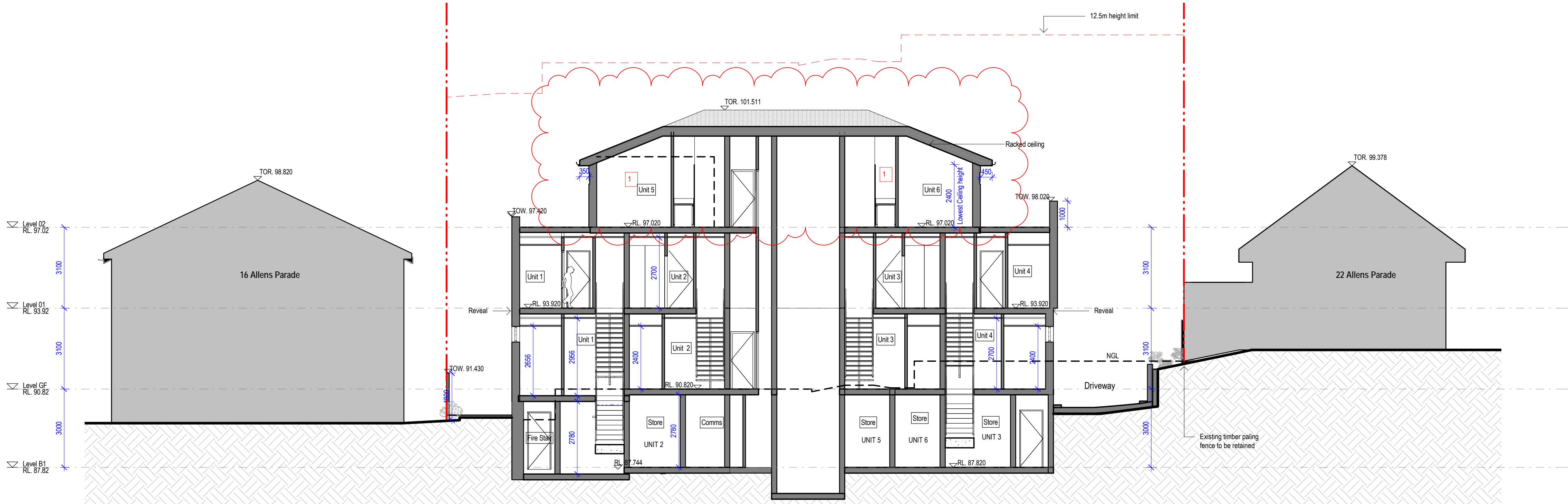
Allens Parade

RECEIVED  
Waverley Council

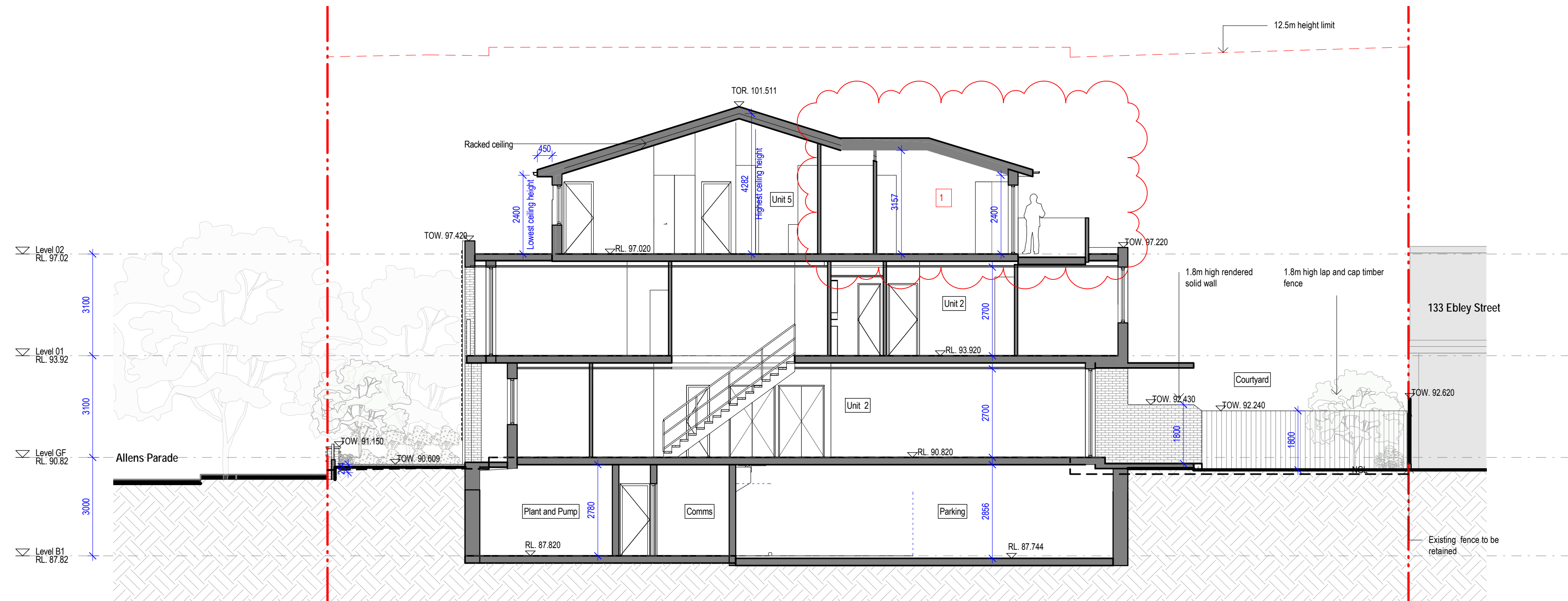
Application No: DA-88/2019/A

Date Received: 07/04/2021





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West East  
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2 Section  
North South  
1:100

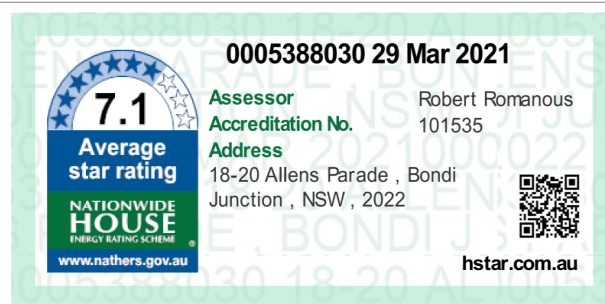
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  - Level Marker (Spot)
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  - Existing Tree to be removed
  - Room Tag
  - Room Number
  - Room Name
  - Room Area
  - Material Tag
  - See Material Board for code reference
  - Hatches
  - Existing Elements (Projection)
  - Existing Elements (Cut)
  - Demolished Elements (Projection)
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  - Zone for Service Penetration
  - Envelope Previous Submitted DA
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**CHANGES:**

1. 1 bedroom units changed to 2 bedrooms units
2. Project Data Schedule updated to reflect new units on Level 02
3. Roof form updated



REV	DESCRIPTION	DATE
H	Issued for Coordination	20.02.19
I	Issued for Information	13.03.19
J	Issued for Information	15.03.19
K	DA Submission	18.03.19
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P	Issued for LEC submission	12.11.20
Q	Issued for information	20.01.21
R	Issue for Section 4.56	02.03.21

PROJECT PHASE  
**SECTION 4.56**

STATUS  
**FOR SUBMISSION**

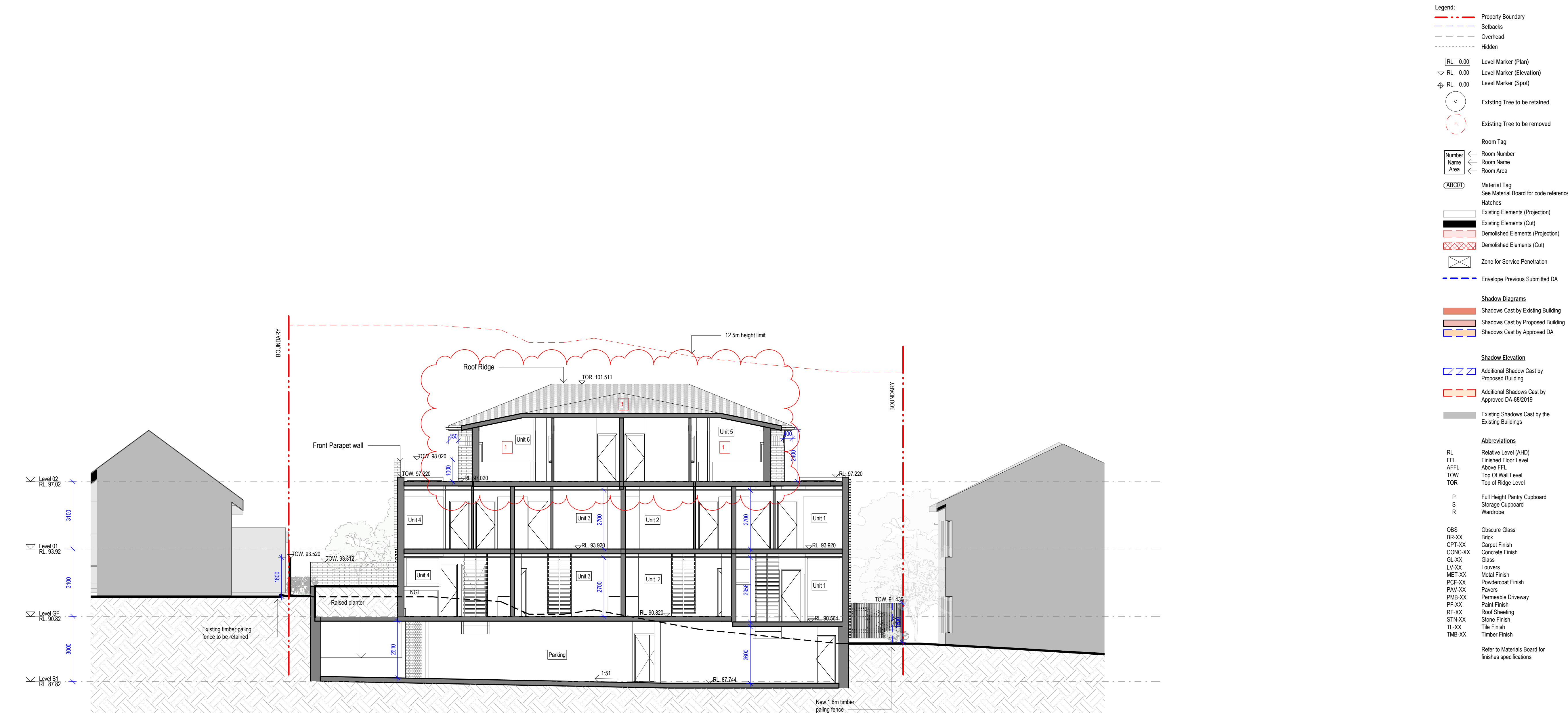
PROJECT NO.  
**AA.RES.1803**  
PROJECT  
**Allens Parade**  
ADDRESS  
18-20 Allens Parade Bondi Junction NSW  
CLIENT  
Double Bay Capital (Developments) Pty Ltd

SCALE  
1:100  
DRAWN BY  
**EM**  
CHECKED BY  
**AA**  
SCALE BAR  
0m 2 4 5m  
Scale 1:100

DRAWING SERIES  
**Sections**  
DRAWING TITLE  
**Sections 1**  
DRAWING NO.  
**DA 4.01**  
REVISION  
**R**  
ANTONIADES ARCHITECTS  
www.antoniaades.com.au  
Nominated Architect: Andreas Antoniaades  
ACN 129 731 559  
NSW Registration 7954

RECEIVED  
Waverley Council  
Application No: DA-88/2019/A  
Date Received: 07/04/2021





- Legend:**
- Property Boundary
  - Setbacks
  - Overhead
  - Hidden
  - Level Marker (Plan)
  - Level Marker (Elevation)
  - Level Marker (Spot)
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3. Roof form updated



REV	DESCRIPTION	DATE
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I	Issue for Section 4.56	02.03.21

PROJECT PHASE  
**SECTION 4.56**

STATUS  
**FOR SUBMISSION**

PROJECT NO.  
**AA.RES.1803**

PROJECT  
**Allens Parade**

ADDRESS  
**18-20 Allens Parade Bondi Junction NSW**

CLIENT  
**Double Bay Capital (Developments) Pty Ltd**

SCALE  
**1:100**

DRAWN BY  
**AZ**

CHECKED BY  
**AA**

SCALE BAR  
0m 2 4 5m  
Scale 1:100

DRAWING SERIES  
**Sections**

DRAWING TITLE  
**Sections 2**

DRAWING NO.  
**DA 4.02**

REVISION  
**I**

**ANTONIADES ARCHITECTS**

www.antoniadis.com.au  
Nominated Architect: Andreas Antoniadis

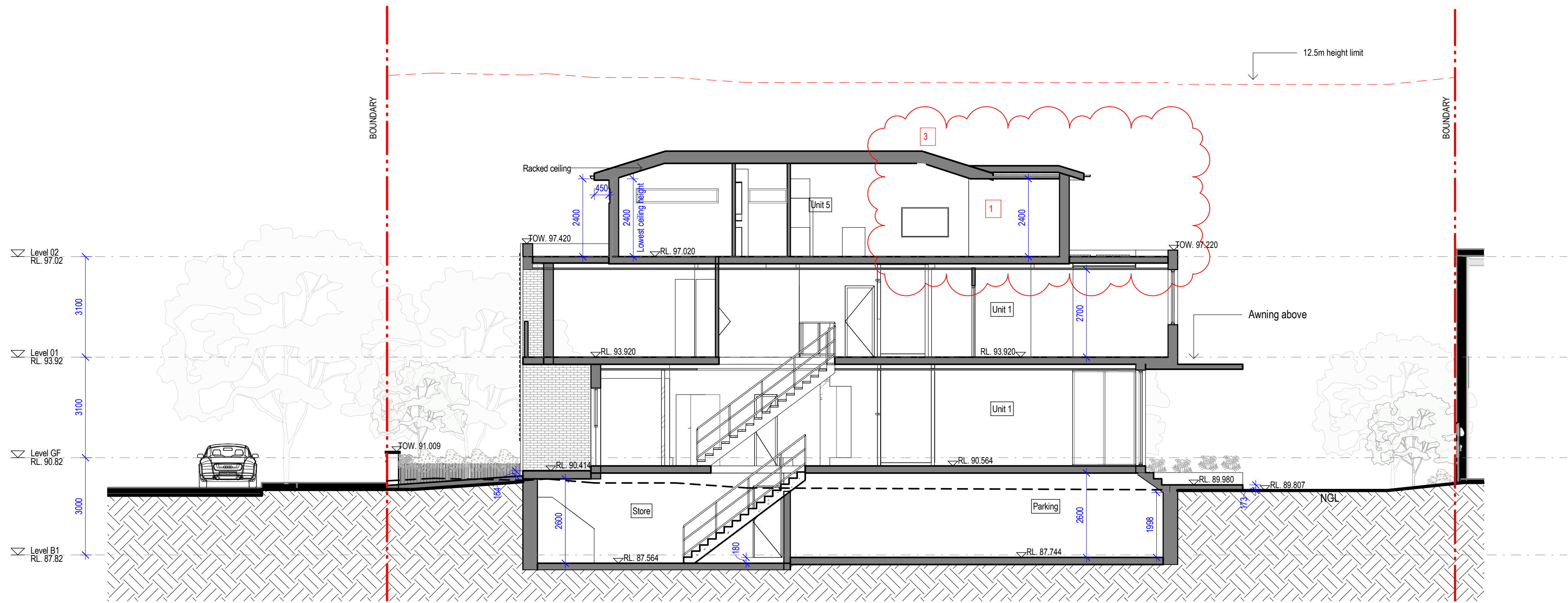
ACN 129 731 559  
NSW Registration 7954

**RECEIVED**  
**Waverley Council**

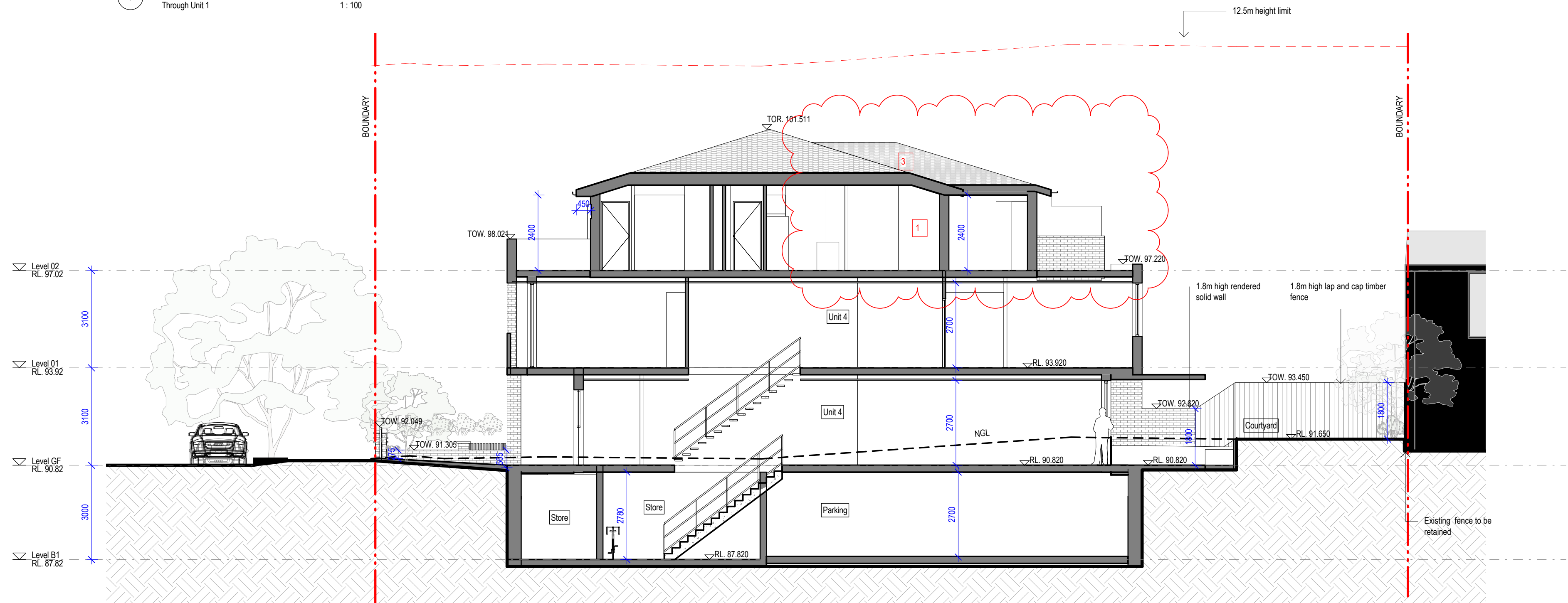
**Application No: DA-88/2019/A**

**Date Received: 07/04/2021**





Section  
Through Unit 1  
1:100



Section  
North South  
1:100

- Legend:**
- Property Boundary
  - Setbacks
  - Overhead
  - Hidden
  - Level Marker (Plan)
  - Level Marker (Elevation)
  - Level Marker (Spot)
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- 2. Project Data Schedule updated to reflect new units on Level 02
- 3. Roof form updated



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G	Issued for information	20.01.21
H	Issue for Section 4.56	02.03.21

PROJECT PHASE  
**SECTION 4.56**

STATUS  
**FOR SUBMISSION**

PROJECT NO.  
**AA.RES.1803**

PROJECT  
**Allens Parade**

ADDRESS  
**18-20 Allens Parade Bondi Junction NSW**

CLIENT  
**Double Bay Capital (Developments) Pty Ltd**

SCALE  
**1:100**

DRAWN BY  
**ZD**

CHECKED BY  
**AA**

SCALE BAR  
**0m 2 4 5m**

Scale 1:100

DRAWING SERIES  
**Sections**

DRAWING TITLE  
**Sections 3**

DRAWING NO.  
**DA 4.03**

REVISION  
**H**

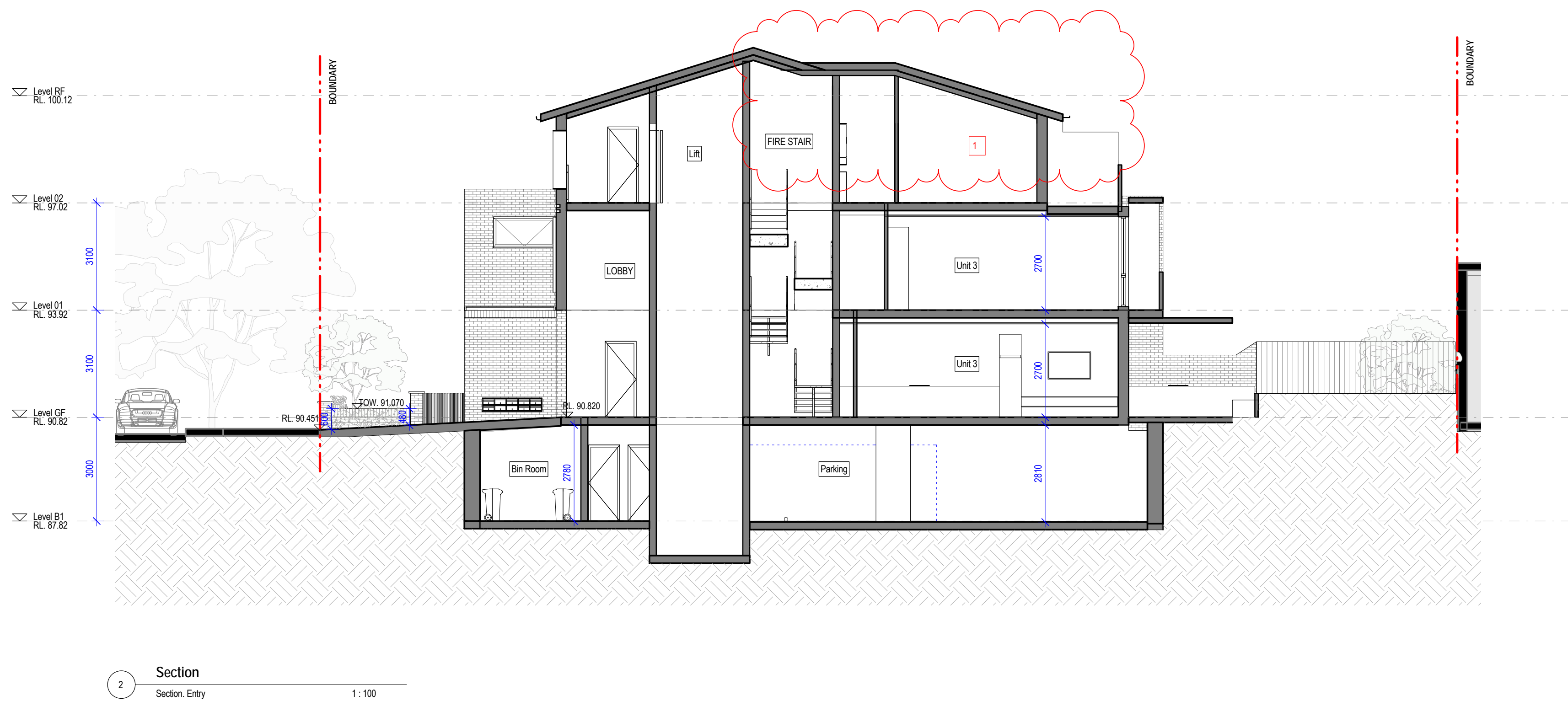
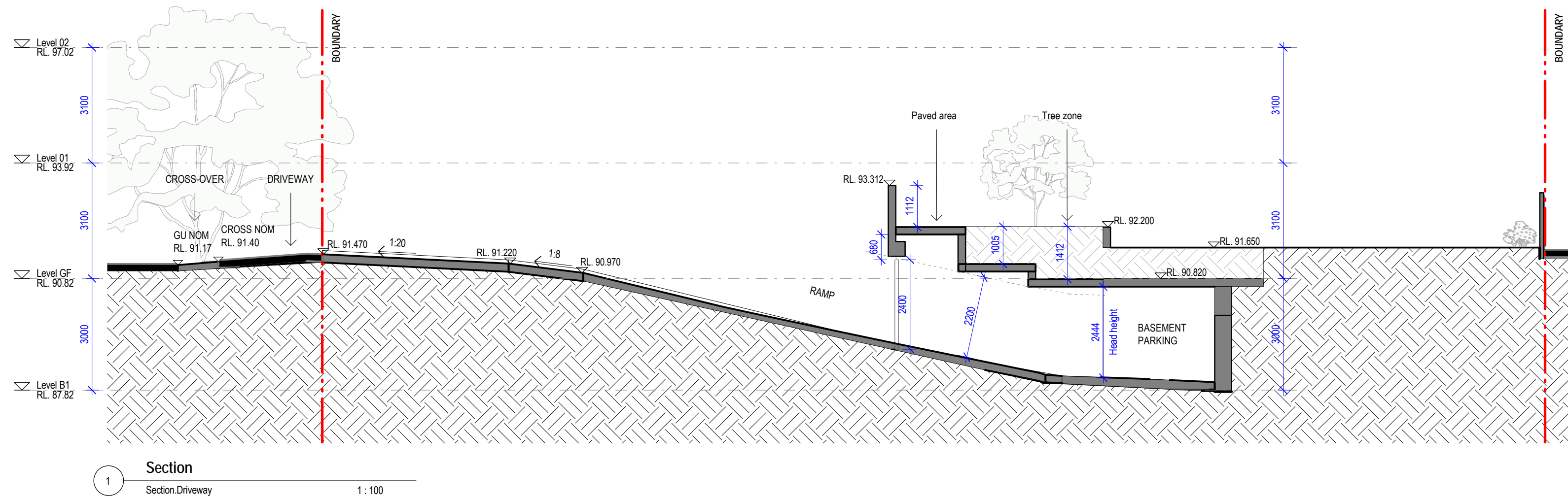
**ANTONIADES ARCHITECTS**

www.antoniadis.com.au

Nominated Architect: Andreas Antoniadis

ACN 129 731 559  
NSW Registration 7954



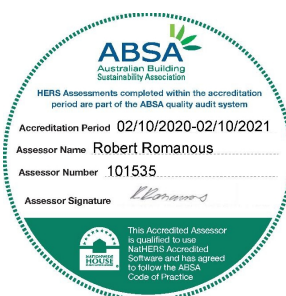
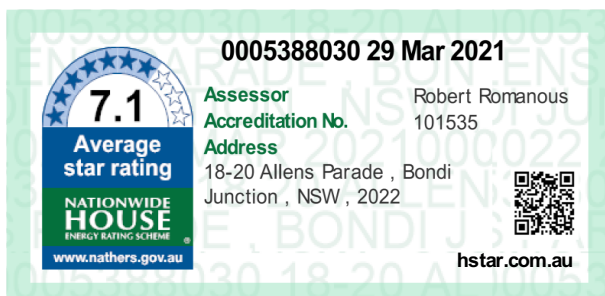


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3. Roof form updated



REV	DESCRIPTION	DATE
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PROJECT PHASE

**SECTION 4.56**

STATUS

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CLIENT  
Double Bay Capital (Developments) Pty Ltd

SCALE  
1:100

DRAWN BY  
**ZD**

CHECKED BY  
**AA**

SCALE BAR  
0m 2 4 5m  
Scale 1:100

DRAWING SERIES  
**Sections**

DRAWING TITLE  
**Sections 4**

ANTONIADES ARCHITECTS

www.antoniadis.com.au  
Nominated Architect: Andreas Antoniadis

DRAWING NO.  
**DA 4.04**

REVISION  
**B**

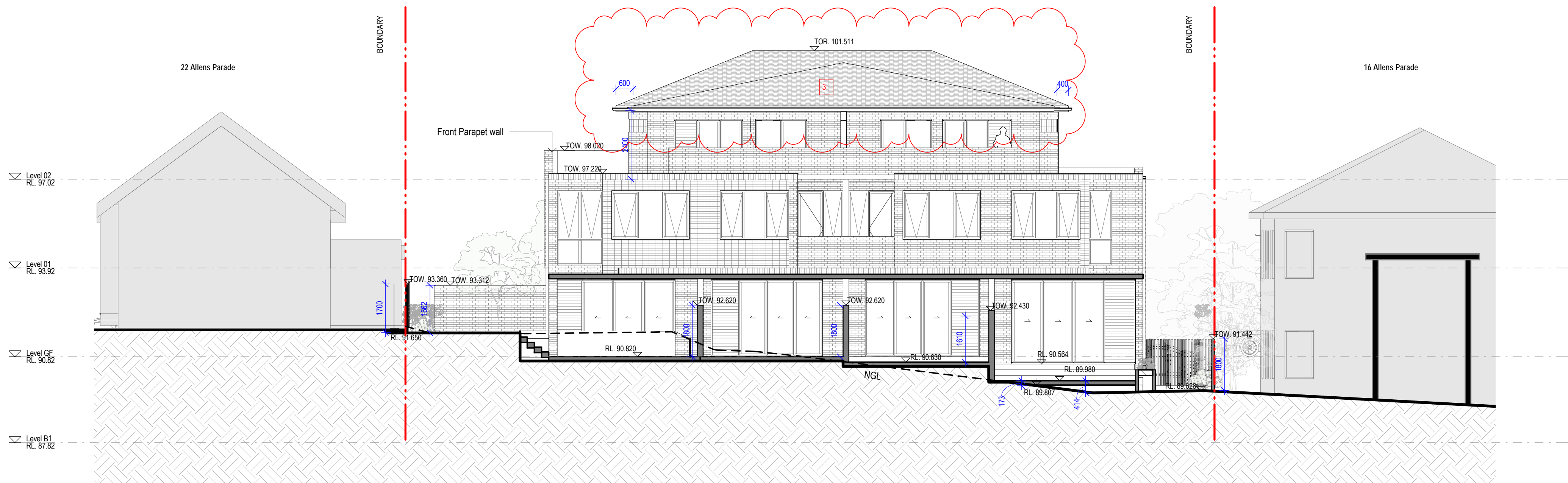
ACN 129 731 559  
NSW Registration 7954

RECEIVED  
Waverley Council

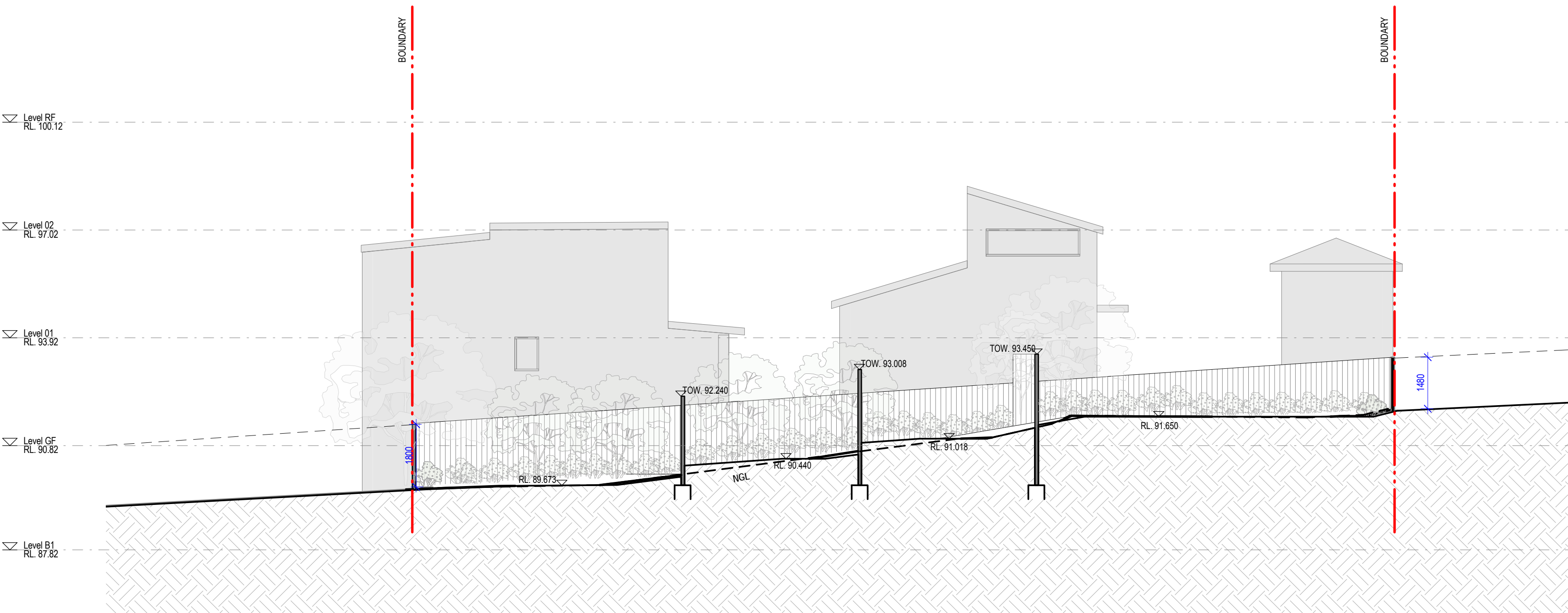
Application No: DA-88/2019/A

Date Received: 07/04/2021





1 Section  
East-West - Decks  
1:100



2 Section  
section through backyards  
1:100



3 Section  
Section 19  
1:100

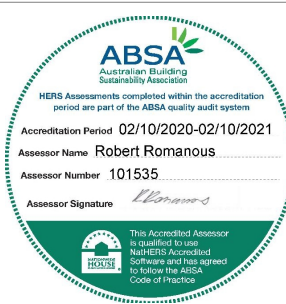
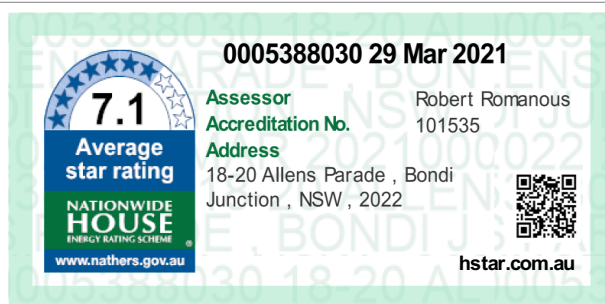
- Legend:**
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B	Issue for Section 4.56	02.03.21

PROJECT PHASE  
**SECTION 4.56**

STATUS  
**FOR SUBMISSION**

PROJECT NO.  
**AA.RES.1803**

PROJECT  
**Allens Parade**

ADDRESS  
**18-20 Allens Parade Bondi Junction NSW**

CLIENT  
**Double Bay Capital (Developments) Pty Ltd**

SCALE  
**1:100**

DRAWN BY  
**ZD**

CHECKED BY  
**AA**

SCALE BAR  
0m 2 4 5m  
Scale 1:100

DRAWING SERIES  
**Sections**

DRAWING TITLE  
**Sections 5**

DRAWING NO.  
**DA 4.05**

REVISION  
**B**

ANTONIADES ARCHITECTS

www.antoniadis.com.au  
Nominated Architect: Andreas Antoniadis

ACN 129 731 559  
NSW Registration 7954





LOBBY AREA	33.8 m²	100 %
OPENINGS	17.5 m²	51.7%



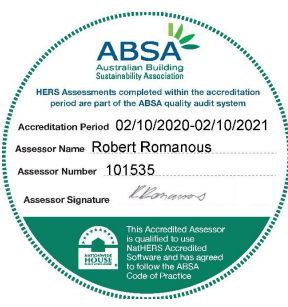
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PROJECT PHASE

**SECTION 4.56**

STATUS

**FOR SUBMISSION**

PROJECT NO.  
AA.RES.1803

PROJECT  
**Allens Parade**

ADDRESS  
18-20 Allens Parade Bondi Junction NSW

CLIENT  
Double Bay Capital (Developments) Pty Ltd

SCALE

As indicated @A1

SCALE BAR

0m 2 4 5m

Scale 1:100

DRAWN BY  
**EM**

CHECKED BY  
**AA**

DRAWING SERIES  
**Elevation - South**

DRAWING TITLE  
**Elevations - South & North**

ANTONIAADES ARCHITECTS

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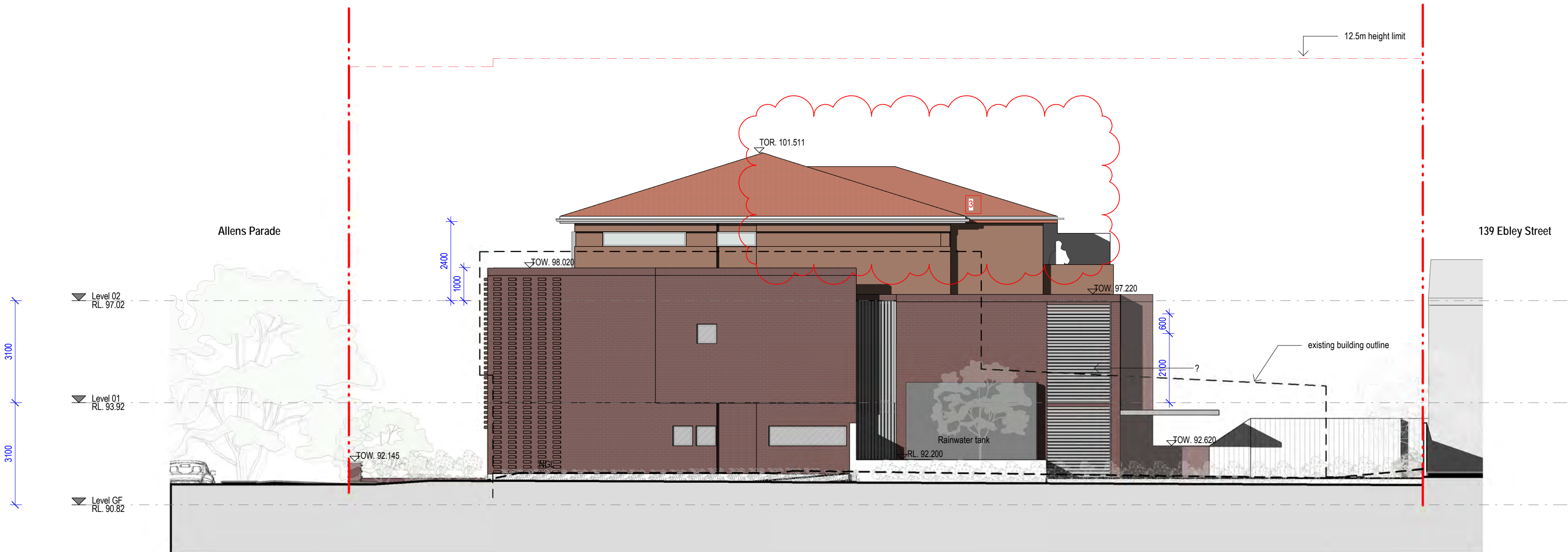
Nominated Architect: Andreas Antoniaades

ACN 129 731 559  
NSW Registration 7954

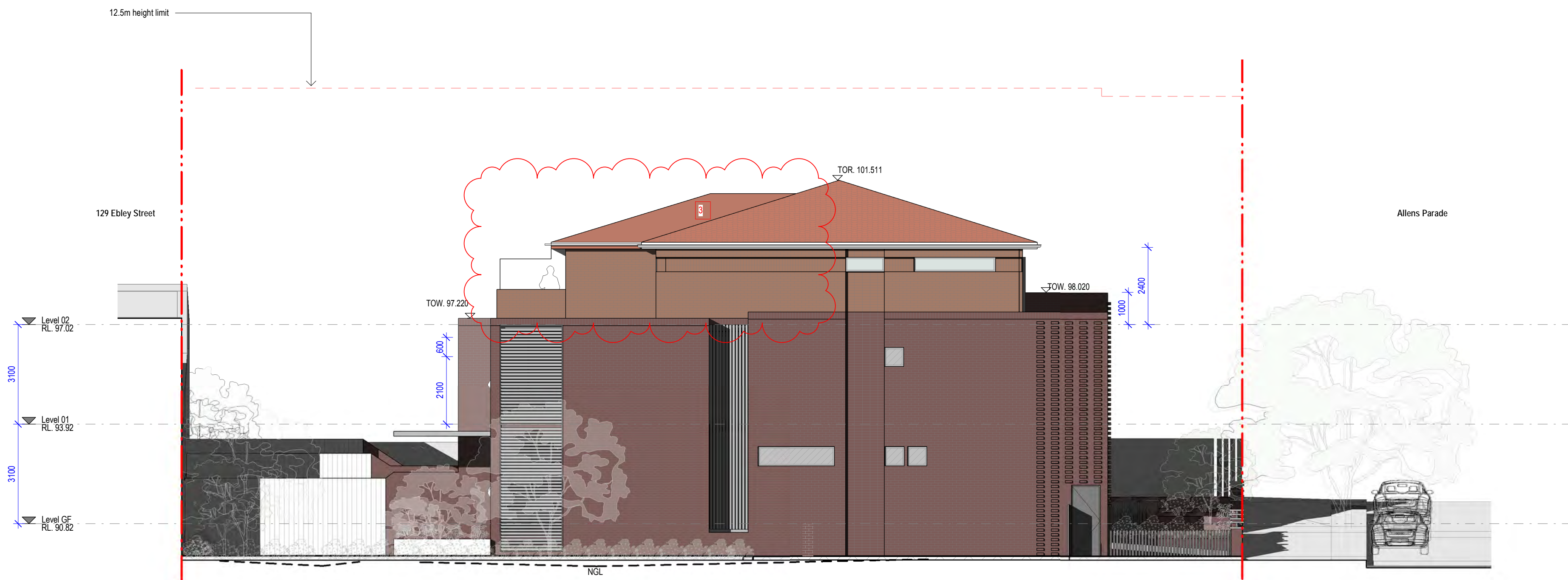
DRAWING NO.  
**DA 5.01**

REVISION  
**R**





1 Elevation  
East 1:100



2 Elevation  
West 1:100

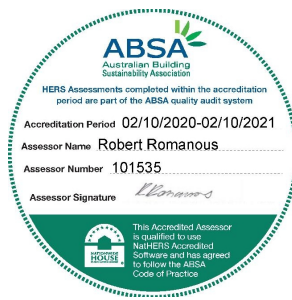
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  - CPT-XX: Carpet Finish
  - CONC-XX: Concrete Finish
  - GL-XX: Glass
  - LV-XX: Louvers
  - MET-XX: Metal Finish
  - PCF-XX: Powdercoat Finish
  - PAV-XX: Pavers
  - PMB-XX: Permeable Driveway
  - PF-XX: Paint Finish
  - RF-XX: Roof Sheeting
  - STN-XX: Stone Finish
  - TL-XX: Tile Finish
  - TMB-XX: Timber Finish
  - Refer to Materials Board for finishes specifications

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**CHANGES:**

- 1 bedroom units changed to 2 bedrooms units
- 2 Project Data Schedule updated to reflect new units on Level 02
3. Roof form updated



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J	Issued for Information	15.03.19
K	DA Submission	18.03.19
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N	Issued to council - S34	04.08.20
O	Issued for information	02.11.20
P	Issued for LEC submission	12.11.20
Q	Issued for information	20.01.21
R	Issue for Section 4.56	02.03.21

**PROJECT PHASE**

SECTION 4.56

**STATUS**

FOR SUBMISSION

PROJECT NO.  
AA.RES.1803

PROJECT  
Allens Parade

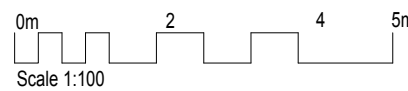
ADDRESS  
18-20 Allens Parade Bondi Junction NSW

CLIENT  
Double Bay Capital (Developments) Pty Ltd

**SCALE**

1:100

**SCALE BAR**



**DRAWN BY**

EM

**CHECKED BY**

AA

**DRAWING SERIES**

Elevations

DRAWING TITLE  
Elevations East & West

ANTONIADES  
ARCHITECTS

www.antoniadis.com.au

Nominated Architect: Andreas Antoniadis

**DRAWING NO.**

DA 5.02

**REVISION**

R

ACN 129 731 559

NSW Registration 7954



PROJECT DATA SCHEDULE

Date 02/03/2021  
Revision M  
Author ZD

PROJECT 18-20 Allens Parade Bondi Junction

AA.RES.1803

Council Waverley Council  
Lot & DP Lot 5&6 DP 11196  
Zoning R3 - Medium Density Residential  
Site Area 928m²

PLANNING

	FSR	GFA	Height of Building	Setbacks	Landscaping	Deep Soil	Communal Open Space	Front Setback Open Space
Controls & Guidelines	0.75:1	696m²	12.5m	Dominant Front Setback	30% of site area (278m²)	50% of landscape area (139m²)	15% of site area (139m²)	50% open space w/ 50% landscaped
Proposed	0.80:1	739m²	11.7m	Dominant Front & Rear Setback, 2m smallest Side Setback	36% (342m²)	83% of requirement (284m²)	0m²	100% open, >50% landscaped
Approved DA-258/2017	0.84:1	780m²	9.8m	Compliant	24-34%	n/a	n/a	96%, >50% landscaped
Approved DA-88/2019	0.75:1	696m²	11.7m	Dominant Front & Rear Setback, 2m smallest Side Setback	36% (342m²)	83% of requirement (284m²)	0m²	100% open, >50% landscaped

\* Planning Instruments, Waverley Council LEP 2012, Waverly Council DCP 2012, NSW Apartment Design Guide June 2015

AMENITY

	Cross Ventilation	Solar Access	Private Open Space (m2)
Controls & Guidelines	60% units	70% units min 3 hours	min 25m²
Proposed	Complies	Complies	Complies

UNITS

	Bedrooms	Internal Area	Private Open Space	Compliance		Storage			Complies
				Cross Ventilation	Solar Access	Storage Requirement	Unit Storage	Basement Storage	
Unit 1	3 beds	165 m²	121m²	Yes	Yes	10m³	5.9m³	29.7m³	Yes
Unit 2	3 beds	163 m²	65m²	Yes	Yes	10m³	5.9m³	24.0m³	Yes
Unit 3	3 beds	163 m²	64m²	Yes	Yes	10m³	5.9m³	27.0m³	Yes
Unit 4	3 beds	165 m²	156m²	Yes	Yes	10m³	5.9m³	25.4m³	Yes
Unit 5	2 beds	87 m²	12m²	Yes	Yes	8m³	4.0m³	13.5m³	Yes
Unit 6	2 beds	87 m²	12m²	Yes	Yes	8m³	4.0m³	13.5m³	Yes

\* Internal Area calculations as per Method of Measurement document from Property Council of Australia

\* Storage Calculations as per ADG

AREA CALCULATIONS

	GFA	GBA
Level B1	0m²	458m²
Level GF	283m²	433m²
Level 1	301m²	400m²
Level 2	155m²	235m²
Total	739m²	1526m²

\* GFA areas provided calculated Internal face of external wall excluding vertical circulation, plant rooms, garbage area, loading area, and car parking

\* GBA areas provided calculated External face of external wall including vertical circulation, risers, terraces, balcony, front covered patios

CAR PARKING

	2 Bed	3 Bed+	Visitor	Motorcycles
Max Rate	0.7 per 1	1.2 per 1	1 per 7 spaces	1 per 3 spaces
Allowable	1.4	4.8	1	2
Total Allowable	7			2
Total Proposed	6			2

DISCLAIMER

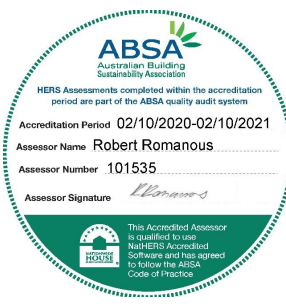
- All figures presented in this schedule are preliminary and refer to schematic designs prepared by Antoniades Architects Pty
- All areas and information is subject to further development and confirmation.

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P	Issue for Section 4.56	02.03.21

PROJECT PHASE

SECTION 4.56

STATUS

FOR SUBMISSION

PROJECT NO. AA.RES.1803

PROJECT Allens Parade

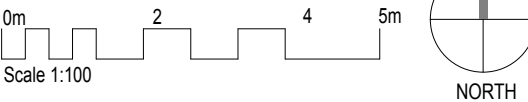
ADDRESS 18-20 Allens Parade Bondi Junction NSW

CLIENT Double Bay Capital (Developments) Pty Ltd

SCALE

As indicated @A1

SCALE BAR



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EM

CHECKED BY

AA

DRAWING SERIES

Design Analysis

DRAWING TITLE Project Data Schedule

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Nominated Architect: Andreas Antoniades

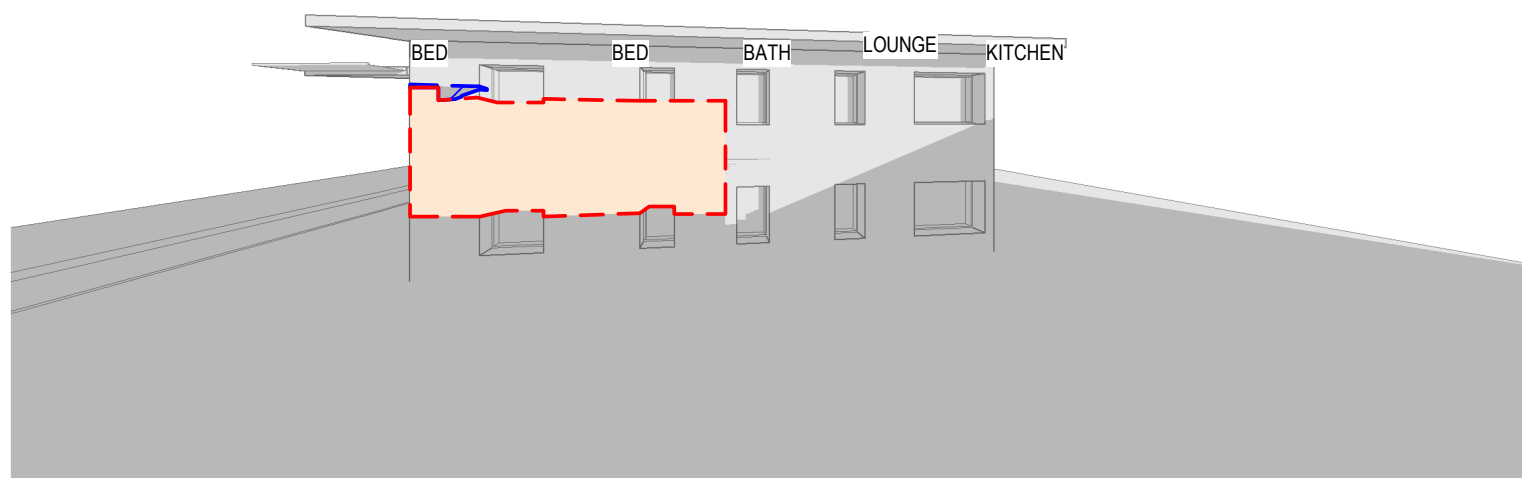
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REVISION P

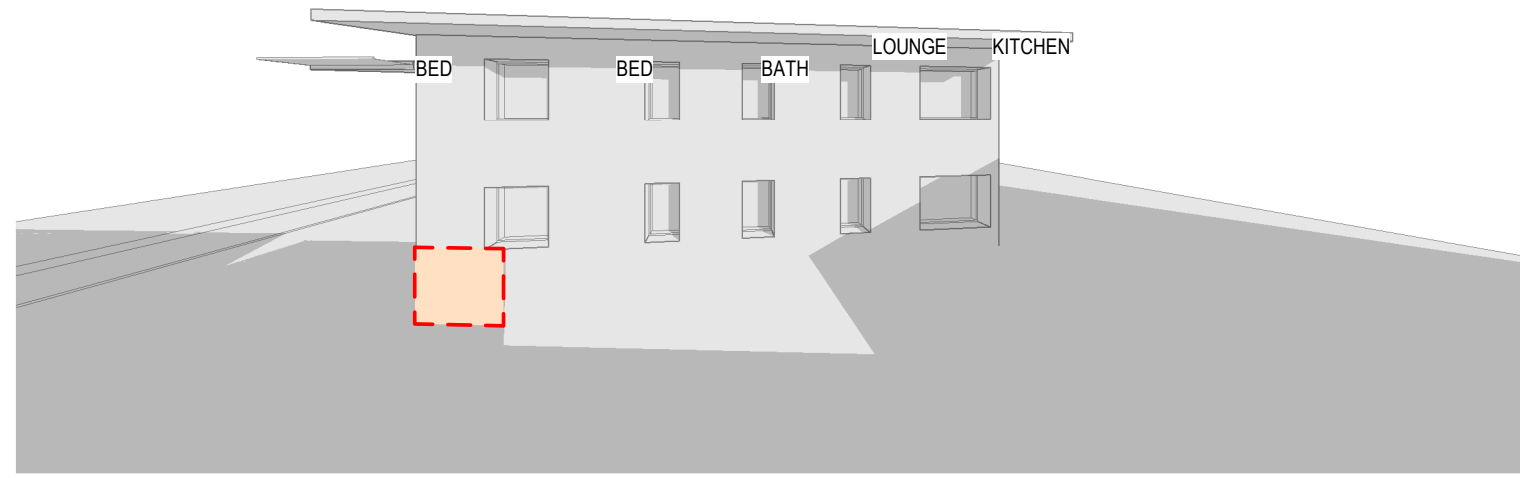
ACN 129 731 559

NSW Registration 7954

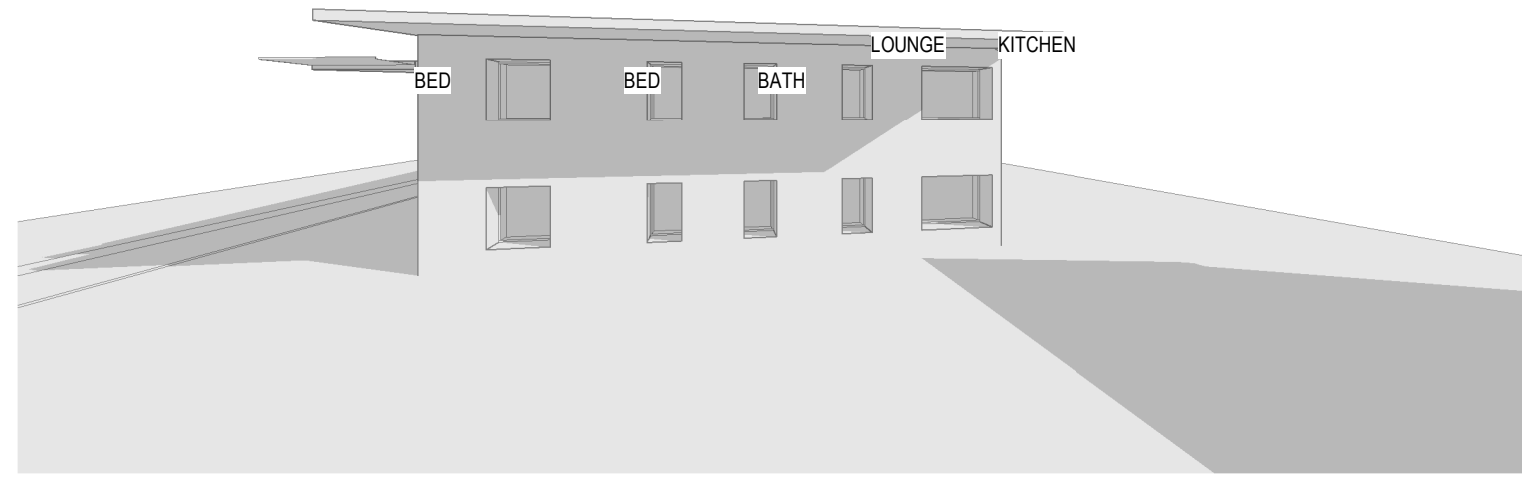




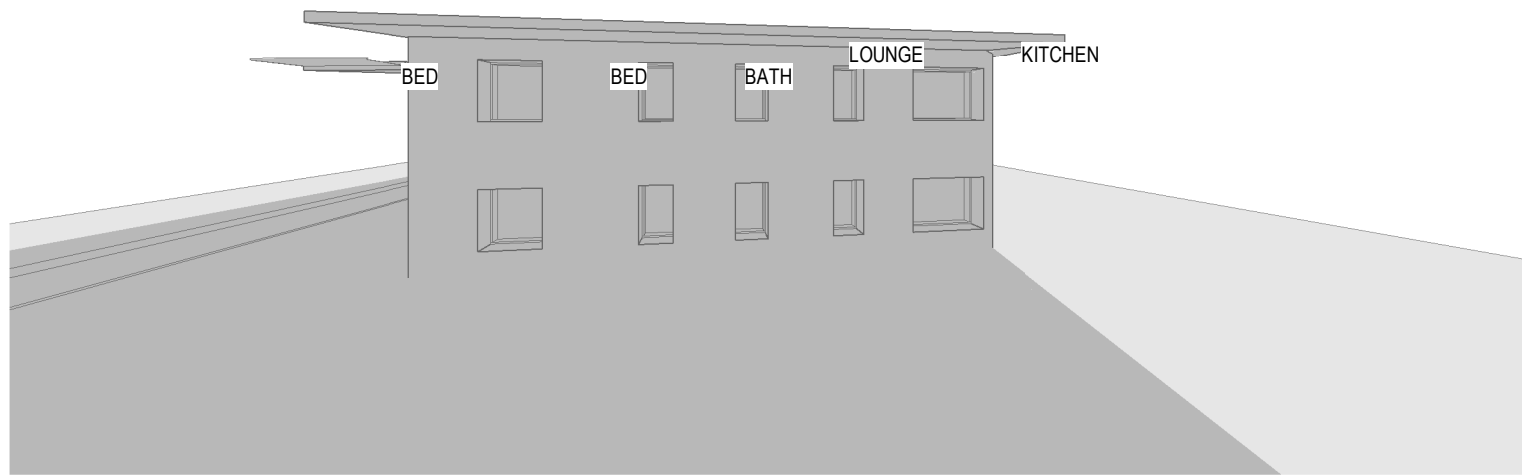
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16 Allens Parade - 9am



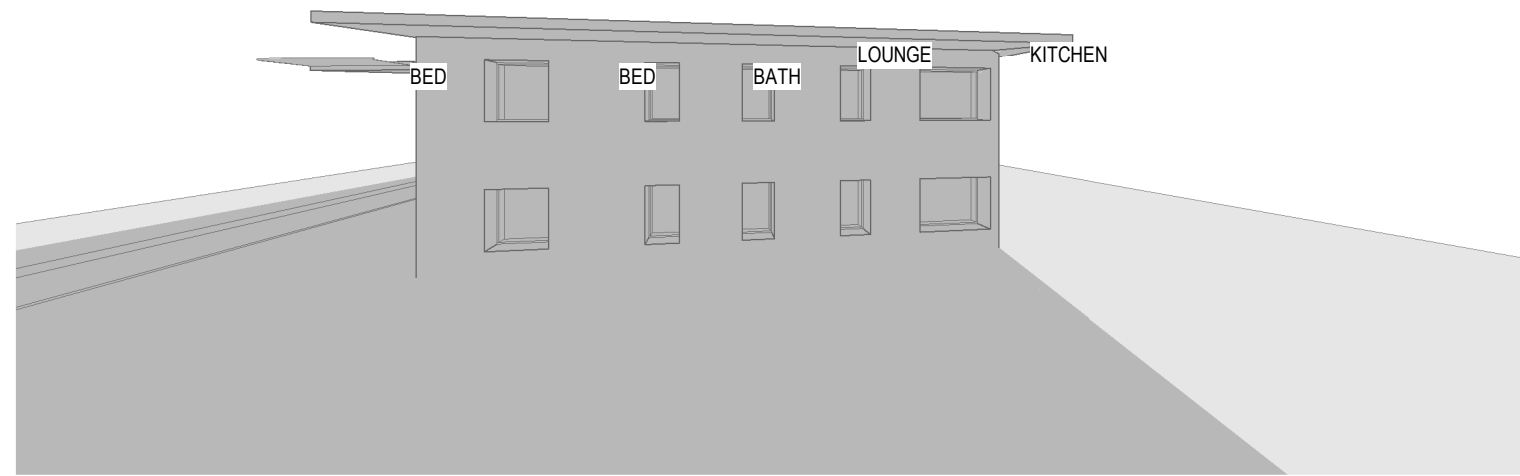
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16 Allens Parade - 10am



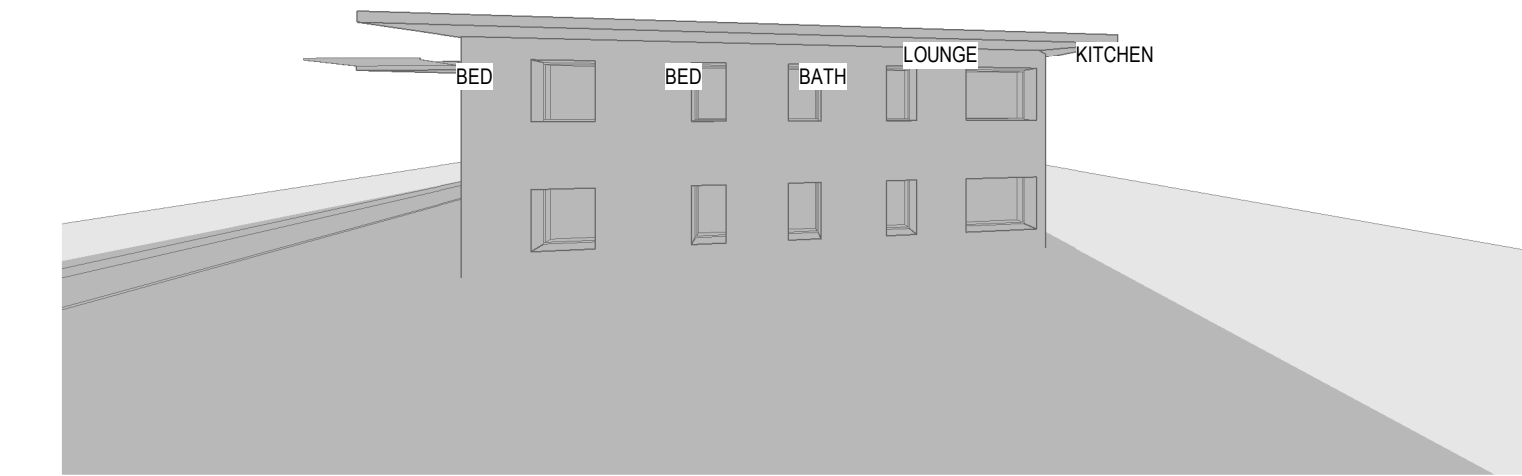
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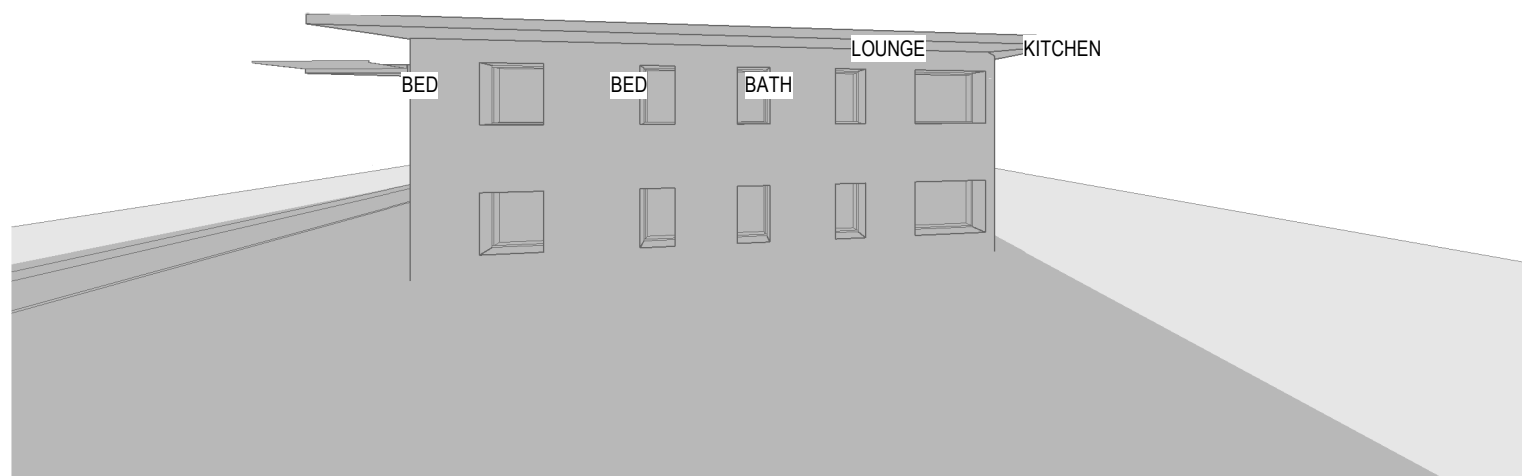
4 3D View  
16 Allens Parade - 12pm



5 3D View  
16 Allens Parade - 1pm



6 3D View  
16 Allens Parade - 2pm



7 3D View  
16 Allens Parade - 3pm

- Legend:**
- Property Boundary
  - Setbacks
  - Overhead
  - Hidden
  - Level Marker (Plan)
  - Level Marker (Elevation)
  - Level Marker (Spot)
  - Existing Tree to be retained
  - Existing Tree to be removed
  - Room Tag
  - Room Number
  - Room Name
  - Room Area
  - Material Tag
  - See Material Board for code reference
  - Hatches
  - Existing Elements (Projection)
  - Existing Elements (Cut)
  - Demolished Elements (Projection)
  - Demolished Elements (Cut)
  - Zone for Service Penetration
  - Envelope Previous Submitted DA
  - Shadow Diagrams
  - Shadows Cast by Existing Building
  - Shadows Cast by Proposed Building
  - Shadows Cast by Approved DA
  - Shadow Elevation
  - Additional Shadow Cast by Proposed Building
  - Additional Shadows Cast by Approved DA-88/2019
  - Existing Shadows Cast by the Existing Buildings
  - Abbreviations
  - RL Relative Level (AHD)
  - FFL Finished Floor Level
  - AFFL Above FFL
  - TOW Top Of Wall Level
  - TOR Top of Ridge Level
  - P Full Height Pantry Cupboard
  - S Storage Cupboard
  - R Wardrobe
  - OBS Obscure Glass
  - BR-XX Brick
  - CPT-XX Carpet Finish
  - CONC-XX Concrete Finish
  - GL-XX Glass
  - LV-XX Louvers
  - MET-XX Metal Finish
  - PCF-XX Powdercoat Finish
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  - PMB-XX Permeable Driveway
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A	Issued for information	27.02.20
B	Issued for information	11.03.20
C	Issued to council	05.04.20
D	Issued for information	02.11.20
E	Issued for LEC submission	12.11.20
F	Issued for information	20.01.21
G	Issue for Section 4.56	02.03.21

PROJECT PHASE  
**SECTION 4.56**  
  
STATUS  
**FOR SUBMISSION**

PROJECT NO.  
**AA.RES.1803**  
  
PROJECT  
**Allens Parade**  
  
ADDRESS  
18-20 Allens Parade Bondi Junction NSW  
  
CLIENT  
Double Bay Capital (Developments) Pty Ltd

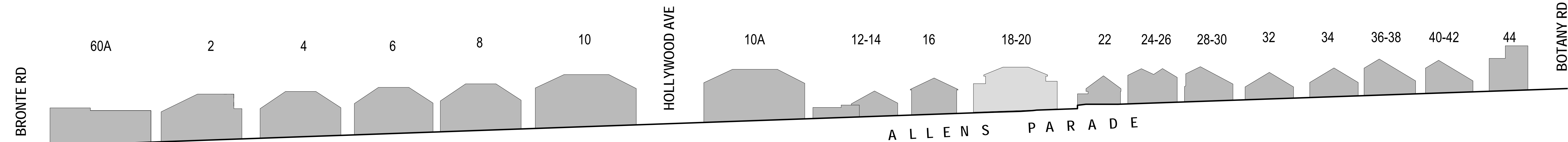
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**ZD**  
CHECKED BY  
**AA**

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**Shadow Elevation - 16 Allens Parade**  
  
DRAWING NO.  
**DA 6.09**  
REVISION  
**G**  
  
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www.antoniadis.com.au  
Nominated Architect: Andreas Antoniadis  
ACN 129 731 559  
NSW Registration 7954



LEGEND

- Proposed Building
- Existing Neighbouring Buildings



1 Elevation  
Allens Parade - Streetscape 1 : 500

RECEIVED  
Waverley Council  
Application No: DA-88/2019/A  
Date Received: 07/04/2021



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**DISCLAIMER:**  
DRAWING REPRESENTS INDICATIVE STREETScape FORM BASED ON A SITE INSPECTION, SURVEY INFORMATION OF ADJOINING PROPERTIES AND THE USE OF GOOGLE MAPS

REV	DESCRIPTION	DATE
A	Issued to council	06.04.20
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STATUS  
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PROJECT  
**Allens Parade**  
ADDRESS  
18-20 Allens Parade Bondi Junction NSW  
CLIENT  
Double Bay Capital (Developments) Pty Ltd

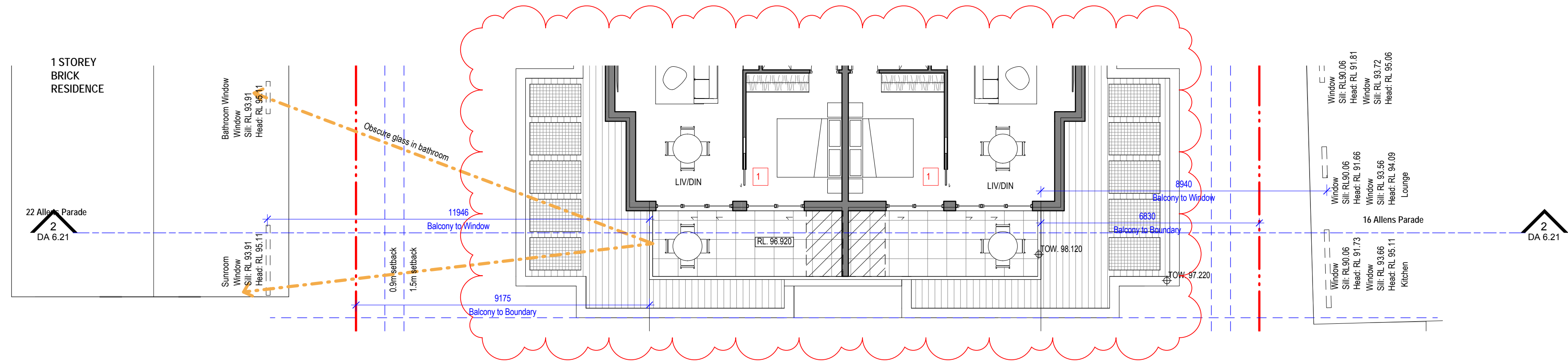
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DRAWING SERIES  
**Design Analysis**  
DRAWING TITLE  
**Streetscape Elevation**  
DRAWING NO.  
**DA 6.10**  
REVISION  
**D**  
**ANTONIADES ARCHITECTS**  
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Nominated Architect: Andreas Antoniadis  
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NSW Registration 7954

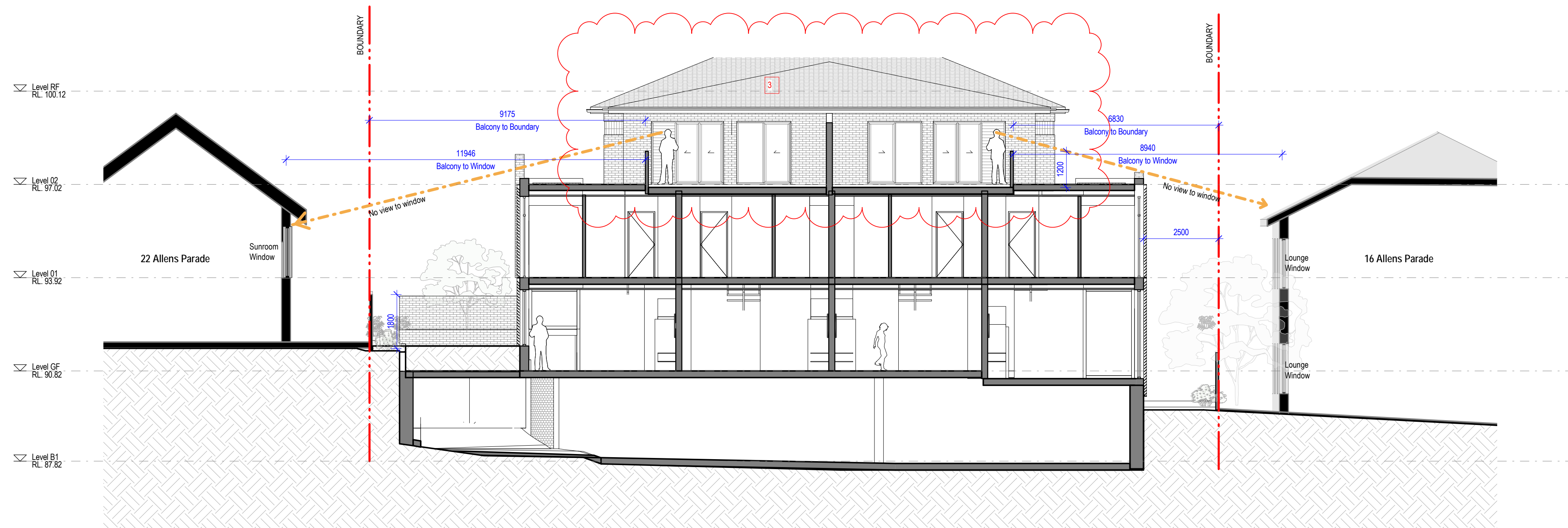








1 Floor Plan  
Sightline Level 2 - Floor Plan 1 : 100



2 Section  
Section 18 1 : 100

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**SECTION 4.56**  
  
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PROJECT  
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ADDRESS  
**18-20 Allens Parade Bondi Junction NSW**  
  
CLIENT  
**Double Bay Capital (Developments) Pty Ltd**

SCALE  
1 : 100  
  
SCALE BAR  
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Scale 1:100  
  
DRAWN BY  
**ZD**  
CHECKED BY  
**AA**


DRAWING SERIES  
**Site Analysis & Design Response**  
DRAWING TITLE  
**Sightline Diagrams**  
  
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ACN 129 731 559  
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DRAWING NO.  
**DA 6.21**  
REVISION  
**C**





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**0005388030 29 Mar 2021**

**Assessor**  
**Accreditation No.**  
**Address**  
 18-20 Allens Parade , Bondi  
 Junction , NSW , 2022

**Robert Romanous**  
 101535



**7.1**  
**Average**  
**star rating**

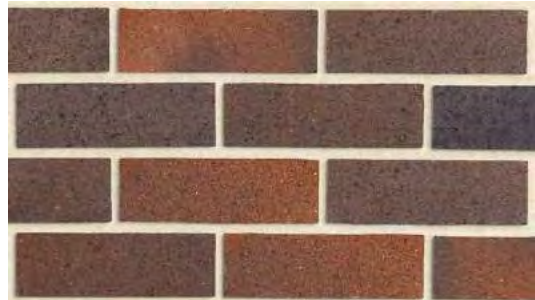
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**HOUSE**  
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**hstar.com.au**



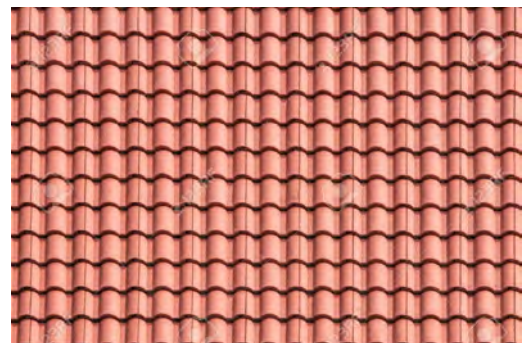




BR-01  
PGH bricks Balmerino



BR-02  
PGH bricks Hawkesbury



RF-01  
Terracotta roof tiles



MET-01  
Customised made front  
mesh gate ( brick pattern)



PA-01  
Windows/Doors frame  
powdercoated mid grey



BR-03  
PGH bricks macarthur



BR-04  
PGH bricks bowral blue



1 Elevation  
North Material 1:100



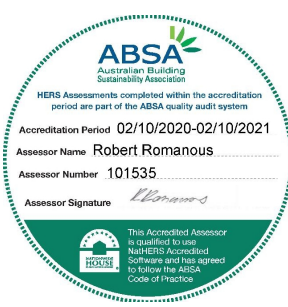
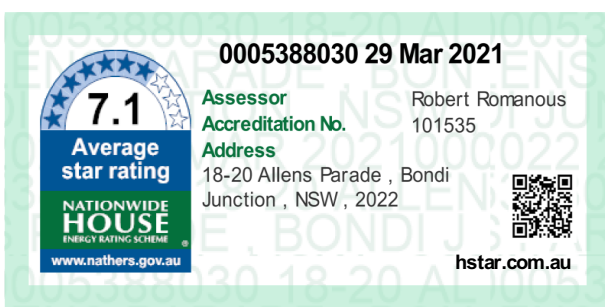
2 Elevation  
Allens Parade - Streetscape 1:100

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B	Draft DA Package	19.12.18
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PROJECT PHASE  
SECTION 4.56

STATUS  
FOR SUBMISSION

PROJECT NO.  
AARES.1803  
PROJECT  
Allens Parade  
ADDRESS  
18-20 Allens Parade Bondi Junction NSW  
CLIENT  
Double Bay Capital (Developments) Pty Ltd

SCALE  
NTS  
DRAWN BY  
EM  
CHECKED BY  
AA  
SCALE BAR

DRAWING SERIES  
Finishes & CGIS  
DRAWING TITLE  
Elevations Materials  
DRAWING NO.  
DA 7.01  
REVISION  
K

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Nominated Architect: Andreas Antoniadis  
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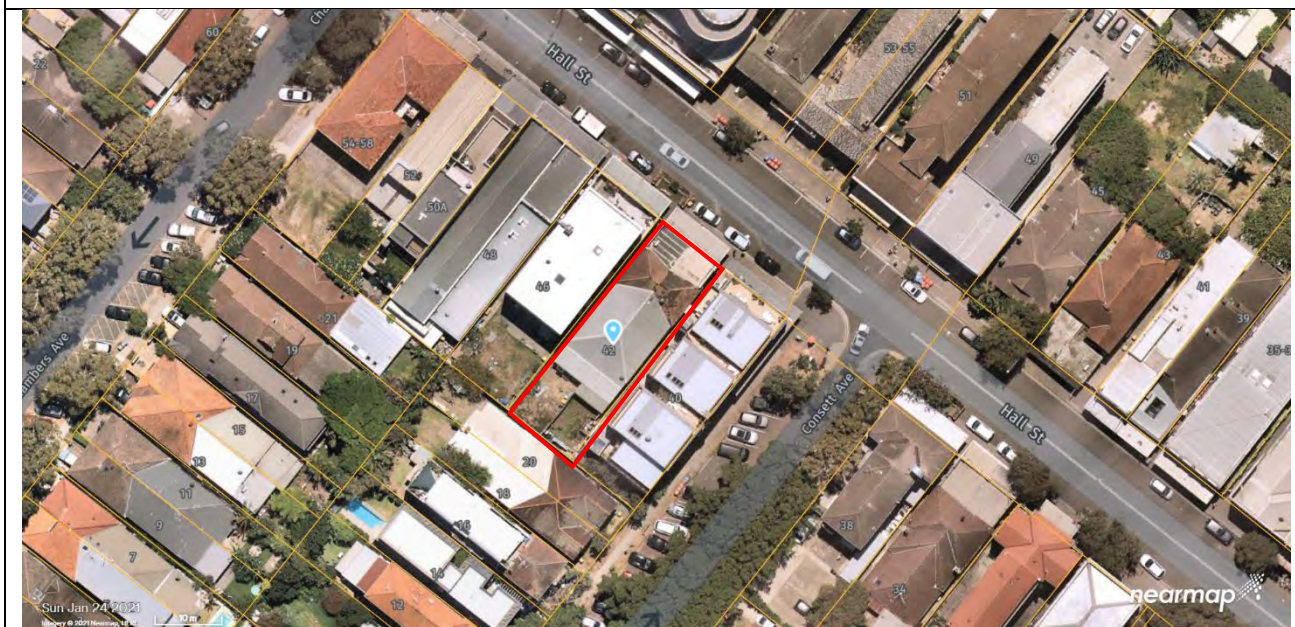




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-448/2020
<b>Site address</b>	42-44 Hall Street, BONDI BEACH NSW
<b>Proposal</b>	Demolition of existing buildings and construction of a four storey shop top housing development with basement storage, ground floor retail and residential units above
<b>Date of lodgement</b>	22 December 2020
<b>Owner</b>	Kajildar Pty Ltd
<b>Applicant</b>	G Kalamrokis
<b>Submissions</b>	Original: 16*   Amended: 8* <i>*See report for details</i>
<b>Cost of works</b>	\$3,639,254
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>Building height exceedance</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for demolition of existing buildings and construction of a four storey shop top housing development with basement storage, ground floor retail and residential units above at the site known as 42-44 Hall Street, BONDI BEACH.

The principal issues arising from the assessment of the application are as follows:

- Building height non-compliance.

The assessment finds this issue acceptable as the area of non-compliance is limited to the height of the lift overrun at the southern side of the property that does not result in any adverse amenity impacts surrounding properties or contribute to the overall bulk and scale of the building.

Notification of the plans originally lodged with the application attracted a total of 16 submissions on behalf of 15 properties, whereby 14 were unique.

Following a preliminary assessment and deferral of the application in an attempt to amend the scheme, the amended application was re-notified for 14 days. Notification of the amended plans attracted a total of 8 submissions on behalf of 6 properties, whereby 6 were unique and included 1 submission from Councillor John Wakefield and 1 submission from the Bondi Beach Precinct.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

### 1.2. Site and Surrounding Locality

A site visit was carried out on 15 February 2021.

