



DATE: 20 September 2023

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

12.00PM WEDNESDAY, 27 SEPTEMBER 2023

QUORUM: Three Panel members.

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

AGENDA

WLPP-2309A.A **Apologies**

WLPP-2309A.DI **Declarations of Interest**

The Chair will call for any declarations of interest.

WLPP-2309A.1 **PAGE 4** **Units 1 & 2, 12 Ramsgate Avenue, BONDI BEACH NSW 2026 – Alterations and additions to ground floor Units 1 and 2 (DA-56/2023)**

Report dated 14 September 2023 from the Development and Building Unit.

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

WLPP-2309A.2 **PAGE 43** **60 Gilbert Street, DOVER HEIGHTS NSW 2030 - Demolition of existing dwelling and ancillary structures for construction of a new three storey dwelling, garage and swimming pool within the front setback. (DA-123/2023)**

Report dated 14 September 2023 from the Development and Building Unit.

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

WLPP-2309A.3 **PAGE 116** **7 Wallangra Road, DOVER HEIGHTS NSW 2030 – Alterations and additions to dwelling house. (DA-67/2023)**

Report dated 14 September 2023 from the Development and Building Unit.

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

WLPP-2309A.4

PAGE 151

10 Carlisle Street TAMARAMA NSW 2026 - Substantial alterations and additions to residential flat building including two basement levels with basement carparking (DA-461/2022)

Report dated 16 September 2023 from the Development and Building Unit.

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

WLPP-2309A.5

PAGE 269

5 Flood Street, BONDI NSW 2026- Alterations and additions to a dwelling house. (DA-134/2023)

Report dated 11 September 2023 from the Development and Building Unit.

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

WLPP-2309A.6

PAGE 305

12 Imperial Avenue, BONDI NSW 2026- Alterations and additions to a dwelling house. (DA-82/2023)

Report dated 12 September 2023 from the Development and Building Unit.

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

WLPP-2309A.7

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Units 9 & 10, 481-485 Bronte Road, BRONTE NSW 2024 - Construction of pergola to existing roof-top balcony for units 9 and 10. (DA-110/2023)

Report dated 14 September 2023 from the Development and Building Unit.

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

WLPP-2309A.8

PAGE 407

241 Bondi Road, BONDI NSW 2026 - Alterations and additions to a Residential Flat Building (rear portion) including internal reconfiguration, infill of the existing balconies and the construction of new balconies to the rear. (DA-80/2023)

Report dated 18 September 2023 from the Development and Building Unit.

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



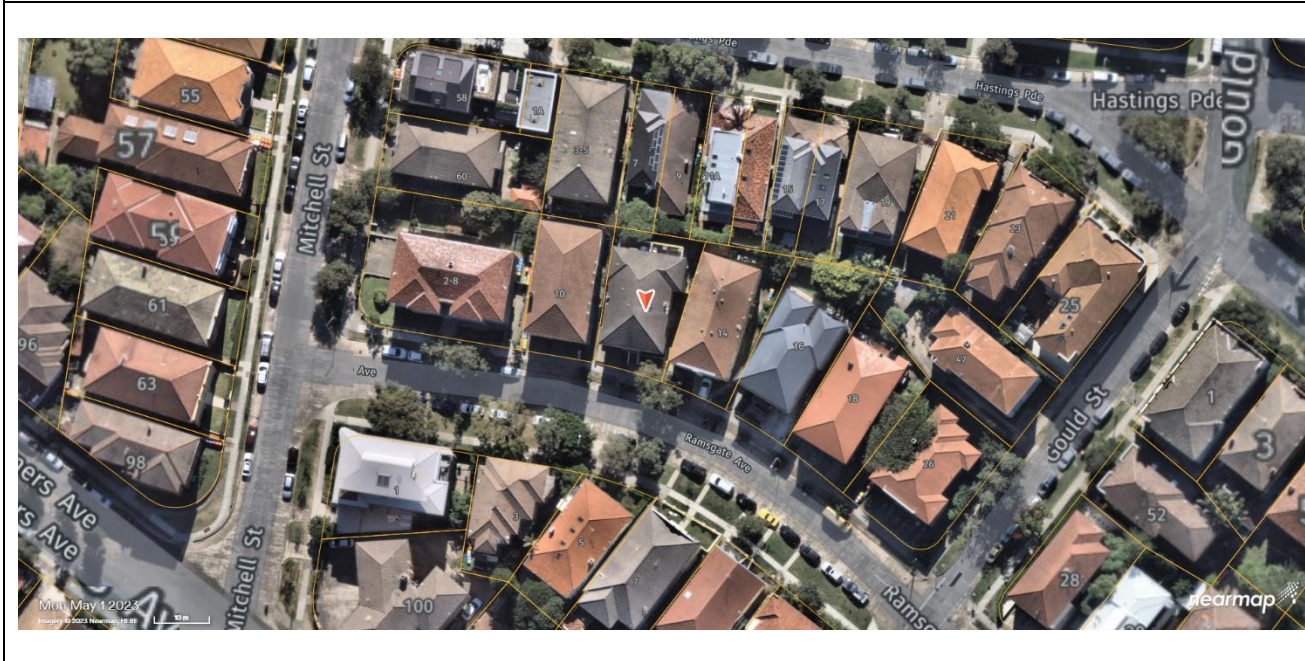
Other Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-56/2023
Site address	12 Ramsgate Avenue, BONDI BEACH NSW 2026
Proposal	Alterations and additions to ground floor Units 1 and 2
Date of lodgement	18 March 2023
Owner	Ms. E. Bobrovizki & Ms. J. A. Weate and Proprietors of Strata Plan 12418
Applicant	CSA Architects Pty Ltd
Submissions	One Submission
Cost of works	\$300,003
Principal Issues	<ul style="list-style-type: none"> • Non-compliant floor space ratio • Floor to ceiling height of garage level and proposed use
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 ground floor Units 1 and 2 at the site known as 12 Ramsgate Avenue, Bondi Beach.

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

- Non-compliant floor space ratio; and
- Floor to ceiling height of garage level and proposed use.

The assessment finds these issues acceptable subject to a condition recommended to ensure that the rooms on the garage level are not to be used for habitable purposes.

One submission was received and the issues raised in the submission have been considered and addressed in this report and 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.

1.2. Site and Surrounding Locality

A site visit was carried out on 15 May 2023.

The site is identified as SP 12418, known as 12 Ramsgate Avenue, Bondi Beach.

The site is irregular in shape, with a frontage to Ramsgate Avenue measuring 12.8m. It has an area of 379m² and generally falls from the rear boundary (north) towards the street (south) by approximately 2.17m.

The site is occupied by a three-storey residential flat building with vehicular access provided from Ramsgate Avenue.

The site is adjoined by three to four storey residential flat buildings on either side and one to two storey semi-detached dwellings to the rear. The locality is characterised by a variety of medium-density residential developments.

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



Figure 1: Streetview of the subject site

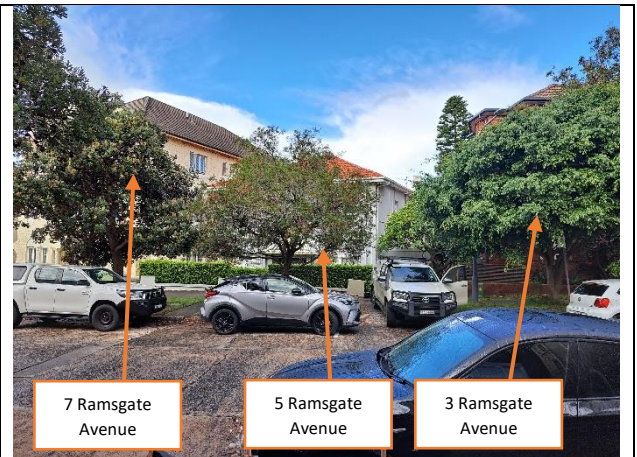


Figure 2: Streetview opposite of the subject site



Figure 3: Side passage view of the subject site adjacent to 10 Ramsgate Avenue



Figure 4: Side passage view of the subject site adjacent to 14 Ramsgate Avenue



Figure 5: Rear view of the subject site looking towards 10 Ramsgate Avenue



Figure 6: Rear view of the subject site looking towards 14 Ramsgate Avenue.

1.3. Relevant Development History

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

- **DA-852/2004**
 - Approved: Date 13 May 2005
 - Alterations and additions, including a new balcony.

- **DA-852/2004/A**
 - Approved: Date 6 August 2020
 - Modification to convert approved window into a door and kitchen refurbishment.

1.4. Proposal

The development application seeks consent for alterations and additions to a residential flat building, specifically to units 1 and 2:

- *Garage Level*
 - Introduction of a side entrance passage door into the existing garage;
 - Widening of existing garage door;
 - New staircases to units 1 and 2; and
 - New bathroom and storeroom to unit 1 and renovation of existing office and bathroom to unit 2, including the addition of new external windows.

- *Ground Level*
 - Unit 1:
 - Internal wall reconfiguration and expansion at the rear filling in part of the existing balcony in order to accommodate a new open plan kitchen, dining and living room and introduction of a new bedroom in the previous location of the living room;
 - Renovation of existing bathroom and addition of an ensuite to the front bedroom;
 - Expansion of the front bedroom into the existing enclosed sunroom; and
 - Expansion of rear-facing windows.

 - Unit 2:
 - Bathroom renovation and conversion into an ensuite for bedroom 1, along with the replacement of the existing windows;
 - Conversion of the existing bathroom into a toilet and laundry room; and
 - Kitchen renovation with the deletion of an existing side window, introducing a new window and expanding rear-facing windows.

- *External Works (landscaping):*
 - New rear deck to both units 1 and 2.

1.5. Background

The development application was lodged on 18 March 2023 and deferred on 23 June 2023 for the following reasons:

1. Missing information on architectural drawings, including floor levels and proposed excavation volumes; and
2. Missing Fire Upgrade report.

Response: The amended architectural drawings show all requested floor levels and proposed excavation volumes.

The amended plans were received on 26 June 2023 and the Fire Report on 1 September 2023. These submitted documents form the basis of the assessment.

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 from 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

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 considered consistent with the aims of the plan.

Provision	Compliance	Comment
Part 2 Permitted or prohibited development		
Land Use Table <i>R3 medium-density residential Zone</i>	Yes	The proposal is defined as alterations and additions to a residential flat building, which is permitted with consent in the R3 medium density residential zone.
Part 4 Principal development standards		
4.3 Height of buildings • 12.5m	Yes	Satisfactory. No proposed changes.
4.4 Floor space ratio • 0.9:1	No	The existing development's gross floor area measures 333.23m ² or 0.88:1. The proposed gross floor area measures 390.01m ² or 1.03:1, a variation of 14%.
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 floor space ratio 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 • Class 5	Yes	Satisfactory. The proposed works are not likely to lower the water table.
6.2 Earthworks	Yes	Satisfactory. The minor excavation proposed within the garage level in units 1 and 2 is not expected to have a detrimental impact on environmental functions and neighbouring uses. Standard conditions of consent are 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 floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum floor space ratio development standard of 0.9:1. The existing development has an FSR of 0.88:1. The proposed development has a gross floor area of 390.01m² being an FSR of 1.03:1, exceeding the standard by 48.91m², equating to a 14% 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 floor space ratio 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 proposed comes with no increase in the overall building height or envelope, as the spaces at the garage level already exist but are to be made habitable by increasing the floor-to-ceiling spaces. Use of the additional rooms as storage and home office does not result in additional density or intensification of use.*
 - (ii) No additional building bulk will result. The bulk and scale of the building will remain as existing.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) There will be no additional bulk resulting from the variation. The change is not a detriment to the scale of the residential flat building with works not visible from the public domain or neighbouring sites.*
 - (ii) No impact on the neighbours.*
 - (iii) Solar access impacts as a result of the small FSR variation are nil as all work to increase the floor space is within the existing built form.*
 - (iv) No impact on privacy for neighbours, being confined to the existing storage and home office areas. Existing windows are being increased in size to ensure appropriate light and ventilation. However, windows are generally to low use rooms with high sill heights, ensuring privacy for occupants and neighbours.*

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 Council accepts that the proposal is consistent with the desired medium-density character of the immediate locality. Given the additional floor space is contained within the existing envelope, there are no unreasonable impacts that arise as a result of the proposed works. As outlined above, the applicant has appropriately demonstrated that compliance with the development standard is unreasonable and unnecessary in this 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 Council accepts that the proposed changes will not negatively impact on neighbouring properties in regards to overshadowing, view impacts or privacy issues. Moreover, the proposed modifications will not affect the size of the residential flat building, and the works will not be visible from the public domain or neighbouring areas.

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 floor space ratio 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.*

With the exception of the new rear decks, the proposed additional floor space is contained within the existing building envelope and does not add to the visual bulk of the development. The proposal will not result in unreasonable impacts on the amenity of neighbouring properties and preserves the amenity of neighbouring properties and the locality.

The objectives of the R3 medium-density residential 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.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal improves the day-to-day housing needs of the occupants while preserving the same housing type and density. The proposed additions maintain the development's existing character whilst preserving the amenity of neighbouring properties and the locality. The proposal is consistent with the objectives of the floor space ratio development standard and the R3 zone and can be supported.

Conclusion

For the reasons provided above, the requested variation to the floor space ratio development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the floor space ratio development standard and the R3 medium density residential zone.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

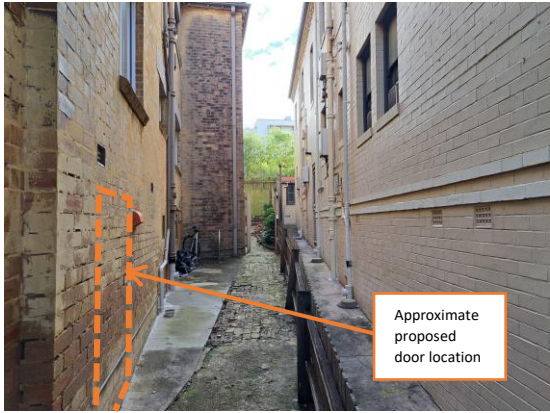
Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> • <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	A Site Waste and Recycling Plan was submitted. No proposed changes to the bin storage areas are proposed.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> • <i>Ceiling or wall-mounted fans</i> • <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Acceptable	A BASIX certificate has been submitted. The proposal does not include any information on the proposed cooking system. An advisory note is recommended to encourage the use of electrical cooking appliances, an electric hot water unit or the installation of an HRV unit.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The proposal is not located within a Habitat Corridor. Satisfactory. The Council's Tree Management Officer has reviewed the proposal and raised no objections.
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.1 Vehicle Access 7.2.2 Parking Rates <ul style="list-style-type: none"> • <i>Nil</i> • <i>Maximum parking rate:</i> • <i>5</i> 	Yes Yes Yes Yes	The off-street parking is acceptable. No changes are proposed to the parking layout. The subject site is located within Parking Zone 2. The driveway crossover is acceptable. The development maintains the existing two off-street parking spaces, which complies with the development control.
11. Design Excellence	Yes	The proposal will result in a more integrated and well-designed building, improving the occupant's amenity while maintaining the existing development's character.
13. Excavation <i>Maximum excavation rate:</i> <ul style="list-style-type: none"> • <i>379m³</i> 	Yes	The proposed excavation is limited to within the existing building footprint. An estimated volume of 13.9m ³ is proposed.

Table 31: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3/12.5m – 9.5m 	Yes	The proposal maintains the existing external wall height of 8m.
2.3 Setbacks		
2.3.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposal maintains the existing street setback.
2.3.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 0.9m or 1.5m or 1.5-2.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil alongside boundary min 2m wide 	Yes Yes No (Acceptable on merit)	The proposal maintains the existing side setbacks. The proposed garage and ground floor maintains the existing rear setback. The proposal maintains the existing side boundary site conditions.
2.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Facade to be articulated Maximum RFB depth: 18m 	Yes Yes Yes	The proposal maintains the existing length and depth of the development.
2.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported 	Yes Yes Yes	The proposal maintains the existing character of the building and streetscape. The proposed garage door widening and new windows and doors do not involve the removal of original detailing.
2.8 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 Yes Yes Yes	The proposal maintains the existing front entry as the primary entry. The proposed side passage doors to the garages of units 1 and 2 are not located on the principal street facade which is acceptable.
2.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity 	Acceptable on merit	The proposal includes 32.61m ² of landscaped area, representing 9% of the site. While this is well below the minimum 30%, there is an increase in landscaping of 10.92m ² from the

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 113.7m² 50% of the above is to be deep soil: 56.85m² 		existing site conditions. As such, this is acceptable on merit.
2.11 Private Open Space		
2.11.1 – Courtyards		
<ul style="list-style-type: none"> Private Courtyards – min 25m² area and 3m width and depth Planting to be provided Private open space is not to be provided at the front unless a buffer is provided Max gradient 1 in 10 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	The proposal retains the existing private courtyards, replacing the existing deck and pavers with new decks for both units and an expanded planting area for unit 1.
2.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development 	Acceptable	The proposal retains the existing car parking locations and conditions. The only proposed change involves widening the garage door for both units..
2.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of 3 hours of sunlight to a minimum of 70% of units in the development on 21 June Direct sunlight to north-facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June 	<p>Yes</p> <p>Yes</p>	No change.
2.14 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>	No impacts on views have been identified, and no submissions have been received that raise an issue with view loss. As such, the proposal is not expected to result in impacts on any known views enjoyed by surrounding properties.
2.15 Visual privacy and security		
<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	<p>The proposed new window locations do not directly face the adjoining properties' habitable windows or private open space.</p> <p>A submission from 14 Ramsgate Avenue was received regarding the proposed side passage garage door for unit 2. As shown in Figure 7, the</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Privacy be considered in relation to context density, separation use and design</i> • <i>Prevent overlooking of more than 50% of private open space of lower-level dwellings in the same development</i> 	<p>Yes</p> <p>Yes</p>	<p>proposed door location does not cause additional privacy concerns to the neighbouring property.</p>  <p>Figure 7: Side passage view between 12 and 14 Ramsgate Avenue.</p>
2.16 Dwelling size and layout		
<ul style="list-style-type: none"> • <i>Max habitable room depth for single aspect dwelling is 8m from a window</i> • <i>All habitable rooms to have a window</i> • <i>Provide a range of dwelling types and sizes</i> • <i>Min sizes</i> • <i>Accessible and Adaptable</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Acceptable</p>	<p>The proposed habitable rooms have a depth of less than 8m.</p> <p>The proposed habitable rooms on the garage level have a window.</p> <p>The proposal maintains the existing dwelling types while increasing the sizes of the units 1 and 2.</p> <p>The proposed development does not improve but maintains the accessibility of the existing development.</p>
2.17 Ceiling Heights		
<ul style="list-style-type: none"> • <i>Min 2.7m floor-to-ceiling height residential floors</i> 	<p>No</p>	<p>The proposed floor to ceiling height at the garage level is proposed to be 2.14m. In addition, the proposed office within Unit 2 does not meet the minimum required ceiling height for habitable rooms. As such a condition is recommended stating these areas are not to be used for habitable purposes.</p>
2.18 Storage		
	<p>Yes</p>	<p>The proposal expands the storage facilities of the existing development.</p>
2.19 Acoustic privacy		
<ul style="list-style-type: none"> • <i>Internal amenity by locating noisy areas away from quiet areas</i> 	<p>Yes</p>	<p>Satisfactory.</p>

Development Control	Compliance	Comment
2.20 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</p>	<p>Cross-ventilation is proposed to be maintained.</p> <p>Ceiling fans are not shown in all habitable rooms. As this is an alteration and addition, an advisory note addressing this control is recommended.</p>
2.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings (garbage rooms, mailboxes, fire hydrant boosters, electrical substations, down pipes, plant rooms, satellite/communications structures) Outdoor Communal clothes drying area to be provided 	<p>Yes</p> <p>No</p>	<p>The existing services are proposed to be retained.</p> <p>The existing development does not have provisions for a communal clothes-drying area. However, a clothesline is proposed for unit 2 and there is ample space for a portable clothesline for Unit 1.</p>

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 from 20 July 2023 to 5 August 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- No change in external bulk or form was proposed. As such, the proposal has the same impact as the original form.

One unique submission was received from the following property:

- Unit 2, 14 Ramsgate Avenue

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

- Privacy impact from the proposed side garage door of unit 2.
- FSR exceedance.

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. Traffic and Development

The Council's Traffic Engineer advised that they raised no objections to the proposal subject to conditions.

3.2. Fire Safety

The Council's Fire Safety Engineer reviewed the application and advised that they have no objections to the proposal subject to conditions.

3.3. Tree Management

The Council's Tree Management Officer has reviewed the proposal and raised no objections.

4. CONCLUSION

The development application seeks consent for alterations and additions to ground floor Units 1 and 2 at the site known as 12 Ramsgate Avenue, Bondi Beach.

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

- Non-compliant floor space ratio; and
- Floor to ceiling height of garage level and proposed use.

The assessment finds these issues acceptable subject to a condition recommended to ensure that the rooms at the garage level are not to be used for habitable purposes.

One unique submission was received and the issues raised in the submission have been considered and addressed in this report and 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 Act. It is recommended for approval, subject to conditions of consent.

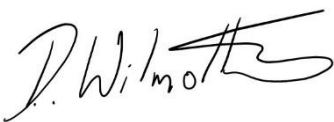
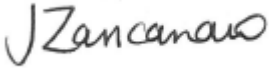

Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 12 September 2023 and the DALT concurred with the Assessment Planner’s recommendation.

DALT members: *A Rossi, B McNamara, E Finnegan, 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 by:	Application reviewed and agreed by:
		
Damien Wilmotte	Jo Zancanaro	Bridget McNamara
Development Assessment Planner	A/ Manager, Development Assessment	A/ Executive Manager, Development Assessment
Date: 13 September 2023	Date: 13 September 2023	Date: 14 September 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

<p>Clause 4.6 register entry required</p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	14% variation to FSR (Clause 4.4)	
		Pre-existing non-compliance
	x	No change to overall building height
	x	No change to overall building envelope
		Variation limited to the [lift/plant/parapet/attic] only
	x	No unreasonable impacts on the amenity of adjoining properties or streetscape
	x	Sufficient environmental planning grounds
	x	Consistent with the objectives of the standard
<p>Determining Authority</p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	Local Planning Panel	
<p>Affordable Rental Housing Units?</p> <p>*This is a planning portal reporting requirement</p>	No	

Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Trial Period database entry required	No
VPA submitted – follow-up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

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 CSA Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
RAM-02 – Rev C	Site Plan	26/06/2023	26/06/2023
RAM 03 – Rev C	Demolition Plans	26/06/2023	26/06/2023
RAM 04 – Rev C	Floor Plans	26/06/2023	26/06/2023
RAM 06 – Rev C	South Elevation	26/06/2023	26/06/2023
RAM 07 – Rev C	North Elevation	26/06/2023	26/06/2023
RAM 08 – Rev C	East Elevation and Section A-A	26/06/2023	26/06/2023
RAM 09 – Rev C	West Elevation	26/06/2023	26/06/2023
RAM 10 – Rev C	BASIX Unit 1	26/06/2023	26/06/2023
RAM 11 – Rev C	BASIX Unit 2	26/06/2023	26/06/2023

- (b) BASIX and NatHERs Certificates;
- (c) National Construction Code Report Fire Safety and documentation prepared by Design Confidence dated 31/08/2023, and received by Council on 01/09/2023;
- (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

2. FLOOR SPACE RATIO

The gross floor area (GFA) of the building shall be limited to 390.01m².

Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification **to the satisfaction of the Principal Certifying Authority**, that the building achieves compliance with this GFA (as calculated in accordance with the definition contained in the Waverley Local Environmental Plan 2012).

Reason: The gross floor area of the development is limited in order to achieve suitable bulk and scale. The consent would not have been granted if not for this compliance with the development standard.

3. USE OF GARAGE FLOOR LEVEL

The garage floor level rooms of Units 1 and 2 are not to be used for habitable purposes as they do not meet the minimum floor to ceiling height requirement for habitable rooms.

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 that 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 2021*; 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 monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following:

- (a) Where the total development cost is less than \$500,000:
 - (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
 - (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).
 - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
 - (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
 - (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, 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% of the full cost of the development; or
 - (iii) A development valued at more than \$200,000 will attract a levy of 1% of 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) for the amount of **\$10,260.00** 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) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs 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 of this building work. Evidence 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 0.25% of building work costing \$250,000 or more.

CONSTRUCTION & SITE MATTERS

8. 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 the applicable fees paid, prior to the erection of the hoarding.

9. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

10. 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.

11. 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.

12. 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.

13. FIRE SAFETY SCHEDULE

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.

TRAFFIC MANAGEMENT

14. 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

15. BASIX

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

WASTE

16. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

17. 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.

18. 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.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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

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;
- *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 Sundays and public holidays.

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. FIRE SAFETY UPGRADING WORKS

(a) Fire safety upgrading works are to be undertaken in accordance with all recommendations detailed in the Fire & Life Safety Upgrade Strategy report prepared by Lindsay Beard of Design confidence Pty Ltd, Ref No P223_313-2 (FSUS) RD, dated 31st August 2023 with the following additional matters: -

- (i) The façade material to be non combustible to comply with Clause C2D10 (C1.9) of the BCA. Building elements need to be non-combustible for Type A construction.
- (ii) Any new external wall and common walls including façade covering, framing and insulation must be non-combustible. Test reports to be provided for required components demonstrating that the materials/systems are deemed non-combustible when tested in accordance with AS 1530.1.
- (iii) The entry door to each apartment must be assessed to confirm that the door will achieve a level of separation commensurate with a -/60/30 fire door for Type A Construction.
- (iv) The sealing of services penetrations through fire rated elements must be inspected to confirm that adequate protection has been provided.
- (v) The existing balustrade should be upgraded to achieve an overall height not less than 1m (865mm above the line of the stairway nosings), with no gaps greater than 125mm. Contractor's certification of compliance with the above requirements must be provided at completion of the works.

- (vi) All electrical distribution boards and meter boards must be enclosed in a non-combustible enclosure and fitted with seals to prevent the escape of smoke.
 - (vii) Ensure Emergency lighting and exit sign must be installed to the common areas of the building to the requirements of AS/NZS 2293.1:2018.
 - (viii) The existing stairways are to be provided with non-slip strips in contrasting colours near the edge of the nosings to comply with the provisions of Part D of the Building Code of Australia. Any defective stair treads to the stairways are to be repaired or replaced to comply with the Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at the completion of the works.
 - (ix) The electrical installations serving the premises must be inspected by a suitably qualified electrician and certified. The certificate should include confirmation of the following;
 - A visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - An insulation resistance test was undertaken pursuant to Clause 8.3.6 of AS 3000-2007 and was found to be satisfactory;
 - Circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of AS 3000-2007.
 - (x) Seal all penetrations between walls and floors of the building in accordance with the requirements of C3.15 of the Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
 - (xi) It is recommended that an audit is required by a specialist passive fire contractor to ascertain the extent of the unprotected service penetrations within the building and so that all service penetrations can be certified as compliant with Clause C3.15 of the BCA – 2019, Amend 1.
 - (xii) Provide protection of openable windows in accordance with Clause D2.24 of the Building Code of Australia on residential SOUs. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
 - (xiii) Repair any concrete spalling to the concrete lintels, balconies and stairways. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
 - (xiv) Repair any defective roofing, roof guttering downpipes and stormwater connections. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
- (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.**

26. BUILDING CODE OF AUSTRALIA

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

27. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

28. CERTIFICATE OF SURVEY - LEVELS

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

29. WORK OUTSIDE PROPERTY BOUNDARY

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

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

30. HEADROOM CLEARANCE

The headroom clearance on the entry and within the garages shall be a minimum of 2.2 metres.

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 that 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

31. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

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.

32. CERTIFICATION OF BASIX COMMITMENTS

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

VEHICLE ACCESS AND PARKING

33. CAR PARKING

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

- (a) one residential parking space for unit 1
- (b) one residential parking space for unit 2

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

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 1800 810 443.

AD5 ALTERATIONS AND ADDITIONS ONLY

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

AD6 EXCAVATION TO BE LIMITED

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

AD7 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.

AD8 TREE REMOVAL/PRESERVATION

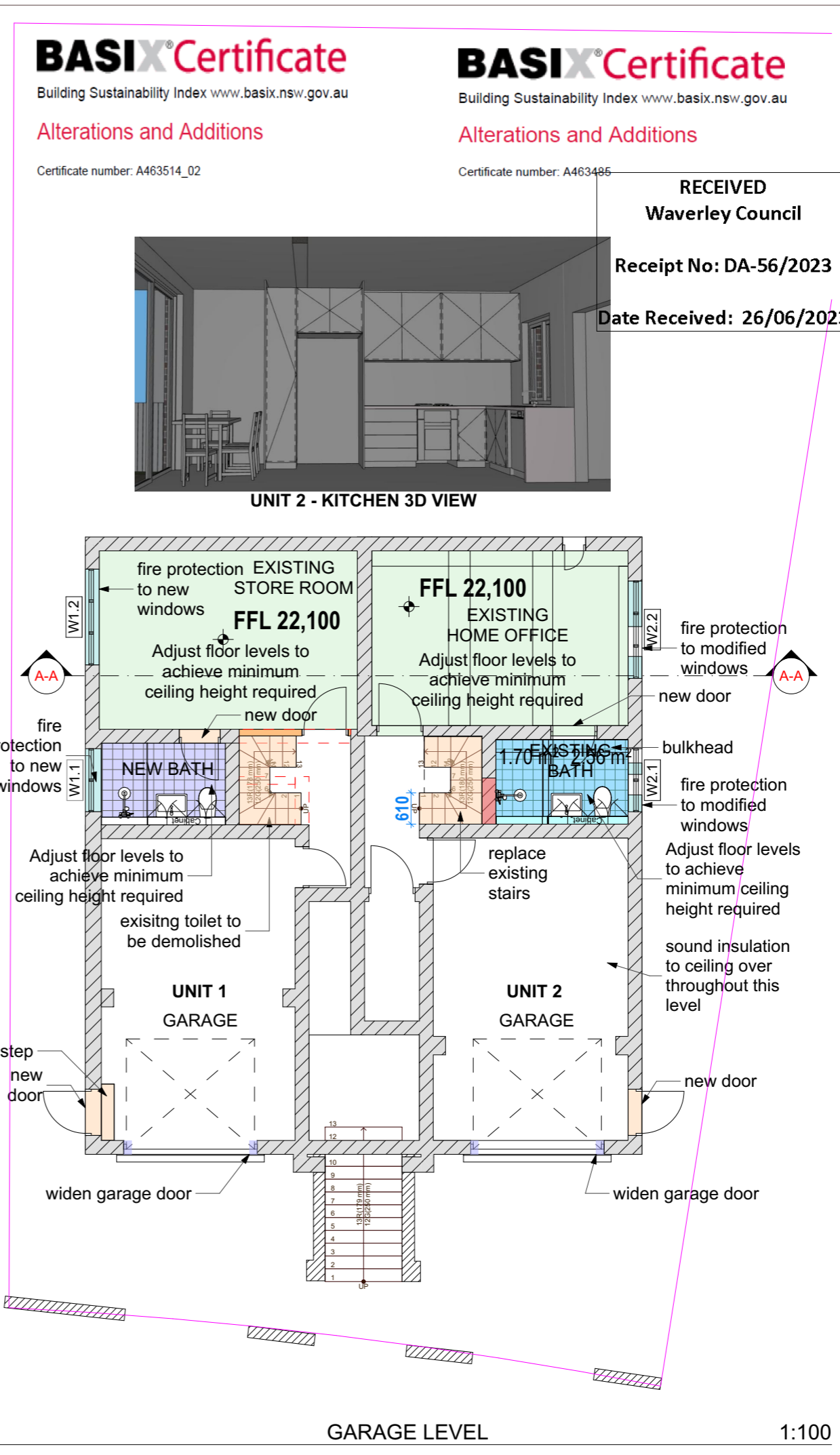
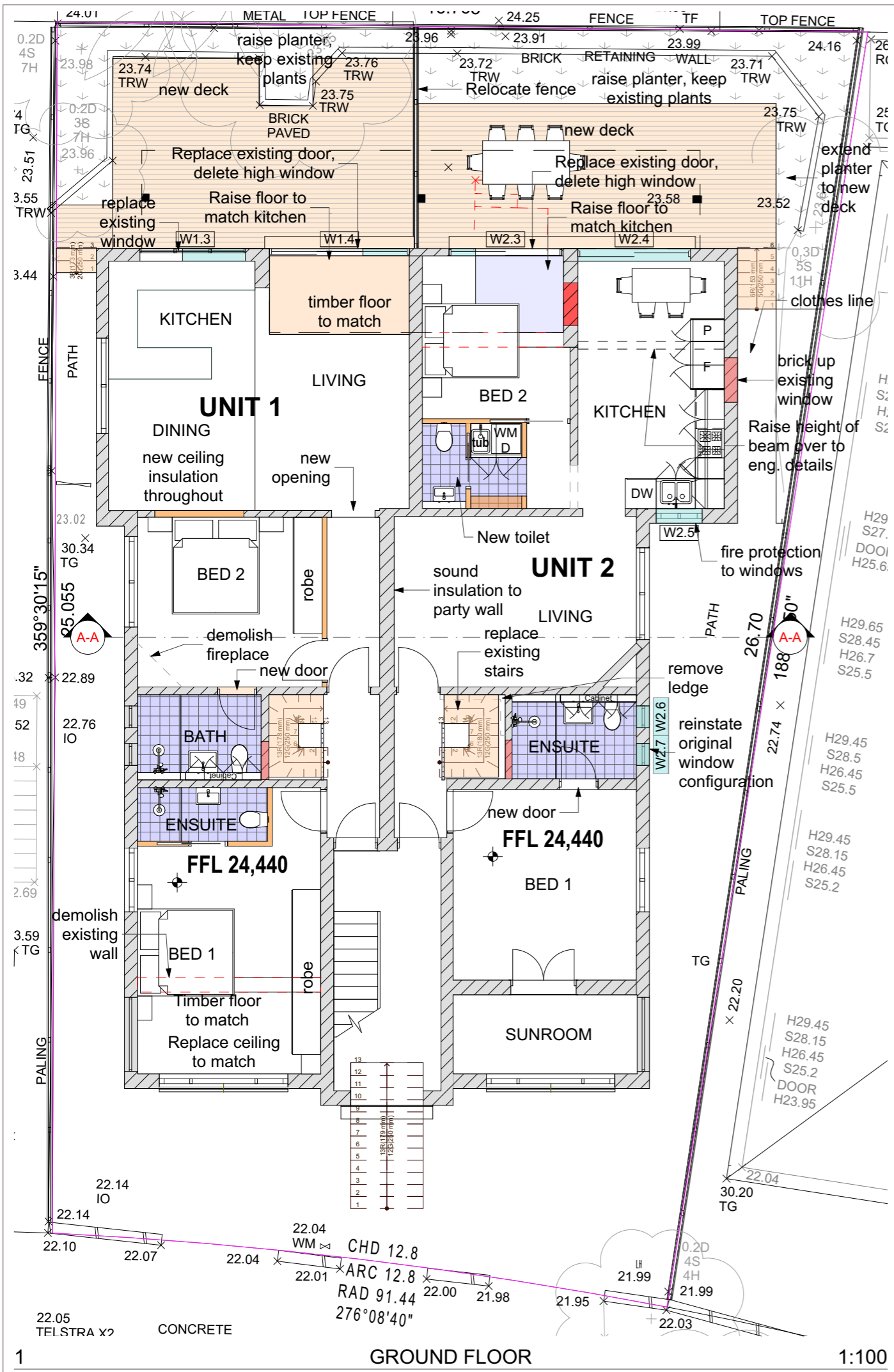
Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD9 ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

- (a) Indoor air quality:
Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.
- (b) Ventilation:
Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.

(c) Domestic hot water:

Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.

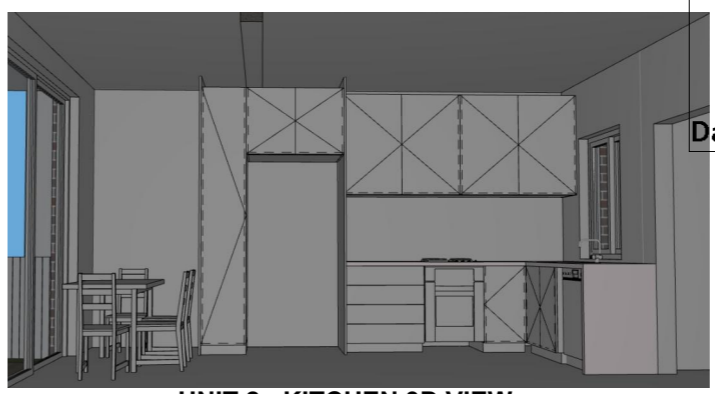


BASIX Certificate
Building Sustainability Index www.basix.nsw.gov.au
Alterations and Additions
Certificate number: A463514_02

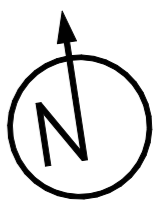
BASIX Certificate
Building Sustainability Index www.basix.nsw.gov.au
Alterations and Additions
Certificate number: A463495

CSA ARCHITECTS
Nominated Architect: Alex Smith Reg #5473
alex@csa-arch.com.au

RECEIVED
Waverley Council
Receipt No: DA-56/2023
Date Received: 26/06/2023



CSA Architects Pty Ltd.
61 2 9389 4055 www.csa-arch.com.au
185 Old South Head Rd., Bondi Junction NSW 2022
a.c.n. 087 234 053



Rev	Description	Date
A	Pre-DA	17/06/2022
C	FFLs and Excavation volume added	26/06/2023

Contractors are responsible for all site levels and dimensions and must verify these at the job before the commencement of any work, the preparation of shop drawings or the fabrication of components. Do not scale drawings use figured dimensions only.
This drawing is the copyright of CSA Architects Pty Limited and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form, or by any means without the express permission of CSA Architects Pty Limited.

Client
BOBROVIZKI & WEATE
Project
INTERNAL ALTERATIONS
Units 1&2, 12 RAMSGATE AVE BONDI NSW
Status
Development Application

Drawing Title:
FLOOR PLANS
Sheet No.
RAM-04
Drawn: PZ
Checked: AS
Scale: 1:100 U.N.O.
Rev: C

Plot Date: Monday, 26 June 2023

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A463485

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A463514_02



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Waverley Council

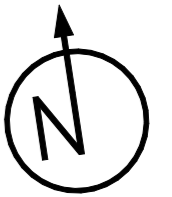
Receipt No: DA-56/2023

Date Received: 26/06/2023



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Rev	Description	Date
B		21/03/2023
C	FFLs and Excavation volume added	26/06/2023

Contractors are responsible for all site levels and dimensions and must verify these at the job before the commencement of any work, the preparation of shop drawings or the fabrication of components. Do not scale drawings use figured dimensions only.

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Client
BOBROVIZKI & WEATE

Project
INTERNAL ALTERATIONS
Units 1&2, 12 RAMSGATE AVE BONDI NSW

Status
Development Application

Drawing Title:
SOUTH ELEVATION

Sheet No.
RAM-06

Drawn: PZ	Checked: AS	Scale: 1:100 U.N.O	Rev. C
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SOUTH ELEVATION 1:100

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Certificate number: A463485

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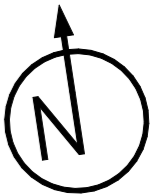
Alterations and Additions

Certificate number: A463514_02



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Client
BOBROVIZKI & WEATE

Project
**INTERNAL ALTERATIONS
Units 1&2, 12 RAMSGATE AVE BONDI NSW**

Status
Development Application

Drawing Title:
WEST ELEVATION

Sheet No.
RAM-09

Drawn: PZ	Checked: AS	Scale: 1:100 U.N.O.	Rev. C
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Plot Date: Monday, 26 June 2023

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Receipt No: DA-56/2023

Date Received: 26/06/2023



2

WEST ELEVATION

1:100



Low Density Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-123/2023 or PAN-328123
Site address	60 Gilbert Street, Dover Heights
Proposal	Demolition of existing dwelling and ancillary structures for construction of a new three storey dwelling, garage and swimming pool within the front setback
Date of lodgement	23 May 2023
Owner	Mr J G Hui and Ms W D V Hui
Applicant	Mr J G Hui
Submissions	Two submissions originally received
Cost of works	\$7,563,835
Principal Issues	<ul style="list-style-type: none"> • FSR • Front building line • Volume of excavation.
Recommendation	That the application be APPROVED.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition of the existing dwelling, garage and swimming pool, and excavation and fill to construct a new three storey dwelling with a basement garage and swimming pool within the front setback, tree removal and new landscape works at the site known as 60 Gilbert Street, Dover Heights.

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

- Exceedance of the Floor Space Ratio (FSR) development standard;
- Front building line; and
- Volume of excavation.

The assessment finds these issues acceptable as the applicant has adequately demonstrated that, notwithstanding the variation to the FSR development standard, the proposed dwelling satisfies the objectives of the development standard and the zone. The built form is contained within a permissible building envelope and will complement the character of surrounding developments within the streetscape whilst preserving the environmental amenity of adjoining properties. The proposed dwelling seeks to occupy the existing building footprint and maintains the front building line which is acceptable having regard to the varied front building line of surrounding properties within the streetscape.

The proposed volume of excavation is considered acceptable as the proposal responds to the topography of the site, pattern of surrounding developments, does not result in excessive building bulk or scale and is consistent with the low-density residential character of the streetscape and locality.

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.

1.2. Site and Surrounding Locality

A site visit was carried out on 22 June 2023.

The site is identified as Lot 1 in DP334826 and is known as 60 Gilbert Street, Dover Heights.

The site is located on the eastern side of Gilbert Street, is rectangular in shape except for the slightly splayed frontage to Gilbert Street. The site has a primary frontage to Gilbert Street measuring 11.46m and an area of 598.3m². The site falls from the rear (east) boundary to the front (west) boundary, and from the east to the north-west corner of the site by approximately 14.13m.

The site is occupied by a three storey dwelling house with a detached double garage accessed from Gilbert Street and a swimming pool within the front building line. Part of the rear portion of the dwelling is currently built to the north-eastern boundary.

The site is adjoined by a dual occupancy development to the north at 59 Gilbert Street, comprising a three storey dwelling fronting Gilbert Street and a two storey dwelling at the rear. A three storey dwelling house is located to the south of the site at 62 Gilbert Street. Both properties immediately adjoining the site to the north and south have access to onsite car parking from Gilbert Street.

To the east (rear) of the site, at 67 Portland Street, is a part two and part three storey dwelling house with an integrated double garage fronting Portland Street.

Surrounding developments within Gilbert Street and the locality comprise two and three storey detached dwellings that are characteristic of the low density residential locality. Further to the north of the site at the intersection of Gilbert Street and Victory Street is Caffyn Park.

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



Figure 1: View of site and adjoining developments, looking east on Gilbert Street

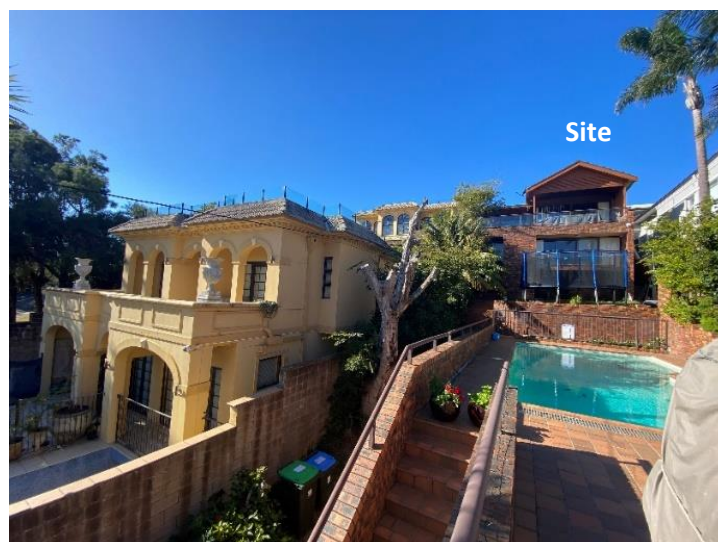


Figure 2: View of existing dwelling (front), looking east from paved terrace above garage



Figure 3: View of adjoining dual occupancy development at 58 Gilbert Street, looking north within front building line of subject site.



Figure 4: Existing southern side setback, looking east towards rear yard of subject site.



Figure 5: Existing paved rear open space, looking west towards dwelling



Figure 6: Existing rock wall along eastern (rear) boundary

1.3. Relevant Development History

A search of Council's records revealed no recent and relevant development history of the site.

1.4. Proposal

The development application seeks consent for demolition of the existing dwelling, garage and swimming pool and tree removal and construction of a new three storey dwelling house including new garage and swimming pool within the front setback and associated landscape works, specifically the following:

External Works

- Replace existing vehicle crossing with a new realigned vehicle crossing on Gilbert Street;
- Removal of five trees located along the north and south side boundaries to accommodate the basement level and new tree and landscaping planting within the front building line;
- New landscape works within the rear private open space; and
- Erection of a new 1.8m high fence along part of the northern boundary at the rear to replace the external wall of the existing dwelling to be demolished.

Basement

- Excavation and fill to construct new garage, storage/plant room areas and entry courtyard;
- Excavation to construct internal hallway from entry courtyard to spiral stairs and lift to floors above; and
- Two x skylights over entry courtyard and lobby.

Lower Ground Floor

- Construction of a pool, spa and terrace area within the front building line;
- Excavation to construct a gym/rumpus room, WC, bedroom with ensuite, stair, indoor landscaped courtyard and lift; and
- West facing terrace to access pool.

Ground Floor

- Five x bedrooms including two ensuites, a separate bathroom and a laundry;
- Lift and stairs with void to landscaped indoor courtyard below; and
- Balcony to the west elevation and terrace to the east elevation.

First Floor

- Open plan living space with a fireplace in the living room, walk in pantry adjacent to kitchen and a WC;
- Lift and stairs with void to landscaped indoor courtyard below; and
- Balcony to the west elevation and terrace to the east elevation.

Roof

- Flat roof with slight curve sloping from centre towards the north-east, south-east, south-west and north-west corners of the dwelling;
- Three sky x lights positioned over the first floor balcony, terrace, and internal stairs; and
- Solar panels on the west roof slope.

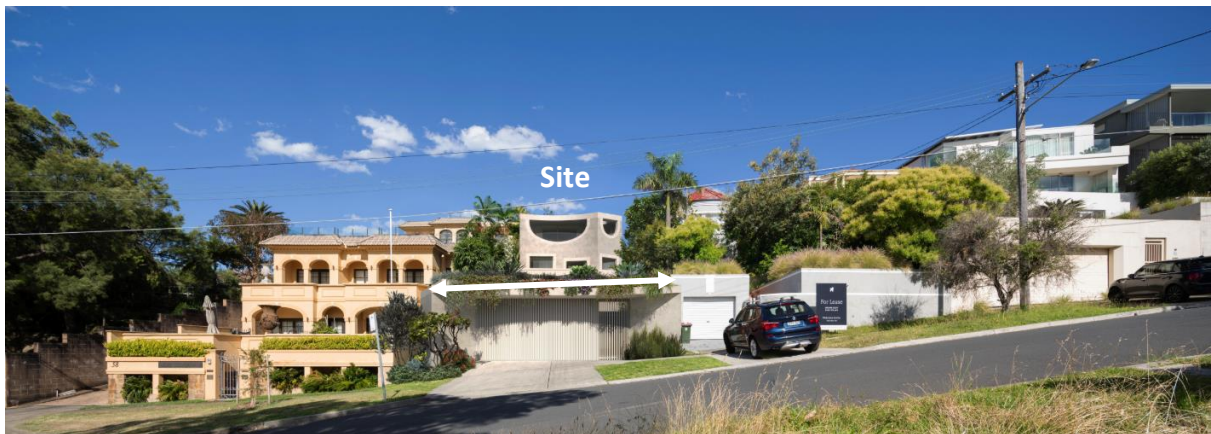


Figure 7: Photomontage of proposal and surrounding developments, looking east from Gilbert Street

1.5. Background

The development application was lodged on 23 May 2023 and deferred on 1 June and 10 July 2023 for the following reasons:

1. Excavation calculation plans required to clarify the volume of proposed excavation to enable a proper assessment against the excavation controls in the Waverley Development Control Plan 2022.
2. Clarification of existing ground level across the site with subfloor levels on the architectural plans to correspond with surveyed points on the survey plan.

On 16 June 2023 an amended excavation calculation plan was submitted.

On 31 July 2023 amended architectural plans showing the maximum 8.5m building height control corresponding with the existing ground levels (including subfloor areas as surveyed) were submitted. The applicant also included RLs to the top of the eastern and western parapets, skylights and solar panels for clarification purposes.

On 29 August 2023, the applicant submitted amended landscape plans to delete tree species with mature heights more than 5m within the rear setback to address view loss concerns raised by the adjoining property at 67 Portland Street. The amended landscape plan also seeks to modify the screen planting along the northern side boundary with trees and plantings that have a maximum mature height of 8m. This will provide visual privacy for the adjoining property at 58 Gilbert Street whilst not obscuring existing views for 67 Portland Street. Council has been advised by the owners of 67 Portland Street that the amended landscape plans are acceptable and no objection is raised to view loss impacts from proposed trees on the subject site.

The amended plans received on 16 June, 31 July and 29 August 2023 form the basis of the assessment.

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 from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

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 not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none"> <i>R2 Low Density Residential Zone</i> 	Yes	The proposal is defined as construction of a new dwelling house, garage and swimming pool, which are permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> <i>8.5m</i> 	Yes	The proposal has a building height of 8.1m on the west elevation, 7.3m at the centre of the dwelling and 4m on the east elevation, measured to the existing ground level.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <i>0.5:1 (299.15m²)</i> 	No	The proposal has a gross floor area (GFA) of 389.01m ² , equating to an FSR of 0.65:1 and representing a variation of 30% of the maximum FSR development 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 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	Yes	A Geotechnical Report was submitted concluding that no groundwater table was identified and the site does not contain any underlying geotechnical issues. The proposed excavation will cut through low to high strength sandstone bedrock at the eastern portion of the site. The proposed works will not result in any adverse structural impacts on adjoining properties, subject to appropriate excavation methods as recommended by the Geotechnical Report. Conditions requiring excavation to be undertaken in accordance with the recommendations of the Geotechnical Report have been included in the recommendation.

Provision	Compliance	Comment
6.15 Stormwater management	Yes	The proposed stormwater management for the site is capable of minimising impacts on adjoining properties and the environment subject to design amendments to increase the capacity of the on-site detention/rainwater tank, as conditioned by Council's Stormwater Engineer.

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 - Floor Space Ratio

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 0.5:1 (299.15m²). The proposed development has a FSR of 0.65:1 (389.01m²), exceeding the standard by 89.86m² equating to a 30% 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 objectives of the development standard are achieved notwithstanding the variation.*
 - (ii) *The extent of additional FSR exceeding the development standard is contained within the basement and lower ground floor levels and will not add to building bulk when viewed from the street.*
 - (iii) *The proposed FSR within the basement and lower ground floor would be excluded from FSR calculations if it contained only car parking, plant areas and storage. The proposal would otherwise result in a dwelling that achieves numerical compliance with the development standard above existing ground level.*

- (iv) *Notwithstanding the variation to the FSR development standard, the proposal is contained within a building envelope that is compliant with the height of buildings development standard, wall height and setback controls. The proposal does not result in unreasonable visual bulk when viewed from adjoining properties and will not result in any additional overshadowing, loss of privacy or view loss impacts therefore preserves the environmental amenity of surrounding properties.*
 - (v) *The proposal results in a built form with a reduced building height compared to the existing dwelling and will improve views of the city skyline from the dwelling to the east.*
 - (vi) *The proposal achieves compliance with open space requirements.*
 - (vii) *The internal areas of the lower ground floor will receive adequate solar access and ventilation providing future occupants with good amenity.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The GFA contributing to the FSR development standard variation is contained below the existing ground level and would not be included as GFA if it contained storage and plant areas. The proposed GFA above ground level equates to a FSR of 0.4:1 and is less than the maximum FSR development standard. The proposed building envelope reads as a two storey dwelling from the public domain and is not excessive building bulk or scale. The proposal is compatible with the character of surrounding development in the streetscape.*
 - (ii) *The proposed dwelling reduces overall building height compared to the existing dwelling and improves views of the harbour and city skyline from surrounding properties.*
 - (iii) *The proposed siting and form of the dwelling will increase solar access to adjoining properties compared to a built form that matches the front building line of adjoining properties and achieves the objective to preserve the environmental amenity of surrounding developments.*
 - (iv) *The proposal maintains visual and acoustic privacy for adjoining properties.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The applicant has adequately demonstrated that the proposal achieves the relevant objectives of the FSR development standard as the built form is contained within a permissible building envelope (as perceived above existing ground level), does not exceed the maximum height of buildings development standard and complements the predominant bulk and scale of immediately surrounding development. The proposed variation to the FSR development standard satisfies the objective to preserve the environmental amenity of surrounding developments and the public domain as the proposal does not result in any overshadowing, privacy or view loss impacts beyond the expected impacts of a compliant building envelope.

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 applicant has demonstrated that notwithstanding the variation to the FSR development standard, which can be attributed to the GFA in the basement and lower ground floor, the proposal will preserve the environmental amenity of surrounding properties by reducing overall building height, improving views of the city skyline for property to the rear from the existing dwelling and does not result in unreasonable overshadowing impacts. The proposed built form is also consistent with the bulk and scale of developments in the streetscape and surrounding locality and is acceptable.

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.*

As discussed above, the proposed built form is contained within a compliant building envelope that responds appropriately to existing and emerging developments within the street. The proposal complies with the maximum height of buildings development standard, building wall height and setback controls, and will not have any additional environmental amenity impacts on surrounding properties beyond the overshadowing or view impacts resulting from a compliant building envelope.

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.*
- To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The applicant has adequately demonstrated that the proposal achieves the objectives of the R2 Low Density Residential zone as the site retains the existing single dwelling use and is compatible with the low density residential character of the locality. The proposal maintains adequate private open space and seeks to increase landscaped areas within the site to contribute to the landscaped character of the

locality. The proposed design adequately addresses site constraints resulting from the fall of the land and will enhance accessibility for future occupants.

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 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
<p>1. Waste</p> <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	<p>Yes</p>	<p>Satisfactory.</p>
<p>2. Ecologically Sustainable Development</p> <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	<p>No</p> <p>Yes</p>	<p>The proposal does not provide any ceiling or wall mounted fans within habitable rooms; however, the BASIX Certificate achieves satisfactory targets for thermal comfort and is acceptable. A note has been included in the recommendation to encourage the installation of ceiling or wall mounted fans to further enhance ecologically sustainable development.</p> <p>The proposal provides three skylights to optimise natural light to the centrally located internal staircase and adjacent void (SL5-01), the first floor eastern terrace (SL5-03) and western balcony (SL5-02). The skylights are consistent with the objectives to reduce the need for electric lighting and is supported.</p> <p>The proposal has committed to use of an electrical stovetop and oven in the kitchen, and solar (electric boosted) hot water system.</p> <p>A fireplace is proposed in the first-floor living room. In accordance with Council's indoor air quality controls solid fuel heating is not permitted. As such, a condition prohibiting the use of a solid fuel heating within the development has been included in the recommendation.</p>

Development Control	Compliance	Comment
<p>3. Landscaping, Biodiversity and Vegetation Preservation</p> <ul style="list-style-type: none"> • <i>Consent is required to remove a tree that is 3m or greater in height, or 3m or greater in spread.</i> • <i>Consent is required to prune a tree that is 5m or greater in height, or 5m or greater in spread.</i> • <i>Where such a tree is proposed for removal, replacement plantings of suitable species from Annexure B3-2 and of minimum 45L pot sizes must be shown on a Landscape Plan. An Arborist must confirm that the replacement will be able to reach the same or greater canopy size when mature.</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The site is not located within a habitat corridor.</p> <p>The proposal seeks consent for the removal of five trees on the site, and retention and protection of existing trees located on adjoining properties during demolition and construction works. The three trees to be removed are listed as exempt species and do not require development consent.</p> <p>The trees impacted by the proposal are identified as follows:</p> <p>Trees to be removed within the site:</p> <ul style="list-style-type: none"> • Tree 1 - <i>Cordyline australis</i> (New Zealand Cabbage Tree) • Tree 2 – Dead tree <p>Exempt species to be removed:</p> <ul style="list-style-type: none"> • Tree 3 – <i>Celtis sinensis</i> (Hackberry) • Trees 6, 7 – <i>Syagrus romanzoffianum</i> (Cocos Palm) • Tree A – 3 x <i>Howea forsteriana</i> (Kentia Palms) – exempt due to existing height <p>Trees to be retained at 62 Gilbert Street:</p> <ul style="list-style-type: none"> • Tree 4 – <i>Syagrus romanzoffianum</i> (Cocos Palm) • Tree 5 – <i>Schefflera actinophylla</i> (Umbrella Tree) <p>Tree to be retained at 67 Portland Street:</p> <ul style="list-style-type: none"> • Tree B – 3 x <i>Murraya paniculata</i> (Orange Jessamine) <p>Council’s Tree Management Officer has reviewed the proposal and supports the removal of the existing trees on the site and pruning and protection of trees on adjacent properties, subject to recommendations contained within the submitted Arborist Report and additional tree protection conditions which have been included in the recommendation.</p>
<p>5. Water Management</p>	<p>Yes</p>	<p>Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.</p>
<p>7. Transport</p> <p>7.1 Streetscape</p>	<p>Yes</p>	<p>The site currently has two off-street car parking spaces within the double garage accessed from Gilbert Street.</p> <p>The proposal to replace the existing garage and driveway crossover with a new garage and</p>

Development Control	Compliance	Comment
7.2 On-Site Parking 7.2.1 Vehicle Access 7.2.2 Parking Rates <i>Minimum parking rate:</i> <ul style="list-style-type: none"> • Nil <i>Maximum parking rate:</i> <ul style="list-style-type: none"> • 2 	<p>Yes</p> <p>Yes (subject to conditions)</p> <p>Yes</p>	<p>driveway has minimal impact on traffic and parking within Gilbert Street and is supported.</p> <p>The proposed driveway width measuring 5.5m is greater than the maximum width of 5m permitted at the property boundary. Council's Traffic Engineer has recommended conditions requiring design amendments to achieve compliant driveway crossover widths.</p> <p>The development provides 2 off-street parking space which complies with the maximum car parking for the site.</p>
11. Design Excellence	Yes	Satisfactory.
13. Excavation	No (acceptable on merit)	<p>The maximum volume of excavation permitted for the site is 167.86m³.</p> <p>The proposal seeks consent for 818m³ of excavation across the site, including 19m³ at the north-west corner to accommodate on site detention below the garage, 752m³ for the basement and lower ground floor levels and 47m³ for the rear ground floor level and external stairs providing access from the ground floor to the rear open space.</p> <p>Notwithstanding the significant non-compliant volume of excavation, the proposal satisfies the objectives for excavation and will not result in any adverse environmental impacts, excessive building bulk or amenity impacts on adjoining properties, subject to conditions relating to excavation methodology. See further discussion below this table.</p>

Table 3: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> • <i>Maximum wall height of 7.5m</i> 	Partially complies	The external wall height on the west (front) elevation is 8.1m, measured above existing ground level. At the centre of the dwelling the external wall height measures 7.3m and 4m on the

Development Control	Compliance	Comment
		<p>east (rear) elevation due to the slope of the land from east to west.</p> <p>Whilst the external wall height exceeds the 7.5m control on the west elevation, the proposal does not exceed the height of the existing dwelling, the height of building development standard of 8.5m and does not exceed the height of immediately adjoining properties.</p> <p>The proposal is consistent with the built form and scale of existing developments in the street.</p>
1.2 Setbacks		
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> <i>Predominant front building line (adjacent three neighbours on either side)</i> <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	<p>No – acceptable on merit</p> <p>No (acceptable on merit)</p>	<p>The site and immediately adjoining properties to the north and south do not comprise predominant front or rear building lines that provide consistent presentation when viewed from the public domain. As such, appropriate front and rear building lines for the proposal is being considered on merit.</p> <p>The proposal is set back 23.2m from the front boundary, measured from the westernmost point of the splayed façade and has a rear building line of 7.6m, measured to the eastern most point of the splayed façade. The proposed front and rear building lines do not extend beyond the building lines of immediately adjoining properties and is considered acceptable. See discussion below this table.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> <i>Minimum of 0.9m for ground floor and first floors.)</i> 	<p>Yes</p>	<p>The proposed ground and first floors of the dwelling have a minimum setback of 0.9m and is compliant with minimum setback controls.</p> <p>The proposed bin storage/pool plant room and partially enclosed entry courtyard adjacent to the garage have nil setbacks along the northern and southern side boundaries, respectively. The design these is consistent with the built form and scale of existing garages and front fences of surrounding properties and will not detract from the existing character of the streetscape.</p>
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> <i>New development to be compatible with streetscape context</i> <i>Significant landscaping to be maintained.</i> 	<p>Yes</p> <p>Yes</p>	<p>The garage fronting Gilbert Street and three storey dwelling setback from the front boundary complements the built form and scale of surrounding developments and is supported. In particular, the new dwelling is contained predominantly within the existing building envelope and below the height of the existing roof</p>

Development Control	Compliance	Comment
		<p>ridgeline and will not appear excessive in bulk or scale.</p> <p>The proposal provides compliant landscape and deep soil planting areas and will contribute to the landscaped character of the locality.</p>
1.4 Fences		
<p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.8m</i> 	<p>Yes (subject to condition)</p>	<p>A new side boundary fence will be constructed along part of the northern side boundary to replace the external wall of the existing dwelling to be demolished. A condition has been included to restrict the height of the new boundary fence to be no greater than 1.8m, measured above the existing ground level of the site immediately adjacent to the boundary.</p> <p>A new stone wall is proposed to be constructed along part of the rear boundary to match the existing stone wall.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • <i>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</i> • <i>External stairs are not acceptable.</i> • <i>Maximum size of balconies: 10m² in area 1.5m deep</i> • <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i> 	<p>Yes</p> <p>Acceptable</p> <p>Acceptable</p> <p>NA</p>	<p>The proposal has orientated habitable room windows to the east and west to minimise overlooking and privacy impacts on adjoining properties, except for one bedroom window (Window W3-01) on the ground floor north elevation. This window has a sill height of 1.9m measured above the finished floor level and will not result in any direct views of the adjoining property and is acceptable.</p> <p>Existing external stairs along the southern side setback will be replaced with new stairs to provide access from the open space within the front building line to the rear of the site. The new stairs will not result in any additional or unreasonable privacy impacts on the adjoining property as it is a service pathway and will not be frequently occupied.</p> <p>New external stairs are proposed to provide access from the ground floor bedrooms to the rear landscaped open space. The stairs are centrally located within the rear setback with landscaping along the north and south sides of the stairs. The proposed stairs are positioned below the existing ground level and boundary fences of the adjoining properties and will not result in loss of visual or acoustic privacy for adjoining properties.</p>

Development Control	Compliance	Comment
		<p>The proposed ground floor front balcony has a depth of 1.4m and an area measuring 8.5m² which is compliant with balcony controls under the DCP.</p> <p>The proposed first floor front balcony has a depth of 3m and an area measuring 20m² which exceeds the maximum dimensions for balconies under the DCP. The design of the balcony seeks to optimise views of the harbour and city skyline to the west whilst minimising privacy impacts on adjoining properties by comprising of solid balustrades with curved openings measuring no less than 1.7m and 2.1m above the finished floor level of the balcony on the south and north elevations, respectively.</p>
1.6 Solar access		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal achieves more than three hours of direct sunlight to proposed living areas and private open spaces within the front and rear building lines.</p> <p>The proposal does not result in any additional overshadowing to the principal rear open spaces of immediately adjoining properties, particularly the elevated balcony at the rear of 62 Gilbert Street immediately to the south of the site.</p> <p>Additional overshadowing cast by the south-east and south-west corners of the roof do not result in unreasonable loss of solar access to habitable rooms and private open space at 62 Gilbert Street as the proposed dwelling is contained within a permissible building envelope and does not extend beyond the front or rear building lines of adjoining properties.</p> <p>The east to west orientation of the site and immediately adjoining properties results in unavoidable overshadowing to existing north facing windows at 62 Gilbert Street. As the proposed dwelling is contained predominantly within the existing building footprint and does not exceed the maximum height of buildings development standard or setback controls, the extent of additional overshadowing is considered reasonable and will not adversely impact the amenity of adjoining occupants.</p> <p>The proposal will not overshadow existing north facing skylights on the roof of 62 Gilbert Street.</p>

Development Control	Compliance	Comment
1.7 Views		
<ul style="list-style-type: none"> <i>Views from the public domain are to be maintained</i> <i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i> 	<p>Yes</p> <p>Yes</p>	<p>There are no views from the public domain that will be affected by the proposal.</p> <p>The proposal will reduce the extent of visual bulk when viewed from 67 Portland Street compared with the existing dwelling house on the site, as the new roof below the height of the existing roof ridge.</p> <p>The rear skylight (SL5-03) is 1.43m below the height of the existing roof ridge and will be predominantly obscured from view at the ground floor level at 67 Portland Street. Whilst the skylight (SL5-01) over the central staircase projects 285mm above the height of the proposed roof (RL70.125) and the ridge of the existing front roof form (RL70.16), the skylight is positioned 1.04m below the height of existing main roof ridge (RL71.45) and will not result in any view loss of the harbour or city skyline from 67 Portland Street.</p> <p>The proposed screen planting and trees along the northern side boundary and rear setback include species with mature heights no greater than 5m and will not obscure existing views of the city skyline or harbour from 67 Portland Street. The proposed design satisfies the objectives for view sharing with surrounding properties and is acceptable.</p>
1.8 Car parking		
<p>1.8.1 Design Approach</p> <ul style="list-style-type: none"> <i>Parking only allowed where site conditions permit</i> <i>Designed to complement the building and streetscape</i> <i>Car parking structures to be behind the front building line</i> <i>Driveways are to be located to minimise the loss of on street parking</i> 	<p>Yes</p> <p>Yes</p> <p>No (acceptable on merit)</p> <p>Yes</p>	<p>The site currently has a detached double garage adjacent to the front boundary with vehicular access from the Gilbert Street.</p> <p>The proposal seeks to demolish the existing garage and construct a new double garage that is set back between 2.4m and 2.8m from the front boundary with a curved planter cantilevered over the garage entry.</p> <p>Garages within the front building line and built to the street frontage is a predominant feature within the Gilbert Street streetscape. As such, the proposed garage is consistent with existing vehicular access and parking for surrounding developments and is acceptable.</p> <p>The proposed relocation of the driveway from the south to the north along the front boundary will not result in the loss of two or more existing street parking spaces and is acceptable, subject to</p>

Development Control	Compliance	Comment
		conditions recommended by Council's Traffic Engineer to achieve compliance with driveway design controls under the DCP.
1.8.2 Parking rates	Yes	Parking rates are set by Part B7 of Waverley DCP 2022.
1.8.3 Location <ul style="list-style-type: none"> • <i>Parking to be behind front building line for new dwellings</i> • <i>Existing development to be in accordance with the hierarchy of preferred car parking locations</i> 	No (acceptable on merit)	As discussed above, garages in this section of Gilbert Street are located at the front boundary and not behind the front building line as required by the DCP. Given the topography of the site and the front building line of surrounding developments, the construction of a garage behind the front building line would be out of character with the streetscape and would not be a good design outcome.
1.8.4 Design <ul style="list-style-type: none"> • <i>Complement the style, massing and detail of the dwelling</i> • <i>Secondary in area and appearance to the design of the residences</i> • <i>Gates to have an open design</i> 	Yes	<p>The proposed garage presents a consistent built form with immediately surrounding garages when viewed from Gilbert Street and responds appropriately to the fall of the street from south to north. The design of the garage and pedestrian entry is consistent with the style and details of the new dwelling.</p> <p>The proposed pedestrian gate comprises an open design to enhance passive surveillance.</p>
1.8.5 Dimensions <ul style="list-style-type: none"> • <i>5.4m x 2.4m per vehicle</i> 	Yes	The proposal provides adequate internal dimensions for two car spaces within the proposed garage.
1.8.6 Driveways <ul style="list-style-type: none"> • <i>Maximum of one per property</i> • <i>Maximum width of 3m at the gutter (excluding splay)</i> • <i>Crossings not permitted where 2 on street spaces are lost</i> 	<p>Yes</p> <p>No (acceptable subject to condition)</p> <p>Yes</p>	<p>The existing vehicle crossing will be removed and replaced with a new crossing further to the north to align with the new garage entry.</p> <p>The proposed width of the vehicle crossing at the gutter measures approximately 5m excluding the splays and exceeds the maximum width permitted under the DCP. Council's Traffic Engineer has raised no objection to the proposal subject conditions requiring design amendments to achieve compliance with the DCP controls.</p> <p>The proposed vehicle crossing will not result in the loss of two or more on street parking spaces and is acceptable.</p>
1.9 Landscaping and open space		
<ul style="list-style-type: none"> • <i>Overall open space: 40% of site area (239.32m²)</i> 	Yes	The applicant has calculated an area of 360.43m ² (60%) of open space; however, Council's assessment officer has excluded the open space area identified in the entry courtyard (15.01m ²) as

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Overall landscaped area: 20% of site area (119.66m²), with at least half deep soil (59.83m²) • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area (136.41m²) • Front landscaped area: 50% of front open space provided (129.9m²) • Outdoor clothes drying area to be provided 	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">No (acceptable on merit)</p> <p style="text-align: center;">Not shown</p>	<p>the space is enclosed by full height walls. Notwithstanding this exclusion, the proposal has 345.43m² of open space equating to 58% of the site area and is compliant with the open space control.</p> <p>The proposal provides 131.63m² of landscaped area equating to 22% of the site area and 69.3m² of deep soil equating to 57% of the landscaped area. The proposed landscape and deep soil areas are compliant with the DCP controls and will contribute to the landscaped character of the site.</p> <p>The proposal provides 18.95m² of open space adjacent to the western boundary fronting Gilbert Street and 240.85m² of open space within the front building line at the lower ground level. The total open space area provided within the front building line is 259.8m², equating to 95% of the front setback area. Whilst the open space is predominantly above the basement level, the location and design of open space in the front setback is consistent with the existing development on the site and surrounding developments and is acceptable.</p> <p>The proposal provides 51.86m² of front landscaping equating to 20% of the open space within the front building line. Whilst the proposal does not achieve the 50% landscape requirement within the front open space, screen planting along the northern side boundary and the western planter above the garage (not included in landscape calculations) will contribute to the landscaped character of the site.</p> <p>No outdoor clothes drying area has been indicated on the architectural or landscape plans. However, the proposal contains sufficient private open space to accommodate any clothes drying needs of future occupants.</p>
1.10 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 • All pool equipment to be enclosed within an 	<p style="text-align: center;">No (acceptable on merit)</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>	<p>The existing principal private open space and swimming pool are located within the front building line. The proposal seeks to maintain the location of principal private open space including a new swimming pool within the front building line to optimise westerly views of the harbour and city skyline.</p> <p>The northern side of the pool deck is set back 2.3m from the northern side boundary and 6.2m from</p>

Development Control	Compliance	Comment
<i>acoustically treated enclosure</i>		<p>the adjacent window openings at 58 Gilbert Street. The proposed setback of the pool deck is adequate and unlikely to result in additional privacy impacts on the adjoining property given the height and dense foliage of proposed screen planting along the northern side boundary.</p> <p>The proposal will retain the existing boundary wall between the site and 62 Gilbert Street. The proposed pool deck will enhance visual privacy between the site and occupants at 62 Gilbert Street with the construction of a new 2.4m high privacy wall that is set back 0.9m from the southern side boundary and an irregular shaped shade cloth that will obscure direct sightlines between the pool area and adjoining windows and private open space.</p> <p>Pool equipment will be located within the new enclosure adjacent to the garage. A condition has been included in the recommendation requiring the enclosure to be acoustically treated to minimise noise impacts on adjoining properties.</p>

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2022.

Excavation

The proposed volume of excavation measuring 818m³ exceeds the maximum excavation control of 167.86m³ for the site under control (a) in Part B13 of the Waverley DCP 2022.

The proposed excavation is dispersed across the site, with the majority of the excavation proposed at the centre of the site within the building footprint of the proposed dwelling, which will consist of a basement and lower ground floor level. Having regard to the topography of the site, the volume of excavation for the basement and lower ground floor levels is located below the existing ground level of the site and will not contribute to the bulk and scale of the dwelling when viewed from the public domain.

The proposed basement level immediately below the footprint of the proposed dwelling consists of circulation space from the primary entrance on Gilbert Street, storage, a lift and stairs to the floors above. Due to the fall of the site from east to west, the proposed habitable rooms within the lower ground level will have large openings on the western elevation and achieves good internal amenity. The proposed excavation and design satisfy the objective to prevent subterranean habitable spaces and achieves good natural light and ventilation.

The proposed excavation to the rear of the dwelling provides for three bedrooms, a bathroom and a laundry. The bedrooms have direct access to an east facing terrace for natural light, outlook and ventilation. Excavation within the rear building line is proposed to provide access from the ground floor terrace to the landscaped private open space and will enhance the amenity of future occupants.

All excavation contained within the building footprint of the dwelling is set back a minimum 0.9m from side boundaries. The proposed excavation is consistent with the objectives and controls for excavation under the DCP as the new dwelling will present as a two storey dwelling when viewed from the public domain and surrounding properties. The proposed built form and scale of the dwelling are contextually appropriate and will complement the existing character of the streetscape.

A geotechnical report was submitted, which identified loose fill and silty sand at various depths across the site, clay soil below 3m depth and low strength, fine to medium grain sandstone bedrock within the eastern half of the site between 0.5m and 2.9m depth and the subfloor area below the existing dwelling. The geotechnical report concluded that the site does not contain underlying geotechnical issues that would be impacted by the proposal and the proposed excavation is capable of being carried out without adverse impacts on adjoining properties, subject to selected excavation methodology to minimise vibration impacts. As such, conditions requiring management of excavation works to ensure the development does not adversely impact the structural stability of adjoining properties have been included in the recommendation.

Front building line

In accordance with the front building line controls under Part C1 of the Waverley DCP 2022, the proposal is to be consistent with the predominant front building line of the site and immediately adjoining properties (three properties on either side of the site). In this instance, there is only one property (58 Gilbert Street) to the north, beyond this is a public park known as Caffyn Park. Three properties to the south of the site (Nos. 62, 64 and 66 Gilbert Street) are included in the consideration of predominant front building lines.

The site and adjoining properties do not consist of a predominant front building line. The front setback of the dual occupancy development at 58 Gilbert Street measures approximately 6m from the street boundary and is identified as an anomaly within the streetscape, as the dwelling is sited significantly closer to the street alignment than the subject site and properties to the north on Gilbert Street. In particular, the existing dwelling on the site has a setback of 23.8m and Nos. 62 to 66 Gilbert Street have varying front setbacks measuring 16.4m, 13.3m and 9.3m, respectively (see **Figure 8** below).

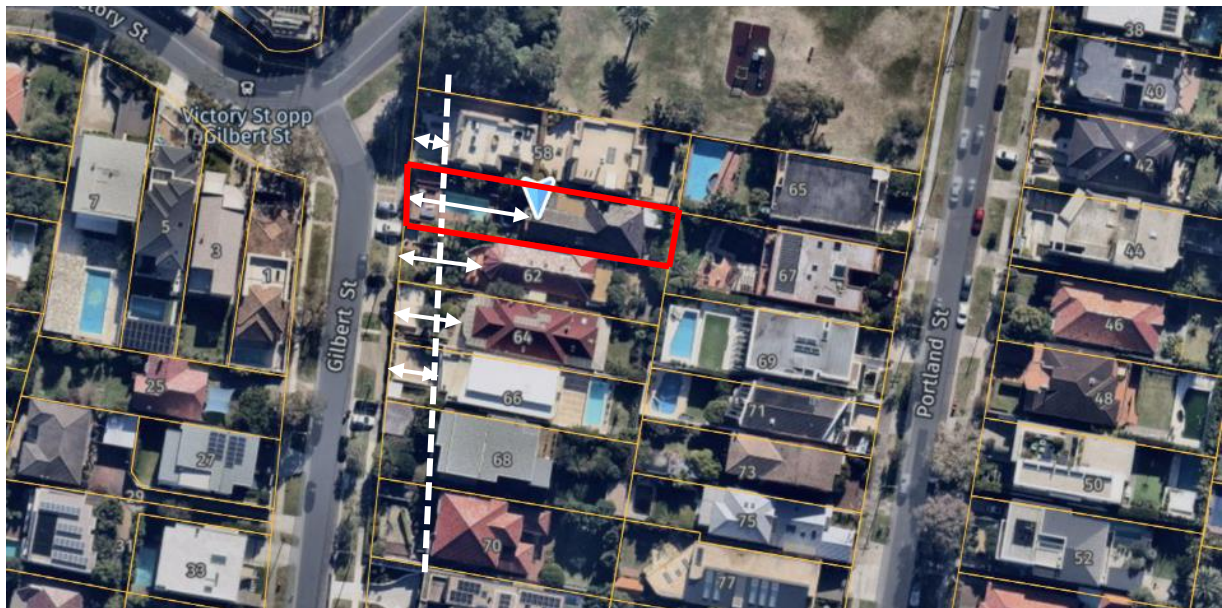


Figure 8: Existing front building line of site and surrounding properties shown with white arrows

The proposal does not seek to align with either of the properties immediately to the north or south and seeks to be contained within the existing building footprint, except for a minor projection of the angled wall to the lower ground floor terrace and balconies above. Having regard to the varying front building lines of adjoining properties, the proposal to maintain the front building line of the existing dwelling is supported as it will result in minimal change to the existing streetscape and will provide more solar access to habitable windows at 62 Gilbert Street compared to a building envelope that matches the front building lines of adjoining properties.

Rear building line

The subject site and adjoining properties do not comprise a predominant rear building line. In particular, part of the existing dwelling is built to the rear boundary at the north-eastern corner and set back 5.6m to the south-east providing a small, paved courtyard within the rear building line. The development immediately to the north at 58 Gilbert Street has a rear building line measuring 8.1m and properties to the south (Nos. 62, 64 and 66 Gilbert Street) have varying rear building lines measuring between 9.2m and 17m. The variation of rear building lines continues for properties further to the south of the site noting that these properties also have various front building lines closer to the street frontage than the existing or proposed dwelling on the subject site (see **Figure 9** below).

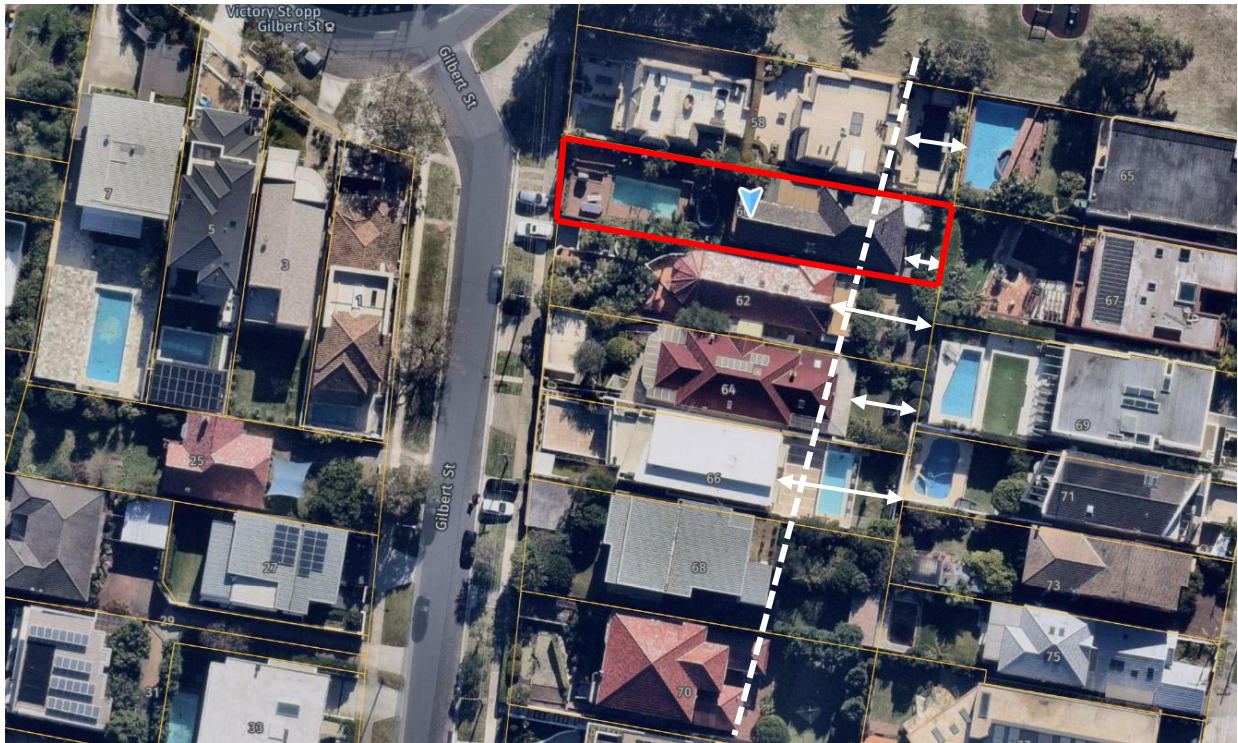


Figure 9: Existing rear building line of site and surrounding properties shown with white arrows

The proposal seeks to provide a splayed rear building line at both ground and first floor levels measuring between 7.64m to the north and 8.2m to the south, which responds appropriately to the existing rear building lines of the dwellings immediately to the north and south of the site, respectively. In particular, the proposed rear building line adjacent to the northern side boundary significantly reduces building bulk as the existing single storey structure built to the boundary will be demolished and replaced with open space and landscaping. Whilst the proposed rear setback adjacent to the southern side boundary extends beyond the rear setback of 62 Gilbert Street, the proposed setback is greater than the rear setback of the existing dwelling and will reduce building bulk as viewed from neighbouring properties.

The proposed rear building line is considered a good design outcome as a greater rear setback to achieve strict compliance with the adjoining properties, particularly the rear setback at 62 Gilbert Street would likely relocate the bulk of the building further to the west resulting in additional overshadowing impacts on habitable rooms at 62 Gilbert Street. In addition, the proposed rear building line provides an appropriate transition between the existing built forms of immediately adjoining properties and increases the area of open space at the rear of the site, complementing the character of adjoining properties.

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 30 May and 15 June 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- Clarification provided for building height with no increase in height and remains compliant with the height of buildings development standard as originally notified;
- Amended landscape plans includes tree and screen planting species with maximum mature heights less than the originally notified landscape plan; and
- Minor modification to the positioning of skylights and solar panels to minimise visual impacts from adjoining properties, particularly from the east.

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

- 1/58 Gilbert Street, Dover Heights; and
- 67 Portland Street, Dover Heights.

On 28 August 2023, the lawyers representing the owners of 67 Portland Street, Dover Heights advised Council in writing that the applicant and the adjoining owners have resolved the concerns raised relating to view loss impacts from landscaping and skylights, light spill, reflection or glare from solar panels and trafficable roof terraces. The owners of 67 Portland Street have advised that they would withdraw their concerns subject to appropriate conditions being imposed to ensure the development does not result in any view loss impacts.

As discussed in the report above, the height and location of skylights and solar panels are not considered to result in any view loss impacts upon 67 Portland Street and will not result in any adverse amenity impacts. A condition requiring roofs to be non-trafficable have been included in the recommendation.

The landscape plan and planting schedule have identified planting of tree species with mature heights of 5m along the eastern boundary, which will not adversely impact existing views and are acceptable. The objector's request that a condition be imposed requiring ongoing landscape maintenance to ensure no view loss impacts cannot be reasonably monitored and enforced by Council. However, the nominated mature heights of selected tree species are acceptable and is not considered likely to obstruct existing views from the adjoining property.

The issues raised in the remaining submission relating to excavation impacts on the structural stability of adjoining properties have been discussed and addressed in the body of this report and/or the recommendation.

2.5. Public Interest

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

3. REFERRALS

The following internal and referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineer has reviewed the proposal and is satisfied that the internal layout of the garage adequately accommodates two car spaces and achieves minimum head height clearances. No objection is raised to the demolition of the existing driveway and construction of a new driveway, subject to the reduction in width of the driveway to achieve compliance with maximum driveway width controls under the DCP. Council's Traffic Engineer has provided traffic management and driveway design conditions that have been included in the recommendation.

3.2. Stormwater

Council's Stormwater Engineer has reviewed the proposal and identified insufficient storage is proposed for the OSD and the overflow design from the OSD needs to be amended to ensure no overflow is discharged into the rainwater tank. Council's Stormwater Engineer is satisfied that the design issues can be resolved by design amendments, subject to recommended stormwater management conditions which have been included in the recommendation.

3.3. Tree Management

Council's Tree Management Officer has reviewed the proposal and raises no objection to the proposed removal of five trees on the site, and protection of trees on adjoining properties during demolition and construction works. Council's Tree Management Officer supports the planting of tree species with a maximum mature height of 5m within the rear setback to achieve adequate landscape screening whilst minimising view loss impacts from adjoining properties.

Council's Tree Management Officer has provided tree protection conditions which have been included in the recommendation.

3.4. Public Domain

Council's Public Domain Officer has reviewed the proposal and note that the boreholes carried out as part of the geotechnical investigation did not extend below the proposed bulk excavation level and has not included an assessment of likely groundwater seepage volumes during and after construction. Council's Public Domain officer has recommended that further geotechnical investigations be carried out and the geotechnical report be revised to include any additional findings and recommendations prior to the issue of a Construction Certificate. A condition requiring further geotechnical investigations has been included in the recommendation.

Council's Public Domain Officer has raised no objection to the proposed works, particularly within the public domain, subject to conditions which have been included in the recommendation.

4. CONCLUSION

The development application seeks consent for demolition of the existing dwelling, garage and swimming pool and tree removal for construction of a new dwelling house with a new garage and swimming pool within the front setback and landscape works at the site known as 60 Gilbert Street, Dover Heights.

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

- Exceedance of FSR;
- Front building line; and
- Volume of excavation.

The assessment finds these issues acceptable as the extent of excavation contained below the existing ground level presents a dwelling that is comparable with the building footprint and envelope of the existing dwelling, does not exceed the maximum height of buildings development standard and complements the character of existing surrounding developments within the streetscape. The proposal demonstrates good design qualities and will not result in any adverse environmental or amenity impacts on adjoining properties, subject to recommended conditions.

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

No Councillor submissions were received.

There are declared conflicts of interest for this application.

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.

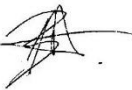
Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 22 August 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara, B Magistrale, E Finnegan, 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 by:	Application reviewed and agreed by:
		
Peggy Wong	Ben Magistrale	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 1 September 2023	Date: 8 September 2023	Date: 14 September 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

<p>Clause 4.6 register entry required</p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<p>30% variation to FSR (Clause 4.4)</p> <p>Reason (place a X next to <u>all</u> that apply):</p> <table border="1"> <tr> <td><input type="checkbox"/></td> <td>Pre-existing non-compliance</td> </tr> <tr> <td><input type="checkbox"/></td> <td>No change to overall building height</td> </tr> <tr> <td><input type="checkbox"/></td> <td>No change to overall building envelope</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Variation limited to the [lift/plant/parapet/attic] only</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Sufficient environmental planning grounds</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Consistent with the objectives of the standard</td> </tr> <tr> <td><input type="checkbox"/></td> <td>[insert another reason here if required]</td> </tr> </table>	<input type="checkbox"/>	Pre-existing non-compliance	<input type="checkbox"/>	No change to overall building height	<input type="checkbox"/>	No change to overall building envelope	<input type="checkbox"/>	Variation limited to the [lift/plant/parapet/attic] only	<input checked="" type="checkbox"/>	No unreasonable impacts on the amenity of adjoining properties or streetscape	<input checked="" type="checkbox"/>	Sufficient environmental planning grounds	<input checked="" type="checkbox"/>	Consistent with the objectives of the standard	<input type="checkbox"/>	[insert another reason here if required]
	<input type="checkbox"/>	Pre-existing non-compliance															
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<input type="checkbox"/>	[insert another reason here if required]																
<p>Determining Authority</p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	<p>Local Planning Panel</p>																
<p>Affordable Rental Housing Units?</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>																
<p>Secondary Dwelling</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>																
<p>Boarding House</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>																
<p>Group Home</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>																

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 ChenChow Little Pty Ltd of Project No: 2115 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A-DA-100, Rev B	Site Plan	27.07.2023	31.07.2023
A-DA-110, Rev A	Basement Floor Plan	17.03.2023	23.05.2023
A-DA-111, Rev A	Lower Ground Floor Plan	17.03.2023	23.05.2023
A-DA-112, Rev A	Ground Floor Plan	17.03.2023	23.05.2023
A-DA-113, Rev A	First Floor Plan	17.03.2023	23.05.2023
A-DA-114, Rev B	Roof Plan	27.07.2023	31.07.2023
A-DA-200, Rev B	Elevations	27.07.2023	31.07.2023
A-DA-201, Rev B	Elevations	27.07.2023	31.07.2023
A-DA-300, Rev C	Sections	28.08.2023	28.08.2023
A-DA-701, Rev A	Schedule of External Finishes	17.03.2023	23.05.2023
A-DA-800, Rev A	Excavation Section	5.06.2023	16.06.2023

(b) Landscape Plan Nos. LA-000, LA-001, LA-100, LA-102 (all Revision C) and LA-101 (Revision B), all dated 29 August 2023 and documentation prepared by Jane Irwin Landscape Architecture, and received by Council on 29 August 2023 .

(c) BASIX and NatHERs Certificates.

(d) Arborist Report prepared by Green Space Consultancy dated 21 March 2023, and received by Council on 23 May 2023.

(e) Geotechnical Site Investigation Report prepared by Crozier Geotechnical Consultants dated 20 December 2022, and received by Council on 23 May 2023.

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1, and received by Council on 23 May 2023.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) The new northern side boundary fence within the rear building line is to be a maximum height of 1.8m measured above the finished ground level of the subject site that is adjacent to the side boundary.

(b) The proposed stone boundary wall along part of the eastern boundary, as shown on the landscape plan (Drawing No. LA-102, Revision B prepared by Jane Irwin Landscape Architecture and dated 14 February 2023) is to be shown on the amended architectural plans, elevations and sections referred

to in condition 1(a) of this development consent. The height of the new stone boundary wall must not exceed the top of wall height of the existing stone wall (as surveyed) on the eastern boundary.

- (c) The photovoltaic cells on the western portion of the proposed roof must not project more than 125mm above the maximum RL of the roof being RL70.125.

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

3. ADDITIONAL GEOTECHNICAL INVESTIGATIONS AND REPORT

Prior to the issue of a Construction Certificate and to the satisfaction of the Principal Certifying Authority, additional geotechnical investigations must be carried out by a suitably qualified and practising Structural Engineer/Geotechnical Engineer including cored boreholes that extend below the proposed bulk excavation level and an assessment of likely groundwater seepage volumes into the bulk excavation in both the short term (during construction) and in the long term (after construction).

An updated geotechnical report must be prepared and include the cored borehole results, groundwater seepage volume assessment, and updated geotechnical findings and recommendations to reflect the additional investigation results. Any further recommendations as a result of the additional investigation must be implemented as part of this consent.

4. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

5. NON-TRAFFICABLE ROOF

The proposed roof of the dwelling is to be non-trafficable, except for maintenance purposes.

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 2021*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

7. 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 applicable requirements of Part 6, before any work commences.

8. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Gilbert 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
- Vehicular crossing
- Kerb and gutter.

CONTRIBUTIONS, FEES & BONDS

9. SECTION 7.12 CONTRIBUTION

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

- (a) Where the total development cost is less than \$500,000:
 - (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
 - (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

- (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
- (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, 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% of the full cost of the development; or
 - (iii) A development valued at more than \$200,000 will attract a levy of 1% of 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.

10. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$150,076.70** 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) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs 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.

11. 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 of this building work. Evidence 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 0.25% of building work costing \$250,000 or more.

12. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessments, in accordance with the 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

13. 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 the applicable fees paid, prior to the erection of the hoarding.

14. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

15. 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.

16. 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.

17. GROUND ANCHORS

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8886.

STORMWATER & FLOODING

18. 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 Danmor Consulting Engineers, Job No. D22088, DWG No. ST01-ST04, Rev E dated 19/05/2023 are considered concept only.

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

- (a) Permissible site discharge has been incorrectly calculated. Redesign OSD and associated orifice for 20% AEP predeveloped levels (5-minute storm with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3.
- (b) Storage provided is insufficient to detain the 1% AEP post-developed flow to the 20% undeveloped levels (fraction imperviousness 0.1), as per Section 6.3 of the Water Management Technical Manual (2021). Redesign accordingly.
- (c) Orifice diameter provided is undersized for storage provided. Redesign accordingly.
- (d) Overflow pipe from OSD is insufficient for Q100 unrestricted storm event. Redesign accordingly.
- (e) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.
- (f) A minimum of two 600 mm square access grates shall be installed over the OSD tank. This is to provide adequate ventilation to prevent the accumulation of noxious odours and to provide convenient access for routine maintenance and inspection of the tank. One grate shall be placed over OSD outlet pipe and orifice plate.
- (g) The proposed OSD tank shall be located outside of the proposed swimming pool and its coping.
- (h) The stormwater management plan shall be updated to be consistent with the architectural drawings.
- (i) The rainwater tank shall not be directly connected to the OSD tank with a weir separation. The rainwater tank system must be re-designed to collect roof water only.
- (j) Provide roof area discharging into rainwater tank.
- (k) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- (l) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.
- (m) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (n) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump shall be provided at the outlet point.
- (o) A long section of the connection to Council's infrastructure shall be provided and its details must be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- (p) A non-return valve to be installed at the outlet pipe at the connection point with Council's stormwater line so that stormwater cannot surcharge back into the property disposal system.
- (q) The invert level of the stormwater discharge line connecting to Council's kerb inlet pit shall be at or above the top third of Council stormwater pipeline.
- (r) Due connection to Council drainage network, provide the following:
 - i. Detailed survey (footpath, kerb, buildings, walls, stairs, etc)

- ii. Full scaled long section of proposed stormwater pipe (existing surface levels, cover, design level of pipe, surface & invert of pits, stormwater pit location, level of all service lines in vicinity of works)
 - iii. Design alignment and details of proposed pipe material, size, class
 - iv. Location of all stormwater pits and pit types proposed
- (s) All proposed conduits within the public domain shall be constructed using Class 3 reinforced concrete pipes (RCPs) with a minimum diameter of 375 mm. A junction pit shall be installed at all changes of gradient and changes of direction in the pipeline.
 - (t) Kerb inlet pit shall be 2.4 metres in overall length (with 1.8 metres clear internal opening). The proposed kerb inlet pit must be constructed to Council's satisfaction. Details are to form part of the Construction Certificate documentation.
 - (u) During construction of the proposed stormwater connection to the existing Council pit located on Gilbert Street, any infrastructure within the council's public domain, inclusive of stormwater kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per the Council's Public Domain Technical Manual. The applicant will be responsible for the full width renewal and restoration of the neighbouring driveways affected by the stormwater connection works, with all costs borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- 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). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours notice must be provided to Council prior to inspection.

ENERGY EFFICIENCY & SUSTAINABILITY

19. BASIX

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

WASTE

20. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

LANDSCAPING & TREES

21. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Section 3.2.3 in Part B3 of the *Waverley Development Control Plan 2022* 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 MANAGEMENT

22. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

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. DILAPIDATION REPORT – ADJOINING PROPERTIES

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.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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.

25. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

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

26. PRE-CONSTRUCTION DILAPIDATION REPORT – PUBLIC DOMAIN

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction, vehicles are 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 Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

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;
- *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

- (a) 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.
- (b) 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 an on-site registered and practising structural engineer.
- (c) Vibration emissions must be maintained at low levels and not adversely affect adjoining properties by using small scale equipment as recommended in the geotechnical report prepared by Crozier Geotechnical Consultants in the Geotechnical Site Investigation Report dated 20 December 2022 and as required by any conditions in this consent.
- (d) All excavations and backfilling are to be carried out in accordance with the detailed geotechnical report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, approved by the Principal Certifying Authority.
- (e) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority.

CONSTRUCTION MATTERS

31. CONSTRUCTION HOURS

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

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

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

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

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

33. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.

34. CERTIFICATE OF SURVEY - LEVELS

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

35. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

36. WORK OUTSIDE PROPERTY BOUNDARY

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

37. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

TREE PROTECTION AND REMOVAL

38. 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 as identified in the table below:

Table 1: Trees to be protected and removed

Tree No.	Species	Location	Action
T 1	<i>Cordyline australis</i> (New Zealand Cabbage Tree)	On site	Remove as per arborist report
T 2	Dead tree	On site	Remove as per arborist report

T 3	<i>Celtis sinensis</i> (Hackberry) Weed tree	On site	Remove as per arborist report
T 4	<i>Syagrus romanzoffianum</i> (Cocos Palm) Weed tree	Adjoining property	Retain & protect (weed species can be removed with owners consent)
T 5	<i>Schefflera actinophylla</i> (Umbrella Tree)	Adjoining property	Retain & protect
T 6 & 7	<i>Syagrus romanzoffianum</i> (Cocos Palm) Weed tree	On site	Remove as per arborist report
T A	3 x <i>Howea forsteriana</i> (Kentia Palms)	On site	Remove as per arborist report
T B	3 x <i>Murraya paniculata</i> (Orange Jessamine)	Adjoining property	Retain & protect

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.

- (a) **Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.**
- (b) 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.
- (c) 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.
- (d) 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).

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

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

39. RECONSTRUCT VEHICLE CROSSING

The existing vehicle crossings are 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.

The crossing is to be 5.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays.

Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of Council's Executive Manager Infrastructure Services or delegate confirming the finished levels of the internal driveway between the property and the car parking spaces/s comply with the approved levels.

40. HEADROOM CLEARANCE

The headroom clearance on the entry and within the garage is to be a minimum of 2.2 metres.

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, an Occupation Certificate must be obtained.

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 CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer, that any new 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. A copy of the aforementioned letter of certification must be submitted to Council.

44. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, 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 locations for the drainage structures and works.
- (b) A suitably qualified and practicing 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.

45. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD AND RAINWATER TANK

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system and rainwater tank, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system and rainwater tank are/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 and rainwater tank 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.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system and rainwater tank shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

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 or use of the building. All associated costs shall be borne by the applicant.

46. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

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

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

The report shall be used by Council's Executive Manager, Infrastructure Services (or delegate) to assess whether any rectification works will be required. The applicant shall obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the Occupation Certificate.

47. 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 has 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.

48. STREET NUMBER

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

ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

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.

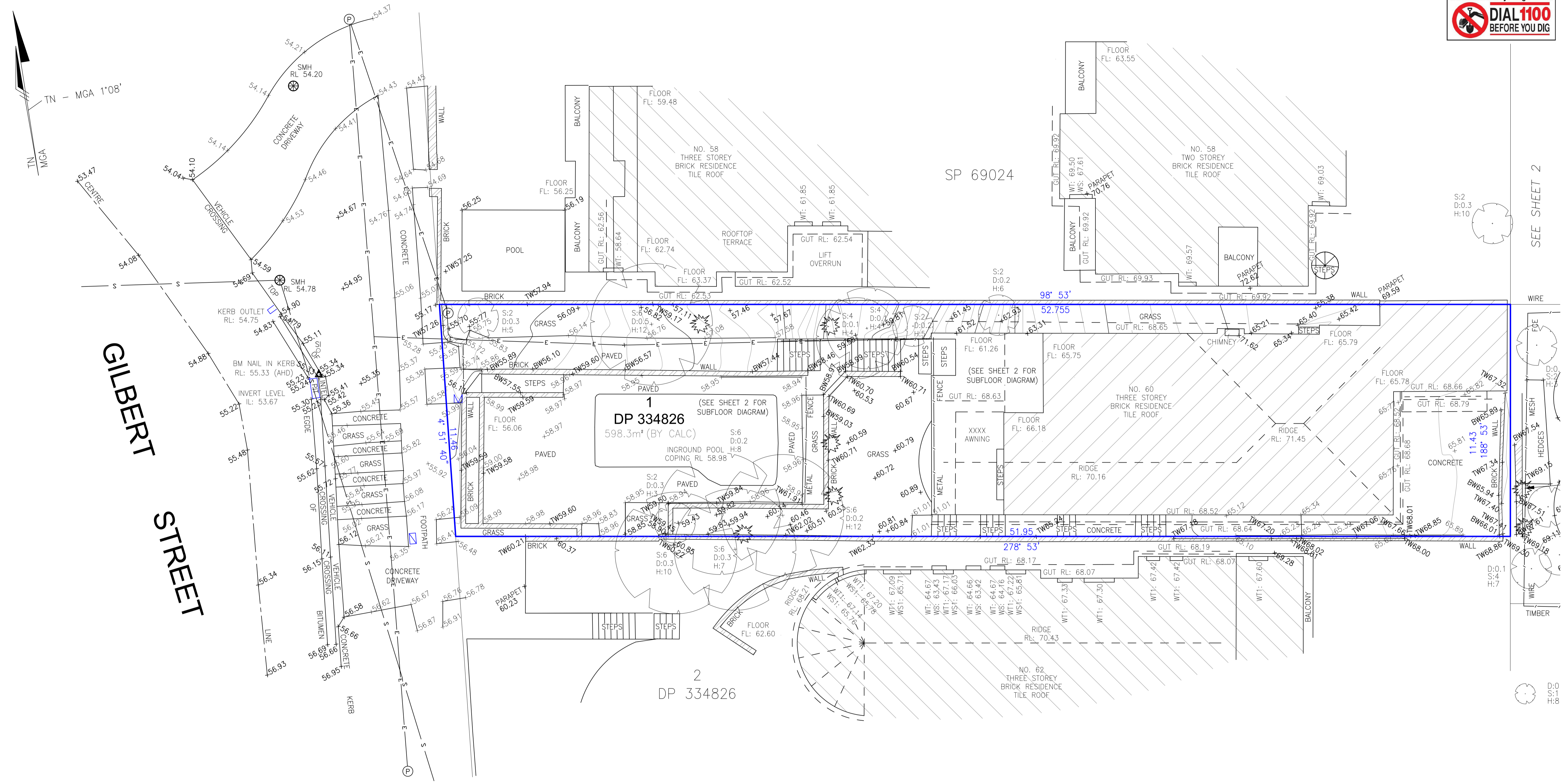
If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (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. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- (a) Indoor air quality: Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.
- (b) Ventilation: Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.
- (c) Domestic hot water: Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.



GILBERT STREET

SEE SHEET 2

NOTES

A BOUNDARY SURVEY HAS BEEN UNDERTAKEN. BEARINGS, DIMENSIONS AND AREAS ARE FROM TITLE ONLY.

DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THE DETAIL FROM THE DRAWING. SURVEYOR MUST BE CONTACTED IF THERE ARE ANY DISCREPANCIES.

SERVICES SHOWN ARE INDICATIVE ONLY. POSITIONS ARE BASED ON SURFACE INDICATOR(S) LOCATED DURING FIELD SURVEY. CONFIRMATION OF THE EXACT POSITION SHOULD BE MADE PRIOR TO ANY EXCAVATION WORK. OTHER SERVICES MAY EXIST WHICH ARE NOT SHOWN.

LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM USING PM 1827, RL 69.294m.

RIDGE, WINDOW & GUTTER HEIGHTS HAVE BEEN OBTAINED BY INDIRECT METHOD AND ARE ACCURATE TO ±0.05m

NOTES (CONT)

RIDGE, WINDOW & GUTTER HEIGHTS HAVE BEEN OBTAINED BY INDIRECT METHOD AND ARE ACCURATE TO ±0.05m

ADJOINING DWELLINGS & BUILDINGS HAVE BEEN PLOTTED FOR DIAGRAMMATIC PURPOSES ONLY.

CONTOURS ARE AN INDICATION OF LANDFORM AND SHOULD NOT BE TAKEN IN PREFERENCE TO SPOT LEVELS SHOWN.

SEWER LINE SHOWN IS INDICATIVE ONLY. FOR EXACT LOCATION, A SERVICE PROTECTION REPORT IS REQUIRED.

CONTOUR INTERVALS 0.2m.

A956725 COVENANT
 D8375 COVENANT

RECEIVED
 Waverley Council
 Receipt No: DA-123/2023
 Date Received: 23/05/2023

LEGEND

- WATER METER
- BENCH MARK
- COMMUNICATION PIT
- PP : POWER POLE
- WT : WINDOW TOP
- WS : WINDOW SILL
- GUT : TOP OF GUTTER
- TRW : EDGE TIMBER RET. WALL
- PPF : PERSPEX POOL FENCE
- SIP : SEWER INSPECTION POINT
- TOP OF WALL RL
- BASE OF WALL RL
- S:3 (SPREAD)
- D:0.3 (DIAMETER)
- H:10 (HEIGHT)
- SHRUB
- POWER LINE
- SEWER LINE

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UNLESS THERE IS AN APPROVED SIGNATURE IN THE BOX PROVIDED THIS PLAN IS NOT VERIFIED AND IS NOT FOR CONSTRUCTION.			
* DRAWING STATUS *			
B	18.08.22	K.B.	ADDITIONAL DETAIL, DIAGRAM & SHEET 2 ADDED
A	09.11.21	N.N.	INITIAL ISSUE

* CAUTION *

THE INFORMATION SHOWN ON THIS PLAN MAY BE INSUFFICIENT FOR SOME TYPES OF DETAILED DESIGN. RGM PROPERTY SURVEYS SHOULD BE CONSULTED AS TO THE SUITABILITY OF THE INFORMATION SHOWN HEREIN PRIOR TO THE COMMENCEMENT OF ANY DESIGN WORKS.



ABN 37 145 495 825

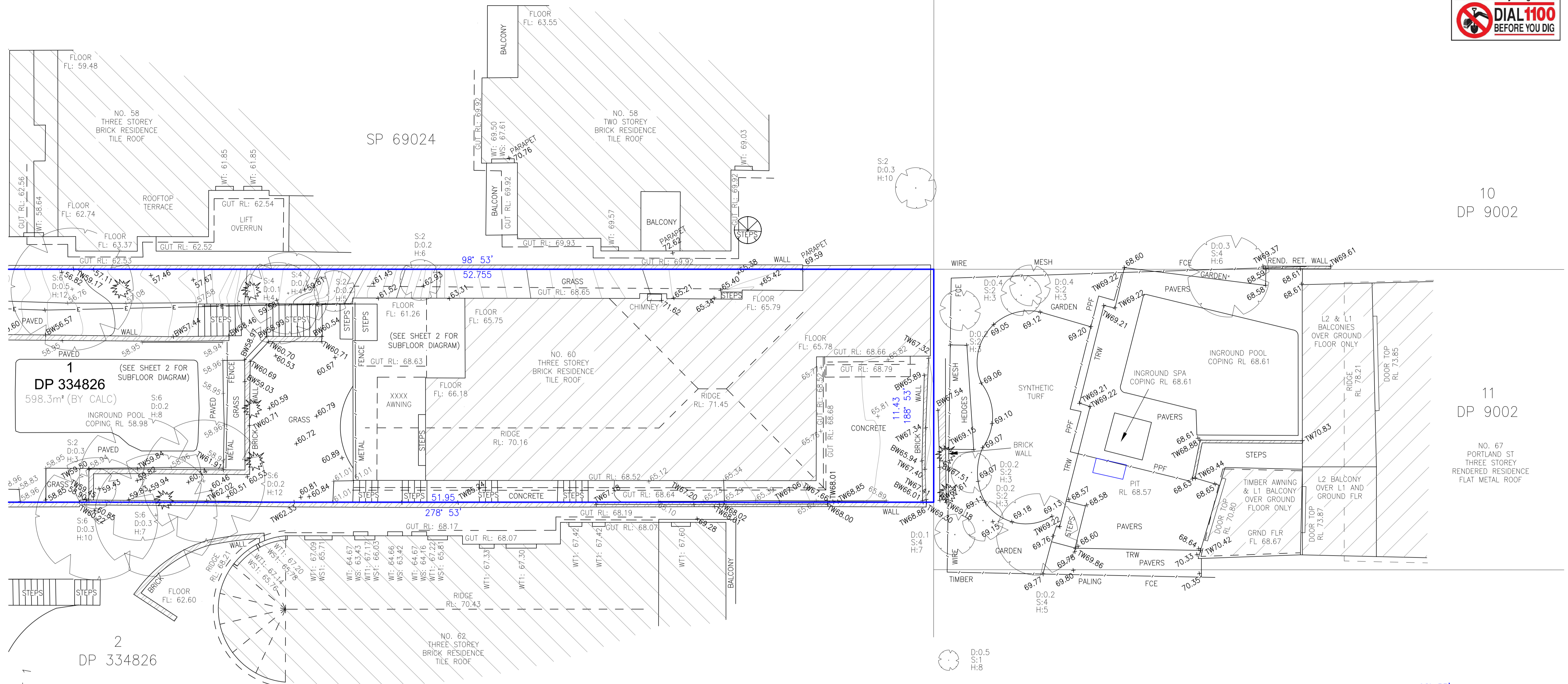
SCALE	1 : 100 @ A1
LOCAL GOV'T AREA	WAVERLEY
SURVEY	H.S.
LEVEL BK	DESIGNED
DATE OF SURVEY	09.11.21
HEIGHT ORIGIN	AHD
DRAWN	N.N.
DESIGNED	DESIGNED
CHECKED	R.M.
APPROVED	H.T.

CLIENT
 DEREK RAITHBY
 ARCHITECTURE

PROJECT TITLE
 60 GILBERT STREET, DOVER HEIGHTS

DRAWING TITLE
 PLAN SHOWING LEVELS & DETAIL
 OVER LOT 1 IN DP 334826

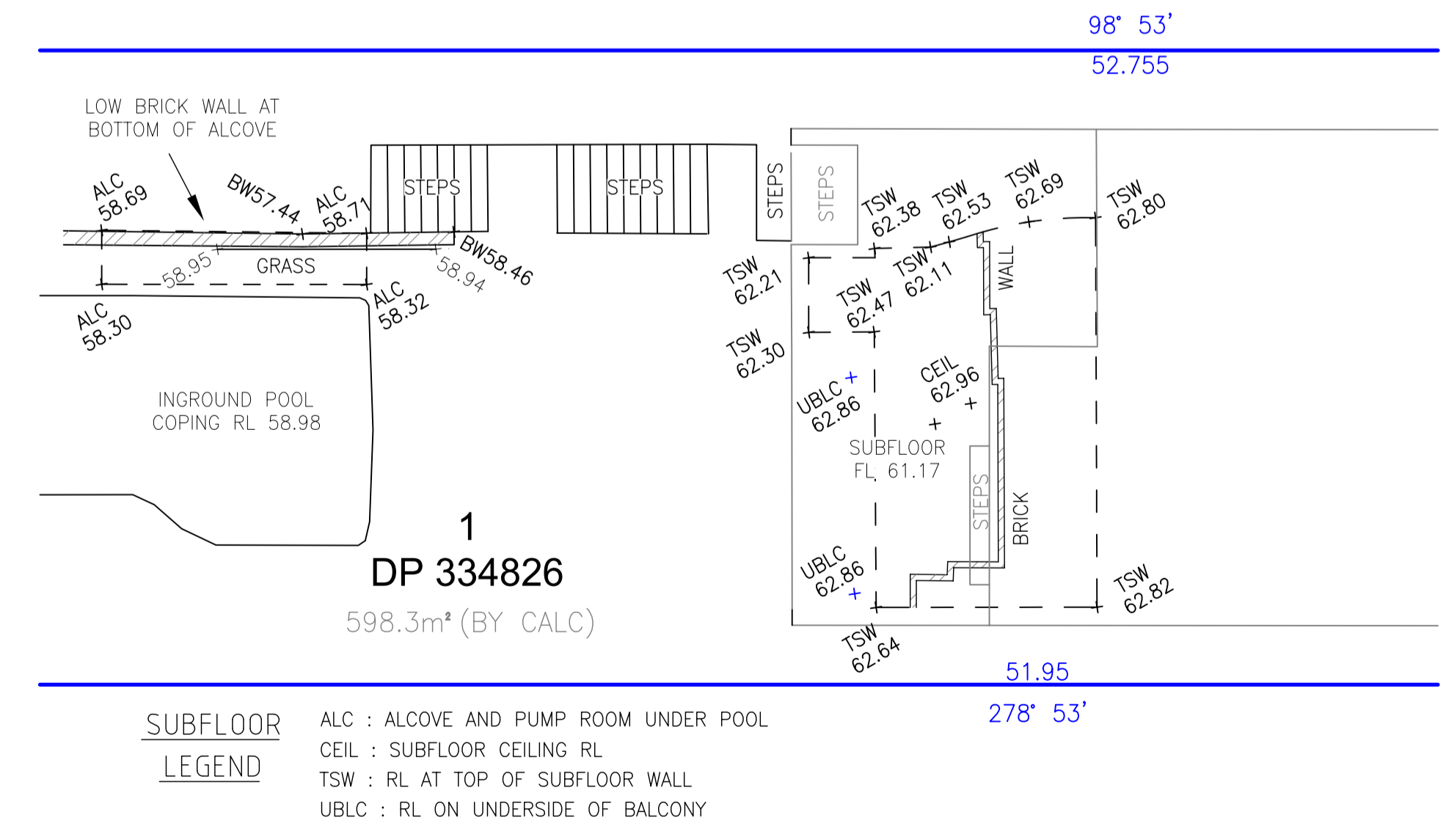
CAD REF	C:\211654.dwg
DRAWING NO	211654/001
SHEET	1 OF 2
JOB NAME	60 GILBERT
REV	B



10
 DP 9002

11
 DP 9002

NO. 67
 PORTLAND ST
 THREE STOREY
 RENDERED RESIDENCE
 FLAT METAL ROOF



NOTES

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CONTOUR INTERVALS 0.2m.

A956725 COVENANT
 D8375 COVENANT

RECEIVED
 Waverley Council
 Receipt No: DA-123/2023
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LEGEND

WT : WINDOW TOP
 WS : WINDOW SILL
 GUT : TOP OF GUTTER
 TRW : EDGE TIMBER RET. WALL

▲ BENCH MARK
 □ COMMUNICATION PIT
 ○ POWER POLE
 ○ SEWER INSPECTION POINT

TOP OF WALL RL
 BASE OF WALL RL

S:3 (SPREAD)
 D:0.3 (DIAMETER)
 H:10 (HEIGHT)

SHRUB

POWER LINE — e —
 SEWER LINE — s —

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B	18.08.22	K.B. ADDITIONAL DETAIL, DIAGRAM & SHEET 2 ADDED
A	09.11.21	N.N. INITIAL ISSUE



SCALE	1 : 100 @ A1	SURVEY	H.S.	DRAWN	N.N.
LOCAL GOV'T AREA	WAVERLEY	LEVEL BK	DESIGNED		
	<i>[Signature]</i>	DATE OF SURVEY	09.11.21	CHECKED	R.M.
	HUY THAI - REGISTERED SURVEYOR	HEIGHT ORIGIN	AHD	APPROVED	H.T.

CLIENT
 DEREK RATHBY
 ARCHITECTURE

PROJECT TITLE	60 GILBERT STREET, DOVER HEIGHTS
DRAWING TITLE	PLAN SHOWING LEVELS & DETAIL OVER LOT 1 IN DP 334826

CAD REF	C:\211654.dwg
DRAWING NO	211654/001
SHEET	2 OF 2
JOB NAME	60 GILBERT
REV	B

PROPOSED NEW RESIDENCE FOR JAMES HUI 60 GILBERT STREET, DOVER HEIGHTS

DRAWING LIST

DOCUMENTS	NUMBER	NAME	SCALE	REVISION
GENERAL				
A-DA-000	COVER PAGE			B
SITE PLANS				
A-DA-100	SITE PLAN	1:100		B
A-DA-101	SITE ANALYSIS	1:200		A
GA PLANS				
A-DA-110	BASEMENT FLOOR PLAN	1:100		A
A-DA-111	LOWER GROUND FLOOR PLAN	1:100		A
A-DA-112	GROUND FLOOR PLAN	1:100		A
A-DA-113	FIRST FLOOR PLAN	1:100		A
A-DA-114	ROOF PLAN	1:100		B
ELEVATIONS				
A-DA-200	ELEVATIONS	1:100		B
A-DA-201	ELEVATIONS	1:100		B
SECTIONS				
A-DA-300	SECTIONS	1:100		B
DIAGRAMS				
A-DA-700	AREA DIAGRAMS	1:200		A
A-DA-701	SCHEDULE OF EXTERNAL FINISHES			A
A-DA-702	VIEW ANALYSIS			A
A-DA-703	PHOTOMONTAGE			A
SHADOW DIAGRAMS				
A-DA-710	SHADOW DIAGRAM 9AM WINTER S...	1:100		A
A-DA-711	SHADOW DIAGRAM 12PM WINTER ...	1:100		A
A-DA-712	SHADOW DIAGRAM 3PM WINTER S...	1:100		A
A-DA-713	SUN EYE DIAGRAMS	1:200		A

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-123/2023
Date Received: 31/07/2023

BASIX COMMITMENTS

WATER COMMITMENTS		
LANDSCAPE	INDIGENOUS/LOW WATER USE SPECIES OF VEGETATION - 45SQM	
FIXTURES	SHOWERHEADS 4 STARS TOILETS 4 STARS KITCHEN TAP 4 STARS BASIN TAPS 4 STARS	
RAINWATER TANK	MINIMUM RAINWATER TANK CAPACITY OF (LITRES) 4000 LITRES TO COLLECT RAINWATER FROM A MIN. ROOF AREA (m ²) 150m ² TO CONNECT TO COLD WATER TAP FOR CLOTHES WASHER TO CONNECT TO AT LEAST ONE OUTDOOR TAP TO CONNECT TO A TAP LOCATED WITHIN 10M OF THE SWIMMING POOL TO CONNECT TO A TAP LOCATED WITHIN 10M OF THE SPA	
ENERGY COMMITMENTS		
HOT WATER	SYSTEM TYPE (OR SYSTEM WITH HIGHER ENERGY RATING)	SOLAR (ELECTRIC BOOSTED)
COOLING SYSTEM	KITCHEN/DINING/LIVING AREA BEDROOMS 1, 2, 3, 4, 5 & 6	1-PHASE A/C 1-PHASE A/C
HEATING SYSTEM	KITCHEN/DINING/LIVING AREA BEDROOMS 1, 2, 3, 4, 5 & 6	1-PHASE A/C 1-PHASE A/C
VENTILATION (EXHAUST SYSTEMS)	AT LEAST 1 BATHROOM KITCHEN LAUNDRY INDIVIDUAL FAN DUCTED TO FACADE/ROOF MANUAL SWITCH ON/OFF	
ARTIFICIAL LIGHTING	AT LEAST 6 OF THE BEDROOMS AT LEAST 1 OF THE LIVING / DINING ROOMS KITCHEN ALL BATHROOMS / TOILETS LAUNDRY ALL HALLWAYS	
NATURAL LIGHTING	NATURAL LIGHTING (WINDOW OR SKYLIGHT) MUST BE PROVIDED IN AT LEAST THE FOLLOWING ROOMS; 5 x BATHROOMS / TOILETS & KITCHEN	
ALTERNATIVE ENERGY	PHOTOVOLTAIC PANELS - 3.8 KW APPROX. 15 PANELS	
SWIMMING POOL & OUTDOOR SPA	POOL & SPA PUMPS ARE TO BE CONTROLLED BY TIMER POOL & SPA ARE TO HAVE A COVER POOL & SPA HEATING SYSTEM SOLAR (ELECTRIC BOOSTED) POOL MUST NOT HAVE VOLUME GREATER THAN 53 KILOLITRES POOL MUST BE OUTDOORS SPA MUST NOT HAVE VOLUME GREATER THAN 4 KILOLITRES	
OTHER	COOKTOP INDUCTION OVEN ELECTRIC FIXED INDOOR/SHELTERED CLOTHES DRYING LINE TO BE INSTALLED	
THERMAL PERFORMANCE SPECIFICATIONS		
EXTERNAL WALLS	CONSTRUCTION INSULATION COLOUR	CAVITY MASONRY WALL 25MM KOOLTHERM K8 OR EQUIV (R1.1) LIGHT
INTERNAL WALLS	CONSTRUCTION INSULATION	MASONRY NIL
FLOORS	CONSTRUCTION INSULATION	CONCRETE NIL
CEILING (EXCLUDING TOP FLOOR)	CONSTRUCTION INSULATION	CONCRETE TO BASIX REQUIREMENTS
ROOF	CONSTRUCTION INSULATION COLOUR	CONCRETE SLAB 80mm RIGID BOARD OR EQUIV (R4.0) MEDIUM

DOOR/ WINDOW/ SKYLIGHT SCHEDULE						
DOOR/ WINDOW/ SKYLIGHT	DIMENSIONS W x H (mm)	AREA OF GLASS INCL. FRAME (m ²)	ORIENTATION	SHADING DEVICE: EAVE/ AWNING/ BLIND/ OVERSHADOWING	GLAZING TYPE, FRAME, U & SHGC VALUES	
D1-01	1,200x2,700	N/A	N/A	EXTERNAL SOLID CORE DOOR	N/A	
D1-02	900x2,200	N/A	N/A	EXTERNAL SOLID CORE DOOR	N/A	
D1-03	900x2,290	N/A	N/A	INTERNAL DOOR	N/A	
D1-04	900x2,700	N/A	N/A	INTERNAL DOOR	N/A	
D1-05	900x2,700	N/A	N/A	INTERNAL DOOR	N/A	
D1-06	900x2,700	N/A	N/A	INTERNAL DOOR	N/A	
D1-07	900x2,700	N/A	N/A	INTERNAL DOOR	N/A	
D1-08	850x2,100	N/A	N/A	INTERNAL DOOR	N/A	
D2-01	4,880x2,760	12.92	W	1.6m EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D2-02	3,995x2,760	11.03	W	1.3m EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D2-03	900x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D2-04	900x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D2-05	6,000x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D2-06	900x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D2-07	1,000x3,100	N/A	N/A	INTERNAL DOOR	N/A	
D2-08	850x2,100	N/A	N/A	INTERNAL DOOR	N/A	
D3-01	3,130x2,930	9.17	W	1.6m EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D3-02	5,440x2,930	15.94	W	1.3m EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D3-03	2,930x2,760	8.09	E	1.5m EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D3-04	2,790x2,760	7.70	E	1.1m EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D3-05	2,810x2,760	7.76	E	0.85m EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D3-06	900x2,930	2.64	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
D3-07	900x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D3-08	900x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D3-09	900x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D3-10	900x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D3-11	900x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D3-12	900x2,930	N/A	N/A	INTERNAL DOOR	N/A	
D3-13	5,000x2,930	N/A	N/A	INTERNAL DOOR	N/A	
D3-14	900x2,930	N/A	N/A	INTERNAL DOOR	N/A	
D3-15	900x2,930	N/A	N/A	INTERNAL DOOR	N/A	
D3-16	1,000x3,100	N/A	N/A	INTERNAL DOOR	N/A	
D3-17	1,000x2,760	N/A	N/A	INTERNAL DOOR	N/A	
D3-18	850x2,100	N/A	N/A	INTERNAL DOOR	N/A	
D3-19	850x2,100	N/A	N/A	INTERNAL DOOR	N/A	
D4-01	8,820x3,465	30.56	W	VARIES 2.5m (AVE.) EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D4-02	8,820x3,140	27.69	E	VARIES 1.8m (AVE.) EAVE OVERHANG	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
D4-03	900x3,197	N/A	N/A	INTERNAL DOOR	N/A	
D4-04	900x3,355	N/A	N/A	INTERNAL DOOR	N/A	
D4-05	1,000x3,450	N/A	N/A	INTERNAL DOOR	N/A	
D4-06	1,000x3,945	N/A	N/A	INTERNAL DOOR	N/A	
D4-07	850x2,100	N/A	N/A	INTERNAL DOOR	N/A	
D4-08	850x2,100	N/A	N/A	INTERNAL DOOR	N/A	
G1-01	1,100x2,790	N/A	N/A	ENTRY COURTYARD GATE	N/A	
G2-01	900x1,200	N/A	N/A	POOL FENCE	N/A	
G2-02	1,000x2,100	N/A	N/A	POOL FENCE	N/A	
GD1-01	5,000x2,400	N/A	N/A	SOLID GARAGE DOOR	N/A	
W3-01	1,000x1,000	1.00	N	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W3-02	1,000x1,000	1.00	N	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W3-03	1,000x1,000	1.00	N	NIL - OVERSHADOWING 2.4D x 5.8H	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W3-04	1,000x1,000	1.00	N	NIL - OVERSHADOWING 2.4D x 5.3H	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W3-05	700x700	0.49	N	NIL - OVERSHADOWING 1.8D x 7.4H	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W3-06	900x900	0.81	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W3-07	1,000x1,000	1.00	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W3-08	700x700	0.49	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W4-01	VARIABLES	9.52	N	NIL - OVERSHADOWING 2.4D x 2.8H	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
W4-02	1,200x1,200	1.44	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W4-03	700x700	0.49	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W4-04	1,000x1,000	1.00	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W4-05	1,000x1,000	1.00	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.47)	
W4-06	VARIABLES	3.38	S	NIL	DOUBLE GLAZED, CLEAR (U-VALUE 4.3, SHGC 0.53)	
SL2-01	1250 DIA	1.23	N/A	NIL	DOUBLE GLAZED, (U-VALUE 2.6, SHGC 0.24)	
SL2-02	1050 DIA	0.86	N/A	NIL	DOUBLE GLAZED, (U-VALUE 2.6, SHGC 0.24)	
SL5-01	2200 DIA	3.80	N/A	NIL	DOUBLE GLAZED, (U-VALUE 2.6, SHGC 0.24)	
SL5-02	1700 DIA	2.30	N/A	NIL	DOUBLE GLAZED, (U-VALUE 2.6, SHGC 0.24)	
SL5-03	1200 DIA	1.13	N/A	NIL	DOUBLE GLAZED, (U-VALUE 2.6, SHGC 0.24)	

ABBREVIATIONS

A/C	AIR CONDITIONING	MEL	MELAMINE
AL	ALUMINIUM	MIN	MINIMUM
AMDT	AMENDMENT	MIR	MIRROR
AP	ACCESS PANEL	MSB	MAIN SWITCH BOARD
APPROX	APPROXIMATE	MSRY	MASONRY
AVG	AVERAGE	MECH	MECHANICAL
BHD	BULKHEAD	N	NORTH
BRSS	BRASS	NOM	NOMINAL
BRZ-A	BRONZE ANODISING	NTS	NOT TO SCALE
BLDG	BUILDING	OV	OVEN
BLKT	BLANKET	O/F	OVERFLOW
BLK	BLOCKWORK	O/H	OVERHEAD
BLST	BALUSTRADE	OSD	ON SITE DETENTION
BTH	BATH	PB	PLASTERBOARD
BV	BRICK VENEER	PCF	POLISHED CONCRETE FLOOR
BWK	BRICKWORK	PCP	PRECAST CONCRETE PANEL
CK	COOKTOP	PCS	PRECAST CONCRETE STAIR
CAV	CAVITY	PEB	PEBBLE ROOF
CF	CONCRETE FLOOR	PU	POLYURETHANE
CJ	CONSTRUCTION JOINT	PV	PHOTOVOLTAICS
C/L	CENTRE LINE	PVG	PAVING
COL	COLUMN	REN/R	RENDER ROUGH
CONC	CONCRETE	REN/S	RENDER SMOOTH
COS	CHECK ON SITE	RF	REFRIGERATOR
CPD	CUPBOARD	RL	REDUCED LEVEL
CPT	CARPET	RM	RENDERED MASONRY
CT	CERAMIC TILE	RS	ROLLER SHUTTER
D	DOOR	RWH	RAINWATER HEAD
DG	DOUBLE GLAZING	RWO	RAINWATER OUTLET
DM	DIMENSION	RWT	RAINWATER TANK
DIP	DOWN PIPE	SCD	PARAPET SCUPPER DRAIN
DPC	DAMP-PROOF COURSE	SCR	SCREEN
DRY	CLOTHES DRYER	SHR	SHOWER
DW	DISHWASHER	SKL	SKYLIGHT
EJ	EXPANSION JOINT	SP	SET PLASTER
EXST	EXISTING	SPEC	SPECIFIED
EXT	EXTERNAL	SS	STAINLESS STEEL
F	FIXED	SSL	STRUCTURAL SLAB LEVEL
FB	FACE BRICK	SSM	SOLID SURFACE MATERIAL
FC	FIBRE CEMENT	STL	STONE
FCL	FINISHED CEILING LEVEL	STL	STEEL
FE	FIRE EXTINGUISHER	STP	STONE PAVING
FFL	FINISHED FLOOR LEVEL	STW	STONE WALL
FG	FIXED GLAZING	SWBD	SWITCHBOARD
FHR	FIRE HOSE REEL	SWP	STORMWATER PIT
FIP	FIRE INDICATOR PANEL	TC	TIMBER CLADDING
FR	FIRE RESISTANT	TDK	TIMBER DECK
FW	FLOOR WASTE	TEL	TELEPHONE
G	GRAVEL	TF	TIMBER FLOORBOARDS
GA	GENERAL ARRANGEMENT	TIM	TIMBER
GALV	GALVANISED	TL	TILE FINISH
GAR	GARAGE	TOL	TOLERANCE
GL	GLASS	TP	TANGENT POINT
GM	GAS METER	TRZO	TERRAZZO
GPO	GENERAL PURPOSE OUTLET	TS	TIMBER SCREEN
GR	GREEN ROOF	TV	TELEVISION
GRC	GLASS-REINFORCED CONCRETE	TVNR	TIMBER VENEER
GU	GUTTER	TYP	TYPICAL
HDR	HANDRAIL	U	URINAL
HMB	HIT AND MISS BRICKWORK	U/G	UNDERGROUND
HTR	HEATER	U/S	UNDERSIDE
HWU	HOT WATER UNIT	UNO	UNLESS NOTIFIED OTHERWISE
HYD	HYDRANT	VSF	VINYL SHEET FLOORING
INSUL	INSULATION	VB	VAPOUR BARRIER
JU	JOINERY UNIT	VER	VERANDAH
JT	JOINT	VERT	VERTICAL
L	LANDING	W	WINDOW
LNG	LINING	WB	WEATHERBOARD
LVR	LOUVRE	WC	WATER CLOSET
MC	METAL CLAD	WM	WASHING MACHINE
MH	MANHOLE	WMR	WATER METER
MS	MILD STEEL	WPM	WATERPROOF MEMBRANE
MAX	MAXIMUM	W/O	WITHOUT
MDR	METAL DECK ROOF	ZN	ZINC CLADDING

CONSULTANT LIST

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B	ADDITIONAL INFO FOR DA	27/7/23
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
ISSUE	AMENDMENT	DATE

CHENCHOW LITTLE PTY LTD

6 BELMORE STREET
SURRY HILLS, NSW, 2010
PH: (02) 9357 4333
E-MAIL: mail@chenchowlittle.com
ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)

DEVELOPMENT APPLICATION ISSUE NOT FOR CONSTRUCTION

JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
JAMES HUI
60 GILBERT STREET DOVER HEIGHTS
NSW 2030 AUSTRALIA**

DRAWING TITLE:
COVER PAGE

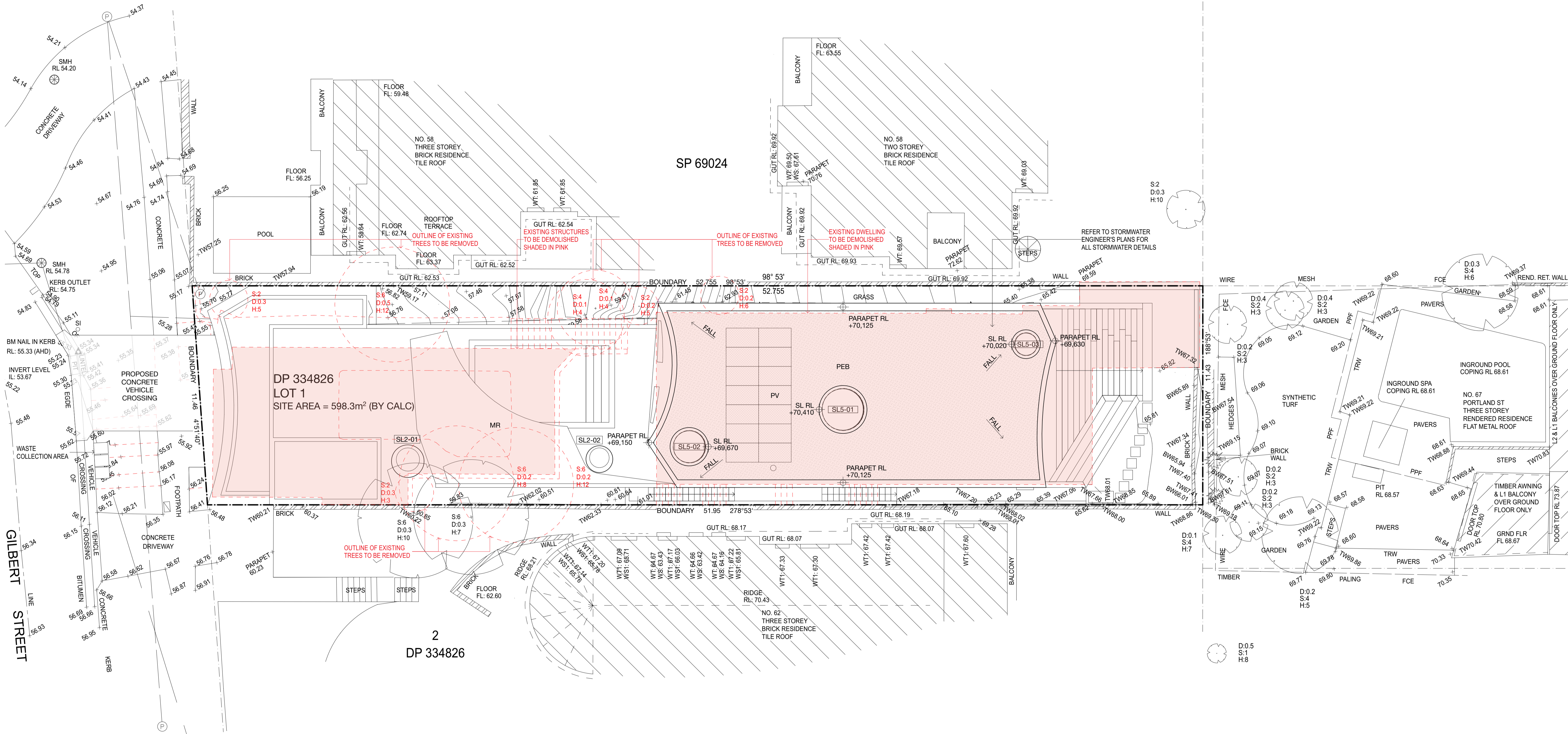
DRAWING NUMBER:
A-DA-000

DATE: MAY 2022	DRAWN BY: EM/ GL	CHECKED BY: TCC
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SCALE:

AMENDED PLANS

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Application No: DA-123/2023
Date Received: 31/07/2023



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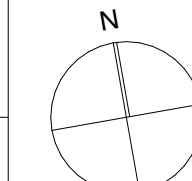
B	ADDITIONAL INFO FOR DA	27/7/23
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
ISSUE	AMENDMENT	DATE

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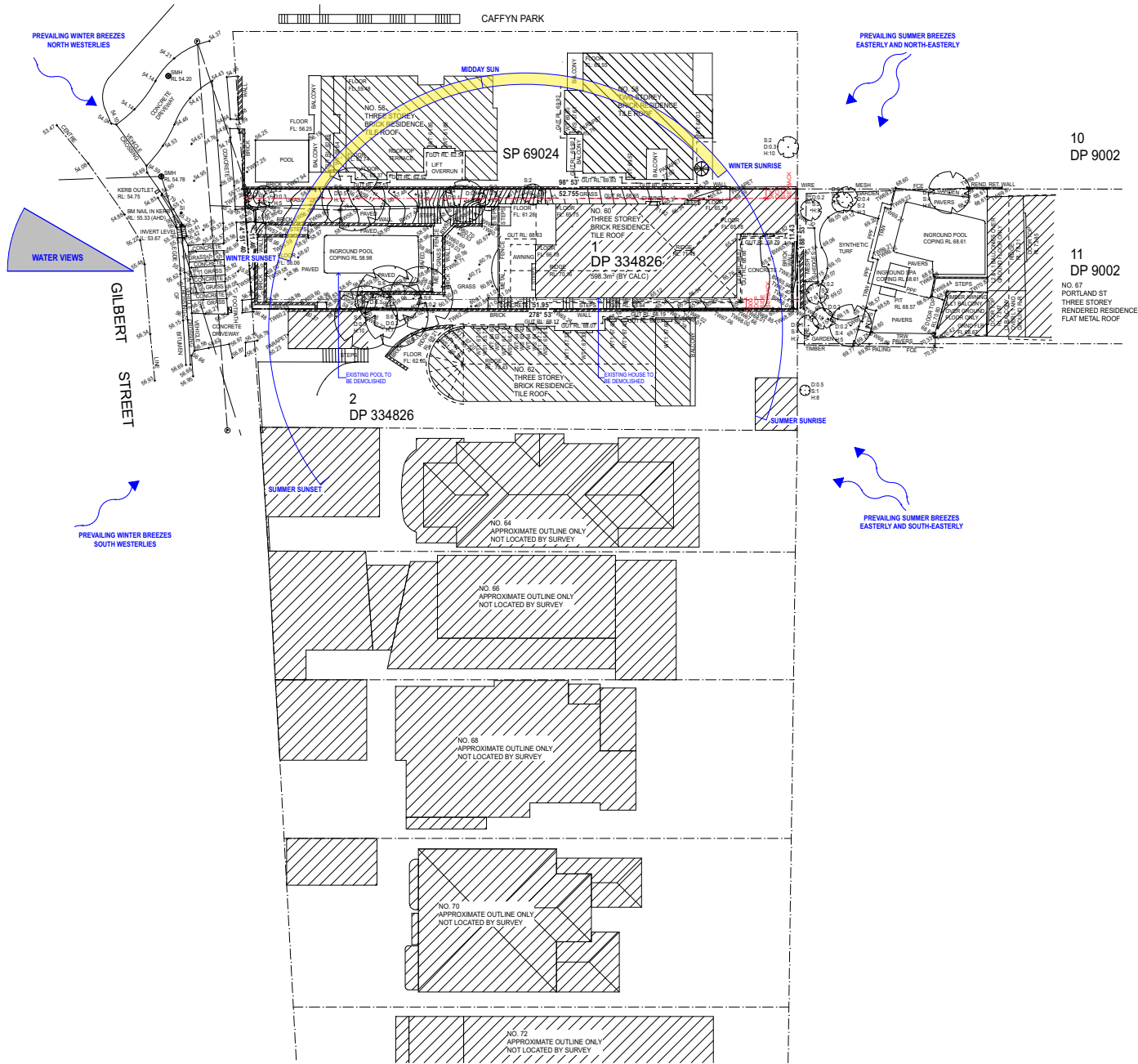
**DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION**

JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
JAMES HUI**
60 GILBERT STREET DOVER HEIGHTS
NSW 2030 AUSTRALIA

DRAWING TITLE:
SITE PLAN

DRAWING NUMBER: A-DA-100		
DATE: MAY 2022	CHECKED BY: TCC	
SCALE: 1:100 @ A1	JOB NO: 2115	AMENDMENT: B
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ISSUE	AMENDMENT	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23

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SURRY HILLS, NSW, 2010
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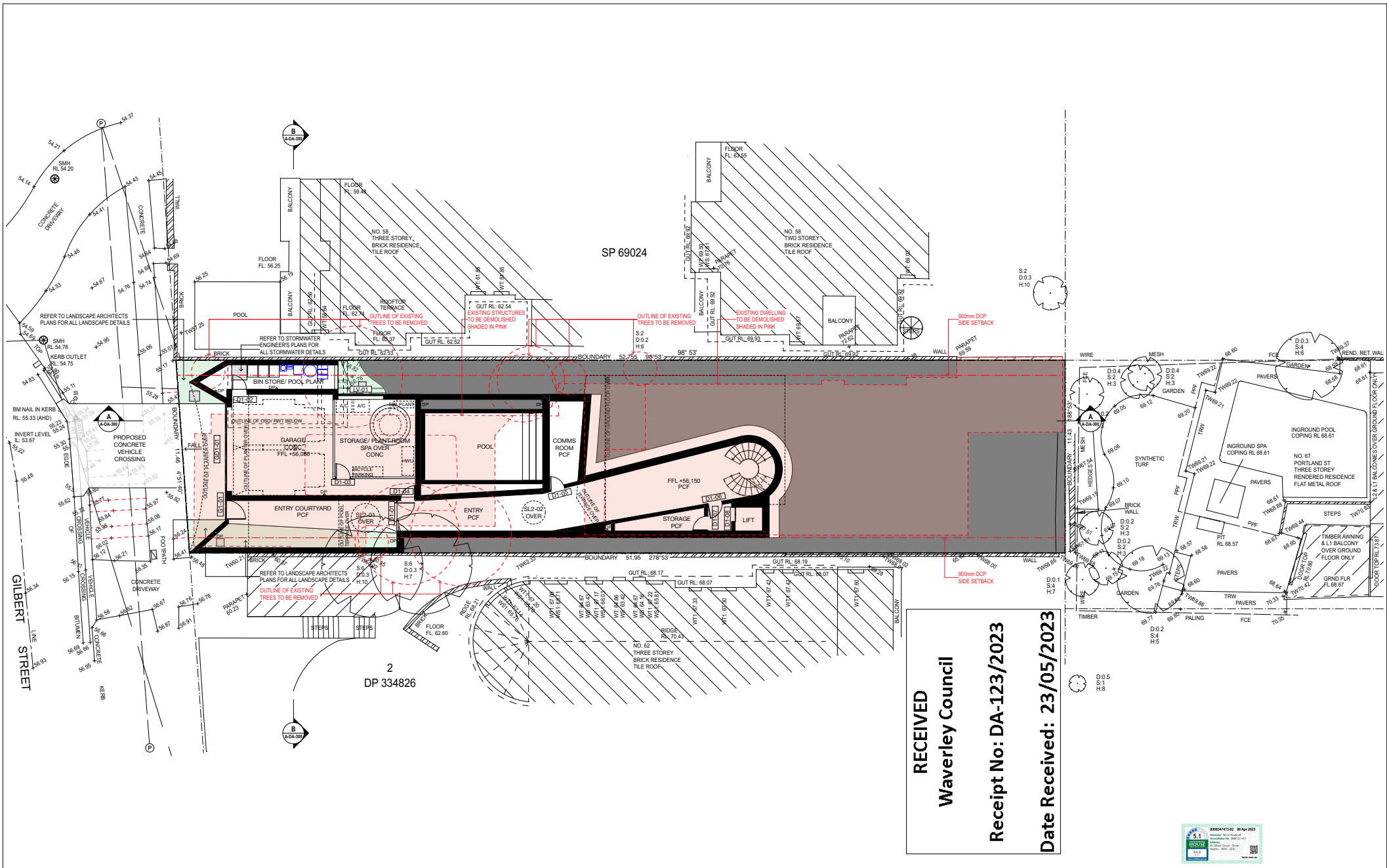
JOB TITLE:
PROPOSED NEW RESIDENCE FOR JAMES HUI
60 GILBERT STREET DOVER HEIGHTS NSW 2030 AUSTRALIA

DRAWING TITLE:
SITE ANALYSIS

DRAWING NUMBER:		JOB NO. IN SET:	
A-DA-101		2115	
DATE: MAY 2022	DRAWN BY: EM/QL	CHECKED BY: TCC	AMENDMENT: A
SCALE: 1:200 @ A1	NO. IN SET: 3		

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NSW
599554747-02 09 Apr 2023

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FULL SIZE ON ORIGINAL



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ISSUE	AMENDMENT	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
ISSUE	AMENDMENT	DATE

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 ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)
DEVELOPMENT APPLICATION ISSUE
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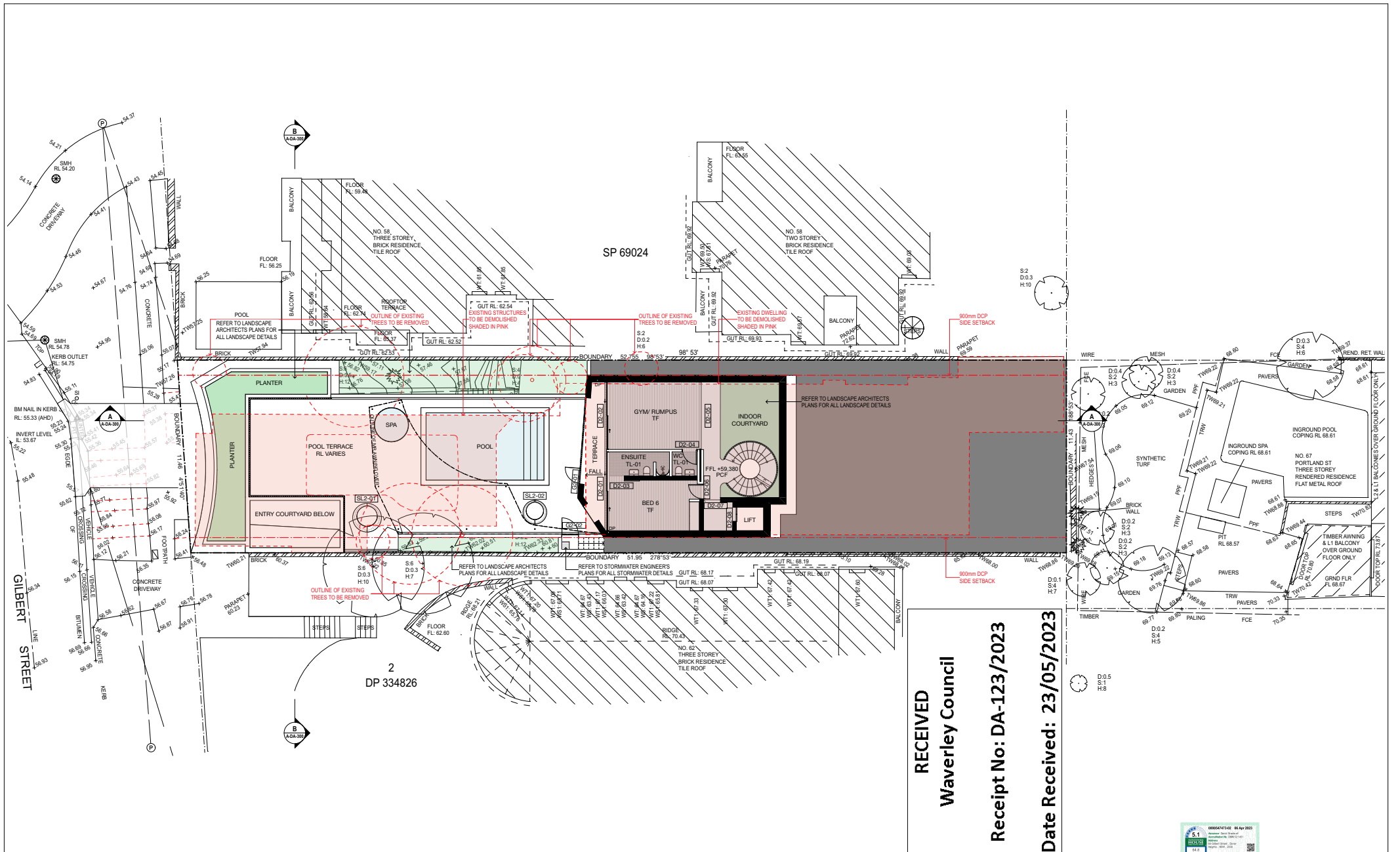
PROPOSED NEW RESIDENCE FOR JAMES HUI
 60 GILBERT STREET DOVER HEIGHTS NSW 2030 AUSTRALIA
BASEMENT FLOOR PLAN

JOB TITLE:
 DRAWING TITLE:
 DATE: MAY 2022
 SCALE: 1:100 @ A1
 DRAWN BY: EM/QL
 JOB NO: 2115
 CHECKED BY: TCC
 NO. IN SET: 4
 AMENDMENT: A

DRAWING NUMBER:
A-DA-110

DATE: MAY 2022	DRAWN BY: EM/QL	CHECKED BY: TCC
SCALE: 1:100 @ A1	JOB NO: 2115	NO. IN SET: 4
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ISSUE	AMENDMENT	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
ISSUE	AMENDMENT	DATE

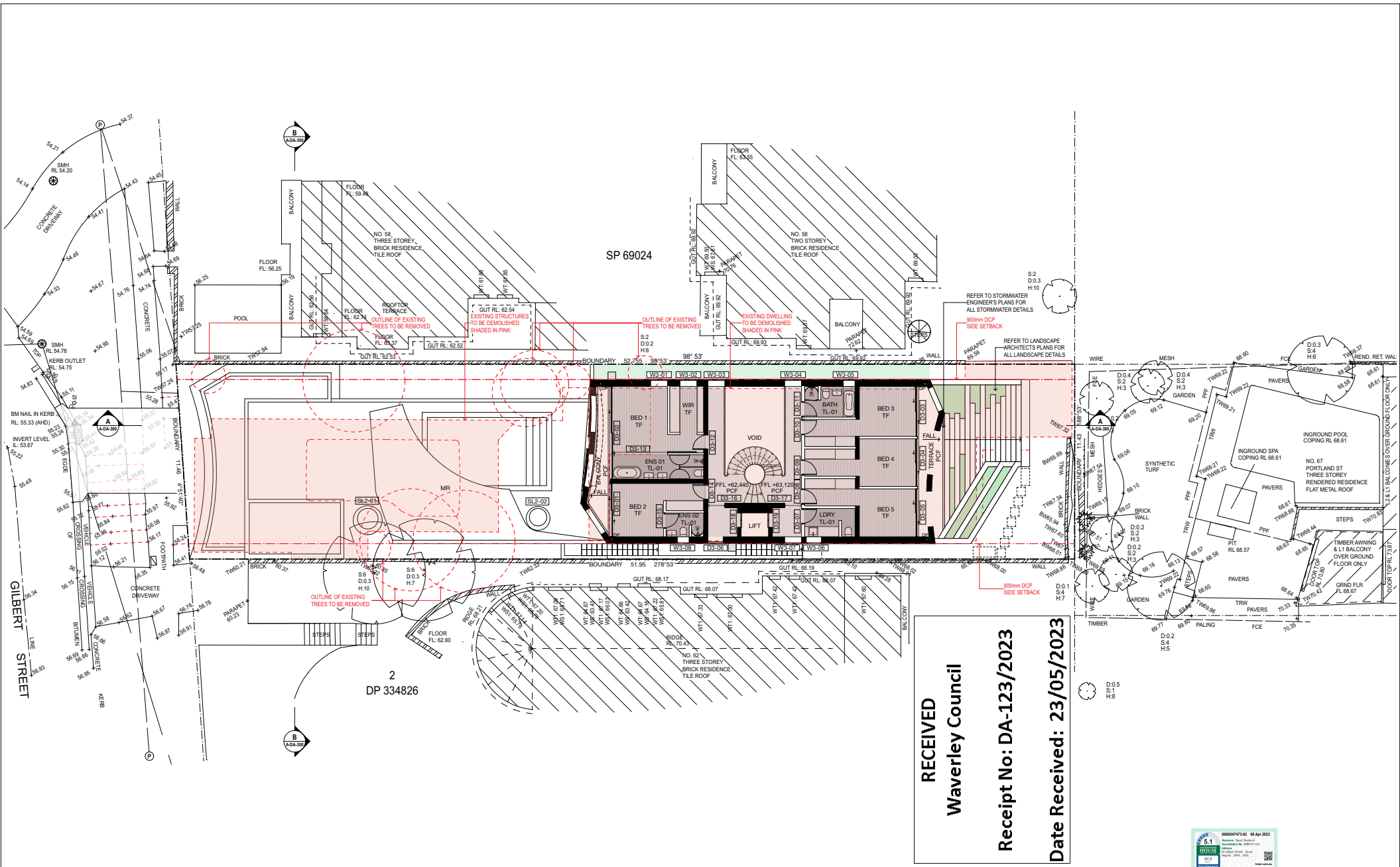
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DEVELOPMENT APPLICATION ISSUE
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JOB TITLE:
PROPOSED NEW RESIDENCE FOR JAMES HUI
 60 GILBERT STREET DOVER HEIGHTS NSW 2030 AUSTRALIA

DRAWING TITLE:
LOWER GROUND FLOOR PLAN

DRAWING NUMBER:		N
A-DA-111		
DATE: MAY 2022	DRAWN BY: EM/GL	CHECKED BY: TCC
SCALE: 1:100 @ A1	JOB NO: 2115	NO. IN SET: 5
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ISSUE	AMENDMENT	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
ISSUE	AMENDMENT	DATE

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 E-MAIL: mail@chenchowlittle.com
 ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)

**DEVELOPMENT APPLICATION ISSUE
 NOT FOR CONSTRUCTION**

JOB TITLE:
PROPOSED NEW RESIDENCE FOR JAMES HUI
 60 GILBERT STREET DOVER HEIGHTS NSW 2030 AUSTRALIA

DRAWING TITLE:
GROUND FLOOR PLAN

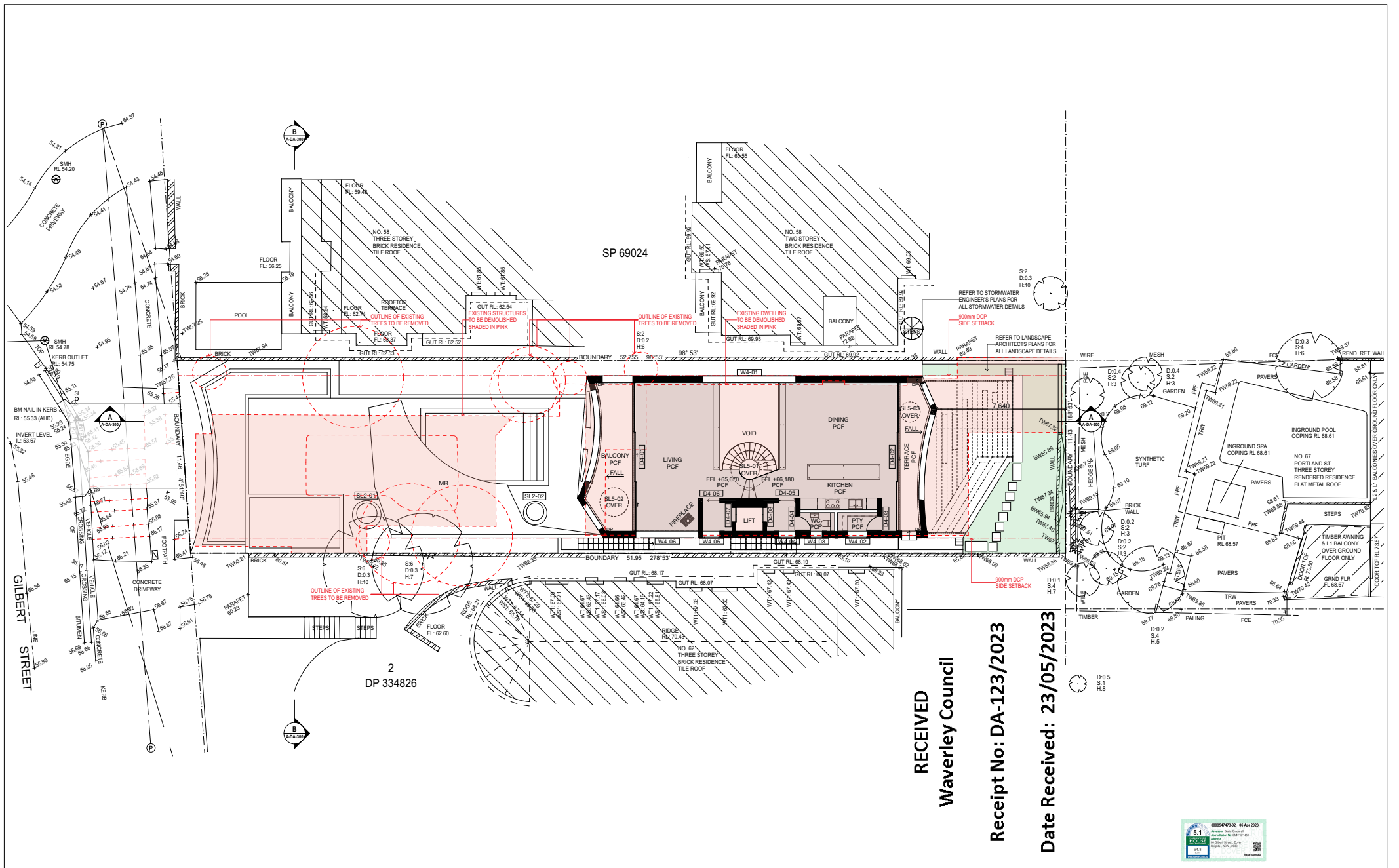
DRAWING NUMBER:
A-DA-112

DATE: **MAY 2022** DRAWN BY: **EM/GL** CHECKED BY: **TCC**

SCALE: **1:100 @ A1** JOB NO: **2115** NO. IN SET: **6** AMENDMENT: **A**

0 10 20 30 40 50 60 70 80 90 100mm
 FULL SIZE ON ORIGINAL

088547473/02 24 Apr 2023
 Approved Development Application
 Development No. 2022/0111
 5.1.1
 5.1.1
 5.1.1



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ISSUE	AMENDMENT	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
ISSUE	AMENDMENT	DATE

CHENCHOW LITTLE PTY LTD
 6 BELMORE STREET
 SURRY HILLS, NSW, 2010
 PH: (02) 9557 4333
 E-MAIL: mail@chenchowlittle.com
 ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)
DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION

JOB TITLE:
PROPOSED NEW RESIDENCE FOR JAMES HUI
60 GILBERT STREET DOVER HEIGHTS NSW 2030 AUSTRALIA
DRAWING TITLE:
FIRST FLOOR PLAN

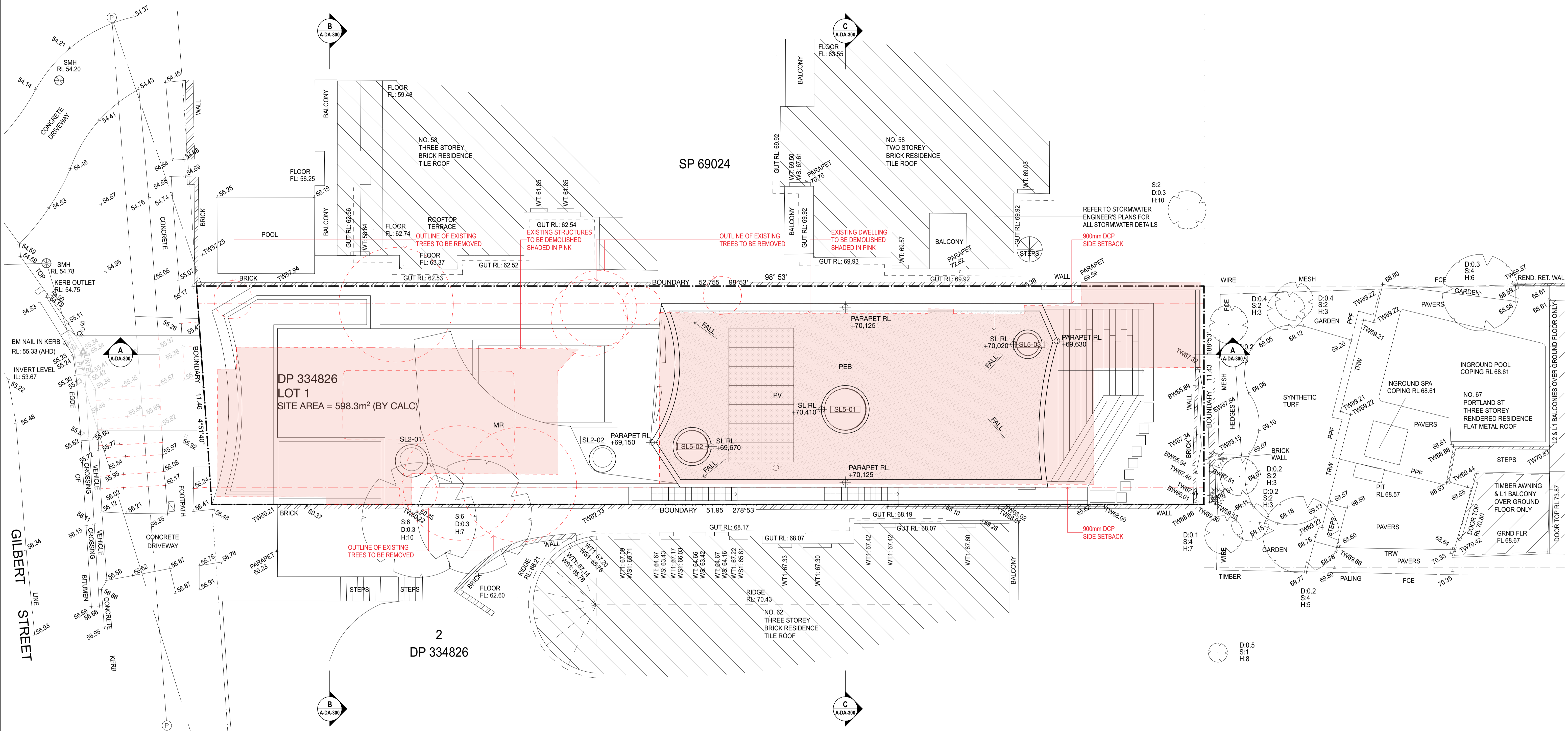
DRAWING NUMBER:
A-DA-113
DATE: MAY 2022
DRAWN BY: EM/QL
CHECKED BY: TCC
SCALE: 1:100 @ A1
JOB NO: 2115
NO. IN SET: 7
AMENDMENT: A



0 10 20 30 40 50 60 70 80 90 100mm
 FULL SIZE ON ORIGINAL

AMENDED PLANS

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B	ADDITIONAL INFO FOR DA	27/7/23
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
ISSUE	AMENDMENT	DATE

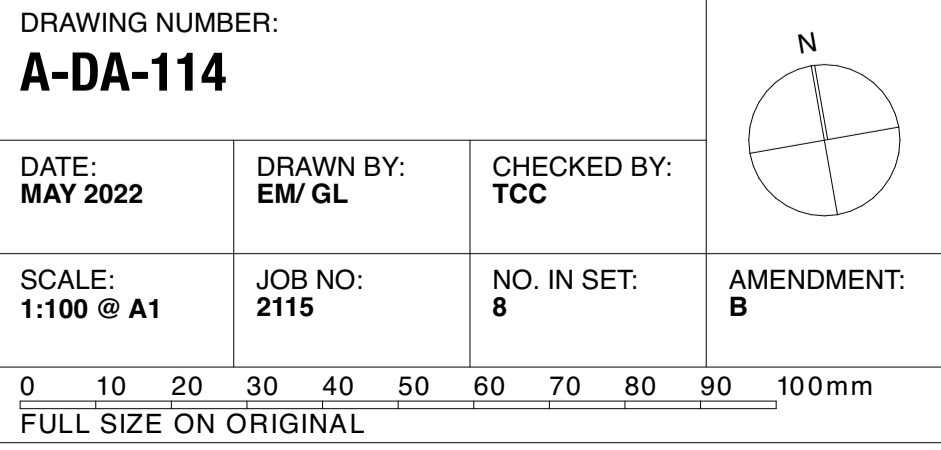
CHENCHOW LITTLE PTY LTD
6 BELMORE STREET
SURREY HILLS, NSW, 2010
PH: (02) 9357 4333
E-MAIL: mail@chenchowlittle.com
ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)

**DEVELOPMENT APPLICATION ISSUE
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JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
JAMES HUI**
60 GILBERT STREET DOVER HEIGHTS
NSW 2030 AUSTRALIA

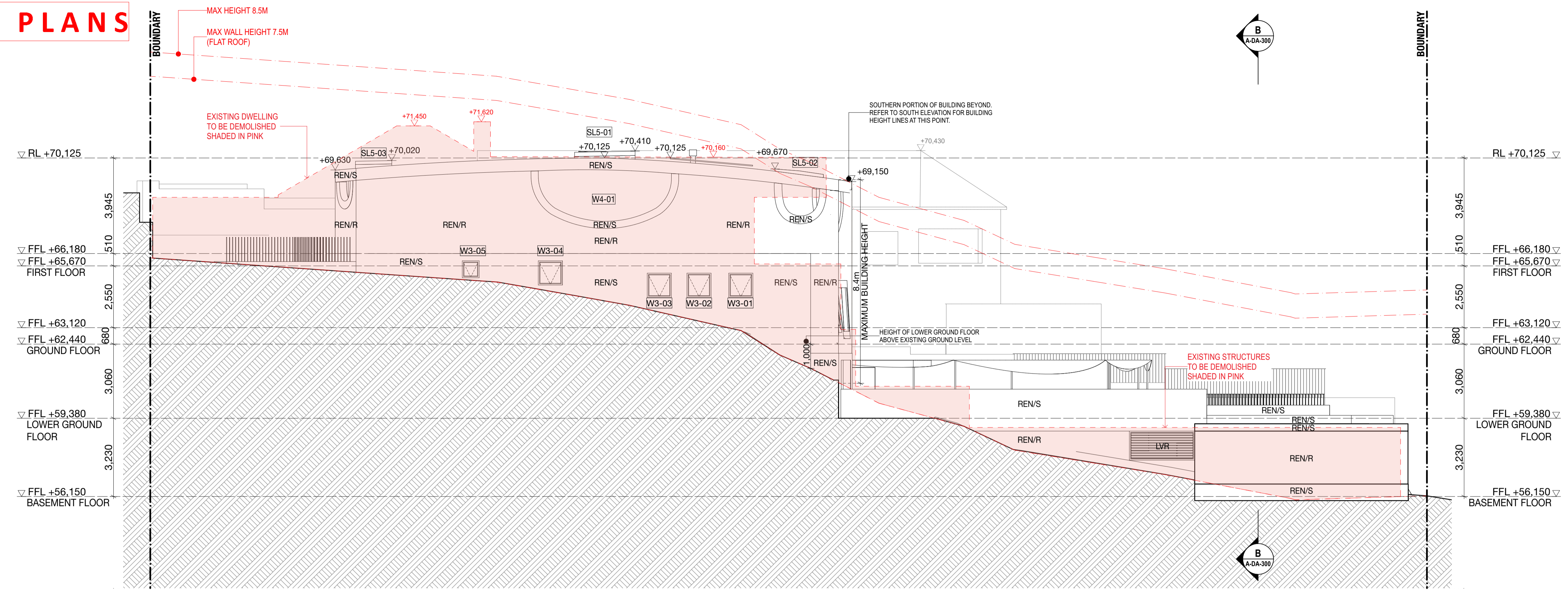
DRAWING TITLE:
ROOF PLAN

DRAWING NUMBER: A-DA-114		DATE: MAY 2022		DRAWN BY: EM/ GL		CHECKED BY: TCC	
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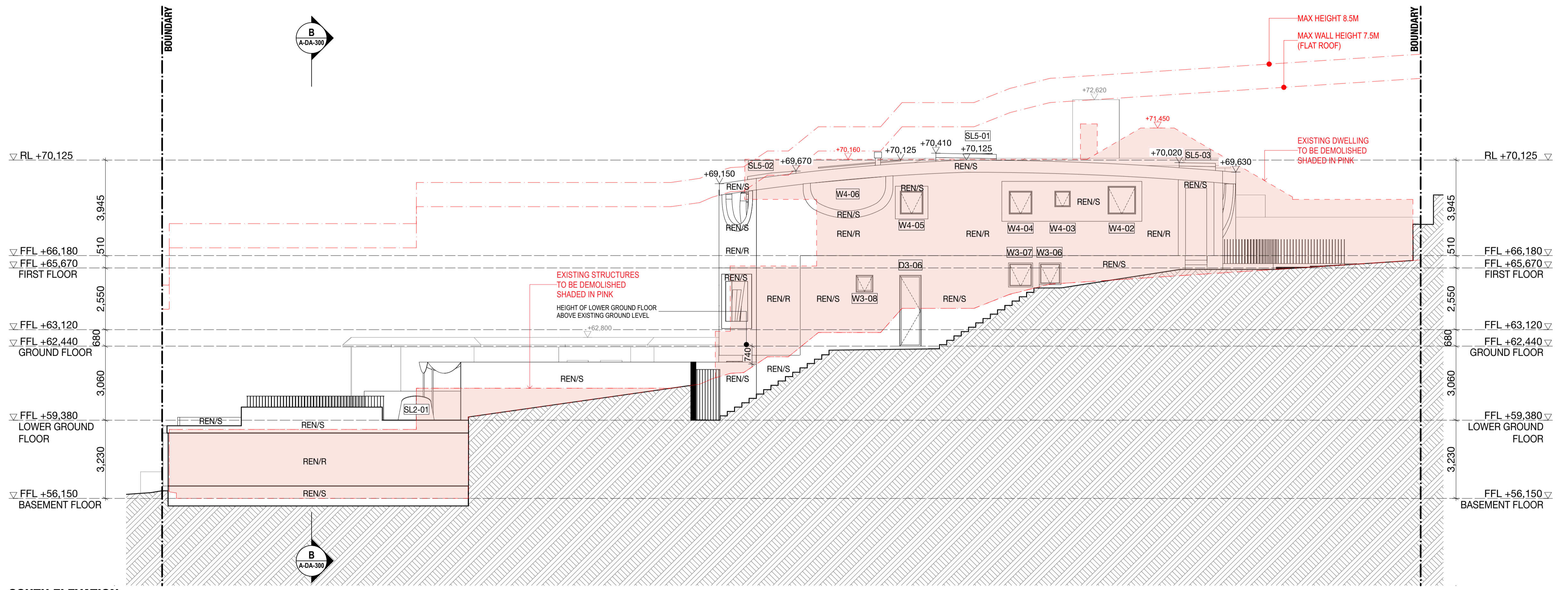


AMENDED PLANS

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Application No: DA-123/2023
Date Received: 31/07/2023



NORTH ELEVATION



SOUTH ELEVATION

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B	ADDITIONAL INFO FOR DA	27/7/23
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
	ISSUE AMENDMENT	DATE

CHENCHOW LITTLE PTY LTD
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PH: (02) 9357 4333
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**DEVELOPMENT APPLICATION ISSUE
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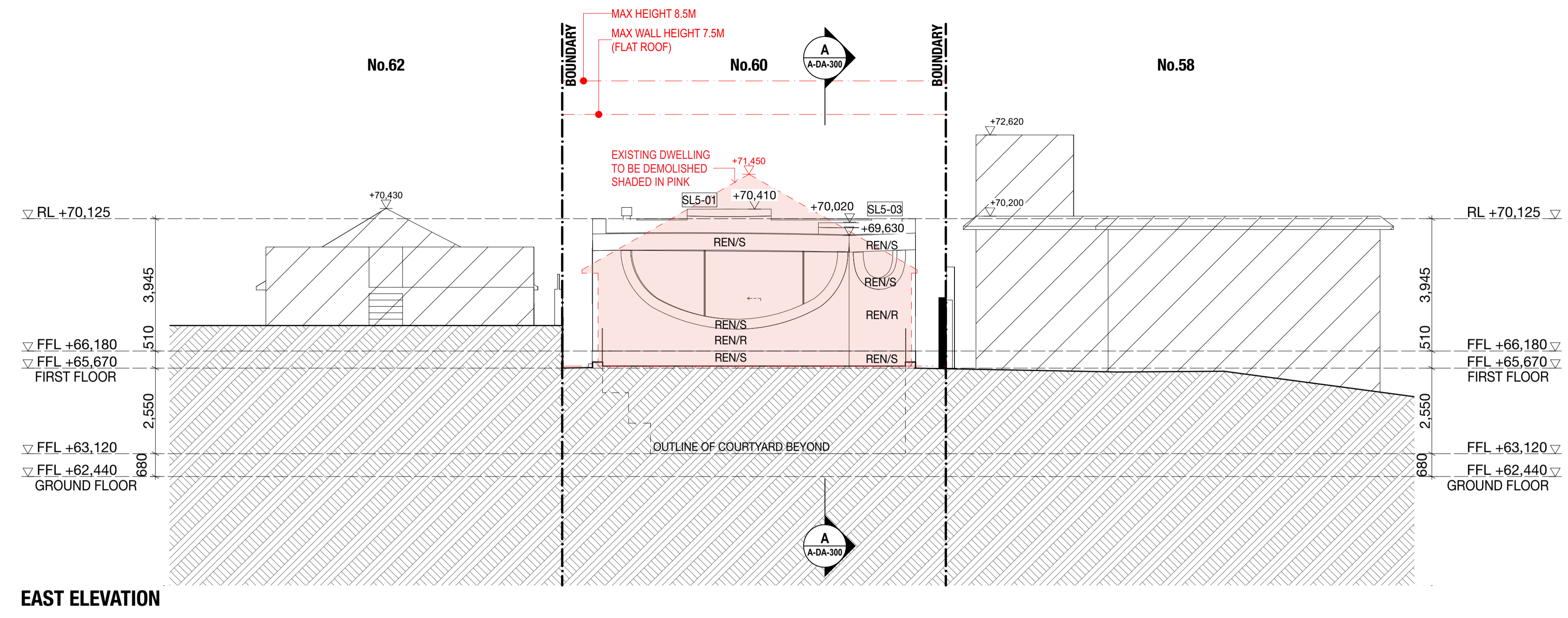
JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
JAMES HUI**
60 GILBERT STREET DOVER HEIGHTS
NSW 2030 AUSTRALIA

DRAWING TITLE:
ELEVATIONS

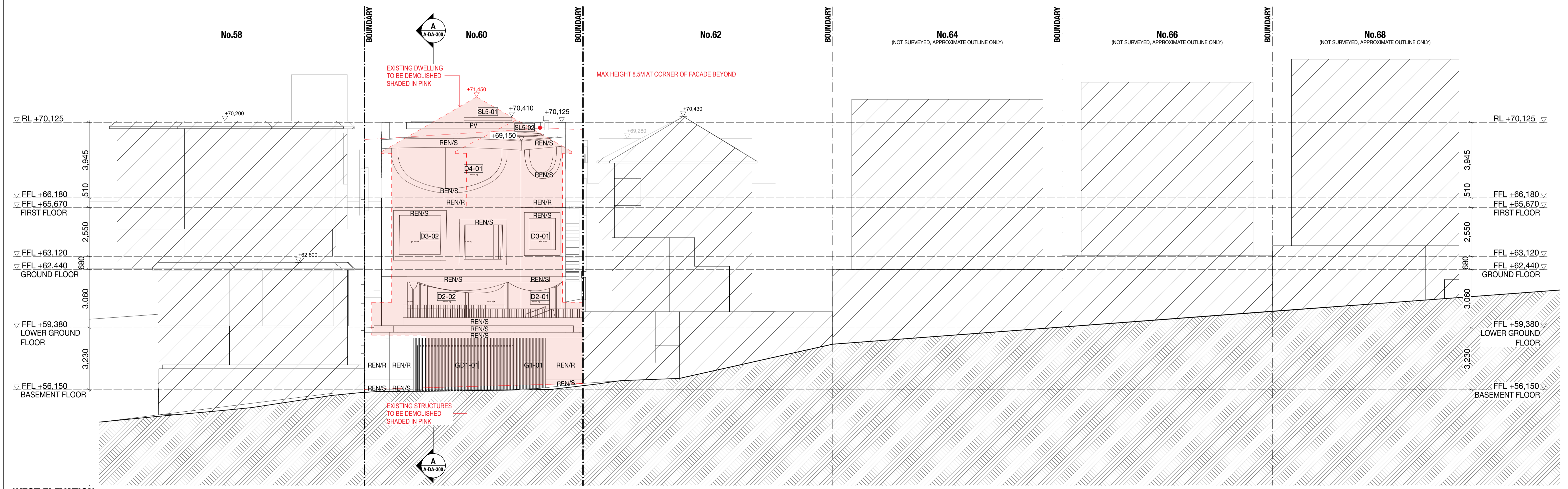
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DATE: MAY 2022	DRAWN BY: EM/ GL	CHECKED BY: TCC	
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0 10 20 30 40 50 60 70 80 90 100mm FULL SIZE ON ORIGINAL			

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EAST ELEVATION



WEST ELEVATION

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B	ADDITIONAL INFO FOR DA	27/7/23
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
ISSUE	AMENDMENT	DATE

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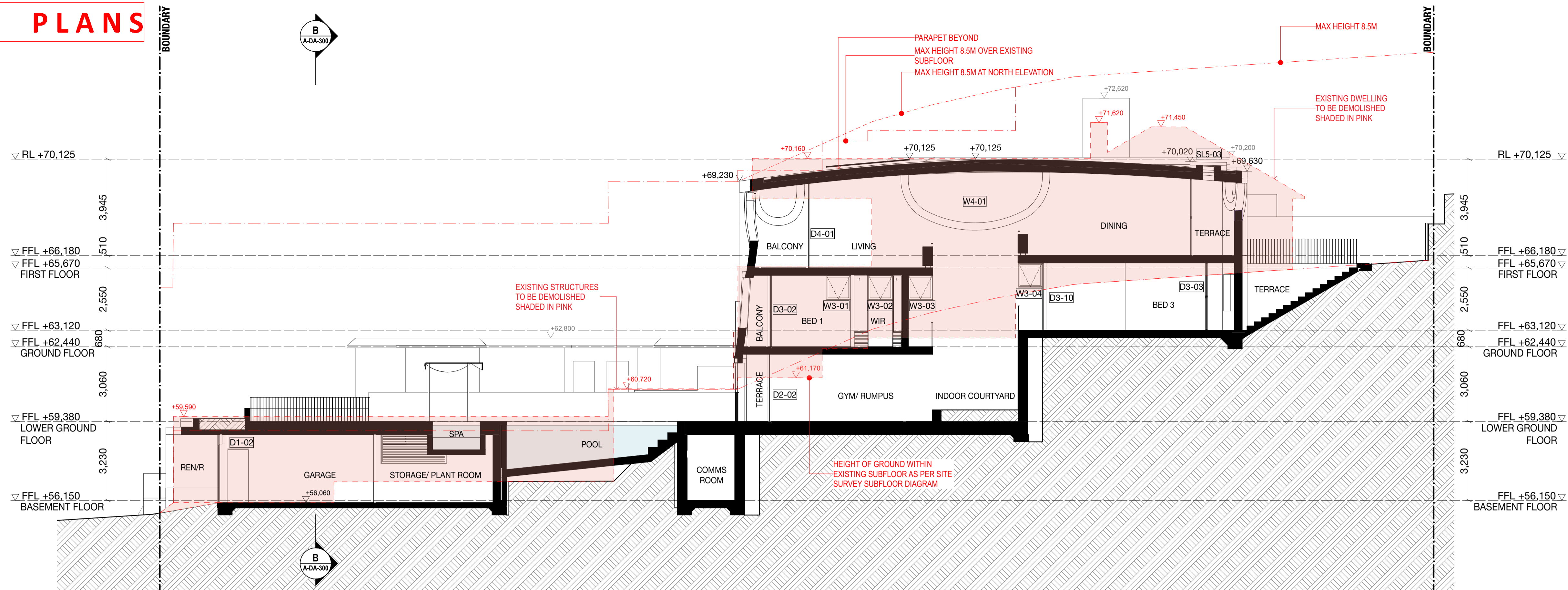
JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
JAMES HUI**
60 GILBERT STREET DOVER HEIGHTS
NSW 2030 AUSTRALIA

