



14 May 2018

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

12.00 PM WEDNESDAY, 23 MAY 2018

QUORUM: Three Panel members.

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

OR

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

AGENDA

WDAP-1805.A

Apologies

WDAP-1805.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WDAP-1805.1

PAGE 5

38-40 Henrietta Street, Waverley – Demolition of existing building and construction of 4 x 2 storey dwellings (2 x semi-detached dwellings facing Henrietta St and an attached dual occupancy at the rear) and Torrens title land subdivision into 3 allotments and Strata subdivision (DA-321/2017)

Report dated 9 May 2018 from the Development and Building Unit.

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

WDAP-1805.2

PAGE 71

369A Bronte Road, Bronte– Alterations and additions to three terraces including attic additions (DA-516/2017)

Report dated 8 May 2018 from the Development and Building Unit.

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

WDAP-1805.3

PAGE 109

3 Silva Street, Tamarama – Demolition of existing structures; construction of a part two part three storey dwelling house including a swimming pool and lower ground floor garage (DA-312/2017)

Report dated 10 May 2018 from the Development and Building Unit.

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

WDAP-1805.4**PAGE 175****8/47 Sir Thomas Mitchell Road, Bondi Beach – Alterations to existing apartment to convert attic to habitable space to unit 8 (DA-492/2017)**

Report dated 9 May 2018 from the Development and Building Unit.

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

WDAP-1805.5**PAGE 207****82-84 Curlewis Street, Bondi Beach – Modification to boarding house including alterations to building footprint and height, including offer of a Planning Agreement (DA-334/2016/A)**

Report dated 10 May 2018 from the Development and Building Unit.

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

WDAP-1805.6**PAGE 278****150 Brighton Boulevard North Bondi– Alterations and additions including balcony addition to east and west elevations of existing residential flat building and other associated works (DA-460/2017)**

Report dated 9 May 2018 from the Development and Building Unit.

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

WDAP-1805.7**PAGE 315****62 Military Road, Dover Heights – Demolition of existing dwelling and construction of a three storey attached dual occupancy development with swimming pools (DA-286/2017)**

Report dated 30 April 2018 from the Development and Building Unit.

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

WDAP-1805.8**PAGE 364****20 Loombah Road, Dover Heights – Demolition, excavation and construction of a new dwelling-house with integrated garage and swimming pool (DA-94/2017/1)**

Report dated 7 May 2018 from the Development and Building Unit.

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

WDAP-1805.9

PAGE 408

7 Portland Street, Dover Heights – Demolition of existing dwelling and construction of dual occupancy and two swimming pools (DA-243/2017)

Report dated 8 May 2018 from the Development and Building Unit.

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

WDAP-1805.10

PAGE 466

9 Portland Avenue, Dover Heights – Alterations and additions to existing dwelling including additional storey (DA-525/2017)