The site is identified as Lot 50 in DP 5953, known as 42-44 Hall Street, BONDI BEACH. It is located on the southern side of Hall Street, between Consett Avenue and Chambers Avenue.

The site is rectangular in shape with a frontage to Hall Street, measuring 12.19m. It has an area of 445.9m<sup>2</sup> and falls from Hall Street towards the rear by approximately 0.76m.

The site is occupied by a single storey commercial premises, currently operating as a massage parlour (Siam Cabana) and a restaurant (Nalinis Indian Inspired Cuisine). There is currently no vehicular access to the site however, the area is highly accessible by public transport (bus services).



The site is adjoined by shop top housing development on either side. The locality is characterised by a variety of mixed use development and is within the Hall Street Town Centre (local village). The site adjoins a heritage item at the rear, located at 20 Consett Avenue.



**Figure 1:** View of the subject site and surrounding development.

### 1.3. Relevant Development History

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

- **PD-2/2020:** A pre-DA application was lodged with Council on 13 January 2020, seeking advice regarding the demolition of the existing buildings and construction of a new four-storey shop-top housing development, consisting of two (2) retail spaces and fourteen (14) residential units on the subject site. Following a meeting with the Applicant on 4 March 2020, the applicant was advised that a proposal for shop-top housing was generally supported, subject to resolution of the following as summarised in Council's letter dated 26 March 2020:
  - *Compliance with development standards is expected for new development. Any breach of Council's Maximum Building Height and Floor Space Ratio development standards are to adequately demonstrate no additional adverse environmental impacts to surrounding properties.*



- *The current front and rear setbacks are not supported and further consideration is to be given to the relevant controls in Section 3.1.7 Hall Street Town Centre and Annexure E3-3, Part E3 Local Village Centres of WDCP 2012.*
- *A greater variety of apartment mix is to be provided.*
- *The development is to comply with the requirements for solar access as specified by the ADG.*
- *Improvements to the façade and resolution of the interface of the ground floor with the public domain are required to ensure a level of design excellence is achieved that is befitting of the Hall Street Centre.*
- *Greater soil provision is required as part of the tree planting in the void and further refinement of this internal courtyard space to ensure it has adequate access to light, is capable of accommodating reasonable levels of landscaping and does not unreasonably impact on visual or acoustic privacy between the residential units above.*
- *Large trees are encouraged in the deep soil zones to the rear of the property.*
- *Further consideration is to be given to the design and future use of the retail tenancies.*
- *Further information is required to demonstrate the proposed built form does not negatively impact upon the amenity of the neighbouring property.*

#### 1.4. Proposal

The development application, as amended, seeks consent for demolition of existing buildings and construction of a four storey shop top housing development with basement storage, ground floor retail and residential units above. One (1) retail tenancy is proposed at the ground floor level and a total of 11 residential units consisting of 6x studio units, 2x one bedroom units and 3x two bedroom units are proposed on the residential levels above. The amended proposal includes the following:

##### Basement Plan

- One (1) retail storage room.
- One (1) accessible WC and shower.
- Lift and electrical/comms room.
- Separate retail, residential and bulky goods waste areas.
- Residential and bicycle storage areas for each unit.

##### Ground Floor Plan

- Retail Tenancy with an area of 268.03m<sup>2</sup> with access to the outdoor lawn area at the rear.
- Retail WC.
- Separate residential and retail access stairs.
- Residential entrance located on the eastern side of the site frontage.

##### First Floor Plan

- Construction of 3x studio apartments located at the front of the building.
- Construction of 1x two bed two bath unit located at the rear of the building.
- Creation of two landscaped void spaces.



### Second Floor Plan

- Construction of 3x studio apartments located at the front of the building.
- Construction of 1x two bed two bath unit located at the rear of the building.

### Third Floor Plan

- Construction of 2x one bed units located at the front of the building.
- Construction of 1x two bed two bath unit located at the rear of the building.

### Roof Plan

- Installation of three (3) skylights.
- Lift shaft at RL 34.640.

## 1.5. Background

The development application was lodged on 22 December 2020 and deferred on 23 March 2021. A series of draft revised plans and documentation were submitted for Council review and feedback between 14 May 2021 and 27 May 2021. The amended plans and documentation were formally lodged on 22 June 2021. The matters raised in Council's deferral letter and the Applicant's response are summarised below:

- **Issue 1 - FSR:** *Areas of corridor space to be included in the calculation of GFA and FSR.*  
**Response:** Updated FSR calculation diagrams have been provided that demonstrate relevant areas included in the calculation of total GFA of the building.
- **Issue 2 - Permissibility:** *Clarification to be provided on the definition of the proposed development as 'shop top housing' due to residential and bicycle storage space in the basement.*  
**Response:** The development is considered to meet the definition of shop-top housing.
- **Issue 3 - Apartment Mix & Solar Access:** *Poor amenity units on the first and second floor levels (Units 1.04 and 1.05 and Units 2.04 and 2.05) should be merged to provide compliance with the solar access requirements of the ADG and increase apartment mix.*  
**Response:** Units at the rear that receive no solar access have been combined to two bedroom units and the development now complies with the minimum solar access requirements.
- **Issue 4 - Built Form:**
  - **Front Setback:** *Encroachments within the 3m front setback area at the third floor level are to be deleted.*  
**Response:** The top level has been amended to align with the adjacent, with a window hood for shading replacing the protruding blade walls and roof.
  - **Rear Setback:** *The proposal is to be amended to ensure that the balconies at the rear do not encroach upon the 45-degree plane (as per the DCP control).*  
**Response:** The proposal now complies with the 45 degree plane as per the DCP controls. This is discussed in detail further in this report.



○ **Lowering Building Height & Change of Levels:**

- i. *The rear half of the building is to be lowered in order to allow greater compliance with Council's maximum building height development standard as specified in Clause 4.3 of WLEP 2012.*
- ii. *The height of the rear half of the retail spaces is to be lowered to match the outdoor floor level to provide increased floor to floor heights that would balance the proposed 3.4m floor to floor height of the retail frontage to Hall Street.*
- iii. *Any outdoor seating area at the rear is to be lowered to be at grade with the rear yard. It is recommended that this area be enclosed to minimise future acoustic privacy impacts to residential units above and surrounding properties. Should the outdoor seating areas fail to be enclosed, it is considered that lowering the structure would not be adequate in justifying any resulting residential amenity impacts and the provision of outdoor seating is then unlikely to be supported.*
- iv. *Consideration is to be given to lowering the front retail level to match the footpath level to Hall Street so that ramps at the entrances can be deleted.*

**Response:** The outdoor seating area has been deleted. The retail spaces have been combined to a single tenancy. The Applicant claims that it was not possible to lower the rear half of the building due to accessibility issues with the NCC requiring level disability access to all units on any floor serviced by a lift, so steps are not possible and there is not sufficient space for ramping. This reasoning is agreed with and is considered to be acceptable.

- **Issue 5 – Excavation & Future Use of Retail Spaces:** *The size of the basement is to be reduced to provide a minimum setback of 1.5m to both side boundaries and is not to extend beyond the footprint of the built form above. Clarification is sought on the intended future use of the proposed retail spaces.*

**Response:** Basement brought in 1.5m from boundaries.

- **Issue 6 – Safety & Security:**

- *The residential and retail access to the basement storage and toilets via the corridor at the ground floor level is to be separated. It is recommended that the retail shops have their independent access to the facilities located at the basement (not be reliant on access via the residential component).*
- *Common toilets for the use of both retail tenancies is not supported and the plans are to be amended for each tenancy to be provided with adequate facilities separately.*

**Response:** The combining of the retail spaces into a single space has allowed for a separate lobby and stair access to the basement. A WC is provided to the single retail space.

- **Issue 7 – Access:**

- *The entrance corridor on the ground floor level is constrained and its width is to be increased.*

**Response:** Increased to 1.5m.

- *The lift lobby space at the end of the entry corridor is to be increased in size to improve circulation and the space provided in front of the lifts.*



**Response:** Lift lobby width increased to 2m.

- *The residential entry and access experience is to be improved and further detail is to be provided on the entry door, intercom, mailboxes and signage.*

**Response:** Further detail has been provided in accordance with the above on the amended plans.

- **Issue 8 – Colours, Finishes & Materials:**

- *Real natural bronze cladding is to be provided to the awnings.*

**Response:** Shopfront detail plan provided demonstrating bronze awning.

- *There is to be a clear differentiation between the door of the retail shops and the entrance door for the residential area to provide a readable interface.*

**Response:** Retail doors brought to street line to differentiate from setback to residential entry.

- *Ground level retail frontage to Hall Street is to be improved to avoid painted surfaces.*

**Response:** Bronze cladding provided to retail frontage. Metal doors provided.

- *Further detail is to be provided with regards to retail glazing, retail doors, signage and awning.*

**Response:** Demonstrated on new shopfront detail plan.

- *All materials at the retail level and street frontage are to be of a high quality.*

**Response:** The amended proposal demonstrates the use of high-quality materials at the retail level and street frontage as described above.

- *The proposed rounded Spanish bricks to Hall Street are to be maintained.*

**Response:** Retained with the amended proposal.

- **Issue 9 – Landscaping in Central Courtyard:** *As recommended by the DEAP, consideration is to be given to the provision of a palm species in the central courtyard however, it is considered that the current landscape planting scheme adequately demonstrates soil depths in accordance with Part 4P Planting on Structures of the ADG and the selection of species is not expected to produce excessive leaf litter that cause issues with regards to maintenance and cleaning of the space.*

**Response:** The originally proposed planting has been retained that is acceptable.

- **Issue 10 - Sustainability:**

- *Solar panels to be included on roof.*

- *External air conditioning unit location and star rating.*

**Response:** Location of solar panels (2.5kW solar PV system) and AC plant provided on roof.

- *Consideration of stormwater reuse.*

**Response:** It has been advised by the Applicant that any rainwater tank would have to overflow into the OSD tank, which is located above ground already in order for the invert levels to work. Conditions regarding stormwater are recommended to be imposed as conditions of consent as provided by Council's Stormwater Engineer.

- **Issue 11 – Waste Generation:** *It is advised the SWRMP is amended and the waste/recycling generation rates expected for the shops be recalculated. It is also recommended that the applicant seek approval from the neighbour at 40 Hall Street to access the space behind their property (adjoining 42-44 Hall Street) for the purposes of transporting bins to Consett Ave for collection. Then*



*bins could be presented on Consett Ave. The issue with Hall Street is that there is limited space for bin presentation. Council's Sustainable Waste Team would support the applicant in seeking further knowledge regarding access.*

**Response:** Garbage for retail and residential recalculated as per Council's advice.

The amended plans were formally renotified in accordance with Council's policies. It is noted that a revised basement plan was submitted on 13 July 2021 that modified the location of the door to the retail storage area. Due to the minor nature of this change, the plans were not renotified again.

The amended plans have been assessed in this report.

## 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. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP 65 (Design Quality of Residential Apartment Development).

A detailed discussion is provided for relevant SEPPs as follows:

##### *SEPP (Design Quality of Residential Apartment Design)*

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 17 February 2021. The amended plans were not referred back to the DEAP for comment. The DEAP's comment of the originally proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

**Table 1: Assessment against the Nine Design Quality Principles under SEPP 65**

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<ul style="list-style-type: none"> <li>• <i>Retail access to basement should be separate to the residential access</i></li> </ul>	The issues raised by the DEAP have been adequately addressed with the submission of amended plans (see



Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> <li>Lower the rear half of the retail spaces so that it matches the outdoor floor level, and creates increased floor to floor heights to balance the lower 3.4m floor to floor height of the retail frontage to Hall Street.</li> <li>Ground level retail frontage to Hall Street should be improved to avoid painted surfaces. Further detail should be given to retail glazing, retail doors, signage and awning.</li> <li>The Panel suggests that the applicant check if the front retail level could be lowered to match the footpath level to Hall Street so that ramps at the entrances can be deleted.</li> </ul>	section 1.5 above). The amended proposal is considered to provide a good design to the neighbourhood context.
2. Built form and Scale	<p>The proposal does achieve this principle in the following ways:</p> <ul style="list-style-type: none"> <li>Presents an appropriate scale and built form to Hall Street.</li> <li>Aligns the principles of the rear setbacks to create a sense of scale and promote solar access to adjoining lots.</li> </ul>	The amended built form continues to provide an appropriate scale to Hall Street and the front and rear setback have been increased to better align with the adjoining development.
3. Density	<p>The proposal does achieve this principle in the following ways:</p> <ul style="list-style-type: none"> <li>Compliant with the FSR controls for the site.</li> </ul>	The amended plans have reduced the total number of apartments and provided a greater unit mix. The amended plans continue to comply with Council's FSR development standard.
4. Sustainability	<p>The proposal may achieve this principle subject to:</p> <ul style="list-style-type: none"> <li>The inclusion of solar panels to the roof</li> <li>Maintaining the integrated landscape</li> <li>Consideration of stormwater reuse</li> </ul>	The issues raised by the DEAP have been adequately addressed with the submission of amended plans (see section 1.5 above). The amended proposal is considered to provide appropriate sustainability features.
5. Landscape	<p>The proposal may achieve this principle subject to:</p> <ul style="list-style-type: none"> <li>Rear retail and outdoor seating area/rear garden space back grade for better continuity and to provide</li> <li>The applicant should consider palm species in the central courtyard</li> </ul>	The issues raised by the DEAP have been adequately addressed with the submission of amended plans (see section 1.5 above). In particular, the outdoor seating has been deleted. The amended proposal is considered to provide suitable landscaping across the site.



Principle	Panel's Comment	Planning Comment
6. Amenity	<p><i>The proposal may achieve this principle subject to:</i></p> <ul style="list-style-type: none"> <li><i>Lift lobby space at the end of the entry corridor should be increased in size to improve circulation and space in front of the lifts.</i></li> <li><i>Residential entry and access experience should be improved. This should include entry door, intercom, mailboxes and signage details.</i></li> </ul>	The issues raised by the DEAP have been adequately addressed with the submission of amended plans (see section 1.5 above). The amended proposal is considered to provide suitable amenity.
7. Safety	<p><i>The proposal may achieve this principle subject to:</i></p> <ul style="list-style-type: none"> <li><i>Separation of the residential and retail access to the basement storage spaces.</i></li> </ul>	The issues raised by the DEAP have been adequately addressed with the submission of amended plans (see section 1.5 above). The amended proposal is considered ensures the safety of residents, visitors and those who utilise and access the retail space.
8. Housing Diversity and Social Interaction	<p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <li><i>Range of apartment sizes.</i></li> </ul>	Noted.
9. Aesthetics	<p><i>The proposal does achieve this principle subject to:</i></p> <ul style="list-style-type: none"> <li><i>Real natural bronze cladding to the awnings is encouraged by the Panel</i></li> <li><i>All materials at the retail level and street frontage should be of high quality.</i></li> <li><i>The proposed rounded Spanish bricks to Hall Street should be maintained.</i></li> </ul>	The amended plans adequately demonstrate the use of high quality materials and finishes in accordance with the comments from DEAP (see section 1.5 above).

### *Apartment Design Guide*

Clause 6A of SEPP 65 requires that development control plans (DCPs) 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 DCP 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 **Table 2** of this report.

**Table 2: Apartment Design Guide**

Design Criteria	Compliance	Comment
<b>3D Communal and Public Open Space</b>		
<ul style="list-style-type: none"> <li>Communal open space has a minimum area equal to 25% of the site.</li> </ul>	Merit Assessment	No communal open space has been provided for occupants of the subject site that is considered to be acceptable as each unit is provided with an adequate private open space area (balcony).
<b>3E Deep Soil Zones</b>		
<ul style="list-style-type: none"> <li>Deep soil zones are to meet the following minimum requirements:</li> <li>Less than 650m<sup>2</sup>, minimum dimension N/A and deep soil zone 7% of site area.</li> </ul>	Yes	The site would require a minimum of 31.213m <sup>2</sup> of deep soil landscaping. The application provides a total of 74.75m <sup>2</sup> (16.73%) of deep soil landscaping that is compliant.
<b>3F Visual privacy</b>		
<ul style="list-style-type: none"> <li>Min separation distances from buildings to side and rear boundaries:</li> <li>Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</li> <li>Increased separation of 3m where adjoins a lower density zone</li> </ul>	Merit Assessment	<i>See discussion below.</i>
<b>4A Solar and daylight access</b>		
<ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</li> <li>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</li> </ul>	Merit Assessment	<ul style="list-style-type: none"> <li>72.73% of units receive at least 2 hours mid winter.</li> <li>The three x 2 bed units located at the rear do not receive any direct solar access during mid winter due to their southern orientation however, the amenity of these units has been approved with the submission of amended plans and is therefore considered to be acceptable.</li> </ul> <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
<b>4B Natural ventilation</b>		
<ul style="list-style-type: none"> <li>All habitable rooms are naturally ventilated</li> <li>Number of units with natural cross ventilation is maximised:</li> </ul>	Yes	<ul style="list-style-type: none"> <li>All habitable rooms are provided with at least one window for natural ventilation.</li> <li>All units have dual aspects and three of the top level units are double level units. In this</li> </ul>



Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> <li>At least 60% of units naturally ventilated</li> </ul>		<p>regard, 82% of the units can be naturally cross ventilated.</p> <p>The proposal uses a combination of full height openable doors, skylights and voids to achieve appropriate cross ventilation within the building.</p>
<b>4C Ceiling heights</b>		
<ul style="list-style-type: none"> <li>Habitable rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> </ul>	Yes	The ceiling heights within all units comply with the minimum requirement.
<b>4D Apartment size and layout</b>		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li><i>Studio = 35 m<sup>2</sup></i></li> <li><i>1 Bed = 50 m<sup>2</sup></i></li> <li><i>2 Bed = 70 m<sup>2</sup></i></li> <li><i>Add 5m<sup>2</sup> for each additional bathroom (above 1)</i></li> <li><i>Add 12m<sup>2</sup> for each additional bedroom</i></li> </ul> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	Yes	<p>All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed units sizes and layout are acceptable.</p> <p>The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>All kitchens are separate to the circulation spaces.</p> <p>All robes are a minimum of 1.5m.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
<b>4E Private open space and balconies</b>		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>1-bed – 8m<sup>2</sup> &amp; 2m depth</li> <li>2-bed - 10m<sup>2</sup> &amp; 2m depth</li> </ul>	Yes	<p>100% of the units are provided with a balcony accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth. The proposed studio apartments are provided with balconies to Hall Street with a minimum depth of 1.73m that is acceptable.</p> <p>The balconies and courtyards are accessed from the main living area and face front Hall Street or the rear of the site towards Conssett Avenue.</p> <p>The design of the balconies is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies is consistent with the contemporary palette of materials in the building overall.</p>
<b>4F Common circulation and spaces</b>		
<ul style="list-style-type: none"> <li>Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes	A maximum of four units are accessible off a circulation core on a single level.
<b>4G Storage</b>		



Design Criteria	Compliance	Comment
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> <li>• 1-bed – 6m<sup>3</sup></li> <li>• 2-bed – 8m<sup>3</sup></li> <li>• 3+bed – 10m<sup>3</sup></li> </ul>	Yes	The proposal provides separate storage within each apartment and a storage cage allocated to each unit within the basement. The storage provided meets the requirements and objectives of the ADG. A condition is recommended to be imposed to ensure compliance in this respect.

The following is a detailed discussion of the issues identified in **Table 2** of this report in relation to the ADG.

### Separation Distance & Visual Privacy

The development is proposed to be constructed with a nil setback to both side boundaries adjoining the existing development at 40 Hall Street to the south-east and 46 Hall Street to the north-west. Walls on both sides of the development are proposed to be blank that is acceptable for development along Hall Street within the Hall Street Town Centre.

Voids containing internal courtyard areas have been provided to both side boundaries to minimise bulk and scale impacts to development on adjoining properties. Windows of units proposed to this void space have been placed to minimise visual privacy impacts to other units within the development as well as development on surrounding properties.

Any overlooking to the properties adjoining the side boundaries resulting from the proposed balconies at the front and rear of the building is minimised with the provision of side walls to levels 1 and 2 of the development. Furthermore, a planter box is to be installed on the rear balconies of levels 1 and 2 (2 x 2 bed units) to minimise overlooking impacts to properties fronting Consett Avenue that is considered to be acceptable. It is also noted that these balconies are provided with a significant setback to the rear that is in excess of the rear setback controls stipulated for four storey development within the Hall Street Town Centre that adjoins lower density residential development at the rear.

A side wall is provided for part of the front balcony to Unit 3.02 on the third floor level of the development to minimise overlooking impacts to the adjoining balcony at 40 Hall Street. Any further overlooking from these balcony spaces would be mutual and not unreasonable for the mixed use zoning of the site and surrounds. The proposed balcony to Unit 3.01 on the third floor level would not have any overlooking impacts to 46 Hall Street as this adjoining site is currently underdeveloped. The proposed balcony is not anticipated to hinder future development on this site.

The balcony proposed at the rear of the third floor level may have the potential to overlook properties on Consett Avenue as the balcony awning slightly encroaches upon the rear setback control. A condition of consent is recommended to be imposed for fixed or sliding privacy screens to be provided to the rear elevation of the balcony to maintain privacy.



Therefore, the development provides appropriate separation distances and generally maintains reasonable visual privacy for surrounding properties.

### 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 3: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
2.6 Subdivision – consent requirements	N/A	Subdivision is not proposed as part of this application.
Land Use Table B4: Mixed Use Zone	Yes	The proposal is defined as shop top housing which is permitted with consent in the B4 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>13m</li> </ul>	No	Proposed: 13.53m (to lift) Variation: 0.53m (4.07%)
4.4 Floor space ratio <ul style="list-style-type: none"> <li>2:1</li> <li>GFA: 897.8m<sup>2</sup></li> </ul>	Yes	Proposed GFA: 887.72m <sup>2</sup> Proposed FSR: 1.99:1
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 building height development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The site is not a heritage item or located within a heritage conservation area but adjoins a local heritage item at the rear at 18-20 Consett Avenue that is a pair of semi-detached dwellings. The application was referred to Council's Heritage Advisor for comment however, no comment was received at the time of writing this report. Nevertheless, the Heritage Impact Statement submitted with the application has been reviewed and it is considered that the amended development application has minimised adverse bulk and scale impacts upon this property at the rear by providing greater setbacks to the ground floor level at the rear boundary than required by the development controls for the Hall Street Town Centre. Therefore, the proposal is not



Provision	Compliance	Comment
		anticipated to have adverse impacts upon the adjoining heritage item to the rear or surrounding locality.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	The proposed earthworks to construct a basement level are adequately sited from the property boundaries. A Geotechnical Report has been submitted with the application that is recommended to form part of the approval documents, should consent for the application be granted. The proposed earthworks are not considered to have a detrimental effect on ant drainage patterns or soil stability in the locality of the development and is therefore satisfactory.

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 the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum or minimum building height development standard of 13m. The proposed development has a maximum building height of 13.53m, exceeding the standard by 0.53m or equating to a 4.07% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of 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.

#### Applicant's Written Request - Clause 4.6(3)(a) and (b)

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 proposal is consistent with the Hall Street Town Centre's desired mixed-use character. The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls.*
- (ii) The proposal, including the area of non-compliance, does not cast additional shadow to the rear over any windows or private open space at No. 20 Consett Avenue, when compared to the existing situation. The only additional shadow associated with the area of non-compliance appears to be limited to the roof at No. 40 Hall Street at 3pm.*
- (iii) The minor area of non-compliance is unlikely to have any discernible view impact, and the proposal will facilitate equitable view sharing.*
- (iv) Privacy will be maintained as the area of the building height exceedance only comprises part of the non-trafficable roof and lift overrun.*
- (v) Requiring compliance with the height standard on the undulating terrain would necessitate reducing the compliant floor-to-ceiling heights, which are already at the minimum required. While reducing the floor-to-ceiling heights and removing the lift would technically achieve numerical compliance with the height standard, it would significantly compromise the internal amenities. This is unreasonable and undesirable for a new development consistent with the adjacent developments' storey heights.*
- (vi) The shop top housing will present as four storeys, with an entirely underground basement. This is consistent with the height, bulk and scale of the existing and recently approved local developments. Due to the slightly sloping terrain, the variation only occurs over the southern part of the flat roof and the centrally located lift overrun, which are unlikely to contribute additional bulk and scale when viewed from Hall Street or the neighbouring properties. In fact, the building predominantly complies with the height limit along the street.*
- (vii) A variety of materials such as glazing, face brick, aluminium battens and metal cladding as well as more than compliant deep soil landscaping will create visual interest and contribute to Hall Street's physical definition.*
- (viii) Comparative approvals include:*
  - DA-391/2018 approved by LEC on 22 June 2020 for partial demolition of existing buildings, the retention, refurbishment and change of use of a building listed as a local heritage item and construction of a shop top housing development containing 17 units, 2 retail spaces and basement parking over two levels' at Nos. 43-45 Hall Street, Bondi Beach, with a 31% height exceedance.*
  - DA-12/2018 approved on 7 April 2014 for the 'demolition of existing building, construction of a mixed use building' at No. 97 Hall Street, Bondi Beach, with a 5% height exceedance and a 10% FSR exceedance.*
  - DA-407/2010/C approved on 15 May 2014 for the 'modification to increase building height and make alterations to approved mixed development' at Nos. 82-92 Gould Street, Bondi Beach, with a 6% height exceedance.*

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



- (i) The proposal is permissible in the B4 Mixed Use zone, is consistent with the zone objectives and satisfies an 'unreasonable and unnecessary' test established by the court in Wehbe.*
- (ii) The non-compliance is due to the undulating terrain and necessary provision of a lift. Compliance with the standard would result in very limited internal amenities.*
- (iii) The proposed area of exceedance will not be easily discernible from the public or private domain as it relates to the centrally located lift overrun and part of the flat roof, which is predominantly within the height limit at the street frontage.*
- (iv) The proposal will maintain neighbours' privacy, solar access and views.*
- (v) The proposal also achieves compliant deep soil landscaping, harmonising with the area's eclectic character.*
- (vi) The proposed shop top housing will be compatible with the nearby developments.*
- (vii) The proposal maintains the desired future character of the Hall Street Town Centre. The shop top housing development provides 2 retail spaces and 13 dwellings, consistent with the precinct's role and character. Street-level retail tenancies with residential units above provide an appropriate interface. The shop top housing development is within 240m walking distance of the public open space along Bondi Beach.*

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 development 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 justifications 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; and*
- (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.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is considered to be adequate justification as it is agreed that the proposed breach of Council's building height limit for the provision of a lift overrun would not be readily visible from Hall Street and does not add unreasonable bulk to the building. The development is generally consistent with Council's controls for development within the Hall Street Town Centre as discussed in detail in this report.

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 development standard. The reasoning provided is generally agreed with and it is reiterated that the development is consistent with the desired future character of the Hall Street Town Centre.

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 development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the building height development standard are as follows:

- To provide a mixture of compatible land uses.*
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.*

The proposed breach of Council's maximum building height development standard primarily results from the lift overrun at the southern side of the site whereby majority of the remainder of the development maintains compliance with Council's control. The proposed breach would not be readily visible from Hall Street and does not result in adverse amenity impacts to surrounding properties as discussed in detail throughout this report.



The proposed breach does not compromise the ability of the development to meet the objectives of the building height development standard as it enables a suitable mixed use development to be provided on site that has a high level of internal amenity for occupants and visitors. Therefore, the proposal is consistent with the objectives of the development standard and is satisfactory in this regard.

The objectives of the B4: Mixed Use Zone 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 proposal meets the objectives of the B4: Mixed Use Zone and is consistent with the desired future character of the Hall Street Town Centre.

#### 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 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 building height development standard and the B4: Mixed Use Zone. The proposal generally complies with the building height control, with the exception of a small section at rear as well as the lift overrun. To ensure adequate floor to ceiling heights and roof services, it is common lifts in this locality exceed the height standard (as evident in other examples in the vicinity). The variance is minor and located in a section of the building where any associated impact is negligible.

#### 2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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

**Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Recommended Conditions	Unsatisfactory. <i>See comments in section 3 (referrals) of this report for further comments.</i>



Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Recommended Condition	The cost of the development is over \$3 million, therefore the applicant has provided a commitment in the form of a draft proposal to reducing the greenhouse gas emissions from the development to equal a 30% reduction from a reference building, with a qualified professional engaged to deliver this prior to CC. A condition of consent is recommended to be imposed which requires an energy assessment report to be submitted prior to the issue of a CC which specifically outlines how the detailed design of the building will achieve the 30% reduction.
3. Landscaping and Biodiversity	Yes	Satisfactory. The application proposes significant landscaping at the rear and within the internal courtyards/voids of the building that is considered to be satisfactory. Appropriate species are considered to be selected for the internal courtyard areas that are low maintenance. A condition is recommended to be imposed for the landscape plan to be amended and be submitted to Council to ensure consistency with the amended architectural plans.
5. Vegetation Preservation	Yes	Satisfactory. Council's Tree Management Officer has reviewed the application and it is concluded that no trees would be impacted by the proposed development.
6. Stormwater	Recommended conditions	Satisfactory. Conditions are recommended to be imposed with regards to the submission of revised stormwater management plans.
7. Accessibility and Adaptability	Yes	Satisfactory. A total of 11 units are proposed within the development and two units (1.04 and 2.04) (18.18%) are proposed to be adaptable that is considered to be acceptable.
8. Transport	Recommended Conditions	<p>No car parking is provided on site that is consistent with the minimum car parking rate applicable to the site (zero). The provision of no car parking is acceptable in the site circumstances as the site is highly accessible via public transport.</p> <p>A bicycle storage area is provided for each unit within the basement that is acceptable. No bicycle parking has been provided for visitors of the residential component of the development and a condition is recommended to be imposed for 1 space to be provided at ground floor level.</p> <p>Furthermore, no bicycle spaces have been identified for the retail employees or visitors and</p>



Development Control	Compliance	Comment
		<p>the following is recommended to be provided in accordance with Council's controls as follows:</p> <ul style="list-style-type: none"> <li>• 0.27 spaces for Employees (1 Space)</li> <li>• 1.07 spaces for Visitors (1 Space)</li> </ul> <p>The retail visitor bicycle parking space is recommended to be provided at ground floor level.</p>
9. Heritage	Yes	Satisfactory. <i>See comments above.</i>
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
14. Excavation	Yes	Satisfactory. The development, as amended, provides a setback of 1.5m to the side boundaries for the basement level. Excavation is limited to the building footprint above.
15. Advertising and Signage	Yes	Signage is not proposed as part of this application however, two bronze under awning sign boxes are proposed to be located outside the proposed retail space. These signage boxes are appropriately sited and are satisfactory. Any signage to be installed within these boxes would be subject to a future DA.
16. Public Domain	Recommended Conditions	Satisfactory. Council's Public Domain Engineer has reviewed the proposal and no concerns are raised. A condition is recommended to be imposed for the existing mobile parklet located partially along the parking lane on Hall Street fronting the subject site be temporarily relocated in consultation with Council's Public Domain Engineers, prior to the issue of a Construction Certificate.

**Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Site, scale and frontage</b>		
<ul style="list-style-type: none"> <li>• Minimum frontage</li> </ul>	N/A	This control is not applicable to the development as the site is located within the B4: Mixed Use Zone.
<b>3.2 Height</b>		
<ul style="list-style-type: none"> <li>• Maximum external wall height</li> </ul>	N/A	This control is not applicable to the development as the site is located within the B4: Mixed Use Zone.
<b>3.3 Setbacks</b>		
3.3.1 - Street setbacks 3.3.2- Side and rear setbacks	N/A	<i>Refer to discussion in Table 7 below regarding setbacks required for development within the Hall Street Town Centre.</i>



Development Control	Compliance	Comment
<b>3.4 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Façade to be articulated</li> <li>Maximum unit depth: 18m</li> </ul>	Yes	<ul style="list-style-type: none"> <li>The building extends for a maximum length of approximately 29.8m as measured at the ground (retail level of the development) that is consistent with the built form controls for the Hall Street Town Centre as well as the existing development at the adjoining property at 40 Hall Street. Building length is reduced at the upper levels of the dwelling to comply with this control.</li> <li>The facades of the dwelling are suitably detailed using a variety of materials and finishes. The building has also been articulated to provide a suitable bulk and scale to Hall Street and the surrounding locality.</li> <li>No unit has a depth greater than 18m.</li> </ul>
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes	The development is a suitable design response to the Hall Street streetscape and provides high quality materials and finishes.
<b>3.7 Fences and walls</b>		
<i>Side fence:</i> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul> <i>Rear fence:</i> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul>	Yes	No front fence is provided to the development. Side and rear boundary fencing is demonstrated to be 1.8m in height.
<b>3.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level and respond to pattern within the street</li> <li>Accessible entry</li> <li>Legible, safe, well-lit</li> </ul>	Yes	The amended proposal is considered to provide safe and accessible pedestrian entries to both the residential and retail component of the development as previously discussed in this report.
<b>3.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Comply with part B3- Landscaping and Biodiversity</li> <li>Minimum of 30% of site area landscaped: 133.77m<sup>2</sup></li> <li>50% of the above is to be deep soil: 66.89m<sup>2</sup></li> </ul>	Merit Assessment	The development provides a total genuine landscaped area of 74.75m <sup>2</sup> (16.73%) at the rear of the site of which 100% of this is deep soil area. This is a minor non-compliance with Council's landscaping area control however, the development meets the requirements for deep soil landscaping in accordance with the ADG. Furthermore, landscaping throughout the site is enhanced with the provision of internal courtyards containing high quality landscaping and planter boxes throughout the development. It is also noted that strict compliance with the built form controls for the Hall Street Town Centre would result in no landscaping provided on site. Therefore, the proposed landscaping is suitable in the site context.
<b>3.10 Communal open space</b>		



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Minimum dimensions: 6m x 6m</li> <li>Minimum of 30% of communal area must receive three hours of sunlight</li> <li>Accessible</li> </ul>	Merit Assessment	As previously discussed, no communal open space has been provided that is acceptable in the site circumstances.
<b>3.11 Private Open Space</b>		
3.11.2 – Balconies/decks <ul style="list-style-type: none"> <li>Balcony additions to match the character of the building</li> <li>Should not dominate the façade</li> <li>No wrap around balconies</li> <li>Located to maximise solar access and privacy</li> <li>Balustrades to allow views and casual surveillance of the street &amp; privacy</li> </ul>	Yes	The proposed balconies are suitably designed and well-integrated with the overall design of the building. Solid balustrades are proposed to match the character of the proposed building and is acceptable.
<b>3.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter.</li> <li>Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June.</li> </ul>	Merit Assessment	<i>See discussion below.</i>
<b>3.14 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss through design</li> <li>Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface.</li> <li>Views from public spaces to be maintained.</li> </ul>	Yes	<i>See discussion below.</i>
<b>3.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Dwellings to be orientated to the street</li> </ul>	Yes	As previously discussed, the proposal is considered to reasonably maintain visual privacy



Development Control	Compliance	Comment
<p>with entrances and street numbering visible</p> <ul style="list-style-type: none"> <li>• Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>• Privacy be considered in relation to context density, separation use and design.</li> <li>• Prevent overlooking of more than 50% of private open space of lower level dwellings in same development</li> <li>• Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site.</li> </ul>		for surrounding properties, subject to recommended conditions.
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	The amended application is considered to maintain reasonable acoustic privacy for surrounding properties.
<b>3.21 Building services</b>		
<ul style="list-style-type: none"> <li>• Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> <li>• Outdoor Communal clothes drying area to be provided</li> <li>• Plant rooms away from entry communal and private open spaces and bedrooms.</li> <li>• Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge</li> </ul>	Yes	The building services are well-integrated with the design of the building at the ground floor level. Furthermore, the proposed AC plant area on the roof is suitably sited away from the building edge and would be partly screened by the lift shaft.



**Table 6: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table**

Development Control	Compliance	Comment
<b>1.1 Other Policies, Strategies and Standards</b>		
<b>1.2 Design</b>		
1.2.1 Frontages	Yes	The proposed shop frontage to the retail space consists of clear glazing that promotes casual surveillance of Hall Street.
1.2.2 Awnings	Yes	A continuous bronze awning is provided in accordance with Council's controls.
1.2.3 Lighting	Recommended Condition	No details on lighting is provided however, provisions for street lighting have been assessed by Council's Public Domain Engineers and a condition of consent is recommended to be imposed to require this detail at a later stage in accordance with Council's controls.
1.2.3 General Amenity	Yes	Conditions are recommended to be imposed to ensure the development contains an internal ventilation shaft for future alterations. The design of the retail tenancy is considered to maintain adequate amenity for residents of the subject site and surrounding properties.
1.2.4 Noise	Yes	Council's Environmental Health Officer has reviewed the Acoustic Report submitted that is considered to be satisfactory. Appropriate conditions of consent are recommended to be imposed.
<b>1.3 Hours of operation</b>		
	N/A	No hours of operation proposed as this is to be included in any new DA submitted for the first use of the retail tenancy.
<b>1.4 Restricted premises</b>		
	N/A	Envisaged use of the retail tenancy has not been clarified but would be subject to a future DA application for use of the site.

**Table 7: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Specific controls</b>		
3.1.7 - Hall Street Town Centre	Yes	<i>See comments below.</i>
<b>3.2 Generic controls</b>		
3.2.1 Land uses	Yes	The development maintains the small shop character of the town centre and provides a high quality design.
3.2.2 Public domain interface	Yes	The development complies with Council's controls and would encourage an active street frontage.
3.2.3 Built form	Yes	The development complies with Council's built form controls.

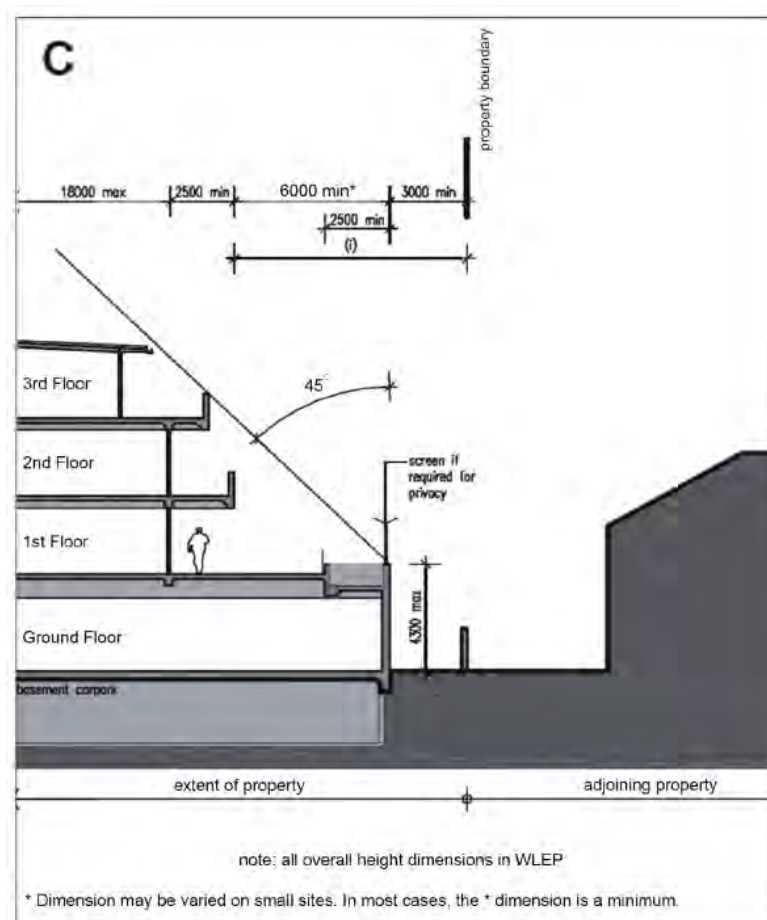


Development Control	Compliance	Comment
3.2.4 Building facade articulation	Yes	The proposed building has been articulated to respect the proportions of similar buildings in the streetscape. Solid balustrades are proposed to the balconies of the residential units above.
3.2.5 Buildings of historic character	Yes	The existing building is not of historic character.
3.2.6 Building services and site facilities	Yes	Details of adequate building services have been provided on the plans as previously discussed.

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

### *Hall Street Town Centre Built Form & Setbacks*

The subject site is located within the Hall Street Town Centre and is subject to the relevant village centre controls and desired future character objectives. These controls identify that where four storey development within the Hall Street Town Centre adjoins lower density residential development to the rear, the following setback of the building is to apply:



**Figure 2:** Rear setback diagram applicable to the subject development.



The proposed development provides a rear setback of the retail space at the ground floor level between approximately 6.5m to 9m that is in exceedance of Council's rear setback control for development within the Hall Street Town Centre. Reduction of the rear bulk at the ground floor level has minimised bulk and scale impacts as well as amenity impacts to the adjoining heritage items at the rear on Consett Avenue.

The proposal has been amended to comply with the 45° plane to produce a rear setback across the residential levels of the development that is a suitable design response to the increased rear setback provided to the ground floor level. It is noted that the awning of the balcony at the rear of the top floor level unit results in a minor encroachment of this 45° plane however, this is considered to be acceptable as this minor encroachment does not contribute to the overall bulk of the building that is otherwise envisaged on the site in accordance with **Figure 2** above. Furthermore, it is also noted that the proposed building does not extend the same length of the site as the adjoining property at 40 Hall Street.

Therefore, the development is consistent with surrounding development, sympathetic to the adjoining heritage item and meets the desired future character objectives for the Hall Street Town Centre. The development is considered to enhance the quality of built form elements within the Hall Street streetscape and is acceptable.

### *Overshadowing*

The development results in overshadowing impacts to surrounding properties but is acceptable in the site circumstances for the following reasons:

#### Development on Consett Avenue

The development results in overshadowing impacts to the dwellings on Consett Avenue to the rear, specifically at 18-20 Consett Avenue at 9AM during mid-winter whereby overshadowing falls upon the existing roof of the dwelling. No adverse overshadowing impacts result from the lift overrun that is a minor non-compliance with Council's building height. The development largely complies with Council's setback controls as specified for the Hall Street Town Centre and overshadowing of this nature is expected to dwellings on Consett Avenue (including 16 Consett Avenue) as a result of the zoning and permitted maximum building height. However, solar access to the private open space areas at the rear of 18-20 Consett Avenue is retained from midday onwards due to the orientation and siting of buildings on the site and surrounds.

#### 40 Hall Street

The development results in overshadowing of the multi-storey residential flat building located to the south-east of the site from noon during mid-winter. Solar access is largely retained to the units located fronting Hall Street at 9AM and 12 noon. At 9AM, this building largely overshadows itself whereby units located along the north-western side boundary and rear would not receive solar access.



At 12 noon, minor additional overshadowing is cast upon the front terrace to Unit 1 located at the third floor level fronting Hall Street. Council's records demonstrate Unit 1 of this development spans across the second and third floor levels of the building, whereby the primary living space and associated balcony is located on the second floor level. The terrace to be impacted is located off the bedroom, bar and media room on the third floor level that is not considered to be the primary living space within the unit. Despite this, some solar access is still retained to this unit at 12 noon and 3PM during mid-winter and is considered to be acceptable.

Additional overshadowing at 12 noon would also be experienced by the roof terraces of Units 2 and 3 of the development that also span the second and third floor levels of the building. These units also have their primary living space located on the second floor level of the building, have their passive living spaces (bedrooms) on the third floor level and are provided with two balconies/terraces. Solar access would still be retained by Unit 2 as a result of their second balcony located off the primary living space.

Solar access to Unit 3 would be limited, given their second balcony is provided at the rear of the building that is oriented south. Their terrace at the third floor level already experiences existing overshadowing and at 3PM, the proposed development would cause complete overshadowing of this terrace however, some solar access would be provided to the rear balcony on level 2 as the proposed development does not extend to this length down the site at the upper levels.

Solar access to the lower level units of 40 Hall Street cannot be reasonably retained as solar access would be lost by any future development of the subject site in accordance with the zoning and building height limit.

Adverse overshadowing impacts would not result from the proposed lift overrun that is a minor non-compliance with Council's building height development standard as this overshadowing would fall upon the roof of this adjoining development at 3PM and within areas experiencing existing overshadowing at 12 noon.

Therefore, solar access to 40 Hall Street is considered to be reasonably retained with the proposal.

#### 46 Hall Street

A search of Council's records reveal no floor plan for this adjoining property. A submission raised concerns regarding loss of solar access to Unit 4 within this adjoining development. At 9AM during mid-winter, the proposal would result in some additional overshadowing towards the rear of the south-western elevation of this building. However, this additional overshadowing impact is unavoidable due to the maximum building height and setback controls permitted in the immediate locality. It is also added that the development has been articulated with the use of internal voids/courtyards to reduce the overshadowing and bulk and scale impacts to the existing development at 46 Hall Street. Due to the orientation and siting of the lots and subdivision pattern, no overshadowing impacts result to the adjoining site to the north-west at 46 Hall Street from 12. It is noted that the south-eastern elevation of this building is overshadowed by the existing development.



Given the above, the resulting overshadowing impacts are acceptable on merit.

### *View Loss*

The development largely complies with Council's maximum building height limit and has been amended to comply with Council's setback controls, particularly with regards to the front setback of the third floor level. View loss was raised as an issue of concern from the third floor balcony of Unit 1 at 40 Hall Street and the following image was provided demonstrating district views to the north-west.



**Figure 3:** View from Unit 1 balcony at third floor level of 40 Hall Street as provided in submissions received.

This view is gained across the side boundary of the site and would be impacted with any development on the subject site that complied with Council's development standards. While a site inspection was not conducted of this unit (due to Covid 19 restrictions), it is considered that this unit is likely to have views of the Pacific Ocean and possibly Bondi Beach to the south from the same balcony. Therefore, it is considered that these district views from Unit 1 of the adjoining building at 40 Hall Street cannot be reasonably maintained.

No other adverse view loss impacts are anticipated from surrounding properties. Particularly, no view loss impacts are anticipated from the proposed lift overrun that is a minor breach to Council's maximum building height development standard.

## **2.2. Other Impacts of the Development**



The proposal is considered to 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 suitable for the proposal.

### 2.4. Any Submissions

#### Original Plans

The application was notified for 14 days and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Notification of the plans originally lodged with the application attracted a total of 16 submissions on behalf of 15 properties, whereby 14 were unique.

#### Amended Plans

Following receipt of amended plans and additional information, the application was re-notified for 14 days.

Notification of the amended plans attracted a total of 8 submissions on behalf of 6 properties, whereby 6 were unique and included 1 submission from Councillor John Wakefield and 1 submission from the Bondi Beach Precinct.

The revised basement plan received by Council on 13 July 2021 was not re-notified as the Applicant only modified the location of one internal door to the retail storage area that has no impact upon surrounding properties. This is in accordance with the *Waverley Community Development Participation and Consultation Plan*.

The submissions received are summarised in the following table and discussed in detail below.

**Table 8: Number of and where submissions were received from.**

Count	Property Address
1.	Bondi Beach Precinct <b>(Amended)</b>
2.	Cl John Wakefield – Bondi Ward Coordinator <b>(Amended)</b> (relates to Gertrude & Alice and Bondi Beach Precinct submissions)
3.	40 Hall Street, BONDI BEACH – <b>(Original)</b>
4.	40 Hall Street, BONDI BEACH <b>(Original)</b>
5.	40 Hall Street, BONDI BEACH <b>(Original &amp; Amended)</b>
6.	40 Hall Street, BONDI BEACH - JS Mueller & Co on behalf of Owners <b>(Original)</b>
7.	1/40 Hall Street, BONDI BEACH <b>(Original &amp; Amended)</b>
8.	2/40 Hall Street, BONDI BEACH <b>(Original)</b> (same as original objection from 1/40 Hall Street)
9.	4/40 Hall Street, BONDI BEACH <b>(Original)</b>



10.	5/40 Hall Street, BONDI BEACH <b>(Amended)</b> (same as original objection from 1/40 Hall Street)
11.	6/40 Hall Street, BONDI BEACH <b>(Original)</b>
12.	Shop 2, 40 Hall Street, BONDI BEACH (Two Forks Bondi) <b>(Original)</b>
13.	46 Hall Street, BONDI BEACH – Hones Lawyers on behalf of Owners <b>(Original &amp; Amended)</b>
14.	4/46 Hall Street, BONDI BEACH <b>(Original)</b>
15.	Shop 2, 46 Hall Street, BONDI BEACH (Gertrude & Alice Café Bookstore) <b>(Original &amp; Amended)</b>
16.	4/16 Consett Avenue, BONDI BEACH <b>(Original: 2 submissions &amp; Amended: 1 submission)</b>
17.	2/2 Simpson Street, BONDI <b>(Original)</b>
18.	11 Ormond Street, BONDI BEACH <b>(Original)</b>

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Building height non-compliance;
- Bulk and scale;
- Setbacks;
- Solar access;
- View loss;
- Visual privacy;
- Acoustic privacy; and

All other issues raised in the submissions are summarised and discussed below.

Issues raised in the notification of the original plans that have been resolved with the submission of amended plans are discussed as follows:

**Issue: Front Building Line Setback**

- Front building line should align with development in the street.
- Setback the main building frontage to comply with requirements and to be level with the main building frontages for the adjoining properties at 40 and 46 Hall Street.

**Response:** The front building line has been amended to be generally consistent with development at 40 Hall Street. It is not considered reasonable to request the development align with 46 Hall Street as this site is currently underdeveloped.

**Issue: Acoustic Privacy**

- Acoustic impacts from outdoor seating area.
- Use of outdoor seating at the rear to be clarified.
- Unacceptable noise generation, smells, disturbances and behaviour at night in the outdoor areas.



**Response:** The outdoor seating area has been deleted with the submission of amended plans.

**Issue: Residential Density**

- Apartment mix is intensive and will impact on neighbourhood.
- The number of apartments should be scaled back.
- Reducing the number of residential units from 13 to 11 by amalgamating two 1 bedroom units into a 2 bedroom unit on levels 1 and 2, does nothing to reduce the bulk and size of the development and may not reduce the number of people living there. Similarly, reducing the number of retail spaces from 2 to 1 has very little impact and may in fact be detrimental to the area by reducing retail outlets for the community.

**Response:** The amended plans have decreased the total number of units within the development. Despite this, the residential density of the site is considered to be acceptable for the mixed use zoning of the site.

**Issue: Inadequate Documentation**

- Inaccurate FSR calculations.

**Response:** Amended documentation has been submitted that includes revised FSR calculations that are considered to be accurate.

Outstanding issues raised in the notification of the original plans as well as issues raised in the notification of amended plans is discussed below.

**Issue: Setbacks**

- Lack of setback to side boundaries has bulk and scale impacts for adjoining properties.

**Response:** The development is consistent with setbacks permitted in the locality. Furthermore, the development provides two void spaces that are to be utilised as internal courtyards to the side boundaries to minimise bulk and scale impacts that is acceptable.

- The existing pathway on the eastern side of 42-44 Hall Street is to be removed and the new building will abut the boundary of 40 Hall Street. Eastern wall of the development should be setback to provide a gap between it and 40 Hall Street as now exists.

**Response:** The development involves complete redevelopment of the site. The provision of a gap would result in security issues for the site. The proposal is therefore acceptable.

**Issue: Loss of Village Character**



- *“Hall St is the wonderful village like street that is central to our locale. The idea of losing so many old colourful dwellings with so much character to build a soulless 4 story building so that a developer can line his pockets breaks my heart. Council should say no to this or at the very least limit it to 2 storys.”*
- Loss of heritage character.

**Response:** The site is not a heritage item or located within a heritage conservation area. The development is consistent with the desired future character of the Hall Street Town Centre that is envisaged for four storey development and is therefore acceptable.

- The visual and general amenity of the area will be impacted negatively making it a less pleasant place to live.

**Response:** The proposal would enhance the Hall Street streetscape and maintain amenity for surrounding properties in relation to the mixed use zoning of the site and surrounds.

- The bookshop/cafe business “Gertrude and Alice” is a highly valued community and neighbourhood asset that, as a safe and welcoming space, has for more than 25 years contributed positively to the vibrant mixed character of the Hall Street Local Village centre.
- Gertrude and Alice has played a major long-term role as a sponsor and supporter of Waverley Council’s highly-regarded NIB literary awards.

**Response:** The above comments are noted however, this is irrelevant to the assessment of the subject development application.

#### **Issue: Traffic & Parking**

- Increased stress on parking and traffic congestion in the area as a result of no parking provision.
- The increased amount of retail space proposed in the DA will generate a considerable amount of extra traffic, extra waste, etc. Council is urged to examine whether the fact that the site has access only across the busy footpath of Hall Street is sufficient to reject this increase. Council might also consider conditioning any approval with a clause that would prevent the two retail lots being consolidated into a single business, which would more than double the potential for noise generation, and other nuisances for residents of the proposed building itself and of neighbouring and adjacent proprieties.

**Response:** The proposal complies with Council’s minimum car parking requirement and is acceptable as the site is highly accessible via public transport. Council’s Traffic & Development Department have reviewed the proposal and it is concluded that the required number of visitor parking spaces (two) to the site would have no significant impacts on the traffic conditions of the surrounding road network. The proposal is suitable for the mixed use zoning of the site.



- No parking for customers of Gertrude and Alice Café Bookstore.

**Response:** A condition of consent requiring the submission of a Construction Traffic & Pedestrian Management Plan is recommended to be imposed. Council's Traffic & Development Department have also recommended a condition be imposed to ensure occupants of the building not be eligible for resident parking permits under Council's Residents Preferential Parking Permits scheme.

**Issue: Acoustic Privacy**

- Acoustic impacts from retail space.
- Unacceptable noise generation, smells, disturbances and behaviour from commercial tenancy at night.

**Response:** The future use of the retail space has not been indicated with the proposal and would be subject to assessment of a future DA.

- The creep of commercial activity into this sensitive interface zone must be opposed by Council, preferably by a condition of approval that these areas can never be used for commercial purposes.

**Response:** The retail tenancy fronts Hall Street that is a mixed use zone. An increased setback to the ground floor retail tenancy has been provided to the rear dwellings fronting Consett Avenue to minimise impacts.

- Top floor balcony is very close bedrooms at 1/40 Hall Street and will be impacted by noise.

**Response:** The adjacent balcony is located off a proposed 1 bedroom unit and the noise anticipated to be generated from the use of this balcony is not expected to exceed levels that would be unreasonable for the mixed use zoning of the site.

- Noise from ventilation and air conditioning systems.

**Response:** Conditions regarding mechanical plant are recommended to be imposed on the consent.

- Acoustic impacts from large top floor terrace.

**Response:** Any noise generated from the use of the rear balconies provided to the two bedroom units within the development is not expected to exceed levels that would be unreasonable for the mixed use zoning of the site.

**Issue: Landscaping**



- The subject property was once home to a magnificent spreading fig tree, of much the same age and dimensions of those specimens in adjacent Consett Avenue. The current proposals for planting in the rear ground floor areas and for the balconies are tokenistic and will absolutely fail to prove the necessary visual screening. They appear not to meet Council requirements for deep and other planting.

**Response:** The above comments are noted however, the proposal involves a complete redevelopment of the site and the proposed landscaping is considered to be well-integrated with the design of the building.

**Issue: Materials, Colours & Finishes**

- By using brick face for the balconies rather than say glass, the bulk and size of the development is accentuated.

**Response:** The use of brick is consistent with the desired future character of the area as well as general controls for the Hall Street Town Centre that are considered to enhance the Hall Street streetscape.

**Excavation & Construction Impacts**

- Neither of the two adjoining buildings in Hall Street has a sub-ground component.

**Response:** A review of Council's files indicate the adjoining property at 40 Hall Street has a basement level with garage parking to Consett Avenue.

- Bringing the basement in 1.5m from the boundaries is insignificant while the rest of the building abuts the boundaries on both sides.

**Response:** The development complies with Council's controls for excavation.

- Construction impacts on 40 Hall Street, particularly in view of recent excavation issues with properties in Curlewis Street and Lamrock Avenue.

**Response:** Standard conditions are recommended to be imposed on the consent with regards to excavation and construction works.

- Construction noise impact on residents currently working from home.

**Response:** Standard conditions are recommended to be imposed with regards to construction hours.

- Construction will impact upon trade of Gertrude and Alice Café Bookstore and Two Forks Bondi.



- Negative impact on general pedestrian access to the business general amenity of staff, customers and others during the anticipated demolition and construction period for the proposed project.
- Gertrude and Alice Café Bookstore will have to change their business to accommodate construction.
- Gertrude and Alice Café Bookstore will have to close their business.

**Response:** The above comments are noted. A condition of consent requiring the submission of a Construction Traffic & Pedestrian Management Plan is recommended to be imposed

- Impact on community parklet.

**Response:** A condition is recommended to be imposed for Council's mobile parklet to be temporarily relocated.

**Issue: Inadequate Documentation**

- The Statement of Environmental Effects is inadequate in addressing the impacts.
- Inadequate and incorrect Heritage Impact Statement.
- The reports suggest there is an existing shadow over 40 Hall Street however, with the low building currently next door, there is no shadow.

**Response:** The above comments are noted however, it is considered that this does not hinder an accurate assessment of the application by Council.

**Issue: Requests**

- It has been requested that conditions of consent be imposed in relation to the following:
  - Dilapidation Reports
  - Geotechnical Report
  - Excavation
  - Noise and Vibrations
  - Acoustic Measures
  - Noise from Plant and Machinery

**Response:** Standard conditions are recommended to be imposed with regards to the above.

- It has been requested that should the DA be recommended for approval, Council should consider imposing as a major condition on the Applicant, and before any approval is granted, so that the developer be directed:
  - to meet with neighbouring property representative (at No 46) to discuss the impact on the bookshop during the period of demolition and construction, and



- to provide to neighbouring property representative (at No 46) specific proposals that address and minimise the impact on all pedestrian traffic in this area of Hall Street for her comments, and
- address in a reasonable way the concerns that neighbouring property representative (at No 46) may provide regarding the above issues during the construction period, and
- provide to Council a significant (ie, requiring expenditure on the part of the applicant) and effective proposal that will maintain the established amenity of both pedestrians and the bookshop (for customers and staff) so that ample, safe, noise-insulated and otherwise protected pedestrian access is maintained along Hall Street in front of the bookshop and the subject site, continuing through to 40 Hall Street through to the intersection with Consett Avenue, and
- that Council continue to consult with neighbouring property representative (at No 46) both prior to any possible approval and through any period of demolition and construction, to facilitate the desired outcomes through whatever means might reasonably be available, for example, through provision of a second “parklet” in Hall Street for use by pedestrians and customers, perhaps to the west, in front of the neighbouring ‘Rice Pot’ restaurant.

**Response:** The above comments are noted and a Construction Traffic & Pedestrian Management Plan is to be prepared prior to the issue of any Construction certificate on site (to the satisfaction of Council officers). All new development within the Waverley LGA are subject to standard conditions that apply across all development proposals. Whilst, it may be desired that a greater level of communication occur for the neighbouring property in this instance, this is more onerous than any other development in the municipality. As such, it is recommended that the neighbouring property representative contact the owner of the land should they wish to discuss/enquire on these matters as a civil matter between two respective properties.

#### **Issues: Other**

- The value of all units at 40 Hall Street will be significantly diminished.

**Response:** This comment is noted but is irrelevant to the assessment of the development application.

- Council is urged to ensure that the applicant provides details of the provisions for night-time lighting for all rear areas of the building.

**Response:** Detail on outdoor lighting has not been provided however, the proposal would be expected to comply with the relevant Australian Standards for outdoor lighting.

- No details of air conditioning provided.

**Response:** Location of air conditioning is provided on amended plans.



## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Heritage

No comment was received from Council's Heritage Advisor at the time of writing this report. *See comments in section 2.1.2 of this report for further detail.*

### 3.2. Stormwater

*See comments in section 2.1.3 of this report.*

### 3.3. Public Domain

*See comments in section 2.1.3 of this report.*

### 3.4. Tree Management

*See comments in section 2.1.3 of this report.*

### 3.5. Traffic & Development

*See comments in sections 2.1.3 and 2.4 (submissions) of this report.*

### 3.6. Environmental Health

The application was referred to Council's Environmental Health Officer who provided recommended conditions be imposed with regards to the maintenance of acoustic amenity.

### 3.7. Waste

The amended application was reviewed by Council's Sustainable Waste Officer who provided the following comments:

*The applicant has not provided an amended SWRMP.*

*Based on the architectural drawing it appears that the applicant has underestimated the bin numbers to store residential waste and recycling. The applicant proposes 11 x 240L bins, and Council recommends 14 x 240L bins (see recommendation details in the next section)*



*The applicant must provide the following details on the architectural drawings prior to approval:*

- 1. Label the bin with respect to the type of bin (waste, container recycling or paper recycling)*
- 2. Label the transport route to the point of collection*
- 3. Describe in detail where the bins and bulky waste will be presented for collection*
- 4. How waste will be managed post-construction.*

*It is also recommended that the applicant seek approval from the neighbour at 40 Hall Street to access the space behind their property (adjoining 42-44 Hall Street) for the purposes of transporting bins to Consett Ave for collection (should there be access...from aerial footage, it appears there is). Then bins could be presented on Consett Ave. The issue with Hall Street is that there is limited space for bin presentation. Council's Sustainable Waste Team would support the applicant in seeking further knowledge regarding access.*

The above comments are noted and the recommended conditions of consent from Council's Sustainable Waste Officer is recommended to be imposed on the consent. However, it is noted that Council Officers can not require waste collection to use an alternate property for access without owners consent of that respective property.

### 3.8. Sustainable Development

*See comments in section 2.1.3 of this report.*

## 4. CONCLUSION

The development application seeks consent for demolition of existing buildings and construction of a four storey shop top housing development with basement storage, ground floor retail and residential units above at the site known as 42-44 Hall Street, BONDI BEACH.

The principal issues arising from the assessment of the application are as follows:

- Building height non-compliance.

The assessment finds this issue acceptable as the area of non-compliance is limited to the height of the lift overrun at the southern side of the property that does not result in any adverse amenity impacts surrounding properties or contribute to the overall bulk and scale of the building.

Notification of the plans originally lodged with the application attracted a total of 16 submissions on behalf of 15 properties, whereby 14 were unique.



Following receipt of amended plans and additional information, the application was re-notified for 14 days. Notification of the amended plans attracted a total of 8 submissions on behalf of 6 properties, whereby 6 were unique and included 1 submission from Cl. John Wakefield and 1 submission from the Bondi Beach Precinct.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of consent.

***Development and Building Unit (DBU) Decision:***

The application was reviewed by the DBU at the meeting on 13 July 2021 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, B Magistrale and K Lucas*

**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:**



Judith Elijah  
**Senior Development Assessment Planner**

**Date:** 10 August 2021

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



Angela Rossi  
**Manager, Development Assessment (Central)  
(Reviewed and agreed on behalf of the  
Development and Building Unit)**

**Date:** 13 August 2021

***Reason for WLPP referral:***

1. Sensitive development:
  - (a) SEPP 65 development
  - (b) Number of submissions



## 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 Mark Shapiro Architects of Project No: 17041 including the following:

<b>Plan Number</b>	<b>Revision</b>	<b>Plan Description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA0000B	B	Cover Page	16/6/21	22 June 2021
DA2000B	B	Basement Plan	16/6/21	13 July 2021
DA2001B	B	Ground Floor Plan	16/6/21	22 June 2021
DA2002B	B	Level 1 Plan	16/6/21	22 June 2021
DA2003B	B	Level 2 Plan	16/6/21	22 June 2021
DA2004B	B	Level 3 Plan	16/6/21	22 June 2021
DA2005B	B	Roof Plan	16/6/21	22 June 2021
DA2006B	B	Adaptable Unit Plan	16/6/21	22 June 2021
DA2300B	B	Section A	16/6/21	22 June 2021
DA2301B	B	Section B	16/6/21	22 June 2021
DA2302B	B	Section C	16/6/21	22 June 2021
DA2400B	B	North Elevation	16/6/21	22 June 2021
DA2401B	B	South Elevation	16/6/21	22 June 2021
DA2402B	B	North Elevation External Finishes	16/6/21	22 June 2021
DA2403B	-	Shopfront Detail	16/6/21	22 June 2021
DA9004B	B	Breezeway Section	16/6/21	22 June 2021

- (b) BASIX and NatHERs Certificates
- (c) Acoustic Report prepared by Blackett Acoustics dated December 2020, and received by Council on (22/12/2020)
- (d) Geotechnical Report prepared by STS Geotechnics Pty Ltd dated September 2020, and received by Council on (22/12/2020)
- (e) Access Report prepared by Building Innovation Australia dated (11/12/2020), and received by Council on (22/12/2020)
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (22/12/2020)

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;



- (a) The balcony of Unit 3.03 located at the rear of the building at the third floor level is to be fitted with fixed or sliding privacy screens to a height of 1.5m (measured above finished floor level) to maintain privacy for dwellings fronting Consett Avenue.
- (b) The plans are to be amended to demonstrate a minimum of 2 visitor bicycle parking spaces (1 residential, 1 retail) at the ground floor level. A minimum of 1 bicycle parking space is to be demonstrated on site for employees of the retail space.
- (c) The landscape plans are to be amended to be consistent with the approved architectural plans.
- (d) The schedule of external materials and finishes is to be amended to be consistent with the approved architectural plans.

The amendments are to be approved by the **Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. 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. MULTI UNIT HOUSING DEVELOPMENT DESIGN**

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.

### **4. FOOTPATH AWNING**

The awning shall:

- (a) Extend along the entire Hall Street frontage of the site.
- (b) Be minimum 3m in width (extending out from building façade);
- (c) Have a height between 3.1 – 4.2m measured above footpath level, that steps/tapers with the topography of the site;
- (d) Be offset a minimum of 600mm behind the kerb.
- (e) Provide cutout/s for future street tree growth.



## **B. PRIOR TO THE ISSUE OF A 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.

### **GENERAL REQUIREMENTS**

#### **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 and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and 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.

### **CONTRIBUTIONS, FEES & BONDS**

#### **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:
  - (i) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (ii) 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:
  - (i) A development valued at \$100,000 or less will be exempt from the levy.
  - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (iii) 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 any 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.



## 7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$70,000.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any 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 all of works associated with this consent (including the required public works) 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 the Principal Certifying Authority prior to the issue of any 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.

## PLAN DETAILS

### 9. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

### 10. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of **Council's Manager, Development Assessment (or delegate)** which address the following matters:

- (a) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials;
- (b) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.



This may also require a referral to the Waverley Design Excellence Advisory Panel with a referral fee to be paid at the time of lodgement. Please contact the assessment planner to clarify this prior to lodging documentation to satisfy this condition.

#### **11. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

#### **12. BASEMENT STORAGE**

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

#### **13. ADAPTABLE HOUSING**

A minimum of 2 of the 11 apartments in the development are to be provided as 'adaptable housing' within the development. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

#### **14. UNIVERSAL HOUSING**

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupant's over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2012*.

### **CONSTRUCTION MATTERS**

#### **15. 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's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

#### **16. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

#### **17. 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.

## **18. 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, prior to the issue of the relevant Construction Certificate.

## **19. 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.

## **20. GROUND ANCHORS**

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) on 9083 8886.

Separate approval will be required for ground anchors beneath roadways governed by the Roads and Maritime Services.

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.

## **21. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS**



Evidence is to be provided to the Principal Certifier that arrangements have been made for;

- (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

## **TRAFFIC MANAGEMENT**

### **22. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **STORMWATER & FLOODING**

### **23. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater management plan prepared by itm design Pty Ltd, Job No. 20/74, Drawing No. H-DA-00, H-DA-01 & H-DA-02, Revision A, dated 04/12/2020 are considered concept only.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- (a) The stormwater management plan shall be updated to be consistent with the architectural drawings.
- (b) The plans shall provide additional and revised details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- (c) A certificate from a registered structural engineer certifying the structural adequacy of any OSD tank structure shall be submitted.
- (d) Any OSD system is to be designed to cater for all storms up to and including the 1% Annual Exceedance Probability (AEP) storm event.
- (e) Seepage water must not be directly or indirectly discharged to Council's street gutter.



- (f) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided.
- (g) The pipeline within the footpath verge of Hall Street must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres.
- (h) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of the OSD system).
- (i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- 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.
- Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

## **24. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, 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 subject development.

## **PUBLIC DOMAIN**

### **25. PUBLIC DOMAIN IMPROVEMENTS**

The public domain is to be upgraded along frontage 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 Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- Pedestrian footpath
- Road pavement
- Kerb and gutter
- Stormwater infrastructure located within the Council kerb and/or footpath
- Street lighting
- Landscape and street tree plantings



Note: The requirements to satisfy this condition are listed under Advisory Notes within the Public Infrastructure Works.

## 26. 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 must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant 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 Hall Street including traffic and parking lanes. Details of the road pavement treatments and sub-grade details to be advised by Council.
- (b) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing Hall Street frontage. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb and footpath profiles are to be provided to ensure proper connections to existing Council's infrastructure along the street frontage.
- (c) Street Trees: A minimum of one (1) street tree (and potentially two) shall be planted along Hall Street frontage. The new tree/s to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip.
- (d) Street Lights: Make provision for a new street light serviced by metered underground power and on a multifunction pole (MFP) on Hall Street site frontage. The existing light column / power post shall be removed. The consultant shall liaise with Council in obtaining Council's requirements and specifications for the street column and components including the appropriate LED luminaires.
  - a. A new switchboard shall be housed in lockable stainless steel meter box, and installed in the public domain area close to the boundary alignment without causing any obstructions to the pedestrian walkway.
- (e) 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.

## 27. COUNCIL MOBILE PARKLET

Council's existing mobile parklet placed within parking lane on Hall Street fronting the site shall be temporary relocated to Council preferred location prior to commencement of any construction activities. Applicant must obtain approval from **Council's Executive Manager, Infrastructure Services, or delegate**, on the temporary location of the parklet. All fees and charges associated with the work shall be borne by applicant.



## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **28. BASIX**

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

### **29. ENERGY EFFICIENCY**

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2012*, which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Co-ordinator Sustainable Energy prior to the issue of a Construction Certificate for any works above ground level.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

## **WASTE**

### **30. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

### **31. WASTE STORAGE AREAS**

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development;

- **Residential**
  - 5 x 240L Mobile Garbage Bins (MGBs) for general waste (collected weekly)
  - 5x 240L MGBs for paper and cardboard recycling (collected fortnightly)
  - 4 x 240L MGBs for container recycling (collected fortnightly)
  - A minimum of 4m<sup>2</sup> floor space is required for the on-site storage of bulky waste awaiting collection; A minimum of 1m<sup>2</sup> floor space is required for additional problem waste streams (such as electronic waste or textile waste). This should be inside or adjacent to the onsite storage of bulky waste with doorway clearance for the bulky waste storage area of a minimum 1.5m.
- **Commercial retail shops (non-food related)**
  - 4 x 240L Mobile Garbage Bins (MGBs) for general waste (based on bins collected weekly)
  - 4 x 240L MGBs for comingled recycling (based on bins collected weekly)
  - Extra space is required to store reusable products such as crates, and excess cardboard and other packaging materials.



- Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required

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.

Specifically, the plans must address the following;

- (a) Label the bin with respect to the type of bin (waste, container recycling or paper recycling).
- (b) Label the transport route to the point of collection.
- (c) Describe in detail where the bins and bulky waste will be presented for collection.
- (d) How waste will be managed post-construction.

## **LANDSCAPING & TREES**

### **32. GREEN ROOF LANDSCAPING DETAILS**

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

## **NOISE**

### **33. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of **Council's Executive Manager, Compliance (or delegate)** for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

### **34. ACOUSTIC SEPARATION**

Appropriate acoustic separation of the retail level from the residential level shall be incorporated into the design to ensure that any future use of the retail shops does not unreasonably impact upon the acoustic amenity of the residential units. Details are to be provided to the Principle Certifying Authority prior to the issue of a Construction Certificate.



### **35. NOISE – ACOUSTIC REPORT**

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

### **36. REFRIGERATION UNITS & MECHANICAL PLANT**

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.



## **C. COMPLIANCE PRIOR TO WORK COMMENCING 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.

### **PRIOR TO ANY WORKS**

#### **37. 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.

#### **38. DILAPIDATION REPORT**

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

### **DEMOLITION & EXCAVATION**

#### **39. 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 2017;
- 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.

#### **40. CONTROL OF DUST ON CONSTRUCTION SITES**

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 (e.g.: 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.

#### **41. 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.

#### **42. 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.

#### **43. MANAGEMENT OF ACIDIC SULFATE SOIL**

Following the demolition stage, but prior to the construction stage, further investigations for Acid Sulfate soils shall be undertaken by a suitably qualified expert. 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 and Concrete Association of Australia Technical Note TN57 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.

#### **44. 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.

#### **CONSTRUCTION MATTERS**

##### **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 Environment Operations (Noise Control) Regulation 2017.

##### **46. 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.

##### **47. 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.

#### **48. 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.

#### **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 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.

#### **50. WORK OUTSIDE PROPERTY BOUNDARY**

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

### **TREE PROTECTION AND REMOVAL**

#### **51. TREE PROTECTION**

All trees on site and adjoining properties, including street trees are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

#### **52. STREET TREES TO BE RETAINED/TREE PROTECTION**

No existing street trees shall be removed without Council approval. 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) event 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 in accordance with AS4970-2009 "Protection of trees on construction sites.

### **PARKING & PUBLIC DOMAIN WORKS**

#### **53. BICYCLE PARKING**



A total of 14 bicycle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 11 residential bicycle spaces
- (b) 1 residential visitor bicycle space
- (c) 1 retail employee bicycle space
- (d) 1 retail visitor bicycle space
- (e) At least 2 of the visitor spaces to be located at ground level.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle 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. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars).

#### **54. RELOCATION OF PARKING / STREET SIGNS**

- (a) Where necessary, the applicant shall meet the cost of the relocation/installation of any traffic, meters or parking control signs.
- (b) Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

#### **55. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**

Prior to commencement of the public domain works notice shall be submitted to Council's 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.

#### **56. 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.

#### **57. 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 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.

#### **58. 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 Public Domain Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, street lights, street trees and landscape hold points.

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.



## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION 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 an Occupation Certificate or Subdivision Certificate, whichever applies.

### **CERTIFICATION AND LICENCES**

#### **59. 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.

#### **60. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **61. CERTIFICATION OF APPROVED DESIGN**

In accordance with 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 statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

#### **62. CERTIFICATION OF LANDSCAPING**

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

#### **63. CERTIFICATION OF PUBLIC INFRASTRUCTURE AND STORMWATER WORKS**

Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Assets and Planning Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

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.

Council's contact for public domain: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 90838886 (operational hours between 9.30am to 4.00pm Monday to Friday).

#### **64. CERTIFICATION OF STORMWATER SYSTEM**

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.

#### **65. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, the detention facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

#### **66. ON-SITE STORMWATER DETENTION CERTIFICATION**

The submission of certification by a suitably qualified and practising Engineer for the on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of any Occupation Certificate.

#### **67. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD AND PUMP OUT SYSTEM**

A "Restriction on the Use of Land" and "Positive Covenant" shall be created for all on-site stormwater detention (OSD) and pump out systems, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that all OSD and pump out systems are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD and pump out system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

#### **68. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**



The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

#### **69. CERTIFICATION OF PUBLIC DOMAIN WORKS**

Prior to the issue an Occupation Certificate, a final inspection of the completed works is required from Council's Public Domain Engineer (Infrastructure Services), to ensure that the public domain works required under the consent have been completed to Council's satisfaction. If satisfactory, a compliance certificate will be issued. A fee is applicable for this final inspection under Council's Schedule of Fees & Charges which must be paid to obtain the compliance certificate. To organise an inspection please contact the public domain team at [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or 9083 8886.

#### **70. 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.

#### **71. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN**

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

#### **72. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**

Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council's satisfaction.

#### **73. CERTIFICATION OF ALL MECHANICAL PLANT**

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

#### **74. ACOUSTIC REPORT RECOMMENDATIONS**

The "recommendations" as outlined in the acoustic report prepared by Blackett Acoustics [Reference No. Ba200721] dated December 2020 shall be implemented.



## **75. CERTIFICATION OF ACOUSTIC PERFORMANCE**

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

## **76. 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 and 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.

## **77. 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 (including the car lift) comply with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards in relation to noise.

## **78. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**

A Waste Management Plan must be submitted to **Council's Executive Manager, Environmental Sustainability (or delegate)** and include including the following where relevant;

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, 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.
- (h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside with a 24 hour period following collection.
- (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (j) At no times shall bins be stored on the public domain (e.g. footpaths).



## OTHER MATTERS

### **79. ALLOCATION OF STREET NUMBER/S**

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

- No. 42 - primary address site number
- Hall Street - primary address location.

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

- Shop G1/42 Hall Street for the commercial sub-address sites within the building correlating with retail 1 on the floor plans for the building,
- Nos. 101, 102, 103 104/42 Hall Street for the residential sub-address site within the building correlating with dwellings on Level 1 of the building.
- Nos. 201, 202, 203 204/42 Hall Street for the residential sub-address site within the building correlating with dwellings on Level 2 of the building.
- Nos. 301, 302, 303 /42 Hall Street for the residential sub-address site within the building correlating with dwellings on Level 3 of the building.

The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

The address number for a sub-address site shall not consist of the primary address number on its own. Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision 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.

### **80. WAVERLEY DIGITAL MODEL**

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/decision\\_makers/3d\\_modelling](https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling)

### **81. USE OF ROOF**

The roof shall be non-trafficable and accessed for maintenance purposes only.



## **E. OPERATIONAL MATTERS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

### **GENERAL MATTERS**

#### **82. AIR EMISSIONS**

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

#### **83. NOISE EMISSIONS**

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

#### **84. WASTE MANAGEMENT PLAN REVIEW**

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

### **PARKING AND ACCESS**

#### **85. PARKING PERMITS**

Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking Permits scheme.

#### **86. ON SITE GARBAGE COLLECTION**

The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection.

#### **87. ADJUSTMENTS TO STREET SIGNS**

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements.

#### **88. DELIVERY OF GOODS**

Loading and unloading of vehicles and delivery of goods to the building are to be carried out within the site.



## F. 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.

### AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

### AD2. 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.

### AD3. 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](http://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.

#### **AD4. 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.

#### **AD5. EXCAVATION TO BE LIMITED**

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

#### **AD6. BONDI - ROSE BAY SAND BODY**

This site may be 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.

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.

#### **AD7. SEPARATE APPLICATIONS FOR USE/FIT OUT**

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

#### **AD8. SEPARATE APPLICATION FOR SIGNAGE**

No signage has been proposed in this application, therefore any advertising or signage requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

#### **AD9. 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.

#### **AD10. STRATA SUBDIVISION**

This consent does not include approval for Strata subdivision of the development.



Any future subdivision shall note that 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 as shown on the approved plans. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012. No exclusive use of common property shall occur without the prior consent of Council.

#### **AD11. OUTDOOR DINING**

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

#### **AD12. LIQUOR LICENSING ACCORD**

The Licensee is encouraged to join and adopt the principles and terms of the local Liquor Licensing Accord. For information visit the Eastern Suburbs Liquor Accord website: [www.esla.net.au/](http://www.esla.net.au/)

#### **AD13. SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property.

#### **AD14. SUITABLY QUALIFIED ACOUSTIC CONSULTANT**

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

#### **AD15. SITE RECTIFICATION WORKS**

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
  - (a) make the building/site safe and of an appearance acceptable to Council.
  - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
  - (d) AND to call on such bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

#### **AD16. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**



Council will need to be provided with an OSD Maintenance Schedule that supports the routine maintenance activities. At a minimum, the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

#### **AD17. 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, TfNSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.