DRAWING TITLE:
ELEVATIONS

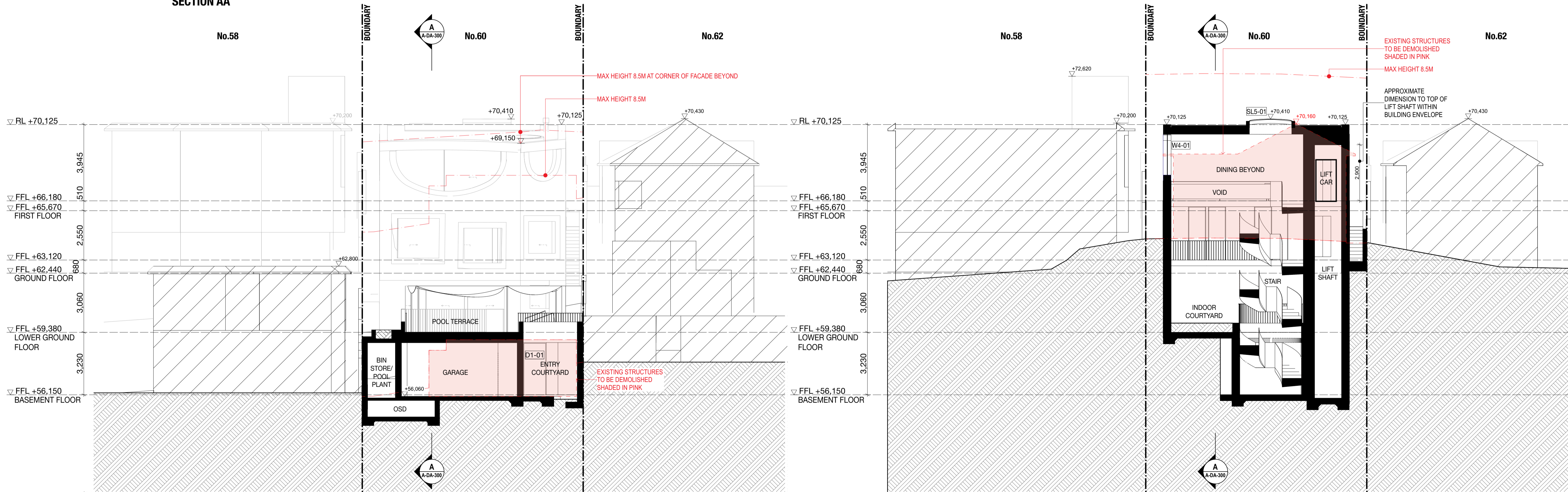
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DATE: MAY 2022	DRAWN BY: EM/ GL	CHECKED BY: TCC	
SCALE: 1:100 @ A1	JOB NO: 2115	NO. IN SET: 10	AMENDMENT: B
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AMENDED PLANS

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Application No: DA-123/2023
Date Received: 28/08/2023



SECTION AA



SECTION BB

SECTION CC

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ISSUE	AMENDMENT	DATE
C	ADDITIONAL SECTION FOR DA	28/8/23
B	ADDITIONAL INFO FOR DA	27/7/23
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23

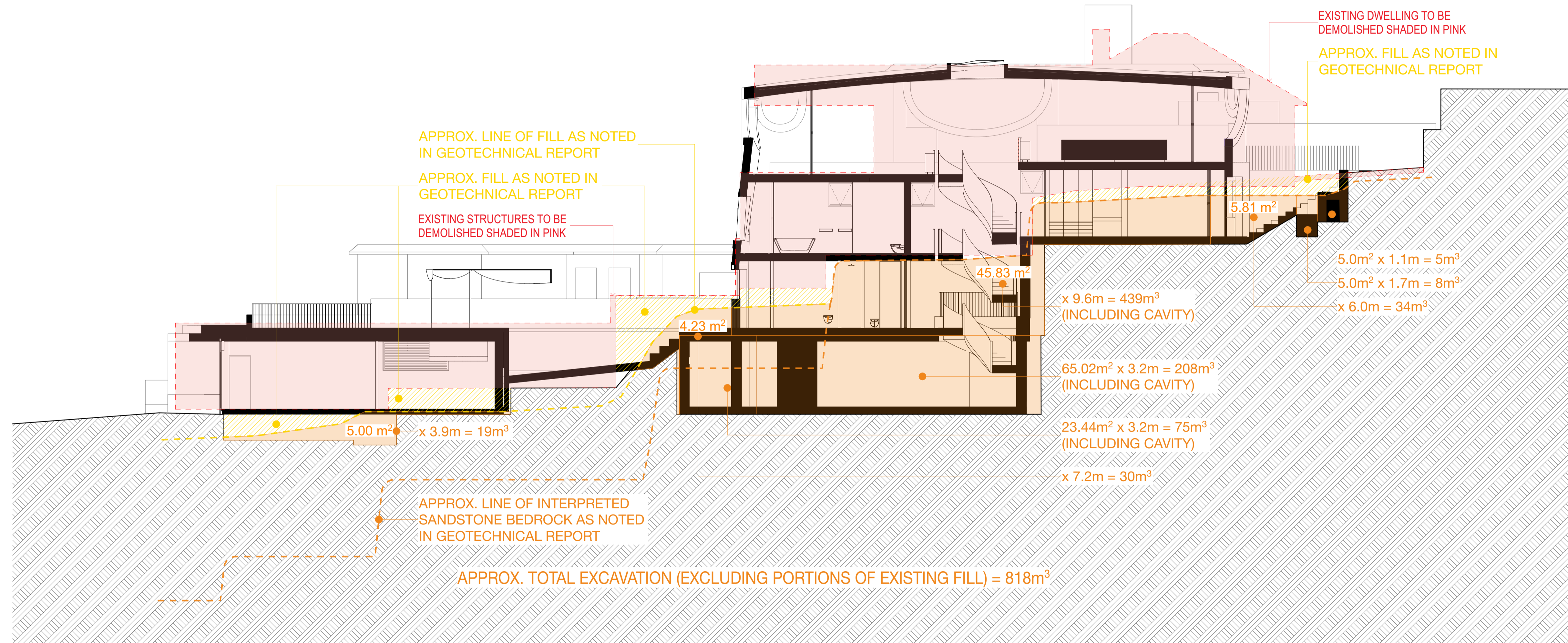
CHENCHOW LITTLE PTY LTD
6 BELMORE STREET
SURRY HILLS, NSW, 2010
PH: (02) 9357 4333
E-MAIL: mail@chenchowlittle.com
ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)

**DEVELOPMENT APPLICATION ISSUE
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JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
JAMES HUI**
60 GILBERT STREET DOVER HEIGHTS
NSW 2030 AUSTRALIA

DRAWING TITLE:
SECTIONS

DRAWING NUMBER: A-DA-300		DATE: MAY 2022	DRAWN BY: EM/ GL	CHECKED BY: TCC
SCALE: 1:100 @ A1	JOB NO: 2115	NO. IN SET: 11	AMENDMENT: C	
0 10 20 30 40 50 60 70 80 90 100mm FULL SIZE ON ORIGINAL				



EXCAVATION SECTION

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A	ISSUE FOR COUNCIL	5/6/23
ISSUE	AMENDMENT	DATE

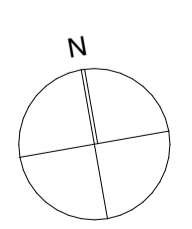
CHENCHOW LITTLE PTY LTD
6 BELMORE STREET
SURRY HILLS, NSW, 2010
PH: (02) 9357 4333
E-MAIL: mail@chenchowlittle.com
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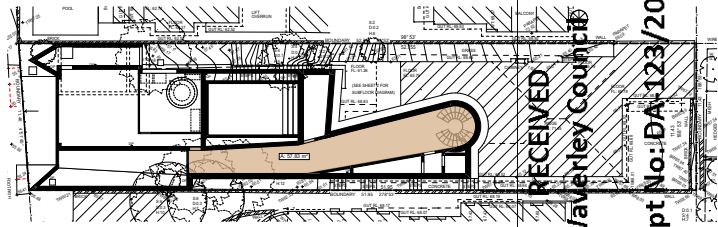
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JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
JAMES HUI**
60 GILBERT STREET DOVER HEIGHTS
NSW 2030 AUSTRALIA

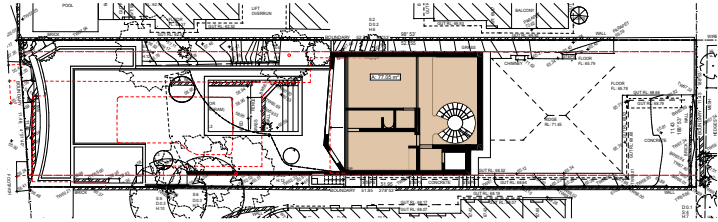
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EXCAVATION SECTION

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DATE: MAY 2022	DRAWN BY: EM/ GL	CHECKED BY: TCC	
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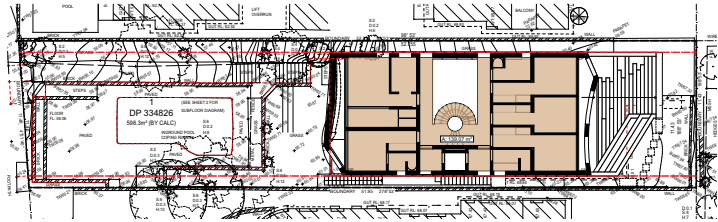




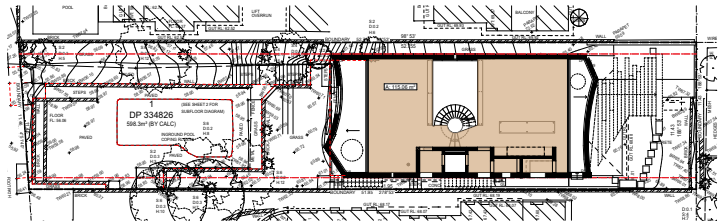
GFA - BASEMENT FLOOR



GFA - LOWER GROUND FLOOR

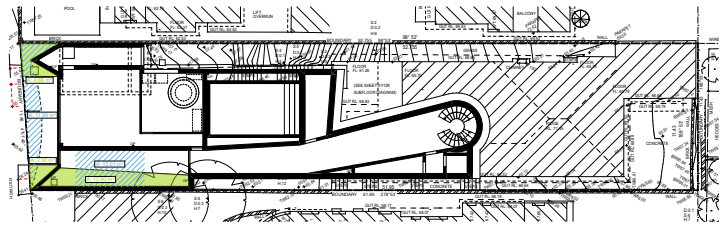


GFA - GROUND FLOOR

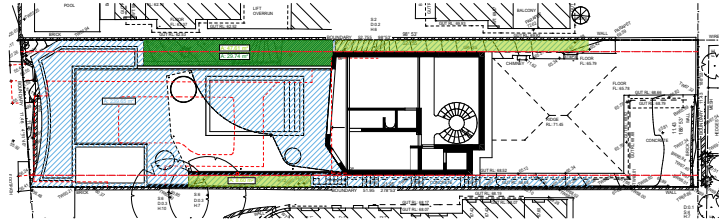


GFA - FIRST FLOOR

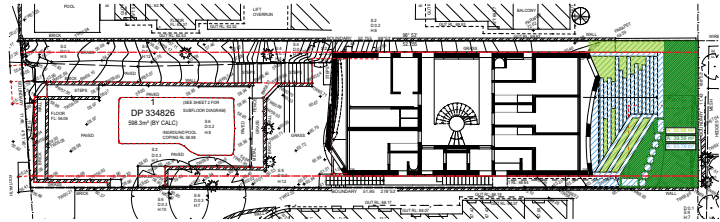
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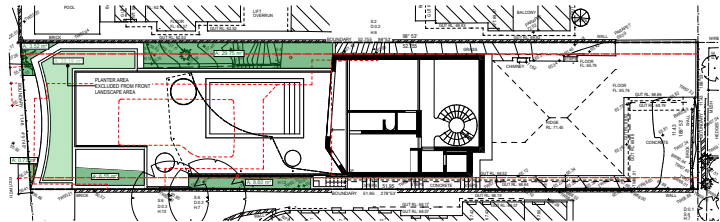
OPEN SPACE/ LANDSCAPE AREA/ DEEP SOIL - BASEMENT LEVEL



OPEN SPACE/ LANDSCAPE AREA/ DEEP SOIL - GROUND FLOOR



OPEN SPACE/ LANDSCAPE AREA/ DEEP SOIL - LEVEL 01



FRONT LANDSCAPE AREA

SITE AREA - 598.3m²

GFA REQUIREMENT- 0.5:1 (299.15m2)	
LEVEL	AREA (m2)
FIRST FLOOR (ABOVE EXISTING GROUND LEVEL)	115.06
GROUND FLOOR (ABOVE EXISTING GROUND LEVEL)	139.07
LOWER GROUND FLOOR (BELOW EXISTING GROUND LEVEL)	77.05
BASEMENT FLOOR (BELOW EXISTING GROUND LEVEL)	57.83
GFA PROPOSED	0.65:1 - 389.01 m²

GFA - ABOVE EXISTING GROUND LEVEL	
LEVEL	AREA (m2)
FIRST FLOOR	115.06
GROUND FLOOR	139.07
0.42:1 - 254.13 m²	

OPEN SPACE REQUIREMENT- 40% (239.32m2)	
LEVEL	AREA (m2)
GROUND FLOOR	93.78
LOWER GROUND FLOOR	239.65
BASEMENT FLOOR	15.01
BASEMENT FLOOR	11.99
OPEN SPACE PROPOSED	60% - 360.43 m²

LANDSCAPE REQUIREMENT - 20% (119.66m2)	
LEVEL	AREA (m2)
GROUND FLOOR	55.66
LOWER GROUND FLOOR	47.61
LOWER GROUND FLOOR	8.60
BASEMENT FLOOR	12.80
BASEMENT FLOOR	4.66
BASEMENT FLOOR	2.30
LANDSCAPE PROPOSED	22% - 131.63 m²

DEEP SOIL REQUIREMENT - 50% LANDSCAPE AREA (59.83m2)	
LEVEL	AREA (m2)
GROUND FLOOR	39.56
LOWER GROUND FLOOR	29.74
DEEP SOIL PROPOSED	57% - 69.30 m²

FRONT LANDSCAPE REQUIREMENT - 50% (136.41m2)	
LEVEL	AREA (m2)
BASEMENT FLOOR	0.73
BASEMENT FLOOR	8.60
BASEMENT FLOOR	6.55
LOWER GROUND FLOOR	3.52
LOWER GROUND FLOOR	29.75
FRONT LANDSCAPE PROPOSED	18% - 49.15 m²

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ISSUE	AMENDMENT	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23

CHENCHOW LITTLE PTY LTD
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 ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)

DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION

JOB TITLE:
PROPOSED NEW RESIDENCE FOR JAMES HUI
 60 GILBERT STREET DOVER HEIGHTS
 NSW 2030 AUSTRALIA

DRAWING TITLE:
AREA DIAGRAMS

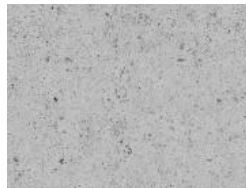
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A-DA-700			
DATE: MAY 2022	DRAWN BY: EM/QL	CHECKED BY: TCC	 AMENDMENT: A
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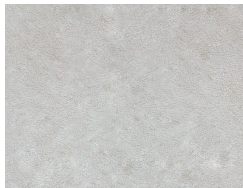
VIEW FROM STREET



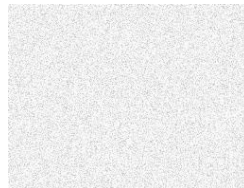
VIEW FROM REAR YARD



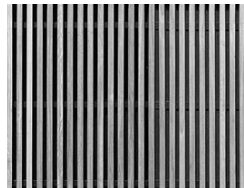
CONCRETE
FINISH: INSITU CONCRETE



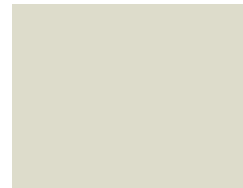
RENDER ROUGH (REN/R)
FINISH: RENDER ROUGHCAST
COLOUR: WHITE



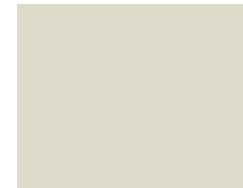
RENDER SMOOTH (REN/S)
FINISH: RENDER SMOOTH
COLOUR: WHITE



TIMBER BATTENS
FINISH: PAINTED
COLOUR: SURFMIST



WINDOW & DOOR FRAMES
FINISH: POWDERCOATED
COLOUR: COLORBOND SURFMIST



BALUSTRADES, HANDRAILS & STEEL AWNING
FINISH: POWDERCOATED
COLOR: COLORBOND SURFMIST

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ISSUE	AMENDMENT	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23

CHENCHOW LITTLE PTY LTD
6 BELMORE STREET
SURRY HILLS, NSW, 2010
PH: (02) 9357 4333
E-MAIL: mail@chenchowlittle.com
ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)

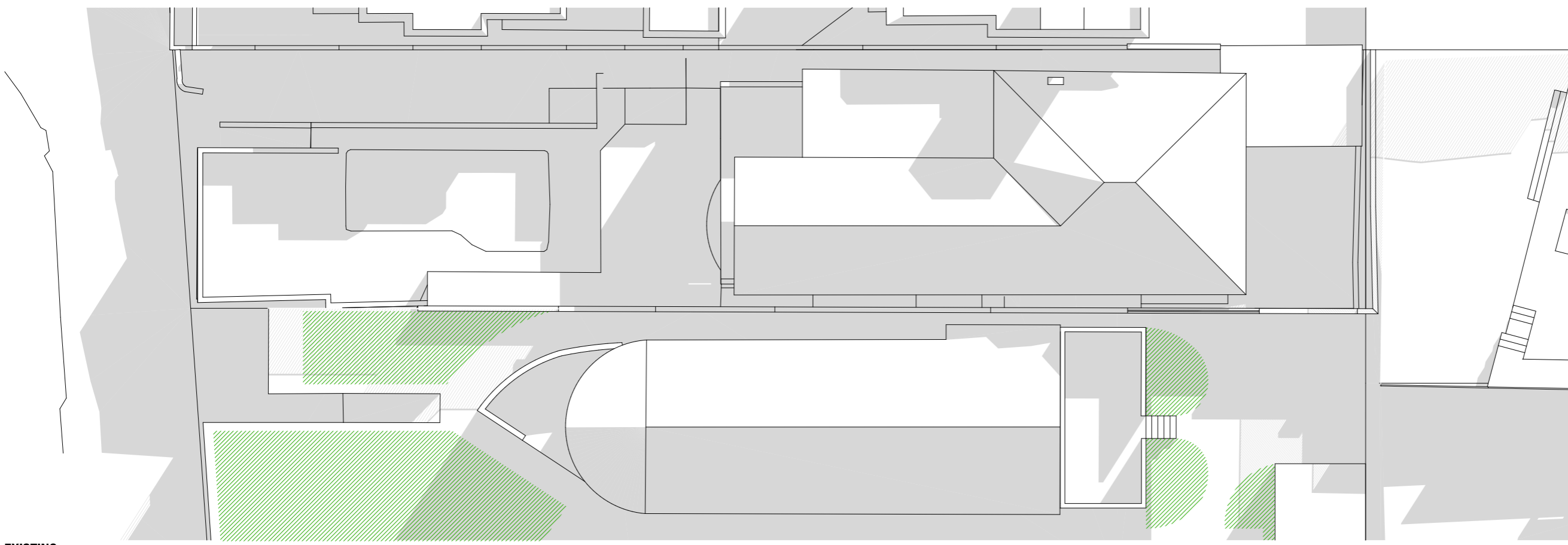
DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION

JOB TITLE:
PROPOSED NEW RESIDENCE FOR JAMES HUI
60 GILBERT STREET DOVER HEIGHTS
NSW 2030 AUSTRALIA

DRAWING TITLE:
SCHEDULE OF EXTERNAL FINISHES

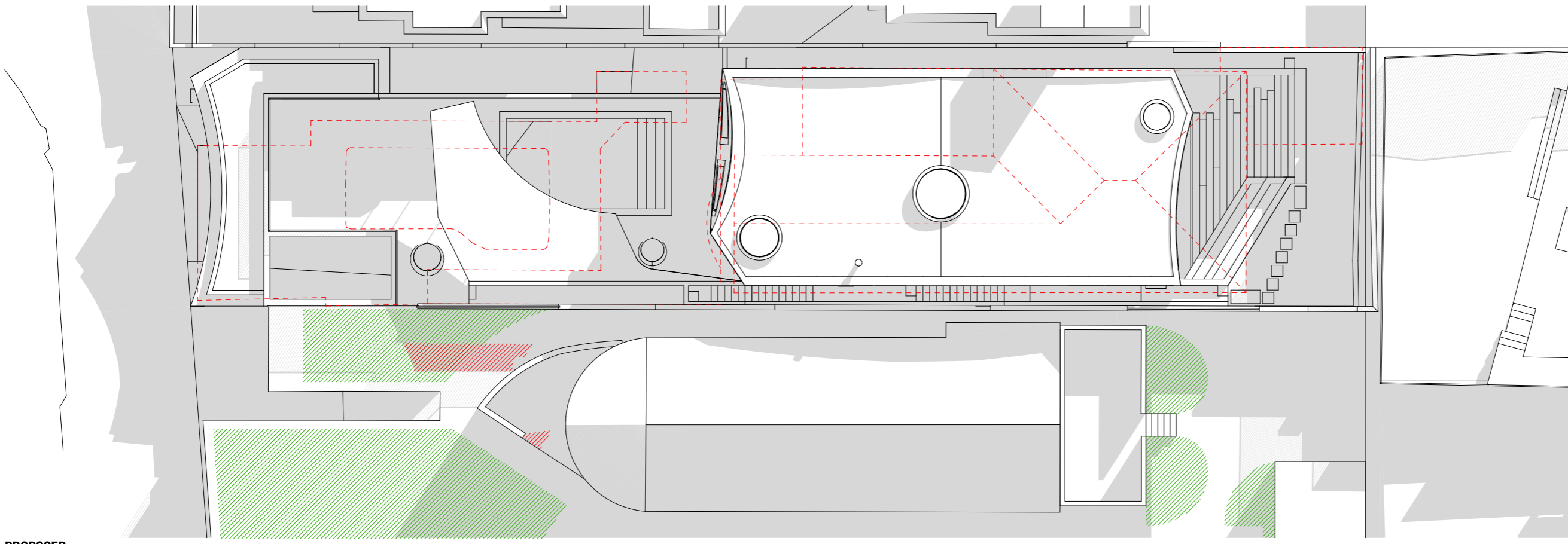
DATE:	DRAWN BY:	CHECKED BY:
MAY 2022	EM/QL	TCC
SCALE:	JOB NO:	NO. IN SET:
@ A1	2115	13

DRAWING NUMBER:		AMENDMENT:	
A-DA-701		A	
0 10 20 30 40 50 60 70 80 90 100mm FULL SIZE ON ORIGINAL			



EXISTING

- LEGEND**
- - - OUTLINE OF EXISTING DWELLING
 - SHADOWS CAST ON 21ST JUNE
 - APPROX. AREA OF EXISTING VEGETATION AT No.62
NOTE: OVERSHADOWING FROM VEGETATION HAS NOT BE INCLUDED
 - LOSS OF SOLAR ACCESS TO No.62
 - GAIN OF SOLAR ACCESS TO No.62



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Waverley Council
Receipt No: DA-123/2023
Date Received: 23/05/2023

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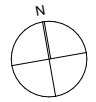
NO	ISSUE	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
05	ISSUE FOR CLIENT REVIEW	3/2/23
	AMENDMENT	

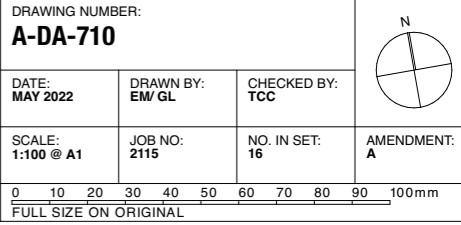
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 PH: (02) 9357 4333
 E-MAIL: mail@chenchowlittle.com
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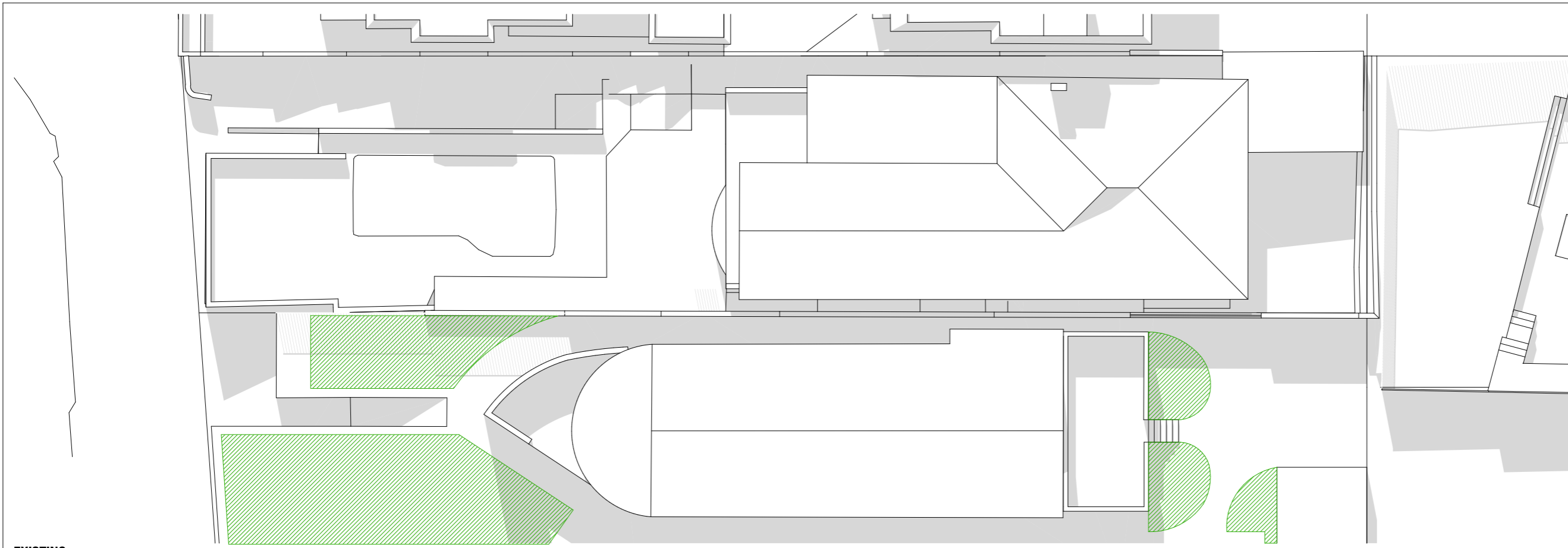
**DEVELOPMENT APPLICATION ISSUE
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JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
 JAMES HUI**
 60 GILBERT STREET DOVER HEIGHTS
 NSW 2030 AUSTRALIA

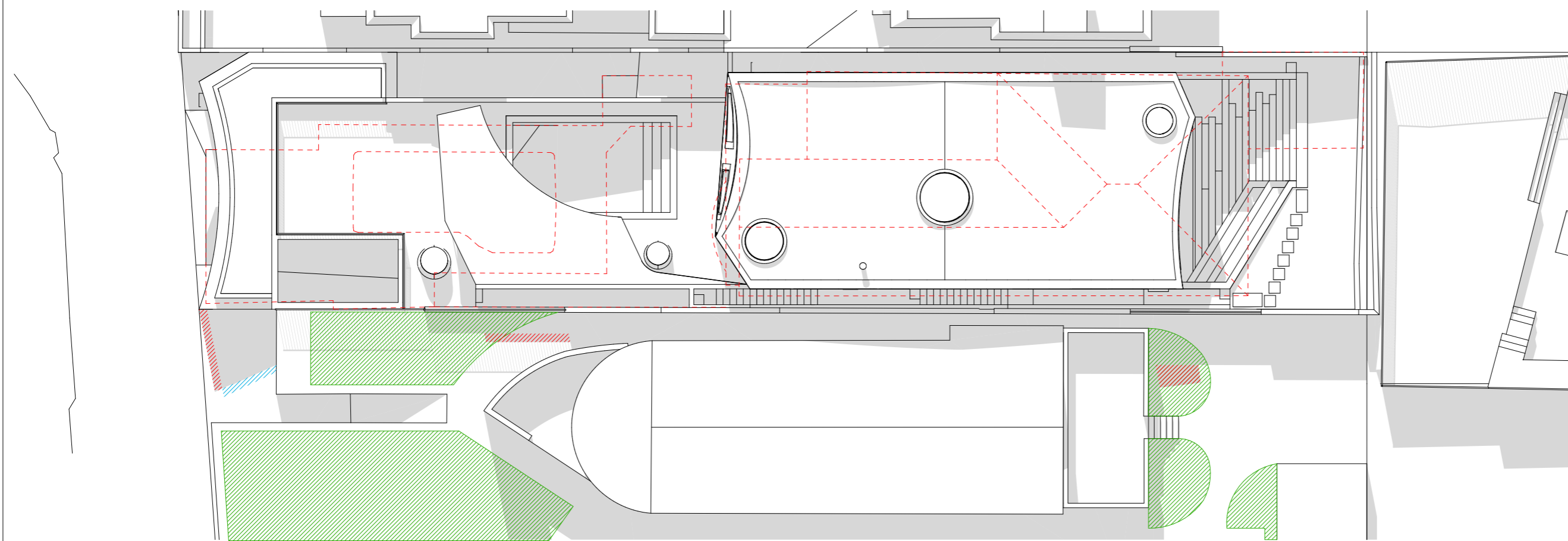
DRAWING TITLE:
SHADOW DIAGRAM 9AM WINTER SOLSTICE

DRAWING NUMBER: A-DA-710		N 
DATE: MAY 2022	CHECKED BY: TCC	
SCALE: 1:100 @ A1	JOB NO: 2115	NO. IN SET: 16
FULL SIZE ON ORIGINAL		AMENDMENT: A





EXISTING



PROPOSED

- LEGEND**
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 - GAIN OF SOLAR ACCESS TO No.62

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Receipt No: DA-123/2023
Date Received: 23/05/2023

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ISSUE	AMENDMENT	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
05	ISSUE FOR CLIENT REVIEW	3/2/23
	AMENDMENT	DATE

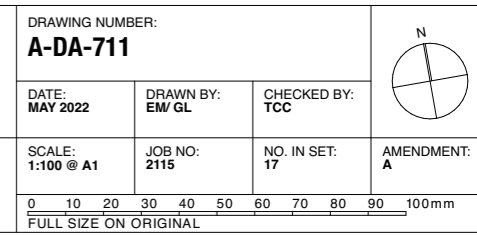
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 6 BELMORE STREET
 SURRY HILLS, NSW, 2010
 PH: (02) 9357 4333
 E-MAIL: mail@chenchowlittle.com
 ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)

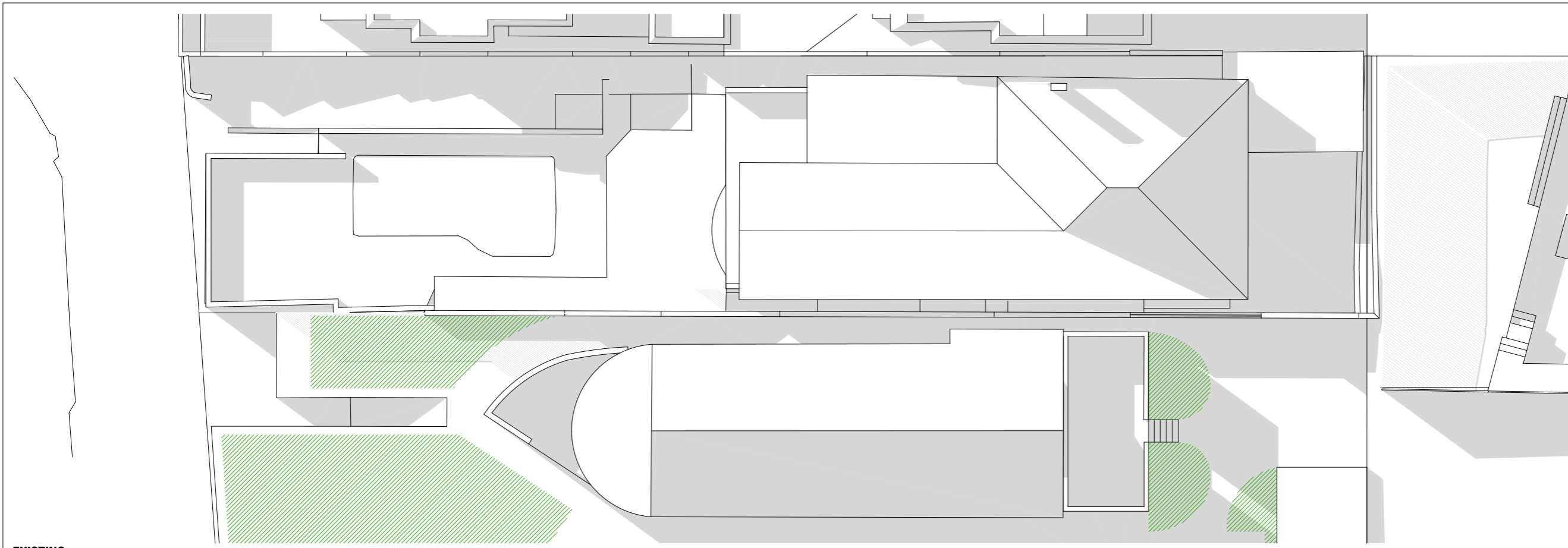
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JOB TITLE:
**PROPOSED NEW RESIDENCE FOR
 JAMES HUI**
 60 GILBERT STREET DOVER HEIGHTS
 NSW 2030 AUSTRALIA

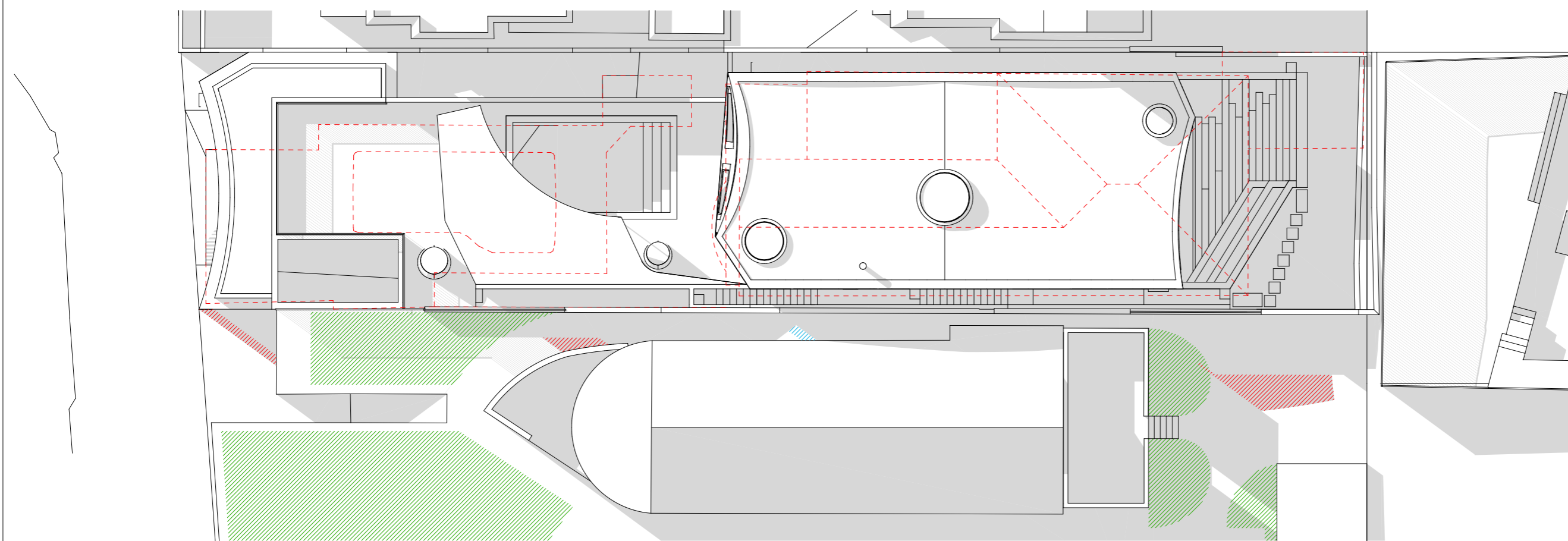
DRAWING TITLE:
SHADOW DIAGRAM 12PM WINTER SOLSTICE

DRAWING NUMBER: A-DA-711		N 
DATE: MAY 2022	CHECKED BY: TCC	
SCALE: 1:100 @ A1	JOB NO: 2115	NO. IN SET: 17
FULL SIZE ON ORIGINAL		AMENDMENT: A





EXISTING



PROPOSED

- LEGEND**
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NOTE: OVERSHADOWING FROM VEGETATION HAS NOT BE INCLUDED
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 - GAIN OF SOLAR ACCESS TO No.62

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NO	ISSUE	DATE
A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
05	ISSUE FOR CLIENT REVIEW	3/2/23
	AMENDMENT	

CHENCHOW LITTLE PTY LTD
 6 BELMORE STREET
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 PH: (02) 9357 4333
 E-MAIL: mail@chenchowlittle.com
 ARCHITECT'S REG. NO. 6123 (A. CHENCHOW)

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 JAMES HUI**
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 NSW 2030 AUSTRALIA

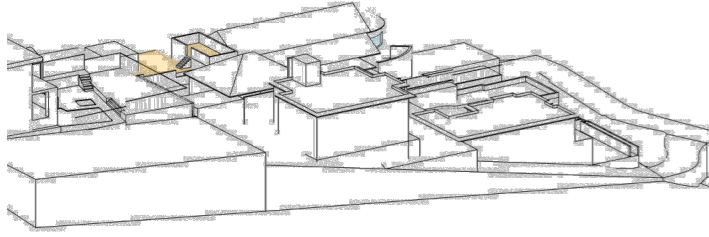
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SHADOW DIAGRAM 3PM WINTER SOLSTICE

DRAWING NUMBER: A-DA-712		
DATE: MAY 2022	CHECKED BY: TCC	
SCALE: 1:100 @ A1	JOB NO: 2115	NO. IN SET: 18
FULL SIZE ON ORIGINAL		

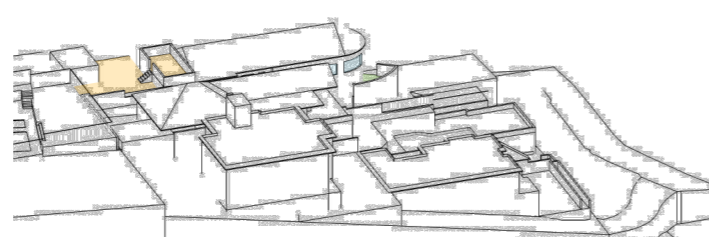
DATE: MAY 2022	DRAWN BY: EM/ GL	CHECKED BY: TCC	
SCALE: 1:100 @ A1	JOB NO: 2115	NO. IN SET: 18	
FULL SIZE ON ORIGINAL			AMENDMENT: A

LEGEND

- EXISTING SOLAR ACCESS TO WINDOW OF No.62
- EXISTING SOLAR ACCESS TO PRIVATE OPEN SPACE OF No.62
- EXISTING SOLAR ACCESS TO REAR OUTDOOR SPACE OF No.62
- NOTE: NO ACCESS TO INTERNAL LIVING AREA FROM OUTDOOR AREA
- APPROX. AREA OF EXISTING VEGETATION AT No.62
- NOTE: OVERSHADOWING FROM VEGETATION HAS NOT BE INCLUDED
- LOSS OF SOLAR ACCESS TO No.62
- GAIN OF SOLAR ACCESS TO No.62



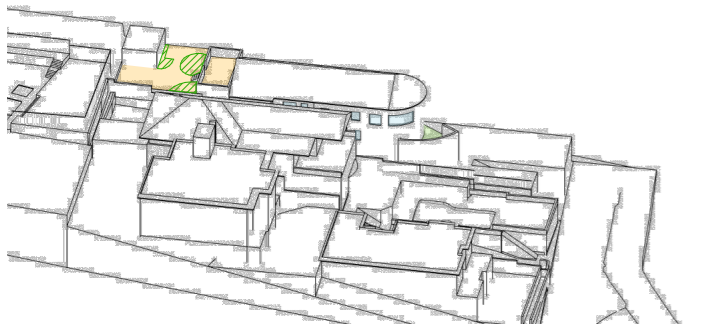
EXISTING SUN EYE DIAGRAM - JUN 21 9AM



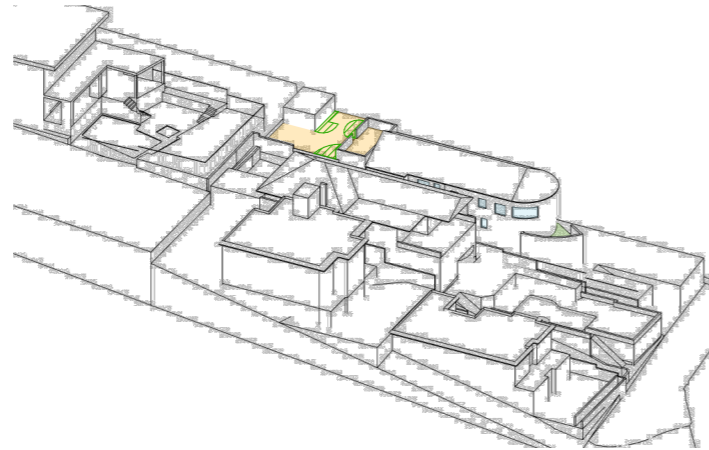
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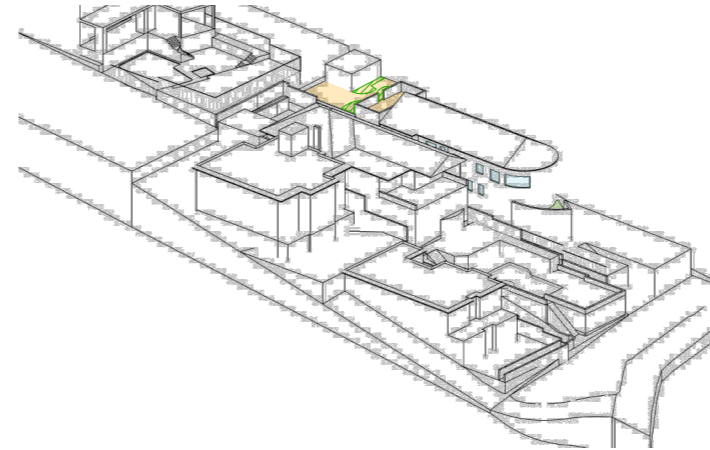
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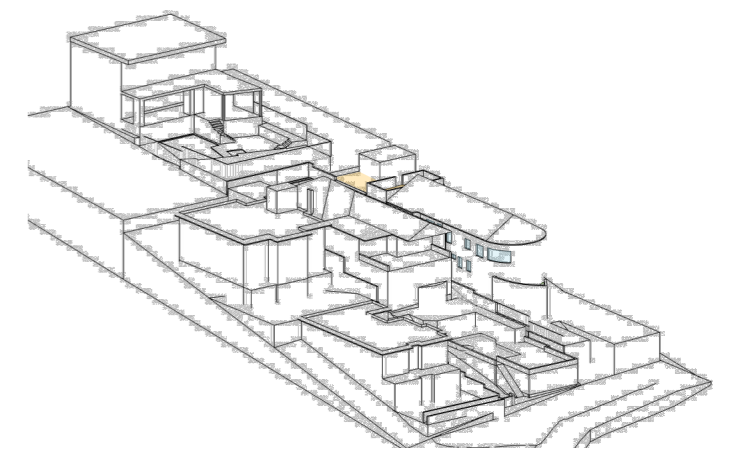
EXISTING SUN EYE DIAGRAM - JUN 21 12PM



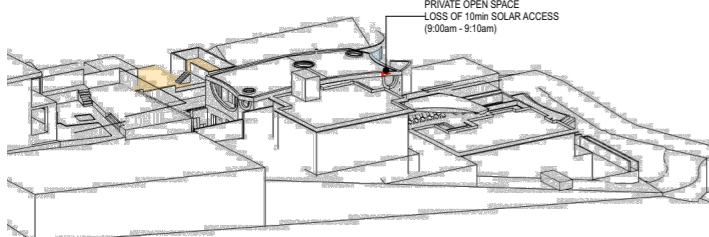
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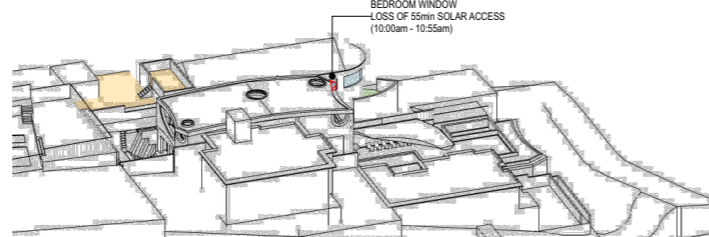
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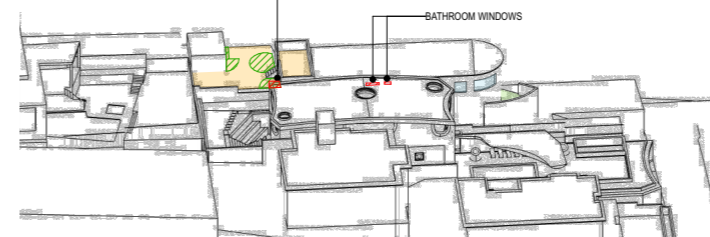
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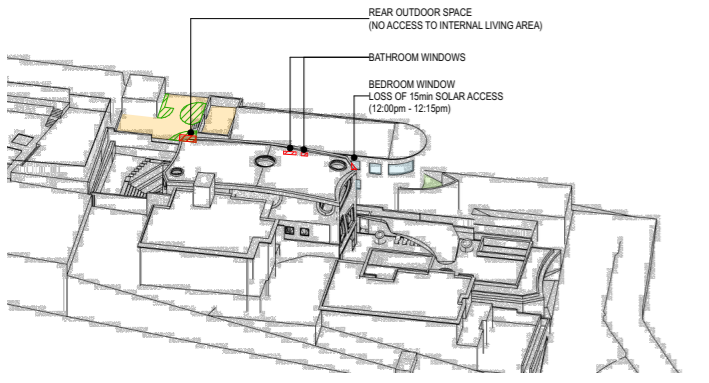
PROPOSED SUN EYE DIAGRAM - JUN 21 9AM



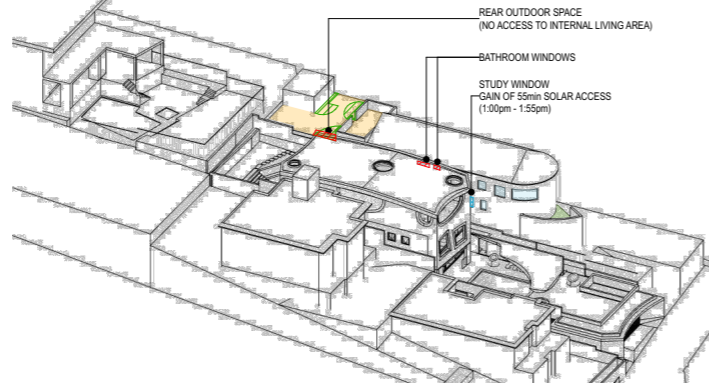
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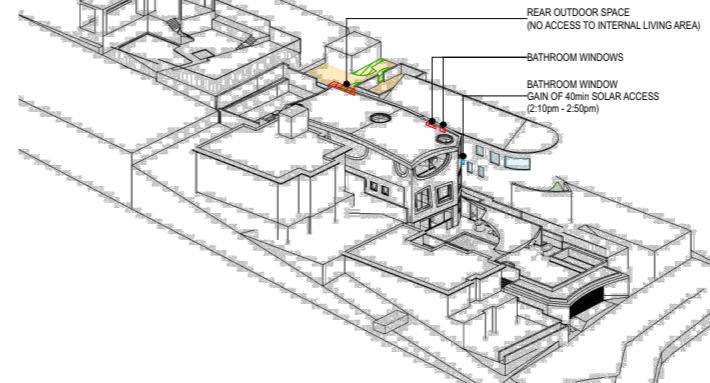
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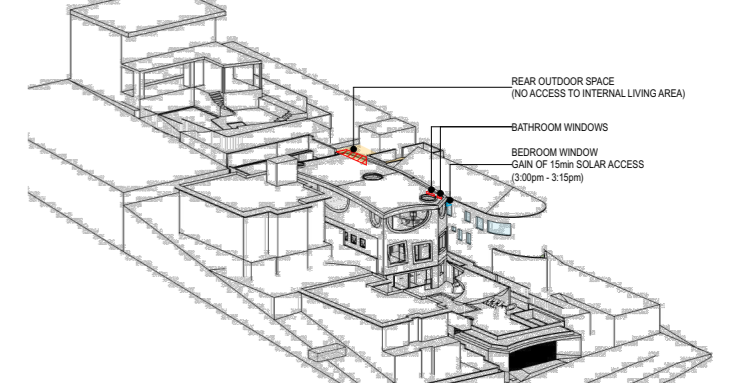
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PROPOSED SUN EYE DIAGRAM - JUN 21 1PM



PROPOSED SUN EYE DIAGRAM - JUN 21 2PM



PROPOSED SUN EYE DIAGRAM - JUN 21 3PM

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A	ISSUE FOR DEVELOPMENT APPLICATION	17/3/23
04	ISSUE FOR CLIENT REVIEW	3/2/23
ISSUE	AMENDMENT	DATE

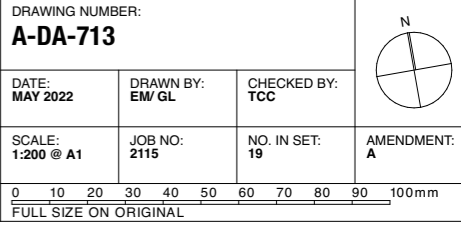
CHENCHOW LITTLE PTY LTD
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 E-MAIL: mail@chenchowlittle.com
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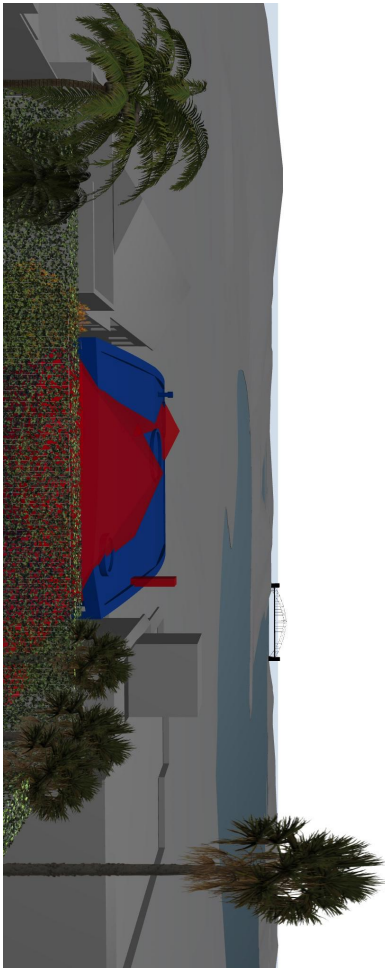
DEVELOPMENT APPLICATION ISSUE
NOT FOR CONSTRUCTION

JOB TITLE:
PROPOSED NEW RESIDENCE FOR JAMES HUI
 60 GILBERT STREET DOVER HEIGHTS
 NSW 2030 AUSTRALIA

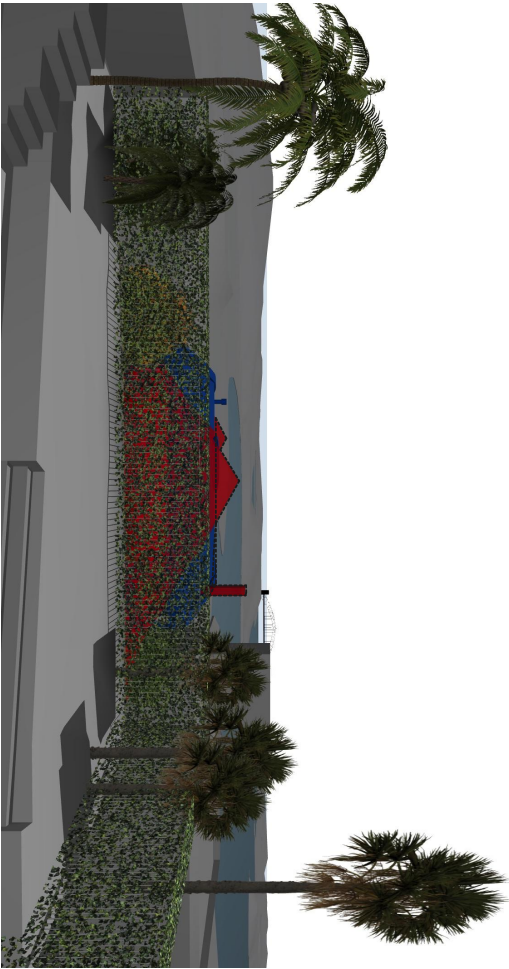
DRAWING TITLE:
SUN EYE DIAGRAMS

DRAWING NUMBER: A-DA-713			
DATE: MAY 2022	DRAWN BY: EM/ GL	CHECKED BY: TCC	
SCALE: 1:200 @ A1	JOB NO: 2115	NO. IN SET: 19	AMENDMENT: A
0 10 20 30 40 50 60 70 80 90 100mm FULL SIZE ON ORIGINAL			





INDICATIVE VIEW AT EYE LEVEL FROM THE REAR FIRST FLOOR BALCONY OF NO.67 PORTLAND STREET



INDICATIVE VIEW AT EYE LEVEL FROM THE REAR GROUND FLOOR BALCONY OF NO.67 PORTLAND STREET

RECEIVED
Waverley Council
 Receipt No: DA-123/2023
 Date Received: 23/05/2023

- LEGEND**
- EXISTING BUILDING ENVELOPE
 - PROPOSED BUILDING ENVELOPE
 - VIEW GAIN/ LOSS AT GROUND LEVEL**
 - 3.77m² (APPROX) VIEW GAIN
 - 0.31m² (APPROX) VIEW LOSS



EXISTING VIEW FROM GROUND FLOOR BALCONY OF NO.67 PORTLAND STREET

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ISSUE	AMENDMENT	DATE
A	ISSUE FOR CLIENT REVIEW	17/2/23
B	ISSUE FOR CLIENT REVIEW	22/2/23

CHENGCHOW LITTLE PTY LTD
 6 BELMORE STREET
 PHO: 08 8522 4888
 FAX: 08 8522 4889
 EMAIL: mlh@chengchow.com.au
 ARCHITECTS REG. NO. 8123 (A, CHENGCHOW)
DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

JOB TITLE:
 PROPOSED NEW RESIDENCE FOR
 JAMES HUI
 60 GILBERT STREET DOVER HEIGHTS
 NSW 2059 AUSTRALIA

DRAWING TITLE:
 VIEW ANALYSIS

DRAWING NUMBER:
 A-DA-702

DRAWN BY: TCC
CHECKED BY: TCC

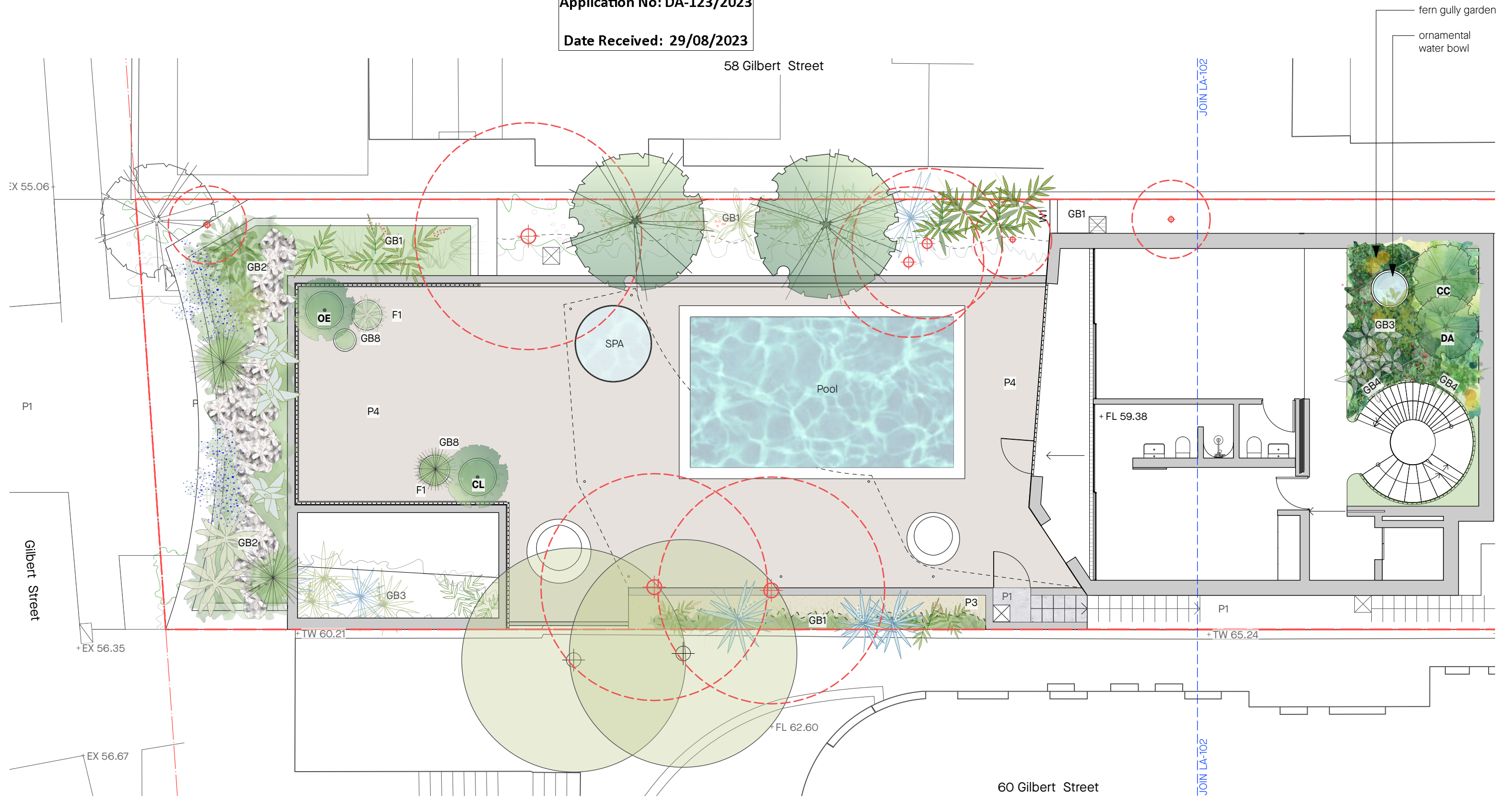
DATE: MAR 2022
EM. OL:

SCALE: @ 1:1
JOB NO.: 2715
NO. IN SET: 14
AMENDMENT: A

9 10 20 30 40 50 60 70 80 90 100mm
 FULL SIZE ON ORIGNAL

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-123/2023
Date Received: 29/08/2023



REV	DATE	STATUS	REASON FOR ISSUE
A	09/12/22	FINAL	ISSUED FOR DA
B	14/2/23	FINAL	FOR DA RESUBMISSION

DRAWN
AH
AH

GENERAL NOTES

- ALL DIMENSIONS IN MILLIMETRES
- CONFIRM ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING WORK.
- USE FIGURED DIMENSIONS ONLY.
- DO NOT SCALE.
- COMPLY WITH RELEVANT AUTHORITY REQUIREMENTS, THE BUILDING CODE OF AUSTRALIA AND ALL RELEVANT AUSTRALIAN STANDARD WHEN EXECUTING WORKS DESCRIBED IN THIS DRAWING.

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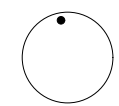
Jane Irwin Landscape Architecture
Studio 203
61 Marlborough Street
Surry Hills NSW
Australia 2010
61 2 92126957
info@jila.net.au
www.jila.net.au

DRAWING TITLE
Landscape Plan - Lower Ground

PROJECT
Hui House, Dover Heights

CLIENT
James Hui

ADDRESS
60 Gilbert Street, Dover Height NSW



JOB NO.	220803	DATE	29/08/2023
STAGE	DA	REV	B
STATUS	FINAL	DWG NO.	LA-101
DRAWN	AH		
CHECKED	Ji		
SCALE	1:100 @A3		

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-123/2023

Date Received: 29/08/2023

PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	MATURE SIZE	NATIVE
Proposed trees				
BC	<i>Bambusa chungii</i> 'Barbelletta'	Blue Bamboo	8m	x
CL	<i>Citrus limon</i>	Lemon	2m	x
CF	<i>Cercis canadensis</i> 'Forest Pansy'	Eastern Redbud	5m	x
DA	<i>Dicksonia antarctica</i>	Soft Tree Fern	2m	✓
GA	<i>Gordonia axillaris</i>	Fried Egg Plant	4m	x
OE	<i>Olea europaea</i>	Olive tree	3m	x
PO	<i>Plumeria obtusa</i>	Singapore Frangipani	7.5m	x
VT	<i>Vitex trifolia</i> 'Purpurea'	Purple Vitex	3m	✓
Garden Bed 1 - tall screening				
	<i>Alpinia arundelliana</i>	Dwarf Ginger	1.2m	✓
	<i>Arthropodium cirratum</i>	Renga Renga Lily	0.6m	x
	<i>Cordylina terminalis</i> 'Ruby'	Tiplant	1.2m	x
	<i>Ctenanthe Setosa</i> 'Grey Star'	Ctenanthe Grey Star	0.9m	x
	<i>Dianella atraxis</i>	Blue Flax Lily	1m	✓
	<i>Dietes robinsoniana</i>	Lord Howe wedding lily	1.5m	✓
	<i>Heliconia rostrata</i>	Hanging Lobster Claw	2m	x
	<i>Thysanolaena maxima</i>	Tiger Grass	2.5m	x
	<i>Viola hederacea</i>	Native Violet	<0.1m	✓
Garden Bed 2 - pool mix				
	<i>Agave</i> 'Blue Flame'	Blue Flame Agave	0.9m	x
	<i>Casuarina glauca</i> 'Cousin It'	Cousin It Casuarina	0.3m	✓
	<i>Crassula undulata</i>	Wavy Jade	0.8m	x
	<i>Disphyma crassifolium</i>	Round-leaved Pigface	0.3m	✓
	<i>Enchylaena tomentosa</i>	Ruby Saltbush	1m	✓
	<i>Hardenbergia violacea</i>	Purple Coral Pea	Prostrate	✓
	<i>Kalanchoe beharensis</i>	Felt Plant	0.9m	x
	<i>Senecio serpens</i>	Blue Chalk Sticks	0.25m	x
	<i>Sedum</i> 'Autumn Joy'	Autumn Joy	0.6m	x
	<i>Westringia</i> 'Wynyabbie Gem'	Coastal Rosemary	1m	✓
	<i>Yucca desmetiana</i>	Soft Leaved Yucca	1.5m	x
Garden Bed 3 - entry courtyard & fern garden				
	<i>Asplenium australasicum</i>	Birds Nest Fern	1.5m	✓
	<i>Chamaedorea microspadix</i>	Bamboo Palm	2m	✓
	<i>Doodia aspera</i>	Rasp Fern	0.3m	✓
	<i>Dichondra repens</i>	Kidney Weed	<0.1m	✓
	<i>Ligularia reniforme</i> 'Tractor Seat'	Tractor Seat Ligularia	0.7m	x
	<i>Linospadix monostachyos</i>	Walking Stick Palm	1.5m	✓
	<i>Rhododendron lochiae</i>	Native Rhododendron	1m	✓
	<i>Rhapis excelsa</i>	Broadleaf lady palm	1.8m	x
	<i>Pilea Peperomioides</i>	Chinese Money Plant	0.3m	x
	<i>Phlebodium aureum</i>	Blue star fern	0.9m	x
	<i>Pteris umbrosa</i>	The Jungle Brake Fern	1.2m	✓
	<i>Selaginella kraussiana</i>	Moss Fern	1m	x
Garden Bed 4 - climbers				
	<i>Cissus antarctica</i>	Kangaroo Vine	climbing	✓
	<i>Hardenbergia violacea</i>	Purple Coral Pea	climbing	✓
	<i>Stephania japonica</i>	Snake Vine	climbing	✓

*Grows to about 5 x 5m at 20 years - reference from Filing's Urban Tree Guide

Garden Bed 5 - herbs mix				
	<i>Helichrysum italicum</i>	Curry plant	0.8m	x
	<i>Mentha saturoioides</i>	Bush Mint	0.2m	x
	<i>Rosmarinus officinalis</i> 'Prostratus'	Creeping Rosemary	Prostrate	x
	<i>Pelargonium graveolens</i>	Rose Scented Geranium	1.5m	x
	<i>Salvia leucantha</i> 'Santa Barbara'	Santa Barbara Sage	0.9m	x
	<i>Salvia microphylla</i> 'Hot Lips'	Silvia Hot Lips	0.5m	x
Garden Bed 6 - terrace garden				
	<i>Alpinia mutica</i>	False Cardamom Ginger	2m	x
	<i>Dichondra argentea</i> 'Silver Falls'	Silver Falls	<0.1m	✓
	<i>Dianella atraxis</i>	Blue Flax Lily	1m	✓
	<i>Dietes robinsoniana</i>	Lord Howe wedding lily	1.5m	✓
	<i>Ficus lyrata</i> 'Bambino'	Fiddle Leaf Fig	1.5m	x
	<i>Philodendron</i> 'Rojo Congo'	Rojo Congo Philodendron	1m	x
	<i>Strelitzia reginae</i>	Bird of Paradise	1.8m	x
	<i>Kniphofia uvaria</i>	Red Hot Poker	1.2m	x
	<i>Viola hederacea</i>	Native Violet	<0.1m	✓
Garden Bed 7 - pockets garden in wall				
	<i>Asplenium australasicum</i>	Birds Nest Fern	1.5m	✓
	<i>Epiphyllum oxypetalum</i>	Queen of Night	Prostrate	x
	<i>Dendrobium kingianum</i>	Pink Rock Orchid	0.3m	✓
	<i>Phlebodium aureum</i>	Blue star fern	0.9m	x
Garden Bed 8 - pot				
	<i>Dichondra argentea</i> 'Silver Falls'	Silver Falls	<0.1m	✓
	<i>Mentha saturoioides</i>	Bush Mint	0.2m	x
	<i>Kalanchoe beharensis</i>	Felt Plant	0.9m	x
Garden Bed 9 - driveway				
	<i>Allocasuarina</i> 'Nana'	Dwarf She-Oak	1m	✓
	<i>Banksia blechnifolia</i>	Groundcover Banksia	0.3m	✓
	<i>Epacris microphylla</i>	Coral Heath	1.2m	✓
	<i>Epacris pulchella</i>	Wallum Heath	1m	✓
	<i>Epacris longiflora</i>	Fuchsia Heath	1.5m	✓
	<i>Kalanchoe beharensis</i>	Felt Plant	0.9m	x
	<i>Rhagodia spinescens</i>	Rhagodia Silver Border	1.5m	✓
	<i>Senecio serpens</i>	Blue Chalk Sticks	0.25m	x

REV	DATE	STATUS	REASON FOR ISSUE	DRAWN
A	09/12/22	FINAL	ISSUED FOR DA	AH
B	14/2/23	FINAL	FOR DA RESUBMISSION	AH
C	20/7/23	FINAL	AMENDED FOR DA	AH

GENERAL NOTES

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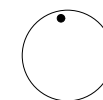
ABN 62 120 299

DRAWING TITLE
Plant Schedule

PROJECT
Hui House, Dover Heights

CLIENT
James Hui

ADDRESS
60 Gilbert Street, Dover Height NSW



JOB NO. 220803
STAGE DA
STATUS FINAL
DRAWN AH
CHECKED JI

SCALE N/A @A3

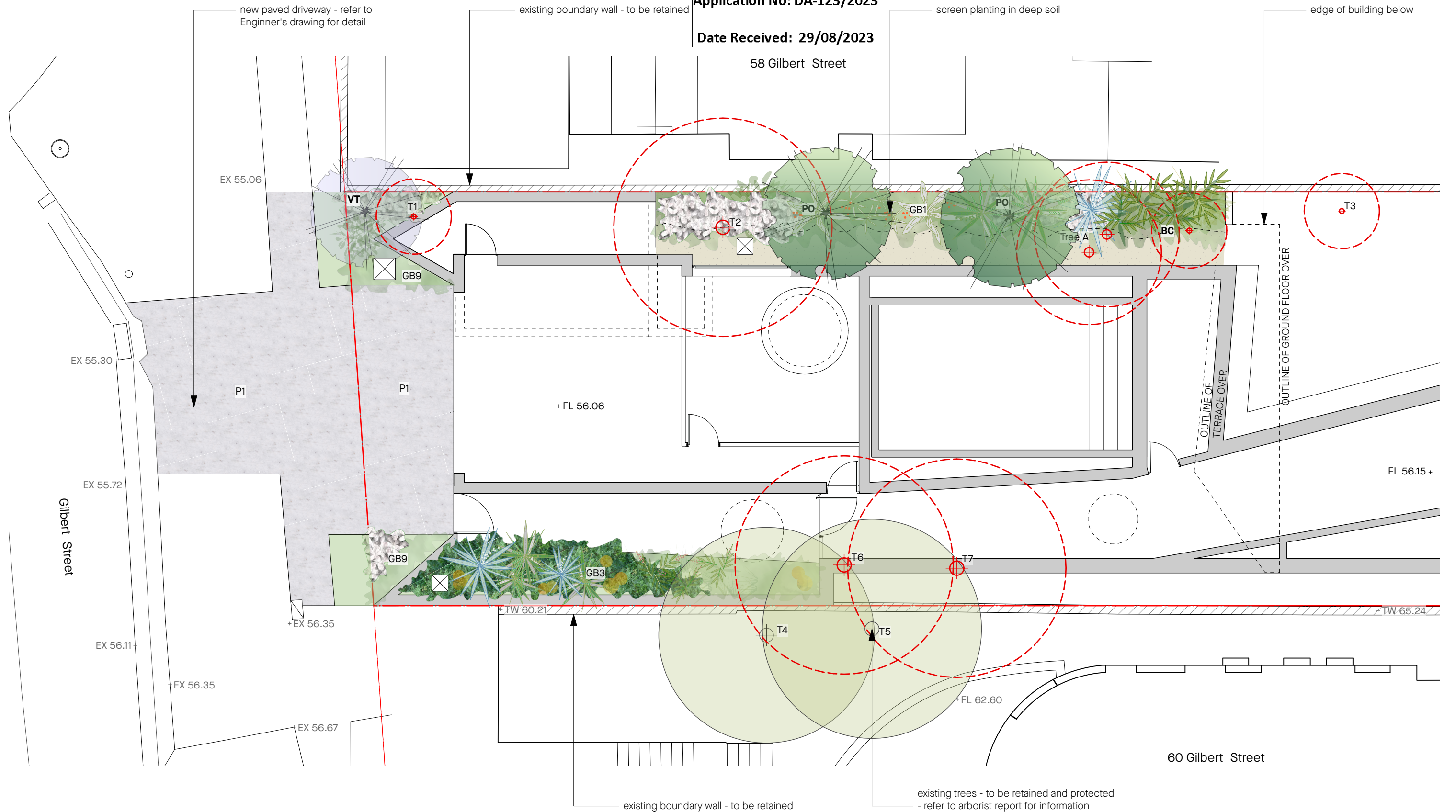
DATE
29/08/2023

REV
C

DWG NO.
LA-001

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-123/2023
Date Received: 29/08/2023



REV	DATE	STATUS	REASON FOR ISSUE
A	09/12/22	FINAL	ISSUED FOR DA
B	14/2/23	FINAL	FOR DA RESUBMISSION
C	20/7/2023	FINAL	AMENDED FOR DA

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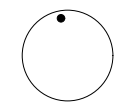
DRAWING TITLE
Landscape Plan - Basement

PROJECT
Hui House, Dover Heights

CLIENT
James Hui

ADDRESS
60 Gilbert Street, Dover Height NSW

ABN 62 120 299

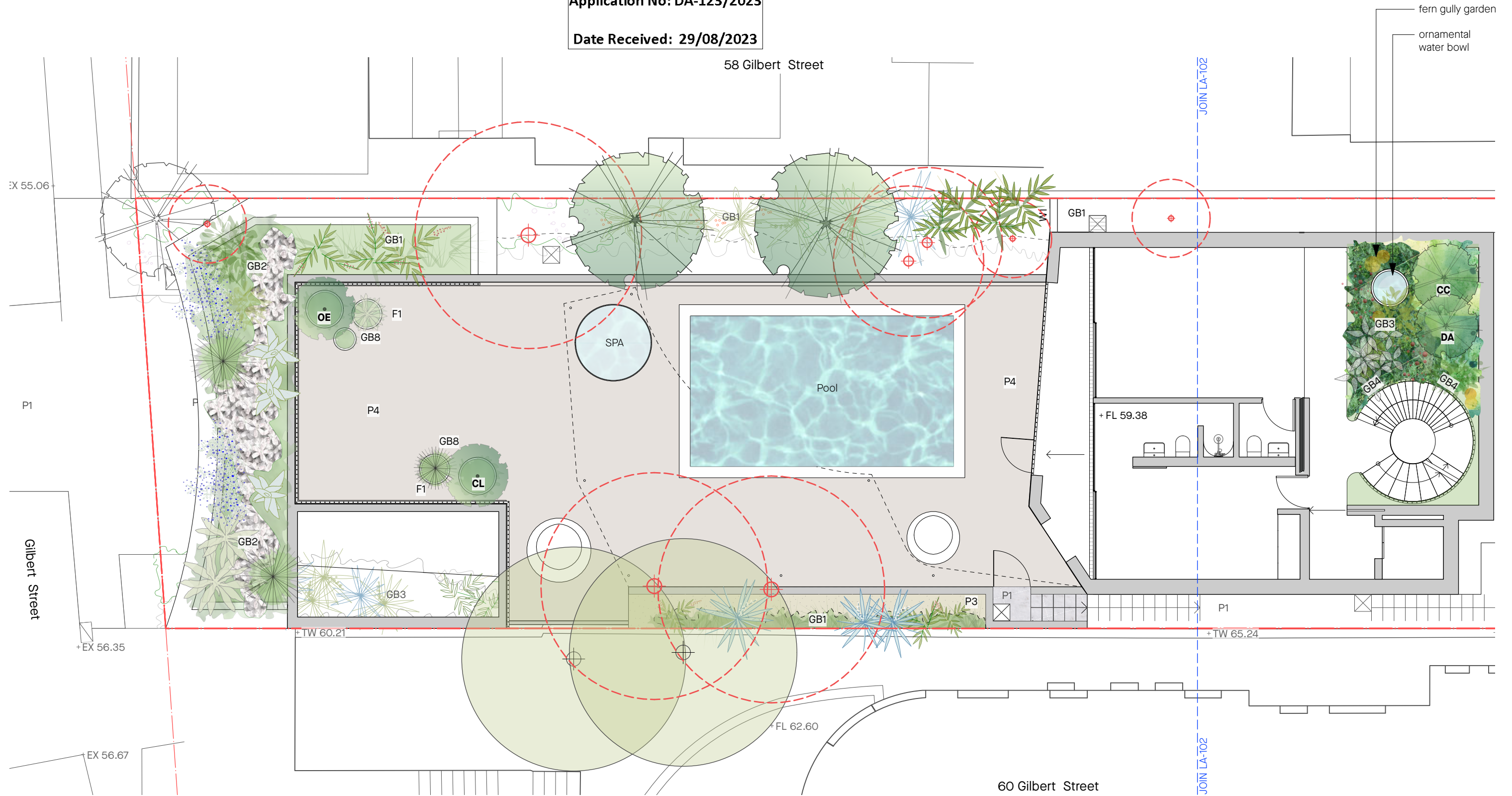


JOB NO.	220803
STAGE	DA
STATUS	FINAL
DRAWN	AH
CHECKED	Ji
SCALE	1:100 @A3

DATE	29/08/2023
REV	C
DWG NO.	LA-100

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-123/2023
Date Received: 29/08/2023



REV	DATE	STATUS	REASON FOR ISSUE
A	09/12/22	FINAL	ISSUED FOR DA
B	14/2/23	FINAL	FOR DA RESUBMISSION

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GENERAL NOTES

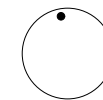
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ABN 62 120 299

DRAWING TITLE
Landscape Plan - Lower Ground
PROJECT
Hui House, Dover Heights
CLIENT
James Hui
ADDRESS
60 Gilbert Street, Dover Height NSW



JOB NO. 220803
STAGE DA
STATUS FINAL
DRAWN AH
CHECKED JI
SCALE 1:100 @A3

DATE
29/08/2023
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DWG NO.
LA-101

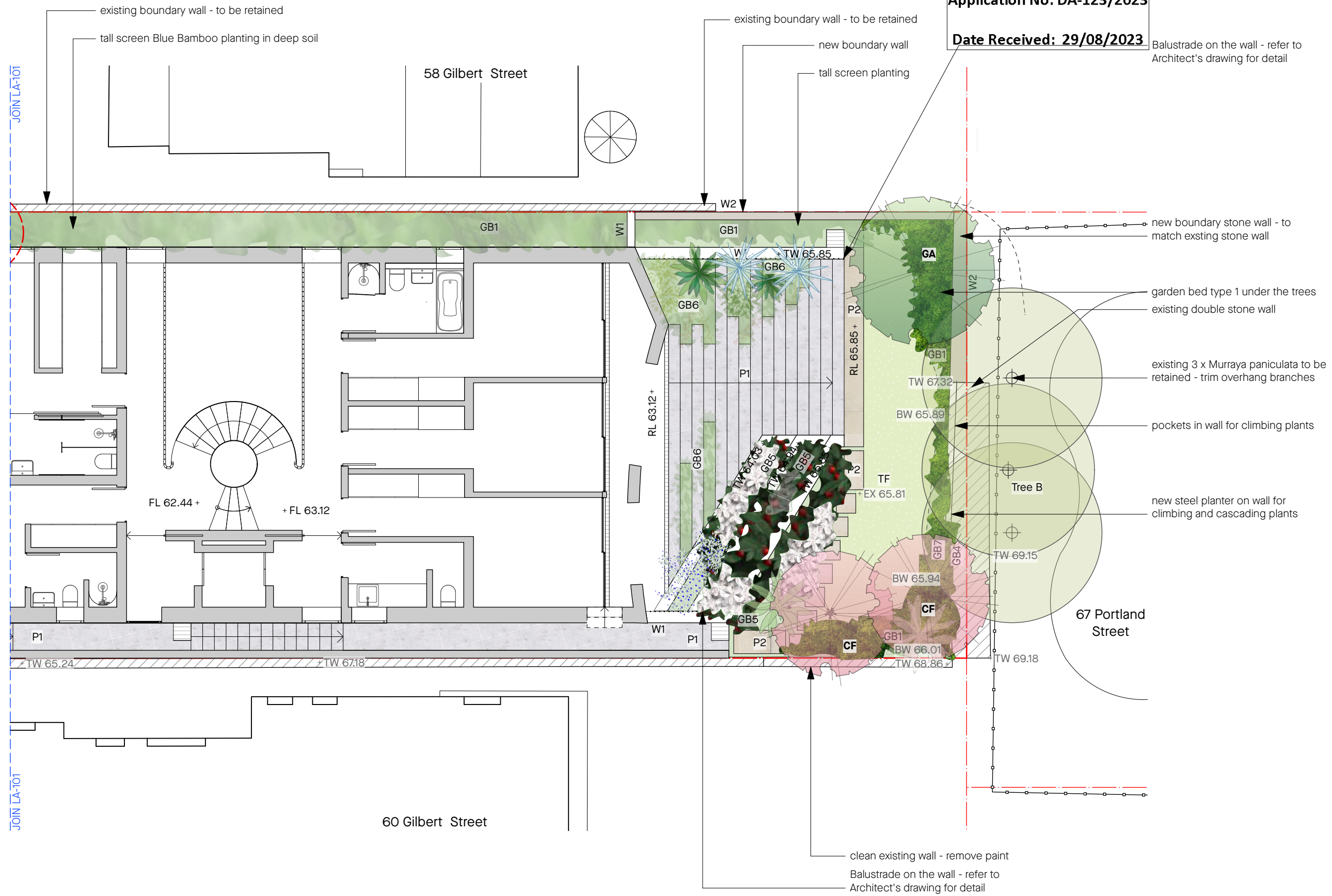
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Waverley Council

Application No: DA-123/2023

Date Received: 29/08/2023

Balustrade on the wall - refer to Architect's drawing for detail



- new boundary stone wall - to match existing stone wall
- garden bed type 1 under the trees
- existing double stone wall
- existing 3 x *Murraya paniculata* to be retained - trim overhang branches
- pockets in wall for climbing plants
- new steel planter on wall for climbing and cascading plants

REV	DATE	STATUS	REASON FOR ISSUE
A	09/12/22	FINAL	ISSUED FOR DA
B	14/2/23	FINAL	FOR DA RESUBMISSION
C	14/7/23	FINAL	AMENDED FOR DA

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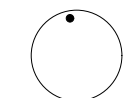
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DRAWING TITLE
Landscape Plan - Ground Floor

PROJECT
Hui House, Dover Heights

CLIENT
James Hui
ADDRESS
60 Gilbert Street, Dover Height NSW



JOB NO.	220803
STAGE	DA
STATUS	FINAL
DRAWN	AH
CHECKED	JH
SCALE	1:100 @A3

DATE	29/08/2023
REV	C
DWG NO.	LA-102



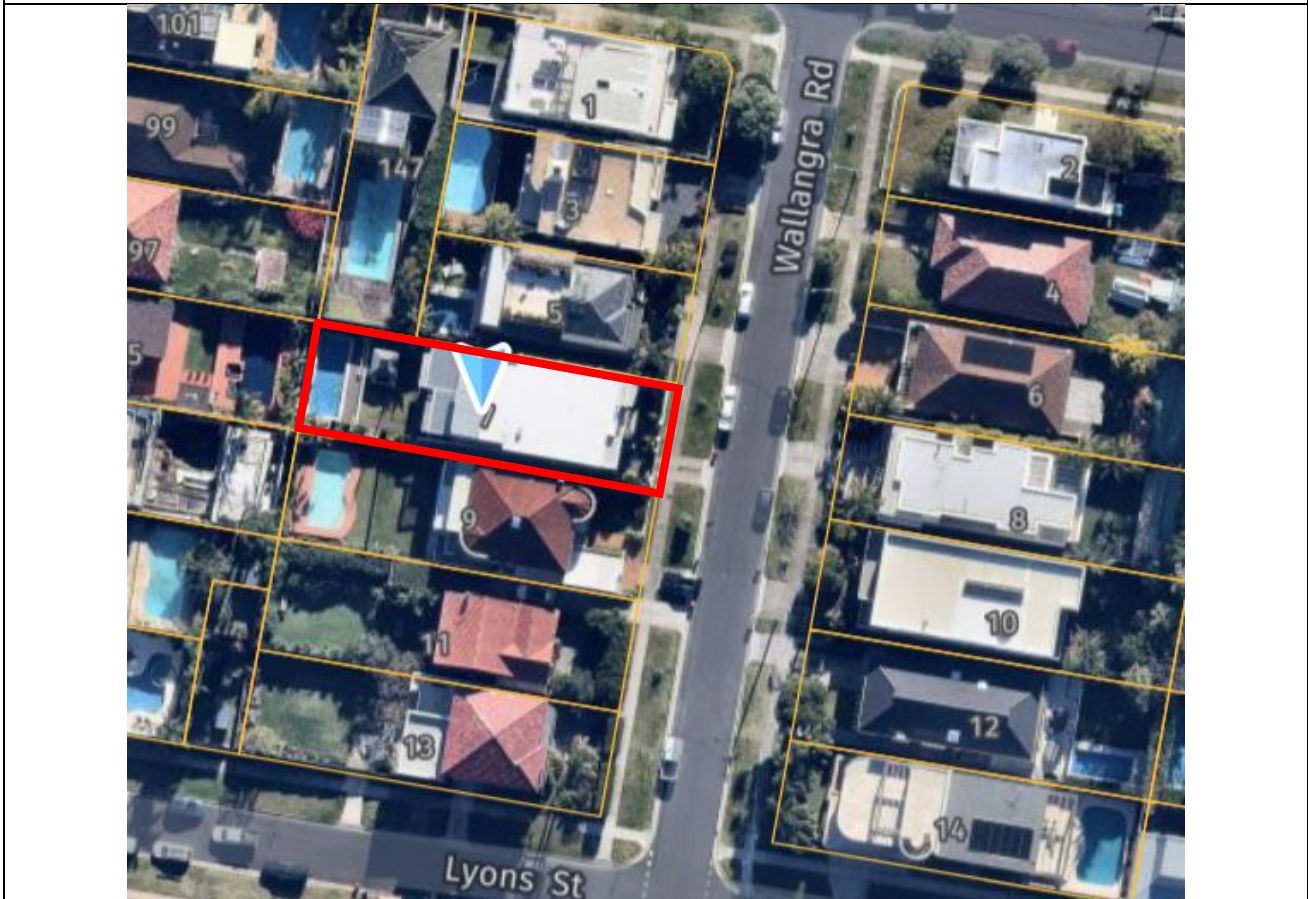
Low Density Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-67/2023
Site address	7 Wallangra Road, Dover Heights
Proposal	Alterations and additions to dwelling house.
Date of lodgement	18 March 2023
Owner	Mr W Y Lam and Mrs H L Lam
Applicant	Archiview Pty Ltd
Submissions	Nil
Cost of works	\$48,850
Principal Issues	<ul style="list-style-type: none"> Breach of the building height development standard
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 a dwelling house at the site known as 7 Wallangra Road, Dover Heights.

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

- Breach of the building height development standard under Waverley Local Environmental Plan 2012.

The assessment finds these issues acceptable for the reasons outlined within the report.

No public or Councillor submissions were received and no conflicts of interest were raised.

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 July 2023.

The site is identified as Lot 47 in DP 11822 known as 7 Wallangra Road, Dover Heights.

The site is rectangular in shape with an eastern frontage of 12.8m to Wallangra Road. It has an area of 542.3m² and falls from the east (front) towards the west (rear) by approximately 4m.

The site is occupied by a three-storey dwelling house with vehicular access provided via Wallangra Road. It is adjoined by two and three storey dwelling houses on either side, and the area is characterised by a variety of low-density residential development.

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



Figure 1: Front of the site facing west.



Figure 2: Site context facing northwest.



Figure 3: Photo taken from the southern first floor balcony facing south.



Figure 4: Photo taken from the southern first floor balcony facing north.



Figure 5: Photo taken from the first floor northern balcony facing north.

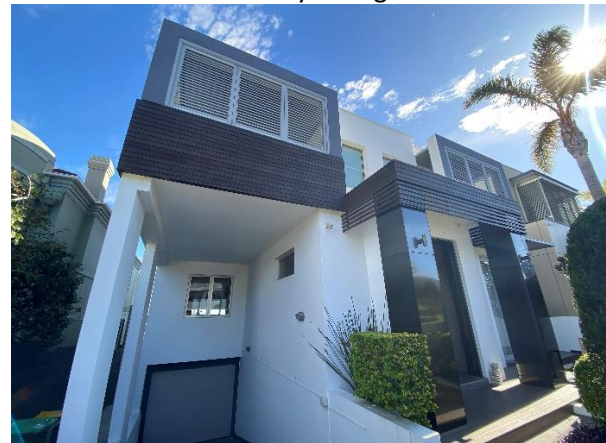


Figure 6: Front of the site

1.3. Relevant Development History

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

- On 5 September 2007, development application DA-217/2007 was granted consent for demolition of an existing dwelling and construction of a new two storey dwelling with a basement carpark.
- On 8 November 2007, modification application DA-217/2007/A was granted consent for amendments to the basement level of the approved dwelling.
- On 19 March 2008, modification application DA-217/2007/B was granted consent via a Section 82A Review to delete condition 2B and enable an extension of the lower ground floor and amendments to the north elevation window.

- On 20 December 2010, development application DA-650/2010 was granted consent for installation of vergolas and awnings to balconies and internal alterations to a dwelling.
- On 16 September 2020, Complying Development Certificate CDC-178/2020 was issued for internal alterations to an existing dwelling.

1.4. Proposal

The development application seeks consent for alterations and additions to dwelling house, and specifically includes the following:

- Demolition of the front first floor balconies.
- New curved semi-enclosed first floor front balconies.
- Amendments to the ground floor entry awning to provide a curved structure with a planter box above.
- Timber panelling to the front (eastern) façade.
- Demolition of the existing front fence.
- New front fence.

1.5. Background

The background of the application is as follows:

- On 18 March 2023, the subject development application was lodged with Council.
- On 24 March 2023, a Stop the Clock letter was issued to the applicant requesting additional information in relation to front setbacks, streetscape analysis, shadow diagrams and plan details and documentation.
- On 28 April 2023, the applicant submitted amended plans.
- On 3 March 2023, further amended plans and documentation were requested as the items within the Stop the Clock letter were not fully addressed.
- On 4 May 2023, Council had a phone meeting with the applicant to discuss the outstanding items.
- On 11 May 2023, the applicant submitted amended plans.
- On 10 August 2023, a deferral letter was issued to the applicant requesting amended plans to address concerns raised in relation to the front setback, Clause 4.6, and plan details and documentation.
- On 14 August 2023, Council provided the applicant with feedback and clarification on the items within the deferral letter.
- On 23 August 2023, the applicant submitted amended plans. The amended plans are the subject of this assessment.

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 from 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

2.1.2. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal satisfies the aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Zone</i>	Yes	The proposal is defined as dwelling house, which is permitted with consent in the R2 zone. The proposal satisfies the zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings • <i>8.5m</i>	No (See Clause 4.6)	A building height of 9.59m (breach of 1.09m/ 12.82%) is proposed. The area of non-compliance pertains to the area of the development which sits over the existing basement for the width of the ground floor eastern-most façade. The measurement has been taken from the existing basement (RL 69.83) to the new roof over the balconies (RL 79.42).

Provision	Compliance	Comment
		<p>The area of non-compliance will be within the building envelope and will not be visible from the streetscape or neighbouring properties.</p> <p>The parts of the development which will be visible from the streetscape and neighbouring properties (e.g balcony façades) comply with the 8.5m building height development standard when measured from the existing ground level at the wall line.</p> <p>As detailed on plan DA-13 issue D, the existing development comprises a height of 9.59m in the area over the existing basement and therefore breaches the development standard. The proposed works will be of a height which is consistent with the height of the existing building and will continue to be lower than height the adjoining properties.</p>
4.4 Floor Space Ratio	N/A	The proposal does not include additional gross floor area; therefore, the floor space ratio of the existing development remains unchanged.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the building height development standard. A detailed discussion of the variation to the development standard is presented below.

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 building height development standard of 8.5m. The proposed development has a building height of 9.59m, exceeding the standard by 1.09m equating to a 12.82% variation.

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

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

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

Applicant's Written Request - Clause 4.6(3)(a) and (b)

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposed alterations and additions have been thoughtfully designed to maintain parity with the current height of the dwelling.*
 - (ii) *...from a public domain vantage point, the proposed works will result in a building height significantly lower than the adjacent developments, showcasing a difference of 880mm and 870mm when compared to the southern and northern neighbouring dwellings, respectively.*
 - (iii) *The proposed works are in line with the existing dwelling's setbacks, building height, and overall scale.*
 - (iv) *...careful consideration has been given to solar access, as evident in Drawing No 18 of the Architectural Plans, indicating no anticipated additional solar access loss.*
 - (v) *The proposal's building height aligns with the RL of the existing dwelling and is attributed to the calculation being based beneath the basement, which results in the balcony portion positioned in front of the basement footprint not complying with the development standard.*
 - (vi) *The application to vary the building height development standard is well founded and as addressed meets the objectives of the building height development standard. The proposal achieves an acceptable design outcome and one that does not result in unreasonable amenity impacts towards surrounding properties.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *...the fact that the maximum RL height of the adjoining properties is a minimum of 870mm higher than the proposed works underscores the appropriateness of the proposed alterations and additions. This substantial difference in RL height substantiates the sufficiency of environmental planning grounds to warrant the departure from the development standard, strengthening the argument that the proposed changes are justifiable in the context of the case.*
 - (ii) *The proposed alterations and additions match the existing height of the dwelling. When viewed from the public domain, the proposed works will have a building height that is 880mm lower than the adjoining development to the south and 870mm lower than the adjoining development to the north.*
 - (i) *The proposed works are relative to the existing dwelling in terms of setbacks, building height and scale. No further loss of solar access is proposed as demonstrated in Drawing No 18 of the Architectural Plans.*

- (ii) *The proposed building height is consistent with the RL of the existing dwelling. The non-compliance is related to the existing ground level being calculated underneath the basement. The portion of the balcony located forward of the basement footprint complies with the development standard.*

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 area of non-compliance pertains to the area of the development which sits over the existing basement for the width of the ground floor eastern most façade. The measured has been taken from the existing basement (RL 69.83) to the new roof over the balconies (RL 79.42). The area of non-

compliance will be within the building envelope and will not be visible from the streetscape or neighbouring properties.

The parts of the development which will be visible from the streetscape and neighbouring properties (e.g balcony façades) comply with the 8.5m building height development standard when measured from the existing ground level at the wall line. The proposed works will be of a height which is consistent with the height of the existing building and will continue to be lower than height the adjoining properties.

The area of non-compliance will not result in any additional overshadowing of the neighbouring properties and will not result in a bulk and scale outcome which is incompatible with the context of the streetscape. The proposal therefore will preserve the amenity of neighbouring properties and the streetscape with regard to solar access and visual bulk and scale and will not be incompatible with the desired future character of the locality. The proposal satisfies the building height objectives under Clause 4.3 of Waverley LEP 2012.

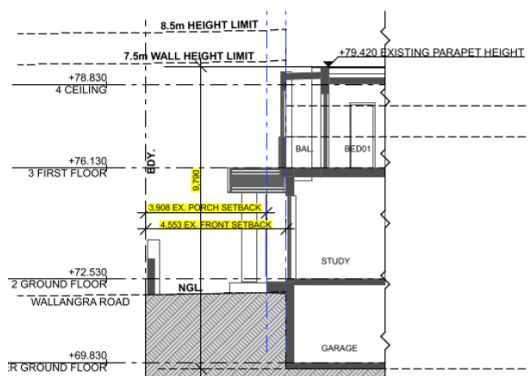


Figure 7: Existing section.

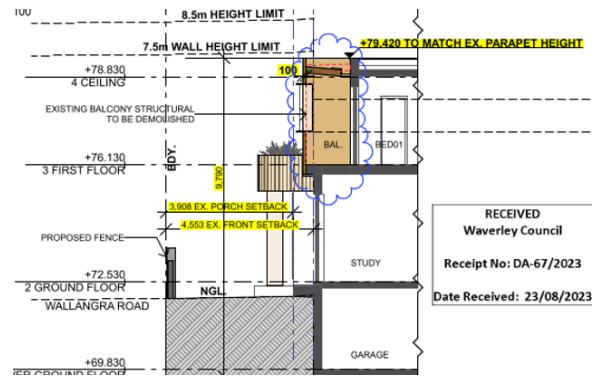


Figure 8: Proposed section showing height breach.

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

The proposal will enhance the appearance of the building without increasing the height or visual bulk and scale of the existing dwelling and will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties. 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?

As detailed above, the proposal will preserve the amenity of the neighbouring properties and the streetscape with regard to solar access and visual bulk and scale, and will be in keeping with the desired future character of the locality.

The proposed development is therefore considered to be in the public interest because as 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 building height development standard are as follows:

- (a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,
- (c) to maintain satisfactory solar access to existing buildings and public areas,
- (d) to establish building heights that are consistent with the desired future character of 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.
- To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.
- To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.
- To promote development that incorporates planning and design measures that reduce the urban heat island effect.
- To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.

The proposal will retain the existing dwelling and will continue to provide for the housing needs of the low density residential environment. The proposal seeks to enhance the character of the dwelling and will maintain the low density character of the streetscape. The areas of non-compliance and will not result in any adverse impacts with regard to solar access or visual bulk and scale, and the proposal will not result in any adverse impacts with regard to the landscaped character of the locality. The proposal satisfies the objectives of the R2 zone.

Conclusion

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

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> • <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory. No changes are proposed to the existing waste storage arrangements.

Development Control	Compliance	Comment
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The proposal does not include any changes to the existing provision of calculable landscape area; however, will include a raised planter box which will serve to soften the built form and contribute to the landscaped amenity of the streetscape.
5. Water Management	Yes	Satisfactory.
11. Design Excellence	Yes	The proposal will enhance the appearance of the dwelling and its contribution to the streetscape without resulting in any adverse impacts.

Table 33: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	No	<p>The proposal includes a wall height of 7.79m, exceeding the 7.5m control by 290mm.</p> <p>The height of the proposed works will be consistent with the height of the existing building and will not result in any adverse impacts on the neighbouring properties or the streetscape with regard to bulk and scale.</p>
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line (adjacent three neighbours on either side) 	Yes	The proposal will maintain a front setback which is compatible with the predominant front setback present within the streetscape.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m for ground floor and first floors.) 	Yes	The proposal complies with the minimum side setback requirements.
1.3 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 	Yes	<p>The proposal seeks to enhance the appearance of the dwelling and will continue to be of an open design as viewed from the streetscape.</p> <p>The curved style and use of materials will serve to soften the built form and provide visual interest within the streetscape.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Significant landscaping to be maintained.</i> 		
1.4 Fences		
<p><u>Front:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.2m</i> • <i>Solid section no more than 0.6m in height</i> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.8m</i> 	<p>No (Acceptable on merit)</p>	<p>Whilst the proposed front fence exceeds a height of 1.2m and does not comply with the design specifications stipulated under control (b), it will be of a height which is compatible with the existing front fence and is acceptable on merit as it will not result in adverse impacts on the streetscape.</p> <p>No side or rear boundary fencing is proposed.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • <i>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</i> • <i>Maximum size of balconies: 10m² in area 1.5m deep</i> • <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i> 	<p>Yes</p>	<p>The proposal will not result in any adverse visual or acoustic privacy impacts.</p> <p>The size of the front balconies will be reduced slightly as a result of the works, and they will not exceed an area of 10m²</p>
1.6 Solar access		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> 	<p>Yes</p>	<p>The proposal will not result in any overshadowing of habitable room windows or private open space.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 		
1.7 Views		
<ul style="list-style-type: none"> <i>Views from the public domain are to be maintained</i> <i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i> 	Yes	The proposal will not impact on any public or private views.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> <i>Overall open space: 40% of site area</i> <i>Overall landscaped area: 20% of site area, with at least half deep soil</i> <i>Minimum area of 25m² for private open space</i> <i>Front open space: 50% of front building setback area</i> <i>Front landscaped area: 50% of front open space provided</i> 	Yes	<p>The proposal does not include any changes to the existing provision of calculable landscape area; however, will include a raised planter box which will serve to soften the built form and contribute to the landscaped amenity of the streetscape.</p> <p>No changes are proposed to the existing provision of open space or landscaping within the front setback of the site.</p>

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 27 March and 12 April 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended plans did not include any new or additional impacts.

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

No internal or external referral comments were sought.

4. CONCLUSION

The development application seeks consent for alterations and additions to dwelling house at the site known as 7 Wallangra Road, Dover Heights.

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

- Breach of the building height development standard

The assessment finds these issues acceptable for the reasons outlined in the report.

No public or Councillor submissions were received, and no conflicts of interest were raised.

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 Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting 29 August 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara, B Magistrale, E Finnegan, 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 by:	Application reviewed and agreed by:
		
Karis Keenan	Ben Magistrale	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 4 September 2023	Date: 8 September 2023	Date: 14 September 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Clause 4.6 register entry required	12.82% variation to height (Clause 4.3)	
	X	Pre-existing non-compliance
	X	No change to overall building height
	X	No change to overall building envelope
	X	Variation limited to the area over the basement only
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No	
Secondary Dwelling *This is a planning portal reporting requirement	No	
Boarding House *This is a planning portal reporting requirement	No	
Group Home *This is a planning portal reporting requirement	No	
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Other (please specify):	No	

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 Archiview Pty Ltd including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-01 Issue D	Site/Site Analysis Plan	21 August 2023	23 August 2023
DA-04 Issue D	Existing First Floor	21 August 2023	23 August 2023
DA-05 Issue D	Existing Roof Plan	21 August 2023	23 August 2023
DA-06 Issue D	Ground Floor Plan	21 August 2023	23 August 2023
DA-07 Issue D	First Floor Plan	21 August 2023	23 August 2023
DA-08 Issue D	Roof Plan	21 August 2023	23 August 2023
DA-09 Issue D	Elevations 01 (East Elevation)	21 August 2023	23 August 2023
DA-10 Issue D	Elevations 02 (Fence Elevation)	21 August 2023	23 August 2023
DA-11 Issue D	Elevations 03 (North Elevation)	21 August 2023	23 August 2023
DA-12 Issue D	Elevations 04 (South Elevation)	21 August 2023	23 August 2023
DA-13 Issue D	Section Details (Section A-A and B-B)	21 August 2023	23 August 2023
DA-14 Issue D	Schedule of Finishes	21 August 2023	23 August 2023

(b) The Site Waste and Recycling Management Plan (SWRMP) Part 1 submitted to Council on 16 March 2023.

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 2021*; 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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

4. SECTION 7.12 CONTRIBUTION

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

(a) Where the total development cost is less than \$500,000:

- i. a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.

(b) Where the total development cost is \$500,000 or more:

- i. a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).
Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.
- ii. Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
- iii. Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

(c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, 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% of the full cost of the development; or
- iii. A development valued at more than \$200,000 will attract a levy of 1% of 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) for the amount of **\$3,235** 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) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs 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 of this building work. Evidence 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 0.25% of building work costing \$250,000 or more.

CONSTRUCTION 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 the 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 must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

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.

WASTE

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

11. 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.

12. 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.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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

13. 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;
- *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.

14. 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

15. 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 Sundays and public holidays.

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*.

16. 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.

17. 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 Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.

18. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

19. 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.

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.

20. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

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. ALTERATIONS AND ADDITIONS ONLY

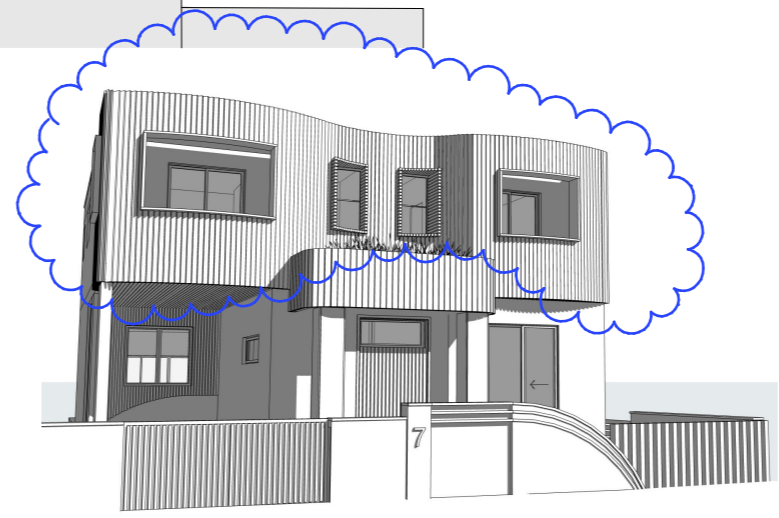
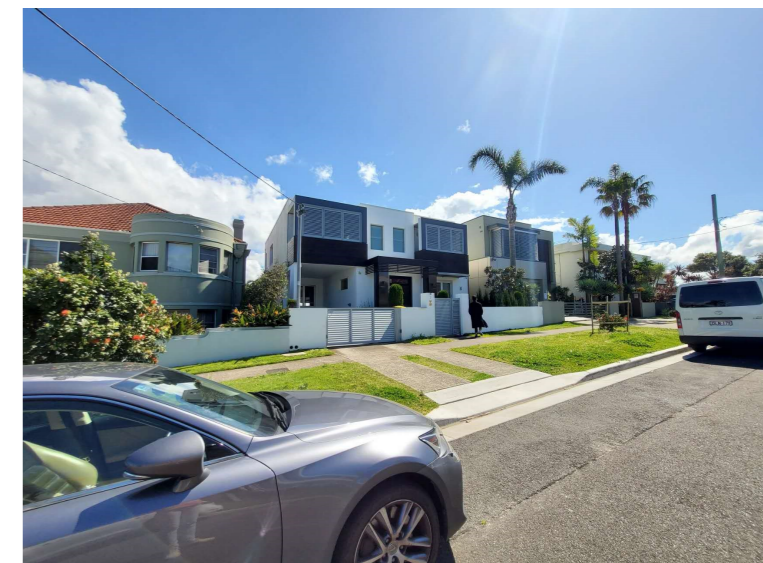
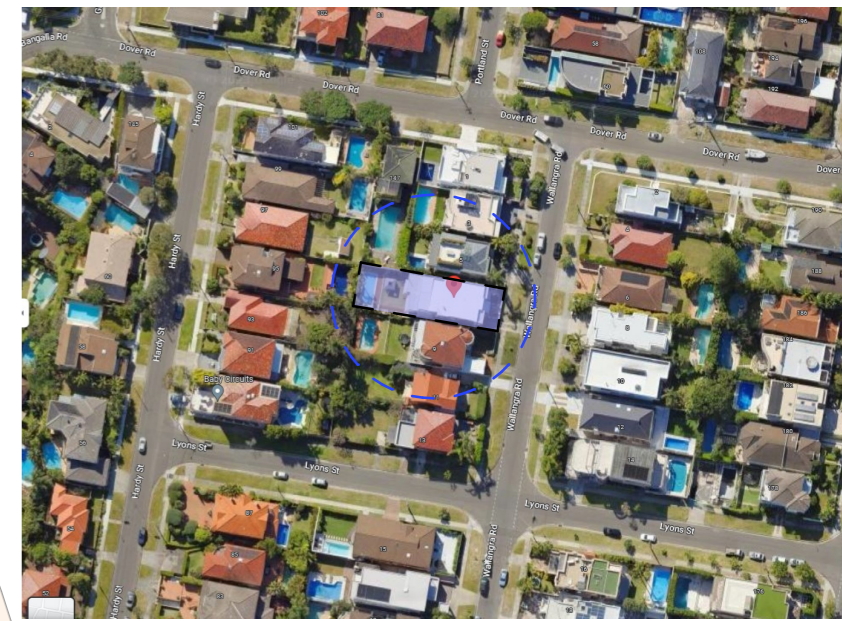
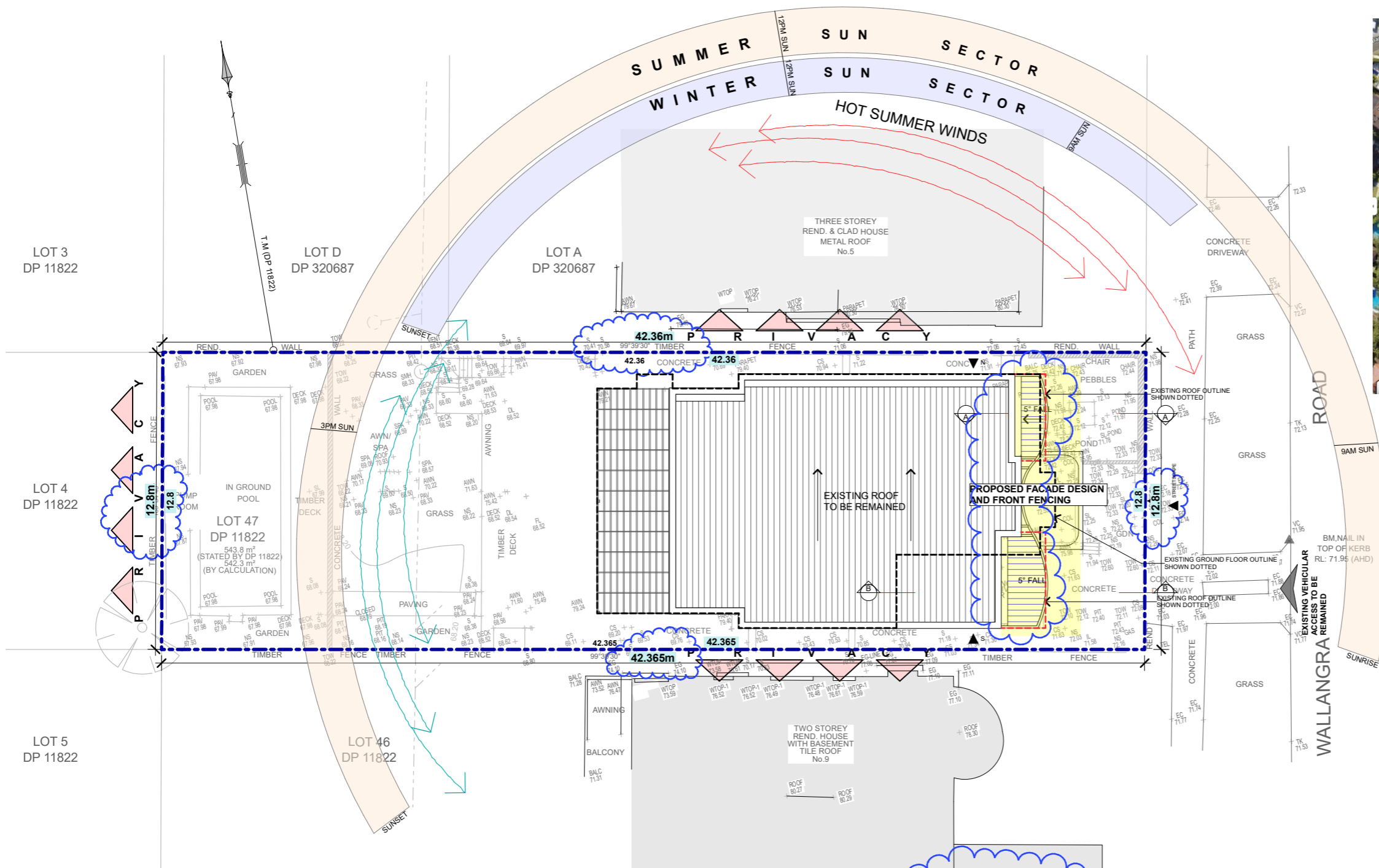
This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted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

AD4. EXCAVATION TO BE LIMITED

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

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.



SITE/SITE ANALYSIS PLAN
1:200

RECEIVED
Waverley Council
Receipt No: DA-67/2023
Date Received: 23/08/2023

Issue	Amendment	Date	Issue	Amendment	Date
A	FOR REVIEWING	25/12/2022	D	DA ADDITIONAL INFO	21/08/2023
B	FOR DA	21/01/2023			
C	DA ADDITIONAL INFO	03/04/2023			

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DO NOT scale drawings. Verify all dimensions on site

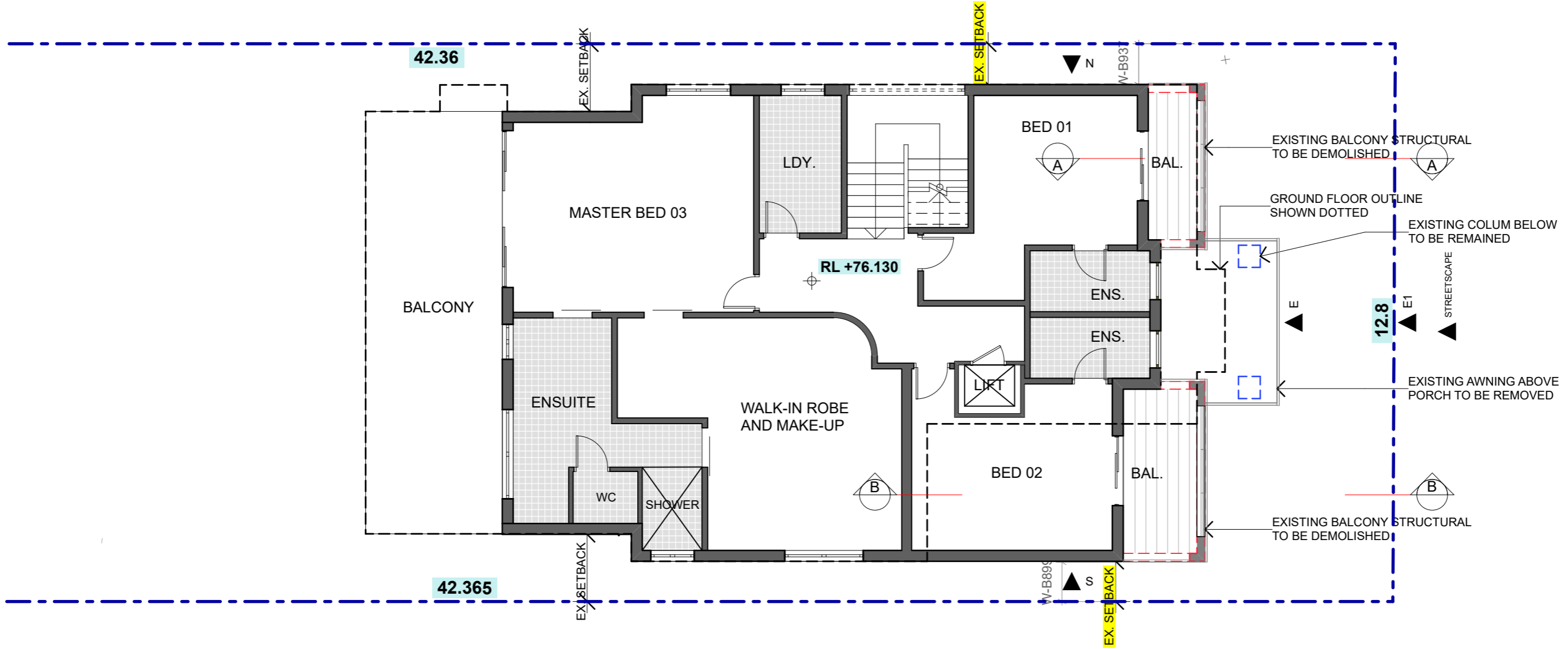
ARCHIVIEW PTY LTD
Architecture Urban Planning Interior Marketing Design

mobile: 0450 611 618
email: info@archiviewaus.com.au
address: Suite 9, Level 5, Building C, Rhodes Corporate Park, 1 Homebush Bay Drive, Rhodes NSW 2138

DEVELOPMENT APPLICATION

PROJECT: PROPOSED RESIDENTIAL ALTERATIONS AT 7 WALLANGRA RD, DOVER HEIGHTS NSW	scale AS SHOWN@ A3	drawing no DA-01
CLIENT: MR. LEO	date 21/08/2023	
drawing SITE / SITE ANALYSIS PLAN	drawn MK	issue D
	review LJ	

RECEIVED
Waverley Council
Receipt No: DA-67/2023
Date Received: 23/08/2023



EXISTING FIRST FLOOR
1:100

DEVELOPMENT APPLICATION

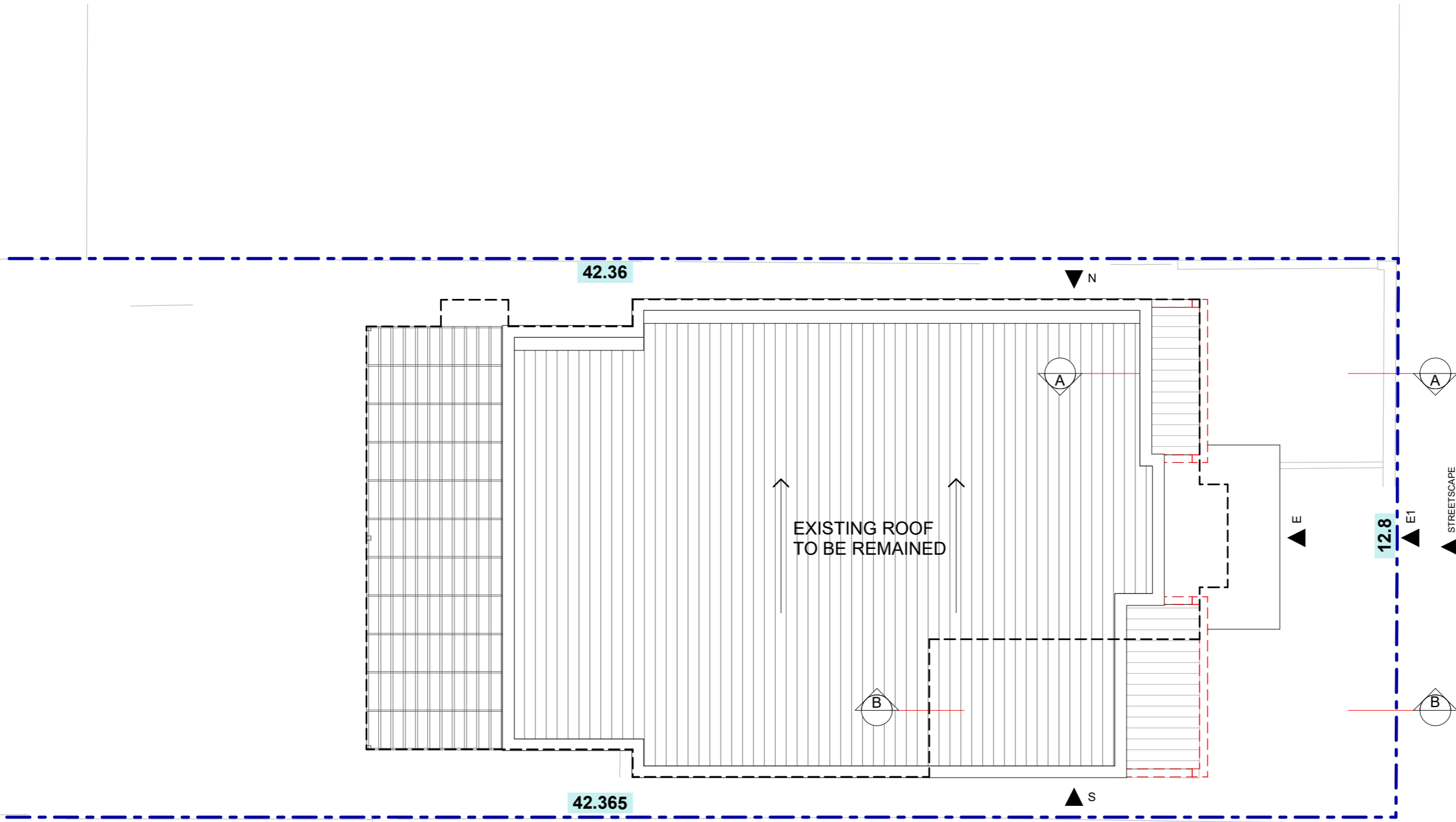
Issue	Amendment	Date	Issue	Amendment	Date
A	FOR REVIEWING	25/12/2022	D	DA ADDITIONAL INFO	21/08/2023
B	FOR DA	21/01/2023			
C	DA ADDITIONAL INFO	03/04/2023			

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ARCHVIEW PTY LTD
Architecture · Urban Planning · Interior · Marketing Design

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email: info@archiviewaus.com.au
address: Suite 9, Level 5, Building C,
Rhodes Corporate Park,
1 Homebush Bay Drive, Rhodes NSW 2138

PROJECT: PROPOSED RESIDENTIAL ALTERATIONS AT 7 WALLANGRA RD, DOVER HEIGHTS NSW	scale AS SHOWN@ A3	drawing no DA-04
CLIENT: MR. LEO	date 21/08/2023	
drawing EXISTING FIRST FLOOR PLAN	drawn MK	issue D
	review LJ	



RECEIVED
Waverley Council
 Receipt No: DA-67/2023
 Date Received: 23/08/2023


EXISTING ROOF PLAN
 1:100

DEVELOPMENT APPLICATION

Issue	Amendment	Date	Issue	Amendment	Date
A	FOR REVIEWING	25/12/2022	D	DA ADDITIONAL INFO	21/08/2023
B	FOR DA	21/01/2023			
C	DA ADDITIONAL INFO	03/04/2023			

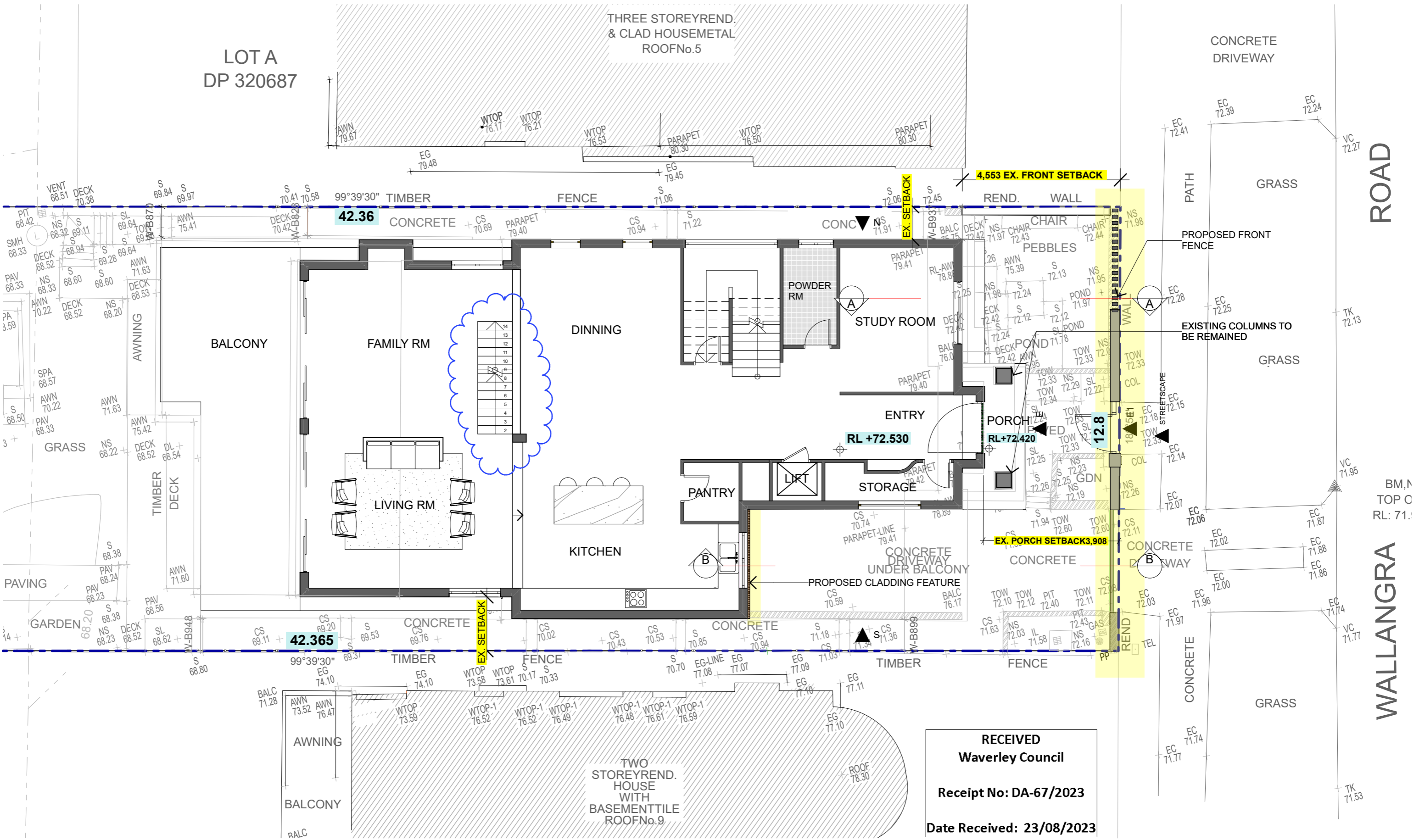
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CLIENT: MR. LEO		date 21/08/2023	
drawing EXISTING ROOF PLAN		drawn MK	issue D
		review LJ	

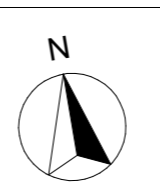


PROPOSED GROUND FLOOR PLAN
1:100

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B	FOR DA	21/01/2023			
C	DA ADDITIONAL INFO	03/04/2023			



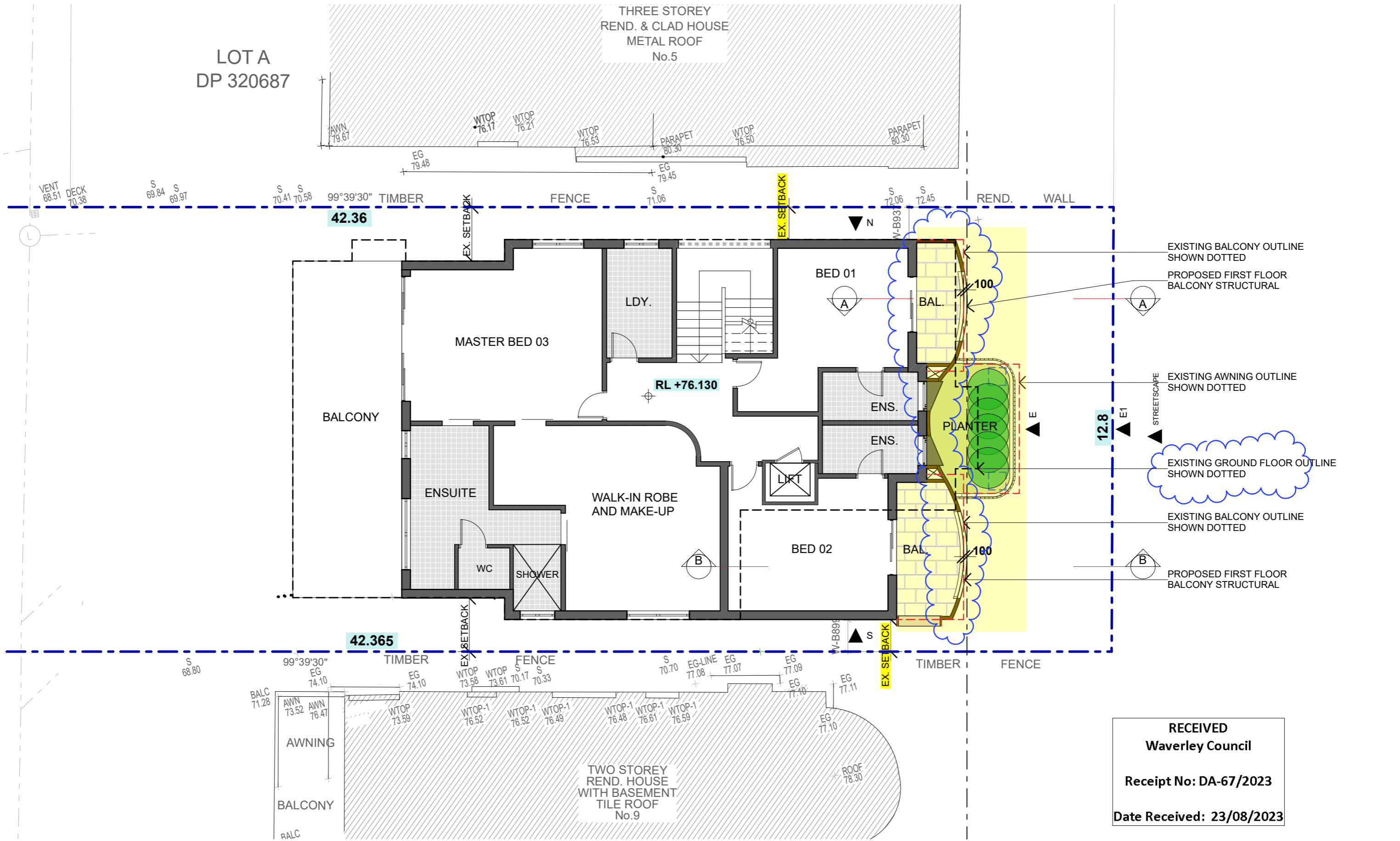
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drawing PROPOSED GROUND FLOOR PLAN	drawn MK	issue D
	review LJ	

LOT A
DP 320687

THREE STOREY
REND. & CLAD HOUSE
METAL ROOF
No.5

TWO STOREY
REND. HOUSE
WITH BASEMENT
TILE ROOF
No.9



- EXISTING BALCONY OUTLINE SHOWN DOTTED
- PROPOSED FIRST FLOOR BALCONY STRUCTURAL
- EXISTING AWNING OUTLINE SHOWN DOTTED
- EXISTING GROUND FLOOR OUTLINE SHOWN DOTTED
- EXISTING BALCONY OUTLINE SHOWN DOTTED

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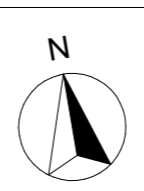
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Date Received: 23/08/2023

PROPOSED FIRST FLOOR
1:100

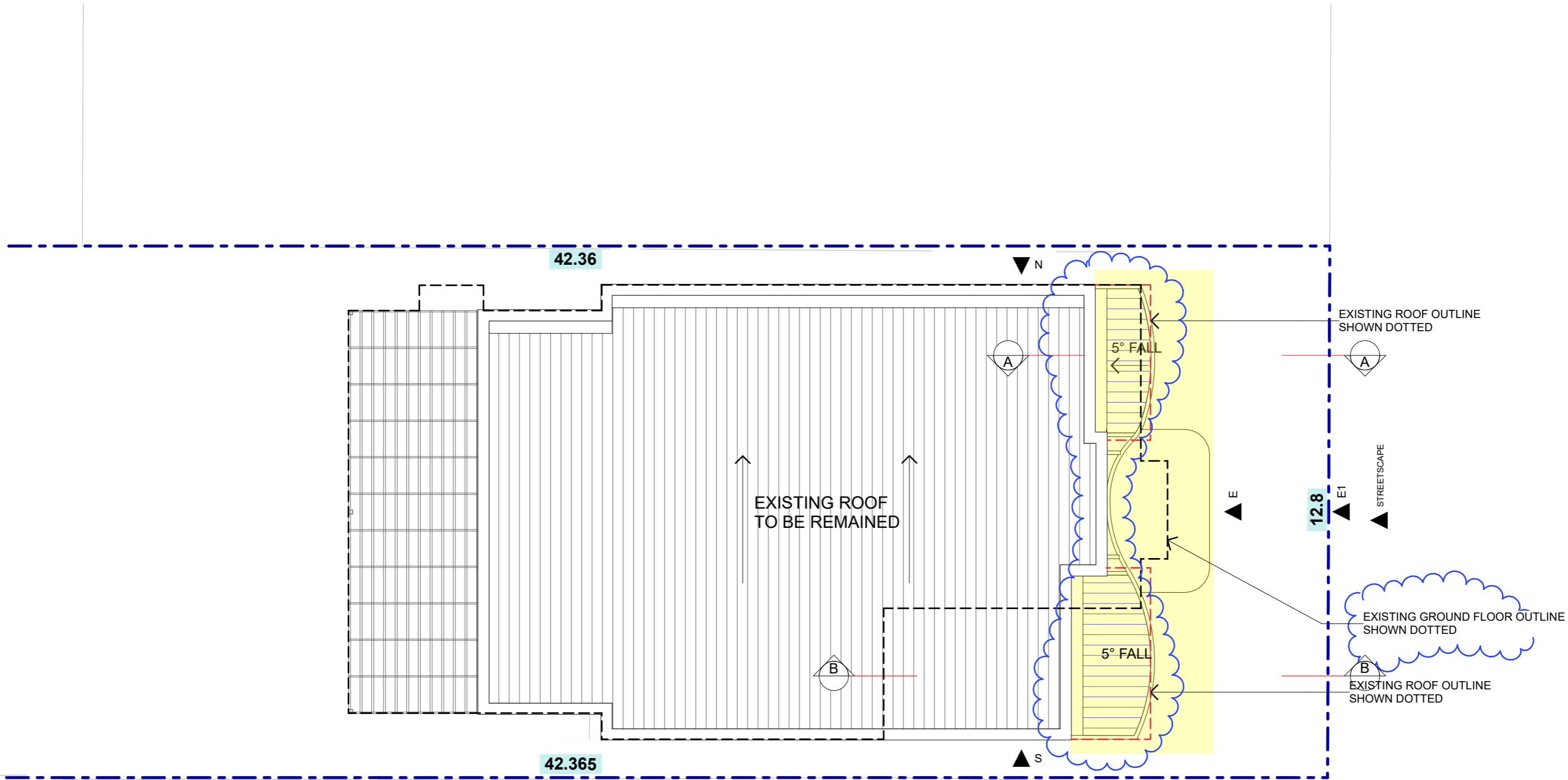
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B	FOR DA	21/01/2023			
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drawing PROPOSED FIRST FLOOR PLAN	drawn MK	issue D
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PROPOSED ROOF PLAN
1:100

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CLIENT: MR. LEO	date 21/08/2023	
drawing PROPOSED ROOF PLAN	drawn MK	issue D
	review LJ	



EXISTING SITE PHOTOS:



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Issue	Amendment	Date	Issue	Amendment	Date
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PROJECT:	PROPOSED RESIDENTIAL ALTERATIONS AT 7 WALLANGRA RD, DOVER HEIGHTS NSW	scale	AS SHOWN@ A3
CLIENT:	MR. LEO	date	21/08/2023
drawing	ELEVATIONS 01	drawn	MK
		review	LJ
		issue	D
		drawing no	DA-09



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EXISTING FENCE ELEVATION
1:100

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PROPOSED FENCE ELEVATION
1:100

DEVELOPMENT APPLICATION

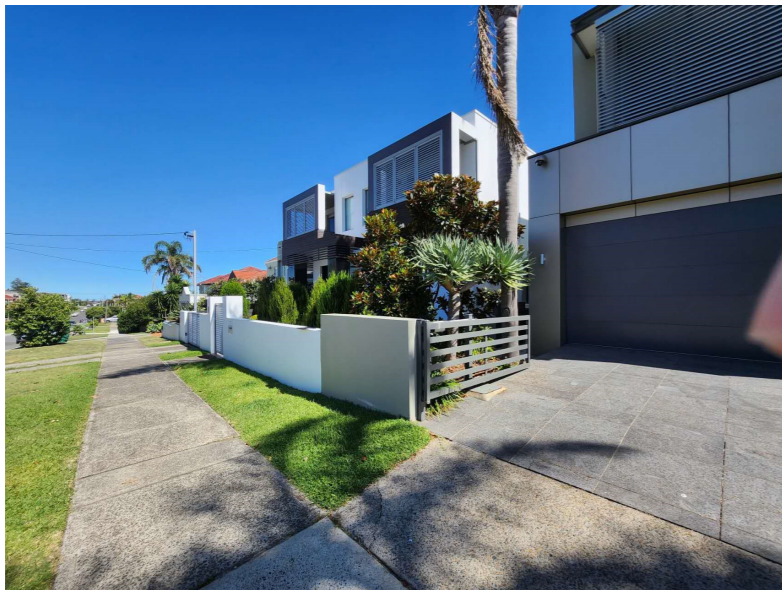
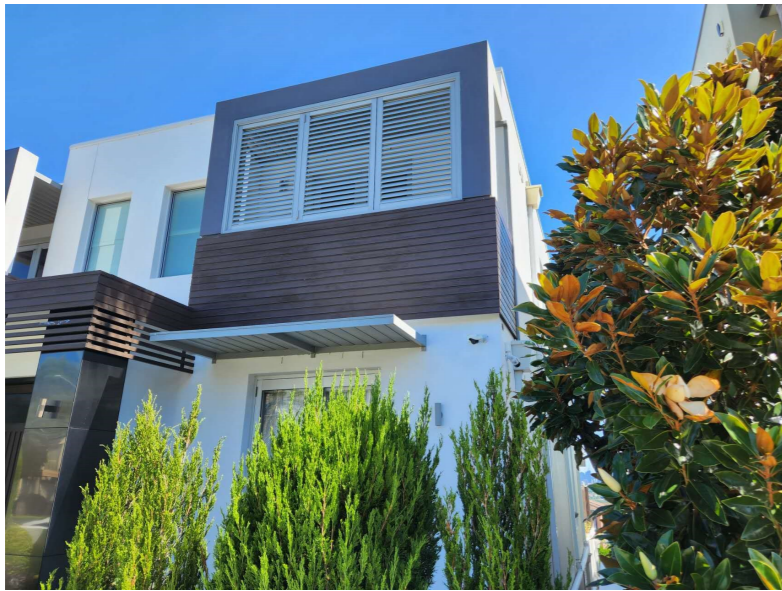
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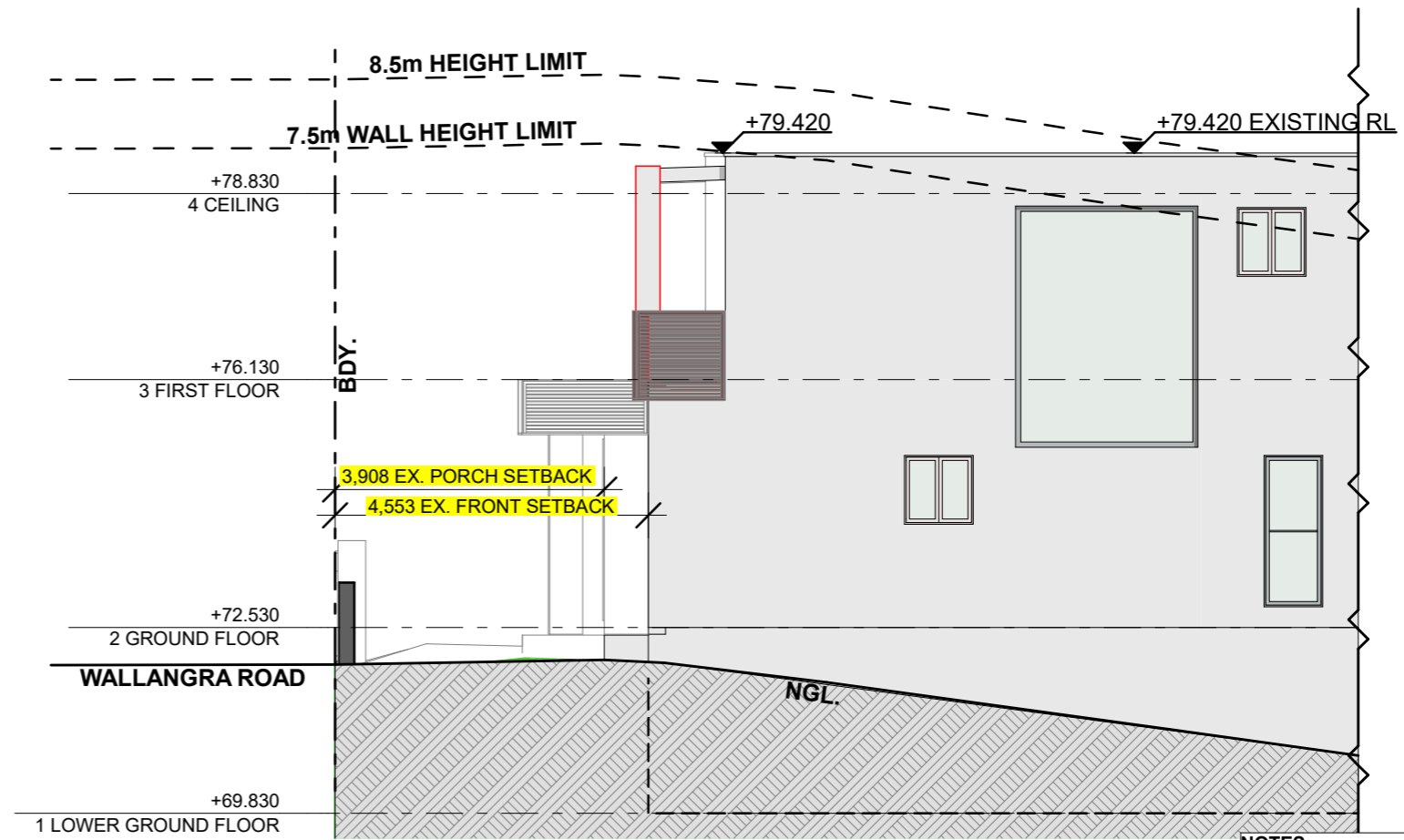
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CLIENT: MR. LEO	date 21/08/2023	
drawing ELEVATIONS 02	drawn MK	issue D
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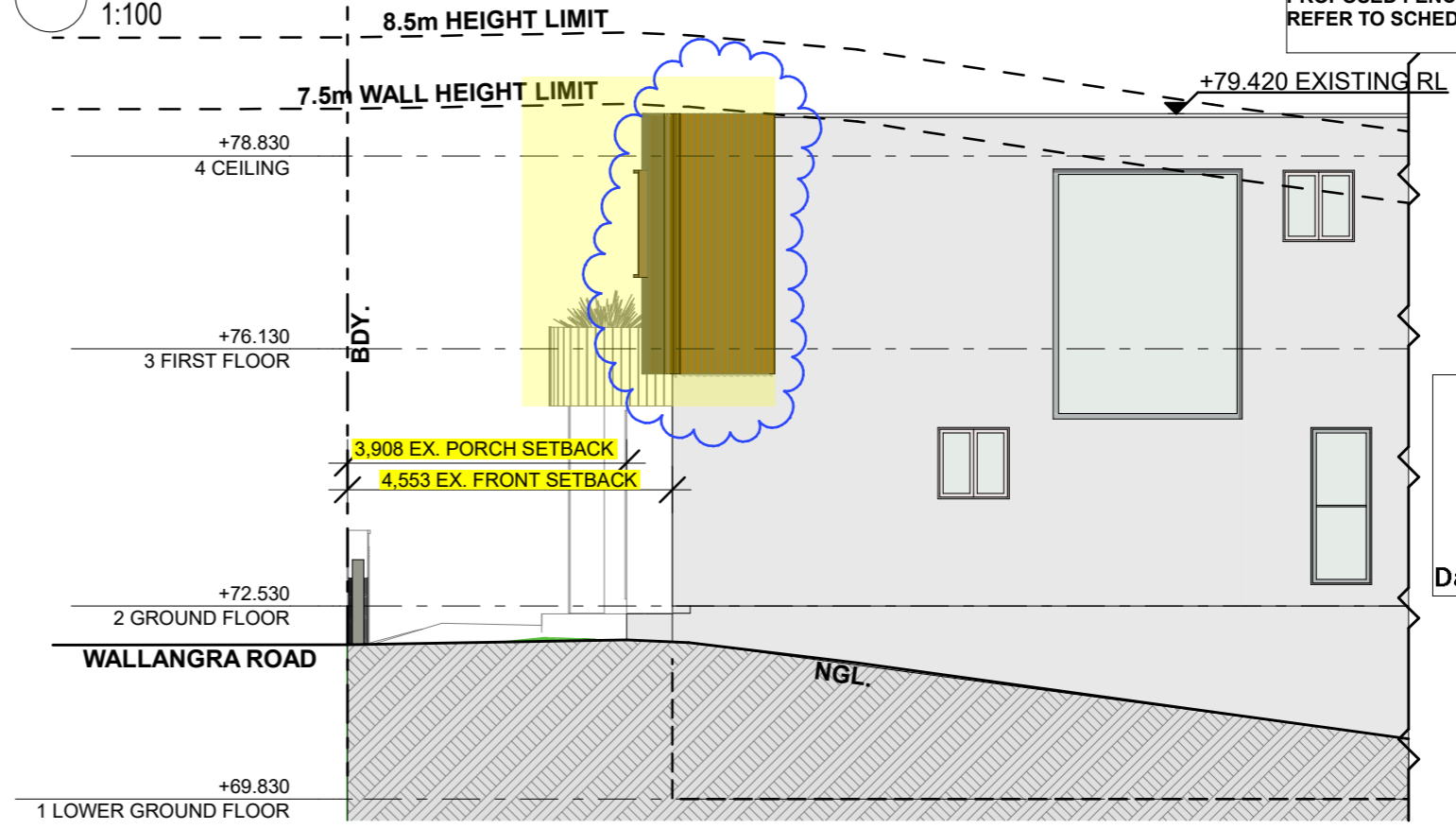


EXISTING SITE PHOTOS:



EXISTING NORTH ELEVATION
1:100

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PROPOSED NORTH ELEVATION
1:100

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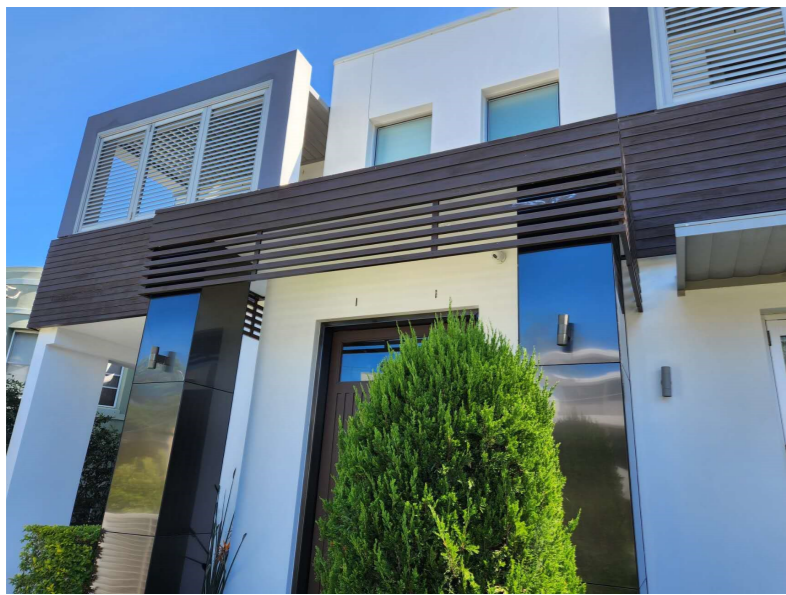
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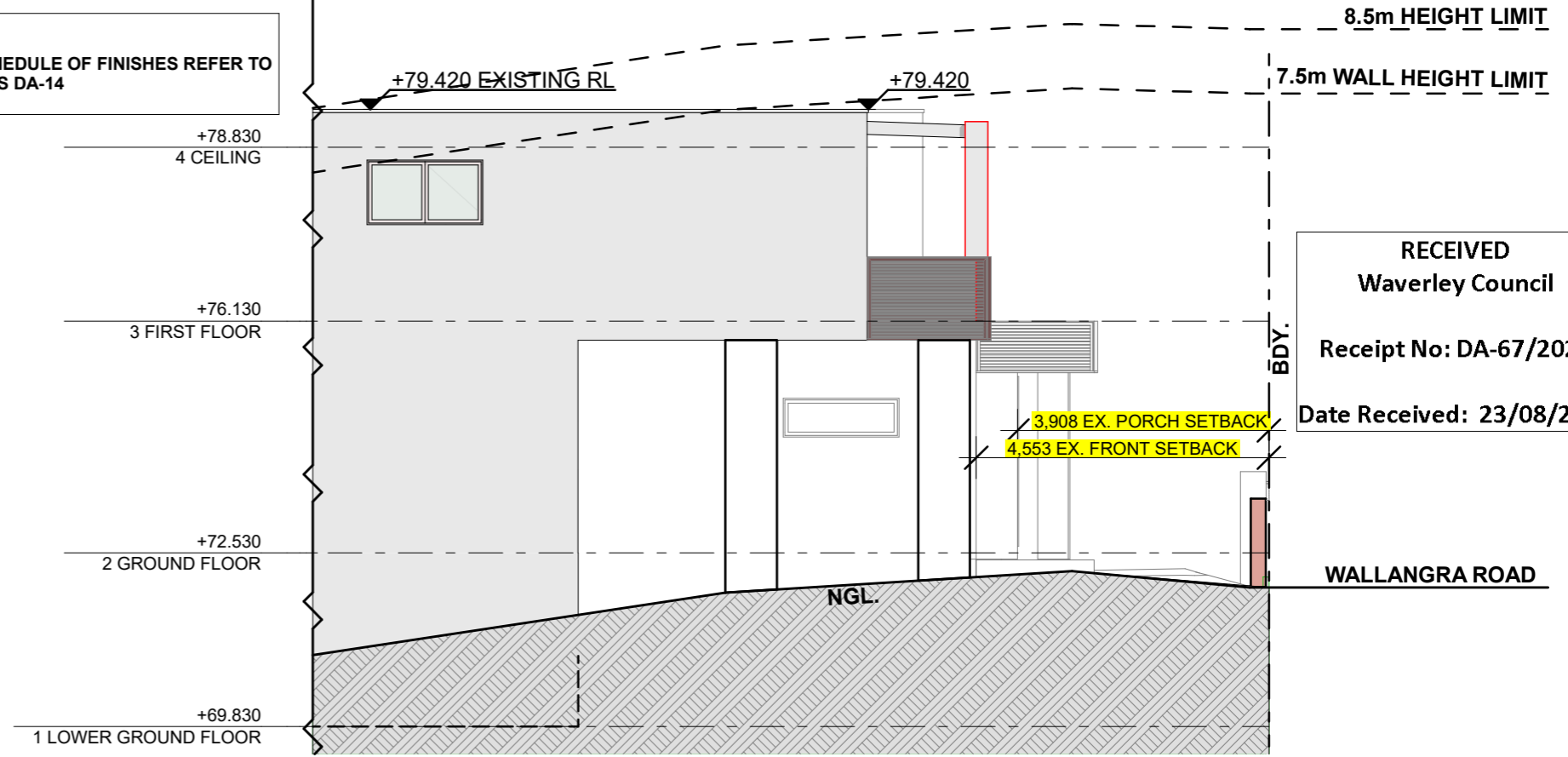
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drawing	ELEVATIONS 03	drawn MK
		review LJ
		issue D



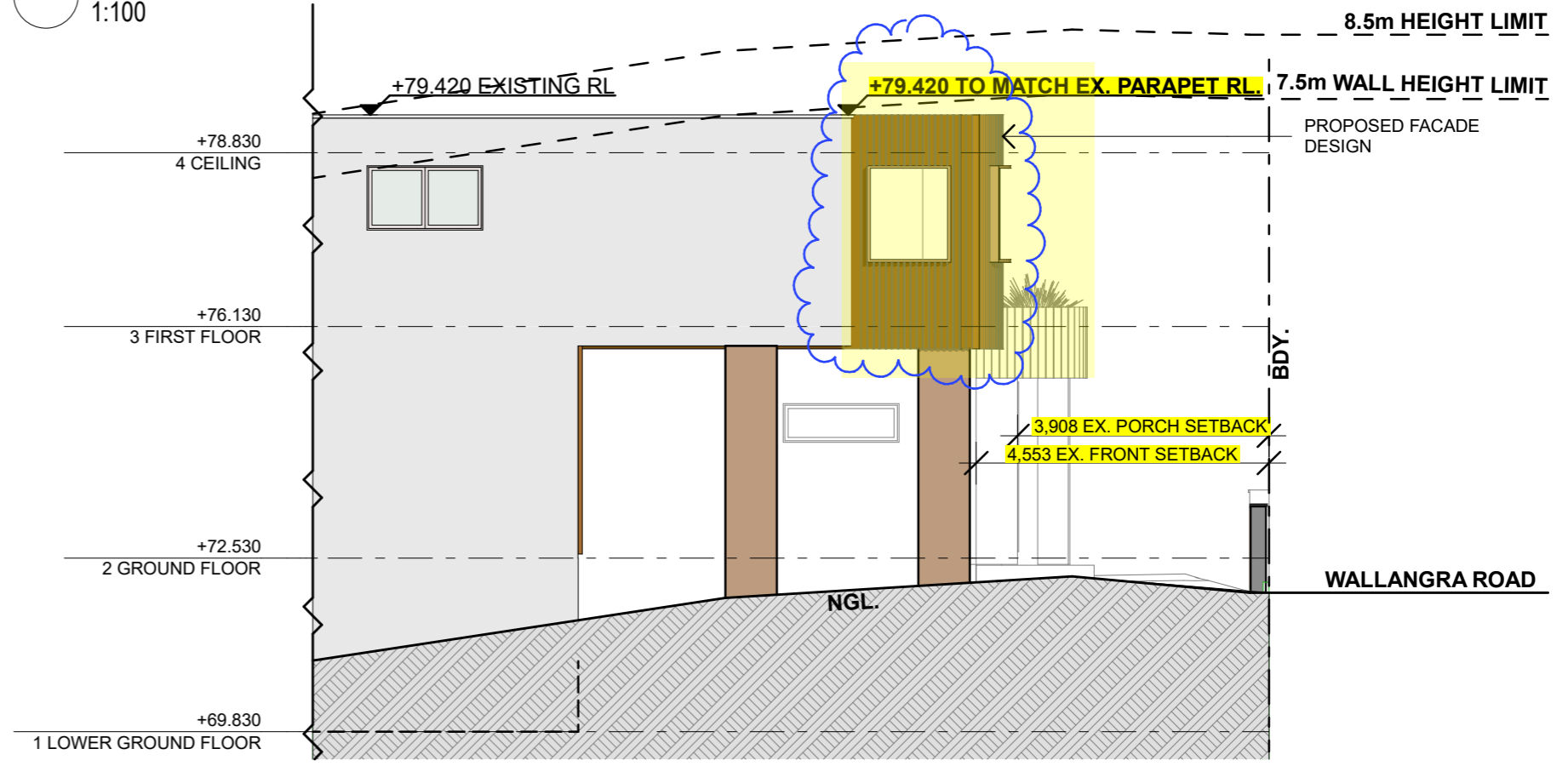
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NOTES:
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EXISTING SOUTH ELEVATION
 1:100

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PROPOSED SOUTH ELEVATION
 1:100

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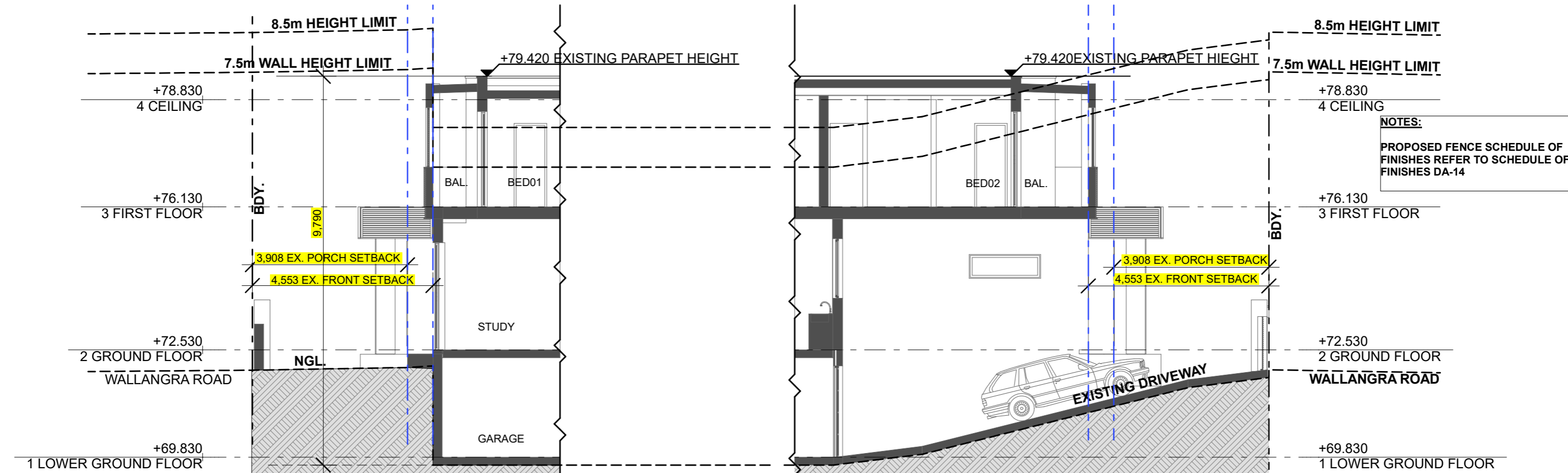
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PROJECT:		scale		drawing no
PROPOSED RESIDENTIAL ALTERATIONS AT 7 WALLANGRA RD, DOVER HEIGHTS NSW		AS SHOWN@ A3		
CLIENT: MR. LEO		date 21/08/2023		
drawing ELEVATIONS 04		drawn MK		issue D
		review LJ		

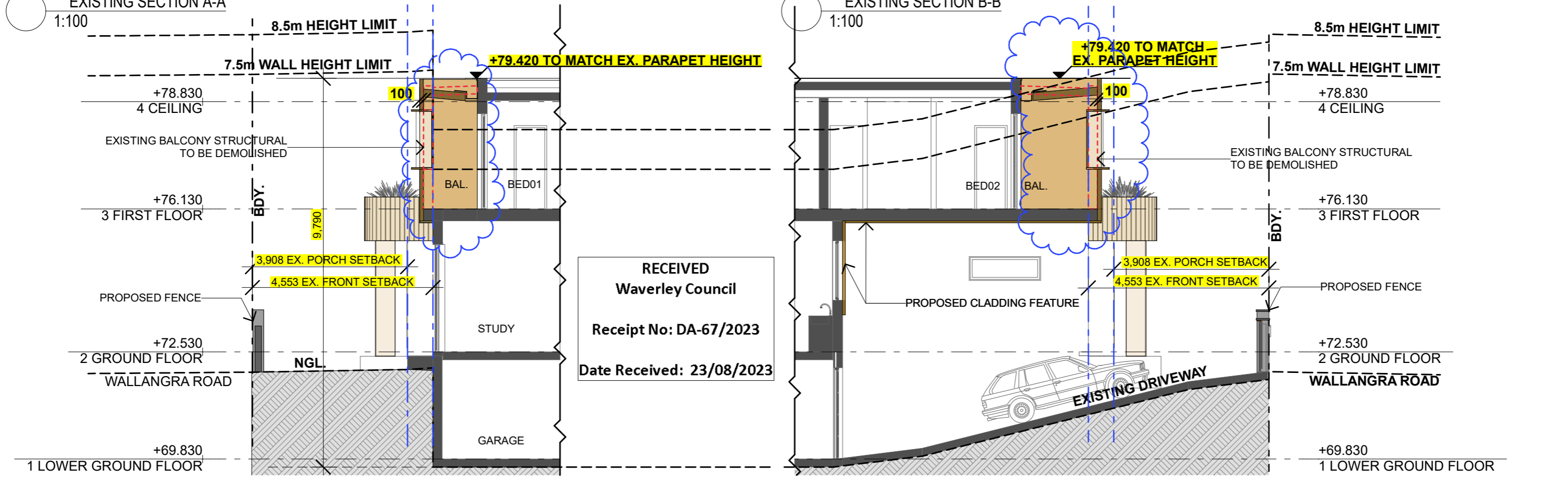
DEVELOPMENT APPLICATION



NOTES:
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EXISTING SECTION A-A
 1:100

EXISTING SECTION B-B
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PROPOSED SECTION A-A
 1:100

PROPOSED SECTION B-B
 1:100

Issue	Amendment	Date	Issue	Amendment	Date
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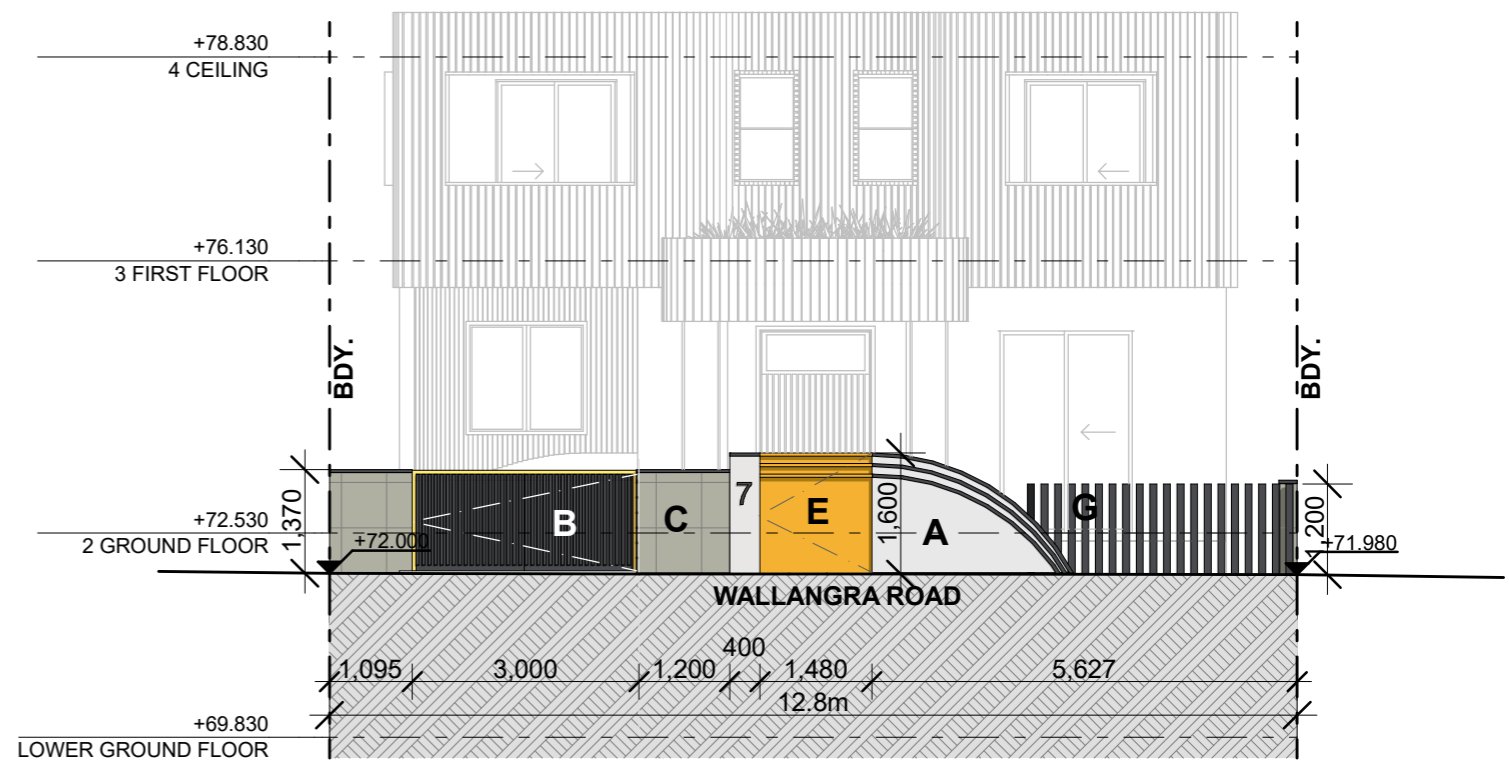
CLIENT: MR. LEO

drawing **SECTION DETAILS**

scale AS SHOWN@ A3
 date 21/08/2023
 drawn MK
 review LJ

DEVELOPMENT APPLICATION




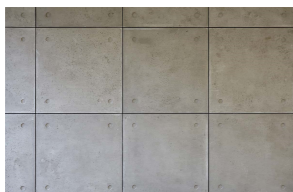

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 issue D




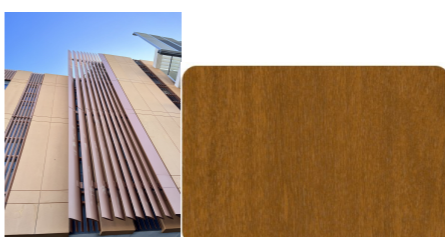


PROPOSED EAST ELEVATION (1)
1:100

PROPOSED FENCE ELEVATION
1:100

SCHEDULE OF FINISHES:

- A**   TEXTURAL RENDER WALLS WITH DULUX COLOR "SNOWY MOUNTAINS QUARTER SW1G3" OR SIMILAR
- B**  CLADDING FEATURES: POWDERCOAT ALUMINIUM IN COLORBOND "MOUNMENT" COLOR OR SIMILAR
- C**  CONCRETE LOOK WALL TILES OR SIMILAR
- D**  CLADDING AND FEATURES IN TIMBER LOOK COLOR "LIGHT WALNUT" OR SIMILAR

- E**  FENCE METAL ENTRY DOOR IN COLOR "BRONZE" OR SIMILAR
- F**  CLADDING AND FEATURES - TIMBER LOOK OR SIMILAR
- G**  FENCE POST - IN COLORBOND "MOUNMENT" COLOR OR SIMILAR
- H**  CLADDING AND FEATURES IN TIMBER LOOK COLOR "GOLDEN OAK" OR SIMILAR

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CLIENT: MR. LEO	date 21/08/2023	
drawing SCHEDULE OF FINISHES	drawn MK	issue D
	review LJ	



Other Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-461/2022
Site address	10 Carlisle Street TAMARAMA
Proposal	Substantial alterations and additions to residential flat building including two basement levels with basement carparking
Date of lodgement	21 October 2022
Owner / Applicant	Infinity 10 Pty Ltd
Submissions	12 objections
Cost of works	\$6,298,875
Principal Issues	<ul style="list-style-type: none"> • FSR • Height • Separation distances
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 substantial alterations and additions to residential flat building including two basement levels with basement carparking at 10 Carlisle Street, Tamarama.

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

- The proposal exceeds the FSR development standard.
- The existing building exceeds the height development standard and the proposal includes alterations and additions within the existing height.
- The proposal retains existing separation distances which are less than required by the Apartment Design Guide.

The assessment finds these issues acceptable as the proposal will not result in unreasonable additional amenity impacts upon surrounding properties or the locality. The proposal will upgrade an older style building that makes a poor contribution to the streetscape with an articulated, contemporary building with greater internal amenity, environmental sustainability and design excellence. The proposed additional floor space is contained within the envelope of the existing building and is achieved by filling in the lower parking levels that make a poor contribution to the streetscape and public domain.

A total number of 12 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 28 February 2023.

The site is identified as Lot 1 in DP 226109, known as 10 Carlisle Street, Tamarama.

The site is generally regular in shape with a frontage to Carlisle Street (northern boundary) measuring 13.495m and frontage to Silva Street (western boundary) measuring 39.625m. It has an area of 611m² (by survey) and falls from the north towards the south by approximately 7m. The southern boundary of the site provides a 'dog leg' formation that contains a Right of Carriageway (ROW) for access to the rear of properties fronting Carlisle Street to the east of the site.

The site is occupied by a four-storey residential flat building with garaging contained at the ground floor level accessed from multiple driveway crossings from Silva Street.

The site is adjoined by dwellings on either side. The locality is characterised by a variety of low and medium density residential development.

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



Figure 1: Site viewed from the south-west showing the Silva Street frontage. (Source: Google)



Figure 2: Site viewed from the north-west showing the Carlisle Street frontage. (Source: Google)



Figure 3: Existing ROW along the southern boundary of the site and 8 Silva Street to the south.



Figure 4: Eastern side setback adjoining 8 Carlisle Street.

1.3. Relevant Development History

Council has no record of relevant recent development history for this site.

1.4. Proposal

The development application seeks consent for substantial alterations and additions to an existing residential flat building, specifically involving the following:

- Demolition of parts of the structure, including the roof.
- Excavation below the building to create two basement levels to provide parking for seven vehicles, three motorcycle spaces, four bicycle spaces, two turntables for manoeuvrability, storage rooms, bin storage and plant (two x vehicle crossings, one directly from Silva Street, the second from the ROW at rear, accessed from Silva Street).

- Reconfiguration of the existing building to provide four apartments comprised of one x 4-bedroom and three x 3-bedroom apartments. The 4-bedroom apartment will be a double level apartment over the lower ground and ground floor level with the remaining apartments being contained over a single floor level each.
- A swimming pool at the ground floor level (elevated above street level) associated with unit 1 and a spa pool at the third floor level (unit 4).
- New copper pitched roof structure to replace the existing.

1.5. Background

The development application was lodged on 21 October 2022 and a request for further information was made on 2 November 2022 for the following:

1. *Address State Environmental Planning Policy (Housing) 2021 (Housing SEPP).*
2. *The proposal seeks to substantially increase the FSR on site. No assessment has been carried out regarding the acceptability of the additional FSR at this stage. Notwithstanding, any redevelopment of the site is expected to comply with the FSR development standard under Waverley LEP 2012. A planning agreement may be entered into with Council as a mechanism to offset the effect of a variation to the FSR development standard when impacts arising from the variation are found to be reasonable and non-adverse. The environmental impact assessment of the variation to the FSR development standard would be subject to the matters for consideration under clause 4.6 of Waverley LEP 2012. If the proposal results in minimal and reasonable impacts, then a departure from the FSR development standard may be supported with a planning agreement. Please refer to a copy of the Policy on Council's website for more information on the Planning Agreement Process and provide a letter of offer to enter into a planning agreement which will be considered should the proposal convincingly demonstrate that it would not result in adverse environmental impacts, be consistent with the objectives of the FSR development standard and the zone and be consistent with the desired future character of the area.*

A Housing Report was received on 12 December 2022; however, no offer to enter in to a planning agreement was forthcoming.

After preliminary assessment, the application was deferred on 5 April 2023 to address the following matters (summarised):

- Address the zone objective to increase or preserve residential dwelling density.
- Solar impacts, view sharing and overshadowing.
- There is to be no additional overshadowing of windows and private open spaces (including spaces within the front setback) of adjoining properties. It appears that the raising of the rear terrace wall at ground level to accommodate the swimming pool (and associated raising of the wall on the terrace to accommodate pool fencing) is creating the additional shadowing. Please review this aspect of the proposal and the location of the pool accordingly. The domed roof and raising of the associated parapet/side walls similarly should also be reconsidered as no additional overshadowing of adjoining properties will be accepted.
- Inadequate or incorrect documentation relating to BASIX and NatHERS, landscaping in a habitat corridor.
- Consider alternatives to natural gas in this development.

- Remove the landscaping from the public domain from both the plans and the landscaping plan. All landscaping must be contained on the subject site.
- Matters raised by the Waverley Design Excellence Advisory Panel (DEAP).

Various discussions were held with the Applicant during the assessment period including regarding entering into a Planning Agreement for the additional floor space over the existing building on the site. Final amended plans, documentation and an offer to enter into a planning agreement were provided to Council on 13 July 2023 and form the basis for the assessment within this report.

The photomontages provided in **Figures 5 to 8** below demonstrate the amended proposal as compared to the proposal originally submitted.



Figure 5: Photomontage from Silva Street of **original** development



Figure 6: Photomontage from Silva Street of **amended** development



Figure 7: Photomontage of Carlisle Street frontage of **original** development



Figure 8: Photomontage of Carlisle Street frontage of **amended** development

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 from 1 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 9 November 2022. 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 1: Context and Neighbourhood
<ul style="list-style-type: none">• <i>The contribution of this valuable and highly visible site to the immediate and broader context could be articulated through the analysis of local views, landscape character, built form and urban morphology. This type of analysis may help inform the treatment of the building's form and profile, materiality and treatment. For example, the site is clearly visible from Tamarama Beach and coastal walk along Pacific Avenue, contributing to the profile of the ridge that runs along Fletcher Street. The pitched roof form and proportions of the existing building can be read and understood in this diverse urban context. The Panel queries how the current proposal can make a positive contribution to these urban vistas and local character.</i>• <i>Reimagining this type of residential flat building, ubiquitous throughout the eastern suburbs, provides an opportunity to establish an innovative approach to breathing new life into existing housing stock. The red-brick, breeze-block balcony and tall-narrow proportions are literally white-washed and forgotten. Whilst the limitations of the current building are understood, there are subtle ways of referencing the past as part of the new future. A prime and high profile of this is 20 Illawong Avenue, which maintains the form, material expression and proportions of the original Seidler building.</i>• <i>A simple reference that's localised is the treatment of the building's base. The Panel as referenced the sandstone of the neighbouring properties, the retaining walls along Carlisle Street, and the rock faces along the beach and coast – could this provide a cue for the treatment of the building's new base?</i>

- *Lastly, careful consideration should be given to how the site interacts with passing pedestrians and vehicles, including those people accessing the beach via Silva Street. The privacy of future residents on the site may be impacted by the treatment of privacy measures, particularly to bedrooms.*

Planning comment: The proposal has been amended to address the comments above by introducing varied finishes that provide greater contrast than the original scheme of whitewashed materials (refer to photomontages in **Figures 5 to 8**). This enables the original building form and expression to be clearly read within the streetscape whilst modernising the appearance of the development. The use of sandstone and timber tones is characteristic of the surrounding area.

Principle 2: Built Form and Scale

- *The Panel questions the current approach to undertaking a substantial adaptive reuse of the existing building, given the costly nature of these projects and the potential for suboptimal design and amenity outcomes. Council has approved buildings in the vicinity that featured the demolition and redevelopment within the existing envelope, allowing for environmental impacts (view loss, overshadowing, privacy) to be minimised.*
- *Given the nature of the current proposal, the Panel don't have any issues with the overall form and scale of the building. The challenges arise in the lower levels with the additional residential floor space is being inserted.*
- *The amenity of the ground and lower ground floors are compromised by the relationship to the steep topography, particularly along the northern and western boundaries. The privacy of Bedroom 1 and 3, and the Master needs further consideration, particularly in terms of screening and interfaces to the street.*
- *The replacement of the pitched roof with a domed/curved roof is also questioned, as it limits the functionality of the roof-plane and is divorced from the rectilinear form of the lower levels, which features strong horizontal expression through the balconies.*

Planning comment: The proposal seeks substantial alterations and additions to the existing building. Whilst it is agreed that a new building (in lieu of alterations and additions) within a similar envelope is an alternate option, this application does not seek such. A Structural Report has been provided with the application which indicates that the substantial alterations and additions, rather than demolition of the entire structure, can be carried out subject to the recommendations contained within.

The bedroom windows/doors at the lower ground floor level have been reorientated to ensure privacy from the street. Landscaping has been introduced along the western side of the building to provide additional screening to the bedrooms fronting the footpath on Silva Street. Privacy is discussed in detail elsewhere in this report and the amended proposal is considered acceptable in this regard.

The domed/curved roof has been replaced with a pitched roof generally consistent with the existing roof.

Principle 3: Density

The amalgamation of 9 existing units into 4 very large family units, accompanied by an increase in overall residential floor space, represents the current and future demands of this type of housing in Tamarama.

Principle 4: Sustainability

Given the scale of investment proposed, and the additional residential floor-space sought, the Panel wishes to see greater emphasis on the environmental performance of the building, including:

- *Inclusion of ceiling fans for all bedrooms and living spaces.*
- *Out-door drying area for the residents, potentially along the eastern boundary adjacent to the fire stair.*
- *PV Cells on the roof (see comments above) – while a copper roof is proposed and durable in the coastal environment, the Panel questioned whether such a costly material would be seen or appreciated except from across the bay, and a flat or low pitched roof would provide better support for solar panels.*
- *On-site rainwater capture and reuse in common areas and landscaping.*

Planning comment: The documentation submitted with the proposal indicates that ceiling fans will be included in all habitable rooms; however, this is not shown on the plans. As such, a condition to this effect is included in Appendix A. The amended plans have included PV cells on the amended pitched roof.

The amended plans do not provide area for outdoor clothes drying given that each apartment has substantial areas of private open space that can be used for such purpose.

The applicant has stated that rainwater tanks will not be provided on site and given that the BASIX certificate does not require them, Council cannot override the provisions of a State Environmental Planning Policy.

Principle 5: Landscape

- *The Panel support the landscape plan extending to the Council-owned verge along Silva Street and suggest this approach be formally agreed as part of the approval.*
- *The Panel noted the importance of the mix of medium sized Coastal Banksia's and Norfolk Island Hibiscus along Carlisle Street that provide shade and reinforce the coastal character. The Panel recommend that more opportunities be reviewed for similar coastal medium sized canopy trees that could be planted in deep soils throughout the site.*
- *As noted in principle 1, the applicant should explore using appropriate evergreen trees on the Carlisle (Northern) end of the building courtyard to aid in partial screening of the units facing the corner of Silva and Carlisle Streets.*
- *The Panel recommend that the landscape consultant explore the possibility of using a greater diversity of endemic appropriate Eastern Suburbs coastal plants throughout the proposal.*

Planning comment: Council does not permit the landscaping of the footpath and instead the landscape plan has increased landscaping on the subject site. The amended landscape plan has relocated the Coastal Banksia trees to inside the site and also includes other coastal medium sized trees throughout the site. The majority of new trees are contained within the front setback of the

site on the Carlisle Street frontage in deep soil. Council does permit the planting of street trees along the grass verge on both street frontages and conditions are included in Appendix A to that effect.

The landscape plan has also been amended to comply with the Waverley Development Control Plan 2012 in relation to local native species.

Principle 6: Amenity

- *In addition to the comments above relating to the privacy of bedrooms on the ground and lower ground, the Panel has also raised concerns around the treatment of the northern elevation to Carlisle Street. The floor to ceiling glazing to the master bedrooms and ensuites appears to be screened by a fixed louvre system, which won't adequately screen view from passing pedestrians or headlights from cars. A solid element, similar to the balcony upstands along the western elevation could wrap around to the northern elevation to improve privacy.*
- *The Panel has raised the possibility of gaining direct access to the ground/lower ground unit from the street (Silva), which would reinforce its function as a 'two-storey house'.*
- *Given the proximity to the beach, the Panel would suggest an outdoor shower be provided near the garage or entrance off Silva Street – this could also serve as a wonderful community asset, where local residents can rinse off on their way home (subject to the showers location).*

Planning comment: The amended proposal has modified the privacy screening along the north elevation by reducing the distance between each louvre and providing screen planting. This will screen impacts from passing pedestrians and car headlights.

The amended proposal now provides direct access to Unit 1 from the private carpark entry to a courtyard associated with the bedroom. The door opens directly into the driveway to the garage which is considered to conflict with the vehicular entry. Given this is not a true entry to the dwelling in that access is through a bedroom, a condition will require that the entry to the courtyard be deleted. The entry from the main foyer is considered most appropriate for this apartment.

An outdoor shower has not been included in the proposal and the consent authority cannot impose a condition requiring public use of private property.

Principle 7: Safety

- *The bedrooms at the ground and in particular, lower ground, can be easily accessed directly from the street. Privacy screening to these bedrooms needs to be balanced with the provision of passive surveillance to ensure the perception of security is achieved.*
- *The Panel has particular concerns about Bedroom 1 on the lower ground, given its placement on the street edge and potential for people to enter the inset balcony largely unseen. This situation could be resolved by locating a street entrance for the ground floor unit at this location – noting the loss of a bedroom.*

Planning comment: As previously discussed, the orientation of the bedroom at the lower ground floor level has been amended to achieve adequate privacy. Additionally, increased screen planting has been included in the amended plans. The separate door to the lower ground level courtyard is considered to conflict with the vehicular entry and reduces the security of this area. A condition requiring the deletion of the entry is included in Appendix A.

Principle 8: Housing Diversity and Social Interaction

See above comments.

Principle 9: Aesthetics

- *The overall composition of the proposal's eastern, western and southern elevations is supported, with changes suggested to the northern elevation to address privacy concerns and to tie this element into the rest of the building – see comments above.*
- *The Panel also queried the singular approach to colour, or lack of, in the white-washing of the entire building, including its base. Whilst the Panel isn't opposed to the white, there are examples in the immediate context (opposite on Silva) that include variation in materiality and texture to break-up the form – in this case, a single detached house. References to the local sandstone is noted above and could be applied to the base of the building as a means of connecting it to street and its context.*
- *There is also a growing concern with rendered facades being susceptible to deterioration and mould growth on walls with little or no exposure to sun, and further justification for consideration of natural materials capable of longer lifecycle with minimal maintenance.*
- *Also noted above is the referencing of the existing building within the new proposal, either through the use of breeze-block (contemporary designs), continuation of the balcony expression around to the northern elevation, or a modest homage to the 'red-brick' and signage ('Pacific View').*

Planning comment: The amended proposal includes a range of materials and colours such as sandstone, timber look batten screens and soffits, copper roof and textured cement rendering in off-white colouring.

The amended proposal retains similar balcony locations and a low pitched roof form appropriately referencing the existing building within the new proposal.

