



20 October 2021

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

12.00PM WEDNESDAY, 27 OCTOBER 2021

QUORUM: Three Panel members.

APOLOGIES: By email to WLPP@waverley.nsw.gov.au

AGENDA

WLPP-2110.A

Apologies

WLPP-2110.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2110.1

PAGE 5

401/350 Oxford Street, BONDI JUNCTION NSW 2022 - Partial enclosure of balcony and new window to bedroom on the western elevation to Unit 401. (DA-294/2021)

Report dated 5 October 2021 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-2110.2

PAGE 36

74 Bondi Road, BONDI JUNCTION NSW 2022 - Alterations and additions to existing boarding house for 7 boarding rooms including construction of a new garage with boarding room above fronting Paul Lane at rear. (DA-139/2021)

Report dated 6 October 2021 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-2110.3

PAGE 114

38 Queens Park Road, QUEENS PARK NSW 2022 - Alterations and additions to dwelling house, including new ensuite in existing mezzanine void. (DA-160/2021)

Report dated 7 October 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-2110.4**PAGE 136**

1/146 Ramsgate Avenue, NORTH BONDI NSW 2026 - Alterations and additions to Unit 1, including conversion of attic roof space to a mezzanine bedroom. (DA-290/2021)

Report dated 13 October 2021 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-2110.5**PAGE 164**

3 Military Road, NORTH BONDI NSW 2026 - Alterations and additions to approved boarding house (DA-278/2020), including provision of neighbourhood shop at garage level. (DA-203/2021)

Report dated 15 October 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 contained in the report.

WLPP-2110.6**PAGE 210**

4 Victory Street, ROSE BAY NSW 2029 - Modification to extend upper levels and outdoor terrace to approved dual occupancy development. (DA-305/2017/C)

Report dated 12 October from the Development and Building Unit.

Council Recommendation: That the application be refused for the reasons contained in the report.

WLPP-2110.7**PAGE 233**

20 Wentworth Street, DOVER HEIGHTS NSW 2030 - Demolition of existing structure and construction of a dwelling with integrated parking, swimming pool at rear and tree removal. (DA-207/2021)

Report dated 18 October 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-2110.8**PAGE 304**

122 Hastings Parade, NORTH BONDI NSW 2026 - Demolition of dwelling and construction of a new three storey dwelling with integrated basement parking. (DA-297/2021)

Report dated 12 October 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-2110.9**PAGE 353**

14 St Thomas Street, BRONTE NSW 2024 - Alterations and additions to residential flat building, including construction of an additional apartment at roof level and 2 x triple car stackers. (DA-228/2021)

Report dated 14 October from the Development and Building Unit.

Council Recommendation: That the application be refused for the reasons contained in the report.

WLPP-2110.10**PAGE 429**

241 Bondi Road, BONDI NSW 2026 - Alterations and additions to an existing Residential Flat Building (RFB), including conversion of two ground floor apartments to commercial premises and front extensions and balconies on the first and second floor levels. (DA-223/2021)

Report dated 12 October 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-2110.11**PAGE 531**

1 Bondi Road, BONDI JUNCTION NSW 2024 - Change of use to formalise the conversion of a dwelling to a wellness centre (business premises). (DA-277/2021)

Report dated 12 October 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-2110.12**PAGE 558**

2A Edmund Street, QUEENS PARK & 17-21 Victoria Street, QUEENS PARK NSW 2024 - Demolition of existing structures; construction of a two storey residential flat building, containing affordable housing dwellings and rooftop communal open space; and tree removal. (DA-63/2021)

Report dated 15 October from the Development and Building Unit.

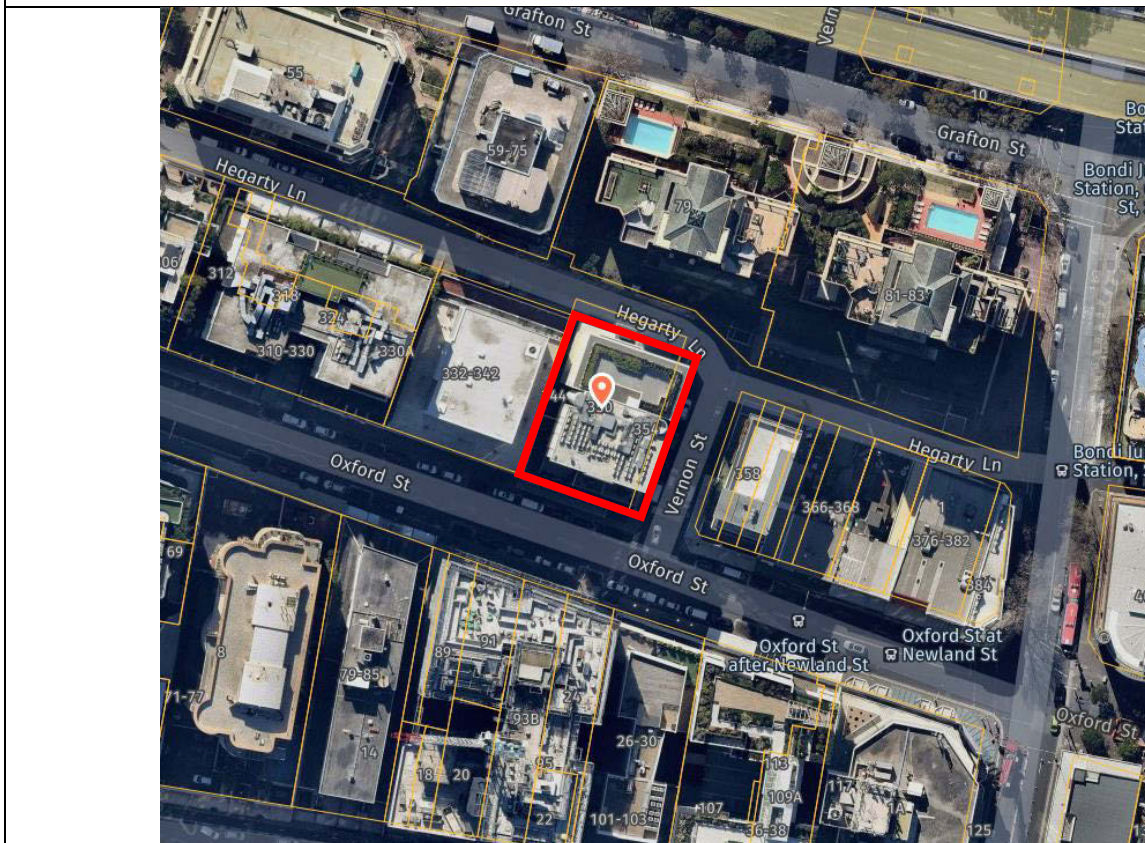
Council Recommendation: That the development application be approved by the Waverley Local Planning Panel subject to the conditions in Appendix A.



Report to the Waverley Local Planning Panel

Application number	DA-294/2021
Site address	Unit 401, 350 Oxford Street, Bondi Junction
Proposal	Partial enclosure of balcony and new window to bedroom on the western elevation to Unit 401.
Date of lodgement	2 August 2021
Owner	Mr Yigal Polishuk
Applicant	Mr Yigal Polishuk
Submissions	Two (2) submissions
Cost of works	\$19,030
Principal Issues	<ul style="list-style-type: none"> • FSR • VPA
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

Executive Summary

The development application seeks consent for enclosure of part of the existing balcony, internal alterations and new window on the western elevation of Unit 401 at the site known as 350 Oxford Street, Bondi Junction, a recently constructed shop top housing development.

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

- FSR

The assessment finds these issues acceptable as the additional gross floor area of 6m² is contained within the existing building envelope, setback from the external façade of the podium and will not result in any adverse visual, environmental or amenity impacts on surrounding properties or the public domain. A Clause 4.6 written justification seeking variation to the FSR development standard and an offer to enter into a planning agreement for the additional floor space has been submitted to Council satisfying the provisions under the Waverley Local Environmental Plan 2012 and the Waverley Planning Agreement Policy 2014, respectively.

A total of two 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 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

Site and Surrounding Locality

A site visit was carried out on 1 September 2021.

The site is identified as SP 9834, known as Unit 401, 350 Oxford Street, Bondi Junction.

The site is located on the northern side of Oxford Street bounded by Hegarty Lane to the north, Vernon Street to the east and Oxford Street to the south. The site is rectangular in shape with a primary frontage to Oxford Street measuring 25.275m, a secondary frontage to Vernon Street measuring 39.02m, and a rear boundary to Hegarty Lane measuring 29.85m. It has an area of 983.5m² and has a fall of approximately 4.87m from the south-eastern corner of the site to the north-western corner fronting Hegarty Lane.

The site is occupied by a recently constructed 12 storey mixed use building comprising of retail and commercial tenancies on the ground floor, residential apartments above and 4 levels of basement car parking with vehicular access provided from Hegarty Lane.

The locality is characterised by a variety of medium to high density retail, commercial and mixed use buildings that form part of the Bondi Junction Centre. The site is adjacent to two multi-storey retail/commercial and residential towers located to the north on Hegarty Lane; a multi storey retail and

commercial building to the east on Vernon Street, two and three storey retail and commercial buildings on the southern side of Oxford Street and a multi-storey retail and commercial building immediately to the west.

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

	
<p>Figure 1: View of site looking east along Oxford Street</p>	<p>Figure 2: Existing streetscape, looking east along Oxford Street</p>
	
<p>Figure 3: View of site from southern side of Oxford Street</p>	<p>Figure 4: View of site from intersection of Oxford Street and Vernon Street</p>

Relevant Development History

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

- DA-101/2014 for demolition of existing buildings and construction of an 11 storey mixed use building (shop top housing comprising of retail/commercial at ground level with residential units above) with basement car parking was approved by the NSW Land and Environment Court on 2 October 2014;

- DA-101/2014/A to modify the development consent including internal reconfiguration of apartments, reduction of FSR to 5.49:1 and amendment to façade treatments to reflect internal layouts was approved under delegated authority on 13 August 2015; and
- DA-101/2014/B to modify the development consent to include an additional level comprising two new apartments and 2 new car parking spaces in the basement car park was approved by the Waverley Development Assessment Panel (currently known as the Waverley Local Planning Panel) on 30 June 2017. The development consent granted an additional 265.6m² of floor space (total GFA of 5,650.2m²) with a FSR of 5.74:1, subject to an offer from the applicant to enter into a planning agreement with Council, and an increase in building height to RL114.75 (40.5m).
- A Strata Certificate (SC-36/2018) for the development was issued by Ian Baker Consulting Pty Ltd on 20 September 2018.

Proposal

The development application seeks consent for partial enclosure of the balcony at the western elevation of Unit 401, specifically the following:

- Enclosure of 6m² of the existing balcony at the south-western portion of Apartment 401 including new floor to ceiling glazing on the western elevation and glazed sliding doors on the southern elevation;
- Replace existing south facing glazed sliding doors to bedroom with a new internal partition wall;
- Installation of a new window on the western elevation; and
- Replace existing west facing fixed glazing to living room with glazed sliding doors.

The applicant has offered to enter into a planning agreement for the additional gross floor area resulting from the partial enclosure of the balcony. In accordance with the Waverley Planning Agreement Policy 2014, the offer equates to a monetary contribution of \$22,200 (\$3,700/per square metre for residential development in Bondi Junction).

Background

The development application was lodged on 2 August 2021.

On 17 September 2021, a letter of offer was received from the applicant seeking to enter into a planning agreement with Council for the additional gross floor area sought as part of this application. The letter of offer was reviewed by Council's Strategic Planning Officer who raised no objection to the offer to enter into a planning agreement with Council, subject to conditions.

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).

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.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the objectives of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none"> B4 – Mixed Use Zone 	Yes	The proposed alterations and additions to the existing apartment is defined as shop top housing, which is permitted with consent in the B4 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 38m 	Yes	No change is proposed to the approved building height of 40.5m under DA-101/2014/B.
4.4 Floor space ratio <ul style="list-style-type: none"> 5:1 	No	<p>The proposal seeks an additional 6m² of floor space resulting in a FSR of 5.75:1 (5.746:1 as noted by the applicant). The proposal seeks a variation of 15% from the development standard of 5:1.</p> <p>The existing building has a FSR of 5.74:1 and the proposal seeks an additional 0.17% variation to the FSR granted under DA-101/2014/B.</p>
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 standards. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.5 Active street frontages in the Bondi Junction Centre	Yes	The proposal does not have any impact on the active street front character of Oxford Street.
6.9 Design excellence	Yes	Given the location and setback of the apartment from the podium façade, the

Provision	Compliance	Comment
		proposed works will not be visually prominent when viewed from the public domain. The proposal will not have any additional impacts on the architectural character of the approved development or the amenity of the public domain and satisfies the provisions for design excellence.
6.12 Development on certain land in Bondi Junction	Yes	No change is proposed to the existing non residential gross floor area for the development.

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 5:1. The proposed development has a FSR of 5.75:1, exceeding the standard by 738.7m² equating to a 15% 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) The additional floor space is contained within the building envelope, does not alter building height and has no additional impacts on the streetscape.
 - (ii) The proposal maintains a built form that is compatible with the locality and achieves the objectives of the development standard.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposed will have no additional impact on the mixed use character of the building or the streetscape when viewed from the public domain or adjoining properties.
 - (ii) The additional floor space is minor having regard to the approved FSR for the site and is contained within the existing building envelope.

- (iii) The proposal will not have any adverse amenity impacts on adjoining properties.
- (iv) The proposal is consistent with the objectives of the B4 Mixed Use 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) and (c) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has adequately demonstrated that the proposal is consistent with the objectives of the FSR development standard as the existing built envelope and presentation to the public domain is retained and compatible with the bulk and scale of surrounding developments. Given that the existing building exceeds the FSR development standard by 14.8% and is considered suitable within the streetscape, strict compliance with the development standard is unreasonable in this circumstance given the proposed works are contained within the existing building envelope and has negligible visual or amenity impacts on surrounding properties or the public domain.

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. In particular, the proposal will not contribute to additional building bulk when viewed from the public domain, will not result in any adverse amenity impacts on surrounding properties and is consistent with the objectives of the development standard and the B4 Mixed Use zone.

Is the development in the public interest?

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. The applicant has also offered to enter into a planning agreement with Council for the additional floor space to provide monetary contributions towards the provision of infrastructure that will benefit the community.

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.*

The objectives of the B4 Mixed Use zone 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 proposal to partially enclose the balcony occupies an area that is within the existing building envelope. The works will not alter the overall appearance of the building when viewed from the public domain and will not result in any additional amenity impacts on adjoining properties which is consistent with the built form and environmental amenity objectives of the FSR development standard.

The proposal does not change the approved use of the apartment or the mixed use nature of the building and is consistent with the objectives to provide a mix of retail, commercial and residential uses within the B4 Mixed Use zone locality.

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 FSR development standard and the B4 Mixed Use zone, and is supported with an offer to enter into a planning agreement with Council.

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	A Site Waste and Recycling Management Plan was not submitted as part of this application. A condition has been imposed requiring the submission of a Site Waste and Recycling Management Plan prior to the commencement of works.
2. Ecologically Sustainable Development	N/A	The cost of works is less than \$50,000 therefore the proposal is not required to provide a BASIX Certificate. The scope of works is considered minor and unlikely to result in additional impacts on water or energy consumption.
12. Design Excellence	Yes	Satisfactory. The proposal will not have any additional impact on the architectural form of the existing building and is contextually appropriate given the built form and scale of surrounding developments. The proposal will not result in any unreasonable amenity impacts on adjoining properties and will have no additional impacts on the amenity within the public domain and is consistent with design excellence provisions of the DCP.

Table 3: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none">Consistent street setback	Yes	No change proposed.

Development Control	Compliance	Comment	
3.3.2- Side and rear setbacks <ul style="list-style-type: none">Minimum side setback: 1.5-2.5m	Yes	No change proposed. Apartment 401 has an existing western side setback of 3.2m which will be maintained.	
3.4 Length and depth of buildings			
<ul style="list-style-type: none">Maximum building length: 24m	No – accept given no change to existing	No change proposed. The existing building has a length of 27.9m.	
<ul style="list-style-type: none">Façade to be articulated	Yes	The proposed floor to ceiling glazing to partially enclose the balcony and new window on the western elevation will match the dimensions of existing windows on the western elevation and will not detract from the building façade as viewed from the public domain.	
<ul style="list-style-type: none">Maximum unit depth: 18m	Yes	No change to existing depth (12m) of Apartment 401.	
3.5 Building design and streetscape			
<ul style="list-style-type: none">Respond to streetscape	Yes	The proposal will not result in any changes to the presentation of the building to the streetscape. The proposed glazing to enclose part of the balcony and new window on the western elevation is consistent with existing external materials and façade treatments. Given the setback of the apartment from Oxford Street, the proposed glazing and window will not be visually prominent from the public domain and will not have any unreasonable impacts on the appearance of the existing building.	
<ul style="list-style-type: none">Sympathetic external finishes	Yes		
<ul style="list-style-type: none">Corner sites to address both streets as primary frontages	Yes		
3.11 Private Open Space			
3.11.2 – Balconies/decks <ul style="list-style-type: none">Balcony additions to match the character of the buildingShould not dominate the façadeLocated to maximise solar access and privacy	<div>Yes</div> <div>Yes</div> <div>Yes</div>	The proposed enclosure of part of the balcony along the western elevation will not dominate the façade and will maintain access to the terrace area. There will be no change to solar access or privacy for occupants and surrounding properties.	
3.13 Solar access and overshadowing			
<ul style="list-style-type: none">Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June	Yes		No change to overshadowing of surrounding properties.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter. 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. 	<p>Yes</p> <p>Yes</p>	
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design. Views from public spaces to be maintained. 	<p>Yes</p> <p>Yes</p>	The proposal will not have any additional impacts on existing views from adjoining properties or public spaces.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Development over 50 dwellings must be designed with CPTED principles – See B10 Safety Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No change to the existing development. The proposed new window opening on the western elevation does not have any impacts on CPTED principles.</p> <p>The enclosure of part of the balcony does not result in any additional privacy impacts on adjoining properties.</p> <p>The proposal is contained wholly within the existing building envelope and will not have any additional privacy impacts on adjoining properties.</p>
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> All habitable rooms to have a window Provide a range of dwelling types and sizes Min sizes Studio = 35m² 1 bedroom = 50m² 2 bedroom = 80m² 3 bedroom = 100m² Flexible design 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>All habitable rooms to the apartment will have window openings. A new window is proposed on the western elevation to provide 2 vertically proportioned windows to the existing bedroom.</p> <p>No change is proposed to the unit mix provided within the existing building.</p> <p>The proposal will increase the size of Apartment 401 to 85m² and complies with the minimum apartment size for a 2 bedroom apartment.</p>

Development Control	Compliance	Comment
		The partial enclosure of the balcony provides a sunroom with additional flexible indoor/outdoor use for occupants.
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	Yes	No change proposed.
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> 2 bed = 8m³ All to provide bulk storage are in basement or ancillary structure 	<p>Yes</p> <p>Yes</p>	No change to proposed.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The enclosure of part of the balcony will likely improve acoustic privacy between the apartment and adjoining properties.
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated Building to be orientated to maximise breezes Ceiling fans are to be provided in all habitable rooms. 	<p>Yes</p> <p>Yes</p> <p>No – acceptable on merit</p>	<p>No change proposed.</p> <p>No ceiling fan is proposed within the enclosure balcony area. Given the dimensions of the space and the glazed sliding doors on the southern elevation, adequate ventilation is provided to the room without the need for a ceiling fan.</p>
3.21 Building services		

Table 4: Waverley DCP 2012 - Part E1 Bondi Junction Compliance Table

Development Control	Compliance	Comment
1.2 Urban form		
<ul style="list-style-type: none"> 2/2 storey shop front facade on Oxford St and Bronte Rd 6 storey wall on other streets Tower to be setback from street edge Slender tower 	Yes	The proposal does not alter the overall built form and appearance of the development when viewed from surrounding streets and is contextually appropriate with adjacent developments and the urban form of Bondi Junction.
1.3 Building use		
Primary shopping streets	Yes	No change is proposed to the podium level of the existing building. The proposal does not impact on

Development Control	Compliance	Comment
<p>(b) The Ground Floor of buildings along primary shopping streets must be designed and used for retail purposes.</p> <p>(c) The First Floor of buildings along primary shopping streets must be designed and used for commercial purposes but not limited to retail.</p>		the character of Oxford Street which is identified as a primary shopping street.
1.6 Heritage and buildings of historic character		
1.6.2 Street with heritage and buildings of historic character	Yes	No change is proposed at the street level or to the Vernon Street elevation which is immediately opposite heritage items to the east of the site. The proposed works will not be visible from Vernon Street or surrounding heritage items and will not have any impacts on the significance of surrounding heritage items.
1.7 Active street frontages		
Active street frontage to be provided for Primary Shopping Street frontages, Secondary Shopping Street frontage, potential for active frontages to laneways and arcades and through site links	Yes	No change is proposed to the street frontages to Oxford Street, Vernon Street and Hegarty Lane. The existing development appropriately addresses the character of the primary shopping street on Oxford Street, the secondary shopping street on Vernon Street and the laneway on Hegarty Lane.
1.8 Building Orientation		
<ul style="list-style-type: none"> Podiums to address the street Tower forms to front and rear Bathroom, laundry & ancillary windows to side boundaries 	Yes	No change proposed to the existing orientation of the building. No change is proposed to the location of the bathrooms and laundry of Apartment 401. The proposed new window on the western elevation is considered acceptable as the western elevation comprises of similar bedroom windows on other floor levels.
1.9 Street alignment		
<ul style="list-style-type: none"> 2/3 storeys to be built to the lot boundary 	Yes	No change proposed to the existing alignment of the podium level to adjoining streets or the setback of the tower above.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 6 storey to be built to the lot boundary of with storeys above set back 6m 		
1.10 Separation distances		
<ul style="list-style-type: none"> 9m-18m between residential use and commercial use 	Yes	No change proposed. The proposal is contained wholly within the existing building envelope.
1.11 Side and Rear boundary setbacks		
<p>Tower</p> <p>(e) Where existing neighbouring buildings have windows or balconies at podium levels facing a side boundary, the following side setback distances apply:</p> <ul style="list-style-type: none"> 12m – primary windows o living areas /balconies 6m – all other windows 	Yes	No change is proposed to the existing western side setback of 3.2m. Adequate separation is provided between the western elevation and existing window openings of the commercial office building adjoining the site.
1.12 Building footprint		
<ul style="list-style-type: none"> Block edge to address street No blank walls to public streets. 	Yes	No change proposed.
1.13 Number of storeys		
Maximum 12 storeys	Yes	No change proposed.
1.14 View, vista and tree preservation		
Views to be retained along Oxford Street.	Yes	The proposal does not have any additional impacts on existing views along Oxford Street.
1.16 Building Elevations		
<p>Second to fifth floor elevation</p> <p>(i) Elevations are to be composed of a solid wall with punched openings.</p> <p>(k) Building facades can have an openness ratio of up to</p>	Yes	The proposed new window and glazing on the southern and western elevations will be consistent with the style and materials of existing openings and will complement the building.

Development Control	Compliance	Comment
<p>45% of one bay of a façade, the remaining 55% must be solid.</p> <p>(l) Balconies must be recessed from the main elevation.</p> <p>(m) The tower component of buildings can be highly individual in character.</p>		
1.17 Designing Buildings for Flexibility		
<ul style="list-style-type: none"> Design the podium component of buildings (Level 2 – Level 5) to permit adaptation for other future uses, with minimal structural and service alteration 	Yes	No change proposed to the existing location of services or adaptability of the building for other future uses.
1.18 Ceiling Heights		
<ul style="list-style-type: none"> Coordinate internal ceiling heights and slab levels with external height datum lines such as datum and parapet lines set by surrounding existing buildings. Increase the sense of space in rooms through provision of well-proportioned rooms. Use tall windows or highlight windows, as well as light shelves and fan lights to reflect natural light deeper into a floorplate. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No change proposed to existing floor to ceiling heights.</p> <p>No change to dimensions of existing rooms in Apartment 401.</p> <p>The new window on the western elevation is vertically proportioned and is consistent with the proportions of existing window openings on the western façade. The proposed partial enclosed balcony consisting of floor to ceiling glazing which optimises sense of space and openness and maintains natural light to the living areas of the apartment.</p>
1.19 External Living Areas		
<ul style="list-style-type: none"> External living area is to be screened to achieve visual privacy if located less than 4m from a side boundary 	Yes	No change proposed to the principle useable private open space to Apartment 401. Existing screening of private open spaces on the podium level is considered adequate.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Detail and design balconies or terraces in response to the local climate and context 		

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.

Suitability of the Site for the Development

The site is considered suitable for the proposal as the southern and western elevations of the subject apartment are predominantly obscured from the public domain by the 3 storey podium below and the podium of the commercial buildings immediately to the west (332-342 Oxford Street). The proposed partial enclosure of the balcony contributes to flexible living spaces for the apartment whilst having negligible impact on perceived building bulk or symmetry of the building when viewed from the public domain. Given the visually prominent architectural detailing and symmetry of existing facades fronting Oxford Street, Vernon Street and Hegarty Lane, the ability to enclose part of an existing balcony above the podium level with minimal impact on the appearance of the existing development is unique to the south-western corner of the site.

Any Submissions

The application was notified 14 days between 13 and 27 August 2021 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 2 unique submissions were received from the following properties:

- Unit 405, 350 Oxford Street, Bondi Junction
- 5 Waverley Crescent, Bondi Junction

Issues raised in the submissions are summarised and discussed below.

Issue: The owner misinformed the Owner's Corporation to get consent for the lodgement the Development Application. The owner claimed the works was to improve the amenity of the apartment as an owner/occupier but no longer resides in the apartment.

Response: At the time of lodgement, owners consent provided by the Owner's Corporation was valid. At the time of writing this report, Council has not received written correspondence from the Owner's Corporation seeking to withdraw consent for the lodgement of the development application. As such, the application is considered to have been lodged with valid owners consent and can be determined.

Issue: Insufficient drainage details have been submitted and drainage may impact on apartments immediately below.

Response: The proposal is unlikely to result in any significant additional runoff that cannot be absorbed by the existing stormwater design for the building.

Issue: The proposed enclosure of the balcony will impact the symmetry of the building as seen from apartments on the opposite side of the road.

Response: As discussed in the report above, the proposal will have negligible visual or built form impacts viewed from the public domain, particularly along Oxford Street. Given the lightweight construction of glazed walls and sliding doors to enclose part of the balcony and its setback from the southern property boundary, the proposal will not have any unreasonable visual impacts when viewed from apartments on the opposite side of Oxford Street.

Issue: No structural drawings have been provided relating to the installation of the new window on the western elevation.

Response: Structural details are not required to be submitted for consideration as part of the development application given the proposed scope of works. Appropriate conditions requiring structural certification of works have been included in the recommendation.

Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

The development application seeks consent for enclosure of part of the existing balcony, internal alterations and new window on the western elevation of Unit 401 at the site known as 350 Oxford Street, Bondi Junction.

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

- FSR

The assessment finds these issues acceptable as the additional gross floor area of 6m² is contained within the existing building envelope, setback from the external façade of the podium and will not result in any adverse visual, environmental or amenity impacts on surrounding properties or the public domain. A Clause 4.6 written justification seeking variation to the FSR development standard and an offer to enter into a planning agreement for the additional floor space has been submitted to Council satisfying the

provisions under the Waverley Local Environmental Plan 2012 and the Waverley Planning Agreement Policy 2014, respectively.

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. No Councillor submissions were received.

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.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 21 September 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 Jo Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Peggy Wong	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 30 September 2021	Date: 5 October 2021

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 – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

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

Plan Number and Revision	Plan description	Plan Date	Date received by Council
00	Cover Sheet	-	30.07.2021
01	Location Plan	27.06.2021	30.07.2021
02	Level 1 – Unit 401 - Existing	27.06.2021	30.07.2021
03	Level 4 - Unit 401 - Proposed	27.06.2021	30.07.2021
04	West Elevation	27.06.2021	30.07.2021
05	South Elevation	27.06.2021	30.07.2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) A schedule of external finishes and colours shall demonstrate the use of materials that match the external finishes and colours of the existing building.
- (b) Detailed drawings must show the dimensions, proportions and materials and finishes of the new window on the western elevation matching existing windows on the western elevation of the building.

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

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

3. 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.

4. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$1,680** 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.

5. 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.

6. 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-294/2021; and

- (ii) Pay a monetary contribution amount of \$22,200.00 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 of the land the subject of the Development, the applicant 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, and
 - (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, and
 - 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.

CONSTRUCTION & SITE MATTERS

7. 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.

WASTE

8. 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.

PRIOR TO ANY WORKS

9. 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.

DEMOLITION & EXCAVATION

10. 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.

CONSTRUCTION MATTERS

11. 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.

12. 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.

13. 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 clause 162A *Critical stage inspections for building work* of the *Environmental Planning and Assessment Regulation 2000*.

14. WORK OUTSIDE PROPERTY BOUNDARY

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

C. 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

15. 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.

OTHER MATTERS

16. BONDI JUNCTION FSR AND MAPPING MODEL

To update Council's live floor space model and mapping system, the following information is to be provided to the satisfaction of Council's Strategic Planning Department reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (a) DP/Lot/Strata Plan
- (b) address
- (c) building footprint (m²)
- (d) gross Floor area (m²)
- (e) total residential floor space (m²)
- (f) total office space (m²)
- (g) total retail space (m²)
- (h) total no. of all levels (m²)
- (i) no. levels above ground
- (j) no. levels below ground
- (k) no. of residential levels
- (l) no. of dwellings
- (m) no. of commercial levels
- (n) no. of parking spaces
- (o) parking location (above or below ground)
- (p) ground floor use (commercial, retail or residential)

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

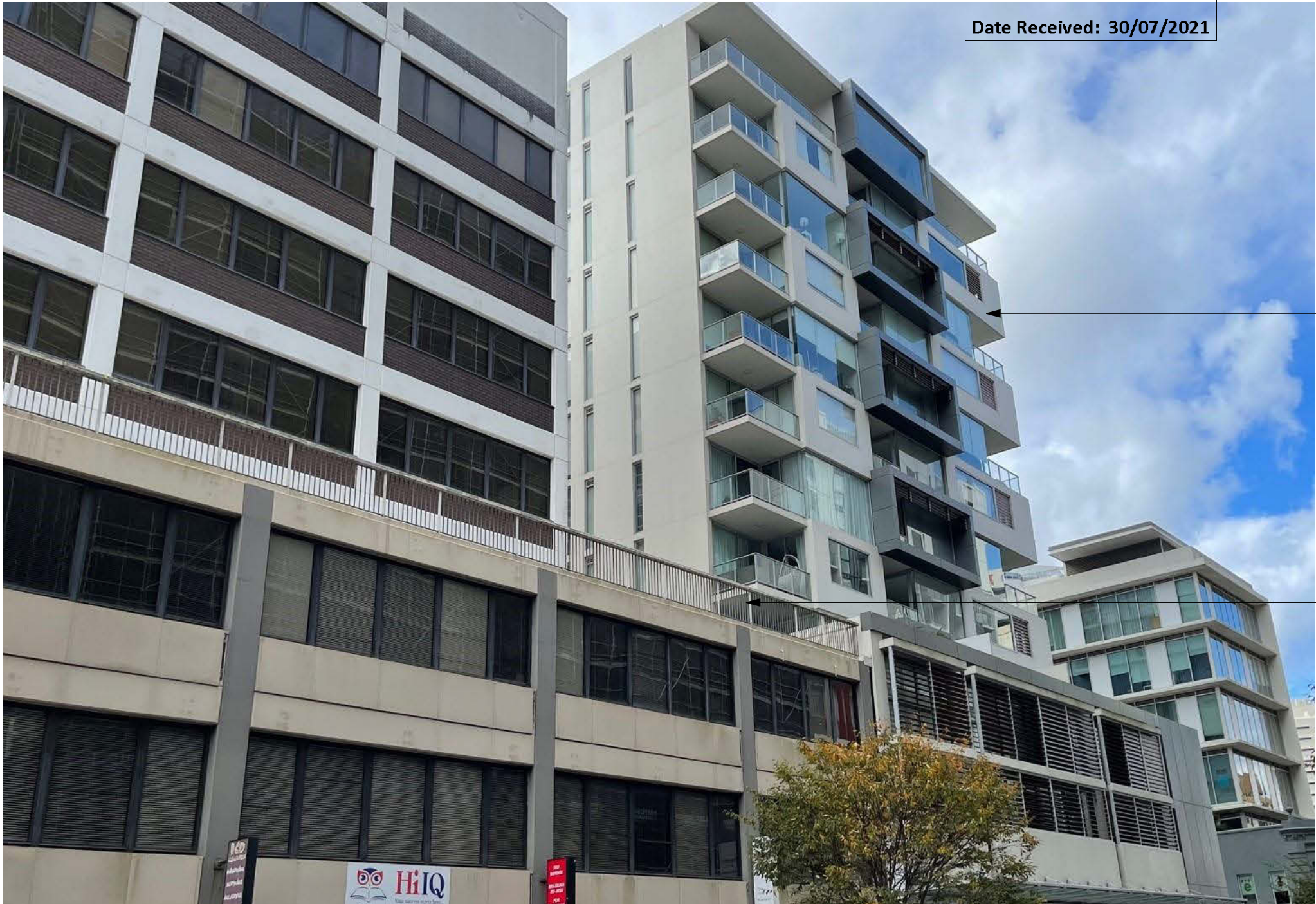
Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au 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.

DRAWING LIST

00	COVER SHEET
01	LOCATION PLAN
02	LEVEL 4 - UNIT 401 - EXISTING
03	LEVEL 4 - UNIT 401 - PROPOSED
04	WEST ELEVATION
05	SOUTH ELEVATION
06	3D VIEWS - EXISTING AND PROPOSED

RECEIVED
Waverley Council
Application No: DA-294/2021
Date Received: 30/07/2021



SUBJECT
BUILDING

AREA OF THE
PROPOSED
WORKS

ALTS AND ADDS TO APARTMENT 401
AT 350 OXFORD STREET BONDI
JUNCTION

RECEIVED
Waverley Council

Application No: DA-294/2021

Date Received: 30/07/2021



1 LOCATION PLAN - SOURCE - SIX MAPS - ACCESSED 23/05/2021
NOT TO SCALE



B. Architects
NOMINATED ARCHITECT Alexander Bitterman ARB No. 10665
alexander@b-architects.com.au

MR. BRANDON WAX-
POLISHUK
CLIENT:

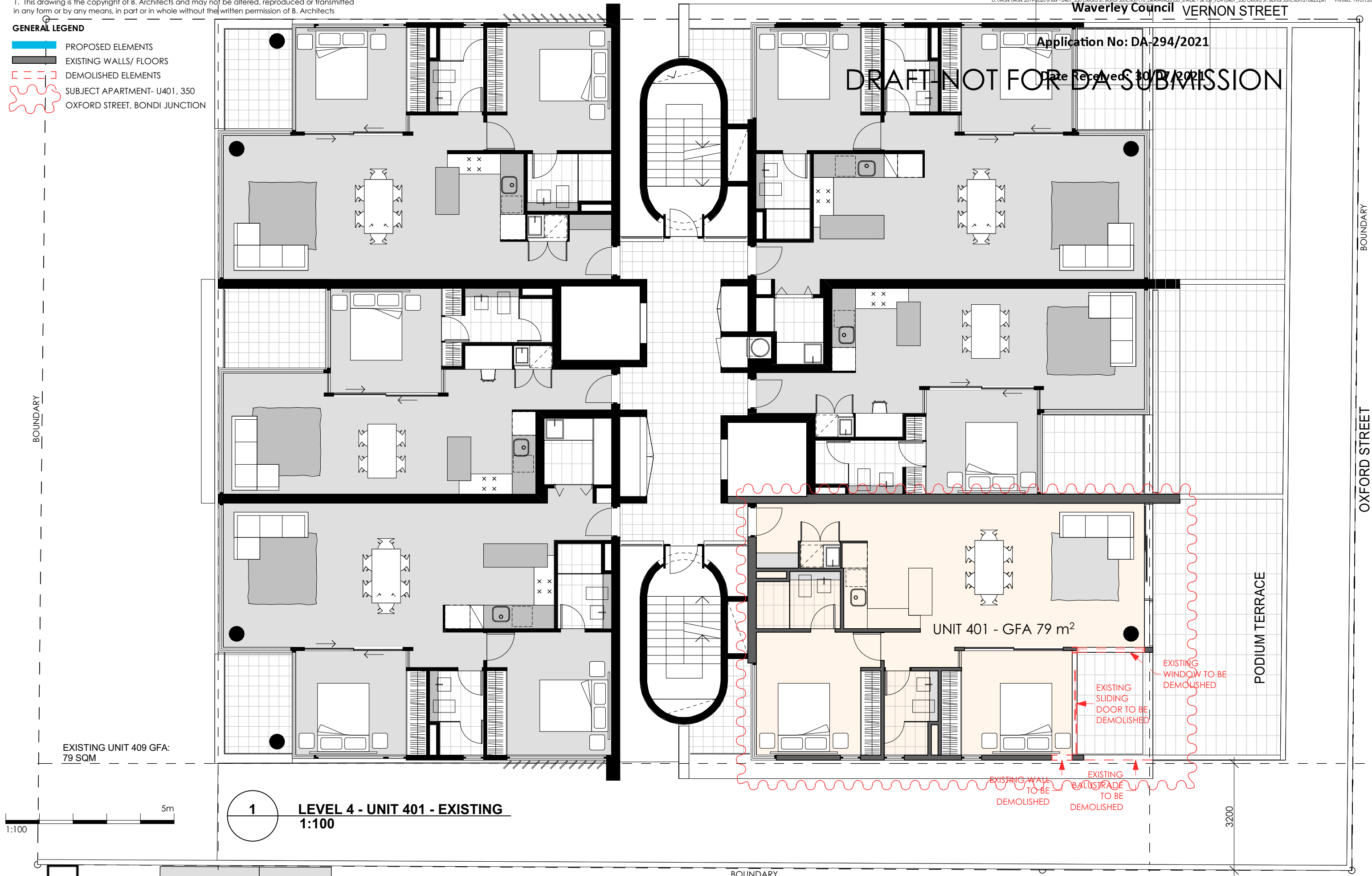
ALTS AND ADDS TO APARTMENT 401 AT
350 OXFORD STREET BONDI JUNCTION
PROJECT TITLE:



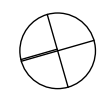
01 DA 27/06/21
dwg no. revision date

GENERAL LEGEND

- PROPOSED ELEMENTS
- EXISTING WALLS/ FLOORS
- DEMOLISHED ELEMENTS
- SUBJECT APARTMENT- U401, 350 OXFORD STREET, BONDI JUNCTION



1 LEVEL 4 - UNIT 401 - EXISTING
1:100



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Date Received: 30/07/2021

BOUNDARY

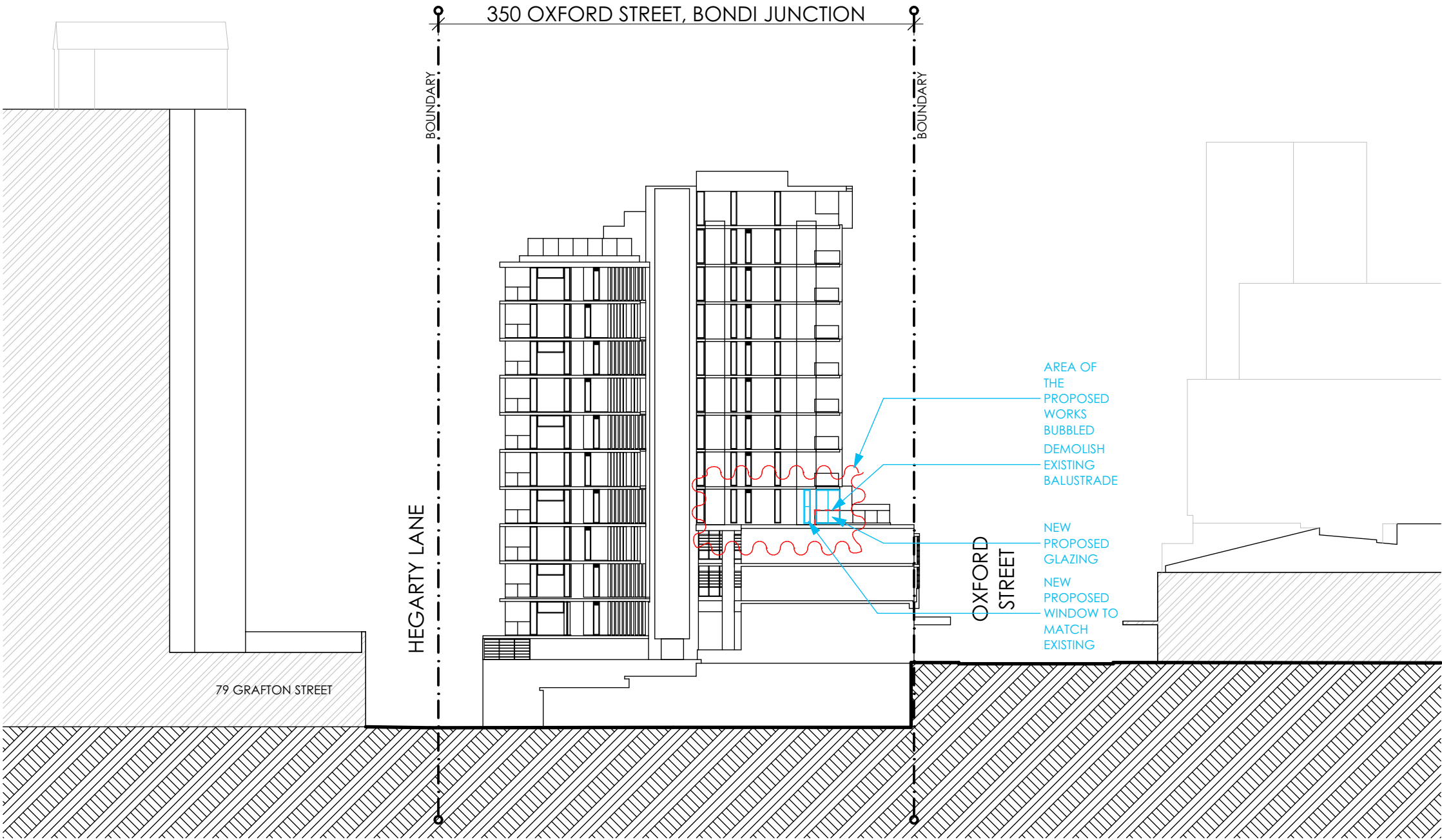
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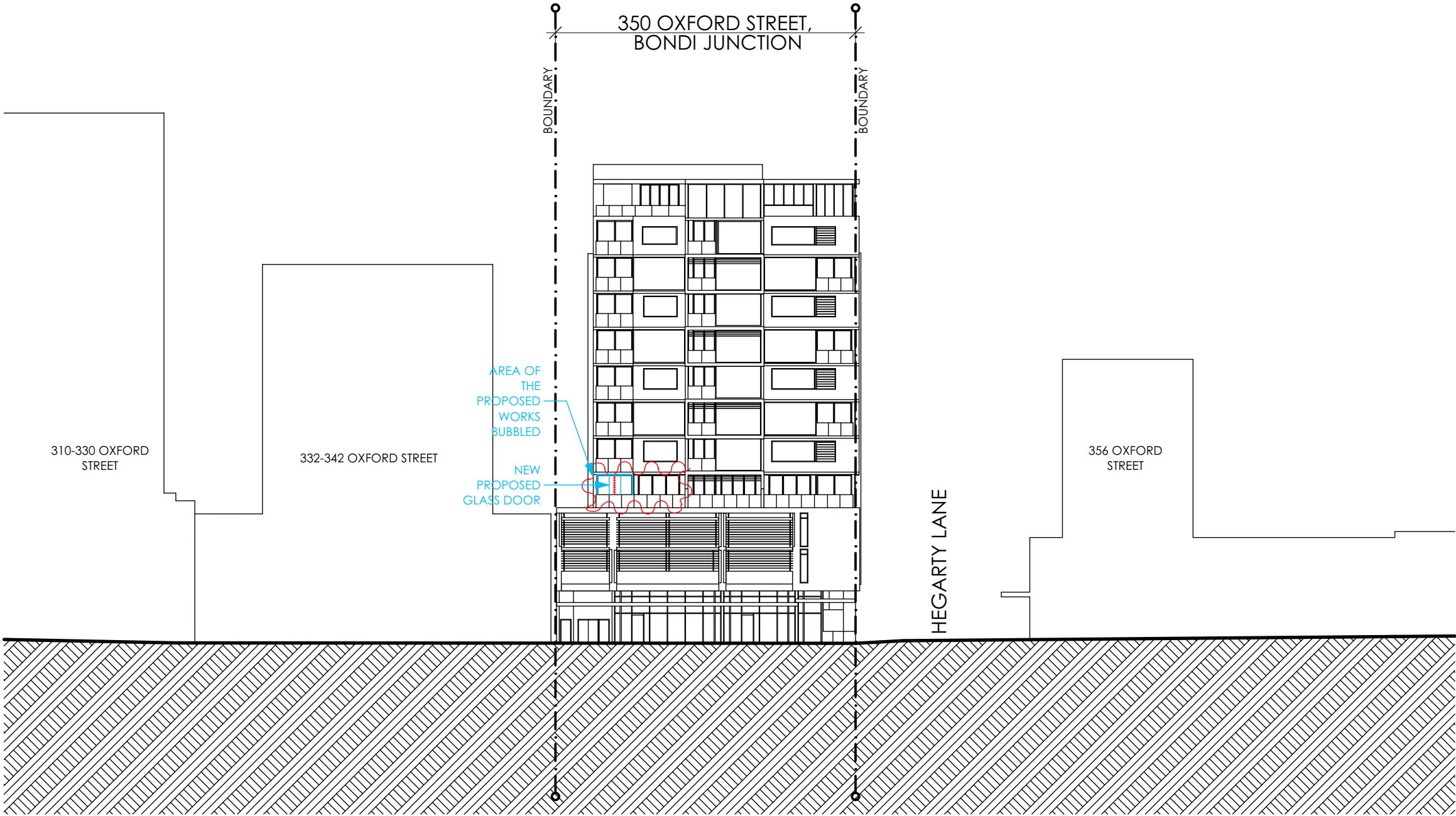
- GENERAL LEGEND
- PROPOSED ELEMENTS
 - DEMOLISHED ELEMENTS
 - SUBJECT APARTMENT- U401, 350
 - OXFORD STREET, BONDI JUNCTION



1 WEST ELEVATION
1:400

GENERAL LEGEND

- PROPOSED ELEMENTS
- DEMOLISHED ELEMENTS
- SUBJECT APARTMENT- U401, 350
- OXFORD STREET, BONDI JUNCTION



1

WEST ELEVATION
1:400



1

EXISTING BALCONY



2

PHOTOMONTAGE OF THE PROPOSED ENCLOSED BALCONY



Report to the Waverley Local Planning Panel

Application number	DA-139/2021
Site address	74 Bondi Road, Bondi Junction
Proposal	Alterations and additions to existing boarding house for 7 boarding rooms including construction of a new garage with boarding room above fronting Paul Lane at rear.
Date of lodgement	19 April 2021
Owner	Mr D Machet
Applicant	Lombardo Design Studio
Submissions	Original notification – Two submissions Renotification – One submission
Cost of works	\$446,600
Principal Issues	<ul style="list-style-type: none"> • FSR • Solar access to communal living area • On site car parking
Recommendation	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 alterations and additions to the existing two storey terrace for a total of 7 boarding rooms with a detached double garage at the site known as 74 Bondi Road, Bondi Junction.

The proposal seeks to provide a boarding house with 3 x single boarding rooms and 4 x double rooms with a maximum occupant capacity of 12 boarders, a communal living area, new laundry and waste storage areas on the ground floor, and parking for 2 car spaces, 4 bicycles and 2 motorcycles accessed from the rear lane (Paul Lane).

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

- Exceedance of FSR development standard
- On site car parking
- Communal open space dimensions
- Solar access to communal internal living room

The assessment finds these issues acceptable as the bulk and scale of the proposal is consistent with existing built form of surrounding developments and complements the heritage character of the existing building and immediately adjoining terraces, and the streetscape. The proposal will not have any adverse impacts on the amenity of adjoining properties and has adequately demonstrated the development is suitable for the site.

Two submissions were received during the original notification period and one submission during the re-notification of amended plans. 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 4.15(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 4 May 2021.

The site is identified as Lot C in DP 3588, known as 74 Bondi Road, Bondi Junction.

The site is rectangular in shape with a primary frontage to Bondi Road, measuring 7.59m and a secondary (rear) frontage to Paul Lane, measuring 7.63m. It has an area of 327m² and is generally flat.

The site is occupied by a two storey terrace with a single storey rear wing, a rear courtyard with a single roller door providing pedestrian access to Paul Lane. There is currently no vehicular access to the site. The terrace was previously operating as a boarding house but has recently been vacated.

The site is adjoined by two storey residential terraces immediately to the east and west on the northern side Bondi Road. The row of terraces have secondary frontages and vehicular access to Paul Lane, except for 72 Bondi Road which does not have pedestrian or vehicular access to Paul Lane. In the immediate vicinity of the site are predominantly low density residential development with some commercial uses in the locality along Bondi Road and Council Chambers located opposite the site on the southern side of Bondi Road.

The site is identified as a heritage item as part of a group of terraces known as 70-76 Bondi Road (Item I150 under Schedule 5 of the Waverley Local Environmental Plan 2012) and are of local heritage significance. Immediately to the east, at 78-80 and 82-88 Bondi Road, is a row of two storey terraces that are also heritage listed (Item I151 and I152) and of local heritage significance.

The site is located within the Woodstock Street Conservation Area (C16) and is immediately adjacent to the Flood Street Landscape Conservation Area (C42) along Bondi Road.

Figures 1 to 8 are photos of the site and its context.



Figure 1: View of site looking north on Bondi Road



Figure 2: View of site from Paul Lane looking west



Figure 3: Existing rear lane developments on the northern side of Paul Lane



Figure 4: View of properties to the north-west of site from Paul Lane looking towards Paul Street



Figure 5: Looking south along eastern side setback of terrace

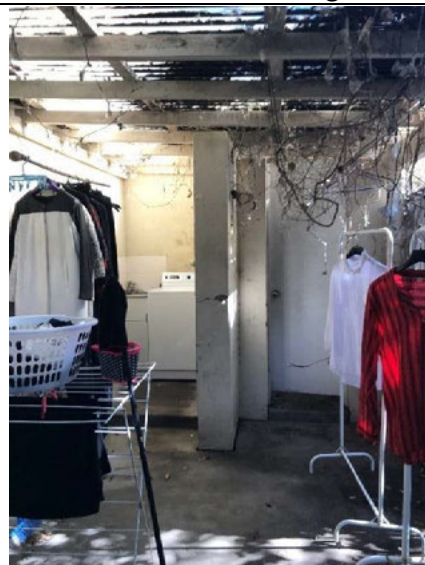


Figure 6: Existing laundry and shade structure in rear courtyard



Figure 7: View from rear courtyard to northern rear boundary with roller door access to Paul Lane.



Figure 8: Looking south from rear yard towards terrace and existing outbuildings

1.3. Relevant Development History

A search of Council's records revealed there are no recent and relevant development consents for the site. However, Council records indicate that the site has been historically registered and continuously occupied as a licensed boarding house for 10 persons between August 2002 and June 2021. As such, it is accepted that the existing boarding house use has been acknowledged by Council's Environmental Health Department despite no record of a formal development consent for the use.

This development application seeks alterations and additions to the existing terrace and to continue the existing use as a boarding house. Given the scope of works proposed, it is considered appropriate to assess the boarding house use as a whole against relevant planning controls and impose conditions to bring the existing use in line with current boarding house requirements.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing two storey terrace used as a boarding house comprising 7 boarding rooms, detached garage with access to Paul Lane, specifically the following:

Ground floor

- Internal alterations to provide 3 x self-contained boarding rooms (1 x single, 2 x double rooms);
- An internal communal living area; and
- Extension to the rear for a new laundry and waste storage enclosure;
- New landscaping along the eastern side boundary and rear courtyard;
- 2 motorcycle parking spaces; and
- Detached garage for 2 car parking spaces and 4 bicycle parking.

First floor

- Internal alterations to existing boarding rooms to provide ensembles to Rooms 4 and 5, and refurbish bathroom and kitchen of Room 6 (ie, 2 x double, 1 x single rooms); and
- 1 x self contained boarding room (Room 7) above garage (1 x double room).

1.5. Background

The development application was lodged on 19 April 2021 and deferred on 13 July 2021 for the following reasons:

1. The proposed FSR calculation has been incorrectly calculated and a Clause 4.6 written request to seek variation to the FSR development standard is required.
2. Design amendments to internal and external alterations and additions address heritage impacts on original building fabric, streetscape and character of the conservation area.
3. Design of boarding rooms and communal living areas are required to be amended to comply with maximum room sizes and solar access requirements under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
4. Amended shadow diagrams required to demonstrate solar access to communal living area.

5. Detailed sections showing the design of kitchens within boarding rooms and communal laundry facilities required to demonstrate compliance with storage requirements.
6. Amended architectural plans required to show:
 - a. Dimensions for bicycle storage to demonstrate sufficient space for proposed number of bicycles.
 - b. Location and width of proposed vehicle cross over on Paul Lane.
 - c. Sufficient waste storage facilities particularly for bulky waste.
7. Revised BCA and access report to demonstrate compliance with relevant BCA requirements.

Amended plans and additional information addressing Council's deferral letter was submitted by the applicant and received by Council on 28 July 2021. Additional information providing clarification on architectural drawings, correct FSR calculations, Clause 4.6 written justification and a revised BCA report adequately addressed Council's issues to enable a proper assessment of the proposal.

On 10 September 2021, the applicant submitted amended architectural plans to correct an error on the amended plans received by Council on 28 July 2021 which identified Rooms 1 and 5 as double boarding rooms, however the rooms have areas of less than 15m² and must be single rooms in accordance with the boarding room requirements under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The amended plans submitted identify Rooms 1 and 5 as single rooms which comply with the capacity requirements under the SEPP.

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.
- SEPP (Vegetation in Non-Rural Areas) 2017.
- SEPP (Infrastructure) 2007.

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Affordable Rental Housing) 2009

The proposed development is defined as a 'boarding house' and is subject to the provisions of Part 2, Division 3 of SEPP (Affordable Rental Housing) 2009 or the ARH SEPP.

Table 1 of this report is an assessment of the proposed development against standards that cannot be used to refuse consent that are outlined by clause 29 of the ARH SEPP.

Table 1: Standards that cannot be used to refuse under the ARH SEPP

Development Standard	Compliance	Comment
Clause 29(1) of ARH SEPP Density and scale <i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</i> <i>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</i>	No	<p>The site is a heritage item therefore the additional FSR available under Clause 29(1)(c) is not applicable. The maximum FSR development standard of 0.75:1 under Clause 4.4A of the WLEP 2021 is applicable.</p> <p>The proposal has a FSR of 0.87:1 (GFA of 284.5m²) representing a variation of 16% (40.79m²) to the 0.75:1 FSR development standard.</p> <p>A Clause 4.6 written request seeking a variation to the FSR development standard has been submitted and is discussed in Section 2.1.2 below.</p>
Clause 29(2)(a) of ARH SEPP Building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	Yes	<p>The site has a maximum building height development standard of 9.5m under Clause 4.3 of the WLEP 2021. The proposal does not change the existing height of the existing terrace as viewed from Bondi Road. The proposed additions at the rear do not exceed 9.5m in height.</p>
Clause 29(2)(b) of ARH SEPP Landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	Yes	<p>The proposed landscaping within the front setback is compatible with landscaping provided within the front setback of immediately adjoining row of terraces and will complement the streetscape.</p>
Clause 29(2)(c) of ARH SEPP Solar access where the development provides for one or more communal living	No – acceptable merit	<p>The communal living room on the ground floor has one east facing window opening and does not receive the minimum 3 hours of direct sunlight between 9am and 3pm on 21 June. The eastern elevation of the</p>

Development Standard	Compliance	Comment
<p>rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>		<p>terrace currently experiences significant overshadowing cast by the existing dwelling at No. 76 Bondi Road from 9am and the existing dwelling overshadows itself between 12noon and 3pm, on 21 June.</p> <p>The applicant has demonstrated that to achieve compliant solar access the proposed communal living area would need to be relocated further to the north to the rear, however this would result in undesirable heritage impacts as it would require additional demolition of original building fabric.</p> <p>The proposed communal living area has an area of approximately 18.2m², is centrally located within the development and will provide sufficient space with adequate internal amenity for the purposes of social interaction and passive recreation for future occupants.</p>
<p>Clause 29(2)(d) of ARHSEPP</p> <p>Private open space</p> <p>if at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers 	<p>No – acceptable on merit</p>	<p>The proposal provides an outdoor open space within the rear courtyard of approximately 15.9m², excluding the area occupied by paving for access to the bin storage area and motorcycle parking areas. Whilst the principal area within the rear courtyard is less than the minimum 20m², the proposal also seeks to optimise opportunities for passive recreation and enhance amenity for occupants with additional landscaping and seating areas along the eastern side boundary where direct solar access is maintained at 12 noon on 21 June.</p> <p>The proposed private open space within the rear courtyard is generally consistent with the location and dimensions for private open space of terraces in the immediately vicinity of the site, particularly the properties containing detached rear garages.</p>

Development Standard	Compliance	Comment
Clause 29(2)(e) of ARHSEPP Parking if: (iia) in the case of development not carried out by or on behalf of a social housing provider— at least 0.5 parking spaces are provided for each boarding room	No – acceptable on merit	The proposal provided 2 car parking spaces within the rear garage accessed from Paul Lane. In accordance with the SEPP, at least 3 car parking spaces are required for a development consisting 7 boarding room. Having regard to the accessibility of public transport options in close proximity to the site (the site is located within 800m from Bondi Junction railway station) the provision of 2 car parking spaces is consistent with car parking provisions of surrounding developments and is acceptable.
Clause 29(2)(f) of ARHSEPP Accommodation size (if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	Yes	The proposal provides boarding rooms ranging between 14.2m ² and 20.08m ² comprising single and double rooms.

The ARH SEPP requires that a consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following matters outlined in **Table 2** of this report.

Table 2: Standards that must be satisfied under clause 30 of the ARH SEPP

Development Standard	Compliance	Comment
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Yes	One communal living room on the ground floor with an area of approximately 18.2m ² .
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Yes	No boarding rooms exceed the maximum area of 25m ² , with the largest boarding room measuring 21.08m ² .

(c) no boarding room will be occupied by more than 2 adult lodgers,	Yes	The boarding rooms will accommodate a maximum of 2 adults in the nominated double rooms.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Yes	All boarding rooms are self-contained comprising private bathrooms and kitchens.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	N/A	The boarding house does not accommodate more 20 or more lodgers. An on-site manager is not required.
(f) (Repealed)	N/A	N/A
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	The site is zoned R3 Medium Density Residential under the WLEP 2012 and is not zoned for primarily commercial purposes.
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Yes	The proposal includes 4 bicycle parking spaces in the garage and 2 motorcycle parking spaces for 7 boarding rooms and is acceptable.

Clause 30A Character of local area

Clause 30A of the ARH SEPP states the following:

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The planning principle of ‘compatibility of proposal with surrounding development’ arising from the NSW Land and Environment Court case of *Project Venture Developments v Pittwater Council [2005] NSWLEC 191* provides a framework to consider the design compatibility of proposal development with the character of the surrounding local area. Two key questions asked in that planning principle to test the compatibility of a development within its context are as follow:

- *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The physical impacts of the proposed development, in terms of overshadowing, view affectation, privacy and visual amenity, upon surrounding development are deemed acceptable on the principal basis that the development complies with building height and setback controls and the proposed FSR does not contribute to excessive building bulk or adverse amenity impacts and is compatible with the character of surrounding properties and the streetscape.

The proposal was not referred to the Waverley Design Excellence Advisory Panel (DEAP) or Council's Urban Designer given the minor scope of the external works. However, consideration of the proposal against the design excellence principles outlined in Part B12 of Waverley Development Control Plan 2012, has been assessed in **Table 3** of this report.

Table 3: Design quality principles relating to the proposed development

Principle
<p>(a) <i>Development is to achieve a high standard of architectural design, materials and detailing appropriate to the building type and location.</i></p> <p>Comment: The proposal seeks to restore and reinstate the front façade and retains the existing built form and appearance of the original terrace, with the exception of rear additions that do not detract from the significance of the heritage item, adjoining heritage items or the conservation area. The proposed garage with boarding room above fronting Paul Lane complements the architectural style of similar surrounding developments and will not detract from the character or function of the lane.</p>
<p>(b) <i>The form and external appearance of development is to improve the quality and amenity of the public domain.</i></p> <p>Comment: The proposed restoration of the front façade will contribute to the character of the row of heritage terraces when viewed from Bondi Road and will enhance the amenity of the public domain. The proposed garage and boarding room above will contribute to passive surveillance in Paul Lane and is acceptable.</p>
<p>(c) <i>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.</i></p> <p>Comment: There are no existing view corridors or vistas from the public domain that will be affected by the proposal.</p>
<p>(d) <i>Development must not have a detrimental effect upon the amenity of public plazas and public open spaces.</i></p> <p>Comment: The proposal will not have any impacts on the amenity of public plazas and open spaces in the vicinity of the site.</p>

The commentary above demonstrates that the proposed development satisfactorily complies with clause 30A of the ARH SEPP as the proposal is compatible and generally harmonious with the local character of the immediate surrounds of the site. The 'physical' impacts of the development are

considered in greater detail in the following sections of this report in relation to relevant development standards and controls under Waverley Local Environmental Plan 2012 and Waverley Development Control Plan 2012, respectively. The overall assessment finds these physical impacts of the development reasonable to demonstrate that the proposed boarding house is compatible and harmonious with the surrounding local character.

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 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the objectives of the plan as it will contribute to the range of housing types to meet the needs of the community.
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none"> R3 Zone 	Yes	The proposal is defined as a boarding house, which is permitted with consent in the R3 Medium Density Residential zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	No change is proposed to the existing building height of the terrace. The proposed new building works at the rear of the site has a maximum building height of
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.75:1 	No	The proposal has a FSR of 0.87:1 and exceeds the FSR development standard of 0.75:1 permitted under Clause 4.4A of the WLEP 2012. The proposal seeks a variation of the FSR development standards by 16%.
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.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is a heritage item of local significance (Item 150 in schedule 5 of the WLEP 2012), is immediately adjoined by heritage items to the east and west and is located within the Woodstock Street Conservation Area (C16). The site is also immediately adjacent to the

Provision	Compliance	Comment
		Flood Street Landscape Conservation Area (C42) along Bondi Road. The proposal to restore and reinstate the front façade will contribute positively to the character and significance of the heritage item and the streetscape. The proposed landscaping with the in front setback will also enhance the appearance of the site from the street and contribute to the landscaped character of the streetscape.
Part 6 Additional local provisions		
6.9 Design Excellence	Yes	The proposal achieves the principles of design excellence as discussed in Table 3 above.

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 0.75:1. The proposed development has a FSR of 0.87:1, exceeding the standard by 40.79m² equating to a 16% 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) The proposal is consistent with the aims of the floor space ratio provision under SEPP (ARH) 2009, specifically that it contributes to the delivery of new affordable rental housing,

- facilitates the retention and mitigate loss of existing affordable rental housing, and balancing the retention and mitigating the loss of existing affordable housing and incentives to provide new affordable rental housing.
- (ii) As immediately adjoining terraces within the heritage listed row of terraces exceed the FSR development standard, compliance with the development standard will not enable the provision of better amenity for boarding house occupants and does not provide incentives to develop boarding houses as intended by the SEPP (ARH) 2009.
 - (iii) The proposal is consistent with the objectives of the R3 Medium Density Residential zone under the Waverley LEP 2012 as it contributes to availability of housing types to meet the needs of the community within the medium density residential locality; retains the scale of the heritage listed terrace and complements the scale of adjoining properties.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal provides affordable housing that is compliant with building height, setback, servicing requirements and will not result in adverse amenity impacts on adjoining properties.
 - (ii) The proposed laneway development is compliant with relevant building height and envelope controls under the Waverley LEP 2012 and DCP 2012.
 - (iii) Immediately adjoining properties to the east and west of the site have approved FSR of 0.97:1 and 0.9:1, respectively. The proposed FSR of 0.86:1 does not exceed the built form or scale of adjoining properties and is consistent with the character of the row of heritage listed terraces and the streetscape.
 - (iv) The additional FSR sought enables the provision of an additional boarding room for a maximum of 2 occupants, new communal laundry facilities and bins storage area. The proposed laundry and bin storage is not visible from the public domain and will not contribute to building bulk. The additional boarding room will contribute to affordable rental housing stock in the Waverley LGA.
 - (v) If the site was not heritage listed, Clause 29(1) of the SEPP (ARH) 2009 would permit additional FSR up to a total of 1.25:1 for the boarding house use. If Clause 29(1) was applicable to the site, the proposal would not exceed the maximum permitted FSR and would be acceptable.
 - (vi) The retention of existing affordable rental housing stock and restoration of the heritage item is in the public interest.

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), (c) and (d) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The applicant's justification has satisfactorily demonstrated that the objectives of the development standard have been achieved as the scope of works is compatible with the built form of the heritage item and immediately adjoining heritage items, and is compatible with the existing and desired future character of the streetscape.

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.

In particular, the proposal has adequately demonstrated that the scope of works will contribute to affordable rental housing stock in the LGA and enhance the amenity provided to future occupants of the existing boarding house, generally compliant with the aims and provisions under SEPP (ARH) 2009. The proposed ground floor additions will not have any adverse environmental or amenity impacts on adjoining properties and complies with relevant planning controls for built form. The proposed laneway development is consistent in built form and architectural character to existing developments in Paul

Lane and will not detract from the predominant character of laneway developments in the surrounding locality.

Is the development in the public interest?

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

The proposal will contribute to the availability of affordable rental housing stock in the local area to meet the needs of the community and the variation to the FSR development standard does not result in a built form or scale that is inconsistent with surrounding heritage listed terraces or the character of existing streetscapes. As discussed in this report, the proposal will not result in any adverse impacts on the amenity of adjoining properties and the public domain.

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.*

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.*

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 FSR development standard and the R3 Medium 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 5: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory, subject to conditions recommended in Appendix A.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	<p>The proposal seeks to remove 7 trees on the site as identified in the Arborist Report. Three of the trees (T3, T4 and T5) are exempt species under Council's tree management policy and does not require consent.</p> <p>Council's Tree Management Officer has reviewed the landscape plan and Arborist Report and supports the findings and recommendations of the Arborist report for removal of Trees T1, T2, T6 and T7, including replacement plantings.</p>
6. Stormwater	Yes	Satisfactory, subject to conditions recommended in Appendix A.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport Zone 1 Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 1 car space Visitor parking: <ul style="list-style-type: none"> Minimum 1 car space Bicycle parking: <ul style="list-style-type: none"> Resident: 7 Visitor: 1 Motorcycle parking: <ul style="list-style-type: none"> 1 	No – acceptable subject to SEPP (ARH) 2009	<p>The proposal provides for 2 car spaces, 2 motorcycle parking spaces and 4 bicycle parking spaces.</p> <p>The DCP does not provide specific parking rates for boarding houses and relies on parking rates for medium density residential developments. However, the parking rates under the SEPP (ARH) 2009 parking rates take precedent over the DCP controls. Assessment of the car parking rates under the SEPP are provided in Table 1 above.</p>
9. Heritage	Yes	Satisfactory, subject to conditions recommended in Appendix A.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.

Table 6: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	No change to existing terrace. The proposed rear additions do not have an external wall height that exceed 7m and is consistent with the height controls in the DCP.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	No change to existing front building setback. The rear building setback of immediately adjoining properties is varied. The rear building setback from the proposed laundry and bin storage area does not extend beyond the rear building line of the adjoining property at 72 Bondi Road and will not have any adverse impacts on the built form or amenity of surrounding properties and is acceptable.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.5m (up to 12.5m) 	Yes	The proposal provides a side setback of 2.9m from the eastern side boundary at ground floor level which is consistent with the existing side setback of ground floor level.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Yes	The proposal to reinstate the first floor balcony on the front façade and new landscaping within the front building setback enhances the heritage character of the building and complements the immediately adjoining terraces within the heritage listed row. The proposed rear ground floor addition will not be visible from the public domain and will not have any additional impacts on the character of the existing streetscape. The proposed new garage and boarding room fronting Paul Lane is generally consistent with the form and scale of similar developments in the lane and is compatible with the streetscape.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or 	Yes	All existing window openings on the ground and first floors of the terrace will be retained. The laundry and garbage storage room will not have

Development Control	Compliance	Comment
<p>open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</p> <ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 		<p>any window openings that will result in any additional privacy impacts to adjoining properties.</p> <p>The proposed windows to the boarding room above the garage comprises windows on the southern elevation (towards the rear courtyard and existing terrace) and the northern elevation fronting Paul Lane. The two windows on the southern elevation will not result in any adverse privacy impacts on adjoining properties as the bathroom window consists of translucent glazing and the kitchen window is adjacent a 900mm wide joinery. While future occupants will be provided with natural light, ventilation and outlook, the kitchen joinery will reduce an occupant's ability to stand at the edge of the window and look directly to adjoining properties. However, to minimise any additional privacy impacts on adjoining properties, a condition requiring privacy treatment to the kitchen window has been recommended.</p> <p>The existing first floor balcony on the front façade will be reinstated with no change to existing dimensions. The balcony will not result in any amenity impacts on adjoining properties as it is orientated to the street and will enhance passive surveillance of the public domain.</p> <p>No new balconies are proposed.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	No – acceptable on merit	<p>The proposed communal indoor living area is centrally located on the ground floor and does not receive 3 hours of sunlight given the north to south orientation of the allotment, internal layout and position of existing window openings to the heritage terrace.</p> <p>The proposal will result in some additional overshadowing to the rear yard of 72 and 76 Bondi Road between 9am and 3pm, mid winter. However, the extent of additional overshadowing to adjoining properties will not result in unreasonable amenity impacts and is acceptable considering the merits of the proposal.</p> <p>The proposal does not overshadow solar panels located on the roof of adjoining properties.</p>
2.7 Views		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>The proposal will not have any impacts on existing views within the public domain.</p> <p>The proposal does not have any impact on existing views or view sharing with surrounding properties.</p>
2.8 Car parking		
2.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	Yes	The proposed garage for 2 car parking spaces accessed from Paul Lane is consistent with existing surrounding developments and the character of Paul Lane. A new vehicular crossing is proposed and is acceptable, subject to conditions.
2.8.2 Parking rates	N/A	Parking rates for the boarding house use is required to comply with the provisions under the SEPP (ARH) 2009.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	Provision of car parking and access from Paul Lane is consistent with the hierarchy of car parking for surrounding properties and the locality.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences No part of the façade is to be demolished to accommodate car parking 	Yes	The proposed detached garage with habitable room above is consistent with the built form and character of existing rear lane developments along Paul Lane. The proposal does not detract from the heritage significance of the existing terrace or immediately surrounding heritage items.

Development Control	Compliance	Comment
2.8.5 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	The garage measures 5.4m x 6.1m which satisfactorily accommodates 2 car spaces.
2.8.6 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) • Crossings not permitted where 2 on street spaces are lost 	Yes	Replacement of an existing vehicle crossover is proposed. Currently no parking is permitted immediately adjacent the site in Paul Lane. The proposal will not result in any loss of on street parking and is acceptable.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided • Outdoor clothes drying area to be provided 	Partially complies – acceptable on merit	<p>The existing terrace form is consistent with the character of attached dwellings under Part C2 of the DCP. However, the use as a boarding house requires consideration against the provisions under Part C3 of the DCP as discussed in Table 7 below.</p> <p>The proposal provides approximately 33.27% open space and 27.98% landscaped area. Notwithstanding non-compliance with the requirement for open space, the provision of open space and landscaping is generally consistent with surrounding developments. In particular, the proposed landscaping within the front setback will contribute to the character of the streetscape.</p> <p>Outdoor clothes drying can be provided within the rear courtyard.</p>
2.13 Semi-detached dwellings and terrace style development		
2.13.1 - Built form <ul style="list-style-type: none"> • Additions to match the style of the original semi-detached dwelling • Existing roof form maintained forward of principal ridgeline • Use of roof as an attic permitted provided • Front verandahs to be maintained. 	Yes	<p>The proposed reinstatement of the front façade, particularly the first floor front balcony will enhance the appearance of the terrace and contribute to the significance of the heritage item.</p> <p>The proposed ground floor addition at the rear of the terrace complements the built form and style of the existing terrace. The proposed detached garage with boarding room above is consistent with the built form and style of developments of surrounding properties.</p>
2.13.3 - Material finishes and detail for semi-detached dwellings <ul style="list-style-type: none"> • Finishes and detailing are to be cohesive with the existing dwelling 	Yes	The proposed reinstatement of first floor front balcony windows and balustrade, and retention of original internal details is supported by Council's Heritage Advisor, subject to conditions including the requirement to enter into a Heritage Deed

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Historic features of the roofscape are to be incorporated into the addition • Dorms roof forms are to match the style of the original dwelling • New windows to have a similar proportion to the existing • Upper wall finishes to reflect the style and character of the original building. 		<p>with Council for the carrying out of heritage related works.</p> <p>The style and proportions of the rear garage and boarding room above have a built form that is consistent with similar developments fronting Paul Lane and will complement the streetscape.</p>
<p>2.13.4 - Side setback and courtyard design controls for terraces</p> <ul style="list-style-type: none"> • Nil setback permitted where abuts an existing wall with nil setback • Otherwise 900mm setback required • Walls on boundaries should not be more than 2.1m high • Internal courtyards to be 1.5m wide. • No openings are permitted for walls built to the side boundary 	Partially complies – acceptable on merit	<p>The ground floor rear addition comprising of a new laundry and bin storage enclosure is built to the western side boundary and setback 2.9m to the eastern side boundary. The proposed setbacks are consistent with the nil setback of the adjoining property at 72 Bondi Road and DCP controls.</p> <p>The height of the wall of the new laundry on the western side boundary measures between 2.5m to 2.7m and exceeds the DCP control of 2.1m. However, the proposal is acceptable in this instance as the proposal does not exceed the height of the existing parapet wall at 72 Bondi Road.</p>
<p>2.13.5- Streetscape and visual impact controls for terraces</p> <ul style="list-style-type: none"> • Additional storey reflects character of terrace • Extensions no higher than the existing ridge • Attic conversions maintain existing roof envelope with only dormers 	Yes	<p>The ground floor rear extension to the terrace will not be visible from the public domain and will not impact the character of the existing streetscape.</p> <p>The rear lane development is consistent with the built form and style of surrounding developments fronting Paul Lane and will complement the character of the streetscape.</p>
2.14 Dual Frontage Development		
<p>2.14.1 - General Controls</p> <ul style="list-style-type: none"> • Primary and secondary frontage to be defined • Appropriate forms to be provided to each street 	Yes	<p>The proposal complements the presentation of the row of terraces fronting Bondi Road and the presentation of lane way developments along Paul Lane.</p> <p>The bedroom and bathroom windows to the boarding room located above the garage consists</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Privacy treatments to be provided for first floors above garages • Pedestrian pass door provided for single width garage doors • Garage studios and rear lane garages are to be provided with landscaping 		<p>of privacy treatments to minimise loss of privacy for adjoining properties. A condition has been included requiring privacy treatments to the kitchen window to minimise direct overlooking of existing openings and private open space of adjoining properties.</p>
<p>2.14.2 - Laneway Design Provisions</p> <ul style="list-style-type: none"> • Maximum external wall height of 3.6m • Maximum overall height of 6m to the roof ridge • Gable ends not encouraged • Pitched roof form required • Landscape character of the lane maintained • External stairs not acceptable • Garages to employ gable ended and hipped roof forms with continues roof pitch from outer walls to ridgeline 	<p>No – acceptable on merit</p>	<p>The design of the garage with a boarding room above has a gable end fronting Paul Lane with a wall height of 5.8m. Whilst the style is not preferred under the DCP, the overall height of the new structure does not exceed 6m measured to the roof ridge and is consistent with the architectural character and built form of adjacent developments fronting Paul Lane. The proposal is contextually appropriate and complements the existing character of Paul Lane.</p>
<p>2.14.3 Development in Heritage Conservation areas</p> <ul style="list-style-type: none"> • Single width garages or double with central divide • Roof pitch and modulation to reflect the form of the area • Finishes and proportions to match the traditional construction in the area • Window proportions to match the area • Overlooking to be mitigated • Box gutters on side boundaries to be avoided. 	<p>No – acceptable given contextual fit</p>	<p>The proposed double width garage door with no central divide is inconsistent with the design requirements of the DCP, however, the style and proportions of the proposal is consistent with the predominant form of garages along Paul Lane and is contextually appropriate.</p> <p>The proposed roof form is consistent with the height, pitch and style of existing roofs fronting the laneway and will complement the built form of surrounding properties.</p> <p>The design of window openings above the garage will not have adverse impacts on the privacy of adjoining properties, subject to conditions.</p>
<p>2.16 Secondary dwellings and ancillary buildings</p>		

Development Control	Compliance	Comment
	No – acceptable on merit	Deep soil planting is provided within the existing eastern side setback. The existing deep soil area is approximately 1.8m wide and is acceptable having regard to the retention of the existing building footprint of heritage listed terrace and maintaining the existing landscaped character of the site.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal to reinstate the front first floor balcony is supported by Council's Heritage Advisor as it will enhance the appearance of the heritage item and contribute to the significance of the row of terraces within the streetscape.</p> <p>The proposed materials and finishes to the garage fronting Paul Lane responds appropriately to the character of the streetscape and is acceptable.</p>
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	<p>Yes</p> <p>No – Acceptable given no change is proposed</p> <p>Yes</p> <p>Yes</p>	<p>No change is proposed to the primary entry from Bondi Road.</p> <p>The existing access to the terrace includes steps. Providing accessible paths of travel will likely dominate the front façade and adversely impact the character and significance of the heritage façade and the uniform appearance of the row of terraces.</p> <p>Vehicular access is provided from Paul Lane. The primary access for pedestrians is from Bondi Road.</p> <p>The proposal maintains the existing legible, safe and well lit entry for pedestrians. Existing street lighting in Paul Lane is in close proximity to the site and provides sufficient lighting at the secondary frontage of the site.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with Part B3- Landscaping and Biodiversity Minimum of 30% of site area landscaped: 98.1m² 	<p>Yes</p> <p>No – acceptable on merit</p>	<p>The site is not identified as containing any significant or remanent vegetation. The proposal identifies 7 trees for removal, 3 of which are listed as exempt species which do not require development consent. The removal of 4 trees and proposed new plantings are supported by Council's Tree Management Officer.</p> <p>The proposal provides 91.5m² (approximately 28%) of landscaped area across the site. Whilst the proposal does not achieve the minimum 30% required under the DCP, landscaping is retained</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> 50% of the above is to be deep soil: 45.75m² 	Yes	<p>and maximised where possible, having regard to a compliant laneway development that is suitable for the site and locality. The proposal will provide appropriate landscaping to enhance the amenity for future occupants.</p> <p>The proposal provides approximately 69.3m² of deep soil (75.7% of the landscaped area) and complies with the deep soil requirements under the DCP.</p>
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 49.05m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight 	<p>N/A</p> <p>N/A</p> <p>No – acceptable on merit</p>	<p>Communal open space requirements are provided under Clause 29(d) of the SEPP (ARH) 2009 which prevails over the DCP controls.</p> <p>Direct sunlight is retained to the landscaped area comprising of seating for passive recreation along the eastern side setback between 12noon and 3pm, mid winter. Limited solar access to the communal areas is considered acceptable in this circumstance given the north-south orientation of the site, constraints of the existing building footprint and suitability of the site to provide laneway development for the purposes of providing affordable rental housing.</p>
<ul style="list-style-type: none"> Accessible 	Yes	Communal open space at the rear of the site is at grade and accessible to all future occupants.
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development Provided from secondary street or lane Pedestrian safety considered 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The provision of a double garage accessed from the secondary frontage (Paul Lane) is consistent with surrounding properties and will complement the character of Paul Lane.</p> <p>Paul Lane is not a highly pedestrianised lane and is predominantly used for vehicular access. The proposal will not result in any additional impacts on pedestrian safety.</p>
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. Views from public spaces to be maintained. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal does not result in any loss of views for adjoining properties or from the public domain. The proposed landscaping within the front building setback will contribute to the landscape character along Bondi Road and complement Waverley Park located on the southern side of Bondi Road.</p>

Development Control	Compliance	Comment
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible 	Yes	No change is proposed to the orientation of existing terrace and use of the rooms fronting Bondi Road as boarding rooms.
<ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened 	Yes	The existing front balcony overlooks the public domain and does not overlook private landscaped areas of adjoining properties.
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design. 	Yes	The site is part of a row of residential terraces. The proposed built form and boarding house use is consistent with the scale and density of adjoining properties. The proposal will not have any unreasonable impact on privacy of surrounding properties, subject to conditions, as the development is contextually appropriate for the locality.
3.21 Building services		
<ul style="list-style-type: none"> 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 	Yes	<p>The bin storage enclosure at the rear of the terrace will not impact on the streetscape or amenity of adjoining neighbours and is acceptable.</p> <p>The scale of the proposal does not require the inclusion of other building services such as fire hydrants, electrical substations, plant rooms or the like.</p>
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided 	Yes	As stated in the Statement of Environmental Effects, a clothes drying area is proposed adjacent to the laundry in the rear courtyard, however it has not been shown on the architectural or landscape plans. A condition has been recommended requiring the provision of a clothes drying area within the rear courtyard.

Table 8: Waverley DCP 2012 – Part F1 Shared Residential Accommodation Compliance Table

Development Control	Compliance	Comment
(a) A Plan of Management is required.	Yes	A Plan of Management has been prepared by Civic Assessments Urban Planners. A condition has been recommended requiring the operation and management of the boarding house to be in accordance with the submitted Plan of Management and conditions of consent.
(b) Minimum area for indoor communal living of 12.5m ² or 1.25m ² per	Yes	The proposed indoor communal living area on the ground floor has an area of 18m ² and complies with the DCP.

Development Control	Compliance	Comment
resident (whichever is greater)		
(c) Communal kitchen dining areas may be provided with a minimum area of 15m ² and additional 1m ² per room greater than 12 rooms	N/A	A communal kitchen and dining area is not proposed as each boarding room is self-contained and provides sufficient cooking and dining facilities for occupants.
(d) Communal storage space provided.	Yes	Storage is provided in the communal laundry for items associated with the laundry use.
(e) Each room should contain adequate storage facilities.	Yes	Each boarding room is provided with sufficient storage in the kitchen and wardrobes for future occupants.
(f) Balconies should be provided for each individual room where site and locality conditions permit.	Yes	<p>The existing first floor front balcony is retained and accessed directly from Room 4.</p> <p>No other balconies are provided as the terrace is heritage listed and construction of new balconies and additional openings will likely impact the significance of the building and is not supported.</p>
(g) Laundry facilities provided for every 12 residents (one washing machine and laundry basin per every 12 residents)	Yes	A communal laundry is provided on the ground floor. The laundry has sufficient space to accommodate one washing machine and a laundry basin for 12 occupants.
(h) Clothes drying facilities are to be provided for occupants, including an outdoor clothes line.	Yes	<p>A dryer is proposed to be provided within the communal laundry.</p> <p>An outdoor clothes drying area adjacent to the laundry is proposed. This has not been clearly shown on the architectural or landscape plans, however Council's assessment officer is satisfied that there is sufficient space within the rear courtyard for clothes drying. A condition requiring the provision of an outdoor clothes drying area has been imposed.</p>
(i) A room with a kitchenette should contain a stove, sink, oven, refrigerator and a bench top with a minimum area of 1m ² .	Yes	Details of the proposed kitchen facilities within boarding rooms have been provided and satisfactorily demonstrate that sufficient cooking facilities and storage are included however, the kitchens do not comprise of 1m ² of bench top. A condition has been imposed requiring kitchens to be amended to ensure sufficient bench space is provided within each room.
(j) Minimum area of 5m ² for bathrooms.	No – acceptable	All proposed bathrooms have areas of less than the required 5m ² , except for Room 6 which has a bathroom area of 5.69m ² .

Development Control	Compliance	Comment
	subject to condition	<p>The existing bathroom in Room 3 has an area of 2.5m² and its retention is acceptable in this instance as there is no change proposed to the configuration of the existing room.</p> <p>The proposed bathrooms in Rooms 1, 2, 4, 5 and 7 are new constructions and the rooms have sufficient space to accommodate a bathroom measuring 5m². A condition requiring design amendments to Rooms 1, 2, 4, 5 and 7 to provide bathrooms with a minimum area of 5m² has been imposed to ensure adequate amenity is provided for future occupants.</p>
(k) Well ventilated rooms.	Yes	Natural ventilation is provided for each boarding room.
(l) Communal open space is provided for relaxation, dining, entertaining and recreation areas.	Yes	Communal landscaped open space is provided at the rear of the site for passive recreation.
(m) Landscaping provided on site beyond the building footprint	Yes	The proposal has maximised landscaping where available including the front building setback, within the rear courtyard between the rear of the terrace and the new garage, and along the eastern side boundary.
<p>(n) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating:</p> <p>(i) The main entry point at the front of the site, away from side boundary areas near adjoining properties;</p> <p>(ii) Communal areas away from the main living area or bedroom windows of any adjacent buildings;</p> <p>(iii) Screen fencing, plantings and acoustic barriers in appropriate locations;</p>	Yes	<p>No change is proposed to the existing main pedestrian entry to the terrace.</p> <p>The communal outdoor open spaces at the rear and along the eastern side boundary is consistent with the location of private open space of adjoining properties and will not have any additional or unreasonable impacts on adjoining properties.</p>
(o) Front fence permitted up to 1.8m or constructed of solid materials if noise barrier from high traffic roads is required.	N/A	The proposal does not seek to change the existing front fence comprising of open balustrades that contribute to the architectural and heritage character of the terrace.

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

Solar access

The proposed construction of the rear garage with boarding room above will result in some additional overshadowing to the rear yards of 72 and 74 Bondi Road between 9am and 3pm, mid winter.

The additional shadow cast to the rear of 72 Bondi Road at 9am will fall across the roof of the existing car port and will not reduce solar access to useable private open space for occupants.

Additional overshadow cast to the rear of 74 Bondi Road at 12noon and 3pm comprises a triangular wedge in between existing overshadowing cast by its own laneway development and an area adjacent to the laundry and eastern side boundary, respectively. The additional overshadowing at 12noon will have negligible amenity impacts on the adjoining property as the principle useable area of private open space is significantly overshadowed by its own laneway development fronting Paul Lane.

The extent of additional overshadowing cast by the proposed development is considered acceptable in this instance as the built form and scale of the proposed laneway development is consistent with the built form, architecture and streetscape character of immediately surrounding developments in Paul Lane. The proposal is also consistent with the objectives and provisions for development of a heritage item within a conservation area and will not have any adverse environmental impacts on adjoining properties or the locality.

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 21 days between 27 April and 18 May 2021 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of two (2) submissions unique submissions were received as a result of the original notification period from the following properties:

- 76 Bondi Road, Bondi Junction
- 7 Woodstock Street, Bondi Junction

Following receipt of amended plans and additional information, the application was re-notified for 14 days, for the following reasons:

- New bin storage enclosure built to the western side boundary adjacent to 72 Bondi Road

A total of one (1) unique submission was received as a result of the renotification from the following properties:

- 3 Woodstock Street, Bondi Junction (Strata Committee)

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

- The proposal does not have development consent as an existing boarding use
- Suitable façade treatments to complement the heritage character of the site and adjoining terraces
- Amenity impacts on adjoining properties

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

Issue: *The existing use has not been assessed against relevant parking, fire safety, noise and internal amenity development controls.*

Response: As discussed in this report, the proposal has been assessed against the current planning controls for boarding houses and relevant operational and management conditions have been imposed.

Issue: *Insufficient laneway width to accommodate a double garage and vehicular access potentially impacting on existing surrounding driveways.*

Response: Council's Traffic Engineer raises no objection to the proposed double garage and is satisfied that adequate vehicular access to and from the garage can be achieved.

Issue: *Studio above the garage is excessive.*

Response: The boarding room located above the garage does not exceed the maximum gross floor area for a boarding room of 25m² permitted under Clause 30(1)(b) of the SEPP (ARH) 2009. The external built form of the garage and boarding room is consistent with the scale of immediately surrounding laneway developments in Paul Lane and is acceptable.

Issue: *Windows above the garage on the northern elevation are large, out of character with the proportions of surrounding developments and will overlook adjoining properties.*

Response: The proportions of windows fronting Paul Lane are consistent with surrounding developments and comprises vertical privacy screens to minimise direct overlooking of surrounding properties.

Issue: *Construction noise impacts on surrounding properties.*

Response: Standard construction hours and noise mitigation conditions have been imposed to minimise disturbances to the amenity of surrounding properties during construction works.

***Issue:** Insufficient details provided in the Plan of Management.*

Response: A condition has been imposed requiring the preparation of an amended Plan of Management that incorporates relevant operational and management conditions of consent to ensure the boarding house is adequately managed to minimise amenity impacts on adjoining properties.

***Issue:** The lack of wall to the garage adjacent to the communal open space will provide under cover entertainment area and result in noise impacts.*

Response: There are no design controls that require the rear wall of a garage fronting private open space to be enclosed. Given the existing use of the site as a boarding house with open space at the rear, the proposed configuration of communal open space is unlikely to result in any additional or unreasonable amenity impacts on adjoining properties.

***Issue:** Litter and bins left in Paul Lane is an existing problem and short term accommodation and lack of sufficient waste management exacerbates the problem.*

Response: The proposal provides sufficient waste storage within the property. The proposed waste management for the site has been reviewed by Council's Waste Management Officer and is considered acceptable, subject to conditions.

***Issue:** The south facing windows above the garage will directly overlooking existing windows and living areas at 76 Bondi Road. Privacy treatments or redesign of windows to minimise overlooking should be required.*

Response: Privacy treatment to the kitchen window on the southern elevation above the garage is required as a condition of consent.

***Issue:** Removal of trees will reduce landscape screening between the site and adjoining properties. Replacement trees will take years to grow before being effective screening.*

Response: The removal of three existing trees along the eastern side setback and proposed replacement planting has been reviewed by Council's Tree Management Officer who supports the findings and recommendations of the Arborist Report prepared by CPS Pty Ltd. In particular, two of the existing trees are not in suitable locations for optimal growth or long term health and replacement planting is desirable. One of the trees along the eastern side setback is identified as an exempt species and removal does not require development consent.

***Issue:** Replacement tree planting should be planted at least 1m from the property boundary to minimise impact or damage to the adjoining property.*

Response: Council's Tree Management Officer has reviewed the proposed landscape plan and raises no objection to the proposed planting. The foliage and roots of the proposed plant species along the eastern side boundary are unlikely to cause damage to the external wall at 76 Bondi Road. However, any damage to property is a private matter to be resolved between property owners and is not a matter for consideration as part of this assessment.

Issue: Low estimated cost of works.

Response: The estimated cost of works is considered acceptable given the scope of works includes the construction of a laneway development, a minor ground floor addition, internal reconfiguration and reinstatement of the front first floor balcony.

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

The proposal was referred to Council's Strategic Planner who assessed the proposal against Clause 50(2) of the SEPP (ARH) 2009 and raises no objection to the proposal. The proposal to retain the existing use of the premises as a boarding house will not result in any loss of affordable housing and as such, an affordable housing contribution is not required.

Council's Strategic Planner has recommended conditions which have been included in the recommendation.

3.2. Traffic and Development

The proposal was referred to Council's Traffic Engineer who raised no objection to the proposal, subject to conditions which have been included in the recommendation.

3.3. Heritage Advisor

The proposal was referred to Council's Heritage Advisor raises no objection to the proposal and supports the proposed measures for retaining and conserving existing internal detailing within the terrace, and the reinstatement of the first floor front balcony, subject to conditions requiring the applicant to enter into a Heritage Deed with Council, provision of an interpretive panel, submission of a full schedule of conservation works, and a schedule of materials and finishes that complement the heritage character of the terrace.

The built form and scale of the laneway development to the rear of the site is supported as it complements the style and character of existing developments in Paul Lane.

3.4. Stormwater

The proposal was referred to Council's Stormwater Engineer who raised no objection to the proposal, subject to conditions which have been included in the recommendation.

3.5. Waste and Recycling (Environmental Sustainability)

The proposal was referred to Council's Waste Management officer who raised no objection to the proposal, subject to conditions which have been included in the recommendation.

3.6. Fire Safety

The proposal was referred to Council's Fire Safety Officer who requested additional information to demonstrate the proposal is capable of satisfying relevant provisions of the BCA and the Disability (Access to Premises – Buildings Standard 2010. The amended BCA report prepared by Design Confidence (Sydney) Pty Ltd dated 29 September 2021 is supported subject to upgrade works recommended by the BCA report, and appropriate BCA and fire safety conditions which have been included in the recommendation.

3.7. Tree Management

The proposal was referred to Council's Tree Management Officer who reviewed the Arborist Report and raises no objection to the removal of identified trees on the site, subject to conditions which have been included in the recommendation.

3.8. Environmental Health

The proposal was referred to Council's Environmental Health Officer who raised no objection to the proposal subject to conditions which have been included in the recommendation.

3.9. Sydney Water

Sydney Water was notified of the proposed development as part of the public notification process as the owner of a property within the vicinity of the site. Sydney Water raised no objection to the proposal and recommended the imposition of a condition requiring the applicant to contact Sydney Water to determine if the proposal will have any impacts on Sydney Water infrastructure.

4. CONCLUSION

The development application seeks consent for alterations and additions to the existing two storey terrace for a total of 7 boarding rooms with a detached double garage at the site known as 74 Bondi Road, Bondi Junction.

The proposal seeks to provide a boarding house with 3 x single boarding rooms and 4 x double rooms with a maximum occupant capacity of 12 boarders, a communal living area, new laundry and waste storage areas on the ground floor, and parking for 2 car spaces, 4 bicycles and 2 motorcycles accessed from the rear.

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

- Exceedance of FSR development standard
- On site car parking
- Communal open space dimensions
- Solar access to communal internal living room

The assessment finds these issues acceptable as the bulk and scale of the proposal is consistent with existing built form of surrounding developments and complements the heritage character of the existing building and immediately adjoining terraces, and the streetscape. The proposal will not have any adverse impacts on the amenity of adjoining properties and has adequately demonstrated the development is suitable for the site.

A total number of three (3) submissions were received during the original notification period (2 submissions) and the re-notification of amended plans (one submission). 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 4.15(1) of the *Environmental Planning and Assessment Act 1979*. 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 21 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 Jo Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

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

Reason for WLPP referral:

3. Departure from any development standard in an EPI by more than 10%

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Lombardo Design Studio of Project No: 2016 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
051, Rev A	Ground Floor Demo	15.03.2021	20.09.2021
052, Rev A	First Floor Demo	15.03.2021	20.09.2021
100, Rev B	Site Plan/Site Analysis	26.07.2021	20.09.2021
101, Rev C	Proposed Ground Floor Plan	06.09.2021	20.09.2021
102, Rev C	Proposed First Floor Plan	06.09.2021	20.09.2021
103, Rev B	Studio Ground Floor, First Floor and Roof Plan	26.07.2021	20.09.2021
104, Rev B	Main Building Roof Plan	26.07.2021	20.09.2021
201, Rev B	South Elevation	26.07.2021	20.09.2021
202, Rev B	East Elevation	26.07.2021	20.09.2021
203, Rev B	West Elevation	26.07.2021	20.09.2021
204, Rev B	North Elevation	26.07.2021	20.09.2021
205, Rev B	Studio North, East, South, West Elevations	26.07.2021	20.09.2021
301, Rev B	Main Building Section A-A Studio Section A-A	26.07.2021	20.09.2021
401, Rev B	Room 1 Floor Plan, Cabinetry Elevation 1, Kitchen 3D View	06.09.2021	20.09.2021
402, Rev A	Room 2 Floor Plan, Cabinetry Elevation, Kitchen 3D View	26.07.2021	20.09.2021
403, Rev A	Room 3 Floor Plan, Cabinetry Elevation, Kitchen 3D View	26.07.2021	20.09.2021
904, Rev A	Materials	15.03.2021	19.04/2021

(b) Landscape Plan No. E009_DA_L01 Revision B and documentation prepared by Lombardo Design Studio, dated 16/03/2021 and received by Council on 19/04/2021

(c) BASIX Certificate

(d) Stormwater Details and documentation (Drawing Nos. D1 to D4, Revision A) prepared by Portes Civil & Structural Engineers dated 04/03/2021, and received by Council on 19/04/2021

(e) BCA and Access Capability Statement and documentation prepared by Design Confidence dated 29 September 2021, and received by Council on 1/10/2021

(f) Plan of Management prepared by Civic Assessments Urban Planners, Revision C dated 10 September 2021, and received by Council on 10/09/2021

- (g) Arborist Report prepared by CPS, Revision A dated 17/03/2021, and received by Council on 19/04/2021
- (h) Heritage Impact Assessment dated March 2021 and Addendum dated 27 July 2021 prepared by Zoltan Kovacs Architects, and received by Council on 28 July 2021
- (i) 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) Fixed privacy screens or obscure glazing are to be provided to the kitchen window of Room 7 on the southern elevation to mitigate overlooking to adjoining properties.
- (b) All kitchens within boarding rooms must provide a minimum benchtop area of 1m²..
- (c) The bathrooms in Rooms 1, 2, 4, 5 and 7 are to be amended to comprise an area of at least 5m².

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

3. HERITAGE DETAILS

- (a) Architectural details relating to the reinstatement of the front first floor balcony are required.
- (b) The ground floor verandah detailing is required to be reinstated to original details, including reinstatement of the original detailing to the support post and first floor beam.
- (c) An amended schedule of colour finishes is to be submitted with external colours based upon investigation of historic finishes to the terrace.
- (d) A full schedule of external and internal conservation works is to be submitted including conservation works to existing joinery, fireplaces, ceilings, and window detailing.
- (e) An interpretive panel or similar interpretive measures are to be submitted comprising of details and explanation of the buildings history and early occupants. Details included in the Heritage Impact Statement and images available at Waverley Library should form the basis of the interpretive panel.

Details and plans are to be submitted and approved by Council's Heritage Officer prior to the issue of any Construction Certificate.

4. BOARDING HOUSE

- (a) The use and operation of the premises shall comply with the requirements of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and the *Boarding House Act 2012*.
- (b) The boarding house must NOT accommodate any more than 12 people in the building.

- (c) All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the Waverley Local Environmental Plan 2012.
- (d) All lodgers shall be provided with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.
- (e) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity. A copy of the register of persons accommodated must be kept on the premises at all times and provided to Council upon request.

5. COMMUNITY LIASION

The boarding house manager / owner of the premises is to attend any Precinct meetings of the relevant Local Precinct Committee when invited in writing by the convenor of the relevant committee. Any such notice is to be given at least 7 days prior to the committee meeting.

The Plan of Management is to be amended to reflect this condition.

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

6. 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.

7. 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, an updated 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 Portes Civil & Structural Engineers, Project No. 21-149, DWG No. D1 to D4 (Revision A), dated 04/03/2021 are considered unsatisfactory.

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 include:

- (a) OSD Details: The plan 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) 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.
- (c) 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.

- (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) 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.
- 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 or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

8. 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.

9. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, 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) found 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.

10. FIRE SAFETY & BCA UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the

building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

- (i) Fire Safety – Part 3.7;
 - (ii) Health and Amenity – Part 3.8; and
 - (iii) Access for people with a disability – Part D3 (to the extent necessary in order to comply with The Disability (Access to Premises – Buildings) Standards 2010).
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, a performance solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- (d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

CONTRIBUTIONS, FEES & BONDS

11. 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.

12. 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.

13. LONG SERVICE LEVY

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

HERITAGE MATTERS

14. HERITAGE DEED OF AGREEMENT

The owner(s) of the premises shall enter into and execute a Deed of Agreement with Council to ensure that the 'approved heritage works' to 74 Bondi Road, Bondi Junction are completed before or concurrently with any other approved work on the site. The Deed of Agreement shall ensure that:

- (a) Future owner(s) of the site will be bound by the terms of the Deed of Agreement; and
- (b) The owner(s) of the land must prepare and execute the Deed of Agreement prior to the issue of a Construction Certificate for any part of the development.
- (c) Include a schedule of 'approved heritage works' that have been reviewed and approved by Council's Heritage Officer.
- (d) Provide a bank guarantee equivalent to the cost of 'approved heritage works' (as deemed appropriate by a suitably qualified quantity surveyor or similar).

The Deed of Agreement is to be approved by Council prior to the issue of the relevant Construction Certificate. The cost of the preparation and registration of all legal and associated expenses is to be paid by the owner(s) or applicant.

15. SCHEUDLE OF EXTERNAL AND INTERNAL CONSERVATION WORKS

A full schedule of external and internal conservation works is to be prepared and submitted for Council's consideration and approval prior to the release of the relevant Construction Certificate.

16. EXTERNAL FINISHES FOR HERITAGE BUILDING OR BUILDINGS OF CHARACTER

A schedule of external finishes shall be submitted for Council's consideration and approval, prior to the release of the relevant Construction Certificate.

The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. The schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

Any works to the retained building (which has historical value) including any paint or render finishes are to be subject to Council's written approval. Materials and finishes are to be restricted to the range of heritage colours sympathetic to the historical character of the area.

17. ARCHIVAL RECORDING OF EXISTING HERITAGE BUILDING/S

An archival record (at a minimum the front and rear elevations, details of notable elements of each building e.g. the awning and foyers) shall be prepared of the existing building for deposit in Waverley Council's Archive. This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work. The record is to comply with the NSW Heritage Office Guidelines for digital archival recording.

18. INTERPRETATIVE PANEL

An interpretative panel or similar interpretative measures are to be prepared explaining the buildings history and early occupants. Details included in the Heritage Impact Statement and images available at Waverley Library should form the basis of the interpretive panel.

The Interpretative Panel is to be erected on the primary frontage of the site prior to the issue of an Occupation Certificate. The Panel shall measure a minimum of 300 x 200mm.

19. HERITAGE ARCHITECT

The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project. The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

CONSTRUCTION & SITE MATTERS

20. 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.

TRAFFIC MANAGEMENT

21. 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

ENERGY EFFICIENCY & SUSTAINABILITY

22. BASIX

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

WASTE

23. 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.

24. 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 commercial development;

- **Residential** (7 single bedroom units in a boarding house)
 - 3 x 240L Mobile Garbage Bins (MGBs) for general waste (collected weekly)
 - 2 x 240L MGBs for paper and cardboard recycling (collected fortnightly)
 - 2 x 240L MGBs for container recycling (collected fortnightly)
 - A minimum of 4m² floor space is required for the on-site storage of bulky waste awaiting collection; A minimum of 1m² 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

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.

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.

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

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. BUILDING CODE OF AUSTRALIA

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

32. FIRE SAFETY

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

33. 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.

34. 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.

35. 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 clause 162A *Critical stage inspections for building work* of the *Environmental Planning and Assessment Regulation 2000*.

36. 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.

37. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

38. 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.

39. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed;

Tree No.	Species and approximate height	Location	To be replaced with
T 1	<i>Macadamia integrifolia</i> (14m) Macadamia Nut	On site – rear yard	Doodia Aspera Hypolepis Muellerei Viola Hederacea Cyathea Cooperi Strelitzia Nicolai
T 2	<i>Cinnamomum camphora</i> (15m) Camphor Laurel	On site – rear yard	Alphina Nutans Philodendron ‘Xanadu’
T 3	<i>Citrus limon</i> (4m) Lemon Tree	On site – rear yard	Camellia Japonica ‘Sweet Jane’ Zoysia Macranthra
T 4	<i>Celtis australis</i> (6m) European Nettle	On site – rear yard	Nil
T 5	<i>Celtis australis</i> (5m) European Nettle	On site – rear yard	Nil
T 6	<i>Callistemon viminalis</i> (6m) Weeping Bottlebrush	On site – rear yard	Nil
T 7	<i>Prunus persica</i> (4m) Peach	On site – rear yard	Nil

40. 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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

41. 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.

42. VEHICULAR ACCESS - FINISHED LEVEL TO VEHICLE CROSSING

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.

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

43. 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.

44. MECHANICAL VENTILATION SYSTEMS

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

45. 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.

46. 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.

47. CERTIFICATION OF BASIX COMMITMENTS

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

48. REGISTRATION OF BOARDING HOUSE PREMISES

Prior to the issue of any Occupation Certificate, the proprietor of the boarding house shall:

- (a) Provide an outdoor clothes line and cleaning and cooking items in the kitchen for the use of boarding room occupants.
- (b) Arrange for an inspection by Council's Environmental Health Officer.
- (c) Be registered as Boarding House with Council.

- (d) Provide to Council and the Principal Certifying Authority details of trade waste removal arrangements.
- (e) Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.
- (f) Prior to the commencing operations, forward a notification letter to the Council and adjoining neighbours providing contact details of the onsite Manager so that any issue regarding the operation of the premises can be addressed promptly. The Manager is to be contactable at all times by mobile phone and the mobile phone number of the Manager is to be clearly displayed externally adjacent to the front door of the premises.

49. 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 Council's Public Domain Engineer 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.

50. 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.

51. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by West & Associates Pty Ltd (Reference No. 2249/9) dated 21 March 2021 shall be implemented.

52. 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 (made in above report) and conditions of consent (including the operational conditions) have been satisfied.

53. 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

MANAGEMENT PLANS

54. 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 as early as possible.
- (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).

55. PLAN OF MANAGEMENT – SHARED ACCOMMODATION

A Plan of Management (PoM) is to be submitted for the operation of the premises and is to include operational and management procedures as well pro-active measures to control the following:

- (a) How noise will be controlled from within the building and areas of open space on site;
- (b) How guests will be managed as they enter and leave the site, especially late at night;
- (c) The collection and disposal of waste arising from the use of the site;
- (d) Details regarding whether there will be a live-in manager on site;

- (e) The security of the premises;
- (f) Maintenance and cleaning of the premises;
- (g) Maintenance of essential fire safety services; and
- (h) Creation of a Resident Liaison Committee.

The PoM shall be submitted to and approved by Council's Manager, Development Assessment (or delegate) prior to the issue of any Occupation Certificate.

The PoM shall be reviewed every two years (at minimum) to determine whether any change to it should be made to address any incidents or complaints and/or improve the operations to eliminate anti-social behavior. A copy of the amended PoM shall be submitted to Council's Manager, Development Assessment (or delegate) for review and approval prior to the issue of any Occupation Certificate. Changes to the PoM must be in accordance with the approved conditions of consent. Council may require the provision of on-site security or a facility manager to address amenity impacts.

VEHICLE ACCESS AND PARKING

56. CAR PARKING

A total of **2** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 1 residential parking spaces
- (b) 1 residential visitor parking spaces

OTHER MATTERS

57. BONDI JUNCTION FSR AND MAPPING MODEL

To update Council's live floor space model and mapping system, the following information is to be provided to the satisfaction of Council's Strategic Planning Department reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (a) DP/Lot/Strata Plan
- (b) address
- (c) building footprint (m²)
- (d) gross Floor area (m²)
- (e) total residential floor space (m²)
- (f) no. levels above ground
- (g) no. levels below ground
- (h) no. of residential levels
- (i) no. of parking spaces
- (j) parking location (above or below ground)
- (k) ground floor use (commercial, retail or residential)

58. STREET NUMBER/S

The redevelopment of the property has led to the following allocation of primary and sub-premises (unit/room) numbering:

- No. 74 - primary address site number
- Bondi Road 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, located near the pedestrian entry points and clearly visible on the site boundary that fronts Bondi Road.

The following sub-addressing will apply:

- Nos. 1-7 for the sub-address sites within the building.

Room numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the room.

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

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

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

59. USE AS A CLASS 1b BOARDING HOUSE

The subject building can accommodate no more than 12 persons at any one time and have a total area of all floors not more than 300m² (measured over the enclosing walls of the building or buildings).

60. BOARDING HOUSE – USE, OPERATION & MANAGEMENT

- (a) Within 28 days of commencing operations in accordance with Part 2, Division 1 of the Boarding Houses Act 2012, the boarding house must be registered with NSW Fair Trading.
- (b) The use and operation of the premises shall comply with the requirements of the *Local Government Act 1993* and the *Boarding House Act 2012*.
- (c) All lodgers shall be required to reside on the premises for a minimum period 3 months in accordance with the definition of Boarding House under Waverley Local Environmental Plan 2012.
- (d) All lodgers shall be provided with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.
- (e) All tenancy/occupation agreements and house rules must outlined specific provisions requiring residents of the premises and their guests to comply with the requirements of this consent.
- (f) There must be a manager appointed to manage the premises.
- (g) The name address and contact phone number for the appointed manager and any newly appointed manager must be provided to Waverley Council within 48 hours of the manager's appointment.
- (h) The manager must ensure that the plan of management is complied with at all times, including ensuring the number of patrons in the premises does not exceed the approved capacity.
- (i) The boarding house shall be registered and inspected by Council on an annual basis.

61. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (PoM)

- (a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.
- (b) The approved PoM shall be adopted by the Management of the premises.
- (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises.

62. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any compliant registers (or other) required and any required Plan of Managements must be

kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.

AMENITY & SAFETY

63. 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.

64. 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.

- (a) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

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 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 may be 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.

Contact Sydney Water for more information.

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 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.

AD5. 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.

AD6. 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.

DEVELOPMENT APPLICATION

AT 74 BONDI ROAD, BONDI JUNCTION 2022

CLIENT DAVID MACHET
JOB NO. 2016

LOMBARDO DESIGN STUDIO

p: PO Box 126 Surry Hills NSW 2010 t: 0404110648 e: jl@ldstudio.com.au

LAYOUT NO.	LAYOUT NAME	REV NO.	REV DATE
001	TITLE BLOCK	D	20.09.2021
051	GROUND FLOOR DEMO	A	15.03.2021
052	FIRST FLOOR DEMO	A	15.03.2021
100	SITE PLAN	B	15.03.2021
101	GROUND FLOOR PLAN	C	06.09.2021
102	FIRST FLOOR PLAN	C	06.09.2021
103	STUDIO FLOOR PLANS	B	26.07.2021
104	ROOF PLAN	B	26.07.2021
201	BUILDING ELEVATIONS	B	26.07.2021
202	BUILDING ELEVATIONS	B	26.07.2021
203	BUILDING ELEVATIONS	B	26.07.2021
204	BUILDING ELEVATIONS	B	26.07.2021
205	STUDIO ELEVATIONS	B	26.07.2021
301	BUILDING SECTIONS	B	26.07.2021
401	ROOM 1	B	06.09.2021
402	ROOM 2	A	26.07.2021
403	ROOM 3	A	26.07.2021
901	CALCULATIONS	B	20.09.2021
903	3D VIEWS	B	26.07.2021



WAVERLY COUNCIL

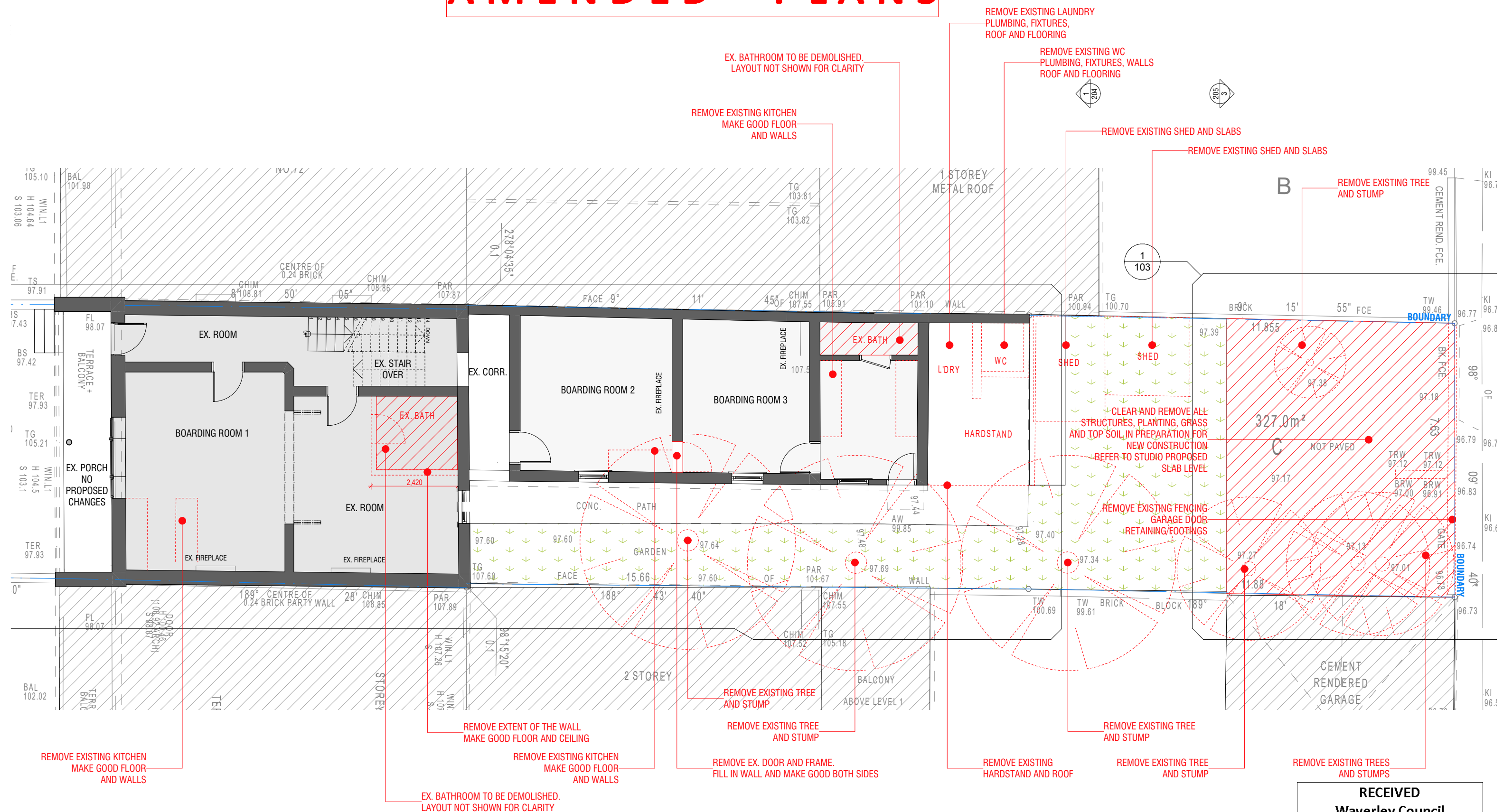
EXISTING FSR ANALYSIS		PROPOSED FSR ANALYSIS	LANDSCAPE ANALYSIS
LOT AREA	327.00m²	LOT AREA	TOTAL SITE AREA = 327m² TOTAL REQUIRED LANDSCAPED AREA = 98.1m² (30%) PROPOSED LANDSCAPED AREA = 91.5m² (27.98%)
ALLOWED FSR	0.6:1 - 196.20m²	ALLOWED FSR	
EXISTING MAIN BUILDING		PROPOSED MAIN BUILDING	
GROUND FLOOR	118.69m²	GROUND FLOOR	
FIRST FLOOR	102.33m²	FIRST FLOOR	102.33m²
		PROPOSED STUDIO	
		GROUND FLOOR	
		FIRST FLOOR	41.00m²
TOTAL	221.02m²	TOTAL	279.99m²
FSR	0.67:1	FSR	0.856:1
	11.66%		42.66%

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Application No: DA-139/2021

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AMENDED PLANS





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N.	AMENDMENT DETAIL	DATE
A	DEVELOPMENT APPLICATION	15.03.2021

EXISTING 

PROPOSED 

REMOVED

A3
1:100

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01

1

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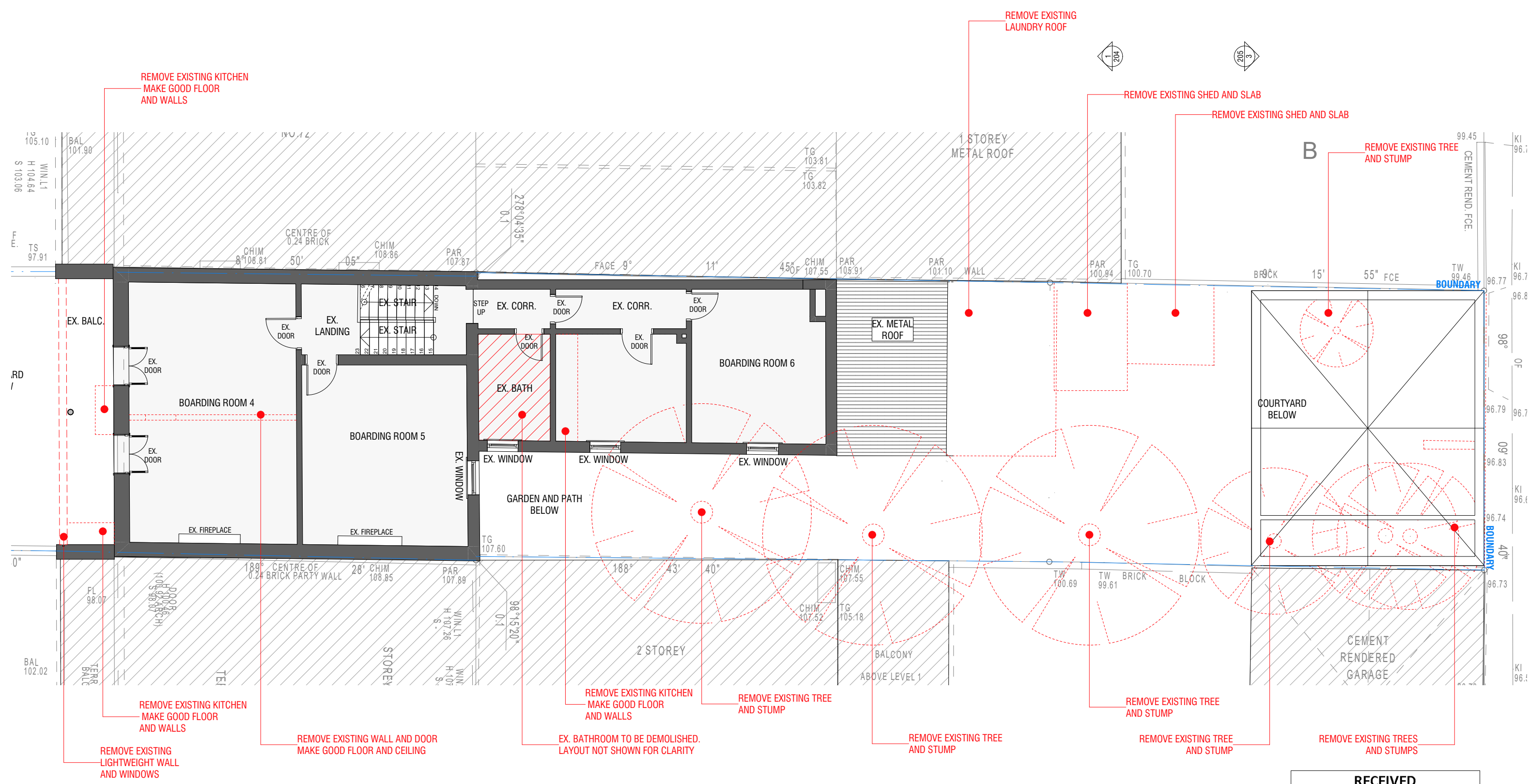
DEVELOPMENT APPLICATION

74 Bondi Road, Bondi NSW 2022 AT

DAVID MACHET CLIENT
2016 JOB NO.
GROUND FLOOR DEMO DRAWING
GA/JL DR/CH

051

AMENDED PLANS



1 FIRST FLOOR DEMO
SCALE @ A3 1:100

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DEVELOPMENT APPLICATION
74 Bondi Road, Bondi NSW 2022 AT
DAVID MACHET 2016 FIRST FLOOR DEMO GA/JL
CLIENT JOB NO. DRAWING DR/CH

052

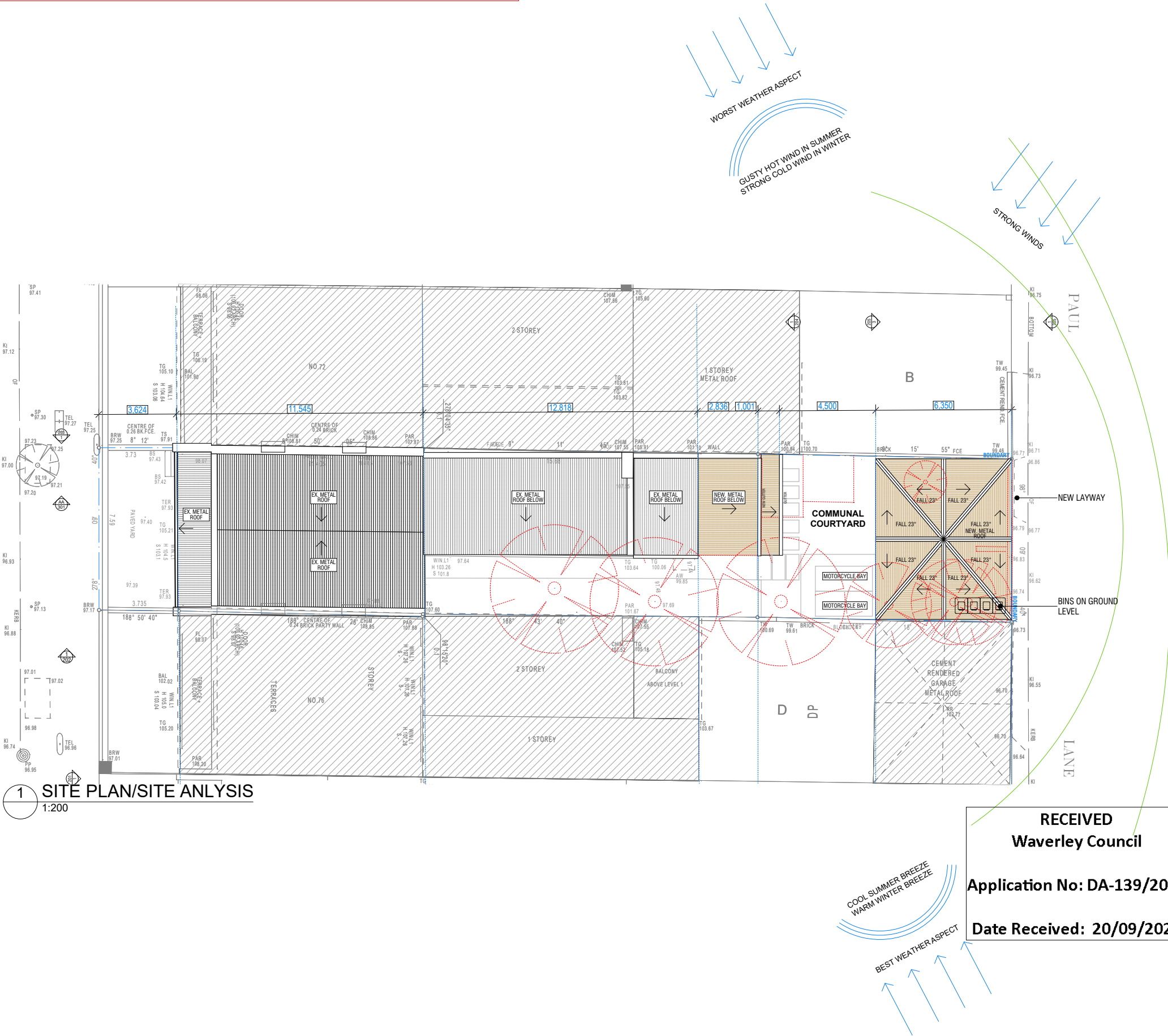
AMENDED PLANS



STREET VIEW IMAGE

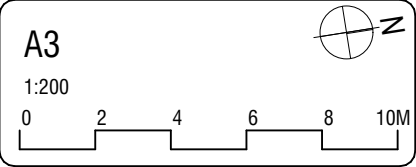


SATELLITE VIEW - NOT TO SCALE



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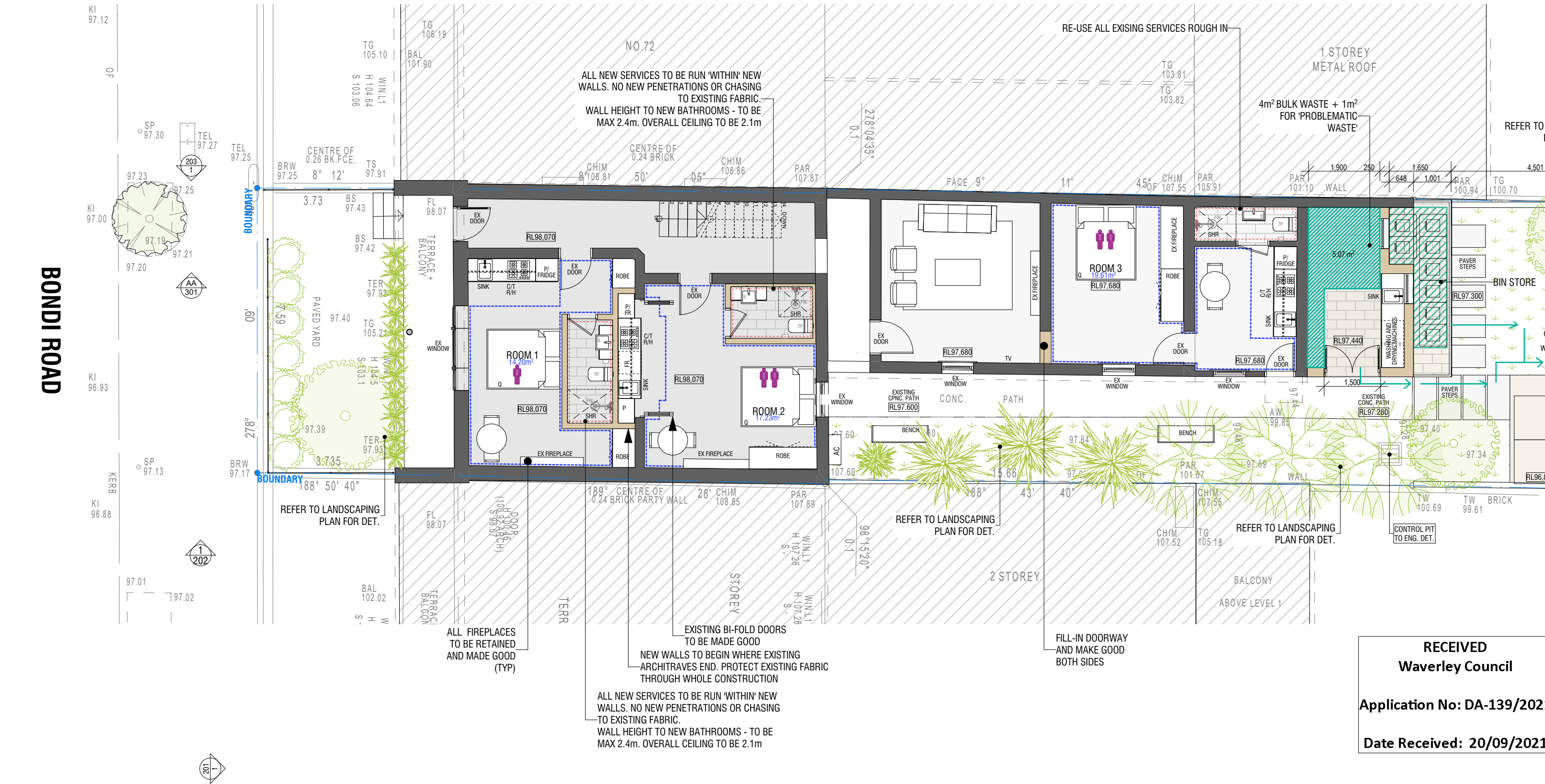
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74 Bondi Road, Bondi NSW 2022 AT
DAVID MACHET 2016 SITE PLAN GA/JL
CLIENT JOB NO. DRAWING DR/CH

100

AMENDED PLANS

ALL NEW CABINETRY TO BE MAXIMUM 2.4M HT

BONDI ROAD

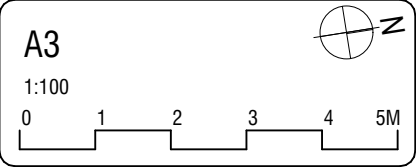


1 PROPOSED GROUND FLOOR PLAN
1:100

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N.	AMENDMENT DETAIL	DATE
A	DEVELOPMENT APPLICATION	15.03.2021
B	DEVELOPMENT APPLICATION	26.07.2021
C	DEVELOPMENT APPLICATION	06.09.2021

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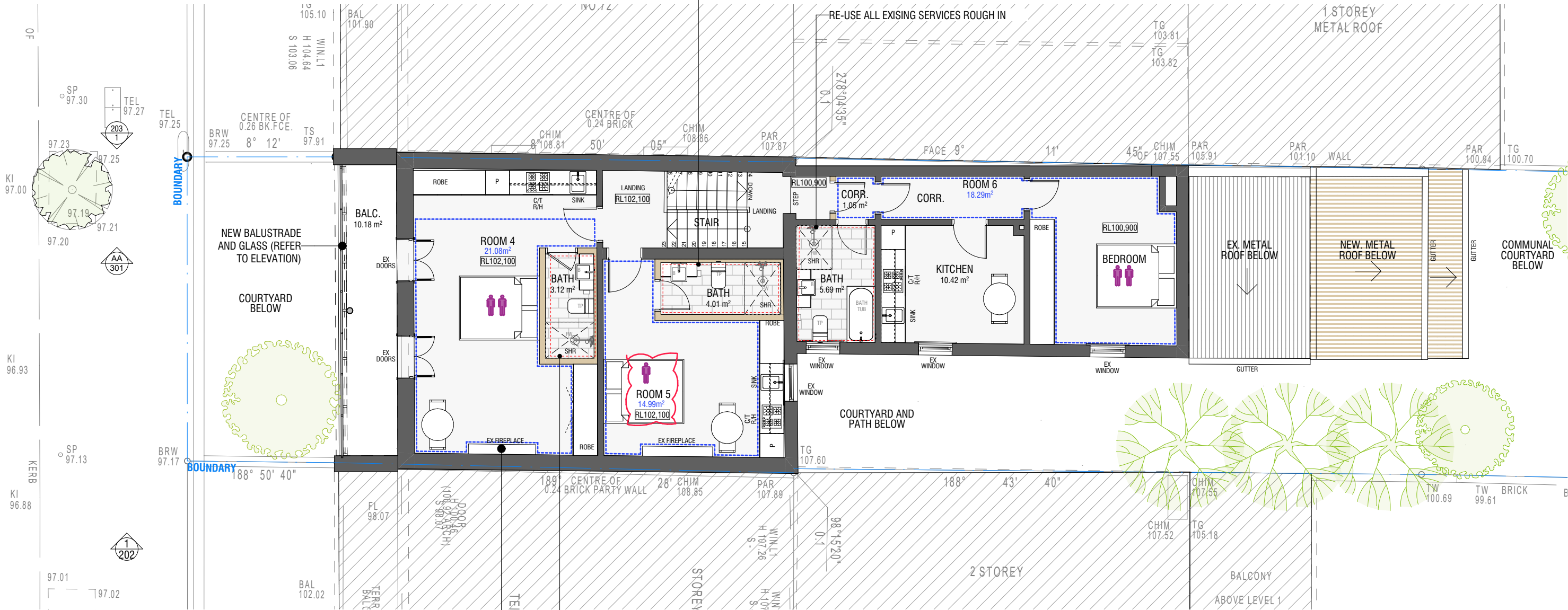
DEVELOPMENT APPLICATION
74 Bondi Road, Bondi NSW 2022 AT
DAVID MACHET CLIENT
2016 JOB NO.
GROUND FLOOR PLAN DRAWING
GA/JL DR/CH

101

AMENDED PLANS

ALL NEW CABINETRY TO BE MAXIMUM 2.4M HT

BONDI ROAD



ALL FIREPLACES
TO BE RETAINED
AND MADE GOOD
(TYP)

ALL NEW SERVICES TO BE RUN 'WITHIN' NEW
WALLS. NO NEW PENETRATIONS OR CHASING
TO EXISTING FABRIC.
WALL HEIGHT TO NEW BATHROOMS - TO BE
MAX 2.4m. OVERALL CEILING TO BE 2.1m

ALL NEW SERVICES TO BE RUN 'WITHIN' NEW
WALLS. NO NEW PENETRATIONS OR CHASING
TO EXISTING FABRIC.
WALL HEIGHT TO NEW BATHROOMS - TO BE
MAX 2.4m. OVERALL CEILING TO BE 2.1m

RE-USE ALL EXISING SERVICES ROUGH IN

1 STOREY
METAL ROOF

EX. METAL
ROOF BELOW

NEW. METAL
ROOF BELOW

COMMUNAL
COURTYARD
BELOW

COURTYARD AND
PATH BELOW

2 STOREY

BALCONY
ABOVE LEVEL 1

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Application No: DA-139/2021

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1 PROPOSED FIRST FLOOR PLAN
1:100

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B	DEVELOPMENT APPLICATION	26.07.2021
C	DEVELOPMENT APPLICATION	06.09.2021

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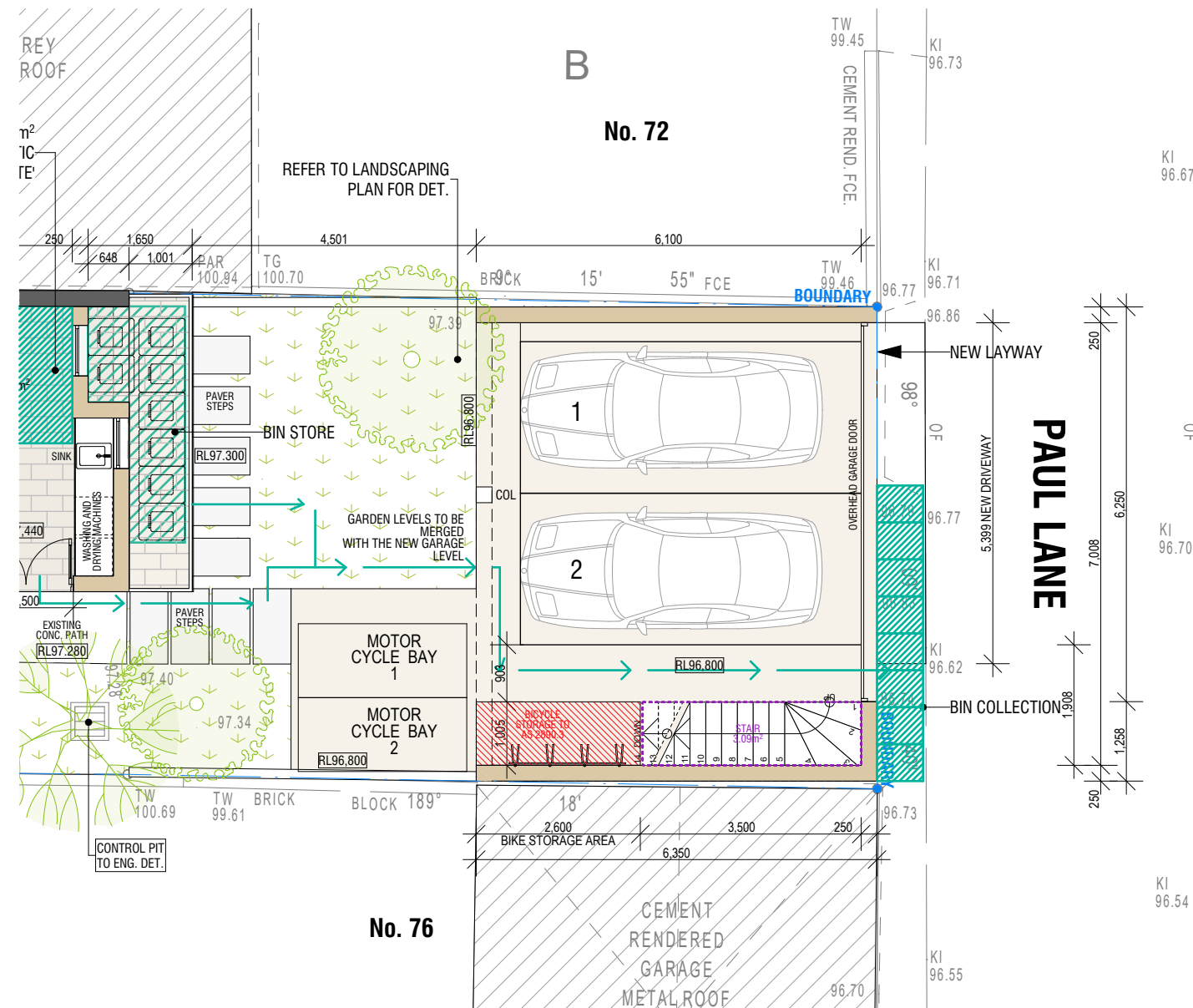
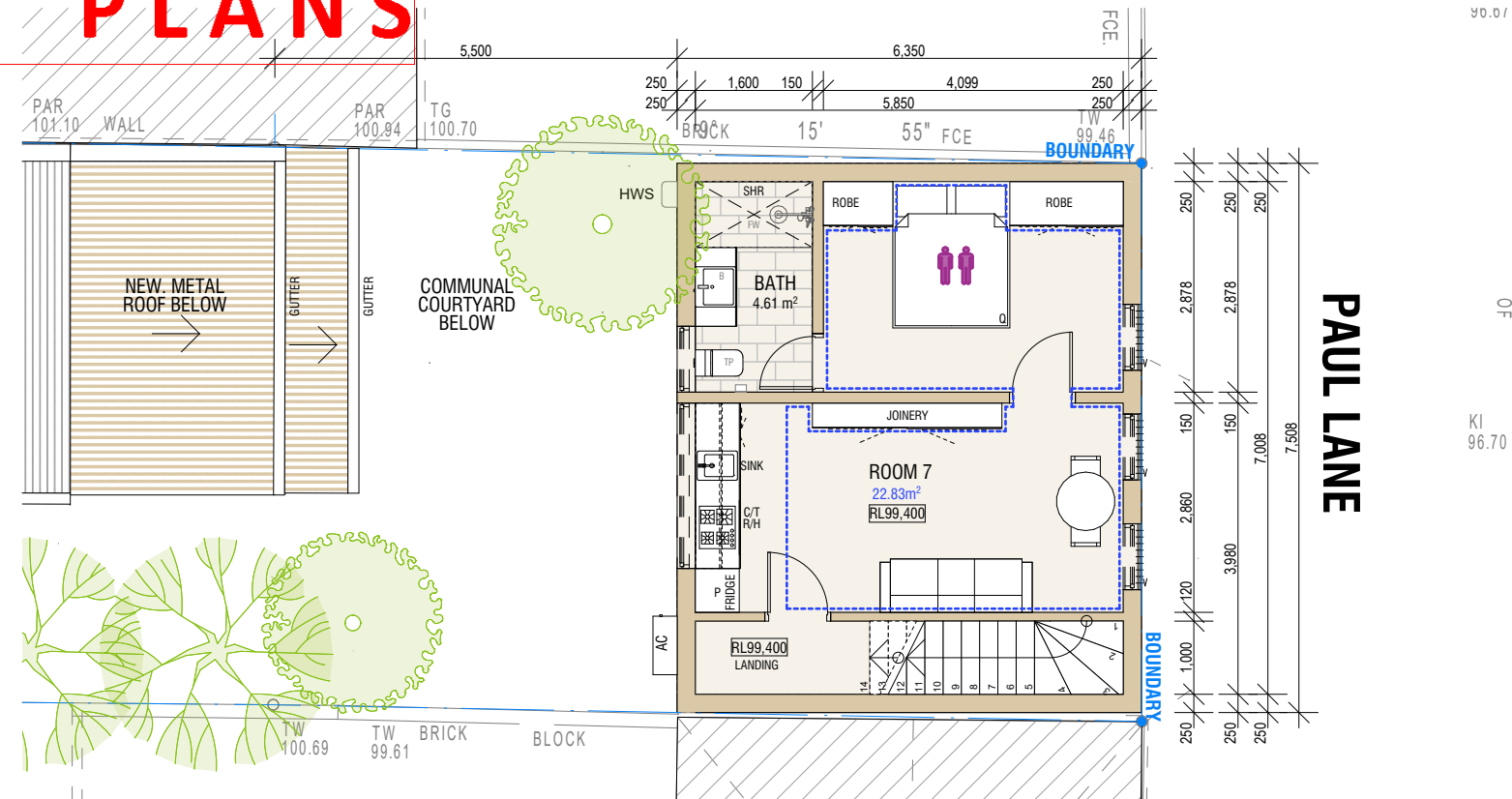
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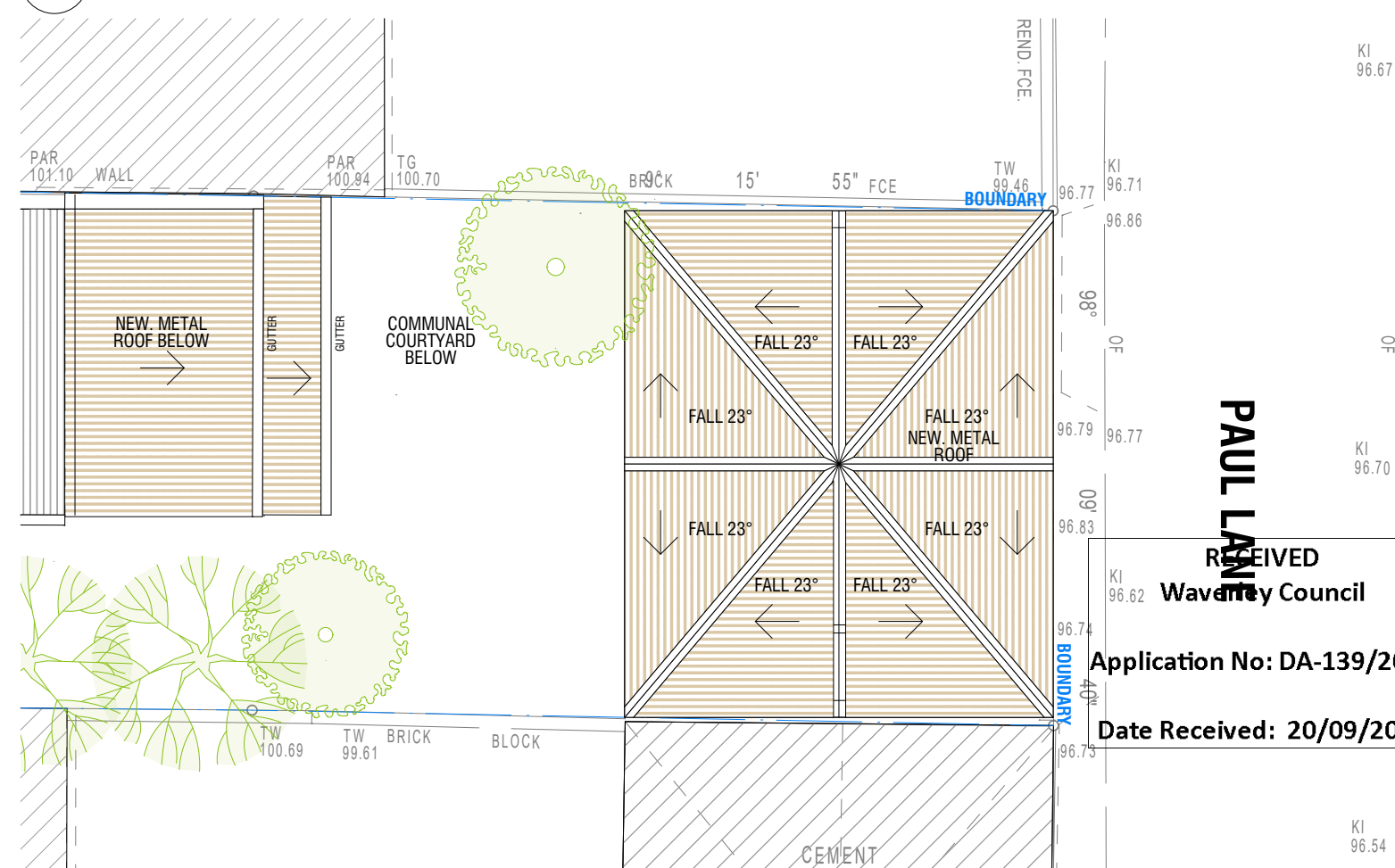
DAVID MACHET CLIENT
2016 JOB NO.
FIRST FLOOR PLAN DRAWING
GA/JL DR/CH

102

AMENDED PLANS

BIKE VERTICAL STORAGE - WALL MOUNT
REFERENCE IMAGE ONLY

2 STUDIO FIRST FLOOR
- SCALE @ A3 1:100



3 STUDIO ROOF PLAN
SCALE @ A3 1:100

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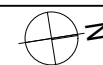
N.	AMENDMENT DETAIL	DATE
A	DEVELOPMENT APPLICATION	15.03.2021
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2016 JOB NO.
STUDIO FLOOR PLANS DRAWING
GA/JL DR/CH

103

AMENDED PLANS



1 MAIN BUILDING ROOF PLAN
1:100

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A3

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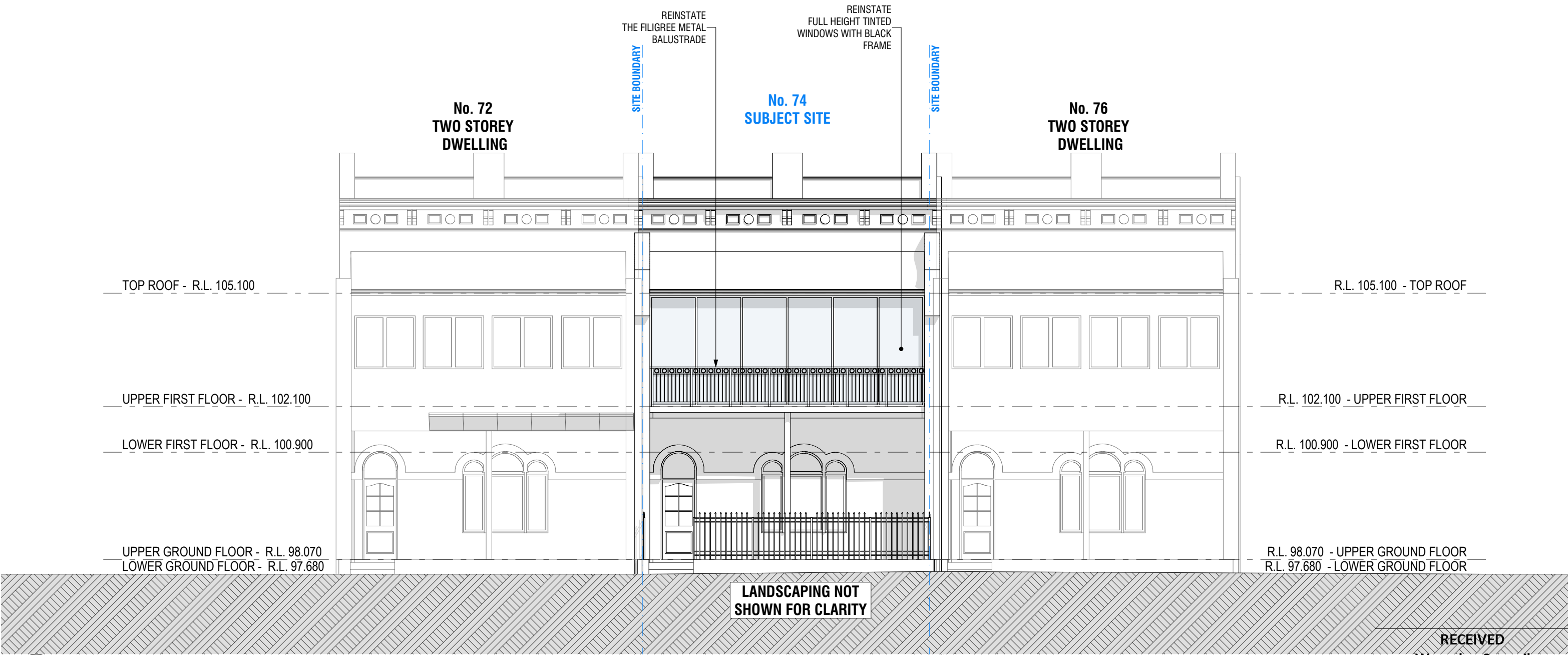
DAVID MACHET 2016 ROOF PLAN GA/JL

CLIENT JOB NO. DRAWING DR/CH

104

AMENDED PLANS

ALL PROPOSED WORKS TO FRONT FACADE TO BE COORDINATED WITH THE ADJACENT RESIDENCES



1 SOUTH ELEVATION
SCALE @ A3 1:100

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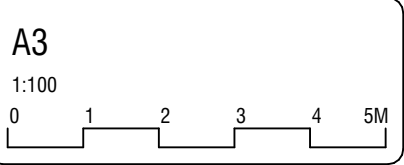
Application No: DA-139/2021

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74 Bondi Road, Bondi NSW 2022 AT

DAVID MACHET 2016 BUILDING ELEVATIONS GA/JL

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201

AMENDED PLANS



1

EAST ELEVATION

-

SCALE @ A3 1:100

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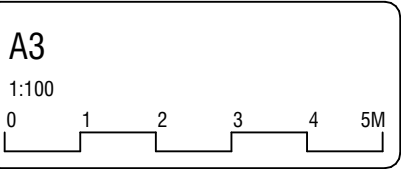
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DEVELOPMENT APPLICATION

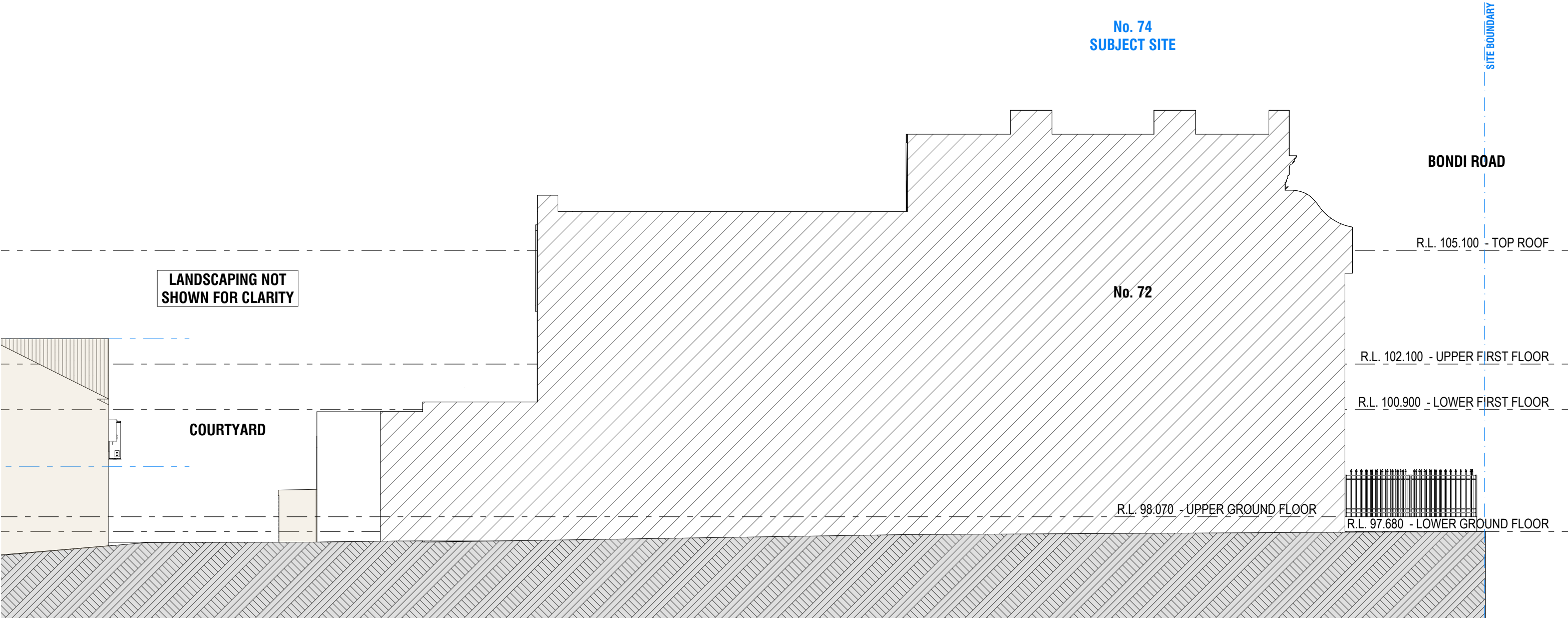
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CLIENT JOB NO. DRAWING DR/CH

202

AMENDED PLANS



1 WEST ELEVATION
SCALE @ A3 1:100

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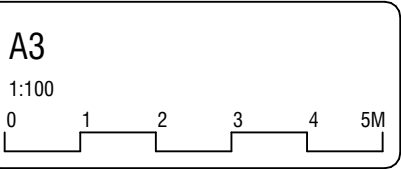
Application No: DA-139/2021

Date Received: 20/09/2021

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N.	AMENDMENT DETAIL	DATE
A	DEVELOPMENT APPLICATION	15.03.2021
B	DEVELOPMENT APPLICATION	26.07.2021



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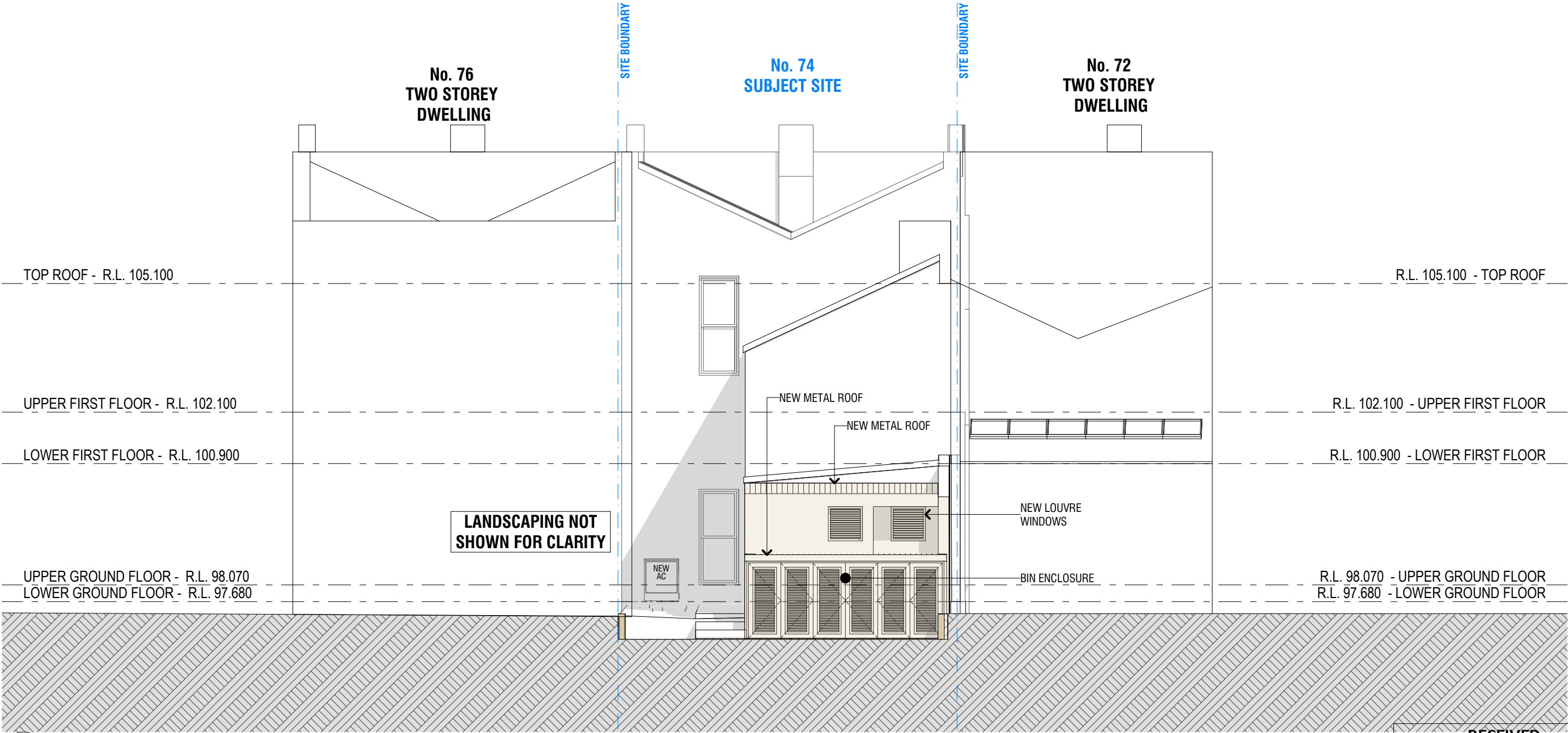
DEVELOPMENT APPLICATION

74 Bondi Road, Bondi NSW 2022 AT

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203

AMENDED PLANS



1 NORTH ELEVATION
SCALE @ A3 1:100

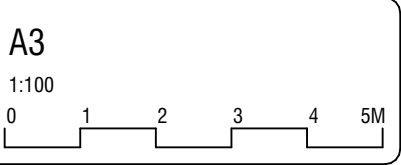
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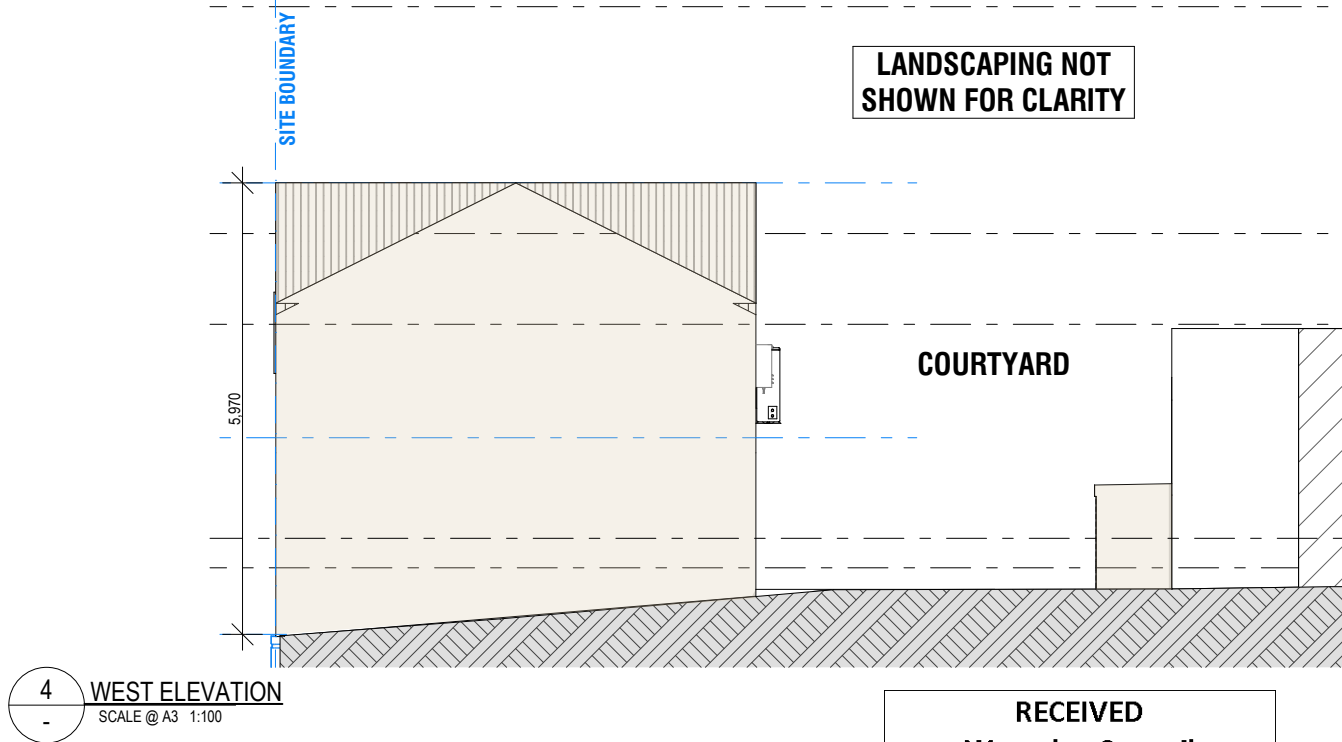
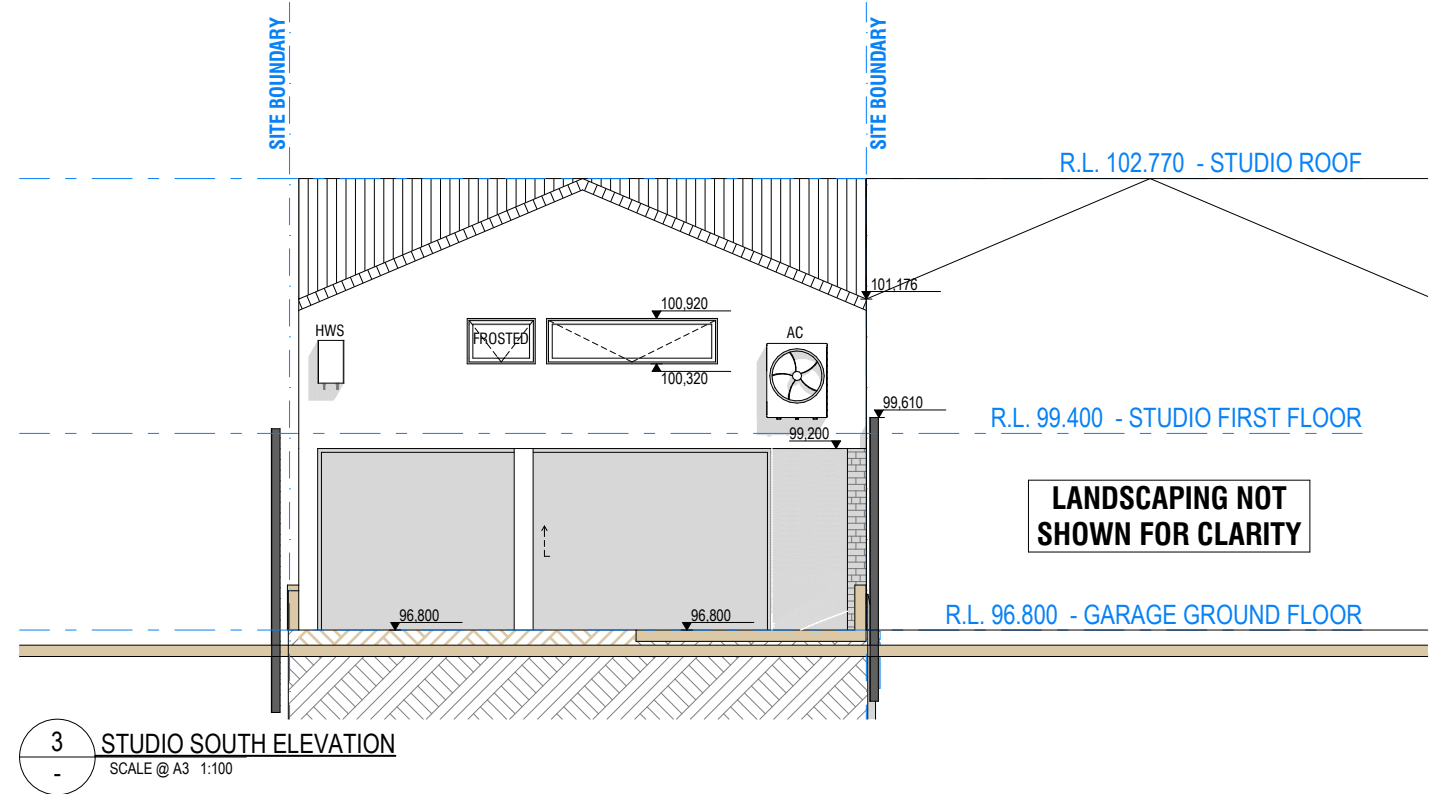
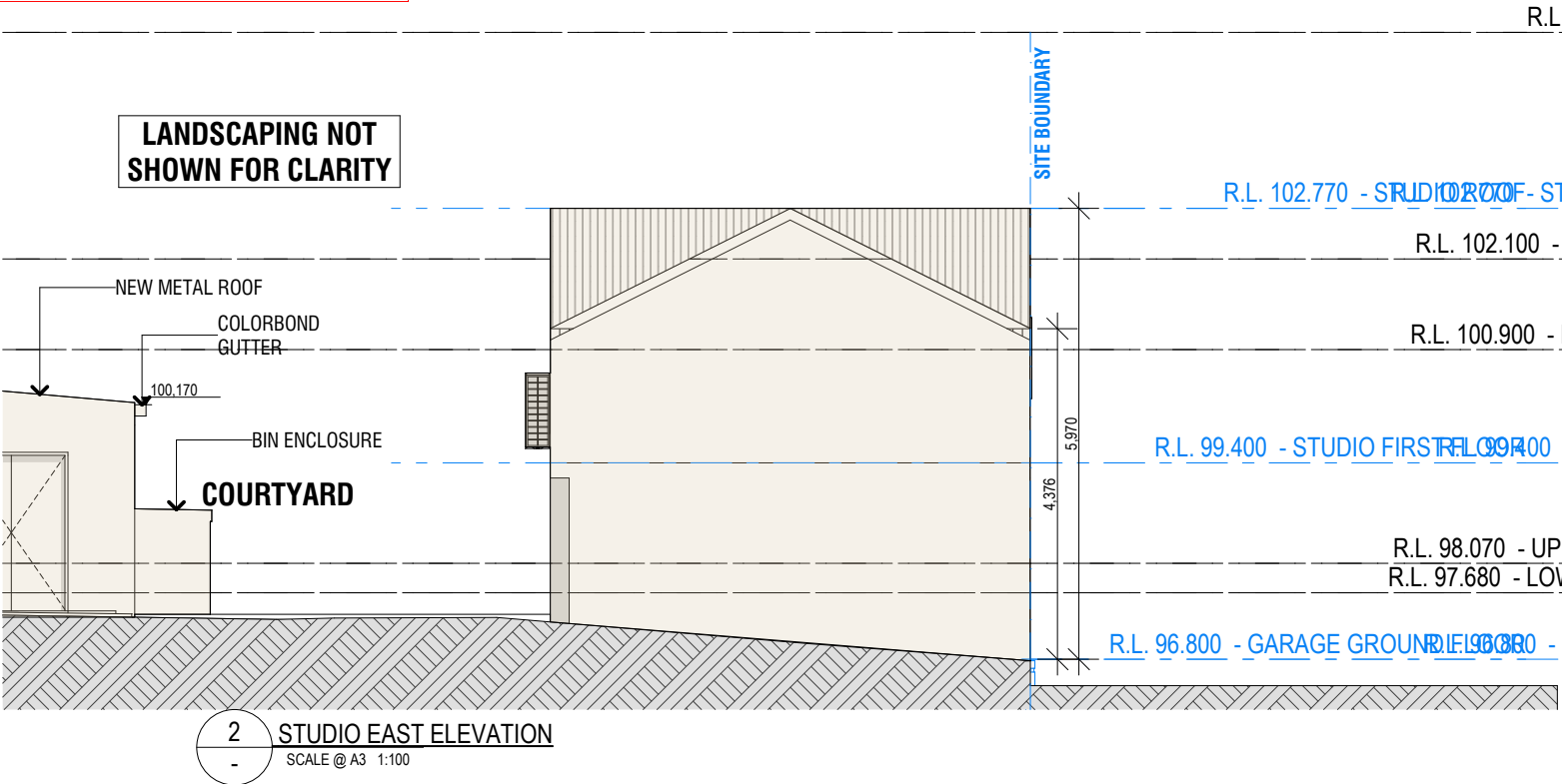
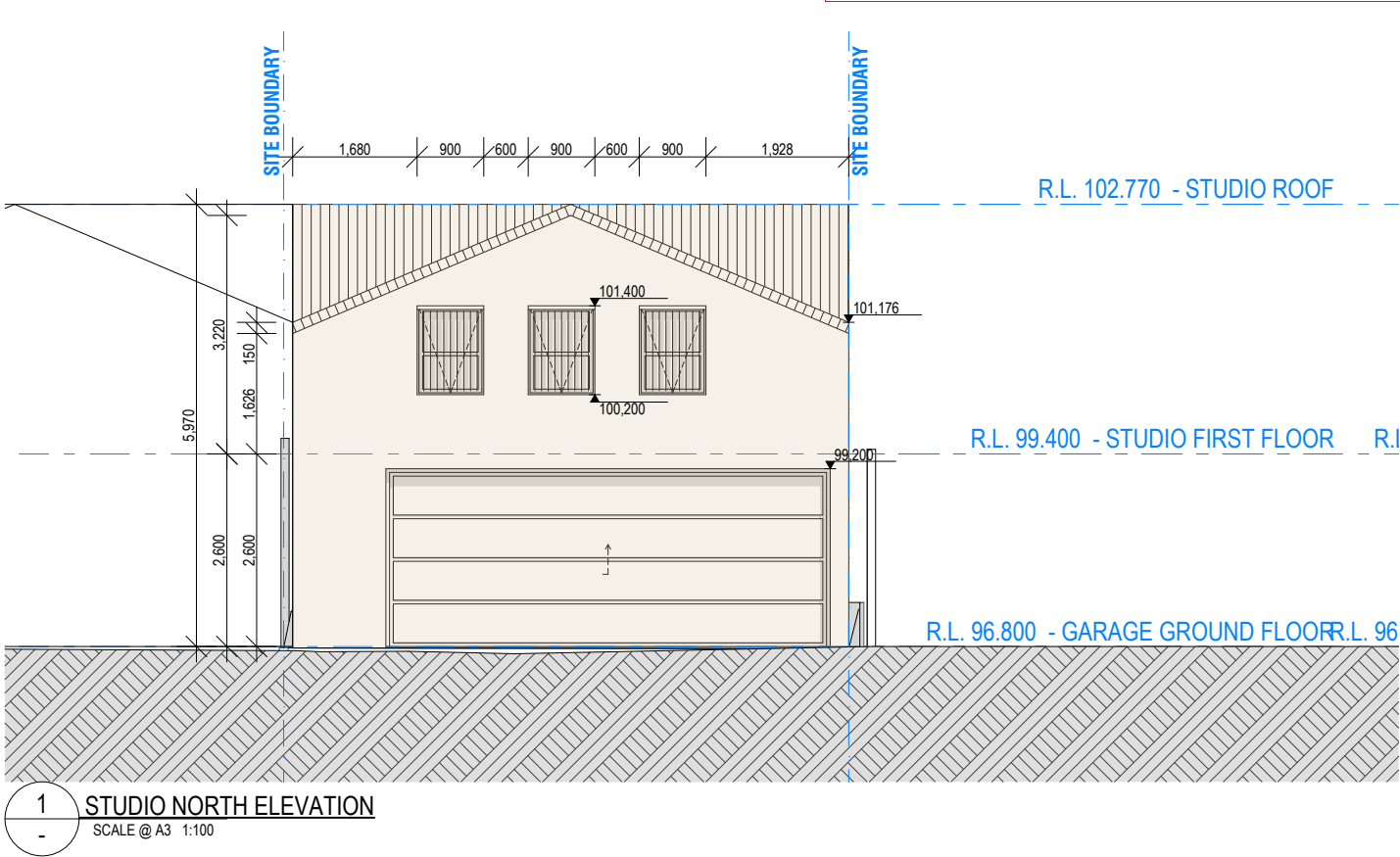


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204

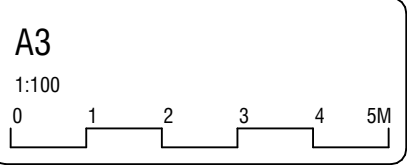
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205

IND No. 7/
SUBJECT SITE

SITE BOUNDARY

**BOND
ROAD**

98.774

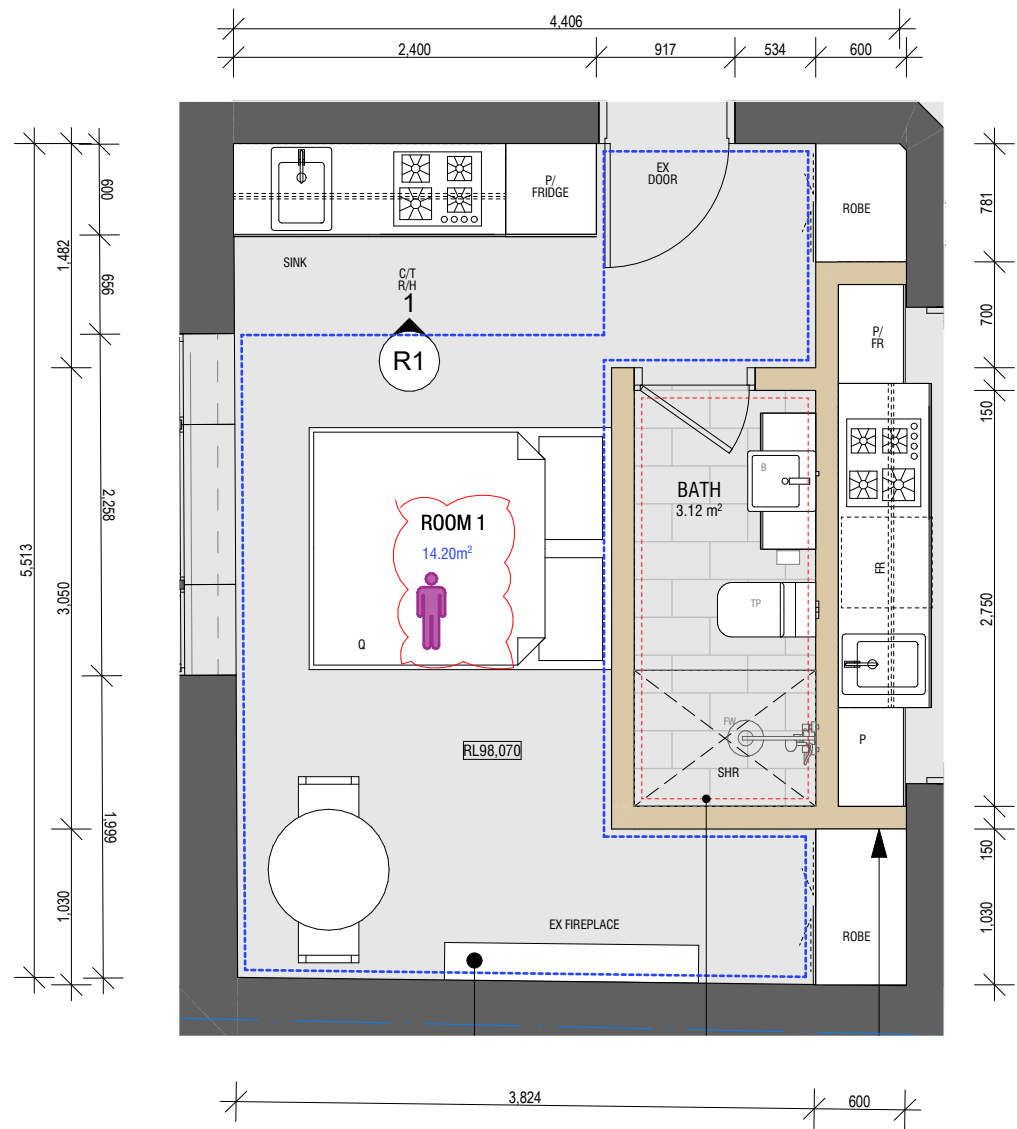
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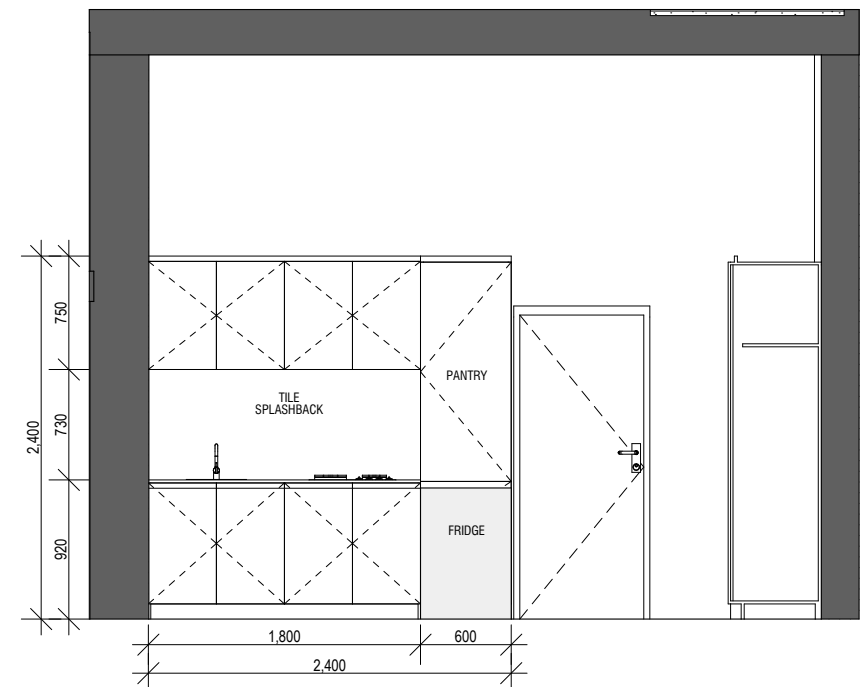
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AMENDED PLANS