RECEIVED  
Waverley Council

Application No: DA-448/2020

Date Received: 22/06/2021

PROPOSED SHOP TOP HOUSING  
42-44 Hall Street Bondi Beach NSW 2026

DRAWING	DRAWING NAME	SCALE	REV
DA0000	COVERPAGE		B
DA1000	SITE LOCATION PLAN		B
DA1001	SITE ANALYSIS PLAN	1:200	B
DA2000	BASEMENT PLAN	1:100	B
DA2001	GROUND FLOOR PLAN	1:100	B
DA2002	LEVEL 1 PLAN	1:100	B
DA2003	LEVEL 2 PLAN	1:100	B
DA2004	LEVEL 3 PLAN	1:100	B
DA2005	ROOF PLAN	1:100	B
DA2006	ADAPTABLE UNIT PLAN	1:100	B
DA2300	SECTION A	1:100	B
DA2301	SECTION B	1:100	B
DA2302	SECTION C	1:100	B
DA2400	NORTH ELEVATION	1:100	B
DA2401	SOUTH ELEVATION	1:100	B
DA2402	NORTH ELEVATION EXTERNAL FINISHES	1:100	B
DA2403	SHOPFRONT DETAIL	1:50, 1:20	B
DA9000	GFA CALCULATIONS	1:200	B
DA9001	STORAGE SCHEDULE	1:200	B
DA9002	CROSS VENTILATION SCHEDULE	1:200	B
DA9003	LANDSCAPE AREAS	1:200	B
DA9004	BREEZEWAY SECTION	1:50	B
DA9005	HEIGHT PLANE DIAGRAM		B
DA9006	PHOTO MONTAGE - EXISTING		B
DA9007	PHOTOMONTAGE - PROPOSED		B
DA9100	SHADOW DIAGRAMS	1:500	B
DA9101	3D SHADOW DIAGRAMS		B
DA9200	SUN EYE VIEW & SOLAR ACCESS 9AM-12PM JUNE 21		B



DEVELOPMENT APPLICATION

AMENDED PLANS



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B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P2	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**COVERPAGE**

PROJECT NO: 17041  
SCALE: @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21  
**DA0000B**





AMENDED PLANS

B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P3	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

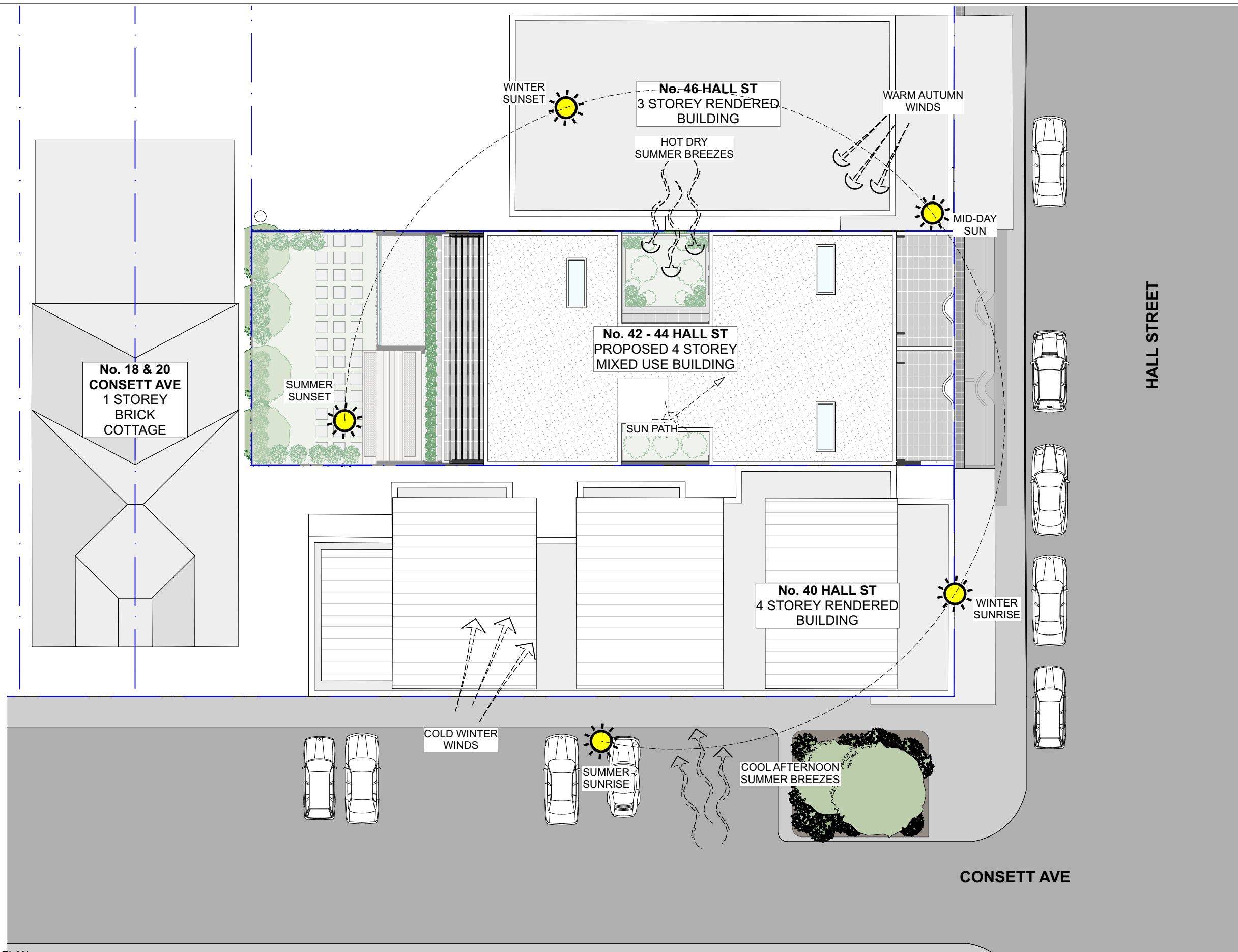




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Waverley Council

Application No: DA-448/2020

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SITE PLAN  
1:200



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ISSUE	DATE	REVISION

AMENDED PLANS

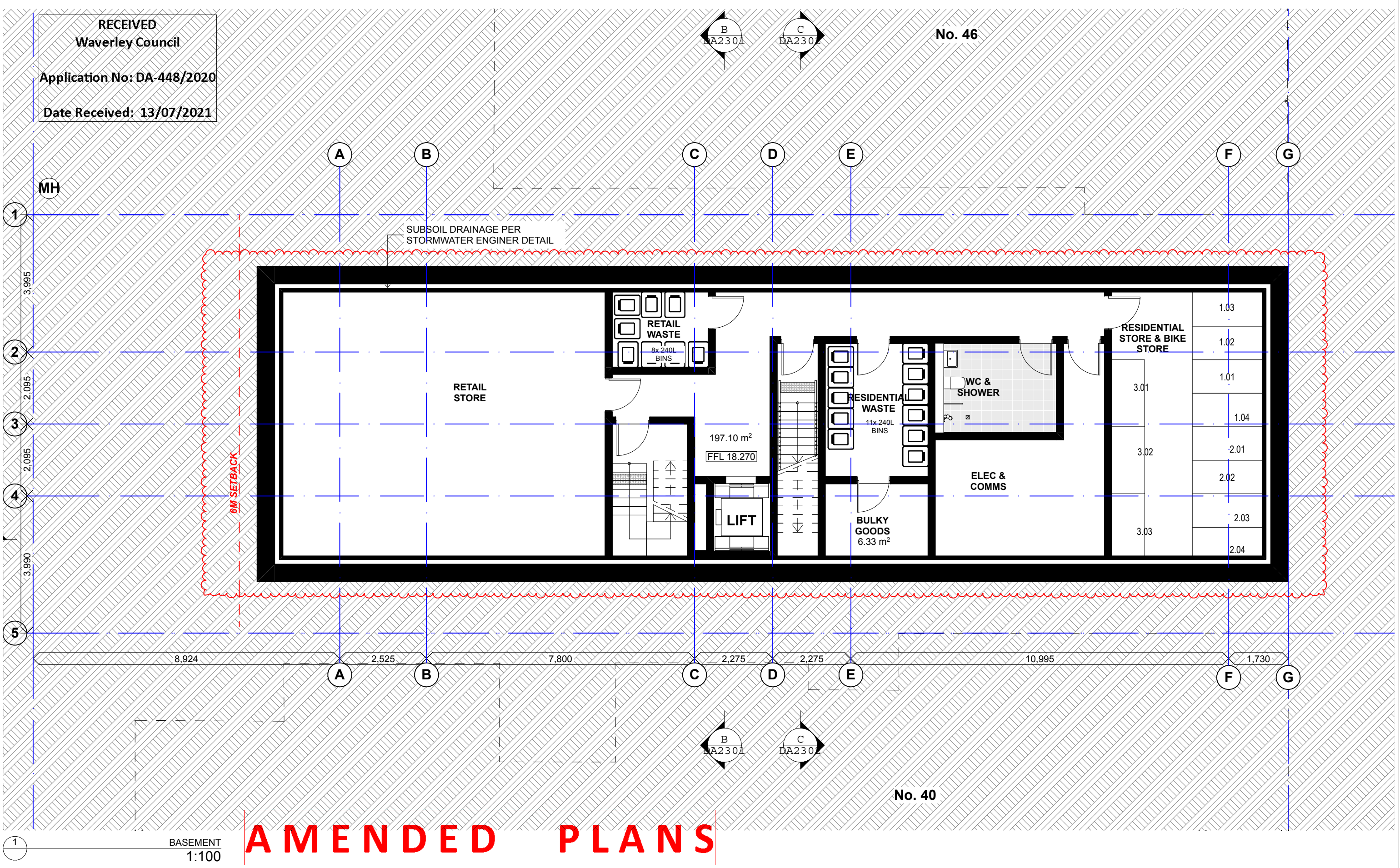


PROJECT:  
PROPOSED SHOP TOP  
HOUSING  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
SITE ANALYSIS PLAN

PROJECT NO: 17041  
SCALE: 1:200 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21

DA1001B





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B	16/6/21	DA RESUBMISSION
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**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS: 4 STAR  
TOILETS: 4 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
CLOTHES WASHERS: 2 STAR  
CLOTHES DRYER: 2 STAR  
DISHWASHERS: 2 STAR

**ENERGY OPTIONS**  
COOLING: 4 STAR  
HEATING: 3 STAR  
VENTILATION: 2 STAR  
WATER HEATING: 2 STAR  
COOK TOPS: 2 STAR  
REFRIGERATOR SPACE: 2 STAR  
ALTERNATIVE ENERGY: 2 STAR

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

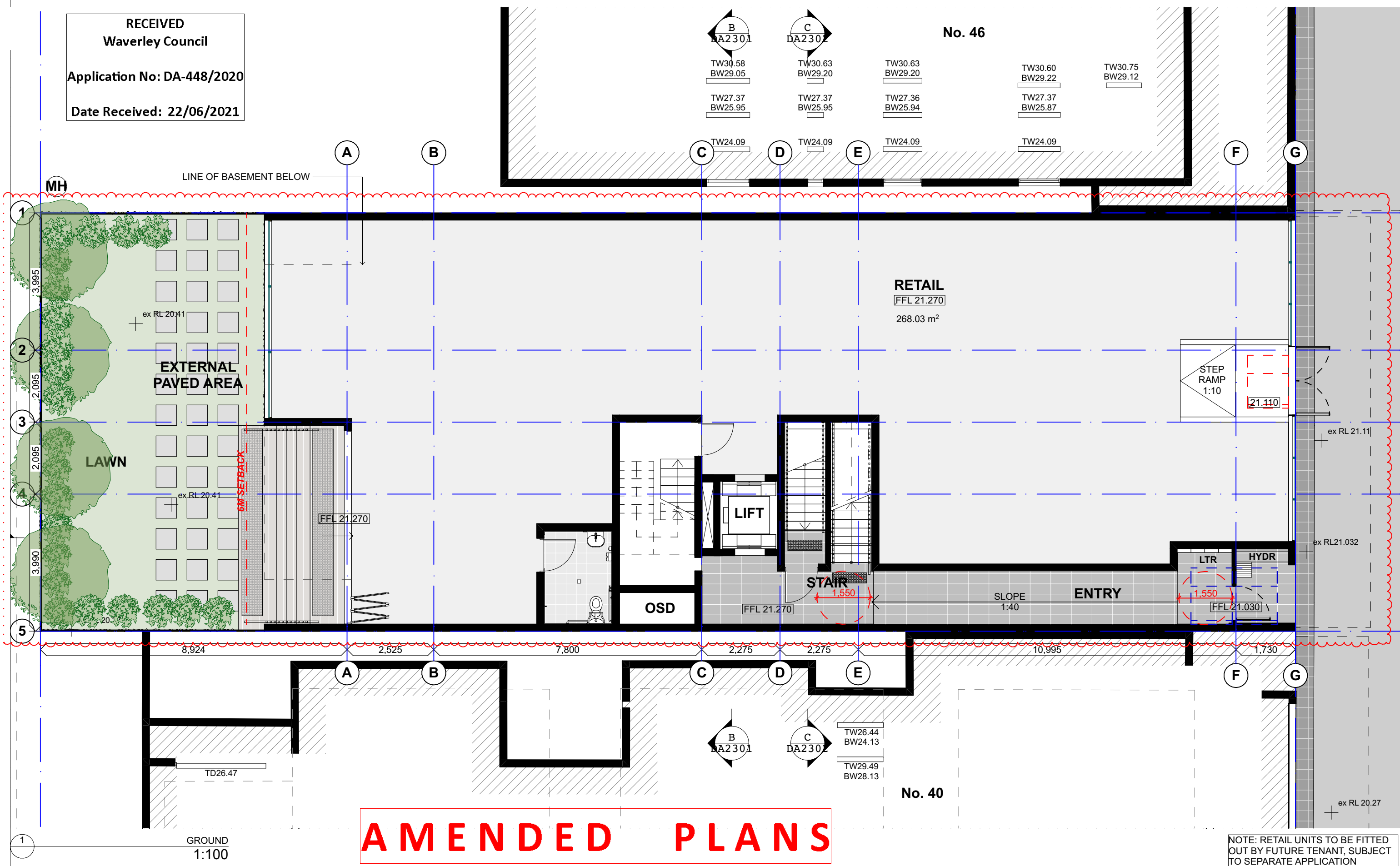
PROJECT: **PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING: **BASEMENT PLAN**

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 13/7/21

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Waverley Council  
Application No: DA-448/2020  
Date Received: 22/06/2021



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B	16/6/21	DA RESUBMISSION
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P3	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

#### BASIX COMMITMENTS

(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

##### WATER OPTIONS

SHOWERHEADS:  
TOILETS:  
KITCHEN TAPS:  
BATHROOM TAPS:  
CLOTHES WASHERS:  
CLOTHES DRYER:  
DISHWASHERS:

##### ENERGY OPTIONS

COOLING:  
HEATING:  
VENTILATION:  
WATER HEATING:  
COOK TOPS:  
REFRIGERATOR SPACE:  
ALTERNATIVE ENERGY:

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

##### THERMAL COMFORT OPTIONS

R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

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Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

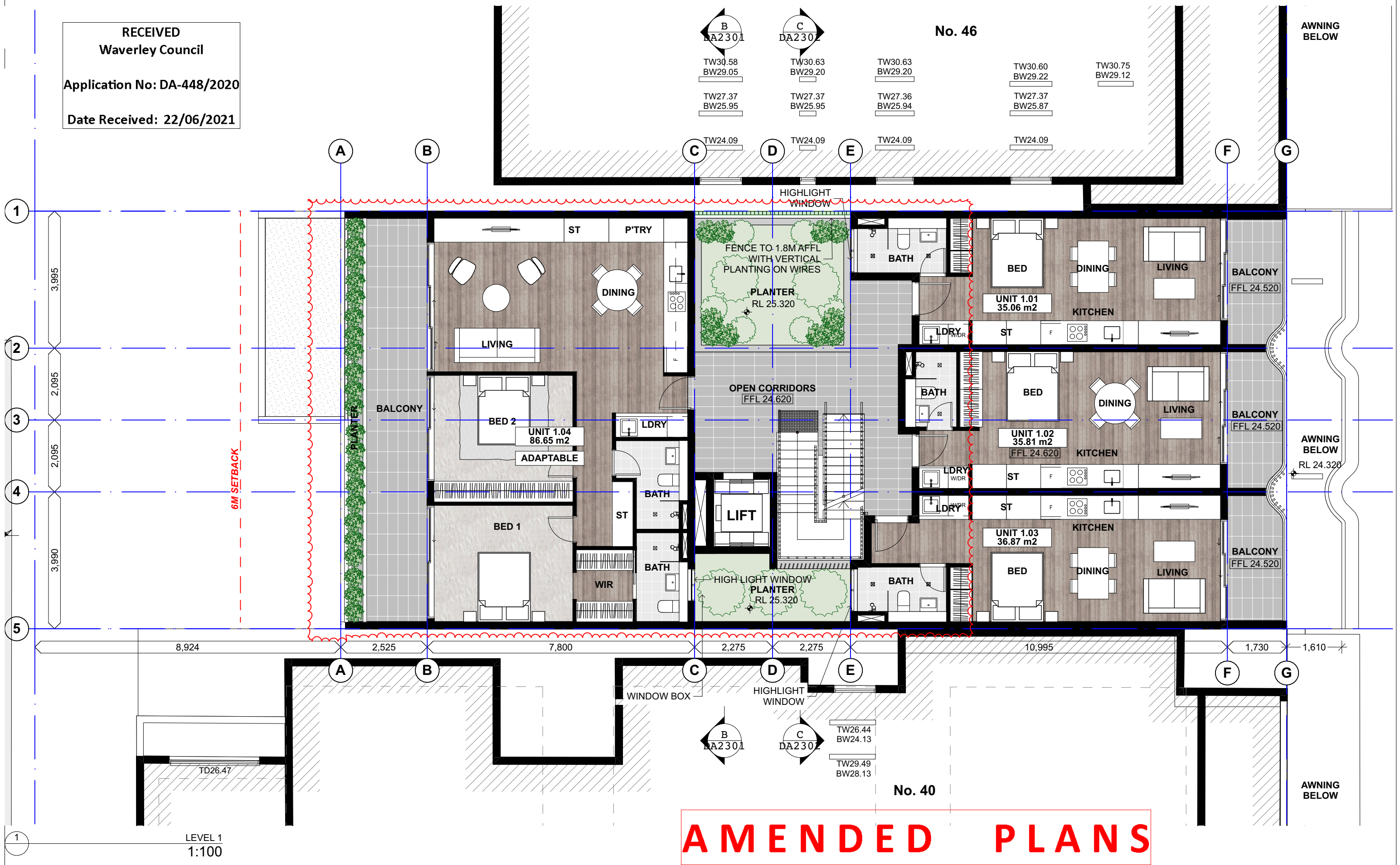
PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**GROUND FLOOR PLAN**

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21

**DA2001B**



RECEIVED  
Waverley Council  
Application No: DA-448/2020  
Date Received: 22/06/2021



# AMENDED PLANS

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(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
TOILETS:  
KITCHEN TAPS:  
BATHROOM TAPS:  
CLOTHES WASHERS:  
CLOTHES DRYER:  
DISHWASHERS:

**ENERGY OPTIONS**  
COOLING:  
HEATING:  
VENTILATION:  
WATER HEATING:  
COOK TOPS:  
REFRIGERATOR SPACE:  
ALTERNATIVE ENERGY:

ceiling fans + 1 Phase air-conditioning  
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R2.25 TOTAL R VALUE TO:  
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GLAZING SPEC:  
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Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing



PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**LEVEL 1 PLAN**

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21

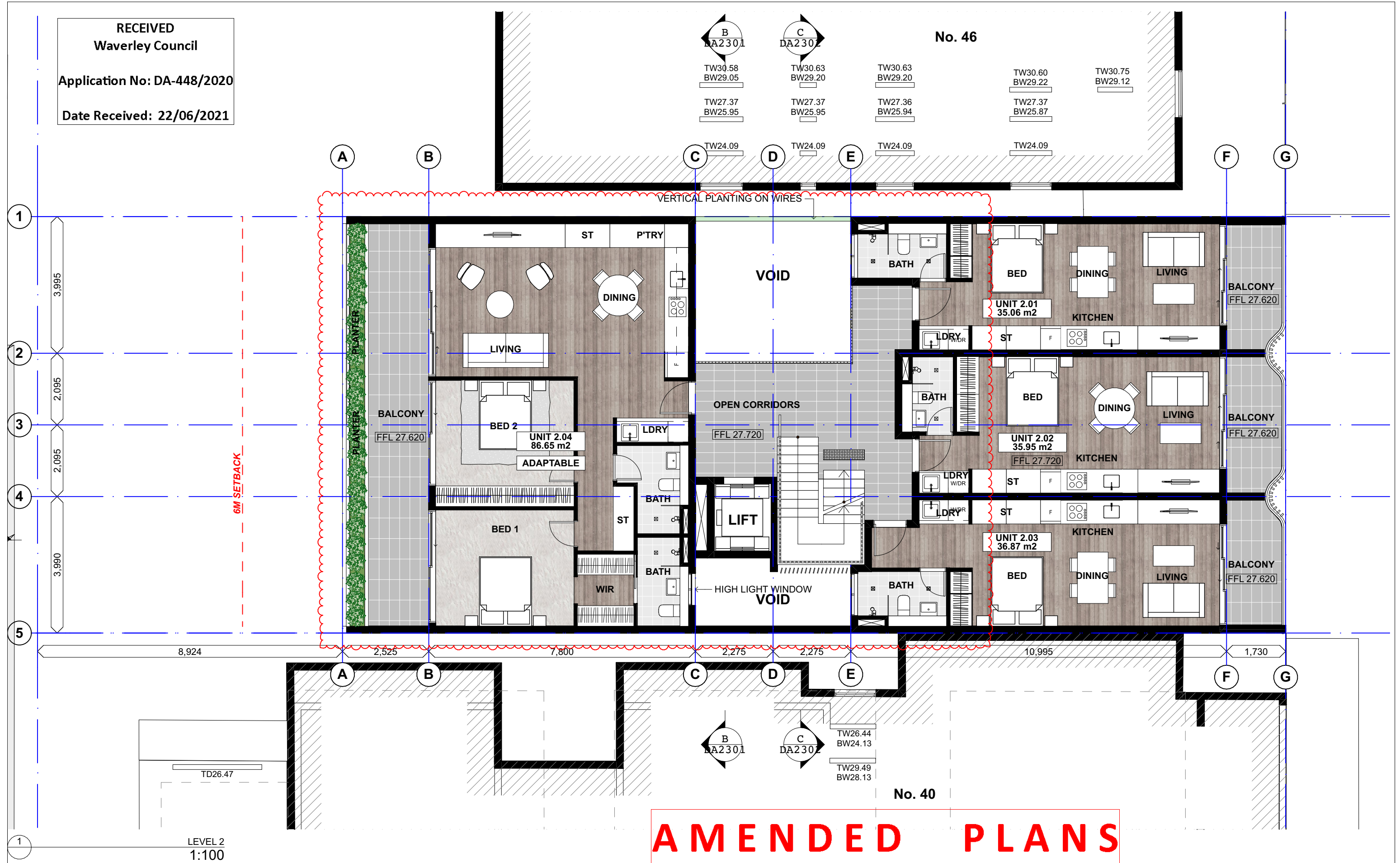
**DA2002B**



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Application No: DA-448/2020

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LEVEL 2  
1:100

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B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P3	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

#### BASIS COMMITMENTS (ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS:  
TOILETS:  
KITCHEN TAPS:  
BATHROOM TAPS:  
CLOTHES WASHERS:  
CLOTHES DRYER:  
DISHWASHERS:

**ENERGY OPTIONS**  
COOLING:  
HEATING:  
VENTILATION:  
WATER HEATING:  
COOK TOPS:  
REFRIGERATOR SPACE:  
ALTERNATIVE ENERGY:

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing



PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**LEVEL 2 PLAN**

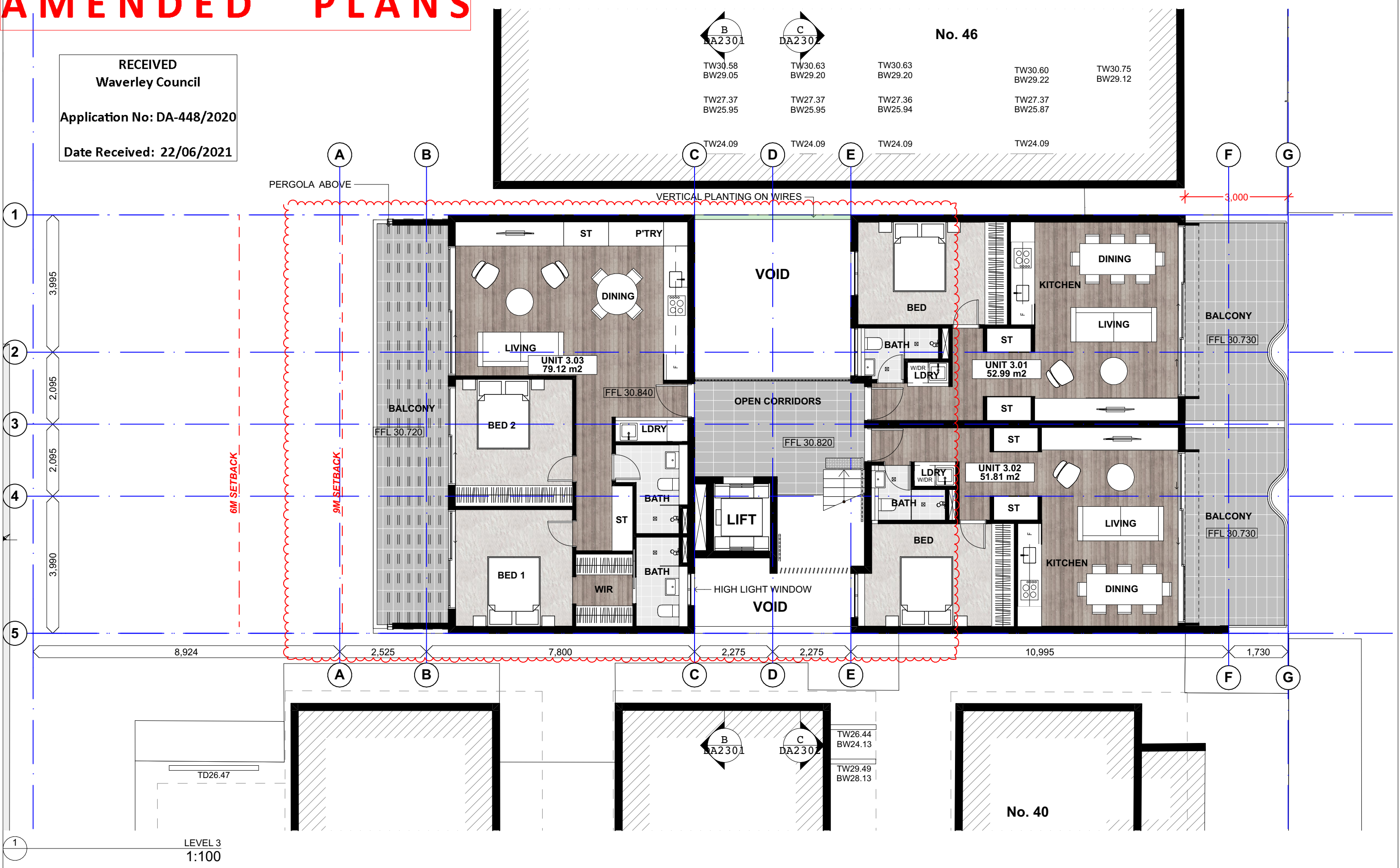
PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21

**DA2003B**



AMENDED PLANS

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Date Received: 22/06/2021



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A	10/12/20	ISSUE FOR DA
P3	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS: 4 STAR  
TOILETS: 4 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
CLOTHES WASHERS: 2 STAR  
CLOTHES DRYER: 2 STAR  
DISHWASHERS: 2 STAR

**ENERGY OPTIONS**  
COOLING: 4 STAR  
HEATING: 3 STAR  
VENTILATION: 2 STAR  
WATER HEATING: 2 STAR  
COOK TOPS: 2 STAR  
REFRIGERATOR SPACE: 2 STAR  
ALTERNATIVE ENERGY: 2 STAR

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

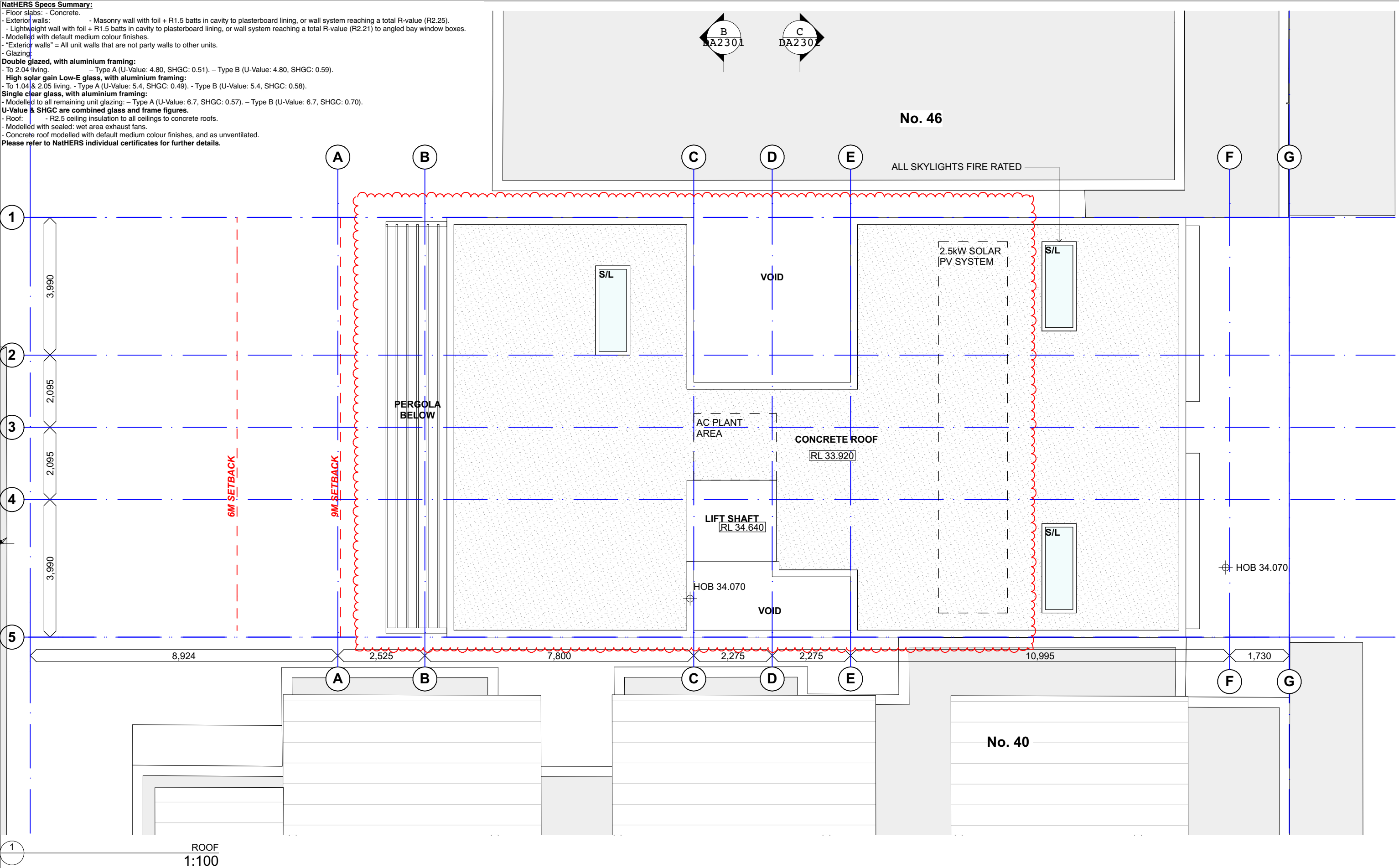
PROJECT: PROPOSED SHOP TOP HOUSING  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING: LEVEL 3 PLAN

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21

DA2004B



**NatHERS Specs Summary:**  
- Floor slabs: - Concrete.  
- Exterior walls: - Masonry wall with foil + R1.5 batts in cavity to plasterboard lining, or wall system reaching a total R-value (R2.25).  
- Lightweight wall with foil + R1.5 batts in cavity to plasterboard lining, or wall system reaching a total R-value (R2.21) to angled bay window boxes.  
- Modelled with default medium colour finishes.  
- "Exterior walls" = All unit walls that are not party walls to other units.  
- Glazing:  
**Double glazed, with aluminium framing:**  
- To 2.04 living. - Type A (U-Value: 4.80, SHGC: 0.51). - Type B (U-Value: 4.80, SHGC: 0.59).  
**High solar gain Low-E glass, with aluminium framing:**  
- To 1.04 & 2.05 living. - Type A (U-Value: 5.4, SHGC: 0.49). - Type B (U-Value: 5.4, SHGC: 0.58).  
**Single clear glass, with aluminium framing:**  
- Modelled to all remaining unit glazing: - Type A (U-Value: 6.7, SHGC: 0.57). - Type B (U-Value: 6.7, SHGC: 0.70).  
**U-Value & SHGC are combined glass and frame figures.**  
- Roof: - R2.5 ceiling insulation to all ceilings to concrete roofs.  
- Modelled with sealed: wet area exhaust fans.  
- Concrete roof modelled with default medium colour finishes, and as unventilated.  
**Please refer to NatHERS individual certificates for further details.**



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B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P3	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

**RECEIVED**  
**Waverley Council**  
**Application No: DA-448/2020**

Date Received: 22/06/2021

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)  
**WATER OPTIONS**  
SHOWERHEADS: 4 STAR  
TOILETS: 4 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
CLOTHES WASHERS: 2 STAR  
CLOTHES DRYER: 2 STAR  
DISHWASHERS: 2 STAR  
**ENERGY OPTIONS**  
COOLING: 4 STAR  
HEATING: 3 STAR  
VENTILATION: 2 STAR  
WATER HEATING: 2 STAR  
COOK TOPS: 2 STAR  
REFRIGERATOR SPACE: 2 STAR  
ALTERNATIVE ENERGY: 2 STAR

**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO: R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC: GLAZING TYPE:  
Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

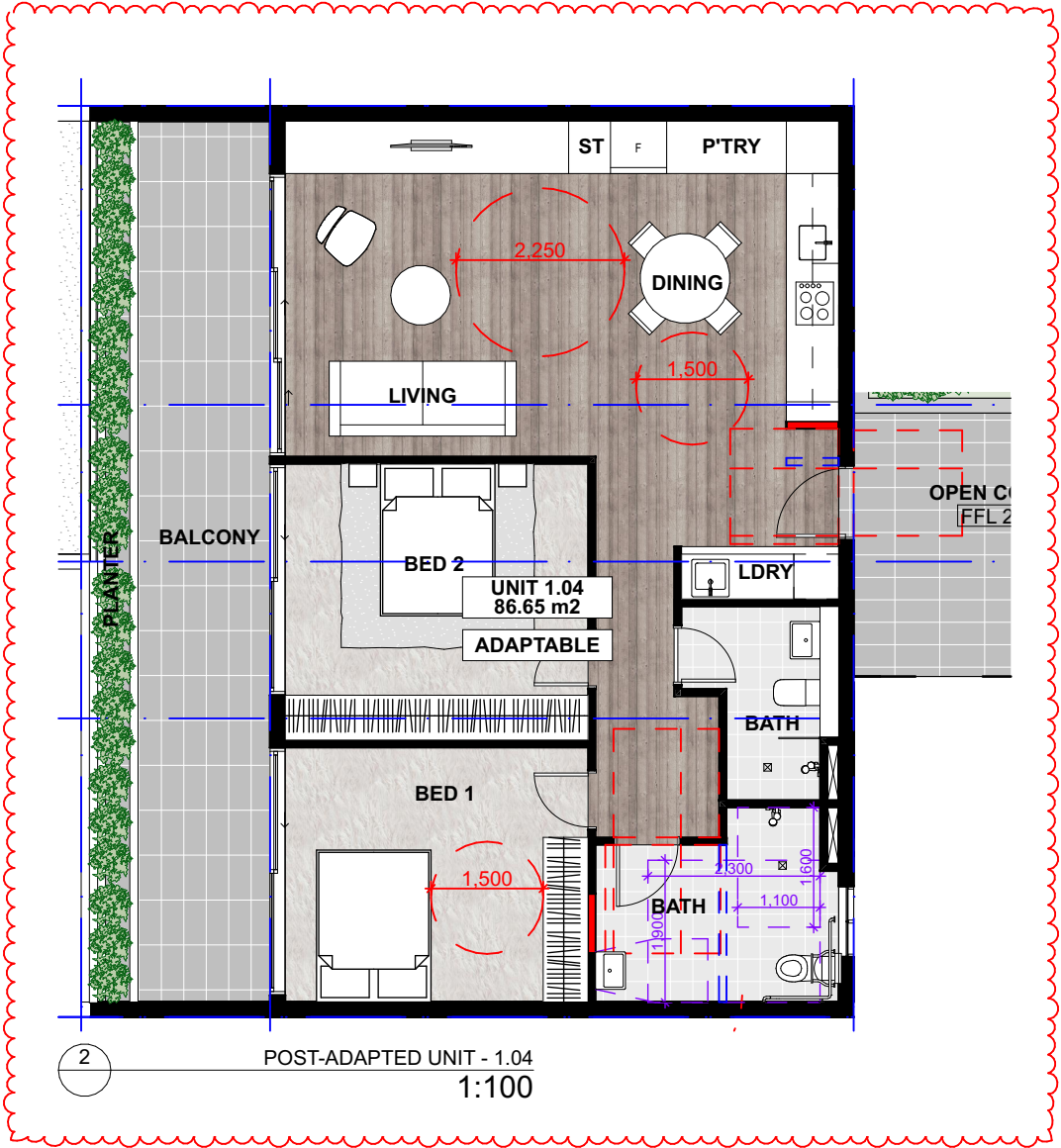
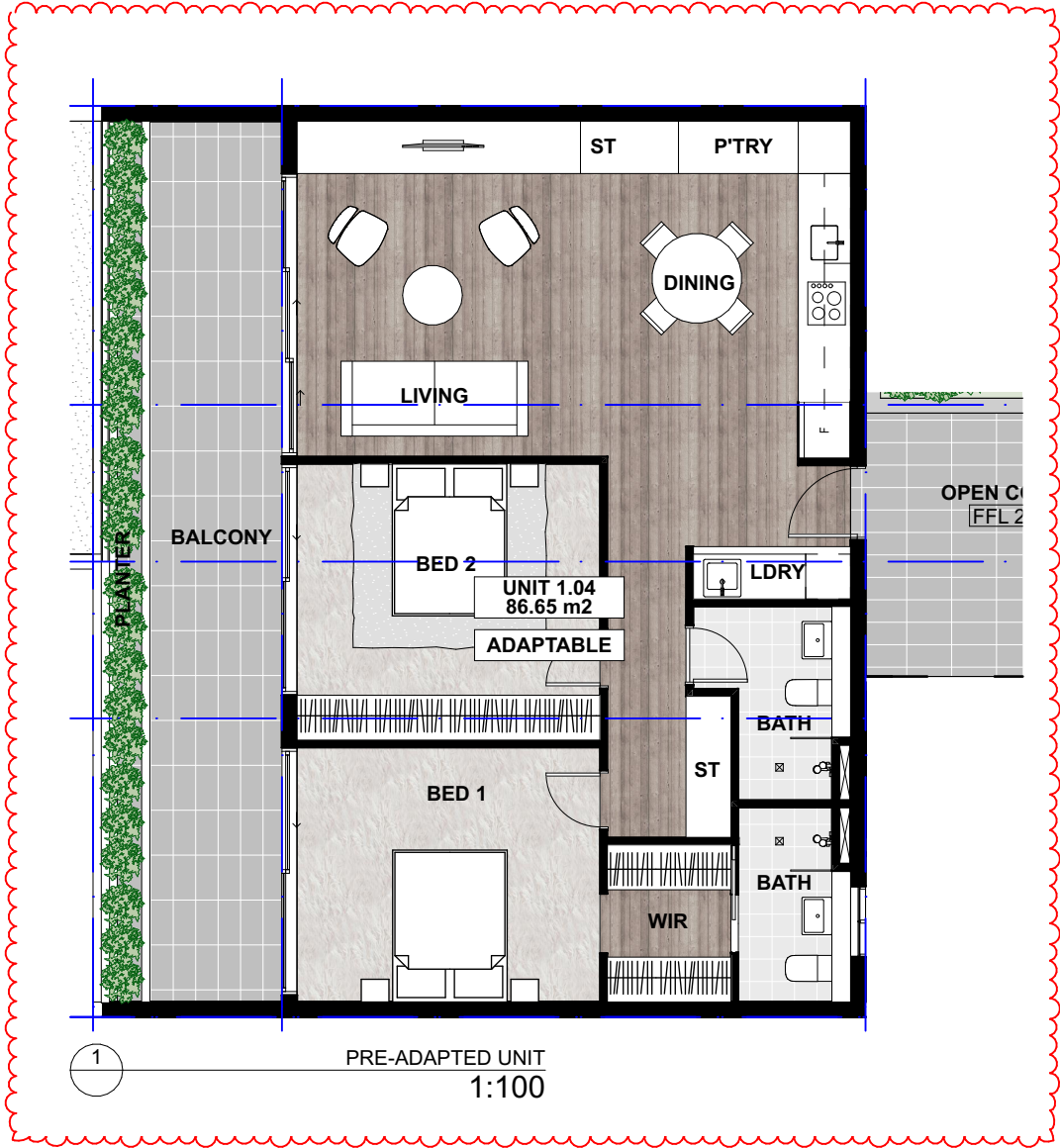


PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**ROOF PLAN**

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21  
**DA2005B**

**AMENDED PLANS**





REQUIREMENT: 20% OF ALL APARTMENTS TO BE ADAPTABLE TO NEAREST WHOLE NUMBER (WDCP)

11 APARTMENTS = 2.2 APARTMENTS

2 ADAPTABLE APARTMENTS - UNIT 1.04 & 2.04 (SAME LAYOUT)

# AMENDED PLANS

NEW WALLS IN POST-ADAPTED UNIT

DEMOLISHED WALLS IN POST-ADAPTED UNIT

B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P3	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

## BASIX COMMITMENTS

(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS:  
TOILETS:  
KITCHEN TAPS:  
BATHROOM TAPS:  
CLOTHES WASHERS:  
CLOTHES DRYER:  
DISHWASHERS:

4 STAR  
4 STAR  
3 STAR  
3 STAR  
2 STAR  
2 STAR  
2 STAR

## ENERGY OPTIONS

COOLING:  
HEATING:  
VENTILATION:

WATER HEATING:  
COOK TOPS:  
REFRIGERATOR SPACE:  
ALTERNATIVE ENERGY:

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

## THERMAL COMFORT OPTIONS

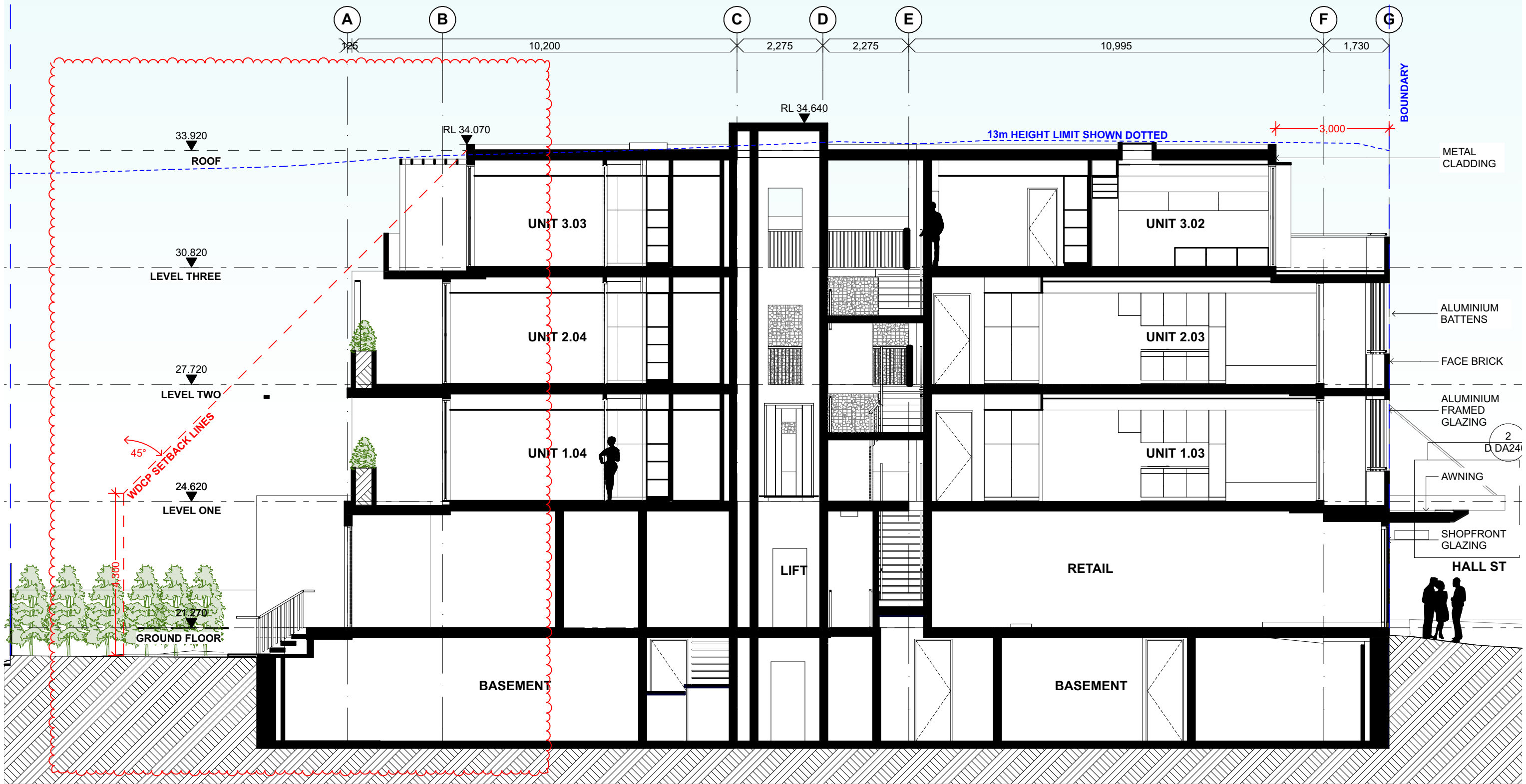
R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing





AMENDED PLANS



SECTION A  
1:100

NOTE: BLADE ATTACHMENTS TO BE NON COMBUSTIBLE AND TO COMPLY WITH INTENT OF CALUSE 2.4 OF C1.1 OF THE NCC AND RELEVANT AS.

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ISSUE	DATE	REVISION

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Application No: DA-448/2020

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
TOILETS:  
KITCHEN TAPS:  
BATHROOM TAPS:  
CLOTHES WASHERS:  
DISHWASHERS:

**ENERGY OPTIONS**  
COOLING:  
HEATING:  
VENTILATION:  
WATER HEATING:  
COOK TOPS:  
REFRIGERATOR SPACE:  
ALTERNATIVE ENERGY:

4 STAR  
4 STAR  
3 STAR  
3 STAR  
2 STAR  
2 STAR  
2 STAR  
2 STAR  
2 STAR  
2 STAR  
2 STAR  
2 STAR

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

PROJECT:  
PROPOSED SHOP TOP  
HOUSING  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
SECTION A

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21  
DA2300B



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B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P3	12/11/20	Issue for Consultants
<b>ISSUE</b>	<b>DATE</b>	<b>REVISION</b>

BASIS COMMITMENTS		(ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS);	
<b>WATER OPTIONS</b>		<b>ENERGY OPTIONS</b>	
SHOWERHEADS:	4 STAR	COOLING:	central
TOILETS:	4 STAR		EER
KITCHEN TAPS:	3 STAR	HEATING:	1 Ph
BATHROOM TAPS:	3 STAR		1 Living
CLOTHES WASHERS:	3 STAR	VENTILATION:	individual
CLOTHES DRYER:	2 STAR		manu
DISHWASHERS:	2 STAR	WATER HEATING:	manu
		COOK TOPS:	Gas
		REFRIGERATOR SPACE:	Gas
		ALTERNATIVE ENERGY:	well
			Pv p

## **THERMAL COMFORT OPTIONS**

R2.5 INSULATION TO:	Ceilings to concrete roofs
R2.25 TOTAL R VALUE TO:	External wall systems
R2.21 INSULATION TO:	Angled window boxes
GLAZING SPEC:	Varies, refer certificate
GLAZING TYPE:	Combination of high solar gain low-e, and clear glass, with aluminium framing

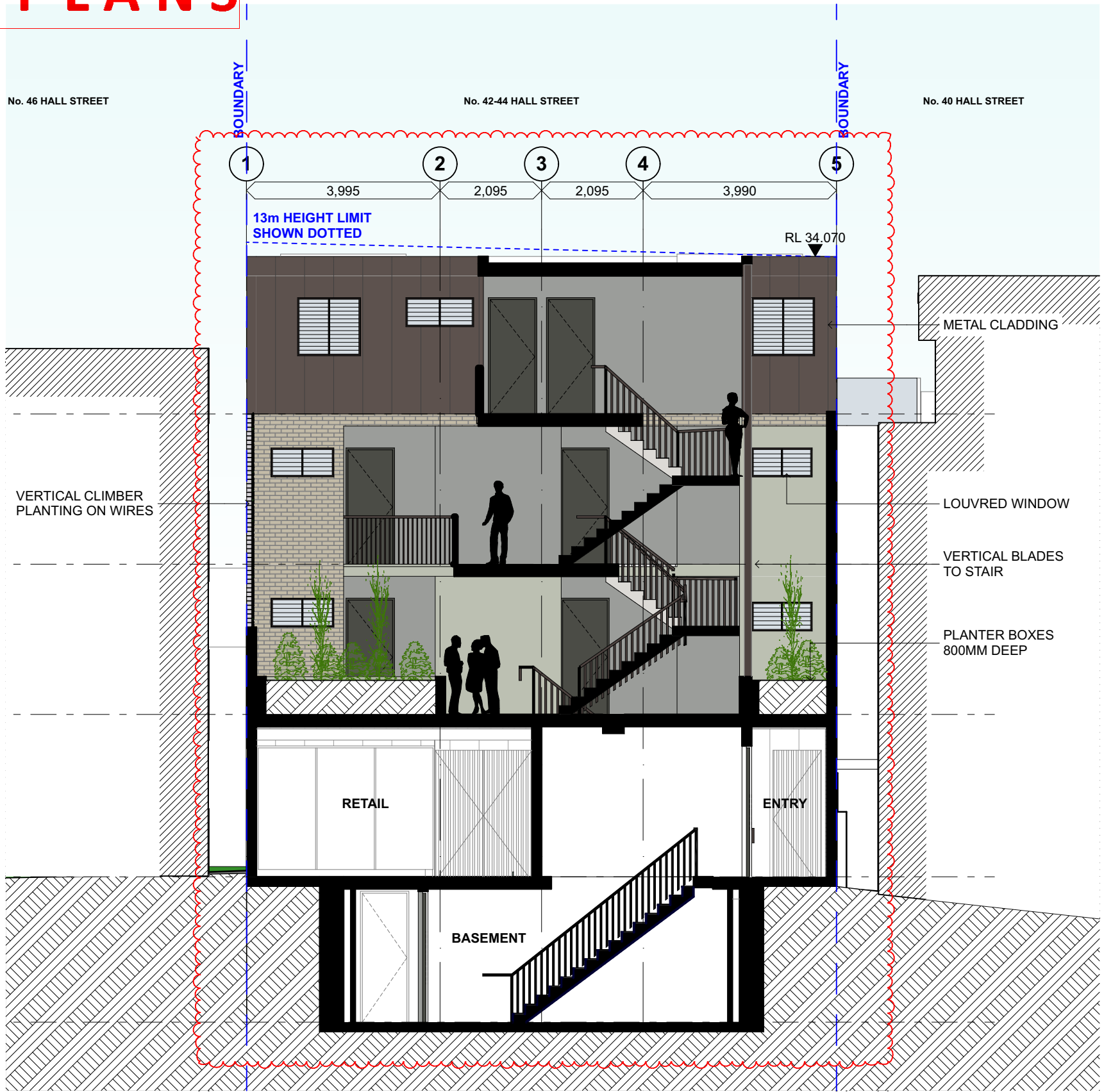
PROJECT:  
**PROPOSED SHOP TOP  
HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**SECTION B**

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21  
**DA2301B**



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1 SECTION C  
1:100

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ISSUE	DATE	REVISION
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**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

<b>WATER OPTIONS</b> SHOWERHEADS: 4 STAR TOILETS: 4 STAR KITCHEN TAPS: 3 STAR BATHROOM TAPS: 3 STAR CLOTHES WASHERS: 2 STAR CLOTHES DRYER: 2 STAR DISHWASHERS: 2 STAR	<b>ENERGY OPTIONS</b> COOLING: 4 STAR HEATING: 3 STAR VENTILATION: 2 STAR WATER HEATING: 2 STAR COOK TOPS: 2 STAR REFRIGERATOR SPACE: 2 STAR ALTERNATIVE ENERGY: 2 STAR	ceiling fans + 1 Phase air-conditioning EER 3.0-3.5 in living areas 1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas Gas instantaneous 5 STAR Gas cooktop & electric oven well ventilated YES PV system 2.5 peak kW
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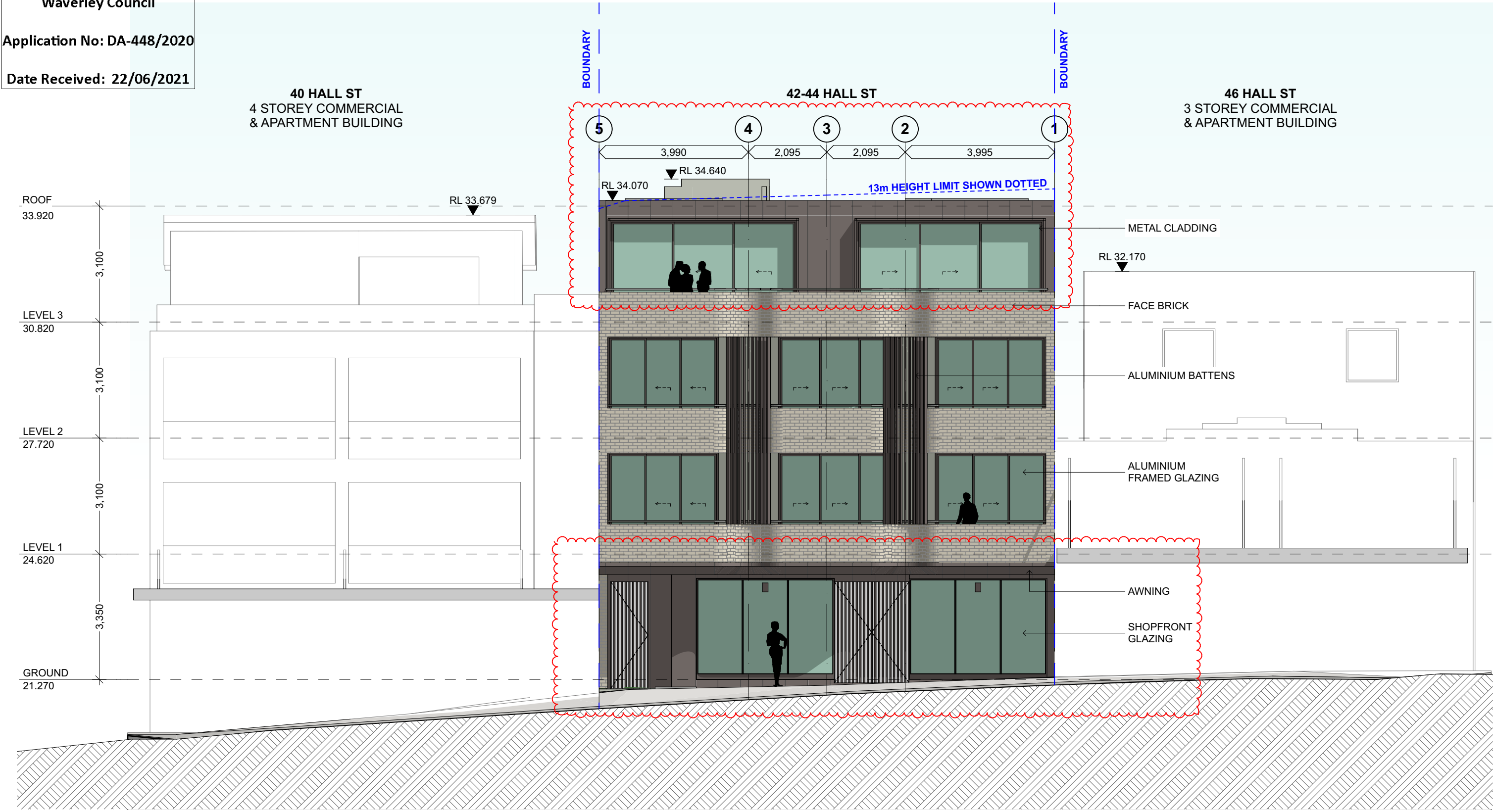
**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO: Ceilings to concrete roofs  
R2.25 TOTAL R VALUE TO: External wall systems  
R2.21 INSULATION TO: Angled window boxes  
GLAZING SPEC: Varies, refer certificate  
GLAZING TYPE: Combination of high solar gain low-e, and clear glass, with aluminium framing

PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**SECTION C**

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21  
**DA2302B**



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Application No: DA-448/2020  
Date Received: 22/06/2021



# AMENDED PLANS

NOTE: BLADE ATTACHMENTS TO BE NON COMBUSTIBLE AND TO COMPLY WITH INTENT OF CALUSE 2.4 OF C1.1 OF THE NCC AND RELEVANT AS.

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B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P3	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

#### BASIX COMMITMENTS

(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

##### WATER OPTIONS

SHOWERHEADS:  
TOILETS:  
KITCHEN TAPS:  
BATHROOM TAPS:  
CLOTHES WASHERS:  
CLOTHES DRYER:  
DISHWASHERS:

4 STAR  
4 STAR  
3 STAR  
3 STAR  
2 STAR  
2 STAR  
2 STAR

##### ENERGY OPTIONS

COOLING:  
HEATING:  
VENTILATION:

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

##### THERMAL COMFORT OPTIONS

R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

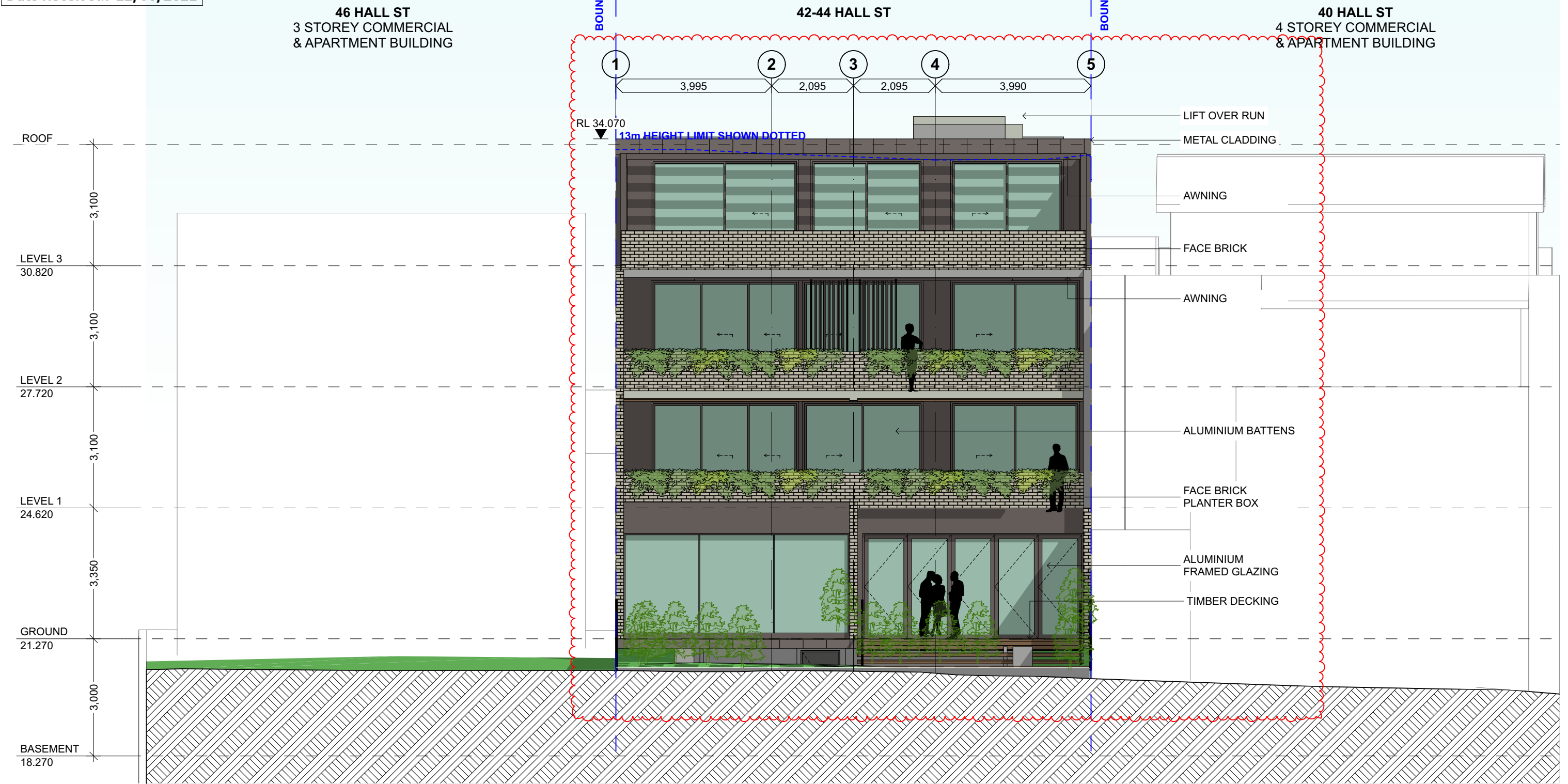
PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**NORTH ELEVATION**

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21

**DA2400B**



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AMENDED PLANS

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P3	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS: 4 STAR  
TOILETS: 4 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
CLOTHES WASHERS: 2 STAR  
DISHWASHERS: 2 STAR

**ENERGY OPTIONS**  
COOLING: 4 STAR  
HEATING: 3 STAR  
VENTILATION: 2 STAR  
WATER HEATING: 2 STAR  
COOK TOPS: 2 STAR  
REFRIGERATOR SPACE: 2 STAR  
ALTERNATIVE ENERGY: 2 STAR

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**SOUTH ELEVATION**

PROJECT NO: 17041  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21  
**DA2401B**





- ① OFF-FORM CONCRETE OR SIMILAR
- ⑤ ALUMINIUM FRAMED GLAZING, BRONZE COLOURED FRAME
- ② FACE BRICK ASTRAL METROPOLIS ALABASTER OR SIMILAR
- ⑥ BATTEN FEATURE DOORS, DARK BRONZE COLOUR
- ③ METAL BATTEN PRIVACY SCREENING - DARK BRONZE
- ④ METAL CLADDING DARK BRONZE COLOUR

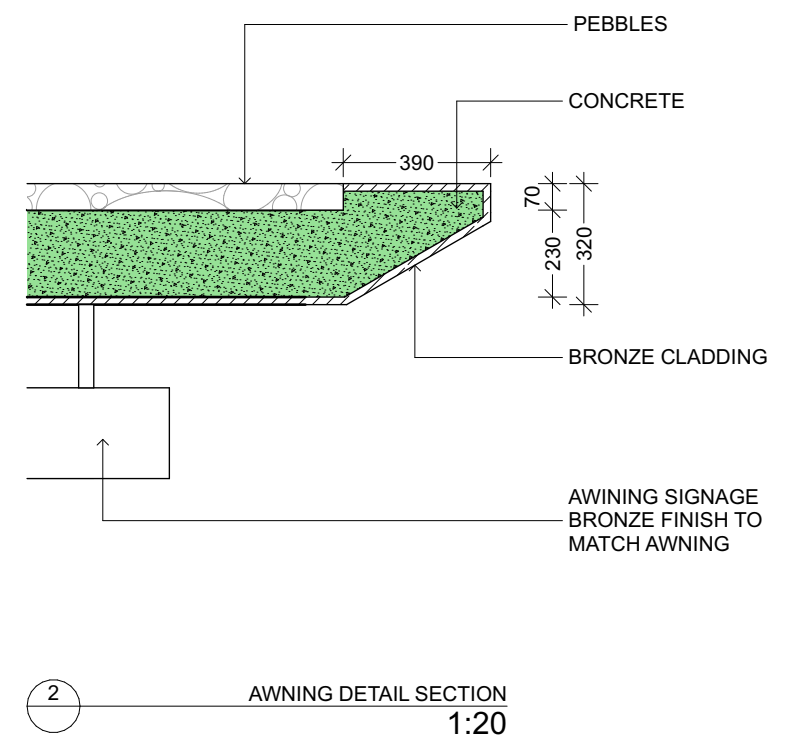
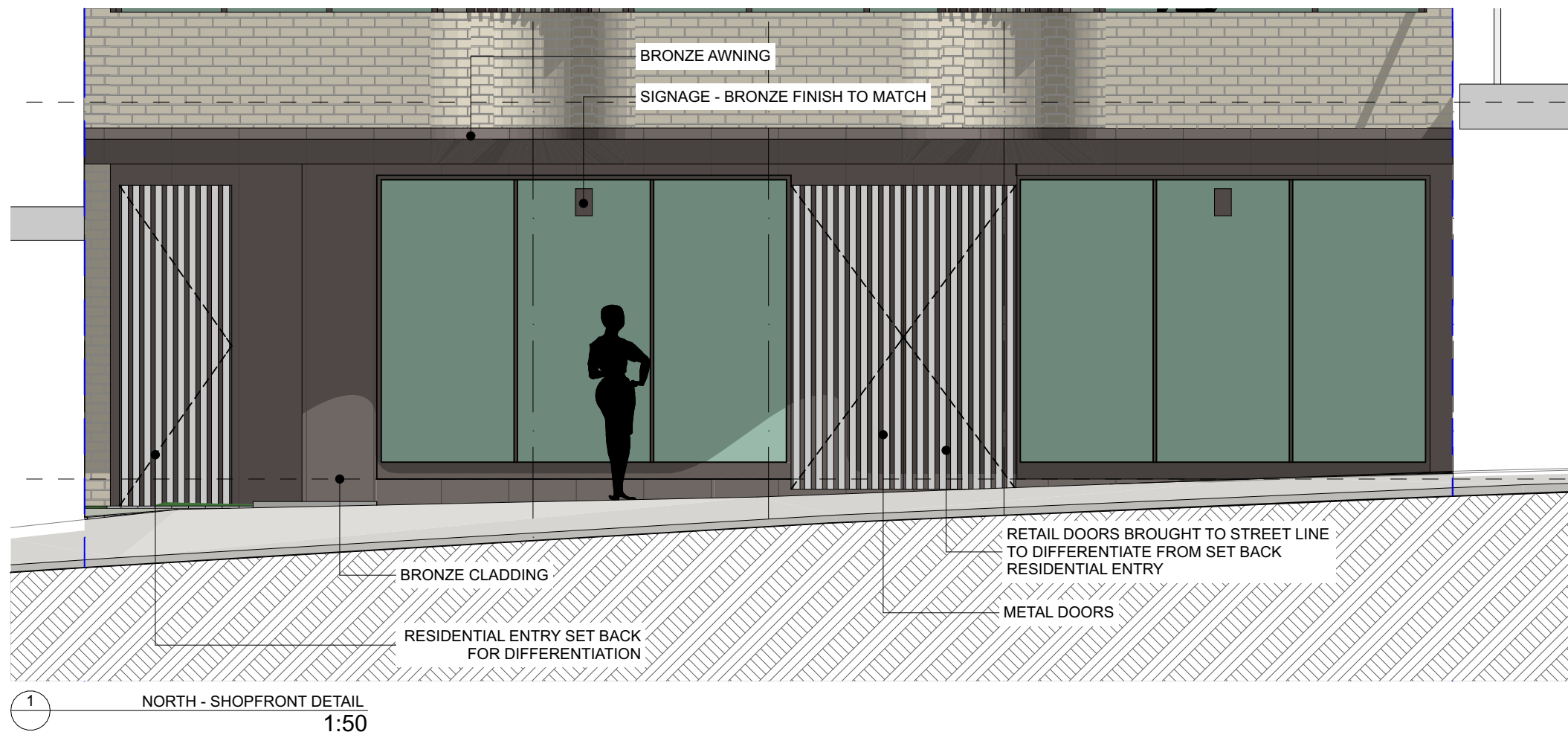
AMENDED PLANS

ISSUE	DATE	REVISION
B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA

BASIX COMMITMENTS	
[ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS]	
<b>WATER OPTIONS</b>	
SHOWERHEADS:	4 STAR
TOILETS:	4 STAR
KITCHEN TAPS:	3 STAR
BATHROOM TAPS:	3 STAR
CLOTHES WASHERS:	2 STAR
CLOTHES DRYER:	2 STAR
DISHWASHERS:	2 STAR
<b>ENERGY OPTIONS</b>	
COOLING:	1 Phase air-conditioning EER 3.0-3.5 in living areas
HEATING:	1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas
VENTILATION:	individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas
WATER HEATING:	Gas instantaneous 5 STAR
COOK TOPS:	Gas cooktop & electric oven
REFRIGERATOR SPACE:	well ventilated YES
ALTERNATIVE ENERGY:	PV system 2.5 peak kW

THERMAL COMFORT OPTIONS	
R2.5 INSULATION TO:	Ceilings to concrete roofs
R2.25 TOTAL R VALUE TO:	External wall systems
R2.21 INSULATION TO:	Angled window boxes
GLAZING SPEC:	Varies, refer certificate
GLAZING TYPE:	Combination of high solar gain low-e, and clear glass, with aluminium framing





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Application No: DA-448/2020

Date Received: 22/06/2021

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NOTE: BLADE ATTACHMENTS TO BE NON COMBUSTIBLE AND TO COMPLY WITH INTENT OF CALUSE 2.4 OF C1.1 OF THE NCC AND RELEVANT AS.

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ISSUE DATE REVISION

#### BASIX COMMITMENTS

(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

##### WATER OPTIONS

SHOWERHEADS:  
TOILETS:  
KITCHEN TAPS:  
BATHROOM TAPS:  
CLOTHES WASHERS:  
CLOTHES DRYER:  
DISHWASHERS:

##### ENERGY OPTIONS

COOLING:  
HEATING:  
VENTILATION:  
WATER HEATING:  
COOK TOPS:  
REFRIGERATOR SPACE:  
ALTERNATIVE ENERGY:

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

##### THERMAL COMFORT OPTIONS

R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

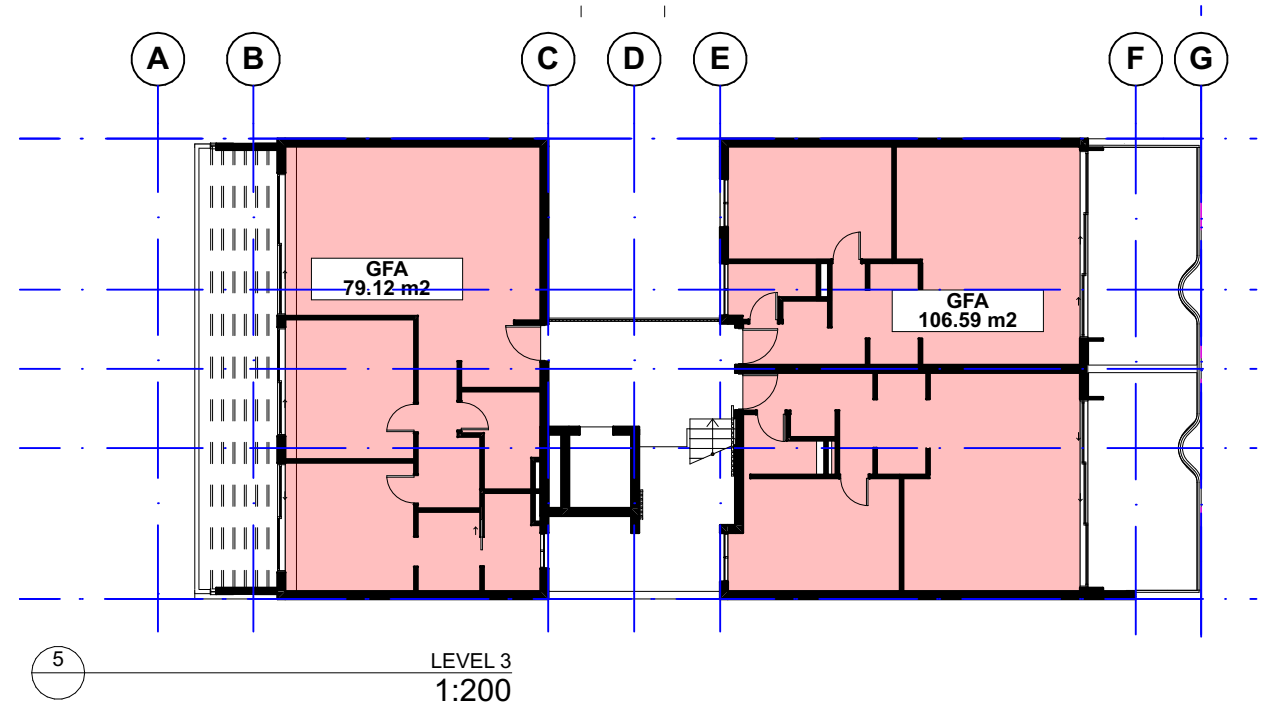
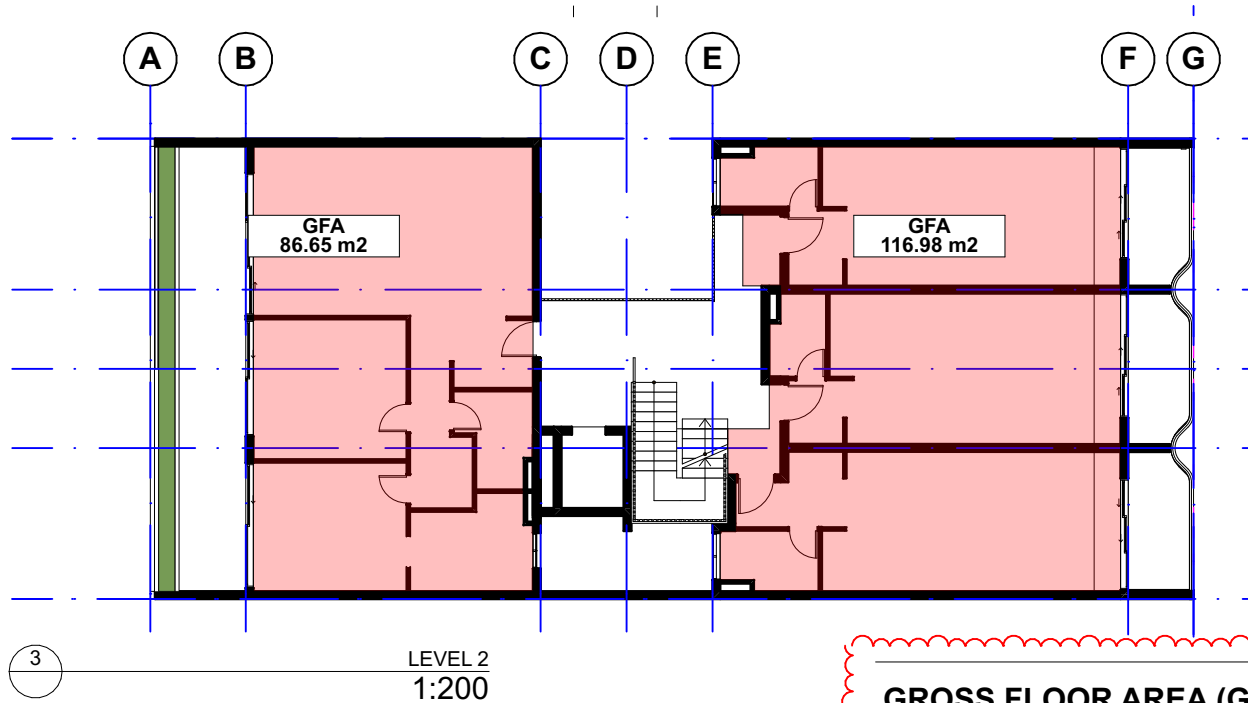
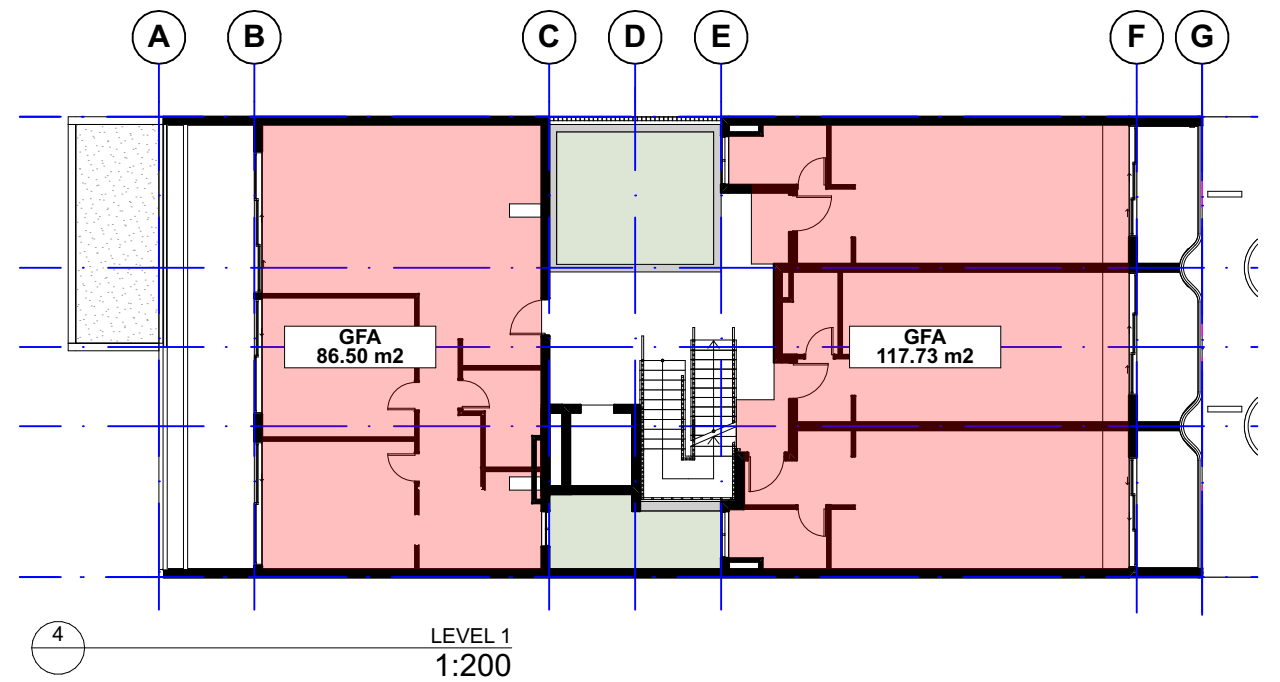
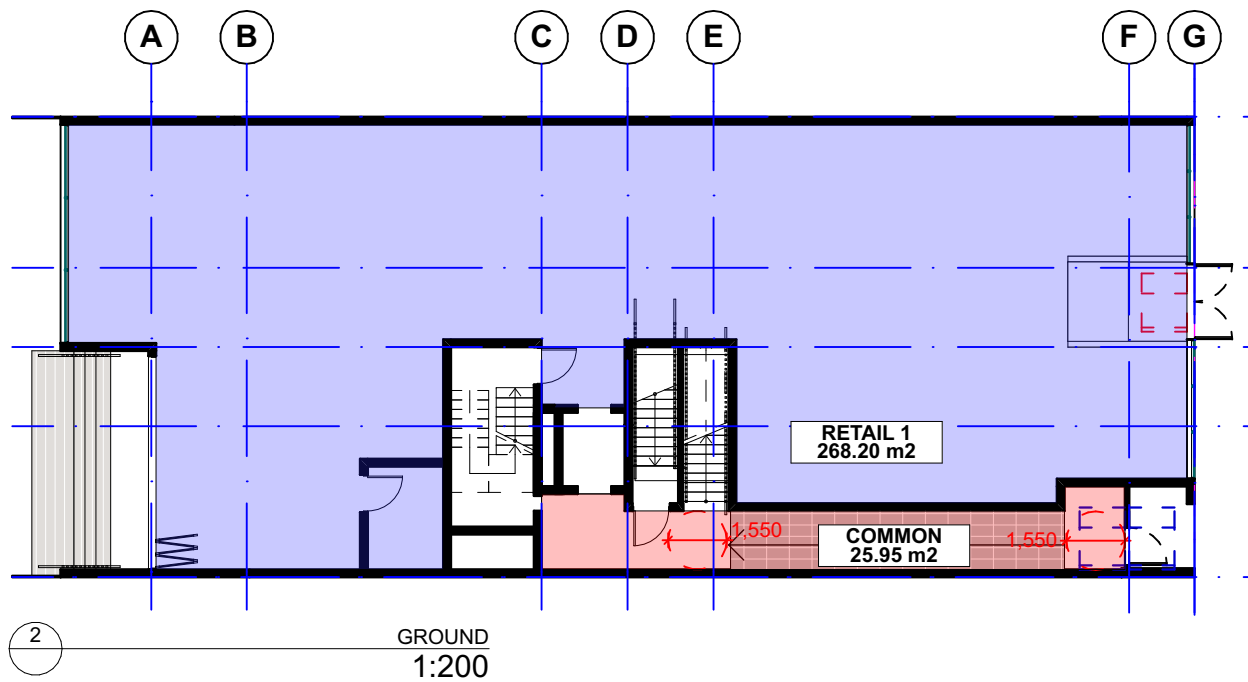
Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**SHOPFRONT DETAIL**

PROJECT NO: 17041  
SCALE: 1:50, 1:20  
DRAWING NO: REV:  
PLOTTED: 16/6/21

**DA2403B**



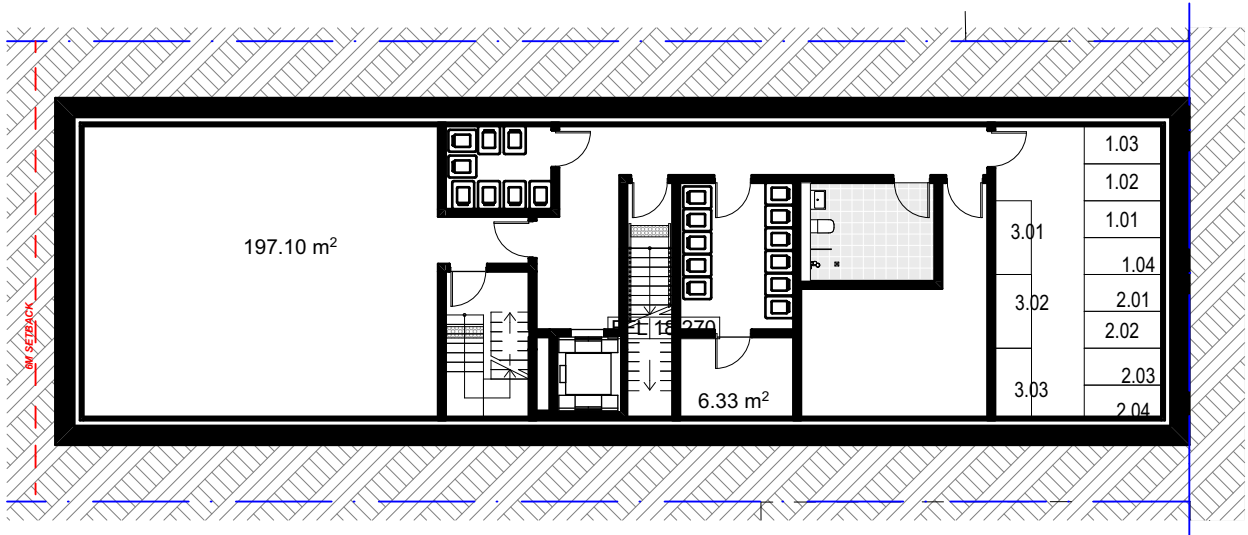


GROSS FLOOR AREA (GFA)	
GROUND	294.15
LEVEL 1	204.23
LEVEL 2	203.63
LEVEL 3	185.71
<b>TOTAL:</b>	<b>887.72 m<sup>2</sup></b>