Apartment Design Guide

Clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 2** of this report.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> • Min separation distances from buildings to side and rear boundaries: • Up to 12m (4 storey) – 6m habitable & 3m non-habitable • Increased separation of 3m where adjoins a lower density zone 	No	<p>The proposal retains the existing building on the site and as such, the existing setbacks (above ground) and separation distances are as follows:</p> <ul style="list-style-type: none"> • Eastern side boundary: <ul style="list-style-type: none"> ○ Windows are set back 2.75m. ○ Side balconies set back 2.1m (existing). • Western side boundary (adjoining Silva Street): <ul style="list-style-type: none"> ○ Windows set back 2.77m. ○ Balconies set back 2.09m (existing). • Rear boundary: <ul style="list-style-type: none"> ○ The rear windows and balconies above ground level have > 10m setbacks. ○ At ground level the deck and pool are 5.5m from the rear boundary. • Front boundary (adjoining Carlisle Street): <ul style="list-style-type: none"> ○ Windows are set back 6m. <p>Refer to discussion following this table.</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. 	No	<ul style="list-style-type: none"> • 100% of units receive at least 2 hours mid-winter to living area windows and 75% of apartments will receive at least 2 hours midwinter to part of the private open spaces. • As there is a single apartment per floor, all receive some direct sunlight mid-winter. <p>The ADG provides design guidance that achieving the design criteria may not be possible on some sites including where significant views are oriented away from the desired aspect for direct sunlight.</p> <p>Given the orientation of the site and that views are obtained in a southern direction, private open spaces are contained at the rear as per the existing building. In terms of amenity the lack of solar access to the private open spaces is offset by the substantive views of the ocean, land, and district of the eastern suburbs.</p> <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>

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	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. All units have quadruple aspects and one double level unit. In this regard, 100% of the units can be naturally cross ventilated. <p>The proposal uses a combination of full height openable doors and windows to achieve appropriate cross ventilation within the building.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area Attics – 1.8m at edge of room with a 30^o min ceiling slope 	No	<p>The upper three levels of the building do not achieve the minimum floor-to-ceiling height being 2.6m, 2.515m and 2.57m. This is consistent with the existing building on the site and therefore considered acceptable. No increase in height would be supported for this site to achieve more ceiling height and on balance, retaining the existing floor levels is considered appropriate.</p>
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) Add 12m² for each additional bedroom <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	Yes	<p>All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed unit sizes and layout are acceptable.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>All kitchens are separate to the circulation spaces.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
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	<p>100% of the units are provided with a balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building</p>

Design Criteria	Compliance	Comment
		overall. Screens or solid side walls are provided to enhance privacy.
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	Each level of the building contains only one apartment and direct access is provided from the lift.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> 3+bed – 10m³ 	Yes	The proposal provides separate storage within each apartment and a storage room for each apartment within the carpark. The storage provided meets the requirements and objectives of the ADG. Condition imposed to ensure compliance in this respect.

The following is a detailed discussion of the issues identified in **Table 2** of this report in relation to the ADG.

Separation Distances

The proposal retains the existing building on the site and as such, the existing setbacks and separation distances. The northern and western elevations adjoin road frontages and as such there are sufficient separation distances from adjoining properties to ensure no unreasonable additional privacy impacts, being separated by the width of the roadways. The separation distance from the rear boundary provides more than the minimum requirement of the ADG at 10m to the balconies, with the exception of the ground level rear terrace at 5.5m. On the eastern boundary, the existing building is set back 2m (to side balconies), 2.7m to windows and a communal roof terrace at ground level that extends to the boundary. The proposal seeks to retain the setbacks along the eastern boundary which are less than the ADG requirements, except to the rear ground level terrace which will extend closer to the road.

The proposal privatises existing communal terraces at the ground and third floor levels on the southern side reducing potential impacts due to the reduced usage to only one apartment rather than nine apartments as existing. The ground level rear terrace has been amended since it was first submitted to set back the swimming pool from the rear terrace edge and to provide a landscaped buffer along the rear boundary of the deck that is non-trafficable. This limits the useable area of the deck (ie, not landscaped non-trafficable area) to the western side overlooking Silva Street with sufficient distance from adjoining properties. On the eastern side, a pool fence lower than the existing boundary fence on the adjoining eastern property is proposed. In this regard, the privacy of surrounding properties has been appropriately considered in the amended design.

The large terrace at the third floor level will contain a spa on the western side of the terrace overlooking Silva Street. The existing building contains a communal terrace in this location which will be converted to a private terrace and will therefore have fewer regular occupants. The terrace is screened for half of the length along the eastern boundary and will have no greater impact than the existing communal

terrace upon surrounding properties. If anything, the privacy impact will be reduced due to the privatisation of the terrace to the use of a single apartment.

The proposal also extends the southern balconies at the second and first floor levels further to the east however the depth of the balconies in this area is limited to 900mm. It should be noted that the balconies will continue to be contained within the envelope of the existing building rather than extending out from the rear elevation. The setbacks and separation distances to the balconies remain as per the existing building on the site. The main balconies with greater width continue to be located on the western side of the building overlooking Silva Street. The narrow width of the balconies on the eastern side ensures this area will not be used as the principal entertaining area (ie, containing furniture) being predominantly a passageway and therefore having limited impact upon the privacy of surrounding properties. The proposal also introduces screening on the western elevation (Silva Street).

The proposal will marginally extend balconies on the western elevation of the building to provide access from bedrooms. These balconies are very narrow, accessed from bedrooms (low use rooms in terms of privacy impacts), overlook Silva Street and are located a sufficient distance from surrounding properties to ensure no unreasonable additional privacy impacts.

Windows located on the eastern side elevation are provided with privacy screening and with the exception of the screening to the ensuite bathroom balconies (discussed later in terms of view impacts), these are considered acceptable in mitigating overlooking of properties to the east. Windows on the front and rear have sufficient separation distances from boundaries to meet the requirements of the ADG and those on the western side elevation of the building, overlook the street. In general, the proposal will have no greater privacy impact upon surrounding properties than the existing building on the site and the retained separation distances and setbacks are considered acceptable.

SEPP (Housing) 2021

Retention of existing affordable rental housing

Division 1, Chapter 2, Part 3 of SEPP (Housing) 2021 relates to the development as the existing building contains low rental dwellings. This Part of the Housing SEPP 2021 allows Council to consider charging the developer a monetary contribution if a Development Application is considered to result in a reduction of bedrooms in low rental dwellings. The monetary contribution is calculated using a formula, which varies depending on how many bedrooms of low rental dwellings are being lost, and goes towards a NSW State Government affordable housing program.

The existing building is considered to contain affordable housing, specifically Units 2, 3, 4, 5, 6 and 8 which are low-rental dwellings.

As outlined in Clause 47(3) of the Housing SEPP, sufficient comparable accommodation is deemed to be not available to mitigate the impact of the proposal, if for the 3 months occurring immediately before the development application is lodged, the average vacancy rate in private rental accommodation for Sydney, as published monthly by the Real Estate Institute of New South Wales, is less than 3%.

The Inner Sydney (includes Waverley, Woollahra, Randwick etc.) rental vacancy rate as of October 2022 (most recent report at time of lodgment in October 2022) was 2.3%. Given this rate is less than 3% there is insufficient comparable accommodation to satisfy the demand for affordable rental housing.

As the proposal will contribute to the loss of affordable rental housing within Waverley, it is considered that the extent of the proposed loss can be mitigated through the provision of a monetary contribution of \$624,250 formulated in accordance with Clause 48 of the Housing SEPP.

A Planning Agreement PA has been offered by the applicant for the monetary contribution of \$624,250 to offset the loss of the low-rental dwellings within the LGA. As the monetary figure is the same as what would be charged under Clause 48 of the Housing SEPP, the PA is considered to be an acceptable offset measure and a condition to collect a contribution in accordance with the Housing SEPP is not considered needed in this instance. A condition to this effect is included in Appendix A.

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 is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a 'residential flat building', which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The proposal retains the maximum height of the existing building at 15.24m exceeding the development standard by 5.74m or 60.4%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 366.6m² 	No	The proposal has an FSR of 1.31:1 (existing is 0.84:1) exceeding the development standard by 435.3m ² or 118.7%. The existing building on the site has GFA of 515.32m ² and the proposal will increase this to 801.9m ² (additional 286.58m ²).

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 height 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	N/A	The site is designated as Class 5 on the Acid Sulfate Soils map however the land is not below 5m AHD.
6.2 Earthworks	Yes	The proposal contains substantial excavation under the existing building to provide basement parking. A Geotechnical Report was provided with the application which provides recommendations for works on site to ensure no damage to surrounding properties. This report is referenced in the conditions of consent. Further conditions are recommended requiring more detailed excavation reports prior to construction.

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 Buildings

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 9.5m. The proposal retains the maximum height of the existing building at 15.24m exceeding the development standard by 5.74m or 60.4%.

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 height breach is a technical non-compliance as the existing ridge height will be retained at 15.24m. Although the parapet will extend beyond the existing roof form this is minor and still remains below the existing and proposed roof ridge.*
 - (ii) *The non-compliant elements are predominantly a result of the existing building and relate to a portion of the second, third and roof levels.*
 - (iii) *The proposal has been designed to ensure neighbours' amenity is preserved. The built form will positively contribute to the public domain when viewed from Carlisle Street and Silva Street, with an articulated façade and compatible height and form with the existing development at the site. The height variation is unlikely to be discernible from the streetscape as it is generally contained within the existing building envelope, and it allows for a well-designed residential flat building which will contribute to the character of the area. The extent of height non-compliance is considered a function of the existing built form and is considered a technicality of the existing situation at the site.*
 - (iv) *Despite the proposed development's non-compliance with the applicable height development standard, the proposal is consistent with the existing medium density character of the area. The proposal provides a height, bulk and scale that is predominantly consistent with the existing built form at site.*
 - (v) *The proposed development will preserve environmental amenity at neighbouring properties and public spaces. This is partially a function of the existing building envelope which is proposed to be retained and includes the retention of the existing building height and an extent of the building footprint.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The proposed works will involve various enhancements to the existing built form, facilitating an improved streetscape outcome and enhanced amenity for future occupants of the site. For instance, the proposal will replace a dated building with a contemporary built form that will comprise a highly articulated frontage and high-quality finishes. Also, the existing garages at ground level fronting Silva Street will be removed and replaced with basement car parking that will not be readily visible from the streetscape. The proposal work will include substantial landscaping by reducing the amount of vehicle crossovers.*

- (ii) *A variety of materials such as sandstone, cement render, vertical wooden looking screens, copper roof, and a wooden finish garage rolling door are proposed. The proposal will also provide compliant deep soil landscaping that will create visual interest and contribute to the physical definition of the existing character.*
- (iii) *A strict application of the numerical standard would come at the cost of decreasing the floor to ceiling heights and a stepped built form which would negatively affect internal residential amenity. This would not represent good design. Accordingly, the architecturally designed alterations and additions are consistent with Object (g) of the EPA Act which seeks to promote good design and amenity.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has provided sound justification establishing that the proposal is consistent with the objectives of the height development standard and the zoning.

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 environmental planning grounds used to justify the variation are well-considered and sound.

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 development standard are as follows:

- (a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (c) to maintain satisfactory solar access to existing buildings and public areas,*
- (d) to establish building heights that are consistent with the desired future character of the locality.*

Objective (a) requires that the overall height of development 'preserves' the amenity of surrounding properties. It is not a practical or realistic expectation that buildings which exceed the development standards will be replaced with buildings with a much lower height and reduced FSR than the existing building on the site to improve the amenity of surrounding properties. In order for the proposal to be consistent with objective (a) it must 'preserve' the amenity of surrounding properties, however there is no requirement to improve amenity.

The proposal will significantly alter an existing building; however, will maintain the existing height, envelope and footprint. The only increase to the building envelope is the raising of the parapet walls at roof level, the provision of a lift core on the western side of the building and the extension of the ground level roof terrace toward the western boundary. Detailed shadow diagrams have been provided in plan, elevation and 3D form which demonstrate that the proposal will have only minor additional overshadowing of adjoining properties which will be offset by solar gains to other windows/areas at other times of the day. The additional overshadowing is predominantly contained to the street and within shadows cast by the existing building.

As previously discussed in Section 2.1.1 of this report, the proposal will not result in unreasonable privacy impacts to adjoining properties. View impacts are considered acceptable subject to conditions of consent in relation to the privacy screening on the small eastern side balconies as discussed in detail in

Section 2.1.3 of this report. Maintaining the building envelope also ensures that public domain views from the street frontages are maintained.

Given that the proposal will preserve the amenity of surrounding properties and public spaces, the proposal is consistent with objectives (a) and (c).

The proposal will improve an existing building with limited contribution to the streetscape due to poor articulation and interface with the public domain, and inadequate landscaping and open space. The proposed building will provide landscaping along both street frontages and will replace existing driveway crossings on Carlisle Street improving the public domain interface and increasing on-street parking. The terraced landscaping and courtyards improve the interface with the pedestrian environment and contribute to the streetscape appearance of the building. The replacement building, although over the height and FSR development standards, will provide improved amenity for occupants, a better resolved parking arrangement with less visibility and greater safety, and a highly articulated contemporary building that contributes to the streetscape.

Although the alterations and additions are substantial with little of the existing building being retained, structural and geotechnical reports have been provided which indicate that these works could be achieved whilst retaining parts of the existing building. Regardless, the proposal retains the existing envelope of the building which already forms part of the character of the street. The height, bulk and scale are consistent with similar residential flat buildings on Carlisle Street which also form part of the character. The height variation is required to facilitate upgrading of an existing building on the site. Facilitating redevelopment on the site is fundamental to the orderly and economic use and development of the land where the existing building has inadequate standards of occupant amenity, environmental sustainability and design excellence. The retention of existing building rather than complete demolition also reduces waste to landfill. In this regard, the proposal is considered to be consistent with objective (d).

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.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*

- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal is generally consistent with the objectives of the R3 zone as it continues to contribute to the variety of housing types within a medium density environment. Although the proposal will reduce the number of apartments (or 'dwellings') on site, the residential gross floor area is increased and as such there is no loss of residential density on the site. The basement car park accommodates vehicular and bicycle parking which are consistent with the maximum requirements of the DCP thereby encouraging public transport patronage, walking and cycling. The proposal will provide deep soil landscaping, compliant with the DCP requirements and will increase the urban canopy through the provision of additional trees and landscaping on the site and along Carlisle and Silva Street (subject to condition). The reduction in hard surfaces around the site and increased landscaping will contribute to a reduction in the urban heat island effect.

As previously discussed, the proposal is compatible with the desired future character and preserves the amenity of the surrounding neighbourhood. The proposal also includes an offer to enter into a planning agreement for the loss of affordable housing from the site enabling replacement within the local government area.

For the reasons discussed above, the proposal is considered to be consistent with the relevant objectives of the R3 zone.

Conclusion

For the reasons provided above, the requested variation to the height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by 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 development standard and the R3 zone.

Clause 4.6 Exceptions to Development Standards - Floor Space Ratio (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 0.6:1. The proposed development has an FSR of 1.31:1, exceeding the standard by 435.3m² equating to a 118.7% 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 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 seeks to make improvements to the dated residential flat building and will enhance the internal layout and visual streetscape appearance when viewed from the public domain. The existing building envelope will be predominantly retained, with exception of the subterranean lower ground level and basement levels. The remaining works are internal and will remain within the existing building envelope with improvements to the façade.*
 - (ii) *Of the additional GFA, only 167.96m² will be accumulated within the lower ground floor and 167.91m² within the ground floor level. Further, GFA within the first and second floor levels are to be less than the existing situation and the third floor level would have a slight increase of 6.41m² which would be contained in the existing envelope and not noticeable from the public domain.*
 - (iii) *The additional GFA will have little effect on the existing buildings overall bulk and scale due to the location being either below street level or at ground floor level rather than the upper levels of the building. The proposed design will provide overall improvements to the dated residential flat building and will enhance the visual streetscape appearance when viewed from the public domain. As such, the development will remain compatible with the character of the streetscape and the works will preserve the amenity of neighbouring properties.*
 - (iv) *Flexibility in this circumstance will provide a better outcome, both for and from the development. The additional FSR will facilitate upgrades and improvements to the existing residential flat building, including improved internal amenity and better accessibility. A reduction in FSR would limit the provision at each residential unit, which would unnecessarily impact the proposals contribution of the need for high quality housing products within Tamarama.*
 - (v) *The surrounding area consists of residential dwellings and residential flat buildings ranging from one to four storeys which vary in architectural style and age. The R3 Medium Density Residential zoning envisages residential flat buildings as demonstrated by the surrounding development and the existing residential flat building is proposed to be retained at the site.*
 - (vi) *Enforcing strict compliance with the LEP FSR control would require the retention of the above ground car parking spaces that would not be utilised as part of this proposal. By enclosing this area and moving parking to the basement level allows for improvements to future occupant amenity by providing improved habitable space for the future occupants of the site and would in turn decrease traffic impact from the site through reduction of overall car parking spaces and provide additional on-street parking for the surrounding area through the reduction of accessways to the site that previously existed along Silva Street.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed increase from the existing FSR is mostly from the conversion of garaging at the ground floor to habitable space, within the existing building envelope and includes the exception of the lower ground level. Regardless, this will activate the use of the existing ground floor and will also increase opportunities for the casual surveillance for private areas of the subject site, through the introduction of new habitable room windows and openings. The proposed design will also provide improved articulation of the building when viewed from the streetscape.*
 - (ii) *The additional GFA will enable the relocation of car parking to the basement level, which will provide secure parking for the future residents of the subject site. Therefore, the proposed variation will provide an improvement in terms of safety, security, and crime prevention, which will benefit the future residents of the site and adjacent properties. The works will include substantial landscaping by reducing the amount of vehicle crossovers.*
 - (iii) *The proposal will provide alterations and additions that will be compatible with the existing streetscape and provide a visual benefit by improving the existing face with a high-quality contemporary materials.*
 - (iv) *A variety of materials such as sandstone, cement render, vertical and vertical wooden screens, copper roof, fences and a wooden finish garage rolling door are proposed. The proposal will also provide compliant deep soil landscaping that will create visual interest and contribute to the physical definition of the existing character.*
 - (v) *Strict compliance would unreasonably impact the design integrity of the building and internal amenity for the future occupants of the site without noticeably benefitting surrounding properties or the public domain. To achieve a fully compliant FSR would require reducing the internal areas each dwelling, limiting the functionality and internal amenity for future occupants of the site. A reduction to the existing building envelope would also be required and is considered unreasonable given the existing non-compliance at site.*
 - (vi) *As the site has an FSR above what is permitted under Clause 4.4 of the LEP, a monetary contribution to Council will be offered via a Planning Agreement; the amount payable will be calculated under the provisions of the Waverley Council's Planning Agreement Policy. This contribution will be used toward public benefits which may include (but not limited to) affordable housing, amenity upgrades in parks and cultural infrastructure.*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant has provided sound justification establishing that the proposal is consistent with the objectives of the height development standard and the zoning.

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 environmental planning grounds used to justify the variation are well-considered and sound.

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 bulk and scale of the proposal, compatibility with the desired future character and impacts upon the amenity of surrounding properties and the locality has been discussed in detail in the previous section relating to the variation to the height development standard. In summary, the proposal will not result in unreasonable additional amenity impacts upon surrounding properties or the locality. The proposal will upgrade an older style building that makes a poor contribution to the streetscape with an articulated, contemporary building with greater internal amenity, environmental sustainability and design excellence. The proposed additional floor space is contained within the envelope of the existing building and is achieved by filling in the lower parking levels that make a poor contribution to the streetscape and public domain. The proposal will not result in unreasonable additional overshadowing, loss of significant views (discussed later in detail) or privacy impacts upon surrounding properties, preserving the existing level of amenity. The proposal is considered consistent with the relevant objectives of the FSR development standard.

The applicant has submitted an undertaking to Council regarding their commitment to enter into a PA, in accordance with the *Waverley Council Planning Agreement Policy 2014* (the Policy). The calculation of the PA is based on the additional gross floor area of the development, that is, calculated as the difference in GFA between existing and proposed form.

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

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

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

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

The proposal is considered to be consistent with the objectives of the R3 zone as previously discussed.

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 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	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
5. Vegetation Preservation	Yes	Two street trees are to be removed on Carlisle Street which are in fair to poor health. A condition will require they be replaced with two <i>Banksia Integrifolia</i> (Coast Banksia). A further condition requires the planting of a further four Coastal Banksia street trees along the Silva Street frontage also. There is also extensive landscaping and further trees proposed for within the subject site.
6. Stormwater	Yes	Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	A lift is provided to all levels and ramped access from the footpath to the lobby at ground level.
8. Transport Zone 2 Minimum parking rate: • Nil Maximum parking rate: • 5 Visitor parking: • 1 Motorcycle parking:	Yes	The proposal provides for six car spaces, three motorbike and four bicycle spaces in a new basement carpark (over 2 levels). The design, dimensions and location of the basement carpark are satisfactory. The proposal will provide two driveway crossings however, given that the existing building provides 11 driveway crossing equating to almost the entire frontage on Silva Street, the proposal will result in increased on-street parking.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Resident: 2 Bicycle parking: <ul style="list-style-type: none"> • Resident: 4 • Visitor: 0 		Conditions to reinstate the kerbing and provide street tree planting are imposed in the recommended conditions.
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory as discussed previously in this report.
14. Excavation	No	<p>The excavation does not add to the bulk and scale of the building.</p> <p>The DCP requires that excavation is not within 1.5m from side boundaries for residential flat buildings and should only occur within the building footprint except where access to a basement car park is required.</p> <p>The proposal seeks to vary this control on the eastern side with the basement levels built up to the eastern side boundary. On the western side boundary with Silva Street the minimum setback is achieved.</p> <p>A variation to the DCP control is considered acceptable in this instance given the limited width of the site. A Geotechnical Investigation Report has been provided which provides initial recommendations in relation to the protection of adjoining properties and conditions will require more detailed geotechnical investigations as part of the construction certificate and certification.</p> <p>A condition regarding dilapidation surveys for surrounding properties is also included.</p> <p>The amount of excavation is not excessive for what is required in a residential flat building as it contains compliant parking for vehicles, motorbikes and bicycles, services, storage required under the ADG and waste storage required by the DCP. Relocating the parking structures from the ground level to a basement results in improvements to the streetscape and the public domain and in this instance is supported. In order to achieve this, given the width of the site, minimal setbacks are required and this is considered acceptable. This enables a greater setback from the western side boundary enabling more deep soil and landscaping along this frontage which could not be achieved on the eastern side due to the position of the existing building.</p>

Development Control	Compliance	Comment
		The proposal complies with the remaining objectives and controls in this part of the DCP.
16. Public Domain	Yes	Satisfactory

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"> Minimum frontage: 15m – R3 zone 	N/A	The site already contains a residential flat building and as such this control does not apply.
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3 (where LEP height is 9.5m): 7m 	No	The proposal maintains the existing wall height with only a marginal increase for the lift overrun and parapet as part of the new roof form. As previously discussed in this report, this will not result in unreasonable additional overshadowing. The alterations to the building result in an improved streetscape appearance and as such, the increase in wall height is considered acceptable.
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	As the existing building is being retained, the street setbacks remain as existing.
3.3.2- Side and rear setbacks <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 Deep soil along side boundary min 2m wide 	No	<p>As the existing building is being retained, the side setbacks remain as existing. The setbacks have been previously discussed in this report under ‘separation distances’ and are considered acceptable.</p> <p>The proposal increases the deep soil on site, retaining the deep soil within the front setback and increasing it along the western side boundary. The western side has a deep soil zone approximately 2.5m wide for a portion of the boundary except where vehicular and pedestrian entry is provided. This improves both streetscapes with increased landscaping on both frontages.</p>
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated 	N/A	The existing building is to be retained with the same length and depth.
	Yes	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum unit depth: 18m 	No	<p>The façade is appropriately articulated improving the streetscape appearance of the building and providing design excellence.</p> <p>The apartment depths have been increased to approximately 25m; however, as only one apartment occupies each floor, each will have abundant light, ventilation and amenity. The increased depth is therefore considered acceptable. The footprint reflects the existing building on the site and as such, no additional impacts are introduced as part of the proposal.</p>
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Corner sites to address both streets as primary frontages 	Yes	<p>The proposal provides a building with an improved streetscape appearance. The existing non-descript building is considered to detract from the streetscape particularly in regard to the garages at the street level. The proposal will provide an appropriately articulated building with an improved appearance, particularly at the pedestrian level. The proposal results in an improvement to the old building stock with a well-designed building with improved internal amenity and environmental sustainability.</p> <p>The external finishes have been amended in response to comments raised by the DEAP. The amended design provides an appropriate mix of finishes providing contrast and articulation to the street frontages.</p> <p>The proposal addresses both street frontages providing increased and improved landscaping to both Carlisle and Silva Streets.</p>
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 	No	<p>The proposal includes new front boundary fencing along the Carlisle Street frontage which although exceeds the 1.2m height requirement, is predominantly of open design. Carlisle Street is characterised by predominantly high solid front walls and as such, the proposal is not inconsistent with the street.</p> <p>The proposal includes an increase in the boundary wall height in the rear corner adjoining No. 8 Carlisle Street; however, this property has a high screen along this boundary and the new wall will be contained below it.</p> <p>A variety of lower and higher walls are contained along the Silva Street boundary; however, the</p>

Development Control	Compliance	Comment
		<p>vehicular and pedestrian entry are contained along this boundary with ramps from the street to the ground level entry foyer. Accessible entry to the building necessitates retaining walls and balustrading however the materials, finishes and landscaping to this frontage provides an acceptable appearance forming part of the overall design.</p> <p>The rear and eastern side boundary fences are to be predominantly retained as existing with an increase in height to only a small portion. A condition will require that the new fencing along this boundary is limited to no more than 1.8m above the ground level of the subject site to ensure privacy to the adjoining property.</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	<p>Accessible entry is provided from Silva Street via a ramp to the entry foyer.</p> <p>The rear vehicular entry from the ROW is separate to the pedestrian entry. The courtyard entry from the driveway from Silva Street has been previously discussed and is recommended deleted by condition.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> • Comply with part B3- Landscaping and Biodiversity • Minimum of 30% of site area landscaped: 183m² • 50% of the above is to be deep soil: 91m² 	Yes	<p>Refer to Table 4.</p> <p>The proposal provides 30.5% (186m²) of the site as landscaped area and of that 51% (95.59m²) is deep soil.</p>
3.10 Communal open space		
<ul style="list-style-type: none"> • Minimum 15% communal (R3 zone): 92m² • Minimum dimensions: 6m x 6m • Minimum of 30% of communal area must receive three hours of sunlight • Accessible 	No	<p>The proposal provides no communal open space; however, each apartment is provided with sufficient private open space to meet user needs and the site is located within proximity of Tamarama Beach and foreshore parks which provide an abundance of recreational areas.</p>

Development Control	Compliance	Comment
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 	Yes	<p>The basement car park will be located below the building ensuring integration into the design of the building.</p> <p>At present almost the entire frontage of the site along Silva Street provides a multitude of driveway crossings and therefore the proposal will allow increased on-street parking in front of the site.</p> <p>The provision of two driveways is a practical solution for access in this case and is acceptable. The separation between the two driveways is around 6m which is sufficient to accommodate a single parked car.</p> <p>The proposed driveways will allow for landscaping replacing the existing driveways of the verge along the Silva Street frontage.</p> <p>The setback from the property boundary results in adequate sight distances to pedestrians.</p>
3.13 Solar access and overshadowing		
<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. 	Yes	<p>Shadow diagrams have been provided in plan, elevational and 3D form which demonstrate that the proposal will have only minor additional overshadowing of adjoining properties with most falling within existing shadows, on Silva Street and on roofs and walls of surrounding properties.</p> <p>The shadow diagrams indicate that the only property that will receive additional overshadowing to windows is the property to the south at 8 Silva Street. The additional overshadowing of windows will be confined to 2pm to 3pm with all other times of day (shown hour by hour) receiving no additional overshadowing or reduced overshadowing to windows. The additional overshadowing is minor and offset by solar gains to other windows throughout the day. Overall, the proposal will result in increased solar access to the windows on the northern elevation of 8 Silva Street.</p> <p>There will be no additional overshadowing of private open spaces of adjoining properties.</p> <p>It is noted that both adjoining properties have solar panels on the roof. The proposal will result in no additional overshadowing of the roof of 8 Silva Street and marginal additional shadowing of the roof of 8 Carlisle Street from 2pm. The solar</p>

Development Control	Compliance	Comment
		<p>panels will receive full sun from 9am to 2pm ensuring that more than 2 hours is retained in accordance with the DCP control.</p> <p>Given the proposal retains the envelope and footprint of the building and has introduced improvements by lowering the rear southern wall of the building, the overshadowing impact of the proposal are not considered unreasonable.</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>No</p> <p>Yes</p>	<p>Refer to detailed discussion following this table.</p> <p>The proposed development should reasonably maintain public domain views down Silva Street from different vantage points.</p>
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. 	<p>Yes</p>	<p>Privacy impacts have been discussed previously in Section 2.1.1 of this report (refer to separation distances discussion).</p> <p>Windows to non-habitable rooms are predominantly contained along the eastern boundary where the site adjoins 8 Carlisle Street. Screening is also provided along this boundary to further ensure privacy, particularly where there are the few habitable windows.</p> <p>The main windows and balconies are located along the western frontage which overlooks Silva Street.</p> <p>Screening is provided to balconies where they overlook the adjoining dwelling to the east with the exception of the topmost balcony which is open on the eastern side. This is consistent with the existing building on site and given that the existing balcony in this location is used for communal open space and the proposal will privatise this space, privacy impacts will be the same or reduced. To increase the screening along this boundary would increase overshadowing impacts of other surrounding properties which is not considered warranted given the improvements to privacy.</p> <p>The proposal has been amended to provide a landscaped buffer to the pool and deck at the rear to increase privacy to the adjoining property at 8 Silva Street. The swimming pool will be located adjoining a swimming pool on the adjoining property at 8 Carlisle Street in a similar location and elevation. There is an existing</p>

Development Control	Compliance	Comment
		boundary wall at 8 Carlisle Street pool which screens the proposed pool from view. As such, the pool will not result in unreasonable privacy impacts upon surrounding properties.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	<p>Acoustic privacy has been considered in the design by locating rooms with similar uses above and below each other.</p> <p>The main principal balconies are located at the rear of the site and on the Silva Street frontage overlooking the street where noise levels are higher. The balconies are in the existing location and communal elevated terraces have been allocated to individual apartments thereby reducing the number of occupants using the area (one apartment rather than nine presently). Accordingly, the acoustic privacy impacts of the development are considered reasonable.</p>
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 Plant rooms away from entry communal and private open spaces and bedrooms. Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge 	Yes	<p>Services are integrated into the design of the building. Sufficient area is contained on both frontages for letterboxes.</p> <p>There are no services proposed on the roof of the building, with the exception of solar panels. All plant and service are contained within the basement. Fire hydrant boosters are contained on the Carlisle Street frontage integrating into the boundary wall and screened with doors.</p> <p>There is no communal space on site and as such, no communal clothes drying area is provided. Each apartment provides balconies having sufficient area for the drying of clothes.</p>

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

View impact

The NSW Land and Environment Court has articulated general principles with regard to views (see [Tenacity Consulting v Warringah Council \[2004\] NSWLEC 140](#)). This case states:

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, a four-step assessment should be used:

- 1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
- 2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*
- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

An objection was received from one property in relation to loss of views, No. 9 Carlisle Street to the north of the site and a site visit was carried out at this property. **Figures 9 to 12** demonstrate the views and view analysis diagrams provided by the Applicant and are indicative of the views achieved from this property and the impact of the proposed development upon those views.



Figure 9: View from the front ground level deck over the front boundary of both sites

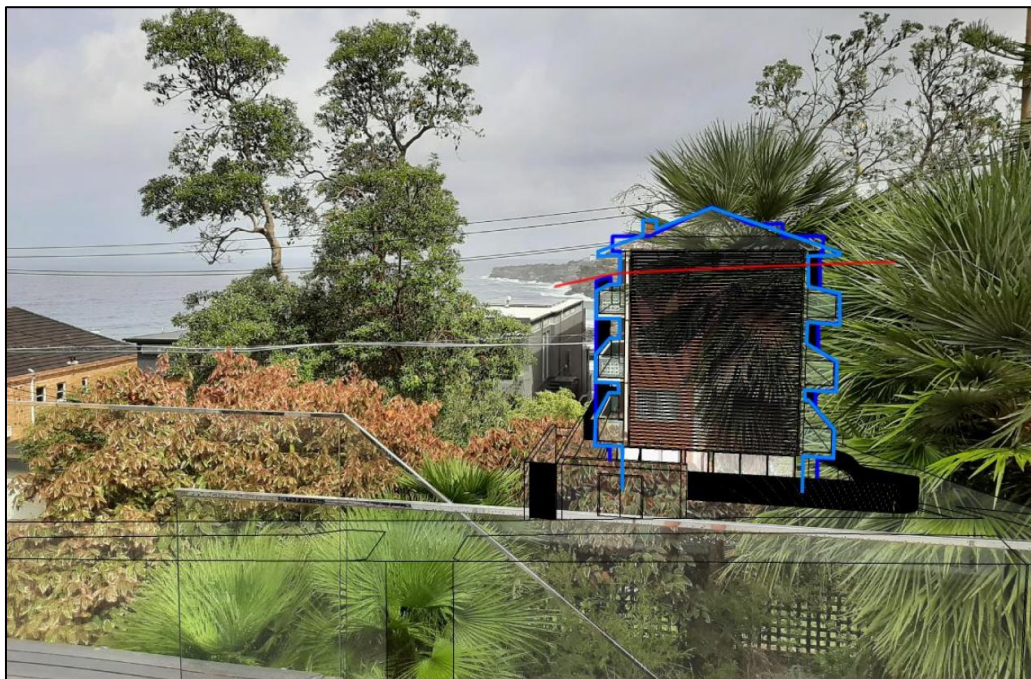


Figure 10: View impact assessment indicating outline of proposed development



Figure 11: View from standing from the living room over the front boundary of both properties

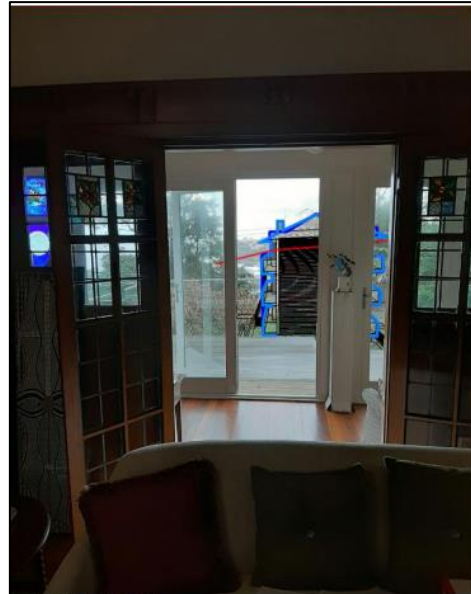


Figure 12: View analysis diagram indicating impact upon view

The above images demonstrate that views from 9 Carlisle Street are partial views of the ocean, the cliffs to the south and land and water interface which are considered to be significant views under the Tenacity principles. The views are achieved through the eastern side setback from a standing position and although there are other partial views to the south-east over the top of existing dwellings from the front deck, this is the main direct view from the living area.

The view analysis diagrams indicate that the view will be impacted by the proposed screening of the existing eastern side balconies with the main building having no further impact upon the view. The applicant has argued that the view is impacted by elements of the building which are below the 9.5m height line and as such should be considered reasonable. This argument is not agreed as the fourth principle of Tenacity is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. However, with a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.

The existing eastern side balconies are accessed from living areas and provide no screening at present. These balconies are small and narrow and would not hold a significant amount of people. The proposed reconfiguration of the internal layout of each apartment results in these balconies only being accessed from the main bedroom ensuite. This is a non-habitable room of low use with few privacy impacts. This results in these balconies having even less of an impact upon the privacy of surrounding properties than the existing. Given there is no screen there now for a higher impact use, a screen is not a necessary component of the design. The bathroom windows could be treated for privacy with screening or obscure glazing rather than containing an external screen on the outside of the balcony that would impact upon the view. This is considered to be a more skilful design than the external screening proposed that

provides the applicant with the same level of amenity whilst protecting the view from 9 Carlisle Street. In this regard, a condition to this effect is included in Appendix A.

A desktop search of surrounding properties using photographs found online was also carried out and a potential view over the subject site from 11 Carlisle Street was indicated. A view analysis was also carried out upon these online images as indicated in **Figures 13** and **14** below:



Figure 13: Real estate photograph from living area of 11 Carlisle Street



Figure 14: View analysis diagram indicating impact upon view

Any impact upon views from 11 Carlisle Street is negligible and acceptable and no further analysis has been carried out, particularly as no objection in relation to view loss was received from this property despite the application being notified twice.

Given the above analysis, it is considered that subject to a condition removing the external screens from the eastern side balconies, the impact upon views from surrounding properties would be negligible and view sharing would 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 original application was notified for 14 days between 1-17 November 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*. Seven unique submissions from six properties were received.

Following receipt of amended plans and additional information, the application was re-notified for 14 days between 10-24 July 2023 in accordance with the *Waverley Community Development Participation and Consultation*. Five unique submissions were received.

In all, a total of twelve unique submissions were received from the following properties:

Table 6: Number of and where submissions were received from.

Count	Property Address
1.	4 Carlisle Street TAMARAMA (two submissions)
2.	6 Carlisle Street TAMARAMA (two submissions)
3.	8 Carlisle Street TAMARAMA (three submissions)
4.	9 Carlisle Street TAMARAMA
5.	8 Silva Street TAMARAMA (two submissions)
6.	12 Silva Street TAMARAMA (two submissions)

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

- FSR and height
- Bulk and scale
- View impacts
- Landscaping and deep soil inadequate
- Visual and acoustic privacy
- Clause 4.6 is inadequate
- Non-compliances with the DCP
- Streetscape character
- Overshadowing and solar access
- Setbacks
- Excavation
- Stormwater
- Reduction in number of apartments on the site
- ADG compliance

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

Issue: The proposal should be considered a new building rather than alterations and additions.

Response: The Applicant has provided a Structural Report and Geotechnical Report providing advice and recommendations in relation to retaining the existing building to carry out alterations and additions, rather than rebuilding and as such the commitment to alter and extend the existing building is taken at face value. A condition is included that if the existing building cannot be retained during construction, a new development application must be lodged for a new building on the site (rather than alterations/additions)

The expectation from objectors is that if the proposal were to be a new building then it would have to comply with current development controls irrespective of the existing building on the site. This assumption is incorrect, as the existing building bulk, scale, FSR, height and setbacks and any impacts upon the amenity of surrounding properties that already exist would be taken into account even if consent were to be sought for a replacement building. The assessment of the application remains the

same as if a new building were proposed for the site. As discussed previously in this report, variations to the development standards can be sought under clause 4.6 with the objective of preserving the environmental amenity of surrounding properties. It is unrealistic and not in accordance with planning principles and Land and Environment Court outcomes to assume that an oversized building will be reduced so significantly upon rebuilding. The current building has been in existence for over 50 years and has had the same impact on surrounding properties and the streetscape for that time. The planning controls relate to preserving amenity, not improving it. Whether alterations or additions, or a new building, any proposal must demonstrate, as a minimum, a preservation of amenity for surrounding properties and an improvement to the streetscape and that it can meet the objectives of the development standards. As discussed previously in more detail, this proposal adequately demonstrates that amenity is preserved whilst improving the character of the building, the public domain and the streetscape and as such, even if it were for a new building, it would be unlikely to be reduced in size.

When assessing new buildings to replace existing buildings that are already oversized Council typically ensures that any works are contained within the envelope of the building and that no additional amenity impacts are introduced. This ensures that buildings that are beyond their useful life can be reasonably replaced with superior buildings with higher internal amenity, sustainability and design excellence. A recent example of such a practice is a recent approval for the redevelopment of the building at 5 Pacific Street, Tamarama to the south of the site, where consent was granted to rebuild within the same envelope and footprint by relocating parking below ground and infilling the existing parking at grade. Although it results in increased FSR, it does not increase the bulk and scale of the building and results in improvements to the public domain, streetscape and has limited additional amenity impacts upon surrounding properties. A similar situation arises with the subject development where the additional FSR is simply by infilling areas of the building which will not impact upon the bulk and scale of the building or the amenity of surrounding properties.

Issue: Issues during construction including noise, disturbance, access to driveways, geotechnical and structural risk, time taken to complete, economic risks etc; Inability to insure surrounding properties against damage.

Response: The consent authority cannot refuse an application for reasons relating to construction or potential damage during construction. There are applicable property, construction and civil laws and insurances which govern the construction phase of the development. All appropriate conditions relating to construction including dilapidation reports and structural and geotechnical report requirements are included in the consent conditions.

Issue: Inadequate information in relation to the Water Management Act (integrated development) and geotechnical risks; there is no groundwater monitoring provided to ensure compliance with the Water Management Act 2000; risks associated with stormwater.

Response: Conditions in relation to stormwater and further geotechnical and structural reports are included in the consent.

The application does not seek integrated development consent under the Water Management Act and if applicable, must be applied for separately. According to current case law, whether the development

application is dealt with as Integrated development is a question for the applicant. The integrated provisions exist for the benefit of the applicant, and the applicant can 'elect' to have the development application assessed and apply separately for the related approvals later. The leading case on the issue is *Maule v Liporni & Anor [2002] NSWLEC 25*. Justice Lloyd held that the integrated development provisions in the *EP&A Act* are beneficial and facultative but are not designed to impose additional requirements on the applicant. The applicant is not obliged to have the DA processed as Integrated development neither is there anything unlawful in the council's failure to process the development application as if it were for integrated development. It is important to note that the applicant is not excused from the requirement to obtain any necessary approvals from relevant authorities at a later date, prior to commencing the development.

Issue: The privacy screens are ineffective as they do not block all chances of overlooking and should be fixed horizontal louvres and sill heights should be raised on the eastern elevation.

Response: Privacy screens are an accepted means of limiting overlooking of adjoining properties whether horizontal or vertical. Typically, where privacy is a concern, measures to protect privacy are implemented into the design, either by way of highlight or obscure glazed windows, or by screening (not by both). The proposal includes screening over all windows on the eastern side elevation and therefore has incorporated privacy measures into the design. Raising the sill heights is not considered warranted where the proposal already screens the window.

The objective of privacy measures is to minimise the possibility of overlooking, not to remove any chance of any glimpse of the adjoining property from ever occurring. There is also a high degree of mutual overlooking between the sites which is typical of areas where views are achieved.

The objectors also requests that certain areas of the proposal be enclosed as living spaces rather than balconies and balconies be deleted to address privacy. Privacy has been discussed previously in this report and the proposal will not result in any greater privacy impacts than currently exist on this site. In fact, it is considered that the screening proposed and the privatisation of existing communal open space, will reduce both visual and acoustic privacy impacts upon surrounding properties.

Issue: Traffic and manoeuvring issues in Silva Street will be exacerbated by development.

Response: The plans have been reviewed by Council's Traffic Manager and are considered acceptable.

Issue: No flood planning report.

Response: The site is not within a flood zone.

Issue: The developer has not undertaken a development of this scale before.

Response: This is not a matter for consideration.

Issue: Dilapidation reports should be required.

Response: A condition of consent requires the submission of dilapidation reports as part of the construction.

Issue: Land slippage and reduction of amenity within the laneway at the rear through increased use; manoeuvrability of vehicles in the laneway; increased use of the rear access and impacts upon surrounding properties, safety, sightlines etc.

Response: The plans have been reviewed by Council's Traffic Manager and are considered acceptable in regard to the use of the Right of Carriageway (ROW) along the rear boundary of the site (refer to comments under Section 3 of this report) including manoeuvrability and sightlines. Appropriate conditions in relation to stormwater runoff are also included in the consent conditions.

The ROW is an accessway to garages at the rear of properties on Carlisle Street and as such, high amenity is not expected for this area. The function of the ROW is simply for vehicular access and as such there is no amenity impact upon this area.

Issue: The lower ground floor could be separately leased and does not have sufficient light and ventilation.

Response: Consent has not been sought for the lower ground floor to be a separate apartment. Council cannot assess an application with a mind to pre-empting future applications. Applications must be assessed at face value according to the works for which consent is actually sought. Any modifications or future applications would be assessed at that time.

Issue: The plans contain a large unexplained void in the southern/western corner that should not be counted as deep soil.

Response: The void is unbuilt upon area at the basement levels which is located below a grassed area and landscaping at the ground level. The proposal meets the deep soil requirements of the DCP even excluding this area from calculations.

Issue: Bin collection point should be reviewed as the road is steep.

Response: The bin collection point is reasonably located being near the bin storage room and the driveway. To move it to Carlisle Street would require all bins to be traversed uphill along the footpath which is not considered acceptable for the future occupants of the site.

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:

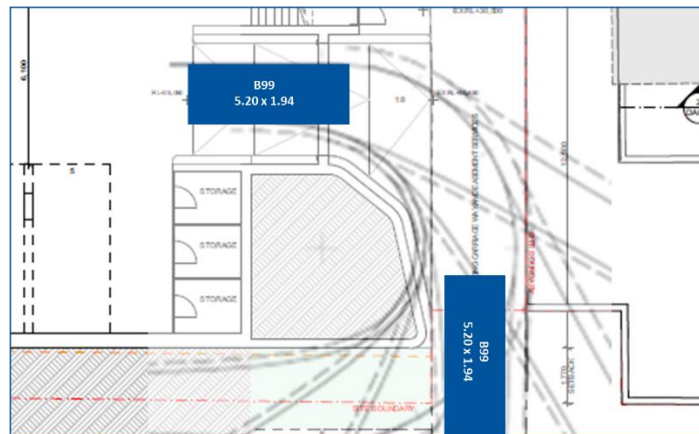
3.1. Strategic

Conditions were provided in relation to the two separate planning agreements under offer from the Applicant, being for the loss of infill affordable housing and for the variation to the FSR. These are included in Appendix A.

3.2. Traffic and Development

Council's Traffic Manager reviewed the proposal and raised no objections subject to conditions which are included in Appendix A. Comments are summarised as follows:

- *The proposed number of car parking spaces for residential visitors complies with the DCP requirement.*
- *The proposed number of motorcycle parking spaces satisfies Council's requirements.*
- *The proposed number of bicycle parking spaces satisfies Council's requirements.*
- *The parking layout complies with AS2890.1.*
- *The diameters of the proposed turntables are 5.4 metres. This can accommodate a B99 car.*
- *The driveway to Silva Street from the lower ground level is 3.8 metres wide. It needs to be reduced to 3.0 metres from the property boundary to the street. This has been conditioned.*
- *The provision of two driveways is a practical solution for access in this case and is acceptable. The separation between the two driveways is around 6 metres which is sufficient to accommodate a single parked car.*
- *The setback from the property boundary results in adequate sight distances to pedestrians.*
- *A swept path of a B99 car has been overlaid on the plans (see below). It shows that a B99 car will be aligned with the driveway at the property boundary. In summary, access to the basement is satisfactory.*



3.3. Stormwater

No objections were raised to the proposal by Stormwater Engineers and detailed conditions were provided which are included in Appendix A.

3.4. Tree Management

No objections were raised to the proposal by the Tree Management Officer and conditions were provided which are included in Appendix A.

3.5. Biodiversity

The proposed development is located within the designated biodiversity habitat corridor and the amended landscape plan provide the required 50% of local native species.

3.6. Waste Management

Conditions have been recommended which are included in Appendix A.

3.7. Sustainable Development

Conditions have been recommended which are included in Appendix A.

3.8. Land Information (GIS)

Conditions have been recommended which are included in Appendix A.

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 Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 05/09/2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara, B Magistrale, E Finnegan, 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 by:	Application reviewed and agreed by:
		
Kylie Lucas	Angela Rossi	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 11/09/2023	Date: 15/09/2023	Date: 16 September 2023

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
 - (b) Planning Agreements

OFFICE USE ONLY

<p>Clause 4.6 register entry required</p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<p>60.4% variation to height (Clause 4.3)</p> <p>Reason:</p> <table border="1"> <tr><td>X</td><td>Pre-existing non-compliance</td></tr> <tr><td>X</td><td>No change to overall building height</td></tr> <tr><td>X</td><td>No change to overall building envelope</td></tr> <tr><td></td><td>Variation limited to the [lift/plant/parapet/attic] only</td></tr> <tr><td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr><td>X</td><td>Sufficient environmental planning grounds</td></tr> <tr><td>X</td><td>Consistent with the objectives of the standard</td></tr> </table>	X	Pre-existing non-compliance	X	No change to overall building height	X	No change to overall building envelope		Variation limited to the [lift/plant/parapet/attic] only	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard
X	Pre-existing non-compliance														
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X	Consistent with the objectives of the standard														
<p>Clause 4.6 register entry required</p> <p>(For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)</p>	<p>118.7% variation to FSR (Clause 4.4)</p> <p>Reason:</p> <table border="1"> <tr><td>X</td><td>Pre-existing non-compliance</td></tr> <tr><td></td><td>Variation limited to the [lift/plant/parapet/attic] only</td></tr> <tr><td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr> <tr><td>X</td><td>Sufficient environmental planning grounds</td></tr> <tr><td>X</td><td>Consistent with the objectives of the standard</td></tr> </table>	X	Pre-existing non-compliance		Variation limited to the [lift/plant/parapet/attic] only	X	No unreasonable impacts on the amenity of adjoining properties or streetscape	X	Sufficient environmental planning grounds	X	Consistent with the objectives of the standard				
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X	No unreasonable impacts on the amenity of adjoining properties or streetscape														
X	Sufficient environmental planning grounds														
X	Consistent with the objectives of the standard														
<p>Determining Authority</p> <p>(Concurrence Authority for Clause 4.6 variation)</p>	<p>Local Planning Panel</p>														
<p>Affordable Rental Housing Units?</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Secondary Dwelling</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Boarding House</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Group Home</p> <p>*This is a planning portal reporting requirement</p>	<p>No</p>														
<p>Trial Period database entry required</p>	<p>No</p>														
<p>PA submitted – follow up actions required</p>	<p>Yes</p>														
<p>Refer to compliance for investigation</p>	<p>No</p>														
<p>Other (please specify):</p>	<p>No</p>														

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 Bureau SRH of Project No: 21118 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA000 Rev B	Cover Page	29/06/2023	03/07/2023
DA001 Rev B	PROPOSED SITE PLAN	29/06/2023	03/07/2023
DA020 Rev A	DEMOLITION PLAN 1 – LOWER GROUND & GROUND FLOOR PLAN	14/10/2022	03/07/2023
DA021 Rev B	DEMOLITION PLAN 2 – FIRST & SECOND FLOOR PLAN	29/06/2023	03/07/2023
DA022 Rev B	DEMOLITION PLAN 3 – THIRD FLOOR & ROOF PLAN	29/06/2023	03/07/2023
DA100 Rev B	PROPOSED PLAN 1 – BASEMENT 2 & BASEMENT PLAN	29/06/2023	03/07/2023
DA101 Rev B	PROPOSED PLAN 2 – LOWER GROUND & GROUND FLOOR PLAN	29/06/2023	03/07/2023
DA102 Rev B	PROPOSED PLAN 3 – FIRST & SECOND FLOOR PLAN	29/06/2023	03/07/2023
DA103 Rev B	PROPOSED PLAN 4 – THIRD FLOOR & ROOF PLAN	29/06/2023	03/07/2023
DA200 Rev B	PROPOSED ELEVATIONS 1	29/06/2023	03/07/2023
DA201 Rev B	PROPOSED ELEVATION 2	29/06/2023	03/07/2023
DA300 Rev B	PROPOSED SECTIONS	29/06/2023	03/07/2023
DA400 Rev B	AREA CALCULATION - EXISTING	29/06/2023	03/07/2023
DA401 Rev B	AREA CALCULATION - PROPOSED	29/06/2023	03/07/2023
DA600 Rev B	MATERIAL PALETTE	29/06/2023	03/07/2023
SK Rev 01	PROPOSED EAST ELEVATION	15/09/2023	18/09/2023

(b) Landscape Plan No. 2022.03.MI.10.CARLISLSE.A0.2.3.LGF, Sheets 1-4 and documentation prepared by Ben Kaye Garden Design, dated June 2023 and received by Council on 03/07/2023.

(c) BASIX and NatHERs Certificate/s.

(d) Geotechnical Site Investigation Report and documentation prepared by Soilsrock Engineering Pty Ltd dated 14/04/2022 and received by Council on 20/10/2022.

(e) Construction Methodology and Structural Report dated 25/08/2022 and Structural Plans (project number 21-358) dated 30/04/2022 prepared by Portes Project and Service P/L and received by Council on 20/10/2022.

- (f) Fire Engineering Report prepared by Innova dated 16/10/2022 and received by Council on 20/10/2022.
- (g) BCA Report prepared by Atelier Consultancy received by Council on 20/10/2022.
- (h) Traffic Impact Assessment prepared by PDC Consultants dated 24/08/2022 and received by Council on 20/10/2022.
- (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) The external privacy screens to the eastern balconies accessed from ensuite bathrooms are to be deleted as they impact upon views from surrounding properties. External screening to the face of windows or obscure glazing that does not impact upon the view from 9 Carlisle Street is to be implemented instead.
- (b) The pedestrian access from the driveway to the lower ground level courtyard and bedroom is to be deleted as it conflicts with the vehicular access to the carpark from Silva Street.
- (c) Ceiling or wall hung fans are to be provided to all habitable rooms.
- (d) Any new fencing along the eastern boundary of the site must not exceed a maximum height of 1.8m above the ground level of the subject site immediately adjoining the fence.
- (e) The fire hydrant / sprinkler booster to the Carlisle Street frontage is to be housed in an enclosure with a presentation to the streetscape that provides an integrated design with materials and finished used in the building.
- (f) Redundant vehicle crossings are to be closed and the kerb reinstated, with the verge to be landscaped with grass and street trees.

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.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

GENERAL REQUIREMENTS

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning 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 2021*; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

CONTRIBUTIONS, FEES & BONDS

5. PLANNING AGREEMENT FOR FLOOR SPACE RATIO EXCEEDANCE

- (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-461/2022; and
 - (ii) Pay a monetary contribution amount of \$1,089,004.00 prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 286.58sqm of GFA exceedance at a rate of \$3,800/sqm);
 - (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development.
 - (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

6. PLANNING AGREEMENT FOR LOSS OF LOW RENTAL HOUSING

- (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-461/2022; and
 - (ii) Pay a monetary contribution amount of \$624,250 prior to the issue of any Occupation certificate for the Development

- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
- In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards affordable housing in accordance with the Agreement and Council's Planning Agreement Policy 2014.

7. SECTION 7.12 CONTRIBUTION

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

- (a) Where the total development cost is less than \$500,000:
- (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
- (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

- (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
- (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, 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% of the full cost of the development; or
 - (iii) A development valued at more than \$200,000 will attract a levy of 1% of 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) for the amount of **\$125,798** 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) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs 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 of this building work. Evidence 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 0.25% of building work costing \$250,000 or more.

10. STREET TREES ON SILVA STREET AND TREE BOND

To ensure maximum street tree canopy and continuity of the streetscape, four (4) new street trees are to be planted on the nature strip on Silva Street:

- (a) The trees to be planted on the nature strip in Silva Street are to be four (4) *Angophora hispida* (Dwarf Apple or Scrub Apple).
- (b) The approved landscape plan is to be amended to show the newly planted trees on the nature strip.
- (c) The trees to be planted must be a minimum pot size of 100 litres when planted. The tree must be planted by a horticulturist with a minimum qualification AQF Level 3.
- (d) A bond of **\$4000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the four (4) *Angophora hispida* (Dwarf Apple or Scrub Apple)

newly planted trees on the nature strip. The bond is to be lodged prior to the issue of a Construction Certificate.

- (e) 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 Final Occupation Certificate subject to the satisfaction of Council.

11. STREET TREES ON CARLISLE STREET AND TREE BOND

Situated on the nature strip on the Carlisle Street frontage are two (2) *Lagunaria patersonii* (Norfolk Island hibiscus). The trees are in fair to poor health and their removal is supported at the expense of the applicant/owner.

To ensure maximum street tree canopy and continuity of the streetscape two (2) new street trees are to be planted on the nature strip on the Carlisle Street frontage with the following imposed:

- (a) The trees to be planted on the nature strip in Carlisle Street are to be two (2) *Banksia integrifolia* (Coast Banksia) in keeping with the landscape plans by Ben Kaye Garden Design, Dwg: 2022.03. MI.10.CARLISLE. A0.2. L1. Rev C dated August 2022.
- (b) The trees to be planted must be a minimum pot size of 100 litres when planted. The tree must be planted by a horticulturist with minimum qualification AQF Level 3.
- (c) A bond of **\$2000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the two (2) *Banksia integrifolia* (Coast Banksia) on the nature strip. The bond is to be lodged prior to the issue of a Construction Certificate.
- (d) 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 Final Occupation Certificate subject to the satisfaction of Council.

12. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessments, in accordance with the 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.

PLAN DETAILS

13. 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 2021, 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*.

14. BASEMENT STORAGE

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

15. UNIVERSAL HOUSING

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

CONSTRUCTION & SITE MATTERS

16. 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 the applicable fees paid, prior to the erection of the hoarding.

17. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

18. 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.

19. 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.

20. DILAPIDATION REPORT

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

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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.

21. STRUCTURAL DOCUMENTATION

(a) A construction management plan must be submitted to an independent, third-party structural engineer and the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on the National Engineers Register. The construction management plan must incorporate and reflect the intent of the following documents:

- i. Geotechnical Site Investigation Report and documentation prepared by Soilsrock Engineering Pty Ltd dated 14/04/2022, and received by Council on 20/10/2022; and
- ii. Construction Methodology and Structural Report dated 25/08/2022 and Structural Plans (project number 21-358) dated 30/04/2022 prepared by Portes Project and Service P/L and received by Council on 20/10/2022.

Satisfaction of the third-party structural engineer and project geotechnical engineer that the construction management plan will provide for the retention of the building and its structural integrity must be demonstrated to the consent authority prior to the issue of the relevant Construction Certificate.

(b) The documentation provided by the principal structural engineer as part of the construction certificate should detail the follow:

- i. Design and documentation of the Strengthening and Stability requirements to ensure the existing building is suitable for the intended alteration and additions, and
- ii. Provide detailed procedure on the methodology and constructability of the proposed work within the existing / approved building envelope, in particular to the excavation works.

22. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING

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

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

TRAFFIC MANAGEMENT

23. 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

24. 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 civil plans prepared by Bureau SRH Architecture, Project No. EN-N22_062, Drawing No. SW00, SW01 – SW11, Revision 01, dated 30.08.2022 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 (drawn to a suitable scale), proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be completed and submitted.
- (b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.
- (c) Details of any rainwater reuse system required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- (d) Seepage water must not be directly or indirectly discharged to Council's street gutter.

- (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) Any underground basement shall be protected from possible inundation by surface waters from the street.
- (g) A long section of the connection to Council's infrastructure shall be provided and its details must be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- (h) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- (i) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- (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 checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- 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). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours notice must be provided to Council prior to inspection.

25. STORMWATER QUALITY

The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Management Manual 2021:

Required percentage reductions in post development average annual load of pollutants:

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	80
Total Phosphorous	55
Total Nitrogen	40

The applicant must submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID). The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design including with cross-sections. The practising Civil Engineer to demonstrate the hydraulics for proposed SQID. MUSIC model to be provided to Council for assessment.

PUBLIC DOMAIN

26. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on the Carlisle and Silva Street frontages for 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.

- Vehicular crossing
- Pedestrian footpath
- Kerb and gutter
- Stormwater infrastructure located within the Council kerb and/or footpath
- Street trees and landscaping

27. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services (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 Infrastructure Engineer:

- a) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing Silva Street frontage. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be

replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.

b) Street Trees: The minimum of:

- a. four (4) *Angophora hispida* (Dwarf Apple or Scrub Apple) trees to be planted on the nature strip in Silva Street.
- b. two (2) *Banksia integrifolia* (Coast Banksia) trees to be planted on the nature strip in Carlisle Street.
- c. returfing of the Council's nature strip for the full site frontage.

Trees to be planted must be a minimum pot size of 100 litres when planted and be planted evenly along the nature strip.

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.

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).

ENERGY EFFICIENCY & SUSTAINABILITY

28. BASIX

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

WASTE

29. 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.

30. 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 components of the development;

- **Residential**
 - 2 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.
 - 1 x 240L MGB for garden organic waste should this be generated at the development.

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

31. CONSTRUCTION SIGNS

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

DEMOLITION

32. 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;
- *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.

33. 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.

34. 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.

35. 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

36. 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 Sundays and public holidays.

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*.

37. 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.

38. 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*, clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.

39. 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.

40. 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.

41. WORK OUTSIDE PROPERTY BOUNDARY

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

42. 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

43. 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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

44. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed car parking spaces at the lower ground level. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

The crossing is to be 3.0 metres wide at the property boundary and 3.0 metres wide plus 0.45 metre splays at the street. No structures above 1.15 metres are to be within 2 x 2.5 metre sight triangles measured from the footpath.

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

45. RECONSTRUCT VEHICLE CROSSING (TO THE RIGHT OF WAY)

The existing vehicle crossing to the right of way is to be demolished and a new crossing constructed to provide access to the right of way. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

The crossing is to be 3.0 metres wide at the property boundary and 3.0 metres wide plus 0.45 metre splays at the street. No structures above 1.15 metres are to be within 2 x 2.5 metre sight triangles measured from the footpath.

46. VEHICULAR ACCESS - FINISHED LEVEL TO VEHICLE CROSSING (LOWER GROUND LEVEL)

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

47. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH (TO THE RIGHT OF WAY)

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

48. HEADROOM CLEARANCE

The headroom clearance on entry and within the building is to be a minimum of 2.2 metres.

49. CAR PARKING

- i. A maximum of 7 car parking spaces are to be provided within the development, allocated in the following manner:
 - (a) 6 standard residential parking spaces
 - (b) 1 standard visitor space
- ii. Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.
- iii. A minimum of 20% of the carparking spaces must be installed with EV Charging stations.

- iv. 100% of carparking spaces must be EV Ready spaces.
- v. Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces are to be appropriately signposted and parked.
- vi. Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

50. BICYCLE PARKING

A minimum of 4 bicycle parking spaces are to be provided within the development.

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.

51. MOTOR BIKE PARKING

A minimum of 2 motor bike parking spaces are to be provided within the development for resident use.

The motor bike spaces are to be designed in accordance with Australian Standard AS2890.1 - 2004 Parking Facilities – Off Street car parking.

52. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's Public Infrastructure Engineer for the kerb and gutter, stormwater, footpath paving, street trees and landscaping hold points.

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

53. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

54. CERTIFICATION OF BASIX COMMITMENTS

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

55. 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.

56. 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.

57. 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.

58. 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.

59. 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 has 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.

PUBLIC DOMAIN

60. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

61. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

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

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

62. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

Notes:

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

STORMWATER

63. 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.

64. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" 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.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

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 or use of the building. All associated costs shall be borne by the applicant.

65. 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.

66. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY AND RAINWATER

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Water Management Manual 2021. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.

OTHER MATTERS

67. FLOOR SPACE RATIO

The gross floor area of the building shall be limited to 801.9². Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification **to the satisfaction of the Principal Certifying Authority**, that the building achieves

compliance with this GFA (as calculated in accordance with the definition contained in the Waverley Local Environmental Plan 2012).

Reason: The gross floor area of the development is limited in order to achieve suitable bulk and scale. The consent would not have been granted if not for this compliance with the development standard.

68. BUILDING HEIGHT

The height of building must not exceed RL 48.900.

Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the height of the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, **to the satisfaction of the Principal Certifier.**

Reason: The height of the development aligns with the existing building. The consent would not have been granted if the proposal sought more height than the existing building.

69. ALLOCATION OF STREET NUMBER

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

- No. 10 - primary address site number
- Carlisle Street primary address location.

The primary address site 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 point and be clearly visible on the site boundary that fronts Carlisle Street.

The following sub-addressing will apply:

- Unit Nos. 1 - 4 for the residential sub-address sites within the building correlating with Lot Nos. 1 - 4 on the floor plans for the building.

The address number for a sub-address site shall not consist of the primary address number on its own. The address number for a sub-address site shall not consist of the primary address number with an alpha suffix. 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 site numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate.

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

70. 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 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) The role and responsibility of managing composting facilities (if provided).

- (d) Clear signage identifying the different bin types and storage area for bulky household waste and problem waste must be displayed.
- (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (f) 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.
- (g) 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.
- (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

E. OPERATIONAL MATTERS

71. 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.

72. ADJUSTMENTS TO STREET SIGNS

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

73. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

Council will need to be provided with an OSD and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

74. 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.

75. SUBDIVISION

This consent does not include any form of subdivision of the development.

In respect to any future subdivision and the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of

Waverley Development Control Plan 2012. No exclusive use of common property shall occur without the prior consent of Council.

76. USE OF PLANT ROOMS

The pump room, services and service rooms shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose. This is to be reflected in any future by-laws or Building Management Statement, should the development be subdivided.

Reason: This is to accommodate plant and mechanical equipment to meet the requirements of each unit in accordance with the development application documents which indicate that the quantity of space shown on the plans accurately reflects the amount of space required for plant and mechanical equipment to service the need of the development. This area would otherwise have not been approved.

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. 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.

AD7. 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.

AD8. 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.

AD9. SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

AD10. 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.

AD11. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

- a) Indoor air quality: Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.
- b) Ventilation: Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.
- c) Domestic hot water: Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023

DEVELOPMENT APPLICATION 10 CARLISLE STREET, TAMARAMA

DRAWING ID	NAME	SCALE	REV
DA000	COVER PAGE		B
DA001	PROPOSED SITE PLAN	1:100	B
DA002	EXISTING SITE PLAN - SITE ANALYSIS	1:100	A
DA003	CONTEXT ANALYSIS		B
DA004	SETBACK DIAGRAM	1:150	A
DA010	EXISTING PLAN 1 - LOWER GROUND & GROUND FLOOR PLAN	1:100	A
DA011	EXISTING PLAN 2 - FIRST & SECOND FLOOR PLAN	1:100	A
DA012	EXISTING PLAN 3 - THIRD FLOOR & ROOF PLAN	1:100	A
DA013	EXISTING ELEVATIONS 1	1:100	A
DA014	EXISTING ELEVATION 2	1:100	A
DA015	EXISTING SECTIONS	1:100	A
DA020	DEMOLITION PLAN 1 - LOWER GROUND & GROUND FLOOR PLAN	1:100	A
DA021	DEMOLITION PLAN 2 - FIRST & SECOND FLOOR PLAN	1:100	B
DA022	DEMOLITION PLAN 3 - THIRD FLOOR & ROOF PLAN	1:100	B
DA100	PROPOSED PLAN 1 - BASEMENT 2 & BASEMENT PLAN	1:100	B
DA101	PROPOSED PLAN 2 - LOWER GROUND & GROUND FLOOR PLAN	1:100	B
DA102	PROPOSED PLAN 3 - FIRST & SECOND FLOOR PLAN	1:100	B
DA103	PROPOSED PLAN 4 - THIRD FLOOR & ROOF PLAN	1:100	B
DA200	PROPOSED ELEVATIONS 1	1:100	B
DA201	PROPOSED ELEVATION 2	1:100	B
DA300	PROPOSED SECTIONS	1:100	B
DA400	AREA CALCULATION - EXISTING	1:200	B
DA401	AREA CALCULATION - PROPOSED	1:200	B
DA402	LANDSCAPE CALCULATION	1:200	B
DA403	WASTE DIAGRAM	1:100	B
DA410	SHADOW DIAGRAMS 1	1:500	B
DA411	SHADOW DIAGRAMS 2	1:500	B
DA412	SHADOW DIAGRAMS 3	1:500	B
DA413	SHADOW DIAGRAMS 4	1:500	B
DA420	ELEVATION SHADOWS 1	1:100	B
DA421	ELEVATION SHADOWS 2	1:100	A
DA422	ELEVATION SHADOWS 3	1:100	A
DA430	VIEW FROM THE SUN - JUNE 9AM		B
DA431	VIEW FROM THE SUN - JUNE 10AM		B
DA432	VIEW FROM THE SUN - JUNE 11AM		B
DA433	VIEW FROM THE SUN - JUNE 12PM		B
DA434	VIEW FROM THE SUN - JUNE 13PM		B
DA435	VIEW FROM THE SUN - JUNE 14PM		B
DA436	VIEW FROM THE SUN - JUNE 15PM		B
DA450	9.5M LEP BLANKET DIAGRAM 1		B
DA451	9.5M LEP BLANKET DIAGRAM 2		B
DA452	7M WALL BLANKET DIAGRAM 1		B
DA453	7M WALL BLANKET DIAGRAM 2		B
DA500	PHOTOMONTAGE 1		B
DA501	PHOTOMONTAGE 1		B
DA502	PHOTOMONTAGE 2		B
DA503	PHOTOMONTAGE 2		B
DA600	MATERIAL PALETTE		B

BASIX / PROJECT SUSTAINABLE COMMITMENTS SUMMARY NOTES (TO BE READ IN CONJUNCTION WITH BASIX CERTIFICATE)				
BASIX Certificate # A498223 (Unit-1) A498225 (Unit-2) A498255 (Unit-3) A498257 (Unit-4)				
WATER	No hot water reticulation required			
Fixtures	All shower heads	All toilets	All kitchen taps	All bathrooms taps
Rating	3 Star(>4.5 But<=9L/Min)	3 star	3 star	3 star
Alternate water source	Type	Size	Roof area connected	Connections

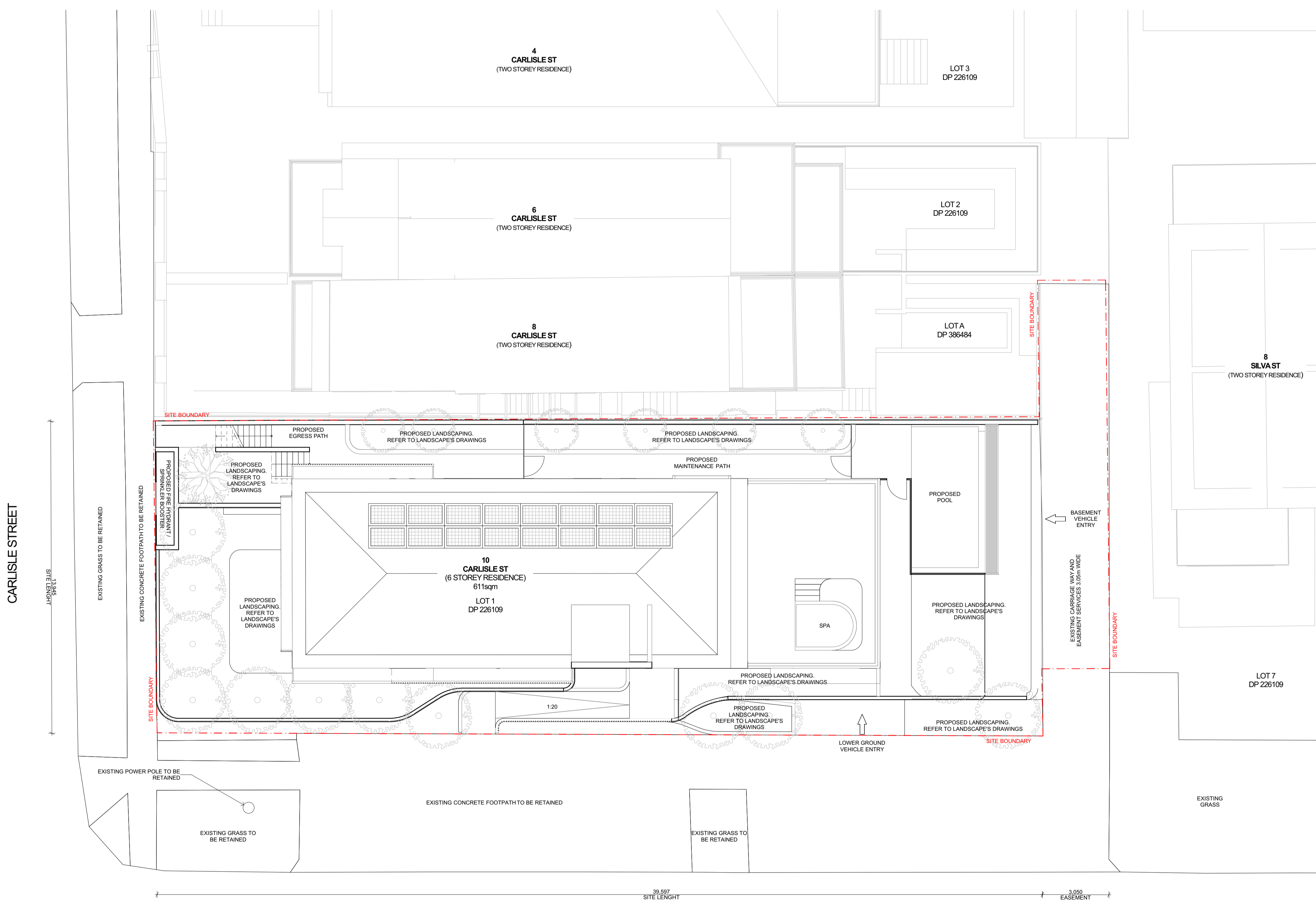
Swimming Pool	Pool pump with timer (for Unit-1)			
	Volume	Heated	Cover	Shaded
	34 KL	Solar (gas boosted)	No	No
SPA	Spa pump with timer (for Unit-4)			
	Volume	Heated	Cover	Shaded
	3.97 KL	Solar (gas boosted)	Yes	No
ENERGY				
Hot water	Type			Rating
	Centralised heat pump hot water system			34 Stc
Mech. Ventilation	System	Operation Control		
Bath	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
L'dry	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
Kitchen	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
Cooling System	Type	Living areas	Bed rooms	
	1 Phase Air conditioning: Day / Night Zoned	2 star (Average ratings)	2 star (Average ratings)	
Heating System	Type	Living areas	Bed rooms	
	1 Phase Air conditioning: Day / Night Zoned	2 star (Average ratings)	2 star (Average ratings)	
Artificial Lighting	Primary type of artificial lighting is fluorescent or light emitting diode (LED)			
	Toilets, L'dry & Hallway	Living	Kitchen	Bed rooms
Dedicated	Yes	Yes	Yes	AI
Others	Indoor private Cloth Line		No	
	Outdoor or sheltered Cloth Line		No	
	Well ventilated Fridge space		No	
	Kitchen Cook top / Oven		Induction Cook top + Electric Oven	
Alternate energy source	Min 10 KW of solar PV panels on roof			
THERMAL	External Wall Insulation: Nil			
	Ceiling Insulation: R1.74 (only for Unit-4)			
	Roof type : Metal roof, Medium colour (SA 0.475 - 0.7) + 55mm SS Foil blanket (R1.3)			
	Glazing: ALM-002-01 A: Aluminium B SG Clear U=6.7 SHGC =0.70			
	All External doors & windows to be weather sealed			
	Eaves / shading as per drawings			



LOCATION PLAN N.T.S

AMENDED

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Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



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 ABN: 94 115 880 834 | TEL: +61 2 8302 3200 | admin@bureau.srh.com

LEGEND:

SILVASTREET

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

DRAWING TITLE:
PROPOSED SITE PLAN

SCALE @ A1:
1:100
SCALE @ A3:
1:200

CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

PROJECT No: **21118**

DRAWING No:
DA001

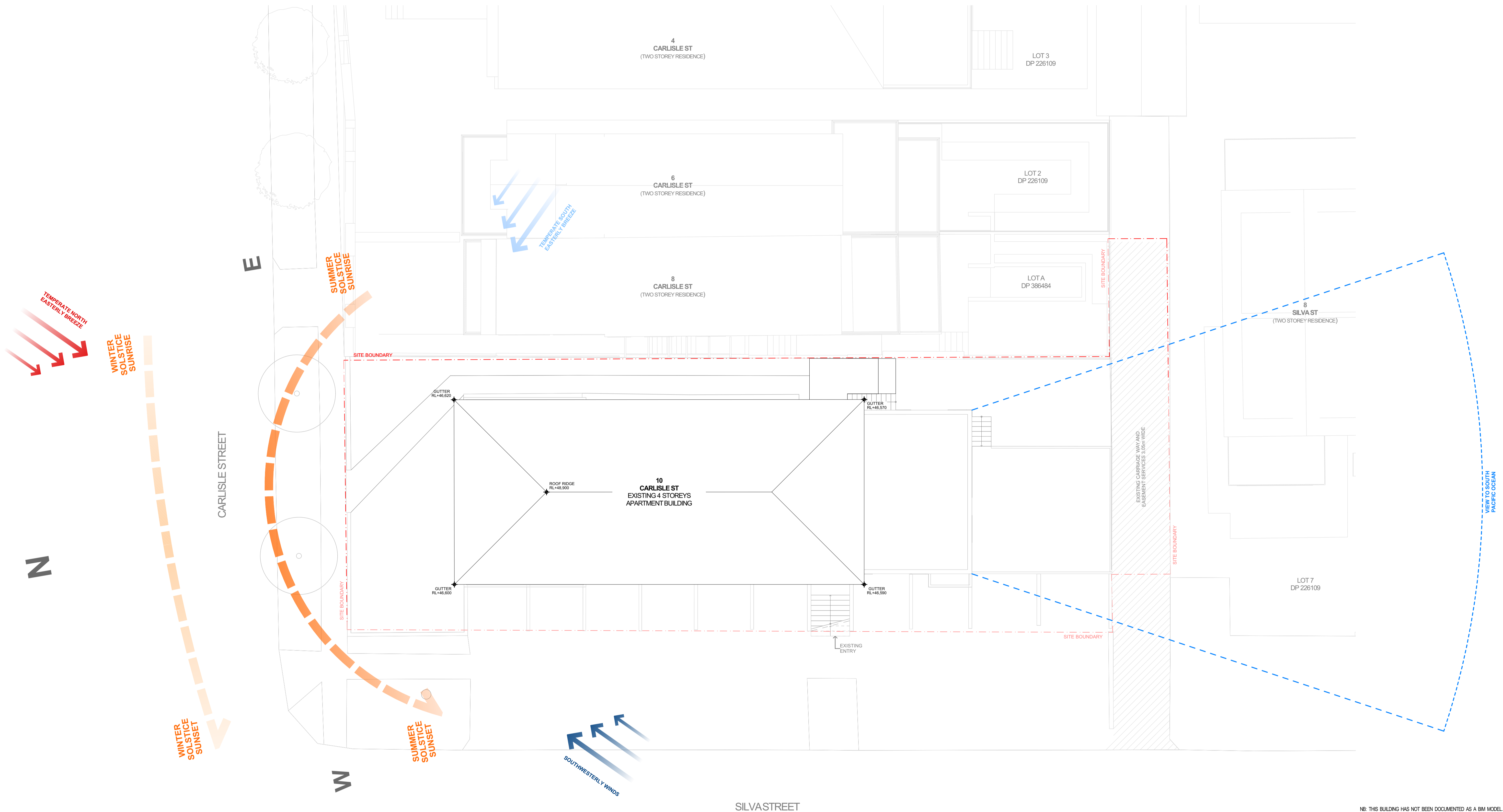
REVISION:
B

AMENDED

RECEIVED
Waverley Council

Application No: DA-461/2022

Date Received: 03/07/2023



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LEGEND:

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: DEVELOPMENT APPLICATION

DRAWING TITLE: EXISTING SITE PLAN - SITE ANALYSIS

DRAWING No: DA002

SCALE @ A1: 1:100
 SCALE @ A3: 1:200

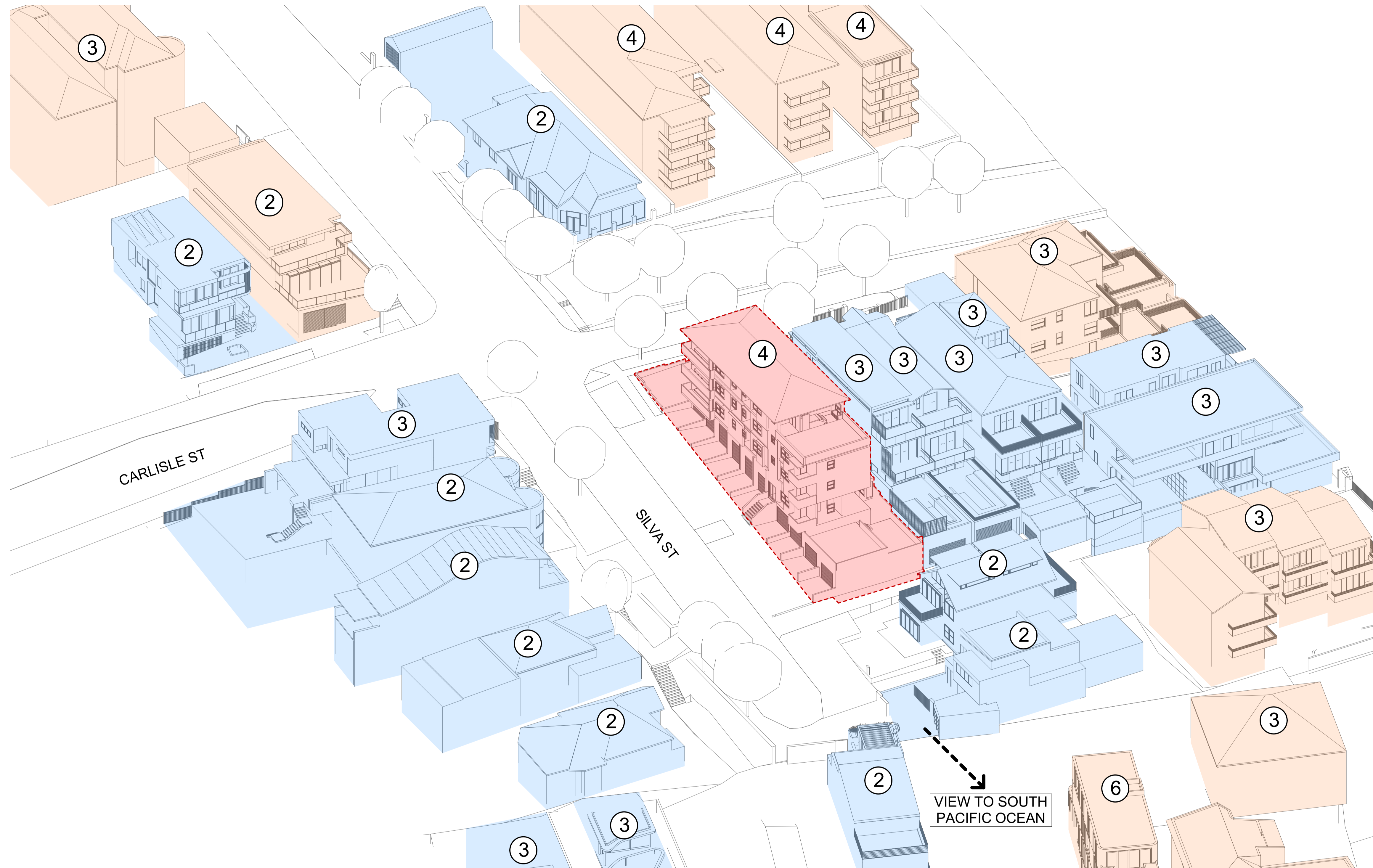
CLIENT: METRIC INTERIORS
 DRAWN: GF

CHECKED: HHH
 APPROVED: SRH

REVISION: A

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023

AMENDED



SUBJECT SITE ALONG SILVA ST



FACING DOWN TO SILVA ST



FACING UP TO SILVA ST



NORTH SIDE OF CARLISLE ST



No 3 TO No 7 SILVA ST



No 3 TO No 9 CARLISLE ST



No 1 SILVA ST & No 11 CARLISLE ST

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ABN: 94 115 880 834 | TEL: +61 2 8302 3200 | admin@bureau.srh.com

LEGEND:
 SUBJECT SITE
 SINGLE RESIDENCE
 APARTMENT BUILDING
 NUMBER OF STOREYS

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
SCALE @ A3:

DRAWING TITLE:
CONTEXT ANALYSIS

CLIENT: METRIC INTERIORS
DRAWN: GF
CHECKED: HHH
APPROVED: SRH

PROJECT No: **21118**

DRAWING No:
DA003

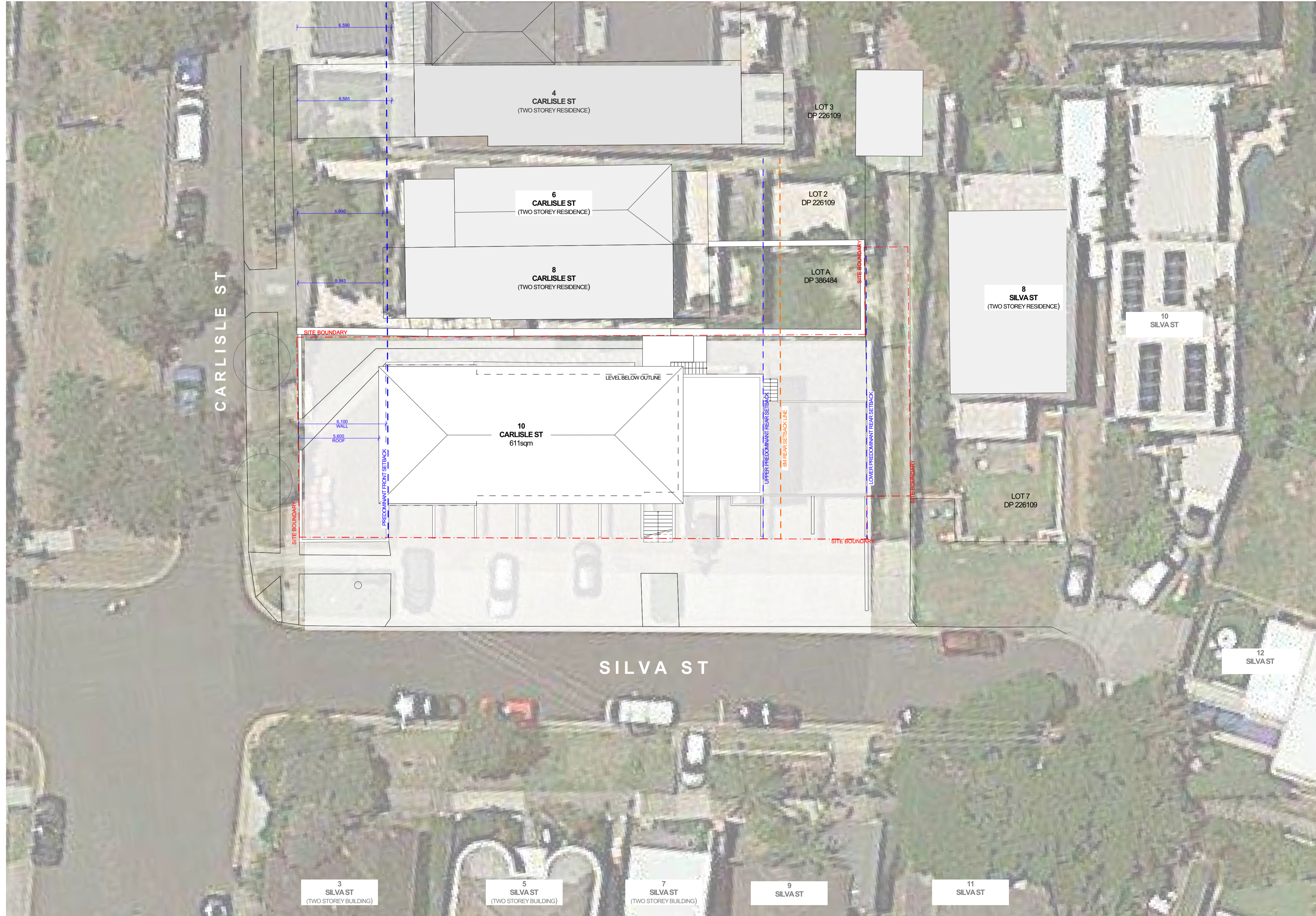
REVISION:
B

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023

PREDOMINANT FRONT SETBACK CALCULATION

$(6,100 + 5,945 + 5,930 + 6,585 + 6,590) / 5 =$
 $31,150 / 5 =$
6,230



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LEGEND:

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

DRAWING TITLE:
SETBACK DIAGRAM

PROJECT No: **21118**

DRAWING No:
DA004

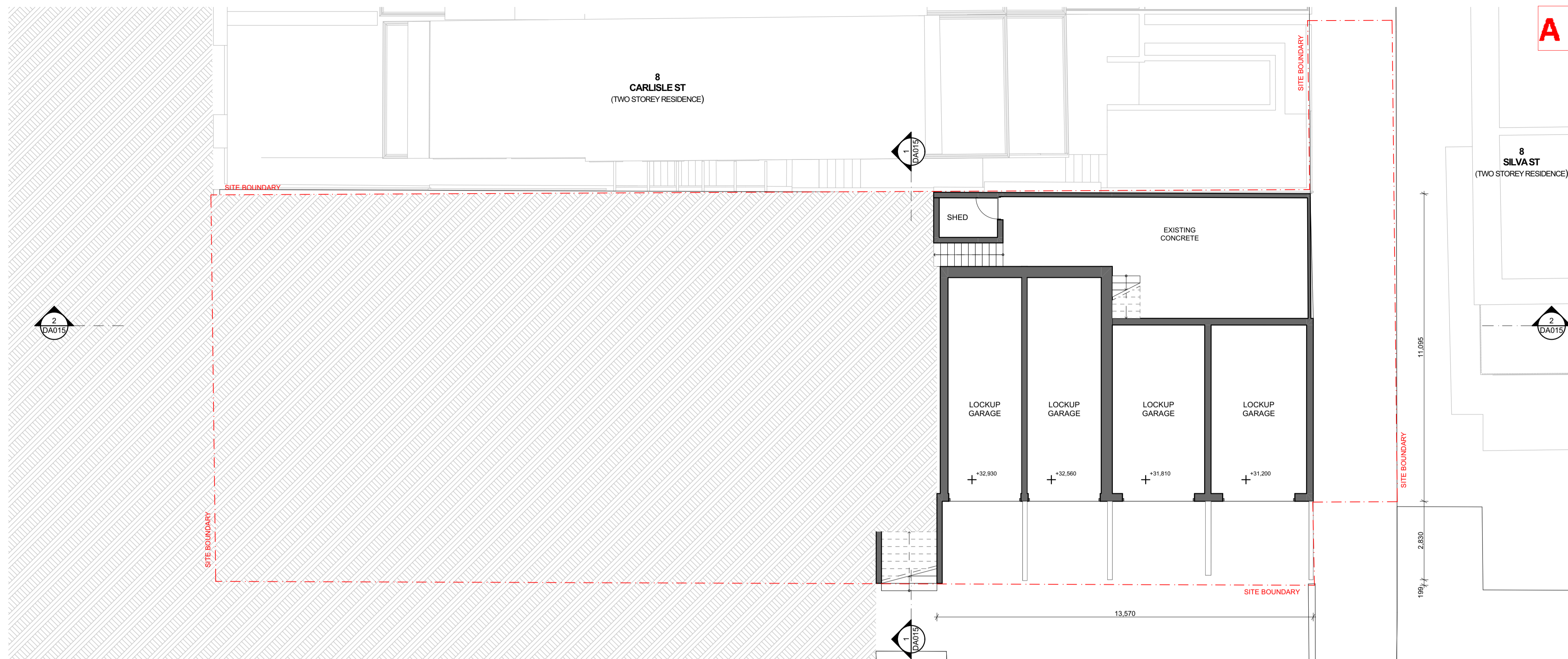
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1:150
SCALE @ A3:
1:300

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

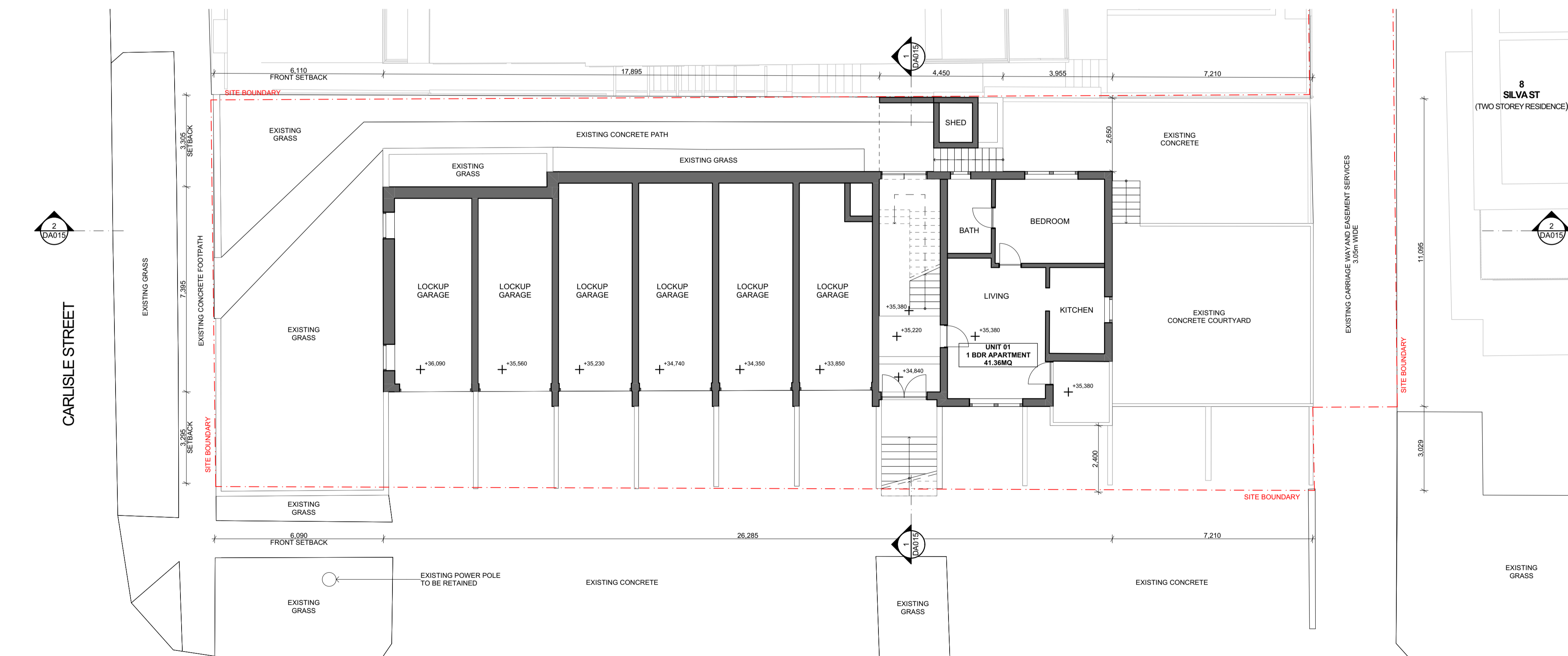
REVISION:
A

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Waverley Council
Application No: DA-461/2023
Date Received: 03/07/2023



1 EXISTING LOWER GROUND PLAN
1:100



2 EXISTING GROUND FLOOR PLAN
1:100

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LEGEND:

NOMINATED ARCHITECT: SIMON HANSON # 6739
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10 CARLISLE STREET, TAMARAMA

PROJECT No: **21118**

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
1:100
SCALE @ A3:
1:200

DRAWING TITLE:
EXISTING PLAN 1 - LOWER GROUND & GROUND FLOOR PLAN

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

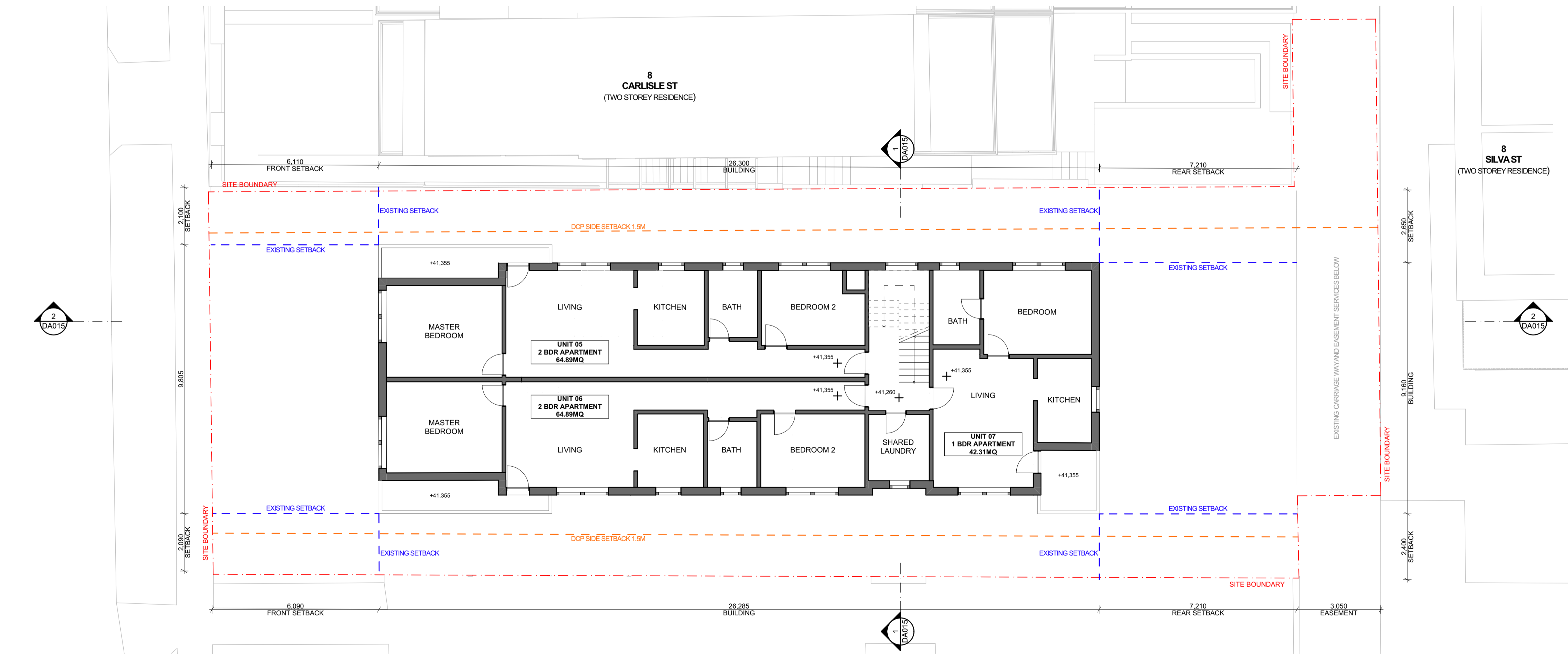
DRAWING No:
DA010
REVISION:
A

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Application No: DA-461/2022
Date Received: 03/07/2023



1 EXISTING FIRST FLOOR PLAN 1:100



2 EXISTING SECOND FLOOR PLAN 1:100

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LEGEND:

MULTIRESIDENTIAL APARTMENTS

10 CARLISLE STREET, TAMARAMA

PROJECT No: **21118**

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
1:100
SCALE @ A3:
1:200

DRAWING TITLE:
EXISTING PLAN 2 - FIRST & SECOND FLOOR PLAN

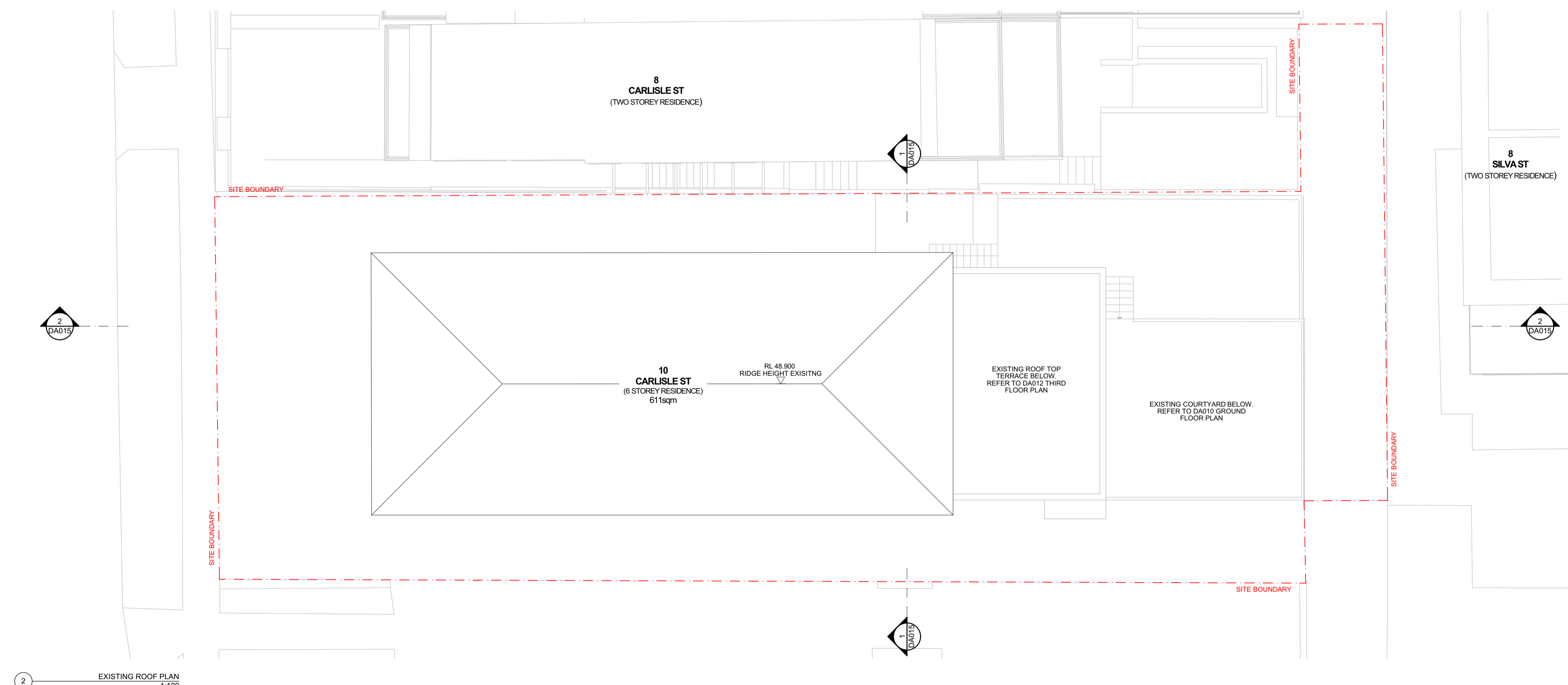
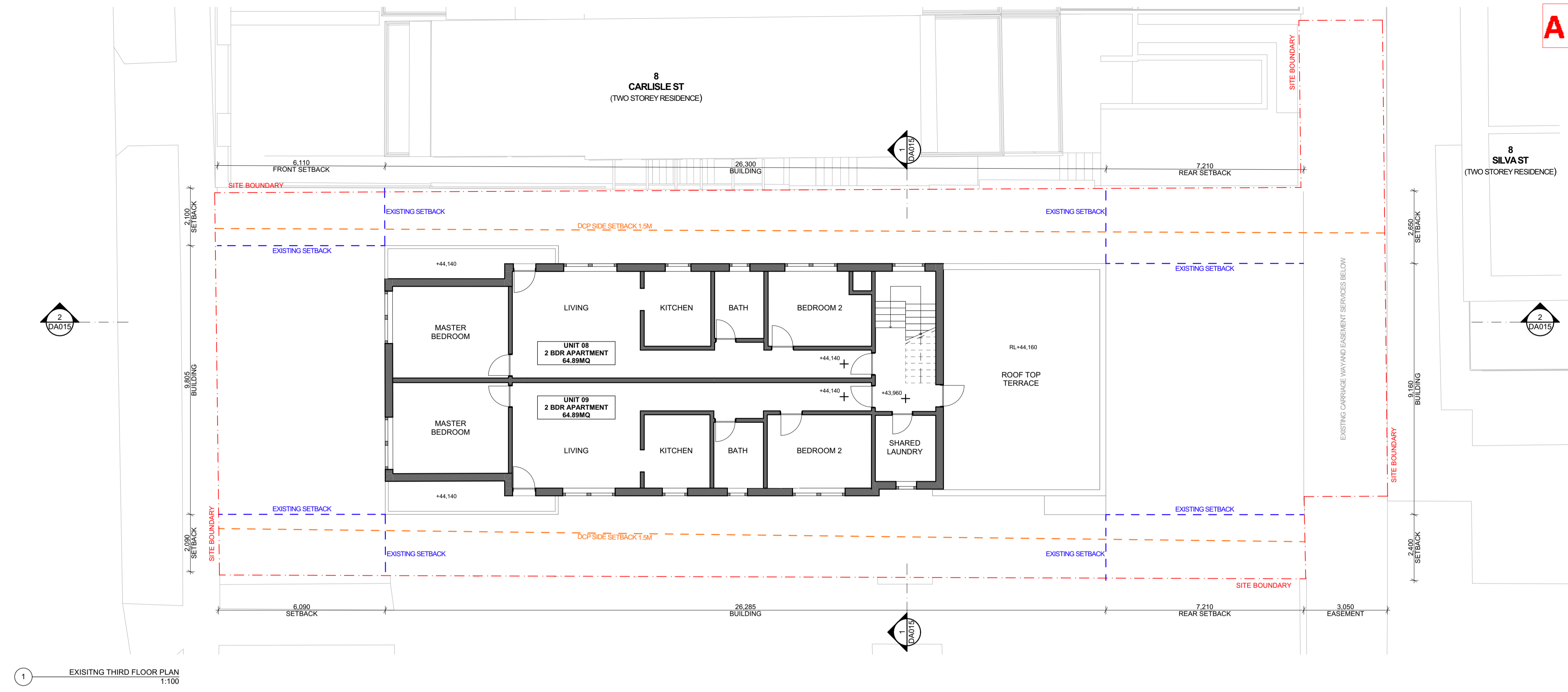
CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

DRAWING No:
DA011

REVISION:
A

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Application No: DA-461/2022
Date Received: 03/07/2023



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BUREAU SRH | architecture

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 ABN: 94 115 880 834 | TEL: +61 2 8302 3200 | admin@bureau.srh.com

LEGEND:

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA PROJECT No: 21118

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **EXISTING PLAN 3 - THIRD FLOOR & ROOF PLAN**

DRAWING No: **DA012**

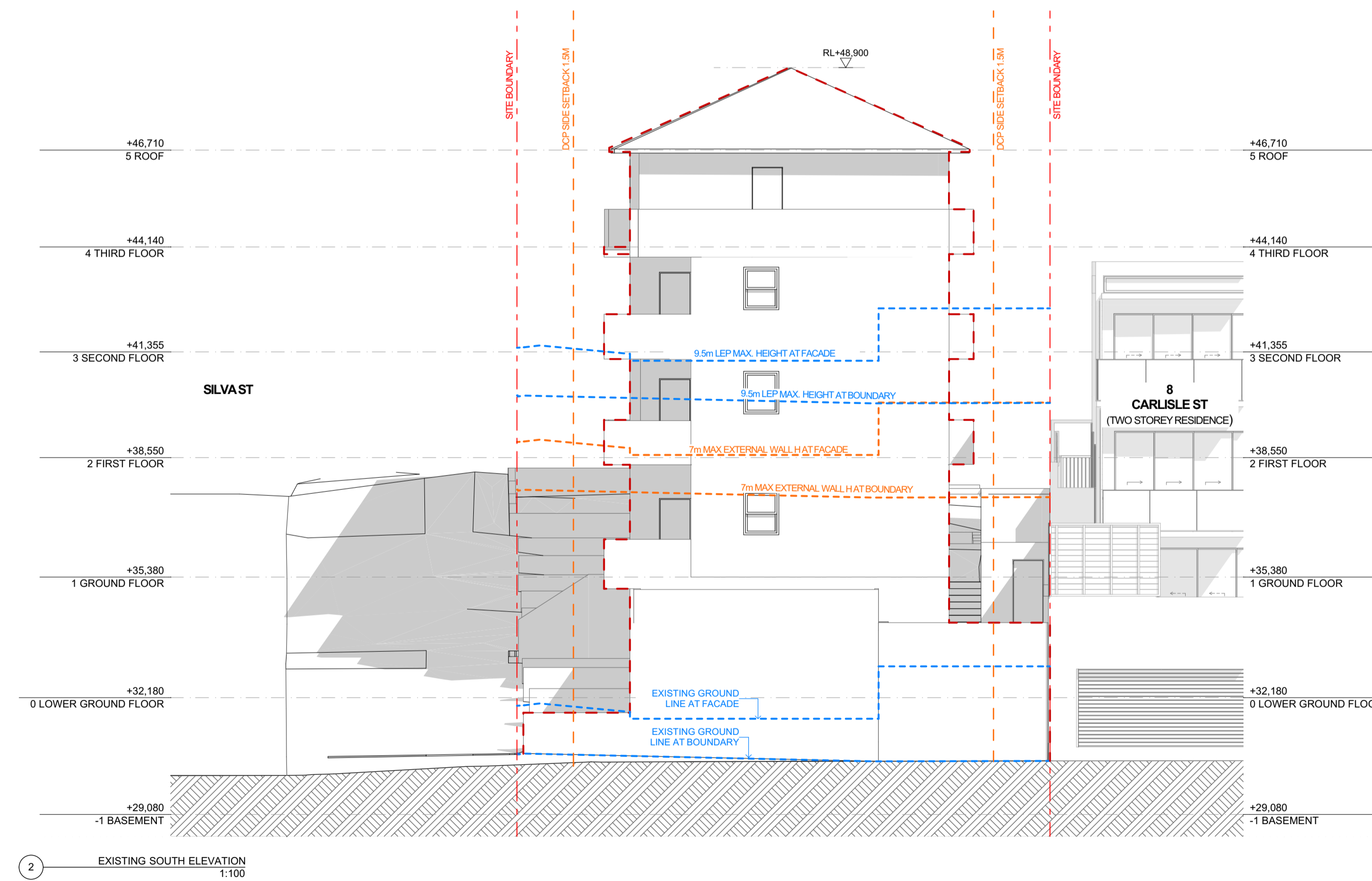
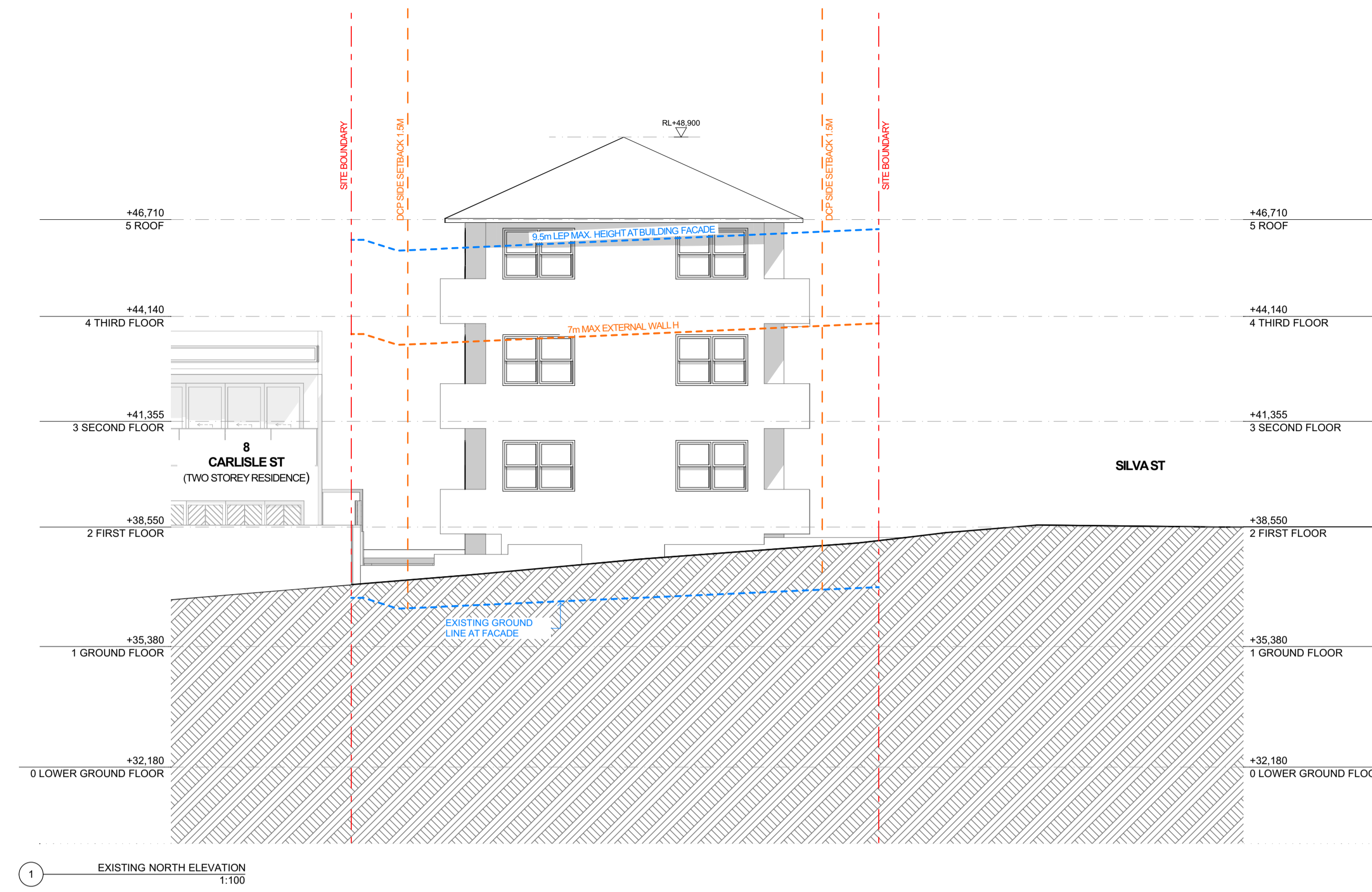
SCALE @ A1: 1:100
 SCALE @ A3: 1:200

CLIENT: METRIC INTERIORS CHECKED: HHH
 DRAWN: GF APPROVED: SRH

REVISION: **A**

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



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BUREAU SRH | architecture

NOMINATED ARCHITECT: SIMON HANSON # 6739

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ABN: 94 115 880 834 | TEL: +61 2 8302 3200 | admin@bureau.srh.com

LEGEND:

- - - SETBACKS
- - - 9.5M LEP MAX OVERALL HEIGHT
- - - 7M MAX EXTERNAL WALL HEIGHT

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
1:100
SCALE @ A3:
1:200

DRAWING TITLE:
EXISTING ELEVATIONS 1

CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

PROJECT No: 21118

DRAWING No:
DA013

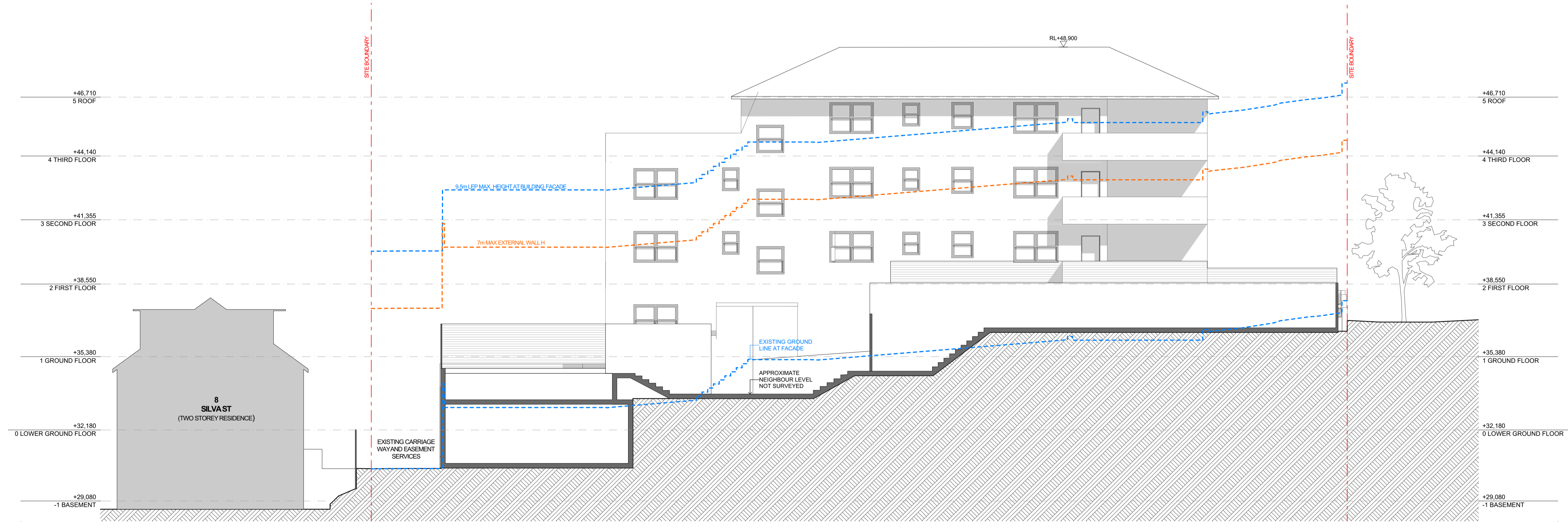
REVISION:
A

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RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



1 EXISTING WEST ELEVATION 1:100



2 EXISTING EAST ELEVATION 1:100

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:
 - - - SETBACKS
 - - - 9.5M LEP MAX OVERALL HEIGHT
 - - - 7M MAX EXTERNAL WALL HEIGHT

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **EXISTING ELEVATION 2**

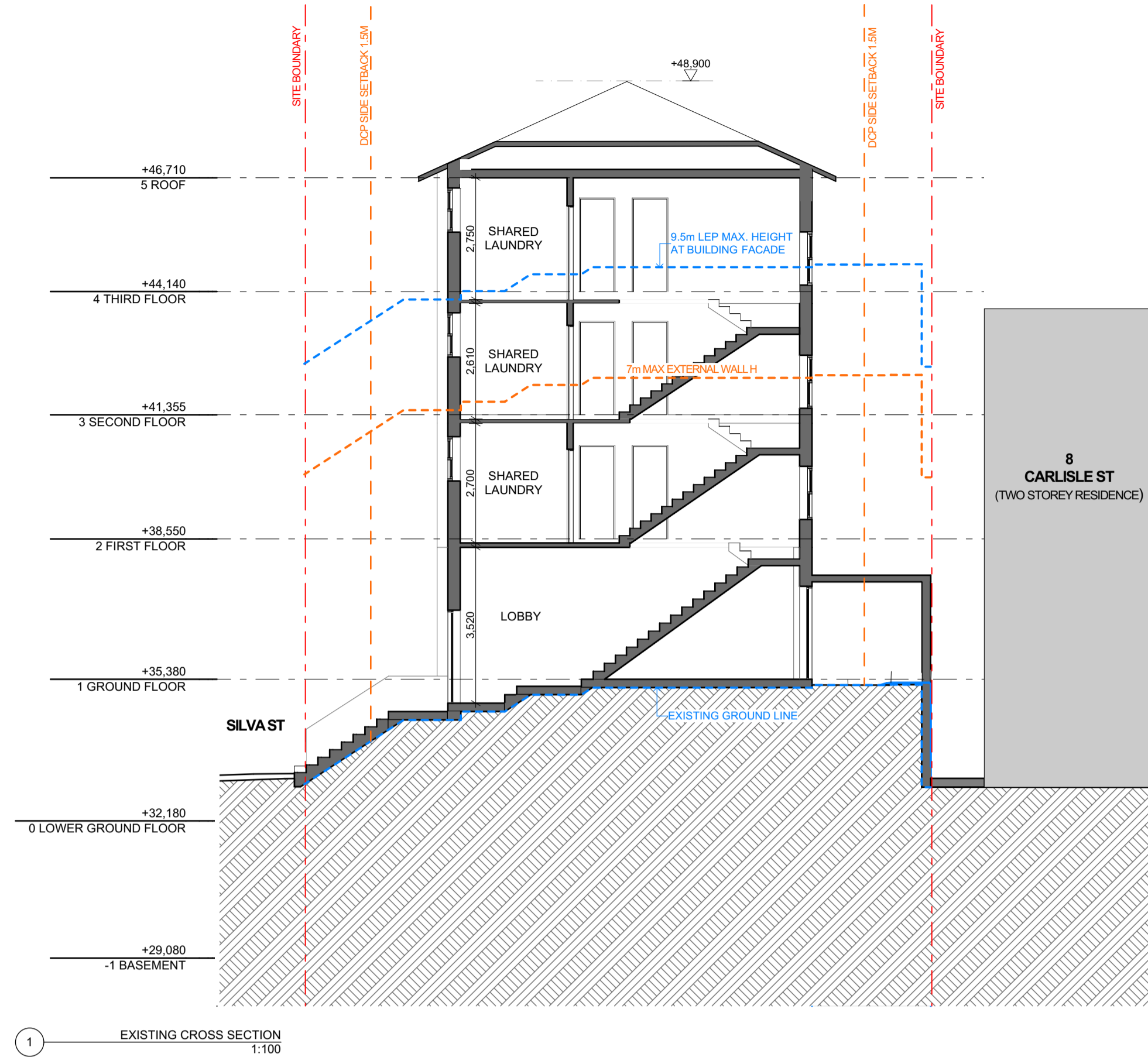
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SCALE @ A1: 1:100
 SCALE @ A3: 1:200

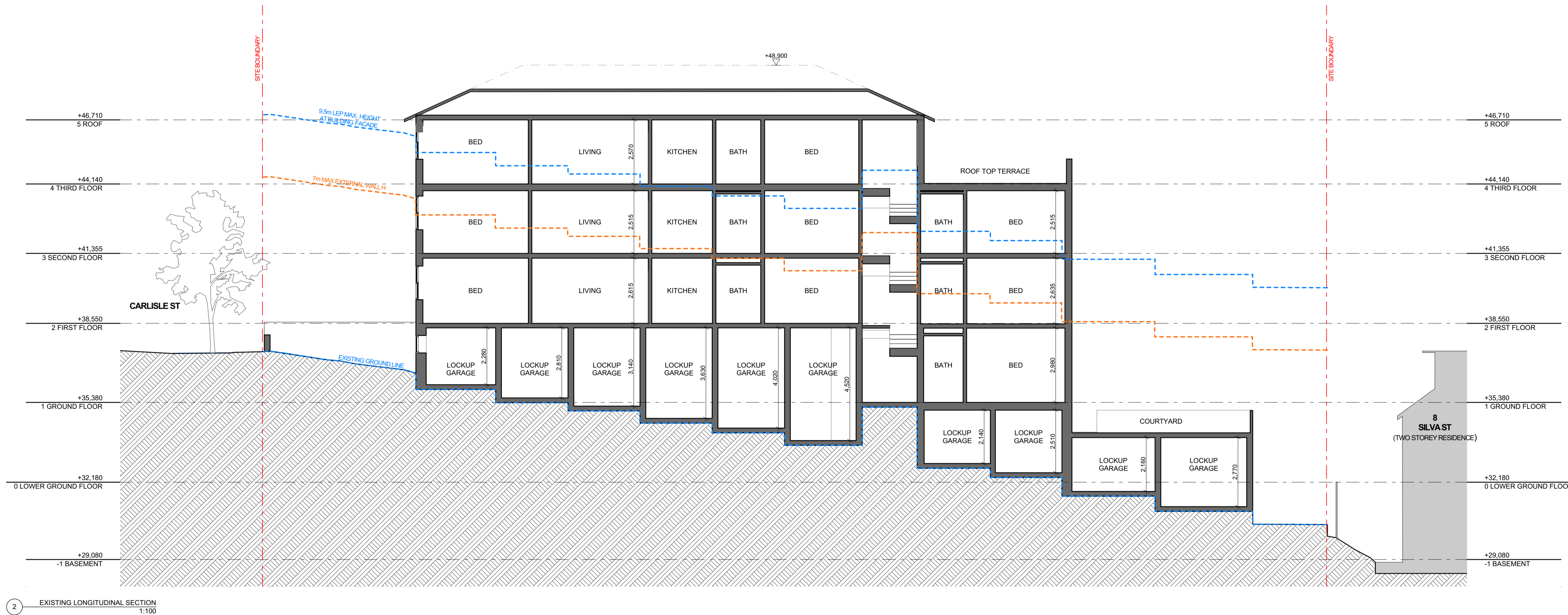
CLIENT: METRIC INTERIORS CHECKED: HHH
 DRAWN: GF APPROVED: SRH

REVISION: **A**

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



1 EXISTING CROSS SECTION
1:100



2 EXISTING LONGITUDINAL SECTION
1:100

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10 CARLISLE STREET, TAMARAMA

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118
STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
1:100
SCALE @ A3:
1:200

DRAWING TITLE:
EXISTING SECTIONS

CLIENT: METRIC INTERIORS
DRAWN: GF
CHECKED: HHH
APPROVED: SRH

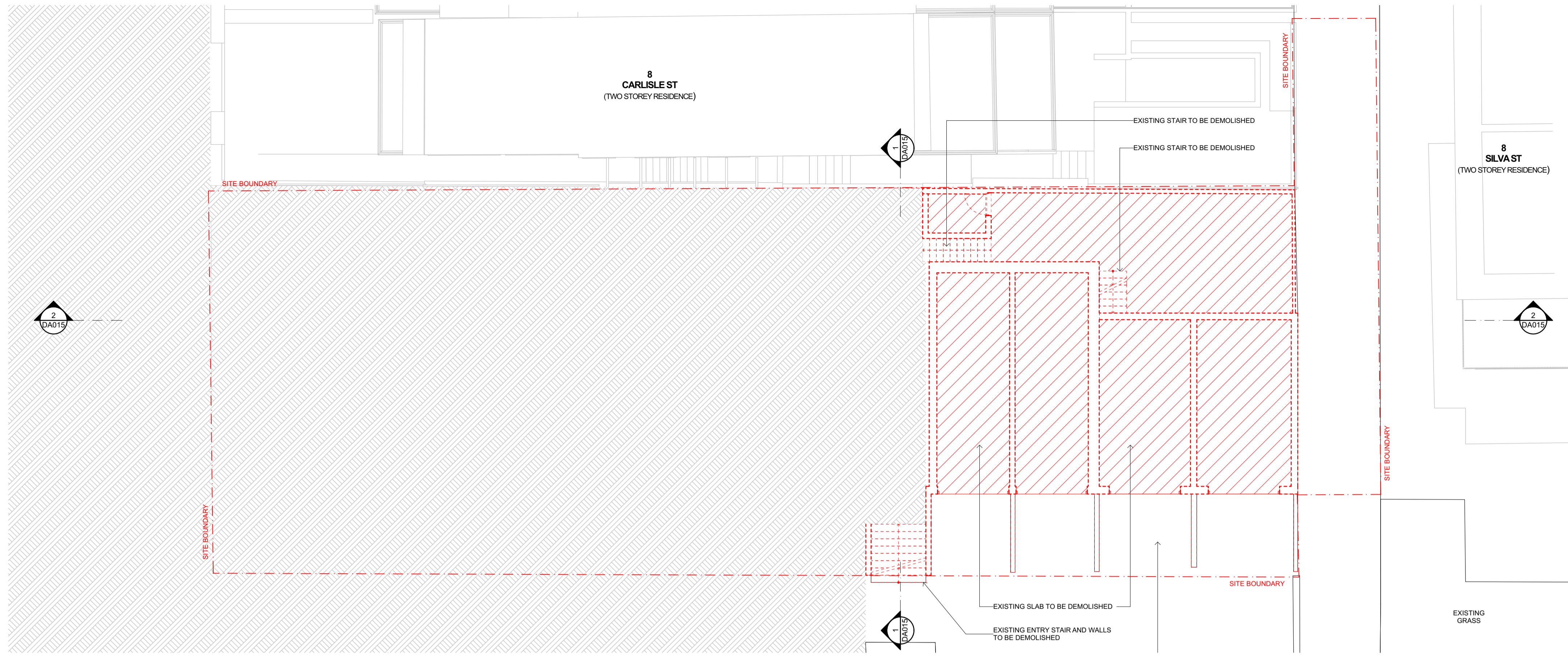
PROJECT No: 21118

DRAWING No:
DA015

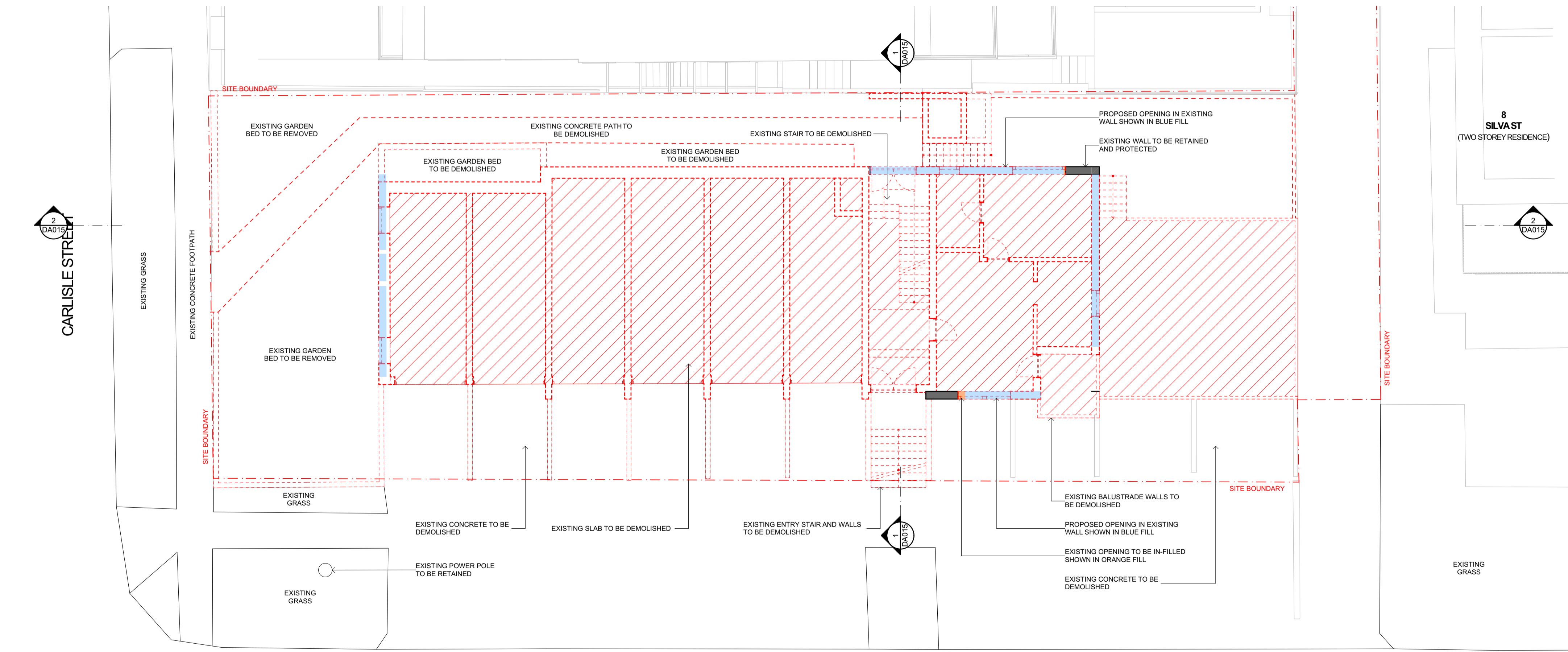
REVISION:
A

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



1 DEMOLITION PLAN LOWER GROUND
1:100



2 DEMOLITION PLAN GROUND FLOOR
1:100

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- LEGEND:
- EXISTING WALL TO BE RETAINED
 - EXISTING WALL TO BE DEMOLISHED
 - EXISTING OPENING TO BE IN-FILLED
 - PROPOSED OPENING IN EXISTING WALL
 - EXISTING SLAB TO BE DEMOLISHED

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION
SCALE @ A1:
1:100
SCALE @ A3:
1:200

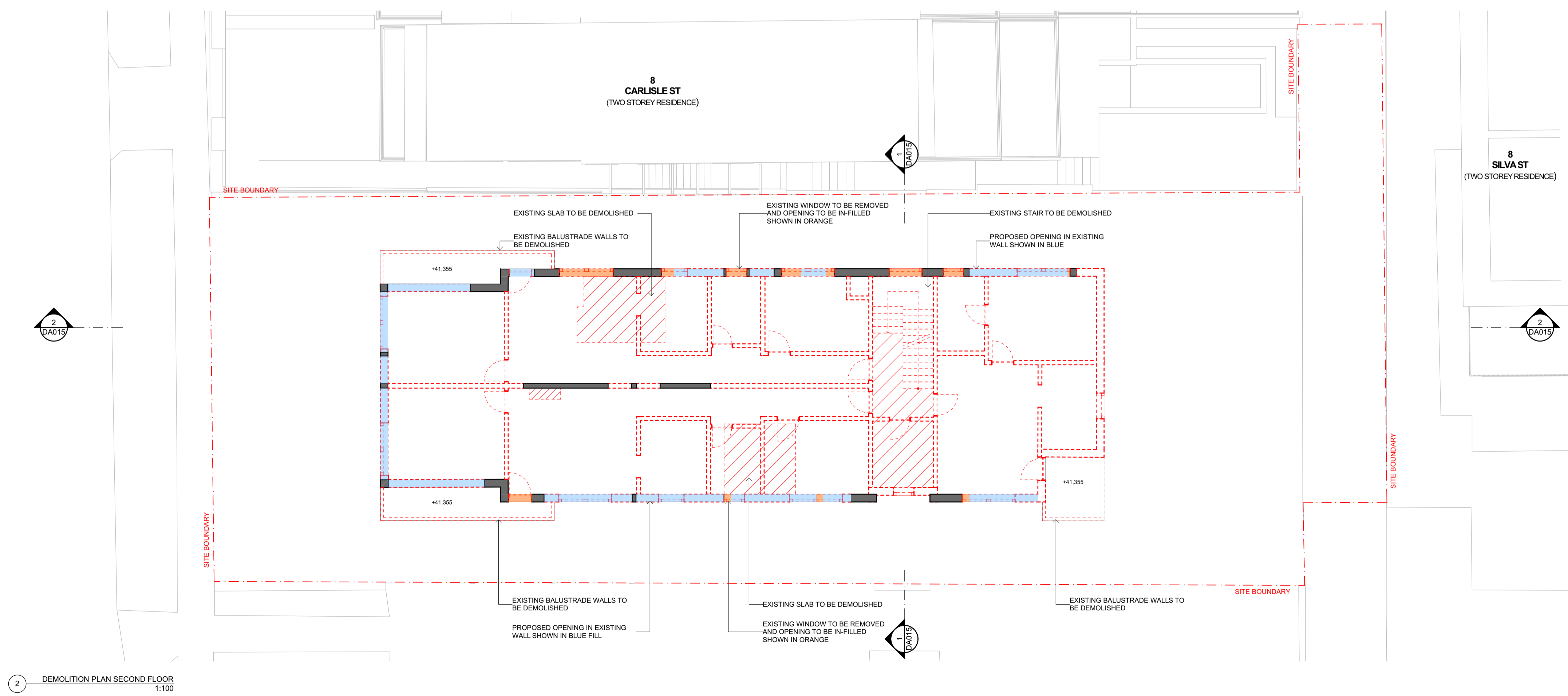
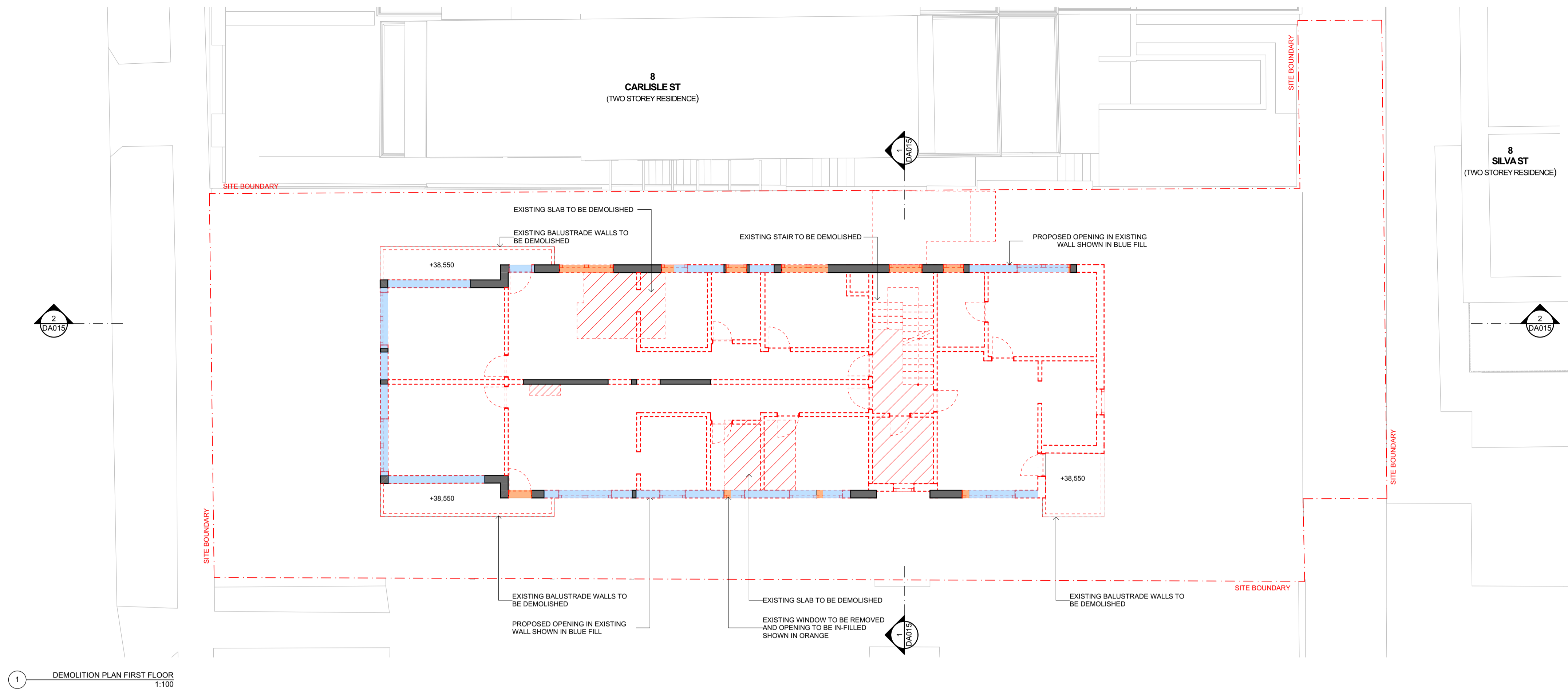
PROJECT No: 21118

DRAWING No:
DA020
REVISION:
A

DRAWING TITLE:
DEMOLITION PLAN 1 - LOWER GROUND & GROUND FLOOR PLAN
CLIENT: METRIC INTERIORS
DRAWN: GF
CHECKED: HHH
APPROVED: SRH

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



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- EXISTING WALL TO BE DEMOLISHED
- EXISTING OPENING TO BE IN-FILLED
- PROPOSED OPENING IN EXISTING WALL
- EXISTING SLAB TO BE DEMOLISHED

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE:
DEVELOPMENT APPLICATION

DRAWING TITLE:
DEMOLITION PLAN 2 - FIRST & SECOND FLOOR PLAN

DRAWING No:
DA021

SCALE @ A1:
1:100
SCALE @ A3:
1:200

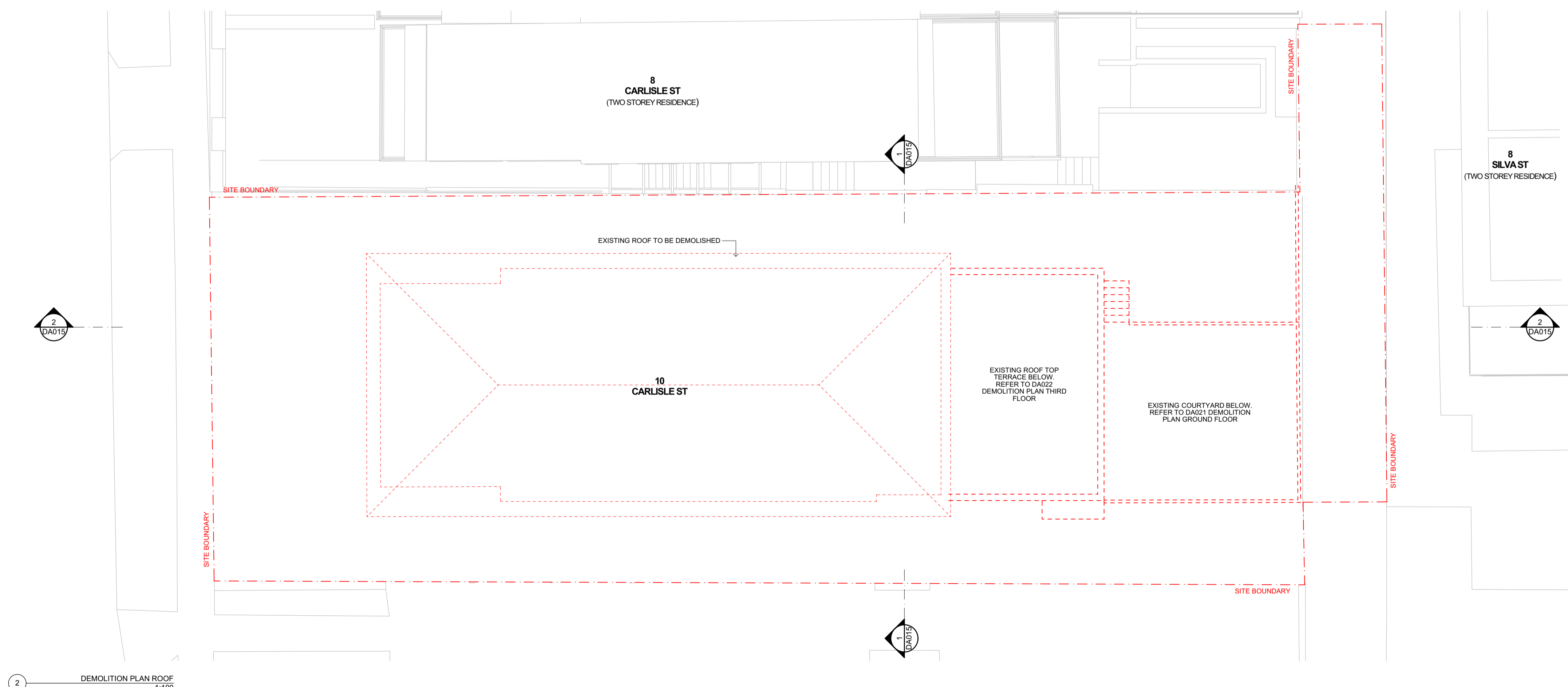
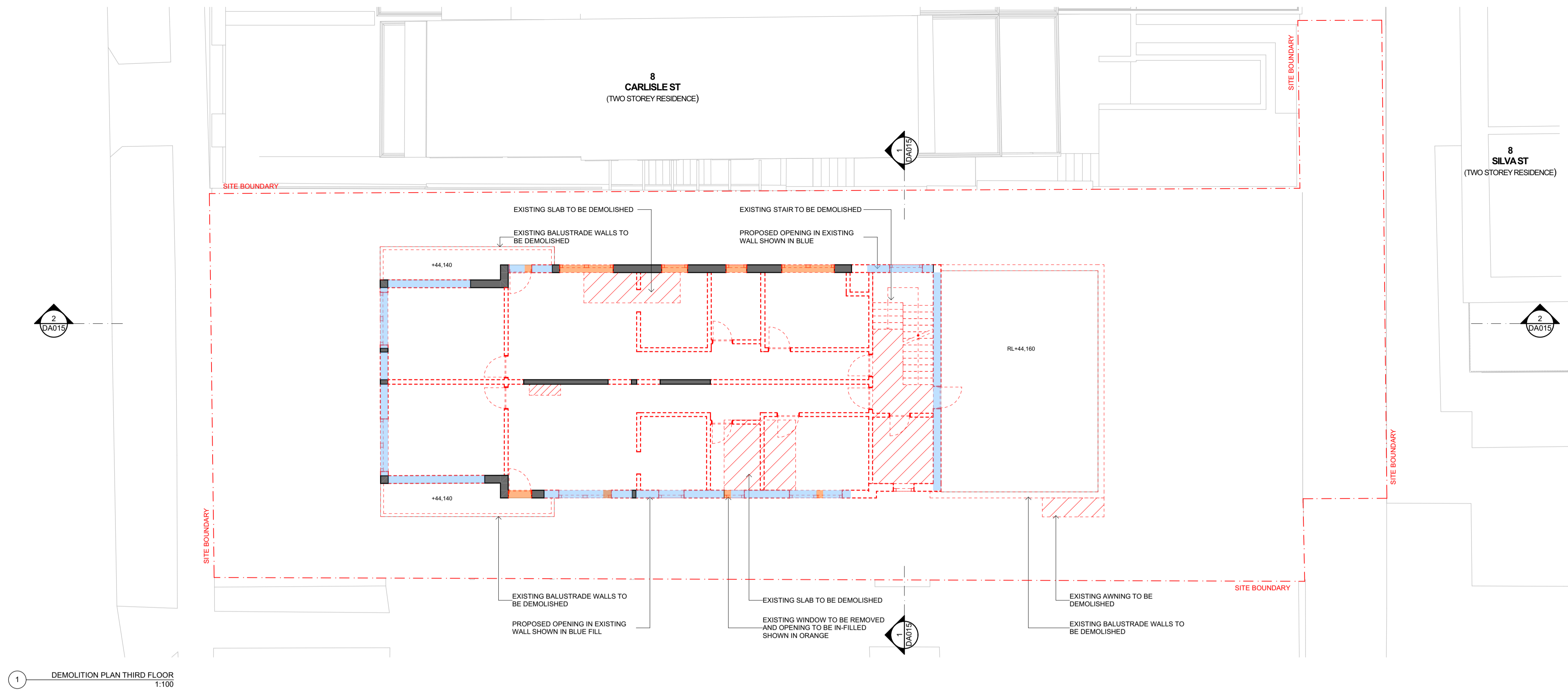
CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

REVISION:
B

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
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MULTIRESIDENTIAL APARTMENTS

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **DEMOLITION PLAN 3 - THIRD FLOOR & ROOF PLAN**

DRAWING No: **DA022**

REVISION: **B**

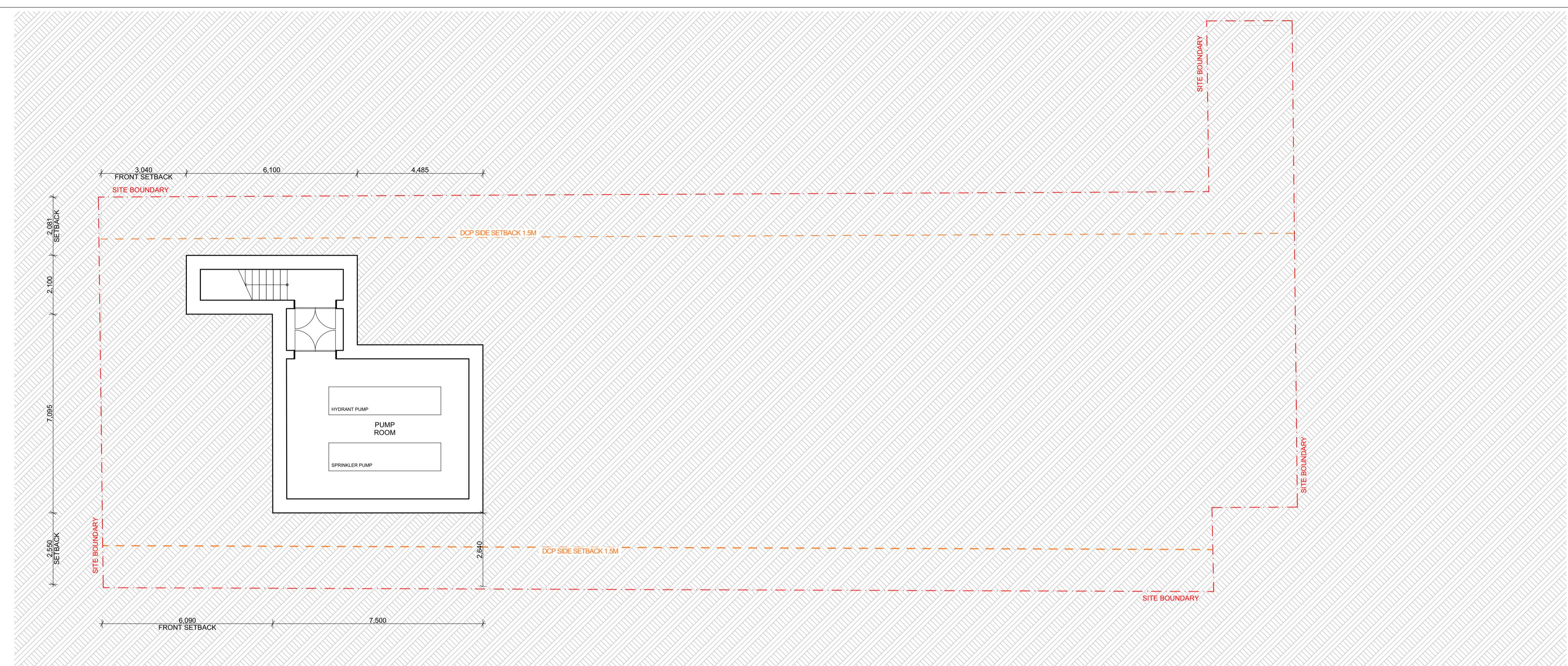
SCALE @ A1: 1:100
 SCALE @ A3: 1:200

CLIENT: METRIC INTERIORS
 DRAWN: GF

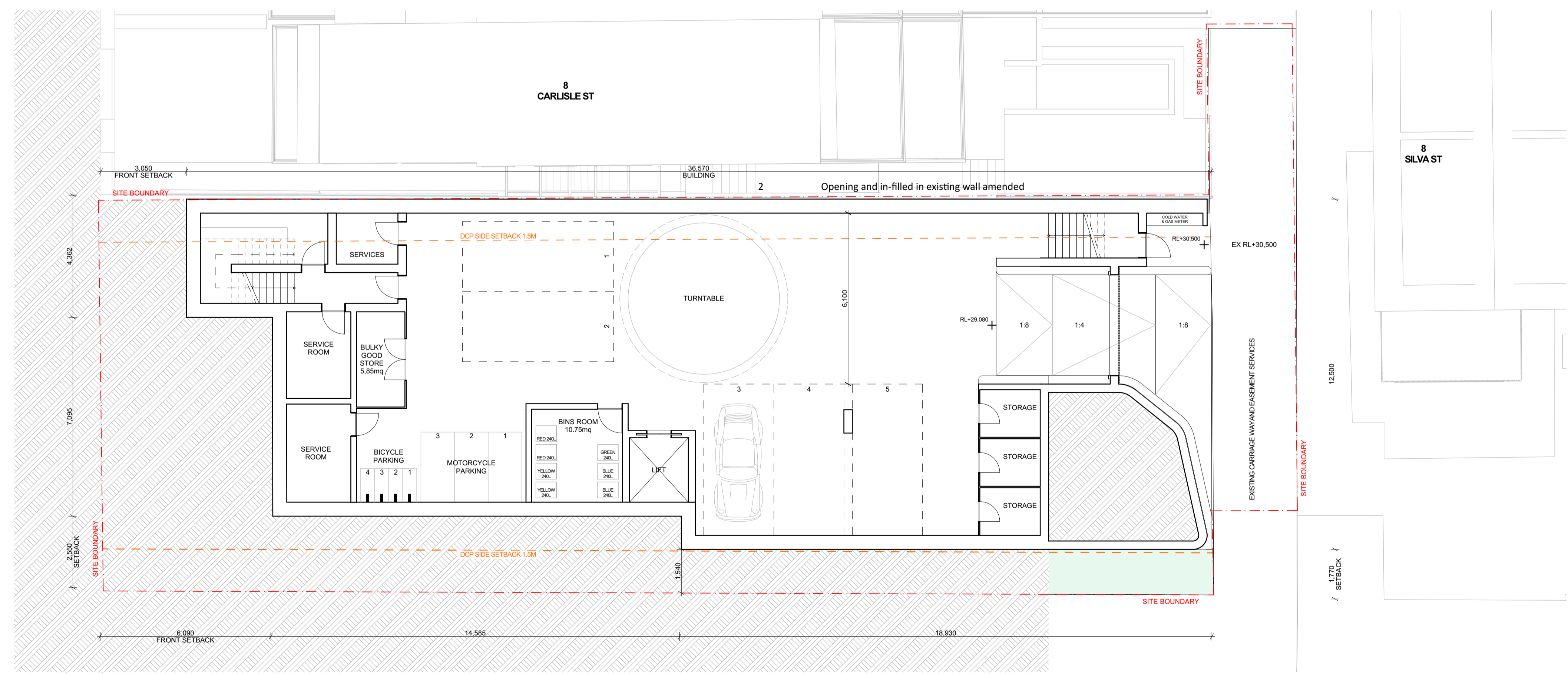
CHECKED: HHH
 APPROVED: SRH

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



1 PROPOSED BASEMENT 2 PLAN
1:100



2 PROPOSED BASEMENT PLAN
1:100

BASIX COMMITMENTS (ALT & ADD):

- HOT WATER SYSTEM TO BE CENTRALISED (HEAT PUMP)
- ENSURE THAT A MINIMUM OF 40% OF NEW OR ALTERED LIGHT FIXTURE ARE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LED LAMPS
- ENSURE NEW OR ALTERED SHOWERHEADS HAVE A FLOW RATE NO GREATER THAN 9 LITRES PER MINUTE OR A 3 STAR WATER RATING
- ENSURE NEW OR ALTERED TOILETS HAVE A FLOW RATE NO GREATER THAN 4 LITRES PER AVERAGE FLUSH OR A MINIMUM 3 STAR WATER RATING
- ENSURE NEW OR ALTERED TAPS HAVE A FLOW RATE NO GREATER THAN 8 LITRES PER MINUTE OR MINIMUM 3 STAR WATER RATING
- ENSURE EVERY UNIT IS PROVIDED WITH INDUCTION COOKTOPS
- ENSURE TO INSTALL CEILING FANS TO ALL BEDROOMS AND LIVING SPACES
- RAKED CEILING, PITCHED/SKILLION ROOF TO HAVE AN ADDITIONAL INSULATION OF: CEILING R1.74 (UP), ROOF: FOIL BLANKET (65MM), MEDIUM SOLAR ABSORPTANCE.
- REFER TO GLAZING SCHEDULE OF BASIX CERTIFICATE FOR GLAZING REQUIREMENTS
- AS VOLUME OF POOL AND SPA IS LESS THAN 40KL EACH, IS NOT REQUIRED TO BE INCLUDED TO BASIX CERTIFICATE
- SWIMMING POOL INSTALLED WITH A POOL PUMP TIMER AND HAVE A SOLAR (GAS BOOSTED) HEATING SYSTEM
- SPA HAVE A COVER, INSTALLED WITH A SPA PUMP TIMER AND HAVE A SOLAR (GAS BOOSTED) HEATING SYSTEM
- ENSURE TO PROVIDE 10KW OF SOLAR PV PANELS

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LEGEND:

- EXISTING WALL TO BE RETAINED
- - - EXISTING BUILDING OUTLINE
- - - SETBACKS
- - - DCP SIDE SETBACKS
- PROPOSED LANDSCAPING REFER TO LANDSCAPE'S DRAWINGS
- FP = FIREPLACE
- WIR = WALK IN ROBE
- PV = SOLAR PANEL

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **PROPOSED PLAN 1 - BASEMENT 2 & BASEMENT PLAN**

SCALE @ A1: 1:100
SCALE @ A3: 1:200

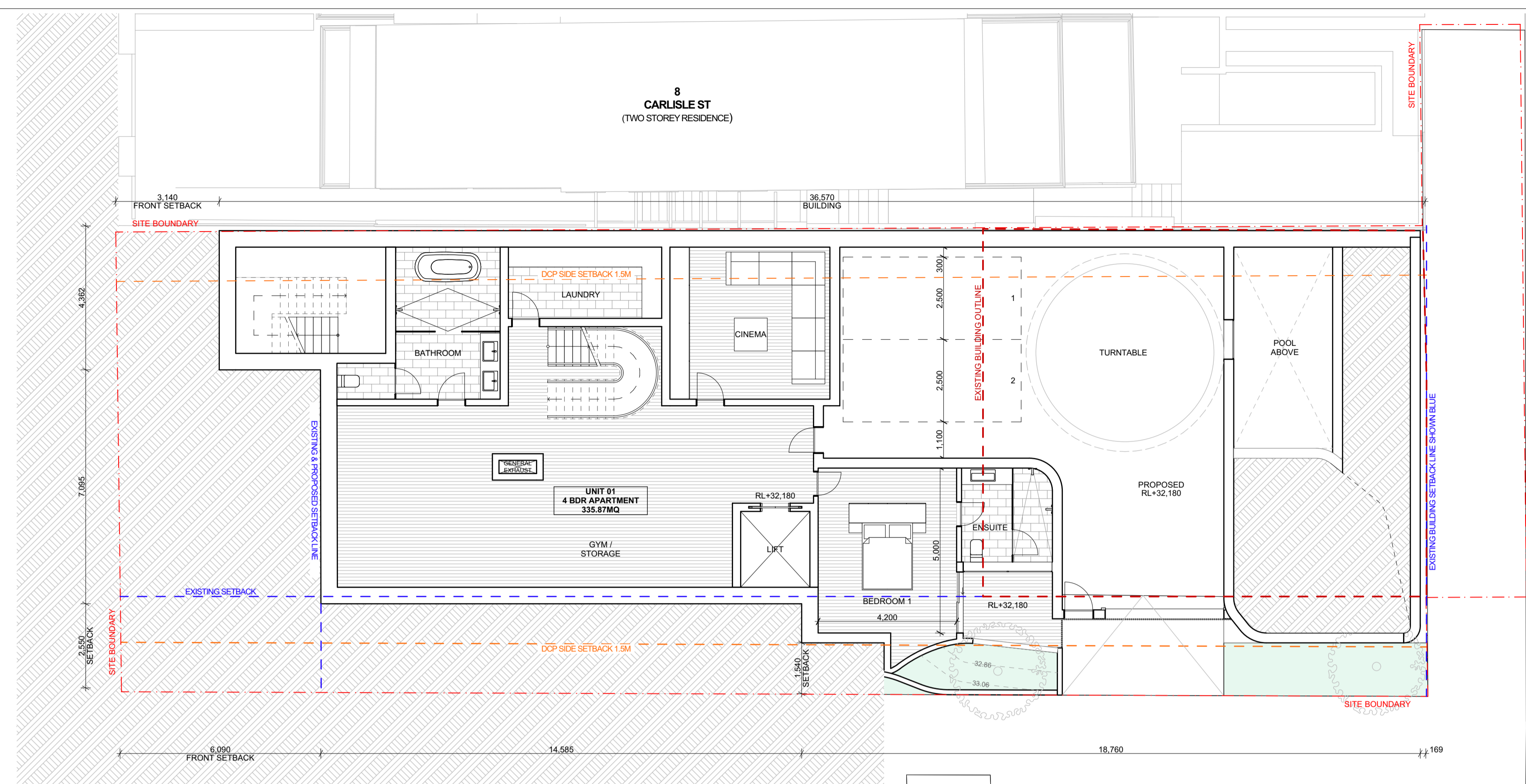
CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

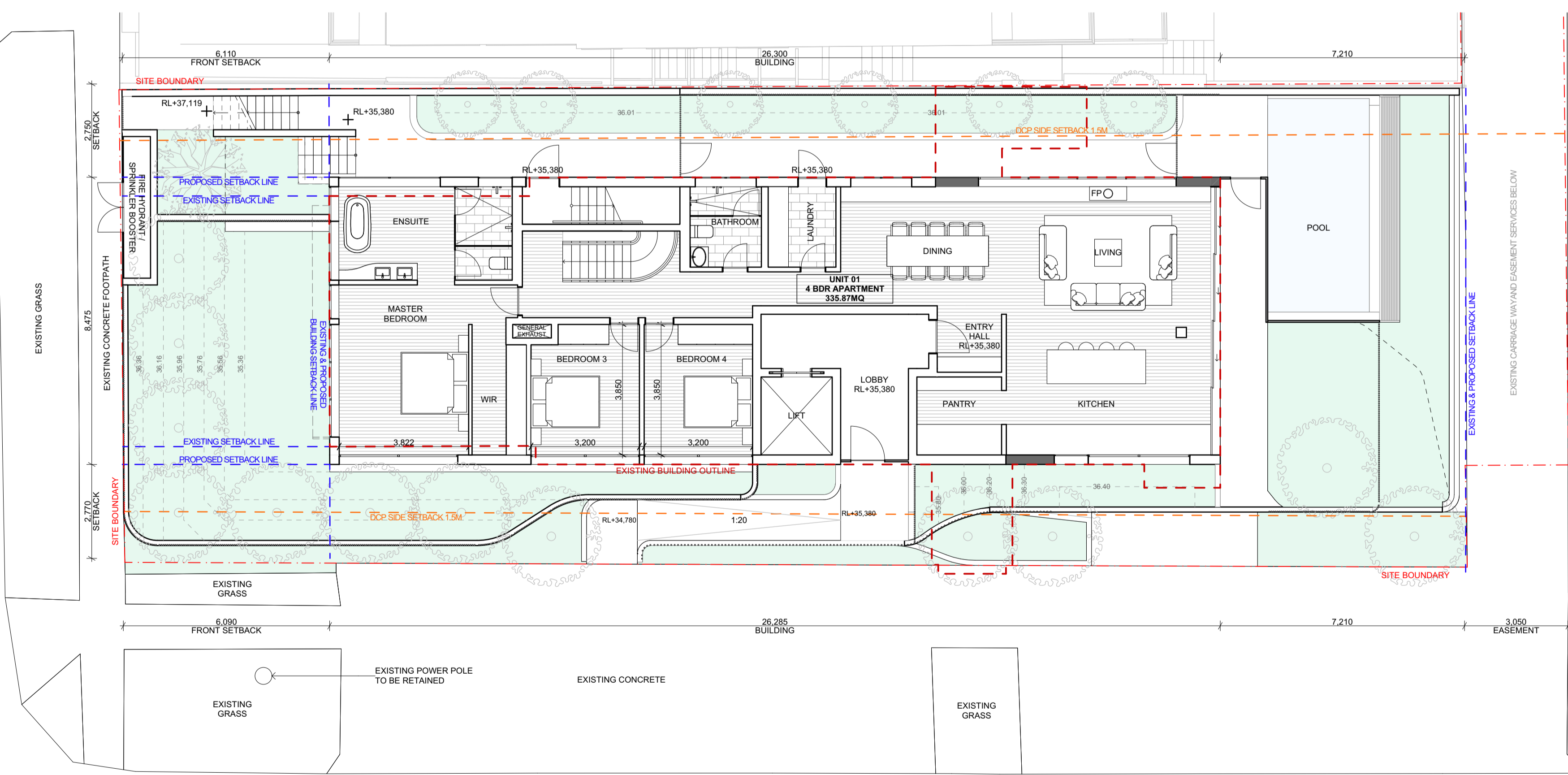
REVISION: **B**

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RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



1 PROPOSED LOWER GROUND PLAN
1:100



2 PROPOSED GROUND FLOOR PLAN
1:100

- BASIX COMMITMENTS (ALT & ADD):**
- HOT WATER SYSTEM TO BE CENTRALISED (HEAT PUMP)
 - ENSURE THAT A MINIMUM OF 40% OF NEW OR ALTERED LIGHT FIXTURE ARE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LED LAMPS
 - ENSURE NEW OR ALTERED SHOWERHEADS HAVE A FLOW RATE NO GREATER THAN 9 LITRES PER MINUTE OR A 3 STAR WATER RATING
 - ENSURE NEW OR ALTERED TOILETS HAVE A FLOW RATE NO GREATER THAN 4 LITRES PER AVERAGE FLUSH OR A MINIMUM 3 STAR WATER RATING
 - ENSURE NEW OR ALTERED TAPS HAVE A FLOW RATE NO GREATER THAN 8 LITRES PER MINUTE OR MINIMUM 3 STAR WATER RATING
 - ENSURE EVERY UNIT IS PROVIDED WITH INDUCTION COOKTOPS
 - ENSURE TO INSTALL CEILING FANS TO ALL BEDROOMS AND LIVING SPACES
 - RAKED CEILING, PITCHED/SKILLION ROOF TO HAVE AN ADDITIONAL INSULATION OF: CEILING R1.74 (UP), ROOF: FOIL BLANKET (65MM), MEDIUM SOLAR ABSORPTANCE.
 - REFER TO GLAZING SCHEDULE OF BASIX CERTIFICATE FOR GLAZING REQUIREMENTS
 - AS VOLUME OF POOL AND SPA IS LESS THAN 40KL EACH, IS NOT REQUIRED TO BE INCLUDED TO BASIX CERTIFICATE
 - SWIMMING POOL INSTALLED WITH A POOL PUMP TIMER AND HAVE A SOLAR (GAS BOOSTED) HEATING SYSTEM
 - SPA HAVE A COVER, INSTALLED WITH A SPA PUMP TIMER AND HAVE A SOLAR (GAS BOOSTED) HEATING SYSTEM
 - ENSURE TO PROVIDE 10KW OF SOLAR PV PANELS

NOT FOR CONSTRUCTION

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **PROPOSED PLAN 2 - LOWER GROUND & GROUND FLOOR PLAN**

DRAWING No: **DA101**

SCALE @ A1: 1:100
SCALE @ A3: 1:200

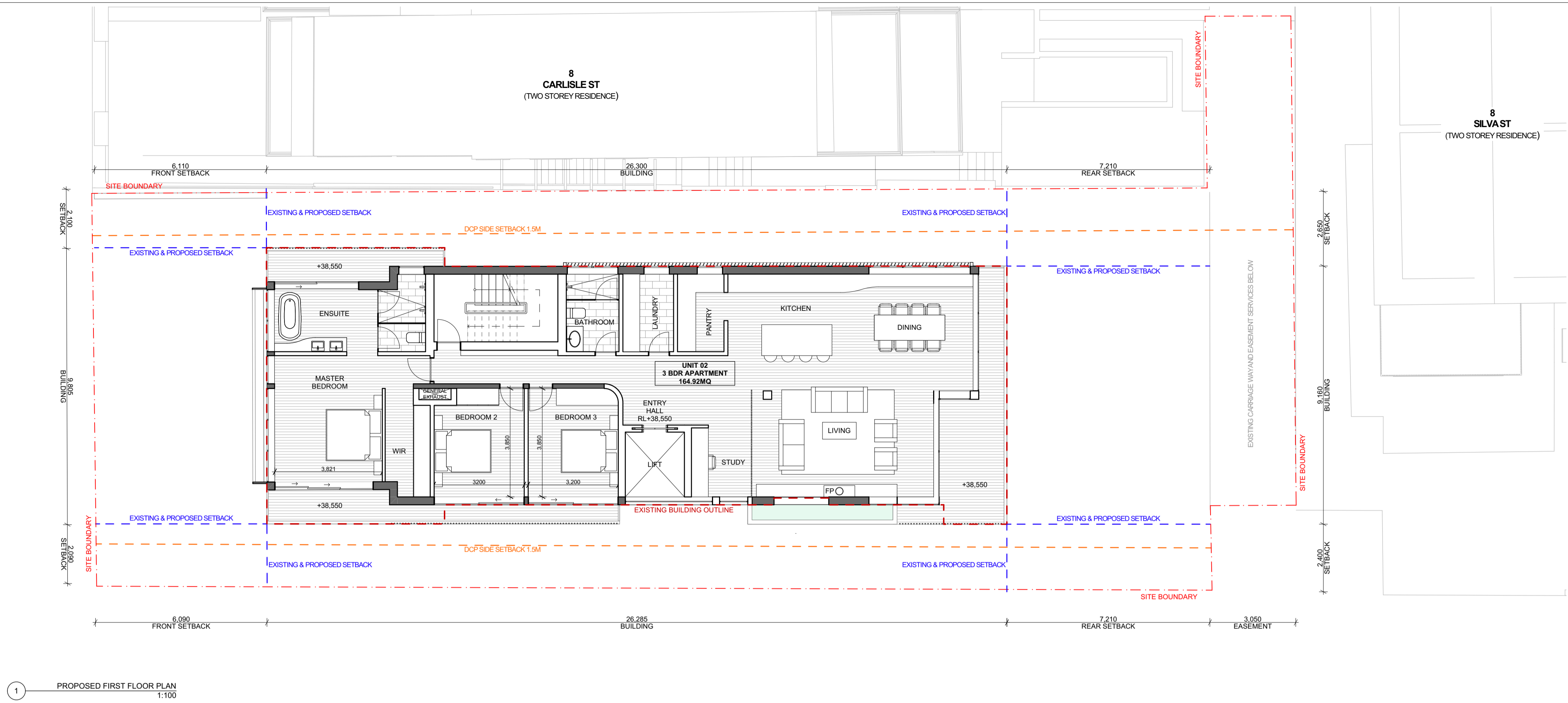
CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

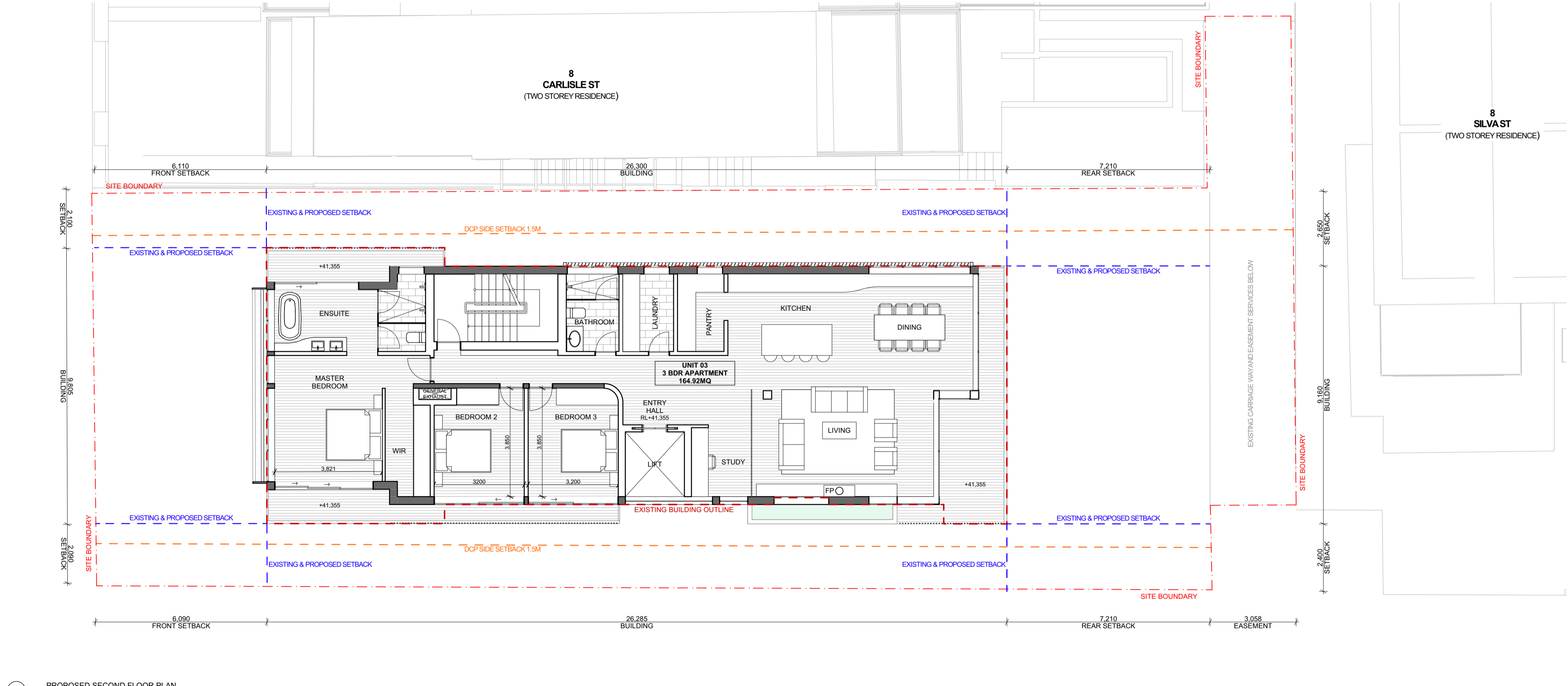
REVISION: **B**

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



1 PROPOSED FIRST FLOOR PLAN
1:100



2 PROPOSED SECOND FLOOR PLAN
1:100

- BASIX COMMITMENTS (ALT & ADD):**
- HOT WATER SYSTEM TO BE CENTRALISED (HEAT PUMP)
 - ENSURE THAT A MINIMUM OF 40% OF NEW OR ALTERED LIGHT FIXTURES ARE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LED LAMPS
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NOMINATED ARCHITECT: SIMON HANSON # 6739

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MULTIRESIDENTIAL APARTMENTS

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **PROPOSED PLAN 3 - FIRST & SECOND FLOOR PLAN**

DRAWING No: **DA102**

SCALE @ A1: 1:100
SCALE @ A3: 1:200

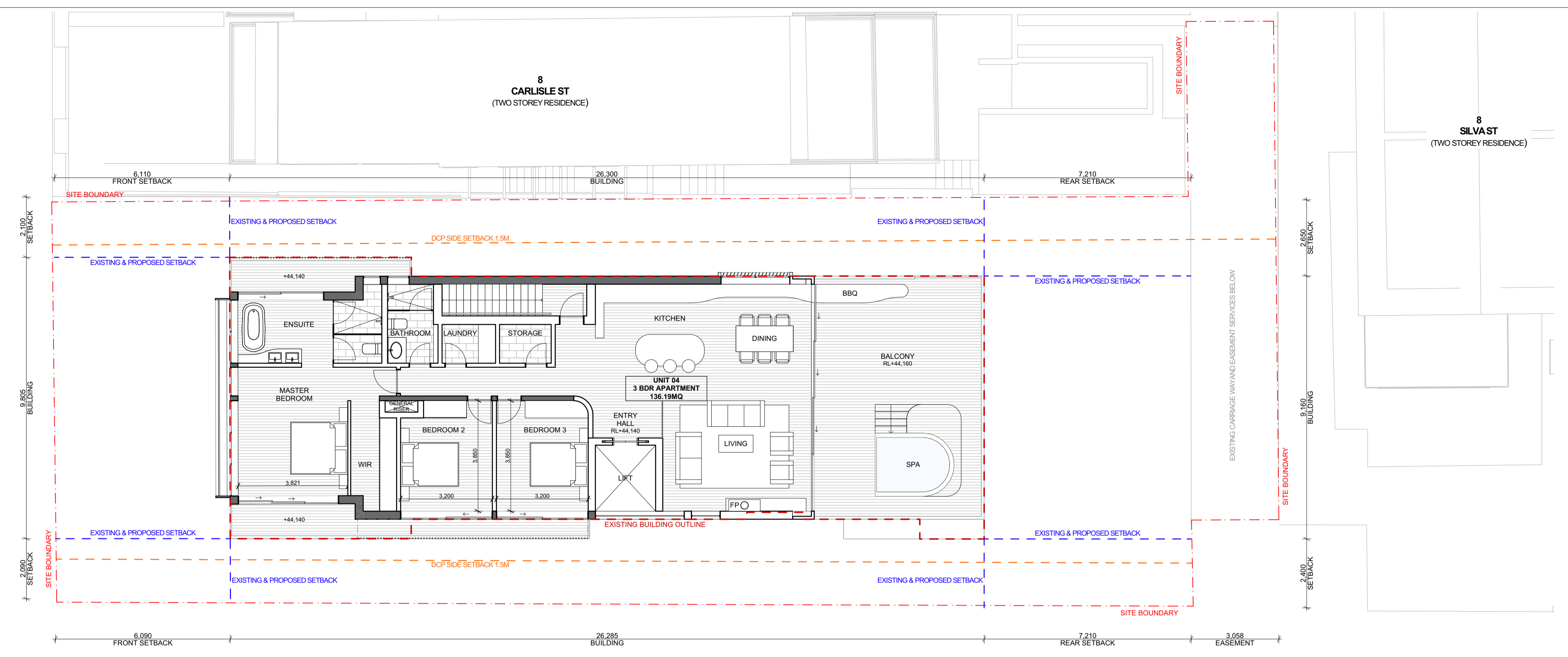
CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

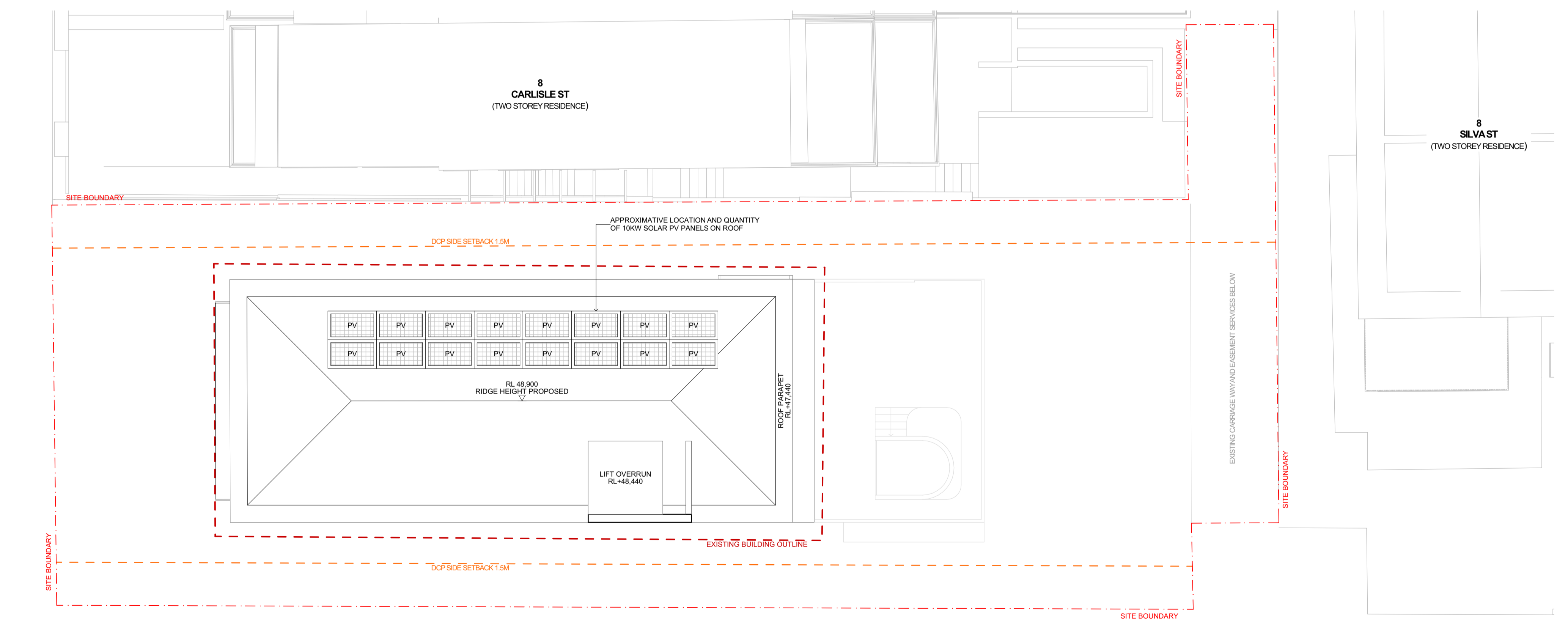
REVISION: **B**

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RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



1 PROPOSED THIRD FLOOR PLAN
1:100



2 PROPOSED ROOF PLAN
1:100

- BASIX COMMITMENTS (ALT & ADD):**
- HOT WATER SYSTEM TO BE CENTRALISED (HEAT PUMP)
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NOMINATED ARCHITECT: SIMON HANSON # 6739

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10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: DEVELOPMENT APPLICATION