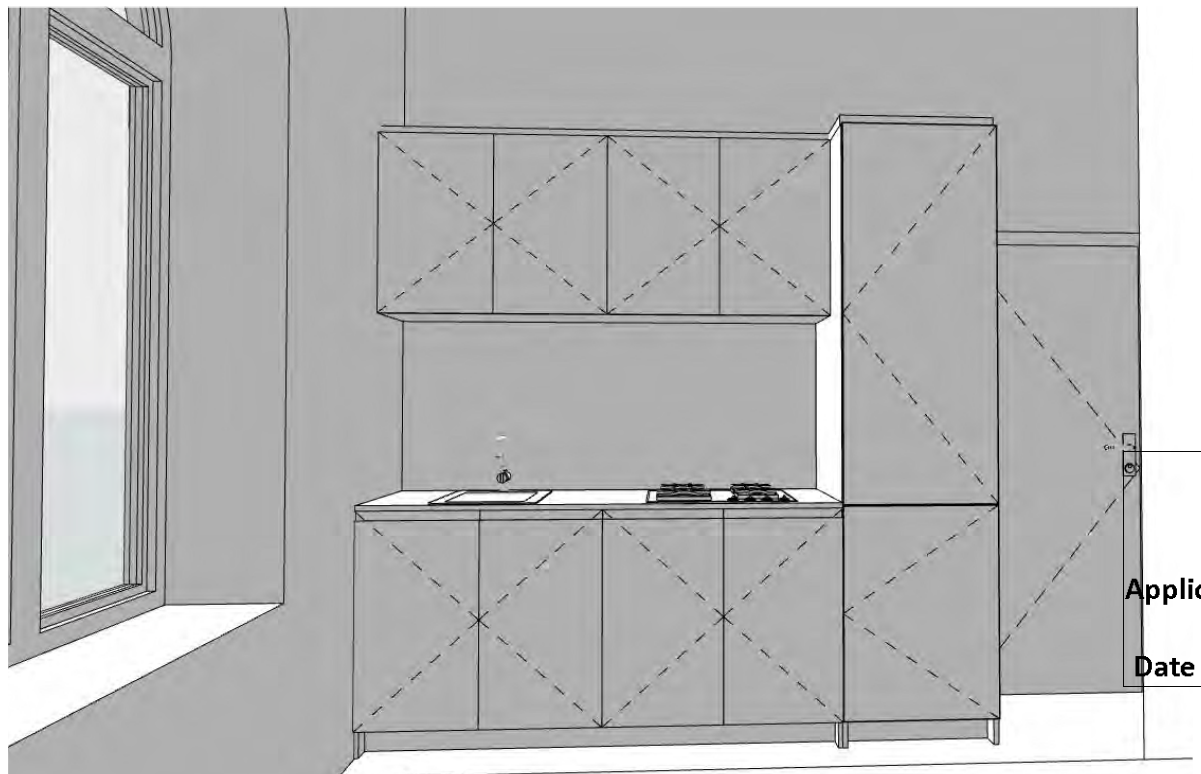
ALL NEW CABINETRY TO BE MAXIMUM 2.4M HT



1 ROOM 1 - FLOOR PLAN
1:50



ROOM 1 CABINETRY ELEVATION 1
1:50



ROOM 1 - KITCHEN 3D VIEW

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N.	AMENDMENT DETAIL	DATE
A	DEVELOPMENT APPLICATION	26.07.2021
B	DEVELOPMENT APPLICATION	06.09.2021

EXISTING
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A3
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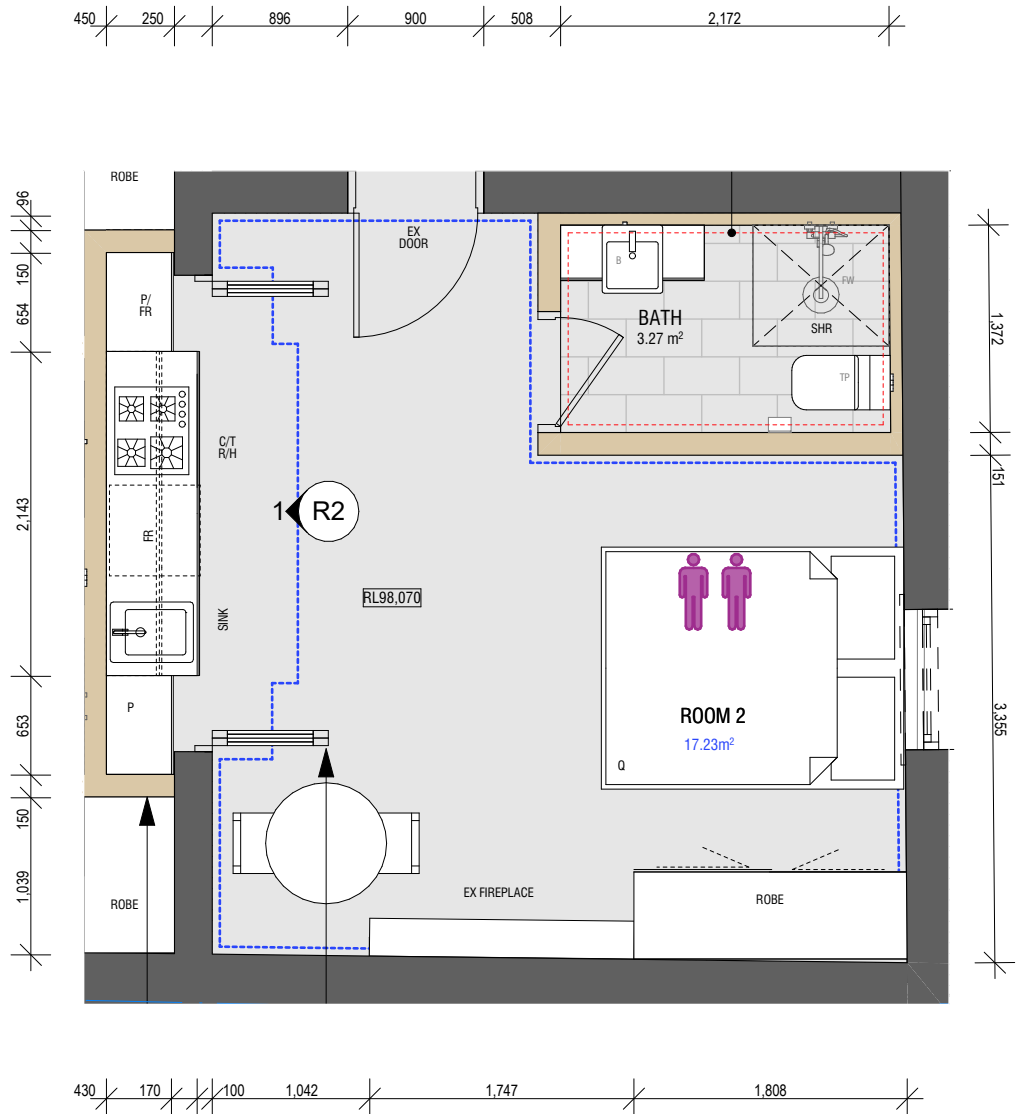
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2016 JOB NO.
ROOM 1 DRAWING
GA/JL DR/CH

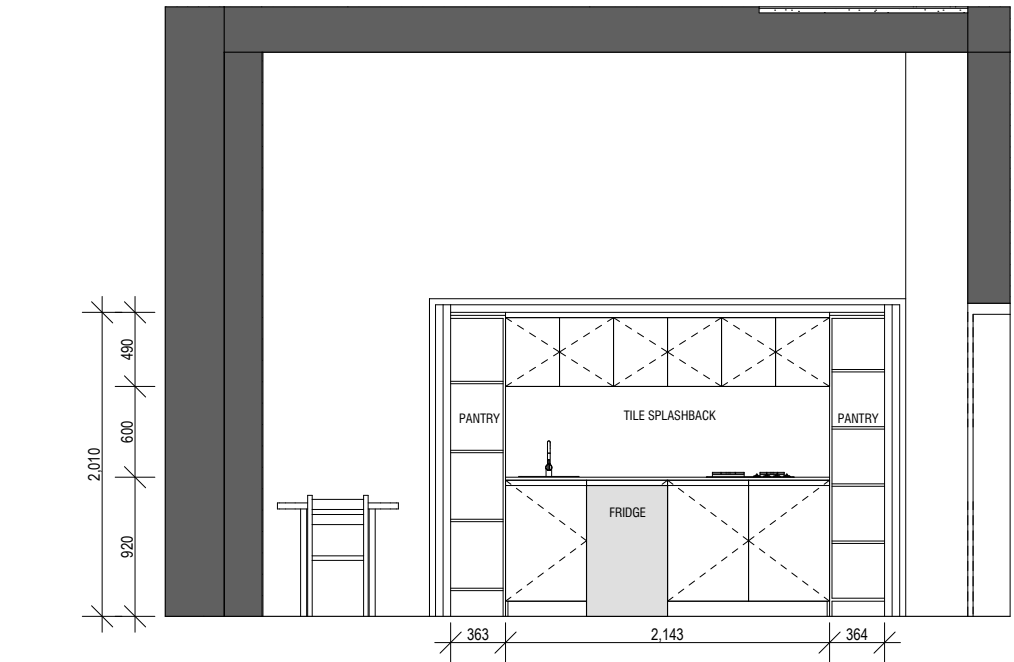
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AMENDED PLANS

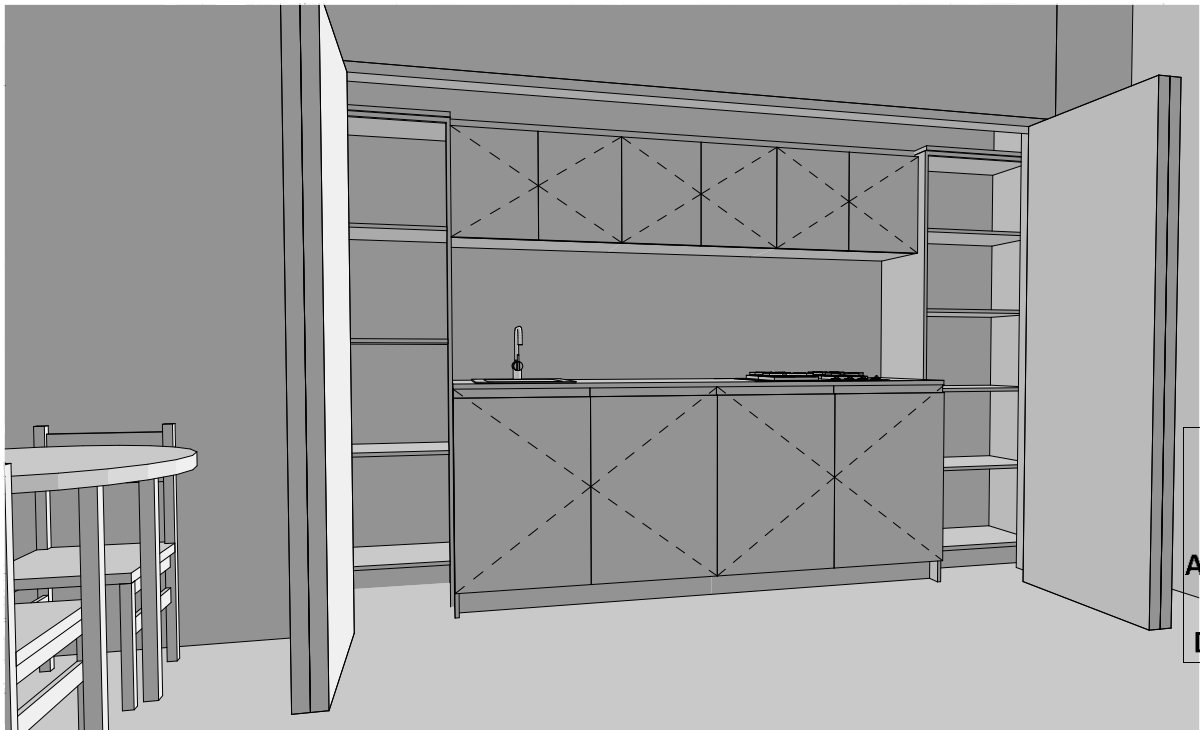
ALL NEW CABINETRY TO BE MAXIMUM 2.4M HT



1 ROOM 2 - FLOOR PLAN
1:50



ROOM 2 - CABINETRY ELEVATION
1:50



ROOM 2 KITCHEN 3D VIEW

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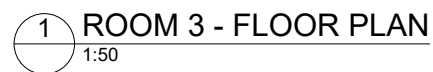
DEVELOPMENT APPLICATION

74 Bondi Road, Bondi NSW 2022 AT

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2016 JOB NO.
ROOM 2 DRAWING
GA/JL DR/CH

402

ALL NEW CABINETRY TO BE MAXIMUM 2.4M HT




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EXISTING

PROPOSED

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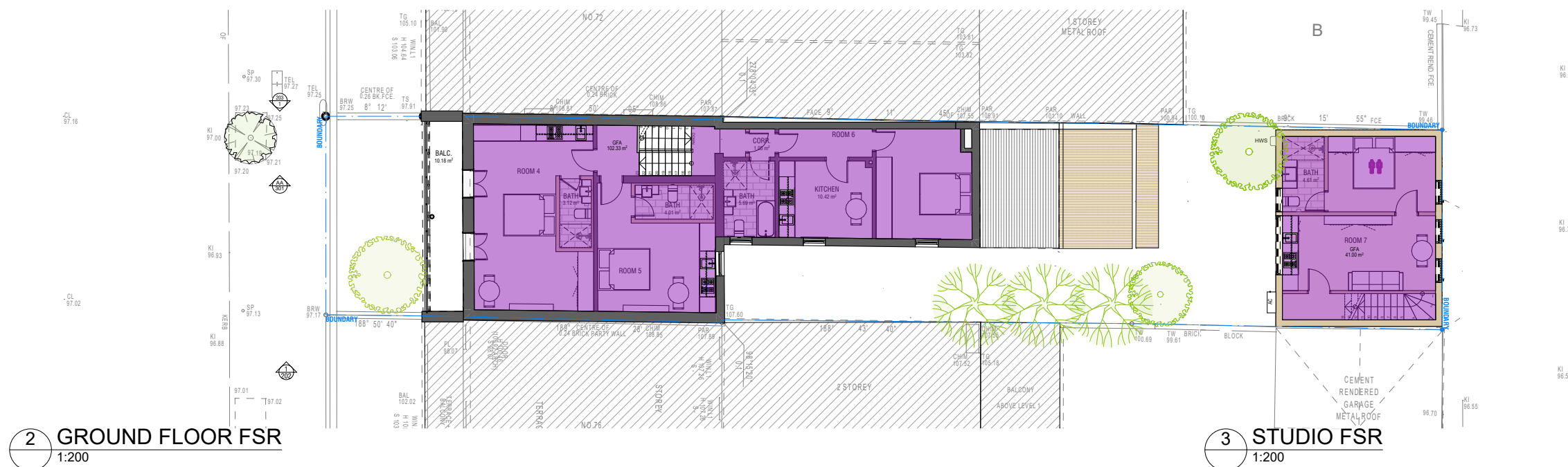
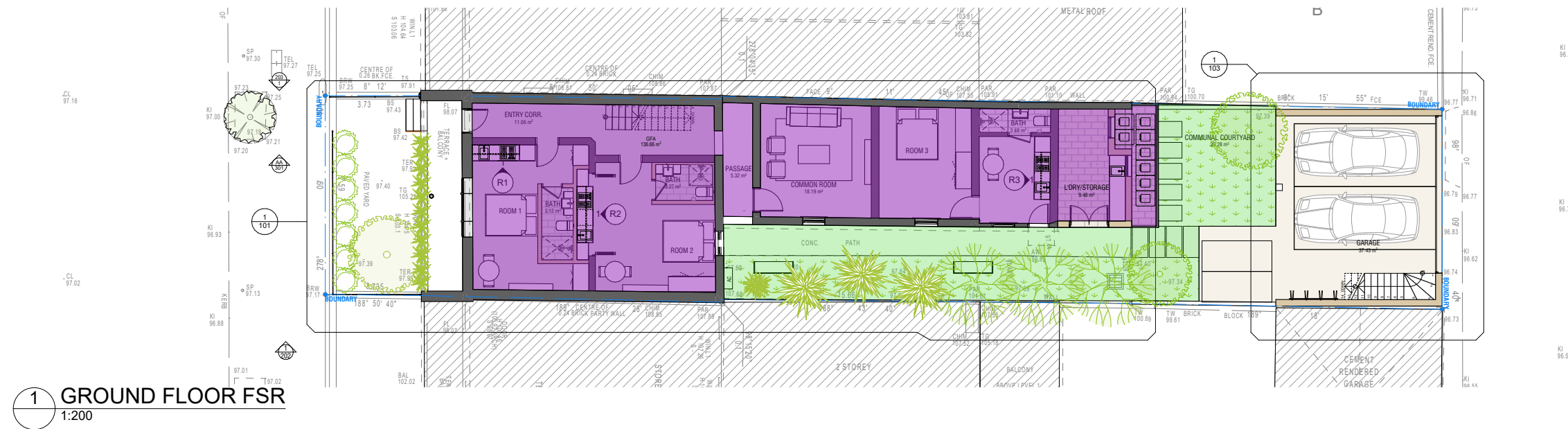


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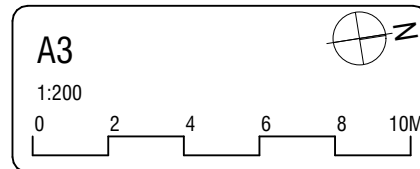
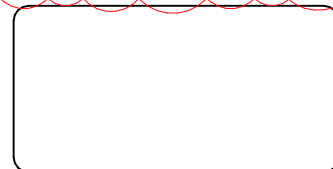


EXISTING FSR ANALYSIS		PROPOSED FSR ANALYSIS	LANDSCAPE ANALYSIS
LOT AREA	327.00m²	LOT AREA	TOTAL SITE AREA = 327m² TOTAL REQUIRED LANDSCAPED AREA = 98.1m² (30%) PROPOSED LANDSCAPED AREA = 91.5m² (27.98%)
ALLOWED FSR	0.6:1 - 196.20m²	ALLOWED FSR	
EXISTING MAIN BUILDING		PROPOSED MAIN BUILDING	
GROUND FLOOR	118.69m²	GROUND FLOOR	136.66m²
FIRST FLOOR	102.33m²	FIRST FLOOR	102.33m²
		PROPOSED STUDIO	
		GROUND FLOOR	
		FIRST FLOOR	41.00m²
TOTAL	221.02m²	TOTAL	279.99m²
FSR	0.67:1	FSR	0.856:1
	11.66%		42.66%

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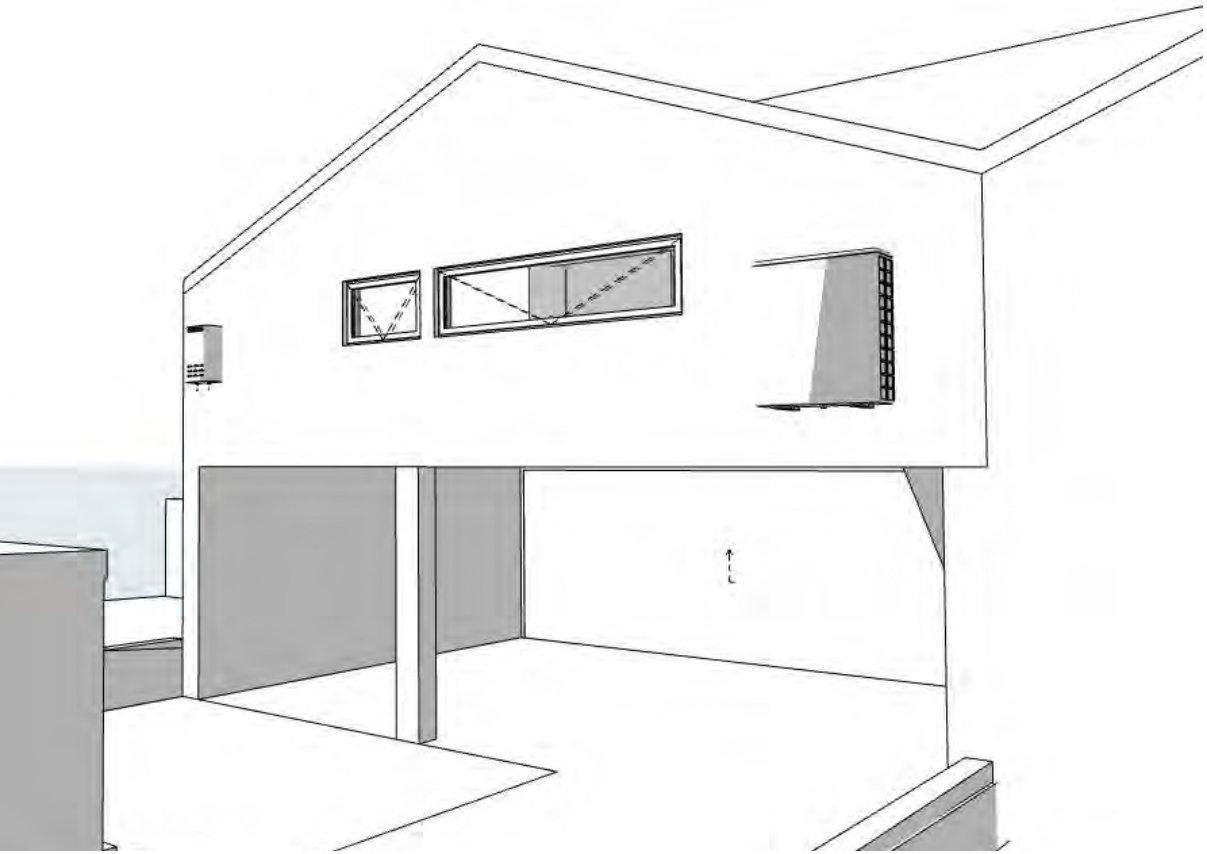
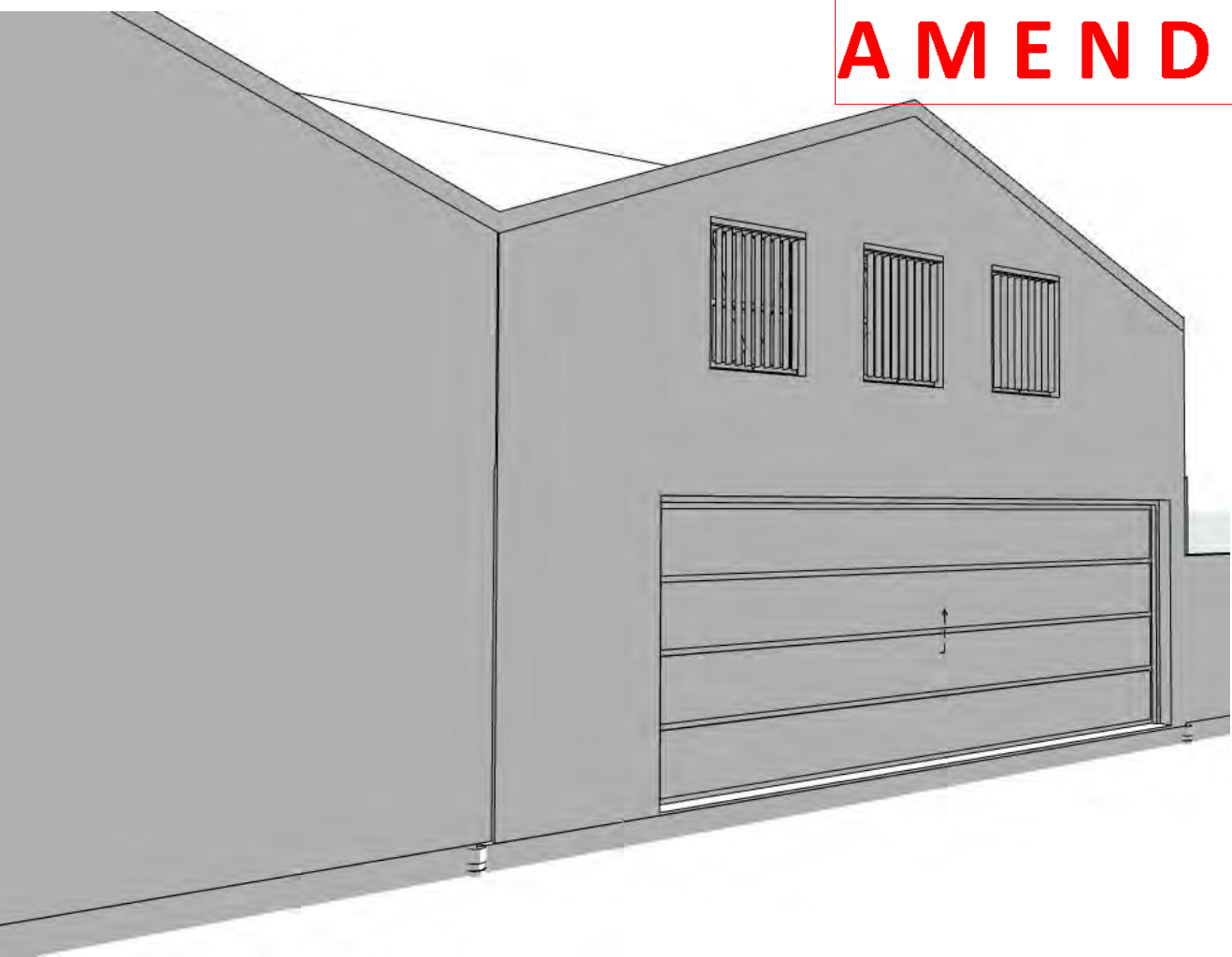
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CALCULATIONS GA/JL JOB NO. DRAWING DR/CH

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Waverley Council
Application No: DA-139/2021
Date Received: 20/09/2021

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3D VIEWS JOB NO.
GA/JL DRAWING
DR/CH

903



Report to the Waverley Local Planning Panel

Application number	DA-160/2021
Site address	38 Queens Park Road, QUEENS PARK
Proposal	Alterations and additions to dwelling house, including new ensuite in existing mezzanine void.
Date of lodgement	30/04/2021
Owner	Mr A J Boulton and Ms M I Borthwick
Applicant	Mr A J Boulton
Submissions	Nil
Cost of works	\$43 670
Principal Issues	FSR
Recommendation	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 internal alterations involving the extension and enclosure of an existing mezzanine level at the site known as 38 Queens Park Road, Queens Park.

The principal issues arising from the assessment of the application relates to exceeding the FSR development standard. The assessment finds this issue acceptable as there are no alterations external to the building proposed with all work contained within the envelope of the existing building and utilising an existing window for light and ventilation. The existing dwelling has a gross floor area of 546m² and FSR of 0.66:1 already exceeding the development standard by 138m² or 34%. The subject proposal will increase the floor space by only 13m² completely contained within the existing building envelope.

The proposal will not increase the bulk, height or scale of the existing building and will not result in additional amenity impacts upon adjoining properties. There will be no impact upon the character of the dwelling, the streetscape or the conservation area.

The application was notified to surrounding properties and no submissions were received.

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.

1.2. Site and Surrounding Locality

A site visit was not carried out due to COVID-19 lockdown restrictions. The applicant provided photographs and a video of the site and area of the dwelling to be extended instead. This was considered sufficient for the purposes of assessing internal alterations.

The site is identified as Lot 21 Sec 13 in DP 4600, known as 38 Queens Park Road, Queens Park.

The site is rectangular in shape with frontage to Queens Park Road to the south (front), Newland Street to the east and Newland Lane to the north (rear). It has an area of 816m² and is generally flat.

The site is occupied by a part one, part two-storey dwelling house with vehicular access provided from Newland Lane to a double garage.

The site is adjoined by a detached dwelling to the west and detached dwellings located opposite the site on Newland Street and Newland Lane. The locality is characterised by predominantly low density residential development.

Figures 1 to 3 are photos of the site and its context.

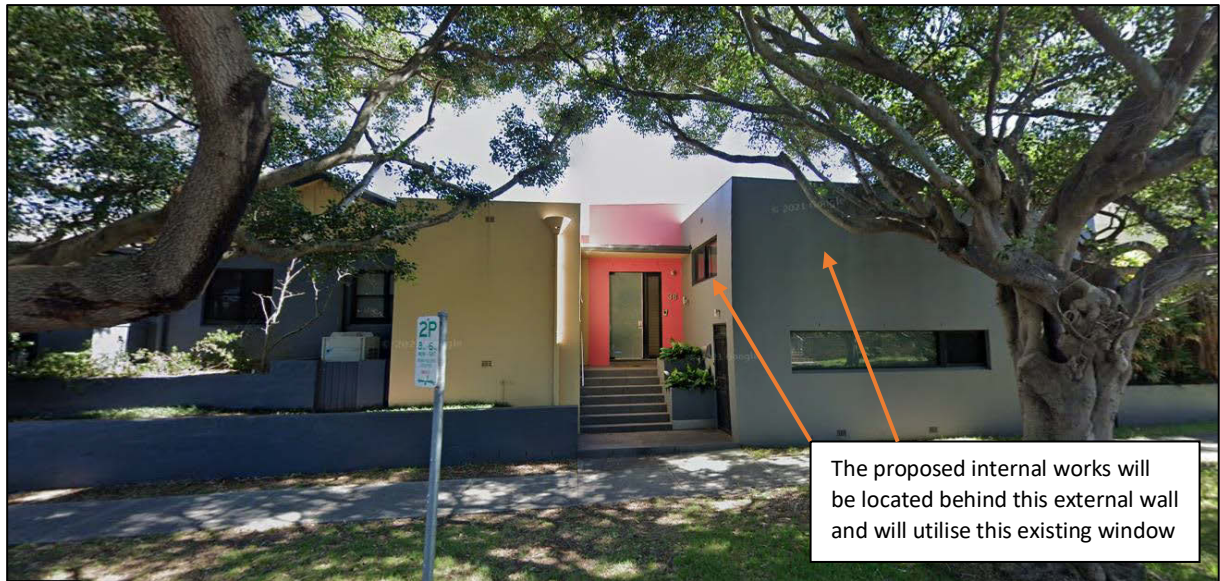


Figure 1: Dwelling as viewed from Newland Street (Source: Google Earth)



Figure 2: Existing internal wall to be removed (signified by the red cross). This wall borrows light from the window beyond through the glass bricks. (Photograph source: Applicant)

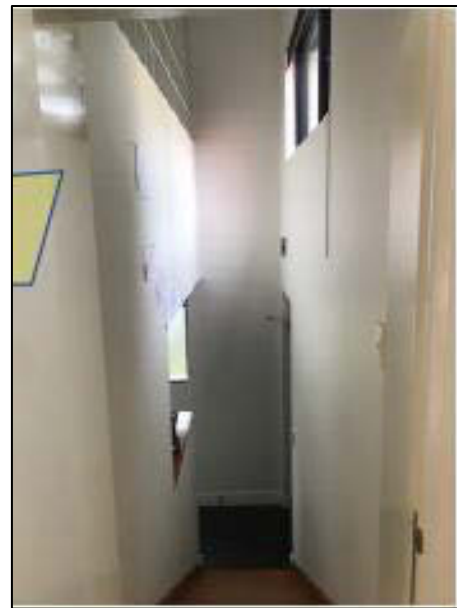


Figure 3: Existing internal stairs over which the floor level of the mezzanine will be extended. The window will provide light and ventilation to the proposed new room. (Photograph source: Applicant)

1.3. Relevant Development History

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

- BA-641/1997: Alterations and additions to rear of dwelling including gallery, studio and garage, retaining wall and brick fence was approved 22/05/1998.
- CD-128/2020: Installation of a swim spa was issued on 07/08/2020.

1.4. Proposal

The development application seeks consent for internal alterations and additions to the existing dwelling involving the extension of the existing mezzanine level over existing stairs and a void to provide an enclosed room with ensuite bathroom. There are no external works associated with the proposal with an existing window over the stairs below being utilised within the enclosed bedroom. Part of the void will be retained to provide daylight to the bedroom below.

1.5. Background

The development application was lodged on 30/04/2021. Following notification, the application was deferred on 29/07/2021 for the following reason:

1. To provide sections demonstrating the floor-to-ceiling heights at both levels and over the existing stairs. The section should demonstrate that sufficient ceiling height over the stairs is maintained with the rise in level. Also show if the new room is open to the void with balustrades or will it be closed off to the void with walls.

Amended plans were received on 22/09/2021 which amended the proposal to provide a staggered ceiling height over the existing stairs to the current mezzanine level. These plans 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. State Environmental Planning Policies (SEPPs)

The following SEPP applies and has been considered acceptable in the assessment of this development application:

- 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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The land use continues to be defined as a dwelling house, which is permitted with consent in the zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	N/A	There is no change to the height of the building with all works being internal.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.5:1 (408m²) • Site Area: 816m² 	No	The proposal has an FSR of 0.69:1 (559m ²) exceeding the development standard by 151m ² or 37%.
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.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The subject site is not heritage listed although it is located within the Queens Park Conservation Area (C14).</p> <p>All works are internal with no alteration to the external façade. The proposed works are also contained within the existing contemporary additions at the rear of the dwelling.</p> <p>The proposal will not harm the streetscape or the significance of the conservation area.</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 0.5:1. The proposed development has an FSR of 0.69:1, exceeding the standard by 151 m² equating to a variation of 37%.

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) *The proposed development will be in the public interest because it is consistent with the objectives of the FSR control standard and the zone objectives.*
 - (ii) *As the proposed works are to an internal void not visible from the public domain, no impact to the character or appearance of the Conservation area will occur or the surrounding streetscape.*
 - (iii) *The proposal will maintain and enhance the residential amenity of the surrounding dwelling houses including their current levels of solar access, visual and acoustic privacy and ventilation.*
 - (iv) *The scale of the development and its typology is considered to be appropriate for the site and the surrounding area and meets the needs of the local residents and the wider Sydney metropolitan area.*
 - (v) *In light of the proposals contribution to achieving the desired future character of the area and not being visible from the public domain, a reduction of gross floor area would serve no material planning purpose, other than numerical compliance with a generic Council control.*
 - (vi) *The existing building is also non-compliant with Council's FSR control.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The FSR contravention relates primarily to providing a new ensuite in the existing mezzanine void and subsequently additional gross floor area over what currently exists on site. The contravention in relation to the proposed development application is a direct result of improving approved habitable areas.*
 - (ii) *The proposed maximum FSR for the site of 0.69:1 is appropriate for an R2 Low Density Residential zone that primarily consists of residential development.*
 - (iii) *The proposal does not result in a building that is higher than the existing building.*
 - (iv) *The proposed building envelope and additional GFA is consistent with the existing building envelope of the adjoining dwellings and other similar development.*
 - (v) *The bulk and scale remain within the bulk of the building and overall envelope of the building is not affected.*
 - (vi) *As the proposed works are to an internal void not visible from the public domain, no impact to the character or appearance of the Conservation area will occur or the surrounding streetscape.*
 - (vii) *The proposal will maintain and enhance the residential amenity of the surrounding dwelling houses including their current levels of solar access, visual and acoustic privacy and ventilation.*
 - (viii) *The proposed design of the development achieves an appropriate built form in that it maintains the appearance of the building in the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.*
 - (ix) *In light of the proposal's contribution to achieving the desired future character of the area and not being visible from the public domain, a reduction of gross floor area would serve no material planning purpose, other than numerical compliance with a generic Council control.*
 - (x) *The existing building is also non-compliant with Council's FSR control.*
 - (xi) *The proposal will add to delivering a mix of well-designed housing that meets the needs of Sydney's growing population unique family dwellings to meet the changing population needs.*

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.

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.

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 proposal is for internal works to the existing mezzanine level of the dwelling, essentially extending into an existing void. The enclosure of the mezzanine to create an additional bedroom will utilise an existing window from which the mezzanine currently borrows light (via a wall of glass bricks). In this regard, there will be no alterations external to the building. The existing dwelling has a gross floor area of 546m² and FSR of 0.66:1 already exceeding the development standard by 138m² or 34%. The subject proposal will increase the floor space by only 13m² completely contained within the existing building envelope.

The proposal will not increase the bulk, height or scale of the existing building and will not result in additional amenity impacts upon adjoining properties. There will be no impact upon the character of the dwelling, the streetscape or the conservation area.

The proposal is considered consistent with the relevant objectives of the FSR development standard.

The objectives of the R2 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.*

The proposal continues to provide a dwelling on the site which is consistent with the low density residential environment. Although not strictly applicable, the proposal is not contrary to the remaining objectives.

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 FSR development standard and the R2 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	N/A	No change.
2. Ecologically Sustainable Development	Yes	The proposal will improve the sustainability of the existing mezzanine room by providing a window for light and ventilation.
9. Heritage	Yes	Satisfactory (refer to discussion in Table 1).

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> Replacement windows to complement the style and proportions of existing dwelling 	N/A	There are no alterations to the exterior of the building and as such there will be no impact upon the streetscape.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> 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 	Yes	The proposal will utilise an existing window that is located overlooking the entry to the dwelling with outlook to Newland Street. No unreasonable additional privacy impacts upon surrounding properties are likely.

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*. No submissions were received.

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 Conservation

At the time of writing of the report, heritage comments had not been received. Notwithstanding, heritage conservation is discussed in Table 1 of this report.

3.2. Stormwater

The application was referred to stormwater engineers in error. As there are no changes to the exterior of the building or the roof, no conditions can be imposed.

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 consent.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 28/09/2021 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, J Zancanaro, K Johnstone*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Kylie Lucas	Peggy Wong
Senior Development Assessment Planner	A/Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 28/09/2021	Date: 7/10/2021

Reason for WLPP referral:

3. Departure from any development standard in an EPI by more than 10%

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Chris Elliot Architects of Project No. 2011 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-01-B	GENERAL PLANS	15/09/21	22/09/2021
Unnumbered	EXISTING HOUSE – SECTION A-A	Undated	22/09/2021

Except where amended by the following conditions of consent.

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

2. 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.

3. 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

4. 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.

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$2290** 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.

6. 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 & SITE MATTERS

7. 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.

8. 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.

9. 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.

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

10. 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.

DEMOLITION & EXCAVATION

11. 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.

12. 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.

CONSTRUCTION MATTERS

13. 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.

14. 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.

15. 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 clause 162A *Critical stage inspections for building work* of the *Environmental Planning and Assessment Regulation 2000*.

16. WORK OUTSIDE PROPERTY BOUNDARY

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

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

17. 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.

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 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. DIAL BEFORE YOU DIG

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

AD3. 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.

AD4. ALTERATIONS AND ADDITIONS ONLY

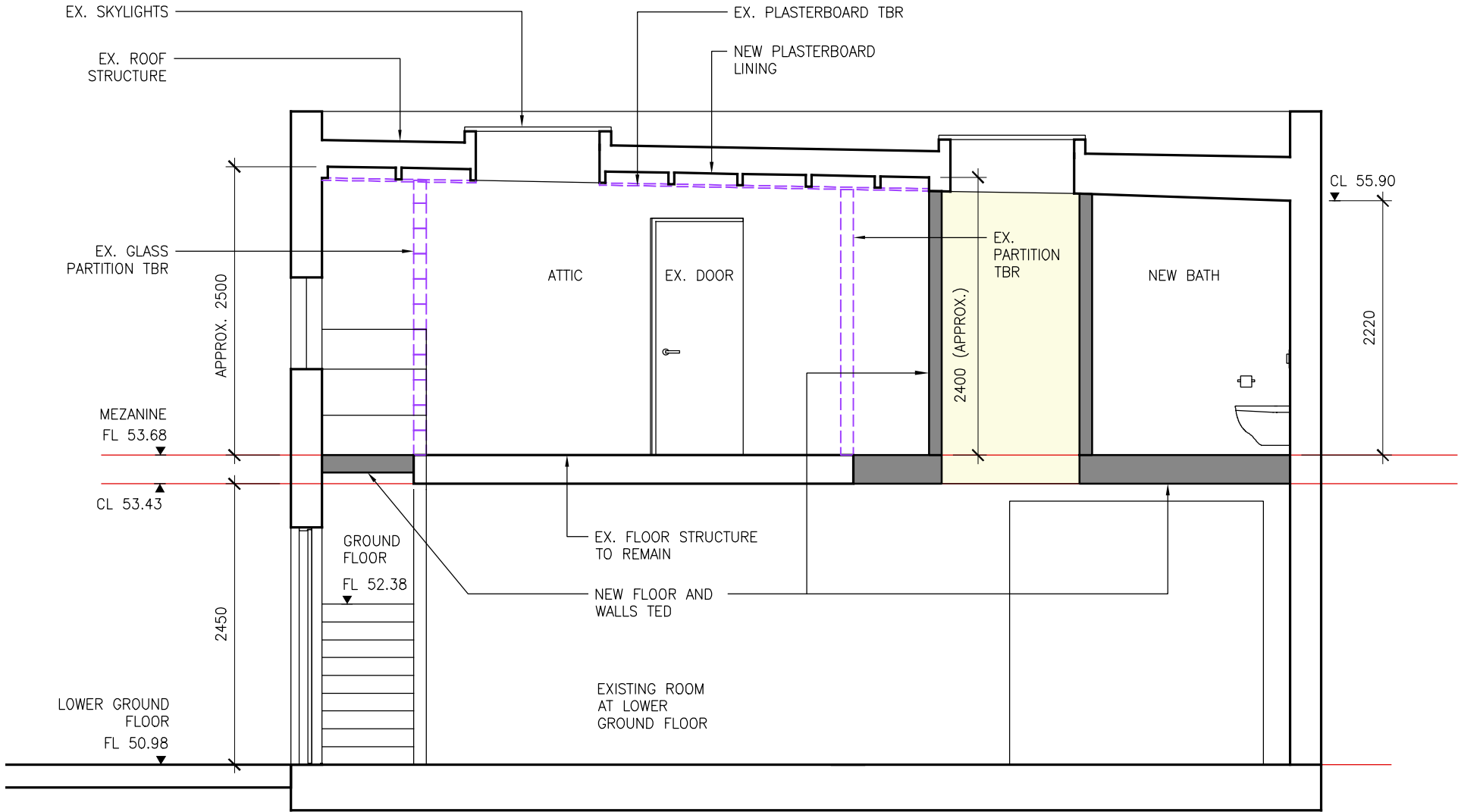
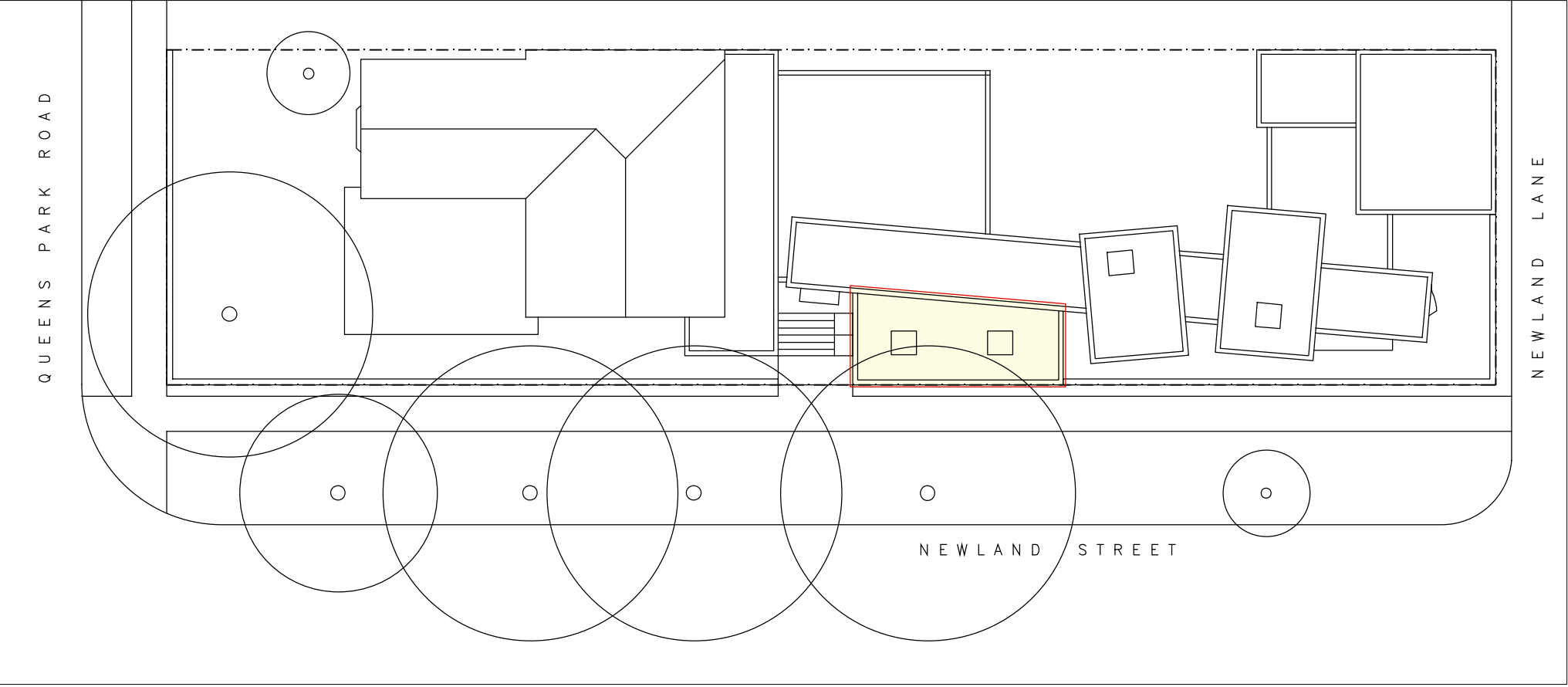
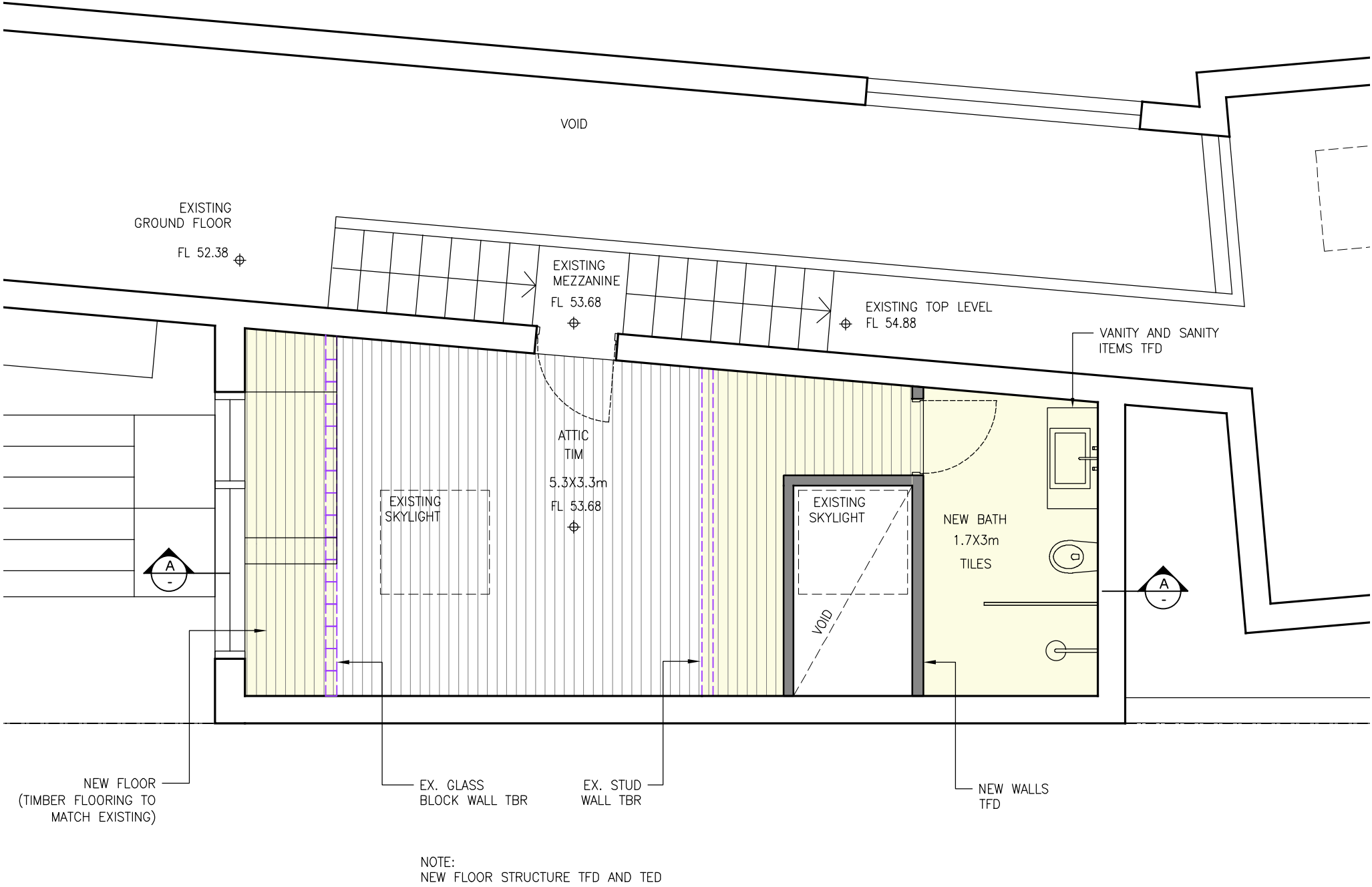
This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted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

AD5. 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.

AMENDED

RECEIVED
Waverley Council
Application No: DA-160/2021
Date Received: 22/09/2021



FSR CALCULATIONS:

EXISTING GROSS FLOOR AREA:	546 SQM	PROPOSED GROSS FLOOR AREA:	559 SQM
ALLOTMENT SIZE:	816 SQM	ALLOTMENT SIZE:	816 SQM
EXISTING FSR:	0.66 : 1	PROPOSED FSR:	0.69:1

PERMISSIBLE MAX. FSR IS 05 : 1

SITE BOUNDARY
TO BE DEMOLISHED
EX. WALLS
NEW WALLS
EXTENT OF NEW WORK

KEY:
EX - EXISTING
COS - CONFIRM ON SITE
TBR - TO BE REMOVED / DEMOLISHED
TFD - TO FUTURE DETAIL
TED - TO STRUCTURAL ENG. DETAIL

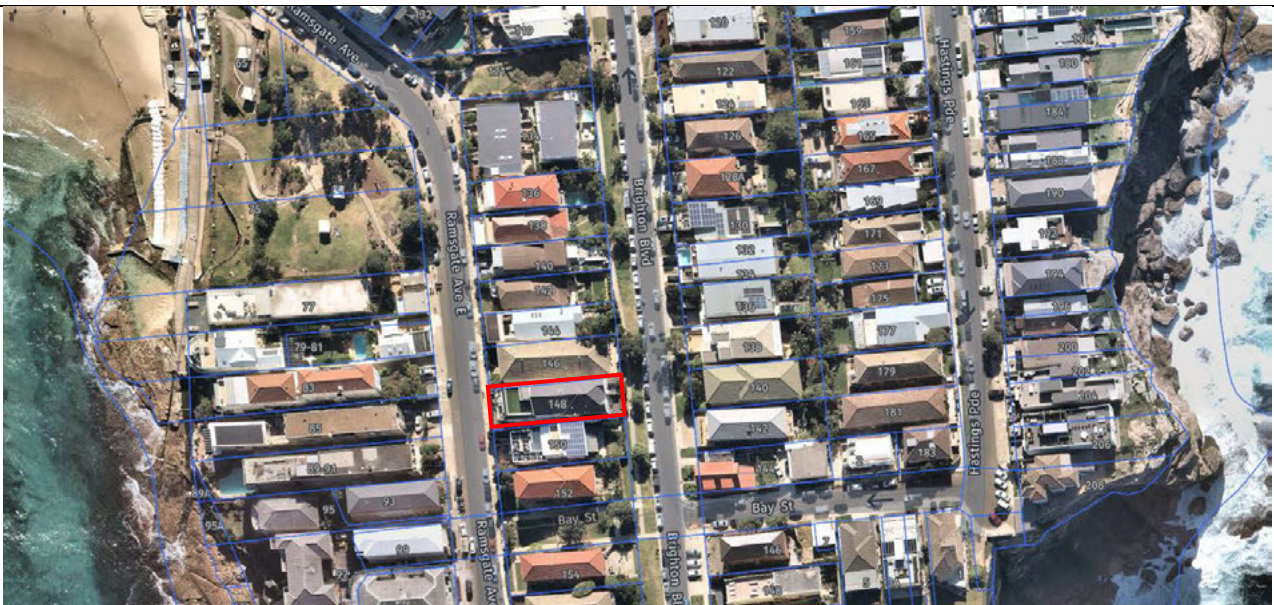
				<div>CHRIS ELLIOTT ARCHITECTS</div> <div>193 Bronte Road Queens Park NSW 2022 Phone: 0401 754 255</div> <div>e-mail: studio@chriselliottarchitects.com</div> <div>ALTERATIONS TO PRIVATE RESIDENCE AT 38 QUEENS PARK ROAD, QUEENS PARK</div>	<div>CEA</div>	Drawing Title			GENERAL PLANS		
B	DA DRAWINGS, ADDED SECTION A-A	15 - 09 - 21				Design CE	Drawn RF	Project No.			2011
A	DA DRAWINGS	20 - 04 - 21				Date FEBRUARY 2021		Drawing No.			DA-01-B
No.	Revisions-Submissions	Date				Scale 1:50, 250 @ A2					



Report to the Waverley Local Planning Panel

Application number	DA-290/2021
Site address	1/146 Ramsgate Avenue, NORTH BONDI
Proposal	Alterations and additions to Unit 1, including conversion of attic roof space to a mezzanine bedroom
Date of lodgement	29 July 2021
Owner	Proprietors of Strata Plan 46
Applicant	Brad Swarts Architects
Submissions	Nil
Cost of works	\$218,851
Principal Issues	<ul style="list-style-type: none"> Breach to Floor Space Ratio
Recommendation	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 (DA) seeks consent for alterations and additions to Unit 1, including conversion of the attic roof space to a mezzanine bedroom, at the site known as 1/146 Ramsgate Avenue, NORTH BONDI.

The principal issue arising from the assessment of the application relates to a breach in the floor space ratio standard (FSR).

The assessment finds this breach acceptable subject to the submission of a well founded clause 4.6 variation statement that concludes that the breach meets the objectives of the development standard and zone.

Nil submissions were received.

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 not carried out, due to the COVID-19 pandemic affecting the greater Sydney area at the time of assessment.

The site is identified as SP 46, known as 1/146 Ramsgate Avenue, NORTH BONDI.

The site is rectangular in shape with a western frontage to Ramsgate Avenue and secondary eastern frontage to Brighton Boulevard. It has an area of 477.4m² and slopes down from the north to the south.

The site is occupied by a part one (facing Brighton Boulevard) - part three storey (facing Ramsgate Avenue) Residential Flat Building (RFB), which contains 12 apartments. The subject unit is located to the eastern side of the RFB, fronting Brighton Boulevard.

The site is adjoined by a RFB to the south and a detached dwelling to the north. The locality is characterised by a variety of low to medium residential development.

Figures 1 to 2 are photos of the site and its context.



Figure 1: Primary frontage of site from Ramsgate Avenue, North Bondi looking east (Source: Google Maps, 2021)



Figure 2: Secondary frontage of site from Brighton Boulevard, North Bondi looking west (Source: Google Maps, 2021)

1.3. Relevant Development History

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

- DA-98/2008 for alterations and additions to an existing RFB, including new window changes was approved on 5 August 2009.
- DA-236/2012 for attic conversion for storage for **unit 8** was approved on 22 June 2012.
- DA-135/2015 for attic conversion to **units 7 and 8** with associated box style dormer to the roof form was refused on 26 August 2015. The application was refused because it breached both height and FSR and did not adequately pass the test of Clause 4.6 within the Waverley Local Environmental Plan 2012 (Waverley LEP 2012). The proposed box dormers extended out of the existing roof form resulting in adverse amenity impacts to surrounding land uses in terms of view loss and overshadowing.

- DA-463/2015 for extension of **unit 12** into the existing sub floor space creating new bedroom, bathroom and study was approved on 19 February 2016.
- DA-37/2017 for attic conversion to **unit 7** (with no external changes) was approved on 21 March 2017.

1.4. Proposal

The DA seeks consent for alterations and additions to Unit 1, including conversion of the attic roof space to a mezzanine bedroom, specifically the following:

- Demolition of internal walls to the ground floor to provide for a new living area, bathroom, kitchen and stairs to the mezzanine level;
- Construction of a mezzanine level for a bedroom; and
- Construction of three operable skylights to the roof.

1.5. Background

The DA was lodged on 29 July 2021 and a letter was sent on 9 August 2021 requesting the following information:

- Each unit to be labelled on the FSR Calculation Plan;
- A reflective ceiling plan be provided demonstrating compliance with the minimum floor to ceiling heights for a sloped ceiling within the National Construction Code (NCC); and
- A fire safety upgrade report.

The updated architectural plans were provided on the 30 August 2021 and the fire safety upgrade report was provided on 13 September 2021.

2. ASSESSMENT

The following matters are to be considered in the assessment of this DA 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 DA:

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP 65 (Design Quality of Residential Apartment Development).
- SEPP (Coastal Management) 2018.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Design Quality of Residential Apartment Design)

The application is not for substantial alterations and additions and therefore a referral Waverley Design Advisory Excellence Panel (DEAP) or an assessment against SEPP 65 was not required.

SEPP (Coastal Management) 2018

The subject site is located within the Coastal Use Area. However, as the development is within the existing built form of the building (i.e. no additional bulk or scale), it is unlikely to impact the Coastal Use Area.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table Medium density Residential (R3) Zone	Yes	The proposal is defined as alterations and additions to an RFB, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 9.5m 	Yes	The proposed skylights are to be flush with the existing roof at a height of 5.1m.
4.4 FSR <ul style="list-style-type: none"> • Lot Size: 477.4m² • Max FSR: 0.6:1 • Max GFA: 286.44m² 	No	<u>Gross Floor Area (GFA) calculations:</u> Ground Floor: 62.9m ² First Floor: 136.6m ² Second Floor: 286.3m ² Attic: 46.4m ² Total GFA: 532.2m² Total FSR: 1.1:1

Provision	Compliance	Comment
		The development proposes an additional 14m ² to the existing building. The total building will exceed the development standard by 245.76m ² or 85.8%*. <i>*The GFA calculation is inclusive of the approved attic addition to Unit 7.</i>
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.

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 FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum or minimum FSR development standard of 0.6:1. The proposed development has a FSR of 1.1:1, exceeding the standard by 245.76m² equating to an 85.8% 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.

In order to demonstrate that compliance with the development standard is unreasonable or unnecessary, in the circumstances of the case, the Five (5) Part Test established in *Winten v North Sydney Council* and expanded by Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827 is considered:

- (i) The objectives of the standard are achieved notwithstanding non-compliance with the standard (first way):
 - a. Objective (a) is not of relevance as the site is not located within Bondi Junction.
 - b. Objective (b): to provide an appropriate correlation between maximum building heights and density controls.
 - i. The proposed works do not alter the existing approved building height or density as they are located within the existing roof space. No change is proposed to the existing density, with 12 units remaining in the complex. The works are minor and result in an increase of just 14m² of floor area.*
 - c. Objective (c): to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.
 - i. No changes are proposed to the bulk and scale of the existing building, with proposed works located within the existing roof space. The building will retain its character and presentation to the street.*
 - d. Objective (d): to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.
 - i. As works are located within the existing building footprint, the amenity of neighbouring properties and the locality will remain unchanged. The addition of a mezzanine bedroom will enhance the amenity for residents, by providing additional ground floor living space.*
 - (ii) *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 (Fourth Way).*
 - a. DA-236/2012 for attic conversion for storage apartment 8 was approved on 22 June 2012.*
 - b. DA-37/2017 for attic conversion to apartment 7 was approved on 21 March 2017.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed works are located entirely within the footprint of the existing building and will not alter the presentation of the building from the street.*
 - (ii) *The proposed attic mezzanine has been designed to utilise the existing roof space, allowing for the retention of the existing character of the area. The works proposed are similar to those approved by Council in units 7 & 8 of the building.*
 - (iii) *Variation to the Waverley LEP 2012 Cl. 4.4 FSR, control has been the subject of recent precedent on the subject site for the following developments:*
 - a. DA-236/2012 for attic conversion for storage apartment 8 was approved on 22 June 2012.*
 - b. DA-37/2017 for attic conversion to apartment 7 was approved on 21 March 2017.*

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 setting and context with similar FSR variations recently approved within this building, demonstrates that a varied FSR is reasonable and that it is consistent with clause 1.3(c) and (d).
- (c) 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 has justified that the proposed development meets the objectives of the zone and the development standard (**justification (a)**) and has outlined that the development standard has been virtually destroyed or abandoned as the previously approved development at Units 7 and 8 are similar to what is proposed (**justification (d)**). The applicant has raised two of the five justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446. Council concurs that the development meets objectives (b) – (d) of the FSR development standard as well as the objectives of the zone as the works are contained wholly within the existing built-form and will not result in negative environmental impacts to surrounding uses.

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 works are located wholly within the existing envelope of the building, ensuring the character of the Ben Buckler area is retained whilst not creating impacts to surrounding uses in terms of view loss or overshadowing.

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:

Objective (b): to provide an appropriate correlation between maximum building heights and density controls.

The increase to FSR does not result in an increase to height to the overall building as it is entirely located within the roof of the existing building, avoiding potential view loss and overshadowing issues.

Objective (c): to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.

The proposed works will not result in an increase in bulk and scale as it is located within the existing roof form.

Objective (d): to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.

As the proposed works are located within the existing roof form, there is no increase to bulk and scale and therefore no potential impacts on neighbouring amenity.

The objectives of the R3 zone are as follows:

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

The proposal improves the amenity of the existing unit, which provides housing needs for the community within the medium density residential apartment.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is supported. 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 and the R3 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
2. Ecologically Sustainable Development	Yes	The submitted BASIX Certificate is satisfactory.
12. Design Excellence	Yes	The addition is located within the existing roof form and will not negatively impact the existing building.
17. Inter War Buildings	Yes	The building is an example of an Inter- War Tudor Revival style flat building c. 1930-35. The proposed addition is hidden within the existing roof form and will not impact the visual appearance of the inter-war building, with the skylights being an appropriate size and scale.

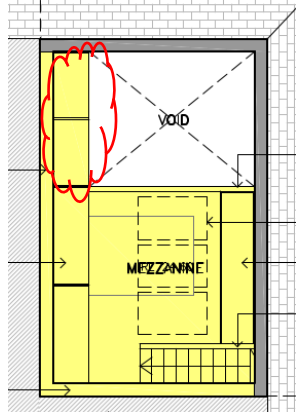
Table 3: Waverley DCP 2012 – Part C1 – Special Character Areas

Development Control	Compliance	Comment
1.3 Ben Buckler		
Desired Future Character Objectives <ul style="list-style-type: none"> Maintain rhythm of buildings to the street Respect character and architectural elements 	Yes	As the addition is located within the existing building, the character is retained.

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

Development Control	Compliance	Comment
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	N/A	The addition is located within the existing envelope of the building.
3.3.2- Side and rear setbacks	N/A	The addition is located within the existing envelope of the building.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	The addition is considered to be respectful of the existing building, being located within the existing roof form, with no external protrusions,

Development Control	Compliance	Comment
		with the skylights being flush with the existing roof and therefore will not result in adverse impacts as viewed from Brighton Boulevard.
3.6 Attic and roof design		
<ul style="list-style-type: none"> • Attic must be wholly within the a pitched roof form • Not exceed 50% of the floor of area of the floor below • Not contain independent dwellings and must be accessed via internal stairs • Be naturally ventilated • Minimum room width: 3m • Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m • Dormer windows and skylights to be less than 50% of roof elevation 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>See discussion.</p> <p>Yes</p>	<p>The proposed mezzanine (attic) is located wholly within the existing pitched roof.</p> <p>The mezzanine level does not exceed 50% of the level below. It is noted the proposed storage area to the north-western side is constructed over half the width of the common hall below. This would not impact Unit 2 if it decided to do a mezzanine level in the future.</p> <p>The mezzanine level is not an independent dwelling, but an addition to the existing unit, accessed via internal stairs.</p> <p>The mezzanine level is naturally ventilated via operable skylights.</p> <p>The width of the room to the mezzanine level is greater than 3m.</p> <p>The minimum floor to ceiling heights will be discussed in detail below this table.</p> <p>The proposed skylights are less than 50% of the roof elevation.</p>
3.13 Solar access and overshadowing		
	N/A	As the proposal is contained wholly within the existing building envelope, no potential impacts will arise.
3.14 Views and view sharing		
	N/A	As the proposal is contained wholly within the existing building envelope, no potential impacts will arise.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> • Dwellings to be orientated to the street with entrances and street numbering visible 	Yes	As the skylights are flush with the roof (angled upwards), it will not result in unreasonable visual privacy.
3.16 Dwelling size and layout		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> All habitable rooms to have a window Min sizes Studio = 35m² 1 bedroom = 50m² 	<p>Yes</p> <p>Acceptable on merit</p>	<p>The proposed mezzanine bedroom will have operable skylights.</p> <p>The existing one bedroom unit is increasing in size from 29.2m² to 43.2m². This is an improvement from the current layout.</p>
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors Min 2.4m floor to ceiling height attic levels 	See discussion	The floor to ceiling heights will be discussed in detail below.
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> Studio and 1 bed = 6m³ 	Yes	<p>Sufficient storage is provided to the mezzanine level.</p> <p>It has been advised that part of the storage to the mezzanine level will be accessed by a ladder from the floor below, as shown below.</p> 
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated 	Yes	The proposed skylights are operable for natural ventilation.

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

Floor to Ceiling Heights

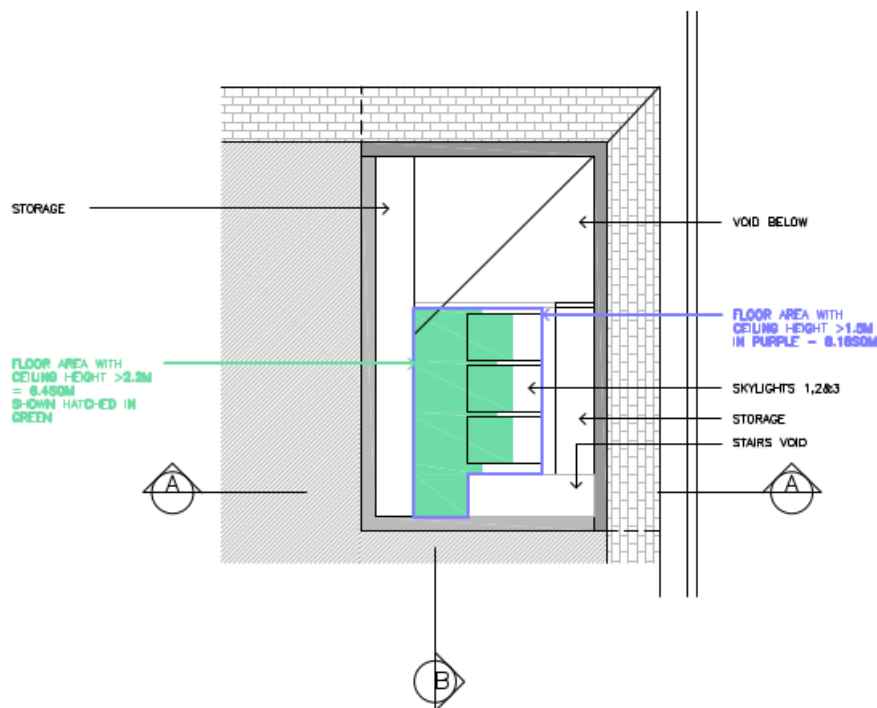
The following minimum floor to ceiling heights for class 2 buildings are outlined by Part F3 of Volume One of the NCC.

F3.1 Height of rooms and other spaces

The height of rooms and other spaces must be not less than—

- (a) in a Class 2 or 3 building or Class 4 part of a building—
 - (i) a kitchen, laundry, or the like — 2.1 m; and
 - (ii) a corridor, passageway or the like — 2.1 m; and
 - (iii) a *habitable room* excluding a kitchen — 2.4 m; and
 - (iv) in a room or space with a sloping ceiling or projections below the ceiling line within—
 - (A) a *habitable room*—
 - (aa) in an attic — a height of not less than 2.2 m for not less than two-thirds of the *floor area* of the room or space; and
 - (bb) in other rooms — a height of not less than 2.4 m for not less than two-thirds of the *floor area* of the room or space; and
 - (B) a non-*habitable room* — a height of not less than 2.1 m for not less than two-thirds of the *floor area* of the room or space; and
- when calculating the *floor area* of a room or space, any part that has a ceiling height of less than 1.5 m is not included; and

According to the above extract, the kitchen and bathroom have a compliant floor-to-ceiling height of 2.25m. The mezzanine bedroom would be classed as an attic as it is located wholly within a roof form. The mezzanine level has a floor-to-ceiling height of not less than 2.2m for not less than two-thirds of the floor area.



ATTIC ADDITION CEILING HEIGHT COMPLIES WITH
PART F3.1, SECTION (A). (IV). (A) OF THE
NATIONAL CONSTRUCTION CODE (NCC)

FLOOR AREA WITH CEILING HEIGHT >1.5M	=	8.18 SQM
FLOOR AREA WITH CEILING HEIGHT >2.2M	=	6.45 SQM (MORE THAN 2/3 OF 8.18SQM)
	=	COMPLIANT

Figure 3. Reflective ceiling plan demonstrating compliance with the minimum sloped ceiling, floor to ceiling height outlined in the NCC. (Source: Brad Swartz Architects, 2021)

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 14 days (5 August 2021 – 23 August 2021) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

No submissions were received.

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. FIRE SAFETY

An internal referral was sought from Council's Fire Safety Officer who supported the application, subject to recommended conditions of consent.

4. CONCLUSION

The development application seeks consent for alterations and additions to Unit 1, including the conversion of the attic roof space to a mezzanine bedroom at the site known as 1/146 Ramsgate Avenue, NORTH BONDI.

The principal issue arising from the assessment of the application was the breach to FSR development standard.

The assessment finds this issue acceptable, as a well-founded clause 4.6 variation was submitted that concluded that the breach meets the objectives of the development standard and zone.

Nil submissions were received.

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.

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 24 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, B McNamara, B Magistrale, J Elijah*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 17 September 2021	Date: 13 October 2021

Reason for WLPP referral:

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

Attachment A

DA-290/2021

Conditions of the development consent

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Brad Swartz Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA02 / Rev A	Site Plan and Southern Elevation	16/07/2021	30/08/2021
DA03 / Rev A	Ground Floor Plans	16/07/2021	30/08/2021
DA04 / Rev A	Mezzanine Floor Plan and Roof Plan	16/07/2021	30/08/2021
DA05/ Rev A	Section AA	16/07/2021	30/08/2021
DA06/ Rev A	Section BB	16/07/2021	30/08/2021

- (b) BASIX Certificate

- (c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 29 July 2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

Prior to the issue prior to the issue of any Construction Certificate, an updated draft strata subdivision plan is to be prepared by a registered Surveyor is to be provided and approved by the **Executive Manager, Development Assessment or delegate**. 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.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

GENERAL REQUIREMENTS

3. 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

4. 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.

5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$6,860.00 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.

6. 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 & SITE MATTERS

7. HOARDING

To ensure the site is contained during construction, if 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.

8. 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.

TRAFFIC MANAGEMENT

9. 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

ENERGY EFFICIENCY & SUSTAINABILITY

10. BASIX

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

WASTE

11. 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.

FIRE SAFETY

12. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, 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) found 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.

13. FIRE SAFETY UPGRADING WORKS

- a) Fire safety upgrading works are to be undertaken in accordance with all recommendations detailed in the Fire & Life Safety Audit Report prepared by Stuart Boyce of BCA Logic Pty Ltd, dated 10 September 2021 with Report No. 114629-BCA Audit-r2.
- b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.

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

14. 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.

15. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining units 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

16. 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.

17. 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.

CONSTRUCTION MATTERS

18. 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.

19. 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.

20. 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

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

21. 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.

22. CERTIFICATION OF BASIX COMMITMENTS

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

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, 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

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. 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.

AD4. WORK OUTSIDE PROPERTY BOUNDARY

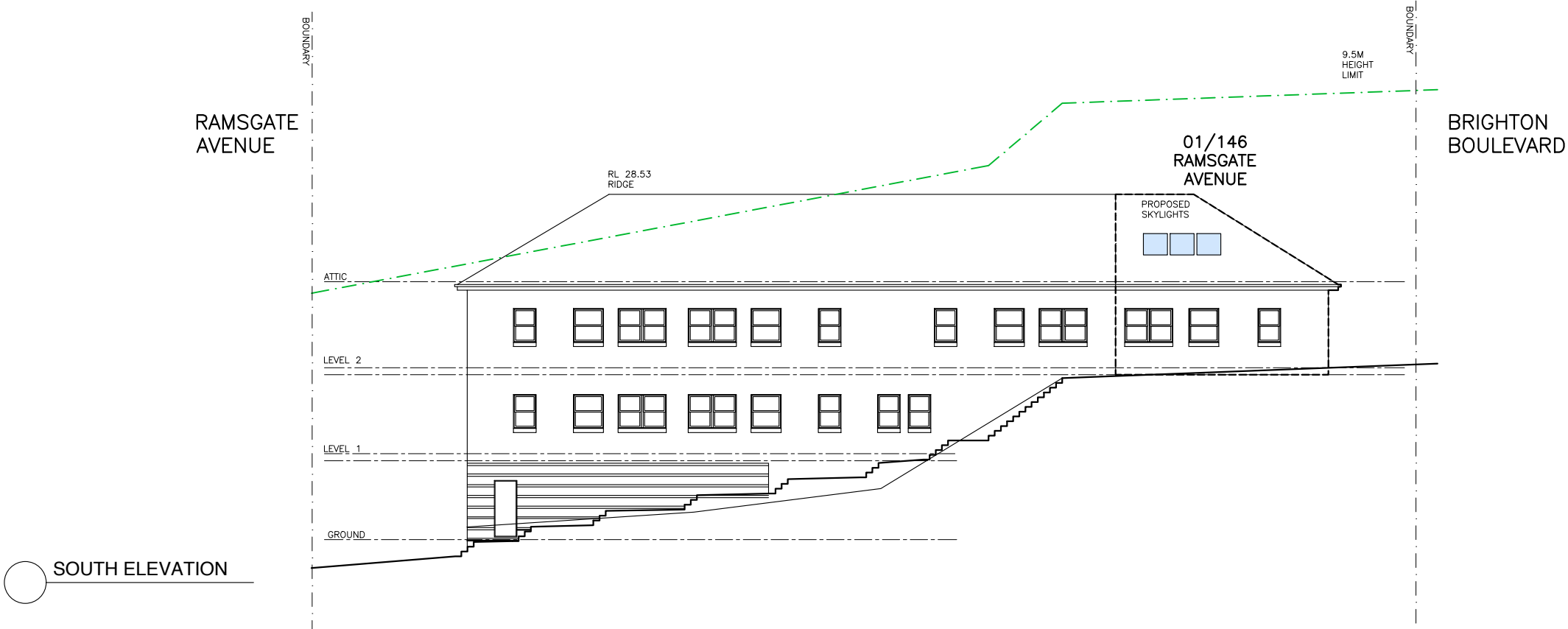
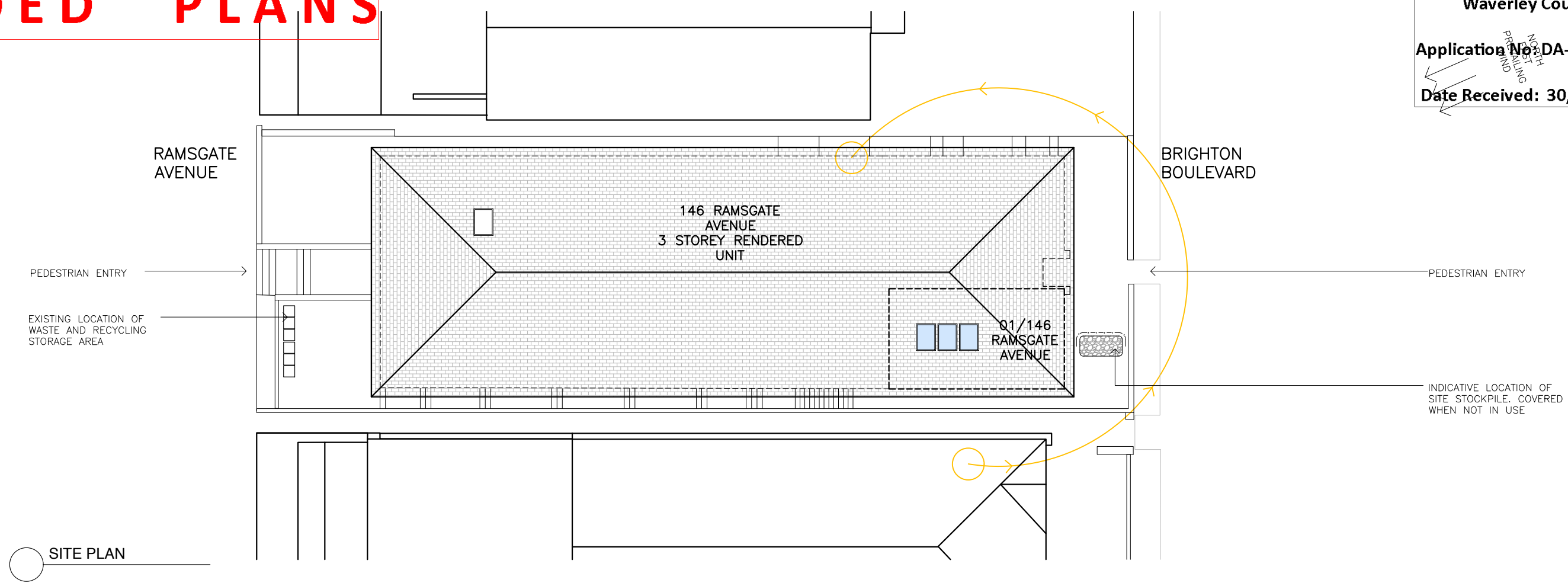
This consent does not authorise any work outside the property boundary.

AMENDED PLANS

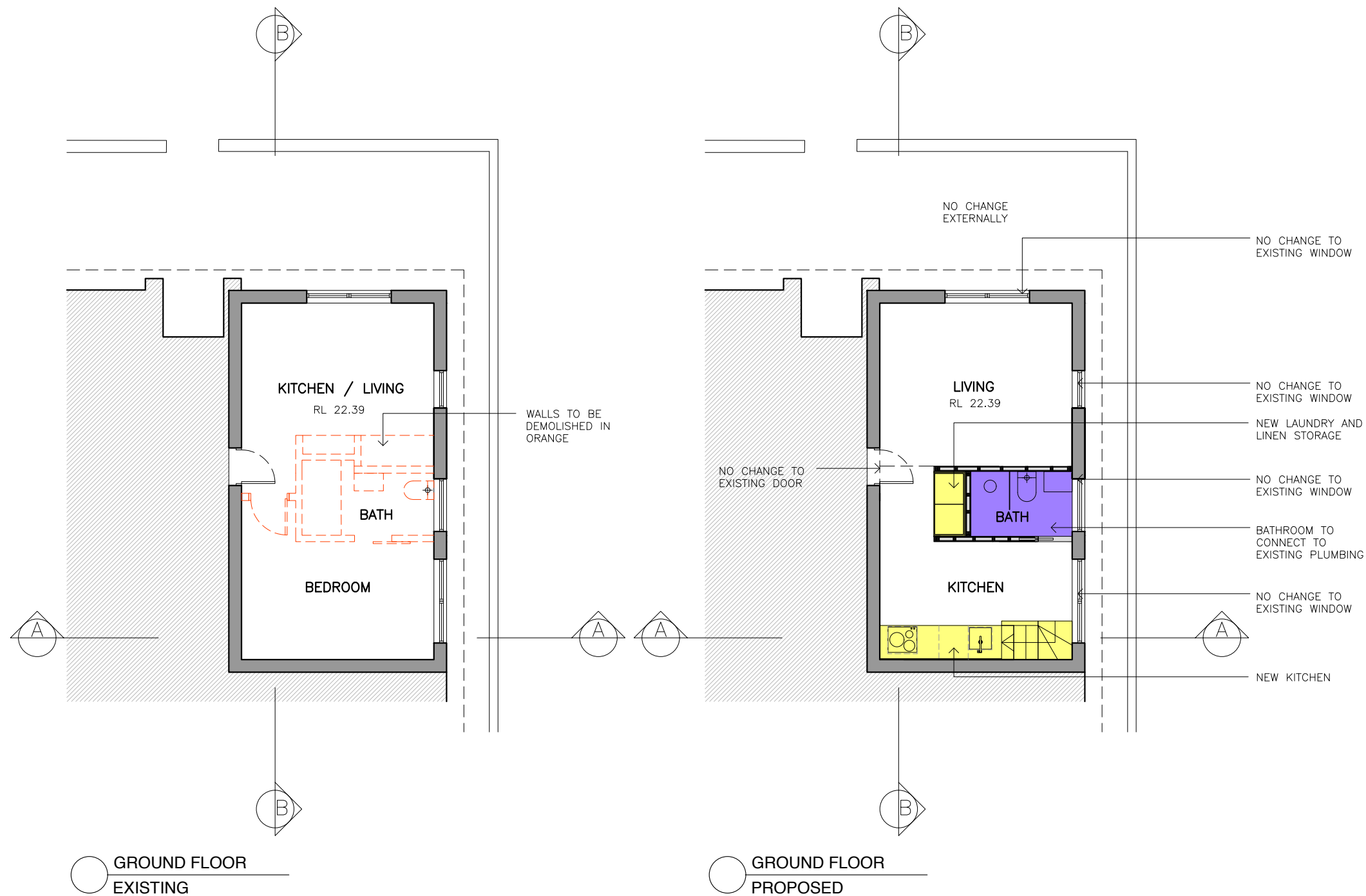
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Waverley Council

Application No: DA-290/2021

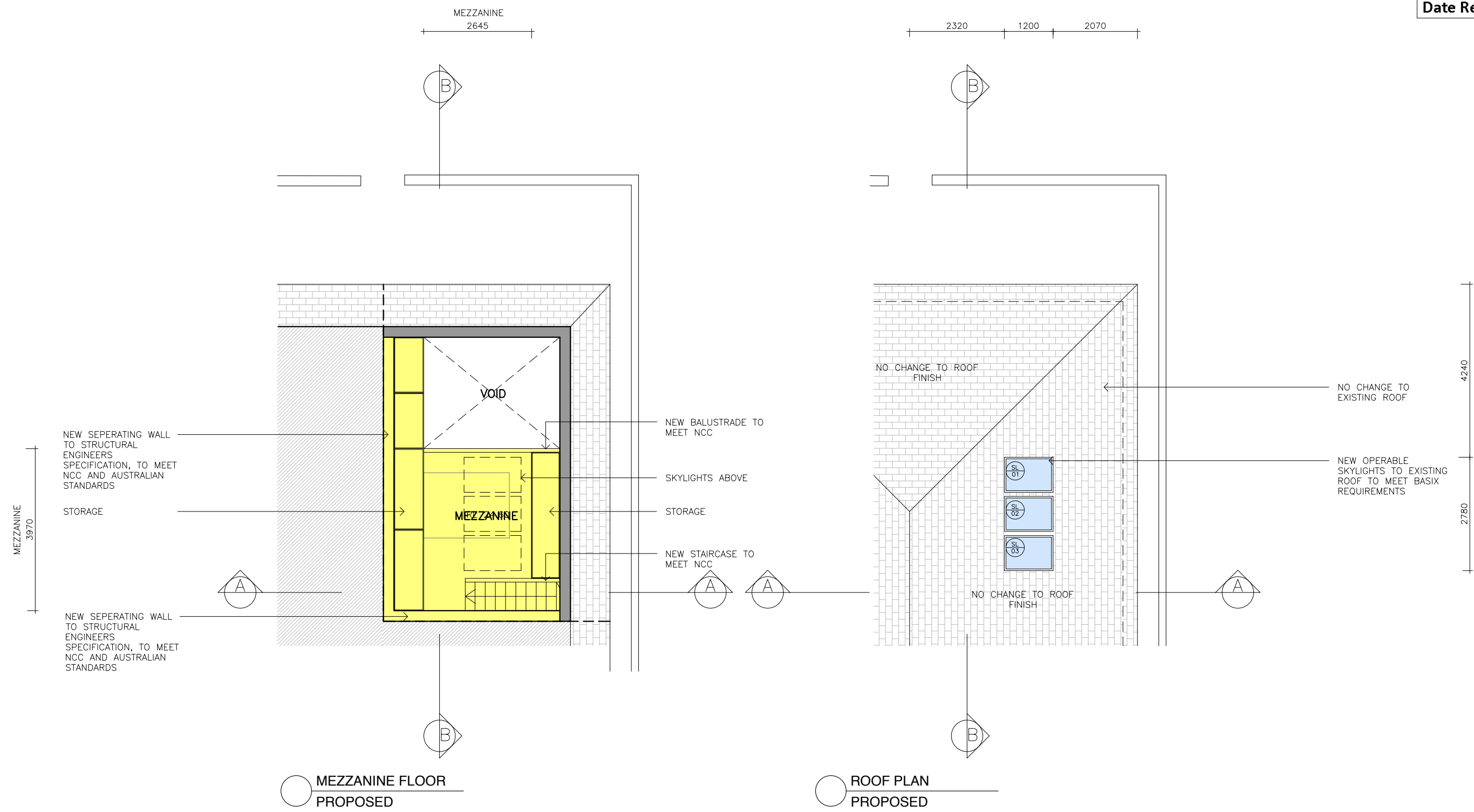
Date Received: 30/08/2021



NOTE:	AMMENDMENTS	LEGEND	DEVELOPMENT APPLICATION
DO NOT SCALE OFF DRAWINGS. BUILDER TO CONFIRM ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ORDERING OF MATERIALS. BUILDER TO NOTIFY ARCHITECT OF ANY DISCREPANCIES, OMISSIONS OR ERRORS PRIOR TO COMMENCEMENT OF WORK	A 16.07.2021 DEVELOPMENT APPLICATION	<div>EXISTING WALLS / STRUCTURE</div> <div>DEMOLSHED WALLS / STRUCTURE</div> <div>NEW WALLS / STRUCTURE (AS PER COUNCILS COLOUR CHART)</div>	<div>01/146 RAMSGATE AVENUE, NORTH BONDI 2026</div> <div>DRAWING: CONTEXT PLAN & ELEVATION</div> <div>BRAD SWARTZ ARCHITECTS 202/61 MARLBOROUGH ST SURRY HILLS 2010, Ph. 0421 444 338</div>
			<div>DATE: JULY 2021</div> <div>SCALE: 1:200</div> <div>SIZE: A3 SHEET</div> <div>No: DA02</div>



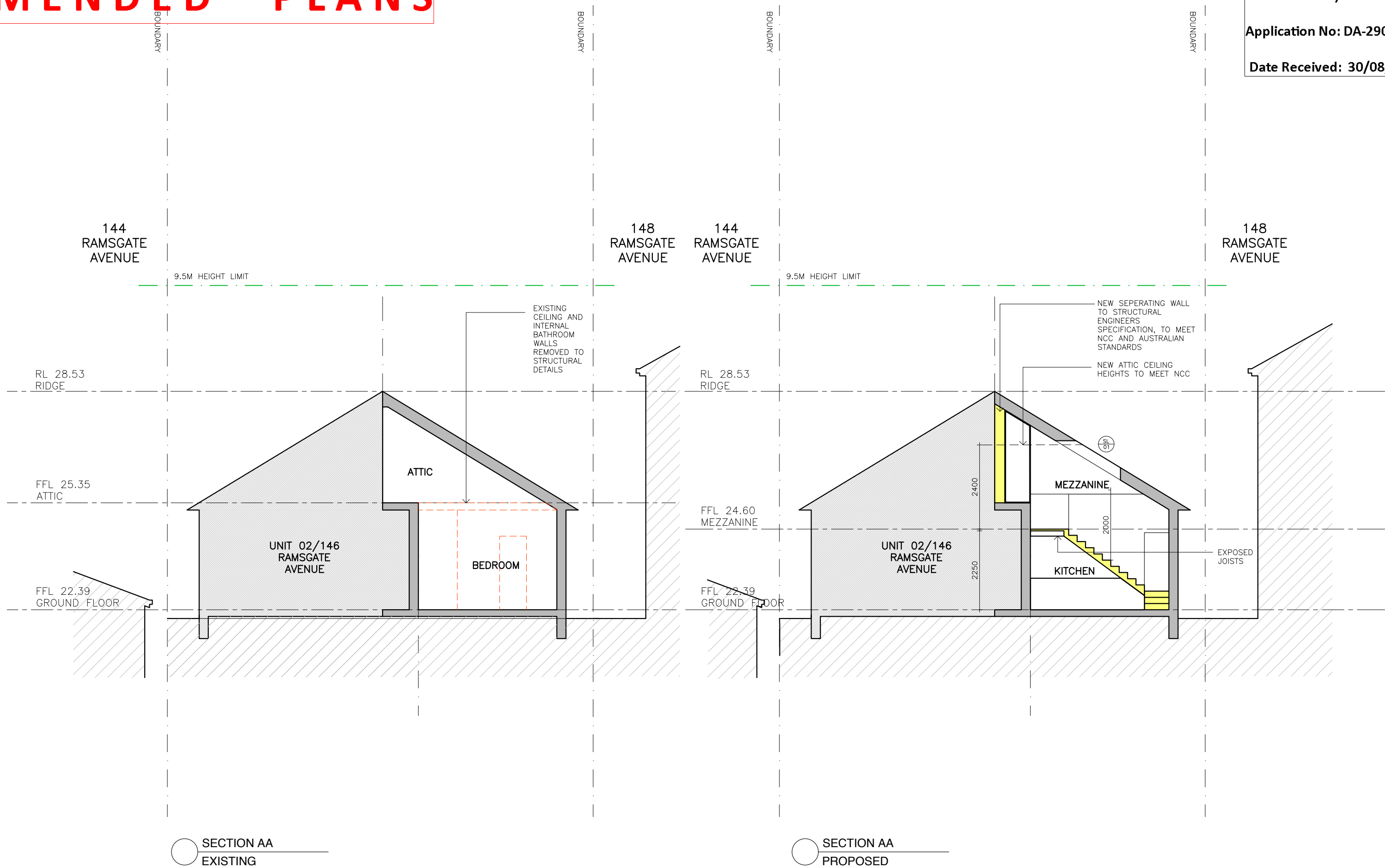
NOTE: DO NOT SCALE OFF DRAWINGS. BUILDER TO CONFIRM ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ORDERING OF MATERIALS. BUILDER TO NOTIFY ARCHITECT OF ANY DISCREPANCIES, OMISSIONS OR ERRORS PRIOR TO COMMENCEMENT OF WORK	AMMENDMENTS		LEGEND		DEVELOPMENT APPLICATION	
	A	16.07.2021	DEVELOPMENT APPLICATION		01/146 RAMSGATE AVENUE, NORTH BONDI 2026 DRAWING: GROUND FLOOR PLAN	
			<div><div></div> EXISTING WALLS / STRUCTURE</div> <div><div></div> DEMOLSHED WALLS / STRUCTURE</div> <div><div></div> NEW WALLS / STRUCTURE (AS PER COUNCILS COLOUR CHART)</div>		DATE: JULY 2021 SCALE: 1:100 SIZE: A3 SHEET	
					BRAD SWARTZ ARCHITECTS 202/61 MARLBOROUGH ST SURRY HILLS 2010, Ph. 0421 444 338	
					No: DA03	



NOTE:	AMMENDMENTS	LEGEND	DEVELOPMENT APPLICATION
DO NOT SCALE OFF DRAWINGS. BUILDER TO CONFIRM ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ORDERING OF MATERIALS. BUILDER TO NOTIFY ARCHITECT OF ANY DISCREPANCIES, OMISSIONS OR ERRORS PRIOR TO COMMENCEMENT OF WORK	A 16.07.2021 DEVELOPMENT APPLICATION	<div>EXISTING WALLS / STRUCTURE</div> <div>DEMOLSHED WALLS / STRUCTURE</div> <div>NEW WALLS / STRUCTURE (AS PER COUNCILS COLOUR CHART)</div>	<div>01/146 RAMSGATE AVENUE, NORTH BONDI 2026</div> <div>DRAWING: MEZZANINE FLOOR AND ROOF PLAN</div> <div>BRAD SWARTZ ARCHITECTS 202/61 MARLBOROUGH ST SURRY HILLS 2010, Ph. 0421 444 338</div> <div>DATE: JULY 2021 SCALE: 1:100 SIZE: A3 SHEET</div> <div>No: DA04</div>

AMENDED PLANS

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Waverley Council
Application No: DA-290/2021
Date Received: 30/08/2021



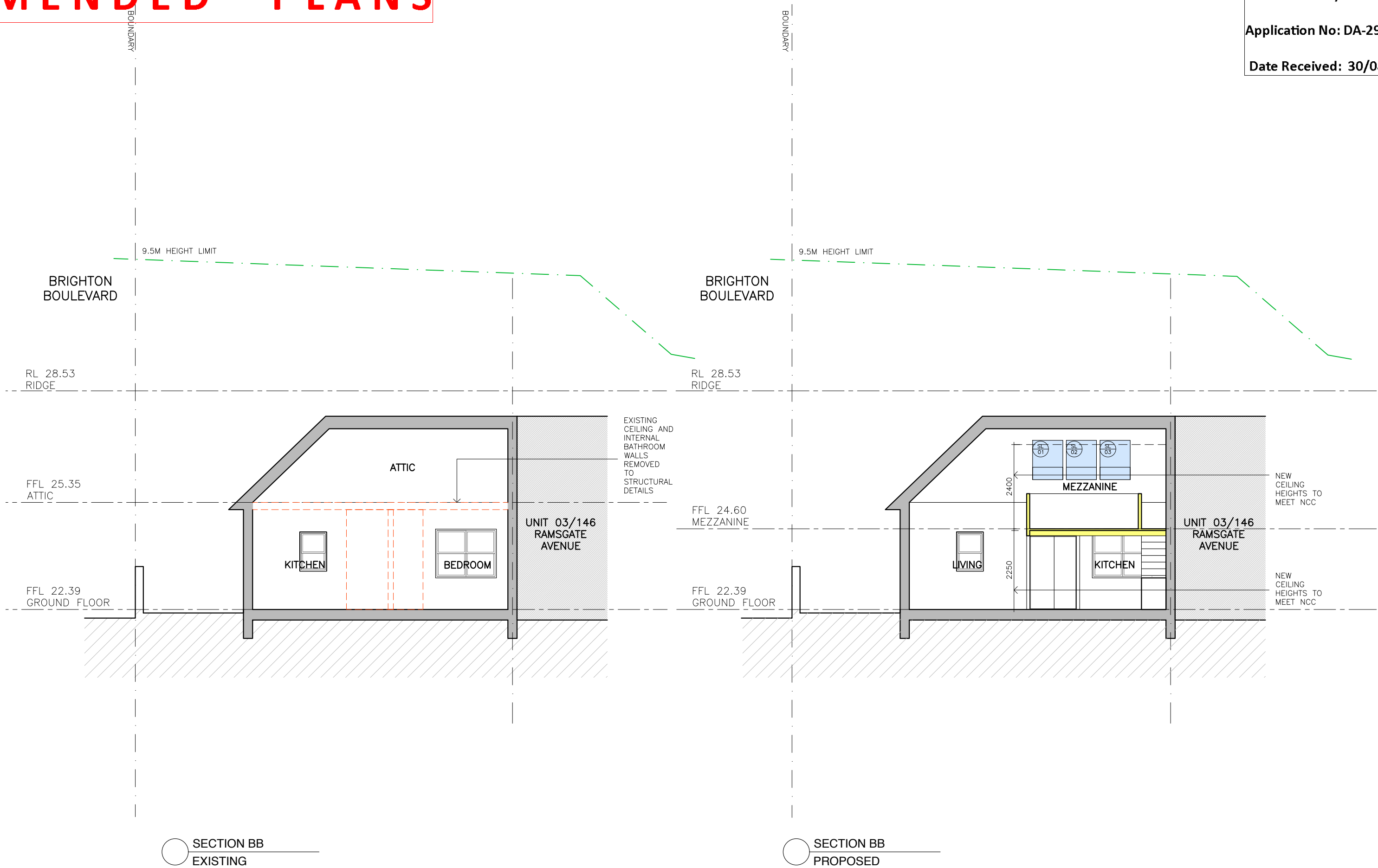
NOTE:	AMMENDMENTS	LEGEND	DEVELOPMENT APPLICATION
DO NOT SCALE OFF DRAWINGS. BUILDER TO CONFIRM ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ORDERING OF MATERIALS. BUILDER TO NOTIFY ARCHITECT OF ANY DISCREPANCIES, OMISSIONS OR ERRORS PRIOR TO COMMENCEMENT OF WORK	A 16.07.2021 DEVELOPMENT APPLICATION	<div>EXISTING WALLS / STRUCTURE</div> <div>DEMOLSHED WALLS / STRUCTURE</div> <div>NEW WALLS / STRUCTURE (AS PER COUNCILS COLOUR CHART)</div>	<div>01/146 RAMSGATE AVENUE, NORTH BONDI 2026</div> <div>DRAWING: SECTION AA</div> <div>BRAD SWARTZ ARCHITECTS 202/61 MARLBOROUGH ST SURRY HILLS 2010, Ph. 0421 444 338</div> <div>DATE: JULY 2021 SCALE: 1:100 SIZE: A3 SHEET</div> <div>No: DA05</div>

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-290/2021

Date Received: 30/08/2021



NOTE:	AMMENDMENTS	LEGEND	DEVELOPMENT APPLICATION
DO NOT SCALE OFF DRAWINGS. BUILDER TO CONFIRM ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ORDERING OF MATERIALS. BUILDER TO NOTIFY ARCHITECT OF ANY DISCREPANCIES, OMISSIONS OR ERRORS PRIOR TO COMMENCEMENT OF WORK	A 16.07.2021 DEVELOPMENT APPLICATION	<div>EXISTING WALLS / STRUCTURE</div> <div>DEMOLSHED WALLS / STRUCTURE</div> <div>NEW WALLS / STRUCTURE (AS PER COUNCILS COLOUR CHART)</div>	<div>01/146 RAMSGATE AVENUE, NORTH BONDI 2026</div> <div>DRAWING: SECTION BB</div> <div>BRAD SWARTZ ARCHITECTS 202/61 MARLBOROUGH ST SURRY HILLS 2010, Ph. 0421 444 338</div> <div>DATE: JULY 2021 SCALE: 1:100 SIZE: A3 SHEET</div> <div>No: DA06</div>



Report to the Waverley Local Planning Panel

Application number	DA-203/2021
Site address	3 Military Road, NORTH BONDI
Proposal	Alterations and additions to approved boarding house (DA-278/2020), including provision of neighbourhood shop at garage level.
Date of lodgement	2 June 2021
Owner	Bondi North Beachfront Pty Ltd
Applicant	Bondi North Beachfront Pty Ltd
Submissions	Two submissions received.
Cost of works	\$70,620
Principal Issues	<ul style="list-style-type: none"> • Clause 4.6 exception to FSR development standard • Vehicular access and car parking arrangements
Recommendation	That the application be DEFERRED COMMENCEMENT CONSENT in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application (DA) seeks consent for alterations and additions to a recently approved boarding house to include a neighbourhood shop in its garage level at the site known as 3 Military Road, North Bondi. This DA is effectively an 'amending DA' to amend an associated development consent, known as DA-278/2020 for partial demolition and construction of a part two, part three storey boarding house containing 10 boarding rooms and five car parking spaces for 12 lodgers. This development consent was granted by the Waverley Local Planning Panel on 24 February 2021.

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

- Exceedance of the floor space ratio development standard by more than 10% and associated clause 4.6 written request; and
- Modified vehicular access and car parking arrangements as a result of the subject proposal.

The assessment finds these issues acceptable, as the clause 4.6 written request is well-founded to adequately justify that the exceedance of the floor space ratio development standard under Waverley Local Environmental Plan 2012 is reasonable in the circumstances of the case. Further, the modified car parking arrangements resulting from the provision of the neighbourhood shop is recommended to be dealt with by a deferred commencement consent condition requiring the provision of a holding bay to ensure that the development does not unreasonably impact on traffic flows on Military Road.

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 deferred commencement consent subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 16 October 2020 during the assessment of an associated and recent development application, known as DA-278/2020, relating to the subject site. Construction works on the site relating to DA-278/2020 have yet to commence.

The site is identified as Lot B in DP 330868 and is known as 3 Military Road, North Bondi.

The site is triangular in shape with a southern front boundary to Military Road measuring 31.172m, an eastern side boundary measuring 20.834m, and a northern rear boundary to Bondi Golf Club of 31.172m, comprising a total site area of 324.6m². The site has a fall of approximately 2.5m from the north to the south. The site is occupied by a two storey dwelling with integrated garage parking accessed from Military Road.

Adjoining the site to the east, is a two storey dwelling known as 1 Military Road. Adjoining the site to the north-west is the Bondi Golf Club. On the opposite side of Military Road is a mix of two and three storey residential flat buildings and dual occupancy developments. The commercial village of North Bondi and the North Bondi Bus Terminus is located to the south of the subject site.

Figures 1 to 2 are photos of the site and its context.



Figure 1: Subject site frontage to Military Road



Figure 2: Streetscape view looking north towards the subject site from Military Road

1.3. Relevant Development History

The associated DA-278/2020 for partial demolition and construction of a part two, part three storey boarding house containing 10 boarding rooms and 5 car parking spaces for 12 lodgers, was approved by the Waverley Local Planning Panel on 24 February 2021. This development consent comprises a suite of conditions of consent relating to the use of the site as a boarding house and associated physical works.

1.4. Proposal

The development application seeks consent for alterations and additions to an approved boarding house (yet to be built), specifically the following:

- Provision of a neighbourhood shop with an area of 72.4m² at garage level;
- Minor expansion to the area and reconfiguration of both the garage and basement levels of the carpark to accommodate the proposed neighbourhood shop;
- Additional excavation to accommodate the expanded basement level of the carpark;
- Minor relocation of lift shaft;
- Minor reconfiguration of external entry stair leading to ground floor level; and
- Minor extension of width of the driveway.

The specific use and operational details of the neighbourhood shop are unknown at this DA stage; however, the applicant has applied for hours of operation of the shop for 7.00am to 10.00pm, seven

days a week. Notwithstanding the absence of operational details of the shop, its specific use and operations would need to adhere to the land use definition of 'neighbourhood shop' under Waverley Local Environmental Plan 2012 (Waverley LEP 2012). Further, fitout works and signage are not proposed.

A visual comparison of the floor planning of the garage level between the approved development (i.e. DA-278/2020) and the proposal (i.e. the subject DA) is provided in extracts from respective floor plans shown in **Figure 3** and **4** below.

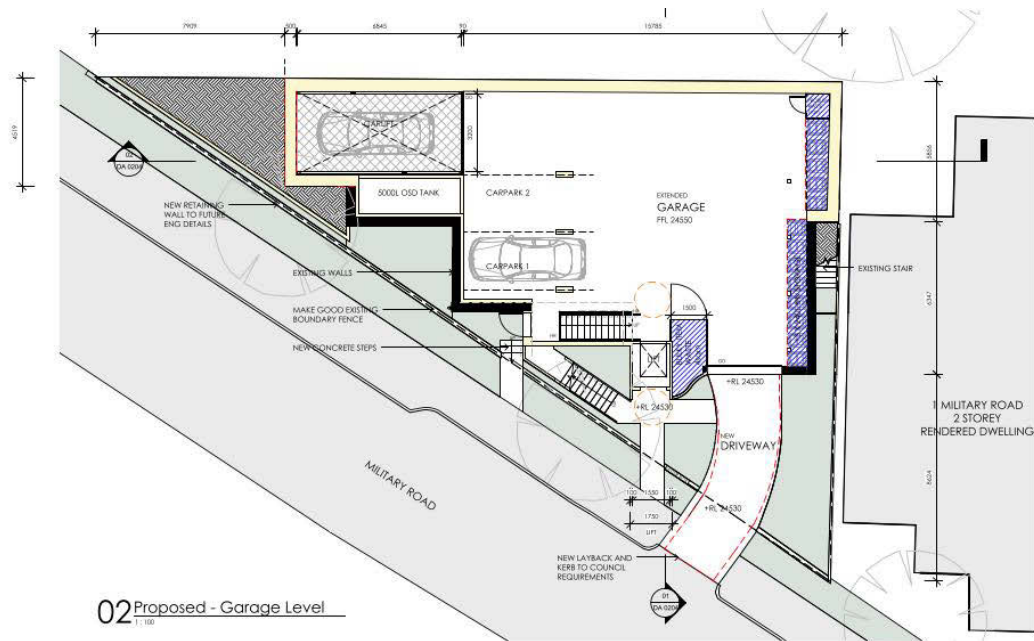


Figure 3: Approved garage floor level

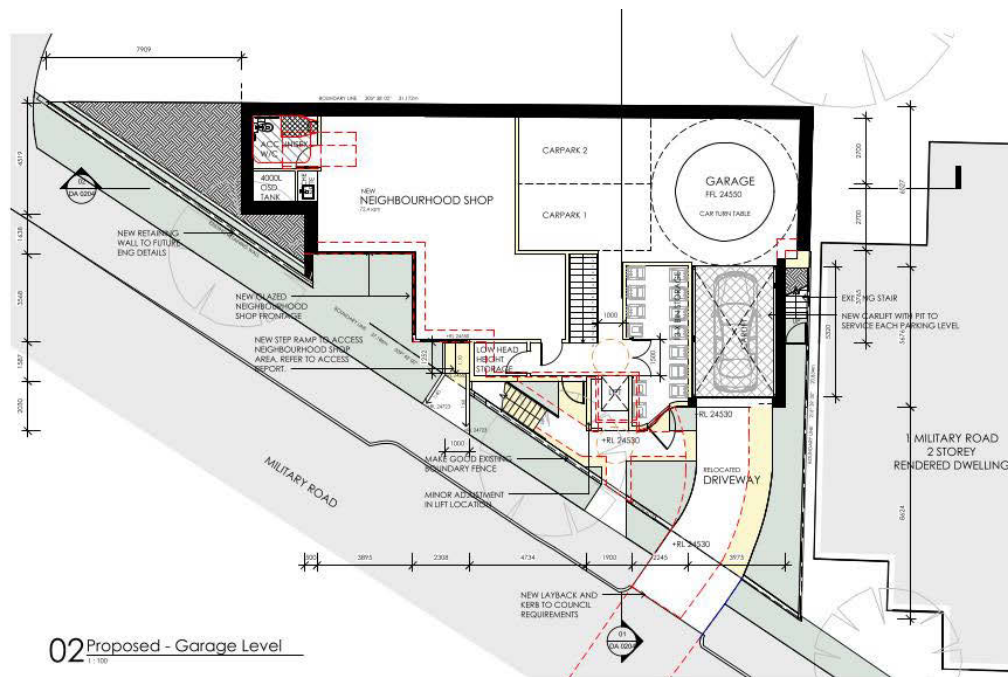


Figure 4: Proposed garage floor level

1.5. Background

The subject DA was lodged on 2 June 2021 and deferred twice for additional information on 3 August and 16 September 2021 for the following reasons:

1. Submission of a clause 4.6 written request to vary the base floor space ratio (FSR) development standard of 0.5:1 specified by Waverley LEP 2012 and to fix minor typographical errors to the first revision of the submitted clause 4.6 written request.
2. A response to Council's Manager, Traffic and Transport referral comment on the provision of a holding bay onsite in association with the reconfigured garage level and relocated car lift.
3. An addendum or revision to the Geotechnical Report submitted for DA-278/2020 to address additional excavation

The first revision of the Clause 4.6 Written Request was received by Council on 30 August 2021 and its second revision, together with documents responding to Items 2 and 3 mentioned above, were received by Council on 30 September 2021. A further (i.e. third) revision of the Clause 4.6 Written Request was submitted to confirm the true extent of the variation and this was received by Council on 6 October 2021.

These documents received on 30 September and 6 October 2021 together with the architectural plans and other original information received on 2 and 11 June 2021 form the basis for the assessment of this DA.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application (DA) 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 DA:

- SEPP 55 Remediation of Land.
- SEPP (Affordable Rental Housing) 2009.
- SEPP (Coastal Management) 2018.

A detailed discussion is provided for the relevant SEPPs as follows:

SEPP (Affordable Rental Housing) 2009

DA-278/2020 for the conversion of the existing dwelling to a boarding house was comprehensively assessed against the provisions of Part 2, Division 3 of SEPP (Affordable Rental Housing) 2009 or the ARH SEPP. The subject DA does not seek to alter the fundamentals of the boarding house development, including number of, size and orientation of boarding rooms and common areas and retains the five on-site car parking spaces that were approved as part of DA-278/2020.

Therefore, the subject DA is not required to be assessed against the ARH SEPP given that the proposed neighbourhood shop is assessed against the base floor space ratio development standard under Waverley Local Environmental Plan 2012, together with other provisions in the Waverley LEP 2012 and relevant development controls in Waverley Development Control Plan 2012.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal introduces a permitted additional use to the site, and is therefore, consistent with the aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as 'neighbourhood shop', which is permitted with consent in the R2 Low Density Residential zone. The area of the proposed neighbourhood shop complies with the maximum permitted gross floor area specified under clause 5.4(7) of Waverley LEP 2012.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	N/A	The proposal does not alter the overall building height of the approved development.
4.4 Floor space ratio • 0.5:1 • Site Area: 324.6m ² • Maximum GFA: 162.3m ²	No	<ul style="list-style-type: none"> The approved boarding house development (DA-278/2020) on the site comprises 243.2m² of gross floor area (GFA) and achieves a floor space ratio (FSR) of 0.75:1.

Provision	Compliance	Comment
		<ul style="list-style-type: none"> The proposal, incorporating the new neighbourhood shop, results in a net increase of 72.15m² of GFA, and ultimately increases the overall GFA of the development to 315.6m². The proposal therefore results in the FSR of the overall development being 0.97:1. It will vary the FSR development standard of 0.5:1 by 153.3m² or 94%.
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.
Part 5 Miscellaneous provisions		
5.4 Controls relating to miscellaneous permissible uses <ul style="list-style-type: none"> Cl. 5.4(7): Maximum gross floor area for neighbourhood shops: 80m² 	Yes	The proposed neighbourhood shop has 72.4m ² of GFA, and therefore, complies with clause 5.4(7) of Waverley LEP 2012.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is identified as being Class 5 acid sulfate soils. Additional excavation is proposed to expand the basement car parking to a depth not lower than the Australian Height Datum. Therefore, acid sulfate soils are unlikely to be encountered.
6.2 Earthworks	Yes	The proposed involves expanding the basement car park, thereby, increasing the volume of excavation required. The applicant provided a revised geotechnical report that examined the cumulative impact of the overall excavation required to accommodate the proposed expanded basement car park as part of this DA. It addresses these impacts in relation to the considerations under clause 6.2 of Waverley LEP 2012 and recommends safeguards on how to manage excavation to minimise any disturbance. The Geotechnical Report will also form part of 'approval documents' should this DA be approved to ensure the recommendations made in the Report are implemented during site works.

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 base FSR development standard of 0.5:1, as identified on the 'Floor Space Ratio' Map of Waverley LEP 2012. It is worth noting that the FSR of 0.75:1 of the approved boarding house development (DA-278/2020) was compliant with clause 4.4A of Waverley LEP 2012. However, clause 4.4A of Waverley LEP 2012 does not apply to the proposed neighbourhood shop as it is not defined as a dwelling or other form of low-density residential development with a site area less than 550m² to allow for an exception to a base FSR development standard that is identified on the 'Floor Space Ratio Map' of Waverley LEP 2012. Therefore, the base FSR development standard of 0.5:1 applies to the assessment of this DA.

The proposed neighbourhood shop results in the overall development having a total FSR of 0.97:1, exceeding the standard by 153.3m², equating to a 94% variation. The applicant highlights that the proposed neighbourhood shop accounts for approximately 30% of the cumulative exceedance of the base FSR development standard of 0.5:1.

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) *The variation to the FSR development standard is associated with a change of use from non-calculable to calculate GFA to accommodate a neighbourhood shop. The additional gross floor area or increase of FSR of the approved development is wholly contained within the building envelope of the development.*
 - (ii) *The slightly relocated lift towards the west marginally increases the building envelope of the approved development. This minimal increase will be indiscernible from the streetscape and*

adjoining properties as the bulk and scale of the proposed development will remain similar to that of the approved development.

- (iii) The additional FSR or GFA will not be discernible from adjoining properties or the streetscape as it does not add to the physical building envelope of the development, such as its height and setbacks. Additionally, the number of car parking spaces of the development remain unchanged.*
 - (iv) The proposed FSR will not result in any material adverse impacts to neighbouring properties, in terms of overshadowing, visual bulk, privacy or views, beyond those approved under DA-278/2020.*
 - (v) The proposal comprises a neighbourhood shop with an area of 72.4m² and its hours of operations aligning with relevant base hours of operation specified by the DCP. Therefore, it will result in minimal noise impacts.*
 - (vi) The neighbourhood shop is located on the western side of the site, away from adjoining/surrounding residences.*
 - (vii) The neighbourhood shop will activate the frontage of the site to Military Road and provide for casual surveillance of the street.*
 - (viii) There would be no public purpose in denying consent to the variation as upholding strict compliance with the FSR development standard would not reduce the perceived envelope of the already approved development on the site as part of DA-278/2020 given that the proposal does not expand the envelope.*
 - (ix) The proposal achieves the objectives of the development standard and the zoning.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:*
- (i) The proposal provides for a neighbourhood shop with improved services to the community. The variation would therefore provide a better planning outcome.*
 - (ii) The additional FSR/GFA is wholly contained within an approved building envelope.*
 - (iii) The variation is technical in nature as it results from a conversion of non-calculable GFA in a car park of the already approved development as part of DA-278/2020 to calculable GFA in the form of the proposed neighbourhood shop.*
 - (iv) Absence of environmental amenity impacts in terms of overshadowing, privacy, view loss and visual bulk.*
 - (v) The proposed neighbourhood shop will activate the Military Road streetscape and improve casual surveillance of the street. This outcome better achieves zone objectives and aims of Waverley LEP 2012 as well as aims of the Act compared with the already approved development on the site.*
 - (vi) The proposal complies with car parking requirements, and therefore, there are no traffic and parking impacts generated by the variation to the FSR variation.*

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), that is, the objectives of the development standard are achieved notwithstanding its non-compliance outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant's clause 4.6 written request has specifically demonstrated and explained how the proposed variation to the FSR development standard meets the relevant objectives of the FSR development standard, specifically that the variation is technical in nature and the additional GFA resulting from the proposed neighbourhood shop would not discernibly enlarge the building envelope of the approved boarding house development (DA-278/2020), and will result in negligible environmental amenity impacts upon surrounding properties and the public domain. These points satisfactorily prove that compliance with the standard is unreasonable or unnecessary in the circumstances of the case.

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 applicant has identified a planning need to vary the development standard through the introduction of a permissible neighbourhood shop that will activate the Military Road streetscape and improve casual surveillance of the street. Further, the variation will not manifest in any discernible additional environmental impacts upon neighbouring properties and the surrounding public domain.

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.*

The objectives of the 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.*

The applicant has reasonably and accurately assessed the variation of the FSR development standard, relative to the increase of GFA to the approved boarding house development as a result of the proposed neighbourhood shop, against the relevant objectives of both the FSR development standard and R2 zone.

The variation does not alter the overall perceived building envelope of the approved development given that the additional GFA is wholly contained within this building envelope. The overall building height of the approved development remains unchanged by the subject proposal. In this regard, the approved development remains compatible with the bulk and scale of the desired future character of the locality. This DA has adequately demonstrated that the proposal and its variation to the FSR development standard will not result in discernible additional environmental amenity impacts. Therefore, the proposal preserves the environmental amenity of neighbouring properties and the locality.

The proposed neighbourhood shop, which is the principal cause of the variation to the FSR development standard, is a permitted use in the R2 zone and its floor area complies with the maximum floor area permitted for a neighbourhood shop under clause 5.4(7) of Waverley LEP 2012. Therefore, the variation to the FSR development standard satisfies the zone objectives of the R2 zone, specifically the objective expressed in the second bullet point about enabling other land uses that provide facilities or services to meet the day to day needs of residents.

In relation to the implications of supporting the proposed extent of the variation to the FSR development standard on the implementation of Council's *Planning Agreement Policy 2014*, the proposed neighbourhood shop use is the primary cause of the variation to the FSR development standard. Section 1.2 of the *Planning Agreement Policy 2014* specifies that "employment generating development...(i.e. retail and commercial floor space" are exceptions to the application of this Policy. The proposed neighbourhood shop would be deemed 'employment generating development', and therefore, a planning agreement is not considered an appropriate mechanism to encourage the applicant to provide a public benefit as a result of varying the FSR development standard.

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 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. Refer to section 3 of this report on referral commentary in relation to waste management matters.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
6. Stormwater	Yes (resolved by conditions)	Unsatisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.

Development Control	Compliance	Comment
7. Accessibility and Adaptability	Yes	Satisfactory. The applicant submitted an access report with the DA. The specific design and construction of the neighbourhood shop is required to comply with accessibility matters in the Building Code of Australia.
<p>8. Transport</p> <p><i>Zone 2 (Retail Premises)</i></p> <p>Minimum parking rate:</p> <ul style="list-style-type: none"> Nil. <p>Maximum parking rate:</p> <ul style="list-style-type: none"> 3.3 spaces per 100m² of GFA = 2.4 or 2 spaces . <p>Bicycle parking:</p> <ul style="list-style-type: none"> Employee: 0.1 space per 100m² Net Lettable Area = 0.07 or nil space. Visitor: 0.4 spaces per 100m² of GFA = 0.29 or nil space. <p>Motorcycle parking:</p> <ul style="list-style-type: none"> Visitor: 1 motorcycle space per 3 car parking spaces. 	Yes	<p>The approved boarding house development provides for:</p> <ul style="list-style-type: none"> a total of five off-street car parking spaces; two motorcycle spaces; and two bicycle spaces. <p>The proposal does not provide for car, motorcycle and bicycle parking spaces for the new neighbourhood shop. This nil provision of parking spaces meets the minimum nil parking rate specified by the DCP. An additional motorcycle parking space is not required for the neighbourhood shop given the minimum rate specified by the DCP.</p> <p>Despite the proposal complying with the minimum car parking rates, the proposed nil car parking provision is reasonable given that the proposed neighbourhood shop is expected to be primarily accessed by foot and modes of transport other than vehicular, particularly given it is immediately adjacent to the North Bondi Bus Terminus.</p> <p>The incidence of loading and unloading of goods for the premises is likely to be less frequent than that for a traditional retail premises. Therefore, a dedicated on-site loading bay is not considered necessary to support the neighbourhood shop.</p> <p>The proposal does not change the fundamental design and location of the car park of the approved development. Council's Manager, Traffic and Transport raised concern of the loss of circulation space within the carpark as a result of its reduction to accommodate the neighbourhood shop, specifically the lack of room to accommodate a holding or passing bay, and width of the modified driveway. The application was deferred, in part, to relay this concern and the applicant provided a response. Refer to section 3 of this report on referral commentary for more details. Deferred commencement consent is recommended to require a holding bay on the site so that the</p>

Development Control	Compliance	Comment
		development does not unreasonably impact on traffic flows on Military Road.
10. Safety	Yes	Satisfactory. While the north-western corner of the small forecourt area of the proposed neighbourhood shop appears to be an alcove and may present as an opportunity for concealment, the nature of the use as well as the floor-to-ceiling glazed shopfront of the neighbourhood shop would be expected to provide ample casual surveillance of the forecourt area and Military Road, thereby, lessening the opportunities for crime.
12. Design Excellence	Yes	Satisfactory.
14. Excavation	No (acceptable on merit)	The proposed additional excavation will occur within the northern rear and eastern side boundaries, which does not comply with control (I) in this Part of the DCP, which specifies a minimum side setback of 0.9m. The amended Geotechnical Report addresses the additional excavation and recommends safeguards on how to manage excavation to minimise any disturbance. The Geotechnical Report will also form part of 'approval documents' should this DA be approved to ensure the recommendations made in the Report are implemented during site works.
16. Public Domain	Yes	The proposed neighbourhood shop will create an active street frontage along part of the Military Road frontage of the site the shop occupies. Rollerdoors or security grills on shopfront windows and doors are not proposed.

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

Development Control	Compliance	Comment
1.3 Ben Buckler		
<p>Desired Future Character Objectives</p> <ul style="list-style-type: none"> • Maintain Landscape Character • Maintain rhythm of buildings to the street • Allow ocean glimpses through side setbacks • Respect character and architectural elements 	Yes	The building envelope, architecture and landscape character of the approved boarding house development remain unchanged.

Development Control	Compliance	Comment
• View Sharing		

In relation to the controls contained in **Part C3 Other Residential Development**, the proposal does not change the performance of the the approved boarding house development against these controls other than there is a slight reduction of the setbacks of the lift shaft from the Military Road boundary or frontage and a minor loss of landscaped area. The slightly relocated lift shaft will be consistent with the pattern of street setbacks established by buildings to the east of the site, and therefore, compliant with control (a) under section 3.3.1 of Part C3 of Waverley DCP 2012. Further, the development will retain 97.4m² of landscaped area, equating to 30% of the site area, and 61.1m², which is more than 50% of the minimum landscaped area required for this site. These areas are compliant with minimum controls in section 3.9 of Part C3 of Waverley DCP 2012.

Table 4: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages	Yes	Satisfactory.
1.2.2 Awnings	No (acceptable on merit)	A street awning is not provided; however, the proposal is not for a traditional retail premises that would ordinarily require an awning for practical and aesthetical reasons. The design of the shopfront is acceptable in terms of meeting the relevant objectives under section 1.2 of part D1 of the DCP, specifically that it is designed to have an engaging interface between the private and public domain.
1.2.3 Lighting	Yes	Additional indoor lighting expected.
1.2.3 General Amenity	Yes	The proposal provides for general amenities to support the operations and design of the proposed neighbourhood shop, such as an accessible toilet, kitchenette and separate bin storage room on basement level.
1.2.4 Noise	Yes	Appropriate standard conditions of consent are recommended to ensure operational noise generated from the use is reasonable.
1.3 Hours of operation		
All residential zones General base trading hours: 7.00am to 10.00pm, 7 days a week	Yes	Compliant, as the proposed hours of operation are 7am to 10pm, seven days a week. A condition of consent is recommended to affirm this.
1.4 Restricted premises		
	N/A	The proposal is for a neighbourhood shop.

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 between 15 June and 2 July 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of additional information, the application was not re-notified as the amended form of the application does not differ from that of the original form that was publicly notified, for the following reasons:

- No design changes made to the architectural plans depicting the proposal; and
- The additional information related to technicalities, such as the need for a clause 4.6 written request and further information on traffic and parking and geotechnical matters.

Having regard to the nature of the amendments to the application, there is no additional net impact on all properties.

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

- 2 Military Road; and
- A residence in Hastings Parade (exact property address not identified in submission).

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

- Traffic, car parking and vehicular access; and
- Noise impacts.

All other issues, directly relevant to this development application and not to the approved development application for the boarding house use, known as DA-278/2020 raised in the submissions are summarised and discussed below.

Issue: *A neighbourhood shop on the subject site is inappropriate given its location outside the North Bondi Village (which is claimed to end at 300 Campbell Parade by the relevant submitter) and will cause noise impacts upon surrounding residences.*

Response: The proposed neighbourhood shop is a permitted use in the R2 Low Density Residential Zone under Waverley LEP 2012. Further, its floor area is no greater than the maximum permitted under clause

5.4(7) of Waverley LEP 2012, which confirms the intensity of the proposed use would be reasonable within a residential locality. Its proposed hours of operation align with the maximum hours based on a premises within a residential zone that are stipulated in Waverley DCP 2012. Therefore, the anticipated noise impacts of the neighbourhood shop upon surrounding residences would be reasonable and standard conditions of consent are recommended to ensure that the operations of the shop do not give rise to undue noise impacts.

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

Council's Manager, Traffic and Transport raised concern about the following aspects of the DA:

- a lack of detail specifications of the car lift;
- the widening of driveway beyond a compliant width as per Waverley DCP 2012; and
- the absence of a holding bay within the property.

This Manager also recommended that all car parking spaces, that were approved for the boarding house development under DA-278/2020, be deleted. This is an unreasonable and impractical recommendation given that this subject DA does not seek to change the provision of car parking for the approved boarding house use of the site, and therefore, there is no nexus of this aspect of the approval development to the subject DA for a reassessment or a condition to require nil car parking for the already approved boarding house aspect of the whole development.

In relation to the other matters, the specifications of the car lift would be subject to construction certificate details and assumed to be the same as that approved under DA-278/2020. The DA was deferred, in part, to raise concern about the absence of a holding or passing bay within the property. In response to this concern, the applicant provided a statement from Transport and Traffic Planning Associates dated 21 September 2021 to claim that a holding or passing bay is not required or warranted for the development based on the low traffic generation level of the development and relevant Australian Standards. This Statement also justified the proposed extended width of the driveway to support the modified vehicular access to and from the site and recommended the installation of a small 'LED' light signal facing the street to indicate 'demand calls' for when the lift is being used to vehicles entering the site from Military Road. A condition of consent is recommended to ensure that this signal is installed prior to the release of an occupation certificate.

This Statement was referred to Council's Manager, Traffic and Transport for a response and a delegate of Council's Manager, Traffic and Transport provided the following response:

Clause 3.2.2 of AS2890.1 states that:

'Where the circulation roadway leading from a Category 1 access driveway is 30 m or longer, or sight distance from one end to the other is restricted, and the frontage road is an arterial or sub-arterial road, both the access driveway and the circulation roadway for at least the first 6 m from the property boundary shall be a minimum of 5.5 m wide.'

Interpretation of this clause is that if the sight distance from one end to the other is restricted, outcoming driver in the carpark will not be able to see an inbound vehicle to give way in the carpark and the incoming driver will have to give way, thus a holding area is required at the entrance.

This is the same case for a car lift system. An inbound vehicle will have to give way once a 'demand call' has been made for an outbound vehicle. A typical cycle time of a car lift servicing an outbound vehicle (from car entering to the lift to exiting the site) is about 1-2 minutes.

An inbound vehicle will have to wait about 1-2 minutes in Military Road when the car lift is occupied. Peak hour traffic flows southbound on Military Road are around 600 vehicles per hour or 1 vehicle every 6 seconds. This equates to 10 – 20 vehicles being delayed while an inbound car is waiting for an outbound exiting from the car lift if there is no holding bay.

This will have significant impacts on Military Road traffic which is not acceptable.

Therefore, a holding area is required in the ground floor within the site boundary for an incoming driver to pause and give way to an outcoming driver.

In this regard, a deferred commencement consent is recommended to modify the development to accommodate a holding bay within the confines of the site to the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate).

3.2. Stormwater

Council's Public Engineer raised no objection to the stormwater aspects of the DA, which are identical to those in the approved DA-278/2020. Therefore, conditions relating to stormwater contained in DA-278/2020 are relied upon and will not be repeated in the Recommendation for this DA, and should approval be granted to this DA, its development consent.

3.3. Fire Safety

Council's Senior Building Surveyor – Fire Safety reviewed this DA and its accompanying BCA Capability Statement and advised that the existing building (parts of it being retained in the approved boarding house development) be upgraded to comply with relevant provisions of the Building Code of Australia. A condition of consent is recommended to require additional fire safety upgrading works recommended

by Council's Senior Building Surveyor as per clause 94 of *Environmental Planning and Assessment Regulation 2000* given that the proposal changes the BCA classification of the development.

3.4. Property Information

Council's GIS Analyst recommended a condition of consent to require a sub-address or street number allocation for the proposed neighbourhood shop. A condition of consent is recommended to this effect.

3.5. Waste Management

Council's Sustainable Waste Manager advised the DA is satisfactory in relation to waste management considerations, subject to conditions of consent specifying the provision of adequate storage for commercial waste and recycling bins and bulk waste. Conditions of consent are recommended to this effect, which also require a lesser provision for bins for the boarding house aspect of the development.

3.6. Environmental Health

A referral request was made to Council's Environmental Health Department and a referral comment was not provided. Nonetheless, appropriate conditions of consent are recommended to regulate the general operations of the neighbourhood shop so that it does not give rise to adverse impacts upon adjoining residences.

4. CONCLUSION

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act.

The applicant's clause 4.6 written request is well-founded to support varying the FSR development standard of 0.5:1 under Waverley LEP 2012.

The application is recommended for deferred commencement consent to enable the development to be redesigned to accommodate a holding bay on the site in order to ensure that entering and exiting vehicles to and from the site do not disrupt traffic flows on Military Road, especially when the car lift is used.

Development and Building Unit (DBU) Decision:

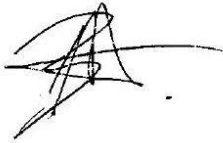

The application was reviewed by the DBU at the meeting on 14 September 2021 and the DBU determined:

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

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

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 Appendices A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Ben Magistrale	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 7 October 2021	Date: 15 October 2021

Reason for WLPP referral:

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

APPENDIX A – DEFERRED DEVELOPMENT CONSENT

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. A holding bay or area is required to be provided for the development and within the confines of the subject property to ensure that entering and exiting vehicles to and from the site and development do not disrupt traffic flows on Military Road, especially when the car lift is being used.

In this regard, amended plans, together with other relevant supporting documentation, shall be prepared and submitted to the satisfaction of Council's Executive Manager, Infrastructure Services (or delegate),

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.

These conditions must be satisfied within 1 year of the date of this consent.

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 Red Blue Architecture + Design of Job No: 7259 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 0000 / A	Cover + General Specifications	31 May 2021	2 June 2021
DA 0200 / A	Proposed Site + Roof Plan	31 May 2021	2 June 2021
DA 0201 / B	Proposed Garage Floor Plans	9 June 2021	11 June 2021
DA 0202 / A	Proposed Ground + Level 1 Floor Plan	31 May 2021	2 June 2021
DA 0203 / A	Proposed Elevations	31 May 2021	2 June 2021
DA 0204 / B	Proposed Sections	9 June 2021	11 June 2021

- (b) Landscape Plan No. DA 0215, Revision A, prepared by Red Blue Architecture + Design, dated 31 May 2021, and received by Council on 2 June 2021.
- (c) BCA Capability Statement prepared by Lindsay Beard of Design Confidence, dated 31 May 2021, Reference No. P220_338 and received by Council on 2 June 2021.
- (d) Geotechnical Investigation prepared by Mark Bartel of AssetGeoEnviro, Reference No. 6292-G1 REV 2, dated 29 September 2021 and received by Council on 30 September 2021.
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Waste Management Plan Drawing No. DA 0214, Revision B, prepared by Red Blue Architecture + Design, dated 9 June 2021 and received by Council on 11 June 2021.

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. MODIFICATION OF DEVELOPMENT CONSENT DA-278/2020

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-278/2020 granted on 24 February 2021 are modified as necessary so that there is consistency between Development Consent No.278/2020 and this development consent. In this regard, Condition 1 of Development Consent No. 278/2020 is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.

3. RELATIONSHIP TO DEVELOPMENT CONSENT NO. 278/2020

This development consent shall operate concurrently with Development Consent DA-278/2020. All conditions of consent imposed on Development Consent DA-278/2020 are to be read and complied with in conjunction with this development consent.

A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-278/2020.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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.

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:
 - (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.

Please note: A combined cost report for the whole development, encompassing the cost of works for DA-278/2020, can be submitted rather than separate cost reports.

6. 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.

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$2,830** 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.

Please note: This security deposit is in addition to that required by condition 11 of DA-278/2020.

8. TREE PRESERVATION BOND

A bond of **\$10,000** 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 two (2) street trees 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.

CONSTRUCTION AND SITE MATTERS

9. BCA AND FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
- (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3;
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Access for people with a disability – Part D3;
 - (vii) Fire fighting equipment – Part E1;
 - (viii) Smoke hazard management – Part E2;
 - (ix) Lift installations – Part E3;
 - (x) Emergency lighting, exit signs and warning systems – Part E4;
 - (xi) Sanitary and other facilities - Part F2;
 - (xii) Room sizes - Part F3; and
 - (xiii) Light and ventilation - Part F4; and
 - (xiv) Sound transmission and insulation – Part F5.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- (d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

10. 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

Please note: One combined CTMP for the approved DA- 278/2020 and this development consent can be submitted to Council rather than two separate CTMPs.

WASTE

11. 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:

- (a) The proposal must have a minimum bin storage of;

Residential boarding house accommodating 12 people (8 single rooms & 2 double rooms)

- 3 x 240L Mobile Garbage Bins (MGBs) for general waste with a weekly collection
- 3 x 240L MGBs for container recycling with a fortnightly collection
- 3 x 240L MGBs for paper recycling with a fortnightly collection
- 1 x 240L MGB for garden organics should this waste be generated at the development
- A minimum of 4m² floor space is also required for the on-site storage of bulky waste and 1m² floor space for problem waste awaiting collection.

Please note: The residential bin storage provision above is less than that specified by condition 23 of DA-278/2020. This requirement in this condition of the subject development consent prevails.

Commercial

- 2 x 240L MGBs for general waste with a weekly collection
- 1 x 240L MGBs for container recycling with a weekly collection
- Extra space is required to store reusable products, such as milk and bread 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

- (b) 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

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

CONSTRUCTION MATTERS

12. 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*.

13. 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.

14. 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 clause 162A *Critical stage inspections for building work* of the *Environmental Planning and Assessment Regulation 2000*.

15. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

16. STREET TREE PROTECTION

The existing one (1) *Cupaniopsis anacardioides* (Tuckeroo) and one (1) *Agonis flexuosas* (Willow Myrtle) trees on the naturestrip at the front of the property in Military Road, NORTH BONDI is to be protected for the duration of the construction works.

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

17. RECONSTRUCT VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to 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.

18. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on both sides of the vehicle crossing is to be 50mm above the level of the existing concrete footpath

D COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

19. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate for both this development consent and the associated Development Consent No. 278/2020. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning and Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

20. FIRE SAFETY UPGRADE WORKS

Fire safety upgrading works are to be undertaken in accordance with condition 9 of this development consent.

The Occupation Certificate shall not be issued until all fire safety upgrade works are completed.

MANAGEMENT PLANS

21. WASTE AND RECYCLING STORAGE MANAGEMENT PLAN

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) for the use of the neighbourhood shop 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 as early as possible.
- (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

22. INSTALLATION OF A LED SIGNAL IN FRONT OF CARPARK ENTRY

A small 'LED' light signal shall be installed in front of the development and clearly face Military Road in order to indicate 'demand calls' for when the car lift is in use to vehicles entering the site.

This shall be installed prior to the release of an occupation certificate.

23. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of premises numbers:

- No. 3 - primary address site number
- Military Road - primary address location.

The primary address site numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundary, located near the entry point and clearly visible from Military Road.

As the redevelopment has sub addressing the following sub addressing (rooms) will apply;

- All sub address numbers must be unique,
- Sub-address numbers shall be applied in a logical sequence
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG.
- Commercial premises will be identified with an address identifier ie Shop LG 1.

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

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

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

24. HOURS OF OPERATION

The hours of operation for the neighbourhood shop are restricted to:

Monday to Sunday (i.e. 7 days a week): 7.00am to 10.00pm

25. AMENITY

The management of the neighbourhood shop is to:

- (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood.
- (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.

26. NO BARBECUE OR CHARCOAL TYPE COOKING ON SITE

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

27. 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.

28. NOISE EMISSIONS

The use of the neighbourhood shop 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.

29. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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.

30. 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 is within the acceptable limits.

31. 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

32. 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.

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 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.DIAL BEFORE YOU DIG

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

AD3.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.

AD4.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.

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. 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.

AD11. SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

AD12. 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.

AD13. NO COOKING ON SITE

This approval does not permit cooking to be undertaken on the premises as there is insufficient cooking equipment/appliances/exhaust. Any proposal to change will require a separate application to ensure compliance with the Food Act 2003 and National Construction Code and *Australian Standard 1668 – The use of ventilation and air conditioning in buildings*.

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OUTLINE SPECIFICATION OF WORKS

The building works included in the subject application will comply with the relevant deemed-to-satisfy provisions of the current version of the Building Code of Australia and relevant standards of construction.

Particular reference is made to the following BCA provisions and Australian Standards, which form part of the application and will be complied with. Current versions of all standards to be referenced.

- Demolition:-**
- AS 2601 - The demolition of structures

- Site Preparation:-**
- Earthworks - To be carried out in accordance with the requirements of the Environmental Planning & Assessment Act 1979, conditions of development consent and the relevant requirements of Part 3.1.1 of the NCC (Volume 2)
 - Stormwater drainage - Part 3.1.2 of the NCC (Volume 2); and
 - AS/NZS 3500 Part 3 - Stormwater drainage
 - AS/NZS 3500 Part 5 – Domestic installations – Section 5 – stormwater drainage
 - Termite protection - Part 3.1.3 of the NCC (Volume 2); and
 - AS 3660.1 - Protection of buildings from subterranean termites

- Footings and Slabs:-**
- Footings and slabs - Part 3.2 of the NCC (Volume 2); and
 - AS 2870 - Residential slabs and footings
 - AS 3600 - Concrete structures
 - AS 2159 - Piling – Design and installation
 - Site classification Part 3.2.4 of the NCC (Volume 2)

- Masonry:-**
- Masonry construction - Part 3.3 of the NCC (Volume 2) and AS 3700 - Masonry Code
 - Lintels in masonry - Part 3.3.3.4 of the NCC (volume 2)

- Framing:-**
- Sub-floor ventilation - Part 3.4.1 of the NCC (Volume 2)
 - Steel framing - Part 3.4.2 of the NCC (Volume 2)
 - Acceptable construction practice (Part 3.4.2.1 of the NCC) and / or
 - AS 4100 - Steel structures
 - Timber wall, floor and roof framing - Part 3.4 of the NCC (Volume 2); and
 - AS 1684 - Residential timber - frame construction
 - Structural steel members - Part 3.4.4 of the NCC (Volume 2)

- Roof and wall cladding:-**
- Roof tiling - Parts 3.5.1.1 & 3.5.1.2 of the NCC (Volume 2) and AS 2049 - Roof tiles
 - Metal roof sheeting - Parts 3.5.1.1 & 3.5.1.3 of the NCC (Volume 2)
 - Gutters and downpipes - Part 3.5.2 of NCC (Volume 2); and
 - AS/NZS 3500 Part 3 – Stormwater drainage
 - AS/NZS 3500 Part 5 – Domestic installation
 - Wall cladding - Part 3.5.3 of the NCC (Volume 2)

- Glazing:-**
- Glazing - Part 3.6 of the NCC (Volume 2)
 - AS 1288 Glass in buildings
 - AS 2047 Windows in buildings

- Fire safety:-**
- Fire separation - Part 3.7.1 of the NCC (Volume 2)
 - Fire separation - Separating wall construction - Part 3.7.1.8 of the NCC (Volume 2)
 - Fire separation - Roof lights - Part 3.7.1.10 of the NCC (Volume 2)
 - Smoke alarms - Part 3.7.2 of the NCC (Volume 2) and AS 3786 - Smoke alarms
 - Heating appliances - Part 3.7.3 of the NCC (Volume 2) and AS 2918 - Domestic solid - fuel burning appliances - installation

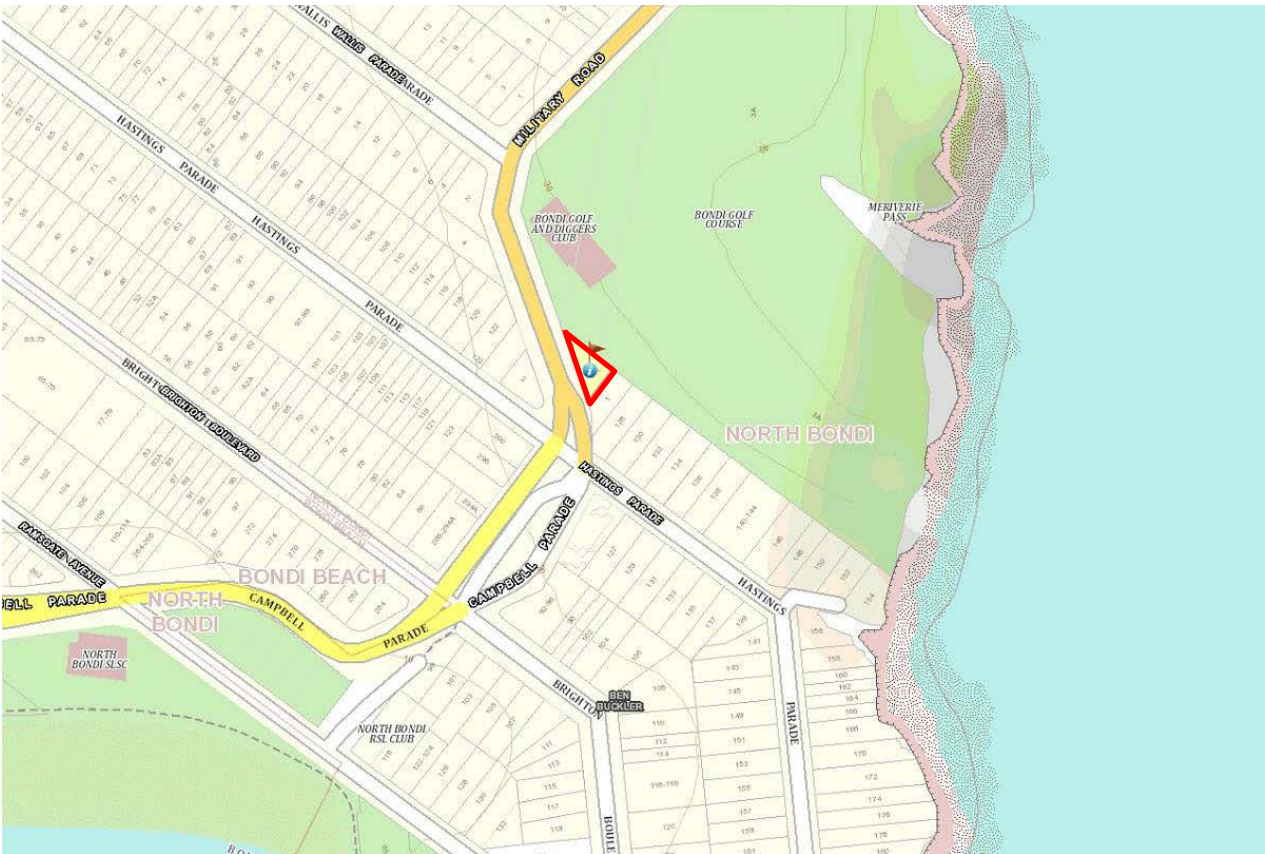
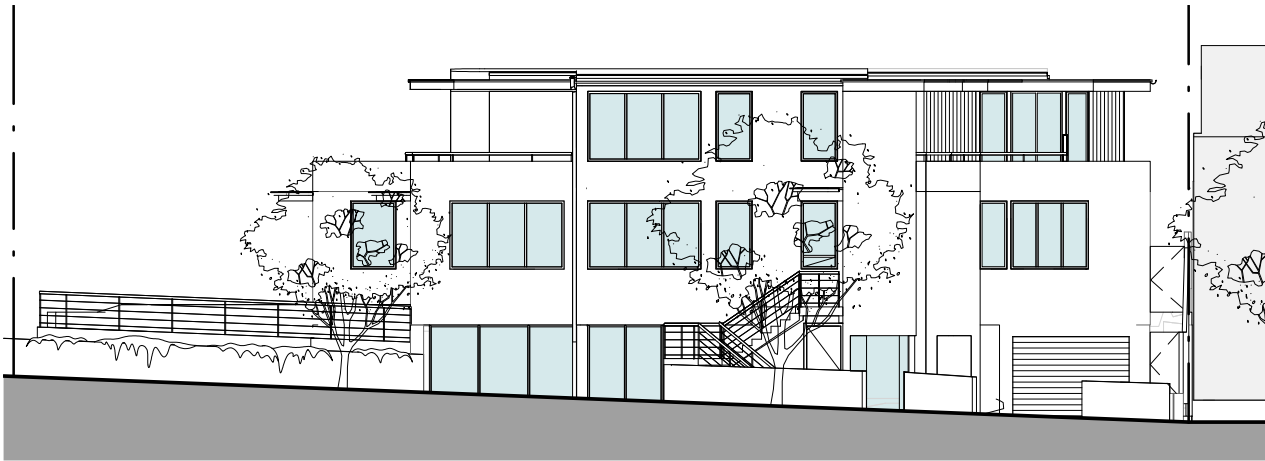
- Health and amenity:-**
- Wet areas - Part 3.8.1 of the NCC (Volume 2) and AS 3740 - Waterproofing of wet areas in residential buildings
 - Room heights - Part 3.8.2 of the NCC (Volume 2)
 - Kitchen, sanitary and washing facilities - Parts 3.8.3.2 and 3.8.3.3 of the NCC (Volume 2)
 - Natural and artificial light - Parts 3.8.4.2 and 3.8.4.3 of the NCC (Volume 2)
 - Ventilation - Part 3.8.5 of the NCC
 - Natural - Parts 3.8.5.2 and 3.8.5.3 of the NCC (Volume 2)
 - Mechanical - Parts 3.8.5.0 and 3.8.5.3 of the NCC (Volume 2)
 - Sound insulation - Part 3.8.6.1 of the NCC (Volume 2)

- Safe movement and access:-**
- Stair construction - Part 3.9.1.1 of the NCC (Volume 2) - Acceptable construction practice
 - Balustrades - Part 3.9.2.1 of the NCC (Volume 2) - Acceptable construction practice
 - Handrails – Part 3.9.2.4 of the NCC (Volume 2) - Acceptable construction practice
 - Protection of openable windows – Part 3.9.2.5 of the NCC (Volume 2) - Acceptable construction practice

- Energy efficiency:-**
- Building Fabric - Part 3.12.1 of the NCC (Volume 2)
 - Building Sealing - Part 3.12.3 of the NCC (Volume 2)
 - Services - Part 3.12.5 of the NCC (Volume 2)

- Structural design manuals:-**
- AS 1170.1 (1989) - Dead and live loads and load combinations
 - AS 1170.2 (1989) or AS 4055 (1992) - Wind loads
 - AS 1170.4 (1993) - Earthquake loads
 - AS 1720.1 (1997) - Timber structures
 - AS 2159 (1995) - Piling - design and installation
 - AS 3600 (2001) - Concrete structures
 - AS 4100 (1998) - Steel structures

3 Military Road North Bondi NSW 2026



FINISHES:



KLIP LOK ROOF



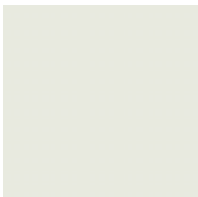
SCYON AXON CLADDING



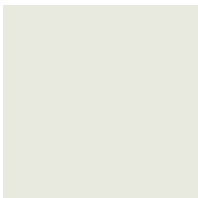
DULUX MONUMENT FRAMED GLASS



CLADDING PAINT FINISH



PAINT FINISH 1:
CONCRETE RENDER FINISH



PAINT FINISH 1:
SOFFIT + FASCIA

red blue architecture + design pty ltd

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sydney olympic park nsw 2127
telephone 61 2 9114 6767
email info@redblue.com.au
web www.redblue.com.au
nom architect craig taylor arb no. 7413

Project Number: 7259
Client: Bondi North Beachfront P/L
Date: 31/05/2021
Issue: A

Contents

DA 0000	Cover + General Specifications
DA 0100	Site Analysis
DA 0200	Proposed Site + Roof Plan
DA 0201	Proposed Garage Floor Plans
DA 0202	Proposed Ground + Level 1 Floor Plan
DA 0203	Proposed Elevations
DA 0204	Proposed Sections
DA 0213	Area Calculations
DA 0214	Waste Management Plan
DA 0215	Landscape Plan
DA 0250	Notification Plan
DA 0251	Notification North + South Elevations
DA 0252	Notification East + West Elevations

CONSULTANTS:

Planner:
ABC Planning Pty Ltd

Traffic:
Transport and Traffic Planning Associates

BCA + Access:
Design Confidence

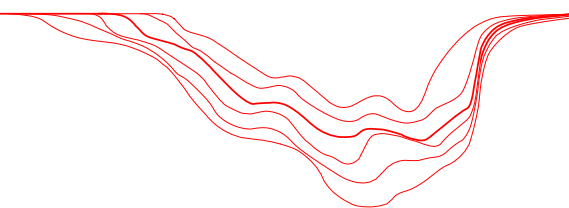
WALL TYPES:

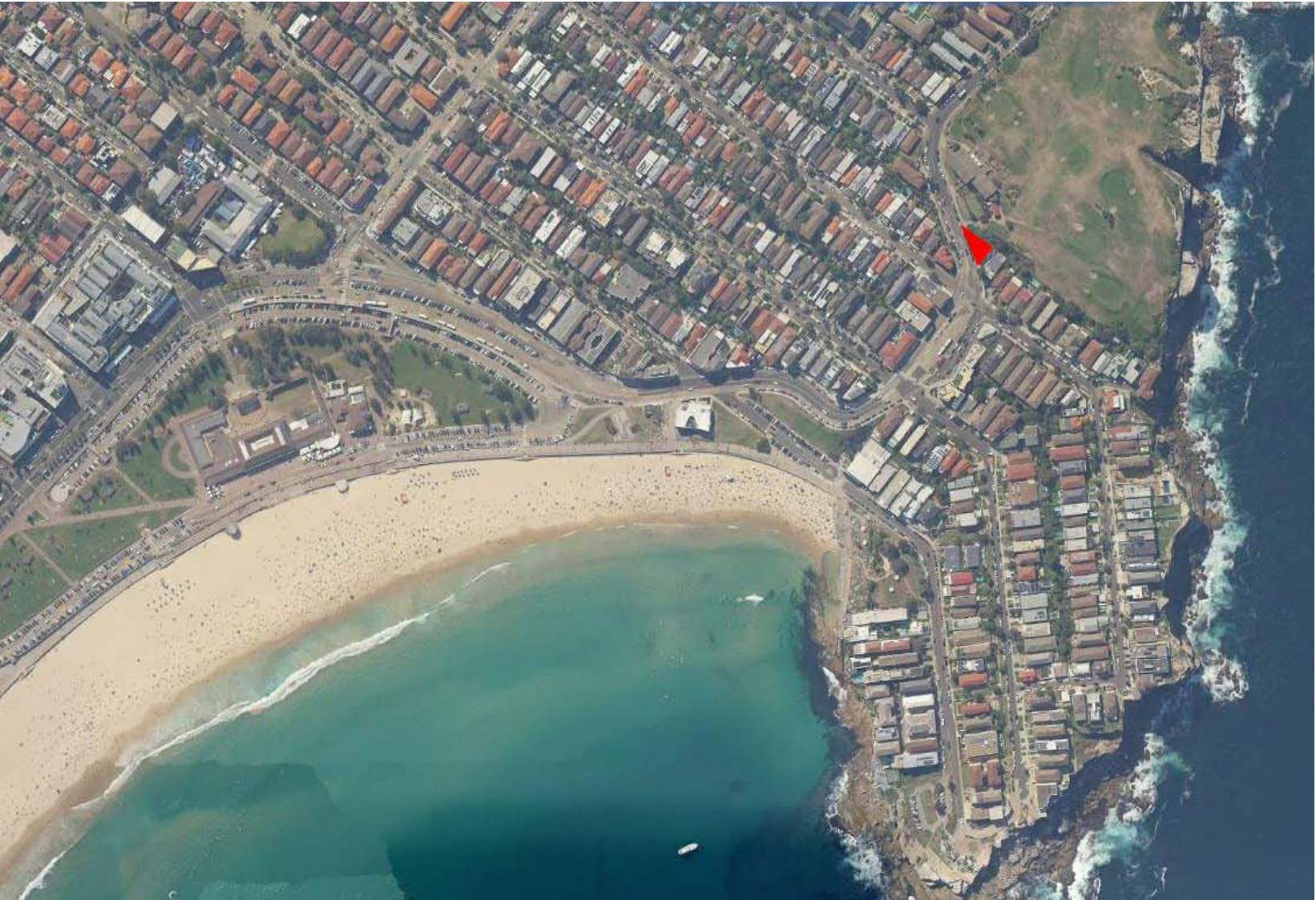
	PROPOSED
	EXISTING
	DEMOLISHED

SPECIALIST CONSULTANTS

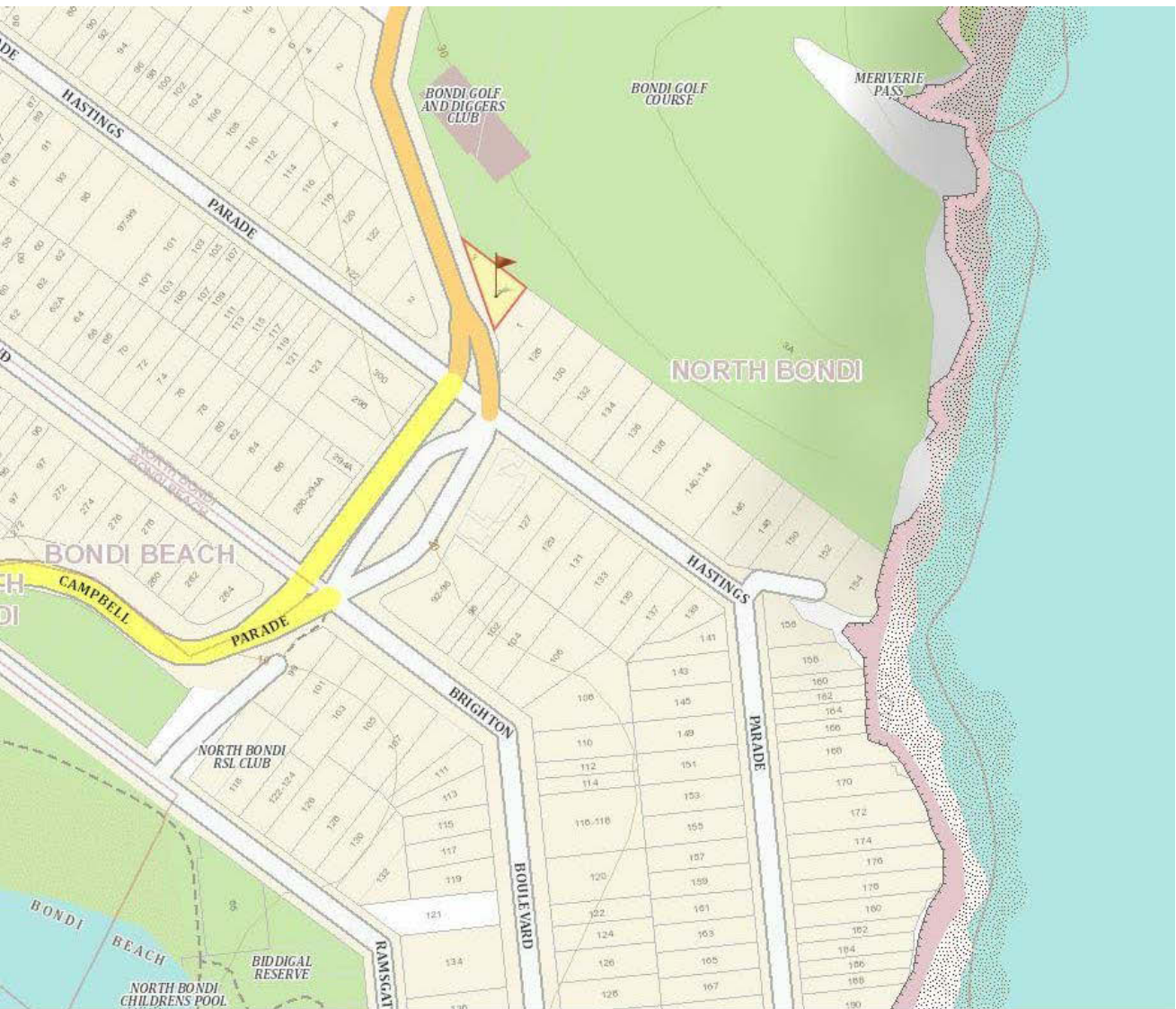
Refer to specialists consultants documentation.
Where there is a conflict with the architectural, seek clarification prior to proceeding with works.
i.e Refer to Structural Engineer design for structural elements.
Refer to Stormwater Engineer design for civil + stormwater items.

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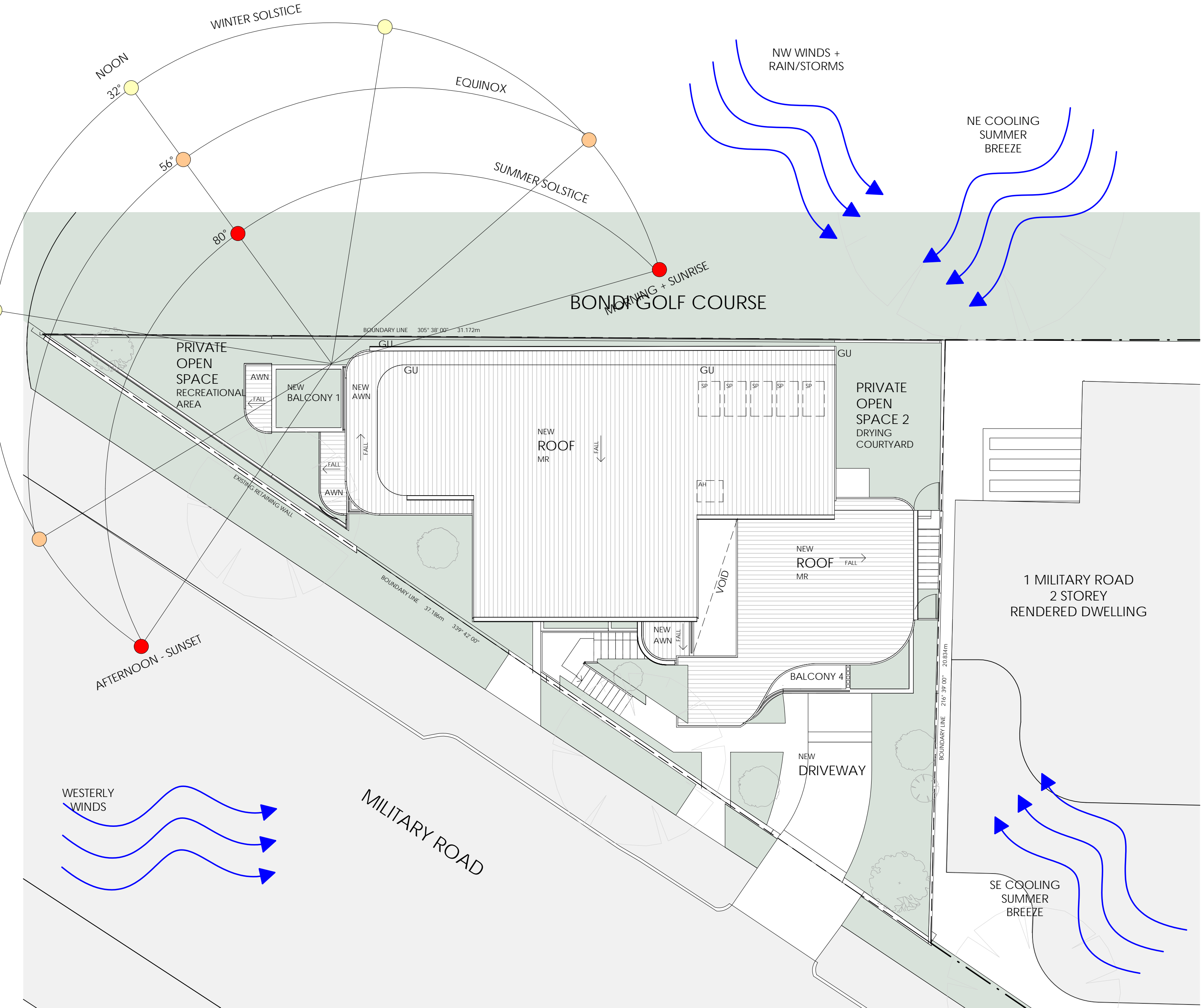




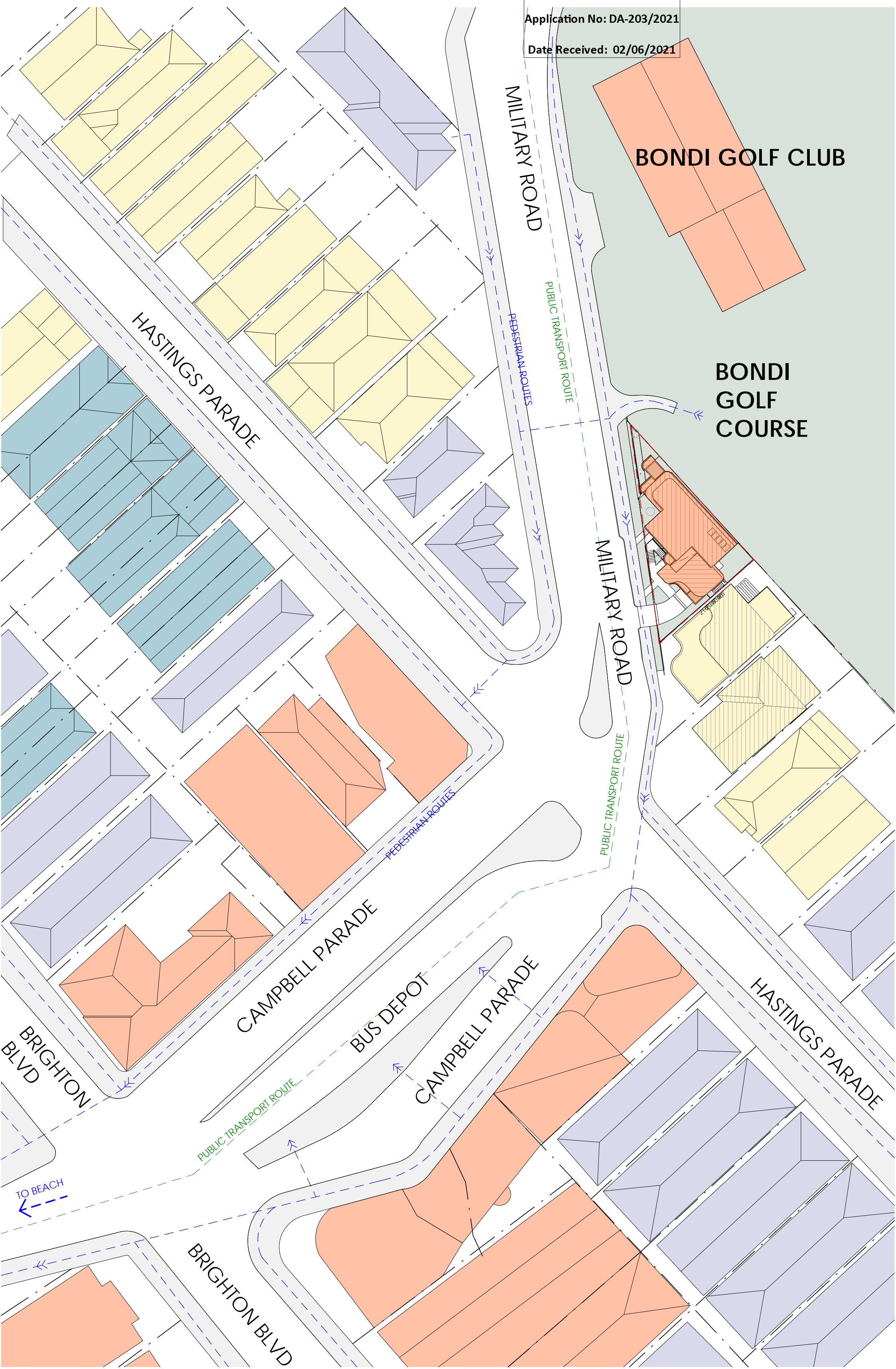
AERIAL VIEW OF MILITARY ROAD FROM MAPS.SIX.NSW.GOV.AU



LOCATION MAP FROM MAPS.SIX.NSW.GOV.AU NOT TO SCALE



01 Site Analysis



02 Locality Analysis

RECEIVED
Waverley Council
Application No: DA-203/2021
Date Received: 02/06/2021

DA APPLICATION

Rev.	Date	Revision	By	Chk.
A	31/05/21	DA Issue	EH	CT

Legend	
AD	ALUMINIUM DOOR
AH	ACCESS HATCH TO ROOF
AW	ALUMINIUM WINDOW
AWN	AWNING
BL	BOLLARD
CD	CLOTHES DRYER
CH	CHIMNEY
CR1	CONCRETE RENDER + PAINT FINISH 1
DP	DOWNPIPE
EBR	EXISTING BRICKWORK
ESTN	+ RENDERED PAINT FINISH
ETW	EXISTING STONE FINISH
ETD	EXISTING TIMBER WINDOWS
FCEP	FIBRE CEMENT PANELLING + PAINT
GB	GLASS BALUSTRADE
GD	GARAGE DOOR
GP	GRATED PIT
GU	GUTTER
HR	HANDRAIL
LB	LETTER BOX
MR	METAL ROOF
OBS	OBSOLETE GLAZING
PT	PARAPET
PTX	PAINT FINISH "x"
RL	RELATIVE LEVEL
SL	SKYLIGHT
SP	SOLAR PANELS
STN	NEW STONE FINISH
TIM	TIMBER PANELLING
TF	TIMBER FENCE
TG	TIMBER GATE
TR	TILED ROOF
TS	TIMBER SCREEN
WVM	WASHING MACHINE
EXISTING WALL	EXISTING WALL
DEMOLISHED WALL	DEMOLISHED WALL
ALTERATIONS + ADDITIONS	ALTERATIONS + ADDITIONS
ACCESSIBLE CLEARANCES	ACCESSIBLE CLEARANCES
CEILING FANS	CEILING FANS

General Note: Make good to all surfaces affected by building works.

Civil/Stormwater Engineer

Structural Engineer

Project
3 Military Road North Bondi
NSW 2026

for
Bondi North Beachfront P/L

Drawing Name

Site Analysis

Date	Scale	Sheet Size
31/05/2021	As indicated	@ A1

Reg No.	Drawn	Chk.
7413	TC	CT

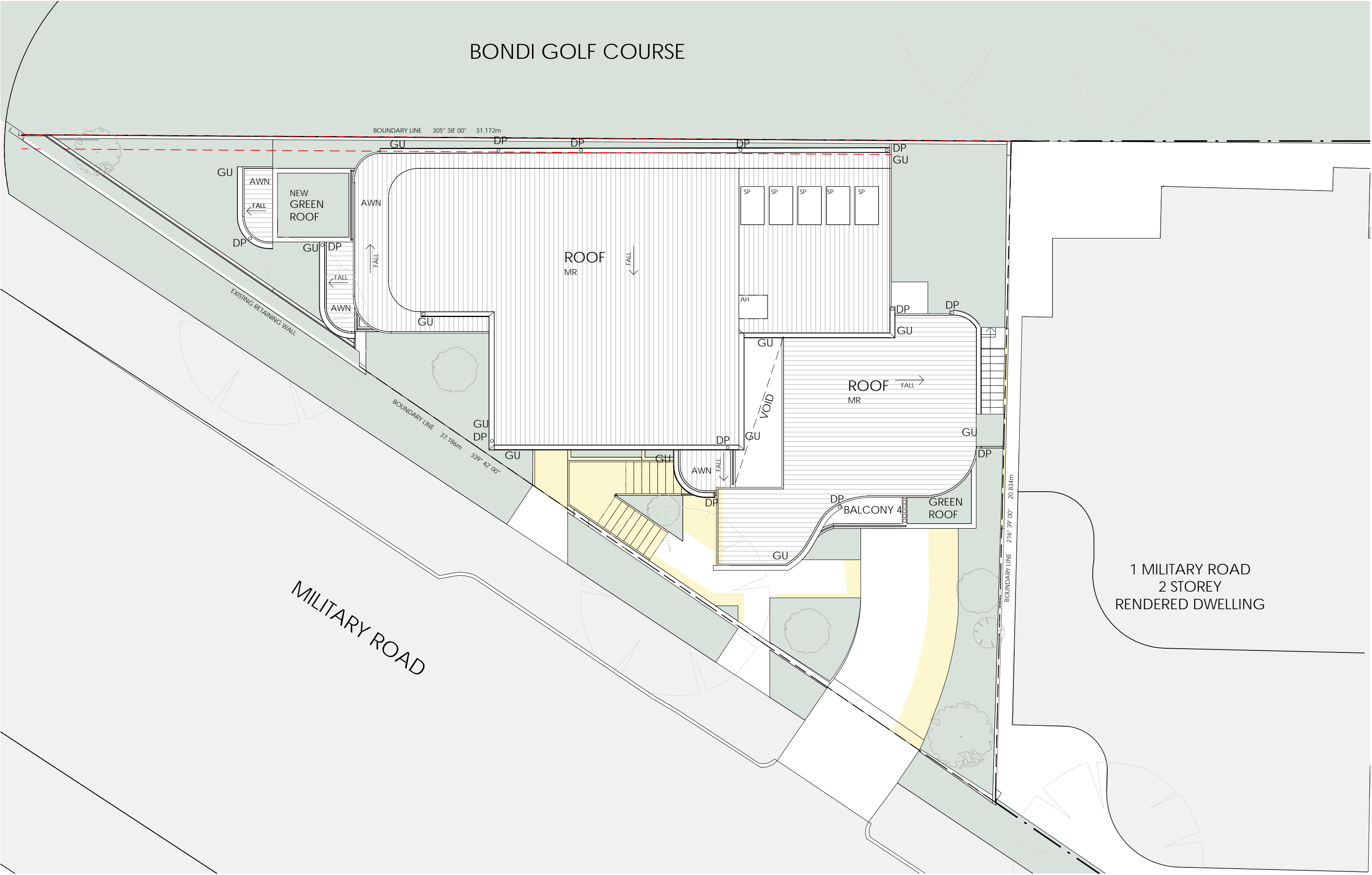
Job No.	Drawing No.	Revision
7259	DA 0100	A

DA APPLICATION

Rev.	Date	Revision	By	Chk.
A	31/05/21	DA Issue	EH	CT

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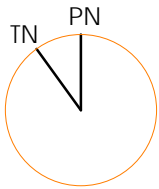


01 Proposed Site and Roof Plan
1:100

Project
3 Military Road North Bondi
NSW 2026

for
Bondi North Beachfront P/L

Drawing Name
Proposed Site + Roof
Plan



Date	Scale	Sheet Size
31/05/2021	As indicated	@ A1

Reg No.	Drawn	Chk.
7413	EH	CT

Job No.	Drawing No.	Revision
7259	DA 0200	A

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Nominated Architects Craig Taylor 7413 - © Copyright 2021.

DA APPLICATION

Rev.	Date	Revision	By	Chk.
A	31/05/21	DA Issue	EH	CT
B	09/06/21	Amendments for council	EH	CT

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	ALTERATIONS + ADDITIONS
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General Note: Make good to all surfaces affected by building works.