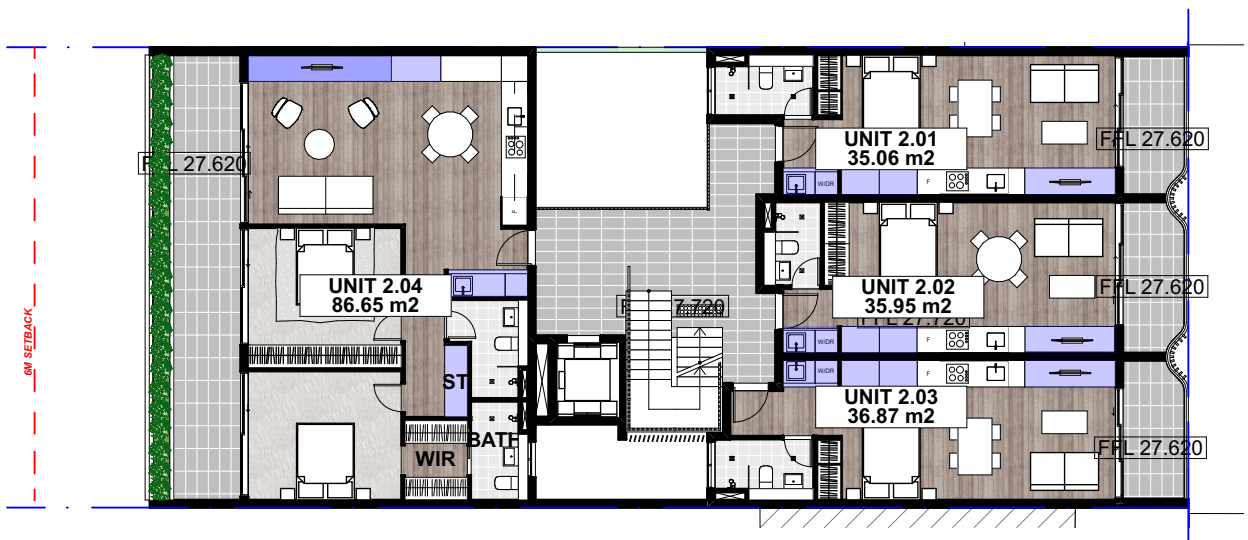
**SITE AREA : 445.9 m<sup>2</sup>**  
**ALLOWABLE HEIGHT : 13m**  
**ALLOWABLE FSR : 2:1**  
**ALLOWABLE GFA : 891.8 m<sup>2</sup>**

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**Waverley Council**  
  
**Application No: DA-448/2020**  
  
**Date Received: 22/06/2021**

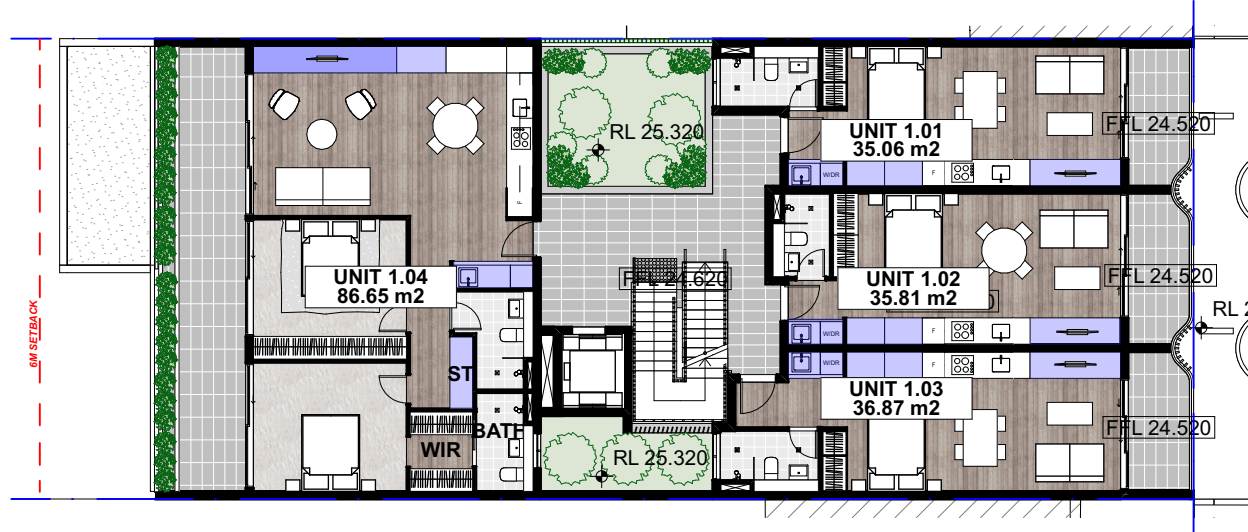




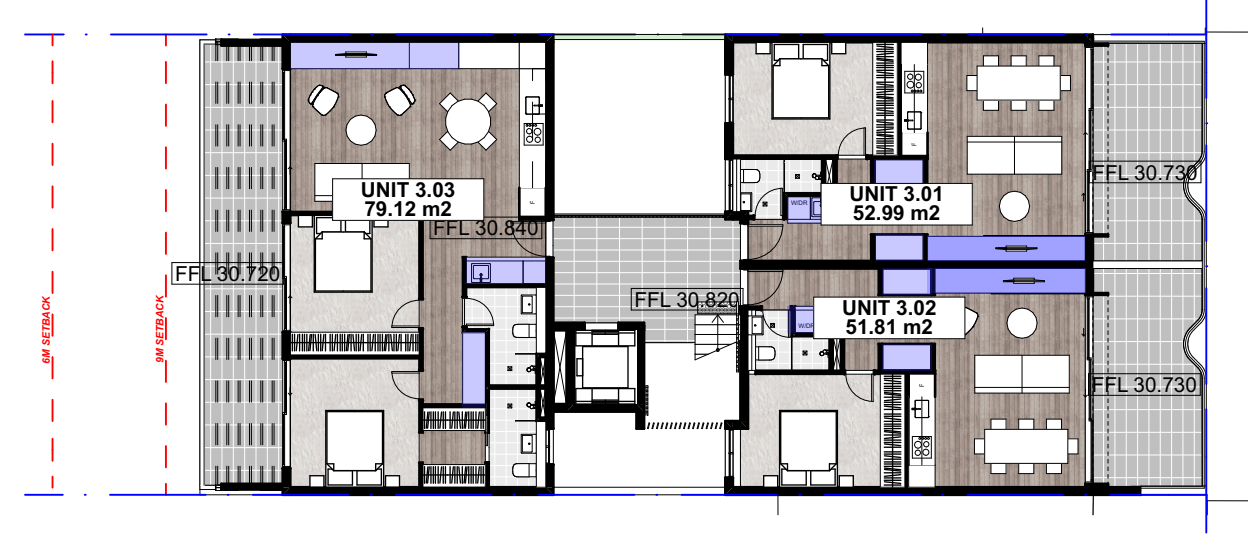
3  
BASEMENT  
1:200



4  
LEVEL 2  
1:200



5  
LEVEL 1  
1:200



6  
LEVEL 3  
1:200

#### STORAGE SCHEDULE - INTERNAL

Apartment No	Volume (m³)	Requirement (m³)
1.01	4.86	2
1.02	4.86	2
1.03	4.86	2
1.04	8.53	4
2.01	4.86	2
2.02	4.86	2
2.03	4.86	2
2.04	8.53	4
3.01	7.63	3
3.02	7.56	3
3.03	10.03	4

#### STORAGE SCHEDULE - EXTERNAL

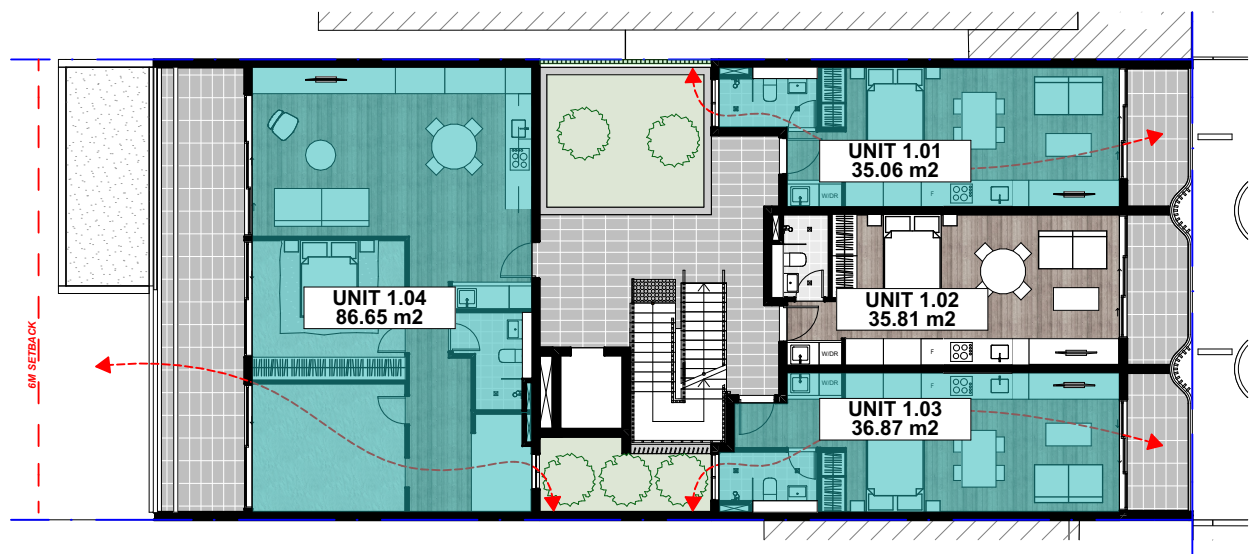
Apartment No	Volume (m³)	Requirement (m³)
1.01	5.37	2
1.02	5.37	2
1.03	5.51	2
1.04	5.37	4
2.01	5.37	2
2.02	5.37	2
2.03	5.37	4
2.04	4.63	2
3.01	5.05	3
3.02	5.08	3
3.03	4.73	4

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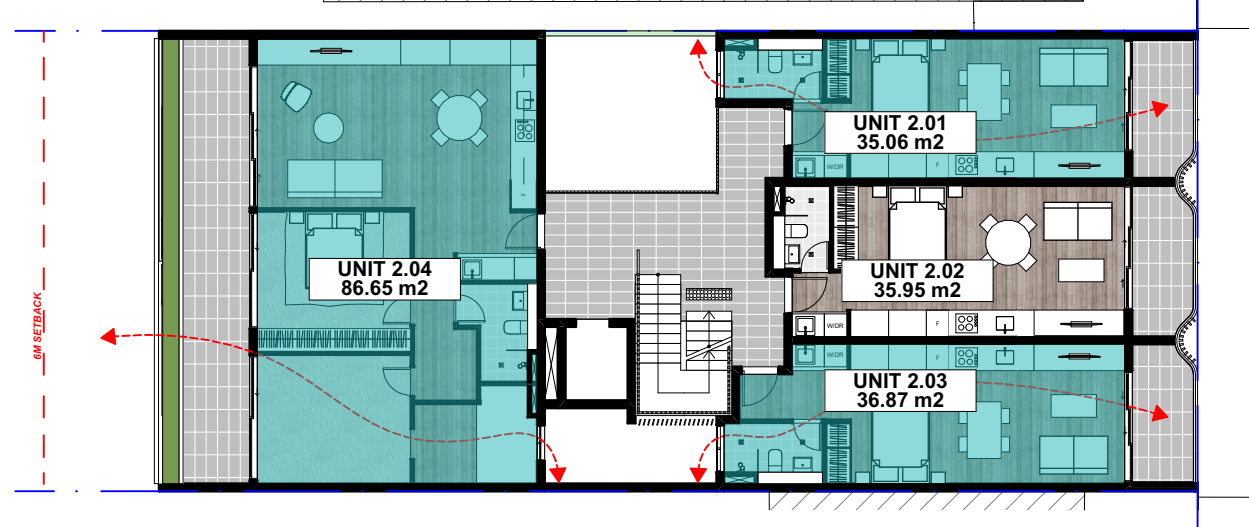
AMENDED PLANS



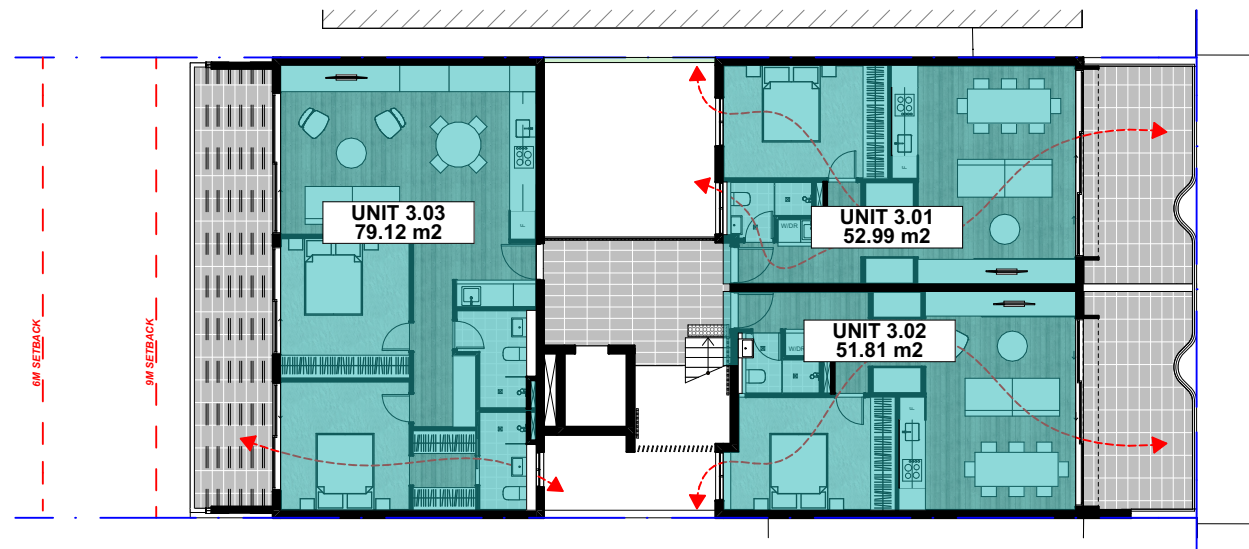




2 LEVEL 1  
1:200



3 LEVEL 2  
1:200



4 LEVEL 3  
1:200

	Cross Ventilated	Adaptable	APARTMENT TOTAL
LEVEL 1			
UNIT 1.01	YES	NO	1
UNIT 1.02	NO	NO	1
UNIT 1.03	YES	NO	1
UNIT 1.04	YES	YES	1
	3	1	4
LEVEL 2			
UNIT 2.01	YES	NO	1
UNIT 2.02	NO	NO	1
UNIT 2.03	YES	NO	1
UNIT 2.04	YES	YES	1
	3	1	4
LEVEL 3			
UNIT 3.01	YES	NO	1
UNIT 3.02	YES	NO	1
UNIT 3.03	YES	NO	1
	3	0	3
	9	2	11
TOTAL			

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AMENDED PLANS





SITE AREA : 445.9 m<sup>2</sup>

CONTROL - AS PER RESIDENTIAL DEVELOPMENT DCP - PART C3.9	REQUIRED	COMPLIANCE
30% of the site area is to be provided as landscaped area.	133.77m <sup>2</sup>	<div>✗</div> Shortfall - 26.34m <sup>2</sup>
50% of the landscaped area must be deep soil zone.	66.89m <sup>2</sup>	<div>✗</div> Shortfall - 24.05m <sup>2</sup>

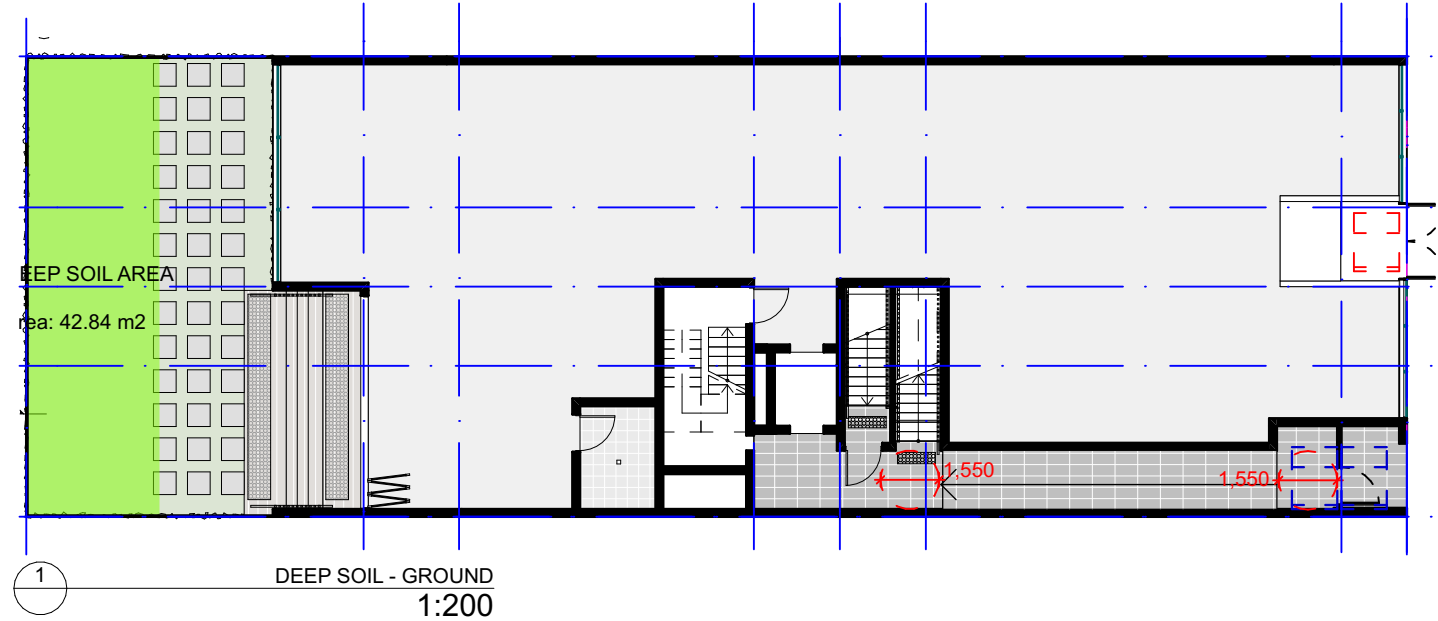
LANDSCAPING	Area	Area as %
DEEP SOIL AREA	42.84	32%
LANDSCAPED AREA	107.43	24%

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Application No: DA-448/2020

Date Received: 22/06/2021

AMENDED PLANS



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B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P2	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS: 4 STAR  
TOILETS: 4 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
CLOTHES WASHERS: 2 STAR  
CLOTHES DRYER: 2 STAR  
DISHWASHERS: 2 STAR

**ENERGY OPTIONS**  
COOLING: 4 STAR  
HEATING: 4 STAR  
VENTILATION: 3 STAR  
WATER HEATING: 2 STAR  
COOK TOPS: 2 STAR  
REFRIGERATOR SPACE: 2 STAR  
ALTERNATIVE ENERGY: 2 STAR

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven  
well ventilated YES  
PV system 2.5 peak kW

**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing



PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**LANDSCAPE AREAS**

PROJECT NO: 17041  
SCALE: 1:200 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21

**DA9003B**

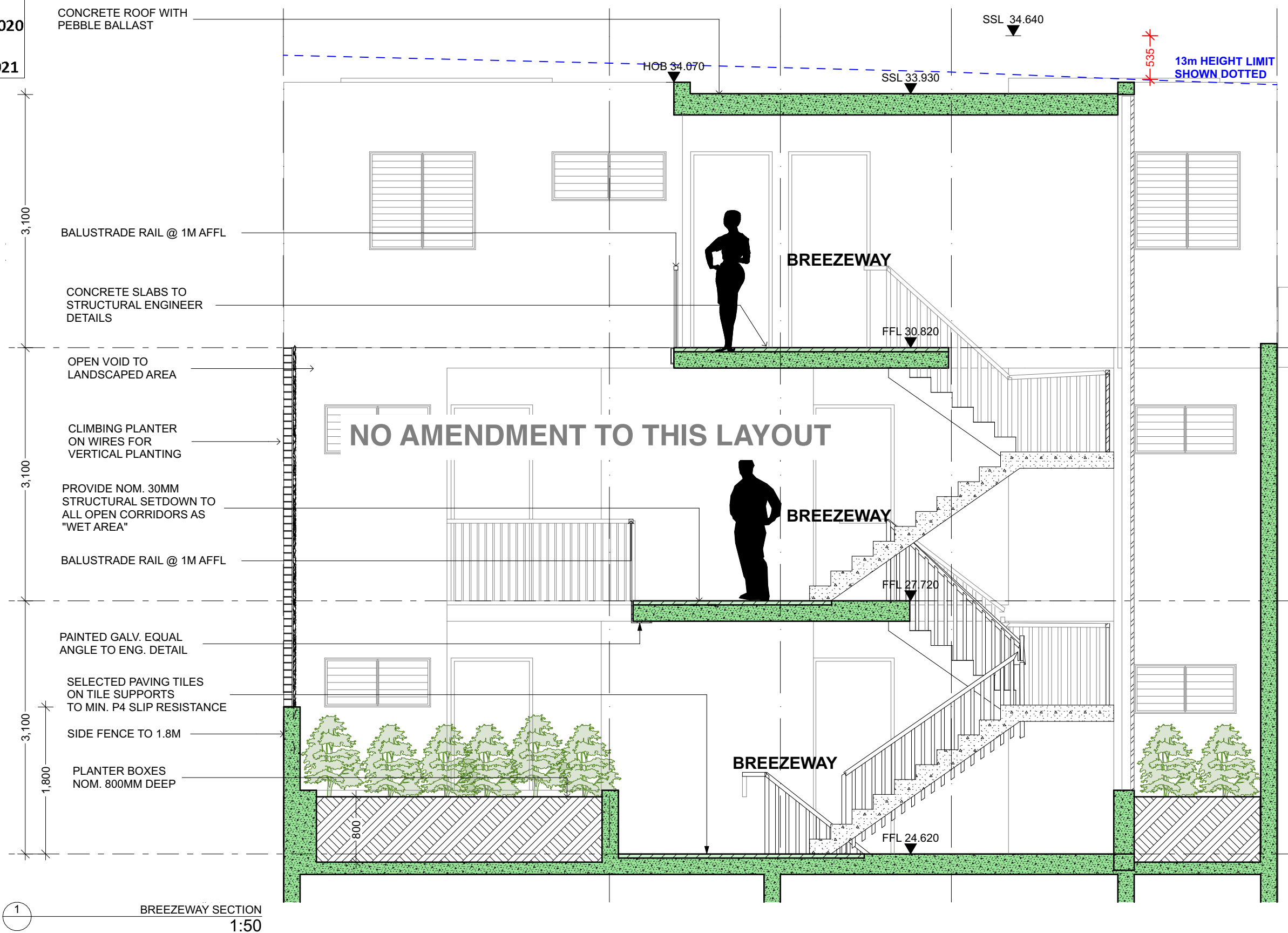


# AMENDED PLANS

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Application No: DA-448/2020

Date Received: 22/06/2021



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B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA
P2	12/11/20	Issue for Consultants
ISSUE	DATE	REVISION

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)

**WATER OPTIONS**  
SHOWERHEADS: 4 STAR  
TOILETS: 4 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 3 STAR  
CLOTHES WASHERS: 2 STAR  
CLOTHES DRYER: 2 STAR  
DISHWASHERS: 2 STAR

**ENERGY OPTIONS**  
COOLING: 4 STAR  
HEATING: 4 STAR  
VENTILATION: 3 STAR  
WATER HEATING: 2 STAR  
COOK TOPS: 2 STAR  
REFRIGERATOR SPACE: 2 STAR  
ALTERNATIVE ENERGY: 2 STAR

ceiling fans + 1 Phase air-conditioning  
EER 3.0-3.5 in living areas  
1 Phase air-conditioning EER 2.5-3.0 in living areas and bedroom areas  
individual fan ducted to facade or roof, manual on/off switch, in all bathroom, kitchen and laundry areas  
Gas instantaneous 5 STAR  
Gas cooktop & electric oven well ventilated YES  
PV system 2.5 peak kW

**THERMAL COMFORT OPTIONS**  
R2.5 INSULATION TO:  
R2.25 TOTAL R VALUE TO:  
R2.21 INSULATION TO:  
GLAZING SPEC:  
GLAZING TYPE:

Ceilings to concrete roofs  
External wall systems  
Angled window boxes  
Varies, refer certificate  
Combination of high solar gain low-e, and clear glass, with aluminium framing

PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**BREEZEWAY SECTION**

PROJECT NO: 17041  
SCALE: 1:50 @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21  
**DA9004B**





1 3D HEIGHT PLAN DIAGRAM

# AMENDED PLANS

ISSUE	DATE	REVISION
B	16/6/21	DA RESUBMISSION
A	10/12/20	ISSUE FOR DA





EXISTING

AMENDED PLANS



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B	16/6/21	DA RESUBMISSION
ISSUE	DATE	REVISION

NO AMENDMENT TO THIS LAYOUT

PROJECT:  
PROPOSED SHOP TOP  
HOUSING  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
PHOTO MONTAGE - EXISTING

PROJECT NO: 17041  
SCALE: @A3  
DRAWING NO: REV:  
PLOTTED: 16/6/21  
DA9006B





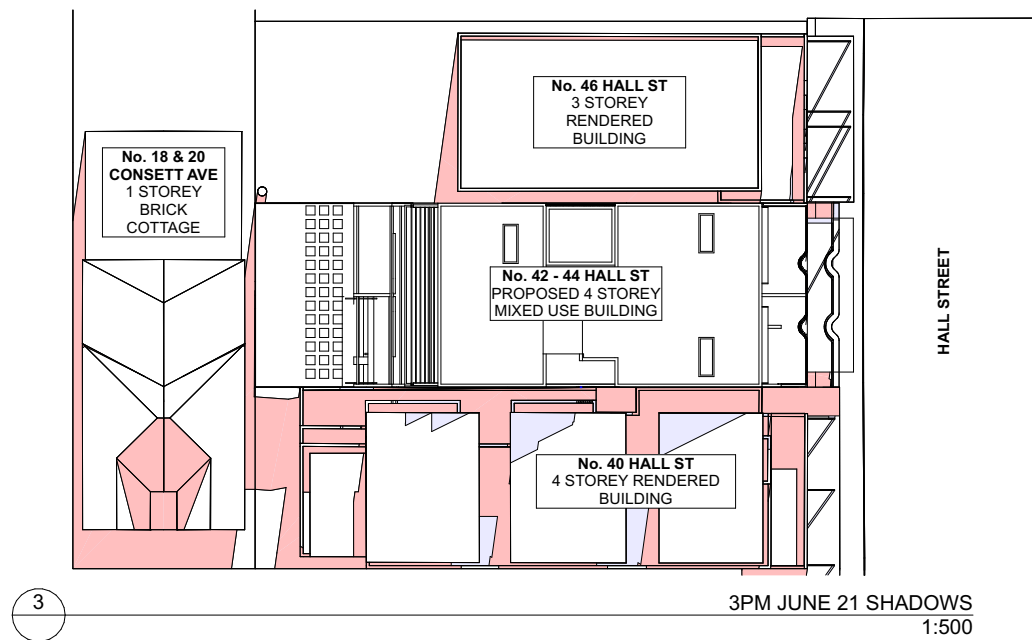
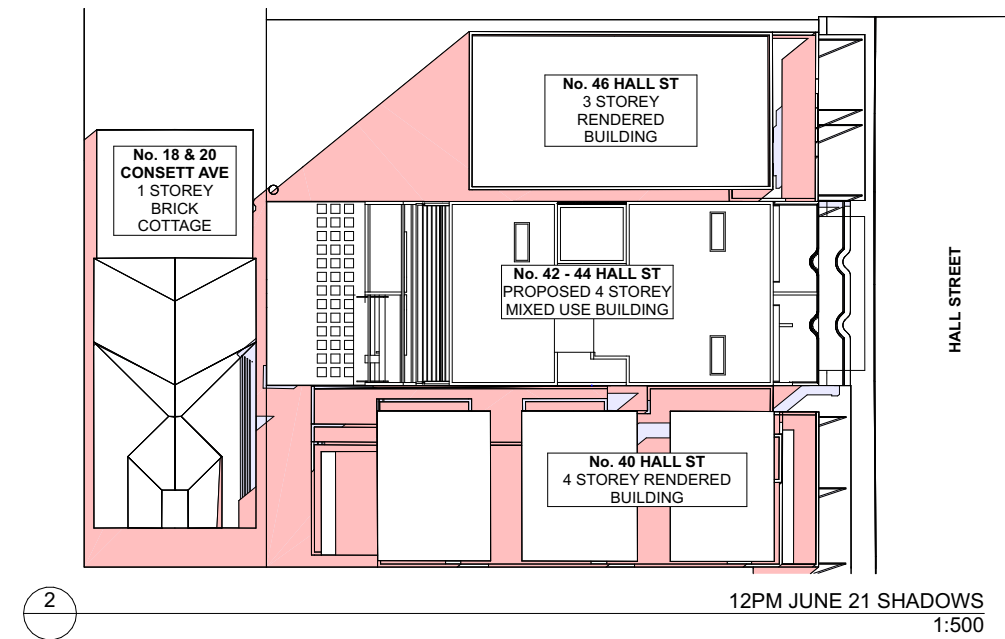
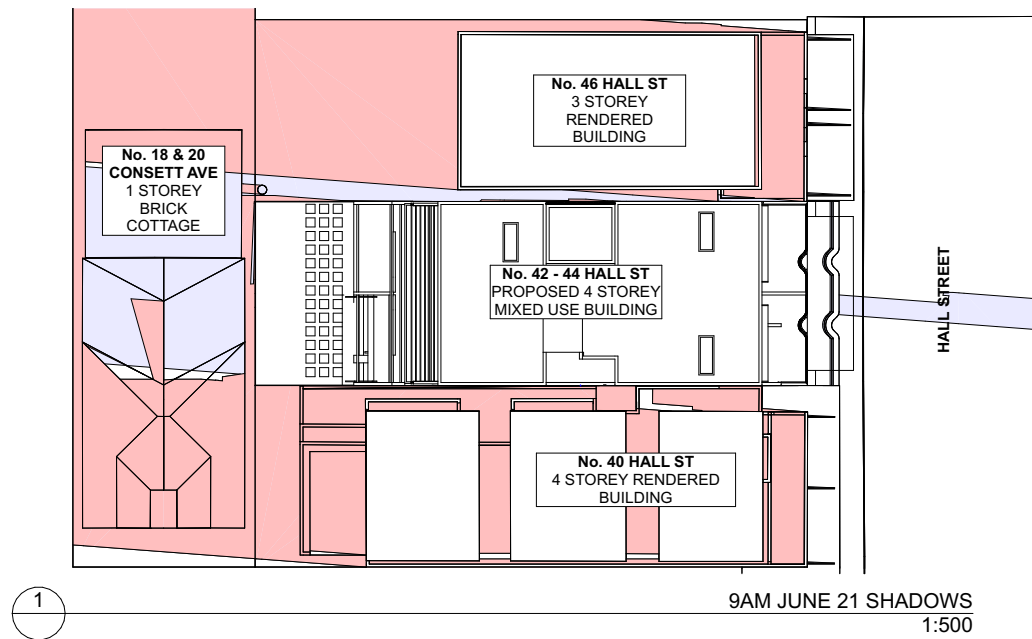
PROPOSED

B	16/6/21	DA RESUBMISSION
ISSUE	DATE	REVISION

NO AMENDMENT TO THIS LAYOUT

AMENDED PLANS





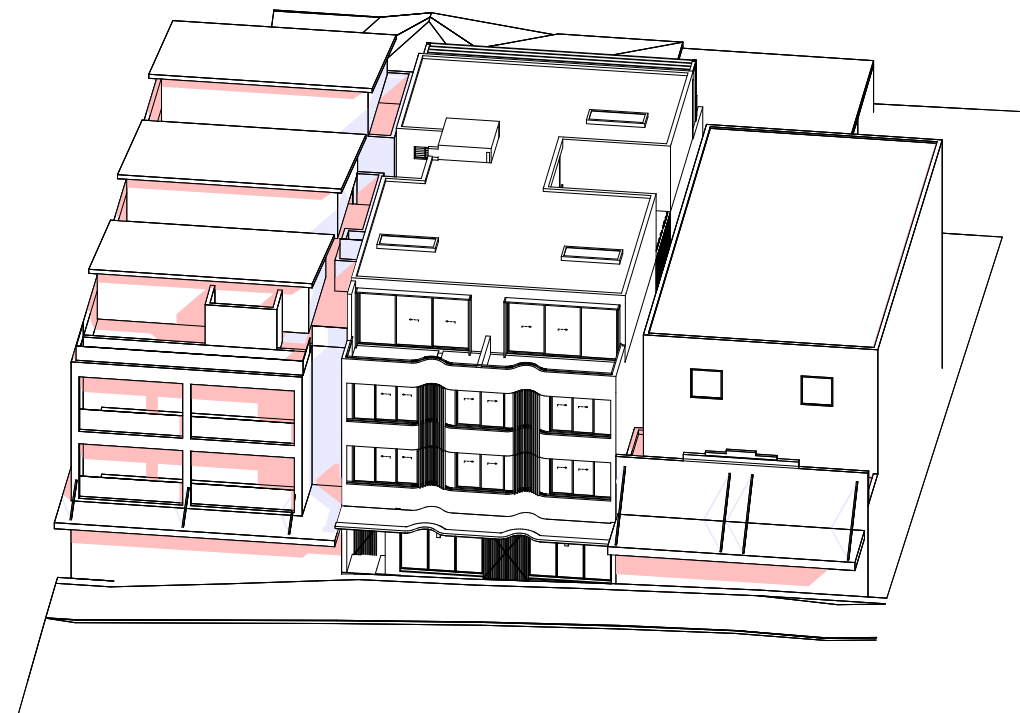
**AMENDED PLANS**

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**Waverley Council**  
 Application No: DA-448/2020  
 Date Received: 22/06/2021

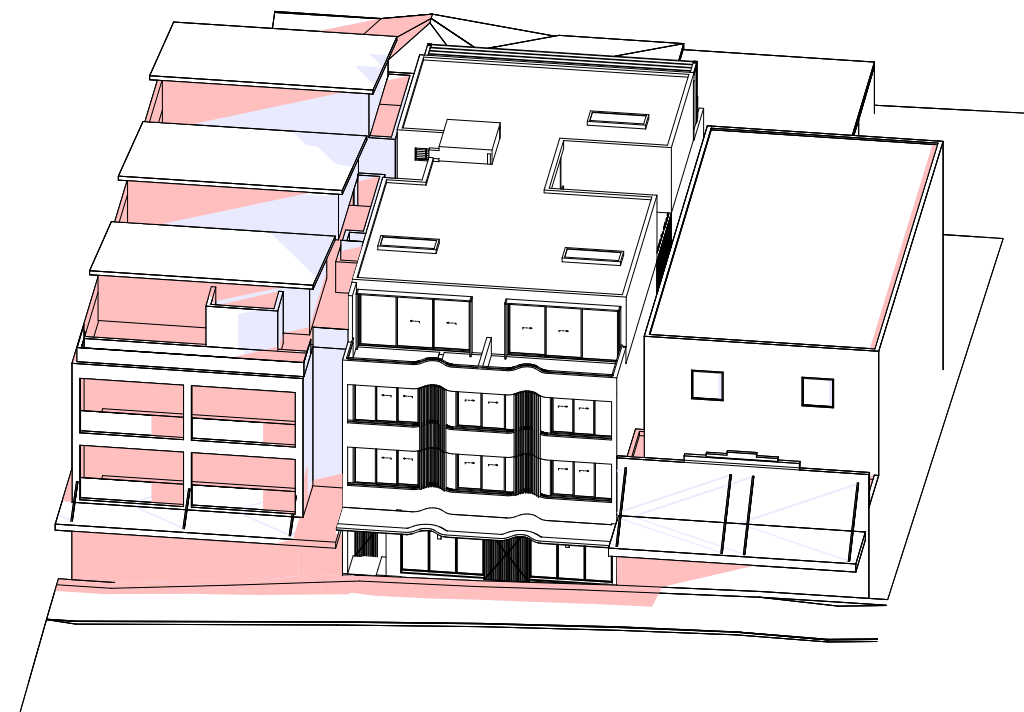




1 9AM JUNE 21 - SHADOW 3D



2 12PM JUNE 21 - SHADOW 3D



3 3PM JUNE 21 - SHADOW 3D

**AMENDED PLANS**

RECEIVED  
Waverley Council

Application No: DA-448/2020

Date Received: 22/06/2021

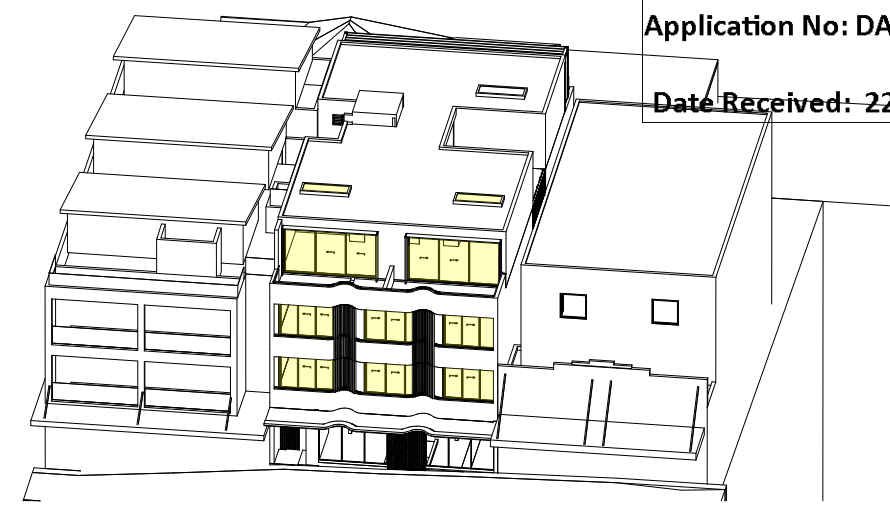




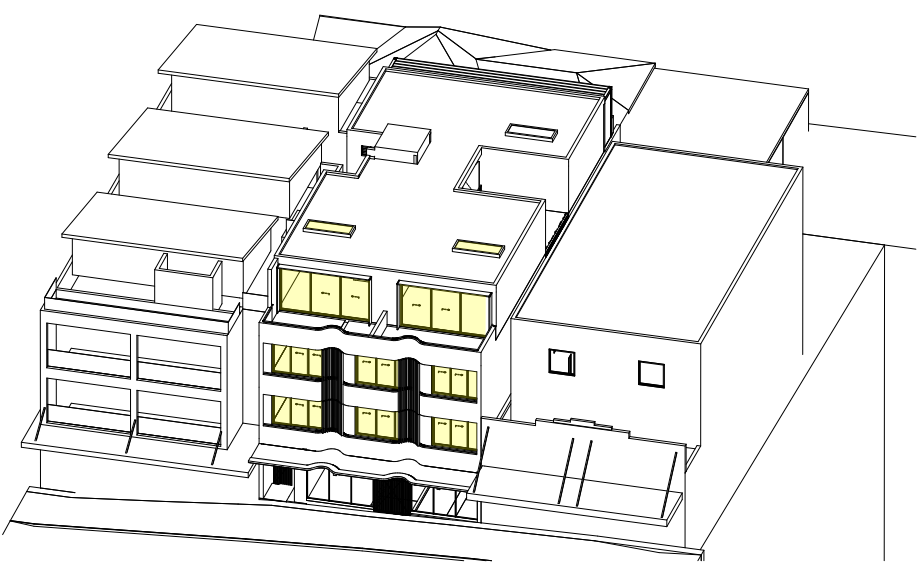
1 9AM JUNE 21 SOLAR ACCESS



2 9:30AM JUNE 21 SOLAR ACCESS



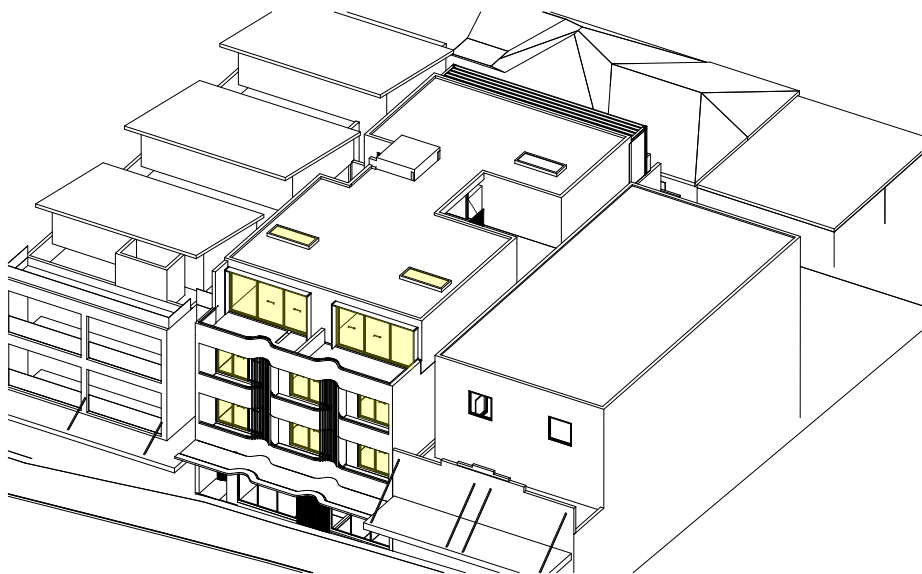
3 10AM JUNE 21 SOLAR ACCESS



4 10:30AM JUNE 21 SOLAR ACCESS



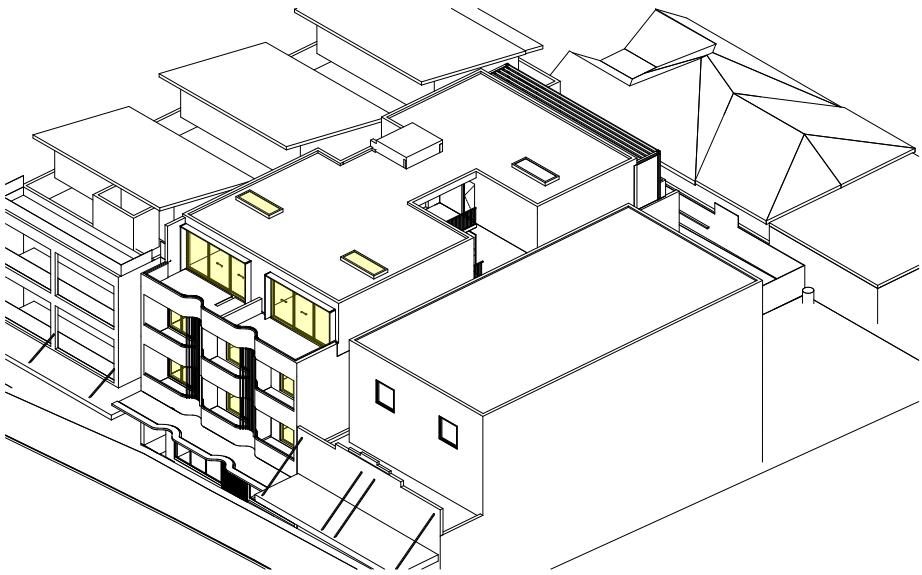
5 11AM JUNE 21 SOLAR ACCESS



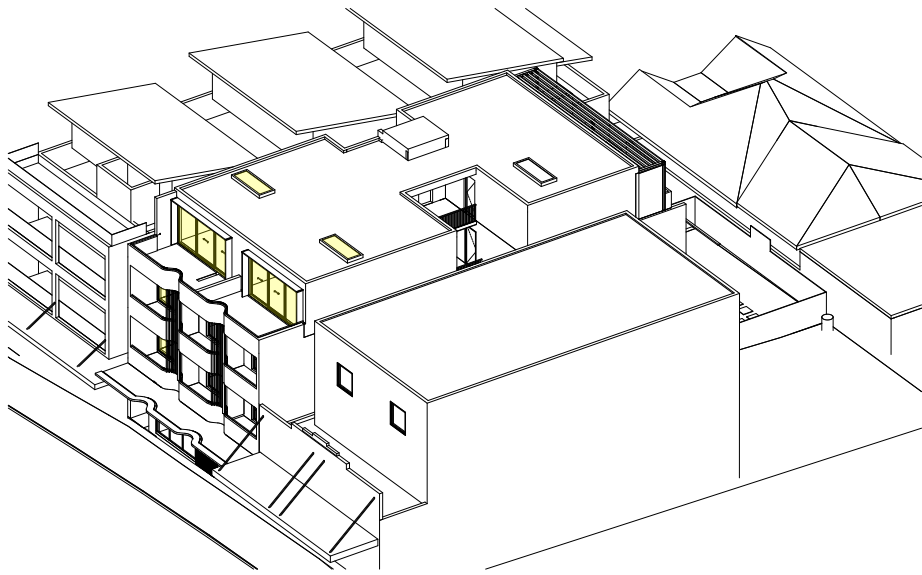
6 11:30AM JUNE 21 SOLAR ACCESS



7 12PM JUNE 21 SOLAR ACCESS

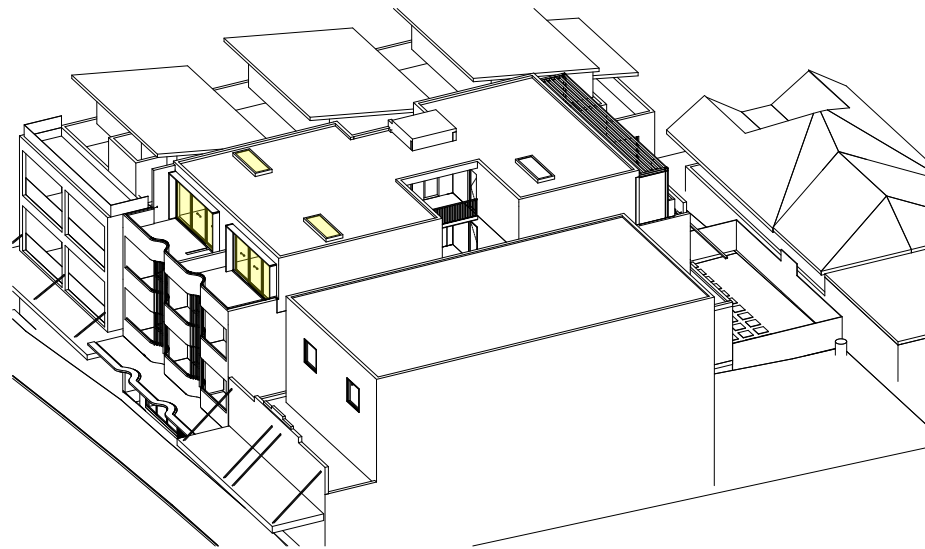


8 12:30PM JUNE 21 SOLAR ACCESS



9 1PM JUNE 21 SOLAR ACCESS

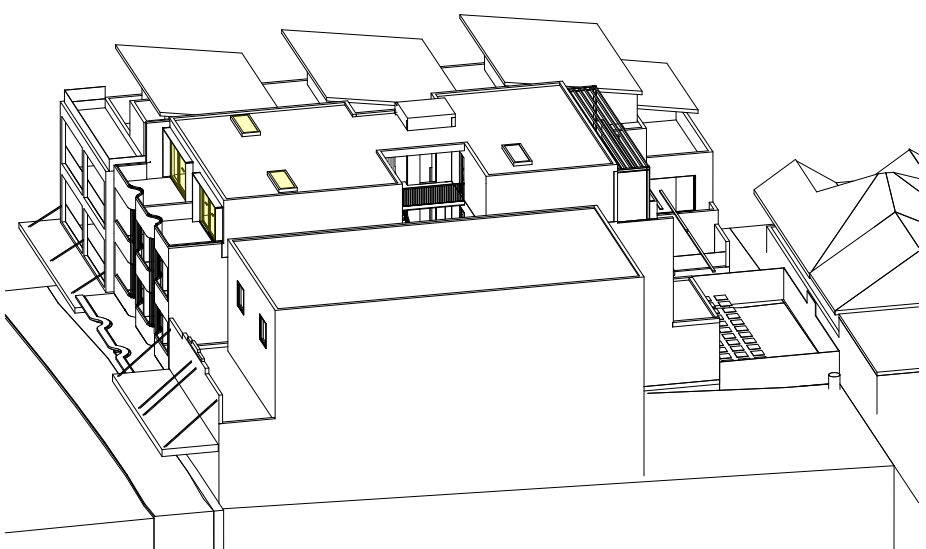




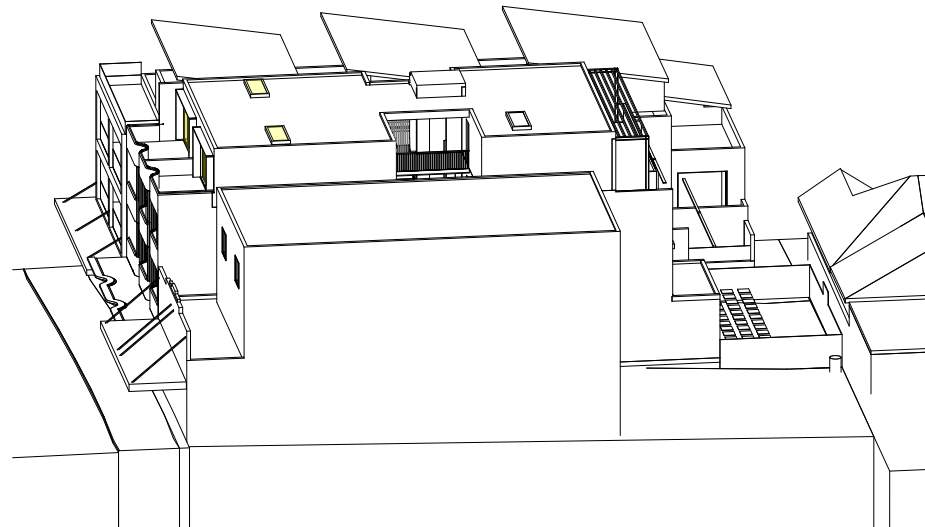
1 1:30PM JUNE 21 SOLAR ACCESS



2 2PM JUNE 21 SOLAR ACCESS



3 2:30PM JUNE 21 SOLAR ACCESS



4 3PM JUNE 21 SOLAR ACCESS

Legend															
0.5		SUNLIGHT TO LIVING AREA & BALC													
Floor level	Unit no.	Orientation	HOURS OF DAYLIGHT												
			9:00	9:30	10:00	10:30	11:00	11:30	12:00	12:30	13:00	13:30	14:00	14:30	15:00
1	1.01	NE	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5			
	1.02	NE	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5			
	1.03	NE	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5			
	1.04	SW													
2	2.01	NE	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5			
	2.02	NE	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5			
	2.03	NE	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5			
	2.04	SW													
3	3.01	NE	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
	3.02	NE	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
	3.03	SW													
TOTAL NUMBER OF UNITS	11														

9AM - 3PM	
Hours of Sunlight	Complying Units
	2 hrs min
5	1
5	1
5	1
0	0
5	1
5	1
5	1
0	0
6	1
6	1
0	0
8	
72.73%	

AMENDED PLANS

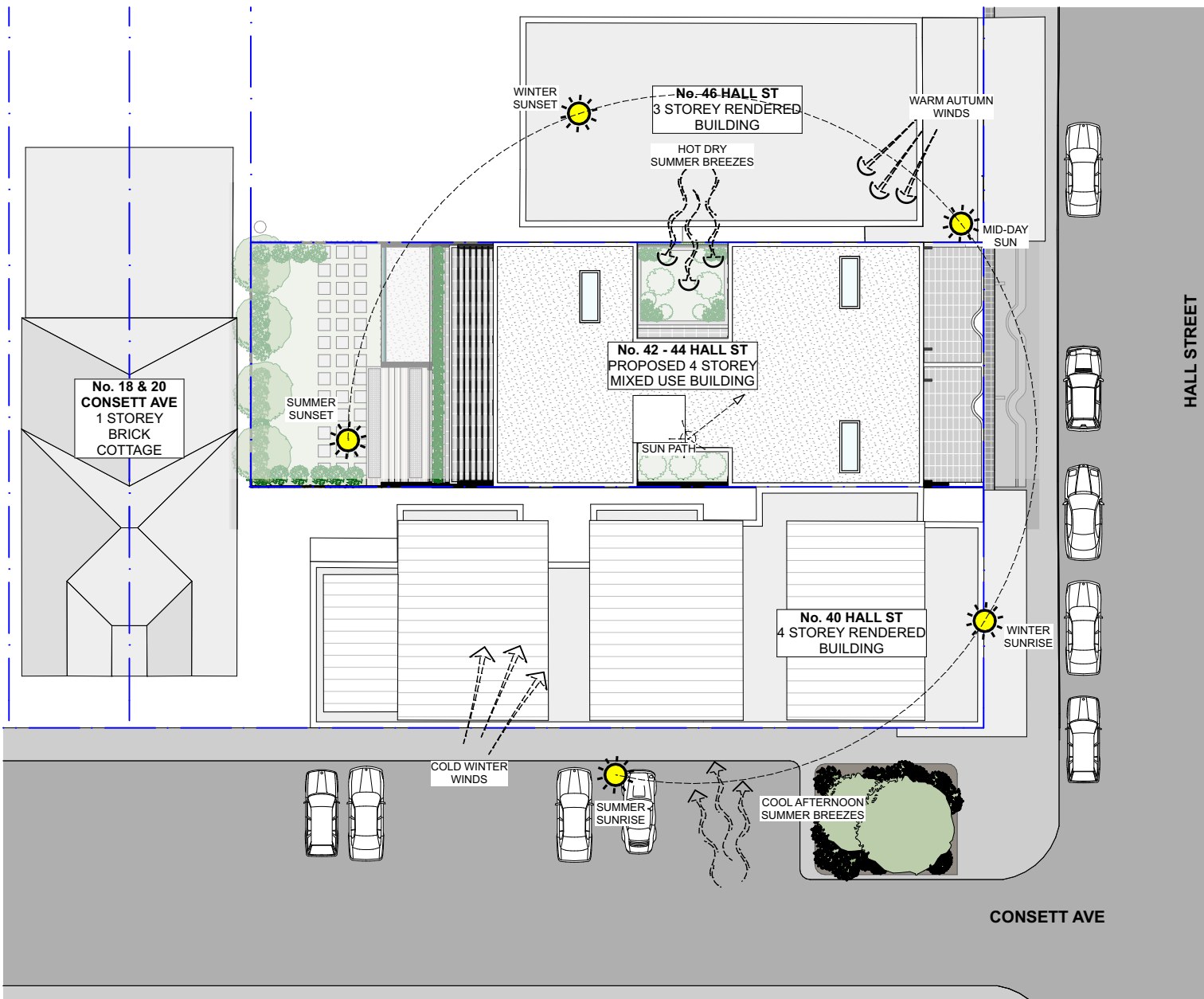
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Date Received: 22/06/2021



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Waverley Council

Application No: DA-448/2020

Date Received: 22/06/2021



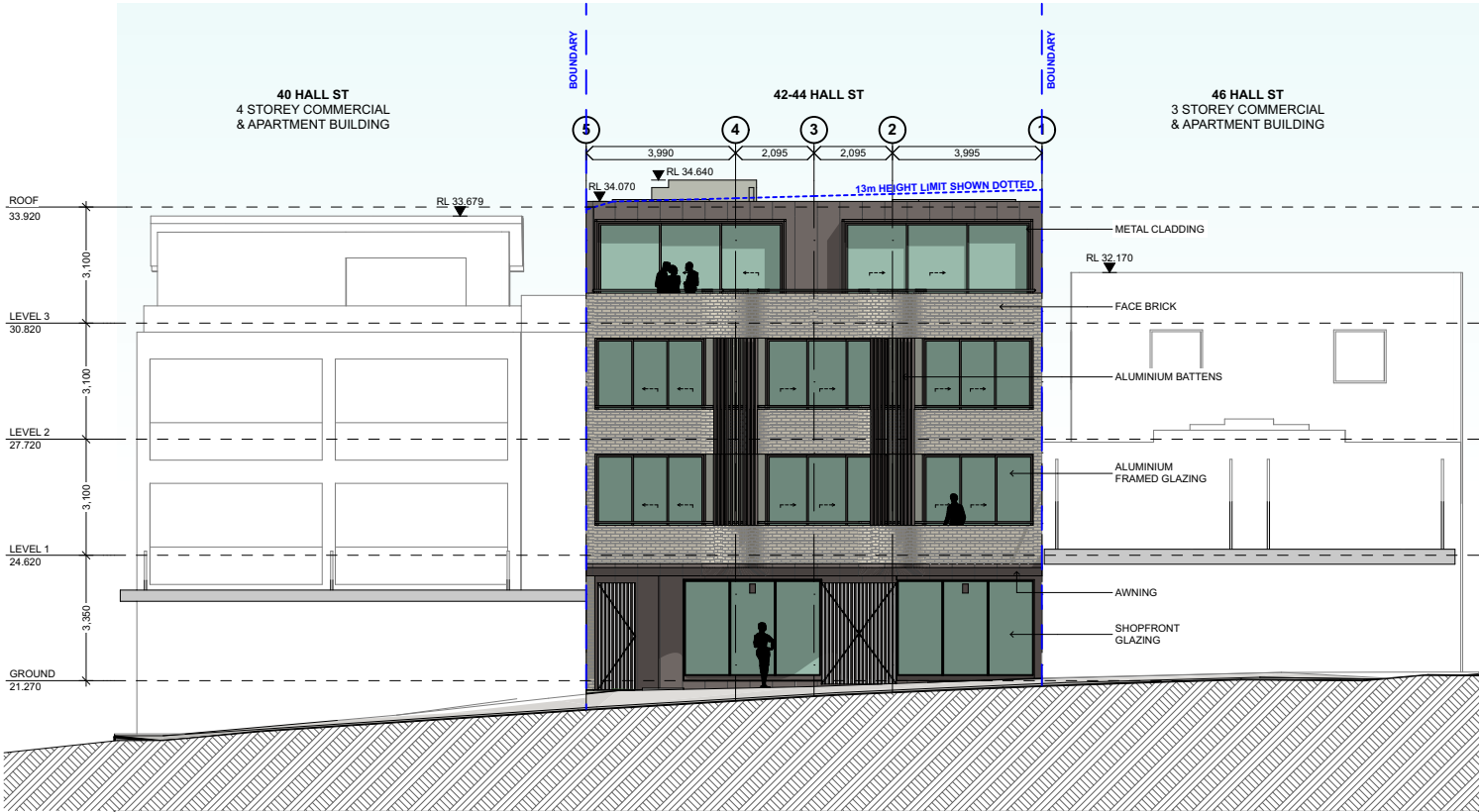
3 SITE PLAN  
1:300

AMENDED PLANS

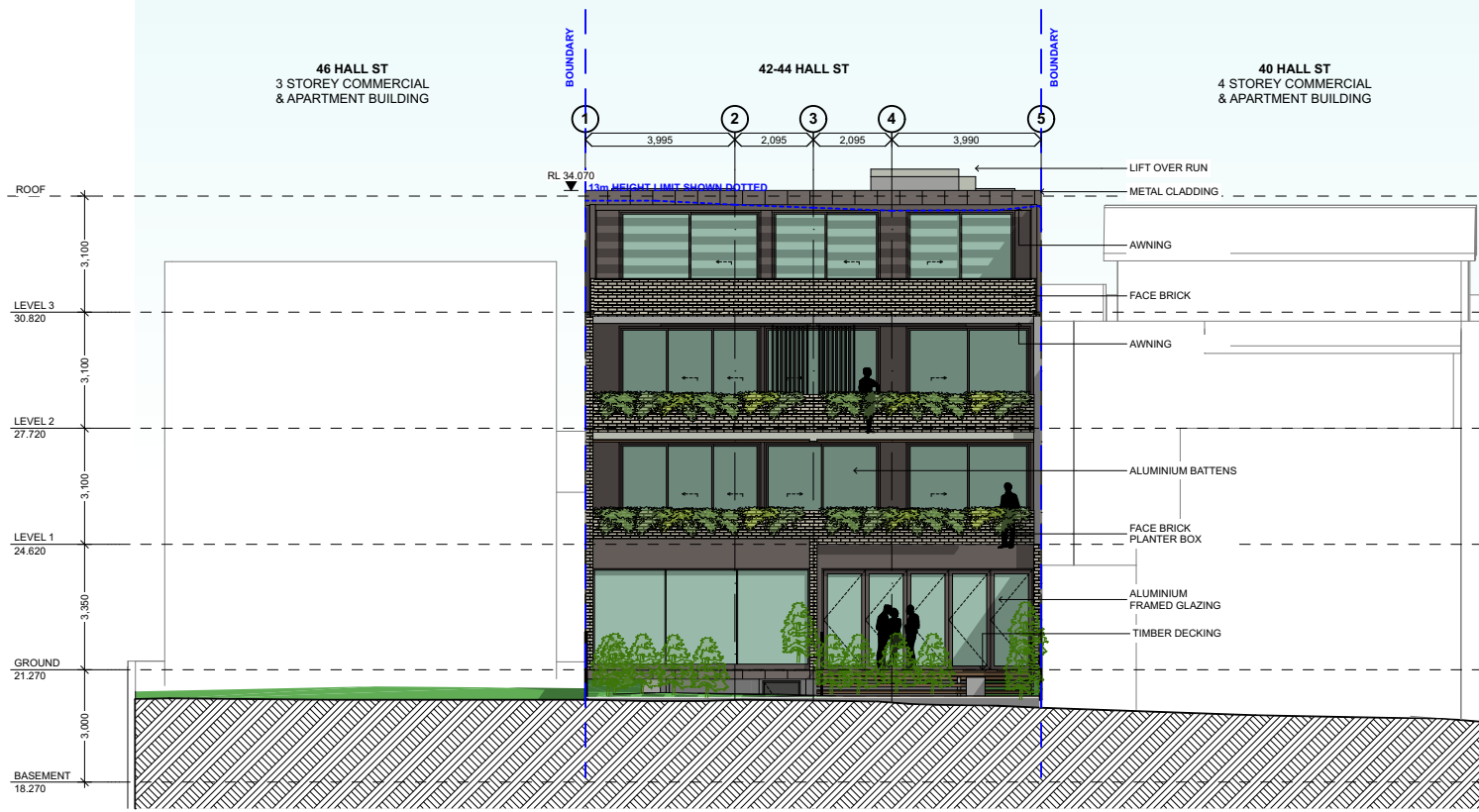
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ISSUE	DATE	REVISION



1 NORTH  
1:200



2 SOUTH  
1:200



PROJECT:  
**PROPOSED SHOP TOP HOUSING**  
42-44 Hall Street  
Bondi Beach NSW 2026  
DRAWING:  
**NOTIFICATION PLAN**

PROJECT NO: 17041  
SCALE: 1:200 @A00  
DRAWING NO: REV:  
PLOTTED: 16/6/21

**DA9300A**

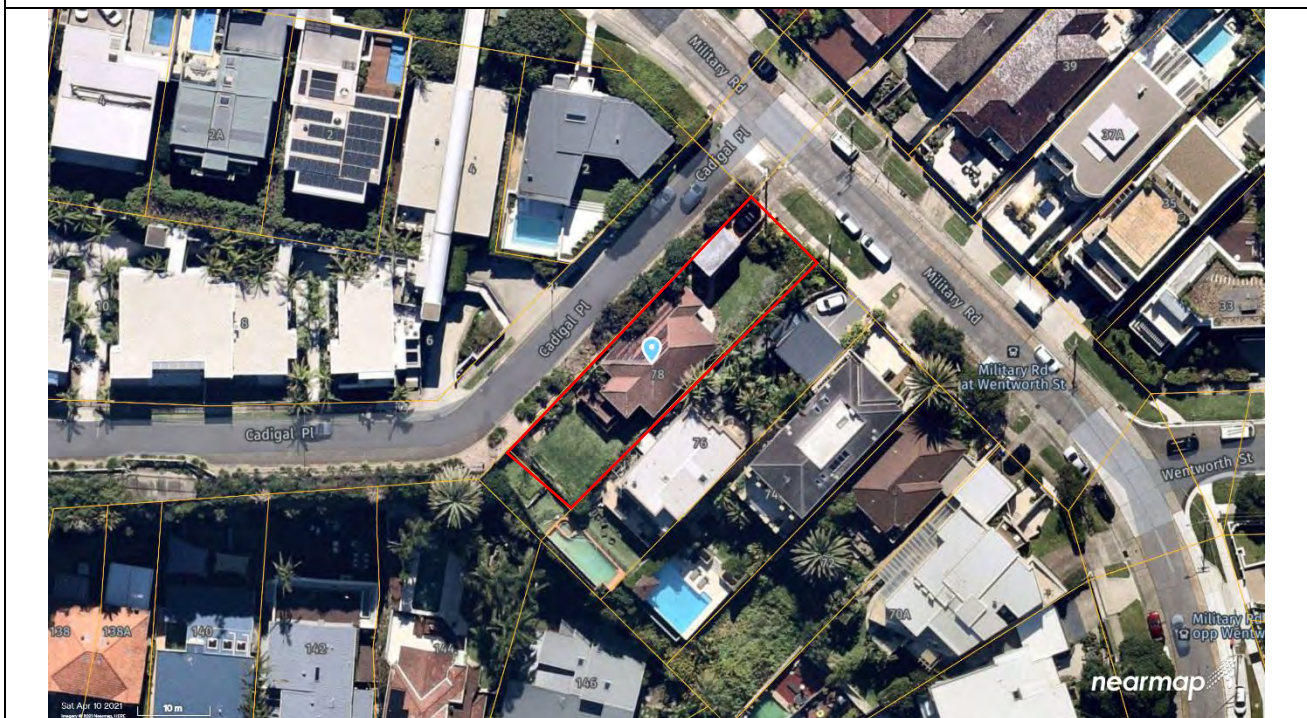




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-115/2021
<b>Site address</b>	78 Military Road, DOVER HEIGHTS
<b>Proposal</b>	Demolition of existing structures; construction of a new dual occupancy with integrated parking and swimming pools; and Strata subdivision.
<b>Date of lodgement</b>	7 April 2021
<b>Owner</b>	Cadigal No.1 Pty Ltd
<b>Applicant</b>	Cadigal No1 P/L ATF The Cadigal No1 P/L Trust Fund
<b>Submissions</b>	Original: 19* <i>*See report for further details on submissions.</i>
<b>Cost of works</b>	\$1,947,558
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>FSR Non-Compliance</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The development application, as amended, seeks consent for demolition of existing structures; construction of a new dual occupancy with integrated parking and swimming pool; and Strata subdivision at the site known as 78 Military Road, DOVER HEIGHTS.

The principal issues arising from the assessment of the application are as follows:

- FSR non-compliance;
- External wall height non-compliance;
- View loss;
- Privacy; and
- Tree removal and landscaping.

The assessment finds these issues acceptable, as the development maintains compliance with Council's maximum building height development standard and has been sited to respond to the sloping topography of the site. The development results in no impact upon views from surrounding properties and privacy is considered to be reasonably maintained.

A total number of 19 submissions were received on behalf of 17 properties, whereby six were unique (including 1 submission received in response to the amended plans that were not formally renotified). The issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

### 1.2. Site and Surrounding Locality

A site visit was carried out on 27 May 2021.

The site is identified as Lot B in DP 385993, known as 78 Military Road, DOVER HEIGHTS and is located on the corner of Military Road and Cadigal Place.

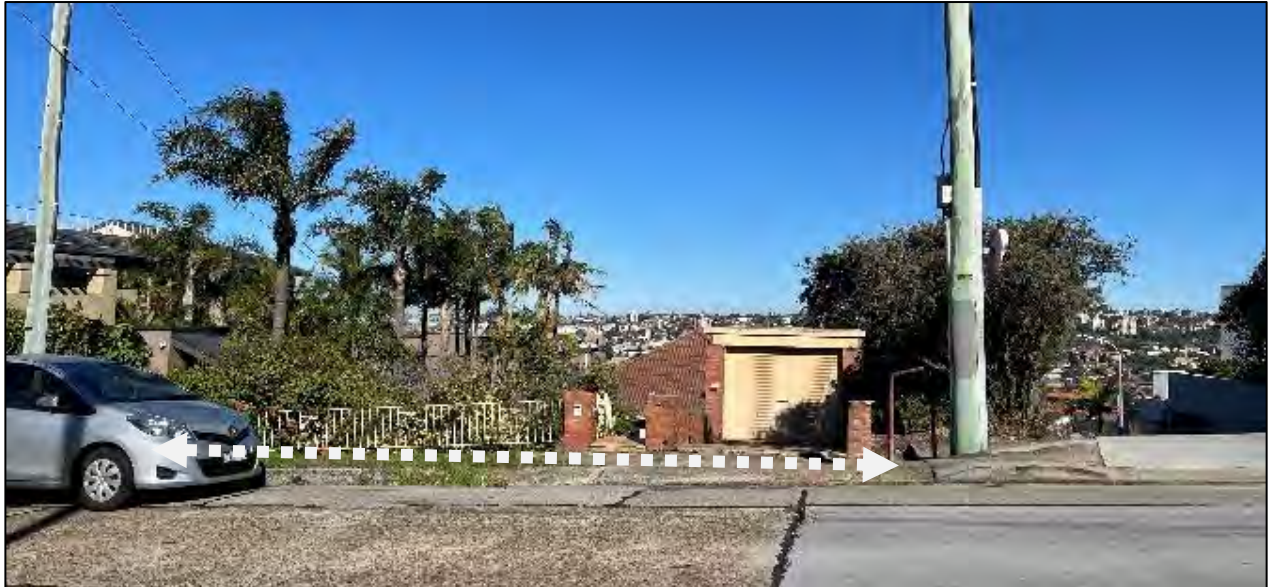
The site is a corner lot and is rectangular in shape with a primary north-eastern frontage to Military Road measuring 12.19m and a secondary north-western frontage to Cadigal Place measuring 48.265m. It has an area of 588m<sup>2</sup> and falls from the footpath on Military Road to the front setback area by approximately 4.5m and from the front setback area to the rear of the site by approximately 2.2m.

The site is occupied by an existing part one, part two storey dwelling house with vehicular access provided from Military Road to a single car garage.



The site is adjoined by a dwelling house at its south-eastern side boundary (76 Military Road) and a small vacant lot at its south-western rear boundary that also belongs to 76 Military Road. The locality is characterised by low density residential development.

**Figures 1 to 6** are photos of the site and its context.



**Figure 1:** Subject site viewed from Military Road, looking south-west.



**Figure 2:** Site viewed from Cadigal Place, looking south-west.





**Figure 3:** Subject site viewed from footpath on Military Road, looking south.



**Figure 2:** Existing rear setback area of subject site, looking south.



**Figures 3 & 4:** Swimming pool of 76 Military Road and adjoining vacant lot at rear, belonging to 76 Military Road. Viewed from the rear setback area of the subject site.



### 1.3. Relevant Development History

A review of Council's records reveals no relevant development history for the subject site.

### 1.4. Proposal

The development application, as amended, seeks consent for demolition of the existing dwelling and structures on site and construction of a new dual occupancy, specifically involving the following:

- Demolition of all structures on site.
- Strata subdivision creating two lots, each with a Cadigal Place physical address.
- Construction of a split level dual occupancy development.

For the purposes of this assessment report, 'Proposed 1 Cadigal Place (upper residence at front of dwelling)' is referred to as **Dwelling A** and 'Proposed 3 Cadigal Place (lower residence at rear of dwelling)' is referred to as **Dwelling B**.

Specifically:



### Lower Ground Floor Level

#### **Dwelling B**

- Construction of an open plan living, kitchen and dining area, family room, cellar, bathroom and laundry;
- Construction of a terrace adjacent to the living area with a BBQ; and
- Construction of a swimming pool at the rear (south-west corner) of the property.

#### *Other*

- Excavation works to accommodate rainwater and OSD tanks underground towards the front (north east) of the property for both dwellings. Note: the pool plant associated with Dwelling B is to be located in this area.

### Ground Floor Level

#### **Dwelling A**

- Construction of dwelling entrance from Cadigal Place;
- Construction of a double garage fronting Cadigal Place;
- Construction of three bedrooms with three ensuite bathrooms and a study;
- Construction of a pool plant room accessible from the bin storage area of the garage; and
- Construction of a deck accessible from bedrooms 1 and 2, which accesses a garden area to the front (north east) of the property.

#### **Dwelling B**

- Construction of dwelling entrance from Cadigal Place;
- Construction of a double garage fronting Cadigal Place;
- Construction of three bedrooms with three ensuite bathrooms and a study; and
- Construction of a balcony accessible from bedrooms 1 and 2 to overhang the lower ground floor level at the rear of the property.

### First Floor Level

#### **Dwelling A**

- Construction of an open plan living, kitchen and dining area, family room, pantry, bathroom and laundry;



- Construction of a balcony accessible from the kitchen overlooking the front of the site;
- Construction of a terrace adjacent to the living area with a BBQ;
- Construction of a swimming pool along the south-eastern side boundary; and
- Construction of a green roof and non-trafficable roof towards the north east.

#### Roof Plan

##### **Dwelling A**

- Construction of a 15m<sup>2</sup> roof terrace with planter box.

##### *Other*

- Installation of skylights.
- Installation of PV solar panels.
- Installation of solar hot water system.

#### External Works

- Close existing driveway from Military Road and construct new vehicular access from Cadigal Place;
- Single cobblestone driveway and crossing with 6m width;
- Extensive landscaping across the site;
- Construction of new front and side boundary fencing; and
- Tree removal.

### 1.5. Background

The development application was lodged on 7 April 2021 and deferred on 9 June 2021 for the following reasons:

1. Driveway design and crossing to be amended to a single driveway, 6m wide with 0.45m splays.
2. View loss photomontage to be provided from 2 Cadigal Place, located to the north of the site.
3. Swimming pool on the first floor level (Dwelling A) recommended to be relocated adjacent to the terrace, where the green roof is proposed.

The amended plans and documentation were received on 29 June 2021 and the Applicant provided the following response:

1. ***Driveway Crossing & Design:*** *The driveway has been redesigned to become a single 6m wide driveway with 0.45m splays as per the diagram in the letter. Vehicle swept paths have been prepared by Hemanote Consultants demonstrating the viability of the design.*



2. **View Loss Photomontages:** Additional photomontages for Dining & Lounge, and Living & Sitting from 2 Cadigal Place have been provided.
3. **Swimming Pool:** The swimming pool has been amended to incorporate a planter along the boundary, which has not resulted in any additional shadow impact. Please refer letter of support from the owners of no.76 Military Road for the amendment. Please note that it is not possible for the pool to be relocated to the green roof, as this would constitute a portion of one dwelling above the other and therefore the development would become 'Class 2' which would require different fire engineering and construction solutions than currently designed.

The amended plans were not renotified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified in accordance with *Waverley Community Development Participation and Consultation Plan*. The amended plans and documentation form the assessment in this report.

## 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. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Coastal Management) 2018.

A detailed discussion is provided for relevant SEPP as follows:

##### *SEPP (Coastal Management) 2018*

The SEPP applies to the subject site as it is located within 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) 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) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (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.

**Clause 15 states that development in coastal zone generally is not to increase risk of coastal hazards.**

*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.*

#### Planning Comment

The site is partially identified as land within the coastal use area; however, the site is not located within the coastal environment area or identified as having geotechnical risk. The proposed excavation works are limited and the application generally retains the existing topography of the site. No adverse impacts upon coastal processes are anticipated as a result of the proposed works. Furthermore, a geotechnical report has been submitted with the application and is recommended to form part of the approval documentation, should consent be granted for the subject development on the site.

#### 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
<b>Part 1 Preliminary</b>		



Provision	Compliance	Comment
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
2.6 Subdivision – consent requirements	NA	The application seeks Strata subdivision of the two dwellings proposed.
Land Use Table R2: Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy and involves Strata subdivision, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 8.5m	Yes	The development has a maximum building height of 8.5m that is compliant.
4.4 Floor space ratio (FSR) and 4.4A Exceptions to floor space ratio • FSR: 0.5:1 • GFA: 294m <sup>2</sup>	No	Proposed GFA: 410.43m <sup>2</sup> Proposed FSR: 0.698:1 Proposed Variation: 116.43m <sup>2</sup> (39.6%)
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 FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	The development largely follows the natural sloping topography of the site and minor earthworks are proposed towards the front and middle area of the site. These minor earthworks are not anticipated to adversely impact upon the surrounds and is acceptable 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*

The application seeks to vary the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum or minimum FSR development standard of 0.5:1. The proposed development has a FSR of 0.698:1, exceeding the standard by 116.43m<sup>2</sup> equating to a 39.6% variation.



A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of 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.

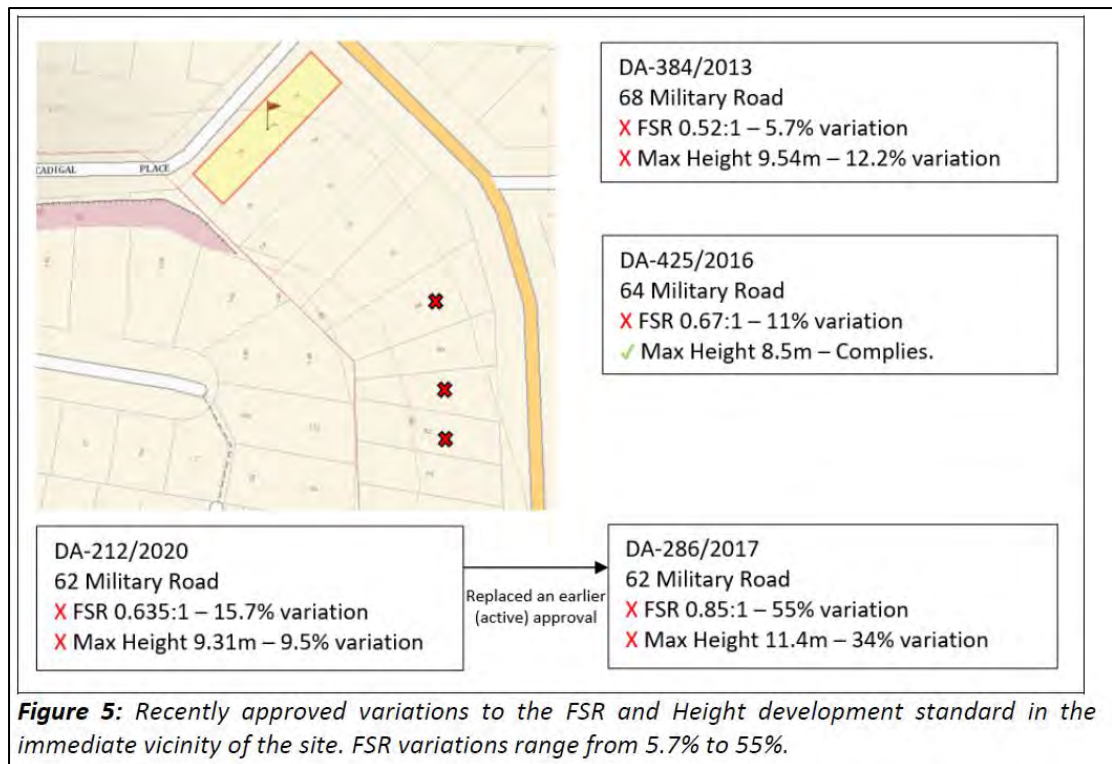
Applicant's Written Request - Clause 4.6(3)(a) and (b)

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) *FSR variation largely results from steep topography of the site where 112.48m<sup>2</sup> of GFA is provided below the footpath level of Cadigal Place (97% of the proposed variation).*
  - (ii) *The building is compatible with the scale of surrounding buildings and preserves the amenity of the neighbouring properties with regards to visual and acoustic privacy, view sharing and solar access.*
  - (iii) *This building will remain significantly smaller – volumetrically; in perceived height; and in number of storeys – than all surrounding buildings on this side of Military Road inclusive of recently completed buildings (recently approved by Council and the Local Planning Panel) that are consistently 3 storeys at the rear of the site and 2 storeys from the street frontage. By comparison this proposal is a whole level lower than the buildings in its immediate context.*
  - (iv) *The building remains below the maximum building height development standard and complies with setback requirements.*
  - (v) *The variation facilitates a better quality outcome for and from the development, allowing the rear lower residence to exist over two height-compliant levels, with the lower floor connecting to the rear yard. Strict compliance with the control would remove an entire level from this dwelling. This would render the rear dwelling undersized and unable to accommodate an acceptable level of amenity and would not provide any material benefit to adjoining properties, the streetscape or the locality in general.*
  - (vi) *The maximum height of development standard in the LEP is 8.5m and the proposal complies, peaking at 8.5m at the centre of the site and is otherwise significantly lower across the remainder of the site. The height plane used to calculate the maximum height above existing ground level (as required by the definition in the WLEP) numerically exaggerates the height of the building as compared to its actual scale, as 'existing ground' has been taken from the substantially excavated areas that exist across the site. Despite this, the proposal entirely complies by a significant margin.*



(vii) Recent developments have been approved along the southern side of this portion of Military Road, with some currently under construction. A comparative analysis of those projects demonstrates that Council has accepted variations to the floor space control based on (in part) the topography of the site, the scale of the existing buildings in the immediate context and the protection of views.