DRAWING TITLE: PROPOSED PLAN 4 - THIRD FLOOR & ROOF PLAN

DRAWING No: DA103

SCALE @ A1: 1:100
SCALE @ A3: 1:200

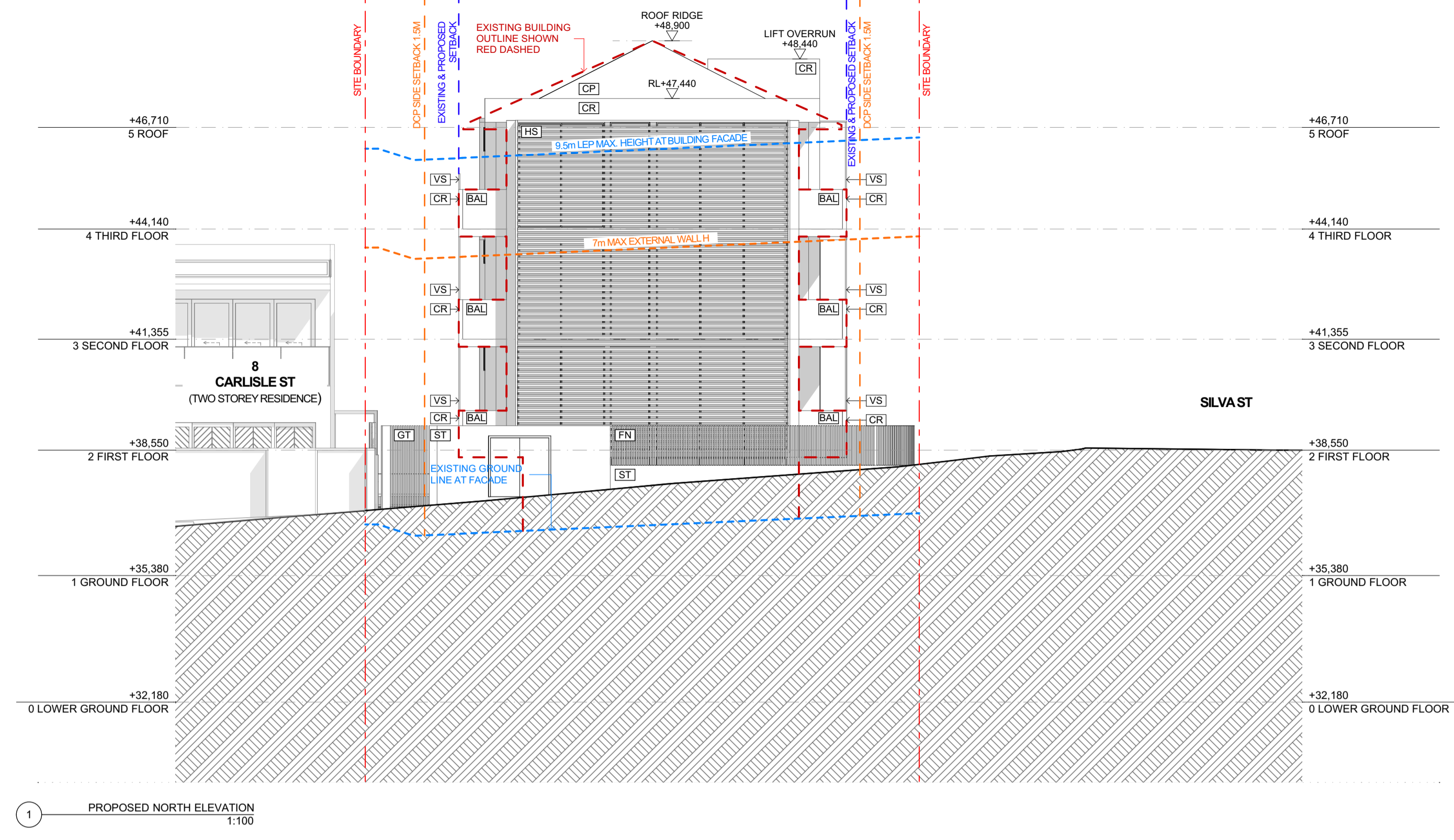
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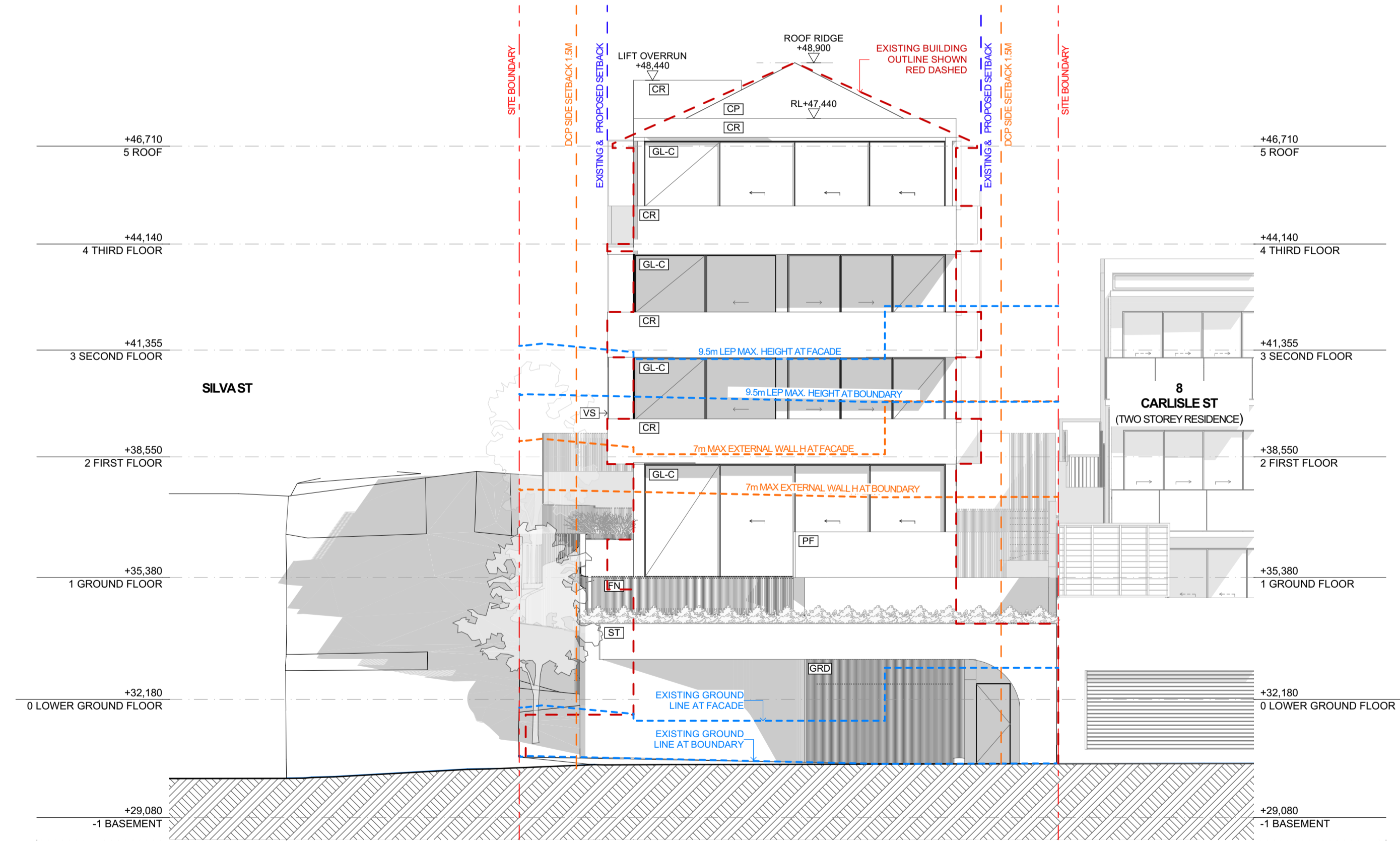
REVISION: B

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RECEIVED
Waverley Council
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1 PROPOSED NORTH ELEVATION 1:100



2 PROPOSED SOUTH ELEVATION 1:100

BASIX COMMITMENTS (ALT & ADD):

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BUREAU SRH | architecture

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LEGEND:

- - - EXISTING BUILDING OUTLINE
- - - SETBACKS
- - - 9.5M LEP MAX OVERALL HEIGHT
- - - 7M MAX EXTERNAL WALL HEIGHT

BAL = GLASS BALUSTRADE
CR = TEXTURED CEMENT RENDER
CP = COPPER ROOF
FN = PALISADE FENCE
GL-C = GLAZING CLEAR
GL-O = GLAZING OBTSCURED
GRD = GARAGE ROLLER DOOR
GT = PALISADE GATE
HS = HORIZONTAL ALUMINIUM SCREEN
PF = GLASS POOL FENCE
ST = SANDSTONE
VS = VERTICAL ALUMINIUM SCREEN

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10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: DEVELOPMENT APPLICATION

DRAWING TITLE: PROPOSED ELEVATIONS 1

DRAWING No: DA200

SCALE @ A1: 1:100
SCALE @ A3: 1:200

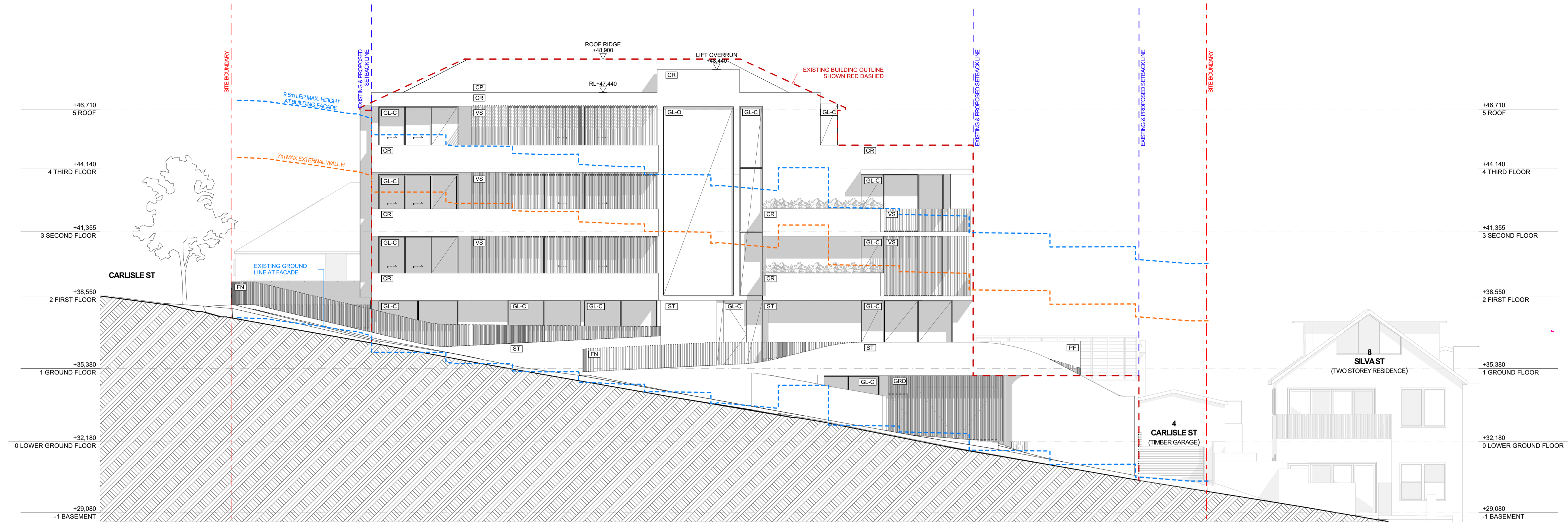
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DRAWN: GF

CHECKED: HHH
APPROVED: SRH

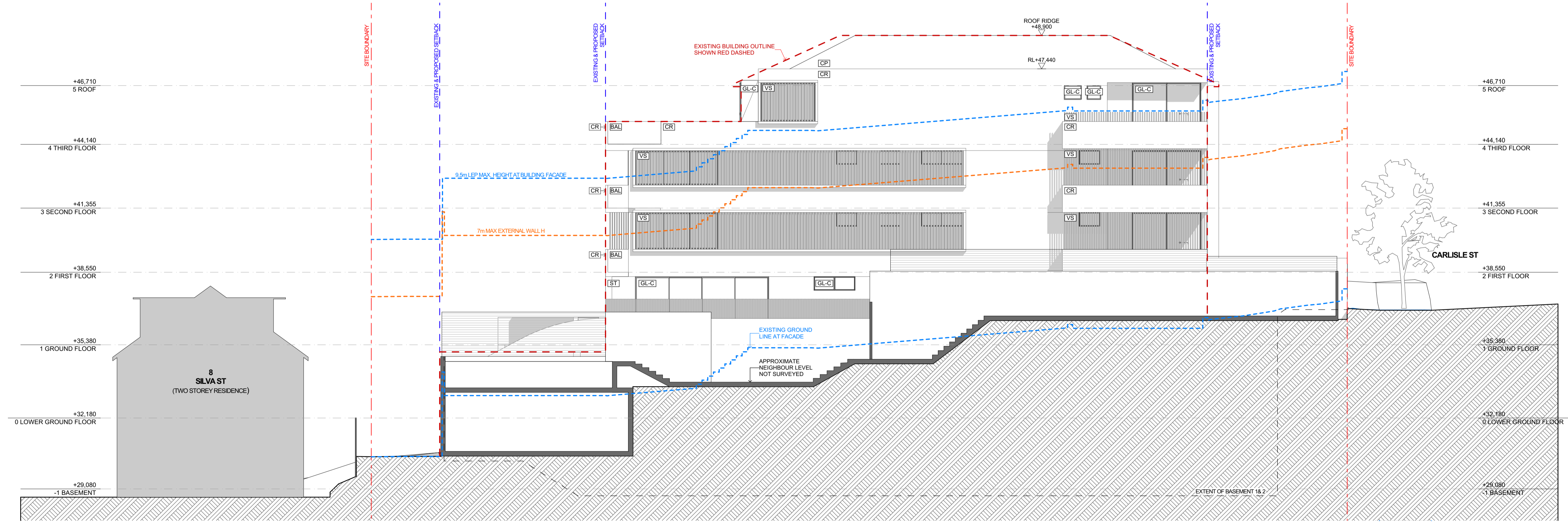
REVISION: B

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



3 PROPOSED WEST ELEVATION 1:100



1 PROPOSED EAST ELEVATION 1:100

BASIX COMMITMENTS (ALT & ADD):

- HOT WATER SYSTEM TO BE CENTRALISED (HEAT PUMP)
- ENSURE THAT A MINIMUM OF 40% OF NEW OR ALTERED LIGHT FIXTURE ARE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LED LAMPS
- ENSURE NEW OR ALTERED SHOWERHEADS HAVE A FLOW RATE NO GREATER THAN 9 LITRES PER MINUTE OR A 3 STAR WATER RATING
- ENSURE NEW OR ALTERED TOILETS HAVE A FLOW RATE NO GREATER THAN 4 LITRES PER AVERAGE FLUSH OR A MINIMUM 3 STAR WATER RATING
- ENSURE NEW OR ALTERED TAPS HAVE A FLOW RATE NO GREATER THAN 8 LITRES PER MINUTE OR MINIMUM 3 STAR WATER RATING
- ENSURE EVERY UNIT IS PROVIDED WITH INDUCTION COOKTOPS
- ENSURE TO INSTALL CEILING FANS TO ALL BEDROOMS AND LIVING SPACES
- RAKED CEILING, PITCHED/SKILLION ROOF TO HAVE AN ADDITIONAL INSULATION OF: CEILING R1.74 (UP); ROOF: FOIL BLANKET (60MM); MEDIUM SOLAR ABSORBANCE.
- REFER TO GLAZING SCHEDULE OF BASIX CERTIFICATE FOR GLAZING REQUIREMENTS
- AS VOLUME OF POOL AND SPA IS LESS THAN 40KL EACH, IS NOT REQUIRED TO BE INCLUDED TO BASIX CERTIFICATE
- SWIMMING POOL INSTALLED WITH A POOL PUMP TIMER AND HAVE A SOLAR (GAS BOOSTED) HEATING SYSTEM
- SPA HAVE A COVER, INSTALLED WITH A SPA PUMP TIMER AND HAVE A SOLAR (GAS BOOSTED) HEATING SYSTEM
- ENSURE TO PROVIDE 10KW OF SOLAR PV PANELS

NOT FOR CONSTRUCTION

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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

- - - EXISTING BUILDING OUTLINE
- - - SETBACKS
- - - 9.5M LEP MAX OVERALL HEIGHT
- - - 7M MAX EXTERNAL WALL HEIGHT

BAL = GLASS BALUSTRADE
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 GL-C = GLAZING CLEAR
 GL-O = GLAZING OBTUSCURED
 GRD = GARAGE ROLLER DOOR
 GT = PALISADE GATE
 HS = HORIZONTAL ALUMINIUM SCREEN
 PF = GLASS POOL FENCE
 ST = SANDSTONE
 VS = VERTICAL ALUMINIUM SCREEN

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE: **DEVELOPMENT PROPOSED ELEVATION 2 APPLICATION**

DRAWING TITLE: **PROPOSED ELEVATION 2**

DRAWING No: **DA201**

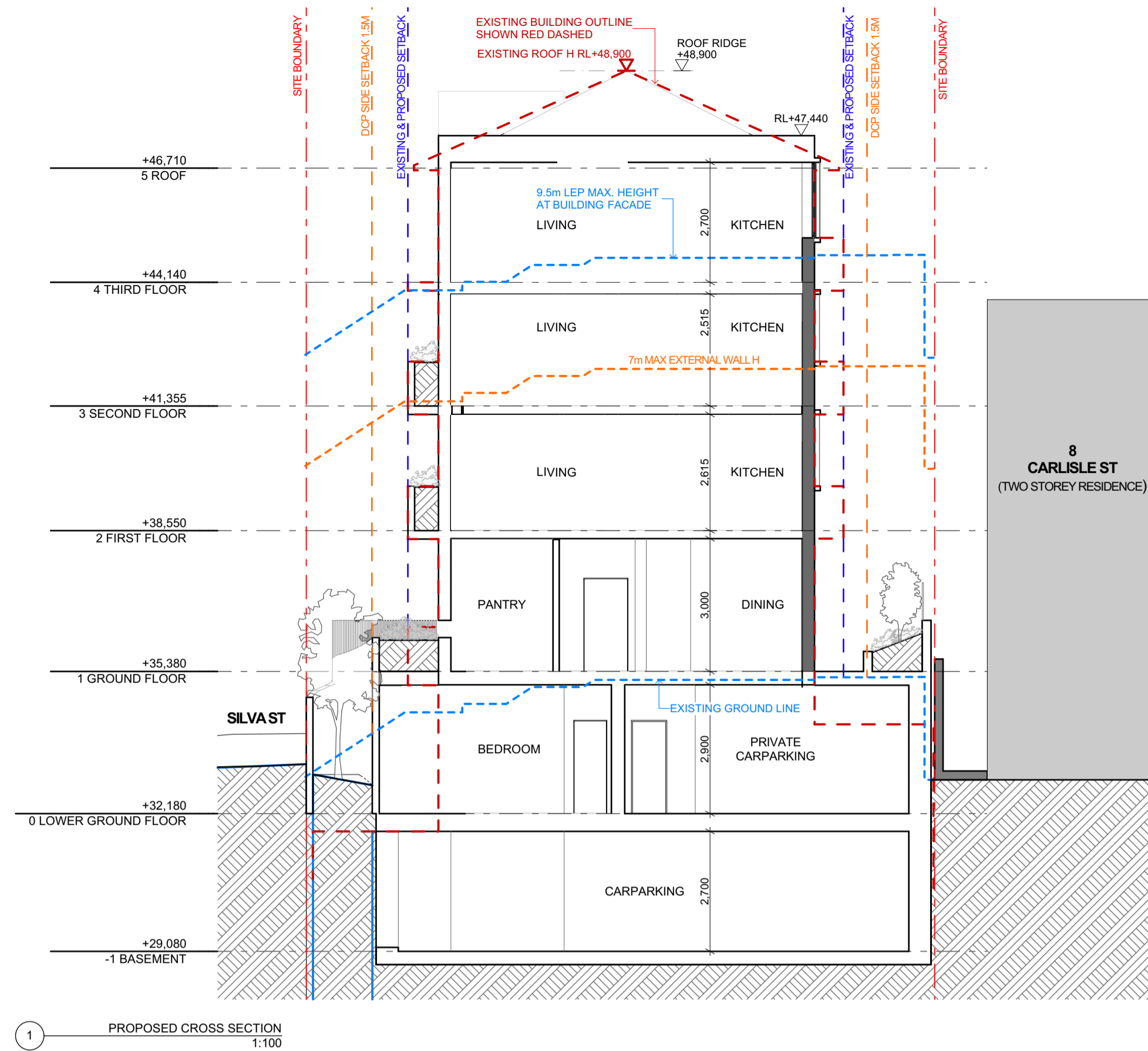
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 SCALE @ A3: 1:200

CLIENT: METRIC INTERIORS
 DRAWN: GF

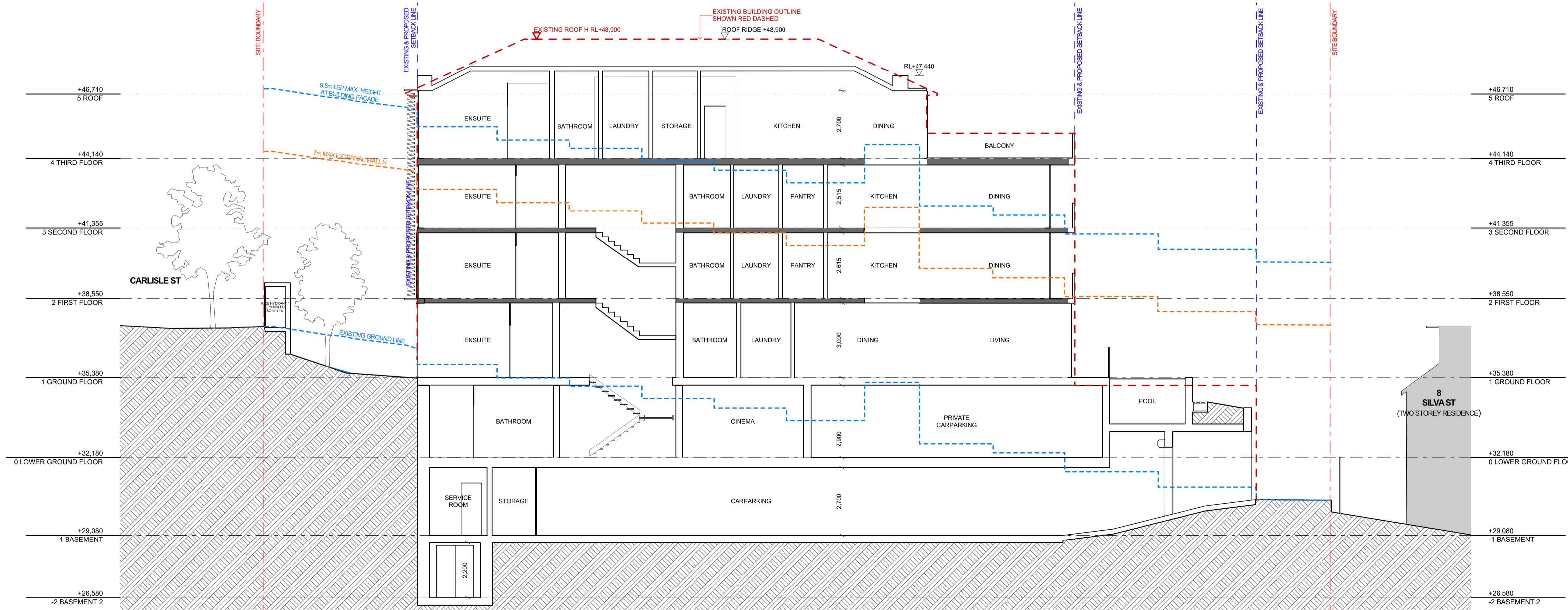
CHECKED: HHH
 APPROVED: SRH

REVISION: **B**

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Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



1 PROPOSED CROSS SECTION 1:100



2 PROPOSED LONGITUDINAL SECTION 1:100

BASIX COMMITMENTS (ALT & ADD):

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NOT FOR CONSTRUCTION

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NOMINATED ARCHITECT: SIMON HANSON # 6739
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LEGEND:

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MULTIRESIDENTIAL APARTMENTS

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A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA PROJECT No: 21118

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **PROPOSED SECTIONS**

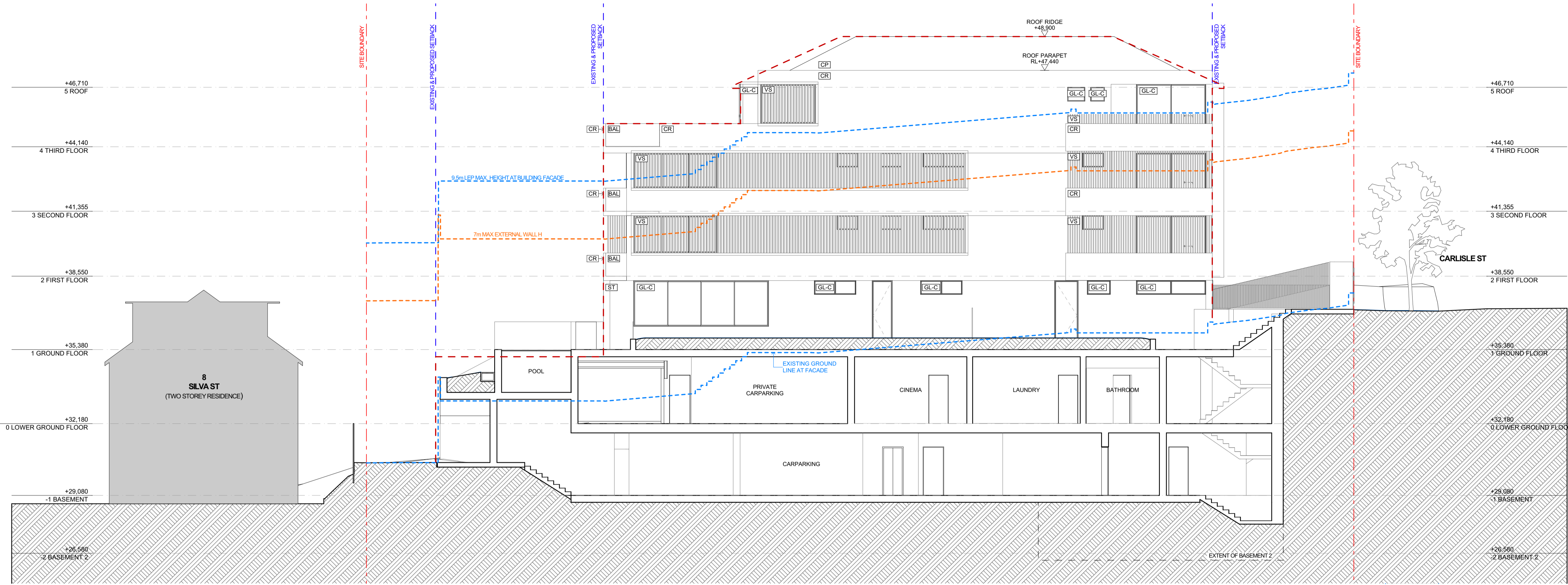
DRAWING No: **DA300**

SCALE @ A1: 1:100
SCALE @ A3: 1:200

CLIENT: METRIC INTERIORS CHECKED: HHH
DRAWN: GF APPROVED: SRH

REVISION: **B**

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 18/09/2023



1 EAST ELEVATION - COUNCIL REQUEST
1:100

- BASIX COMMITMENTS (ALT & ADD):**
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PF = GLASS POOL FENCE
ST = SANDSTONE
VS = VERTICAL ALUMINIUM SCREEN

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
01	15/09/2023	ADDITIONAL INFORMATION TO COUNCIL

10 CARLISLE STREET, TAMARAMA

PROJECT No: **21118**

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **PROPOSED EAST ELEVATION**

DRAWING No: **SK**

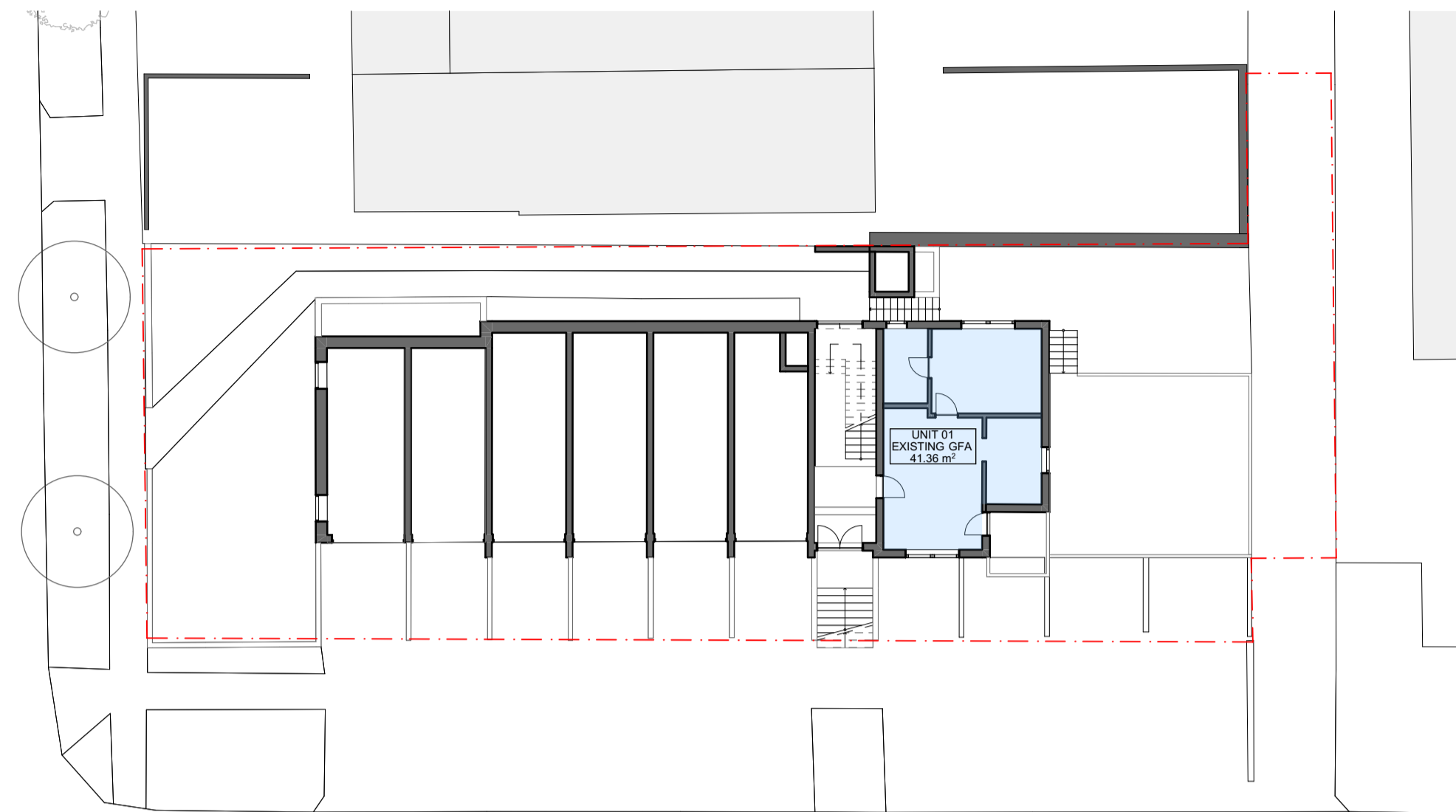
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SCALE @ A3: 1:200

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

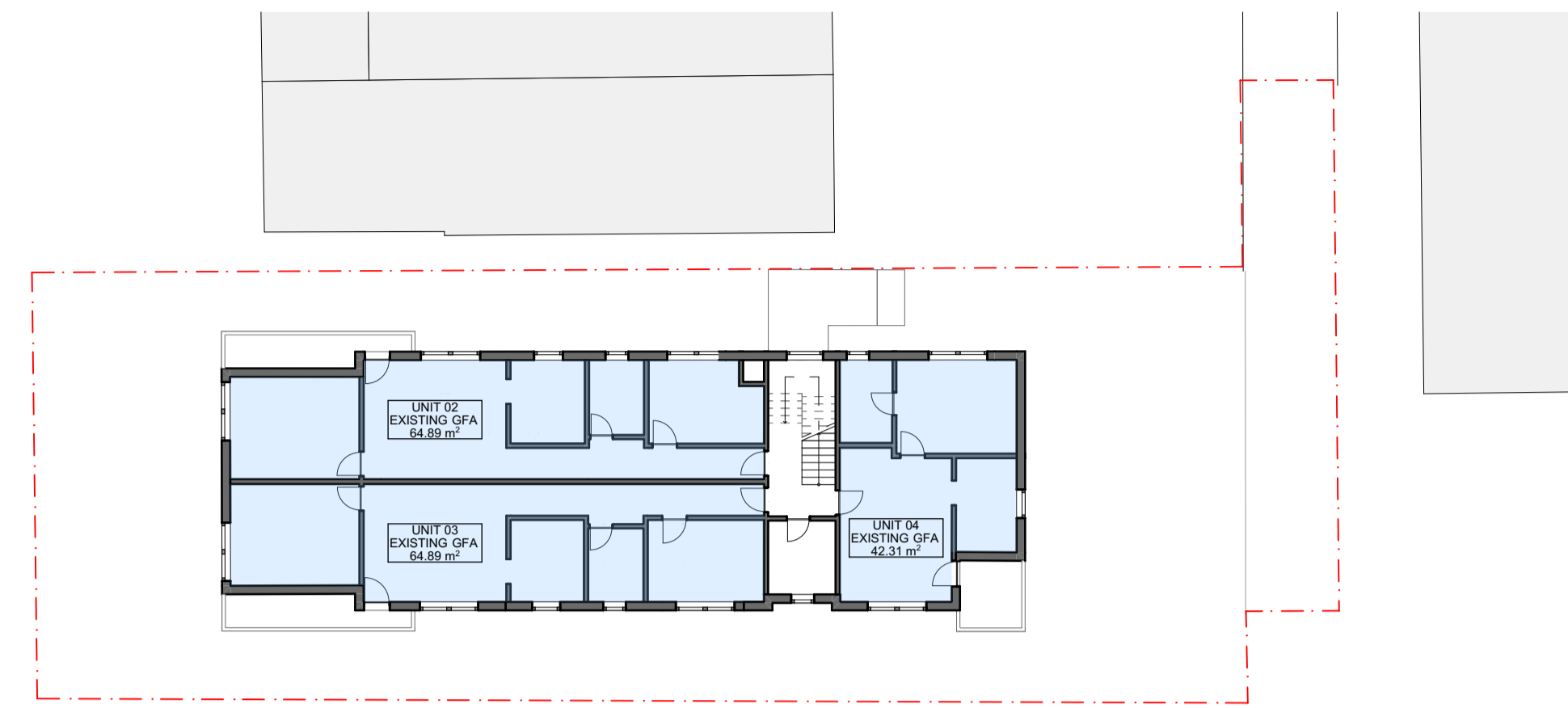
REVISION: **01**

AMENDED

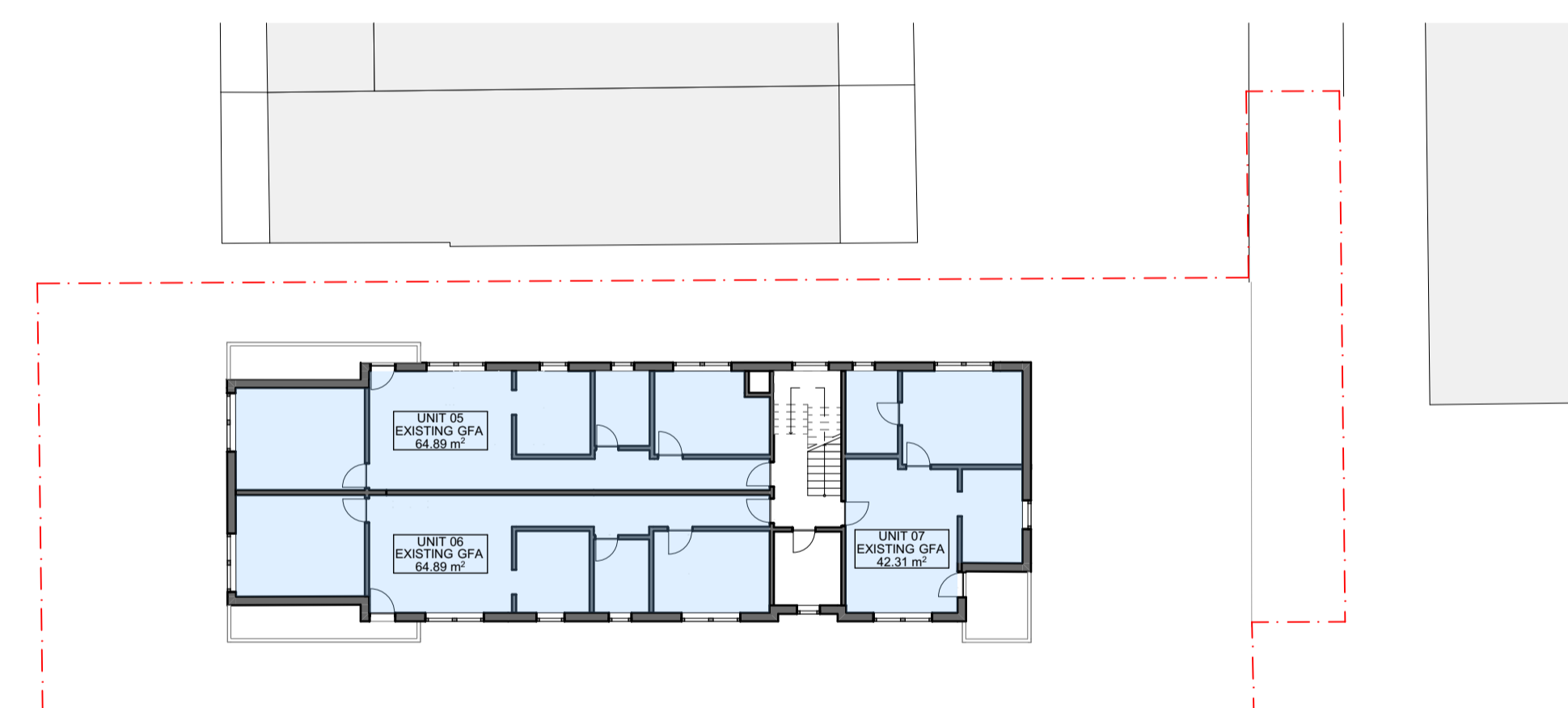
RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



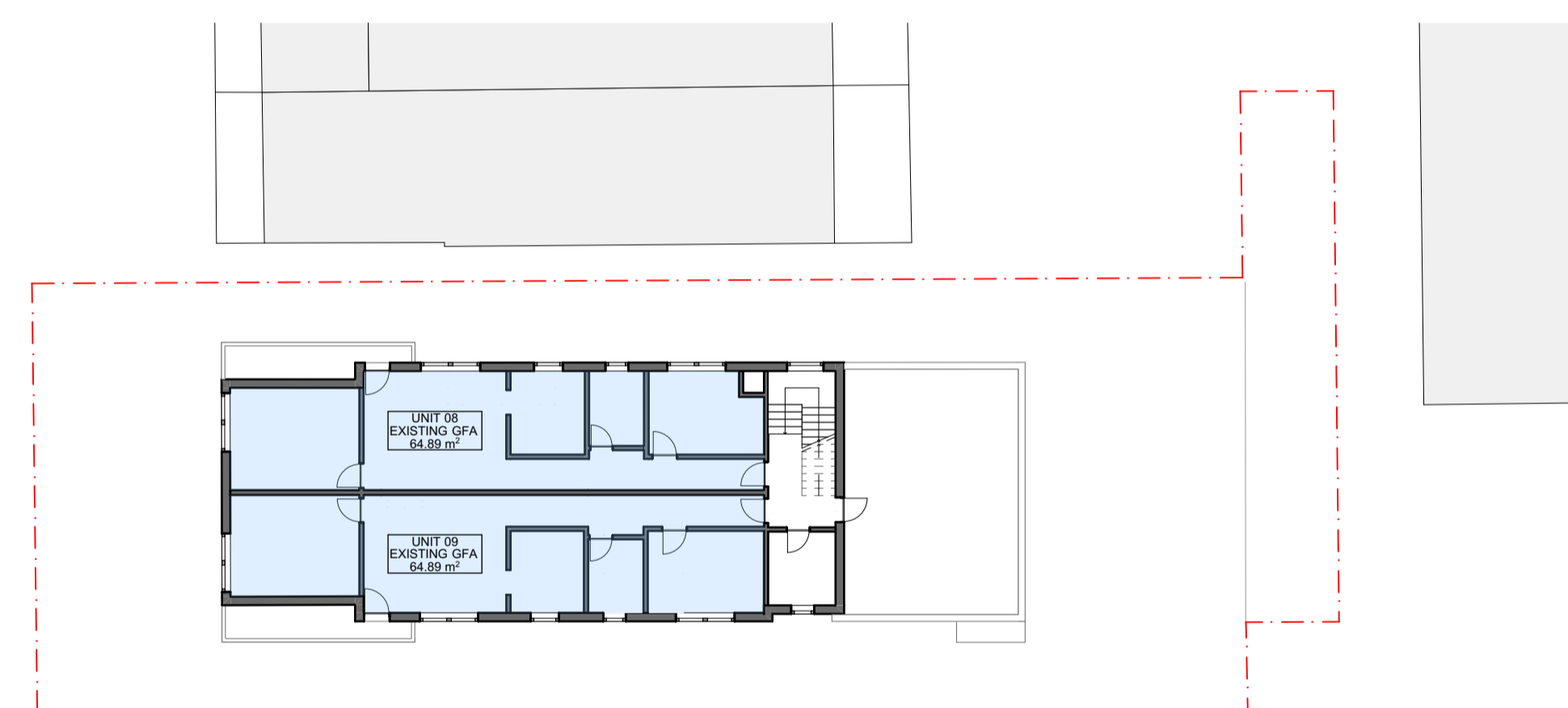
GROUND FLOOR - EXISTING GFA



FIRST FLOOR - EXISTING GFA



SECOND FLOOR - EXISTING GFA



THIRD FLOOR - EXISTING GFA

AREAS SCHEDULE			
SITE AREA	611 mq		
BUILDING HEIGHT LIMIT	9.5m		
	REQUIRED	EXISTING	PROPOSED
GFA	366.60mq	515.32mq	801.90mq
FSR	0.6:1	0.84:1	1.31:1

GFA EXISTING				
UNIT LEVELS SCHEDULE	UNIT	BEDROOM	UNIT INTERNAL AREA (sqm)	UNIT EXTERNAL AREA (sqm)
GROUND FLOOR				
	UNIT 01	1-BDR	41.36	4.46
FIRST FLOOR				
	UNIT 02	2-BDR	64.89	5.69
	UNIT 03	2-BDR	64.89	5.72
	UNIT 04	1-BDR	42.31	4.46
SECOND FLOOR				
	UNIT 05	2-BDR	64.89	5.69
	UNIT 06	2-BDR	64.89	5.72
	UNIT 07	1-BDR	42.31	4.46
THIRD FLOOR				
	UNIT 08	2-BDR	64.89	5.69
	UNIT 09	2-BDR	64.89	5.72
	TOT		515.32	47.61

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10 CARLISLE STREET, TAMARAMA PROJECT No: **21118**

STAGE: **DEVELOPMENT APPLICATION** DRAWING TITLE: **AREA CALCULATION - EXISTING** DRAWING No: **DA400**

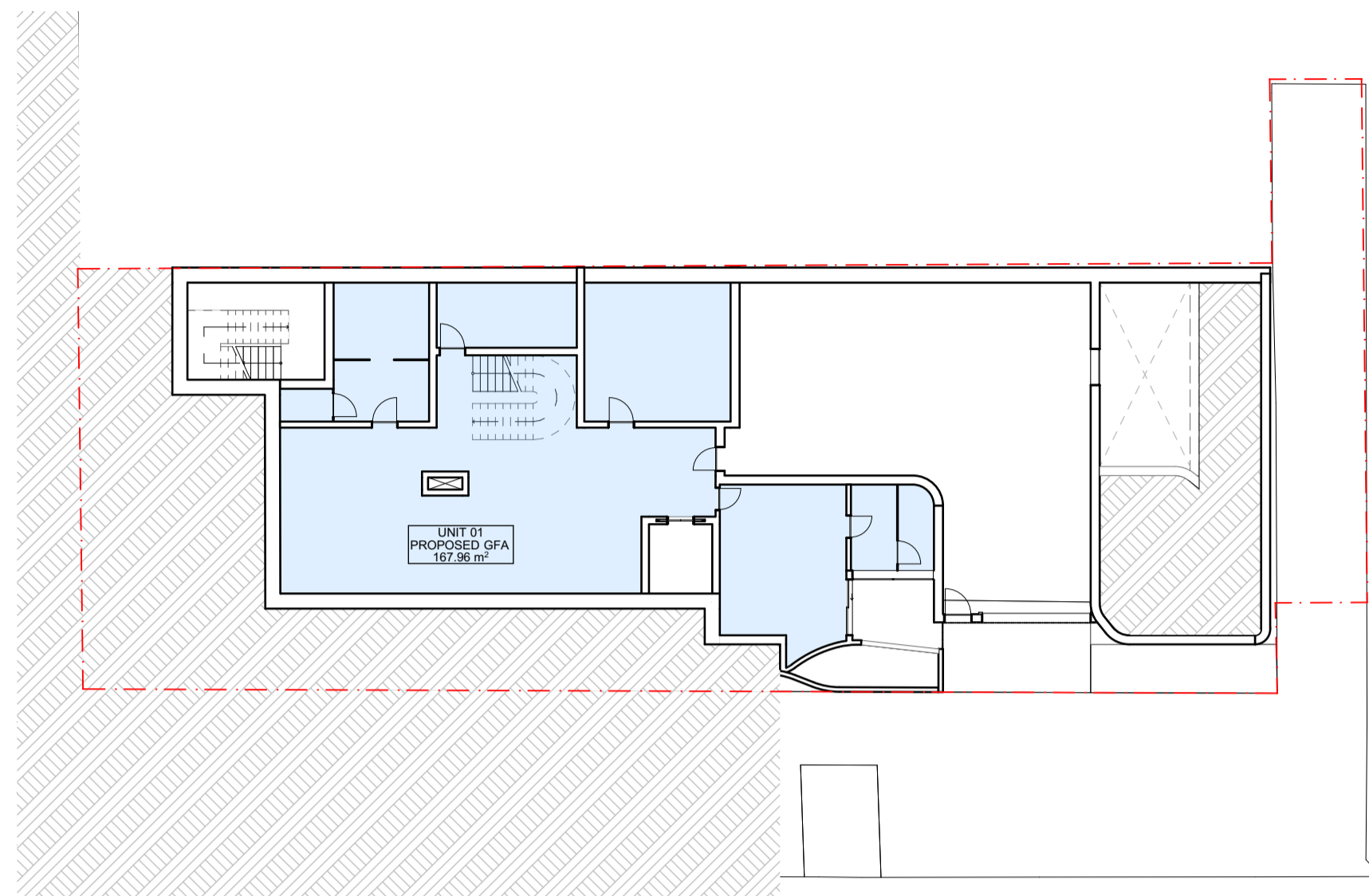
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 SCALE @ A3: 1:400

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
 DRAWN: **GF** APPROVED: **SRH**

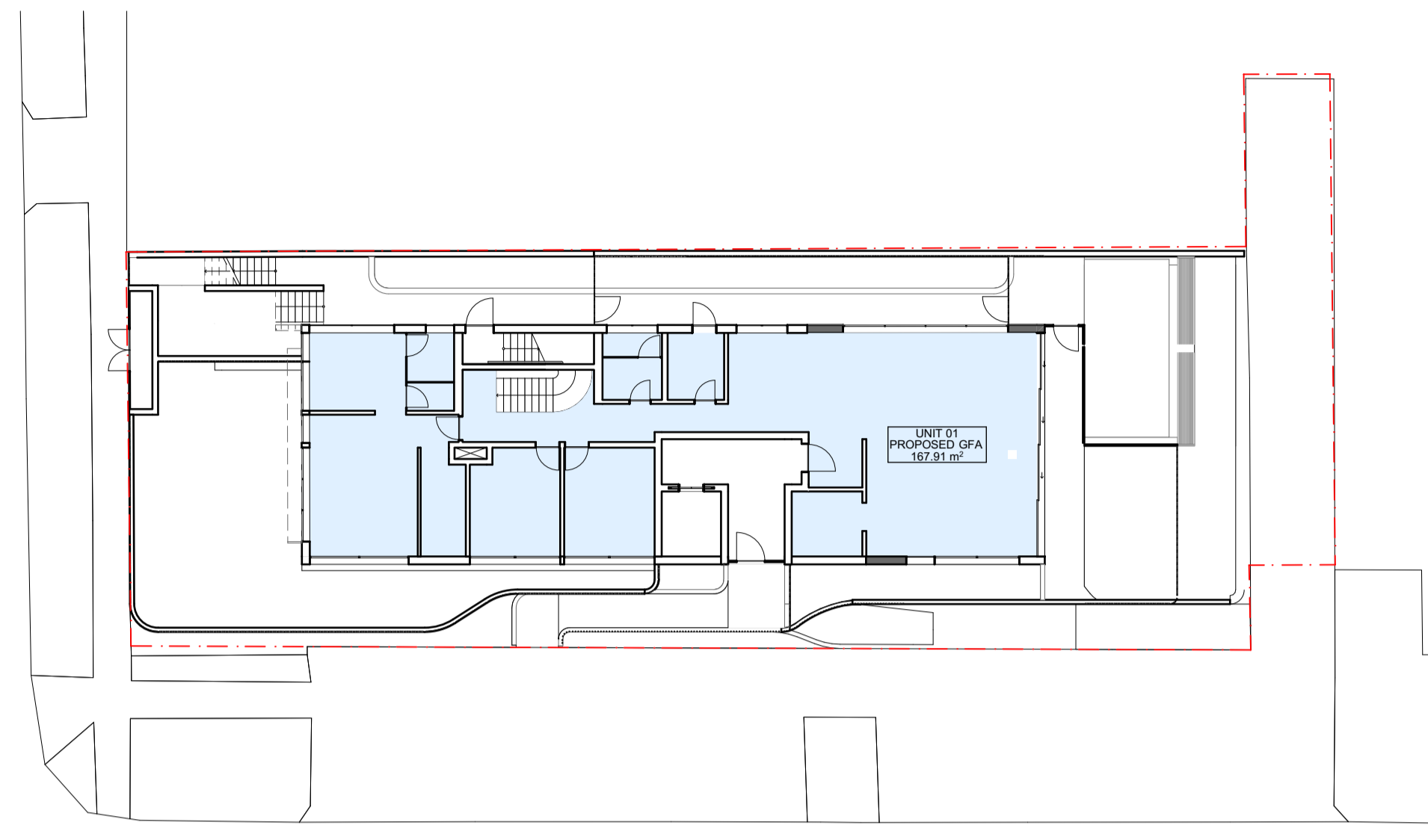
REVISION: **B**

AMENDED

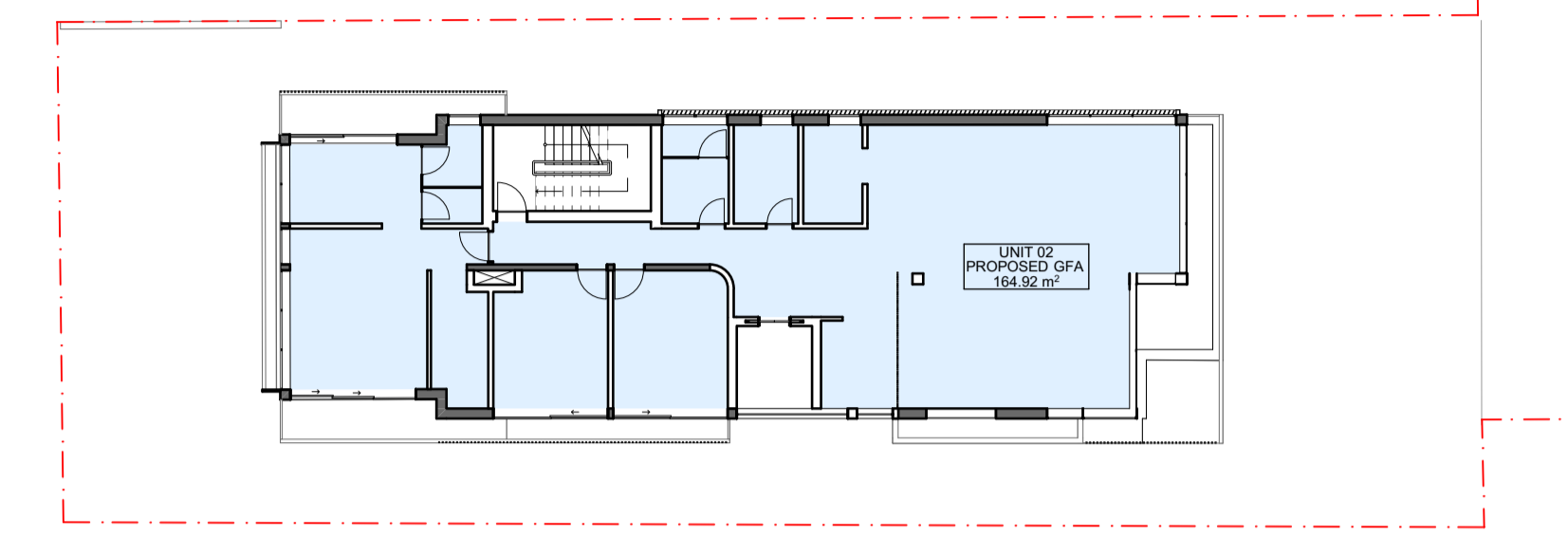
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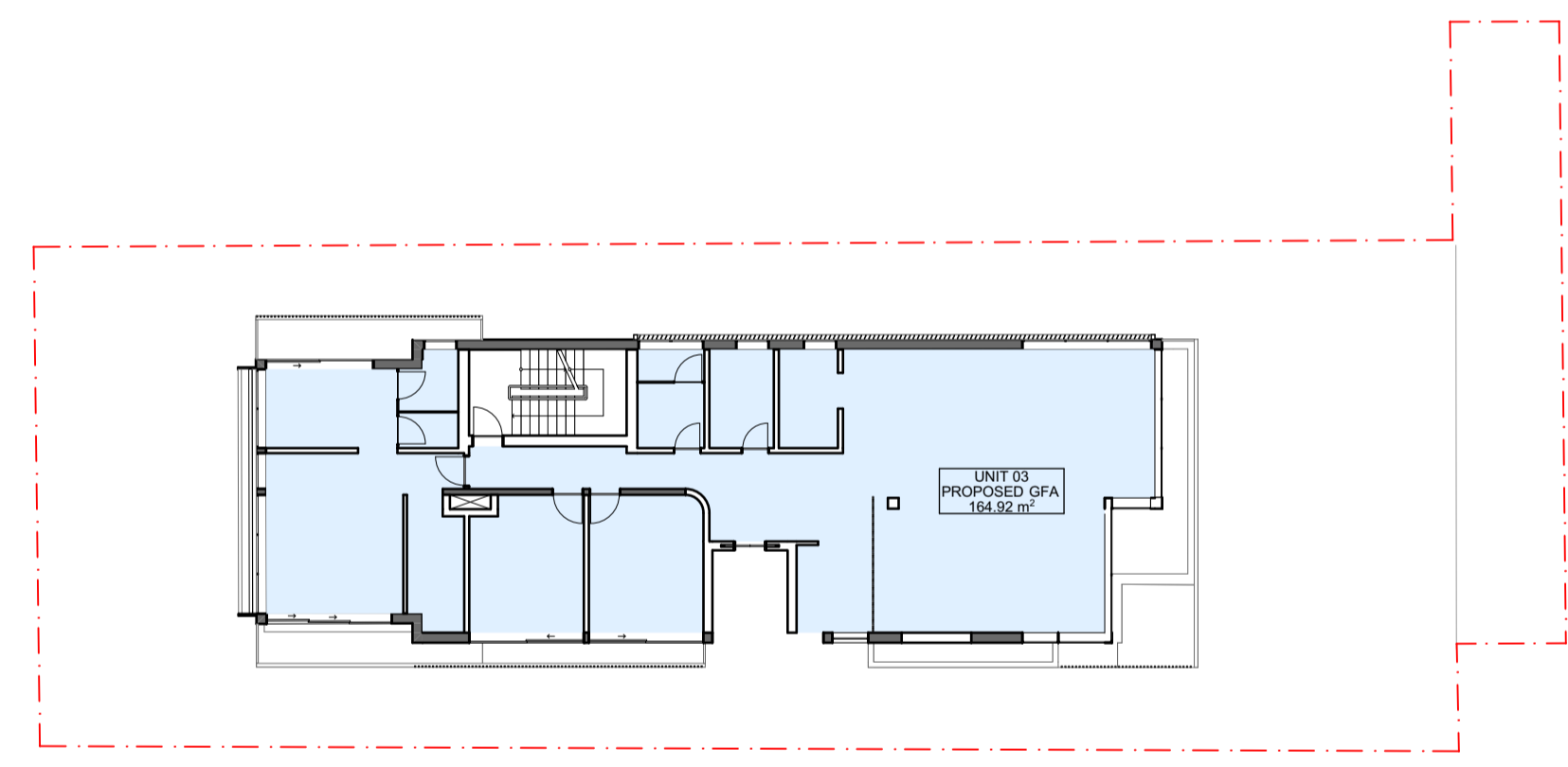
LOWER GROUND FLOOR - PROPOSED GFA



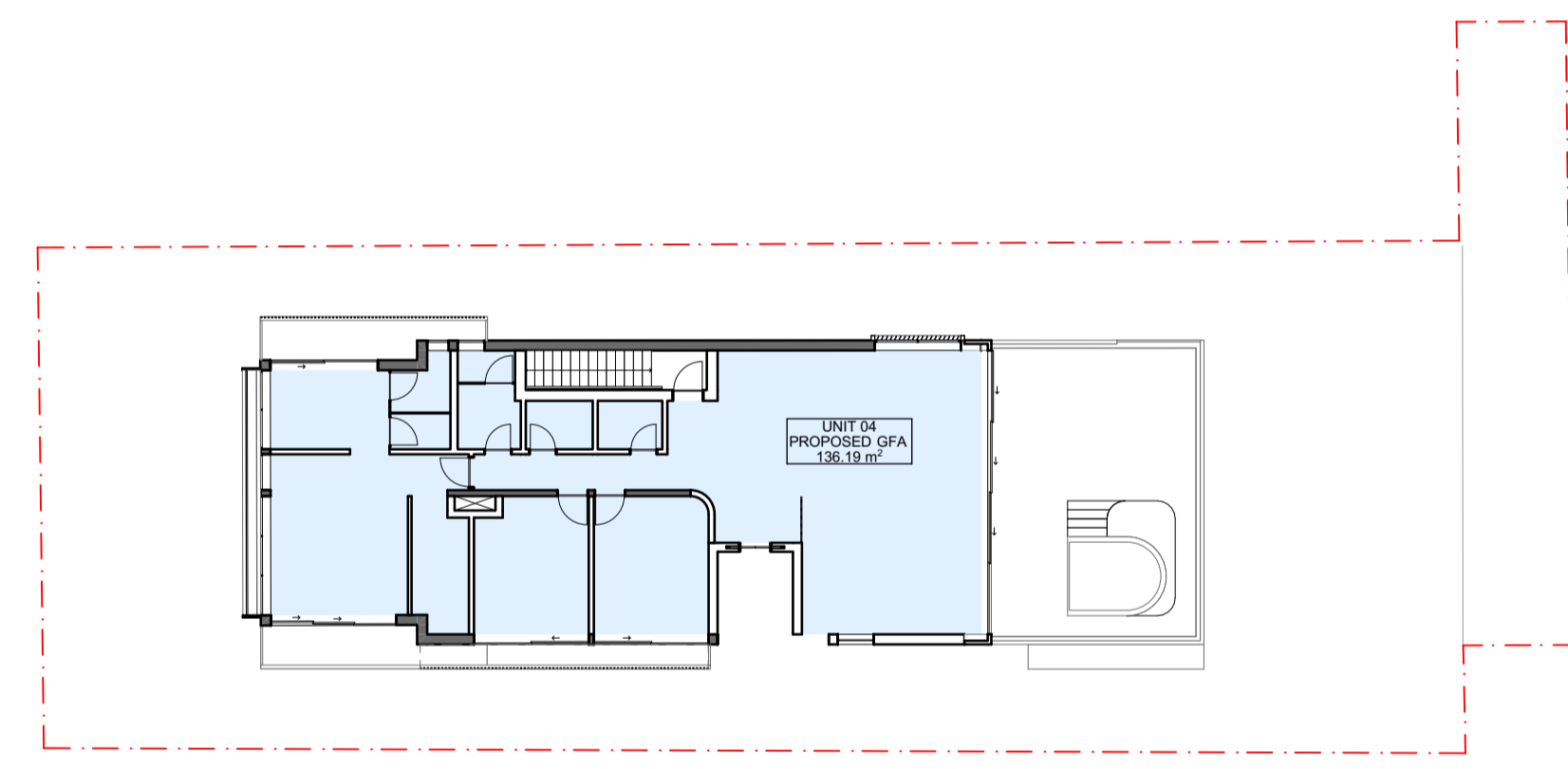
GROUND FLOOR - PROPOSED GFA



FIRST FLOOR - PROPOSED GFA



SECOND FLOOR - PROPOSED GFA



THIRD FLOOR - PROPOSED GFA

AREAS SCHEDULE

SITE AREA	611 m ²		
BUILDING HEIGHT LIMIT	9.5m		
	REQUIRED	EXISTING	PROPOSED
GFA	366.60m ²	515.32m ²	801.90m ²
FSR	0.6:1	0.84:1	1.31:1

GFA PROPOSED

UNIT LEVELS SCHEDULE	UNIT	BEDROOM	UNIT INTERNAL AREA (sqm)	UNIT EXTERNAL AREA (sqm)
GROUND FLOOR & LOWER GROUND				
FIRST FLOOR	UNIT 01	4-BDR	335.87	177.42
	UNIT 02	3-BDR	164.92	30.77
SECOND FLOOR				
	UNIT 03	3-BDR	164.92	30.77
THIRD FLOOR				
	UNIT 04	3-BDR	136.19	63.56
TOT			801.9	302.52

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 LEGEND:
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10 CARLISLE STREET, TAMARAMA PROJECT No: **21118**

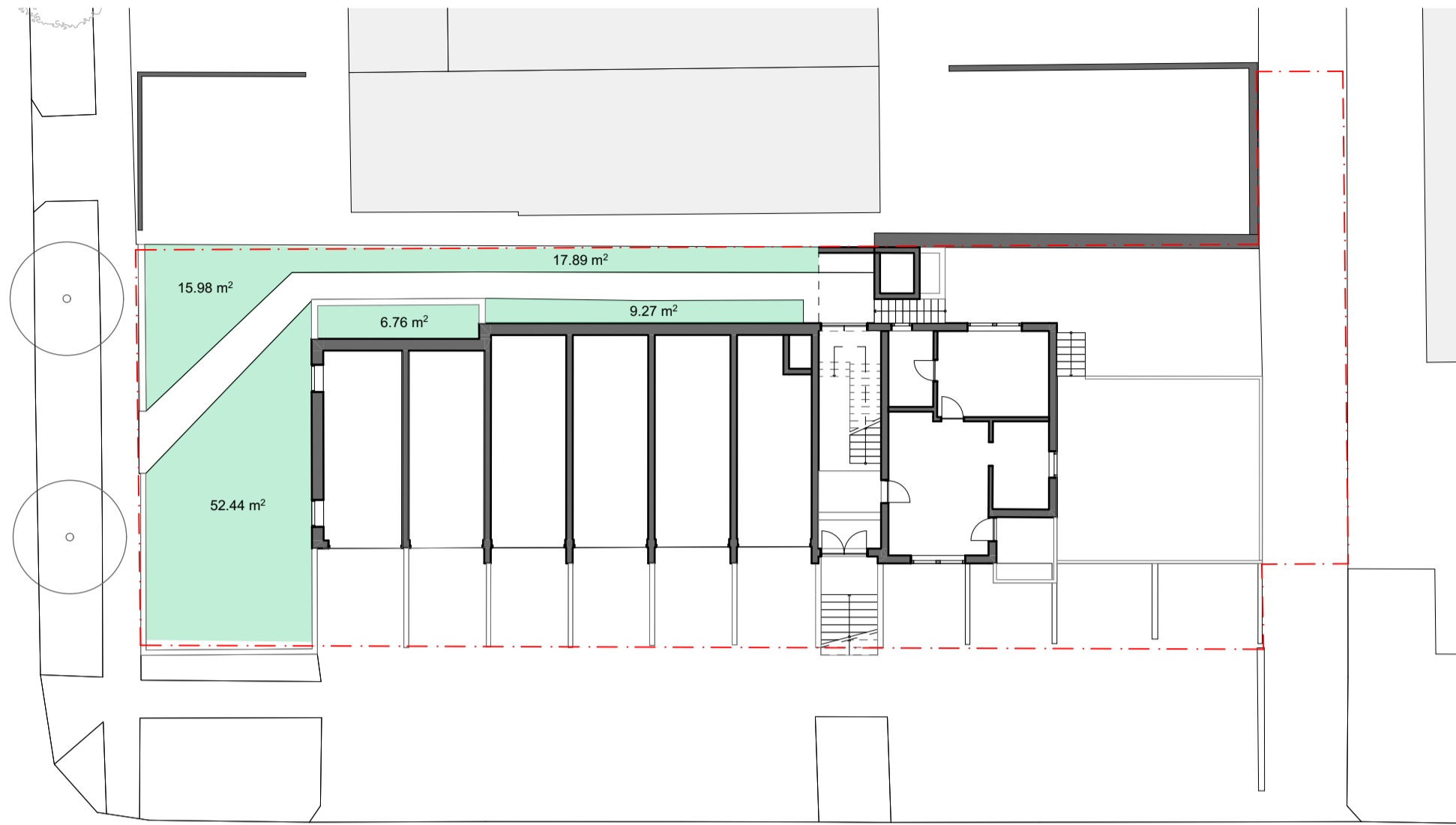
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SCALE @ A1: 1:200
 SCALE @ A3: 1:400

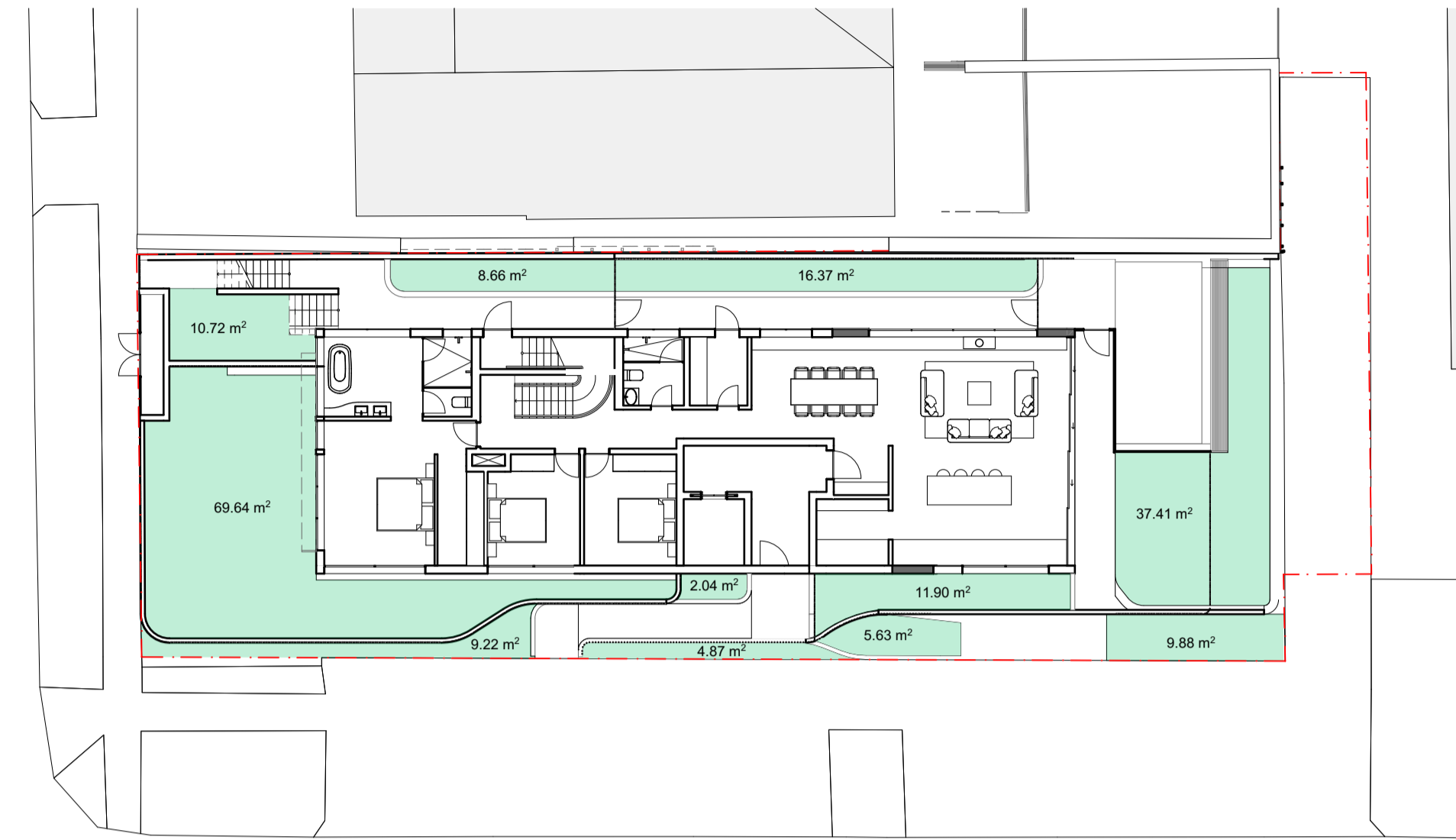
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 DRAWN: **GF** APPROVED: **SRH**

AMENDED

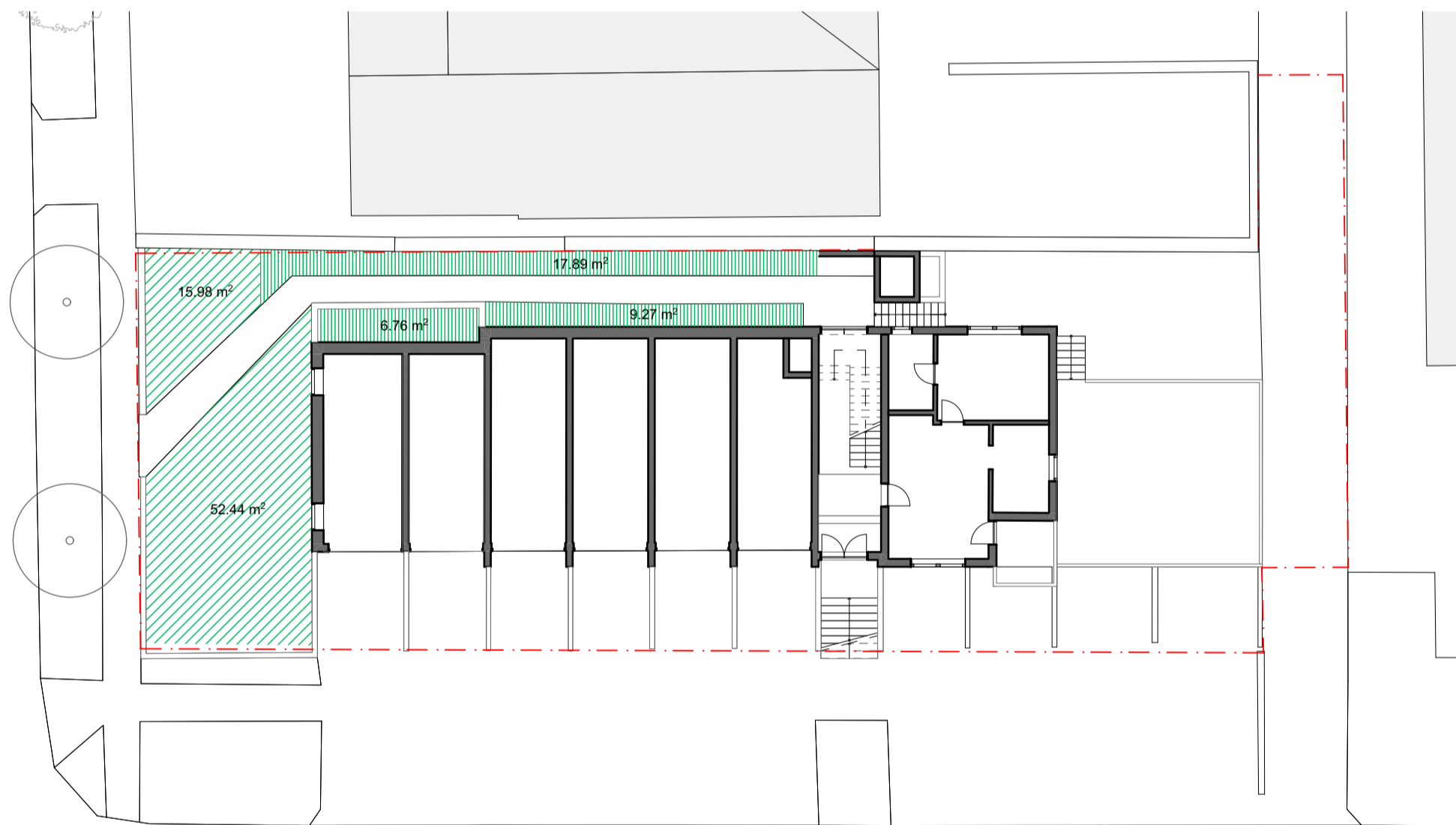
RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



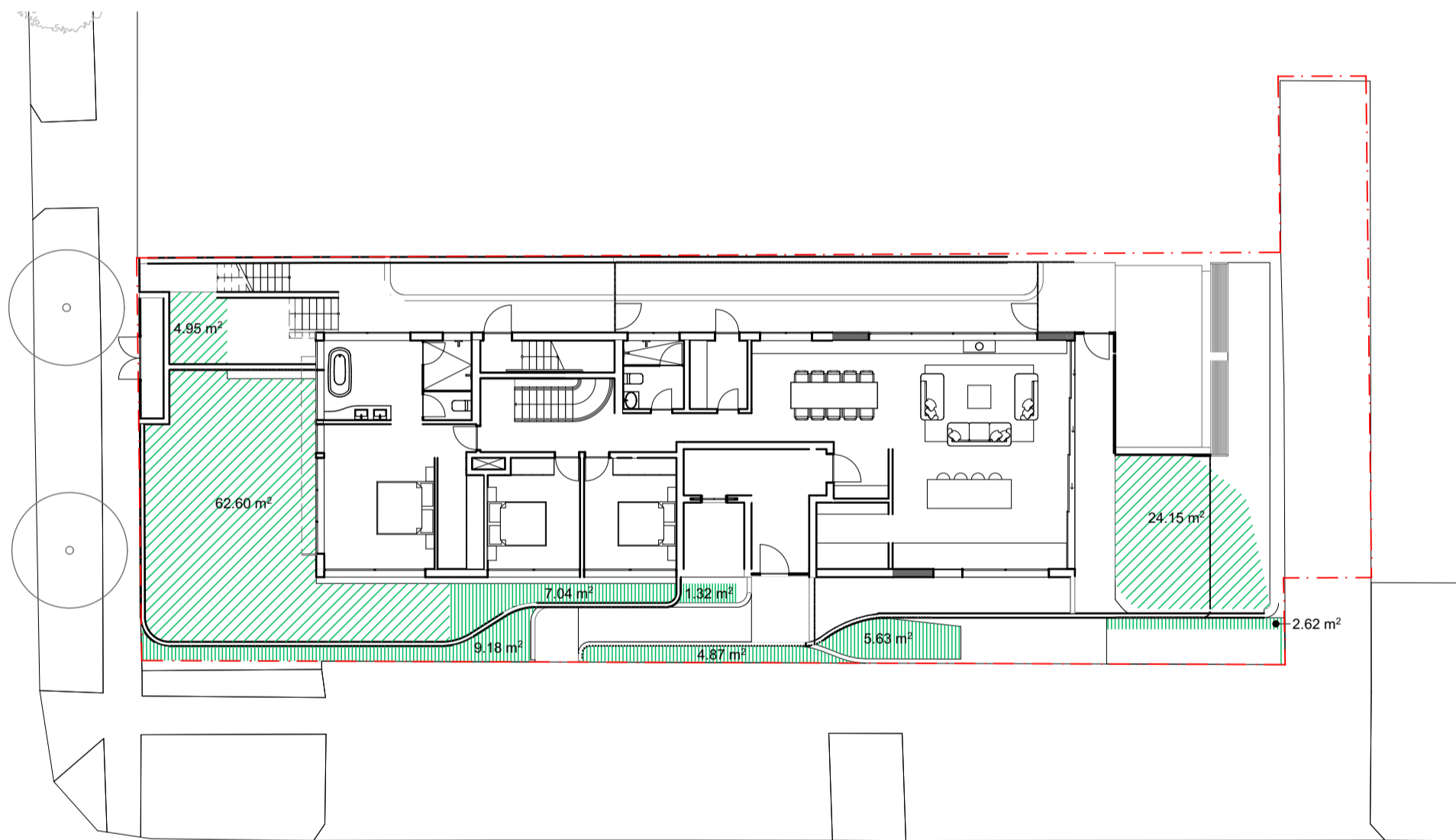
EXISTING LANDSCAPE AREA



PROPOSED LANDSCAPE AREA



EXISTING DEEP SOIL



PROPOSED DEEP SOIL

LANDSCAPE CALCULATION

SITE AREA	611 mq		
LANDSCAPE AREA	30% OF SITE AREA (183.30mq)	103.34mq (16.91%)	186.34mq (30.50%)
DEEP SOIL	50% OF LANDSCAPE AREA (91.65 mq)	68.42 mq (37.33%)	91.70 mq (50.02%)

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LEGEND:

- LANDSCAPE AREA
- DEEP SOIL AREA 2x2M
- DEEP SOIL AREA LESS THAN 2x2M

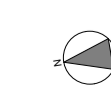
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10 CARLISLE STREET, TAMARAMA

DEVELOPMENT APPLICATION

SCALE @ A1:
1:200
SCALE @ A3:
1:400



LANDSCAPE CALCULATION

CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

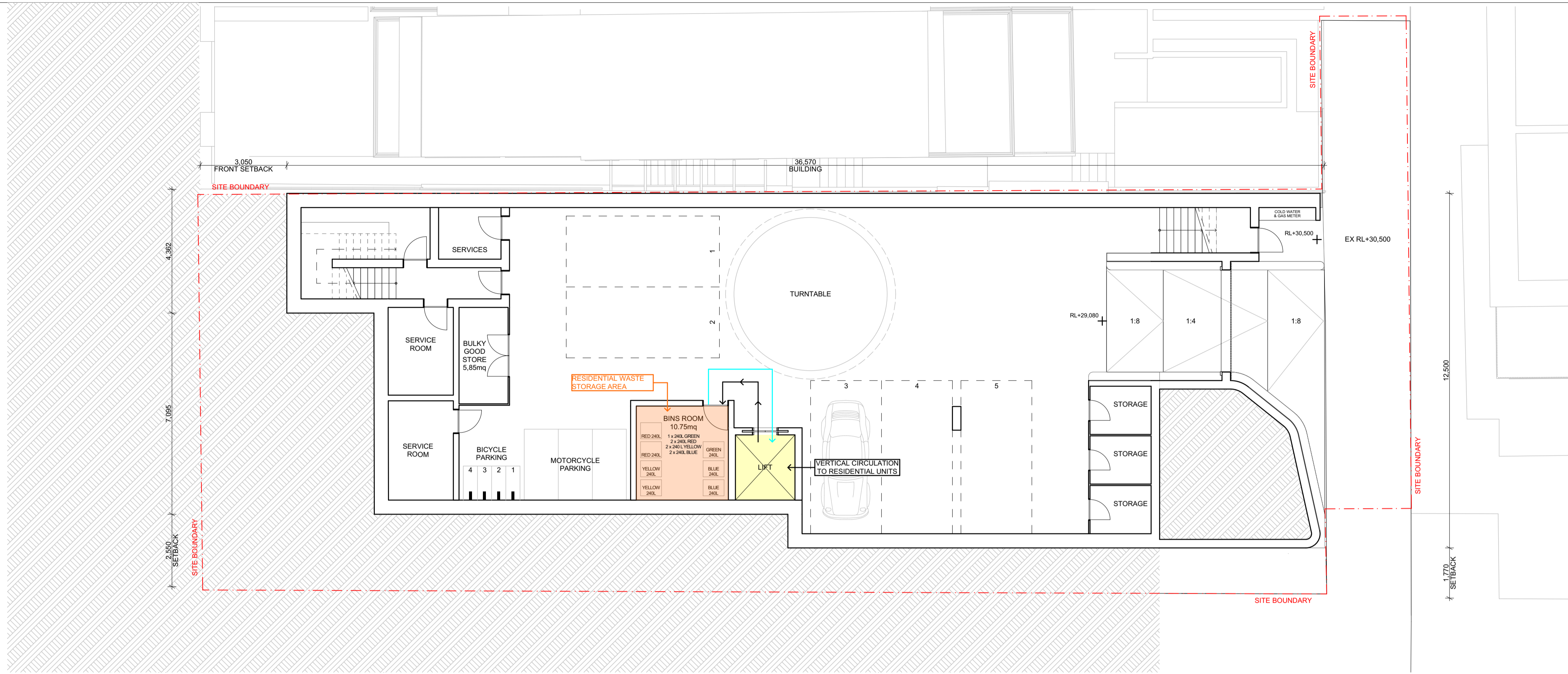
PROJECT No: 21118

DRAWING No: DA402

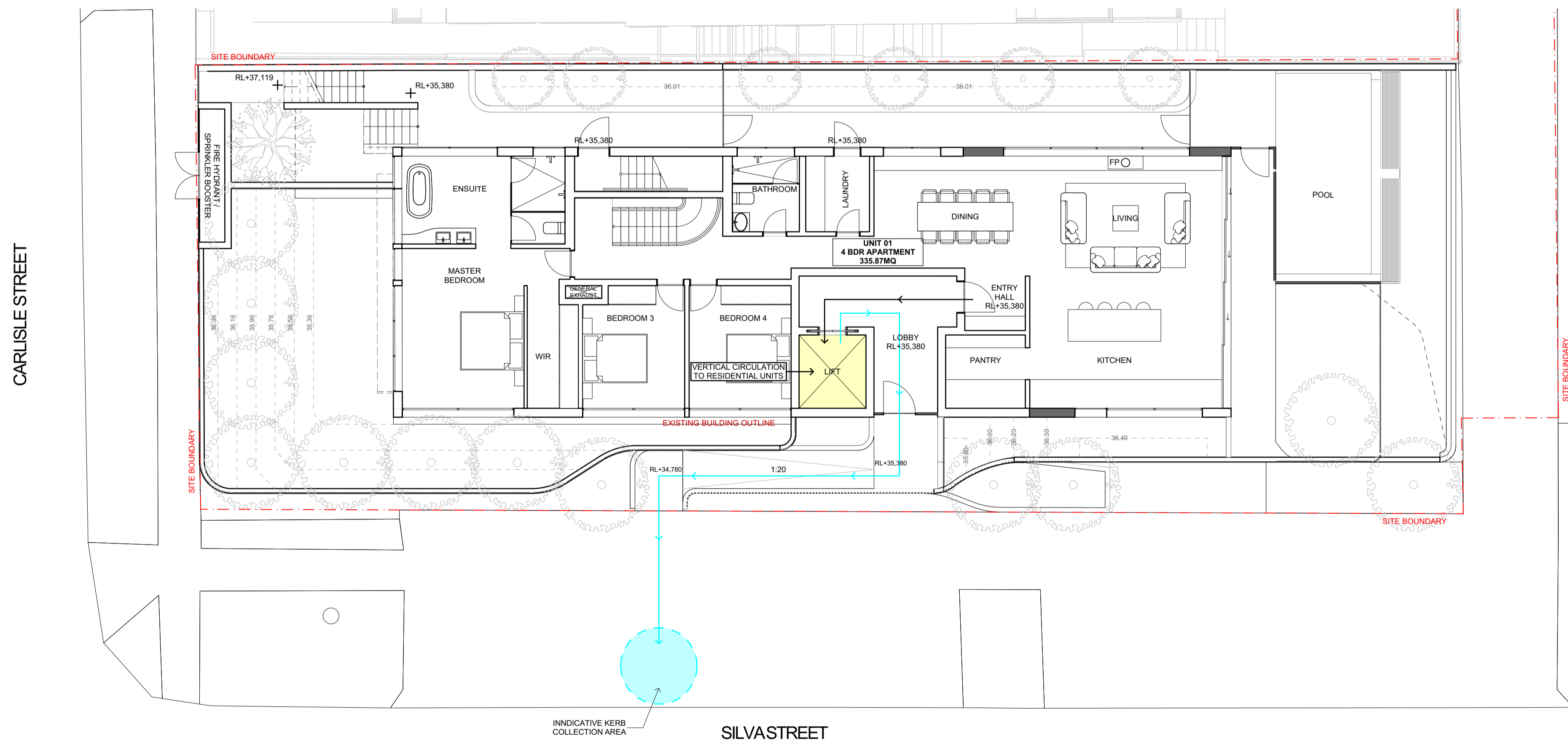
REVISION: B

AMENDED

RECEIVED
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Application No: DA-461/2022
Date Received: 03/07/2023



1 BASEMENT 1 PLAN - RESIDENTIAL WASTE
1:100



2 GROUND FLOOR PLAN - WASTE PATH TO KERB
1:100

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LEGEND:

- RESIDENTIAL WASTE PATHWAY
- WASTE PATHWAY TO KERB
- WASTE STORAGE ROOM
- VERTICAL CIRCULATION
- KERBSIDE COLLECTION

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A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
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10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT
APPLICATION

SCALE @ A1:
1:100
SCALE @ A3:
1:200

DRAWING TITLE:
WASTE DIAGRAM

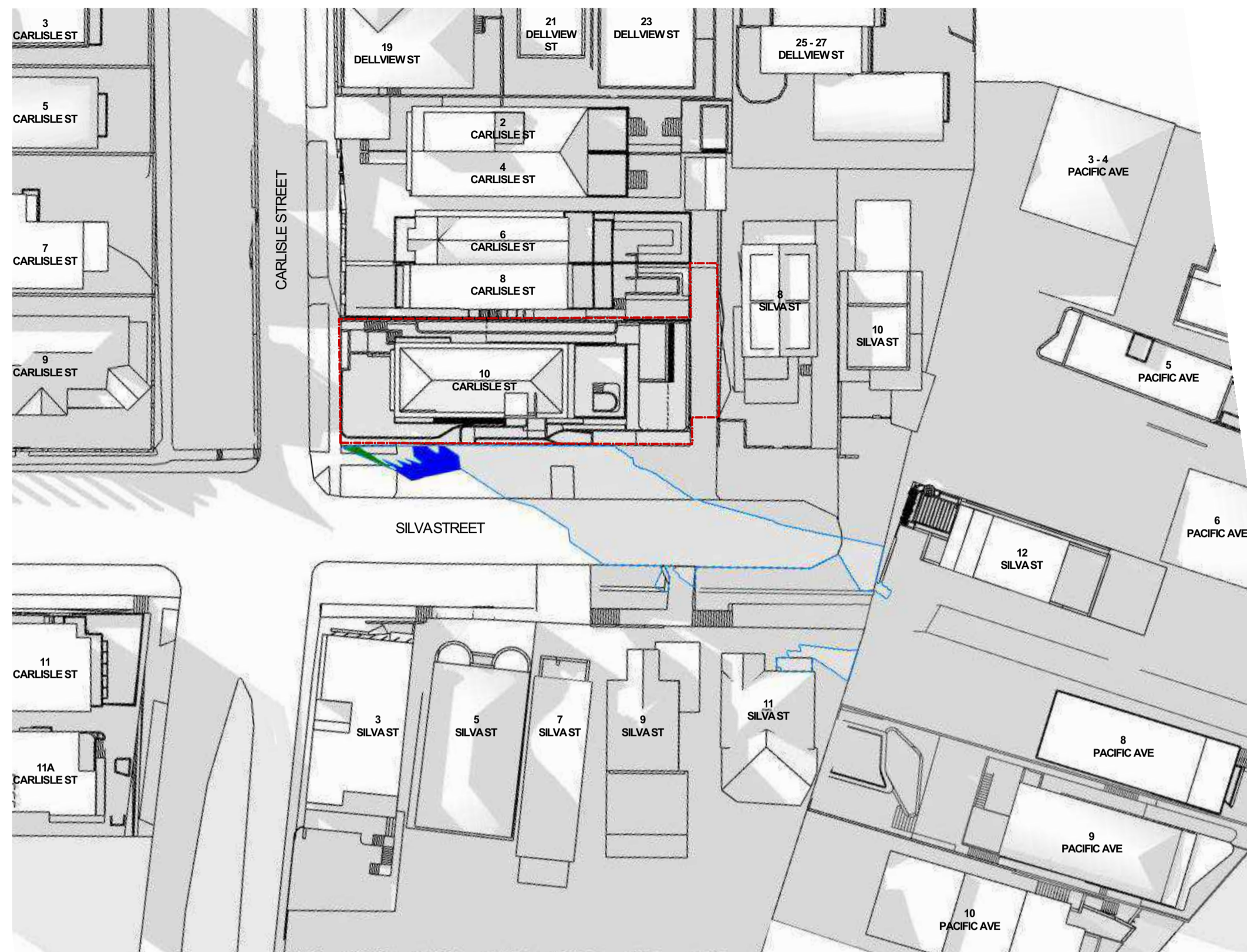
CLIENT: METRIC INTERIORS
DRAWN: GF
CHECKED: HHH
APPROVED: SRH

PROJECT No: 21118

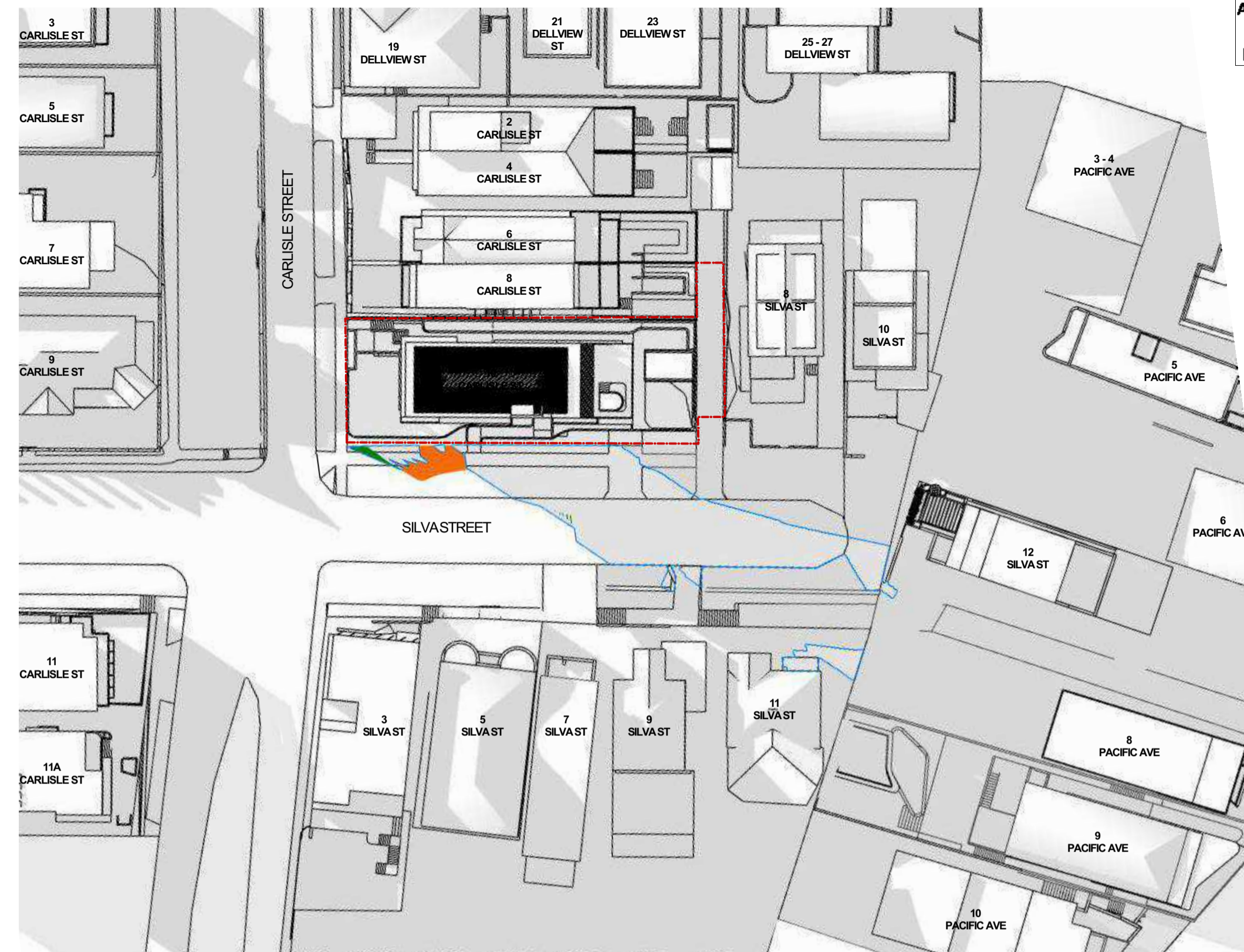
DRAWING No:
DA403

REVISION:
B

NOTE:
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- SITE VISIT OBSERVATIONS



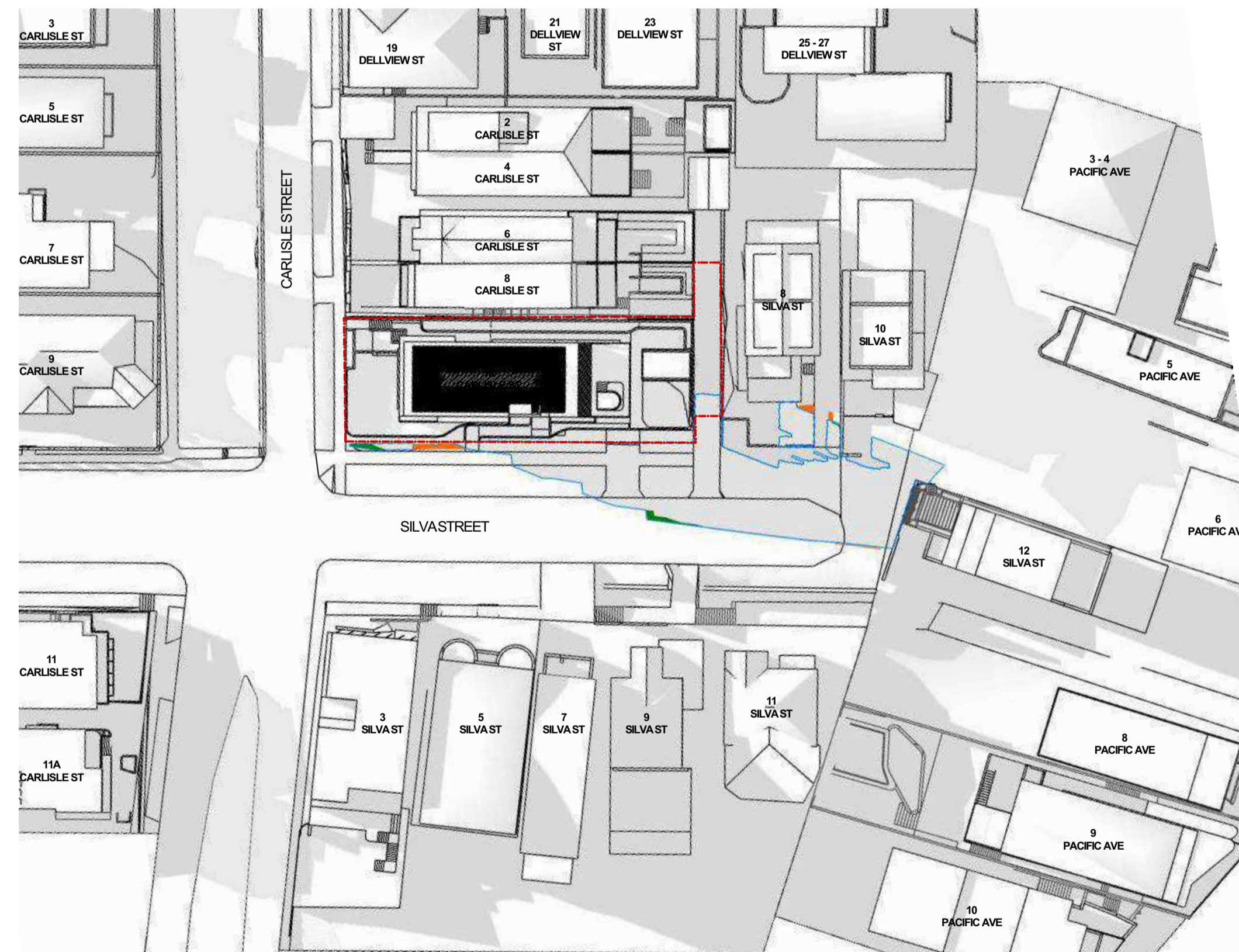
9AM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



9AM WINTER SOLSTICE - EXISTING vs LODGED DA



10AM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



10AM WINTER SOLSTICE - EXISTING vs LODGED DA

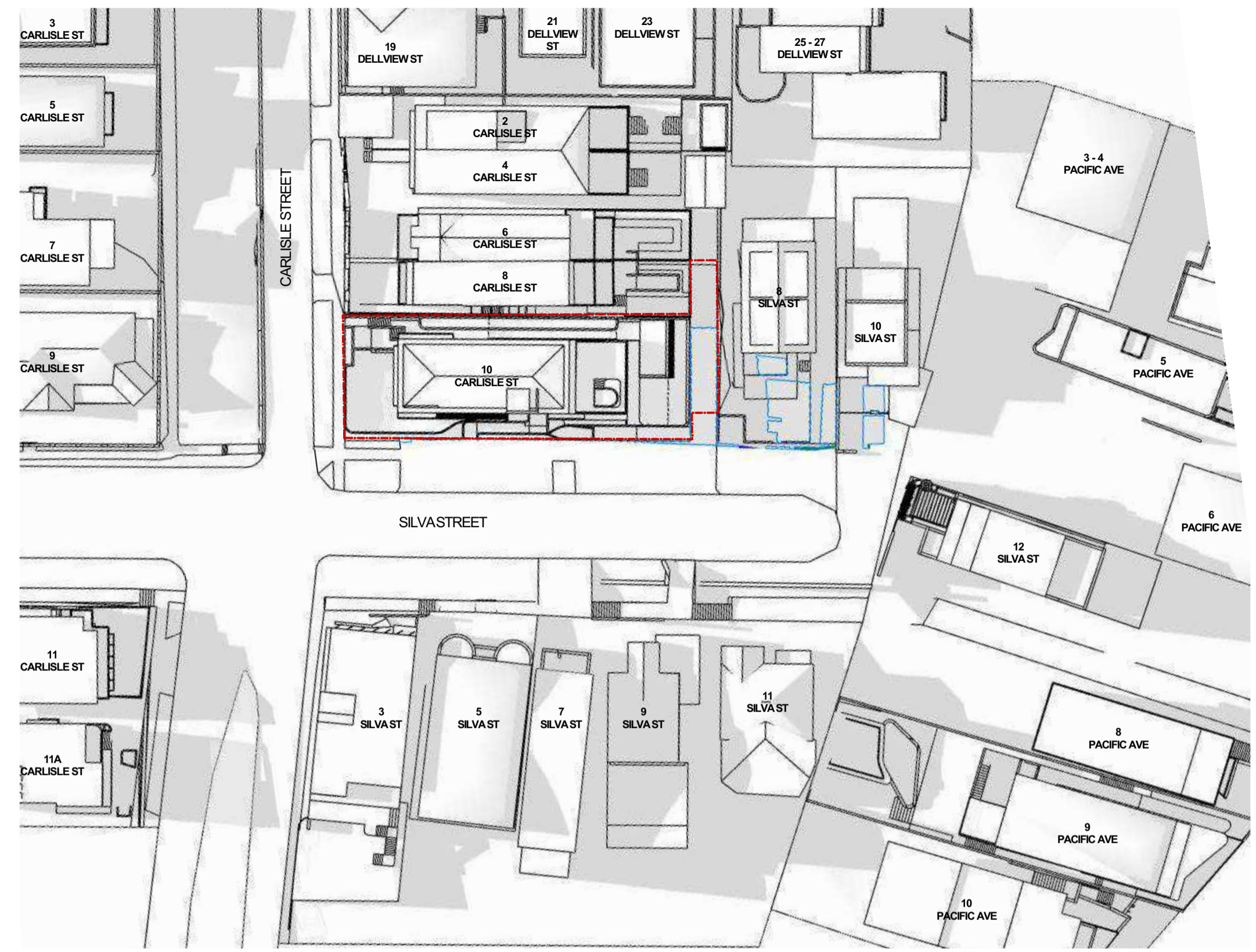
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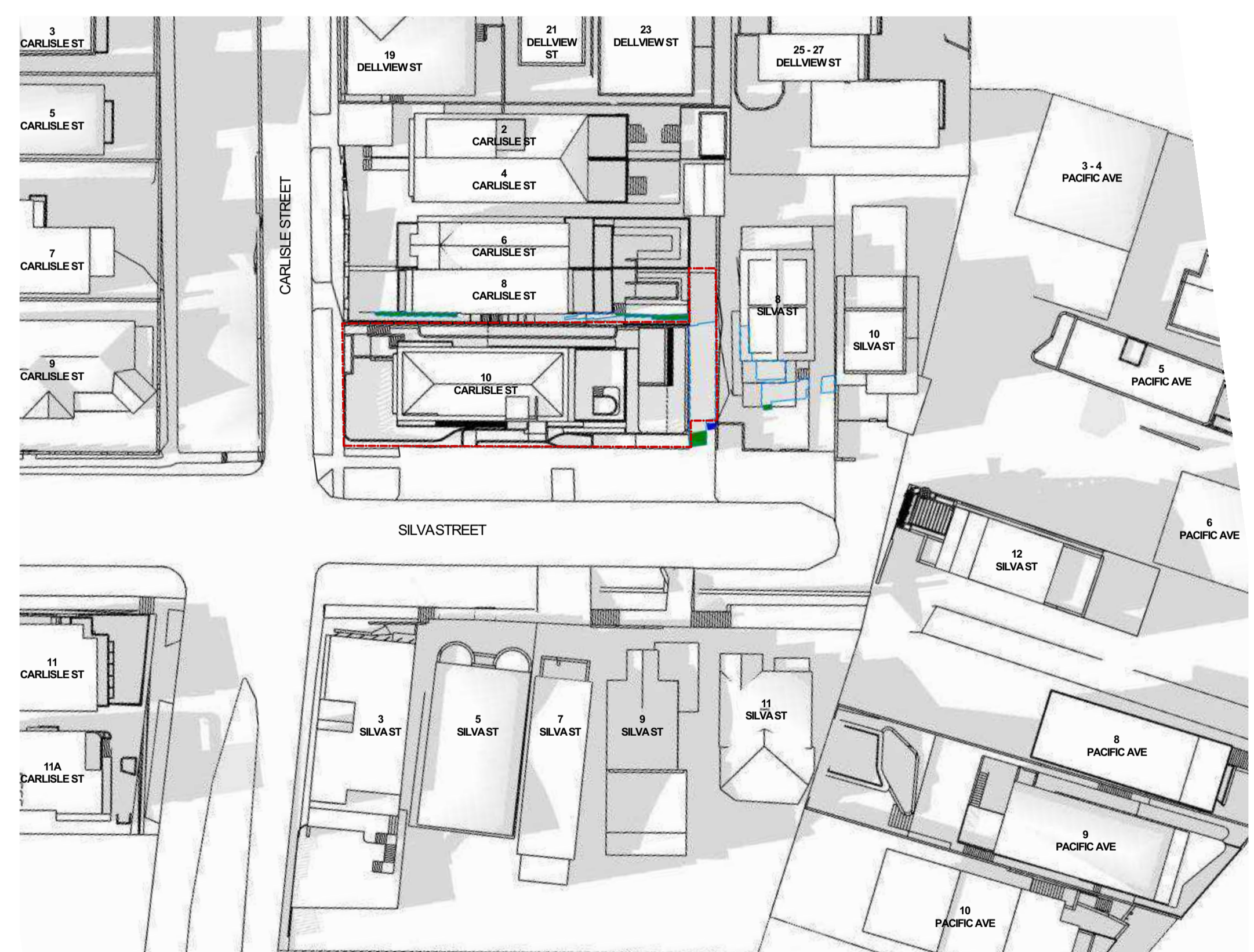
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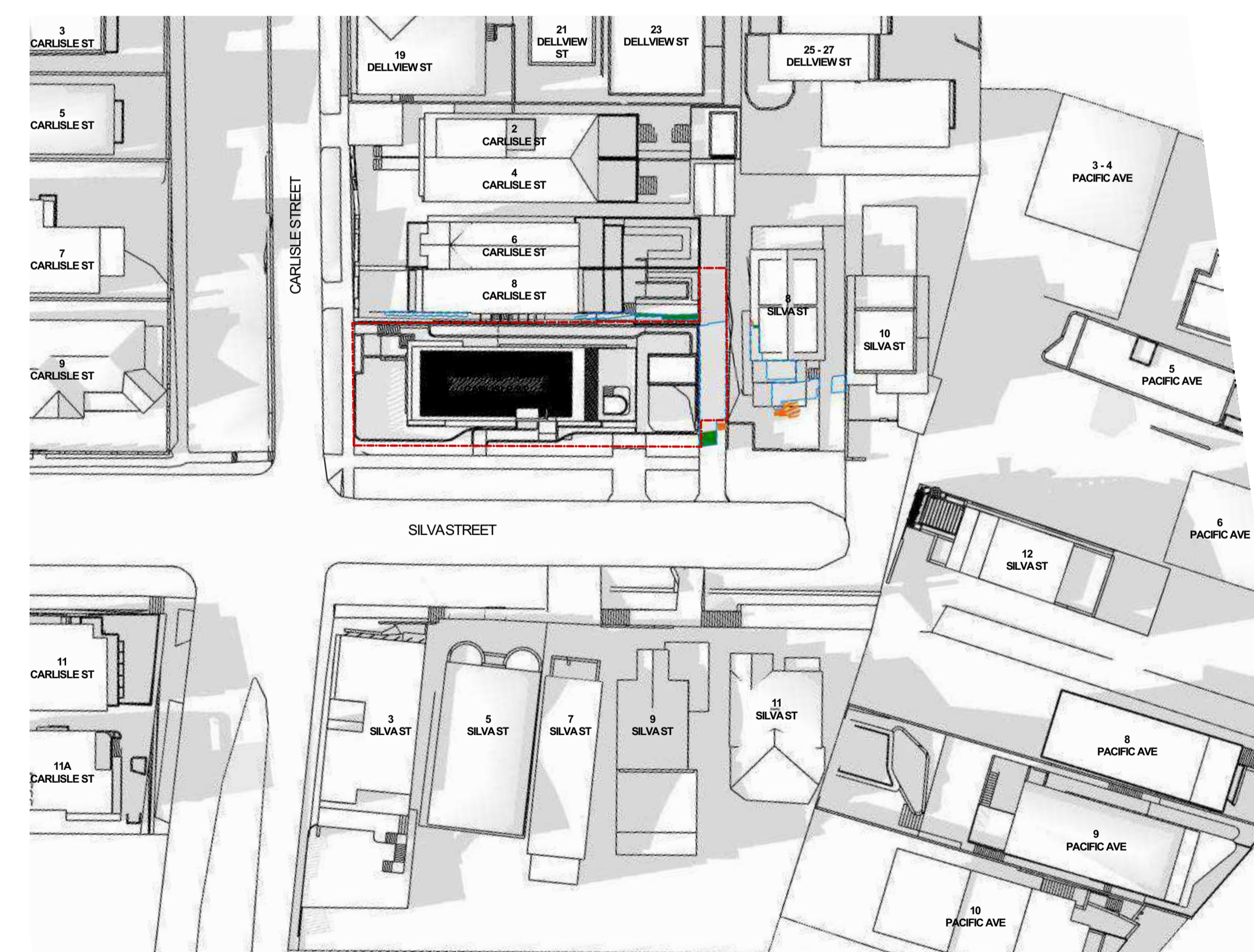
11AM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



11AM WINTER SOLSTICE - EXISTING vs LODGED DA



12PM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



12PM WINTER SOLSTICE - EXISTING vs LODGED DA

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LEGEND:
- EXISTING SHADOWS
- OUTLINE OF 10 CARLISLE ST EXISTING
- ADDITIONAL SHADOW CAST BY AMENDED DESIGN PROPOSAL
- ADDITIONAL SHADOW CAST BY LODGED DA PROPOSAL
- REDUCTION IN SHADOW

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B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA PROJECT No: 21118

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **SHADOW DIAGRAMS 2**

DRAWING No: **DA411**

SCALE @ A1: 1:500
SCALE @ A3: 1:1000

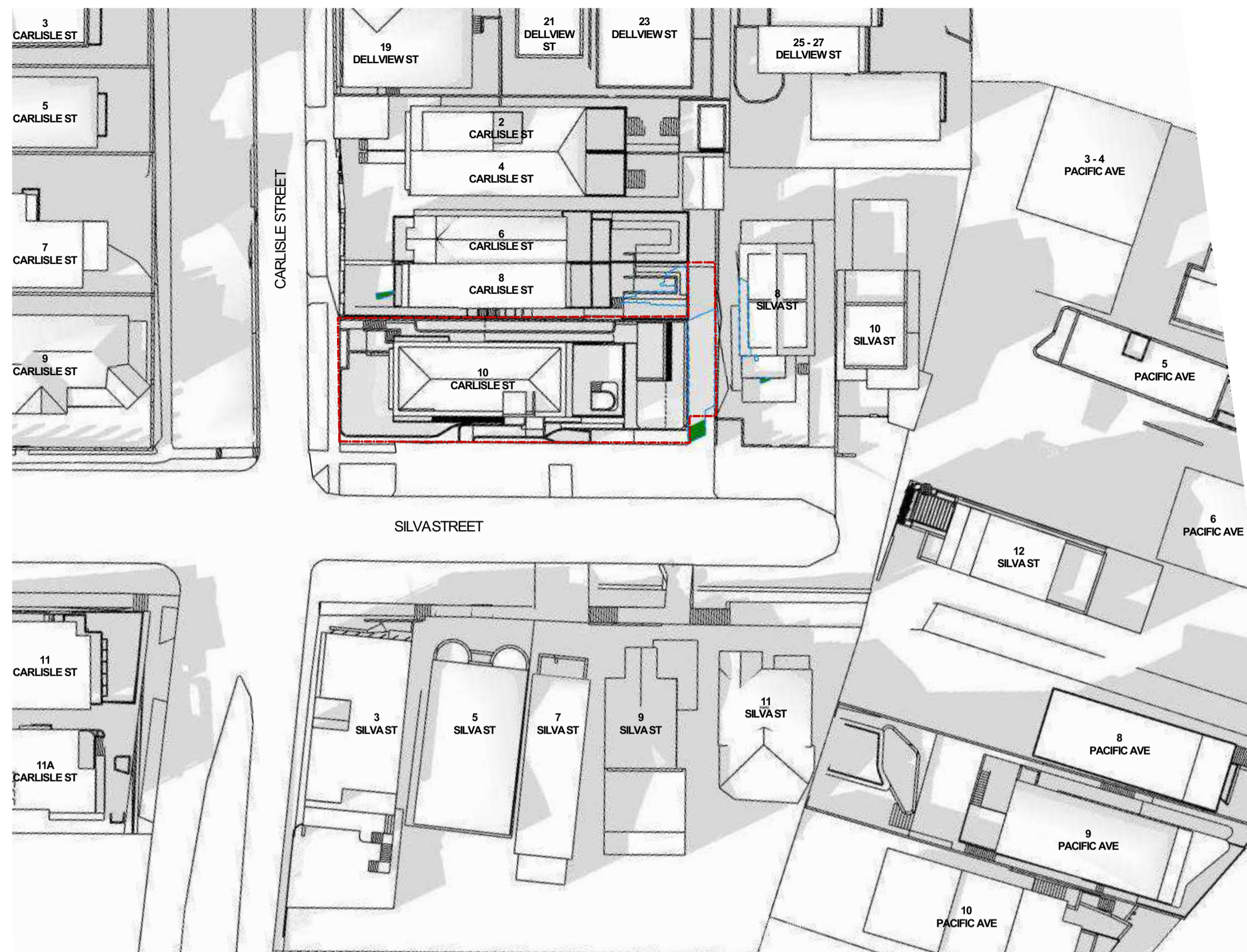
CLIENT: METRIC INTERIORS CHECKED: HHH
DRAWN: GF APPROVED: SRH

REVISION: **B**

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023

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- SITE VISIT OBSERVATIONS



13PM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



13PM WINTER SOLSTICE - EXISTING vs LODGED DA



14PM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



14PM WINTER SOLSTICE - EXISTING vs LODGED DA

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- LEGEND:
- EXISTING SHADOWS
 - OUTLINE OF 10 CARLISLE ST EXISTING
 - ADDITIONAL SHADOW CAST BY AMENDED DESIGN PROPOSAL
 - ADDITIONAL SHADOW CAST BY LODGED DA PROPOSAL
 - REDUCTION IN SHADOW

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
1:500
SCALE @ A3:
1:1000

DRAWING TITLE:
SHADOW DIAGRAMS 3

CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

PROJECT No: 21118

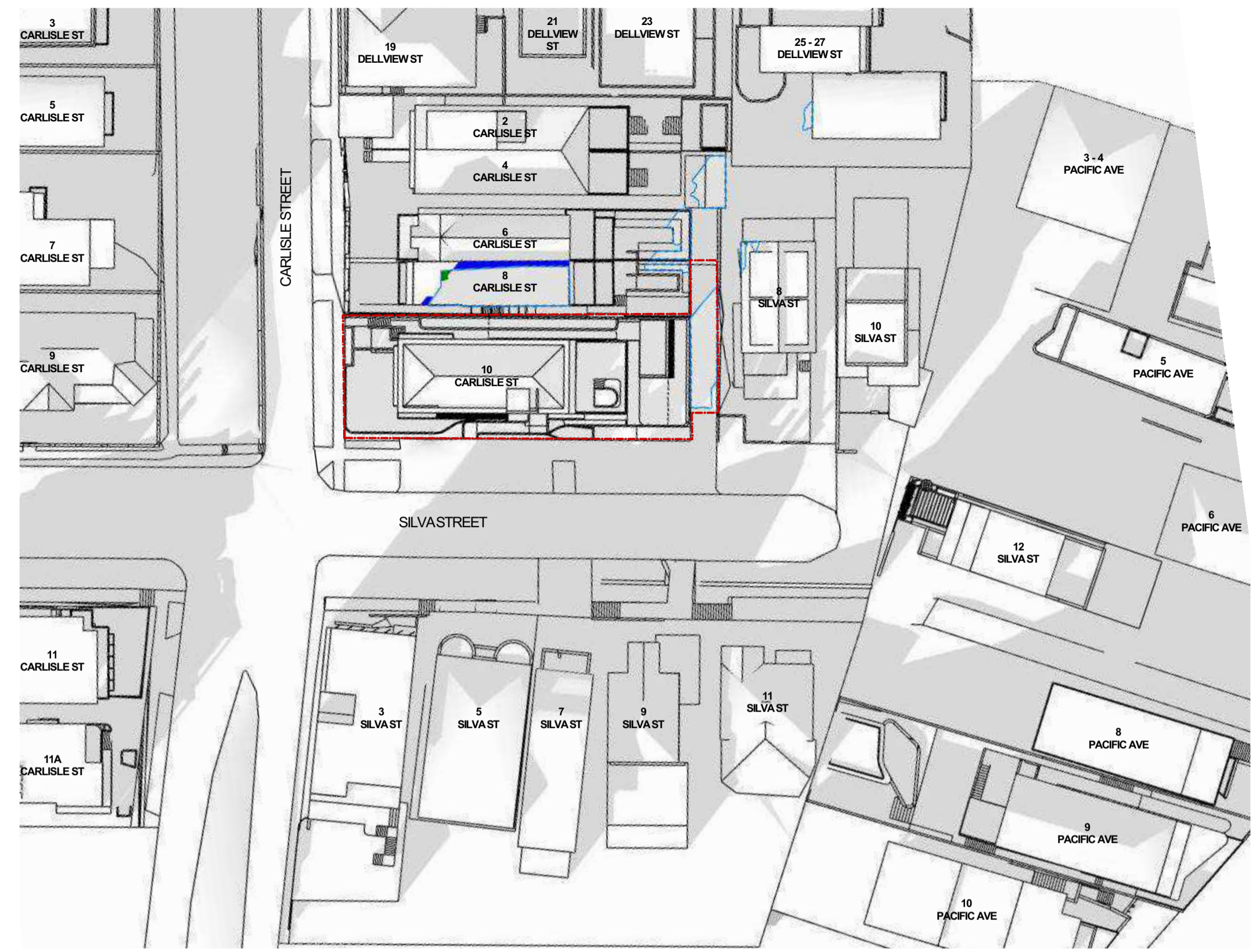
DRAWING No:
DA412

REVISION:
B

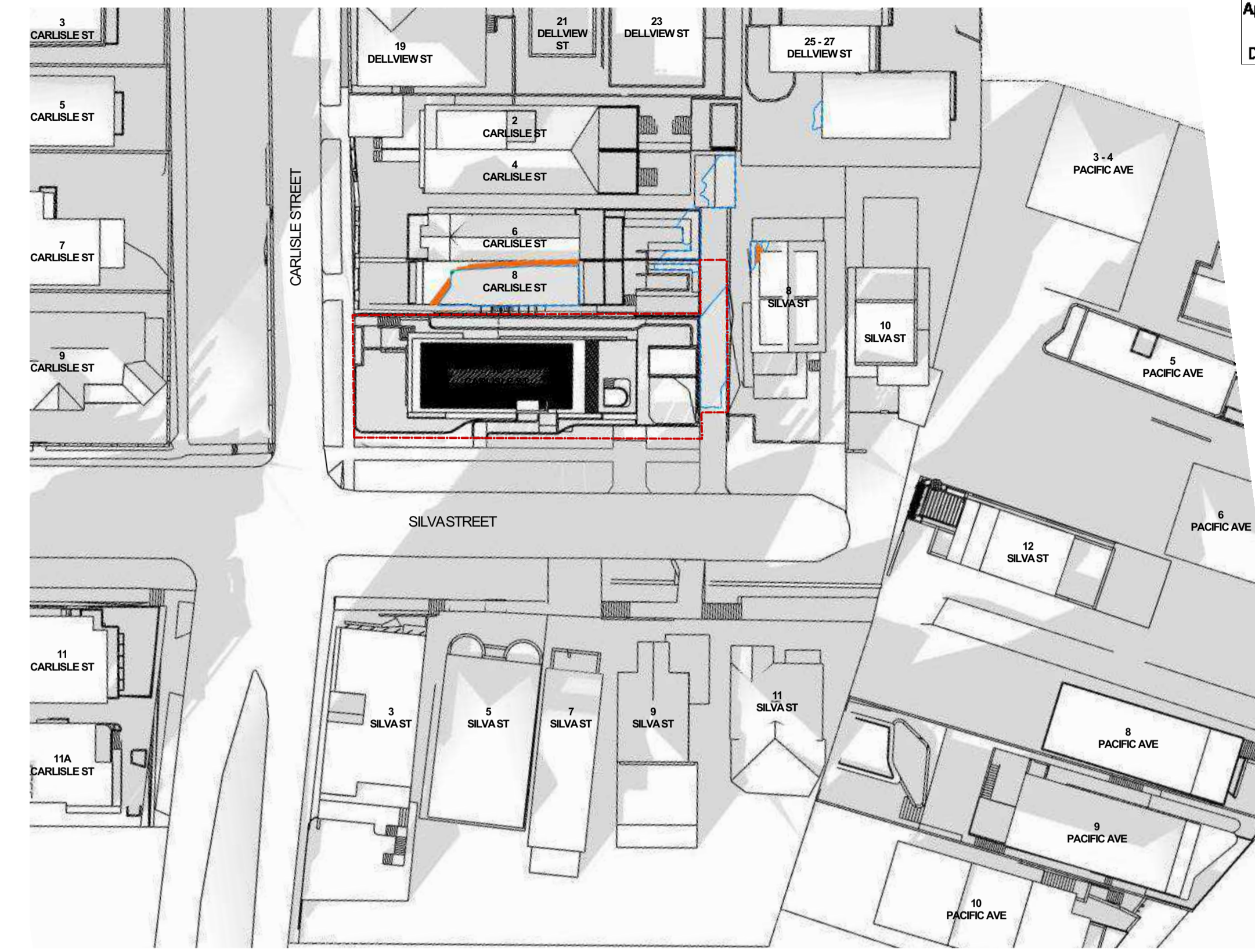
RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023

AMENDED

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- GPS INFORMATION FROM GOOGLE MAPS AND SIX MAPS
- SITE VISIT OBSERVATIONS



15PM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



15PM WINTER SOLSTICE - EXISTING vs LODGED DA

NOT FOR CONSTRUCTION

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- REDUCTION IN SHADOW

REV	DATE	NAME
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MULTIRESIDENTIAL APARTMENTS

10 CARLISLE STREET, TAMARAMA

PROJECT No: **21118**

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **SHADOW DIAGRAMS 4**

DRAWING No: **DA413**

SCALE @ A1: 1:500
SCALE @ A3: 1:1000

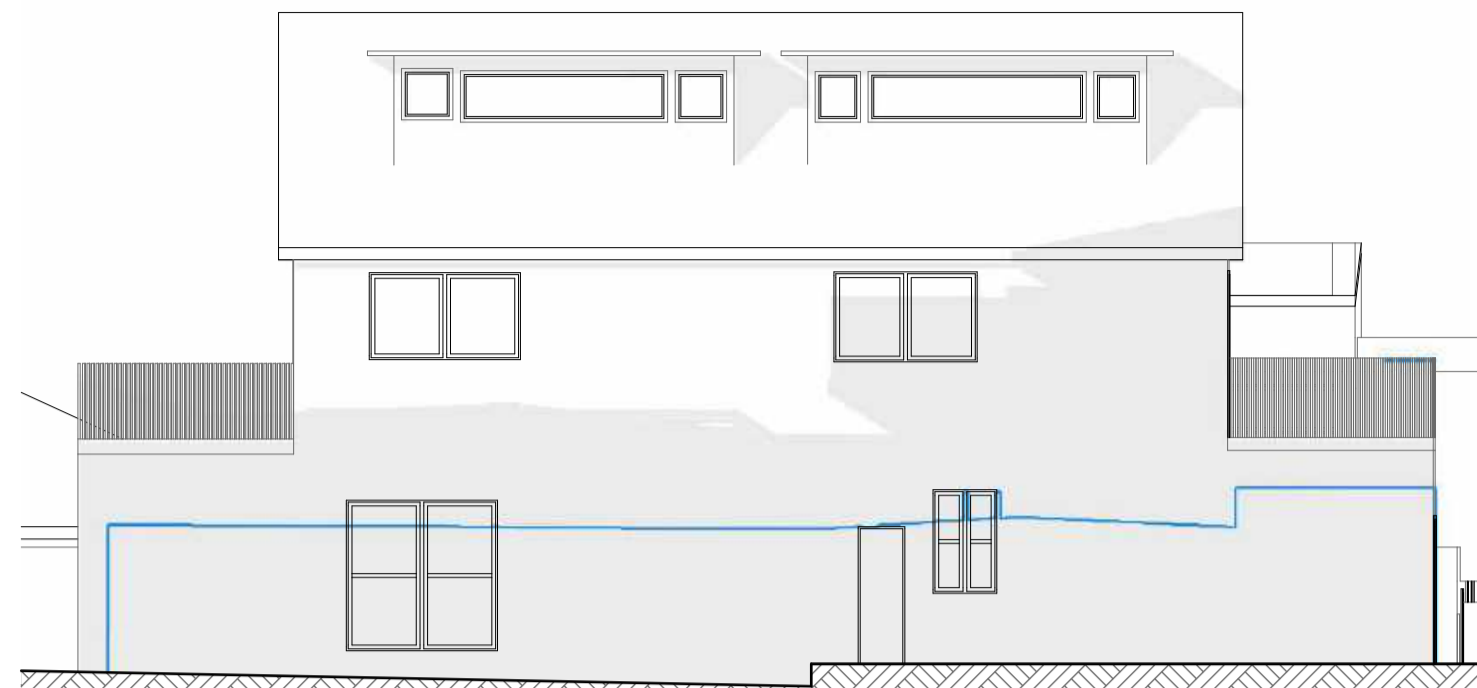
CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

REVISION: **B**

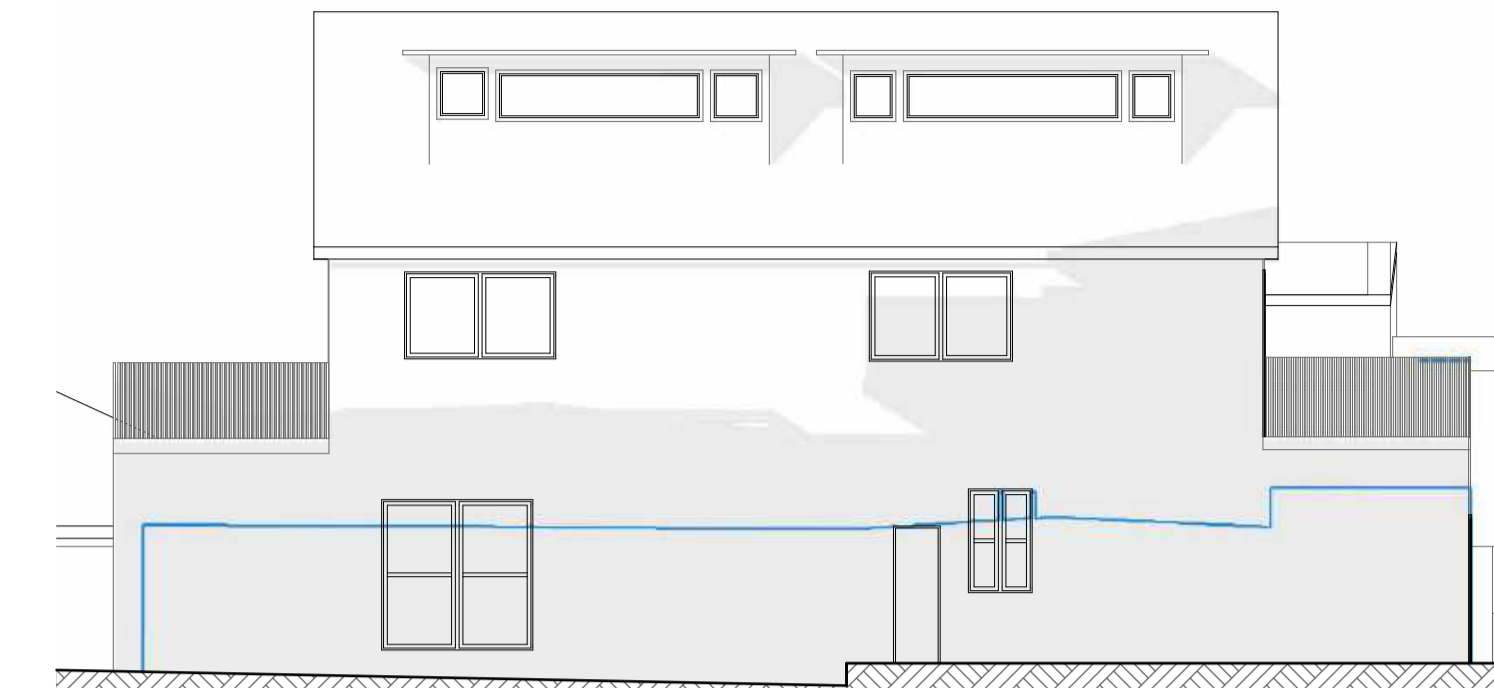
RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023

AMENDED

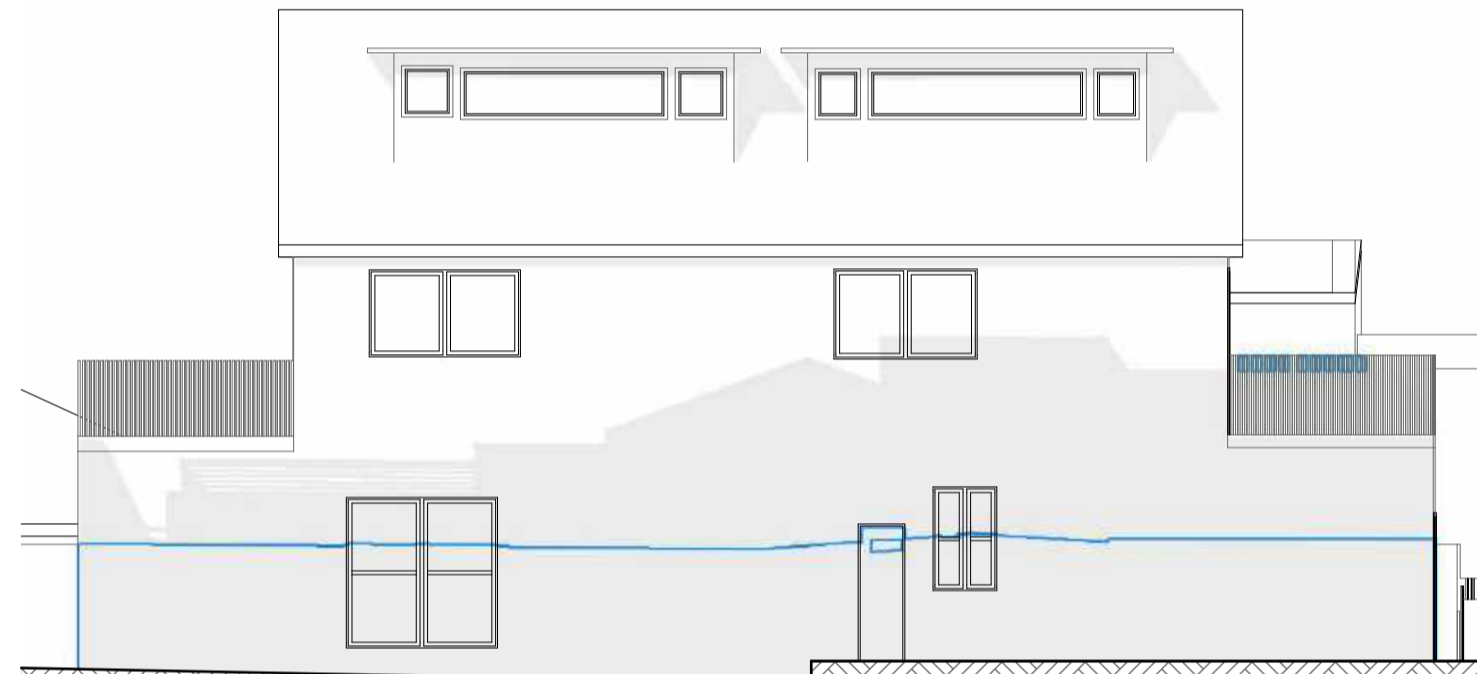
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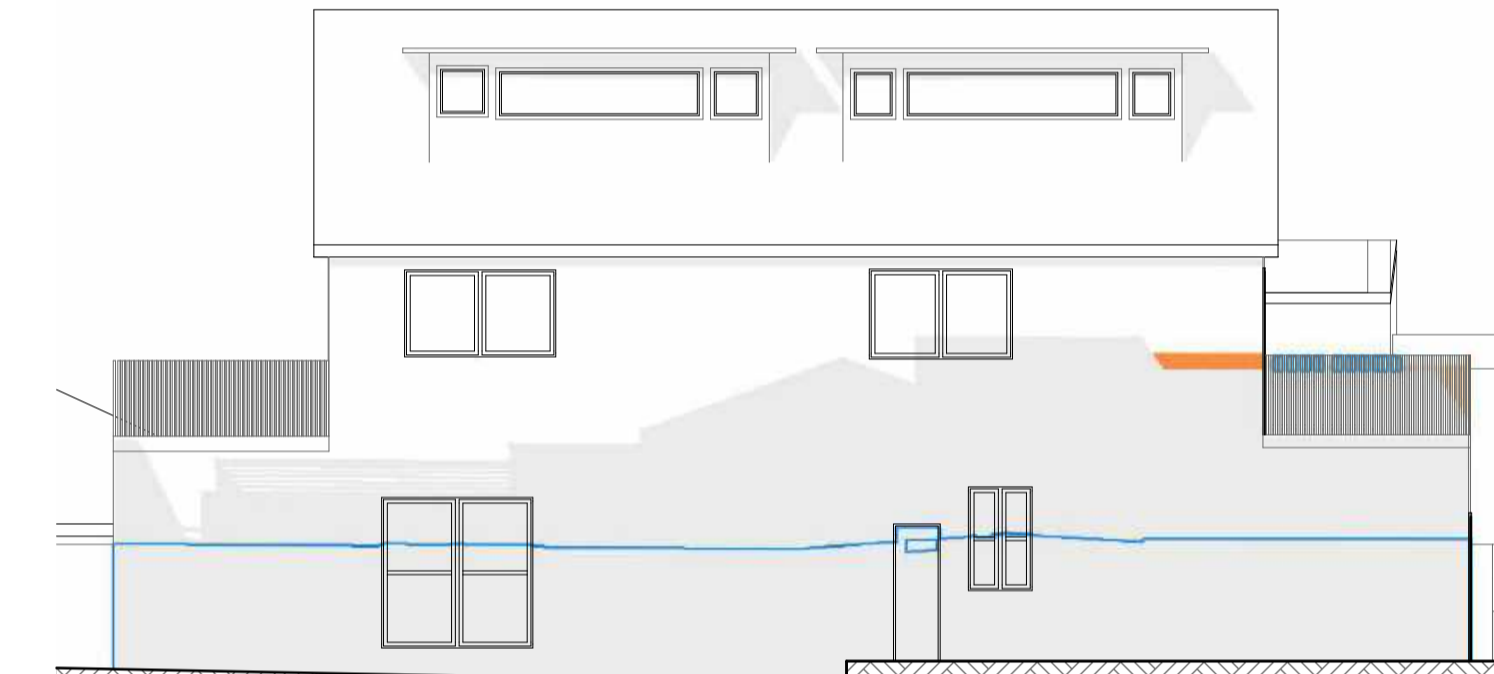
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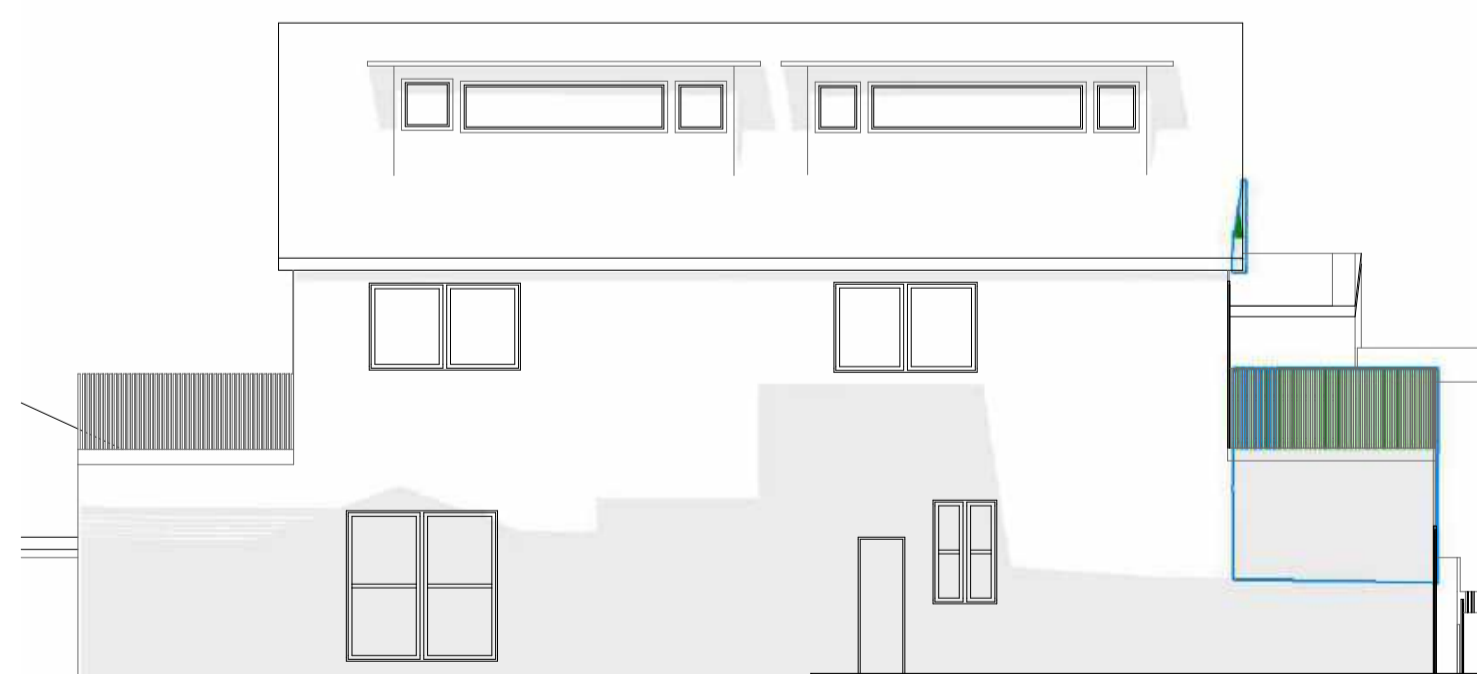
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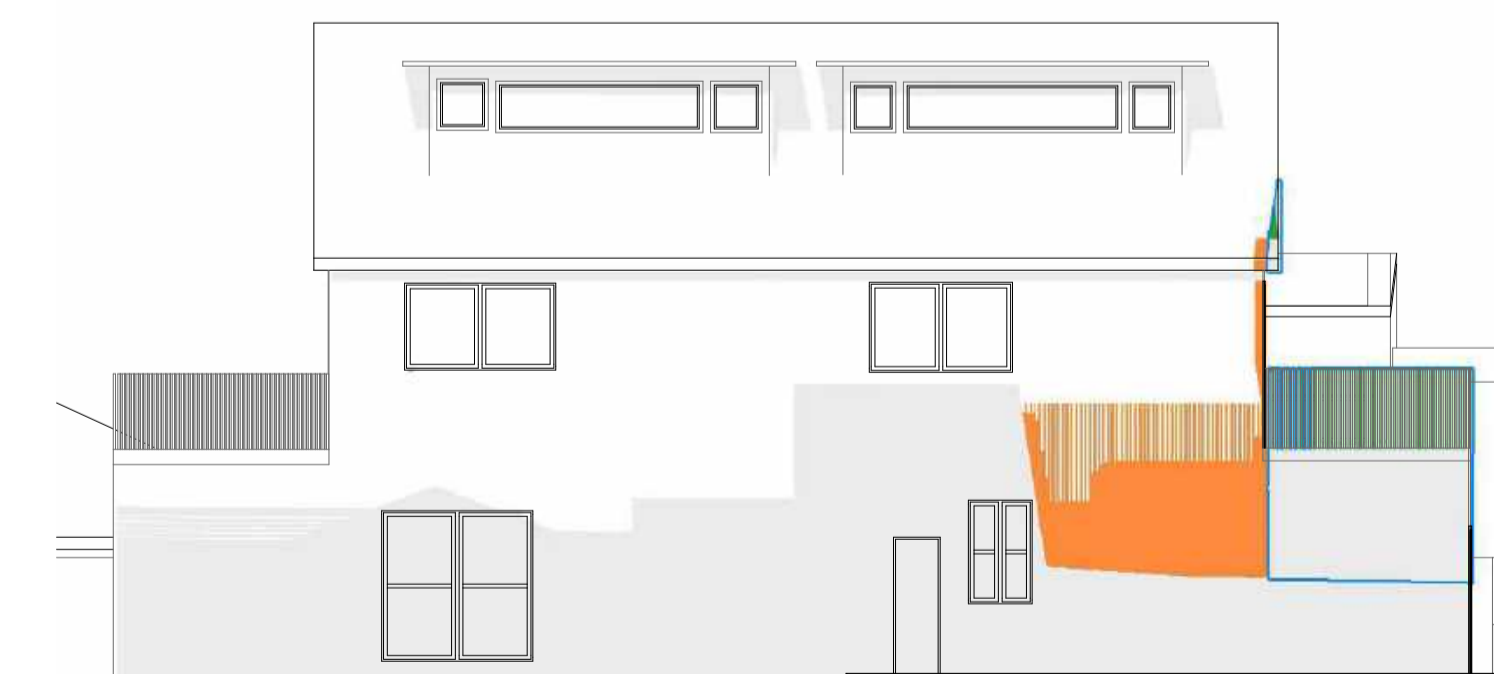
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No 8 SILVA STREET - 10AM WINTER SOLSTICE - EXISTING vs LODGED DA



No 8 SILVA STREET - 11AM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



No 8 SILVA STREET - 11AM WINTER SOLSTICE - EXISTING vs LODGED DA

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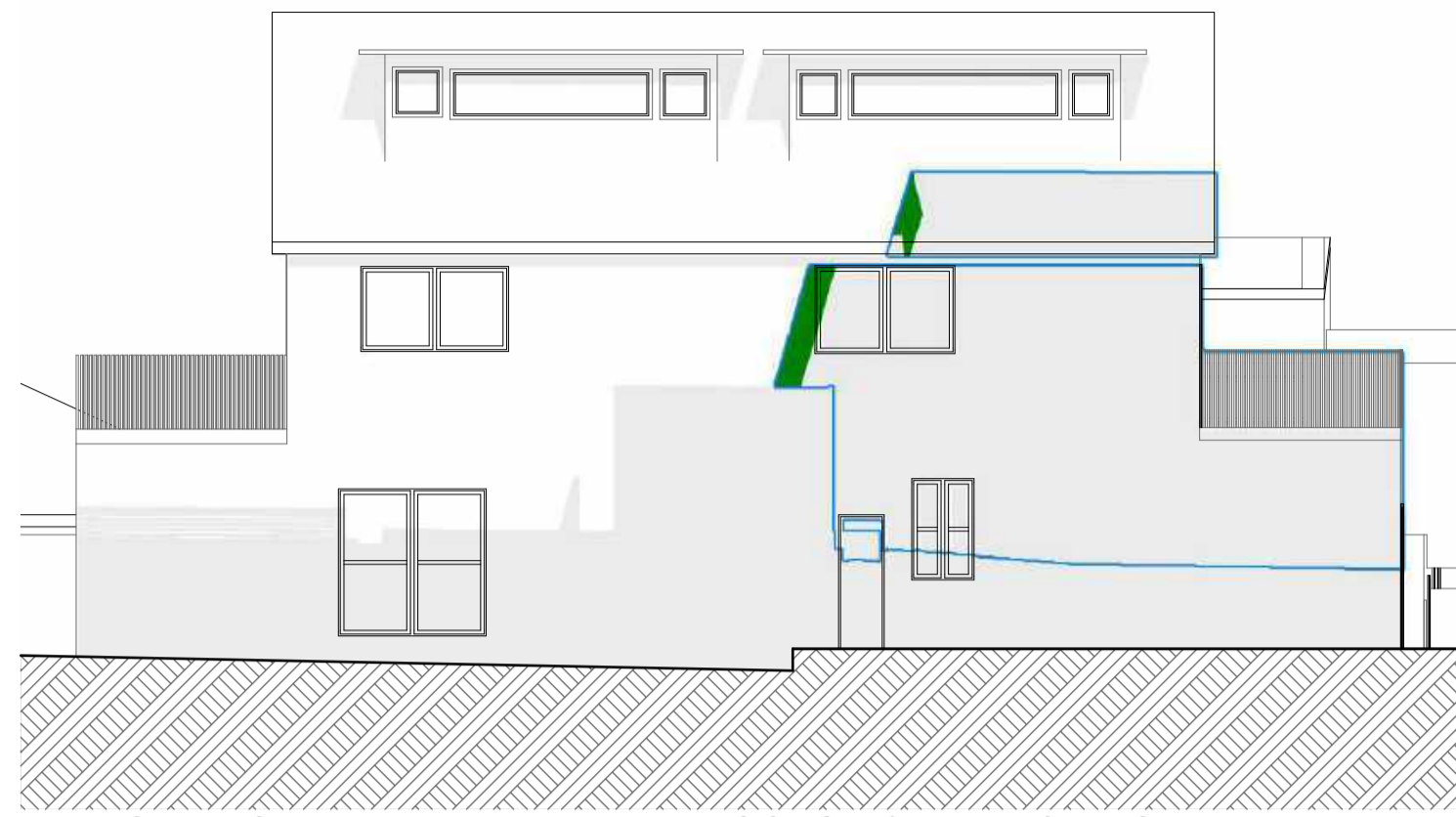
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- ADDITIONAL SHADOW CAST BY LODGED DA PROPOSAL
- REDUCTION IN SHADOW

MULTIRESIDENTIAL APARTMENTS			10 CARLISLE STREET, TAMARAMA		PROJECT No: 21118
REV	DATE	NAME	STAGE:	DRAWING TITLE:	DRAWING No:
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION	DEVELOPMENT APPLICATION	ELEVATION SHADOWS 1	DA420
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION			
			SCALE @ A1: 1:100	CLIENT: METRIC INTERIORS	CHECKED: HHH
			SCALE @ A3: 1:200	DRAWN: GF	APPROVED: SRH
					REVISION: B

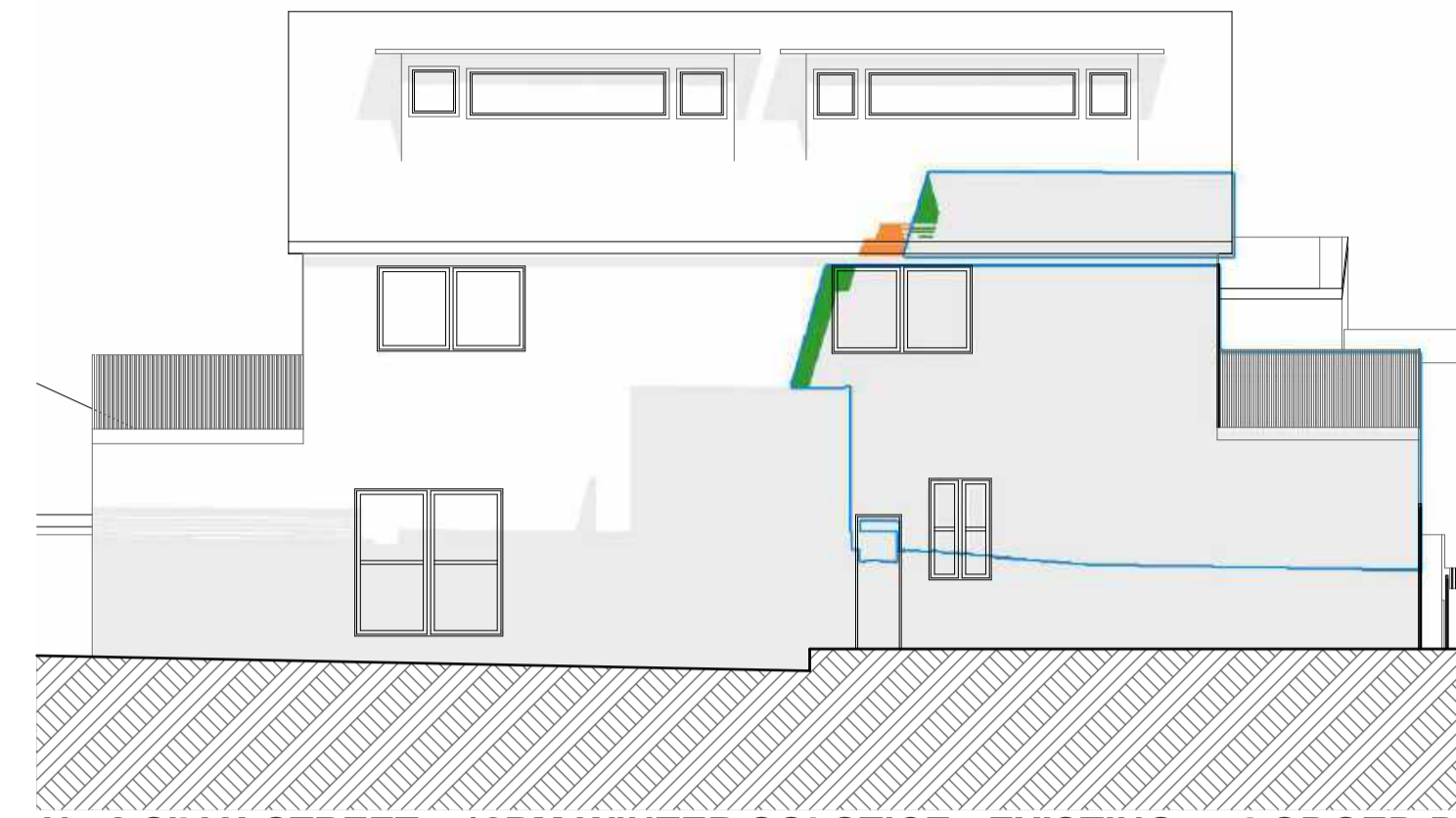
RECEIVED
Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023

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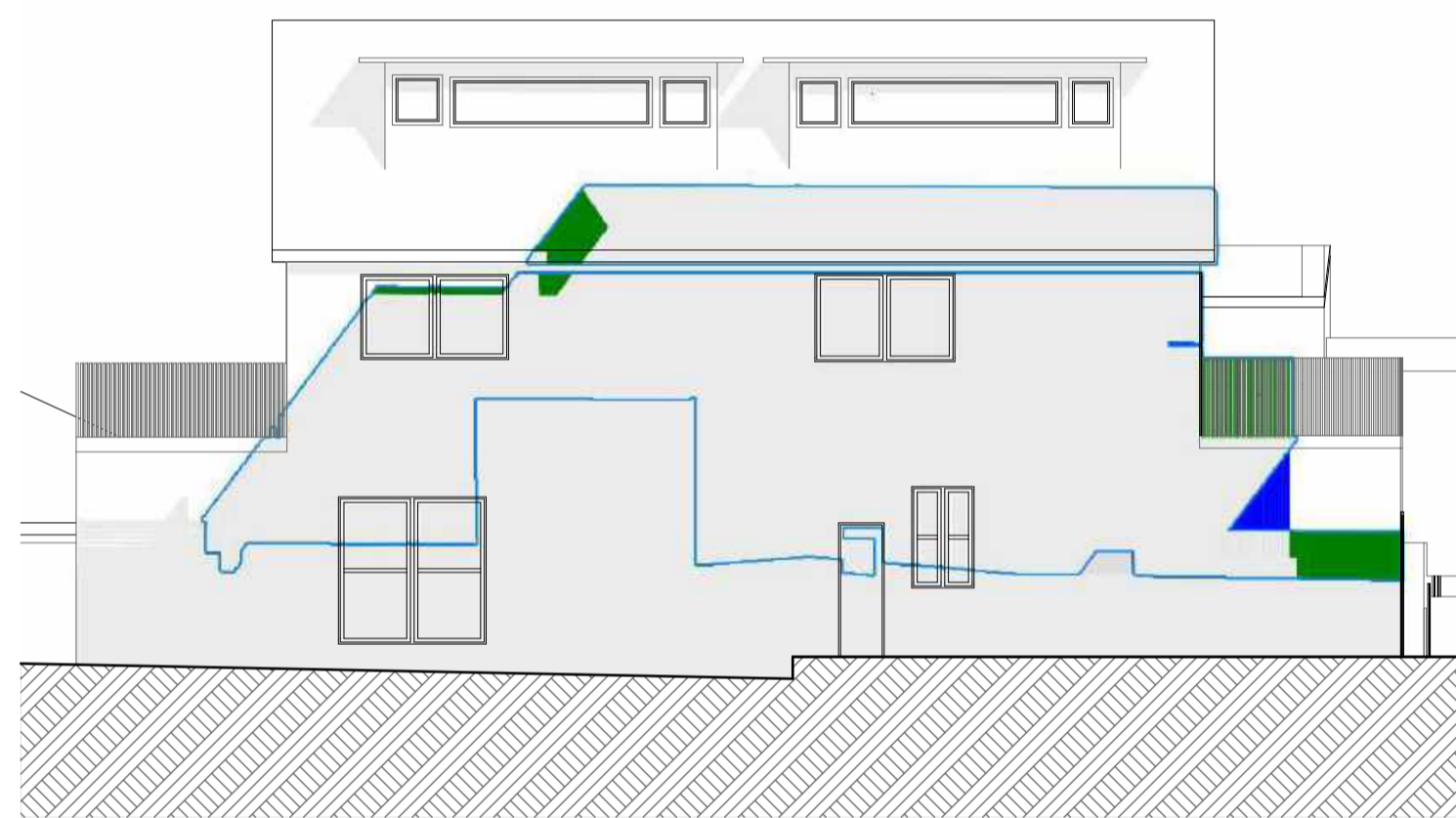
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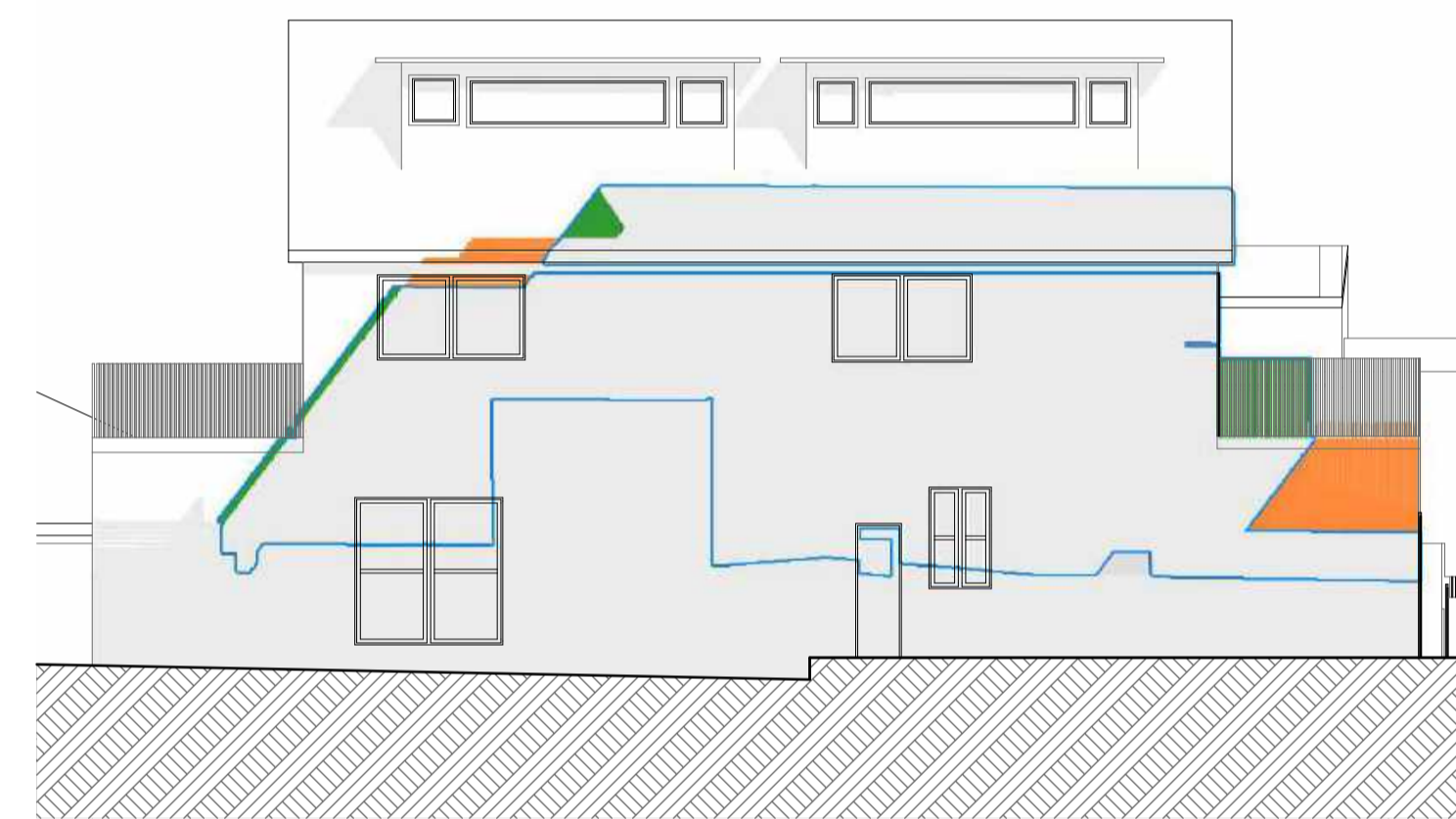
No 8 SILVA STREET - 12PM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



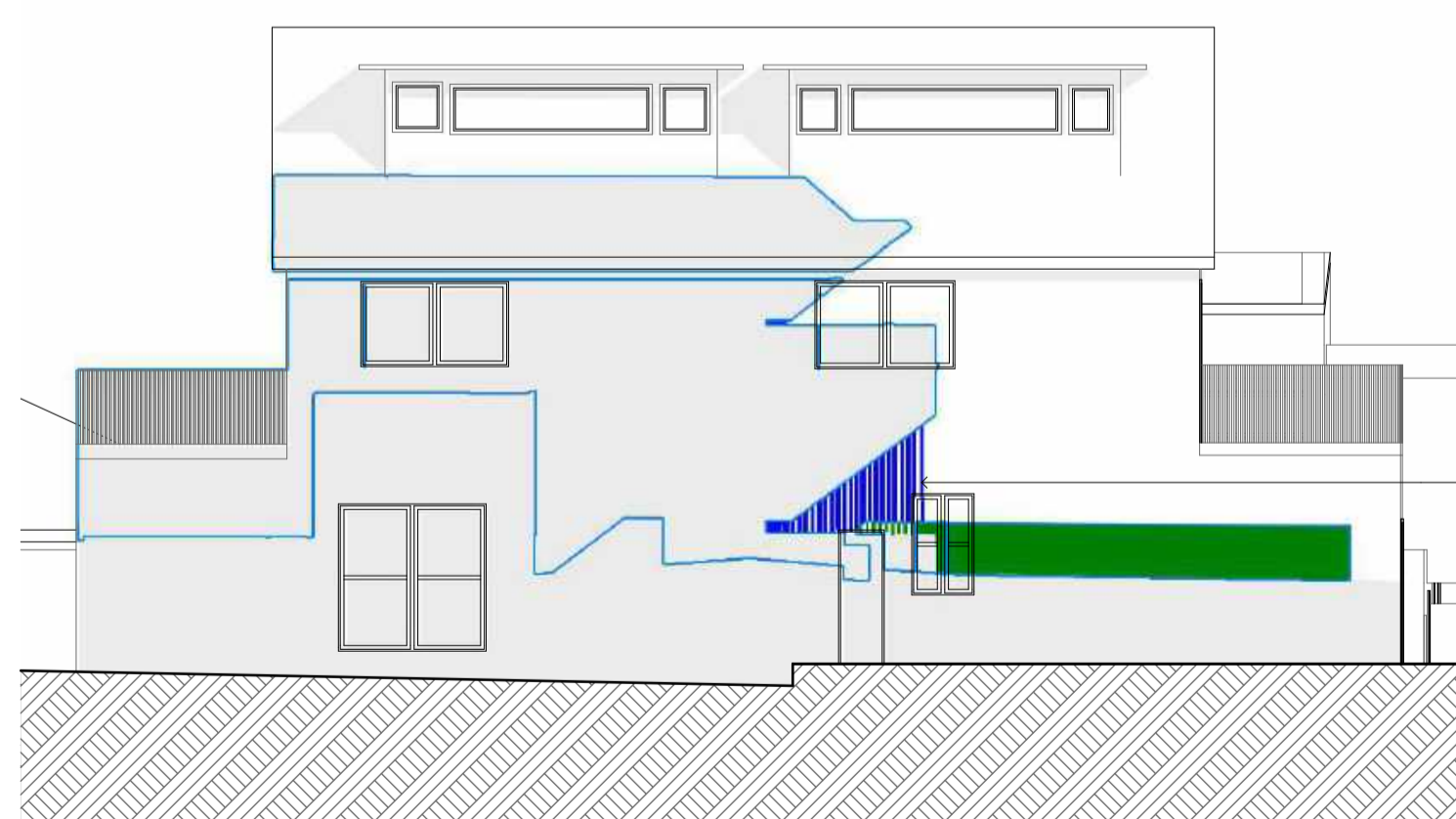
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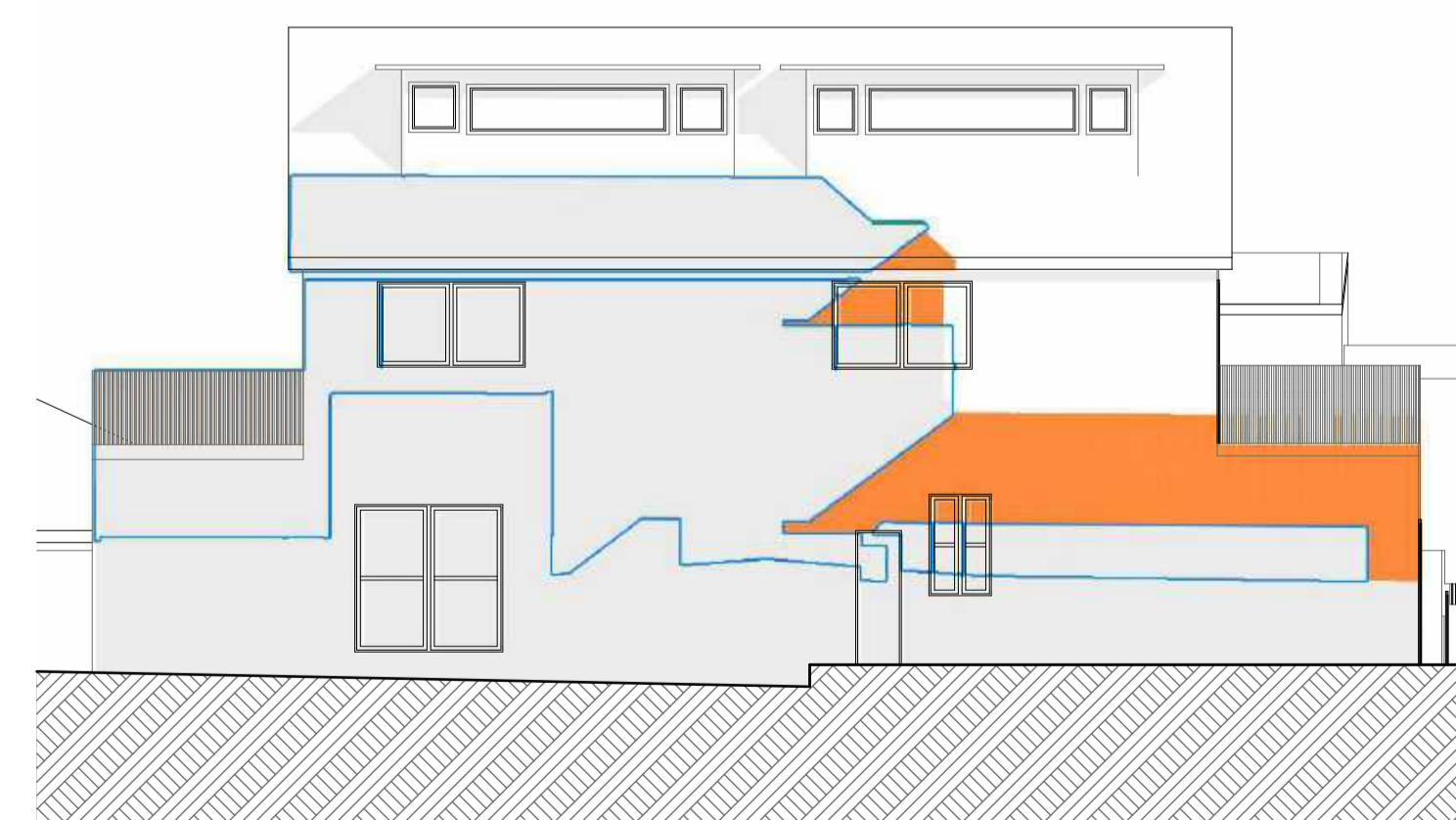
No 8 SILVA STREET - 13PM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



No 8 SILVA STREET - 13PM WINTER SOLSTICE - EXISTING vs LODGED DA



No 8 SILVA STREET - 14PM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



No 8 SILVA STREET - 14PM WINTER SOLSTICE - EXISTING vs LODGED DA

ADDITIONAL SHADOW FROM SCREEN FROM AN AREA OF COMPLIANT BUILDING HEIGHT BELOW THE LEP HEIGHT STANDARD

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MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

PROJECT No: 21118

STAGE:
DEVELOPMENT APPLICATION

DRAWING TITLE:
ELEVATION SHADOWS 2

DRAWING No:
DA421

SCALE @ A1:
1:100
SCALE @ A3:
1:200

CLIENT: METRIC INTERIORS
DRAWN: GF

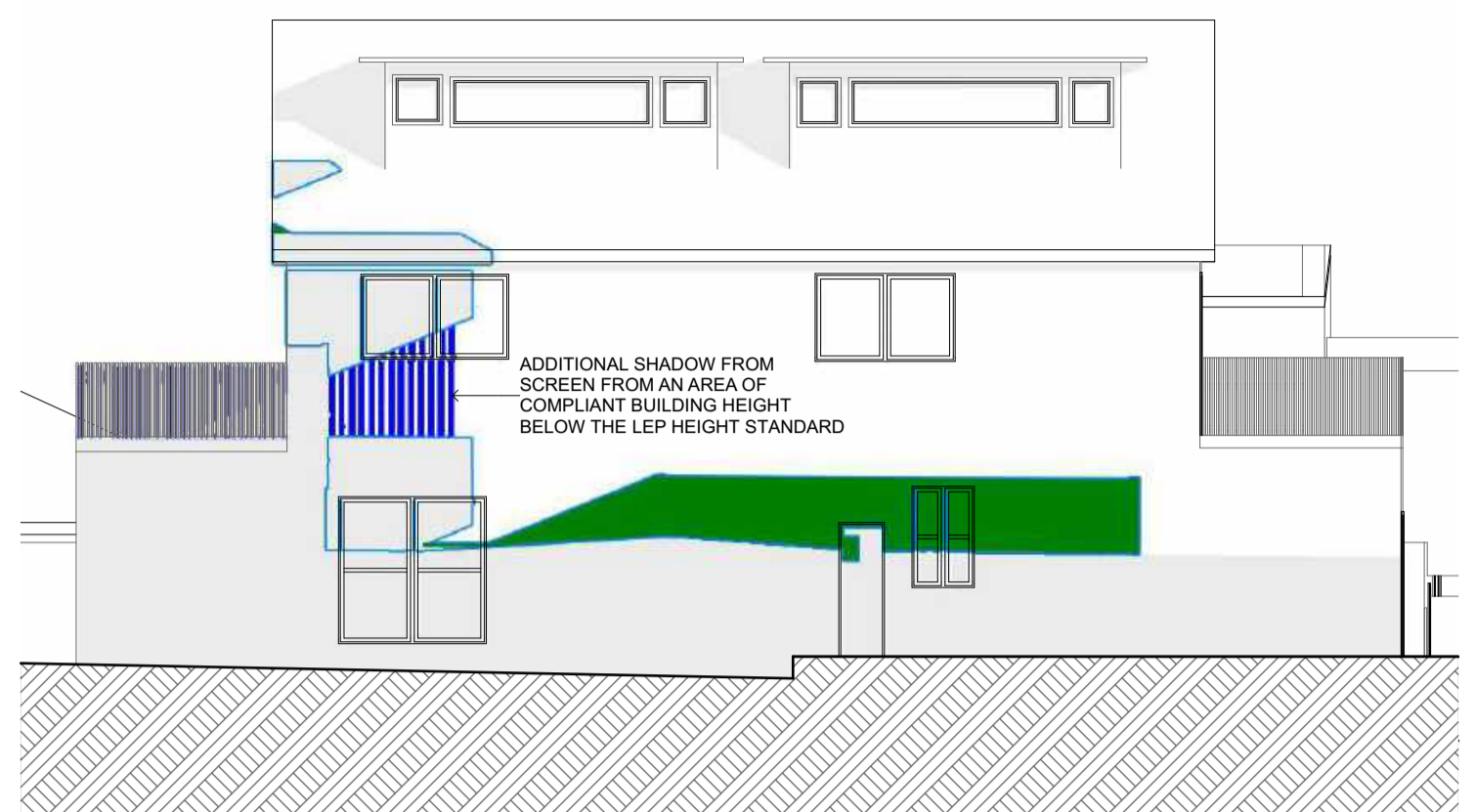
CHECKED: HHH
APPROVED: SRH

REVISION:
A

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
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No 8 SILVA STREET - 15PM WINTER SOLSTICE - EXISTING vs AMENDED DESIGN



No 8 SILVA STREET - 15PM WINTER SOLSTICE - EXISTING vs LODGED DA

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MULTIRESIDENTIAL APARTMENTS		
REV	DATE	NAME
A	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

PROJECT No: **21118**

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **ELEVATION SHADOWS 3**

DRAWING No: **DA422**

SCALE @ A1: 1:100
SCALE @ A3: 1:200

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

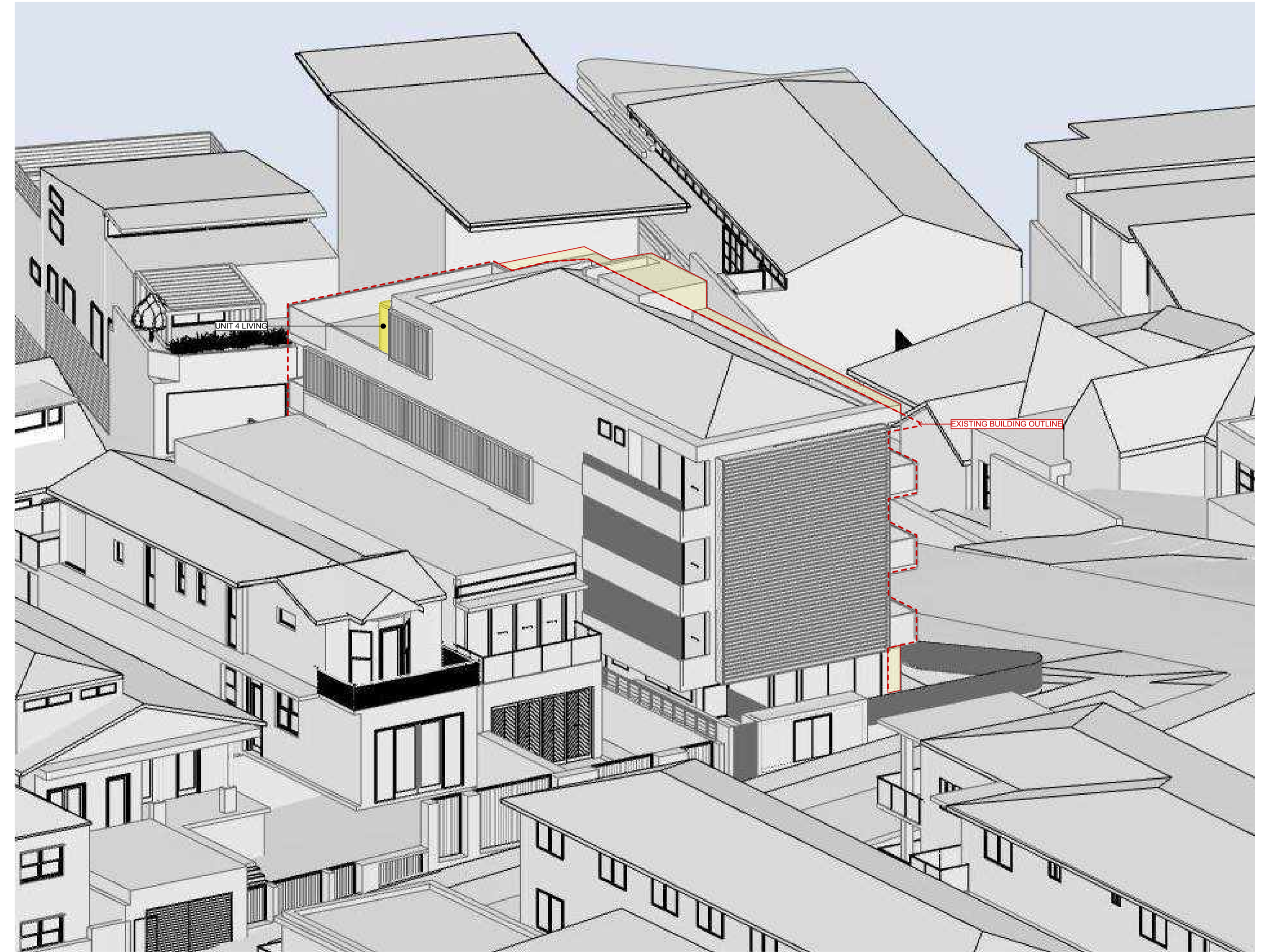
REVISION: **A**

AMENDED

RECEIVED
Waverley Council
Application No: DA-461/2022
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EXISTING 21ST JUNE - 9AM



PROPOSED 21ST JUNE - 9AM

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CONSTRUCTION

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LEGEND:

- EXISTING BUILDING ENVELOPE
- PROPOSED ADDITION ENVELOPE
- LIVING AREA GLAZING RECEIVING SOLAR ACCESS

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
**DEVELOPMENT
APPLICATION**

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
**VIEW FROM THE SUN - JUNE
9AM**

CLIENT: **METRIC INTERIORS**

DRAWN: **GF**

CHECKED: **HHH**

APPROVED: **SRH**

PROJECT No: **21118**

DRAWING No:

DA430

REVISION:

B

AMENDED

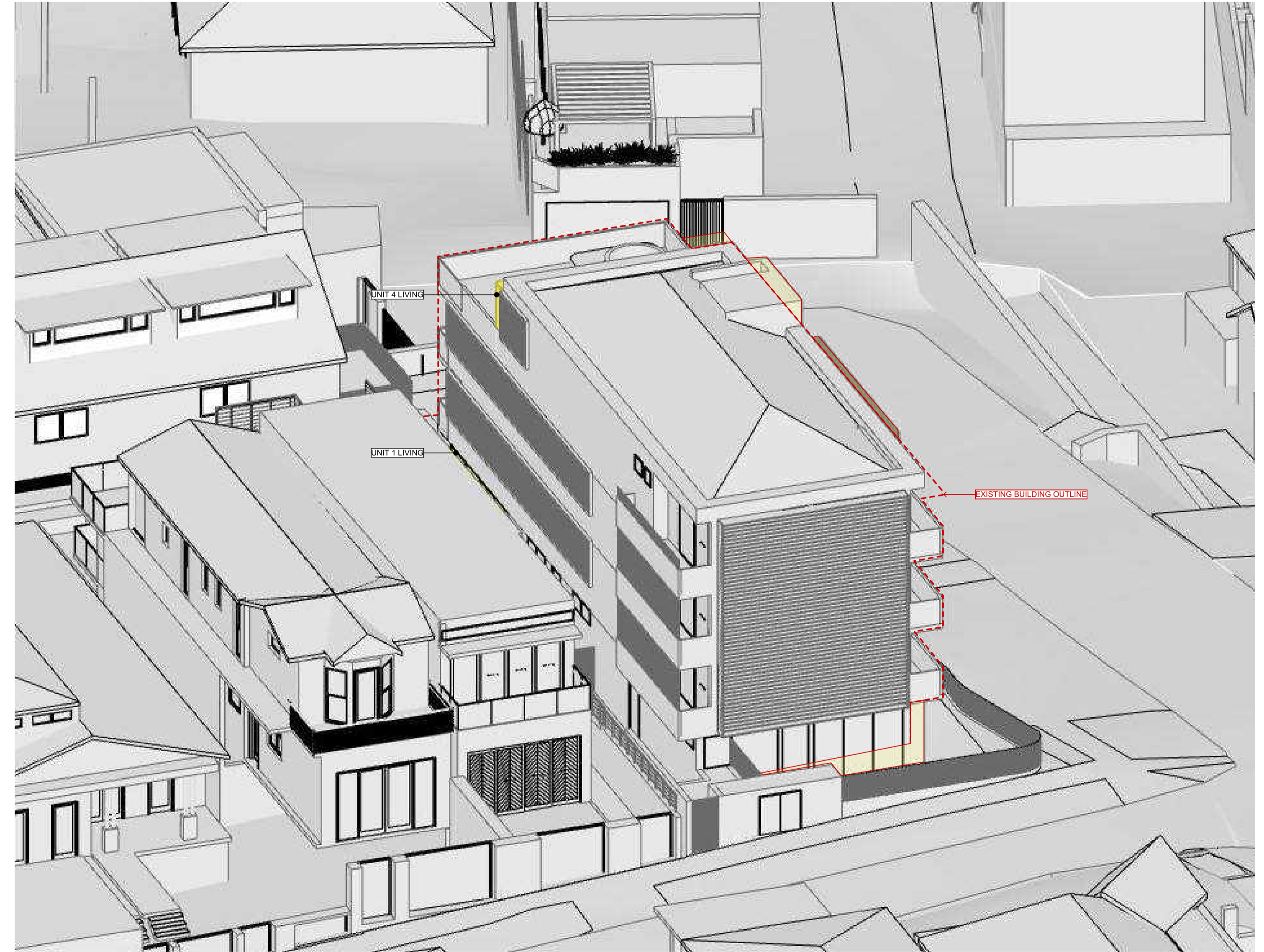
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Waverley Council

Application No: DA-461/2022

Date Received: 03/07/2023



EXISTING 21ST JUNE - 10AM



PROPOSED 21ST JUNE - 10AM

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LEGEND:

- EXISTING BUILDING ENVELOPE
- PROPOSED ADDITION ENVELOPE
- LIVING AREA GLAZING RECEIVING SOLAR ACCESS

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
**DEVELOPMENT
APPLICATION**

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
**VIEW FROM THE SUN - JUNE
10AM**

CLIENT: **METRIC INTERIORS**

DRAWN: **GF**

CHECKED: **HHH**

APPROVED: **SRH**

PROJECT No: **21118**

DRAWING No:

DA431

REVISION:

B

AMENDED

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Waverley Council
Application No: DA-461/2022
Date Received: 03/07/2023



EXISTING 21ST JUNE - 11AM



PROPOSED 21ST JUNE - 11AM

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LEGEND:

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B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
VIEW FROM THE SUN - JUNE 11AM

CLIENT: **METRIC INTERIORS**
DRAWN: **GF**

CHECKED: **HHH**
APPROVED: **SRH**

PROJECT No: **21118**

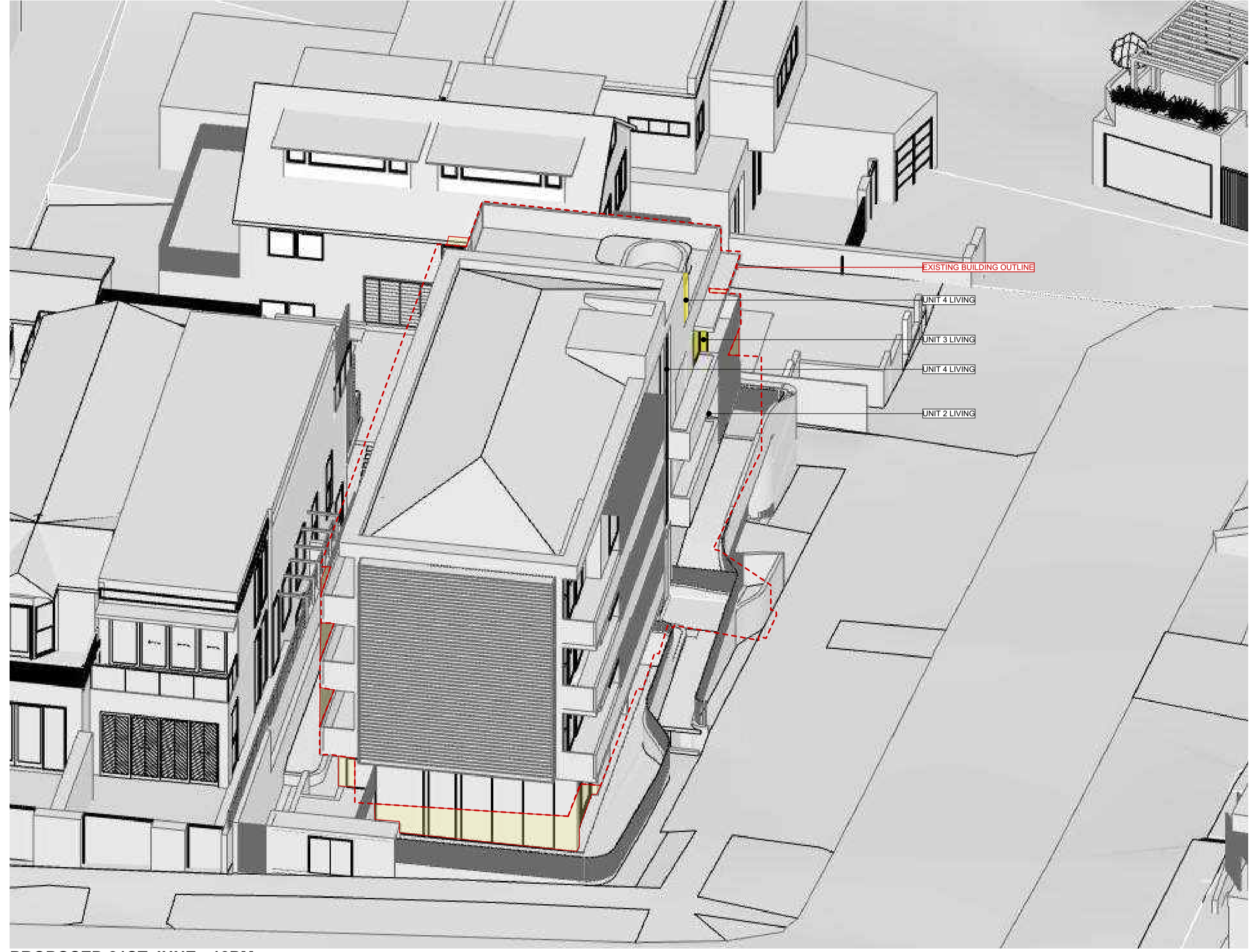
DRAWING No:
DA432

REVISION:
B

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Application No: DA-461/2022
Date Received: 03/07/2023