Civil/Stormwater Engineer

Structural Engineer

Project

3 Military Road North Bondi NSW 2026

for
Bondi North Beachfront P/L

Drawing Name

Proposed Garage
Floor Plans

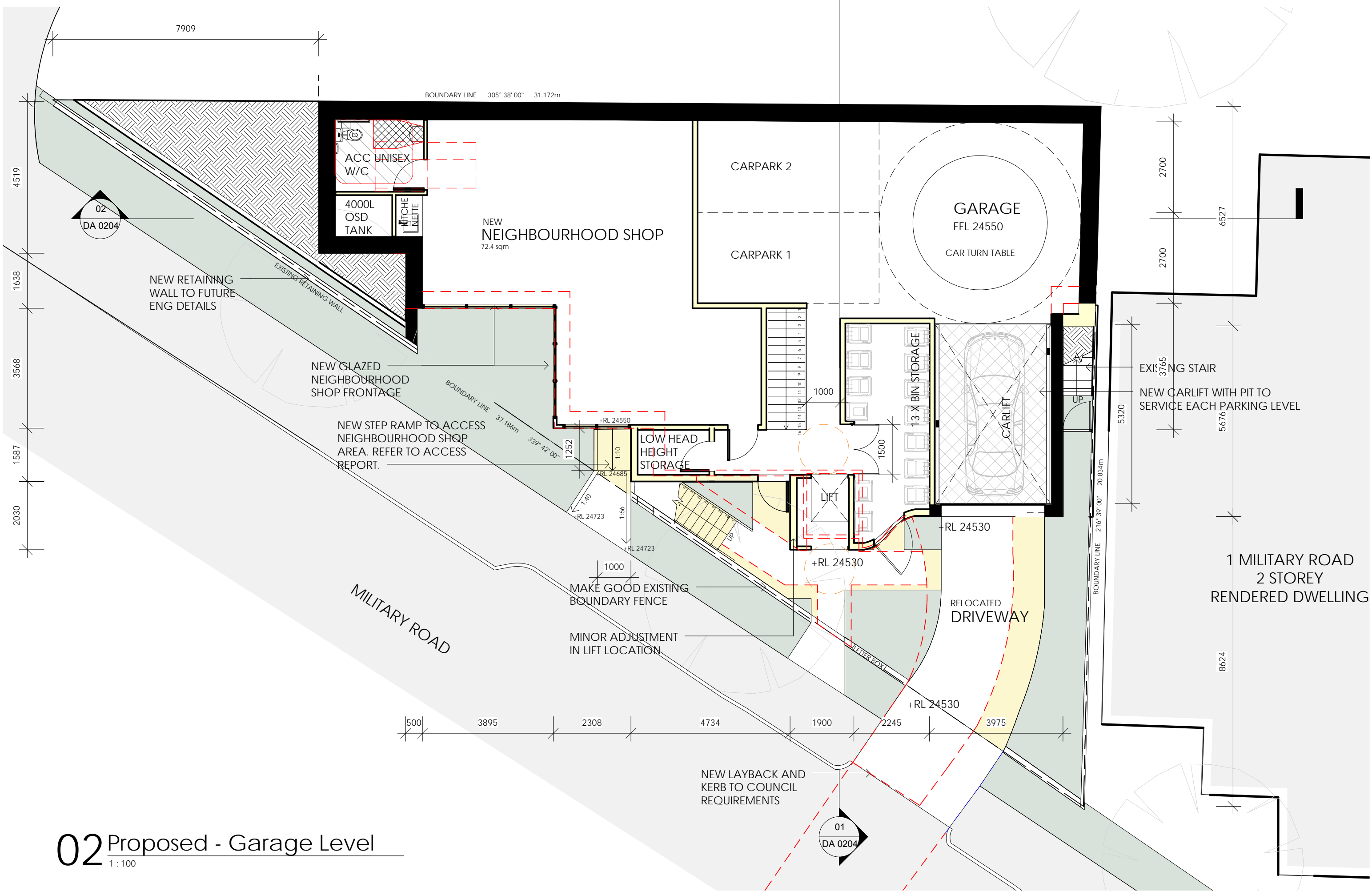
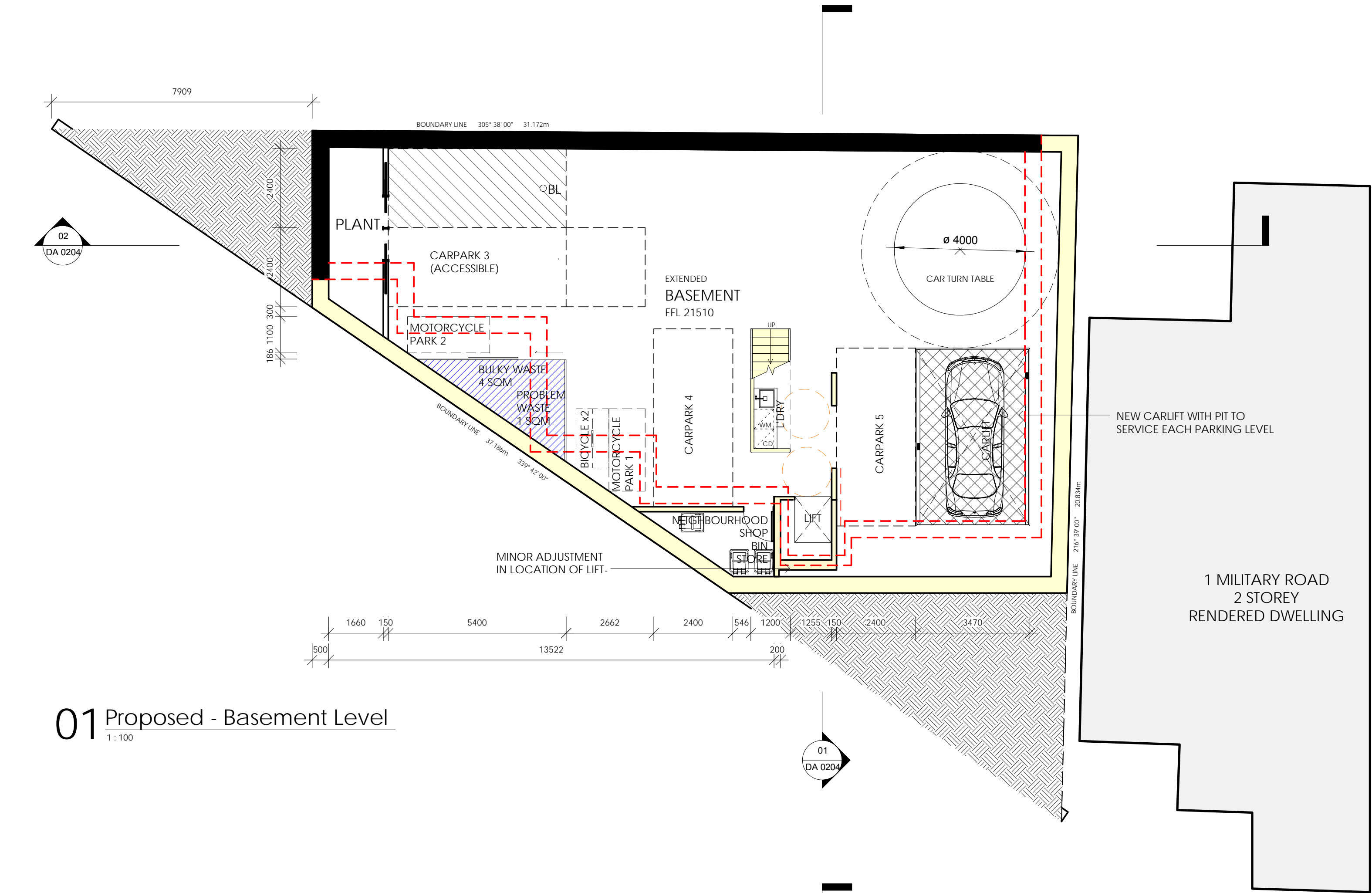
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Reg No.	Drawn	Chk.
7413	EH	CT

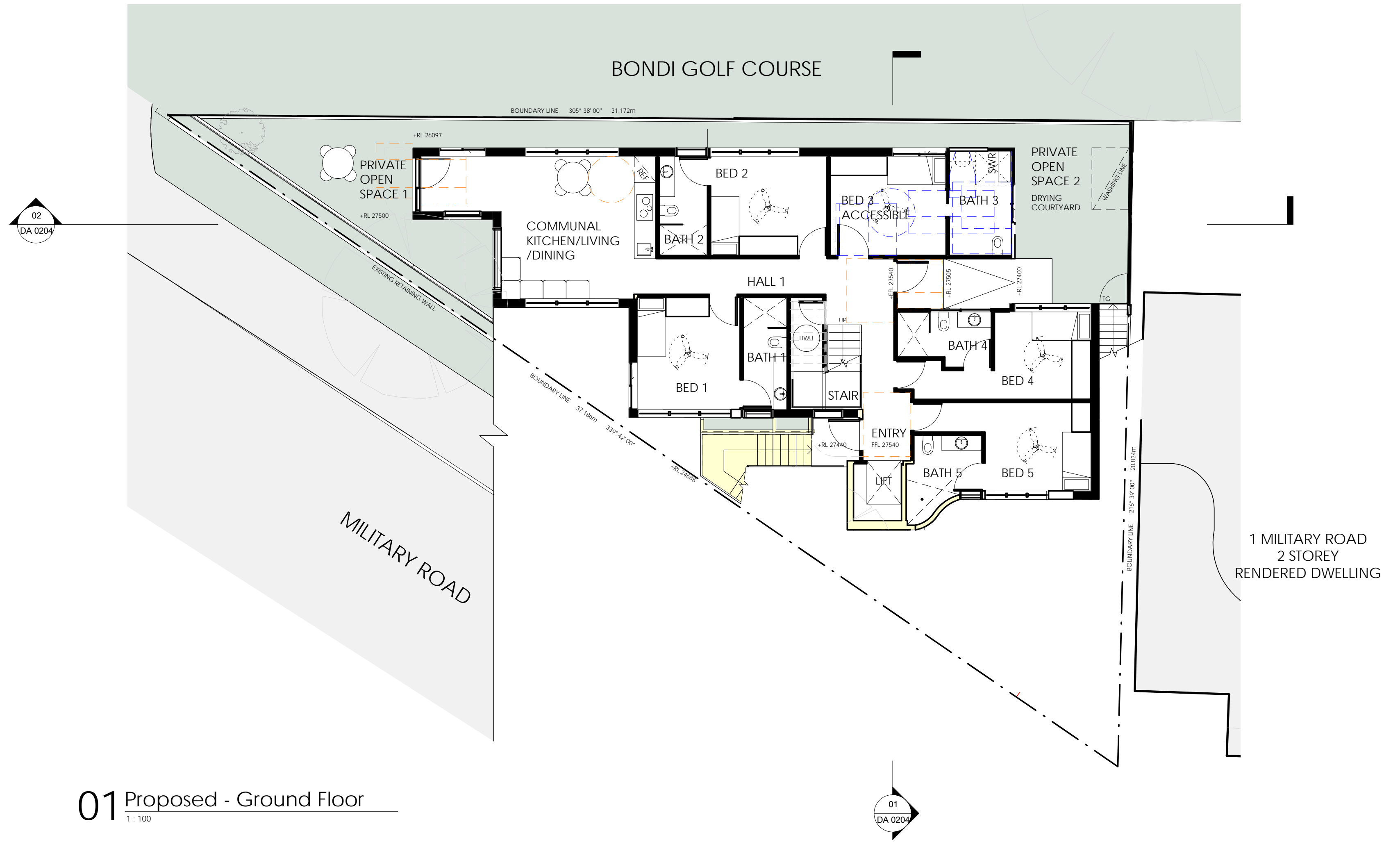
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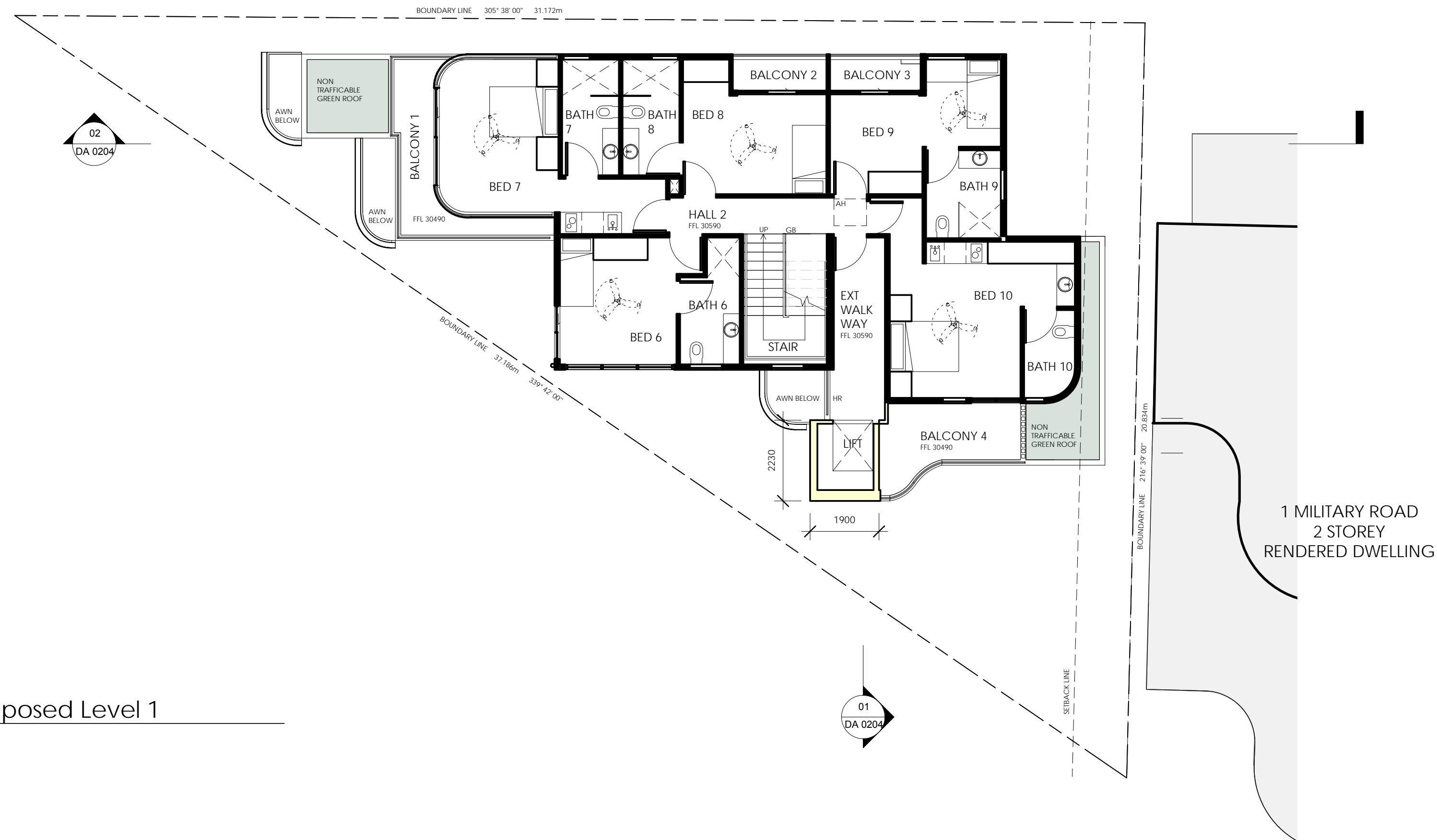
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01 Proposed - Ground Floor
1:100



02 Proposed Level 1
1:100

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DA APPLICATION

Rev.	Date	Revision	By	Chk.
A	31/05/21	DA Issue	EH	CT

Legend	
AD	ALUMINIUM DOOR
AH	ACCESS HATCH TO ROOF
AW	ALUMINIUM WINDOW
AWN	AWNING
BL	BOLLARD
CD	CLOTHES DRYER
CH	CHIMNEY
CR1	CONCRETE RENDER + PAINT FINISH 1
DP	DOWNPIPE
EBR	EXISTING BRICKWORK
ESTN	+ RENDERED PAINT FINISH
ETW	EXISTING STONE FINISH
ETD	EXISTING TIMBER WINDOWS
FCP	EXISTING TIMBER DOORS
GB	FIBRE CEMENT PANELLING + PAINT
GD	GLASS BALUSTRADE
GP	GARAGE DOOR
GU	GRATED PIT
HR	GUTTER
LB	HANDRAIL
MR	LETTER BOX
OBS	METAL ROOF
PT	OBSCURE GLAZING
PTx	PARAPET
RL	PAINT FINISH "x"
SL	RELATIVE LEVEL
SP	SKYLIGHT
STN	SOLAR PANELS
TIM	NEW STONE FINISH
TF	TIMBER PANELLING
TG	TIMBER FENCE
TR	TIMBER GATE
TS	TILED ROOF
WM	TIMBER SCREEN
	WASHING MACHINE
	EXISTING WALL
	DEMOLISHED WALL
	ALTERATIONS + ADDITIONS
	ACCESSIBLE CLEARANCES
	CEILING FANS

General Note: Make good to all surfaces affected by building works.

Civil/Stormwater Engineer

Structural Engineer

Project

3 Military Road North Bondi
NSW 2026

for
Bondi North Beachfront P/L

Drawing Name

Proposed Ground +
Level 1 Floor Plan

Date Scale Sheet Size
31/05/2021 As indicated @ A1

Reg No. Drawn Chk.
7413 EH CT

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7259 DA 0202 A

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	ALTERATIONS + ADDITIONS
	ACCESSIBLE CLEARANCES



General Note: Make good to all surfaces affected by building works.

Civil/Stormwater Engineer

Structural Engineer

Project

3 Military Road North Bondi NSW 2026

for
Bondi North Beachfront P/L

Drawing Name

Proposed Elevations

Date	Scale	Sheet Size
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Reg No.	Drawn	Chk.
7413	EH	CT

Job No.	Drawing No.	Revision
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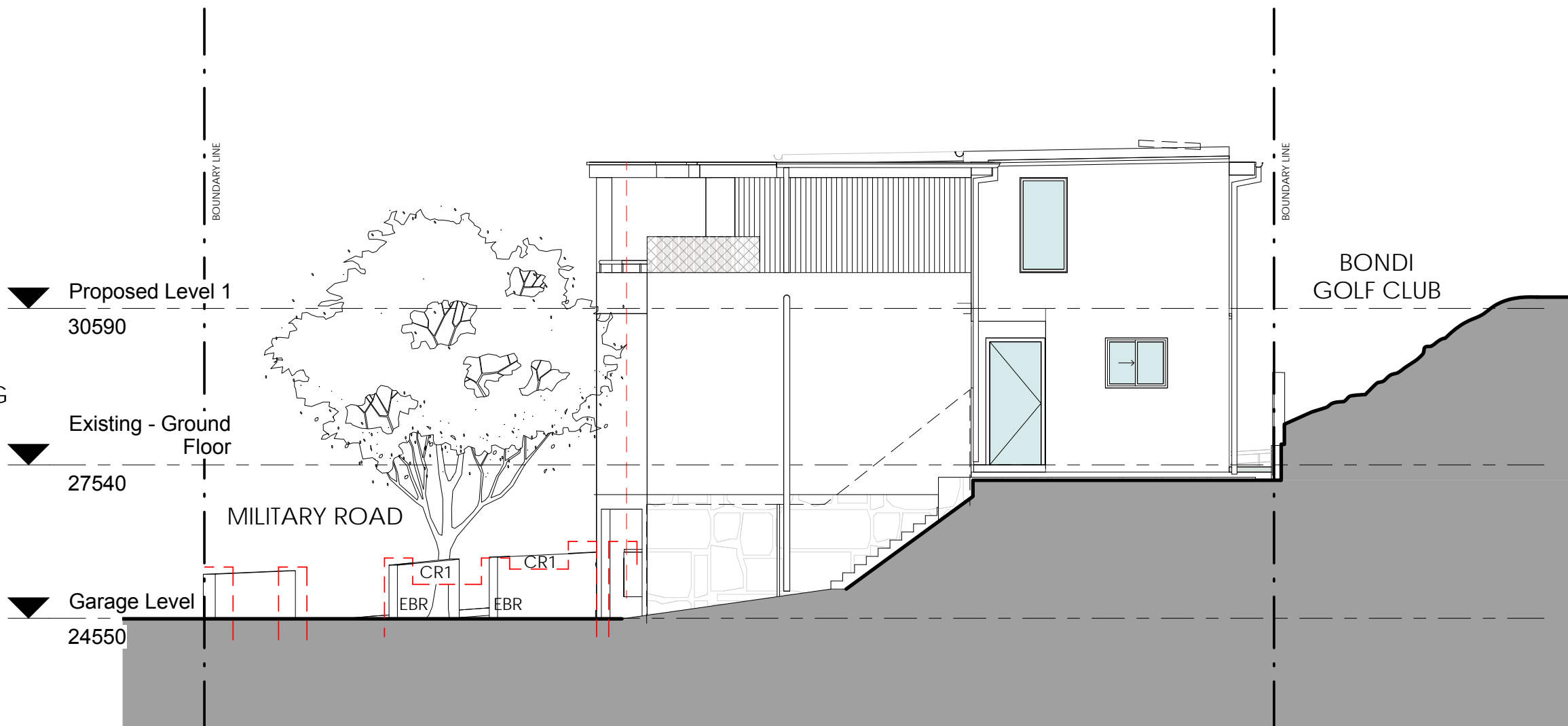
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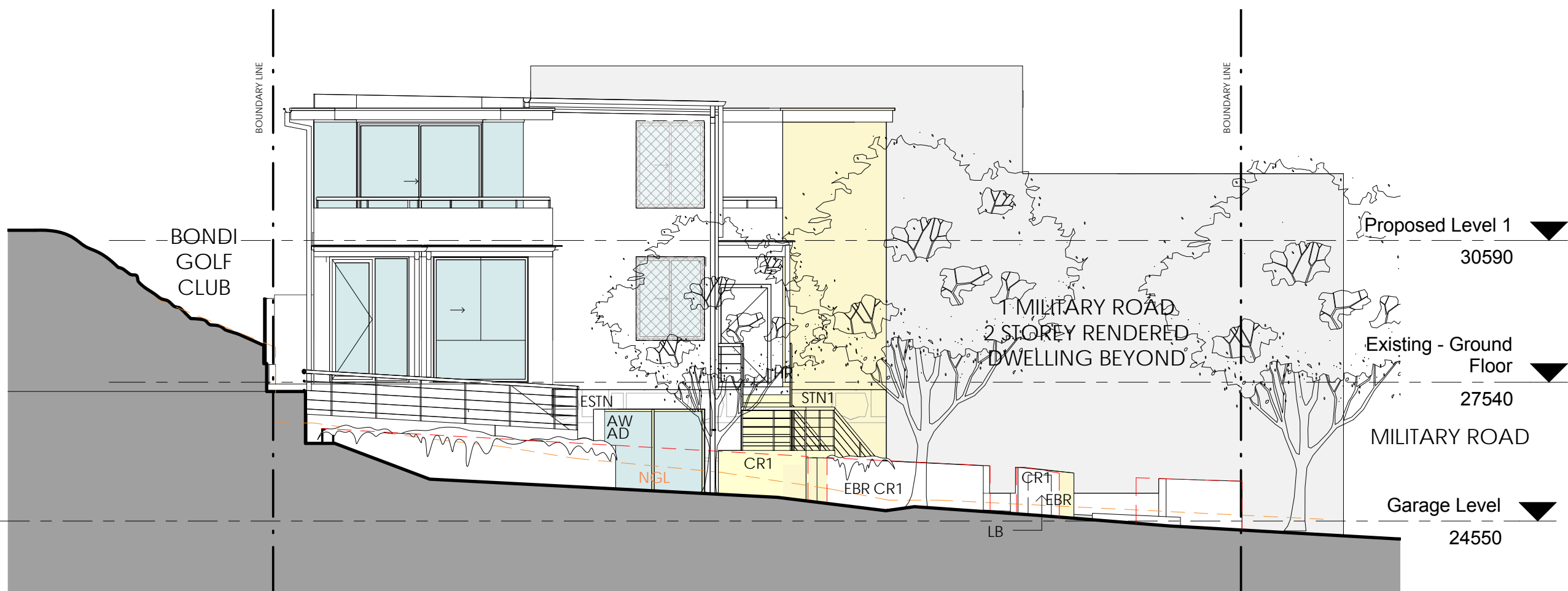
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1:100



02 Proposed East Elevation
1:100



03 Proposed North Elevation
1:100



04 Proposed West Elevation
1:100

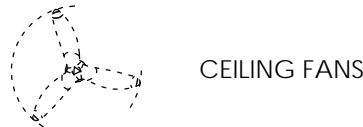
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B	09/06/21	Amendments for council	EH	CT

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=====	ALTERATIONS + ADDITIONS
- . - . -	ACCESSIBLE CLEARANCES



General Note: Make good to all surfaces affected by building works.

Civil/Stormwater Engineer

Structural Engineer

Project

3 Military Road North Bondi
NSW 2026

for
Bondi North Beachfront P/L

Drawing Name

Proposed Sections

Date	Scale	Sheet Size
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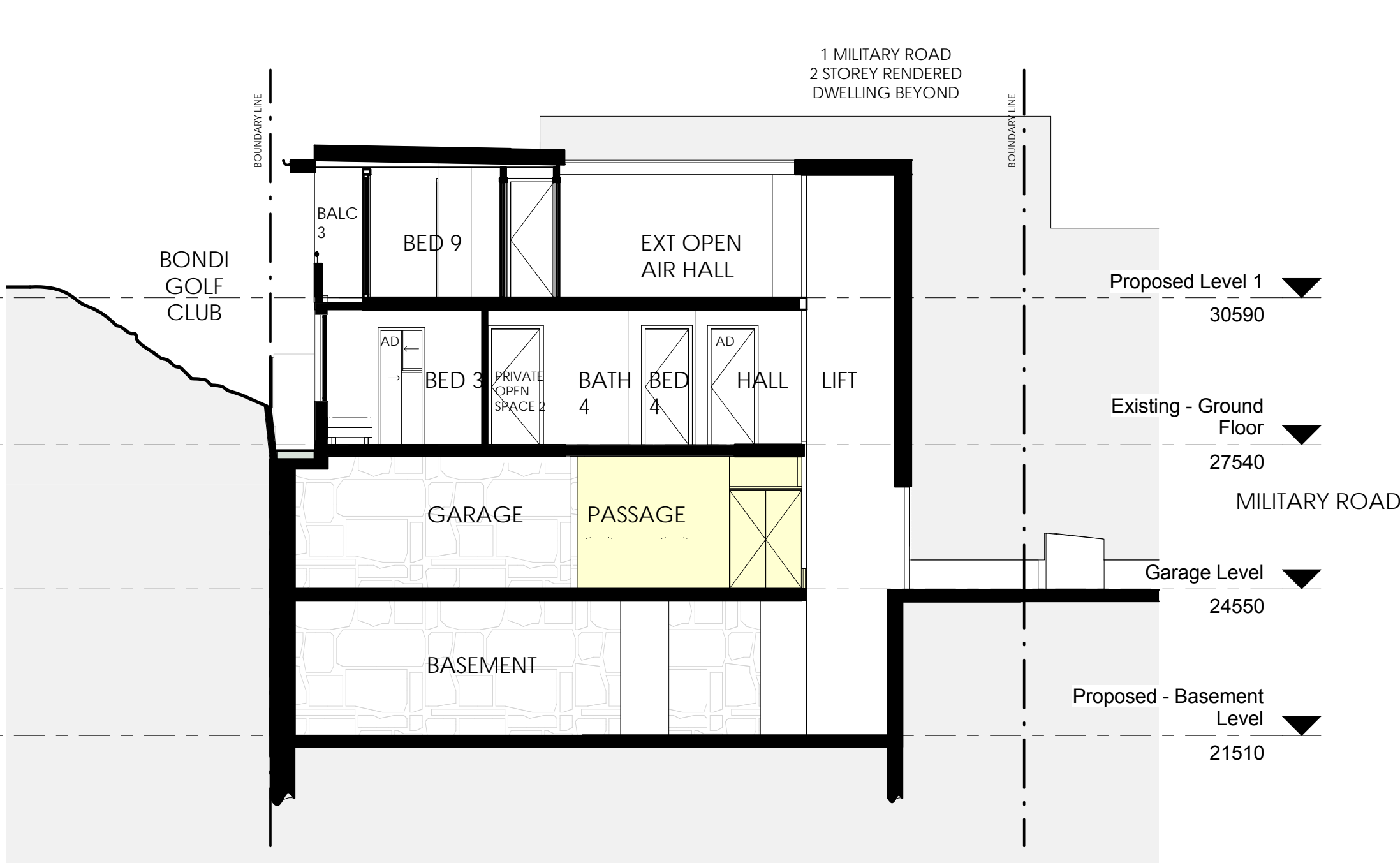
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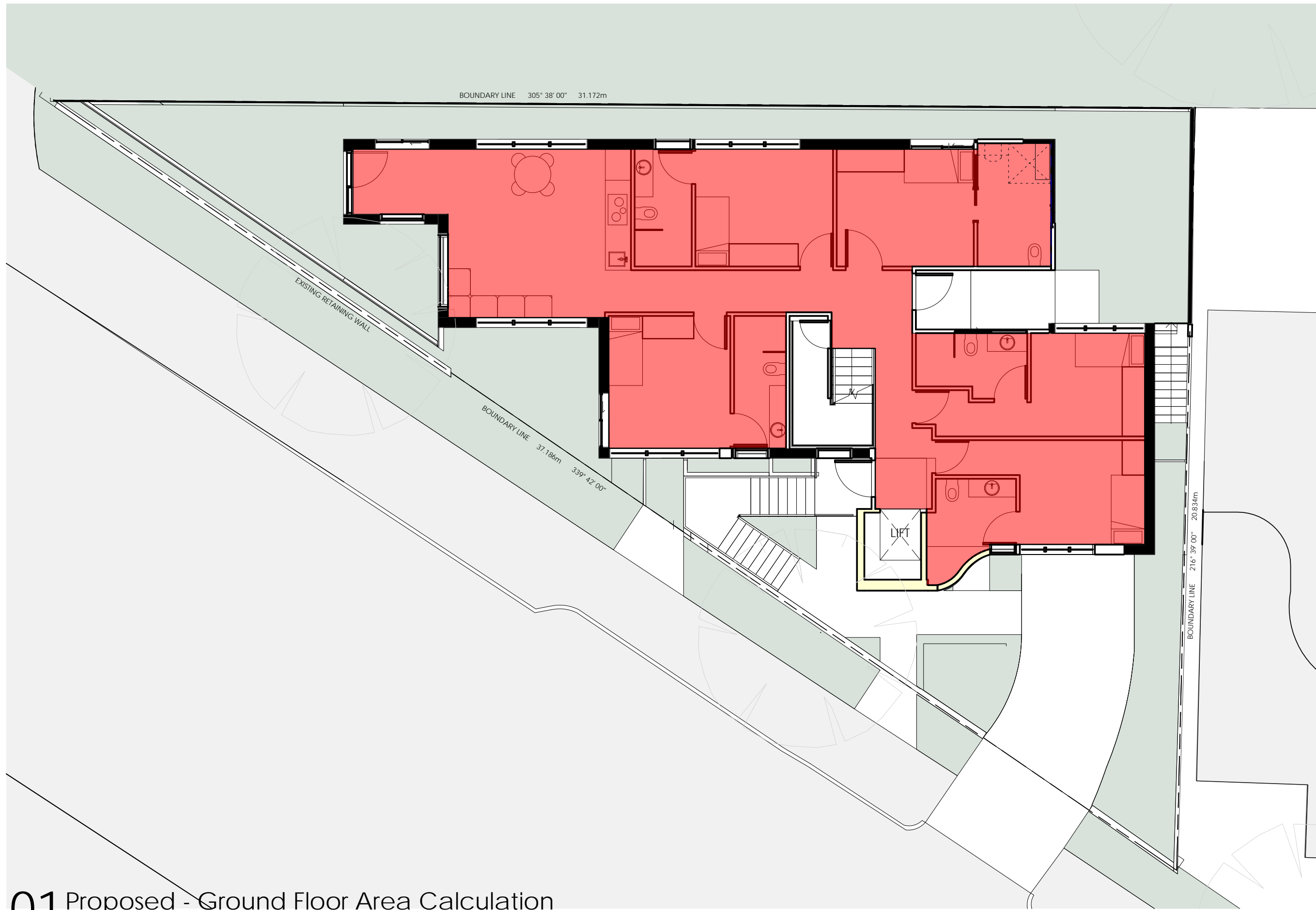
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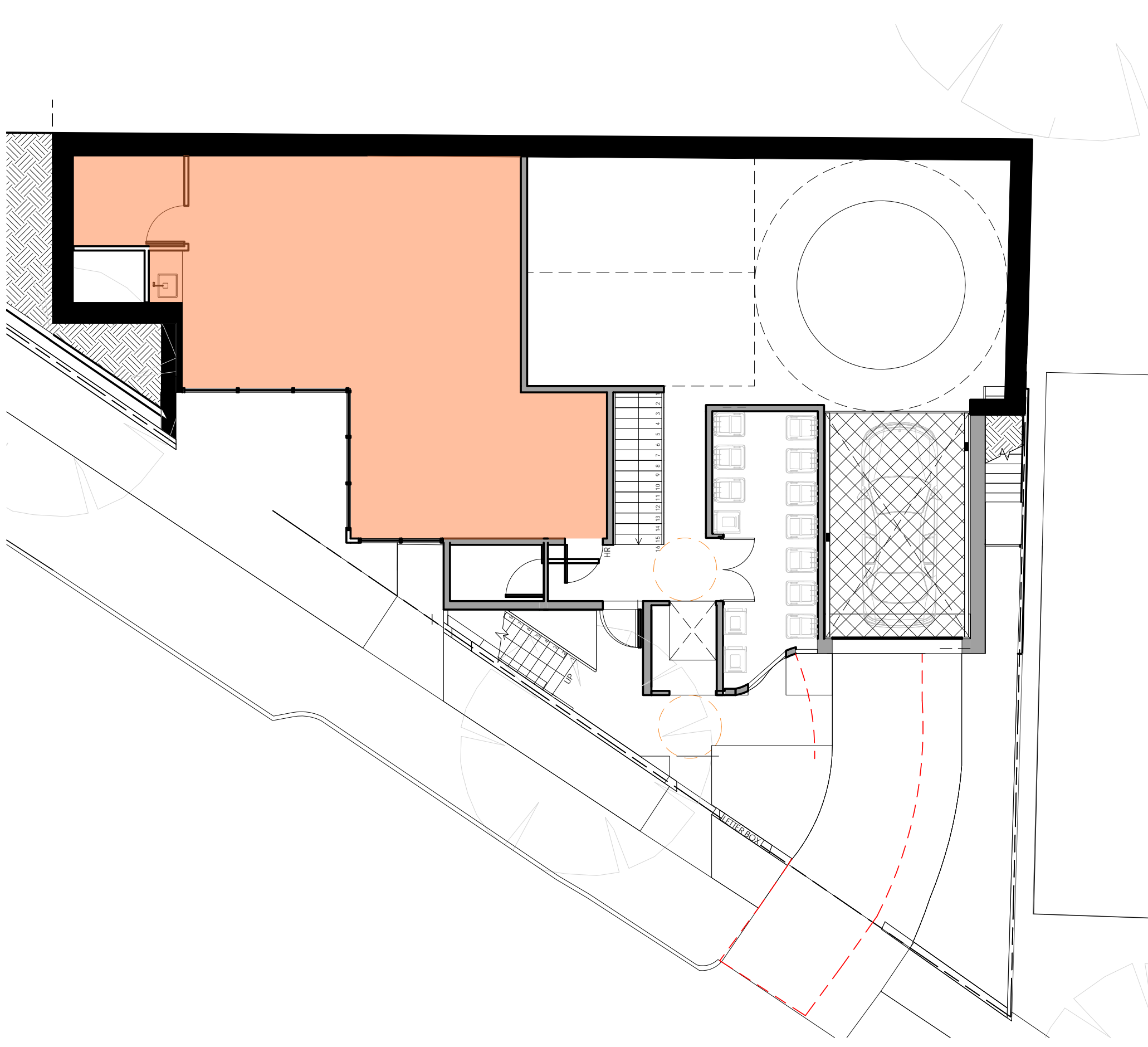
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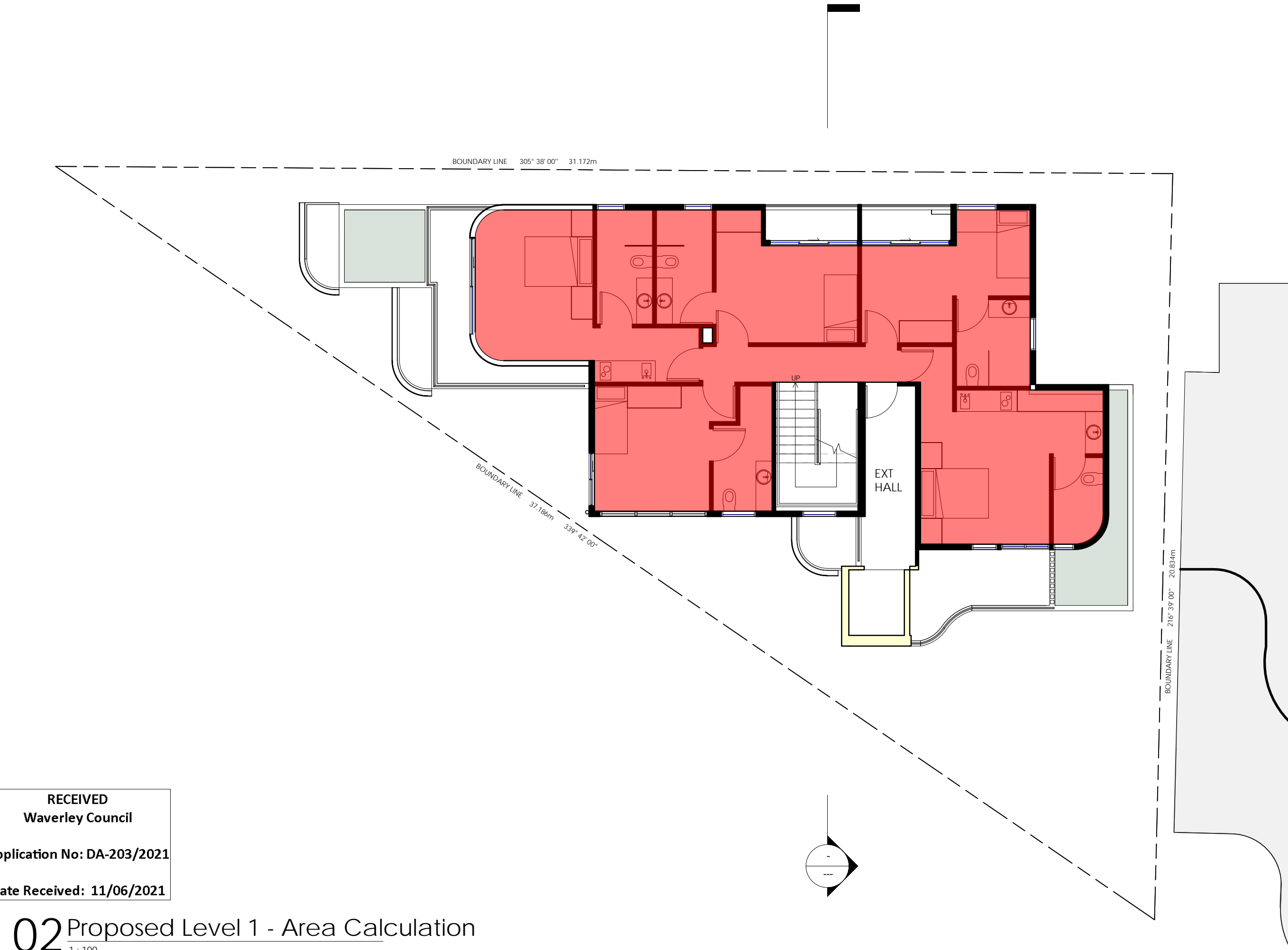
Legend



01 Proposed - Ground Floor Area Calculation
1:100



03 Proposed - Garage Level Area Calculation
1:100



02 Proposed Level 1 - Area Calculation
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RESIDENTIAL AREA CALCULATIONS

	APPROVED GFA
MAX PERMISSIBLE	243.45m ²
GARAGE FLOOR	N/A
GROUND FLOOR	135.6m ²
LEVEL 1	107.0m ²
TOTAL AREA	242.6m ²

N/HOOD SHOP AREA CALCULATIONS

	PROPOSED GFA
MAX PERMISSIBLE GFA	80m ²
GARAGE FLOOR	72.4 m ²

TOTAL AREA CALCULATIONS

	PROPOSED GFA
TOTAL RESIDENTIAL AREA	243.2m ²
TOTAL SHOP AREA	72.4m ²
TOTAL AREA	315.6m ²
MAX PERMISSIBLE GFA	243.45m ²
NET GAIN / LOSS GFA	+72.15m ²

Civil/Stormwater Engineer

Structural Engineer

Project
3 Military Road North Bondi
NSW 2026

for
Bondi North Beachfront P/L

Drawing Name
Area Calculations

Date 31/05/2021 Scale As indicated Sheet Size @ A1

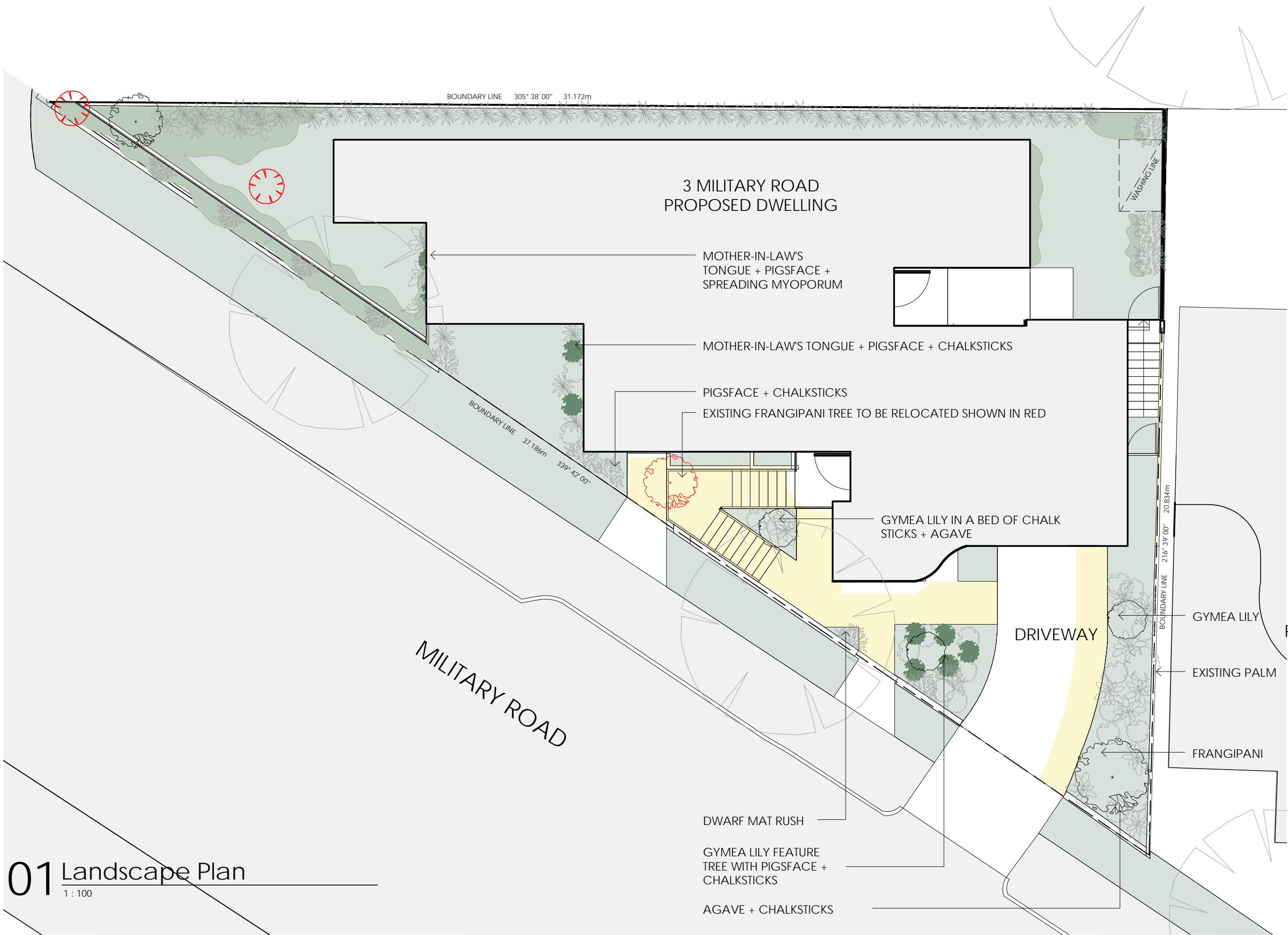
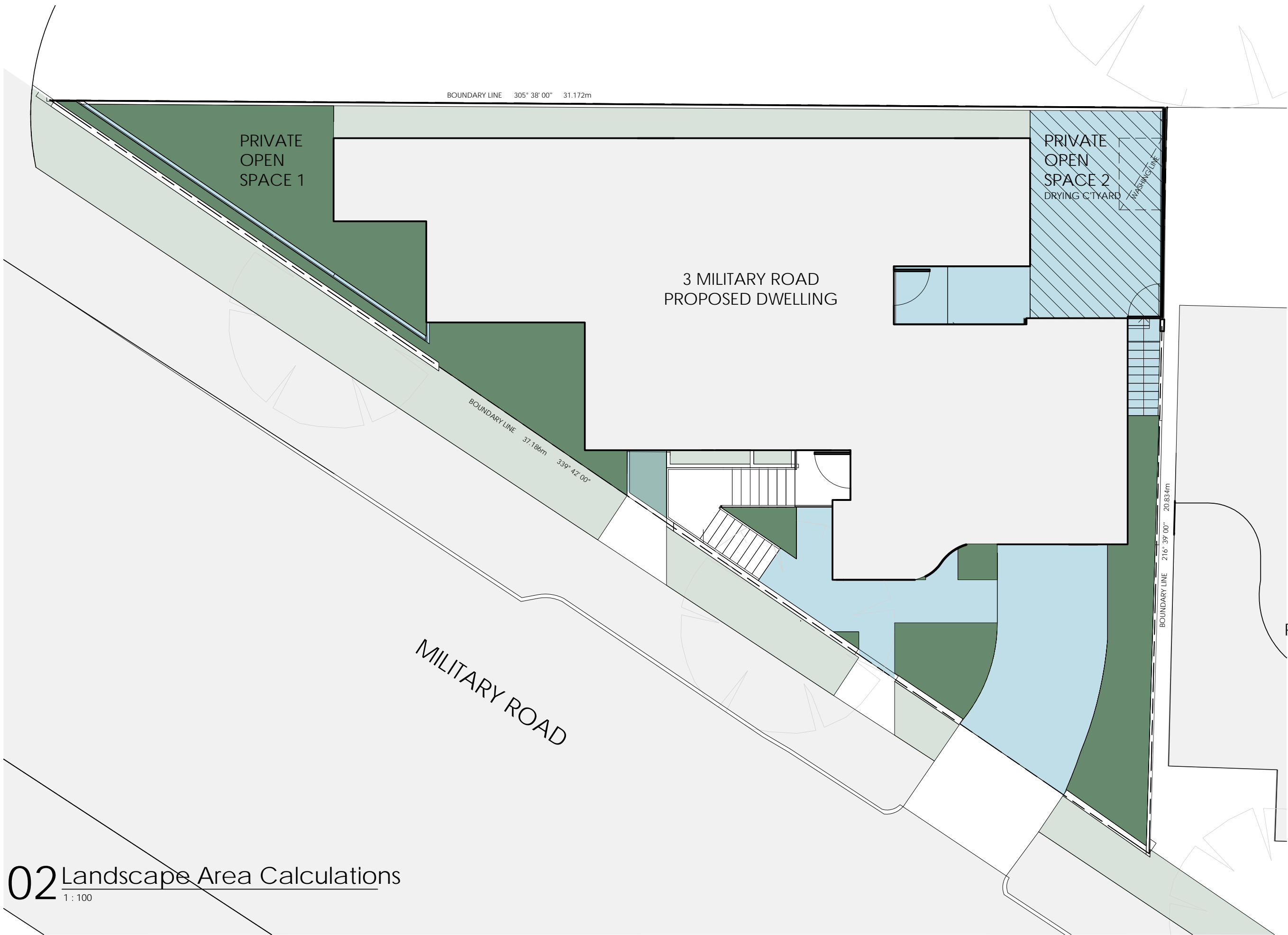
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LANDSCAPE AREA CALCULATIONS

		CONTROL	REQUIREMENT	PROPOSED AREA
	OPEN AREA	DCP	40% - 129.8 m²	140.4 m²
	PRIVATE OPEN SPACE	SEPP	20 sqm	TOTAL 43.8 m²
	PRIVATE OPEN SPACE 01			21.9 m²
	PRIVATE OPEN SPACE 02			21.2 m²
	LANDSCAPE AREA	DCP	30% - 97.4 m²	98.2 m²
	DEEP SOIL ZONE	DCP	50% of landscape area 48.7 m²	61.1 m²

PLANT LEGEND:

SMALL TREES / SHRUBS

1. EXISTING FRANGIPANI TREE (*PLUMERIA ACUTIFOLIA*)

2. GYMEA LILY (*DORYANTHES EXCELSA*)

3. FOXTAIL AGAVE (*AGAVE ATTENUATA*)

4. MOTHER-IN-LAW TONGUE (*SANSEVEIRIA TRIFASCIATA*)

SUCCULENTS

5. CHALK STICKS (*SENECIO MANDRALISCAE*)

GROUND COVERS

6. SPREADING MYOPORUM (*MYOPORUM PARVIFOLIUM 'FINE LEAF FORM'*)

7. PIGFACE (*CARPOBROTUS GLAUCESCENS*)

GRASSES

8. DWARF MAT RUSH (*LOMANDRA TANIKA*)

PLANTING SCHEDULE

ID:	Botanical Name	Common Name	Pot Size	Mature Height	Mature Spread
Mp Cg	Ground Covers: - Myoporum parvifolium Carpoprotus glaucescens	Spreading Myoporum Pigface	140mm 140mm	0.2 - 0.3m 1 - 2m	1.5 - 2m 0.1 - 0.3m
Pa De	Shrubs / Small Trees: - Plumeria acutifolia Doryanthes excelsa	Frangipani GyMEA Lily	45ltr 250mm	3 - 5m 2 - 4m	3 - 5m 2 - 3m
Sm Aa St	Succulents: - Senecio mandraliscae Agave attenuata Sanseveiria trifasciata	Chalk Sticks Foxtail Agave Mother-in-law tongue	100mm 300mm 200mm	0 - 0.3m 0.6 - 0.75m 0.9 - 1.5m	0 - 0.3m 0.6 - 0.9m 0.3 - 0.6m
Lt	Grasses: - Lomandra tanika	Dwarf Mat Rush	140mm	0.6 - 0.7m	0.5 - 0.6m

21 September 2021
Ref: 20228 Rev B

Mr Craig Taylor
Director
Red Blue Architecture + Design

E: Craig@redblue.com.au

Dear Craig

Re: 3 Military Road, North Bondi

Section 3.2.2 of AS2890.1 is attached and it is very clear that there is no requirement under this standard for the provision of a holding/passing area within the property. The attached extract from Council's DCP also stresses that a double driveway should only ever be provided in "exceptional" circumstances.

The potential for concurrent entry and exit movements is infinitesimal and the potential traffic generation is vastly less than the maximum 30vtpm specified in Section 3.2.2.

There is far greater likelihood of a car manoeuvring to park kerbside on Military Road to cause a following car to pause than for a pause to be required due to concurrent ingress and egress movements for this small carpark.

It would be appropriate to install small "LED" lights facing the street to indicate when a "demand call" has been made for the lift to descent to pick up from the basement and this would be no different to the Section 3.2.2 circumstance of sighting an egressing car 30m along a single lane driveway.

It is feasible to provide a holding/passing area (albeit not entirely within the site) as shown on the attached sketch, however this involves a loss of landscape area and kerbside parking.

Yours faithfully



Ross Nettle
Director
Transport and Traffic Planning Associates

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Application No: DA-203/2021

Date Received: 30/09/2021

TABLE 3.1
SELECTION OF ACCESS FACILITY CATEGORY

Class of parking facility (see Table 1.1)	Frontage road type	Access facility category				
		Number of parking spaces (Note 1)				
		<25	25 to 100	101 to 300	301 to 600	>600
1.1A	Arterial	1	2	3	4	5
	Local	1	1	2	3	4
2	Arterial	2	2	3	4	5
	Local	1	2	3	4	4
3.3A	Arterial	2	3	4	4	5
	Local	1	2	3	4	4

NOTES:

- 1 When a car park has multiple access points, each access should be designed for the number of parking spaces effectively served by that access.
- 2 This Table does not imply that certain types of development are necessarily suitable for location on any particular frontage road type. In particular, access to arterial roads should be limited as far as practicable, and in some circumstances it may be preferable to allow left-turn-only movements into and out of the access driveway.

TABLE 3.2
ACCESS DRIVEWAY WIDTHS

metres			
Category	Entry width	Exit width	Separation of driveways
1	3.0 to 5.5	(Combined) (see Note)	N/A
2	6.0 to 9.0	(Combined) (see Note)	N/A
3	6.0	4.0 to 6.0	1 to 3
4	6.0 to 8.0	6.0 to 8.0	1 to 3
5	To be provided as an intersection, not an access driveway, see Clause 3.1.1.		

NOTE: Driveways are normally combined, but if separate, both entry and exit widths should be 3.0 m min.

3.2.2 Width requirements at low volume (Category 1) access driveways and connecting roadways

Where the circulation roadway leading from a Category 1 access driveway is 30 m or longer, or sight distance from one end to the other is restricted, and the frontage road is an arterial or sub-arterial road, both the access driveway and the circulation roadway for at least the first 6 m from the property boundary shall be a minimum of 5.5 m wide. In other cases subject to consideration of traffic volumes on a case-by-case basis, lesser widths, down to a minimum of 3.0 m at a domestic property, may be provided. As a guide, 30 or more movements in a peak hour (in and out combined) would usually require provision for two vehicles to pass on the driveway, i.e. a minimum width of 5.5 m. On long driveways, passing opportunities should be provided at least every 30 m.

Reversing movements to public roads shall be prohibited wherever possible.

8.2.1 Vehicle Access

Objectives

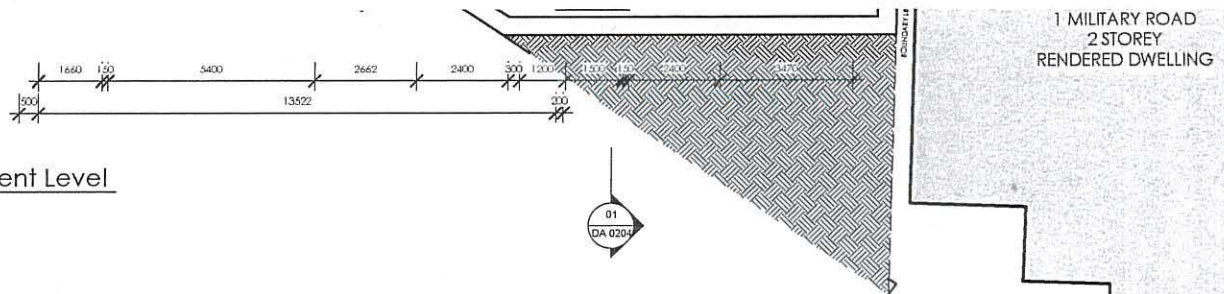
- (a) To prioritise pedestrian movements and the public domain over vehicular access.
- (b) To design vehicle access to required safety and traffic management standards.
- (c) To minimise the impact of vehicle access points and driveway crossovers to retain streetscape continuity and reinforce a high quality public domain.
- (d) To ensure vehicle entry points are integrated into building design and contribute to high quality architecture.
- (e) To integrate vehicle access with site planning and local traffic patterns.
- (f) To minimise potential conflict between vehicles and pedestrians.
- (g) To minimise the size and quantity and visual intrusion of vehicle access points.

Controls

- (a) One vehicle access point per development (including any access for service vehicles and parking for non-residential uses within mixed use developments) is permitted.
- (b) Vehicle access is to be from lanes and secondary streets where available, and not from primary street fronts or streets with major pedestrian activity.
- (c) Vehicle access points are to be integrated into the building design.
- (d) Vehicle access is to be designed to minimise the impact on the street, site layout and the building façade design.
- (e) Doors to vehicle access points are to be tilting doors fitted behind the building façade and to be of materials that integrate with the design of the building and contribute to a positive public domain.
- (f) Vehicle entries are to have high quality finishes and detailing. No service ducts or pipes are to be visible from the street.
- (g) Vehicle access may not be required for, or may be denied to some heritage buildings.
- (h) New developments are to utilise existing vehicle access points in adjoining developments where possible.
- (i) New developments are to provide vehicle access points that are capable of underground shared access at a later date. Internal on-site signal equipment is to be used to allow for safe shared access.
- (j) Vehicle access should be:
 - (i) Located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees.
 - (ii) Located a minimum of 10m from the perpendicular of any intersection of any two roads.
 - (iii) Locate vehicle access a minimum of 3m from pedestrian entrances.
- (k) Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7m over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 5.4m may be permitted for safety reasons.
- (l) Driveway widths must comply with the relevant Australian Standards.
- (m) Car space dimension, driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standards. Vehicular ramps less than 20m long within developments and parking stations must have a maximum grade of 1 in 5 (20%).

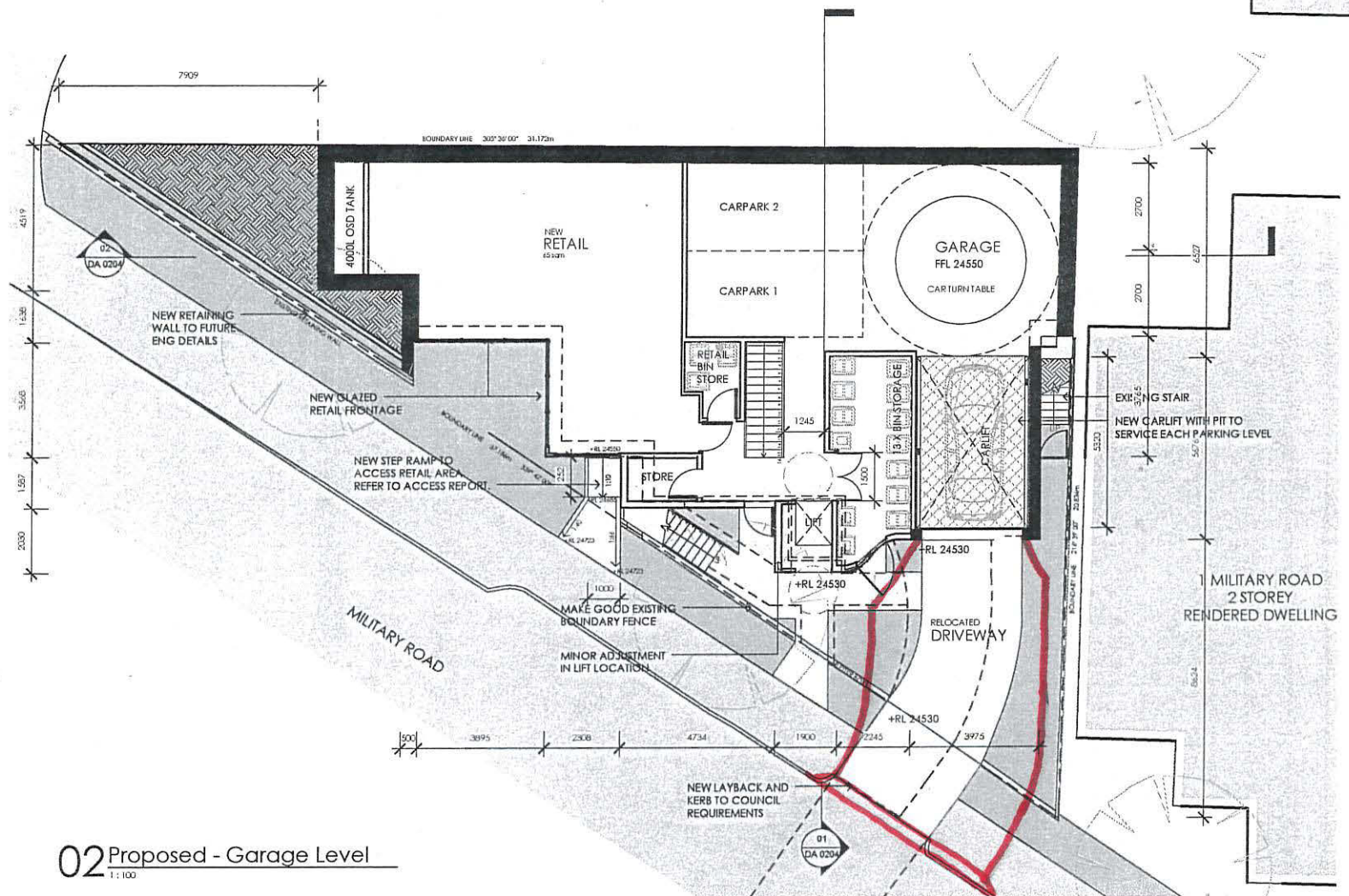
01 Proposed - Basement Level

1:100



02 Proposed - Garage Level

1:100





Report to the Waverley Local Planning Panel

Application number	DA-305/2017/C
Site address	4 Victory Street, ROSE BAY
Proposal	Modification to extend upper levels and outdoor terrace to approved dual occupancy development.
Description of Approved Development	Demolition of existing dwelling and construction of a three-storey attached dual occupancy and Strata subdivision, which has been subsequently amended.
Date of lodgement	06/07/2021
Owner	Miss S Weiner, Dr E Weiner and Mrs S J Weiner
Applicant	Miss S Weiner
Submissions	Nil
Principal Issues	<ul style="list-style-type: none"> • FSR • Streetscape • Amenity
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks extensions to the approved dual occupancy at the ground and first floor levels as follows:

- Extension of the middle level 261mm further toward the northern (rear) boundary for a rear setback of 4.739m.
- Extension of the upper level 2,180mm further toward the northern (rear) boundary for a rear setback of 4.82m.
- Associated extension of the upper level balcony further toward the rear boundary increasing the area by 5m² to a total of 27m².

The proposed modifications result in a net increase of gross floor area (GFA) of 11.98m², resulting in an overall floor space ratio (FSR) of 0.83:1. This culminates in an overall exceedance of the FSR development standard of 0.5:1 by 207.85m² or 67%. The net increase of FSR due to the proposed modifications represents a further 6% of the overall exceedance of the standard.

The proposal is considered to be inconsistent with the objectives of the FSR development standard and the setback, streetscape and privacy controls of the DCP and is not supported.

The modification was notified and no submissions were received.

The proposal is recommended for refusal.

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

1.2. Site and Surrounding Locality

Numerous site visits were carried out during the assessment of the original application, including a site visit from the Waverley Local Planning Panel (WLPP) on 13 June 2018. Due to COVID-19 lockdown restrictions a further site inspection was not carried out during the assessment of this modification application, nor was it warranted given the numerous previous inspections.

The site is identified as Lot B in DP 329866, known as 4 Victory Street, Rose Bay. The site is irregular in shape with a curved front southern boundary to Victory Street measuring 24.035m, a north (rear) boundary measuring 19.545m, eastern side boundary measuring 29.275m, western side boundary measuring 26.84m. The site has an area of 625m² and falls from the front towards the rear by approximately 1.79m.

The site was occupied by a two-storey detached dwelling with a swimming pool in the rear yard and vehicular access provided from Victory Street to a double garage. This building has since been demolished and construction of a new dual occupancy building is currently progressing.

The subject site is adjoined by the rear yard of 45A Blake Street to the west and the rear of 47 Blake Street to the north. Victory Street adjoins the southern boundary of the site and Gilbert Street on the eastern boundary. The locality contains a variety of residential developments predominantly characterised by large detached or semi-detached dwellings on large lots of land.

Figures 1 to 6 are photos of the site and its context.



Figure 1: Former house on the site viewed from Victory Street (front elevation)



Figure 2: Former house on the site viewed from the east (side elevation with Gilbert Street)



Figure 3: Western side of the former house (the pool is the only structure retained on the site after demolition)



Figure 4: Front (southern) and eastern side elevation viewed from footpath on Gilbert Street



Figure 5: Front elevation and setback of the former house on the site

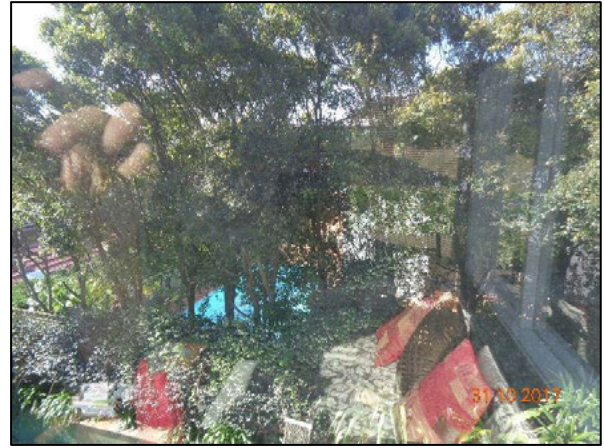


Figure 6: View to the property to the rear on Gilbert Street

1.3. Details of Approved Development

DA-305/2017 for the demolition of the existing dwelling and construction of a three-storey attached dual occupancy and strata subdivision was granted deferred commencement consent by the Waverley Development Assessment Panel (now known as the WLPP) at the meeting of 13 June 2018. This application sought an FSR of 0.87:1 (exceeding the development standard by 233m² or 75%). The deferred commencement conditions were imposed to reduce the FSR to 0.80:1 and the associated bulk and scale of the development as follows:

1. *The middle floor level rear (northern) setback, including all structures and balcony, shall be increased to a minimum of 5 metres.*
2. *The upper floor level rear (northern) setback, including all structures and balcony, shall be increased to a minimum of 7 metres.*
3. *The draft strata plans shall be amended to reflect the above requirements.*

DA-305/2017/A for modifications to remove deferred commencement conditions 1 and 2 relating to increased rear boundary setbacks was refused by the WLPP at the meeting of 27 March 2019 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 (WLEP) 2012, in particular, the following provisions:*
 - (a) *Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.*
2. *The proposal does not satisfy Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
 - (a) *Part C1 – Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-detached Dwelling and Terrace Development;*
 - i. *Clause 1.2 Setbacks, specifically objectives (a), (b), (d) and (f) and control (c) as the proposal does not provide sufficient rear setbacks and is not consistent with the setbacks*

of surrounding buildings, does not ensure the distance between building on adjacent properties allows adequate privacy, and being a corner site, does not take reference from the setbacks of dwellings on adjacent sites resulting in amenity impact upon the adjoining property.

- ii. Clause 1.4 Streetscape and Visual Impact, specifically objective (a) and control (a) and (c) in that the proposal is not compatible with the streetscape context and will dominate the streetscape.*
 - iii. Clause 1.5 Dual Occupancy Development, specifically objectives (a) and (b) as the size and bulk of the proposal is not in character with surrounding development and the streetscape and will have amenity impacts upon surrounding properties.*
 - iv. Clause 1.8 Visual and Acoustic Privacy, specifically objective (a) and control (a) and (d) as the proposal will result in visual and acoustic privacy impacts upon surrounding properties, particularly the private open space of the property to the north.*
- 3. The proposed development does not satisfy Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, and has an undesirable and unacceptable impact on the streetscape in terms of insufficient rear boundary setbacks, and would adversely impact upon the amenity of the locality and surrounding built environment.*
 - 4. The proposal is contrary to Section 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.*
 - 5. The proposal is not considered to be in the public interest, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.*

DA-305/2017/B for modifications to alter the internal layout, landscaping, alterations to the terraces and amend the strata plan was approved on 19 October 2020. The modifications increased the GFA of the dual occupancy by 6m² to a FSR of 0.81:1. The additional floor space results from decreasing the size of internal voids and ‘squaring off’ an indented wall to the first floor terrace on the western side of the building.

1.4. Proposal

The modification application has been submitted under section 4.55 (2) of the Environmental Planning and Assessment Act 1979. It seeks consent for the following modifications to the approved development:

- Extension of the middle level 261mm further toward the northern (rear) boundary for a rear setback of 4.739m.
- Extension of the upper level 2180mm further toward the northern (rear) boundary for a rear setback of 4.82m.
- Associated extension of the upper level balcony further toward the rear boundary increasing the area by 5m² to a total of 27m².

1.5. Background

The modification application was lodged on 6 July 2021 and additional information was requested on 7 July 2021 for the following reasons:

1. Given that the proposed modifications involve an increase of GFA, the Statement of Environmental Effects is to be updated to:
 - Identify the cumulative FSR of the approved development, as proposed to be modified, and the cumulative exceedance (in percentage terms) of the applicable FSR development standard under Waverley Local Environmental Plan 2012 (Waverley LEP 2012).
 - Written justification for the additional GFA and the planning need/planning grounds to further exceed the FSR development standard with regard to the objectives of this development standard and the objectives of the applicable zone.

The additional information was provided to Council on 16 July 2021.

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

The application is made under section 4.55(2) of the Act.

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 no submissions were received.

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.

Waverley LEP 2012

The land use definition of the approved development as a dual occupancy remains unchanged and continues to be permitted development in the R2 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.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved (DA-305/2017)	Approved (DA-305/2017/B)	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none">8.5m	9.96m	9.96m	9.96m	No
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">0.5:1	0.80:1	0.81:1	0.83:1	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.

Height of Buildings

The proposed modifications do not result in an increase in the approved building height of 9.96m which exceeds the development standard by 1.46m or 17%. The proposal extends the approved non-compliant height further toward the rear of the site.

The relevant objectives of the height development standard are:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The Gilbert Street elevation will continue to present as a two-storey building with the lower ground floor level being contained below the street level.

A detailed Visual Impact Assessment was undertaken by GMU for the proposed modifications. **Figures 7** and **8** in the next section of this report provides extracts from this assessment that demonstrate that the bulk and streetscape presentation of the building with the approved setbacks is more acceptable to that

proposed. The Visual Impact Assessment relies heavily upon screening from trees as justification that the bulk and scale of the proposed amendments is acceptable. This argument is not considered warranted or sufficient to allow further exceedance of the height development standard.

The proposal is not considered to be compatible with the bulk and scale of the desired future character of the locality and is not supported.

Floor Space Ratio (FSR)

The proposed modifications result in a net increase of GFA of 11.98m², resulting in an overall FSR of 0.83:1. This culminates in an overall exceedance of the FSR development standard by 207.85m² or 67%. The net increase of FSR due to the proposed modifications represents 6% 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:

- (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:

- *Despite the non-compliance with the FSR control, the proposed development will still generally comply with all other relevant planning controls under WLEP 2012 and WDCP 2012. A minor departure from the WLEP 2012 height control is proposed. However, this is due to the sloping nature of the site and only occurs in the site's western portion where the maximum height control of 8.5m is exceeded by less than 1m. The proposed FSR on the site is considered to be an appropriate correlation to the maximum height control under WLEP 2012.*
- *The proposal has been designed to provide a contemporary built form that will integrate with the established character of the surrounding area and not result in any unacceptable bulk and scale impacts. The development will appear as two storeys from Gilbert Street and part-two/part-three storeys to Victory Street. The flat roof as well as neutral palette will ensure that it does not visually dominate the locality. The proposal satisfies all DCP setback controls and exceeds the minimum requirements for landscape area. Despite the departures from the floor space and height controls under WLEP 2012, the proposal will be consistent with the established built form in the surrounding area or result in any unacceptable amenity or environmental impacts.*
- *The proposal will not impact on any views enjoyed by surrounding neighbours towards the Harbour, nor will it affect views from any public spaces including Caffyn Park to the east. The proposed*

development will not result in any adverse solar access impacts as the majority of the shadow from the development is cast over the street to the south. In addition, privacy impacts have been mitigated by providing generous setbacks to the adjoining neighbours to the north and west. Existing screen planting will also be maintained along the northern boundary. In the absence of any environmental or amenity impacts, the FSR exceedance is considered acceptable.

The approved dual occupancy, as modified by DA-305/2017/B, already exceeds the FSR development standard by 63%. The proposal seeks to increase this to 67% by reducing the set back from the northern boundary by 2.18m at the upper floor level and 261mm at the middle level.

The original report of the Development and Building Unit (DBU) to the WLPP stated the following (in part) when recommending the imposition of the deferred commencement conditions requiring the imposition of the setbacks (noting that in the original proposal the rear setback sought was 3m):

The design does not acknowledge or contribute to the streetscape on Gilbert Street presenting as overly bulky by wrapping around the entire frontage of the site both on Victory Street and Gilbert Street. In order to reduce impact upon the adjoining northern property and to reduce the bulk of the building within the Gilbert Street streetscape, the rear setback of the building should be increased.

Given that the lower ground floor level is not visible within the streetscape, the rear setback of 1.5m is accepted. At the ground floor level, the rear of the building should not extend any further to the rear than the existing building on the site (minimum of 5m) and the first floor level should incorporate a further 2m step in the built form (minimum of 7m). A deferred commencement condition to this effect is included in Appendix A. It should be noted that if the lower ground floor level were excluded from the GFA calculations, these amendments will reduce the FSR of the ground and first floor level to within the FSR development standard. The lower ground floor level would effectively become bonus floor space being located below the street level and formed by way of excavation of the subject site in the past.

There is no justifiable reason to allow the FSR development standard to be further exceeded by this development. The Statement of Environmental Effects states that *“the minor extension at the northern façade will provide a more generous living area for the occupants of Unit 2 that is more in keeping with the size of living areas and dwellings in this area. It will provide improved internal amenity and greater circulation space. This will allow the residents on Unit 2 to age-in-place within this residence and continue to host family meals”*. The desire to have a larger living area is not accepted as a reason to exceed the development standards. The objectives of the development standard are not met simply by wanting a larger living space. Unit 2 is already approximately 218m² in area with the lower level dwelling (Unit 1) being approximately 290m². Both dwellings within this dual occupancy are substantially large residences and significantly over the development standard for the site. There is sufficient area within each dwelling to provide more than adequate living spaces.

The setback requirements were imposed in order to reduce the visual bulk of the building along the Gilbert Street frontage and to lessen visual and acoustic privacy impacts upon the open space area of

the adjoining dwelling to the north at 47 Blake Street. The reduction in the setbacks to this level are not considered warranted in the context of the site. Development standards provide certainty to the community and surrounding properties and any further variation to a building which already significantly exceeds the standard erodes the integrity of the control.

A detailed Visual Impact Assessment was undertaken by GMU for the proposed modifications. The following images are extracted from this report and demonstrate that the increased setback at the upper level provides visual interest and articulation to the Gilbert Street façade, lessening the bulk and scale within the streetscape. These images, although submitted in support of the proposal, demonstrate that the upper level setback is clearly a better outcome for the site.



Figure 7: Photomontage showing the approved setbacks



Figure 8: Photomontage showing the proposed setbacks

The SEE states that the northern boundary is not the rear boundary and should be treated as a side boundary with the western boundary considered the rear. The orientation of the existing dwelling is toward Victory Street and the proposal retains this front setback. The secondary street frontage on Gilbert Street provides minimal setbacks consistent with a side setback which has been accepted in the approval. This is consistent with the orientation of the existing site and the adjoining property to the north, to which this site is compared. It is a reasonable expectation that an existing rear setback will be retained as a rear setback in the redevelopment of the site and appropriate setbacks provided in response to the rear setback of the adjoining site.

The adjoining property to the north is orientated toward Blake Street with the rear boundary of this property being the shared northern boundary of the subject site. No 47 Blake Street provides private open space within the eastern side setback and to the south of this dwelling adjacent to the rear boundary. The proposed modification seeks to increase the size of the approved terrace at the first floor level from approximately 21m² to 27m². This upper level terrace will function as the principle area of private open space for Unit 2.

The terrace will continue to significantly exceed the DCP control for elevated balconies/terraces that requires a maximum depth of 1.5m and area of 10m². The fact that the terrace is to be used as the principal area of private open space will result in visual and acoustic privacy impacts upon the neighbouring property and greater separation (ie, setbacks) is required. The greater setback from the rear boundary provided by the deferred commencement conditions provides greater separation between the elevated terraces and the private open space of the adjoining property reducing visual and acoustic privacy impacts upon this property. Privacy impacts are not just window to window, the proposal would provide two dwellings overlooking the rear yard and swimming pool of the adjoining property. To maintain the privacy to the adjoining dwelling the proposal relies on existing planting and setbacks on the adjoining property. This is not considered acceptable. Relying on vegetation alone is not sufficient to ensure visual and acoustic privacy impacts are minimised. Setbacks are the most effective way to reduce these impacts with the use of vegetation to supplement and further enhance privacy.

The deferred commencement conditions were imposed to reduce the FSR of the development, the impact upon the streetscape and the impact upon surrounding properties. The increased setbacks do not result in undersized dwellings with two generously sized dwellings approved for the site already well in excess of the FSR and height development standards. Any further increase in FSR or height is not considered appropriate.

Given the above analysis, the proposed modification is considered inconsistent with the objectives of the FSR development standard and is not supported.

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

Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Table 2** of this report and detailed discussion below these tables.

Table 2: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	No	The proposal contravenes the general objectives of this part of the DCP. As previously discussed, the scale of the building is not appropriate for the allotment size and the bulk and scale is not sympathetic with the desired future character of the area.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No	Height has been previously discussed in this report. The proposal will further exceed the wall height control of 7.5m resulting in bulk and scale impacts in the streetscape and to the adjoining property.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant rear building line at each floor level 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. 	No	As detailed previously in this report, the rear setbacks proposed are considered insufficient and deferred commencement conditions were recommended to address this in the original approval. This issue is discussed in detail in the section following this table.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. 	No	The proposal will present as two-storeys along Gilbert Street. As discussed previously in this report, the proposed bulk of the structure along Gilbert Street is considered excessive and a reduced rear setback to the two upper levels is not warranted. The proposal will dominate the Gilbert Street streetscape and the site is clearly visible from surrounding public places including parklands and reserves opposite the site.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Porticos only permitted where a character of the streetscape 		The reduction of bulk at the rear as required by the setbacks in the deferred commencement conditions ensure an appropriate streetscape appearance consistent with surrounding properties. The proposed modification is recommended for refusal.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> 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 Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	No	This issue has been previously discussed in this report.
2.6 Solar Access		
<ul style="list-style-type: none"> Development is not to reduce the amount of direct sunlight to at least 50% of the principal private open space of adjoining properties to less than 3 hours when measured between 9am and 3pm during winter solstice (June 21). 	Yes	Given the orientation of the site, the proposed modification will not result in additional overshadowing of surrounding properties.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	There are no known views from the public domain or private views from surrounding properties that will be impacted.
2.14 Dual Frontage Development		
2.14.1 - General Controls	No	The proposal is inconsistent with objectives (a) and (b), as the size and bulk of the proposal is not in character with surrounding development and

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Primary and secondary frontage to be defined Appropriate forms to be provided to each street 		the streetscape and will have amenity impacts upon surrounding properties.

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

Rear setback

Control 2.2.1 (b) requires the predominant rear building line to be determined separately for each floor level and 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. Control 2.2.1 (c) requires that the siting of dwellings on corner lots should take reference from the setbacks of dwellings on adjacent lots.

The northern boundary is the rear setback of the site as the existing dwelling is orientated toward Victory Street. All surrounding dwellings have a north-south or south-north orientation with frontage toward either Blake Street or Victory Street (refer to **Figure 9** below).

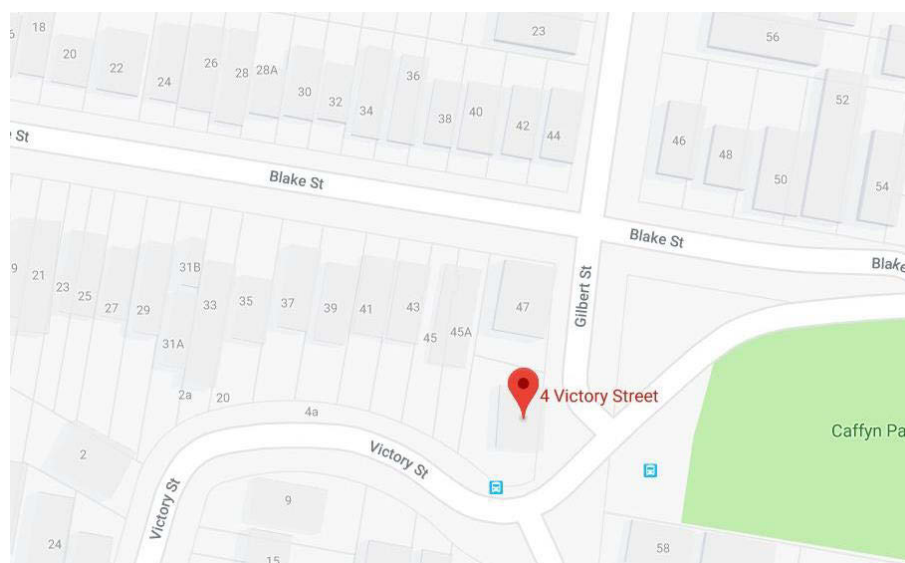


Figure 9: Orientation of surrounding sites

The northern setback is clearly the rear boundary of this site, consistent with surrounding sites. The applicant argues that it should be considered a side boundary however that is not consistent with the existing orientation of the site or surrounding properties.

The objectives of the setback controls in the DCP seek to ensure that any proposal, including those on corner lots, are consistent with the pattern of surrounding development. The northern boundary setback is not consistent with 47 Blake Street, to which this site is immediately compared. The proposal is seeking

to rely on the setbacks and landscaping of an adjoining site in order to reduce privacy and bulk and scale impacts upon this property. The proposal seeks to eliminate the stepped built form of the building at the rear which the DCP requires to minimise bulk and scale impacts upon surrounding properties and to provide visual relief.

The proposal is considered to be inconsistent with the objectives and rear setback controls of the DCP and is not supported.

2.2.2. Other Impacts of the Development

The proposal is considered to 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 has an undesirable and unacceptable impact on the streetscape in terms of insufficient rear boundary setbacks and would adversely impact upon the amenity of the locality and surrounding built environment.

2.2.3. Suitability of the Site for the Development

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

2.2.4. Any Submissions

The application was notified for 14 days between 16 July and 3 August 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*. No submissions were received.

2.2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest and is recommended for refusal.

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

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 05/10/2021 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, B Matlawski and J Zancanaro*

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.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Kylie Lucas	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 07/10/2021	Date: 12 October 2021

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:

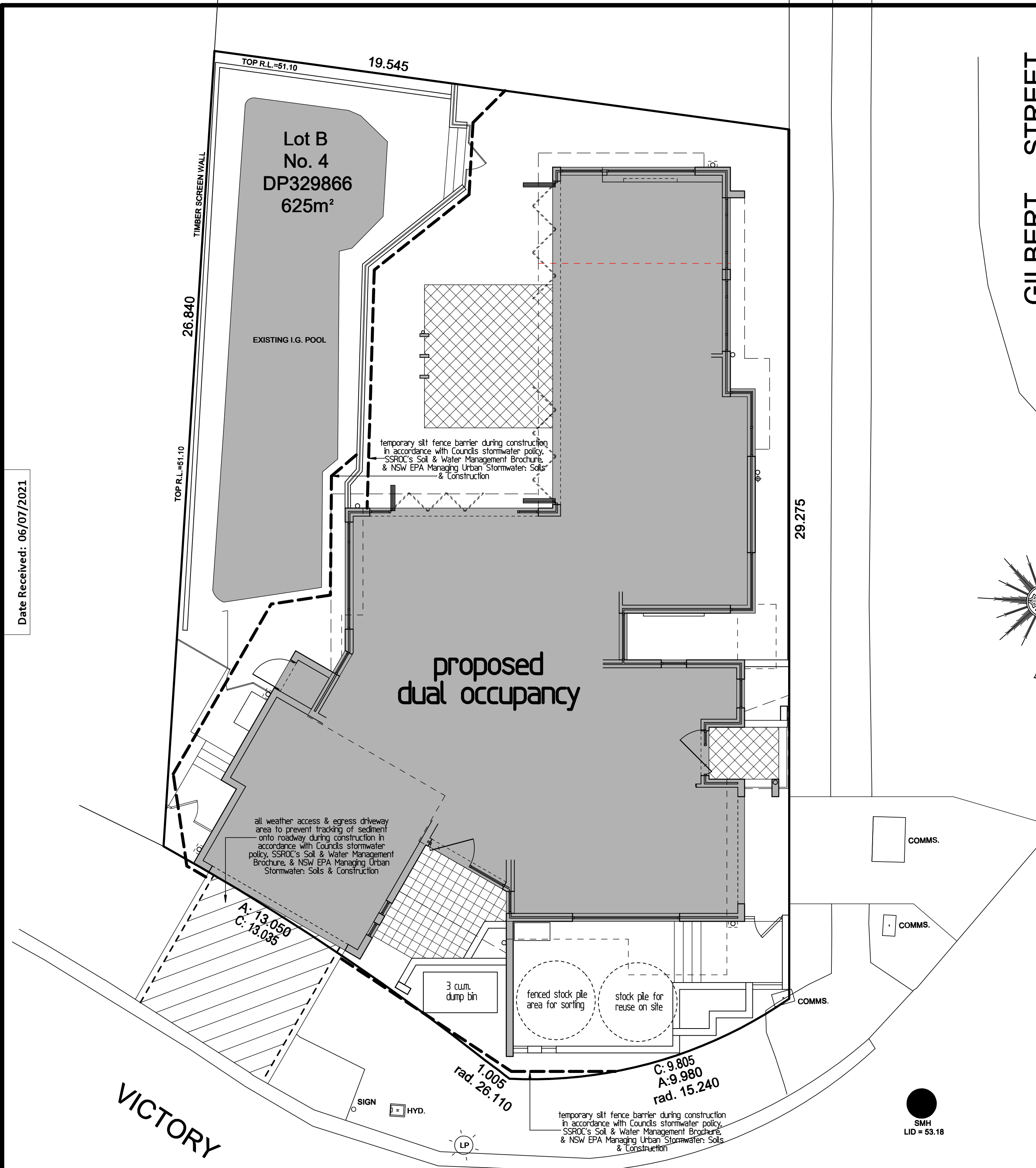
1. Departure from any development standard in an EPI by more than 10%

APPENDIX A – REASONS FOR REFUSAL

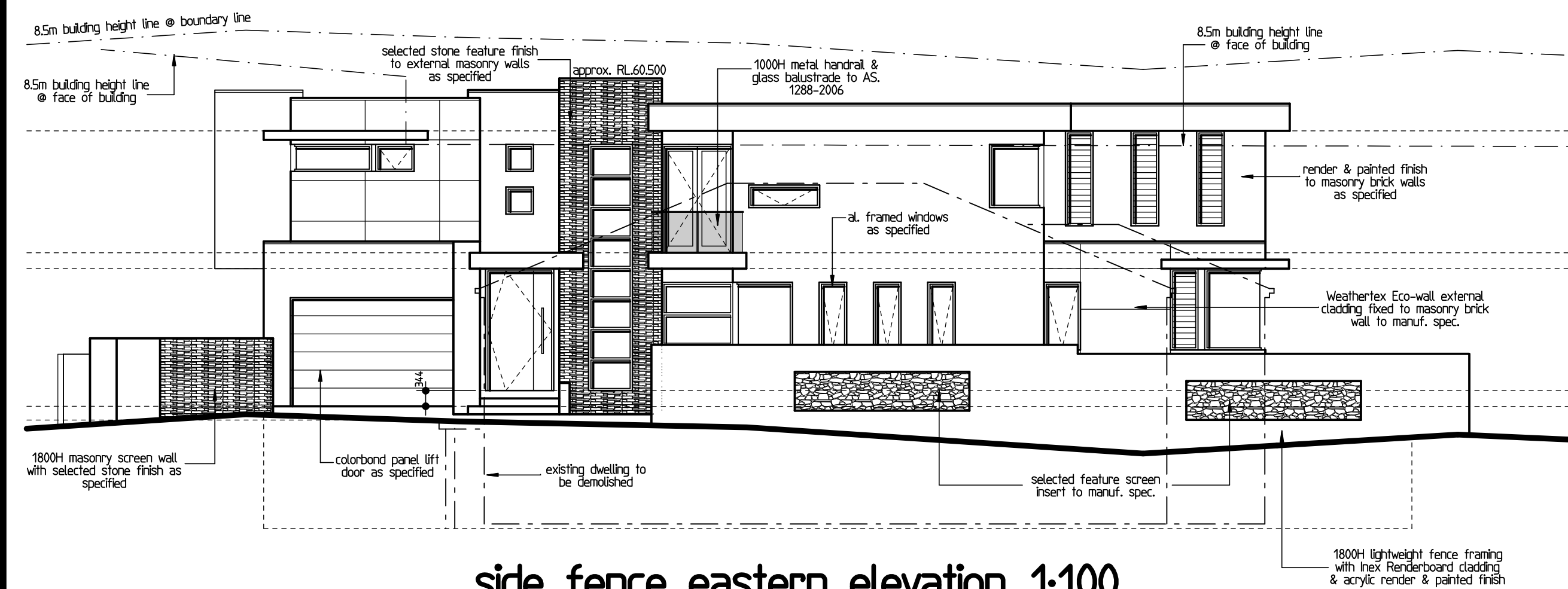
Having regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) the development application is refused for the following reasons:

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(1)(b) to (d) and (2) as the proposed modification will exceed the maximum FSR permitted for the site and have unacceptable impacts.
 - (b) Clause 4.3 (1) (a) and (d) and (2) as the proposed modification will exceed the maximum height permitted for the site and have unacceptable impacts.
2. The proposal does not satisfy Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - (a) *Part C2 – Low Density Residential Development;*
 - (i) Clause 2 *General Objectives*, specifically objectives (a), (b) and (d) as the proposed modification results in a building of excessive bulk and scale that is inappropriate for the allotment size and will result in amenity impacts upon surrounding properties.
 - (ii) Clause 2.1 *Height*, specifically objectives (a), (b) and controls (b) as the proposal exceeds the maximum height control resulting in bulk and scale impacts upon surrounding properties and the locality.
 - (iii) Clause 2.2 *Setbacks*, specifically objectives (a), (c), (d), (f), (h) and controls (b) and (c) as the proposal does not provide sufficient rear setbacks and is not consistent with the setbacks of surrounding buildings, does not ensure the distance between building on adjacent properties allows adequate privacy, and being a corner site, does not take reference from the setbacks of dwellings on adjacent sites resulting in amenity impacts upon the adjoining property and bulk and scale impacts within the streetscape.
 - (iv) Clause 2.3 *Streetscape and Visual Impact*, specifically objective (b) and controls (a) and (d) in that the proposal is not compatible with the streetscape context and will dominate the streetscape.
 - (v) Clause 2.5 *Visual and Acoustic Privacy*, specifically objectives (a), (c) and control (e) as the proposal will result in visual and acoustic privacy impacts upon surrounding properties, particularly the private open space of the property to the north.
 - (vi) Clause 2.15 *Dual Occupancy Development*, specifically objectives (a) and (b) as the size and bulk of the proposal is not in character with surrounding development and the streetscape and will have amenity impacts upon surrounding properties.

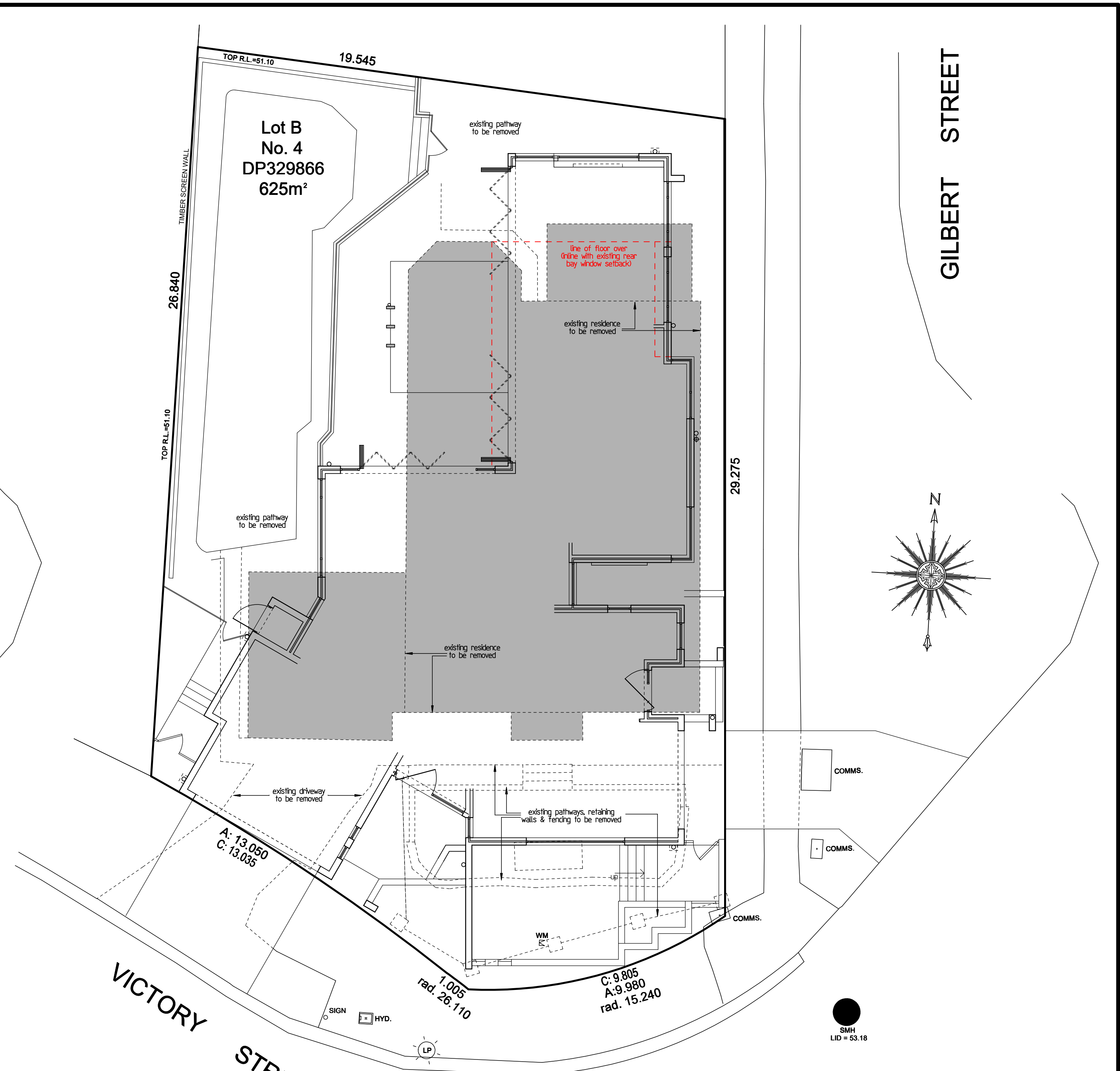
3. The proposed development does not satisfy Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, and has an undesirable and unacceptable impact on the streetscape in terms of insufficient rear boundary setbacks, and would adversely impact upon the amenity of the locality and surrounding built environment.
4. The proposal is contrary to Section 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.
5. The proposal is not considered to be in the public interest, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.



site waste & recycling management plan 1:100
erosion & sediment control plan 1:100



side fence eastern elevation 1:100



demolition plan 1:100

BOUNDARY ENCROACHMENT NOTE:

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

TERMITE BARRIER NOTE:

The use of organochlorine pesticides as termite barriers in new development is prohibited pursuant to Council policy. Only physical barriers are to be used for termite control. The building shall comply with AS3660. Protection of building from subterranean termites - prevention, protection & treatment of infestation.

DEMOLITION NOTES:

- a) the development must be carried out in accordance with AS2601-2001, 'The Demolition of Structures', and
- b) run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development must be implemented by:
 - i) diverting uncontaminated run-off around cleared or disturbed areas, and
 - ii) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
 - iii) preventing tracking of sediment by vehicles onto roads, and
 - iv) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot, and
- c) any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority, and
- d) the structure being demolished or removed must not be relocated on the same lot or to a different lot, unless it meets the relevant development standards specified in Part 3 or Part 3A, and
- e) the development must, if it is the demolition or removal of an existing dwelling or a semi-detached dwelling, not be carried out within the front 6m of the dwelling or forward of the roof ridge line.

BUILDING DESIGN SAFETY REPORT REFERENCE NOTE:

YOUR ATTENTION IS DRAWN TO SHEET 3 OF THIS SET OF DRAWINGS. PLEASE REFER TO THE BUILDING DESIGN SAFETY REPORT. THESE NOTES ARE TO BE READ AND UNDERSTOOD BY THE OWNER OF THE DWELLING AND ALL INVOLVED DURING THE CONSTRUCTION, MAINTENANCE & DEMOLITION OF THE SUBJECT BUILDING.

USE OF COMMON PROPERTY NOTE:

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

LIGHTING NOTE:

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 spillage. All lighting shall comply with AS4286/1997 Control of the Obtrusive Effects of Outdoor Lighting.

NOTE:
Figured dimensions are to take preference over scaling.

All construction practices are to be in accordance with the current issue of the BCA, & all other relevant codes.

All details are to be thoroughly checked by the builder prior to the commencement of any site works. Any discrepancies are to be brought to the attention of ADAN CREATIVE DESIGNS at that time.

All plans are to be read in conjunction with supporting report documentation & other consultants details.

issue	date	description
a	19-08-20	REVISION CONCEPT ISSUE
b	24-06-21	SECTION 4.55 ISSUE

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adan
CREATIVE DESIGNS

adan creative designs is a
member of:
building designers association
of australia
membership number: 1119-10

bdaa
BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA

client:
Mr. & Mrs. Weiner

job address:
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Victory Street, Rose Bay**

builder:

project description:
**Proposed Dual Occupancy
Development**

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sheet
5 of 5.

drawing n.
1946-16CCb

date:
24-06-2021

The use of organochlorine pesticides as termite barriers in new development is prohibited pursuant to Council policy. Only physical barriers are to be used for termite control. The building shall comply with AS3660: "Protection of building from subterranean termites - prevention, protection & treatment of infestation".

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

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 spillage. All lighting shall comply with AS4282:1997 'Control of the Obtrusive Effects of Outdoor Lighting'.

All wet areas are to be provided with floor washings in accordance with the BCA, glass balustrades must comply with section 7.01 AS1286-2006 – Engineer to certify.

All roof cladding is to be in accordance with AS1562.1

All windows will comply with the Australian Standard of Operable Windows. All glazing must be selected & installed in accordance with AS2047 & AS1288.

Windows are to be fitted with security film or laminated glass in accordance with AS1900-90 to all external walls, & unit separating floors & walls.

All external wall materials (including cladding & insulation) are to be non-combustible. The following materials & sections are acceptable:

- Specification C1.10
- External elements (attachments to internal panels or external face of external walls) are to be non-combustible.

All penetrations through rated floors & ceilings must be protected in accordance with BCA clause C3.72. Manufacture details and test reports demonstrating compliance to be provided by installer.

- All stairs GR10 design to meet BCA clause D2.13
- All landings are to comply with BCA clause D2.14.
- Floor downies finished to meet BCA clause D2.15.

All balustrades to balconies, landings & stairs are to be in accordance with BCA clause 2.16. All handrails required for stairs & landings are to be in accordance with BCA clause D2.17. For doors, handrails are to be in accordance with BCA clause 2.16. Handrails with BCA clause E1.6, Table E1.6 & AS2444. Refer to appended protection plan for details. All handrails to be constructed from stainless steel or aluminium finishings & hyfrant coating.

Altimeter fitting complying with AS16600 must be provided to all stairwells.

Fire escape not provided with natural light in accordance with BCA clause F4.4. Any room occupied by a person for any purpose must be provided with either natural light or artificial lighting in accordance with AS16600.

All openings in shafts required to be fire rated are to be protected in accordance with BCA.

All openings for service installations are to be fire stopped in accordance with BCA Clause C3.15 & AS1350.4.

All openings in fire rated construction are to be sealed in accordance with BCA Clause C3.16 & AS1350.4.

The following table sets out the measures between units to achieve a sound insulation rating in accordance with BCA Sections D52, F5.3, F5.4, F5.5, F5.6, F5.7 or AS/NZS1276-01

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



DIAL 1100
BEFORE YOU DIG

DIAL BEFORE YOU DIG
SHOULD BE CONTACTED
PRIOR TO ANY EXCAVATION ON SITE

YOUR ATTENTION IS DRAWN TO SHEET 3 OF THIS SET OF DRAWINGS. PLEASE REFER TO THE BUILDING DESIGN SAFETY REPORT. THESE NOTES ARE TO BE READ AND UNDERSTOOD BY THE OWNER OF THE DWELLING AND ALL INVOLVED DURING THE CONSTRUCTION, MAINTENANCE & DEMOLITION OF THE SUBJECT BUILDING.

floor area (Unit 1):

- lower floor = 24,393 sqm.
- middle floor = 149.03 sqm.
Ind. 1957 sqm. void
- sub-total = 392.96 sqm. or 42.3 squares
- porch = 6.57 sqm.
- alfresco = 20.82 sqm.
- terrace = 18.51 sqm.
- total = 438.86 sqm. or 47.2 squares

floor area (Unit 2):

- lower floor = 36.67 sqm.
- middle floor = 67.12 sqm.
- upper floor = 217.58 sqm.
incl. 12.85 sqm. void
- sub-total = 321.37 sqm. or 34.6 squares
- porch = 5.30 sqm.
- terrace = 28.87 sqm.
- balconies = 10.42 sqm.
- total = 365.96 sqm. or 39.4 squares

site area	
- site	= 625.00 sqm.
- gross floor area indicated shaded on floor plans	= 520.35 sqm.
- floor space ratio	= 0.831
- paved external areas	= 53.81 sqm.
- existing swimming pool	= 65.30 sqm.
- open space incl. terrace areas & paved areas, swimming pool & driveway	= 344.14 sqm. or 55.1% of site
- landscaped area as per landscaping plan	= 165.7 sqm. or 26.4% of site

NOTE:

- stormwater to hydraulic eng's details & councils requirements.
- sewer to Sydney Water requirements.
- all ground lines are to be verified on-site by the builder.
- final location of buildings to be verified on-site by a registered surveyor.

NOTE:
Figured dimensions are to take preference over scaling

All construction practices are to be in accordance with the current issue of the BCA, & all other relevant codes.

All details are to be thoroughly checked by the builder prior to the commencement of any site works. Any discrepancies are to be brought to the attention of ADAN CREATIVE DESIGNS at that time.

All plans are to be read in conjunction with supporting report documentation & other consultants details.

[illegible]

adan creative designs is a member of:
 building designers association of australia.
 membership enquiries: 1111 1111

client:	Mr. & Mrs. Weiner
job address:	Lot B in dp.329866, No.4 Victory Street, Rose Bay
builder:	

<p>project description:</p>	<p>Proposed Dual Occupancy Development</p>	
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<p>sheet</p>	<p>drawing n^o.</p>	<p>date:</p>



photomontage - front view

BASIX ITEM	PROJECT REQUIREMENTS
LANDSCAPING:	<ul style="list-style-type: none"> INDIVIDUAL LANDSCAPING (PERVIOUS) AREA FOR DWELLINGS AS FOLLOWS: <ul style="list-style-type: none"> Unit 1 ~ 123.0m² Unit 2 ~ 71.5m² NO COMMON AREA GARDENS OR LAWNS.
WATER COMMITMENTS:	<p><u>EACH UNIT IS TO BE PROVIDED WITH:</u></p> <ul style="list-style-type: none"> 3 STAR RATED SHOWER HEADS (7.5 to 9.0L/MINUTE). 4 STAR RATED TOILETS. 4 STAR RATED KITCHEN TAPS. 4 STAR RATED BATHROOM TAPS. 2 STAR DISHWASHER A MINIMUM <u>3,000L</u> RAINWATER TANK, SUPPLIED BY AT LEAST 13.5m² FOR UNIT 1 AND AT LEAST 313.5m² FOR UNIT 2. RAINWATER TANK TO BE CONNECTED TO THE <u>TOILETS AND LAUNDRIES</u> OF EACH UNIT AND TO BE USED FOR <u>GARDEN WATERING</u>.
THERMAL COMFORT - SIMULATION METHOD:	<p><u>EACH UNIT IS TO BE PROVIDED WITH:</u></p> <ul style="list-style-type: none"> FLOOR INSULATION ~ <u>R1.0</u>. INTERNAL WALL BETWEEN GARAGE AND UNIT ADDED INSULATION ~ <u>R1.0</u> OR HIGHER. SEPARATING WALL BETWEEN UNITS TOTAL ADDED INSULATION ~ <u>R1.0</u> PER UNIT, OR HIGHER. CAVITY BRICK EXTERNAL WALL ADDED INSULATION ~ <u>R1.0</u> OR HIGHER. CEILING ADDED INSULATION ~ <u>R3.0</u> (TO ROOF SPACE), OR HIGHER. COLORBOND ROOF (LIGHT COLOUR) ADDED <u>FOIL/ANTI-GLARE UP</u>. GLAZING ~ ALUMINIUM/TIMBER FRAMED STANDARD GLASS ALL WINDOWS / SKYLIGHTS / GLAZED DOORS. REFER TO THE INDIVIDUAL NATHER'S CERTIFICATES FOR ADDITIONAL DETAILS ON THE U-VALUES, SHGC VALUES AND INSULATION.
ENERGY COMMITMENTS:	<p><u>EACH DWELLING SHALL BE PROVIDED WITH:</u></p> <ul style="list-style-type: none"> MINIMUM 5 STAR GAS INSTANTANEOUS HOT WATER SYSTEM, OR HIGHER. ALL BATHROOMS AND THE KITCHEN TO HAVE MECHANICAL VENTILATION – DUCTED EXTERNALLY / MANUAL SWITCH ON/OFF. THE LAUNDRY SHALL BE PROVIDED WITH NATURAL VENTILATION. NATURAL LIGHTING AVAILABILITY TO BATHROOMS AND KITCHENS AS SCHEDULED IN THE BASIX CERTIFICATE. GAS COOKTOP AND ELECTRIC OVEN. PRIMARY ACTIVE <u>COOLING</u> TO BE PROVIDED BY <u>THREE PHASE DUCTED AIR CONDITIONING TO THE LIVING ROOM</u> (EER 3.0-3.5 FOR COOLING; OR HIGHER). PRIMARY ACTIVE HEATING TO BE PROVIDED BY <u>MINIMUM 4 STAR GAS FIXED FLUED HEATED TO THE LIVING ROOM</u>. PRIMARY ACTIVE <u>COOLING AND HEATING</u> TO BE PROVIDED BY THREE PHASE DUCTED AIR CONDITIONING TO <u>ALL BEDROOMS</u> (EER 3.0-3.5 FOR COOLING AND HEATING; OR HIGHER). AIR CONDITIONING TO BE ZONED BETWEEN BEDROOM AND LIVING AREAS. WELL VENTILATED REFRIGERATOR SPACE. OUTDOOR CLOTHES DRYING LINE. INDOOR CLOTHES DRYING LINE. THE FOLLOWING ROOMS ARE TO BE <u>DEDICATED</u> TO FLUORESCENT OR LED LIGHTING: <ul style="list-style-type: none"> ALL BEDROOMS THREE LIVING/DINING AREAS; THE KITCHEN; ALL BATHROOMS / TOILETS / LAUNDRY; ALL HALLWAYS.

BUILDING DESIGN SAFETY REPORT

1. FALLS, SLIPS, TRIPS

a) WORKING AT HEIGHTS

DURING CONSTRUCTION
Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights where a fall in excess of two metres is possible and injury is likely to result from such a fall. The builder should provide suitable barriers wherever a person is required to work in a situation where falling more than two metres is a possibility.

DURING OPERATION OR MAINTENANCE
For houses or other low-rise buildings where scaffolding is appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.

For buildings where scaffold, ladders, trestles are not appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders or trestles should be used in accordance with relevant codes of practice, regulations or legislation.

ANCHORAGE POINTS
Anchorage points for portable scaffold or fall arrest devices have been included in the design for use by maintenance workers. Any persons engaged to work on the building after completion of construction work should be informed about the anchorage points.

b) SLIPPERY OR UNEVEN SURFACES

FLOOR FINISHES Specified
If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to the specified finish should be made in consultation with the designer or, if this is not practical, surfaces with an equivalent or better slip resistance should be chosen.

FLOOR FINISHES By Owner
If designer has not been involved in the selection of surface finishes, the owner is responsible for the selection of surface finishes in the pedestrian trafficable areas of this building. Surfaces should be selected in accordance with AS 157:1999 and AS/NZS 4586:2004.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES
Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual and tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace.
Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard. Spill, loose material, any objects or any other matter that may cause a slip or trip hazard should be cleared or removed from access ways.
Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

2. FALLING OBJECTS

LOOSE MATERIALS OR SMALL OBJECTS
Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs and/or the installation of measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS
During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects.
Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road:
Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.
For building where on-site loading/unloading is restricted:
Construction of this building will require loading and unloading of materials on the roadway. Delivery vehicles should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading areas.
For all buildings:
Busy construction and demolition sites present a risk of collision where deliveries and other traffic use moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

4. SERVICES

GENERAL
Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dig Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used.

Locations with underground power:
Underground power lines MAY be located in or around this site. All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing.

Locations with overhead power lines:
Overhead power lines MAY be located on or around this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

5. MANUAL TASKS

Components within this design with a mass in excess of 23kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass.
All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment. These should be fully maintained in accordance with manufacturer's specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer's specification.

6. HAZARDOUS SUBSTANCES

ASBESTOS
For alterations to a building constructed prior to 1990:
If this existing building was constructed prior to 1990 - it therefore may contain asbestos 1986 - it therefore is likely to contain asbestos either in cladding material or in fire retardant insulation material. In either case, the builder should check and, if necessary, take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

POWDERED MATERIALS
Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER
The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS
Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE
Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

TIMBER FLOORS
This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

EXCAVATION
Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical the excavation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent excavation or unauthorised access to all excavations should be provided.

ENCLOSED SPACES
For buildings with enclosed spaces where maintenance or other access may be required:
Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, or testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES
For buildings with small spaces where maintenance or other access may be required:
Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING
RESIDENTIAL BUILDINGS
This building has been designed as a residential building. If, at a later date, it is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

NON-RESIDENTIAL BUILDINGS
For non-residential buildings where the end-use has not been identified:
This building has been designed to requirements of the classification identified on the drawings. The specific use of the building is not known at the time of the design and a further assessment of the workplace health and safety issues should be undertaken at the time of fit-out for the end user.

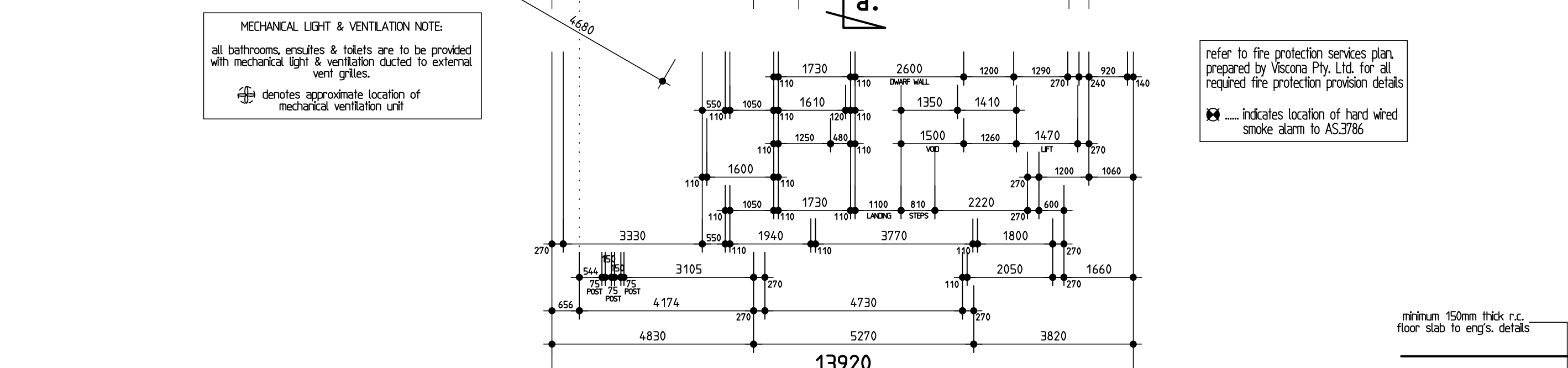
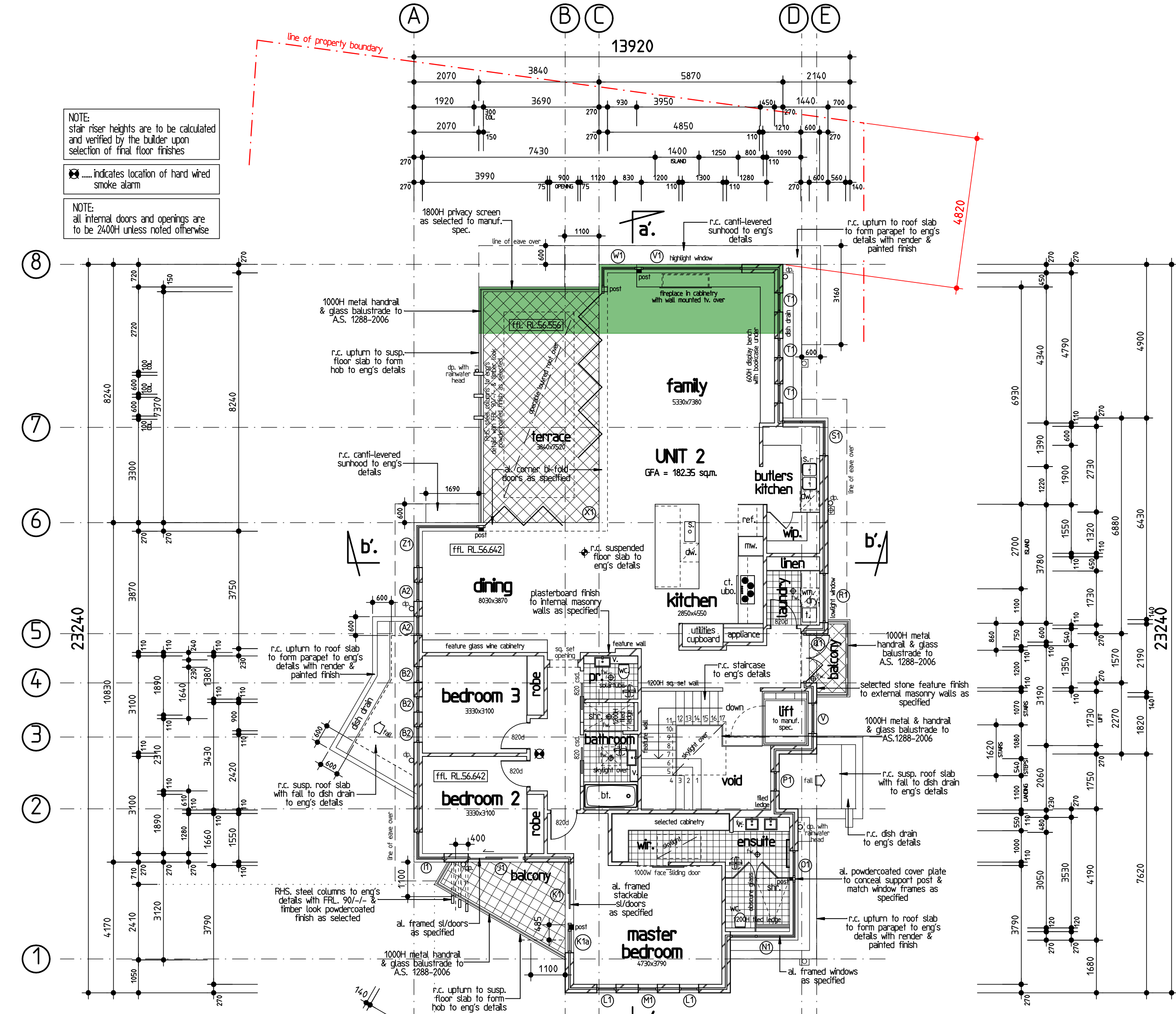
For non-residential buildings where the end-use is known:
This building has been designed for the specific use as identified on the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues should be undertaken.

10. OTHER HIGH RISK ACTIVITY
All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZS 3012 and all licensing requirements.
All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.

THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS,

CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.



- SPECIFICATIONS:**
- All wet areas are to be provided with roof wastes in accordance with the BCA.
 - All glass balustrades must comply with Section 7 of AS1288-2006 - Engineer to certify.
 - All roof cladding is to be in accordance with AS1562.1
 - All windows will comply with D2.24 of the BCA - Protection of Openable Windows
 - All glazing must be selected & installed in accordance with AS2047 & AS1288.
 - The building is to be of Type A construction and is to achieve an FRL of 90/90/90 to all external walls, & until separating floors & walls.
 - All external wall materials (including cladding & insulation) are to be non-combustible.
 - Fixings, materials & assemblies must be non-combustible or comply with BCA Specification C1.10
 - All ancillary elements (attachments to internal parts or external face of external walls are to be non-combustible.
 - Service penetrations through fire rated floors & ceilings must be protected in accordance with BCA clause C3.12. Manufactures details and test reports demonstrating compliance to be provided by installer.
 - All stairs (DR-0) design is to comply with BCA clause D2.13.
 - All landings are to comply with BCA clause D2.14.
 - All doorway thresholds are to comply with BCA clause D2.15.
 - All balustrades to balconies, landings & stairs are to be in accordance with BCA clause 2.16.
 - All handrails required to stairs & landings are to be in accordance with BCA clause D2.17.
 - Portable fire extinguishers must be provided throughout the building in accordance with BCA clause E1.6, Table E1.6 & AS2444. Refer to approved protection plan for details.
 - Buildings under construction are required to be provided with portable fire extinguishers & hydrant coverage.
 - Artificial lighting complying with AS1680.0 must be provided to all stairs, ramps, passageways & areas not provided with natural light in accordance with BCA clause F4.4.
 - Any room occupied by a person for any purpose must be provided with either natural ventilation complying with BCA F4.2 or mechanical ventilation in accordance with AS1688.2.
 - All openings in shafts required to be fire rated are to be protected in accordance with BCA clause C1.13.
 - All openings for service installations are to be fire stopped in accordance with BCA Clause C3.15 & AS1530.4.
 - All construction joints in fire rated construction are to be sealed in accordance with BCA Clause C3.16 & AS1530.4.
 - All separating walls & floors between units are to achieve a sound insulation rating in accordance with BCA Clauses F5.2, F5.3, F5.4, F5.5, F5.6, F5.7 or AS/NZS 1271.1 or S0717.1.

LIGHTING NOTE:
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 spillage. All lighting shall comply with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

TERMITE BARRIER NOTE:
The use of organochlorine pesticides as termite barriers in new development is prohibited pursuant to Council policy. Only physical barriers are to be used for termite control. The building shall comply with AS3666. Protection of building from subterranean termites - prevention, protection & treatment of infestation.

NOTE:	issue	date	description
Figured dimensions are to take preference over scaling.	a	19-08-20	REVISION CONCEPT ISSUE
All construction practices are to be in accordance with the current issue of the BCA, & all other relevant codes.	b	24-06-21	SECTION 4.55 ISSUE
All details are to be thoroughly checked by the builder prior to the commencement of any site works. Any discrepancies are to be brought to the attention of ADAN CREATIVE DESIGNS at that time.			
All plans are to be read in conjunction with supporting report documentation & other consultants details.			

adan CREATIVE DESIGNS

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bdaa BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

client: Mr. & Mrs. Weiner

job address: Lot B in dp.329866, No.4 Victory Street, Rose Bay

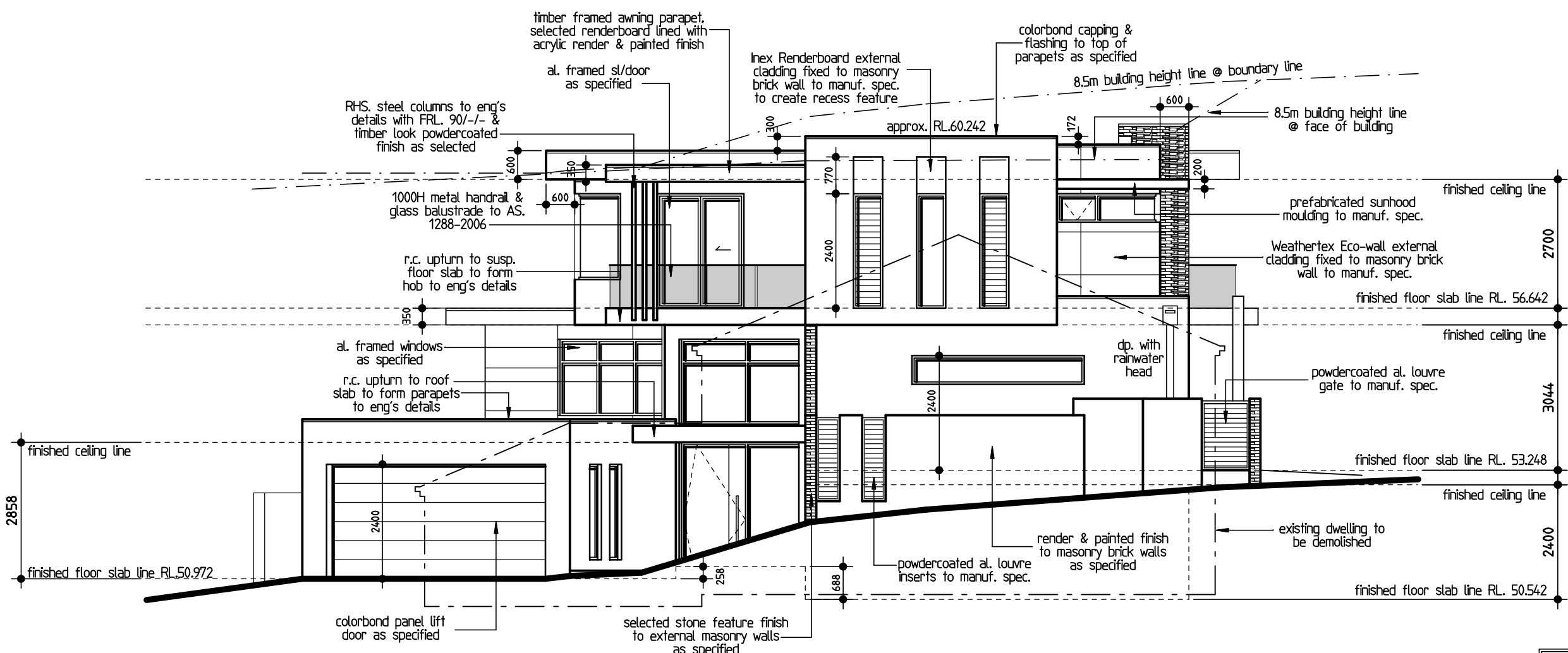
builder:

project description: Proposed Dual Occupancy Development

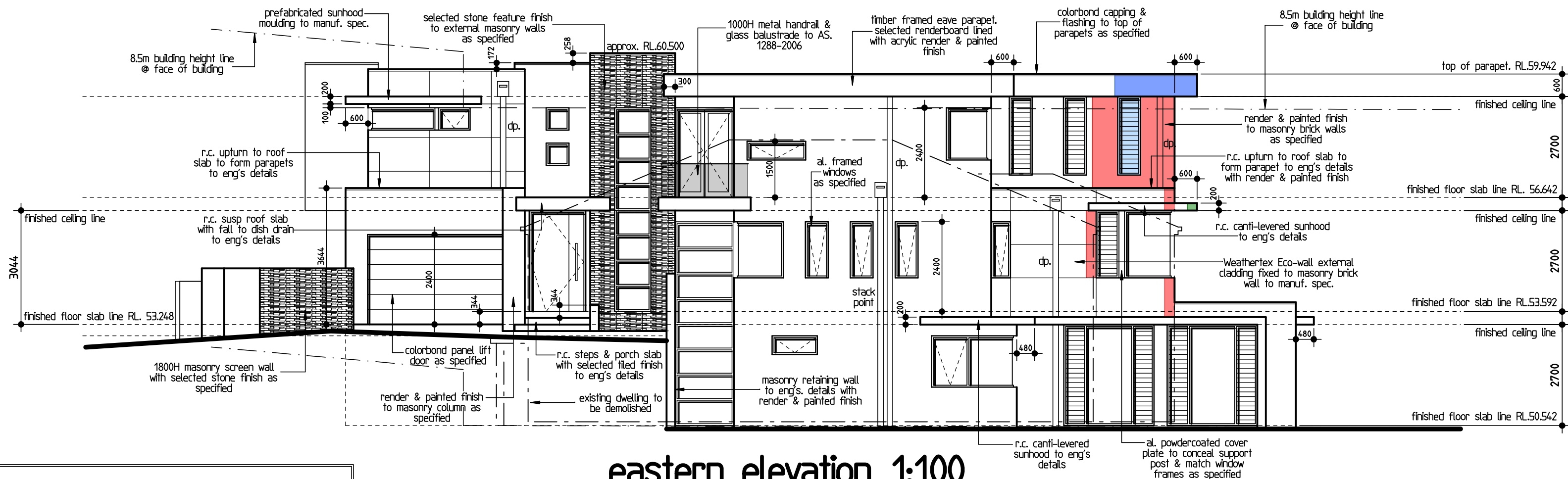
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sheet 3 of 5. drawing n. 1946-16CCb date: 24-06-2021

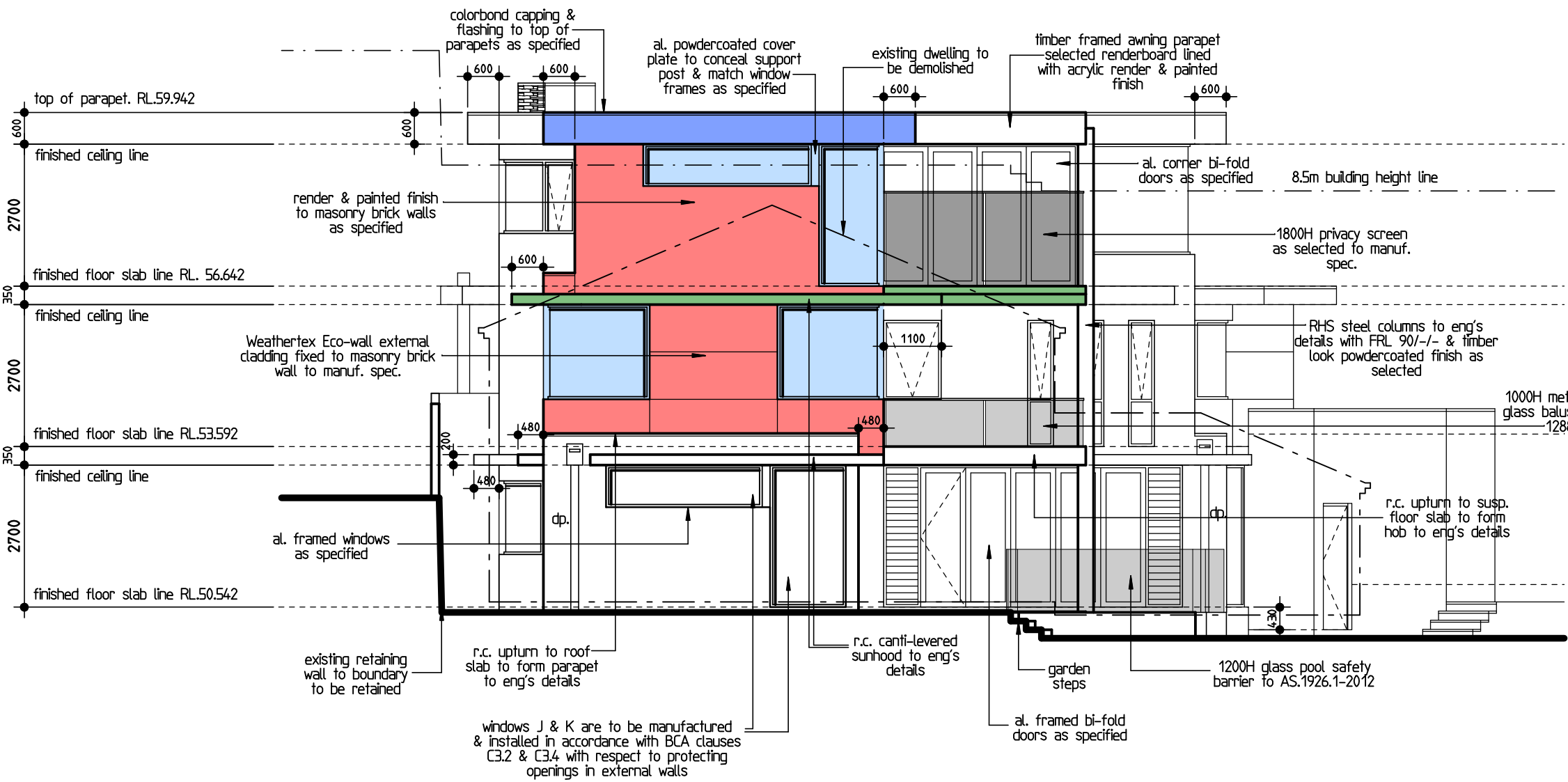


southern elevation 1:100

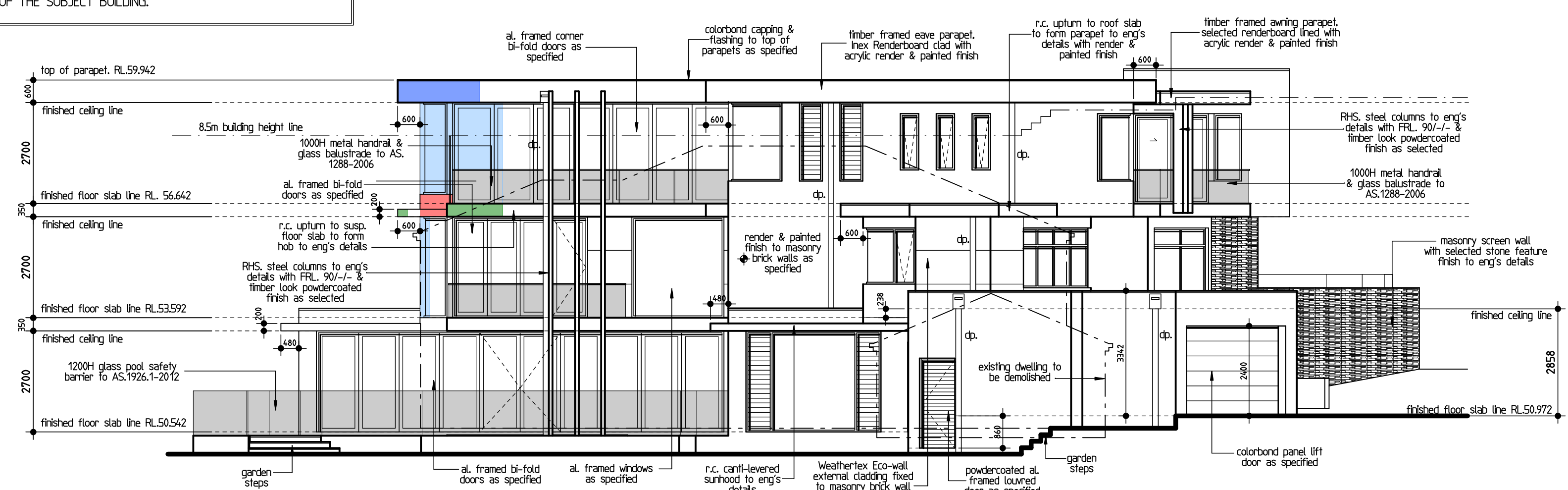


eastern elevation 1:100

BUILDING DESIGN SAFETY REPORT REFERENCE NOTE:
YOUR ATTENTION IS DRAWN TO SHEET 3 OF THIS SET OF DRAWINGS. PLEASE REFER TO THE BUILDING DESIGN SAFETY REPORT. THESE NOTES ARE TO BE READ AND UNDERSTOOD BY THE OWNER OF THE DWELLING AND ALL INVOLVED DURING THE CONSTRUCTION, MAINTENANCE & DEMOLITION OF THE SUBJECT BUILDING.



northern elevation 1:100



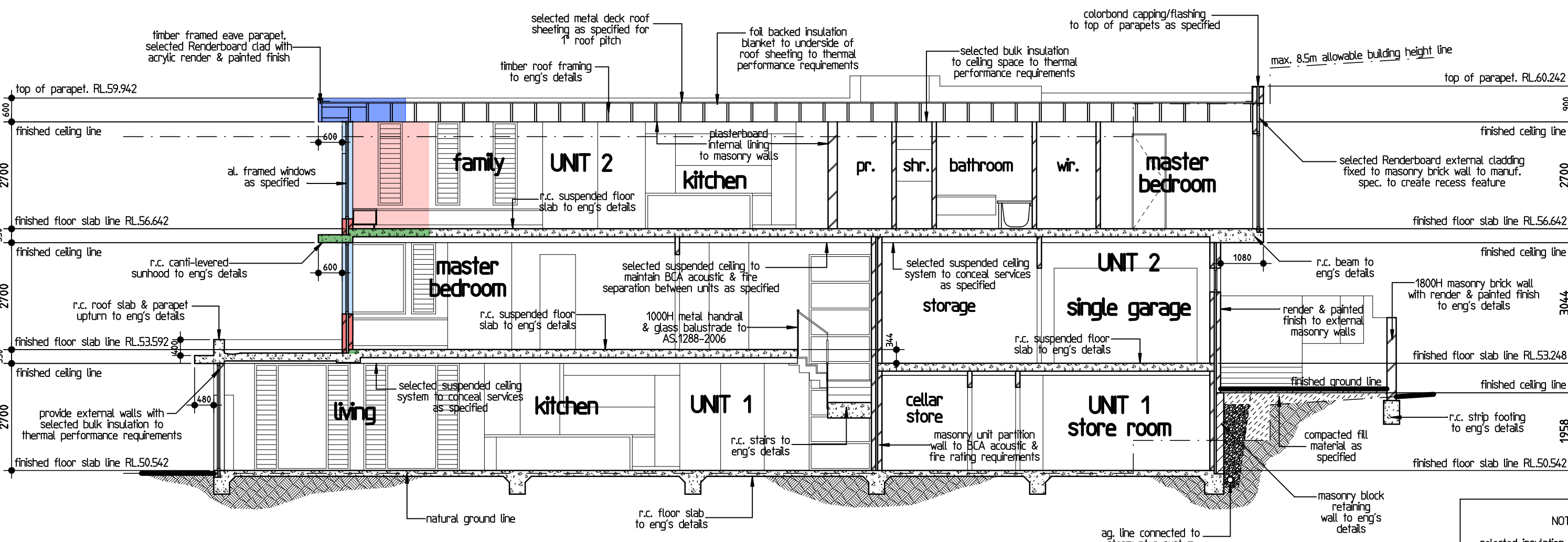
western elevation 1:100

LIGHTING NOTE:
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 spillage. All lighting shall comply with AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

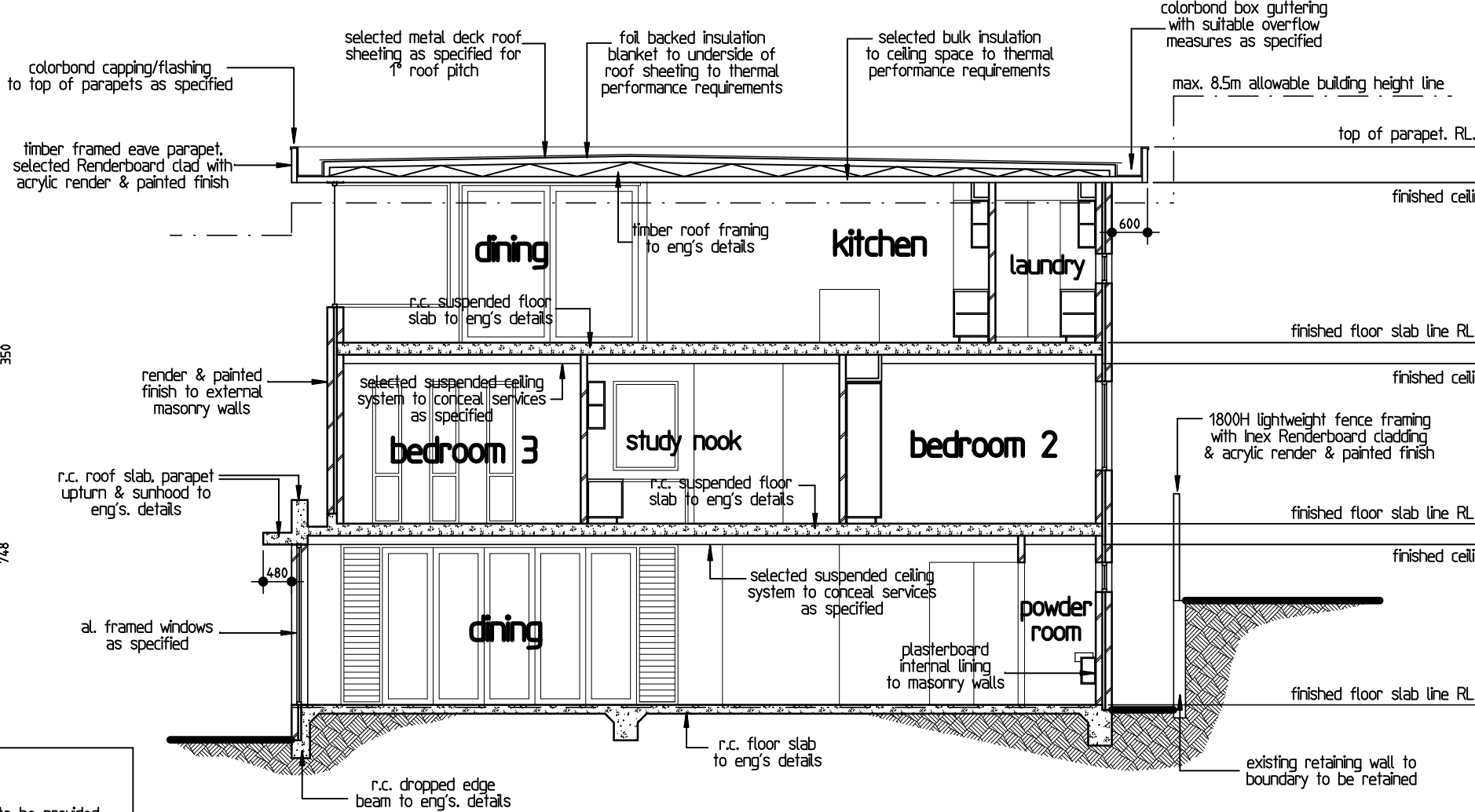
SPECIFICATIONS:
- All wet areas are to be provided with floor wastes in accordance with the BCA.
- All glass balustrades must comply with Section 7 of AS1288-2006 - Engineer to certify.
- All roof cladding is to be in accordance with AS1562.1.
- All windows will comply with D2.2 of the BCA - Protection of Operable Windows.
- All glazing must be selected & installed in accordance with AS2047 & AS1288.
- The building is to be of Type A construction and is to achieve an FRL of 90/90/90 to all external walls, & unit separating floors & walls.
- All external wall materials (including cladding & insulation) are to be non-combustible.
- All linings, materials & assemblies must be non-combustible or comply with BCA Specification 1.1.10.
- All ancillary elements (attachments to internal parts or external face of external walls are to be non-combustible.
- Service penetrations through fire rated floors & ceilings must be protected in accordance with BCA clause C3.12. Manufacturers details and test reports demonstrating compliance to be provided by installer.
- All stairs (GR-G) design is to comply with BCA clause D2.13.
- All landings are to comply with BCA clause D2.14.
- All downer thresholds are to comply with BCA clause D2.15.
- All balustrades to balconies, landings & stairs are to be in accordance with BCA clause 2.16.
- All handrails required to stairs & landings are to be in accordance with BCA clause D2.17.
- Portable fire extinguishers must be provided throughout the building in accordance with BCA clause E1.6, Table E1.6 & AS2444. Refer to appended fire protection plan for details.
- Buildings under construction are required to be provided with portable fire extinguishers & hydrant coverage.
- Artificial lighting complying with AS1680.0 must be provided to all stairs, ramps, passages & areas not provided with natural light in accordance with BCA clause F4.4.
- Any room occupied by a person for any purpose must be provided with either natural ventilation complying with BCA F4.6 or mechanical ventilation in accordance with AS1662.2.
- All openings in shafts required to be fire rated are to be protected in accordance with BCA clause C3.13.
- All openings for service installations are to be fire stopped in accordance with BCA clause C3.15 & AS1530.4.
- All construction joints in the fire rated construction are to be sealed in accordance with BCA clause C3.16 & AS1530.4.
- All separating walls & floors between units are to achieve a sound insulation rating in accordance with BCA clauses F5.2, F5.3, F5.4, F5.5, F5.6, F5.7 or AS/NZS 1276.1 or S0717.1.

BUILDING DESIGN SAFETY REPORT REFERENCE NOTE:
YOUR ATTENTION IS DRAWN TO SHEET 3 OF THIS SET OF DRAWINGS. PLEASE REFER TO THE BUILDING DESIGN SAFETY REPORT. THESE NOTES ARE TO BE READ AND UNDERSTOOD BY THE OWNER OF THE DWELLING AND ALL INVOLVED DURING THE CONSTRUCTION, MAINTENANCE & DEMOLITION OF THE SUBJECT BUILDING.

TERMITE BARRIER NOTE:
The use of organochlorine pesticides as termite barriers in new development is prohibited pursuant to Council policy. Only physical barriers are to be used for termite control. The building shall comply with AS3666. Protection of building from subterranean termites - prevention, protection & treatment of infestation.



section a' a'. 1:100



section b' b'. 1:100

<p>NOTE: Figured dimensions are to take preference over scaling.</p> <p>All construction practices are to be in accordance with the current issue of the BCA, & all other relevant codes.</p> <p>All details are to be thoroughly checked by the builder prior to the commencement of any site works. Any discrepancies are to be brought to the attention of ADAN CREATIVE DESIGNS at that time.</p> <p>All plans are to be read in conjunction with supporting report documentation & other consultants details.</p>	<table border="1"><thead><tr><th>issue</th><th>date</th><th>description</th></tr></thead><tbody><tr><td>a</td><td>19-08-20</td><td>REVISION CONCEPT ISSUE</td></tr><tr><td>b</td><td>24-06-21</td><td>SECTION 4.55 ISSUE</td></tr></tbody></table>	issue	date	description	a	19-08-20	REVISION CONCEPT ISSUE	b	24-06-21	SECTION 4.55 ISSUE	<p>postal: 13 silver gum ave, glennmore park, 2745 phone: (02) 47 024 020 fax: (02) 47 024 021 email: daniel@adandesigns.com web: www.adandesigns.com</p> <p>adan CREATIVE DESIGNS</p> <p>adan creative designs is a member of: building designers association of australia membership number: 1119-10</p> <p>bdaa BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA</p>	<p>client: Mr. & Mrs. Weiner</p> <p>job address: Lot B in dp.329866, No.4 Victory Street, Rose Bay</p> <p>builder:</p>	<p>project description: Proposed Dual Occupancy Development</p> <p>This drawing is the property of Adan Creative Designs. Reproduction, copying or use in part or whole without written permission is strictly prohibited, legal action will be taken against offenders. Adan Creative Designs takes no responsibility for design similarities that may have been incurred.</p> <table border="1"><tr><td>sheet</td><td>drawing n.</td><td>date:</td></tr><tr><td>4 of 5.</td><td>1946-16CCb</td><td>24-06-2021</td></tr></table>	sheet	drawing n.	date:	4 of 5.	1946-16CCb	24-06-2021
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Report to the Waverley Local Planning Panel

Application number	DA-207/2021
Site address	20 Wentworth Street, DOVER HEIGHTS
Proposal	Demolition of existing structure and construction of a dwelling with integrated parking, swimming pool at rear and tree removal.
Date of lodgement	3 June 2021
Owner	Simon Kho
Applicant	OROSI
Submissions	Six
Cost of works	\$1,968,711
Principal Issues	<ul style="list-style-type: none"> Exceeds Floor Space Ratio Cantilevered structures over cliff edge
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



Source: Nearmap, 2021

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for the demolition of existing structures and construction of a dwelling house with integrated parking, swimming pool at rear and tree removal, at the site known as 20 Wentworth Street, DOVER HEIGHTS.

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

- Exceeds Floor Space Ratio (FSR);
- Wall height; and
- Cantilevered structures over the cliff edge.

The assessment finds the breach to FSR acceptable, given a well-founded Clause 4.6 Variation has justified that the development meets the objectives of the development standard and the zone without creating unreasonable environmental impacts to surrounding properties. However, the cantilevered structures over the cliff are recommended to be deleted.

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.

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 not carried out due to the COVID-19 pandemic affecting the Greater Sydney Region at the time. However, the Assessment Officer is familiar with the site, assessing the neighbouring development at 22 Wentworth Street in 2019.

The site is identified as Lot 39 in DP 10090, known as 20 Wentworth Street, DOVER HEIGHTS.

The site is irregular in shape, with a western frontage to Wentworth Street measuring 12.19m. It has an area of 448.9 m² and falls from the rear towards the front by approximately 2.38m.

The site is occupied by a single storey dwelling house with vehicular access provided from Wentworth Street to a garage that is located below ground level. The eastern boundary is a cliff down to the Tasman Sea.

The site is adjoined by detached dwellings on either side. The locality is characterised by a variety of low density residential development.

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



Figure 1: Subject site as viewed from Wentworth Street (Source: Google Maps, 2021)



Figure 2: Looking west to the rear of the dwelling as viewed from the private open space.



Figure 2: Looking east to the rear property boundary (cliff edge) and Tasman Sea beyond, as viewed from the private open space.



Figure 4: Context of the site to the locality, demonstrating its location on the cliff edge. (Source: Near Maps, 2021)

1.3. Relevant Development History

A search of Council's records revealed no relevant history for the site.

1.4. Proposal

The DA seeks consent for the demolition of the existing structures and removal of a tree and construction of a new dwelling house with integrated parking, swimming pool at rear and tree removal, specifically the following:

Basement

- Two x car garage accessed from Wentworth Street;
- Media room;
- Bathroom;
- Laundry nook; and
- Internal stairs.

Ground Floor

- Open plan family, kitchen, dining and living room;
- Study nook;
- Powder room;
- Balcony (12.1m²) to the front of the dwelling; and
- Internal stairs.

First Floor

- Master bedroom with associated ensuite, walk-in-robe and rear balcony (10.4m²);
- Two x Bedrooms;
- Bathroom; and
- Balcony (12.4m²) to the front of the dwelling.

External

- In-ground lap pool (length of apx. 17.2m), decking and associated landscaping; and
- Removal of one *Howea forsteriana* (Kentia Palm) to the rear of the site.



Figure 5: Photomontage of proposed dwelling. (Source: OROSI, 2021)

1.5. Background

The DA was lodged on 3 June 2021 and deferred on 5 August 2021 for the following reasons:

- The basement was to be reduced in size;
- The front ground floor balcony was to be reduced to comply with the predominate building line;
- To better understand visual privacy impacts from the rear deck, a section was requested showing Existing Ground Level (EGL), Finished Floor Level (FFL) of the rear deck and outline of the side boundary fence;
- The development was to be reduced in height to comply with the maximum wall height of 7.5m and to sit better with neighbouring buildings;
- The cantilever structures to the cliff edge were not supported as it would create a non-desirable precedent. It was requested all structures be setback from the cliff edge;
- The following additional information was requested:
 - Excavation plan;
 - Clarification sought around works to the front fence;
 - Side and rear fencing details to be shown;
 - Confirmation if the aluminium screens 'AWD' to the windows on the northern elevation are fixed; and
 - Further clarification of the shadow diagrams.
- A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley DCP 2012;
- Council's Stormwater Engineer requested additional details to be added to the stormwater plans; and
- Council's Public Domain Engineer requested additional details to the Geotechnical Report.

The amended plans and documentation were submitted to Council on 6 and 13 September 2021. The amended plans:

- Reduced the amount of excavation and gross floor area (GFA) to the basement level;
- Reduced the size of the front balcony to better relate to the predominate front building line;
- Reduced floor to ceiling heights from 3.1m to 3m and an overall reduction of 0.3m to the overall building height;
- Reduced height to the front boundary fence;
- Provided clearer shadow diagrams; and
- Updated stormwater plans and geotechnical report.

These amended plans form the basis of this assessment.

2. ASSESSMENT

The following matters are to be considered in the assessment of this DA 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 DA:

- SEPP (Building Sustainability Index – BASIX) 2004;
- SEPP 55 Remediation of Land;
- SEPP (Coastal Management) 2018 (discussed further below); and
- SEPP (Vegetation in Non-Rural Areas) 2017 (discussed further below).

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Coastal Management) 2018

SEPP Coastal Management applies to the subject site as it is wholly located within the Coastal Environment Area (i.e. defined by clause 13) and a Coastal Use Area (i.e. defined by clause 14) .

Clause 13 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration outlined in **Table 1** of this report.

Table 1: Clause 13 of SEPP (Coastal Management) 2018 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	Yes	The proposal is not expected to cause any changes to the natural environment.
(b) coastal environmental values and natural coastal processes,	Yes	The proposal is not expected to cause any changes to the natural environmental values and processes.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management</i>	Yes	The water quality will not be affected by the proposal.

Matter for Consideration	Compliance	Comment
<i>Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,		
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	Yes	The proposal is not expected to impact on marine vegetation and habitats as the works will be completed entirely within the site.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	No public access ways will be affected by the proposal.
(f) Aboriginal cultural heritage, practices and places,	-	N/A
(g) the use of the surf zone.	Yes	There will be no impact to the use of the surf zone.

Clause 14 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 2** of this report.

Table 2: Clause 14 of SEPP (Coastal Management) 2018 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) ...the consent authority 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,	Yes	The proposal is not expected to cause disruption to access 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,	Yes	The proposal is not anticipated to cause overshadowing wind funnelling or loss of views to public places or the foreshores.

Matter for Consideration	Compliance	Comment
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	No. Condition recommended to removed the cantilevered portion of the development.	The proposed overhanging pool will disrupt the visual amenity and scenic qualities of the coast, including coastal headlands. There are currently no overhanging structures to the cliff and the proposed overhanging pool will reduce the visual amenity of the cliff, taking away from its natural features.
(iv) Aboriginal cultural heritage, practices and places,	-	N/A
(v) cultural and built environment heritage, and	-	N/A
(b) ...the consent authority is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	The proposed development is considered to be of an appropriate size and scale.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	-	N/A
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	-	N/A
(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
	Yes	The proposed development is of a similar bulk and scale to that of surrounding dwellings.

SEPP (Vegetation in Non-Rural Areas) 2017

SEPP (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.

The property lies within the identified coastal biodiversity corridor, and in an area where fauna habitat opportunities are rapidly disappearing. In accordance with Part B3, Section 3.2.2, Control (a) of the Waverley DCP 2012, *A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1.*

This was advised in the deferral letter dated 5 August 2021, however an amended landscape plan was not submitted. Therefore, a landscape plan with 50% native vegetation is recommended to be satisfied via a condition of consent, by Council's Biodiversity Officer.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>(R2) Low Density Residential Zone</i>	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The dwelling will have an overall height of 8.21m
4.4 FSR; and 4.4A Exceptions to FSR • Lot Size: 448.9m ² • Max FSR: 0.61:1 • Max GFA: 274.37m ²	No	<u>GFA Calculations:</u> Basement: 78.0m ² Ground Floor: 131.3m ² First Floor: 106.6m ² TOTAL GFA: 315.9m² TOTAL FSR: 0.7:1 The proposal exceeds the development standard by 41.53m ² or 15.1%.

Provision	Compliance	Comment
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.
Part 6 Additional local provisions		
6.2 Earthworks	Acceptable, conditions recommended.	The proposed earthworks are supported with appropriate conditions of consent recommended.

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 FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.61:1. The proposed development has a FSR of 0.7:1, exceeding the standard by 41.53m² equating to a 15.1% 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) The proposal is consistent with the objectives of the development standard and zone.
 - a. Objectives of FSR
 - i. ***Objective (a) is not applicable as the site is not located within Bondi Junction.***
 - ii. ***Objective (b): to provide an appropriate correlation between maximum building heights and density controls.***

The proposed development is designed to ensure the additional floor space is contained within the rear portion of the semi-basement, predominantly below

the natural ground line and is within the permissible building envelope established by the character of the locality.

The proposed development provides a built form which is compliant with the 8.5m height limit stipulated in the Waverley LEP 2012. The non-compliance with the FSR development standard does not arise from an inappropriate building envelope, rather the proposal will sit comfortably within the locality and in a form that is reasonably anticipated by the applicable planning controls. The compliant portion of the semi-basement floor area situated in the front portion of the site, results in a three level residential dwelling which is consistent with the established character of dwellings on the eastern side of Wentworth Street. When viewed from the neighbouring dwellings the rear of the proposal will be perceived as a two storey dwelling, with the non-compliance located predominantly below the natural ground line. It is also noted that the non-compliant FSR will not have an impact on the wall height to the rear of the dwelling.

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

The proposed development, despite non-compliance, is considered to be compatible with the surrounding dwellings in terms of bulk and scale. Given the proposal redistributes additional floor area to the basement, this will not have any bearing of the overall size of the development as viewed from the streetscape. That is, a compliant built form would be unchanged from the current proposal in terms of bulk, scale and architectural character. The resultant built form is entirely compatible with the scale of surrounding properties and will not be visually jarring or incompatible with the surrounding buildings.

In relation to existing character, the existing buildings on the eastern side of Wentworth Street comprise of two and three storey dwellings which range in scale from older 'traditional' architectural designs to contemporary built forms. The proposal will relate and positively contribute to the existing buildings and future precedents in the locality and is consistent with the three storey built form.

The proposed development has been designed as a high quality residential dwelling which is appropriate given the topography of the site and successfully addresses Wentworth Street.

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

*In terms of **privacy**, the proposed development has been designed to minimise privacy impacts on adjoining properties through a combination of setbacks, blank facades and courtyard spaces. It is considered that the proposed development will not result in any material loss of privacy when compared to a building with a compliant FSR. When considering visual and acoustic privacy against the backdrop of applicable planning controls, any additional loss of privacy caused by the non-compliant element would insignificant or nil.*

*In terms of **view loss**, the proposed variation will not result in any material loss of views or outlook when compared to a building with a compliant FSR. The established built form on the eastern side of Wentworth Street comprises two and three storey dwellings. In its current form, the existing dwelling does not permit any views across the site from the public domain. When considering the*

extent of view sharing against the backdrop of the applicable planning controls, the extent of view loss caused by the non-compliant element would be insignificant or nil.

*In relation to **solar access**, the proposed building will result in additional shadow impacts that could be reasonably anticipated as part of the redeveloping of the site. The shadow cast by the proposed development is predominantly unaffected by the non-compliant FSR. When considering the extent of overshadowing against the backdrop of the applicable planning controls, the extent of overshadowing caused by the non-compliant element would be insignificant or nil.*

b. Objectives of R2 Zone

- i. **To provide for the housing needs of the community within a low density residential environment.***
- ii. **To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

The proposal will provide a high quality residential dwelling which will meet housing needs of the community within a low density residential environment.

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

- (i) The proposed FSR variation is a result of the topography of the subject site, which provides the opportunity to provide gross floor area in the semi-basement area. The proposal provides for an appropriate scale and form that reflects the existing and desired future character for development in the Dover Heights locality.*
- (ii) The proposed FSR variation does not bring with it a form of development on the site that is noticeably larger than anticipated by the controls or inconsistent with the character for the locality.*
- (iii) The proposed building envelope has been carefully considered and is supported by the context of other neighbouring and nearby developments.*
- (iv) The location of the additional FSR does not result in any additional sense of enclosure from the public domain or neighbouring properties. In fact, it could be argued that the additional FSR is contained entirely below natural ground which results in the FSR above natural ground, being the ground and first floor, containing an overall area of 237.9sqm (0.52:1). It is considered that compliance with the FSR development standard and reallocation of floor space above natural ground towards the rear of the site will have a greater impact on the amenity of the neighbouring properties to the north and south.*
- (v) It is considered that there is an absence of any significant material impacts of the proposed non-compliance on the amenity of the environmental values of the locality, the amenity of future building occupants and on area character. Specifically, the extent of non-compliance with the FSR development standard:*
 - a. The FSR breach creates no significant overshadowing when compared to a compliant building area.*
 - b. The FSR breach does not result in any significant additional privacy impacts.*
 - c. The additional FSR does not create any significant view loss.*

(vi) The proposed development provides improved useability for the future occupants without having and adverse impact on the amenity of adjoining properties.

(vii) Insistence on full compliance with the FSR development standard will not bring about any positive benefits for the amenity of adjoining properties nor would it result in a building that is noticeably different from the current proposal.

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 on point (a) to justify the breach in FSR outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

Council concurs with the assessment completed by the applicant. The applicant has adequately demonstrated that the proposal meets the objectives of the FSR development standard and the low density residential zone.

Firstly, it is considered that the development meets **objective (b)** of FSR as the additional GFA could be contributed from the below ground level (with the ground and first floor achieving a compliant FSR) and the bulk and scale of the development will read as a part two – part three storey development that is reflective of the emerging character to the eastern side of Wentworth Street.

Secondly, the justification provided by the applicant in stating that the development meets **objective (c)** of the development standard is supported. The proposed development will be similar in bulk and scale to the desired future character of the area being a part two, part three storey detached dwelling. The dwelling has been designed to encompass a compliant overall building height as well as acceptable setbacks.

Lastly, the development adequately addresses **objective (d)** of the development standard. As has been detailed within **Table 5** of this report, the development does not result in unreasonable environmental impacts in terms of view loss, overshadowing or visual privacy despite the numerical FSR non-compliance.

The development meets the objective of the low density residential zone in providing housing needs for the community within a low density residential environment.

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 applicant has justified that the breach to FSR is located below ground level and therefore does not result in an overall additional bulk and scale form what would be a compliant development. Although it is difficult to pin-point the location of a breach to FSR (in contrast to a breach in height) but the dwelling has been well designed to comply with overall height and sit within a compliant building envelope, therefore reducing any environmental amenity impacts to surrounding residential uses.

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.

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 and the R2 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 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes Conditions recommended.	The location of garbage bins are satisfactory, located within the proposed garage. Conditions relating to construction waste will be recommended.
2. Ecologically Sustainable Development	Yes	The submitted BASIX Certificate is acceptable.
3. Landscaping and Biodiversity	Condition recommended.	A condition is recommended that a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley DCP 2012, as the site is located within a Coastal Biodiversity Corridor.
4. Coastal Risk Management	Conditions recommended.	The subject site is located in geotechnical hazard. Council's Public Domain Engineer has reviewed the proposal and submitted Geotechnical Report and has recommended conditions of consent.
5. Vegetation Preservation	Yes	Council's Tree Officer supports the removal of the <i>Howea forsteriana</i> (Kentia Palm) to the rear of the site.
6. Stormwater	Conditions recommended.	The submitted stormwater plans are recommended to be amended via a condition of consent.
8. Transport 8.1 Streetscape 8.2 On-site Parking 8.2.1 Vehicle Access 8.2.2 Parking Rates	Yes	Off-street parking from Wentworth Street is common in the locality. The site is located in parking zone 2. The development proposes to remove the existing vehicle crossover and make good to construct a new vehicle crossover to Wentworth Street. Two off-street parking spaces are proposed for the three bedroom dwelling.
12. Design Excellence	Yes	The proposed dwelling incorporates a high standard of architectural design, materials and

Development Control	Compliance	Comment
		finishes and the development is considered to be suitable for the lot and streetscape context.
14. Excavation	Yes	The amended design has significantly reduced the amount of excavation and GFA to the basement level. The excavation proposed to the dwelling and pool is more than 0.9m from the side boundaries.

Table 5: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No. Acceptable on merit.	The front portion of the dwelling to the southern elevation exceeds the 7.5m maximum wall height by 0.5m. However, the breach to a portion of a wall can be supported on merit based on the following: <ul style="list-style-type: none"> Overall height compliant dwelling; Setback a compliant 0.9m from the side boundary; Does not impact on views; and Does not create unreasonable overshadowing to neighbouring living room windows.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The front and rear setbacks of the proposed development follow the predominant stepped building line pattern that is dictated by the location of neighbouring dwellings to the eastern side of Wentworth Street.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) 	Yes	All side setbacks are set 0.9m from the side boundaries.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	Yes	The contemporary dwelling is considered to sit well in the street. The development has been amended to be lowered in height to better relate

Development Control	Compliance	Comment
	Acceptable on merit.	<i>Rear First Floor</i> This balcony has an area of 10.4m ² , slightly exceeding the 10m ² control. The breach is supported given it is positioned within a compliant building line, is below the height limit, is accessed from a bedroom (will not be utilised often) and there are examples of generous rear balconies in the locality.
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. 	<p>Yes</p> <p>Yes</p> <p>Acceptable on merit.</p>	<p><i>Subject Site – Winter Solstice</i> The proposed development provides compliant solar access to the subject site. The development will receive 50% solar access to its private open space and living areas.</p> <p><i>No. 22 Wentworth Street</i> The proposed development does not result in unreasonable shadowing to 22 Wentworth Street. The development provides 50% solar access to the neighbours private open space for more than three hours. Given No. 22 Wentworth Street is located directly to the south of the subject site it is extremely difficult to provide a compliant level of solar access to living room windows. However, given the dwelling sits appropriately within a complaint front and rear building line any impact is deemed acceptable.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Acceptable, see discussion below this table.	Views will be discussed below.
2.8 Car parking		
2.8.1 Design Approach	Yes	The proposed garage compliments the dwelling and is well integrated into the overall design of the development.
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
2.8.3 Location	Yes	The location of the garage is supported below the ground floor of the dwelling; this is a

Development Control	Compliance	Comment
		common feature to the eastern side of Wentworth Street.
2.8.4 Design	Yes	The design of the garage is supported, and is considered to be well suited to the proposed dwelling and street.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The garage has internal capacity for two vehicles.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	The development proposes to demolish and make good the existing driveway crossover and construct a new driveway crossover with a width of 3m at the street.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	Over 40%
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	Over 15%
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	Over 25m ²
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	100%
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	Over 50%
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The proposed swimming pool is located to the rear of the lot.
<ul style="list-style-type: none"> Pool decks on side boundaries must consider visual privacy 	Condition recommended.	A condition is recommended that the pool equipment be located within an acoustically treated enclosure.

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

Cantilevering structures over the cliff edge

The development proposes to cantilever part of the pool and decking over the cliff edge to the rear (east) of the lot.

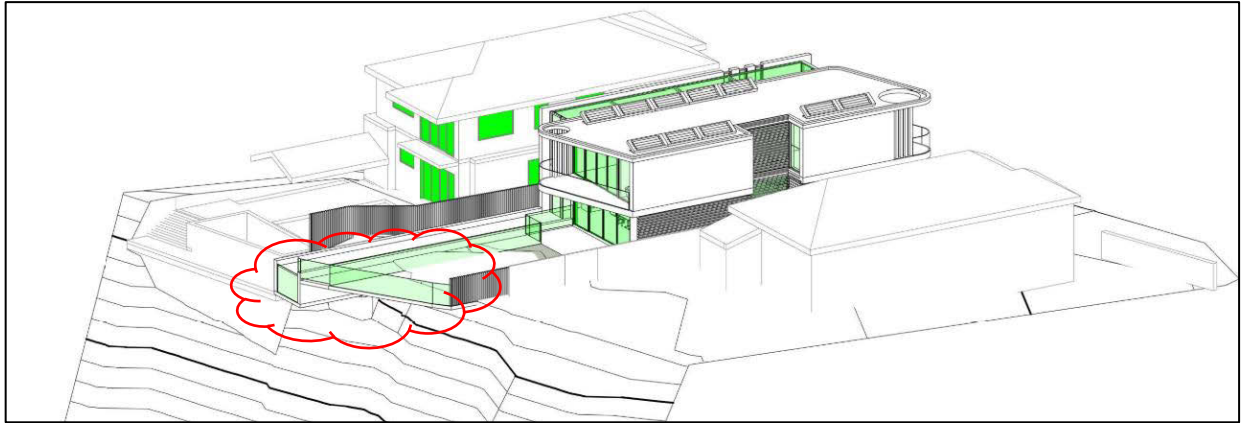


Figure 6: Location of cantilevered structures clouded red. (Source: OROSI, 2021)

The deferral letter dated 5 August 2021 stated that the cantilever structures to the cliff edge are not supported as it would create a non-desirable precedent and is unsafe given its location above a very high cliff. It was requested all structures be setback from the cliff edge. The amended plans still propose a cantilever, which is not acceptable.

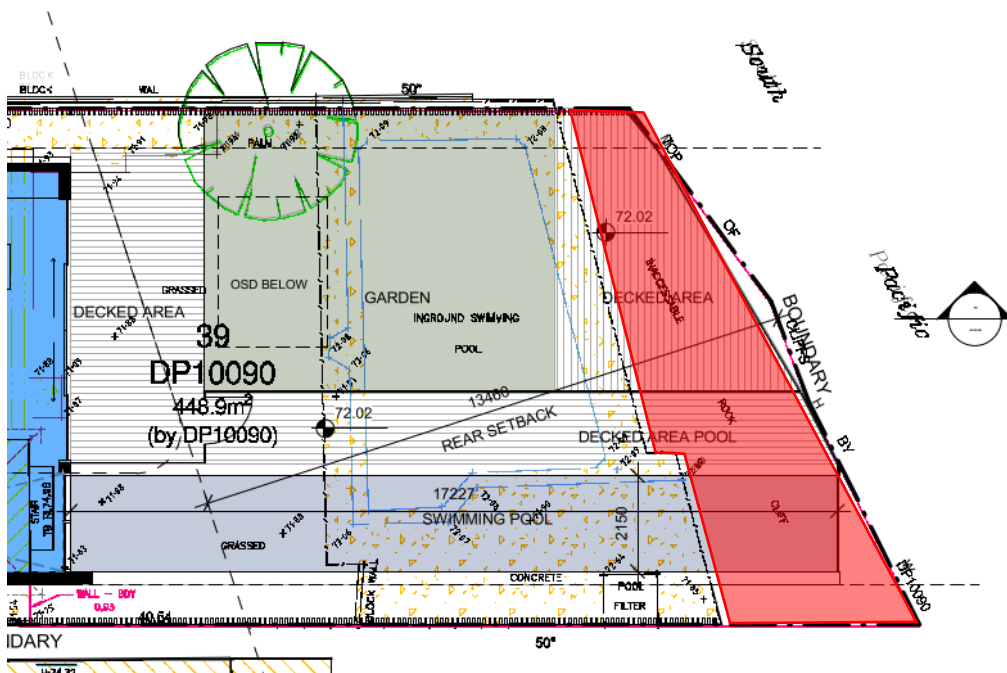


Figure 7: Amount of works that will cantilever over the cliff edge highlighted red. (Source: OROSI, 2021)

Council does not support a cantilevered balcony or pool as it will encourage a non-desirable precedent and it is unsafe.

From reviewing satellite imaging there are examples at 22, 28 and 32 Wentworth Street of works located near the cliff edge, as shown below.



Figure 8: Location of works located near cliff edge. (Source: Nearmaps, 2021 (top) and Google Maps, 2021 (bottom))

From reviewing the pools and decking for 22, 28 and 32 Wentworth Street, it is concluded that none of these structure cantilever over the cliffs edge.

Additionally, the proposed cantilevered structure will be significantly higher than the recently approved eastern (rear) decking to 22 Wentworth Street, which is approved to step down with the topography of the cliff edge and therefore will result in view loss to the cliff edges to the north of 22 Wentworth Street.



Figure 9: View loss of the cliffs to the north of 22 Wentworth Street (clouded red) if the cantilevered structures were approved. **NOTE:** As the development is currently under construction, the plywood (outlined yellow) will be replaced with glass.

Council's Public Domain Engineer has advised that there is evidence of geotechnical hazards within the vicinity of the site and therefore the cantilevered extent of the pool and deck is not supported.

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 (7 June 2021 – 23 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 renotified 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 excavation and GFA to basement level;

- Reduction in the size of the front ground floor balcony;
- A 300mm reduction in building height; and
- A reduction in the height of the front fence.

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

Table 6: Number of and where submissions were received from.

Count	Property Address
1	12 Wentworth Street, DOVER HEIGHTS
2	16 Wentworth Street, DOVER HEIGHTS
3-4	18 Wentworth Street, DOVER HEIGHTS (two unique objections)
5-6	22 Wentworth Street, DOVER HEIGHTS (two unique objections)

The following issues raised in the submissions have already been discussed and addressed in the body of this report, below or within the recommended conditions of consent:

- Cantilevered structures over cliff edge;
- FSR;
- Wall height and overall height; and
- View loss

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

Issue: Excavation – impact from cliff

Response: The application has been reviewed by Council's Public Domain Engineer who has recommended conditions of consent relating to excavation.

Issue: Vibration and dust from excavation

Response: The application has been reviewed by Council's Public Domain Engineer who has recommended conditions of consent. Appropriate conditions are recommended in relation to construction and dust mitigation.

Issue: 'The building appears bigger than 22 Wentworth Street.'

Response: The amended proposal has reduced the buildings height by 0.3m to better relate to No. 22 Wentworth Street. The proposal is below the height development standard.

Issue: Excavation will cause damage to objectors property and request for dilapidation report.

Response: A dilapidation report is recommended as a condition of consent.

Issue: Request shoring systems are in place for excavation to ensure protection.

Response: Appropriate conditions are recommended in relation to excavation.

Issue: Height of dividing fence from associated decking to private open space

Response: The fence will have a height of 1.5m from the FFL of the deck. This is acceptable given the deck is setback from the neighbouring boundary fence.

Issue: Determination by the WLPP

Response: The application will be determined by the WLPP.

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

Council's Traffic Engineers supports the application subject to recommended conditions of consent.

3.2. Stormwater

Council's Stormwater Engineers supports the application subject to recommended conditions of consent.

3.3. Public Domain

Council's Public Domain Engineers supports the application subject to recommended conditions of consent.

3.4. Tree Management

Council's Tree Officer supports the application.

3.5. Biodiversity

Council's Biodiversity Officer advises property lies within the identified coastal biodiversity corridor, and in an area where fauna habitat opportunities are rapidly disappearing. In accordance with Part B3, Section 3.2.2 , Control (a) of the Waverley DCP 2012, *A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1.*

4. CONCLUSION

The DA seeks consent for the demolition of existing structures and construction of a dwelling house with integrated parking and swimming pool at rear at the site known as 20 Wentworth Street, DOVER HEIGHTS.

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

- Exceeds FSR;
- Wall height; and
- Cantilevered structures over the cliff edge.

The assessment finds the breach to FSR acceptable given a well-founded Clause 4.6 Variation has justified that the development meets the objectives of the development standard and the zone without creating unreasonable environmental impacts to surrounding properties. However, the cantilevered structures are recommended to be deleted as it would create an undesired precedent and is unsafe given the geotechnical risk.

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.

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.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 20 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 development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A:

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 27 September 2021	Date: 18 October 2021

Reason for WLPP referral:

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

Conditions of the development consent**A. APPROVED DEVELOPMENT****1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

- (a) Architectural Plans prepared by OROSI including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA1004 / Rev B	Site Plan	30/08/2021	13/09/2021
DA1101 / Rev B	Basement Plan	30/08/2021	13/09/2021
DA1102 / Rev B	Ground Floor Plan	30/08/2021	13/09/2021
DA1103 / Rev B	First Floor Plan	30/08/2021	13/09/2021
DA1107 / Rev B	Roof Plan	30/08/2021	13/09/2021
DA2001 / Rev B	Northern Elevation	30/08/2021	13/09/2021
DA2002 / Rev B	Southern Elevation	30/08/2021	13/09/2021
DA2003 / Rev B	Eastern Elevation	30/08/2021	13/09/2021
DA2004 / Rev B	Western Elevation	30/08/2021	13/09/2021
DA3001 / Rev B	Longitudinal Section 2	30/08/2021	13/09/2021
DA7044 / Rev B	Excavation Plan	30/08/2021	13/09/2021

- (b) BASIX and NatHERs Certificate/s.
- (c) Geotechnical Report prepared by Morrow Geotechnics Pty Ltd (P2008_01 rev 1) dated 31 August 2021 and received by Council on 06/09/2021.
- (d) Schedule of external finishes and colours (DA7031) and Fence Details (DA7011) received by Council on 13/09/2021.
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 03/06/2021.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The aluminium screen to all levels of the northern elevation is to be fixed at 45 degrees upwards to provide visual privacy.
- (b) The proposed rear decking and pool are not permitted to cantilever over the cliff edge (not permitted past the inaccessible rock cliff indicated on the Survey Plan.)

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

3. GEOTECHNICAL RISK MANAGEMENT

The following geotechnical risk management measures must be followed during construction and post occupation:

- (a) The Applicant to comply with Waverley Council *Costal Risk Management Policy* and *Waverley Risks and Hazards Vulnerability Study Part 1 and Part 2, Reference No.301015-02526-CS-REP-0001, dated December 2011*.
- (b) The recommendations set out in the Geotechnical Investigation Report prepared by Morrow Geotechnics Pty Ltd, Reference No. P2008_01, dated 31 August 2021 must be addressed in the detailed design documentation and followed through the demolition, construction and post occupation stages.
- (c) Prior to construction certificate, a qualified Geotechnical Engineer must be engaged to review the structural compatibility and construction methodology. Any proposed excavations shall be undertaken with minimal vibration methods, with a PPV below 5mm/s (Maximum Peak Particle Velocity) or as specified by the certifying engineer. This review shall be approved by the Principle Certifying Authority and submitted to Council's Infrastructure Services for records.
- (d) During the bulk excavation stages, a qualified supervising engineer will be required to undertake necessary inspections and hold points set out by the certifying engineer. A daily log of these visits to be kept onsite and submitted to the Principle Certifying Authority. Council or other authority may request to demonstrate the log at any given time.
- (e) Suitable warning signage shall be installed within the property yard to advise occupants of the geotechnical hazard and deep rock face traversing the rear boundary. Details of the signage to be liaised with Council prior to installation, before Occupation of the site.

4. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along the Wentworth Street 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, and approved by the Executive Manager, Infrastructure Services or delegate prior to the issue of the Construction Certificate.

- Pedestrian footpath
- Vehicular Crossing
- Road pavement
- Kerb and gutter
- Stormwater infrastructure located within the Council Public Domain
- Undergrounded utility connections (Electrical, Communications inclusive)
- 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

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

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

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

6. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

7. SECTION 7.12 CONTRIBUTION

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

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
 - (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.

8. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$39,374.22** 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.

9. LONG SERVICE LEVY

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

10. 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.

CONSTRUCTION MATTERS

11. HOARDING

To ensure the site is contained during construction, if 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. 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.

14. 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.

15. PUBLIC INFRASTRUCTURE WORKS

All Public infrastructure works traversing the development frontage must be completed to Council's satisfaction at no cost to Council.

Full engineering design drawings must be prepared by a suitably qualified engineering professional, 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 the asphalt pavement for half road width within the Wentworth Street frontage of the development site. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: The existing footpath, kerb and gutter and grass verge traversing the Wentworth Street 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 footpath and vehicular crossing must maintain a 2.5% cross fall towards the road and maintain the same longitudinal grade of the adjacent road.
- c) Street Trees: A minimum of two (2) street trees must be planted along the Wentworth Street frontage. All new trees proposed within the Council verge will require the installation of suitable tree pits and surrounds 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) Undergrounded Utility Connections: All mains electrical connections to the development must be routed underground. Council will not accept the erection of any new above ground electricity columns/pillars within the Council's public domain to support the new development. All necessary pillars must be located within the development boundary. If required, an easement on the property shall be organised with the relevant Authority.