**Figure 5:** Extract from page 5 of 11 of Applicant's Clause 4.6 Statement. Note: More diagrams are provided within Applicant's Clause 4.6 Statement.

- (viii) The bulk and scale of the building is compatible with the desired future character of the locality as its envelope is entirely within that anticipated for this site. The elongation of the proposed building to the full extent of the front and rear building lines, instead of pursuing the full extent of the height control, ensures the building's bulk and scale is less than that of its neighbours and better responds to the topography of the site.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The scale of the building is appropriately 1-2 storeys, being below the height development standard and generally compliant with the wall height controls.
  - (ii) Excavation is limited and the building form responds to the steep topography of the site with living areas connected to the existing ground levels at the front and rear of the property.
  - (iii) The development is for a modest pair of 3 bedroom dwellings with domestically scaled living areas without embellishments for gyms, cinemas, cellars, guest quarters and the like that are typical to this locality that would ordinarily cause further floor space variations.



- (iv) The building has compliant side setbacks where it has a neighbour on the eastern side of the building and an articulated setback to its secondary frontage to ensure the building has an appropriate scale when viewed from the street.*
- (v) The building has an articulated frontage to represent the side by side dwellings which further reduces the visible bulk of the building.*
- (vi) The building design introduces passive surveillance to Military Road (there is currently none) and improves surveillance to Cadigal Place.*
- (vii) The design, form and scale of the building is complementary to, and compatible with, the prevailing design of new dwellings in this locality and contributes to the landscape setting on this side of Military Road and its connection to Cadigal Place.*
- (viii) The topography of the site lends itself to the utilisation of lower levels in a built form that responds to emerging development outcomes in this street, notably the more recently completed buildings to the east in this street block are significantly larger than proposed on the site.*
- (ix) By comparison the proposed floor space is akin to new surrounding developments, where 3 storey dwellings and dual occupancies have been granted variations in the order of 5% to 55% above the standard.*
- (x) The design allows for the attainment of the new Object inserted into the EP&A Act 1979 which seeks to promote good design and amenity of the built environment.*

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 development 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 justifications 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; and*
- (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.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is adequate justification as the Applicant's points of discussion raised clause 4.6(3)(a) are agreed with by Council. Further comment on Council's position on the proposed variation is provided below.

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 development standard. The commentary provided by the Applicant is satisfactory and agreed with by Council. Further comment on Council's position on the proposed variation is provided below.

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 development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The relevant objectives of the FSR development standard are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of 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 the locality.*



Despite the proposed variation of 39.6%, it is considered that the proposed variation does not add any significant bulk or scale to the building as the total GFA of the building has been appropriately sited in response to the topography of the site. The development maintains a two storey appearance from both the Military Road and Cadigal Place frontages that is characteristic of the development in the locality on the southern side of Military Road. Majority of the building is sited significantly below the maximum building height limit and excavation works have been minimised. No adverse amenity impacts to surrounding properties result from the proposed breach of Council's development standard, with particular reference to overshadowing, view loss and privacy as discussed in detail in this report.

The examples of other recent approvals on the southern side of Military Road provided by the Applicant that are in breach of Council's FSR development standard are relevant to the consideration of this proposal, as these sites also mostly had a steep topography that resulted in some breach of the FSR development standard to be absent of amenity impacts to surrounding properties and considered acceptable.

Therefore, it is considered that the bulk and scale is consistent with the desired future character of the locality and is consistent with the objectives of the FSR development standard.

The objectives of R2: Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

Further to the reasoning provided above, the breach of the FSR development standard is acceptable as the resulting two storey presentation to the Military Road and Cadigal Place frontages is characteristic of development in the surrounding low density residential environment and is therefore suitable for the low density residential zone.

### 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 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 R2: Low Density Residential Zone.

### 2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	<i>See comments below.</i>
5. Vegetation Preservation	Condition Recommended	<i>See comments below.</i>
6. Stormwater	Yes	Satisfactory.
8. Transport Minimum parking rate: <ul style="list-style-type: none"> <li>0</li> </ul> Maximum parking rate: <ul style="list-style-type: none"> <li>2 spaces for 3 or more bedrooms.</li> </ul>	Yes	The proposal provides for two new car spaces for each dwelling that is compliant. Its design and location are satisfactory.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
13. Subdivision	Yes	Relevant conditions are recommended to be imposed regarding the Strata subdivision of the two dwellings.
14. Excavation	Yes	<i>See comments above.</i>
16. Public Domain	Condition Recommended	<i>See Public Domain referral comments in Section 3.3 of this report.</i>

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum wall height of 7.5m</li> </ul>	Merit Assessment	<i>See comments below.</i>
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines	Yes	<u>Front Building Line</u> The adjoining property at 76 Military Road is currently underdeveloped. The proposed



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>		<p>development aligns with the existing garage within the front setback area of the adjoining property at 76 Military Road as well as the front building line of the existing dwellings at 72 and 74 Military Road and is considered to be satisfactory.</p> <p><u>Rear Building Line</u></p> <p>The development does not extend further than the rear of the existing dwelling on the adjoining property at 76 Military Road. Furthermore, each level of the development has been appropriately stepped down to respond to the natural sloping topography of the site. The proposed rear building line of each floor level is therefore considered to be acceptable.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> <li>Minimum of 0.9m (for height up to 8.5m)</li> </ul>	Merit Assessment	<p>The development largely maintains a 900mm side setback to the north-western boundary fronting Cadigal Place and the south-eastern side boundary adjoining 76 Military Road. However, minor encroachments of the north-western boundary are proposed as a result of architectural wall features at the ground and first floor levels of the building.</p> <p>These minor encroachments are considered to be acceptable, given that the north-western boundary is to become the primary street frontage of the site, so it is not strictly considered to be the side setback of the subject property. Furthermore, the architectural features would add visual interest to the bulk and scale of the building and enhance the streetscape presentation of the dwelling to Cadigal Place. There would be no resulting adverse amenity impacts.</p>
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> </ul>	Yes	<p>The development appropriately responds to the topography of the site and maintains a two storey appearance to both the Military Road and Cadigal Place frontages. Existing vegetation is retained where possible and the landscape plan submitted demonstrates extensive planting across the site. Therefore, the development is considered to be compatible with development in the surrounding streetscape context.</p>



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Porticos only permitted where a character of the streetscape</li> </ul>		
<b>2.4 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes	The new front fence is limited to 1.2m and the side and rear boundary fencing does not exceed 1.8m that is compliant.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>	Merit Assessment	<i>See discussion below.</i>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li> <li>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li> </ul>	Yes	<i>See discussion below.</i>



Development Control	Compliance	Comment
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Recommended Condition	<i>See discussion below.</i>
<b>2.8 Car parking</b>		
<b>2.8.1 Design Approach</b> <ul style="list-style-type: none"> <li>Parking only allowed where site conditions permit</li> <li>Designed to complement the building and streetscape</li> <li>Car parking structures to be behind the front building line</li> <li>Driveways are to be located to minimise the loss of on street parking</li> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>	Yes	The proposed car parking design complements the massing of the north western façade fronting Cadigal Place. The amended garage and driveway design is suitably located and adequately utilises the secondary street frontage.
<b>2.8.2 Parking rates</b>	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
<b>2.8.3 Location</b> <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> <li>Existing development to be in accordance with the hierarchy of preferred car parking locations</li> </ul>	Yes	The new parking is appropriately located off the secondary street frontage.
<b>2.8.4 Design</b> <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area and appearance to the design of the residences</li> </ul>	Yes	The proposed garage is well-integrated with the north-western elevation of the development and is satisfactory.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>No part of the façade is to be demolished to accommodate car parking</li> <li>Gates to have an open design</li> </ul>		
2.8.5 Dimensions <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	Each garage has a depth of 5.4m and width of 5.33m that is sufficient to accommodate two vehicles.
2.8.6 Driveways <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	The amended application provides a single driveway crossover that is 6m wide at the gutter to accommodate access to the two proposed double garages that is acceptable.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> </ul>	Yes	289.1m <sup>2</sup> (49.16%)
<ul style="list-style-type: none"> <li>Overall landscaped area: 15% of site area</li> </ul>	Yes	126.8m <sup>2</sup> (21.56%)
<ul style="list-style-type: none"> <li>Minimum area of 25m<sup>2</sup> for private open space</li> </ul>	Yes	Adequate private open space is provided for both dwellings.
<ul style="list-style-type: none"> <li>Front open space: 50% of front building setback area</li> </ul>	Yes	100% (21.4m <sup>2</sup> ) of the building setback area to Cadigal Place is provided as open space.
<ul style="list-style-type: none"> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Merit Assessment	41% (8.8m <sup>2</sup> ) of the open space area within the setback to Cadigal Place is genuine landscaped area. This is acceptable on merit as this is the secondary street frontage and the width of the driveway is necessary to accommodate the two double garages. Paving is also proposed to the dwelling entrances that is acceptable. The development incorporates an extensive landscaping strategy that will provide suitable landscaping on the site.
<ul style="list-style-type: none"> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	There is sufficient space to accommodate outdoor clothes drying facilities.
<b>2.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>	Yes	<i>See discussion below.</i>



Development Control	Compliance	Comment
<b>2.14 Dual Frontage Development</b>		
2.14.1 - General Controls <ul style="list-style-type: none"> <li>• Primary and secondary frontage to be defined</li> <li>• Appropriate forms to be provided to each street</li> </ul>	Yes	The development appropriately addresses both street frontages and maintains a two storey height appearance from these streetscapes. Cadigal Place is now nominated to be the primary street frontage.
<b>2.15 Dual Occupancy Development</b>		
<ul style="list-style-type: none"> <li>• Min 450m<sup>2</sup> attached dwellings</li> <li>• Min 600m<sup>2</sup> detached dwellings</li> <li>• Second dwelling must:               <ul style="list-style-type: none"> <li>○ address a street or lane</li> <li>○ Max GFA 110m<sup>2</sup></li> <li>○ Not exceed max FSR</li> </ul> </li> <li>• Provide a min 5.5m<sup>2</sup> courtyard between each dwelling</li> </ul>	Yes	The development maintains the appearance of a single dwelling from the Military Road streetscape and provides two distinct entrances from Cadigal Place that is considered to be acceptable. The development provides a single vehicular crossing from Cadigal Place.

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

#### *External Wall Height*

The development proposes a maximum external wall height of 8.5m at the south-eastern side boundary that breaches the maximum external wall height by 1m. Despite this non-compliance, the proposed breach is considered to be acceptable for the following reasons:

- The variation does not result in adverse overshadowing impacts to 76 Military Road as discussed in detail below.
- The site has a natural slope from the front north-eastern corner to the rear south-western corner of the site. The breach is limited to the corner of the top floor level only and therefore, the remainder of the building is sited well below the maximum building height limit and 7.5m external wall height.
- Due to the slope of the land, the location of the breach largely maintains the appearance of a two storey dwelling only and would not result in adverse bulk and scale impacts to the streetscape or adjoining property at 76 Military Road.
- The breach does not result in any amenity impacts to surrounding properties with regards to view loss and privacy.

Therefore, the proposed external wall height is considered to be acceptable in the circumstances of the site.



## *Privacy*

The development maintains reasonable visual and acoustic privacy for surrounding properties as follows:

### Windows

The external façade of the development is to be fitted with timber-look battens and as a result, no visual privacy impacts are anticipated from the ground and first floor levels of the development.

### Balconies & Decks

The development proposes a range of balconies and terraces to Dwellings A and B that are considered to maintain residential amenity for surrounding properties as follows:

#### ***Dwelling A***

- **Front Terrace:** The development proposes a terrace at the front that is accessible from Bedrooms 1 and 2 of the development. This terrace is not elevated and provides access into the front garden area from passive living spaces within the dwelling. No adverse impacts from this space is anticipated.
- **Rear Terrace:** The proposed terrace located at the rear of the first floor level has a total area of approximately 18m<sup>2</sup> (excluding the swimming pool deck) and a depth of 3.4m that is non-compliant with the DCP control. Despite this non-compliance, the proposed terrace is considered to be acceptable as a full height privacy screen is proposed on the north-western side elevation to Cadigal Place to limit any mutual overlooking impacts from 2 Cadigal Place. No privacy screen is proposed on the south-eastern side elevation adjoining 76 Military Road as the deck is separated from the adjoining dwelling by the proposed swimming pool and a planter box. This terrace is also not located directly adjacent to any window of the adjoining dwelling and it is considered that the location of this terrace would not hinder the development potential of the adjoining site.

Any noise generated from the use of this terrace is not considered to exceed levels that would be unacceptable for the low-density residential nature of the site and surrounds as the terrace is only accessible by the subject dwelling. The siting of the terrace, location of the large green roof and non-trafficable roof top prevents any potential overlooking impacts to properties along Clyde Street to the south.

#### ***Dwelling B***

- **Rear Terrace:** The proposed terrace located at the rear of the lower ground floor level of this development and has an area of 21.6m<sup>2</sup>. This is considered to be acceptable as the terrace is not elevated and is sited adjacent to a large planter box along the Cadigal Place frontage. Vegetation is proposed within this rear setback area that would have a mature height (Magnolia Teddy Bear) of up to 4m. This is considered to maintain reasonable privacy for surrounding properties, including 2 Cadigal Place. Furthermore, the deck does not adjoin 76 Military Road and is acceptable. No adverse overlooking or noise impacts would result to the properties on Clyde Street, as the site does not adjoin the cliff face.



- **Rear Balcony:** The development proposes a balcony at the rear that is accessible from Bedrooms 1 and 2 of the development. This balcony is to have a depth of 1m and a total area of approximately 9.5m that complies with Council's DCP control. A full height privacy screen is to be installed on the north-western frontage to Cadigal Place that would minimise any mutual overlooking from 2 Cadigal Place. No privacy screen is proposed to the south-eastern side elevation of this balcony that is adjacent to 76 Military Road. This is to enable views to be gained of the district and water. Given the limited size of this balcony and its location accessible off passive living spaces within the dwelling, the provision of no privacy screen on the south-eastern side elevation is considered to be acceptable.

#### Roof Terrace

The development proposes a roof terrace to Dwelling A that is considered to maintain residential amenity for surrounding properties, subject to conditions, on the following basis:

- It is acknowledged that numerous properties along Military Road have roof terraces to take advantage of the expansive district, beach views and sometimes views of Sydney City and beyond.
- The roof terrace is limited to a maximum of 15m<sup>2</sup> that complies with Council's control.
- The roof terrace is sited within the building envelope.
- The proposed planter box is recommended to be deleted for reasons discussed in detail below. Views are to be valued over the maintenance of privacy and it is considered that the roof terrace would have minimal use throughout the year and would not adversely impact upon the privacy of 2 Cadigal Place or the surrounding properties on Military Road.
- Further to the above, overlooking to 2 Cadigal Place and 45 Military Road will be limited as it is considered that occupants who utilise the roof terrace would focus their view to the south-west towards the district views of the surrounding suburbs, beach and land and water interface. Given that 2 Cadigal Place and 45 Military Road are located higher than the subject site, it is considered that overlooking would occur from these properties, rather than from the subject site.
- There is not considered to be any adverse overlooking impacts to properties located at the bottom of the cliff at Clyde Street (such as 144 Clyde Street), as the site does not extend to the cliff edge. Furthermore, the fall of the land and siting of the roof terrace towards the front of the site would not enable views of these properties.
- Should a roof terrace be developed on the adjoining property at 76 Military Road, it is expected that there may be some mutual overlooking.

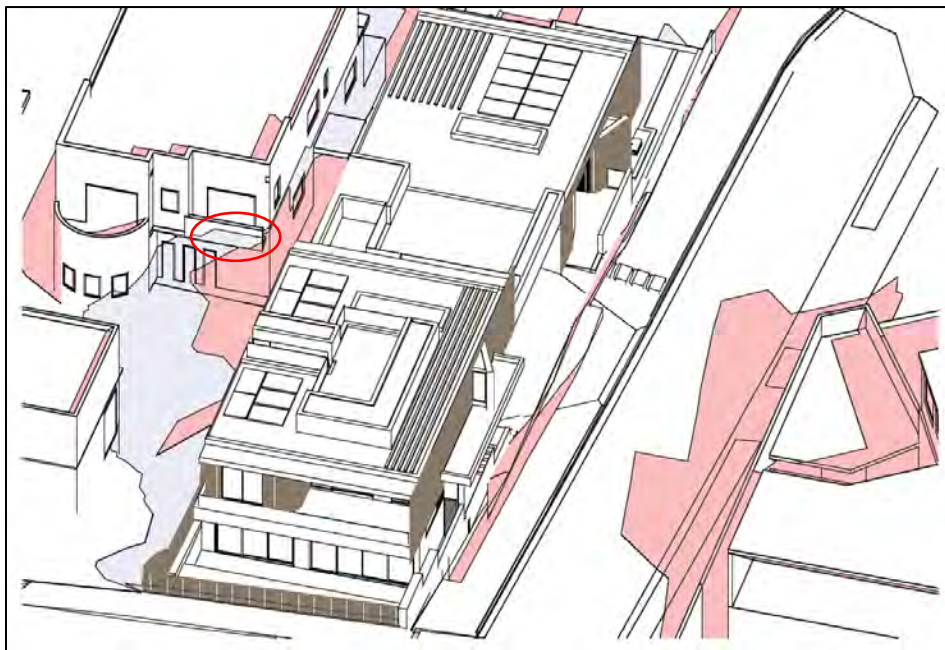
Therefore, the proposed roof terrace is considered to be suitable in the site circumstances, subject to a recommended condition to delete the planter box.



### *Overshadowing*

The proposal results in some additional overshadowing impacts to the adjoining property at 76 Military Road during mid-winter that are summarised as follows:

- At 9AM, overshadowing cast by the proposed development largely falls within the subject site in the private open space area of the proposed lower level dwelling (Dwelling B). The private open space area of this dwelling would receive adequate solar access from 12 noon during mid-winter and is acceptable. The adjoining development at 76 Military Road overshadows itself.
- At 12 noon, overshadowing is cast upon the north-eastern side elevation of the adjoining dwelling at 76 Military Road. As demonstrated in the following diagram, the majority of the overshadowing falls within the front setback area of this adjoining property due to the slope of the land. The overshadowing largely results from the complying built form elements in relation to side setbacks, building height and external wall height. The breach to Council's maximum external wall height control at the south-eastern side results in overshadowing to the external wall of the balcony to Bedroom 3 of the adjoining development only. Therefore, the breach of the external wall height has no adverse material impacts on the existing dwelling at the adjoining property.



**Figure 6:** Additional overshadowing impacts demonstrated in purple with location of external wall height breach circled.

- At 3PM, the proposed development would continue to overshadow the family room window towards the rear at the ground floor level as well as largely overshadow the bedroom and bathroom windows on the first floor level. The construction of any new development on the subject site is likely to reduce solar access received by the primary living areas at the rear of the ground floor level of this adjoining property. However, at 3PM, it is noted that solar access is received by the private open space area at the rear of this property. Therefore, overshadowing



throughout the day to the family room is acceptable. The bedrooms on the first floor level would still receive some solar access at 12 noon.

Given the above, the overshadowing impacts to 76 Military Road are considered to be acceptable.

#### View Loss

Section 2.7 in Part C2 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.

A site inspection of 2 Cadigal Place was conducted and photographs were sent through by the occupant of 45 Military Road as outlined in red in **Figure 9** below. A detailed view loss assessment of the impacts to these properties has been undertaken below in accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140*.



**Figure 7:** View loss assessment undertaken on properties outlined in red.

- (a) *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.*
- (b) *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.*

- (c) 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).*
- (d) 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.*

## 2 Cadigal Place

The existing dwelling at 2 Cadigal Place is a one and two storey dwelling house that has a primary frontage to Military Road and extensive terraces at the rear along the boundary to Cadigal Place. Views are present across the side (Cadigal Place) and rear boundary from ground/first level, lower-ground level and outdoor terraces of the Bondi Beach, the Pacific Ocean, surrounding suburbs and the land and water interface from both seated and standing positions. As demonstrated in the following images, this property has expansive views throughout the entirety of the dwelling.



**Figure 10:** Rear dwelling design of 2 Cadigal Place.





**Figure 11:** Internal lounge and dining area at ground/first floor level, looking south over the side and rear boundaries.



**Figure 12:** Sitting room at ground/first floor level, looking south over the rear boundary



**Figure 13:** Rear courtyard, looking south over the side boundary.



**Figure 14:** Lower ground and swimming pool, looking south over the rear boundary

The Applicant has prepared a series of view loss diagrams from the dining/living room and rear terrace area as follows:



**Figure 15:** View loss photomontage of proposed development from a standing position at the dining and lounge room window on the ground/first floor over the side (Cadigal Place) boundary at 2 Cadigal Place.





**Figure 16:** View loss photomontage of proposed development from a standing position at the rear terrace over the side (Cadigal Place) and rear boundary at 2 Cadigal Place.

As demonstrated in the images above, the proposal will have no adverse impacts upon views from 2 Cadigal Place and the development is satisfactory with regards to the maintenance of views in this regard.

#### 45 Military Road

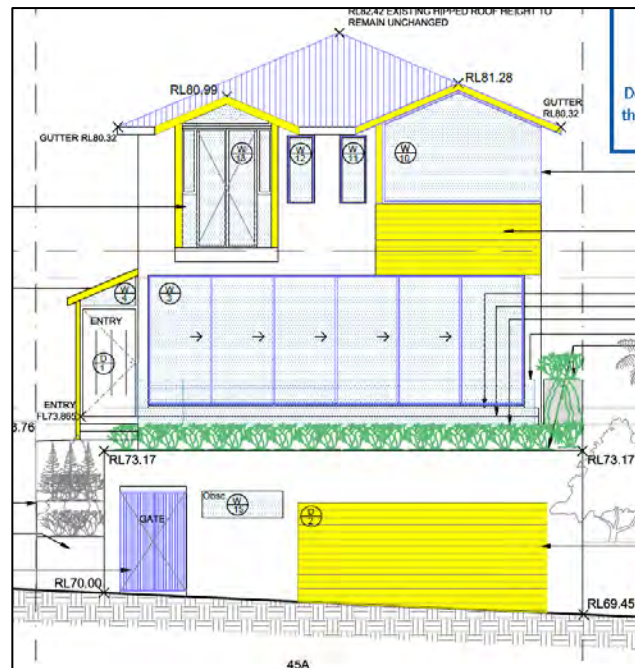
The existing dwelling at 45 Military Road is a two storey dwelling house with a garage at the front of the site. Views are present across the front boundary of the site to Bondi Beach, the Pacific Ocean, surrounding suburbs and the land and water interface. The existing layout of the dwelling is demonstrated in the images below.



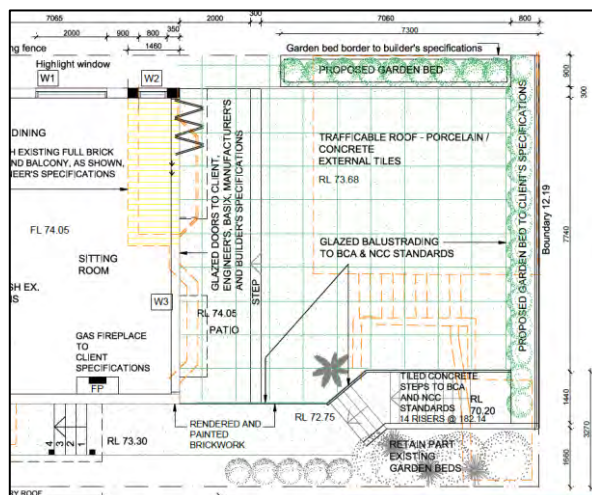
**Figures 8 & 18:** Photographs of existing dwelling demonstrating use of windows on the front façade.



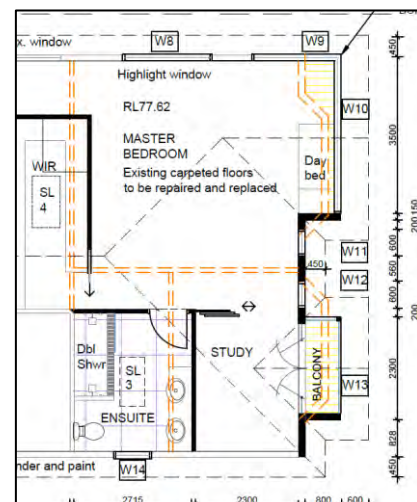
Further to the images above, it is noted that a recent development application has been approved on the site (**DA-103/2021**) to provide a larger garage and terrace above, alter the front façade and provide a study and balcony at the first floor level of the existing ensuite. The approved floor plans of this dwelling have been extracted below:



**Figure 19:** Approved front façade under **DA-103/2021** at 45 Military Road.



**Figure 20:** Approved ground floor plan under **DA-103/2021** at 45 Military Road.



**Figure 21:** Approved first floor plan under **DA-103/2021** at 45 Military Road.

A site inspection of this property was not conducted by the assessing officer however, photographs have been provided by the Owner of 45 Military Road that have been utilised for this view loss assessment.

The existing view present from this dwelling is demonstrated in the following photographs:





**Figure 22:** Existing view from front setback area across the front boundary, looking south. It is acknowledged that this space is to be converted to a trafficable roof above the proposed garage expansion.



**Figure 23:** Existing view from ground floor sitting room (seated position) across the front boundary, looking south. It is acknowledged this window is approved to be converted to a large bifold door.



**Figure 24:** Existing view from ground floor sitting room (standing position) across the front boundary, looking south..





**Figure 25:** Existing view from Bedroom on first floor level across the front boundary, looking south. It is acknowledged this window is to be enlarged with the approved development.



**Figure 9:** Existing view from ensuite on first floor level across the front boundary, looking south.

View loss diagrams were unable to be prepared for this property as the issue was raised in a late submission received. A review of the proposed elevation and section diagrams demonstrate that the dwelling would be sited slightly higher than the roof of the existing garage in the location of the area shaded red in the following image:

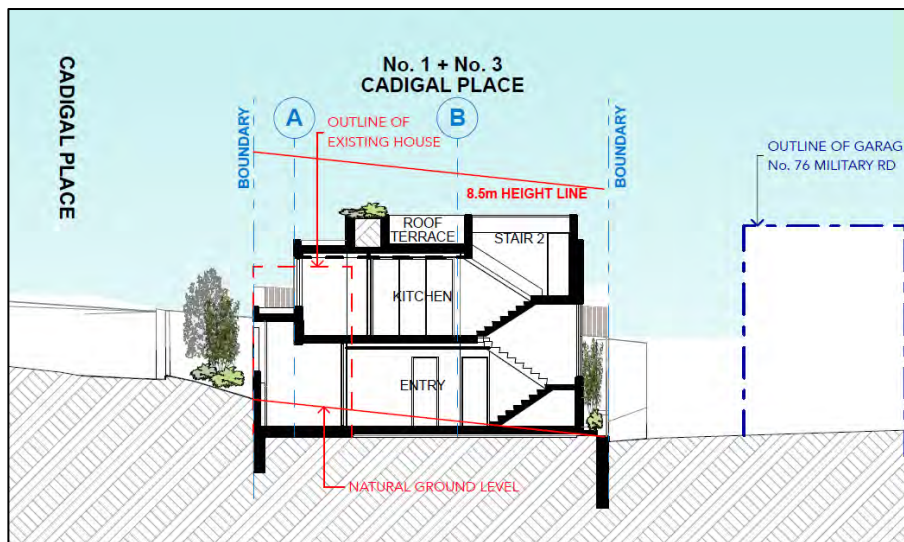


**Figure 27:** Approximate location of proposed development in relation to existing garage on subject site as viewed from the front setback area of 45 Military Road (zoomed in, looking south).

A deep planter box is to be installed along the north-eastern and north-western boundaries of the roof terrace to reduce overlooking impacts across to 2 Cadigal Place and properties along Military Road. This



planter box is indicated to be planted with a mix of succulents, including 25x *Carpobrotus glaucens*, 20x *Casuarina* cousin it, 15x *Aptenia cordifolia*, 10x *Crassula blue bird* and 5x *Agave attenuate*. Majority of these species are ground cover however, the *Crassula blue bird* would grow to a mature height of 500mm and the *Agave attenuate* would grow to a mature height of 800mm. Section B is taken towards the front of the property which demonstrates that this roof terrace, planter box and mature height of associated plants are likely to remain well under the 8.5m maximum building height development standard applicable to the site.



**Figure 28:** Section B demonstrating the height of the proposal (including roof terrace and planter box) towards the front of the dwelling.

Therefore, review of the above images and submitted documentation demonstrates that the proposal will result in no view loss impacts for this property. However, despite the absence of view impacts, it is recommended that the planter box upon the roof terrace be deleted as this would set an undesirable development precedence for future roof terrace development along this lower part of Military Road that may have the potential to impact upon views.

This was discussed with the Applicant and it is argued that in the absence of view impacts, planter boxes may be placed upon roof terraces to soften the roofscape appearance as it is highly visible from surrounding properties. Such a roof terrace exists at 3 Wentworth Street located approximately 200m south of the subject site. While this position is agreed, the example of 3 Wentworth Street represents a different context to the site context of the subject site and surrounds.

Therefore, a condition is recommended to be imposed for the planter box on the roof terrace to be deleted.

### *Swimming Pools*

A swimming pool is proposed for each dwelling that is suitable for reasons discussed below.



### **Dwelling A**

The swimming pool for this dwelling on the upper level of the dwelling is proposed off the terrace towards the south-eastern boundary on the first floor level. The location of this swimming pool is adjacent to the existing front setback area and balcony located off a bedroom on the first floor level of the adjoining property at 76 Military Road. The location of this swimming pool is considered to be acceptable in the site circumstances for the following reasons:

- There would be no overlooking impacts from the use of this pool to 76 Military Road as once a user is in the water, their line of sight would be close to that of the RL of the swimming pool. Furthermore, planting is proposed along the south-eastern boundary along the swimming pool to further reduce any overlooking impacts.
- Noise generated from the use of this swimming pool is not anticipated to exceed levels that would be incompatible with the R2: Low Density Residential zoning of the site and surrounds as the swimming pool is to be utilised by the one occupancy only.
- The location of the swimming pool is not considered to have any unreasonable impacts upon the future development potential of the adjoining property at 76 Military Road for the reasons stated above.

Furthermore, the reasoning provided by the applicant (section 1.5 of this report) as to why this swimming pool cannot be relocated to the area of the proposed green roof is considered to be satisfactory and generally agreed with.

### **Dwelling B**

The swimming pool for this dwelling on the lower level is provided within the rear setback area. This swimming pool is adequately setback from the side boundaries and would be screened along the south-eastern side boundary adjoining 76 Military Road. The proposed swimming pool is satisfactory.

### ***Landscaping & Tree Removal***

Detailed landscape plans were submitted with the original application that demonstrate extensive landscaping across the site. The application also seeks consent for tree removal to accommodate the proposed development.

The application was referred to Council's Tree Management Officer who completed an inspection of the site and concluded that there were no trees of any significance within the property boundaries worthy of retention and their removal is supported. However, situated on the naturestrip down the side of the property in Cadigal Place are a mix of Callistemon and Banksia trees that are recommended to be retained and protected for the duration of the construction works.

The landscape plans demonstrate an existing Banksia (labelled as T6) that is located at the centre of the proposed driveway that is proposed to be removed. It is not considered reasonable to require this tree at this location to be retained. Council's Tree Management Officer provided a further comment to confirm that removal of the dead Banksia trees and the Banksia labelled T6 on the landscape plans is



supported, subject to a condition requiring two new replacement Banksia trees to be planted on either side of the driveway on Cadigal Place with a minimum pot size of 45 litres when planted.

Therefore, the proposed tree removal is acceptable, subject to recommended conditions.

## 2.2. Other Impacts of the Development

The proposal is considered to 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 suitable for the proposal.

## 2.4. Any Submissions

The application was notified for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- Size of swimming pool decreased; and
- Driveway width reduced and amended to a single crossover only.

A total of 19 submissions were received on behalf of 17 properties, whereby 6 were unique. This includes one submission received in response to the amended plans that were not formally renotified.

**Table 4: Number of and where submissions were received from.**

Count	Property Address
1.	45 Military Road, DOVER HEIGHTS
2.	2 Cadigal Place, DOVER HEIGHTS (2x unique submissions)
3.	4-12 Cadigal Place, DOVER HEIGHTS
4.	1/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
5.	2/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
6.	3/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
7.	5/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
8.	6/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
9.	7/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
10.	8/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
11.	9/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
12.	10/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
13.	12/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
14.	14/4-12 Cadigal Place, DOVER HEIGHTS (same submission)



15.	15/4-12 Cadigal Place, DOVER HEIGHTS (same submission)
16.	16/4-12 Cadigal Place, DOVER HEIGHTS (2 x same submission)
17.	144 Clyde Street, NORTH BONDI

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- FSR non-compliance/overdevelopment;
- Bulk and scale;
- Front building line;
- View loss;
- Privacy; and
- Tree removal.

All other issues raised in the submissions are summarised and discussed below.

#### **Issue: Building Height**

- *Building height should not be higher than existing garage.*

**Response:** The development is sited significantly below the maximum building height development standard applicable to the site for majority of the proposed development. It is not reasonable to request that the proposed development extend no higher than the height of the existing garage as the application proposes a complete redevelopment of the site. Furthermore, the development maintains a two storey height and appearance from Military Road that is in-keeping with the character of surrounding development and is an appropriate response to the topography of the site and surrounds.

#### **Issue: Traffic**

- *Traffic on Cadigal Place and proximity to Over 55's Retirement Village at 4-12 Cadigal Place.*
- *Temporary No Stopping signs to be erected during the build phase, on the western side of Cadigal Place from Military Road down past the driveway entry point to the basement carpark.*
- *No workers vehicles be allowed to park in Cadigal place during the construction. The road is very narrow and parking in this road would create danger, could be life threatening and cause undue stress for all surrounding residents.*
- *The road is unsuitable for delivery trucks or, Utes to be parked on one side as this restricts access and causes vision loss and danger. The result would be vehicles parking on the sidewalk, and this would also create a danger to pedestrians.*
- *That no delivery or concrete trucks be allowed to offload goods or product from Cadigal Place for the same reasons as above.*

**Response:** Council's Traffic & Development Department have recommended a condition be imposed for a Construction Traffic & Pedestrian Management Plan to be prepared and approved by Council's Traffic



Department prior to the issue of a Construction Certificate that would address traffic and pedestrian issues during construction.

- *If the current driveway at 78 Military Road is removed vehicles may then be given to parallel park on the south side of Military Road outside No.78.*
- *Visibility is already bad and severely restricted while accessing Military Rd from Cadigal Place in either direction. This parking will further significantly hamper visibility and pose dangerous conditions.*
- *Request an increase from the standard 6 meter No Stopping at a side road egress to a 12 meter No Stopping Zone to decrease this poor visibility issue.*

**Response:** The amended proposal has been reviewed by Council's Traffic & Development Department who have not raised concerns regarding the above.

- *The traffic plan is clearly flawed: Vehicle sweep paths are based on vehicles being parked on the sidewalk. This is obviously unacceptable to expect cars to be parked on the sidewalk. There should be no reason why the garage entry should not remain on Military road as is most other homes located on Military road. Cadigal place is a narrow road with an entrance to a major underground parking garage housing over 20 vehicles and adding 4 more vehicles with two driveways is unnecessary and creates risk to residents already utilising this limit and narrow street.*

**Response:** A review of the Traffic and Transport Management Plan has been undertaken and the error in the diagram is noted however, it is considered that adequate information has been provided to accurately assess the traffic impacts of the development application. Council's Traffic & Development Department have raised no concerns regarding the proposal.

#### **Issue: Landscaping & Trees**

- *On the South / Western Boundary - Plumeria acutifolia Frangipani 200L 4000 – These trees grow to over 4 metres and will affect all surrounding residences.*
- *3 x Magnolia teddy bear Teddy bear 200L, these also grow to a height of over 4 metres and whilst the developer has placed them on the side of their property so that they do not obstruct the view of the proposed development they have no regard for the impact they will have on the other surrounding houses.*

**Response:** These trees are located in the rear garden area of Dwelling B at RL 61.00. These trees would have a mature height of 4m. The height of these trees are not considered to adversely impact upon surrounding properties, with particular reference to 2 Cadigal Place, given that the paved rear setback area of 2 Cadigal Place has a lowest RL point of RL 66.48 in proximity of their in-ground swimming pool. Therefore, there would be no impact upon views as a result of the placement of these trees that is satisfactory.



**Issue: Other**

- *Rockfall from rear of property to properties on Clyde Street.*

**Response:** The subject site does not adjoin the cliff face as this land belongs to 76 Military Road. Standard conditions are recommended to be imposed on the consent with regards to sediment and erosion control, should the application be approved.

- *We request that a tall wall be erected between the southern boundary line of 78 Military Road and the 7 metre boundary to our fence at the top cliff end of our property for both privacy and security reasons.*

**Response:** The above request is unreasonable as this will cause adverse bulk and scale impacts. Furthermore, the subject site does not directly adjoin 144 Clyde Street as this land belongs to 76 Military Road.

- *The adjoining property at 76 was the owner of this property prior to sale to the developer and therefore was an interested party.*

**Response:** The above statement is irrelevant to the assessment of the proposed development.

- *A dilapidation report is essential.*

**Response:** A standard condition is recommended to be imposed with regards to dilapidation reports.

- *No waste bins are to be allowed in Cadigal Place and should be placed in Military Road.*

**Response:** The development application provides a new development that is solely reoriented to Cadigal Place therefore, Cadigal Place becomes the site's primary street frontage. It is unreasonable to request that waste be collected from Military Road as the development has been designed to front this existing secondary street. It is anticipated waste will be collected from Cadigal Place in the same manner waste is collected from other properties in Cadigal Place.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Traffic and Development

*See comments in Section 2.1.3 of this report.*

### 3.2. Tree Management

*See discussion in Section 2.1.3 of this report.*



### 3.3. Public Domain

The amended plans and documentation have been reviewed by Council's Public Domain Engineer who has provided the following relevant comments:

*The proposed kerb return at the corner of Military Road and Cadigal Place as shown on the architectural plans is NOT supported. This would have an adverse effect on the Council's existing drainage system along Military Road.*

*It is noted that the existing kopper log timber retaining wall located outside the property will be left in place as well as the concrete block retaining wall inside the property along Cadigal Place frontage (refer to structural letter dated 21 June 2021). Further assessment the submission, in order to accommodate for the proposed driveway, the existing retaining wall along Cadigal Place must be partially demolished. As a result, the existing retaining wall must be fully removed and reconstructed on the property boundary.*

*The stepping stones within Council road reserve are not permitted along the full frontage of the subject site, including edges of the driveway or at any entry points to the development.*

The above comments are noted and conditions recommended to be imposed by Council's Public Domain Officer are recommended to be included in the Conditions of Consent.

### 3.4. Stormwater

*See comments in Section 2.1.3 of this report.*

### 3.5. Land Information/GIS

Council's GIS Analyst has recommended that the following numbering be applied to the site:

*The primary address number and location for the common property strata:*

- 1 Cadigal Place - primary address site (Common property strata)

*As the redevelopment has sub-address sites the following sub-addressing will apply;*

- No. 1A Cadigal Street for the fill in –north/eastern;
- No. 1B Cadigal Street for the fill in - south/western.

Therefore, the proposed numbering of the dwellings as 1 Cadigal Place and 3 Cadigal Place is not supported.

## 4. CONCLUSION

The development application, as amended, seeks consent for demolition of existing structures; construction of a new dual occupancy with integrated parking and swimming pool; and Strata subdivision at the site known as 78 Military Road, DOVER HEIGHTS.

The principal issues arising from the assessment of the application are as follows:

- FSR non-compliance;
- External wall height non-compliance;
- View loss;



- Privacy; and
- Tree removal and landscaping.

The assessment finds these issues acceptable as the development maintains strict compliance with Council's maximum building height development standard and has been sited to respond to the sloping topography of the site. The development results in no impact upon views from surrounding properties and privacy is considered to be reasonably maintained. Conditions of consent are recommended to be imposed for the planter box at the roof terrace be deleted and for two new replacement trees be planted on Council's road reserve fronting Cadigal Place.

A total number of 19 submissions were received on behalf of 17 properties, whereby 6 were unique (including 1 submission received in response to the amended plans that were not formally renotified). The issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of consent.

***Development and Building Unit (DBU) Decision:***

The application was reviewed by the DBU at the meeting on 13 July 2021 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, B Magistrale and K Lucas*

**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:**



Judith Elijah  
**Senior Development Assessment Planner**

**Date:** 9 August 2021

***Reason for WLPP referral:***

1. 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:**



Bridget McNamara  
**Manager, Development Assessment (North/South)**  
**(Reviewed and agreed on behalf of the Development and Building Unit)**

**Date:** 15 August 2021



## **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 Mark Shapiro Architects of Project No: 20006 including the following:

<b>Plan Number</b>	<b>Revision</b>	<b>Plan Description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA0000	B	Cover Page	18/6/21	19 June 2021
DA2000	B	Lower Ground + Ground Floor Plan	18/6/21	19 June 2021
DA2001	B	First Floor and Roof Plan	18/6/21	19 June 2021
DA2002	B	Lower Ground Floor Detail Plan	18/6/21	19 June 2021
DA2003	B	Ground Floor Detail Plan	18/6/21	19 June 2021
DA2004	B	First Floor Detail Plan	18/6/21	19 June 2021
DA2005	B	Roof Detail Plan	18/6/21	19 June 2021
DA2300	B	Major Sections	18/6/21	19 June 2021
DA2301	B	Driveway Sections	18/6/21	19 June 2021
DA2400	B	Elevations	18/6/21	19 June 2021
DA2401	B	Elevations	18/6/21	19 June 2021

- (b) BASIX Certificates
- (c) Draft Strata Plan prepared by Mark Shapiro Architects dated 18/6/21 and received by Council on 19 June 2021
- (d) Schedule of external finishes and colours received by Council on (07/04/2021)
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (07/04/2021)

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) The planter box on the roof terrace is to be deleted to maintain views from properties on Military Road.
- (b) The architectural and landscape plans are to be amended as follows to be consistent with advice provided by Council's Public Domain Engineer:
- (i) The kerb return at the corner of Military Road and Cadigal Place is to be deleted; and
  - (ii) The stepping stones within Council's road reserve fronting Cadigal Place are to be deleted.



- (c) The landscape plans are to be amended to demonstrate the planting of two *Banksia integrifolia* (coast Banksia) replacement trees on the naturestrip at either side of the new driveway. The replacement trees must be a minimum pot size of 45 litres when planted.
- (d) The landscape plans are to be amended to be consistent with the amended architectural plans.

The amendments are to be approved by the **Executive Manager, Development Assessment (or delegate)** prior to the issue of any Construction Certificate. 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. PUBLIC DOMAIN IMPROVEMENTS**

The public domain is to be upgraded along Military Road and Cadigal Place 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 Council, and approved by the **Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate.

- Pedestrian footpath
- Vehicular crossing
- Kerb and gutter
- Stormwater infrastructure
- Retaining wall
- Associated undergrounding works
- Landscape and street tree plantings

## **B. PRIOR TO THE ISSUE OF A 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.

### **GENERAL REQUIREMENTS**

#### **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 and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and 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.

## CONTRIBUTIONS, FEES & BONDS

### 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:
  - (i) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (ii) 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:
  - (i) A development valued at \$100,000 or less will be exempt from the levy.
  - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (iii) 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 any 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.

### 7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$38,000** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any 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 all of works associated with this consent (including the required public works) 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 the Principal Certifying Authority prior to the issue of any 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.

## **CONSTRUCTION MATTERS**

### **9. 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's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

### **10. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

### **11. 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.

### **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, prior to the issue of the relevant Construction Certificate.



## **STORMWATER & FLOODING**

### **13. STORMWATER & PUBLIC INFRASTRUCTURE MANAGEMENT**

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the **Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate.

The submitted stormwater civil plans prepared by R. Balas Consulting P/L, Drawing No. 1823-C01, 1823-C02, 1823-C03, 1823-C04 & 1823-C05, dated 25/03/2021 are considered concept only.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- (a) Additional/updated details of the proposed OSD system and its details are to be submitted.
- (b) The permissible site discharge (PSD) for the property has been determined to be 20 L/s. The stormwater management plan (or supporting documentation) must calculate and note the discharge rate from each OSD system as well as the rate of runoff from the areas bypassing the systems to demonstrate the PSD is not exceeded.
- (c) A sediment control pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. Details are to be included.
- (d) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (e) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system shall be provided.
- (f) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location are to be provided.
- (g) Where the stormwater disposal system is being connected into an existing below ground kerb inlet pit or stormwater conduit, a long section of the connection (drawn at a suitable scale) must be provided and its details must be included (e.g. the chainage/location of existing services crossing and the clearances, existing surface levels and obvert and invert of any pipe).
- (h) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- (i) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300 mm wide by 150 mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- (j) Any proposed pump out system shall be designed in accordance with AS/NZS 3500.3:2018.



- (k) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- 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.
- Prior to commencement of works a security deposit will be made payable to Council to ensure 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 infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 72 hour's notice must be provided to Council prior to inspection.

#### **14. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, 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 subject development.

### **PUBLIC DOMAIN**

#### **15. BASIX**

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 must be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:

- (a) Footpath, Kerb and Gutter: The existing pedestrian footpath, footpath steps, kerb and gutter, and nature strip traversing Military Road frontage to be reconstructed and upgraded 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, kerb and gutter profiles to



include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.

- (b) Retaining Wall: the existing retaining wall along Cadigal Place frontage must be removed and a new structural retaining wall shall be constructed on the property boundary. Full structural details of the wall along with a design certificate shall be submitted to Council.
- (c) Street Tree: A minimum two street trees must be planted along Military Road frontage. All new trees proposed within the Council verge will require the installation as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing.
- (d) The construction of the access stone steppers along the driveway edges, any entries to the premises and within Councils road reserve along the full frontage of the site is NOT permitted. The new pedestrian access entry points shall be constructed in a 1.2m wide plain concrete in accordance with Councils requirements and satisfaction.
- (e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity pillars within the Council's public domain to support the new development. Utility Pillars will need to be placed within the private property within a dedicated easement.

Note: Council's contact for public domain: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **16. BASIX**

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

## **WASTE**

### **17. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

## **LANDSCAPING & TREES**

### **18. GREEN ROOF LANDSCAPING DETAILS**

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* including;



- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

## **C. COMPLIANCE PRIOR TO WORK COMMENCING 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.

### **PRIOR TO ANY WORKS**

#### **19. 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.

#### **20. DILAPIDATION REPORT**

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

### **DEMOLITION & EXCAVATION**

#### **21. 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 2017;
- 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:

- Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- Confirm that no asbestos products are present on the subject land; or
- 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)
- Describe the method of demolition;
- Describe the precautions to be employed to minimise any dust nuisance; and
- Describe the disposal methods for hazardous materials.

## **22. CONTROL OF DUST ON CONSTRUCTION SITES**

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

- 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 (e.g.: 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.
- 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.

## **23. 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.

## **24. 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.



## **CONSTRUCTION MATTERS**

### **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 Environment Operations (Noise Control) Regulation 2017.

### **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 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.

### **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. 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.

## **TREE PROTECTION AND REMOVAL**

### **31. REPLACEMENT STREET TREES**

The applicant may remove the two (2) dead Banksia trees and T6 on the Landscape plan (Banksia) at their expense. Two (2) replacement trees are to be planted on the naturestrip either side of the new driveway. The trees are to be a two (2) *Banksia integrifolia* (coast Banksia) and must be a minimum pot size of 45 litres when planted. The trees are to be planted by a horticulturist (Min qualification AQF Level 3).

### **32. TREE BOND (NEW STREET TREES ON CADIGAL PLACE)**

A bond of **\$1,000.00** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the newly planted two (2) *Banksia integrifolia* (coast Banksia) the naturestrip. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded three (3) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

### **33. TREE BOND (EXISTING TREE ON MILITARY ROAD)**

A bond of **\$5,000.00** 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 street tree at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

### **34. TREE PROTECTION**

All trees on site and adjoining properties, including street trees are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.



### 35. STREET TREES TO BE RETAINED/TREE PROTECTION

The existing *Callistemon* and *Banksia* trees down the side of the property in Cadigal Place, Dover Heights (labelled T5, T7, T8 and T9 on the landscape plans) **are to be protected for the duration of the construction works.**

**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.

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.

No existing street trees shall be removed without Council approval. A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

### **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

#### 36. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of **Council's Executive Manager, Infrastructure Services, or delegate** prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

#### 37. NEW VEHICLE CROSSING

A new shared vehicle crossing is to be provided to access the proposed garages. The new vehicle crossing is to be 6.0 metres wide with 0.45 metre splays at the street.

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.

#### 38. EXISTING VEHICLE CROSSING IS TO BE CLOSED

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council



#### **39. VEHICULAR 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

#### **40. 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 Infrastructure Engineer for the kerb and gutter, stormwater, footpath paving, undergrounding works, street trees and landscaping hold points.

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.

### **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION 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 an Occupation Certificate or Subdivision Certificate, whichever applies.

#### **41. 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.

#### **42. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **43. CERTIFICATION OF STORMWATER SYSTEM**

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.

#### **44. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, any detention facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.



- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

#### **45. ON-SITE STORMWATER DETENTION CERTIFICATION**

The submission of certification by a suitably qualified and practising Engineer for any on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of any Occupation Certificate.

#### **46. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**

A “Restriction on the Use of Land” and “Positive Covenant” shall be created for any On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that any OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove any OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by **Executive Manager, Infrastructure Services (or delegate)** prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

#### **47. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of any pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of any pump out system. Evidence shall be submitted to the **Executive Manager, Infrastructure Services or delegate** prior to the issue of the Occupation Certificate.

#### **48. SUPERVISING ENGINEER FINAL CERTIFICATE & WORK-AS-EXECUTED PLAN – 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.

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

#### **49. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**

Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council’s satisfaction.



## **50. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**

Prior to the pool being used, the following must be provided;

- (a) Certification that the pool has been constructed in accordance with the consulting engineers design
- (b) Evidence that the swimming pool/outdoor spa have been registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>)
- (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council
- (d) A copy of the occupation certificate must be submitted to Council

Note: Swimming/spa pool pumps are restricted from use 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 2017.

## **51. STREET NUMBERS**

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.

## **52. ALLOCATION OF STREET NUMBER**

The primary address number and location for the common property strata:

- 1 Cadigal Place - primary address site (Common property strata)

The redevelopment or subdivision of the property requires the allocation of street numbers as follows:

- No. 1A Cadigal Place for the north/eastern (upper levels);
- No. 1B Cadigal Place for the south/western (lower levels).

Any variation to the above street numbering requires a new application to be lodged with Council.

## **E. 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.

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.



- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

## **AD2. 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.

## **AD3. 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](http://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.

## **AD4. 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.

#### **AD5. EXCAVATION TO BE LIMITED**

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

#### **AD6. 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.

#### **AD7. SYDNEY WATER CERTIFICATE**

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.**

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.

#### **AD8. SITE RECTIFICATION WORKS**

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
  - (a) make the building/site safe and of an appearance acceptable to Council.
  - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
  - (d) AND to call on such bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

#### **AD9. RAINWATER HARVESTING AND REUSE**

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.



#### **AD10. 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 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 Councils Infrastructure 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.

#### **AD11. 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.

Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission.

#### **AD12. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**

Prior to commencement of the public domain works notice shall be submitted to Councils Infrastructure 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.

#### **AD13. 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.

#### **AD14. COMPLETION OF PUBLIC INFRASTRUCTURE WORKS**

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.

**AD15. WORK OUTSIDE PROPERTY BOUNDARY**

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



PROPOSED DUAL OCCUPANCY

78 Military Road Dover Heights Sydney  
NSW 2030

DRAWING No	DRAWING NAME	SCALE	REV
DA0000	COVERPAGE		B
DA1000	SITE PLAN	1:400	B
DA1100	SITE ANALYSIS AND LOCATION PLAN		B
DA2000	LOWER GROUND + GROUND FLOOR PLAN	1:200	B
DA2001	FIRST FLOOR AND ROOF PLAN	1:200	B
DA2002	LOWER GROUND FLOOR DETAIL PLAN	1:100	B
DA2003	GROUND FLOOR DETAIL PLAN	1:100	B
DA2004	FIRST FLOOR DETAIL PLAN	1:100	B
DA2005	ROOF DETAIL PLAN	1:100	B
DA2300	MAJOR SECTIONS	1:200	B
DA2301	DRIVEWAY SECTIONS	1:50	B
DA2400	ELEVATIONS	1:200	B
DA2401	ELEVATIONS	1:200	B
DA9000	STREETSCAPE AND SETBACK DIAGRAM	1:200	B
DA9001	GFA CALCULATION	1:200	B
DA9002	HEIGHT PLANE DIAGRAM	1:200	B
DA9100	SHADOW DIAGRAMS	1:500	B
DA9101	SHADOW DIAGRAMS 3D		B
DA9200	VIEW ANALYSIS		B
DA9201	PHOTOMONTAGE		B
DA9202	VIEW ANALYSIS DINING+LOUNGE		B
DA9203	VIEW ANALYSIS LIVING+SITTING		B
DA9300	EXTERNAL FINISHES		B
DA9400	DRAFT STRATA PLAN	1:200	B
DA9500	LANDSCAPE PLAN CALCULATIONS		B
DA9600	NOTIFICATION PLAN	1:400	B



DEVELOPMENT APPLICATION

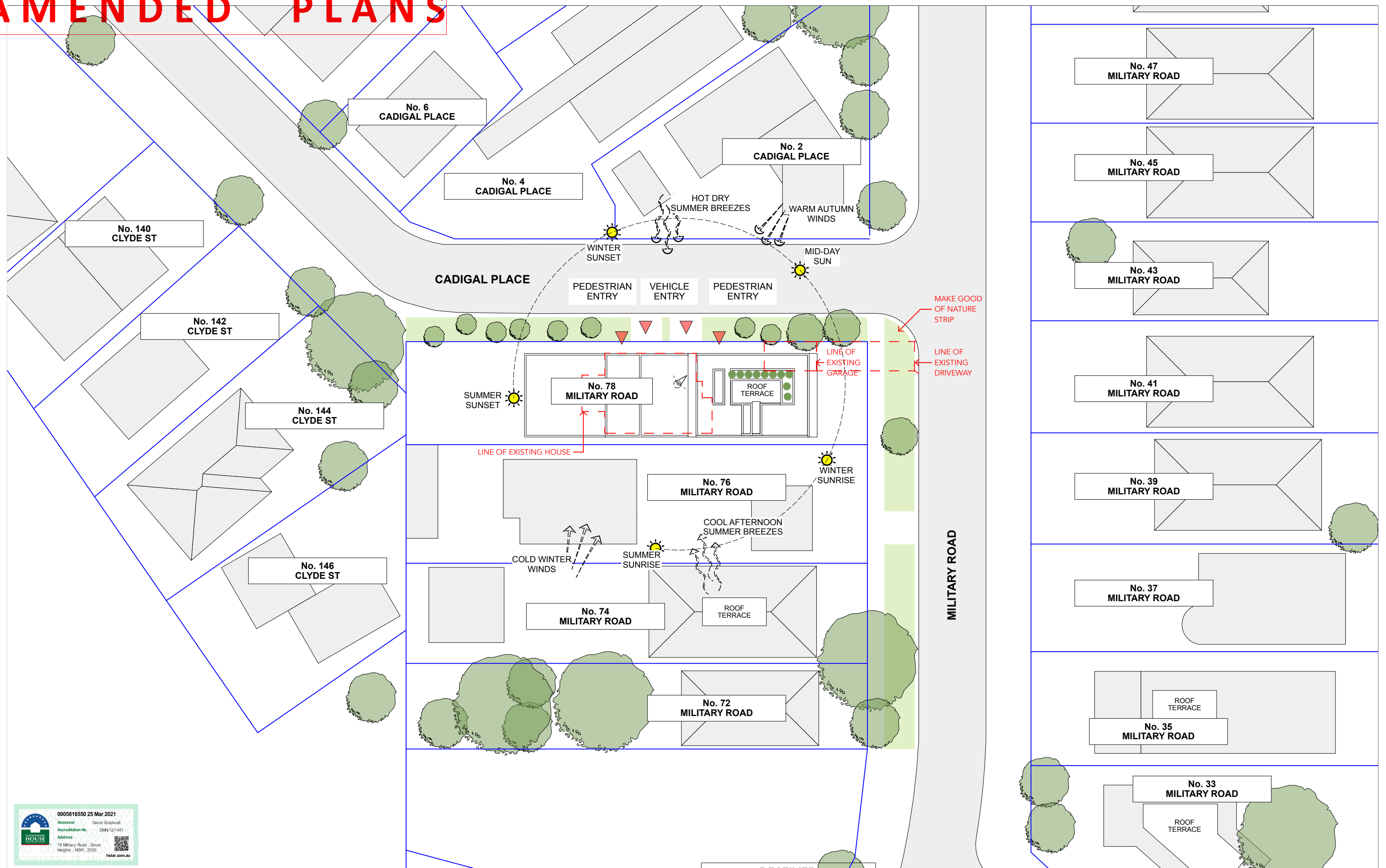
B	18/6/21	ISSUE TO COUNCIL
A	11/6/21	DA ISSUE TO COUNCIL
P2	16/2/21	ISSUE TO CONSULTANTS
ISSUE	DATE	REVISION

RECEIVED  
Waverley Council  
  
Application No: DA-115/2021  
  
Date Received: 29/06/2021

CLIENT: Cadigal Number 1 Pty Ltd	PROJECT: PROPOSED DUAL OCCUPANCY 78 Military Road Sydney NSW 2030 DRAWING: COVERPAGE	PROJECT NO: 20006 PLOTTED: 28/6/21 DRAWING NO: DA0000 REV: B
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# AMENDED PLANS



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A	11/6/21	DA ISSUE TO COUNCIL
P2	16/2/21	ISSUE TO CONSULTANTS
ISSUE	DATE	REVISION

RECEIVED  
Waverley Council  
Application No: DA-115/2021  
Date Received: 29/06/2021

CLIENT:  
Cadigal Number 1  
Pty Ltd

PROJECT:  
PROPOSED DUAL OCCUPANCY  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
SITE PLAN

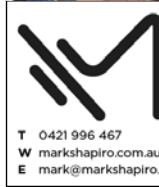


PROJECT NO:  
20006  
PLOTTED: 28/6/21  
DRAWING NO:  
DA1000  
REV: B



# AMENDED PLANS





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P2	16/2/21	ISSUE TO CONSULTANTS

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**Waverley Council**  
**Application No: DA-115/2021**

CLIENT:  
Cadigal Number 1  
Pty Ltd

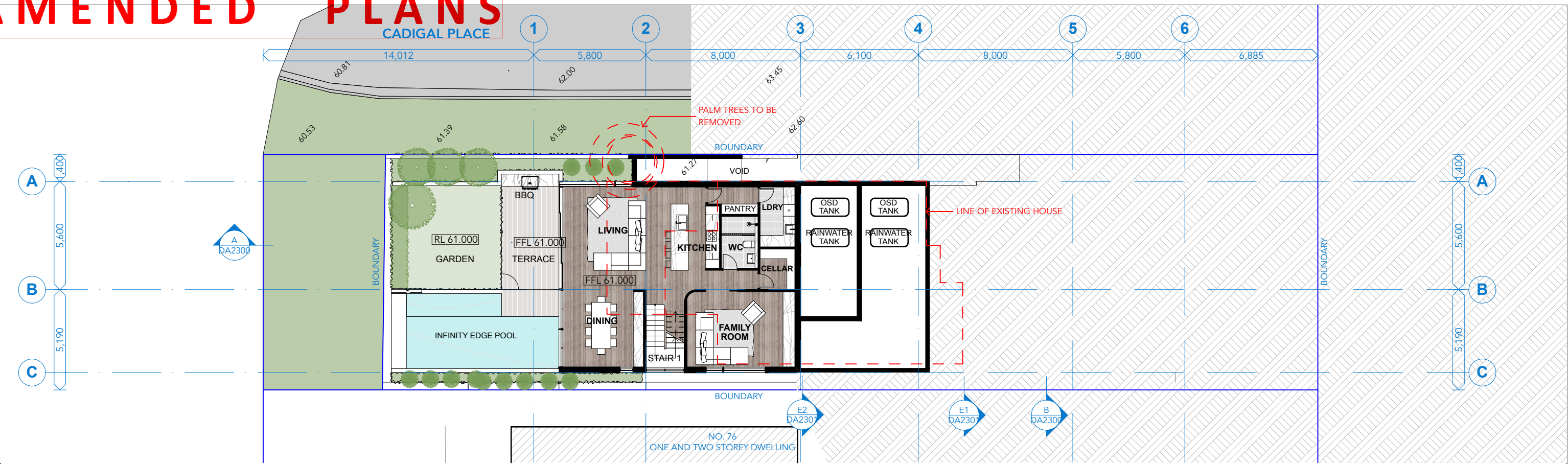
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**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
**SITE ANALYSIS AND LOCATION PLAN**



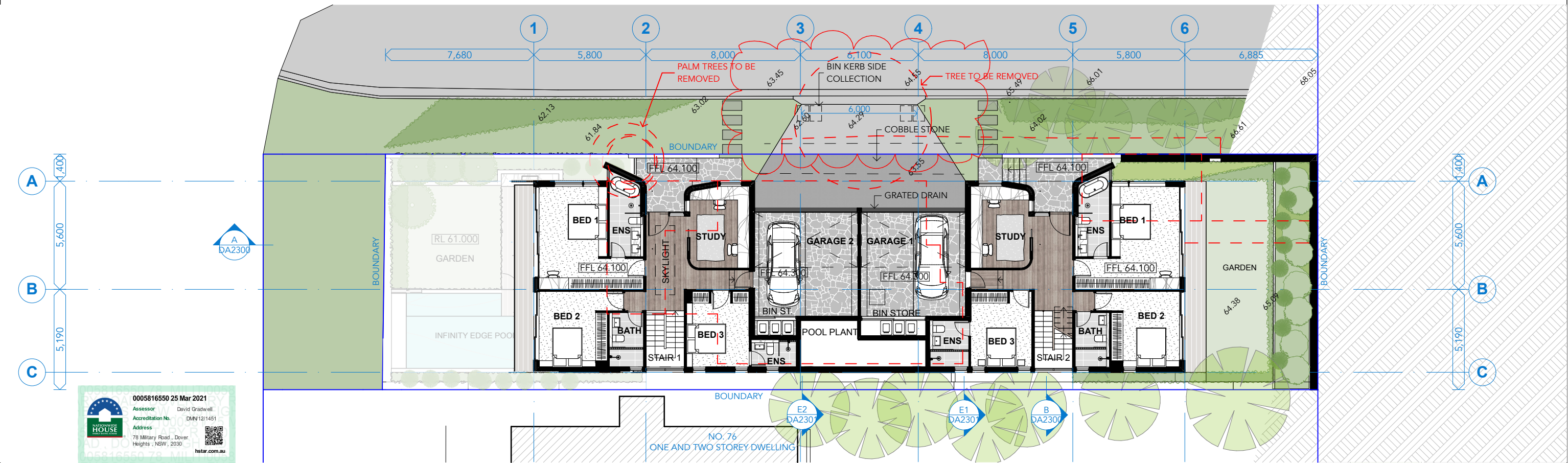
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**20006**  
PLOTTED: 28/6/21  
DRAWING NO:  
**DA1100**  
REV:  
**B**



# AMENDED PLANS



1 LOWER GROUND 1:200



2 GROUND FLOOR 1:200

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P5	23/3/21	ISSUE TO CONSULTANTS
ISSUE	DATE	REVISION

RECEIVED  
Waverley Council  
Application No: DA-115/2021  
Date Received: 29/06/2021

**BASIX water commitments** include:  
Showers low flow 6 to 7.5 L/min  
Toilets 4 star  
Taps 3 star  
2500L individual rainwater tanks each collecting at least 120m2 of roof and used for landscape and cold tap in laundry  
**BASIX energy commitments** include:  
5 star instantaneous gas hot water  
Air-conditioning 1 phase 2.5 star heating/ cooling (zoned)  
Gas cook top & electric oven  
2.5kW solar electric (PV) each dwelling

CLIENT:  
**Cadigal Number 1 Pty Ltd**

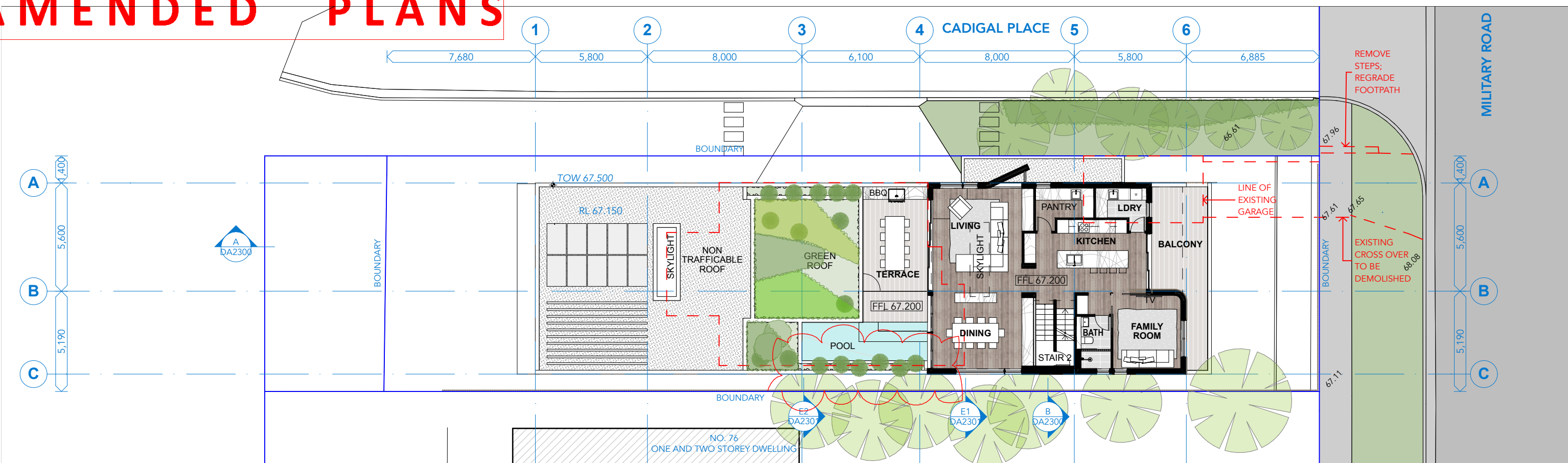
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**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030

DRAWING:  
**LOWER GROUND + GROUND FLOOR PLAN**

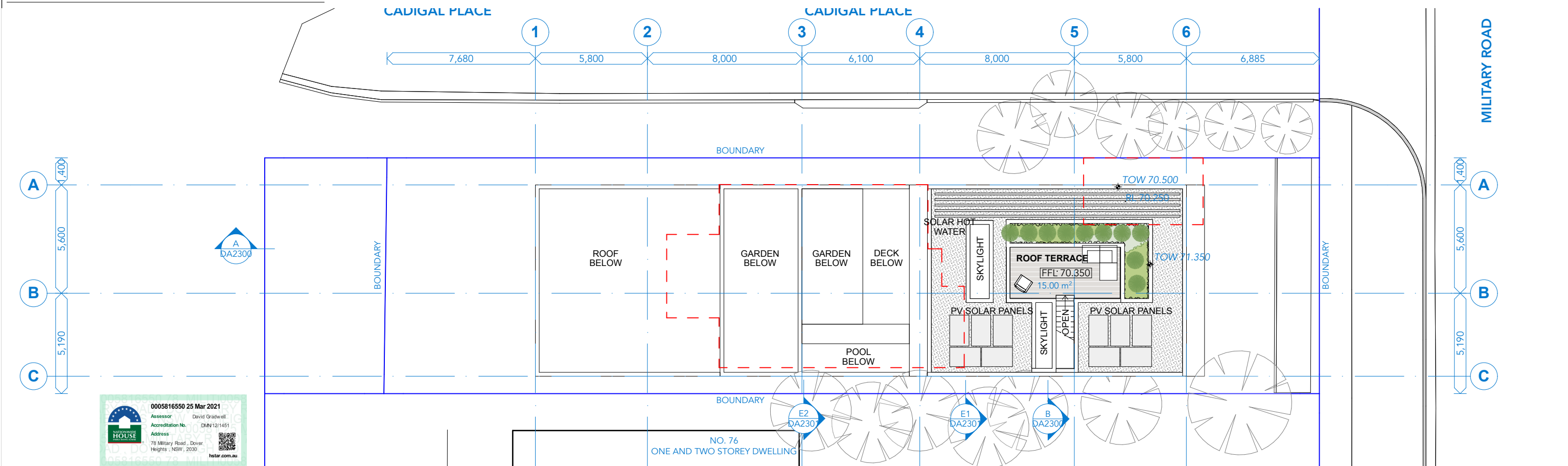
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**20006**  
PLOTTED: 28/6/21  
DRAWING NO:  
**DA2000**  
REV: **B**



# AMENDED PLANS



1 FIRST FLOOR 1:200



2 ROOF LEVEL 1:200



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**Application No: DA-115/2021**  
**Date Received: 29/06/2021**

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Gas cook top & electric oven  
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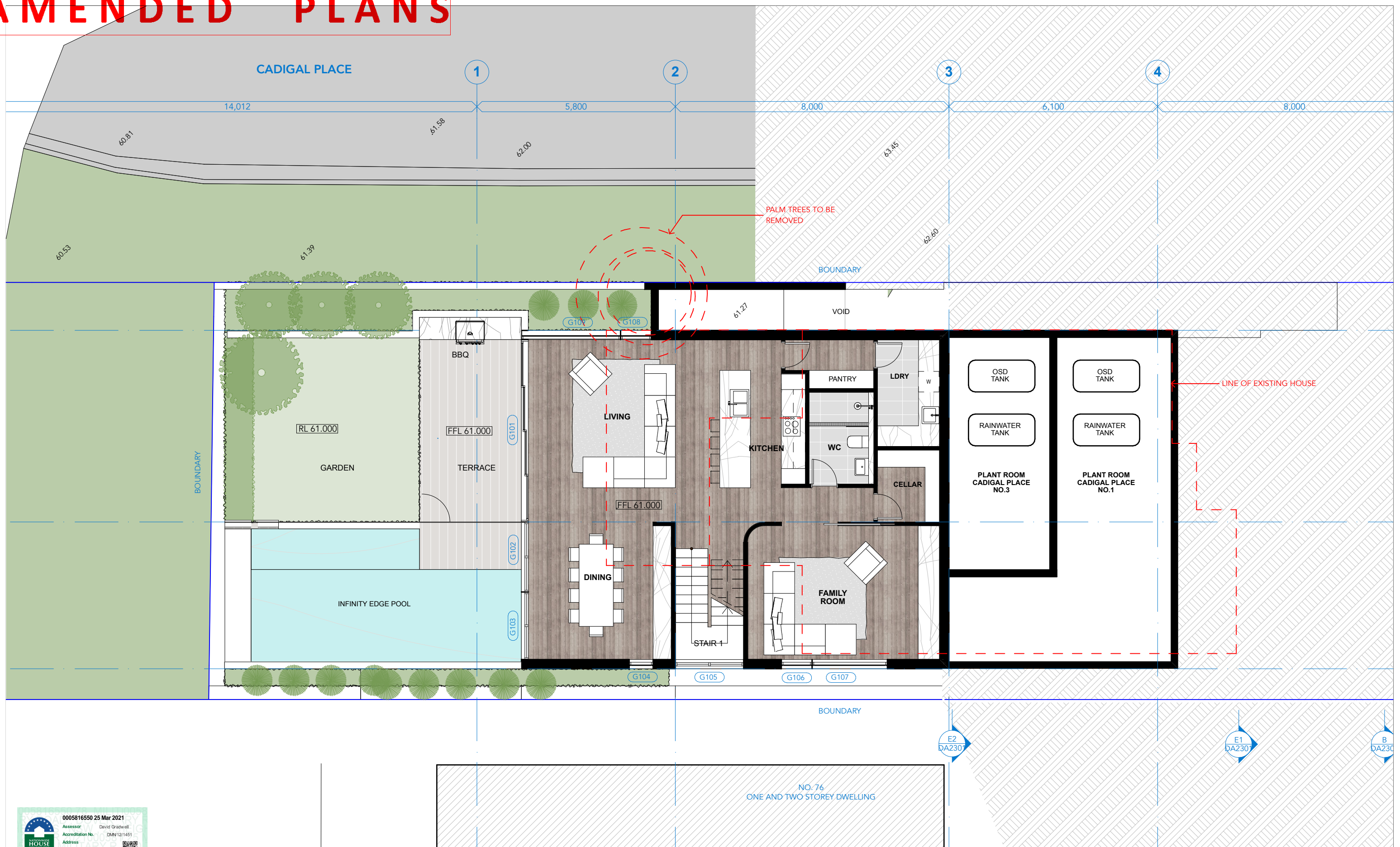
CLIENT:  
**Cadigal Number 1 Pty Ltd**

PROJECT:  
**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
**FIRST FLOOR AND ROOF PLAN**

PROJECT NO:  
**20006**  
PLOTTED: 28/6/21  
DRAWING NO:  
**DA2001**  
REV:  
**B**



# AMENDED PLANS



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**Date Received: 29/06/2021**

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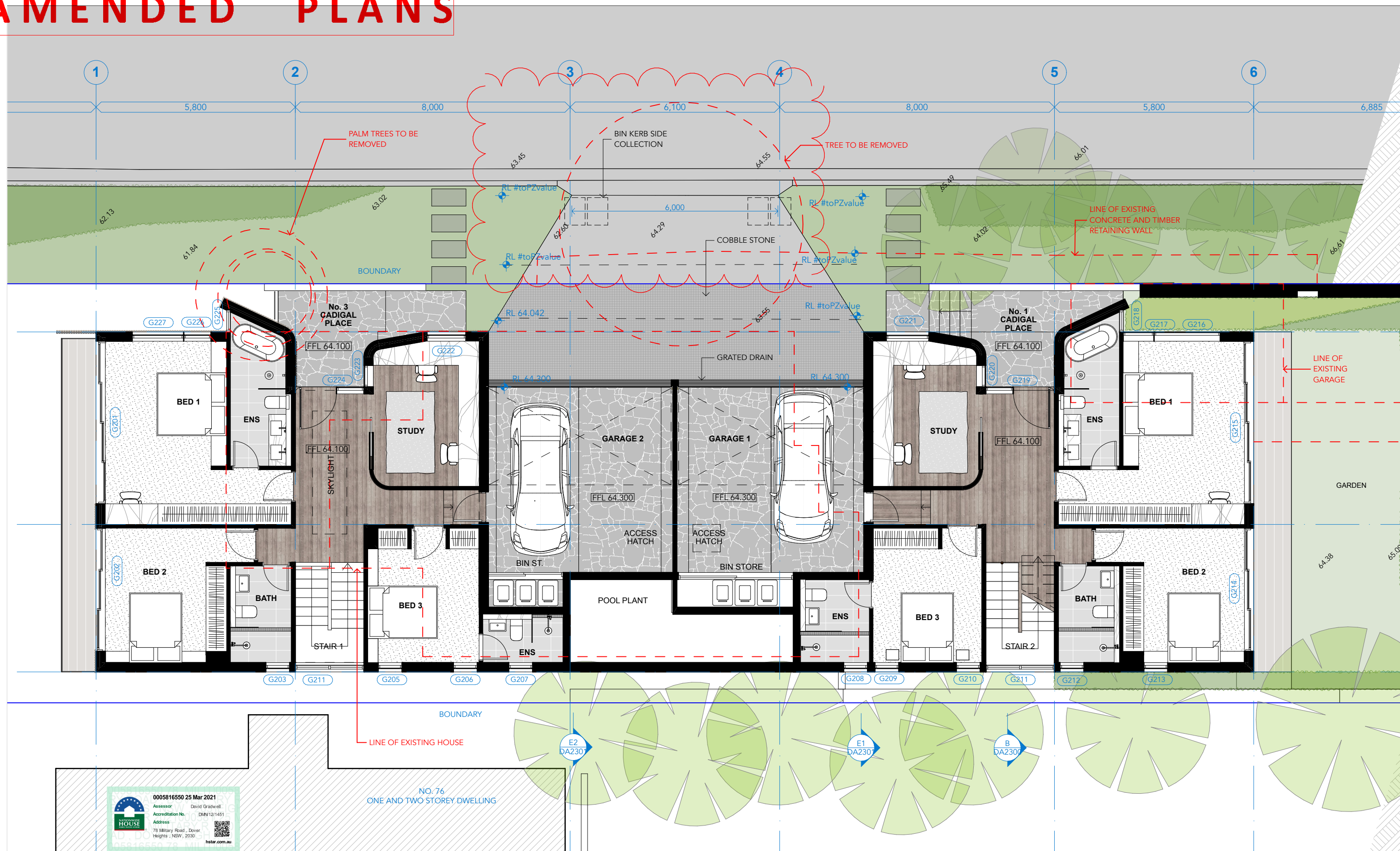
CLIENT:  
**Cadigal Number 1 Pty Ltd**

PROJECT:  
**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
**LOWER GROUND FLOOR DETAIL PLAN**

PROJECT NO:  
**20006**  
PLOTTED: 28/6/21  
DRAWING NO:  
**DA2002**  
REV: **B**



# AMENDED PLANS



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ISSUE	DATE	REVISION
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P6	23/3/21	ISSUE TO CONSULTANTS

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**Waverley Council**  
**Application No: DA-115/2021**  
**Date Received: 29/06/2021**

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CLIENT:  
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**Pty Ltd**

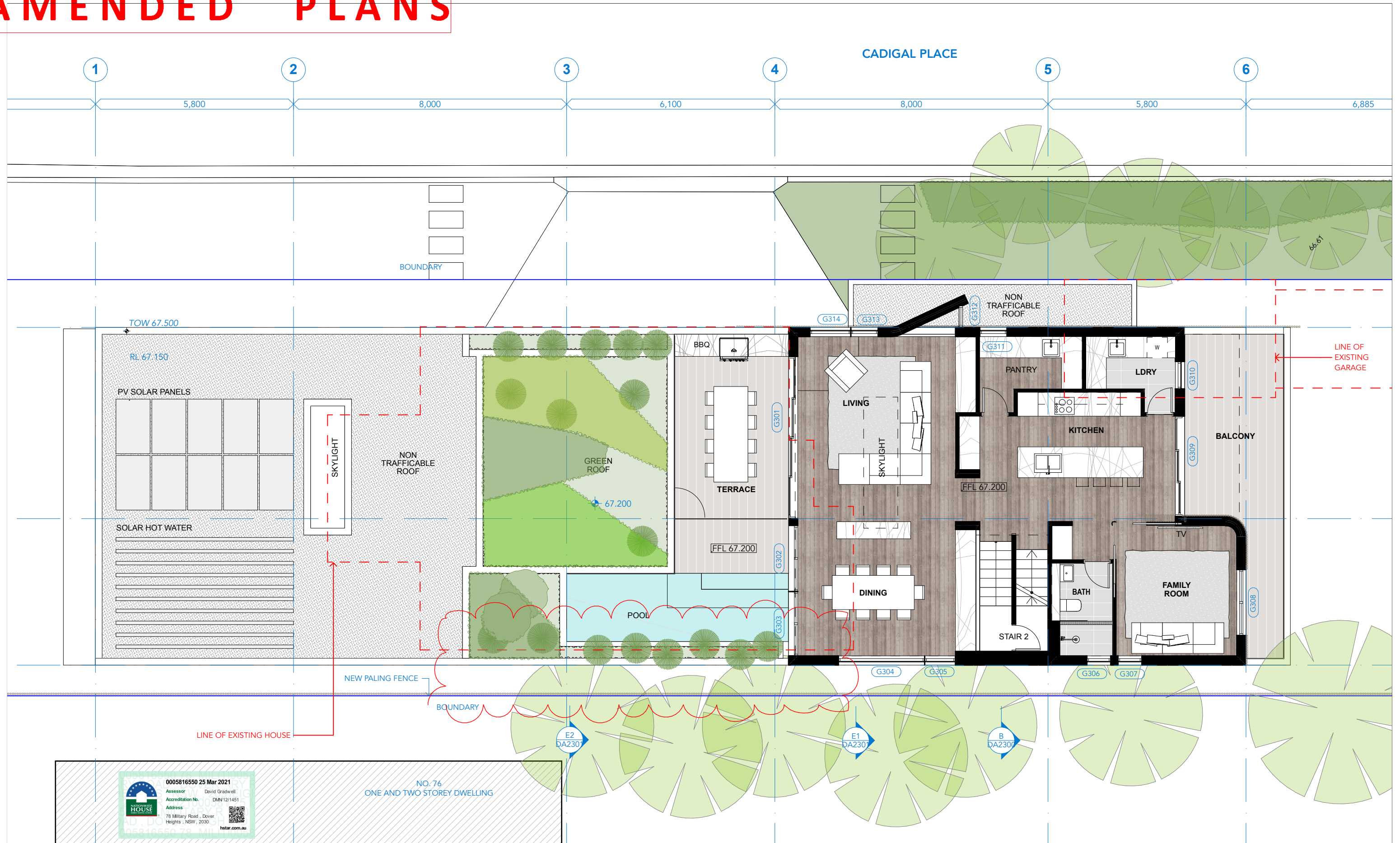
PROJECT:  
**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
**GROUND FLOOR DETAIL PLAN**