EXISTING 21ST JUNE - 12PM



PROPOSED 21ST JUNE - 12PM

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- LEGEND:
- EXISTING BUILDING ENVELOPE
 - PROPOSED ADDITION ENVELOPE
 - LIVING AREA GLAZING RECEIVING SOLAR ACCESS

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REV	DATE	NAME
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B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
SCALE @ A3:

DRAWING TITLE:
VIEW FROM THE SUN - JUNE 12PM

CLIENT: **METRIC INTERIORS**
DRAWN: **GF**

CHECKED: **HHH**
APPROVED: **SRH**

PROJECT No: 21118

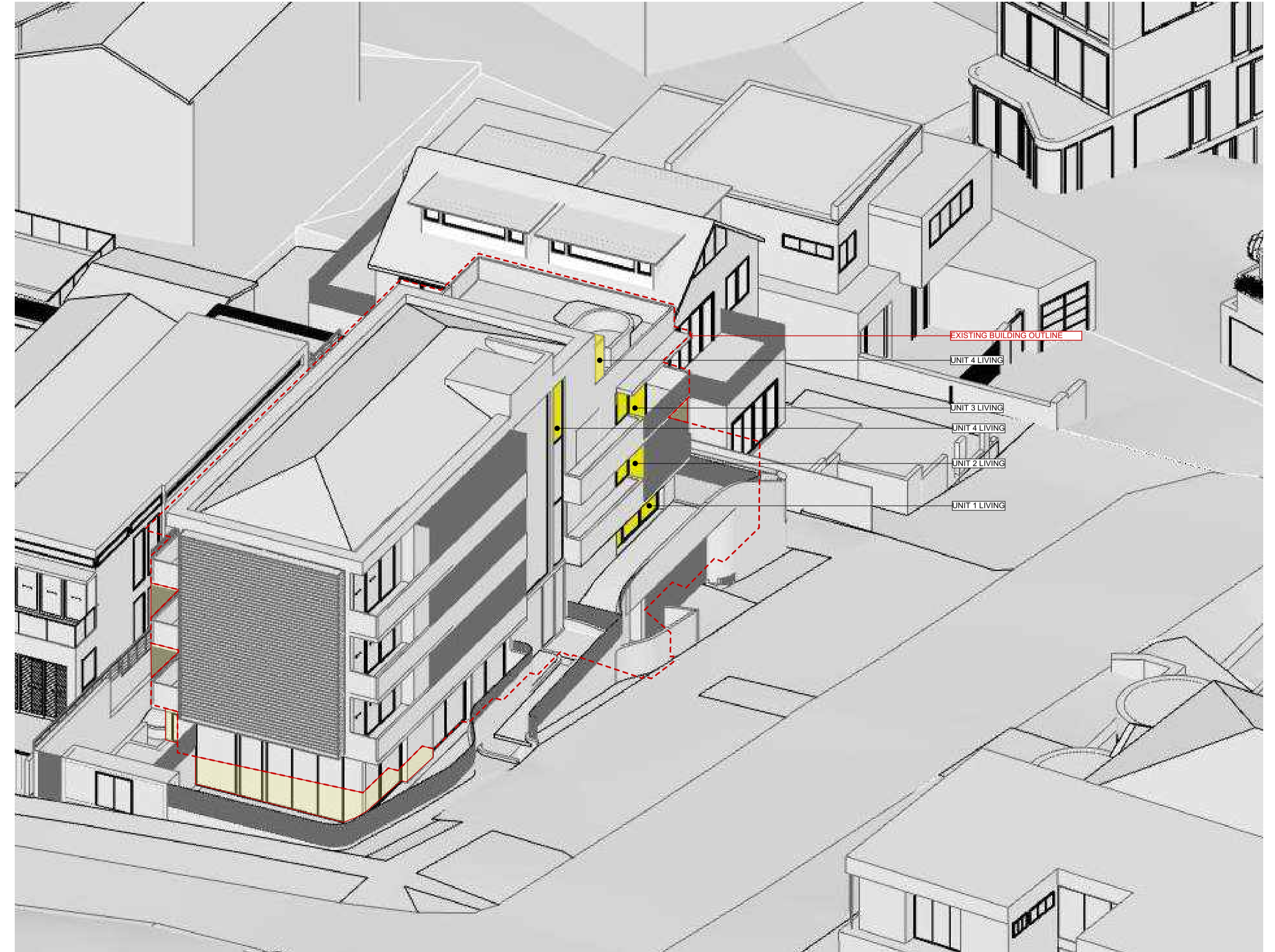
DRAWING No:
DA433

REVISION:
B

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 Application No: DA-461/2022
 Date Received: 03/07/2023



EXISTING 21ST JUNE - 1PM



PROPOSED 21ST JUNE - 1PM

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LEGEND:

- EXISTING BUILDING ENVELOPE
- PROPOSED ADDITION ENVELOPE
- LIVING AREA GLAZING RECEIVING SOLAR ACCESS

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
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B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
 SCALE @ A3:

DRAWING TITLE:
VIEW FROM THE SUN - JUNE 13PM

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
 DRAWN: **GF** APPROVED: **SRH**

PROJECT No: **21118**

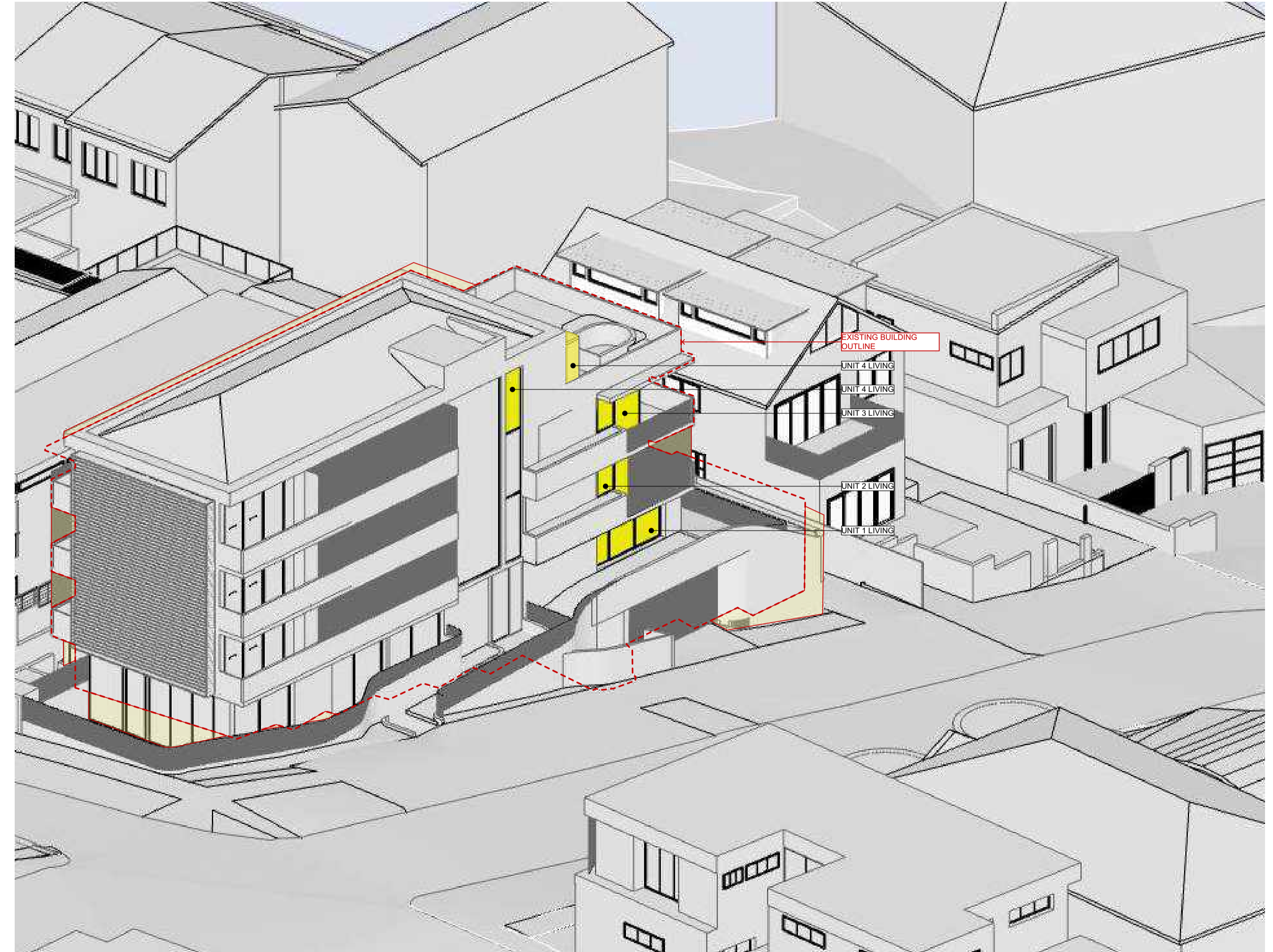
DRAWING No:
DA434

REVISION:
B

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Application No: DA-461/2022
Date Received: 03/07/2023



EXISTING 21ST JUNE - 2PM



PROPOSED 21ST JUNE - 2PM

NOT FOR
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BUREAU SRH | architecture

NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

- EXISTING BUILDING ENVELOPE
- PROPOSED ADDITION ENVELOPE
- LIVING AREA GLAZING RECEIVING SOLAR ACCESS

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
VIEW FROM THE SUN - JUNE 14PM

CLIENT: **METRIC INTERIORS**
DRAWN: **GF**

CHECKED: **HHH**
APPROVED: **SRH**

PROJECT No: **21118**

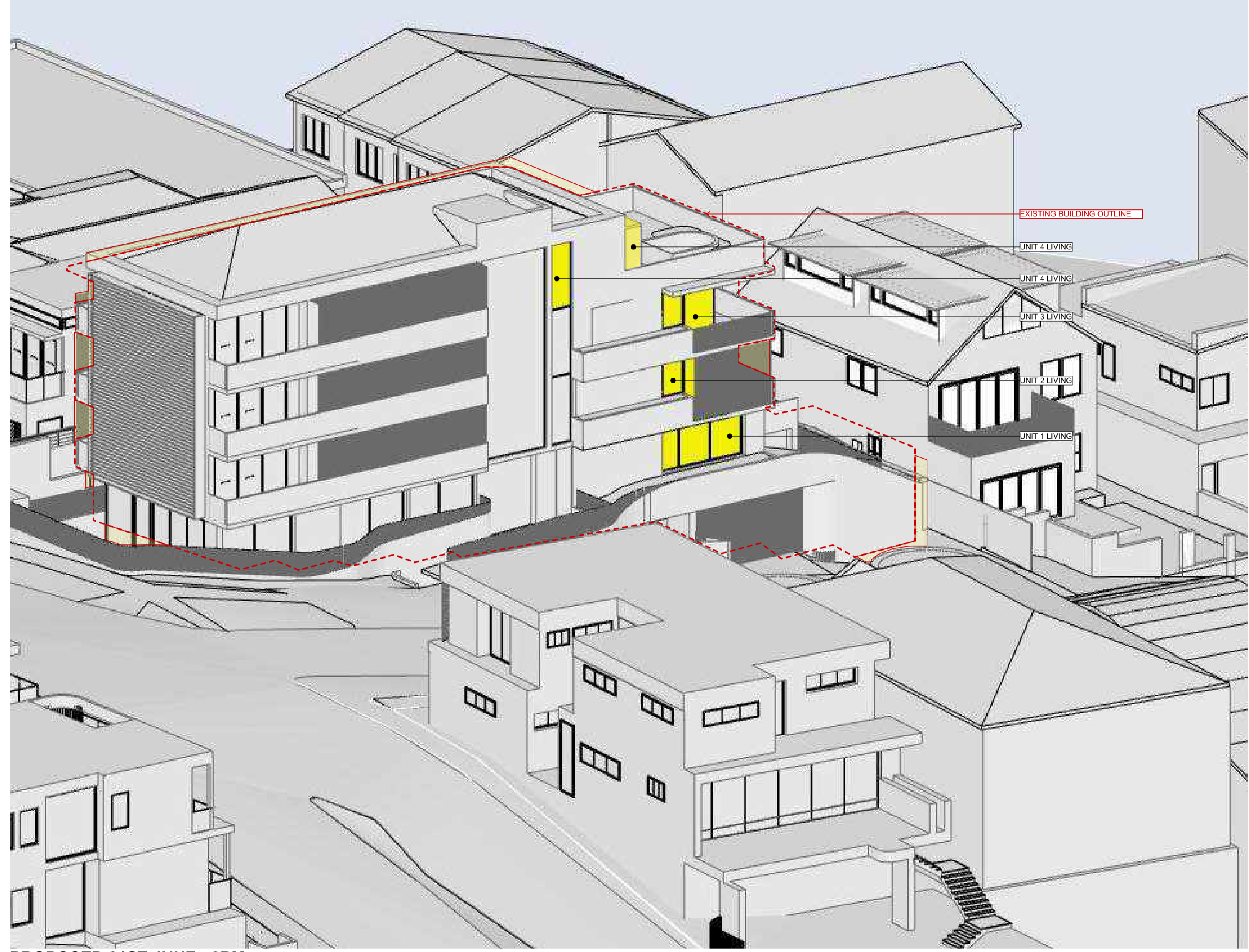
DRAWING No:
DA435

REVISION:
B

RECEIVED
 Waverley Council
 Application No: DA-461/2022
 Date Received: 03/07/2023



EXISTING 21ST JUNE - 3PM



PROPOSED 21ST JUNE - 3PM

NOT FOR CONSTRUCTION

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 NOMINATED ARCHITECT: SIMON HANSON # 6739
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LEGEND:
 - - - - - EXISTING BUILDING ENVELOPE
 [Yellow Box] PROPOSED ADDITION ENVELOPE
 [Yellow Box] LIVING AREA GLAZING RECEIVING SOLAR ACCESS

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA PROJECT No: **21118**

STAGE: **DEVELOPMENT APPLICATION**

DRAWING TITLE: **VIEW FROM THE SUN - JUNE 15PM**

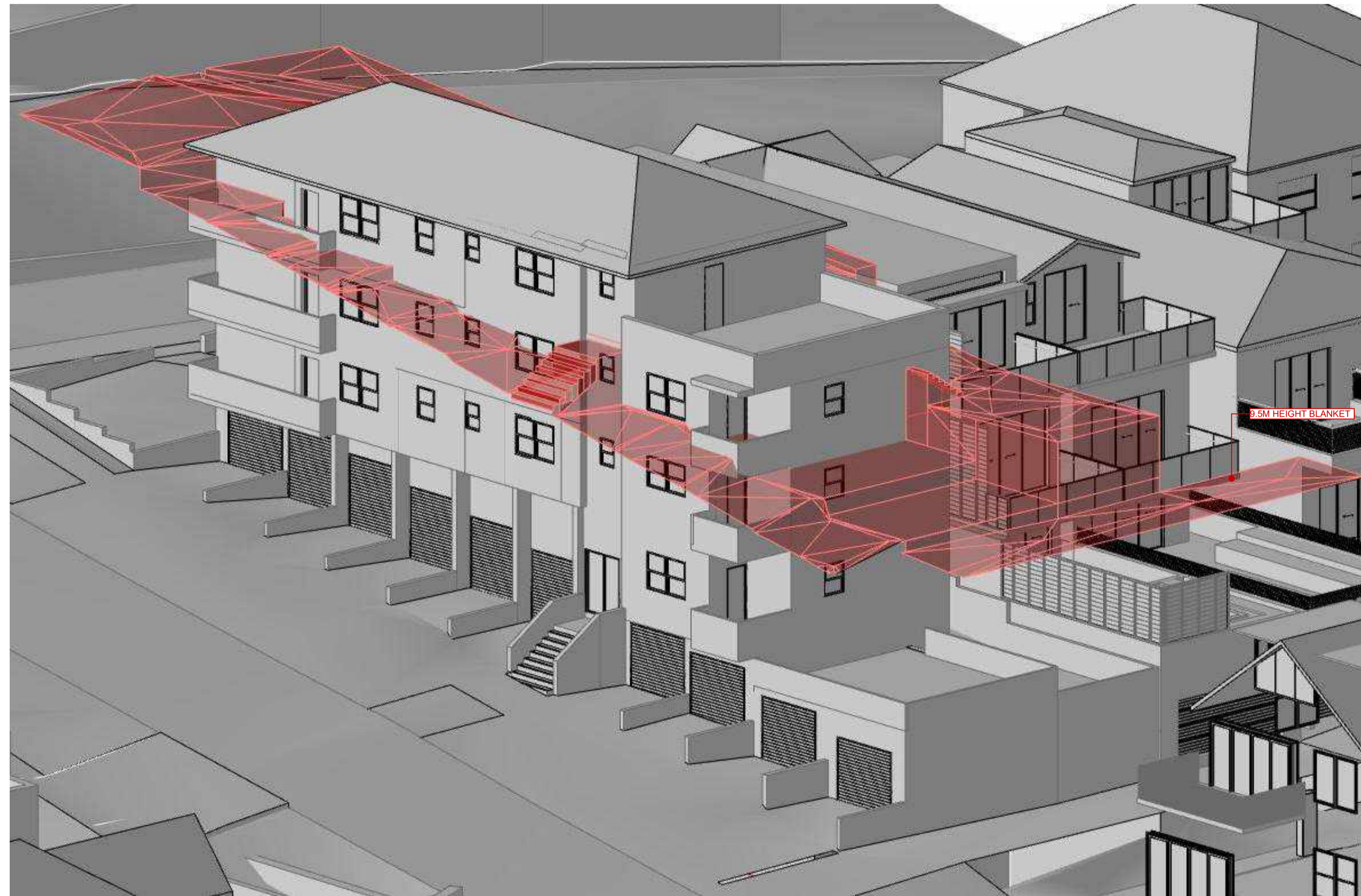
DRAWING No: **DA436**

SCALE @ A1:
 SCALE @ A3:

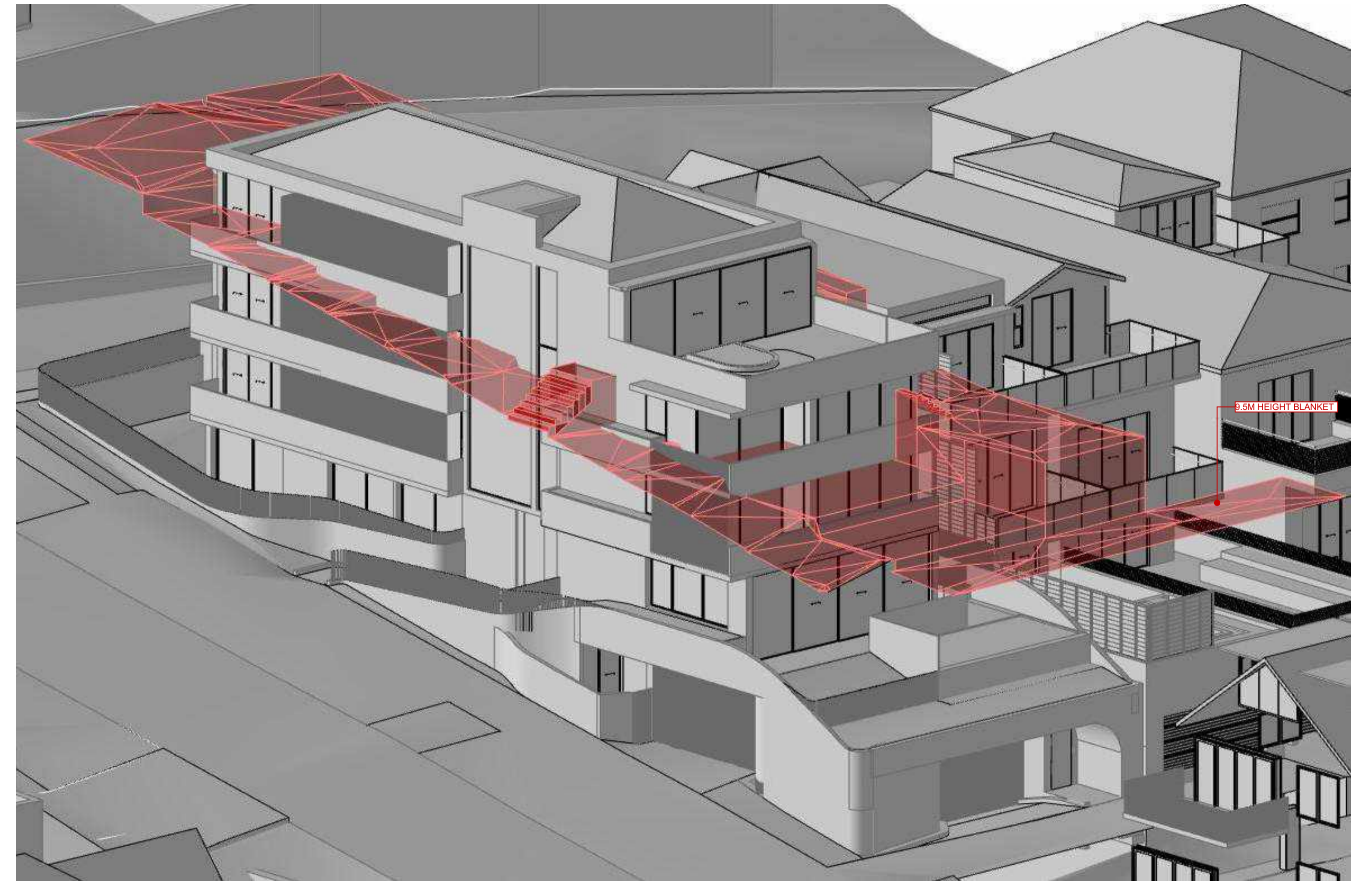
CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
 DRAWN: **GF** APPROVED: **SRH**

REVISION: **B**

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Application No: DA-461/2022
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10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
9.5M LEP BLANKET DIAGRAM 1

CLIENT: **METRIC INTERIORS**
DRAWN: **GF**

CHECKED: **HHH**
APPROVED: **SRH**

PROJECT No: **21118**

DRAWING No:
DA450

REVISION:
B

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10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:
SCALE @ A3:

DRAWING TITLE:
9.5M LEP BLANKET DIAGRAM 2

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

PROJECT No: **21118**

DRAWING No:
DA451

REVISION:
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10 CARLISLE STREET, TAMARAMA

STAGE:
**DEVELOPMENT
APPLICATION**

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
**7M WALL BLANKET
DIAGRAM 1**

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

PROJECT No: **21118**

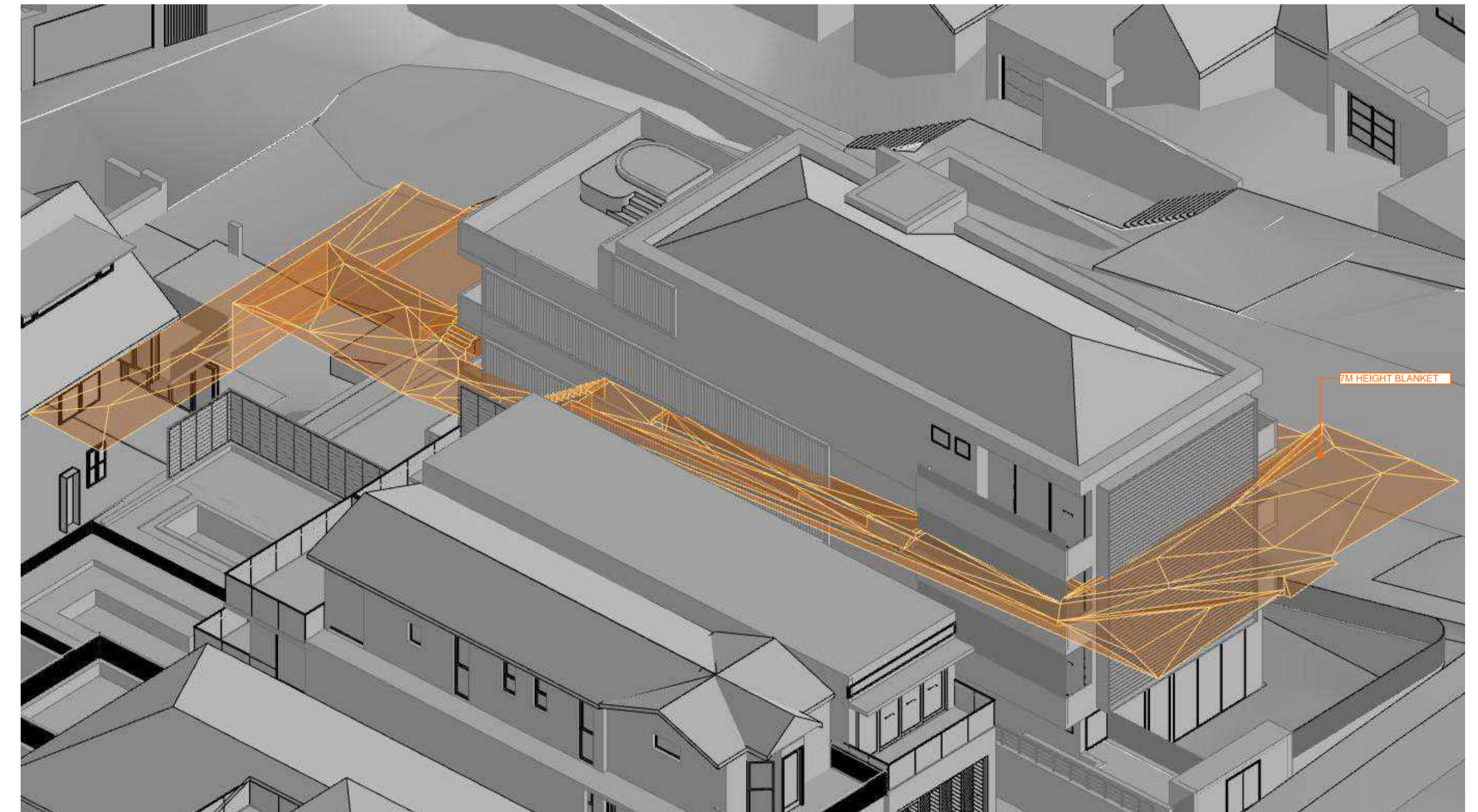
DRAWING No:
DA452

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10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
7M WALL BLANKET DIAGRAM 2

CLIENT: **METRIC INTERIORS** CHECKED: **HHH**
DRAWN: **GF** APPROVED: **SRH**

PROJECT No: **21118**

DRAWING No:
DA453

REVISION:
B

16/09/2023 4:07 PM I:\Projects\BIM\Bureau SRH\SRH\2023\BIM\Ground Base for ARCH\CAD\2221118_10 Carlisle St - Tamarama\2118_10 Carlisle St.DWG_Rev B



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EXISTING PHOTO



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MULTIRESIDENTIAL APARTMENTS | **10 CARLISLE STREET, TAMARAMA** | PROJECT No: **21118**

STAGE: **DEVELOPMENT APPLICATION** | DRAWING TITLE: **PHOTOMONTAGE 1** | DRAWING No: **DA500**

SCALE @ A1: | CLIENT: **METRIC INTERIORS** | CHECKED: **HHH** | REVISION: **B**
 SCALE @ A3: | DRAWN: **GF** | APPROVED: **SRH**



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10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
PHOTOMONTAGE 1

CLIENT: METRIC INTERIORS

DRAWN: GF

CHECKED: HHH

APPROVED: SRH

PROJECT No: **21118**

DRAWING No:
DA501

REVISION:
B



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EXISTING PHOTO



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PROPOSED PHOTOMONTAGE

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LEGEND:

MULTIRESIDENTIAL APARTMENTS

REV	DATE	NAME
A	14/10/2022	ISSUE FOR COUNCIL SUBMISSION
B	29/06/2023	AMENDED DESIGN ISSUE FOR COUNCIL SUBMISSION

10 CARLISLE STREET, TAMARAMA

STAGE: DEVELOPMENT APPLICATION	DRAWING TITLE: PHOTOMONTAGE 2
SCALE @ A1: SCALE @ A3:	CLIENT: METRIC INTERIORS DRAWN: GF
	CHECKED: HHH APPROVED: SRH

PROJECT No: **21118**
DRAWING No:
DA502
REVISION:
B



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Waverley Council
Application No: DA-461/2022
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10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT APPLICATION
SCALE @ A1:
SCALE @ A3:

DRAWING TITLE:
PHOTOMONTAGE 2
CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

PROJECT No: **21118**

DRAWING No:
DA503
REVISION:
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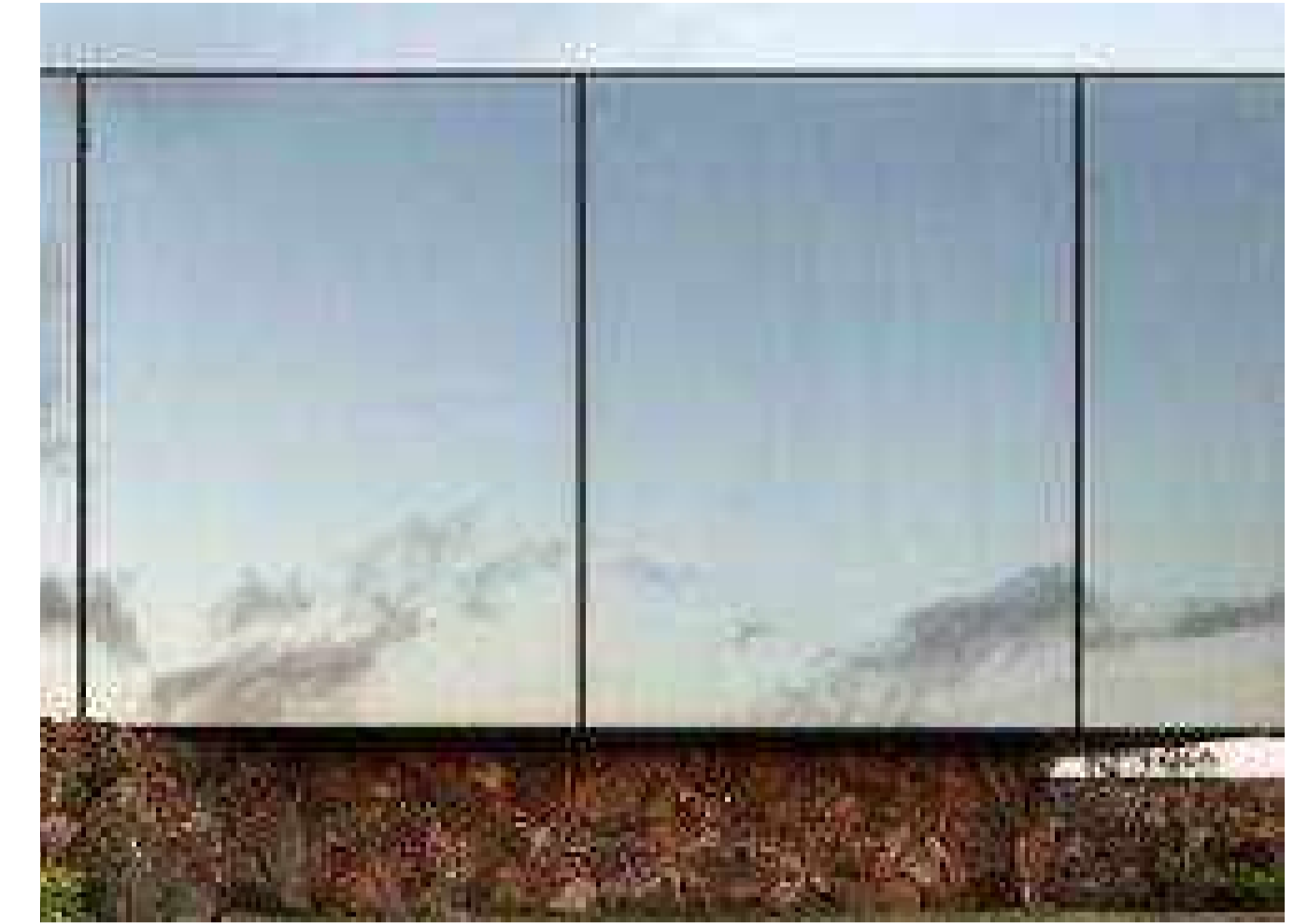
SANDSTONE



TEXTURED CEMENT RENDER



TIMBER LOOK BATTENS SCREEN



OBSCURED GLAZING



ALUMINIUM DOOR & WINDOWS FRAME



COPPER ROOF



GLASS POOL FENCE



PALISADE FENCE & GATE



GLASS BALUSTRADE



GARAGE ROLLER DOOR

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10 CARLISLE STREET, TAMARAMA

STAGE:
DEVELOPMENT
APPLICATION

SCALE @ A1:

SCALE @ A3:

DRAWING TITLE:
MATERIAL PALETTE

CLIENT: METRIC INTERIORS
DRAWN: GF

CHECKED: HHH
APPROVED: SRH

PROJECT No: 21118

DRAWING No:
DA600

REVISION:
B



Report to the Waverley Local Planning Panel

Application number	DA-134/2023
Site address	5 Flood Street, Bondi
Proposal	Alterations and additions to a dwelling house
Date of lodgement	31 May 2023
Owner	Mr S J Mills and Ms J L Ashton
Applicant	Dods and Zuccon Architects Pty Ltd
Submissions	One objection
Cost of works	\$537,100
Principal Issues	<ul style="list-style-type: none"> • Exceedance of the floor space ratio development standard • Visual impacts of proposed boundary fences
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 dwelling house at the site known as 5 Flood Street, Bondi. The alterations and additions include a rear ground floor addition, partial infilling of the first floor verandah, alterations to windows, increase to boundary fence heights within the front setback, and plant equipment and screening to roof of the rear lane building.

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

- Exceedance of the floor space ratio development standard.
- The visual impacts of proposed boundary fences.

The assessment finds these issues acceptable subject to conditions of consent regarding fencing materials.

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 16 August 2023.

The site is identified as Lots 11 and 12, sec A in DP 1640, known as 5 Flood Street, Bondi.

The site is rectangular in shape with a primary frontage to the west side of Flood Street, and secondary frontages to the north side of Bon Accord Avenue and the east side of Flood Lane. It has an area of 527.3m² and falls from the rear (west) towards the front (east) by approximately 2m. The front of the site is elevated, and sits approximately 1.5m above the ground level at Flood Street.

The site is occupied by a two storey semi-detached dwelling house with a single storey garage and studio building at the rear. Vehicular access is provided from Flood Lane at the rear.

The site is adjoined by a two storey semi-detached dwelling to the north at 3 Flood Street, a two storey dwelling house to the west at 50 Bon Accord Avenue on the opposite side of Flood Lane, and a four storey residential flat building to the south at 7-9 Flood Street on the opposite side of Bon Accord Avenue. The locality is characterised by a variety of low and medium density residential development in the immediate vicinity. Flood Street neighbourhood centre is located approximately 20m to the north.

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



Figure 1: Site viewed from Flood Street, looking west



Figure 2: Site viewed from corner of Flood Street and Bon Accord Avenue, looking north-west



Figure 3: Site viewed from Bon Accord Avenue, looking north



Figure 4: Site viewed from corner of Bon Accord Avenue and Flood Lane, looking north-east

1.3 Relevant Development History

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

- DA-670/2023 – On 24 October 2024 consent was granted for the construction of an inground swimming pool within the front setback of the site.
- HEC-13/2018 and TPO-159/2019 – On 7 June 2018 and 14 June 2019 consent was refused for the removal of a large eucalyptus tree located within the site adjacent to the southern boundary fence.

1.4 Proposal

The development application seeks consent for alterations and additions to the existing dwelling house, consisting of the following works:

Fences and landscaping:

- New pool safety fence adjacent to front boundary, 1.8m in height measured from the pool coping, and between 3m and 3.6m in height measured from Flood Street.
- New pool safety fence adjacent to the northern side boundary within the front setback, 1.8m in height measured from the pool coping, and up to 3.6m in height measured from Flood Street and from the adjoining property at 3 Flood Street.
- New pool safety fencing adjacent to the southern side boundary within the front setback, 1.8m in height measured from the coping, and between 2.6m and 3m in height measured from Bon Accord Avenue.
- New 1.2m high pool safety fencing within the site.
- Relocation and reconstruction of existing access gate to Bon Accord Avenue.
- Changes to planting beds.
- Removal of existing shrubs, and retention of existing Eucalyptus tree.
- Planting of new Flowering Gum, Flowering Dwarf Gum, and Crepe Myrtle trees.
- Raised terrace area and stairs adjacent to the studio and garage building, within rear yard.
- Timber deck adjacent to pool within front setback.

Ground floor:

- Demolition of rear laundry room, and construction of new single storey rear laundry and mud room with roof sloping to the northern boundary and east-facing clerestory windows, connecting the main dwelling to the garage building.
- Internal reconfiguration.
- Alterations to southern fenestration pattern, including alterations of existing doors to windows, and provision of new door.
- New window opening within front façade.
- New north facing side window, located 450mm from northern boundary.
- New doors to existing pool equipment room.

First floor:

- Partial infilling of the existing southern side verandah, including new window and walls, to extend bedroom 3.
- Replacement of existing verandah balustrade, and recladding of columns.

Roof level:

- New skylight to main roof.

- New louvre-screened plant enclosure for air conditioning and hot water services, within valley of existing garage and studio building roofs.
- New skylight access hatch to garage and studio roof building.
- Solar hot water and photovoltaic equipment to existing garage roof.

1.5 Background

The development application was lodged on 31 May 2023. A request for clarifications regarding window details was made on 30 August 2023. In response, the applicant provided plans with minor amendments on 31 August 2023 which forms the basis for this assessment.

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 from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

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 aligns with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Zone</i>	Yes	The proposal is defined as alterations and additions to 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	<p>The proposed additions have a maximum height of 6.3m, in compliance with the development standard.</p> <p>It is noted that the proposed skylight is more than 8.5m above existing ground level. However, the skylight is to be installed within the existing roof slope and therefore does not constitute a change in the height of the existing building, and is not classified as exceeding the height of building development standard.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.52:1 • 276.8m² GFA 	No	<p>The proposal has a GFA of 322.18m², and an FSR of 0.61:1.</p> <p>The proposal exceeds the development standard by 45.4m², or by 16.4%.</p>
4.6 Exceptions to development standards	See discussion	<p>The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.</p>
Part 5 Miscellaneous provisions		
5.10 Heritage conservation <ul style="list-style-type: none"> • <i>The effect of the proposal on the heritage significance of the heritage conservation area must be considered</i> 	Yes (subject to conditions of consent)	<p>The site is located within Woodstock Street Heritage Conservation Area (C16), and adjacent to Flood Street Landscape Conservation Area (C42).</p> <p>The subject site is a dwelling house that has been significantly altered from its original state. The previous alterations include the addition of a first floor verandah, partial infilling of that verandah, construction of a swimming pool within the front setback, removal of the ground floor front window, and construction of a high boundary fence within the front setback.</p> <p>The majority of the proposal will have no material impact on the character of the heritage conservation area. Discussions regarding the streetscape and visual impact of the proposal are found in the Waverley DCP 2022 section of this report below.</p> <p>The only material impact on the character of the area is due to the proposed extension of the boundary fence height within the front</p>

Provision	Compliance	Comment
		setback. A condition of consent is included at Appendix A requiring the fence to be clear glazed to minimise the visual impact. Further discussion is found in the Waverley DCP 2022 compliance tables within this report below.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum or minimum FSR of 0.52:1, or 276.8m². The proposed development has an FSR of 0.61:1, and a GFA of 322.18m², exceeding the standard 45.4m² equating to a 16.4% 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 floor space ratio development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as objectives of the development standard are achieved notwithstanding non-compliance with the standard as set out below:
 - (i) Objective (a) relates to Bondi Junction, and is not relevant to the application.
 - (ii) Objective (b), *to provide an appropriate correlation between maximum building heights and density controls*, is achieved as the proposal retains the existing building height, with new works being carried out below the maximum height of buildings development standard.
 - (iii) Objective (c), *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality*, is achieved as the proposal will have a negligible impact on the visual bulk and scale of the building as it presents to the public domain and neighbouring

properties and therefore will not have a detrimental effect on 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*, is achieved as the proposal retains the overall scale of the existing building and therefore will preserve the existing environmental amenity of adjacent properties and locality as follows:

- The proposal will not result in the loss of views from surrounding development, given the location of the proposed addition at ground level and to the southern side of dwelling at first floor level within an existing verandah;
- The proposal will not result in unreasonable overshadowing of adjoining properties and shadow plans illustrate that the proposed works will have no change on existing shadows cast over neighbouring properties by the subject site;
- The proposal will provide a development which has been designed to ensure that the visual and acoustic privacy of adjoining properties is maintained; and
- The proposal will provide a development, which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality given the location of the proposed additions at ground level and within an existing verandah at first floor level.

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

- (i) Overall, the proposed building height and bulk is of an appropriate form and scale and is compatible with surrounding development and the desired future character for the locality, with the additional GFA limited to the enclosure of an existing verandah and a single storey structure to the rear.
- (ii) The additional GFA will still maintain appropriate scale and visual bulk impacts when viewed from adjoining sites and will not detract from the Flood Street or Bon Accord Avenue streetscapes.
- (iii) The additional GFA will allow for improved amenity for the rear ground floor portion of the main dwelling house and for Bedroom 3 at first floor level.
- (iv) Exceedance of the FSR control will not create additional building bulk that results in unreasonable environmental amenity impacts as set out above in relation to objective (d) of the development standard.

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 references the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

The applicant has provided sound justification as set out below.

Objective (b) regarding the correlation between the maximum building height and density controls is achieved as the proposal does not alter the existing building height and the proposed additional floor space is below the height of buildings development standard.

Objective (c), regarding compatibility with the bulk and scale of the desired character of the locality, is achieved as the proposal will not have a material impact on the perceived bulk and scale of the existing building due to the location of the additions at the rear ground floor and within the envelope of the existing first floor verandah.

Objective (d), regarding preservation of amenity for neighbouring properties and the locality is achieved as the proposal does not result in any overshadowing, view loss, overlooking, or any other amenity impacts on neighbours.

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 proposal will not have a material impact on the perceived bulk and scale, or appearance of the existing building due to the location of the additions at the rear ground floor and within the envelope of the existing first floor verandah. The proposal will also have no environmental amenity impacts as set out under the heading *Does the written request adequately address those issues at clause 4.6(3)(a)?* of this report above.

The proposal does not have any material environmental planning impacts, and will provide amenity benefits to future occupants. In these circumstances there are sufficient environmental planning grounds to justify the contravention of 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 as set out in this report above and the objectives for development within the R2 Low Density Residential Zone as set out below.

The objectives of 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.*
- *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal is consistent with the objectives as it provides additional low density residential floor space, does not affect the provision of other facilities or services in the area, is located in an accessible area, does not have a material impact on the character of the area, does not impact on the supply or housing for older people or people with disabilities, and as it increases the provision of landscape areas and deep soil at the site.

Conclusion

For the reasons provided above the requested variation to the floor space ratio is supported as the applicant's written request has adequately addressed the matters required by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the development standard and with the objectives of the R2 Low Density Residential zone.

2.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory. There is no proposed change to waste arrangements at the site.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> 	Yes	Satisfactory. The proposal is capable of providing fans for ventilation. An advisory note is included at Appendix A of this report recommending that fans should be provided.
3. Landscaping, Biodiversity and Vegetation Preservation <ul style="list-style-type: none"> <i>Consent is required to remove a tree that is 3m or greater in height, or 3m or greater in spread.</i> <i>50% native planting to be achieved in habitat corridors</i> 	<p>Yes</p> <p>No (to be conditioned)</p>	<p>Satisfactory. The proposal does not include tree removal.</p> <p>The site is located within a habitat corridor, but does not achieve 50% native planting. A condition of consent is included at Appendix A to ensure this is achieved.</p>
5. Water Management	Yes	Satisfactory subject to standard conditions of consent requiring the submission of finalised stormwater plans.
6. Accessibility and Adaptability	Yes	Satisfactory. The proposal does not impact the accessibility or adaptability of the existing building.
8. Heritage <ul style="list-style-type: none"> <i>Development must be compatible with surrounding built form</i> <i>Development respect contributory features of the conservation area</i> 	Yes (subject to conditions of consent)	<p>The site is located within Woodstock Street Heritage Conservation Area (C16), and adjacent to Flood Street Landscape Conservation Area (C42).</p> <p>The proposal is compatible with the surrounding built form, and respects the contributory features of the conservation area, subject to a condition of consent regarding fencing materials.</p> <p>See the heritage section of the WLEP 2012 compliance table above, and the streetscape, fencing, landscaping, dual frontage, and special character areas sections of the WDCP 2022 compliance tables below, for further discussions regarding streetscape and visual impacts.</p>
11. Design Excellence	Yes	Satisfactory. The proposal is compatible with the character of the area, retains amenity for neighbouring residents, and provides additional amenity for future occupants of the site.

Table 33: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> • <i>Maximum external wall height of 7m</i> 	Yes	The proposed wall height is less than 7m, and the proposal does not alter the existing wall height of the dwelling house.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 1.2.2 Side setbacks <ul style="list-style-type: none"> • <i>Minimum of 0.9m for ground floor and first floors.)</i> 	No (acceptable on merit)	<p>The proposal is located within a row of three dwellings situated between Bon Accord Avenue and Barnett Lane East. The proposed ground floor rear addition extends beyond the rear building line of the two neighbouring dwellings to the north and is not set back from the northern side boundary, contrary to the DCP controls.</p> <p>The proposed rear building line and side setback is acceptable on merit in the context of the subject site, as the proposed rear addition complies with the objectives of the control, does not have any material amenity impacts on neighbours including overshadowing and outlook, does not impact on the character of the area, retains a large private open space for occupants, aligns with the side setbacks of the existing laneway building, and does not reduce landscape provision.</p>
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • <i>New development to be compatible with streetscape context</i> • <i>Replacement windows to complement the style and proportions of existing dwelling</i> • <i>Significant landscaping to be maintained.</i> 	Yes (subject to conditions of consent)	<p>The proposal alterations and additions will not have a significant streetscape impact.</p> <p>The proposed partial infilling of the first floor non-original verandah will have a minimal visual impact as it is adjacent to the existing infilled section of the verandah, it will be finished with materials that complement the existing building, and as views of the development from the public domain are significantly obscured by the existing high boundary fences and dense canopy coverage along Bon Accord Avenue.</p> <p>The proposed street-facing window at first floor level replicates the existing windows, and the proposed street-facing windows at ground floor level are vertically-proportioned and are not prominently visible from the public domain due to the existing high boundary fence.</p>

Development Control	Compliance	Comment
		Discussion regarding the proposed extension of the existing boundary fence is found in section 1.4 below.
1.4 Fences		
<p><u>Front:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.2m</i> • <i>Solid section no more than 0.6m in height</i> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.8m</i> 	No (conditions required)	<p>The proposal includes upward extensions of the existing front and side boundary fences to heights over 3m, contrary to the DCP controls. The height of the proposed fences is dictated by the BCA and regulatory requirements for pool boundary fences to be 1.8m in height measured from the pool coping level.</p> <p>The proposed fence height is acceptable on balance due to necessity of complying with pool fencing safety requirements, due to the fact that the pool already exists at the subject site, and due to the lack of amenity impacts on neighbours.</p> <p>To reduce the visual impact of the fence extension, a condition of consent is included at Appendix A requiring the fence to be clear glazed.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • <i>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</i> 	Yes	<p>The proposal does not result in any overlooking of neighbouring properties.</p> <p>A submission regarding privacy impacts of the proposed north-facing kitchen window was received during the public notification of the application. However, the proposed window will not overlook 3 Flood Street as it has a sill height of 2.4m above finished floor level at the subject site, and will not result in noise impacts as it will be fixed shut to comply with BCA fire safety controls.</p> <p>The proposed air conditioning and hot water equipment is not located close to neighbouring properties, and therefore is unlikely to result in material acoustic impacts.</p>
1.6 Solar access		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> 	No (acceptable on merit)	The proposal does not achieve 50% solar access to the private open space of the subject site at midwinter. The non-compliance is acceptable on merit due to the inherent constraints presented by significant parts of the existing private open space being south-facing, and as substantial useable areas of solar access are retained to the

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	<p>Yes</p> <p>Yes</p>	<p>front and rear areas of private open space throughout the day.</p> <p>The proposal has no impact on solar access to neighbouring sites.</p> <p>The proposal does not impact any neighbouring solar collectors.</p>
1.7 Views		
<ul style="list-style-type: none"> • <i>Views from the public domain are to be maintained</i> • <i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i> 	<p>Yes</p>	<p>The proposal has no view impacts.</p>
1.9 Landscaping and open space		
<ul style="list-style-type: none"> • <i>Overall open space: 40% of site area</i> • <i>Overall landscaped area: 20% of site area, with at least half deep soil</i> • <i>Minimum area of 25m² for private open space</i> • <i>Front open space: 50% of front building setback area</i> • <i>Front landscaped area: 50% of front open space provided</i> • <i>Outdoor clothes drying area to be provided</i> 	<p>Yes</p> <p>No (acceptable on merit)</p> <p>Yes</p> <p>Yes</p> <p>No (acceptable on merit)</p> <p>Yes</p>	<p>Satisfactory.</p> <p>The proposal results in 12% of the site area as landscaped area, below the 20% control. The proposed landscape area is acceptable on merit, as it is an increase from the existing 10% landscaped area at the site.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>The proposal results in 4% of the front setback being landscaped area, below the 50% control. The proposed landscape area is acceptable on merit as it is an increase from the existing 0% provision, and as the front setback is constrained by the presence of the existing swimming pool.</p> <p>Satisfactory.</p>
1.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> • <i>Located in the rear of property</i> 	<p>N/A</p>	<p>There is no proposed change to the location of the pool at the front of the property.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> All pool equipment to be enclosed within an acoustically treated enclosure 	Yes	The existing pool plant area is proposed to be screened by new doors.
1.14 Dual Frontage Development		
1.14.1 General Controls <ul style="list-style-type: none"> Primary and secondary frontage to be defined Appropriate forms to be provided to each street 	Yes	The proposal retains the character of the existing primary and secondary frontages at the site.
1.14.2 - Laneway Design Provisions <ul style="list-style-type: none"> Pitched roof form required 	Yes	The proposed plant enclosure is set back from the laneway façade, and therefore retains the appearance of a pitched roof form for the existing laneway building when viewed from the laneway.
1.14.3 Development in Heritage Conservation areas <ul style="list-style-type: none"> Roof forms are to reflect those of the Conservation Area Solar collection panels to be located on inner roof slopes or roof slopes facing side boundaries. 	Yes	As set out in section 1.14.2 above, the proposed alterations to the roof of the laneway building will retain the appearance of a pitched roof form. The proposed solar panels are located on a roof slope facing the side boundary.

Table 4: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.1 Bondi Heights		
Desired Future Character Objectives <ul style="list-style-type: none"> Provide front gardens and mature trees 	No (acceptable on merit)	The proposal does not include any significant landscaping to the front yard. However, this is acceptable on merit as the site is constrained by the presence of the existing swimming pool within the front setback, and as the proposal increases the landscape provision within the front setback compared to the existing state of the site.
<ul style="list-style-type: none"> Appropriate response to height and site access responding to high and low sides of the street 	Yes	The proposal has no impact on the existing building heights at the site.

Controls <ul style="list-style-type: none"> • <i>Garden retaining walls on the high side of the street are to be a maximum of 1.5m.</i> • <i>Front setbacks should be predominantly planted or grassed, to allow the elevated view of the front garden to contribute to the streetscape.</i> 	No	The proposed front boundary fence is over 3m in height. This is acceptable on balance due to the need to comply with pool safety fencing requirements. See section 1.4 above for further discussion.
	No	The proposal does not include significant planting within the front setback. See the discussion regarding the <i>Desired Future Character Objectives</i> above for further information.

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 from 4 to 20 July 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amendments were minor changes relating to depiction of existing and proposed windows and resulted in no impacts on neighbouring properties.

One unique submission was received from 3 Flood Street.

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

- The proposed north-facing kitchen window will impact on privacy for 3 Flood Street and will be a fire hazard.

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

Issue: The existing window W12 is not depicted correctly.

Response: Updated drawings have been provided by the applicant which include amendments to the depiction of existing window W12.

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 Biodiversity

Council's biodiversity officer objected to the proposed landscape plans, as the plans do not achieve 50% native planting as required by the DCP for biodiversity habitat corridors. A condition of consent requiring amended landscape plans to comply with the DCP control is therefore included at Appendix A of this report.

3.2 Stormwater

Council's stormwater engineers supported the application subject to conditions of consent requiring the submission of finalised stormwater plans. The conditions are included at Appendix A of this report.

3.3 Tree Management

Council's tree management officer supported the proposal subject to standard tree protection conditions of consent. The conditions are included at Appendix A of this report.

3.4 Heritage

Council's heritage officer raised concerns regarding the proposed increase in boundary fence heights within the front setback. The issues regarding the boundary fences are discussed in this report above. The application does not propose any changes to the existing tower and chimney.

4 CONCLUSION

The development application seeks consent for alterations and additions to the dwelling house at the site known as 5 Flood Street, Bondi. The alterations and additions include a rear ground floor addition, partial infilling of the first floor verandah, alterations to windows, increase to the boundary fence heights within the front setback, and plant equipment and screening to roof of the rear lane buildings.

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

- Exceedance of the floor space ratio development standard.
- The visual impacts of proposed boundary fences.

The assessment finds these issues acceptable subject to conditions of consent regarding fencing materials.

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.

Development Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 30 August 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara, B Magistrale, E Finnegan, 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 by:	Application reviewed and agreed by:
		
David Knight	Angela Rossi	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 5 September 2023	Date: 8 September 2023	Date: 11 September 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Clause 4.6 register entry required	0% variation to height (Clause 4.3)
	16.4% variation to FSR (Clause 4.4)
	0% variation to lot size (Clause 4.1)
	Reason:
	Pre-existing non-compliance
No change to overall building height	
No change to overall building envelope	
Variation limited to the [lift/plant/parapet/attic] only	

	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No	
Secondary Dwelling *This is a planning portal reporting requirement	No	
Boarding House *This is a planning portal reporting requirement	No	
Group Home *This is a planning portal reporting requirement	No	
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Other (please specify):	No	

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 Dods and Zuccon Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA02	Site analysis and site plan	April 2023	31/08/2023
DA03	Ground floor plan	April 2023	31/08/2023
DA04	Frist floor plan	April 2023	31/08/2023
DA05	Roof plan	April 2023	31/08/2023
DA06	Elevations	April 2023	31/08/2023
DA07	Sections	April 2023	31/08/2023

- (b) Landscape Plan No.FG23192 001 rev C and documentation prepared by Formed Gardens, dated 13/04/2023 and received by Council on 30/05/2023

- (c) BASIX and NatHERs Certificate/s

- (d) Stormwater Details and documentation prepared by Partridge dated 21/04/2023, and received by Council on 30/05/2023

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The swimming pool boundary fence to the northern and southern side boundaries and the eastern front boundary must be constructed of transparent glazing to reduce its visual impact.

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 2021*; 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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

- (a) Where the total development cost is less than \$500,000:
 - (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
 - (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

- (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
- (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the *Environmental Planning and Assessment Regulation 2021*, 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% of the full cost of the development; or

- (iii) A development valued at more than \$200,000 will attract a levy of 1% of 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) for the amount of \$19,235 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) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs 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 of this building work. Evidence 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 0.25% of building work costing \$250,000 or more.

8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessments, in accordance with the 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 the 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 must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

11. 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.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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.

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

STORMWATER & FLOODING

14. 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 PARTRIDGE HYDRAULIC SERVICES, Job No. 2023H0001, DWG No. SWDA 1.1, SWDA 1.2, SWDA 1.3, SWDA 1.4, SWDA 1.5 (Rev 1), dated April 2023 are considered concept only.

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

- a) 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.
- b) 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 checklist as set out on pages 68-76 on Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- 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). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

15. BASIX

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

WASTE

16. 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

17. 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 having 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 Development Control Plan.

TRAFFIC MANAGEMENT

18. 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

19. CONSTRUCTION SIGNS

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

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;
- *Protection of the Environment Operations Act 1997*.

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

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

21. CONTROL OF DUST ON CONSTRUCTION SITES

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

- Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

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 Sundays and public holidays.

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 2021*.

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. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

30. 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.

31. 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.

32. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

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. CERTIFICATION OF STORMWATER SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must 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. 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.

AD6. EXCAVATION TO BE LIMITED

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

AD7. 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.

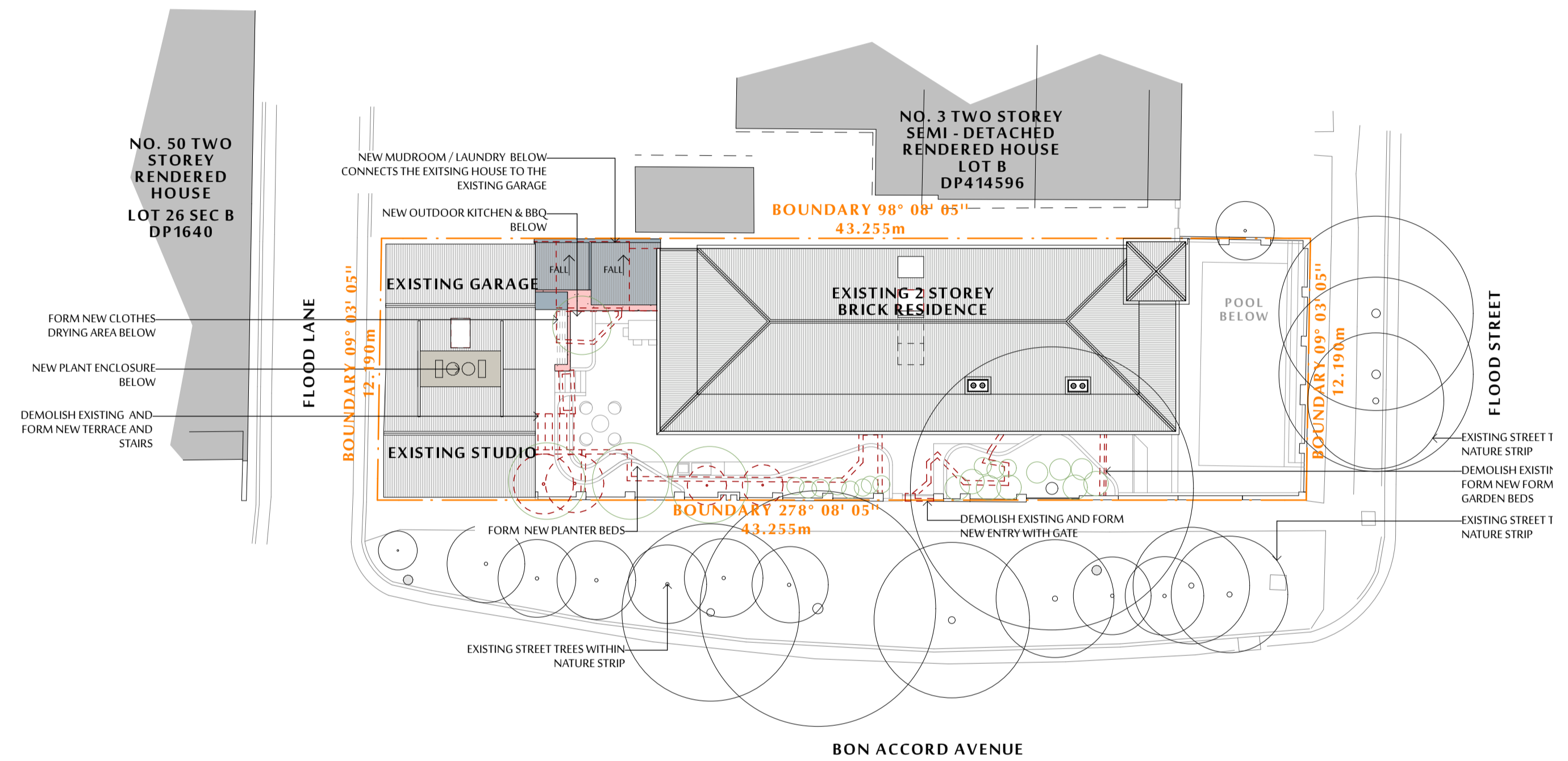
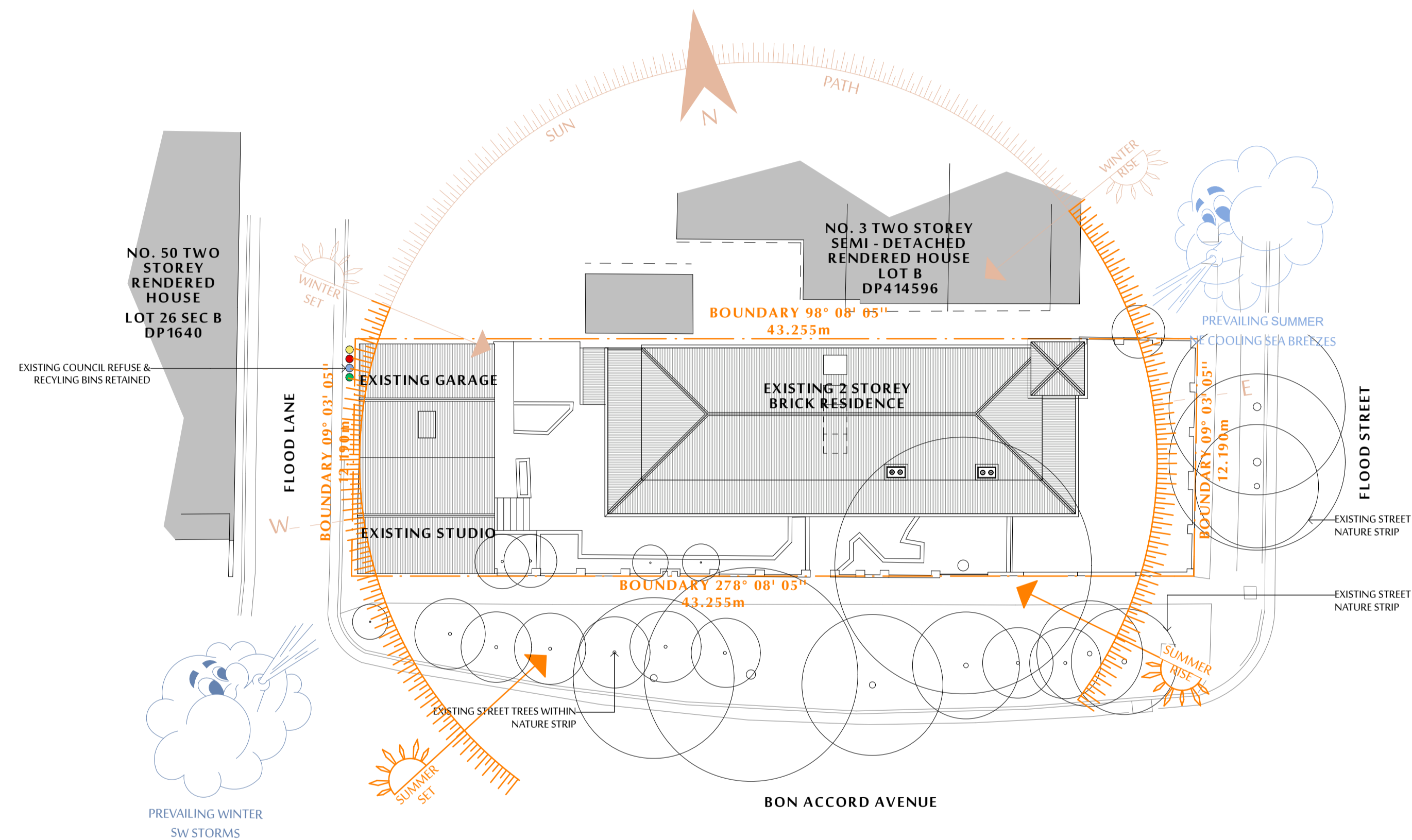
Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD8. 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.

AD9. VENTILATION

Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.



SITE ANALYSIS 1:200 @ A1

SITE PLAN 1:200 @ A1

COUNCIL DCP & LEP CONTROLS

LAND ZONING - R2 Low Density Residential - Waverley LEP 2012
FSR - 0.52497:1 or 276.82qm - Waverley LEP 2012 (4.4A Exceptions to FSR) Whereby FSR = (((550 - lot area) x 0.0011) + 0.5) : 1
HOB - 8.5m above NGL - Waverley LEP 2012

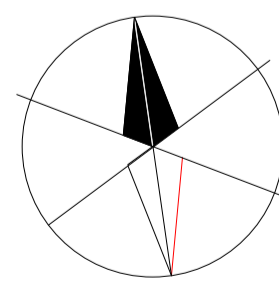
SETBACKS: Waverley DCP 2012

FRONT: Extend no further than the predominant front building lines of buildings in its vicinity.
REAR: Extend no further than the predominant rear building lines of buildings in its vicinity, noting ground and separate.
SIDES: 900mm for 1-2 storey dwellings.

If height exceeds the maximum height of building standard in clause 4.3 of WLEP 2012, the minimum side setback will increase to 120mm 1500mm for 3 storey dwellings.

LANDSCAPING -

40% of site area as open space [or 210.9 sqm].
20% of site area as landscaping [or 105.46 sqm].
10% of site area as deep soil [or 52.73 sqm].



PROPOSED CONDITIONS

LAND ZONING - R2 Low Density Residential - Waverley LEP 2012
FSR - 0.61:1 or 322.18 sqm
HOB - 3.74m above NGL proposed.

SETBACKS -

FRONT - As existing and consistent with front building line
Building Line = 6.075m
SIDES - North = Nil - match existing for additional 5.88m
South = 6.10 - 8.820m
REAR - As existing = 0.3m

LANDSCAPING -

55.61% of site area as open space [or 293.21sqm].
13.72% of site area as landscaping [or 72.31sqm]
7.67% of the site area is Deep Soil [or 40.45sqm]

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Nominated Architect
William Zuccon Reg No 4793

AW	Awning window	DHW	Double hung window	MC	Mirror cabinet	SC	Structural column
AGL	Automated glass louvers	DP	Downpipe	NCC	National Construction Code	SD	Sliding door
AL	Anodised Aluminium	EDP	Existing downpipe	OF	Overflow	SK	Skylight
BA	Balustrade	FCU	Fan Coil Unit	OG	Obscure glazing	SP	Stone paving
BD	Bi-fold door	FG	Fixed glass	PD	Pivot door	SR	Steel roofing
BG	Box Gutter	F	Flue	PL	Plaster	SS	Sewer stack
CW	Casement window	FP	Fireplace	PS	Plaster set	SW	Sliding window
CMR	Cement render	FR	Freezer	R	Refrigerator	ST	Stone
CMB	Cement bagging	FW	Floor waste	RC	Reinforced concrete	TF	Timber flooring
CPT	Cupboard	GL	Glass louvers window	RP	Recessed panel	TO	Timber Oiled
CRT	Carpet	GS	Galvanized steel	RH	Rainwater head	TT	Tilt and turn window
CT	Cooktop	HD	Hinged door	RWT	Rainwater tank	W	Window
CTF	Concrete trowel finish	HWS	Hot water system	S	Sink	WB	Weatherboards
D	Door	LT	Laundry tub	SA	Smoke detector	WO	Wall oven

BASIX REQUIREMENTS

WATER / ENERGY OPTIONS:
Hot water: Solar (electric boosted) system
Lighting: Minimum 40% of new lights to be either fluorescent, compact fluorescent or LED lamps.
Fixtures: All new or altered shower-heads have a maximum flow-rate of 9L/min or a minimum 3 star water rating, all new or altered toilets have a maximum flow-rate of maximum 4L per average flush or are minimum 3 star water rating and all new or altered taps have a maximum flow rate of 9L/min or are minimum 3 star water rating.

INSULATION OPTIONS:

Concrete slab on ground floor: nil
Suspended floor with enclosed sub floor - concrete (R0.60); R0.70 (down) (or R1.30 including construction)
External walls - cavity brick: nil
External walls - framed (weatherboard, fibro, metal clad): R1.30 (or 1.70 including construction)
External walls - concrete block/plasterboard: R1.18 (or 1.70 including construction)
Internal wall shared with garage - cavity brick wall (R0.67): nil
Flat ceiling, pitched roof - ceiling: R1.95 (up), roof: min foil backed insulation blanket - 55 mm thick and dark coloured roof (solar absorbance >70%)

GLAZING OPTIONS:

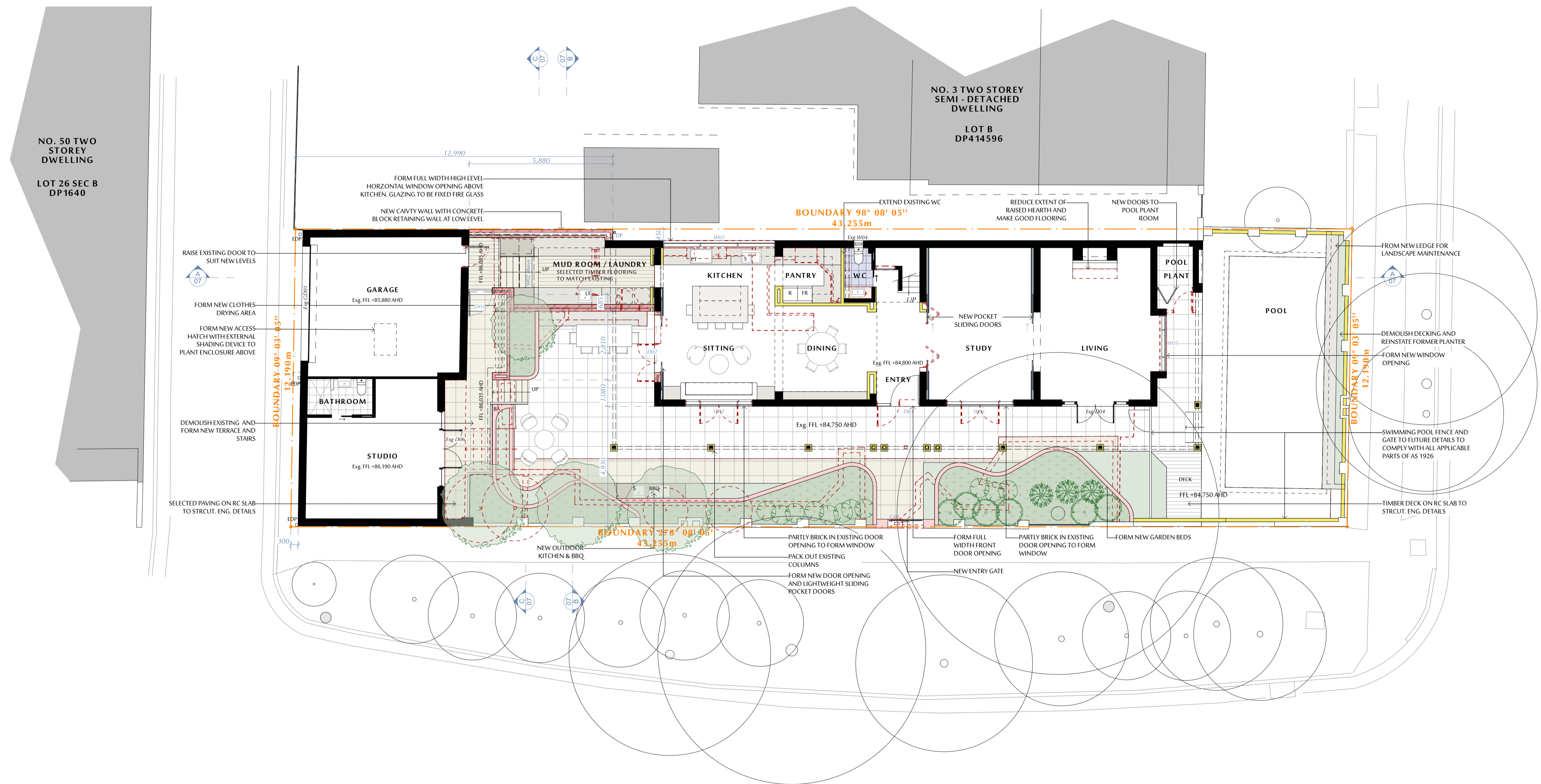
All new glazed window and door units: Aluminium-framed single clear glass: with minimum U-Value = 7.63 and SHGC=0.75.
Skylight - with External adjustable awning or blind, Aluminium, moulded plastic single clear, (or U-Value: 6.21, SHGC: 0.808)

DA ISSUE

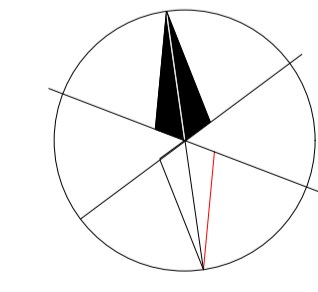
PROPOSED ALTERATIONS AND ADDITIONS
JOSIE ASHTON AND SIMON MILLS
5 FLOOD STREET, BONDI

SITE ANALYSIS & SITE PLAN
SCALE 1:100 @ A1, 1:200 @ A3 ISSUE DATE
DA 02 APR 2023

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GROUND FLOOR PLAN



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KEY		DHW		MC		SC	
AW	Awning window	DP	Downpipe	NCC	National Construction Code	SD	Sliding door
AGL	Automated glass louvers	EDP	Existing downpipe	OF	Overflow	SK	Skylight
AL	Anodised Aluminium	FCU	Fan Coil Unit	OG	Obscure glazing	SP	Stone paving
BA	Balustrade	FG	Fixed glass	PD	Pivot door	SR	Steel roofing
BD	Bi-fold door	F	Flue	PL	Plaster	SS	Sewer stack
BG	Box Gutter	FP	Fireplace	PS	Plaster set	SW	Sliding window
CW	Casement window	FR	Freezer	R	Refrigerator	ST	Stone
CMB	Cement render	FW	Floor waste	RC	Reinforced concrete	TF	Timber flooring
CPD	Cupboard	GL	Glass louvers window	RP	Recessed panel	TO	Timber Oiled
CRT	Carpet	GS	Galvanized steel	RH	Rainwater head	TT	Tilt and turn window
CT	Cooktop	HD	Hinged door	RWT	Rainwater tank	W	Window
CTF	Concrete trowel finish	HWS	Hot water system	S	Sink	WB	Weatherboards
D	Door	LT	Laundry tub	SA	Smoke detector	WO	Wall oven

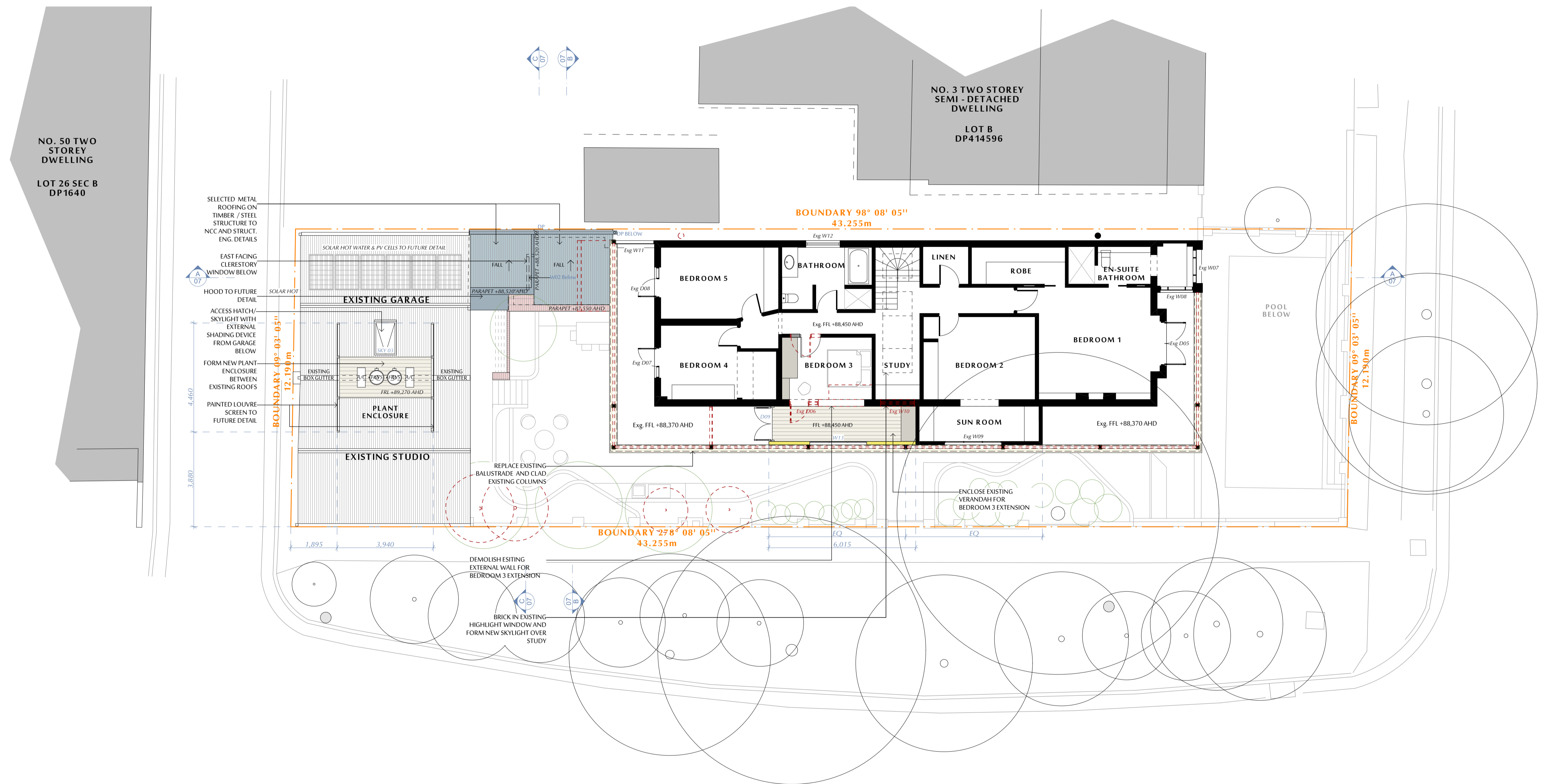
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WATER / ENERGY OPTIONS:
 Hot water: Solar (electric boosted) system
Lighting: Minimum 40% of new lights to be either fluorescent, compact fluorescent or LED lamps.
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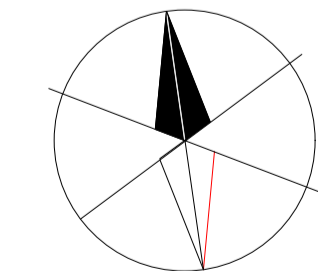
GLAZING OPTIONS:
 All new glazed window and door units: Aluminium-framed single clear glass: with minimum U-Value = 7.63 and SHGC=0.75.
 Skylight - with External adjustable awning or blind. Aluminium, moulded plastic single clear, (or U-Value: 6.21, SHGC: 0.808)

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PROPOSED ALTERATIONS AND ADDITIONS
JOSIE ASHTON AND SIMON MILLS
 5 FLOOD STREET, BONDI
 GROUND FLOOR PLAN
 SCALE 1:100 @ A1, 1:200 @ A3
DA 03
 ISSUE DATE
 APR 2023



FIRST FLOOR PLAN



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 Nominated Architect
 William Zuccon Reg No 4793

KEY	
AW	Awning window
AGL	Automated glass louvres
AL	Anodised Aluminium
BA	Balustrade
BD	Bi-fold door
BG	Box Gutter
CW	Casement window
CMR	Cement render
CMB	Cement bagging
CPD	Cupboard
CRT	Carpet
CT	Cooktop
CTF	Concrete trowel finish
D	Door
DHW	Double hung window
DP	Downpipe
EDP	Existing downpipe
FCU	Fan Coil Unit
FG	Fixed glass
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FP	Fireplace
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LT	Laundry tub
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NCC	National Construction Code
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TO	Timber Oiled
TT	Tilt and turn window
W	Window
WB	Weatherboards
WO	Wall oven

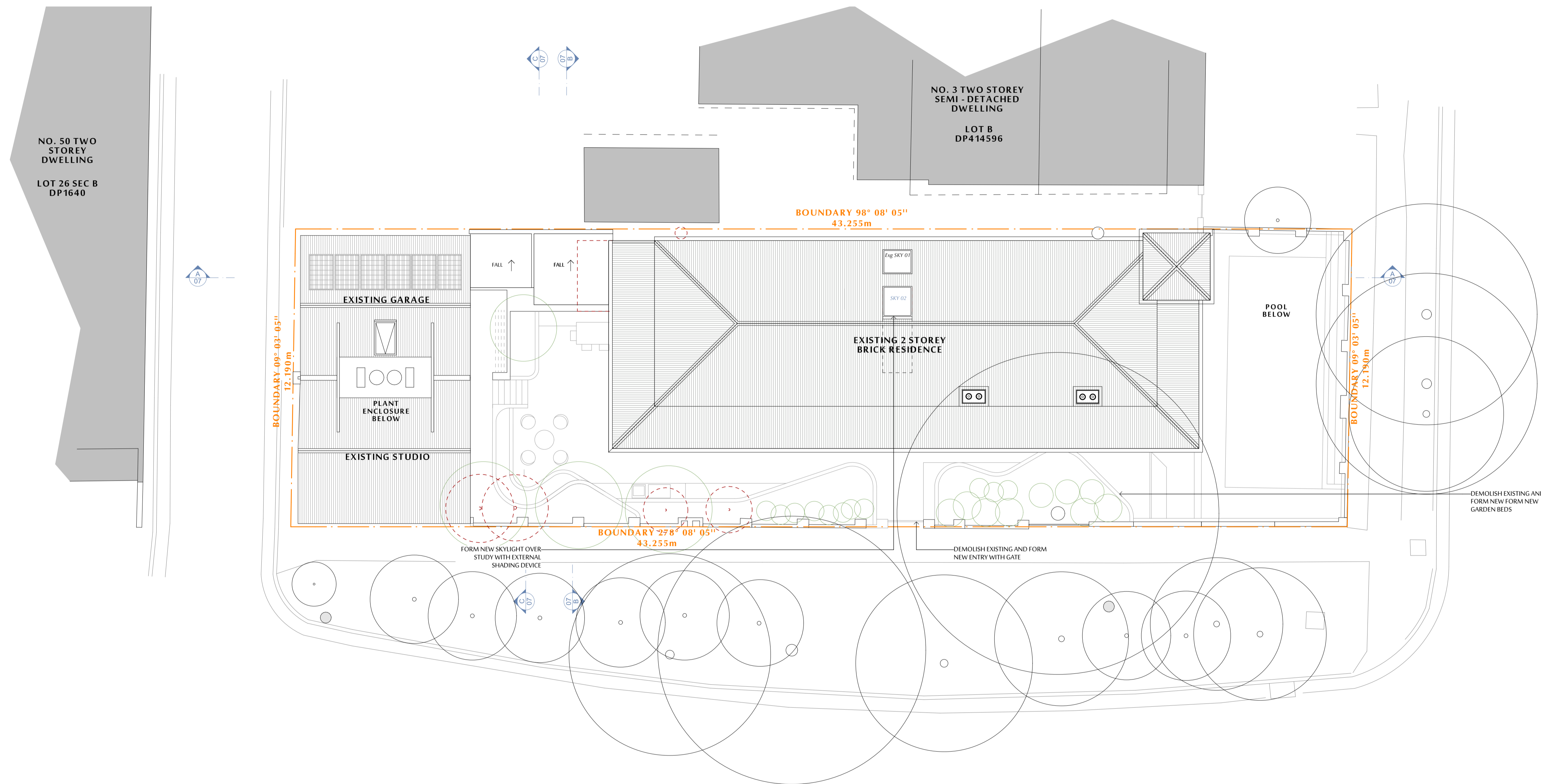
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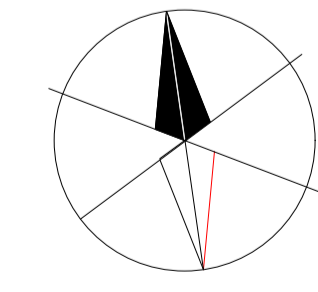
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PROPOSED ALTERATIONS AND ADDITIONS
JOSIE ASHTON AND SIMON MILLS
 5 FLOOD STREET, BONDI
 FIRST FLOOR PLAN
 SCALE 1:100 @ A1, 1:200 @ A3 ISSUE DATE
DA 04 APR 2023



ROOF PLAN



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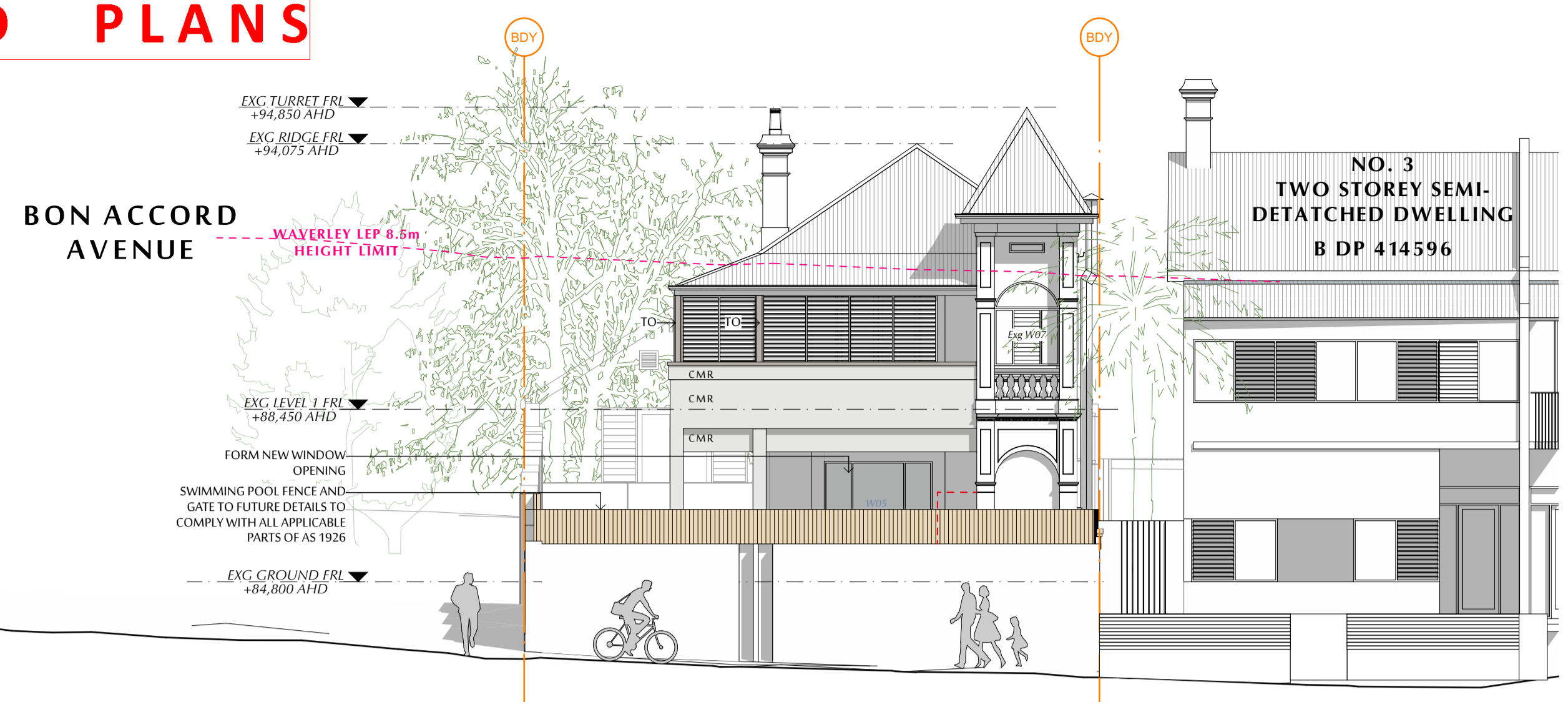
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Skylight - with External adjustable awning or blind, Aluminium, moulded plastic single clear, (or U-Value: 6.21, SHGC: 0.808)

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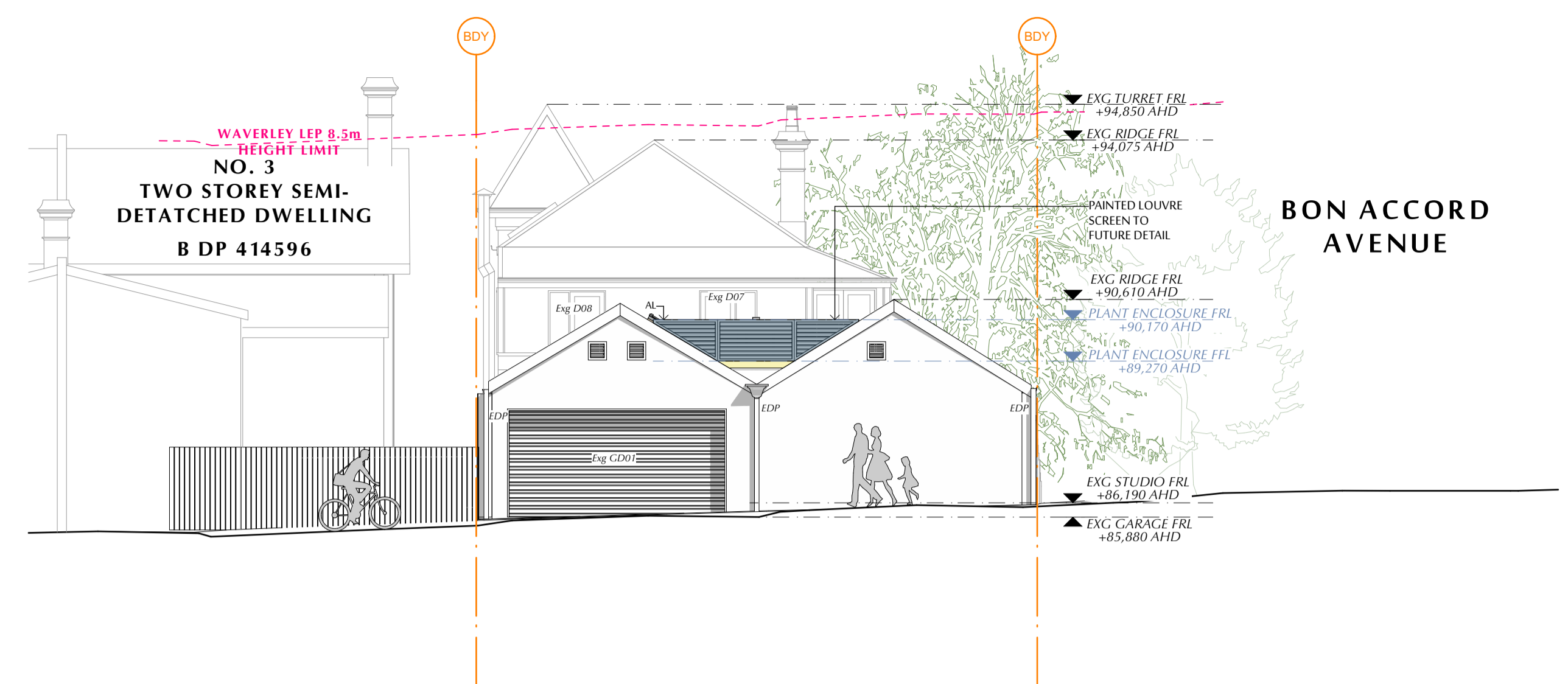
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PROPOSED ALTERATIONS AND ADDITIONS
JOSIE ASHTON AND SIMON MILLS
 5 FLOOD STREET, BONDI

ROOF PLAN
 SCALE 1:100 @ A1, 1:200 @ A3 ISSUE DATE
DA 05 APR 2023



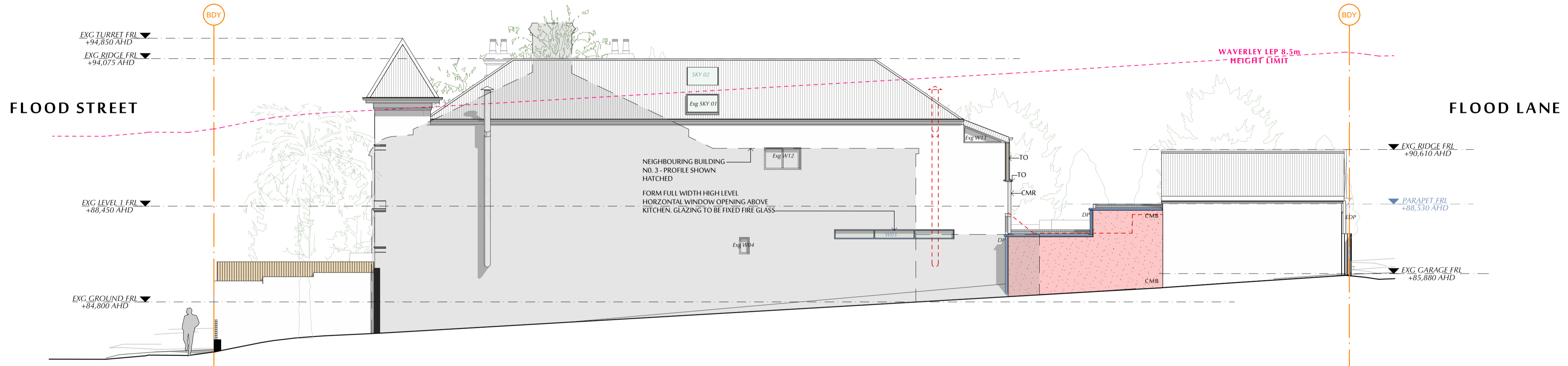
EAST ELEVATION - FLOOD STREET



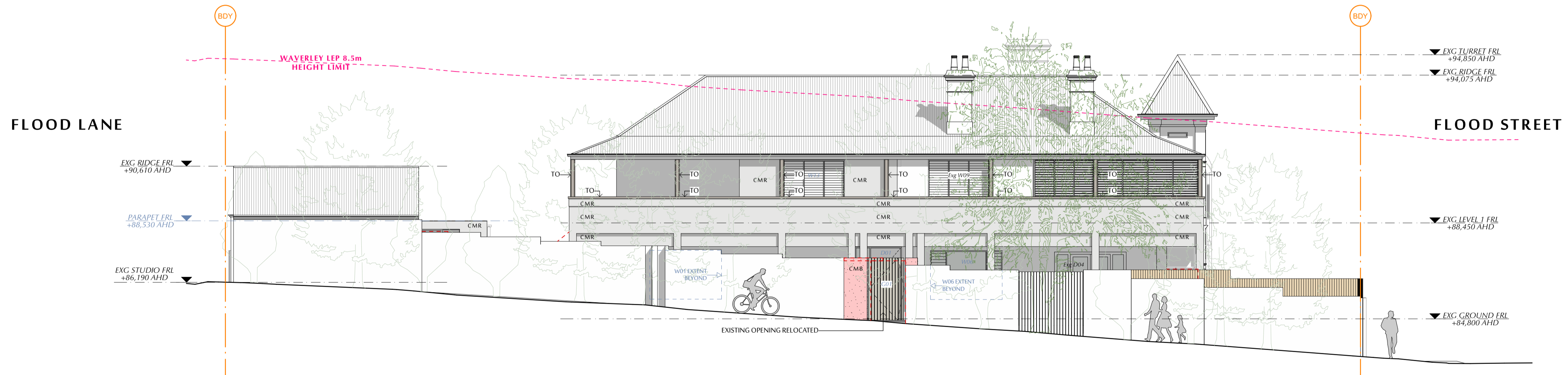
WEST ELEVATION - FLOOD LANE

EXTERNAL MATERIALS PALETTE

- WINDOWS AND EXTERNAL DOORS**
AL - ANODISED ALUMINIUM (CLEAR, BRONZE OR CHARCOAL)
- WALLS**
CMB - CEMENT MASONRY BAGGED PAINTED
- ROOFING**
COLOURBOND MANOR RED PROFILE TO MATCH EXISTING
- TIMBER WORK**
TO - TIMBER OILED (CLEAR) TIMBER LOUVRES/FENCES AND GATES



NORTH ELEVATION



SOUTH ELEVATION

DODS AND ZUCCON ARCHITECTS
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Nominated Architect
William Zuccon Reg No 4793

KEY	
AW	Awning window
AGL	Automated glass louvres
AL	Anodised Aluminium
BA	Balustrade
BD	Bi-fold door
BG	Box Gutter
CW	Casement window
CMR	Cement render
CMB	Cement bagging
CPD	Cupboard
CRT	Carpet
CT	Coooktop
CF	Concrete trowel finish
D	Door
DHW	Double hung window
DP	Downpipe
EDP	Existing downpipe
FCU	Fan Coil Unit
FG	Fixed glass
F	Flue
FP	Fireplace
FR	Freezer
FW	Floor waste
GL	Glass louvres window
GS	Galvanized steel
HD	Hinged door
HWS	Hot water system
LT	Laundry tub
MC	Mirror cabinet
NCC	National Construction Code
OF	Overflow
OG	Obscure glazing
PD	Pivot door
PL	Plaster
PS	Plaster set
R	Refrigerator
RC	Reinforced concrete
RP	Recessed panel
RH	Rainwater head
RWT	Rainwater tank
S	Sink
SA	Smoke detector
SC	Structural column
SD	Sliding door
SK	Skylight
SP	Stone paving
SR	Steel roofing
SS	Sewer stack
SW	Sliding window
ST	Stone
TF	Timber flooring
TO	Timber Oiled
TT	Tilt and turn window
W	Window
WB	Weatherboards
WO	Wall oven

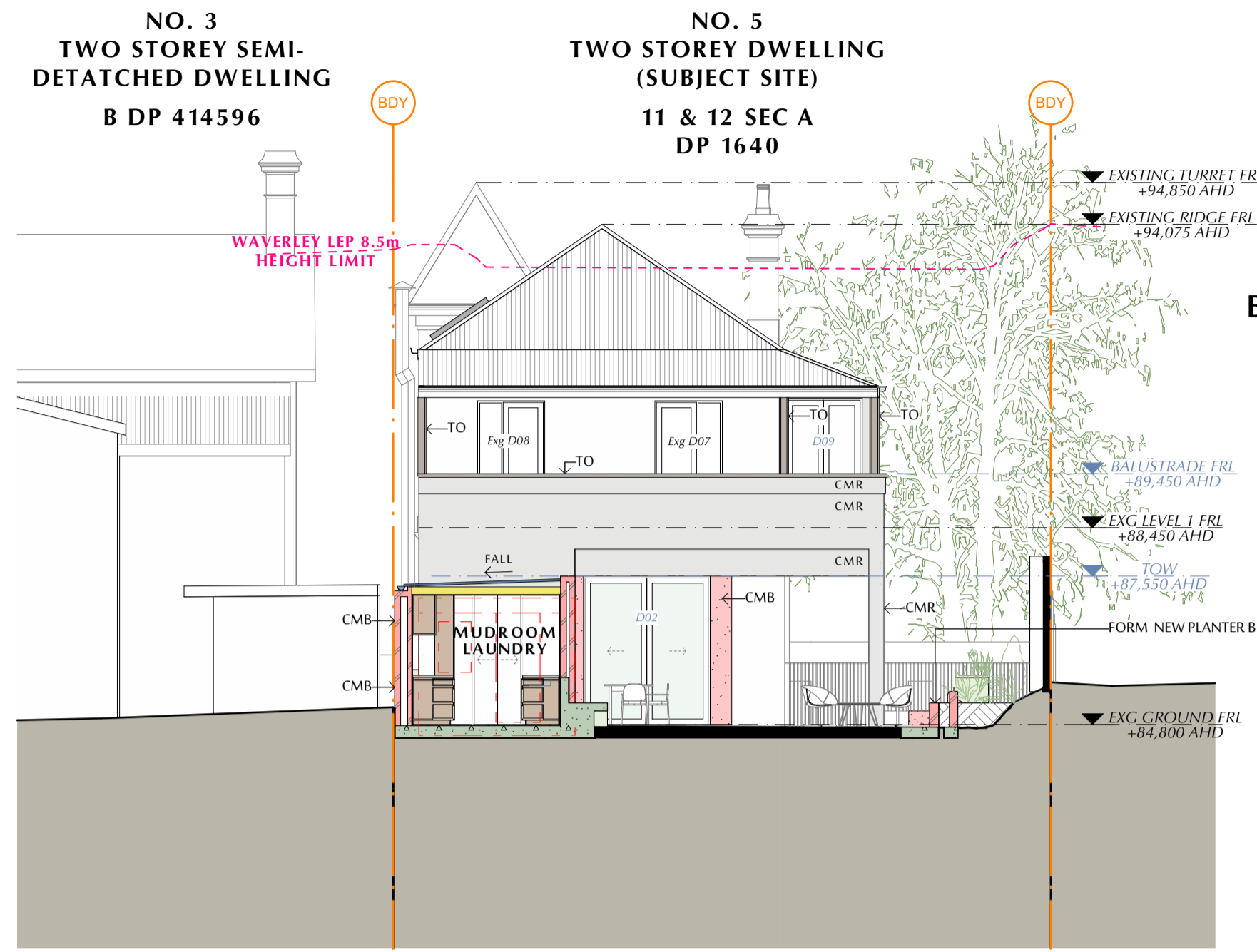
BASIX REQUIREMENTS
WATER / ENERGY OPTIONS:
Hot water: Solar (electric boosted) system
Lighting: Minimum 40% of new lights to be either fluorescent, compact fluorescent or LED lamps.
Fixtures: All new or altered shower-heads have a maximum flow-rate of 9L/min or a minimum 3 star water rating, all new or altered toilets have a maximum flow-rate of maximum 4L per average flush or are minimum 3 star water rating and all new or altered taps have a maximum flow rate of 9L/min or are minimum 3 star water rating.

INSULATION OPTIONS:
Concrete slab on ground floor: nil
Suspended floor with enclosed sub floor - concrete (R0.60); R0.70 (down) (or R1.30 including construction)
External walls - cavity brick: nil
External walls - framed (weatherboard, fibro, metal clad): R1.30 (or 1.70 including construction)
External walls - concrete block/plasterboard: R1.18 (or 1.70 including construction)
Internal wall shared with garage - cavity brick wall (R0.67): nil
Flat ceiling, pitched roof - ceiling: R1.95 (up), roof: min foil backed insulation blanket - 55 mm thick and dark coloured roof (solar absorptance >70%)

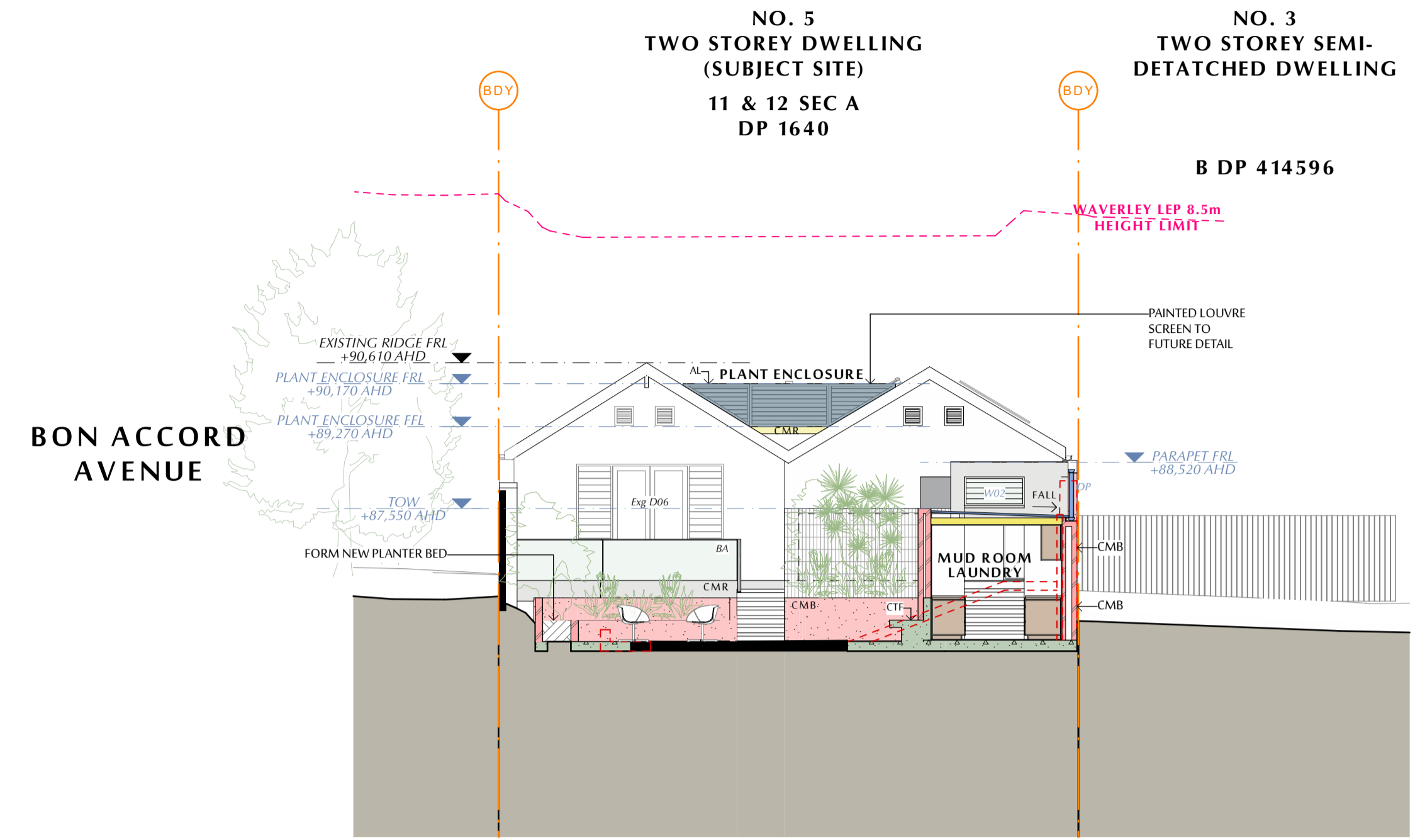
GLAZING OPTIONS:
All new glazed window and door units: Aluminium-framed single clear glass: with minimum U-Value = 7.63 and SHGC=0.75.
Skylight - with External adjustable awning or blind. Aluminium, moulded plastic single clear, (or U-Value: 6.21, SHGC: 0.808)

DA ISSUE
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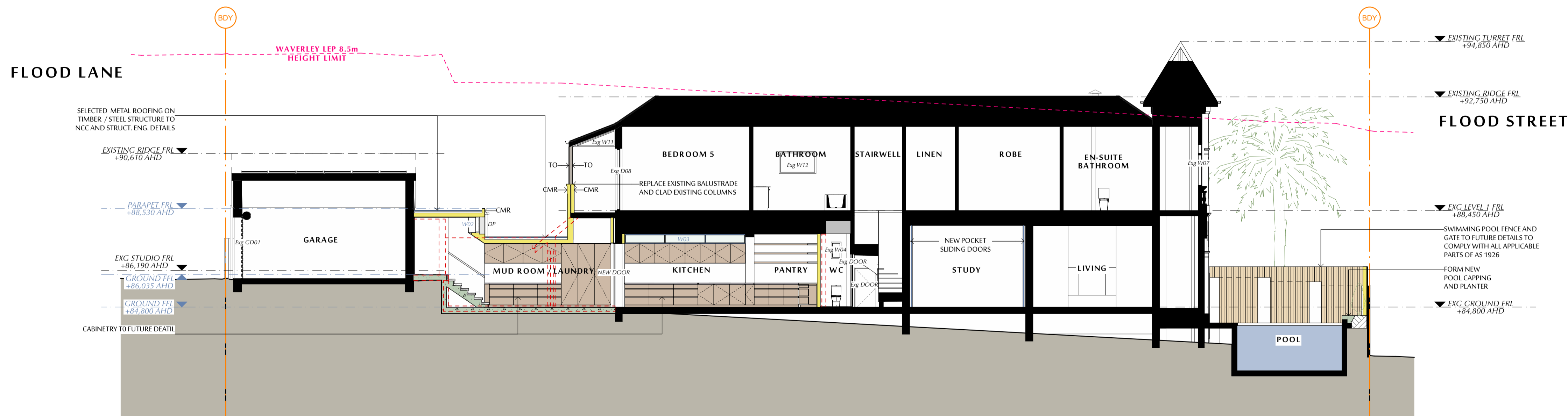
PROPOSED ALTERATIONS AND ADDITIONS
JOSIE ASHTON AND SIMON MILLS
5 FLOOD STREET, BONDI
ELEVATIONS
SCALE 1:100 @ A1, 1:200 @ A3
DA 06
ISSUE DATE
APR 2023



SECTION B - B



SECTION C - C



SECTION A - A

- EXTERNAL MATERIALS PALETTE**
- WINDOWS AND EXTERNAL DOORS:** AL - ANODISED ALUMINIUM (CLEAR, BRONZE OR CHARCOAL)
 - WALLS:** CMR - CEMENT MASONRY BAGGED PAINTED
 - ROOFING:** COLOURBOND MANOR RED PROFILE TO MATCH EXISTING
 - TIMBER WORK:** TO - TIMBER OILED (CLEAR) TIMBER LOUVRES/FENCES AND GATES

KEY

AW	Awning window	DHW	Double hung window	MC	Mirror cabinet	SC	Structural column
AGL	Automated glass louvres	DP	Downpipe	NCC	National Construction Code	SD	Sliding door
AL	Anodised Aluminium	EDP	Existing downpipe	OF	Overflow	SK	Skylight
BA	Balustrade	FCU	Fan Coil Unit	OG	Obscure glazing	SP	Stone paving
BD	Bi-fold door	FG	Fixed glass	PD	Pivot door	SR	Steel roofing
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CT	Cooktop	HD	Hinged door	RWT	Rainwater tank	W	Window
CTF	Concrete trowel finish	HWS	Hot water system	S	Sink	WB	Weatherboards
D	Door	LT	Laundry tub	SA	Smoke detector	WO	Wall oven

BASIX REQUIREMENTS

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Fixtures: All new or altered shower-heads have a maximum flow-rate of 9L/min or a minimum 3 star water rating. All new or altered toilets have a maximum flow-rate of maximum 4L per average flush or are minimum 3 star water rating and all new or altered taps have a maximum flow rate of 9L/min or are minimum 3 star water rating.

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Skylight - with External adjustable awning or blind. Aluminium, moulded plastic single clear, (or U-Value: 6.21, SHGC: 0.808)

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PROPOSED ALTERATIONS AND ADDITIONS
JOSIE ASHTON AND SIMON MILLS
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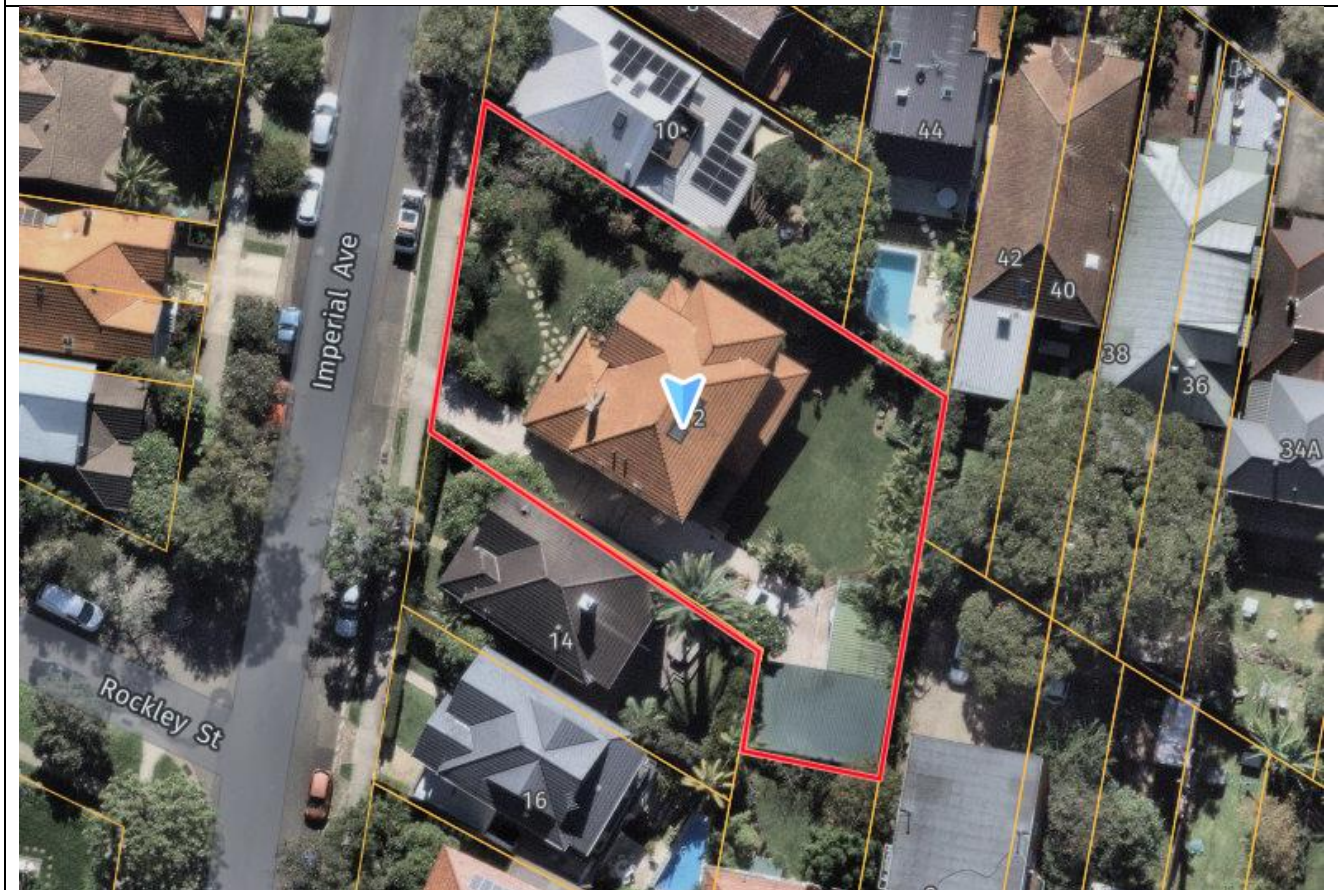
SECTIONS
SCALE 1:100 @ A1, 1:200 @ A3 ISSUE DATE
DA 07 APR 2023



Report to the Waverley Local Planning Panel

Application number	DA-82/2023 and PAN-313505
Site address	12 Imperial Avenue, Bondi
Proposal	Alterations and additions to existing dwelling house
Date of lodgement	31 March 2023
Owner	Mr B M Scott and Mrs P V Scott
Applicant	Mr B M Scott and Mrs P V Scott
Submissions	22 submissions (one in support)
Cost of works	\$3,836,117
Principal Issues	<ul style="list-style-type: none"> Heritage conservation
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 dwelling house, including a two-storey rear addition, a two-storey southern side porte-cochere addition with vehicle pass-through at ground level, alterations to the existing garage to create a rumpus room and storage, alterations to the existing carport, enclose first floor northern balcony, internal reconfiguration, and works to the grounds at the site known as 12 Imperial Avenue, Bondi.

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

- Heritage conservation

The assessment finds this issues acceptable subject to conditions of consent.

A total of 22 submissions were received including one in support 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 carried out on 24 May 2023. A further site visit was carried out on 6 September 2023 to neighbouring properties at 10 and 14 Imperial Avenue.

The site is identified as Lot A in DP 9869, known as 12 Imperial Avenue, Bondi.

The site is irregular in shape with a frontage to the east side of Imperial Avenue. It has an area of 1,016m² and falls from west to east by approximately 2m, and south to north by approximately 1m.

The site is occupied by a two-storey dwelling house featuring a ground floor verandah to the north and east elevations, and a first floor covered balcony to the north elevation.

The property has a vehicle driveway accessed from Imperial Avenue running adjacent the southern boundary, with a carport and garage building located at the south-east corner of the site.

The site is listed as a local heritage item (I34) known as *Late Federation style house* and is located within the Imperial Avenue Urban Heritage Conservation Area (C11). The site to the north, 10 Imperial Avenue, is also a heritage item, known as *Federation style bungalow*.

The site is adjoined by dwelling houses to the north, south, and north-east at 10 and 14 Imperial Avenue, and 42 and 44 Edward Street. There are residential flat buildings to the south-east at 9 and 11 Miller Street.

The locality is characterised by a variety of low and medium density residential development.

Figures 1 to 10 are photos of the site and its context.



Figure 1: Site viewed from Imperial Avenue, looking east



Figure 2: Existing dwelling viewed from within front setback, looking east



Figure 3: Existing dwelling viewed from within front setback, looking east



Figure 4: Rear of existing dwelling viewed from rear driveway, looking west



Figure 5: Existing carport and garage viewed from rear driveway, looking east



Figure 6: Rear yard of subject site viewed from rear driveway, looking north



Figure 7: First floor northern verandah at subject site, with the rear of 10 Imperial Avenue including rear balcony also visible at the right of the photo, looking north-west



Figure 8: First floor northern verandah at subject site, with the rear of 10 Imperial Avenue including rear balcony also visible at the left of the photo, looking north



Figure 9: Northern side elevation of 14 Imperial Avenue viewed from rear driveway of subject site, looking south-west



Figure 10: Existing non-original staircase

1.3 Relevant Development History

There is no recent or relevant development history for the site.

1.4 Proposal

The development application seeks consent for alterations and additions to the existing dwelling house, including a two-storey rear addition, a two-storey southern side porte-cochere addition with vehicle pass-through at ground level, alterations to the existing garage to create a rumpus room and storage, alterations to the existing carport, enclose the first floor northern balcony, internal reconfiguration, and works to the grounds. The following is a detailed description of the development:

Carport, garage, and grounds:

- Replacement of garage and carport roof, and increase in the height of the carport to match the existing garage height.

- New concrete slab to carport, with stormwater on-site detention tank underneath.
- Addition of vehicle turntable within the existing drive adjacent to the carport.
- Conversion of existing garage into rumpus room, storeroom and bathroom.
- Construction of retaining walls adjacent to the northern and eastern boundaries to allow for an increase in the rear yard height, and provision of a terrace, lawn, new pool, and landscaping within the rear yard.
- New stairs from the northern ground floor terrace to the northern side setback.
- Landscaping.
- Planting of 54 new trees, consisting of:
 - 5 Tuckeroos
 - 2 Finger limes
 - 2 Eureka
 - 1 Desert lime
 - 22 Ficus
 - 3 Olive trees
 - 1 Senegal date palm
 - 3 Canary Island date palms
 - 6 Giant bird of paradise
 - 6 Emerald lustre
 - 3 Sweepers

Ground floor level:

- Internal alterations including replacement of the existing staircase, removal of an internal door, and provision of new WC and pantry.
- Reversal of opening direction of northern verandah door.
- Ground floor rear addition containing dining room and kitchen.
- Southern side addition containing port cochere vehicle pass-through, and bin storage.

First floor level:

- Internalisation of northern first floor balcony to form study room.
- Internal reconfiguration, including new staircase, new ensuite, and new walk-in wardrobe.
- Rear addition containing bedroom, and featuring a northern balcony.
- Southern side addition containing a bedroom and ensuite.

Attic level:

- Relocation of drop-down stair to attic.

Roof:

- Existing chimney stacks to be fully reinstated and made functional.

1.5 Background

The development application was lodged on 31 March 2023.

The application was deferred on 20 July 2023. The following amendments and additional information were requested:

1. An increase to the southern side setback to 1.2m to provide the maximum setback possible whilst still retaining functionality of the side addition.
2. Reduce raising of rear lawn (to better align with existing levels) and subsequently to minimise the proposed height change.
3. Reconfiguration of the internal staircase to more closely match the alignment of the current staircase, and to delete the staircase to the attic.
4. Further details regarding materials and finishes, and an adjustment to the window dimensions.
5. Solar access elevation diagrams for 14 Imperial Avenue requested.
6. Additional and amended heritage documentation including an updated heritage report, and further details for the first floor verandah.

The amended plans and documentation received on 1 August 2023 and form the basis of the assessment.

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 from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

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 in alignment with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>R3 Medium Density Residential Zone</i>	Yes	The development is defined as a dwelling house, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 9.5m	Yes	The proposal has a maximum height of 8.7m, in compliance with the development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1	Yes	The proposal has a floor space ratio of 0.37:1, in compliance with the development standard.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation <i>The effect of the proposed development on the heritage significance of the item or area must be considered</i>	Yes	<p>The site is a local heritage item (I34) known as <i>Late Federation style house</i> and is located within the Imperial Avenue Urban Heritage Conservation Area (C11). The site to the north, 10 Imperial Avenue, is also a heritage item, known as <i>Federation style bungalow</i>.</p> <p>The proposal generally respects the characteristics of the subject heritage item, and the heritage conservation area and neighbouring heritage item.</p> <p>Conditions of consent are included at Appendix A relating to window proportions and schedules of conservation works.</p> <p>Further discussion is found in the Heritage section of the WDCP compliance table below, and within the referral section of this report.</p>
5.21 Flood Planning	Yes	The proposal is not on flood affected land.
Part 6 Additional local provisions		
6.2 Earthworks <i>The consent authority must consider the likely disruption to soil stability, drainage patterns, the amenity and structural integrity of adjoining properties, and mitigation measures</i>	Yes	<p>The proposal includes excavation for the proposed swimming pool, and stormwater on-site detention (OSD) tank.</p> <p>The applicant has provided a detailed geotechnical investigation report which identifies potential risks regarding excavating into sandstone bedrock at the site and identifies mitigation measures to ensure impacts are appropriately managed. The mitigation measures include using low-impact</p>

Provision	Compliance	Comment
		excavation techniques, and monitoring for deflection and vibrations. A condition of consent is included at Appendix A requiring compliance with the geotechnical report in addition to standard conditions relating to excavation and construction works.

2.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 	Yes No	Satisfactory. The proposed floor to ceiling heights are capable of accommodating ceiling fans. An advisory note recommending the installation of fans is included at Appendix A. The proposal relates to an existing dwelling house. Details have not been provided in this respect, and standard advisory notes will be included in any consent.
3. Landscaping, Biodiversity and Vegetation Preservation <ul style="list-style-type: none"> <i>Consent is required to remove a tree that is 3m or greater in height, or 3m or greater in spread.</i> 	Yes	Satisfactory. No tree removal is proposed and considerable new landscaping is proposed.
5. Water Management	Yes	Satisfactory. The proposal is acceptable subject to conditions of consent requiring the submission of finalised stormwater plans and compliance with Council's standard stormwater requirements.
6. Accessibility and Adaptability	Yes	Satisfactory. The proposal does not materially alter the accessibility of the property.
7. Transport <i>Maximum parking rate:</i>	Yes	The proposal retains the existing two car parking

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • 2 spaces 		<p>spaces, in compliance with the DCP control.</p> <p>The proposed alterations to the parking arrangement are at the rear of the site and will have no streetscape impact.</p>
<p>8. Heritage</p> <ul style="list-style-type: none"> • <i>Development to be compatible with the surrounding built form, should not adversely affect the setting of the item, should not visually dominate the scale and proportions of the item, and should respect the item's features, materials and detailing.</i> • <i>Additions should be located to the rear to minimise the impact from the street</i> • <i>The established landscape character of the locality should be retained</i> • <i>Infilling or enclosure of verandahs and balconies is not supported</i> 	<p>Yes (subject to conditions)</p> <p>No (Acceptable on merit)</p> <p>Yes</p> <p>No (Acceptable on merit)</p>	<p>The proposal respects the characteristics of the existing heritage item and heritage conservation area, is limited in scale compared to the original building, includes appropriate building and roof forms, and features appropriate detailing subject to conditions of consent relating to window proportions and colours and materials. The conditions are included at Appendix A of this report.</p> <p>The rear addition takes an appropriate contemporary form, with references to the characteristics of the original building, including the proposed window style and pitched roof.</p> <p>The side addition takes a form similar to the existing northern wing, and features an appropriate traditional roof form and detailing. Further discussion regarding the side addition is found within this section of the DCP table below.</p> <p>The other proposed alterations and additions, including the alterations to the ancillary buildings, and the proposed pool and levelling of the rear yard are minor, and are appropriate for the site.</p> <p>The proposed internal changes do not affect any significant heritage fabric. The existing staircase is not original, and its replacement is supported.</p> <p>The proposed additions are located at the rear and at the side of the original building. The side addition is contrary to the DCP control, as it is not located at the rear of the property. However, the side addition is acceptable on merit as it respects the setting and form of the heritage item as set out below.</p> <p>The proposed 7.7m setback from the ground floor front façade, the proposed 3.2m setback from the first floor front façade, the proposed 2.4m lower ridge height than the main building ridge, and the proposed 1.2m setback from the southern side boundary, combine to ensure the side addition is subservient to the main dwelling, that the original front elevation remains clearly defined, and that the integrity and setting of the heritage item will</p>

Development Control	Compliance	Comment
		<p>be intact.</p> <p>The proposed setbacks in combination with the proposed low building form achieves the DCP control objectives, and therefore the non-compliance is supported on merit.</p> <p>The proposal retains significant landscaping.</p> <p>The proposal includes the enclosure of the northern first floor verandah, contrary to the DCP control. The enclosure is acceptable on merit as the proposal restores this part of the building to its previously enclosed state, and the proposed detailing is appropriate.</p>
11. Design Excellence	Yes	Satisfactory. The proposal is an appropriate response to the character of the existing building and the local area, and has acceptable amenity impacts on neighbours.

Table 33: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> <i>Maximum external wall height of 7m</i> 	Yes	<p>Satisfactory. The proposed porte-cochere has a 6m wall height, and therefore, is under the 7m control.</p> <p>The rear addition has a maximum continuous wall height of 4.4m, in compliance with the control.</p> <p>The first floor of the rear has a maximum height of 7.7m; however, this complies with the control as the first floor is set back from the ground floor and is not a continuous wall.</p>
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 	Yes	<p>The subject site and neighbouring sites are irregular in size and shape, and all buildings in the vicinity are sited at an angle to the street, resulting in there being no predominant rear building line.</p> <p>The proposed rear addition is setback between 9.7m and 12.5m from the rear boundary and is appropriate in the context of the irregular sites, in the context of the subject site being substantially deeper than neighbouring sites, in the circumstances of the proposed substantial 4.6m</p>

Development Control	Compliance	Comment
		setback from the southern side boundary, and as the proposal has an acceptable solar access impact on neighbouring sites.
1.2.2 Side setbacks <ul style="list-style-type: none"> • <i>Minimum of 0.9m for ground floor and first floors.)</i> 	Yes	The proposed two-storey port-cochere side addition is set back a minimum of 1.2m from the southern boundary in compliance with the 900mm DCP control.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • <i>New development to be compatible with streetscape context</i> • <i>Replacement windows to complement the style and proportions of existing dwelling</i> • <i>Significant landscaping to be maintained.</i> 	Yes (subject to conditions of consent)	<p>The proposal is compatible with the existing streetscape context and significant landscaping is maintained.</p> <p>Conditions of consent are included at Appendix A to ensure the new windows complement the characteristics of the existing dwelling.</p> <p>See the Heritage section of the DCP compliance table above for further discussion.</p>
1.4 Fences		
<p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.8m</i> 	No (Acceptable on merit)	<p>The proposed northern side boundary pool fence will measure 1.8m from the proposed pool coping level at the subject site. This results in a fence of approximately 3.1m measured from the rear yard of 44 Edward Street due to the ground levels at No. 44 being approximately 700mm lower than the existing ground level at the subject site, and due to the proposed ground levels at the subject site increasing by up to 670mm on the boundary.</p> <p>The high fence height on the boundary is acceptable on merit as it will have no solar access impacts on neighbours due to its orientation, as the increase in ground level has the benefit of reducing the extent of pool excavation into the sandstone bedrock, and as BCA and regulatory requirements necessitate a 1.8m high fence measured from the pool coping level.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> • <i>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</i> 	Yes	The proposal does not result in any significant overlooking of neighbouring properties, as all new windows are significantly set back from side and rear boundaries.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: 10m² in area 1.5m deep 	Yes	Satisfactory. The master bedroom balcony is approximately 900mm deep, and 9m ² in area.
1.6 Solar access		
<ul style="list-style-type: none"> Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site Minimum of 3 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). 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Satisfactory. Extensive solar access is retained for the subject site in compliance with the control.</p> <p>Three hours of solar access is retained for the private open space of 14 Imperial Avenue to the south between 9am and 12pm. Further additional solar access is retained between 12pm and 2pm. However, the proposed planting of Ficus trees along the southern boundary may result in unreasonable overshadowing of the private open space at number 14. A condition of consent is therefore included at Appendix A requiring the proposed trees to be deleted and replaced with plants with mature heights no greater than 3m.</p> <p>The proposal does not unreasonably overshadow any solar collectors, including at 14 Imperial Avenue to the south.</p> <p>14 Imperial Avenue features two north-facing ground floor living room windows, one towards the centre of the north elevation and one towards the west of the north elevation. The proposal will remove solar access to the central window at 11am and 12pm. The western of these two windows will retain solar access at these times. Both windows will be unaffected by the proposal at all other times.</p> <p>The proposed side addition is set back a greater distance from the side boundary than the DCP controls require, and has a lower maximum height than the DCP and LEP controls require.</p> <p>The solar access impact of the proposal on neighbouring windows is considered reasonable in the circumstances outlined above.</p>
1.7 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	Satisfactory. The proposal is unlikely to have any material impacts on views.

Development Control	Compliance	Comment
1.8 Car parking		
1.8.1 Design Approach <ul style="list-style-type: none"> • <i>Parking only allowed where site conditions permit</i> • <i>Designed to complement the building and streetscape</i> • <i>Car parking structures to be behind the front building line</i> • <i>Driveways are to be located to minimise the loss of on street parking</i> 	Yes	Satisfactory. The parking remains at the rear, and is accessed by the existing driveway.
1.8.2 Parking rates	Yes	The proposal complies with the parking rates set by Part B7 of Waverley DCP 2022.
1.8.3 Location <ul style="list-style-type: none"> • <i>Parking to be behind front building line for new dwellings</i> • <i>Existing development to be in accordance with the hierarchy of preferred car parking locations</i> 	Yes	Satisfactory. The parking remains at the rear, and is accessed by the existing driveway.
1.8.4 Design <ul style="list-style-type: none"> • <i>Complement the style, massing and detail of the dwelling</i> • <i>Secondary in area and appearance to the design of the residences</i> 	Yes	Satisfactory. The proposed changes to the carport are minor, and will not affect the appearance of the site from the street.
1.8.5 Dimensions <ul style="list-style-type: none"> • <i>5.4m x 2.4m per vehicle</i> 	Yes	Satisfactory.
1.8.6 Driveways <ul style="list-style-type: none"> • <i>Maximum of one per property</i> • <i>Maximum width of 3m at the gutter (excluding splay)</i> 	Yes	Satisfactory. There is no change to existing arrangements.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> • <i>Overall open space: 40% of site area</i> 	Yes	Satisfactory. The proposal complies with all landscape and open space controls.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Overall landscaped area: 20% of site area, with at least half deep soil • 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 		
1.10 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 • All pool equipment to be enclosed within an acoustically treated enclosure 	Yes	<p>Satisfactory. The pool is located within the rear yard, and does result in privacy impacts.</p> <p>A condition of consent requiring acoustic treatment of pool equipment is included at Appendix A.</p>
1.16 Secondary dwellings and ancillary buildings		
<p>1.16.2 – Ancillary buildings</p> <ul style="list-style-type: none"> • Floor area not to exceed 10% of site area • Maximum wall height when on a property boundary of 2.1m, and maximum overall height of 2.4m 	<p>Yes</p> <p>No (acceptable on merit)</p>	<p>The car port structure will be increased in height to a maximum height of 3m on the eastern boundary with the residential flat building 9 Miller Street. The carport structure is adjacent to the existing car park at 9 Miller Street, and there will therefore be no material amenity impact on that site. The proposed height is therefore acceptable in the context of the site.</p>

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 more than 21 days and a site notice erected on the site (11 April –17 May 2023) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended proposal increased the side setbacks and decreased the height of boundary fences, and therefore results in a lesser impact than that of the original form that was publicly notified.

A total of 22 unique submissions were received from the following properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	10 Imperial Avenue
2.	13 Imperial Avenue
3.	14 Imperial Avenue
4.	16 Imperial Avenue x 2
5.	18 Imperial Avenue x 2
6.	21-23 Imperial Avenue
7.	4/21 Imperial Avenue
8.	28 Imperial Avenue
9.	22 Imperial Avenue
10.	11 Castlefield Street
11.	3/11 Castlefield Street
12.	18 Castlefield Street
13.	10 Miller Street
14.	14/3 Rockley Street
15.	34 Edward Street
16.	36 Edward Street
17.	44 Edward Street
18.	Bondi Tamarama precinct
19.	Undisclosed address
20.	Undisclosed Address

21 submissions raised objections and concerns, and one submission was in support of the proposal.

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

- Impacts on the heritage conservation area and on the setting of the heritage item due to form of proposed additions, and due to proposed materials;
- Solar access impacts associated with the proposed built form;
- Solar access impacts associated with the proposed trees along the southern boundary; and
- Landscape provision.

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

Issue: The setback of the side addition from the southern boundary is insufficient as it does not respect the characteristics of the heritage conservation area, including the characteristic of an “air of spaciousness” associated with existing setbacks identified by Imperial Avenue Heritage Conservation Area inventory document.

Response: The proposed side setback has been increased from 900mm to 1.2m during the course of the assessment. The proposed side setback in combination with the significant setbacks from the front elevation and the relatively low height of the proposed side addition is considered to retain the setting of the heritage item. See the *Heritage* section of the Waverley DCP 2022 compliance table above for further discussion.

Issue: The setback of the side addition from the southern boundary is insufficient as it results in amenity impacts, including solar access impacts, on 14 Imperial Avenue to the south.

Response: The proposed side addition provides a greater setback than the minimum Waverley DCP 2022 side setback controls, is lower than the Waverley DCP 2022 wall height control, is lower than the Waverley LEP 2012 height of building control, is set back a greater distance from the side boundary than the building at 14 Imperial Avenue, and is lower than the building at 14 Imperial Avenue. The proposal retains significant solar access for 14 Imperial Avenue, and is not considered to have any unreasonable impacts. Further discussion is found within the Waverley DCP 2022 compliance table above.

Issue: The extent of the proposed development is too large for the subject site, represents and overdevelopment of the site, and the proposal should be reduced in scale.

Response: The proposal remains significantly below the permitted Waverley LEP 2012 FSR development standard for the site, and is considered to respect the characteristics and setting of the heritage item and heritage conservation area. There is no basis for Council to insist on a reduction in the scale of the proposal, particularly when it complies with the majority of controls.

Issue: The proposal may have flooding impacts.

Response: The site is not located within a flood risk area. The proposed stormwater plans have been reviewed by Council’s engineers, who find the proposal to be acceptable subject to conditions of consent at Appendix A of this report below. The applicant has submitted a geotechnical investigation which does not identify any significant groundwater issues.

Issue: The proposal will result in noise and light pollution.

Response: There will be some unavoidable disruption to neighbours during construction. This will be managed by conditions of consent regarding standard construction hours and excavation impacts, and by environmental regulation. The ongoing use of the site as a dwelling house is not considered to result in any significant noise or light impacts beyond that normally anticipated within a residential zone.

Issue: The proposed trees along the southern boundary are too large, and the roots may impact on neighbouring structures, and they may affect district views.

Response: A condition of consent is included at Appendix A requiring the proposed large trees to be replaced with plants which have mature heights of no more than 3m (previously 5m).

Issue: The enclosure of first floor verandah will increase use of that space and will increase overlooking of first floor rear bedroom and balcony of 10 Imperial Avenue. Frosted glass should be used.

Response: The enclosed verandah is set back 3.9m from the side boundary and is approximately 11m from the bedroom at 10 Imperial Avenue. The new windows will have a sill height of 1m above first floor level which is consistent with the current balustrade height and the infilling of open space with windows with frames and mullions will marginally reduce outlook from the subject site. In these circumstances it is considered that the proposal will not increase overlooking, and therefore Council does not have any justification to impose conditions requiring obscure glazing.

Issue: The steps to the ground floor verandah will increase foot traffic and cause noise, and a landscaping buffer should be provided.

Response: The proposed steps are located a minimum of 2.8m from the northern side boundary, and a landscape buffer is provided.

Issue: There should be conditions of consent requiring only hand excavation as per the recommendations of the geotechnical report.

Response: Conditions of consent are included at Appendix A of this report regarding excavation, including requiring compliance with the recommendations of the geotechnical report.

Issue: Proposed new stormwater pipe should be located at least 1m from boundary, as 10 Imperial Ave is an old building with sandstone foundations.

Response: Stormwater pipes do not typically require significant excavation, and the imposition of special conditions of consent regarding the placement of stormwater pipes is not considered reasonable. However, should the stormwater pipes require significant excavation, then the developer will be required to comply with the recommendations of the geotechnical report and with section 74 of the *Environmental Planning and Assessment Regulation 2021* regarding protection of neighbouring structures.

Issue: The proposed vehicle turntable is contrary to the character of the building and the area.

Response: The vehicle turntable will sit flush with the driveway level and will not affect the setting of the building.

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 Traffic and Development

Council's traffic officers supported the application subject to standard conditions of consent regarding construction management, which are included at Appendix A.

3.2 Stormwater

Council's stormwater engineer supported the proposal subject to conditions of consent requiring finalised stormwater plans and compliance with Council's stormwater guidelines.

3.3 Tree Management

Council's tree management officer supported the application as no trees are affected by the proposed works.

3.4 Heritage

Council's heritage officer supported the original proposal subject to the following:

- An increase in the side setback;
- Reduction in rear yard levels;
- A schedule of restoration works, colours and finishes for enclosure of verandah;
- Conditions requiring a schedule of conservation works to prevent damage to the sandstone foundations from water flow;
- Conditions requiring a heritage deed of agreement; and
- Conditions relating to the proportions of new windows.

The amended plans increased the side setback and reduced the rear yard level compared to the original proposal, and Council's heritage officer no longer has objections to those elements. A schedule of restoration works for the first floor verandah was also provided.

The other issues are addressed by conditions of consent included at Appendix A.

4. CONCLUSION

The development application seeks consent for alterations and additions to the existing dwelling house, including a two-storey rear addition, a two-storey southern side porte-cochere addition with vehicle pass-through at ground level, alterations to the existing garage to create a rumpus room and storage, alterations to the existing carport, enclose the first floor northern balcony, internal reconfiguration, and works to the grounds at the site known as 12 Imperial Avenue, Bondi.

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

- Heritage conservation

The assessment finds this issue acceptable subject to conditions of consent.

A total of 22 submissions were received, including one in support 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 Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 11 July 2023 and the DALT concurred with the Assessment Planner's recommendation to defer the application. Upon the amendments satisfactorily addressing the issues of deferral, the DALT supported the application.

DALT members: *A Rossi, B McNamara, B Magistrale, and E Finnegan*

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 by:	Application reviewed and agreed by:
		
David Knight	Angela Rossi	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 7 September 2023	Date: 11 September 2023	Date: 12 September 2023

Reason for WLPP referral:

1. Contentious development (10 or more objections)

OFFICE USE ONLY

Clause 4.6 register entry required	0% variation to height (Clause 4.3) 0% variation to FSR (Clause 4.4) 0% variation to lot size (Clause 4.1)
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No
Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

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 Akin Atelier including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A-02 B	SITE PLAN	01/08/2023	01/08/2023
A-02 B	GROUND FLOOR PLAN	01/08/2023	01/08/2023
D-01 B	FIRST FLOOR PLAN	01/08/2023	01/08/2023
D-02 B	ATTIC PLAN	01/08/2023	01/08/2023
D-03 B	ROOF PLAN	01/08/2023	01/08/2023
D-04 B	STREET ELEVATION	01/08/2023	01/08/2023
E-01 B	WEST ELEVATION	01/08/2023	01/08/2023
E-02 B	NORTH ELEVATION	01/08/2023	01/08/2023
E-03 B	EAST ELEVATION	01/08/2023	01/08/2023
E-04 B	SOUTH ELEVATION	01/08/2023	01/08/2023
E-05 A	GARAGE ELEVATIONS 1	01/08/2023	01/08/2023
E-06 A	GARAGE ELEVATIONS 2	01/08/2023	01/08/2023
E-07 B	SECTION A	01/08/2023	01/08/2023
F-01 B	SECTION B	01/08/2023	01/08/2023
F-02 B	SECTION C	01/08/2023	01/08/2023
F-03 B	SECTION D	01/08/2023	01/08/2023
F-04 B	SECTION E	01/08/2023	01/08/2023

(b) Landscape Plan No. 676_DA_01, 02, 10, 11, 12, 45 and 50 and documentation prepared by Miles Baldwin Design, dated 16/02/2023 and received by Council on 29/03/2023

(c) BASIX and NatHERs Certificate/s

(d) Stormwater Details and documentation prepared by Partridge dated February 2023 and received by Council on 29/03/2023

(e) Schedule of external finishes and colours received by Council on 01/08/2023

(f) Schedule of Heritage Conservation Works - North veranda repairs on first floor received by Council on 01/08/2023

(g) Geotechnical Investigation reference 6956-G1 prepared by AssetGeoEnviro, dated 23/08/2022, received by Council on 29/03/2023

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The new multi paned windows are to have consistent dimensions in each elevation, with emphasis on the vertical dimension. Variation in the size of panes is to be limited to specific elevations and be consistent over that elevation.
- (b) The Fiscus hiliiii (Fiscus Flash) trees adjacent to the southern boundary are not approved, and must be deleted from the landscape plan. The landscape plan must be amended to replace the proposed Fiscus Flash plantings adjacent to the southern boundary (with 14 Imperial Avenue) with plant species that have mature heights of no more than 3m.

The above amendments are to be approved by the **Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

4. GEOTECHNICAL INVESTIGATION

The development is to be undertaken in accordance with the recommendations in the Geotechnical Investigation reference 6956-G1 prepared by AssetGeoEnviro, dated 23/08/2022, received by Council on 29/03/2023.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; 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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

7. SECTION 7.12 CONTRIBUTION

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

- (a) Where the total development cost is less than \$500,000:
 - (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:
 - (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

- (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
- (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, 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% of the full cost of the development; or
 - (iii) A development valued at more than \$200,000 will attract a levy of 1% of 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) for the amount of \$76,722.52 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) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs 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 of this building work. Evidence 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 0.25% of building work costing \$250,000 or more.

10. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessments, in accordance with the 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, 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 the 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 must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

13. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

The practices, procedures, monitoring, and other recommendations specified in the Geotechnical Investigation Report reference: 6956-G1 prepared by AssetGeoEnviro, dated 23/08/2022 in relation to the excavation and 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. 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.

16. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

TRAFFIC MANAGEMENT

17. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

STORMWATER & FLOODING

18. STORMWATER MANAGEMENT

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

The submitted stormwater management plan prepared by Partridge Hydraulics Services, Job No. 2022H0157, DWG No. SWDA1.1 - 1.6, Rev 2 dated 07/03//2023 are considered concept only.

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

- a) Connection to Council's Below Ground Drainage System in Road Reserve:
 - o A long section of the connection to Council's infrastructure will be provided and its details included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
 - o The combined maximum discharge from all connections to the street kerb and gutter and to the below ground stormwater system is not to exceed the permissible site discharge (PSD).
 - o Before and after the connection is made to Council's below ground drainage infrastructure, closed-circuit television (CCTV) footage and a report on the condition of the system will be required.
 - o Follow the design requirements listed in Section 5.8 and 5.12 of Council's Water Management Technical Manual
- 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) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the 1 in 100-year ARI design storm event shall be provided.
- d) Provide pits/inspection openings at all junctions, change in gradient, change in direction, and change in diameter for maintenance access.
- e) 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 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- f) A clear catchment plan shall be provided including the bypassing area of OSD system.
- 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 are to be submitted. The rainwater tank must have a minimum capacity of 1575 L and minimum roof area of 50 m². AQUACOMB Modules are not acceptable.
- h) 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 checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to Sydney Water 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). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

19. BASIX

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

WASTE

20. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

HERITAGE MATTERS

21. 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 local heritage item number I34 known as "Late Federation style house" are completed before or concurrently with any other approved work on the site. The Deed of Agreement shall ensure that:

- (a) The Occupancy Certificate is not released prior to the completion of the '*approved heritage works*';
- (b) Future owner(s) of the site will be bound by the terms of the Deed of Agreement; and
- (c) 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.

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.

22. EXTERNAL FINISHES FOR HERITAGE BUILDING

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.

23. SCHEDULE OF CONSERVATION WORKS

A schedule of conservation works including methods of preventing water flow into foundation stonework resulting from new hard and soft landscaping and driveway works must be submitted for Council's consideration and approval, prior to the release of the relevant Construction Certificate.

24. 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.

OTHER MATTERS

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.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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.

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

26. 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

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;
- Protection of the Environment Operations Act 1997.

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

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land, or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- (d) Describe the method of demolition;

- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

28. CONTROL OF DUST ON CONSTRUCTION SITES

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

29. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

30. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

31. CONSTRUCTION HOURS

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

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

Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.

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

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

33. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.

34. CERTIFICATE OF SURVEY - LEVELS

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

35. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

36. WORK OUTSIDE PROPERTY BOUNDARY

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

37. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

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

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

TREE PROTECTION AND REMOVAL

38. 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. 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.

40. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

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.

41. CERTIFICATION OF BASIX COMMITMENTS

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

42. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any new 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. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

43. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, 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 locations for the drainage structures and works.
- (b) A suitably qualified and practicing 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.

44. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD AND RAINWATER TANK

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system and rainwater tank, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system and rainwater tank are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system and rainwater tank 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.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system and rainwater tank shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

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 or use of the building. All associated costs shall be borne by the applicant.

45. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

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

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

The report shall be used by Council's Executive Manager, Infrastructure Services (or delegate) to assess whether any rectification works will be required. The applicant shall obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) prior to the issue of the Occupation Certificate.

46. 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 has 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*.

47. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed and Certified by an Arborist with AQF level 5 qualification or above, prior to the issue of the Occupation Certificate.

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. SUSTAINABILITY AND INDOOR AIR QUALITY

Ceiling or wall mounted fans should be in all habitable rooms (main living areas and bedrooms).

Gas cooktops, gas ovens or gas internal space heating systems are not permitted in any residential development. Instead, electric systems should be installed.

AD3. 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.

AD4. 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.

AD5. 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.

AD6. 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.

AD7. EXCAVATION TO BE LIMITED

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

AD8. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

Council will need to be provided with an OSD and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the OSD and Stormwater Quality Improvement Devices must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

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. 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.

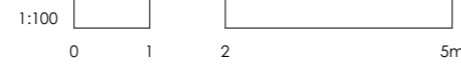
AD11. TREE REMOVAL/PRESERVATION

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

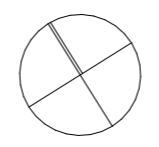
COUNCIL + LEP CONTROL SUMMARY		
CONTROL TYPE	SITE (CONTROLS)	SITE (EXISTING)
Zoning (LEP)	R3 - Medium Density Residential	
Height of Buildings (LEP)	9.5m	Main Ridge - approx. 10m
Height of Buildings (DCP)	Max. wall height : 7m (pitched roof)	Wall Height : approx. 8m
FSR	0.6:1 (LEP map) - 410m ² allowable 0.5:1 (4.4a exception) - 508m ² allowable	GFA Ground Floor : 124m ² First Floor : 96m ² Attic : non-habitable Garage : excluded Total GFA: 220m ² FSR : 0.22 : 1 Existing GFA difference to allowable (under LEP) : 390m ² Existing GFA difference to allowable (under 4.4a exception) : 288m ²
Open Space	Open Space : min. 40% overall - 406m ² min. Open Space : min. 50% between front boundary and front facade (min. 50% of this to be landscaped area) Landscaped area : min. 20% overall - 203m ² min. Deep soil landscaping : min 50% landscaped area	Open Space : 703m ² (69%) Existing additional to min. required : 296m ²

[Color]	EXISTING ELEVATION/SECTION
[Color]	DEMOLITION ELEVATION/SECTION
[Color]	TIMBER ELEVATION/SECTION
[Color]	ROOF TILES ELEVATION/SECTION
[Color]	PAVING ELEVATION/SECTION
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[Color]	BITUMINOUS PRODUCTS ELEVATION/SECTION

DATE	ISSUE	REVISION
13/03/2023	A	FOR DA
1/08/2023	B	ADDITIONAL INFO FOR DA



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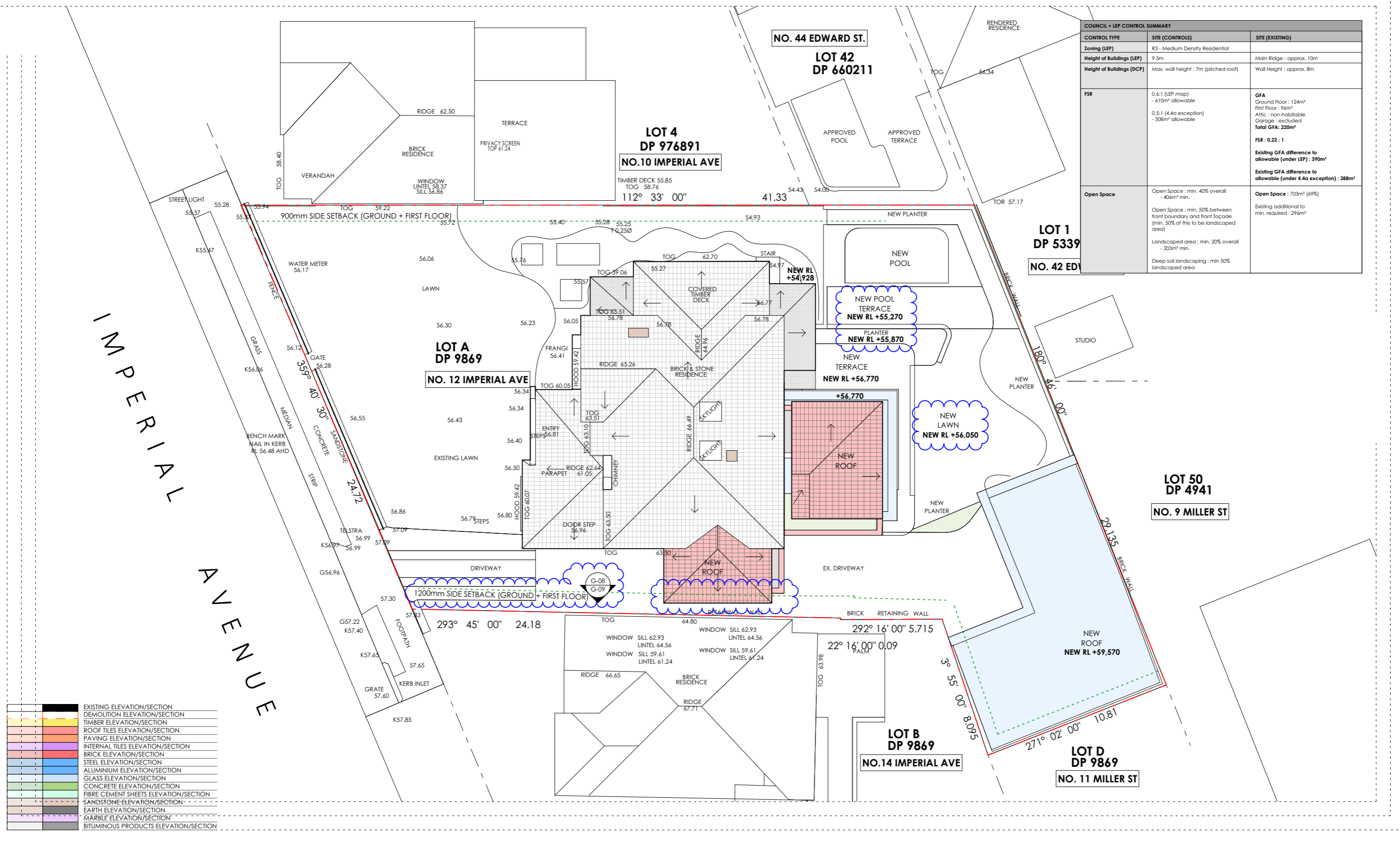
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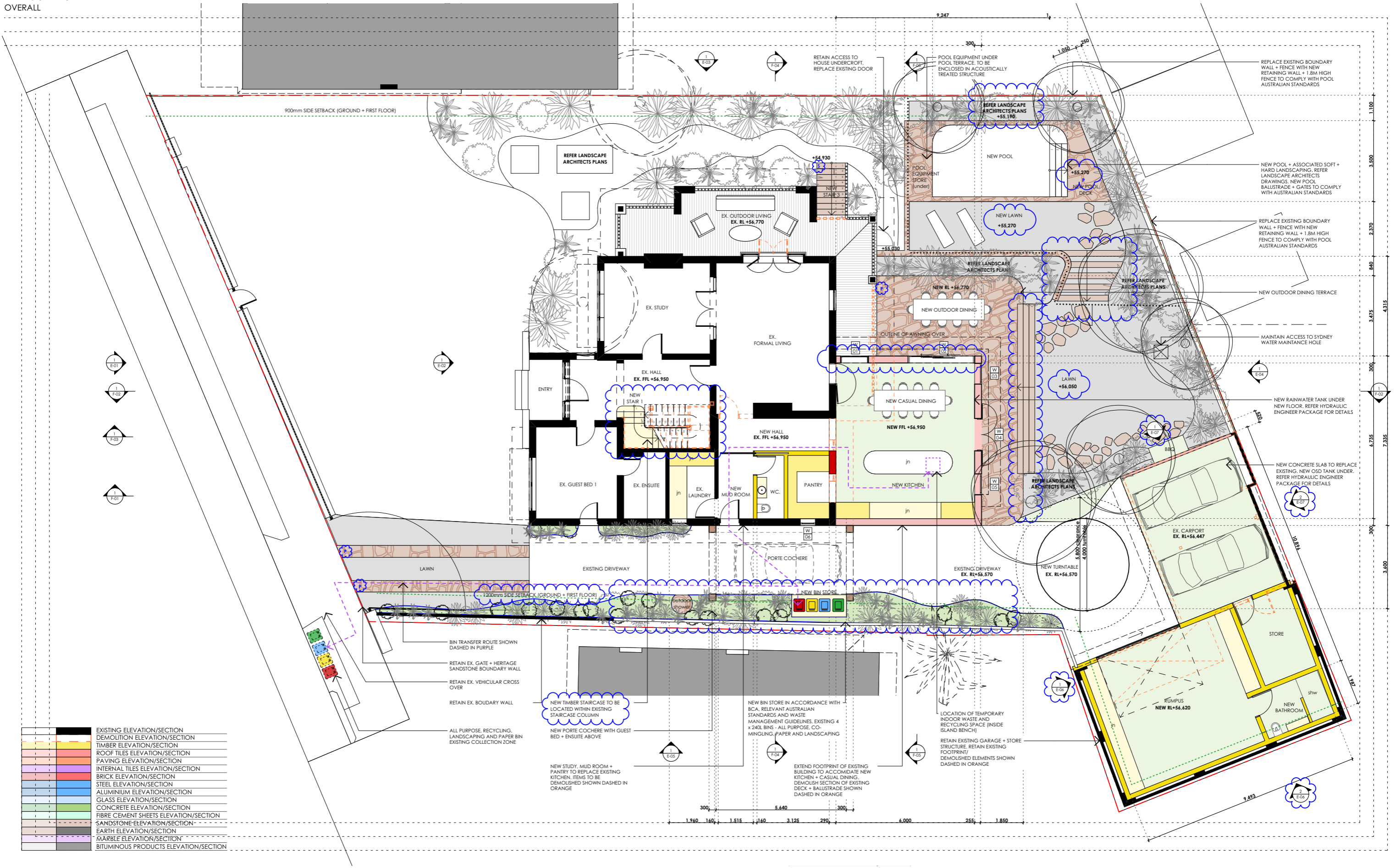
PROJECT
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12 IMPERIAL AVENUE NSW
2026

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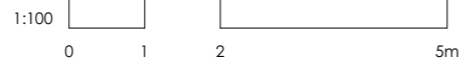
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- COMPLY WITH RELEVANT AUTHORITY REQUIREMENTS
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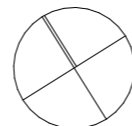


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**BEN AND PENSIRI
SCOTT**

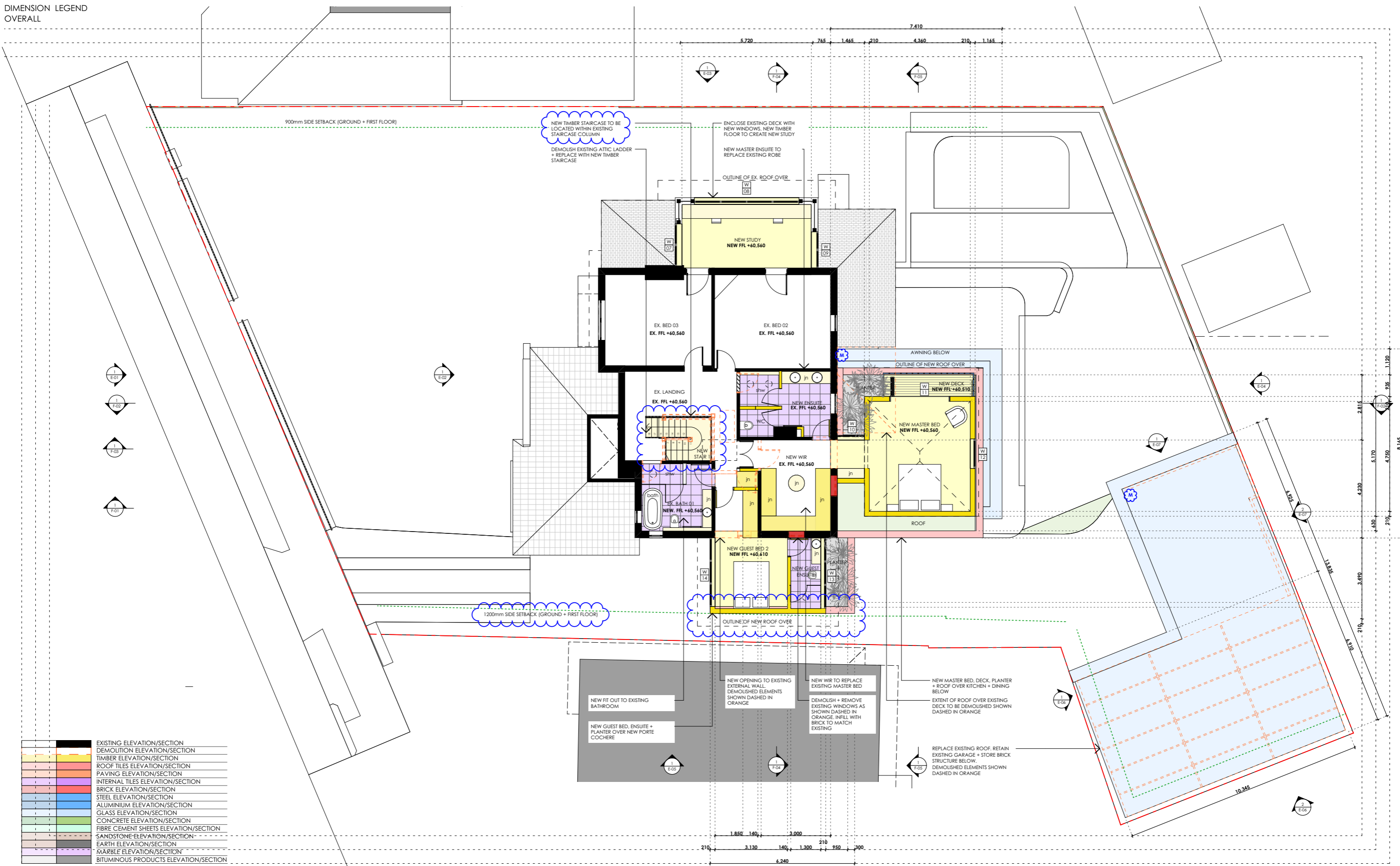
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12 IMPERIAL AVENUE NSW
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DRAWING
GROUND FLOOR PLAN

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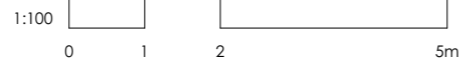
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DIMENSION LEGEND
OVERALL



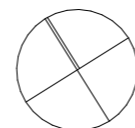
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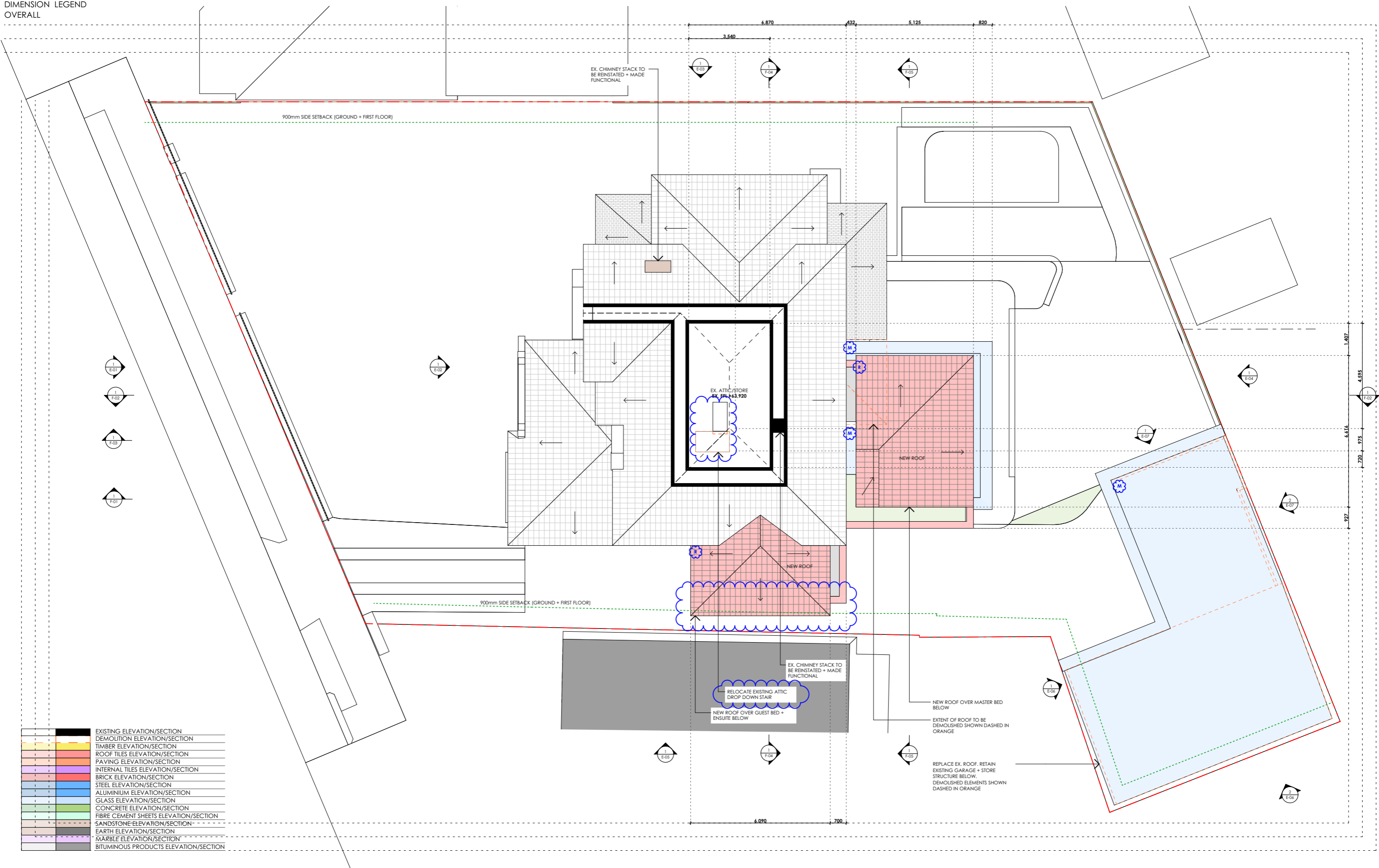
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PROJECT
12 IMPERIAL AVENUE
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 2026

DRAWING
FIRST FLOOR PLAN

- CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
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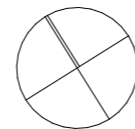
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1/08/2023	B	ADDITIONAL INFO FOR DA



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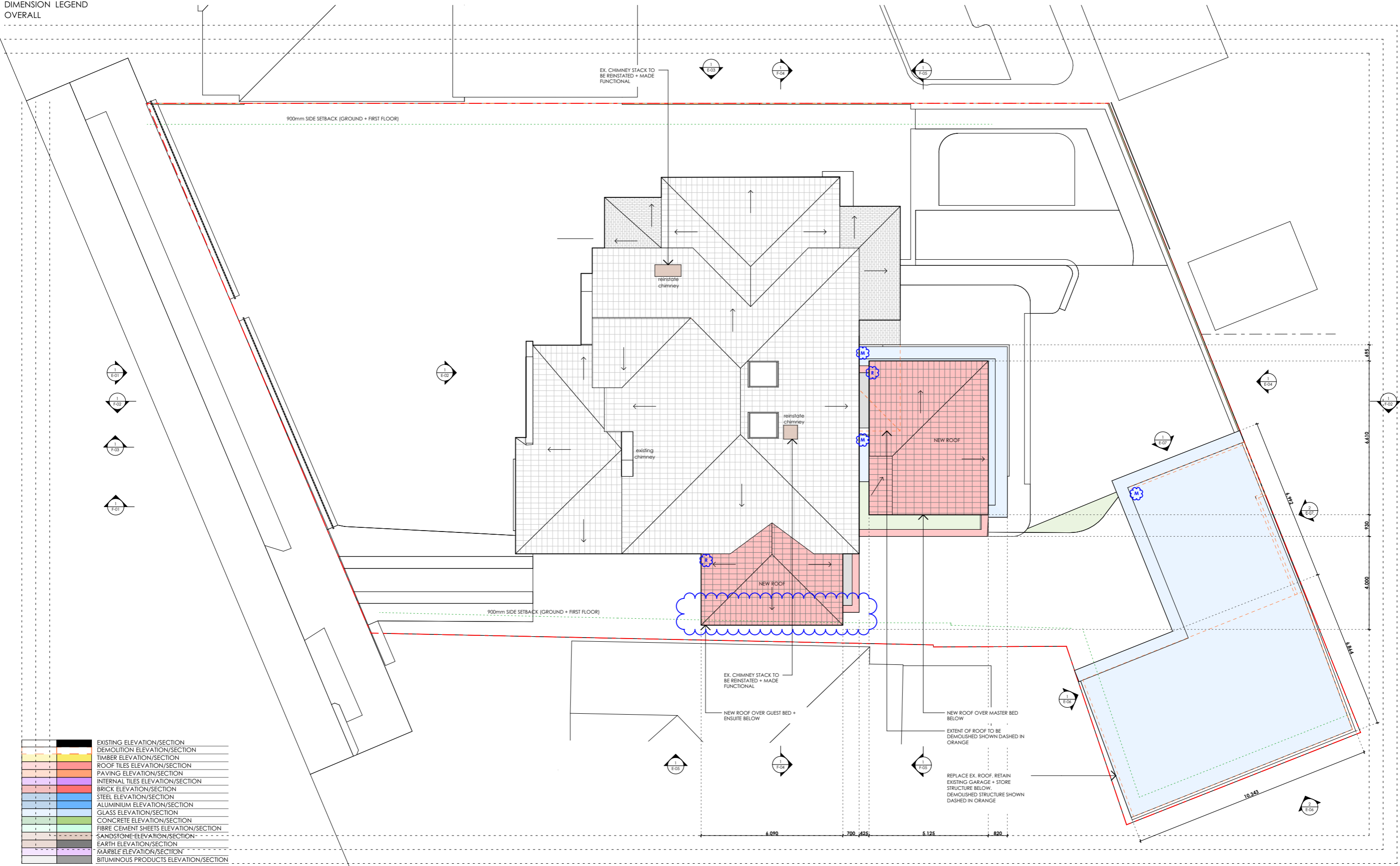
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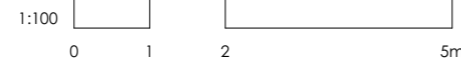
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DWG NO.	REVISION
DA-D-03	B

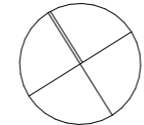


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DATE	ISSUE	REVISION
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 T: + 61 2 9043 3166
 E: INFO@AKINATELIER.COM
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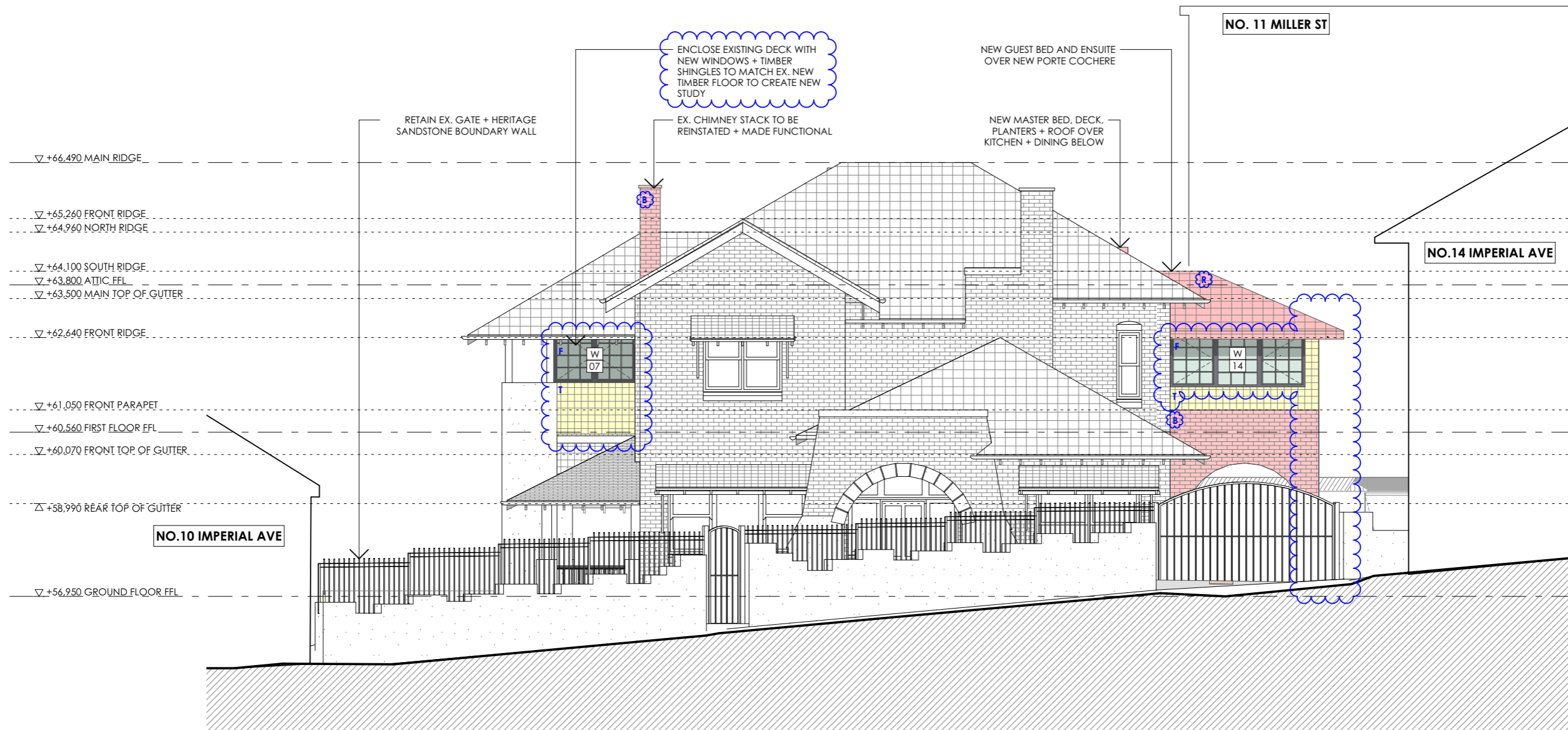


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PROJECT
12 IMPERIAL AVENUE
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 2026

DRAWING
ROOF PLAN
 - CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
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DWG NO. DA-D-04	REVISION B



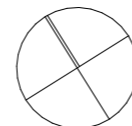
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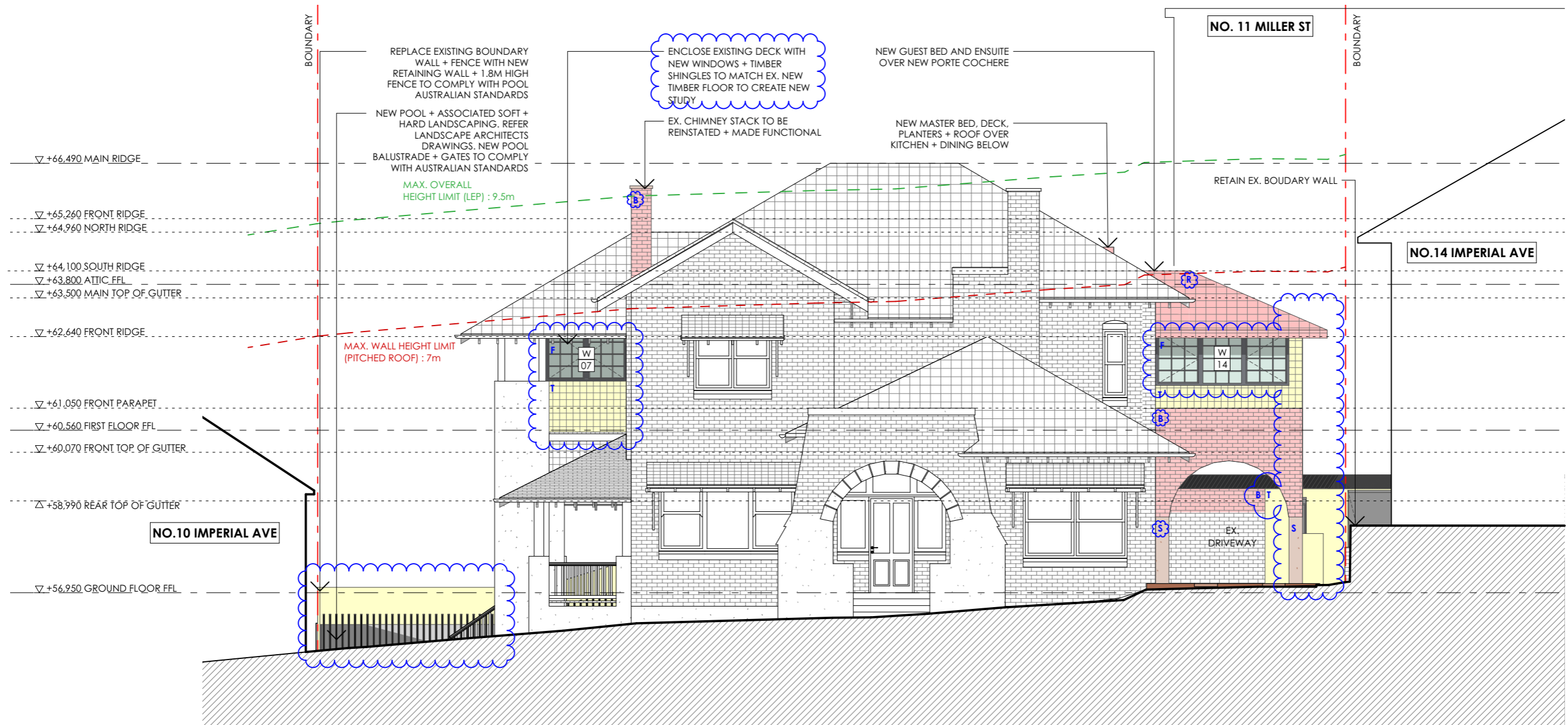
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PROJECT
12 IMPERIAL AVENUE
12 IMPERIAL AVENUE NSW
2026

DRAWING
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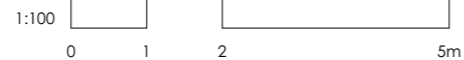
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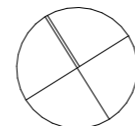
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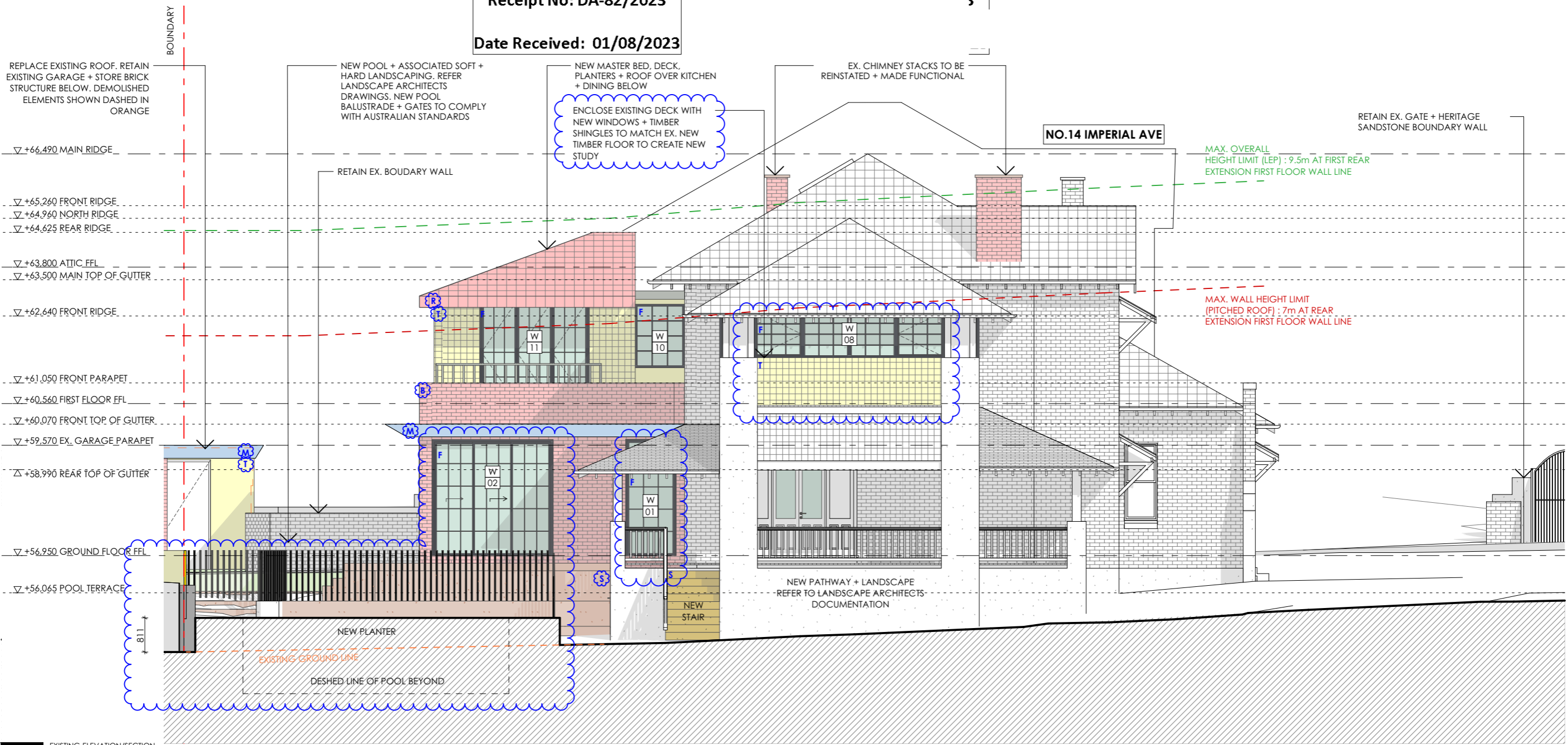
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DWG NO. DA-E-02	REVISION B