16. GROUND ANCHORS

Where any ground anchors (ie. 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 on 9083 8886.

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 the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater management plan prepared by SMART STRUCTURES AUSTRALIA, Project No. 190421, Sheet No. D00 (Revision B, dated 31/08/2021), D01 (Revision C, dated 31/08/2021), D02 (Revision C, dated 31/08/2021), D05 (Revision B, dated 31/08/2021), D10 (Revision B, dated 31/08/2021), D11 (Revision A, dated 31/08/2021) & D15 (Revision A, dated 02/07/2020), 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:

- e) The plans shall be revised as necessary to accommodate for any amendments to the architectural drawings.
- f) The plans shall provide a complete and detailed On-Site Stormwater Detention (OSD) design including multiple cross-sections, proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be submitted. A certificate from a registered structural engineer certifying the structural adequacy of any below ground OSD tank structure shall be submitted.
- g) 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.
- h) Seepage water must not be directly or indirectly discharged to Council's street gutter.

- i) The proposed basement pump out pit shall be sized in accordance with AS3500.3. Any underground basement shall be protected from possible inundation by surface waters from the street. An alarm system comprising of basement pump out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure is to be provided. There shall be at least a 150 mm freeboard from the basement pump out system to all parking spaces and full hydraulic details and pump manufacturers specification shall be submitted.
- j) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- k) The pipeline within the footpath verge of Wentworth Street must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres fall by gravity at 1% minimum.
- l) A silt arrestor stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- m) 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).
- n) 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 100 mm deep at the shallow end and have a “bottom” slope of 2%. This trench drain shall be connected to an approved drainage system.
- o) 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.

ENERGY EFFICIENCY & SUSTAINABILITY

18. BASIX

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

WASTE

19. 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.

TRAFFIC MANAGEMENT

20. 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

LANDSCAPING & TREES

21. 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.

22. 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*.

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

23. 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.

24. PRE-DEMOLITION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-demolition 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.

25. 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

26. 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.

27. 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.

28. 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.

29. 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

30. 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.

31. 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.

32. 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.

33. 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.

34. 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

35. 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

36. 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.

37. 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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

38. NEW VEHICLE CROSSING

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

39. 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

40. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to be **50mm** above the level of the existing concrete footpath

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. 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.

45. STREET NUMBER/S

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

46. 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, the rainwater harvesting 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. A copy of the aforementioned letter of certification must be submitted to Council.

47. 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.

48. 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.

49. 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.

50. CERTIFICATION OF COUNCIL PUBLIC INFRASTRUCTURE

Prior to the issue of any Occupation Certificate, a 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.

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, road pavement, pedestrian footpath, grass verges and vehicle crossover within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual and Development Control Plan.

51. ONGOING OPERATION

Prior to issuance of Occupation Certificate, the property owners/occupants will be required to submit a deed of agreement for an annual geotechnical assessment of the cliff line. The property owners/occupants will need to acknowledge they are aware of the high-risk geotechnical fault lines traversing the property and all costs associated with the ongoing servicing and protection of the cliff top surface traversing the property shall be borne by the property owners/occupants. The deed shall note a registered surveyor to undertake an annual survey of the property to assess signs of damage to existing structures and fences, tension cracks developing at the site surface etc. The deed shall be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate).

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, 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

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 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. 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.

AD8. WORK OUTSIDE PROPERTY BOUNDARY

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

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. STORMWATER MANAGEMENT

- 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 or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

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.

Waverley Council Local Environmental Plan 2012

SITE AREA	457.87 m²
ZONING	R2 - Low Density Residential
RELEVANT CONTROLS	WAVERLEY COUNCIL DEVELOPMENT CONTROL PLAN
COUNCIL	WAVERLEY COUNCIL
LOT/SECTION/DP NO.	394/DP10090
FSR	0.5:1
HEIGHT OF BUILDING	8.5m
HERITAGE	N/A
ACID SULPHATE SOILS	N/A
KEY SITE	N/A
FLOOD PLANNING AREA	N/A
LAND RESERVATION ACQUISITION	N/A
NATURAL RESOURCE - BIODIVERSITY	N/A
FORESHORE BUILDING LINE	N/A



O R O S I

DESIGN | CONSTRUCTION | DEVELOPMENT

68 BEACH STREET | COOGEE | NSW 2034

NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client

Mr. Simon Koh

Project

20 WENTWORTH ST, DOVER HEIGHTS

Drawing

COVER SHEET

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 1001
Checked	LL	Issue	
Project no	1709		B



O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21

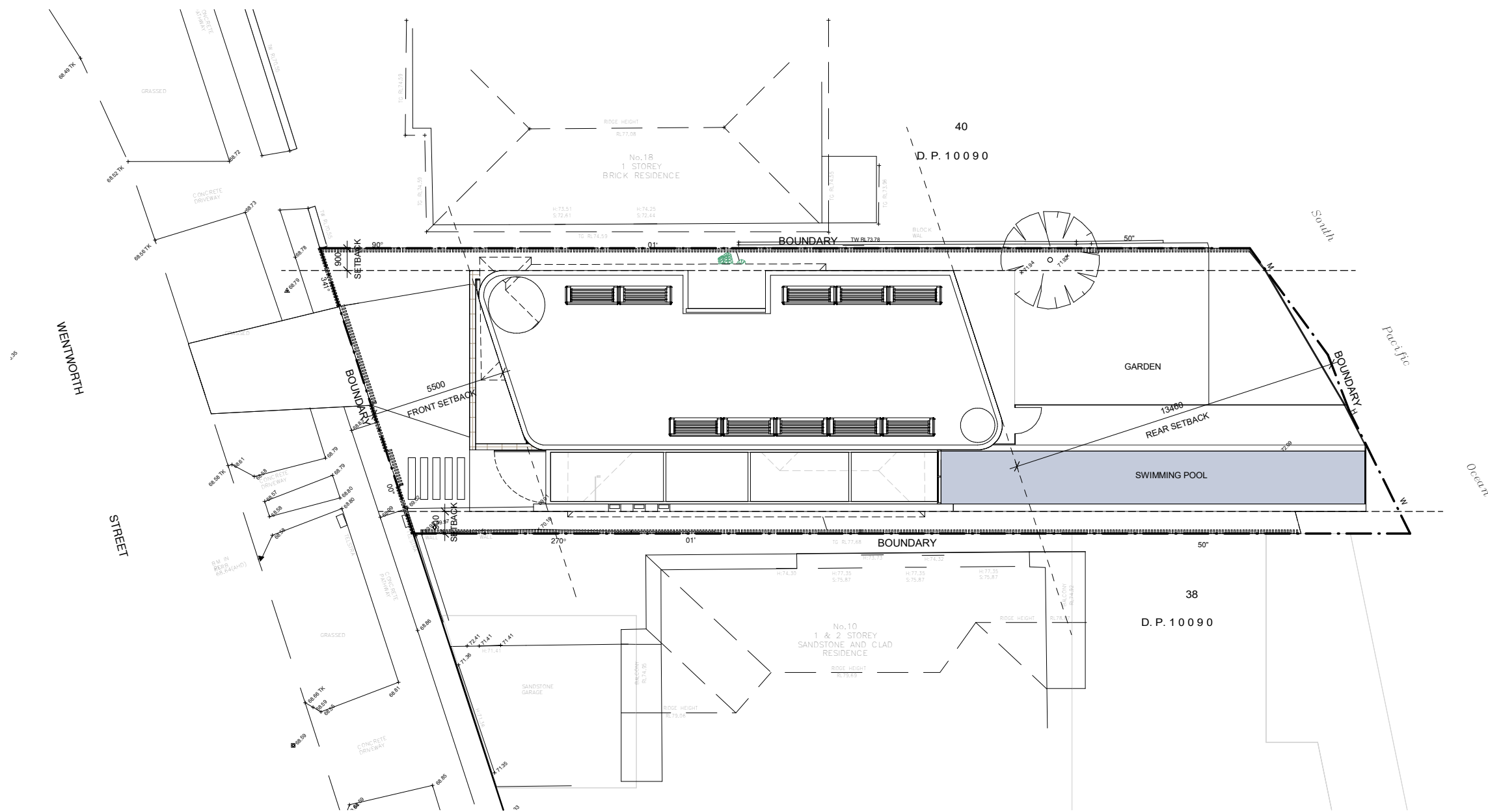
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

SITE ANALYSIS

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 1003
Checked	LL	Issue	
Project no	1709		A



O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
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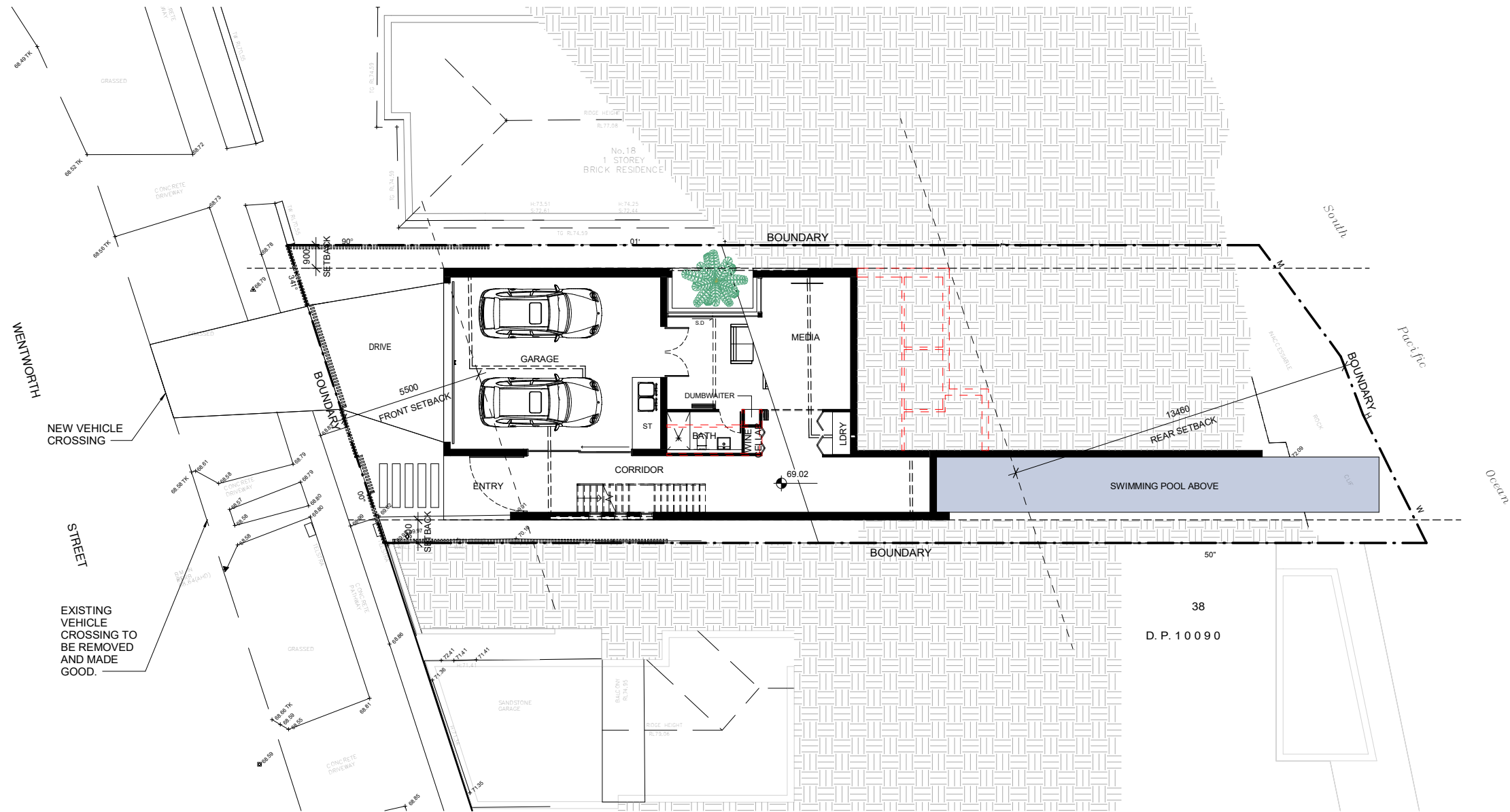
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing
SITE PLAN

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 1004
Checked	LL	Issue	
Project no	1709		B

1 SITE ANALYSIS PLAN
1 : 100



1 001 -- BASEMENT
1 : 100

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

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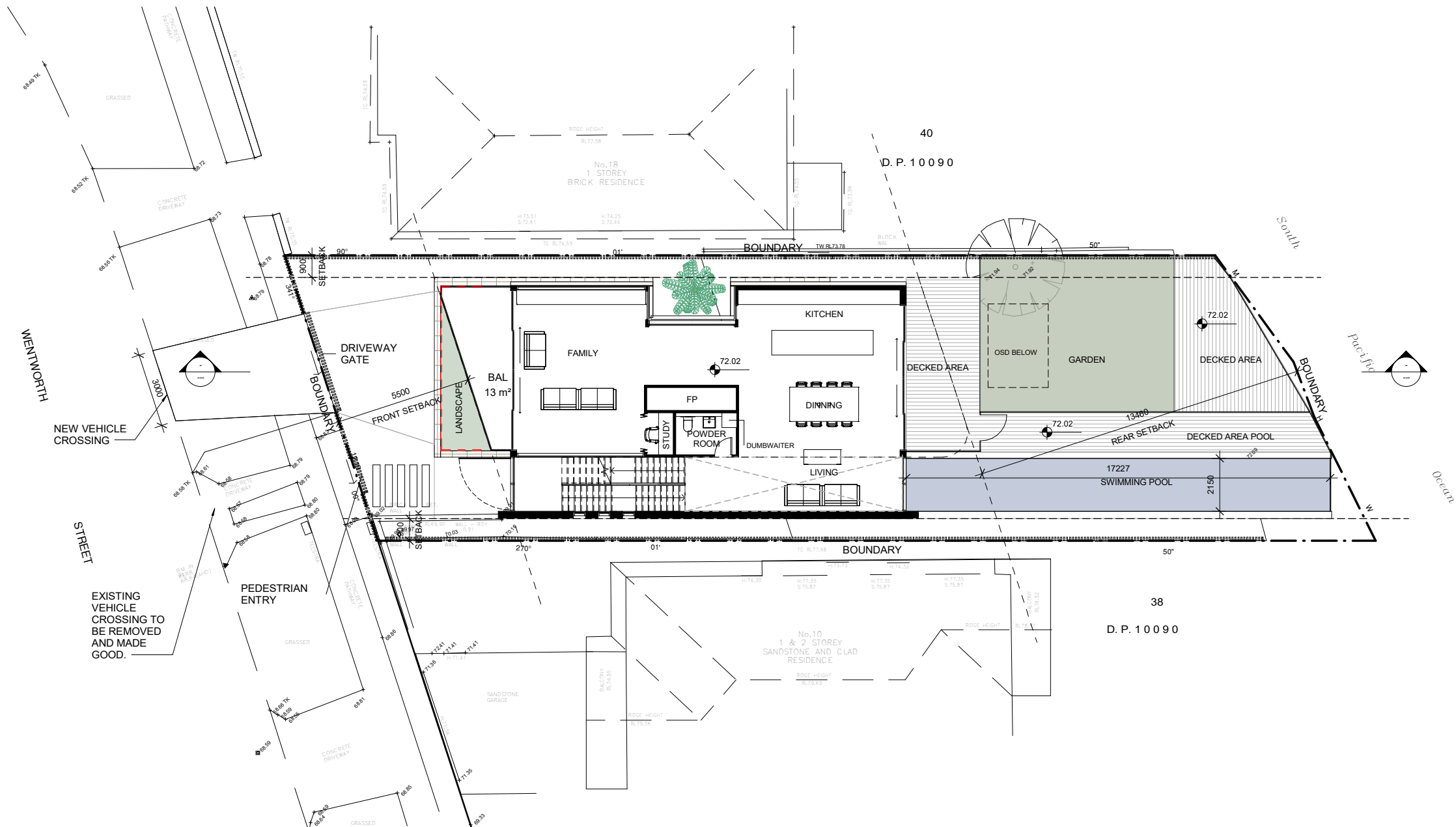
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

BASEMENT

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 1101
Checked	LL	Issue	
Project no	1709		B



1 002 -- GROUND LEVEL
1 : 100

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

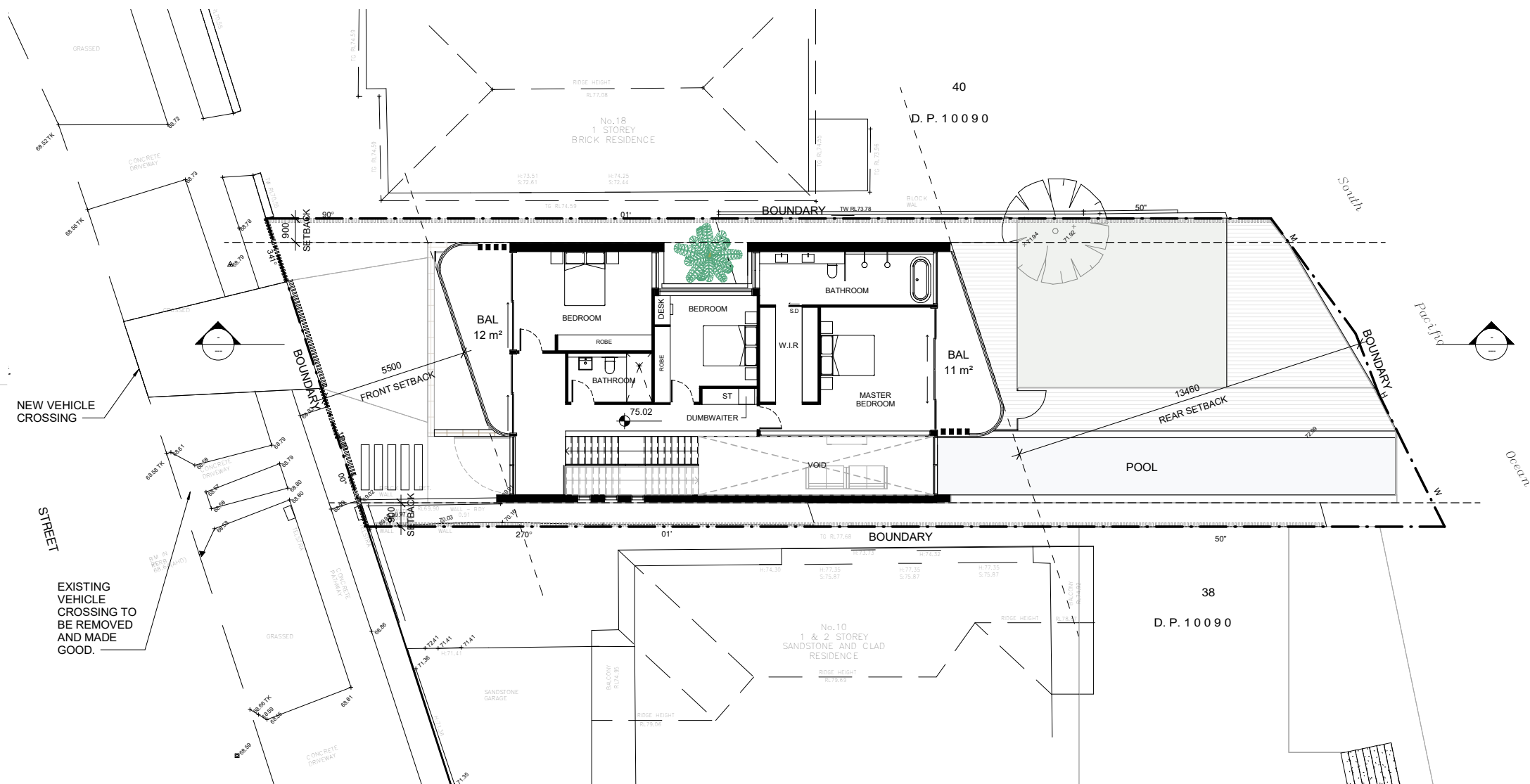
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

GROUND LEVEL

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 1102
Checked	LL	Issue	
Project no	1709		B



1 003 -- FIRST LEVEL
1 : 100

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

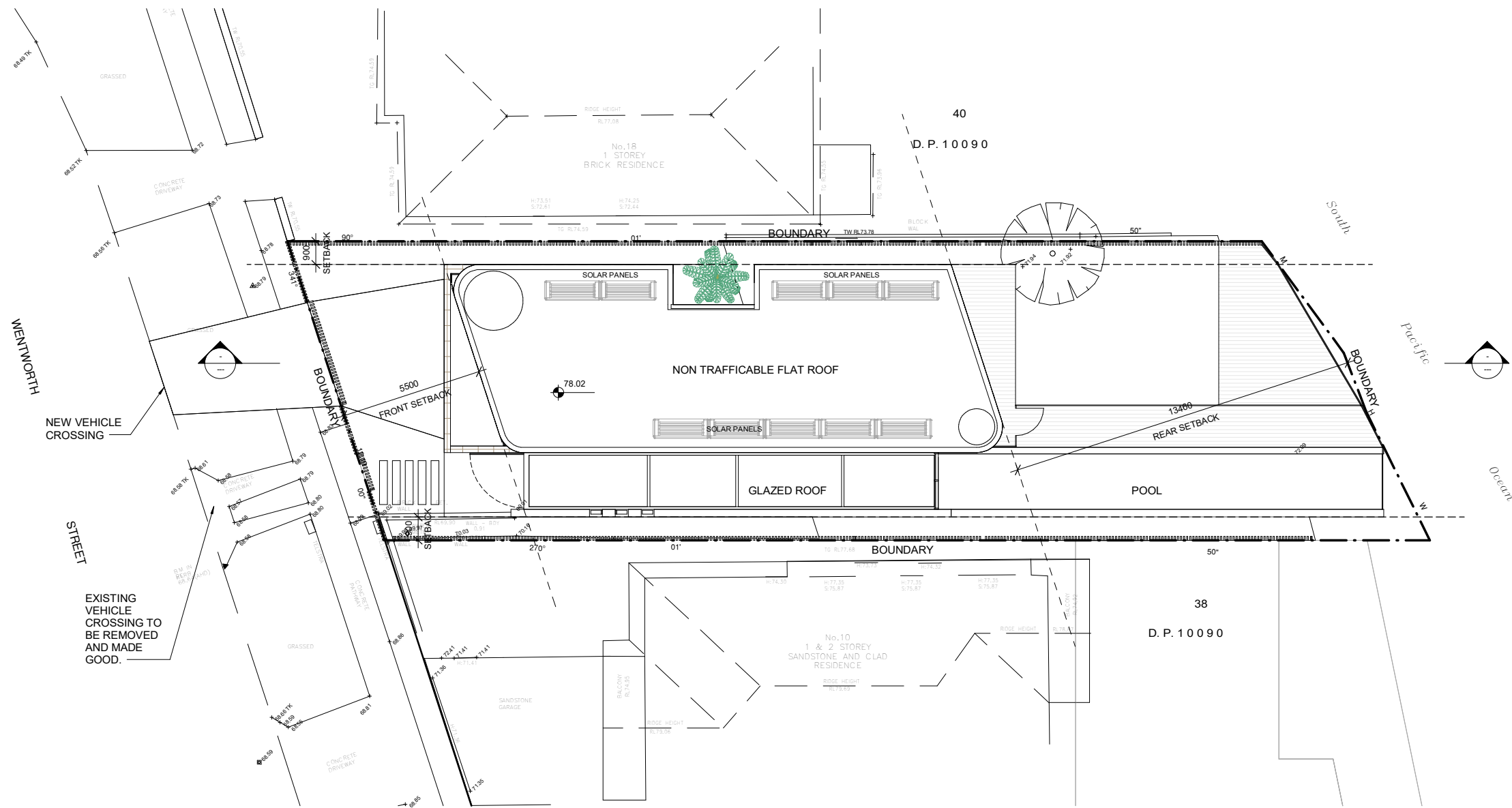
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER
HEIGHTS

Drawing

FIRST LEVEL

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 1103
Checked	LL	Issue	
Project no	1709		B



1 007 -- ROOF
1 : 100

OROSI
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG. NO 7849

Issue	Amendment	Date
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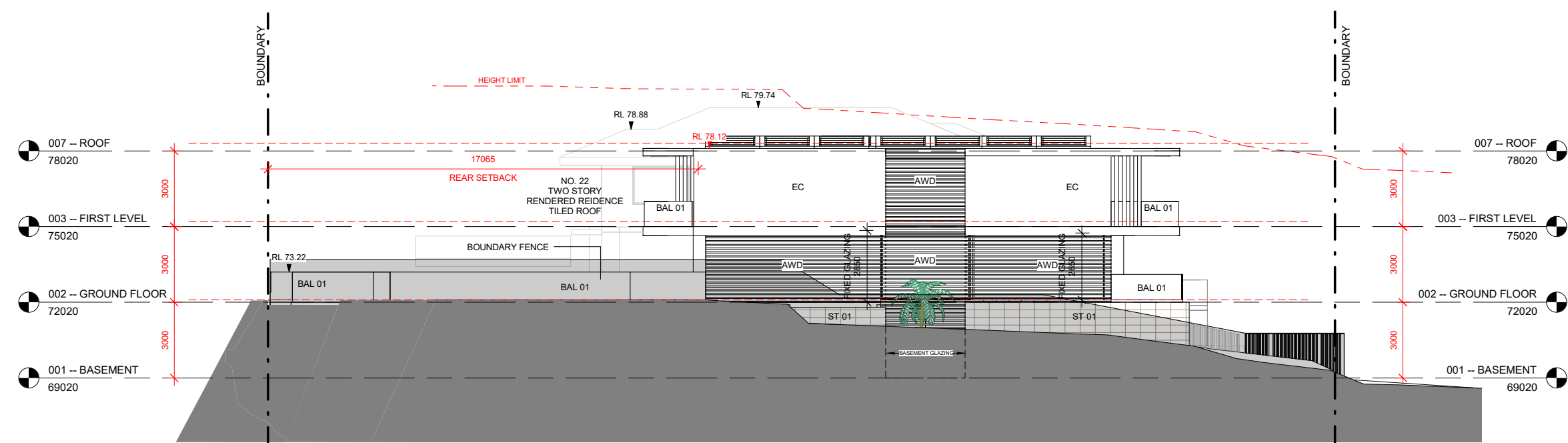
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

ROOF

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 1107
Checked	LL	Issue	
Project no	1709		B



1 NORTH ELEVATION
1 : 100

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
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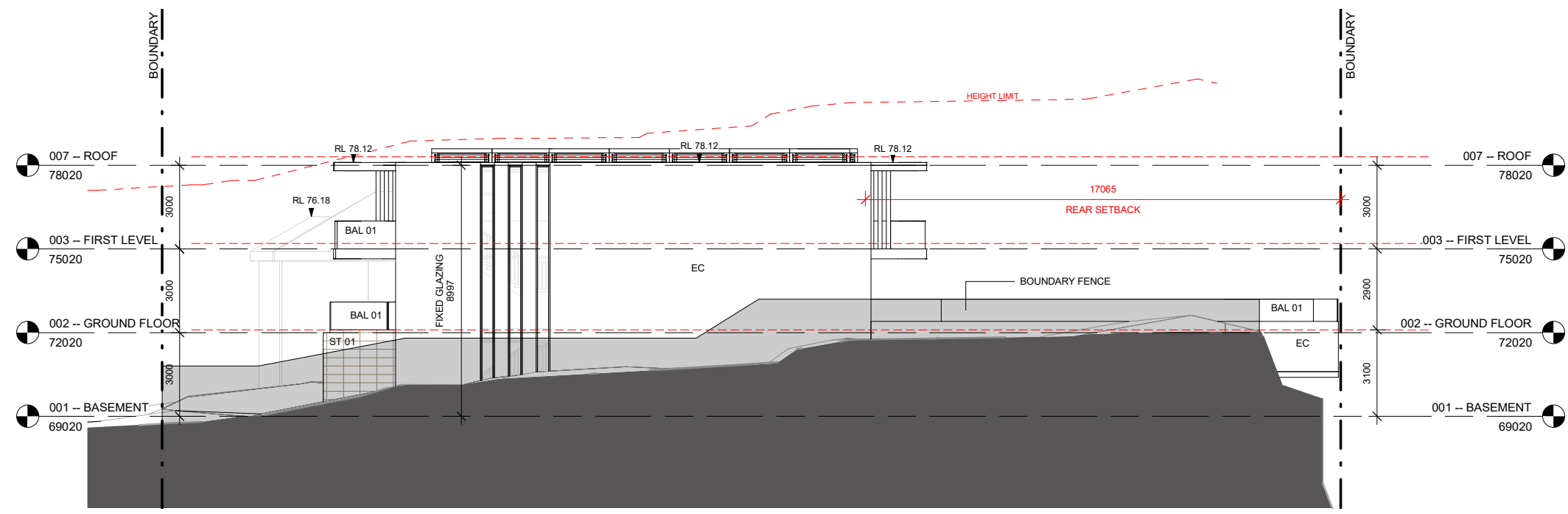
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing
ELEVATION SHEET 1

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 2001
Checked	LL	Issue	
Project no	1709		B

BAL01
EC
ST01
WR
T01
CLEAR GLASS BALUSTRADE
EXPOSED CONCRETE
SANDSTONE CLADDING
WHITE RENDER
NON-COMBUSTIBLE ALUMINIUM COMPOSITE PANEL-TIMBER LOOK



1 SOUTH ELEVATION
1 : 100

BAL01
EC
ST01
WR
T01

CLEAR GLASS BALUSTRADE
EXPOSED CONCRETE
SANDSTONE CLADDING
WHITE RENDER
NON-COMBUSTIBLE ALUMINIUM COMPOSITE PANEL-TIMBER LOOK

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

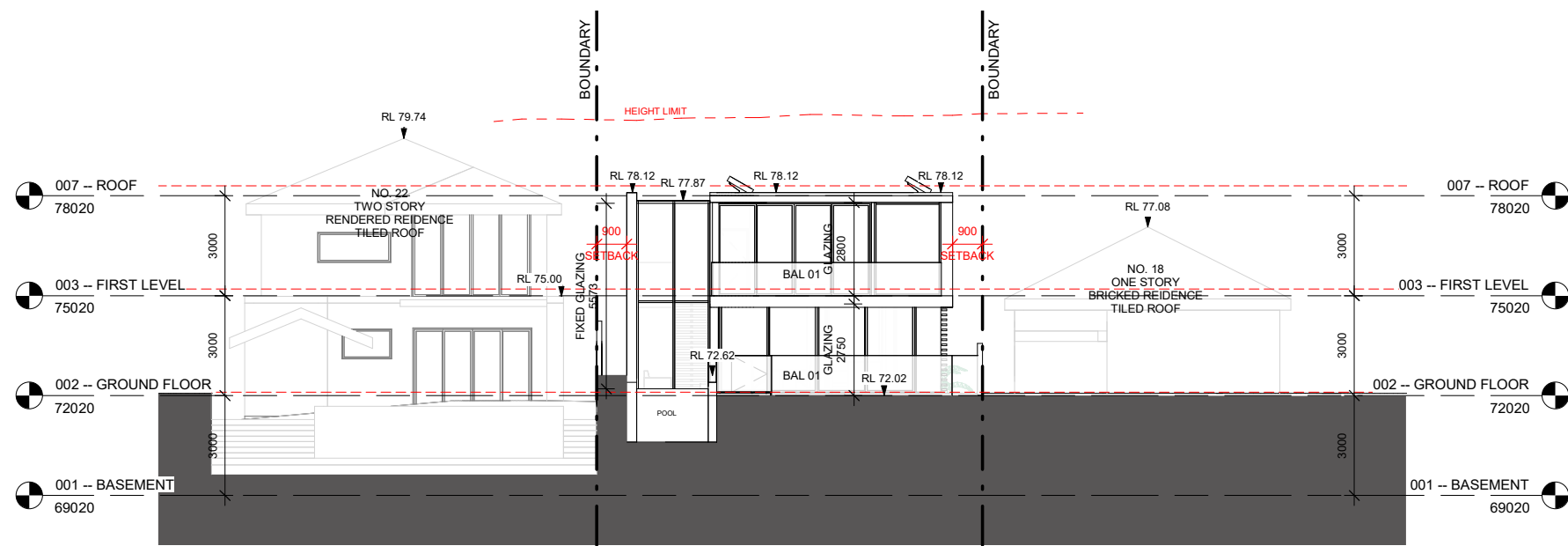
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

ELEVATION SHEET 2

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 2002
Checked	LL	Issue	
Project no	1709		B



1 EAST ELEVATION
1 : 100

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG. NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

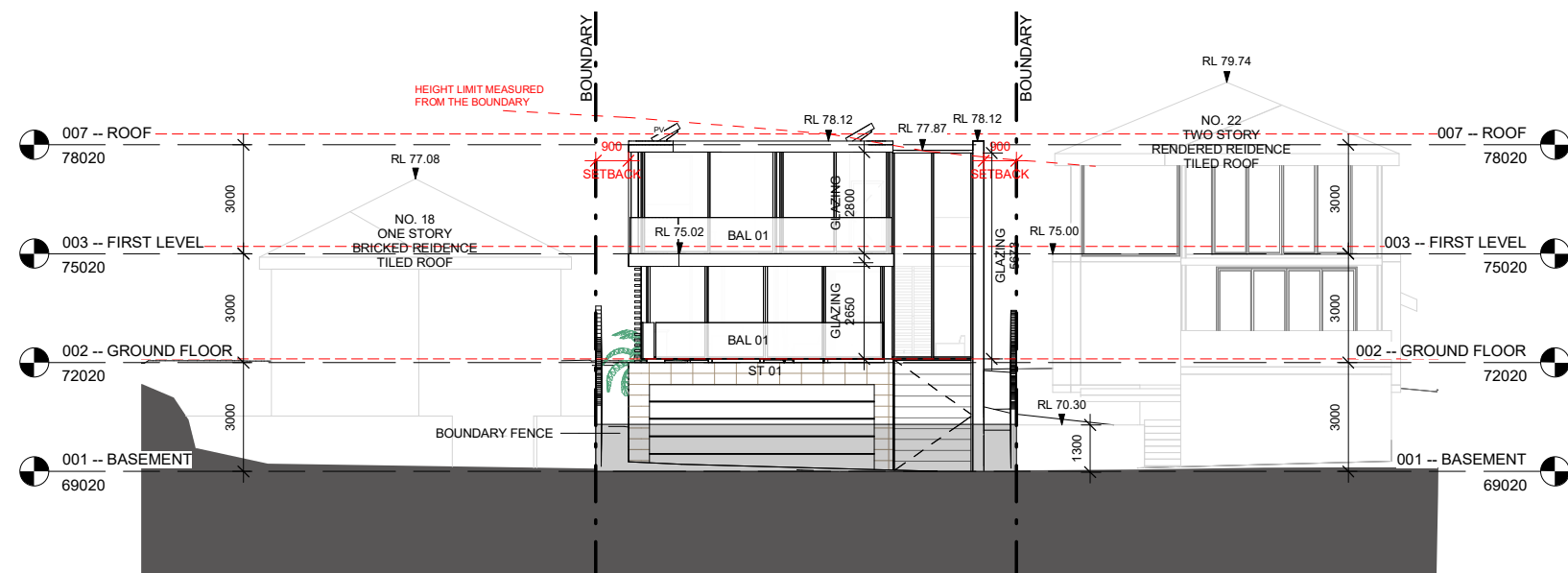
Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

ELEVATION SHEET 3

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 2003
Checked	LL	Issue	
Project no	1709		B

BAL01
EC
ST01
WR
T01
CLEAR GLASS BALUSTRADE
EXPOSED CONCRETE
SANDSTONE CLADDING
WHITE RENDER
NON-COMBUSTIBLE ALUMINIUM COMPOSITE PANEL-TIMBER LOOK



1 WEST ELEVATION
1 : 100

BAL01
EC
ST01
WR
T01

CLEAR GLASS BALUSTRADE
EXPOSED CONCRETE
SANDSTONE CLADDING
WHITE RENDER
NON-COMBUSTIBLE ALUMINIUM COMPOSITE PANEL-TIMBER LOOK

O R O S I

DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG.NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

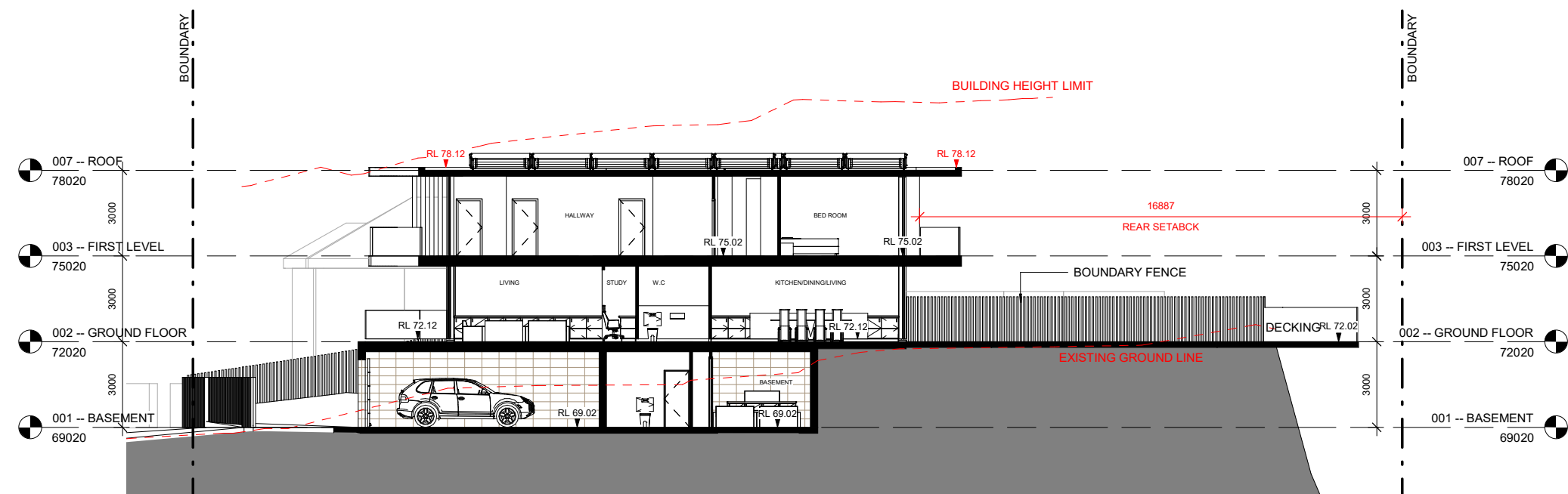
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

ELEVATION SHEET 4

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 2004
Checked	LL	Issue	
Project no	1709		B



O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

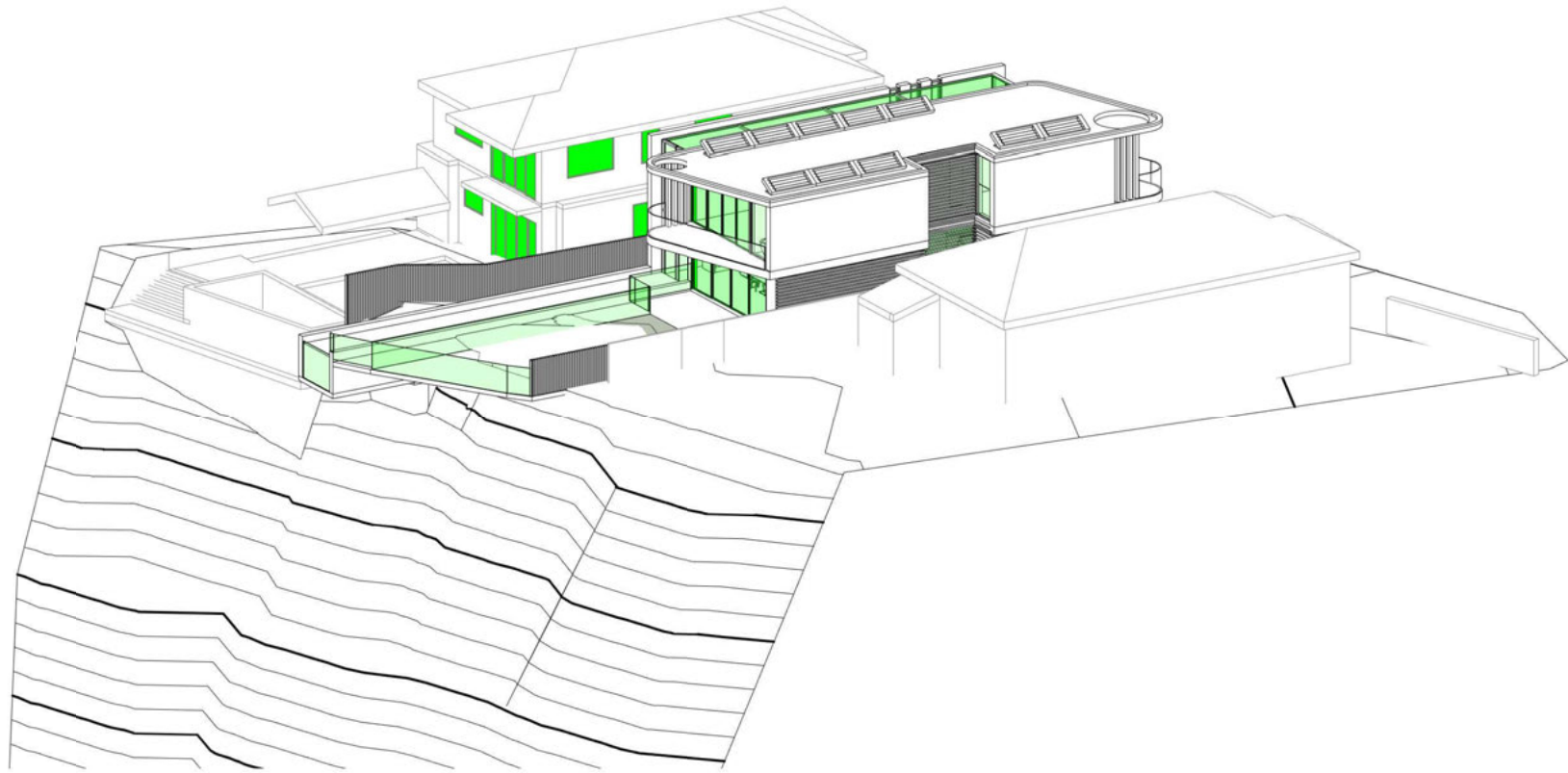
Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

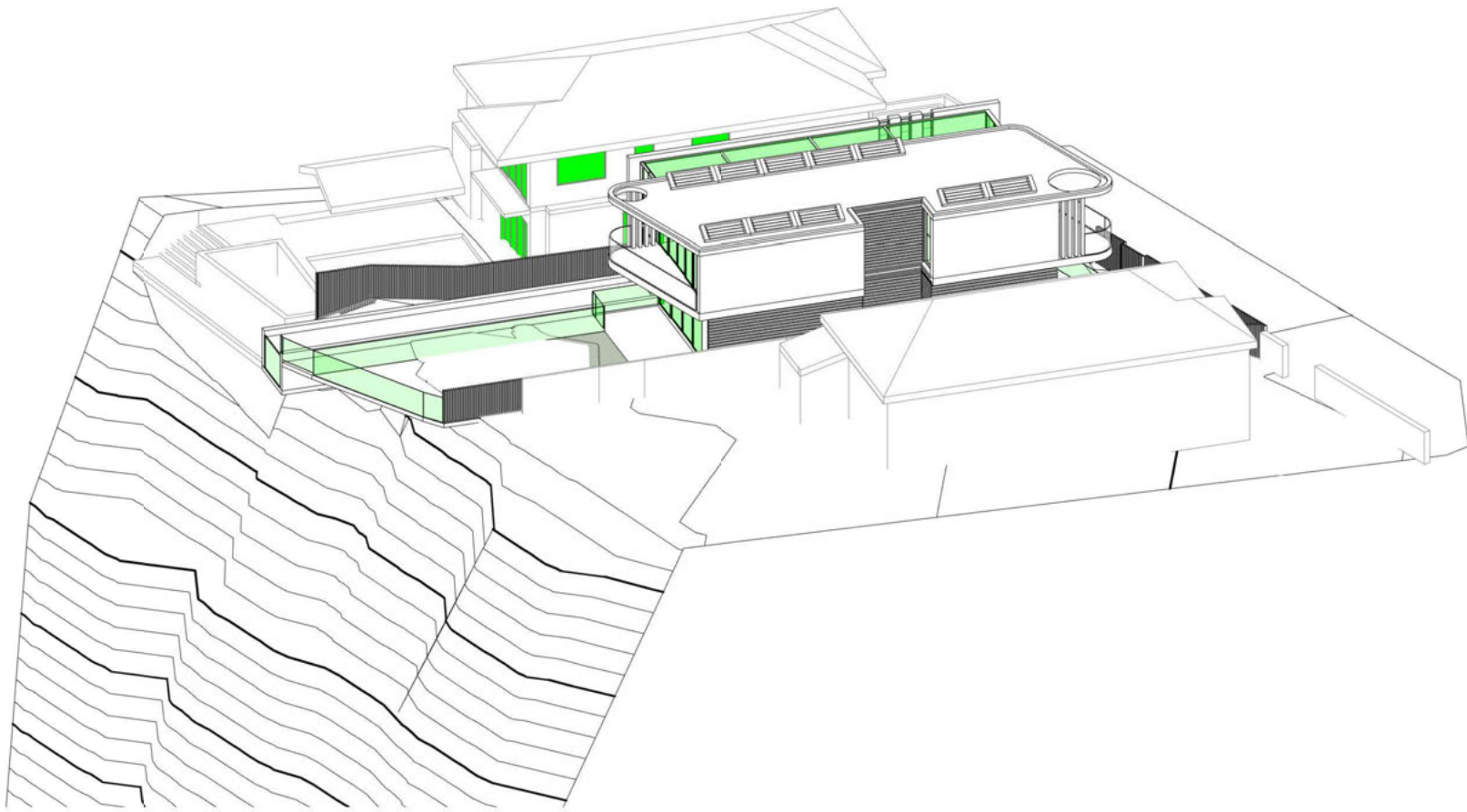
LONGITUDINAL SECTION

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 3001
Checked	LL	Issue	
Project no	1709		B

1 LONGITUDINAL SECTION 2
1 : 100



1 SOLAR ACCESS_VIEW FROM THE SUN 9am



2 SOLAR ACCESS_VIEW FROM THE SUN 10am

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

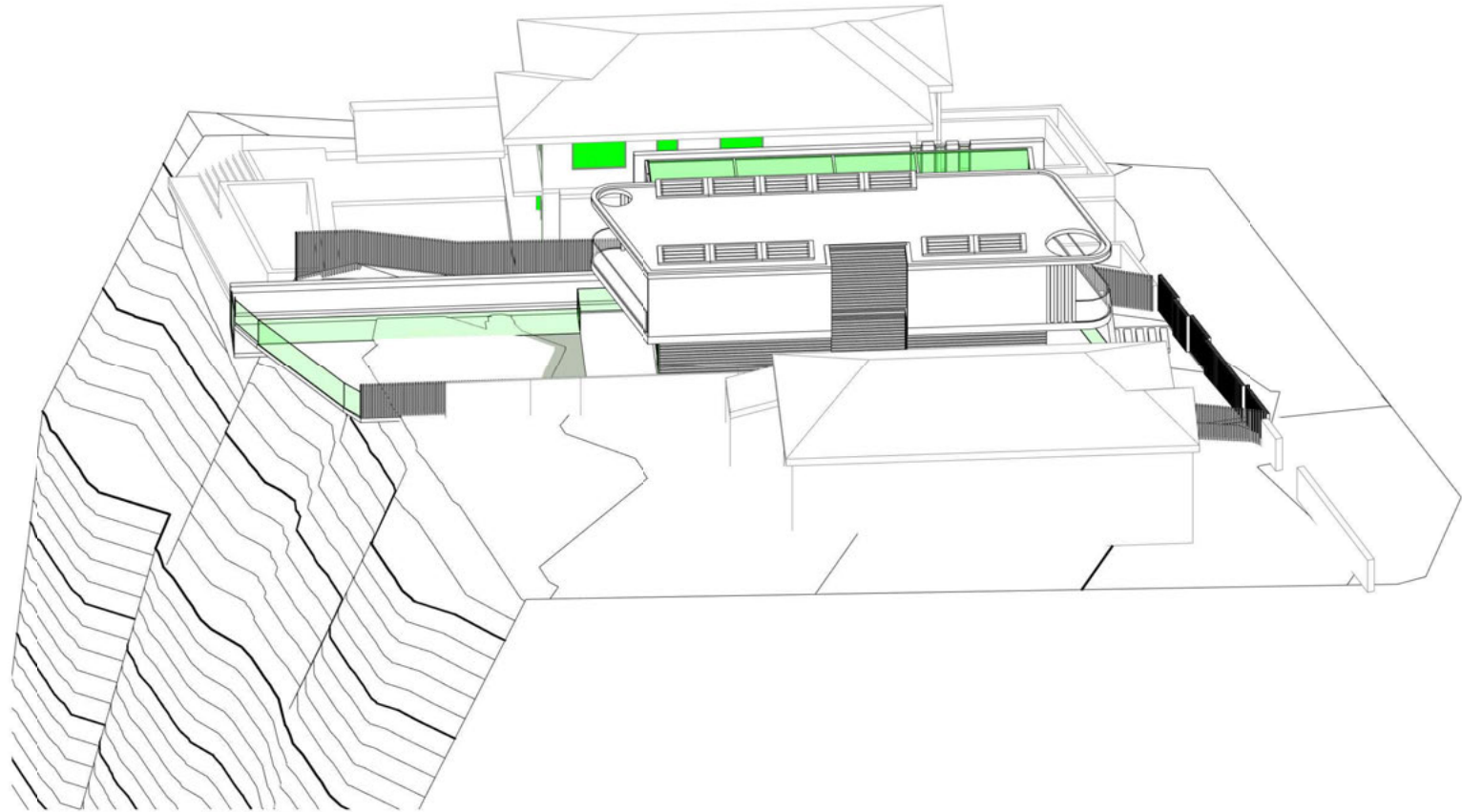
Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

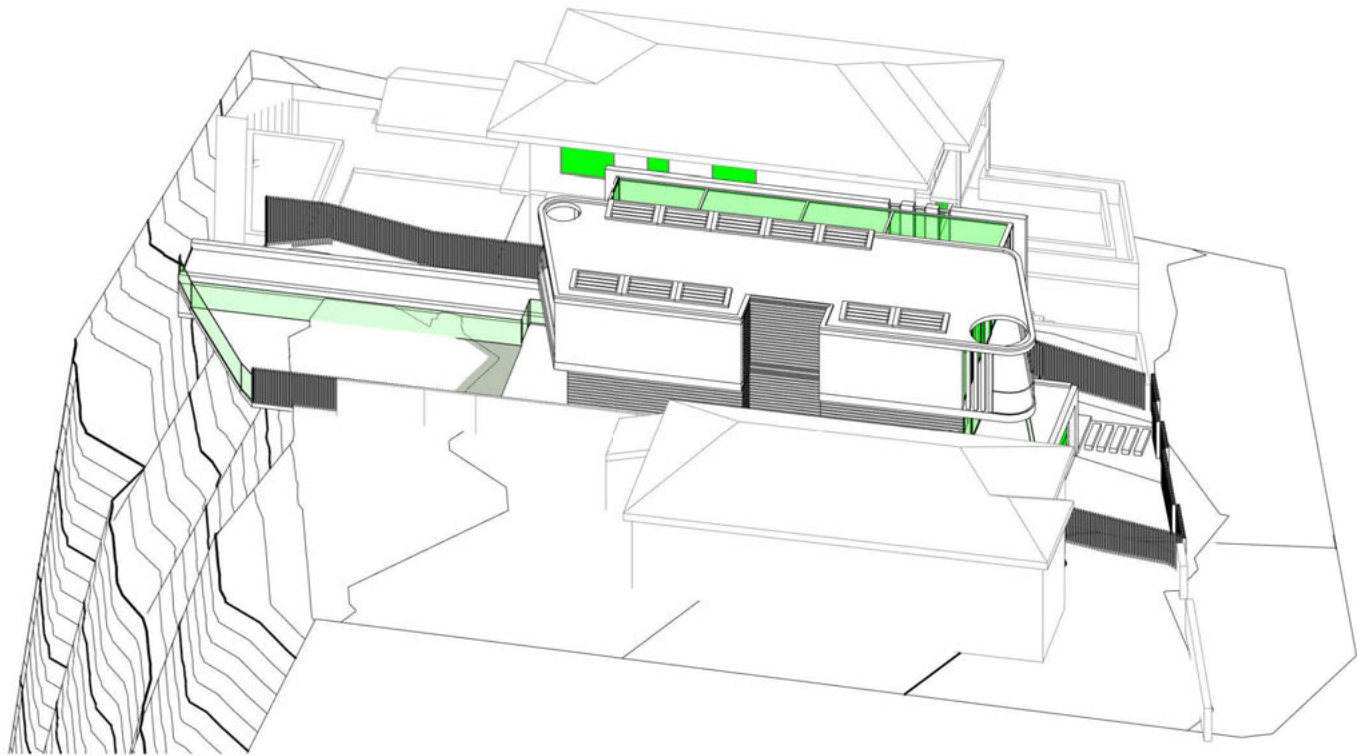
Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing
SOLAR_VIEW FROM THE SUN

Scale	at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 6001
Checked	LL	Issue	
Project no	1709		B



1 SOLAR ACCESS_VIEW FROM THE SUN 11am



2 SOLAR ACCESS_VIEW FROM THE SUN 12pm

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

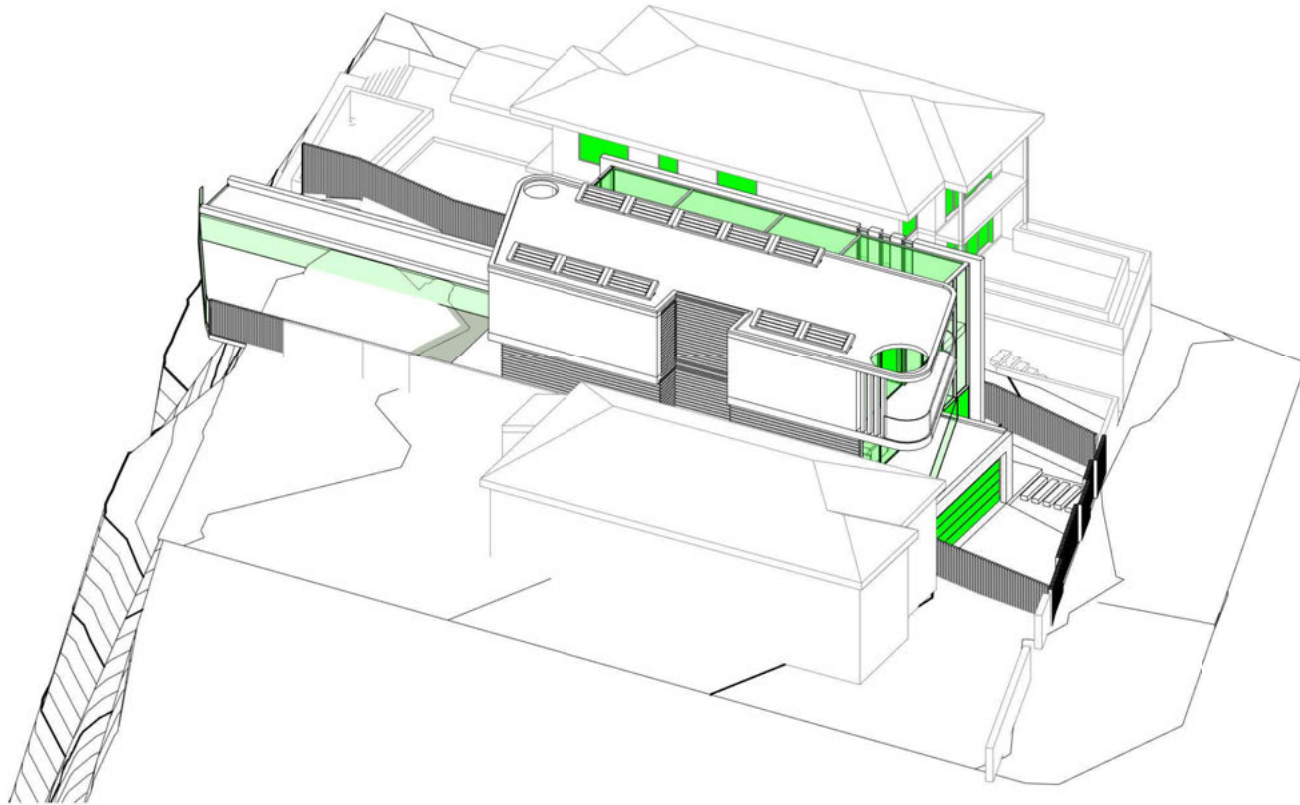
Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

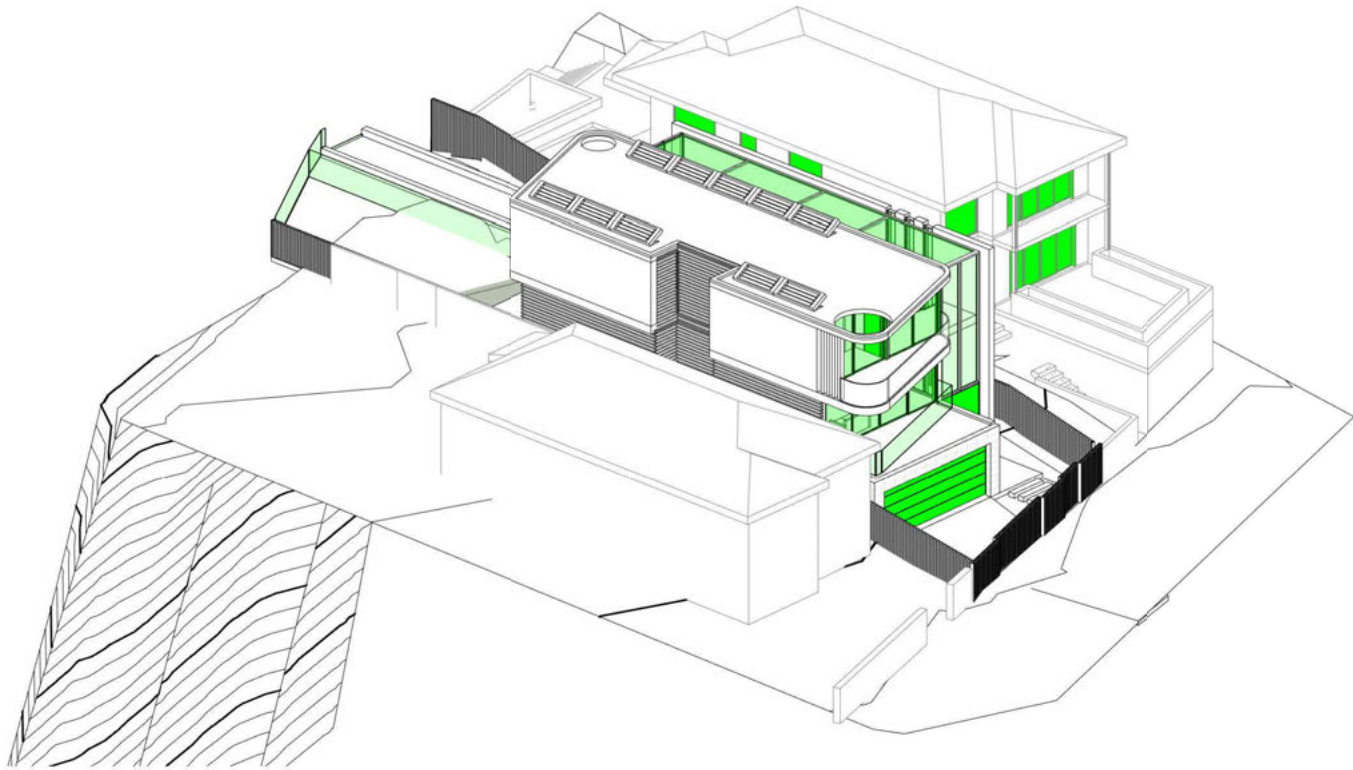
Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing
SOLAR_VIEW FROM THE SUN

Scale	at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 6002
Checked	LL	Issue	
Project no	1709		B



1 SOLAR ACCESS_VIEW FROM THE SUN 13pm



2 SOLAR ACCESS_VIEW FROM THE SUN 14pm

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

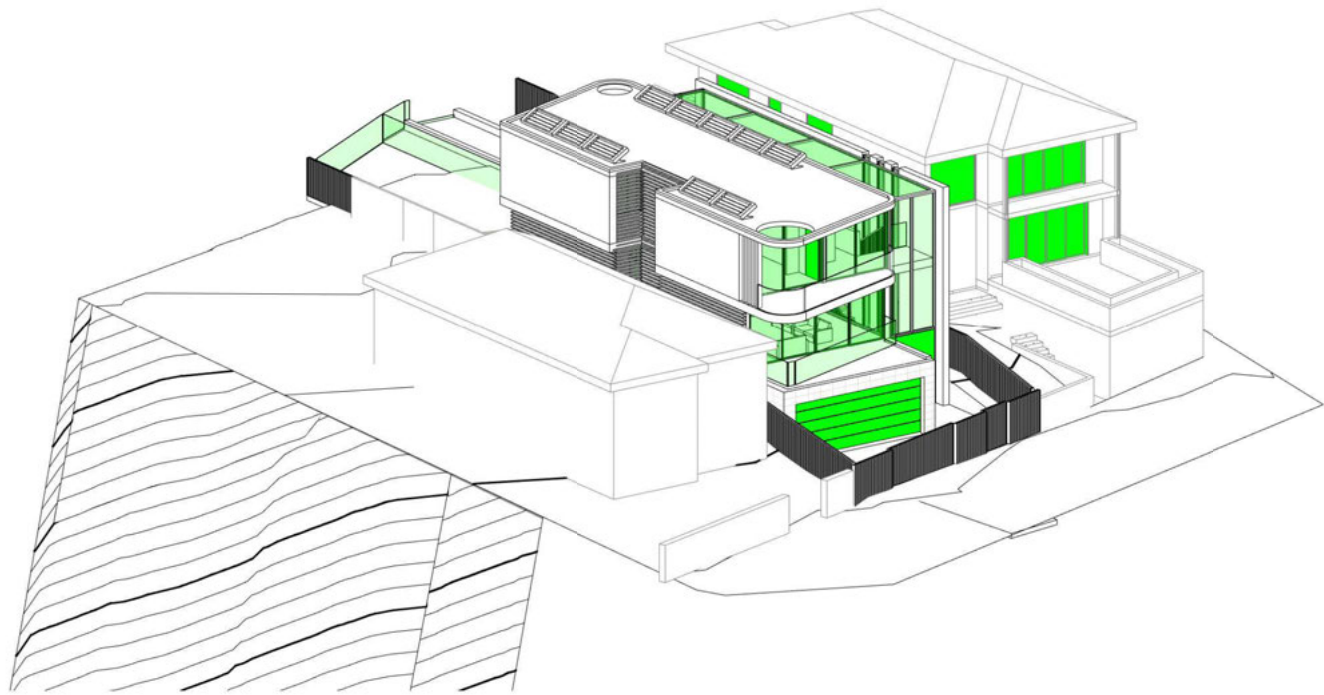
Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing
SOLAR_VIEW FROM THE SUN

Scale	at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 6003
Checked	LL	Issue	
Project no	1709		B



1 SOLAR ACCESS_VIEW FROM THE SUN 15pm

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER
HEIGHTS

Drawing
SOLAR_VIEW FROM THE SUN

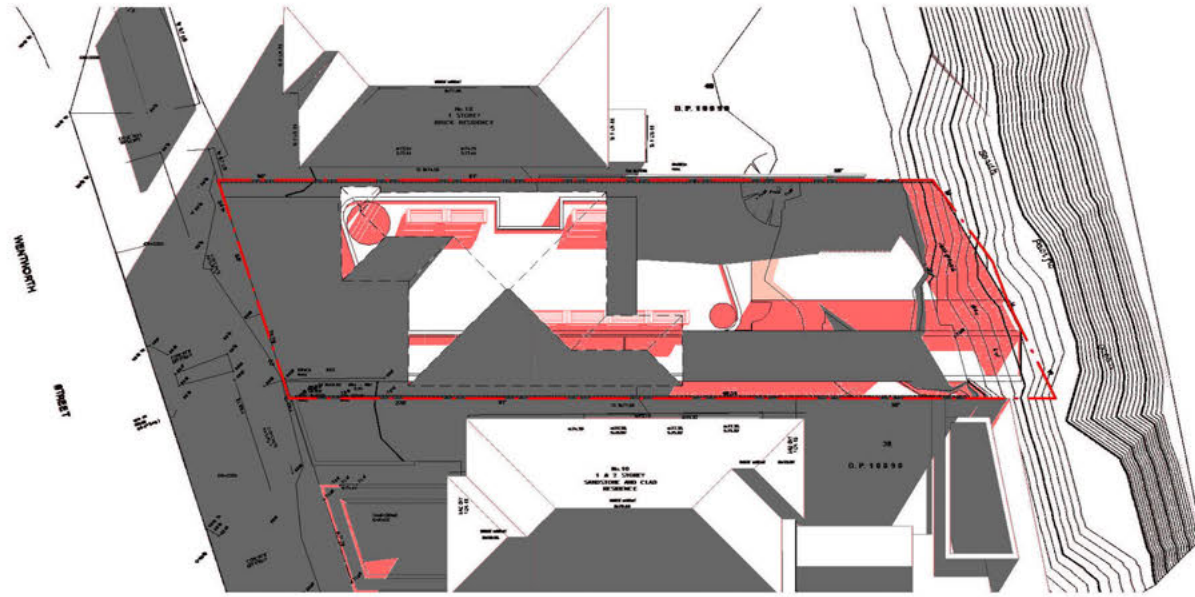
Scale	at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 6004
Checked	LL	Issue	
Project no	1709		B

AMENDED PLANS

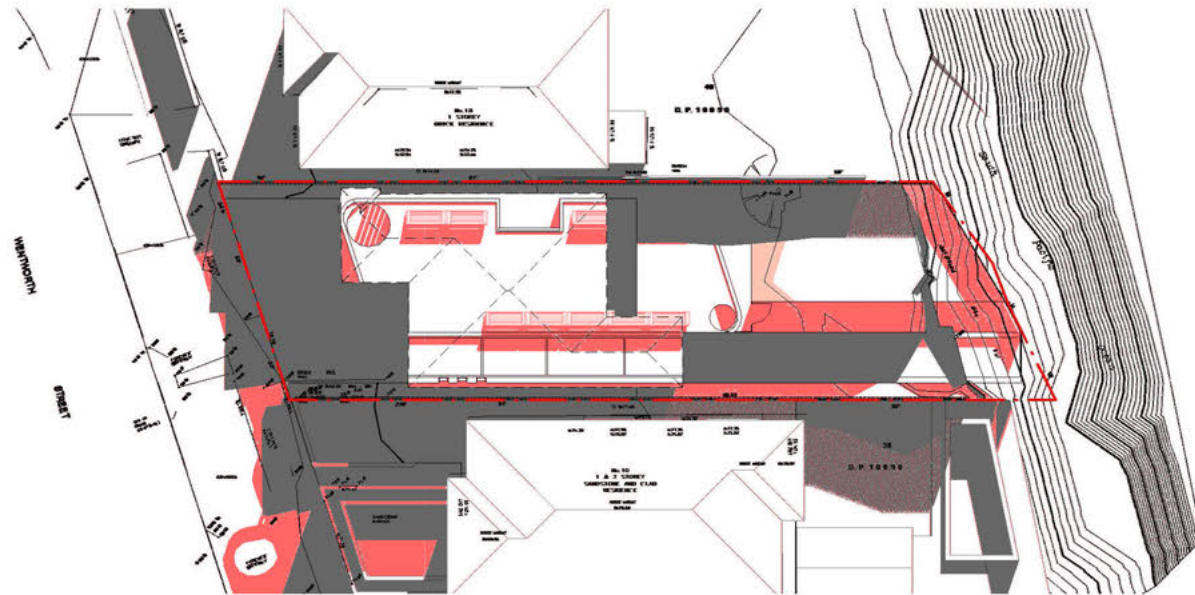
RECEIVED
Waverley Council

Application No: DA-207/2021

Date Received: 13/09/2021



1 SHADOW DIAGRAM -- 9am PROPOSED
1 : 200
EXISTING



4 SHADOW DIAGRAM -- 10am PROPOSED
1 : 200
EXISTING



O R O S I

DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21
C	SHADOW OVERLAY ISSUED TO COUNCIL	10/09/21

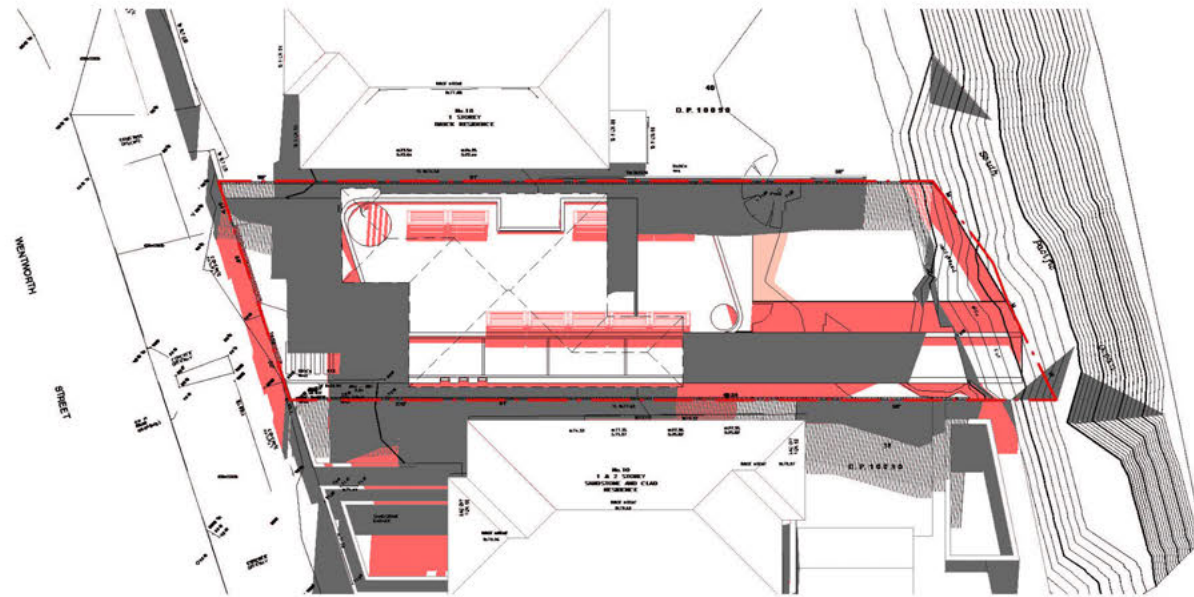
Client Mr. Simon Koh

Project 20 WENTWORTH ST, DOVER
HEIGHTS

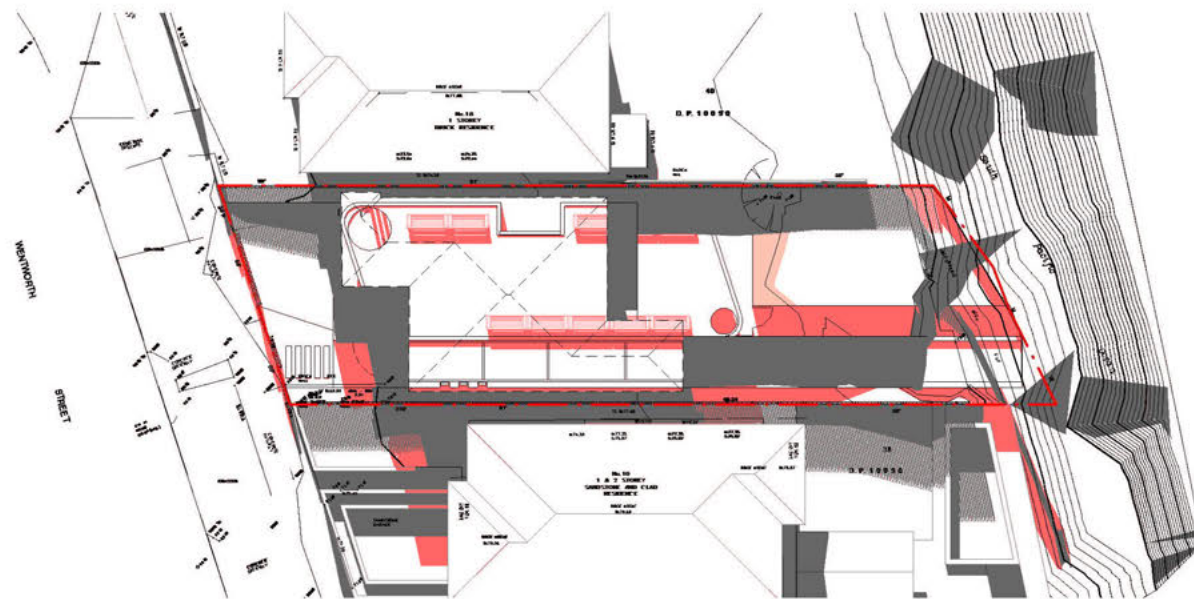
Drawing

SHADOW DIAGRAMS

Scale	1 : 200 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 6005
Checked	LL	Issue	
Project no	1709		C



1 SHADOW DIAGRAM -- 11am PROPOSED
1 : 200
EXISTING



3 SHADOW DIAGRAM -- 12pm PROPOSED
1 : 200
EXISTING



O R O S I

DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21
C	SHADOW OVERLAY ISSUED TO COUNCIL	10/09/21

Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER
HEIGHTS

Drawing
SHADOW DIAGRAMS

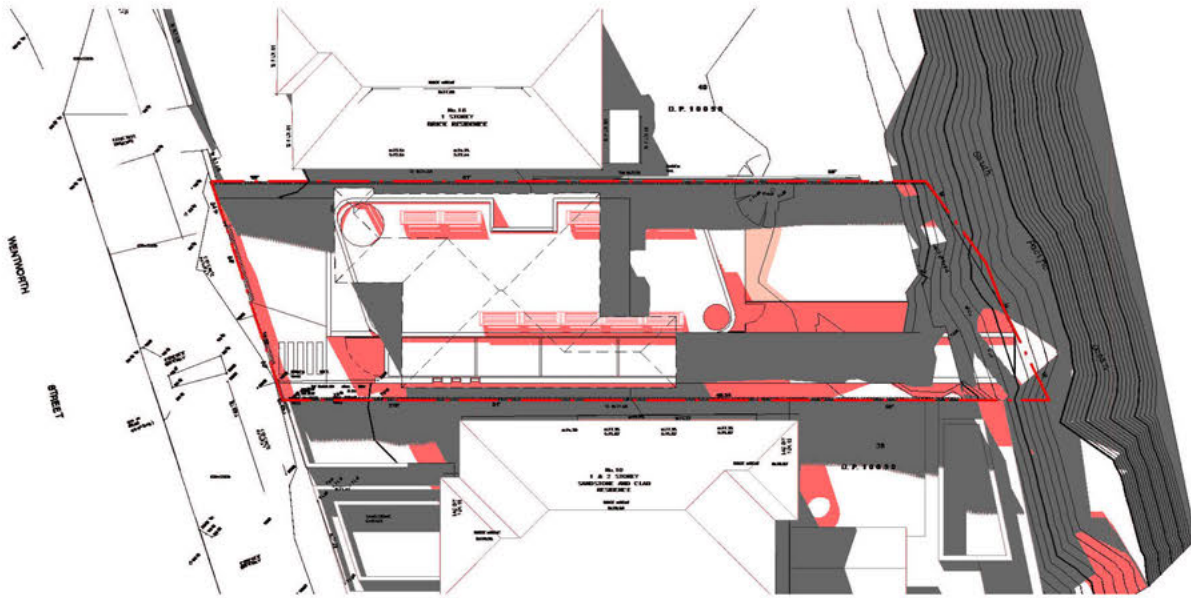
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Checked	LL	Issue	
Project no	1709		C

AMENDED PLANS

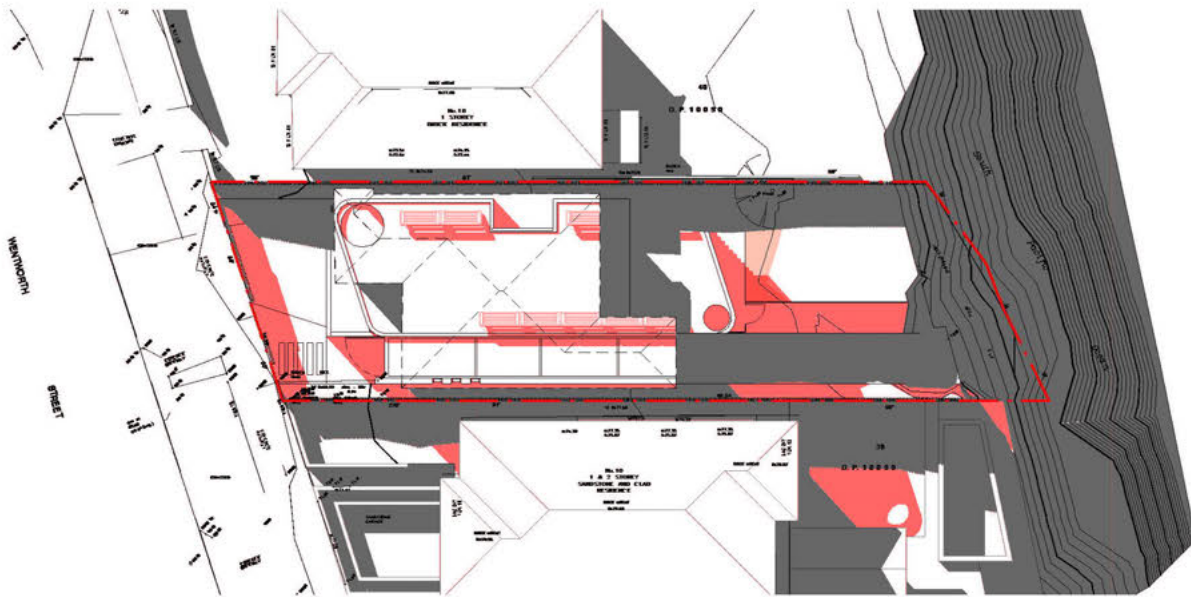
RECEIVED
Waverley Council

Application No: DA-207/2021

Date Received: 13/09/2021



2 SHADOW DIAGRAM -- 1pm PROPOSED
1: 200
EXISTING



4 SHADOW DIAGRAM -- 2pm PROPOSED
1: 200
EXISTING

O R O S I

DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LEW REG NO 7849

Issue	Amendment	Date
B	POST SUBMISSION	30/08/21
C	SHADOW OVERLAY ISSUED TO COUNCIL	10/09/21

Client Mr. Simon Koh

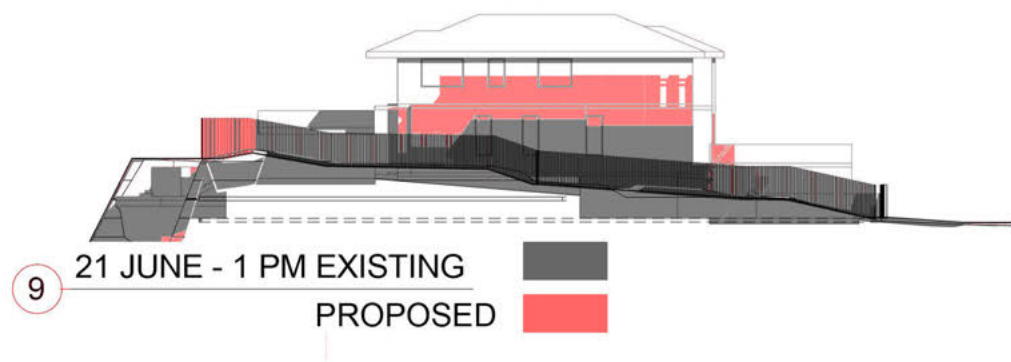
Project 20 WENTWORTH ST, DOVER
HEIGHTS

Drawing

SHADOW DIAGRAMS

Scale	1: 200 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 6007
Checked	JZ	Issue	
Project no	1709		C

2/09/2021 11:51:12 AM



O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LEW REG NO 7849

Issue	Amendment	Date
B	POST SUBMISSION	30/08/21
C	SHADOW OVERLAY ISSUED TO COUNCIL	10/09/21

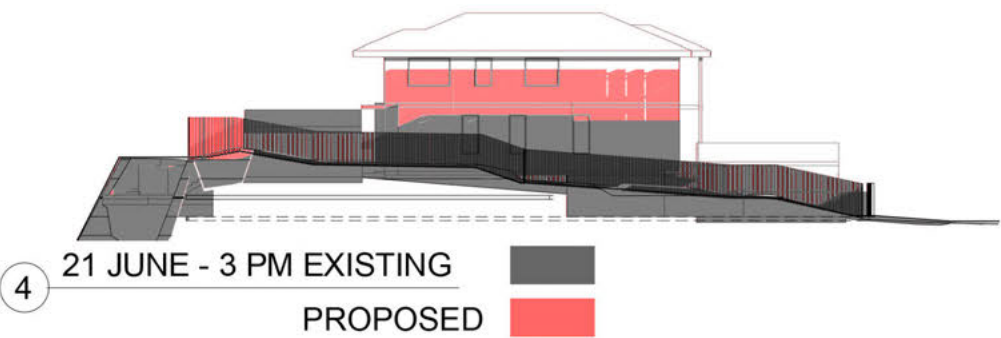
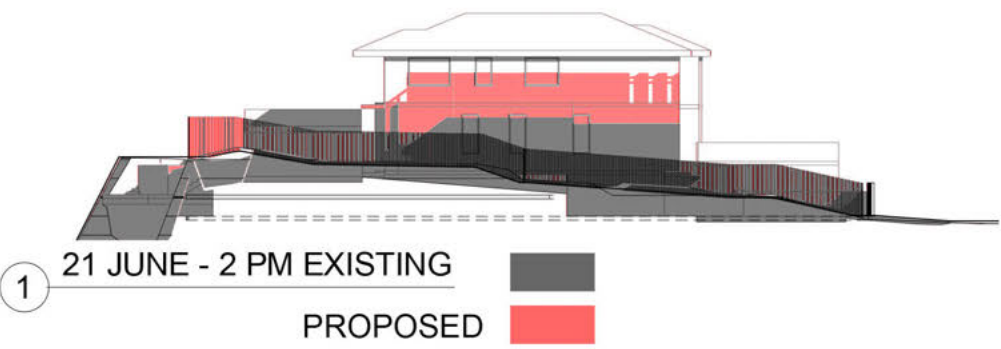
Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER
HEIGHTS

Drawing
ELEVATIONAL SHADOW DIAGRAMS

Scale	1 : 200 at A1 at A3	Status	Drawing no.
Drawn	MF		DA 6009
Checked	JZ	Issue	
Project no	1709		C

2/09/2021 11:51:21 AM



OROSI
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LEW REG NO 7849

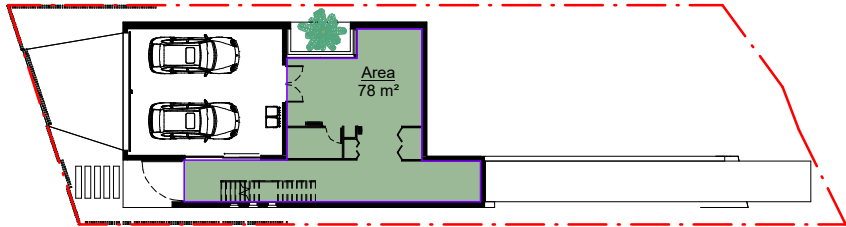
Issue	Amendment	Date
B	POST SUBMISSION	30/08/21
C	SHADOW OVERLAY ISSUED TO COUNCIL	10/09/21

Client
Mr. Simon Koh

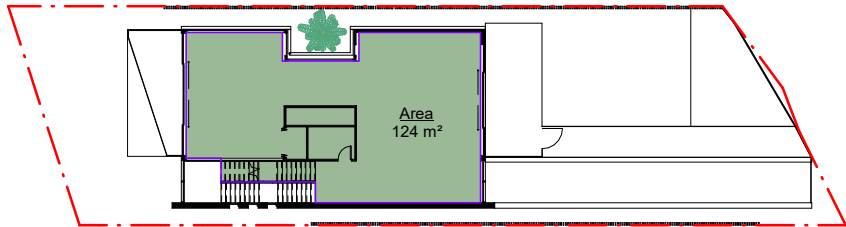
Project
20 WENTWORTH ST, DOVER
HEIGHTS

Drawing
ELEVATIONAL SHADOW DIAGRAMS

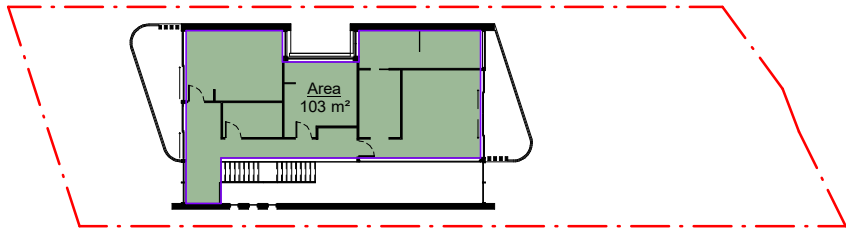
Scale	1 : 200 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 6010
Checked	JZ	Issue	
Project no	1709		C



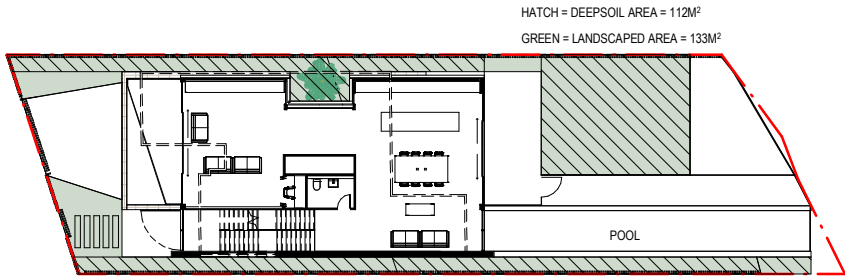
3 001 -- BASEMENT
1 : 200



1 002 -- GROUND LEVEL
1 : 200



2 003 -- FIRST LEVEL
1 : 200

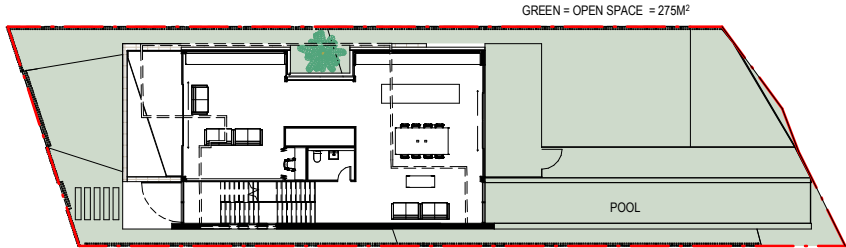


4 LANDSCAPE + DEEP SOIL
1 : 200

Area Schedule (Permissible)	
Level	Area
001 -- BASEMENT	78 m²
002 -- GROUND LEVEL	124 m²
003 -- FIRST LEVEL	103 m²
Grand total: 3	305 m²

SITE AREA CALCULATION

SITE AREA:	457.87m²
ZONE:	R2 - Medium Density
PERMISSIBLE FSR:	0.5:1
PERMISSIBLE GFA:	228.9m²
PROPOSED FSR:	0.66:1
PROPOSED GFA:	305m²
HEIGHT LIMIT:	8.5m
PERMISSIBLE LANDSCAPED:	68.6m² (15%)
PROPOSED LANDSCAPED:	133m² (29%)
PROPOSED DEEP SOIL :	112m² (24%)



5 OPEN SPACE
1 : 200



O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client Mr. Simon Koh

Project 20 WENTWORTH ST, DOVER HEIGHTS

Drawing

CALCULATION

Scale	1 : 200 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 7001
Checked	LL	Issue	
Project no	1709		B

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-207/2021

Date Received: 13/09/2021

1800 x 2400mm	\$366 PER PANEL + GST
1500 x 2400mm	\$324 PER PANEL + GST
1200 x 2400mm	\$288 PER PANEL + GST
900 x 2400mm	\$260 PER PANEL + GST



CityWide & Macedon
Online Fence Supplies is a division of the Citywide & Macedon Fencing Group P/L.

Vertical Blade Fence Panels – Powder Coated Black



FLANGED POSTS

76 x 76 x 1300mm	\$60* per post
76 x 76 x 1900mm	\$73* per post
100 x 100 x 1300mm	\$88* per post
100 x 100 x 1900mm	\$116* per post



CELEBRATING
28
YEARS

IN-GROUND POSTS

76 x 76 x 1800mm	\$50* per post
76 x 76 x 2400mm	\$68* per post
100 x 100 x 1800mm	\$90* per post
100 x 100 x 2400mm	\$116* per post

ACCESSORIES

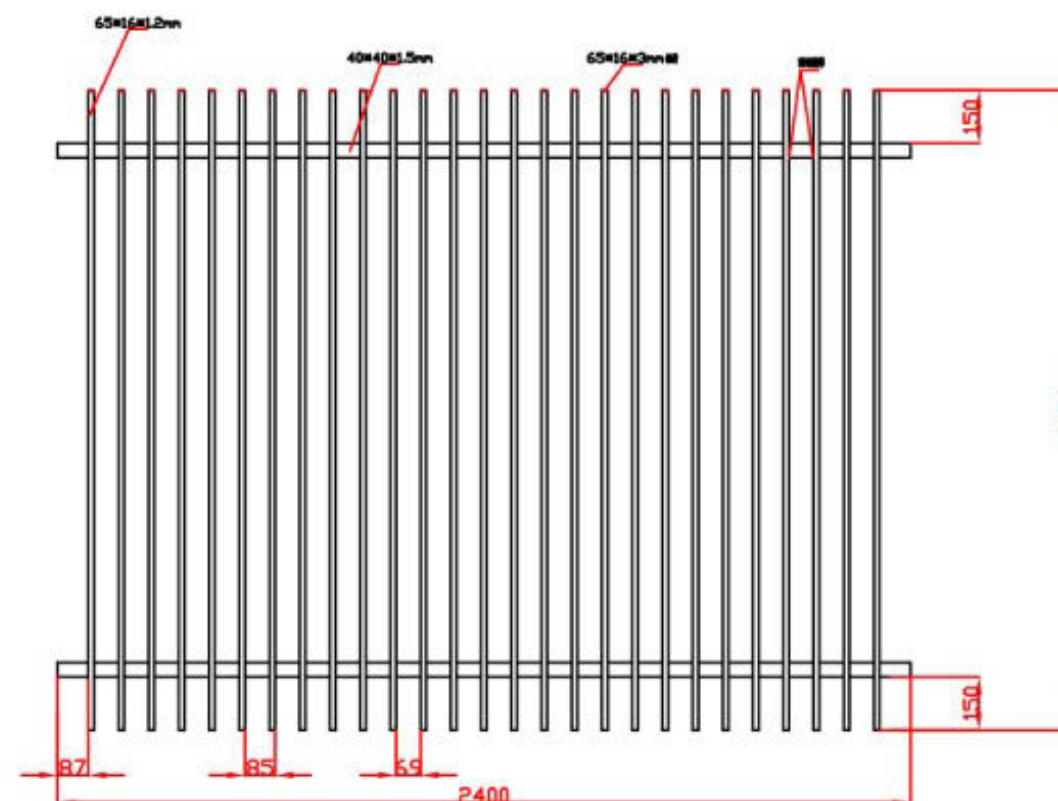
Rail Brackets 40x40mm	\$4* each
Tek Screws 12 - 14x20mm	\$0.25* each
S/O Screw Hex HD	

Unit 1, 1710 Sydney Rd, Campbellfield VIC 3061
info@macedonfencing.com.au
www.macedonfencing.com.au



COMMERCIAL / CALL FOR A QUOTE
1300 101 202

Technical Drawing



O R O S I

DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
C	POST SUBMISSION	10/09/21

Client Mr. Simon Koh

Project 20 WENTWORTH ST, DOVER HEIGHTS

Drawing

FENCE DETAILS

Scale	at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 7011
Checked	JZ	Issue	
Project no	1709		C

10/09/2021 11:14:57 AM

Unit 1, 1710 Sydney Rd, Campbellfield VIC 3061
info@macedonfencing.com.au
www.macedonfencing.com.au



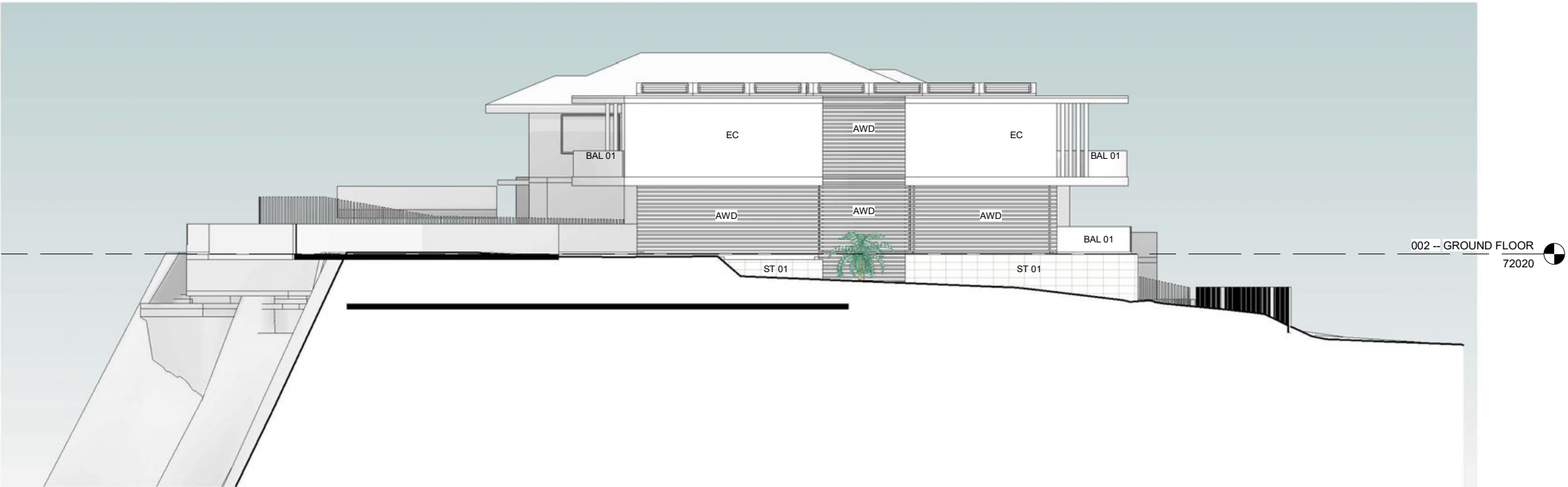
COMMERCIAL / CALL FOR A QUOTE
1300 101 202

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-207/2021

Date Received: 13/09/2021



1 NORTH ELEVATION
1 : 100

AWD
BAL01
EC
ST01

DARK GRAY ALUMINIUM SCREEN
CLEAR GLASS BALUSTRADE
EXPOSED CONCRETE
SANDSTONE CLADDING



ST 01



AWD



BAL 01



EC



O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

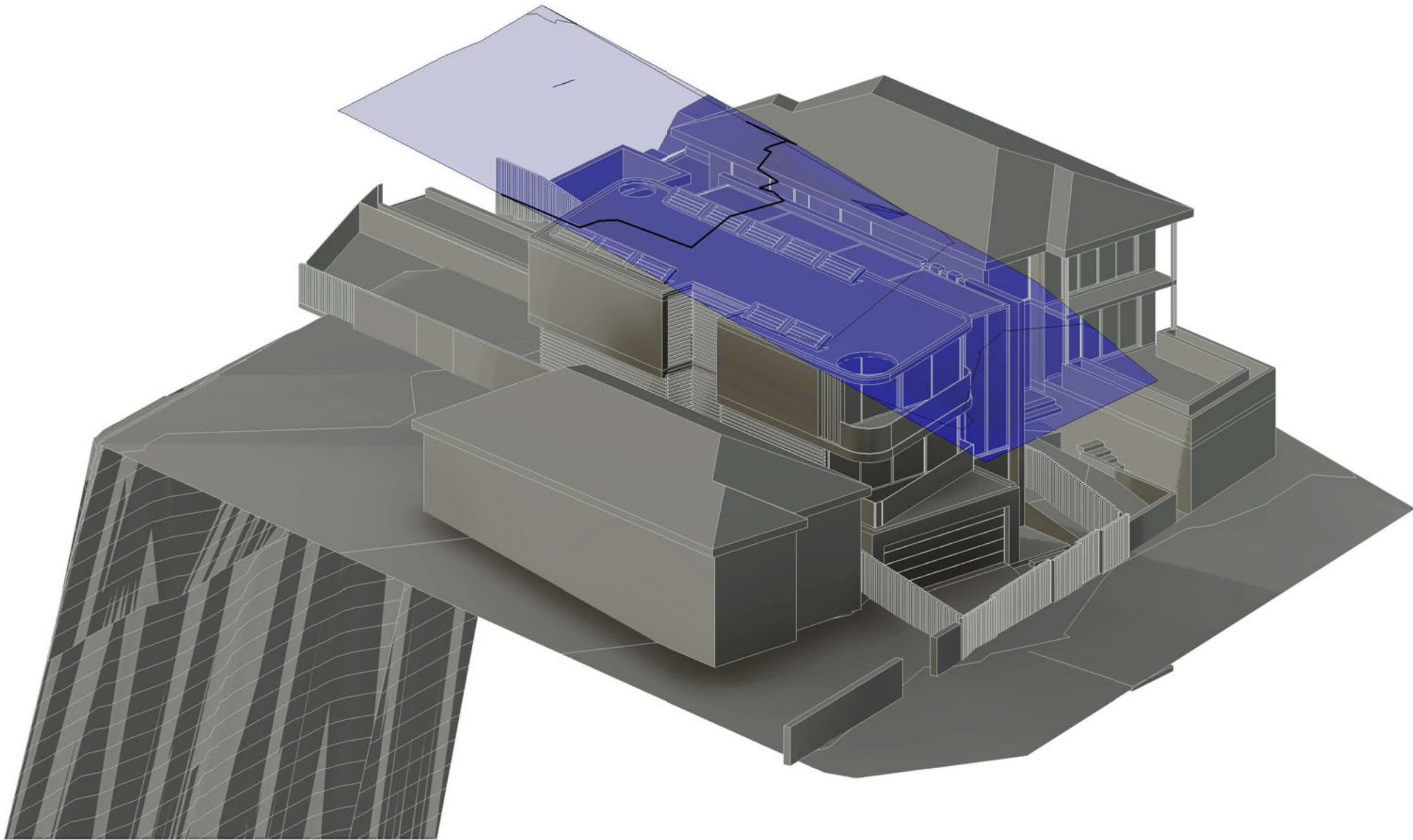
Issue	Amendment	Date
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing

FINISHES SCHEDULE			
Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 7031
Checked	LL	Issue	
Project no	1709		B



1 HEIGHT DIAGRAM ISOMETRIC

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LEW REG NO 7849

Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing
LEP HEIGHT DIAGRAM ISOMETRIC

Scale	at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 7041
Checked	LL	Issue	
Project no	1709		B

BASIX COMMITMENTS

Schedule of BASIX commitments			
The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.			
Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 5 star in each bathroom in the development.		✓	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 80 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to: <ul style="list-style-type: none">the cold water tap that supplies each clothes washer in the development		✓	✓
<ul style="list-style-type: none">at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)a tap that is located within 10 metres of the swimming pool in the development		✓	✓
Swimming pool			
The swimming pool must not have a volume greater than 48 kilolitres.	✓	✓	
The swimming pool must have a pool cover.		✓	

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Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas storage with a performance of 3 stars.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning. Energy rating: 1 Star (old label)		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning. Energy rating: 1 Star (old label)		✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning. Energy rating: 1 Star (old label)		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning. Energy rating: 1 Star (old label)		✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development: At least 1 Bathroom: individual fan, ducted to façade or roof. Operation control: manual switch on/off		✓	✓
Kitchen: individual fan, ducted to façade or roof. Operation control: manual switch on/off		✓	✓
Laundry: individual fan, ducted to façade or roof. Operation control: manual switch on/off		✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps: <ul style="list-style-type: none">at least 3 of the bedrooms / study; dedicatedat least 1 of the living / dining rooms; dedicatedthe kitchen; dedicated		✓	✓

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Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The swimming pool must be outdoors.	✓	✓	

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Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<ul style="list-style-type: none">all bathrooms/toilets; dedicatedthe laundry; dedicatedall hallways; dedicated		✓	✓
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓
The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.	✓	✓	✓
Swimming pool			
The development must not incorporate any heating system for the swimming pool.		✓	
The applicant must install a timer for the swimming pool pump in the development.		✓	
Alternative energy			
The applicant must install a photovoltaic system with the capacity to generate at least 2 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.	✓	✓	✓
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.		✓	
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.		✓	
The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.		✓	

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Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Simulation Method			
The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.	✓	✓	✓
The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.	✓	✓	✓
Floor and wall construction	Area		
floor - concrete slab on ground	All or part of floor area square metres		
floor - suspended floor above garage	All or part of floor area		

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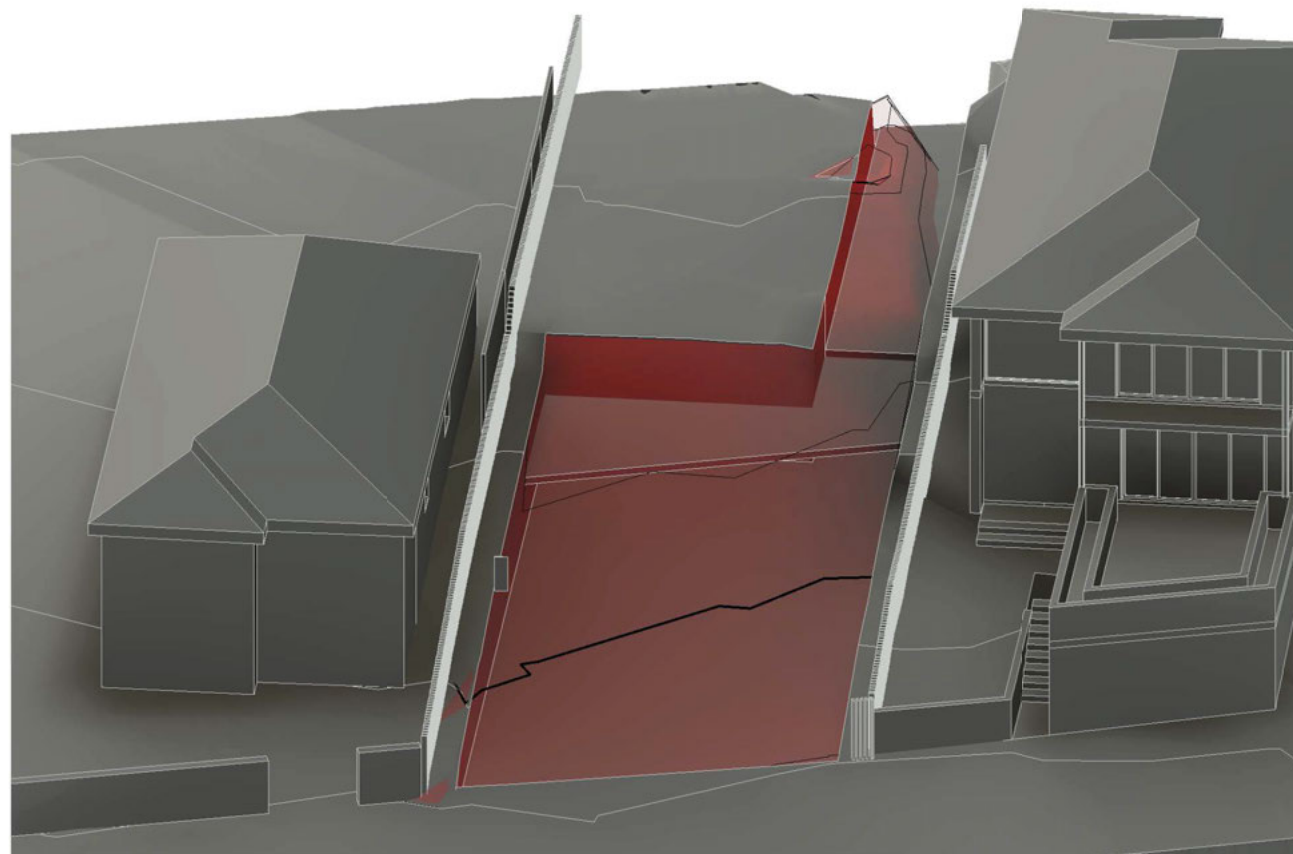
Issue	Amendment	Date
A	ISSUE FOR DA	23/04/21

Client Mr. Simon Koh

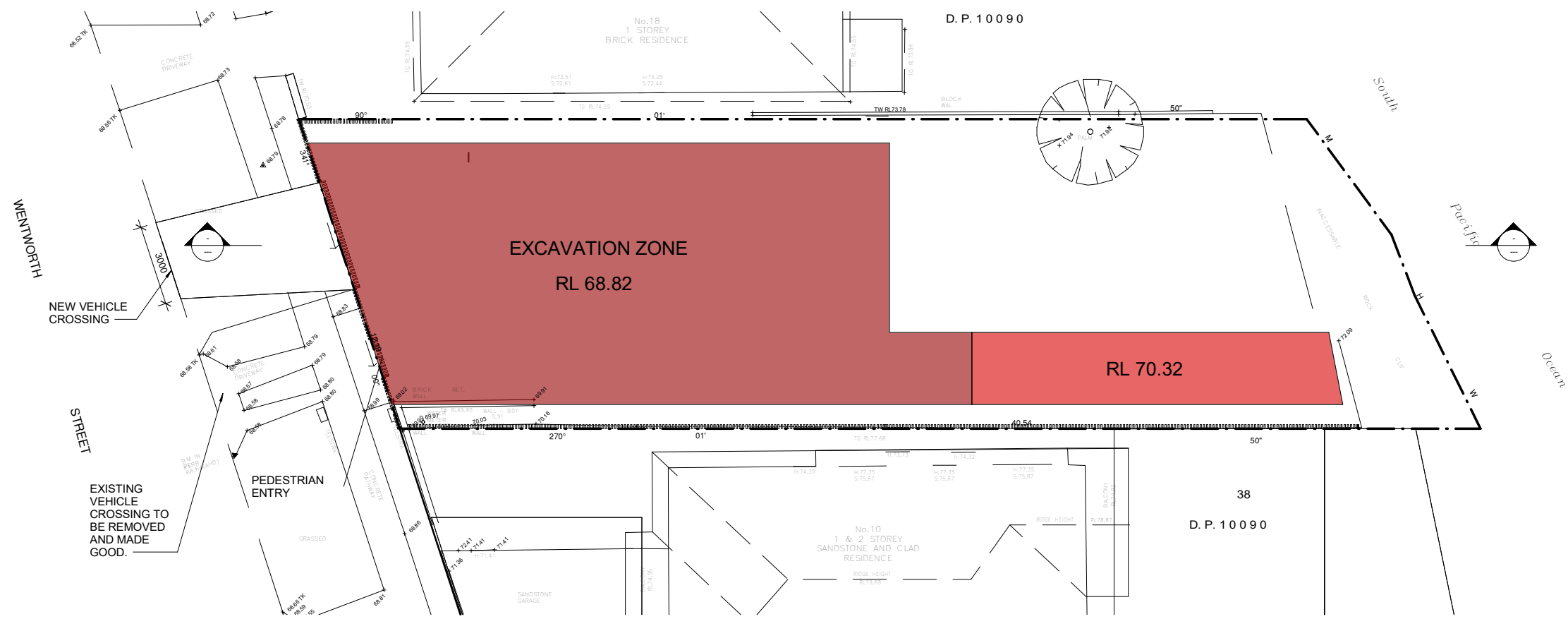
Project 20 WENTWORTH ST, DOVER HEIGHTS

Drawing

BASIX COMMITMENTS			
Scale	at A1 at A3	Status	Drawing no.
Drawn	MF		DA 7043
Checked	JZ	Issue	
Project no	1709		A



1 TOPOGRAPHY CUT AND FILL CALCULATION



2 EXCAVATION PLAN
1 : 100

O R O S I
DESIGN | CONSTRUCTION | DEVELOPMENT
68 BEACH STREET | COOGEE | NSW 2034
NOMINATED REGISTERED ARCHITECT: LAWRENCE LIEW REG NO 7849

Issue	Amendment	Date
B	POST SUBMISSION	30/08/21

Client
Mr. Simon Koh

Project
20 WENTWORTH ST, DOVER HEIGHTS

Drawing
EXCAVATION PLAN

Scale	1 : 100 at A1 at A3	Status	Drawing no.
Drawn	MZ		DA 7044
Checked	JZ	Issue	
Project no	1709		B

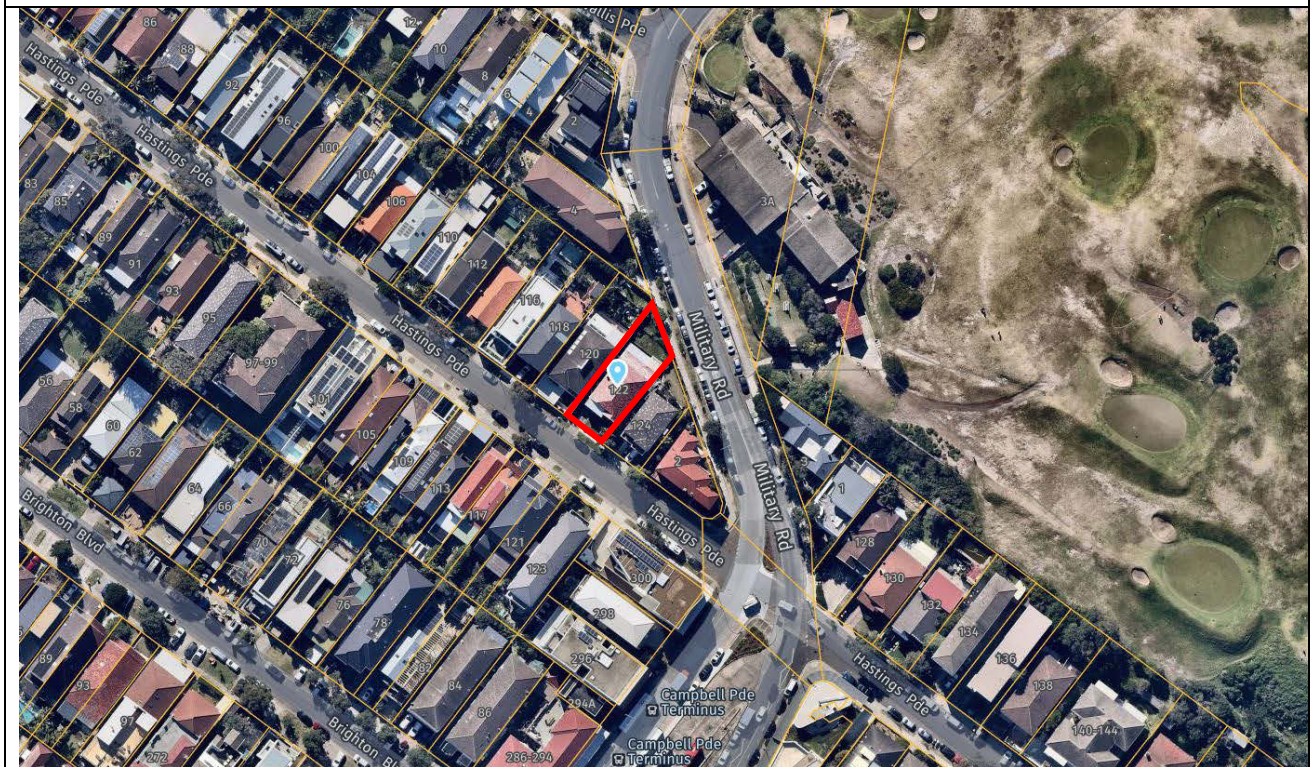
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Report to the Waverley Local Planning Panel

Application number	DA-297/2021
Site address	122 Hastings Parade, NORTH BONDI
Proposal	Demolition of dwelling and construction of a new three storey dwelling with integrated basement parking
Date of lodgement	4 August 2021
Owner	Hablynton Pty Ltd
Applicant	Stafford Architecture
Submissions	Nil
Cost of works	\$2,470,715
Principal Issues	<ul style="list-style-type: none"> • Height of buildings • External wall height • Streetscape character
Recommendation	That the application be APPROVED subject to conditions.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the demolition of the existing dwelling and construction of a new three storey dwelling with integrated basement parking at the site known as 122 Hastings Parade, NORTH BONDI.

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

- Height of buildings
- External wall height
- Streetscape character

The assessment finds these issues acceptable due to the building sitting in line with the context of the surrounding development, particularly in relation to building heights. With regard to the concerns regarding streetscape character, a condition has been recommended to remove the wall structure located in the front setback that acts as a second front gate with pedestrian entrance. This wall sits out of place in the streetscape and would not fit in to the character of the area.

No submissions were received.

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 23 September 2021.

The site is identified as Lot 1327 in DP 752011, known as 122 Hastings Parade, NORTH BONDI.

The site is irregular in shape with a south-western frontage to Hastings Parade measuring 12.19m and the rear north-eastern facing secondary frontage to Military Road measuring 14.51m. It has a site area of 411.41m² and falls from the north-east towards the south-west by approximately 6.9m.

The site is occupied by a two storey brick dwelling house with vehicular access provided to an integrated garage from Hastings Parade. Four trees are located in the rear and one tree is located in the front of the site.

The site is adjoined by a dwelling house to the north-west and a two storey, with parking below, dual occupancy to the south-east. Across Military Road to the north, is the Bondi Golf Club. The locality is characterised by a variety of low and medium residential development.

Figures 1 to 8 are photos of the site and its context.

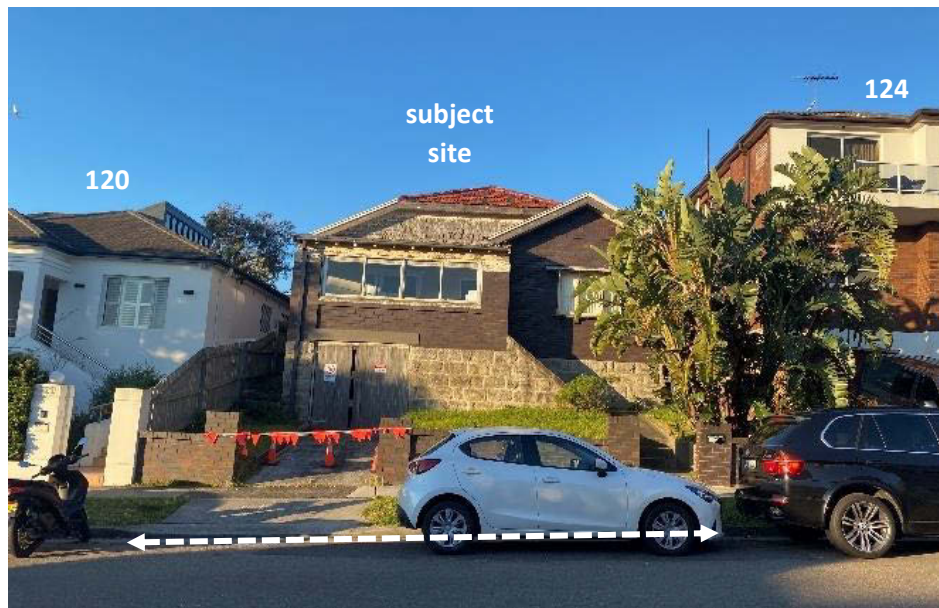


Figure 1: Subject site viewed from Hastings Parade, looking north.



Figure 2: Rear of subject site looking south-west



Figure 3: Neighbouring properties to the east, including 124 Hastings Parade & 2 Military Road

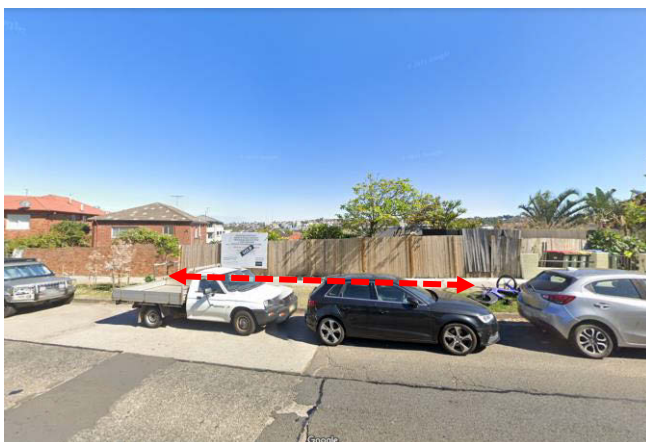


Figure 4: Rear of subject site looking south, across Military Road. source: Google Maps



Figure 5: Streetscape context of recent development to the north-west, No. 116 Hastings Parade

1.3. Proposal

The development application seeks consent for the demolition of the existing dwelling and construction of a new dwelling house, specifically the following:

- A basement level that sits level to Hastings Parade, including a car turntable, double garage, two motorcycle parking spaces, bin storage, a lift, four separate service rooms, storage and a staircase;
- A ground floor to include two lounge room areas, a study, bathroom, kitchen, dining room, laundry, courtyard on the western side in the middle of the dwelling, an inground swimming pool and spa at the rear, a staircase and a lift;
- A first floor to include four x bedrooms, three x bathrooms, a staircase and a lift; and
- The rooftop to include planter boxes and solar panels.

1.4. Background

The development application was lodged on 4 August 2021 and deferred on 20 August 2021 for the following reasons:

1. **Height of buildings** – The overall building height was incorrectly calculated. An updated plan was required to be submitted, along with a clause 4.6 written request to vary the development standard.
2. **Floor Space Ratio** – The GFA included in the floor space had not been calculated correctly, as demonstrated on the Floor Space Ratio Diagram (FSR) plan. An updated plan and Clause 4.6 written request was required to be submitted.
3. **Predominant front and rear setbacks** – The proposed front and rear setbacks on the first level did not comply with the predominant building line of dwellings along Hastings Parade.
4. **North Bondi special character area** – An assessment against Part C1 of the Waverley Development Control Plan 2012 (Waverley DCP 2012) was required to be submitted, including amendments to the design to better comply with this section of the DCP.
5. **Front fence** – The overall height of the front fence did not comply with the maximum height allowable under the Waverley DCP 2012.

The following amended plans and documentation were submitted on 16 September 2021:

- Plans updated to accurately demonstrate the overall height of the dwelling. A clause 4.6 written request was also submitted to accompany the non-compliance.
- Increase in the front building setback to better comply with the predominant building lines in the street. This resulted in a reduction in the overall FSR.
- An updated GFA plan accurately calculating the correct areas included in FSR, demonstrating compliance with the development standard.

- A response to Part C1 of the Waverley DCP 2012 regarding the North Bondi special character area.
- Reduction in the height of the front fence to a compliant height.

The amended plans and documentation were not renotified, as the amendments resulted in a lesser impact to the streetscape and surrounding properties. The plans submitted on 16 September 2021 form the basis of this application.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. 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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The development proposes a building height of 9.5m, which does not comply with the standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.65:1 or 268.42m² 	Yes	The development proposes an FSR of 0.64:1 or 266.6m ² , which complies with the standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains 'Class 5' acid sulfate soils. The site is located greater than 500m from land known as containing Classes 1, 2, 3 or 4 acid sulfate soils. The proposal does not involve excavation deeper than 5m below AHD. Therefore, the proposed development is not expected to disturb or expose acid sulfate soils.
6.2 Earthworks	Yes	<p>The development proposes excavation associated with the basement floor plan to provide parking, storage and services. Additional excavation is proposed at the rear to level out the rear yard. The pool area has been designed to step up from the new outdoor floor area and a 0.9m landscaping buffer is proposed around the side and rear boundaries.</p> <p>The excavation proposed is considered to be appropriate in this location and is similar to excavation approved on similar sites nearby, namely the neighbouring site to the west at No. 120 Hastings Parade.</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 height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has an overall height of 9.5m, exceeding the standard by 1m equating to 11.76%.

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 height of buildings development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *Despite the proposed development's non-compliance with the applicable height development standard, the proposal is consistent with the existing and desired future character of the area. The proposal provides a height, bulk and scale that is generally consistent with that envisaged by Council's controls.*
 - (ii) *The sympathetic design will maintain neighbours' environmental amenity, similar to a compliant building height. The built form has been recessed from the front and rear setbacks in order to comply with predominant setbacks in the streetscape and limit amenity impacts, regardless of the technical height exceedance.*
 - (iii) *Irrespective of the technical height non-compliance for a portion of the building envelope above the existing excavation, the proposed dwelling house is considered to preserve environmental amenity of neighbouring properties and public spaces. Public views from Military Road at the rear of the site, over the dwelling, will be maintained. This is particularly a result of the flat roof design in lieu of a pitched roof, which would potentially result in a view impact. These include land views of Bondi Beach. The section of non-compliance is also unlikely to impact upon views from neighbouring properties.*
 - (iv) *Such is the technical nature of non-compliance, the proposed section of height non-compliance results in only very minor additional shadowing and is consistent with shadows cast from a compliant building envelope.*

- (v) *The overall design and layout of the proposed development will maintain both visual and aural privacy for residents of neighbouring sites. The continuing low density residential use of the site as a dwelling house is unlikely to create additional noise generation.*
 - (vi) *Given the topographical constraints and existing excavation, any new dwelling is likely to exceed the height standard above the existing basement. Requiring compliance with the height standard on the excavated terrain would encourage a more expansive built form. While lowering the front portion of the dwelling would technically achieve numerical compliance with the height standard, it could result in additional height towards the rear, which have a greater impact on views available over the site from the rear. This scenario would have greater visual impact on the coastal area and additional amenity impact on neighbours.*
 - (vii) *The proposal will contribute to the eclectic mix of permissible uses in the R2 zone, where dwellings are permissible with consent. The proposed dwelling is also compatible with the bulk and scale of surrounding dwellings on Hastings Parade. Dwellings on Hastings Parade are between two and three storeys. Older dwellings are being refurbished and replaced by rendered flat-roof dwellings, as part of the emerging character of the locality. When considering the technical nature of non-compliance, above the existing excavation for the basement, the built form will appear compliant when viewed in the streetscape. The new development remains comfortably below the maximum height for the majority of the built form, including at the rear where existing ground is elevated.*
 - (viii) *The proposal provides a visual benefit through a high-quality, contemporary dwelling. This will enhance the site's presentation to the street, positively contribute to the locality's established and emerging character and provide an appropriate interface with the public domain and adjoining dwellings. Use of a variety of materials as well as more than compliant landscaping will provide visual amenity and contribute to the physical definition of the street.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposal is almost entirely contained within a complying building envelope and complies with the primary built form development standard of FSR and all setbacks. The technical non-compliance is due to the section of existing excavation for the basement and is only for a small portion of the overall built form. This is unlikely to be readily discernible as adding to the bulk of the built form, particularly given the natural slope of the site and will not affect streetscape amenity or existing characteristics of the precinct.*
 - (ii) *The area of non-compliance will not result in significant view loss from neighbouring properties. Further, assessment of the shadow impact from the area of non-compliance determined this to be minimal and generally consistent with shadows cast from a compliant building envelope. As the height variation is an integral part of well-designed*

dwelling which stands to significantly improve future occupants' amenity, we consider the proposal is in the public interest.

- (iii) *To achieve a fully compliant building height, the built form would require a significantly stepped design above the area of existing excavation. This would impact upon the overall appearance of the built form, particularly its compatibility with surrounding built form in the streetscape. The potential for adverse impacts to the amenity of future residents is also likely, where varied floor levels and lower floor to ceiling heights would result in a poor environmental planning outcome. The proposed building envelope and siting, adopting compliant setbacks from all boundaries, is the preferred design solution.*

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 proposed breach in height is limited to part of the roof section at the front of the property that sits directly above the existing single width garage. The non-compliance will only occupy a small section of the dwelling at the front and will not sit out of place in the context of the site. The overall height of the dwelling will sit significantly lower than the neighbouring property to the east at No. 124 Hastings parade and only slightly higher than the existing dwelling on site. The breach is a direct result of the steep sloping site and the existing excavation on site for the garage. The breach in height will not sit out of context within the streetscape and will not result amenity impacts to surrounding properties.

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 height non-compliance is a result of the existing floor level of the garage already excavated within the site to allow for safe access for vehicles. The steep slope of the site only results in a small section of the building in a non-compliance of the building height. The breach will not result in adverse environmental or amenity impacts to the neighbouring properties, as it will not increase overshadowing, overlooking or block significant views. The majority of the dwelling will sit significantly below the maximum building height as it steps further towards the rear, which will limit the impact on views and overshadowing. When viewed from a streetscape context, the building is lower than the existing building to the east at No. 124 Hastings Parade and will therefore not be out of character within the immediate area. The overall height of the building is therefore considered to be appropriate in the context of buildings in the streetscape.

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 height of buildings development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (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 components of development above the height control will preserve the environmental amenity of neighbouring properties including the sharing of views, privacy, and solar access. No views will be

impacted by the breach in height. The non-compliance is minor, with only a small section at the front that will breach the standard. The dwelling will sit in line with both the adjoining dwellings and is considered to be appropriate within the context of the surrounding area. The breach in height would not be indiscernible from the streetscape and surrounding properties.

The objectives of the R2 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.*

The development achieves the objectives of the R2 zone as it will provide for the housing needs within a low density area by providing sufficient internal and external amenity to the future owners and occupiers of the new dwelling. The development is compatible with the surrounding development and existing character of the area and is supported.

Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is supported. The applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the R2 zone.

2.1.3. 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	Four trees in the rear and one tree in the front of the site are proposed for removal. All trees have been assessed by Council's tree management officer how is satisfied that the trees are of no retention value and their removal is supported. Replacement planting on site is proposed.

Development Control	Compliance	Comment
is to be maintained when retrofitting with balconies.	Yes	streetscape, which consists of light colours and render finishes. The design will maintain the existing character of the streetscape and is considered acceptable.
(e) Buildings should have pitched roofs with red tiles in keeping with the existing character of the area.	Yes	No attics are proposed.
(f) Attics are to be secondary to the main pitched roof form.	Yes	The proposed materials and colours align with existing dwellings along Hastings Parade and will be in context with the emerging character of the street.
(g) The established patterns of materiality and colour where there are existing rows of consistency along a street are to be maintained.	Yes	No roof top terraces are proposed.
(h) Roof-top terraces are discouraged due to the greater potential impacts in higher density areas.	Yes	

Table 4: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Acceptable	The development proposes a maximum external wall height of 7.8m, which does not comply with the control. This is discussed in more detail below this table.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<p>The basement level proposes to sit 1.028m from the front property boundary to provide for the garage. This is consistent with garages within the street, particularly further west along Hastings Parade.</p> <p>The front ground floor and first floor of the development propose to sit in line with the front setback of the neighbouring property to the west and behind the front setback of the property to the east. The setbacks on the ground and first floor are in keeping with the predominant front building line in the streetscape and are considered to be acceptable.</p>

Development Control	Compliance	Comment
		<p>The rear ground floor has been designed to align with the ground floor of the dwelling to the west. This is in line with the predominant ground floor setbacks located further west and complies with the control.</p> <p>The rear first floor setback will align with the setback on the ground floor, with the inclusion of the balcony at the rear. The first floor rear setback has been designed to align with the rear setbacks of first floor additions along Hastings Parade, namely No.'s 116, 112, 110 and 108. This is in keeping with the trend of setbacks of first floors and is considered acceptable.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The development proposes side setbacks of 0.9m on all levels, which complies with the control.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Acceptable, subject to conditions	<p>The style of the dwelling has been designed to align with the emerging character of Hastings Parade, which consists of light colours and rendered finishes and is considered acceptable.</p> <p>A 2.9m high wall with a pedestrian doorway is proposed to sit 2.3m from the front boundary as a second gate to the entrance of the house. The wall will sit 2.5m forward of the existing building to the east and is not in keeping with the character or visual appearance of the streetscape.</p> <p>There does not seem to be a practical use for this wall apart from a design feature that will stand out within the streetscape. As such, a condition is recommended that the wall and pedestrian door is removed.</p>
2.4 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes	<p>The front fence is proposed to sit 1.2m in height, which complies with the controls.</p> <p>No changes are proposed to the side and rear fences and they will maintain 1.8m in height.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings 	Yes	All windows on the eastern elevation are highlight windows only and would not result in any overlooking to the neighbouring property to the east.

Development Control	Compliance	Comment
<p>unless direct views are screened or other appropriate measures are incorporated into the design</p> <ul style="list-style-type: none"> External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 		<p>A full-length window is proposed along the first floor western elevation that services the hallway. As this is not a habitable area, no concerns are raised with regard to privacy. The first floor west facing window servicing the bedroom will be made of fluted glass and will therefore not result in any overlooking into the property to the west.</p> <p>The first floor south facing balcony will look directly onto the street and will not result in any overlooking concerns to the open space or habitable rooms of neighbouring properties. The balcony will have a maximum depth of 1.3m and a total area of 5.8m², which complies with the control.</p> <p>The first floor north facing balcony servicing Beds 03 and 04 will have a total depth of 1.1m and an area of 7.4m², which complies with the control. Screening has been proposed along the eastern and western edges of the balcony to limit overlooking to the neighbouring properties.</p> <p>The first floor north facing balcony servicing Bed 02 will have a depth of 1m and an area of 2.2m² which complies with the control. Similarly, screening is proposed along the eastern edge of the balcony to limit overlooking to the eastern neighbour.</p> <p>No rooftop terraces or external stairs are proposed as part of this development.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	<p>The living areas and private open space comply with the control as they are north facing.</p> <p>At 9am, the development will overshadow part of the front setback of the property across the street (No. 117 Hastings Parade) and the road.</p> <p>By 12pm, the development will overshadow part of the neighbouring western wall of the dwelling to the east and will partially obscure light into their bathroom and one of three bedrooms.</p> <p>By 3pm the development will partially cast a shadow into the bathroom window and a very minor section of a bedroom.</p> <p>Whilst it is acknowledged that some shadow will be cast to the property to the east, the level of overshadowing will not result in adverse amenity impacts, as the main principal living areas and private open space areas are all north facing and</p>

Development Control	Compliance	Comment
		will not be impacted by the proposed development.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	No views are likely to be impacted as a result of the development.
2.8 Car parking		
2.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking 	Yes	The garage has been proposed to match the style and design of garages along Hastings Parade. The design will complement the streetscape and is considered to improve the streetscape character of Hastings Parade. The garage will utilise the existing driveway on site and will not result in the loss of any street parking.
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"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	Garages along this section of Hastings Parade are located along the front property boundary and have created part of the predominant streetscape character. The proposed garage has been designed to match that existing character within the streetscape and is considered acceptable.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling 	Yes	As mentioned above, the overwhelming character of Hastings Parade consists of garages located along the front boundary. The proposed design will complement the existing streetscape and will be in keeping with the visual character of Hastings Parade.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Secondary in area and appearance to the design of the residences 		
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The garage proposes dimensions measuring 6.2m x 5.6m which complies with the control.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	No change is proposed to the existing driveway fronting the property.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	Yes	71% of the site will be maintained as open space. 31% of the site will be maintained as landscaped area. The site will maintain 97m ² of private open space. 50% of the front setback is proposed as open space. 52% of the open space area will be landscaped. A clothes drying area is provided in the rear of the site.
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	A pool is proposed in the rear of the site.

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

Height

Part C2.1 Height of Waverley DCP 2012 states a control of 7.5m for flat roof dwellings. The proposed height is 7.8m to the top of the roof parapet. The non-compliance to the main flat roof height is located towards the front of the site due to the sloping topography in this location, as shown below.

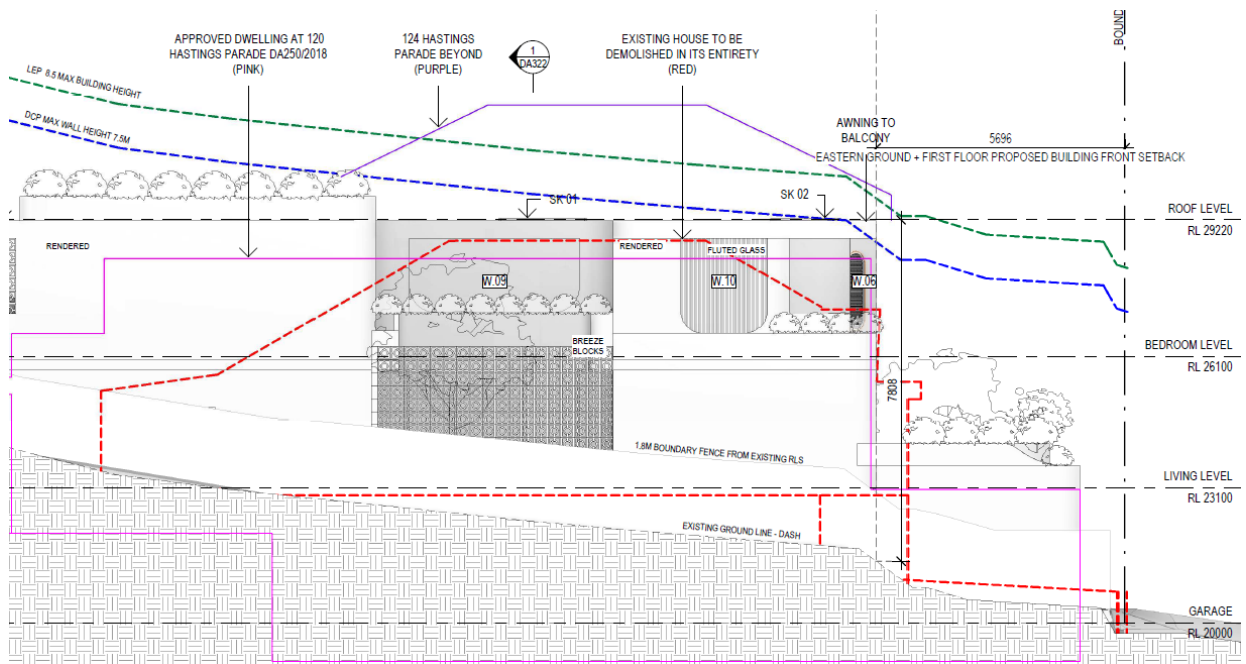


Figure 6: West elevation of proposed development

The massing of this wall is considered to be appropriately articulated with varied setbacks and varied materiality. It is considered that the non-compliance with the overall height control of Waverley DCP 2012 does not result in unreasonable additional amenity impacts on adjoining properties and is considered to be acceptable.

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 between 18 August and 1 September in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not renotified 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:

- The amendments mainly included a reduction in floor space and a reduction in the front setback of the building. The impacts were therefore reduced overall from the neighbouring properties and the streetscape.

No submissions were received.

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. Stormwater

Council's Stormwater engineer has reviewed the design and made the following comments:

- *For adequate drainage purposes, the finished floor level (FFL) of the habitable areas should be at least 150 mm above the adjacent ground level. It is also highly recommended that all outdoor living/alfresco/terrace areas be at least 150 mm 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);*
- *Clarification as to how the rainwater reuse system will be accessed for maintenance/inspection purposes shall be obtained (the architectural drawings do not indicate any access points).*
- *From a stormwater drainage perspective there are no objections to approval of this application subject to conditions.*

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.

A condition has been recommended to provide updated stormwater plans, including access to the rainwater reuse system.

3.2. Traffic and Development

Council's Traffic engineer has reviewed the design and raised no concerns with the proposal. Standard conditions have been recommended.

3.3. Tree Management

Council's Tree Management officer has reviewed the design and raised no concerns with the proposal. Standard conditions have been recommended.

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 consent.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 29 September 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, J Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Katie Johnstone	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 1 October 2021	Date: 12 October 2021

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Stafford Architecture of Project No. 198, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA003	Excavation Plan	20/05/2021	16/09/2021
DA101 Rev. A	Site / Roof Plan	20/05/2021	16/09/2021
DA102 Rev. A	Site Analysis	20/05/2021	16/09/2021
DA110	Demolition Plan	20/05/2021	16/09/2021
DA121	Material Board	20/05/2021	16/09/2021
DA201 Rev. A	Basement Level Floor Plan	20/05/2021	16/09/2021
DA202 Rev. A	Living Level Floor Plan	20/05/2021	16/09/2021
DA203 Rev. A	Bedroom Level Floor Plan	20/05/2021	16/09/2021
DA1301	North Elevation	20/05/2021	16/09/2021
DA302 Rev. A	North Elevation	20/05/2021	16/09/2021
DA303 Rev. A	East Elevation	20/05/2021	16/09/2021
DA304 Rev. A	South Elevation	20/05/2021	16/09/2021
DA305 Rev. A	West Elevation	20/05/2021	16/09/2021
DA321 Rev. A	Section AA	20/05/2021	16/09/2021
DA322	Section BB	20/05/2021	16/09/2021
DA323 Rev. A	Section CC	20/05/2021	16/09/2021

- (b) Landscape Plan No. L101 B of Project No. 1761 prepared by Spirit Level Designs, dated 15/07/2021 and received by Council on 03/08/2021
- (c) Geotechnical Report Ref. 34180Arpt prepared by JK Geotechnics dated 14 July 2021, and received by Council on 03/08/2021
- (d) BASIX Certificate
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 03/08/2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The 'breeze block and security gate' located within the front setback is not approved and must not be constructed.

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

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

3. 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.

4. 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

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:
 - (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.

6. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$49,414.30** 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.

8. 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.

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 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. 20/300, Drawing No. H-DA-00, H-DA-01 & H-DA-02, Revision A, dated 16/07/2021 are considered concept only.

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) The plans shall provide 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 Council's 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 approved stormwater drainage system shall be provided.
- c) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided.
- e) The pipeline within the footpath verge of Hastings Parade must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres.
- f) A silt arrestor pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- 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 the OSD system).
- h) 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 100 mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- i) The proposed drainage works shall have no impact on any adjacent property.
- j) 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.
- 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 or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

ENERGY EFFICIENCY & SUSTAINABILITY

14. BASIX

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

WASTE

15. 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

16. 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.

Traffic

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

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

18. 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.

19. 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

20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 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.

21. 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.

22. 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.

23. 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

24. 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.

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

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

26. CONSTRUCTION INSPECTIONS

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

27. CERTIFICATE OF SURVEY - LEVELS

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

28. 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

29. 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

30. 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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

31. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

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.

32. FINAL OCCUPATION CERTIFICATE

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

33. CERTIFICATION OF BASIX COMMITMENTS

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

34. 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, the detention facility, the rainwater reuse system 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. A copy of the aforementioned letter of certification must be submitted to Council.

35. 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.

36. 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.

37. 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.

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, 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

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 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. 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.

AD8. 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.

AD9. WORK OUTSIDE PROPERTY BOUNDARY

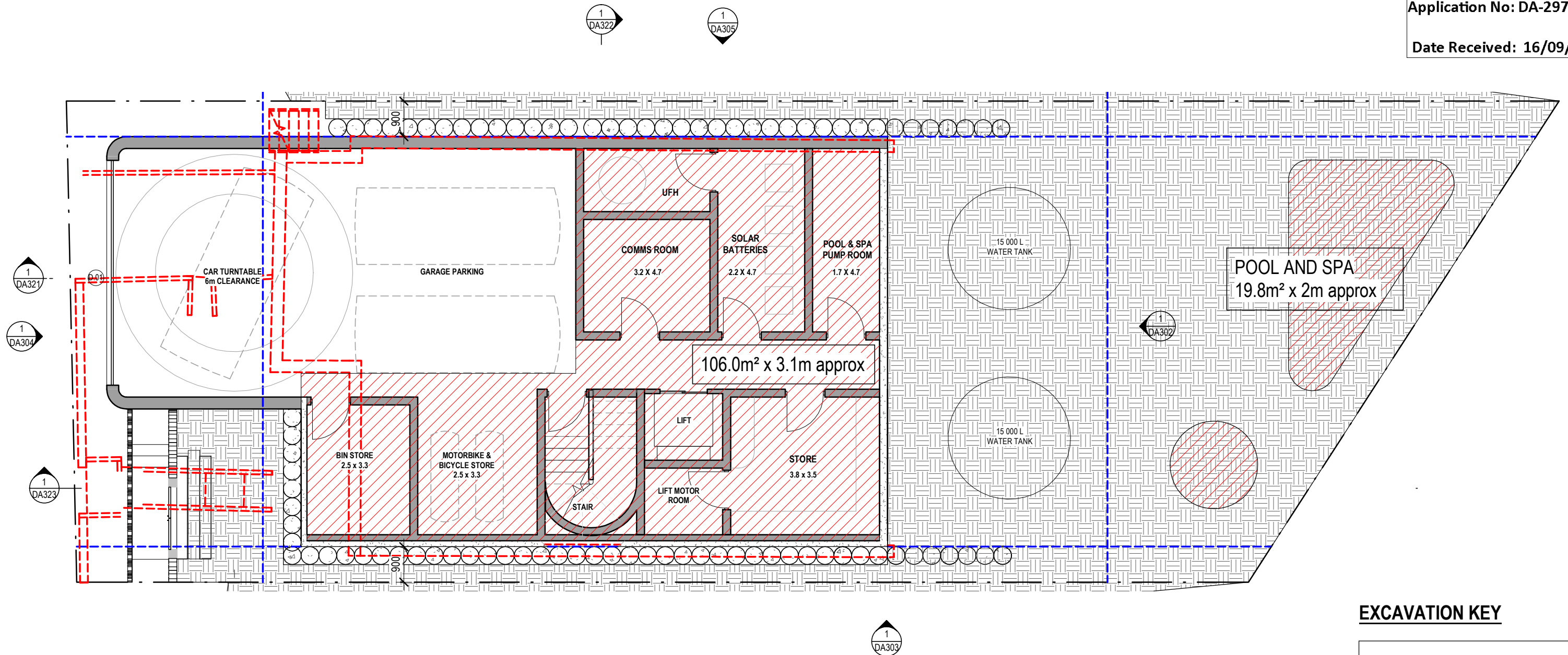
This consent does not authorise any work outside the property boundary.

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-297/2021

Date Received: 16/09/2021



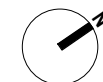
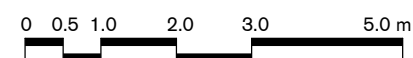
EXCAVATION KEY

	BACK FILL
	EXCAVATION
	DEMOLITION OF EXISTING

STAFFORD

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DEVELOPMENT APPLICATION EXCAVATION



GENERAL NOTES

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PROJECT

122 HASTINGS PDE. NORTH BONDI

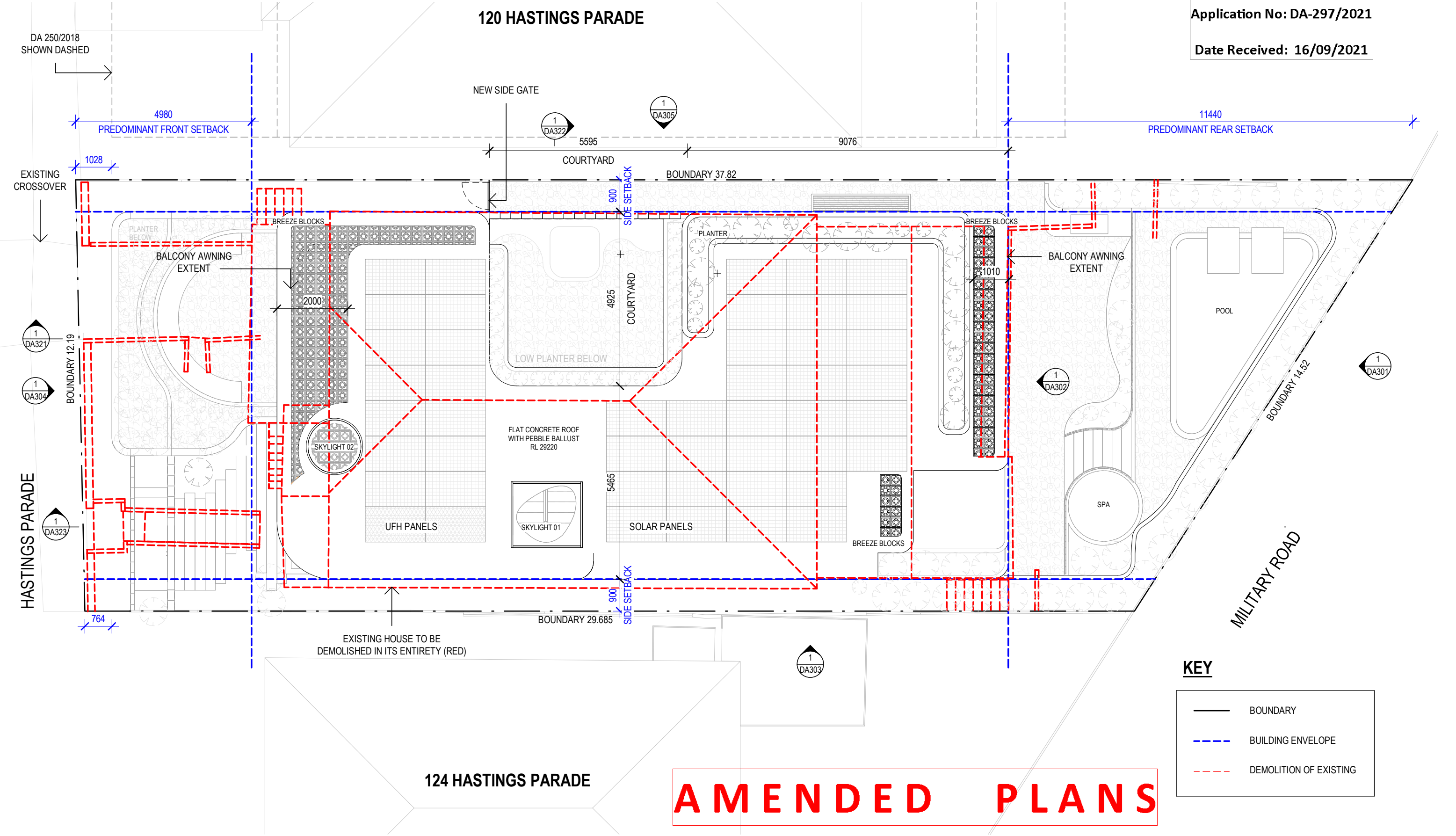
DRAWING

EXCAVATION

PROJECT NO. STAGE DWG NO. REV

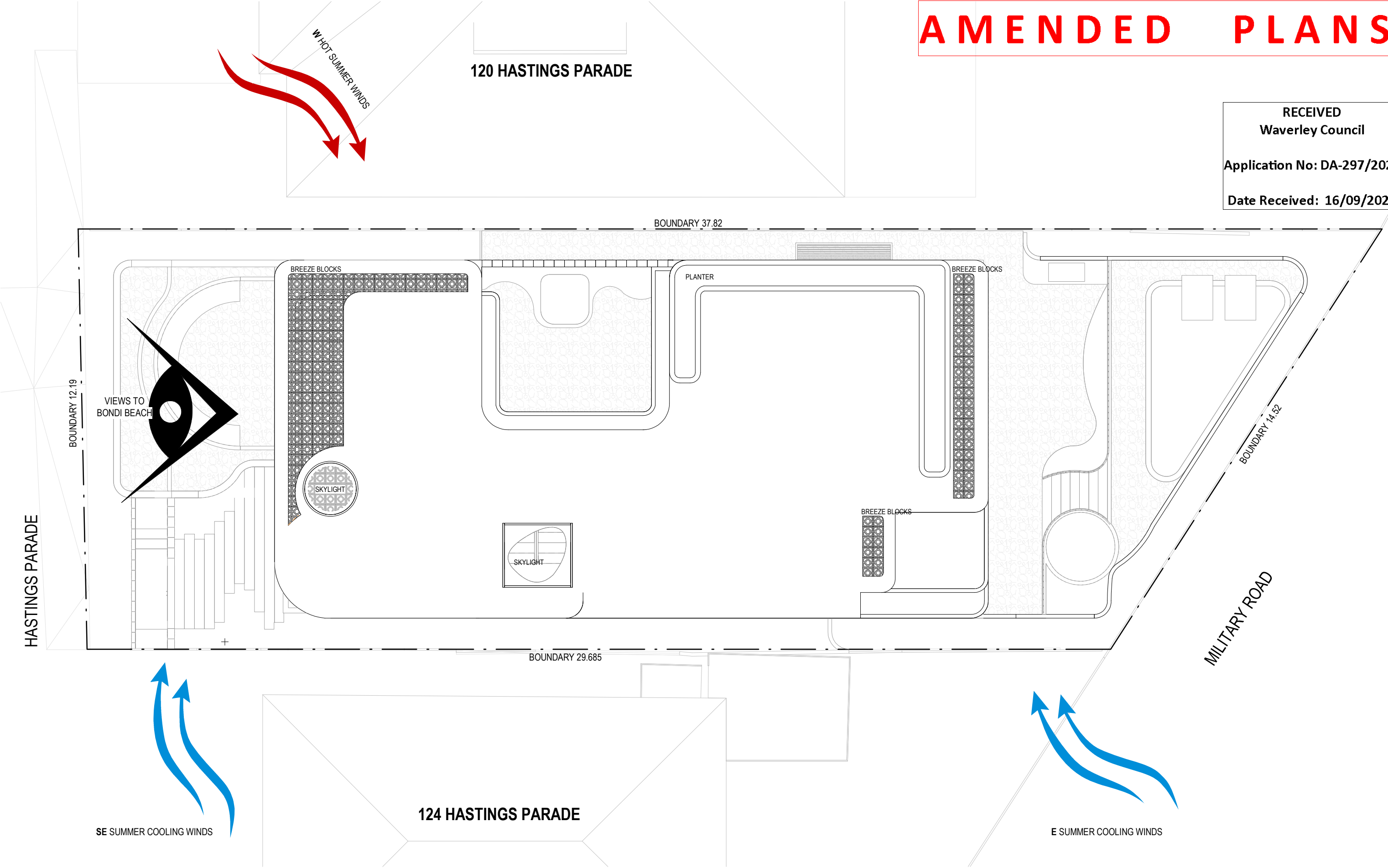
198 DA003

Drawn: BC/HK Scale: 1 : 100 @A3
Checked: BS Date: 20/05/21



AMENDED PLANS

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DEVELOPMENT APPLICATION
SITE ANALYSIS



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PROJECT
122 HASTINGS PDE. NORTH BONDI
DRAWING
SITE ANALYSIS

PROJECT NO.	STAGE	DWG NO.	REV
198	DA102	A	

Drawn:	BC/HK	Scale:	1 : 100 @A3
Checked:	BS	Date:	20/05/21

AMENDED PLANS

120 HASTINGS PARADE

RENDERED HOUSE
TILE ROOF
LOT 1326 DP 752011

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Application No: DA-297/2021

Date Received: 16/09/2021

122 HASTINGS PARADE

BRICK HOUSE
TILE ROOF
LOT 1327 DP 752011

124 HASTINGS PARADE

DOUBLE STOREY
BRICK APARTMENT BLOCK
TILE ROOF
LOT 1328 DP 752011

KEY

- BOUNDARY
- BUILDING ENVELOPE
- DEMOLITION OF EXISTING

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DEVELOPMENT APPLICATION
DEMOLITION

GENERAL NOTES

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PROJECT

122 HASTINGS PDE. NORTH BONDI

PROJECT NO.

198

STAGE DWG NO.