PROJECT NO:  
**20006**  
PLOTTED: 28/6/21  
DRAWING NO:  
**DA2003**  
REV:  
**B**



# AMENDED PLANS



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ISSUE	DATE	REVISION

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**Waverley Council**

**Application No: DA-115/2021**

**Date Received: 29/06/2021**

**BASIX water commitments include:**  
Showers low flow 6 to 7.5 L/min  
Toilets 4 star  
Taps 3 star  
2500L individual rainwater tanks each collecting at least 120m2 of roof and used for landscape and cold tap in laundry  
**BASIX energy commitments include:**  
5 star instantaneous gas hot water  
Air-conditioning 1 phase 2.5 star heating/ cooling (zoned)  
Gas cook top & electric oven  
2.5kW solar electric (PV) each dwelling

CLIENT:  
**Cadigal Number 1**  
**Pty Ltd**

PROJECT:  
**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
**FIRST FLOOR DETAIL PLAN**



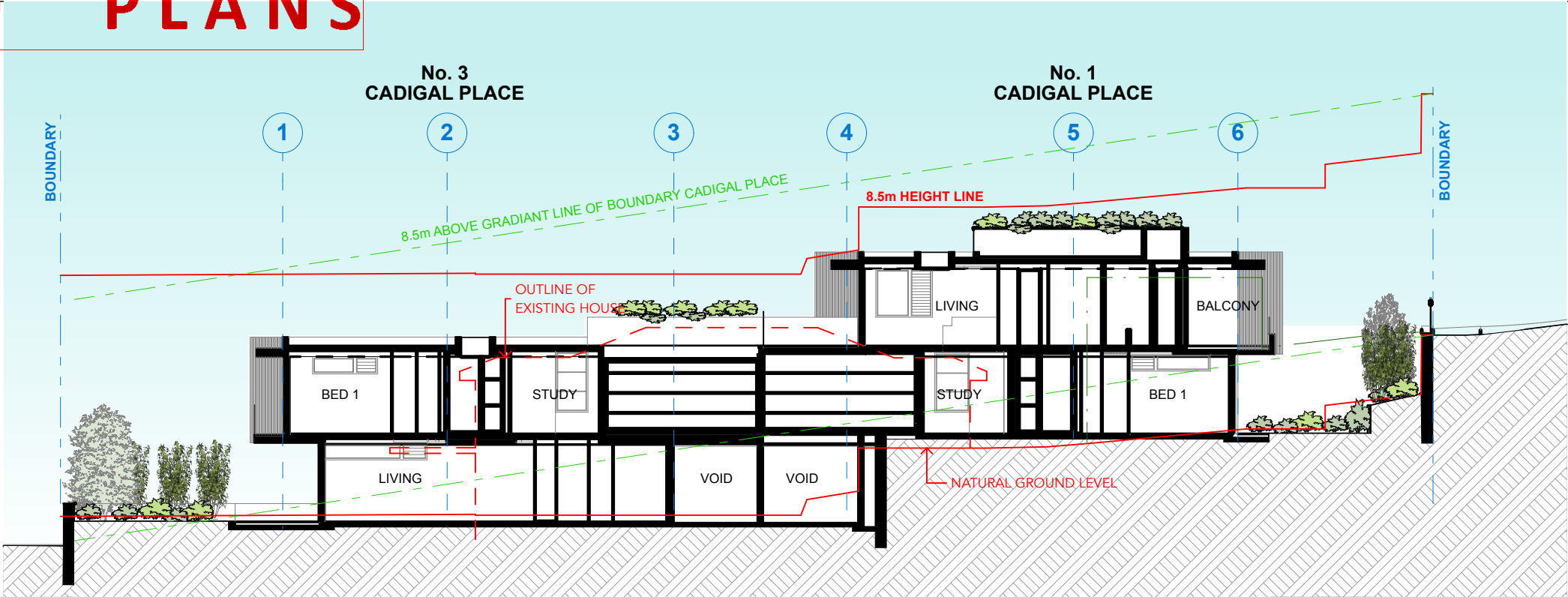
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**20006**  
PLOTTED: 28/6/21  
DRAWING NO:  
**DA2004**  
REV: **B**



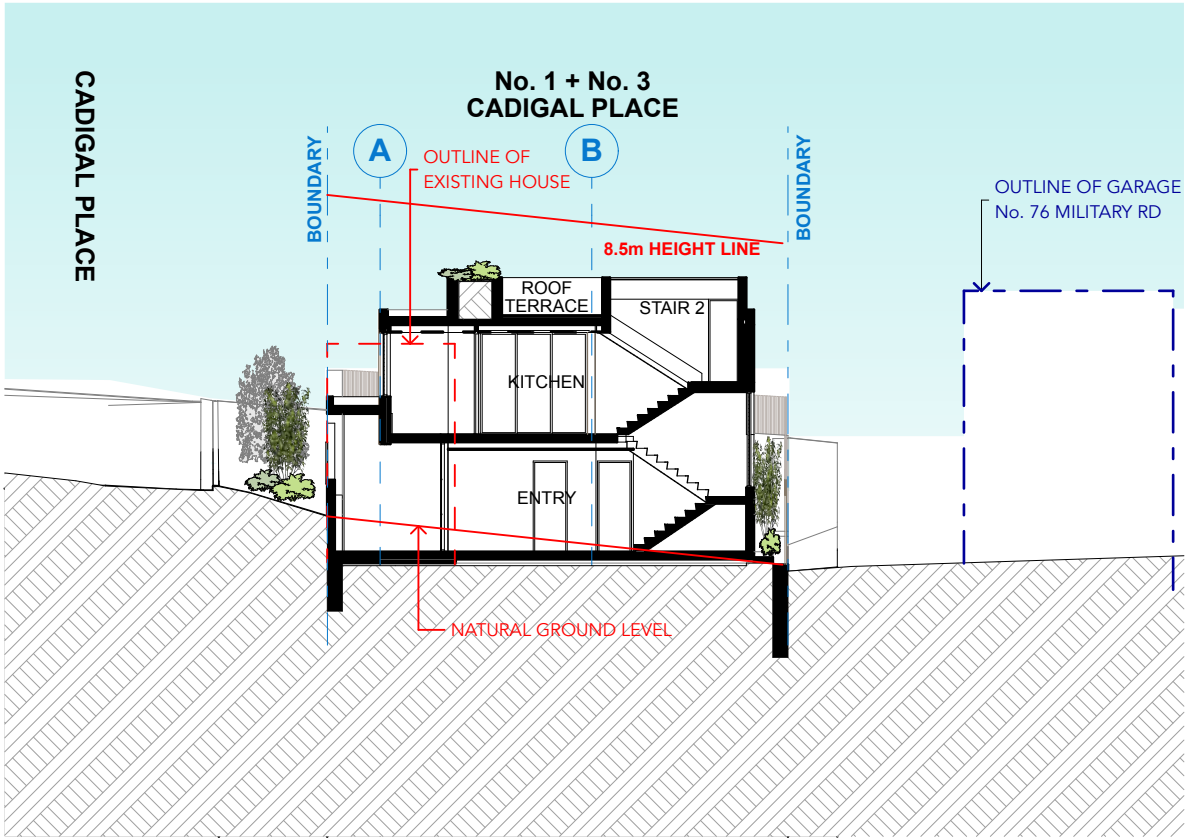
CADIGAL PLACE







1 SECTION A 1:200



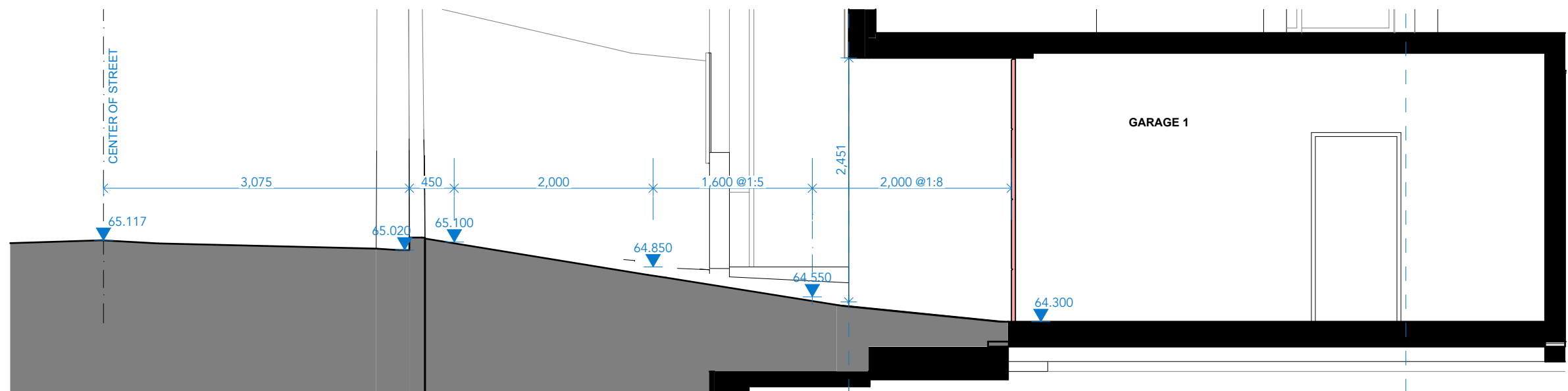
2 SECTION B 1:200

Ext. Walls:	Construction	Insulation	Colour	Details
	Concrete Lined Cavity Brick	R1.5 added 25mm Kooltherm K8 or equiv (R1.2)	Medium	As per plans
Int. Walls:	Construction	Insulation		Details
	Concrete with Plasterboard None Plasterboard on Stud	R2.5 added		Intertency To garage
Floors:	Construction	Insulation		Details
	Concrete Concrete	R4.5 added R1.4 added		Above garage Where open below
Ceilings:	Construction	Insulation		Details
	Plasterboard	None		As per plans
Roof:	Construction	Insulation	Colour	Details
	Concrete	90mm PIR or equiv (R4.5)	Medium	As per plans
Windows:	Product ID	Glass	Frame	Uw/SHGCw
	Group B ALM-006-03 A	Double Clear	Aluminium	4.1/0.52
	Group B ALM-002-03 A	Single Low E	Aluminium	5.4/0.58
	Group B ALM-002-01 A	Single Clear	Aluminium	6.7/0.70
Skylights:	Product ID	Glass	Type	Uw/SHGCw
	DG-Generic	Double Clear	Roof Light	4.2/0.72
Other:	Orientation	Terrain	Rangehood	Recessed Downlights
	315	Exposed	Ducted	Sealed LED - 1 per 2.5m <sup>2</sup>
Software Version				
Bers Pro 4.4				

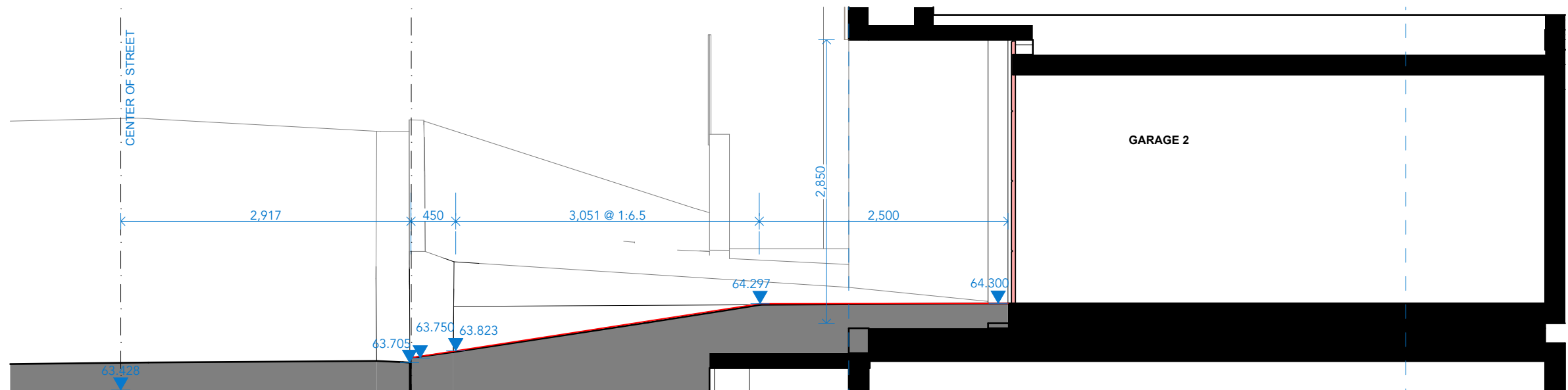


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ISSUE	DATE	REVISION





1 SECTION E1 1:50



2 SECTION E2 1:50



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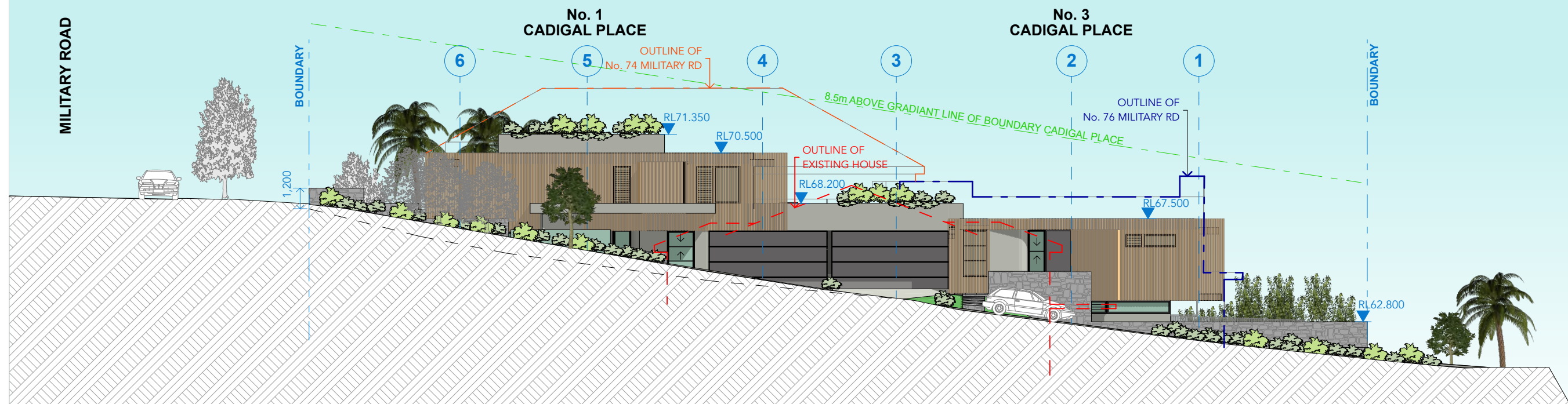
CLIENT:  
Cadigal Number 1  
Pty Ltd

PROJECT:  
PROPOSED DUAL OCCUPANCY  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
DRIVEWAY SECTIONS

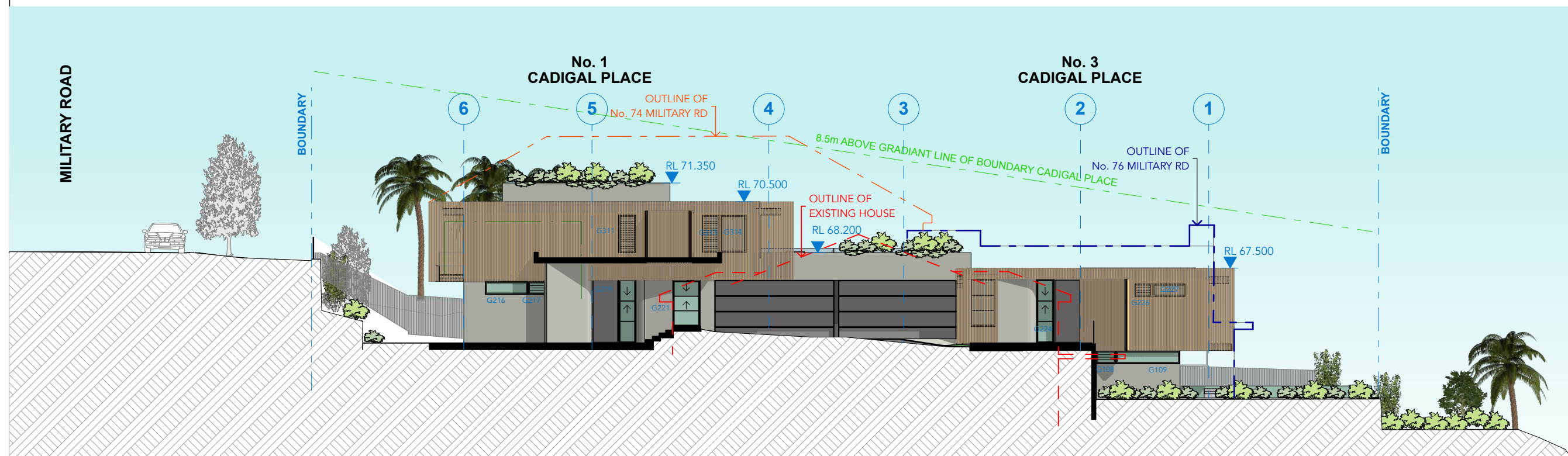
PROJECT NO:  
20006  
PLOTTED: 28/6/21  
DRAWING NO: DA2301  
REV: B



# AMENDED PLANS



1 NORTH WEST ELEVATION (STREET VIEW) 1:200



2 NORTH WEST ELEVATION 1:200



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**BASIX water commitments include:**  
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Gas cook top & electric oven  
2.5kW solar electric (PV) each dwelling

**CLIENT:**  
**Cadigal Number 1**  
**Pty Ltd**

**PROJECT:**  
**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030  
**DRAWING:**  
**ELEVATIONS**

**PROJECT NO:**  
**20006**  
**PLOTTED:** 28/6/21  
**DRAWING NO:**  
**DA2400**  
**REV:**  
**B**

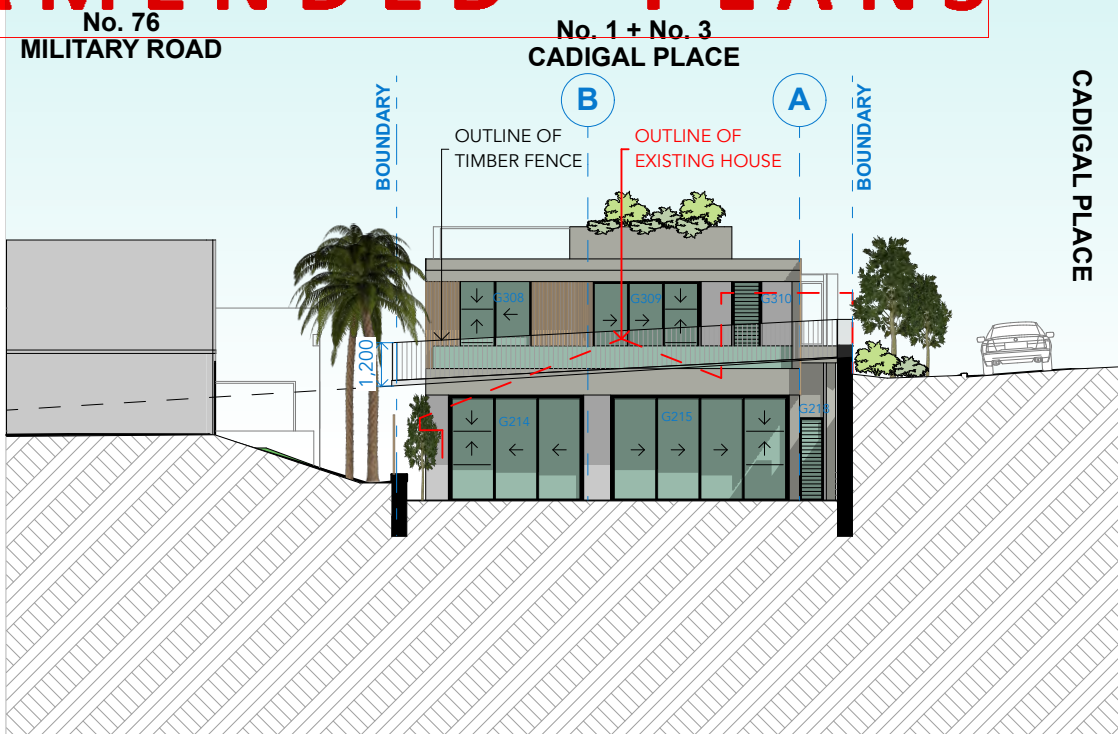
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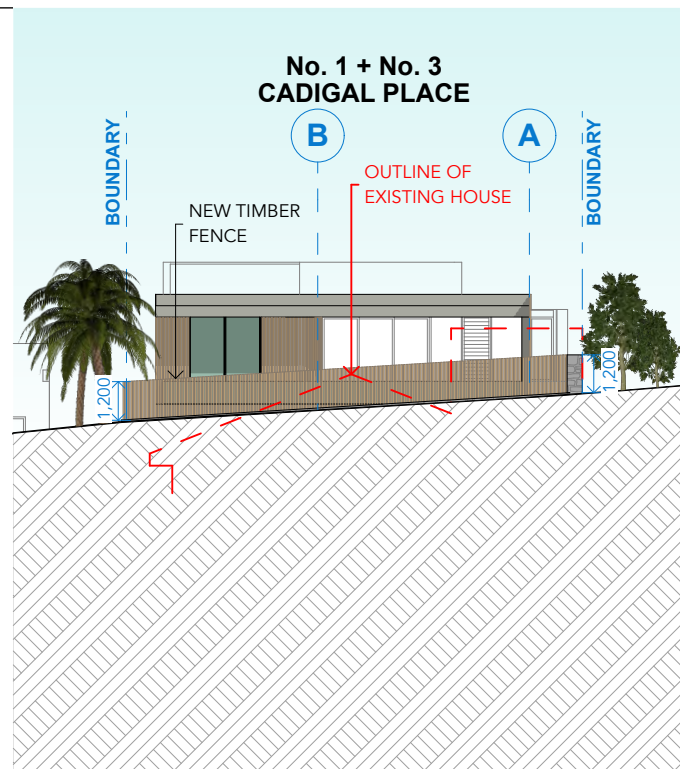
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A	11/6/21	DA ISSUE TO COUNCIL
P4	8/3/21	ISSUE TO CONSULTANTS
ISSUE	DATE	REVISION



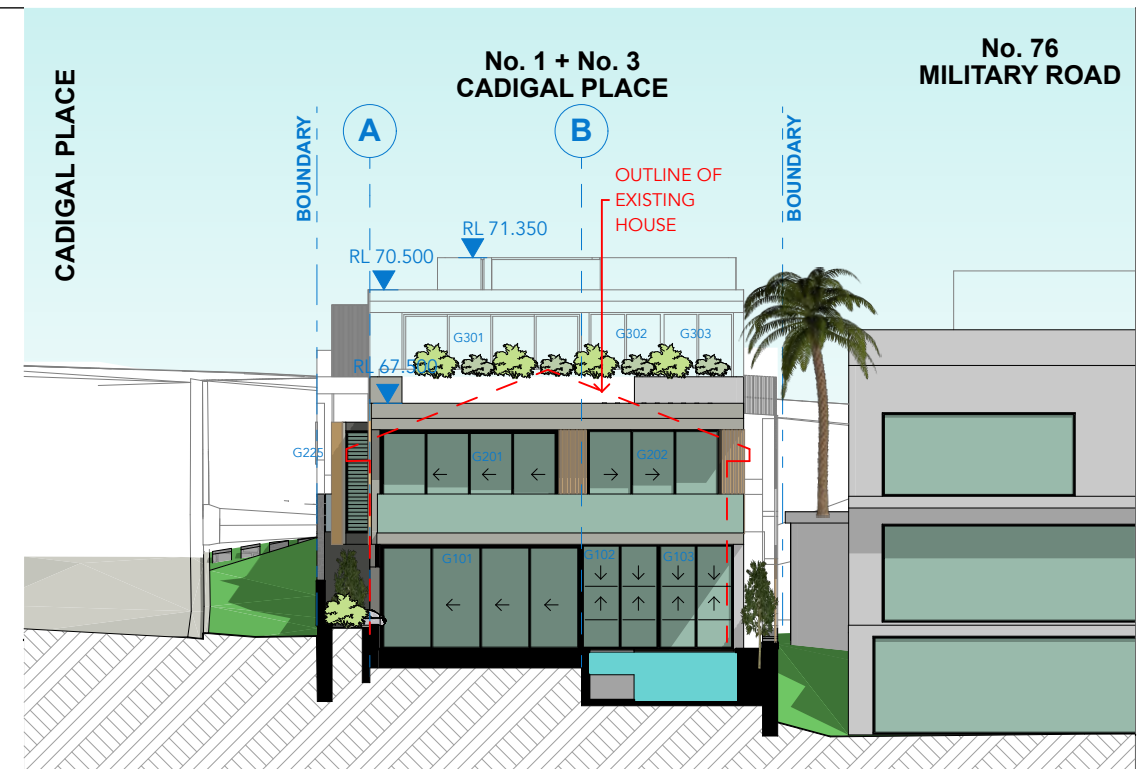
# AMENDED PLANS



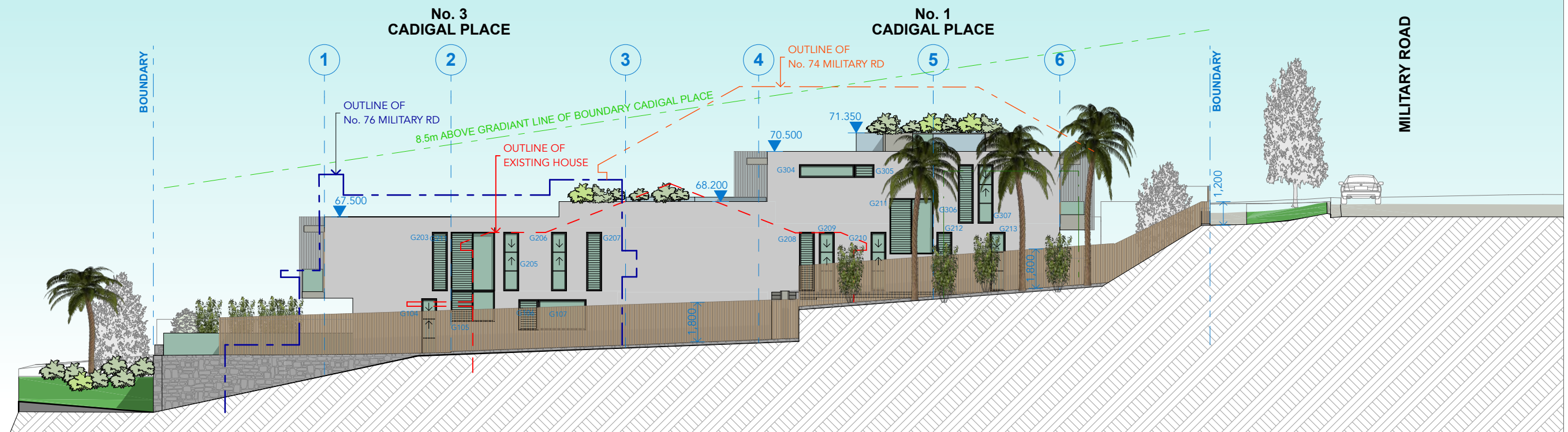
1 NORTH EAST ELEVATION 1:200



2 NORTH EAST ELEVATION (STREET VIEW) 1:200



3 SOUTH WEST ELEVATION 1:200



4 SOUTH EAST ELEVATION 1:200



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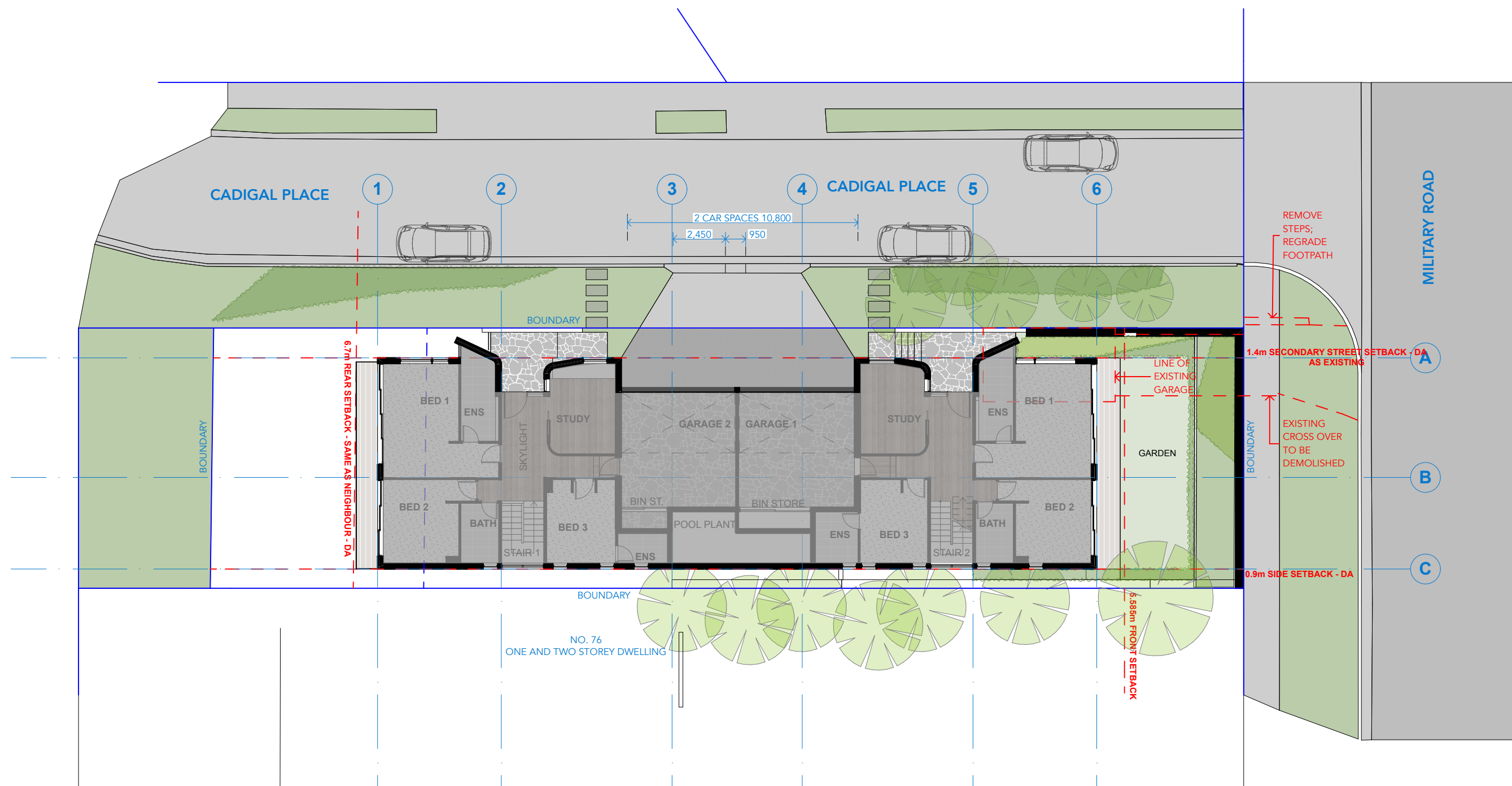
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Taps 3 star  
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**Pty Ltd**

PROJECT:  
**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
**ELEVATIONS**

PROJECT NO:  
**20006**  
PLOTTED: 28/6/21  
DRAWING NO:  
**DA2401**  
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**B**



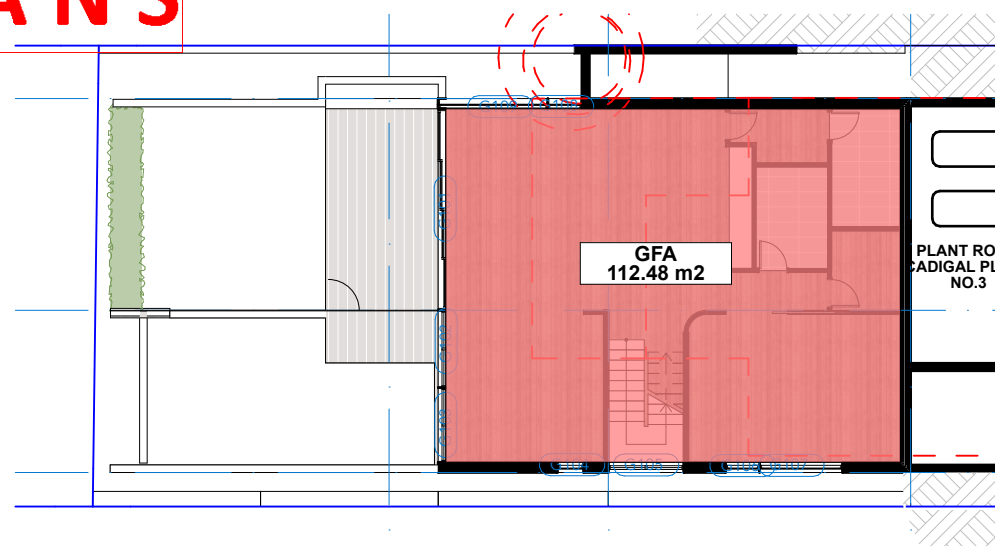


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P2	16/2/21	CLIENT PRESENTATION
ISSUE	DATE	REVISION

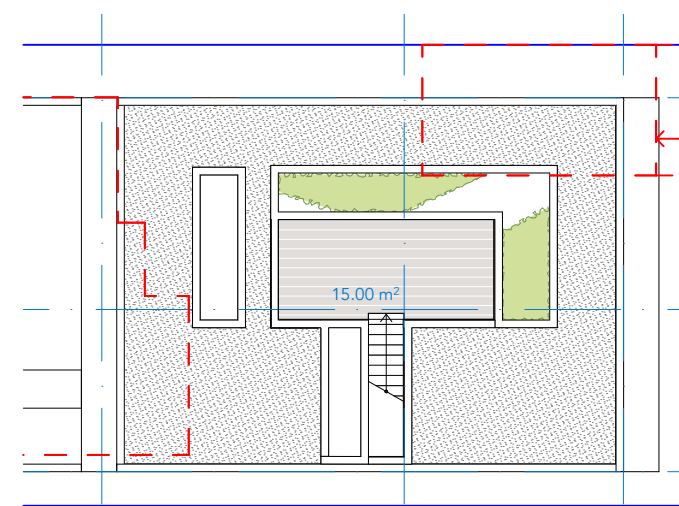




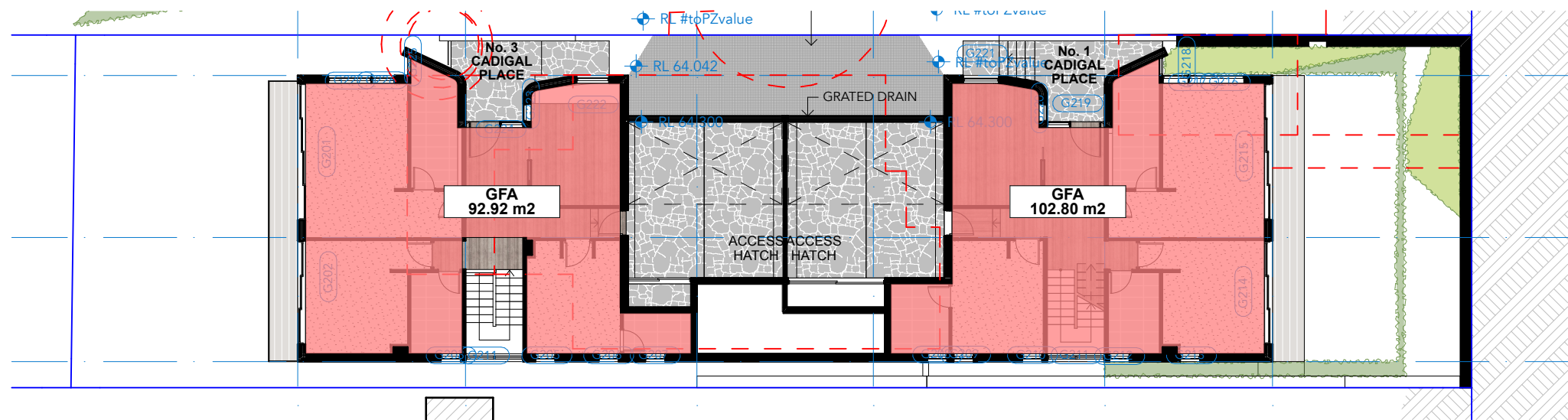
# AMENDED PLANS



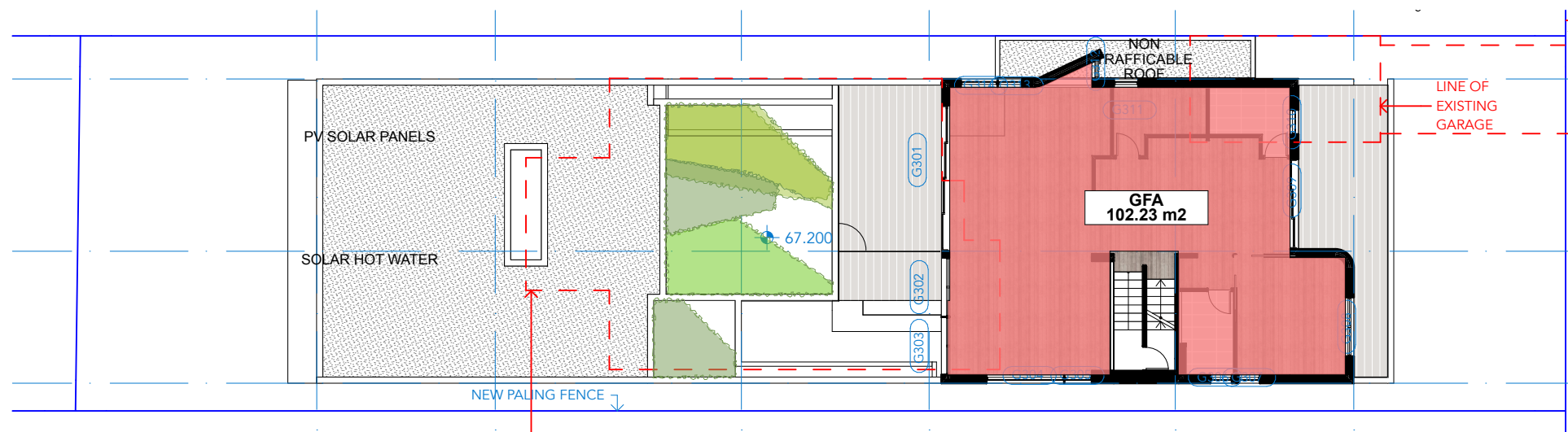
1 LOWER GROUND 1:200



2 ROOF LEVEL 1:200



3 GROUND FLOOR 1:200



4 FIRST FLOOR 1:200

## GROSS FLOOR AREA (GFA)

LOWER GROUND	112.48
GROUND FLOOR	195.72
FIRST FLOOR	102.23
	<b>410.43 m<sup>2</sup></b>

PROPOSED FSR : 0.69:1

SITE AREA : 588 m<sup>2</sup> (BY TITLE)

ALLOWABLE HEIGHT : 8.5m

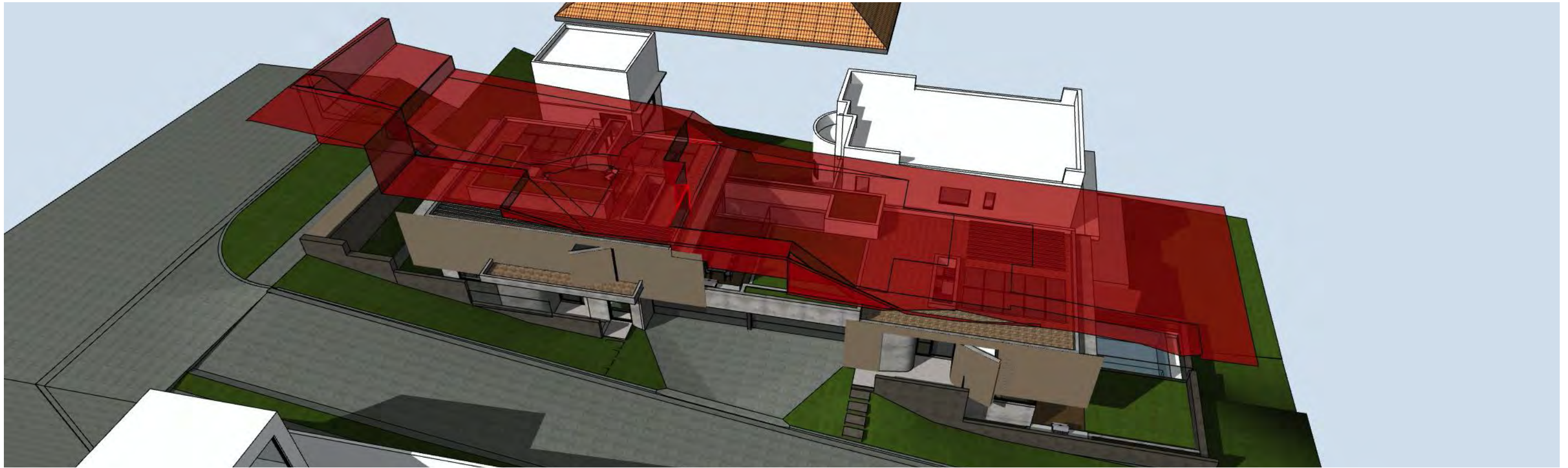
ALLOWABLE FSR : 0.5:1

ALLOWABLE GFA : 294 m<sup>2</sup>





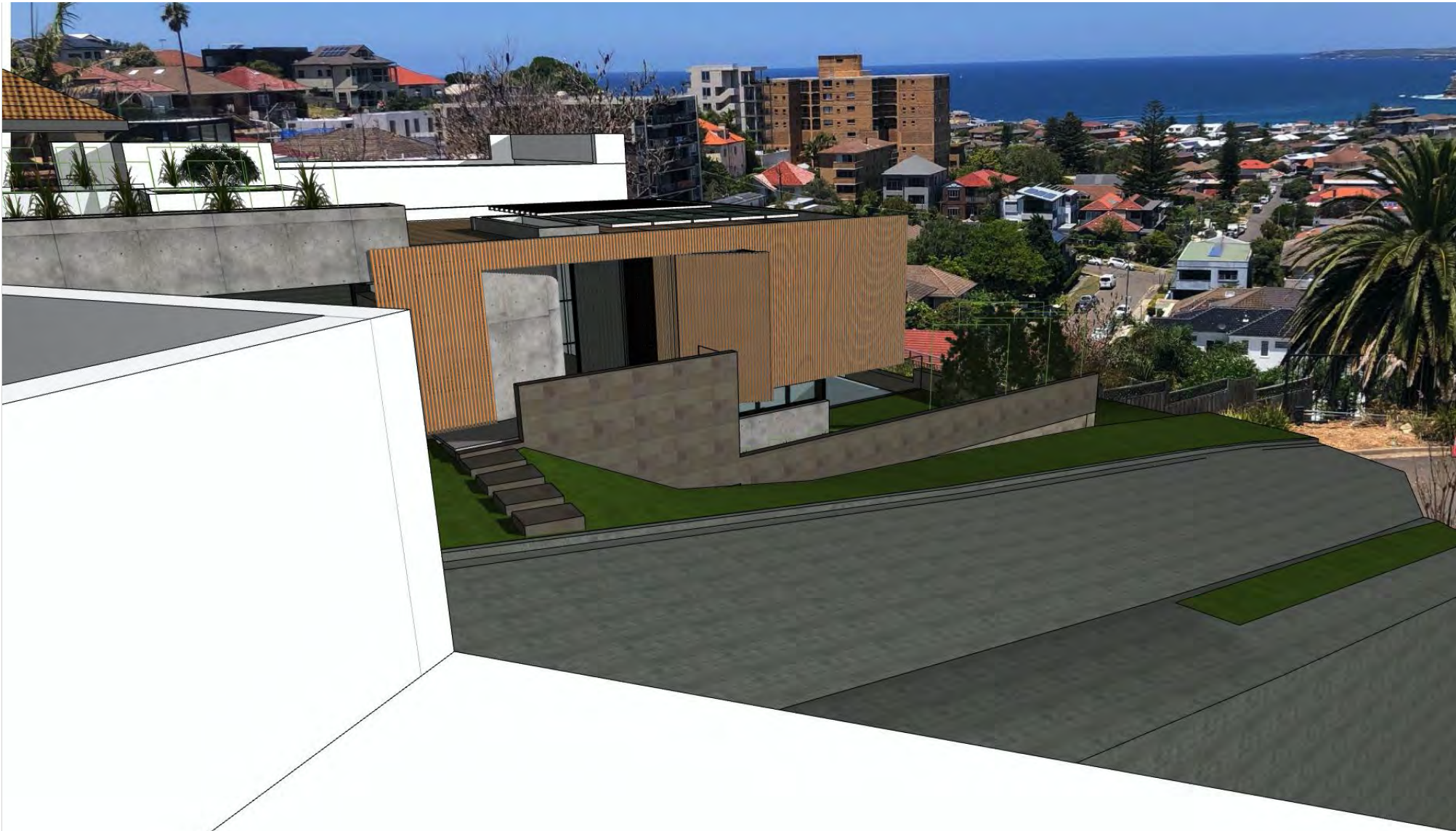
1 HEIGHT PLANE 01



2 HEIGHT PLANE 02

B	18/6/21	ISSUE TO COUNCIL
A	11/6/21	DA ISSUE TO COUNCIL
P1	16/2/21	CLIENT PRESENTATION
ISSUE	DATE	REVISION



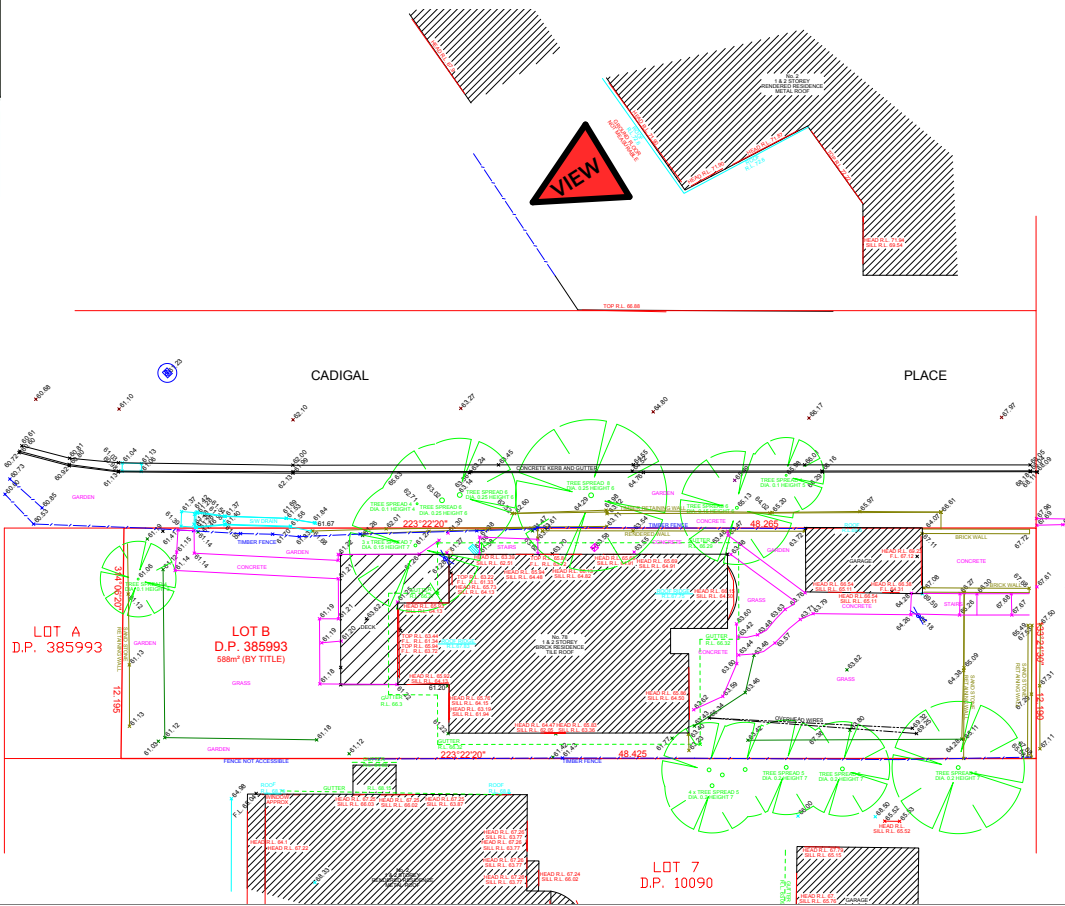


PROPOSED VIEW FROM No 2 CADIGAL PLACE

AMENDED PLANS



ACTUAL VIEW FROM No2 CADIGAL PLACE



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Application No: DA-115/2021  
Date Received: 29/06/2021

CLIENT:  
Cadigal Number 1  
Pty Ltd

PROJECT:  
PROPOSED DUAL OCCUPANCY  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
VIEW ANALYSIS

PROJECT NO:  
20006  
PLOTTED: 28/6/21  
DRAWING NO:  
DA9200  
REV: B



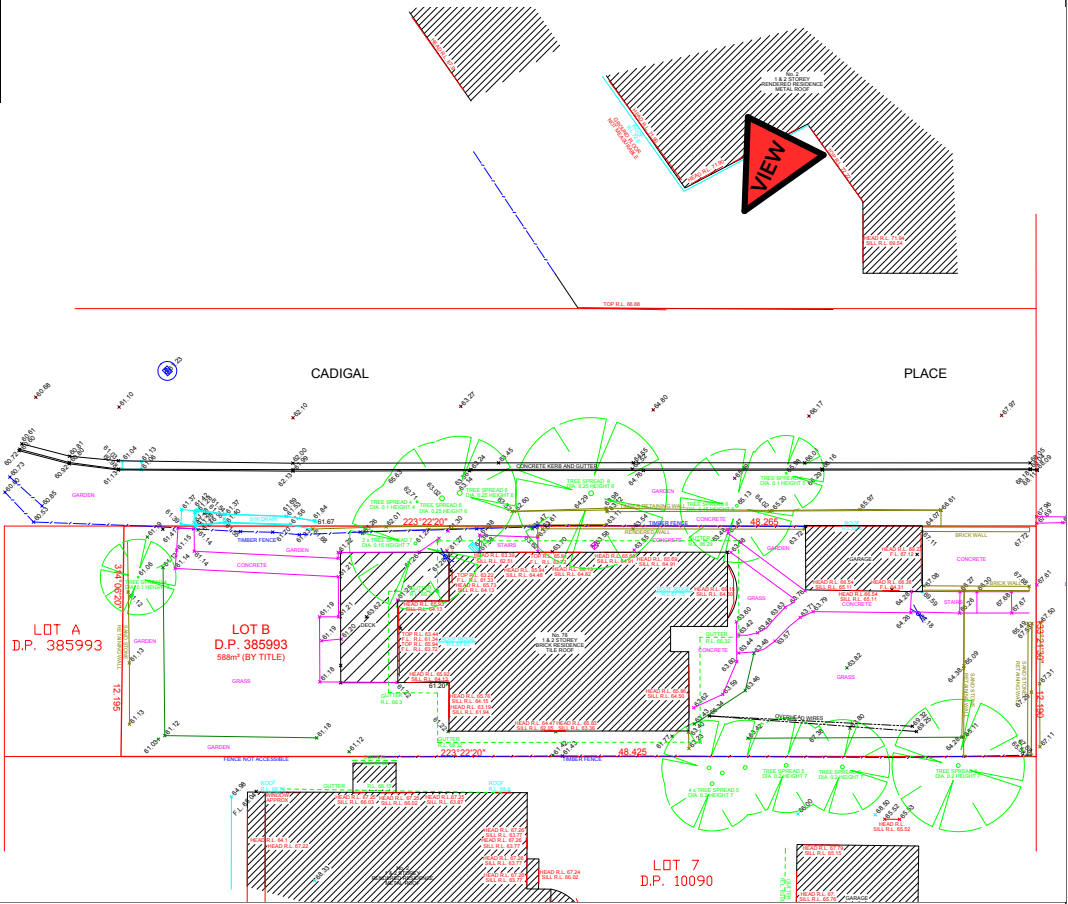


PROPOSED VIEW FROM DINING + LOUNGE AT 2 CADIGAL PLACE

AMENDED PLANS



ACTUAL VIEW



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Date Received: 29/06/2021

CLIENT: Cadigal Number 1 Pty Ltd  
PROJECT: PROPOSED DUAL OCCUPANCY  
78 Military Road  
Sydney NSW 2030  
DRAWING: VIEW ANALYSIS DINING+LOUNGE  
PROJECT NO: 20006  
PLOTTED: 28/6/21  
DRAWING NO: DA9202  
REV: B



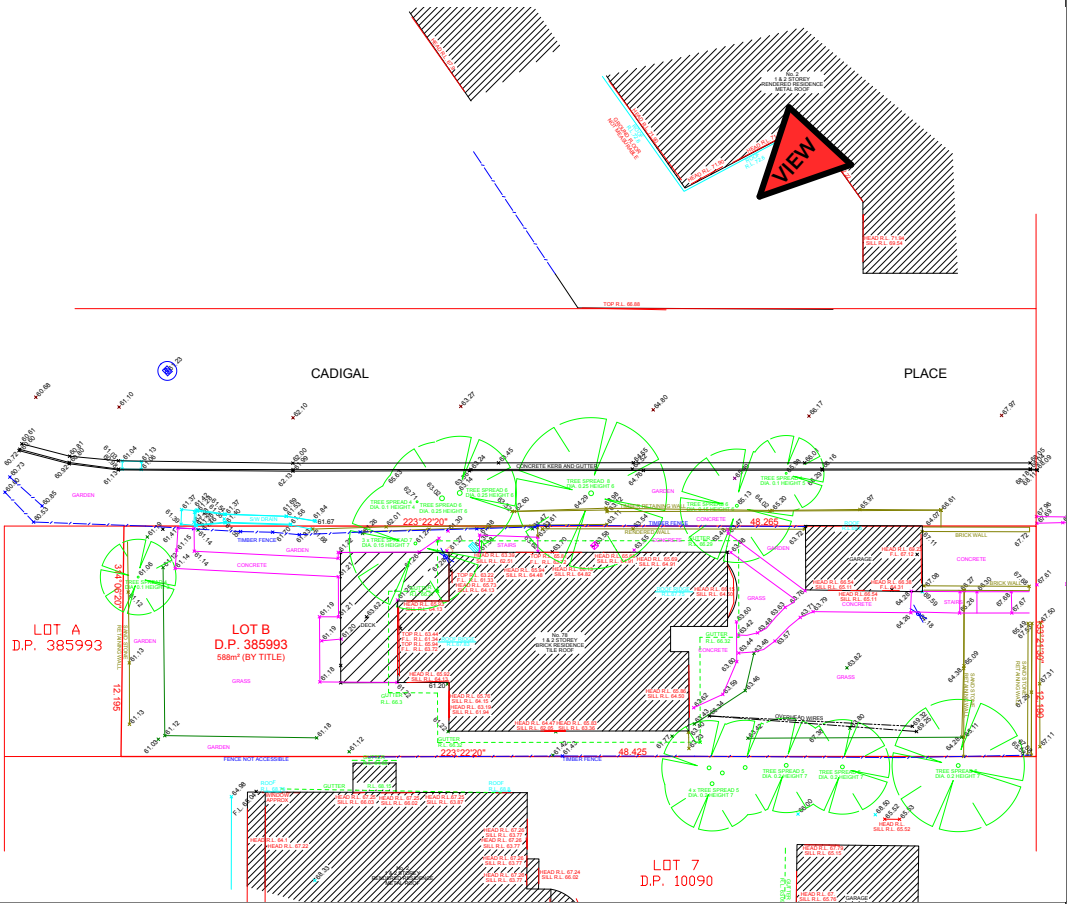


PROPOSED VIEW FROM LIVING + SITTING AT 2 CADIGAL PLACE



ACTUAL VIEW

AMENDED PLANS



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A	11/6/21	ISSUE TO COUNCIL
ISSUE	DATE	REVISION

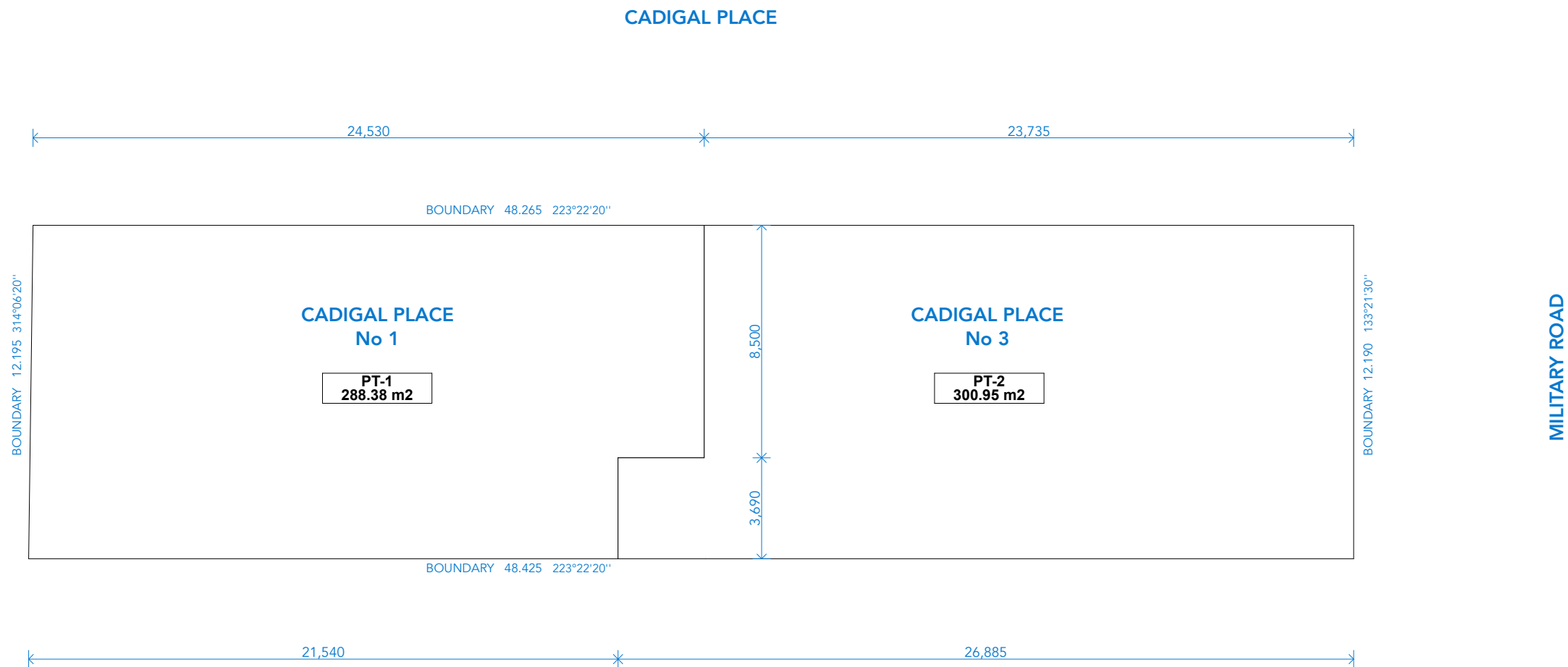
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Date Received: 29/06/2021

CLIENT:  
Cadigal Number 1  
Pty Ltd

PROJECT:  
PROPOSED DUAL OCCUPANCY  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
VIEW ANALYSIS LIVING+SITTING

PROJECT NO:  
20006  
PLOTTED: 28/6/21  
DRAWING NO:  
DA9203  
REV: B





BASED ON ARCHITECTURAL PLANS

NOTE:  
DRAFT STRATA PLAN ONLY PREPARED FROM ARCHITECTURAL PLANS:  
BUILDINGS ARE NOT CONSTRUCTED  
MSA WILL NOT ACCEPT LIABILITY FOR INFORMATION SHOWN HEREON UNTIL REGISTRATION AT LAND AND  
PROPERTY INFORMATION

AREAS ARE BASED ON ARCHITECTURAL PLANS. NO RESPONSIBILITY FOR AREAS CAN BE ACCEPTED.  
FINAL AREAS WHEN MEASURED MAY NOT NECESSARILY BE WITHIN 5% OF THESE SHOWN

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PT DENOTES PORTION ALLOTMENT

CLIENT:  
**Cadigal Number 1**  
**Pty Ltd**

PROJECT:  
**PROPOSED DUAL OCCUPANCY**  
78 Military Road  
Sydney NSW 2030  
DRAWING:  
**DRAFT STRATA PLAN**

PROJECT NO:  
**20006**  
PLOTTED: 28/6/21  
DRAWING NO: **DA9400** REV: **B**

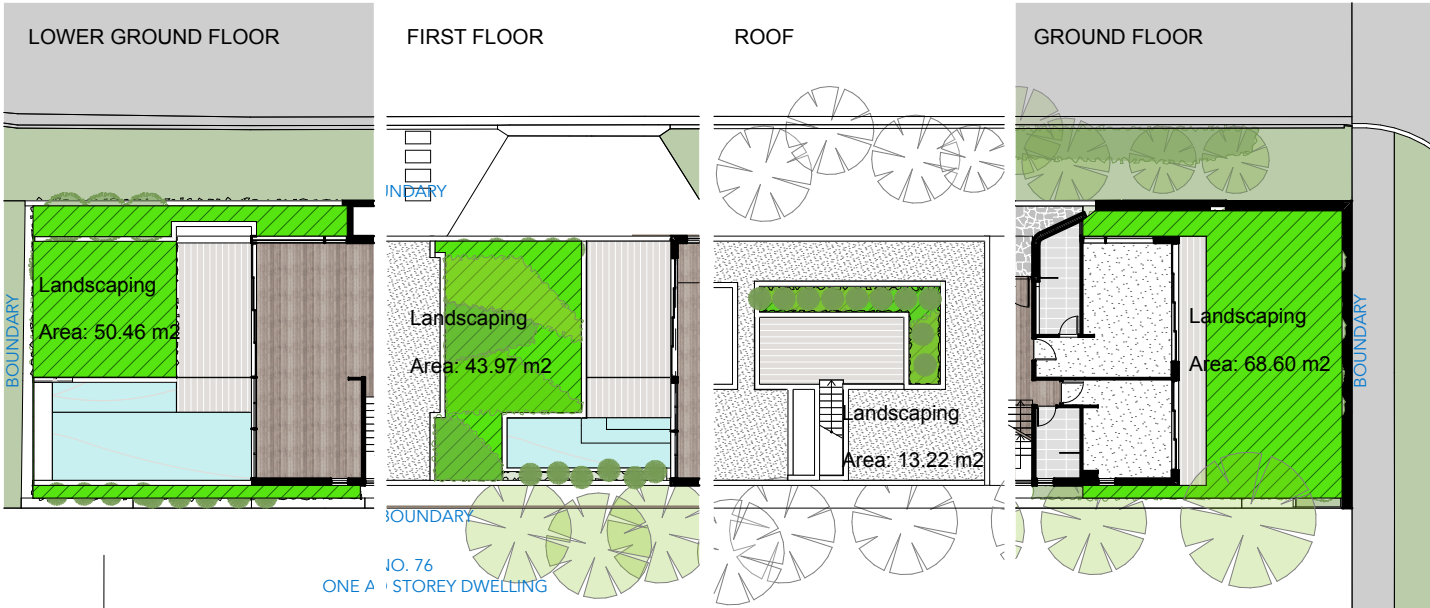


SITE AREA : 588 m<sup>2</sup>  
Front Setback Area : 83.9 m<sup>2</sup>  
Building footprint : 310.4 m<sup>2</sup>

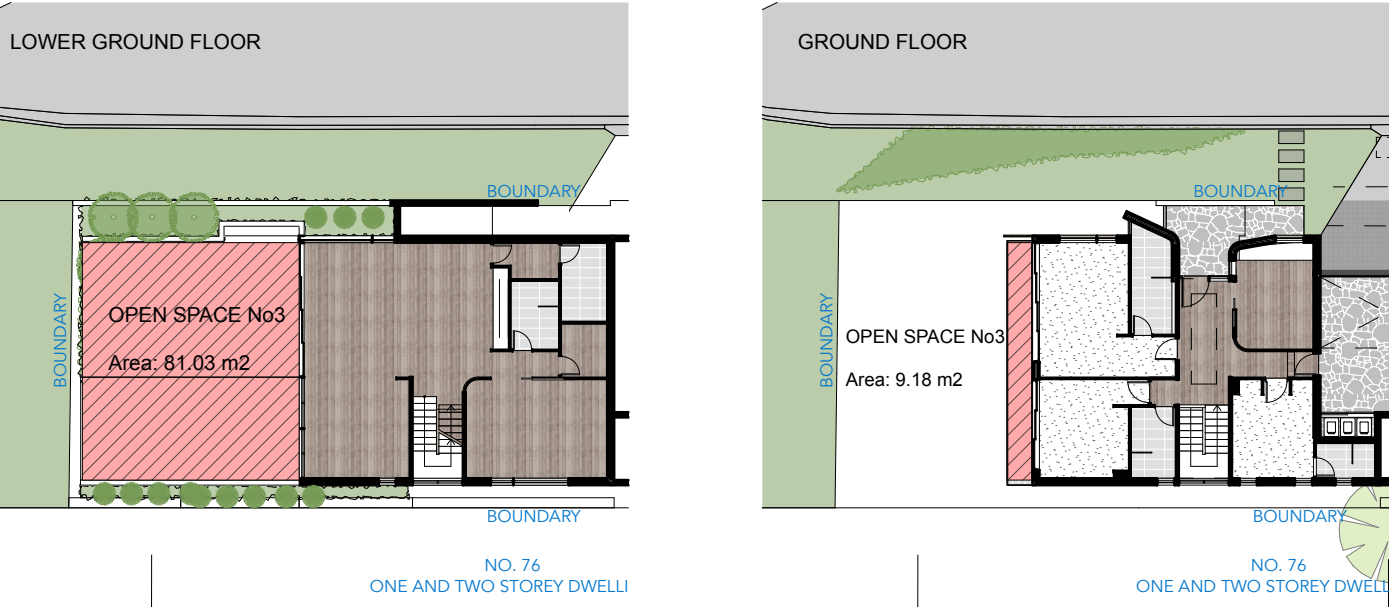
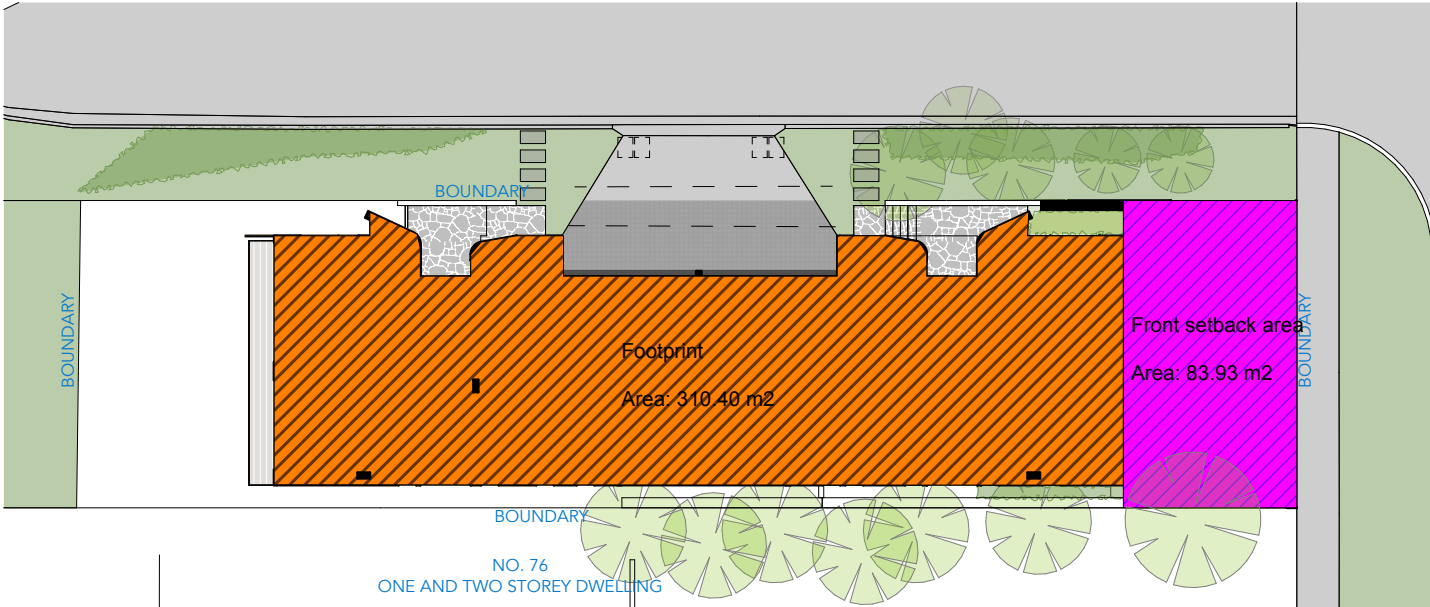
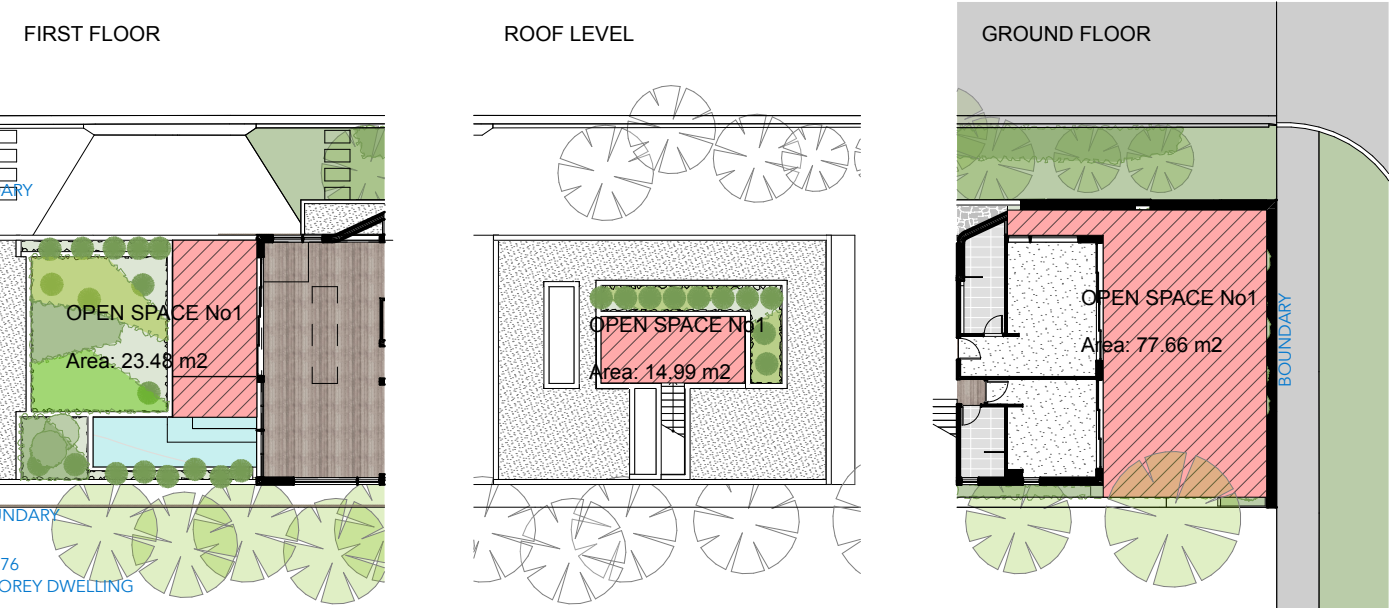
AMENDED PLANS

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Application No: DA-115/2021  
Date Received: 29/06/2021

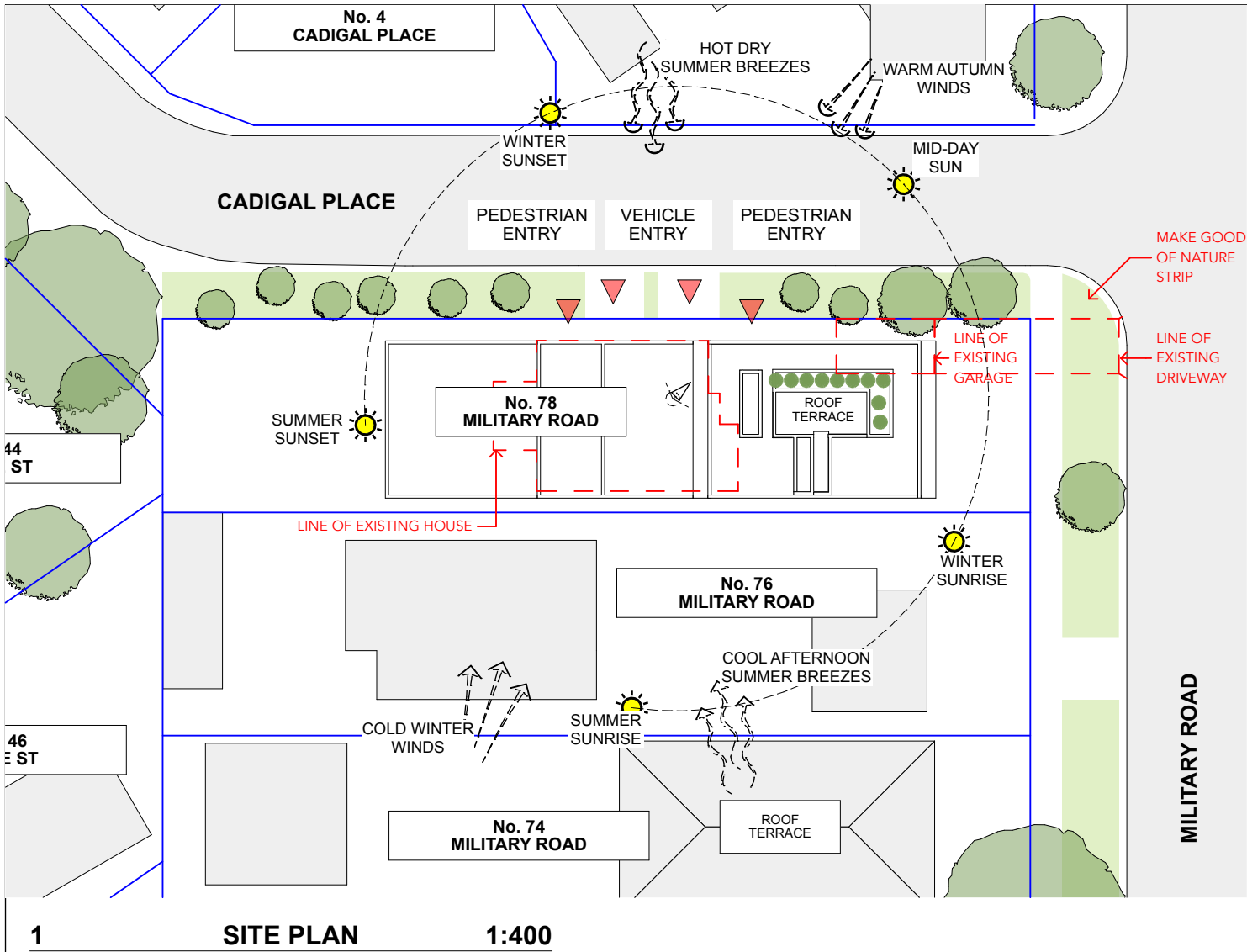
LANDSCAPING		
	Area	Area as % of Site
Landscaping	176.25	30.0%



PRIVATE OPEN SPACE	
No1 Cadigal PL	136.16
No3 Cadigal PL	90.21





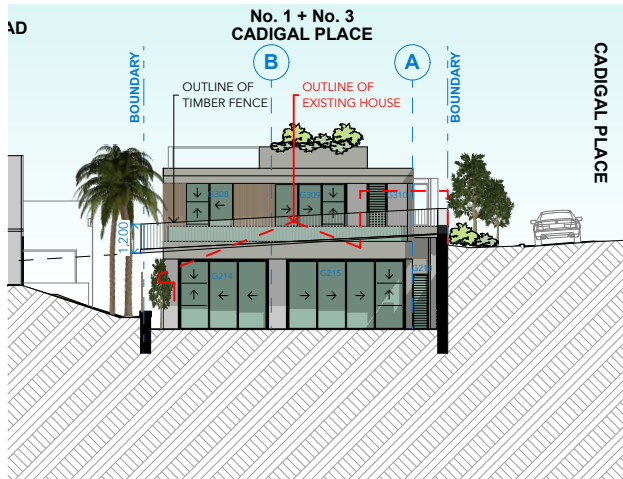
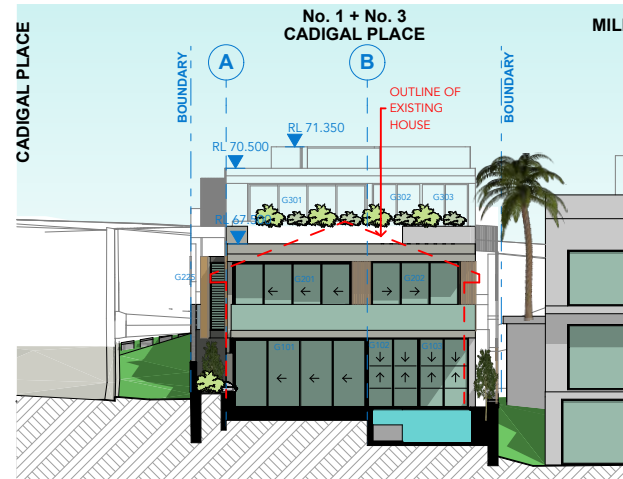
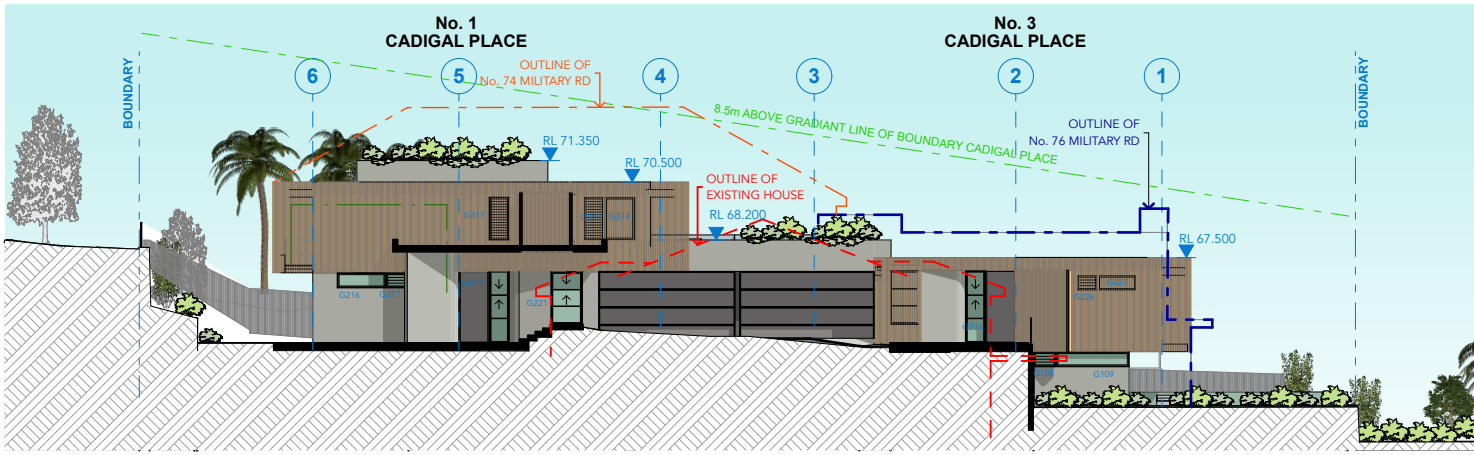
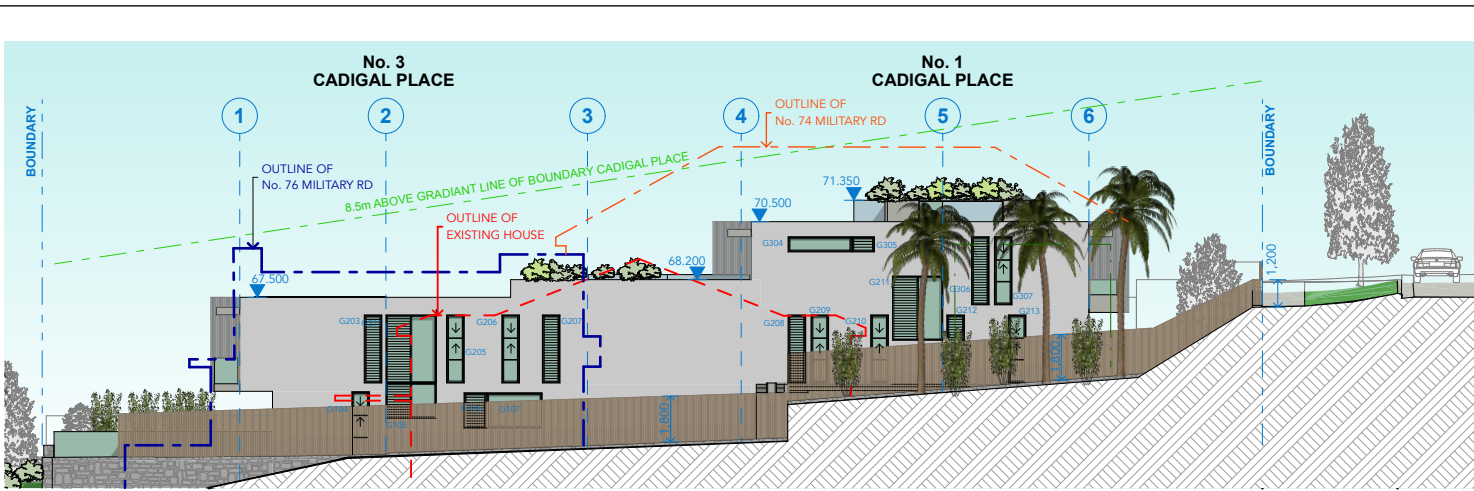


# AMENDED PLANS

RECEIVED  
Waverley Council

Application No: DA-115/2021

Date Received: 29/06/2021







## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-199/2021
<b>Site address</b>	10 Rawson Avenue, QUEENS PARK NSW 2022
<b>Proposal</b>	Alterations and additions to single-storey dwelling including substantial demolition, internal reconfiguration and first floor addition.
<b>Date of lodgement</b>	1 June 2021
<b>Owner</b>	Mr G Tsimourtos
<b>Applicant</b>	Mr G Tsimourtos
<b>Submissions</b>	15 on behalf of 8 properties (12 unique including 1 in support)
<b>Cost of works</b>	\$400,000
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Bulk &amp; Scale</li> <li>• Setbacks</li> <li>• Overshadowing</li> <li>• Privacy</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The development application, as amended, seeks consent for alterations and additions to the existing single-storey dwelling including substantial demolition, internal reconfiguration and a first floor addition at the site known as 10 Rawson Avenue, QUEENS PARK.