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Waverley Council
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Date Received: 01/08/2023

3

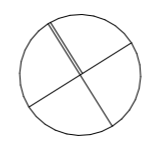


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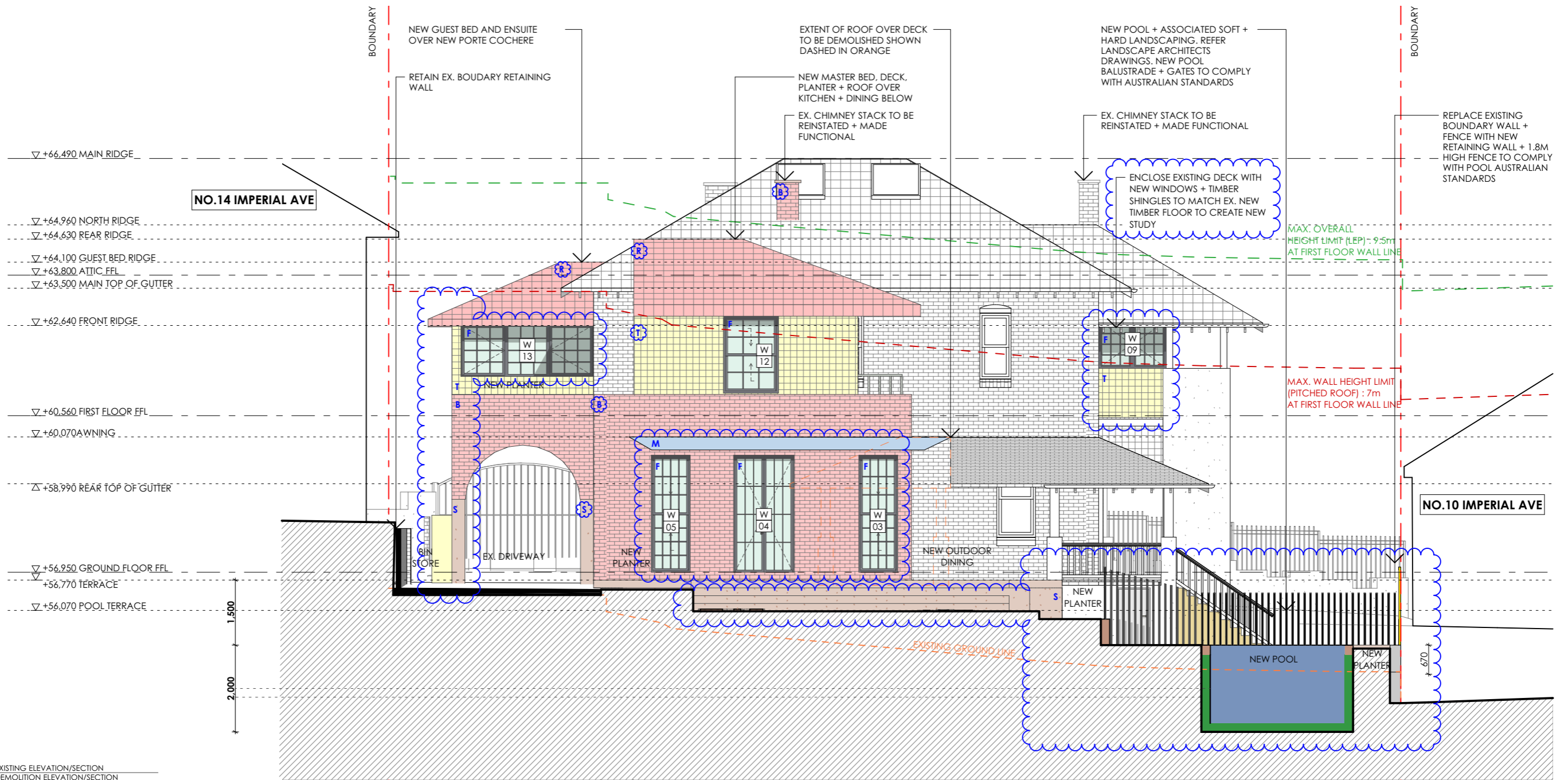


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PROJECT
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DRAWING
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EXISTING ELEVATION/SECTION
DEMOLITION ELEVATION/SECTION
TIMBER ELEVATION/SECTION
ROOF TILES ELEVATION/SECTION
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INTERNAL TILES ELEVATION/SECTION
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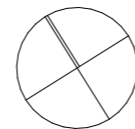
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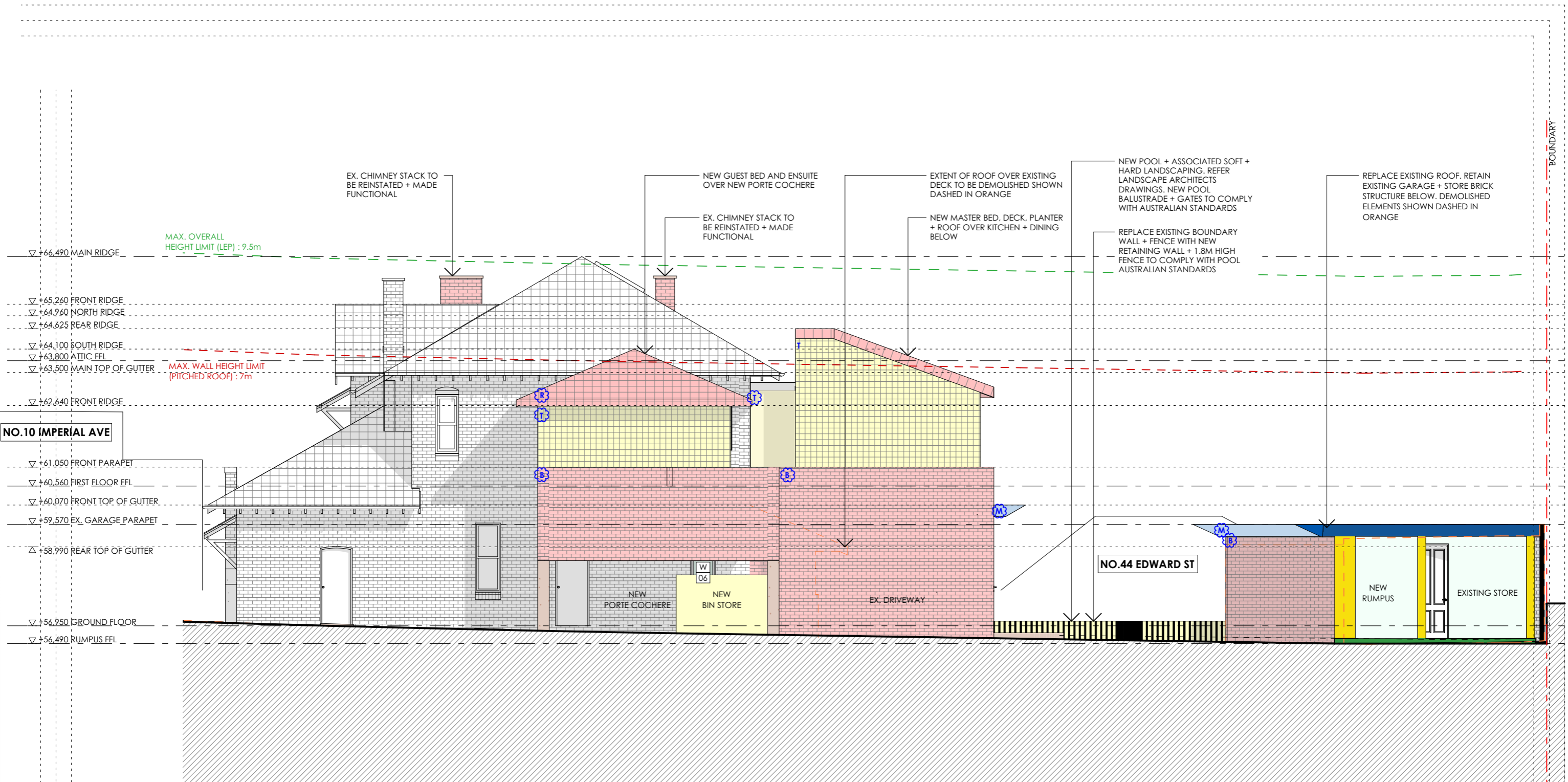
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PROJECT
12 IMPERIAL AVENUE
12 IMPERIAL AVENUE NSW
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DRAWING
EAST ELEVATION

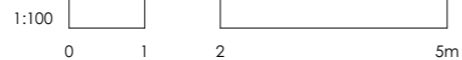
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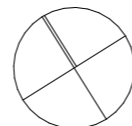


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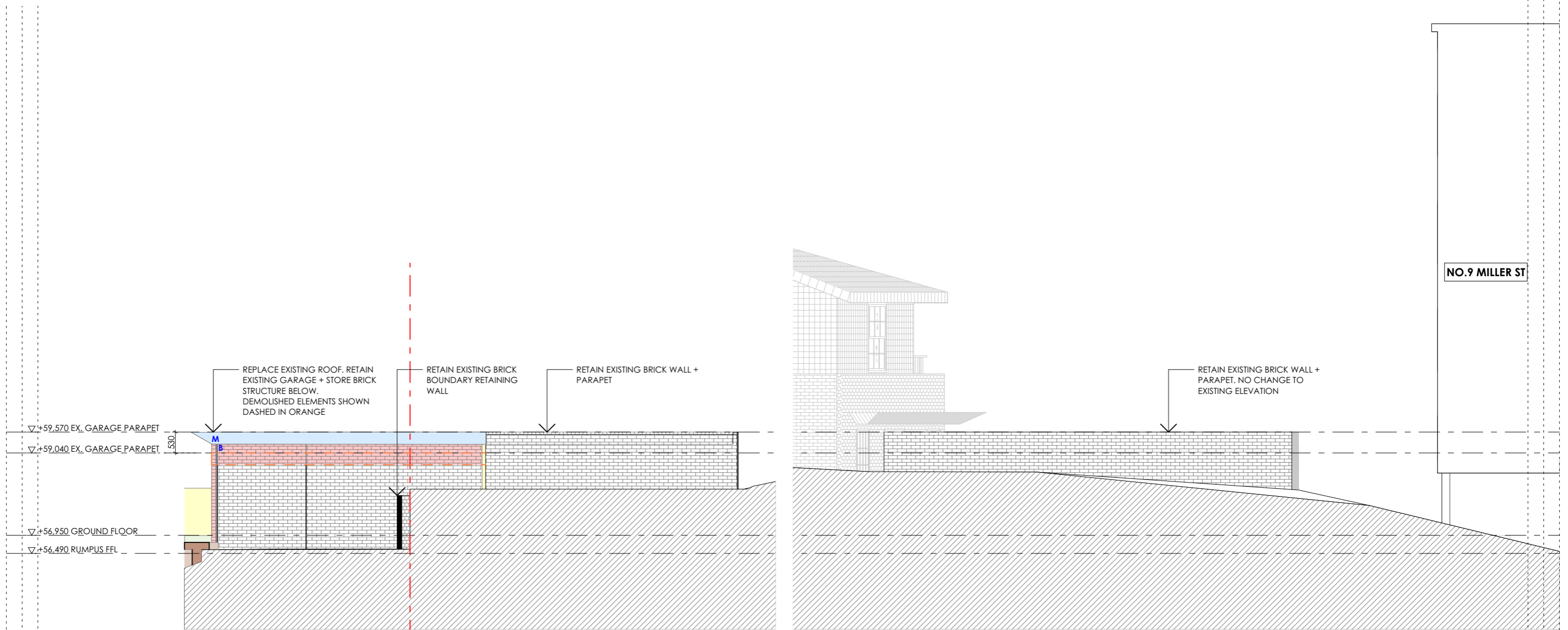
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PROJECT
12 IMPERIAL AVENUE
12 IMPERIAL AVENUE NSW
2026

DRAWING
SOUTH ELEVATION

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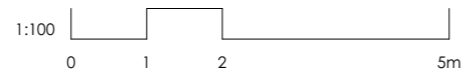


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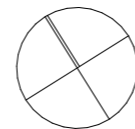
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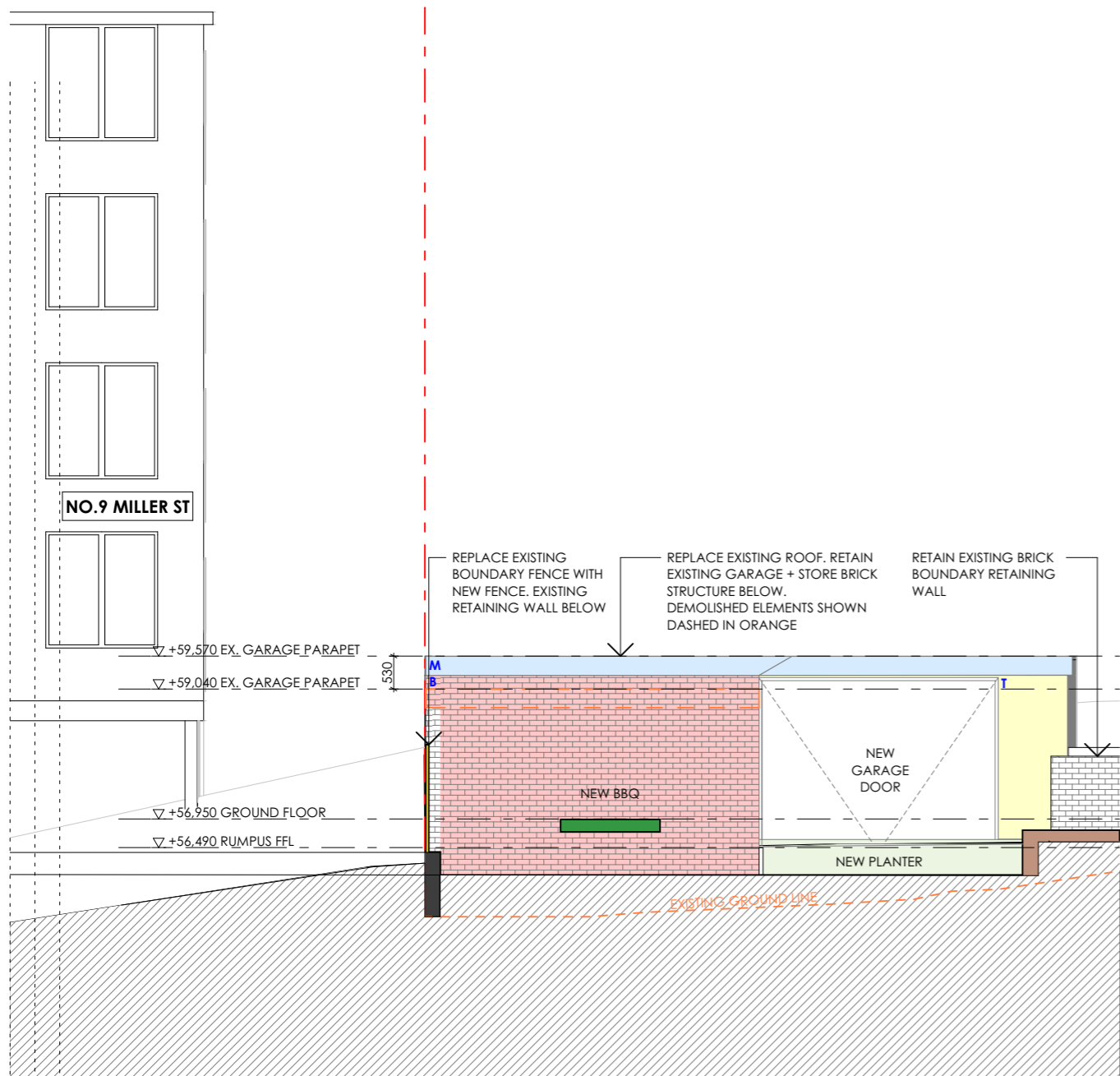


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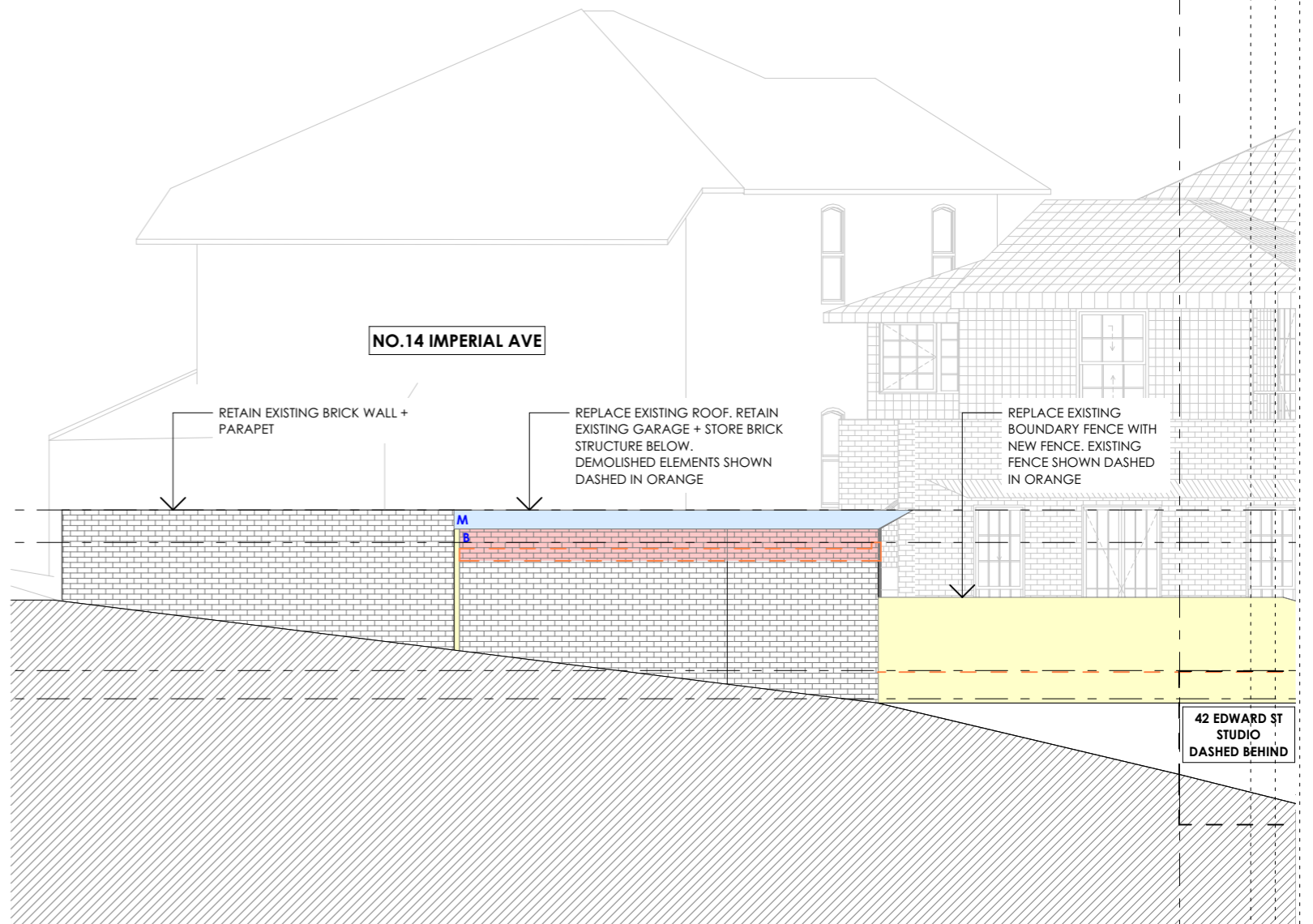
PROJECT
12 IMPERIAL AVENUE
12 IMPERIAL AVENUE NSW
2026

DRAWING
GARAGE ELEVATIONS 1
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- USE FIGURED DIMENSIONS ONLY DO NOT SCALE
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DWG NO. DA-E-06	REVISION A



1 CARPORT + RUMPUS ELEVATION PROPOSED
1:100



2 CARPORT + RUMPUS ELEVATION PROPOSED
1:100

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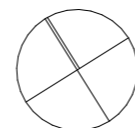
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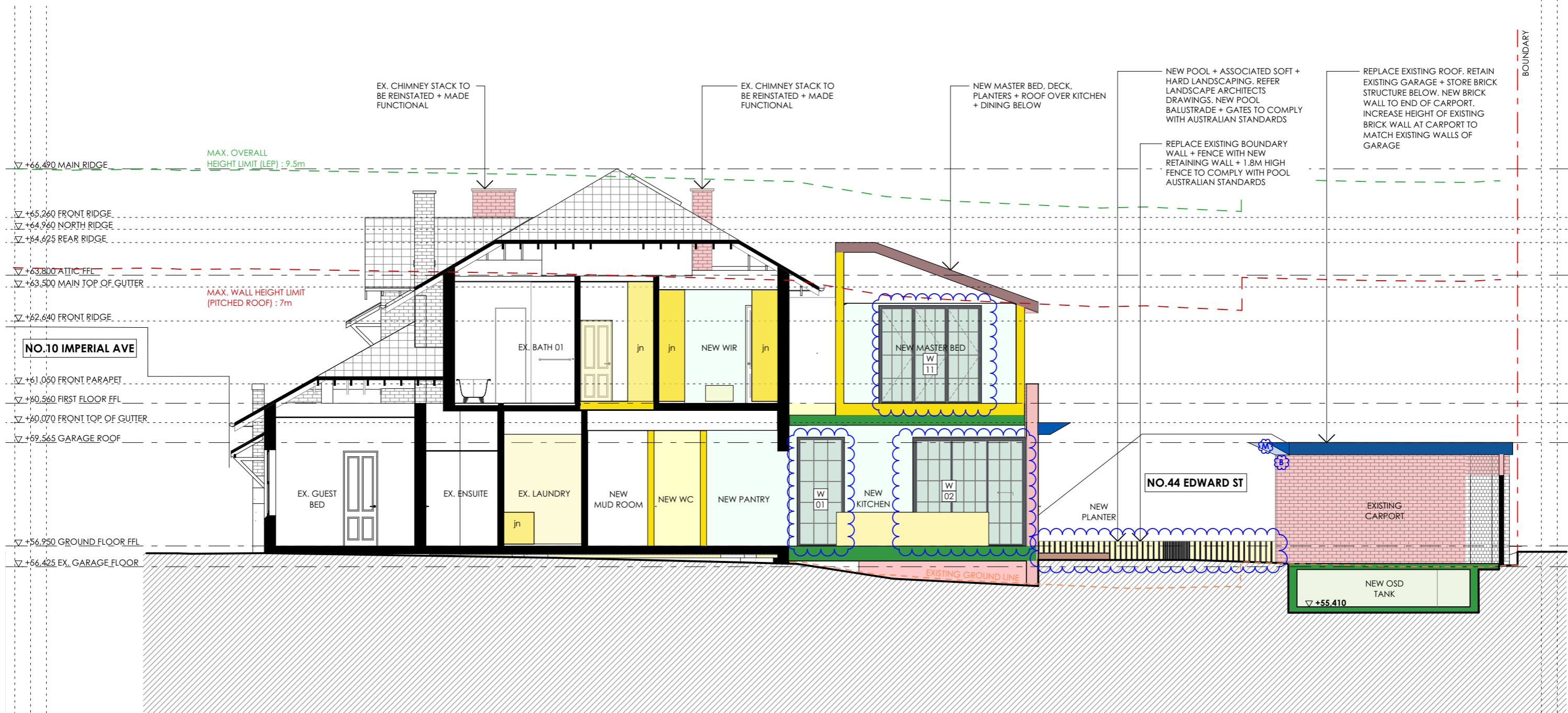
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PROJECT
12 IMPERIAL AVENUE
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2026

DRAWING
GARAGE ELEVATIONS 2

- CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
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DWG NO. DA-E-07	REVISION A

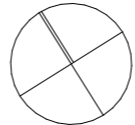


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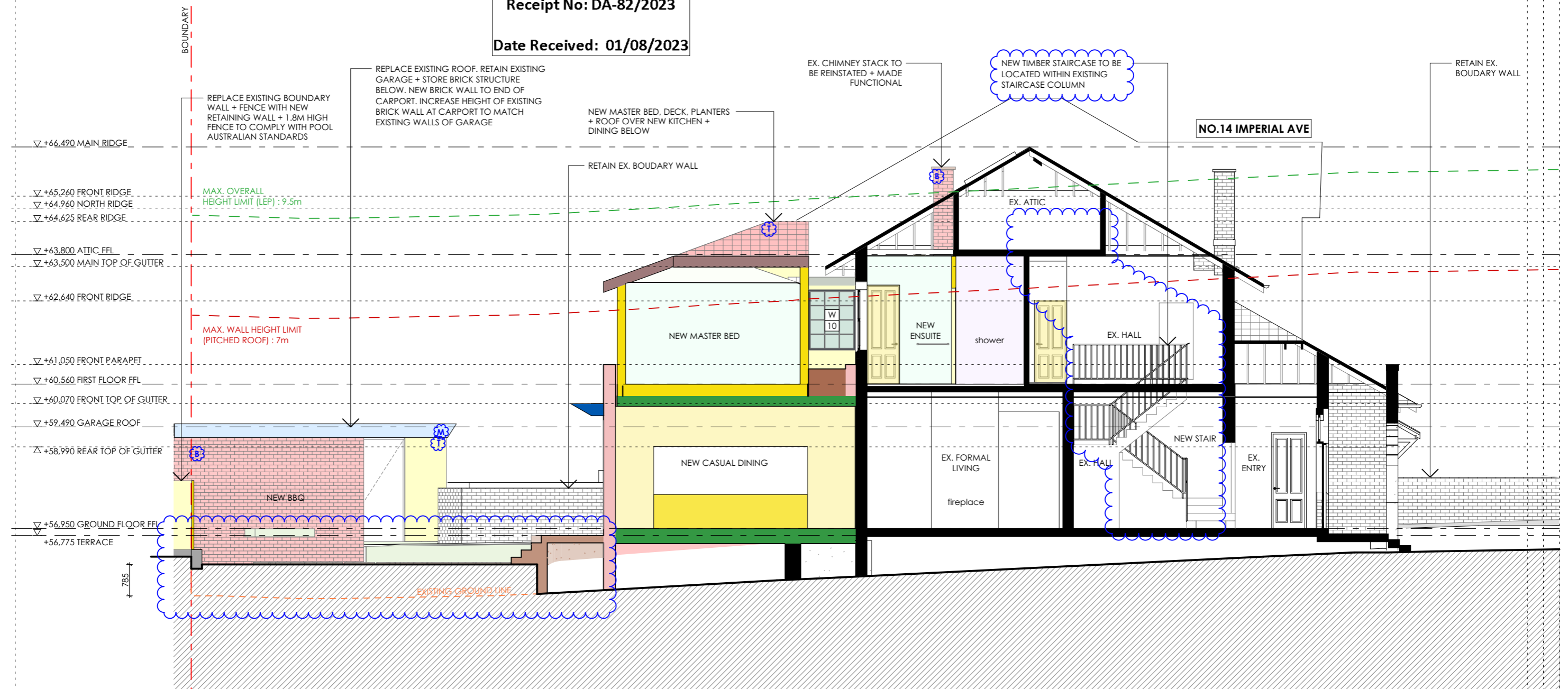
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PROJECT
12 IMPERIAL AVENUE
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 2026

DRAWING
SECTION A
 - CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
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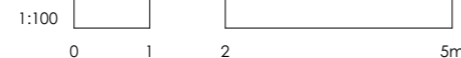
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SCALE 1:100@ A3	CHECKED KH
DWG NO. DA-F-01	REVISION B

RECEIVED
Waverley Council
Receipt No: DA-82/2023
Date Received: 01/08/2023

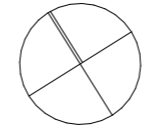


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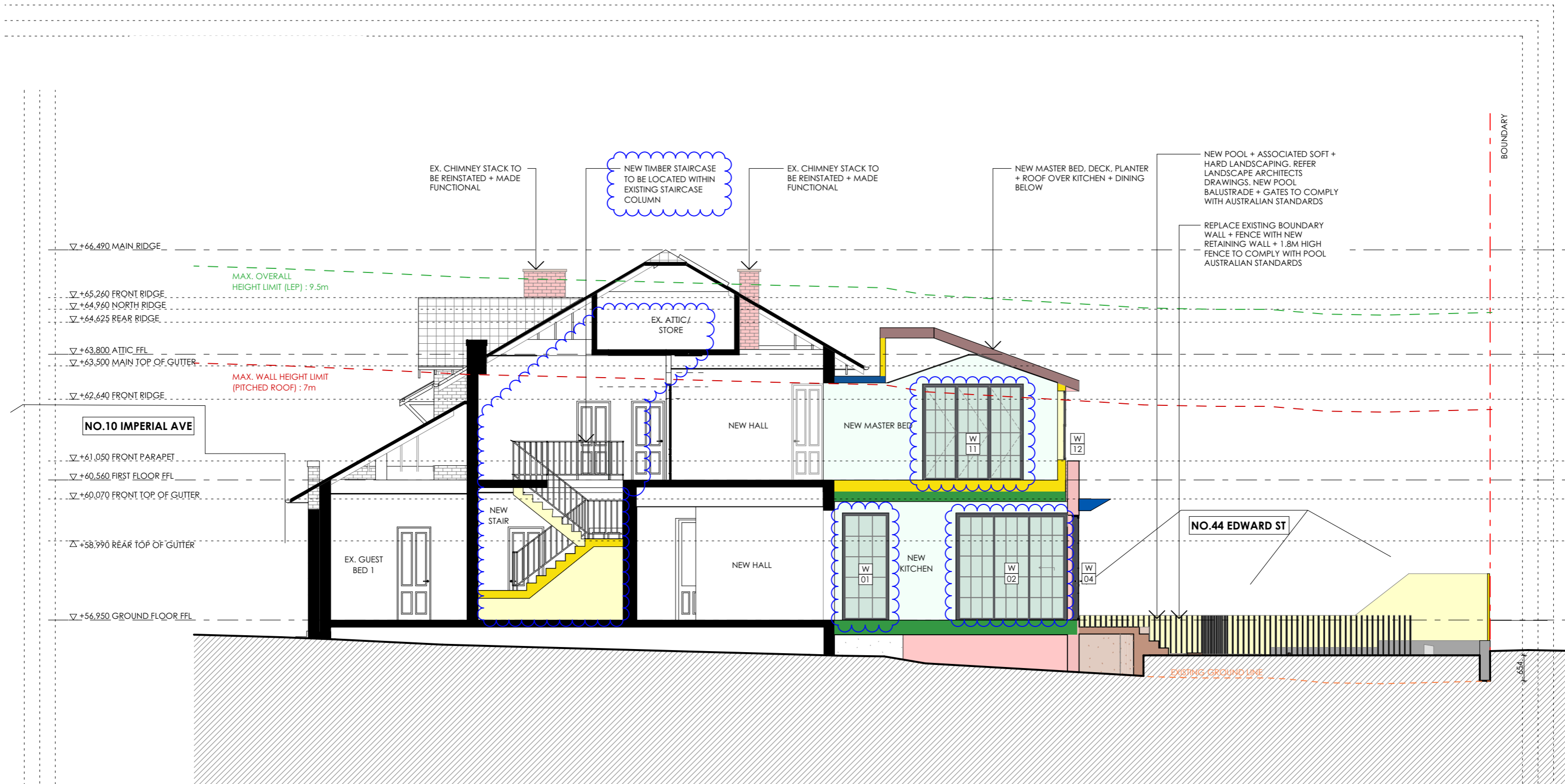


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SCOTT**

PROJECT
12 IMPERIAL AVENUE
12 IMPERIAL AVENUE NSW
2026

DRAWING
SECTION B
- CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
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SCALE 1:100@ A3	CHECKED KH
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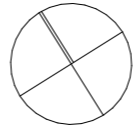


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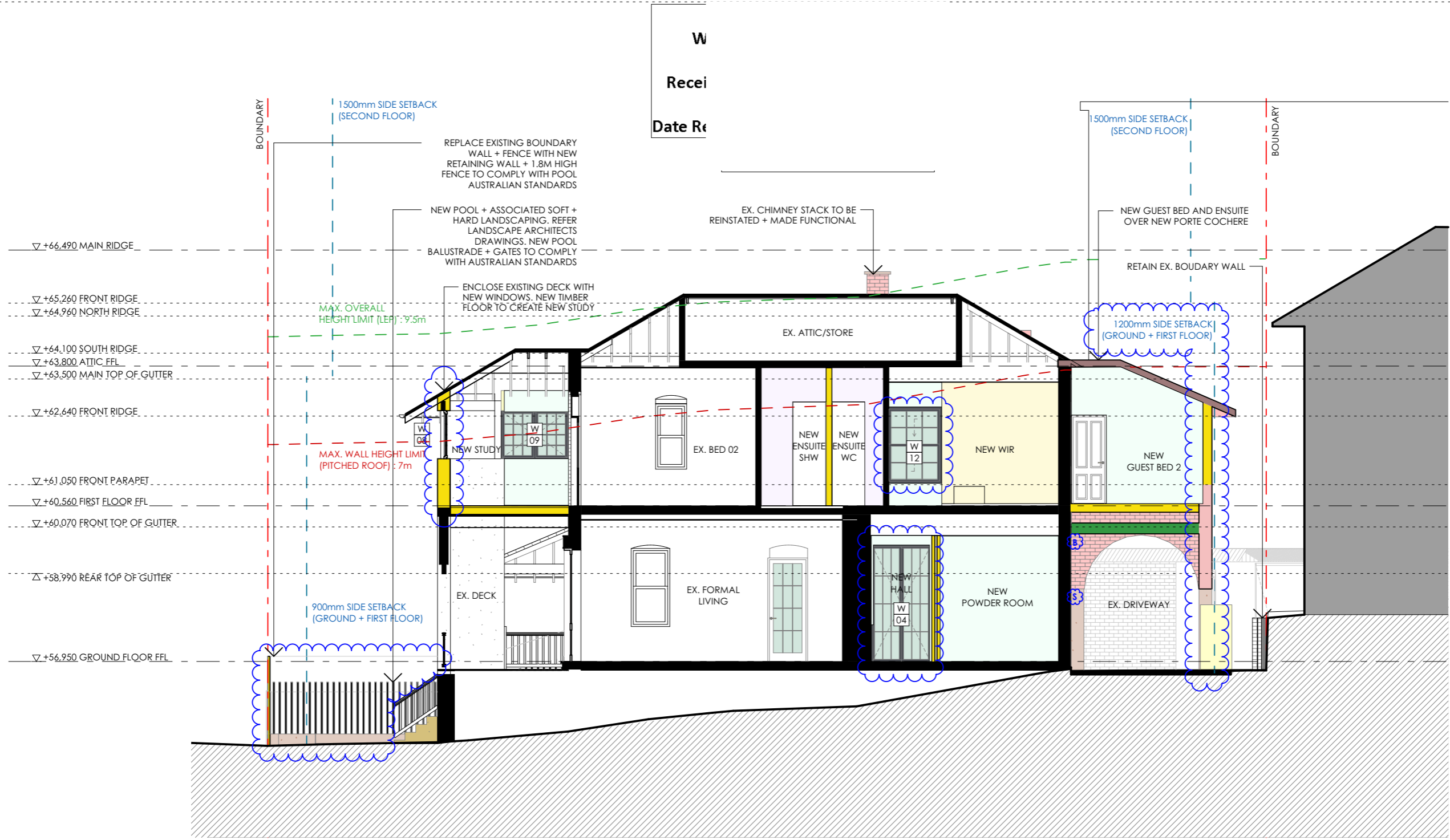


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PROJECT
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 2026

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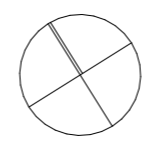


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SANDSTONE ELEVATION/SECTION
EARTH ELEVATION/SECTION
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BITUMINOUS PRODUCTS ELEVATION/SECTION

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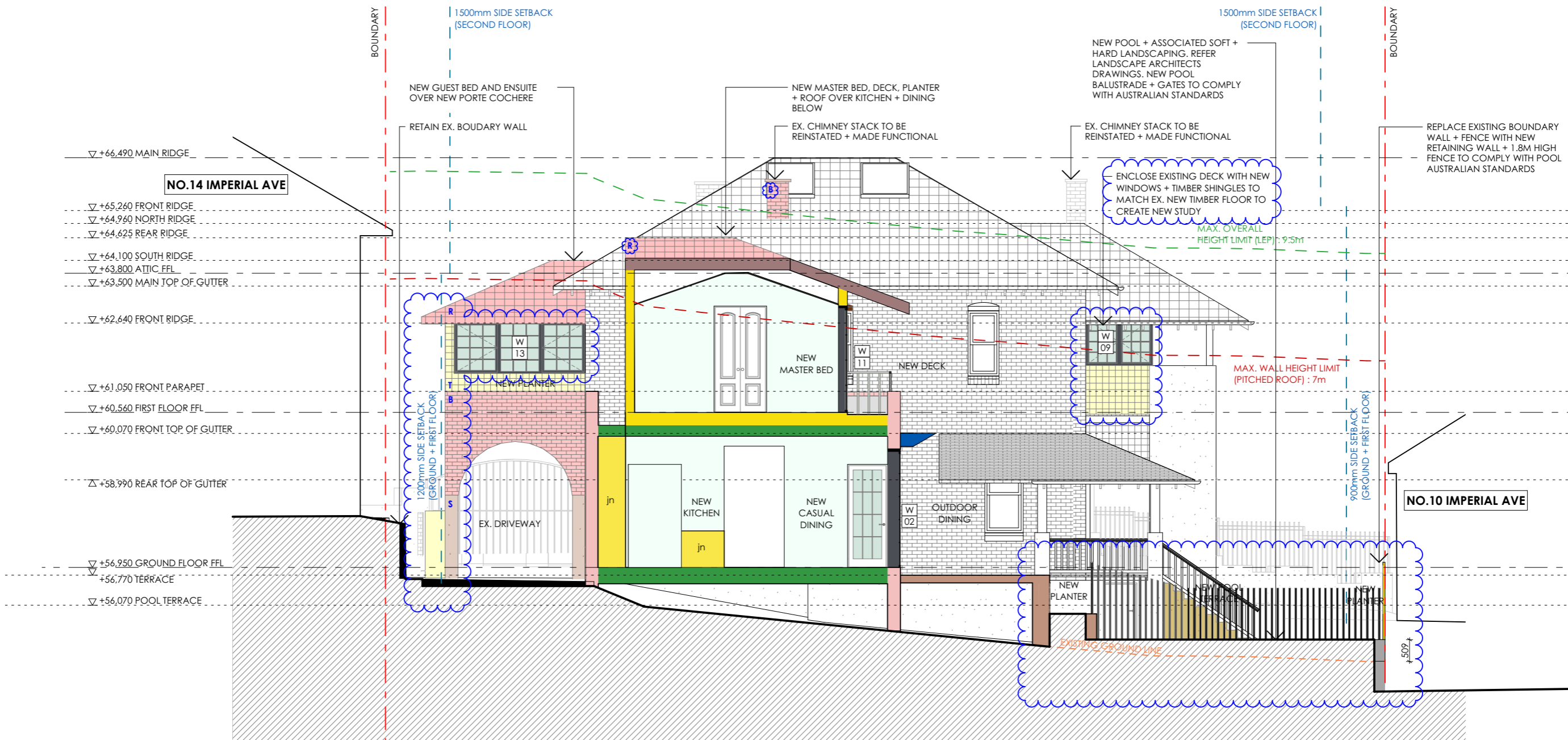


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PROJECT
12 IMPERIAL AVENUE
12 IMPERIAL AVENUE NSW
2026

DRAWING
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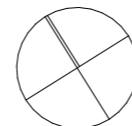
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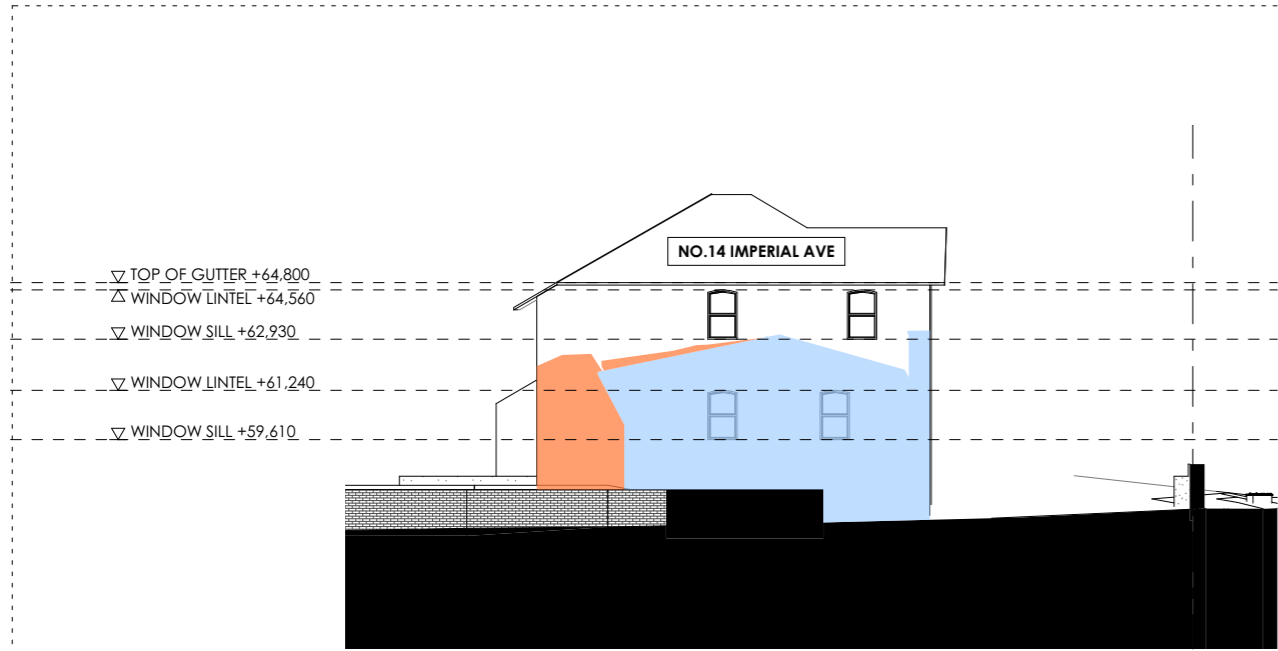
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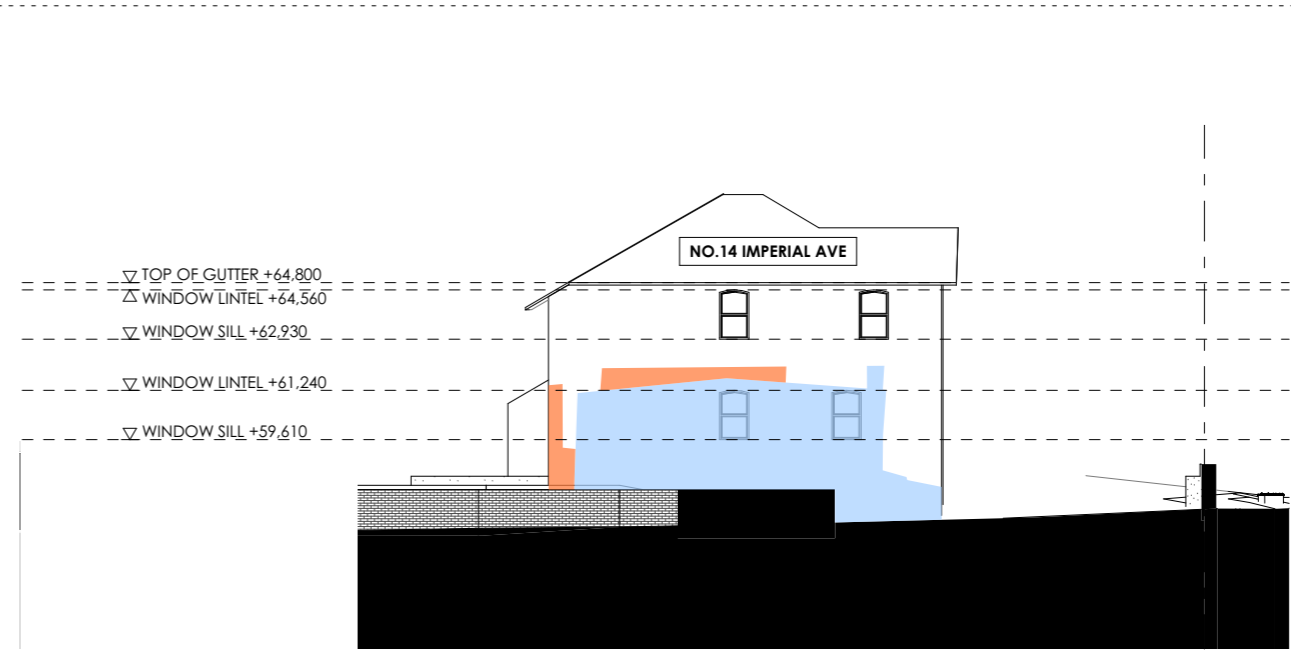
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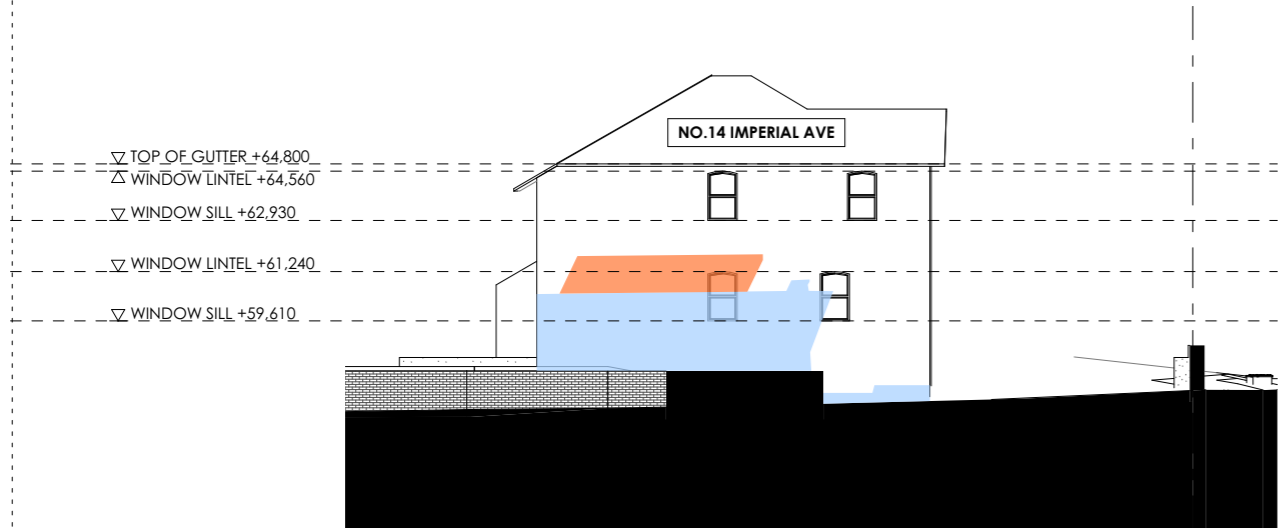


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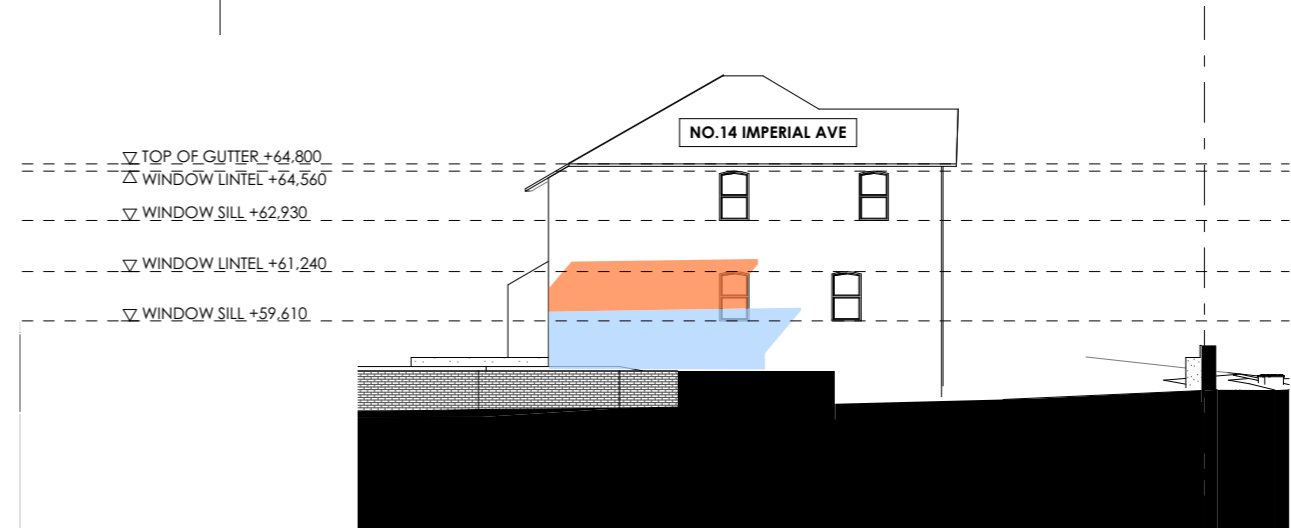


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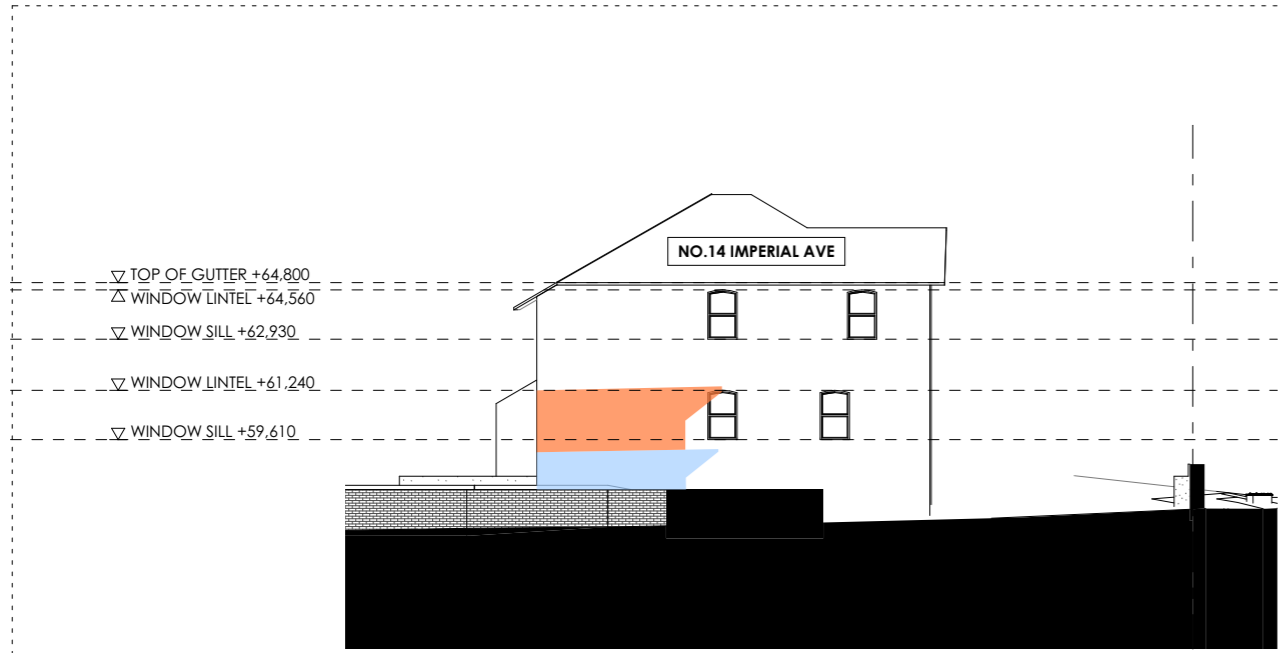
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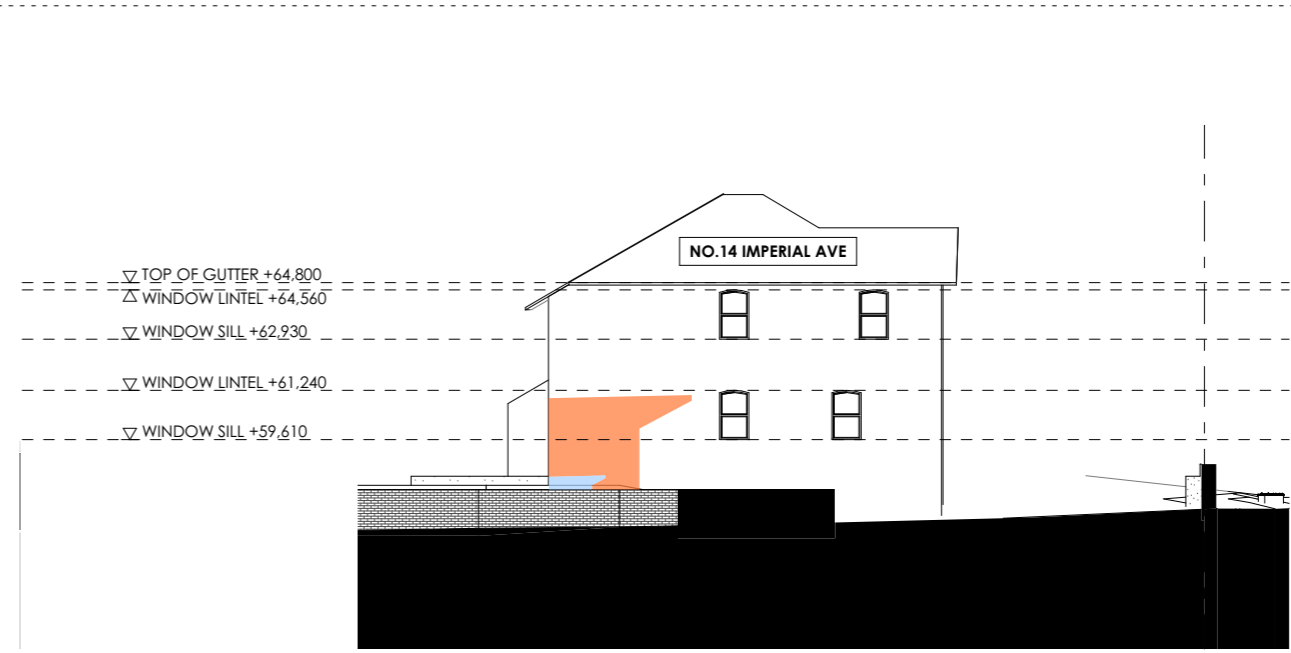
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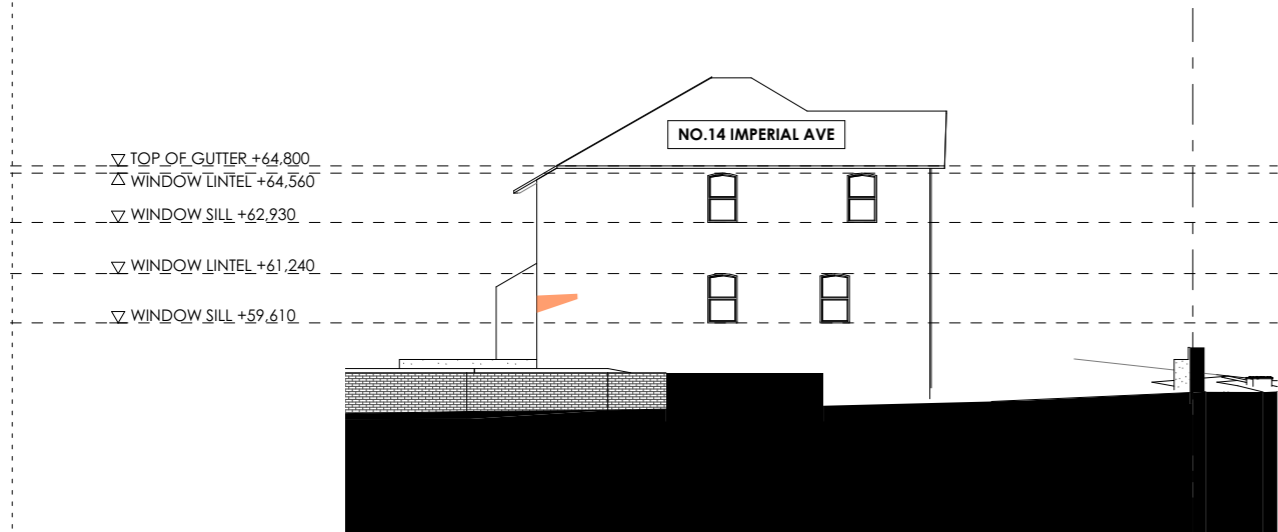
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1:250



2 14 IMPERIAL AVENUE 2PM
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	EXISTING SHADOWS
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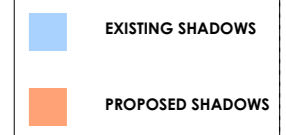
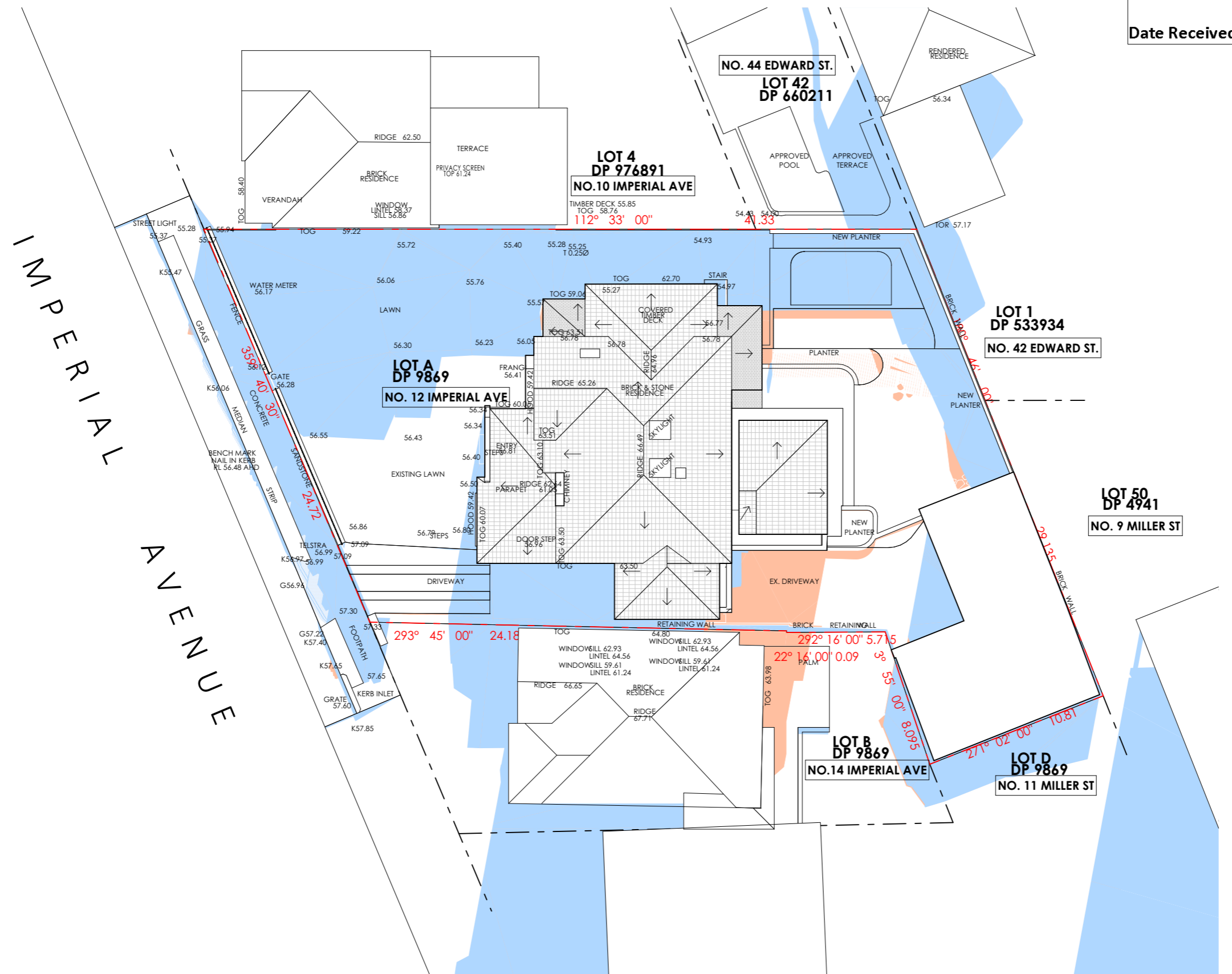
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PROJECT
12 IMPERIAL AVENUE
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DRAWING
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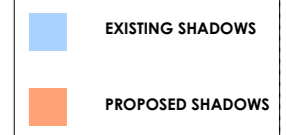
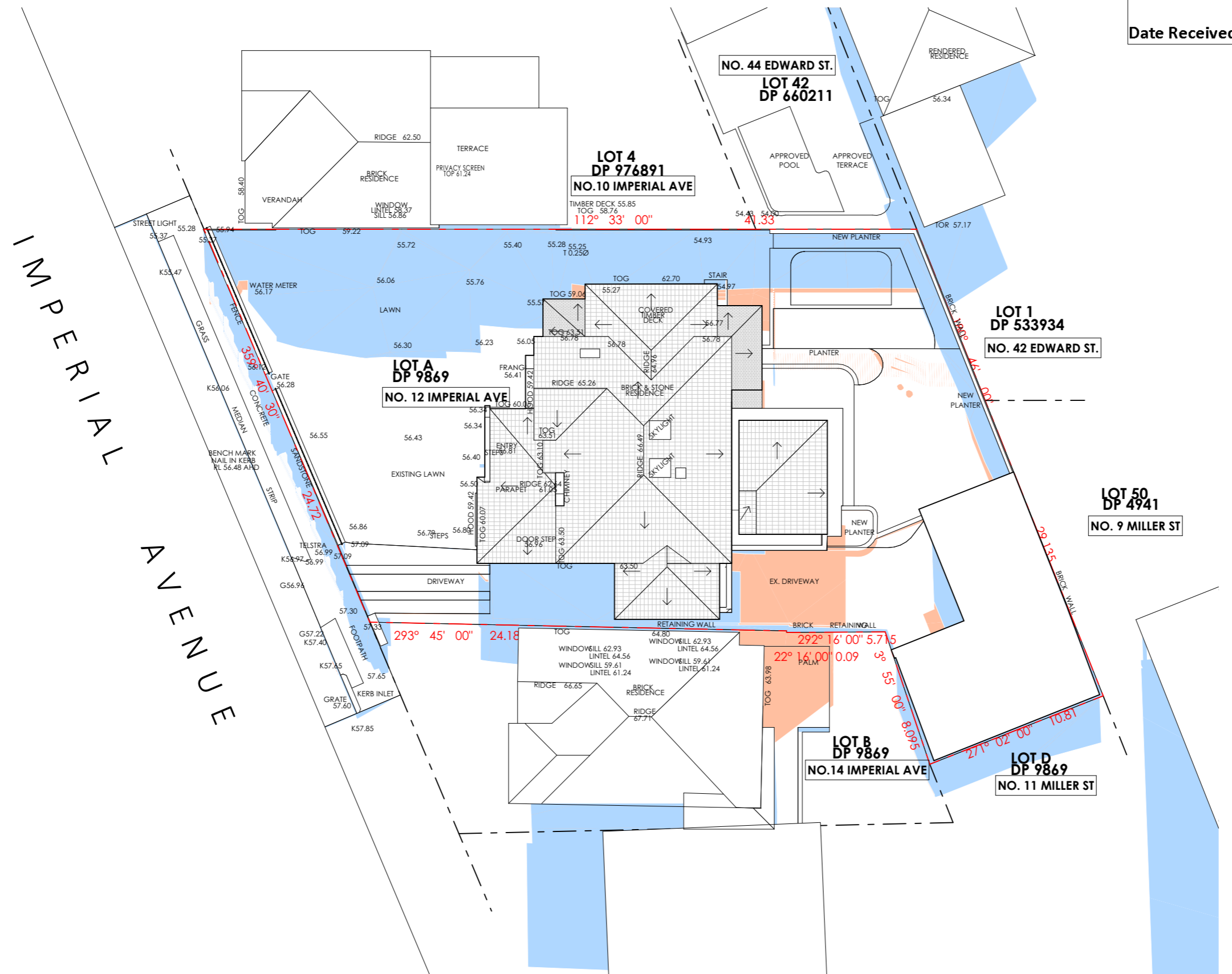
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12 IMPERIAL AVENUE NSW
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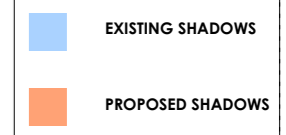
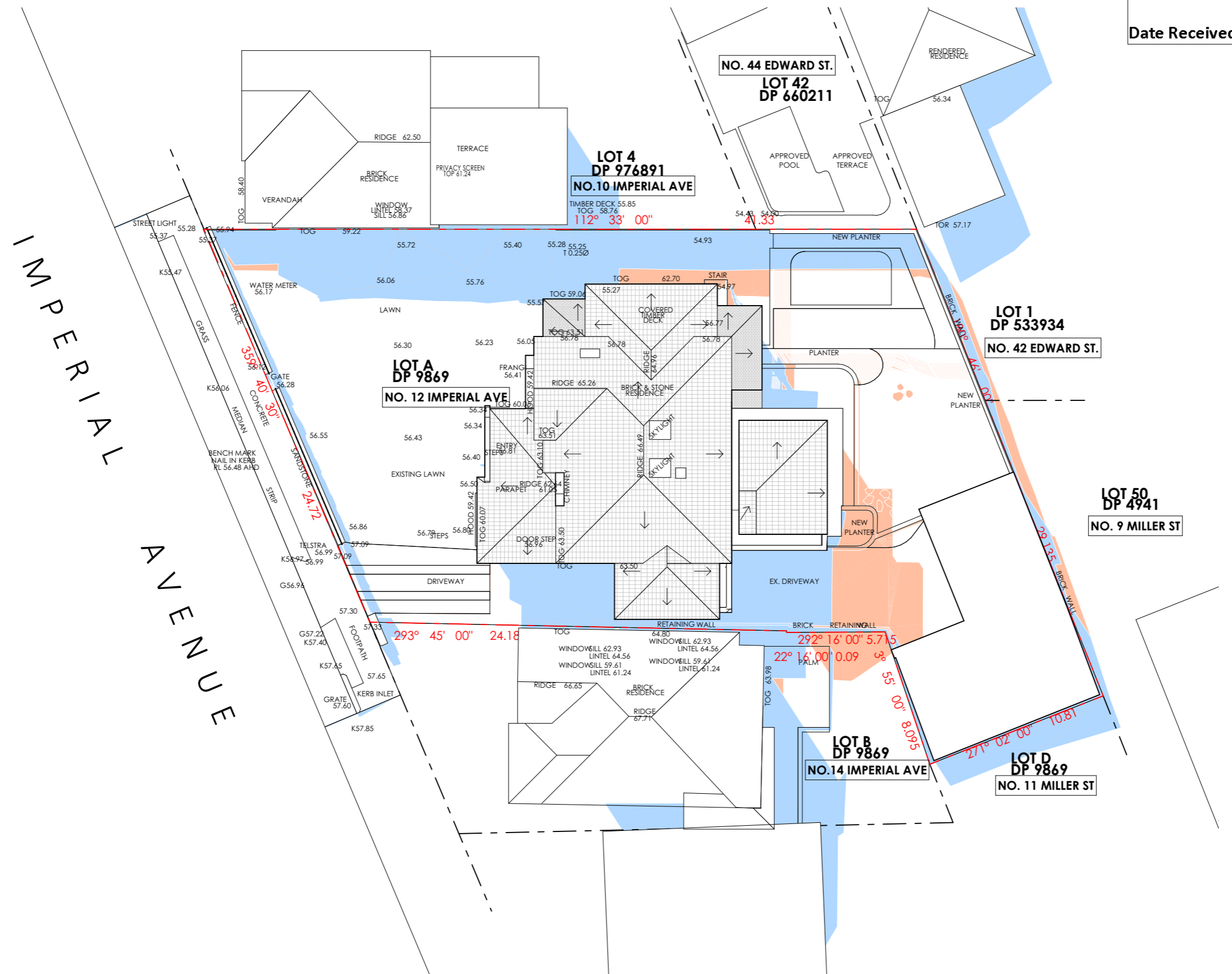
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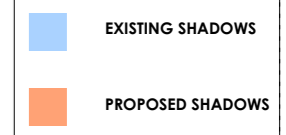
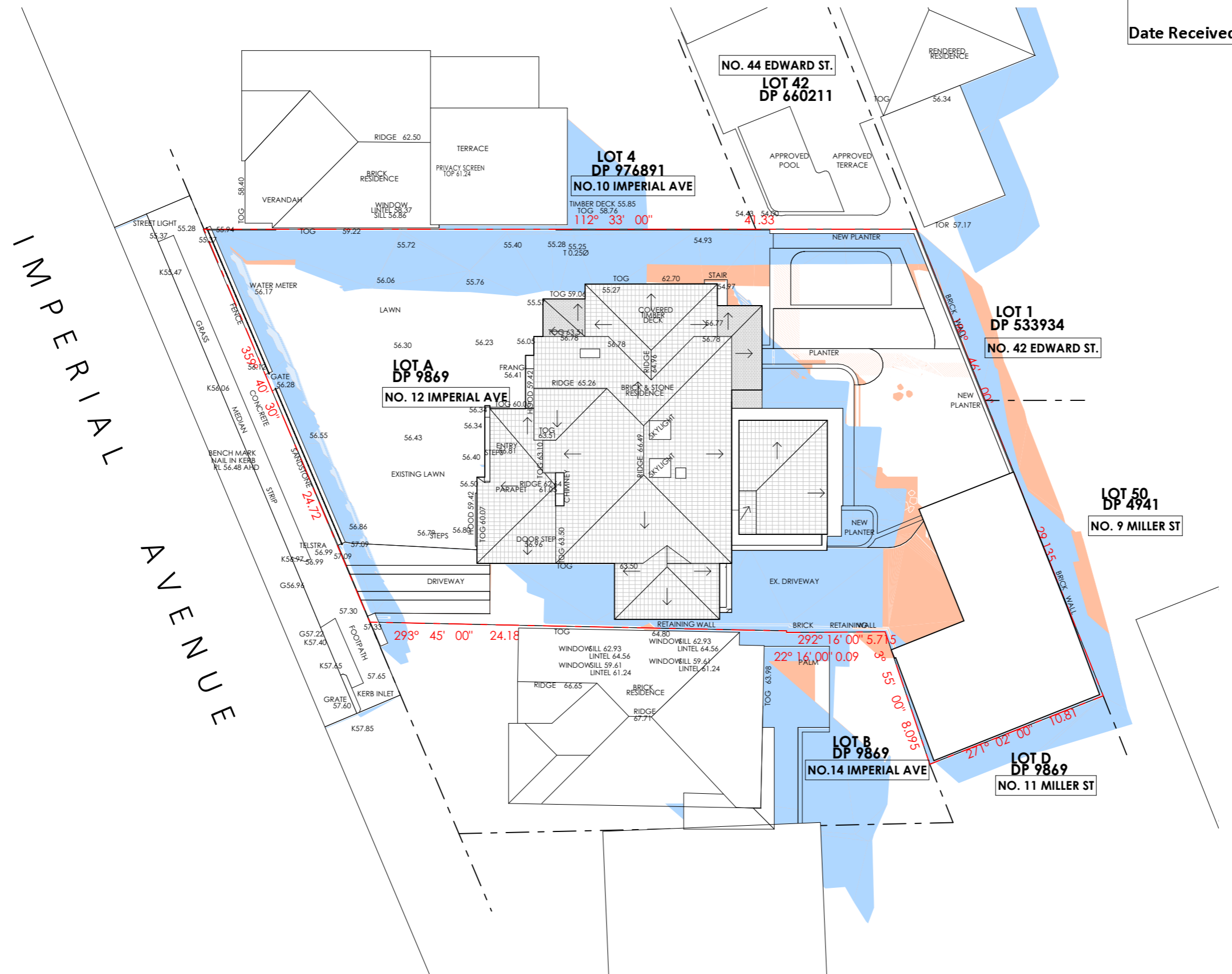
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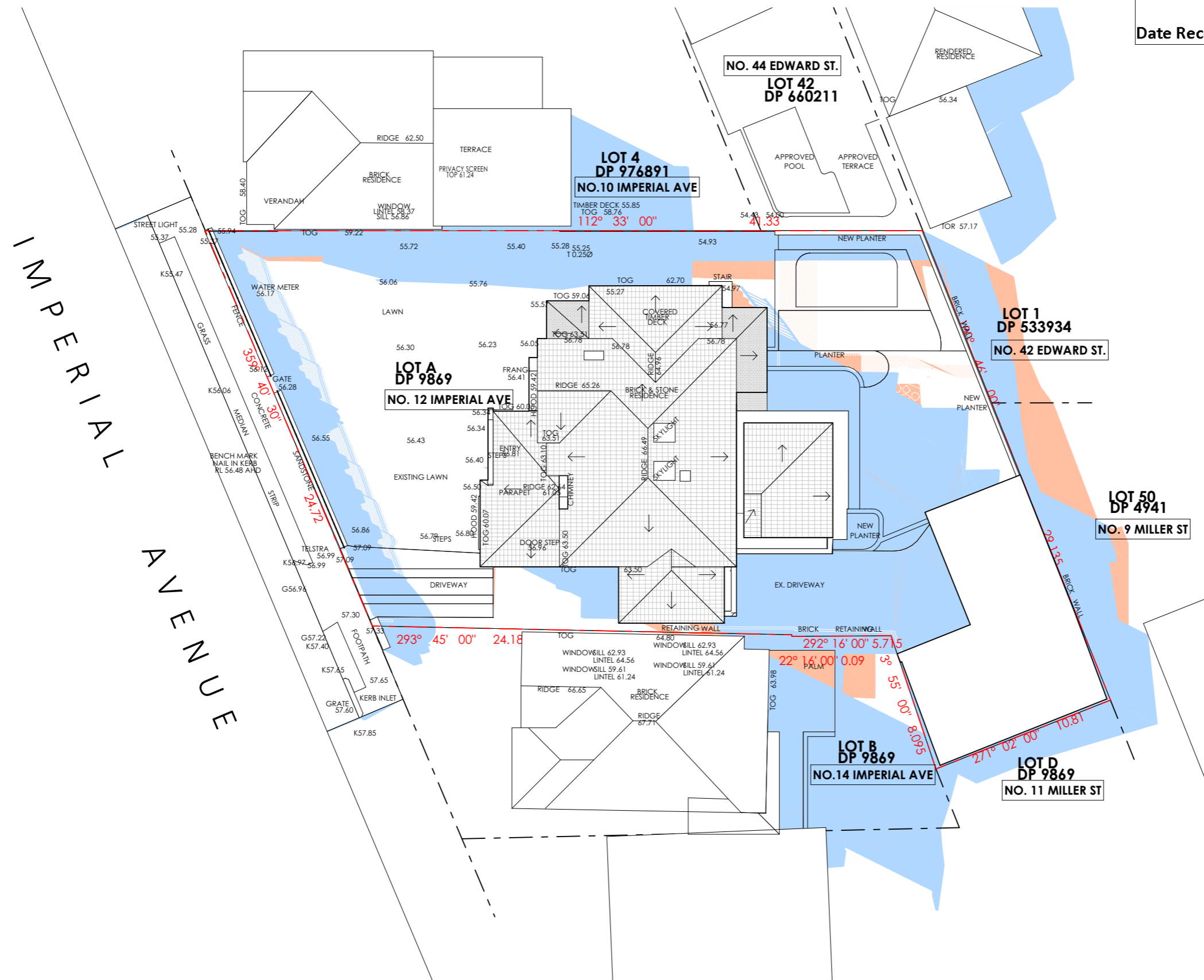
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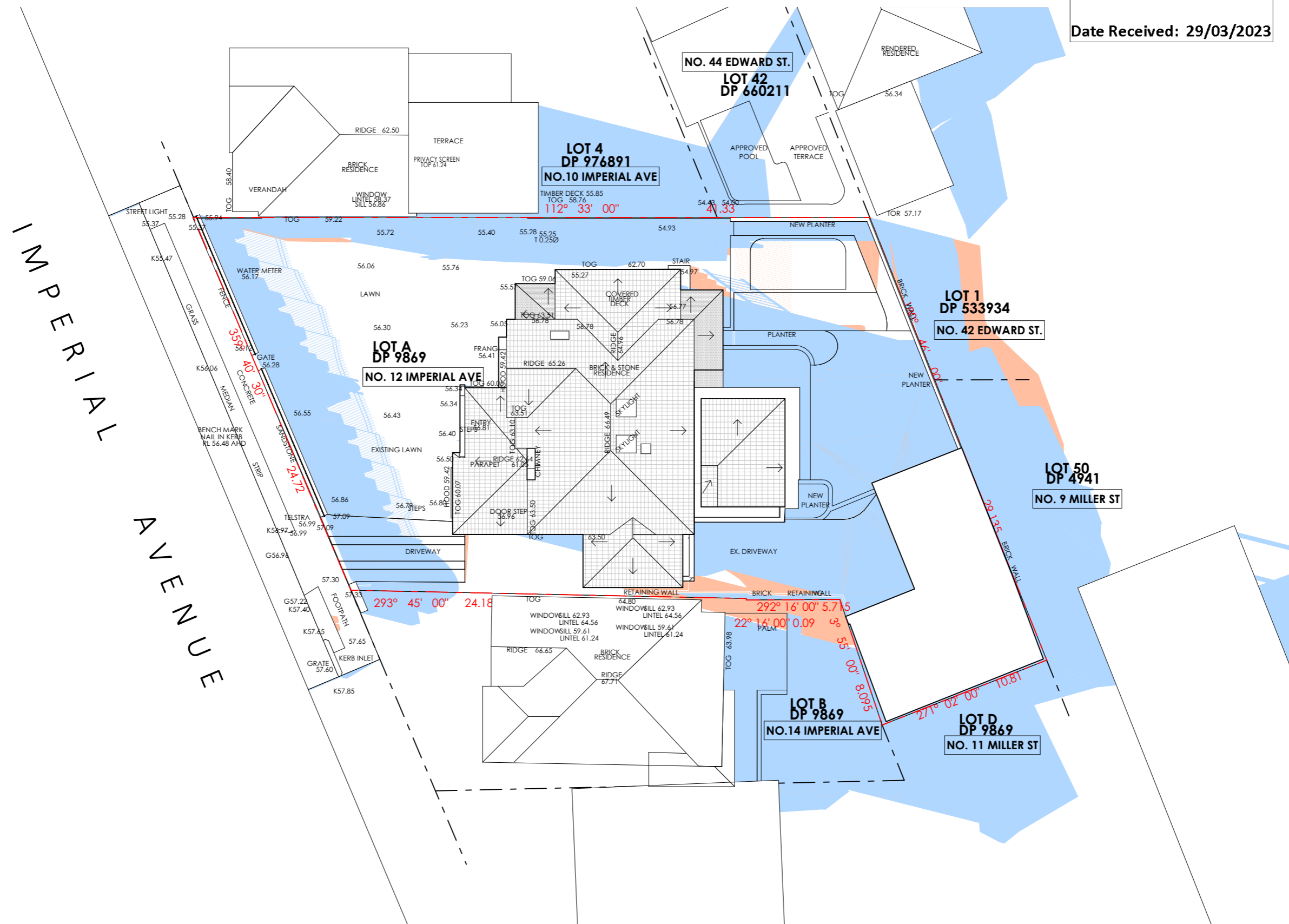
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Other Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-110/2023
Site address	481-485 Bronte Road, Bronte
Proposal	Construction of pergola to existing roof-top balcony for units 9 and 10
Date of lodgement	16 May 2023
Owner	The Owners Strata Plan 70376 & Ms C R Burns
Applicant	Performance Building Consultants
Submissions	Seven objections
Cost of works	\$85,0000
Principal Issues	<ul style="list-style-type: none"> • Exceedance of height of buildings development standard • Solar access impacts • View impacts
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 a pergola above the existing roof top balcony shared between units 9 and 10 at the site known at 481-485 Bronte Road, Bronte.

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

- Exceedance of height of buildings development standard
- Solar access impacts
- View impacts

The assessment finds these issues acceptable.

A total number of seven 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 carried out on 12 July 2023.

The site is identified as SP 70376, known as 481-485 Bronte Road, Bronte.

The site is irregular in shape with a primary frontage to the south side of Bronte Road, and a narrow access handle secondary frontage to the north side of Pacific Street. It has an area of 375m², and falls from rear (south) to front (north) by approximately 1m.

The site is occupied by a four-storey shop top housing building. The fourth storey of the building consists of a rear roof addition which provides additional space to residential units 9 and 10, a roof-top rear balcony for the exclusive use of units 9 and 10 featuring decking and BBQ, and a laundry building on the roof-top at the south-west corner of the building. Units 9 and 10 are under the same ownership.

The development application relates to the roof-top balcony.

The site is adjoined by shop top housing buildings to the west and east along Bronte Road, and by residential flat buildings and low density residential development to the south, south-west and south-east along Pacific Street. The site is within Bronte Beach local centre.

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



Figure 1: Site viewed from Bronte Road looking south-west. Image from Google Streetview



Figure 2: Existing roof-top balcony and roof additions, looking north-east



Figure 3: Existing roof-top balcony and laundry room, looking south.

1.3 Relevant Development History

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

- L-436/2002 – On 14 April 2003, consent was granted for the strata subdivision of the existing building into 10 lots. The strata subdivision plans show the roof-top balcony and laundry as being for the exclusive use of lots 9 and 10.

1.4 Proposal

The development application seeks consent for a pergola above the existing deck at the western and southern areas of the roof-top balcony. The roof-top balcony is common property but is allocated for the exclusive use of units 9 and 10 in the strata plan.

The proposed pergola features open sides, and powder-coated operable roof louvres.

1.5 Background

The development application was lodged on 16 May 2023. On 18 July 2023 Council deferred determination of the application, and requested detailed solar access diagrams, view impact analysis for any affected properties, and an amended clause 4.6 request to address the objectives of the height of buildings development standard.

The amended plans and documentation were received on 2 August 2023. However, the plans and documentation contained errors and provided insufficient information. Additionally, a late submission regarding view loss from 5 Pacific Street was received in August 2023. Further amended plans and documentation were therefore requested, and were provided by the applicant on 5 September 2023. These plans form the basis of this assessment.

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 from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Resilience and Hazards) 2021

The site is located within the Coastal Use Area of the SEPP (Resilience and Hazards) 2021. The proposal complies with the provisions of the SEPP, as it has no impact on coastal access, has no visual or environmental impacts on the coastal area, and has no heritage impacts.

SEPP No 65—Design Quality of Residential Apartment Development (2002) does not apply to the development, as the proposal does not involve the substantial redevelopment or substantial refurbishment of the existing building.

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 complies with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>E1 Local Centre Zone</i>	Yes	The proposal is defined as alterations and additions to the existing shop top housing building, which is permitted with consent in the E1 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 9m	No	The proposal has a maximum height of 13.94m, in exceedance of the 9m development standard.
4.4 Floor space ratio • 1:1	N/A	No change is proposed to the existing floor space ratio of the building.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.9 Design excellence • Proposals within E1 Local Centres must exhibit design excellence	Yes	The proposal exhibits design excellence as it has acceptable environmental impacts, has no streetscape impacts, and has no other material impacts.

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

Clause 4.6 Exceptions to Development Standards - Height

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum or minimum height of buildings development standard of 9m. The proposed development has a height of 13.94m, exceeding the standard by 5.05m equating to a 55% 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 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, as the objectives of the height of buildings development standard are achieved notwithstanding non-compliance with the standard, as follows:
- (i) The proposal will not add to the height of the existing building.*
 - (ii) The proposal is consistent with the prevailing building height and streetscape character of the area.*
 - (iii) The proposal will not be visible from the street.*
 - (iv) The proposal is an open structure which does not add to the bulk or scale of the building.*
 - (v) There is no impact on view sharing the public domain.*
 - (vi) The view impact on 5 Pacific Street is minor and inconsequential.*
 - (vii) The proposal has a minimal impact regarding privacy and solar access. The overall visual disturbance is minimal and does not significantly diminish the quality of the current view. Views from other properties are not affected.*
 - (viii) Solar access impacts are negligible due to the topography of the site, due to the overshadowing being minor, and due to significant solar access being retained.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal does not increase the height of the building.*
 - (ii) As set out above, the proposal is consistent with the prevailing building height and streetscape character of the area, is not visible from the street, does not add to the bulk or scale of the building, has a minimal impact on view sharing from neighbouring properties, has no impact on view sharing from the public domain, has no privacy impact, and has a minimal solar access impact.*
 - (iii) The proposal will contribute to the protection of health and safety of the occupants of the building by providing weather protection.*

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 the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

The applicant has provided sound justification. The proposal achieves the objectives of the development standard as follows:

- (a) Objective (a), *to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views*, is achieved as the proposal does not have any significant solar access impacts and achieves the principles of view sharing, and does not impact on privacy subject to conditions of consent relating to retention of the privacy screen discussed in this report below. See the Waverley DCP section of this report below for further discussion regarding view sharing. Solar access is discussed under objective (c) below.
- (b) Objective (c), *to maintain satisfactory solar access to existing buildings and public areas*, is achieved. The proposal reduces solar access to windows of properties to the rear at 3 Pacific Street, however the impacts are minor, with the shadowing being to only a small proportion of the window at any given affected hour. Significant solar access is retained to 5 Pacific Street. See the Waverley DCP section of this report below for further discussion regarding solar access.

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 proposal aligns with the height of the existing building, is located at the rear of the site and therefore does not impact the streetscape character of the area, does not result in any significant view impacts and achieves the principles of view sharing, does not have any privacy impacts, and has minor and acceptable solar access impacts. The proposal will therefore not have any significant impacts, and will provide amenity for occupants of the site. In these circumstances there are sufficient environmental planning grounds to justify the contravention of the development standard.

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 height of buildings development standard as set out above, and with the objectives for development within the E1 Local Centre zone as set out below.

The objectives of the zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage the provision of affordable housing.*
- *To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.*
- *To ensure development is of a height and scale that achieves the desired future character of the neighbourhood.*
- *To promote employment growth by giving preference to commercial development over residential development.*
- *To provide active ground floor uses to create vibrant centres.*

The proposal has no impact on the operation of commercial uses in the area, and therefore is consistent with the zone objectives.

Conclusion

For the reasons provided above, the requested variation to the height of buildings 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 is in the public interest because it is consistent with the objectives of development standard and the E1 Local Centre Zone.

2.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
3. Landscaping, Biodiversity and Vegetation Preservation	N/A	The proposal is located within a habitat corridor. However, the DCP control is not relevant to the application as the proposal has no impact on any existing landscaping, and does not propose any new landscaping.
5. Water Management	Yes	The proposal has acceptable water management impacts subject to conditions of consent requiring the submission of finalised stormwater plans. The relevant conditions are included at Appendix A.
6. Accessibility and Adaptability	N/A	The proposal has no impact on accessibility.
11. Design Excellence	Yes	Satisfactory. The proposal has acceptable environmental impacts, as it has no streetscape impacts, and as it has no other material impacts.
16. Inter War Buildings	Yes	Satisfactory. The proposal does not affect the original building fabric and does not affect the appearance of the building when viewed from the public domain.

Table 31: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.2 Height		
<ul style="list-style-type: none"> Maximum external wall height 	N/A	The proposal does not alter the wall height of the existing building.
2.3 Setbacks		
2.3.1 Street setbacks 2.3.2 Side and rear setbacks	N/A	The proposal does not alter the street, side or rear setbacks of the existing building.
2.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported 	Yes	The proposal will not be visible from the public domain, will have no streetscape impact, and does not remove any original architectural features.
2.9 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped 50% of the above is to be deep soil 	N/A	The proposal does not affect landscaping at the site.

Development Control	Compliance	Comment
2.10 Communal open space		
<ul style="list-style-type: none"> <i>Residential flat building and shop top housing may locate communal open space on rooftops subject to amenity impacts.</i> 	N/A	The proposal does not affect communal open space provision at the site. The roof-top balcony is currently for the private use of units 9 and 10, and the proposal will not change this.
2.11 Private Open Space		
2.11.2 – Balconies/decks	N/A	The proposal is for a pergola to the existing roof top balcony. The proposal will not alter the size or use of the existing balcony.
2.13 Solar access and overshadowing		
<ul style="list-style-type: none"> <i>Minimum of 3 hours of sunlight to a minimum of 70% of units in the development on 21 June</i> <i>New development should maintain at least 2 hours of sunlight to solar panels on adjoining properties in mid winter</i> <i>Direct sunlight to north facing windows of habitable rooms and private open space areas of adjacent dwellings for at least 3 hours of on 21 June</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal retains solar access to the subject site in compliance with the controls.</p> <p>The proposal does not affect solar access to any solar panels.</p> <p>Direct sunlight to all north facing windows and private open spaces of adjacent dwellings, including windows of units at 3 Pacific Street and windows and private open space of 5 Pacific Street are retained for at least 3 hours at midwinter.</p> <p>The impact on windows at units at 3 Pacific Street at midwinter is minor. The additional shadows are limited to affecting a small section of a window between 11am and 2pm, and a small section of another window at 3pm. Solar access is unchanged to the vast majority of the surface of each of the affected windows at each affected hour, and significant solar access is retained at each affected hour.</p> <p>The impact on windows at 5 Pacific Street is limited to a minor impact at 9am at midwinter, and solar access is retained to the vast majority of the affected window at that hour and throughout the day.</p> <p>The impact on private open space at 5 Pacific Street is limited to a minor impact to the rear yard at 10am at midwinter. Significant solar access is retained at 10am, and throughout the day between 10am to 3pm.</p>
2.14 Views and view sharing		
<ul style="list-style-type: none"> <i>Minimise view loss through design</i> 	Yes	The applicant has submitted view impact analysis imagery to demonstrate the proposal will not have any significant impact on views from neighbouring properties. See the discussion

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Views from public spaces to be maintained 	Yes	<p>section in this report below the DCP compliance table for further information.</p> <p>The proposal has no impact on public views.</p>
2.15 Visual privacy and security		
<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	<p>The proposal includes the retention of the existing privacy screening at the western and southern parts of the roof-top balcony.</p> <p>The proposal relates to an existing roof top balcony and will not result in any additional overlooking of neighbouring properties.</p>

Table 4: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
3.1.4 Bronte Beach	Yes	<p>The proposal is located in Bronte Beach Neighbourhood Centre.</p> <p>The proposal is consistent with the desired future character of the area. The proposal has no impact on the appearance of the area from the public domain and has no impact on the mix of uses within the centre.</p>
3.2 Generic controls		
3.2.1 Land Uses	N/A	The proposal does not affect the existing land uses in the centre.
3.2.2 Public Domain Interface	N/A	The proposal does not affect the existing public domain interface.
3.2.3 Built Form	Yes	<p>The proposal does not alter setbacks or ceiling heights at the existing building.</p> <p>The proposal will not be visible from the public domain and will have no streetscape impacts.</p> <p>The proposal does not front a lane.</p>
3.2.4 Building Facade Articulation	N/A	The proposal does not affect the building façade.
3.2.5 Buildings of Historic Character	Yes	The proposal is not visible from the public domain and does not impact on the character of the interwar building.
3.2.6 Building Services and Site Facilities	Yes	The proposal retains areas for clothes drying.

View sharing

The applicant has provided a view impact analysis relating to views enjoyed from 5 and 7 Pacific Street. The analysis demonstrates no impact on views from 7 Pacific Street, and minor impacts on views from 5 Pacific Street. The view impacts on 5 Pacific Street are acceptable on balance, as discussed below under the framework set by the planning principles of *Tenacity Consulting v Waringah* [2004] NSWLEC 140.

The first step for assessing view sharing under the *Tenacity* planning principles is to assess the views affected. In the case of 5 Pacific Street, the view affected is part of an ocean view. Views of the land water interface, cliffs, and horizon remain unaffected. The view as a whole, including the ocean and land water interface is highly valued.



Figure 2: Impact on view from 5 Pacific Street

The second step is to consider from what part of the property the views are obtained. The view is obtained from a standing position in an attic space used as a bedroom, and is obtained through a skylight via an acute angle across the side boundary of 5 Pacific Street and 481-485 Bronte Road. Although views from standing positions are generally easier to retain than from seated positions, views across side boundaries are difficult to protect.

The third step is to assess the extent of the impact. Views from the property are solely obtained from the affected window. However, the proposal will only remove a minor portion of the ocean view. The majority of the ocean view will be retained, and the views of the land water interface, cliffs, and horizon will be retained. The overall impact is therefore not significant. The extent of the impact on amenity at the property is further reduced by the nature from which the view is obtained, being via an attic bedroom through a skylight at an acute angle, viewed from limited locations within the attic space.

The fourth step is to assess the reasonableness of the proposal. The proposal exceeds the Waverley LEP 2012 height of buildings development standard, although it is no higher than existing structures on the site. The proposal is located at the south-western part of the site which results in a lesser impact than if it were located at the eastern part of the site.

Considering the four steps together, the proposal has a minor impact on a highly valued view. The proposal retains the vast majority of the view, and the highly valued views of the land water interface and cliffs are unaffected. The overall extent of impact on amenity at the property is further reduced by the circumstances of the view being obtained via an attic bedroom through a skylight at an acute angle from very limited locations within the building. The impact is caused by a structure which exceeds the height of buildings development standard, however given the very limited impact on views and on the amenity of the affected property and given that the majority of the view and the most valuable parts of the view are retained, it is considered that the proposal achieves view-sharing on balance.

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 from 19 July to 4 August 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended plans solely related to the correction of drafting errors.

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

- 5/ 3 Pacific Street
- 5/ 3 Pacific Street – further submission
- 9 Pacific Street
- 9 Pacific Street – further submission
- 7 Pacific Street
- 15 Pacific Street
- 5 Pacific Street

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

- Solar access impacts on 5/3 Pacific Street and 5 Pacific Street
- Visual privacy impacts

- View impacts from 5 Pacific Street

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

Issue: Potential noise and disruption from use of the roof top balcony.

Response: The roof top balcony is already in use, and the proposed pergola is not considered to significantly alter the use of the space. In these circumstances Council is not in a position to refuse the application on the basis of the use of the space, and it is not feasible or reasonable to place conditions of consent on a private residential roof top terrace regarding hours of use.

Issue: Solar access impacts on 7 Pacific Street.

Response: The applicant has provided documents demonstrating there will be no solar access impacts on 7 Pacific Street.

Issue: Light pollution.

Response: The proposal does not specifically include any lighting. The roof top balcony is already in use, and the proposal is not considered to result in any light pollution impacts.

Issue: The proposal includes changes to the ground floor walkway, ground floor cool room, and laundry areas.

Response: The issues raised are a result of misreading the plans. No changes to these elements of the existing development are proposed.

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 Stormwater

Council's stormwater engineers supported the proposal subject to the submission of finalised stormwater plans, and subject to compliance with Council's stormwater guidelines. Conditions of consent to achieve this are included at Appendix A.

4. CONCLUSION

The development application seeks consent for a pergola above the existing roof top balcony shared between units 9 and 10 at the site known at 481-485 Bronte Road, Bronte.

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

- Exceedance of height of buildings development standard

- Solar access impacts
- View impacts

The assessment finds these issues acceptable.

A total number of seven 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 Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 15 August 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara, E Finnegan, 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 by:	Application reviewed and agreed by:
		
David Knight	Angela Rossi	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 8 September 2023	Date: 13 September 2023	Date: 14 September 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	55% variation to height (Clause 4.3)	
	Reason (place a X next to <u>all</u> that apply):	
	X	Pre-existing non-compliance
	X	No change to overall building height
	No change to overall building envelope	

		Variation limited to the [lift/plant/parapet/attic] only
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
		[insert another reason here if required]
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No	
Secondary Dwelling *This is a planning portal reporting requirement	No	
Boarding House *This is a planning portal reporting requirement	No	
Group Home *This is a planning portal reporting requirement	No	

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 Vergola Pty Ltd, drawing reference 18104, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
Sheet 1 rev G	Site plan	29/08/2023	05/09/2023
Sheet 2 rev G	Plan	29/08/2023	05/09/2023
Sheet 3 rev G	Details	29/08/2023	05/09/2023
Sheet 4 rev G	Western elevation	29/08/2023	05/09/2023
Sheet 5 rev G	Eastern elevation	29/08/2023	05/09/2023
Sheet 6 rev G	Southern elevation	29/08/2023	05/09/2023

- (b) BASIX and NatHERs Certificate/s

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 2021*; 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) for the amount of \$3,235 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) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs 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 of this building work. Evidence 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 0.25% of building work costing \$250,000 or more.

5. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessments, in accordance with the 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

6. 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

7. 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 Vergola NSW Pty Ltd Drawing No. 18104, received on 09/05/2023 by Waverley Council concept only.

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

- a) 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.

- b) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- c) Any new downpipes are to be located wholly within the property's boundary.
- d) 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 checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main run through the property, plans must also be presented to a Sydney Water 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) The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

8. BASIX

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

WASTE

9. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

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

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;
- *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.

13. 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.

CONSTRUCTION MATTERS

14. 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 Sundays and public holidays.

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*.

15. 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.

16. 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*, clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.

17. 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.

18. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

19. 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.

20. 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

21. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

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.

23. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any new 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. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

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.

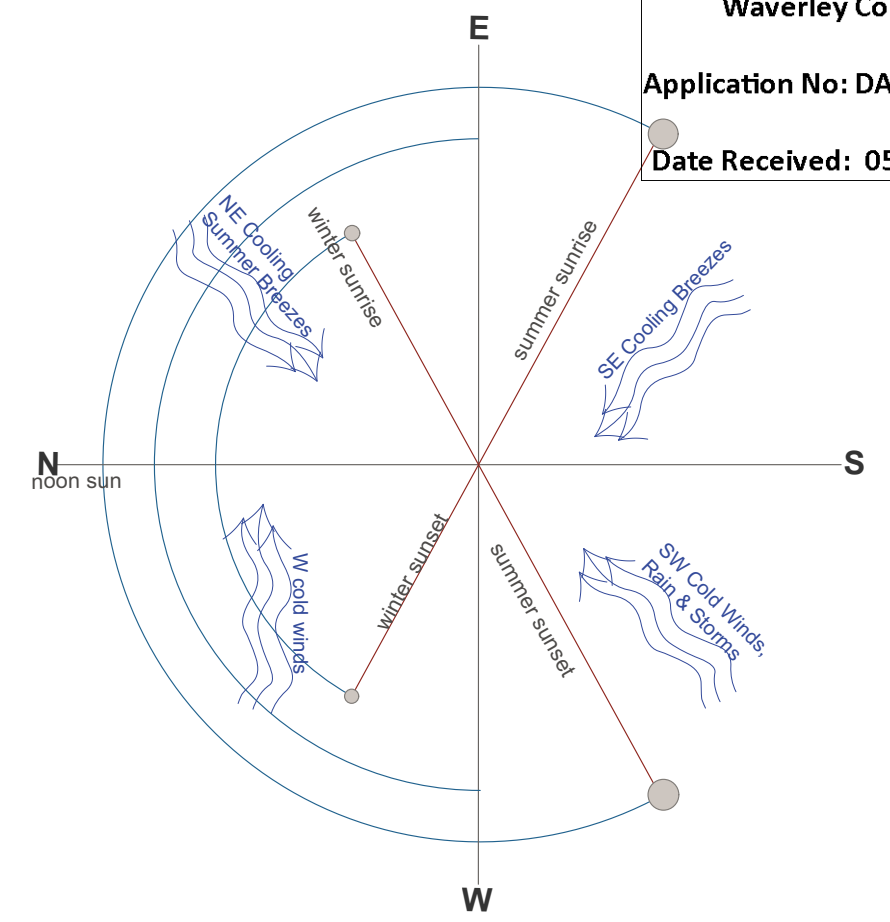
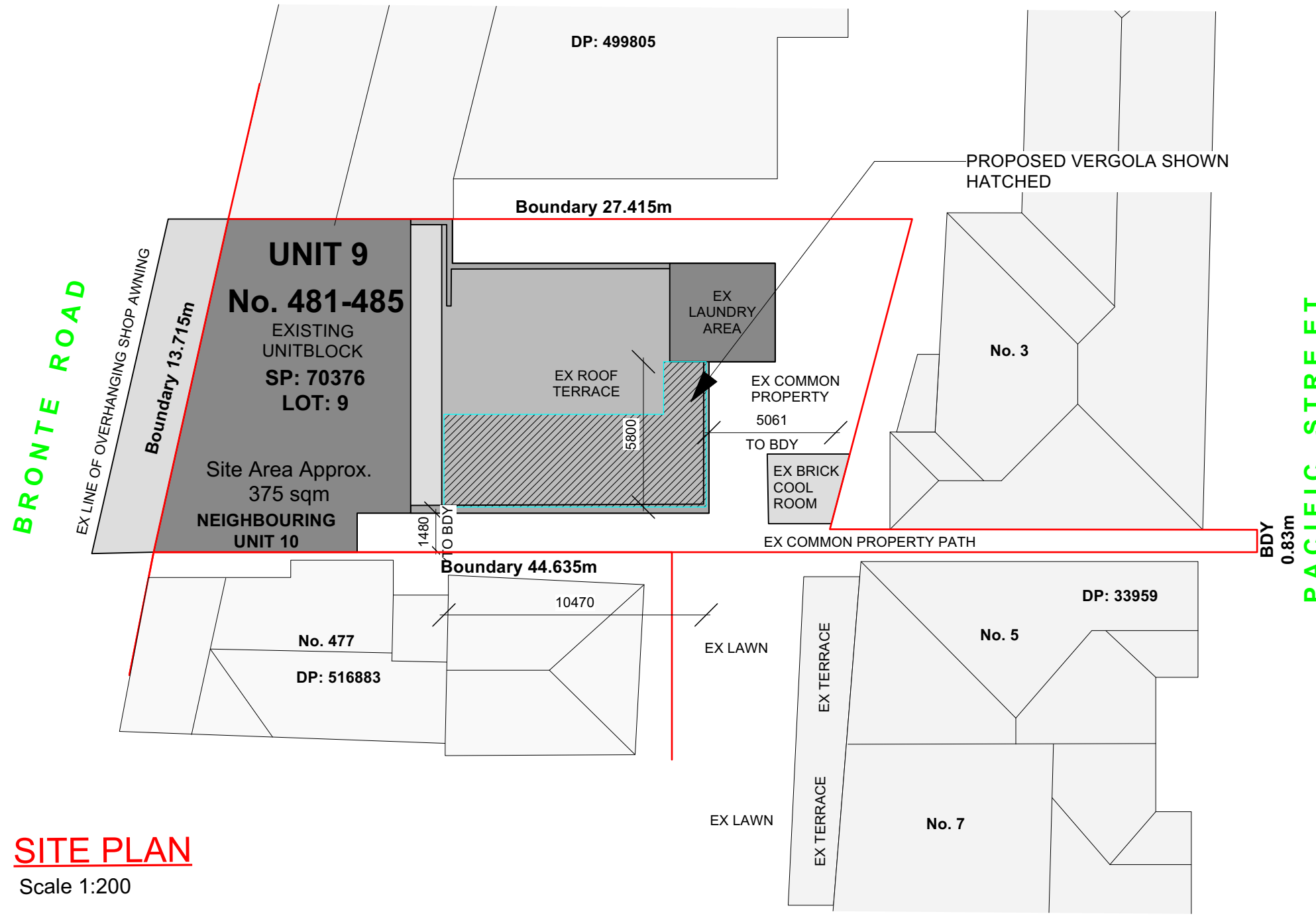
AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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.

AMENDED PLANS

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Waverley Council
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SITE ANALYSIS

EXISTING SITE AREA = 375 sq.m.
EXISTING ROOF TERRACE APPROX = 115 sq.m.
PROPOSED VERGOLA = 42.31 sq.m.

NOTES:-
AS THE PROPOSED VERGOLA IS TO BE BUILT OVER AN EXISTING HARDSTAND AREA WITHIN AN EXISTING UNIT BLOCK. THERE WILL BE NO INCREASE TO THE EXISTING SITE COVERAGE.
ALL DOWNPIPES TO BE DIRECTED INTO THE EXISTING STORMWATER DISPOSAL SYSTEM.
ALL DIMENSIONS ARE TO BE CONFIRMED WITH A SITE MEASURE PRIOR TO MANUFACTURE.

SITE PLAN

Scale 1:200

ALL MEASUREMENTS TO BE VERIFIED AT C/M

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VERGOLA
(NSW) PTY. LTD.
7 TEPKO ROAD TERREY HILLS NSW 2084
TEL: (02) 9450 3300
FAX: (02) 9450 3333

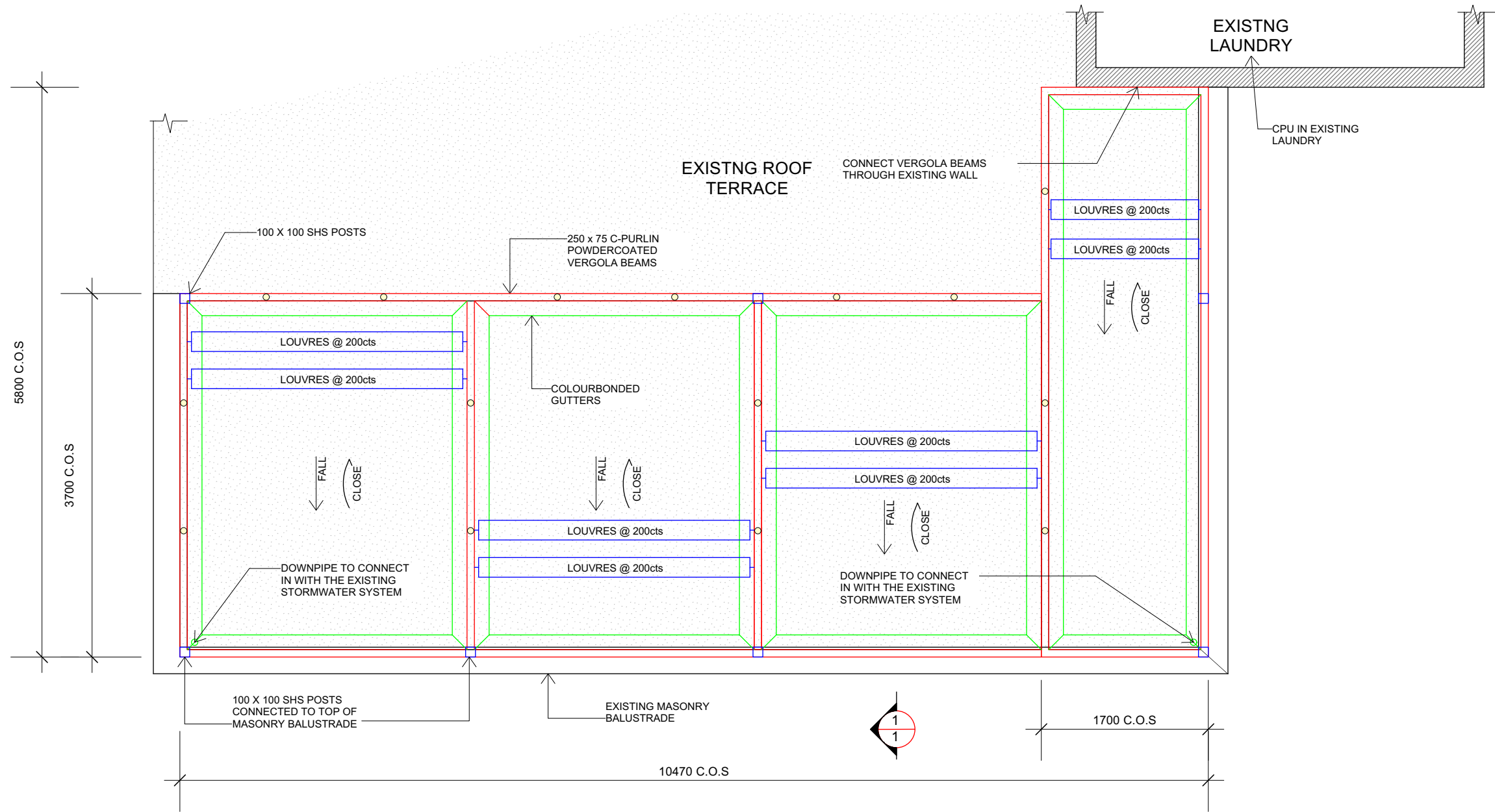
Project:
PROPOSED VERGOLA LOUVERED ROOF SYSTEM AT EXISTING UNITBLOCK
Client:
CAROLYN BURNS
Address:
UNIT 9, 481-485 BRONTE ROAD BRONTE, NSW - 2024

DATE DRAFTED 29-08-23	AMENDED DATE D - 17-03-23 E - 30-03-23 F - 01-08-23 G - 29-08-23
SALES REP. D.R	SHEET No. 1 OF 8
DRAWN JGW	DATE SIGNED
DRAWING No. 18104	SCALE AS NOTED @A3
CLIENT'S SIGNATURE	

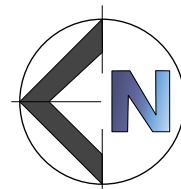
AMENDED PLANS

NOTES:-
 VERGOLA FRAME: POWDERCOAT FRAME "SURFMIST" COLOUR FINISH
 VERGOLA POSTS: POWDERCOAT "SURFMIST" COLOUR FINISH
 FLASHING & GUTTER: MADE IN COLORBOND COLOUR "SURFMIST" AND TO MATCH EXISTING
 VERGOLA LOUVRES: MADE IN COLORBOND COLOUR "SURFMIST"
 SWATER: 65mm PVC DOWNPIPE TO EXISTING GUTTER & STORMWATER SYSTEM WITH PAINT COLOUR "SURFMIST"

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PLAN
 SCALE 1:50



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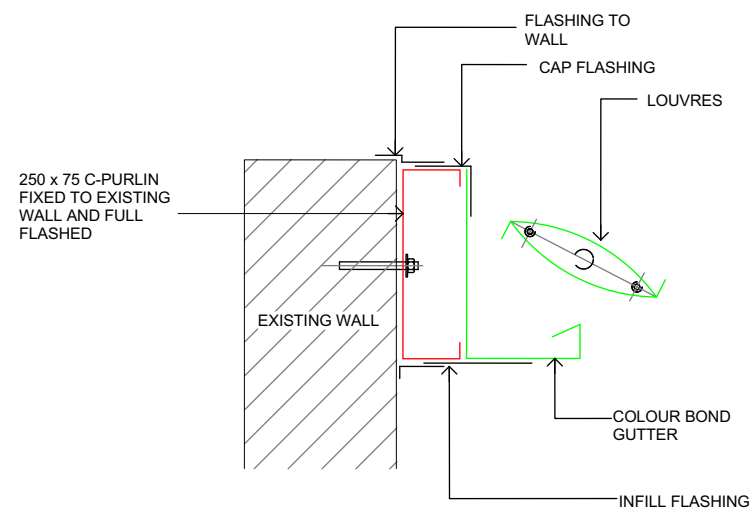
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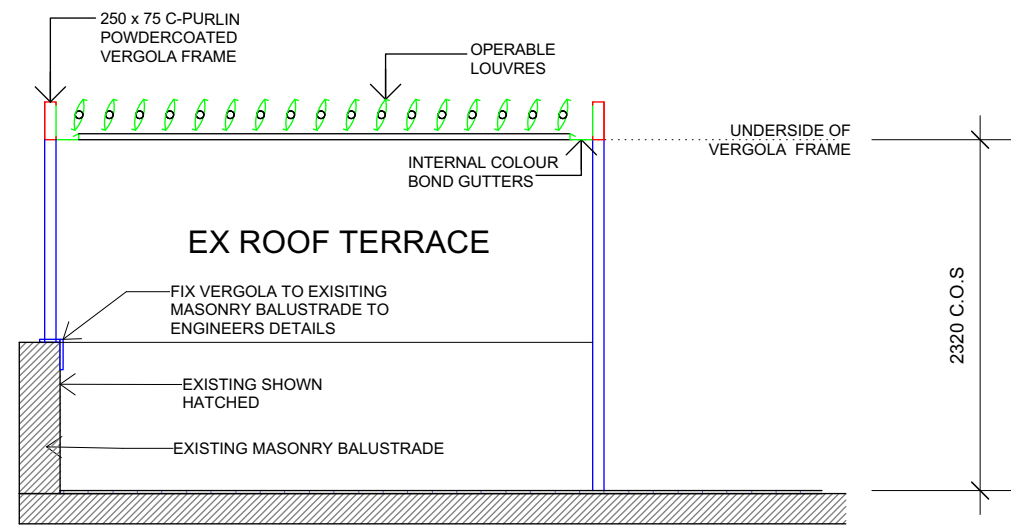
AMENDED PLANS

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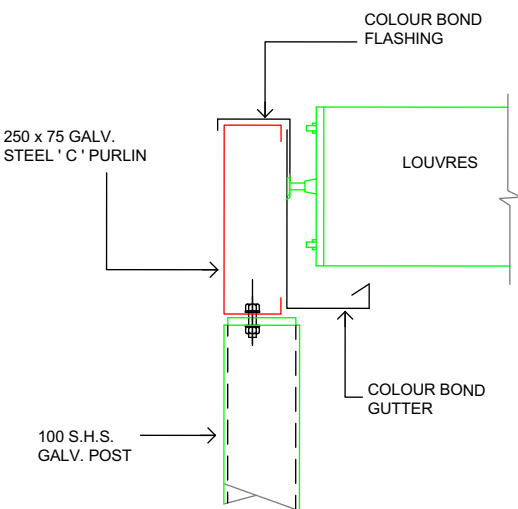
FIXING DETAIL

SCALE 1:10



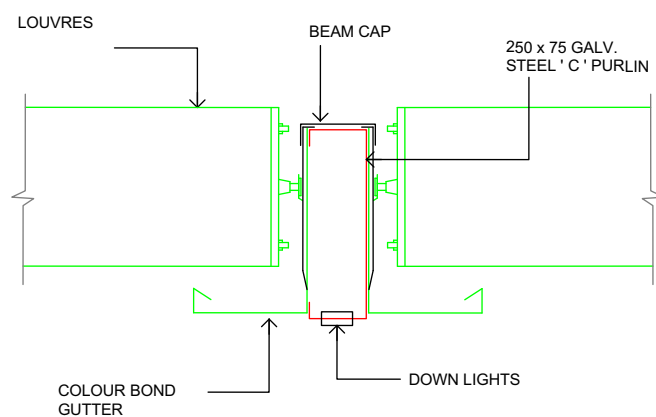
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SCALE 1:50



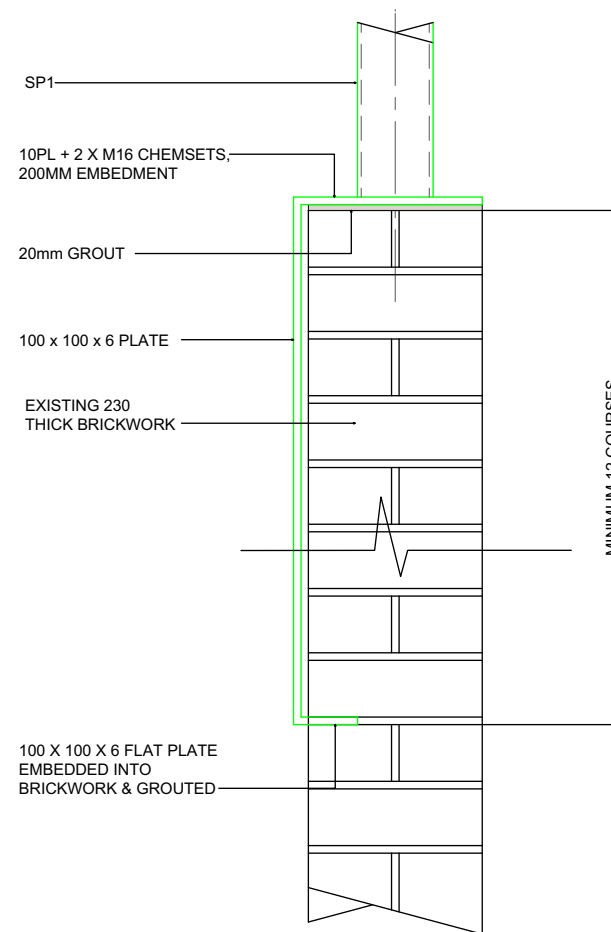
POST DETAIL

SCALE 1:10



CENTRE BEAM DETAIL

SCALE 1:10

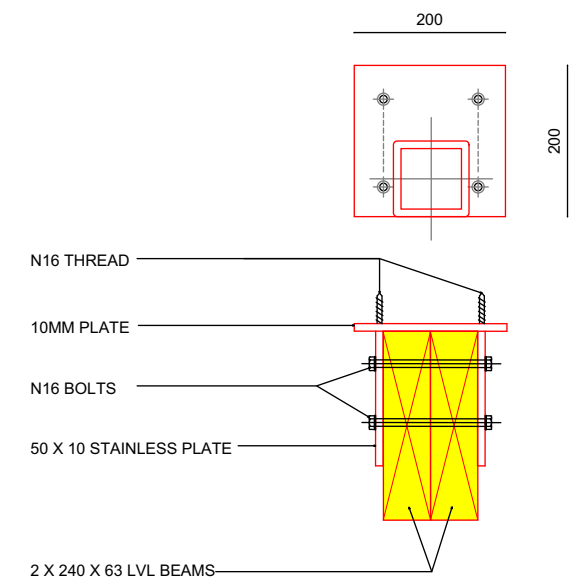


POST CONNECTION TO WALL

SCALE 1:10

BOTTOM CONNECTION FOR POST

SCALE 1:10



STAINLESS STEEL POST SUPPORT

SCALE 1:10

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TEL: (02) 9450 3300
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Project:

PROPOSED VERGOLA LOUVERED ROOF SYSTEM AT EXISTING UNITBLOCK

Client:

CAROLYN BURNS

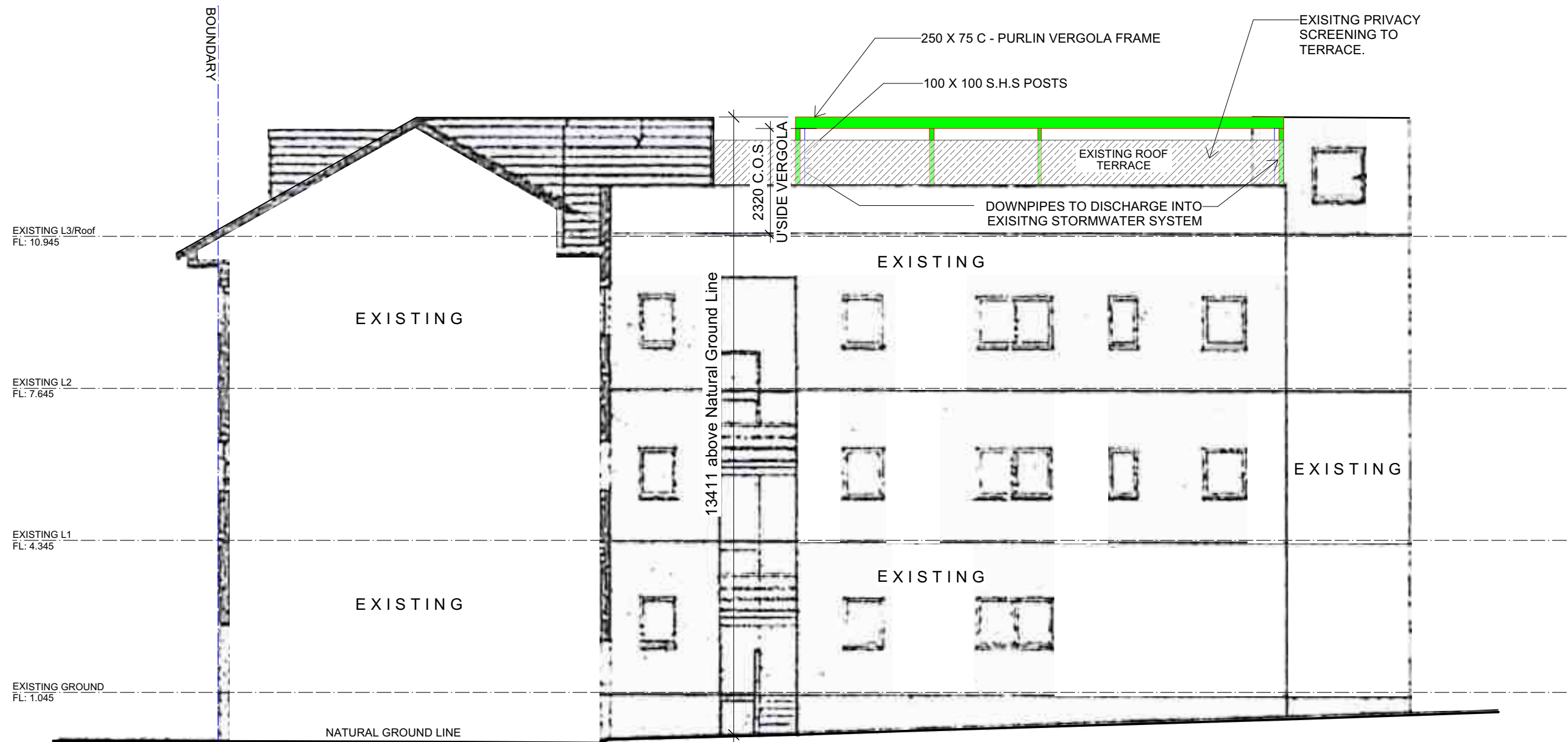
Address:

UNIT 9, 481-485 BRONTE ROAD BRONTE, NSW - 2024

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WESTERN ELEVATION

SCALE 1:100

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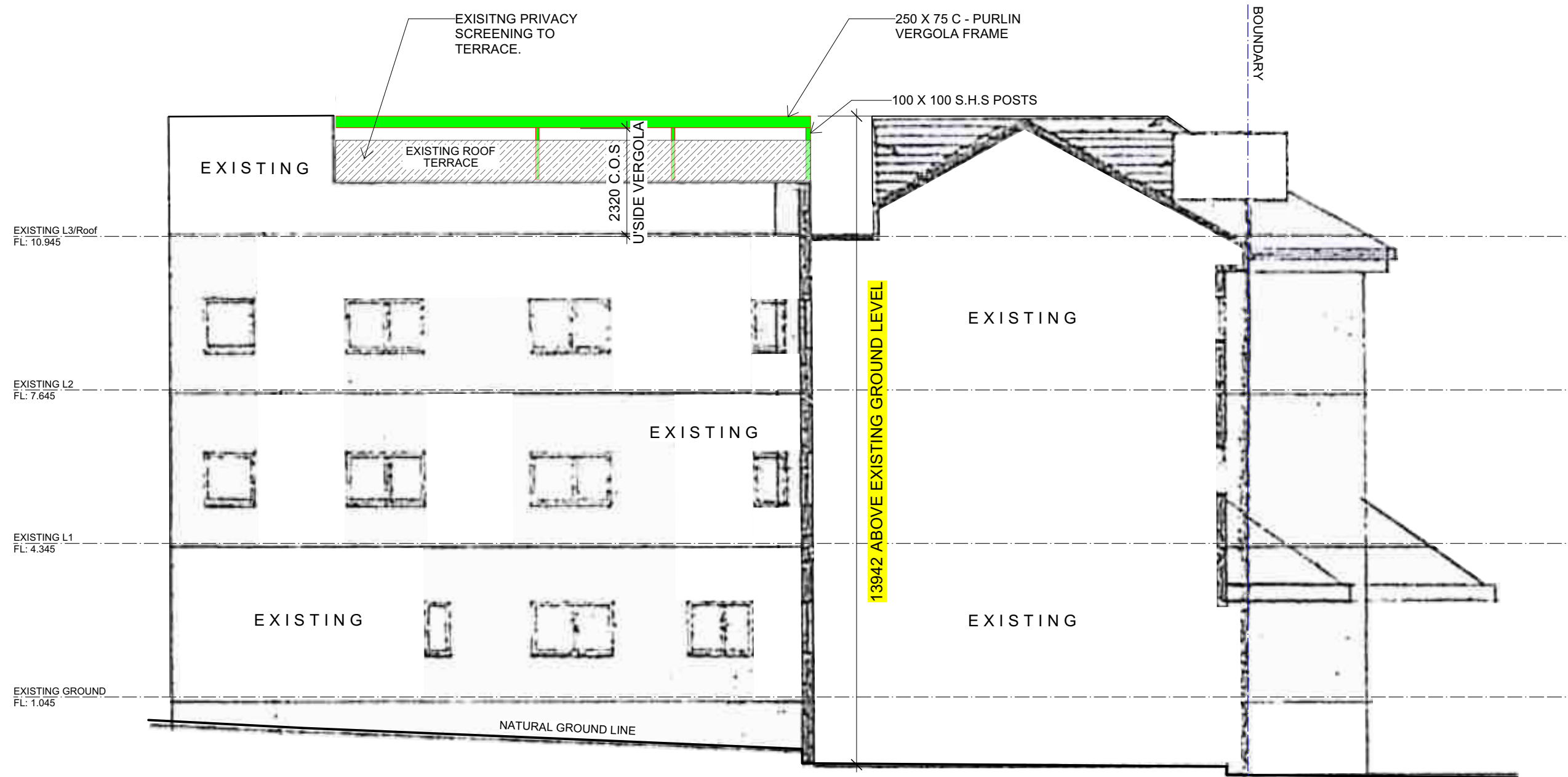
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DATE DRAFTED	AMENDED DATE
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SALES REP.	E - 30-03-23
D.R	F - 01-08-23
	G - 29-08-23
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JGW	4 OF 8
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18104	
SCALE	AS NOTED @A3
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EASTERN ELEVATION

SCALE 1:100

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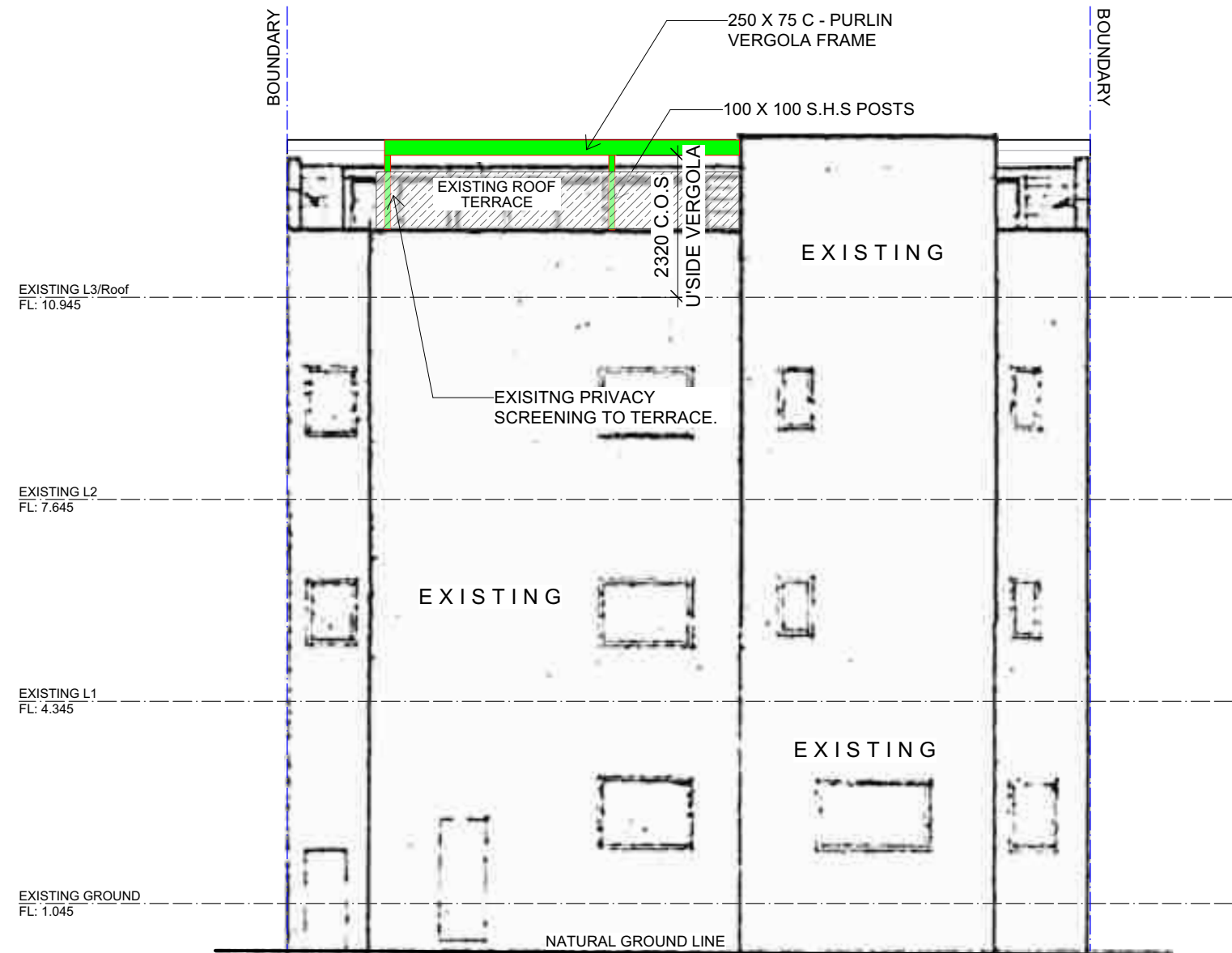
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DRAWN	SHEET No.
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SOUTHERN ELEVATION

SCALE 1:100

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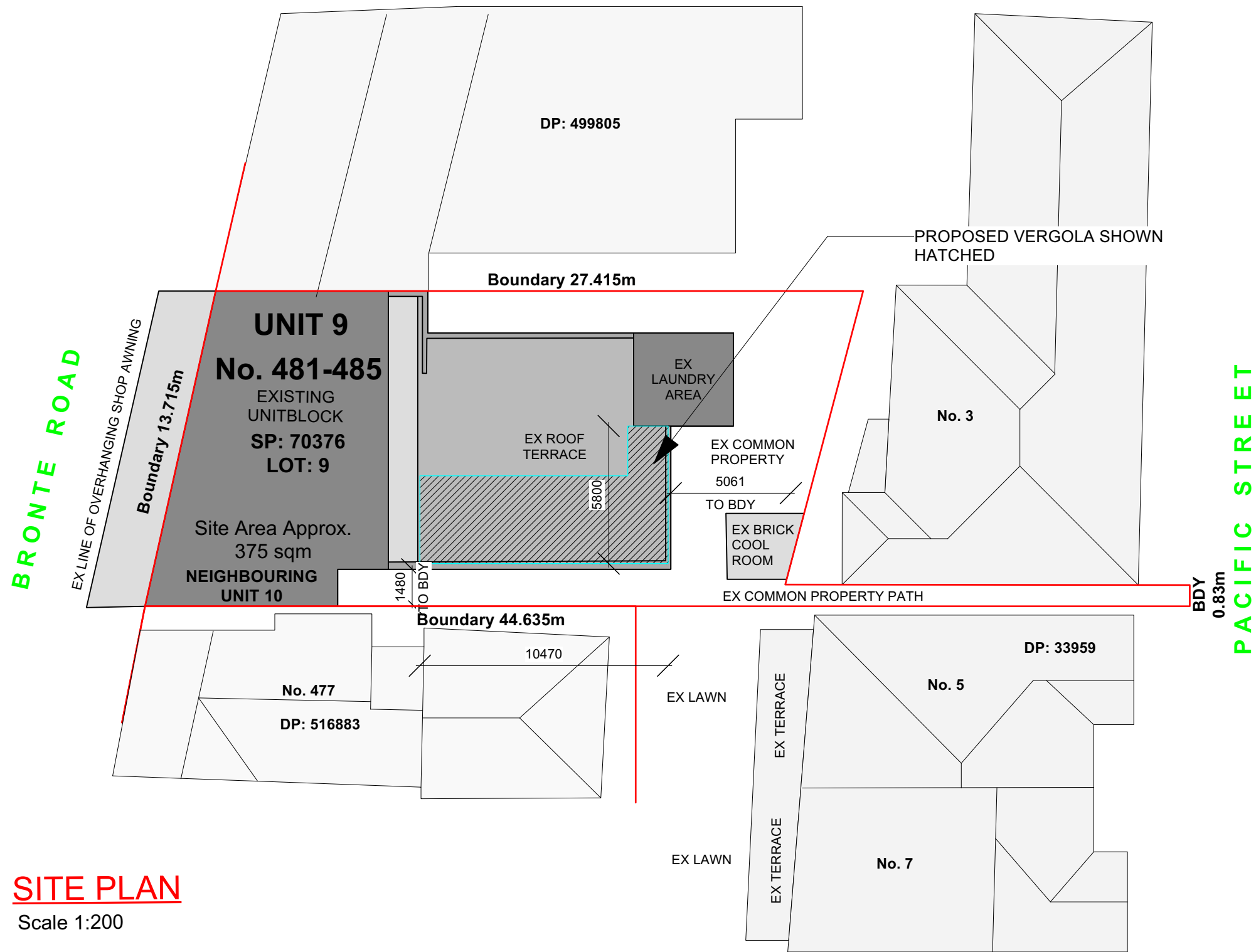
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SITE PLAN
Scale 1:200


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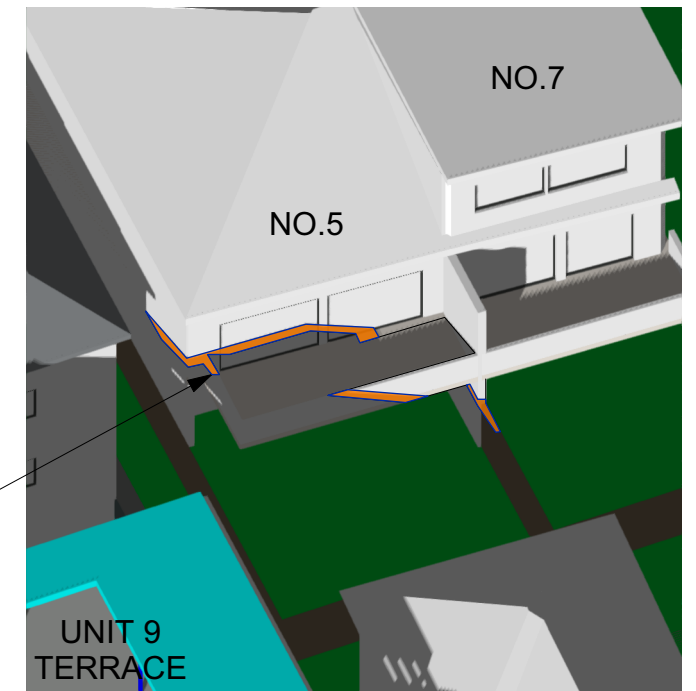
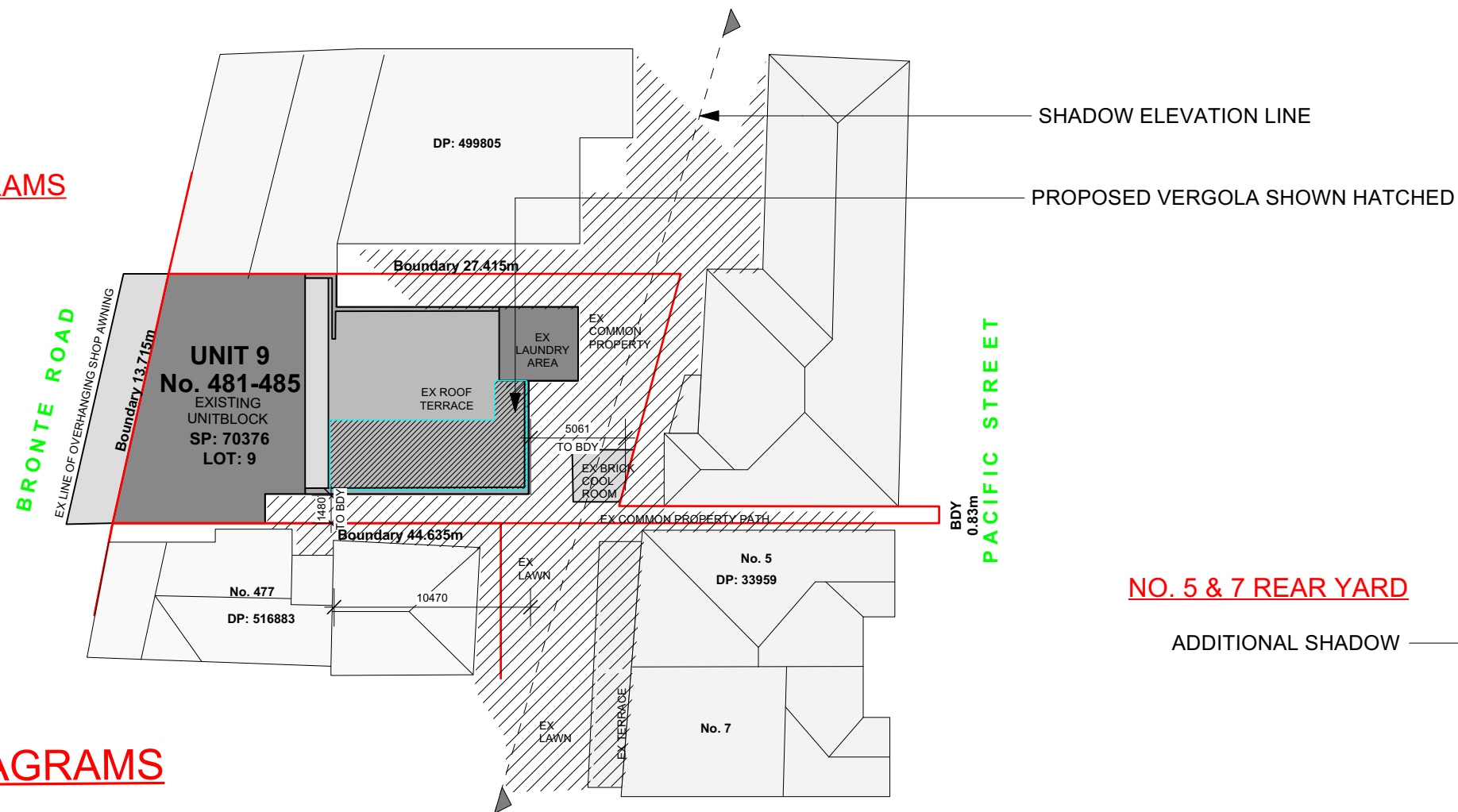
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**NORTH ELEVATION
SHADOW DIAGRAMS**

9AM



**SITE PLAN -
SHADOW DIAGRAMS**





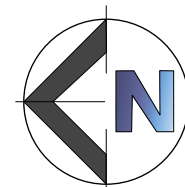
SHADOW DIAGRAMS

Not. To. Scale

Shadow Diagram - June 22nd

LEGEND:

-  Existing Shadow Cast by Existing Residence
-  Shadow cast by proposed Vergola



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BRONTE, NSW - 2024**

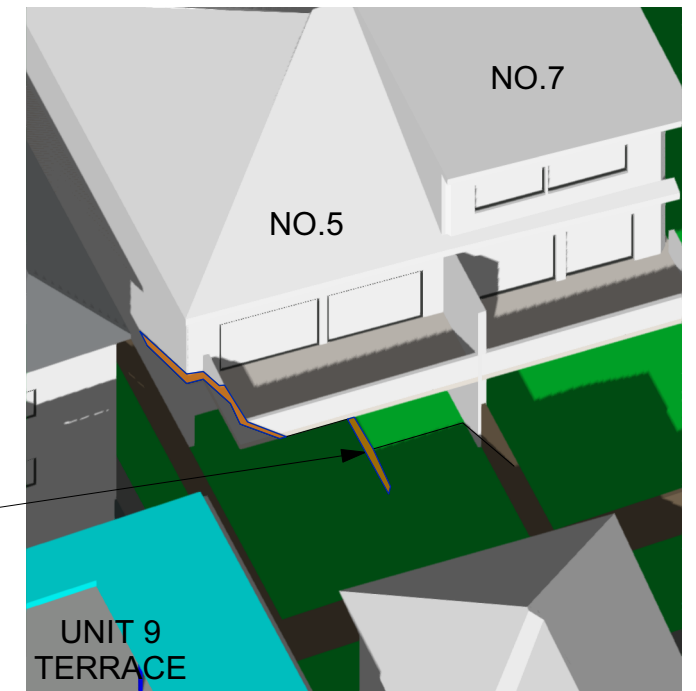
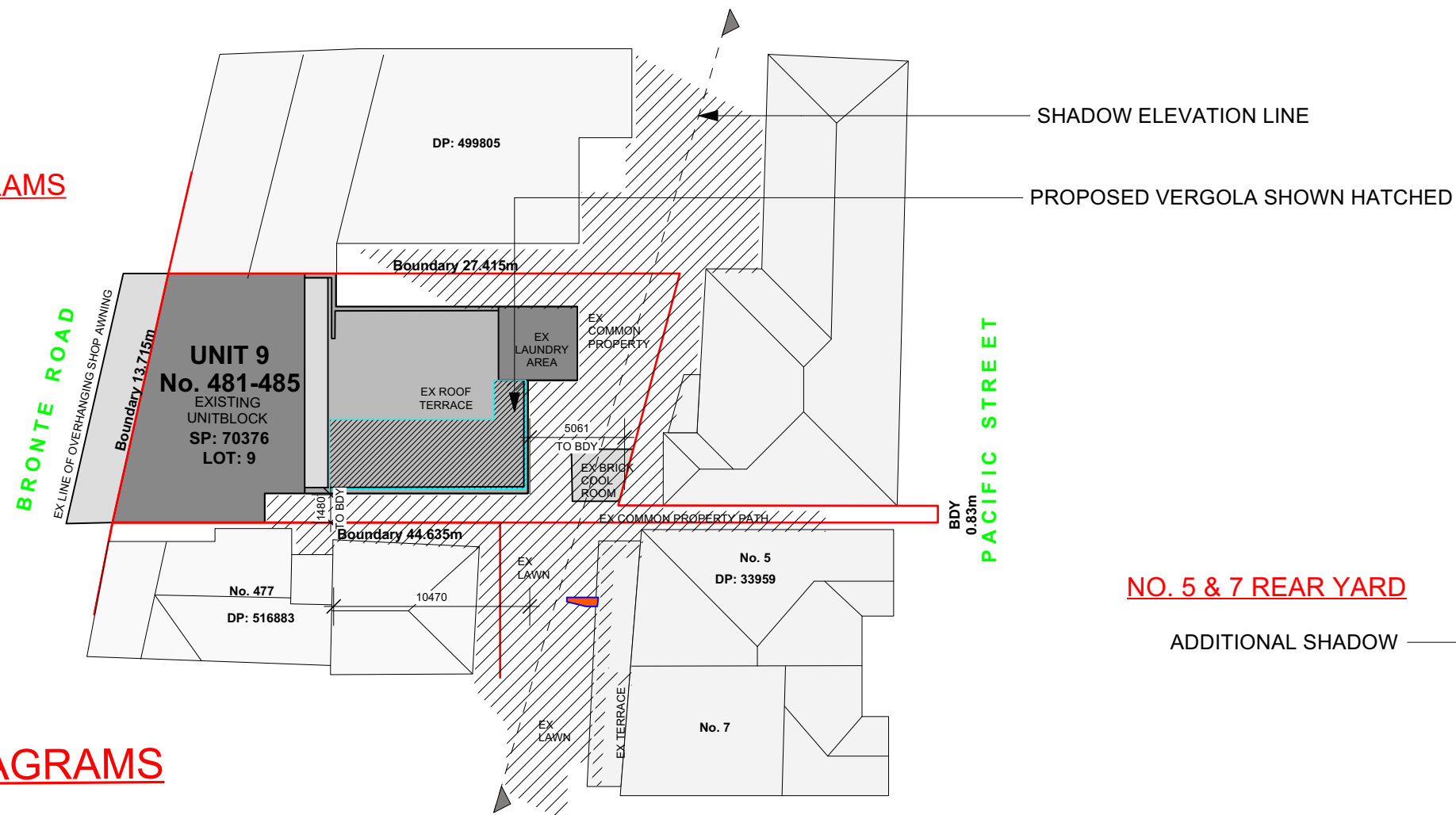
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**NORTH ELEVATION
SHADOW DIAGRAMS**

10AM



**SITE PLAN -
SHADOW DIAGRAMS**





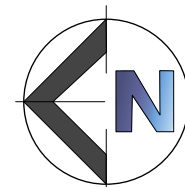
SHADOW DIAGRAMS

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Shadow Diagram - June 22nd

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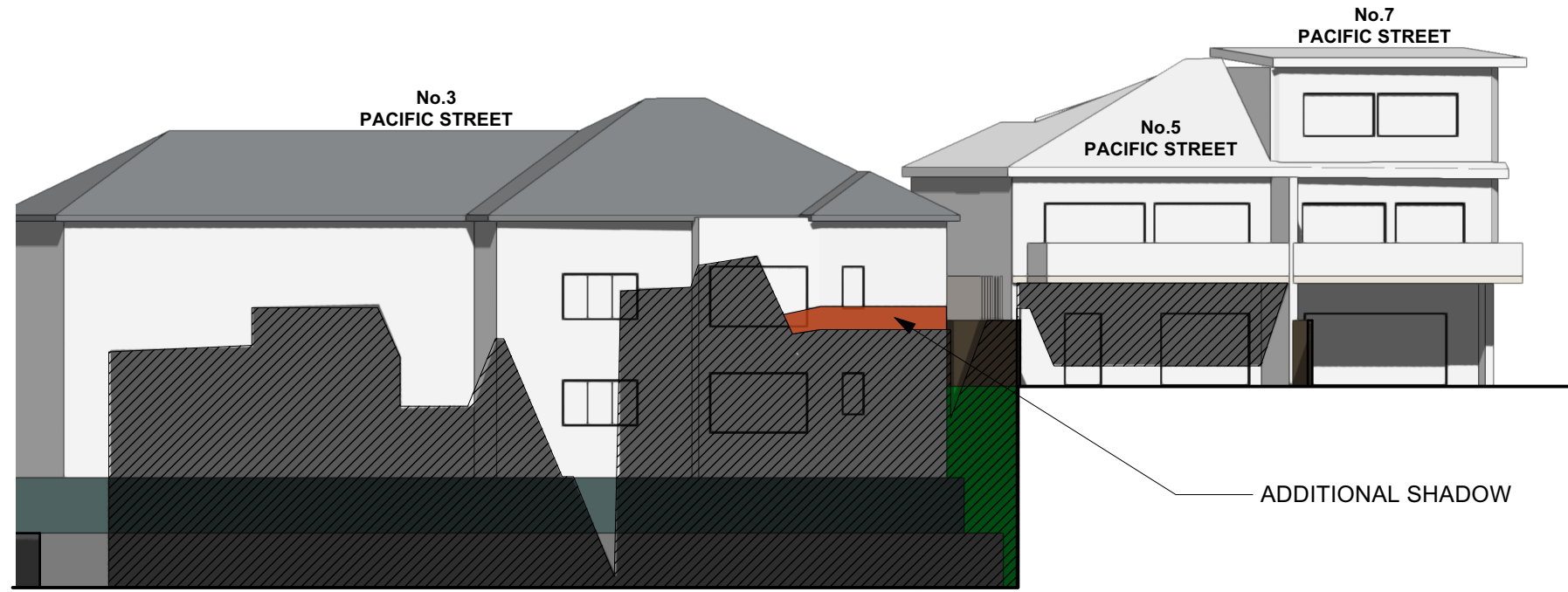
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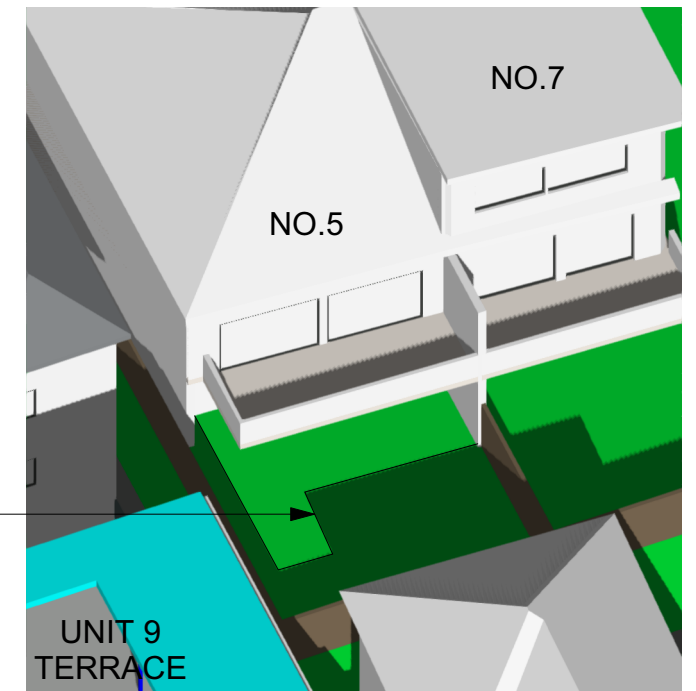
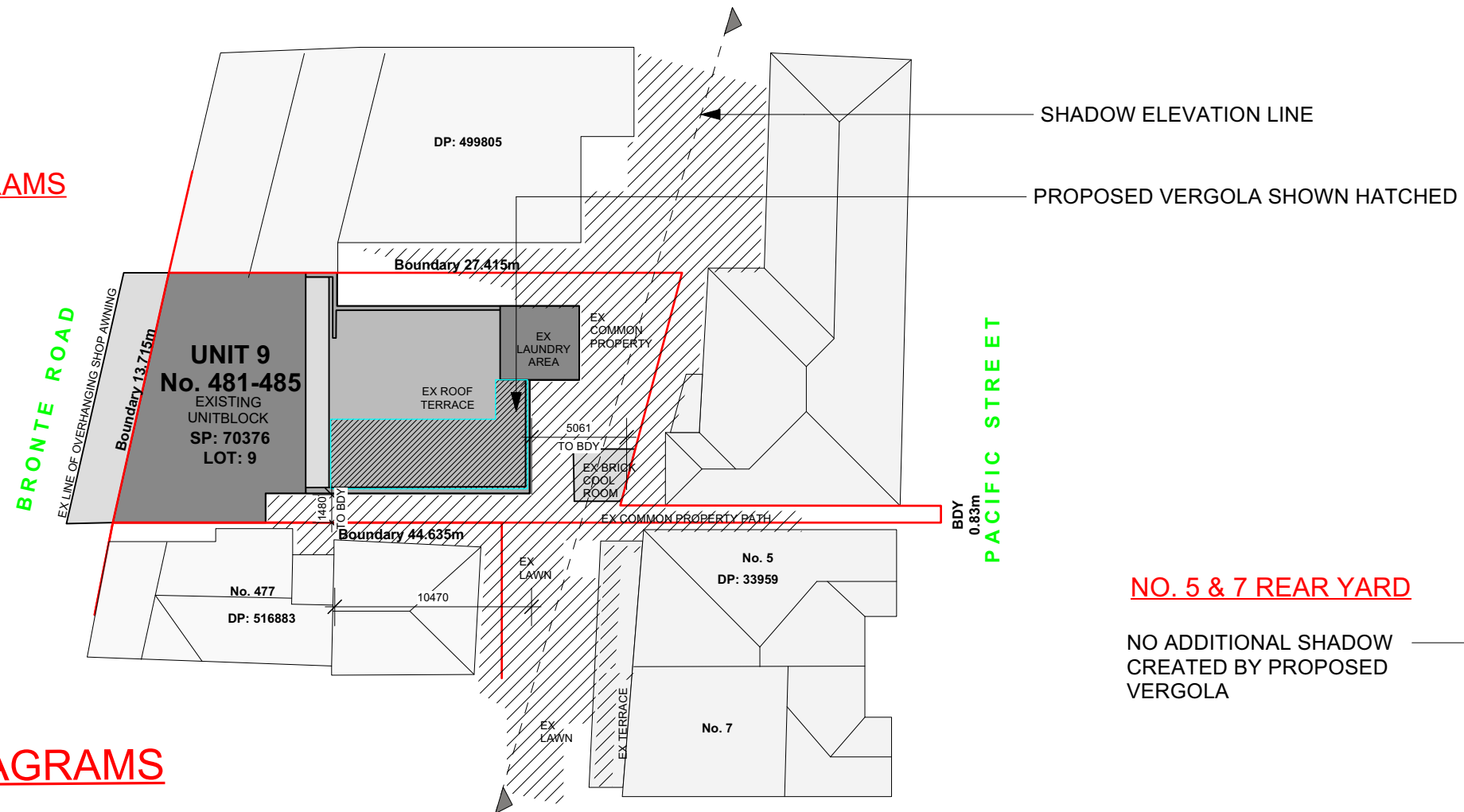
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**NORTH ELEVATION
SHADOW DIAGRAMS**

11AM



**SITE PLAN -
SHADOW DIAGRAMS**





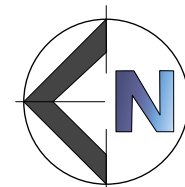
SHADOW DIAGRAMS

Not. To. Scale

Shadow Diagram - June 22nd

LEGEND:

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-  Shadow cast by proposed Vergola



**ALL MEASUREMENTS TO
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7 TEPKO ROAD TERREY HILLS NSW 2084
 TEL: (02) 9450 3300
 FAX: (02) 9450 3333

Project:

**PROPOSED VERGOLA
LOUVERED ROOF SYSTEM
AT EXISTING UNITBLOCK**

Client:

CAROLYN BURNS

Address:

**UNIT 9, 481-485 BRONTE ROAD
BRONTE, NSW - 2024**

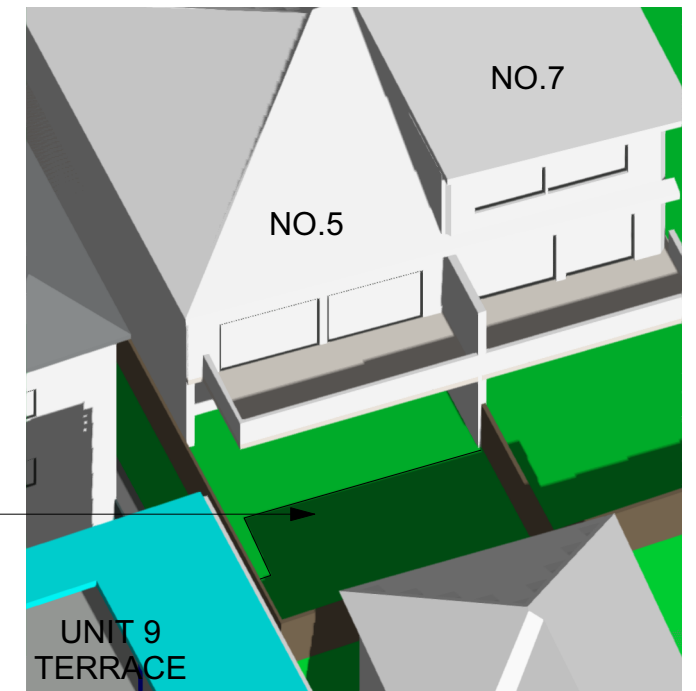
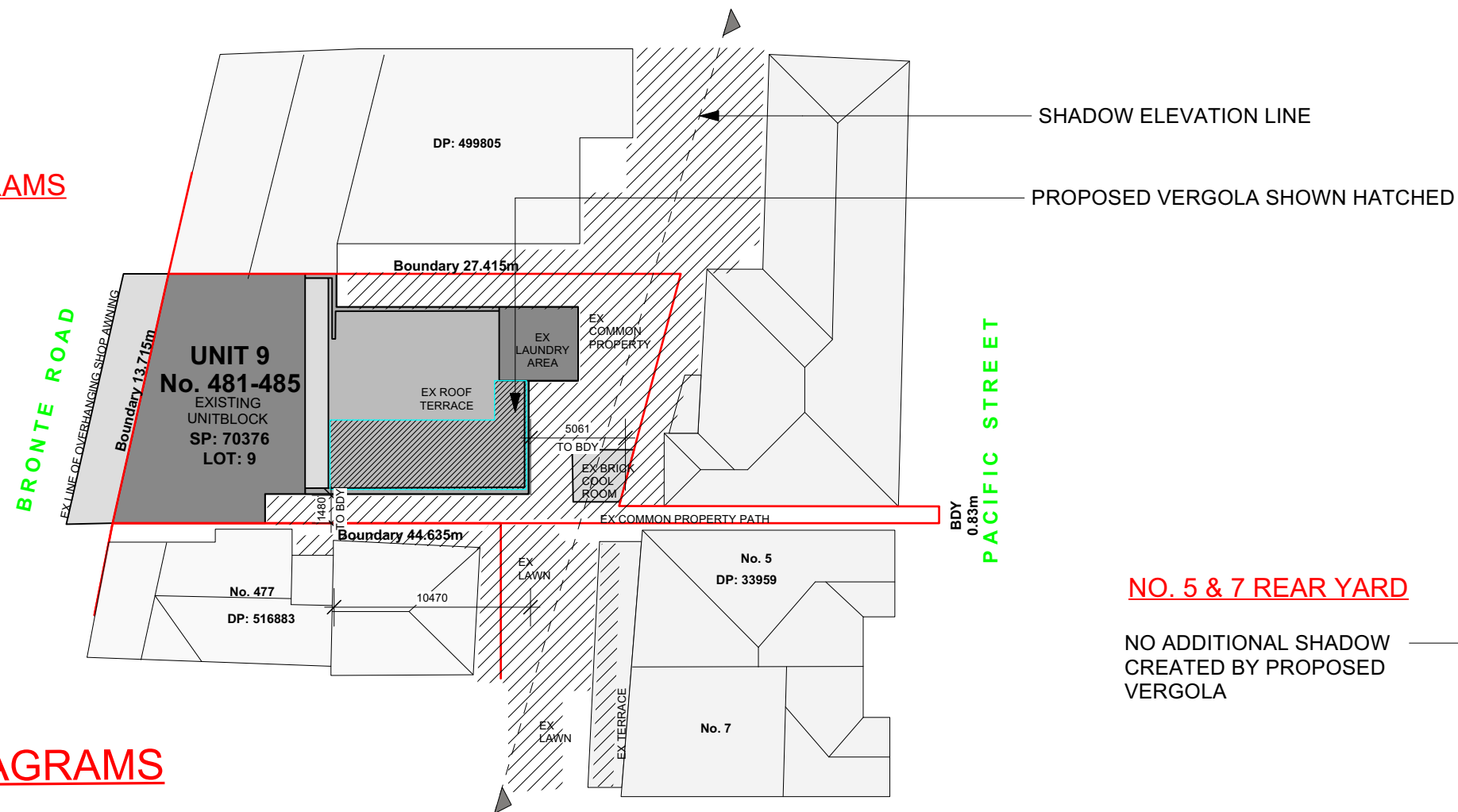
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SALES REP. D.R	SHEET No. 4 OF 8
DRAWN JGW	DATE SIGNED
DRAWING No. 18104	SCALE AS NOTED @A3
CLIENT'S SIGNATURE	

**NORTH ELEVATION
SHADOW DIAGRAMS**

12PM



**SITE PLAN -
SHADOW DIAGRAMS**





SHADOW DIAGRAMS

Not. To. Scale

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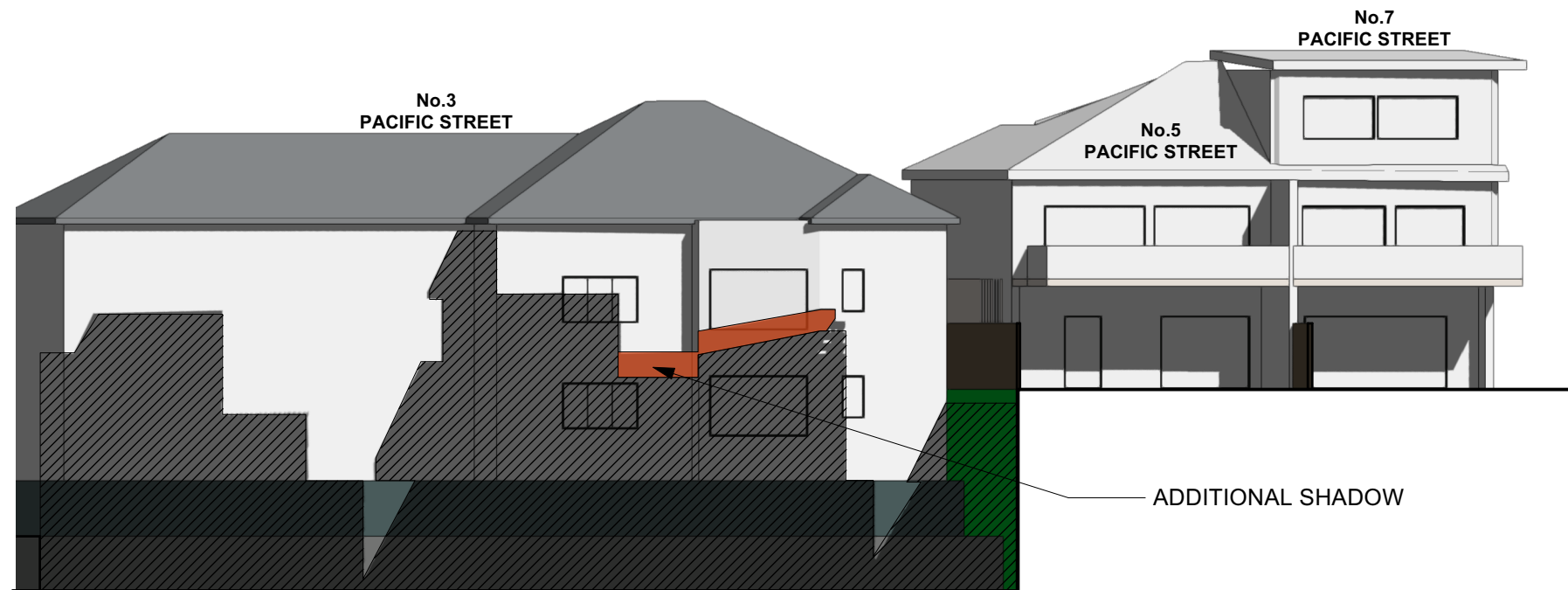
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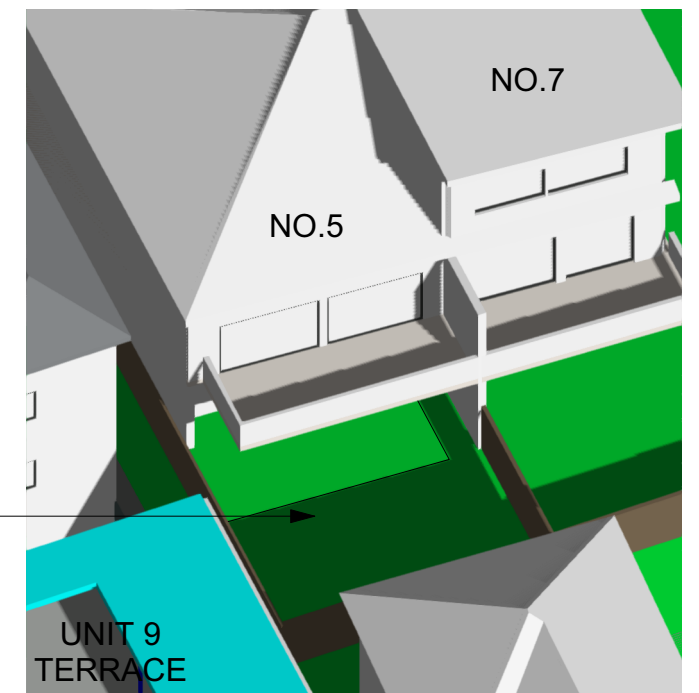
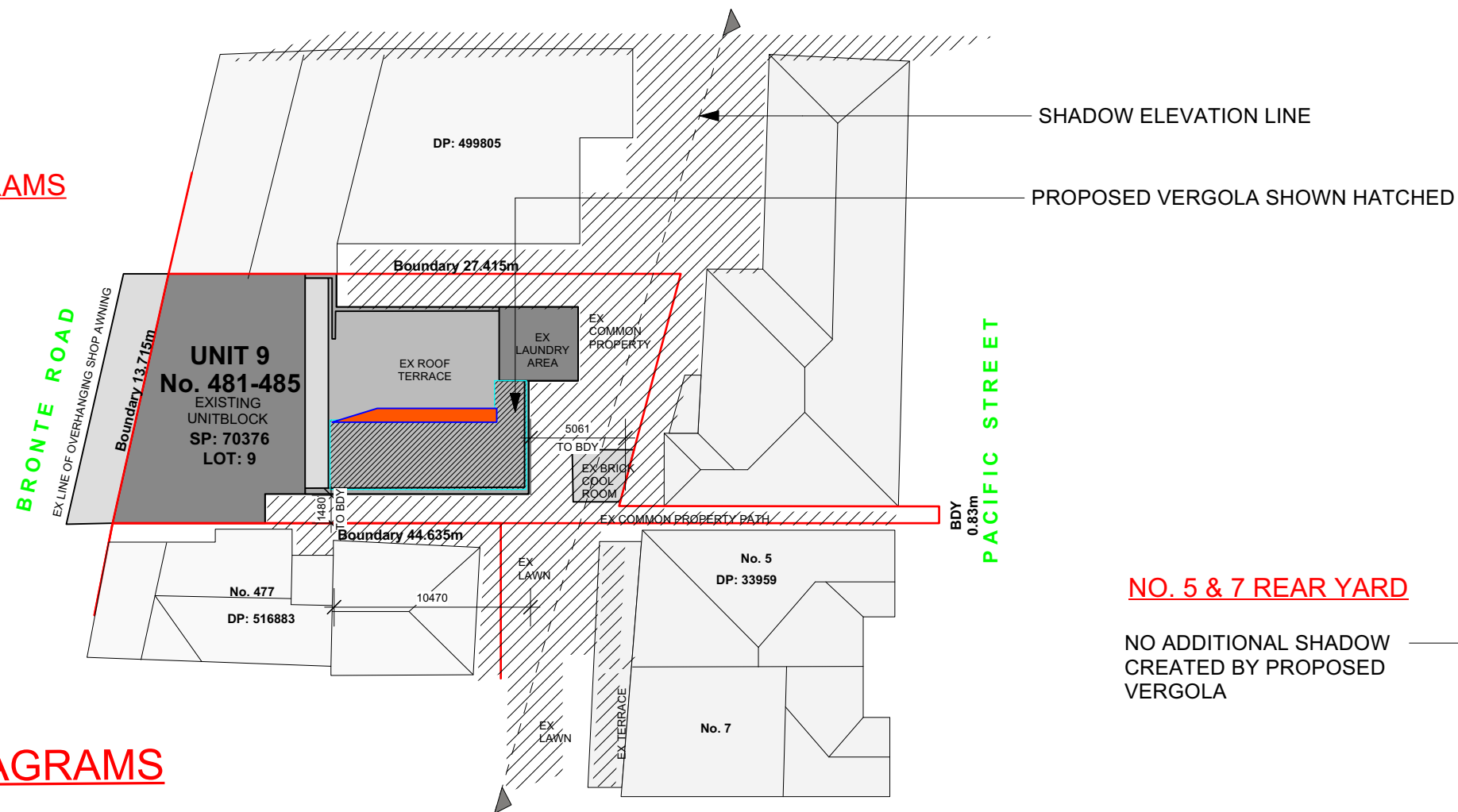
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DRAWN JGW	DATE SIGNED
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CLIENT'S SIGNATURE	

**NORTH ELEVATION
SHADOW DIAGRAMS**

1PM



**SITE PLAN -
SHADOW DIAGRAMS**





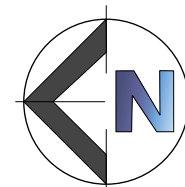
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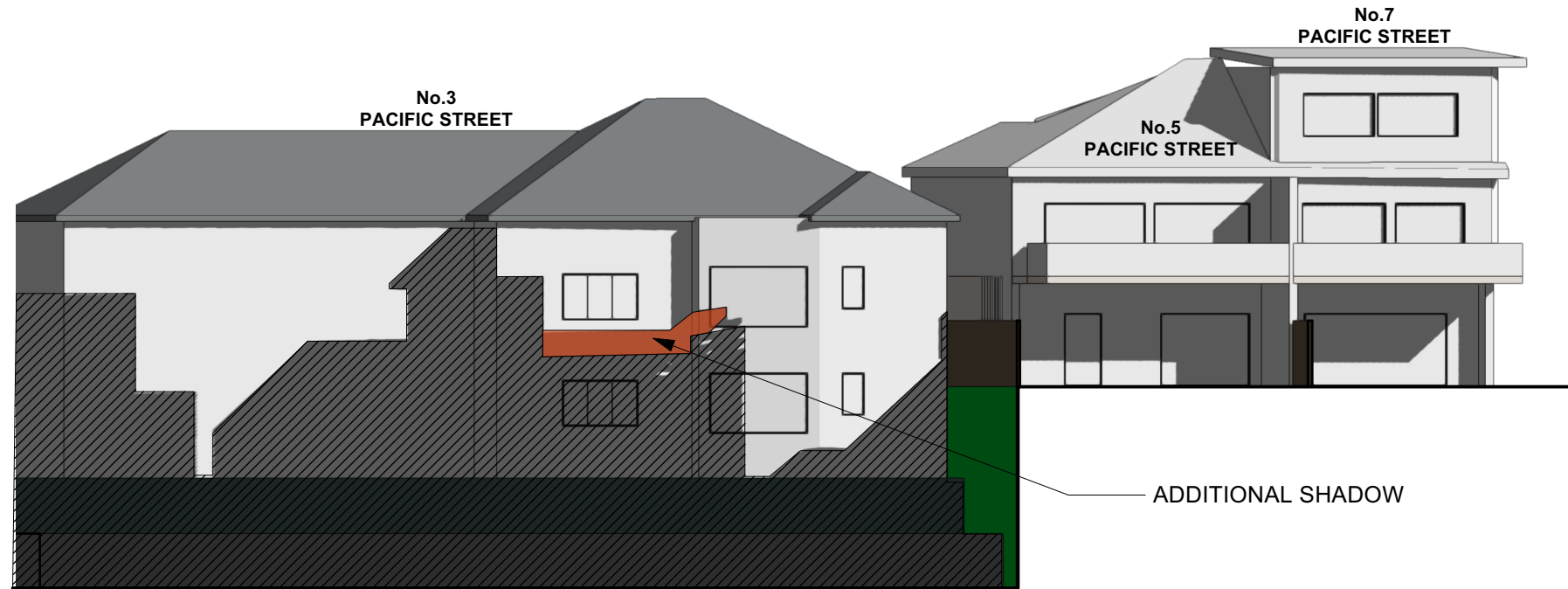
Client:
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Address:
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BRONTE, NSW - 2024**

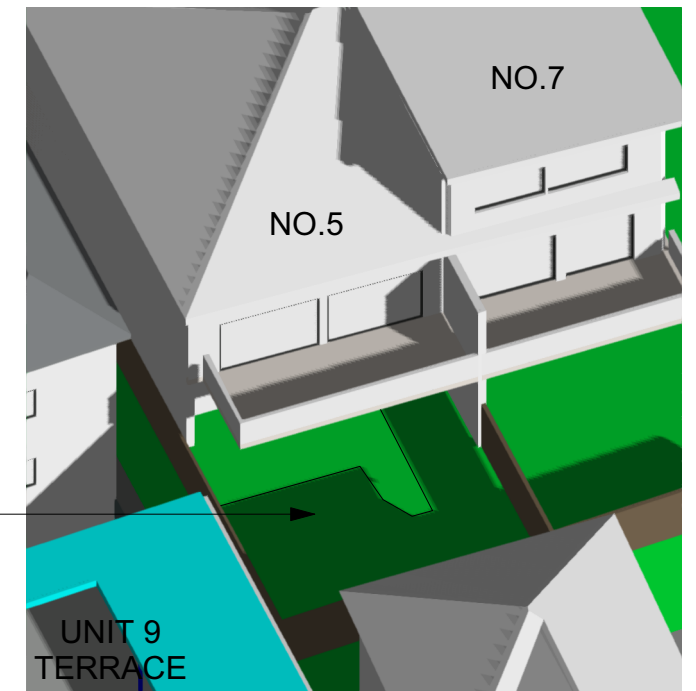
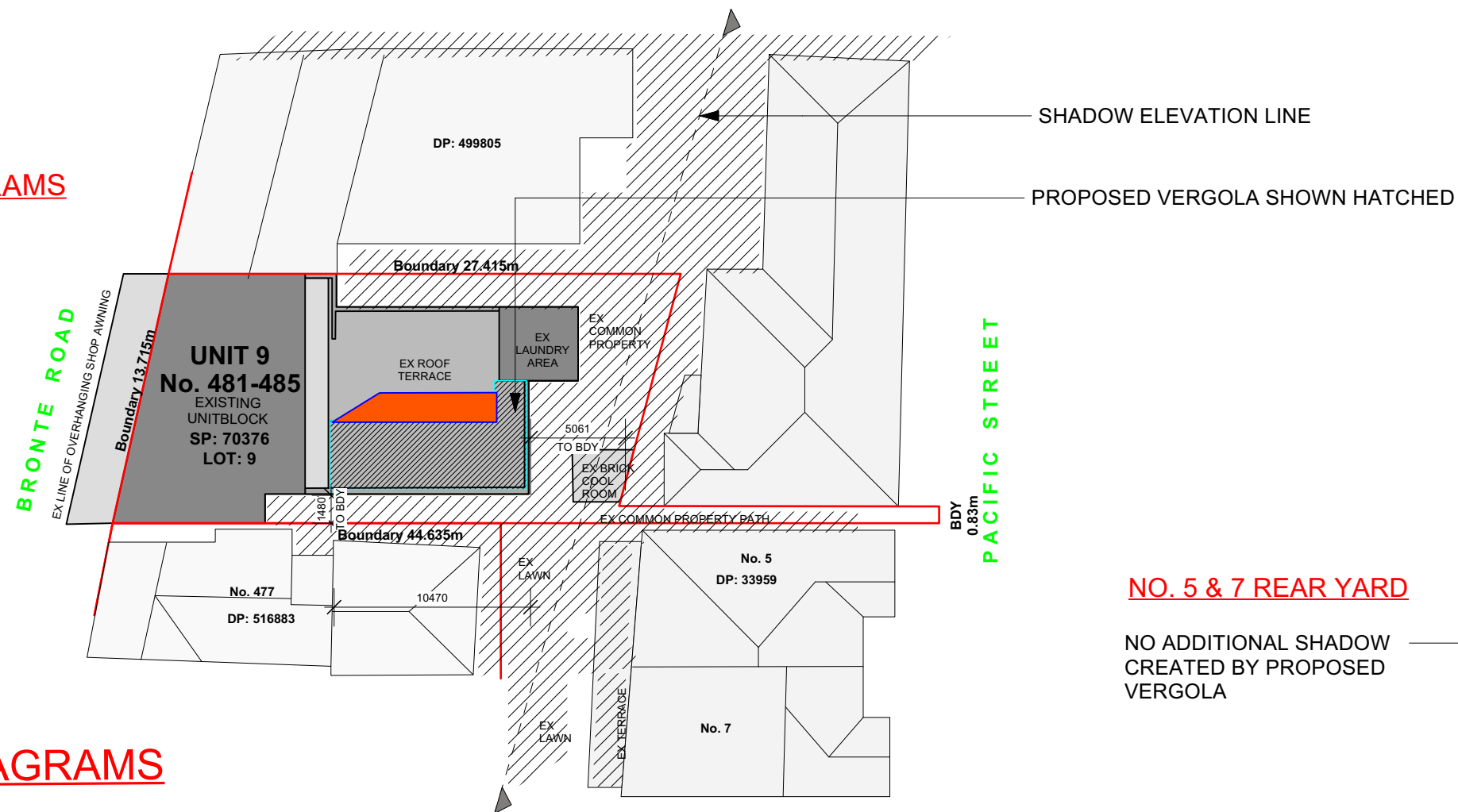
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SALES REP. D.R	SHEET No. OF 8
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**NORTH ELEVATION
SHADOW DIAGRAMS**

2PM



**SITE PLAN -
SHADOW DIAGRAMS**





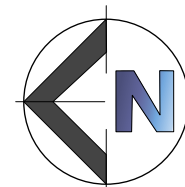
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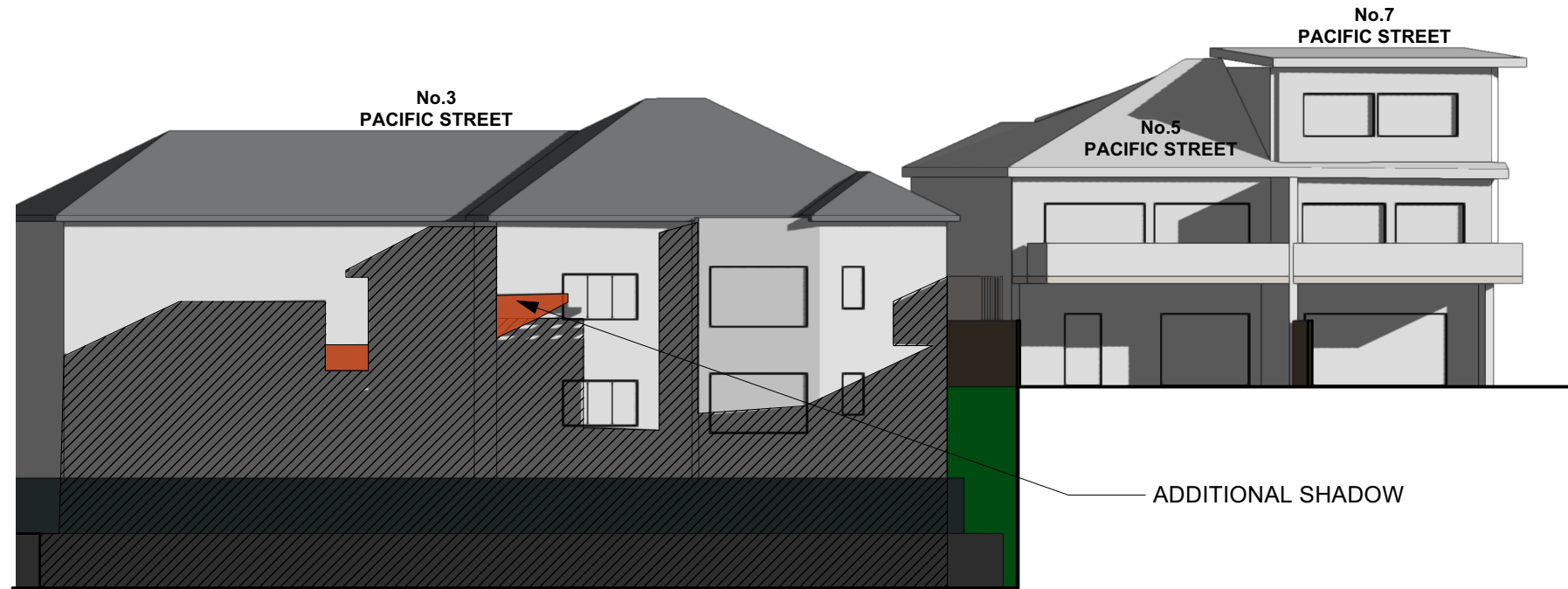
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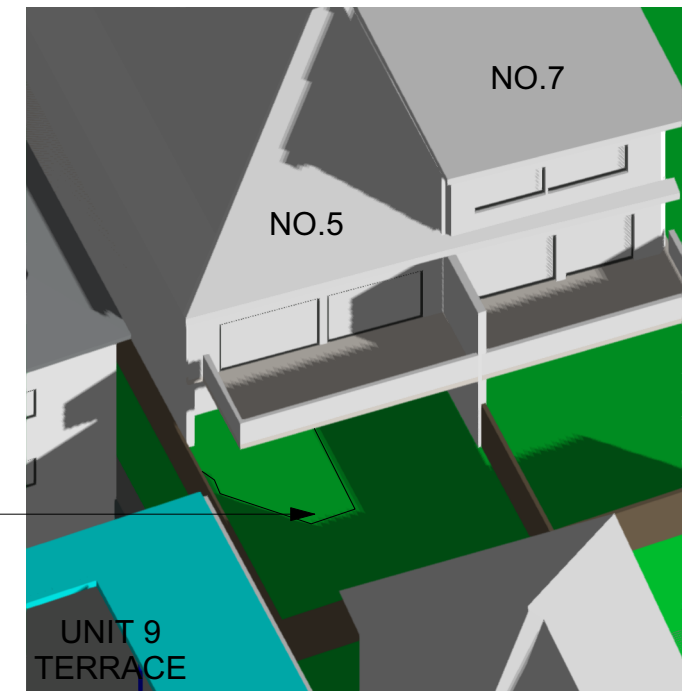
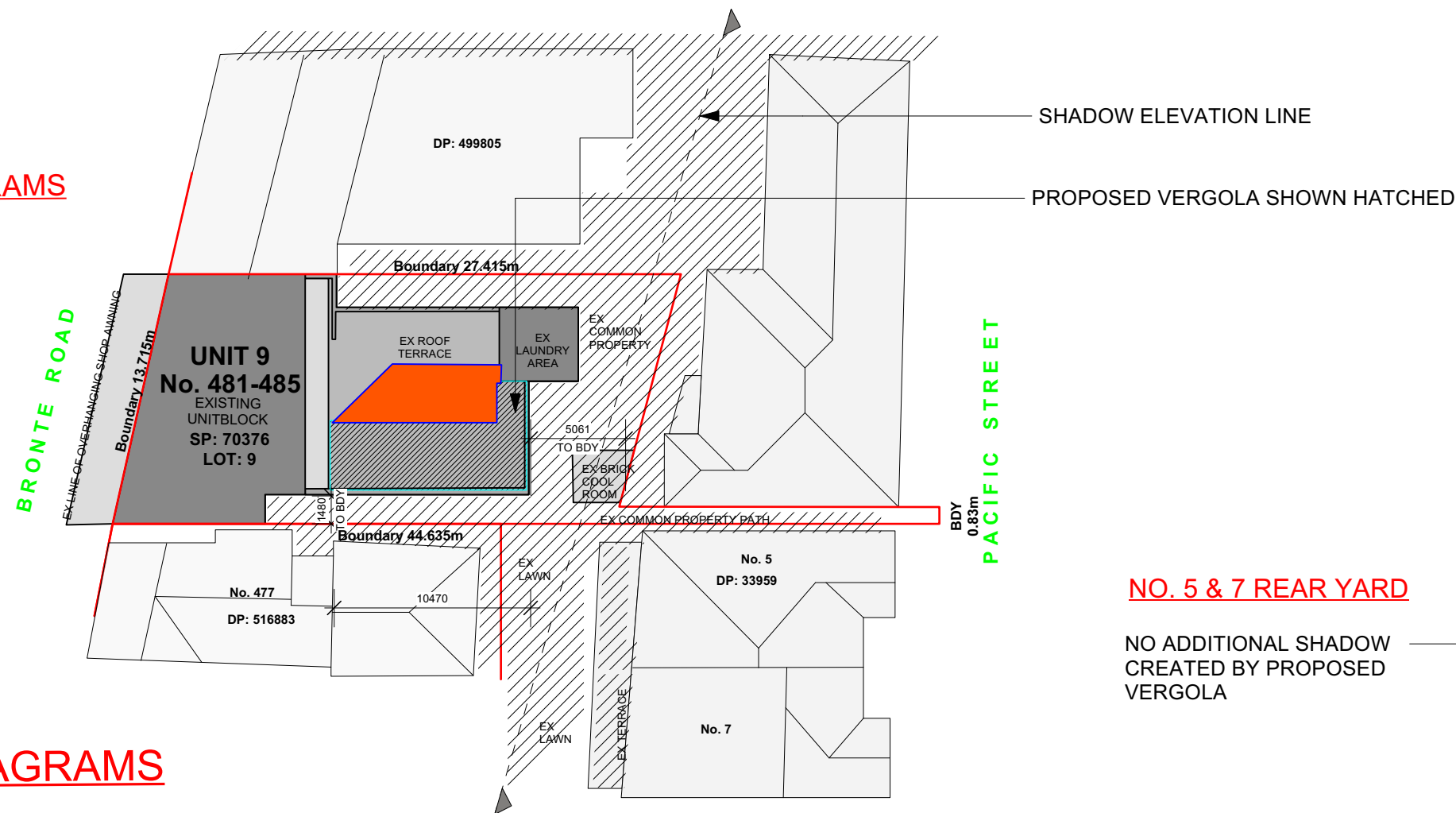
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SALES REP. D.R	SHEET No. 7 OF 8
DRAWN JGW	DATE SIGNED
DRAWING No. 18104	SCALE AS NOTED @A3
CLIENTS SIGNATURE	

**NORTH ELEVATION
SHADOW DIAGRAMS**

3PM



**SITE PLAN -
SHADOW DIAGRAMS**





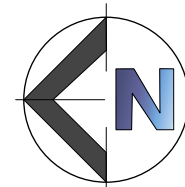
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Address:

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BRONTE, NSW - 2024**

DATE DRAFTED 29-08-23	AMENDED DATE D - 17-03-23 E - 30-03-23 F - 01-08-23 G - 29-08-23
SALES REP. D.R	SHEET No. 8 OF 8
DRAWN JGW	DATE SIGNED
DRAWING No. 18104	SCALE AS NOTED @A3
CLIENT'S SIGNATURE	

VIEW STUDY ANALYSIS - COMPARITIVE



VIEW FROM NO.5 PACIFIC STEET -
Image received via council



VIEW FROM NO.5 PACIFIC STEET -
Image received via council



VIEW FROM NO.5 PACIFIC STEET -
Image received via council

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DATE DRAFTED 05-09-23	AMENDED DATE E - 30-03-23 F - 01-08-23 G - 29-08-23 H - 05-09-23
SALES REP. D.R	SHEET No. 1 OF 1
DRAWN JGW	DATE SIGNED
DRAWING No. 18104	
SCALE AS NOTED @A3	
CLIENT'S SIGNATURE	

RECEIVED
Waverley Council
Application No: DA-110/2023
Date Received: 02/08/2023



PROPOSED VERGOLA

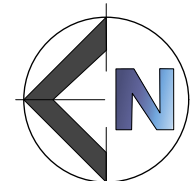
VIEW FROM NO.7 PACIFIC STEET LVL 1
Image via realestate.com



PROPOSED VERGOLA

VIEW FROM FRONT OF PACIFIC STEET
481 Bronte Rd
Google

VIEW STUDY ANALYSIS



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UNIT 9, 481-485 BRONTE ROAD BRONTE, NSW - 2024

DATE DRAFTED	01-08-23	AMENDED DATE	C - 18-04-19
SALES REP.	D.R		D - 17-03-23
			E - 30-03-23
			F - 01-08-23
DRAWN	JGW	SHEET No.	1 OF 1
DRAWING No.	18104	DATE SIGNED	
SCALE	AS NOTED @A3		
CLIENT'S SIGNATURE			



Other Residential Development



Report to the Waverley Local Planning Panel

Application number	DA-80/2023
Site address	241 Bondi Road, Bondi
Proposal	Alterations and additions to a Residential Flat Building (rear portion) including internal reconfiguration, infill of the existing balconies and the construction of new balconies to the rear
Date of lodgement	31 March 2023
Owner	Hanave Pty Limited and Cadele Pty Ltd
Applicant	SHED Architects
Submissions	One
Cost of works	\$450,000
Principal Issues	<ul style="list-style-type: none"> Existing Use Rights Breach to height Breach to Floor Space Ratio Excessive size of ground floor terraces and first floor balconies creating visual and acoustic amenity issues
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmap, 2023)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to a residential flat building (RFB) (rear portion) including internal reconfiguration, the infill of the existing ground, first and second floor balconies and the construction of new balconies to the rear 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;
- The proposal exceeds the floor space ratio (FSR) development standard;
- The proposal exceeds the building height development standard; and
- Balcony sizes creating visual and acoustic amenity issues.