DA110

REV

DRAWING

DEMOLITION

Drawn:

BC/HK

Scale:

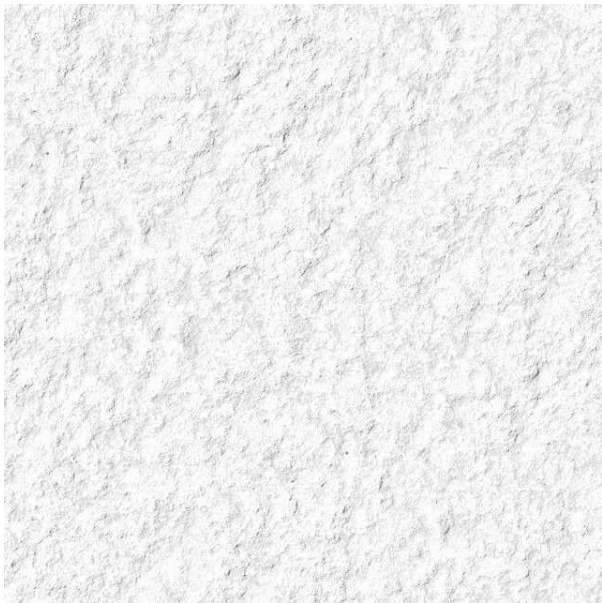
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Checked:

BS

Date:

2005/21



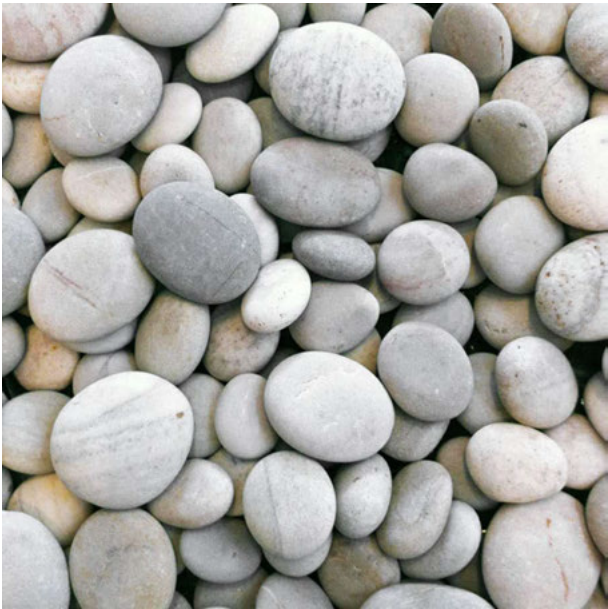
WHITE TEXTURED RENDER
ALL EXTERNAL WALLS



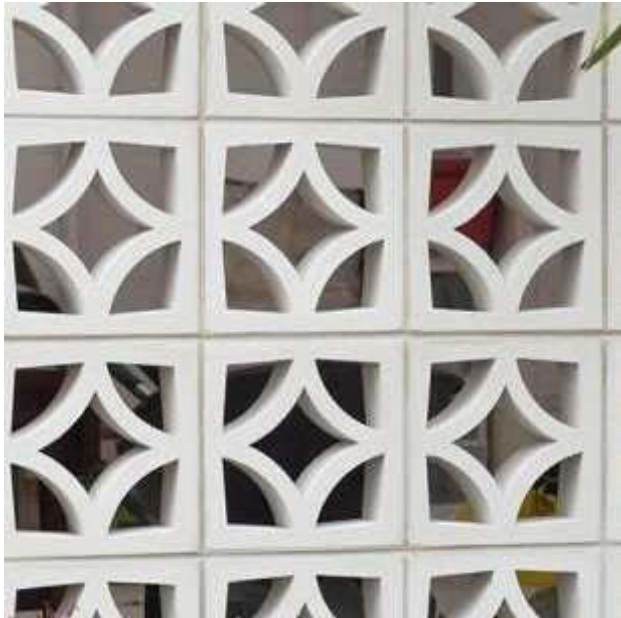
ENDICOTT CRAZY PAVE:
ALL FLOORS



LIGHT TIMBER:
GARAGE DOOR + GATE



LIGHT COLOURED PEBBLES:
ROOF COVERING



CONCRETE SCREEN:
EXTERNAL WALLS (WHERE MENTIONED)



POWDER COAT WHITE :
WINDOW FRAMES



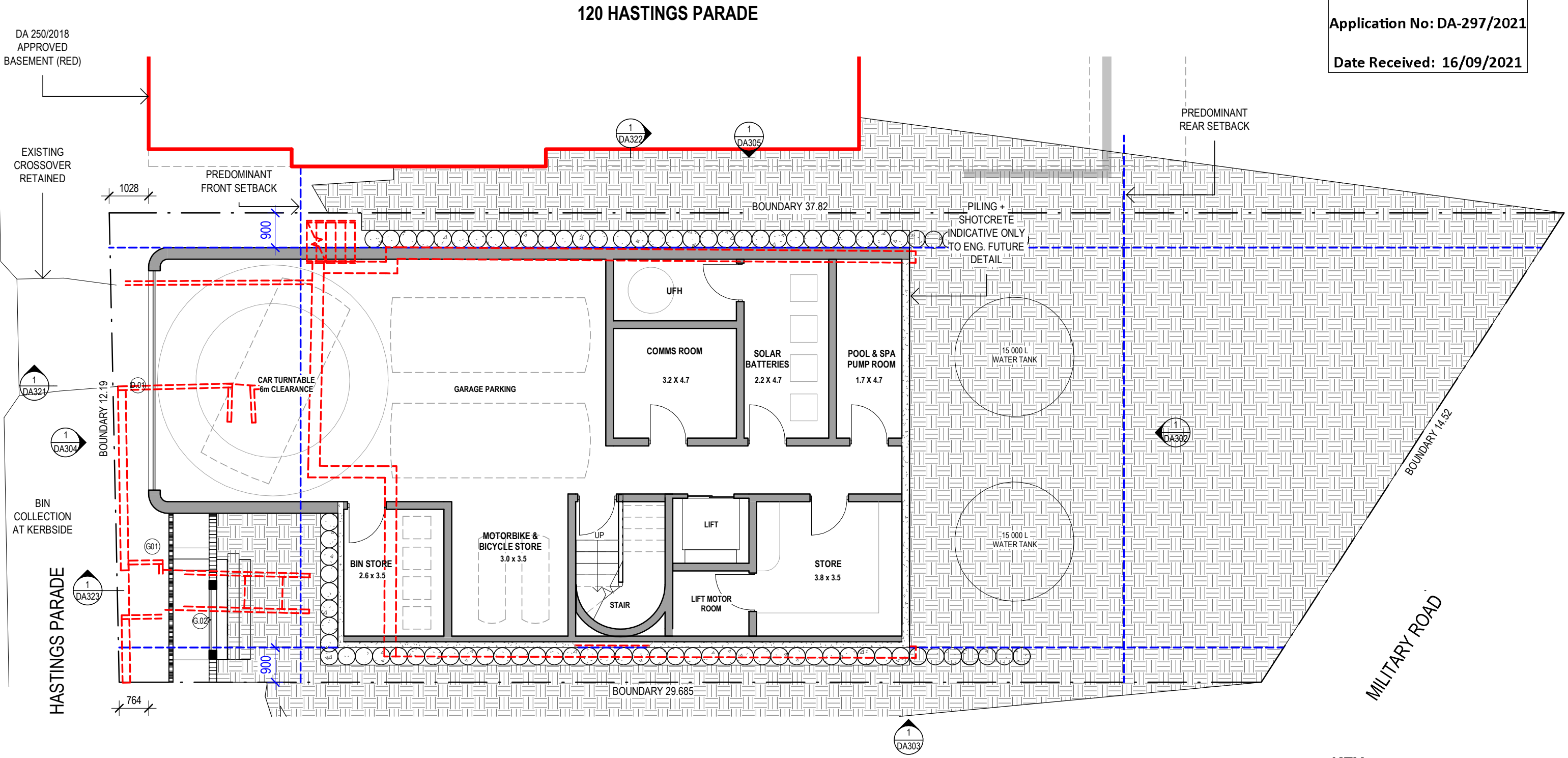
TIMBER LOUVRES:
WHERE NOTED

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Waverley Council

Application No: DA-297/2021

Date Received: 16/09/2021

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Waverley Council
Application No: DA-297/2021
Date Received: 16/09/2021



124 HASTINGS PARADE

KEY

- BOUNDARY
- BUILDING ENVELOPE
- DEMOLITION OF EXISTING



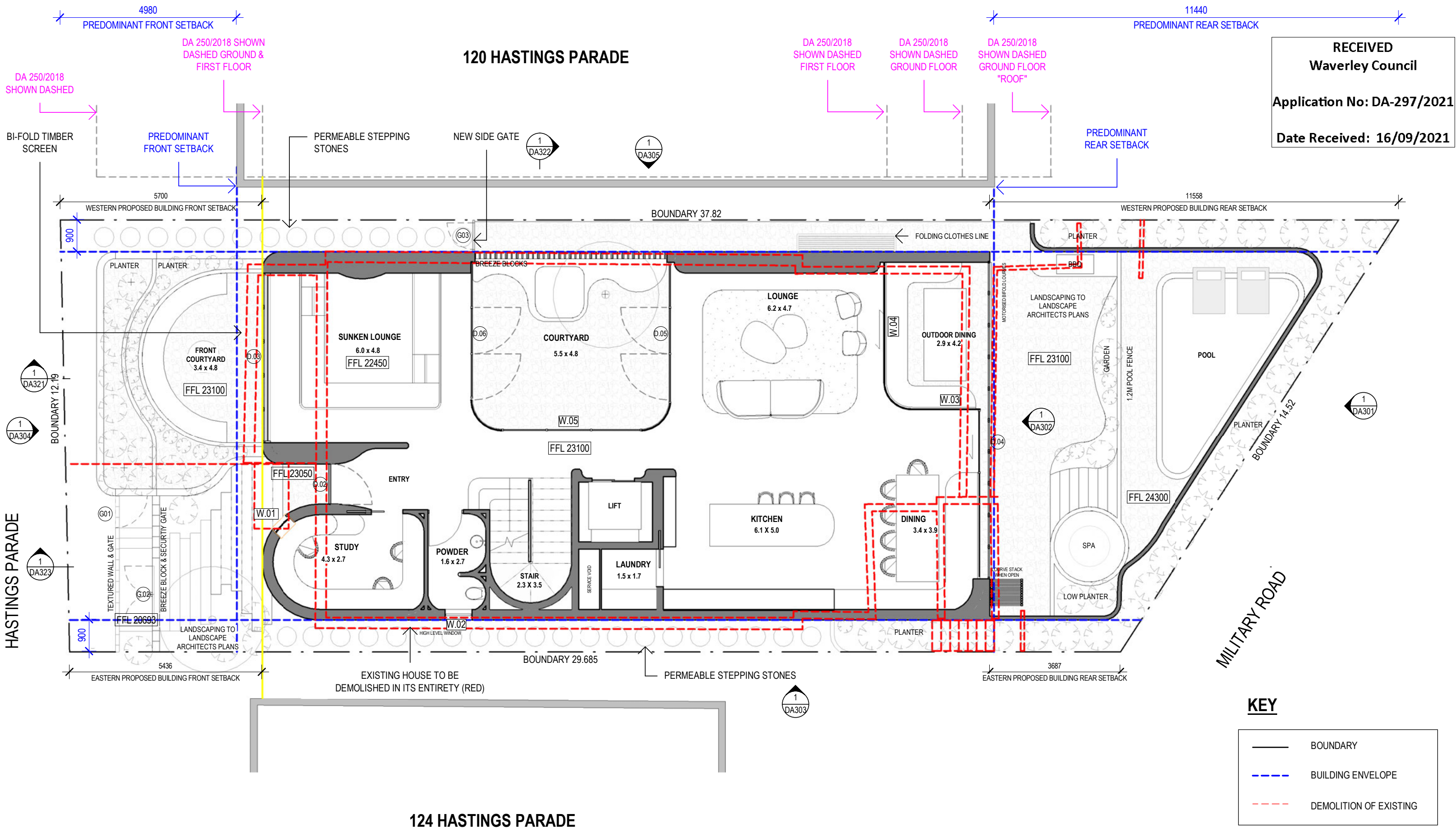
GENERAL NOTES
Do not scale from drawings. All dimensions are to be checked on site before commencement of work. All discrepancies to be brought to the attention of the project architect. Larger scale drawings and written dimensions take preference. This drawing is copyright and the property of the author, it must not be retained, copied or used without the express authority of Stafford Architecture Pty Ltd. ACN 097964527 | Nom. Architect: Bruce Stafford - 71155

PROJECT
122 HASTINGS PDE. NORTH BONDI
DRAWING
BASEMENT LEVEL - FLOOR PLAN

PROJECT NO.	STAGE	DWG NO.	REV
198	DA201	A	

Drawn:	BC/HK	Scale:	1:100 @A3
Checked:	BS	Date:	20/05/21

AMENDED PLANS



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DEVELOPMENT APPLICATION
LIVING LEVEL - FLOOR PLAN

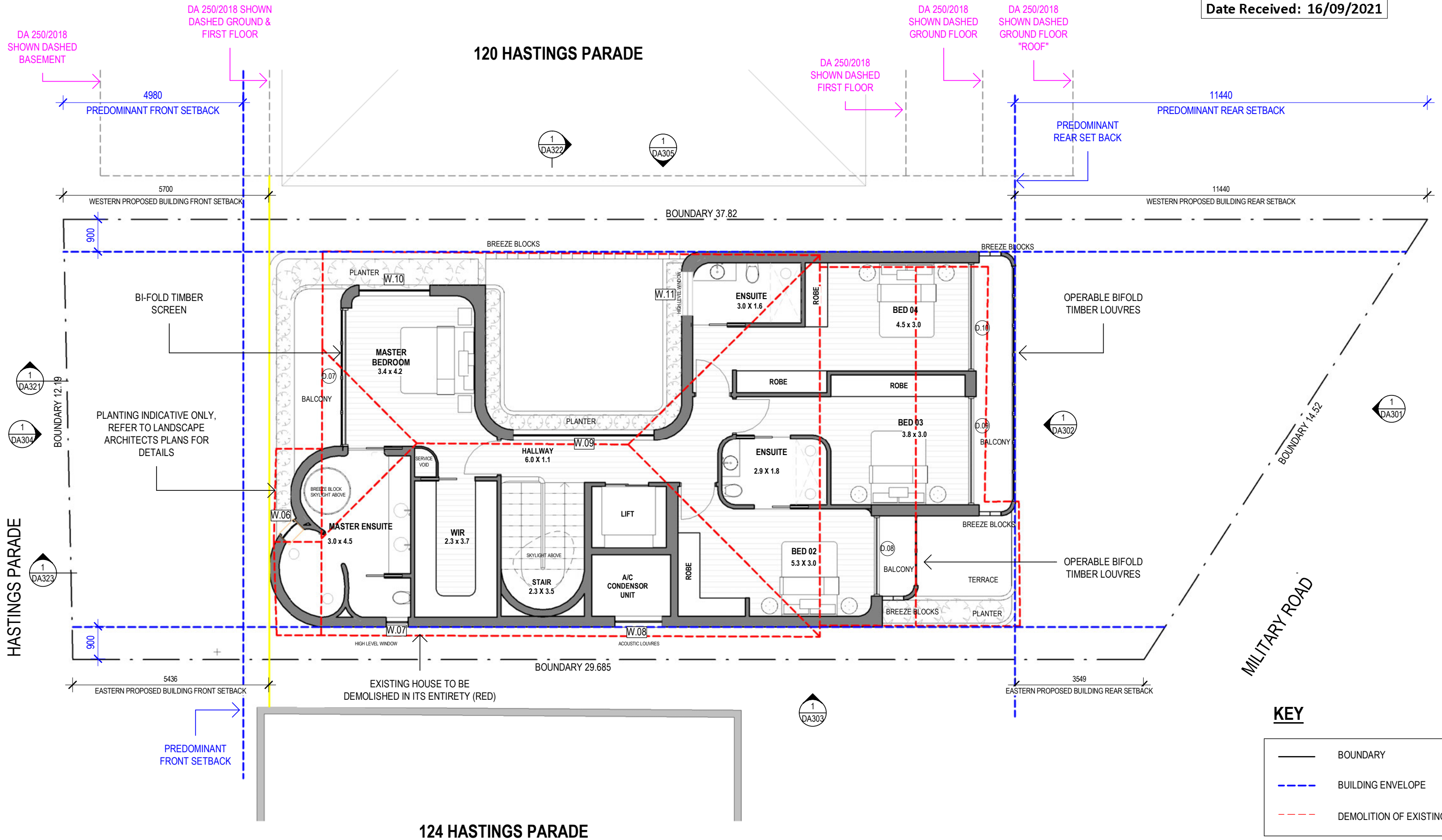
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Application No: DA-297/2021

Date Received: 16/09/2021



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DEVELOPMENT APPLICATION
BEDROOM LEVEL - FLOOR PLAN

0 0.5 1.0 2.0 3.0 5.0 m

GENERAL NOTES

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PROJECT

122 HASTINGS PDE. NORTH BONDI

DRAWING

BEDROOM LEVEL - FLOOR PLAN

PROJECT NO. STAGE DWG NO. REV

198 DA203 A

Drawn: BC/HK Scale: 1:100 @A3

Checked: BS Date: 20/05/21

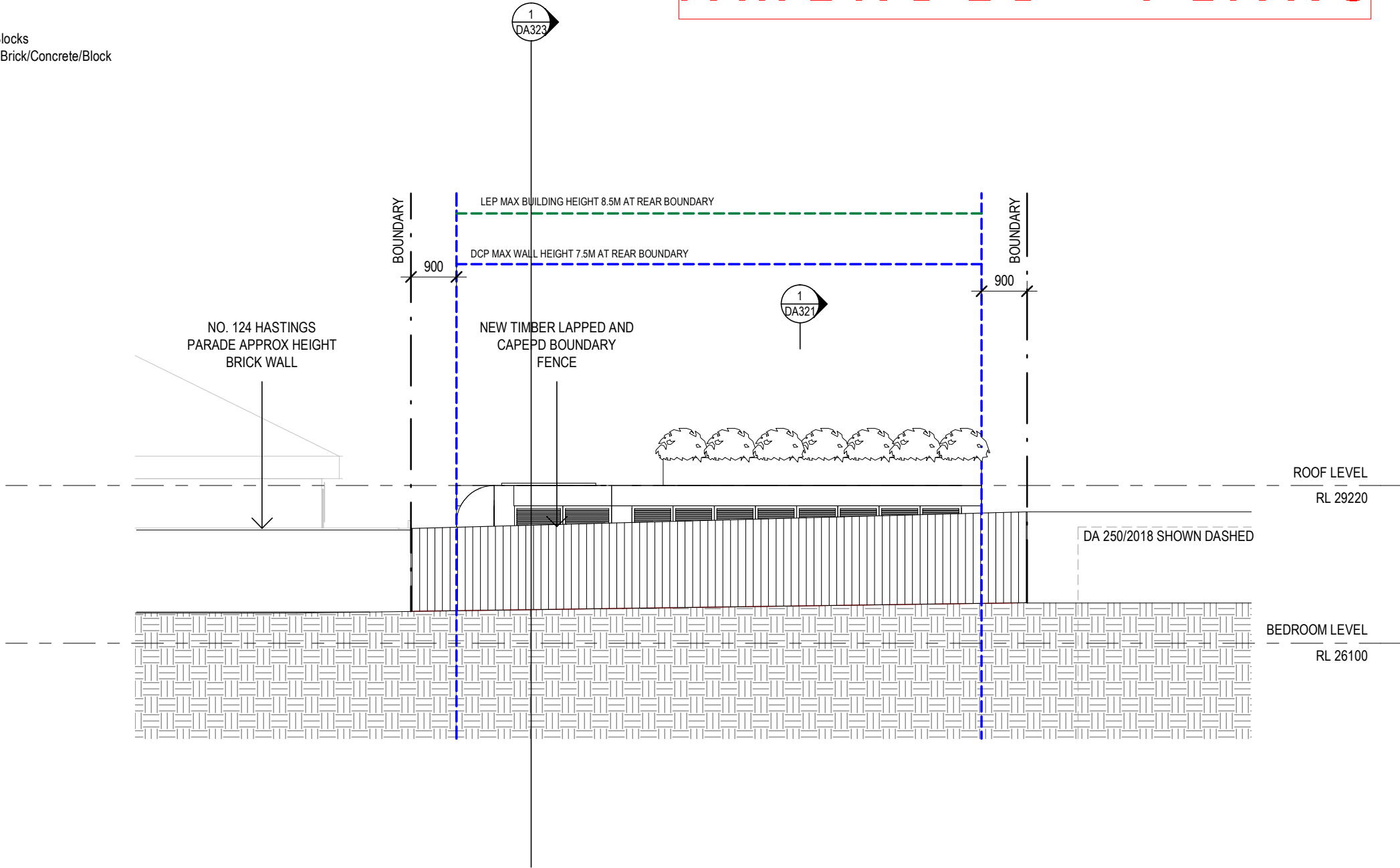
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TL: Timber Louvres
BREEZE BLOCKS: Concrete Breeze Blocks
RENDERED: Painted White Rendered Brick/Concrete/Block

AMENDED PLANS

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Waverley Council

Application No: DA-297/2021

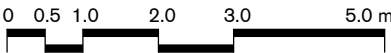
Date Received: 16/09/2021



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DEVELOPMENT APPLICATION NORTH ELEVATION - MILITARY ROAD



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PROJECT

122 HASTINGS PDE. NORTH BONDI

DRAWING

NORTH ELEVATION - MILITARY ROAD

PROJECT NO. STAGE DWG NO. REV

198 DA301

Drawn: BC/HK Scale: 1 : 100 @A3
Checked: BS Date: 20/05/21

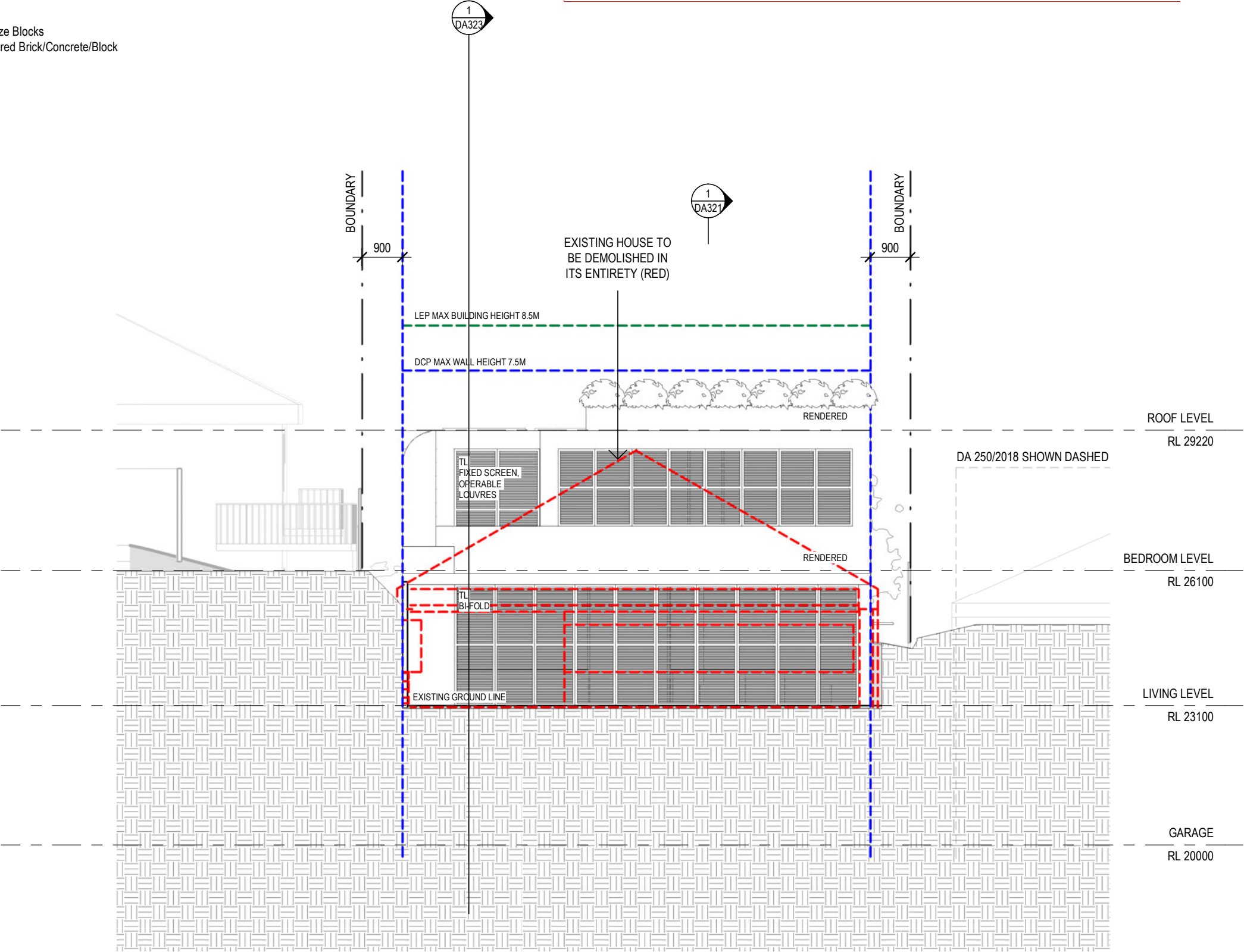
AMENDED PLANS

LEGEND:
TL: Timber Louvres
BREEZE BLOCKS: Concrete Breeze Blocks
RENDERED: Painted White Rendered Brick/Concrete/Block

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Waverley Council

Application No: DA-297/2021

Date Received: 16/09/2021



KEY

- BUILDING ENVELOPE
- DEMOLITION OF EXISTING
- LEP 8.5 MAX BUILDING HEIGHT

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DEVELOPMENT APPLICATION
NORTH ELEVATION



GENERAL NOTES

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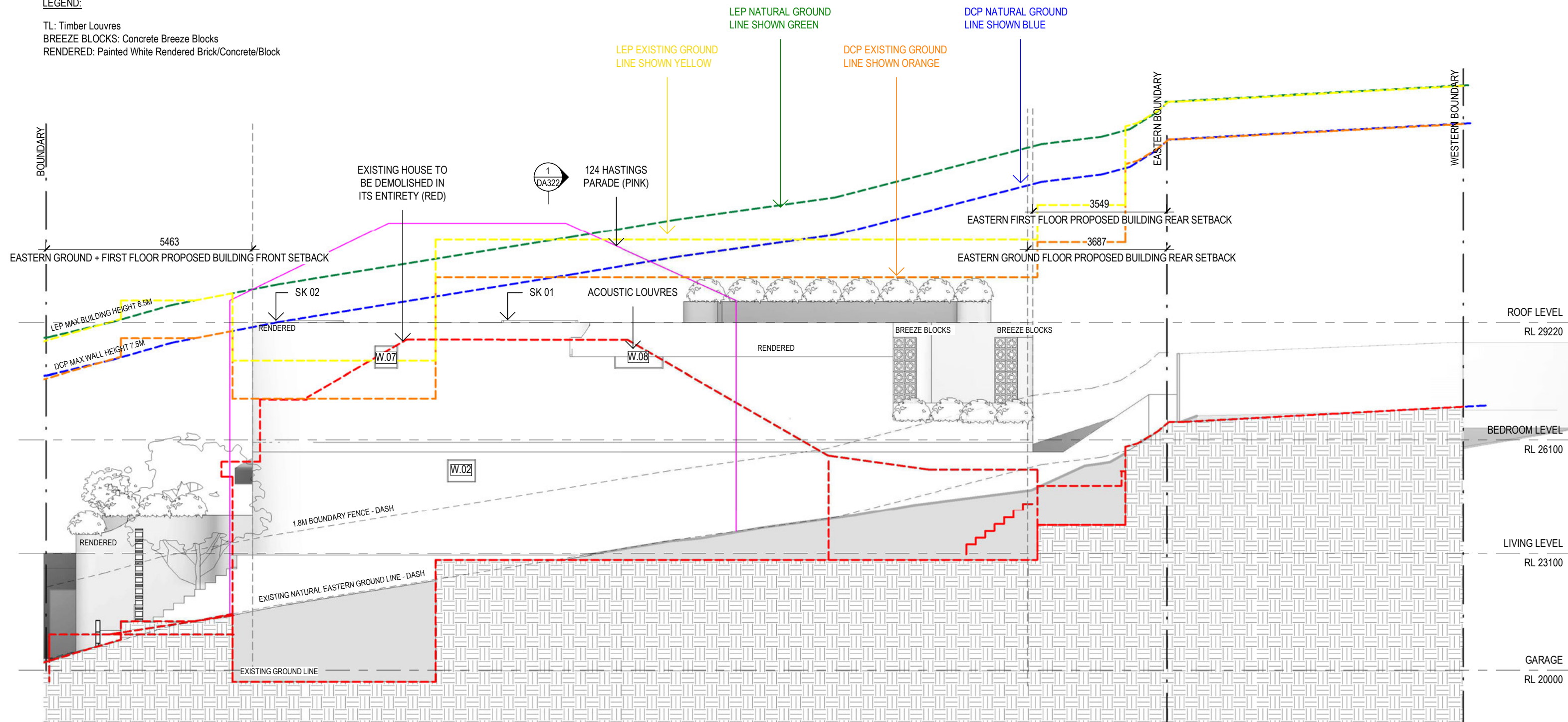
PROJECT
122 HASTINGS PDE. NORTH BONDI

DRAWING
NORTH ELEVATION

PROJECT NO. STAGE DWG NO. REV
198 DA302 A

Drawn: BC/HK Scale: 1:100 @A3
Checked: BS Date: 20/05/21

TL: Timber Louvres
BREEZE BLOCKS: Concrete Breeze Blocks
RENDERED: Painted White Rendered Brick/Concrete/Block



- BUILDING ENVELOPE
- DEMOLITION OF EXISTING
- LEP 8.5 MAX BUILDING HEIGHT

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Drawn: BC/HK Scale: 1 : 100 @A3
Checked: BS Date: 20/05/21

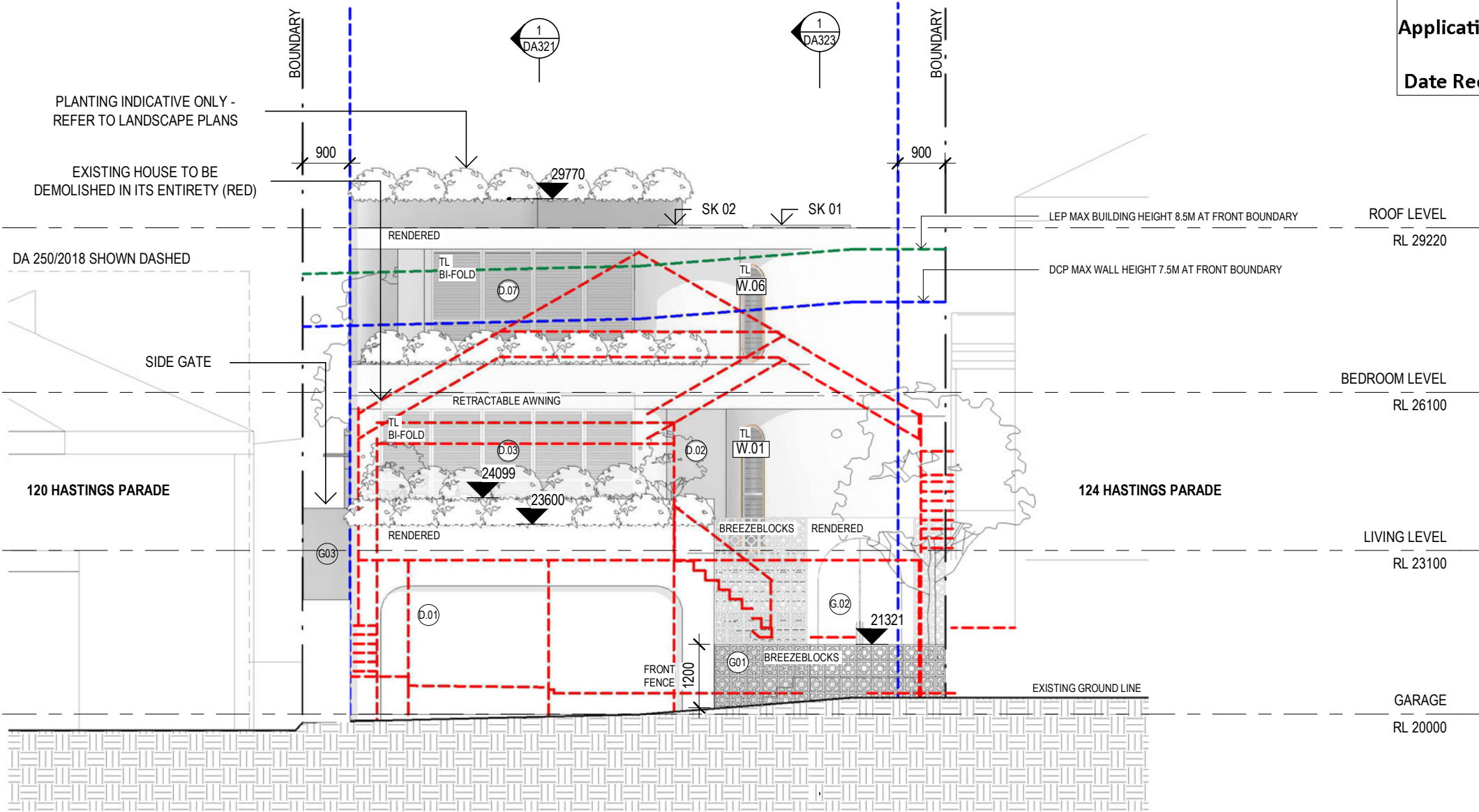
AMENDED PLANS

Page 347 of 625

AMENDED PLANS

LEGEND:
TL: Timber Louvres
BREEZE BLOCKS: Concrete Breeze Blocks
RENDERED: Painted White Rendered Brick/Concrete/Block

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Waverley Council
Application No: DA-297/2021
Date Received: 16/09/2021



KEY

- BUILDING ENVELOPE
- DEMOLITION OF EXISTING
- LEP 8.5 MAX BUILDING HEIGHT

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DEVELOPMENT APPLICATION SOUTH ELEVATION



GENERAL NOTES

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PROJECT
122 HASTINGS PDE. NORTH BONDI

DRAWING
SOUTH ELEVATION

PROJECT NO. 198
STAGE DA304
REV A

Drawn: BC/HK
Checked: BS
Scale: 1:100 @A3
Date: 20/05/21

AMENDED PLANS

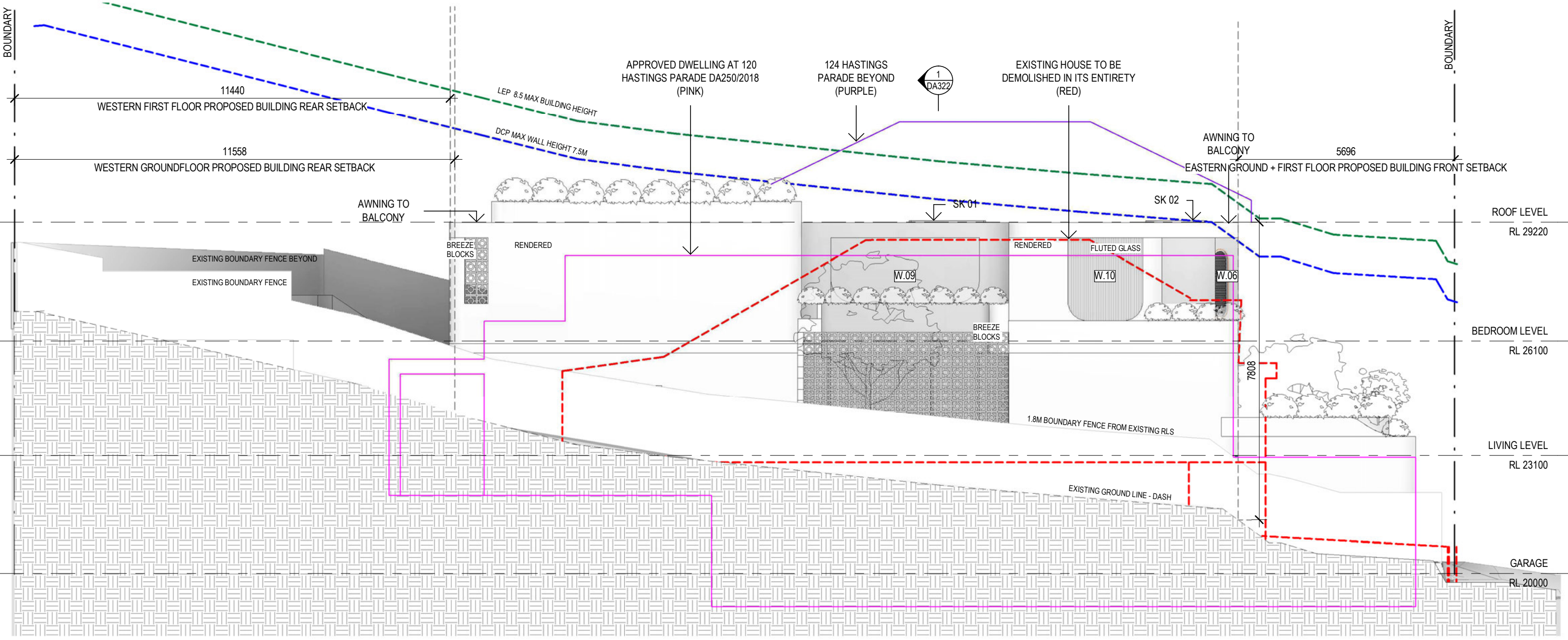
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RENDERED: Painted White Rendered Brick/Concrete/Block

RECEIVED
Waverley Council

Application No: DA-297/2021

Date Received: 16/09/2021



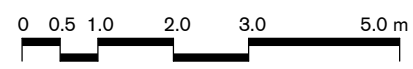
KEY

---	BUILDING ENVELOPE
---	DEMOLITION OF EXISTING
---	LEP 8.5 MAX BUILDING HEIGHT

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DEVELOPMENT APPLICATION WEST ELEVATION



GENERAL NOTES

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PROJECT

122 HASTINGS PDE. NORTH BONDI

DRAWING

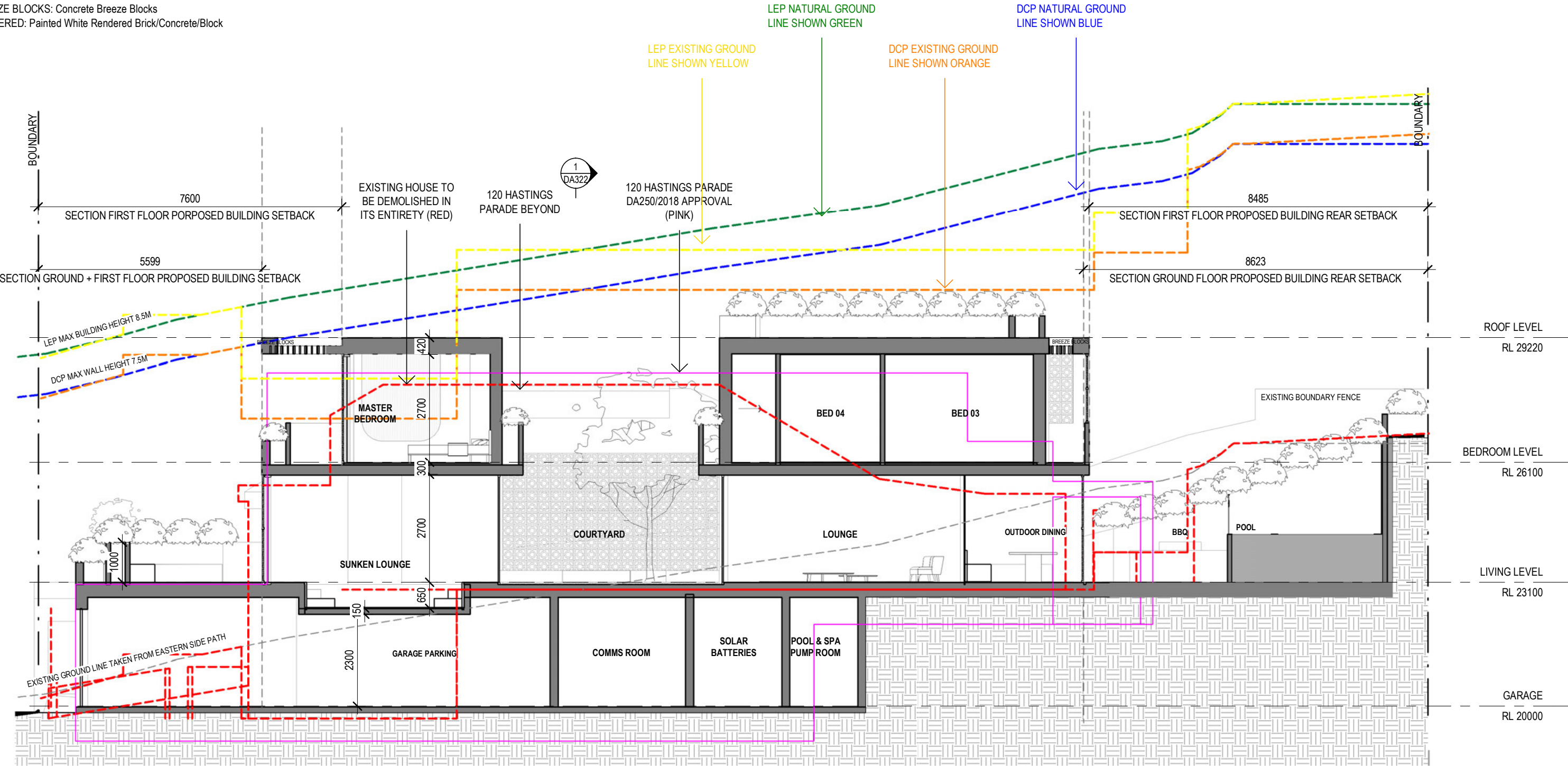
WEST ELEVATION

PROJECT NO.	STAGE	DWG NO.	REV
198	DA305	A	

Drawn:	BC/HK	Scale:	1:100 @A3
Checked:	BS	Date:	20/05/21

AMENDED PLANS

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BREEZE BLOCKS: Concrete Breeze Blocks
RENDERED: Painted White Rendered Brick/Concrete/Block



KEY

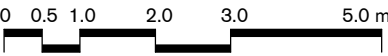
- BUILDING ENVELOPE
- DEMOLITION OF EXISTING
- LEP HEIGHT PLANE
- BOUNDARY

RECEIVED
Waverley Council
Application No: DA-297/2021
Date Received: 16/09/2021

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DEVELOPMENT APPLICATION
SECTION - AA



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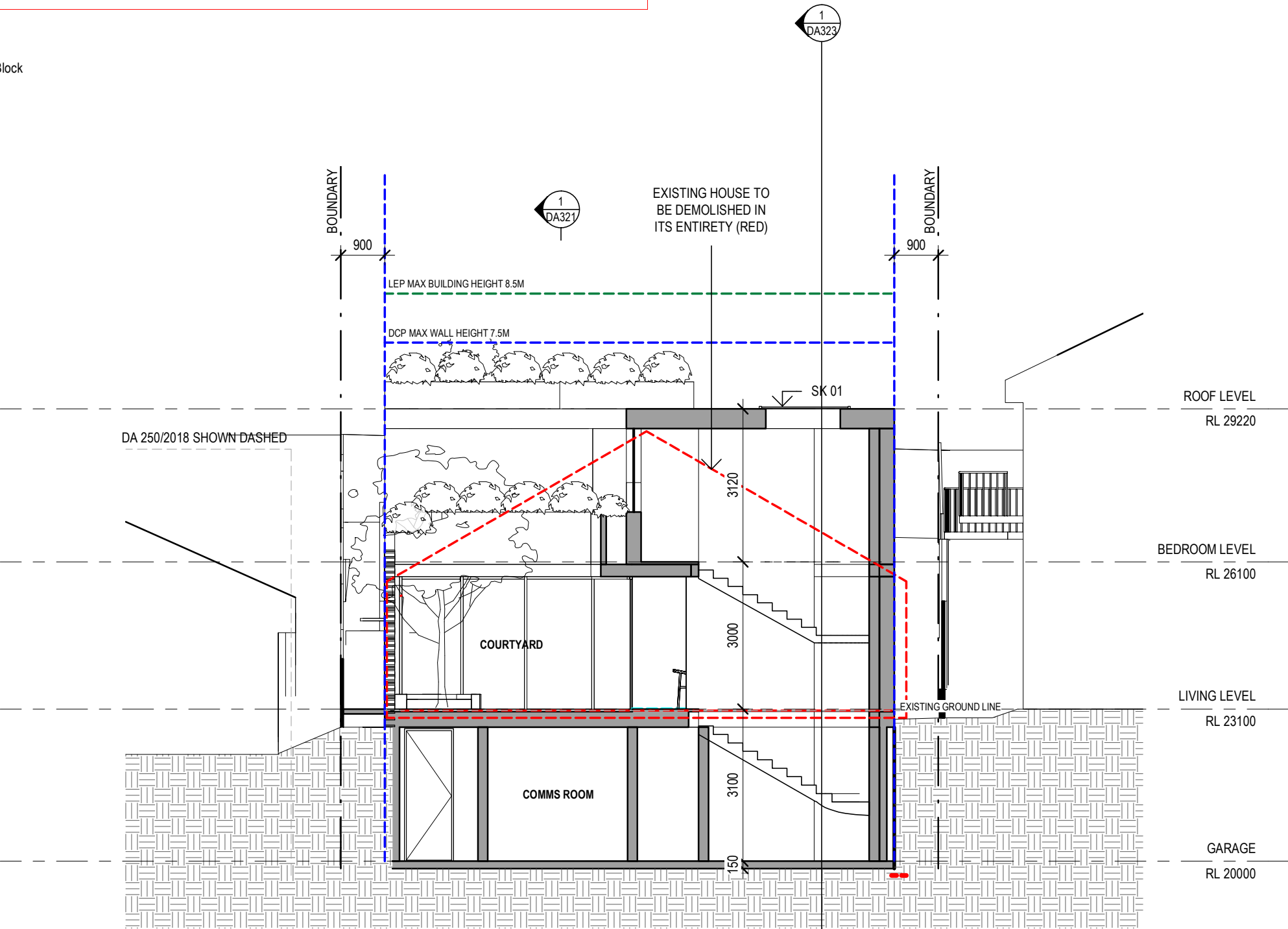
PROJECT
122 HASTINGS PDE. NORTH BONDI
DRAWING
SECTION - AA

PROJECT NO. 198
STAGE DA321
DWG NO. A
REV A
Drawn: BC/HK
Checked: BS
Scale: 1:100 @A3
Date: 20/05/21

AMENDED PLANS

LEGEND:
TL: Timber Louvres
BREEZE BLOCKS: Concrete Breeze Blocks
RENDERED: Painted White Rendered Brick/Concrete/Block

RECEIVED
Waverley Council
Application No: DA-297/2021
Date Received: 16/09/2021



KEY			
---	BUILDING ENVELOPE		
---	DEMOLITION OF EXISTING		
---	LEP HEIGHT PLANE		
---	BOUNDARY		

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DEVELOPMENT APPLICATION
SECTION - BB



GENERAL NOTES
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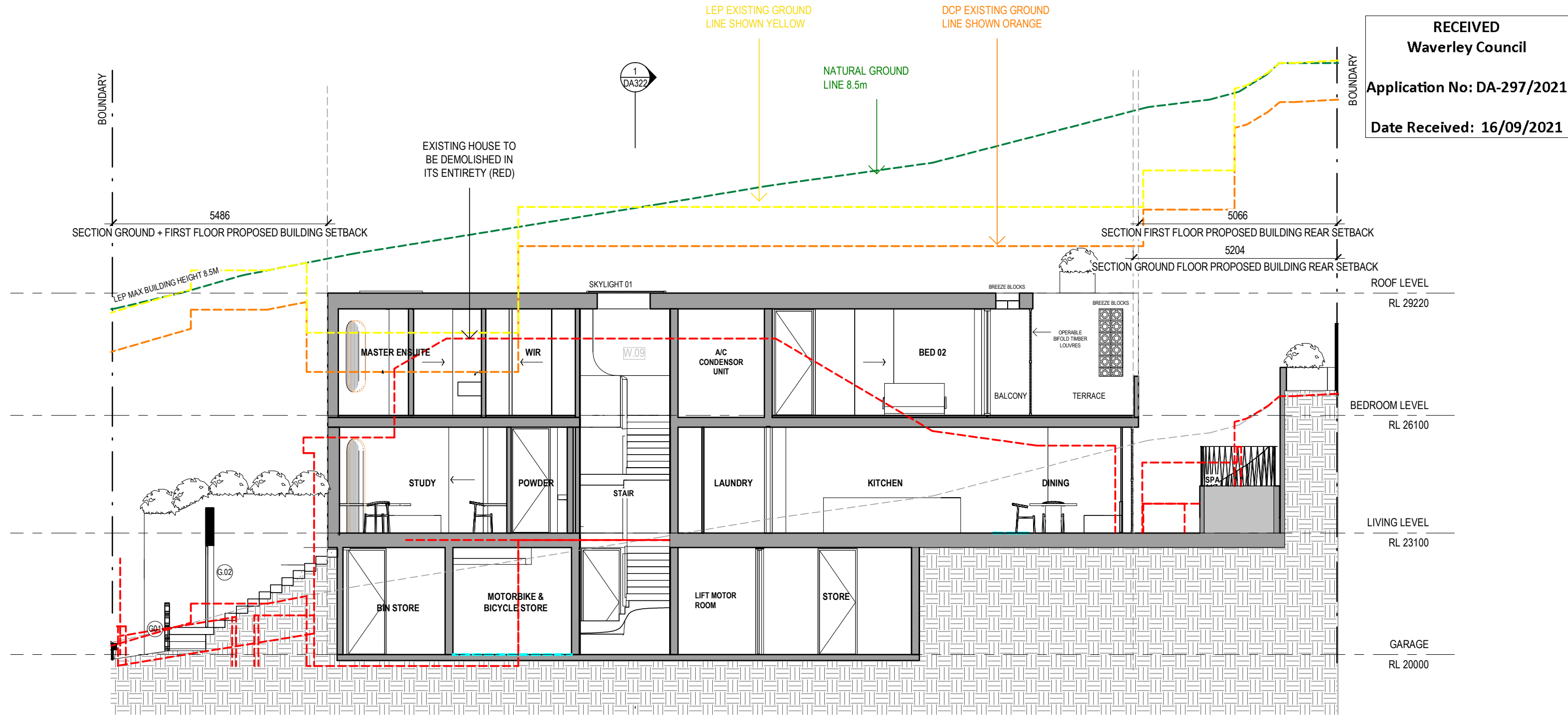
PROJECT
122 HASTINGS PDE. NORTH BONDI
DRAWING
SECTION - BB

PROJECT NO.	STAGE	DWG NO.	REV
198		DA322	
Drawn:	BC/HK	Scale:	1 : 100 @A3
Checked:	BS	Date:	20/05/21

AMENDED PLANS

LEGEND:

TL: Timber Louvres
BREEZE BLOCKS: Concrete Breeze Blocks
RENDERED: Painted White Rendered Brick/Concrete/Block



RECEIVED
Waverley Council
Application No: DA-297/2021
Date Received: 16/09/2021

KEY

---	BUILDING ENVELOPE
---	DEMOLITION OF EXISTING
---	LEP HEIGHT PLANE
---	BOUNDARY

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DEVELOPMENT APPLICATION
SECTION - CC

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PROJECT
122 HASTINGS PDE. NORTH BONDI

DRAWING
SECTION - CC

PROJECT NO. STAGE DWG NO. REV
198 DA323 A

Drawn: BC Scale: 1:100 @A3
Checked: BS Date: 07.09.2021



Report to the Waverley Local Planning Panel

Application number	DA-228/2021
Site address	14 St Thomas Street, BRONTE
Proposal	Alterations and additions to residential flat building, including construction of an additional apartment at roof level and 2 x triple car stackers.
Date of lodgement	17 June 2021
Owner	Elanora Flats Pty Limited
Applicant	Elanora Flats Pty Limited
Submissions	16 submissions received
Cost of works	\$1,251,498
Principal Issues	<ul style="list-style-type: none"> Existing use rights Clause 4.6 written requests for height of buildings and floor space ratio development standards Environmental amenity impacts, specifically view loss.
Recommendation	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 alterations and additions to a residential flat building, including a new floor level to comprise a three-bedroom unit, at the site known as 14 St Thomas Street, Bronte.

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

- Existing use rights;
- Clause 4.6 written requests for height of buildings and floor space ratio (FSR) development standards under Waverley Local Environmental Plan 2012 (Waverley LEP 2012); and
- Environmental amenity impacts, specifically view loss.

The assessment finds these issues unacceptable as the proposal will result in unreasonable impacts and fail to preserve the environmental amenity of surrounding properties and the surrounding public domain. Therefore, the dual written requests to vary the height of buildings and FSR development standards under Waverley LEP 2012 are not well-founded.

A total number of 16 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 12 July 2021.

The site is identified as Lot 175 in DP 1033, known as 14 St Thomas Street, Bronte.

The site is rectangular in shape with a western frontage to St Thomas Street, measuring 15.24m. It has an area of 554.2m² and falls from the west (i.e. street frontage) towards the east (i.e. rear boundary) by approximately 12.13m.

The site is occupied by a part three and two storey residential flat building comprising five units and two x single garages, with vehicular access provided from St Thomas Street.

The site is adjoined by a:

- dual occupancy to the north at 12 St Thomas Street;
- residential flat building to the south at 16 St Thomas Street; and

- a dwelling house to the rear and east at 59 Gardyne Street.

The locality is characterised by predominately low-density residential development.

Figures 1 to 2 are photos of the site and its context.



Figure 1: Subject site



Figure 2: Subject site and its immediate surrounds

1.3. Relevant Development History

A search of Council's records revealed no recent or relevant development history of the site. Notwithstanding, a pre-development application, known as PD-15/2021 for a concept proposal that is identical to the subject proposal, for which a meeting was held on 8 July 2020 and was followed by written advice dated 17 July 2020 to convey Council's advice on the pre-DA. In short, the advice indicated that the concept proposal was not supported for the following reasons:

- Excessive variations to the height of buildings and FSR development standards under Waverley Local Environmental Plan 2012 (Waverley LEP 2012), resulting in unreasonable view loss and overshadowing impacts that would not preserve the environmental amenity of neighbouring properties.
- Limited setbacks and separation distances of the new top floor addition from neighbouring buildings.
- The top floor addition was not considered an 'attic' as it was not contained within the roof form of the existing building.
- Traffic impacts of the operations of the proposed car lifts, specifically, potential queueing on St Thomas Street of vehicles entering and exiting the car lifts from the street.

1.4. Proposal

The development application (DA) seeks consent for alterations and additions to a residential flat building, specifically the following:

- demolition of the existing roof and construction of an additional floor level to the building to comprise a new three-bedroom unit with three separate balconies on its northern, eastern and southern sides;
- demolition of the two existing garages and construction of two x triple car stackers (i.e. a total of six off-street car parking spaces);
- earthworks, including excavation, some fill and retaining walls;
- construction of new front fence and gate;
- new external common stair and pedestrian pathway;
- new platform to store waste and recycling bins; and
- landscaping in front building setback area.

The proposal is visualised in a photomontage in **Figure 3** below.



Figure 3: Photomontage of proposal (Source: TZG Architects)

The proposal will result in the residential flat building comprising a total of six units with the following unit mix:

- five x two-bedroom units (these are existing on lower ground, ground and first floor levels); and
- one x three-bedroom unit (i.e. the subject of the proposal).

The proposal will result in a total of six off-street car parking spaces and two bicycle spaces.

1.5. Background

The DA was lodged on 17 June 2021 and was referred to Council's internal Development and Building Unit on 27 July 2021, who resolved to not support the proposal due to the significant exceedances of both the height of buildings and FSR development standards under Waverley LEP 2012 and the associated environmental impacts that would not preserve the amenity of neighbouring and surrounding properties.

The applicant was advised of this resolution and was provided with an option to withdraw the DA until 15 September 2021. The applicant did not respond to this option.

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. Existing Use Rights

The DA 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) as 'residential flat buildings' are prohibited in the R2 Low Density Residential Zone under Waverley Local Environmental Plan 2012.

Part 5 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent. Section 4.67 of the Act, concerning regulations respecting existing use, 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 development control plan (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. The appeal was heard by the Chief Judge of the Court and failed on all grounds.

What can be taken away from Saffioti 2018, is that provisions of an EPI (e.g. 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 2018, 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. The applicant has submitted written requests under clause 4.6 of Waverley LEP 2012 to contravene development standards, which are considered in section 2.1.2 of this report.

In terms of other matters relating to existing use rights, the existing use is not considered to be abandoned as it has not ceased to be used for a continuous period of 12 months.

2.2. Planning Instruments and Development Control Plans

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

2.2.1. 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.

A detailed discussion is provided for relevant SEPPs as follows:

- SEPP 65 (Design Quality of Residential Apartment Development).
- SEPP (Affordable Rental Housing) 2009.

SEPP 65 (Design Quality of Residential Apartment Design)

SEPP 65 applies to this DA as it seeks an additional unit and car parking to a ‘residential flat building’ (as defined by SEPP 65), and given the extent of the proposal, the proposal can be classified ‘substantial refurbishment’ of the existing building as per clause 4(1) of SEPP 65.

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 14 July 2021. The DEAP’s comment of the 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.

The Statement of Environmental Effects mentions that a design verification statement detailing compliance of the proposal against the design quality principles of SEPP 65 has been submitted with the DA, however, the project architect’s design statement does not address these design quality principles. This insufficiency of documentation will form a reason for refusal.

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">• <i>The nature and character of St Thomas Street has been analysed through the expression of the existing street frontage, in both an existing and proposed scenario. One of the key characteristics is the largely contiguous alignment of single storey garages (1 and 2 car), with limited opportunities for landscape. This site offers both conditions, garages and landscaping.</i>	<p>The immediate streetscape context is dominated by single or double front garages. While the proposal seeks to remove the existing garages on the site and create an open front building setback area or frontage, the proposal significantly exceeds the height of buildings and FSR development standards under Waverley LEP 2012 and adds to the existing building which is already well above these development standards.</p> <p>The proposal will result in unreasonable view loss impact upon neighbouring properties.</p>

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> <i>Views from the street out towards the ocean are largely obscured by the existing alignment of continuous garages. Views across the site to the ocean, beaches and headlands are highly valued and contested within this context – though its important about where these views are taken and whether other (better) views are also available from the neighbouring properties,</i> <i>The design responds to the demand for limited on-street car parking by proposing a significant net increase in parking on site, whilst maintaining the two existing crossovers. There may be scope to deliver additional parking on site, whilst reducing the number of crossovers to create an additional on-street space in front of the property.</i> 	<p>While the proposal responds to demand for off-street car parking, the capacity of three car spaces for each stacker is considered excessive and would unreasonably disturb traffic flows on St Thomas Street, as qualified by Council's Traffic and Transport department.</p> <p>The proposal fails to satisfy this design principle.</p>
2. Built form and Scale	<ul style="list-style-type: none"> <i>The additional 3-bed unit sits on the existing residential flat building and features a pitched form that's folded down on all four sides. The additional 130sqm pushes the overall GFA beyond the current controls, which places added emphasis on the potential environmental impacts arising from this addition.</i> <i>The view impact analysis is very helpful and reveals that the pitch of the roof form, and not its horizontal projection is having the greatest impact. However, the eastern projection, beyond the rear setback on No. 12 (to the north), may be having an impact on the overshadowing to No. 16.</i> <i>The Panel suggests the carstacker system be adjusted to have just one entry point and to be continuous below ground along</i> 	<p>The comment on potential environmental impacts arising from the addition is the principal reason why the proposal cannot be supported. The proposal will result in unreasonable and substantiated overshadowing and view loss impacts upon neighbouring properties as a direct consequence of it varying the height of buildings and FSR development standards under Waverley LEP 2012. Therefore, the cumulative building envelope of the existing building (incorporating the additional bulk and scale of the proposal) is inappropriate to the site and the existing and desired future character of the street and surrounding buildings.</p> <p>The proposal fails to satisfy this design principle.</p>

Principle	Panel's Comment	Planning Comment
	<i>the street frontage, with a single (larger) garage structure positioned at the northern corner of the street frontage. This will provide enclosure and weather protection for the carstacker entry., The remainder of the frontage could be dedicated to new landscape works including coastal mid-sized trees and groundcovers, with a view corridor created through the site along the southern boundary. This structure can be integrated with the bin store, bike storage and other services.</i>	
3. Density	<ul style="list-style-type: none"> <i>Comments in relation to the additional floor space are covered above</i> 	<p>The existing residential flat building is well beyond the applicable density controls, i.e. height of building and FSR development standards. The proposal further exceeds these density limits.</p> <p>The development fails to satisfy this design principle.</p>
4. Sustainability	<ul style="list-style-type: none"> <i>A number of small, but important additions to the design will contribute to the overall sustainability of the project, including;</i> <ul style="list-style-type: none"> <i>Outdoor drying area</i> <i>Ceiling fans to bedrooms and living areas o If A/C is proposed, then show these on the plans</i> <i>Re-use of grey water captured in the tank for watering</i> <i>Communal area PV cells</i> 	<p>Should approval have been recommended, these measures and suggested amendments would be adopted.</p>
5. Landscape	<ul style="list-style-type: none"> <i>The current landscape approach is well considered and proposes reuse of existing small non native trees in the front courtyard gardens.</i> <i>Effort should be made to create a small attractive native species courtyard garden in the southern corner of the lot along St. Thomas Street frontage. Appropriate small</i> 	<p>Satisfactory.</p>

Principle	Panel's Comment	Planning Comment
	<p><i>to medium native coastal species should be considered and be designed that long term glimpse views to the Ocean are celebrated.</i></p> <ul style="list-style-type: none"> <i>Exploration of the reuse of the extensive excavation of site sandstone should be considered in landscape works associated with the front gardens.</i> <i>The Southern driveway cross over should be removed, and an appropriate verge be planted in this location ensuring that one car space is added to the current street kerbside parking. These works would need to be carried out in coordination with Council.</i> 	
6. Amenity	<i>No comments.</i>	<p>While the new unit provides desirable amenity for its future occupants, it is to the detriment of the amenity of neighbouring properties in relation to the current quality and quantum of solar access, views and privacy that these properties enjoy.</p> <p>The proposal fails to satisfy this design principle.</p>
7. Safety	<i>No comments.</i>	Satisfactory.
8. Housing Diversity & Social Interaction	<i>No comments.</i>	Satisfactory.
9. Aesthetics	<i>No comments.</i>	Satisfactory.

The DEAP provided additional feedback and recommended design changes regarding the car stackers, landscaping and roof profile. Should approval have been recommended, these suggested amendments would have been adopted.

Apartment Design Guide (ADG)

Clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the 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
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable Increased separation of 3m where adjoins a lower density zone 	No	<p>The proposed additional floor level is set back:</p> <ul style="list-style-type: none"> 3.285m from the southern side boundary of the site to the outer face of southern balcony; 1.39m from the northern side boundary of the site to the outer face of the northern balcony; and 7.366m from the eastern rear boundary of the site to the rear eastern balcony. <p>While the rear of the addition complies with the minimum separation distances, the lack of separation distances on either side of the addition, specifically the side balconies, will manifest in unreasonable visual privacy impacts upon neighbouring properties on either side of the site. These visual privacy impacts are further exacerbated by the exceedance of the height and FSR development standards under Waverley LEP 2012.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	<p>The additional unit is expected to receive the required amount and duration of solar and daylight access during mid winter. It is not expected to result in a loss of solar and daylight access to existing units in floor levels below in the same residential flat building.</p> <p>External overshadowing impacts upon neighbouring properties are discussed later in this report.</p>

Design Criteria	Compliance	Comment
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	The additional unit has four aspects and all habitable rooms are provided with at least one habitable window for natural ventilation. This unit would be naturally cross-ventilated.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m Attics – 1.8m at edge of room with a 30° min ceiling slope 	Cannot qualify	The proposal is relying on the minimum ceiling height criterion for attics. The ceiling heights of the additional unit ranges from 1.8m at its northern and southern edges to approximately 3.3m at its centre. The long section drawing depicting the ceiling height of the unit demonstrates the centre of the unit maintains a ceiling height of 3.3m. It is unclear whether all habitable rooms would have a minimum ceiling height of 2.4m of at least two-thirds of its floor area. Further sections are required to ensure that all habitable rooms have sufficient ceiling heights. This will form a reason for refusal.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) = 95m² Add 12m² for each additional bedroom 	Yes	The proposed additional unit has an area of approximately 105m ² (excluding cupboard and storage areas).
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> 3+bed - 12m² & 2.4m depth Ground level, min 15m² & 3m depth 	Yes	Satisfactory.
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	Satisfactory.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided:	Partial consistency	Satisfactory, however, there is no external storage for bulky goods. This inconsistency could have been easily resolvable should the

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> 3+bed – 10m³ 		application be supported. It will not form a reason for refusal.

Based on the discussion provided in **Tables 1** and **2** of this report, the proposal fails to satisfy several important design quality principles under SEPP 65 and certain design criteria under the ADG. The failure and poor performance against these principles and criteria result in an inadequate development, especially given that it significantly exceeds the height of buildings and FSR development standards under Waverley LEP 2012 (in addition to discussion points on the clause 4.6 written requests provided in the succeeding section of this report). Therefore, the proposal is recommended to be refused, in part, based on its poor performance against SEPP 65.

SEPP (Affordable Rental Housing) 2009.

Part 3 of this SEPP applies to buildings that are deemed ‘low-rental residential buildings’ and aims to retain these. The existing residential flat building is in single ownership and is not under Strata title, and therefore, the existing units are presumed to be rentals. The applicant claims that the proposal would not seek to remove or upgrade any of the existing units of the buildings. However, the proposal provides for a total of six off-street car parking spaces, with each car space expected to be allocated to every unit of the building, including the new unit. Therefore, adding a car space to units that currently do not have any off-street car parking would be considered an upgrade and likely cause an increase in current rental rates and a potential loss of existing affordable rental housing. In this regard, a housing report would be required to accurately assess the effect of the proposal on existing affordable rental units of the building. The absence of this report will be a reason for refusal.

2.2.2. Waverley LEP 201

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	No (existing use rights apply)	The proposal is defined as alterations and additions to ‘residential flat building’. Residential flat buildings are prohibited in the R2 zone. This prohibition has been discussed earlier in section 2.1 of this report and the application can rely on existing use rights to seek development consent for the proposal.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal increases the overall building height of the existing building to 13.89m (i.e. measured to the proposed ridge level of RL61.890 above existing ground level). The proposal varies the height of buildings development standard by 5.39m or 63.4%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.5:1 	No	The proposal increases the overall gross floor area (GFA) of the existing building to 608.69m ² , which achieves a FSR of 1.09:1. The proposal varies the FSR development standard by 331.59m ² or 119.66%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is identified as being Class 5 acid sulfate soils. Excavation is proposed to accommodate the car stackers to a depth not lower than the Australian Height Datum. Therefore, acid sulfate soils are unlikely to be encountered.
6.2 Earthworks	Yes	Satisfactory. A geotechnical report has been submitted to support the proposed earthworks.

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 and FSR development standards in clause 4.4 under Waverley LEP 2012.

Building Height

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has an overall building height of 13.89m, exceeding the standard by 5.39m, equating to a 63.4% variation.

The applicant highlights that the existing building has a maximum height of 12.89m, which varies the height of buildings development standard by 4.39m or 51.6%. and the proposal increases the building height of the building by 1m.

FSR

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has an FSR of 1.09:1 exceeding the standard by 331.59m² of GFA, equating to a 119.66% variation.

The applicant highlights that the existing building comprises an overall GFA of 477.06m², which achieves an FSR of 0.86:1, and the proposal provides “only” an additional 131.63m² to the building.

Two separate written requests have been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of both development standards by attempting to address:

- (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 requests 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 **height of buildings** 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 development standard and zone objectives despite the variation, as:*
 - *The height variation does not adversely compromise the use and enjoyment of neighbouring properties in terms of privacy or daylight access.*
 - *The proposal results in minor overshadowing impact upon the adjoining southern building at 16 St Thomas Street.*
 - *The height variation does not result in any significant loss of view or outlook. The removal of garages on the site will increase public views over the site.*
 - *The proposal will appear compatible with other existing and recently developed properties on St Thomas Street to a casual observer given its height will be similar to that of these surrounding properties in the street.*
 - *The proposal provides for the housing needs of the community.*

- (ii) *There are no significant adverse impacts arising from the proposed non-compliance.*
 - (iii) *Important planning goals are better achieved by approving the variation as it provides for additional residential accommodation to contribute to a range of housing types in the Waverley local government area. This is consistent with the aim expressed in clause 1.2(2) of Waverley LEP 2012.*
 - (iv) *The variation will give better effect to the aims of SEPP 65, specifically:*
 - *provide more sustainable housing in social and environmental terms and better achieve urban planning policies;*
 - *provide an extended mix of dwelling types to meet population growth; and*
 - *support housing affordability by providing a well-located compact housing that will a better choice for families in a public transport accessible location.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The numerical development standard has no bearing to the scale of the existing and surrounding structures, all of which exceed the same development standard of 8.5m, and are higher than the proposal, specifically those on either side of the site at 12 and 16 St Thomas Street.*
 - (ii) *The subject building is one of few buildings which cannot be substantially seen from the street. The proposal provides for a more uniform streetscape appearance by ensuring the building heights of the proposal and those of the adjoining buildings are better coordinated.*
 - (iii) *The proposed increase of building height of the existing subject building would be minor to a casual observer on St Thomas Street given the site's steeply sloping topography.*
 - (iv) *The proposal's building envelope has been carefully considered and is supported by neighbouring and nearby existing and approved developments with similar characteristics as the subject site (i.e. steep topography).*
 - (v) *The overall subject building, including the proposed addition, will appear as a two storey building when viewed from St Thomas Street with a height that is entirely anticipated by the planning controls. The additional unit will 'permit' additional works to remove the existing two garages and provide additional parking to the site. These works will have a significant public benefit in providing additional public views and lessen the demand for on-street car parking.*
 - (vi) *The proposal has no impact on the amenity of the environmental values of the locality and the amenity of future building occupants and on the area's character for the following reasons:*
 - *The height variation creates no significant overshadowing to adjoining properties and north-facing windows of the adjoining building to the south at 16 St Thomas Street would be overshadowed or result in a worse outcome by a 'complaint' building envelope envisaged by complying development provisions or controls under Waverley DCP 2012.*

- *The height variation does not introduce any additional privacy impacts as there are no windows directly facing side boundaries and the inset side balconies are offset and screened; and*
 - *The height variation does not result in significant additional view loss.*
- (vii) The bulk and scale of the proposal is compatible with and sensitive to both existing and likely future development in the streetscape.*
- (viii) The proposal achieves the objects in section 1.3 of the Act, as it promotes good design and amenity and orderly and economic use and development of land.*
- (ix) The variation gives better effect to aims of SEPP 65.*
- (x) The different in existing ground levels skews the overall building height calculation.*
- (xi) The additional height provides for a significantly better urban design and streetscape outcome specific to the site.*
- (xii) The variation has no perceptible impact on the streetscape as the proposal appears as a contemporary addition, is recessive in design and utilises screen planting to provide visual interest and additional softening, and does not detract from the architectural merit of the building.*
- (xiii) Requiring strict compliance would therefore result in an unreasonable burden on the development with no demonstrable built form or amenity benefits.*

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) *The proposal is consistent with the development standard and zone objectives despite the variation, as:*
- *The FSR variation results in no adverse impacts on the amenity of adjoining properties, character of the area and bulk or scale of the development that would not be anticipated when comparing the proposal to surrounding properties.*
 - *The proposal is designed to ensure that the additional GFA is largely contained within an attic-style addition.*
 - *The FSR variation does not arise from an inappropriate building envelope, but rather, the proposal will nestle comfortably between the adjoining buildings on either side of the site at 12 and 16 St Thomas Street. Therefore, the FSR variation would not appear apparent to a casual observer.*
 - *The proposal provides for the housing needs of the community.*
- (ii) *There are no significant adverse impacts arising from the proposed non-compliance.*
- (iii) *Important planning goals are better achieved by approving the variation as it provides for additional residential accommodation to contribute to a range of housing types in the*

Waverley local government area. This is consistent with the aim expressed in clause 1.2(2) of Waverley LEP 2012.

(v) The variation will give better effect to the aims of SEPP 65, specifically:

- provide more sustainable housing in social and environmental terms and better achieve urban planning policies;*
- provide an extended mix of dwelling types to meet population growth; and*
- support housing affordability by providing a well-located compact housing that will a better choice for families in a public transport accessible location.*

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

- (i) The numerical FSR development standard bears no relation to the scale of the existing and surrounding buildings, which all exceed the same FSR development standard of 0.5:1.*
- (ii) The bulk and scale of the proposal remains smaller than the built form of surrounding properties with the additional FSR masked with a recessive attic style roof addition.*
- (iii) The additional GFA does not expand the perceived envelope of the building to an extent where it would appear larger than surrounding residential flat buildings or dwellings. The GFA can be considered 'internalised' within a roof as it will not be readily perceptible from the public domain or surrounding properties.*
- (iv) Existing adjoining buildings all significantly breach the current FSR development standard. The site's terrain will mask the additional FSR when compared to other properties in the locality and the proposal will provide a more uniform streetscape appearance.*
- (v) The additional FSR will be accommodated within a pitch roof form (that will increase the height of the building by 1m) and will not be visually jarring and noticeably larger than adjoining buildings when viewed from St Thomas Street.*
- (vi) The proposal has been carefully considered and outperforms other adjoining and nearby examples in terms of building-to-building separation and height.*
- (vii) The proposal will appear as a two storey building when viewed from St Thomas Street with a built form that is entirely anticipated by the planning controls.*
- (viii) The proposal has no impact on the amenity of the environmental values of the locality and the amenity of future building occupants and on the area's character for the following reasons:*
 - The FSR variation creates no significant overshadowing to adjoining properties and north-facing windows of the adjoining building to the south at 16 St Thomas Street would be overshadowed or result in a worse outcome by a 'complaint' building envelope envisaged by complying development provisions or controls under Waverley DCP 2012.*
 - The FSR variation does not introduce any additional privacy impacts as there are no windows directly facing side boundaries and the inset side balconies are offset and screened; and*

- *The FSR variation does not result in significant additional view loss.*
- (ix) The bulk and scale of the proposal is compatible with, and sensitive to, both existing and likely future development in the streetscape. Therefore, the additional FSR allows for a better planning outcome with benefits associated with an additional residential unit with no significant adverse impacts in terms of visual bulk, streetscape character and being of a high quality and well-considered design.*
- (x) The proposal achieves the objects in section 1.3 of the Act, as it promotes good design and amenity and orderly and economic use and development of land.*
- (xi) The variation gives better effect to aims of SEPP 65.*
- (xii) The provision of additional FSR to the building will ensure greater compatibility with the scale of surrounding properties and fill a 'missing tooth' in the streetscape. It provides a better urban design and streetscape outcome for the site.*
- (xiv) The variation has no perceptible impact on the streetscape as the proposal appears as a contemporary addition, is recessive in design and utilises screen planting to provide visual interest and additional softening, and does not detract from the architectural merit of the building.*
- (xiii) Requiring strict compliance would therefore result in an unreasonable burden on the development with no demonstrable built form or amenity benefits.*

Consideration of Applicant's Written Requests - 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.

Do the written requests adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case 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 directly above to address clause 4.6(3)(a) of Waverley LEP 2012 in both written requests. This is considered unsound justification as the applicant fails to demonstrate that the variations to both height of buildings and FSR development standards preserves the environmental amenity of neighbouring properties given that it results in additional and unreasonable overshadowing, privacy and view loss impacts upon these neighbouring properties. While the applicant argues that *"...preservation of the amenity for adjoining properties needs to be considered against the backdrop of the applicable planning controls and existing use rights provisions established by the existing building"*, that fact that the proposal notably increases the building envelope of the existing building, with its increase being measured by a building height increase of 1m and an addition of 131.63m² of GFA to the building, demonstrates that the proposal has little regard to the 'applicable planning controls' as it will unreasonably intensify impacts of the building upon the amenity of neighbouring properties. The extent and nature of the variations to the height of buildings and FSR development standards are a fundamental reason why the DA is recommended for refusal.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standards.

Height of Buildings

The applicant does not establish sufficient environmental planning grounds or reasonable justification to vary the height of buildings development standard. The proposal will increase the overall height of the existing building by 1m, and as a result, it will cause unreasonable impacts on private views enjoyed over and across the subject site by neighbouring properties, directly related to the height variation, as well as generate unreasonable additional overshadowing and privacy impacts upon the neighbouring properties to either side of the site.

The applicant cannot rely upon the argument that the proposal will be neatly and largely integrated within the current roof space of the existing building and provide a significantly better urban design and streetscape outcome compared to a 'compliant' or existing development scenarios when the proposal expands upon the actual and perceived overall envelope of a building that already substantially exceeds the height of buildings and FSR development standards and further intensifies the building's impacts upon neighbouring properties. Further, the variation cannot be justified by arguing that the proposal will

permit additional works to remove garages to create, what the applicant says, public benefits in opening views over the site from the footpaths of St Thomas Street, while simultaneously resulting in loss of views from neighbouring properties.

The applicant's written request fails to adequately address clause 4.6(3)(b) of Waverley LEP 2012 as there are no sufficient environmental planning grounds to justify contravening the height of buildings development standard.

FSR

The applicant has also failed to establish sufficient environmental planning grounds or justification to vary the FSR development standard. The proposal will increase the perceived and actual building bulk, scale and massing of the existing building, and together with its variation of the height of buildings development standard, it will not preserve the environmental amenity of neighbouring properties due to its unreasonable associated view loss, overshadowing and visual privacy impacts. While the applicant says that the additional FSR/GFA provides for additional high-quality residential accommodation to the site to meet the housing needs of the community, it will be to the detriment of the environmental amenity of neighbouring properties and the surrounding public domain given the unreasonable environmental impacts arising from variations to both the height and FSR development standards. Therefore, this outcome would not represent good design and amenity and orderly and economic use and development of land.

The applicant's written request broadly refers to the FSR values of recently approved buildings or developed properties within St Thomas Street to argue that the FSR of the proposal is contextually appropriate. A search of Council's records reveals that most of these examples are for dwelling houses or dual occupancy developments that benefit from a higher FSR development standard, based on clause 4.4A of Waverley LEP 2012, compared to the base FSR development standard of 0.5:1 that applies to the subject proposal. Therefore, this is not an accurate comparison for the applicant to make.

A relevant comparison to make would be to attic or roof additions that were sought as part of various DAs to the adjoining residential flat building to the south of the site at 16 St Thomas Street. These DAs, namely DA-207/2014 and DA-311/2015, were all refused by the former Waverley Development Assessment Panel, principally as these proposals significantly exceeded the height of buildings and FSR development standards under Waverley LEP 2012 (which are the same as those that apply to the subject proposal) and caused unreasonable environmental amenity impacts, specifically view loss, upon neighbouring properties. The same assessment outcome of these examples applies to the subject proposal, given that it too causes unreasonable view loss impact, among other unacceptable impacts upon the environmental amenity of neighbouring properties.

The applicant emphasises that consideration of existing use rights should take precedence over strict compliance with the FSR, as well as the height of buildings, development standards. The fact that the existing building does not conform with both development standards proves that any further increase of its building envelope would ordinarily be deemed unreasonable, regardless of how minor that increase may be. In the case of the proposal, an addition of 131.63m² of GFA, together with a height

increase of 1m, is not considered 'minor'. The proposal is therefore considered an overdevelopment of the site relative to its existing use rights, characteristics and its immediate context within a predominately low-density residential neighbourhood or locality.

The applicant's written request fails to adequately address clause 4.6(3)(b) of Waverley LEP 2012 as there are no sufficient environmental planning grounds to justify contravening the FSR development standard.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with both the objectives of the height of buildings and FSR 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 height of buildings development standard are as follows:

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

The objectives of the 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.*

The applicant has unreasonably, and in some areas of their written requests, inaccurately assessed the variation of both development standards against the applicable objectives of these standards and the R2 zone. The proposal will not preserve the environmental amenity of neighbouring properties and the surrounding public domain and locality given its dual variation of the development standards results in:

- an unreasonable loss of ocean views due to a non-conforming development (refer to section 2.2.3 of this report for a detailed view impact assessment);
- overshadowing of several north-facing habitable windows of the adjoining residential flat building to the south of the site at 16 St Thomas Street that currently receive full or partial sunlight during the winter solstice;
- additional privacy impacts principally arising from the side and rear balconies of the proposed unit; and
- to a lesser extent, additional visual impacts upon neighbouring properties and the streetscape due to an enlarged building envelope that is currently well beyond the maximum built form controls applying to the site.

The variations therefore fail the fundamental objective of both development standards to preserve the environmental amenity of neighbouring properties and the surrounding public domain and locality.

While the applicant has attempted to argue that the dual height and FSR breaches of the proposal make the existing building more compatible with the existing and desired future character of the street and locality, or in their words, fill a 'missing tooth' in the streetscape, the sheer extent of the exceedance of both development standards, particularly exacerbated by the proposal, is not considered to be compatible with the height, bulk and scale of the desired future character of the street and locality.

While the applicant has argued that providing an additional unit to the subject building with high-level amenity provides for the housing needs of the community in relation to one of the objectives of the R2 zone, it will be to the detriment of the environmental amenity of existing neighbouring properties. Therefore, the variations are not considered to be completely consistent with the zone objectives.

Conclusion

For the reasons provided above the requested variation to the height of buildings and FSR development standards is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of height of buildings and FSR development standards and the R2 zone.

2.2.3. 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	No	Unsatisfactory. Refer to section 3 of this report on referral commentary in relation to waste

Development Control	Compliance	Comment
		management. Further, there is a lack of details on elevation and section drawings to demonstrate how the bin storage area within the front setback area of the site would be screened from St Thomas Street. Therefore, the proposal fails to comply with control (a) under section 1.4.3.1 of Part B1 of Waverley DCP 2012.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	Satisfactory
6. Stormwater	No	Unsatisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	Satisfactory. The DA is accompanied by an access report that addresses and assesses accessibility requirements.
8. Transport Insert parking rates Zone 2 Minimum parking rate: <ul style="list-style-type: none"> Nil. Maximum parking rate: <ul style="list-style-type: none"> 5.9 or 6 spaces. Visitor parking: <ul style="list-style-type: none"> 1 space (per 5 units). Motorcycle parking: <ul style="list-style-type: none"> Nil. Bicycle parking: <ul style="list-style-type: none"> Resident: 6 Visitor: 0.6 or 1 space 	Yes	<p>The proposal provides for four additional off-street car spaces, totalling six off-street car parking spaces for the site. The proposal meets the maximum car parking rate based on the existing and proposed unit number and mix of the building. The proposal does not provide for visitor car parking, however, this would not be unreasonable given that it does not seek to completely redevelop the site.</p> <p>The proposal provides for two bicycle parking. This is considered satisfactory as it would be onerous to require the existing units to be provided with bicycle parking.</p> <p>Refer to section 3 of this report on referral commentary in relation to vehicular access and parking, specifically in relation to the proposed car stacker arrangement.</p>
10. Safety	Yes	Satisfactory.
12. Design Excellence	No	While the proposal is architecturally designed, it results in determinantal impacts upon private views and vistas, contrary to control (c) under section 12.1 of Part B12.
14. Excavation	Yes	Satisfactory.
17. Inter War Buildings	No	The existing building is classified as an 'Inter War Building', as it was expected to be constructed

Development Control	Compliance	Comment
		between circa 1914 and 1950. The proposal does generally perform satisfactorily against the specific controls under section 3.22.1 of Part B17, however it will enlarge the height, bulk and scale of the building with a contemporary roof addition and will not preserve the character of the streetscape, contrary to objective (d) of Part B17.

Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> Maximum FSR set by LEP Lot sizes and dimensions must enable development to be sited to meet the site and building design controls 	No	<p>The proposal exceeds the maximum FSR permitted for the site, as previously discussed.</p> <p>The various non-compliances with built form related controls in the ADG, Waverley LEP 2012 and Waverley DCP 2012, indicate that the proposal is an overdevelopment for this site. The proposal cannot be accommodated on the site given it result in unreasonable impacts upon neighbouring sites, which do not preserve the amenity of these sites. The various non-compliances indicate that the site is not of sufficient size to accommodate a proposal of this scale.</p>
3.2 Height		
<ul style="list-style-type: none"> Refer to the LEP 	No	The proposal exceeds the height of buildings development standard under Waverley LEP 2012 and has been discussed in section 2.2.2 of this report. The proposal does not meet the objectives of this section of the DCP.
3.3 Setbacks		
<p>3.3.1 - Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	Complies.
<p>3.3.2- Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 1.5-2.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	<p>Yes</p> <p>No</p> <p>No (predominant)</p>	<p>The proposal is set back by:</p> <ul style="list-style-type: none"> 3.285m from the southern side boundary of the site to the outer face of southern balcony; and 1.39m from the northern side boundary of the site to the outer face of the northern balcony; and 7.366m from the eastern rear boundary of the site to the rear eastern balcony.

Development Control	Compliance	Comment
	rear building line applies)	<p>It is worth noting that the proposal extends further than the predominant rear building line established by surrounding buildings on either side of the site. Therefore, the predominant rear building line is applied here rather than the numeric rear setback control of 6m.</p> <p>The non-compliances with the minimum side and rear setback controls demonstrate that the proposal is an overdevelopment of the site. It also indicates that the proposal fails to satisfy objectives (a) and (b) under section 3.3.2 of Part C3 of the DCP.</p>
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> Building length: 10m Unit depth: 17.9m
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported. 	No	<p>While the proposal has been architecturally designed, its overall massing, bulk and scale are out of character with the existing and desired future character of the area. It is therefore contrary to objectives (a) and (b) and control (b) under section 3.5.</p>
3.6 Attic and roof design		
<ul style="list-style-type: none"> Attic must be wholly within the a pitched roof form Not exceed 50% of the floor of area of the floor below Not contain independent dwellings and must be accessed via internal stairs Be naturally ventilated Minimum room width: 3m Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m 	No	<p>The proposal is not considered an attic under both definitions outlined in Waverley DCP (i.e. a room contained wholly within a pitched roof) or under Waverley LEP 2012, with the latter definition reading as follows:</p> <p><i>“attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.”</i></p> <p>The proposal is a separate dwelling or unit, is not contained within the roof (as it removes and replaces it with an enlarged volume compared to the existing roof) and occupies more than 50% of the floor area of the floor below, yet has utilised attic-applicable design guides and criteria under the ADG to justify its variable ceiling height and unit configuration.</p> <p>While the proposed roof form is the same form as the existing pitched roof of the building, its</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Dormer windows and skylights to be less than 50% of roof elevation Must not have one single expansive dormer window Dormers to be set down 300mm from main ridge 		<p>enlarged volume and massing add to the overall bulk and scale of the building, and therefore, does not respond appropriately to the context.</p> <p>As previously identified, the section drawings do not clearly demonstrate the variable ceiling heights of the proposal to demonstrate compliance with minimum ceiling height controls and standards.</p> <p>Further, the proposal does not meet the attic and roof design controls.</p>
3.7 Fences and walls		
	Yes	Satisfactory.
3.8 Pedestrian access and entry		
	Yes	Satisfactory.
3.9 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 166.26m² 50% of the above is to be deep soil: 83.13m² 	No	<p>The proposal reduces the overall landscaped area of the site from 99.11m² to 91.47m². A further reduction of landscaped area, which already does not comply with the minimum requirement, is not supported. The proposal is expected to provide approximately 74.6m² of deep soil planting area. The further reduction of landscaped area and shortfall of deep soil planting will form reasons for refusal.</p>
3.10 Communal open space		
	No (satisfactory)	<p>The existing site does not contain dedicated communal open space and the proposal does not introduce it either. This is considered satisfactory as the proposal does not intend to completely redevelop the site.</p>
3.11 Private Open Space - ADG overrides this section.		
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Pedestrian safety considered 	Yes	Satisfactory.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June 	ADG criteria overrides	<p>Solar access to the development itself has already been discussed in relation to solar access criteria specified by the ADG.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter. 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. 	No	<p>The shadow diagrams in plan and elevation form indicate noticeable increases of overshadowing of neighbouring properties to the south and south-east of the site between 9am and 3pm on 21 June, particularly north-facing windows serving habitable rooms of the adjoining residential flat building to the south of the site at 16 St Thomas Street.</p> <p>The net increase of overshadowing is directly attributed to the proposal's exceedance of the height of buildings and FSR development standards under Waverley LEP 2012, and in this regard, demonstrate that these exceedances do not preserve the environmental amenity of this property, as well as other properties that will receive further overshadowing as a result of the proposal.</p> <p>In this regard, the overshadowing impact is unacceptable. The development is contrary to objective (d) under section 3.13.</p>
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. Views from public spaces to be maintained. 	No	<p>See detailed discussion below this table. The proposal fails to comply with controls (a), (b) and (g), as it enlarges the roof volume and massing, and in turn, the height and scale of the existing building, resulting in unreasonable view loss upon neighbouring properties. The gain in public views due to the demolition of the garages on the site (and as emphasised by the applicant) cannot offset the loss of private views. The proposal fails to satisfy objective (a).</p>
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design. Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened. 	No	<p>Visual privacy has already been discussed in relation to separation distances specified by the ADG.</p> <p>The proposal provides for side balconies that will cause undue privacy impacts upon the adjoining properties to either side of the site, despite, as the applicant claims, these balconies being inset and recessed or ancillary balconies.</p> <p>The extent of these privacy impacts of the balconies would be unreasonable on the basis that it is a result of non-conforming floor space with both height and FSR development standards under Waverley LEP 2012. The same would apply to the expansive balcony to the</p>

Development Control	Compliance	Comment
		<p>rear of the unit, that is directly accessed from active living rooms. This balcony would impact on neighbouring properties to the east of the site, which are low density residential uses (i.e. dwelling house), while capitalising on the views and outlook towards the east (i.e. ocean views) over these sites for the principal living and private open space areas of the proposed unit.</p> <p>Therefore, the proposal fails to achieve objectives (a) and (b) under section 3.15 of this Part of the DCP.</p>
3.16 Dwelling size and layout - ADG overrides this section.		
3.17 Ceiling Heights - - ADG overrides this section.		
3.18 Storage - ADG overrides this section.		
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Satisfactory.
3.20 Natural Ventilation - ADG overrides this section.		
3.21 Building services		
<ul style="list-style-type: none"> 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 Outdoor Communal clothes drying area to be provided 	No (satisfactory)	Minor non-compliances, such as mailboxes not provided, however, these will not form part of the reasons for refusal.

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

Views

The submissions objecting to this application, specifically claiming view loss impact, were received from the following properties in Bronte:

- 12A St Thomas Street
- 15 St Thomas Street*
- 3/16 St Thomas Street (claiming impact on views of the sky).
- 18 St Thomas Street
- 17 St Thomas Street*



- 19 St Thomas Street*
- 21 St Thomas Street
- 23 St Thomas Street
- 59 Gardyne Street (however, this submission notes the views enjoyed from this property would not be affected by the proposal).

The Assessment Officer asked for photos from most submitters mentioned above to support their claim of view loss. These requested photos were forthcoming from a few of these properties (indicated by an asterisk) and have been relied upon for the assessment of view impacts (having regard to COVID-19 restrictions in place at the time of assessment, inspections by the assessment officer did not occur). The applicant also prepared comprehensive view analyses documentation that was submitted as part of this DA and can be relied upon to anticipate the view loss impact and extent caused by the proposal.

An assessment of the view loss caused by the proposed development has been undertaken in accordance with the four steps applied in the NSW Land and Environment Court planning principle on view (general principles) arising from the case of *Tenancy Consulting vs. Warringah [2004] LEC 140*. The assessment is set out below.

1. *Identify the views to be affected.*

All properties that have claimed view loss have water views with some having views of land/water interface (i.e. coastline including cliff faces and headlands). **Figures 4 to 9** in this report are photos that were taken by owner/occupiers of affected properties to identify the composition and extent of views enjoyed.

15 St Thomas Street	
	
Figure 4: Standing view on ground floor level at 15 St Thomas Street (note, the submitter at this property did not identify the specific room this view is enjoyed from)	Figure 5: Sitting view on ground floor level at 15 St Thomas Street (note, the submitter at this property did not identify the specific room this view is enjoyed from)

17 St Thomas Street



Figure 6: Standing view on ground floor level at 17 St Thomas Street (note, the submitter at this property did not identify the specific room this view is enjoyed from)



Figure 7: Standing view on first floor level at 17 St Thomas Street (note, the submitter at this property did not identify the specific room this view is enjoyed from)

19 St Thomas Street



Figure 8: Standing on verandah on ground floor level at 19 St Thomas Street

23 St Thomas Street



Figure 9: Standing in bedroom on upper floor level at 23 St Thomas Street

These properties are located to the west and south-west of the site and are on the western side of St Thomas Street.

The applicant's view analysis only identifies views from the properties known as 15, 17, 19 and 21 St Thomas Street. **Figures 10** and **11** below contain photos taken by the applicant and shows views from 21 St Thomas Street.







As stated in the view sharing planning principle, *“a water view in which the interface between land and water is visible is more valuable than one in which it is obscured”*. The photos presented above show that these properties have water views, views of the horizon and views of land/water interface, with 21 and 23 St Thomas Street having a view of land/water interface of the coastline, including headlands and cliff faces. The majority of these views are considered whole views, except for land/water views enjoyed by 21 and St Thomas Street that are partial and filtered by vegetation (i.e. two palm trees), however, are still vital to consider.

2. *Consider from what part of the property the views are obtained.*

The notations to each photo in **Figures 4 to 11** state whereabouts (those that were known and advised by submitters who took photos that are shown in **Figures 4 to 9**) within each affected property views are available from. Properties between 17-21 St Thomas Street obtain their views across front boundaries, whereas 23 St Thomas Street obtains its view principally across its eastern side boundary. As indicated in the view sharing, the protection of views across side boundaries is more difficult and “often unrealistic” than the protection of views from front and rear boundaries. Therefore, any reasonable development on the subject site would need to carefully consider these views from the affected properties between 17-21 St Thomas Street. The reasonableness of the view loss impact caused by the proposal is discussed later in this section of the report. All views claimed to be affected are principally from a standing position with some from a seated position.

3. *Assess the extent of the impact.*

The applicant has indicated in their view analyses documentation that the anticipated extent of view loss for properties between 15-21 St Thomas Street using their own RAW photos and not the photos taken by owner/occupiers of 15-19 St Thomas Street that were provided to Council. The extent of the view loss impact is indicated in an overlay of the proposed building envelope and in a translucent red overlay. **Figures 12 to 15** of this report are extracts from the view analyses that show the typical view loss impact upon properties between 15-21 St Thomas Street.

	
<p>Figure 12: View impact upon 15 St Thomas Street</p>	<p>Figure 13: View impact upon 17 St Thomas Street</p>
	
<p>Figure 14: View impact upon 19 St Thomas Street</p>	<p>Figure 15: View impact upon 21 St Thomas Street</p>

Based on the view analysis photomontages above, the extent of the view loss impact can be described as follows:

- Minor impact on water views upon 15 St Thomas Street.
- Moderate impact on water views upon 17 and 19 St Thomas Street.
- Moderate impact on land-water interface views upon 21 St Thomas Street.
- While not analysed by the applicant, the impact upon the land-water interface views upon 23 St Thomas would be anticipated to be moderate.

4. Assess the reasonableness of the proposal that is causing the impact.

The proposal will ultimately result in unreasonable view loss impacts despite these impacts being classified minor and moderate. As stated in the view sharing planning principle, “*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*”. The variation to the height of buildings development standard of 8.5m under Waverley LEP 2012 is a direct contributing factor to the view loss impact upon the affected properties, and to a similar extent, the variation to the FSR development standard. As discussed in this report, these variations demonstrate the building envelope of the proposal is inappropriate for the subject site.

The adverse view loss impacts of the proposal is a fundamental indication of the extent of environmental amenity impacts upon neighbouring properties that renders it unsupportable. The proposal fails to comply with controls (a), (b) and (g) and is inconsistent with objective (a) under section 3.14 of Part C3 of the DCP. The application is recommended for refusal in this regard.

2.3. 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.

2.4. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.5. Any Submissions

The application was notified for 14 days between 21 June and 8 July 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 16 unique submissions were received from the following properties in the suburb of Bronte:

Table 6: Number of and where submissions were received from.

Count	Property Address
1.	12A St Thomas Street
2.	12B St Thomas Street
3.	2/12 St Thomas Street
4.	19 St Thomas Street
5.	19 St Thomas Street (amended and supplementary to initial submission)
6.	15 St Thomas Street
7.	17 St Thomas Street
8.	10 St Thomas Street
9.	23 St Thomas Street
10.	18 St Thomas Street
11.	1/16 St Thomas Street
12.	3/16 St Thomas Street
13.	11 St Thomas Street
14.	59 Gardyne Street
15.	21 St Thomas Street
16.	Bronte Beach Precinct Committee

The principal issues that are considered planning matters, as per section 4.15 of the Act, raised in these submissions are:

- exceedance of height of buildings and FSR development standards;
- inconsistency with zone objectives and the public interest;
- view loss;
- loss of solar access and daylight;

- visual and acoustic privacy impact;
- operational impacts of the proposed car stacker system, including on traffic flows on St Thomas Street, pedestrian and vehicular safety and noise impacts;
- streetscape and visual impacts; and
- excavation and construction impacts.

The above assessment finds the proposal is not acceptable and are the reasons why the application is not supported. The recommended refusal of this application therefore addresses planning matters raised in the submissions.

In relation to claims of illegal works occurring at the subject site, this is not a planning matter for consideration and would be required to be investigated through appropriate channels.

2.6. Public Interest

The proposal is considered to have a detrimental effect on the public interest and is recommended for refusal.

3. REFERRALS

3.1. DEAP

The application was referred to the DEAP for comment on 14 July 2021. As identified earlier in this report, the DEAP considered the proposed development against the design quality principles of SEPP 65 and found that the development does not satisfy all design principles of SEPP 65 as notable amendments would be required.

3.2. Traffic and Transport

Council's Engineer and Manager, Traffic and Transport, raised concern about the proposed two sets of triple car stackers and the width of the proposed driveway, however, recommended conditions of consent to overcome these issues, including reducing the parking capacity of each stacker to two instead of three.

3.3. Fire Safety

Council's Senior Building Surveyor – Fire Safety reviewed the application together with the BCA Assessment and Fire Safety Upgrade Report that accompanied the application and recommended additional fire safety upgrading works pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000*.

3.4. Stormwater

Council's Public Infrastructure Engineer objected to the stormwater plans submitted with the application and recommended deferral of the application to address the inadequacies of the stormwater plans. Given the application is recommended for refusal, this refusal recommendation resolves this matter.

3.5. Waste Management

Council's Waste Management Officer was not satisfied with the number of bins for general waste, waste and recycling based on the proposal. Nonetheless, conditions of consent were recommended to overcome this issue.

3.6. Tree Management

Council's Tree Management Officer raised no objection to the application, subject to conditions.

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 refusal.

Development and Building Unit (DBU) Decision:

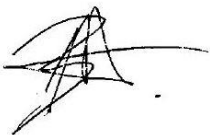

The application was reviewed by the DBU at the meeting on 27 July 2021 and the DBU determined:

(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/J Zancanaro.*

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:
	
Ben Magistrale	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 12 October 2021	Date: 14 October 2021

Reason for WLPP referral:

1. Contentious development (10 or more objections)
2. Departure from any development standard in an EPI by more than 10%
3. Sensitive development:
 - (a) SEPP 65 development

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 the objectives of the Act, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.
2. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable building height of 8.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties by causing view loss and overshadowing contrary to clause 4.3 (1) (a) and (d) of WLEP.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.5:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

The proposal is considered an overdevelopment of the 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 WLEP.

3. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following environmental planning instruments:

- a. *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)* as the proposal fails to satisfy the following design quality principles specified by Schedule 1 of SEPP 65:

- i. *Principle 1 – Context and neighbourhood* as the proposal exceeds the height of buildings and FSR development standards under WLEP, contrary to the existing and desired urban form and built form qualities of the surrounding neighbourhood.
- ii. *Principle 2 - Built form and scale* as the building envelope of the proposal is excessive and constitutes overdevelopment of the site.
- iii. *Principle 3 – Density* as the density of the proposal is significantly greater than what can be suitably and reasonably achieved based on the site's area and dimensions.

- iv. *Principle 6 – Amenity* as the design of proposal does not positively influence external residential amenity for neighbouring properties.

- 4. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

Part B1 Waste

- a. Control (a) under section 1.4.3.1 *General*, as the proposed bin storage area is expected to be visible from St Thomas Street and not visually and physically integrated into the design of the building.

Part B12 Design Excellence

- b. Control (c) under section 12.1 *Design*, as the proposal results in determinantal impacts upon private views and vistas.

Part B17 Inter War Buildings

- c. Section 3.22.1 *General*, specifically objective (d) as the proposal will enlarge the height, bulk and scale of the building with a contemporary roof addition and will not preserve the character of the streetscape.

Part C3 Other Residential Development

- d. Section 3.1 *Site, Scale and Frontage*, specifically objectives (a) and (d) and controls (b) and (c), as the proposal exceeds the maximum FSR permitted and results in unacceptable impacts. The subject site cannot accommodate the scale of the proposal.
- e. Section 4.2 *Height*, specifically objectives (a) and (c) and control (a), as the proposal exceeds the maximum height permitted and does not respond to the desired scale and character of the street and locality.
- f. Section 3.3.2 *Setbacks*, specifically objectives (a) and (b) and controls (a) and (b) as the proposal is set back less than the applicable minimum side and rear setback controls and causing limited visual and acoustic privacy, solar access and view sharing between buildings.
- g. Section 3.5 *Building design and streetscape*, specifically objectives (a) and (b) and control (b) as the overall massing, bulk and scale of the proposal are excessive and contrary to the existing and desired future streetscape.'
- h. Section 3.6 *Attic and roof design*, specifically objectives (b) – (c) and controls (a) –(f) as the expansive volume and massing of proposed roof addition unreasonably impact on the amenity of adjoining properties and do not respond well to the scale and character of the subject building and its context.

- i. Section 3.9 *Landscaping*, specifically objective (d) and controls (b) and (c) as the proposal reduces landscaped area and deep soil planting to less than the minimum quantum requirements.
 - j. Section 3.13 *Solar access and overshadowing*, specifically objective (d) as the excessive FSR and building height of the proposal results in unreasonable overshadowing impacts upon neighbouring properties.
 - k. Section 3.14 *Views and view sharing*, specifically objective (a) and controls (a), (b) and (g), as the proposal results in unreasonable and unacceptable view loss impact upon neighbouring properties.
 - l. Section 3.15 *Visual privacy and security*, specifically objectives (a) and (b) and controls (d) and (e) as the proposal will result in unreasonable visual privacy impacts upon neighbouring properties.
- 5. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1 of the Regulations, including but not limited to:
 - a. A housing report to accurately assess the effect of the proposal on existing affordable rental units of the residential flat building on the site with respect to Part 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
 - b. With respect to SEPP 65, the Statement of Environmental Effects does not explain how the design quality principles are addressed in the development.
 - c. Multiple section drawings that detail and clearly demonstrate floor to ceiling heights for all habitable and non-habitable rooms inside the proposed unit, including (but not limited to) bulk heads and other encumbrances. This is required to accurately assess the proposed development against Part 4C (Ceiling heights) of the ADG.
- 6. 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.
- 7. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
- 8. 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.
- 9. 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.

14 ST THOMAS STREET, BRONTE DEVELOPMENT APPLICATION

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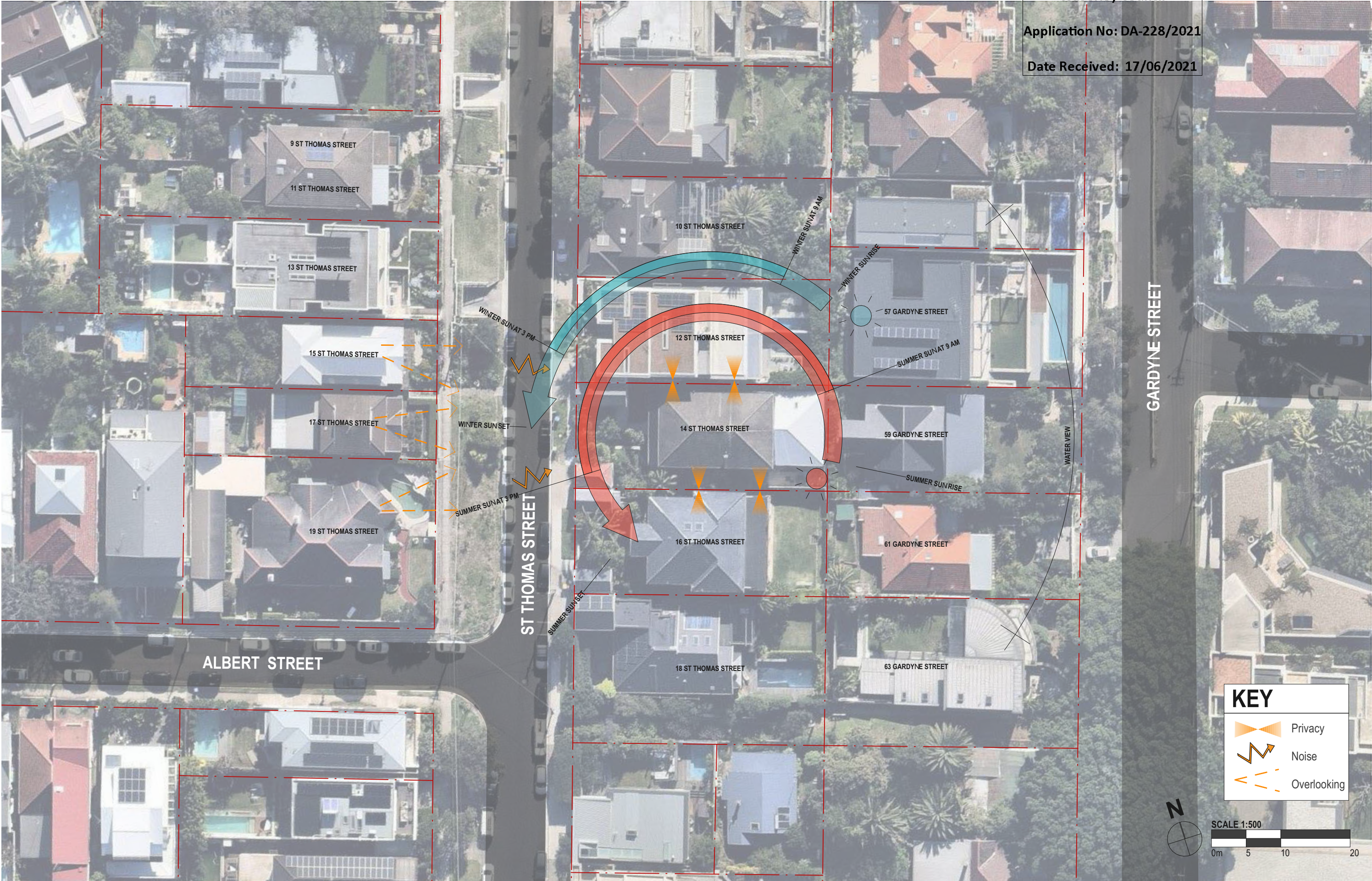
Application No: DA-228/2021

Date Received: 17/06/2021



DRAWING LIST			LEGEND	
		Scale @ A3	Code	Description
A 000 GENERAL INFORMATION			AW	Awning, metal
A-000	COVER PAGE	1:2000	BKR	Bicycle racks
A-001	SITE ANALYSIS	1:500	BOL	Bollard, fold down
A 050 DEMOLITION PLANS			CFC	Compressed fibre cement
A-050	LOWER GROUND FLOOR DEMOLITION PLAN	1:200	CO2	Class 2 off form concrete
A-051	GROUND FLOOR DEMOLITION PLAN	1:200	CPT	Carpet
A-052	FIRST FLOOR DEMOLITION PLAN	1:200	D	Entry door
A-053	ROOF DEMOLITION PLAN	1:200	DP	Down pipe
A 100 GENERAL ARRANGEMENT PLANS			DR	Fire drencher
A-100	PROPOSED LOWER GROUND FLOOR PLAN	1:200	FH	Fire Hydrant
A-101	PROPOSED GROUND FLOOR PLAN	1:200	FHBV	Fire hydrant booster valve
A-102	PROPOSED FIRST FLOOR PLAN	1:200	FS	Fire roller shutter
A-103	PROPOSED NEW PLAN (EXISTING ROOF VOID)	1:200	GB	Balustrade, glass translucent
A-104	PROPOSED ROOF PLAN	1:200	GL	Clear glass
A 200 ELEVATIONS			GT	Gate, Metal
A-200	ELEVATIONS -1	1:200	MB	Metal balustrade
A-201	ELEVATIONS -2	1:200	MR	Metal roof, zinc
A-202	ST THOMAS STREET ELEVATION		MW1	Window, steel framed (protected in accordance with BCA clause C3.4)
A-203	STREETSCAPE ANALYSIS		PAV	Permeable paving
A 300 SECTIONS			PAV1	Sandstone paving
A-300	SECTIONS - 1	1:200	RWT	Rain water tank (below ground)
A 400 AREAS			SKY	Skylight
A-400	BUILDING FOOTPRINT + GFA	1:200,	ST	Sandstone
A 500 SHADOW DIAGRAMS			STB	Sandstone block
A-500	SHADOW DIAGRAMS	1:500	T	Tiles
A-501	SHADOW DIAGRAMS - ELEVATION STUDY		TD	Timber deck
A-502	FIRST FLOOR PLAN - 16 ST THOMAS STREET	1:200	TF	Timber floor
A 600 3D VIEWS			X	Existing
A-600	PROPOSED STREET VIEW PERSPECTIVE		XBRRP	Existing brick - rendered and painted
A 700 MATERIAL FINISHES			XST	Existing sandstone wall
A-700	MATERIAL FINISHES			
B-000 APPENDIX				
B-000	APPENDIX			

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				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au							PROJECT NO : 20002	PHASE Development Application	DRAWING NO A-000	REV



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- EXISTING TOPPING SLAB TO BE REMOVED
- ALL EXISTING ROOF AND STRUCTURE TO BE DEMOLISHED
- EXISTING ELEMENTS TO BE DEMOLISHED
- EXCAVATION FOR FUTURE CAR STACKERS

ST THOMAS STREET

12 ST THOMAS STREET

57 GARDYNE STREET

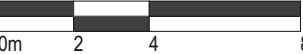
59 GARDYNE STREET

61 GARDYNE STREET

16 ST THOMAS STREET

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SCALE 1:200



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ALL EXISTING ROOF AND STRUCTURE TO BE DEMOLISHED

EXISTING ELEMENTS TO BE DEMOLISHED

EXCAVATION FOR FUTURE CAR STACKERS

ST THOMAS STREET



4.9

NATIONWIDE HOUSE

67.2

ZUBU20X12L 4 Jun 2021

Assessor Duncan Hope

Accreditation No. DMN/14/1658

Address 6 - 14 St. Thomas Street

6/10/2024

NSW 2024

https://www.frs.com.au/QRCodeLanding?PublicId=ZUBU20X12L

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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 054161659 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au	PROJECT NO : 20002	GROUND FLOOR DEMOLITION PLAN		MG, NK			
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												PHASE Development Application	DRAWING NO A-051	REV	

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ST THOMAS STREET



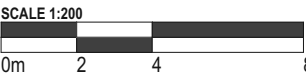
ZUBU20X12L 4 Jun 2021

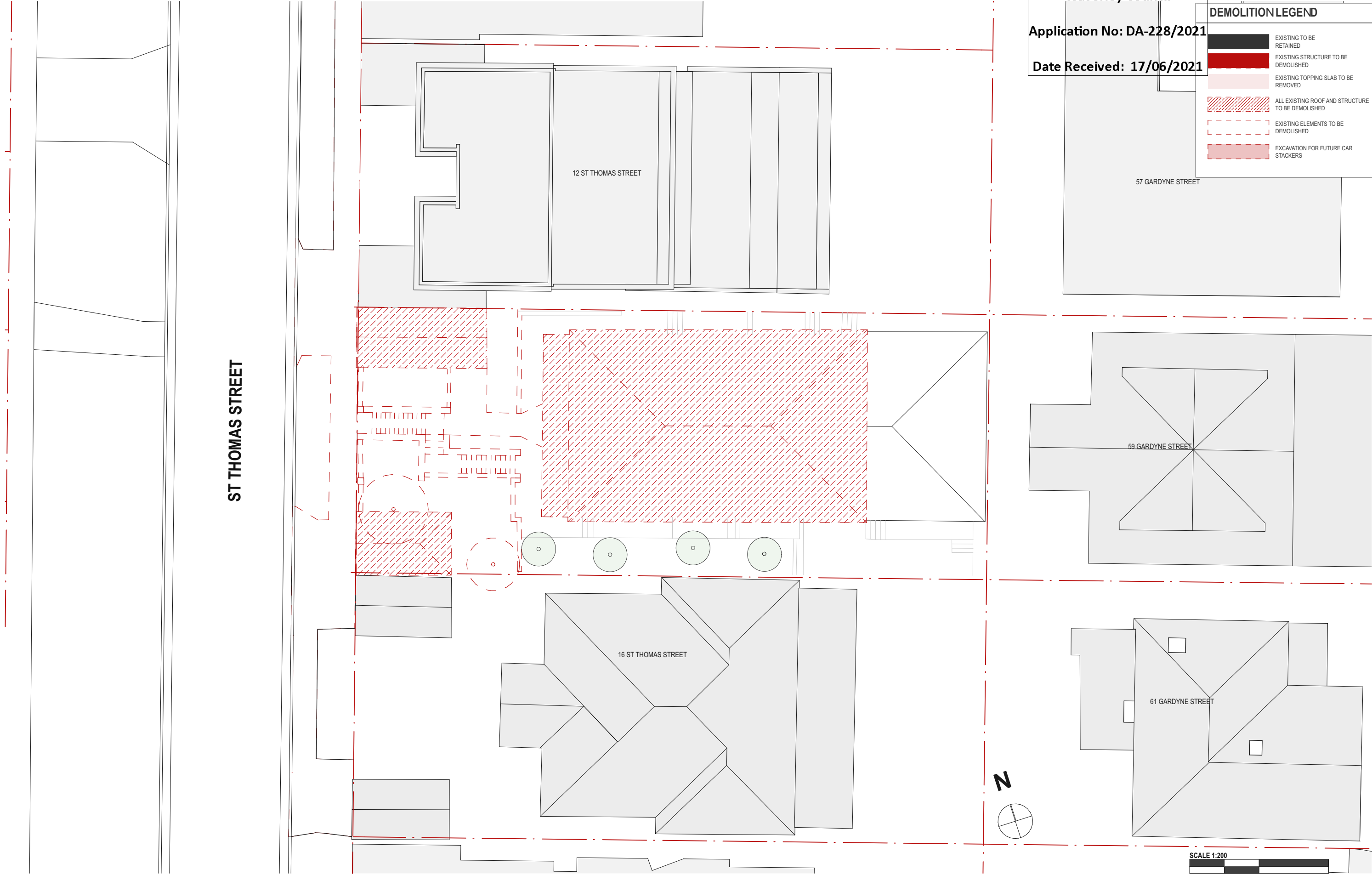
4.9
NATIONWIDE
HOUSE
RATING

67.2
RATING

Assessor: Duncan Hope
Accreditation No: DMN/14/1658
Address: 6 - 14 St. Thomas Street
BROKERS: NSW 2024
https://www.frs.com.au/QRCodeLanding?PublicId=ZUBU20X12L

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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mng.com.au			CHECKED TG		
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au							SCALES 1:200	DATE 5/3/21	
											PHASE Development Application	DRAWING NO A-052	REV
											PROJECT NO : 20002		

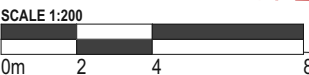




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Application No: DA-228/2021
Date Received: 17/06/2021

DEMOLITION LEGEND

- EXISTING TO BE RETAINED
- EXISTING STRUCTURE TO BE DEMOLISHED
- EXISTING TOPPING SLAB TO BE REMOVED
- ALL EXISTING ROOF AND STRUCTURE TO BE DEMOLISHED
- EXISTING ELEMENTS TO BE DEMOLISHED
- EXCAVATION FOR FUTURE CAR STACKERS



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				PLANNER Planning Ingenuity Phone: 0409319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mng.com.au				ROOF DEMOLITION PLAN	MG, NK			
													CHECKED	TG		
													SCALES	1:200	DATE	5/3/21
													PHASE Development Application	DRAWING NO	A-053	REV

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LEGEND

EXISTING

NEW WORK

ST THOMAS STREET



ZUBU20X12L 4 Jun 2021

4.9

NATIONWIDE HOUSE

67.2

Assessor: Duncan Hope
Accreditation No: DMN/14/1658
Address: 6 - 14 St. Thomas Street
BROCKLE: NSW 2024

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				PLANNER Planning Ingenuity Phone: 0409319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 55416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au			CHECKED TG			
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au							SCALES 1:200	DATE 5/3/21		
											PROJECT NO : 20002	PHASE Development Application	DRAWING NO A-100	REV

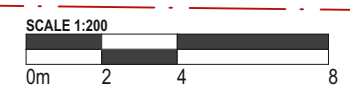
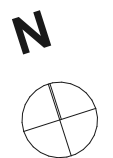
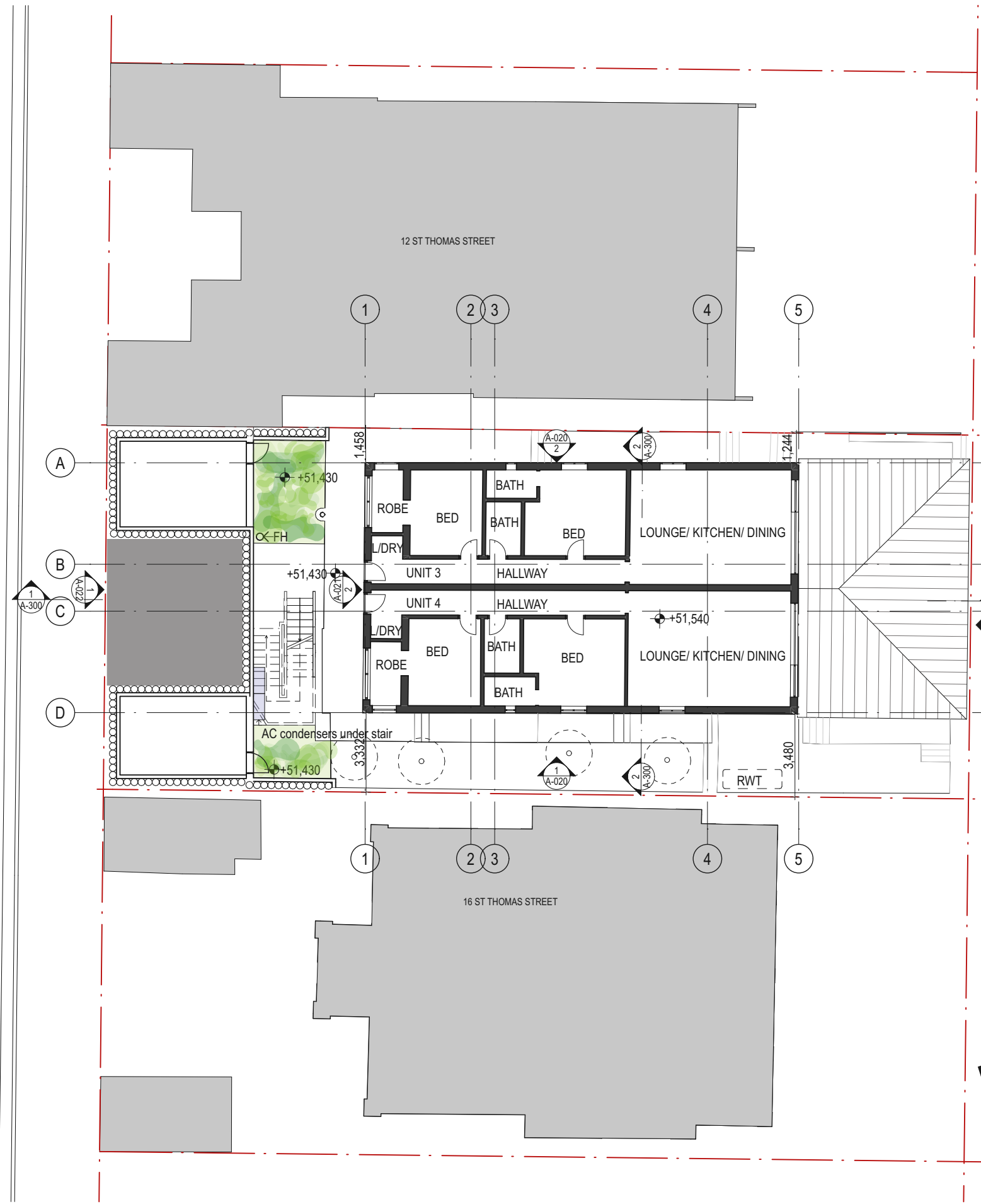
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Waverley Council
Application No: DA-228/2021
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LEGEND

EXISTING

NEW WORK

ST THOMAS STREET



ZUBU20X12L 4 Jun 2021

4.9

NATIONAL HOUSE

67.2

Assessor: Duncan Hope
Accreditation No: DMN/14/1658
Address: 6, 14 St. Thomas Street
BROKERS: NSW 2024
https://www.frs.com.au/QRCodeLanding?PublicId=ZUBU20X12L

DATE	REV	DESCRIPTION:	NOTES:	ACCESS CONSULTANT	ACOUSTIC ENGINEER	BCA CONSULTANT	GEOTECHNICAL ENGINEER	SERVICES ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY
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				PLANNER Planning Ingenuity Phone: 0406319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 05416165 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.benson@mbmpl.com.au	STRUCTURAL ENGINEER MHG Consulting Phone: 0401 990 745 Email: sm@mhg.com.au				CHECKED	MG, NK
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								SCALES	DATE
												1:200	5/3/21
												PHASE	REV
												Development Application	A-101

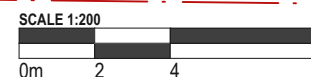
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LEGEND

EXISTING

NEW WORK

ST THOMAS STREET



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				PLANNER Planning Ingenuity Phone: 0406319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 65416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au				CHECKED	TG	
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								1:200	DATE	5/3/21
												PHASE Development Application	DRAWING NO	REV
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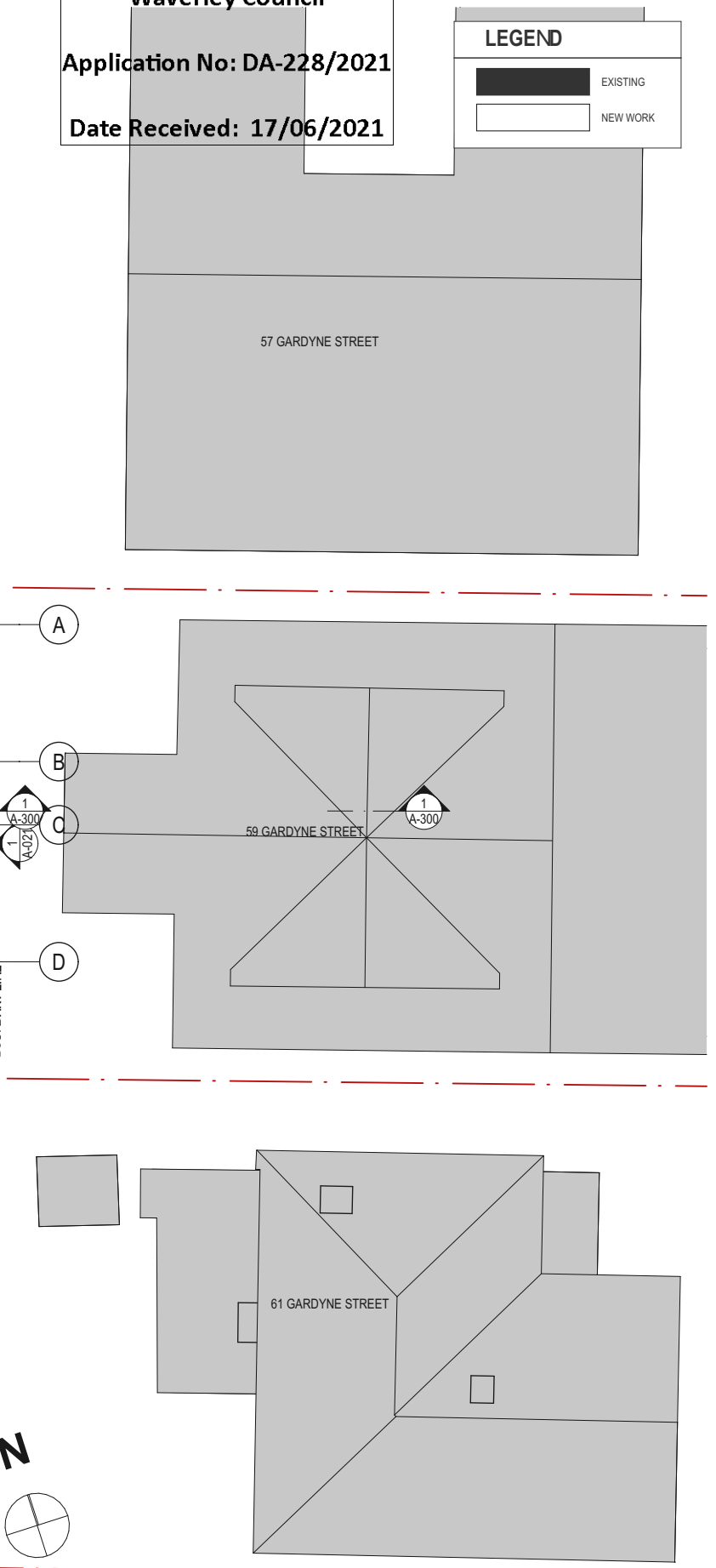
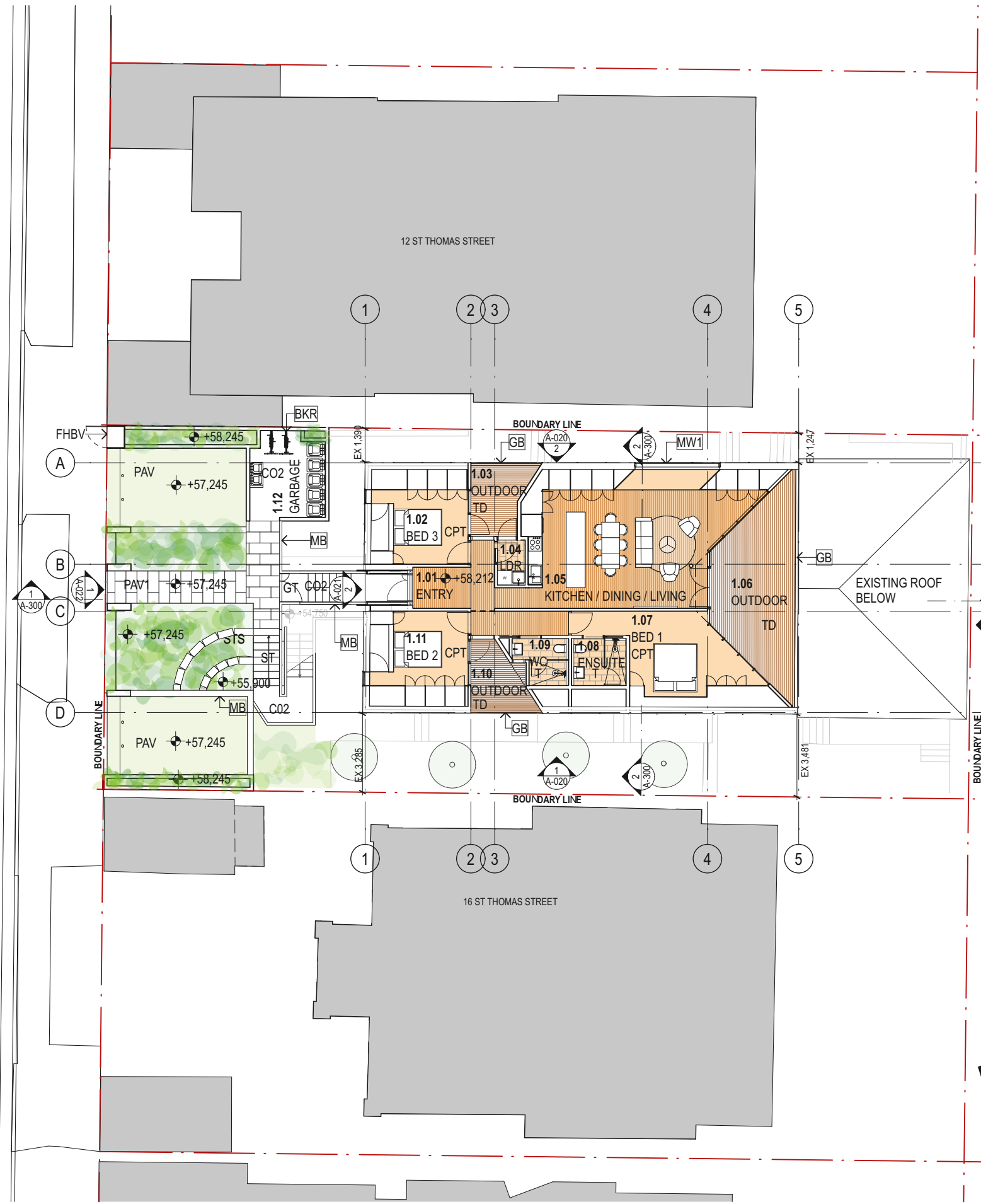
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NEW WORK

ST THOMAS STREET



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Certificate number: 1165702M_03

ZUBU20X12L 4 Jun 2021

4.9

Assessor: Duncan Hope
Accreditation No: DMN/14/1658
Address: 6, 14 St. Thomas Street
BROOKLYN NSW 2024

67.2

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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.benson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 590 745 Email: sm@mg.com.au				SCALES	1:200	CHECKED	DATE	5/3/21
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								PHASE	Development Application	DRAWING NO	A-103	REV

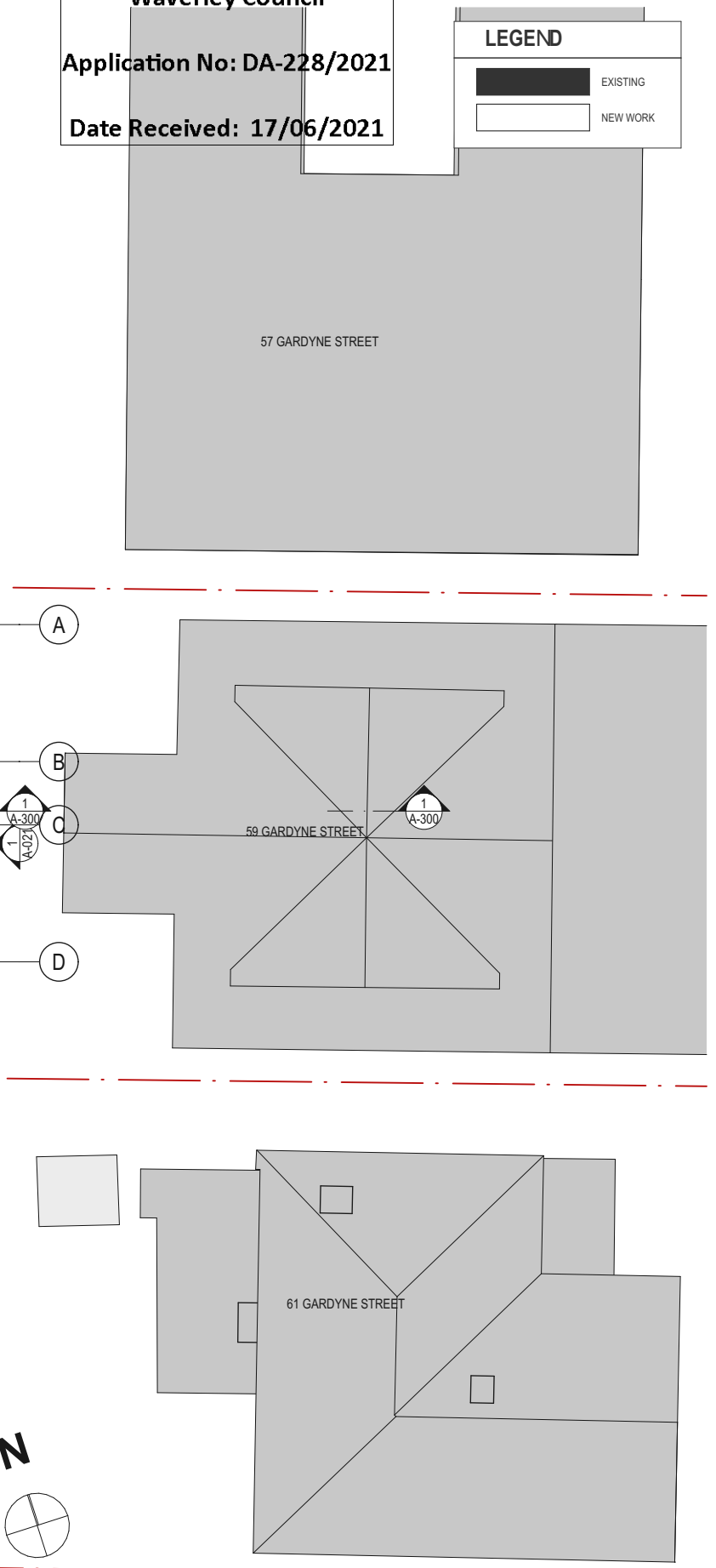
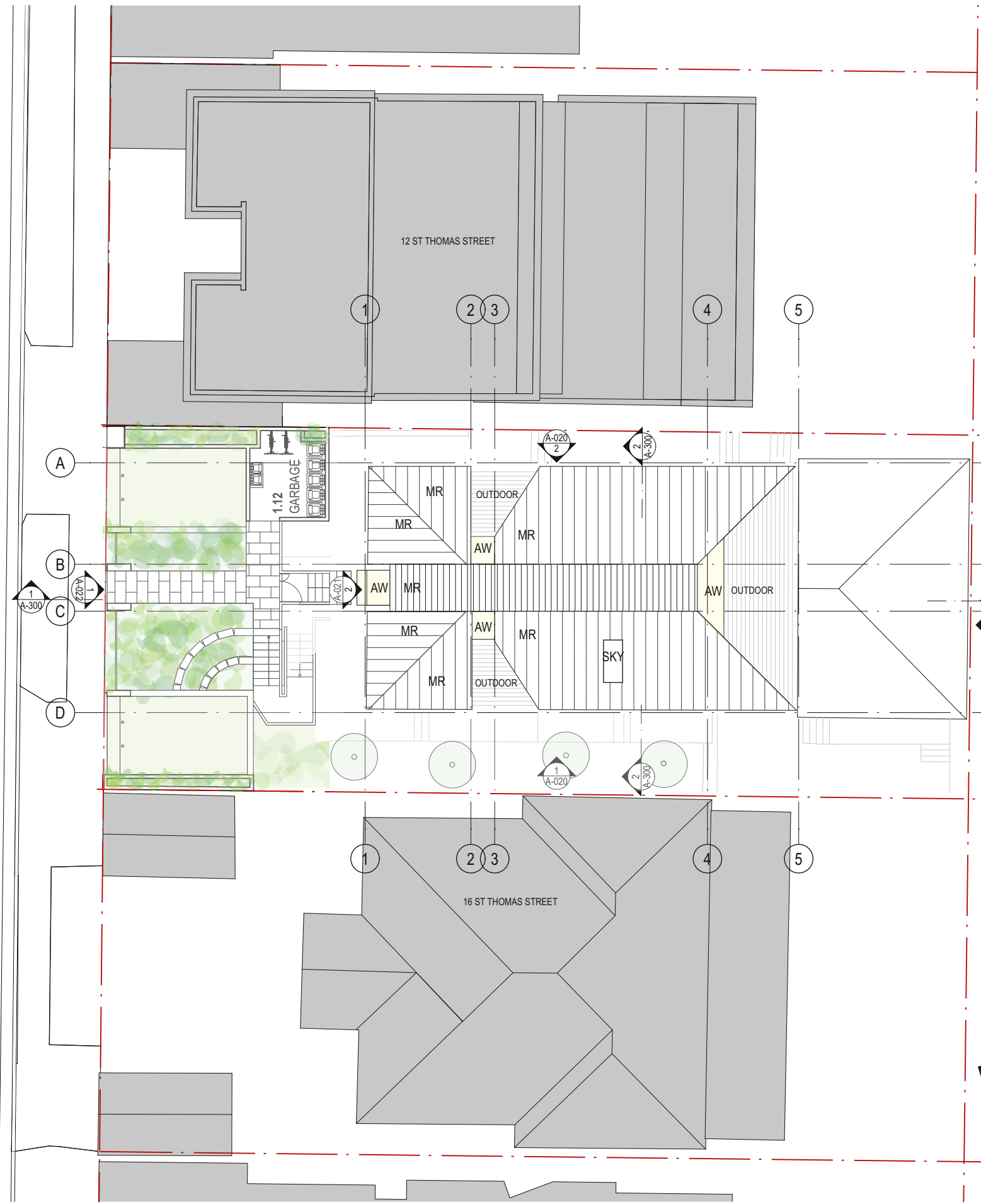
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LEGEND

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NEW WORK

ST THOMAS STREET



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ZUBU20X12L 4 Jun 2021

4.9

Assessor: Duncan Hope
Accreditation No: DMN/14/1658
Address: 6, 14 St. Thomas Street
BROOKLYN NSW 2024

67.2

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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER MHG Consulting Phone: 0401 690 745 Email: sm@mhg.com.au				SCALES	1:200	CHECKED TG	DATE 5/3/21
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								PHASE Development Application	DRAWING NO A-104	REV	

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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 55416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MEM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au				1:200	5/3/21	
				PERSPECTIVE ARTIST Urbanine Phone: 0411 239 796 Email: john@urbanine.com.au						PROJECT NO : 20002		PHASE Development Application	DRAWING NO A-200	REV



1 EAST ELEVATION
1:200

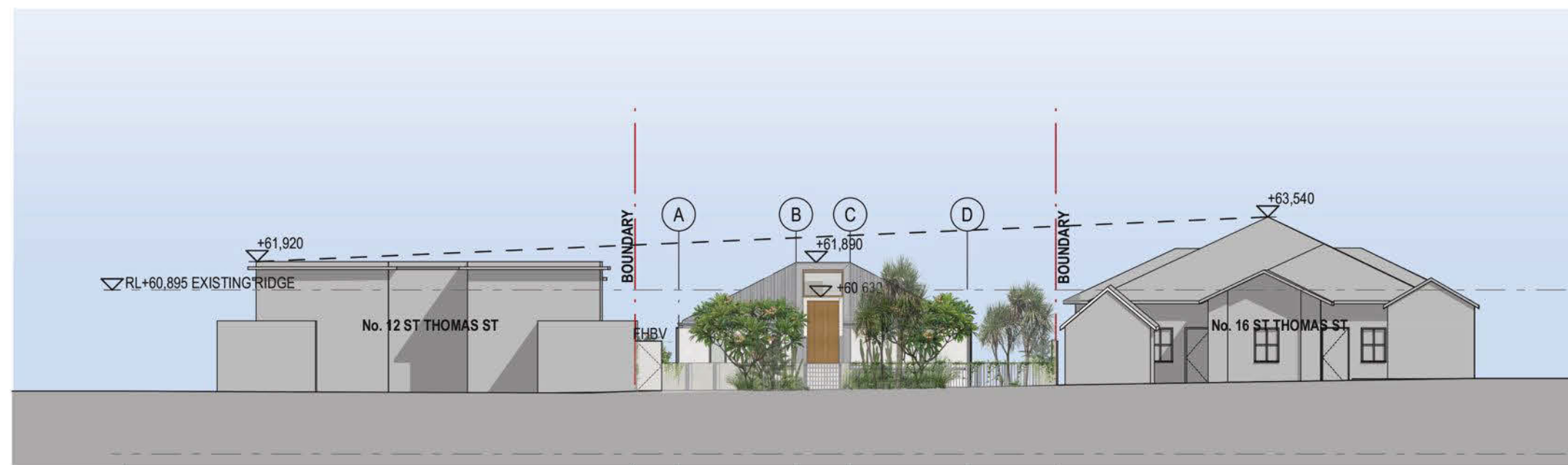


2 WEST ELEVATION
1:200

These drawings are consistent
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Certificate number:
1165702M_03



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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 55416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 690 745 Email: sm@mg.com.au				ELEVATIONS -2	CHECKED TG	
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								SCALES 1:200	DATE 5/3/21	
										PROJECT NO : 20002		PHASE Development Application	DRAWING NO A-201	REV



1 STREET ELEVATION
1:200

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Certificate number:
1165702M_03



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				PLANNER Planning Ingenuity Phone: 0409319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416165 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER MHG Consulting Phone: 0401 990 745 Email: sm@mhg.com.au				SCALES	CHECKED TG	
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au						PROJECT NO : 20002		PHASE Development Application	DRAWING NO A-202	DATE 5/3/21
												REV		



1

ST THOMAS STREET EXISTING STREETSCAPE ELEVATION
1:200



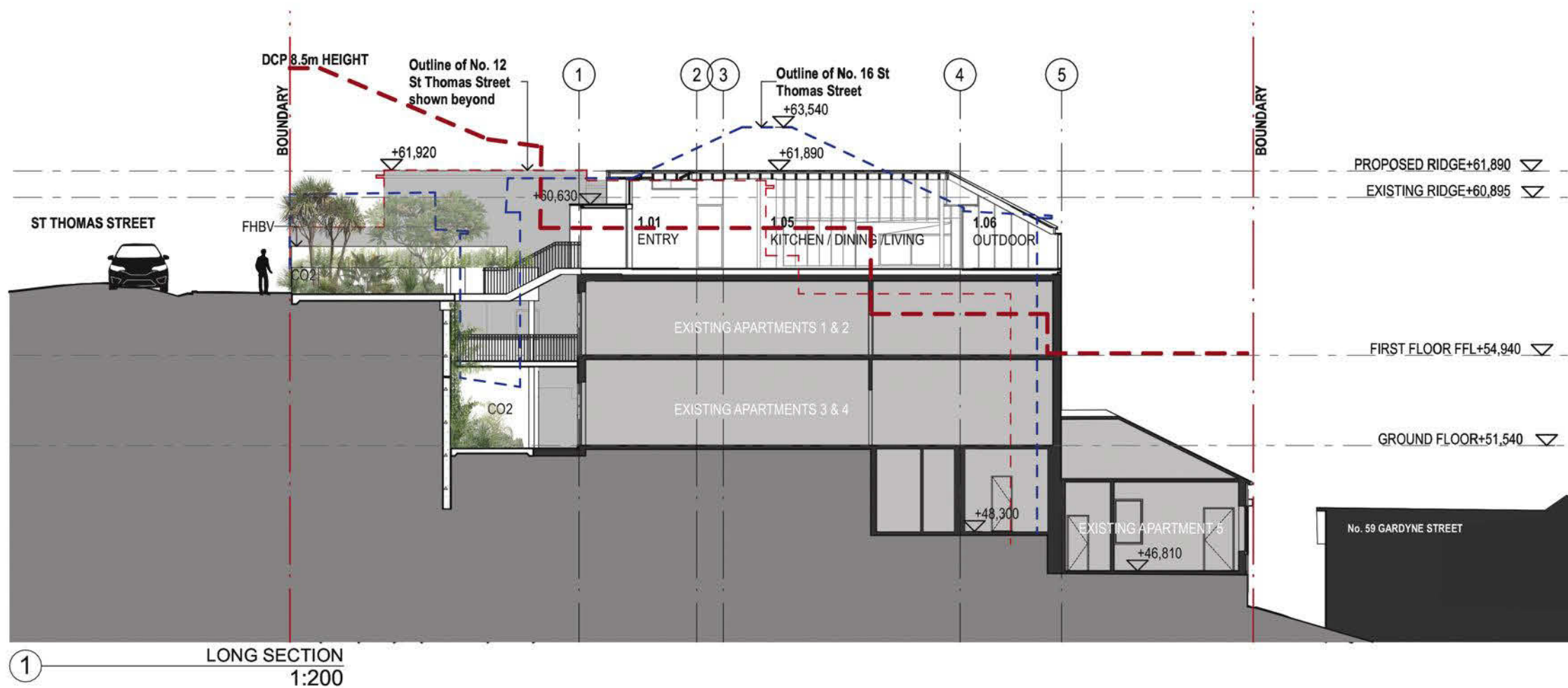
2

ST THOMAS STREET PROPOSED STREETSCAPE ELEVATION
1:200

These drawings are consistent
with the BASIX commitment.
Certificate number:
1165702M_03



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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au			CHECKED TG		
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au							DATE 5/3/21		
											1:200		
											PHASE Development Application	DRAWING NO A-203	REV





4.9

**NATIONWIDE
HOPE**

EMERGENCY RATING AGENCY

67.2

Mark

www.nathanshope.org.au

ZUBU20X12L 4 Jun 2021

Assessor Duncan Hope

Accreditation No. DMN/14/1658

Address

6, 14 St Thomas Street

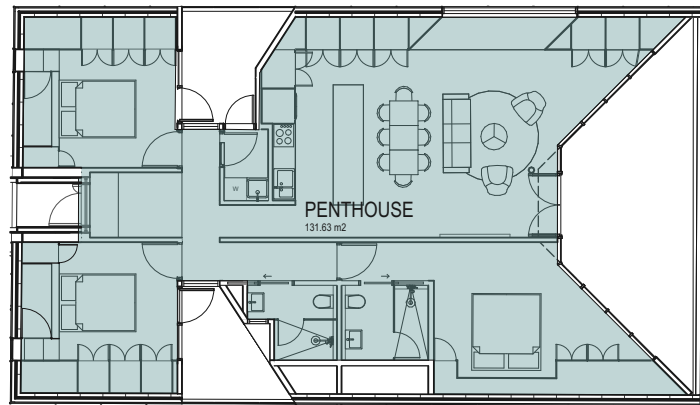
BRONTE

NSW 2024



<https://www.frs.com.au/QRcode/Landing?PublicId=ZUB>

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			Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Code Performance Phone: 0488030020 Email: michael@codeperformance.com.au	Surplan Phone: 0409444113 Email: matt@surplan.com.au	Blackett Maguire and Goldsmith Phone: 02117777 Email: tony@tmplug.com.au	JK Geotechnics Phone: 9888 5000 Email: dbilas@jkgtechnics.com.au	IGS Consultants Phone: 8488 4600 Email: mays.chaluk@igs.com.au	ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	14 ST THOMAS STREET	TOMKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 46002722349 P: (02) 9215 4800 F: (02) 9215 4901 EMAIL info@tzg.com.au WEB www.tzg.com.au	MG, NK			
				PLANNER Planning Integrity Phone: 0409319230 Email: david@planningintegrity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 041812862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: lan.benson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 690 745 Email: sm@mg.com.au				CHECKED	MG, NK		
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: info@urbaine.com.au								TONKIN ZULAIKHA GREER ARCHITECTS	1:200	DATE	5/3/21
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												Development Application	A-300		

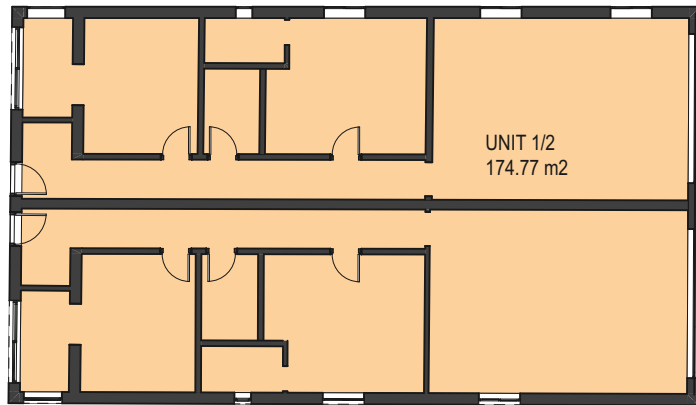


1 PENTHOUSE 1:200

PROPOSED GROSS FLOOR AREA	
NAME	AREA (sqm)
PENTHOUSE	131.63
	131.63 m ²

PROPOSED ADDITIONAL GFA

EXISTING GFA



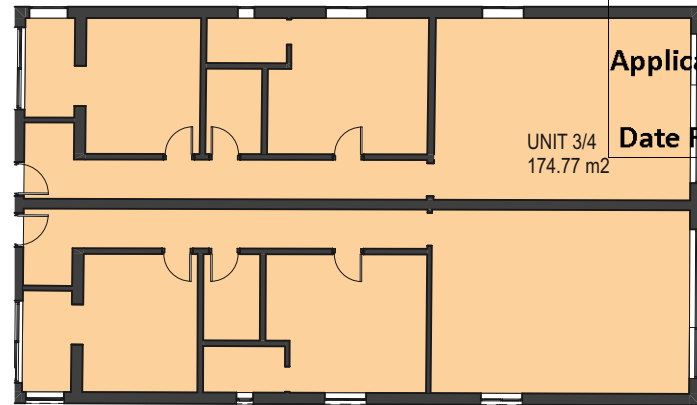
2 LEVEL 1 - UNIT 1/2 GFA 1:200

EXISTING GROSS FLOOR AREA	
NAME	AREA (sqm)
UNIT 1/2	174.77
UNIT 3/4	174.77
UNIT 5	127.52
TOTAL EXISTING	477.06 m ²

SITE AREA 554.2m²

EXISTING FSR 0.86 : 1

PERMISSIBLE FSR 0.5 : 1



3 GROUND FLOOR - UNIT 3/4 GFA 1:200

TOTAL PROPOSED 131.63 m² + 477.06 m²

= 608.69m²

SITE AREA 554.2m²

PROPOSED FSR 1.09 : 1

Application No: DA-228/2021

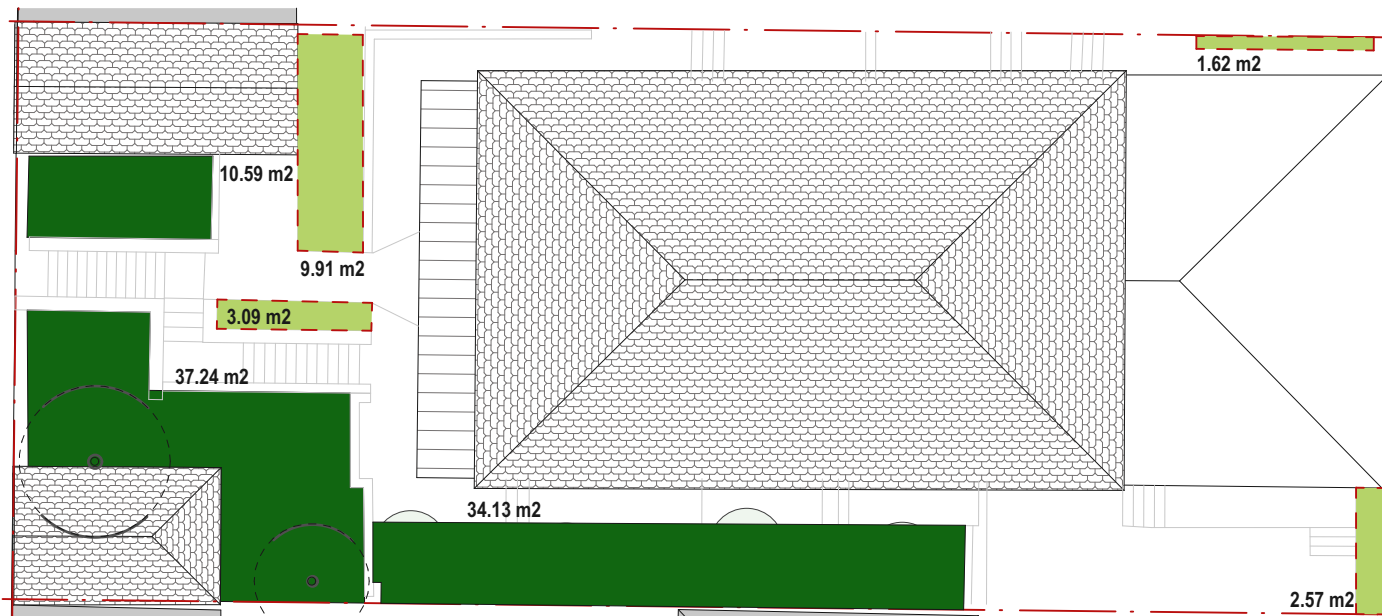
Date Received: 17/06/2021

RECEIVED
Waverley Council

These drawings are consistent
with the BASIX commitment.
Certificate number:
1165702M_03



N



5 EXISTING DEEP SOIL 1:200

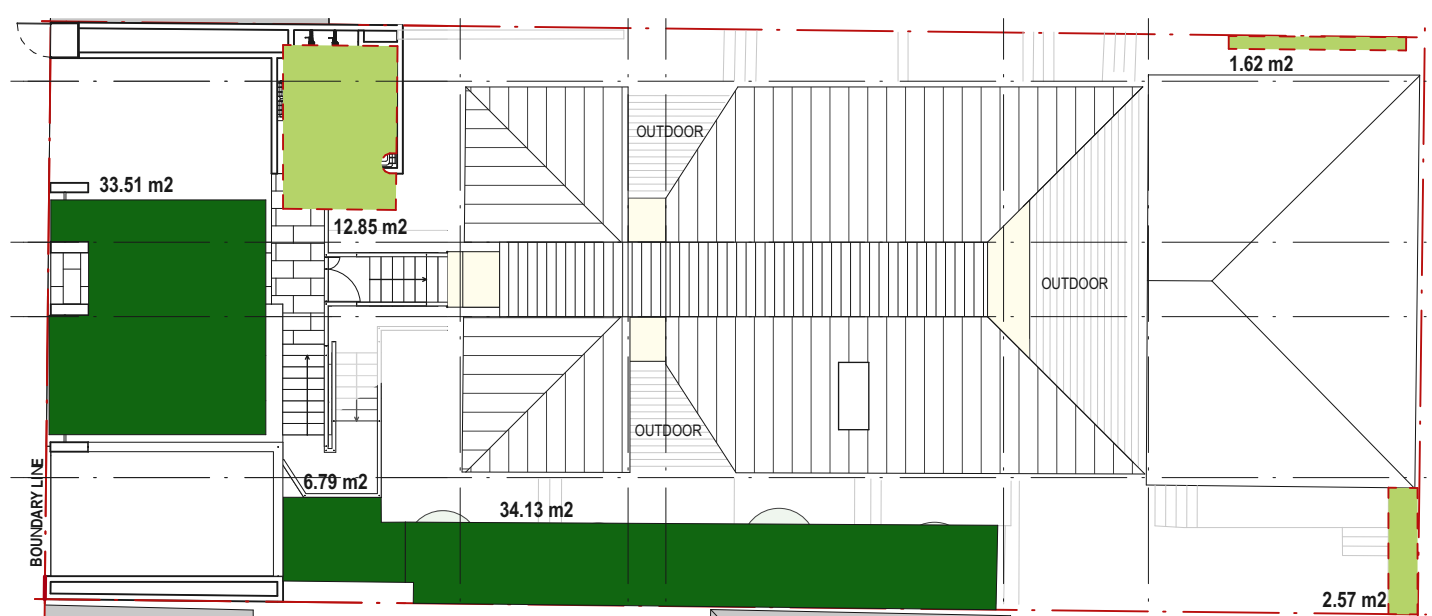
DCP COMPLYING DEEP SOIL AREA

OTHER DEEP SOIL AREAS

EXISTING DEEP SOIL	
NAME	AREA (sqm)
DEEP SOIL	
	10.59
	34.13
	37.24
	81.96 m ²

OTHER	
	1.62
	2.57
	3.09
	9.91
	17.19 m ²

TOTAL EXISTING LANDSCAPED AREA= 99.11



6 PROPOSED DEEP SOIL 1:200

PROPOSED DEEP SOIL	
NAME	AREA (sqm)
DEEP SOIL	
	6.79
	33.51
	34.13
	74.43 m ²

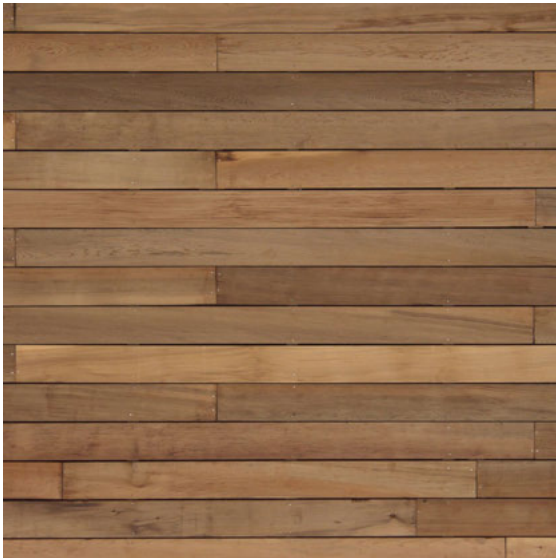
OTHER	
	1.62
	2.57
	12.85
	17.04 m ²

TOTAL PROPOSED LANDSCAPED AREA= 91.47

DATE	REV	DESCRIPTION:	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	ACCESS CONSULTANT Code Performance Phone: 0488038020 Email: michael@codeperformance.com.au	ACOUSTIC ENGINEER Burplan Phone: 0420944413 Email: matt@burplan.com.au	BCA CONSULTANT Blackett Maguire and Goldsmith Phone: 92117777 Email: tony@tmplug.com.au	GEOTECHNICAL ENGINEER JK Geotechnics Phone: 9888 5000 Email: dbliss@jkgotechnics.com.au	SERVICES ENGINEER IGS Consultants Phone: 8488 4600 Email: mays.chalack@igs.com.au	CLIENT: ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	PROJECT : 14 ST THOMAS STREET	ARCHITECT TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 4600272349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL info@tztg.com.au WEB www.tztg.com.au	DRAWING TITLE BUILDING FOOTPRINT + GFA	DRAWN BY MG, NK	
				PLANNER Planning Integrity Phone: 0408319230 Email: david@planningintegrity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 690 745 Email: sm@mg.com.au			CHECKED TG			
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au							SCALES 1:200	DATE 5/3/21		
											PROJECT NO : 20002	PHASE Development Application	DRAWING NO A-400	REV



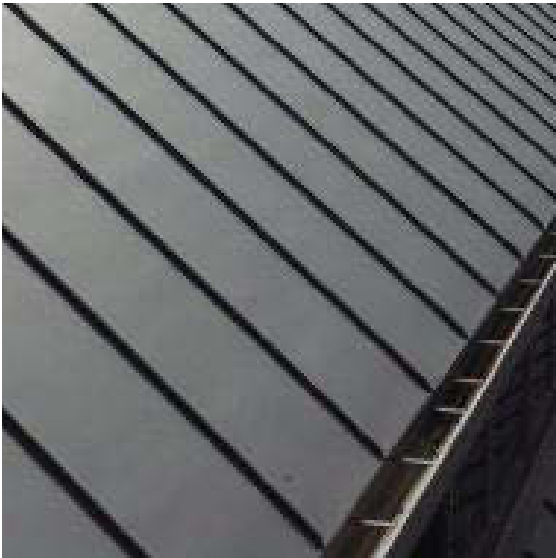
DATE	REV	DESCRIPTION:	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	ACCESS CONSULTANT Code Performance Phone: 0488039020 Email: michael@codeperformance.com.au	ACOUSTIC ENGINEER Surplan Phone: 0420944413 Email: matt@surplan.com.au	BCA CONSULTANT Blackett Maguire and Goldsmith Phone: 92117777 Email: tony@bmplusg.com.au	GEOTECHNICAL ENGINEER JK Geotechnics Phone: 9888 5000 Email: dbliss@jgeotechnics.com.au	SERVICES ENGINEER IGS Consultants Phone: 8488 4600 Email: mays.chalak@igs.com.au	CLIENT: ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	PROJECT : 14 ST THOMAS STREET	ARCHITECT TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 4600272349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL info@tztg.com.au WEB www.tztg.com.au	DRAWING TITLE	DRAWN BY		
												PROPOSED STREET VIEW PERSPECTIVE	MG, NK		
													CHECKED	TG	
													SCALES	DATE	
														5/3/21	
													PHASE	DRAWING NO	REV
										PROJECT NO : 20002		Development Application	A-600		



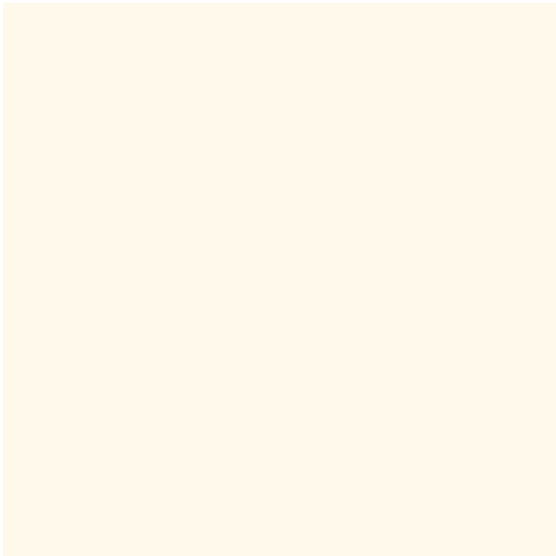
TD - TIMBER DECK



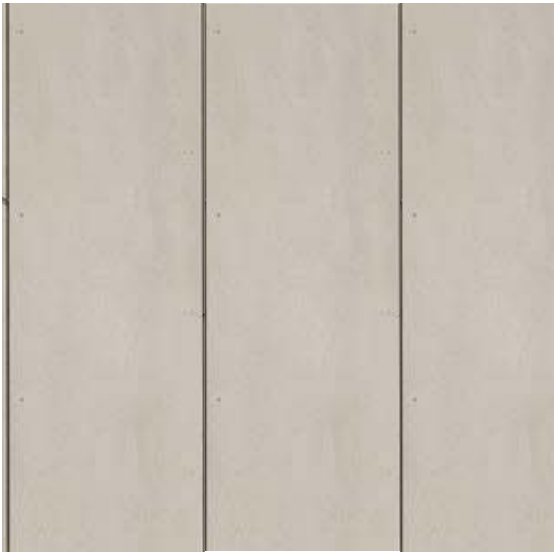
TF - TIMBER FLOOR



MR - ZINC METAL ROOF



AW - BRAKE PRESSED ALUMINIUM AWNING



CFC - COMPRESSED FIBRE CEMENT



GL - GLASS, CLEAR

These drawings are consistent with the BASIX commitment.
Certificate number: 1165702M_03

4.9

NATIONWIDE HOUSE

67.2

Assessor

Duncan Hope

Accreditation No.

DMN/14/1658

Address

6 - 14 St. Thomas Street

BRICKWATE

NSW 2024

https://www.frs.com.au/QRCodeLanding?PublicId=ZUBU20X12L

U20X12L

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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER MHG Consulting Phone: 0401 990 745 Email: sm@mg.com.au				CHECKED	TG	
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au						PROJECT NO : 20002		SCALES	DATE	
												PHASE Development Application	DRAWING NO A-700	REV


APPENDIX

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Application No: DA-228/2021

Date Received: 17/06/2021

		Scale @ A3
B-000 APPENDIX		
B-000	CDC SET BACK ANALYSIS PLAN	1:500
B-001	CDC COMPLIANT ENVELOPE STUDY	1:200
B-002	SHADOW DIAGRAMS - CDC COMPLIANT ENVELOPE	
B-003	DCP SET BACK ANALYSIS PLAN	1:500
B-004	DCP COMPLYING ENVELOPE STUDY	1:200
B-005	SHADOW DIAGRAMS - DCP COMPLIANT ENVELOPE	
B-006	PROPOSED FORM SET BACK ANALYSIS PLAN	1:500
B-007	PROPOSED NEW PLAN (EXISTING ROOF FORM)	1:100
B-008	SHADOW DIAGRAMS - PROPOSED ROOF FORM	
B-009	SHADOW COMPARISON	
B-010	EXISTING FIRST FLOOR PLAN	1:200
B-011	VIEW STUDY - 21 ST THOMAS STREET AT THE CORNER OF ALBERT STREET	
B-012	VIEW STUDY - 19 ST THOMAS STREET GROUND FLOOR	
B-013	VIEW STUDY - 17 ST THOMAS STREET GROUND FLOOR SITTING	

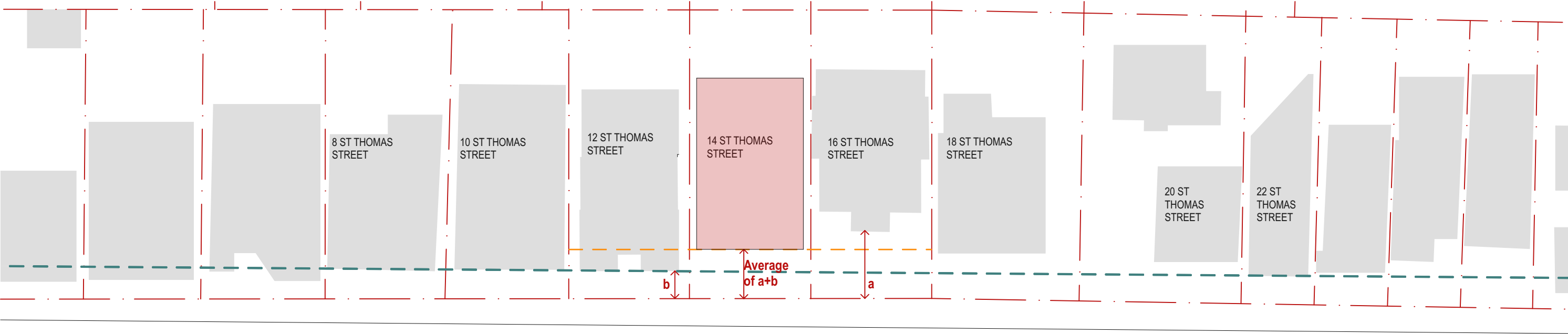
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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER MHG Consulting Phone: 0401 990 745 Email: sm@mhg.com.au				CHECKED TG		
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au						PROJECT NO : 20002		SCALES	DATE 5/3/21	
												PHASE Development Application	DRAWING NO B-000	REV

CDC - AVERAGE DWELLING SETBACK

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Waverley Council

Application No: DA-228/2021

Date Received: 17/06/2021

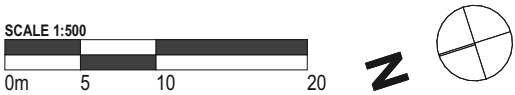


1 CDC COMPLYING ENVELOPE ANALYSIS PLAN
1:500

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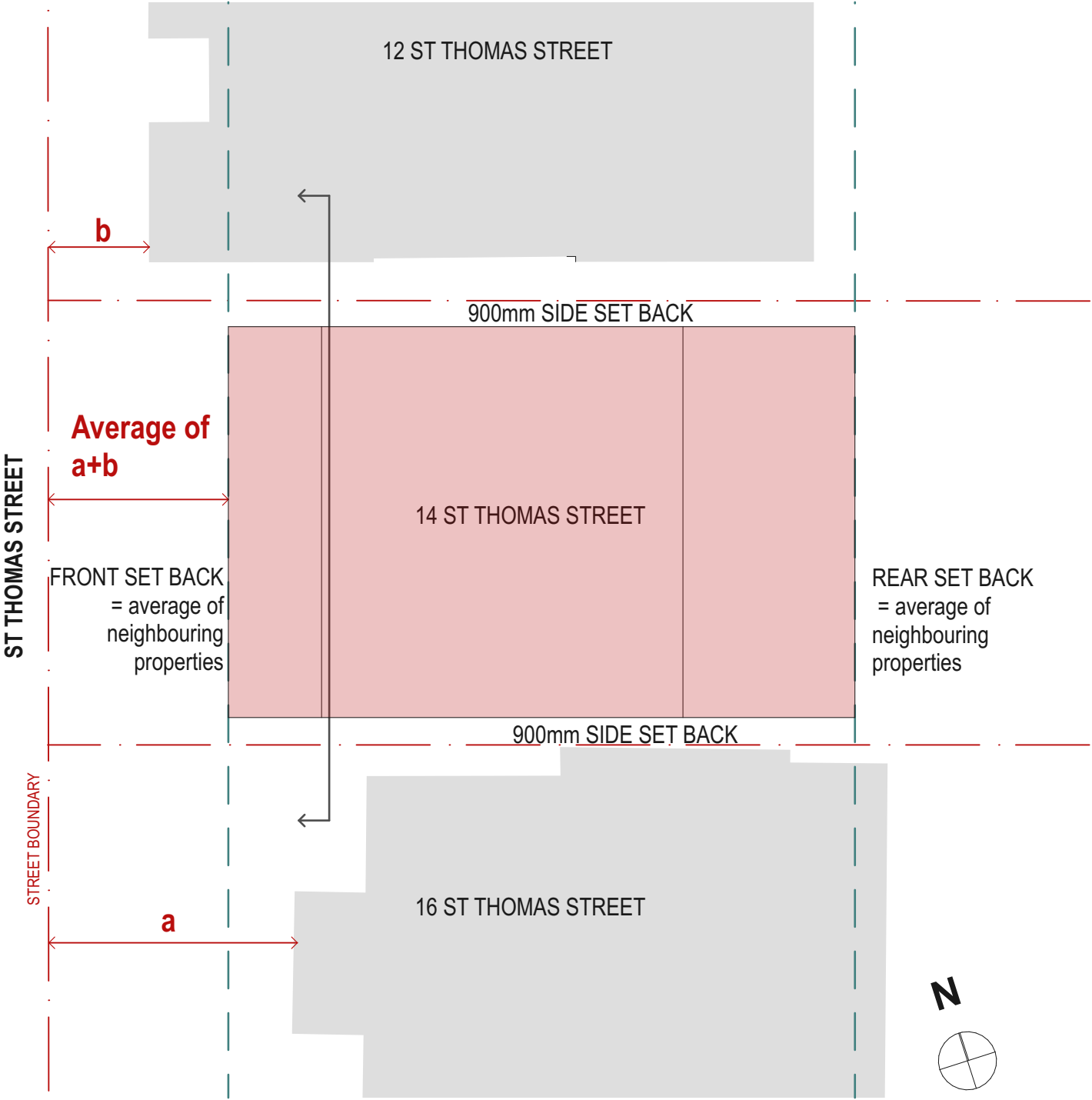
COMPLIANT BUILDING FORM

PREDOMINANT BUILDING SET BACK OF STREET



DATE	REV	DESCRIPTION:	NOTES:	ACCESS CONSULTANT	ACOUSTIC ENGINEER	BCA CONSULTANT	GEOTECHNICAL ENGINEER	SERVICES ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY
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				PLANNER	WASTE MANAGEMENT	LANDSCAPE ARCHITECT	QUANTITY SURVEYOR	STRUCTURAL ENGINEER				SCALES	CHECKED
				Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	MRA Consulting Group Phone: 65416169 Email: James.Cosgrove@mraconsulting.com.au	Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au				1:500	TG
				PERSPECTIVE ARTIST								PHASE	DATE
				Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								Development Application	5/3/21
												DRAWING NO	REV
												B-000	

CDC - ENVELOPE



KEY

COMPLIANT BUILDING FORM

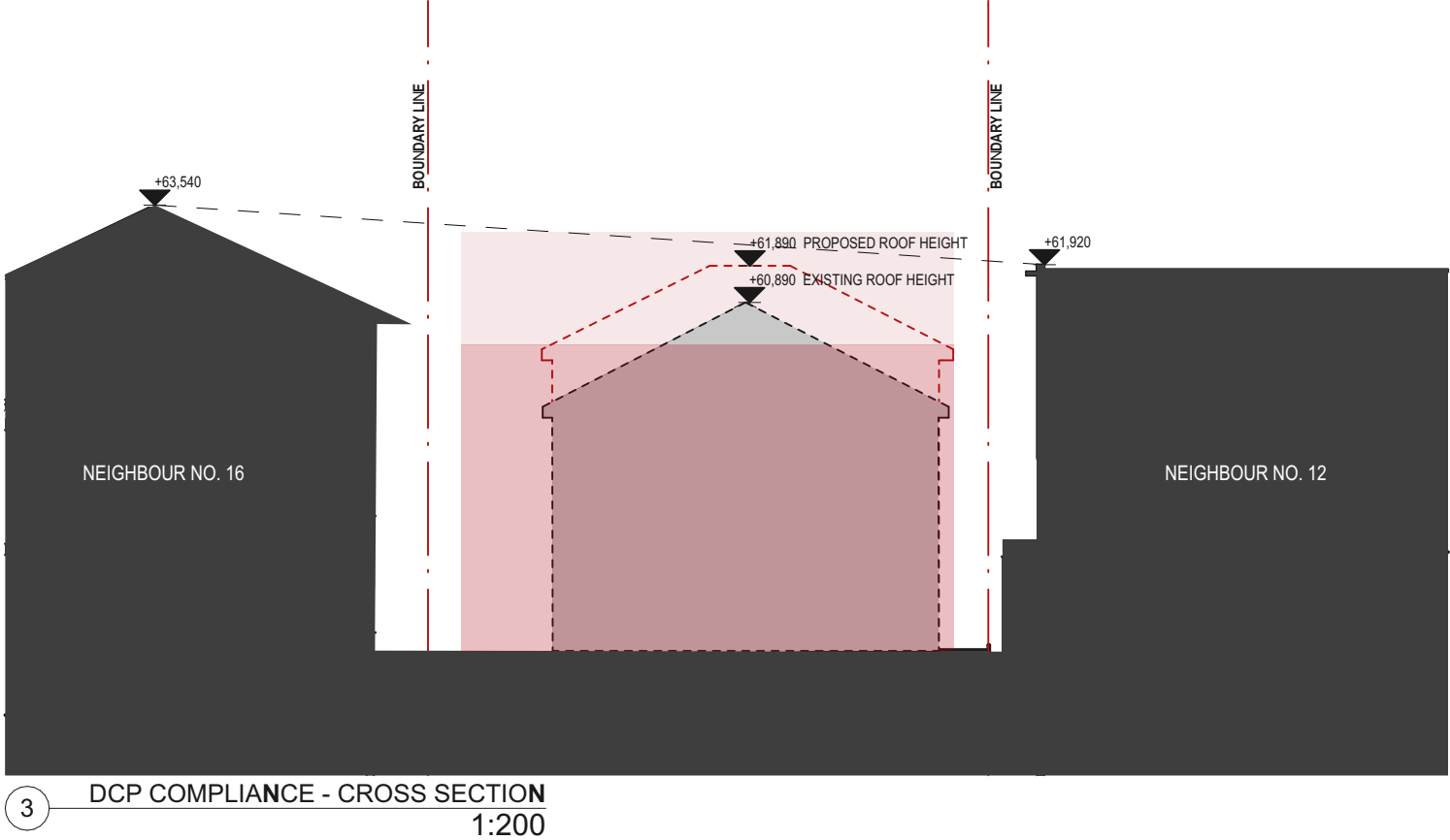
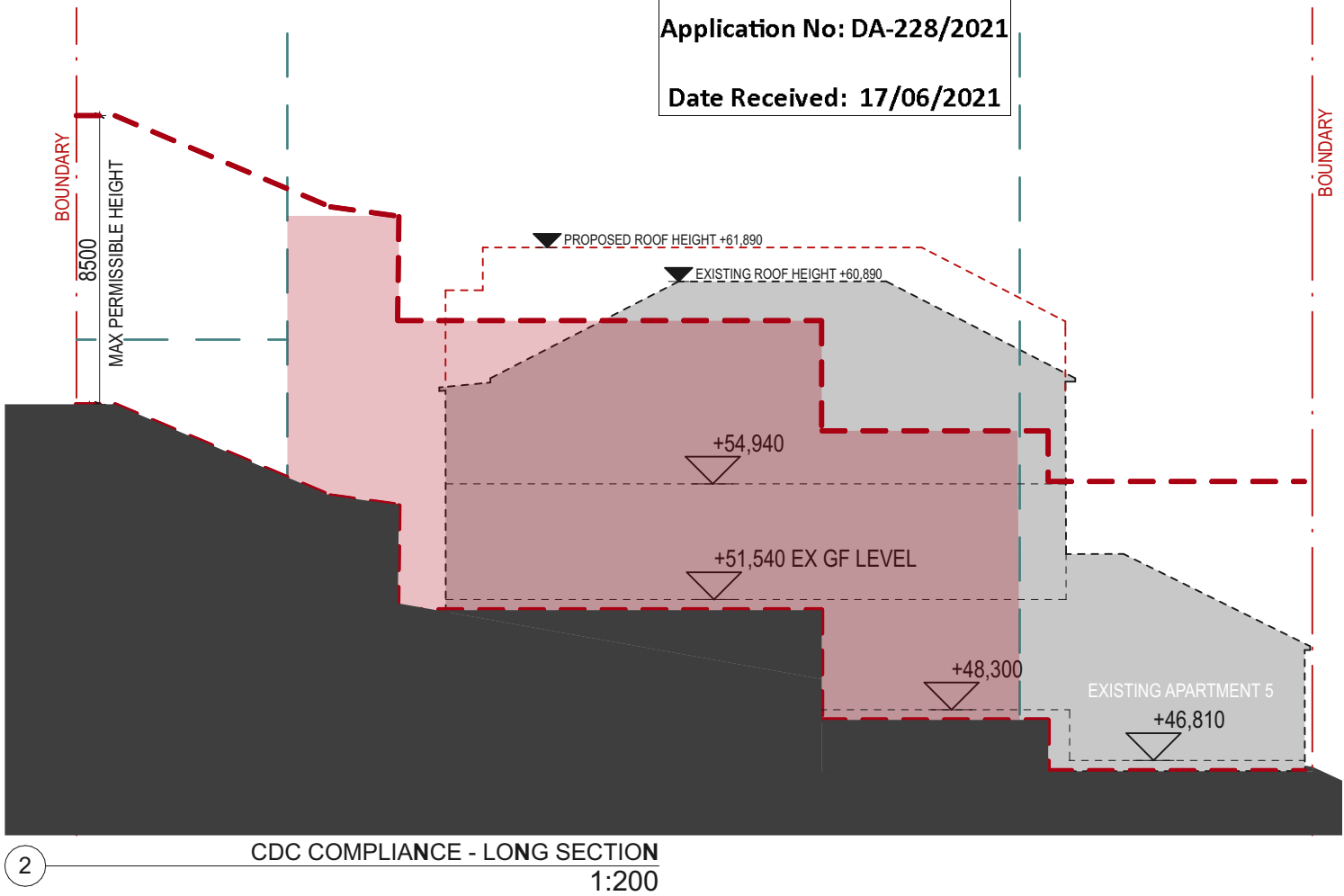
OUTLINE OF EXISTING DWELLING

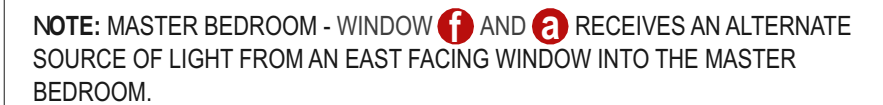
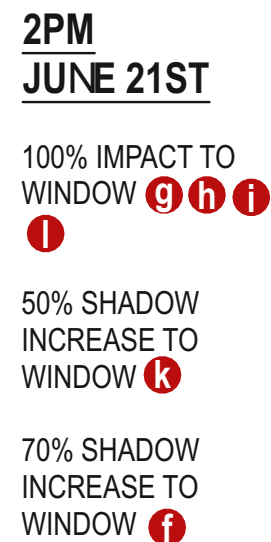
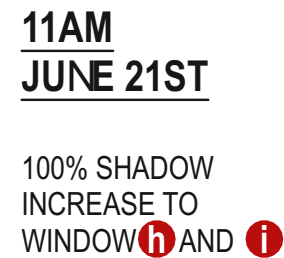
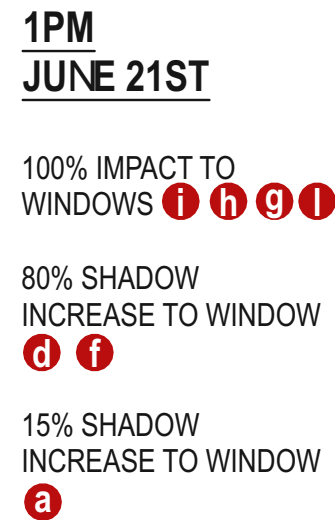
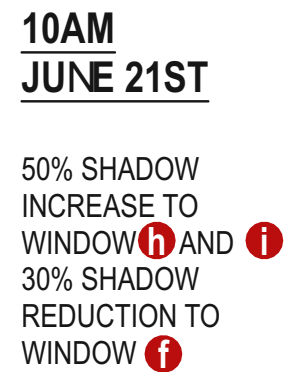
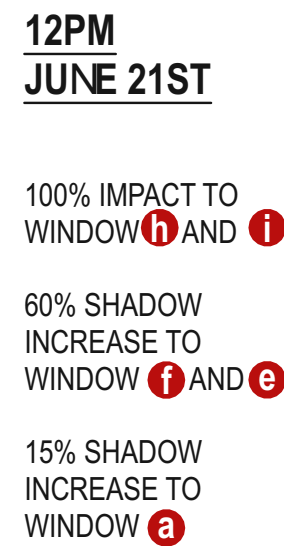
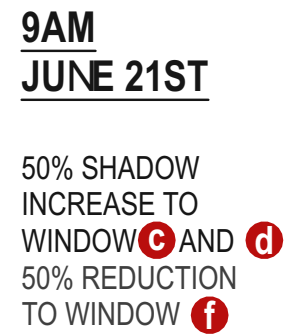
OUTLINE OF PROPOSED DWELLING

AVERAGE DWELLING SET BACK OF NEIGHBOURS

1 CDC COMPLYING ENVELOPE PLAN 1:200

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							PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.benson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au				DRAWING NO B-001	





3PM
JUNE 21ST

100% IMPACT TO WINDOW **g h d**
c b k

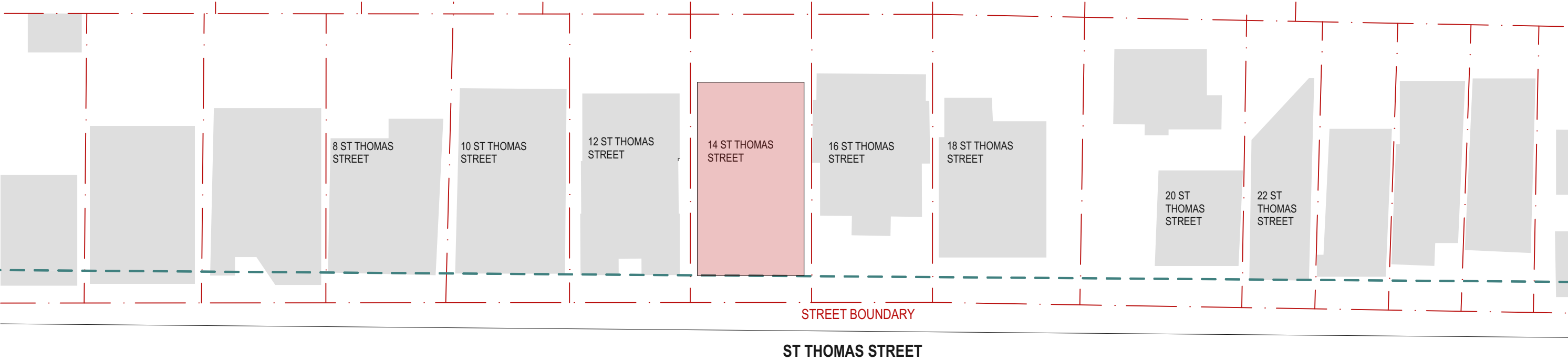
60% SHADOW INCREASE TO WINDOW **f**

20% SHADOW INCREASE TO WINDOW **a**

Page 415 of 625

DCP - ST THOMAS STREET PREDOMINANT DWELLING SETBACK

RECEIVED
Waverley Council
Application No: DA-228/2021
Date Received: 17/06/2021

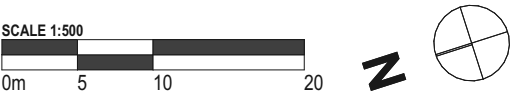


1 DCP COMPLYING ENVELOPE ANALYSIS PLAN
1:500

KEY

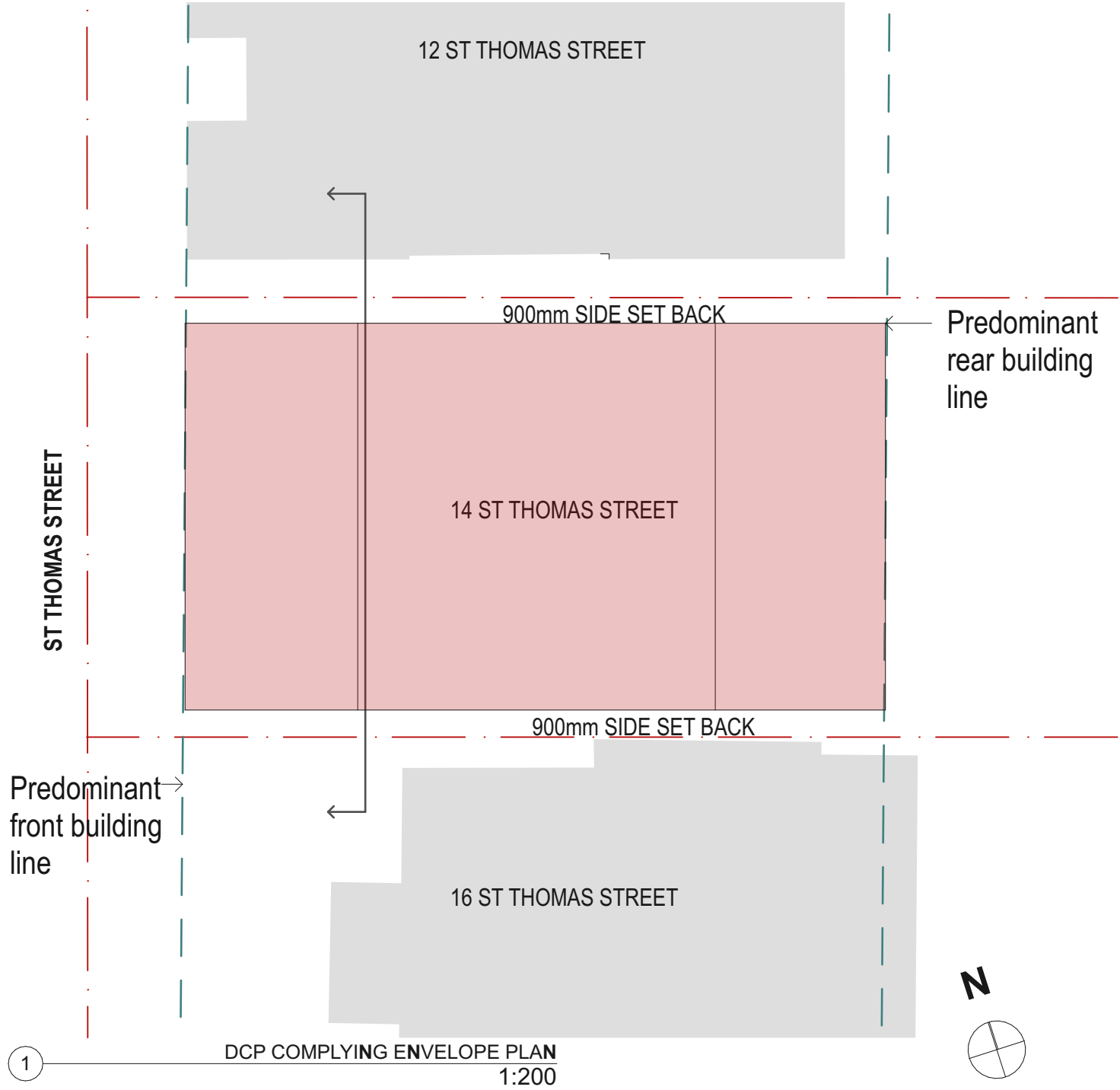
COMPLIANT BUILDING FORM

PREDOMINANT BUILDING SET BACK OF STREET



DATE	REV	DESCRIPTION:	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	ACCESS CONSULTANT Code Performance Phone: 0488038020 Email: michael@codeperformance.com.au	ACOUSTIC ENGINEER Surplan Phone: 0420944413 Email: matt@surplan.com.au	BCA CONSULTANT Blackett Maguire and Goldsmith Phone: 92117777 Email: tony@tmplusg.com.au	GEOTECHNICAL ENGINEER JK Geotechnics Phone: 9888 5000 Email: dbris@jkgotechnics.com.au	SERVICES ENGINEER IGS Consultants Phone: 9488 4600 Email: mays.chalak@igs.com.au	CLIENT: ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	PROJECT : 14 ST THOMAS STREET PROJECT NO : 20002	ARCHITECT TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 46002722349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL info@tztg.com.au WEB www.tztg.com.au	DRAWING TITLE DCP SET BACK ANALYSIS PLAN		DRAWN BY MG, NK
				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au				SCALES 1:500		CHECKED TG
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								DATE 5/3/21		REV
												DRAWING NO B-003		
												PHASE Development Application		

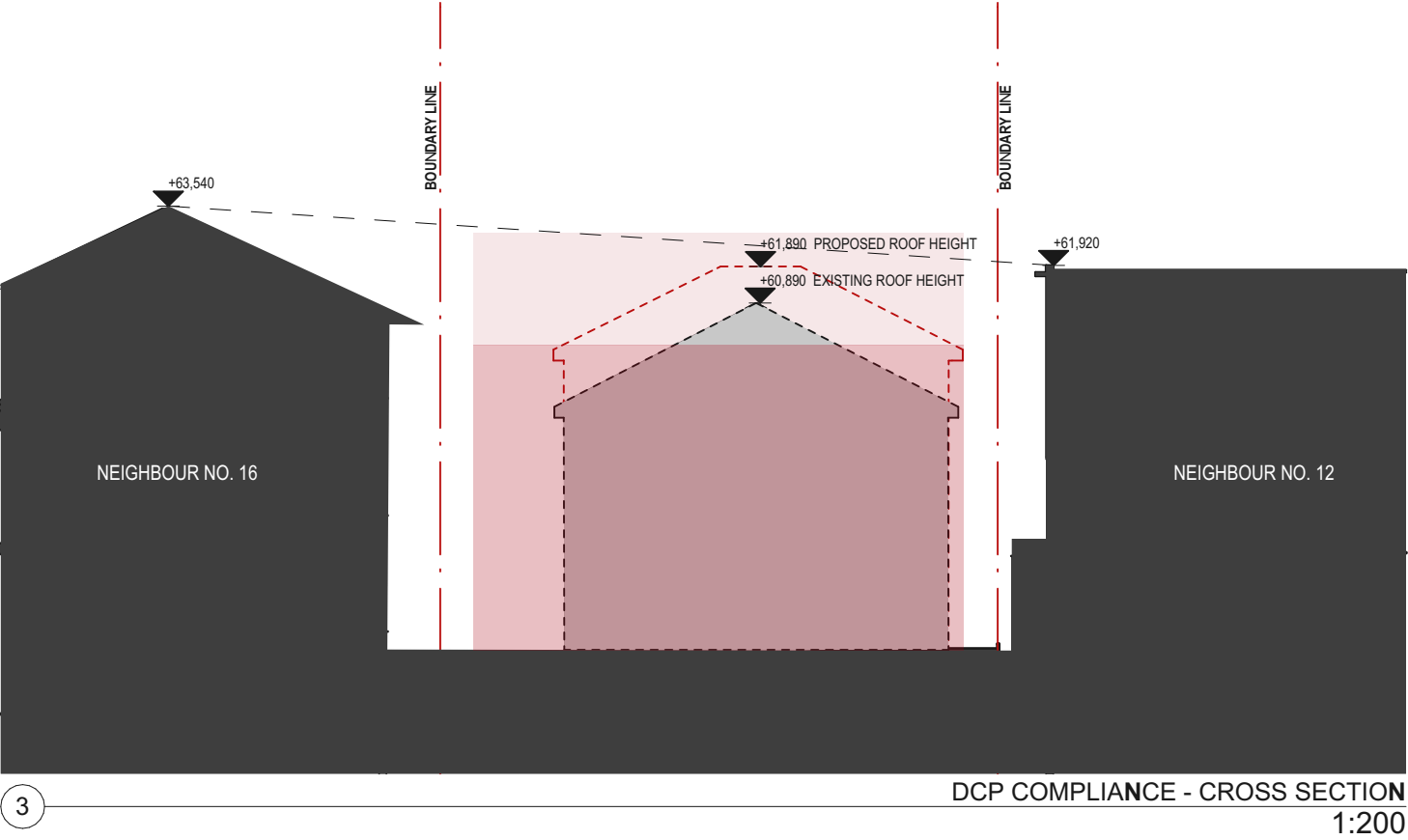
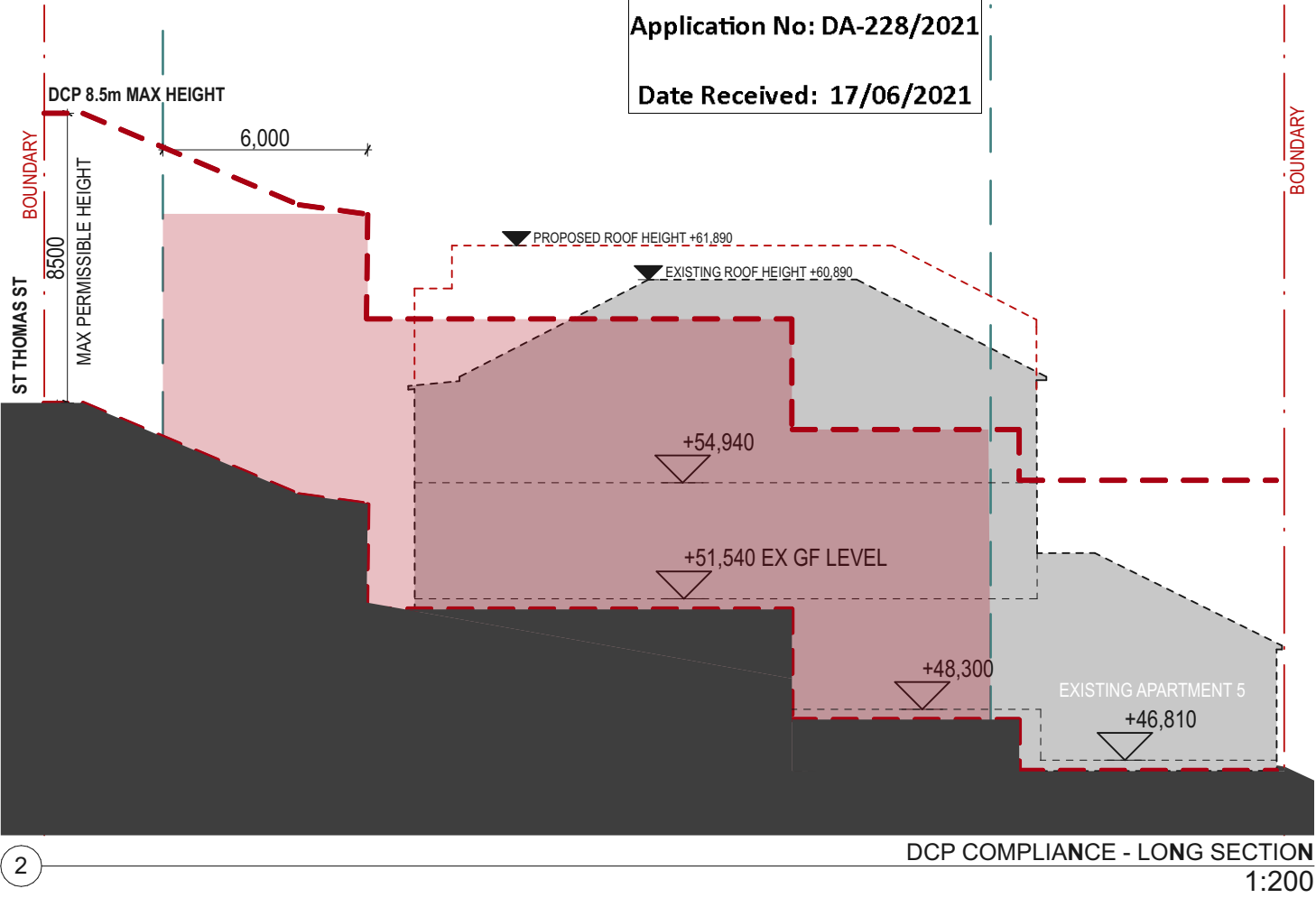
DCP - ENVELOPE

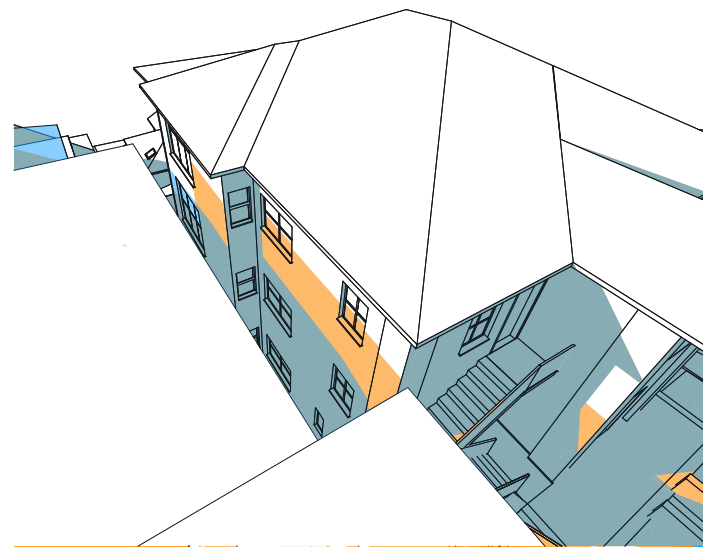


KEY

- COMPLIANT BUILDING FORM
- OUTLINE OF EXISTING DWELLING
- OUTLINE OF PROPOSED DWELLING
- AVERAGE DWELLING SET BACK OF NEIGHBOURS

DATE	REV	DESCRIPTION:	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	ACCESS CONSULTANT Code Performance Phone: 0488038020 Email: michael@codeperformance.com.au	ACOUSTIC ENGINEER Surplan Phone: 0420944413 Email: matt@surplan.com.au	BCA CONSULTANT Blackett Maguire and Goldsmith Phone: 92117777 Email: tony@bmplusg.com.au	GEOTECHNICAL ENGINEER JK Geotechnics Phone: 9888 5000 Email: mays.chalaki@jkgotechnics.com.au	SERVICES ENGINEER IGS Consultants Phone: 8488 4600 Email: mays.chalaki@igs.com.au	CLIENT: ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	PROJECT : 14 ST THOMAS STREET	ARCHITECT TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 4600272349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL: info@tztg.com.au WEB: www.tztg.com.au	DRAWING TITLE DCP COMPLYING ENVELOPE STUDY	DRAWN BY MG, NK
				PLANNER Planning Ingenuity Phone: 0409319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 65416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.benson@mbmpl.com.au	STRUCTURAL ENGINEER MHG Consulting Phone: 0401 690 745 Email: sm@mhg.com.au			CHECKED TG		
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au							DATE 5/3/21		
											SCALES 1:200		
											PHASE Development Application	DRAWING NO B-004	REV



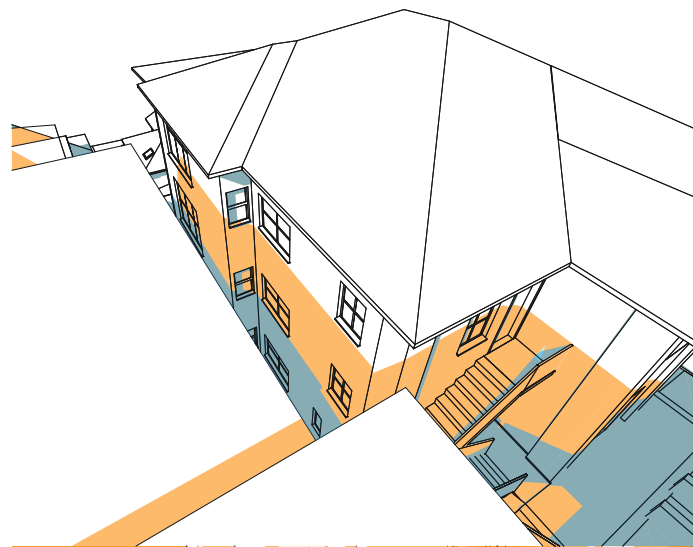


1 DCP 9.00 AM

9AM JUNE 21ST

50% SHADOW
INCREASE TO
WINDOW **c** AND **d**

50% REDUCTION
TO WINDOW **f**



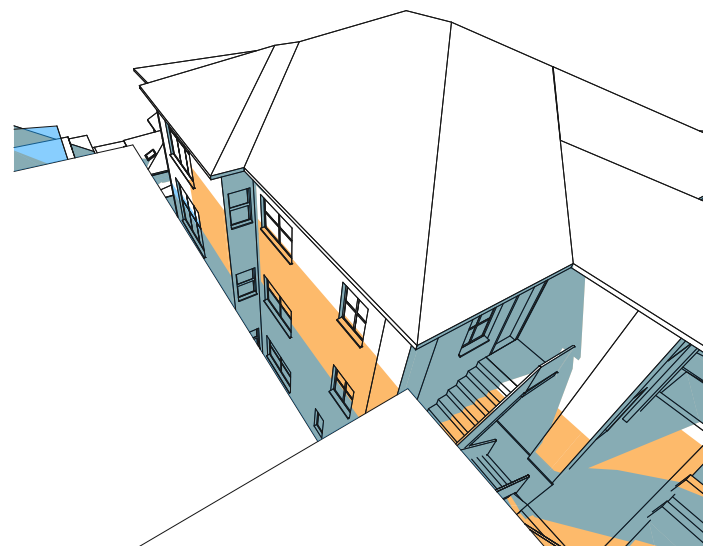
4 DCP 12.00 PM

12PM JUNE 21ST

100% IMPACT TO
WINDOW **h** AND **i**

60% SHADOW
INCREASE TO
WINDOW **f** AND **e**

15% SHADOW
INCREASE TO
WINDOW **a**

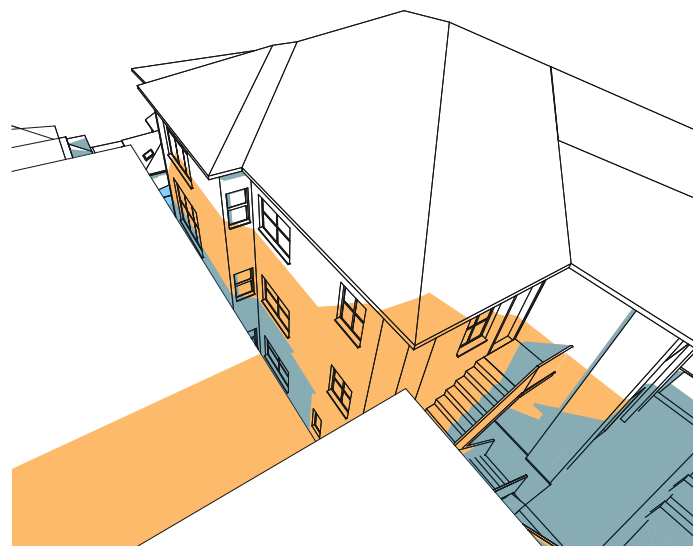


2 DCP 10.00 AM

10AM JUNE 21ST

50% SHADOW
INCREASE TO
WINDOW **h** AND **i**

30% SHADOW
REDUCTION TO
WINDOW **f**



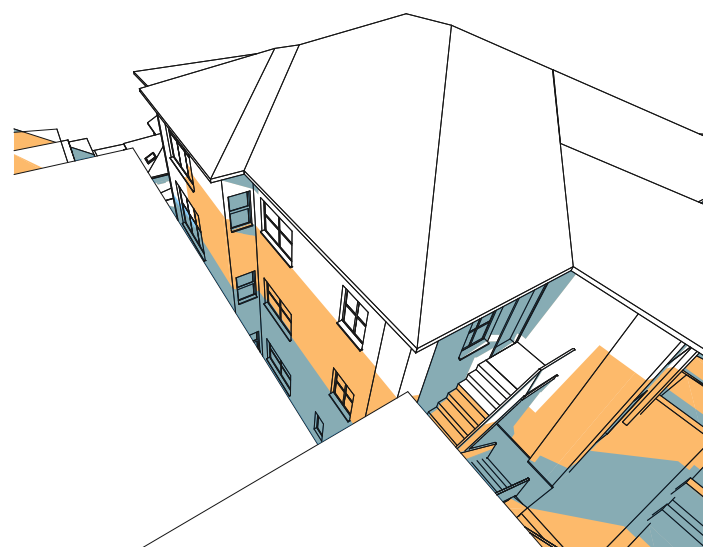
5 DCP 1.00 PM

1PM JUNE 21ST

100% IMPACT TO
WINDOWS **i** **h** **g** **l**

80% SHADOW
INCREASE TO WINDOW
d **f**

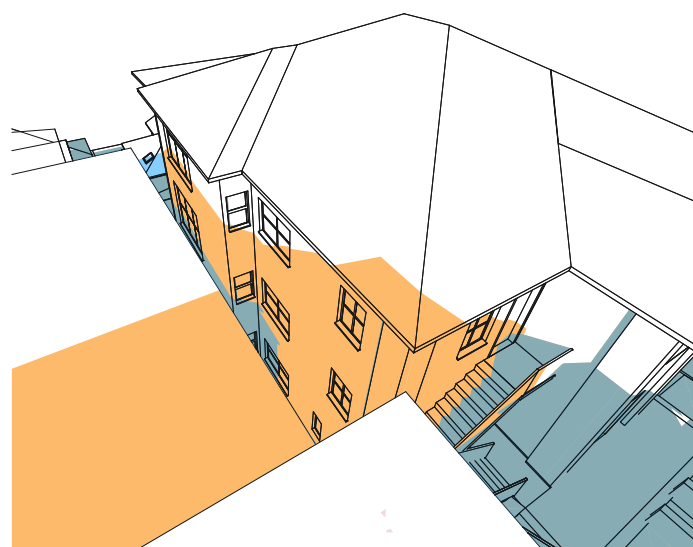
15% SHADOW
INCREASE TO WINDOW
a



3 DCP 11.00 AM

11AM JUNE 21ST

100% SHADOW
INCREASE TO
WINDOW **h** AND **i**



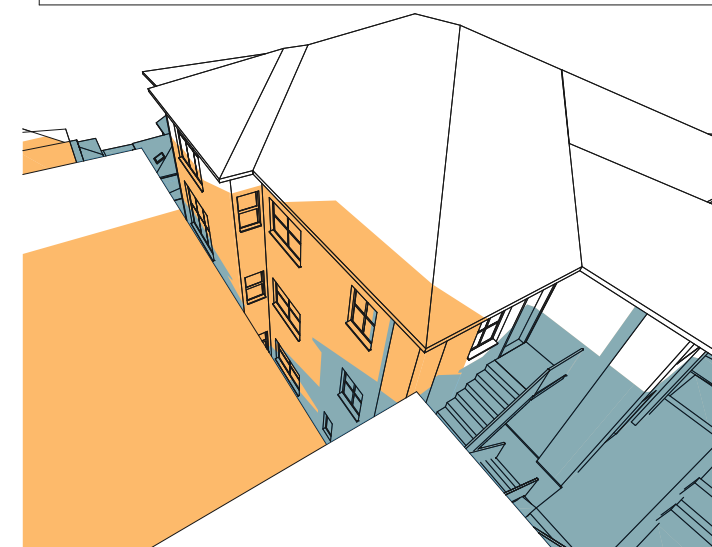
6 DCP 2.00 PM

2PM JUNE 21ST

100% IMPACT TO
WINDOW **g** **h** **i**
l

50% SHADOW
INCREASE TO
WINDOW **k**

70% SHADOW
INCREASE TO
WINDOW **f**



7 DCP 3.00 PM

3PM JUNE 21ST

100% IMPACT TO
WINDOW **g** **h** **d**
c **b** **k**

60% SHADOW
INCREASE TO
WINDOW **f**

20% SHADOW
INCREASE TO
WINDOW **a**

RECEIVED
Waverley Council
Application No: DA-228/2021
Date Received: 17/06/2021

LEGEND

- EXISTING SHADOW
- NEW SHADOW
- EXISTING SHADOW REMOVED

- a** APT 5 LIVING ROOM WINDOW
- b** APT 5 BATHROOM WINDOW (NON-HABITABLE)
- c** APT 5 BEDROOM 2 WINDOW
- d** APT 5 BEDROOM 1 WINDOW
- e** APT 5 BEDROOM 1 WINDOW
- f** APT 3 MASTER BEDROOM WINDOW
- g** APT 3 BATHROOM WINDOW (NON-HABITABLE)
- h** APT 3 KITCHEN WINDOW
- i** APT 3 BEDROOM 2 WINDOW
- j** APT 1 BATHROOM WINDOW (NON-HABITABLE)
- k** APT 1 BEDROOM 2 WINDOW
- l** APT 1 BEDROOM 1 WINDOW

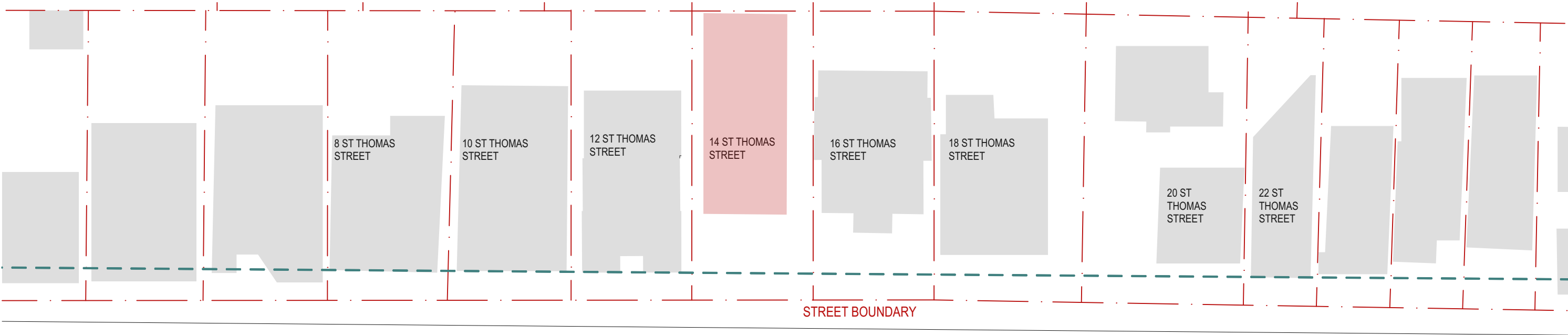
PROPOSED WINDOW EXTENSION

NOTE: MASTER BEDROOM - WINDOW **f** AND **a** RECEIVES AN ALTERNATE SOURCE OF LIGHT FROM AN EAST FACING WINDOW INTO THE MASTER BEDROOM.