The principal issues arising from the assessment of the application are as follows:

- Bulk & Scale;
- Setbacks;
- Overshadowing; and
- Privacy.

The assessment finds these issues acceptable on the following basis:

- The development complies with Council's maximum building height and FSR development standards and is compliant with Council's maximum external wall height control.
- The development improves the existing site conditions by providing a setback to the northern side boundary. A nil setback to the southern side boundary is considered reasonable and acceptable given the existing nil setback of the dwelling to the southern side boundary; the established surrounding and common occurrence of nil southern side boundary setbacks; and the limited width of the site.
- Due to the east-west lot orientation and subdivision pattern, any additional level will result in some degree of overshadowing impacts to properties to the south of the site. This scenario applies for other sites in the vicinity and is a consequence of the site orientation and narrow allotments in the area.
- The chamfered edge of the first floor level does not cause unreasonable overshadowing impacts to adjoining properties in the circumstances of the site orientation and narrow site width.
- Conditions are recommended to be imposed to ensure the windows to the wardrobe and family bathroom on the northern elevation of the dwelling are fitted with translucent glazing to maintain privacy for the occupants of the subject site and surrounding development.

Notification of the plans originally lodged with the application attracted a total number of 14 submissions on behalf of 8 properties, whereby there were 11 unique submissions, including 1 in support. The amended plans were not renotified for reasons discussed in this report. The issues raised in the submissions have been considered and addressed in this report and via recommended conditions of consent.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.



## 1.2. Site and Surrounding Locality

A site visit was carried out on 27 July 2021.

The site is identified as Lot 91 in DP 4042, known as 10 Rawson Avenue, QUEENS PARK. The site is rectangular in shape with a western front boundary to Rawson Avenue and eastern rear boundary to Rawson Lane of 6.095m and northern and southern side boundaries measuring 24.99m. The site has an area of 151.8m<sup>2</sup> and falls from the east to the west by approximately 2.84m.

The site is occupied by a single storey detached dwelling with vehicular access provided from Rawson Lane at the rear to a single garage.

The site is adjoined by two story terrace style dwelling to the south and a detached dwelling to the north. The locality is characterised by a variety of residential developments including semi-detached, detached and terrace style buildings and the site is located in a Heritage Conservation Area. **Figures 1 to 3** are photos of the site and its context.



**Figure 1:** Site frontage to Rawson Avenue, looking east.





**Figure 2:** Site frontage (rear) to Rawson Lane, looking west.



**Figure 3:** Rear yard area of existing dwelling, looking west.





**Figure 4:** Site frontage to Rawson Avenue, looking east.



**Figure 5:** Existing development fronting Rawson Avenue across the road from the subject site.

### 1.3. Relevant Development History

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

**NO-4699:** A notice of intention to give an order (**NO-4699**) was issued for the subject site on 17 December 2020 as unauthorised building works had occurred for the extension and enclosure of the laundry at the rear of the premises and enclosure of a storage



room and changing the layout and extension of kitchen area. The owner was instructed to remove the unauthorised building works and relocate the laundry and kitchen to their original locations.

*Note: These unauthorised works are proposed to be demolished as part of this subject application.*

**DA-231/2020:** A development application was lodged seeking consent for alterations and additions to the existing single-storey dwelling including substantial demolition, internal reconfiguration and a first floor addition. The application was approved on 26 November 2020 subject to conditions.

**Class 4 Appeal** An appeal was filed in Class 4 against **DA-231/2020** in the Land Environment Court challenging the validity of that development consent. Those proceedings are ongoing.

#### 1.4. Proposal

The development application, as amended, seeks consent for alterations and additions to the existing dwelling house, that specifically involves the following:

##### Existing Garage Level

- Demolition of the existing single garage to construct a double garage fronting Rawson Lane.

##### Existing Ground Floor Level

- Substantial demolition of the existing dwelling;
- Demolition of the unauthorised works (rear extension to dwelling); and
- New ground floor level consisting of a sitting room, dining room, open plan kitchen and living room and powder room. Living room (FFL 57.520) is proposed to be raised 525mm via internal stairs from kitchen and dining area (FFL 56.995).

##### New First Floor Level

- Expansion of the existing attic to construct a first floor level consisting of three bedrooms, two bathrooms, a laundry and a study; and
- Façade articulation to rear.

##### Roof Plan

- Construction of a dormer to Bedroom 1 into the front roof plane (1.775m wide);
- Construction of a flat roof above the first floor level addition;
- Reconstruction of the front porch roof; and
- Installation of one skylight.



### External Works

- Construction of a new front fence;
- Reconstruction and expansion of paving to front porch (FFL 56.900);
- Construction of a terrace at the rear (FFL 57.520) with a 1.8m privacy screen at the southern side boundary;
- Construction of a lawn adjacent to the terrace above the new double garage (RL 57.695);
- Installation of a raised planter above the garage on the eastern boundary;
- New access stairs to Rawson Lane on the northern boundary; and
- New garden on adjacent to northern side boundary (RL 56.790).

### 1.5. Background

The development application was lodged on 1 June 2021 and deferred on 14 July 2021 for the following reasons:

1. **Floor Space Ratio (FSR) and Clause 4.6:** The information contained within the cl.4.6 written variation request to Council's development standard was inaccurate. The Clause 4.6 and FSR were to be reviewed. It was further recommended that the floor space of the additions should be reduced to comply with the maximum allowable FSR under WLEP.
2. **Built Form & Topography:** It was recommended that the rear of the building should be lowered to follow the topography of the site.
3. **Northern Side Setback:** It was recommended that the new works towards the rear of the dwelling should have a 900mm side setback to the northern side.
4. **Dormer:** Dormer size and proportions to be reduced in line with Council's controls for dormers.
5. **Shadow Diagrams:** Shadow diagrams to be revised to highlight existing overshadowing from unauthorised works; demonstrate impacts to development across Rawson Lane, fronting Denison Street; demonstrate overshadowing from a compliant built form (i.e. 900mm setback provided to first floor level at southern side boundary and consistent first floor rear building line); and demonstrate solar panels on nearby roofs.
6. **Confirmation of Existing Ground Level:** Provide evidence or justification for the existing ground level demonstrated on the plans.
7. **Clarification on issues raised in submissions:** Provide information regarding the construction of the floor structure and the proposed bulk of the roof space.

The Applicant provided draft amended plans and documentation for Council's internal review between 21 July 2021 and 28 July 2021

The Applicant formally lodged the amended documentation on 2 August 2021 that addressed the issues raised in Council's deferral letter as follows:



1. **FSR and Clause 4.6:** The application has been amended to comply with Council's FSR development standard. In particular, the size of the rear addition has been decreased resulting in an increased rear setback of the first floor level, the setback of the northern side boundary has been increased and the size of the dormer has decreased. These changes address the councils request to reduce the floor space of the additions to comply with the FSR control. The clause 4.6 written variation request is no longer required.
2. **Built Form & Topography:** The applicant has submitted diagrams and reasoning demonstrating that the rear of the dwelling is unable to be lowered due to impacts to the garage level below. *See discussion in Section 2.4 (Submissions) of this report for further detail.*
3. **Northern Side Setback:** The rear addition has been amended to be setback 900mm from the northern side boundary.
4. **Dormer:** The size of the dormer has been reduced to a width of 1.775m. During discussions with the Applicant, it was determined that the dormer may be acceptable if set down a minimum distance of 200mm from the ridgeline. This is discussed in detail in the following assessment.
5. **Shadow Diagrams:** Adequate shadow diagrams have been submitted that are assessed in detail below.
6. **Confirmation of Existing Ground Level:** The applicant has provided further information including survey information and photographs to support the existing ground level shown on the plans. This is further discussed in Section 2.4 (Submissions) of this report.
7. **Clarification on issues raised in submissions:** This is further discussed in Section 2.4 (Submissions) of this report.

The amended plans were not required to be renotified, as the amendments represent a lesser impact than that of the original form that was publicly notified in accordance with the *Waverley Community Development Participation and Consultation Plan*. The following assessment is based on the amended plans and documentation submitted.

## 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. State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this development application:



- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.

### 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
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.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>• 8.5m</li> </ul>	Yes	The proposal has a maximum building height of 7.46m as measured from the existing ground level at the rear (RL 56.320) to the roof parapet (RL 63.780) that is compliant.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>• FSR: 0.938:1</li> <li>• GFA: 142.39m<sup>2</sup></li> </ul>	Yes	Proposed GFA: 141.6m <sup>2</sup> Proposed FSR: 0.93:1
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	<i>See discussion below.</i>
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	Minor earthworks are proposed to accommodate the new double garage and terrace above and are not anticipated to adversely impact upon the surrounds.

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

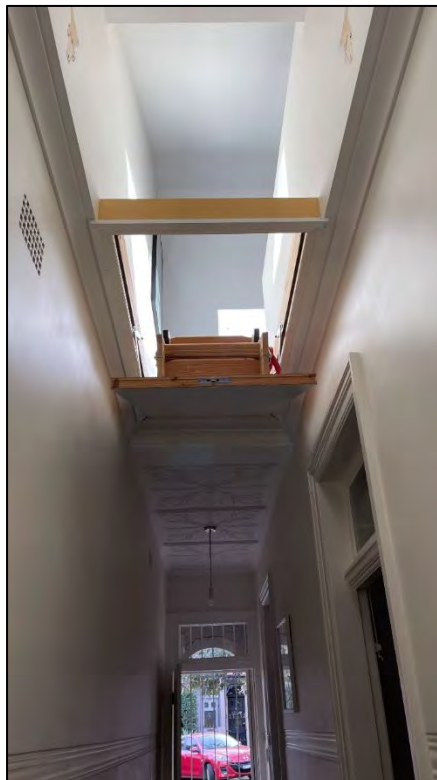


### Clause 5.10 Heritage Conservation

The site is located within the Queens Park Heritage Conservation Area and is adjacent to the Rawson Street Landscape Conservation Area. The amended proposal has been reviewed by Council's Heritage Officer who has assessed the effect of the proposed development on the heritage significance of the heritage area and is satisfied that the development as amended will not unreasonably affect the heritage significance of the area. The following comments were made:

- *The heritage impact report incorrectly identifies the Federation style residence as of Victorian and Italianate styles. No details are provided as to the existing fabric and interiors.*
- *The street elevation of the residence has previously been compromised by removal of slate roofing and replacement with corrugated metal and by overpainting of distinctive Federation face brickwork and roughcast render.*
- *Amendments to the proposed street facing eyelid dormer have now provided cohesion with the existing residence and the Conservation Area.*

The comments made by Council's Heritage Advisor have been taken into consideration in the assessment of the amended proposal and are generally agreed with. A site inspection revealed detailing was present upon the ceiling at the entrance hallway to the dwelling as shown in the figure below however, the remainder of the dwelling appeared to have undergone significant modern renovation works. Given the above and that the site is not listed as a heritage item, no revised Heritage Impact Statement was requested to be submitted as it is considered that an accurate assessment on any potential heritage impacts could be adequately undertaken by Council's Heritage Advisor and the Assessing Officer.

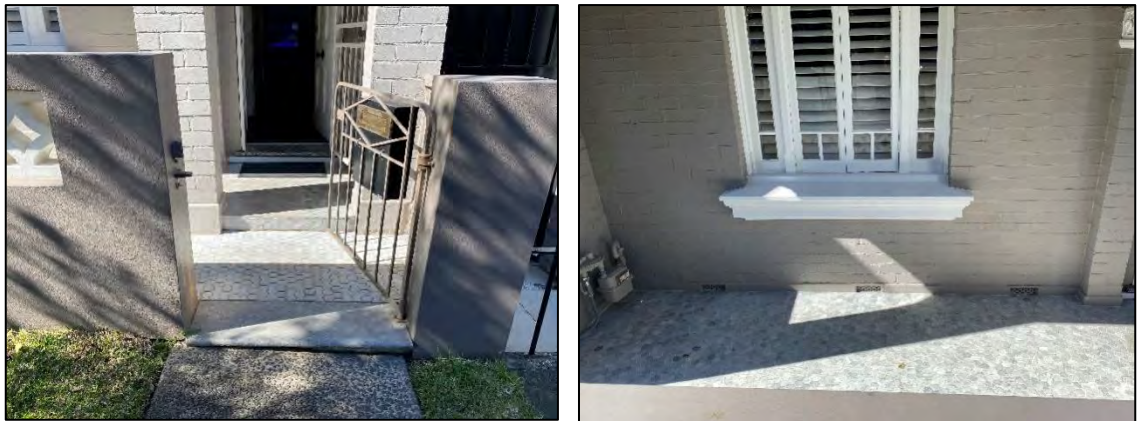




**Figure 6:** Existing ceiling detail to entrance hallway.

With regards to the comments made by Council's Heritage Advisor, the amended proposal has been assessed against the provisions of Clause 5.10 in Waverley LEP 2012 and controls in Part B9 of Waverley Development Control Plan 2012 (Waverley DCP 2012) and the following comments are made:

- The proposed dormer, as amended, has a width of 1.775m, that is 33% the overall width of the roof (5.347m). The dormer is proposed to be set down 200mm from the existing ridgeline that is a minor non-compliance with Council's controls for dormers (300mm required); however, the dormer is considered to be appropriately scaled, proportioned and sited upon the front roof plane. The dormer aligns with the window on the ground floor level of the front façade and provides a coherent presentation of the dwelling to Rawson Avenue.
- The proposed new metal roofing to the front façade is to replace the existing metal roofing and is considered acceptable. The existing chimney is to be retained.
- The proposed new front fence is to have a maximum height of 1.2m that is compliant. The proposed fence improves the streetscape presentation of the site to Rawson Avenue as it allows for greater views to and from the front setback area (porch) of the property. The existing front fence is demonstrated in **Figure 1** of this report.
- The proposed reconstruction and expansion of the tiling to the porch within the front setback area is not considered to adversely impact upon the character of the heritage or landscape conservation area as this area is already sealed with concrete paving. The new tiling would enhance the existing streetscape presentation of the dwelling to Rawson Avenue.



**Figures 7 and 8:** Existing paving to front porch to be extended and replaced (photographs provided by the Applicant).

- The proposed works follow the architectural style of development specified for the Queens Park Conservation Area in Annexure B9-2 of Waverley DCP 2012.
- The development retains the Federation style of the front building façade and incorporates contemporary additions to the rear that are not highly visible from the primary streetscape.



- The proposed works would not adversely impact upon the physical and visual setting of the landscape conservation area.
- The proposed materials and finishes are suitable for the existing building.

Therefore, the proposed development, as amended, is considered to preserve the character and value of the heritage and landscape conservation areas.

### 2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	No trees are located on site. However, a <i>Ficus rubiginosa</i> (Port Jackson fig) is located on the road reserve on Rawson Avenue. Council's Tree Management Officer has reviewed the proposal and the landscape plan and are considered to be acceptable, subject to recommended conditions regarding tree protection.
6. Stormwater	Recommended Condition	<i>Refer to comments in Section 3 of this report.</i>
8. Transport Minimum parking rate: <ul style="list-style-type: none"> <li>• 0</li> </ul> Maximum parking rate: <ul style="list-style-type: none"> <li>• 2 spaces for 3 or more bedrooms.</li> </ul>	Yes on Merit	The proposal provides for two (2) car spaces. Council's Traffic and Development Department have reviewed the proposal and the internal width of the garage (4.87m) is noted as being inadequate as this does not accommodate 0.3m clearances to the walls on either side of the garage to allow for door opening.  Despite this non-compliance, it is considered that vehicles could be parked closer to one side of the garage to enable the driver and any passengers to exit from the opposite side of the vehicle. It is therefore not considered necessary to require the plans be modified to accommodate an internal width of 5.4m.
9. Heritage	Yes	<i>See comments in Section 2.1.2 above.</i>



Development Control	Compliance	Comment
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Wall Height</b>		
Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum wall height of 7.5m</li> </ul>	Yes on merit	<i>See discussion below</i>
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes on merit	<u>Front Building Line</u> The development extends the existing attic to provide a first floor addition that is considered to have an acceptable front building line.  <u>Rear Building Line</u> <i>See discussion below.</i>
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m (for height up to 8.5m)</li> </ul>	Yes on merit	<i>See discussion below.</i>
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>	Yes	As discussed in Section 2.1.2 above, the proposed development is considered to have a satisfactory impact upon the streetscape, Queens Park Conservation Area and the Rawson Street Landscape Conservation Area. The development has been suitably scaled, sited and articulated to minimise visual impacts to surrounding properties.
<b>2.4 Fences</b>		
<i>Front:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> </ul>	Yes	The proposed front fence will have a maximum height of 1.2m. The fence follows the sloping



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>		topography at the front of the site and is acceptable.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</li> <li>External stairs are not acceptable.</li> </ul>	Condition Recommended	<i>See discussion below.</i>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li> <li>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li> </ul>	Yes on merit	<i>See discussion below.</i>
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	The proposal is not considered to have any adverse impact upon significant views that may be present from surrounding properties.



Development Control	Compliance	Comment
<b>2.8 Car parking</b>		
2.8.1 Design Approach <ul style="list-style-type: none"> <li>• Parking only allowed where site conditions permit</li> <li>• Designed to complement the building and streetscape</li> <li>• Parking to be provided from secondary streets or lanes where possible.</li> </ul>	Yes	The proposed double garage complements the design of other double garage developments in the Rawson Lane streetscape and is considered to be acceptable in the circumstances of the site and surrounds.
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
2.8.3 Location <ul style="list-style-type: none"> <li>• Existing development to be in accordance with the hierarchy of preferred car parking locations</li> </ul>	Yes	Access to the double garage is provided from Rawson Lane that is a secondary street and is acceptable.
2.8.4 Design <ul style="list-style-type: none"> <li>• Complement the style, massing and detail of the dwelling</li> <li>• Secondary in area and appearance to the design of the residences</li> <li>• Gates to have an open design</li> </ul>	Yes	The proposed garage complements the design of the proposed dwelling and the design of double garages in the Rawson Lane streetscape. A planter box has been incorporated into the design of the garage and terrace above that will assist with softening the built form and enhance the presentation of the structure to the laneway.
2.8.5 Dimensions <ul style="list-style-type: none"> <li>• 5.4m x 2.4m per vehicle</li> </ul>	Yes	The double garage has internal dimensions of 5.88m x 4.87m that is compliant.
2.8.6 Driveways <ul style="list-style-type: none"> <li>• Maximum of one per property</li> <li>• Maximum width of 3m at the gutter (excluding splay)</li> <li>• Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	The exiting driveway is to be demolished and a new driveway constructed to align with the new garage spaces with a width of approximately 5m that is suitable to accommodate the double garage.
<b>2.9 Landscaping and open space</b>		



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> </ul>	Yes	The total open space on site equates to 67.7m <sup>2</sup> (44.6%) that is compliant.
<ul style="list-style-type: none"> <li>Overall landscaped area: 15% of site area</li> </ul>	Yes on Merit	The existing site is entirely paved and the proposal introduces new genuine soft landscaping within the northern side setback of the site that equates to 14.7m <sup>2</sup> (9.68%). The landscape character of the site is further enhanced by the provision of a lawn area above the proposed garage and landscape planning within a raised planter box to enhance the streetscape presentation of the site to Rawson Lane.
<ul style="list-style-type: none"> <li>Minimum area of 25m<sup>2</sup> for private open space</li> </ul>	Yes	Approximately 27m <sup>2</sup> of usable private open space is provided at the rear of the site.
<ul style="list-style-type: none"> <li>Front open space: 50% of front building setback area</li> </ul>	Yes	The existing open space at the front of the site is retained with the proposal.
<ul style="list-style-type: none"> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Yes on Merit	There is no soft landscaping within the existing front setback area as the site is heavily paved. The proposal would enhance this setting by providing new tiles to the front porch that is considered to be acceptable.
<ul style="list-style-type: none"> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	Adequate space is retained on site to accommodate outdoor clothes drying facilities.
<b>2.11 Dormer windows</b>		
<ul style="list-style-type: none"> <li>If &lt; 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling</li> <li>Minimum 0.3m below main roof ridge</li> </ul>	Yes on Merit	<i>See comments in Section 2.1.2 of this report.</i>
<b>2.14 Dual Frontage Development</b>		
<b>2.14.1 - General Controls</b> <ul style="list-style-type: none"> <li>Primary and secondary frontage to be defined</li> <li>Appropriate forms to be provided to each street</li> </ul>	Yes	The proposed development provides appropriate built forms to both the primary and secondary street frontages for reasons discussed throughout this report.
<b>2.14.2 - Laneway Design Provisions</b> <ul style="list-style-type: none"> <li>Maximum external wall height of 3.6m</li> </ul>	Yes	The proposed garage is sited well below the maximum 3.6m external wall height control for the laneway due to the sloping topography of the site and surrounds. Landscaping to the laneway is enhanced by the proposal as a raised planter box



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Maximum overall height of 6m to the roof ridge</li> <li>Landscape character of the lane maintained</li> <li>External stairs not acceptable</li> </ul>		is to be incorporated above the garage to soften the built form to Rawson Lane.
<p>2.14.3 Development in Heritage Conservation areas</p> <ul style="list-style-type: none"> <li>Single width garages or double with central divide</li> <li>Roof pitch and modulation to reflect the form of the area</li> <li>Finishes and proportions to match the traditional construction in the area</li> <li>Window proportions to match the area</li> <li>Overlooking to be mitigated</li> <li>Yard areas not to be roofed</li> <li>Box gutters on side boundaries to be avoided.</li> <li>Solar panels not to face the laneway.</li> </ul>	Yes	As previously discussed, the proposal, as amended is satisfactory within the context of the Queens Park Heritage Conservation Area and Rawson Street Landscape Conservation Area.

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

#### Wall Height

The development control for flat (or skillion) roof development is 7.5m above existing ground level. The maximum external wall height of the additional level is indicated as being 7.46m.

There is some difficulty in ascertaining the precise level of the existing ground level because this is below the floor of the existing building and there is no easy access available to determine this. Furthermore, the existing building is built directly up to and along the southern side boundary.

Whilst this poses difficulties in determining the accurate level, this can reasonably be inferred by utilising the finished ground level of the rear yard of the subject site and the finished ground level of the side passage of the adjoining site to the south - both of which have survey information.

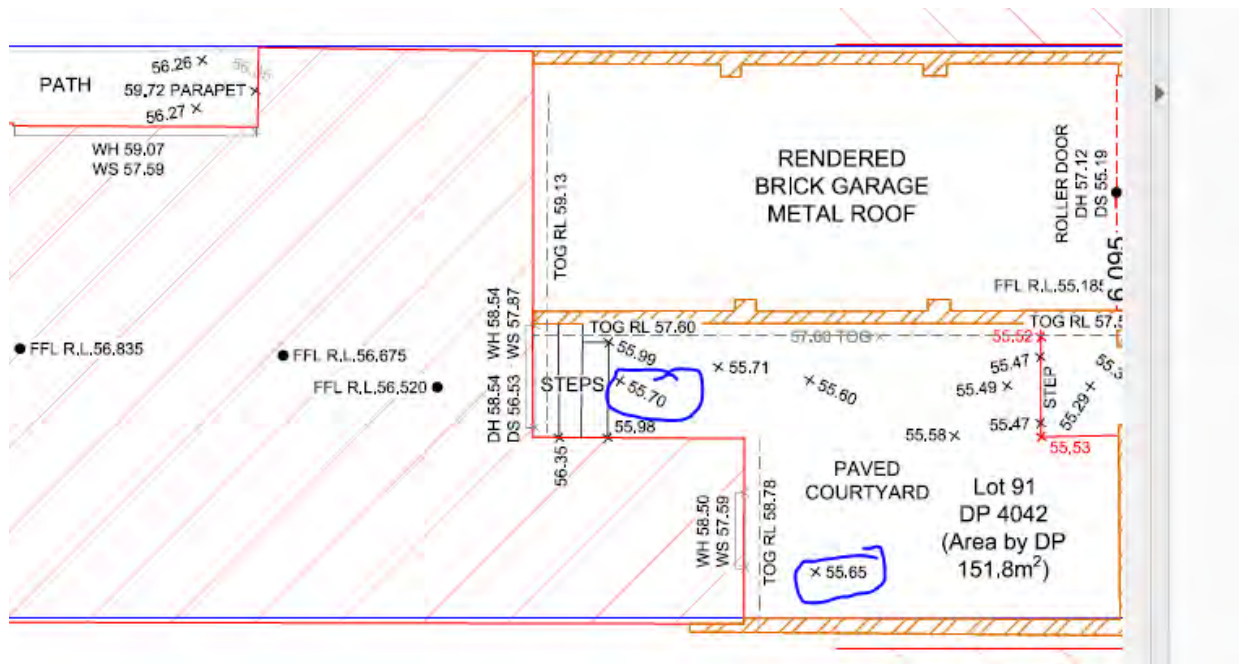


These levels (RL's) are similar and suggest that this would be a reasonable representation of the existing ground level under the subject dwelling to allow an accurate assessment of the wall height. The highest wall height of the proposal would be at the rear.

The existing ground of both of these areas consists of paving.

Based on this method, the proposed height of the wall along the southern boundary (RL 63.78 parapet) would range from 7.5m to approximately 8.04m at its maximum which would be at the rear most part (adjoining property side passage level of RL 55.74).

No 10 Rawson St. year yard - RL 55.70, 55.65 (slight fall to rear)



**Figure 9:** Survey report by geosurv consulting surveyors dated 5/03/2020

No 12 Rawson St. side passage – RL 55.94, 55.76, 55.74 (slight fall to rear)





**Figure 10:** Survey report by RHCO Surveying dated 3/09/2019

The objectives of the wall height control in Waverley DCP 2012 are:

- (a) To provide appropriate building heights for flat or pitched roof forms for lower density residential accommodation.*
- (b) To ensure the height and scale of development relates to the topography and street character.*
- (c) To ensure the height and scale of development does not unreasonably impact on views enjoyed by neighbouring and nearby properties.*
- (d) To ensure that the height and scale of development does not result in unreasonable overshadowing of neighbouring and nearby properties.*
- (e) To minimise loss of views from, and overshadowing of, public places. (f) To ensure development in excavation areas does not add to the overall visual bulk of the dwelling.*

Comment: The proposal has been assessed having regard to these objectives and the wall height is considered reasonable.

- The wall height control is a guideline (DCP) and height is well below the maximum allowable under Waverley LEP 2012.
- The roof form is located behind the front pitched roof and is contextually appropriate within the streetscape character.
- There will be no view impacts and the overshadowing impacts are considered acceptable in the context of the circumstances which include a narrow site, topography and orientation. Overshadowing is assessed further below.

#### ***Rear Building Line***

The proposal demolishes several existing structures at the rear, including the unauthorised works, to provide an increased rear building line at the ground floor level that is considered satisfactory and generally consistent with the established ground level rear building line in the vicinity.

The proposed first floor level provides a varied rear building line as this façade is proposed to be articulated with an angled wall. and the proposed articulated façade is considered acceptable and adds visual interest to the design of the dwelling.

Of relevance:

- There is no strong consistent rear building line at first floor level in the area (see **Figure 11**)
- The rear building line does not cause additional adverse overshadowing impacts as detailed further in this report.
- The development complies with Council's LEP overall height and FSR development standards.
- The development has provided an increased setback to the northern side boundary from the proposed living room at the rear.





**Figure 11:** Varied rear setbacks shown to Rawson Ln.

### *Side Setbacks*

#### Northern Side Boundary

The existing building has an 800mm setback for the majority of the northern side and a zero setback for a small part of the dwelling at the rear.

The proposed development retains the existing 800mm side setback of the front portion of the dwelling to the northern side boundary and provides an increased side setback of 1.6m to the ground level adjacent to the kitchen area to accommodate a garden and sliding doors to the side boundary. The rear portion of the dwelling containing the living room (in the vicinity of the existing kitchen that is constructed with a nil setback) is proposed to be setback 900mm from the northern side boundary. Furthermore, the new components of the first floor level are proposed to be setback 900mm from the northern side boundary.

#### Southern Side Boundary

The existing building has a nil setback to the southern side boundary and this is retained with the proposal. This is considered acceptable and reasonable in the circumstances including the following reasons:

- The existing building has a nil setback to the southern side boundary.
- The site is narrow (6.095m wide) and the development complies with the height and FSR development standards in WLEP.
- The development of the first floor level to the southern side boundary results in some overshadowing impacts to the bathroom windows (non-habitable rooms) of No. 12 as discussed in detail below; however, this is primarily due to the east-west orientation of the lots and surrounding subdivision pattern.



- Development on surrounding properties (i.e. 12 Rawson Avenue adjoining the subject site to the south) are also sited with a nil setback to its southern side boundary across both the ground and first floor levels and therefore, the development follows the pattern of development in the locality.

### *Visual & Acoustic Privacy*

An assessment on the potential visual and acoustic privacy impacts of the proposal on surrounding properties has been undertaken below:

#### Impacts to 8 Rawson Avenue (Adjoining Northern Side Boundary)

The site adjoins a part one and two storey dwelling at the northern side boundary at 8 Rawson Avenue. The following comments are made with regards to the maintenance of visual and acoustic privacy for the adjoining property to the north:

- **WG02 (Dining Room):** No adverse overlooking impacts are anticipated from this dining room window at the ground floor level, as this window is not located directly adjacent to any window on the adjoining property. Therefore, it is not considered reasonable to request this window be fitted with translucent glazing as requested in the submissions received.
- **WG03 (Kitchen):** No adverse noise or overlooking impacts are anticipated from the proposed sliding doors from the kitchen area to the side garden as this area is provided with an increased side setback of 1.6m from the northern side boundary.
- **WF02 (Robe):** It is recommended that a condition be imposed for this window on the first floor level to the wardrobe of the master bedroom be fitted with translucent glazing to maintain privacy for the occupants of the dwelling and adjoining property.
- **WF03 (Family Bathroom):** This window to the family bathroom on the first floor level is indicated to be fitted with translucent glazing however, it is unclear if this glazing extends the entire height of the window. A condition is recommended to be imposed for translucent glazing to be fitted for the entire height of this window to maintain privacy for the occupants of the dwelling and surrounding properties.
- **WF04 (Bedroom 2):** This is an elongated window to Bedroom 02 of the development on the first floor level. No adverse overlooking impacts are anticipated from this window as it is not located directly adjacent to any first floor window on the adjoining property. Furthermore, this bedroom is a passive living space within the dwelling and is not considered to give rise to any unreasonable overlooking impacts therefore, it is not necessary to request this window be fitted with translucent glazing as requested in the submissions received.
- **WF05 (Bedroom 3):** This window is a large window proposed to Bed 03 at the rear elevation of the dwelling. It is anticipated some overlooking of the adjoining property to the north and



properties along Rawson Lane would occur as a result of this window. However, this window is considered to be acceptable in the circumstances of the site for the following reasons:

- The window is proposed to a bedroom that is a passive living space within the dwelling.
  - A window to the rear of a dwelling is not uncommon and is considered a reasonable expectation.
  - Surrounding properties fronting Rawson Avenue have balconies at their rear elevations that is considered to result in greater mutual privacy impacts than the proposed window.
- **Side Garden:** No unreasonable noise impacts are anticipated to result from use of the proposed garden within the northern side setback as the proposal retains the existing use of the site as a single occupancy dwelling.
- **Terrace and Lawn above Garage:** It is proposed to demolish the existing single car garage and construct a new double garage across the width of the site accessed via the rear lane. This is a common structure in the area. The roof of the garage will be used as private open space and landscaped and the adjacent yard area raised to provide level access from the outdoor space above the garage. The proposed living room is also raised at the rear to provide level access to the terrace and lawn area above the garage. The proposed garage terrace and lawn area is located adjacent to the existing garage terrace/private open space area of the adjoining property to the north (8 Rawson Ave) and will also be adjacent to an approved (but not yet built) similar structure for the adjoining property to the south (12 Rawson Ave) . The proposed garage roof terrace includes a 1.8m high privacy screen to the south elevation which will match the approved 1.8m high privacy screen on the northern side of 12 Rawson Ave. This will mitigate privacy issues to that side and not result in any additional overshadowing (the two screens will be next to each other). Terraces above garages are evident within the Rawson Lane streetscape and the development is considered to be consistent with other development in the immediate locality. Therefore, no unreasonable noise or overlooking impacts to 8 Rawson Avenue is anticipated.
- **Side Access Stairs from Rawson Lane:** The stairs are sited well below the private open space area of this adjoining property due to the slope of the land as discussed above and therefore, no adverse noise transmission is anticipated.

#### Impacts to 12 Rawson Avenue (Adjoining Southern Side Boundary)

The site adjoins a two storey terrace style dwelling at the southern side boundary at 12 Rawson Avenue. It is noted that this adjoining property currently has a garage at the rear however, a development application (**DA-160/2020**) has been approved to convert the space above the garage to a courtyard. Of relevance, a condition has been imposed on this consent requiring the balustrade along the southern edge of the terrace to be 1.4m in height when measured from the FFL of the terrace and is to have no more than 25% transparency.



The following comments are made with regards to the maintenance of visual and acoustic privacy for the adjoining property to the south:

- **WF06 (Study & Hallway):** This is a full length window providing natural light and ventilation to the study nook and hallway at the first floor level of the dwelling. This is a passive living space within the dwelling and is not anticipated to give rise to any adverse overlooking impacts of the adjoining property at 12 Rawson Avenue or to properties along Rawson Lane.
- **Terrace and Lawn above Garage:** The roof of the existing garage at 12 Rawson Avenue is slightly lower than the level of the approved courtyard above the garage under **DA-160/2020** that is to have an RL of **RL 57.540**. Considering this, the following is noted:
  - The proposed terrace area on the subject site is to be sited at **RL 57.520** that is **20mm below** the height of approved courtyard on this adjoining property.
  - The proposed lawn area above the garage on the subject site is to be sited at **RL 57.695** that is **155mm above** the height of the approved courtyard on this adjoining property.

A 1.8m high privacy screen is proposed along the southern side boundary of the terrace and lawn, and to the rear fronting Rawson Lane. This screen is to incorporate a solid wall feature to a height of approximately 990mm as measured from the FFL of the terrace. The height, articulation and detailing of this privacy screen is considered to be reasonable as it reflects the height permitted for side and rear boundary fencing.

Of relevance, the approved development to No 12 Rawson (DA-160/2020) incorporates a 1.8m high privacy screen to the northern side of the (similar) roof terrace. This privacy screen would reduce mutual overlooking impacts between 10 and 12 Rawson Avenue when the terraces are in use.

Should the development approved for 12 Rawson not proceed, the proposed screen on the southern elevation of the terrace at 10 Rawson will prevent overlooking. In this circumstance, some additional shadow from the screen will eventuate, however this is not considered unreasonable in the circumstances.

In direct response to comments made in the submissions received, the proposed transparency and design of the privacy screen and planter box is considered to be acceptable. It is not considered necessary to require the privacy screen to be setback from the planter box for the entirety of the southern edge of the lawn/terrace.

#### Impacts to Properties along Rawson Lane

The development is not anticipated to have any adverse privacy impacts upon adjacent development in Rawson Lane as follows:

- **WF05 (Bedroom 3):** *See discussion above.*
- **WF06 (Study & Hallway):** *See discussion above.*



- **Terrace and Lawn above Garage:** The lawn above the garage is to be fitted with a planter box adjacent to Rawson Lane to provide a setback to the usable area and reduce the likelihood for overlooking into the rear area of properties along Rawson Lane. Furthermore, terraces above garages are common along Rawson Lane so the development is considered to be characteristic of development in the immediate locality.

Therefore, the proposal is considered to be generally acceptable with regards to the maintenance of visual and acoustic privacy for surrounding properties, subject to recommended conditions requiring windows labelled WF02 and WF03 be fitted with translucent glazing.

### *Solar Access*

The objectives of the solar access development control in WDCP are:

- (a) To maximise solar access to surrounding properties and the proposed development through appropriate orientation and siting.*
- (b) To ensure reasonable levels of direct sunlight to living areas and private open space of lower density residential accommodation.*
- (c) To maximise solar amenity and energy efficiency to existing surrounding lower density residential accommodation.*
- (d) To minimise overshadowing of windows to internal living areas and private open space of surrounding dwellings.*

The controls seek to ensure a specified amount of direct sunlight is provided to the principal private open space of adjoining properties. This control is a guideline and is to be applied flexibly and in appropriate circumstances.

Section 4.15 (3A) (b) of the Environmental Planning & Assessment Act requires that a consent authority, when considering the non-compliance of a provision in the DCP: “...is to be flexible in applying those provisions...”.

Where the established subdivision pattern, existing built form, site orientation and size and allowable built form (as envisaged by the development controls and standards) does not allow for strict compliance, the control may not be readily capable of being met.

The Applicant has submitted a series of revised shadow diagrams in elevation and plan form. The plans and documentation are considered sufficient to inform an assessment of the overshadowing impacts resulting from the proposed development against the DCP control.

The revised shadow diagrams identify the following impacts during the winter solstice:

- Existing overshadowing (demonstrated in **grey** in the shadow diagrams);
- Existing overshadowing cast by the unauthorised works at the rear identified as a separate entity (demonstrated in **red** in the shadow diagrams);
- Overshadowing resulting from the proposed built form (demonstrated in **green & blue** in the shadow diagrams);



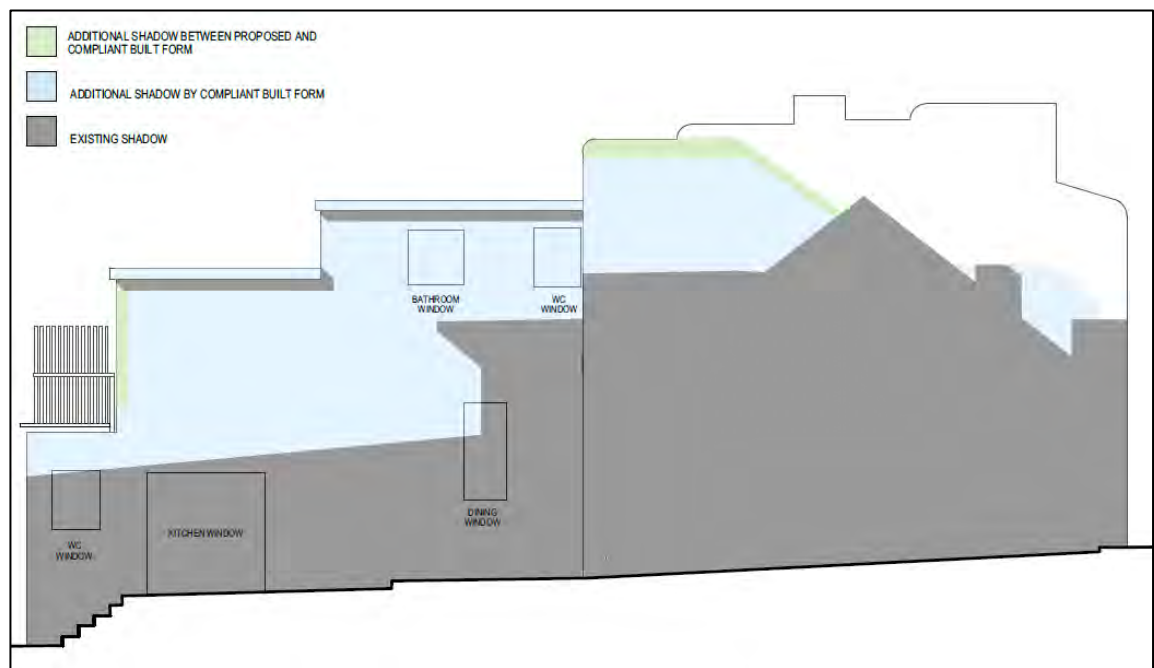
- Overshadowing resulting from a built form that provides a 900mm setback to the southern side boundary of the first floor level and a reduced first floor rear building line (demonstrated in **blue** in the shadow diagrams);
- Elevational shadow impacts to the northern elevation of the existing dwelling at 12 Rawson Avenue (to the south); and
- Overshadowing impacts to development across Rawson Lane (fronting Denison Street).

The resulting overshadowing impacts to surrounding developments are identified and discussed in detail below:

### 9AM

A review of the shadow diagrams submitted demonstrates the following overshadowing impacts at 9AM during mid-winter to the existing development:

- The proposed development results in complete overshadowing of the northern elevation of the dwelling 12 Rawson Avenue as a result of the proposed construction of a first floor level.



**Figure 12:** Overshadowing impacts at 9AM to northern side elevation of 12 Rawson Avenue.

- The proposed development results in some additional overshadowing to the existing garage roof of the adjoining property that is cast by the proposed lawn/terrace and 1.8m high privacy screen.





**Figure 13:** Overshadowing impacts at 9AM to roof of dwelling and garage at 12 Rawson Avenue.

At 9am, it is considered that the development of any first floor level on the subject site will result in substantial overshadowing of the northern elevation of the existing dwelling at 12 Rawson Avenue. This is as a direct result of the lot and subdivision pattern of surrounding properties which are orientated east-west and therefore, overshadowing is unavoidable. As has been outlined, the development is fully compliant with Council's development standard with regards to maximum FSR and is below the maximum building height development standard applicable to the site..

### 12 NOON

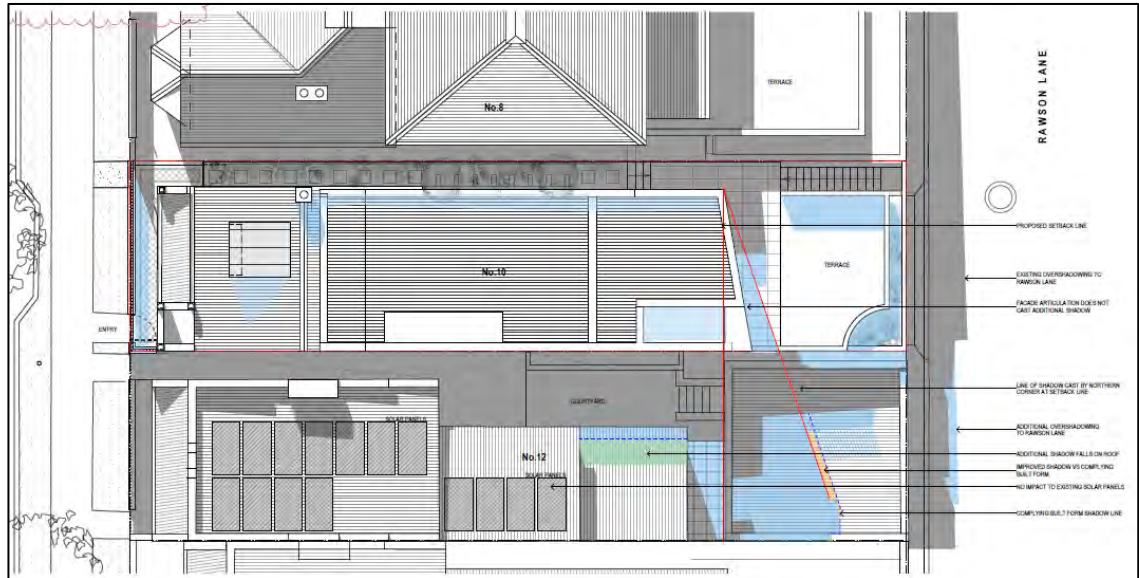
A review of the shadow diagrams submitted demonstrates the following overshadowing impacts at at 12 noon during mid-winter to the existing development:

- The proposed development results in a large amount of overshadowing of the northern elevation of the dwelling 12 Rawson Avenue as a result of the proposed construction of a first floor level. This includes the existing balcony at the rear of the first floor level of the dwelling.



**Figure 14:** Overshadowing impacts at 12 noon to northern side elevation of 12 Rawson Avenue.





**Figure 15:** Overshadowing impacts at 12 noon to balcony at 12 Rawson Avenue and Rawson Lane.

- The proposed development results in increased overshadowing to the existing garage roof of the adjoining property that now also cast by the rear of the dwelling.
- Some additional overshadowing is cast upon the public domain (Rawson Lane) as a result of the proposed privacy screen and planter box.

Further to the comments previously made above regarding overshadowing impacts at 9AM, the additional overshadowing to the existing bathroom windows on the first floor level is considered to be acceptable on merit as these are not active living spaces within the dwelling and are non-habitable rooms.

Overshadowing is also cast upon the existing balcony of this adjoining property; however, this is cast by the northern corner of the rear of the dwelling that complies with Council's rear setback and building height control. Due to the angle of the sun, additional overshadowing is not cast by the chamfered edge of the first floor level as this overshadowing falls within the shadow cast by the northern corner of the rear of the dwelling.

The development results in substantial overshadowing of the dining and kitchen windows on the ground floor level of the adjoining property. While it is acknowledged that these are the active living spaces within the dwelling, overshadowing of these spaces is unavoidable with the development of any first floor level on the subject site due to the east/west orientation and narrow allotments and is therefore considered acceptable for reasons previously discussed.

### 3PM

A review of the shadow diagrams submitted demonstrates the following overshadowing impacts at 3PM during mid-winter to the existing development:



- **12 Rawson Avenue**

- The proposed development results in additional overshadowing of the blank walls of the northern elevation of the dwelling 12 Rawson Avenue as well as the existing balcony..



**Figure 96:** Overshadowing impacts at 3PM to northern side elevation of 12 Rawson Avenue.

- The solar panels on the front and middle roof are already partly impacted by existing development on the site and surrounds. No impact upon the solar panels results from the proposed development at 3PM.
- The proposed development results in substantial overshadowing of the existing garage roof of the adjoining property.



**Figure 10:** Overshadowing impacts at 3PM to 12 Rawson Avenue and Rawson Lane.

While it is acknowledged that direct sunlight is lost to the existing rear balcony, this is largely overshadowed by its own development at 3PM.



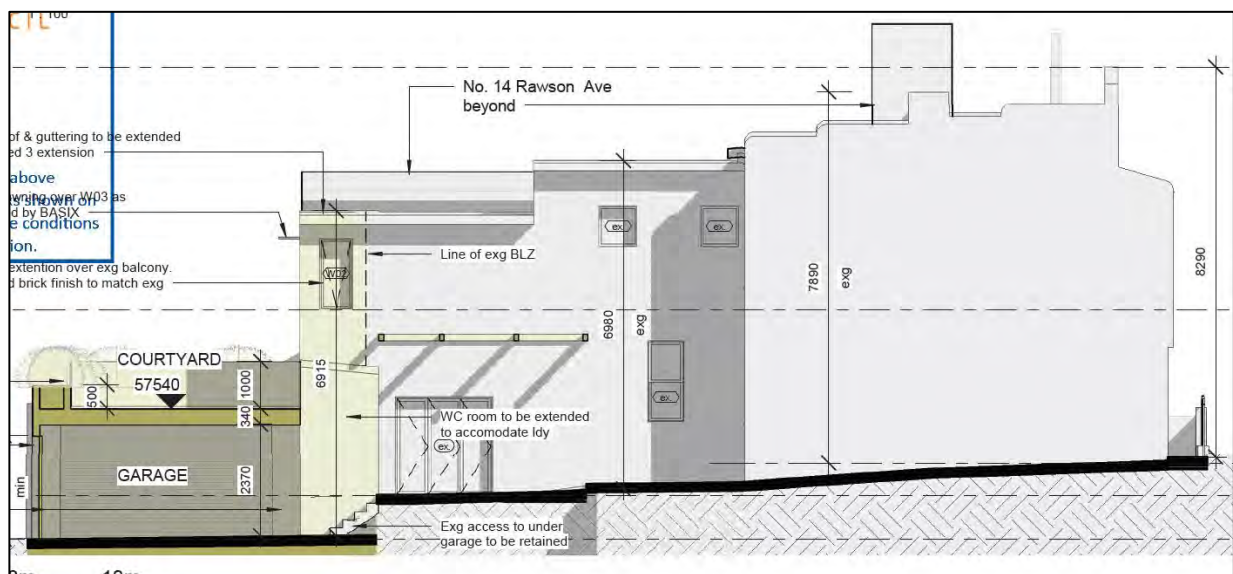
- **Properties Fronting Denison Street**

- **147 Denison Street:** Overshadowing cast by the proposed development falls within the rear setback area (private open space) of 147 Denison Street that is already entirely overshadowed by existing development.
- **149 Denison Street:** Overshadowing cast by the proposed development falls upon the existing garage roof, the rear setback area (private open space) and part of the roof of the dwelling at 149 Denison Street. The private open space area at this property is already entirely overshadowed by existing development in the surrounds and as a result, the proposed development has no additional impacts to this area. Overshadowing cast upon the roof of the garage is negligible as this is not a terrace or habitable space.
- **151 Denison Street:** No overshadowing is cast by the proposed development upon the solar panels at 151 Denison Street at 3PM.

As demonstrated above, the proposed rear building line and setback to the southern side boundary has no material impact upon overshadowing cast across the rear lane to properties fronting Denison Street and is acceptable.

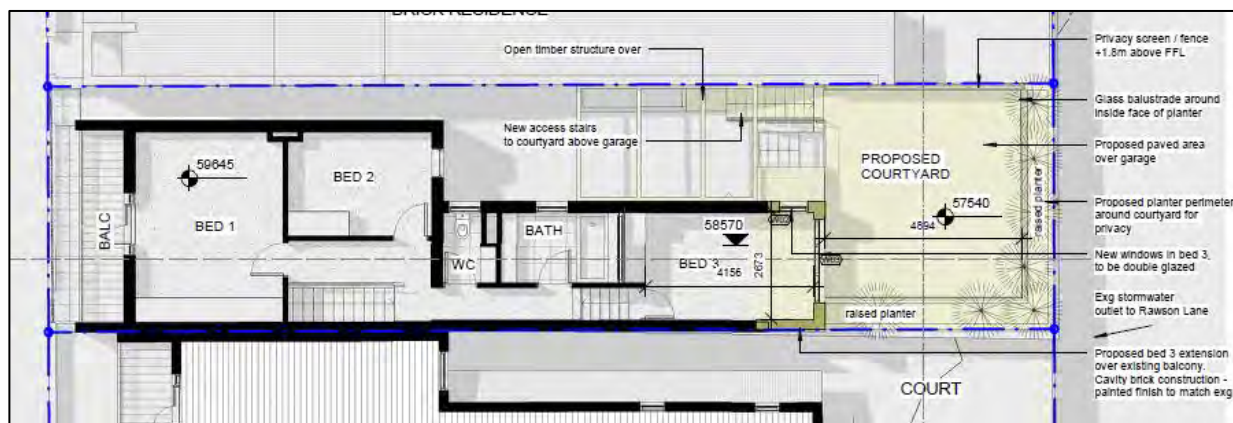
#### Impacts to Approved Development at 12 Rawson Avenue (DA-160/2020)

The adjoining property at 12 Rawson St has development consent for alterations and additions to the existing dwelling including a new garage with a terrace/deck and rear extension. At the time of writing this report, it appears construction works have not commenced on site. The following diagrams demonstrate the approved development on this adjoining property in relation to the proposed development on the subject site.



**Figure 18:** Approved northern elevation of **DA-160/2020** at 12 Rawson Avenue demonstrating the enclosure of the rear balcony and new window.





**Figure 19:** Approved first floor level of DA-160/2020 at 12 Rawson Avenue demonstrating the enclosure of the rear balcony, new window and proposed courtyard/terrace above the garage.

Shadow diagrams have been submitted by the Applicant that demonstrate the potential impacts of the proposal to this adjoining property, should the approved works be constructed. A review of the diagrams submitted results in the following:

- *Impacts to Dwelling*

At 9AM, should a compliant 900mm setback be provided to the southern side boundary of the first floor level, there would be no change to overshadowing experienced by the openings on the northern elevation of 12 Rawson Avenue, as the shadow cast by a nil setback to the southern side boundary falls upon the roof of the existing dwelling on this adjoining property only. The proposal would not have an adverse impact upon the new window to the bedroom as it is demonstrated that there appears to be no overshadowing impacts to the existing balcony at the rear of this adjoining property.

At 12 noon, there would be some solar access retained to the existing bathroom windows at the first floor level of the northern elevation of 12 Rawson Avenue. However, overshadowing of the balcony results from complying built form elements of the development. The proposal will also have some impact upon the new window to the bedroom as a result of the nil setback of the first floor level to the southern side boundary that is considered unavoidable for reasons previously discussed in this report.

At 3PM, the proposal will likely overshadow the entirety of the new bedroom window. This results from complying built form elements of the proposal and the provision of a 900mm setback to the southern side boundary at the first floor level would not change this impact.

- *Impacts to Terrace/Courtyard Above Garage*

At 9AM, the overshadowing resulting from the proposed terrace and privacy screen will fall within the overshadowing cast by the approved development.



At 12 noon, the overshadowing resulting from the proposed dwelling will cover a large part of the terrace that would otherwise receive solar access. There is likely no change to this overshadowing should the first floor level of the development be setback 900mm from the southern side boundary as the approved terrace incorporates a planter box that overshadows the south of the site. Overshadowing cast by the proposed lawn and privacy screen will largely fall within the overshadowing cast by the approved terrace development.

At 3PM, the shadow resulting from the proposed dwelling will overshadow the remaining small portion of the terrace that would otherwise still receive solar access. Overshadowing of the existing garage roof and terrace is considered unavoidable due to the orientation of lots and the angle of the sun.

### Solar Access Summary

It is considered that strict compliance with the solar access development control that seeks a minimum of 3 hours direct sunlight to to at least 50% of the principal private open space top 12 Rawson is not reasonably possible having proper regard to the allowable development standards and the circumstances of the case which have been outlined in this report.

The nil setback to the southern side boundary at the first floor level and chamfered edge of the rear of the first floor level results in no substantial or unreasonable adverse impacts to this adjoining property.

## 2.2. Other Impacts of the Development

The proposal is considered to 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 suitable for the proposal.

## 2.4. Any Submissions

The application was notified for a period of 14 days between 2 June 2021 and 18 June 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- FSR reduced to comply with Council's development standard;
- Northern side boundary setback increased to 900mm;
- Rear setback increased; and



- Dormer size reduced.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

Notification of the original proposal resulted in a total of 14 submissions on behalf of 8 properties, whereby 11 were unique, including 1 in support of the application. 1 unique submission was also received in relation to the revised plans submitted that were not formally notified.

**Table 3: Number of and where submissions were received from.**

Count	Property Address
1.	1 Rawson Avenue, QUEENS PARK
2.	8 Rawson Avenue, QUEENS PARK
3.	12 Rawson Avenue, QUEENS PARK (7 submissions including 5 unique)
4.	141 Denison Street, QUEENS PARK
5.	145 Denison Street, QUEENS PARK
6.	147 Denison Street, QUEENS PARK
7.	151 Denison Street, QUEENS PARK
8.	155 Denison Street, QUEENS PARK (2 same submissions)

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Rear building line;
- Side setbacks;
- Overshadowing;
- Size of dormer;
- Streetscape and Visual Impacts within Heritage Conservation Area;
- Visual privacy; and
- Unauthorised works.

All other issues raised in the submissions are summarised and discussed below.

### **Inaccurate Documentation**

**Issue:** *Inaccuracies in submitted documentation including:*

- *Incorrect calculation of FSR and documentation affected by this error (i.e. Clause 4.6).*

**Response:** The application has been amended to comply with Council's FSR development standard. As a result, no clause 4.6 statement is required.

- *Existing ground level and building height errors.*
- *The survey plan does not provide information on the existing ground level under the dwelling and along the southern boundary of the property.*

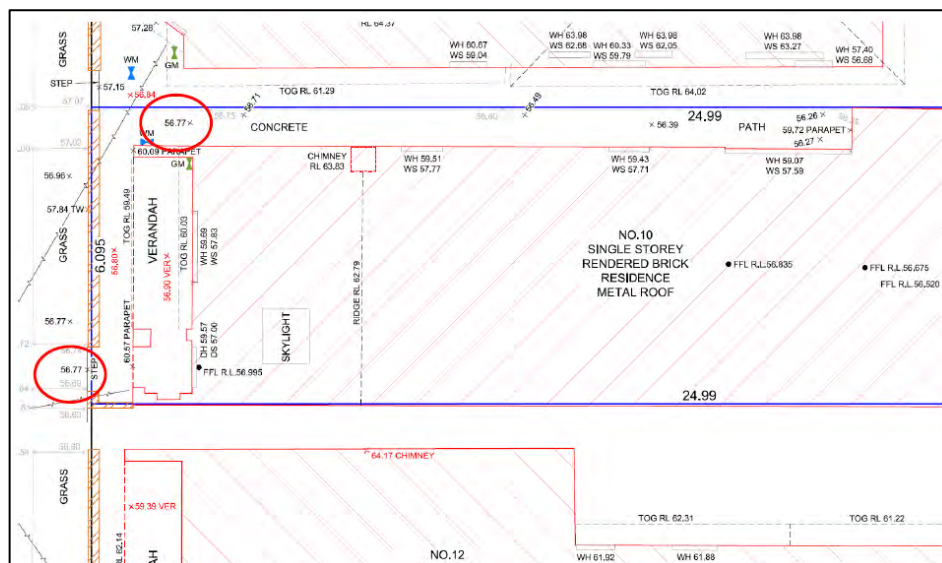


- “The ground level (existing) is, between approximately 400mm and 700mm lower (at various points) than the finished floor levels of the dwelling and the levels adopted by the supporting documents.”
- “Were Council to adopt the approach of the Applicant and his consultants in their measures of the height of the proposal, it would fall into legal error.”
- “The Architectural Plans incorrectly show the construction method for the Dwelling as a slab on ground. We are instructed that the actual construction is a floor structure elevated by piers above a sub-floor space and the ground level (existing) of the Property. A site inspection will confirm this.”

**Response:** A site inspection was conducted and the Applicant was requested to clarify how the existing ground level had been extrapolated from the survey plan. The following reasoning has been provided by the Applicant:

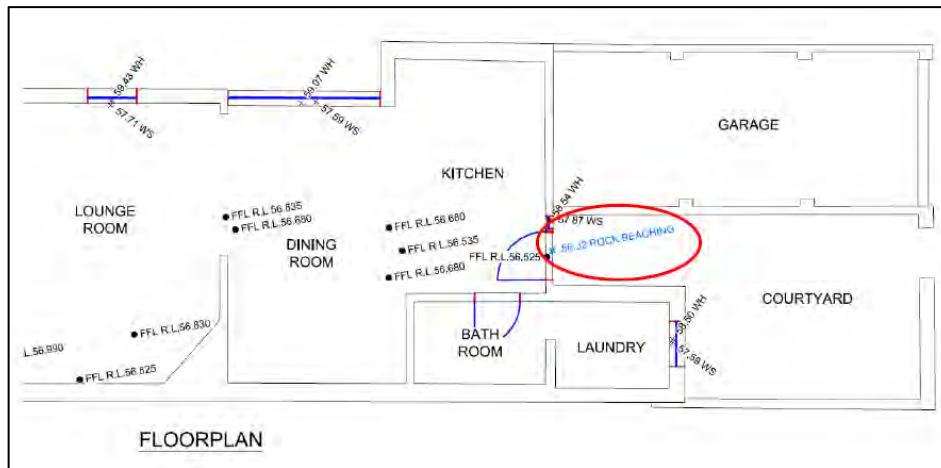
An additional survey was undertaken on the 14<sup>th</sup> May 2021 by GeoSurv, where Mr. Tsimourtos removed the steps to his rear entry to ascertain the ground level below the existing finished floor. This RL is shown as the top of stone wall level below the subfloor vent. This stone runs horizontally along the rear wall and into the existing garage as shown in the photo below.

The existing ground line was determined by using the survey levels available. To the front RL56.77 runs across the width of the property suggesting the site was excavated to this RL generally to build the house off, gradually falling to the rear as indicated on northern side – refer fig.5. A line was extrapolated between the RL56.77 and RL56.32 providing a reasonable estimation of Ground Level Existing through the site until you get to the garage and courtyard where there are varying levels present due to excavation. This line was extended to the rear setback line with parapet RL set 40mm below the 7.5m offset.



**Figure 20:** Survey RL's to front.





**Figure 21:** Stone wall RL provided by Surveyor.



**Figure 22:** Existing stone wall level running through to garage.



**Figure 23:** Existing stone wall level.



**Figure 24:** Rear of existing dwelling and rear setback area.



Whilst the conclusions arrived at by the applicant have merit and if adopted would result in the external wall height being below the wall height maximum in WDCP, an alternate view is that a more accurate and likely determination of existing ground level would be achieved by utilising the finished ground level (RL's provided by survey) of the nearest rear part of the courtyard at the rear of the existing building on the site and the side passage of the adjoining property to the south. If this method is utilised, the external wall height has a maximum height at the rear most part of 8.05m.

It is not considered reasonable (and is not normal practice) to require an owner to remove existing flooring across the ground floor level so as to determine with absolute precision the existing ground level for the purposes of determining the height against a DCP control.

In this case, the assessment has taken the potential greater height of the latter method as the basis for the assessment against this control.

- *Height plane diagram not submitted.*

**Response:** The proposed development is well below the Council's maximum building height development standard in Waverley LEP 2012 and the height has been previously discussed.

- *Shadow diagrams do not show the full extent of the impacts of the proposal on all surrounded properties that will be affected.*
- *Council should make the Applicant provide complete "plan" shadow diagrams for the Proposal. Once such information is received, Council should undertake further notification of the current DA (as amended). A failure to re-notify may constitute a legal error.*

**Response:** Additional shadow diagrams in plan form have been submitted with the amended application that are discussed in detail in section 2.1.3 of this report. The amended plans were not re-notified for reasons previously discussed.

- *Rear elevation incorrectly drawn.*

**Response:** The rear elevation is clearly and accurately depicted for the purposes of assessing the proposed development

- *The DCP prescribes a minimum side setback of 900mm and this should be the minimum required along with a lowering of the roof height. The exception is where the maximum building height is exceeded, which it has been in this DA.*

**Response:** The development complies with Council's maximum building height development standard. See discussion in section 2.1.3 of this report for further comments regarding the side setbacks.

### **Requested Design Amendments**

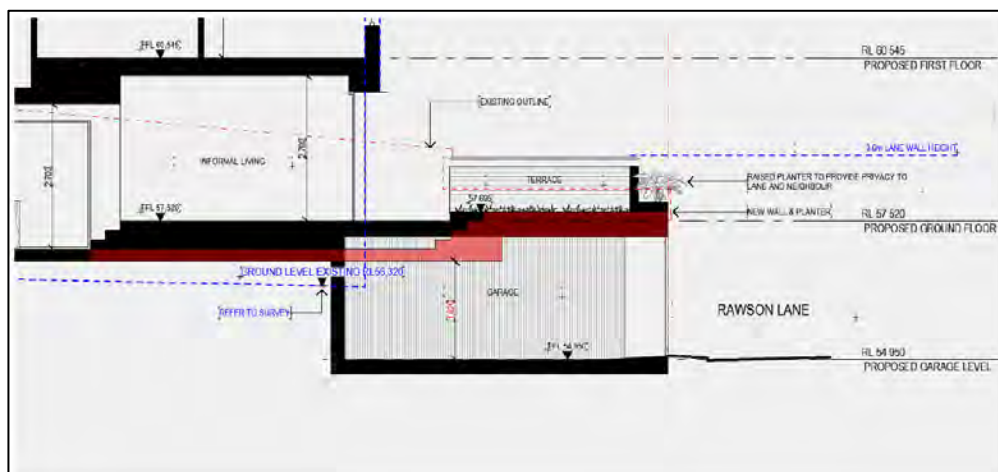
**Issue:** Design amendments that respond to the context and the likelihood of impacts should be pressed on the Applicant including:



- *Development does not respond to the topography of the site and surrounding development. Development to step down the ground-floor level of the proposal down to reflect the slope of the land of the property.*
- *“The owner wants to be able to walk from his ground floor living room onto his rear terrace, without walking up stairs. To achieve this he has had to raise the level of the whole house at the rear and it sits over 2 metres off the ground and he falsifies the ground levels to get under the height restrictions.”*

**Response:** Reasoning provided in the Applicant’s response to the deferral letter has been summarised below and is generally agreed. This is reflected in the above assessment of the amended proposal and no further amendments to the design of the development in relation to the topography is considered necessary.

*The proposed internal stepping at the rear provides a level access to the terrace above the garage for better amenity for the occupants, is more family and child friendly and mitigates the risk of flooding as stormwater is designed to fall away from the glazing line. Moving the stairs to the external terrace will also make the garage non-functional as shown in section diagram below.*



**Figure 2511:** Impact to garage with steps moved to external terrace.

*Although the proposal does not appear to step down in the long section for reasons described above, it is noted that in the context of Rawson Lane the proposal is in keeping with the character and pattern of the built form, where varied heights and articulation exist.*

- *Reducing the unnecessary and unreasonable ceiling heights and the depths of floor structures, ceiling structures and the roof structure.*
- *Alternative roof forms and raked ceilings at first-floor level.*

**Response:** Clarification on the proposed roof and internal ceiling heights has been provided by the Applicant and this is considered satisfactory.

*The proposed roof sits within the parapet wall height therefore does not add additional bulk and scale. The proposed roof form to Rawson Avenue carries the line of the existing roof pitch until it meets a point where the new roof can fall to a central*



*gutter. This provides a horizontal ridge when viewed from Rawson Avenue which is more in keeping with the character of the existing fabric.*

- *Utilise the northern side setback which is already built to the boundary and which would not impact on 12 Rawson Avenue.*
- *Setback the first-floor level by 900mm from the southern side boundary.*

**Response:** The proposed development provides a side setback of 900mm to the northern side boundary for the new building elements of the proposal. The existing dwelling is already constructed with a nil setback to the southern side boundary and this issue has been discussed in detail in this report. *See discussion in section 2.1.3 of this report for further comments regarding the side setbacks.*

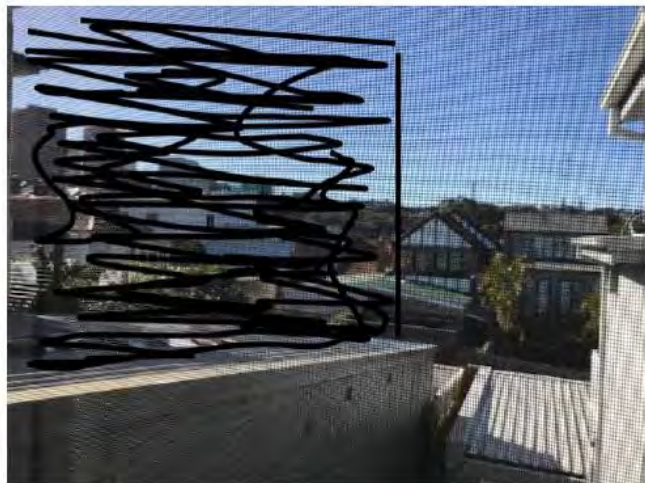
### **Impact on Outlook**

**Issue:** *Impact on outlook from the dining and kitchen of the adjoining property at 8 Rawson Avenue.*

**Response:** It is noted that the adjoining property at 8 Rawson Avenue is sited higher than the subject site. Any impact upon outlook from this property would result from fully compliant built form elements of the development and is considered reasonable in the circumstances

**Issue:** *Impact on outlook from bedroom of 12 Rawson Avenue.*

From the 2nd bedroom, the wall will be just 1 metre away and will block out around 70% of the outlook from the bedroom. It will block out all sky vistas and the view of Bondi Junction. The room will become completely claustrophobic.



**Figure 26:** Extract from submission.

**Response:** The proposed nil setback to the southern side boundary is considered to be acceptable for reasons previously discussed in this report.

### **Miscellaneous Issues**

**Issue:** *“Any new boundary fence should be entirely within the subject site and be at the expense of the owner. A gate should be installed on the 8 Rawson Avenue side of the boundary at the western end to match the existing design with vertical battens. This is because the setback area between the two properties has always been a shared space with a shared gate at the western end.”*



**Issue:** *Existing encroachments.*

**Response:** The development incorporates a gate to the pedestrian entrance of the garage structure. A condition of consent is recommended to be imposed for the proposed works to be contained within the property boundaries.

**Issue:** *Development does not meet the low density residential zone objectives and sets an undesirable development precedence.*

**Response:** The dwelling is retained as a single dwelling house that located within the R2: Low Density Zone and permitted within the zone.

**Issue:** *Need to erect scaffolding at 12 Rawson Avenue for construction works.*

**Response:** Standard conditions of consent are recommended to be imposed with regards to construction works.

**Issue:** 'No Parking' signs should be installed on Rawson Lane (Denison side) opposite Mr Tsimoutos' garage to facilitate entry/exit and traffic flow.

**Response:** No parking is permitted on Rawson Lane and this issue is irrelevant to the proposed development.

**Issue:** *The following requests have been made:*

- *Natural Ground level be assessed by independent surveyor*
- *Heritage architect reassess front dormer*

**Response:** As previously discussed, further investigations into the ground levels are not required for Council to adequately and appropriately assess the development application. The front dormer has been amended and reassessed by Council's Heritage Advisor and is satisfactory.

**Issue:** *Assessment process of subject DA should not consider **DA-231/2020** and should be undertaken by a different assessment officer.*

**Response:** The application has been assessed in accordance with required legislation.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Heritage

*Refer to comments in Section 2.1.2 of this report.*



### 3.2. Traffic and Development

*Refer to comments in Section 2.1.3 of this report.*

### 3.3. Stormwater

Further to comments in Section 2.1.3 of this report, Council's Stormwater Engineer has requested that the FFL of the habitable areas should be at least 150mm above the adjacent ground level to ensure adequate drainage. It is also recommended that all outdoor living/alfresco/terrace areas be at least 150mm above the adjacent ground level (where a habitable area is adjacent to an outdoor living/alfresco/terrace areas, the differential in FFLs shall be 150 mm).

There are no controls within the LEP or DCP requiring the habitable rooms to be 150mm above the adjacent ground level. This is covered by the National Construction Code which is to be assessed by the Principal Certifier at the construction certification stage. As such, no conditions will be imposed requiring changes to the floor levels.

### 3.4. Tree Management

*Refer to comments in Section 2.1.3 of this report.*

## 4. CONCLUSION

The development application seeks consent for alterations and additions to the existing single-storey dwelling including substantial demolition, internal reconfiguration and first floor addition at the site known as 10 Rawson Avenue, QUEENS PARK.

The principal issues arising from the assessment of the application are as follows:

- Bulk & Scale
- Setbacks
- Overshadowing
- Privacy

The assessment finds these issues acceptable as outlined in this report.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of consent.

#### *Development and Building Unit (DBU) Decision:*

The application was reviewed by the DBU at the meeting on 3 August 2021 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, A Rossi, B McNamara and B Magistrale*

## 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:**



Judith Elijah  
**Senior Development Assessment Planner**

**Date:** 5 August 2021

**Application reviewed by:**



Bridget McNamara  
**Manager, Development Assessment  
(North/South)**

**Date:** 17 August 2021

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



Mitchell Reid  
**Executive Manager, Development Assessment  
(Reviewed and agreed on behalf of the  
Development and Building Unit)  
Date: 17 August 2021**

*Reason for WLPP referral:*

1. Contentious development (10 or more objections)



## APPENDIX A – CONDITIONS OF CONSENT

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans including the following:

<b>Plan Number</b>	<b>Revision</b>	<b>Plan Description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
A-DA-000	B	Cover Page	4/08/2021	4 August 2021
A-DA-004	B	Existing & Demolition Plans	2/08/2021	3 August 2021
A-DA-101	B	Proposed Floor Plans	2/08/2021	3 August 2021
A-DA-102	B	Proposed Site & Roof Plan	2/08/2021	3 August 2021
A-DA-105	B	Proposed Floor Plans – Site Context	2/08/2021	3 August 2021
A-DA-109	A	Proposed Driveway Details	24/05/2021	1 June 2021
A-DA-203	B	Proposed Elevations – Sheet 1	2/08/2021	3 August 2021
A-DA-204	B	Proposed Elevations – Sheet 2	2/08/2021	3 August 2021
A-DA-301	B	Proposed Sections	2/08/2021	3 August 2021

(b) Landscape Plan No. A-DA-103, revision B, dated 2/08/2021 and received by Council on 3 August 2021

(c) BASIX Certificate

(d) Schedule of external finishes and colours received by Council on 1 June 2021

(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (01/06/2021)

Except where amended by the following conditions of consent.

#### **2. VISUAL PRIVACY**

The application is approved subject to the following plan amendments;

(a) Window labelled WF02 to the robe on the first floor level is to be fitted with translucent glazing for the entirety of the height of the window to maintain privacy for the occupants of the dwelling and surrounding properties.

(b) Window labelled WF03 to the Family Bathroom on the first floor level is to be fitted with translucent glazing for the entirety of the height of the window to maintain privacy for the occupants of the dwelling and surrounding properties.

The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

#### **3. SURRENDER OF DEVELOPMENT CONSENT**

Development consent **DA-231/2020** is to be surrendered by the applicant, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000. The surrender is to be



received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consent takes effect when Council receives the notice.

## **B. PRIOR TO THE ISSUE OF A 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.

### **GENERAL REQUIREMENTS**

#### **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 and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and 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.

### **CONTRIBUTIONS, FEES & BONDS**

#### **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:
  - (i) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
  - (ii) 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;
- (i) A development valued at \$100,000 or less will be exempt from the levy.
  - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (iii) 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 any 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.

## **7. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$11,230.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

This deposit (cash or cheque) or guarantee must be established prior to the issue of any 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 all of works associated with this consent (including the required public works) 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 the Principal Certifying Authority prior to the issue of any 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.

## **CONSTRUCTION MATTERS**

### **9. 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's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

### **10. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed



and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

#### **11. 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.

#### **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, prior to the issue of the relevant Construction Certificate.

#### **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, prior to the issue of the relevant Construction Certificate.

#### **14. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as the **building facades and chimney** are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

### **STORMWATER & FLOODING**

#### **15. STORMWATER MANAGEMENT & PUBLIC INFRASTRUCTURE MANAGEMENT**

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed updated plan and certification of the development's stormwater management system must be submitted and approved by the **Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate.

The applicant must submit updated plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:



- a) OSD Details: The plans shall provide updated details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- c) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- d) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- f) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

## **16. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, 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 subject development.

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **17. BASIX**

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

## **WASTE**

### **18. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials



to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

## **C. COMPLIANCE PRIOR TO WORK COMMENCING 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.

### **PRIOR TO ANY WORKS**

#### **19. 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.

#### **20. DILAPIDATION REPORT**

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is to be made available to affected property owners.

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

### **DEMOLITION & EXCAVATION**

#### **21. 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 2017;
- 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.

## **22. CONTROL OF DUST ON CONSTRUCTION SITES**

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 (e.g.: 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.

## **23. 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.

## **24. 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.



## **CONSTRUCTION MATTERS**

### **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 2017.

### **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 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.

### **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. WORK OUTSIDE PROPERTY BOUNDARY**

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



## **TREE PROTECTION AND REMOVAL**

### **31. TREE BOND**

A bond of **\$5,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the ***Ficus rubiginosa*** (port Jackson fig) tree on the naturestrip. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

### **32. STREET TREES TO BE RETAINED/TREE PROTECTION**

All trees on site and adjoining properties, including street trees are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

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.



## **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

### **33. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

[https://www.waverley.nsw.gov.au/building/development\\_applications/post\\_determination/development\\_applications\\_-\\_conditions\\_of\\_consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

### **34. VEHICULAR ACCESS - FINISHED LEVELS**

The finished level at the property boundary on **both** sides of the vehicle crossing is to be 110mm above the level of the invert of the existing concrete gutter.

### **35. RECONSTRUCT VEHICLE CROSSING**

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to 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.

## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION 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 an Occupation Certificate or Subdivision Certificate, whichever applies.

### **36. 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.

### **37. CERTIFICATION OF BASIX COMMITMENTS**

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



### **38. ON-SITE STORMWATER DETENTION CERTIFICATION**

The submission of certification by a suitably qualified and practising Engineer for the on-site stormwater detention system, attesting the storage volume, discharge rate and satisfactory operation of the system prior to the release of any Occupation Certificate.

### **39. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM**

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that the stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

### **40. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**

A “Restriction on the Use of Land” and “Positive Covenant” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

## **E. 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.

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).



- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

## **AD2. 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.

## **AD3. 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](http://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.

## **AD4. 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.



**AD5. 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.

**AD6. EXCAVATION TO BE LIMITED**

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

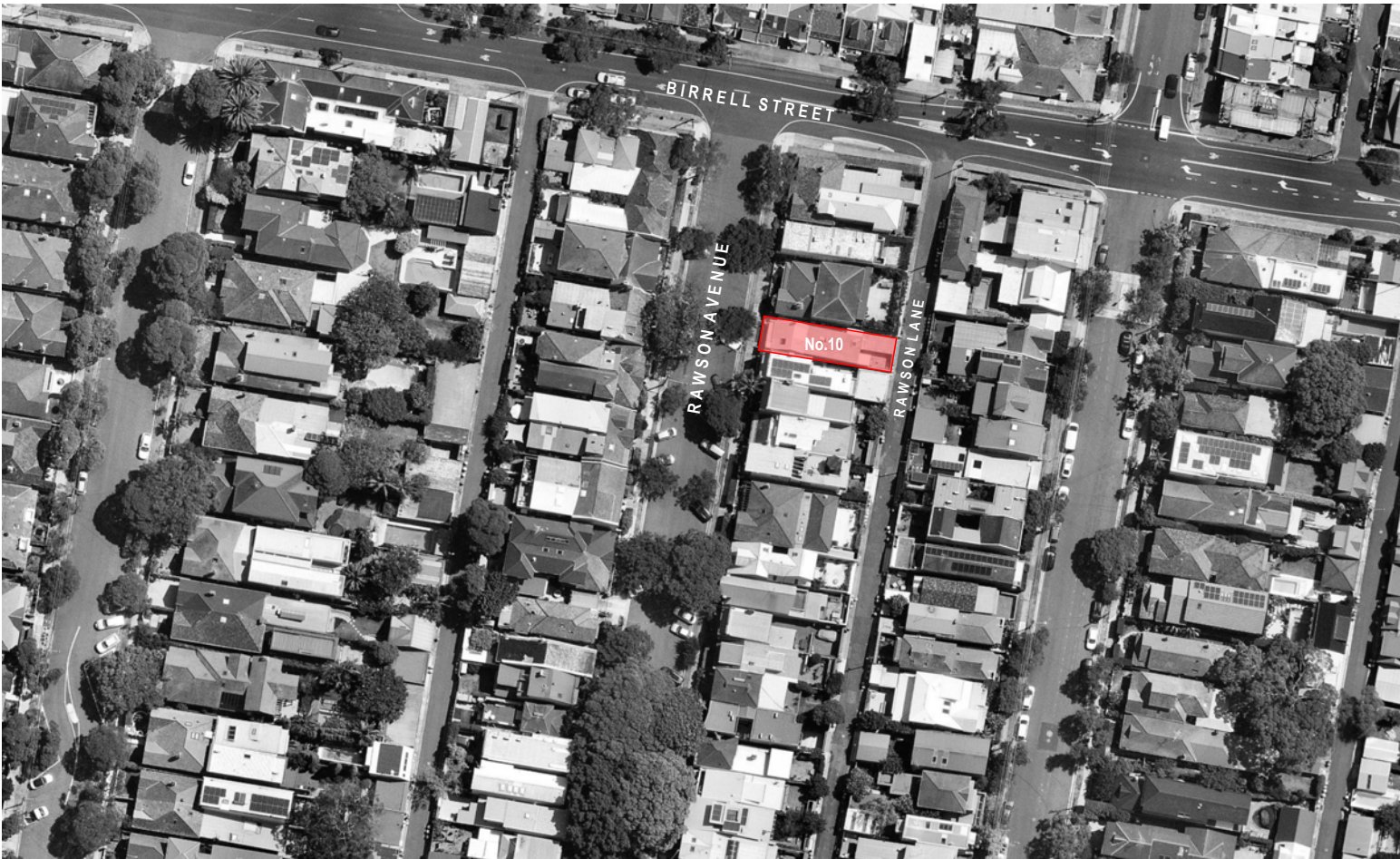
**AD7. TREE REMOVAL/PRESERVATION**

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 consent.