There is an earlier approved development consent (DA-223/2021) for the conversion of the front section of the RFB into a mixed use building (a conforming use in the E1 zone), yet to be commenced. When excluding DA-223/2021 (not currently active), the consent seeks to retain the prohibited RFB use (as the current use of the site) under existing use rights and upgrade the currently undersized residential units. The land use of the existing building is defined as an RFB, which was approved and constructed prior to the *Waverley Local Environmental Plan 2012* (Waverley LEP 2012) prohibiting the use within the E1 Local Centre zone and as such is considered to be an Existing Use under Division 4.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The assessment finds these issues generally acceptable as the proposal will not result in unreasonable additional amenity impacts upon the surrounding properties or locality. The proposal will upgrade an older style building, that together with DA-223/2021 will upgrade the building to a conforming use, with improved internal amenity, environmental sustainability and design excellence.

The proposed additional floor space is contained within the envelope of the existing building which seeks to infill existing rear balconies, and then construct larger new balconies to the rear over all levels. The assessment finds the balcony at first floor level should align with the balcony at the second floor level (size and scale), to mitigate visual and acoustic privacy impacts to neighbouring properties. Conditions to this effect are recommended for imposition.

One submission was received relating to visual privacy 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 5 August 2021, during the assessment of DA-223/2021 (DA which upgraded the front portion of the RFB).

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 currently occupied by a three storey RFB consisting of twelve independent units 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.

- Under **DA-223/2021**, consent was granted on 27 October 2021 for alterations and additions to the existing RFB, including conversion of two ground floor units to retail premises and front extension and front balconies on first and second floor levels.

Note: This DA was for works to the front portion of the RFB only.

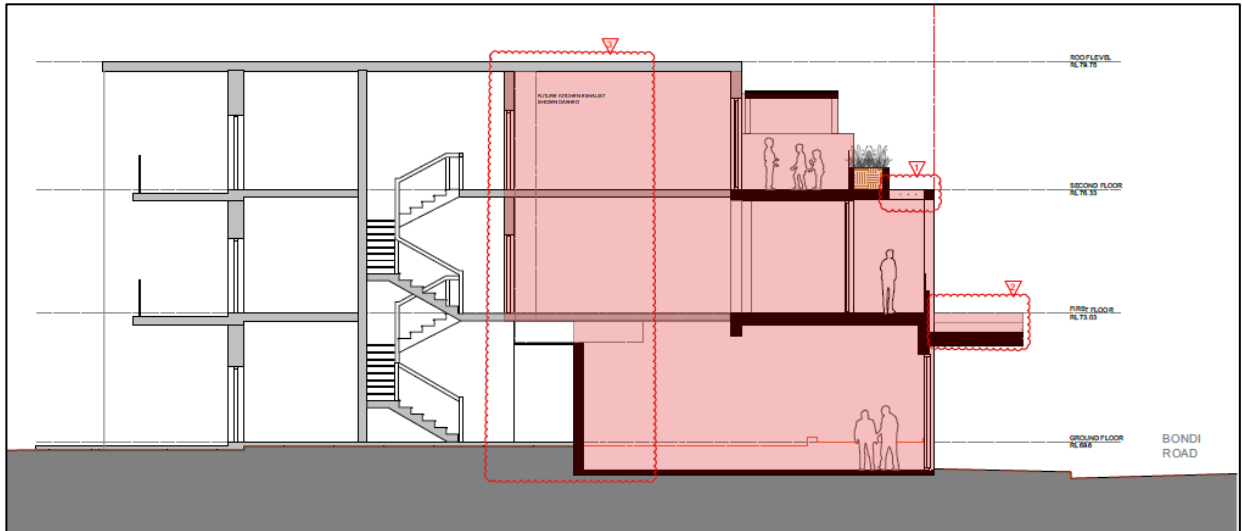


Figure 4: Approved Section A Plan showing that works under DA-223/2021 were only to the front portion of the RFB. (Source: SHED, 2021)



Figure 5: Photomontage of the approved development under DA-223/2021. (Source: SHED, 2022)

1.4. Proposal

The DA seeks consent for alterations and additions to the RFB (rear portion) including internal reconfiguration, the infill of the existing ground, first and second floor balconies and the construction of new balconies to the rear. Based on amended plans received 13 September 2023, the proposal specifically seeks the following:

Ground Floor

- Demolition of internal and external walls
- Alterations and additions to the rear of the RFB, with each rear unit (units 3 and 4) containing:
 - One primary bedroom with ensuite
 - One secondary bedroom
 - Bathroom
 - Open plan living, kitchen and dining areas
 - Rear patio
- Landscaping to communal open space
- 15 bicycle spaces
- Residential garbage bin and bulky storage

First Floor

- Demolition of internal and external walls
- Alterations and additions to the rear of the RFB, with each rear unit (units 7 and 8) containing:
 - One primary bedroom with ensuite
 - One secondary bedroom
 - Bathroom
 - Open plan living, kitchen and dining areas
 - Rear balcony

Second Floor

- Demolition of internal and external walls
- Alterations and additions to the rear of the RFB, with each rear unit (units 11 and 12) containing:
 - One primary bedroom with ensuite
 - One secondary bedroom
 - Bathroom
 - Open plan living, kitchen and dining areas
 - Rear balcony



Figure 6: Photomontage to the rear of the proposed development under the subject application.
(Source: SHED, 2022)

1.5. Background

The DA was deferred on **16 May 2023** for the following reasons:

1. Additional information was sought with respect to *SEPP (Housing) 2021*, to comprehend if there would be a loss of affordable housing.
2. A Fire Safety Upgrade Report was requested.
3. A larger bin storage area was requested.
4. Introduction of ceiling fans and electric cooktops were requested.

The amended architectural plans and documentation were received by Council on **26 June 2023**. The following amendments were made to the architectural plans:

1. A bulky waste storage area was introduced to the south-eastern corner of the lot.
2. Ceiling fans were shown on the architectural plans.

On **5 July 2023**, Council's Fire Safety Officer requested additional information to the Fire Safety Upgrade Report. An amended Fire Safety Upgrade Report was provided to Council on **12 July 2023**, where Council's Fire Safety Officer reviewed the document and recommended conditions of consent.

On **20 July 2023**, the applicant was advised that following the preliminary assessment of the application, the proposal seeks to substantially increase the FSR on site and is encouraged to consider Council's Planning Agreement Policy 2014. Notwithstanding, any redevelopment of the site is expected to comply with the FSR development standard under Waverley LEP 2012. A planning agreement (PA) may be entered into with Council as a mechanism to offset the effect of a variation to the FSR development standard when impacts arising from the variation are found to be reasonable and non-adverse.

The environmental impact assessment of the variation to the FSR development standard would be subject to the matters for consideration under clause 4.6 of Waverley LEP 2012. If the proposal results in minimal and reasonable impacts, then a departure from the FSR development standard may be supported with a PA. A Clause 4.6 request will only be supported if the proposal results in no additional impacts (ie 'preserve the amenity'), is consistent with the objectives of the FSR development standard and the zone and is consistent with the desired future character of the area.

The additional floor space increases the density of the site well beyond that envisaged by the applicable development standards and puts additional demand on the infrastructure and community facilities of the area. There is little public benefit in the proposal and failure in maintaining the integrity of the standard fails the public interest (particularly when considering Cl 4.6 provisions).'

Following further discussions between Council and the applicant and further refinements to the proposal, the applicant advised they did not wish to enter into a PA. Amended plans received on **13 September 2023** form the basis of this assessment. These plans reduce the scope of works, so the rear extensions have been deleted. The rear (central) balconies are infilled and overall the building envelope of the built form is retained as existing (that is, additional GFA is contained within the existing building form).

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 7 of the *Environmental Planning and Assessment Regulation 2021* (the Regulations).

Part 7 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 from the 1st March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Housing) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Housing) 2021

Retention of existing affordable rental housing

Division 1, Chapter 2, Part 3 of SEPP (Housing) 2021 relates to the development as the existing building contains low rental dwellings. This Part of the Housing SEPP 2021 allows Council to consider charging

the developer a monetary contribution if a Development Application is considered to result in a reduction of bedrooms in low rental dwellings. The monetary contribution is calculated using a formula, varies depending on how many bedrooms of low rental dwellings are being lost, and goes towards a NSW State Government affordable housing program.

The existing building is considered to contain affordable housing, specifically 5 units (10 bedrooms) are low-rental dwellings.

The application was referred to Council's Strategic Planning Department who provided the following comments:

... Strategic Town Planning have considered the Development Application, including additional information from the applicant on this particular matter, and are satisfied that "the development will, or is likely to, reduce the availability of affordable housing in the area". The upgrades proposed to existing low-rental units 3, 7, 8, 11 and 12 include cosmetic and amenity improvements outside the scope of necessary or maintenance NCC/BCA/safety/health/hygiene-related works and are likely to result in a significant increase in rent. The non-necessary and non-maintenance changes include each of the subject 5 units gaining GFA, a contemporary open-plan living/dining/kitchen configuration with improved sunlight/daylight, and a larger private open space. A second bathroom is added to all 5 units, and Units 3, 7 and 8 are all gaining an additional third bedroom. The kitchen and two x bathrooms facilities in all 5 units will be new.

It is considered that the extent of the proposed loss can be mitigated through the provision of a monetary contribution of \$544,500 (formulated in accordance with clause 48 of the SEPP), so it is recommended that such a payment be conditioned under this DA.

In regards to the justification for the imposition of this contribution, the Strategic Planning Team have provided the following:

Low-rental dwellings

Clause 45 of the SEPP defines a **low-rental dwelling** as:

"a dwelling that was let at a rental level no greater than the median rental level, as specified in the Rent and Sales Report, during the relevant period in relation to a dwelling of the same type, and with the same number of bedrooms, and 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."

Table 1 compares the median weekly rent for 2 bedrooms dwellings in the Waverley LGA (data from the [Rent and Sales Report](#)) with the provided rental records for each dwelling within the existing RFB at 241 Bondi Road, Bondi. Anything bolded and **coloured green** indicates a low-rental dwelling (i.e. it is rented at the same or less than the median price.)

Table 1: Median rent in LGA and historical rent for development site comparison – 2 bedrooms

Median rent for 2 beds	Units						
	Unit 3:	Unit 4:	Unit 7:	Unit 8:	Unit 11:	Unit 12	
22Q2: \$775	\$530	Rented higher than the median for 5-years prior to lodgement (\$890)	\$590	\$535	\$540	\$580	
22Q1: \$750	\$530		\$590	\$535	\$540	\$580	
21Q4: \$750	\$530		\$590	\$535	\$540	\$580	
21Q3: \$750	\$530		\$590	\$535	\$540	\$580	
21Q2: \$715	\$530			\$535	\$540	\$580	
21Q1: \$700	\$530			\$535	\$535		
20Q4: \$690	\$530			\$680	\$535	\$535	
20Q3: \$675					\$535	\$535	
20Q2: \$680				\$680			\$680
20Q1: \$750				\$680			\$680

Table 1 show that Units 3, 7, 8, 11 and 12 were leased at prices at or below the median rental price at least once in the 5 years prior to the lodgement of the DA, and therefore can be considered as low-rental dwellings. Further consideration of this Part of the Housing SEPP 2021 is required for those units only.

Clause 47 Reduction of availability of affordable housing

(a) Whether there is likely to be a reduction in affordable housing on the land to which the application relates.

The following non-necessary and non-maintenance (i.e. not NCC/BCA/safety/health/hygiene-related) upgrades to Units 3, 7, 8, 11 and 12 are expected to result in a reduction of affordable housing as the works have the potential to enable significantly higher rents to be charged: each of the subject 5 units will gain GFA, a contemporary open-plan living/dining/kitchen configuration with improved sunlight/daylight, and a larger private open space. A second bathroom is added to all 5 units, and Units 3, 7 and 8 are all gaining an additional third bedroom. The kitchen and two x bathrooms facilities in all 5 units will be new.

The applicant has provided a recent listing on Domain.com.au for 7/318 Bondi Road, Bondi (rented at \$875 per week from July 2023) as a comparable example for what they think the subject units at 241 Bondi Road post-development would likely be able to be rented for. A review of this unit has found that 7/318 Bondi Road is in fact **not comparable at all**, with the differences between the sites outlined as follows:

Table 2: Comparison between proposed units at 241 Bondi Road and 7/318 Bondi Road

Feature	Units 11 and 12 as proposed under this DA	Units 3, 7 and 8 and as proposed under this DA	7/318 Bondi Road, Bondi
Bathrooms	2 bathrooms	2 bathrooms	1 bathroom
Private Open Space	Private balcony	Private balcony	No balcony or POS
Bedrooms	2 bedrooms	3 bedrooms	2 bedrooms
Internal GFA	75sqm	90sqm	Approx. 68sqm

A comprehensive review of recent rental listings (see tables 3 and 4) demonstrates that the proposed upgrades under DA-80/2023 are likely to result in an increase in rental price above the median (\$900 at present for two-bedrooms) for all 5 units.

Table 3: Recent 2-bedroom listings in the suburb of Bondi (Realestate.com.au or Domain.com.au)

Address	Advertised Rental Price/wk	Listing Link	Comment
10/15 Wellington Street	\$900	https://www.realestate.com.au/property-apartment-nsw-bondi-437493908	This site has fewer bathrooms and no POS. 241 will likely rent for higher.
9/66 Penkivil Street	\$1,100	https://www.realestate.com.au/property-apartment-nsw-bondi-437390712	This site has fewer bathrooms. 241 will likely rent for the same or higher.
1/318 Bondi Road	\$880	https://www.domain.com.au/property-profile/1-318-bondi-road-bondi-nsw-2026	This site has fewer bathrooms and no POS. 241 will likely rent for higher.
3/172 Bondi Road	\$1,400	https://www.domain.com.au/property-profile/3-172-bondi-road-bondi-nsw-2026	This site has a parking space, whereas 241 does not. 241 will likely rent for less, but still more than \$900.
222 Bondi Road	\$850	https://www.domain.com.au/property-profile/222-bondi-road-bondi-nsw-2026	This site has fewer bathrooms. 241 will likely rent for the same or higher.
6/298-300 Birrell Street	\$1,200	https://www.realestate.com.au/property-apartment-nsw-bondi-434867067	This site has a parking space, whereas 241 do not. 241 will likely rent for less, but still more than the median for 2-bedroom units (\$900).
4/14 Fletcher Street, Bondi	\$2,100	https://www.realestate.com.au/property-unit-nsw-bondi-434540795	This site has a 2 x parking spaces, whereas 241 does not. 241 will rent for less, but still more than the median for both 2 and 3 bedroom units.
14/36-38 Penkivil Street	\$2,900	https://www.realestate.com.au/property-apartment-nsw-bondi-436414772	This site has a parking space, whereas 241 does not. 241 will likely rent for less, but still more than the median for both 2 and 3-bedroom units.

The applicant has stated in email correspondence dated 11 August 2023 that “it is the owners’ view that increasing the availability of affordable 3-bedroom apartments in the LGA can only encourage diversity in the area, in line with the objects of the Housing SEPP”. Whilst an increase in the availability of 3-bedroom apartments is positive, there is no guarantee that the units will be rented out at affordable rates. The same email states that “the building is not proposed to be strata subdivided and sold off to owner occupiers, thereby eliminating the potential to lower affordable housing stock. The intention is to refurbish the building to a similar standard as it is today and maintain the existing affordable stock for the next 50 years of the building’s life cycle”. This point is noted, however, any future strata subdivision of low-rental dwellings is subject to separate assessment under the Housing SEPP, so is not a consideration for this current DA.

(b) whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation.

*As outlined in Clause 47(3) of the Housing SEPP, sufficient comparable accommodation is deemed to be **not available** to mitigate the impact of the proposal, if for the 3 months occurring immediately before the development application is lodged, the average vacancy rate in private rental accommodation for Sydney, as published monthly by the Real Estate Institute of New South Wales, is **less than 3%**.*

The Inner Sydney (includes Waverley, Woollahra, Randwick etc.) average rental vacancy rate for the 3 months prior to lodgement (end of March 2023) was 1.5%. Given this rate is significantly less than 3% there is not 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 development is likely to cause adverse social and economic effects on the general community as one or more of the following impacts is expected to occur:

- less housing choice for existing and potential residents contributes to a loss of household diversity (socio-economic, structure, age and ethnicity) and gentrification, increasing the social isolation of remaining low-income residents;*
- increased competition for affordable rental housing can lead to an increase in rents, making housing less affordable for the community generally;*
- lower income residents may be forced to compromise on their standard of accommodation in order to remain in the area, leading to overcrowding and facilitating the continued provision of substandard or unsafe accommodation;*
- low-income residents paying more for housing and having less to spend on food and other essentials can have health and safety risks and costs to the general community;*
- the displacement of existing residents who can no longer afford to live in the area causes break down of established social networks, resulting in social dislocation both for displaced residents and the community they are displaced from;*
- residents moving out of the community can lead to a fall in demand for services and facilities, which may mean that those services are no longer economically viable and cease to be available to all residents of the community;*

- people may become homeless, thereby increasing demand for the limited supply of publicly-funded crisis accommodation and supported accommodation. It may also increase the demand for support and other services provided by the council and other levels of government;
- increased demand on publicly-funded social housing and rental assistance;
- reduced level of opportunity and higher financial burden on low income households forced to move out of areas with good access to services, transport and employment.

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 disclosed any proposed arrangements to Council.

(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 incremental, long term decline of affordable housing within the LGA as the development proposes to upgrade **5 units** which are being rented at a rate identified as being affordable rental housing. This loss is intended to be offset by the contribution fees the developer is required to pay.*

(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.

The applicant provided correspondence on 11 August 2023 via email stating that:

“...the 2009 Guidelines make clear that, in determining applications, Council must: 1. Take care “not to penalise owners wishing to take reasonable measures to maintain the value and income-generating capacity of their asset or to ensure a safe, healthy and hygienic standard of accommodation for their tenants.” In their present state:

- a. the existing windows are not water-tight;*
- b. concrete lintels have begun spalling; and*
- c. cracked external render allowing for excessive moisture ingress issues, with no weep holes or sill flashings installed in the brickwork, the apartments constantly suffer from recurring mould, bubbling paint and spalling internal render.*

The refurbishment is clearly directed at addressing these issues. Furthermore, the proposed conditions from Council’s Fire Safety Officer, would ensure that the apartments are upgraded to a modern compliant safety standard, along with the rest of the building works (Housing SEPP 2021 Part 3 47. 2 f)...”

Council agree that it would be unreasonable to impose a contribution under this SEPP for a DA upgrading the existing windows, concrete lintels and external render, and undertaking any safety-related changes ONLY, however, the works outside of these NCC/BCA/safety/health/hygiene-related

upgrades are the reason that significantly higher rents are likely to be charged. If the applicant were to submit a new DA seeking upgrades to the existing windows, concrete lintels and external render, and undertaking any safety-related changes ONLY then a contribution would be unlikely to be recommended.

(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 development proposes to upgrade an existing residential flat building, 10 bedrooms of which are currently rented at a rate considered to be affordable rental housing.

As the proposal will contribute to the loss of affordable rental housing within Waverley, it is considered that the extent of the proposed loss can be mitigated through the provision of a monetary contribution of \$544,500 formulated in accordance with Clause 48 of the Housing SEPP. This contribution will be formalised by way of condition of consent in accordance with section 7.11 of the Environmental Planning and Assessment Act 1979.

Clause 48 Contributions for affordable housing

Clause 48 of the Housing SEPP 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 value of a dwelling within the Waverley LGA is \$1,089,000 (as at December 2022).

In this instance the total loss of low rental dwelling bedrooms (L) is identified as 10 (if strata subdivided then also multiplied by the owner occupier rate for the suburb), and 5% of the replacement cost is a total of \$544,500.

Based on the calculations listed in clause 48(3) and outlined below, the total contribution amount equates to \$544,500.

$$\mathbf{\$544,500} = 10 \times \$1,089,000 \times 0.05$$

$$C = L \times R \times 0.05$$

Should the application be approved, a contribution in accordance with the above is recommended for imposition.

SEPP (Transport and Infrastructure) 2021

The subject site fronts Bondi Road (a classified road), therefore an assessment against Clause 2.119 of the SEPP must be undertaken.

An assessment against the relevant section of this SEPP 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. The proposed works are wholly contained at the rear of the building.

SEPP (Design Quality of Residential Apartment Design)

As the application is for works to the rear portion of the RFB only, with the proposed works and design dictated by DA-223/2021 (to form a consistent and complete building), which was reviewed by the Design Excellence Advisory Panel (DEAP), an additional review by the DEAP for the works to the rear portion of the building is not required. Commentary from that initial advice has been incorporated into the design of the current proposal and considered satisfactory and an assessment against the principles is provided below.

Apartment Design Guide

Clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 4** of this report.

Table 4: 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. 	No (merit)	The site provides an area of 12.5% of communal open space. Although non-compliant it is acceptable on merit as each apartment has sufficient private open space in terms of terraces and balconies.
<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) 	No (merit)	It is difficult to comply with this control due to the location of the existing building, with communal open space located to the southern side of the existing building 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.
<ul style="list-style-type: none"> • Min of 7% of site area 	Yes	The site has a deep soil area of 20.5%.

Design Criteria	Compliance	Comment																																				
3F Visual privacy																																						
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable Increased separation of 3m where adjoins a lower density zone 	N/A	Due to the historical subdivision pattern of the lot and the works improving the existing building, 6m separation distances cannot be achieved.																																				
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. 	No (merit)	Four out of the ten (40%) apartments are north facing (approved under DA-223/2021), with the remaining six (60%) apartments (upgraded under this application) located to the rear (south) of the building. Due to the orientation of apartments not changing as part of this application and the proposed works will significantly improve the existing apartments, the non-compliance is acceptable 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	All of the six apartments proposed to be upgraded in this application are naturally cross ventilated.																																				
4C Ceiling heights																																						
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	All of the six apartments proposed to be upgraded in this application provide compliant floor to ceiling heights.																																				
4D Apartment size and layout																																						
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 2 Bed = 70 m² Add 5m² for each additional bathroom (above 1) Add 12m² for each additional bedroom <p>Maximum habitable room depth is 8m from a window</p> <p>Master bedrooms have a minimum area of 10m² and</p>	Acceptable	<table border="1"> <thead> <tr> <th colspan="3">Apartment Size Calculations</th> </tr> <tr> <th>Apt</th> <th>Min size (m²)</th> <th>Proposed size (m²)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td colspan="2">Converted to commercial use under DA-223/2021</td> </tr> <tr> <td>2</td> <td colspan="2">Converted to commercial use under DA-223/2021</td> </tr> <tr> <td>3</td> <td>75</td> <td>75</td> </tr> <tr> <td>4</td> <td>75</td> <td>75</td> </tr> <tr> <td>5</td> <td colspan="2">Upgraded under DA-223/2021</td> </tr> <tr> <td>6</td> <td colspan="2">Upgraded under DA-223/2021</td> </tr> <tr> <td>7</td> <td>75</td> <td>75</td> </tr> <tr> <td>8</td> <td>75</td> <td>75</td> </tr> <tr> <td>9</td> <td colspan="2">Upgraded under DA-223/2021</td> </tr> <tr> <td>10</td> <td colspan="2">Upgraded under DA-223/2021</td> </tr> </tbody> </table>	Apartment Size Calculations			Apt	Min size (m ²)	Proposed size (m ²)	1	Converted to commercial use under DA-223/2021		2	Converted to commercial use under DA-223/2021		3	75	75	4	75	75	5	Upgraded under DA-223/2021		6	Upgraded under DA-223/2021		7	75	75	8	75	75	9	Upgraded under DA-223/2021		10	Upgraded under DA-223/2021	
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Design Criteria	Compliance	Comment																																									
<p><i>other bedrooms 9m² (excluding wardrobe space)</i></p> <p><i>Bedrooms have a minimum dimension of 3m</i></p> <p><i>Depth of living areas to exceed 4m.</i></p>		<table border="1"> <tr><td>11</td><td>75</td><td>75</td></tr> <tr><td>12</td><td>75</td><td>75</td></tr> </table>	11	75	75	12	75	75																																			
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12	75	75																																									
4E Private open space and balconies																																											
<p><i>All apartments provide primary balcony as follows:</i></p> <ul style="list-style-type: none"> <i>• 2-bed - 10m² & 2m depth</i> <i>• Ground level, min 15m² & 3m depth</i> 	Yes	<table border="1"> <thead> <tr> <th data-bbox="810 898 887 1043">Apt</th> <th data-bbox="887 898 1117 1043">Min. Area (A) (m²) Min. Depth (D) (m)</th> <th data-bbox="1117 898 1406 1043">Prop. Area (A) (m²) Prop. Depth (D) (m)</th> </tr> </thead> <tbody> <tr><td>1</td><td colspan="2">Converted to commercial use under DA-223/2021</td></tr> <tr><td>2</td><td colspan="2">Converted to commercial use under DA-223/2021</td></tr> <tr><td>3</td><td>A: 10 D: 2</td><td>A: 25.4 D: 5.2</td></tr> <tr><td>4</td><td>A: 10 D: 2</td><td>A: 25.4 D: 5.2</td></tr> <tr><td>5</td><td colspan="2">Upgraded under DA-223/2021</td></tr> <tr><td>6</td><td colspan="2">Upgraded under DA-223/2021</td></tr> <tr><td>7</td><td>A: 10 D: 2</td><td>A: 27 D: 5.5</td></tr> <tr><td>8</td><td>A: 10 D: 2</td><td>A: 27 D: 5.5</td></tr> <tr><td>7</td><td colspan="2">Upgraded under DA-223/2021</td></tr> <tr><td>8</td><td colspan="2">Upgraded under DA-223/2021</td></tr> <tr><td>11</td><td>A: 10 D: 2</td><td>A: 10 D: 2.2</td></tr> <tr><td>12</td><td>A: 10 D: 2</td><td>A: 10 D: 2.2</td></tr> </tbody> </table>	Apt	Min. Area (A) (m ²) Min. Depth (D) (m)	Prop. Area (A) (m ²) Prop. Depth (D) (m)	1	Converted to commercial use under DA-223/2021		2	Converted to commercial use under DA-223/2021		3	A: 10 D: 2	A: 25.4 D: 5.2	4	A: 10 D: 2	A: 25.4 D: 5.2	5	Upgraded under DA-223/2021		6	Upgraded under DA-223/2021		7	A: 10 D: 2	A: 27 D: 5.5	8	A: 10 D: 2	A: 27 D: 5.5	7	Upgraded under DA-223/2021		8	Upgraded under DA-223/2021		11	A: 10 D: 2	A: 10 D: 2.2	12	A: 10 D: 2	A: 10 D: 2.2		
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4F Common circulation and spaces																																											
<ul style="list-style-type: none"> <i>• Max of 8 units accessed off a circulation core on a single level</i> 	Yes	Maximum of four apartments off a circulation core.																																									

Design Criteria	Compliance	Comment		
4G Storage				
<i>In addition to kitchens, bathrooms and bedrooms, the following is provided:</i> <ul style="list-style-type: none"> • 2-bed – 8m³ 	Yes	Apt	Min. Volume (m³)	Prop. Volume (m³)
		1	Converted to commercial use under DA-223/2021	
		2	Converted to commercial use under DA-223/2021	
		3	8	8
		4	8	8
		5	Upgraded under DA-223/2021	
		6	Upgraded under DA-223/2021	
		7	8	8
		8	8	8
		9	Upgraded under DA-223/2021	
		10	Upgraded under DA-223/2021	
		11	8	8
		12	8	8

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 5: 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>Local Centre 'E1' Zone</i>	Existing Use Rights	<p>When considering the recently approved application under DA-223/2021, the proposal is defined as a mixed use development (shop-top housing), which is permitted with consent in the E1 zone.</p> <p>However, as this consent (DA-223/2021) has not yet commenced, the approved works under DA-223/2021 will not be considered when defining the building. In that case, the building (based on existing form) is defined as a RFB.</p> <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>

Provision	Compliance	Comment
		<p>The proposal is to upgrade the rear apartments of the RFB.</p> <p>The consent seeks to retain the prohibited RFB use under existing use rights (when excluding DA-223/2021).</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		
<p>4.3 Height of buildings</p> <ul style="list-style-type: none"> • 9m 	No (as existing)	<p>The proposed development has an overall height of 10.2m.</p> <p>The development breaches the height of building development standard by 1.2m or 13.3%. However, the proposal seeks no greater height to the existing building.</p>
<p>4.4 Floor space ratio and</p> <ul style="list-style-type: none"> • Lot Size: 735.4m² • Max GFA: 735.4m² • Max FSR: 1:1 <p><i>Note: existing FSR based on applicants figures: 1.21:1 (892.63m²) excluding works approved under DA-223/2021</i></p>	No	<p>Gross Floor Area (GFA) Calculation Plan:</p> <p>Ground floor: 342.23m² First Floor: 311.97m² Second Floor: 258.66m² TOTAL GFA: 912.86m²</p> <p>TOTAL FSR: 1.24:1</p> <p>The development breaches the FSR development standard by 177.46m² or 24.1%.</p> <p>The additional GFA attributed from this application is 25.52m² or 3.5%.</p>
4.6 Exceptions to development standards	See discussion	<p>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.</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 - Height

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 10.2m, exceeding the standard by 1.2m or equating to a 13.3% 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:*

- a. *The proposal meets the objectives of height.*

- i. ***Objective (a) To ensure building heights 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 maximum height of 10.2m or a variation of 1.2m (13.3%) is not considered unreasonable in the surrounding locality and is lower than the existing building (10.8m).

*With regards to preserving the amenity of adjoining properties, Objective (a) sets a higher threshold test to satisfy the height of buildings objective with the use of the term preserve. Whilst the definition of preserve is generally to keep or maintain, the preservation of the environmental amenity needs to be considered for the neighbouring properties affected. To strictly apply this definition of preserve, any development, be it compliant or non-compliant, that is higher than the existing development would not be able to satisfy Objective (a) of Clause 4.3 of WLEP 2012, especially in cases where view sharing is concerned. This is similar to the consideration undertaken by Preston CJ in *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61. While the facts and degree of the matter differ slightly, a similar premise that the use of the word "preserve" would effectively exclude the operation of Clause 4.6 as it would mean that any non-compliance, or compliant development greater than the existing for that matter, would not achieve the objective of the control and therefore could not provide an appropriate degree of flexibility. That is, Clause 4.6 would have no work to do.*

Turning to the environmental amenity of neighbouring properties, the design of the proposed additions, below the existing building height and compliant with the separation requirements of the ADG will preserve the environmental amenity of surrounding properties. With regard to the environmental amenity of neighbouring properties, the following points are noted:

- *the height breach does not introduce any additional privacy impacts greater than those of the existing building as it is predominantly set within the existing building envelope with the additions setback 6-9m from the side and rear boundaries and do not require additional privacy screening;*
- *the elements of the building above the 9m height limit creates no significant additional overshadowing to adjoining properties given the extent of shadows cast by the height of the existing building and surrounding buildings. The additional shadows are confined within the subject site and do not result in a non-compliance with Council's solar access requirements under WDCP 2022; and*
- *the proposed variation will not result in any significant loss of views or outlook compared to the existing building. The applicable planning controls effectively anticipate a continuous 9m high built form along the site from Bondi Road which will have a greater impact on views than the proposed additions to the rear.*

The proposed additions above the height variation will not tip the balance and result in a poor or low level of amenity for surrounding properties. That is, the levels of amenity for surrounding buildings will be preserved given the current access to views, solar access, privacy and internal comfort will be maintained and not lost as a result of the height variation.

ii. Objective (c) To maintain satisfactory solar access to existing buildings and public areas.

The proposed development will not result in any additional overshadowing to public spaces. Overshadowing of existing buildings is considered under objective (a). The additional shadows are confined within the subject site and do not result in a non-compliance with Council's solar access requirements under WDCP 2022.

iii. Objective (d) To establish building heights that are consistent with the desired future character of the locality.

It is noted that objective (d) refers to being "consistent" with the desired future character of the locality. The desired future character of the locality is not defined under WLEP 2012 and can be subjective. This is consistent with the judgment in Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115.

The desired future character of the neighbourhood is subjective and can be set by the existing, recently approved and proposed buildings within the neighbourhood. It cannot be said that the locality is characterised by strictly height compliant buildings and the height control has largely ignored the existing buildings on the site which sets a different context to considering the desired future character of the locality. In this regard, the approved height variation under DA-223/2021 is a matter for consideration when considering the desired future character of the locality. The WLPP assessment report stated the following:

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.

The proposed variation to the height of buildings development standard matches the approved variation under DA-223/2021 and the rationale that the height of the existing building will be retained is also applicable in this instance. Therefore, the same conclusion should apply that the proposed variation is acceptable and the proposed alterations and additions will be compatible with the desired future character of the locality.

The proposal will positively contribute to the existing and desired future character of the locality when viewed in conjunction with buildings located along Bondi Road. To the casual observer from Bondi Road, the height variation will not be perceptible as it is located to the rear and below the height of the existing building. Furthermore, the proposed alterations and additions will not have any adverse impacts on the amenity of adjoining properties and is therefore essentially consistent with the form encouraged by the LEP height limit.

b. The proposal meets the objectives of the zone:

The proposal satisfies the objectives of the E1 Zone as it will continue to provide a mixture of residential and business uses within an existing building that will provide for the needs of residents and enhance the vibrancy of the centre. The approved building will continue to provide an active frontage to Bondi Road. The site is within a highly accessible area and no parking is proposed (nor can it be provided) which will encourage public transport patronage and walking/cycling. The subject site does not have any adverse impact on the heritage significance of surrounding development and will provide a contribution due to the loss of affordable housing in accordance with the requirements of the Housing SEPP. The proposed uses will not have any adverse impact on the amenity of adjoining properties and is of a size and scale that is compatible with surrounding development.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- a. *The current planning controls including the numerical height control (9m) has ignored the height and typology of the existing building which exceeds the 9m height of buildings development standard. The proposed development will not exceed the existing maximum height of 10.8m (RL79.75) but will provide additions below the existing maximum height but still breaches the 9m height of buildings development standard.*
 - b. *The proposed building envelope has been carefully considered and is supported by other neighbouring and nearby existing and approved developments with similar characteristics as the subject site. The proposed development adopts a similar typology, retains the existing three storey appearance but provides greater building to building separation than adjoining properties especially on the southern side. This assists with mitigating the scale of the additional height from any vantage point where it is visible.*
 - c. *The surrounding properties all enjoy high levels of environmental amenity due to their design, access to views, solar access and maintenance of privacy. The proposed height variation will result in negligible additional impacts but will not tip the balance to make the environmental amenity of surrounding properties low or poor. That is, the height variation will preserve the environmental amenity of surrounding properties. In this regard;*
 - i. *The proposed variation will not have any adverse additional impacts on privacy given the proposed additions above the height limits are separated by more than 9m from the rear boundary and 6m from the side boundaries providing appropriate separation distances. The extent of additional privacy impacts as a result of the proposed height variation will be no greater than the additional privacy impacts created by the additions compliant with the height of buildings development standard;*
 - ii. *The proposed height variation will not have any additional impacts on the solar access of north facing windows or private open space and complies with the requirements of WDCP 2022. The additional overshadowing will be contained within the confines of the subject site given the scale of the existing and surrounding buildings; and*
 - iii. *The proposed height variation will not increase the height of the existing building and therefore will not result in any additional adverse view loss. That is, the extent of additional view impacts (if any) as a result of the proposed height variation will be no greater than the existing view impacts (if any) created by the additions compliant with the height of buildings development standard.*
 - d. *The height variation achieves the objects in Section 1.3 of the EPA Act, specifically:*
 - i. *The proposal promotes the orderly and economic use and development of land through the provision of increased amenity and private open space for the occupants in a premium location close to services and recreation (1.3(c));*

- ii. *The proposed developed promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).*
- e. *The variation to the height of buildings development standard will give better effect to the aims of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65). In particular:*
 - i. *The proposed variation will provide a better built form and aesthetic for the building and enhance the appearance (clause 2(3)(b));*
 - ii. *The proposed variation will satisfy increasing demand by providing additional 3 bedroom apartments to accommodate downsizers and the changing demographic of the locality (Clause 2(3)(c) and (f))*
 - iii. *Approval of the proposed variation will support a variety of housing types by providing a well-located and compact development that will be a better choice for families or downsizers (clause 2(3)(g)).*
- f. *The merits of the proposal on “environmental planning grounds” needs to be balanced with the burden that strict compliance places on the site and whether strict compliance will result in a sufficient outcome. The proposed development does not increase the height of the existing building with the proposed additions occurring below the height of the existing roof which was ignored by the height control. The development has also been designed to provide a high quality urban outcome, with the building designed so as to not impact on the views, privacy or amenity of neighbouring properties. The variation has no perceptible impact on the streetscape as it appears to be a contemporary addition to the rear of an existing building which relates to the predominant built form surrounding the site.*
- 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 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.*

Consideration of Applicant’s Written Request - Clause 4.6(4) (a) (i) and (ii)

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is sound justification as despite the breach to height, the development meets the objectives of the development standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development upgrades the outdated and undersized units with apartments that are designed against the ADG, whilst not creating additional environmental amenity impacts to neighbouring properties.

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 development standard are as follows:

- (a) Objective (a) To ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.***

The proposed development preserves the environmental amenity of neighbouring properties.

Firstly, the plan form and elevational shadow diagrams demonstrate that the proposed shadowing created by the proposed development will not fall on neighbouring windows or private/communal open space.

Secondly, the breach to height will not result in view loss to neighbouring residential uses, with it below the existing roof height and no objection received in relation to view loss was received from surrounding properties.

(b) Objective (c) To maintain satisfactory solar access to existing buildings and public areas.

The plan form and elevational shadow diagrams demonstrate that the proposed shadowing created by the proposed development will not fall on neighbouring windows or private/communal open space.

(c) Objective (d) to establish building heights that are consistent with the desired future character of the locality.

The height of the proposed development is consistent with that of the existing building and will complement the development approved under DA-223/2021. The proposed works are lower than the height of the existing building. The minor breach in height is required to create additional internal floor area to the currently undersized units 11 and 12, whilst providing compliant floor to ceiling heights.

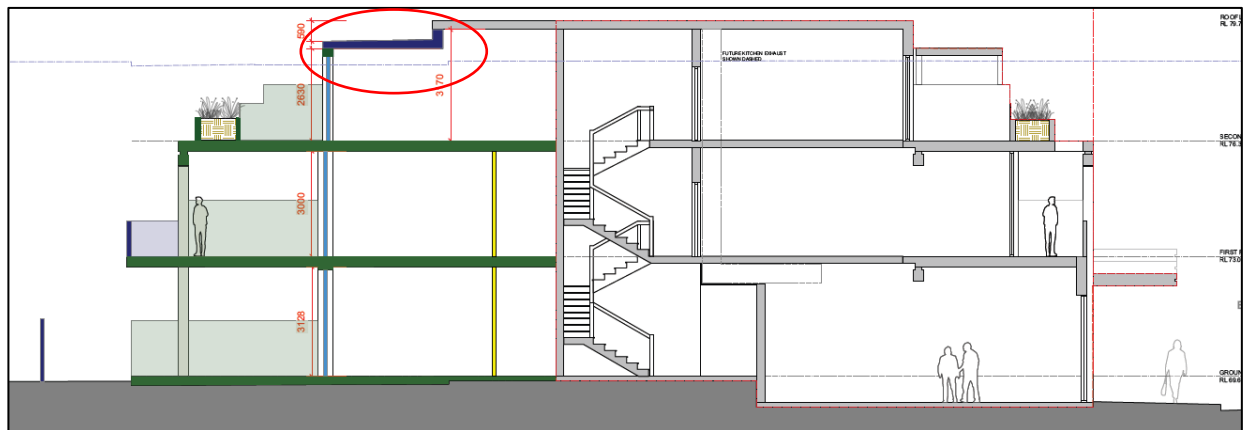


Figure 7: Proposed Section A Plan showing the proposed works that breach the height limit (circled red). (Source: SHED, 2023)

The proposal meets the objectives of the Local Centre 'E1' zone, as the building provides a residential development that contributes to a vibrant and active local centre.

Conclusion

For the reasons provided above the requested variation to the height is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height and the E1 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 1.24:1, exceeding the standard by 177.46m² equating to a 24.1% 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:*

a. The proposal meets the objectives of height.

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

The numerical height and FSR development standards do not bear any relationship to the scale of the existing built form on the subject site or surrounding buildings. They are therefore arbitrary numerical requirements which are already exceeded by the existing buildings, do not consider the existing typology or topography and are not appropriate for the site. The existing building, whilst exceeding the height and FSR standards (and benefiting from existing use rights), is nonetheless smaller in scale than No. 239 Bondi Road to the west which are anticipated to have a similar height and FSR to the proposed development.

Notwithstanding this, as detailed below, the proposed development will preserve the environmental amenity of neighbouring properties by not tipping the balance to low or poor levels of environmental amenity. The variations to the Height of Buildings and FSR development standards are not accompanied by development that has an adverse impact on the environmental amenity of adjoining properties, it not compatible with the bulk, scale or character of the locality and is not visually jarring in the streetscape.

The subject site is zoned E1 – Local Centre and the proposed development is designed to ensure that the additional floor space is largely contained at the rear and make greater use of the void space between buildings. That is, despite the numerical non-compliance, the building envelope established by the proposed additions is largely anticipated by the planning controls. Furthermore, the additional floor space does not result in any significant adverse amenity impact beyond that of the existing building or a compliant development.

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

It is noted that objective (c) refers to being “compatible” with adjoining development. It is considered that “compatible” does not promote “sameness” in built form but rather requires that development fits comfortably and exists in harmony within its urban context (Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191). Furthermore, the desired future character of the locality is not defined under WLEP 2012 and can be subjective. This is consistent with the judgment in Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115.

The desired future character of the neighbourhood is subjective and can be set by the existing, recently approved and proposed buildings within the neighbourhood. It cannot be said that the locality is characterised by strictly FSR compliant buildings and the FSR control has largely ignored the existing buildings on the site which sets a different context to considering the desired future character of the locality. In this regard, the approved FSR variation under DA-223/2021 is a matter for consideration when considering the desired future character of the locality. The WLPP assessment report stated the following:

“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”.

The proposed variation to the FSR development standard will result in an increase of 25.52sqm but this additional FSR is located at the rear of the site within an existing void and will not significantly alter the scale or character of the building. The proposed development will continue to relate well to the existing and surrounding buildings and will enhance the residential amenity of the occupants without having any adverse impact on the environmental amenity of adjoining properties. Therefore, the proposed alterations and additions can also be compatible with the desired future character of the locality.

The proposal will positively contribute to the existing and desired future character of the locality when viewed in conjunction with buildings located along Bondi Road. To the casual observer from Bondi Road, the FSR variation will not be perceptible as it is located to the rear and below the height of the existing building. Furthermore, the proposed alterations and additions will not have any adverse impacts on the amenity of adjoining properties and is therefore essentially consistent with the form encouraged by the applicable planning controls.

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

With regards to establishing limits on the overall FSR, the proposed development will establish the maximum FSR for the building at No. 241 Bondi Road. The proposed additions to the rear have been designed to strike a balance between enhancing the amenity of the occupants and preserving the amenity of adjoining properties. In this regard, the addition additional FSR is contained within the previous void space and it is only balconies (which are not counted as FSR) that protrude beyond the existing building, but are setback 6-9m from the boundaries in accordance with the ADG. Any further additions may increase the impacts on surrounding properties that may not be acceptable in the context of the FSR variation. Therefore, it is considered that the proposal will establish limitations of the scale of development.

*With regards to preserving the amenity of adjoining properties, Objective (d) sets a higher threshold test to satisfy the FSR objective with the use of the term preserve. Whilst the definition of preserve is generally to keep or maintain, the preservation of the environmental amenity needs to be considered for the neighbouring properties affected. To strictly apply this definition of preserve, any development, be it compliant or non-compliant, that is greater than the existing development would not be able to satisfy Objective (d) of Clause 4.4 of WLEP 2012, especially in cases where view sharing is concerned. This is similar to the consideration undertaken by Preston CJ in *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61. While the facts and degree of the matter differ slightly, a similar premise that the use of the word “preserve”*

would effectively exclude the operation of Clause 4.6 as it would mean that any non-compliance, or compliant development greater than the existing for that matter, would not achieve the objective of the control and therefore could not provide an appropriate degree of flexibility. That is, Clause 4.6 would have no work to do.

Turning to the environmental amenity of neighbouring properties, the design of the proposed additions, below the existing building height and compliant with the separation requirements of the ADG will preserve the environmental amenity of surrounding properties. With regard to the environmental amenity of neighbouring properties, the following points are noted:

- the FSR breach does not introduce any additional privacy impacts greater than those anticipated by the planning controls. The ADG anticipates a 6-9m setback from the boundaries and the proposed additional comply with this requirement and do not require additional privacy screening;
- the additional FSR creates no significant additional overshadowing to adjoining properties given the extent of shadows cast by the height of the existing building and surrounding buildings. The additional shadows are confined within the subject site and do not result in a non-compliance with Council's solar access requirements under WDCP 2022; and
- the proposed variation will not result in any significant loss of views or outlook compared to the existing building. There are no known significant views and the FSR variation will not result in any significant loss of views given it is contained within the envelope established by the applicable planning controls.

The proposed additions above the FSR variation will not tip the balance and result in a poor or low level of amenity for surrounding properties. That is, the levels of amenity for surrounding buildings will be preserved given the current access to views, solar access, privacy and internal comfort will be maintained and not lost as a result of the FSR variation.

b. *The proposal meets the objectives of the zone:*

The proposal satisfies the objectives of the E1 Zone as it will continue to provide a mixture of residential and business uses within an existing building that will provide for the needs of residents and enhance the vibrancy of the centre. The approved building will continue to provide an active frontage to Bondi Road. The site is within a highly accessible area and no parking is proposed (nor can it be provided) which will encourage public transport patronage and walking/cycling. The subject site does not have any adverse impact on the heritage significance of surrounding development and will encourage the provision of affordable housing. The proposed uses will not have any adverse impact on the amenity of adjoining properties and is of a size and scale that is compatible with

surrounding development. As detailed above in section 7, the proposal achieves the desired future character of the neighbourhood.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- a. *The current planning controls, including the numerical FSR development standard has ignored the scale and typology of the existing building and some of the surrounding buildings which exceed the 1:1 FSR development standard. The existing building attains an FSR of 1.2:1 (892.6sqm) with the proposed addition adding 25.52sqm to attain an FSR of 1.24:1 (912.86sqm). Whilst numerically non-compliant, the bulk and scale of the proposed building remains compatible with the built form of the surrounding properties with the additional FSR contained at the rear and will not be readily discernible from the public domain.*
 - b. *The additional GFA does not adversely change the character of the development in terms of streetscape nor does it bring with it a form of development on the site that is noticeably larger than the surrounding residential flat buildings or buildings. Given this additional non-compliance relates to the additional accommodation at the rear, within a void area, the additional FSR on site is, in part, “internalised”. That is, the proposal adopts a building envelope that is reasonably consistent with the scale of surrounding development and the existing building.*
 - c. *The proposed building envelope has been carefully considered and is supported by other neighbouring and nearby existing and approved developments with similar characteristics as the subject site. The proposed development adopts a similar typology, retains the existing three storey appearance but provides greater building to building separation than adjoining properties where the rear addition is proposed. This assists with mitigating the scale of the additional FSR from any vantage point where it is visible.*
 - d. *The surrounding properties all enjoy high levels of environmental amenity due to their design, access to views, solar access and maintenance of privacy. The proposed FSR variation will result in negligible additional impacts but will not tip the balance to make the environmental amenity of surrounding properties low or poor. That is, the FSR variation will preserve the environmental amenity of surrounding properties. In this regard;*
 - i. *The proposed variation will not have any adverse additional impacts on privacy given the proposed additions are separated by more than 9m from the rear boundary and 6m from the side boundaries providing appropriate separation distances. The extent of additional privacy impacts as a result of the proposed FSR variation will be no greater than the additional privacy impacts created by additions compliant with building envelope requirements;*
 - ii. *The proposed FSR variation will not have any additional impacts on the solar access of north facing windows or private open space and complies with the requirements of WDCP 2012. The additional overshadowing will be contained*

within the confines of the subject site given the scale of the existing and surrounding buildings; and

- iii. The proposed FSR variation will not increase the height of the existing building and therefore will not result in any additional adverse view loss. That is, the extent of additional view impacts (if any) as a result of the proposed FSR variation will be no greater than the existing view impacts (if any).*

- e. The FSR variation achieves the objects in Section 1.3 of the EPA Act, specifically:*
 - i. The proposal promotes the orderly and economic use and development of land through the provision of increased amenity and private open space for the occupants in a premium location close to services and recreation (1.3(c));*
 - ii. The proposed developed promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).*

- f. The variation to the FSR development standard will give better effect to the aims of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65). In particular:*
 - i. The proposed variation will provide a better built form and aesthetic for the building and enhance the appearance (clause 2(3)(b));*
 - ii. The proposed variation will satisfy increasing demand by providing additional 2 bedroom apartments to accommodate downsizers and the changing demographic of the locality (Clause 2(3)(c) and (f))*
 - iii. Approval of the proposed variation will support a variety of housing types by providing a well-located and compact development that will be a better choice for families or downsizers (clause 2(3)(g)).*

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is sound justification as despite the breach to FSR, the development meets the objectives of the development standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development upgrades the outdated and undersized apartment with apartments that are designed against the ADG, whilst not creating additional environmental amenity impacts to neighbouring properties.

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 originally submitted scheme sought to provide additional bulk to the rear of the building, beyond the existing envelope. These works did not preserve the amenity of neighbouring properties and were not considered to be in the public interest, for a building which had already reached its development capacity. This was contrary to objectives (b) and (c) of the FSR objectives within Clause 4.4 of the Waverley LEP 2012.

The originally proposed rear additions that further increased the bulk and scale of the existing non-compliant building did not provide an appropriate correlation between height and density as it created a density that was non-compliant with the FSR development standard. Furthermore, the development was not compatible with the bulk and scale of the desired future character of the locality, as it further breached the FSR controls that were created from a large rear addition.

The amended proposal now contains additional GFA within the building envelope by infilling small central balconies. The rear building extension to the rear has been deleted with only new balconies remaining beyond the existing building, at the rear. The resultant effect increases the internal amenity of the rear apartments whilst maintaining the existing envelope of the building.

Furthermore, the development is in the public interests as it meets the objectives of FSR. The objectives of the FSR development standard are as follows:

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

The proposed works respect the envelope of the existing RFB, with the additional GFA attributed to enclosing the existing rear balconies located in the centre of each elevation. This will not enlarge the existing footprint of the RFB, with the existing predominant rear external wall line being preserved (demonstrated in **Figures 7 and 8**). The development will have an envelope that is reflective of the surrounding built form as it maintains a three storey built-form and the works approved under DA-223/2021 will complement the proposed works to the rear portion of the building (subject DA) with the bulk, scale and overall design being similar to the recently approved. 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.

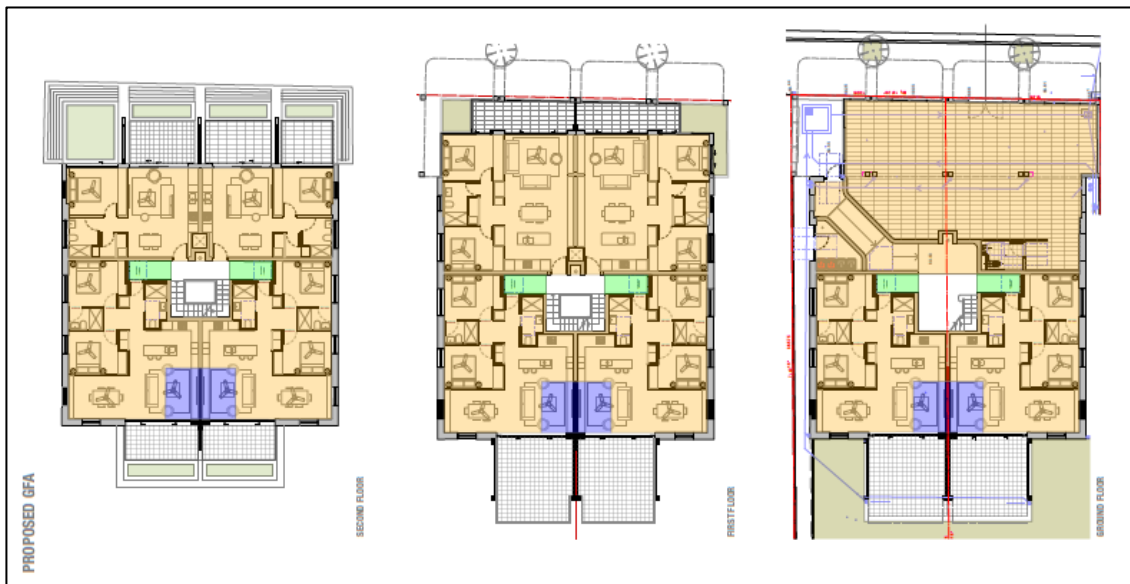


Figure 8: Location of additional GFA coloured blue. (Source: SHED, 2023)



Figure 9: Photomontage to the rear of the proposed development demonstrating approximate location of additional GFA (yellow outline). (Source: SHED, 2023)

(b) ***Objective (c) 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. The development upgrades currently undersized apartments, improving their amenity to comply with the standards outlined by the ADG, whilst not creating unreasonable visual privacy or overshadowing impacts.

(c) ***Objective (d) 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 submitted shadow diagrams indicate the only additional shadowing impacts to neighbouring properties falls on the roof of 1 Boonara Road at 3pm during the Winter solstice. Therefore, it is deemed that the shadowing created from the development preserves neighbouring properties solar access.

The proposal will not result in unreasonable loss of visual privacy from portions of the development that breach GFA.

Lastly, the breach to height will not result in view loss to neighbouring residential uses, with no portions of FSR located above the height limit and no objection received in relation to view loss was received from surrounding properties.

The proposal meets the objectives of the Local Centre 'E1' zone as follows, as the building provides residential development that contributes to a vibrant and active local centre.

Conclusion

For the reasons provided above the requested variation to the height is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height and the E1 zone.

2.1.4. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 6: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> Garbage bins are to be stored in an appropriate location. 	Yes (conditional)	Council's Waste Officer recommended conditions of consent in relation to the amount of garbage bins to be stored on site, construction waste management and on-going waste management.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> Ceiling or wall mounted fans Gas cooktops, gas ovens or gas internal space heating systems. 	Yes No	<p>Ceiling fans are shown in habitable rooms on the architectural plans.</p> <p>Details relating to electric cooktops on the architectural plans cannot be located. This is recommended to be included as an advisory note.</p>
3. Landscaping, Biodiversity and Vegetation Preservation	Conditioned under DA-223/2021.	Council's Tree Officer recommended the retention and protection of the <i>Stenocarpus sinuatus</i> (fire wheel tree) located on the naturestrip and payment of a \$2000 tree bond to ensure its protection. This is conditioned under DA-223/2021 and therefore will not be re-conditioned under this application.
5. Water Management	Yes (conditional)	Council's Stormwater Engineer recommended conditions of consent.
6. Accessibility and Adaptability	Yes (conditional)	A condition is recommended that 20% of the units are to be adaptable. (The percentage is inclusive of those units upgraded under DA-223/2021).
7. Transport 7.2.6 Bicycle Parking Resident: 10 Visitor: 1	Yes N/A	<p>15 bicycle spaces are proposed, exceeding the amount of spaces required. This is supported as it encourages cycling and discourages car-dependency.</p> <p>Vehicle parking is not proposed.</p>

Development Control	Compliance	Comment
2.8 Pedestrian access and entry		
<ul style="list-style-type: none"> • <i>Entry at street level and respond to pattern within the street</i> • <i>Accessible entry</i> • <i>Separate to vehicular entry</i> • <i>Legible, safe, well-lit</i> 	Conditioned under DA-223/2021.	The pedestrian access and entry were approved under DA-223/2021.
2.9 Landscaping		
<ul style="list-style-type: none"> • <i>Minimum of 30% of site area landscaped: 220.6m²</i> • <i>50% of the above is to be deep soil: 367.7m²</i> 	<p>Yes</p> <p>Yes</p>	<p>35% of the site is landscaped. The development provides new planting and general improvement on the landscaping throughout the site, which will enhance the amenity of the site. A condition is recommended to be imposed that the landscape plan be updated to reflect the approved scheme (ie reduced rear extension).</p> <p>100% of the landscaped area is deep soil.</p>
2.13 Solar access and overshadowing		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to a minimum of 70% of units in the development on 21 June</i> • <i>Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June</i> 	<p>No (merit)</p> <p>Yes</p>	<p>Four out of the ten (40%) apartments are north facing (approved under DA-223/2021), with the remaining six (60%) apartments (upgraded under this application) located to the rear (south) of the building. Due to the orientation of apartments not changing as part of this application and the proposed works will significantly improve the existing apartments, the non-compliance can be acceptable on merit.</p> <p>The development will not impact direct sunlight to north facing windows of neighbouring habitable rooms to less than three hours on 21 June.</p>
2.15 Visual privacy and security		
<ul style="list-style-type: none"> • <i>Windows and balconies of an upper level dwelling should be designed to prevent overlooking of more than 50% of the private open space of a lower level dwelling directly below and within the same development</i> 	No (conditioned)	<p>Windows to the side elevations are either being retained or removed.</p> <p>The proposed windows to the rear elevation (dining room) are of a modest size and provide casual surveillance of the communal open space, which improves security within the urban environment.</p> <p>The proposal seeks new terraces/balconies to the rear. At ground level, the terrace is an extension of the outdoor landscaping area, and is considered reasonable.</p>

Development Control	Compliance	Comment
		<p>At first floor level, the proposed balconies are large in size (27m² each to units 7 and 8) and incorporate side privacy screens for only a portion of the side elevations, while being capable of accommodating a number of persons. The impact of these will potentially impact on acoustic and visual privacy.</p> <p>At second floor level, the proposed balconies are smaller in size (10m² to units 11 and 12). While no side privacy screening is proposed, they do provide planters to the rear to minimise overlooking. Their size also reduces the number of persons available to use this space, compared to those directly below.</p> <p>Despite the ADG not prescribing a minimum terrace/balcony size, Council must consider visual and acoustic privacy impacts that are created from terraces and balconies on their merit. As such, to ensure privacy impacts are appropriately mitigated, it is recommended that privacy screening with a height of 1.6m (measured above finished floor level) be fixed to the entire depth of each elevated balcony (including the shared wall between units).</p> <p>Further, it is recommended that the rear balconies to the first floor level (units 7 and 8) be reduced to match those of the level above (units 11 and 12) in terms of size and incorporate planters. Conditions to this effect are recommended.</p>
2.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The internal layout of the rear apartments are acceptable, with rooms of similar use located adjacent or above one another.
2.21 Building services		
	Yes	Building services were approved under DA-223/2021.

Table 8: Waverley DCP 2022 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
3.1.14 Bondi Road	Yes	<p>The overall upgrade of the building meets the objectives of the Bondi Road local village centre. This is inclusive of:</p> <ul style="list-style-type: none"> Maintaining and improving residential accommodation;

Development Control	Compliance	Comment
		<ul style="list-style-type: none"> Incorporating sustainable initiatives such as electric cooking facilities and ceiling fans; and Screening waste facilities from the public domain.
3.2 Generic controls		
3.2.1 Land Uses	Yes	The upgraded residential apartments improve the currently undersized units.
3.2.2 Public Domain Interface	N/A	As the works are located to the rear of the building, it does not have a public domain interface.
3.2.3 Built Form	Yes	The proposed development improves the existing building and the built-form of the rear addition is designed to complement the previously approved works under DA-223/2021, whilst respecting the existing building footprint of the RFB.
3.2.4 Building Facade Articulation	N/A	As the works are located to the rear of the building, it does not have a public domain interface.
3.2.5 Buildings of Historic Character	N/A	The building is not of historic character.
3.2.6 Building Services and Site Facilities	Yes	Garbage bin storage will not be visible from the public domain, located to the rear of the property.

Discrepancies between DA-223/2021 and DA-80/2023

It is noted that discrepancies may exist between the plans approved under DA-223/2021 and the proposed plans under DA-80/2023. Some notable discrepancies relate to:

- Location of external garbage storage; and
- Bicycle parking

A condition is recommended where discrepancies to the architectural plans exist between DA-223/2021 and DA-80/2023, the architectural plans under DA-223/2021 are overridden by DA-80/2023.

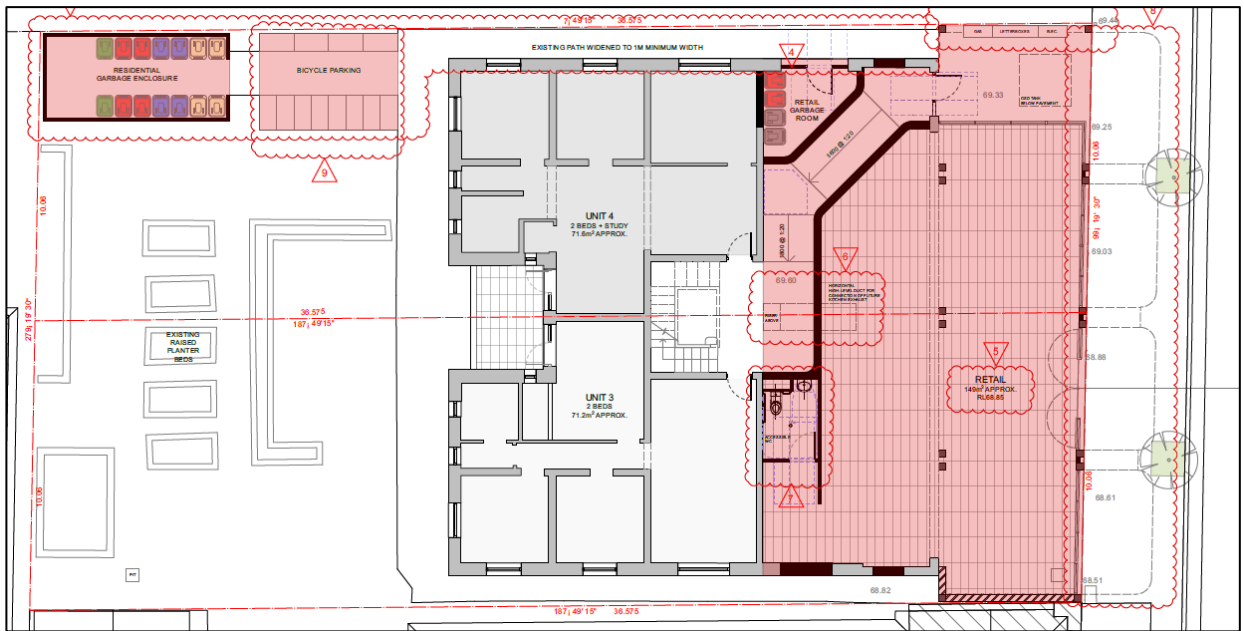


Figure 10: Approved Ground Floor Plan under DA-223/2021. (Source: SHED, 2021)

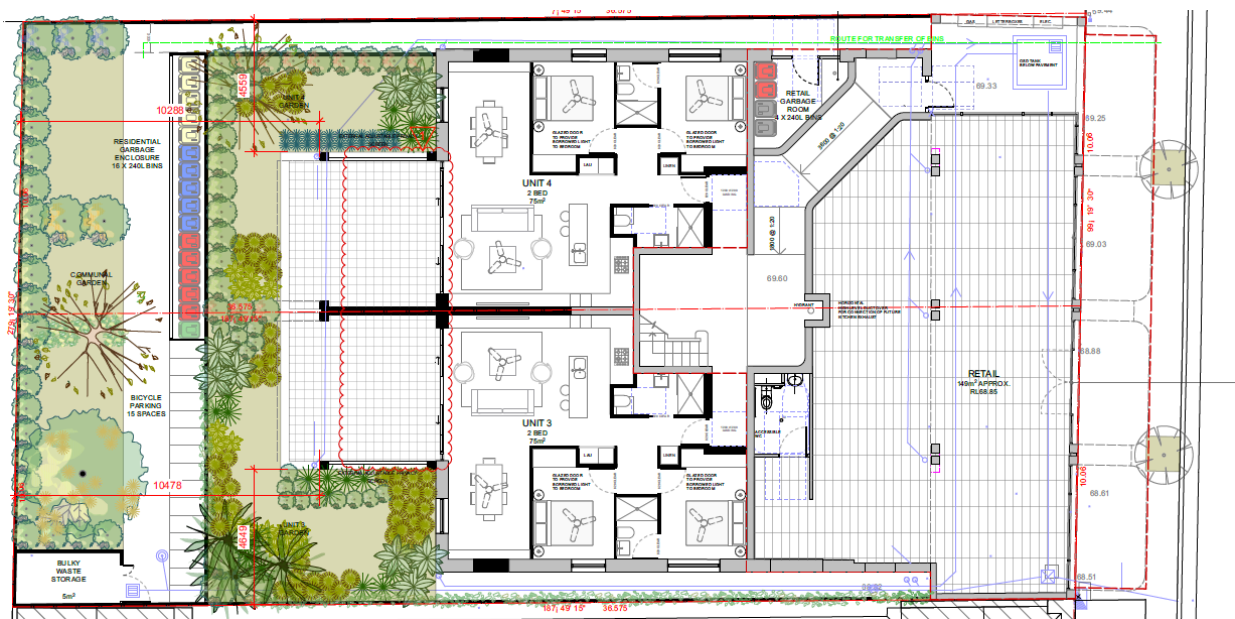


Figure 11: Proposed Ground Floor Plan under DA-80/2023. (Source: SHED, 2023)

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 from 19 April – 5 May 2023 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:

1. A bulky waste storage area was introduced to the south-eastern corner of the lot.
2. Ceiling fans were shown on the architectural plans.
3. The proposed additional GFA was reduced to only infill the existing rear centred balconies.

A total of one unique submission was received from 5 Boonara Road, Bondi.

Issue: Visual privacy impacts from the south facing windows and balconies.

Response: The proposed development is setback considerably from 5 Boonara Road, with No's 1 and 3 Boonara Road between 5 Boonara Road and the subject site. Additionally, a condition is recommended to reduce the size of the first floor balconies.

Issue: Why do additional bedrooms and balconies need to be built at all?

Response: Owners of properties may apply for works to improve their buildings. In this instance, the subject DA seeks to upgrade the currently outdated RFB to provide an improved apartment mix and greater amenity for residents.

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. Strategic

An internal referral was sought from Council's Strategic Planning Department which recommended conditions of consent relating to a contribution to off-set the loss of affordable housing.

An email was received from the Applicant's Solicitor on **13 September 2023**. In summary the letter advised that the loss of affordable housing contribution condition cannot be imposed for the following reasons:

The proposed Condition cannot be imposed as the requirements in s 7.32 of the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act) have not been met.

Relevantly, the Condition can only be imposed where it is “authorised to be imposed by a local environmental plan, and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan” (emphasis added): EPA Act, s 7.32(3)(b).

Section 4.17(1)(h) of the EPA Act gives the power to impose an affordable housing contribution condition but only if it is authorised by s 7.32 of the Act.

Not only does the Waverley Local Environment Plan 2012 not include any provision authorising Council to impose the Condition, but the owners are concerned that Council has sought to impose it despite being well-aware that it cannot.

Council’s Strategic Planning Department reviewed the letter and advised ‘*This letter does not change our teams recommendation regarding the affordable housing condition being imposed under the Housing SEPP.*’

‘The presence (or lack of) a clause in our WLEP 2012 regarding an affordable housing contribution is not relevant to this matter. The contribution is being charged under Chapter 2 Part 3 of the Housing SEPP.’

3.2. Fire Safety

An internal referral was sought from Council’s Fire Safety Officer who recommended conditions of consent.

3.3. Tree Management

An internal referral was sought from Council’s Tree Officer who recommended conditions of consent. However, as these were already imposed under DA-223/2021; they will not be imposed on the current application.

3.4. Parking and Traffic

An internal referral was sought from Council’s Traffic Engineer who recommended conditions of consent.

3.5. Stormwater

An internal referral was sought from Council’s Stormwater Engineer who recommended conditions of consent.

3.6. Waste

An internal referral was sought from Council’s Waste Officer who recommended conditions of consent.

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 Assessment Leadership Team (DALT) Review

The application was reviewed by the DALT at the meeting on 12 September 2023 and the DALT concurred with the Assessment Planner's recommendation.

DALT members: *A Rossi, B McNamara, E Finnegan, and 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 by:	Application reviewed and agreed by:
		
Joseph Somerville	Angela Rossi	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment	A/Executive Manager, Development Assessment
Date: 14 September 2023	Date: 15 September 2023	Date: 18 September 2023

Reason for WLPP referral:

1. Departure from any development standard in an EPI by more than 10%
2. Sensitive development:
SEPP 65 development

OFFICE USE ONLY

Clause 4.6 register entry required	13.3% variation to height (Clause 4.3)	
	X	Pre-existing non-compliance
	X	No change to overall building height
		Variation limited to the [lift/plant/parapet/attic]
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
Clause 4.6 register entry required	24.1% variation to FSR (Clause 4.4)	
	X	Pre-existing non-compliance
		No change to overall building height

		Variation limited to the [lift/plant/parapet/attic]
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objective of the standard
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Affordable Rental Housing Units?	No	
Secondary Dwelling	No	
Boarding House	No	
Group Home	No	
Trial Period database entry required	No	
PA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Other (please specify):	No	

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
110 / Rev E	Ground Floor Demolition Plan	11/09/2023	13/09/2023
111 / Rev E	First Floor Demolition Plan	11/09/2023	13/09/2023
112 / Rev E	Second Floor Demolition Plan	11/09/2023	13/09/2023
121 / Rev E	Ground Floor Plan	11/09/2023	13/09/2023
123 / Rev E	First Floor Plan	11/09/2023	13/09/2023
125 / Rev E	Second Floor Plan	11/09/2023	13/09/2023
127 / Rev E	Roof Plan	11/09/2023	13/09/2023
201 / Rev E	Section A	11/09/2023	13/09/2023
205 / Rev E	Façade Details	11/09/2023	13/09/2023
302 / Rev E	Elevations	11/09/2023	13/09/2023
500 / Rev E	Materials and Finishes	11/09/2023	13/09/2023

- (b) BASIX and NatHERs Certificate/s
- (c) Landscape Plans Plan Nos LS01 to LS05, Issue C dated 20.12.22 prepared by 'Melissa Wilson Landscape Architects' and received by Council on 29/03/2023.
- (d) BCA Compliance Assessment Report, Ref: P230081 (2) dated 10 July 2023 prepared by 'BCA Vision' and received by Council on 10 July 2023.
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council 04/07/2023.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The first floor rear balconies to units 7 and 8 are to be amended to match the design (size, depth and incorporation of planter boxes) of the second floor balconies (to units 11 and 12).
- (b) Fixed privacy screening is to be provided to the entire depth of each side of the rear balconies at first and second floor levels (each side elevation, as well as common centre wall) to a height of 1.6m measured above finished floor level. Screening on outer sides to be fixed and angled to avoid direct overlooking to neighbouring properties).
- (c) The landscape plan is to be amended to be reflective of the approved architectural plans.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. RELATIONSHIP TO DEVELOPMENT CONSENTS NO. DA-223/2021

Pursuant to Section 4.17 of the EP& A Act 1979, this consent shall operate concurrently and comply with the conditions of development consent no. DA-223/2021 (dated 27 October 2021) and as modified by any subsequent Section 4.55 modifications. Where any conflict arises between a condition of consent, this development consent (DA-80/2023) shall override.

4. 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.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

GENERAL REQUIREMENTS

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; 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 monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following:

- (a) Where the total development cost is less than \$500,000:
 - (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment.
- (b) Where the total development cost is \$500,000 or more:

- (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract**, or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

- (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre.
- (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate.

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

- (c) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, 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% of the full cost of the development; or
 - (iii) A development valued at more than \$200,000 will attract a levy of 1% of 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) for the amount of **\$12,880** 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) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs 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 of this building work. Evidence 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 0.25% of building work costing \$250,000 or more.

9. 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.

10. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The Affordable Housing Contribution is as follows:

- (a) Pursuant to clause 48(2) of State Environmental Planning Policy (Housing) 2021, 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 **\$544,500** 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 any Construction Certificate.

PLAN DETAILS

11. 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 2021, 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*.

12. 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:

- (c) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace;
- (d) 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;

- (e) 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 whether this applies in this case, prior to lodging documentation to satisfy this condition.

13. ADAPTABLE HOUSING

A minimum of 20% of the apartments in the development are to be provided as 'adaptable housing' within the development. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

14. UNIVERSAL HOUSING

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupant's over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2022*.

CONSTRUCTION & SITE MATTERS

15. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the 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 must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

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. 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.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

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.

20. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

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

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

TRAFFIC MANAGEMENT

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

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

The submitted stormwater management plan prepared by CPM Engineering, Job No. 21100-C02-A, Sheets 1-4, dated 11/10/2022, are considered concept only.

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

- a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g., pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's checklist as set out in Council's Water Management Technical Manual shall be completed and 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) Any new downpipes are to be located wholly within the property's boundary.
- 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.
- f) The proposed OSD tank shall be located outside of the proposed swimming pool and its coping.
- g) The OSD system and internal drainage system are to be designed for the 1% Annual Exceedance Probability (AEP) storm event.
- 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.

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.

Notes:

- It is noted the applicant has submitted a stormwater management plan which has generally addressed the stormwater related matters raised in the deferral letter. There is additional information required but this can be provided at CC stage.
- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.

- Since a sewer main run through the property, plans must also be presented to a Sydney Water 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.
- 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). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

23. BASIX

All requirements of the BASIX Certificate and NatHERS documentation 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 number of bins for the residential and/or commercial components of the development;

- **Residential** (2 x 1 bedroom units and 8 x 2 bedroom units) (inclusive of subject application and DA-223/2021)
 - 5 x Mobile Garbage Bins (MGBs) for general waste
 - 5 x MGBs for paper and cardboard recycling
 - 5 x MGBs for container recycling
 - 1 x MGBs for garden organics, should this type of waste be generated at this development
 - A room or caged area with a minimum floor space of 4m² must be provided for the storage of discarded bulky items and problem waste, awaiting collection. Additional space is required for recycling problem waste such as textiles or electronic waste.
- **Commercial**
 - 2 x 240L MGBs for general waste collected twice a week
 - 2 x 240L MGBs for comingled recycling collected twice a week

- A room or caged area with a minimum floor space of 4m² must be allocated within the building for the storage of reusable items such as crates and pallets, and bulky waste such as cardboard or soft plastics.

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.

If the applicant does not pursue DA-223/2021, an amended Waste Management Plan is to be provided to Council's Waste Officer for amended waste calculations.

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](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 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. FIRE SAFETY UPGRADING WORKS

- a) Fire safety upgrading works are to be undertaken in accordance with all recommendations, of the BCA Compliance Assessment Report dated 12 July 2023 prepared by Kieran Tobin of BCA Vision and the following additional requirements;
 - (i) The balustrades and handrails to all stairways, landings and balconies are to be upgraded to comply with the requirements of clauses D2.16 & D2.17 of the NCC Building Code of Australia, being not less than 865mm above the nosing of the stair treads and balustrades shall be not less than 1000mm above any landing or floor level. Openings within balustrades are not to exceed 125mm (sphere). Contractor's certification of compliance with the above requirements must be provided at completion of the works.
 - (ii) Provide a non-combustible enclosure (i.e. a metal cabinet) or alternatively, material not less fire protective with seals to prevent the passage of smoke to any electricity meters, communication boards and switchboards. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
 - (iii) The electrical installations serving the premises must be inspected by a suitably qualified electrician and certified. The certificate should include the following;
 - a) A visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - b) An insulation resistance test was undertaken pursuant to Clause 8.3.6 of AS 3000-2007 and was found to be satisfactory;
 - c) Circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of AS 3000-2007.
 - (iv) Seal all penetrations between walls and floors of the building in accordance with the requirements of C3.15 of the NCC Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
 - (v) Provide protection of openable windows in accordance with Clause D2.24 of the NCC Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at completion of the works.
 - (vi) Upon completion of all fire safety upgrading works, and prior to issue of an Occupation Certificate, a Final Fire Safety Certificate must be submitted to the accredited PCA and Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule: -

- 1. has been assessed by a properly qualified person; and

2. has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

Prior to the commencement of the required fire safety upgrade works a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works detailed in this condition must be completed prior to the issue of an Occupation 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

30. CONSTRUCTION SIGNS

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

DEMOLITION

31. 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;
- *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.

32. 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.

33. 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.

34. 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

35. 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 Sundays and public holidays.

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*.

36. 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.

37. 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*, clause 162A of the *Environmental Planning and Assessment Regulation 2021* and the requirements of any other applicable legislation or instruments.

38. 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.

39. 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.

40. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

41. 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.

42. 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.

VEHICLE ACCESS, MOVEMENT AND PARKING

43. 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 space

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.

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

44. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

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.

45. CERTIFICATION OF BASIX COMMITMENTS

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

46. CERTIFICATION OF APPROVED DESIGN

In accordance with the Environmental Planning and Assessment Regulations 2021, 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.

47. CERTIFICATION OF LANDSCAPING

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

48. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new 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. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

49. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facilities, the detention facilities, rainwater harvesting facilities 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.

50. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” 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.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its

relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

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 or use of the building. All associated costs shall be borne by the applicant.

MANAGEMENT PLANS

51. 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.

OTHER MATTERS

52. 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.

53. 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)

54. FLOOR SPACE RATIO

The gross floor area of the building shall be limited to **912.86m²**.

Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification **to the satisfaction of the Principal Certifying Authority**, that the building achieves compliance with this GFA (as calculated in accordance with the definition contained in the Waverley Local Environmental Plan 2012).

Reason: The gross floor area of the development is limited in order to achieve suitable bulk and scale. The consent would not have been granted if not for this compliance with the development standard.

55. BUILDING HEIGHT

The height of building must not exceed RL 79.75.

Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the height of the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, **to the satisfaction of the Principal Certifier**.

Reason: The height of the development aligns with the existing building. The consent would not have been granted if the proposal sought more height than the existing building.

E. OPERATIONAL MATTERS

56. 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.

57. SUBDIVISION

This consent does not include any form of subdivision of the development.

In respect to any future subdivision and the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012. No exclusive use of common property shall occur without the prior consent of Council.

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.

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. 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.

AD8. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

- a) Indoor air quality: Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.
- b) Ventilation: Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.
- c) Domestic hot water: Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.

AD9. ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM

Council will need to be provided with an OSD and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the detention facility must be:

- (a) Kept clean and free from silt, rubbish, and debris.
- (b) Be maintained so that it functions in a safe and efficient manner.
- (c) Not be altered without prior consent in writing of the Council.

241 BONDI ROAD | BONDI
DEVELOPMENT APPLICATION FOR REAR ADDITIONS
ARCHITECTURAL DRAWINGS

SEPTEMBER 2023

AMENDED PLANS

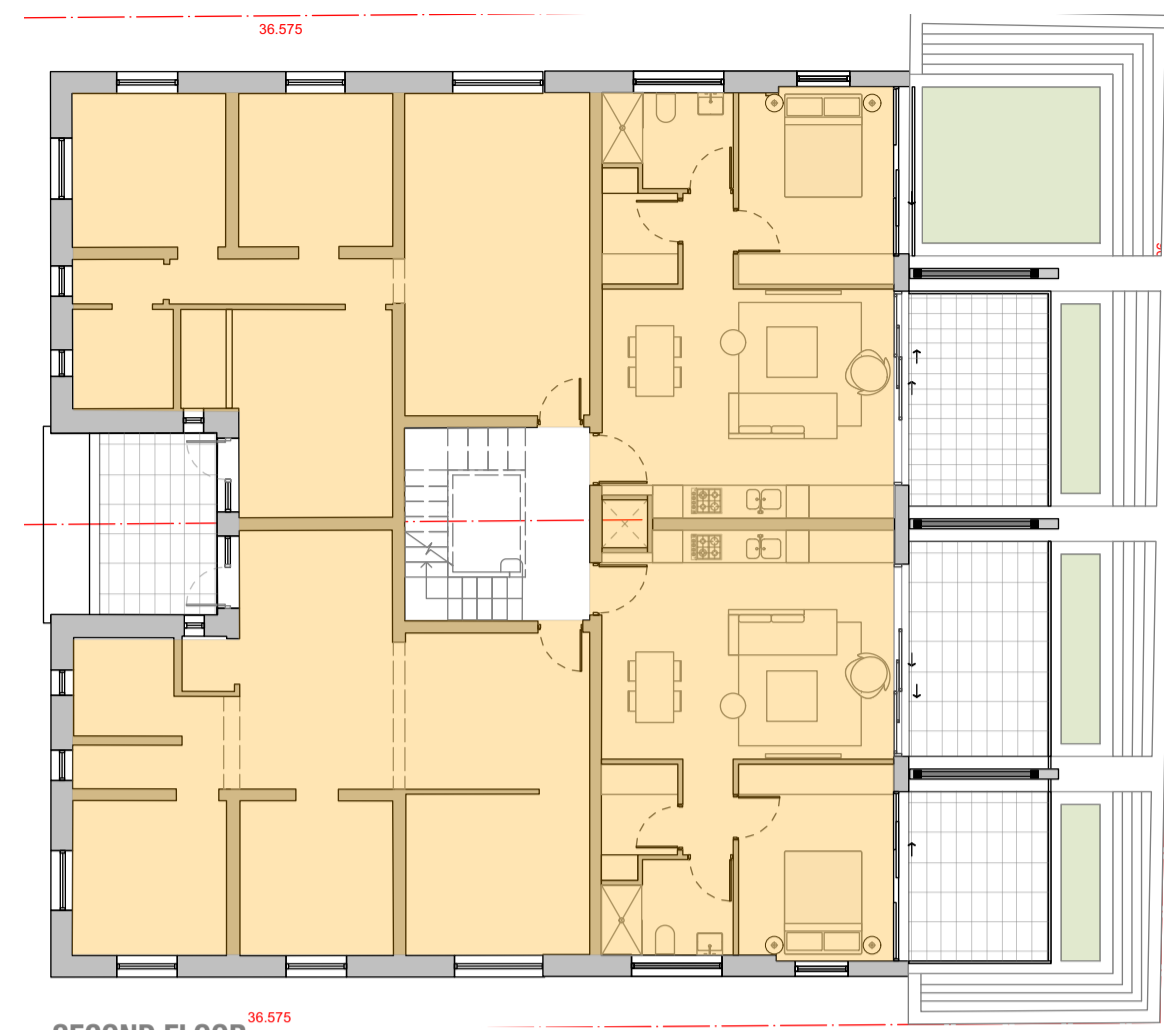
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Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023

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ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727

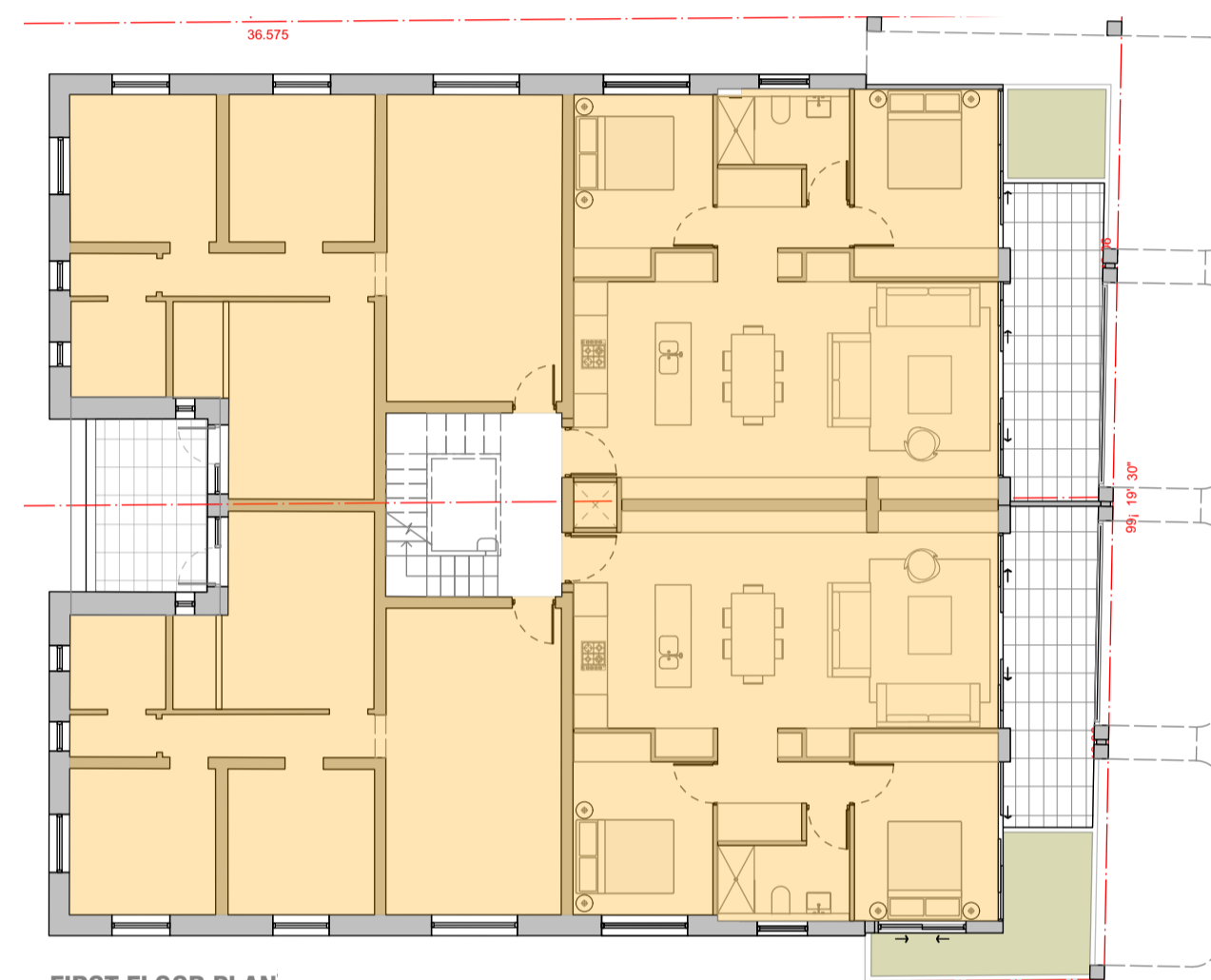


	AREA
SITE AREA	735.50
MAXIMUM PERMISSIBLE FSR	1:1
MAXIMUM PERMISSIBLE GFA	735.50
EXISTING GFA (INCLUDING APPROVED GFA)	
GROUND	333.81
FIRST	303.39
SECOND	250.14
GFA	887.34
FSR	1.21
PROPOSED GFA UNDER THIS DA	
GROUND	342.23
FIRST	311.97
SECOND	258.66
GFA	912.86
FSR	1.24
PROPOSED ADDITIONAL GFA UNDER THIS DA	25.52

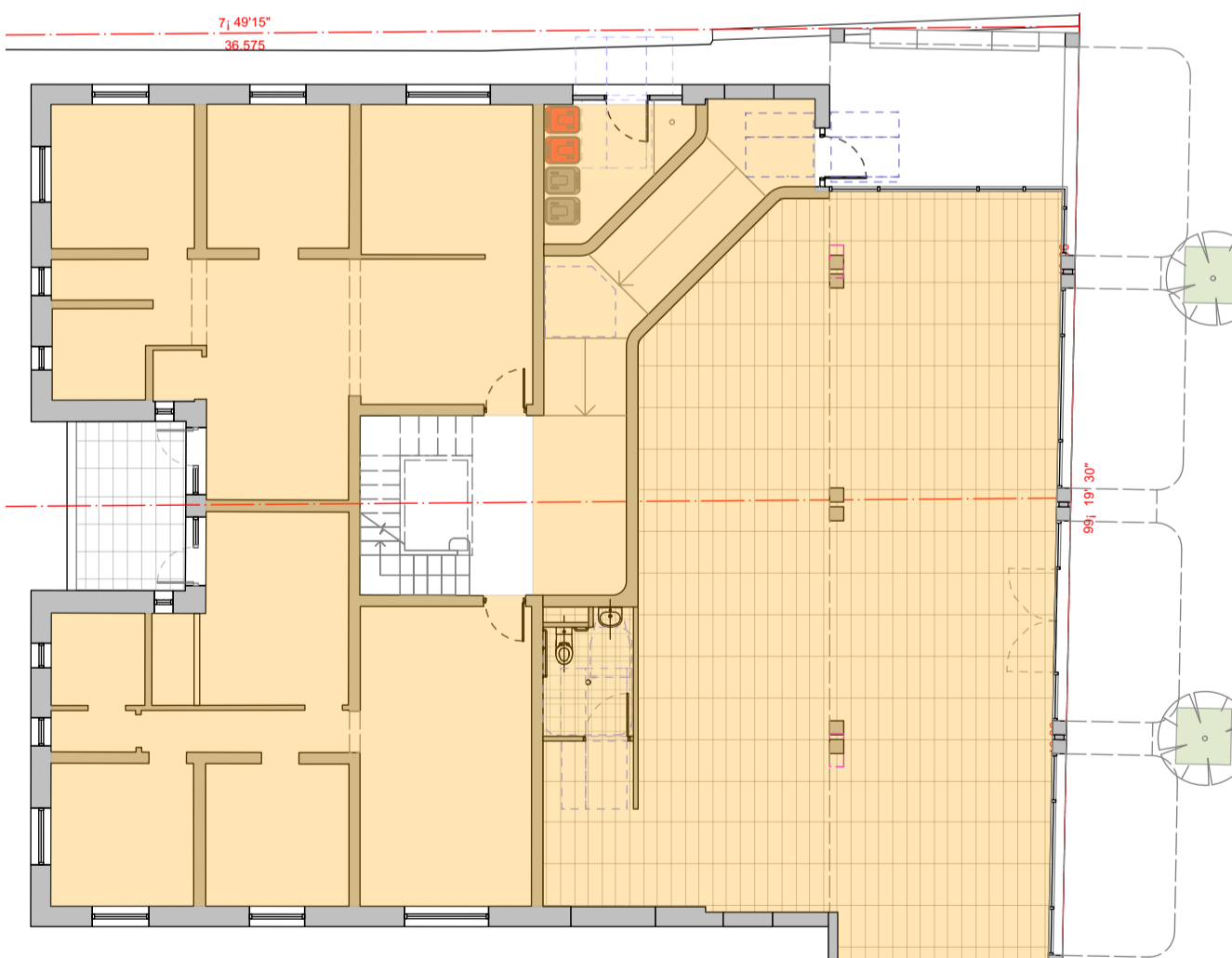
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SECOND FLOOR

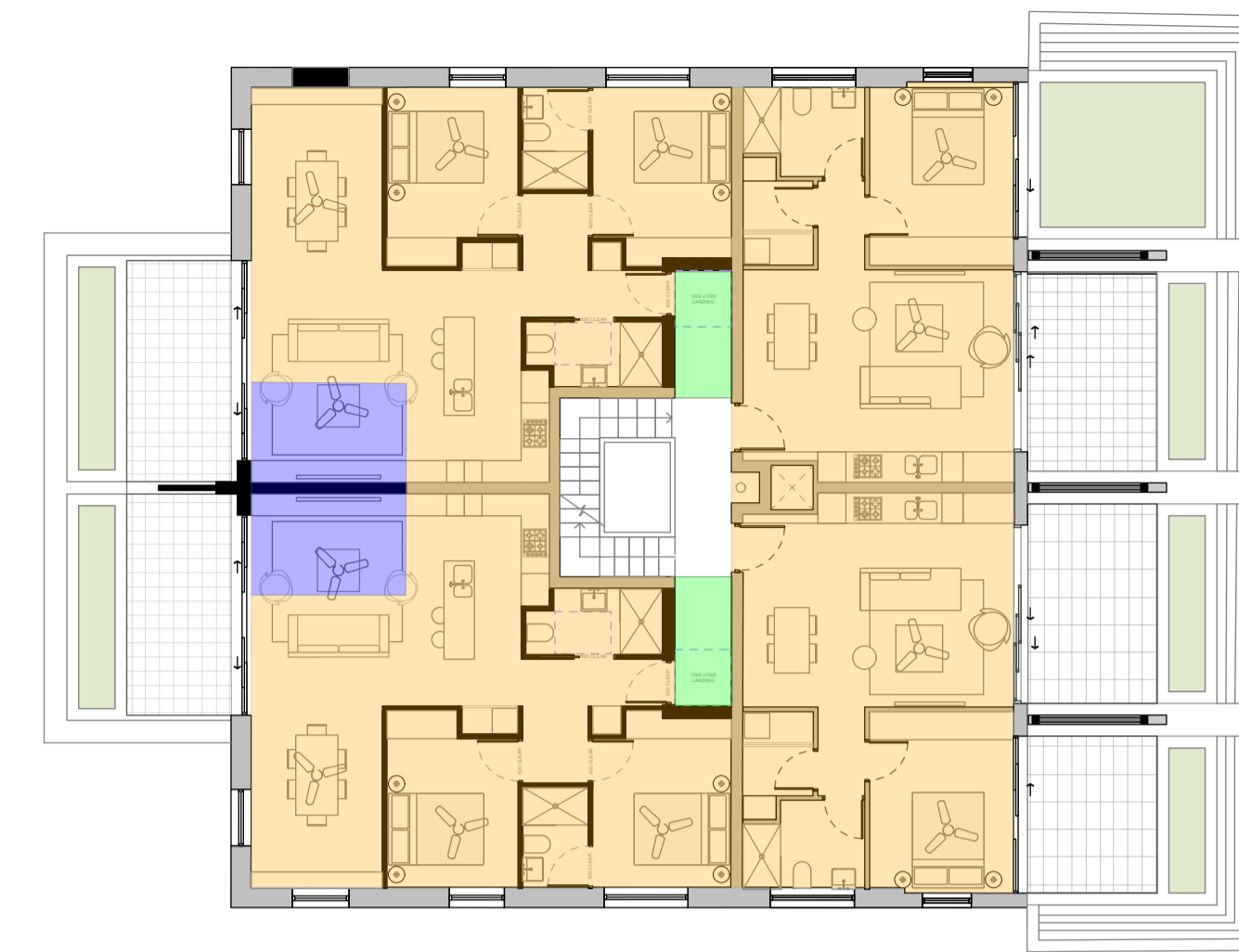


FIRST FLOOR PLAN

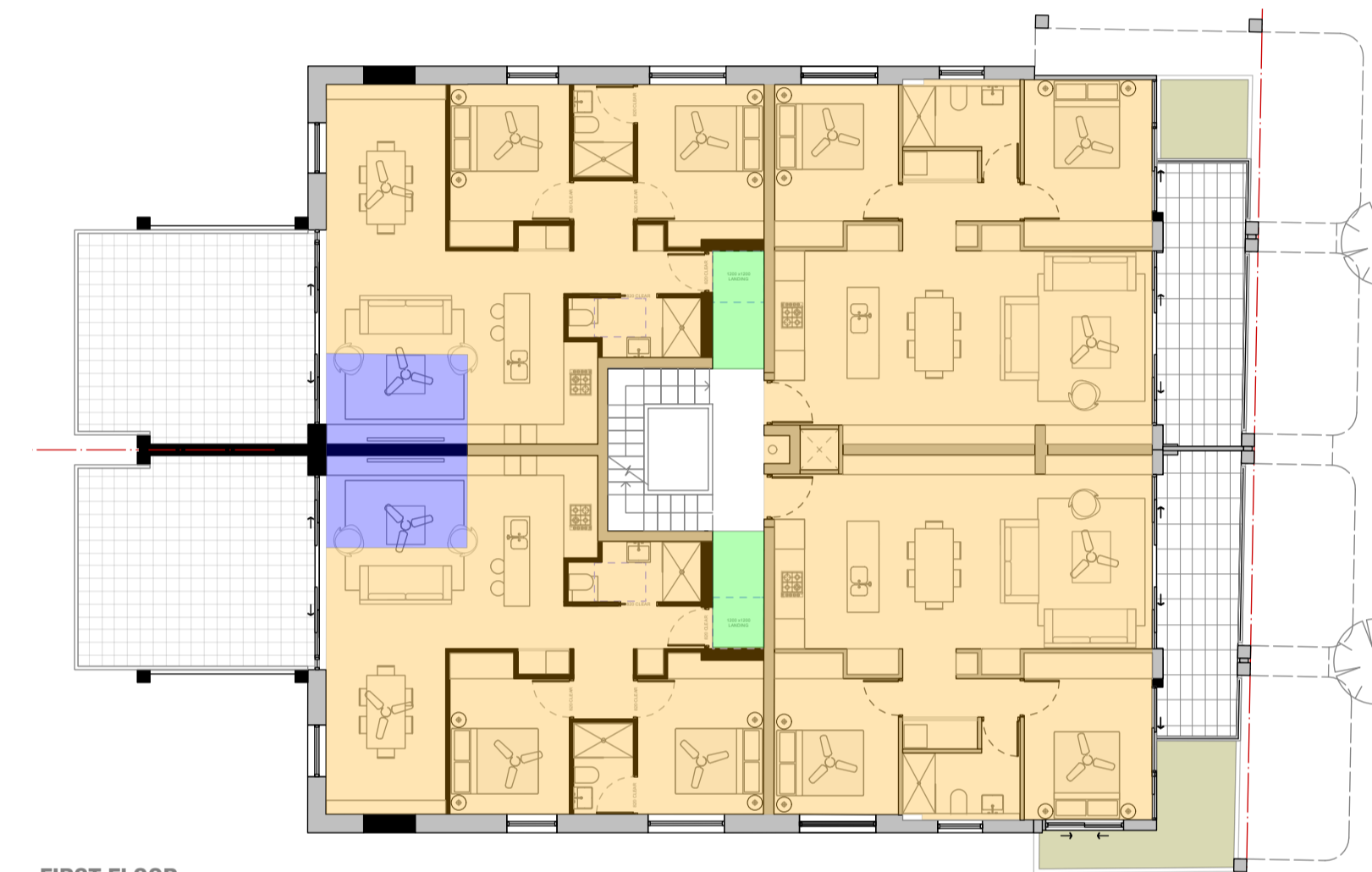


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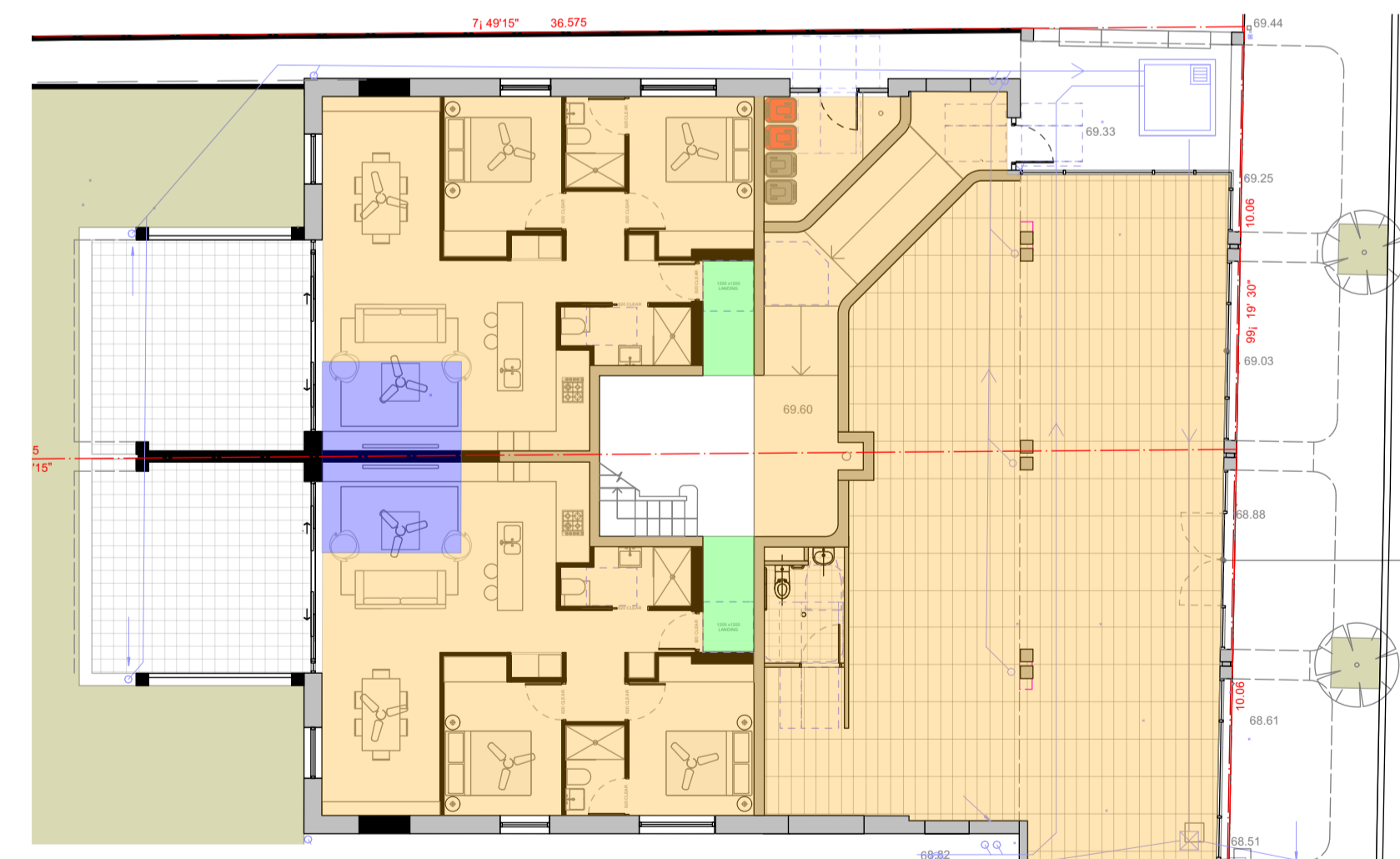
PROPOSED GFA



SECOND FLOOR



FIRST FLOOR



GROUND FLOOR

AMENDED PLANS

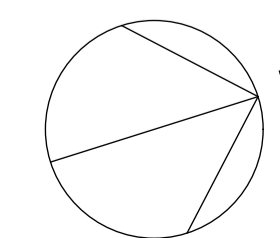
RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023

NOTE

- EXISTING GFA
- PROPOSED GFA
- REDUCED GFA

PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANAVE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

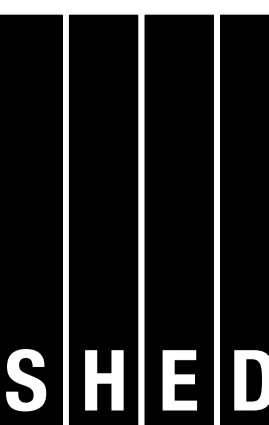
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DRAWING TITLE
GROSS FLOOR AREA

DRAWING NO.
2001 - DA 002 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





BASIX commitments for 241 Bondi Rd.

WATER

WELS WATER RATING

3 STAR RATED (no greater 9.0 litres per min) SHOWERHEADS TO ALL SHOWERS.

3 STAR RATED TOILETS (no greater 4.0 litres per min)

3 STAR RATED TAPS (no greater 4.0 litres per min)

LIGHTING

The applicant must ensure a minimum of 40% of new altered light fixtures and fitted with fluorescent, compacted fluorescent, or LED lamps.

THERMAL REQUIRMENTS

EXTERNAL WALL CAVITY BRICK – NIL ADDED INSULATION

FLOOR ABOVE EXISTING DWELLING OR BUILDING - NIL ADDED INSULATION

EXTERNAL WALL – OTHER/UNDECIDED - R1.70 INSULATION INCLUDING CONSTRUCTION

CEILING AND ROOF – FLAT ROOF CONCRETE/PLASTERBOARD INTERNAL – R1.82 INSULATION INCLUDING CONSTRUCTION PLUS SARKING – ROOF LIGHT IN COLOUR.

GLAZING – ALL GLAZING TO BE SINGLE GLAZED CLEAR TO ALL SOUTH GLAZING.

GLAZING – ALL GLAZING TO BE SINGLE GLAZED CLEAR TO ALL WEST GLAZING WITH AN EXTERNAL LOUVRE BLIND.

GLAZING – ALL GLAZING TO BE SINGLE GLAZED CLEAR TO ALL EAST GLAZING WITH AN EXTERNAL LOUVRE BLIND.

NOTES

(A) AS PER PART B2, SECTION 2.3, CONTROL (C) OF THE WAVERLY DCP, GAS COOKTOPS, GAS OVENS OR GAS INTERNAL SPACE HEATING SYSTEMS ARE NOT PERMITTED IN ANY RESIDENTIAL DEVELOPMENT. ELECTRIC SYSTEMS ARE TO BE INSTALLED.

(B) AS PER PART B2, SECTION 2.1, CONTROL (C)(II) OF THE WAVERLY DCP, CEILING MOUNTED FANS ARE TO BE INSTALLED IN ALL HABITABLE ROOMS (MAIN LIVING AREAS AND BEDROOMS) AS SHOWN ON THE PLANS

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PROJECT 241 BOND ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

SCALE
1:100

DRAWING TITLE
BASIX COMMITMENTS AND NOTES
DRAWING NO.
2001 - DA 003 E

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ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



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PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANAVE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

SCALE
NTS

DRAWING TITLE
**3D MODEL SKETCH |
REAR VIEW**
DRAWING NO.
2001 - DA 004 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



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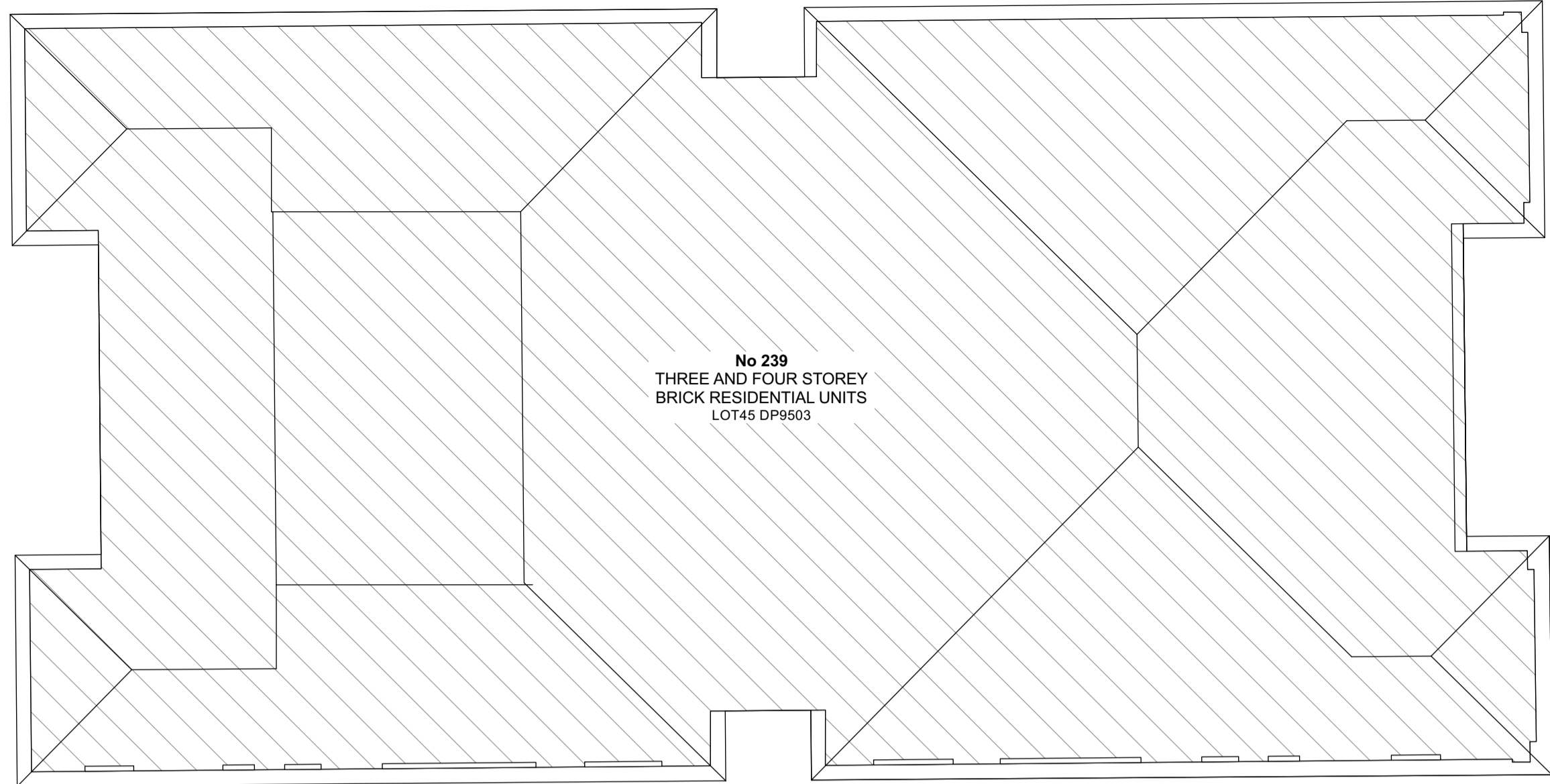
PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

SCALE
NTS

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REAR VIEW**
DRAWING NO.
2001 - DA 005 E

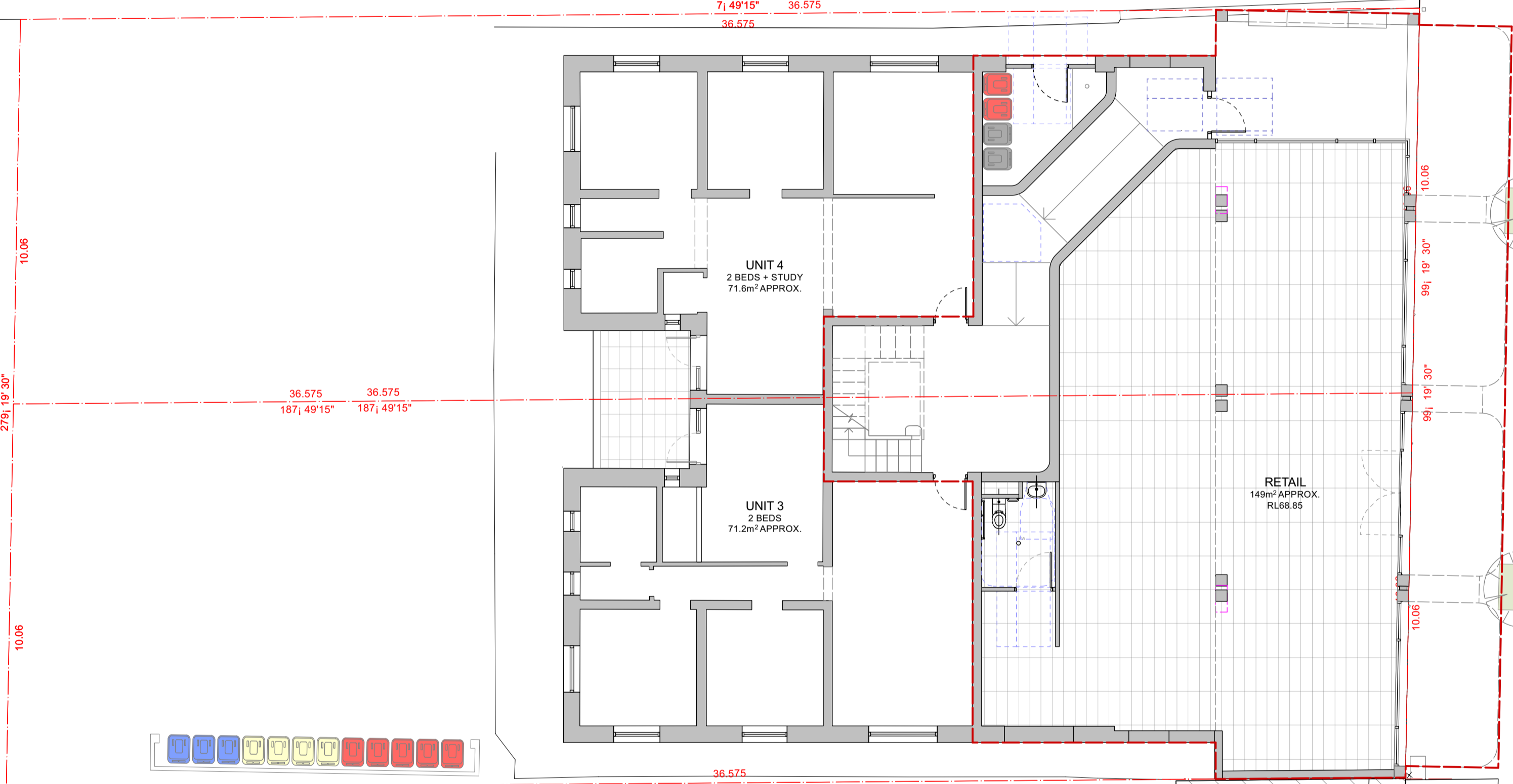
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ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





No 239
THREE AND FOUR STOREY
BRICK RESIDENTIAL UNITS
LOT 45 DP9503

AMENDED PLANS



71.49'15" 36.575
36.575

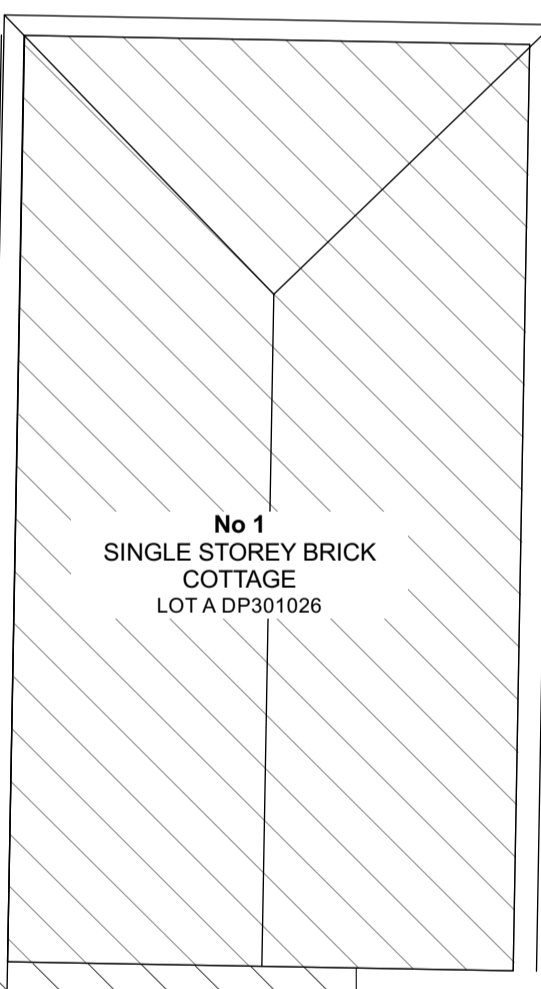
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2 BEDS + STUDY
71.6m² APPROX.

UNIT 3
2 BEDS
71.2m² APPROX.

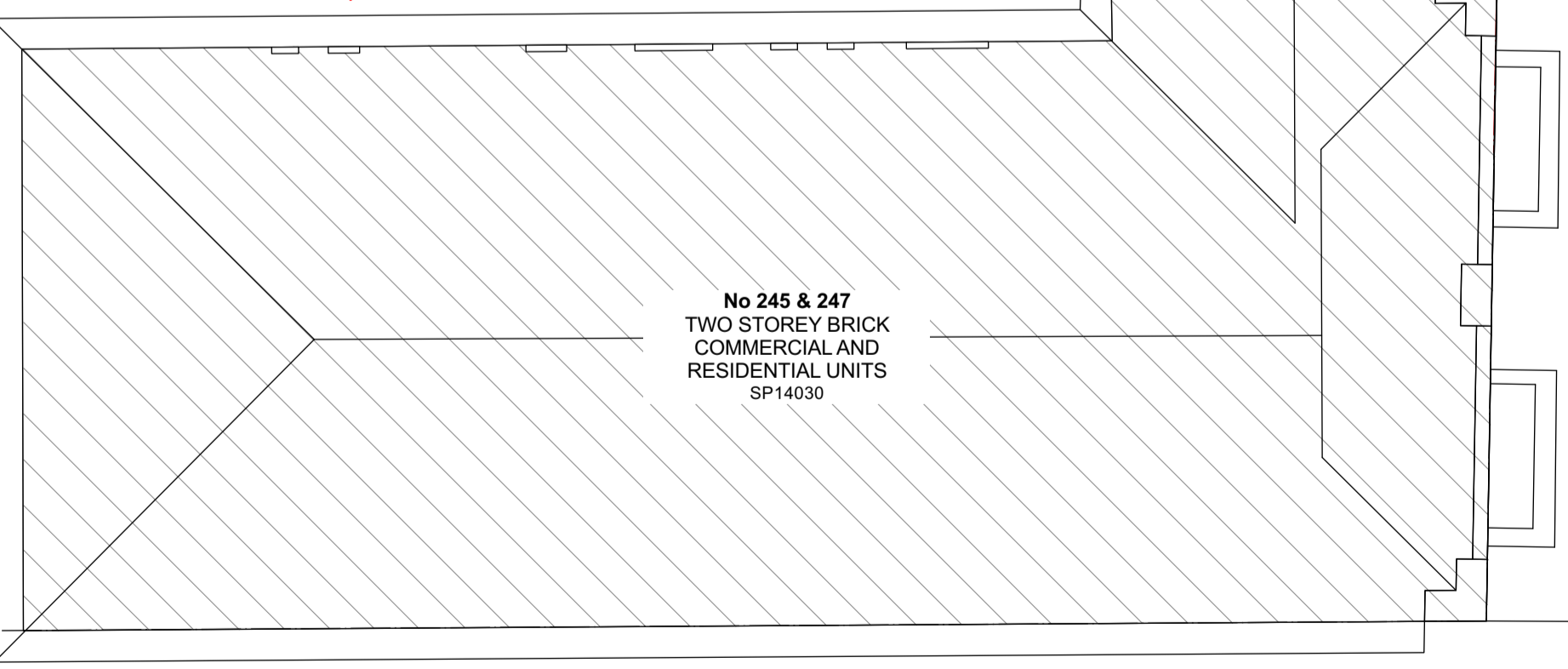
RETAIL
149m² APPROX.
RL55.85



36.575 187.49'15" 36.575



No 1
SINGLE STOREY BRICK
COTTAGE
LOT A DP901026



No 245 & 247
TWO STOREY BRICK
COMMERCIAL AND
RESIDENTIAL UNITS
SP14030

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Waverley Council
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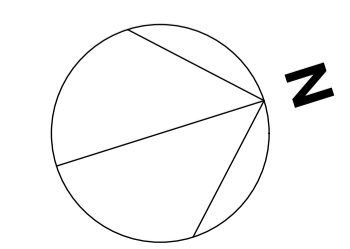
BONDI ROAD

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
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E	11/09/23	ISSUE FOR DA

NOTE
APPROVED UNDER DA-223/2021

PROJECT 241 BONDI ROAD | BONDI
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DESIGNED BY SHED
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CHECKED BY CH

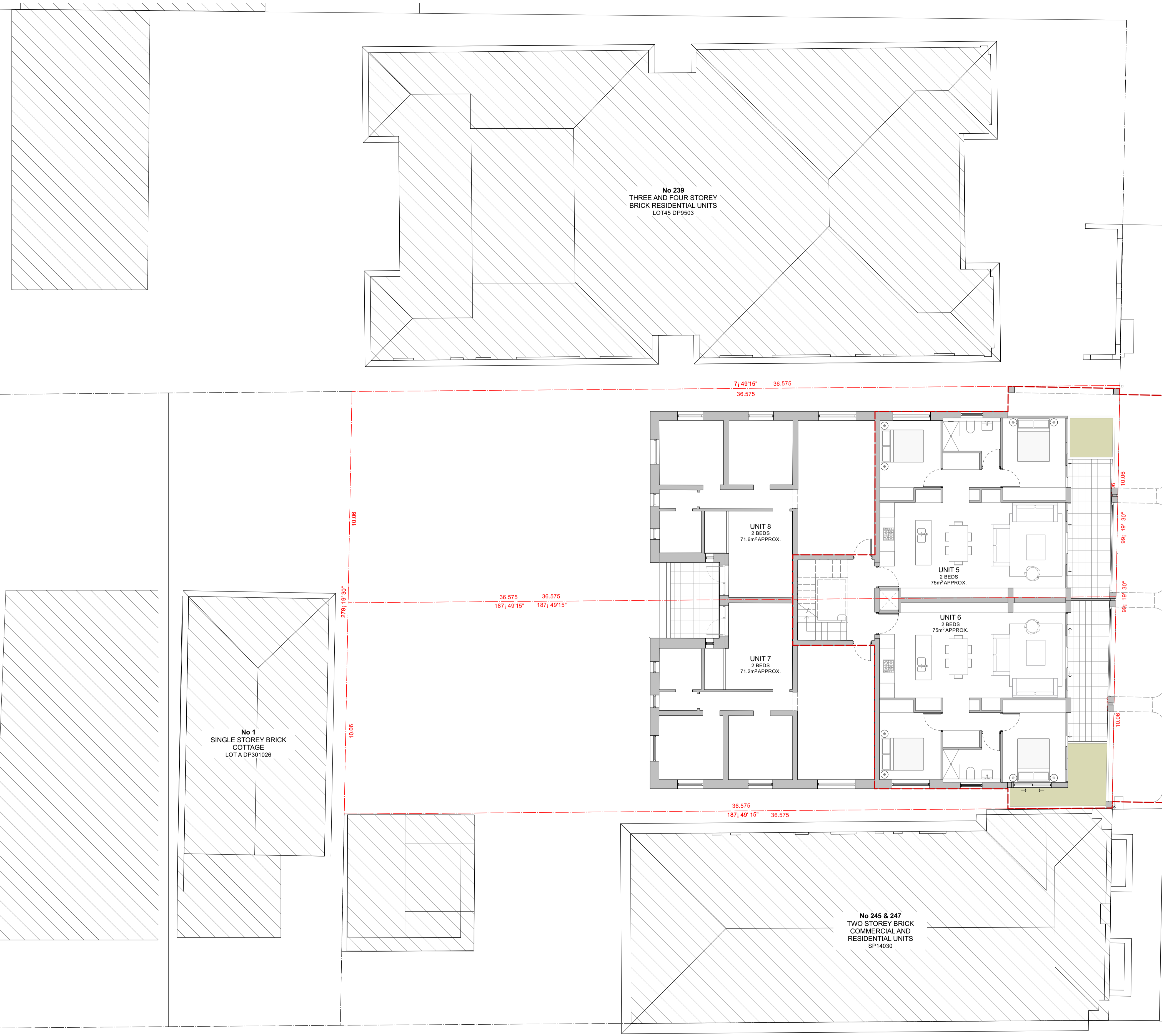
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**EXISTING GROUND
FLOOR PLAN**
DRAWING NO.
2001 - DA 100 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





AMENDED PLANS

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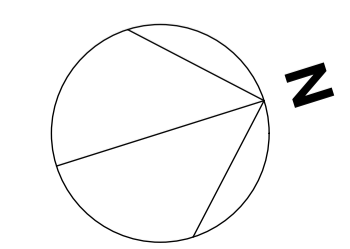
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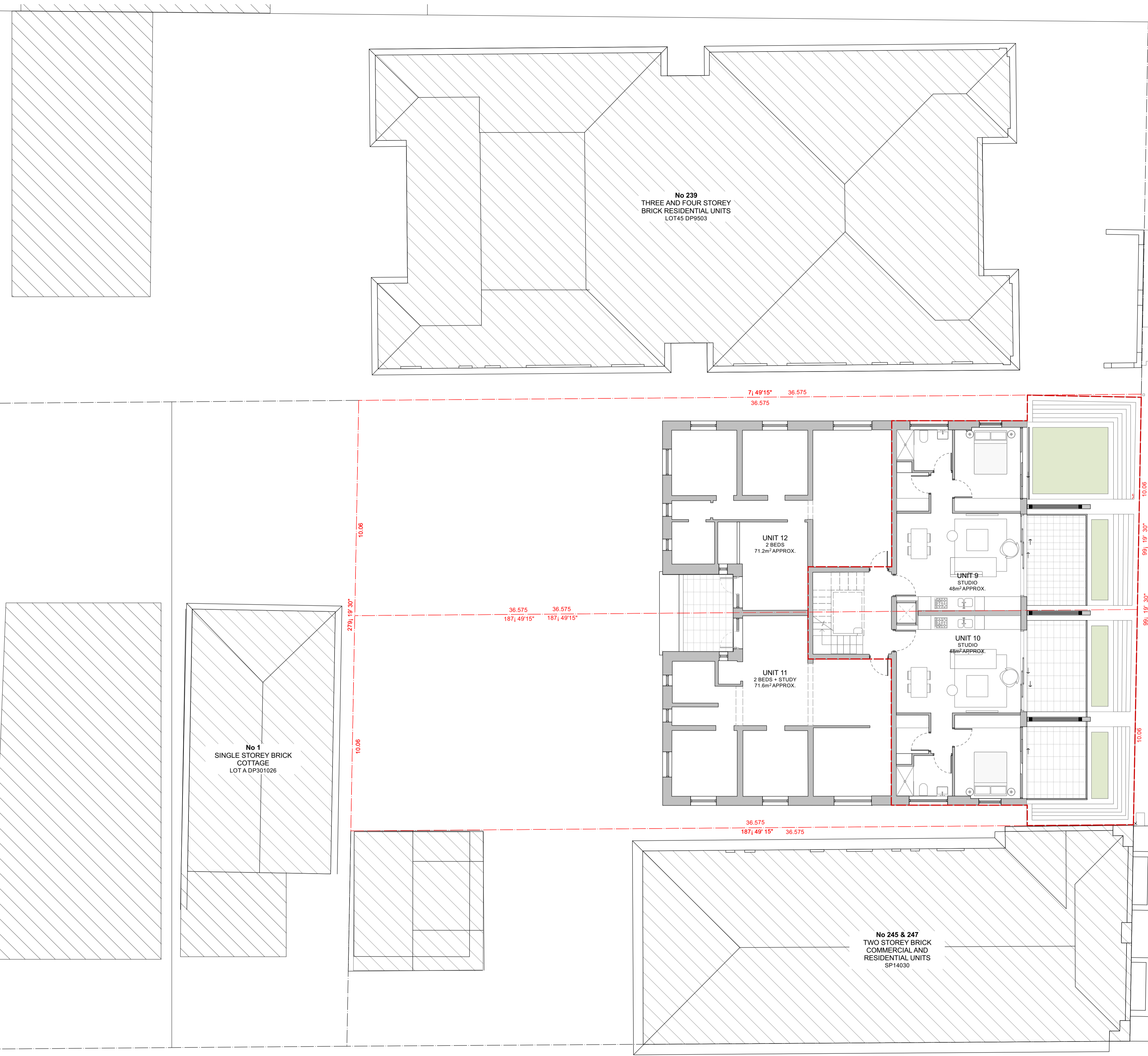
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2001 - DA 101 E

M 0410 491 416
 ABN 75155117516
 NOM ARCH CHRIS HAUGHTON NSW 6727





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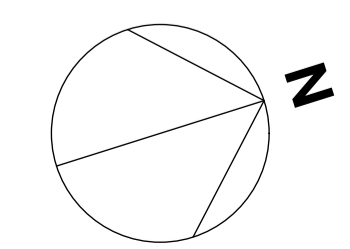
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PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

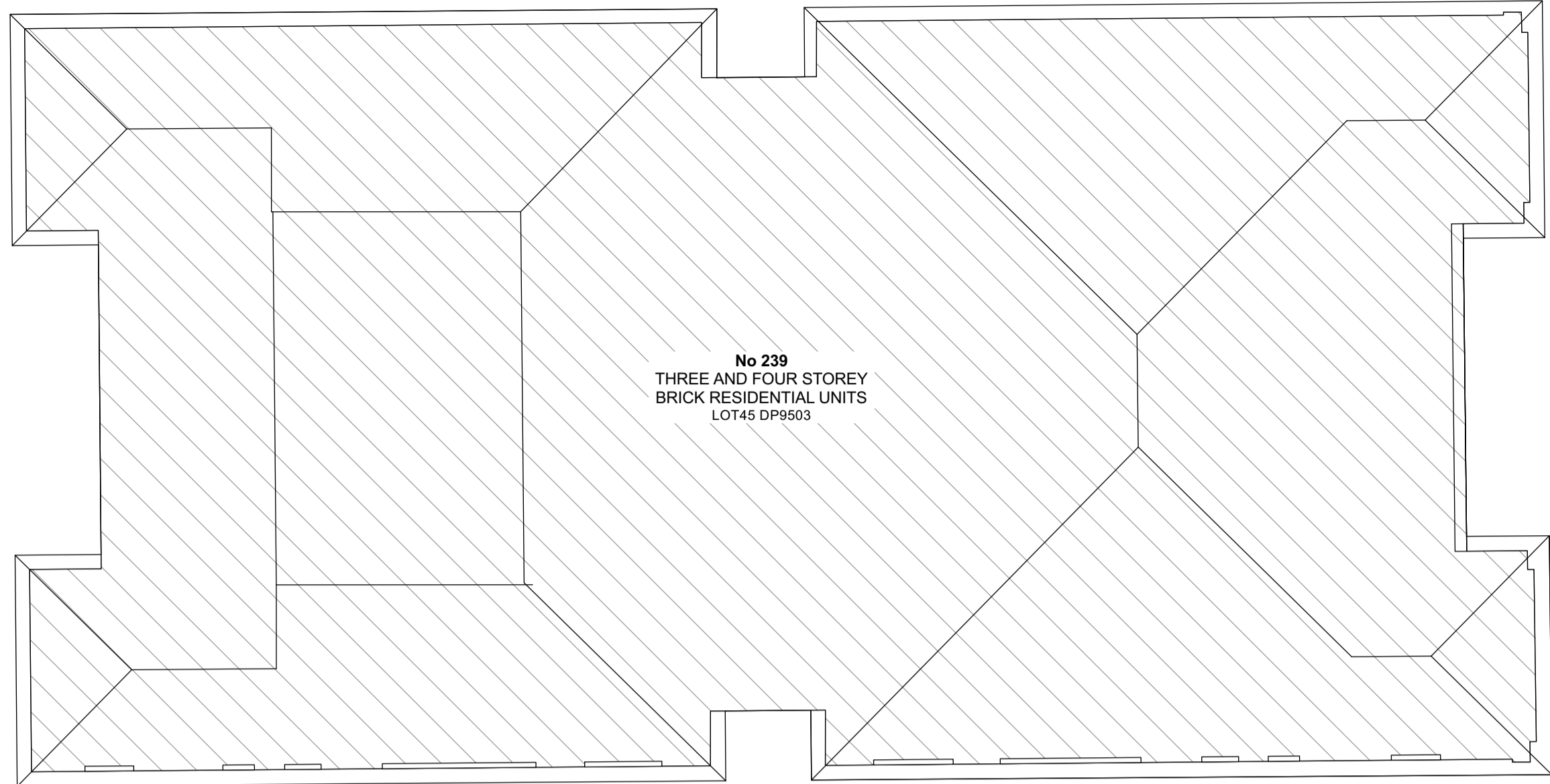
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2001 - DA 102 E

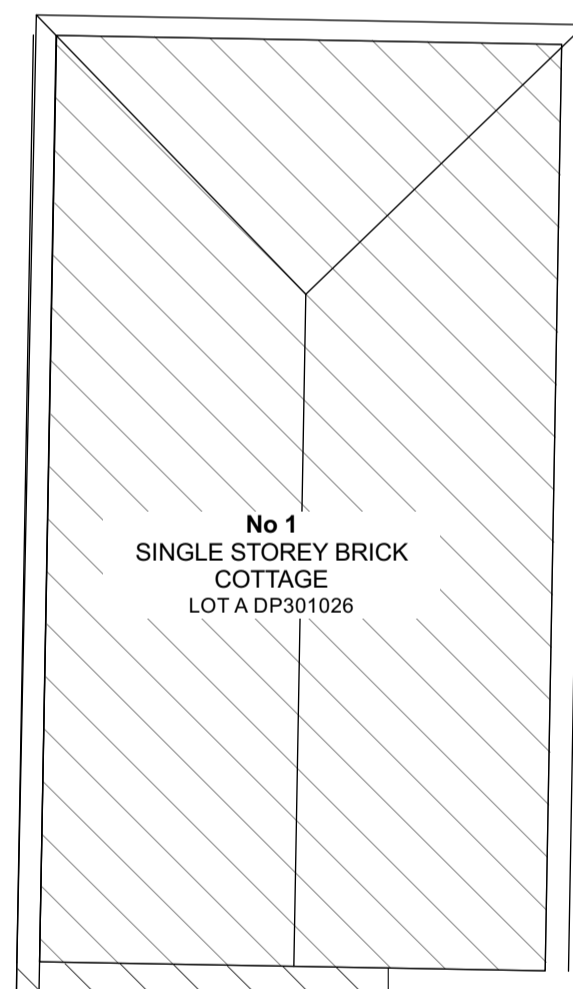
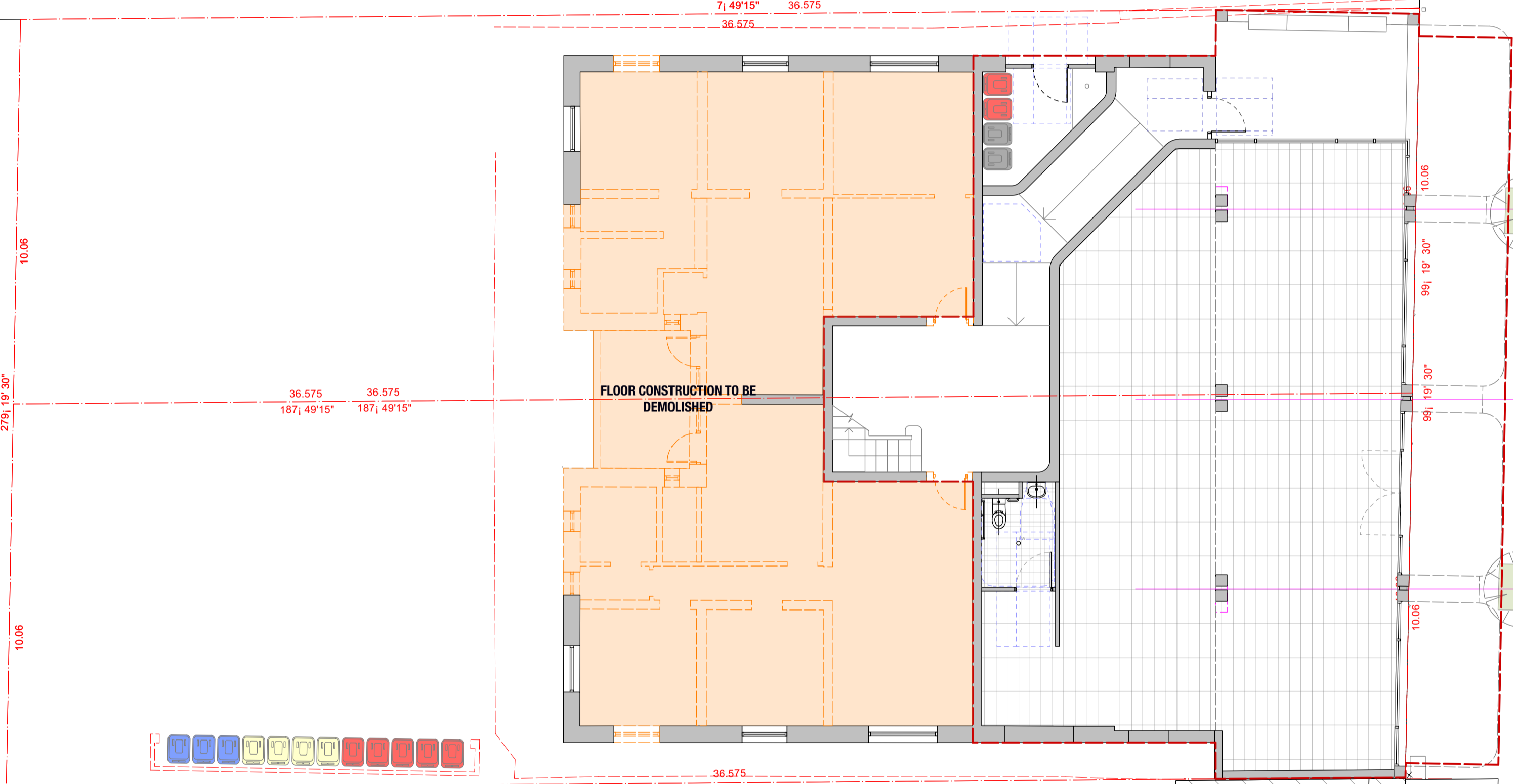
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ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





AMENDED PLANS

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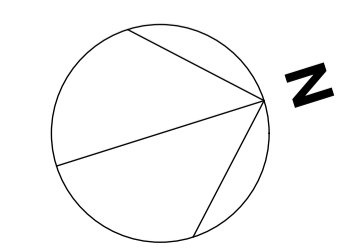
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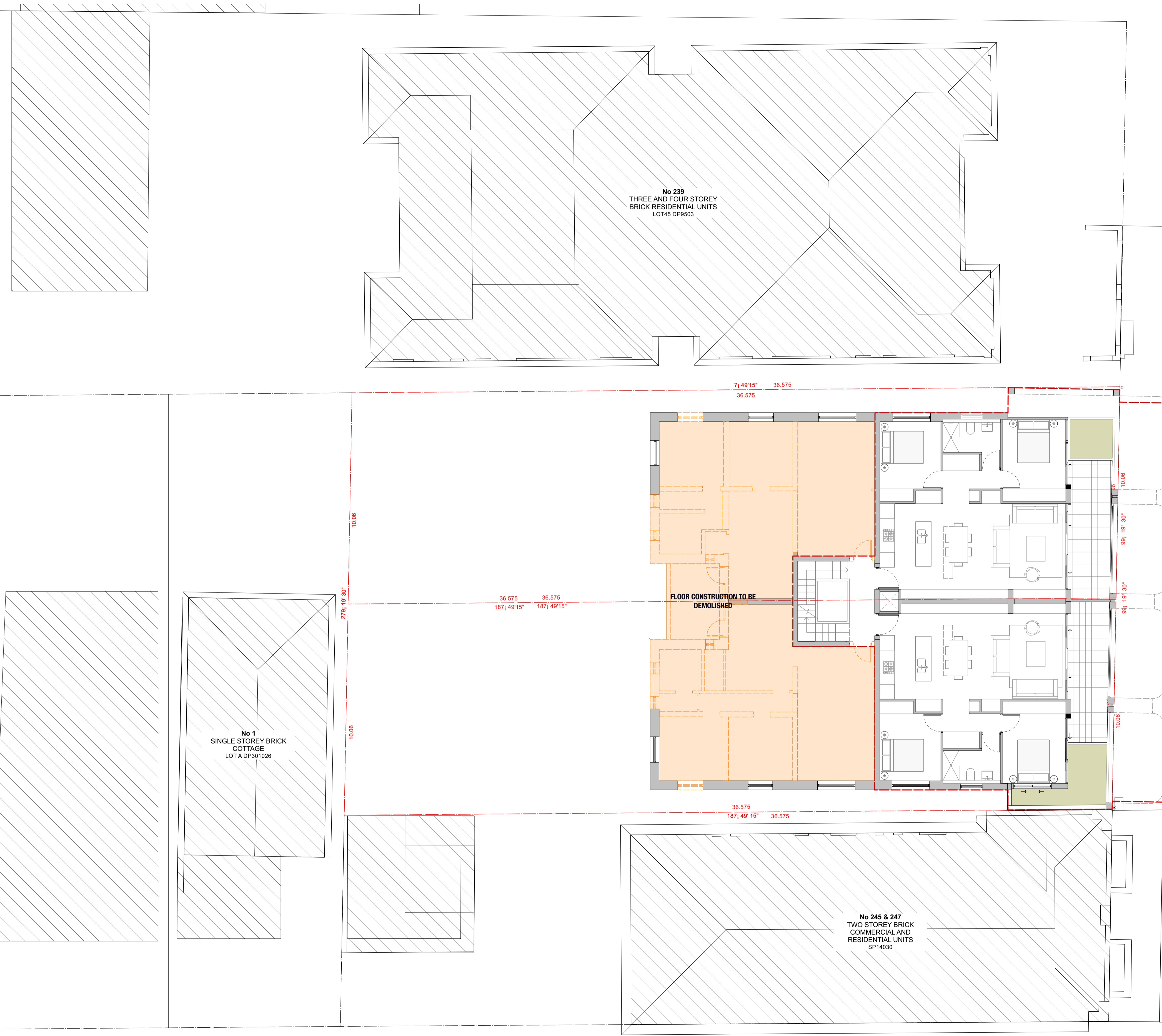
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**GROUND FLOOR
DEMOLITION PLAN**
 DRAWING NO.
2001 - DA 110 E

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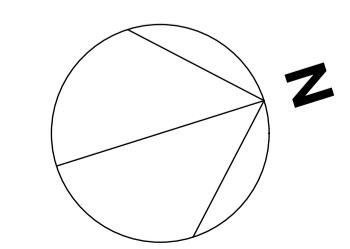
BONDI ROAD

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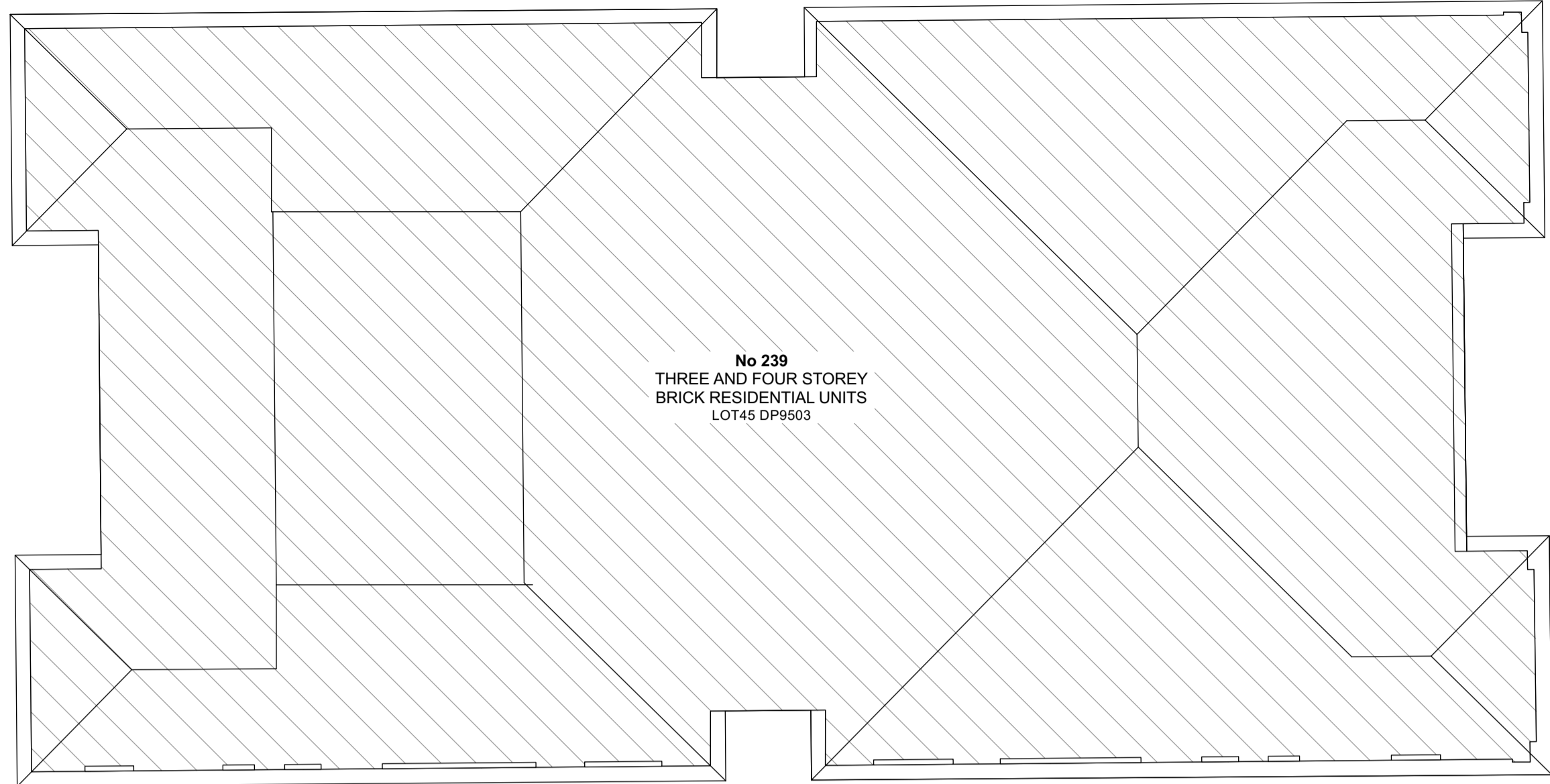
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 DRAWING NO.
2001 - DA 111 E

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 NOM ARCH CHRIS HAUGHTON NSW 6727

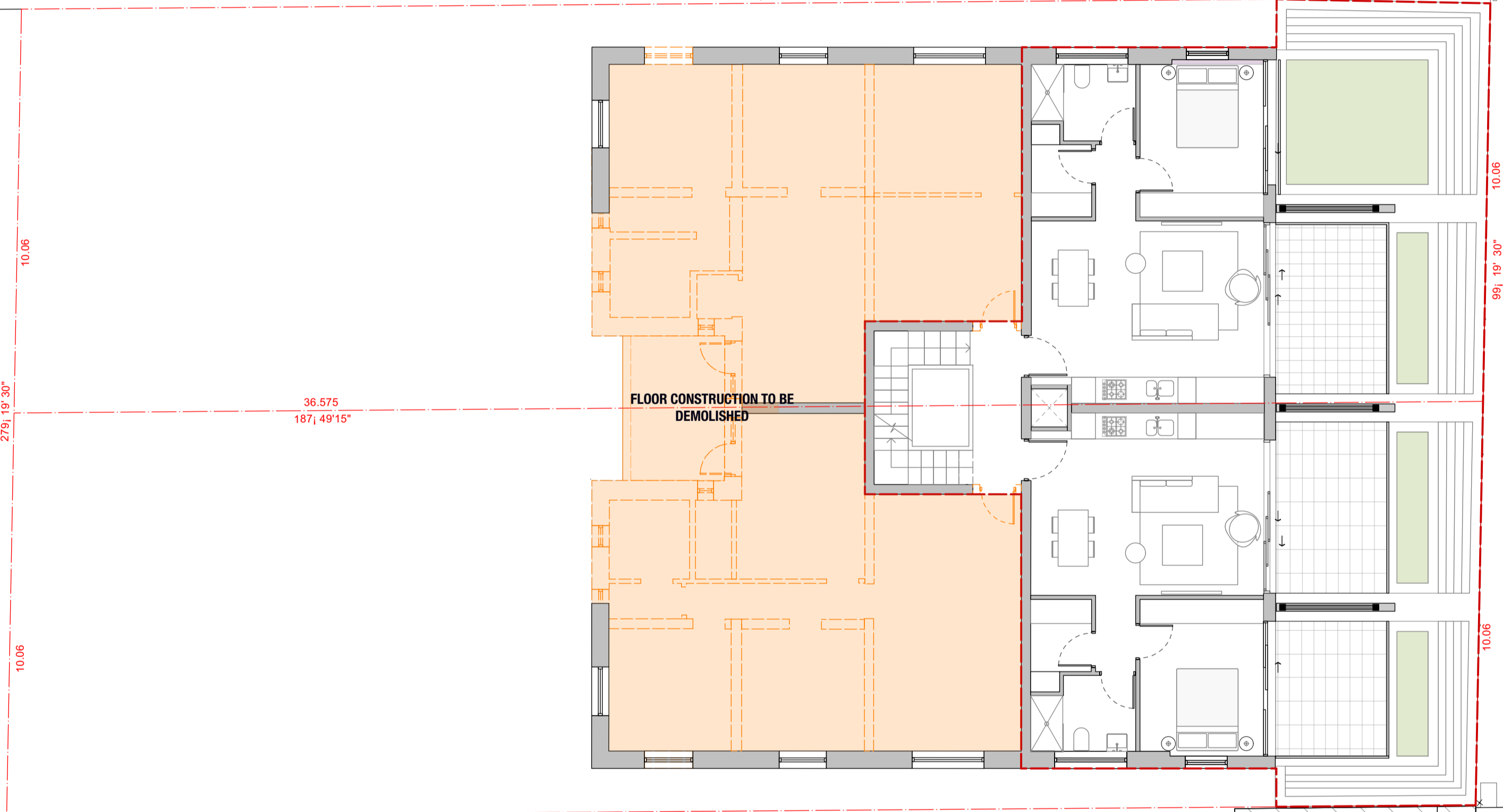




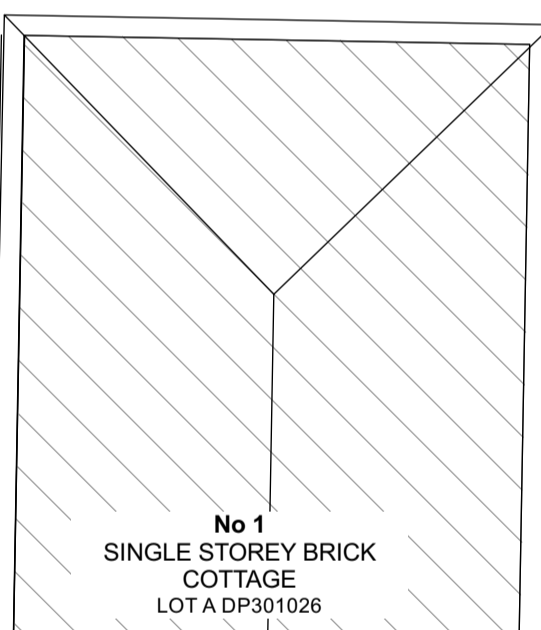
No 239
THREE AND FOUR STOREY
BRICK RESIDENTIAL UNITS
LOT45 DP9503

AMENDED PLANS

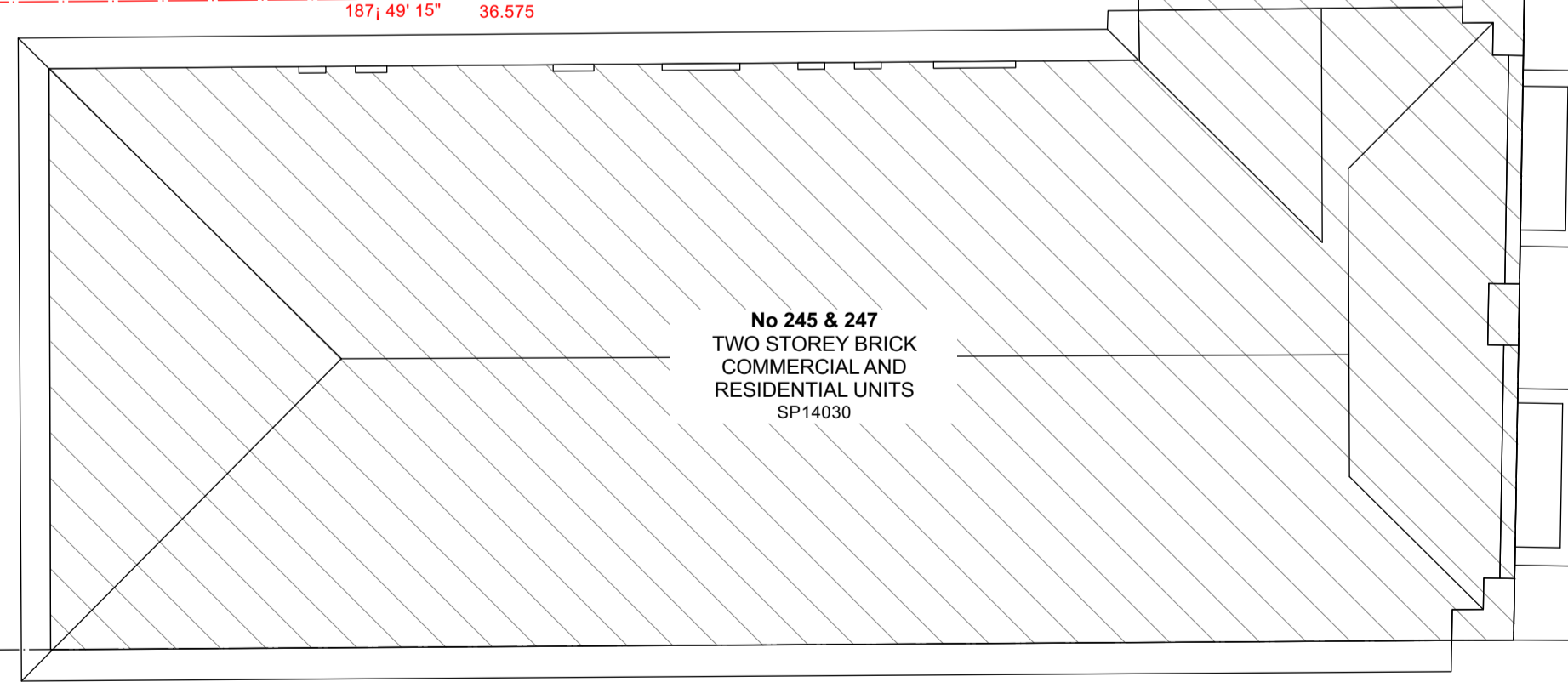
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FLOOR CONSTRUCTION TO BE
DEMOLISHED



No 1
SINGLE STOREY BRICK
COTTAGE
LOT A DP901026



No 245 & 247
TWO STOREY BRICK
COMMERCIAL AND
RESIDENTIAL UNITS
SP14030

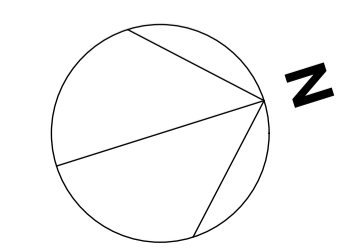
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NOTE
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PROJECT 241 BONDI ROAD | BONDI
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 DRAWN BY SHED
 CHECKED BY CH

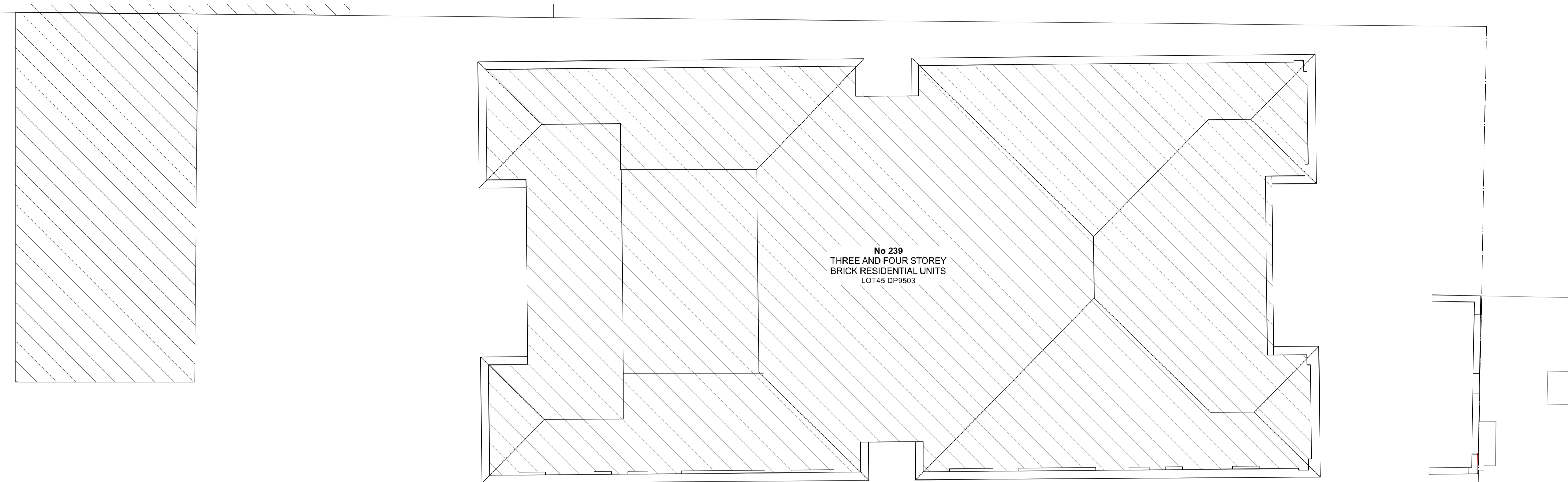
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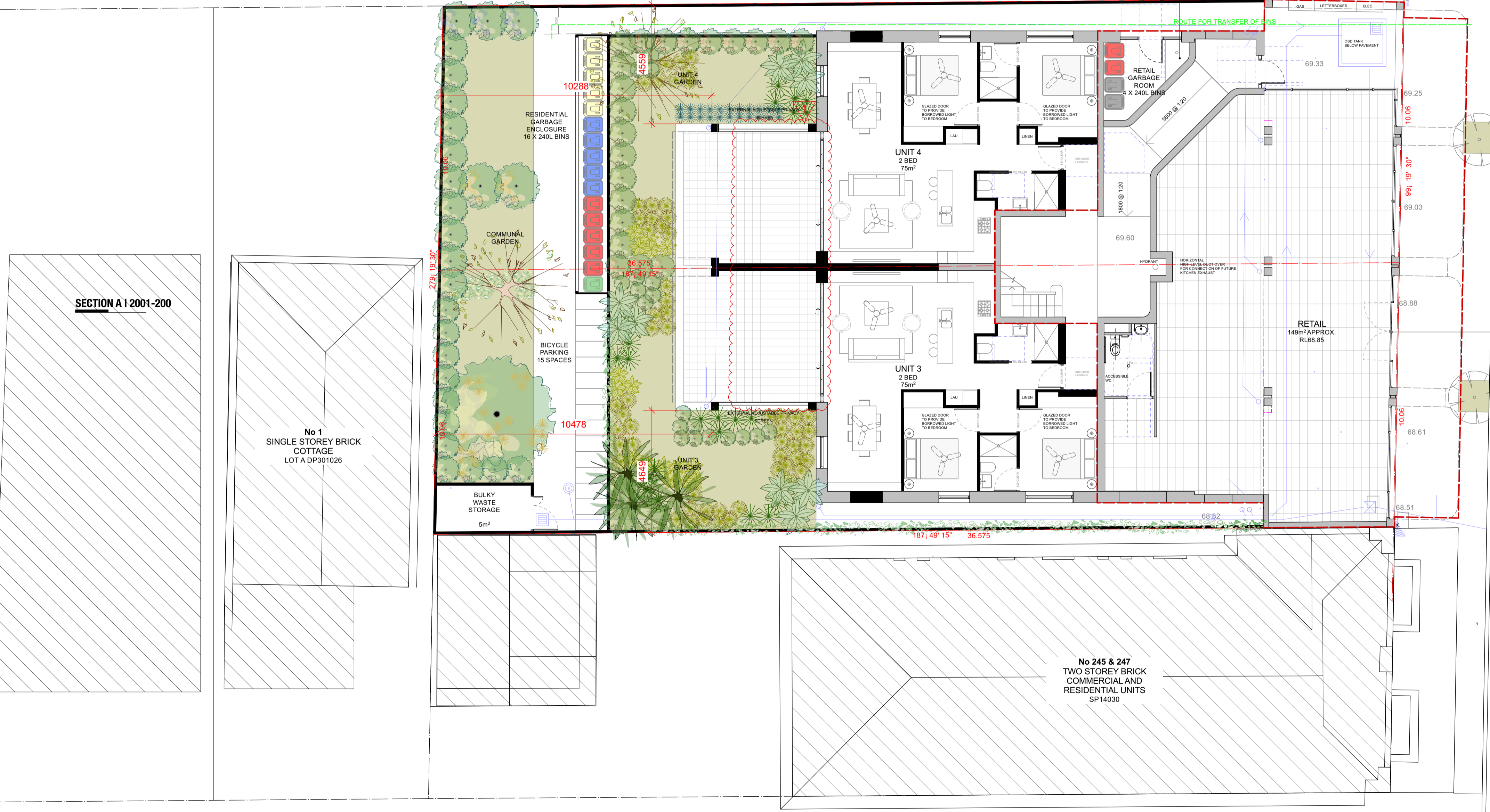
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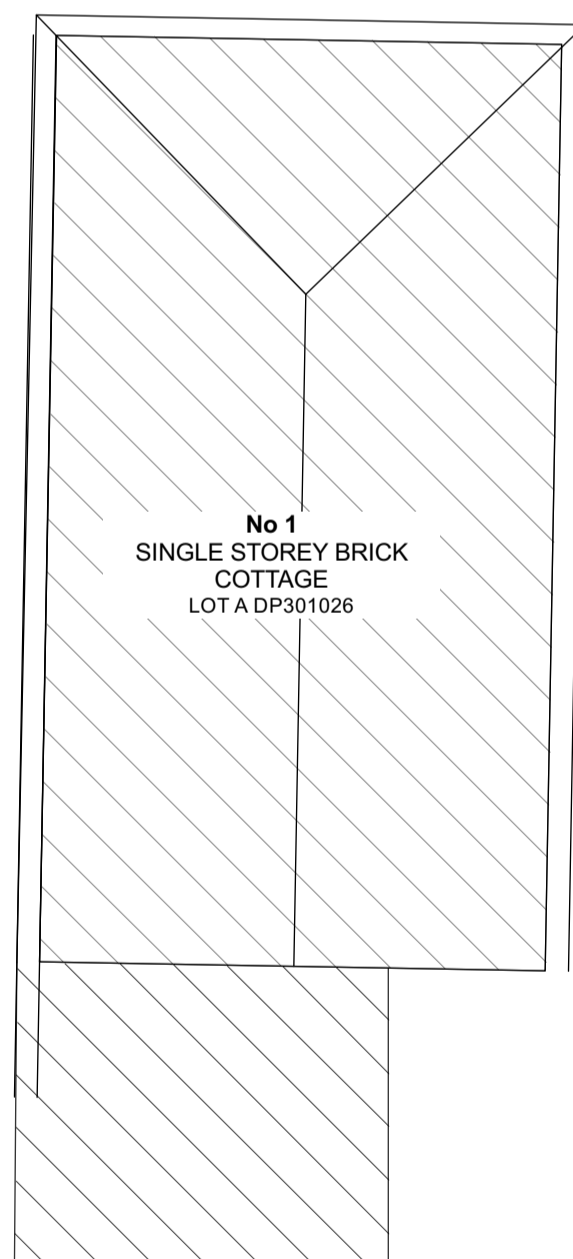
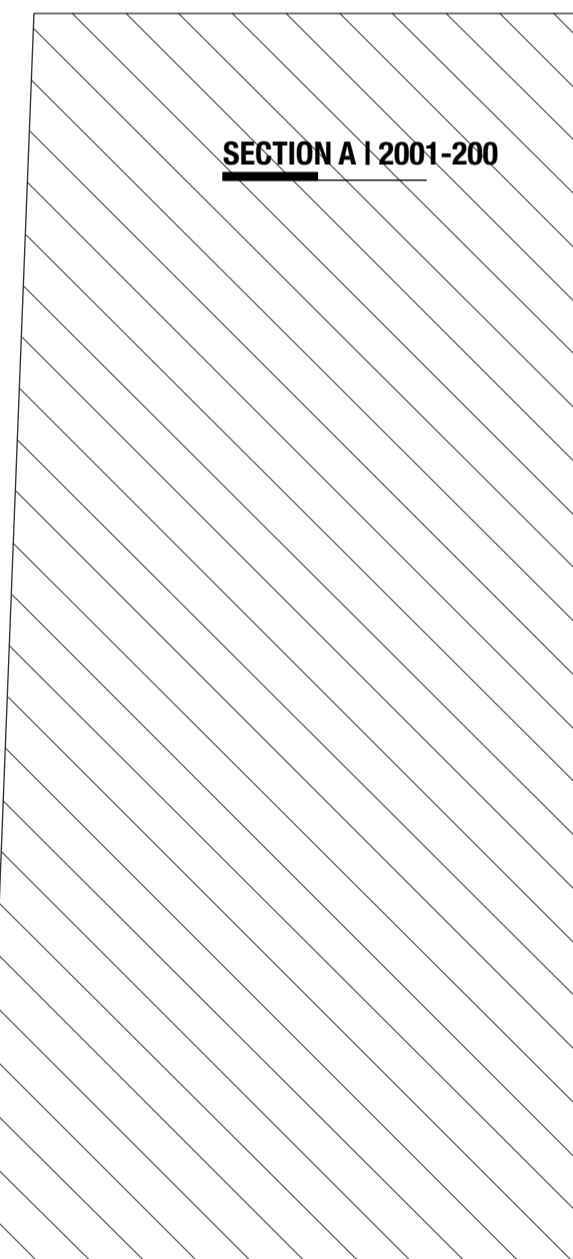


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PROVIDE TRANSITION AT DOORWAY TO COMPLY WITH AS1428.1-2009

BONDI ROAD



SECTION A | 2001-200

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

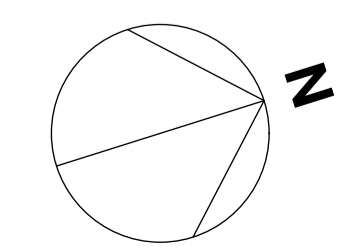
NOTE
APPROVED UNDER DA-223/2021

1. AREA OF UNITS REDUCED

AMENDED PLANS

PROJECT	241 BONDI ROAD BONDI
STAGE	DA
CLIENT	HANA VE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100

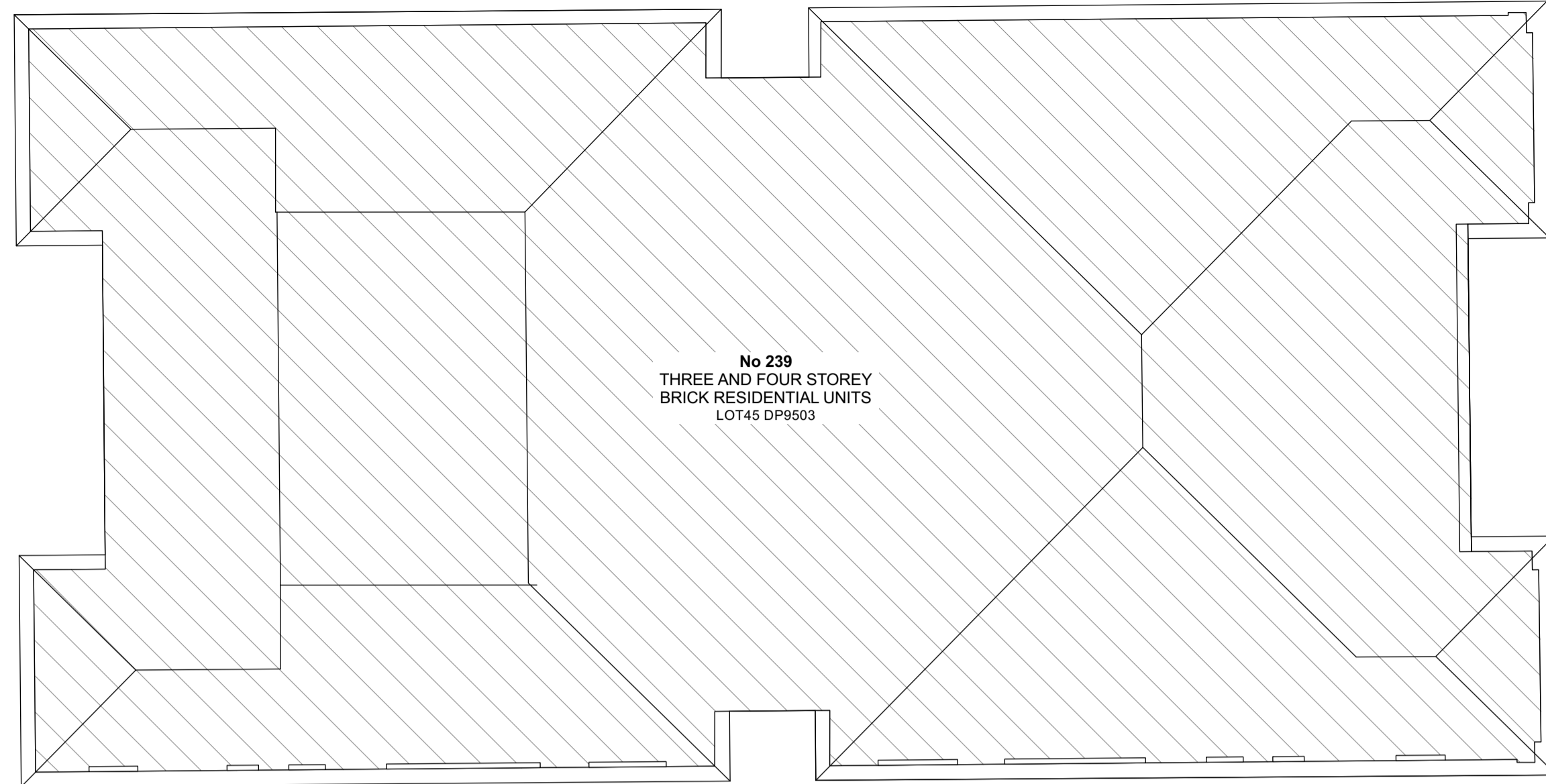
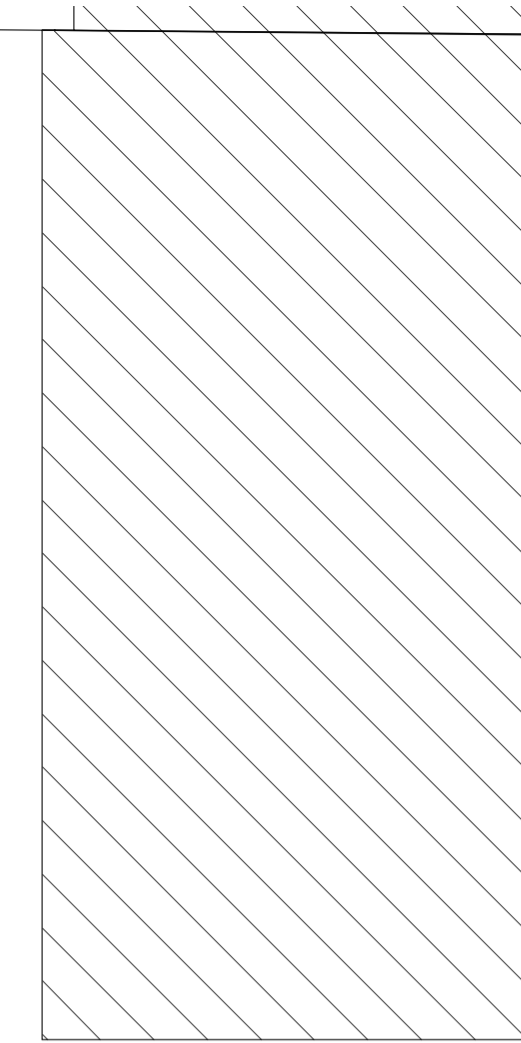