REFER DRAWING B-011 FOR PLAN OF 16 ST THOMAS STREET.

DATE	REV	DESCRIPTION:	NOTES:	ACCESS CONSULTANT	ACOUSTIC ENGINEER	BCA CONSULTANT	GEOTECHNICAL ENGINEER	SERVICES ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY	
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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 690 745 Email: sm@mng.com.au				SCALES	CHECKED	
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								PHASE Development Application	DRAWING NO B-005	DATE 5/3/21
										PROJECT NO : 20002		REV		

PROPOSED FORM - ST THOMAS STREET PREDOMINANT DWELLING SETBACK



1 PROPOSED ENVELOPE PLAN
1:500

KEY

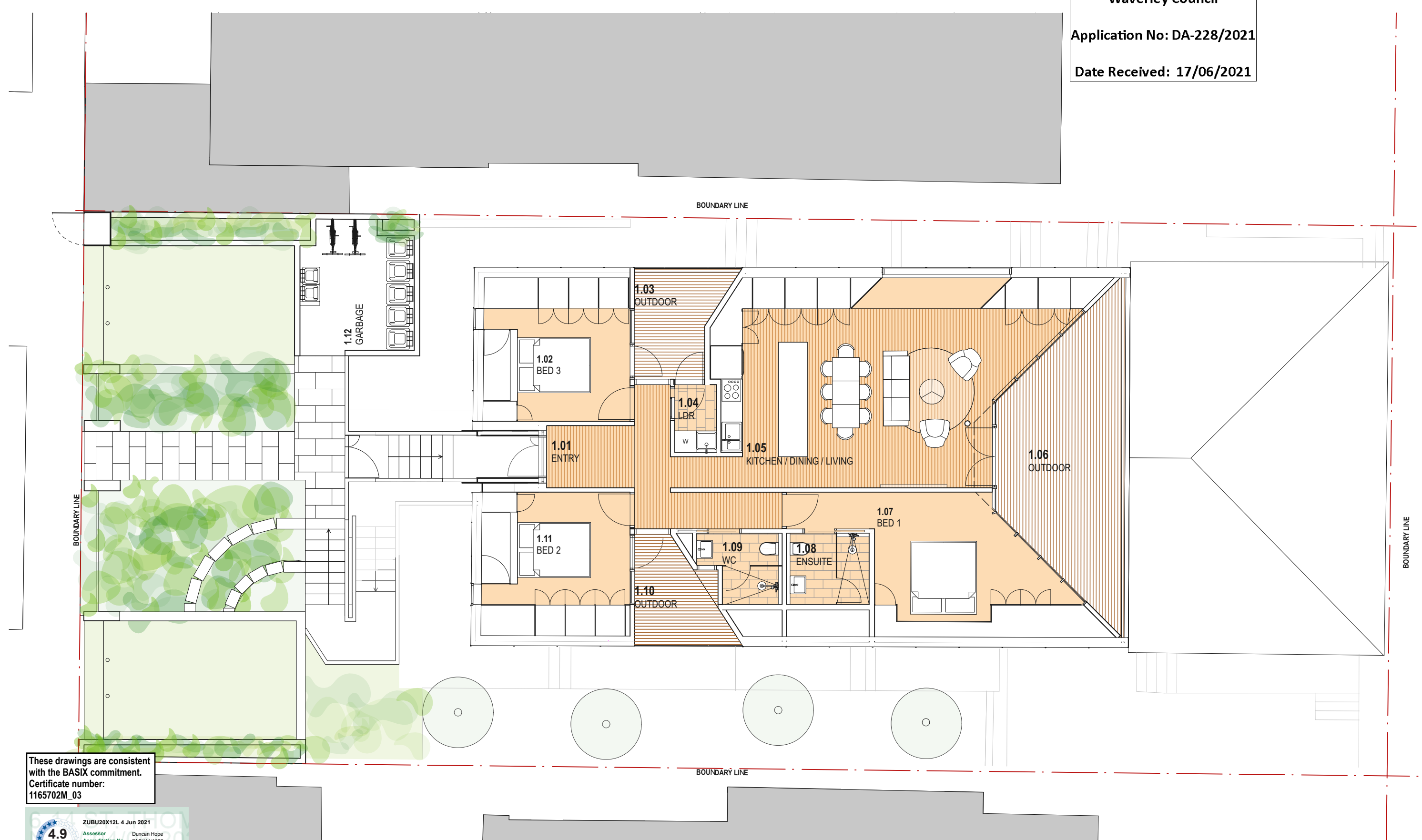
PROPOSED BUILDING FORM

PREDOMINANT BUILDING SET BACK OF STREET

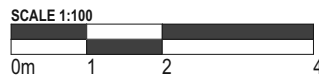


DATE	REV	DESCRIPTION:	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	ACCESS CONSULTANT Code Performance Phone: 0488038020 Email: michael@codeperformance.com.au	ACOUSTIC ENGINEER Surplan Phone: 0420944413 Email: matt@surplan.com.au	BCA CONSULTANT Blackett Maguire and Goldsmith Phone: 92117777 Email: tony@bmplusg.com.au	GEOTECHNICAL ENGINEER JK Geotechnics Phone: 9888 5000 Email: dbliss@jkgotechnics.com.au	SERVICES ENGINEER IGS Consultants Phone: 8488 4600 Email: mays.chalak@igs.com.au	CLIENT: ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	PROJECT : 14 ST THOMAS STREET PROJECT NO : 20002	ARCHITECT TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 46002722349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL info@tztg.com.au WEB www.tztg.com.au	DRAWING TITLE PROPOSED FORM SET BACK ANALYSIS PLAN SCALES PHASE Development Application	DRAWING NO B-006	DRAWN BY MG, NK CHECKED TG DATE 5/3/21 REV
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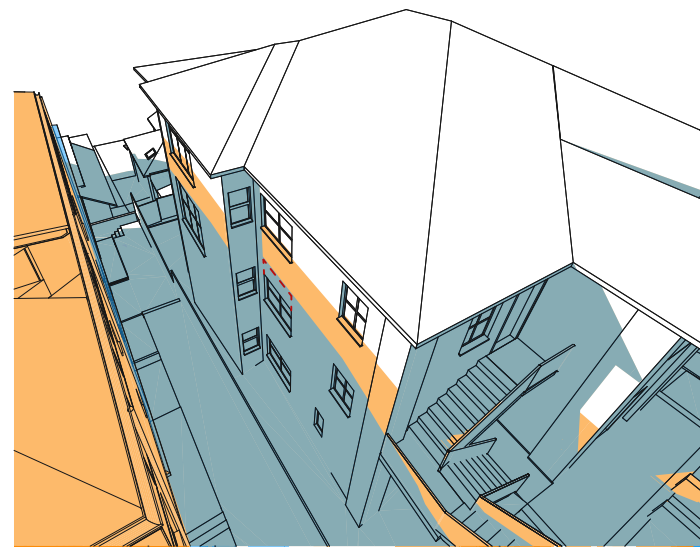
RECEIVED
Waverley Council
Application No: DA-228/2021
Date Received: 17/06/2021



These drawings are consistent with the BASIX commitment.
Certificate number: 1165702M_03



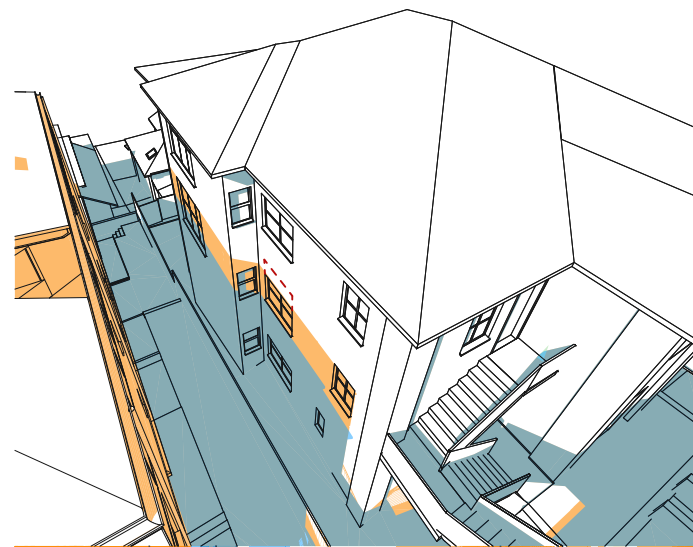
DATE	REV	DESCRIPTION:	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	ACCESS CONSULTANT Code Performance Phone: 0488039020 Email: michael@codeperformance.com.au PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au	ACOUSTIC ENGINEER Surplan Phone: 0420944413 Email: matt@surplan.com.au WASTE MANAGEMENT MRA Consulting Group Phone: 05416165 Email: James.Cogrove@mraconsulting.com.au	BCA CONSULTANT Blackett Maguire and Goldsmith Phone: 92117777 Email: tony@tmplug.com.au LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	GEOTECHNICAL ENGINEER JK Geotechnics Phone: 9888 5000 Email: dallas@jkgotechnics.com.au QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.benson@mbmpl.com.au	SERVICES ENGINEER IGS Consultants Phone: 8488 4600 Email: mays.chalak@igs.com.au STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au	CLIENT: ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	PROJECT : 14 ST THOMAS STREET PROJECT NO : 20002	ARCHITECT TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 4600272349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL info@tzg.com.au WEB www.tzg.com.au	DRAWING TITLE PROPOSED NEW PLAN (EXISTING ROOF FORM) SCALES 1:100 PHASE Development Application	DRAWING NO B-007	DRAWN BY MG, NK CHECKED TG DATE 5/3/21 REV
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1 PROPOSAL 9.00 AM

**9AM
JUNE 21ST**

20% SHADOW
INCREASE TO
WINDOW **a**

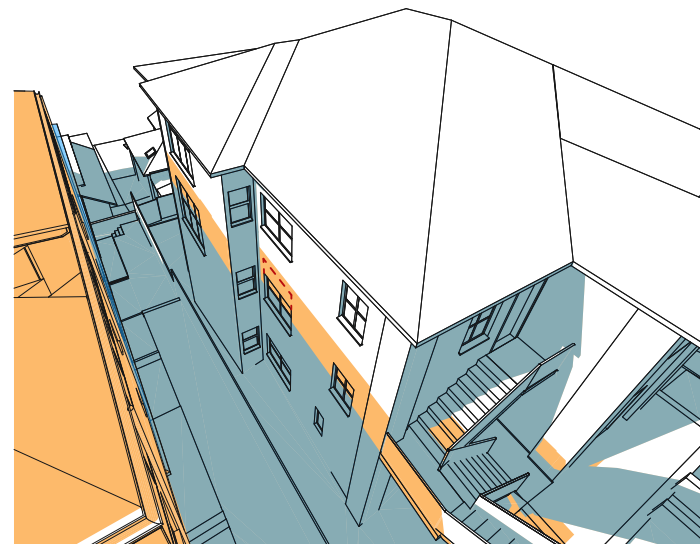


4 PROPOSAL 12.00 PM

**12PM
JUNE 21ST**

100% IMPACT TO
WINDOW **h** AND **i**
OFF SET 30%
THROUGH
INCREASED
WINDOW SIZE

60% SHADOW
INCREASE TO
WINDOW **f**

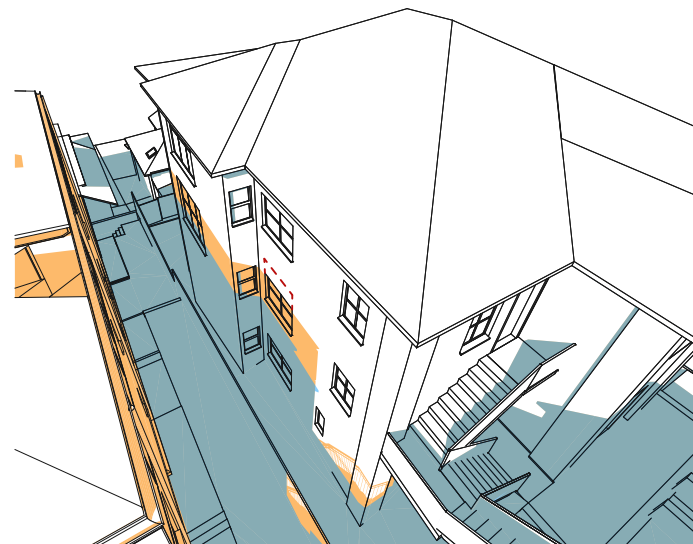


2 PROPOSAL 10.00 AM

**10AM
JUNE 21ST**

20% SHADOW
INCREASE TO
WINDOW **a**

50% SHADOW
INCREASE TO
WINDOWS **h** **i**
OFFSET BY 100%
SHADOW
REDUCTION TO
WINDOW **i** AT
3.00PM

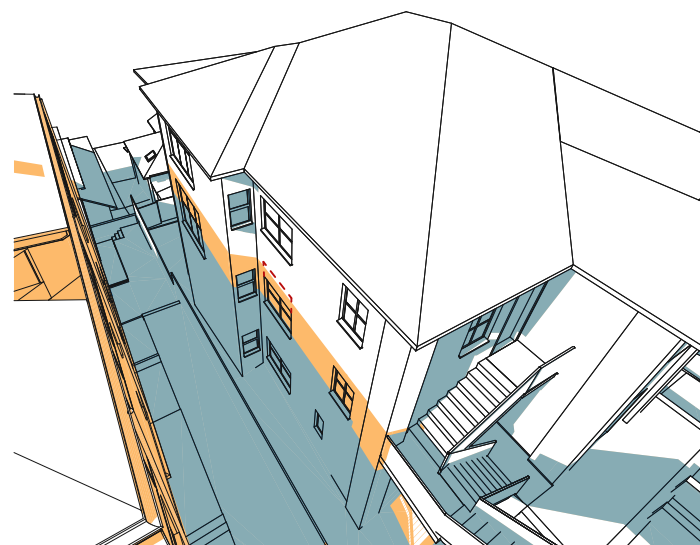


5 PROPOSAL 1.00 PM

**1PM
JUNE 21ST**

100% IMPACT TO
WINDOW **h** OFF
SET 30% THROUGH
INCREASED
WINDOW SIZE

60% SHADOW
INCREASE TO
WINDOW **f**

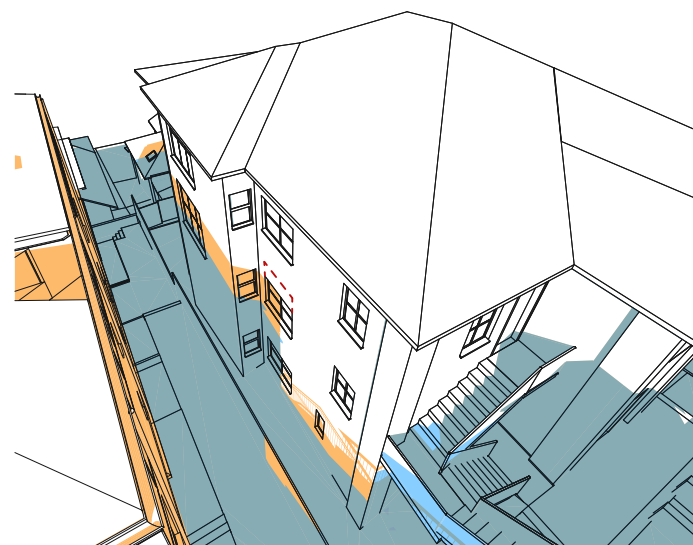


3 PROPOSAL 11.00 AM

**11AM
JUNE 21ST**

100% SHADOW
INCREASE TO
WINDOW **h** AND **i**

50% SHADOW
INCREASE TO
WINDOW **f**

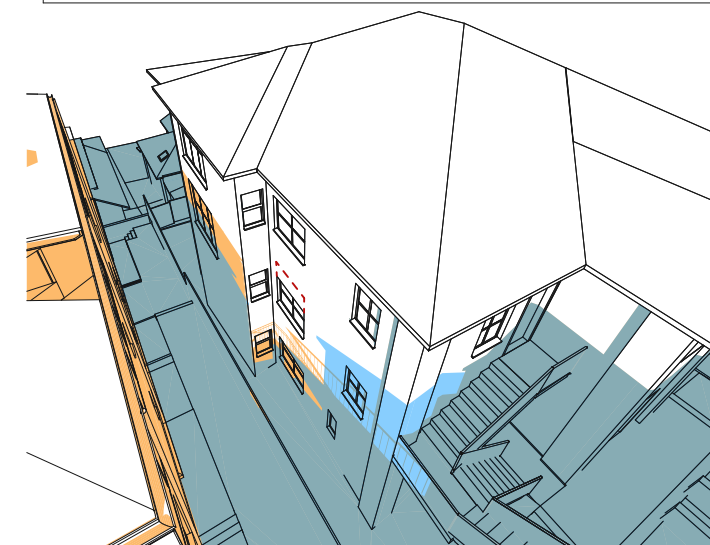


6 PROPOSAL 2.00 PM

**2PM
JUNE 21ST**

50% IMPACT TO
WINDOW **h** OFF
SET THROUGH
INCREASED
WINDOW SIZE

60% SHADOW
INCREASE TO
WINDOW **f**



7 PROPOSAL 3.00 PM

**3PM
JUNE 21ST**

100% SHADOW
REDUCTION TO
WINDOW **i**

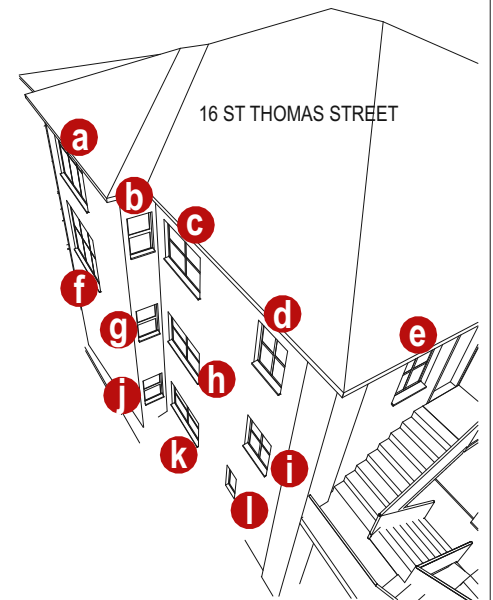
60% SHADOW
INCREASE TO
WINDOW **f**

RECEIVED
Waverley Council
Application No: DA-228/2021
Date Received: 17/06/2021

LEGEND

- EXISTING SHADOW
- NEW SHADOW
- EXISTING SHADOW REMOVED

- a** APT 5 LIVING ROOM WINDOW
- b** APT 5 BATHROOM WINDOW (NON-HABITABLE)
- c** APT 5 BEDROOM 2 WINDOW
- d** APT 5 BEDROOM 1 WINDOW
- e** APT 5 BEDROOM 1 WINDOW
- f** APT 3 MASTER BEDROOM WINDOW
- g** APT 3 BATHROOM WINDOW (NON-HABITABLE)
- h** APT 3 KITCHEN WINDOW
- i** APT 3 BEDROOM 2 WINDOW
- j** APT 1 BATHROOM WINDOW (NON-HABITABLE)
- k** APT 1 BEDROOM 2 WINDOW
- l** APT 1 BEDROOM 1 WINDOW



PROPOSED WINDOW EXTENSION

NOTE: MASTER BEDROOM - WINDOW **f** AND **a** RECEIVES AN ALTERNATE SOURCE OF LIGHT FROM AN EAST FACING WINDOW INTO THE MASTER BEDROOM.

REFER DRAWING B-011 FOR PLAN OF 16 ST THOMAS STREET.

DATE	REV	DESCRIPTION:	NOTES:	ACCESS CONSULTANT	ACOUSTIC ENGINEER	BCA CONSULTANT	GEOTECHNICAL ENGINEER	SERVICES ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY	
			Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Code Performance Phone: 0488039020 Email: michael@codeperformance.com.au	Burynplan Phone: 0420944413 Email: matt@burynplan.com.au	Blackett Maguire and Goldsmith Phone: 92117777 Email: tony@bmplusg.com.au	JK Geotechnics Phone: 9888 5000 Email: dblase@jgtechnics.com.au	IGS Consultants Phone: 8488 4600 Email: mays.chalak@igs.com.au	ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	14 ST THOMAS STREET	Tonkin Zulaikha Greer Architects 117 Reservoir Street ABN: 4600272349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL: info@tzg.com.au WEB: www.tzg.com.au	SHADOW DIAGRAMS - PROPOSED ROOF FORM	MG, NK	
				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 041612862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 590 745 Email: sm@mng.com.au				SCALES	CHECKED	
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								PHASE Development Application	DRAWING NO B-008	DATE 5/3/21
													REV	

9AM
JUNE 21ST

10AM
JUNE 21ST

11AM
JUNE 21ST

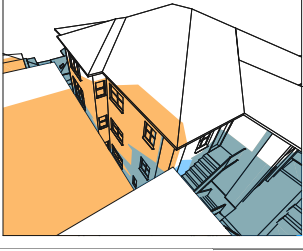
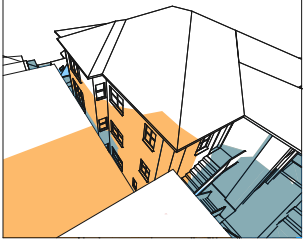
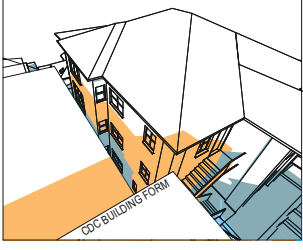
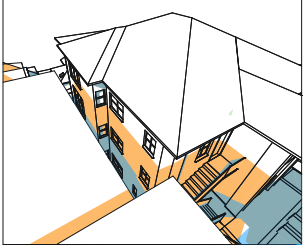
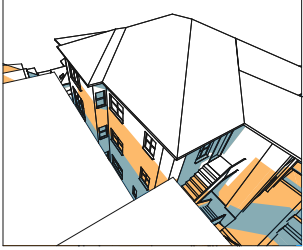
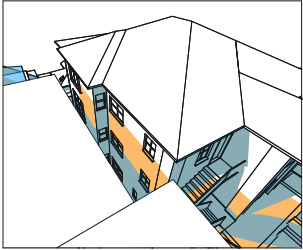
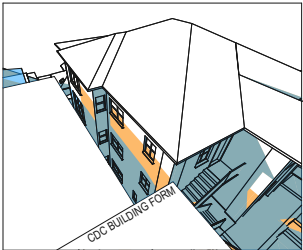
12PM
JUNE 21ST

1PM
JUNE 21ST

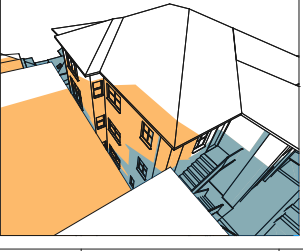
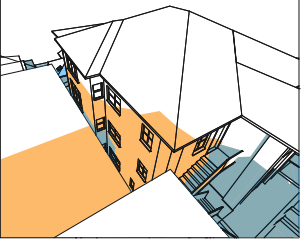
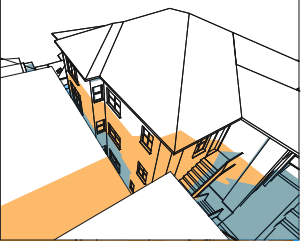
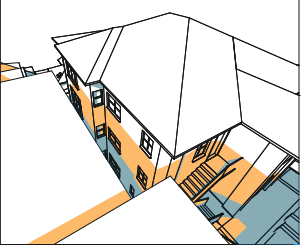
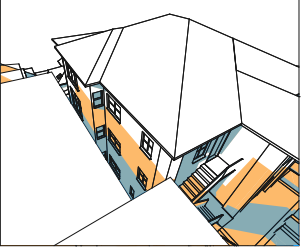
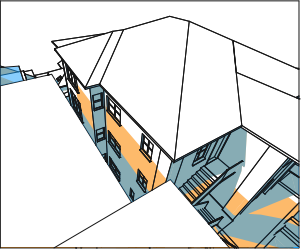
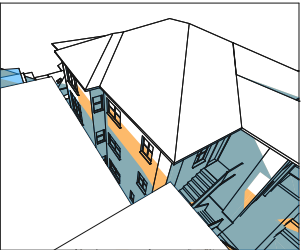
2PM
JUNE 21ST

3PM
JUNE 21ST

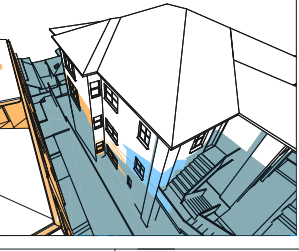
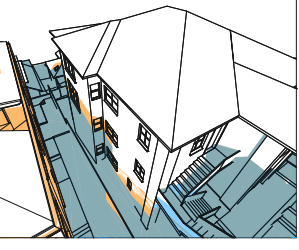
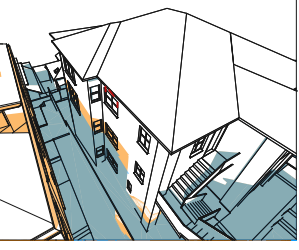
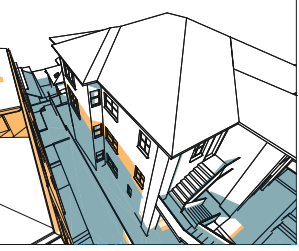
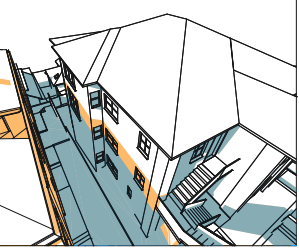
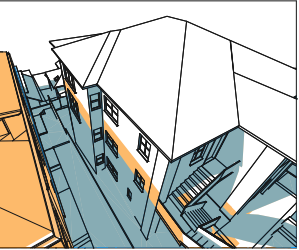
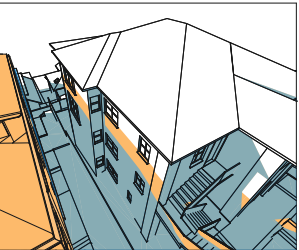
CDC COMPLIANT



DCP COMPLIANT



PROPOSAL



ANALYSIS

PROPOSAL SHADOW
IMPACT TO 16 ST THOMAS
ST IS LESS THAN DCP
COMPLIANT BUILDING FORM

PROPOSAL SHADOW
IMPACT TO 16 ST THOMAS IS
EQUAL TO DCP COMPLIANT
BUILDING FORM

PROPOSAL SHADOW
IMPACT TO 16 ST THOMAS IS
MORE THAN DCP
COMPLIANT BUILDING FORM

PROPOSAL SHADOW
IMPACT TO 16 ST THOMAS
ST IS LESS THAN DCP
COMPLIANT BUILDING FORM

PROPOSAL SHADOW
IMPACT TO 16 ST THOMAS
ST IS LESS THAN DCP
COMPLIANT BUILDING FORM

PROPOSAL SHADOW
IMPACT TO 16 ST THOMAS
ST IS LESS THAN DCP
COMPLIANT BUILDING FORM

PROPOSAL SHADOW
IMPACT TO 16 ST THOMAS
ST IS LESS THAN DCP
COMPLIANT BUILDING FORM

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Waverley Council

Application No: DA-228/2021

LEGEND

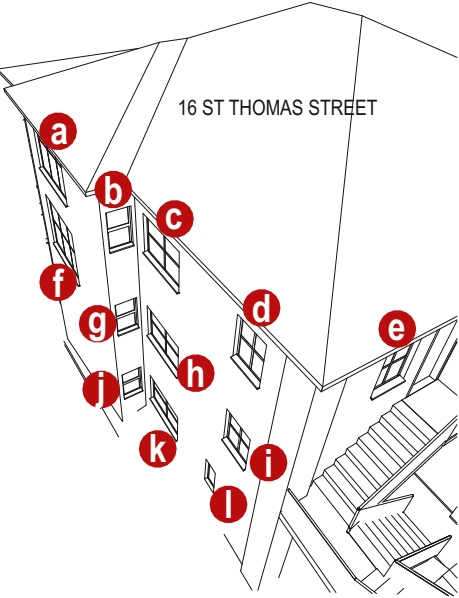
- EXISTING SHADOW
- NEW SHADOW
- EXISTING SHADOW REMOVED

- APT 5 LIVING ROOM WINDOW
- APT 5 BATHROOM WINDOW (NON-HABITABLE)
- APT 5 BEDROOM 2 WINDOW
- APT 5 BEDROOM 1 WINDOW
- APT 5 BEDROOM 1 WINDOW
- APT 3 MASTER BEDROOM WINDOW
- APT 3 BATHROOM WINDOW (NON-HABITABLE)
- APT 3 KITCHEN WINDOW
- APT 3 BEDROOM 2 WINDOW
- APT 1 BATHROOM WINDOW (NON-HABITABLE)
- APT 1 BEDROOM 2 WINDOW
- APT 1BEDROOM 1 WINDOW

PROPOSED WINDOW EXTENSION

NOTE: MASTER BEDROOM - WINDOW **f** AND **a** RECEIVES AN ALTERNATE SOURCE OF LIGHT FROM AN EAST FACING WINDOW INTO THE MASTER BEDROOM.

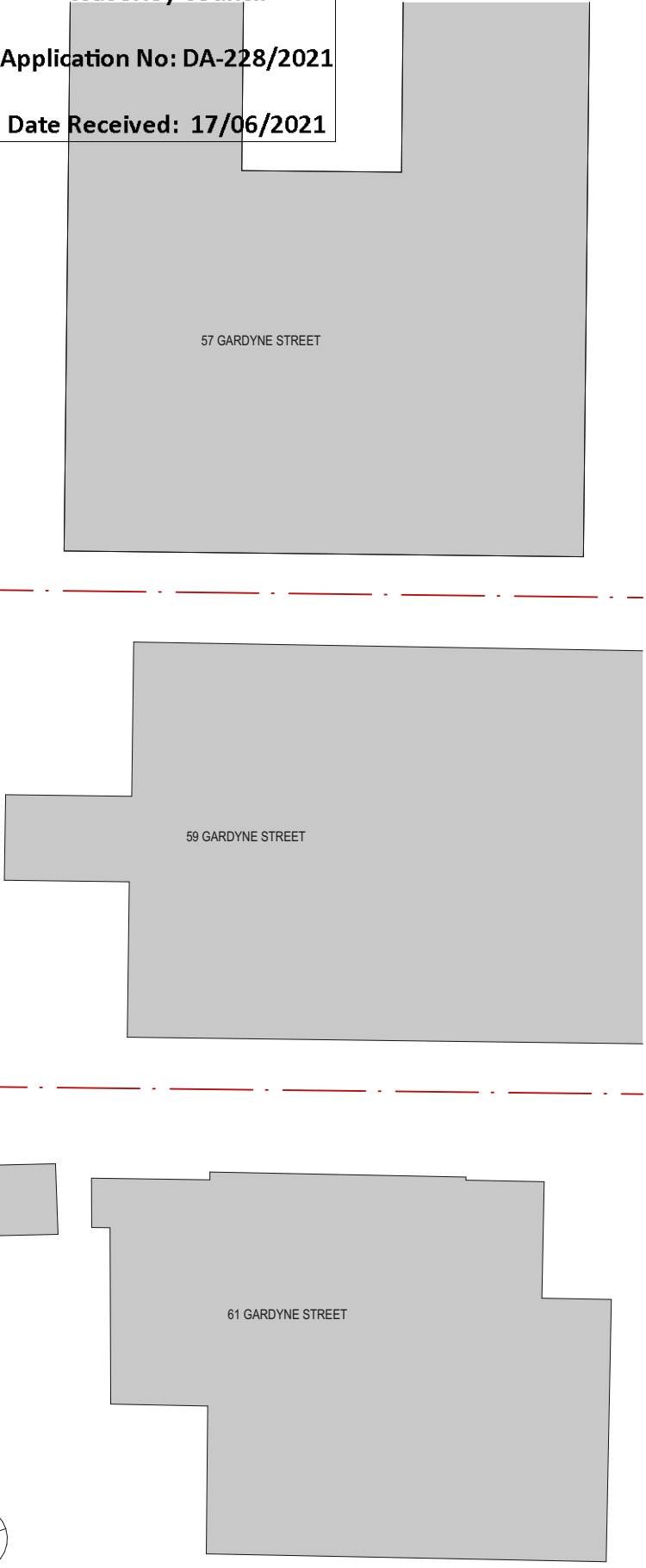
REFER DRAWING B-011 FOR PLAN OF 16 ST THOMAS STREET.



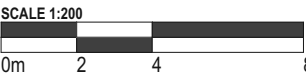
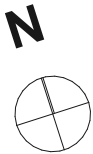
DATE	REV	DESCRIPTION:	NOTES:	ACCESS CONSULTANT	ACOUSTIC ENGINEER	BCA CONSULTANT	GEOTECHNICAL ENGINEER	SERVICES ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY	
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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 690 745 Email: sm@mg.com.au				SCALES	CHECKED	
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								PHASE	DRAWING NO	REV
												Development Application	B-009	


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Waverley Council
Application No: DA-228/2021
Date Received: 17/06/2021

ST THOMAS STREET



These drawings are consistent with the BASIX commitment.
Certificate number: 1165702M_03



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				PLANNER Planning Ingenuity Phone: 0406319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 05416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mng.com.au				SCALES 1:200	CHECKED TG	DATE 5/3/21
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au						PROJECT NO : 20002		PHASE Development Application	DRAWING NO B-010	REV

VIEW STUDY - 21 ST THOMAS STREET FIRST FLOOR



VIEW LOCATION PLAN



KEY

PROPOSED BUILDING FORM

CDC COMPLIANT BUILDING FORM

DCP COMPLIANT BUILDING FORM

DATE	REV	DESCRIPTION:	NOTES:	ACCESS CONSULTANT	ACOUSTIC ENGINEER	BCA CONSULTANT	GEOTECHNICAL ENGINEER	SERVICES ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY
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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au				PHASE Development Application	CHECKED TG
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au						PROJECT NO : 20002		SCALES	DATE 5/3/21
												DRAWING NO B-011	REV

VIEW STUDY - 19 ST THOMAS STREET GROUND FLOOR



VIEW LOCATION PLAN



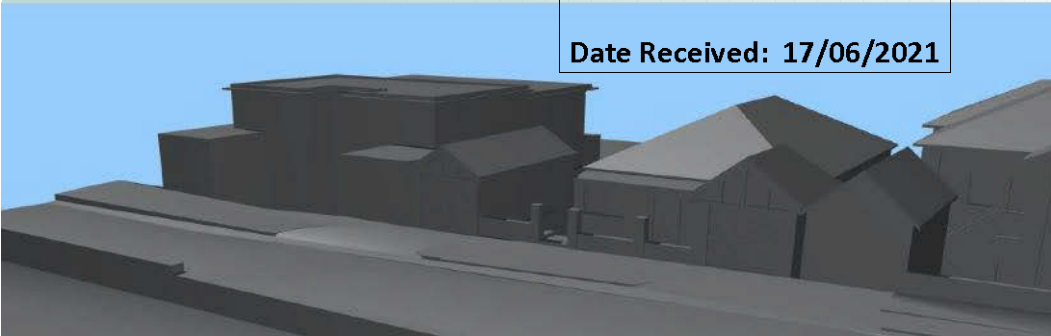
KEY

PROPOSED BUILDING FORM

CDC COMPLIANT BUILDING FORM

DCP COMPLIANT BUILDING FORM

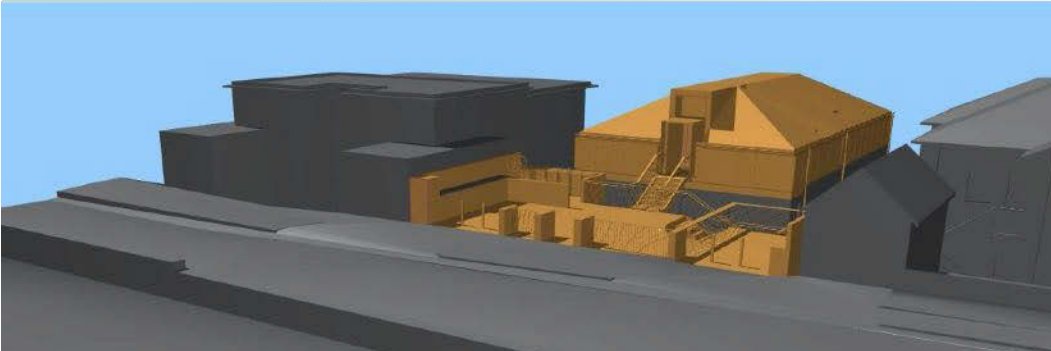
EXISTING:



VIEW THROUGH GROUND FLOOR WINDOW - SITTING

EYE LEVEL = 65.07m above sea level. (1.1m from GF RL)

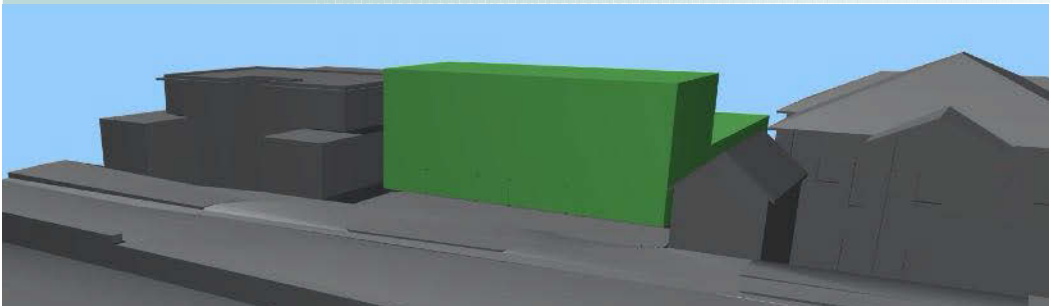
PROPOSED:



CDC COMPLIANT ENVELOPE:



DCP COMPLIANT ENVELOPE:



DATE	REV	DESCRIPTION:	NOTES: Do not scale off drawings. Use figured dimensions only. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	ACCESS CONSULTANT Code Performance Phone: 0488039020 Email: michael@codeperformance.com.au	ACOUSTIC ENGINEER Surplan Phone: 0420944413 Email: matt@surplan.com.au	BCA CONSULTANT Blackett Maguire and Goldsmith Phone: 92117777 Email: tony@tmplusg.com.au	GEOTECHNICAL ENGINEER JK Geotechnics Phone: 9888 5000 Email: dbris@jgtechnics.com.au	SERVICES ENGINEER IGS Consultants Phone: 8488 4600 Email: mays.chalak@igs.com.au	CLIENT: ELANORA FLATS PTY LTD Phone: 9212 6100 Email: edan@hanave.com.au	PROJECT : 14 ST THOMAS STREET	ARCHITECT TONKIN ZULAIKHA GREER ARCHITECTS 117 Reservoir Street ABN: 4600272349 P: (02) 9215 4900 F: (02) 9215 4901 EMAIL: info@tztg.com.au WEB: www.tztg.com.au	DRAWING TITLE VIEW STUDY - 19 ST THOMAS STREET GROUND FLOOR	DRAWN BY MG, NK	
				PLANNER Planning Ingenuity Phone: 0409319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au			CHECKED TG			
											SCALES	DATE 5/3/21		
					PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au						PROJECT NO : 20002	PHASE Development Application	DRAWING NO B-012	REV

VIEW STUDY - 17 ST THOMAS STREET GROUND FLOOR



VIEW LOCATION PLAN



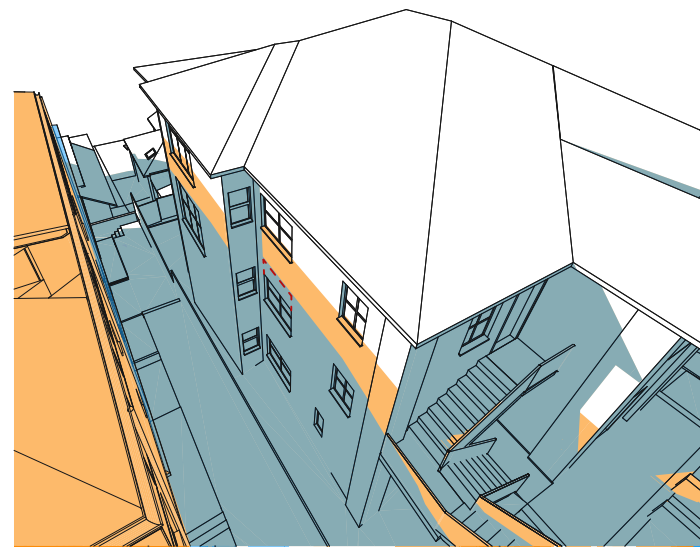
KEY

PROPOSED BUILDING FORM

CDC COMPLIANT BUILDING FORM

DCP COMPLIANT BUILDING FORM

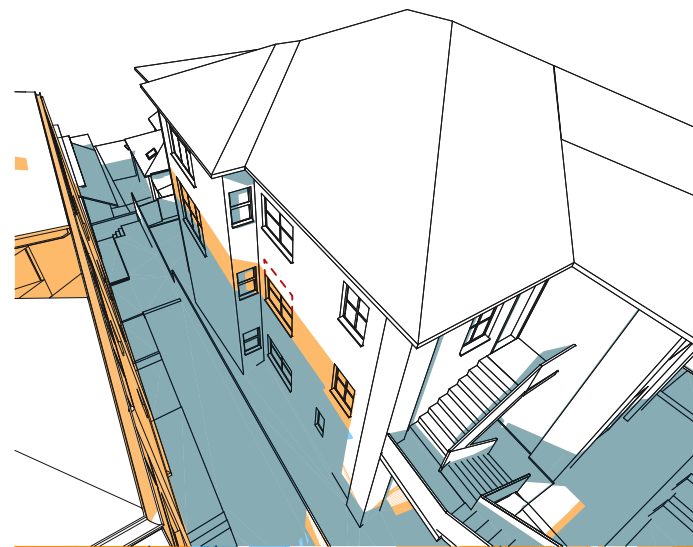
DATE	REV	DESCRIPTION:	NOTES:	ACCESS CONSULTANT	ACOUSTIC ENGINEER	BCA CONSULTANT	GEOTECHNICAL ENGINEER	SERVICES ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY	
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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 990 745 Email: sm@mg.com.au				PHASE Development Application	DRAWING NO B-013	CHECKED TG
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au						PROJECT NO : 20002			DATE 5/3/21	REV



1 PROPOSAL 9.00 AM

**9AM
JUNE 21ST**

20% SHADOW
INCREASE TO
WINDOW **a**

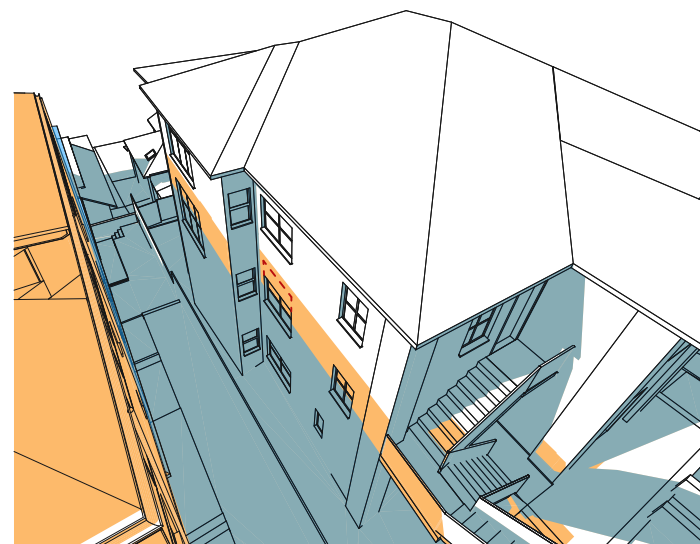


4 PROPOSAL 12.00 PM

**12PM
JUNE 21ST**

100% IMPACT TO
WINDOW **h** AND **i**
OFF SET 30%
THROUGH
INCREASED
WINDOW SIZE

60% SHADOW
INCREASE TO
WINDOW **f**

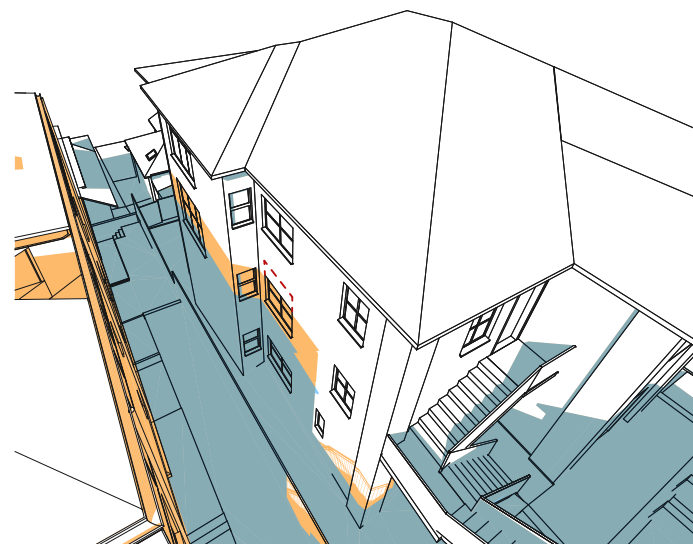


2 PROPOSAL 10.00 AM

**10AM
JUNE 21ST**

20% SHADOW
INCREASE TO
WINDOW **a**

50% SHADOW
INCREASE TO
WINDOWS **h** **i**
OFFSET BY 100%
SHADOW
REDUCTION TO
WINDOW **i** AT
3.00PM

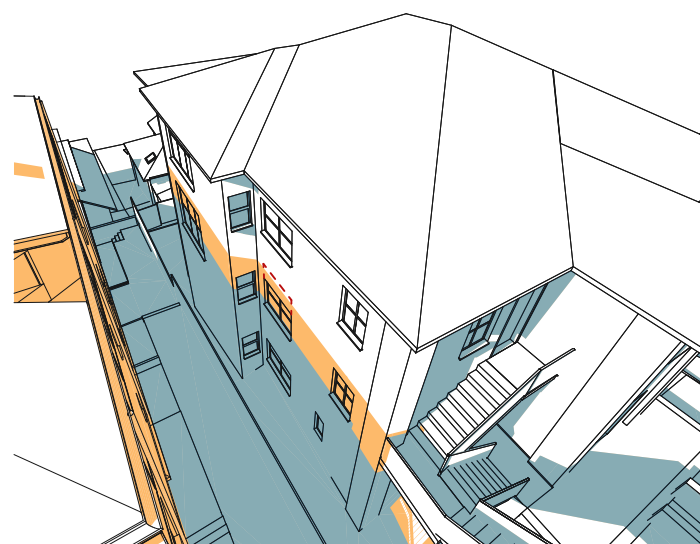


5 PROPOSAL 1.00 PM

**1PM
JUNE 21ST**

100% IMPACT TO
WINDOW **h** OFF
SET 30% THROUGH
INCREASED
WINDOW SIZE

60% SHADOW
INCREASE TO
WINDOW **f**

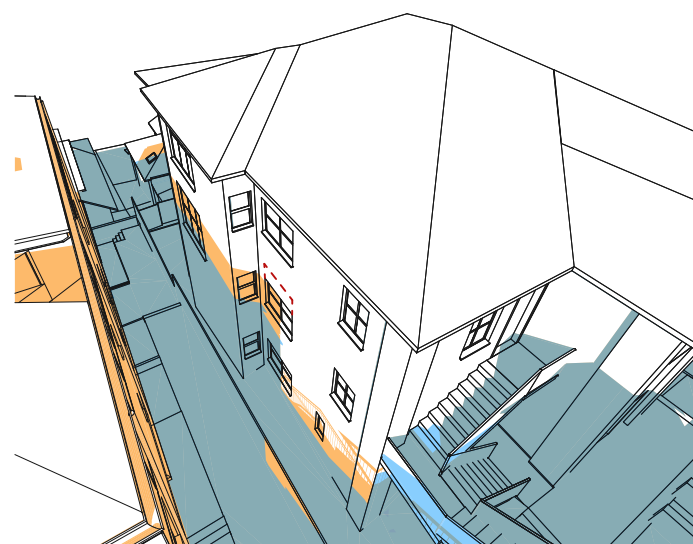


3 PROPOSAL 11.00 AM

**11AM
JUNE 21ST**

100% SHADOW
INCREASE TO
WINDOW **h** AND **i**

50% SHADOW
INCREASE TO
WINDOW **f**

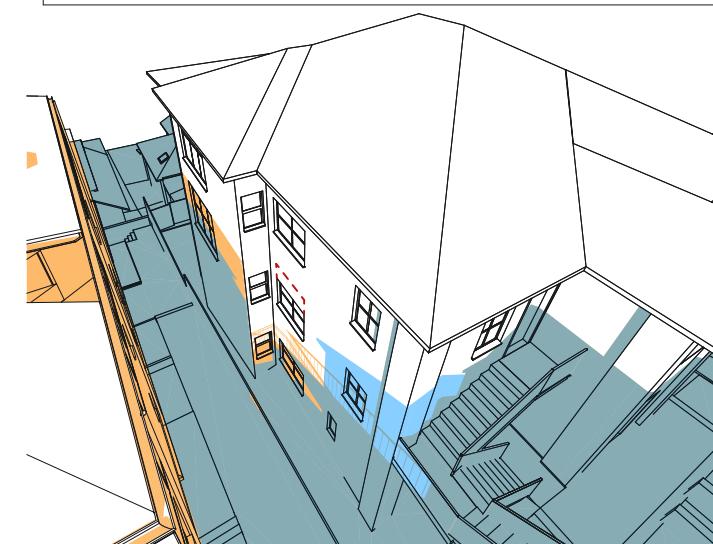


6 PROPOSAL 2.00 PM

**2PM
JUNE 21ST**

50% IMPACT TO
WINDOW **h** OFF
SET THROUGH
INCREASED
WINDOW SIZE

60% SHADOW
INCREASE TO
WINDOW **f**



7 PROPOSAL 3.00 PM

**3PM
JUNE 21ST**

100% SHADOW
REDUCTION TO
WINDOW **i**

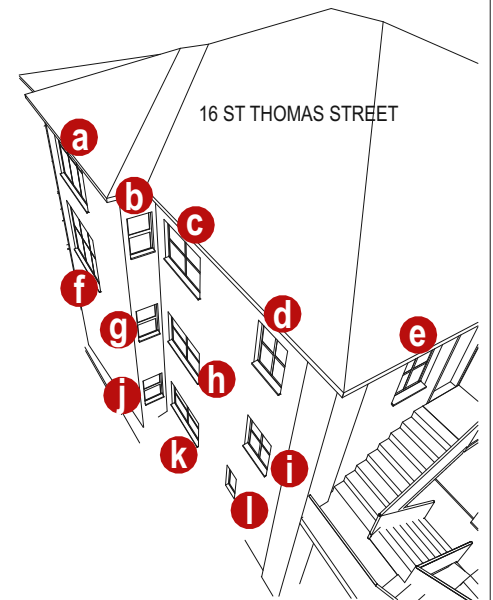
60% SHADOW
INCREASE TO
WINDOW **f**

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Waverley Council
Application No: DA-228/2021
Date Received: 17/06/2021

LEGEND

- EXISTING SHADOW
- NEW SHADOW
- EXISTING SHADOW REMOVED

- a** APT 5 LIVING ROOM WINDOW
- b** APT 5 BATHROOM WINDOW (NON-HABITABLE)
- c** APT 5 BEDROOM 2 WINDOW
- d** APT 5 BEDROOM 1 WINDOW
- e** APT 5 BEDROOM 1 WINDOW
- f** APT 3 MASTER BEDROOM WINDOW
- g** APT 3 BATHROOM WINDOW (NON-HABITABLE)
- h** APT 3 KITCHEN WINDOW
- i** APT 3 BEDROOM 2 WINDOW
- j** APT 1 BATHROOM WINDOW (NON-HABITABLE)
- k** APT 1 BEDROOM 2 WINDOW
- l** APT 1 BEDROOM 1 WINDOW

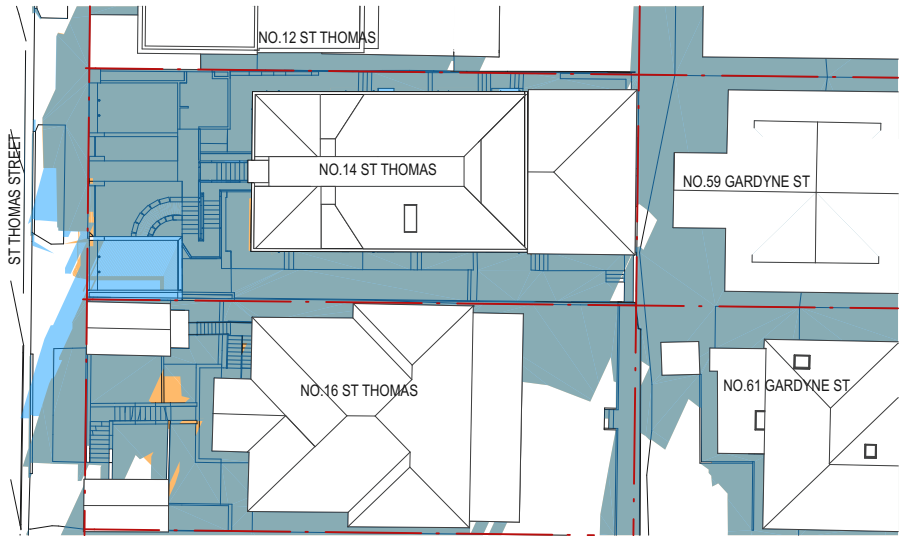


PROPOSED WINDOW EXTENSION

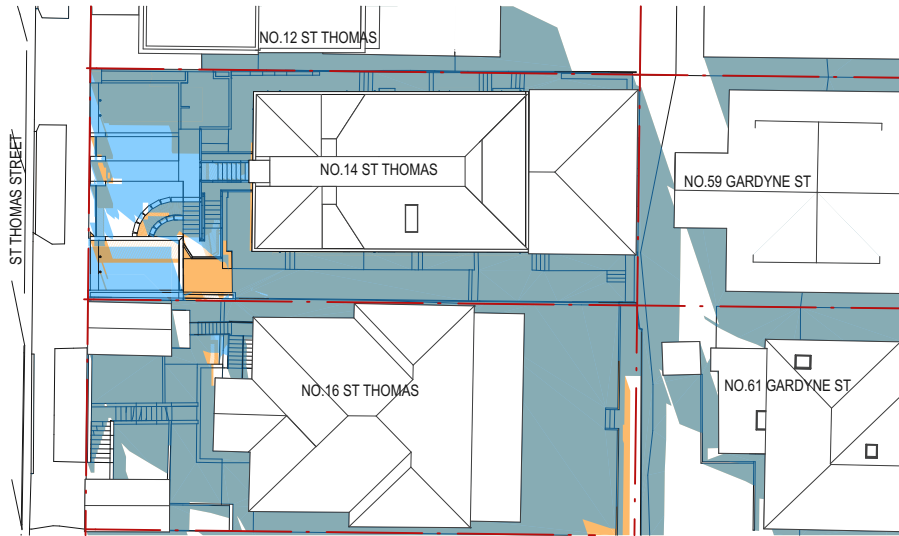
NOTE: MASTER BEDROOM - WINDOW **f** AND **a** RECEIVES AN ALTERNATE SOURCE OF LIGHT FROM AN EAST FACING WINDOW INTO THE MASTER BEDROOM.

REFER DRAWING B-011 FOR PLAN OF 16 ST THOMAS STREET.

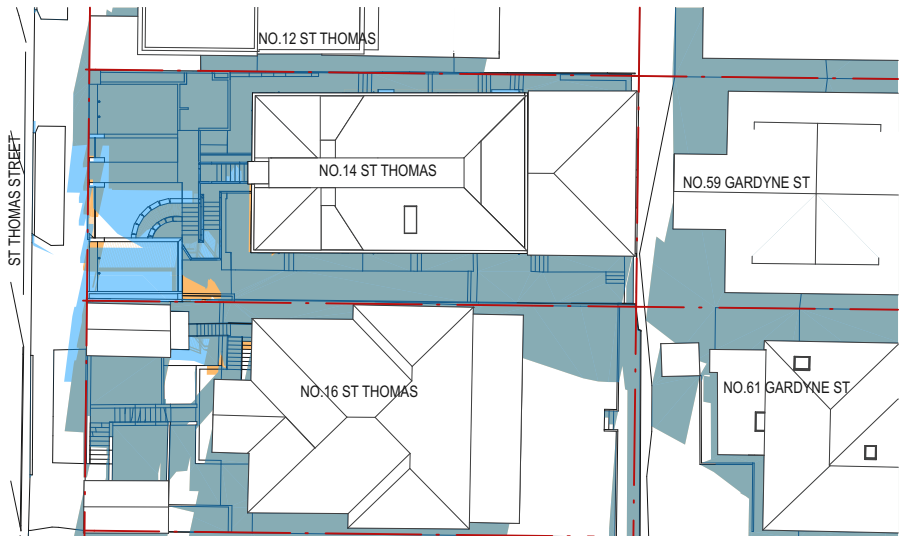
DATE	REV	DESCRIPTION:	NOTES:	ACCESS CONSULTANT	ACOUSTIC ENGINEER	BCA CONSULTANT	GEOTECHNICAL ENGINEER	SERVICES ENGINEER	CLIENT:	PROJECT :	ARCHITECT	DRAWING TITLE	DRAWN BY	
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				PLANNER Planning Ingenuity Phone: 0408319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cogrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 041612862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER M+G Consulting Phone: 0401 590 745 Email: sm@mng.com.au				SCALES	CHECKED	TG
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au								PHASE Development Application	DRAWING NO A-501	DATE 5/3/21
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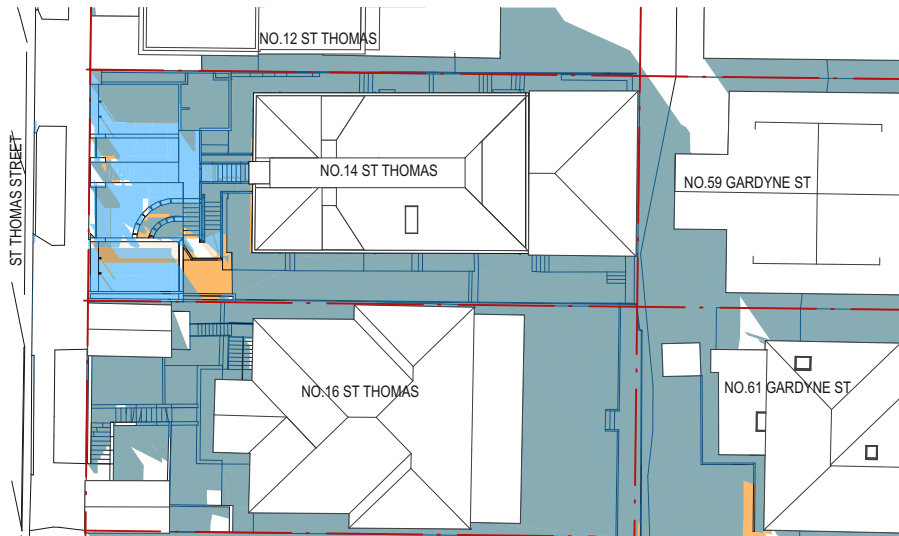
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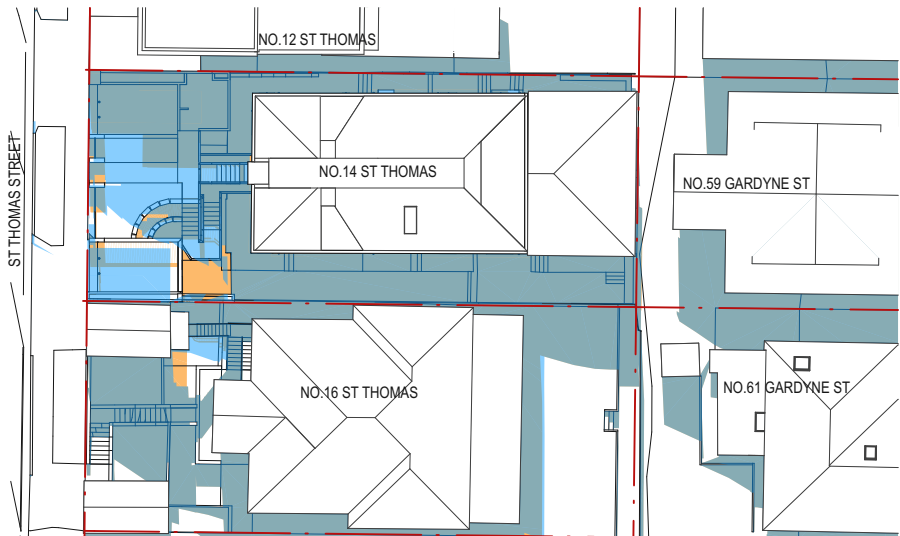
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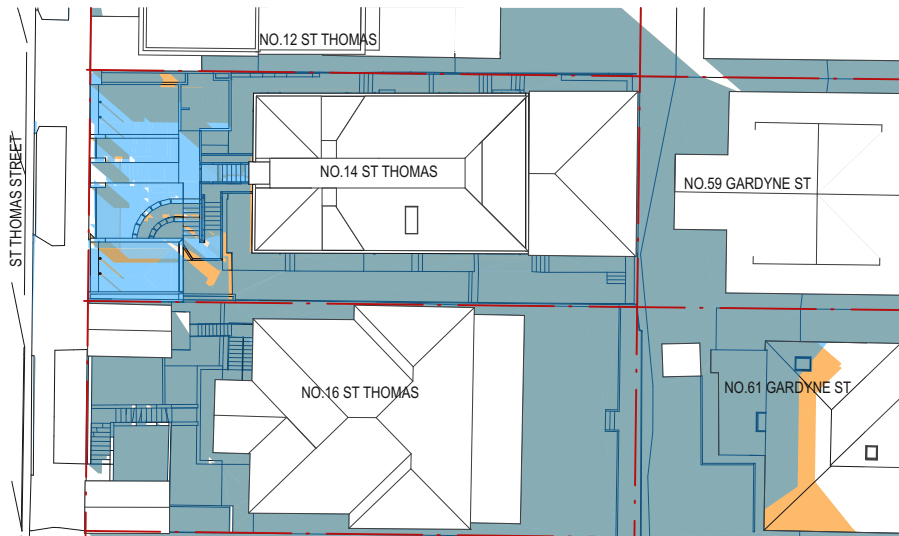
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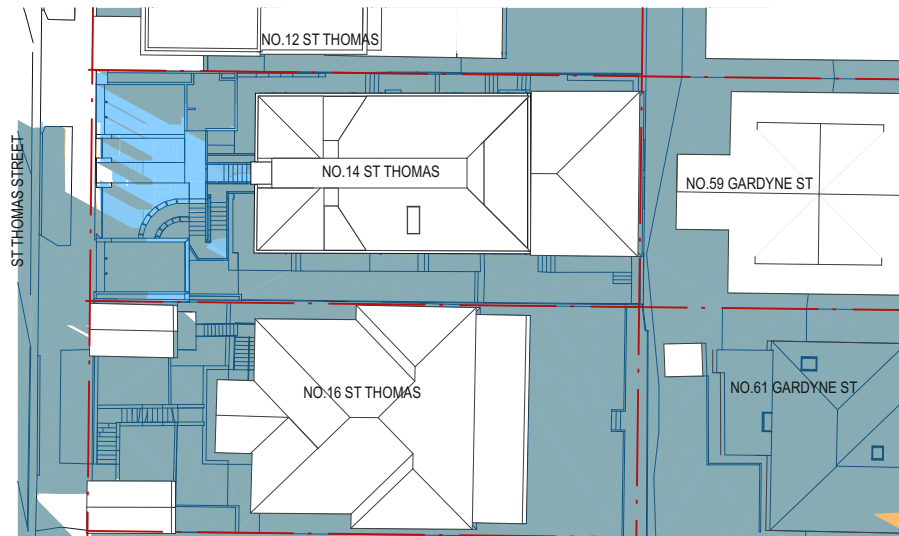
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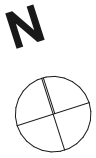


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RECEIVED
Waverley Council

Application No: DA-228/2021
Date Received: 17/06/2021

- LEGEND
- EXISTING SHADOW
 - NEW SHADOW
 - EXISTING SHADOW REMOVED



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				PLANNER Planning Ingenuity Phone: 0409319230 Email: david@planningingenuity.com.au	WASTE MANAGEMENT MRA Consulting Group Phone: 85416169 Email: James.Cosgrove@mraconsulting.com.au	LANDSCAPE ARCHITECT Melissa Wilson Phone: 0416112862 Email: melissa@melissawilson.com.au	QUANTITY SURVEYOR MBM Phone: 92701000 Email: ian.berson@mbmpl.com.au	STRUCTURAL ENGINEER MHG Consulting Phone: 0401 690 745 Email: sm@mhg.com.au			SCALES 1:500	CHECKED TG	DATE 5/3/21	
				PERSPECTIVE ARTIST Urbaine Phone: 0411 239 796 Email: john@urbaine.com.au							PROJECT NO : 20002	PHASE Development Application	DRAWING NO A-500	REV

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Report to the Waverley Local Planning Panel

Application number	DA-223/2021
Site address	241 Bondi Road, BONDI
Proposal	Alterations and additions to an existing Residential Flat Building (RFB), including conversion of two ground floor apartments to commercial premises and front extensions and balconies on the first and second floor levels.
Date of lodgement	15 June 2021
Owner	Hanave Pty Limited and Cadele Pty Ltd
Applicant	SHED Architects
Submissions	Three submissions
Cost of works	\$480,700.00
Principal Issues	<ul style="list-style-type: none"> Existing use rights; Breach to FSR; Breach to height of building; and Streetscape presentation.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



Source: Nearmap, 2021

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to an existing RFB, including conversion of two ground floor apartments to commercial premises and front extensions and balconies on the first and second floor levels at the site known as 241 Bondi Road, BONDI.

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

- Existing use rights;
- Breach to FSR;
- Breach to height of building; and
- Streetscape presentation.

The assessment finds these issues acceptable.

The proposal will remove two front ground floor apartments to provide a commercial premises with the retention of the two rear floor ground apartments. The consent seeks to retain the prohibited RFB use under existing use rights and provide a compliant commercial premises use. The land use of the existing building is defined as an RFB, which was approved and constructed prior to the Waverley Local Environmental Plan (LEP) 2012 prohibiting the use within the B4 Mixed Use zone and as such is considered to be an Existing Use under Division 4.11 of the Environmental Planning and Assessment Act (EP&A Act).

The breach to both FSR and height of building development standards is supported as a well founded Clause 4.6 variation was provided by the applicant which adequately addressed the objectives of the development standard and the zone. Following the guidance of Council's Urban Designer it was concluded that the following can be completed to improve the streetscape presentation of the development to Bondi Road is acceptable subject to design amendments recommended by Council's Urban Designer including façade treatments and materials and finishes that complement the character of Bondi Road.

A total number of three 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 consent.

1.2. Site and Surrounding Locality

A site visit was not carried out on 5 August 2021.

The site is identified as Lots 46 and 47 within DP 9503 (currently on two separate titles), known as 241 Bondi Road, Bondi.

The site is rectangular in shape with a primary frontage to Bondi Road, measuring 20.12m and an area of 735.4m². The site has a gentle slope from the front (north) boundary to the rear (south) boundary by approximately 0.43m.

The site is occupied by a three storey RFB consisting of twelve independent apartments with outbuildings and landscaping to the rear. No off-street parking is provided.

Adjoining the subject site is a two storey mixed-use building to the east and a part three part four storey RFB to the west. The locality is characterised by a variety of medium to high residential or mixed-use developments.

Figures 1 to 3 are photos of the site and its context.



Figure 1: Subject site in context with Bondi Road, looking east.

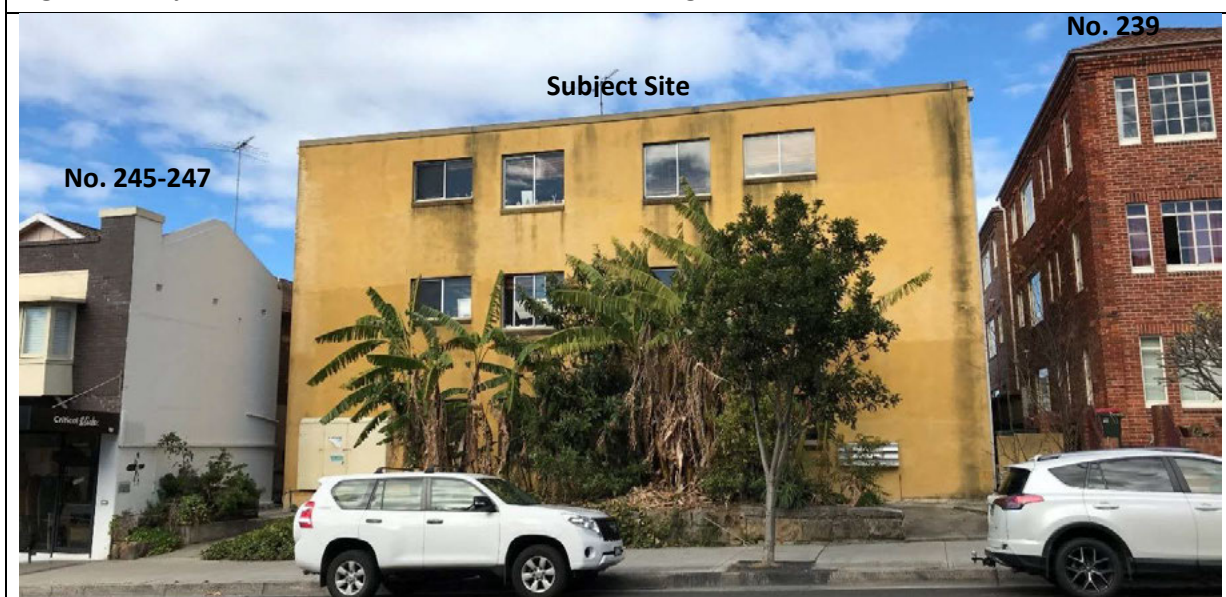


Figure 2: Subject site viewed from Bondi Road, looking south.

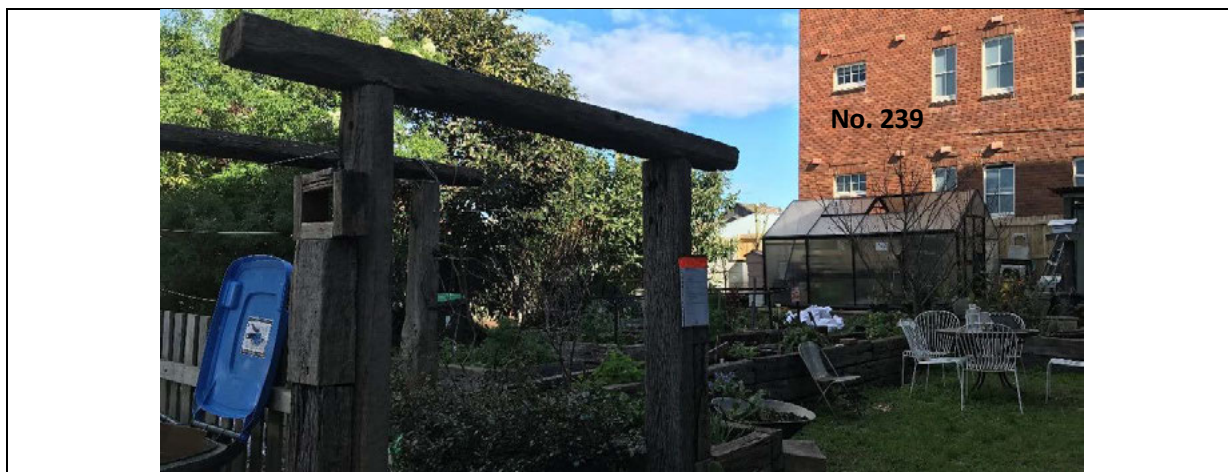


Figure 2: Private open space at rear of site, which is occupied by a community garden, looking southwest.

1.3. Relevant Development History

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

- Under **DA-19/2014**, consent was granted on 11 April 2014 for the removal of dilapidated rear stairs and an increase to the size of the balconies to the rear of the RFB.
- Under **PD-27/2020**, Pre-DA advice was provided on 1 September 2020 for alterations and additions to an existing three storey RFB to include two retail units at ground level and new balconies to the front of the building. In summary, the key advice is detailed below:
 - Zoning and existing use rights must be reviewed;
 - The ground and first floors should be constructed to the front boundary;
 - The second floor balcony should be setback from the front boundary line; and
 - Any breach to height and FSR will be considered upon assessment of DA.

1.4. Background

The DA was lodged on 15 June 2021 and deferred on 18 August 2021 for the following reasons:

- Additional owners consent;
- Window operations to be shown on the plans;
- A scale and north arrow to be added to all relevant plans;
- Confirmation on whether the ground floor apartments were adaptable;
- Re-design to the awning;
- Re-location of residential bin storage to the south-western corner of the site;
- Submission of the landscape plan;
- Submission of solar access, cross ventilation and storage calculation plans to assess against the Apartment Design Guide (ADG);
- Amended Clause 4.6 variation to be updated to show the correct numerical variation;
- Introduction of bicycle parking;
- Retention of the western side setback to assist with breaking up the wall height;
- Re-location of commercial bin storage to improve transportation route;

- Adequate scope for any future mechanical ducting/exhaust, adequate storage, garbage space and toilet facilities to meet future demands to the retail component of the proposal; and
- Comments from the relevant departments and referrals were to be addressed.

Amended architectural plans and documentation were lodged on 20 September 2021, comprising amendments as follows:

Ground Floor

- Re-location of residential bin storage to the south-western corner of the lot and relocation of the commercial bin storage from the eastern side of the building to the western side of the building;
- Amended residential access;
- Introduction of one accessible unisex bathroom and creation of a duct for connection of future kitchen exhaust; and
- Amended awning design.

First Floor

- Reduction in the size of the balcony to apartment 6; and
- Removal of planter trellis to western side of apartment 5 balcony.

1.5. Proposal

The DA seeks consent for alterations and additions to an existing RFB, including conversion of two ground floor apartments to commercial premises and front extensions and balconies on the first and second floor levels, specifically the following:

Ground Floor

- Demolition of two street facing residential apartments, with the retention of the two rear residential apartments;
- Creation of a commercial premises to the front of the building, with duct for connection of future kitchen exhaust and one accessible unisex bathroom;
- Relocation of residential entrance to the western side of the building;
- Creation of waste storage room for the commercial use within the building and a secondary external garbage room for the residential uses (south-west corner of the site);
- Dedicated area for bicycle parking;
- New awning over Bondi Road footpath; and
- Planting of one x *Stenocarpus sinuatus* (firewheel tree) to the public domain (Council footpath);

First Floor

- Internal alterations and enlargement of two apartments fronting Bondi Road (apartments 5 and 6), which contain:
 - Open planned living, kitchen and dining area;
 - Two x bedrooms;

- One x bathroom;
- Balcony overlooking Bondi Road; and
- Planters.
- Retention of existing two apartments to the rear.

Second Floor

- Internal alterations and enlargement of two street fronting apartments (apartments 9 and 10), which contain:
 - Open planned living, kitchen and dining area;
 - One x bedroom;
 - One x bathroom;
 - Balcony overlooking Bondi Road; and
 - Planters.
- Retention of existing two apartments to the rear.

Site

- Amalgamate the two separate titled lots into one title.

2. ASSESSMENT

The following matters are to be considered in the assessment of this DA 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 Environmental Planning and Assessment 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 Land and Environment Court (LEC) considered the issue of whether the controls in a Development Control Plan (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 Local Environmental Plan (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 LEP) 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 DA.

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 DA:

- SEPP (Building Sustainability Index – BASIX) 2004.
 - SEPP 55 Remediation of Land.
 - SEPP (Affordable Rental Housing) 2009.
 - SEPP (Infrastructure) 2007.
- SEPP 65 (Design Quality of Residential Apartment Development).

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Affordable Rental Housing) 2009

Part 3 – Retention of existing affordable rental housing

Clause 47 Interpretation

The applicable definitions under Part 3 of the SEPP are as follows:

low-rental dwelling means a dwelling that was let at a rental not exceeding the median rental level at any time during the relevant period, as specified in the Rent and Sales Report, in relation to a dwelling of the same type, having the same number of bedrooms and located in the same local government area. ***Relevant period*** means the period commencing 5 years before the day on which the development application involving the building is lodged and ending on that day.

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.

Clause 50(1)

Clause 50 (1) of the SEPP requires development consent for any proposal to:

- (a) demolish the building,
- (b) alter or add to the structure or fabric of the inside or outside of the building,
- (c) change the use of the building to another use (including, in particular, a change of use to backpackers accommodation),
- (d) if the building is a residential flat building, strata subdivide the building.

Therefore, Council's consent is required for the proposed development.

Clause 50(2) Assessment

(a) whether there is likely to be a reduction in affordable housing on the land to which the application relates

The most currently available weekly rents provided by the applicant for the units proposed to be removed or altered are \$500 for unit 1 (as of 17 June 2018), \$500 for unit 2 (as of 17 June 2018) and \$475 for unit 6 (as of November 2020).

All three units are one-bedroom units. These units are below the median rent for a one-bedroom unit in Waverley which was \$550 in March 2021 (the most recent data prior to the lodgement of the application). They are also below the median rents of June 2018 and December 2020.

It is therefore considered that these units are low rental dwellings (see ARHSEPP definition below).

As outlined in the ARHSEPP Clause 47(1), a low rental building is defined as *a dwelling that was let at a rental not exceeding the median rental level at any time within the five years preceding the lodgement of a development application, as specified in the Rent and Sales Report, in relation to a dwelling of the same type, having the same number of bedrooms and located in the same local government area.*

As the application is for alterations and additions to an existing RFB containing low rental dwellings under the ARHSEPP, Council must assess the proposal against the provisions of the ARHSEPP.

As there is likely to be a reduction in affordable housing, a monetary contribution to offset this can be calculated as outlined in clause 50(2)(g) of the ARHSEPP.

(b) whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation

As outlined in Clause 50 (3) of the ARHSEPP, sufficient comparable accommodation is deemed to be not available to mitigate the impact of the proposal, if the average vacancy rate in private rental accommodation for Sydney is less than 3% for the 3 months immediately preceding the date of lodgement of the DA. The Sydney rental vacancy rate is published by the Real Estate Institution of NSW.

The rental vacancy rate for the 2026 post code area as of May 2021 (most recent report at time of lodgement) was 2.8%. Given this rate is less than 3%, in accordance with the Clause 50 (3) of the ARH SEPP, there is insufficient comparable accommodation to satisfy the demand for affordable rental housing.

(c) whether the development is likely to cause adverse social and economic effects on the general community

The proposal involves the demolition of existing low-rental dwellings, however this impact can be somewhat mitigated as the contributions to be levied from the development will be put towards affordable rental housing.

(d) whether adequate arrangements have been made to assist the residents (if any) of the building are likely to be displaced to find alternative comparable accommodation

The applicant has not discussed any arrangements.

(e) the extent to which the development contributes to any cumulative loss of affordable housing in the local government area

The proposed development will contribute to the loss of affordable housing within the LGA as the development proposes to remove apartments 1 and 2 at the ground floor and enlarge apartments 5 and 6 at the first floor and 9 and 10 at the second floor.

The applicant was only able to obtain rental information for apartments 1, 2 and 6. Based on the information provided, it can be determined that apartments 1 and 2 would be lost as low rental dwellings. The rental for apartment 6 is likely to increase due to the enlargement, however whether it will exceed the median rental rate cannot be determined.

(f) the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and compliance of the building with the fire safety requirements

Appropriate fire safety conditions are recommended by Council's Fire Safety Officer.

(g) Whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development.

The imposition of a condition requiring the payment of a monetary contribution for the purpose of affordable housing would adequately mitigate the loss of units 1 and 2.

(h) In the case of a boarding house, the financial viability of the continued use of the boarding house

Not applicable to this application.

Clause 51 Contributions for affordable housing

Clause 51 of SEPP (Affordable Rental Housing) 2009 sets out the formula to calculate the contributions payable based on the total loss of low rental bedrooms, multiplied by the replacement cost (average value of the first quartile of sales and strata properties in the local government area as specified by the 4 most recent editions of the *Rent and Sales Report*), and then multiplied again by 0.05.

The average replacement (R) value of a dwelling within the Waverley LGA is \$945,750 (as at December 2020).

In this instance the total loss of low rental dwelling bedrooms (L) is identified as 2 (two one-bedroom units).

Based on the calculations listed in clause 51(3) and outlined below, the total contribution amount equates to \$94,575.

$$\$94,575 = 2 \times \$945,750 \times 0.05$$

$$C = L \times R \times 0.05$$

SEPP (Infrastructure) 2007

The subject site fronts Bondi Road (a classified road), therefore an assessment against Clause 101 of the SEPP must be undertaken.

An assessment against the relevant section of SEPP (Infrastructure) 2007 concludes the proposed development will not impact the classified road as the proposal does not propose a new driveway crossover or any additional off-street vehicle parking.

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 14 July 2021. The DEAP's comment of the 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"> <i>The Panel encourage the architect to analyse the local streetscape and built form character to identify design cues that can help inform the materiality and expression of the building. The current design could be dropped into any retail street, with no reference back to the unique qualities of Bondi Road.</i> <i>Consideration should be given to the type, vantage and volume of traffic moving along Bondi Road, and how this may influence the design. For example, views from passing buses, and pedestrians moving along the northern side of Bondi Road may impact the privacy and amenity more broadly</i> 	<p>The development has adequately replicated the predominant built-form that currently exists to Bondi Road – that being a two storey building with a nil front boundary setback. The ground and first floors are constructed with a nil setback to the front boundary (activating Bondi Road) with the second floor setback from the front boundary line, reducing the scale of the building when viewed from the public domain of Bondi Road.</p> <p>A condition has been recommended requiring the balustrades fronting Bondi Road to be solid to increase visual privacy to the apartments, reduce visual clutter and better meet the solid to void ratio precedence of Bondi Road.</p>

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> • <i>A study of the local streetscape would be valuable from a number of perspectives;</i> <ul style="list-style-type: none"> ○ <i>Informing the visual character and contribution of the site</i> ○ <i>Local built form character and expression, including openings, materials, parapets and setbacks</i> ○ <i>Rhythm of buildings, including the vertical and horizontal proportions, building separation and skyline (roof profiles)</i> ○ <i>Landscape elements and planting within properties and the streetscape, and their contribution to the local area</i> 	<p>Subject to design amendments included as recommended conditions, the development will complement the character of the streetscape and local area.</p>
2. Built form and Scale	<ul style="list-style-type: none"> • <i>Size and useability of the retail space needs further investigation and expression – it's unclear how these spaces would be serviced or accommodate wet areas, extraction vents or toilets to support a café use. These should be shown on a mock-up plan.</i> • <i>Limited depth to the new ground floor commercial units places significant constraints on the useability of this space. It's not clear what type of use or operator could occupy this space, given the lack of wet/service area or toilets. It's assumed a food venue would occupy this space, in which case, it should be supported by the necessary infrastructure</i> • <i>Street elevation shows the ground floor retail stepping down from west to east along Bondi Road. The plans indicate a single floor level within the site (RL68,85). The transition in levels from Bondi Road into this undercroft commercial space isn't noted, and should be carefully executed to ensure this space remains as useable as possible and access can be gained from a number of points along the</i> 	<p>The amended plans have now provided bathroom facilities as well as a duct for connection of future kitchen exhaust. Additionally, conditions recommended by Council's Health Officer have been imposed.</p> <p>The use of the commercial premises is unknown. A Complying Development Certificate or separate DA will need to be submitted prior to the first use of the ground floor tenancy.</p> <p>The amended Architectural Plans detail the levels of the footpath relative to the levels of the residential entrance and retail space. Given the slope, the western end of the retail premises will be below footpath level and provides floor to ceiling glass with a central access door at grade provided. Conditions have been imposed requiring adequate access for all persons.</p>

Principle	Panel's Comment	Planning Comment
	<p><i>frontage – assuming it gets divided into a number of tenancies</i></p> <ul style="list-style-type: none"> • <i>Under-sized apartments proposed at the second level – this is noted, and offset by the orientation, generous north-facing balconies and landscaping</i> • <i>The stepped street awnings to Bondi Road should accommodate street trees and their foliage, possibly via rounded corners, assuming they grow taller than 3-4m</i> • <i>Eastern boundary setback needs to be maintained to enable direct access to retail garbage. If the retail tenancy is subdivided, the operators will be forced to walk the garbage around the entire building to access the commercial waster store. The narrow setback at ground is a condition seen in some parts of Bondi Road – this needs to be investigated and recorded in the analysis</i> • <i>The proposed planting trellis structure on the western boundary to support the planters may need to be pulled back to allow maintenance without access the neighbours property, unless the installation of the plant screen and ongoing maintenance is agreed by the neighbour. An alternate solution is a more substantial planter (with a preference for deep soil) along the western boundary in which taller plants can be established – removing the need for the planted screen</i> 	<p>This will be discussed within Table 2 of this report.</p> <p>A street tree is proposed to the footpath of Bondi Road. The awning design will be discussed in greater detail below in Table 4.</p> <p>The commercial bin storage has been amended from the eastern side of the building to the western side to reduce the travel path for waste collection.</p> <p>The planting trellis structure has been deleted from the amended plans.</p>
3. Density	No comments.	As will be discussed in more detail below, the proposed development has an appropriate density – reflective of the existing built-form along Bondi Road.
4. Sustainability	<ul style="list-style-type: none"> • <i>The Panel would like to see some investment in the retained portion of the building, including new windows,</i> 	This is not part of the scope of works.

Principle	Panel's Comment	Planning Comment
	<p><i>ceiling fans, solar shading to windows, etc.</i></p> <ul style="list-style-type: none"> • <i>If A/C is proposed for the new units fronting Bondi Road, then this should be shown on the plans, particularly if they're to be located on the balconies</i> • <i>Ceiling fans are encouraged as an option for cooling</i> • <i>Outdoor drying areas should be provided at ground, within the rear garden.</i> 	<p>A/C is not shown on the plans. The location of A/C units must comply with exempt development codes or be subject to a separate future DA.</p> <p>No ceiling fans are proposed.</p> <p>Majority of the rear communal open space is occupied by an existing community garden, with limited space for an outdoor drying area. Having regard to the public benefit of retaining the community garden, the lack of an outdoor drying area is acceptable in this circumstance.</p>
5. Landscape	<ul style="list-style-type: none"> • <i>Loss of the mature tree to Bondi Road should be offset by the addition of mature tree planting in the rear garden – including the relocation of the banana plants.</i> • <i>Landscape screen/climbers provide limited amenity or contribution to the local streetscape, particularly in this harsh urban, high traffic environment along Bondi Road. A more substantial planter, able to support appropriate native small mature tree planting is preferred at the western boundary (see above)</i> • <i>Residential garbage could be integrated into an outdoor facility, with a BBQ area, weather protection, drying space, etc.</i> • <i>Planters on the awning need to be accurately reflected in the architectural drawings to ensure there's adequate structure to support them</i> 	<p>One x <i>Stenocarpus sinuatus</i> (firewheel tree) is proposed to Bondi Road. Council's Tree Management Officer supports the street tree planting, subject to conditions.</p> <p>Climbers/trellis has been removed from the amended plans.</p> <p>The garbage area has been relocated to the south-western corner to avoid wasted space. A community garden is located within the rear of the lot and there is limited room for other amenities.</p> <p>The landscape plans have been appropriately updated to show engineering and planting details. No objection is raised to the accommodation of planters above the awning, subject to conditions.</p>

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> • <i>The proponent should explore the creative reuse of the existing cut sandstone blocks currently in the front setback gardens. This would be consistent with the Waverley LEP 2012. This reinterpretation would add to the existing eclectic streetscape character that is exhibited in this section of Bondi Road.</i> • <i>The proponent explores the use of small hardy native coastal small shrub/trees in the plantings such as Banksia species.</i> 	<p>The re-use of sandstone on the site is not appropriate. The proposed materials and finishes are satisfactory (subject to recommended conditions).</p> <p>The subject site is not located within a Biodiversity Corridor and therefore planting of specific native species is not a requirement.</p>
6. Amenity	<ul style="list-style-type: none"> • <i>Screening of balconies with solid balustrades will improve privacy and useability of these spaces on Bondi Road [See Aesthetics & Context]. This is particularly relevant to the 1st floor units, which don't offer the same setbacks and landscape screening as the second level</i> • <i>Sense of arrival through the residential access/lobby off Bondi Road should be expanded to improve natural light, sight lines and overall comfort – this may include some art, armchairs or sofa, and letterboxes, to form a communal meeting place.</i> 	<p>Solid balustrades are recommended as a condition of consent to increase visual privacy to the apartments, reduce visual clutter from Bondi Road and to reflect the solid structures that are prevalent on Bondi Road.</p> <p>The residential entrance is visible from the public domain. There is room for communal armchairs or sofas near the common stairs if desired.</p> <p>As the development retains the existing rear residential apartments as well as the location of the common lobby, limited solar access can be supported on merit.</p>
7. Safety	<ul style="list-style-type: none"> • <i>Improve the quality, scale and visual connectivity from the street.</i> 	This is deemed satisfactory.
8. Housing Diversity and Social Interaction	<i>No comments.</i>	The proposed development significantly improves the existing front apartments, upgrading them for contemporary living.
9. Aesthetics	<ul style="list-style-type: none"> • <i>A more solid and masonry materiality is appropriate in this context, as it reflects the type and form of buildings to the east/west. The references show a solid concrete or stone-clad frame to express the volumes – this needs to be carried throughout the building</i> 	Council's Urban Designer has recommended solid balustrades to balconies fronting Bondi Road. A condition requiring the design amendment has been imposed.

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> • <i>Metal cladding (colorbond) to balconies is not supported or appropriate in this context. Cues should be taken from the neighbouring properties to lift the quality of the development and ensure it provides a positive contribution to the area.</i> • <i>The design approach should be tied back to an understanding of the place, which should be identified through a details context analysis (noted above). There are some very good and some average examples of new buildings along Bondi Road. The better examples appear to fit comfortably within the streetscape and made a positive contribution, either through landscape, materials or activation.</i> 	<p>Council's Urban Designer has recommended some design modification to improve the streetscape appearance of the building.</p>

Apartment Design Guide

Clause 6A of SEPP 65 requires that 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
3D Communal and public open space		
<ul style="list-style-type: none"> Min 25% of the site area. 	Yes	The site provides 33.3% of communal open space.
<ul style="list-style-type: none"> Min 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter) 	Supported on merit.	It is difficult to comply with this control due to the footprint of the existing building with communal open space located to the southern side of the site in an established built environment. Therefore, due to site constraints, the non-compliance is supported on merit.
3E Deep soil zones		
<ul style="list-style-type: none"> Min dimensions of 3m 	Yes	The site has deep soil areas that have dimensions that exceed 3m, at approximately 16.6m x 12.8m.
<ul style="list-style-type: none"> Min of 7% of site area 	Yes	The site has a deep soil area of 28.9%.
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	Yes	The following is a discussion on visual privacy to adjoining uses:
	Yes	<u>239 Bondi Road (west of site)</u> The proposed balconies to the front of the building are set forward of the building line of 239 Bondi Road and are also provided with generous setbacks to the western side boundary. The proposed development will not result in unreasonable loss to visual privacy.
	Yes	<u>245-247 Bondi Road (east of site)</u> The proposed balconies to the front of the building are in line with the front building line of 245-247 Bondi Road (excluding bay windows). This neighbouring building also has nil windows to the front portion of its western side elevation. Unreasonable loss of visual privacy will not occur.
3G Pedestrian access and entries		
	Yes	The DEAP advised the 'Street elevation shows the ground floor retail stepping down from west to east along Bondi Road. The plans indicate a single floor level within the site (RL68,85). The transition in levels from Bondi Road into this undercroft commercial space isn't noted, and should be carefully executed to ensure this space remains as useable as possible and access can be gained from

		<p><i>a number of points along the frontage – assuming it gets divided into a number of tenancies'</i></p> <p>The applicant provided justification that the amended Architectural Plans detail the levels of the footpath relative to the levels of the residential entrance and retail space. Given the slope, the western end of the retail premises will be below footpath level and provides floor to ceiling glass with a central access door at grade provided.</p> <p>In addition to this justification provided by the applicant, relevant BCA conditions have been imposed to ensure access for all persons is provided.</p>
3J Bicycle and car parking		
	-	Parking rates are discussed in more detail below in Table 4.
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Acceptable on merit.	Four out of the ten (40%) apartments are north facing, with the remaining six (60%) existing apartments located to the rear (south) of the RFB. Given this is an existing RFB that is significantly improving the internal amenity of four existing front apartments, the non-compliance is accepted on merit.
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	100% of the proposed residential units (excludes the existing rear apartments) are naturally ventilated.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m 	Yes	The proposed residential apartments to the front portion of the building comply with the minimum 2.7m floor to ceiling height.
<ul style="list-style-type: none"> Non-habitable rooms – 2.4m 	Yes	The proposed balconies have a floor to ceiling height of 2.4m or more.
<ul style="list-style-type: none"> Mixed Use – 3.3m at ground and first floor 	Yes	The commercial use has a floor to ceiling height that exceeds 3.3m.
	Acceptable on merit.	Given this is improving a current outdated building, a 3m floor to ceiling height at first floor level is supported on merit.

4D Apartment size and layout					
<ul style="list-style-type: none">The following minimum internal areas apply:<ul style="list-style-type: none">Studio = 35 m²1 Bed = 50 m²2 Bed = 70 m²3 Bed = 90 m²Add 5m² for each additional bathroom (above 1)Add 12m² for each additional bedroom	Refer to table →	Apartment Size Calculations			
		Apt	Min size (m ²)	Proposed size (m ²)	Complies
		1	Convert to commercial use.		
		2	Convert to commercial use.		
		3	No change.		
		4	No change.		
		5	70	74.4	Yes
		6	70	75.1	Yes
		7	No change.		
		8	No change.		
		9	50	48.3	No
		10	50	48.6	No
11	No change.				
12	No change.				
<ul style="list-style-type: none">In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Acceptable on merit.	Although apartments 9 and 10 are slightly undersized, they are supported as they significantly improve the layout and size of the existing apartments.			
		Apartments 5 and 6 have open plan living areas of 8.9m, slightly exceeding the maximum depth of 8m. This non-compliance is supported as the proposed works significantly improves the functionality of these apartment.			
		The open living areas of apartments 9 and 10 do not exceed 8m in depth.			
		Each master bedroom to the refurbished apartments exceeds 10m ² . The secondary bedroom to apartments 5 and 6 exceeds 9m ² .			
		Each bedroom has dimensions of at least 3m.			
<ul style="list-style-type: none">Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)	Yes				
<ul style="list-style-type: none">Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Yes				
<ul style="list-style-type: none">Living rooms or combined living/dining rooms have a minimum width of:<ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments	Yes				

4E Private open space and balconies					
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none">• 1-bed – 8m² & 2m depth• 2-bed - 10m² & 2m depth• 3+bed - 12m² & 2.4m depth• Ground level, min 15m² & 3m depth	Refer to table →	Balcony Size Calculations			
		Apt	Min Depth (D) and Area (A)	Proposed Depth (D) and Area (A)	Complies
		1	Convert to commercial use.		
		2	Convert to commercial use.		
		3	No change.		
		4	No change.		
		5	D: 2m A: 10m ²	D: 2.1m A: 13.2m ²	Yes
		6	D: 2m A: 10m ²	D: 1.9m A: 12.8m ²	No. Only small portion is less than 2m in depth. This minor breach is accepted on merit.
		7	No change.		
		8	No change.		
		9	D: 2m A: 8m ²	D: 2.7m A: 11.7m ²	Yes
		10	D: 2m A: 8m ²	D: 2.7m A: 20.6m ²	Yes
		11	No change.		
		12	No change.		
4F Common circulation and spaces					
<ul style="list-style-type: none">• Max of 8 units accessed off a circulation core on a single level	Yes	The existing common vertical circulation will remain with no increase in the number of apartments accessed off the circulation core.			
4G Storage					
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none">• 1-bed – 6m³• 2-bed – 8m³• 3+bed – 10m³	Refer to table →	Storage Calculations			
		Apt	Min volume (m ³)	Proposed volume (m ³)	Complies
		1	Convert to commercial use.		
		2	Convert to commercial use.		
		3	No change.		
		4	No change.		
		5	8	9	Yes
		6	8	9	Yes
		7	No change.		
		8	No change.		
		9	6	6	Yes
		10	6	6	Yes

		11	No change.	
		12	No change.	

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 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Condition recommended.	The application proposes to consolidate the two separate lots into one single lot. This is recommended to form part of the conditions of consent.
Land Use Table B4 Mixed Use Zone	Existing Use Rights Apply	<p>The existing use for the lot was for a RFB, containing twelve individual apartments.</p> <p>A RFB is defined as, ‘a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.’</p> <p>The proposal will remove two front ground floor apartments to provide a commercial premises with the retention of the two rear floor ground apartments.</p> <p>The consent seeks to retain the prohibited RFB use under existing use rights and provide a compliant commercial premises use.</p> <p>The land use of the existing building is defined as an RFB, 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&A Act.</p>
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9m 	No	<p>The development has an overall height of 10.6m.</p> <p>Exceeding the maximum development standard by 1.6m or 17.7%.</p>
4.4 Floor Space Ratio (FSR) <ul style="list-style-type: none"> Site Area: 735.4m² 	No	<p><u>Gross Floor Area (GFA) Calculations</u></p> <p>Ground Floor: 342.1m²</p> <p>First Floor: 303.4m²</p>

Provision	Compliance	Comment
<ul style="list-style-type: none"> Max FSR: 1:1 GFA: 735.4m² 		Second Floor: 255.5m ² TOTAL GFA: 901m² TOTAL FSR: 1.23:1 The proposal will exceed the maximum GFA by 165.6m ² or 22.5%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.

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

Clause 4.6 Exceptions to Development Standards - Height of Building

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height development standard of 9m. The proposed development has a height of 10.6m, exceeding the standard by 1.6m equating to a 17.7% 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 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 development is consistent with the objectives of the development standard and zone;*

a. Height of Building Objectives

- i. **Objective (a)** *to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.*

The maximum height of the existing building will not be altered with the proposed variation to the height limit below the roof level. The proposed development is contained wholly below the height of the existing building. There are no significant adverse amenity impacts resulting from the height variation in terms of views, overshadowing or overlooking. The variation takes place within the existing built form, with only the proposed awnings projecting forward of this above the 9m height limit. The proposal will enhance the existing streetscape through additions to an existing building to provide a number of planning benefits that will not be realised if the additional works are not achieved. That is, the provision of additional commercial premises, an active shopfront and increased surveillance of the upper levels would not be achieved if the alterations and additions to the existing building are not approved.

- ii. **Objective (b)** *to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*

This clause is not applicable as the subject site is not located within the Bondi Junction Centre.

- iii. **Objective (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,*

This clause is not applicable as the subject site is not located within the Bondi Junction Centre.

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

The subject site is zoned B4 Mixed Use within a streetscape with varied building typologies and heights. In terms of the existing character, the immediate locality lends itself to the additional height which is entirely compatible with the scale of Nos. 239 and 247 Bondi Road which would also

breach the height plane, are strata subdivided and are unlikely to be changed in the future. This existing character must be acknowledged and it is considered the proposal responds to the existing and recently approved character of the locality which makes it compatible with the desired future character of the locality.

The development is compatible with the height, bulk and scale of the desired future character of the locality in that it is a high quality, contemporary addition to an existing building which is already built above the height limit. The proposed additions are contained wholly below the retained roof slab, are generally within the existing building envelope and do not introduce any significant adverse amenity impacts to neighbours.

The development positively complements and contributes to the physical definition of the street network and public space by better representing the nature of the B4 Mixed Use zone and development immediately to the east of the site. It continues to predominant development type in this part of Bondi Road being buildings with a nil street setback and retail at ground floor level.

Majority of the existing building will be retained (to the rear), which means most of the existing height, bulk and scale of the building will remain as existing. The proposed addition to the front of the building is respectful of the bulk and scale of the surrounding buildings as well as the existing building it is attached to. The addition to the front has been appropriately provided with a two storey nil boundary addition with a setback second storey, which is reflective of the buildings along the iconic Bondi Road streetscape.

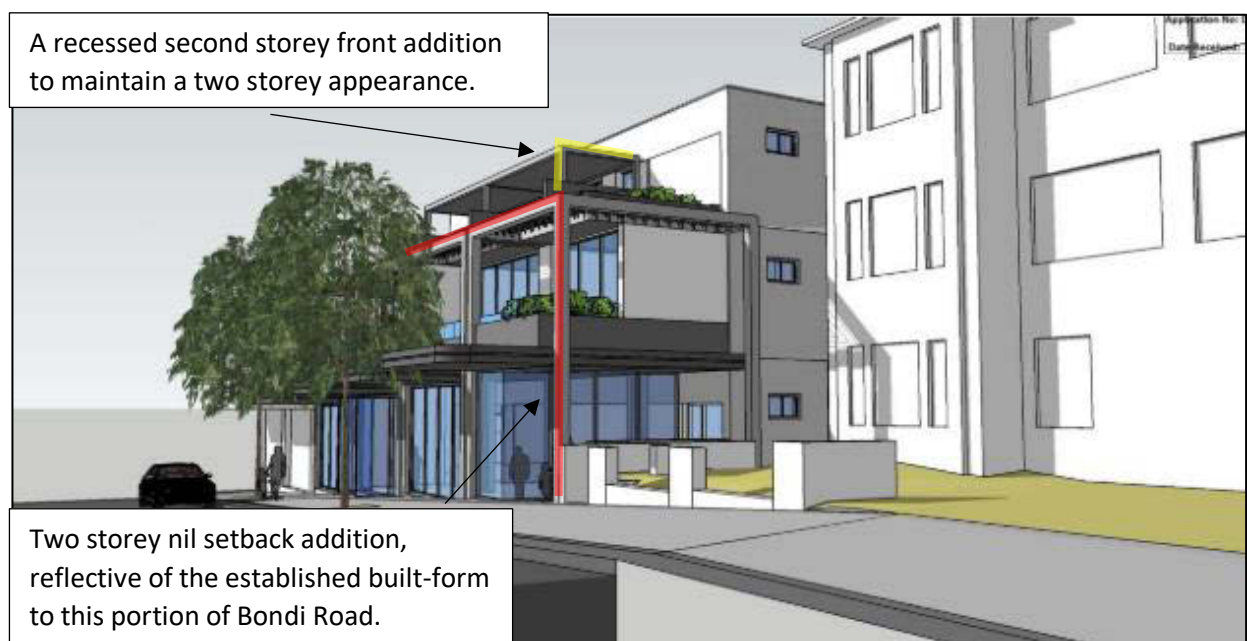


Figure 4. Two storey nil setback with a second storey setback (Source: SHED, 2021)



Figure 5. Two storey nil setback with a second storey setback (Source: SHED, 2021)

b. Mixed Use 'B4' Zone Objectives

- *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 proposal gives better effect to the zone objectives as it introduces commercial premises at ground level and a mix of compatible land uses, whilst integrating suitable commercial and residential space. It also enables the improvement of existing residential units with no significant adverse impact on amenity and is considered to improve the streetscape.

(ii) There are no significant adverse impacts from the proposed non-compliance.

(iii) Important planning goals are achieved by the approval of the variation

a. The development will be consistent with Clause 1.2 (2) of the Waverley LEP 2012, specifically:

- Objective (a)** *to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,*
- Objective (c)** *to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community*

- b. The proposal is consistent with the above stated objective as it provides additional ancillary residential space to contribute to the range of housing types in Waverley. The development is not antipathetic to any of the other Aims of the plan.

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

- a. *The proposed development will not exceed the existing maximum height of 10.8m (RL79.75) which is already over the 9m height of buildings development standard.*
- b. *The variation will have no adverse impact on adjoining properties with regard to visual privacy or amenity. The only additional built form which projects outward from the existing building envelope above the 9m height limit is the awnings for the proposed balconies. These are substantially setback from the boundaries such that any shadow falls onto the subject site only. The additional shadow cast by the proposal will be insignificant as the subject and adjoining sites are north facing. Any additional shadow cast over the residential building to the west will occur only in the early morning before moving wholly off the adjoining site prior to the afternoon. The site to the east has a nil setback and is therefore not overshadowed. For the same reason, there will be no additional overlooking proposed from the variation given it, effectively, is contained within the existing building envelope.*
- c. *The proposal has a 2 storey form to the street, consistent with the predominant building height in the locality;*
- d. *The height variation does not contain any additional GFA above the 9m height limit as it relates only to the awning of proposed balconies, new windows and replacement wall panels (within the existing building envelope);*
- e. *The height variation does not introduce any additional privacy impacts beyond those of the existing building as it is set entirely within the existing building envelope;*
- f. *The height variation is lower in height than the existing built form being below the retained roof slab.*
- g. *To require strict compliance would not result in any material planning benefit and would in fact be counterproductive as it would result in the loss of additional high quality ancillary residential space within the locality. To insist on strict compliance would thwart and preclude the redevelopment of the land to a reasonable standard, and not allow the site to reach its full development potential.*

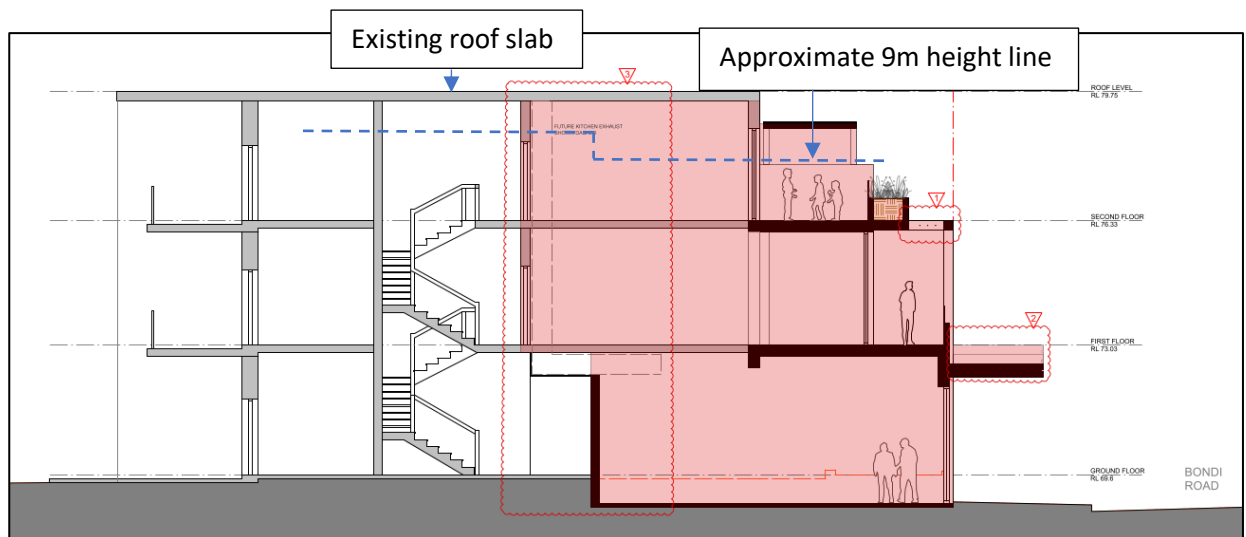


Figure 6. Only a small portion of the constructed works to the front of the building exceeds the 9m height limit, with the remainder below the existing roof slab. (Source: SHED, 2021)

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 outlined under **justification (a)** outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant’s justification is considered reasonable, particularly as the proposal will not be any higher than the existing building and will be of a similar bulk and scale to the existing buildings that front Bondi Road. The justification provides extensive discussion of the development in relation to the objectives of the height of building development standard with particular focus upon retention of environmental amenity as well as a compatible bulk and scale with the surrounding area. The proposal will not result in unreasonable impacts upon the amenity of surrounding properties as the built form is below what is currently existing and is similar to the surrounding locality.

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 applicant’s Clause 4.6 variation states that the proposed works are positioned below the existing building height, will not result in unreasonable overshadowing or visual privacy impacts to surrounding land uses and is consistent with the bulk and scale of the streetscape.

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 height of building development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The shadow diagrams indicate that the proposed development does not result in unreasonable shadowing to surrounding land uses (will be discussed more in Table 5) and as no portion of GFA is

located above 9m it can be argued that the breach in height does not result in unreasonable visual privacy loss. Lastly, the development is located along a major transport corridor of Bondi Road and will not result in view loss to surrounding properties.

As discussed within Table 3 above, the existing RFB benefits from existing use rights as the established RFB is prohibited in the Mixed Use 'B4' zone. The development wishes to retain the existing RFB and propose a commercial use at ground floor as a permitted use.

Notwithstanding, an assessment against the objectives of the zone is provided following for an abundance of caution. The objectives of the Mixed Use 'B4' zone 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 works meets the objectives of the zone the development is similar to a permitted 'shop-top housing' use, providing a mixture of commercial and residential uses within the one building.

Conclusion

For the reasons provided above the requested variation to the height of building is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of building and the Mixed Use 'B4' Zone.

Clause 4.6 Exceptions to Development Standards - FSR

The application seeks to vary the FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 1:1. The proposed development has a FSR of 1.23:1, exceeding the standard by 165.6m² equating to a 22.5% 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:

- (c) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (d) 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) The development is consistent with the objectives of the development standard and zone;

a. FSR Objectives

i. **Objective (a)** to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs.

This clause is not applicable as the subject site is not located within the Bondi Junction Centre.

ii. **Objective (b)** to provide an appropriate correlation between maximum building heights and density controls.

The existing building, whilst exceeding the height and FSR standards (and benefiting from existing use rights), is nonetheless smaller in scale than the adjoining residential building to the west. The proposed variation ensures an appropriate correlation between the real world height and density of the subject site. The variation ensures a better relationship with the adjoining building to the east and significantly improves the site's compliance with the objectives of the B4 zone by providing commercial/retail ground floor space and improvements to the streetscape which are consistent with the existing character of the area.

The non-compliance with the FSR development standard does not arise from an inappropriate building envelope, rather the proposed development will nestle comfortably between the two buildings to the east and west (Nos. 247 and 239 Bondi Road respectively). To the casual observer, when comparing the bulk (density) and scale (height) of the two adjoining buildings, the non-compliant FSR would not be apparent. Furthermore, the proposed development would be compatible with the context of the eclectic mix of built form in the locality.

iii. **Objective (c)** to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.

In terms of the existing character, the immediate locality lends itself to the additional FSR which is entirely compatible with the scale of Nos. 247 and 239 Bondi Road to the east and west respectively. It is anticipated that both buildings would also breach the height and FSR development standards, are strata subdivided and are unlikely to be changed in the future. This existing

character must be acknowledged and it is considered the proposal responds to the existing and recently approved character of the locality which makes it compatible with the desired future character of the locality.

The FSR variation results in an appearance which is more harmonious with the buildings around and the character of the street. The existing building is out of character with the broader pattern of development along Bondi Road by being wholly residential and having a front setback. The general character of Bondi Road is one of commercial/retail at ground floor, within abutting or terraced buildings with nil street setbacks.

The additional built form results in a more coherent and unified streetscape which is therefore more compatible with the established built form of the locality. It is contended that the established built form defines the desired future character of the locality.

- iv. **Objective (d):** *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

The FSR breach will not adversely compromise the use and enjoyment of neighbouring properties in terms of views, privacy or daylight access. The proposal will enhance the existing streetscape through additions to an existing building to provide a number of planning benefits that will not be realised if the variation is not positively considered.

b. Mixed Use 'B4' Zone Objectives

- *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 variation enables a mix of compatible land uses, whilst integrating suitable commercial and residential space. It also enables the improvement of existing residential units with no significant adverse impact on amenity and is considered to improve the streetscape. The proposed additional FSR gives greater effect to the objectives of the B4 zone by providing a commercial premises and active street frontage on Bondi Road.

- (ii) *There are no significant adverse impacts arising from the proposed variation; and*
(iii) *Important planning goals are achieved by the approval of the variation*

- a. *The development will be consistent with Clause 1.2 (2) of the Waverley LEP 2012 as it:*
 - i. **Objective (a)** *to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community,*
 - ii. **Objective (c)** *to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community*

The proposal is consistent with the above stated objective as it provides additional ancillary residential space to contribute to the range of housing types in Waverley. The development is not antipathetic to any of the other Aims of the plan.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *Despite non-compliance with the FSR standard, the proposed bulk, design and urban form are compatible with the emerging and desired character of the locality.*
 - (ii) *The variation will have no adverse impact on adjoining properties with regard to visual privacy or amenity. The additional floorspace is contained at the front of the building at ground and first floor level. The floorspace extends no closer to the western boundary (with No.239 Bondi Road) than the existing built form. In fact, at ground floor the new commercial space is set back in excess of the existing setbacks, being setback approximately 3.3m. At first floor level the additional floorspace aligns with the existing 1.2m side setback. The additional floorspace does not contain any windows looking toward the western side boundary. As such, there is no additional overlooking that the existing building. At the eastern boundary a nil ground floor setback is proposed and a first floor setback which matches the existing minimum 1m side setback is proposed. This is acceptable given that it abuts the black side wall of the adjoining premises.*
 - (iii) *The non-compliance will have no significant adverse impact on adjoining properties with regard to overshadowing. The diagrams indicate only minor additional overshadowing to the front setback of No.239 Bondi Road at the early morning only. After this the site becomes self-shadowing.*
 - (iv) *The variation gives better effect to the objectives of the B4 Mixed Use zone by enabling the provision of commercial/retail floorspace at ground level in a built form which is consistent with the established character of Bondi Road.*
 - (v) *The variation improves the streetscape by ensuring alignment with the predominant built form of Bondi Road to the immediate east and westward beyond the adjoining site at No.239 Bondi Road where the street contains abutting buildings with nil street setbacks and commercial/retail at ground level. The subject site and its neighbour at No.239 are anomalous on the streetscape by containing solely residential properties and a front setback.*
 - (vi) *The variation provides for improvements to the size and quality of existing residential units and provides external private open space, which none of the units currently benefit from.*
 - (vii) *As previously noted the bulk and scale of the proposal is demonstrated to be compatible with, and sensitive to, both existing and likely future development in the streetscape. In this regard, it is submitted that the additional FSR proposed allows for a good planning outcome with benefits associated with the provision of improved residential units, with no significant adverse impacts in terms of visual bulk, streetscape character and being of a high quality, well-*

considered design. The proposed development meets the objectives of the development standard and meets the objectives of the B4 Mixed Use 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:

- (c) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (d) The proposed development will be in the public interest because it is consistent with the objectives of the particular 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 outlined under **justification (a)** outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant's justification is considered reasonable, particularly as the proposal will be of a similar bulk and scale to the existing buildings that front Bondi Road. The justification provides extensive discussion of the development in relation to the objectives of the FSR development standard with particular focus upon retention of environmental amenity as well as a compatible bulk and scale with the surrounding area. The proposal will not result in unreasonable impacts upon the amenity of surrounding properties as the built form is similar to what is existing along Bondi Road.

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 applicant has demonstrated that the proposed development, despite its FSR breach, will relate well to the existing built-form along the Bondi Road corridor and that a compliant FSR would result in a severely underdeveloped building that would not suit the streetscape character.

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 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.*

This objective is not relevant as the subject site is not located within the Bondi Junction Centre.

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

The proposed works will have an envelope that is reflective of the surrounding built form. No portion of the proposed FSR will exceed the maximum height limit and it is therefore considered that the breach to FSR has an appropriate height to density correlation.

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

Despite the breach to FSR, the proposed development is compatible with the desired future character of the locality with the proposed building envelope reflective of the built form along Bondi Road. The current building is setback from the street and is clearly disjointed from the established streetscape which has a nil front boundary precedence. By bringing the building forward to the front boundary it will appropriately fill the site and complete a missing part of the streetscape, activating this part of Bondi Road.

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

No additional GFA is located above the 9m height of building development standard and does not result in any adverse impact on the amenity of neighbouring properties. In particular, the shadow diagrams indicate that the proposed development does not result in unreasonable additional overshadowing (see discussion in Table 5) to surrounding properties and the proposal will not result

in unreasonable loss of visual privacy. Lastly, the development is located along a major transport corridor of Bondi Road and will not result in view loss to surrounding properties.

As discussed within Table 3 above, the existing RFB benefits from existing use rights as the RFB is prohibited in the Mixed Use 'B4' zone. The development wishes to retain the existing RFB and propose a new commercial use at the ground floor which is a permitted use.

Notwithstanding, an assessment against the objectives of the zone is provided following for an abundance of caution. The objectives of the Mixed Use 'B4' zone 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 works meets the objectives of the zone the development is similar to a permitted 'shop-top housing' use, providing a mixture of commercial and residential uses within the one building.

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 and the Mixed Use 'B4' Zone.

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory, subject to conditions recommended in Appendix A.
2. Ecologically Sustainable Development	Yes	Satisfactory.
5. Vegetation Preservation	Yes	One x <i>Stenocarpus sinuatus</i> (firewheel tree) is proposed to be planted on the public domain (Council footpath).

Development Control	Compliance	Comment																				
		Council’s Tree Management Officer has reviewed and supports the proposal subject to recommended conditions in Appendix A.																				
6. Stormwater	Yes	Satisfactory, subject to conditions recommended in Appendix A.																				
7. Accessibility and Adaptability	Yes	Council’s Fire Safety Officer reviewed the proposal and is satisfied that the building can comply with the BCA subject to recommended conditions in Appendix A.																				
	Acceptable on merit.	The existing twelve apartments were not adaptable. Given the building is upgrading four apartments on the first and second floors, it would be unreasonable and extremely difficult to require two of the apartments that are located above ground floor (in a building that does not benefit from an existing elevator) to be upgraded. Requirements for adaptable apartments on the ground floor would be considered with any future application that seeks approval for alterations and additions to the existing apartments.																				
	Yes	Access for all persons is recommended to be conditioned.																				
8. Transport																						
8.1 – Streetscape	Yes	The site currently does not provide off-street parking and the proposed development will not provide off-street parking.																				
8.2 – On Site Parking		Off-street parking is not proposed.																				
8.2.2 Parking Rates	Refer to table →	<div>The subject site is located within parking zone 2.</div> <table><tr><th colspan="4">Parking Rates</th></tr><tr><th>Parking Type</th><th>Required</th><th>Proposed</th><th>Complies</th></tr><tr><td>Car Parking (residential)</td><td>Min – 0 Max – 11.2</td><td>0</td><td>Yes</td></tr><tr><td>Car Parking (visitor)</td><td>2</td><td>0</td><td>No. Supported due to ample access to public transport.</td></tr><tr><td>Car Parking (retail)</td><td>Min - 0 Max – 2.9</td><td>0</td><td>Yes</td></tr></table>	Parking Rates				Parking Type	Required	Proposed	Complies	Car Parking (residential)	Min – 0 Max – 11.2	0	Yes	Car Parking (visitor)	2	0	No. Supported due to ample access to public transport.	Car Parking (retail)	Min - 0 Max – 2.9	0	Yes
Parking Rates																						
Parking Type	Required	Proposed	Complies																			
Car Parking (residential)	Min – 0 Max – 11.2	0	Yes																			
Car Parking (visitor)	2	0	No. Supported due to ample access to public transport.																			
Car Parking (retail)	Min - 0 Max – 2.9	0	Yes																			

Development Control	Compliance	Comment			
8.2.6 Bicycle Parking	Refer to table →	Motorcycle	0	0	Yes
		Accessible Parking (Refer to Part B7, Section 7.2 of WDCP)	0	0	Yes
		Bicycle Rates			
		Bicycle Parking Type	Required	Proposed	Complies
Long-stay /resident/ employee	Residential – 10	10	Yes		
	Food and drink – (0.1 space per staff)	1	Difficult to determine as proposed use unknown.		
Short-stay/visitor	Residential – 1	1	No		
	Food and drink – (0.1 spaces per seat)	0	Difficult to determine as proposed use unknown.		
10. Safety	Yes	The residential entry is designed to minimise blind corners.			
12. Design Excellence	Conditions Recommended.	To better enhance the proposed buildings streetscape presentation the following design amendments have been recommended as conditions in Appendix A: <ul style="list-style-type: none">The glass balustrades to balconies on the northern elevation is to be replaced with a solid material and comprise of darker coloured concrete (PC2) shown on the submitted finishes schedule; andIn order to follow the lead of the adjacent corner building (245-247 Bondi Road), the columns are to be combined and protrude at the top of the first floor. The thickness of the top beam is to be increased as recommended by Council’s Urban Designer as illustrated below in Figure 8.			

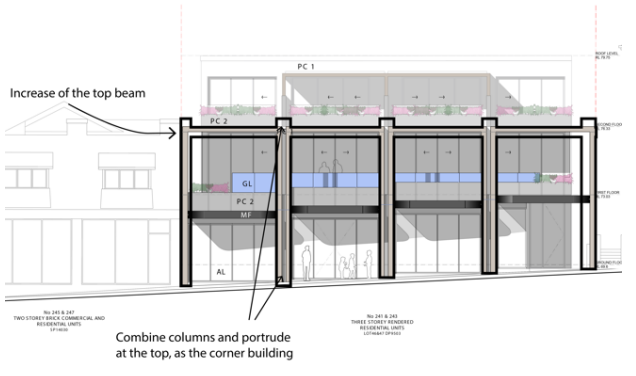
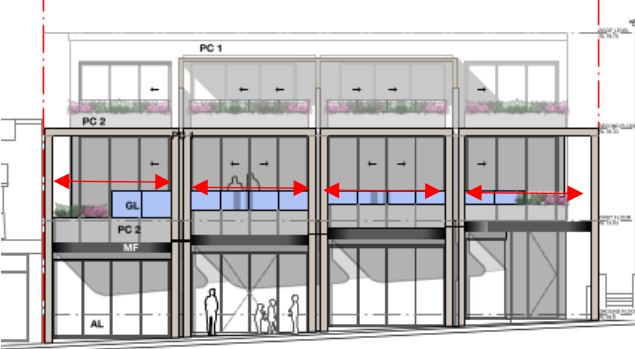
Development Control	Compliance	Comment
		 <p>Figure 7. Amendments to be made to the columns at the front facade (Source: Waverley Council, 2021)</p>
13. Subdivision	Conditions Recommended.	The development proposes to consolidate the two lots.
16. Public Domain		
16.1 Improving the Public Domain	Yes	The development will improve the public domain by providing a more active frontage (commercial use) along the busy Bondi Road transport corridor.
16.2 Active Street Frontages	Yes	The development is proposed to be constructed to the front boundary, promoting an active street front. Large windows at ground floor are provided to assist in activating the street front.
16.4 Awning and Colonnades	Yes	<p>The awning has a footpath to awning ceiling height of more than 3.1m and is setback more than 0.6m from the kerb.</p> <p>The awning has an overall height between 3.2m – 4.2m. The awning steps down with the slope of the footpath.</p> <p>The width of the awning is supported as it relates well to the neighbouring awning.</p>

Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
	Yes	The site is appropriate for the proposed development, with the proposed addition similar in bulk and scale to the existing building as well as the surrounding built form.

Development Control	Compliance	Comment
		 <p>Figure 9. Front equal columns to the proposed development reflective of the historic shop-top housing existing along Bondi Road. (Source: SHED, 2021)</p>
3.4 Length and depth of buildings – REFER TO PART 3F OF THE ADG		
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported. 	Yes	<p>As discussed above, the northern elevation comprises four equally proportioned vertical elements that reflects the character of historic shop-top housing developments that are prevalent along Bondi Road.</p> <p>As discussed above, the proposal is supported subject to design amendments to ensure that external finishes are sympathetic to the character of the streetscape.</p>
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes. Condition Recommended.	<p>The DEAP advised the 'Street elevation shows the ground floor retail stepping down from west to east along Bondi Road. The plans indicate a single floor level within the site (RL68,85). The transition in levels from Bondi Road into this undercroft commercial space isn't noted, and should be carefully executed to ensure this space remains as useable as possible and access can be gained from a number of points along the frontage – assuming it gets divided into a number of tenancies'</p> <p>The applicant has provided adequate justification and detailed plans to demonstrate that the ground floor level and its relative level to the adjacent footpath is acceptable. In addition, conditions requiring compliance with relevant BCA access provisions have been recommended in Appendix A.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area 	Yes	The site has a deep soil area of 33.2%, of which 87.1% is deep soil.

Development Control	Compliance	Comment
landscaped: 220.62m ² <ul style="list-style-type: none"> 50% of the above is to be deep soil: 110.31m² 		
3.10 Communal open space – REFER TO PART 3D OF THE ADG		
3.11 Private Open Space – REFER TO PART 4E OF THE ADG		
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June 	Acceptable on merit.	Four out of the ten (40%) apartments are north facing, with the remaining six (60%) existing apartments located to the rear (south) of the RFB. Given the orientation of apartments are not changed as part of this application and the proposed works will significantly improve the four existing north facing (front) apartments, the non-compliance can be acceptable on merit.
<ul style="list-style-type: none"> 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. 	Yes	The development will not impact direct sunlight to north facing windows of habitable rooms to less than three hours on 21 June.
3.15 Visual privacy and security – REFER TO PART 3F OF THE ADG		
3.16 Dwelling size and layout - REFER TO PART 4D OF THE ADG		
3.17 Ceiling Heights - REFER TO PART 4C OF THE ADG		
3.18 Storage - REFER TO PART 4G OF THE ADG		
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The internal layout of the four front apartments are acceptable and will in layout in terms of reducing acoustic impacts to sensitive room uses.
3.20 Natural Ventilation - REFER TO PART 4B OF THE ADG		
3.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, 	Yes	Garbage rooms/areas and mailboxes are sufficiently located.

Development Control	Compliance	Comment
satellite/communications structures		

Table 6: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages	Yes	The proposal enhances the presentation and activation of the building by providing a commercial use to Bondi Road. The shopfront design of the commercial premises allows for casual surveillance of the street.
1.2.2 Awnings	Yes	The awning is appropriately designed, adversely compliments the alterations and additions to the existing building and the existing streetscape.
1.2.3 General Amenity	Yes	An internal ventilation shaft is proposed for the future use of the proposed commercial premises.

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 fourteen days between 24 June 2021 and 8 July 2021 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:

Ground Floor

- Re-location of residential bin storage to the south-western corner of the lot and relocation of the commercial bin storage from the eastern side of the building to the western side of the building;
- Amended residential access to allow for the commercial bin storage on the western side of the building;
- Introduction of one accessible unisex bathroom and creation of a duct for connection of future kitchen exhaust;

- Amended commercial premises layout; and
- Amended awning design to ensure it is continuous.

First Floor

- Reduction in the size of the balcony to apartment 6; and
- Removal of planter trellis to western side of apartment 5 balcony.

A total of three unique submissions were received, one in support of the proposal, from the following properties:

Table 6: Number of and where submissions were received from.

Count	Property Address
1.	5/270 Bondi Road, BONDI
2.	163 Hastings Parade, NORTH BONDI (in support)
3.	Unknown Address

Issue: Use of commercial tenancy as a food and drink premises is not supported due to late night dining and associated noise.

Response: The use of the commercial premises does not form part of this application and is subject to a separate future DA.

Issue: The proposed nil setbacks and balconies are inconsistent with neighbouring properties.

Response: The nil front boundary is supported as it responds to the existing character of shop top housing developments in the locality. Balconies are supported well integrated into the overall design of the building and improves the amenity to the apartments. Conditions relating to external materials and finishes to the northern elevation have been recommended to ensure the development compliments the character of the existing streetscape.

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 referral comments were sought:

3.1. Fire Safety

A referral was sought from Council's Fire Safety Officer who did not object to the proposal subject to recommended conditions.

3.2. Waste

An referral was sought from Council's Waste Officer who did not object to the proposal subject to recommended conditions.

3.3. Health

A referral was sought from Council's Health Officer who did not object to the proposal subject to recommended conditions of consent.

3.4. Trees

A referral was sought from Council's Tree Management Officer who did not object to the proposal subject to recommended conditions, including the planting of one x *Stenocarpus sinuatus* (firewheel tree) to be planted on the public domain (Council footpath).

3.5. GIS

A referral was sought from Council's GIS Officer who did not object to the proposal subject to recommended conditions.

3.6. Public Domain

A referral was sought from Council's GIS Officer who did not object to the proposal subject to recommended conditions.

3.7. Strategic

A referral was sought from Council's Strategic Planning Department who did not object to the proposal subject to recommended conditions.

3.8. Urban Design

A referral was sought from Council's Urban Designer who did not object to the proposal subject to recommendations to address the following:

- *The design incorporates more cues from the character of Bondi Road in terms of proportion of solids and voids, colour, materiality and street wall.*

Assessment Officer Comments: Addressed in the report above. A condition has been recommended in Appendix A.

- *The shopfront is further enhanced in order to have high levels of articulation to provide visual interest and an interface that is clear and inviting and is at the level of the footpath.*

Assessment Officer Comments: The proposal is a significant improvement from the existing presentation to the street and is acceptable given the size of the windows which will activate the street.

- *Further upgrades to the unaltered units of the building that would improve its overall performance are considered.*

Assessment Officer Comments: Upgrades to the rear portion of the RFB is not part of the proposed scope of works.

- *Screening measures are included in the proposed design in order to minimise existing privacy issues.*

Assessment Officer Comments: As discussed above, the balconies on the eastern and western elevations abut the boundary wall of 245-247 Bondi Road or are significantly setback from the side boundary and are forward of front building line of the adjoining RFB at 239 Bondi Road. The inclusion of privacy screening to the side of the balconies will reduce the openness of the proposed building, and is not considered a desired outcome.

- *Further consideration is given to the retail area, including infrastructure and access issues.*

Assessment Officer Comments: Introduction of one x accessible unisex bathroom and creation of a duct for connection of future kitchen exhaust was added to the commercial space. Requirement for adequate access for all persons has been included as a recommended condition. Given the use of the commercial space is unknown, relevant services associated with particular uses will be considered as part of a future application seeking consent for use of the premises.

- *The rear of the building is fully landscaped and the matured trees are retained and relocated.*

Assessment Officer Comments: To the rear of the building is an established community garden. Council's assessment officer supports the retention of the community garden.

3.9. Stormwater

A referral was sought from Council's Stormwater Engineer who did not object to the proposal subject to recommended conditions.

4. CONCLUSION

The Development Application (DA) seeks consent for alterations and additions to an existing RFB, including conversion of two ground floor apartments to commercial premises and front extensions and balconies on the first and second floor levels at the site known as 241 Bondi Road, BONDI.

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

- Existing use rights;
- Breach to FSR;
- Breach to height of building; and
- Streetscape presentation.

The assessment finds these issues acceptable.

The proposal will remove two front ground floor apartments to provide a commercial premises with the retention of the two rear floor ground apartments. The consent seeks to retain the prohibited RFB use under existing use rights and provide a compliant commercial premises use. The land use of the existing building is defined as an RFB, which was approved and constructed prior to the Waverley Local Environmental Plan (LEP) 2012 prohibiting the use within the B4 Mixed Use zone and as such is considered to be an Existing Use under Division 4.11 of the Environmental Planning and Assessment Act (EP&A Act).

The breach to both FSR and height of building development standards is supported as a well founded Clause 4.6 variation was provided by the applicant which adequately addressed the objectives of the development standard and the zone. Following the guidance of Council's Urban Designer it was concluded that the following can be completed to improve The streetscape presentation of the development to Bondi Road is acceptable subject to design amendments recommended by Council's Urban Designer including façade treatments and materials and finishes that complement the character of Bondi Road.

A total number of three 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 consent.



Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 13/07/2021 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 Magistrale & 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:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Peggy Wong
Development Assessment Planner	A/Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 5 October 2021	Date: 12 October 2021

Reason for WLPP referral:

1. Departure from any development standard in an EPI by more than 10%
2. Sensitive development:
 - (a) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by SHED of Project No: 2001 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA004 / Rev B	Deep Soil Area and Communal Open Space	06/09/2021	20/09/2021
DA103 / Rev A	Ground Floor Demolition Plan	12/05/2021	20/09/2021
DA104 / Rev C	Ground Floor Plan	06/09/2021	10/09/2021
DA105 / Rev A	First Floor Demolition Plan	12/05/2021	20/09/2021
DA106 / Rev B	First Floor Plan	06/09/2021	20/09/2021
DA107 / Rev A	Second Floor Demolition Plan	12/05/2021	20/09/2021
DA108 / Rev C	Second Floor Plan	06/09/2021	20/09/2021
DA109 / Rev A	Roof Plan	06/10/2021	06/10/2021
DA200 / Rev C	Section A	06/09/2021	20/09/2021
DA201 / Rev B	Façade Details	06/09/2021	20/09/2021
DA301 / Rev C	Elevations	06/09/2021	20/09/2021
DA500 / Rev C	Materials and Finishes Schedule	06/09/2021	20/09/2021

(b) Landscape Plans prepared by Melissa Wilson Landscape Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
LS01 / Rev B	Ground Floor and First Floor Planting Plan	13/09/2021	20/09/2021
LS02 / Rev B	Second Floor Planting Plan	13/09/2021	20/09/2021
LS03 / Rev B	Plan Species and Typical Detail	13/09/2021	20/09/2021
LS04 / Rev B	Landscape Notes	13/09/2021	20/09/2021

(c) BASIX Certificate

(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 22/09/2021.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The glass balustrades to the first floor balconies on the northern elevation are to be replaced with a solid material. The balustrades are to comprise of pre-cast concrete identified as “PC2” in the submitted materials and finishes schedule, Drawing No. DA 500 Revision C dated 06/09/2021; and
- (b) The thickness of the vertically proportioned frames on the ground and first floors on the northern elevation are to be increased with the top of the columns to protrude above the horizontal element

(creating a battlement form) to complement the façade treatment of the adjoining building at 245-247 Bondi Road.

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. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

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. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Bondi Road 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
- Stormwater infrastructure located within the Council road reserve
- Landscape and street tree planting

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 & 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

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.

9. TREE PRESERVATION BOND

A bond of **\$2,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the newly planted fire wheel tree, and the existing fire wheel 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.

10. 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 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.

11. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The Affordable Housing Contribution is as follows:

- (a) Pursuant to clause 51(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area.
- (b) The contribution of **\$94,575.00** payable for the provision of affordable rental housing under s7.33 of the Environmental Planning and Assessment Act 1979 for the purpose of mitigating the loss of low-rental accommodation proposed by the subject DA, shall be paid in one complete payment to Waverley Council prior to the issue of a Construction Certificate.

PLAN DETAILS

12. 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*.

13. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of Council's Executive Manager, Development Assessment (or delegate) which address the following matters:

- (a) A schedule of external materials and finishes and design details of all elements of the building façade;
- (b) 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;
- (c) 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.

14. 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.

CONSTRUCTION MATTERS

15. HOARDING

To ensure the site is contained during construction, if 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. 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.

18. 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.

19. 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.

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) Footpath: The existing concrete footpath traversing Bondi 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 and kerb and gutter profiles to include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.
- (b) Street Tree: A minimum one (1) street tree must be planted along Bondi Road frontage.
- (c) All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds and root cell barriers as per the Waverley Council Public Domain Technical Manual.
- (d) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.

Note: Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday)

TRAFFIC MANAGEMENT

21. 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

STORMWATER & FLOODING

22. STORMWATER MANAGEMENT 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 CPM Engineering, Job No. 21100-C01, Sheets 1-4, dated 24/08/2021, 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) The plans shall provide a complete and detailed OSD design including multiple cross-sections, proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be submitted. A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided.
- (b) The OSD system is to be designed to ensure any overflow due to system failure or extreme storm events can be safely conveyed to the street gutter or below ground drainage system (and not any building).
- (c) Any new downpipes are to be located wholly within the property's boundary.
- (d) Any proposed pipeline within the road reserve must fall by gravity at 1% minimum and the discharge rate to the street gutter shall not exceed 25 L/s.
- (e) 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.
- (f) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (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 trunk drainage system (independent of any OSD system).
- (h) Transport for NSW (TfNSW) Plan Approval: The design and construction of any proposed vehicular crossing, stormwater infrastructure or kerb and gutter within Bondi Road shall be approved by TfNSW and to the satisfaction of Waverley Council. Details of the necessary TfNSW requirements should be obtained.
- (i) Approved correspondence to be submitted to Council prior to the issue of a construction certificate and commencement of any Public Domain works within Bondi Road.
*Note Council will provide final approval once TfNSW approval is granted.
- (j) 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.
- 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 or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

ENERGY EFFICIENCY & SUSTAINABILITY

23. BASIX

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

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

The development must have a bin storage area with sufficient space to accommodate the following minimum requirements for the residential and/or commercial components of the development.

- **Residential (10 units; 4 x single and 6 x 2 bed or more)**
 - 5 x 240L Mobile Garbage Bins (MGBs) for general waste collected weekly
 - 5 x 240L MGBs for paper and cardboard recycling collected fortnightly
 - 4 x 240L MGB for container recycling collected fortnightly
 - 2 x 140L MGB for garden organic waste
 - Space must be allocated for a minimum 4m² floor space for bulky household waste storage and 1m² floor space for problem waste storage awaiting collection
- **Commercial (non-food related business; 149 m²)**
 - 2 x 240L MGBs for general waste collected twice per week
 - 2 x 240L MGBs for comingled recycling collected twice per week

- Extra space is required to store reusable products, such as milk and bread 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.

LANDSCAPING & TREES

26. 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

27. NOISE MANAGEMENT PLAN - DEMOLITION 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 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

FIRE SAFETY

28. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, 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) found 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.

29. BCA & FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

- (i) Fire resistance and stability – Part C1;
- (ii) Compartmentation and separation – Part C2;
- (iii) Protection of openings – Part C3
- (iv) Provision for escape – Part D1;
- (v) Construction of exits – Part D2;
- (vi) Access for People with a Disability - Part D3;
- (vii) Fire fighting equipment – Part E1;
- (viii) Smoke hazard management – Part E2;
- (ix) Emergency lighting, exit signs and warning systems – Part E4;
- (x) Sanitary and other facilities - Part F2;
- (xi) Room sizes - Part F3;
- (xii) Light and ventilation - Part F4; and
- (xiii) Sound transmission and insulation - Part F5.

- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, a Performance Solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- (d) Prior to the commencement of any required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

HEALTH

30. VERMIN AND RAT CONTROL

A *Pest and Vermin Control Management Plan* prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

31. 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

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

32. 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.

33. 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.

34. 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.

DEMOLITION & EXCAVATION

35. 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.

36. 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.

CONSTRUCTION MATTERS

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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 stormwater, footpath paving, street landscape and plantings.

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.

43. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

44. TREE PROTECTION

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

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

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until

all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

- If any tree roots are exposed during any approved works, then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

45. PROPOSED STREET TREE

- (a) The applicant is to plant one (1) new *Stenocarpus sinuatus* (fire wheel tree) at their expense.
- (b) The tree is to be planted on the naturestrip, Eastern side 5 metres in from the boundary of the adjoining property line. The tree is to be a *Stenocarpus sinuatus* (fire wheel tree) and must be a minimum pot size of 100 litres when planted. The tree is to be planted by a horticulturist (Min qualification AQF Level 3)
- (c) The tree is to be planted as per I.02 New Street Tree-Urban, Waverley Council Public Domain Technical Manual August 2020.
- (d) The tree is to be planted on the Eastern side 5 metres in from the boundary of the adjoining property line.
- (e) The awning is to have two cut-outs to allow for tree growth

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

46. 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.

47. CERTIFICATION OF BASIX COMMITMENTS

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

48. 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.

49. CERTIFICATION OF BASIX COMMITMENTS

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

50. 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.

51. 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.

52. 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.

53. 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 conditions of consent (including the operational conditions) have been satisfied.

54. 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.

55. 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.

MANAGEMENT PLANS

56. 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 and any other relevant contractor to ensure a valid Trade Waste Agreement is in place for all trade wastes. Copies of these agreements shall be forwarded to Council.
- (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) For commercial premises whose waste contains 20% or more food waste, a daily waste collection is required, unless an alternative is agreed upon with Council.
- (h) 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.
- (i) All waste and recycling bins must only be placed out on Council footpath for collection the morning of the collection day (no earlier than 5:30am) and retrieved from the kerbside as early as possible the same day of collection.
- (j) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.
- (k) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.
- (l) At no times shall bins or other products (e.g. milk/bread crates) be stored on the public domain (e.g. footpaths).
- (m) Details of ongoing waste management strategy are to be documented within the SWRMP.

57. 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.

58. 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, 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. A copy of the aforementioned letter of certification must be submitted to Council.

59. 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.

60. 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.

VEHICLE ACCESS, MOVEMENT AND PARKING

61. BICYCLE PARKING

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

- (a) 10 residential bicycle spaces

- (b) 1 visitor bicycle spaces
- (c) 1 retail bicycle spaces

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

OTHER MATTERS

62. STREET NUMBER/S

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

- (a) No. 241 - primary address site number
- (b) Bondi Road - 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 Bondi Road.

- (a) Shop 1 for the commercial sub-address sites within the building correlating with the shop on the floor plans for the building,
- (b) Numbers G02 and G03 for the residential sub-address site within the building correlating with units 3 and 4 on the ground floor plans for the building.
- (c) Numbers 101-104 for the residential sub-address site within the building correlating with units 5 to 8 on the first-floor plans for the building.
- (d) Numbers 201-204 for the residential sub-address site within the building correlating with units 9 to 12 on the second-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 Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

63. AMALGAMATION OF LOTS

All lots of the site shall be amalgamated into one lot prior to the issue of an Occupation Certificate,

The lots are identified and described as follows:

- 241 Bondi Road, BONDI (Lot 46, DP 9503); and
- 241 Bondi Road, BONDI (Lot 47, DP 9503)

E. OPERATIONAL MATTERS

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

AMENITY & SAFETY

64. 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.

65. NOISE EMISSIONS

- (a) 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.
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

66. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

67. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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.

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, 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

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 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. 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.

AD11. SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

AD12. 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.

AD13. REFRIGERATION UNITS & MECHANICAL PLANT

Air conditioning units, refrigeration motors/units and other mechanical plant 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.

AD14. 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.

AD15. 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.

AD16. 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.

241 BONDI ROAD | BONDI

DEVELOPMENT APPLICATION FOR ALTERATION AND ADDTIONS TO A RESIDENTIAL FLAT BUILDING | ISSUED FOR DA (ISSUE C)
06 SEPTEMBER 2021

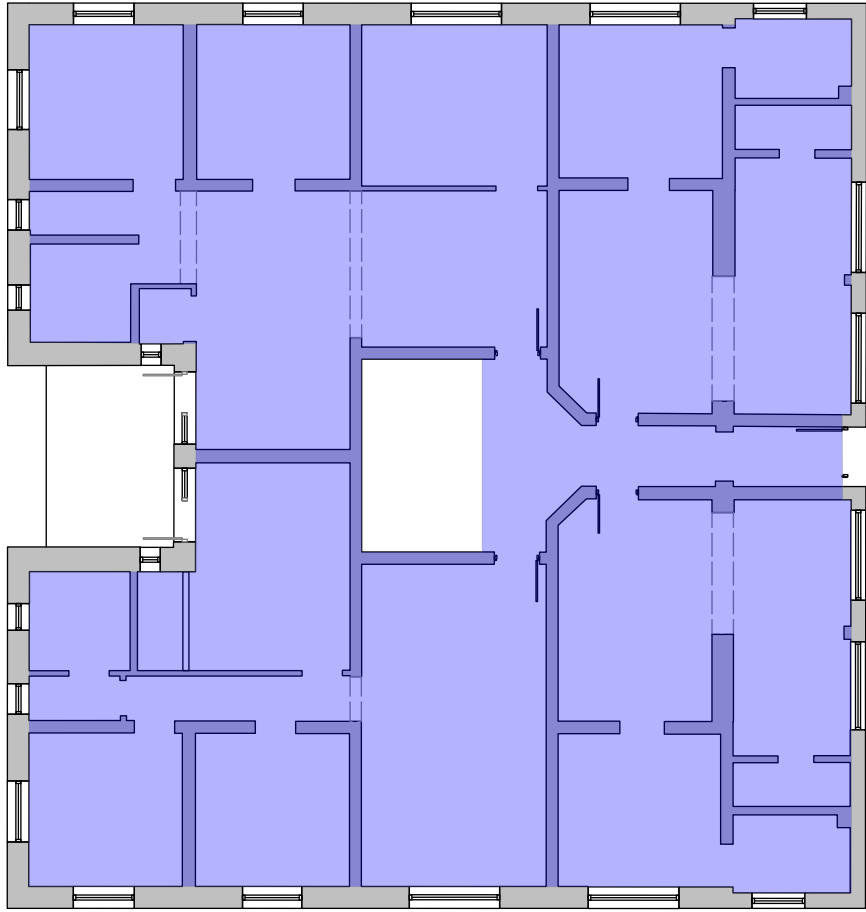
AMENDED PLANS

GROSS FLOOR AREA

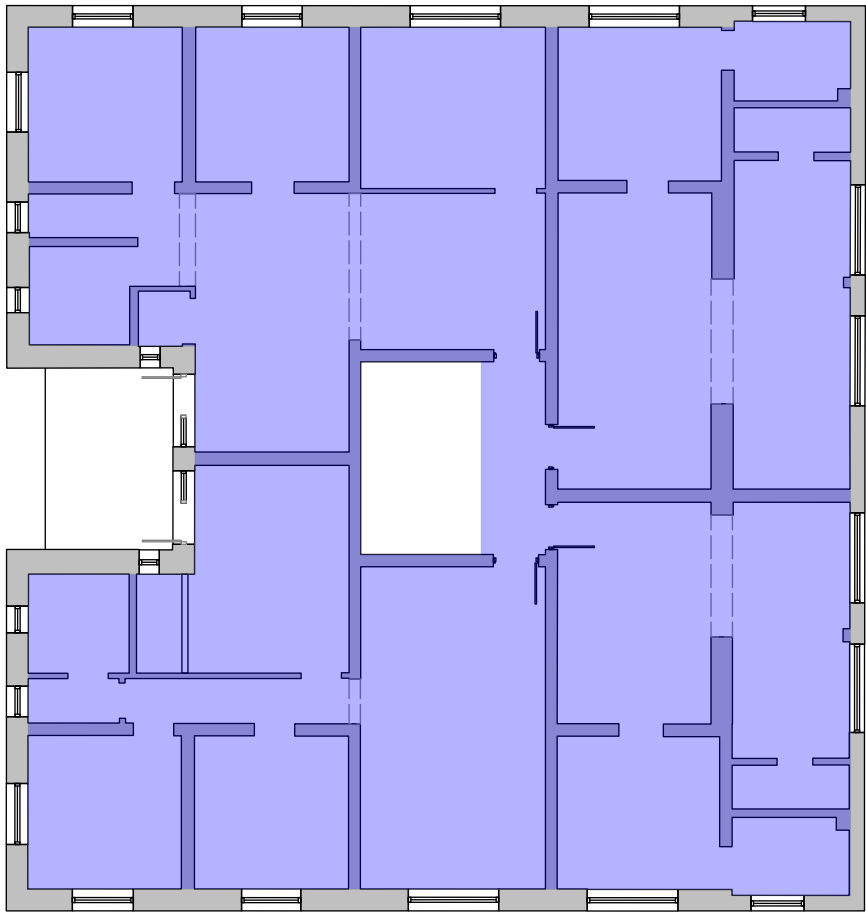
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MAXIMUM PERMISSIBLE FSR	1:1
MAXIMUM PERMISSIBLE GFA	735.50
EXISTING	
GROUND	255.00
FIRST	255.40
SECOND	255.40
GFA	765.80
FSR	1.04
PROPOSED	
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FIRST	303.40
SECOND	255.50
GFA	901.00
FSR	1.23
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PROPOSED EXCESS GFA	165.50

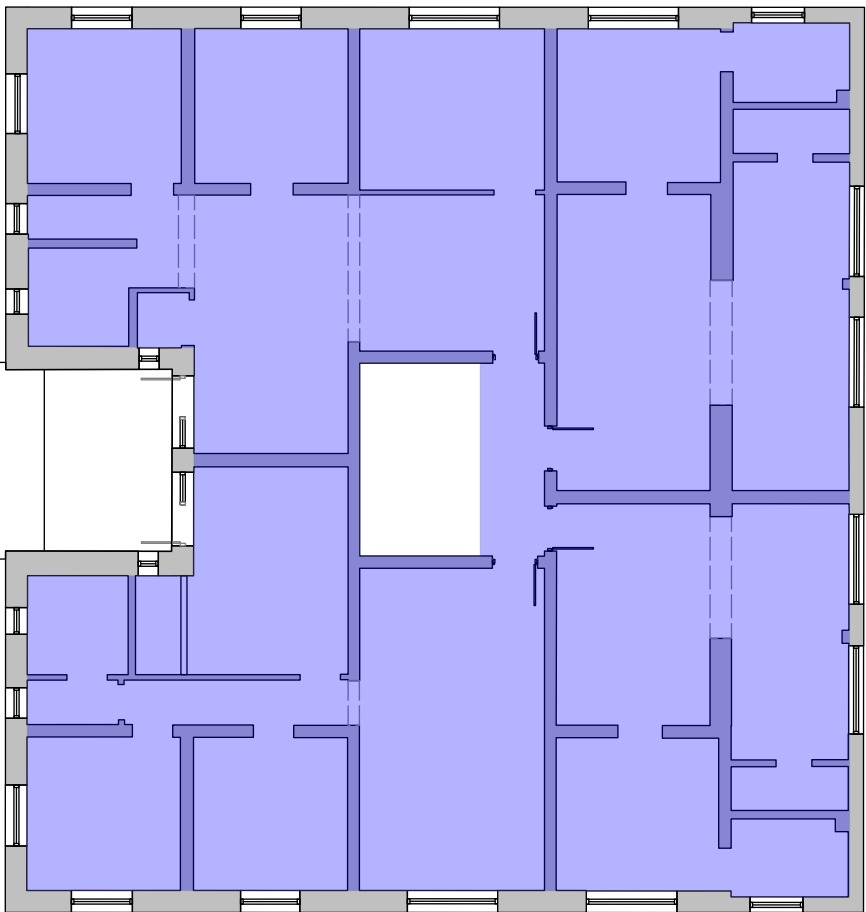
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GROUND FLOOR PLAN

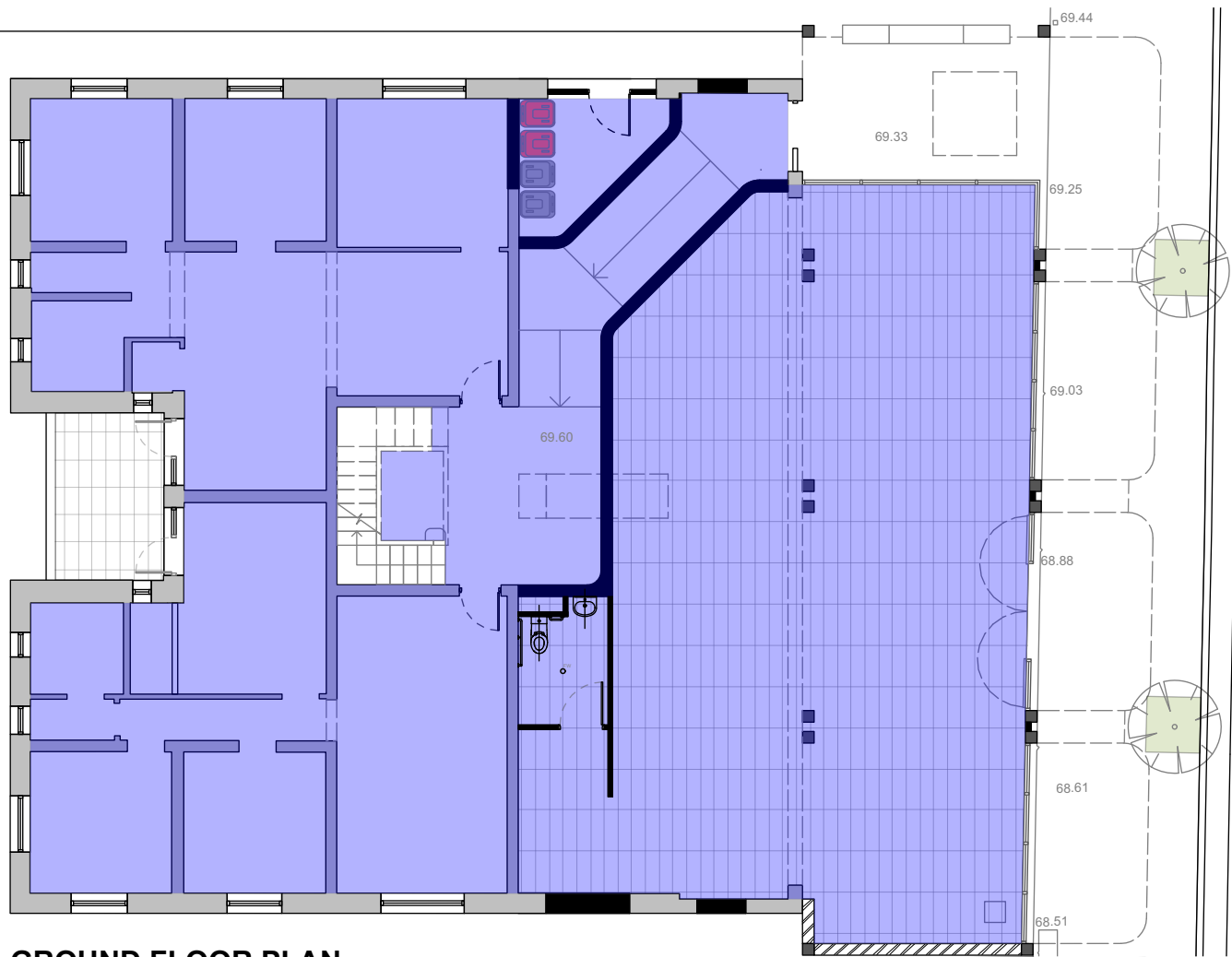


FIRST FLOOR PLAN

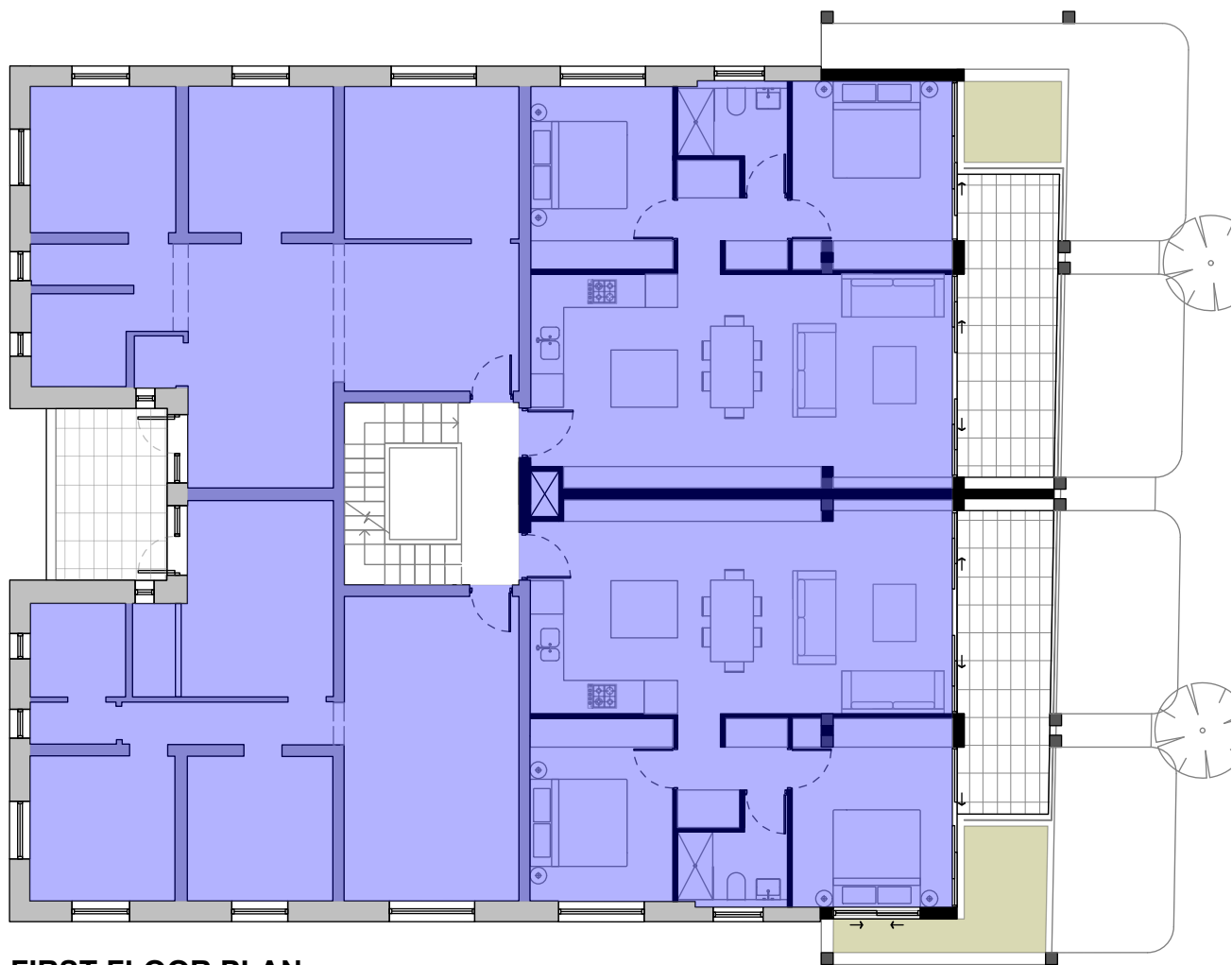


SECOND FLOOR PLAN

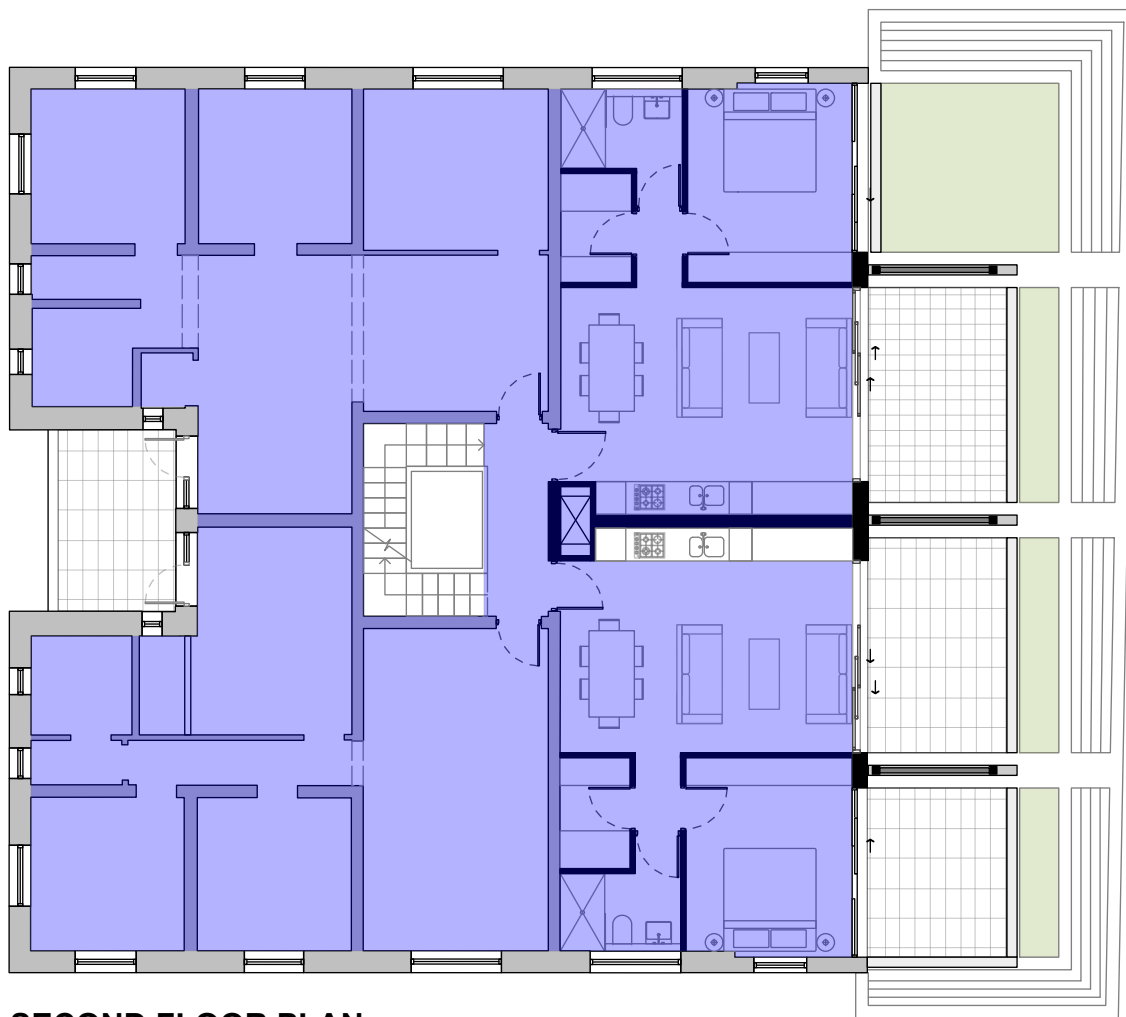
PROPOSED



GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

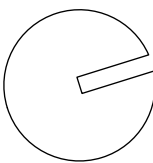
ISSUE	DATE	DESCRIPTION
A	12/05/21	DA
B	06/09/21	DA

1. GFA AMENDED

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE

NTS



DRAWING TITLE

GROSS FLOOR AREA

DRAWING NO.