**AD8. STORMWATER NOTES**

- 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 Engineering 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 ensure 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 infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)





SITE AERIAL PLAN

BASIX REQUIREMENTS

ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE TO BASIX CERTIFICATE NO. **A383153**

HOT WATER SYSTEM  
- GAS INSTANTANEOUS

INSULATION  
- CEILING: R2.50 (UP)  
- ROOF: FOIL/SARKING, MEDIUM SOALR ABSORPTANCE 0.475 - 0.70

RECEIVED

Waverley Council

Application No: DA-199/2021

Date Received: 04/08/2021

CLIENT: MR GEORGE TSIMOURTOS

AMENDED PLANS

REV	DATE	ISSUE	REV	DATE	ISSUE	PROJECT				SHEET TITLE		
A	24/05/2021	ISSUED FOR DA				10 RAWSON AVENUE   LOT91 DP4042				COVER PAGE & LEGEND		
B	2/08/2021	REVISED DA ISSUE				10 RAWSON AVENUE, QUEENS PARK, SYDNEY						
B	4/08/2021	REVISED DA ISSUE				PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE	<div>NORTH</div> <div></div>	SHEET NUMBER	REVISION
						01	4/08/2021		A3		NTS	A-DA-000

DRAWING LIST

DRAWING NO.	TITLE	SCALE	REV
NP-001	NOTIFICATION PLAN - SITE PLAN	NTS @ A4	A
NP-002	NOTIFICATION PLAN - ELEVATIONS SHEET 1	1:200 @ A4	A
NP-003	NOTIFICATION PLAN - ELEVATIONS SHEET 2	1:200 @ A4	A
DA-000	COVER PAGE & DRAWING LIST	NTS @ A3	B
DA-001	EXISTING SITE & ROOF PLAN	1:100 @ A3	A
DA-002	REAR SETBACK DIAGRAM	NTS @ A3	A
DA-003	SITE ANALYSIS	1:100 @ A3	B
DA-004	EXISTING & DEMOLITION PLANS	1:100 @ A3	B
DA-101	PROPOSED FLOOR PLANS	1:100 @ A3	B
DA-102	PROPOSED SITE & ROOF PLAN	1:100 @ A3	B
DA-103	PROPOSED LANDSCAPE PLAN	1:100 @ A3	B
DA-104	AREA CALCULATIONS	NTS @ A3	B
DA-105	PROPOSED FLOOR PLANS - SITE CONTEXT	1:100 @ A3	B
DA-106	DETAILED SETBACK DIAGRAM - SITE PLAN	1:100 @ A3	A
DA-107	DETAILED SETBACK DIAGRAM - GROUND FLOOR	1:100 @ A3	A
DA-108	DETAILED SETBACK DIAGRAM - FIRST FLOOR	1:100 @ A3	A
DA-109	PROPOSED DRIVEWAY DETAILS	1:50 @ A3	A
DA-201	EXISTING ELEVATIONS - SHEET 1	1:100 @ A3	A
DA-202	EXISTING ELEVATIONS - SHEET 2	1:100 @ A3	A
DA-203	PROPOSED ELEVATIONS - SHEET 1	1:100 @ A3	B
DA-204	PROPOSED ELEVATIONS - SHEET 2	1:100 @ A3	B
DA-301	PROPOSED SECTIONS	1:100 @ A3	B
DA-401	SHADOW PLAN - JUNE 21 9AM EXISTING	1:100 @ A3	B
DA-402	SHADOW PLAN - JUNE 21 9AM PROPOSED	1:100 @ A3	B
DA-403	SHADOW PLAN - JUNE 21 12PM EXISTING	1:100 @ A3	B
DA-404	SHADOW PLAN - JUNE 21 12PM PROPOSED	1:100 @ A3	B
DA-405	SHADOW PLAN - JUNE 21 3PM EXISTING	1:100 @ A3	B
DA-406	SHADOW PLAN - JUNE 21 3PM PROPOSED	1:100 @ A3	B
DA-407	DETAILED SHADOW DIAGRAMS - SHEET 1	1:100 @ A3	B
DA-408	DETAILED SHADOW DIAGRAMS - SHEET 2	1:100 @ A3	B
DA-409	SHADOW ELEVATIONS	1:100 @ A3	B
DA-501	SCHEDULE OF EXTERNAL FINISHES	NTS @ A3	A
DRAWING UPDATED			
ADDITIONAL DRAWINGS			
DA-410	NEARMAP EXISTING SHADOW PLAN - JUNE 2020	NTS @ A3	A
DA-411	CONTEXT SHADOW PLAN - JUNE 21 3PM PROPOSED	1:200 @ A3	A
DA-412	COMPLYING BUILT FORM SHADOW PLAN JUNE 21 9AM	1:200 @ A3	A
DA-413	COMPLYING BUILT FORM SHADOW PLAN JUNE 21 12PM	1:200 @ A3	A
DA-414	COMPLYING BUILT FORM SHADOW PLAN JUNE 21 3PM	1:200 @ A3	A



LEGEND

SUBJECT SITE BOUNDARY

RECEIVED  
Waverley Council

Application No: DA-199/2021

Date Received: 01/06/2021

RAWSON AVENUE

POWER  
POLE

RAWSON LANE

SEWER  
MANHOLE

No. 8  
BRICK TWO STOREY  
TILE & METAL ROOF

800 EXISTING  
SETBACK

No. 10  
BRICK SINGLE STOREY  
METAL ROOF

LOT 91  
DP 4042

6420 EXISTING  
SETBACK

COURTYARD

No. 12  
BRICK TWO STOREY  
METAL ROOF

No. 14  
BRICK TWO STOREY  
METAL ROOF

EXISTING SITE & ROOF PLAN

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA

REV	DATE	ISSUE
-----	------	-------

PROJECT  
10 RAWSON AVENUE | LOT91 DP4042  
10 RAWSON AVENUE, QUEENS PARK, SYDNEY

PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	24/05/2021	1:100	A3

1:100

SHEET TITLE  
EXISTING SITE & ROOF PLAN

SHEET NUMBER  
A-DA-001

REVISION  
A







1 RAWSON LANE SETBACK DIAGRAM

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			

PROJECT			
10 RAWSON AVENUE   LOT91 DP4042			
10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	24/05/2021	A3	NTS



SHEET TITLE	
REAR SETBACK DIAGRAM	
SHEET NUMBER	REVISION
A-DA-002	A



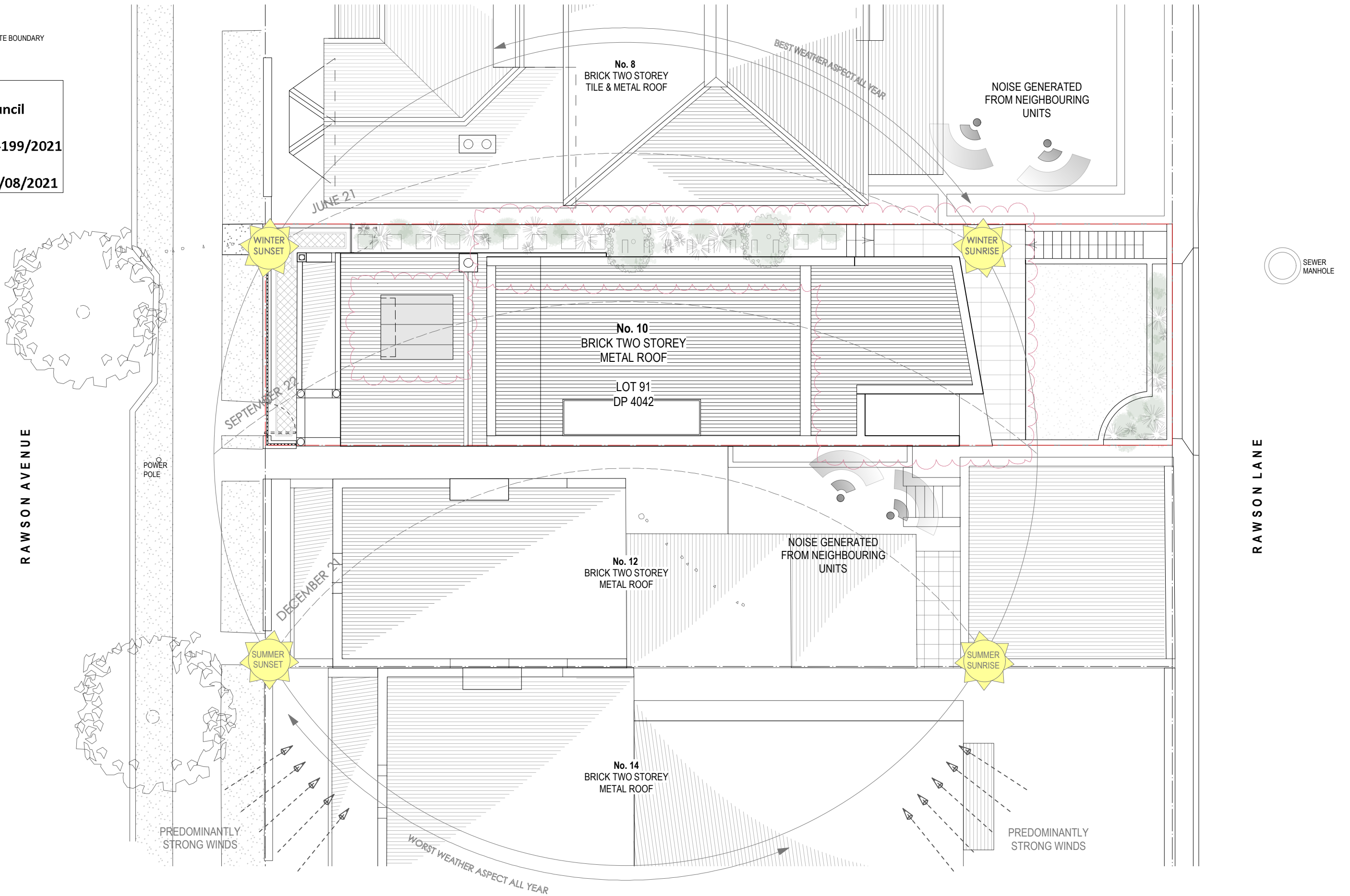
LEGEND

SUBJECT SITE BOUNDARY

RECEIVED  
Waverley Council

Application No: DA-199/2021

Date Received: 03/08/2021



SITE ANALYSIS PLAN

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA
B	2/08/2021	REVISED DA ISSUE

REV	DATE	ISSUE

PROJECT  
10 RAWSON AVENUE | LOT91 DP4042  
10 RAWSON AVENUE, QUEENS PARK, SYDNEY

PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE	
01	2/08/2021	1:100	A3	1:100

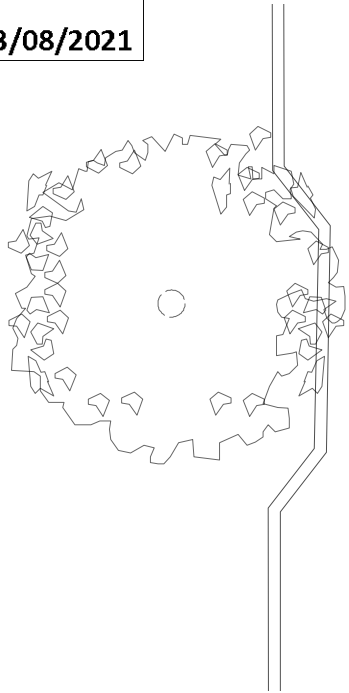
SHEET TITLE  
SITE ANALYSIS PLAN

SHEET NUMBER  
A-DA-003

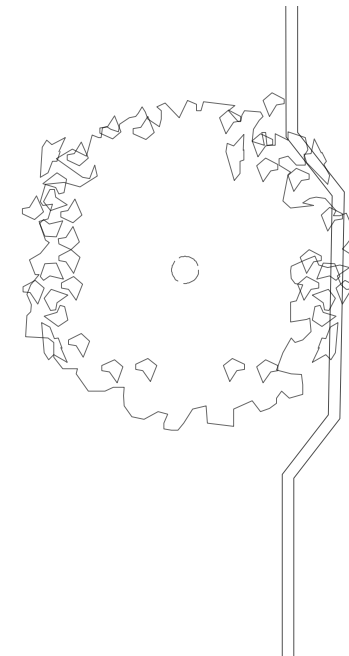
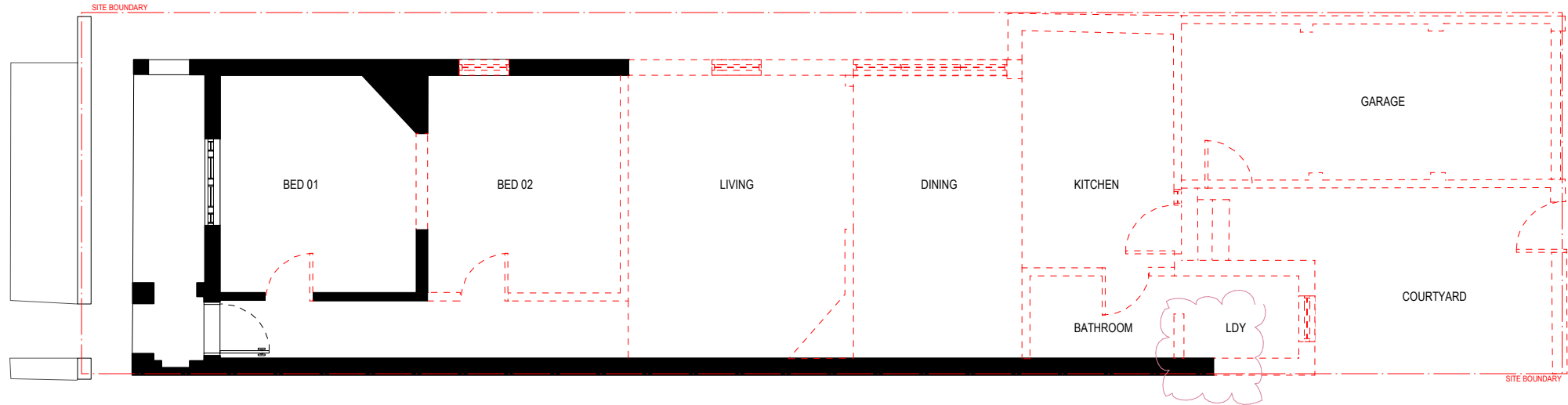
REVISION  
B

AMENDED PLANS

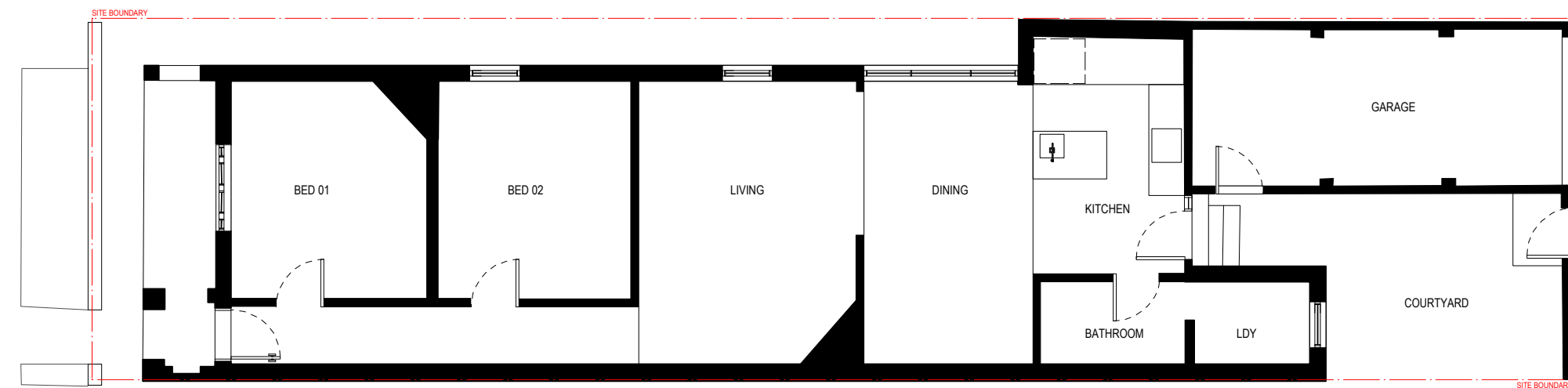




2  
DEMOLITION PLAN - GROUND FLOOR



1  
EXISTING PLAN - GROUND FLOOR



CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA
B	2/08/2021	REVISED DA ISSUE

REV	DATE	ISSUE

PROJECT				
10 RAWSON AVENUE   LOT91 DP4042				
10 RAWSON AVENUE, QUEENS PARK, SYDNEY				
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE	
01	2/08/2021	1:100	A3	1:100



SHEET TITLE	
EXISTING & DEMOLITION PLANS	
SHEET NUMBER	REVISION
A-DA-004	B

AMENDED PLANS



Application No: DA-199/2021

Date Received: 03/08/2021

LEGEND

- EXISTING WALLS
- NEW WALLS
- SITE BOUNDARY
- BRICK
- ROOF TILES
- CONCRETE
- CEMENT RENDER
- FIBROUS PLASTER & INT. PLASTERED WALLS
- TIMBER, DRESSED
- STEEL, GALVANISED IRON, METAL
- GLASS
- SANDSTONE & OTHER NATURAL STONES
- PAVING; TILES/TERRACOTTA
- PLANTING/ VEGETATION
- EARTH

3 - PROPOSED FIRST FLOOR PLAN

2 - PROPOSED GROUND FLOOR PLAN

**BASIX REQUIREMENTS**

ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE TO BASIX CERTIFICATE NO. A383153

**HOT WATER SYSTEM**

- GAS INSTANTANEOUS

**INSULATION**

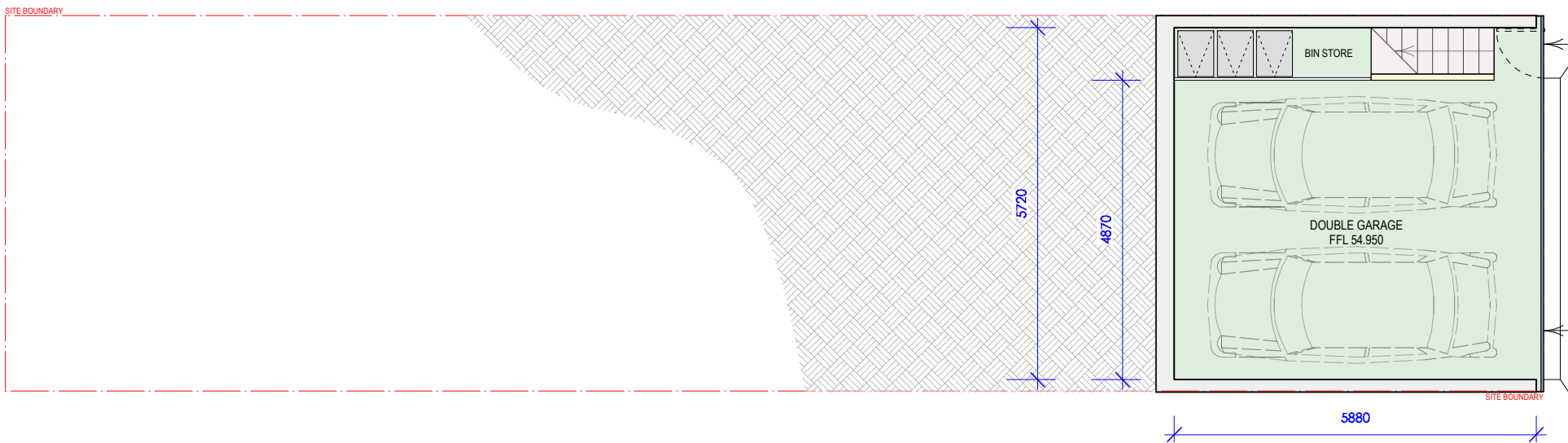
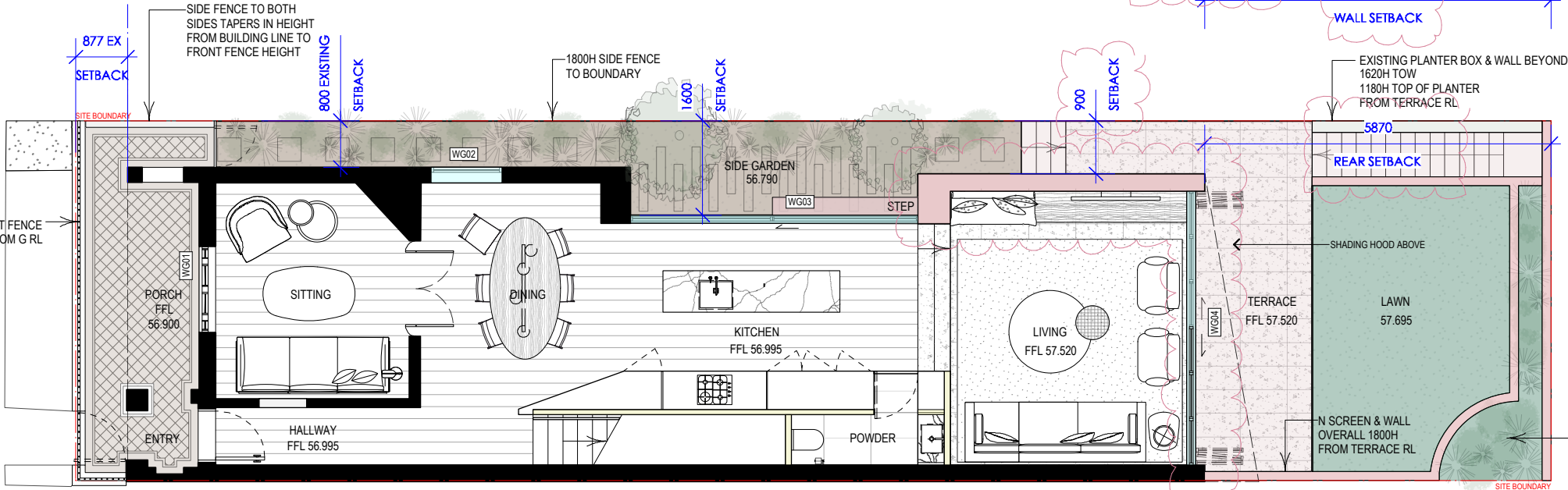
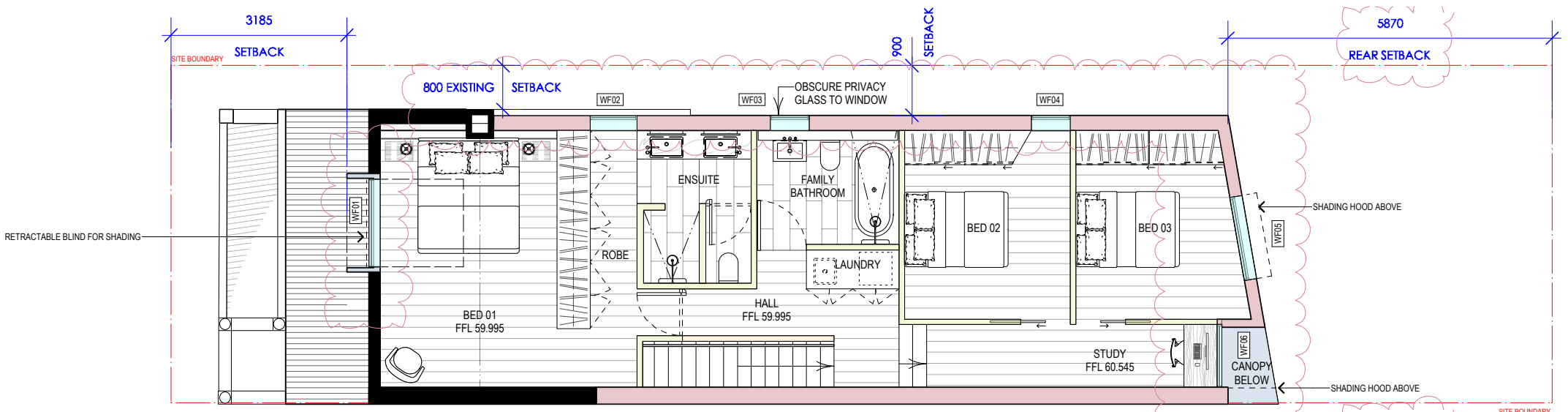
- CEILING: R2.50 (UP)
- ROOF: FOIL/SARKING, MEDIUM SOALR ABSORPTANCE 0.475 - 0.70

**WINDOWS & GLAZED DOORS**

- THE APPLICANT MUST INSTALL THE WINDOWS, GLAZED DOORS AND SHADING DEVICES, IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE BASIX CERTIFICATE TABLE.
- 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 BASIX CERTIFICATE TABLE

REFER TO BASIX CERTIFICATE. A383153

1 - PROPOSED GARAGE LEVEL



CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			
B	2/08/2021	REVISED DA ISSUE			

PROJECT	10 RAWSON AVENUE   LOT91 DP4042
10 RAWSON AVENUE, QUEENS PARK, SYDNEY	
PROJECT NUMBER	01
PLOT DATE	2/08/2021
SHEET SCALE	1:100
SHEET SIZE	A3
1:100	

SHEET TITLE	PROPOSED FLOOR PLANS
SHEET NUMBER	A-DA-101
REVISION	B

AMENDED PLANS



LEGEND

- SUBJECT SITE BOUNDARY
- BRICK
- ROOF TILES
- CONCRETE
- CEMENT RENDER
- FIBROUS PLASTER & INT. PLASTERED WALLS
- TIMBER, DRESSED
- STEEL, GALVANISED IRON, METAL
- GLASS
- SANDSTONE & OTHER NATURAL STONES
- PAVING; TILES/TERRACOTTA
- PLANTING/VEGETATION
- EARTH

**BASIX REQUIREMENTS**

ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE TO BASIX CERTIFICATE NO. A383153

**HOT WATER SYSTEM**

- GAS INSTANTANEOUS

**INSULATION**

- CEILING: R2.50 (UP)
- ROOF: FOIL/SARKING, MEDIUM SOLAR ABSORPTANCE 0.475 - 0.70

**WINDOWS & GLAZED DOORS**

- THE APPLICANT MUST INSTALL THE WINDOWS, GLAZED DOORS AND SHADING DEVICES, IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE BASIX CERTIFICATE TABLE.
- 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 BASIX CERTIFICATE TABLE

REFER TO BASIX CERTIFICATE. A383153

1 PROPOSED SITE & ROOF PLAN

CLIENT: MR GEORGE TSIMOURTOS

AMENDED PLANS

REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA
B	2/08/2021	REVISED DA ISSUE

REV	DATE	ISSUE
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PROJECT				
10 RAWSON AVENUE   LOT91 DP4042				
10 RAWSON AVENUE, QUEENS PARK, SYDNEY				
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE	
01	2/08/2021	1:100	A3	1:100

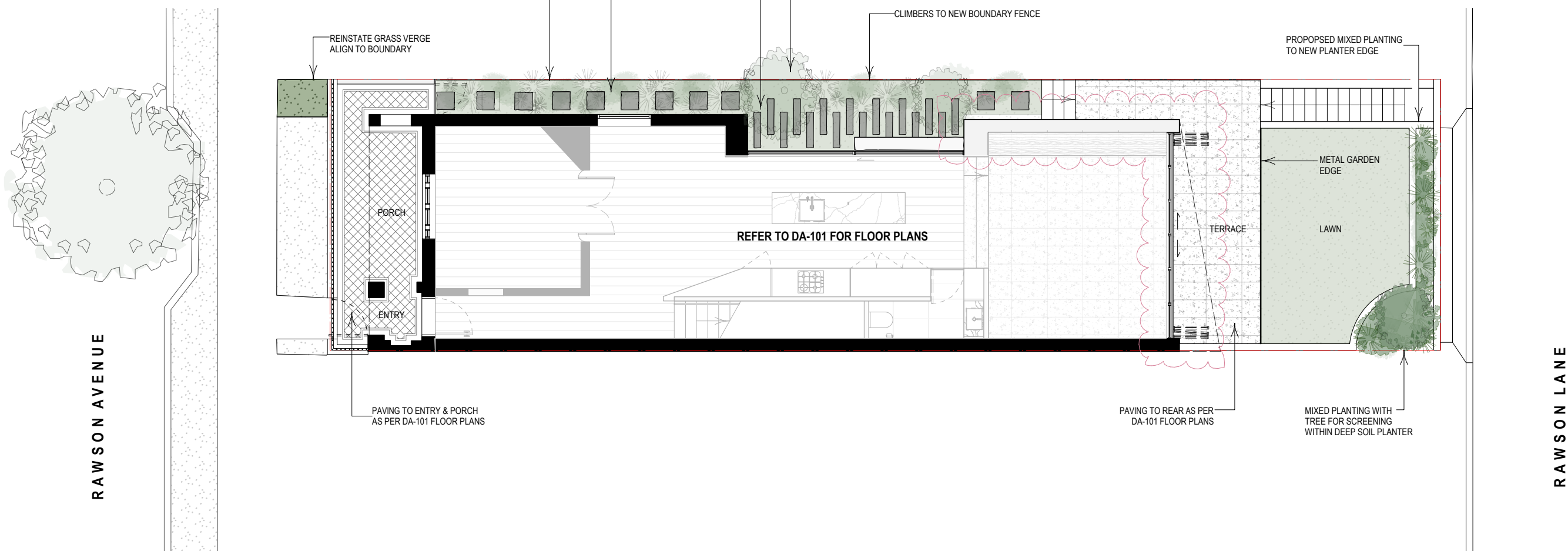
SHEET TITLE	
PROPOSED SITE & ROOF PLAN	
SHEET NUMBER	REVISION
A-DA-102	B





PROPOSED PLANTING SCHEDULE

	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT/SPREAD
TREES	CITRUS VAR.	CITRUS TREE	2-3M / 2-3M
SHRUBS	WESTFRINGIA FRUITCOSA ACACIA SOPHORAE MURRAYA PANICULATA PITTOSPORUM TOBIRA VIBURNUM SUSPENSUM	COASTAL ROSEMARY COAST WATTLE 'CLIPPED' MOCK ORANGE JAPANESE PITTOSPORUM SANDANKWA VIBURNUM	2M / 1-1.2M 2M / 1.5M 2M / 1-2M 0.5M / 2M 1.5M / 1-1.5M
PERENNIALS	HELICHRYSUM ANGUSTIFOLIUM TEUCRIUM FRUTICANS	CURRY PLANT SHRUBBY GERMANDER	0.6-0.9M / 0.5M 1.2-1.5M / 1.2M
CLIMBERS	FICUS PUMILA LONICERA SP. JASMINUM NITIDUM	CREeping FIG HONEYSUCKLE STAR JASMINE	CLIMBER CLIMBER CLIMBER
GROUND COVER	TRACHELOSPERMUM ASIATICUM MYOPORUM PARVIFOLIUM HEBE 'EMERALD GREEN' HEBE ALBICANS ROSMARINUS OFFICINALIS PROSTRATUS	ASIATIC JASMINE CREEPING BOOBIALLA EMERALD GREEN HEBE SHRUBBY VEROINICA CREEPING ROSEMARY	GROUND COVER GROUND COVER GROUND COVER GROUND COVER GROUND COVER
GRASSES	MISCANTHUS TRANSMORRISONENSIS	EVERGREEN FEATHER GRASS	1M / 1M



1 PROPOSED LANDSCAPE PLAN

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			
B	2/08/2021	REVISED DA ISSUE			

PROJECT 10 RAWSON AVENUE   LOT91 DP4042 10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	2/08/2021	1:100	A3



SHEET TITLE PROPOSED LANDSCAPE PLAN	
SHEET NUMBER A-DA-103	REVISION B

AMENDED PLANS



LEGEND

FSR

LANDSCAPE

POS (PRIVATE OPEN SPACE)

3

LANDSCAPE CALCULATIONS

2

GFA CALCULATIONS - FIRST FLOOR

1

GFA CALCULATIONS - GROUND FLOOR

CLIENT: MR GEORGE TSIMOURTOS

AMENDED PLANS

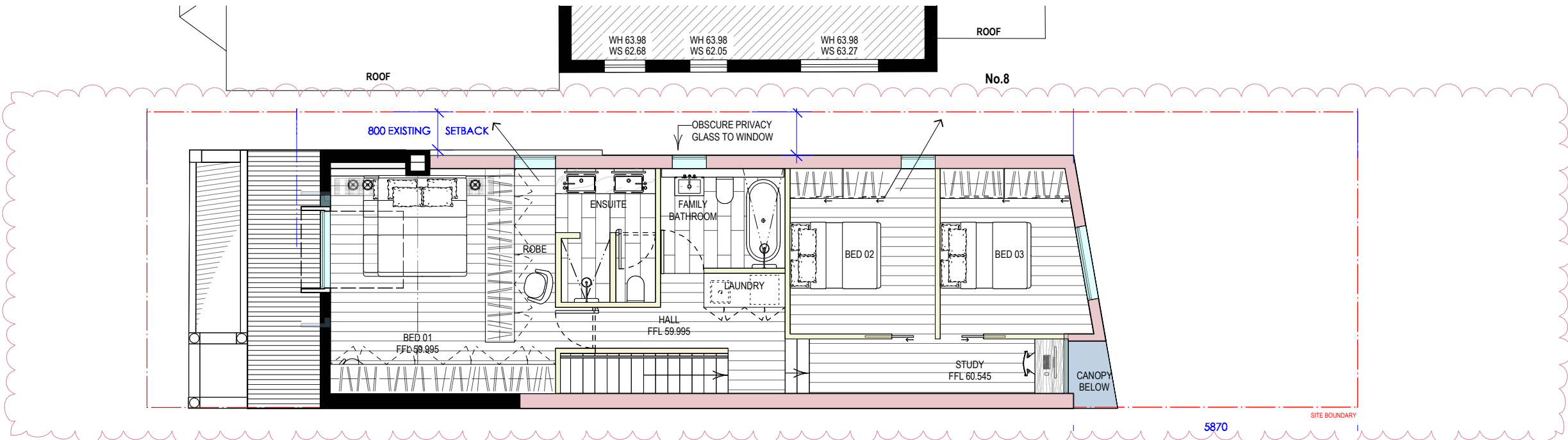
REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			
B	2/08/2021	REVISED DA ISSUE			

PROJECT				
10 RAWSON AVENUE   LOT91 DP4042				
10 RAWSON AVENUE, QUEENS PARK, SYDNEY				
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE	
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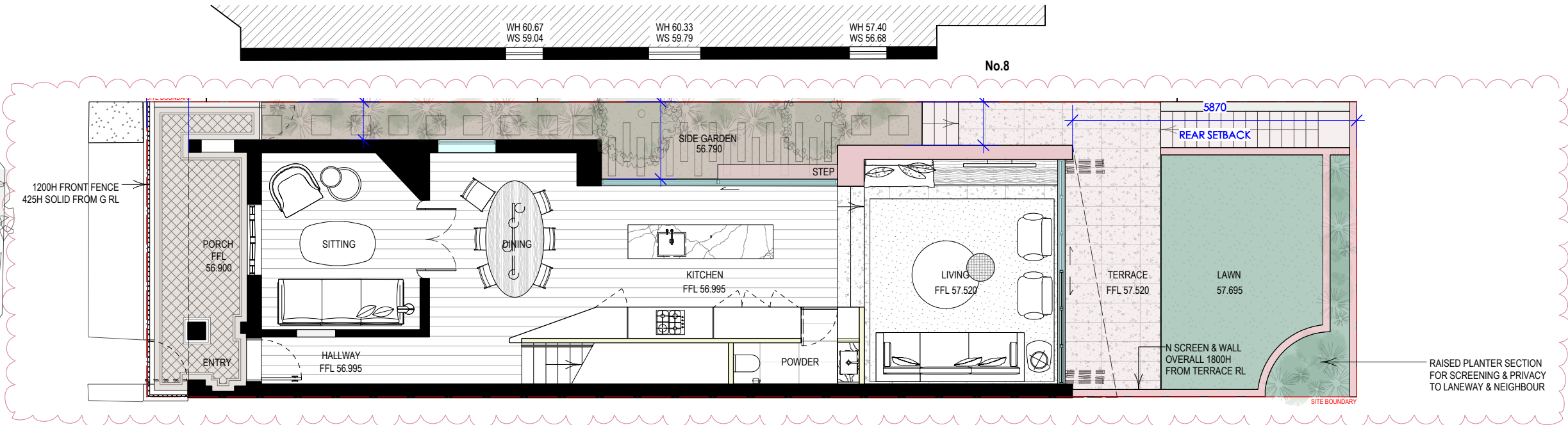
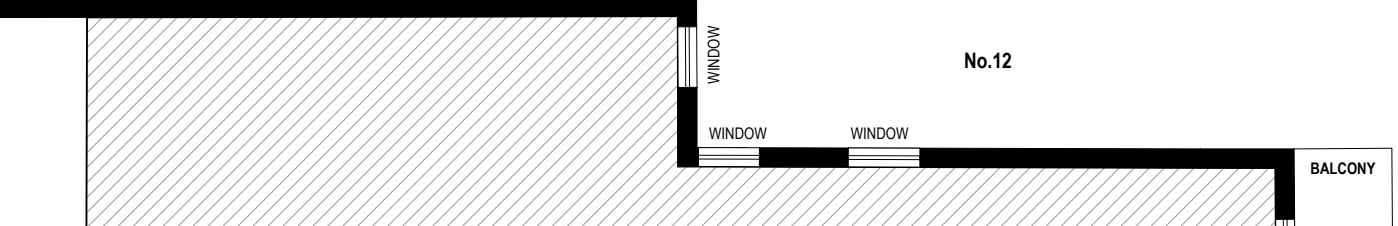


SHEET TITLE	
AREA CALCULATIONS	
SHEET NUMBER	REVISION
A-DA-104	B

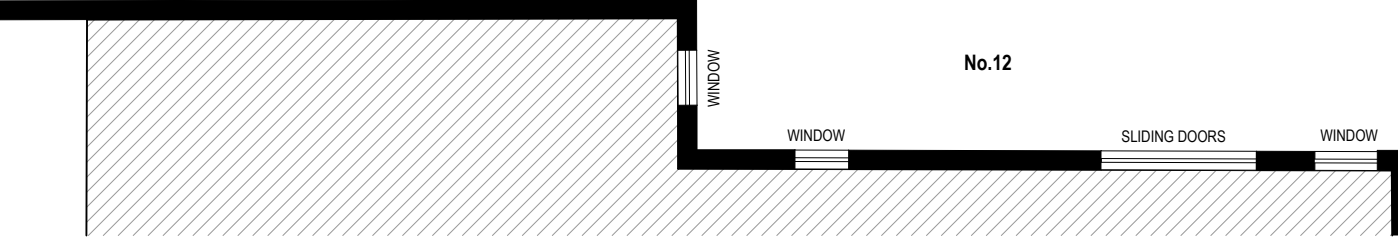




2 PROPOSED FIRST FLOOR PLAN



1 PROPOSED GROUND FLOOR PLAN



CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			
B	2/08/2021	REVISED DA ISSUE			

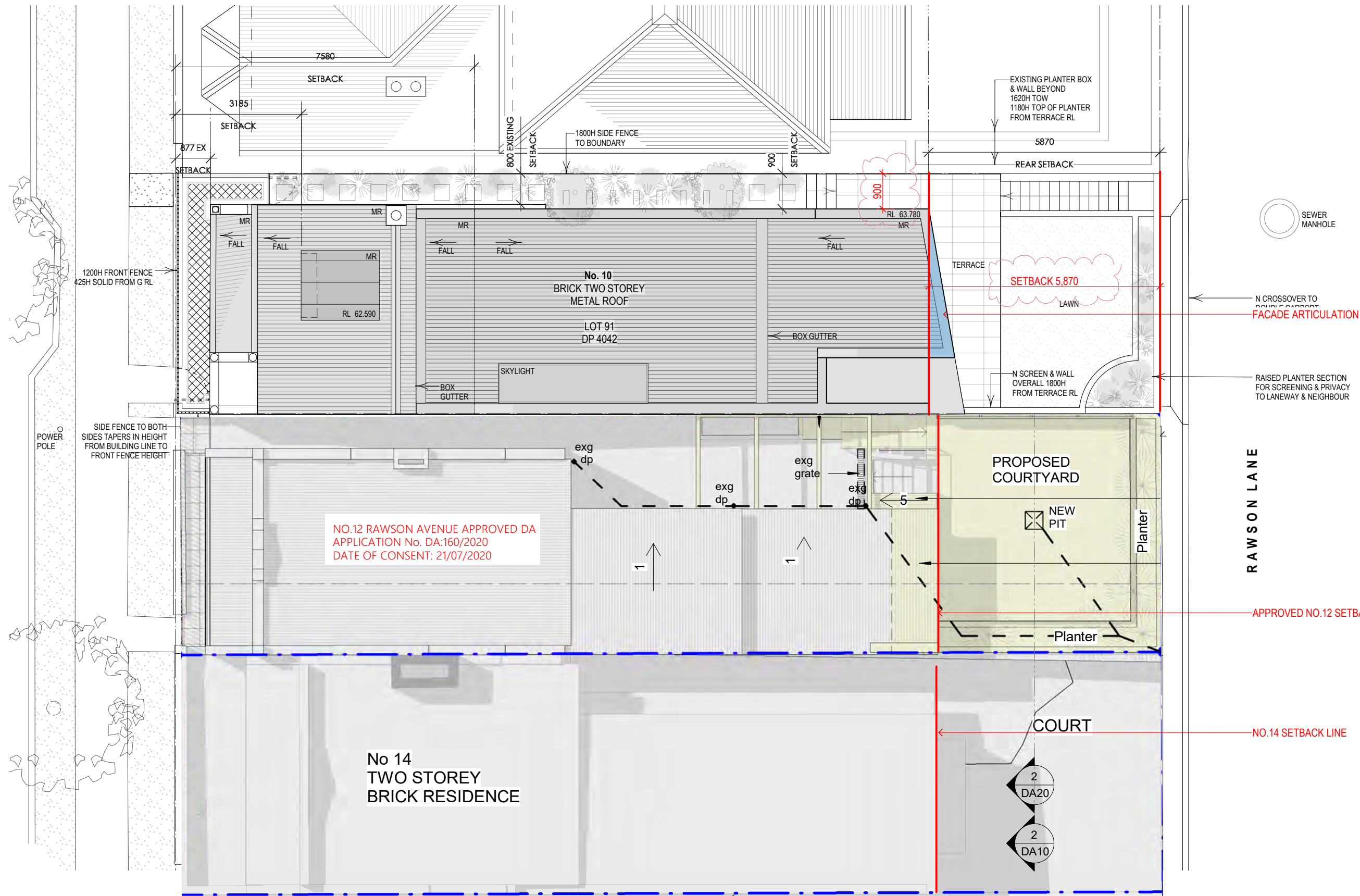
PROJECT	10 RAWSON AVENUE   LOT91 DP4042 10 RAWSON AVENUE, QUEENS PARK, SYDNEY
PROJECT NUMBER	01
PLOT DATE	2/08/2021
SHEET SCALE	1:100
SHEET SIZE	A3

SHEET TITLE	PROPOSED FLOOR PLANS - SITE CONTEXT
SHEET NUMBER	A-DA-105
REVISION	B



AMENDED PLANS





1 SITE PLAN - SETBACK DIAGRAM

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA

REV	DATE	ISSUE

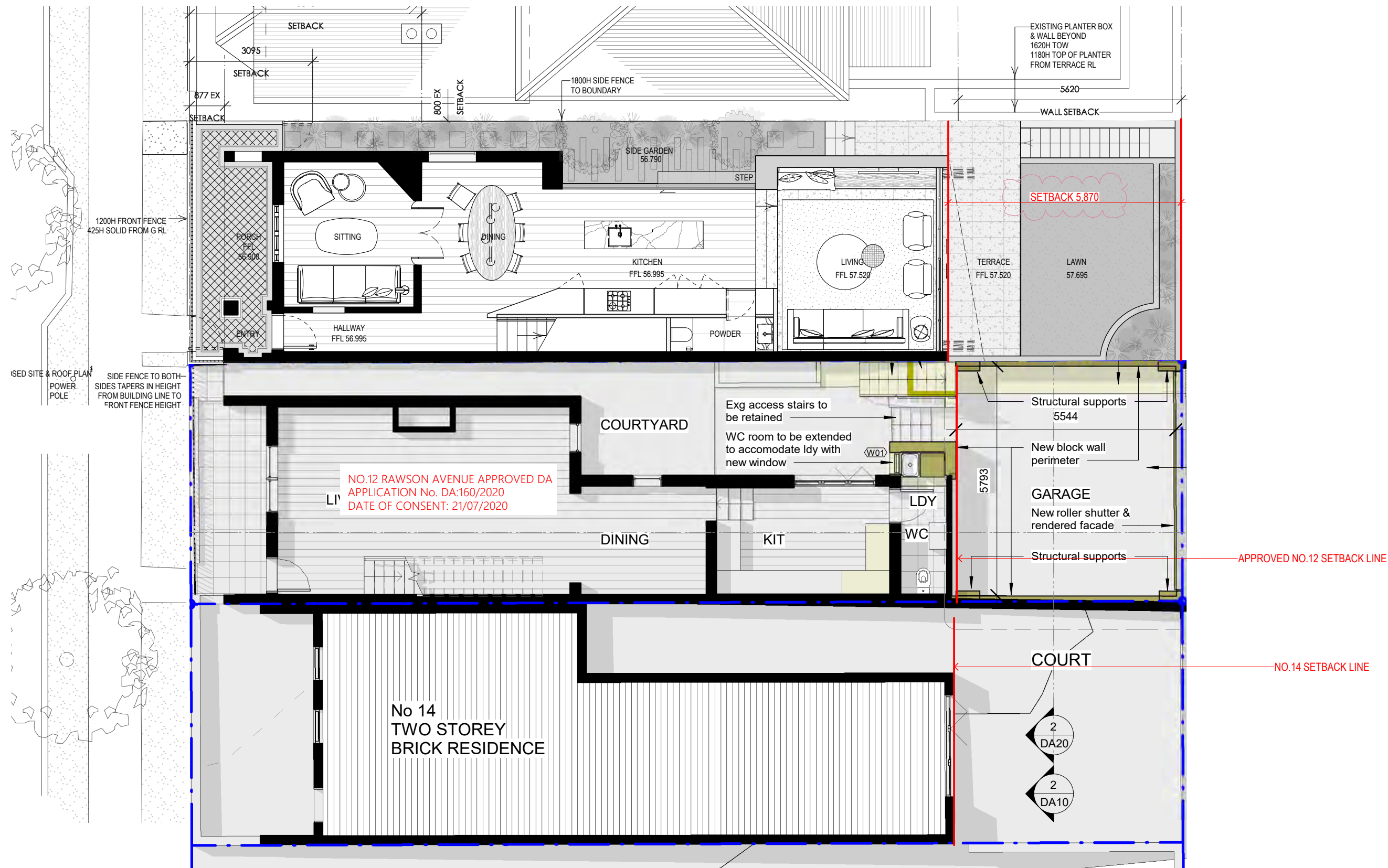
PROJECT 10 RAWSON AVENUE   LOT91 DP4042 10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	2/08/2021	1:100	A3



SHEET TITLE DETAILED SETBACK DIAGRAM - SITE PLAN		REVISION
SHEET NUMBER	A-DA-106	A

AMENDED PLANS





1 GROUND FLOOR - SETBACK DIAGRAM

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			

PROJECT 10 RAWSON AVENUE   LOT91 DP4042 10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	2/08/2021	1:100	A3



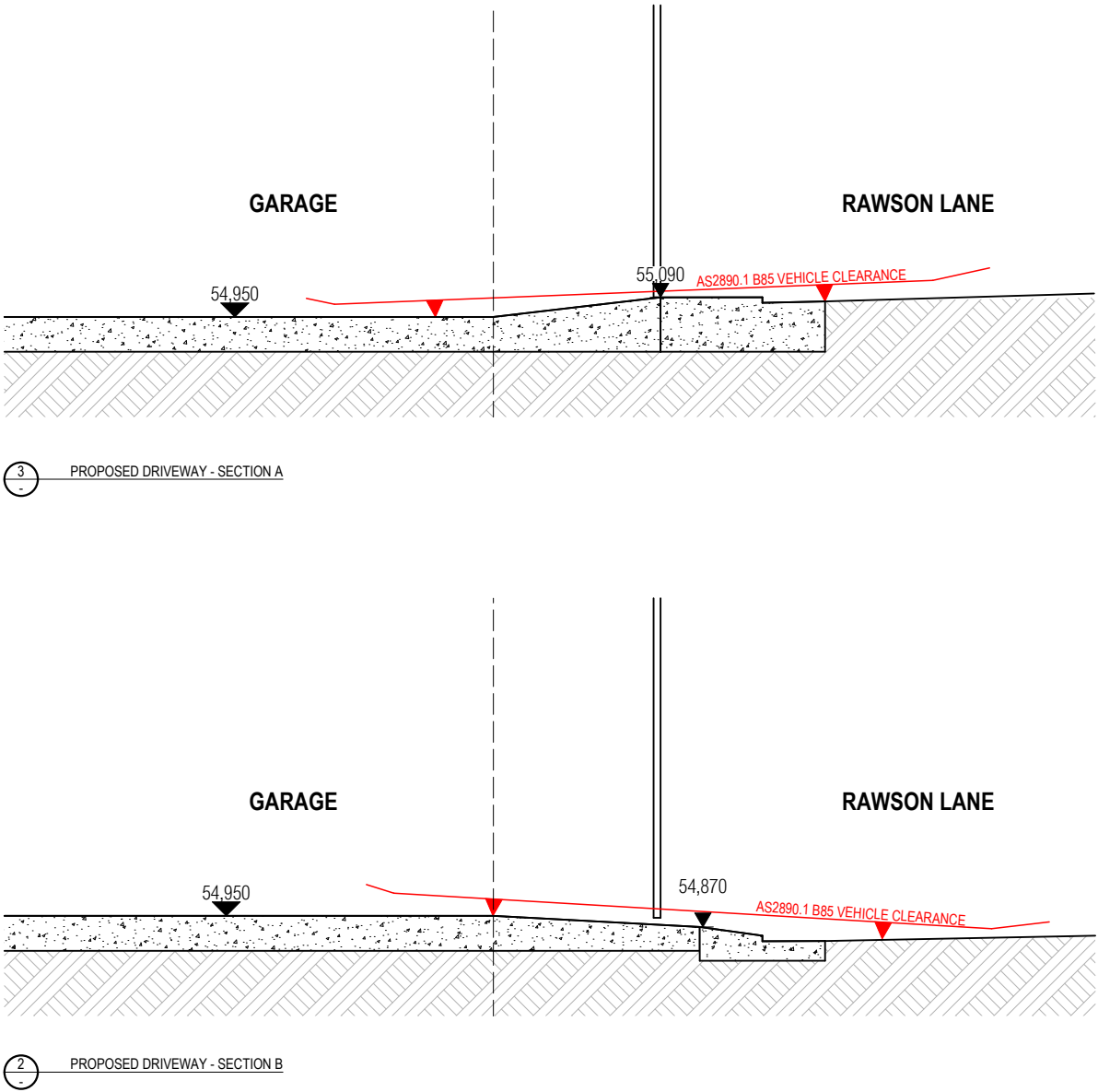
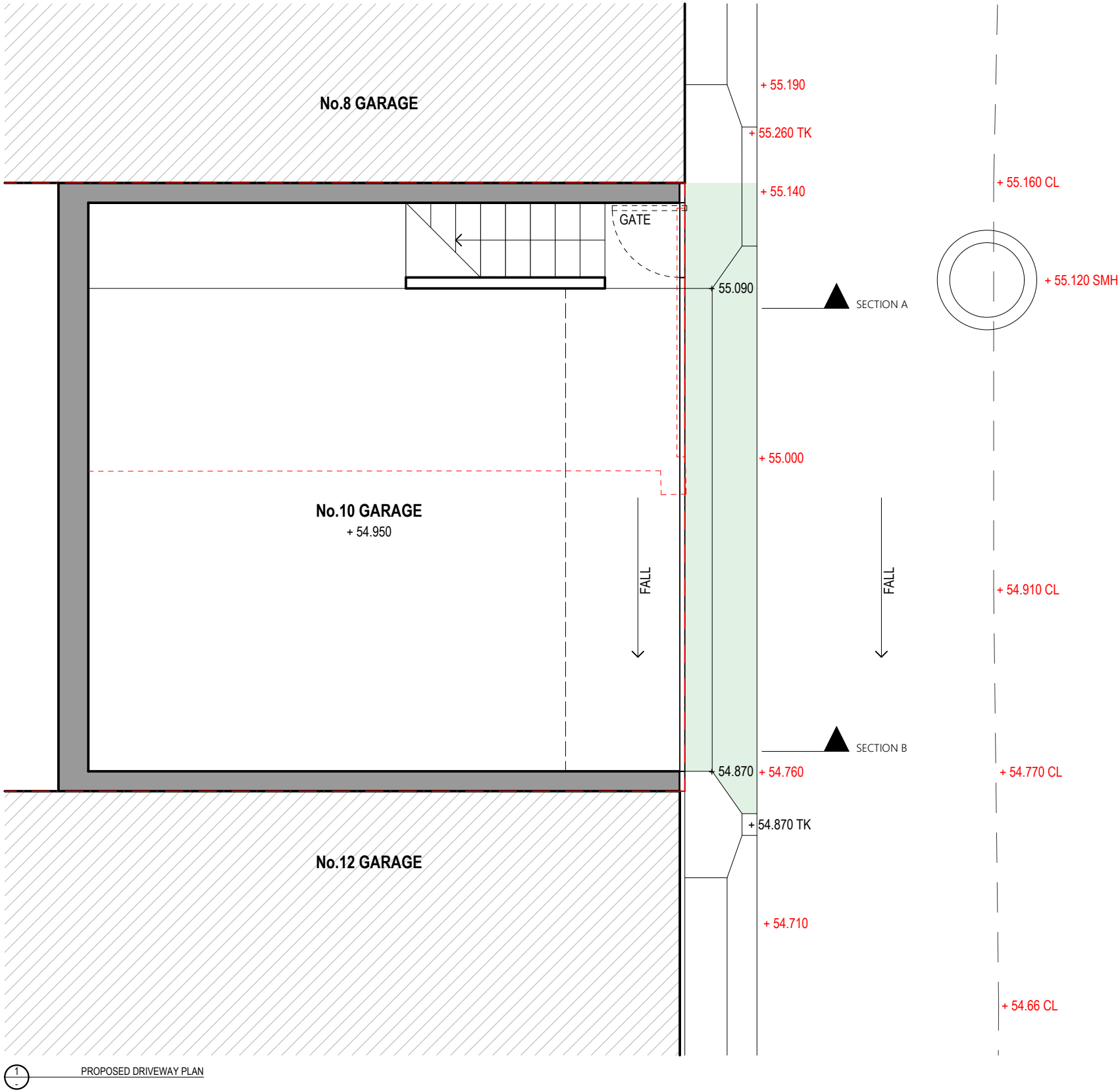
SHEET TITLE DETAILED SETBACK DIAGRAM - GROUND FLOOR		REVISION
SHEET NUMBER	A-DA-107	A

AMENDED PLANS

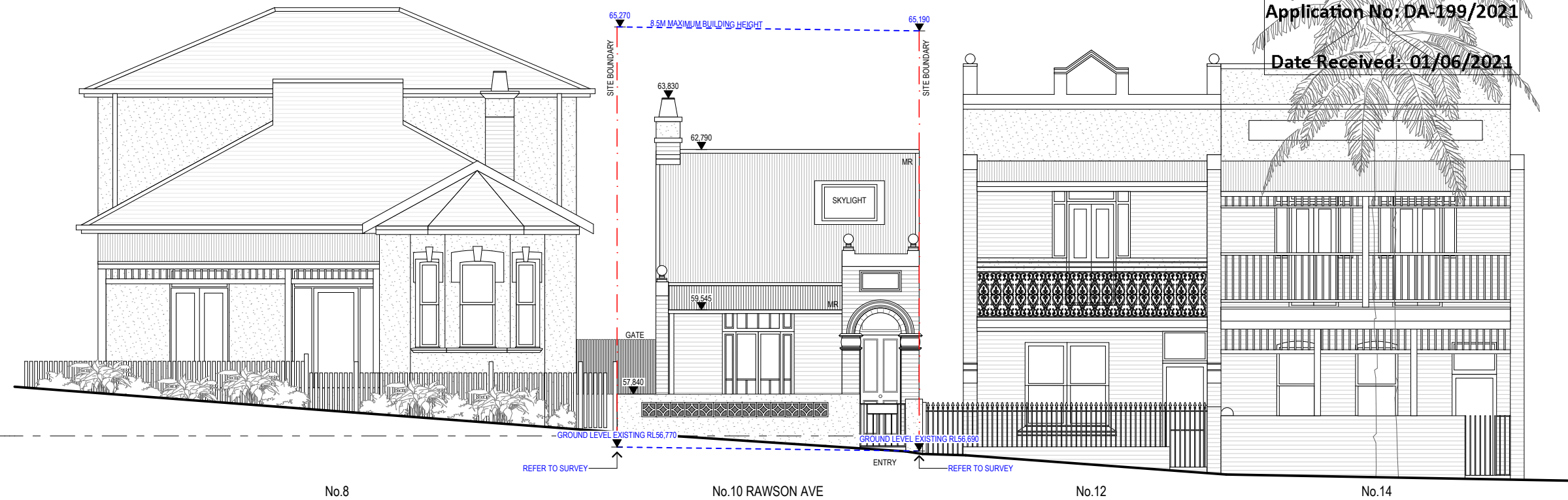




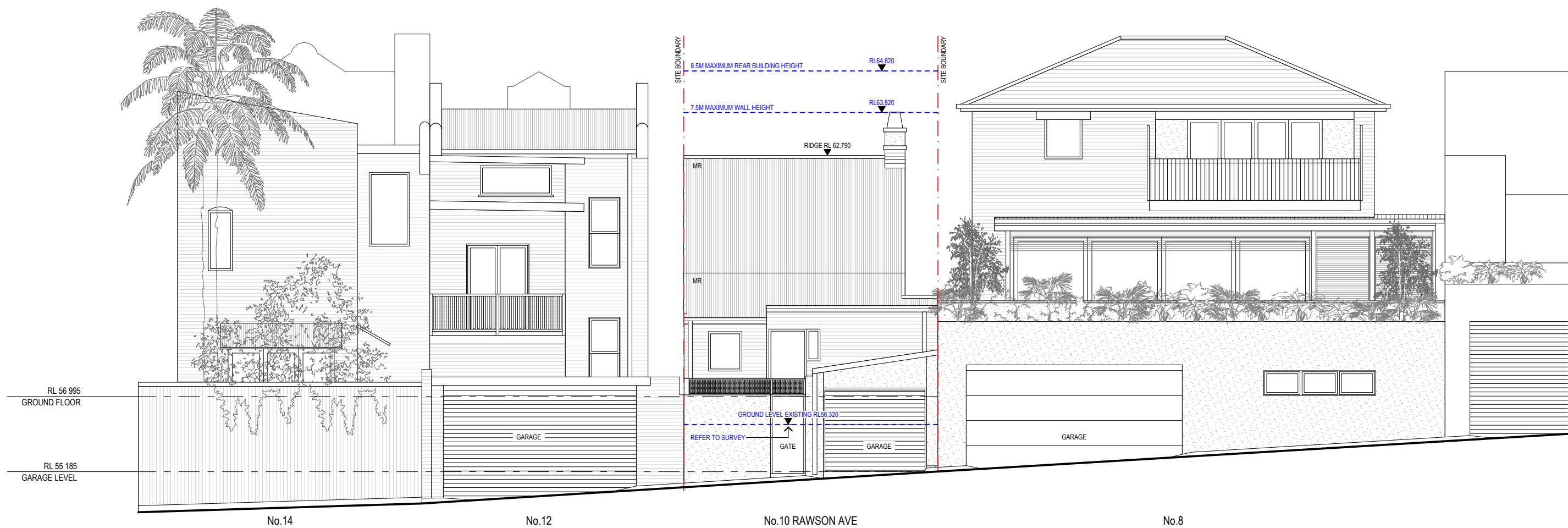








1  
-  
EXISTING - WEST ELEVATION  
1:100



2  
-  
EXISTING - EAST ELEVATION  
1:100

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			

PROJECT			
10 RAWSON AVENUE   LOT91 DP4042			
10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	24/05/2021	1:100	A3

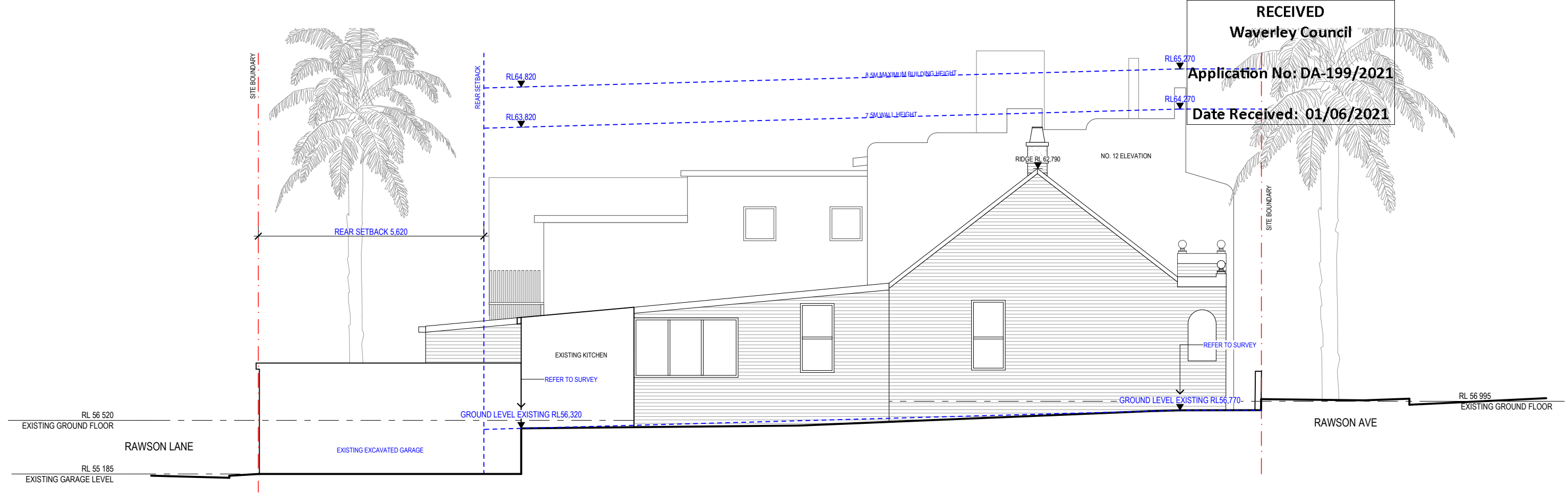


SHEET TITLE	
EXISTING ELEVATIONS - SHEET 1	
SHEET NUMBER	REVISION
A-DA-201	A

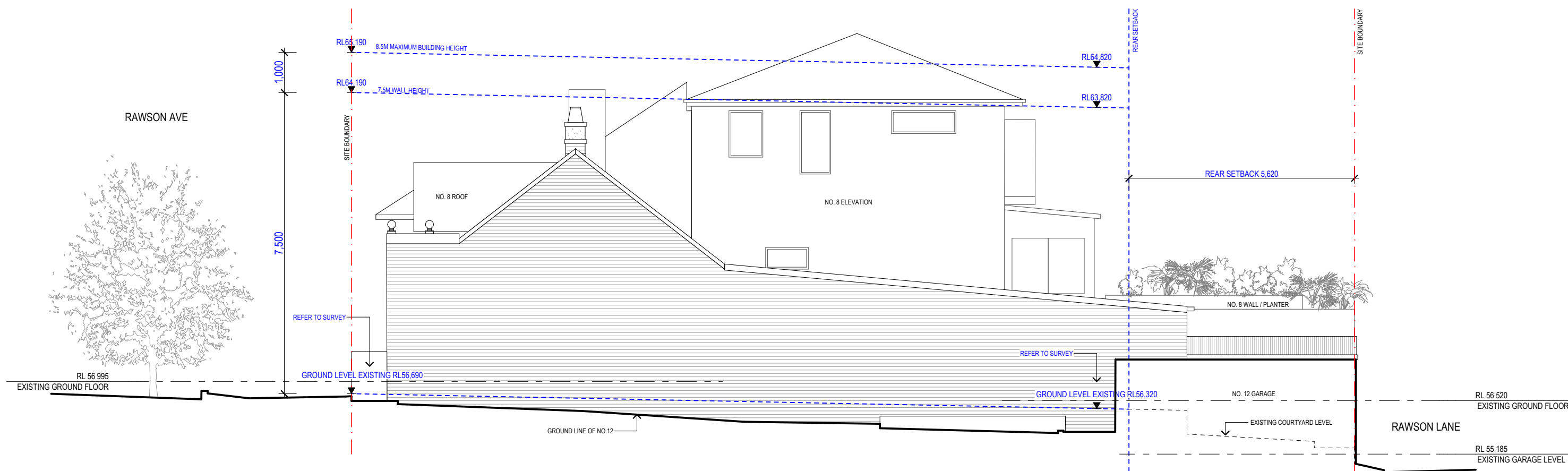


Application No: DA-199/2021

Date Received: 01/06/2021



1  
-  
EXISTING - NORTH ELEVATION  
1:100

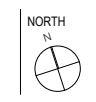


2  
-  
EXISTING - SOUTH ELEVATION  
1:100

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			

PROJECT 10 RAWSON AVENUE   LOT91 DP4042 10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	24/05/2021	1:100	A3



SHEET TITLE EXISTING ELEVATIONS - SHEET 2	
SHEET NUMBER A-DA-202	REVISION A



**BASIX REQUIREMENTS**  
ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE TO BASIX CERTIFICATE NO. **A383153**

**HOT WATER SYSTEM**  
- GAS INSTANTANEOUS

**INSULATION**  
- CEILING: R2.50 (UP)  
- ROOF: FOIL/SARKING, MEDIUM SOLAR ABSORPTANCE 0.475 - 0.70

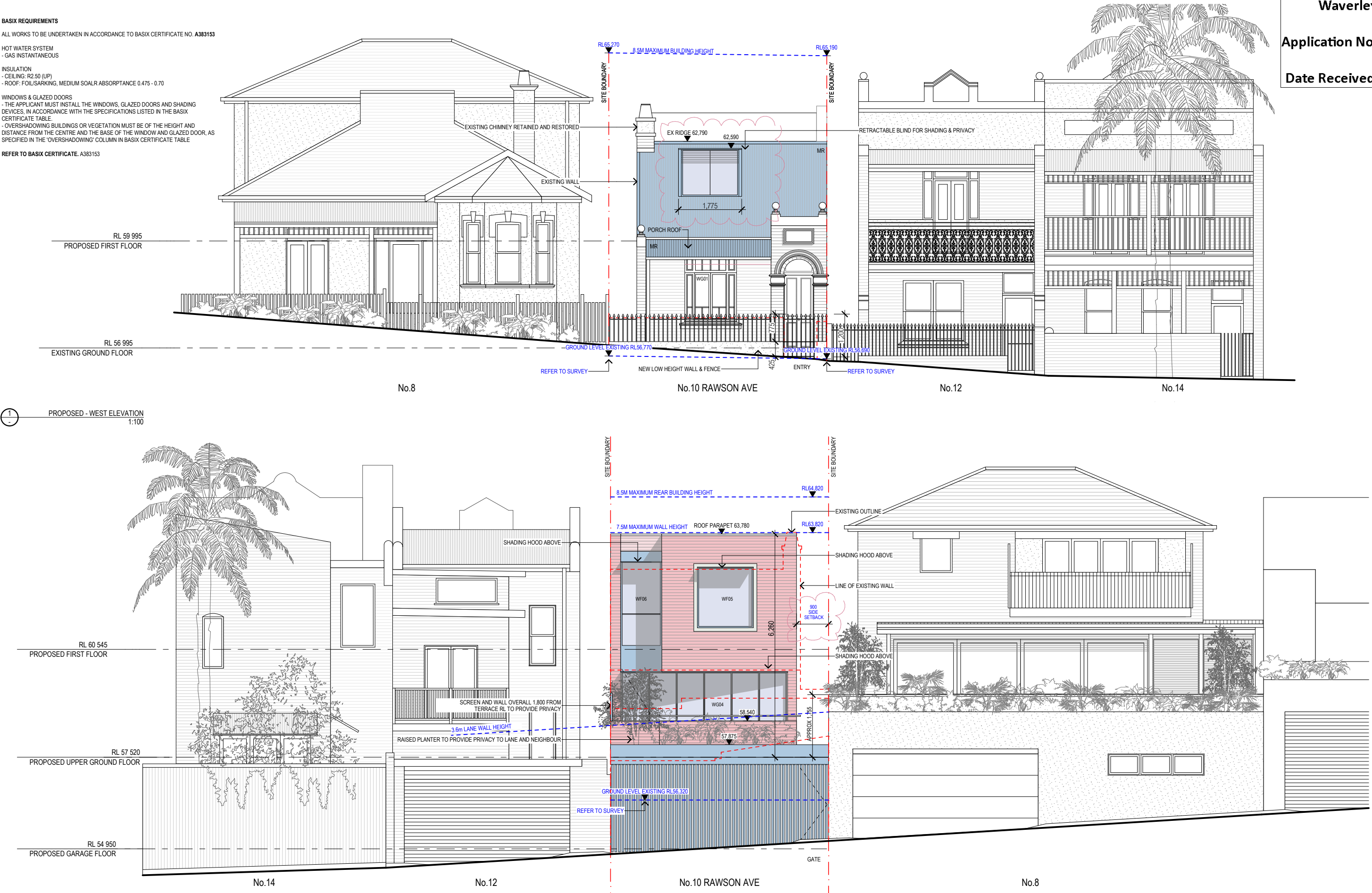
**WINDOWS & GLAZED DOORS**  
- THE APPLICANT MUST INSTALL THE WINDOWS, GLAZED DOORS AND SHADING DEVICES, IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE BASIX CERTIFICATE TABLE.  
- OVERSHADOWING BUILDINGS OR VEGETATION MUST BE OF THE HEIGHT AND DISTANCE FROM THE CENTRE AND THE BASE OF THE WINDOW AND GLAZED DOOR, AS SPECIFIED IN THE 'OVERSHADOWING' COLUMN IN BASIX CERTIFICATE TABLE

REFER TO BASIX CERTIFICATE. A383153

RECEIVED  
Waverley Council

Application No: DA-199/2021

Date Received: 03/08/2021



CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA
B	2/08/2021	REVISED DA ISSUE

REV	DATE	ISSUE

PROJECT 10 RAWSON AVENUE   LOT91 DP4042 10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	2/08/2021	1:100	A3



SHEET TITLE PROPOSED ELEVATIONS - SHEET 1	
SHEET NUMBER A-DA-203	REVISION B

AMENDED PLANS



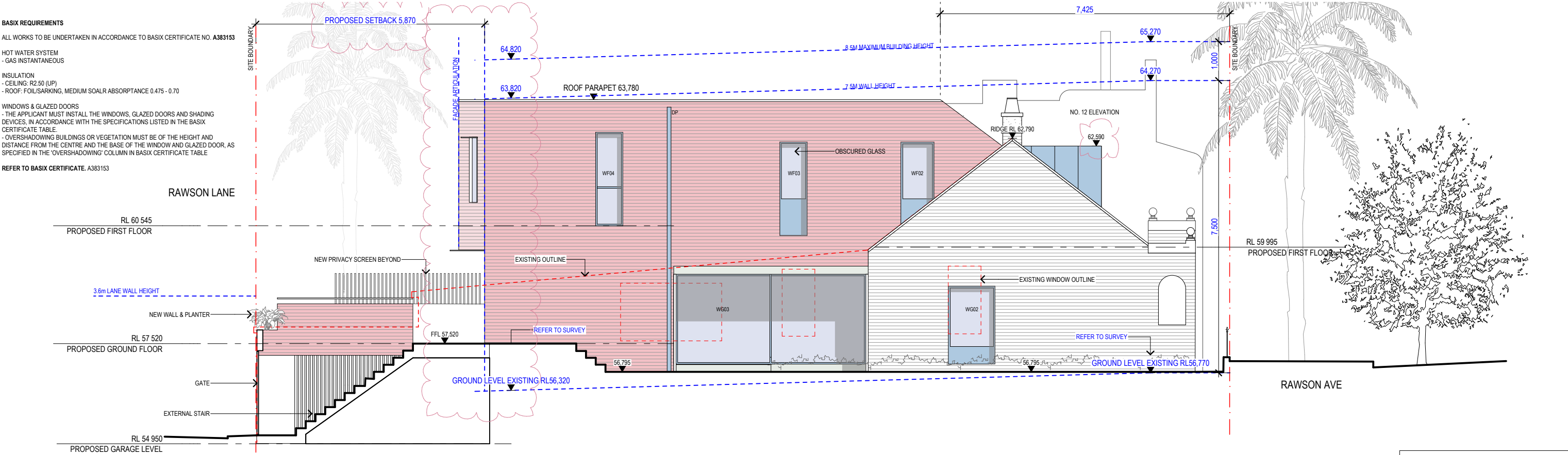
**BASIX REQUIREMENTS**  
ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE TO BASIX CERTIFICATE NO. A383153

**HOT WATER SYSTEM**  
- GAS INSTANTANEOUS

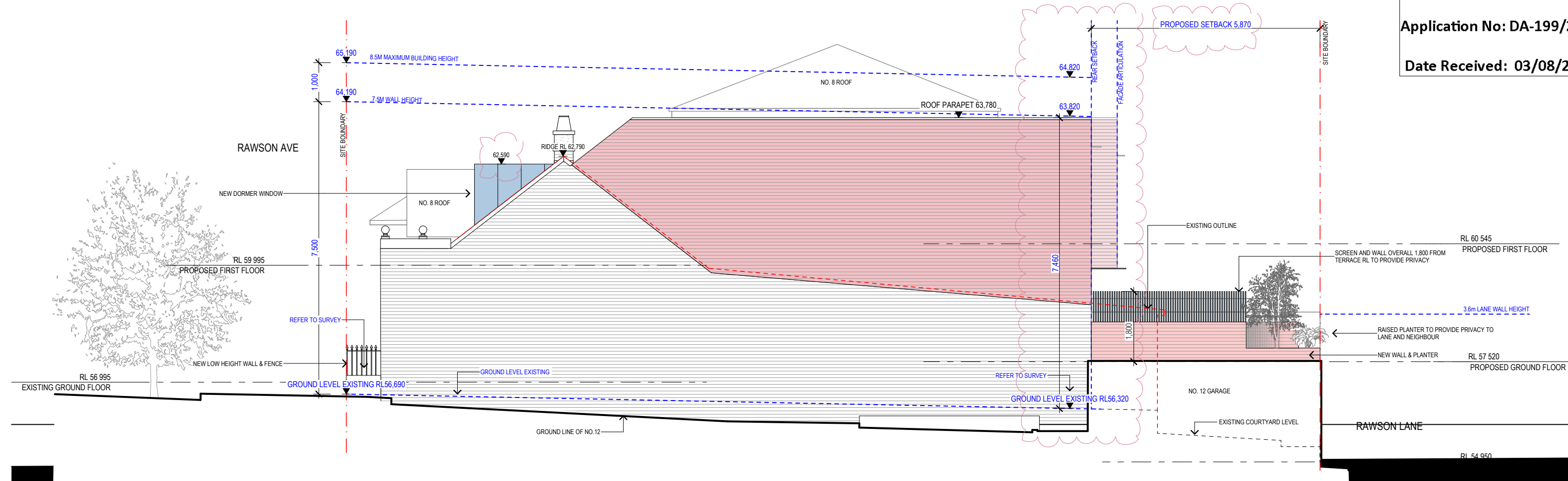
**INSULATION**  
- CEILING: R2.50 (UP)  
- ROOF: FOIL/SARKING, MEDIUM SOLAR ABSORPTANCE 0.475 - 0.70

**WINDOWS & GLAZED DOORS**  
- THE APPLICANT MUST INSTALL THE WINDOWS, GLAZED DOORS AND SHADING DEVICES, IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE BASIX CERTIFICATE TABLE.  
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REFER TO BASIX CERTIFICATE: A383153



1  
-  
PROPOSED - NORTH ELEVATION  
1:100



2  
-  
PROPOSED - SOUTH ELEVATION  
1:100

**RECEIVED**  
**Waverley Council**

**Application No: DA-199/2021**

**Date Received: 03/08/2021**

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE	REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA			
B	2/08/2021	REVISED DA ISSUE			

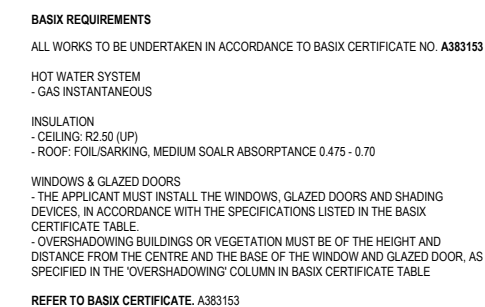
PROJECT			
10 RAWSON AVENUE   LOT91 DP4042			
10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	2/08/2021	1:100	A3

SHEET TITLE	
PROPOSED ELEVATIONS - SHEET 2	
SHEET NUMBER	REVISION
A-DA-204	B



**AMENDED PLANS**





2 PROPOSED CROSS SECTION  
- 1:100



1 PROPOSED LONG SECTION  
1:100

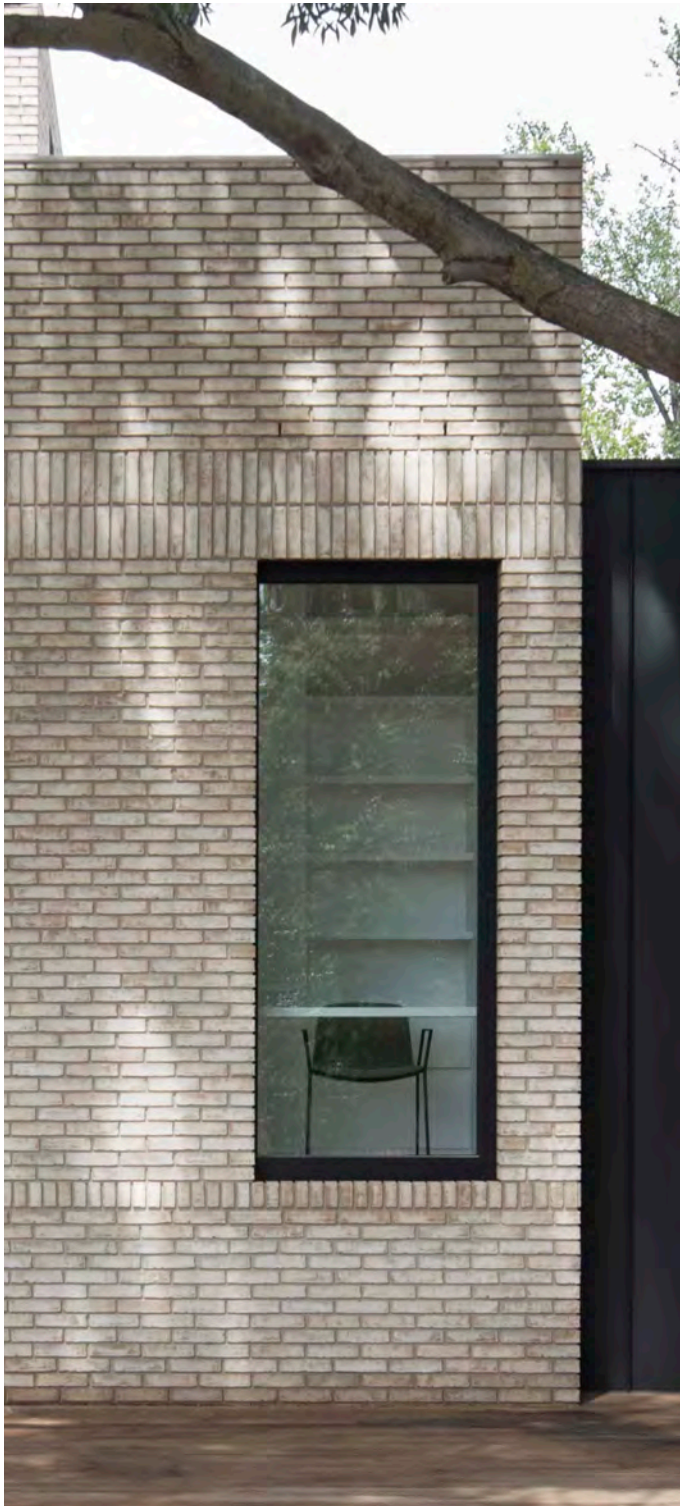
SHEET NUMBER	REVISION
A-DA-301	B

# AMENDED PLANS





NEW LIGHT BRICK TO EXTENSION



BRICK DETAILING & WINDOW EXPRESSION



METAL CLADDING PICTURE WINDOW



NEW PAINT TO FACADE & NEW FENCE TO RAWSON AVENUE

CLIENT: MR GEORGE TSIMOURTOS

REV	DATE	ISSUE
A	24/05/2021	ISSUED FOR DA

REV	DATE	ISSUE

PROJECT 10 RAWSON AVENUE   LOT91 DP4042 10 RAWSON AVENUE, QUEENS PARK, SYDNEY			
PROJECT NUMBER	PLOT DATE	SHEET SCALE	SHEET SIZE
01	24/05/2021		A3



SHEET TITLE SCHEDULE OF EXTERNAL FINISHES	
SHEET NUMBER A-DA-501	REVISION A