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GROUND FLOOR PLAN

DRAWING NO.
2001 - DA 120 E

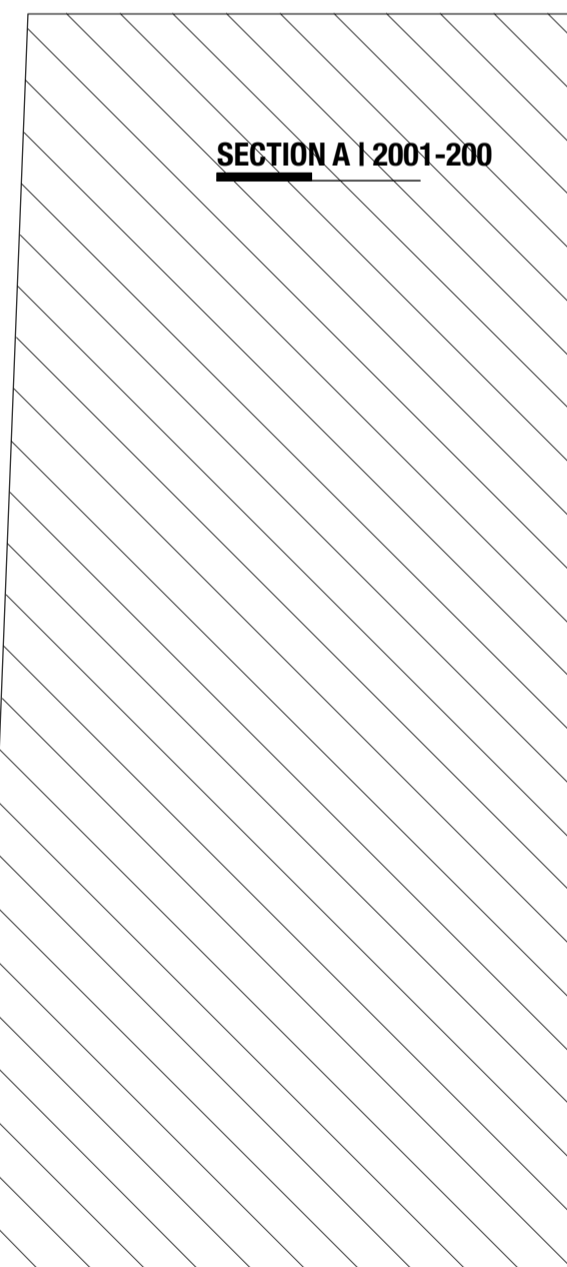
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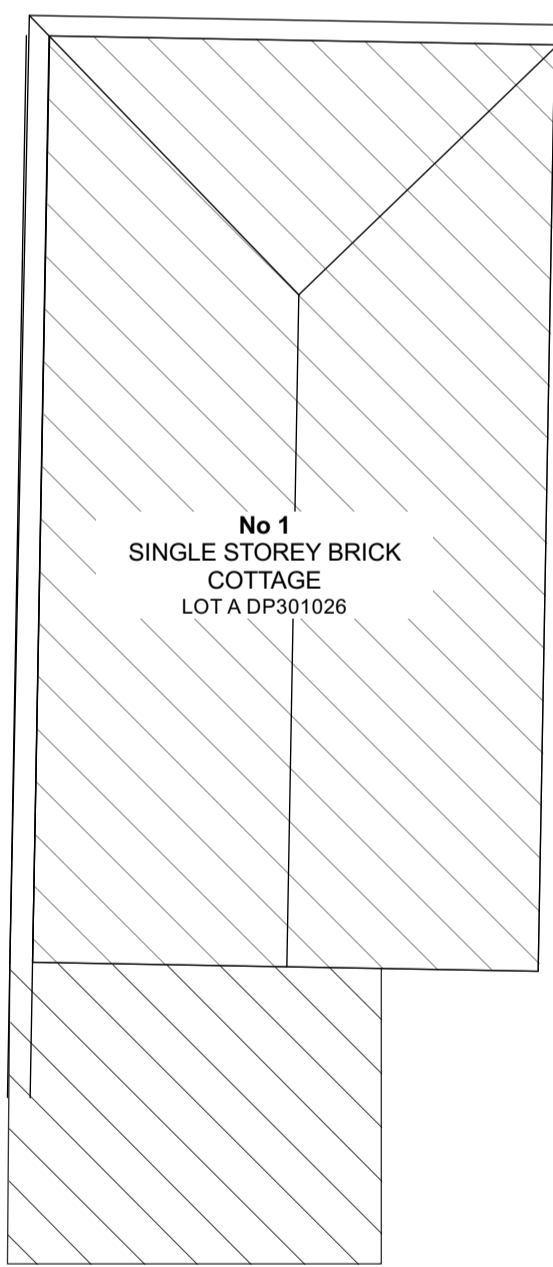


No 239
THREE AND FOUR STOREY
BRICK RESIDENTIAL UNITS
LOT45 DP9503

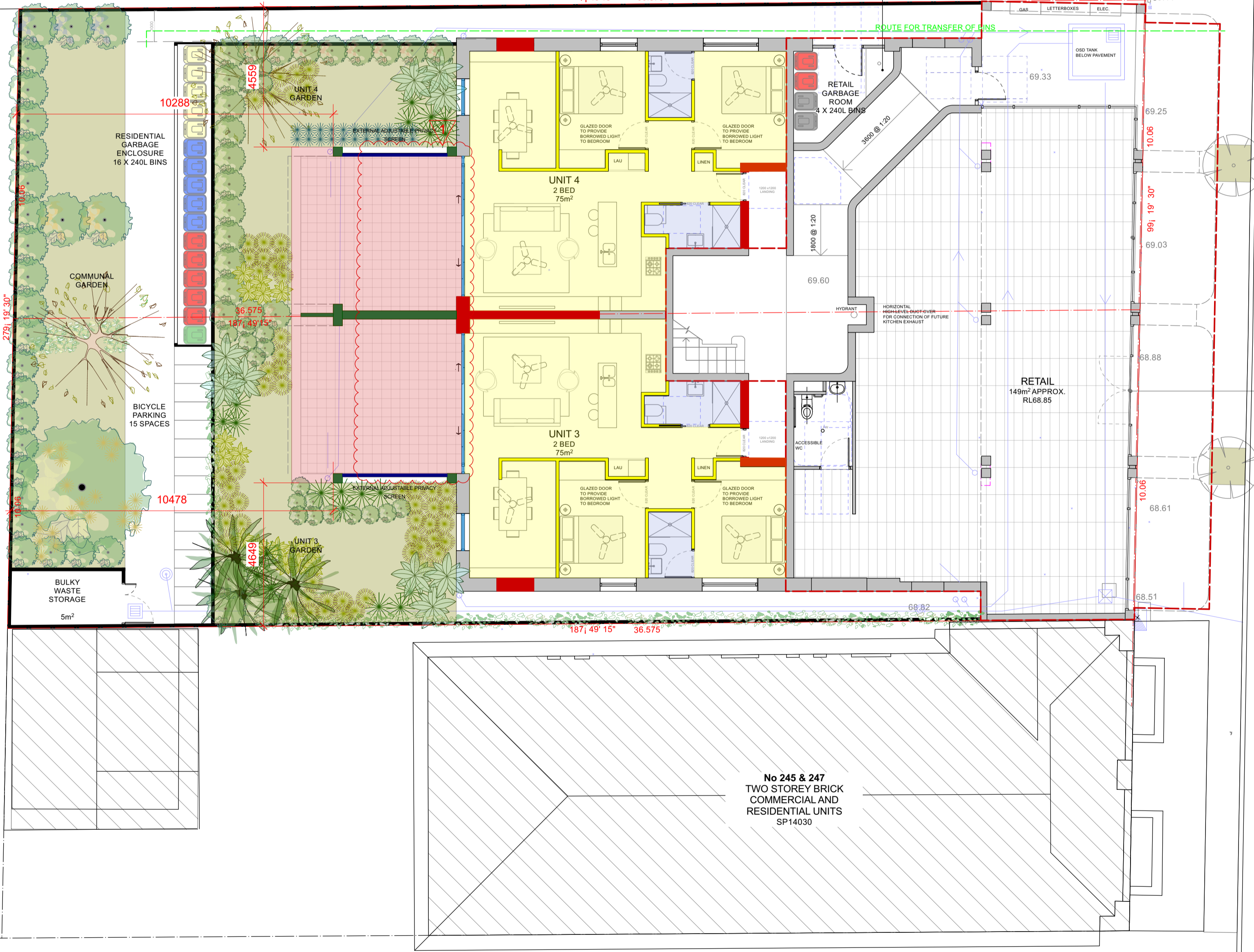
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SECTION A | 2001-200



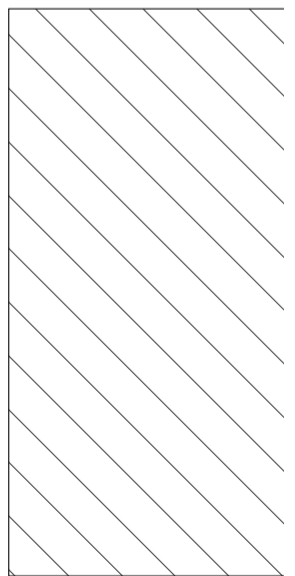
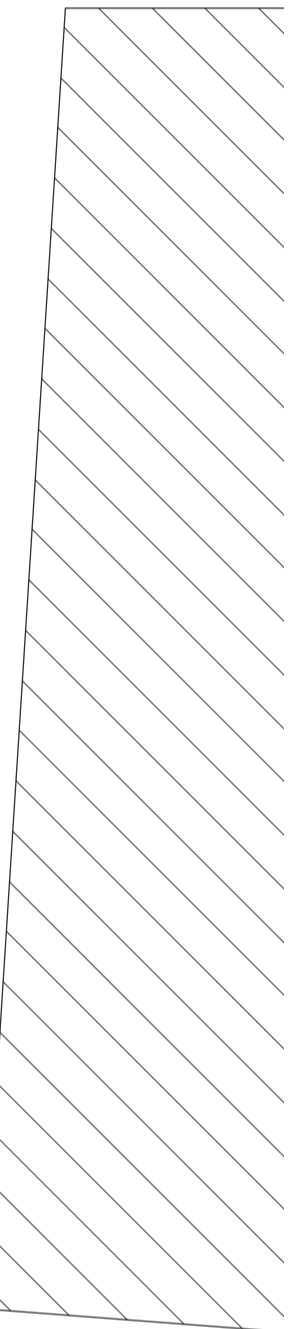
No 1
SINGLE STOREY BRICK
COTTAGE
LOT A DP301026



SECTION A | 2001-200

PROVIDE
TRANSITION
AT DOORWAY TO
COMPLY
WITH
AS1428.1-2009

BONDI ROAD



ISSUE	DATE	DESCRIPTION
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D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

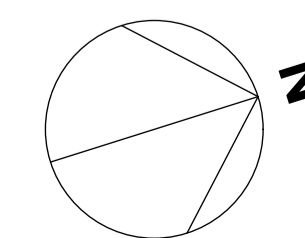
NOTE
APPROVED UNDER DA-223/2021

1. AREA OF UNITS REDUCED

AMENDED PLANS

PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

SCALE
1:100

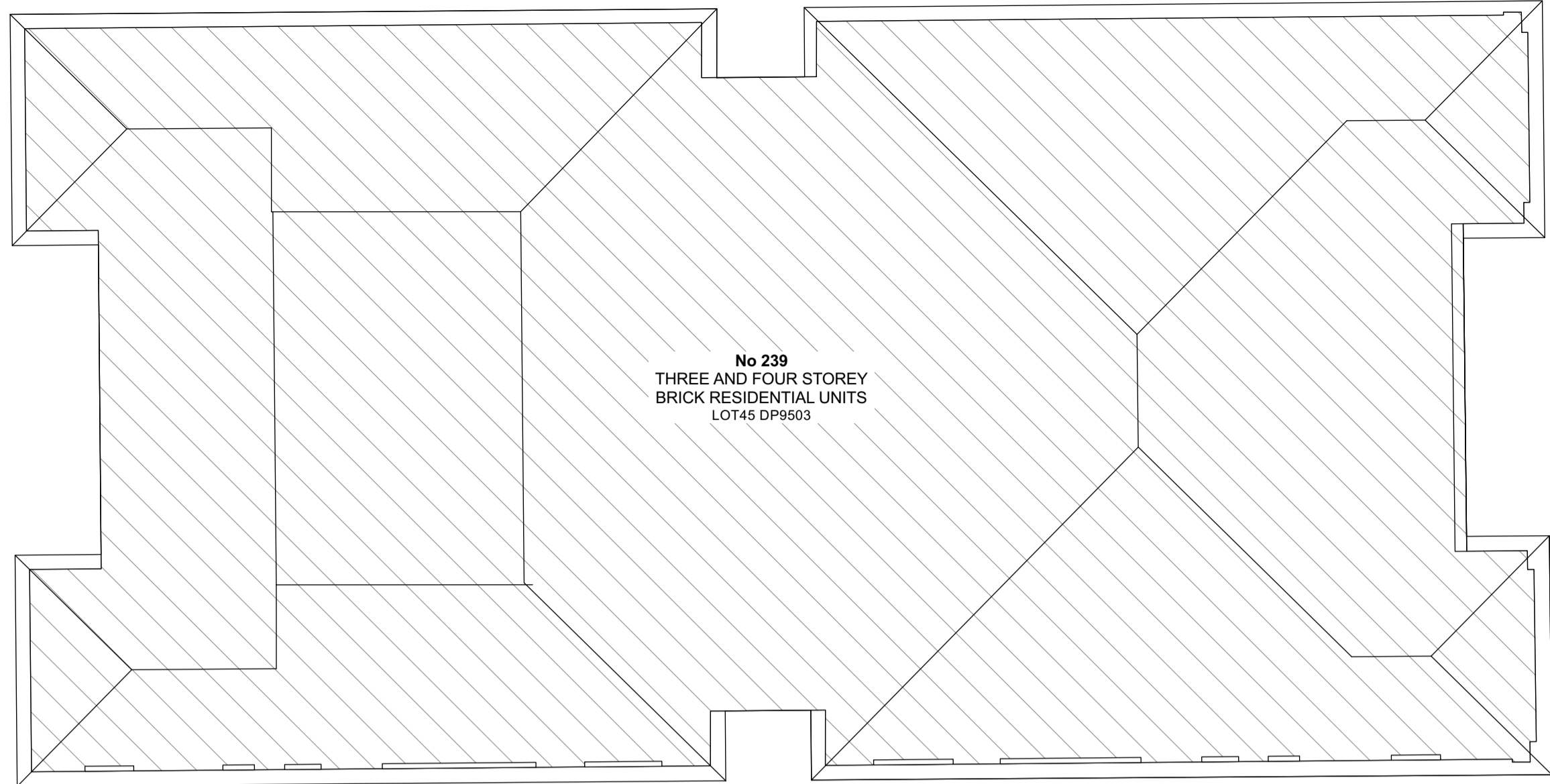


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GROUND FLOOR PLAN

DRAWING NO.
2001 - DA 121 E

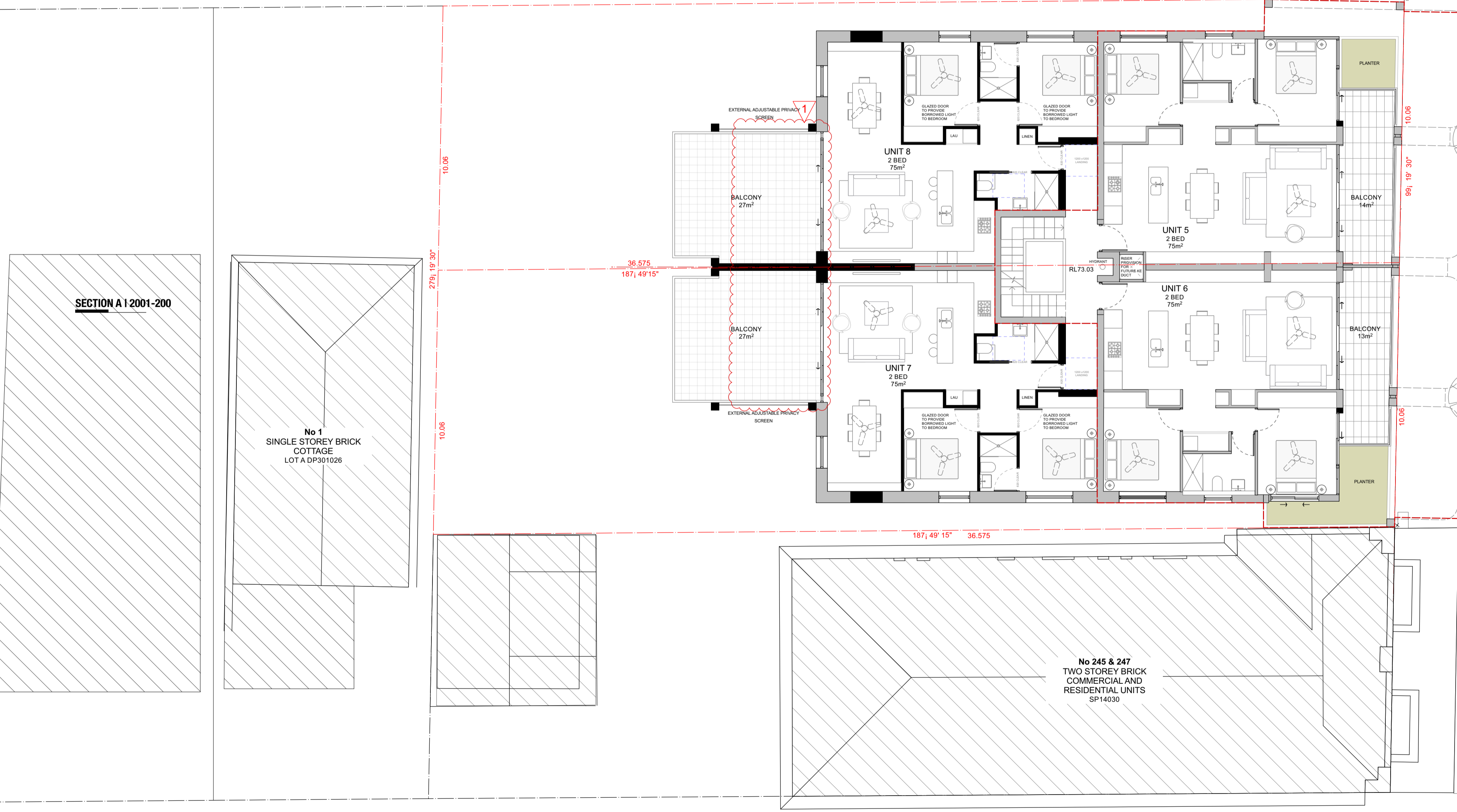
M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





No 239
THREE AND FOUR STOREY
BRICK RESIDENTIAL UNITS
LOT 45 DP9503

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Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



BALCONY
27m²

UNIT 8
2 BED
75m²

UNIT 5
2 BED
75m²

UNIT 6
2 BED
75m²

UNIT 7
2 BED
75m²

BALCONY
14m²

BALCONY
27m²

BALCONY
13m²

No 245 & 247
TWO STOREY BRICK
COMMERCIAL AND
RESIDENTIAL UNITS
SP14030

SECTION A | 2001-200

BONDI ROAD

AMENDED PLANS

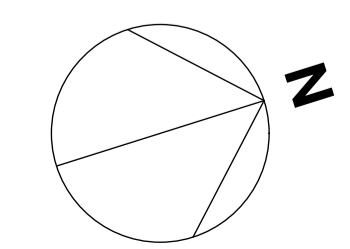
ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
APPROVED UNDER DA-223/2021

1. AREA OF UNITS REDUCED

PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

SCALE
1:100

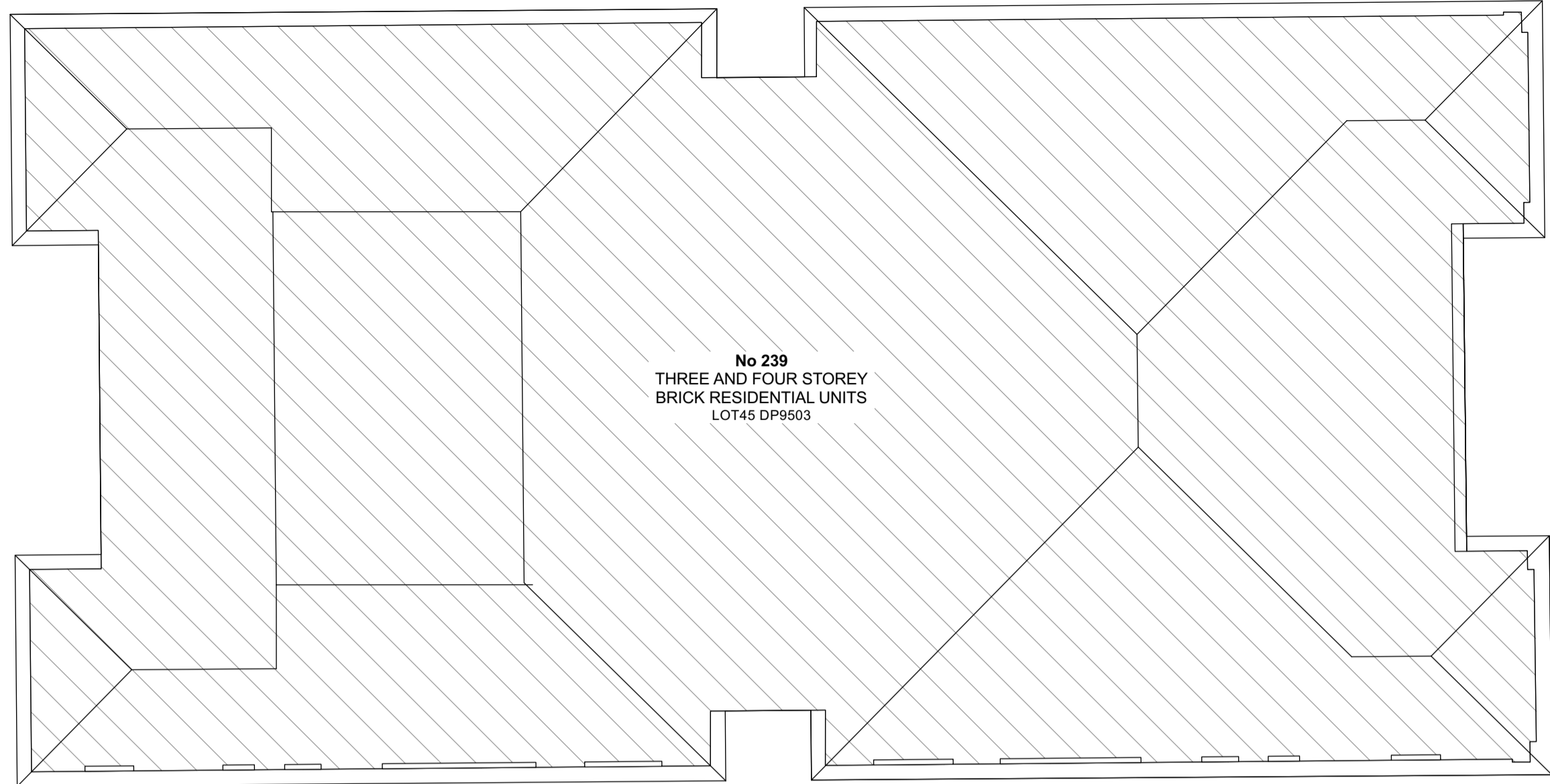


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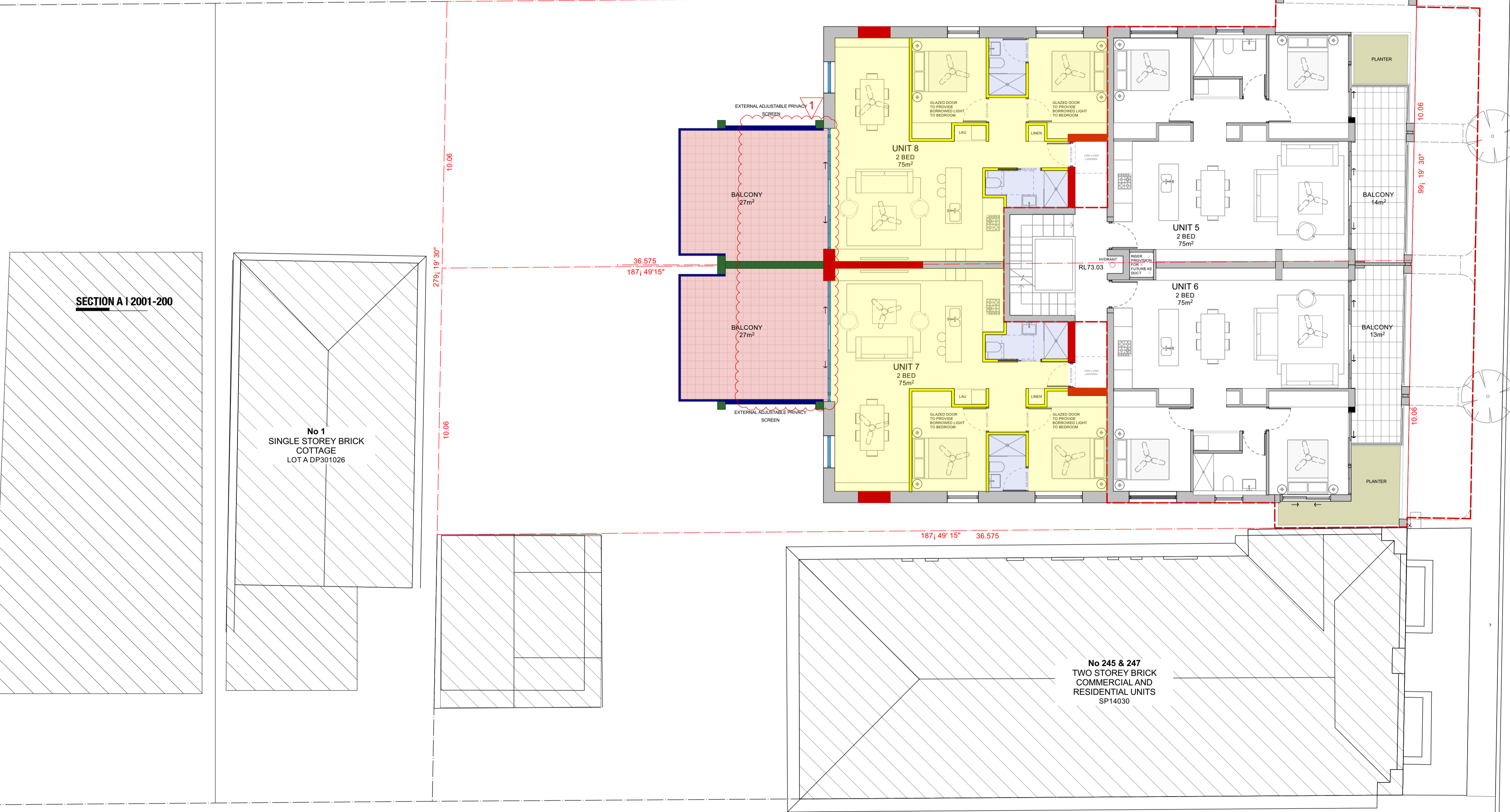
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M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





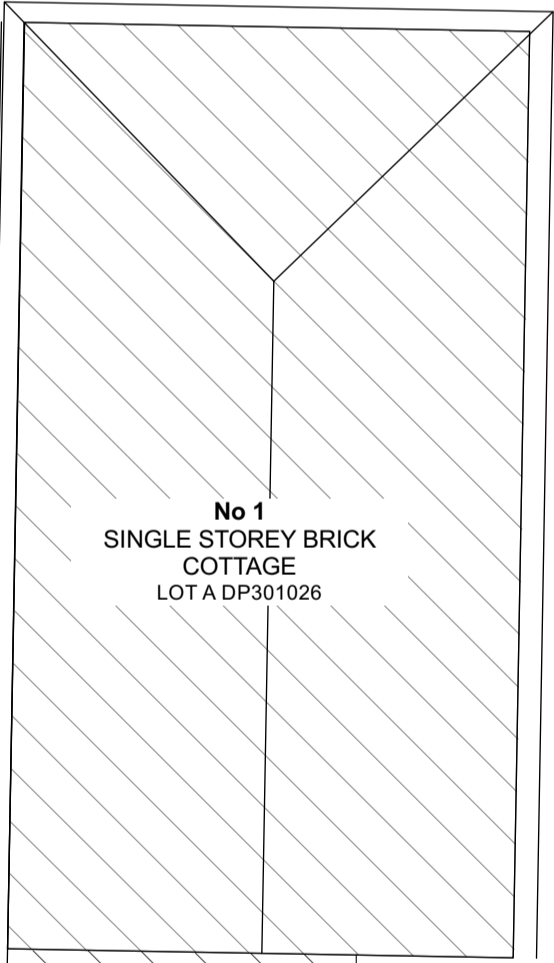
RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



SECTION A | 2001-200

BONDI ROAD

AMENDED PLANS



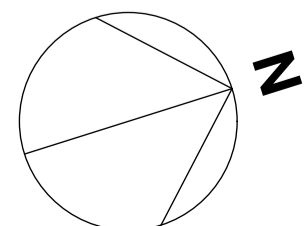
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TWO STOREY BRICK
COMMERCIAL AND
RESIDENTIAL UNITS
SP14030

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
1. AREA OF UNITS REDUCED
APPROVED UNDER DA-223/2021

PROJECT	241 BONDI ROAD BONDI
STAGE	DA
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100

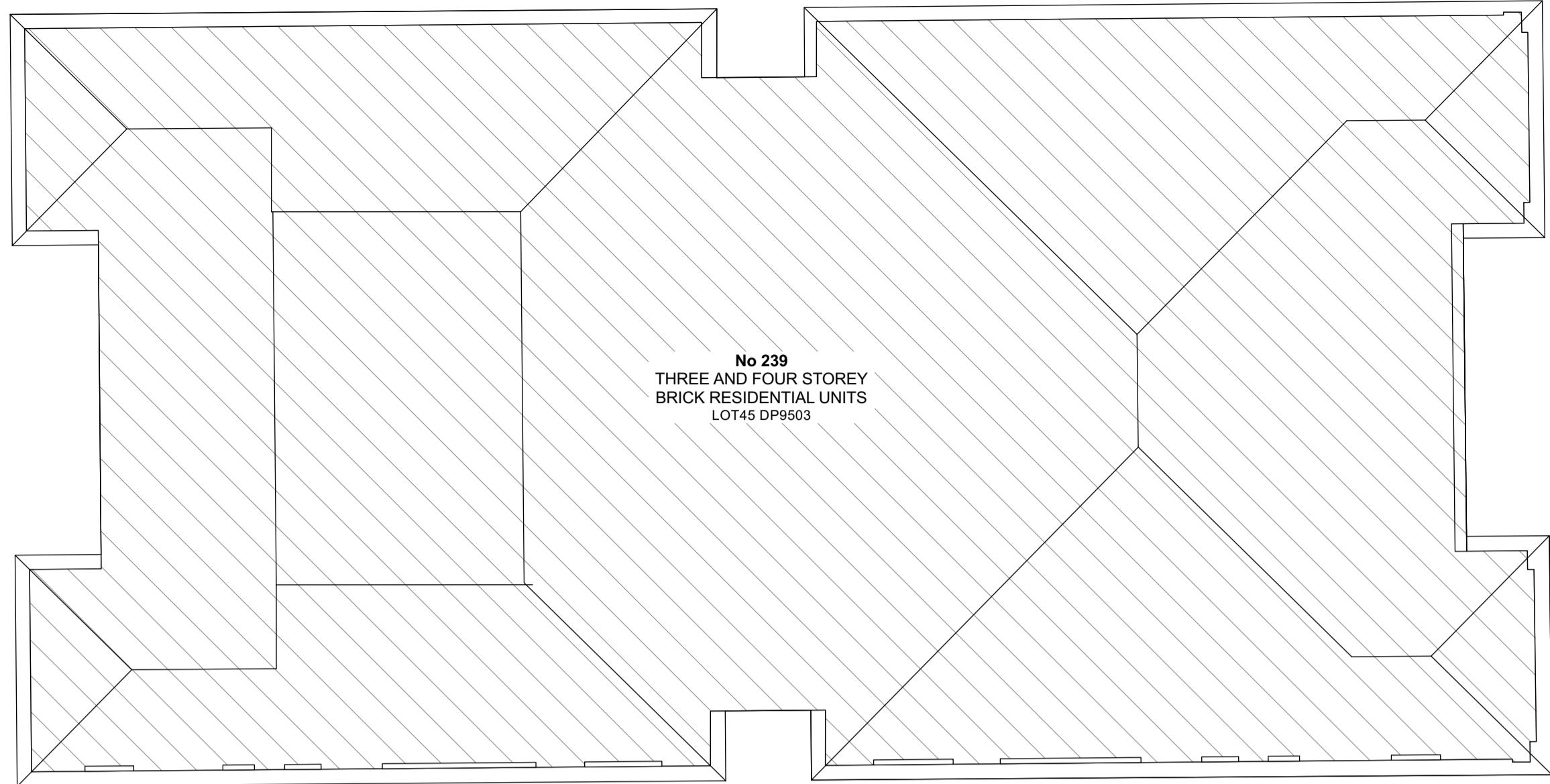


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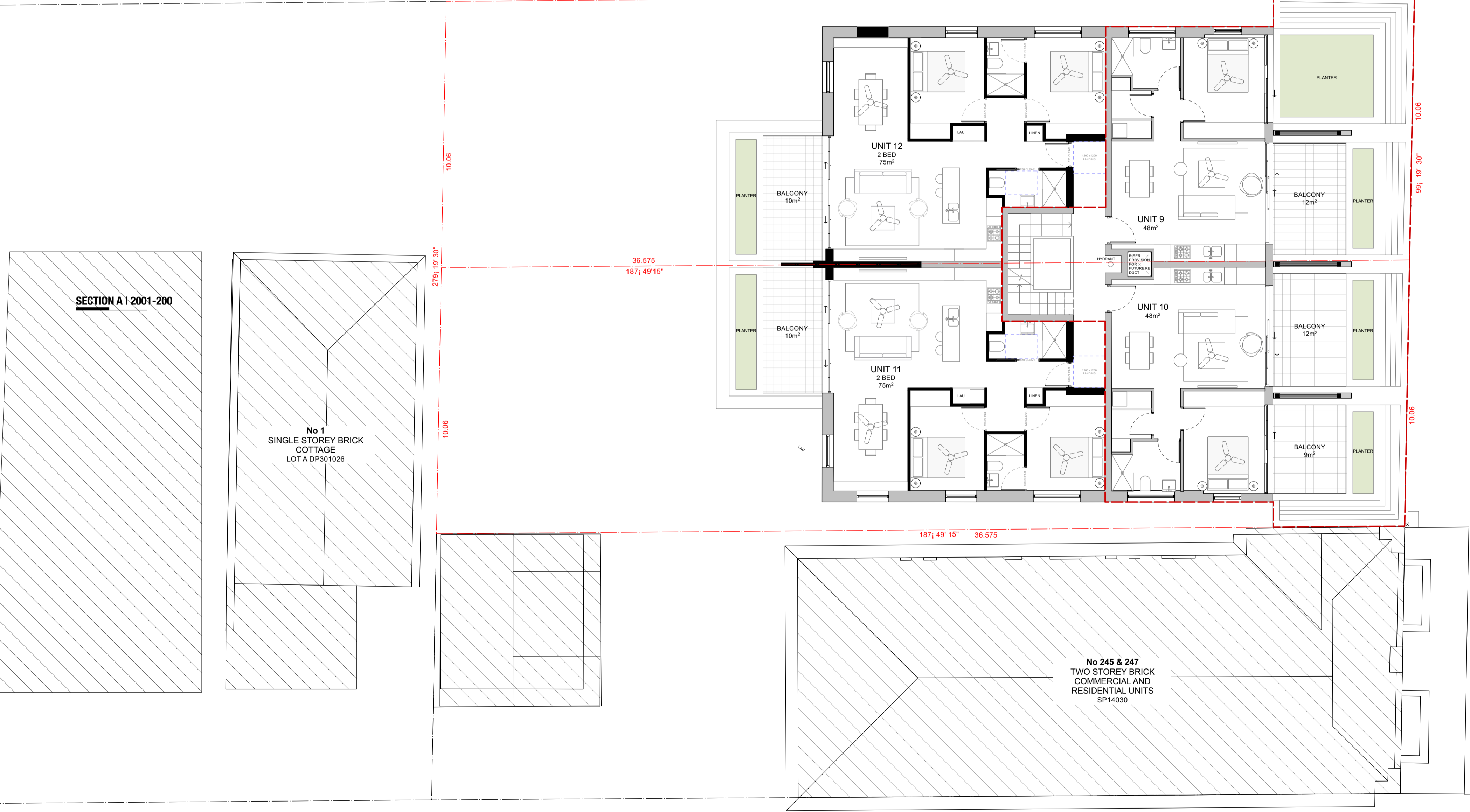
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2001 - DA 123 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





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Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



BONDI ROAD

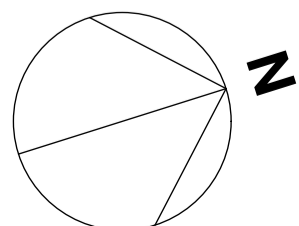
AMENDED PLANS

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
 APPROVED UNDER DA-223/2021

PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

SCALE
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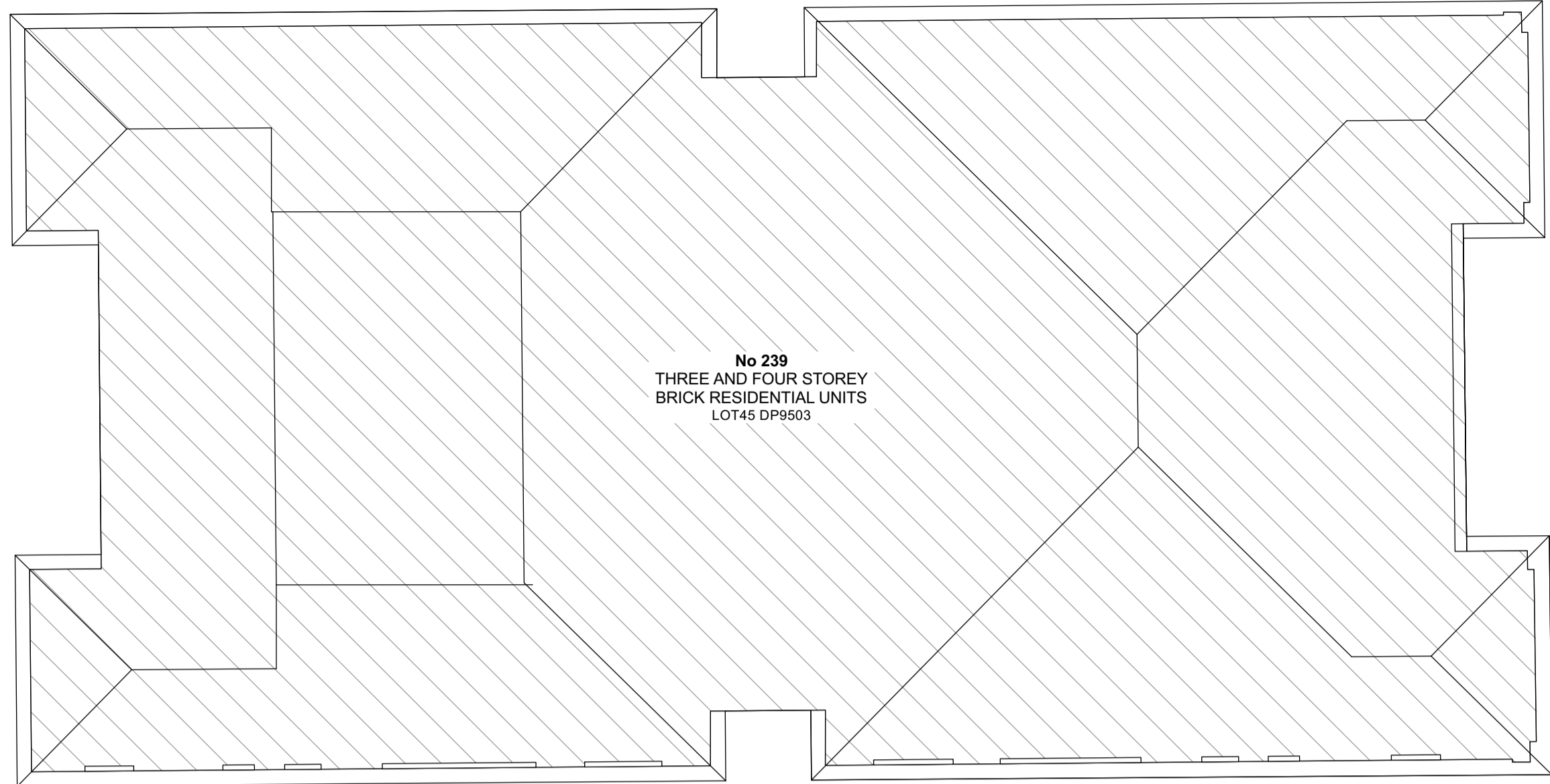


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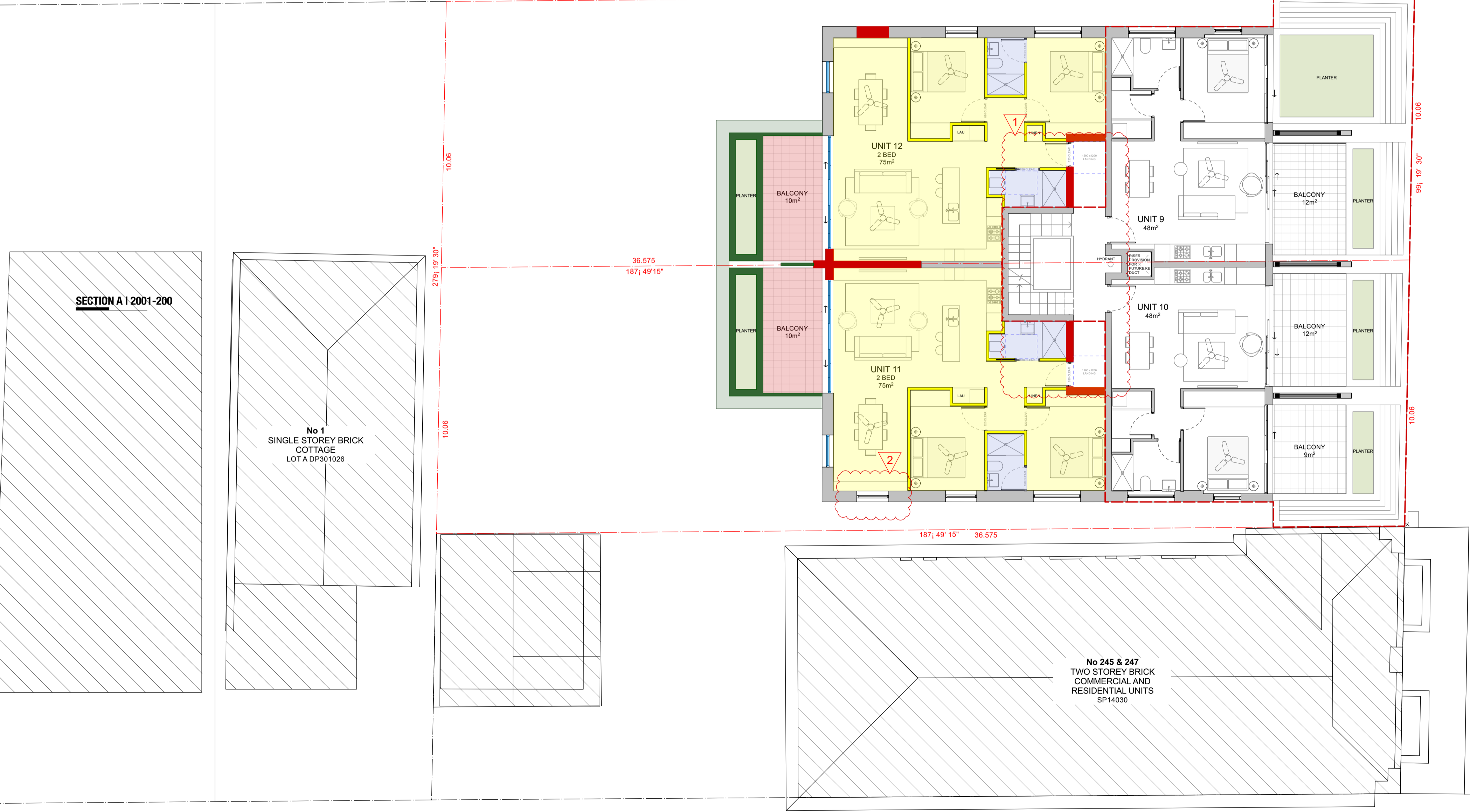
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2001 - DA 124 E

M 0410 491 416
 ABN 75155117516
 NOM ARCH CHRIS HAUGHTON NSW 6727





RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



BONDI ROAD

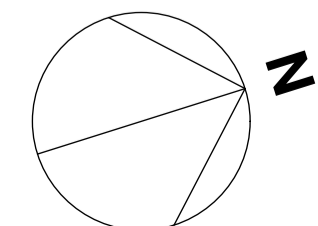
AMENDED PLANS

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
 APPROVED UNDER DA-223/2021

PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

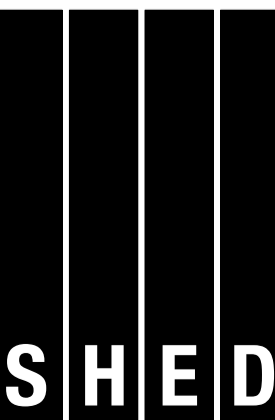
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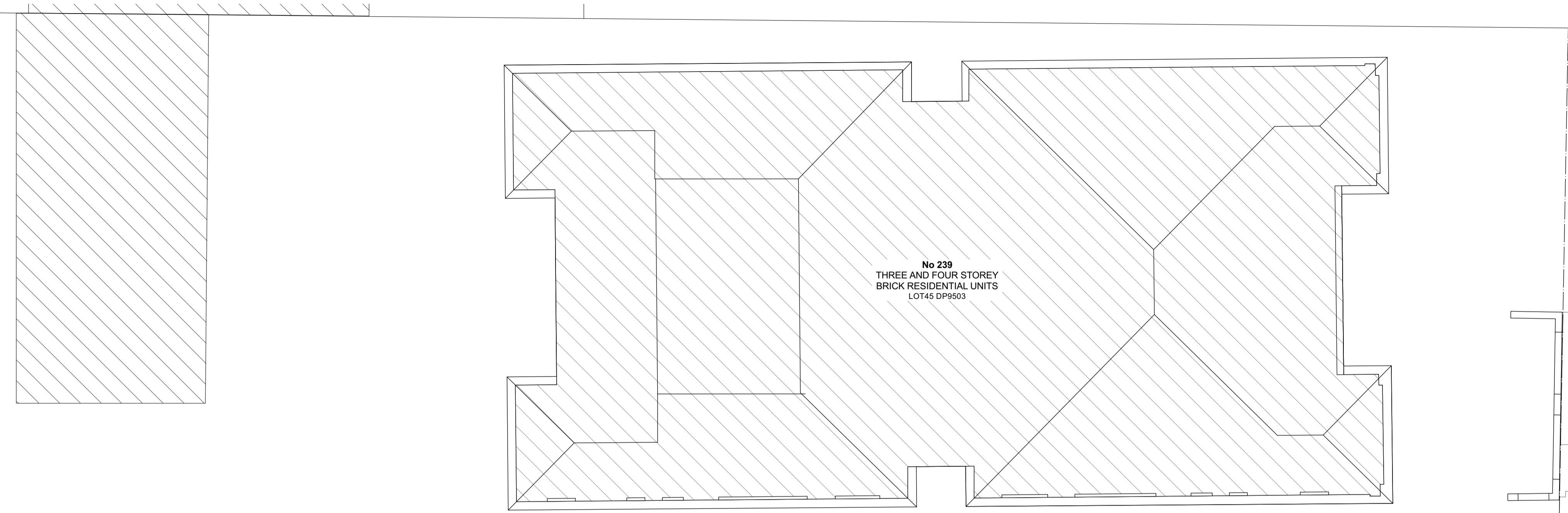


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SECOND FLOOR PLAN

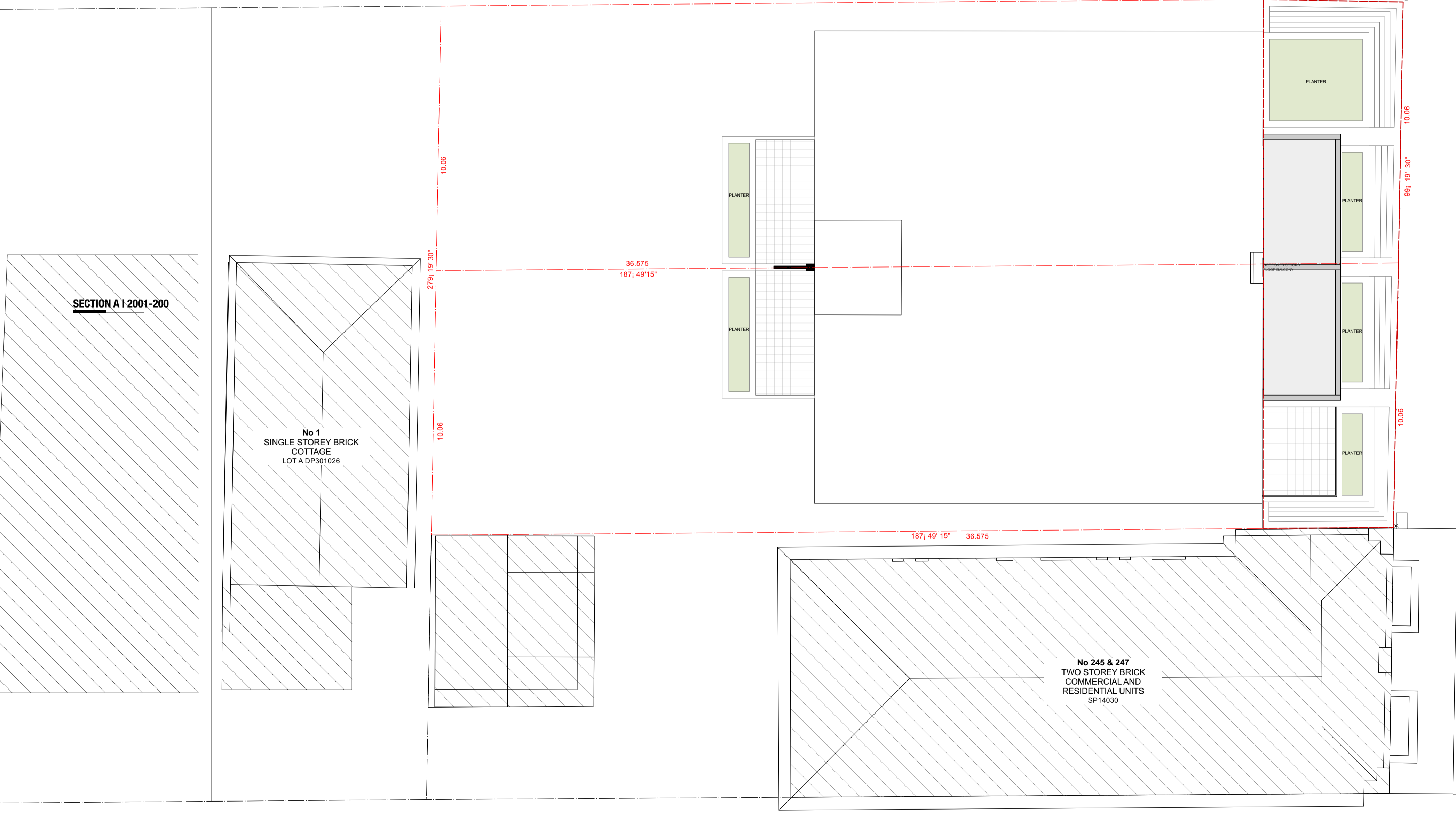
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2001 - DA 125 E

M 0410 491 416
 ABN 75155117516
 NOM ARCH CHRIS HAUGHTON NSW 6727





RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



BONDI ROAD

SECTION A1 2001-200

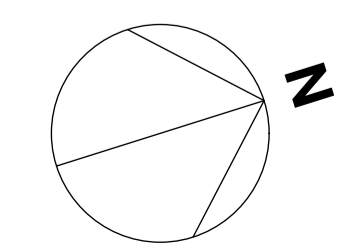
AMENDED PLANS

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
 APPROVED UNDER DA-223/2021

PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

SCALE
1:100

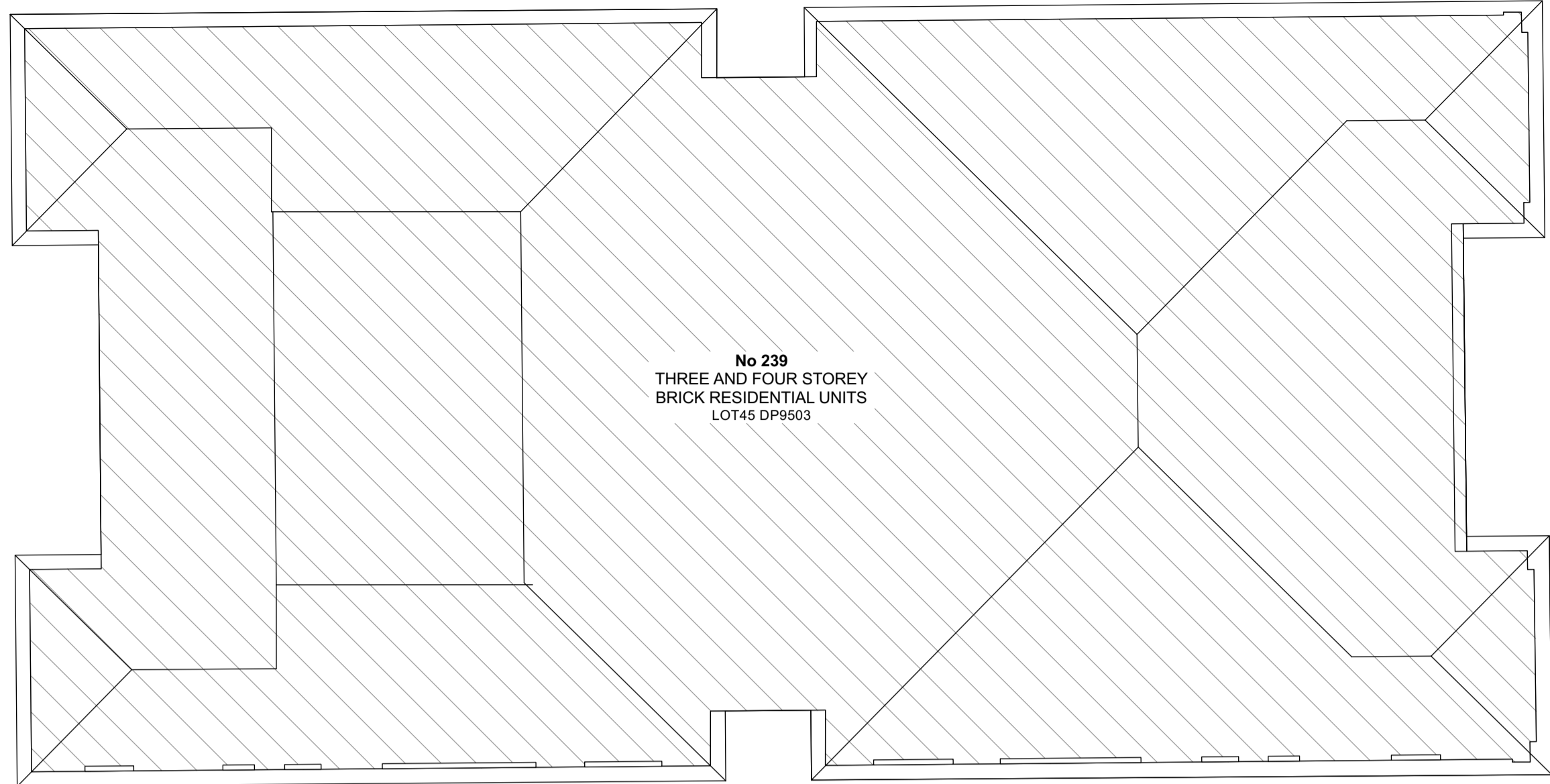


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ROOF PLAN

DRAWING NO.
2001 - DA 126 E

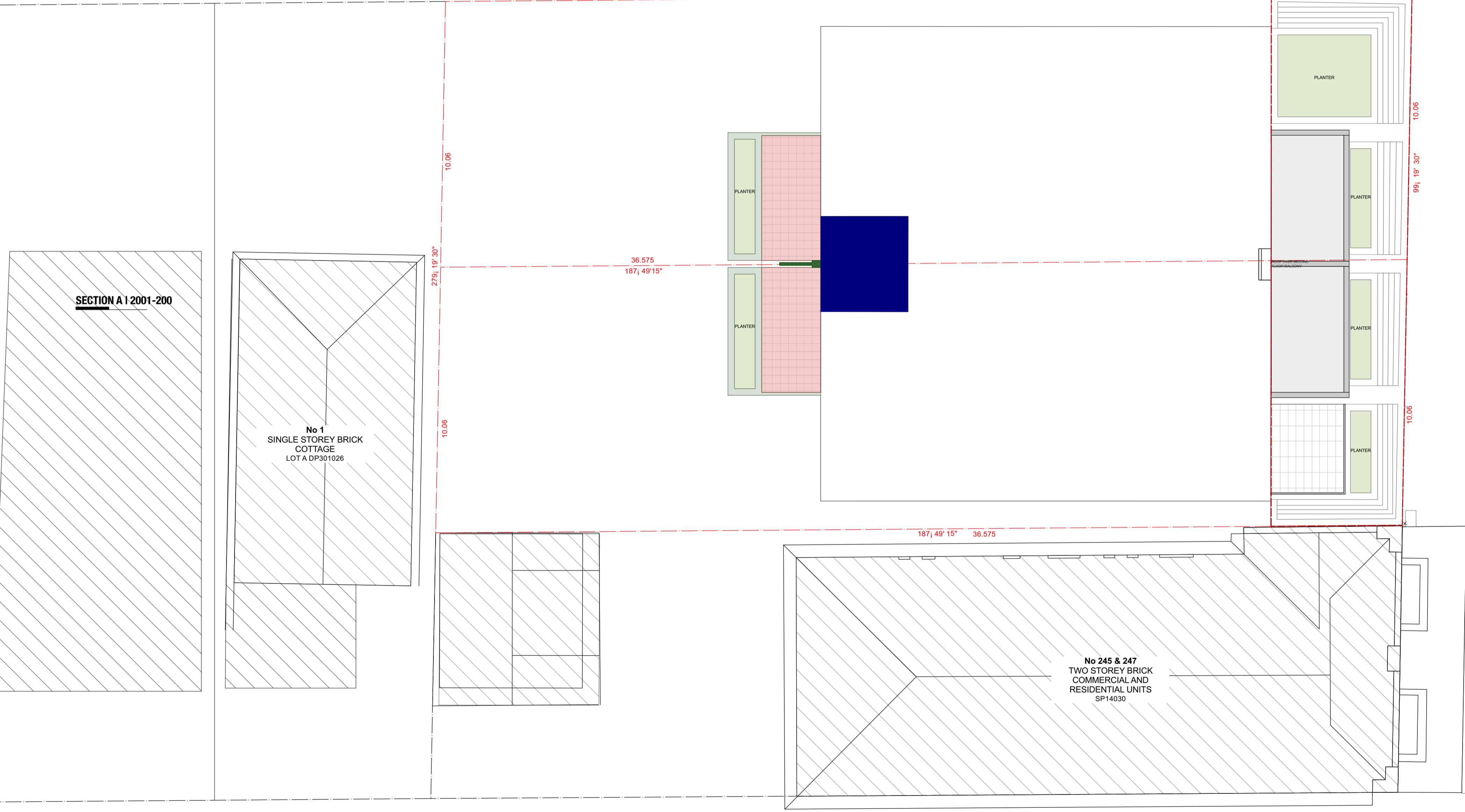
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 ABN 75155117516
 NOM ARCH CHRIS HAUGHTON NSW 6727





No 239
THREE AND FOUR STOREY
BRICK RESIDENTIAL UNITS
LOT45 DP9503

RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



SECTION A1 2001-200

No 1
SINGLE STOREY BRICK
COTTAGE
LOT A DP301026

BONDI ROAD

SECTION A1 2001-200

No 245 & 247
TWO STOREY BRICK
COMMERCIAL AND
RESIDENTIAL UNITS
SP14030

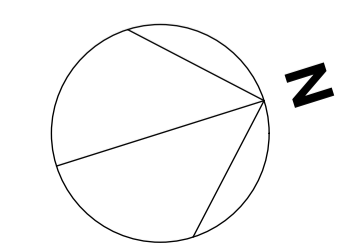
AMENDED PLANS

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
APPROVED UNDER DA-223/2021

PROJECT	241 BONDI ROAD BONDI
STAGE	DA
CLIENT	HANA VE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100



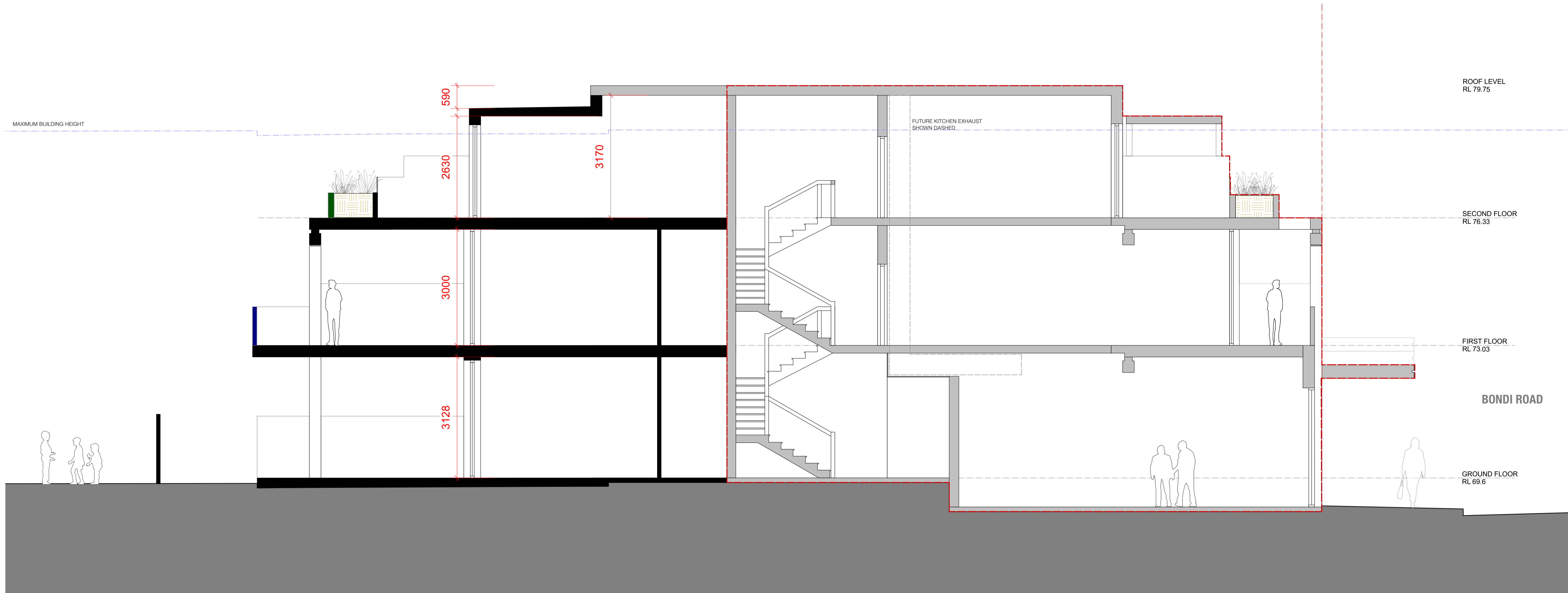
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ROOF PLAN

DRAWING NO.
2001 - DA 127 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



AMENDED PLANS



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Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
APPROVED UNDER DA-223/2021

PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

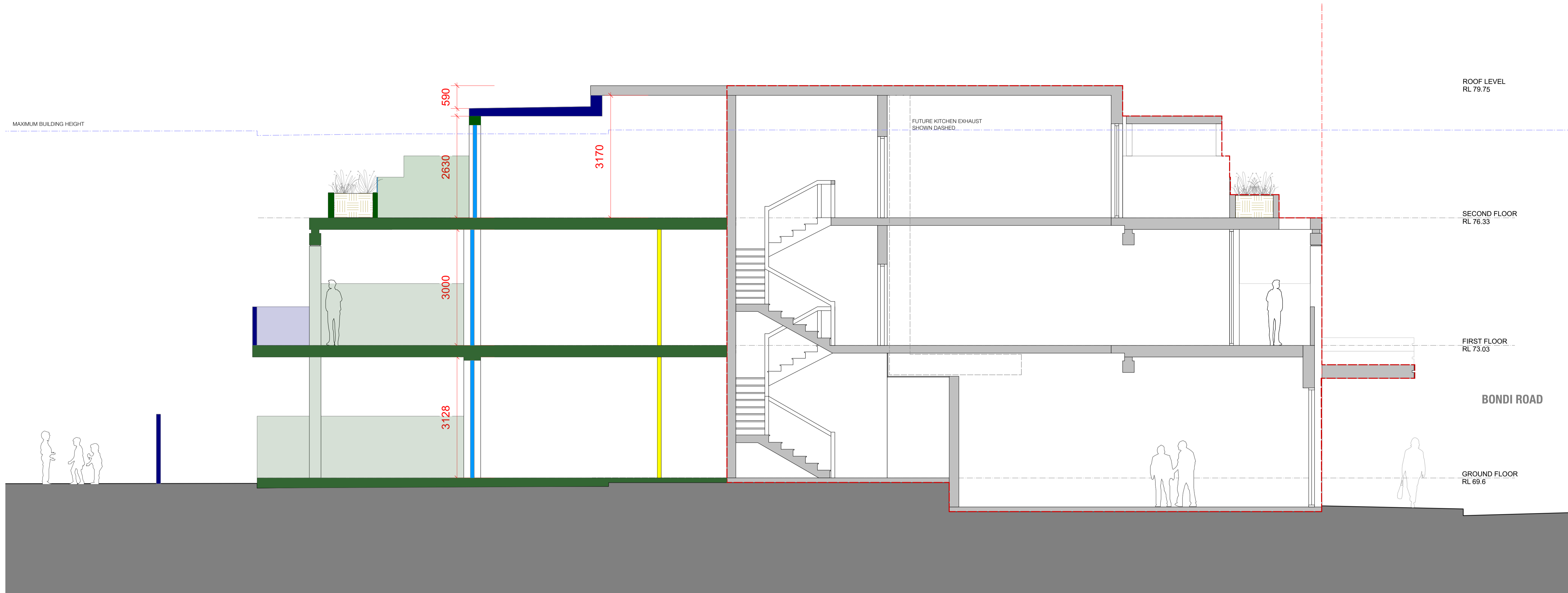
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DRAWING TITLE
SECTION A
DRAWING NO.
2001 - DA 200 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



AMENDED PLANS



RECEIVED
Waverley Council
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ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
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E	11/09/23	ISSUE FOR DA

NOTE
APPROVED UNDER DA-223/2021

PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

SCALE
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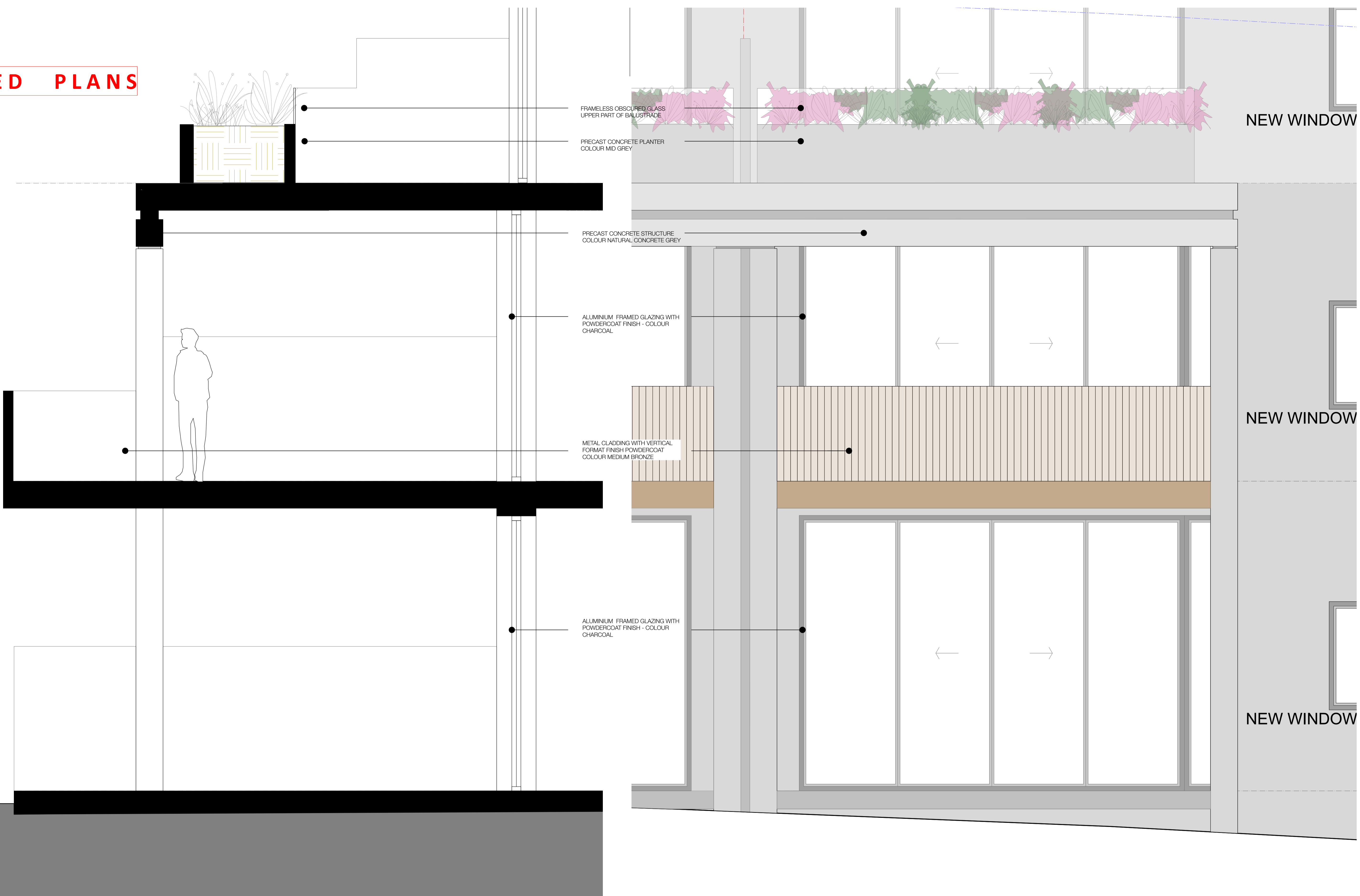
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DRAWING NO.
2001 - DA 201 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



AMENDED PLANS

RECEIVED
Waverley Council
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Date Received: 13/09/2023



ISSUE	DATE	DESCRIPTION	NOTE
C	20/06/23	ISSUE FOR DA	
D	21/08/23	ISSUE FOR DA	
E	11/09/23	ISSUE FOR DA	

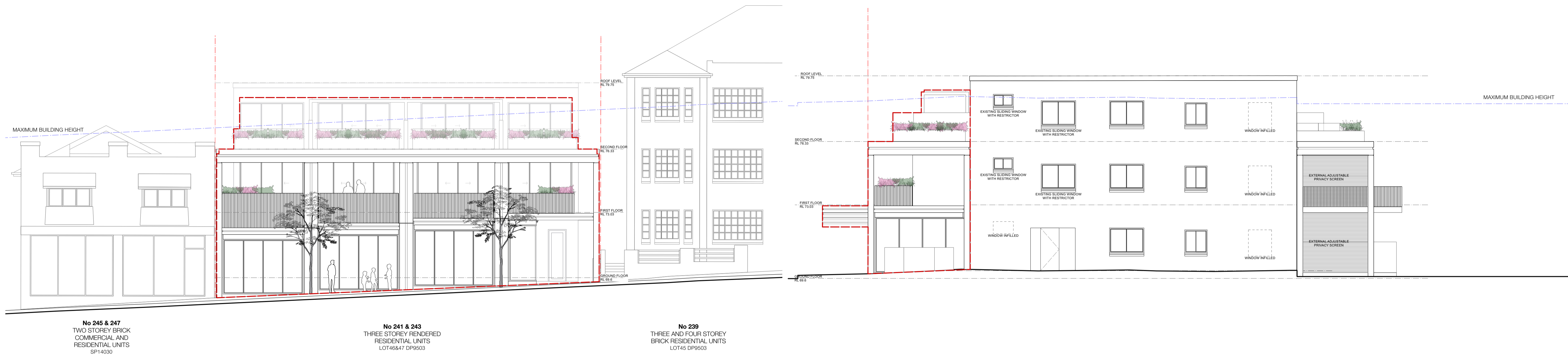
PROJECT	241 BONDI ROAD BONDI	SCALE	1:100
STAGE	DA		
CLIENT	HANAVE		
DESIGNED BY	SHED		
DRAWN BY	SHED		
CHECKED BY	CH		

DRAWING TITLE
FACADE DETAILS

DRAWING NO.
2001 - DA 205 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727

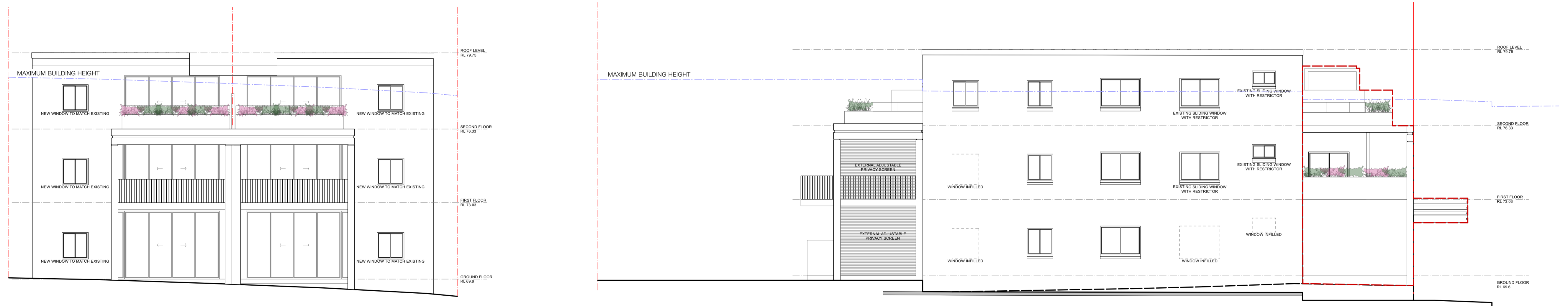
AMENDED PLANS



1 NORTH ELEVATION

2 WEST ELEVATION

RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



3 SOUTH ELEVATION

4 EAST ELEVATION

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
APPROVED UNDER DA-223/2021

PROJECT	241 BONDI ROAD BONDI
STAGE	DA
CLIENT	HANA VE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100

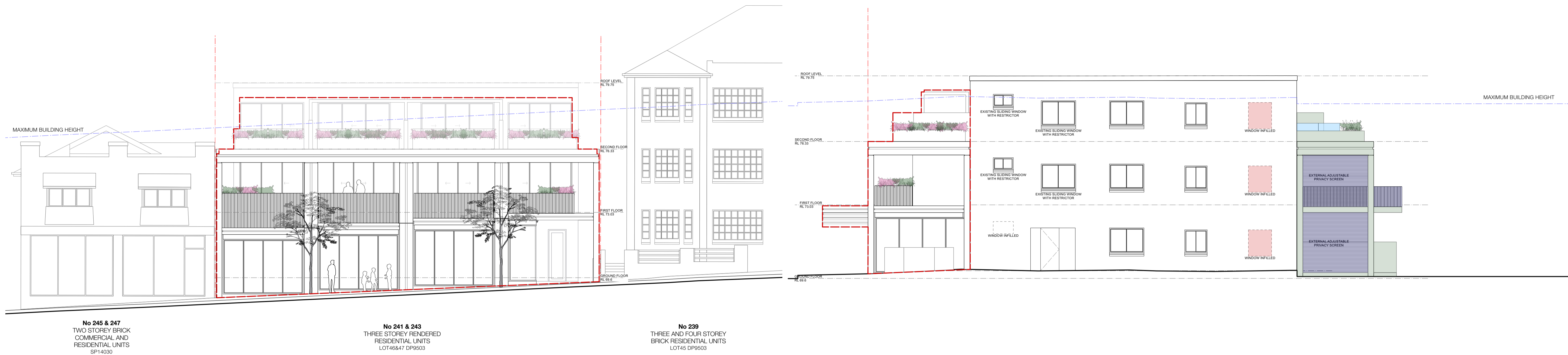
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ELEVATIONS

DRAWING NO.
2001 - DA 301 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



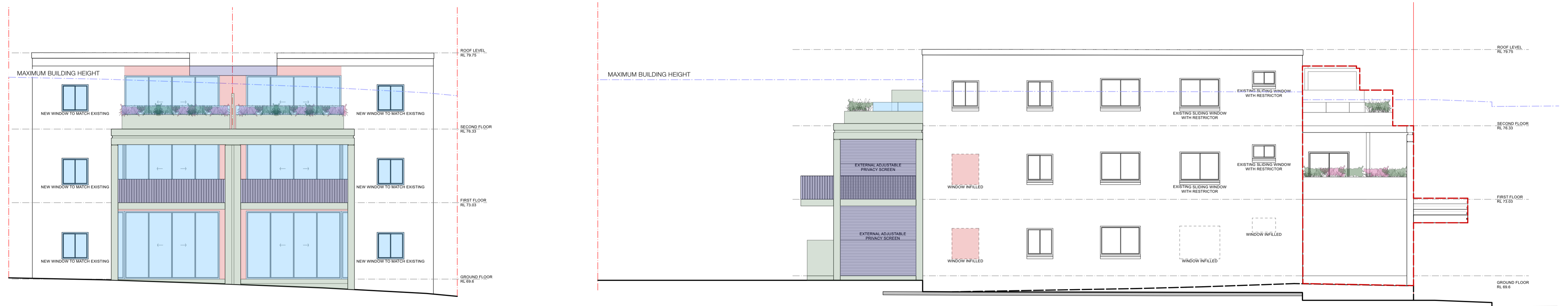
AMENDED PLANS



1 NORTH ELEVATION

2 WEST ELEVATION

RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



3 SOUTH ELEVATION

4 EAST ELEVATION

ISSUE	DATE	DESCRIPTION
C	20/06/23	ISSUE FOR DA
D	21/08/23	ISSUE FOR DA
E	11/09/23	ISSUE FOR DA

NOTE
 APPROVED UNDER DA-223/2021

PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

SCALE
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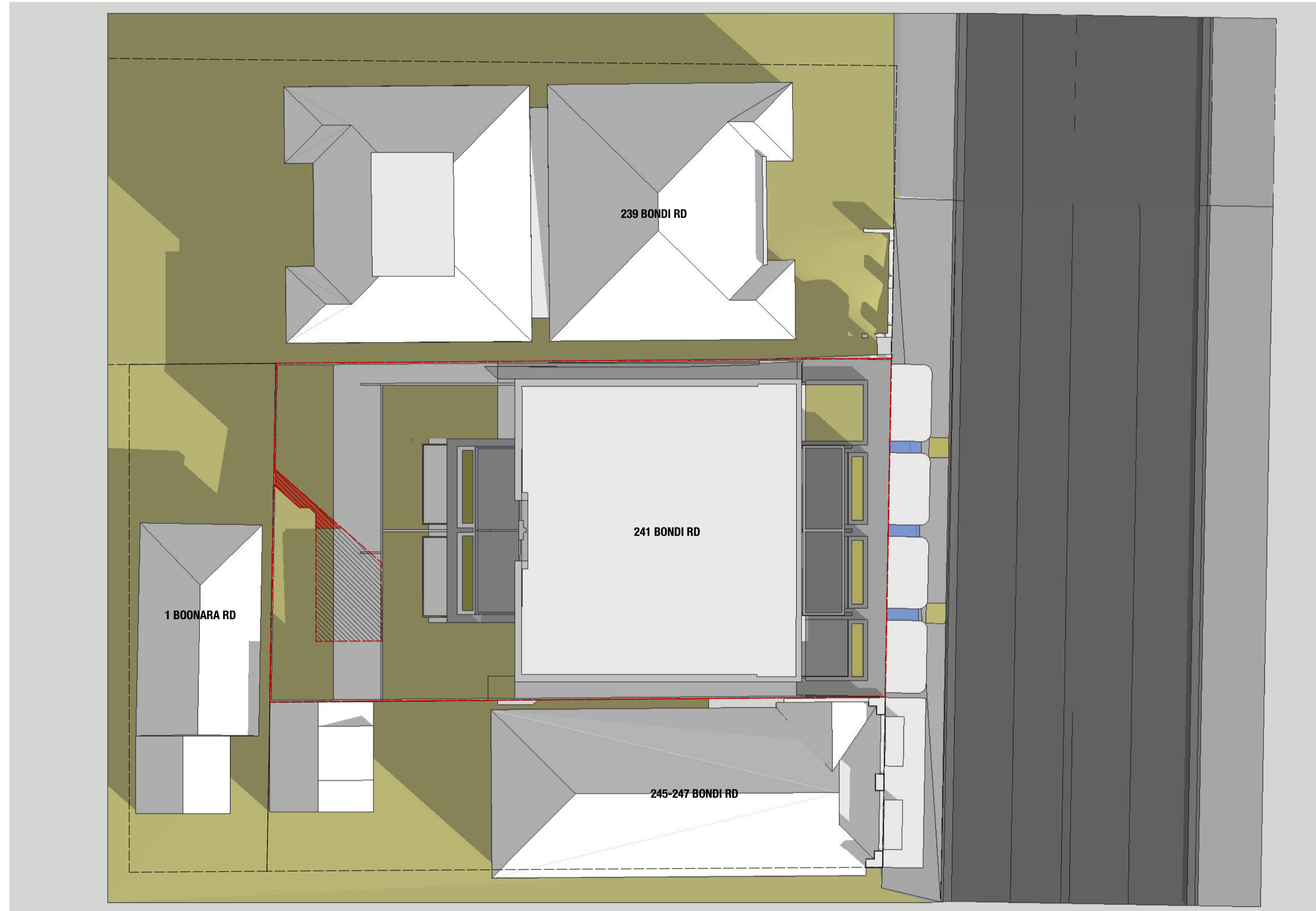
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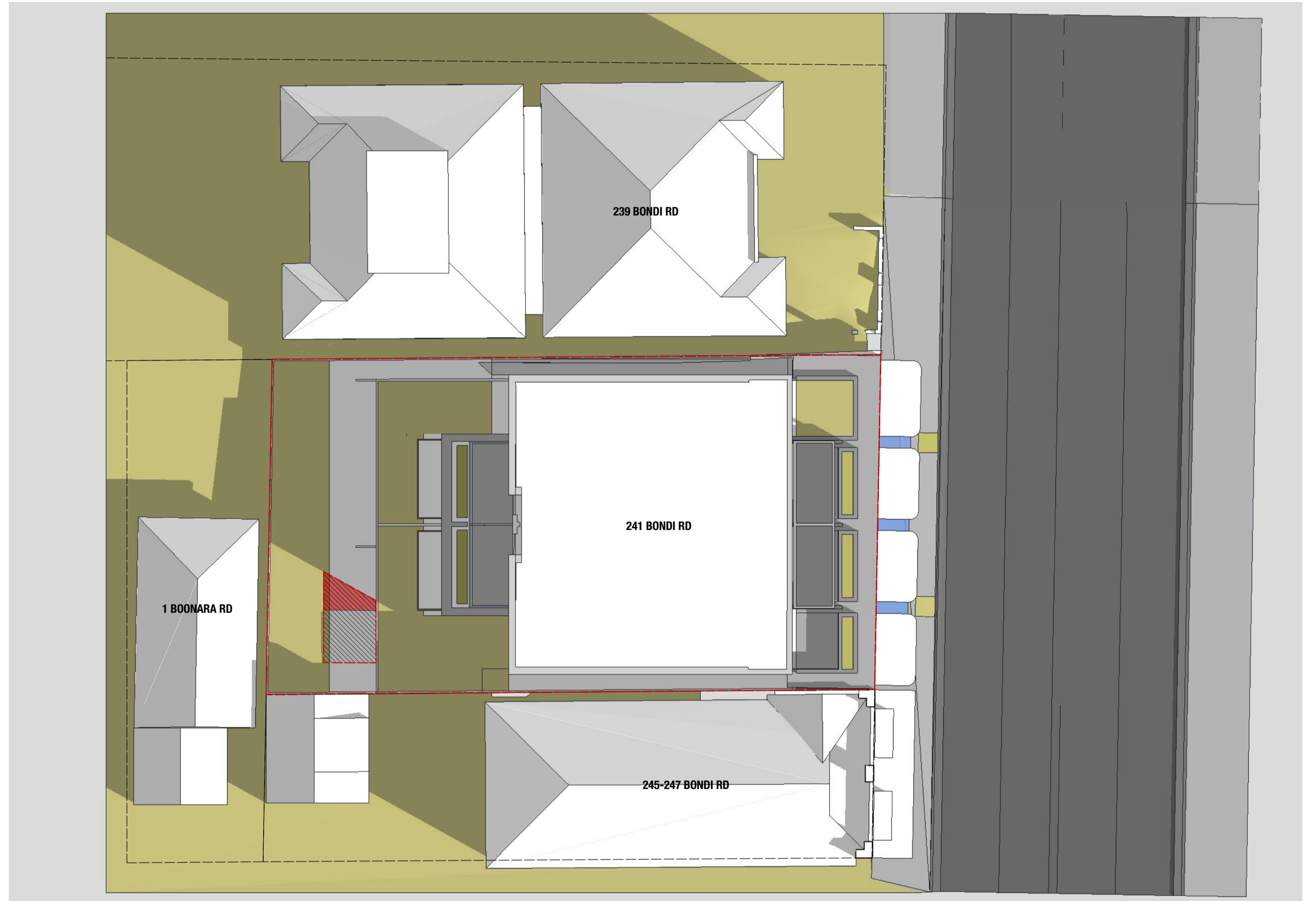
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RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023





JUNE 21ST 9AM



JUNE 21ST 10AM

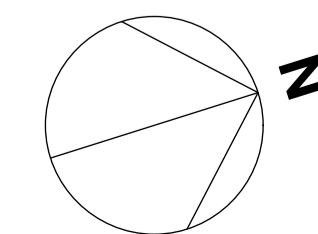
AMENDED PLANS

ISSUE	DATE	DESCRIPTION
B	14/04/23	ISSUE FOR DA
C	21/08/23	ISSUE FOR DA
D	11/09/23	ISSUE FOR DA

NOTE
 SHADOW CASTED BY PROPOSED REAR ADDITION
 SHADOW CASTED BY PROPOSED REAR ADDITION (EXCLU. ADJACENT BUILDINGS)

PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

SCALE
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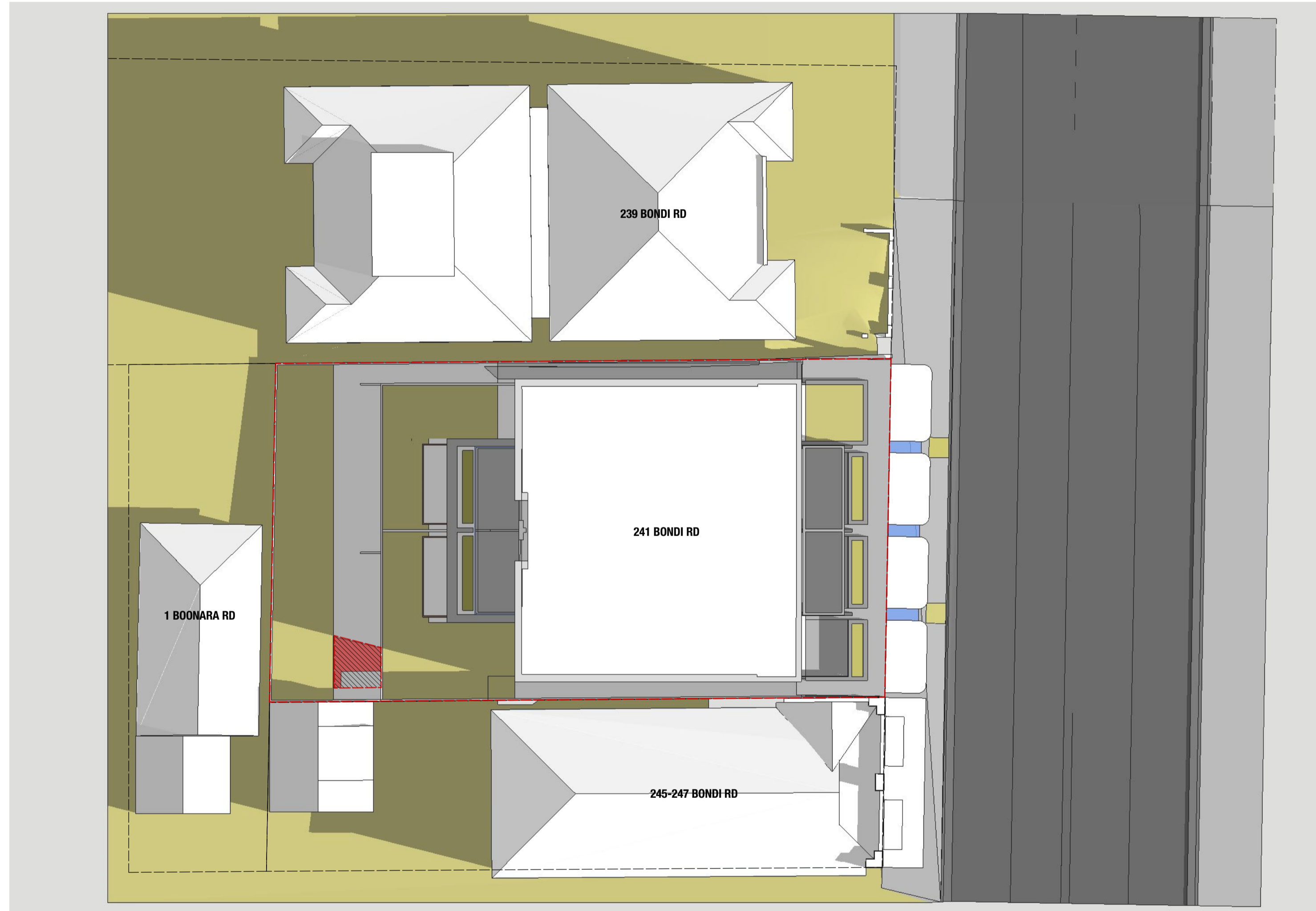


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SHADOW DIAGRAMS - PLAN
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2001 - DA 400 D

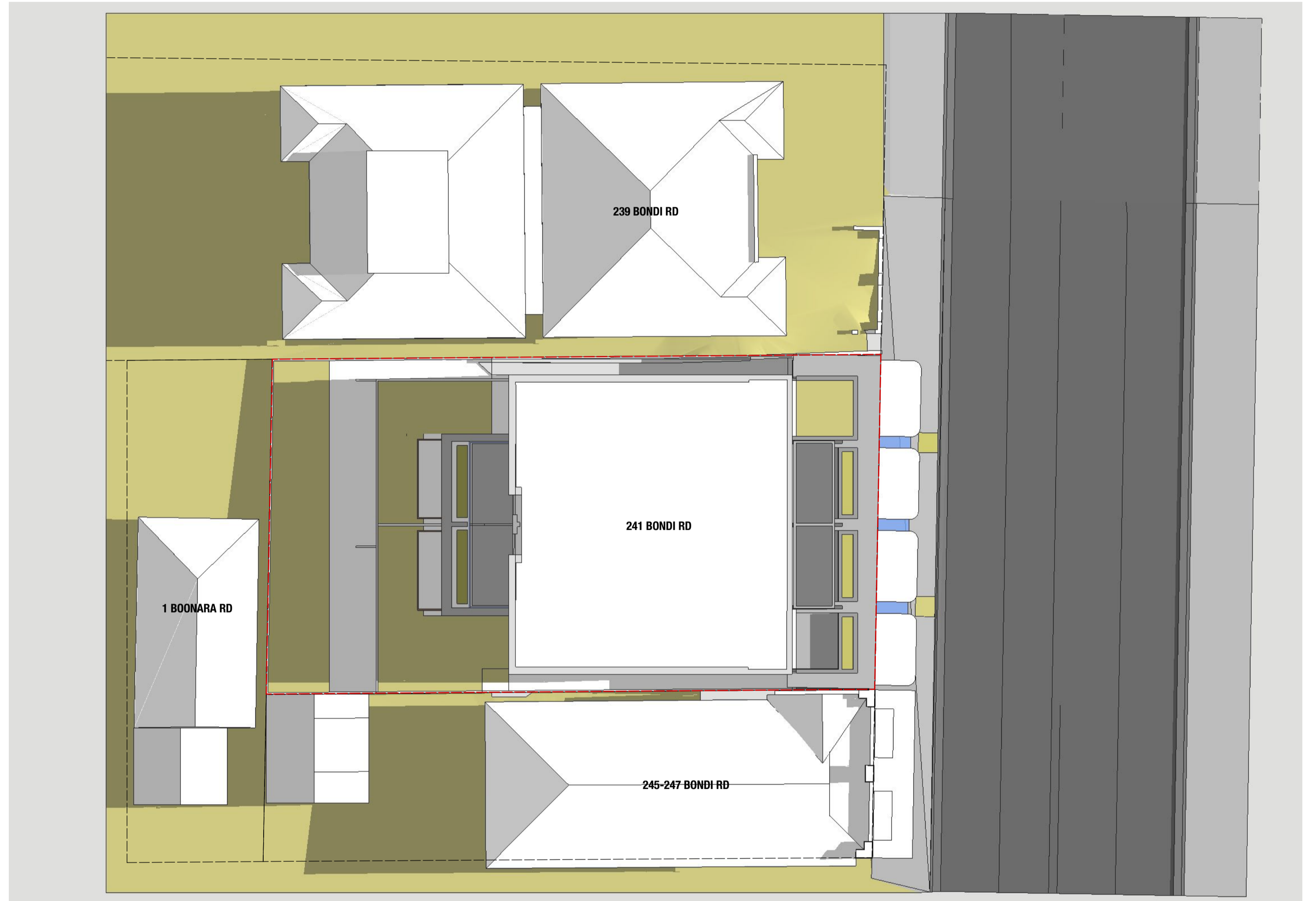
M 0410 491 416
 ABN 75155117516
 NOM ARCH CHRIS HAUGHTON NSW 6727



RECEIVED
 Waverley Council
 Application No: DA-80/2023
 Date Received: 13/09/2023





JUNE 21ST 11AM



JUNE 21ST 12PM

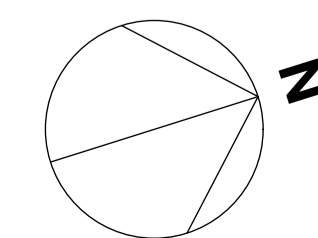
AMENDED PLANS

ISSUE	DATE	DESCRIPTION
B	14/04/23	ISSUE FOR DA
C	21/08/23	ISSUE FOR DA
D	11/09/23	ISSUE FOR DA

NOTE
 SHADOW CASTED BY PROPOSED REAR ADDITION
 SHADOW CASTED BY PROPOSED REAR ADDITION (EXCLU. ADJACENT BUILDINGS)

PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

SCALE
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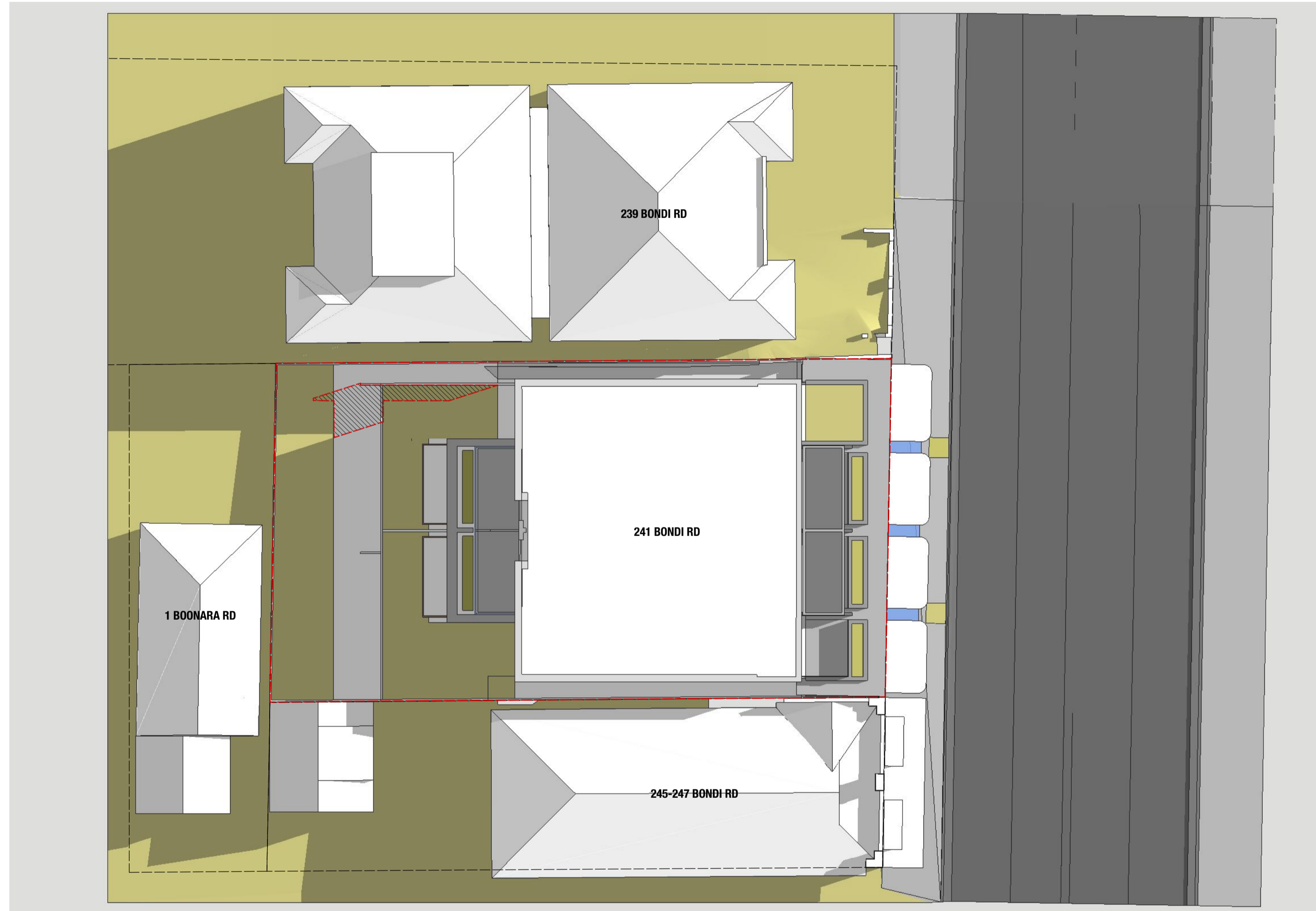


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2001 - DA 401 D

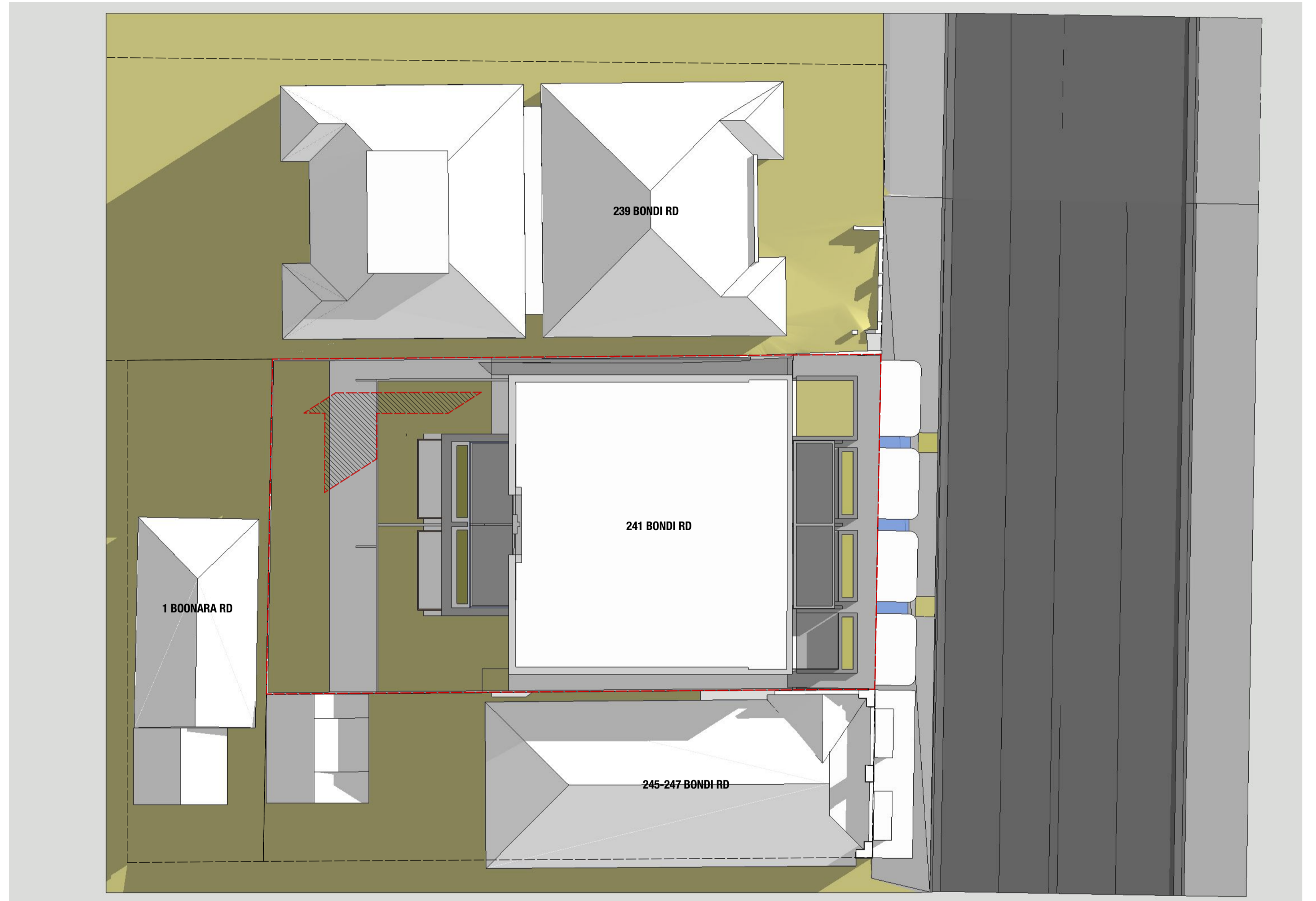
M 0410 491 416
 ABN 75155117516
 NOM ARCH CHRIS HAUGHTON NSW 6727



RECEIVED
 Waverley Council
 Application No: DA-80/2023
 Date Received: 13/09/2023





JUNE 21ST 1PM



JUNE 21ST 2PM

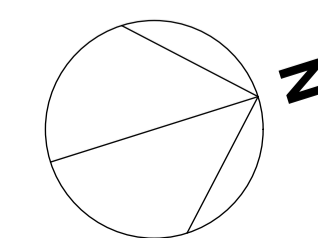
AMENDED PLANS

ISSUE	DATE	DESCRIPTION
B	14/04/23	ISSUE FOR DA
C	21/08/23	ISSUE FOR DA
D	11/09/23	ISSUE FOR DA

NOTE
 SHADOW CASTED BY PROPOSED REAR ADDITION
 SHADOW CASTED BY PROPOSED REAR ADDITION (EXCLU. ADJACENT BUILDINGS)

PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

SCALE
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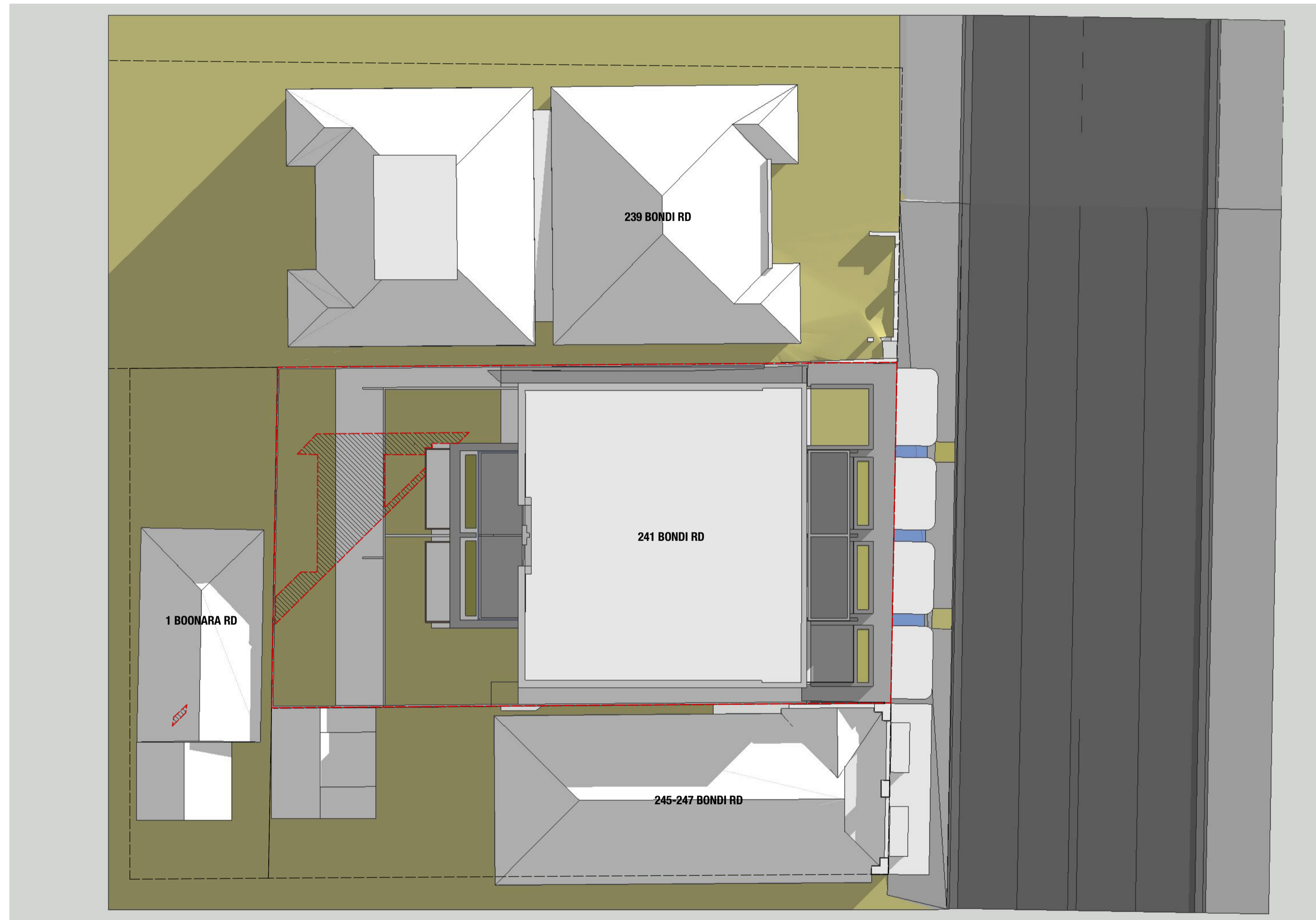


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SHADOW DIAGRAMS - PLAN
 DRAWING NO.
2001 - DA 402 D

M 0410 491 416
 ABN 75155117516
 NOM ARCH CHRIS HAUGHTON NSW 6727



AMENDED PLANS





JUNE 21ST 3PM

RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023

ISSUE	DATE	DESCRIPTION
B	14/04/23	ISSUE FOR DA
C	21/08/23	ISSUE FOR DA
D	11/09/23	ISSUE FOR DA

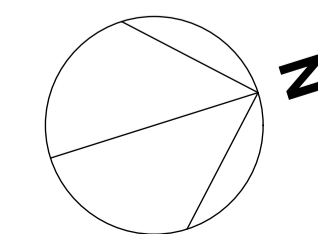
NOTE

 SHADOW CASTED BY PROPOSED REAR ADDITION

 SHADOW CASTED BY PROPOSED REAR ADDITION (EXCLU. ADJACENT BUILDINGS)

PROJECT 241 BOND ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

SCALE
1:200



DRAWING TITLE
SHADOW DIAGRAMS - PLAN

DRAWING NO.
2001 - DA 403 D

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



RECEIVED
Waverley Council
Application No: DA-80/2023
Date Received: 13/09/2023



JUNE 21ST 9AM



JUNE 21ST 10AM



JUNE 21ST 11AM

AMENDED PLANS

ISSUE	DATE	DESCRIPTION	NOTE
B	14/04/23	ISSUE FOR DA	
C	21/08/23	ISSUE FOR DA	
D	11/09/23	ISSUE FOR DA	

PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

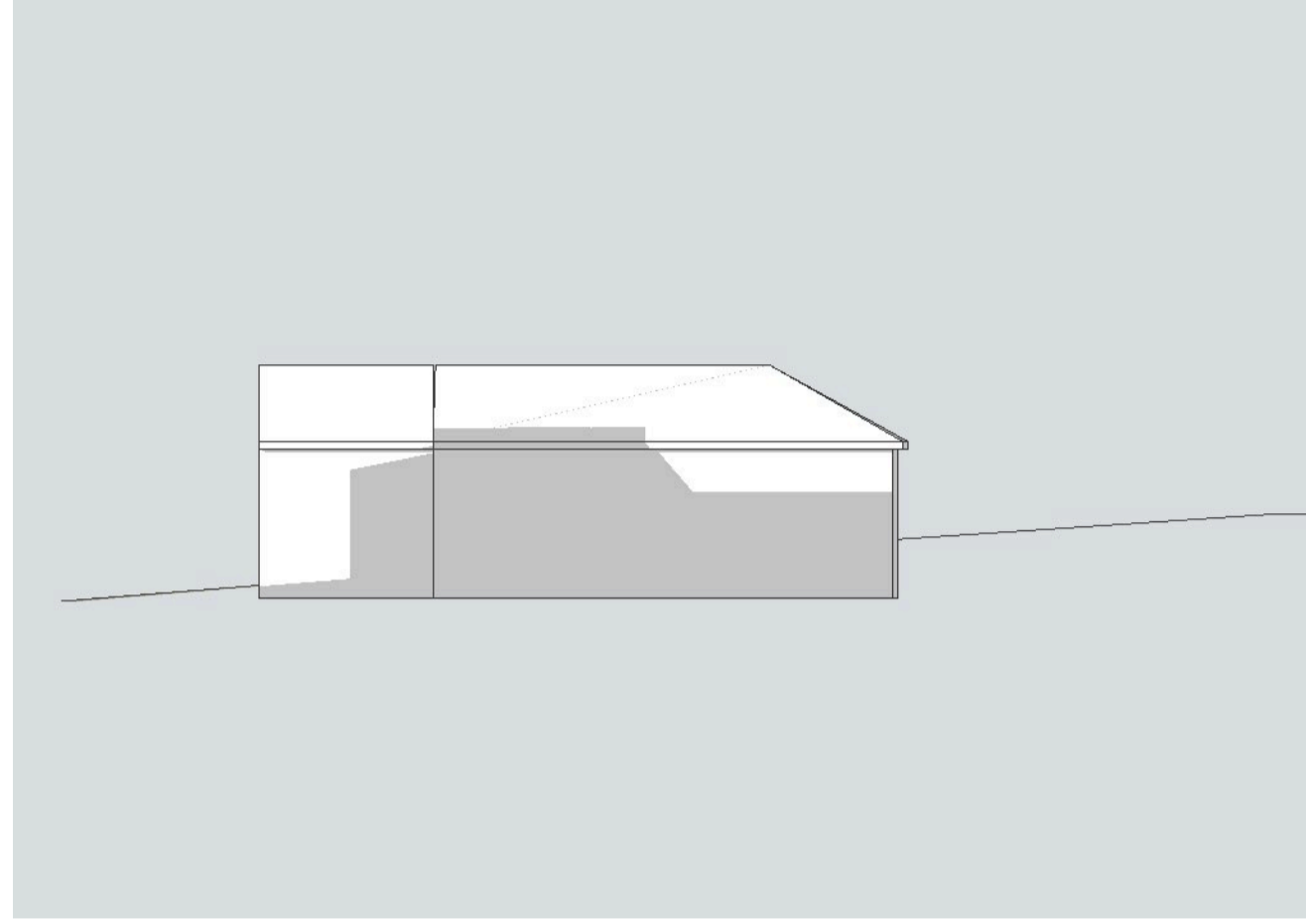
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**SHADOW DIAGRAMS -
239 BONDI RD ELEVATION**
DRAWING NO.
2001 - DA 407 D

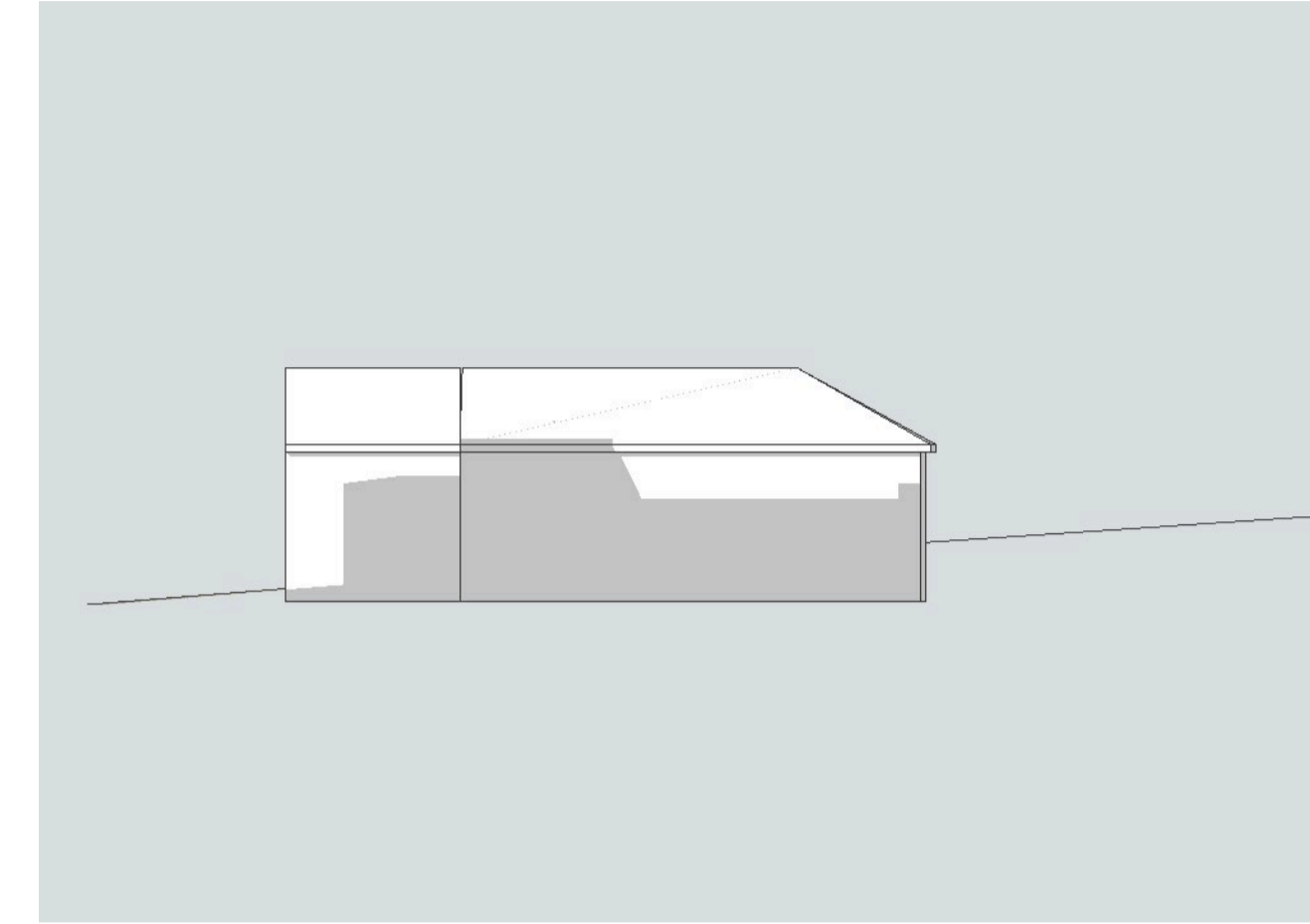
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ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



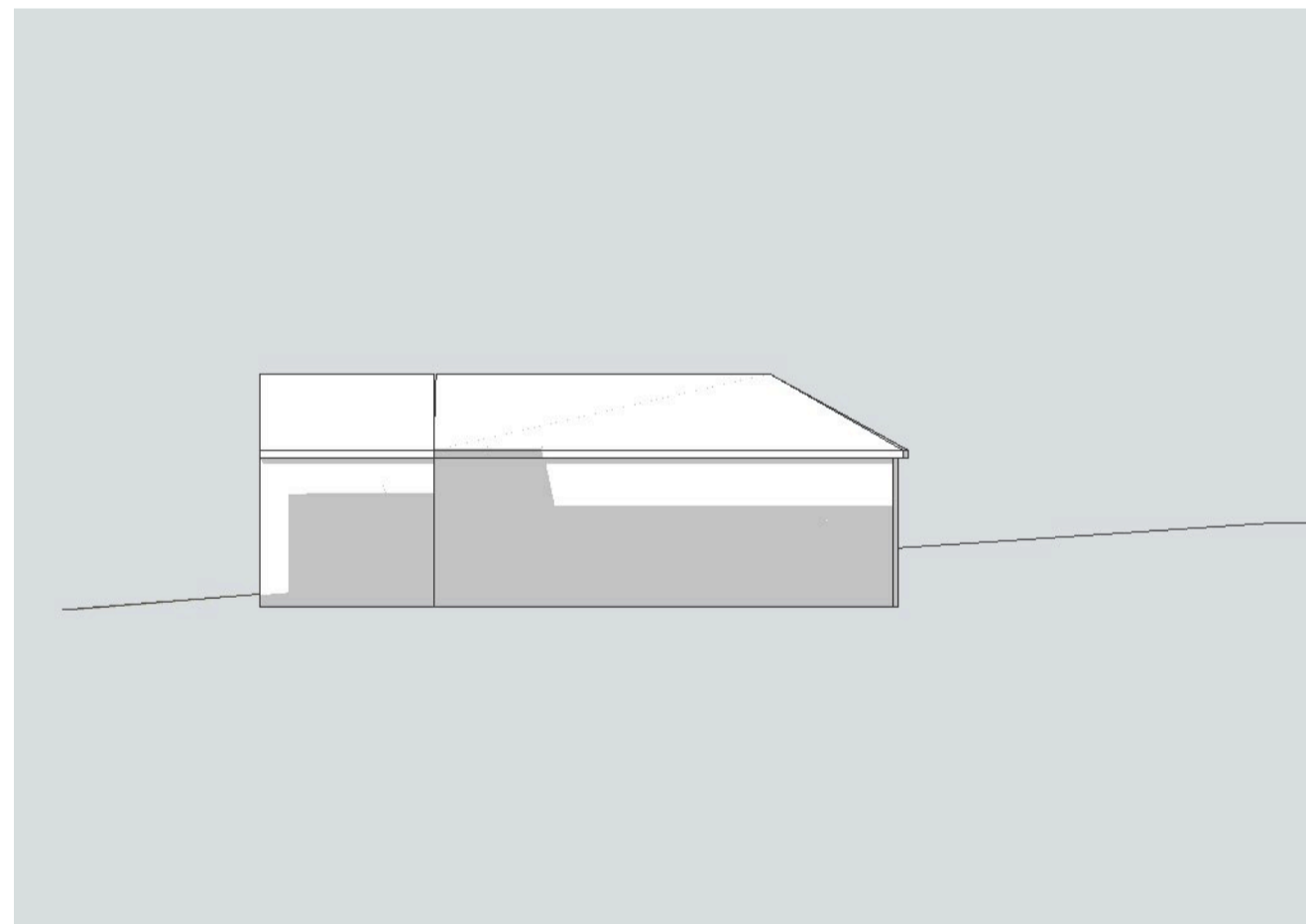
AMENDED PLANS



JUNE 21ST 9AM

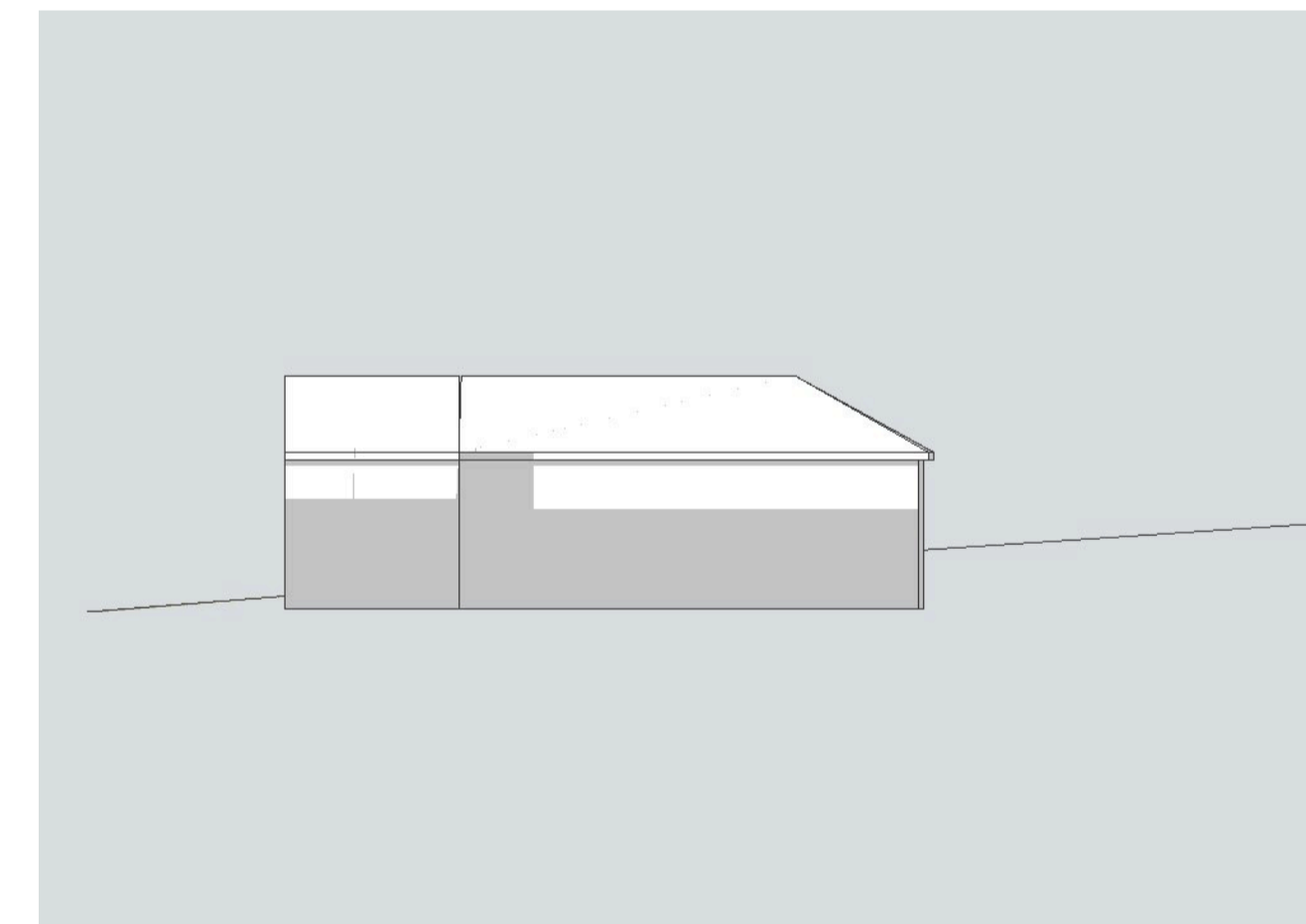


JUNE 21ST 10AM



JUNE 21ST 11AM

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 Waverley Council
 Application No: DA-80/2023
 Date Received: 13/09/2023



JUNE 21ST 12PM

ISSUE	DATE	DESCRIPTION
B	14/04/23	ISSUE FOR DA
C	21/08/23	ISSUE FOR DA
D	11/09/23	ISSUE FOR DA

NOTE

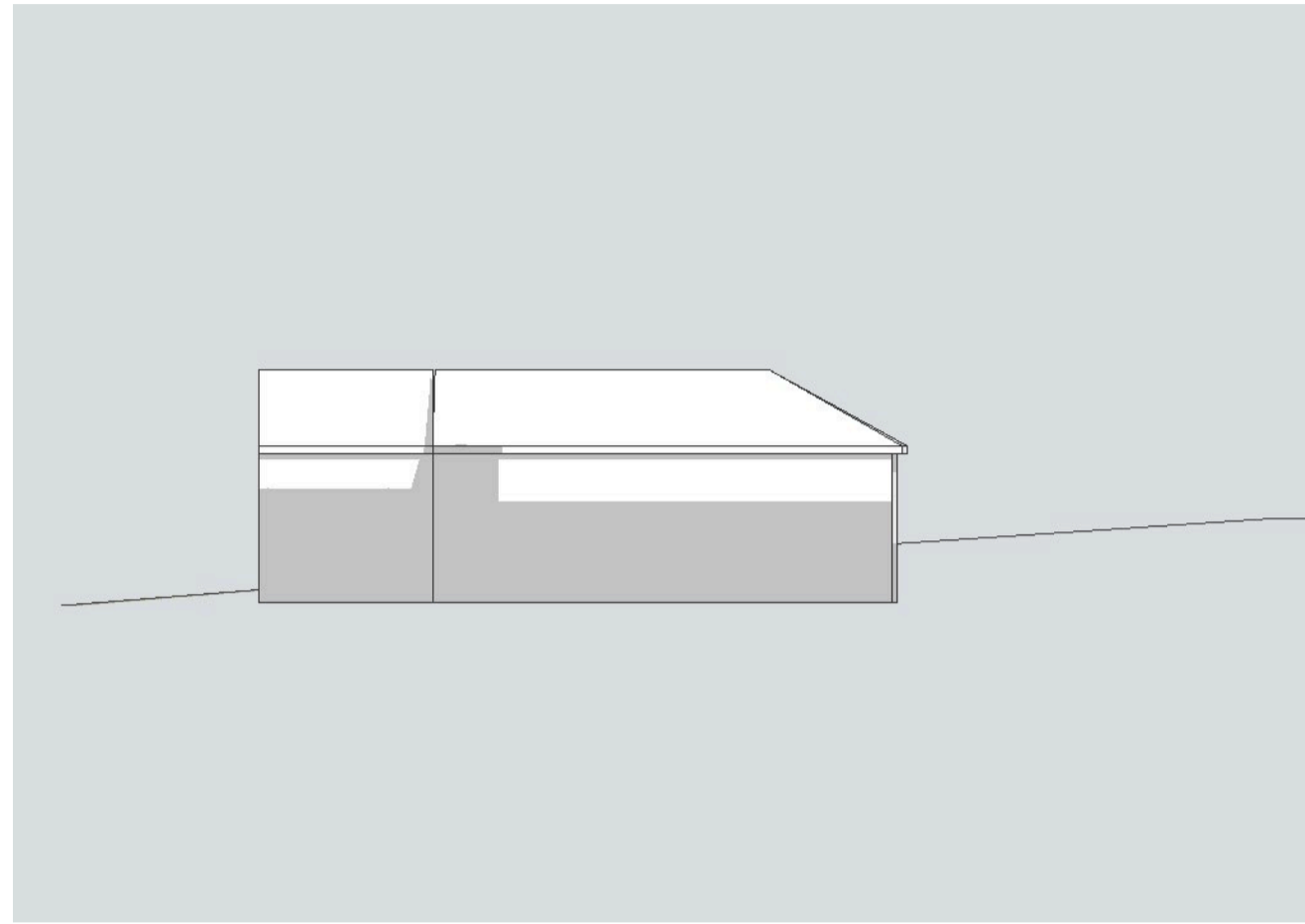
PROJECT 241 BONDI ROAD | BONDI
 STAGE DA
 CLIENT HANA VE
 DESIGNED BY SHED
 DRAWN BY SHED
 CHECKED BY CH

SCALE
 1:200

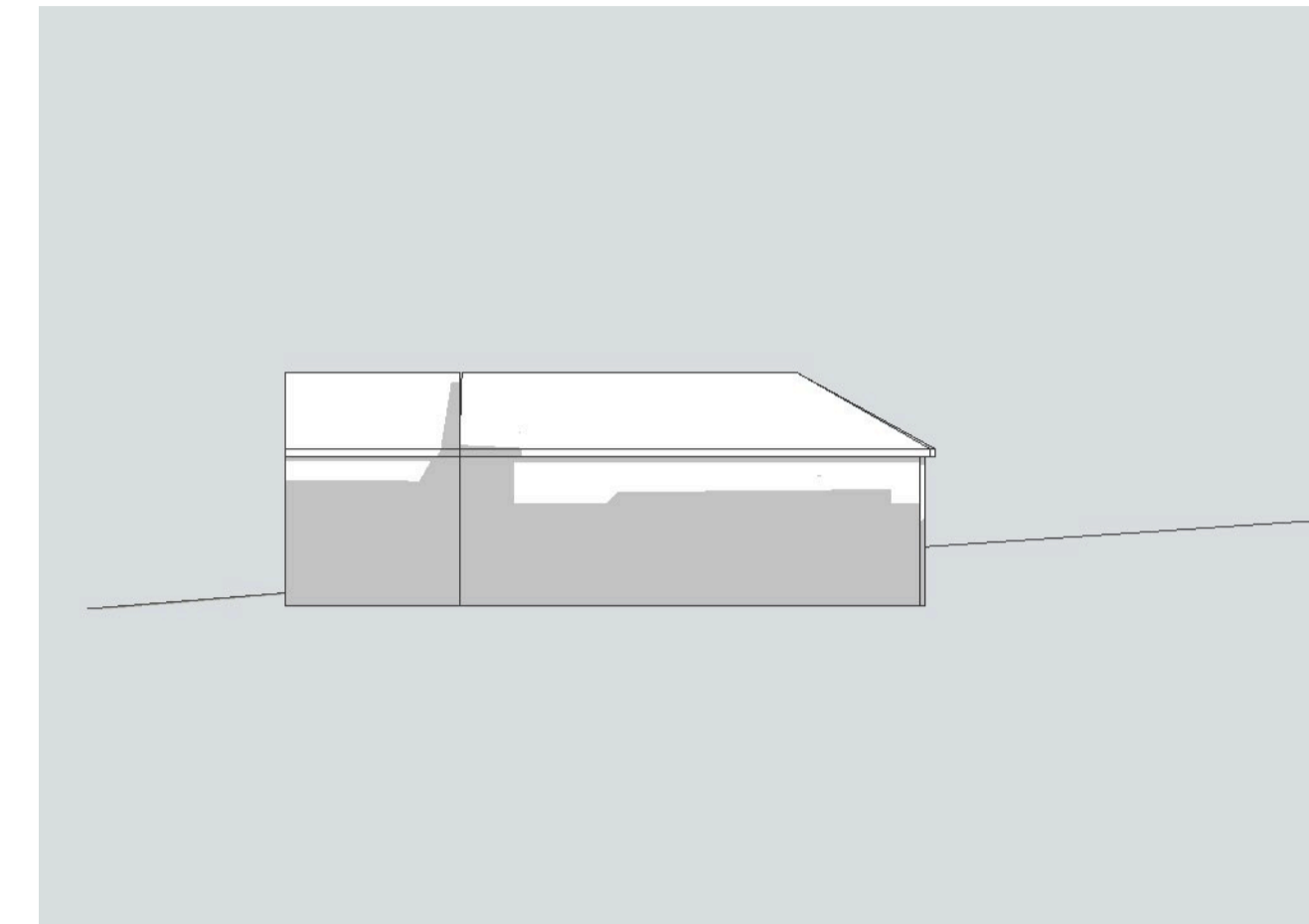
DRAWING TITLE
SHADOW DIAGRAMS - 1
BOONARA AVE
ELEVATION
2001 - DA 408 D

M 0410 491 416
 ABN 75155117516
 NOM ARCH CHRIS HAUGHTON NSW 6727

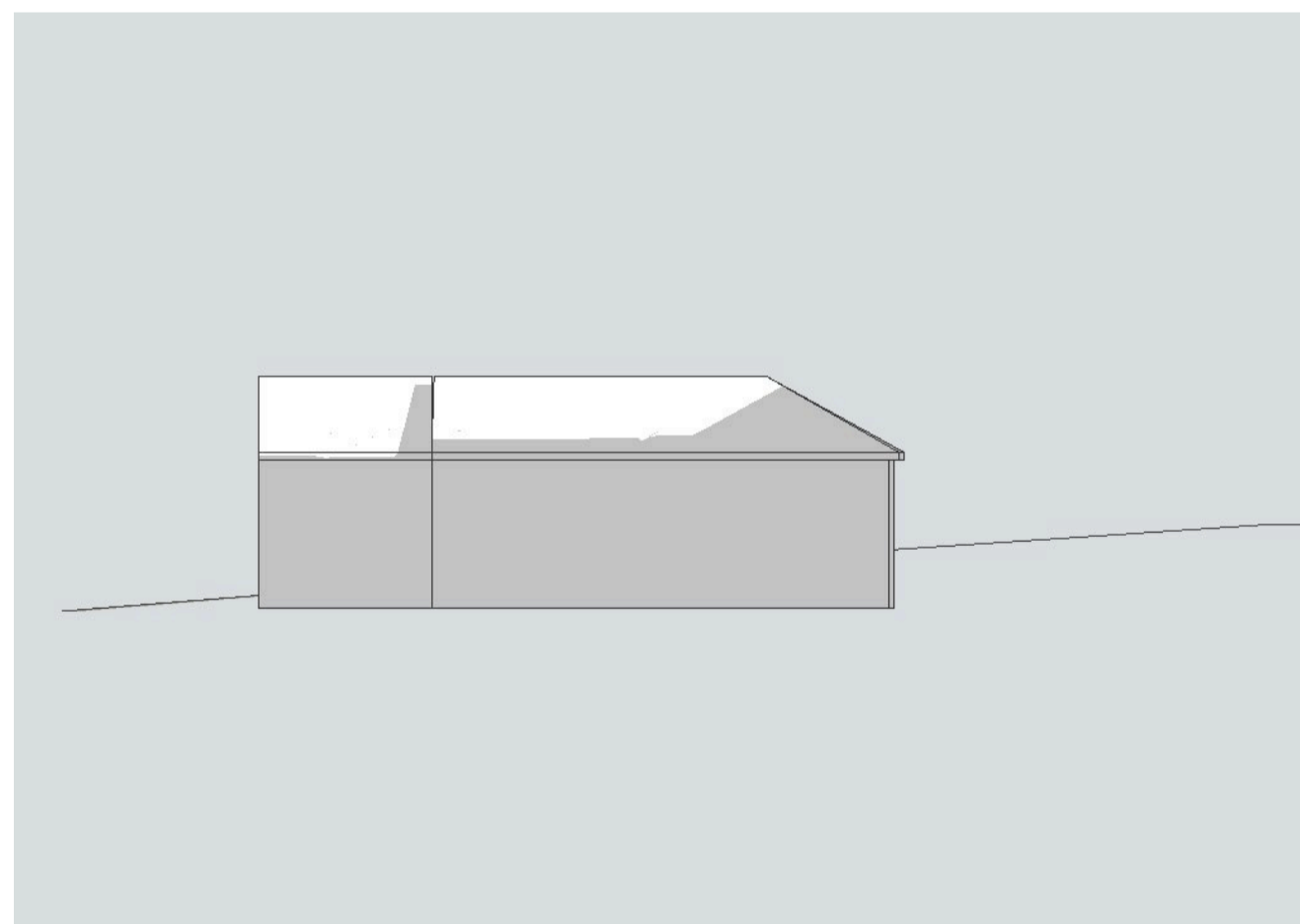




JUNE 21ST 1PM



JUNE 21ST 2PM



JUNE 21ST 3PM

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NOTE

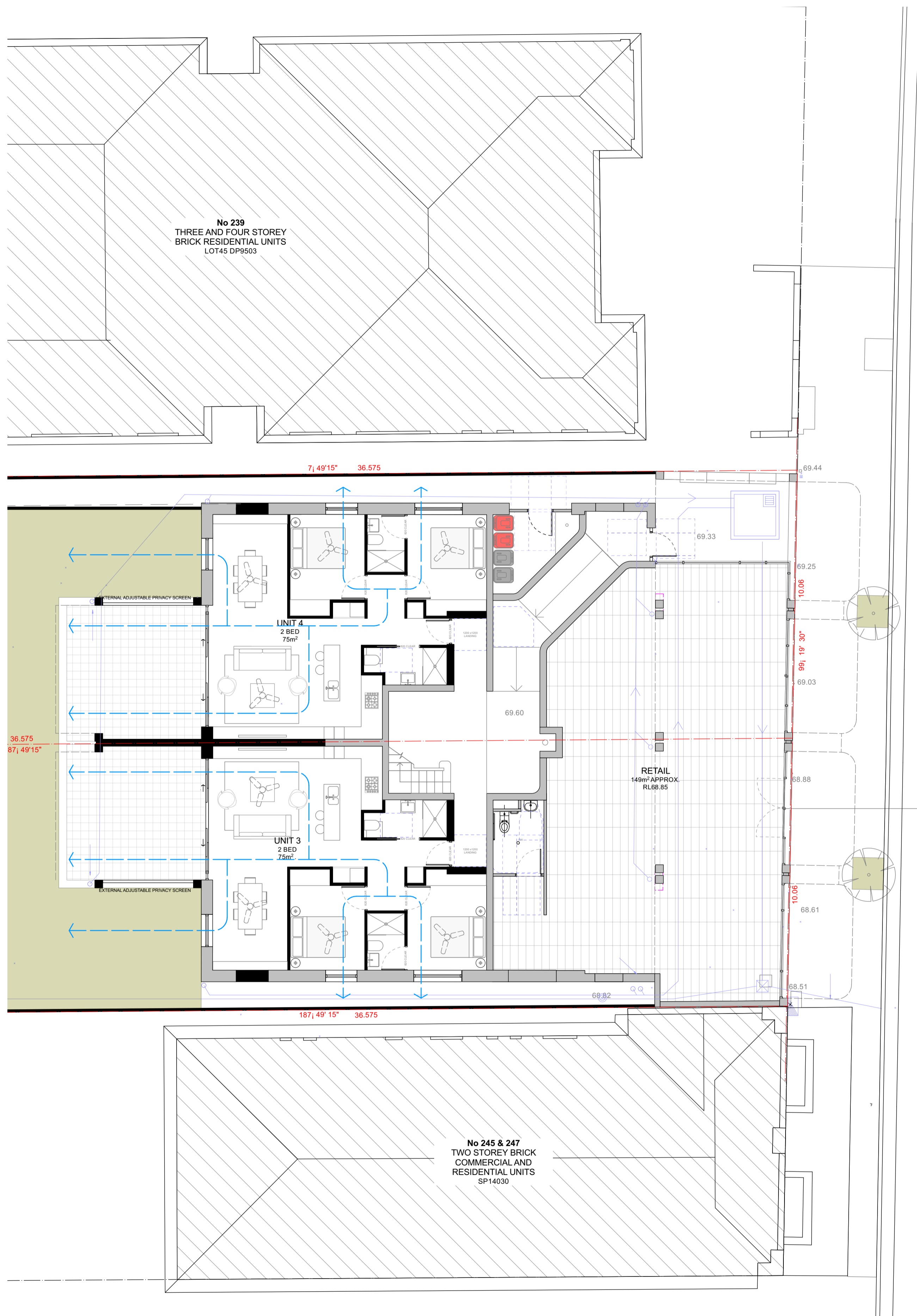
PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

SCALE
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DRAWING TITLE
SHADOW DIAGRAMS - 1
BOONARA AVE
ELEVATION
DRAWING NO.
2001 - DA 409 D

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



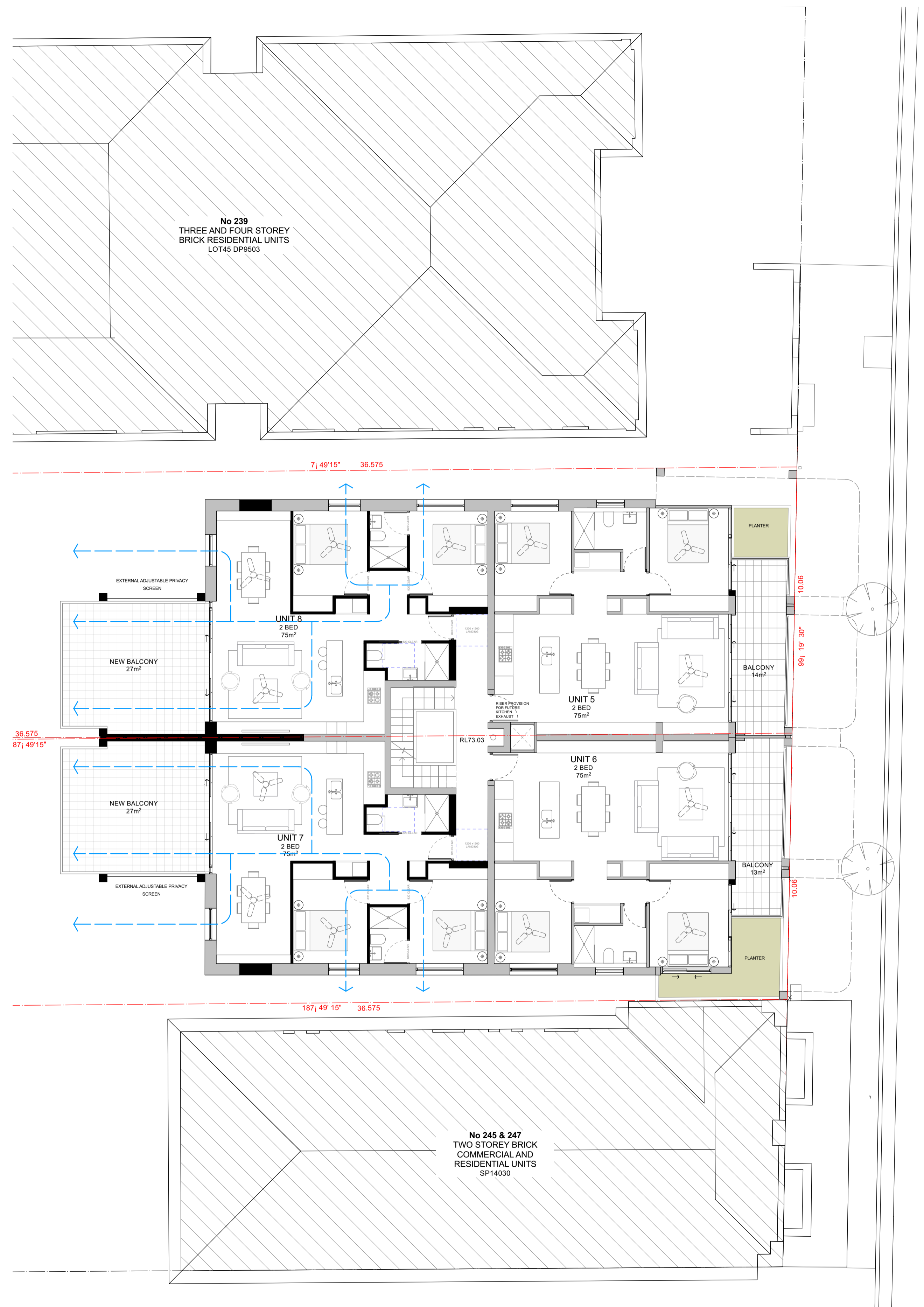


GROUND FLOOR PLAN

ISSUE	DATE	DESCRIPTION	NOTE
C	20/06/23	ISSUE FOR DA	
D	21/08/23	ISSUE FOR DA	
E	11/09/23	ISSUE FOR DA	

AMENDED PLANS

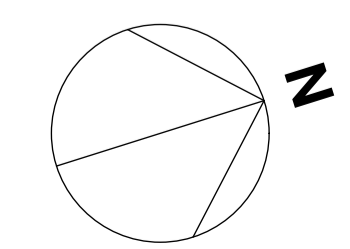
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FIRST FLOOR PLAN

PROJECT	241 BONDI ROAD BONDI
STAGE	DA
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100

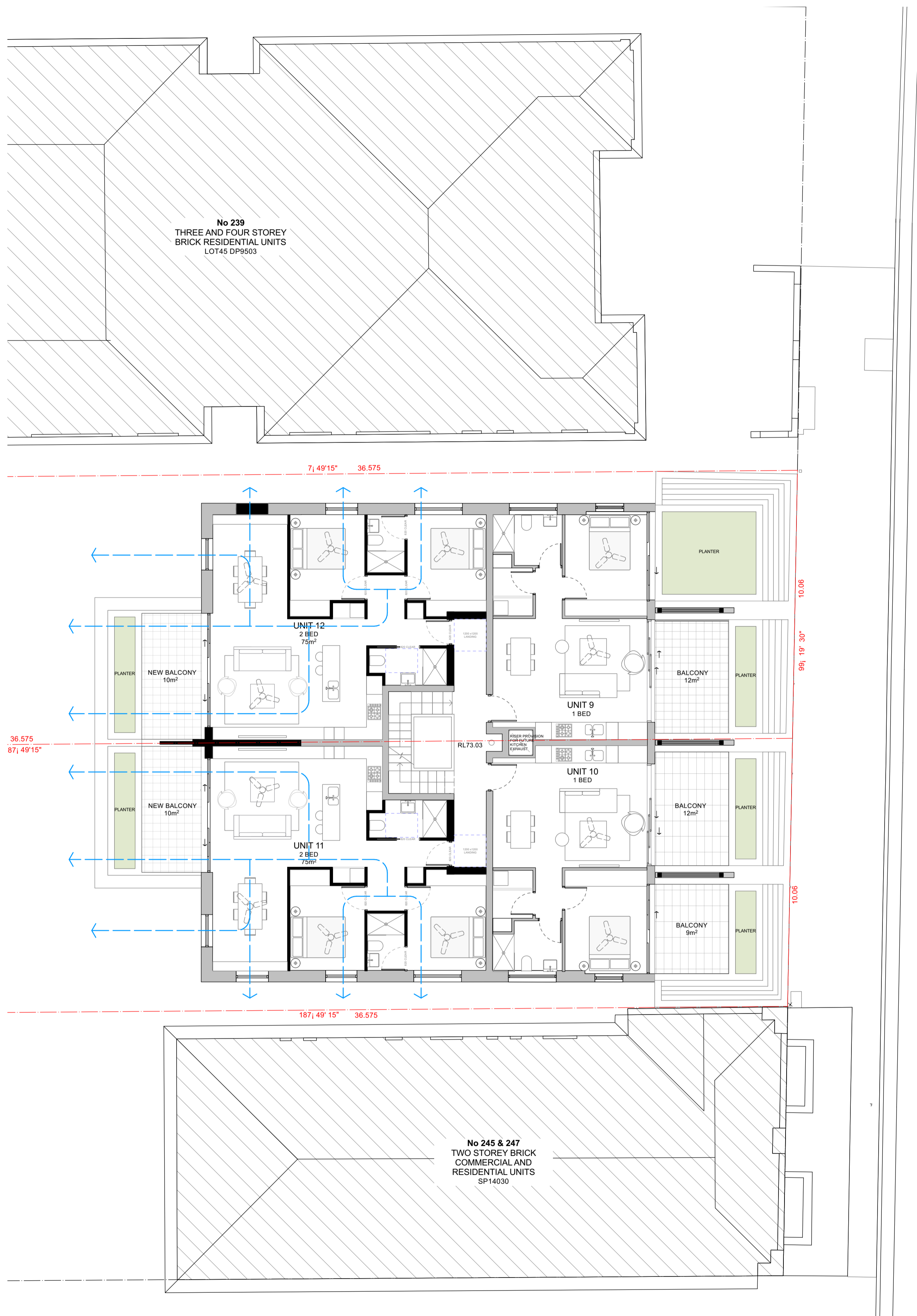


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**CROSS VENTILATION
DIAGRAMS**

DRAWING NO.
2001 - DA 460 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





AMENDED PLANS

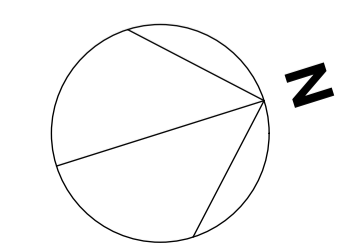
RECEIVED
Waverley Council
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SECOND FLOOR PLAN

ISSUE	DATE	DESCRIPTION	NOTE
C	20/06/23	ISSUE FOR DA	
D	21/08/23	ISSUE FOR DA	
E	11/09/23	ISSUE FOR DA	

PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

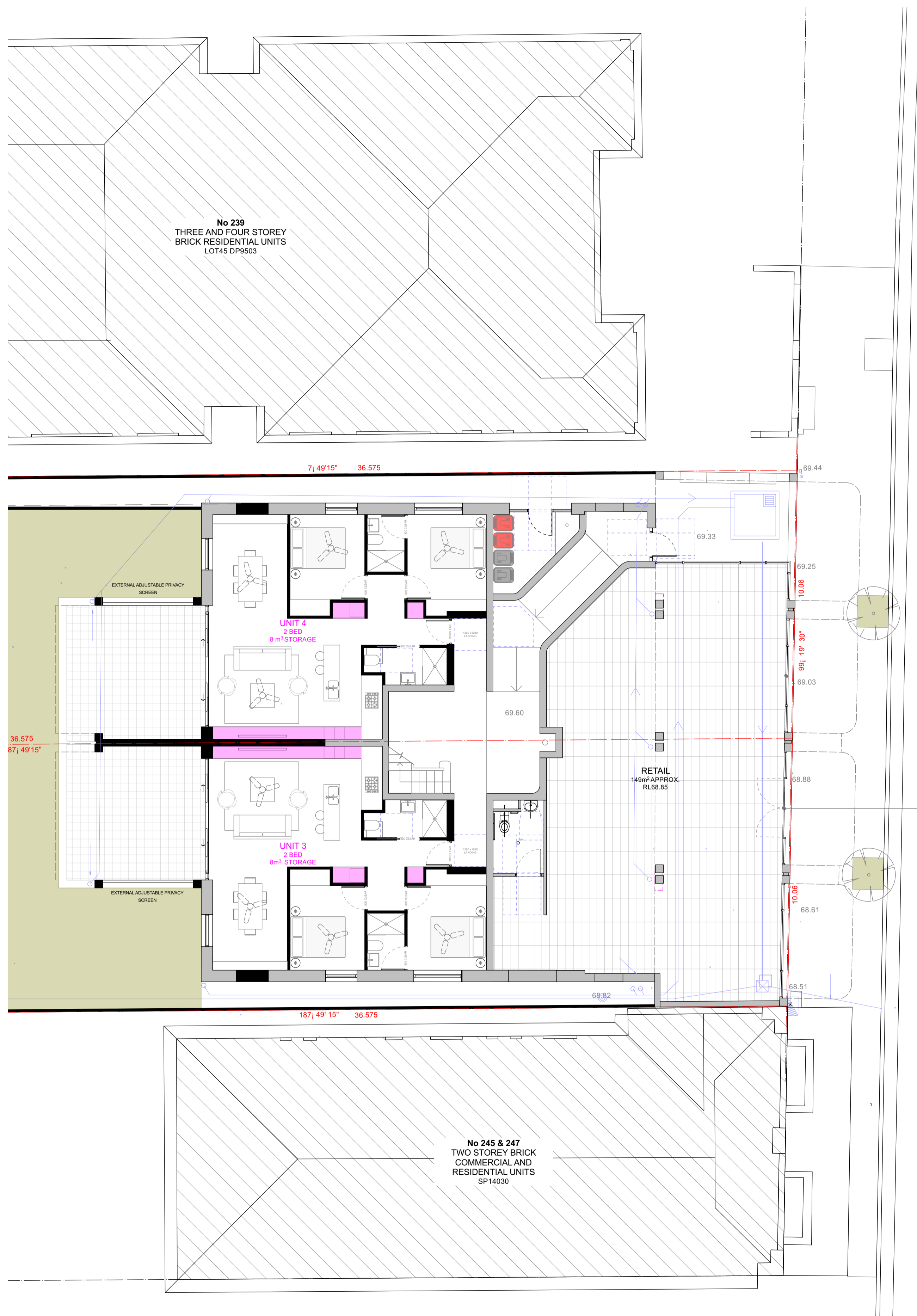
SCALE
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**CROSS VENTILATION
DIAGRAMS**
DRAWING NO.
2001 - DA 461 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





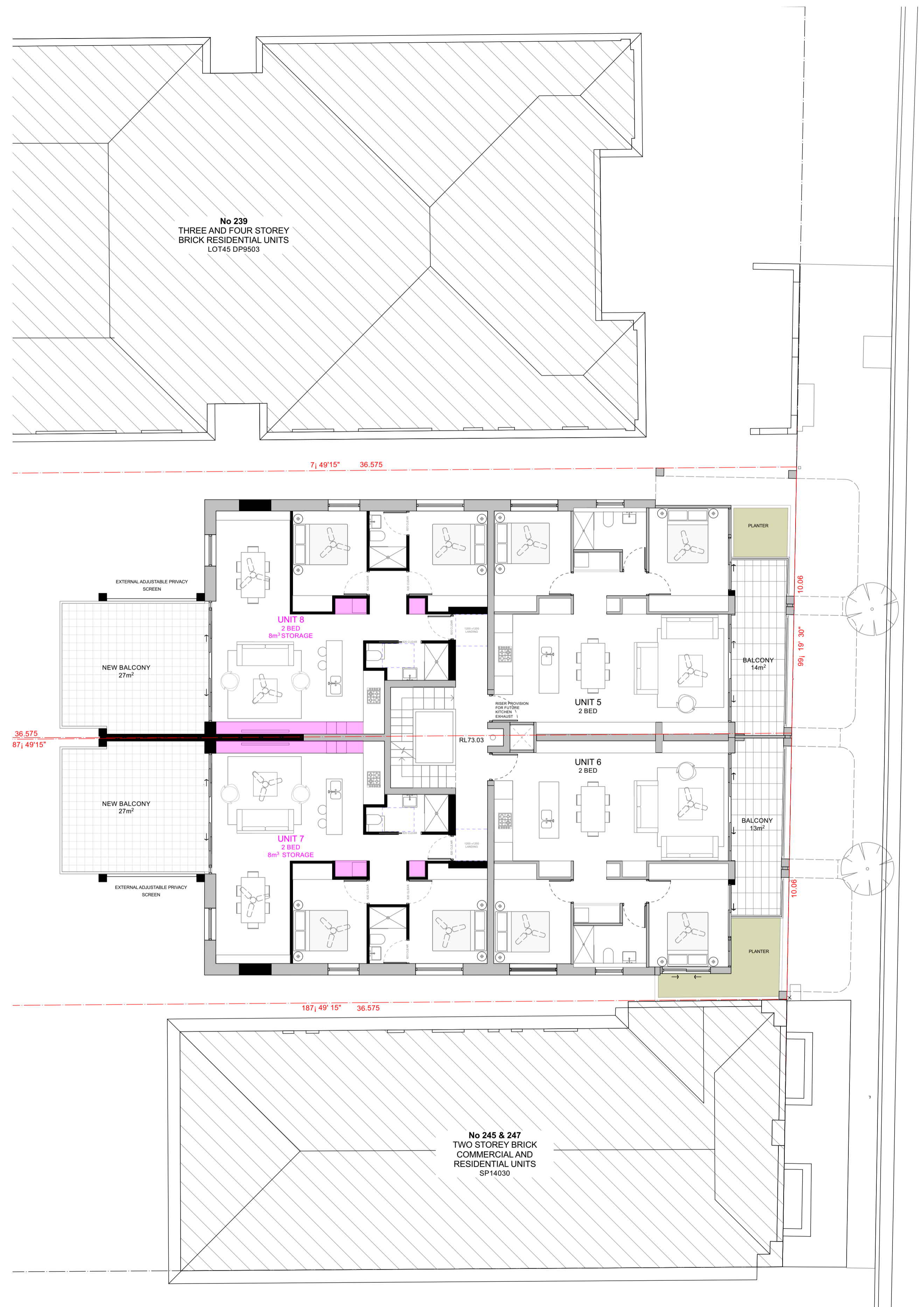
GROUND FLOOR PLAN

ISSUE	DATE	DESCRIPTION	NOTE
C	20/06/23	ISSUE FOR DA	
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AMENDED PLANS

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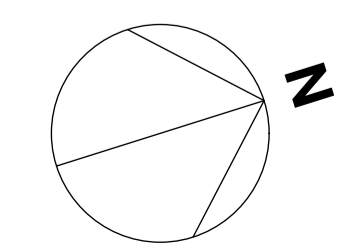
PROVIDE TRANSITION AT DOORWAY TO COMPLY WITH AS1428.1-200
BONDI ROAD



FIRST FLOOR PLAN

PROJECT	241 BONDI ROAD BONDI
STAGE	DA
CLIENT	HANAVE
DESIGNED BY	SHED
DRAWN BY	SHED
CHECKED BY	CH

SCALE
1:100

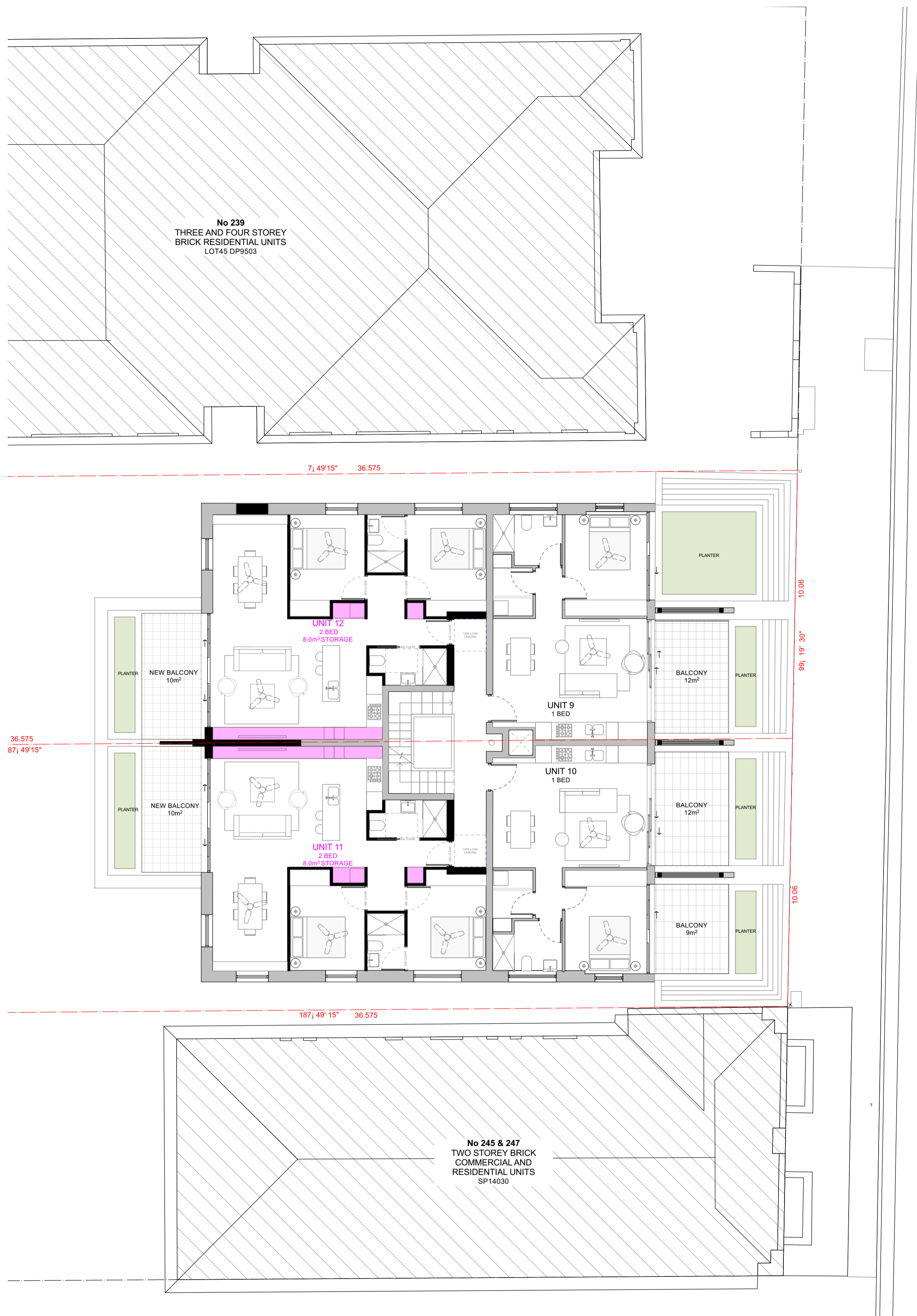


DRAWING TITLE
STORAGE DIAGRAMS

DRAWING NO.
2001 - DA 470 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





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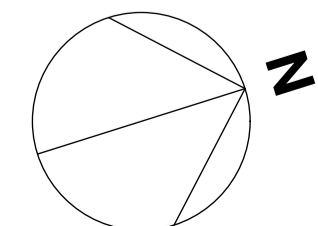
BONDI ROAD

SECOND FLOOR PLAN

ISSUE	DATE	DESCRIPTION	NOTE
C	20/06/23	ISSUE FOR DA	
D	21/08/23	ISSUE FOR DA	
E	11/09/23	ISSUE FOR DA	

PROJECT 241 BONDI ROAD | BONDI
STAGE DA
CLIENT HANA VE
DESIGNED BY SHED
DRAWN BY SHED
CHECKED BY CH

SCALE
1:100



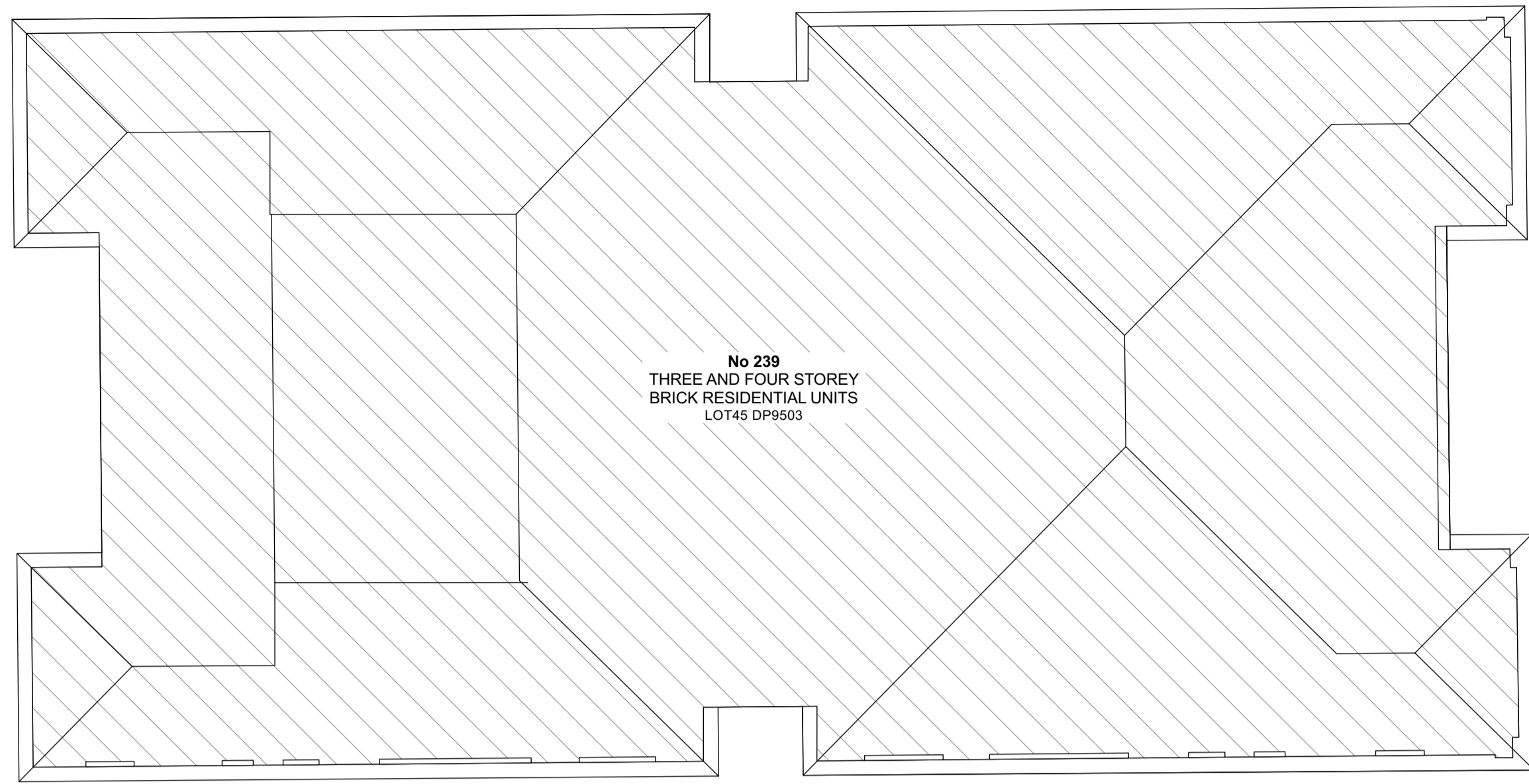
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STORAGE DIAGRAMS

DRAWING NO.
2001 - DA 471 E

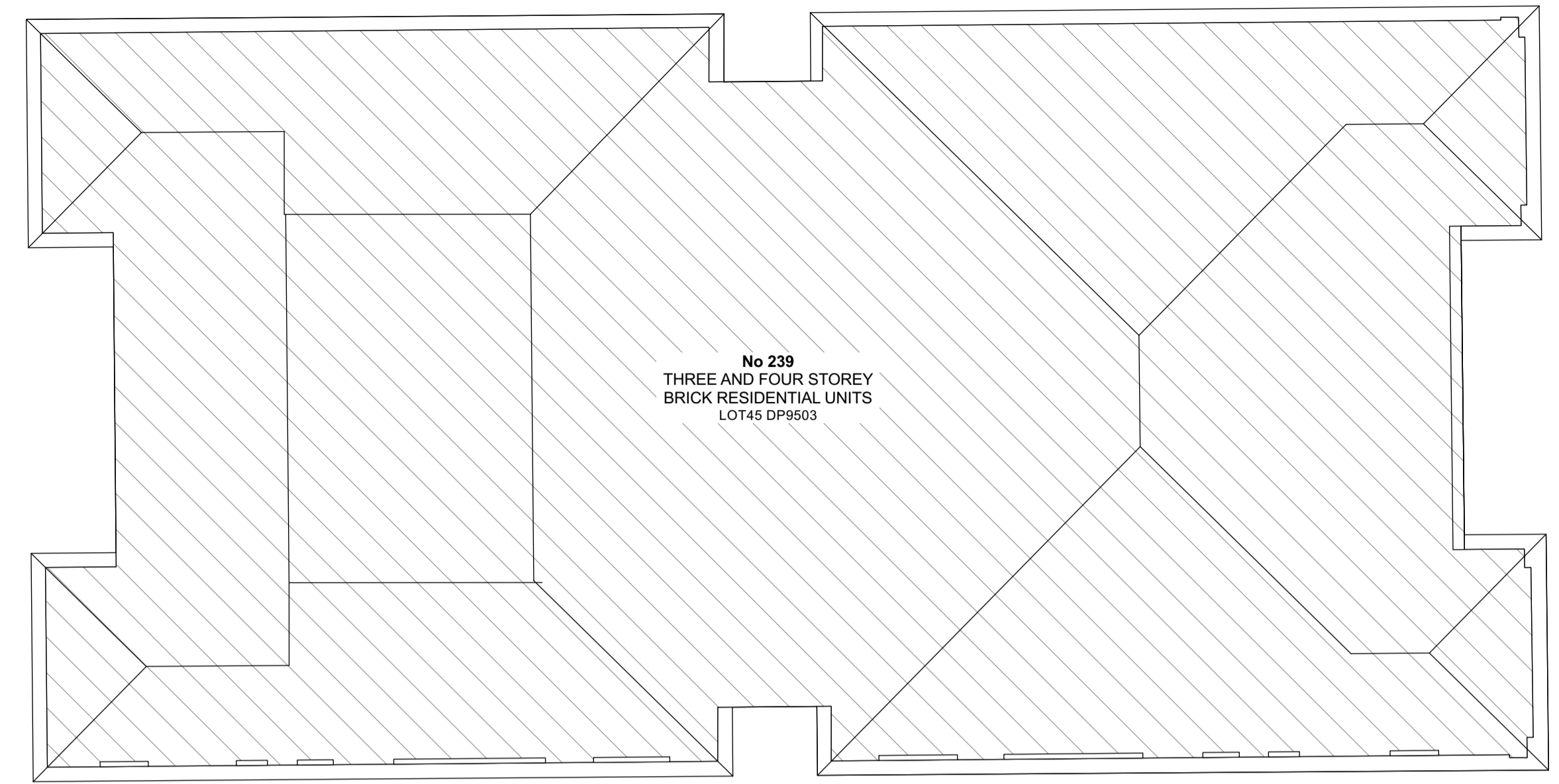
M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727



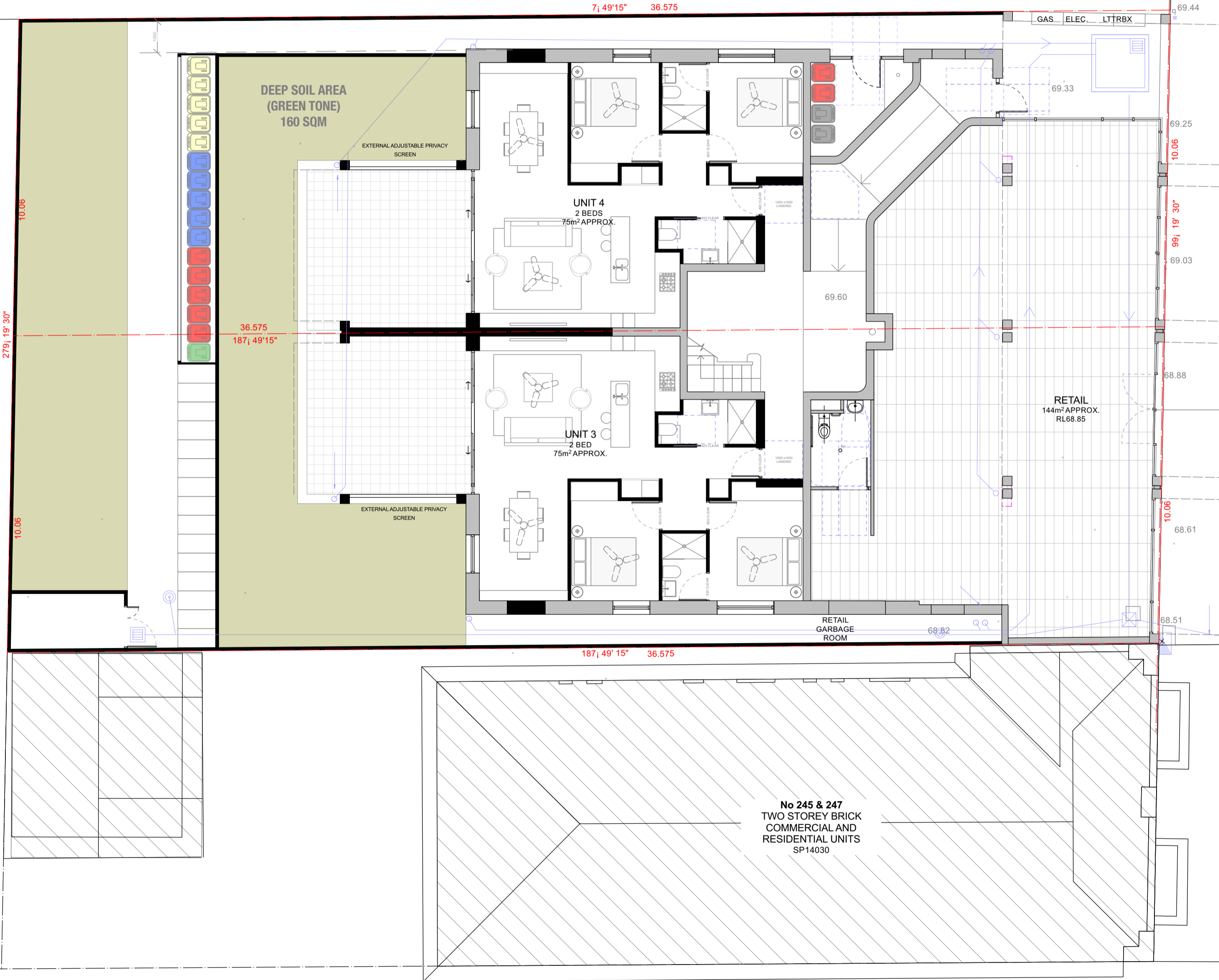
AMENDED PLANS



No 239
THREE AND FOUR STOREY
BRICK RESIDENTIAL UNITS
LOT45 DP9503



No 239
THREE AND FOUR STOREY
BRICK RESIDENTIAL UNITS
LOT45 DP9503



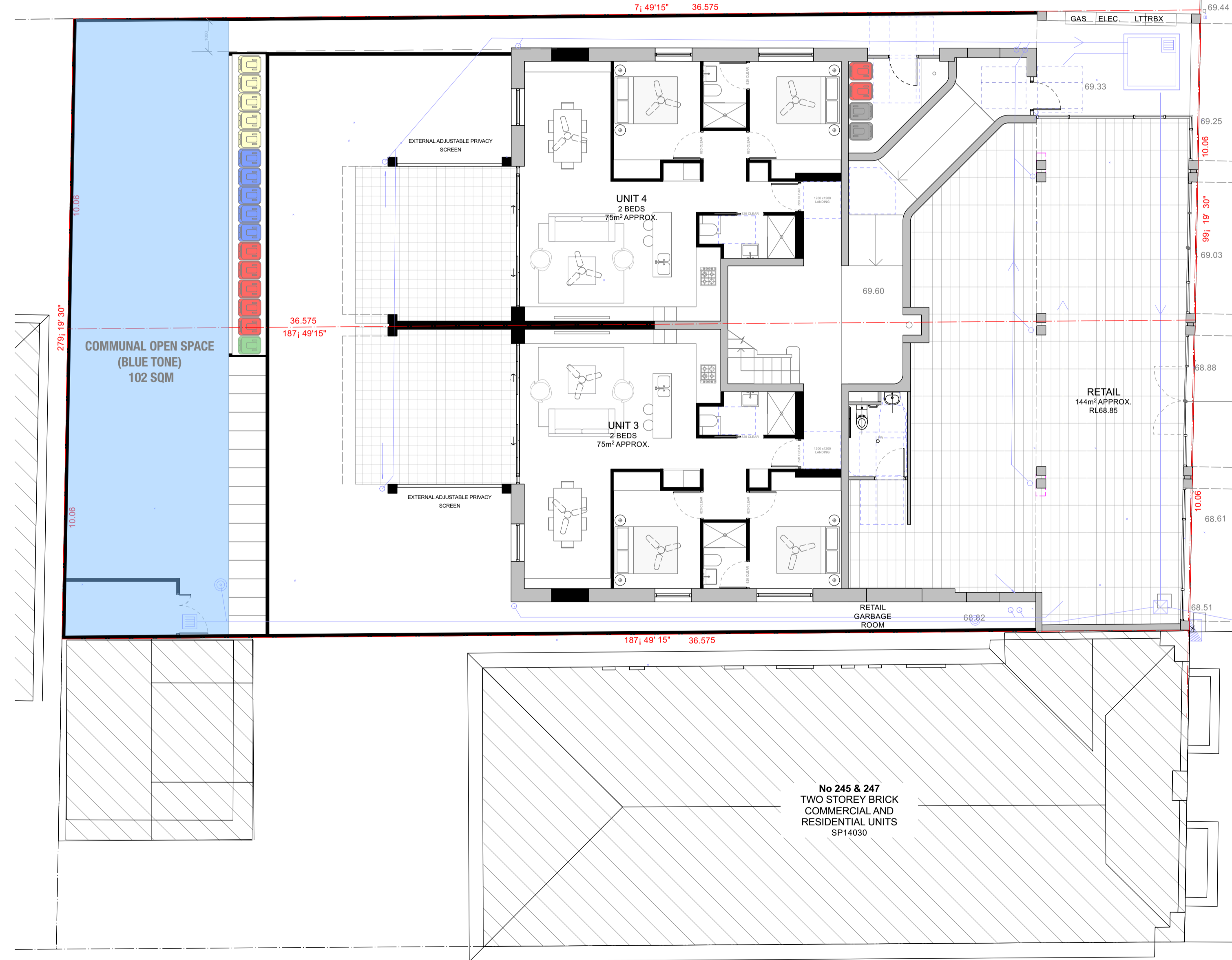
DEEP SOIL AREA
(GREEN TONE)
160 SQM

UNIT 4
2 BEDS
75m² APPROX.

UNIT 3
2 BED
75m² APPROX.

RETAIL
144m² APPROX.
RL68.85

No 245 & 247
TWO STOREY BRICK
COMMERCIAL AND
RESIDENTIAL UNITS
SP14030



COMMUNAL OPEN SPACE
(BLUE TONE)
102 SQM

UNIT 4
2 BEDS
75m² APPROX.

UNIT 3
2 BEDS
75m² APPROX.

RETAIL
144m² APPROX.
RL68.85

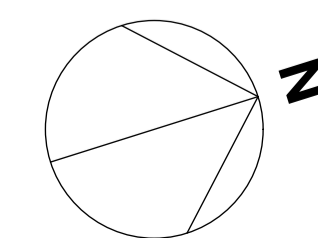
No 245 & 247
TWO STOREY BRICK
COMMERCIAL AND
RESIDENTIAL UNITS
SP14030

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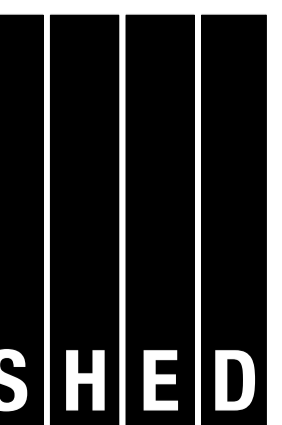
PROJECT	241 BONDI ROAD BONDI
STAGE	DA
CLIENT	HANAVE
DESIGNED BY	SHED
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SCALE
1:100



DRAWING TITLE
DEEP SOIL AREA AND
COMMUNAL OPEN
SPACE
DRAWING NO.
2001 - DA 480 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727





PC 1 PRE-CAST CONCRETE
COLOUR NATURAL CONCRETE GREY



PT 1 PAINT ON CONCRETE RENDER
COLOUR TO MATCH PC 1



MC VERTICAL FORMAT METAL CLADDING
FINISH POWDERCOAT
COLOUR MEDIUM BRONZE



PC 2 PRE-CAST CONCRETE
COLOUR MID GREY



AL ALUMINIUM FRAMED GLAZING
FINISH POWDER COAT
COLOUR CHARCOAL



MF METAL FASCIA
FINISH POWDERCOAT
COLOUR MEDIUM BRONZE

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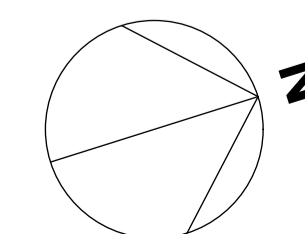
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NOTE

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STAGE DA
CLIENT HANA VE
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DRAWN BY SHED
CHECKED BY CH

SCALE
1:100



DRAWING TITLE
MATERIALS AND FINISHES
DRAWING NO.
2001 - DA 500 E

M 0410 491 416
ABN 75155117516
NOM ARCH CHRIS HAUGHTON NSW 6727