2001 -DA 002 B

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





BASIX ALTS & ADD commitments for 241 Bondi Rd.

WATER

WELS WATER RATING

- 3 STAR RATED (<9 Litres per/min> TO ALL NEW OR ALTERED SHOWERHEADS
- 3 STAR RATED TO ALL NEW OR ALTERED TOILETS
- 3 STAR RATED TO ALL NEW OR ALTERED TAPS TO KITCHEN & BATHROOM

RAINWATER TANK

NO TANK REQUIREMENT

LANDSCAPING

NO LANDSCAPE REQUIREMENT

THERMAL

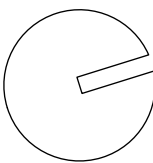
- FLOOR ABOVE EXISTING DWELLING OR BUILDING – NO ADDED INSULATION REQUIRED
- EXTERNAL WALL – CAVITY BRICK – NO ADDED INSULATION REQUIRED
- EXTERNAL WALL - OTHER/UNDECIDED – R1.70 (INCLUDING CONSTRUCTION)
- GLAZING - AS PER THE BASIX CERTIFICATE.

ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE

NTS



DRAWING TITLE

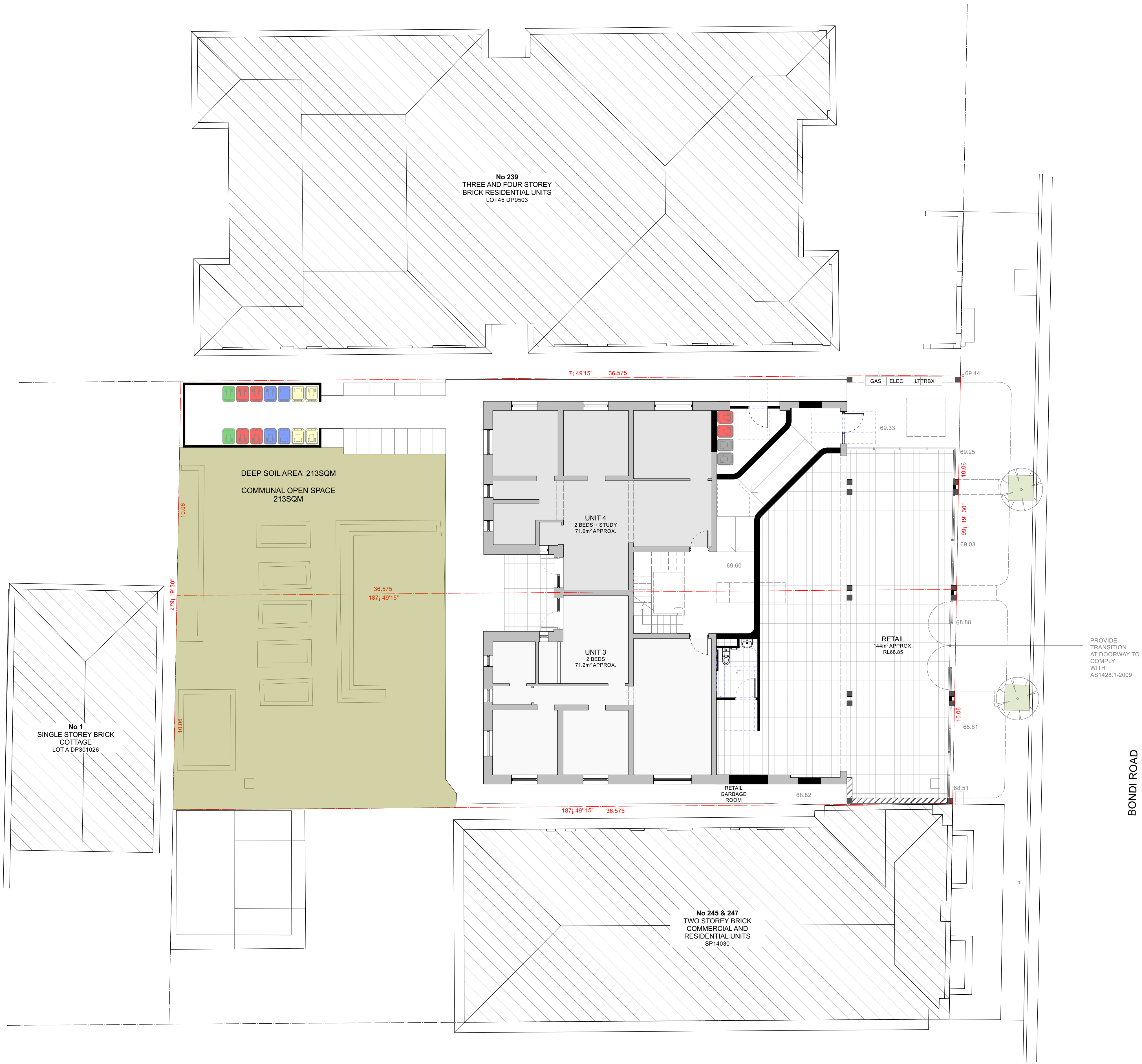
BASIX

DRAWING NO.

2001 -DA 003 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





ISSUE	DATE	DESCRIPTION
A	12/05/21	DA 1. DEEP SOIL AND COMMUNAL AREAS AMENDED
B	06/09/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE

1:100 @ A1

DRAWING TITLE

DEEP SOIL AREA AND COMMUNAL OPEN SPACE

DRAWING NO.

2001 -DA 004 B





ISSUE	DATE	DESCRIPTION
A	14/09/21	DA

PROJECT	241 BONDI ROAD
STAGE	DA
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
NTS

DRAWING TITLE
3D MODEL SHOTS #1
DRAWING NO.
2001 -DA 010 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





ISSUE	DATE	DESCRIPTION
A	14/09/21	DA

PROJECT	241 BONDI ROAD
STAGE	DA
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

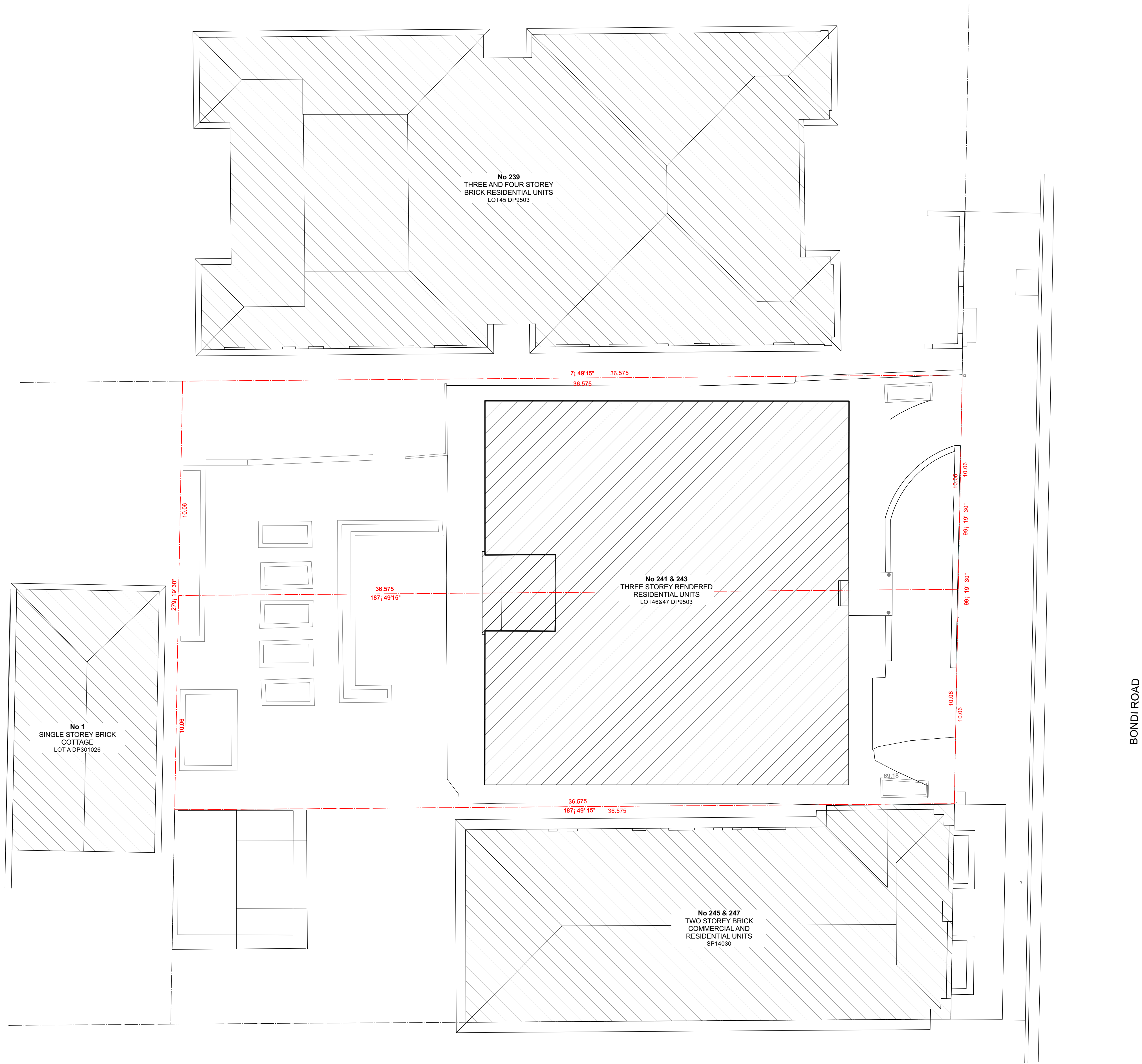
SCALE
NTS

DRAWING TITLE
3D MODEL SHOTS #2

DRAWING NO.
2001 -DA 011 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727

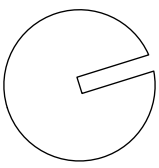




ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100 @ A1

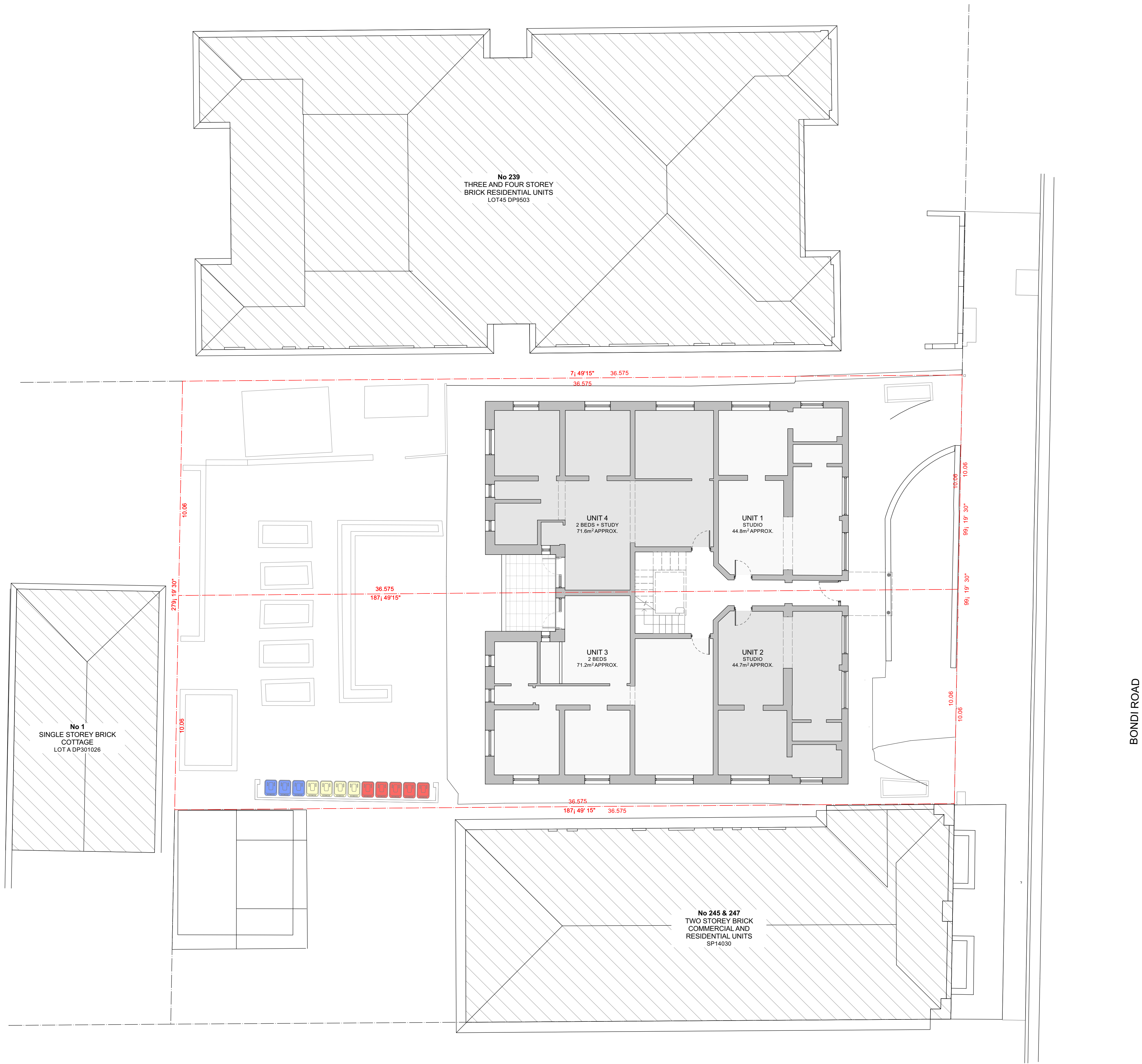


DRAWING TITLE
SITE / ROOF PLAN

DRAWING NO.
2001 -DA 050 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727

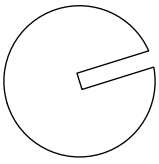




ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100 @ A1

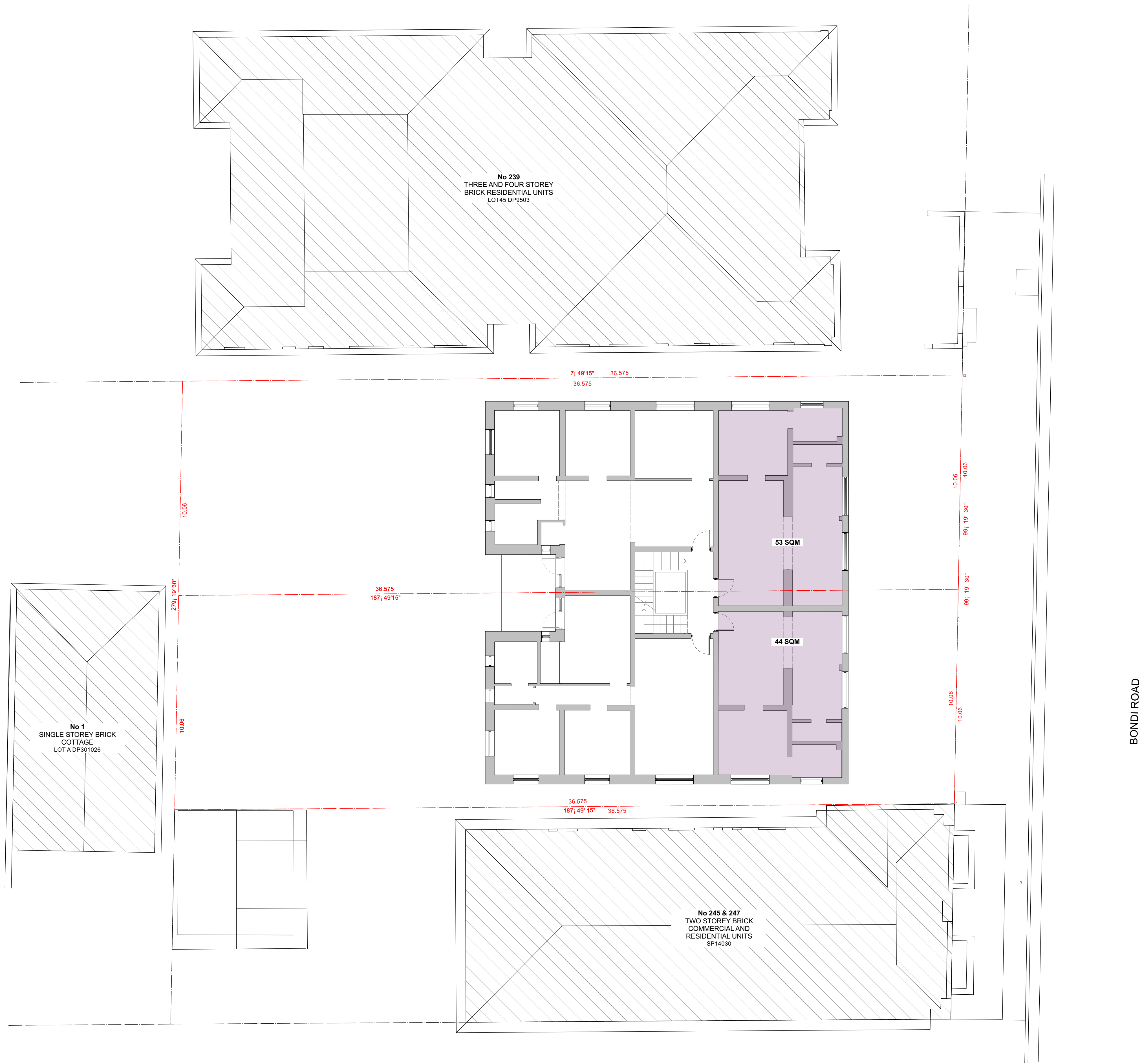


DRAWING TITLE
EXISTING GROUND FLOOR PLAN

DRAWING NO.
2001 -DA 100 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727

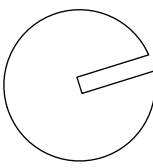




ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100 @ A1

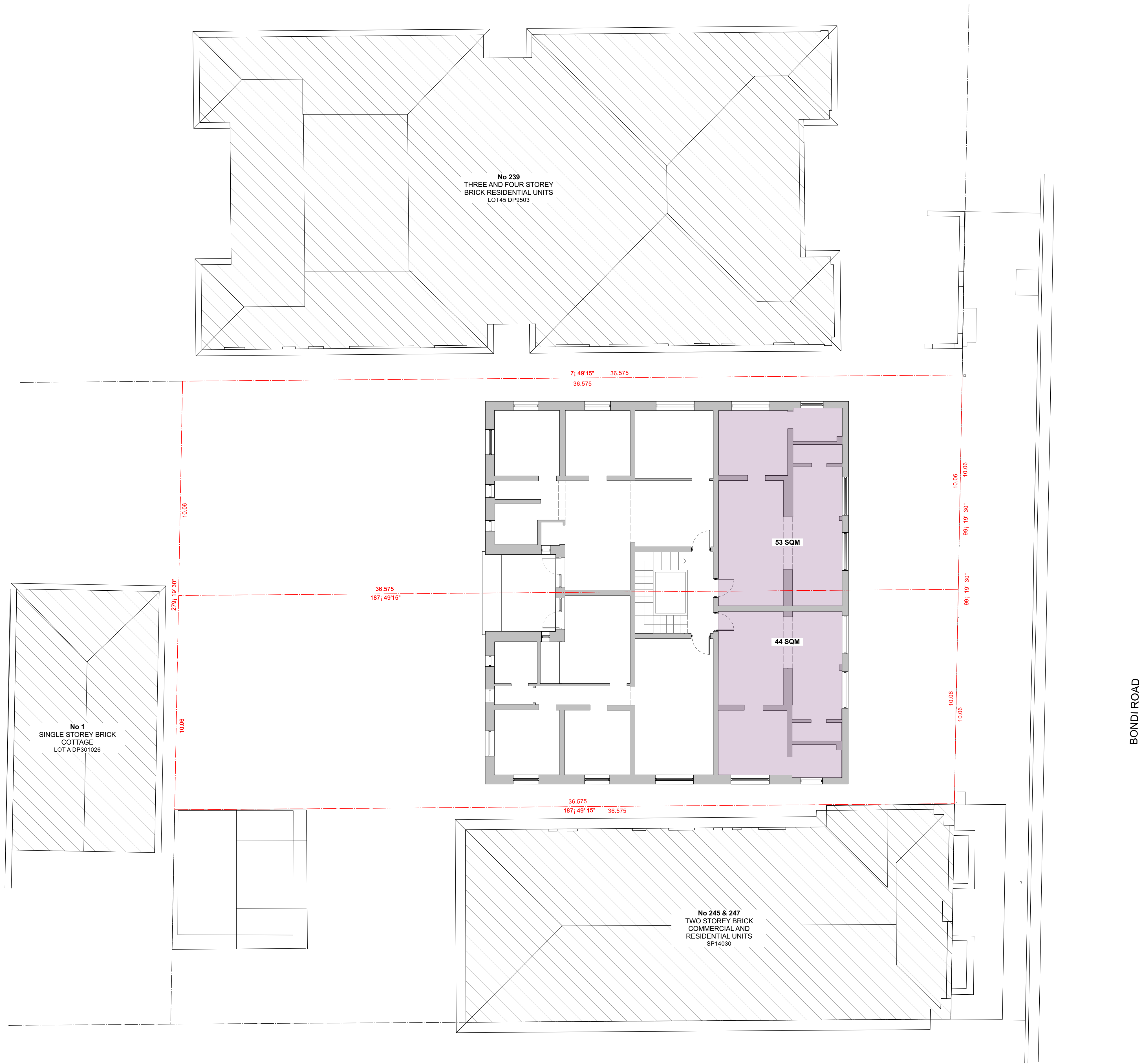


DRAWING TITLE
EXISTING FIRST FLOOR PLAN

DRAWING NO.
2001 -DA 101 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727

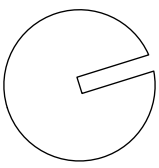




ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100 @ A1

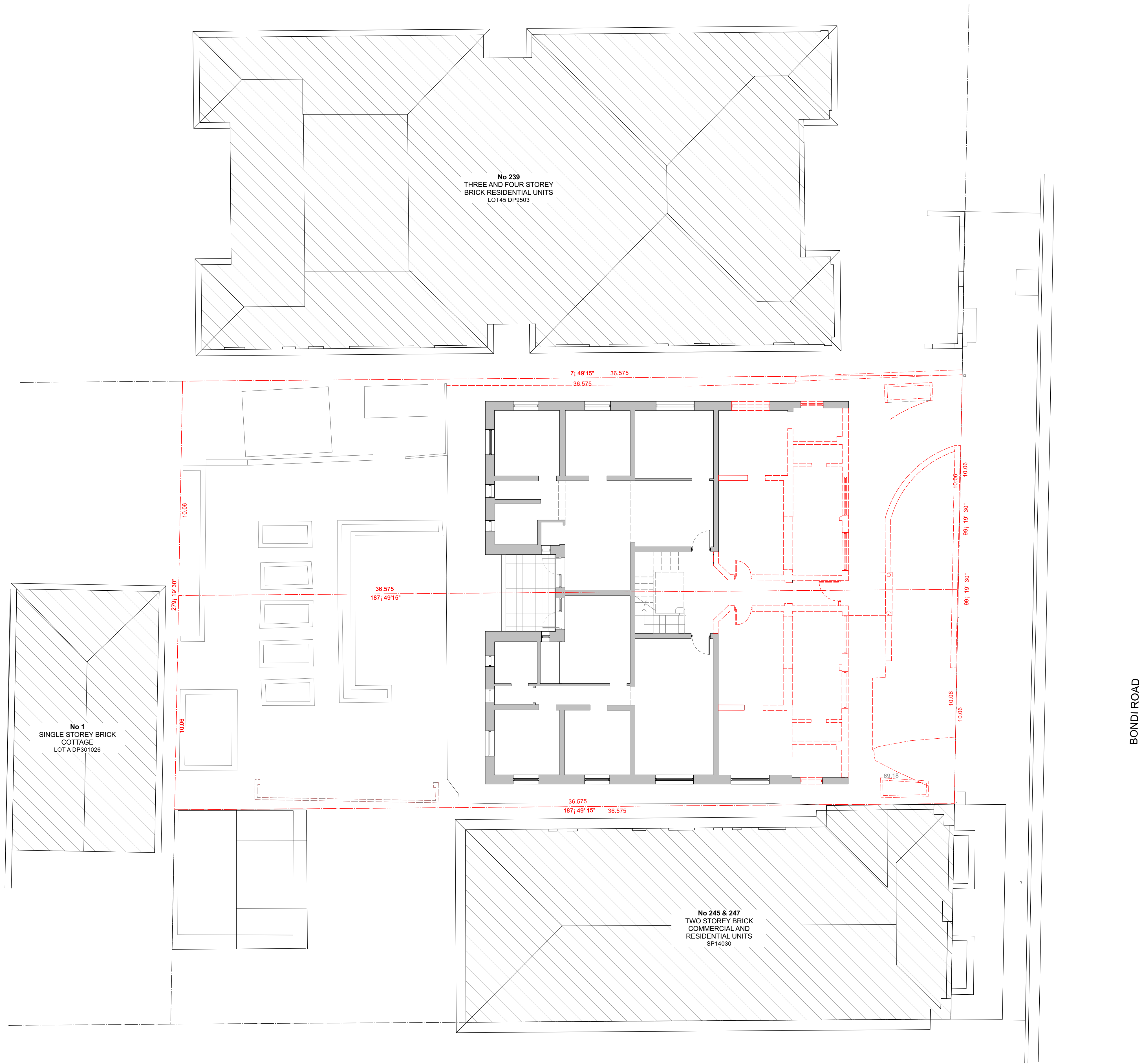


DRAWING TITLE
EXISTING SECOND FLOOR PLAN

DRAWING NO.
2001 -DA 102 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE

1:100 @ A1

DRAWING TITLE

GROUND FLOOR DEMOLITION PLAN

DRAWING NO.

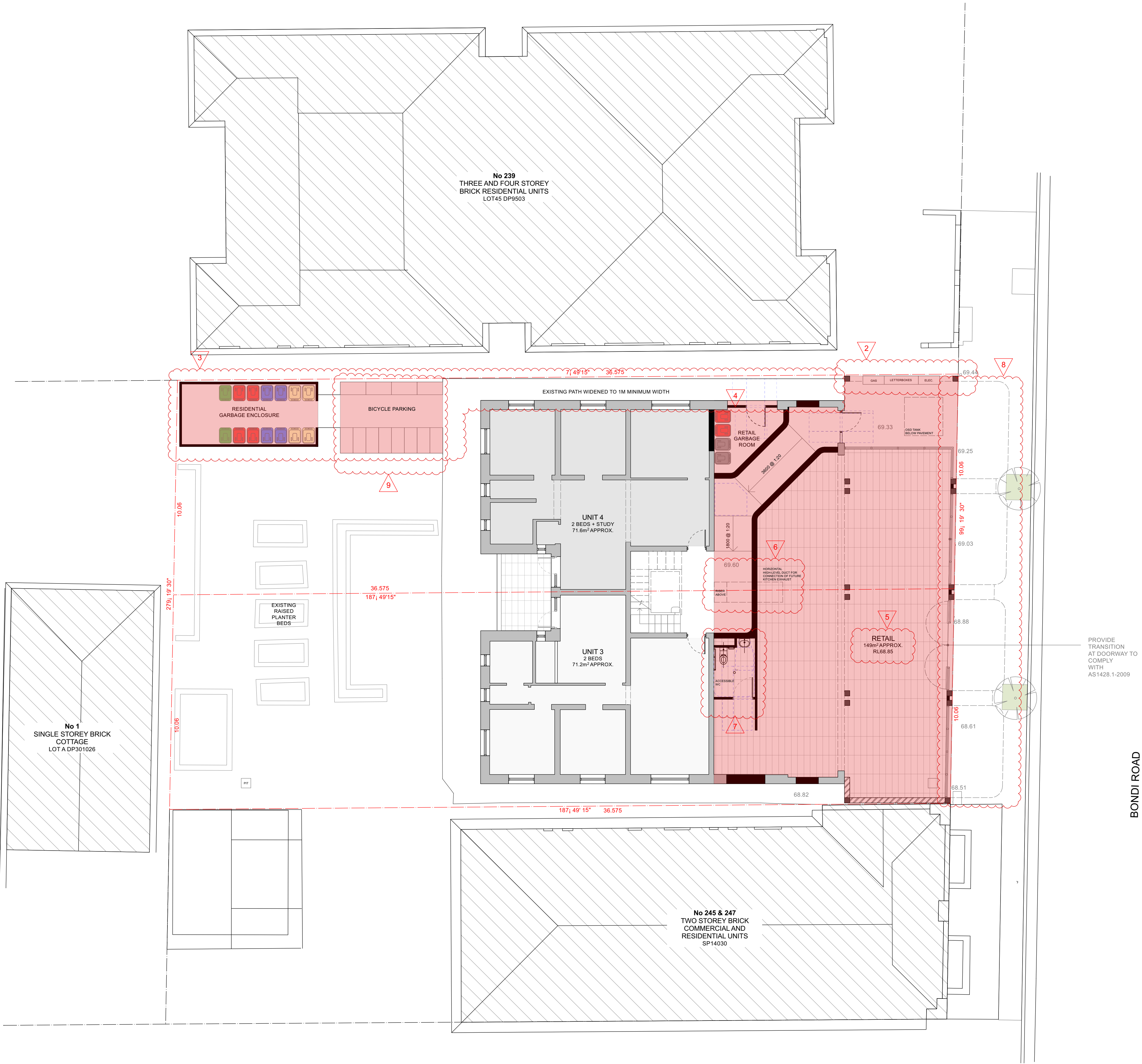
2001 -DA 103 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH: CHRIS HAUGHTON 6727



SECTION A | 2001-200

SECTION A | 2001-200



PROPOSED NEW WORK

ISSUE	DATE	DESCRIPTION
A	12/05/21	DA 2. TRELLIS DELETED, METERS RELOCATED. 3. RESIDENTIAL GARBAGE ROOM RELOCATED AND PASSAGE INCREASED TO 1M WIDTH.
B	13/07/21	DA 4. RETAIL GARBAGE ROOM & RESIDENTIAL LOBBY AMENDED 5. RETAIL NLA INCREASED. 6. PROVISION FOR FUTURE KE ADDED
C	06/09/21	DA 7. ACC. WC ADDED. 8. CORNERS OF AWNINGS ROUNDED AND GLASS INFILLS PANELS ADDED 9. BICYCLE PARKING ADDED

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE

1:100 @ A1

DRAWING TITLE

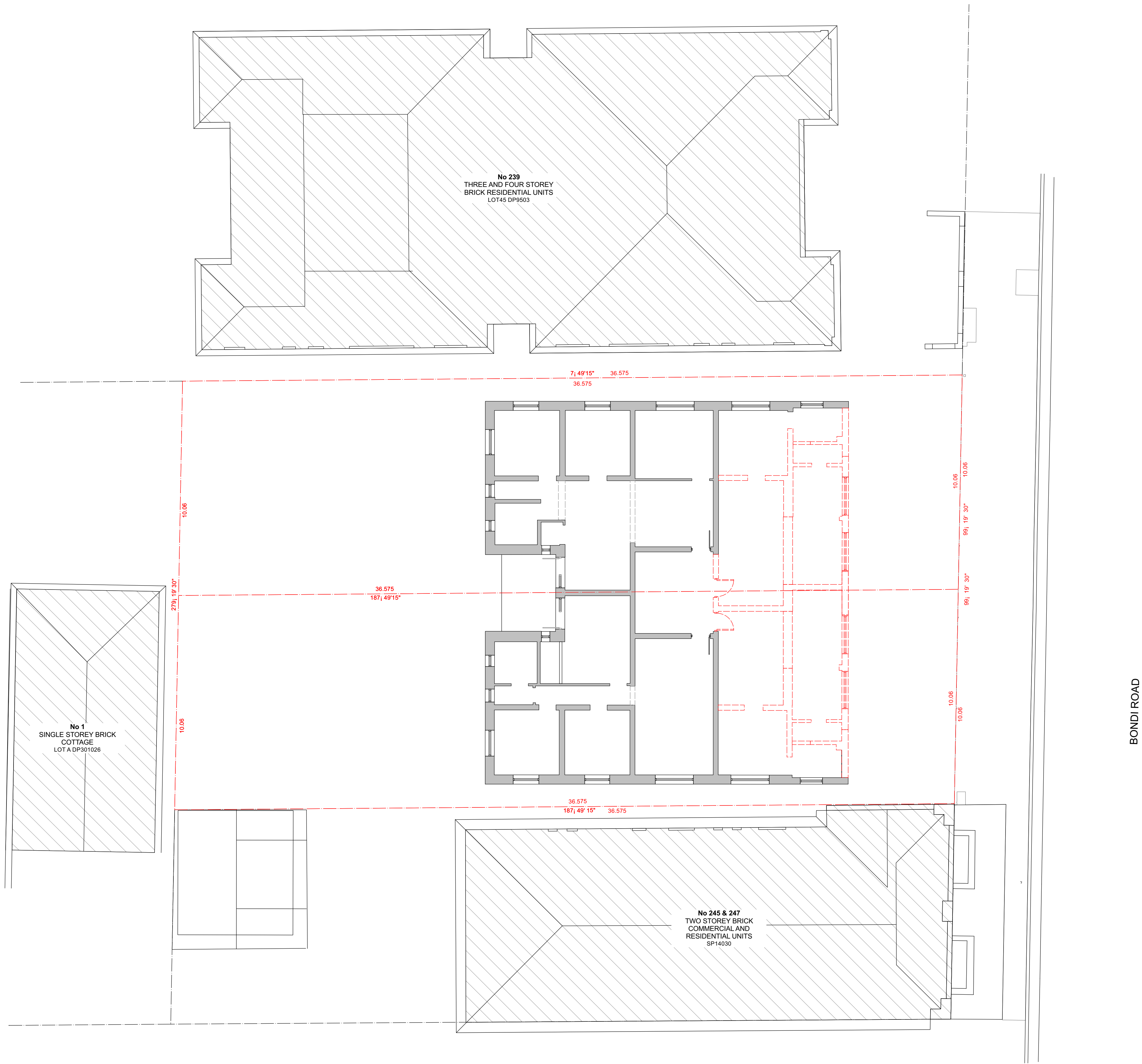
GROUND FLOOR PLAN

DRAWING NO.

2001 -DA 104 C

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727

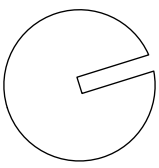




ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100 @ A1



DRAWING TITLE
FIRST FLOOR DEMOLITION PLAN

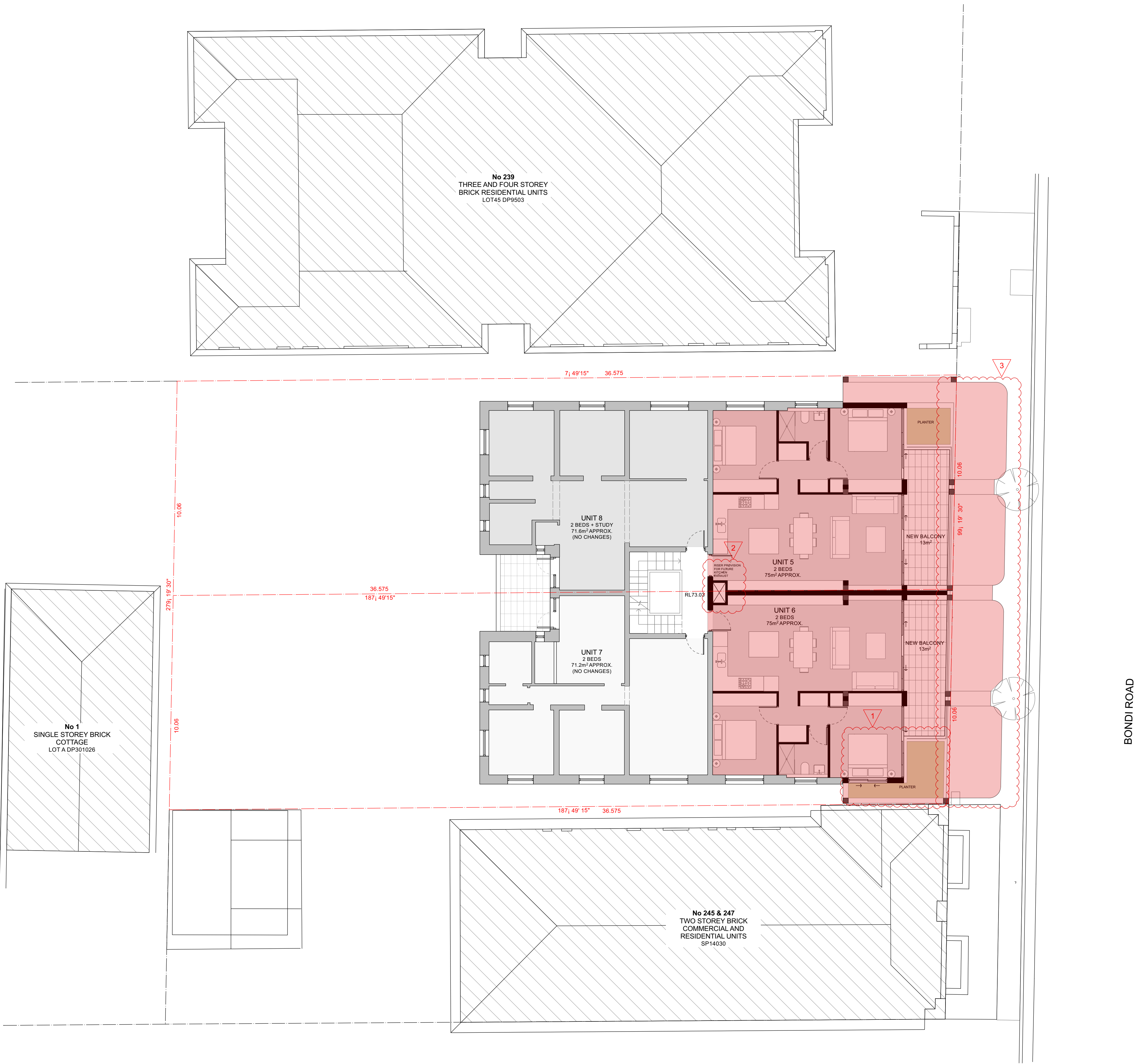
DRAWING NO.
2001 -DA 105 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727



SECTION A | 2001-200

SECTION A | 2001-200



PROPOSED NEW WORK

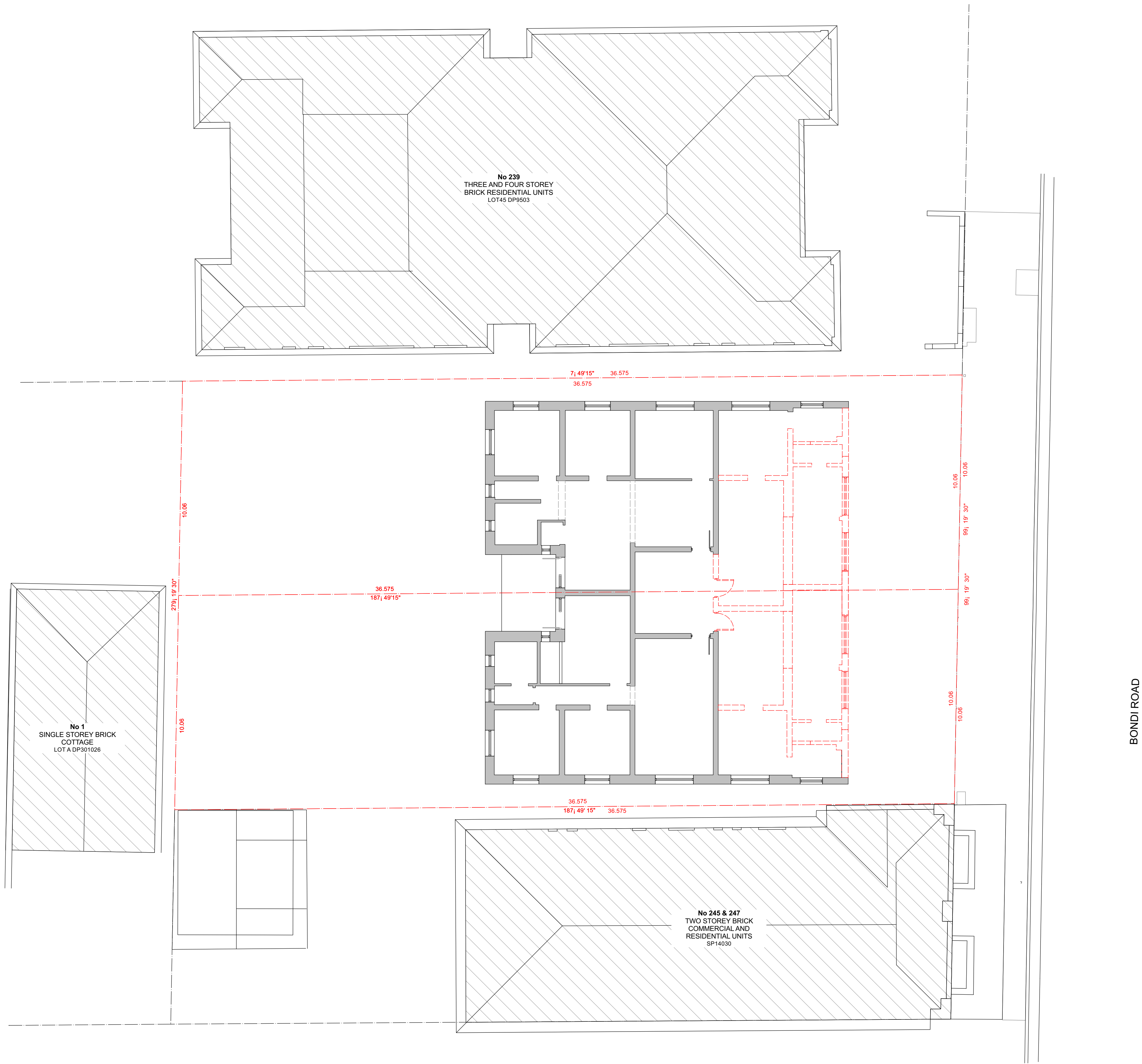
ISSUE	DATE	DESCRIPTION
A	12/05/21	DA1. PLANTER & WINDOW ADDED. 2. PROVISION FOR FUTURE KE ADDED. 3. CORNERS ROUNDED AND GLASS INFILLS ADDED TO AWNINGS
B	06/09/21	DA4. WINDOW OPERATION ADDED

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE	DRAWING TITLE
1:100 @ A1	FIRST FLOOR PLAN
	DRAWING NO.
	2001 -DA 106 B

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





BONDI ROAD

ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE

1:100 @ A1

DRAWING TITLE

SECOND FLOOR DEMOLITION PLAN

DRAWING NO.

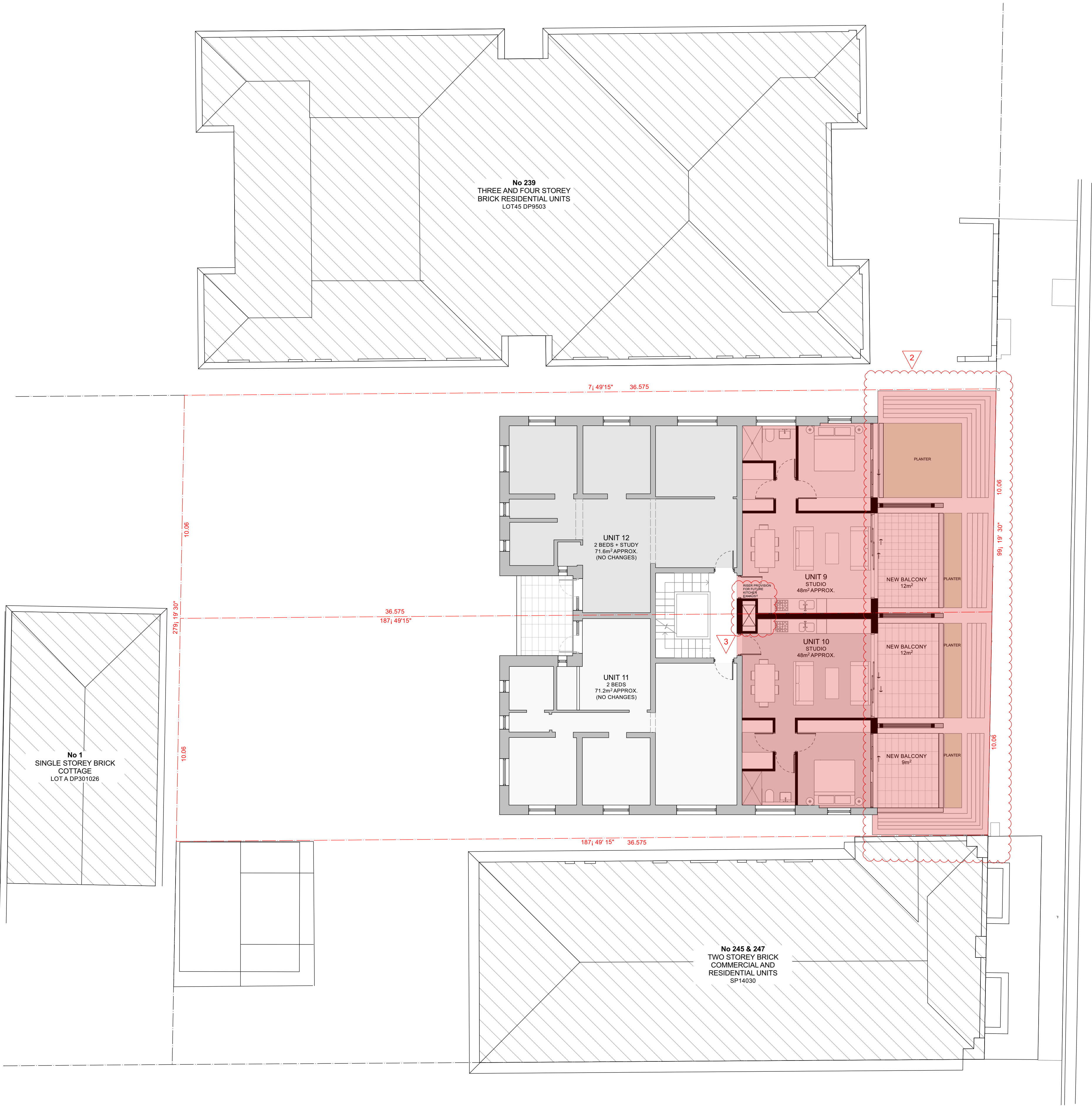
2001 -DA 107 A

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ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727



SECTION A | 2001-200

SECTION A | 2001-200



PROPOSED NEW WORK			
ISSUE	DATE	DESCRIPTION	
A	12/05/21	DA	1. PLANTERS AMENDED
B	13/7/21	DA	2. HORIZONTAL PLANTER WIRES ADDED 3. PROVISION FOR FUTURE KE ADDED 4. WINDOW OPERATION ADDED
C	06/09/21	DA	

PROJECT241 BONDI ROAD

STAGEDESIGN

CLIENTHANAVE

DESIGNED BYSHED

DRAWN BYSHED

CHECKED BYCH

SCALE

1:100 @ A1

DRAWING TITLE

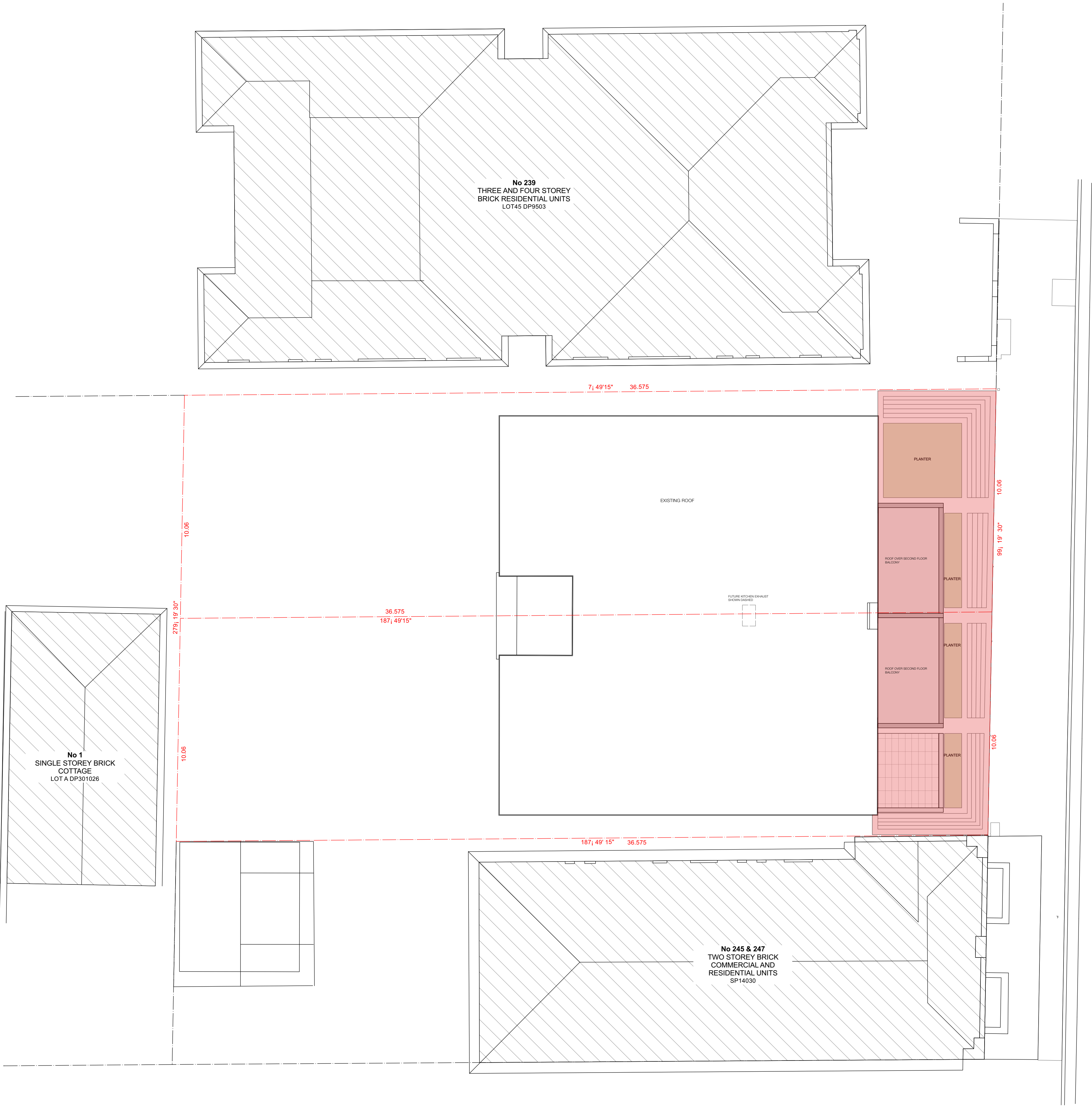
SECOND FLOOR PLAN

DRAWING NO.

2001 -DA 108 C

SECTION A | 2001-200

SECTION A | 2001-200

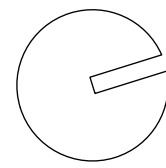


PROPOSED NEW WORK

ISSUE	DATE	DESCRIPTION
A	05/10/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100 @ A1

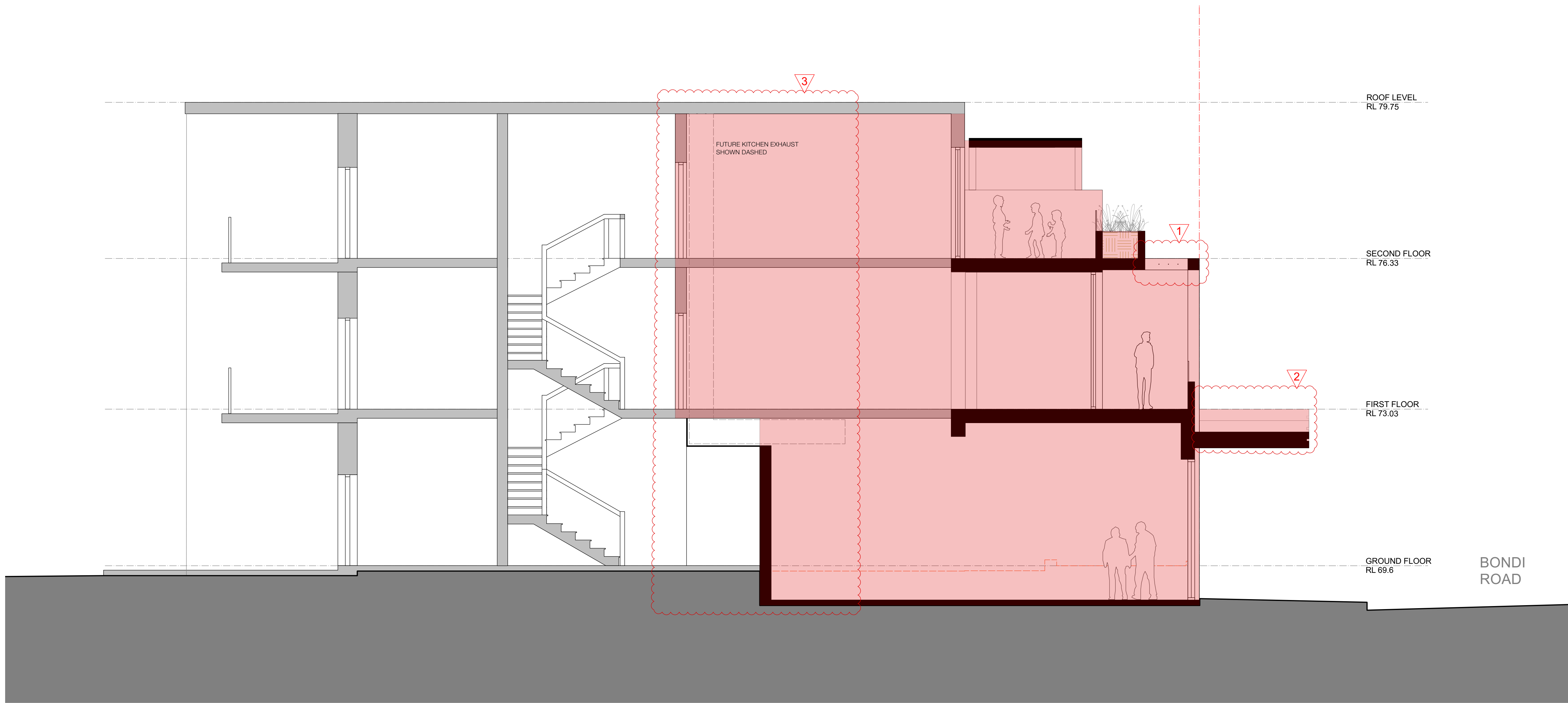


DRAWING TITLE
ROOF PLAN

DRAWING NO.
2001 -DA 109 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





PROPOSED NEW WORK

ISSUE	DATE	DESCRIPTION
A	12/05/21	DA1. PLANTER ADDED
B	13/7/21	DA2. CORNERS ROUNDED AND GLASS INFILLS ADDED TO AWNINGS. 3. HORIZONTAL PLANTER WIRES ADDED
C	06/09/21	DA3. PROVISION FOR FUTURE KE ADDED

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

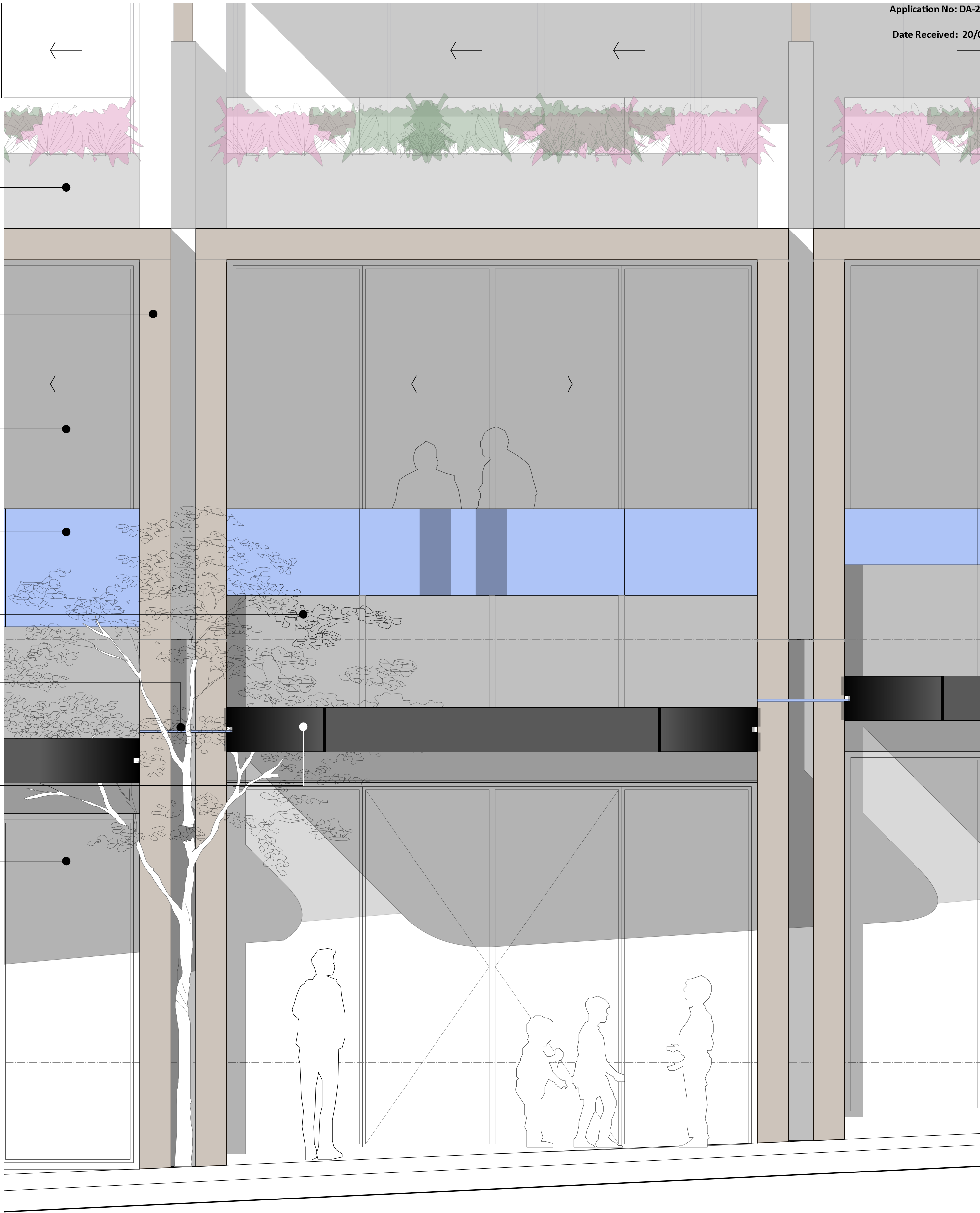
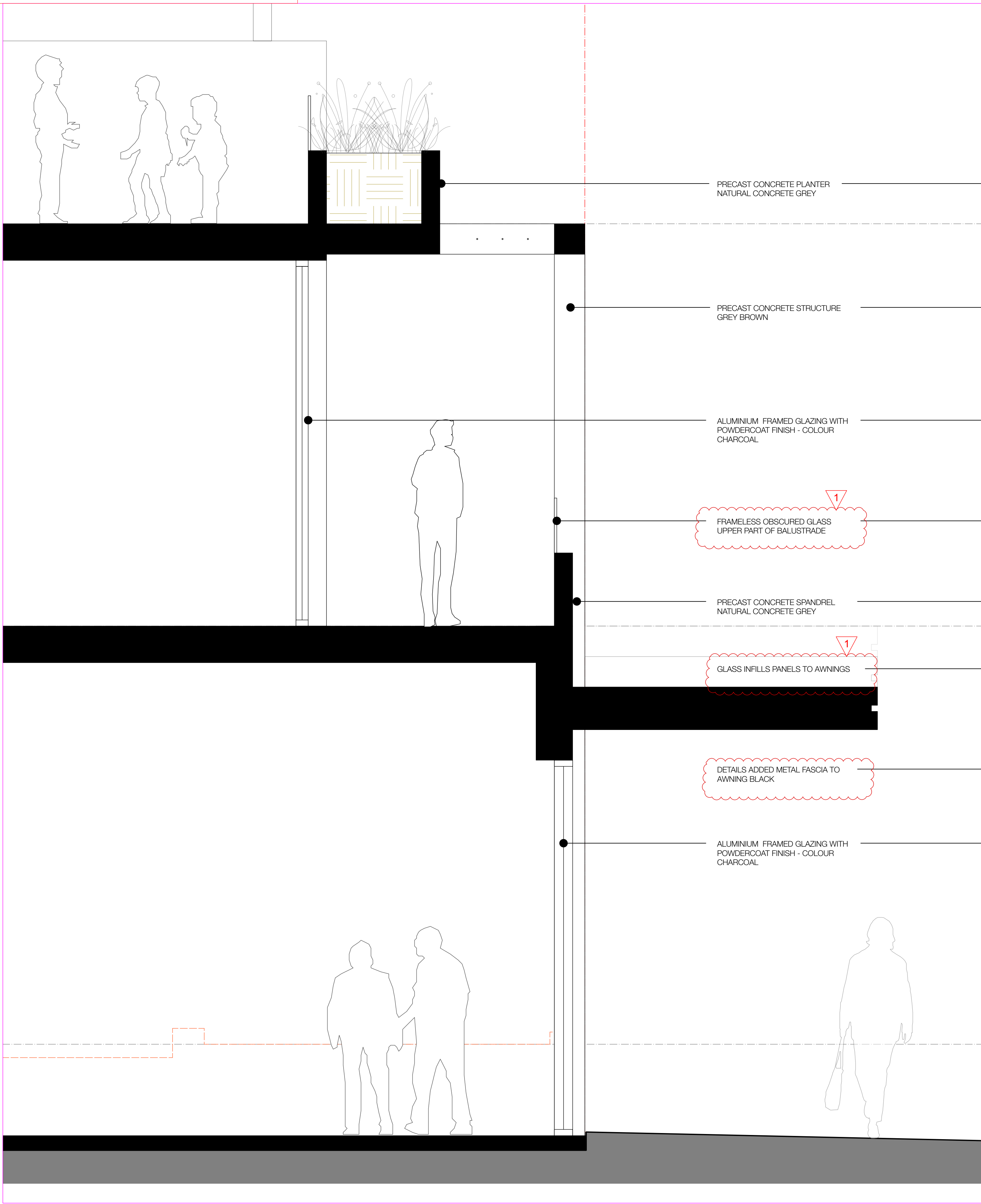
SCALE
1:50 @ A1

DRAWING TITLE
SECTION A

DRAWING NO.
2001 -DA 200 C

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





ISSUE	DATE	DESCRIPTION
A	13/07/21	DA 1. NOTES AMENDED & ADDED
B	06/09/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:20 @A1

DRAWING TITLE
FACADE DETAILS

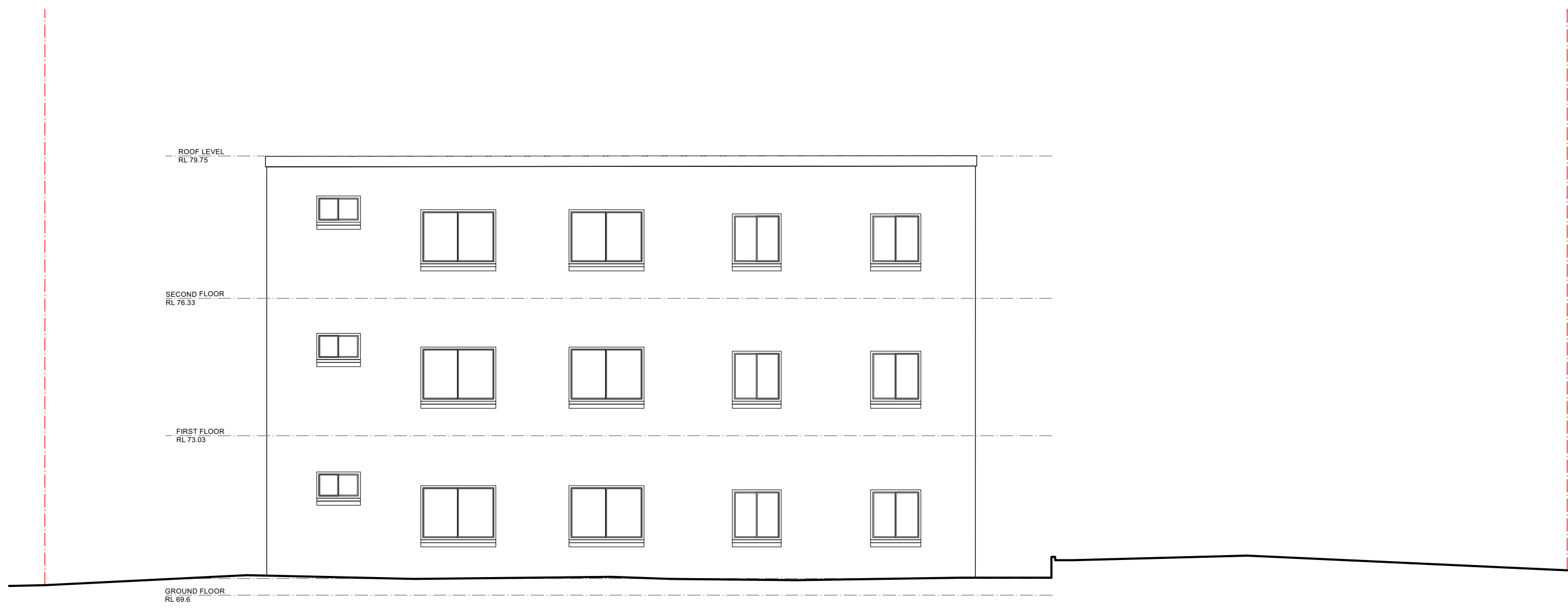
DRAWING NO.
2001 -DA 201 B

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





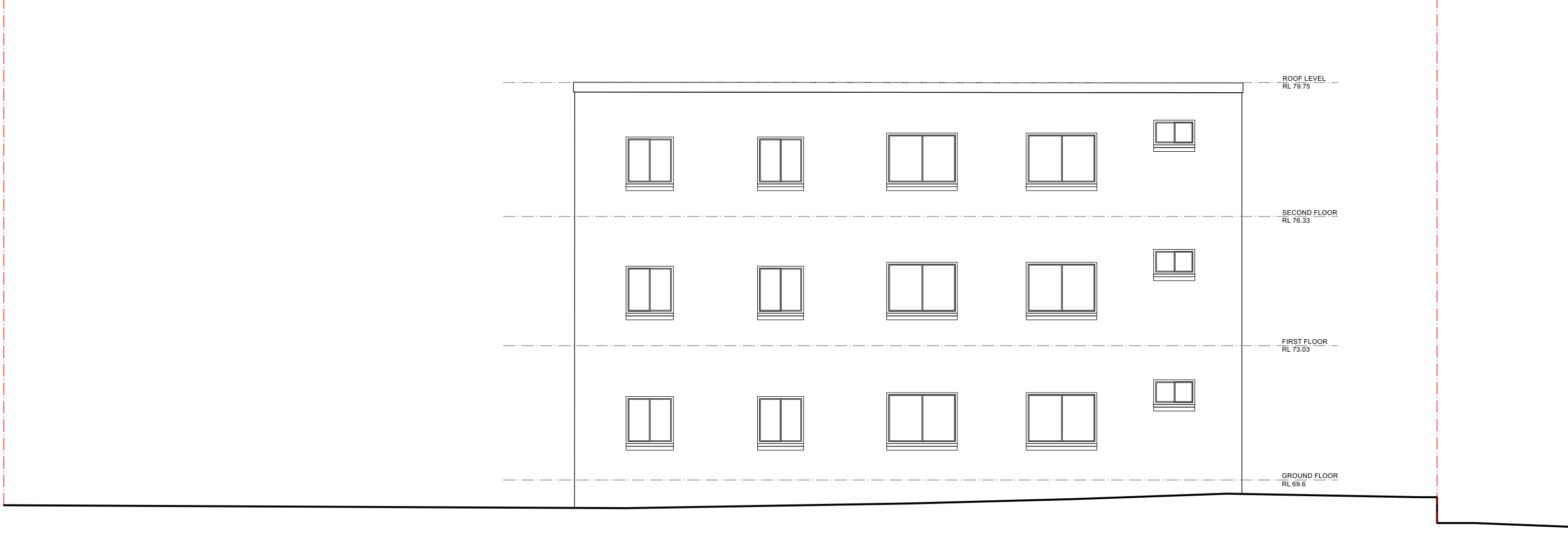
5 NORTH ELEVATION



1 WEST ELEVATION



2 SOUTH ELEVATION



3 EAST ELEVATION

ISSUE	DATE	DESCRIPTION
A	12/05/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

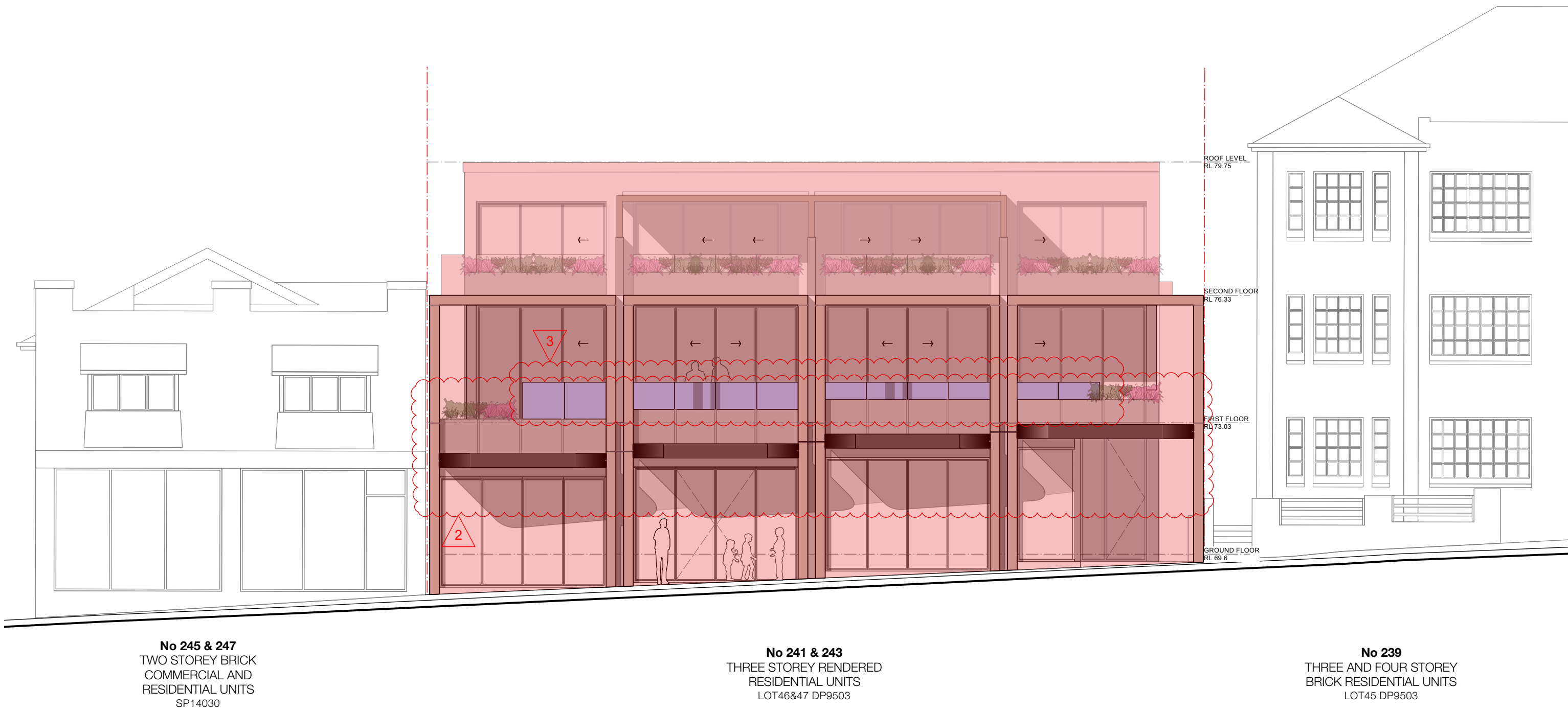
SCALE
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DRAWING TITLE
EXISTING ELEVATIONS

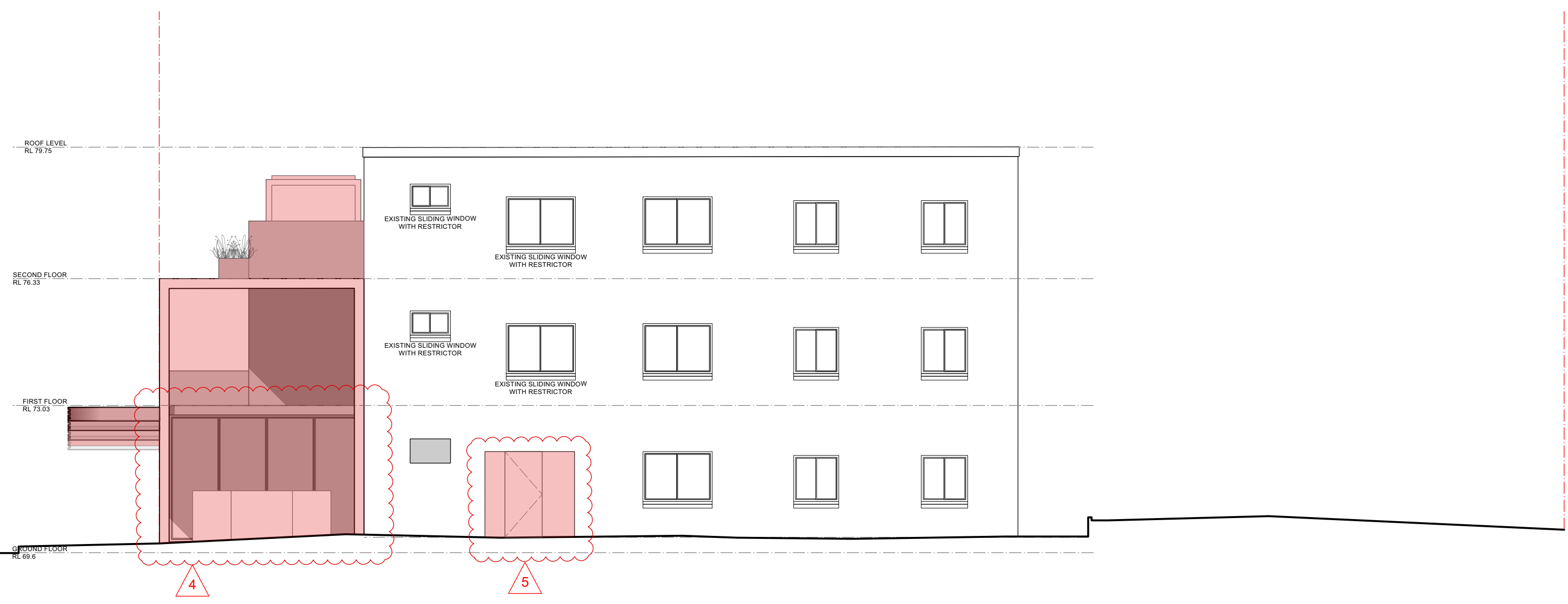
DRAWING NO.
2001 -DA 300 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





1 NORTH ELEVATION

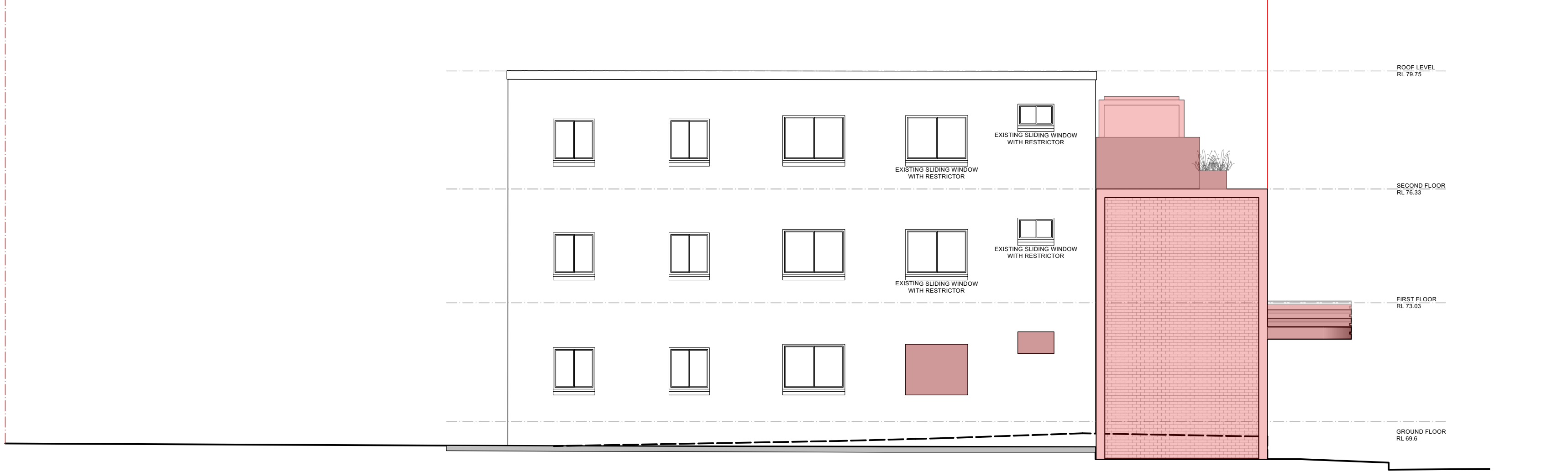


2 WEST ELEVATION



PROPOSED NEW WORK

3 SOUTH ELEVATION



4 EAST ELEVATION

ISSUE	DATE	DESCRIPTION
A	12/05/21	DA
B	13/7/21	DA
C	06/09/21	DA

1. SCREEN EXTENDED
2. CORNERS ROUNDED AND GLASS INFILLS ADDED & TO AWNINGS 3. GLASS TO BALUSTRADES AMENDED TO TRANSLUCENT
4. TRELLIS DELETED, METERS RELOCATED. 5. RETAIL GARBAGE ROOM DOOR ADDED 6. WINDOW OPERATION ADDED

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

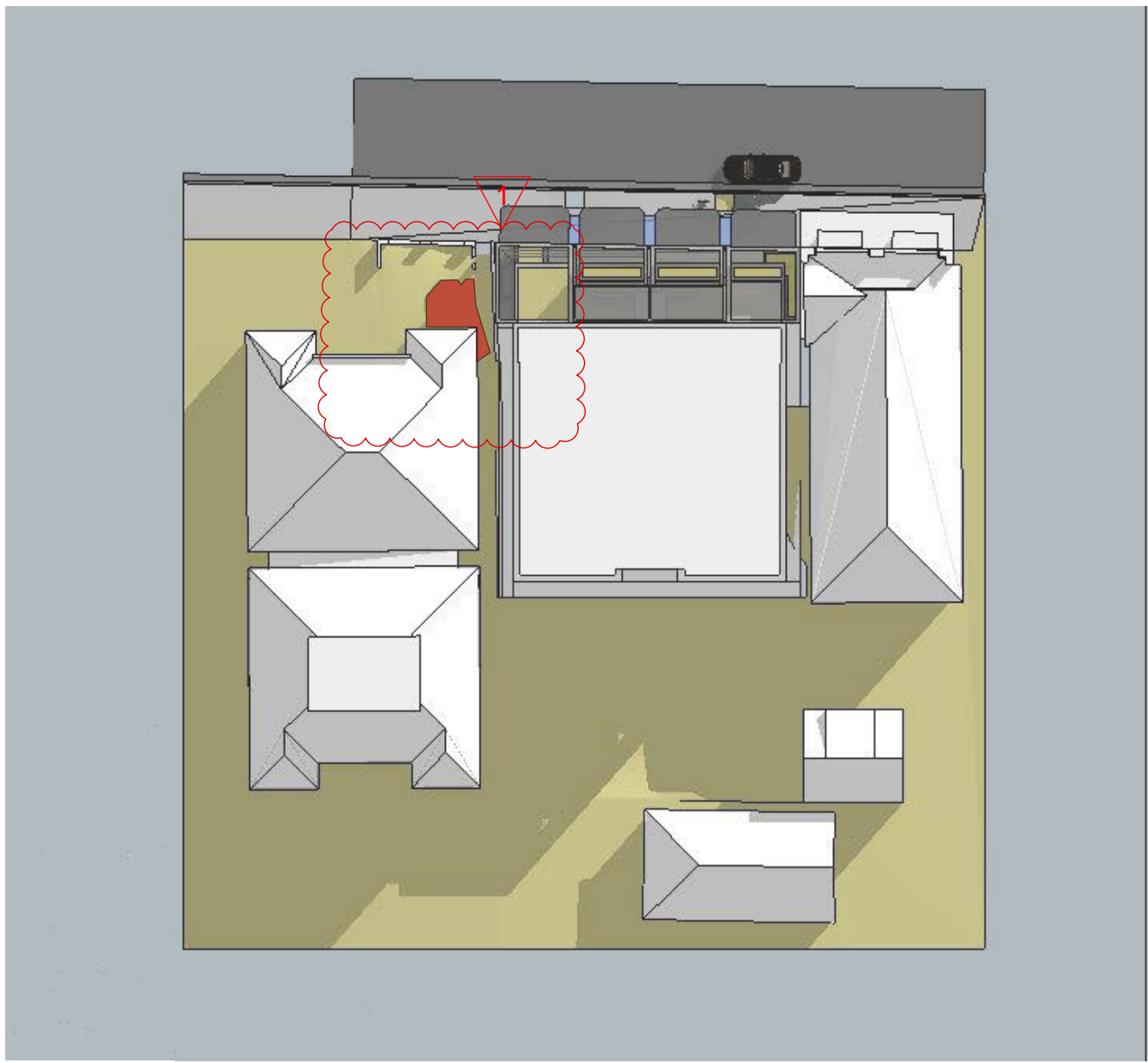
SCALE
1:100 @ A1

DRAWING TITLE
ELEVATIONS

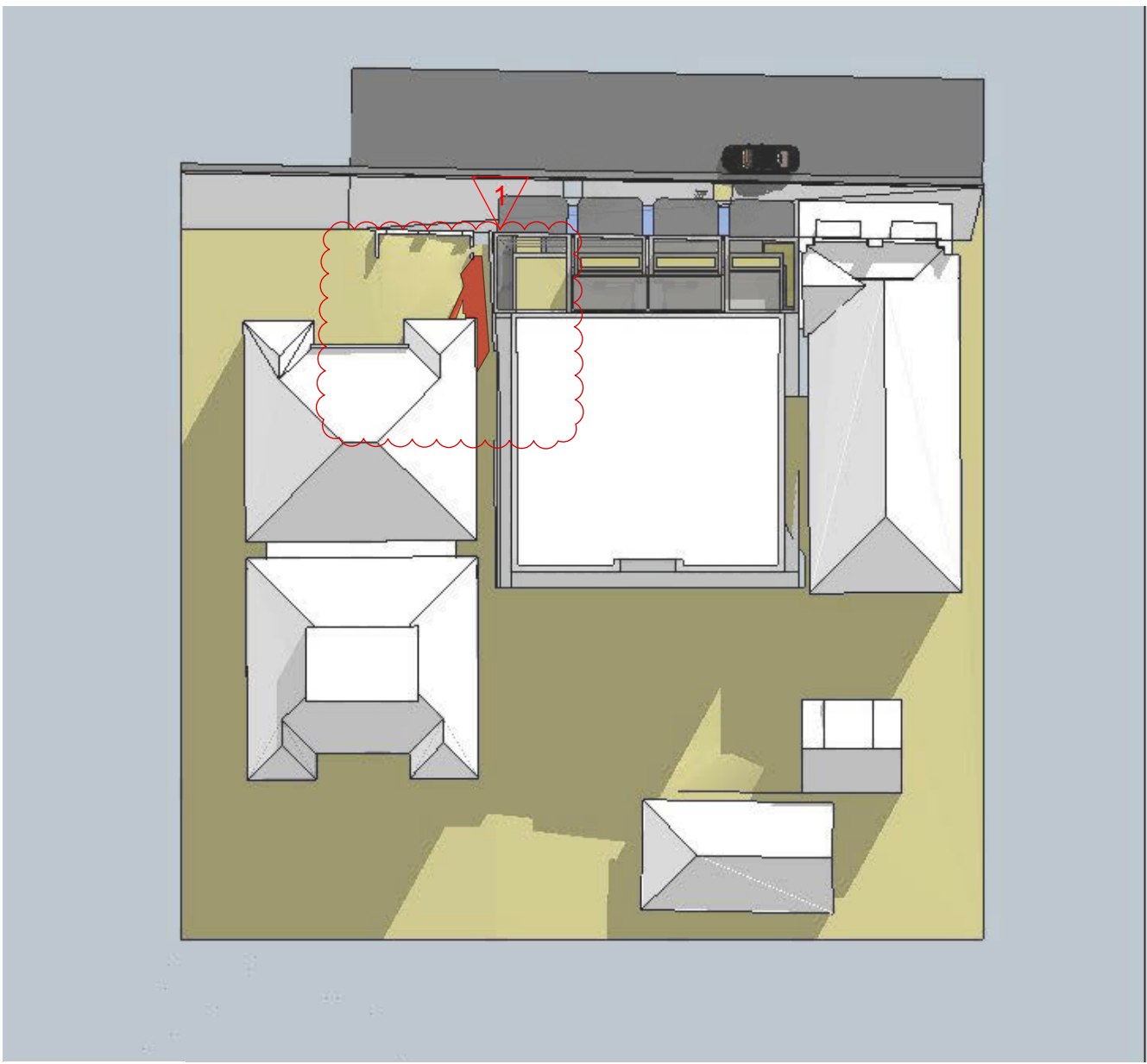
DRAWING NO.
2001 -DA 301 C

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727

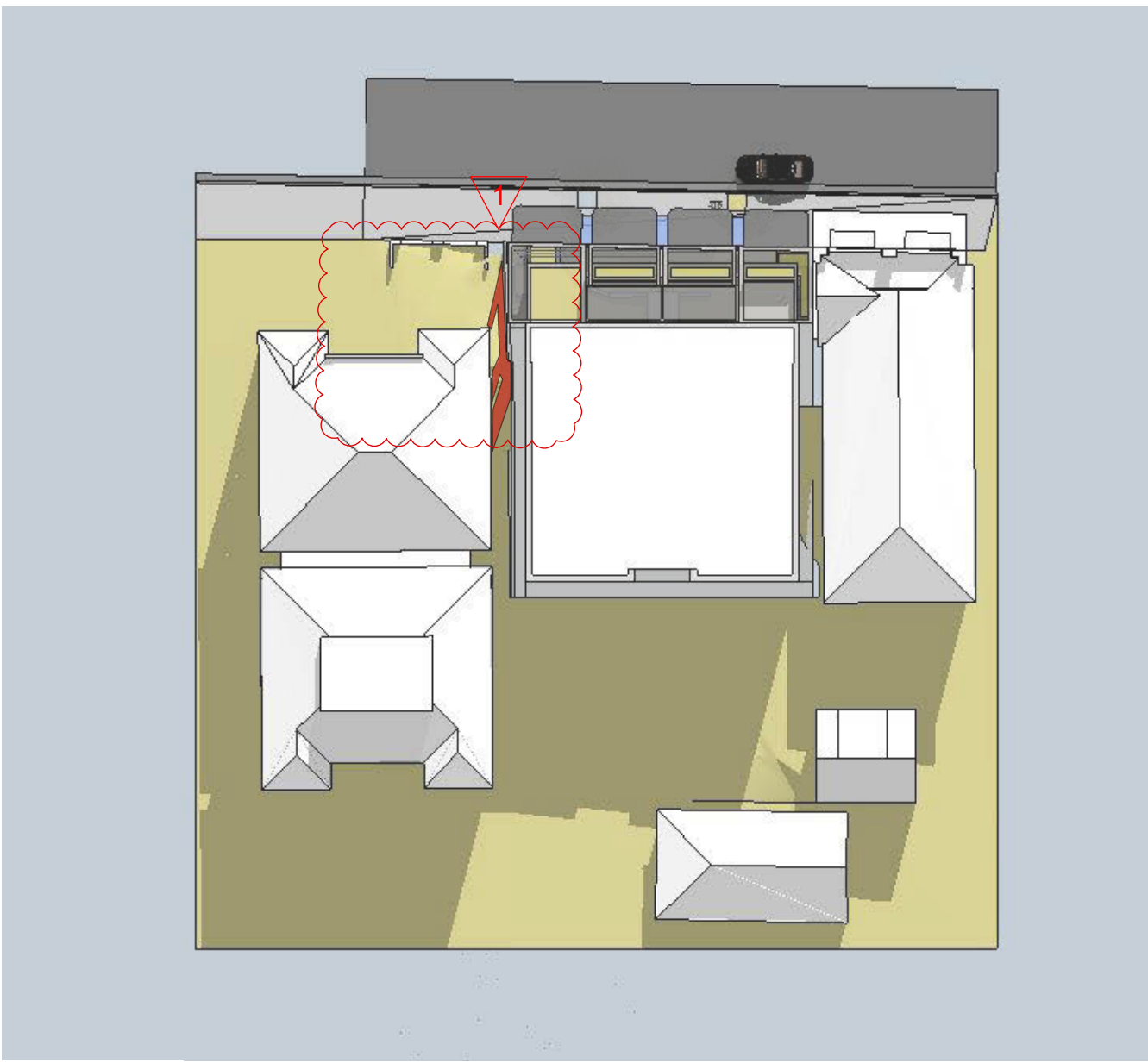
SHED



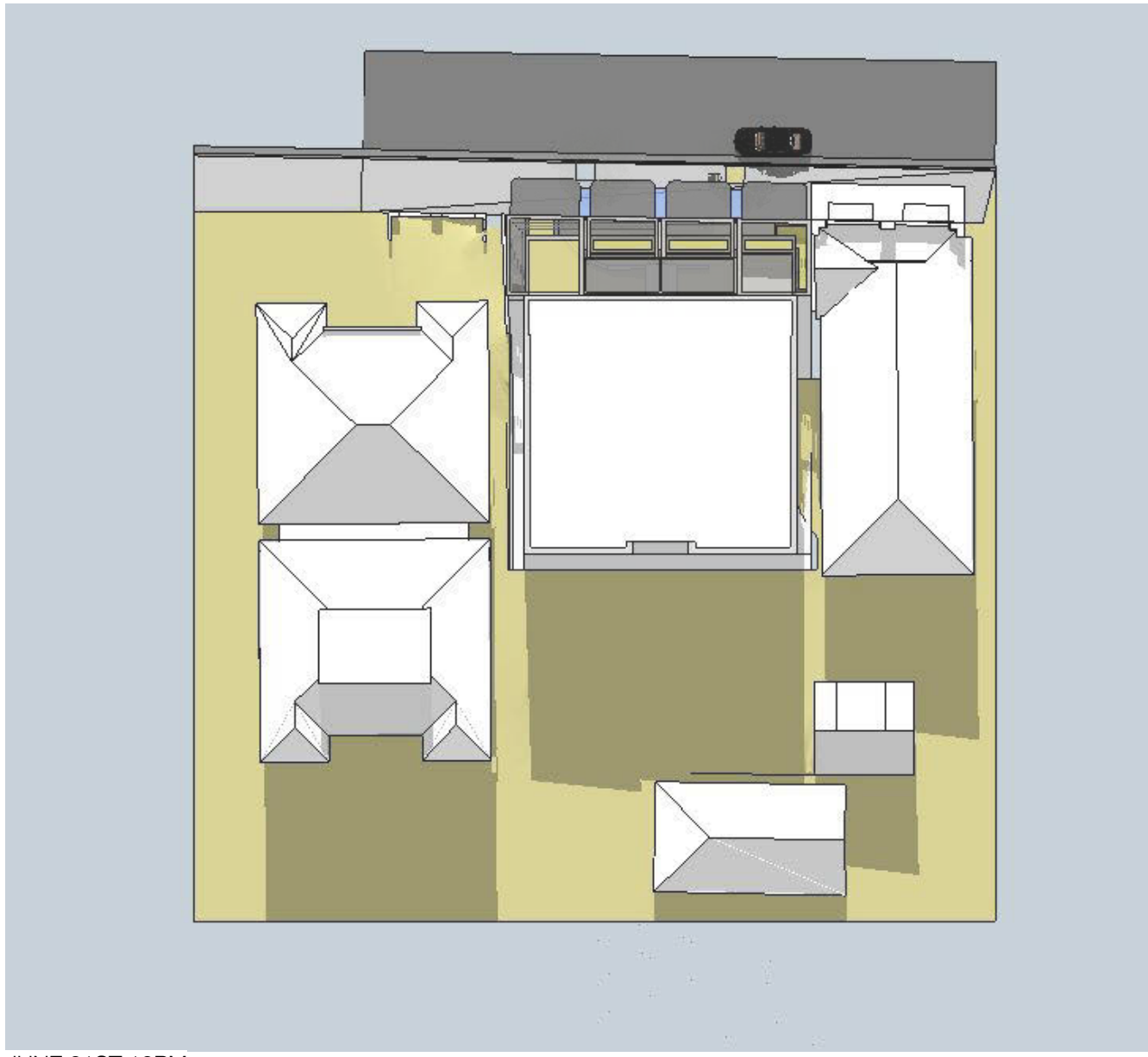
JUNE 21ST 9AM



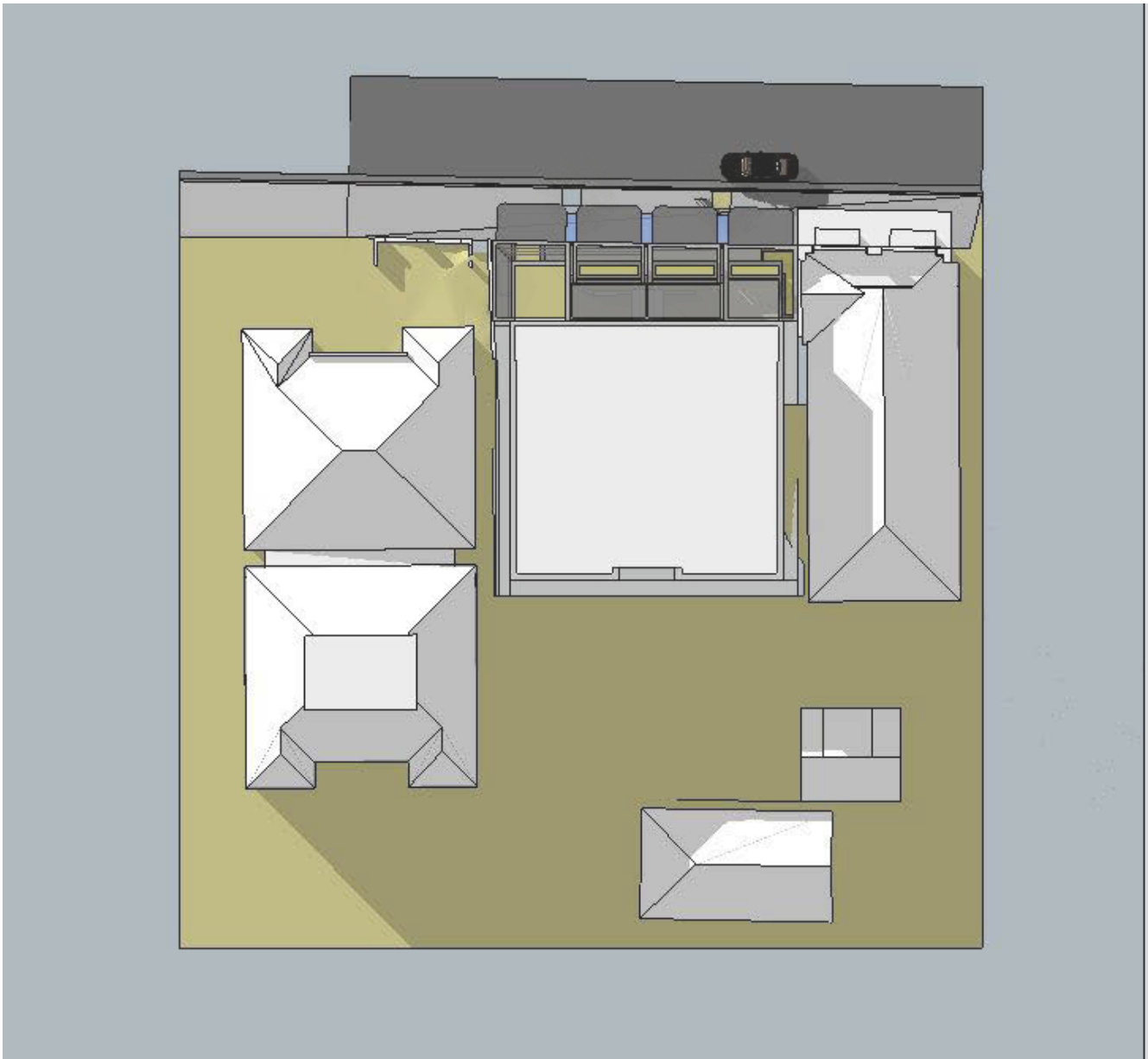
JUNE 21ST 10AM



JUNE 21ST 11AM



JUNE 21ST 12PM



JUNE 21ST 3PM

ISSUE	DATE	DESCRIPTION
A	12/05/21	DA
B	06/09/21	DA

1. SHADOWS REDUCED

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
NTS

DRAWING TITLE
**SHADOW DIAGRAMS - PLAN
FORM**

DRAWING NO.
2001 -DA 400 B

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





JUNE 21ST 9AM



JUNE 21ST 10AM



JUNE 21ST 11AM



JUNE 21ST 12PM



JUNE 21ST 3PM

ISSUE	DATE	DESCRIPTION
A	12/05/21	DA
B	06/09/21	DA

1. SHADOWS REDUCED

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

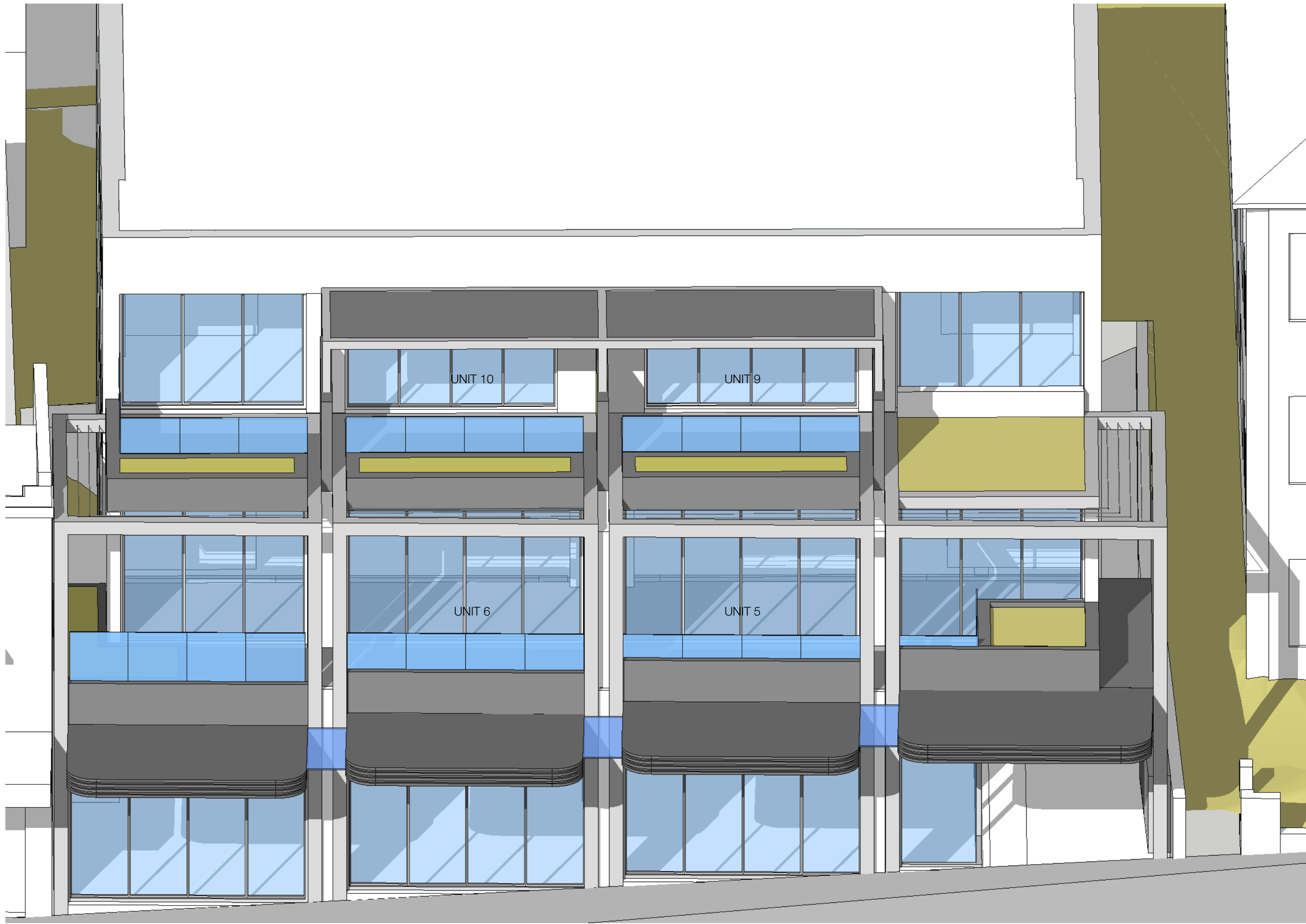
SCALE
NTS

DRAWING TITLE
**SHADOW DIAGRAMS -
ELEVATION FORM**

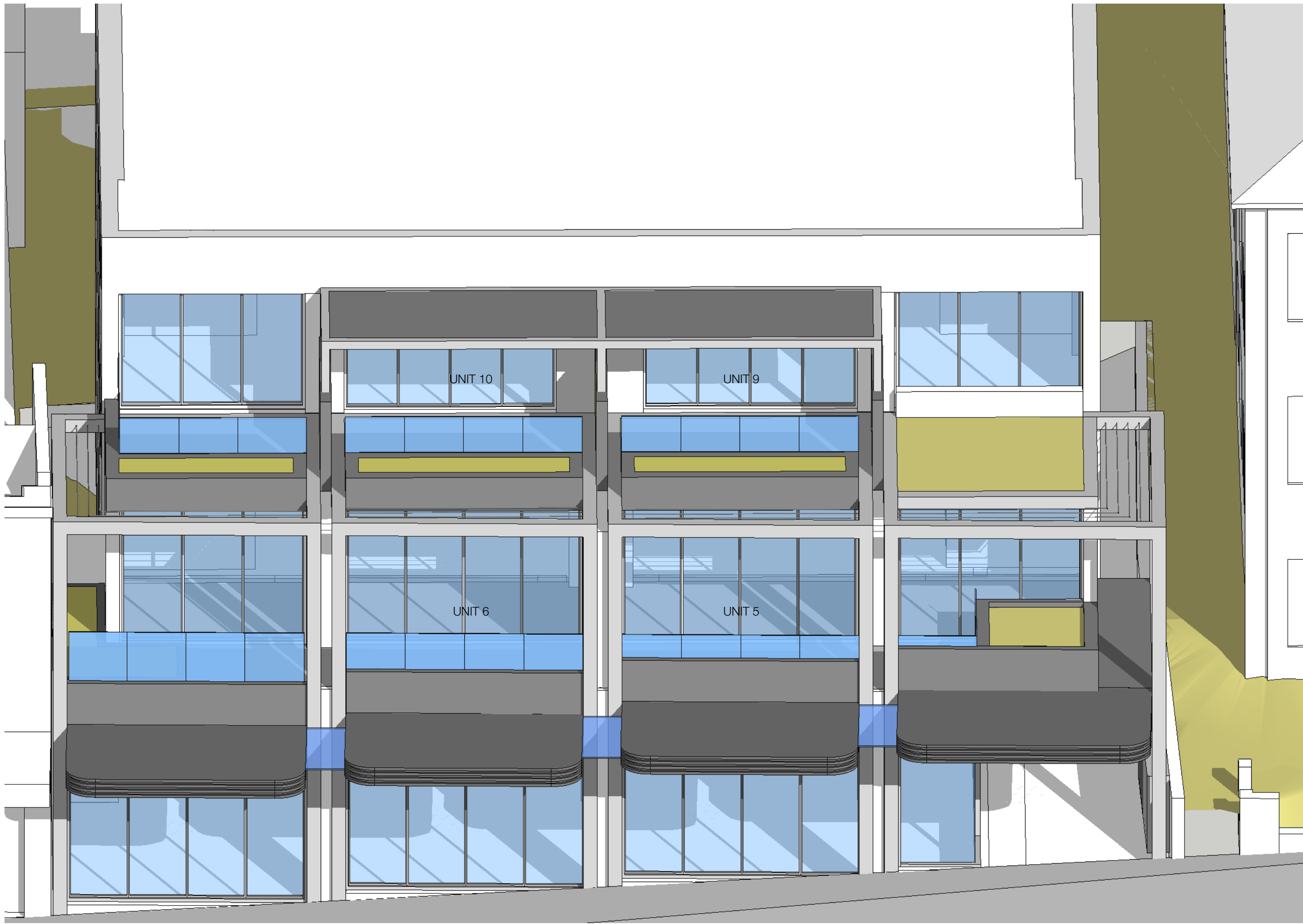
DRAWING NO.
2001 -DA 401 B

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





JUNE 21ST 10:30AM



JUNE 21ST 1:30PM

ISSUE	DATE	DESCRIPTION
A	06/09/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

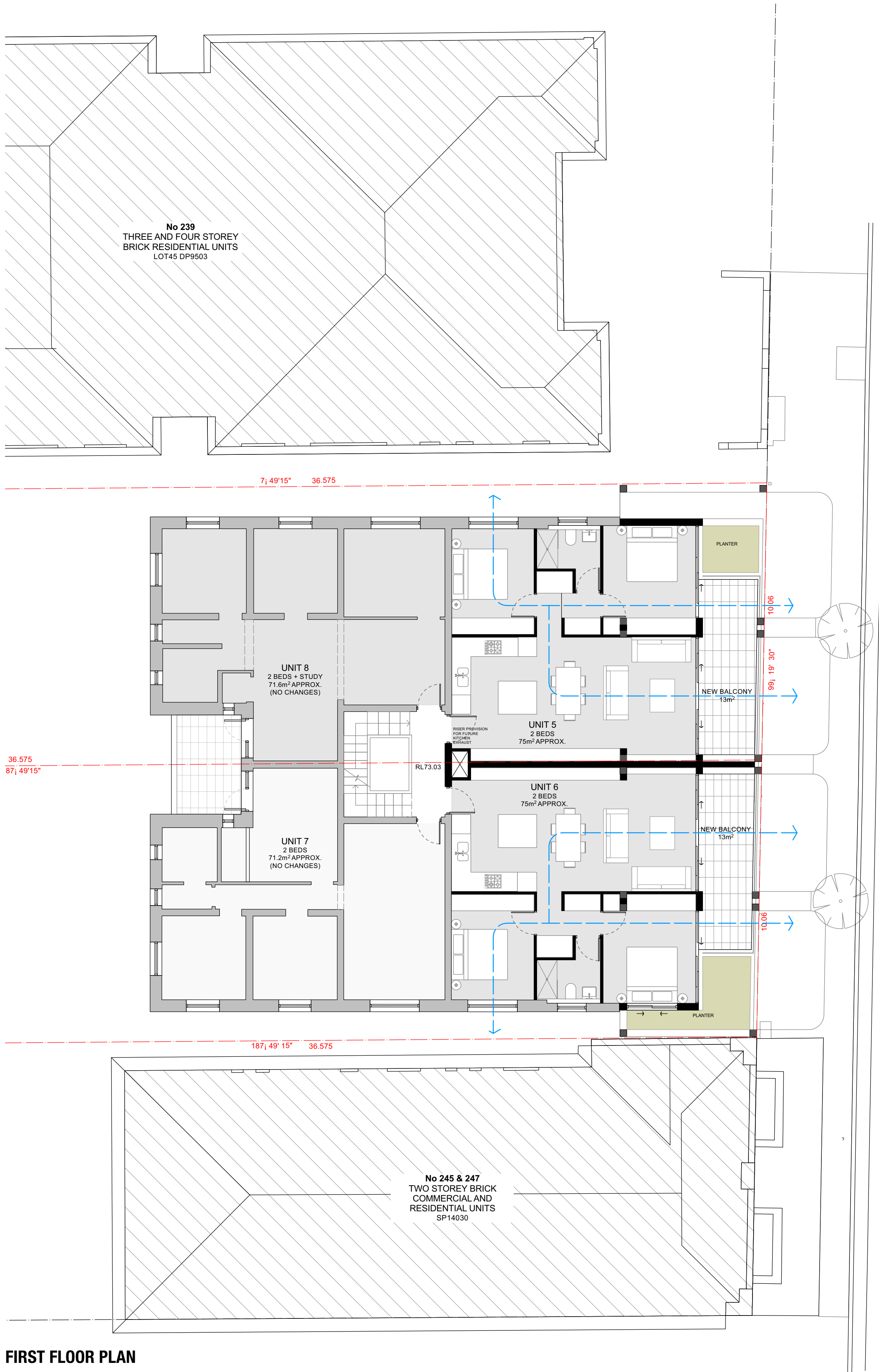
SCALE
NTS

DRAWING TITLE
SOLAR ACCESS DIAGRAMS

DRAWING NO.
2001 -DA 450 A

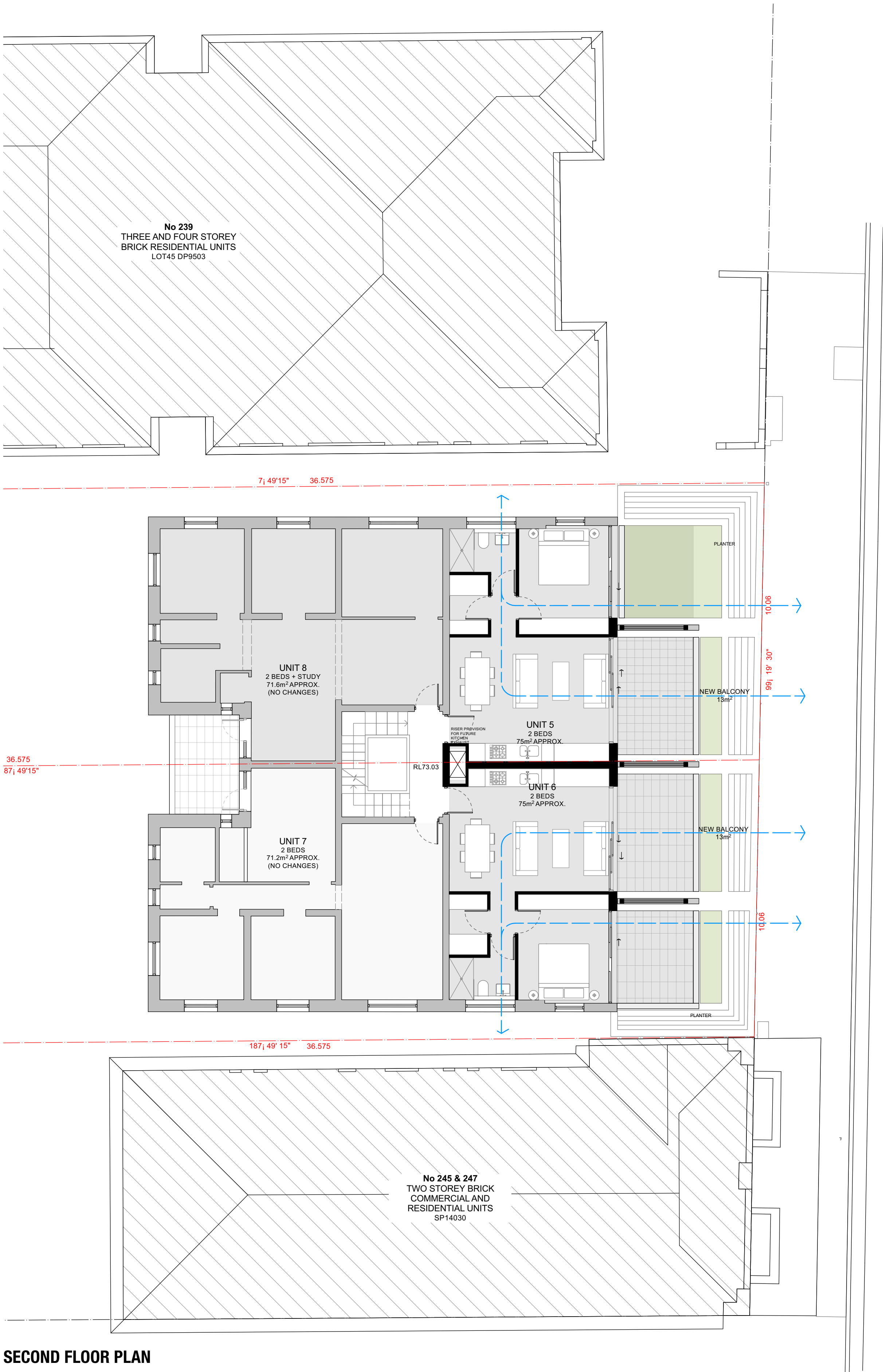
T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





FIRST FLOOR PLAN

ISSUE	DATE	DESCRIPTION
A	06/09/21	



SECOND FLOOR PLAN

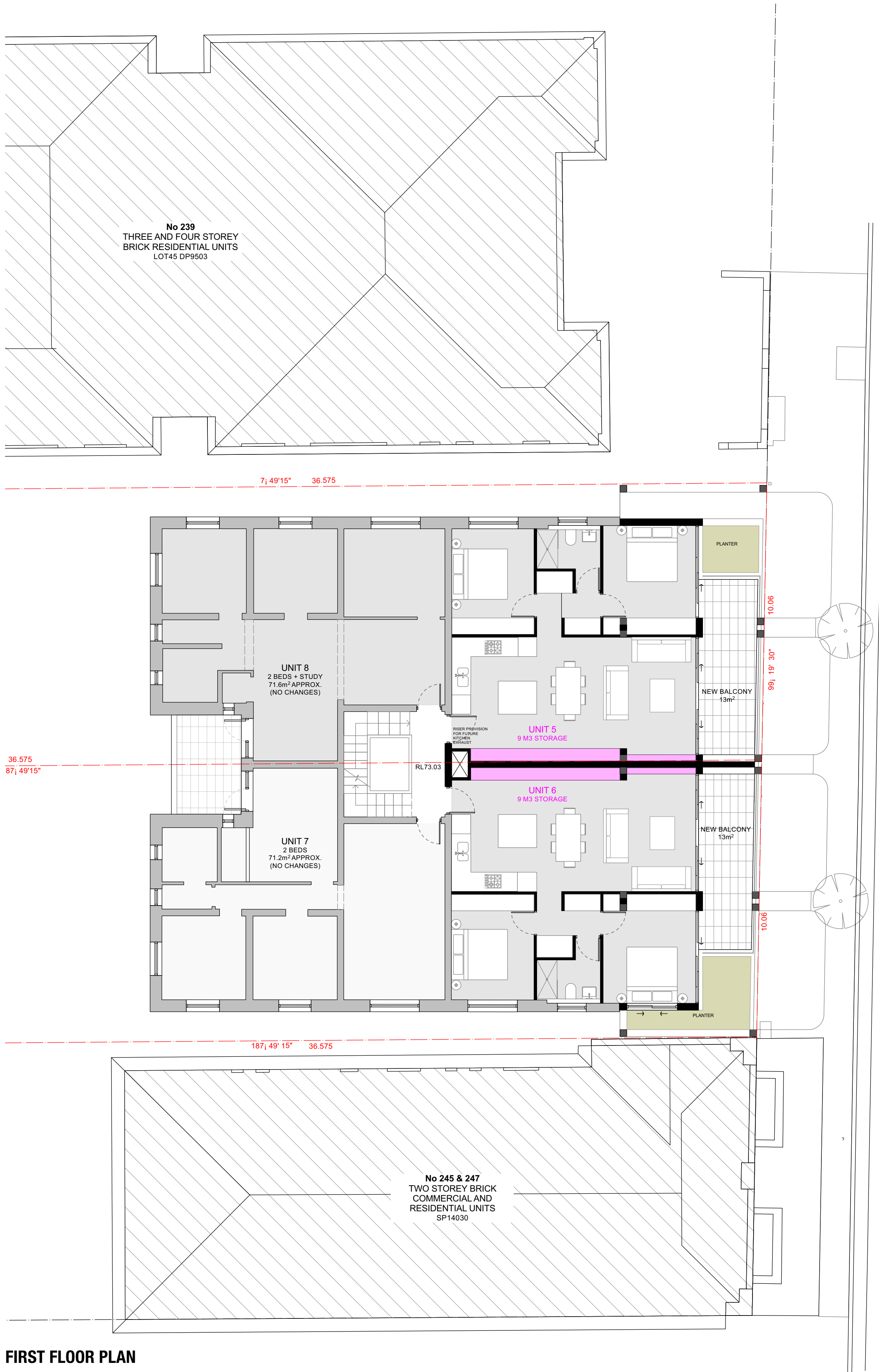
PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE	1:100 @ A1
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DRAWING TITLE	CROSS VENTILATION DIAGRAMS
DRAWING NO.	2001 -DA 460 A

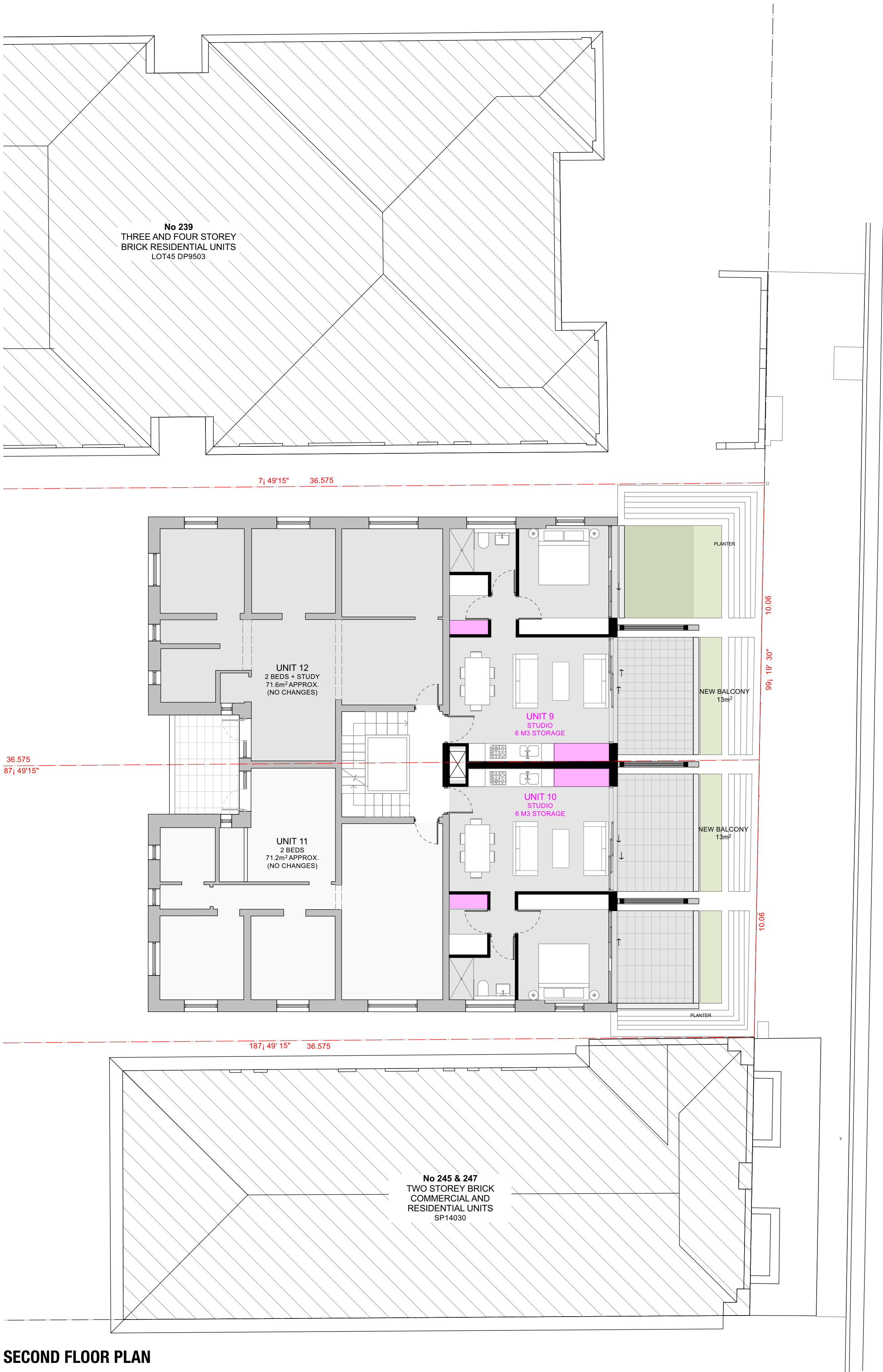
T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





FIRST FLOOR PLAN

ISSUE	DATE	DESCRIPTION
A	06/09/21	



SECOND FLOOR PLAN

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100 @ A1

DRAWING TITLE
STORAGE DIAGRAMS
DRAWING NO.
2001 -DA 470 A

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727





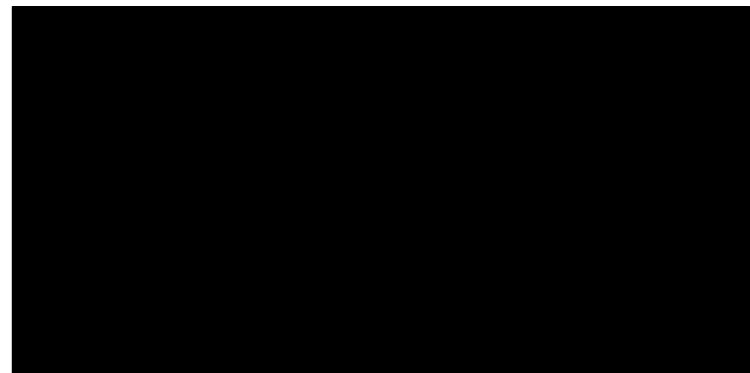
AL ALUMINIUM FRAME GLAZING WITH
CLEAR GLASS
POWDER COATED
COLOUR CHARCOAL



PC 1 PRE-CAST CONCRETE
GREY BROWN



GL FRAMELESS OBSCURED GLASS BALUSTRADE



MF METAL FASCIA
COLOUR BLACK



PC 2 PRE-CAST CONCRETE
NATURAL CONCRETE GREY



ISSUE	DATE	DESCRIPTION
A	12/05/21	DA 1. FINISHES AMENDED
B	13/07/21	DA 2. FINISHES AMENDED
C	06/09/21	DA

PROJECT	241 BONDI ROAD
STAGE	DESIGN
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
NTS

DRAWING TITLE
MATERIALS AND FINISHES

DRAWING NO.
2001 -DA 500 C

T +61 (0) 410 416 491
ABN 75155117516
NOM ARCH CHRIS HAUGHTON 6727



Mixed planting of:
3 x Aloe 'Bush Baby'
6 x Goodenia 'Little Goodie'
3 x Lomandra 'Shara'
3 x Pittosporum 'Miss Muffet'
5 x Westringia 'MUNDI'
2 x Solandra maxima to spill over

1 x Stenocarpus sinuatus
100Litre street tree to be planted
in accordance with Council
specifications

Mixed planting of:
9 x Aloe 'Bush Baby'
6 x Goodenia 'Little Goodie'
3 x Lomandra 'Shara'
3 x Pittosporum 'Miss Muffet'
5 x Westringia 'MUNDI'
2 x Solandra maxima to spill over

INDICATIVE PLANT SCHEDULE - GROUND FLOOR + LEVEL 1					
SPECIES	COMMON NAME	MATURE SIZE	QTY	POT SIZE	NATIVE
STREET TREE					
Stenocarpus sinuatus	Firewheel Tree	10m	1	100L	YES
SHRUBS					
Aloe 'Bush Baby'	Bush Baby	0.5m	12	5L	
Goodenia 'Little Goodie'	Little Goodie	0.5m	12	5L	YES
Lomandra 'Shara'	Shara	0.5m	6	5L	YES
Pittosporum 'Miss Muffet'	Miss Muffet	1m	6	5L	
Westringia 'MUNDI'	MUNDI	0.3m	10	5L	YES
CLIMBERS/GROUND COVERS					
Hibbertia scandens	Climbing Guinea Flower			5L	YES
Solandra maxima	Golden Chalice Vine		4	150mm pot	



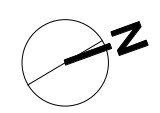
NOTES
REFER TO DETAIL SURVEY FOR SITE
IDENTIFICATION, BOUNDARY
INFORMATION & LEVELS.
ALL LEVELS AND DIMENSIONS TO BE
CONFIRMED ON SITE. IF ANY
DISCREPANCIES OCCUR PLEASE
NOTIFY THE LANDSCAPE ARCHITECT

ISSUE	AMENDMENT	DATE
A	FOR DISCUSSION	12.07.21
B	FOR DA SUBMISSION	13.09.21

SCALE: 100@A3
DRAWN: MW
CLIENT: EDAN BURKE

DRAWING TITLE
GROUND FLOOR + FIRST FLOOR PLANTING PLAN
PROJECT
241 BONDI ROAD, BONDI

DWG NO.
LS01
ISSUE
B



INDICATIVE PLANT SCHEDULE - LEVEL 2					
SPECIES	COMMON NAME	MATURE SIZE	QTY	POT SIZE	NATIVE
SHRUBS					
<i>Aloe 'Bush Baby'</i>	Yellow Dwarf Aloe	0.5m	8	5L	
<i>Beschorneria yuccoides</i>	Mexican Lily	1m	6	5L	
<i>Goodenia 'Little Goodie'</i>	Little Goodie	0.5m	16	5L	YES
<i>Lomandra glauca</i>	Lomandra	0.2m	18	5L	YES
<i>Lomandra 'Shara'</i>	Shara	0.5m	6	5L	YES
<i>Pittosporum 'Miss Muffet'</i>	Miss Muffet	1m	8	5L	
<i>Westringia 'MUNDI'</i>	MUNDI	0.3m	17	5L	YES
CLIMBERS/GROUND COVERS					
<i>Myoporum parvifolium</i>	Creeping Boobiala	0.2m	8	150mm pot	YES
<i>Rosmarinus 'Huntingtons Carpet'</i>	Groundcvoer Rosemary	0.2m	6	150mm pot	
<i>Solandra maxima</i>	Golden Chalice Vine		4	150mm pot	



Mixed planting of:
5 x Aloe 'Bush Baby'
7 x Goodenia 'Little Goodie'
9 x Lomandra glauca
3 x Lomandra 'Shara'
5 x Pittosporum 'Miss Muffet'
8 x Westringia 'MUNDI'
2 x Myoporum parvifolium to spill into terrace
2 x Solandra maxima to spill over

Mixed planting of:
3 x Beschorneria yuccoides
3 x Goodenia 'Little Goodie'
3 x Lomandra glauca
1 x Lomandra 'Shara'
1 x Pittosporum 'Miss Muffet'
3 x Westringia 'MUNDI'
2 x Myoporum parvifolium to spill into terrace
3 x Rosmarinus 'Huntingtons Carpet' to spill over

Mixed planting of:
3 x Aloe 'Bush Baby'
3 x Goodenia 'Little Goodie'
3 x Lomandra glauca
1 x Lomandra 'Shara'
1 x Pittosporum 'Miss Muffet'
3 x Westringia 'MUNDI'
2 x Myoporum parvifolium to spill into terrace
2 x Solandra maxima to spill over

Mixed planting of:
3 x Beschorneria yuccoides
3 x Goodenia 'Little Goodie'
3 x Lomandra glauca
1 x Lomandra 'Shara'
1 x Pittosporum 'Miss Muffet'
3 x Westringia 'MUNDI'
2 x Myoporum parvifolium to spill into terrace
3 x Rosmarinus 'Huntingtons Carpet' to spill over



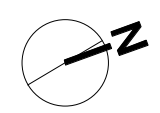
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NOTIFY THE LANDSCAPE ARCHITECT

ISSUE	AMENDMENT	DATE
A	FOR DISCUSSION	12.07.21
B	FOR DA SUBMISSION	13.09.21

SCALE: 100@A3
DRAWN: MW
CLIENT: EDAN BURKE

DRAWING TITLE
SECOND FLOOR PLANTING PLAN
PROJECT
241 BONDI ROAD, BONDI

DWG NO.
LS02
ISSUE
B





Aloe 'Bush Baby'



Beschorneria yuccoides



Goodena 'Little Goodie'



Westringia 'MUNDI'



Lomandra glauca



Lomandra 'Shara'



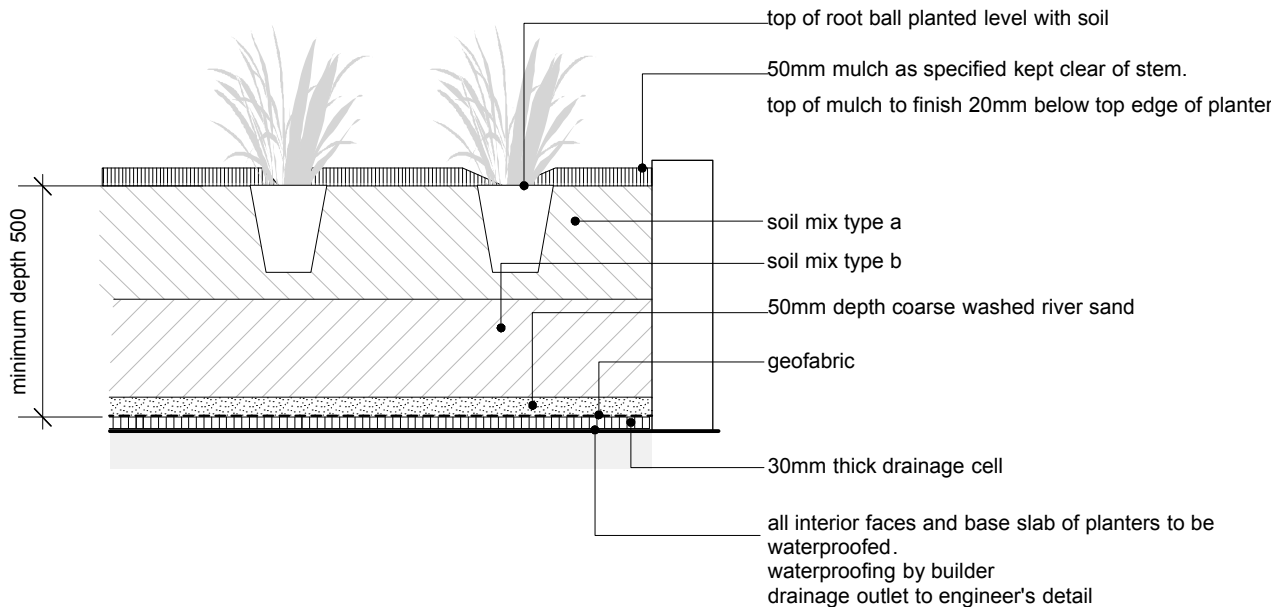
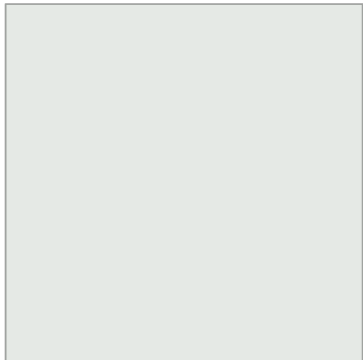
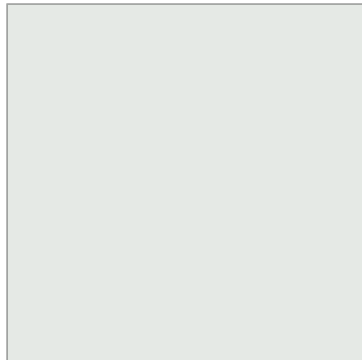
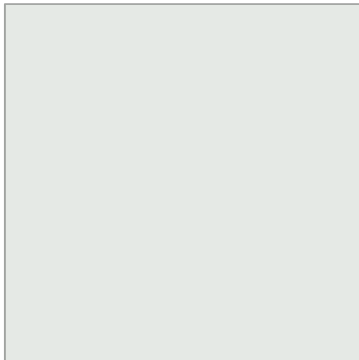
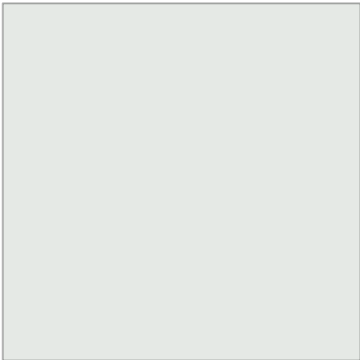
Hibbertia scandens



Myoporum parvifolium



Solandra maxima



1 MASS PLANTING ON SLAB
1:20@A3

LANDSCAPE NOTES

ON SLAB PLANTER DRAINAGE

Location
Note that all waterproofing of slabs and location of drainage outlets is to the project engineers specification.

DRAINAGE CELL:

350mm x 350mm x 30mm drainage cell as supplied by Atlantis Water Management or approved equal. Lay according to manufacturer's instructions. Drainage cell to be fully wrapped in geotextile fabric as specified.

GEOTEXTILE FABRIC:

Geotextile as recommended appropriate by Atlantis Water Management or similar and approved. Wrapped and taped to manufacturer's instructions.
Sources/ contacts:
Atlantis Water Management
Phone: 9419 6000

SAND BLINDING LAYER:

Coarse washed river sand laid to a depth of 50mm as detailed.

MEMBRANE PROTECTION BOARD

Provide 5mm FC sheeting or similar and approved securely affixed to all vertical faces of the membrane in a manner that will not damage the integrity of the membrane. Note hold point requirements.

TOPSOIL

Source/ Type:

Imported topsoil type A: Light weight planter box mix, Benedict's SmartMix No. 4. Product code RN133. As supplied by Benedict Sand and gravel or approved equivalent.
Imported topsoil type B: Light weight subsoil mix, Benedict's SmartMix No. 5. Product code BO133. As supplied by Benedict Sand and Gravel or approved equivalent.

PLANTING BEDS ON SLAB

Clean out any loose cement and other material likely to be harmful to plant growth. Install Drainage cell as specified and to manufacturers instructions. Seal edge of geotextile fabric to planter box wall. Provide membrane protection board to sides of planter and secure with liquid nails or similar method that will not damage the waterproof membrane. Note hold point requirement. Provide sand blinding layer as specified in clause 3.3. Install topsoil in 150mm layers and consolidate as specified below.

TOPSOIL CONSOLIDATION

Compact lightly and uniformly in 150mm layers. Compact topsoil mix with a single pass of a 50 kg hand drawn tennis court roller or similar means to a compacted depth of 150mm. Lightly water with a fine mist spray each layer, prior to installing the following layer. Avoid differential subsidence and excess compaction and produce a finished topsoil surface which has the following characteristics:

Finished to 30mm above design levels to allow for consolidation.
Smooth and free from stones or lumps of soil.
Graded to drain freely, without ponding, to catchment points.
Graded evenly into adjoining ground surfaces.
Ready for planting.

SETTLEMENT PERIOD

Allow the topsoil in planter boxes to settle for one week prior to planting. Top up any settlement as required to meet design levels.

Topsoil depth

Typically spread topsoil to the depths as indicated on drawings

Surplus topsoil

General: Spread surplus topsoil on designated areas on site, if any; otherwise, dispose off site.

COMPOST

Well rotted vegetative material or animal manure, or other approved material, free from harmful chemicals, grass and weed growth, and with a neutral pH value.

PLANTING

Shrubs/groundcovers: Excavate a hole big enough for the plant plus 100 mm all round.
Provide plants which have large healthy root systems, with no evidence of root curl, restriction or damage are vigorous, well established, free from disease and pests, of good form consistent with the species or variety; and are hardened off, not soft or forced, and suitable for planting in the natural climatic conditions prevailing at the site.
Label at least one plant of each species or variety in a batch using a durable, readable tag.
Do not plant in unsuitable weather conditions such as extreme heat, cold, wind or rain. In other than sandy soils, suspend excavation when the soil is wet, or during frost periods.
When the hole is of the correct size, remove the plant from the container with minimum disturbance to the root ball. Ensure that the root ball is moist and place in the final position, in the hole and plumb, with the top soil level of the plant root ball level with the finished surface of the surrounding soil, or 75 mm below paving level to allow placement of mulch.
Backfill with topsoil mixture. Lightly tamp and water to eliminate air pockets. Ensure that topsoil is not placed over the top of the rootball, so that the plant stem is the same height as in the container.
Thoroughly water plants before planting and immediately after planting.
In planting beds and individual plantings, place slow release fertiliser pellets around plants at the time of planting at the rate recommended by the manufacturer.

MULCH

All garden bed areas are to be mulched to 50mm depth with same or similar to *Forest Blend* as supplied by Benedict Sand and Gravel. Provide mulch which is free of deleterious and extraneous matter such as stones, soil, weeds and sticks.
Place mulch clear of plant stems, and rake to an even surface flush with the surrounding finished levels.

IRRIGATION

Design, supply and install an automatic irrigation system that will deliver evenly, sufficient water to the trees, shrubs, groundcovers, turf and other planting on the site to maintain healthy growth continuously throughout the year.
The contractor shall be responsible for establishing the numbers and locations of emitters, spray heads, solenoid valves, filters etc required to provide a satisfactory performance of the system. Spray heads shall be directed away from seating, walls, paving, paths and steps.

Provide an automatic irrigation system with drippers/ microsprays to all garden beds. Ensure the pipework is installed in the least visible position possible. The detailed layout of all irrigation is to be approved prior to installation.
Drippers: Drippers shall deliver 2.3 litres per hour, at 400mm spacing or to base of individual plants as required and should be pressure compacted drippers.
Spray heads: To meet requirements of trees and lawn areas.
Valves: Richdel or similar approved 24 volt solenoid valves to be installed in Brookes or approved equal valve boxes. Top of box to be installed flush with finished soil level and covered with mulch layer.
Controller: Richdel or similar approved with numbers of stations required to isolate each area. Contractor is to allow for Controller in lockable metal cabinet in a location to the direction of the Architect. Power outlet for the operation of this unit to be supplied by others.
Pipework: Class HDPE pipe with pressure rating PN12.5 to be used for main lines. Copper pipework under paving and through masonry is to be installed. Drip lines will be LDPE laid on the surface of the soil under the mulch layer.
Cabling: 24 volt cabling to be enclosed in conduit in all areas. All wire must be installed in an unbroken length from the controller to the solenoid valve. All wires to be multistrand multicore and manufactured to AS 1125 and have polyethylene protective coating. All wire connectors must be waterproof. Cable to be minimum 1.0m2.
Rain sensor: A "mini klik" or similar or approved device to be supplied and installed to the approval of the superintendent. This unit is to be set to turn the system off after 3mm of rain has occurred.

The irrigation contractor shall check and monitor the system performance; once per month throughout the planting establishment period. The contractor shall provide the client with a recommended watering schedule for summer and winter that includes the dates to change the operation.

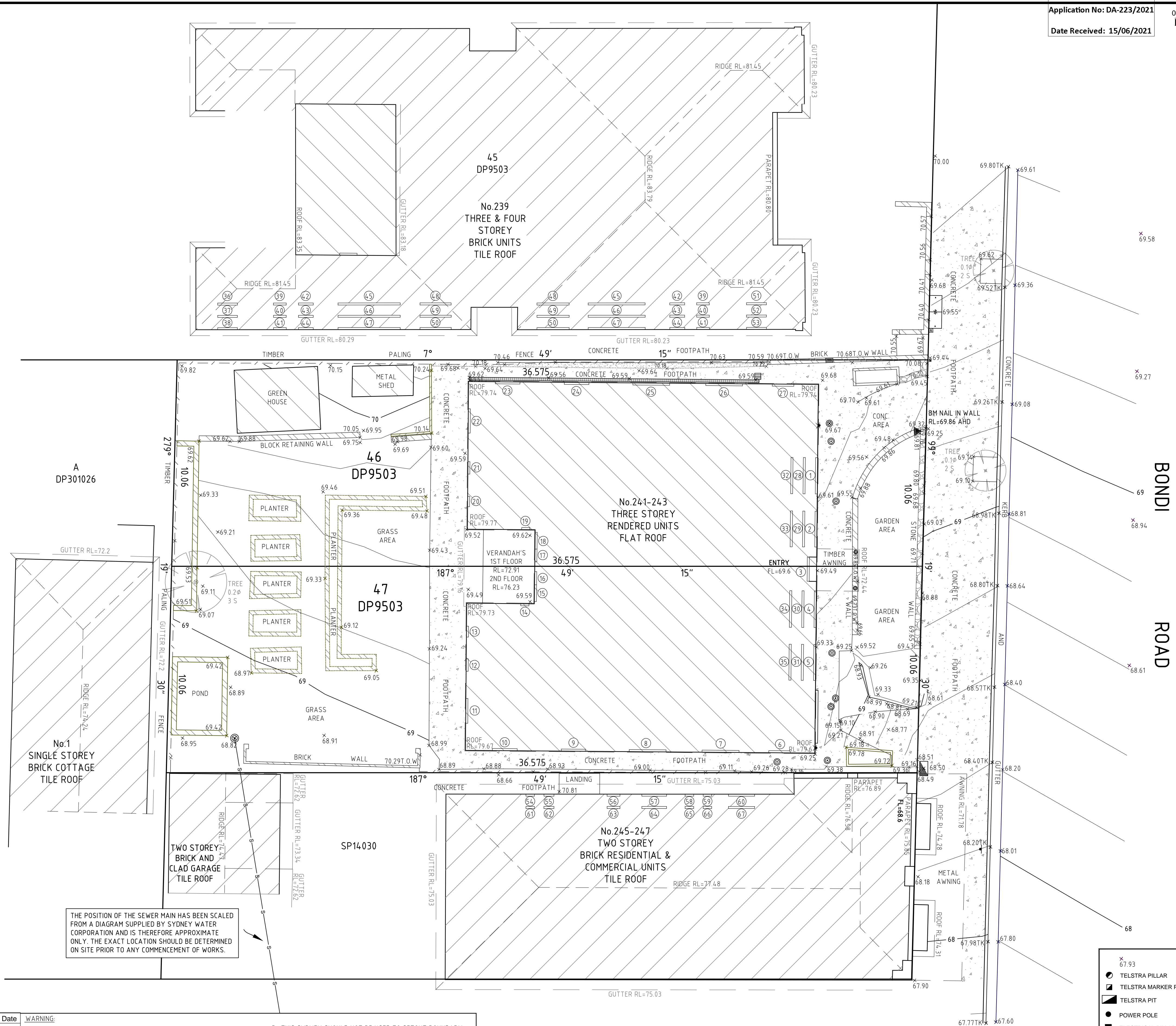
MAINTENANCE/ ESTABLISHMENT

Throughout the planting establishment period (12 weeks), carry out maintenance work including, watering, mowing, weeding, rubbish removal, fertilising, pest and disease control, reseeding, returfing, staking and tying, replanting, cultivating, pruning, hedge clipping, aerating, reinstatement of mulch, renovating, top dressing, and keeping the site neat and tidy. Continue to replace failed, damaged or stolen plants.
Ongoing maintenance of landscape works is to be undertaken by the tendered landscape contractor engaged by the building management such that the landscape is maintained throughout the life of the building in accordance with the above requirements.

	NOTES REFER TO DETAIL SURVEY FOR SITE IDENTIFICATION, BOUNDARY INFORMATION & LEVELS. ALL LEVELS AND DIMENSIONS TO BE CONFIRMED ON SITE. IF ANY DISCREPENCIES OCCUR PLEASE NOTIFY THE LANDSCAPE ARCHITECT	ISSUE	AMENDMENT	DATE	SCALE: 100@A3	DRAWING TITLE	DWG NO.
		A	FOR DISCUSSION	12.07.21	DRAWN: MW	LANDSCAPE NOTES	LS04
		B	FOR DA SUBMISSION	13.09.21			
		241 BONDI ROAD, BONDI					

L.G.A. : WAVERLEY
PARISH : ALEXANDRIA
COUNTY : CUMBERLAND

WINDOW	SILL RL	HEIGHT	WIDTH	GLASS TYPE
1	71.04	1.1	1.77	CLEAR
2	70.69	1.45	1.75	CLEAR
3	69.6	2.64	1.185	CLEAR
4	70.69	1.45	1.78	CLEAR
5	71.04	1.1	1.75	CLEAR
6	71.53	0.63	1.05	FROSTED
7	70.53	1.3	1.8	CLEAR
8	70.53	1.3	1.8	CLEAR
9	70.53	1.2	1.18	CLEAR
10	70.53	1.2	1.21	CLEAR
11	70.53	1.2	1.21	CLEAR
12	71.26	0.58	0.605	FROSTED
13	70.96	0.84	0.505	FROSTED
14	71.17	0.6	0.405	FROSTED
15	69.75	1.95	0.815	DOOR
16	70.71	0.98	0.64	CLEAR
17	70.71	0.98	0.64	CLEAR
18	69.75	1.95	0.815	DOOR
19	71.17	0.6	0.405	FROSTED
20	70.96	0.84	0.505	FROSTED
21	71.26	0.58	0.605	FROSTED
22	70.53	1.2	1.2	CLEAR
23	70.53	1.2	1.2	CLEAR
24	70.55	1.2	1.2	CLEAR
25	70.56	1.25	1.8	CLEAR
26	70.57	1.3	1.8	CLEAR
27	71.53	0.63	1.05	FROSTED
28	74.33	1.1	1.77	CLEAR
29	73.98	1.45	1.75	CLEAR
30	73.98	1.45	1.78	CLEAR
31	74.33	1.1	1.75	CLEAR
32	77.63	1.1	1.77	CLEAR
33	77.28	1.45	1.75	CLEAR
34	77.28	1.45	1.78	CLEAR
35	77.63	1.1	1.75	CLEAR
36	78.94	0.7	0.96	CLEAR
37	75.85	0.7	0.96	CLEAR
38	72.85	0.7	0.96	CLEAR
39	78.25	1.4	0.62	CLEAR
40	75.15	1.4	0.62	CLEAR
41	72.07	1.4	0.62	CLEAR
42	78.25	1.4	0.72	CLEAR
43	75.15	1.4	0.72	CLEAR
44	72.07	1.4	0.72	CLEAR
45	77.99	1.66	3.03	CLEAR
46	74.89	1.66	3.03	CLEAR
47	71.81	1.66	3.03	CLEAR
48	78.25	1.4	1.53	CLEAR
49	75.15	1.4	1.53	CLEAR
50	72.07	1.4	1.53	CLEAR
51	78.04	1.56	0.97	CLEAR
52	74.87	1.56	0.97	CLEAR
53	71.8	1.56	0.97	CLEAR
54	69.94	0.86	0.42	FROSTED
55	69.94	0.86	0.49	FROSTED
56	69.94	0.86	0.63	CLEAR
57	69.94	0.86	1.21	CLEAR
58	69.94	0.86	0.42	FROSTED
59	69.94	0.86	0.42	FROSTED
60	69.5	1.3	1.3	CLEAR
61	73.36	0.86	0.42	FROSTED
62	73.36	0.86	0.49	FROSTED
63	73.36	0.86	0.63	CLEAR
64	73.36	0.86	1.21	CLEAR
65	73.36	0.86	0.42	FROSTED
66	73.36	0.86	0.42	FROSTED
67	72.9	1.3	1.3	CLEAR
68	82.35	0.58	1.02	CLEAR



THE POSITION OF THE SEWER MAIN HAS BEEN SCALED FROM A DIAGRAM SUPPLIED BY SYDNEY WATER CORPORATION AND IS THEREFORE APPROXIMATE ONLY. THE EXACT LOCATION SHOULD BE DETERMINED ON SITE PRIOR TO ANY COMMENCEMENT OF WORKS.



ABN 89 914 613 296
PO BOX 242 HELENSBURGH NSW 2508
PH 0420 946 413 Email: matt@survplan.com.au

Rev.	Amendments	Date	WARNING:
			1. SURVPLAN OWNS THE RIGHTS TO THIS SURVEY AND RELATED DOCUMENTS. THE INFORMATION PROVIDED IN THIS DOCUMENT IS FOR THE CLIENT NAMED WITHIN. USE OF THIS PLAN BY ANY OTHER PERSON/S IS NOT PERMITTED UNLESS WRITTEN CONSENT IS PROVIDED BY SURVPLAN.
			2. BOUNDARIES HAVE BEEN SURVEYED FOR DEVELOPMENT APPLICATION AND ARE ACCURATE FOR PLANNING PURPOSES. BOUNDARIES MUST BE SURVEYED AND MARKED PRIOR TO ANY CONSTRUCTION.
			3. SERVICES SHOWN HEREON ARE THOSE THAT WERE VISIBLE AT THE TIME OF SURVEY AND HAVE BEEN LOCATED BY FIELD SURVEY. FURTHER SERVICES MAY BE LOCATED PRIOR TO ANY CONSTRUCTION OR EXCAVATION ON SITE. THE RELEVANT AUTHORITIES SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES. <u>DIAL BEFORE YOU DIG</u>
			5. THIS SURVEY SHOULD NOT BE USED TO SETOUT BOUNDARY FENCING OR BUILDING WORKS NEAR OR ON THE BOUNDARIES. A SETOUT PLACING ACCURATE MAKES SHOULD BE CARRIED OUT PRIOR TO ANY BUILDING WORKS.
			6. THE CONTOUR INTERVAL IS 0.2m. UNLESS SHOWN OTHERWISE, THE CONTOURS HAVE BEEN PLOTTED FROM INTERPOLATION METHODS.



DIAL 1100
BEFORE YOU DIG
www.1100.com.au

AREA LOT 46
VIDE DP 9503: 366.7 m²
BY CALC: 367.7 m²

AREA LOT 47
VIDE DP 9503: 366.7 m²
BY CALC: 367.7 m²

ORIGIN OF LEVELS:
SSM 43653 RL=68.014 (AHD) FOUND NEAR THE INTERSECTION OF BONDI ROAD & BOONARA AVENUE.
ACCURACY OF ORIGIN: ± 0.001m

67.777K
67.60

- POWER POLE
- ⚡ ELECTRICAL PILLAR
- ⚡ POWER LIGHT POLE
- ⚡ LIGHT POLE
- ⚡ GAS METER
- ➡ GAS DIRECTION MARKER
- ⚡ WATER MAIN
- ⚡ HYDRANT
- ♻️ RECYCLED WATER
- WATER METER
- ⛔ STOP VALVE
- ⚡ WATER TAP

- 🚶 STREET SIGN
- 🚗 PRAM CROSSING
- 🚗 VEHICLE CROSSING
- 🌳 TREE:
Ø DIAMETER
S SPREAD
- 🌳

- 🕒 STORMWATER PIT
- 🕒 STORMWATER GRATE
- 🕒 SURFACE INLET PIT
- 🕒 STORMWATER PIPE INCLUDING PIPE SIZE
- 🕒 HEADWALL
- 🕒 CLOTHES LINE
- E — OVERHEAD ELECTRICITY LINE
- T — OVERHEAD TELECOM LINE
- S — SEWER LINE

PLAN SHOWING DETAIL AND LEVELS
OVER LOT 46-47 IN DP9503
BEING N0.241-243 BONDI ROAD,
BONDI FOR DESIGN PURPOSES
AND TO SUPPORT A
DEVELOPMENT APPLICATION

JOB No: 1481
DRAWING No: 1481CO_EX.dwg
SCALE: 1:100 (A1)
DATUM: A.H.D.
SHEET: 1 OF 2

YOUR REF: HANAVE
CLIENT: EDAN BURKE
SURVEYED M.S. DATE: 18.02.20
DRAWN M.S. DATE: 18.02.20
CHECKED M.S. DATE: 19.02.20

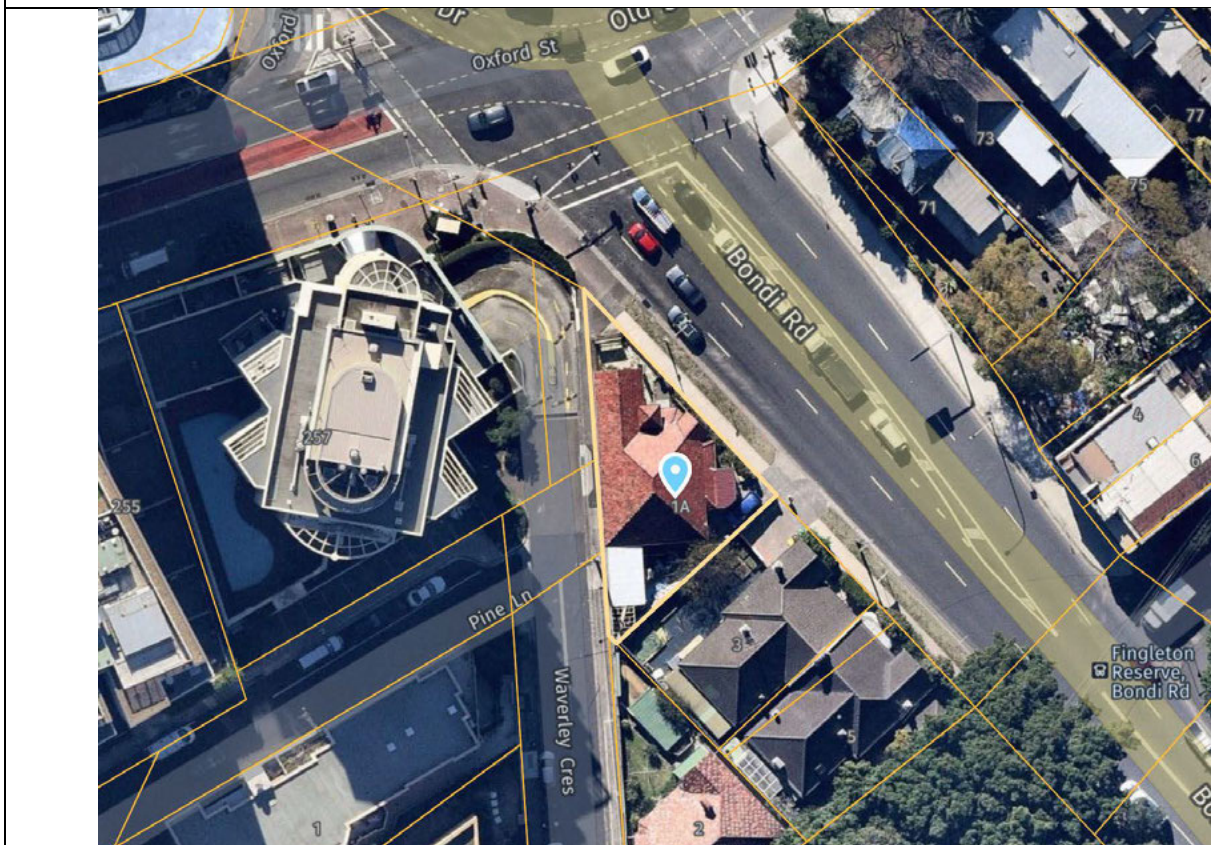
PLANNING PURPOSES: TO SUPPORT A DEVELOPMENT APPLICATION



Report to the Waverley Local Planning Panel

Application number	DA-277/2021
Site address	1 Bondi Road, Bond Junction
Proposal	Change of use to formalise the conversion of a dwelling to a wellness centre (business premises).
Date of lodgement	20 July 2021
Owner	Waverley Council
Applicant	Navon Planning
Submissions	Nil
Cost of works	Nil
Principal Issues	<ul style="list-style-type: none"> Existing use rights; Plan of Management; Fire Safety and BCA Compliance issues.
Recommendation	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 the change of use to formalise the conversion of a dwelling to a wellness centre (business premises) at the site known as 1 Bondi Road, Bondi Junction.

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

- The application relies on the 'existing use rights' provisions under clause 41 (d) and 45 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations).
- Plan of Management;
- Fire Safety and BCA Compliance issues.

The assessment finds these issues acceptable as the applicant has demonstrated that the wellness centre has been an established use since 1 July 2011 which was prior to the Waverley Local Environmental Plan (LEP) 2012 prohibiting the use within the RE1 Public Recreation zone. The business premises has not been abandoned and therefore benefits from existing use rights under clause 41 (d) and 45 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations). A Plan of Management was submitted as additional information which outlined the existing operation of the business premises. The fire safety and BCA compliance issues have been conditioned.

No submissions were received during the notification period.

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 23 August 2021.

The site is identified as Lot 1 in DP 1063702, known as 1 Bondi Road, Bondi Junction. It is located on the southern side of Bondi Road and Waverley Crescent.

The site is irregular in shape with a primary street frontage to Bondi Road, measuring 23.5m and a rear (western) boundary to Waverley Crescent. It has an area of 316.1m² and it falls from the rear boundary towards Bondi Road.

The site is occupied by a single storey commercial premises called the 'Ayurvedic Wellness Centre' with vehicular access provided from Bondi Road to a single hardstand car space. The business provides various health therapies and treatments to patients.

The site is adjoined by a multi storey residential flat building (known as Harbourview Apartments) to the west and a single storey semi-detached dwelling, used as a community centre, to the south. The locality is characterised by a variety of low, medium and high residential development.

Figures 1 to 5 are photos of the site and its context.



Figure 1: Southerly view of the site and existing free standing sign on the corner of Bondi Road and Waverley Crescent.



Figure 2: Northerly view of the subject site at the rear from Waverley Crescent.



Figure 3: Westerly view of the subject site from Bondi Road showing the existing single hardstand, driveway and window signage.



Figure 4: Westerly view of the existing illuminated free standing sign facing Bondi Road.



Figure 5: South-westerly view of the entry point to the building and the existing free standing sign facing Bondi Road.

1.3. Relevant Development History

A search of Council's records revealed no development history of the site. The building was previously used as a dwelling, then a medical centre and the current use for the past 10 years has been as a business premises identified as 'Ayurvedic Wellness Centre' with the lease from Waverley Council commencing on 1 July 2011.

Council's Property Manager confirmed that the Ayurvedic Wellness Centre has continuously leased the site for over a decade and has occupied the premises on fixed term leases and hold over periods up until a fire in January this year. A damage notice that was issued on the 4 January 2021 by Waverley Council stated that the premises is unfit for occupation and use by the tenant. It was then discovered that the Wellness Centre has been operating without development consent from Council. The Wellness Centre reopened on 1 July 2021.

On 22 June 2021 Council resolved to offer the Ayurvedic Wellness Centre a new five-year lease, subject to DA approval.

1.4. Proposal

The development application seeks consent for change of use to formalise the conversion of a dwelling to a wellness centre (business premises), known as Ayurvedic Wellness Centre. No works are proposed to the building but the business specifically includes the following operations:

- The business provides various health therapies, treatments to patients, recommendation of Ayurvedic natural medicine, yoga and meditation;

- The building includes two therapy rooms, two consultation rooms, one reception, one mediation room, one bathroom, waiting room, kitchen and store room;
- Retaining the existing signage across the site, all with white and maroon colour palette including:
 - One partly illuminated free standing business identification sign and showing quotes of client reviews, approximately 1.2m x 0.5m, located within the front setback fronting Bondi Road;
 - Two free standing business identification signs, approximately 1m x 2m, one located on the fence on the corner of Bondi Road and Waverley Crescent and the other positioned above the hedge fronting Bondi Road;
 - One window sign, approximately 1m x 2m, located off the south eastern window facing Bondi Road;

The proposed hours of operation for the premises are as follows:

- Monday to Saturday: 10am to 7pm
- Sundays: By appointment

The total proposed capacity of the premises is 16 persons with the following sub-limits as follows:

- Staff: 8 persons; and
- Patrons: 8 persons.

1.5. Background

The development application was lodged on 20 July 2021 and deferred on 13 August 2021 for the following reasons:

1. Additional details and evidence regarding the existing use;
2. Plan of Management; and
3. Fire Safety and BCA Compliance issues.

Amended architectural plans and a Plan of Management was submitted on the 1 September 2021 which satisfied the first two points. The applicant requested the requirement for Fire Safety of the building be conditioned. Council's Fire Safety Officer has raised no objection to imposing relevant fire safety conditions.

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 55 Remediation of Land.
- SEPP 64 Advertising and Signage.

A detailed discussion is provided for relevant SEPP as follows:

SEPP 64 Advertising and Signage

In accordance with clause 8 of SEPP 64, Council must not grant development consent unless it is satisfied that the proposed signage is consistent with the objectives of the SEPP and the assessment criteria set out under Schedule 1 of the SEPP.

An assessment against the criteria under Schedule 1 of the SEPP is provided in **Table 1** of this report.

Table 1: SEPP 64 Advertising and Signage Compliance Table

Assessment Criteria	Compliance	Comment
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes	The site is located at the intersection of Bondi Road, Old South Head Road and Waverley Crescent. Business identification signs are permitted in the RE1 Public Recreation zone and consistent with Council's policies for signage as articulated in Waverley DCP 2012 regarding size and design. Therefore, the proposal is consistent with the existing and desired future character of the locality.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	N/A	There is no particular theme for signage and outdoor applying to the site and area.
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Yes	The proposed signage is considered to be of a suitable size (one illuminated free standing sign approximately 1.2m x 0.5m, two free standing signs, approximately 1m x 2m and one window sign, approximately 1m x 2m) and design so as to not detract from the amenity or visual quality of the building and surrounding area.
3 Views and vistas		
Does the proposal obscure or compromise important views?	Yes	No.

Assessment Criteria	Compliance	Comment
Does the proposal dominate the skyline and reduce the quality of vistas?	Yes	No.
Does the proposal respect the viewing rights of other advertisers?	N/A	The site and proposal do not comprise third-party advertising structures.
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes	The existing signage is considered to be well-integrated with the site, located behind the existing front fence and frontage of the building to Bondi Road. No landscaping has been removed for the installation of the signs.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes	The proposed sign is modern, subtle and simple to the existing style of the building.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes	The four existing signs across the two elevations measuring 1m x 2m respectively, are considered to be acceptable given its location at a high traffic volume intersection in Bondi Junction.
Does the proposal screen unsightliness?	NA	No.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Yes	No.
Does the proposal require ongoing vegetation management?	N/A	No.
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes	The signs are compatible with the character of Bondi Road. The three free standing signs sit behind the existing front fence and is 1m higher than the top brick work ranging from 1.2m-1.5m in height. The signs do not dominate the streetscape, maintaining a consistent white and maroon colour palette, and is considered acceptable.
Does the proposal respect important features of the site or building, or both?	Yes	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes	
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or	Yes	The four signs incorporate the 'Ayurvedic Wellness Centre' name, phone number and website, which appropriately identifies the business of the premises.

Assessment Criteria	Compliance	Comment
structure on which it is to be displayed?		
7 Illumination		
Would illumination result in unacceptable glare?	Yes	One free standing sign facing Bondi Road includes a small, illuminated screen measuring approximately 0.4m x 0.8m. This screen shows quotes from client reviews in white writing on a maroon background. This sign does not result in unacceptable glare.
8 Safety		
Would the proposal reduce the safety for any public road?	Yes	The signs are of modest sizes and conventional forms of signage that have negligible impacts on the safety of the intersection of Bondi Road and Old South Head Road.
Would the proposal reduce the safety for pedestrians or bicyclists?	Yes	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Yes	

Given the above assessment of the proposed signs, the proposal satisfies the assessment criteria specified in Schedule 1 of SEPP 64 and is consistent with the objectives set out in clause 3(1)(a) of SEPP 64. The proposed signs are therefore acceptable.

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 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table Zone RE1: Public Recreation	No	<p>The proposal is defined as business premises, which is prohibited in the RE1 zone.</p> <p>The existing building was 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 Environmental Planning & Assessment Act 1979.</p>

Provision	Compliance	Comment
		Refer to the following section of this table for detailed discussion.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> Not specified 	N/A	No change is proposed to the overall height of the building.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Not specified 	N/A	No change is proposed to the overall FSR of the building.

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

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).

The existing development on the site is defined as a ‘business premises’ under the Waverley LEP 2012. A business premises is prohibited in the ‘RE1’ Public Recreation Zone. The proposed works are for the change of use to formalise the existing use as a ‘Wellness Centre’.

The applicant has submitted documentation of the original lease from Waverley Council commencing 1 July 2011, prior to the commencement of the Waverley LEP 2012 prohibiting the business premises use within the RE1 zone. The lease was renewed in two year periods to date, therefore proving that the building had been utilised as a business premises until 4 January 2021 (when the Damage Notice was issued by Council). Aerial and street view references from Google and NearMaps indicate that the building was operational from 2011 until early this year.

Section 4.66(3) of the EP&A Act 1979 states that *“a use is to be presumed unless the contrary is established, to be abandoned if it ceased to be actually so used for a continuous period of 12 months”*.

Therefore, the wellness centre is an established use, the business premises has not been abandoned and benefits from existing use rights.

Clause 41 of the Environmental Planning and Assessment Regulations 2000 (the Regs) sets out certain development works allowed with respect to an existing use, and is outlined below:

(1) An existing use may, subject to this Division:

- (a) be enlarged, expanded or intensified, or*
- (b) be altered or extended, or*
- (c) be rebuilt, or*
- (d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or*
- (e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or*

- (f) *if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).*

Clause 45 of the EP&A Regulations relates to a changes of existing uses and provides:

Development consent is required—

- (a) *for any change of an existing use to another use, and*
(b) *in the case of a building, work or land that is used for different existing uses, for any change in the proportions in which the various parts of the building, work or land are used for those purposes.*

The DA proposes to utilise Clause 41(1)(d) by changing the use to a business premises and continue to operate as a wellness centre. No works are proposed to alter, enlarge, expand or intensify the building in anyway. Remediation works to the building currently under construction relate to the fire earlier in the year. The formalised use of the wellness centre in this respect satisfies Clauses 41(1)(d) and 45 of the EP&A Regulations.

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.

2.1.3. 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 3: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	No – acceptable subject to conditions	Unsatisfactory, the application was referred to Council's Waste Management Officer who recommended conditions regarding bins and waste storage location.
7. Accessibility and Adaptability	Yes	Satisfactory. No works are proposed to building and existing hand rails are provided at the entrance. Council's Fire Safety Officer has recommended conditions.
8. Transport <u>Parking Zone 1</u> Minimum parking rate: <ul style="list-style-type: none"> Business and office premises: 0 Maximum parking rate: <ul style="list-style-type: none"> Business and office premises: 4 	Yes	No change is proposed to the existing single hardstand car space accessed off Bondi Road.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP. The Plan of Management has outlined the safety procedures of after hours security, hygiene, neighbourhood amenity, managing complaints and waste management. The development provides for a safe environment for residents, visitors and workers and minimise the opportunities for criminal and anti-social behaviour.
12. Design Excellence	Yes	No change is proposed to the front façade to Bondi Road.
15. Advertising and Signage		
15.1 Design and location	Yes	Four free standing signs exist across the Bondi Road and Waverley Crescent in the front setback behind the existing front fence. The signs are acceptable in size, form and don't detract from the streetscape or dominate the facade.
15.2 Site Specific Controls	Yes	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> ○ Bondi Junction – On buildings exceeding eight storeys. <p>15.3 Sign specific controls</p> <ul style="list-style-type: none"> ● Flush façade panels: No greater than 4.5m²; 	Yes	<p>The size of the signs complement the scale of the existing façade, as well as surrounding buildings and business identification signs.</p> <p>The existing signage is proposed within a RE1 zone and only relates to the wellness centre use as identification and description of the business. Two of the signs are affixed above the front boundary fence, one affixed to the front façade of the building and one illuminated sign located in the front setback. The existing four business identification signs are supported in this location.</p>

Table 4: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages	Yes	No changes proposed to the streetscape.
1.2.3 General Amenity	Yes	The existing wellness centre operations are compatible with adjoining community and residential uses and are in accordance with the amenity expectations of the subject site. The current business effectively manages the interface between non-residential uses and residential accommodation.
1.3 Hours of operation		
	Acceptable on merit	<p>The proposed hours of operation for the premises are as follows:</p> <ul style="list-style-type: none"> • Monday to Saturday: 10am to 7pm • Sundays: By appointment <p>The DCP does not have specify hours of operation for uses in the RE1 zone. The site is adjacent to residential and B4 Mixed Use zones, with base trading hours between 7am to 10pm, 7 days a week and 7am to 11pm, Monday to Saturday, and 7am to 10pm Sunday, respectively.</p> <p>The proposed hours are generally consistent with the permitted trading hours within a residential or mixed use zone, with the exception of no nominated trading hours on Sunday. It is recognised that the business has operated at the premises for 10 years with the same operating hours as proposed and have not created any disturbance to the surrounding residential area. As such, the proposed hours for Monday to Saturday are considered acceptable. Whilst</p>

Development Control	Compliance	Comment
		Sunday operations are unlikely to result in any adverse impacts on adjoining properties, it is recommended that specific trading hours be imposed to formalise the use. In this regard, it is recommended that Sunday hours of operation are consistent with Monday to Saturday, being between 10am and 7pm.

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 between 26 July 2021 and 9 August 2021 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:

- The Plan of Management depicts the current operations of the Ayurvedic Wellness Centre which has been operating on site for 10 years.

No submissions were received.

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. Fire Safety

Council's Building Surveyor reviewed the proposal and identified that there may be a number of non-compliances with the BCA including, but not limited to: -

- i. access and egress issues pertaining to escape and construction of exits (i.e. Section D of BCA); and
- ii. inadequate fire services and equipment (i.e. Section E of BCA).

To ensure occupants of the building are afforded adequate levels of fire and life safety, it is recommended that the existing building be upgraded to comply with Parts D1, D2, E1 and E4 of the BCA. Conditions have been included in Appendix A.

3.2. Waste

Council's Waste and Recycling Department reviewed the proposed development and have raised no issues with the design, subject to conditions included in Appendix A.

3.3. Property and Facilities Manager

The application was referred to Council's Property Manager who confirmed that the Ayurvedic Wellness Centre has continuously leased 1 Bondi Road, Bondi Junction for over a decade and has occupied the premises on fixed term leases and a hold over period up until a fire in January this year. On the 22 June 2021 Council resolved to offer the Ayurvedic Wellness Centre a new five-year lease subject to D/A approval. This lessee has been in occupation for a considerable period and that Waverley's Property Department is supportive of the ongoing tenure at 1 Bondi Rd Bondi.

3.4. Environmental Health

Council's Environmental Health Department have reviewed the proposed development and have raised no issues with the design, subject to standard conditions that have been placed on the consent.

4. CONCLUSION

The development application seeks consent for the change of use to formalise the conversion of a dwelling to a wellness centre (business premises) at the site known as 1 Bondi Road, Bondi Junction.

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

- Existing use rights;
- Plan of Management;
- Fire Safety and BCA Compliance issues.

The assessment finds these issues acceptable as the applicant has demonstrated that the wellness centre has been an established use since 1 July 2011 which was before the commencement of the Waverley LEP 2012. The business premises has not been abandoned and therefore benefits from existing use rights under clause 41(d) and 45 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000*. A Plan of Management was submitted as additional information which outlined the existing operation of the business premises. The fire safety and BCA compliance issues have been conditioned.

No submissions were received.

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:

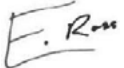

The application was reviewed by the DBU at the meeting on 28 September 2021 and the DBU determined:

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

DBU members: *A Rossi, J Zancanaro & K Johnstone*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Edwina Ross	Peggy Wong
Development Assessment Planner	A/Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 7/10/2021	Date: 13/10/2021

Reason for WLPP referral:

1. Conflict of interest

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 Perfect Square Design of Project No. 20080 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
Page No. 3 of 3, Revision 1	Proposed Ground Floor	11/05/2021	20/07/2021

- (b) Plan of Management prepared by Ayurvedic Wellness Centre and received by Council on 1/09/2021;
(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 20/07/2021;

Except where amended by the following conditions of consent.

2. APPROVED USE

The approved use for the site is a 'business premises', defined as *"a building or place at which - (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital"* in the Waverley Local Environmental plan 2012. In this regard, the premises may continue its use as a wellness centre.

3. SKIN PENETRATION /BEAUTY SALONS - USE AND OPERATION

The premises is not to be used for the operation of skin penetration procedures or as a beauty salon unless the premises comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the *Local Government (General) Regulation, 2005* under the *Local Government Act 1993* and the following has been met:

- (a) The use and operation of the premises shall comply with the requirements of the *Public Health Act 2010*, the *Public Health Regulation 2012* and Council's Policy for Premises Conducting Skin Penetration Procedures.
- (b) Prior to the issue of any Occupation Certificate Council's Environmental Health Officer must undertake an inspection (fees apply) to verify that the premises complies with the relevant legislation and the premises is registered with Council. Please contact Council to organise an inspection.
- (c) Pay any fees associated with the submission of a notification and/or incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.

(d) The construction and fitout of the beauty salon must comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the *Local Government (General) Regulations, 2005* under the *Local Government Act 1993* and provide for the following:

1. The floor of the premises is to be finished with an impervious material capable of being easily cleaned.
2. A free standing hand wash basin with soap and hot and cold running water must be provided in each of the treatment rooms.
3. A designated cleaners sink (as distinct from the wash hand basin) with hot running water of at least 40^oc must be provided to wash equipment and utensils.
4. The wall at the rear and sides of the basins and sinks must be finished with glazed tiles or other smooth and impervious material.

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.

WASTE

5. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 (amendment 5) prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

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

6. 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;

- **Commercial**
 - 4 x 240L MGBs collected daily for general waste
 - 4 x 240L MGBs and collected daily for comingled recycling
 - Extra space is required to store reusable products 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. The applicant must also note where the bin storage area is and where the bins will be presented for collection. This area must be marked on the architectural drawings.

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

7. 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.

CONSTRUCTION MATTERS

8. 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.

9. BUILDING CODE OF AUSTRALIA

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

10. FIRE SAFETY

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

11. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, 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) found 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.

12. BCA COMPLIANCE - CHANGE OF USE/CLASSIFICATION

The measures listed in the following Fire Safety Schedule must be provided in the building in accordance with Clauses 93 and 168 of the Environmental Planning and Assessment Regulation 2000.

Fire Safety Schedule				
Item No.	Fire Safety Measures	Current	Proposed	Standard of Performance
1.	Emergency Lighting	√	√	BCA E4.2, E4.4 & AS 2293.1-2005
2.	Exit Signs	√	√	BCA E4.5, E4.6, E4.8 & AS 2293.1-2005
3.	Fire Blankets		√	AS 2444-2001
4.	Portable Fire Extinguishers	√	√	BCA E1.6 & AS 2444-2001
6.	Paths of Travel		√	Section D of BCA
7.	Fire Doors	√		BCA Clause C2.13, C3.4, C3.5, Spec C3.4 and AS1905.1-2005

Note: The obligation under the above condition to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in this consent. A construction certificate must therefore be obtained prior to work commencing for any building work required to be undertaken.

Category 1 fire safety provisions are the following provisions of the Building Code of Australia, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of the Code and P2.3.2 in Volume Two of the Code.

13. FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000, the existing building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) Provision for escape – Part D1;
 - (ii) Construction of exits – Part D2
 - (iii) Fire fighting equipment - Part E1; and
 - (iv) Emergency lighting, exit signs and warning systems - Part E4;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, a performance solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- (d) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- (e) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

Note: The provisions of Clause 93 & 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

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

14. 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.

MANAGEMENT PLANS

15. 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 as early as possible.
- (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).

E. OPERATIONAL MATTERS

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

16. HOURS OF OPERATION

The hours of operation for the premises are restricted to:

INDOOR AREA

Monday to Sunday: 10am to 7pm

17. SIGNAGE TO BE DISPLAYED

- (a) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the main entry to the premises. The signage shall state:

Approved hours of operation - Indoor Area
Monday to Sunday: 10am to 7pm

- (b) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected near the main entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

Upon leaving please respect local residents by minimising noise

- (c) Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.

18. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers. Please note:

- (a) The operation and management of the premises shall be in accordance with a Council approved POM at all times.
- (b) The approved POM shall be adopted by the Management.
- (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated.

AMENITY & SAFETY

19. AMENITY

The management of the premises is to:

- (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood.
- (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.

20. 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.

21. 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.

22. 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.

23. CLINICAL WASTE

- (a) Disposable sharps shall be discarded in a clearly labelled puncture resistant container, which conforms to Australian Standard AS 4031. A licensed waste contractor shall be engaged to dispose of the waste.
- (b) Contaminated waste must be segregated and placed in a suitable leak proof bag ready for appropriate disposal. Contaminated waste includes microbiological waste or pathological waste, or any other material or item that is soiled or contaminated with blood or other body substances and that is likely to cause infection or injury to any other person.

24. 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.

25. 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

26. 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.

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:

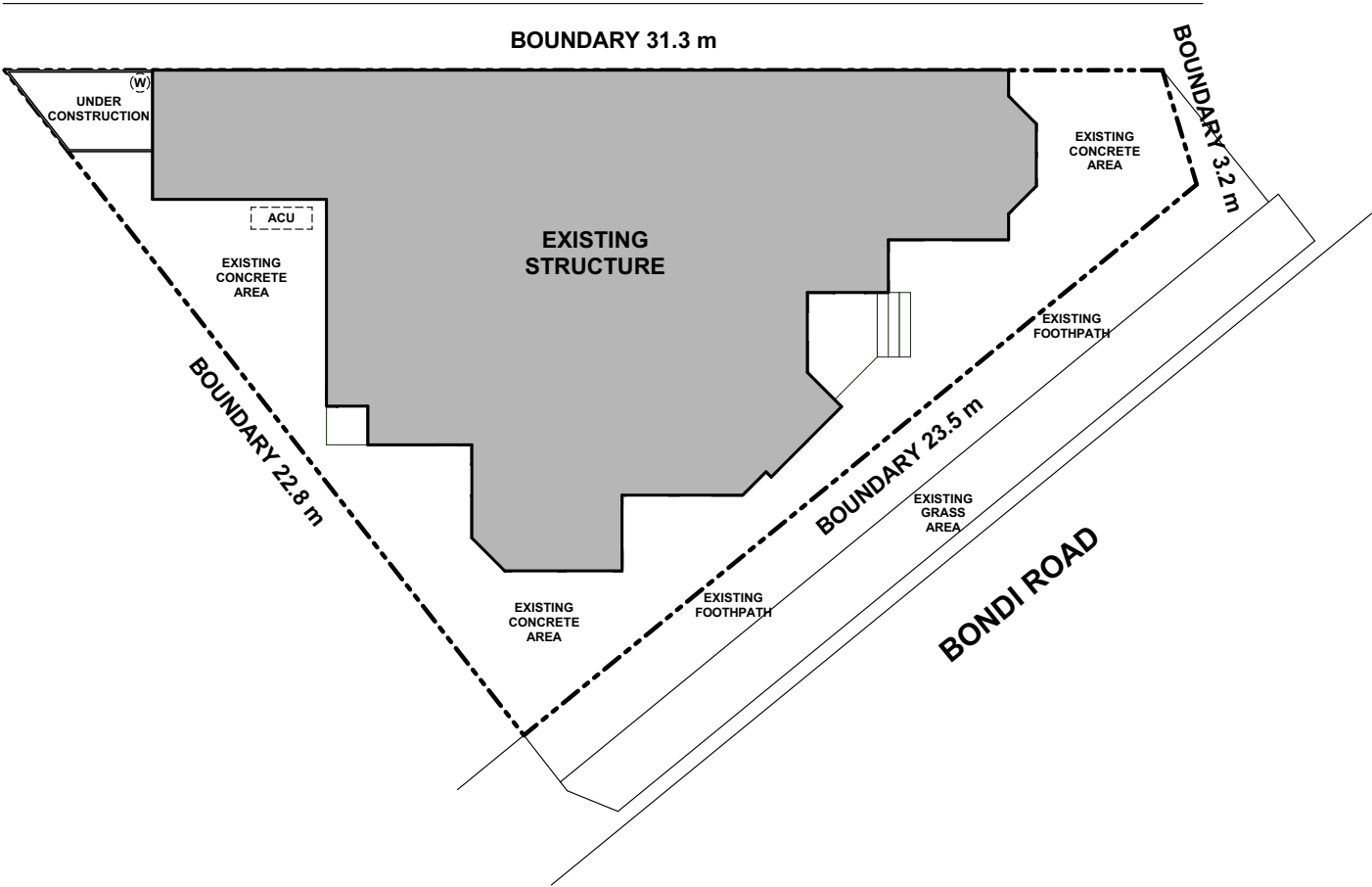
- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include 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. SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

1 BONDI ROAD
BONDI JUNCTION NSW 2022

PROPOSED CHANGE OF USE



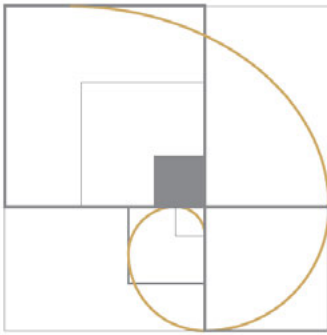
01 SITE PLAN 1:200

LOT 1
DP1063702

LOT AREA	316.1m ²
UNIT AREA	201.2m ²



RECEIVED
Waverley Council
Application No: DA-277/2021
Date Received: 20/07/2021



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gilbert@psdesign.net.au
www.psdesign.net.au
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AND OR ANY OTHER CONSULTANT'S DOCUMENTATION AS
MAY BE APPLICABLE TO THE PROJECT PRIOR TO START OF
WORK & ITS DURATION. MEASUREMENT SCALING OF THIS
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- SITE NOTES**
- CONFIRM ALL DIMENSIONS ON SITE TO EXISTING RESIDENCE PRIOR TO COMMENCEMENT OF ANY WORK.
 - EXISTING PLUMBING AND ELECTRICAL WORKS TO BE REMOVED AND MADE GOOD AS NECESSARY.
 - THIS PLAN DOES NOT PROVIDE SPECIFIC LANDSCAPE PLANTING LOCATIONS.
 - THE EXACT LOCATION OF UNDERGROUND AND ABOVEGROUND SERVICES SHALL BE PROVEN ON SITE. NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES ARE SHOWN.
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REV	AMENDMENT DETAIL	BY	DATE

PROJECT STAGE
DEVELOPMENT APPLICATION
CLIENT DETAILS
RITA SAGRANI
PROJECT DETAILS
1 BONDI ROAD, BONDI JUNCTION
NSW, AUSTRALIA

CHANGE OF USE

PUBLISHED: 18/06/2021

DRAWN LP	DESIGNED GS	PROJECT NO. 20080
DATE DRAWN 11.05.2020	PAGE NO. 1 OF 3	SHEET SIZE A3



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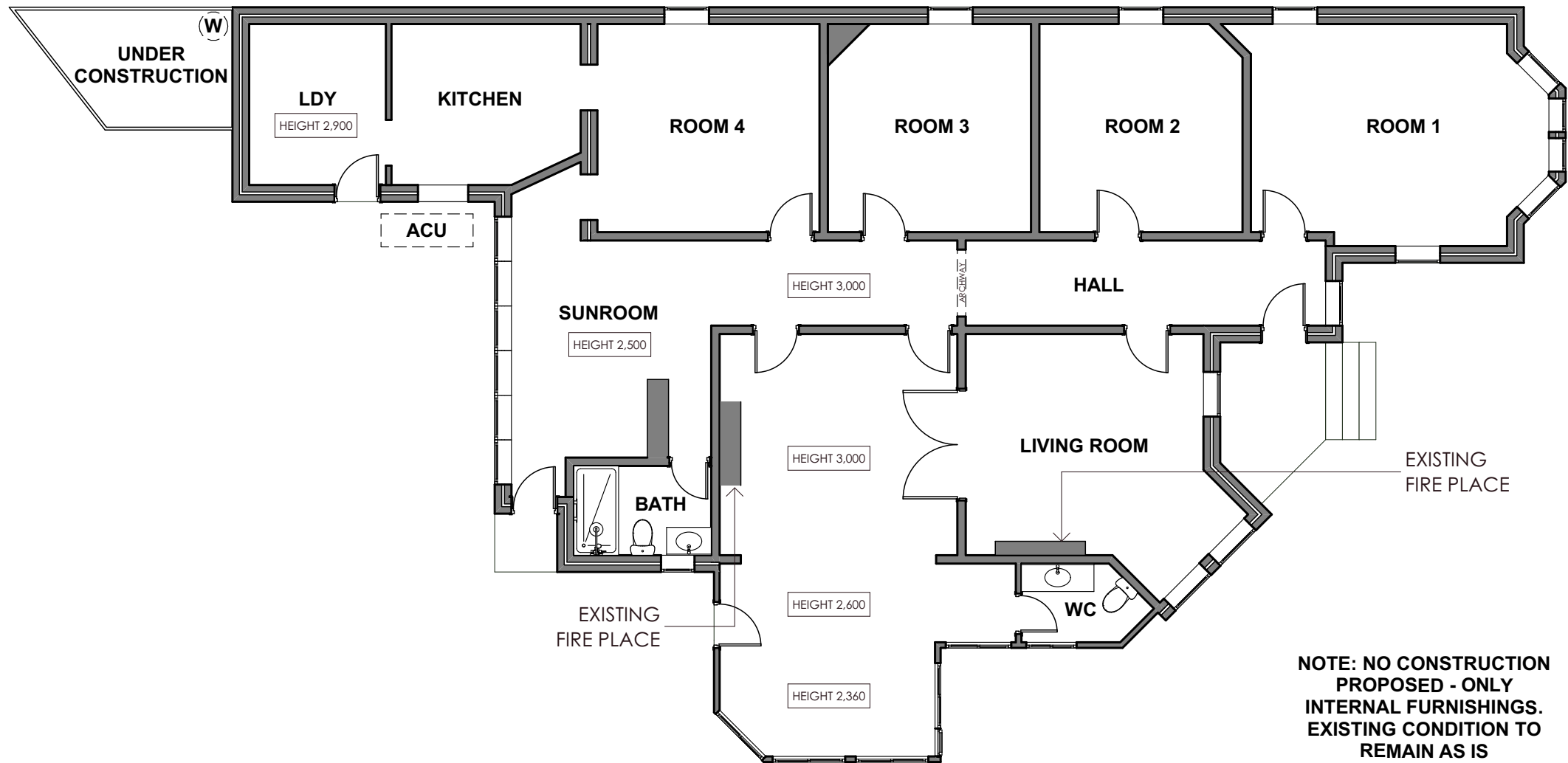
PROJECT STAGE
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CHANGE OF USE

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DRAWN LP	DESIGNED GS	PROJECT NO. 20080
DATE DRAWN 11.05.2020	PAGE NO. 2 OF 3	SHEET SIZE A3

LOT 1
DP1063702

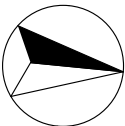
LOT AREA	316.1m²
UNIT AREA	201.2m²





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SITE NOTES

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PROJECT STAGE

DEVELOPMENT APPLICATION

CLIENT DETAILS

RITA SAGRANI

PROJECT DETAILS

1 BONDI ROAD, BONDI JUNCTION
NSW, AUSTRALIA

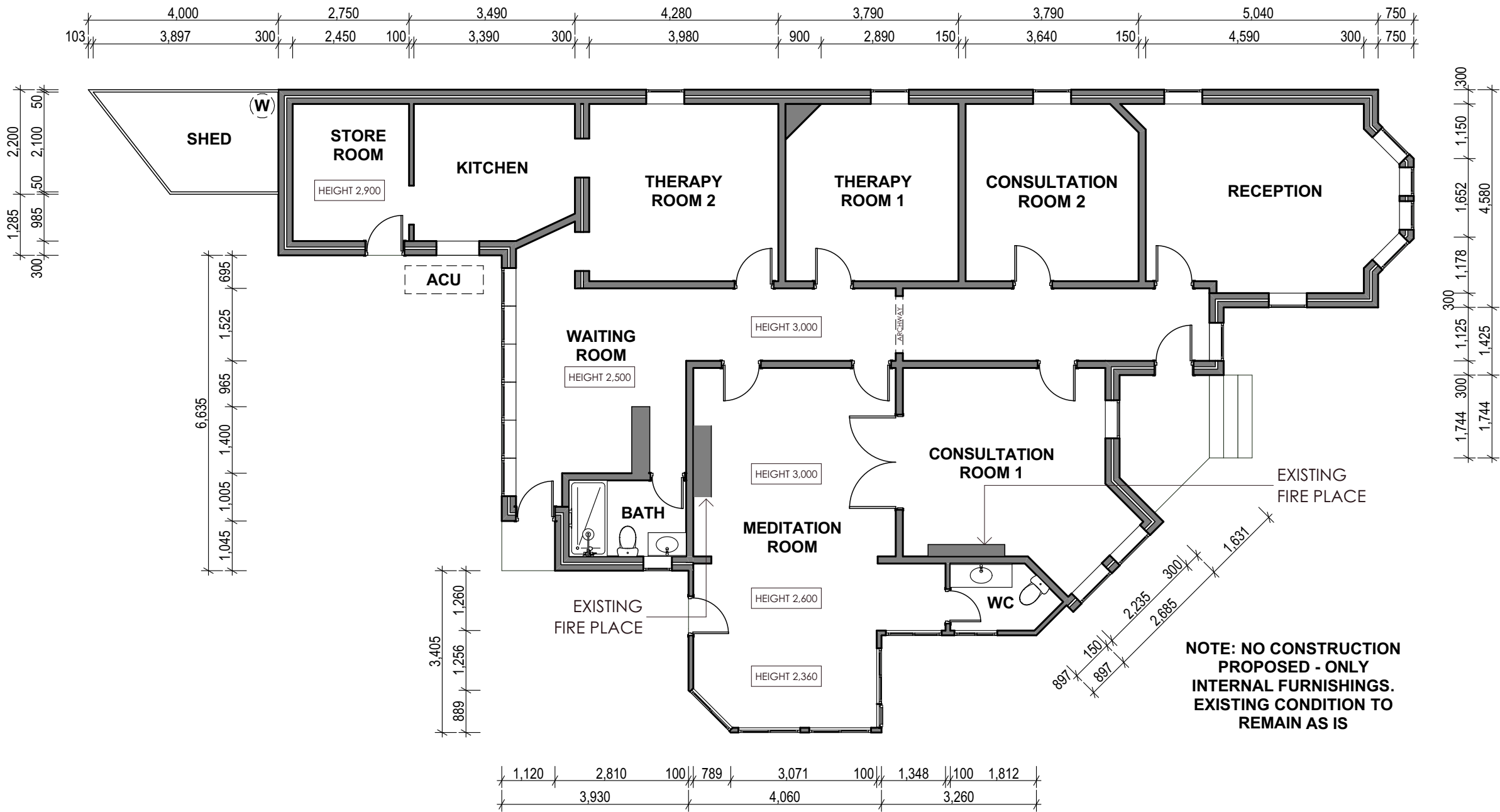
CHANGE OF USE

PUBLISHED: 18/06/2021

DRAWN LP	DESIGNED GS	PROJECT NO. 20080
DATE DRAWN 11.05.2020	PAGE NO. 3 OF 3	SHEET SIZE A3

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DP1063702

LOT AREA	316.1m ²
UNIT AREA	201.2m ²

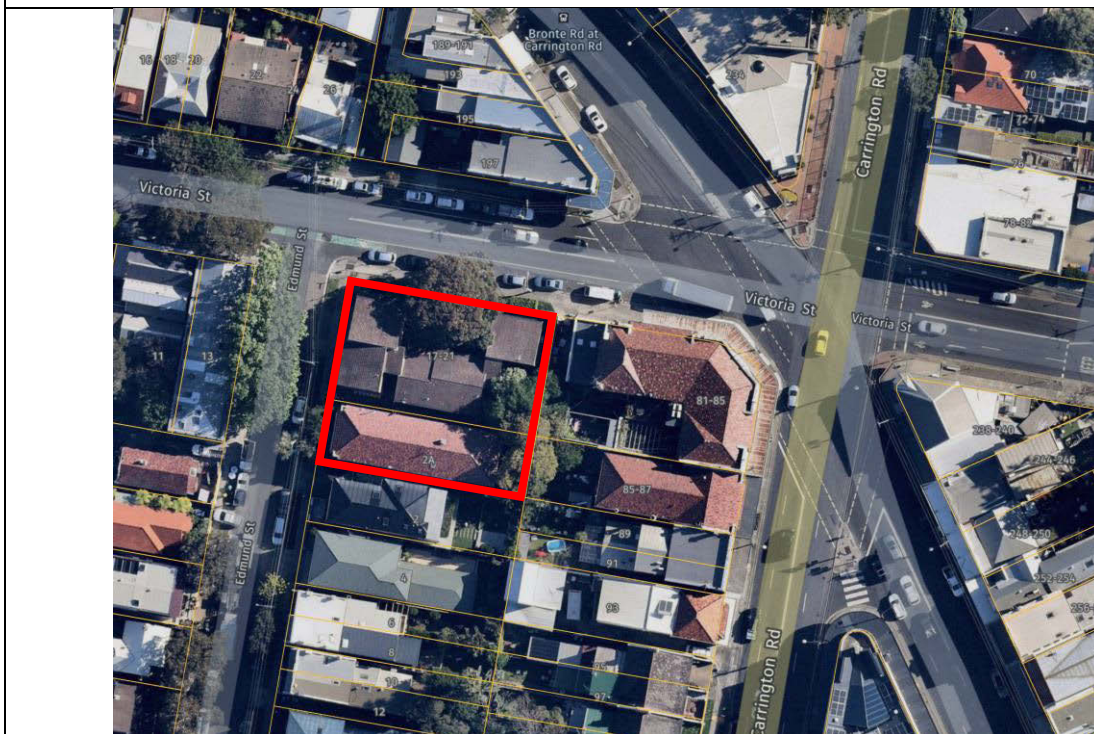




Report to the Waverley Local Planning Panel

Application number	DA-63/2021
Site address	2A Edmund Street, Queens Park & 17-21 Victoria Street, Queens Park
Proposal	Demolition of existing structures; construction of a two storey residential flat building, containing affordable housing dwellings and rooftop communal open space; and tree removal
Date of lodgement	23/02/2021
Owner	Waverley Council
Applicant	Waverley Council
Submissions	One (1) submission
Cost of works	\$2,466,824
Principal Issues	<ul style="list-style-type: none"> • Car parking • Tree removal • Setback • Landscaping • Communal Open Space
Recommendation	That the application be APPROVED

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition and construction of a two storey residential flat building for social housing dwellings at the site known as 2A Edmund Street, Queens Park. The proposed development relies on the use of 17-23 Victoria Street, Queens Park for the purpose of access and a waste storage area.

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

- Car parking
- Tree removal
- Setback
- Landscaping
- Communal Open Space

The assessment finds these issues acceptable with the proposed development generally contained within the building envelope of the existing residential flat building and continuation of use of the site for social housing. The proposal provides a significantly improved environmental and social outcome compared to the current development on the site.

A total number of one submission was received and the issues raised in the submission 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 20 April 2021.

The subject site is identified as Strata Plan 18932 and is known as 2A Edmund Street, Queens Park. It is located on the eastern side of Edmund Street close to its intersection with Victoria Street and approximately 70 metres west of Bronte Road.

The site is rectangular in shape with a frontage to Edmund Street measuring 10.21m and a depth of 32.3m. The site has an area of 342.9m² and is generally flat but with a slight fall of approximately 2.05m from the eastern (rear) boundary to the front boundary.

The site is occupied by a two storey residential flat building containing 6 x 2 bedroom apartments for seniors and disadvantaged persons and is operated by Council as part of the Waverley Older Persons Housing Program.

The subject site is adjoined by a 3 storey residential flat building to the north (17-23 Victoria Street), which is also owned by Waverley Council and forms part of the development for the purpose of

pedestrian access and waste storage. No physical works are proposed on the adjoining site at 17-23 Victoria Street. A 2 storey detached dwelling is located immediately to the south of the site and to the rear (east) of the site is a traditional, 2 storey shop top housing development containing ground floor commercial uses with residential apartments above. Adjoining the site to the north-east at the intersection of Carrington Road, Bronte Road and Victoria Street is the Charing Cross Hotel. The locality is characterised by a mix of residential developments including semi-detached dwellings, free standing dwelling houses, terrace houses and residential flat buildings.

Figures 1 to 3 are photos of the site and its context.

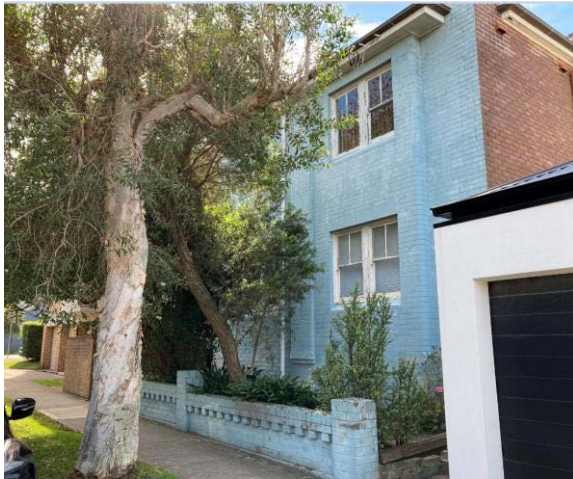


Figure 1: Existing street frontage viewed from Edmund Street.



Figure 2: Existing northern side setback and interface with 17-23 Victoria Street, looking east from Edmund Street

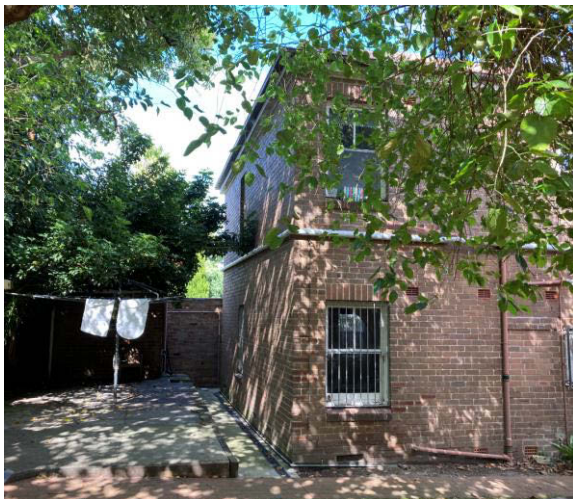


Figure 3: Rear of site looking south.

1.3. Relevant Development History

A search of Council's records revealed that there is no recent or relevant development history for the site. The existing building was erected in the early 1940s as a residential flat building. The construction of the building predates the introduction of town planning approvals under Part 12A of the Local Government Act 1919. There have been no recent developments applications made to Council for building works on the site.

1.4. Proposal

The development application seeks consent for the demolition of the existing building and the construction of a new two storey residential flat building, specifically the following:

Ground Floor Level

- 2 x studio apartments and 1 x 1 bedroom apartment, with private open space to the east and south elevations;
- Primary entrance to lobby along the northern side boundary;
- Communal stairs and lift access to first floor and roof level; and
- Communal outdoor area with deep soil zone at the rear of the site.

First Floor Level

- 1 x 1 bedroom and 1 x 2 bedroom apartments, with private open space to the east and south elevations; and
- Communal stairs and lift access to ground floor and roof level.

Roof Level

- Roof top terrace containing outdoor seating areas with pergola over part of the seating area and an outdoor clothes drying area; and
- The roof top terrace is recessed from the external walls of the residential flat building surrounded by a parapet comprising part of the roof structure.

1.5. Background

The development application was lodged on 23 February 2021 and deferred on 10 March 2021 for the following reasons:

1. Insufficient stormwater management information. Amended stormwater plan drawings and details demonstrating adequate compliance with Council's technical standards is required.

On 4 June 2021, Council received amended plans and additional information satisfactorily addressing the above matters.

In June 2021, it was identified that the proposal relies on the use of 17-23 Victoria Street for both access and waste disposal. This resulted in the amendment of the application to include 17-23 Victoria Street as part of proposal and the re-notification of the development application.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

A detailed discussion is provided for relevant SEPP(s) as follows:

SEPP (Affordable Rental Housing) 2009

The proposal seeks consent for the construction of a two storey residential flat building under the provisions of Part 2 of this SEPP as ‘in-fill affordable housing’. To be eligible as in-fill affordable housing, the development is required to satisfy the requirements specified in clause 10(1) of this SEPP as addressed below:

Development application DA-63/2021 seeks consent under the provisions of Part 2 of this SEPP as ‘in-fill affordable housing’. To be eligible as in-fill affordable housing, the development is required to satisfy the requirements specified in clause 10(1) of this SEPP as addressed below:

SEPP (Affordable Rental Housing) 2009 Clause 10(1) Requirements	Proposed Development Compliance
(a) the development is permitted with consent under another environmental planning instrument	The proposal is for a residential flat building that is permitted with consent in the R3 Medium Density Residential zone under the <i>Waverley Local Environmental Plan 2012</i> .
(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, an interim heritage order or on the State Heritage Register under the <i>Heritage Act 1977</i>	The land does not contain a heritage item and is not identified in an environmental planning instrument, an interim heritage order or on the State Heritage Register under the <i>Heritage Act 1977</i> .
(c) the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20%	The proposal contains five dwellings, all of which will be used for the purposes of affordable housing.

(d) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area	<p>The site is within 400 metres walking distance of bus stops on Bronte Road which are serviced by multiple regular bus routes throughout each day, seven days a week including frequent services to and from Bondi Junction. The site satisfies the 'accessible area' definition being:</p> <p><i>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i></p>
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Clause 13 – Floor space ratios

This clause provides additional floor space ratio for affordable housing developments. Where the existing maximum floor space ratio for residential development on the land is 2.5:1 or less, an additional 0.5:1 floor space ratio is permitted where more than 50% of the gross floor area of the development is used for affordable housing.

The site has a maximum floor space ratio development standard of 0.6:1 under the *Waverley Local Environmental Plan 2012*. The proposal includes 5 dwellings all of which will be used for affordable housing. Based on the above, the maximum floor space ratio for the site under clause 13 of the SEPP is 1.1:1.

With a site area of 342.9m², the maximum gross floor area permitted for the development is 377.19m² (FSR of 1.1:1). The proposed development has a gross floor area of 307.7m² resulting in a floor space ratio of 0.9:1 which complies with the maximum floor space ratio permitted under clause 13 of the SEPP and is acceptable.

Clause 14 - Standards that cannot be used to refuse consent

This clause specifies a range of development standards that cannot be used as grounds for refusal of a development application for in-fill affordable housing under this SEPP. These standards are assessed in the table below. Clause 14(3) allows a consent authority to grant consent to in-fill affordable housing development under the SEPP provisions whether or not the development complies with the standards in this clause.

SEPP (Affordable Rental Housing) 2009 Clause 14 – Standards that cannot be used to refuse consent	Proposed Development Compliance
1 Site area	
(1)(b) site area if the site area on which it is proposed to carry out the development is at least 450 square metres,	The site has an area of 342.9m ² and is less than the minimum required site area of 450m ² under the SEPP. As the existing use of the site is for social housing for elderly persons and the proposal involves the replacement of an existing residential flat building with a new building that is generally contained within the same building

	envelope and compliant with building height and FSR development standards, refusal on the grounds of insufficient site area is not recommended.
2 Landscaped Area	
<p>(1)(c) landscaped area if—</p> <p>(i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—at least 30 per cent of the site area is to be landscaped,</p>	<p>The development application is made by Waverley Council who will manage the proposed affordable housing dwellings through a social housing provider. Based on this, the development application cannot be refused if at least 175m² of landscaped area is provided.</p> <p>The proposal will provide a landscaped area of 52.4m² which is greater than the existing landscaped area measuring 26.7m², however it is inconsistent with the minimum landscaped area under the SEPP. The provision of landscaped areas on the site is constrained as the proposed development seeks to occupy substantially the same building envelope as the existing residential flat building on the site. The proposal will maximise available areas for landscaping particularly at ground level, opportunities for planters adjacent to private open space and planting on the roof terrace. Therefore, the non compliance is supported on merit and refusal on the grounds of landscaped area is not recommended.</p>
3 Deep Soil Zones	
<p>(1)(d) deep soil zones if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed—</p> <p>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<p>The proposal includes 29m² (8% of the site) dedicated to deep soil planting which is an increase from existing deep soil on the site of 10.6 square metres. While compliance with this standard is not achieved, the proposal is supported on merit as additional deep soil is provided whilst the new building will generally occupy the same building footprint as the existing building.</p> <p>Based on the above, refusal of the application on grounds of deep soil zones is not recommended.</p>
4 Solar Access	
<p>(1)(e) solar access if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The proposal does not achieve compliance with the minimum solar access requirement as two out of the five dwellings (40%) receive a minimum of 3 hours direct sunlight to their living rooms between 9am and 3pm in mid-winter. However it is noted that four out of the five dwellings (80%) will receive more than 3 hours</p>

	<p>solar access to living rooms between 9am and 4pm in mid-winter.</p> <p>Four out of the five dwellings (80%) will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter to private open spaces.</p> <p>Whilst the proposed development does not achieve strict compliance with solar access to living rooms to 70% of the apartments, the proposal will provide improved quality of affordable housing stock in the locality with a generally high level of amenity for future occupants. For these reasons, the proposal is supported on merit and refusal of the application on grounds of solar access is not recommended.</p>
5 Parking	
<p>(2)(a) parking if—</p> <p>(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or</p> <p>(ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,</p>	<p>The development application is made by Waverley Council to be managed by a social housing provider and is in an accessible area. The parking standard requires the provision of 2.1 car parking spaces on the land (being 1.6 spaces for the four 1-bedroom units and 0.5 spaces for the 2-bedroom unit).</p> <p>The proposal does not include any on-site car parking which is consistent with the existing development on the site. In addition, the land is located within a highly accessible location with alternative transport options available to future occupants. In addition, section 8.2 in Part B8 of the Waverley Development Control Plan 2012 allows for a minimum zero car parking provision on the site for a residential flat building comprising between 3-19 dwellings.</p> <p>Based on the above, while compliance with the parking development standard is not achieved, the proposal is supported on merit as it complies with the minimum car parking provisions of the Waverley DCP 2012 and is compatible with the locality. Refusal of the application on grounds of parking is not recommended.</p>

6 Dwelling Size	
<p>(b) dwelling size if each dwelling has a gross floor area of at least—</p> <p>(i) 35 square metres in the case of a bedsitter or studio, or</p> <p>(ii) 50 square metres in the case of a dwelling having 1 bedroom, or</p> <p>(iii) 70 square metres in the case of a dwelling having 2 bedrooms, or</p> <p>(iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.</p>	<p>The proposed development provides apartment sizes as follows:</p> <ul style="list-style-type: none"> - Studios - 47.4m² - 1 bedroom apartment - 55.5m² - 2 bedroom apartment - 96.6m² <p>Compliance with this standard is achieved and the application cannot be refused on grounds of dwelling size.</p>

Clause 15 – Design requirements

This clause requires consideration of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* for in-fill affordable housing development. The relevant provisions of the above guidelines and how they have been applied to the proposal are addressed in the table below.

Assessment Criteria	Comment
1 Responding to context	
<p>This section requires in-fill development to contribute to the overall character of the area and achieve a good neighbourhood fit.</p>	<p>The proposed development will generally occupy the same building envelope as the existing residential flat building on the site and will have a minimal impact on the character of streetscape and the locality. The proposal will contribute to the quality and diversity of housing in the locality and will generally result in a good neighbourhood fit.</p>
2 Site planning and design	
<p>The objectives of this section are:</p> <ul style="list-style-type: none"> - To minimise the impact of new development on neighbourhood character - To retain existing natural features of the site that contribute to neighbourhood character - To provide high levels of amenity for new dwellings - To maximise deep soil and open space for mature tree planting, water percolation and residential amenity - To minimise the physical and visual dominance of car parking, garaging and vehicular circulation - To provide housing choice through a range of dwelling sizes. 	<p>The proposed development generally satisfies these objectives with the proposed building occupying generally the existing building envelope on the site. The proposal built form has been designed to be compatible with the existing neighbourhood character and that provides a high level of amenity for future residents. An increased area of deep soil will be provided on the site and a range of dwelling sizes are included in the design to accommodate housing needs.</p>
3 Impacts on streetscape	
<p>The objectives of this section are:</p> <ul style="list-style-type: none"> - To minimise impacts on the existing streetscape and enhance its desirable characteristics 	<p>The proposed development will result in an improved and enhanced built form that will provide a positive contribution to the streetscape and that is compatible with the surrounding built form.</p>

<ul style="list-style-type: none"> - To ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scaled appropriately in relation to the existing streetscape, - To minimise dominance of driveways and car park entries in the streetscape - To provide a high level activation and passive surveillance to the street. 	<p>Existing building setbacks are maintained and the design includes use of areas within the front setback that will contribute to the activation of the street and the provision of passive surveillance.</p> <p>No on site car parking or driveway crossing are proposed.</p>
4 Impacts on neighbours	
<p>The objectives of this section are:</p> <ul style="list-style-type: none"> - To minimise impacts on the privacy and amenity of existing neighbouring dwellings. - To minimise overshadowing of existing dwellings and private open space by new dwellings. - To retain neighbours' views and outlook to existing mature planting and tree canopy. - To reduce the apparent bulk of development and its impact on neighbouring properties. - To provide adequate building separation. 	<p>The proposed built form generally occupies the envelope of the existing building on the site and will not result in any adverse impacts on the amenity of existing adjoining dwellings. The proposal will not result in additional overshadowing of adjoining properties.</p> <p>Existing views and outlooks are maintained.</p> <p>Windows and openings are designed to avoid direct overlooking of the adjoining dwellings and private open spaces. The proposed built form is sufficiently articulated on all elevations which will enhance the visual appearance of the building.</p>
5 Internal site amenity	
<p>The objectives of this section are:</p> <ul style="list-style-type: none"> - To provide quality useable private and communal open spaces for all residents - To provide dwellings that have distinct identity and safe entries. - To provide safe and distinct pedestrian routes to all dwellings and communal facilities - To ensure adequate solar access to living areas and private open space - To reduce the dominance of parking, garaging and vehicular circulation space on the internal character of new development. 	<p>The design includes an appropriate level of private open space for each dwelling and an accessible and useable area of communal open space on the roof level.</p> <p>Each dwelling has a distinct, accessible and safe entry point via the centralised building lobby.</p> <p>Living areas and private open space have an adequate level of solar access.</p> <p>No parking, garaging or vehicular circulation is included in the design.</p>

Clause 16A – Character of local area

This clause requires the consent authority to consider whether the design of the development is compatible with the character of the local area.

The proposed development involves the construction of a new residential flat building generally within the building envelope of the existing residential flat building on the site. The new building presents a built form that is consistent with the prevailing bulk and scale of surrounding properties and in the locality. The proposal will complement the character of the streetscape and is consistent with the character and scale anticipated for medium density residential development in the R3 zone.

Having regard for the above, the design of the development is considered compatible with the character of the local area.

Clause 17 – Must be used for affordable housing for 10 years

Clause 17(1) of the SEPP requires the imposition of conditions that require the use of the dwellings for affordable housing for 10 years from the date of issue of an Occupation Certificate and that the affordable housing is to be managed by a registered community housing provider. These requirements are to be included in a restriction against the title of the property. However, as this application is made by a public authority (Waverley Council), the requirement under Clause 17(1) is not applicable under clause 17(2) of the SEPP.

2.1.2. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is generally consistent with the aims of the Waverley LEP 2012. Specifically, the proposal is consistent with 1.2(2)(c) in that the development will contribute to residential housing stock and the provision of affordable housing.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a “residential flat building” which is a type of residential accommodation and is permissible with consent in the R3 zone. The proposal is consistent with the zone objectives in that it will provide for the housing needs of the community and will contribute to the variety of housing types.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	The proposed building height of 9.5m, does not exceed the building height development standard and is acceptable.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 	Yes	The FSR development standard for the site 0.6:1. However, under the provisions of clause 13 of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> (ARHSEPP) an additional 0.5:1 FSR is permitted where the proposal includes in-fill affordable housing. As such, a maximum allowable FSR of 1.1:1 is applicable to the proposed development.

Provision	Compliance	Comment
		The proposed development will achieve a FSR of 0.9:1. FSR compliance is addressed in detail in section 5.1.1 of this assessment report above.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	Minor associated earthworks are proposed as part of the demolition of the existing building and construction of the new. The earthworks required for the development are not expected to have any significant impacts on environmental functions, neighbouring uses or the cultural or heritage items or features of the surrounding land, subject to conditions included in Appendix A.

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	A Site Waste & Recycling Management Plan has been submitted with the application to address waste disposal during construction. Ongoing waste management requirements have been included as conditions in Appendix A.
1.4.1.1 Storage		
• Bin storage area to be provided with rates in B1-2		
1.4.1.2 – Residential	Yes	The waste and recycling storage area is located at ground level within the western setback of the adjacent property at 17-23 Victoria Street (also owned by Waverley Council and used for affordable/social housing). The location of the waste and recycling storage area is existing and is currently used to service the subject site.
• Bulky waste storage area To be provided and bulky problem waste area with rates.		
• 1.4.2 – Access and Collection	Yes	
• 1.4.3 – Amenity	Yes	
• 1.4.4- Management		It is recommended that formal arrangements for the provision of these facilities on the adjoining site be addressed by a consent condition. See further discussion below.
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.

Development Control	Compliance	Comment
		The application is supported by BASIX and NatHERS assessments that demonstrate an adequate level of sustainability in the design.
3. Landscaping and Biodiversity	Yes	The landscaping plan submitted with the application has been reviewed and is considered acceptable. The proposal includes new feature tree planting, provision of garden beds and additional deep soil areas which will increase and enhance landscaping on the site when compared to the existing development. The proposed landscaping will make a positive contribution to the landscape character of the locality and streetscape.
5. Vegetation preservation	Yes	<p>The proposal will require the removal of three existing trees on the site. These have been assessed as having low retention value in the Arboricultural Assessment Report submitted in support of the proposal and their removal is consistent with the provisions of the DCP.</p> <p>The Arboricultural Assessment Report has concluded that the proposal will not have any detrimental impacts on existing trees on adjoining properties, subject to conditions requiring implementation of tree protection measures during demolition and construction works.</p> <p>Council's Tree Management Officer has reviewed the proposal and raises no objection, subject to conditions requiring the implementation of tree protection measures recommended in the Arboricultural Assessment Report. Conditions have been included in Appendix A.</p>
6. Stormwater	Yes	The application was reviewed by Council's Public Infrastructure Engineer who requested additional information and clarification in relation to the proposed stormwater management design of the proposal. The amended stormwater design provides for the adequate management, detention and discharge of stormwater runoff from the site in accordance with water sensitive urban design (WSUD) principles and the Water Management Technical Manual, and is considered acceptable.
7. Accessibility and adaptability		
7.1 Accessibility	Yes	The proposal has been designed to be fully accessible in accordance with regulatory requirements, the Building Code of Australia and relevant Australian Standards. An Access Report has been submitted with the proposal demonstrating how compliance will be achieved.
7.2 Adaptable dwellings	Yes	

Development Control	Compliance	Comment
7.3 Universal housing design	Yes	<p>Three of the five dwellings in the proposal will be adaptable and fully accessible.</p> <p>Two of the five dwellings have been designed to achieve a silver level in the <i>Liveable Housing Design Guidelines</i>.</p>
<p>8. Transport</p> <p>8.2 – On Site Parking</p>	No	<p>The site does not contain on site parking. No vehicle access or on-site parking is proposed. The site has good access to public transport services with daily high frequency bus connections to Bondi Junction.</p> <p>The site is in Parking Zone 2 under the provisions of DCP section 8.2. No on site car parking spaces is consistent with the requirements of this section of the DCP.</p> <p>The proposal does not include bicycle parking and has not addressed the bicycle parking requirements in section 8.2.6 of the DCP. It is recommended that a condition of consent requiring the provision of bicycle parking be imposed. See further discussion below.</p>
9. Heritage	Yes	<p>Adjoining the site to the rear (at the north-eastern corner) is a heritage item (Item I412 – Charing Cross Hotel) and the Charing Cross Heritage Conservation Area (C7) in Schedule 5 of the Waverley Local Environmental Plan 2012. The adjoining buildings and land uses are adequately separated from the subject site with existing landscaping and vegetation retained to maintain this separation.</p> <p>The demolition of the existing residential flat building on the site and the construction of a new, contemporary residential flat building will not unreasonably impact on the heritage character of the adjoining item or heritage conservation area. The new building will not be visible from Bronte Road or Carrington Road along which the heritage item and conservation area are aligned. Based on this, the proposal is consistent with the provisions of section 9 of the DCP and is supported.</p> <p>The application was reviewed by Council’s Heritage Advisor who raise no objection, subject to conditions including the requirement for a detailed assessment and history of the existing building and archival standard photographic records of the site and existing building to be undertaken prior to</p>

Development Control	Compliance	Comment
		demolition works. Conditions have been included in Appendix A.
10. Safety	Yes	The proposal is consistent with the objectives of this part of the DCP. The principles of Crime Prevention through Environmental Design (CPTED) have been addressed in the application and the design incorporates adequate crime prevention and casual surveillance measures.
12. Design Excellence	Yes	The applicant has provided a context plan which demonstrates that the proposal is an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape.
17. Interwar Buildings	Yes	<p>The proposal includes the demolition of the existing residential flat building on the site which is identified as an Interwar building.</p> <p>The site is not heritage listed and is not in a heritage conservation area. The existing building is isolated in that it is not within a precinct or directly adjoined by similar Interwar residential flat buildings. In general, the existing building is considered to have low conservation value.</p> <p>The demolition of the existing building is supported, subject to conditions to require a detailed assessment and history of the existing building and archival standard photographic records of the site and existing building. See further discussion below.</p>

Table 3: Waverley DCP 2012 – Part C3 Medium Density Residential Development Compliance Table

The proposal is defined as a “Residential Flat Building” that is not subject to assessment under SEPP 65 Design Quality of Residential Apartment Development” in the LEP.

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m – R3 zone 	No	<p>The site has a frontage width of 10.2m.</p> <p>However, the proposal is considered acceptable on merit as it involves the replacement of an existing residential flat building, generally contained within the existing building envelope, on the site. The proposal is generally consistent with the objectives of this section and will not result in the creation of isolated sites or compromise the development potential of adjoining lots. See further comments below.</p>

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: 7m 	Yes	The maximum external wall height measured from existing ground level to the underside of the eaves is 6.4m.
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	A street setback of 2.2m is proposed which is consistent with the street setback of adjoining buildings and is based on the setback of the existing building on the site.
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 1.5m 	No – acceptable on merit	The proposed building will have side setbacks of 0.9m to the northern side boundary and between 1.12m and 0.895m to the southern side boundary which do not comply with the DCP requirements. The proposal is supported on merit, however, as these setbacks are consistent with the existing building on the site. See further comments and justification below.
<ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	No – acceptable on merit	A predominant 6m rear setback is achieved by the proposed building with a partial encroachment, up to a setback of 5.2m. This non-compliance is supported on merit. See further comments and justification below for a variation below.
<ul style="list-style-type: none"> Deep soil along side boundary min 2m wide 	No – acceptable on merit	As detailed above, a 2m side setback is not achieved having regard to the setback of the existing residential flat building and the proposal being contained within the existing building envelope. See further comments and justification for a variation below.
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m 	Yes	The maximum building length proposed is 8m.
<ul style="list-style-type: none"> Façade to be articulated 	Yes	The street frontage is appropriately articulated and complements proportions of surrounding properties.
<ul style="list-style-type: none"> Maximum building depth: 18m 	No – acceptable on merit	The depth of the proposed building is 26m, however, this non-compliance is supported on merit. See further discussion below.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape 	Yes	The proposed development is designed to contribute to the streetscape and the proposed colours, materials and finishes are compatible with the streetscape character.
<ul style="list-style-type: none"> Sympathetic external finishes 	Yes	

Development Control	Compliance	Comment
3.6 Attic and roof design		
<ul style="list-style-type: none"> Roof design contributes to architectural design, environmental performance and responds to the streetscape character of the area 	Yes	The proposed pitched roof form is consistent with the character of the streetscape and adjoining buildings.
3.7 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise <p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m <p><i>Rear fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	<p>No-acceptable on merit</p> <p>Yes</p> <p>Yes</p>	<p>Private open space areas (balconies) for ground floor dwellings are proposed within the front setback. The design includes screen fencing around these areas having a height of 1.8m and does not strictly comply with the DCP requirements. This fencing will be of open construction (i.e. not more than 2/3 solid) to allow for adequate passive surveillance. This non-compliance is supported on merit. See further discussion below.</p> <p>Existing side (southern boundary) and rear (eastern boundary) fencing up to a height of 1.8m will be retained.</p>
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>A central entry lobby will be accessed via the existing pedestrian passage along the northern side boundary currently shared with 17-23 Victoria Street (also owned by Waverley Council and used for social/affordable housing).</p> <p>The entry to the site is accessible, safe and well-lit and connects to the building entry, lobby area with communal stairs and lift access.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity Minimum of 30% of site area landscaped: 102.8m² 50% of the above is to be deep soil: 52.4m² 	<p>Yes</p> <p>No</p> <p>No</p>	<p>A landscaped area of 52.4m² (15% of the site area) with 28.8m² (55%) of deep soil is proposed. Although this does not comply with the minimum landscape area control requiring 102.8m² (30% of the site area), the landscaped area provided is an increase from the existing landscaping on the site, notwithstanding the proposed development occupying the existing building envelope. This non-compliance is considered acceptable in this circumstance. See further comments below.</p>
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal open space (R3 zone): 52.4m² 	Yes	The proposal includes two communal open spaces measuring 50.4m ² on the roof level and 33.4m ² on the ground level at the rear of the site, resulting in

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible Roof top terrace impacts 	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>a total of 83.8m² of communal open space for the site.</p> <p>The proposed rooftop terrace (with dimensions of measuring 4m x 14m) does not achieve the minimum dimension requirements, however, it is highly accessible (having lift access), receives in excess of three hours of direct solar access between 9am and 3pm on 21 June, and will provide a high level of amenity for future occupants.</p> <p>The rooftop terrace impacts are addressed further below under Section 3.15 of the DCP.</p>
3.11 – Private Open Space		
<p>3.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> Balcony additions to match the character of the building Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street & privacy 	Yes	<p>Balconies are provided for each dwelling that comply with the requirements of section 3.11.2 of the DCP. The balconies are designed to integrate with the architectural style of the building and do not dominate its facades. The balconies will receive good solar access and are designed to afford privacy to both the occupants of the dwellings and to adjoining properties.</p>
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Provided from secondary street or lane Pedestrian safety considered Basement parking should not contravene deep soil zone controls 	N/A	<p>There is currently no vehicle access or parking provided on the site and none is proposed.</p>
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units on 21 June. 	No	<p>Only two out of the five dwellings (40%) receive a minimum of 3 hours direct sunlight to their living rooms between 9am and 3pm in mid-winter and compliance with this control is not achieved. Compliant solar access is provided to the private open space areas and the living rooms of four of the five dwellings when measured between 9am and 4pm. In the circumstances of the case, this</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none">New development should maintain at least 2 hrs of sunlight to solar collectors on adjoining properties in mid-winter.	Yes	non-compliance is supported on merit. See further discussion below. Immediately adjoining properties do not contain any solar collectors that will be impacted by the proposal.
3.14 Views and view sharing		
<ul style="list-style-type: none">Minimise view loss through designViews from public spaces to be maintained.	Yes Yes	The proposed development will generally occupy the same building envelope as the current building on the site. No existing views or outlooks from adjoining properties or public spaces will be adversely impacted or lost.
3.15 Visual privacy and security		
<ul style="list-style-type: none">Dwellings to be orientated to the street with entrances and street numbering visible.Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened.Privacy be considered in relation to context density, separation use and design.Prevent overlooking of more than 50% of private open space of lower level dwellings in same development.Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site.	Yes Yes Yes Yes No	<p>The proposed dwellings at the front of the site are oriented towards the street and include balconies that will contribute to the passive surveillance of the public domain.</p> <p>The primary entrance to the building is via an existing side access shared with the adjoining residential flat building at 17-23 Victoria Street (also owned by Waverley Council).</p> <p>The proposed rooftop communal open space has been designed to minimise overlooking of adjoining dwellings and private open spaces. This has been achieved by a suitable setback, parapet walls and screening. The balconies at the front and rear of the building have solid walls on either side to prevent overlooking adjoining sites.</p> <p>Upper level balconies are recessed and include planter beds along their frontages which will restrict potential overlooking of balconies of dwellings below.</p> <p>A trafficable rooftop terrace is proposed for communal open space for future occupants. There is not a predominance of rooftop terraces in the immediate vicinity of the site however given the new residential flat building will occupy the existing building envelope with minimal opportunities to provide compliant communal open space at ground level, the roof terrace is acceptable as it will significantly increase amenity</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Roof top terraces will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise. Rooftop terraces must not exceed 15m² in area. 	<p>Yes</p> <p>No – acceptable on merit</p>	<p>for occupants of the proposed social housing development.</p> <p>Setbacks and the incorporation of parapet walls within the roof structure around the rooftop terrace will eliminate potential overlooking of adjoining sites. Site levels and design elements (such as the surrounding parapet walls) will reduce potential noise impacts.</p> <p>The proposed rooftop communal open space has an area of 50.4m² which exceeds the maximum permitted area for a rooftop terrace. Notwithstanding this, the roof terrace design and location is considered suitable for the development and is acceptable given the proposal is contained within the existing building envelope and will enhance the amenity for the occupants of the social housing use.</p>
<ul style="list-style-type: none"> Rooftop terraces satisfy the considerations of the Privacy Planning Principle from <i>Super Studio v Waverley Council</i> [2004] NSWLEC 91 	<p>Yes</p>	<p>The relevant privacy principles from the <i>Super Studio</i> decision are:</p> <ul style="list-style-type: none"> - Potential impacts must be minor or negligible, - Landscaping cannot be relied on as the main safeguard for privacy protection, and - The extent to which approval could be used as a precedent for other rooftop terraces. <p>In considering the above principles against the current proposal, it can be determined that:</p> <ul style="list-style-type: none"> - The design of the rooftop terrace, including its setbacks and surrounding structural elements (parapet walls within the roof structure) will prevent any loss of privacy for adjoining properties. There may still be potential noise impacts which can be regulated by conditions restricting use of the communal open space. - Some landscape screening is proposed, but this is not the primary means of privacy protection for the proposal. - The approval of the development is unlikely to set a precedent in the locality given the particulars of the site. <p>Further discussion on the rooftop terrace and the privacy principles are provided below.</p>
<ul style="list-style-type: none"> Rooftop terraces are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas. 	<p>Yes</p>	<p>The application states the intention of the rooftop terrace is to enable the provision of a compliant area of communal open space for passive recreational use by future occupants of the building and that it is not intended for use by large groups or for entertaining.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Access to a rooftop terrace must be provided within the envelope of the main building with no lift overruns above the main roof level. 	No	<p>Lift access to the rooftop terrace is proposed which will involve lift over run above the roof structure of the building. Provision of lift access to the rooftop communal open space satisfy access requirements, does not exceed the building height development standard and is supported.</p> <p>Although there are a number of non-compliances with the DCP controls relating to the rooftop terrace, the proposal is supported on merit having regard to the constraints of the site and the proposed residential flat building occupying the existing building envelope. The use of the rooftop terrace is unlikely to result adverse impacts on adjoining properties, subject to recommended consent conditions. This is discussed further below.</p>
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> Max habitable room depth for single aspect dwelling is 8m from a window All habitable rooms to have a window Provide a range of dwelling types and sizes Min sizes Studio = 35m² 1 bedroom = 50m² 2 bedroom = 80m² 3 bedroom = 100m² Flexible design Accessible and Adaptable 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>	<p>The single aspect dwellings in the development have depths of less than 8m.</p> <p>All habitable rooms in the proposal have windows.</p> <p>The proposal includes studio dwellings, 1 bedroom dwellings and a 2 bedroom dwelling.</p> <p>The development application seeks consent under the provisions of <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> which specifies minimum dwelling sizes.</p> <p>The dwellings are sufficiently designed to enable flexibility of uses. Each dwelling is accessible with three of the proposed dwellings designed to be adaptable.</p>
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	Yes	<p>The ground floor apartments have a floor to ceiling height of 2.9m.</p> <p>The first floor apartments have a floor to ceiling height of 2.8m.</p>
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> Studio and 1 bed = 6m³ 2 bed = 8m³ 	No	<p>Storage space in accordance with these requirements have not been provided. However, the layout of the apartments, constrained by the existing building envelope, is likely to be able to accommodate suitable storage for future occupants of the social housing development and is supported.</p>

Parking – Bicycles

The proposal has not provided bicycle parking in the design. The proposal, therefore, does not demonstrate compliance with Section 8.2 of Part B of the DCP. In the circumstances and given the lack of car parking on the site, the provision of bicycle parking on the site considered an essential requirement. It is recommended that a bicycle parking (being 1 bicycle space per dwelling) be provided within the development. A condition has been included in Appendix A.

Heritage – Interwar Building

The proposal to demolish the existing Interwar residential flat building is subject to the provisions of Part B17 of the Waverley DCP 2012 which seek to encourage the preservation and maintenance of Interwar buildings. The application documentation indicates that the potential adaptive reuse of the building was considered as part of the development strategy for the site. However, given the age of the building and the desired improvements to access and amenity for seniors and the provision of affordable housing, the effective adaptation of the existing building is not practical in the circumstances of this case.

The application has been reviewed by Council's Heritage Advisor who raises no objection, subject to conditions including a detailed assessment and history of the existing building and archival standard photographic record of the site and the existing building. This approach is supported and conditions have been included in Appendix A.

In this regard, the proposed demolition of the existing building is supported based on the general low conservation value of the building and the overall benefits and positive outcomes to be achieved by the provision of improved housing stock in the locality.

Site Frontage

Section 3.1 of Part C3 of the DCP requires minimum lot sizes and dimensions to accommodate an appropriate building envelope, landscaping and service requirements. The site has a relatively narrow frontage (10.2m) and does not achieve the minimum 15m frontage to enable compliant development in the R3 zone. However, the proposal is considered acceptable on merit as it involves the construction of a residential flat building within the envelope of the existing residential flat building. The proposal is generally consistent with the objectives of this section, is responsive to the streetscape and will not compromise the development potential of adjoining sites.

Side Setbacks, Access and Entry

The proposed development does not comply with the minimum side setbacks specified in Section 3.3 of Part C3 of the DCP. In the circumstances, however, the proposed reduced setbacks are supported on merit as the proposal:

- Allows for a better and more liveable design for the proposed dwellings than a fully compliant design; and
- Will not unreasonably compromise or increase amenity impacts on adjoining properties.

Pedestrian access to the existing residential flat building is available via a shared pedestrian access way along the northern boundary of the site shared with the adjoining property at 17-23 Victoria Street. The proposed development will retain this access arrangement. Based on this reliance on the adjoining site, which provides partial justification for the reduced setback, it is recommended that formal legal arrangements be implemented as a requirement of consent conditions to ensure the shared access to the site with 17-23 Victoria Street remains available, open and accessible for the use of the subject site in

perpetuity. This is particularly relevant to prevent the loss of this open access along the northern boundary if 17-23 Victoria Street is sold or redeveloped in the future. Conditions have been included in Appendix A.

Rear Setback

While the majority of the proposed built form complies with the 6m setback to the rear boundary as required in Section 3.3 of Part C3 of the DCP, a minor encroachment is proposed to enable a curved wall and rear window orientation that avoids overlooking of adjoining properties and maximises solar access to the bedroom. This will result in a reduced rear setback up to 5.2m for part of the eastern elevation as illustrated in the plan extract below. This variation to the rear setback requirement is supported on merit as it will allow for a better design outcome for the site and internal amenity for future occupants than would be achieved with a fully compliant design.

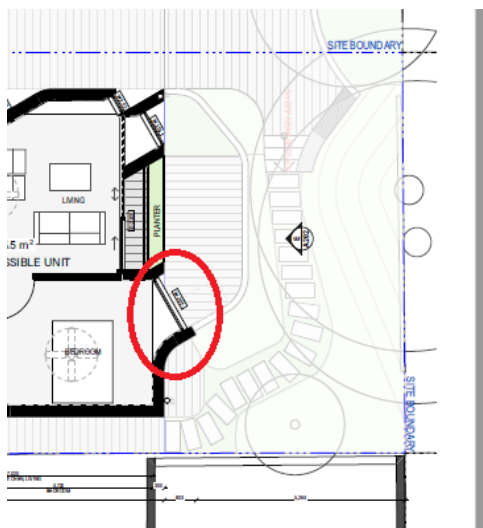


Figure 4: Extract of Level 1 architectural plan showing rear setback to eastern boundary (Source: Archer Office)

Landscaped Area and Deep Soil

Section 3.9 of Part C3 of the DCP requires 30% of the site to be landscaped area and 50% of the landscaped area to comprise deep soil. A landscaped area measuring 52.4m² (15% of the site area), which is an increase (by almost double) of the existing landscaped area is proposed. The proposal is supported on merit given that the proposed built form will occupy the same building envelope as the existing residential flat building .

The required deep soil areas are also non-compliant, however, are supported on merit in conjunction with the above. Due to retaining the existing side setbacks, deep soil along the side boundaries is not provided in accordance with DCP requirements. This is considered acceptable in the circumstances of occupying the existing building envelope and the absence of any increased amenity impacts on adjoining properties. In the revised design, 55% of the landscaped area comprises deep soil which is an increase of 10.6m² above the existing provision.

Building Depth

The building depth proposed of 26m which is generally consistent with the existing building envelope and is not out of character with the prevailing built form in the locality however it is inconsistent with

the maximum depth of 18m for a residential flat building under Section 3.4 of Part C3 of the DCP. The proposed built form is sufficiently articulated with the apartments evenly divided into the front and rear parts of the building. The proposed building also generally complies with the front and rear setback requirements and is of a slightly reduced built form to the existing building on the site. Residential amenity of the proposed dwellings is maximised in the design and will not be compromised as a result of the increased building length. For these reasons, this non-compliance is supported.

Front Fence

Fencing around the ground level balconies within the front setback is measures 1.8m which does not comply with the requirements of Section 3.7 of Part C3 of the DCP (specifying a maximum height of 1.2m). The proposed fencing within the front setback will be of open construction (i.e. not more than 2/3 solid) to allow for views into the site and outwards to the street and will be integrated into the landscaping design proposed. High, solid fencing is not out of character in the locality with several nearby properties in Edmund Street having solid fencing to the street boundary for all or part of the street frontage. Fencing of this height within the front setback is considered acceptable given the context of the streetscape and providing improved amenity to future occupants and is supported on merit.

Communal Open Space

Section 3.10 of Part C3 of the DCP requires a contiguous area of communal open space measuring a minimum 15% of the site area (51.4m²). The proposed communal open space on the rooftop terrace has an area of 50.4m² which is a minor non-compliance with the control. In addition, a separate area of communal open space is provided within the rear setback (33.4m²) resulting in a total of 83.8m² for the site. Given the enhanced amenity provided by the rooftop terrace and two communal open spaces, the non-compliance is considered acceptable.

Solar Access

The proposal provides compliant solar access to 2 of the 5 apartments (40%) of apartments. These apartments receive at least 3 hours solar access to living areas and private open space between 9am and 3pm in mid-winter as required by Section 3.13 of Part C3 of the DCP. Although the DCP requires that 70% of the apartments meet this standard, between 9am and 3pm on 21 June 80% of the units will receive more than 3 hours of solar access to their living rooms. Although strict compliance with the DCP solar access requirement is not achieved, the new dwellings will have improved levels of amenity not currently enjoyed by the existing dwelling including rooftop open space that will receive over 3 hours of direct solar access in midwinter. Four out of the five new dwellings (80%) will receive a minimum of 3 hours direct sunlight to private open space between 9am and 3pm in mid-winter. Further to this, four out of the five dwellings (80%) will also receive more than 3 hours solar access to living rooms between 9am and 4pm in mid-winter. Given that the proposal seeks to build a new residential flat building suitable for social housing accommodation within the existing building envelope, the non-compliance is acceptable having regard to the constraints of the site and improvements to amenity for future occupants.

Rooftop Terrace

The proposal includes a rooftop terrace that provides communal open space and a clothes drying area that, given the constraints of the site, would not otherwise be provided on the site. The rooftop terrace is integrated with the roof design, is setback from the site boundaries and is surrounded by a parapet wall that is part of the roof structure. The design of the rooftop terrace and its integration with the roof design

of the building minimises visual and acoustic privacy impacts on the adjoining properties. Based on this, the proposed rooftop terrace is considered to have no greater impact on the amenity of the adjoining properties than a compliant communal open space area provided at ground level.

Although there are some identified non-compliances with the requirements of Section 3.15 of Part C3 of the DCP, these are primarily due to site constraints (particularly its narrow dimensions). The redevelopment of the site will significantly improve the amenity of its dwellings for future residents when compared to the existing residential flat building where minimal landscaping and useable communal open space is provided.

In addition to passive outdoor seating areas, the rooftop terrace includes an outdoor kitchen and barbecue area. It is considered acceptable to allow these as they will provide for a useable and functional outdoor area that can be enjoyed by the residents. However, it is also considered appropriate to regulate the use of the rooftop terrace by restricting the maximum number of occupants to 10 persons at any one time (i.e. 2 persons per dwelling) and to restrict the hours of use and the maximum number of occupants to mitigate potential noise impacts. It is recommended that conditions be imposed to ensure the use of the rooftop terrace is managed to minimise impacts on adjoining properties.

One of the identified privacy principles for consideration of rooftop terraces is whether permitting a rooftop terrace in this instance will set a precedent in the locality. The approval of the rooftop terrace within this development is not considered likely to set a precedent as the proposal is for infill affordable housing by a registered social housing provider utilising the building envelope of the existing residential flat building on the site and benefits from bonus FSR under *State Environmental Planning Policy (Affordable Rental Housing) 2009*. In the circumstances of the case, the basis for the rooftop terrace is not the result of additional dwelling yield on the site or an increased building footprint that reduces the capacity for providing the communal open space at ground level.

The proposed rooftop terrace will have access via a lift overrun that will protrude above the proposed roof level. Although this does not comply with the controls in Section 3.15 of part C3 of the DCP, a variation to this requirement is considered acceptable in this circumstance as the lift overrun has been appropriately designed to integrate within the built form as much as possible. The lift overrun also does not exceed the building height development standard under the Waverley LEP 2012. As the development is intended for occupation by seniors and people with limited mobility, the accessibility of the rooftop terrace is an essential component of the design.

Storage

Storage space in accordance with the requirements of Section 3.18 of Part C3 of the DCP have not been provided. Given the constraints of the site and provision of new affordable housing within an existing building envelope, non-compliance with the storage requirements under the DCP is considered acceptable in this instance.

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 to be suitable for the proposed development.

2.4. Any Submissions

The application was notified for 21 days between 4 March and 25 March 2021 and a site notice erected on the site, in accordance with the *Waverley Community Participation Plan 2019*.

Two submissions were received, both from the same submitter (8 Edmund Street, Queens Park).

Following receipt of amended plans and additional information, the application was re-notified for 14 days between 18 August and 3 September 2021. No further submissions were received.

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

- Rooftop terrace and amenity impacts on adjoining properties
- Visual bulk of lift overrun
- Compatibility with the streetscape
- Waste storage
- Car parking
- Site area and landscaping
- Solar access

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

Issue: The two storey building with a pitched roof is not consistent with streetscape, most two storey buildings in the street have a flat roof.

Response: The design of the roof structure is considered appropriate and is generally consistent with the prevailing built form in the locality. The proposed built form is fully compliant with the maximum building height and FSR development standards under the provisions of the Waverley LEP 2012 and will not result in any significant additional overshadowing of adjoining properties.

Issue: The partial enclosure and covering of part of the rooftop terrace should be included as GFA.

2.5. Response: The proposed rooftop terrace is not covered or fully enclosed on all sides (up to 1.4m) and therefore is not counted as gross floor area in accordance with the definition under the Waverley LEP 2012. 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 referral comments were sought:

3.1. Public Domain Infrastructure

Council's Public Domain Engineer has raised no objection to the proposal subject to imposition of appropriate conditions of consent to ensure the protection of Council's public domain and road infrastructure.

3.2. Strategic Planning

Council's Strategic Town Planning, Urban Planning Policy and Strategy has raised no objection to the proposed development and supports the growth of affordable and community housing within the Waverley LGA. The strategic planner has provided comments in respect to the application of State Environmental Planning Policy (Affordable Rental Housing) 2009 to the proposal.

3.3. Land Information/GIS

Council's GIS Analyst, Information Management & Technology has raised no objection to the proposed development subject to conditions that ensure consistency with the NSW Geographical Names Board Policy and Principles 2019, particularly in respect to street numbering and the identification of the street number on the building near the pedestrian entry points and property boundary.

3.4. Heritage Advisor

Council's Heritage Advisor has raised no object to the demolition of the existing building subject to a detailed assessment and history of the building and archival standard photographic record of the site and existing being carried out. Conditions have been included in Appendix A.

3.5. Tree Management

Council's Tree Management Officer raised no objection to the removal of three (3) trees from the site and indicated in the approved Arboricultural Report and landscaping to be carried out in accordance with the approved landscape plan. The existing street tree in Edmund Street is to be retained and protected. Recommended conditions have been included in Appendix A.

3.6. Waste and Recycling Officer

Council's Waste and Recycling Officer has raised no objection to the proposal subject to appropriate conditions included in Appendix A.

3.7. Stormwater

Council's Stormwater Engineer noted that the amended Stormwater Plans are satisfactory and Council's stormwater management requirements are capable of being satisfied, subject to conditions included in Appendix A.

4. CONCLUSION

The development application seeks consent for demolition of the existing two storey Interwar residential flat building to construct a new two storey residential flat building with a communal rooftop terrace for the purpose of affordable housing at the site known as 2A Edmund Street, Queens Park.

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

- Car parking
- Tree removal
- Setback
- Landscaping
- Communal open space

The assessment finds these issues acceptable with the proposed development generally contained within the building envelope of the existing residential flat building and continuation of use of the site for social housing. The proposal provides a significantly improved environmental and social outcome compared to the current development on the site.

Due to the constraints of the site and a result of the additional floor space allowed under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, there are a number of aspects of the proposal that do not fully comply with the relevant controls under the *Waverley Development Control Plan*. These issues, as addressed in this report, are generally considered acceptable on merit and in the circumstances of the case. Many of the issues can be adequately addressed by recommended consent conditions. None of the identified DCP non-compliances are considered fatal to the proposal and are grounds for refusal.

The proposed built form generally occupies the envelope of the existing building on the site which means that many of the potentially detrimental amenity impacts are avoided or are non-existent. The proposal will result in overall positive land use outcomes for the locality in that it will provide improved and accessible housing stock for socially disadvantaged persons with a general high level of amenity.

One (1) submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommended consent conditions.

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

As Waverley Council is the applicant and owner of the land, this development application has been assessed by a third party independent planning consultant and is being reported to the Waverley Local Planning Panel for determination with a recommendation for conditional approval.

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 5 October 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, J Zancanaro and B Matlawski*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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



Jeff Mead
Planning Ingenuity Pty Ltd

Peggy Wong
**A/ Manager, Development Assessment
(Central)**

Date: 14 October 2021

Date: 15 October 2021

Reason for referral:

1 Conflict of interest

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 Archer Office of Project No: 2002 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A020, Rev 1	Site Plan	15/02/2021	23/02/2021
A050, Rev 1	Demolition Plan	15/02/2021	23/02/2021
A100, Rev 1	Ground Floor Plan	15/02/2021	23/02/2021
A101, Rev 1	Level 1 Plan	15/02/2021	23/02/2021
A102, Rev 1	Roof Level Plan	15/02/2021	23/02/2021
A120, Rev 1	Pre & Post Adaptation Plans	15/02/2021	23/02/2021
A200, Rev 1	West Elevation	15/02/2021	23/02/2021
A201, Rev 1	North Elevation	15/02/2021	23/02/2021
A202, Rev 1	East Elevation	15/02/2021	23/02/2021
A203, Rev 1	South Elevation	15/02/2021	23/02/2021
A300, Rev 1	Section A1 & A2	15/02/2021	23/02/2021
A301, Rev 1	Section B	15/02/2021	23/02/2021
A700, Rev 1	Materials Schedule	15/02/2021	23/02/2021

- (b) Landscape Plans (Sheets 1-7) and documentation prepared by Jane Irwin Landscape Architecture, dated February 2021 and received by Council on 23/02/2021
- (c) BASIX Certificate and NatHERS Certificates
- (d) Stormwater Details and documentation prepared by Partridge Hydraulic Services dated 03/06/2021, and received by Council on 08/06/2021
- (e) Access Review and documentation prepared by Philip Chun Building Compliance dated 16/02/2021, and received by Council on 23/02/2021
- (f) Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services dated 03/02/2021, and received by Council on 23/02/2021
- (g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 23/02/2021
- (h) Preliminary Operational Plan of Management prepared by Waverley Council dated 8 July 2021 and received on 29/07/2021

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

GENERAL REQUIREMENTS

2. 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

3. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$49,336.48** 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.

4. 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 & SITE MATTERS

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

PUBLIC DOMAIN WORKS

10. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along the Edmund Street 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

- Kerb and gutter
- Landscape and street tree planting

Note: The requirements to satisfy this condition are listed under Advisory Notes within the Public Infrastructure Works.

11. 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.

STORMWATER & FLOODING

12. 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 drainage services plans prepared by Partridge Hydraulic Services Pty Ltd, Job No. 2020H0050, Dwg No. SWDA 1.1, SWDA 1.2, SWDA 1.3 & SWDA 1.4, Revision P6, dated 03.06.2021, 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 include:

- (a) Additional and revised on-site stormwater detention (OSD) details.
- (b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure.
- (c) Any amendments to the architectural drawings shall be incorporated into the plan.
- (d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.
- (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.
- (f) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (g) The pipeline within the footpath verge of Edmund 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:

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

ENERGY EFFICIENCY & SUSTAINABILITY

13. BASIX

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

WASTE

14. 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.

15. WASTE STORAGE AREA

A permanent bin storage area is to be provided on the land known as 17-23 Victoria Street, Queens Park in accordance with the Preliminary Plan of Management prepared by Waverley Council (on behalf of applicant).

The bin storage area shall have sufficient capacity to accommodate the minimum number of bins indicated below:

- 2 x 240L Mobile Garbage Bins (MGBs) for general waste (that is compacted 2:1)
- 2 x 240L MGBs for paper and cardboard recycling
- 2 x 240L MGBs for container recycling
- Storage for bulky waste and problem waste awaiting collection must be allocated in the waste disposal area.

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.

Waste storage rooms or areas are to be located a maximum 10m from pick up point. Waste rooms are not to be used for any purpose other than the storage of waste.

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

16. 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.

17. 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.

18. ARCHIVAL RECORDING OF EXISTING BUILDING

An archival record (at a minimum the front, rear and north side elevations and details of notable elements of each building) shall be prepared of the existing building for deposit in Waverley Council's Archive. This record must be carried out prior to the removal of any significant building fabric or furnishings from the site and must be submitted to Council prior to the commencement of any demolition work. The record is to comply with the NSW Heritage Office Guidelines for digital archival recording.

DEMOLITION

19. 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.

20. 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.

21. 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.

22. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land. The excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

23. CONSTRUCTION HOURS

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

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

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

24. 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.

25. 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.

26. 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.

27. 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.

PUBLIC DOMAIN WORKS

28. 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 Council's 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.

29. 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 kerb and gutter, stormwater connections, footpath paving and street 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.

30. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

31. 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.

32. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed;

Tree No.	Species	Location	Action
T 2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	On-site	Remove as per Arborist report.
T 3	<i>Viburnum tinus</i> (Laurustinus)	On-site	Remove as per Arborist report.
T 4	<i>Schefflera arboricola</i> (Umbrella Plant)	On-site	Remove as per Arborist report.
T 7	<i>Morus nigra</i> (Mulberry tree)	On-site	Remove as per Arborist report.
T 8	<i>Pittosporum eugenioides</i> 'Variegatum' (Silver Tarata)	On-site	Remove as per Arborist report.

33. 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) 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 in accordance with AS4970-2009 "Protection of trees on construction sites.

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.

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

34. 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.

35. CERTIFICATION OF BASIX COMMITMENTS

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

36. 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.

37. 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.

38. IMPLEMENTATION OF LEGAL ARRANGEMENT - ACCESS AND WASTE DISPOSAL

Implementation of a legal arrangement to ensure that access to the site and the use of the waste storage facilities on the land known as 17-23 Victoria Street (Lot A DP 324319) are provided for in perpetuity. Sufficient documentary evidence of the above arrangement is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

ACCESS AND PARKING

39. BICYCLE PARKING

A total of 6 bicycle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 5 residential bicycle spaces
- (b) 1 visitor bicycle space

- (c) At least 4 of these spaces to be located at ground level, adjacent to lobby.

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

40. STREET NUMBER/S

The redevelopment of the property has led to the following allocation of primary and sub-premises (unit/room) numbering:

- No. 2A - primary address site number
- Edmund 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, located near the pedestrian entry points and be clearly visible on the site boundary that fronts Edmund Street.

The following sub addressing will apply;

- Nos. 1-5 for the sub-addresses within the building
- All sub premises numbers must be unique

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

PUBLIC DOMAIN WORKS

41. 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.

42. 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.

43. 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.

STORMWATER MANAGEMENT

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, 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.

45. 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.

46. 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.

WASTE MANAGEMENT

47. 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 at minimum.

- (a) Location of all waste and recycling storage areas.
- (b) Responsibilities for cleaning bins, transporting bins to the nominated collection point, 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.

- (c) Directions for cleaning and maintaining the waste storage areas and bins
- (d) Signage placement to identify different bin types, where to place bulky household waste and problem waste
- (e) Bin placement to ensure recycling bins are placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (f) All waste and recycling bins cannot be presented for collection earlier than one day before the nominated collection day and must be brought back onto the property no later than one day following collection.
- (g) The occupant/body corporate must have one copy of the Waste Management Plan and make this available upon request.
- (h) Details of ongoing waste management strategy are to be documented within the Waste Management Plan and updated every 5 years

AFFORDABLE HOUSING

48. RESTRICTION AS TO USER

A restriction as to user must be registered in accordance with section 88E of the Conveyancing Act 1919 on the title which restricts the use of any accommodation to which this development consent relates.

The terms of the restriction as to user are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or extinguish the restriction. All legal costs associated with the registration of the restriction is to be borne by the owner.

E. OPERATIONAL MATTERS

49. RESTRICTIONS ON USE – ROOF TOP COMMUNAL OPEN SPACE

The use of the communal open space on the roof level of the development shall be limited to a maximum of 10 persons at any one time and is restricted to the following hours:

- | | | |
|-----|--|-----------------|
| (a) | Monday to Friday (excluding public holidays) | 7am to 9pm |
| (b) | Weekends and public holidays | 8am to 9pm |
| (c) | New Year's Eve | 9am to 12:30am. |

Clear and legible signage to this effect is to be installed in the ground floor residential foyer of the building, inside of the lift and also on the rooftop terrace adjacent to lift. Signage to be installed and maintained in perpetuity, prior to the issue of an Occupation Certificate.

50. 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.

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 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 may be 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.

Contact Sydney Water for more information.

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 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. 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.

AD8. 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.

AD9. 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) Footpath, Kerb and Gutter: The existing footpath, grass verge, kerb and gutter traversing Edmund Street 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) Street Trees: A minimum of one (1) street tree must be planted along Edmund Street frontage. All new tree proposed within the Council verge will require the installation of suitable tree pits, surrounds and root cell barriers as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing.
- (c) 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.
- (d) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

AD10. 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.

AD11. 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.

AD12. CERTIFICATION 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.

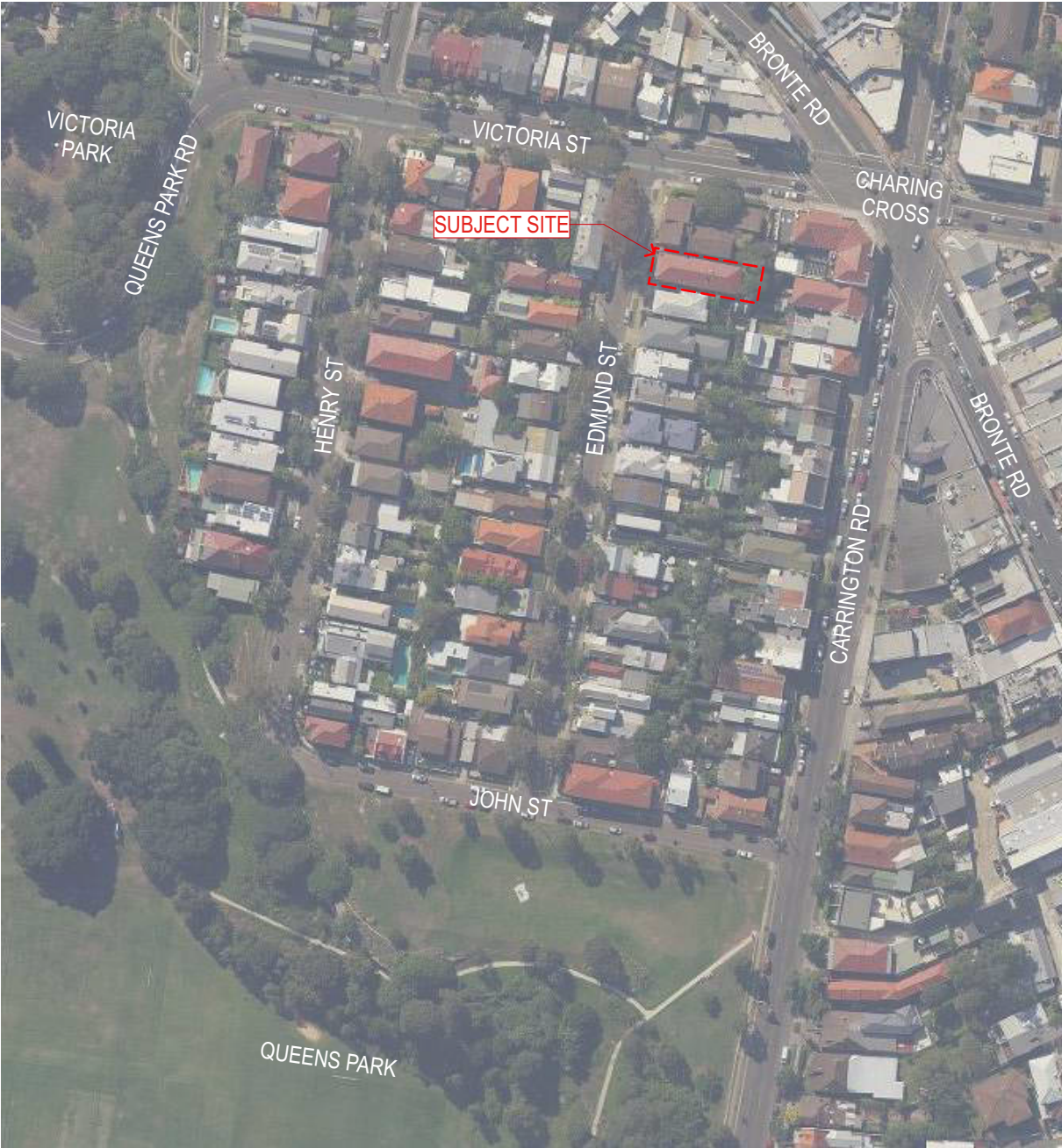
Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

NEW MULTI UNIT SOCIAL HOUSING

2A EDMUND ST QUEENS PARK,

NSW 2022, S.P. 18932

DEVELOPMENT APPLICATION



1 LOCATION PLAN
1:2000

RECEIVED
Waverley Council

Application No: DA-63/2021

Date Received: 23/02/2021

DRAWING NO.	DRAWING TITLE	SCALE
A000	COVER PAGE	
A001	DESIGN STATEMENT	
A010	SITE ANALYSIS PLAN	1:500
A020	SITE PLAN	1:200
A050	DEMOLITION PLAN	1:100
A100	GROUND FLOOR PLAN	1:100
A101	LEVEL 1 PLAN	1:100
A102	ROOF LEVEL PLAN	1:100
A110	AREA CALCULATIONS	1:150
A120	PRE & POST ADAPTATION PLANS	1:100
A200	WEST ELEVATION	1:100
A201	NORTH ELEVATION	1:100
A202	EAST ELEVATION	1:100
A203	SOUTH ELEVATION	1:100
A300	SECTION A1 & A2	1:100
A301	SECTION B	1:100
A500	SHADOW DIAGRAM 21 JUNE	1:300
A520	ELEVATIONAL SHADOWS 21 JUNE	1:200
A700	MATERIALS SCHEDULE	

ABBREVIATIONS

RL	RELATIVE LEVEL
eRL	EXISTING RELATIVE LEVEL
DP	DOWNPIPE
Acc	ACCESIBLE
W	WINDOW
D	DOOR
TD	THRESHOLD DRAIN
EXG	EXISTING
ENG	ENGINEER
SPEC	SPECIFICATION
VP	VENT PIPE
RWH	RAIN WATER HEAD
ADJ.	ADJUSTABLE

BASIX REQUIREMENTS

- WATER**
- ALL SHOWER HEADS TO BE MIN. 3 STAR (>4.5 BUT <= 6L/MIN)
 - ALL TOILET FLUSHING SYSTEMS TO BE MIN. 2 STAR
 - ALL KITCHEN TAPS TO BE MIN. 3 STAR
 - ALL BATHROOM TAPS TO BE MIN. 3 STAR
 - ALL CLOTHES WASHERS TO BE MIN. 3 STAR
 - ALL COMMON AREA TAPS TO BE MIN. 4 STAR
- ENERGY**
- ALL UNITS TO BE CONNECTED TO ELECTRIC HEAT PUMP - AIR SOURCED CENTRAL HOT WATER SYSTEM
 - ALL BATHROOMS TO HAVE INDIVIDUAL FAN VENTILATION W/ MANUAL ON/OFF SWITCH DUCTED TO FACADE OR ROOF
 - ALL KITCHENS TO HAVE INDIVIDUAL FAN VENTILATION W/ MANUAL ON/OFF SWITCH DUCTED TO FACADE OR ROOF
 - ALL LAUNDRIES TO HAVE INDIVIDUAL FAN VENTILATION W/ MANUAL ON/OFF SWITCH DUCTED TO FACADE OR ROOF
 - INDUCTION COOKTOP AND ELECTRIC OVEN TO BE PROVIDED
 - REFRIGERATOR TO BE MIN. 3.5 STAR
 - DISHWASHER TO BE MIN. 3.5 STAR
 - CLOTHESWASHER TO BE MIN. 3.5 STAR
 - PROVISION OF SHELTERED CLOTHES DRYING LINE TO EACH UNIT
 - PROVISION OF COMMUNAL CLOTHES DRYING LINES
 - PROVISION OF PHOTOVOLTAIC SYSTEM 1.8 PEAK kW
 - PROVISION OF GEARLESS TRACTION LIFT W/ VVVF MOTOR & LED LIGHT CONNECTED TO LIFT CALL BUTTON
 - LED LIGHT ON TIME CLOCK AND MOTION SENSOR TO ALL COMMON AREAS

- THERMAL COMFORT**
- AVG. THERMAL LOAD HEATING: 17.8MJ/m2
 - AVG. THERMAL LOAD COOLING: 18.8MJ/m2
- INSULATION REQUIREMENTS:**
- EXTERNAL WALLS = R2.5
 - EXTERNAL LOBBY WALLS = R2.5
 - ROOF CAVITY = R2.5
 - ROOF SLAB = R2.0
- GLAZING REQUIREMENTS:**
- U-VALUE = 3.6W/m2K
 - SHGC = 0.37

MATERIAL FINISHES

BWK1	BRICKWORK, RENDER WASHED, LIGHT COLOUR
BWK2	LANDSCAPE BRICKWORK, RECYCLED BRICK
CR1	CONCRETE, LIGHT COLOUR
BAL1	METAL ROD BALUSTRADE, DARK COLOUR
FNC1	METAL FENCE, DARK COLOUR
RF1	STANDING SEAM METAL ROOF, DARK COLOUR
RF2	STANDING SEAM METAL ROOF, DARK COLOUR
RF3	STEEL PLATE AWNING, DARK COLOUR
RF4	STEEL PERGOLA w/ MESH, DARK COLOUR
SC1	METAL SCREEN, DARK COLOUR
SC2	METAL SCREEN SECURITY GATE, DARK COLOUR
SC3	STAINLESS STEEL CABLES TO SUPPORT PLANTING
VJ1	V JOINT CLADDING, LIGHT COLOUR
PT1	PAINT FINISH, DARK COLOUR
MT1	PAINTED METAL, DARK COLOUR
RW1	METAL RAINWATER TANK, GREY
GL1	FULL HEIGHT GLASS SLIDING DOOR, ALUMINIUM FRAME
GL2	GLASS, CLEAR

DATE		DESCRIPTION	NOTES	SCALE BAR	CONSULTANTS	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE							
01	15.02.2021	DEVELOPMENT APPLICATION		<div>THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.</div>	<div><div></div></div>	WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHER OFFICE ARCHER OFFICE PTY LTD 14/79 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT: ABN 78162892293 P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK PROJECT NUMBER DRAWN CHECKED SHEET SCALE SHEET SIZE	COVER PAGE							
								2002	EK	CB	A3	DA	A000	DOCUMENTATION STAGE	SHEET NUMBER	REVISION
																01 ISSUE DATE 15 FEBRUARY 2021



1

PHOTOMONTAGE VIEW FROM EDMUND ST

EDMUND ST SOCIAL HOUSING DESIGN STATEMENT

This modest affordable housing project has been carefully designed to replace the existing affordable housing building, while responding sensitively to its context, providing significantly improved amenity for residents, and exceeding the sustainability requirements of Waverley Council’s planning controls and objectives.

RESPONSE TO CONTEXT:

- This location is appropriate for affordable housing, especially for elderly residents or those with a disability, given its gentle topography and proximity to both public transport and essential services including the local business district of Bondi Junction.
- The floor area of the proposal has been reduced from the existing building, with balconies and windows set in from the existing envelope. The number of apartments has been reduced from the existing 6 to the proposed 5.
- The proposed building massing and form is generally consistent with the existing building and streetscape context, with a two storey brick and concrete construction topped by a pitched roof.
- By retaining the existing building footprint and the pitched roof form, the design ensures negligible overshadowing impact.
- Carefully considered openings to the Southern and Northern side elevations have been designed to maintain privacy, while living spaces open to the Western street frontage and Eastern rear elevation to minimise overlooking and acoustic impacts.
- Communal open space that is required to be provided for residents has been located on the upper level, carved into the form of the roof and set back on all sides to minimise any potential visual and acoustic privacy impact.

AMENITY FOR RESIDENTS

- The proposal significantly improves the amenity of apartments from the existing building, with private open spaces and the primary orientation of each apartment facing the front or rear of the site, protected from the elements by deep thresholds.
- The building and all apartments have been designed to meet Silver level from the Livability Housing Design Guidelines, as prepared by Livable Housing Australia.
- 3 of the 5 apartments (60%) are considered adaptable, and can be modified easily in the future to become accessible for a resident with disabilities.
- High quality communal open space has been provided on the upper level to meet council Waverley Council’s DCP objectives for residential amenity and solar access.

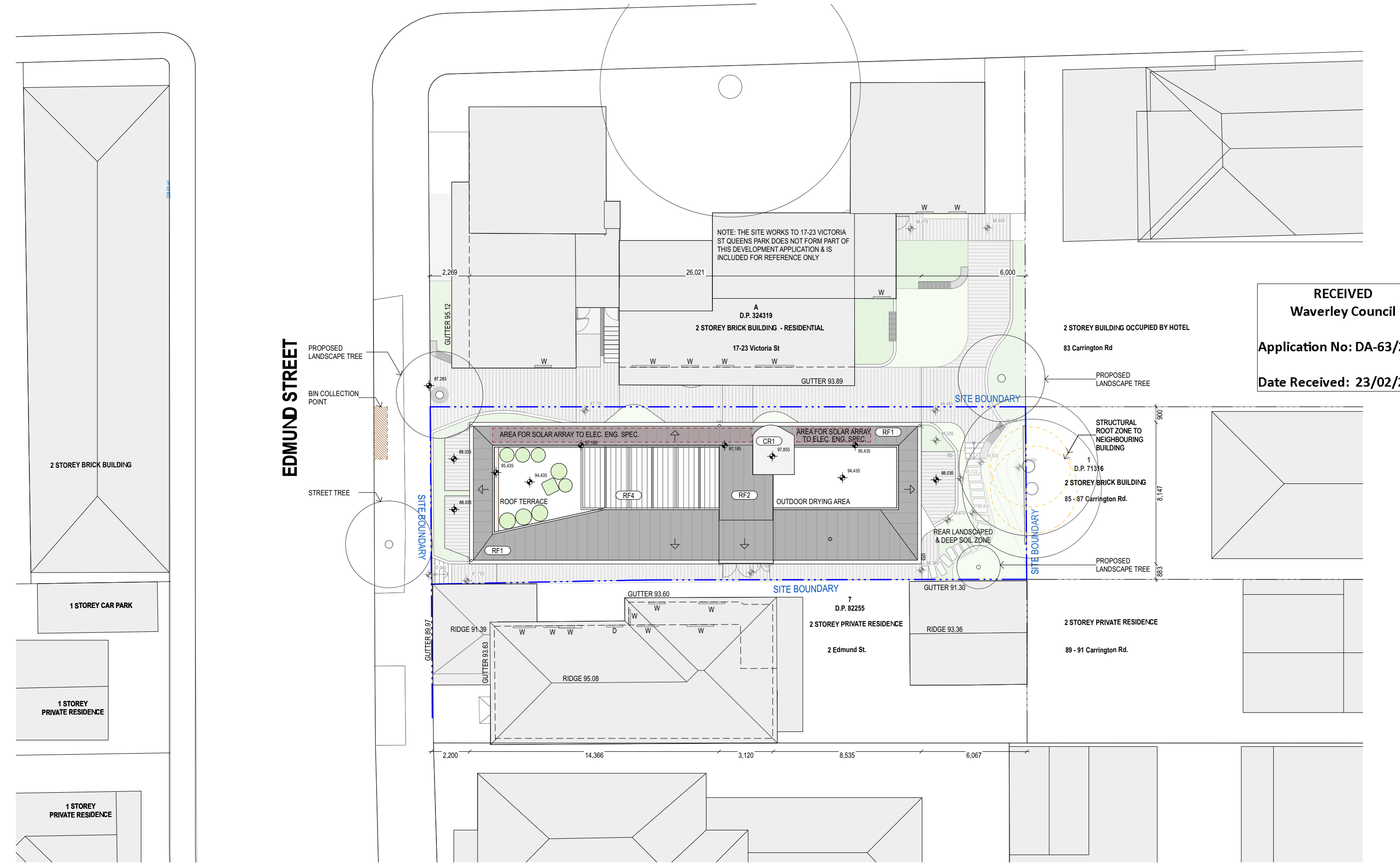
SUSTAINABILITY

- The proposal has been designed to minimise energy consumption, exceeding BASIX requirements by more than 20%.
- The building is to be constructed using robust materials that will endure over time and require minimum maintenance.
- The design improves energy efficiency and thermal comfort by employing passive solar design principles including the careful design of openings and the use of thermal mass in the masonry and concrete construction.
- The proposal includes solar panels for on site energy generation and a rainwater tank for the collection of water to be used for on site irrigation.
- The proposal includes landscaping and planting to both private and communal open spaces, improving the deep soil and permeable landscape area from the existing condition and introducing various benefits including biodiversity, reduced urban heat island effect, and other biophilic benefits for residents.

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				THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.			ABN 78162892293 P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	2002 EK CB A3	DA A001 01 ISSUE DATE 15 FEBRUARY 2021

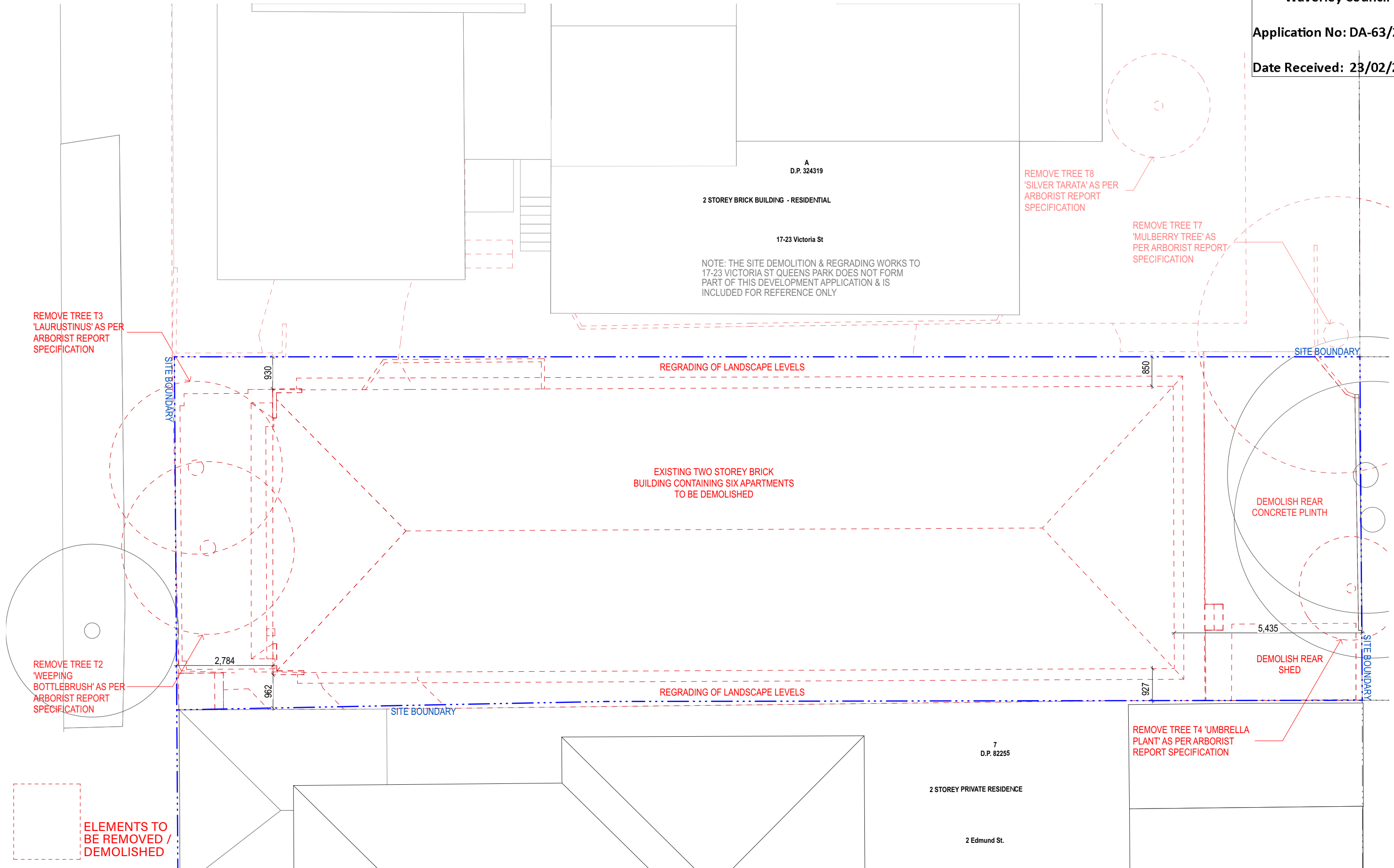


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01	15.02.2021	DEVELOPMENT APPLICATION	<div>RECEIVED</div> <div>Waverley Council</div> <div>Application No: DA-63/2021</div>	<div>THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.</div> <div>10m</div>		<div>WAVERLEY COUNCIL</div> <div>55 SPRING ST, BOND JUNCTION</div> <div>NSW 2022</div> <div>E: info@waverley.nsw.gov.au</div> <div>T: 02 9083 8000</div>	<div>ARCHER OFFICE</div> <div>ARCHER OFFICE PTY LTD</div> <div>1479 BOURKE ST</div> <div>SURRY HILLS NSW 2010</div> <div>NOMINATED ARCHITECT:</div> <div>ABN 78162892293</div> <div>P: +612 9191 7326</div> <div>E: STUDIO@ARCHEROFFICE.COM</div> <div>TOMEK ARCHER 9495</div>	<div>EDMUND ST SOCIAL HOUSING</div> <div>2A EDMUND ST, QUEENS PARK</div> <table><tr><td>PROJECT NUMBER</td><td>DRAWN</td><td>CHECKED</td><td>SHEET SCALE</td><td>SHEET SIZE</td></tr><tr><td>2002</td><td>EK</td><td>CB</td><td>1:500</td><td>A3</td></tr></table>	PROJECT NUMBER	DRAWN	CHECKED	SHEET SCALE	SHEET SIZE	2002	EK	CB	1:500	A3	<div>SITE ANALYSIS PLAN</div> <table><tr><td>DOCUMENTATION STAGE</td><td>SHEET NUMBER</td><td>REVISION</td></tr><tr><td>DA</td><td>A010</td><td>01</td></tr><tr><td colspan="3">ISSUE DATE</td></tr><tr><td colspan="3">15 FEBRUARY 2021</td></tr></table>	DOCUMENTATION STAGE	SHEET NUMBER	REVISION	DA	A010	01	ISSUE DATE			15 FEBRUARY 2021		
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2002	EK	CB	1:500	A3																											
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DA	A010	01																													
ISSUE DATE																															
15 FEBRUARY 2021																															

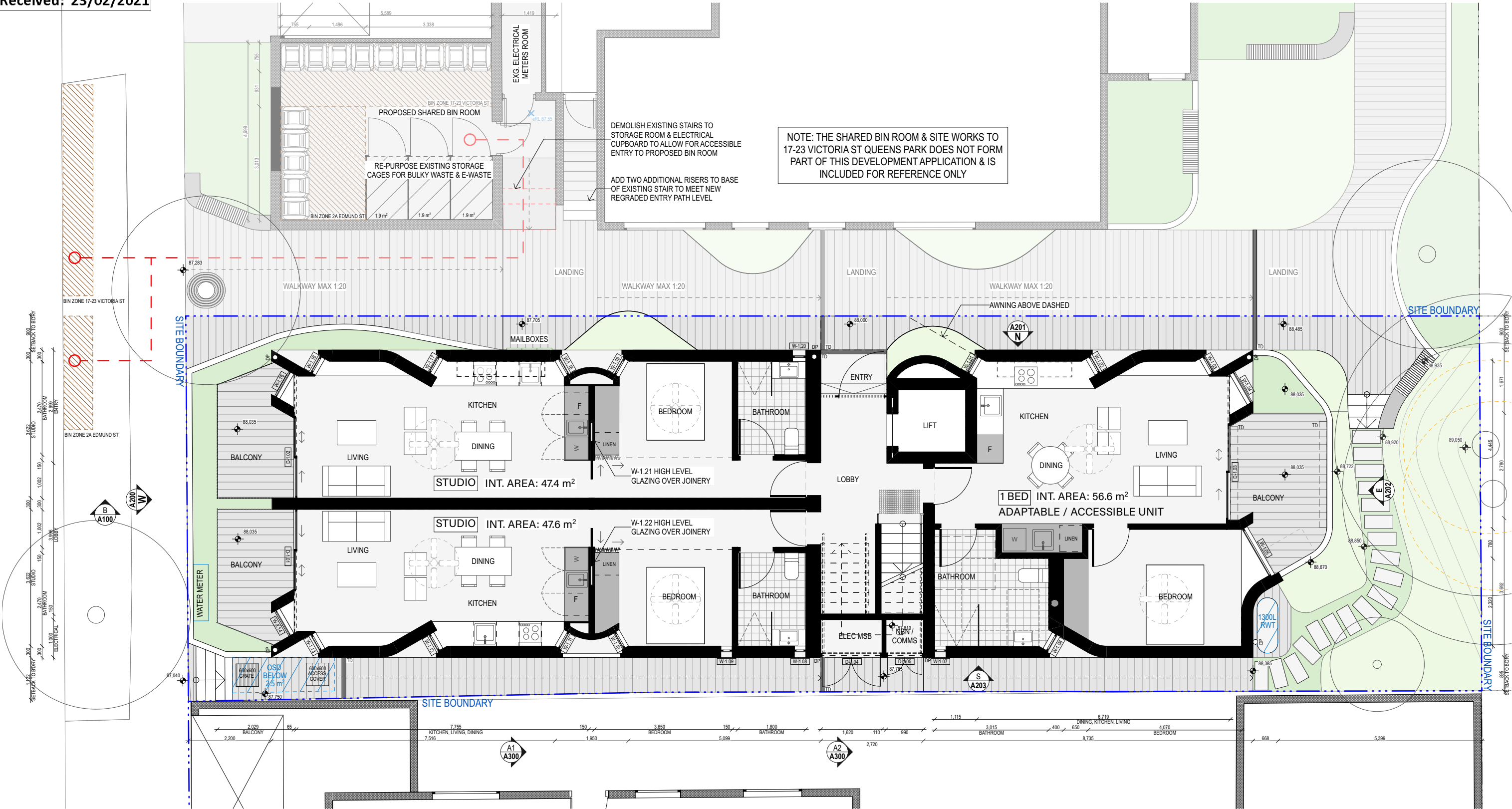


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Date Received: 23/02/2021

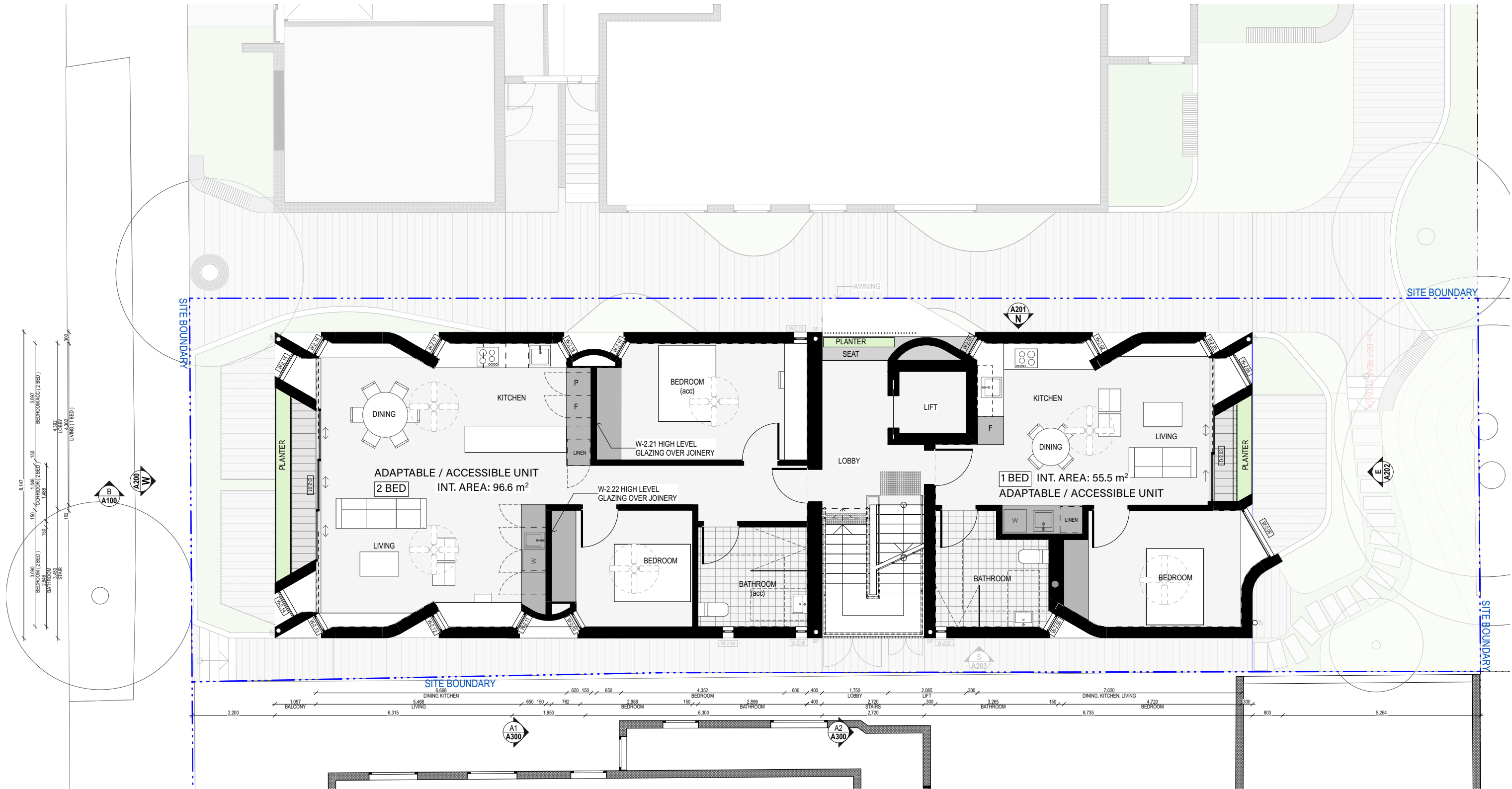
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01	15.02.2021	DEVELOPMENT APPLICATION		<div>THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.</div>		WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHER OFFICE ARCHER OFFICE ARCHER OFFICE PTY LTD 14/79 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT: ABN 78162892293 P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK PROJECT NUMBER 2002 DRAWN EK CHECKED CB SHEET SCALE 1:200 SHEET SIZE A3	SITE PLAN	DA	A020	01 15 FEBRUARY 2021



REV		DATE	DESCRIPTION	NOTES	SCALE BAR			CONSULTANTS		CLIENT WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHITECT ARCHER OFFICE ARCHER OFFICE PTY LTD 1/479 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT: ARCHER OFFICE PTY LTD 1/479 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT: ABN 78162692293 P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	PROJECT EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK					DRAWING TITLE DEMOLITION PLAN				
01		15.02.2021	DEVELOPMENT APPLICATION									PROJECT NUMBER 2002	DRAWN EK	CHECKED CB	SHEET SCALE 1:100	SHEET SIZE A3	DOCUMENTATION STAGE DA	SHEET NUMBER A050	REVISION 01 <small>ISSUE DATE</small> 15 FEBRUARY 2021		



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								DRAWN EK	DOCUMENTATION STAGE DA
								CHECKED CB	SHEET NUMBER A100
								SHEET SCALE 1:100	REVISION 01
								SHEET SIZE A3	ISSUE DATE 15 FEBRUARY 2021



REV	DATE	DESCRIPTION
01	15.02.2021	DEVELOPMENT APPLICATION

NOTES

SCALE BAR

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CONSULTANTS

CLIENT
WAVERLEY COUNCIL
55 SPRING ST, BONDI JUNCTION
NSW 2022
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T: 02 9083 8000

ARCHITECT
ARCHER OFFICE

ARCHER OFFICE PTY LTD
14/79 BOURKE ST
SURRY HILLS NSW 2010
NOMINATED ARCHITECT:
ABN 78162892293
P: +612 9191 7326
E: STUDIO@ARCHEROFFICE.COM
TOMEK ARCHER 9495

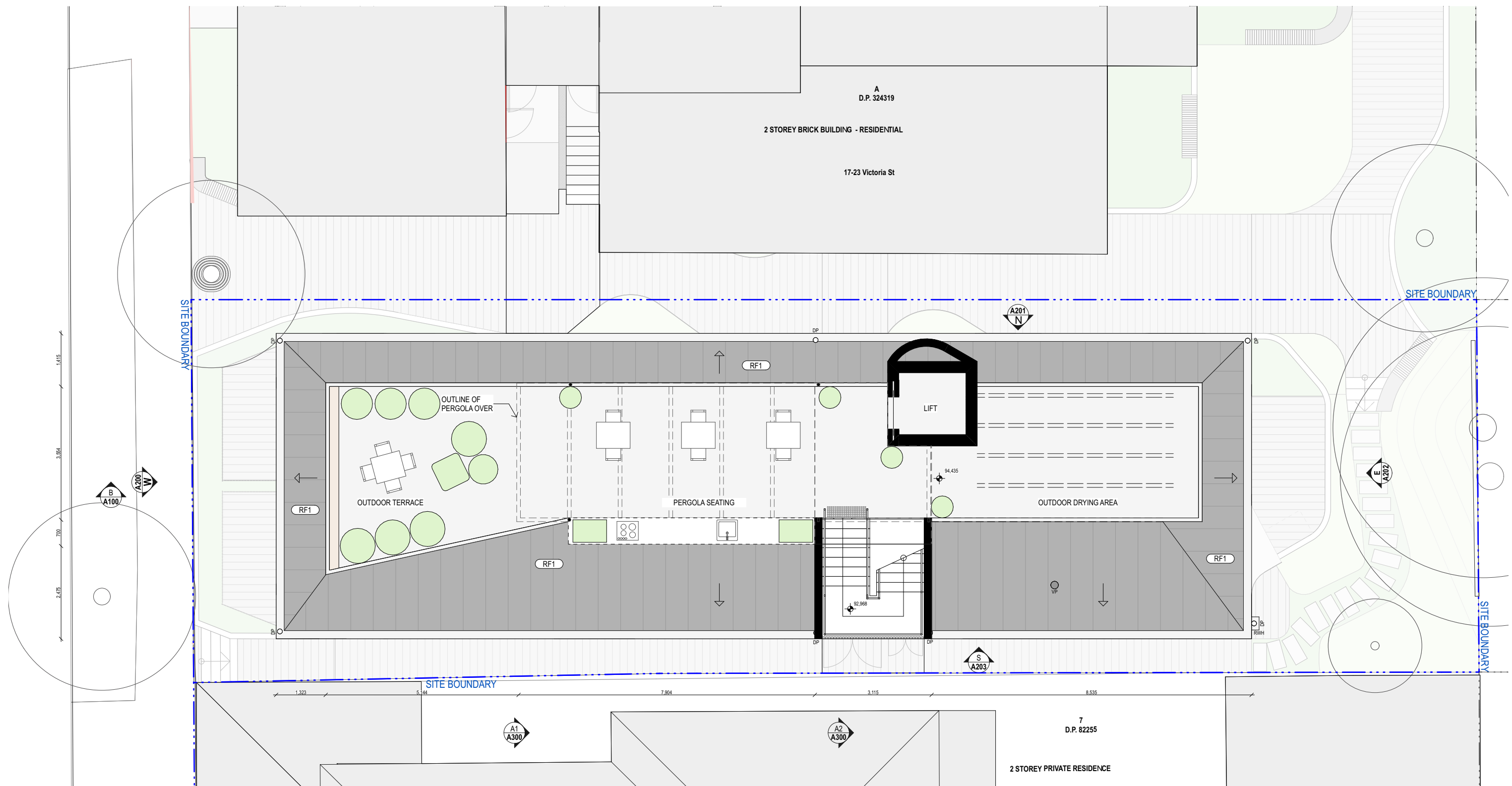
PROJECT
EDMUND ST SOCIAL HOUSING
2A EDMUND ST, QUEENS PARK

PROJECT NUMBER	DRAWN	CHECKED	SHEET SCALE	SHEET SIZE
2002	EK	CB	1:100	A3

DRAWING TITLE
LEVEL 1 PLAN

DOCUMENTATION STAGE	SHEET NUMBER
DA	A101

REVISION
01 ISSUE DATE 15 FEBRUARY 2021

[illegible]

AREA CALCULATIONS

SITE AREA: 342.9 m2

GFA:

(FROM EXISTING FEASIBILITY SCHEME):
EXISTING GFA: 377 m2
EXISTING FSR: 1.10 : 1

PROPOSED GFA: 307.7 m2
PROPOSED FSR: 0.90 : 1

LANDSCAPE AREA:

(FROM SITE SURVEY):
EXISTING LANDSCAPE AREA: 26.7 m2

PROPOSED LANDSCAPE AREA: 52.4 m2

DEEP SOIL AREA:





(FROM SITE SURVEY):
EXISTING DEEP SOIL AREA: 18.4 m2

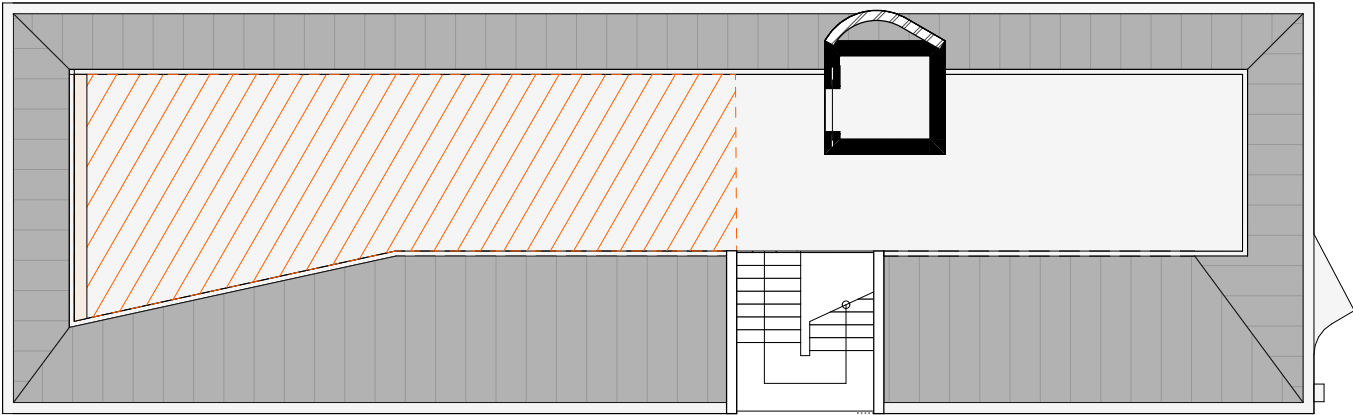
PROPOSED DEEP SOIL AREA: 29.0 m2

COMMUNAL OPEN SPACE:

(FROM SITE SURVEY):
EXISTING COM. OPEN SPACE: 31.8 m2

PROPOSED COM. OPEN SPACE: 83.8 m2

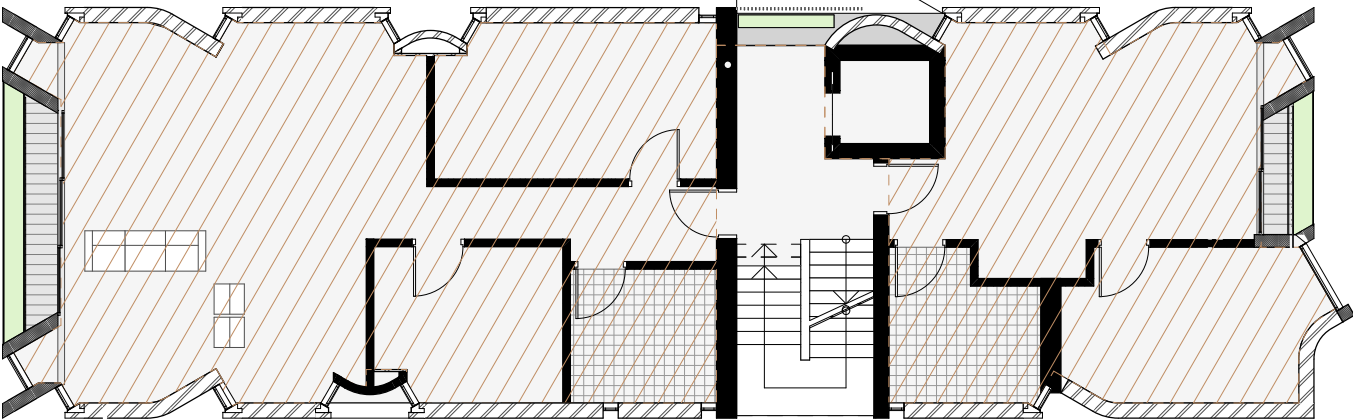
-  AREA CONTRIBUTING TO GFA
-  LANDSCAPED AREA
-  DEEP SOIL
-  COMMUNAL OPEN SPACE



ROOF

COMMUNAL OPEN SPACE - 50.4 m²

AREA NOT COUNTED AS GFA AS
OPEN ON ALL SIDES



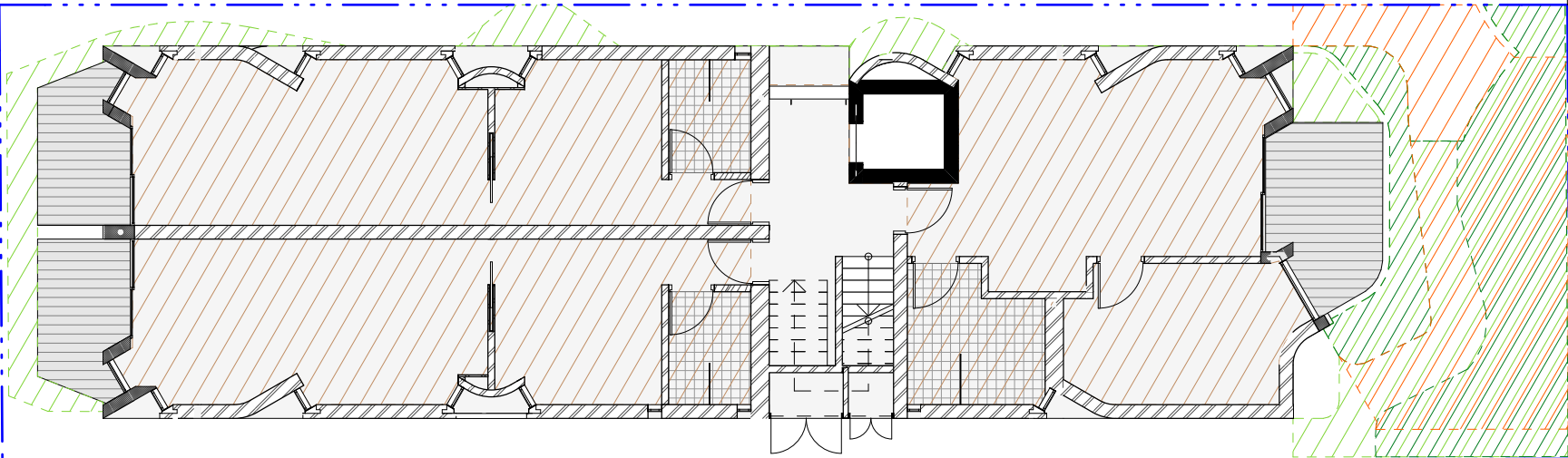
LEVEL 1

GFA - 152.0 m²

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Date Received: 23/02/2021



GROUND FLOOR

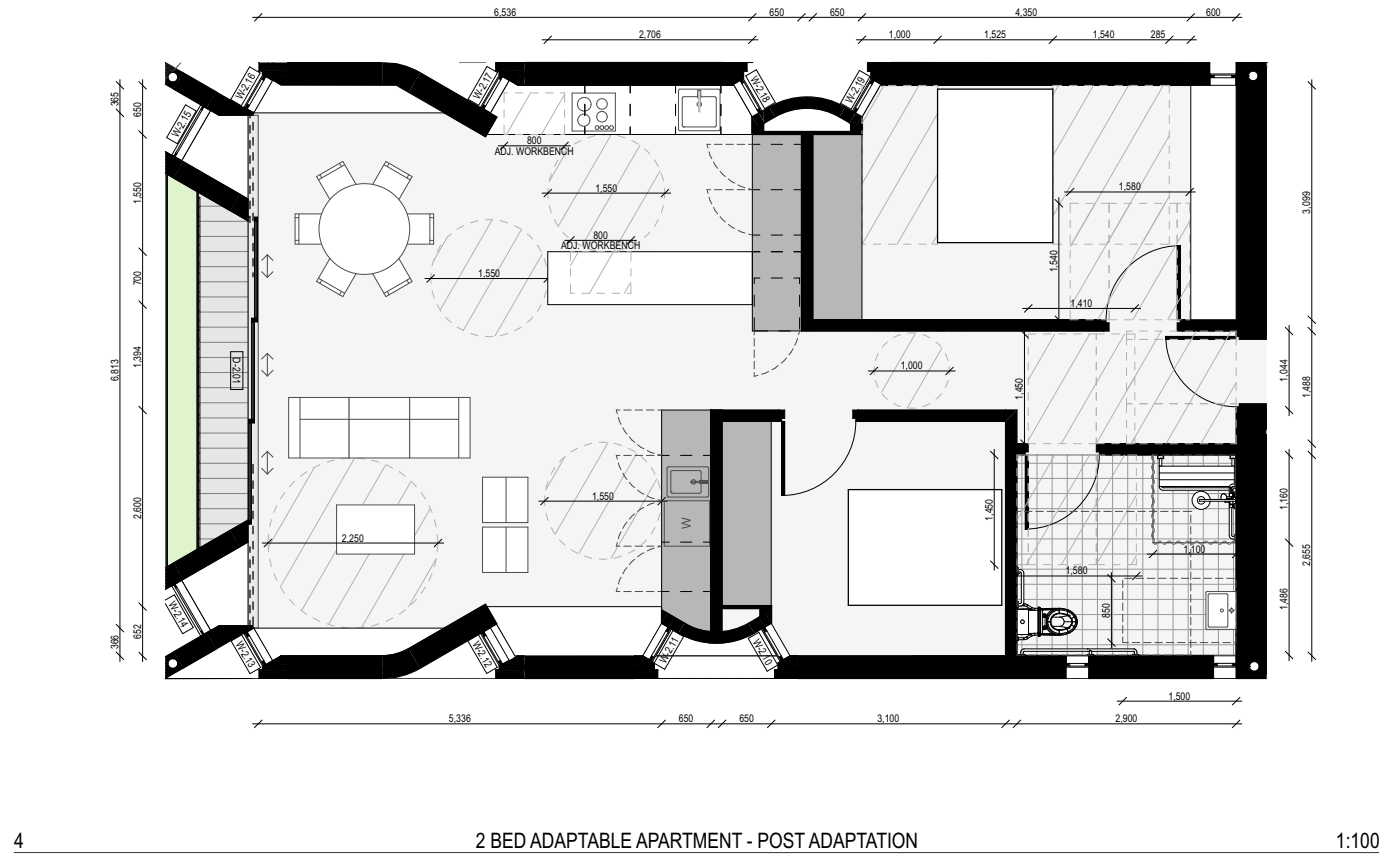
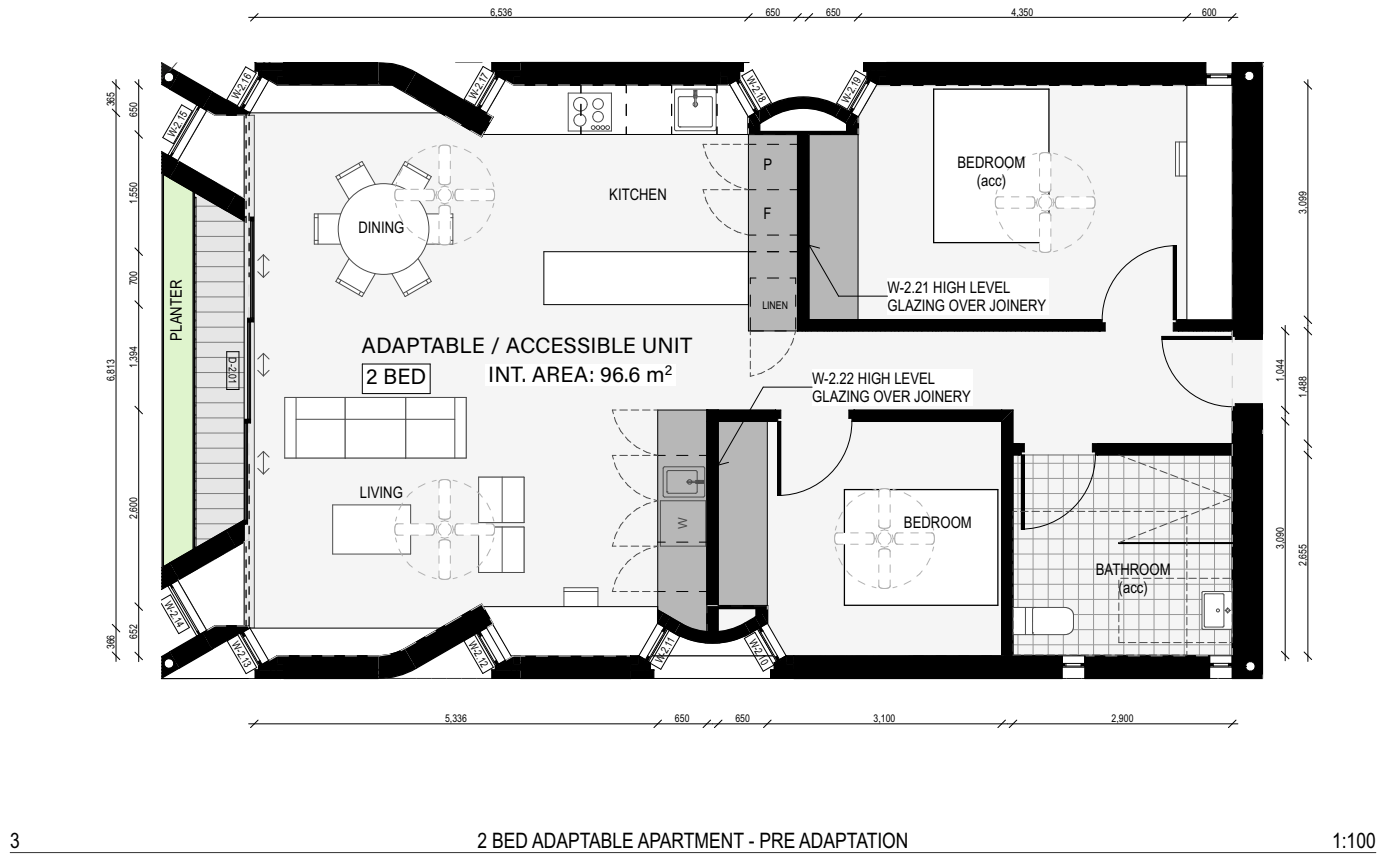
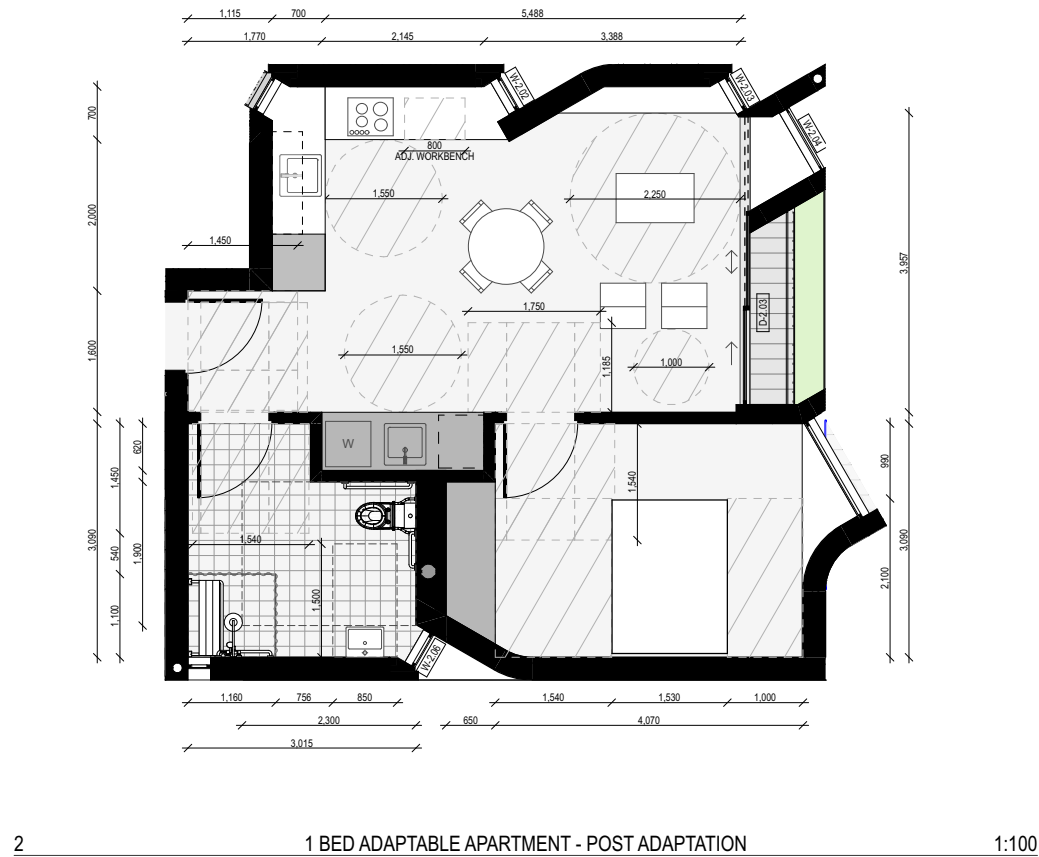
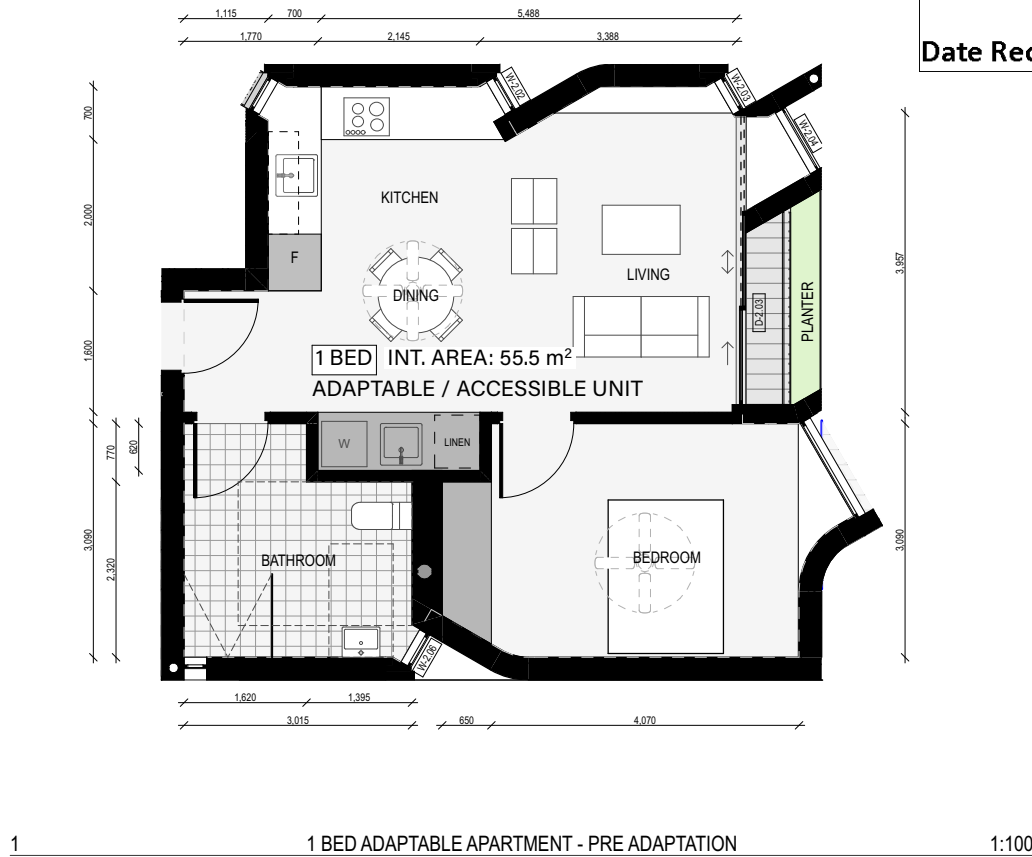
GFA - 155.7 m²

LANDSCAPE - 52.4 m²

DEEP SOIL - 29.0 m²

COMMUNAL OPEN SPACE - 33.4 m²

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								DRAWN EK	CHECKED CB
								SHEET SCALE 1:150	SHEET SIZE A3
									DOCUMENTATION STAGE DA
									SHEET NUMBER A 110
									REVISION 01 ISSUE DATE 15 FEBRUARY 2021



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								DRAWN EK CHECKED CB SHEET SCALE 1:100 SHEET SIZE A3	DOCUMENTATION STAGE DA SHEET NUMBER A120 REVISION 01 ISSUE DATE 15 FEBRUARY 2021

MATERIAL FINISHES KEY

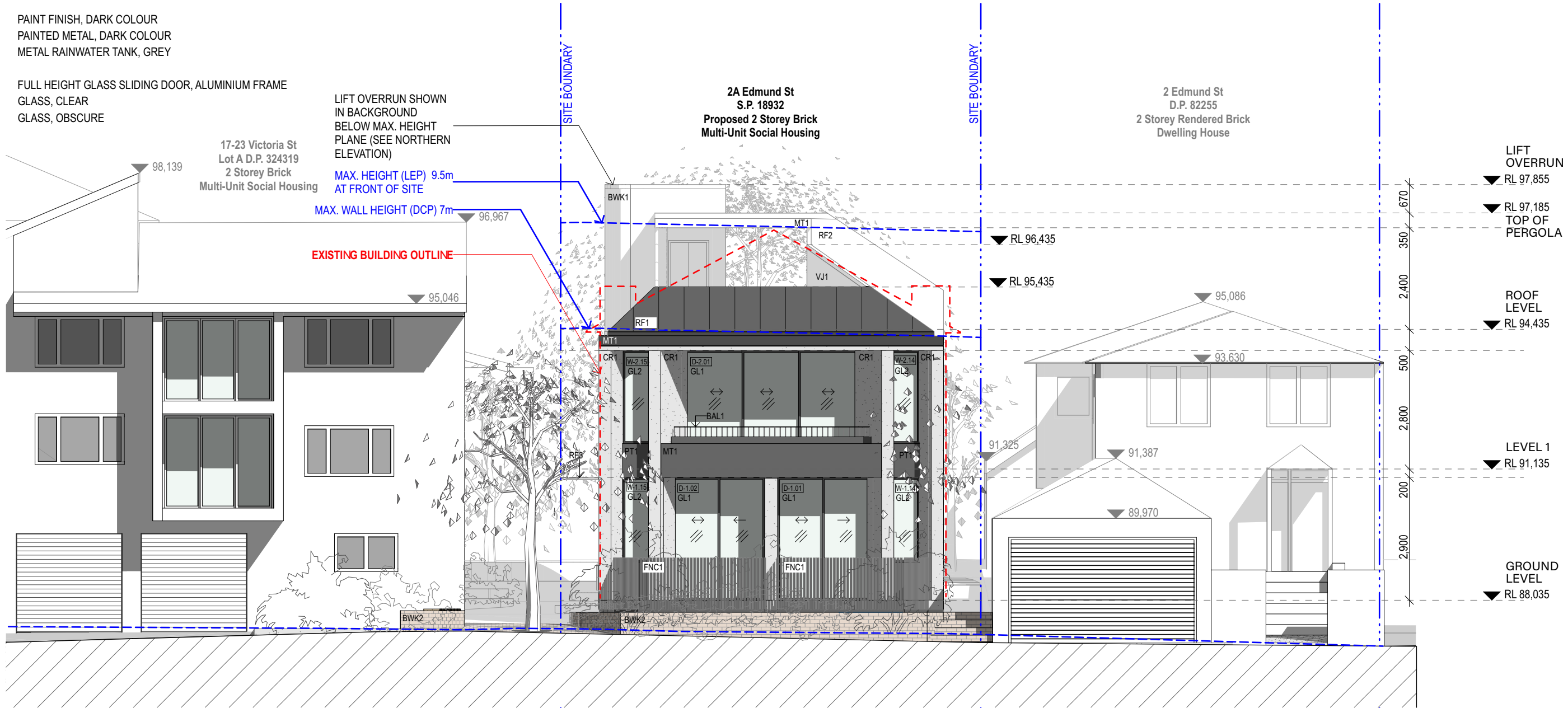
BWK1	BRICKWORK, RENDER WASHED, LIGHT COLOUR
BWK2	LANDSCAPE BRICKWORK, RECYCLED BRICK
CR1	CONCRETE, LIGHT COLOUR
BAL1	METAL ROD BALUSTRADE, DARK COLOUR
FNC1	METAL FENCE, DARK COLOUR
RF1	STANDING SEAM METAL ROOF, DARK COLOUR
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RF3	STEEL PLATE AWNING, DARK COLOUR
RF4	STEEL PERGOLA w/ MESH, DARK COLOUR
SC1	METAL SCREEN, DARK COLOUR
SC2	METAL SCREEN SECURITY GATE, DARK COLOUR
SC3	STAINLESS STEEL CABLES TO SUPPORT PLANTING
VJ1	V JOINT CLADDING, LIGHT COLOUR
PT1	PAINT FINISH, DARK COLOUR
MT1	PAINTED METAL, DARK COLOUR
RW1	METAL RAINWATER TANK, GREY
GL1	FULL HEIGHT GLASS SLIDING DOOR, ALUMINIUM FRAME
GL2	GLASS, CLEAR
GL3	GLASS, OBSCURE

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								DRAWN EK	DOCUMENTATION STAGE DA
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								SHEET SIZE A3	REVISION DATE 15 FEBRUARY 2021

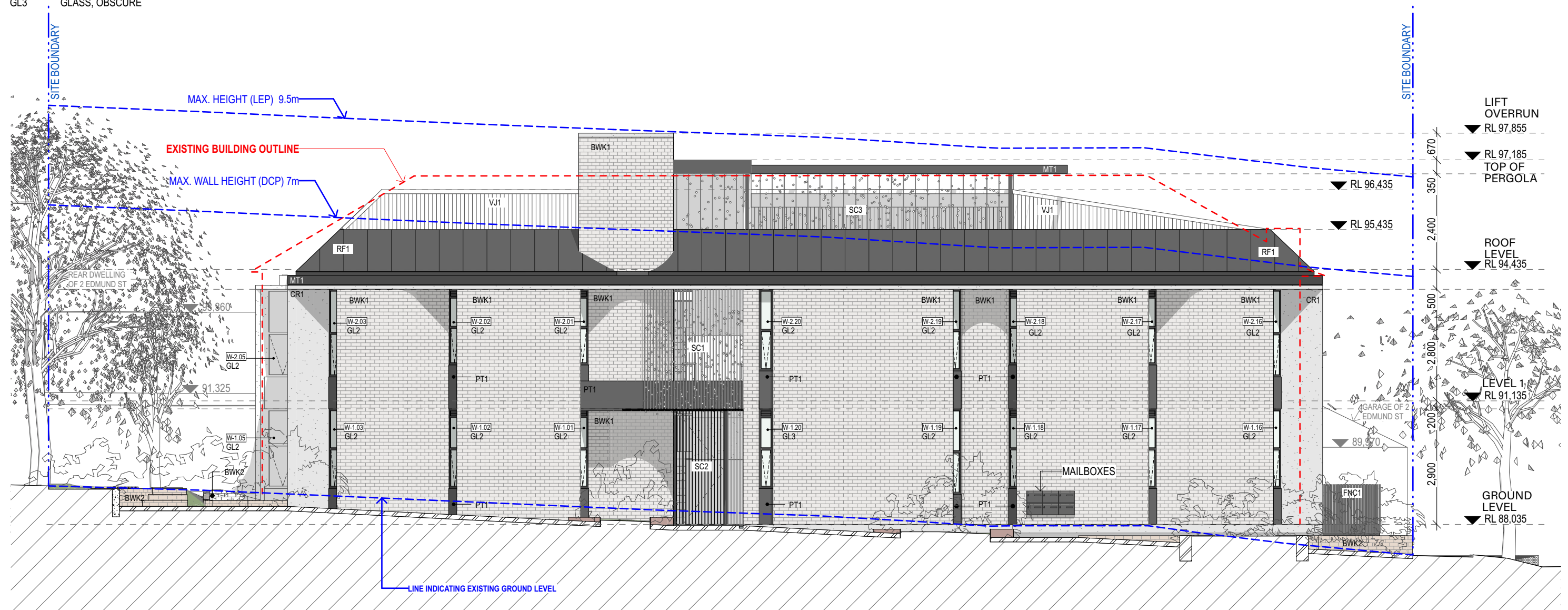
MATERIAL FINISHES KEY

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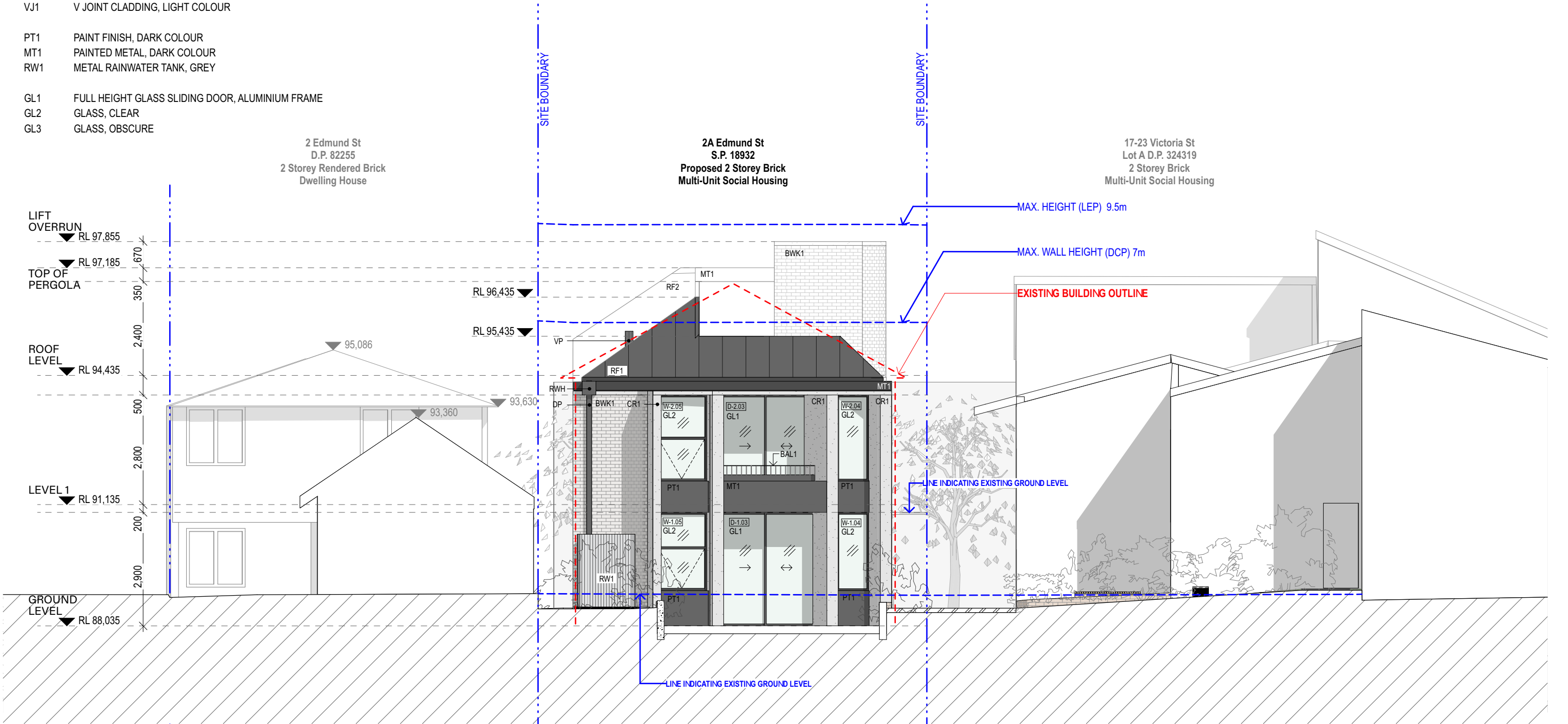
MATERIAL FINISHES KEY

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RF4	STEEL PERGOLA w/ MESH, DARK COLOUR
SC1	METAL SCREEN, DARK COLOUR
SC2	METAL SCREEN SECURITY GATE, DARK COLOUR
SC3	STAINLESS STEEL CABLES TO SUPPORT PLANTING
VJ1	V JOINT CLADDING, LIGHT COLOUR
PT1	PAINT FINISH, DARK COLOUR
MT1	PAINTED METAL, DARK COLOUR
RW1	METAL RAINWATER TANK, GREY
GL1	FULL HEIGHT GLASS SLIDING DOOR, ALUMINIUM FRAME
GL2	GLASS, CLEAR
GL3	GLASS, OBSCURE

RECEIVED
Waverley Council

Application No: DA-63/2021

Date Received: 23/02/2021



REV 01	DATE 15.02.2021	DESCRIPTION DEVELOPMENT APPLICATION	NOTES	SCALE BAR	CONSULTANTS	CLIENT WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHITECT ARCHER OFFICE ARCHER OFFICE PTY LTD 14/79 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT: ABN 78162692293 P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	PROJECT EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK PROJECT NUMBER 2002	DRAWN EK	CHECKED CB	SHEET SCALE 1:100	SHEET SIZE A3	DRAWING TITLE EAST ELEVATION DOCUMENTATION STAGE DA	SHEET NUMBER A202	REVISION 01 ISSUE DATE 15 FEBRUARY 2021
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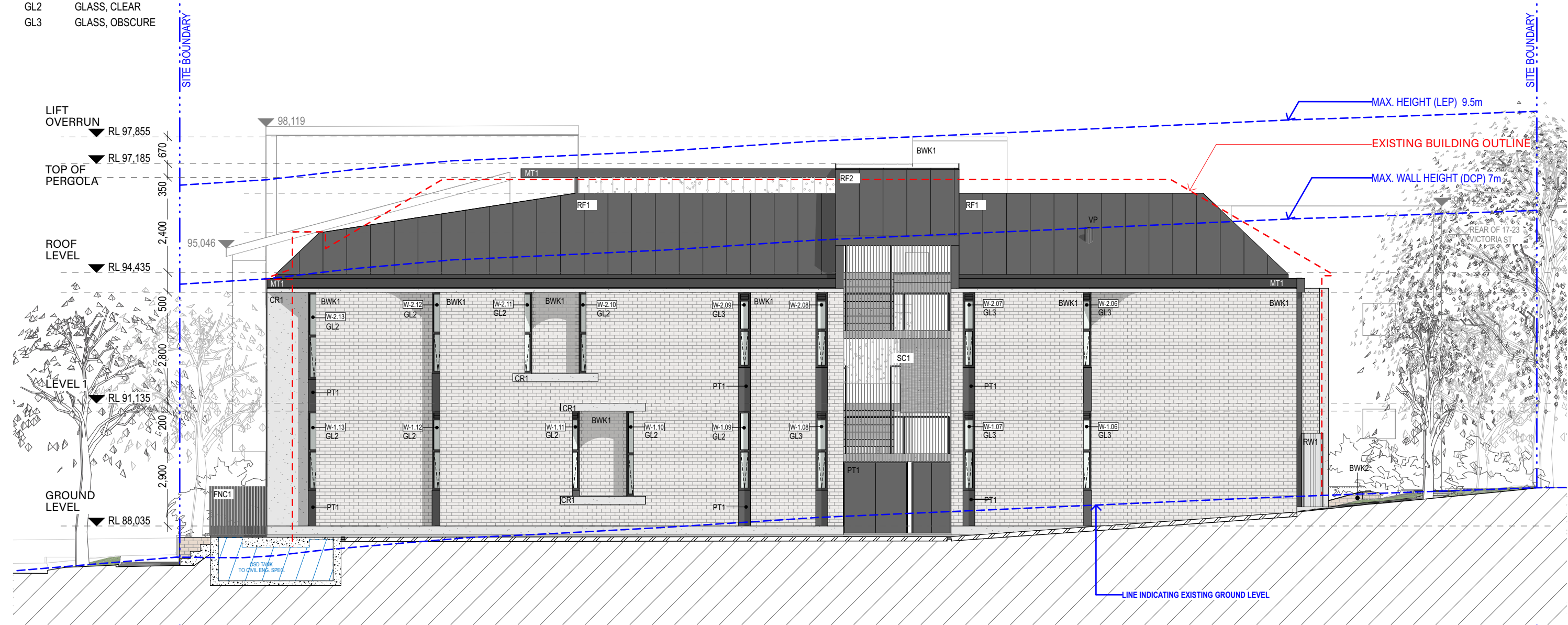
MATERIAL FINISHES KEY

BWK1	BRICKWORK, RENDER WASHED, LIGHT COLOUR
BWK2	LANDSCAPE BRICKWORK, RECYCLED BRICK
CR1	CONCRETE, LIGHT COLOUR
BAL1	METAL ROD BALUSTRADE, DARK COLOUR
FNC1	METAL FENCE, DARK COLOUR
RF1	STANDING SEAM METAL ROOF, DARK COLOUR
RF2	STANDING SEAM METAL ROOF, DARK COLOUR
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REV	DATE	DESCRIPTION	NOTES	SCALE BAR	CONSULTANTS	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE
01	15.02.2021	DEVELOPMENT APPLICATION				WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHER OFFICE 14/79 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT:	EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK	SOUTH ELEVATION
				THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.			ARCHER OFFICE PTY LTD P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	PROJECT NUMBER 2002	DRAWN EK
								CHECKED CB	SHEET SCALE 1:100
								SHEET SIZE A3	REVISION 01 ISSUE DATE 15 FEBRUARY 2021
								DOCUMENTATION STAGE DA	SHEET NUMBER A203

Application No: DA-63/2021

Date Received: 23/02/2021

17-23 Victoria St
Lot A D.P. 324319
2 Storey Brick
Multi-Unit Social Housing

**2A Edmund St
S.P. 18932
Proposed 2 Storey Brick
Multi-Unit Social Housing**

2 Edmund St
D.P. 82255
2 Storey Rendered Brick
Dwelling House

LIFT
OVERRUN

RL 97,185
TOP OF
PERGOLA

ROOF
LEVEL
RL 94,435

LEVEL 1
RL 91,135

GROUND
LEVEL
RL 88,035

1

SECTION THROUGH WEST APARTMENTS LOOKING EAST

:100

MAX. HEIGHT (LEP) 9.5m

MAX. WALL HEIGHT (DCP) 7m

EXISTING BUILDING OUTLINE-

RL 96,435



ROOF
TERRACE

ADAPTABLE /
ACCESSIBLE UNIT
2 BED

STUDIO

STUDIO

2

SECTION THROUGH BUILDING LOBBY LOOKING EAST

:100

MAX. HEIGHT (LEP) 9.5m

MAX. WALL HEIGHT (DCP) 7m-

EXISTING BUILDING OUTLINE-

LIF I
OVERRUN
BL 07.055

RL 97,185
TOP OF
PERGOLA

ROOF
LEVEL
RL 94,435

LEVEL 1
RL 91,135

GROUND
LEVEL
RL 88,035

17-23 Victoria St
Lot A D.P. 324319
2 Storey Brick
Multi-Unit Social Housing

2 Edmund St
D.P. 82255
2 Storey Rendered Brick
Dwelling House

ROOF
TERRACE

STAIR

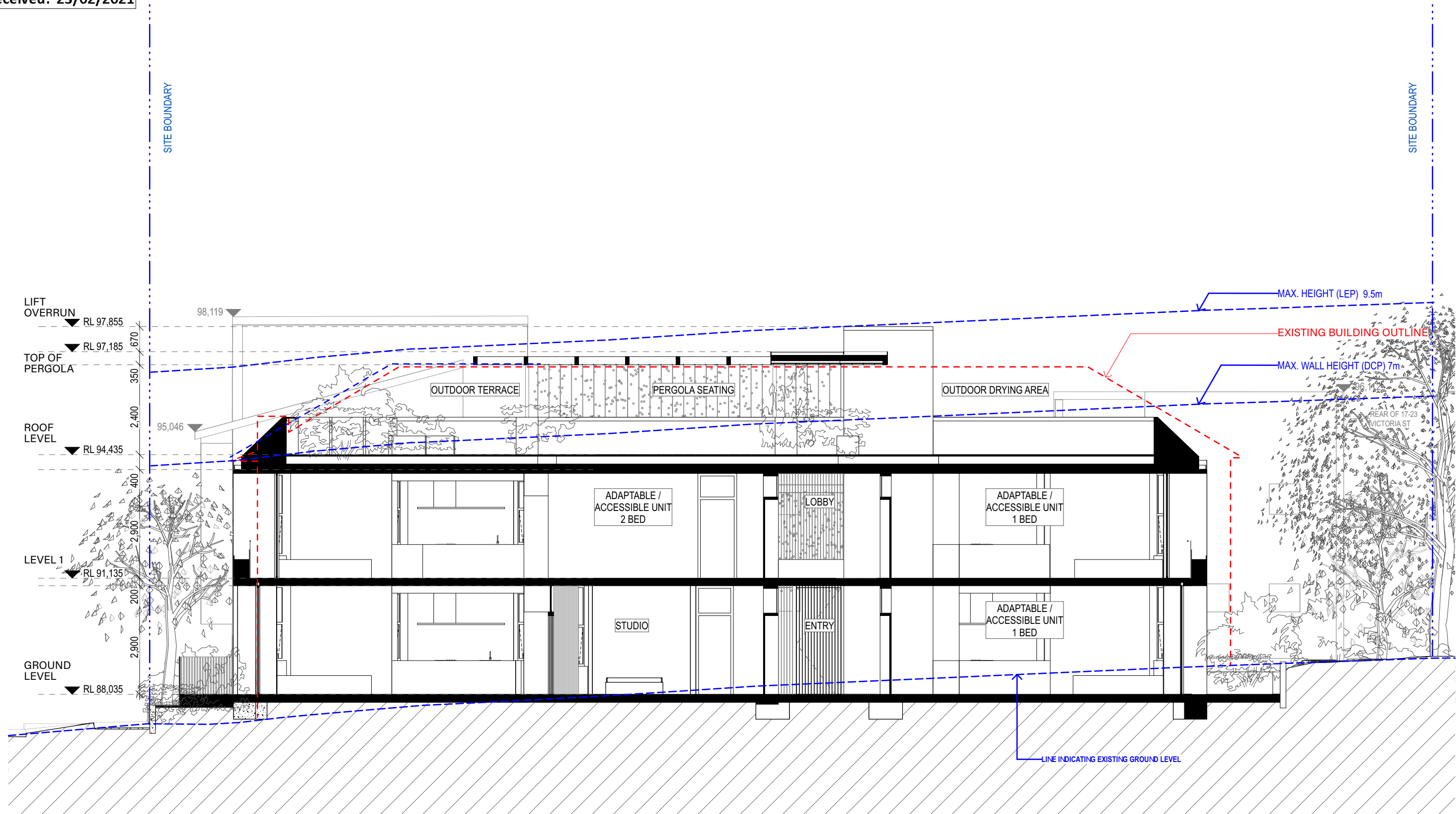
LOBBY

STAIR

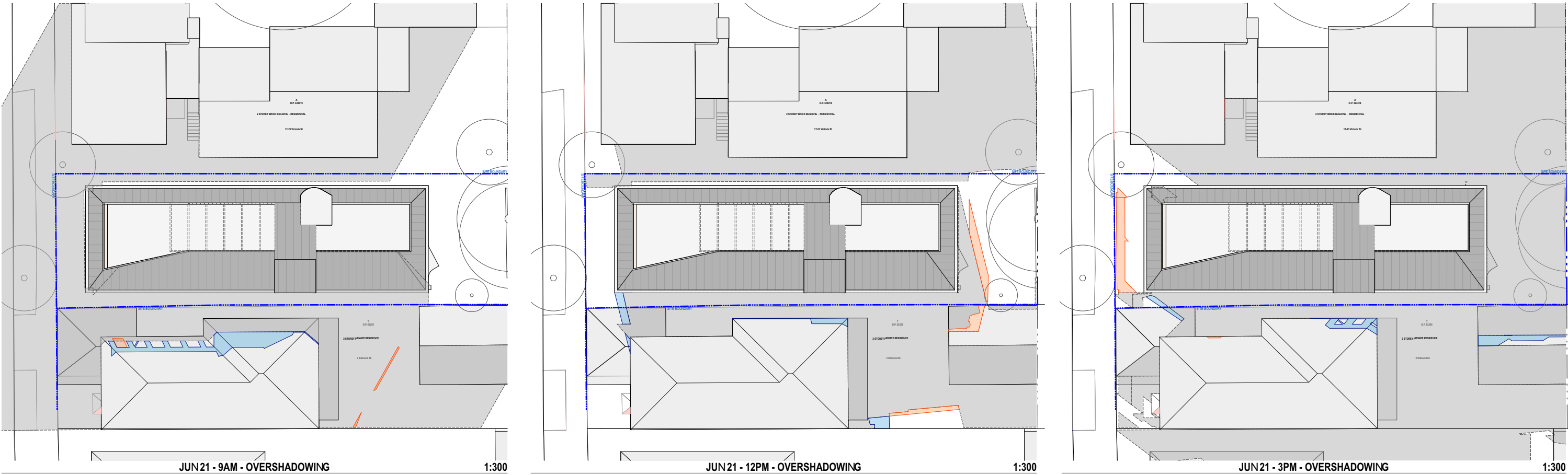
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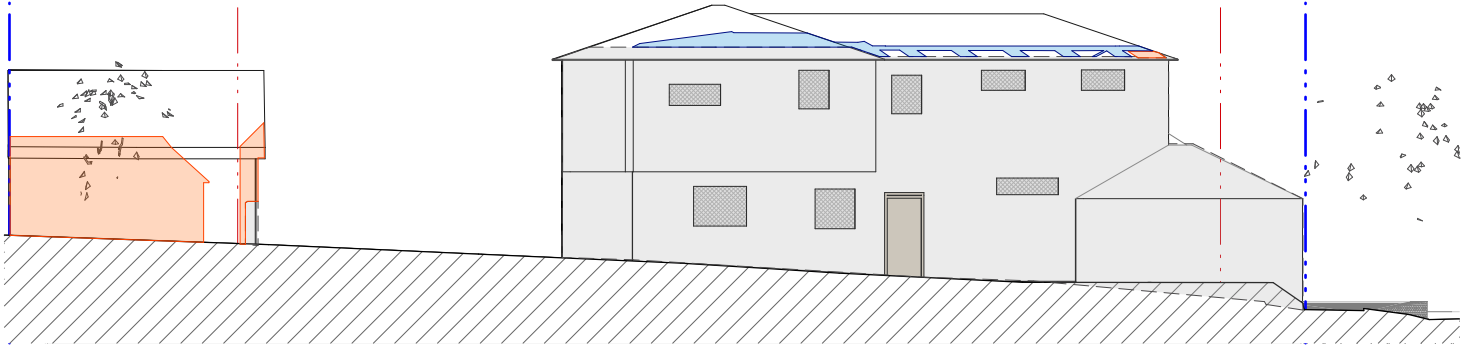
REV	DATE	DESCRIPTION	NOTES	SCALE BAR	CONSULTANTS	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE							
01	15.02.2021	DEVELOPMENT APPLICATION				WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHER OFFICE ARCHER OFFICE PTY LTD 1479 BOURKE ST SURREY HILLS NSW 2010 NOMINATED ARCHITECT: ABN 78162692293 P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOWK ARCHER, 9495	EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK	SECTION A1 & A2							
				THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.					PROJECT NUMBER	DRAWN	CHECKED	SHEET SCALE	SHEET SIZE	DOCUMENTATION STAGE	SHEET NUMBER	REVISION
									2002	EK	CB	1:100	A3	DA	A300	01 <small>ISSUE DATE</small> 15 FEBRUARY 2021



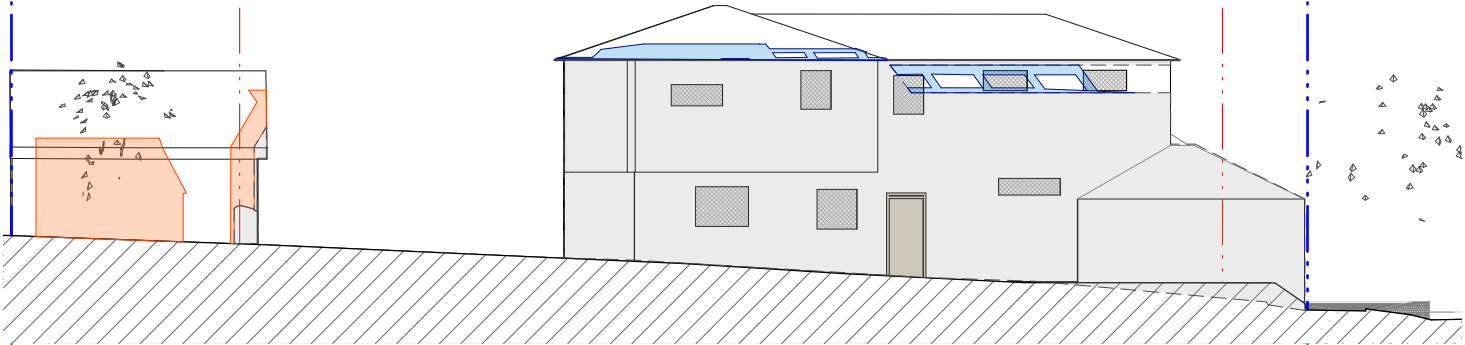
REV	DATE	DESCRIPTION	NOTES	SCALE BAR	CONSULTANTS	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE
01	15.02.2021	DEVELOPMENT APPLICATION				WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHER OFFICE 1479 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT:	EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK	SECTION B
				THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.			ARCHER OFFICE PTY LTD 1479 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT:	PROJECT NUMBER 2002	DRAWN EK
							ABN 78162892293 P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	CHECKED CB	SHEET SCALE 1:100
								SHEET SIZE A3	DOCUMENTATION STAGE DA
									SHEET NUMBER A301
									REVISION 01 ISSUE DATE 15 FEBRUARY 2021



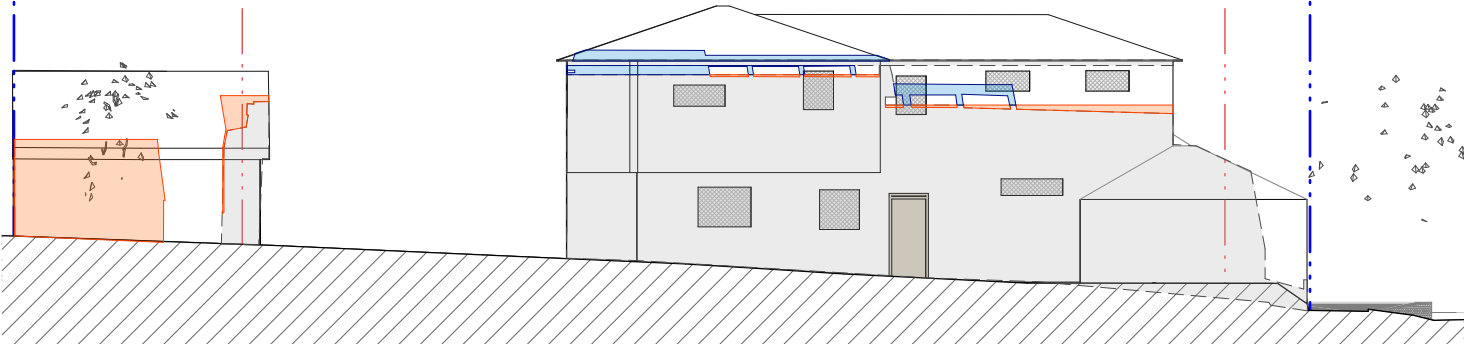
REV	DATE	DESCRIPTION	NOTES	SCALE BAR	CONSULTANTS	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE	DOCUMENTATION STAGE	SHEET NUMBER	REVISION
01	15.02.2021	DEVELOPMENT APPLICATION		<div>THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.</div>		WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHER OFFICE 14/79 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT: ARCHER OFFICE PTY LTD 14/79 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT: P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK PROJECT NUMBER 2002	SHADOW DIAGRAM 21 JUNE	DA	A500	01 ISSUE DATE 15 FEBRUARY 2021
								DRAWN EK	CHECKED CB	SHEET SCALE 1:300	SHEET SIZE A3	



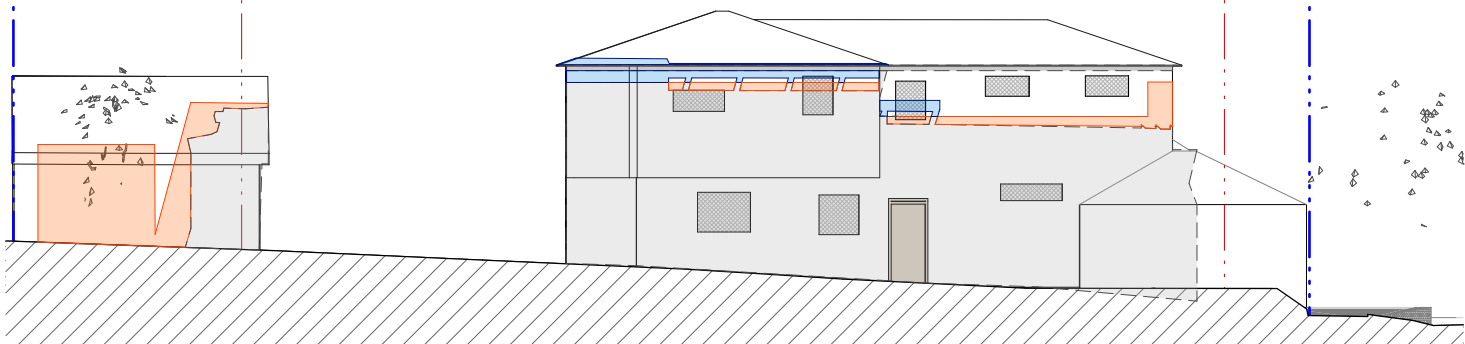
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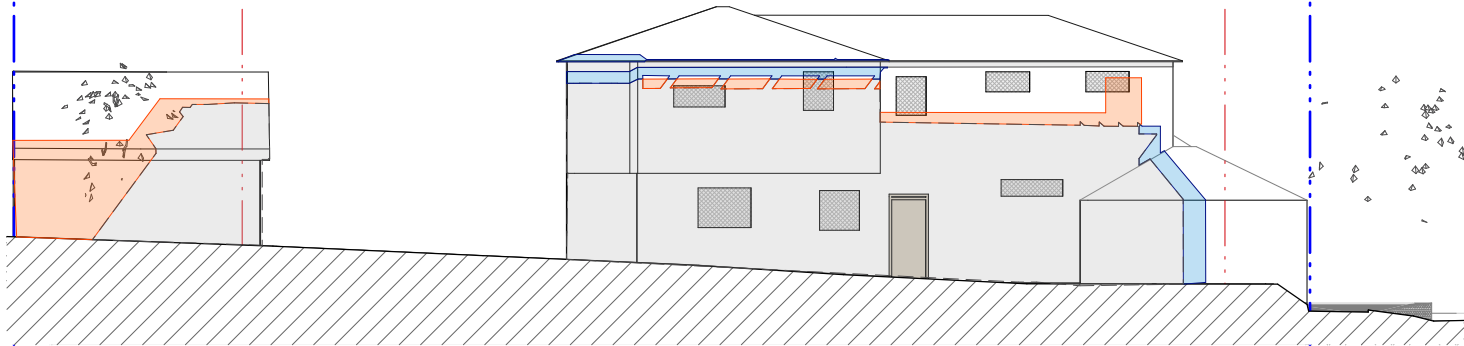
10AM SOUTHERN NEIGHBOUR OVERSHADOWING 1:200



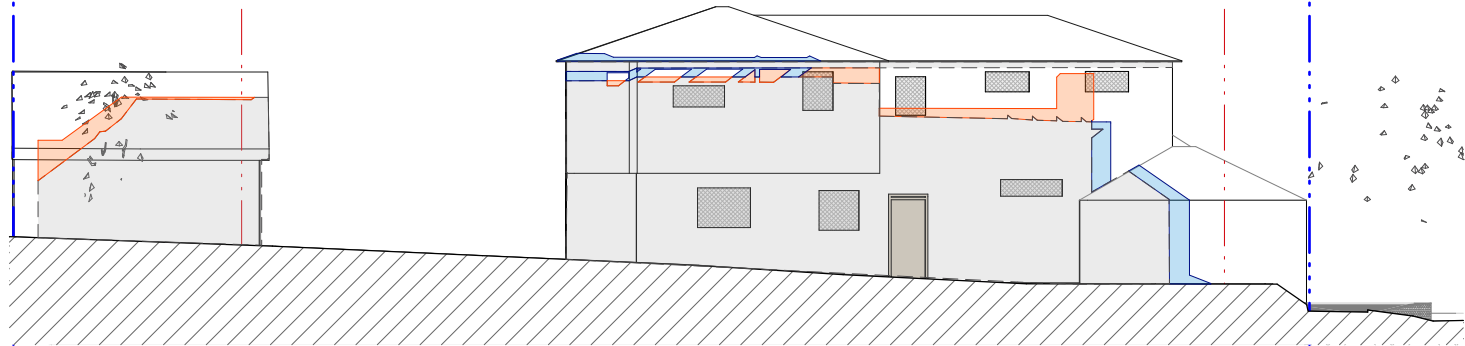
11AM SOUTHERN NEIGHBOUR OVERSHADOWING 1:200



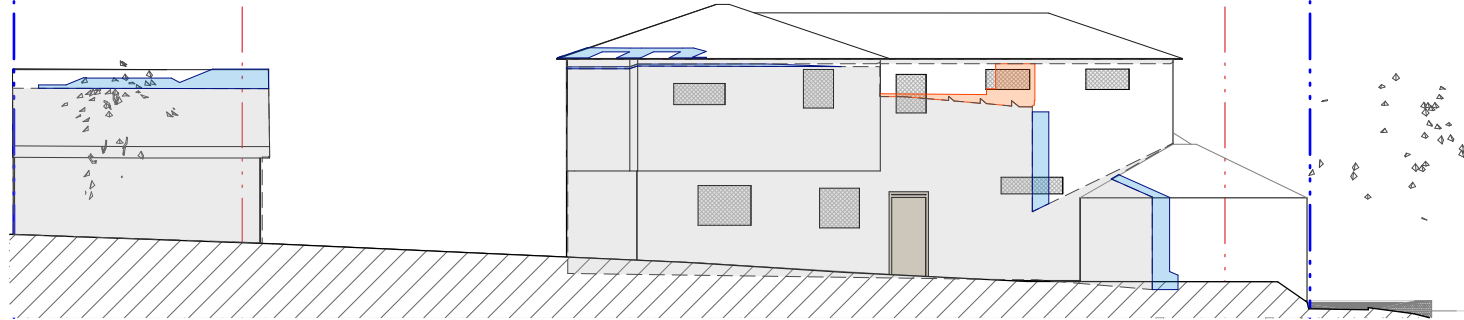
12PM SOUTHERN NEIGHBOUR OVERSHADOWING 1:200



1PM SOUTHERN NEIGHBOUR OVERSHADOWING 1:200



2PM SOUTHERN NEIGHBOUR OVERSHADOWING 1:200



3PM SOUTHERN NEIGHBOUR OVERSHADOWING 1:200

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Application No: DA-63/2021

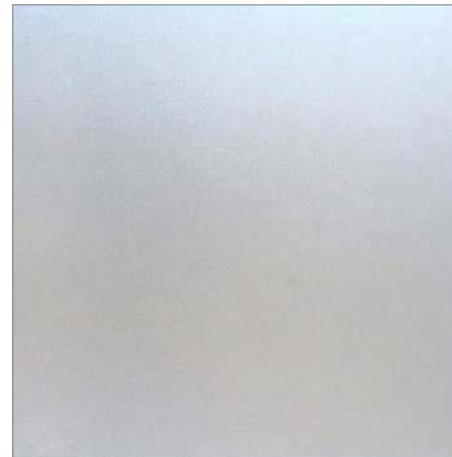
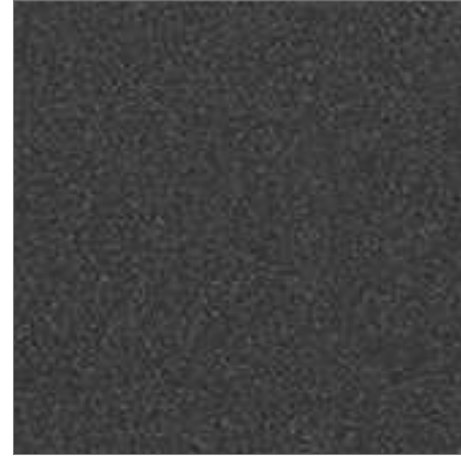
Date Received: 23/02/2021

EXISTING OVERSHADOWING

OVERSHADOWING FROM PROPOSED

REDUCED SHADOWS

DATE		DESCRIPTION	NOTES	SCALE BAR	CONSULTANTS	CLIENT	ARCHITECT	PROJECT	DRAWING TITLE							
01	15.02.2021	DEVELOPMENT APPLICATION				WAVERLEY COUNCIL 55 SPRING ST, BONDI JUNCTION NSW 2022 E: info@waverley.nsw.gov.au T: 02 9083 8000	ARCHER OFFICE	EDMUND ST SOCIAL HOUSING 2A EDMUND ST, QUEENS PARK	ELEVATIONAL SHADOWS 21 JUNE							
				THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.			ARCHER OFFICE PTY LTD 1479 BOURKE ST SURRY HILLS NSW 2010 NOMINATED ARCHITECT:	ABN 78162692293 P: +612 9191 7326 E: STUDIO@ARCHEROFFICE.COM TOMEK ARCHER 9495	PROJECT NUMBER	DRAWN	CHECKED	SHEET SCALE	SHEET SIZE	DOCUMENTATION STAGE	SHEET NUMBER	REVISION
									2002	EK	CB	1:200	A3	DA	A520	01 <small>ISSUE DATE</small> 15 FEBRUARY 2021



MATERIAL FINISHES KEY

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BWK2	LANDSCAPE BRICKWORK, RECYCLED BRICK
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01	15.02.2021	DEVELOPMENT APPLICATION		<p>THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATIONS, REPORTS AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN ARCHER OFFICE PTY LTD.</p>					2002	EK	CB		A3	DA		A700	