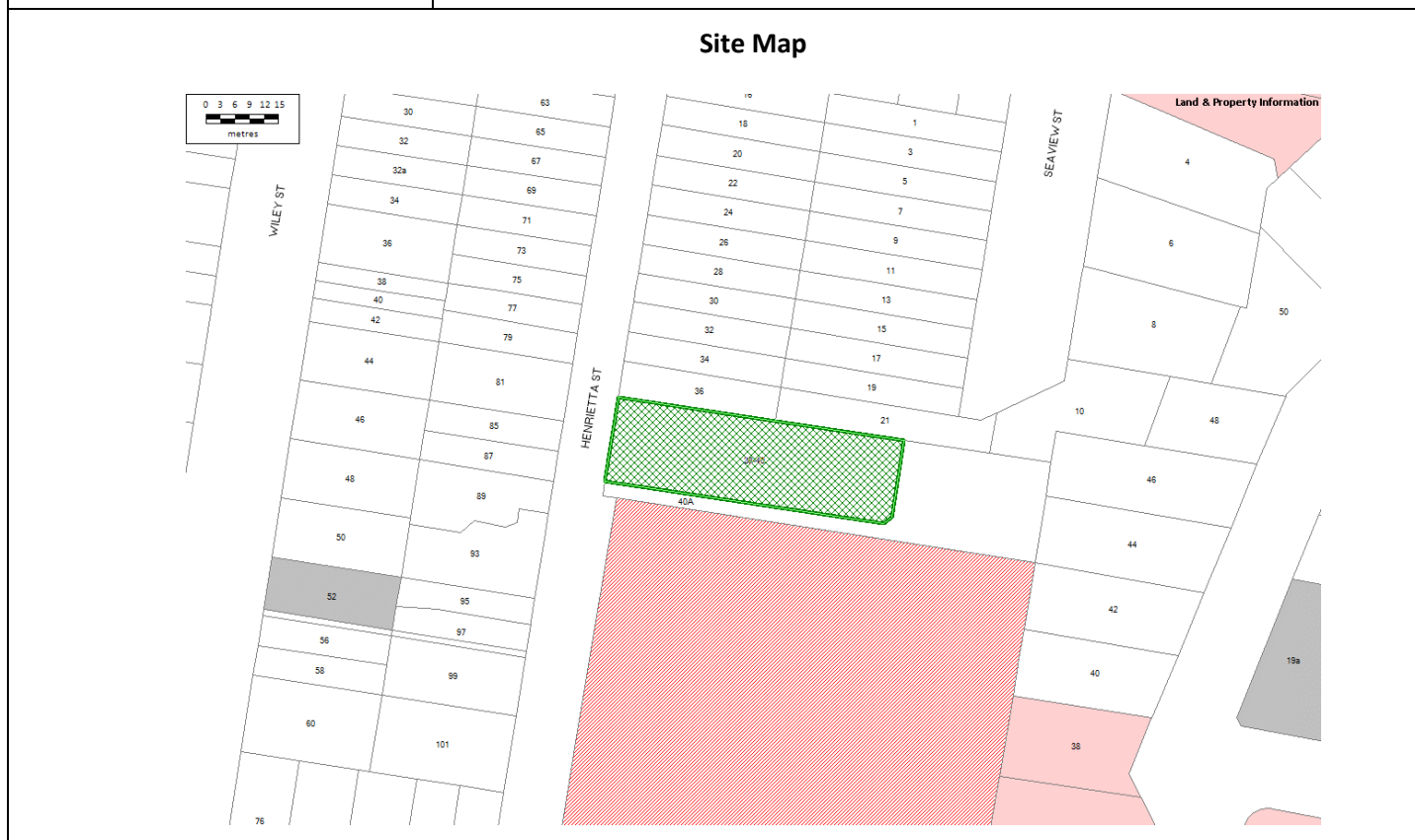
Report dated 7 May 2018 from the Development and Building Unit.

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



Report to the Waverley Development Assessment Panel

Application number	DA-321/2017
Site address	38-40 Henrietta Street, Waverley
Proposal	Demolition of existing building and construction of 4 x 2 storey dwellings (2 x semi-detached dwellings facing Henrietta St and an attached dual occupancy at the rear) and Torrens title land subdivision into 3 allotments and Strata subdivision
Date of lodgement	Original Submission (7 August 2017) Amended Plans (13 February 2018)
Owner	38 Henrietta Pty Limited, Mr D K Briscoe and Mr E S Morris
Applicant	MHN Design Union
Submissions	Four submissions to original plans, Five submissions to amended plans
Cost of works	\$2, 838, 500
Issues	Subdivision, FSR, Access, DCP height control
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site And Surrounding Locality

The site is identified as Lot 101 in DP 1105009, known as 38-40 Henrietta Street, Waverley. The site is rectangular in shape with a northern side boundary of 59m, front boundary of 17.5m and overall area of 1032m².

The site has a slope and falls from the front of the site towards the rear of the site by around 6m. To the rear of the site is a separate residential 'battle axe' allotment, known as 40A Henrietta with an access driveway which runs the length of the southern boundary of the site to the rear. No. 40A sits on lower ground than the subject site and is contains a 2 storey dwelling house orientated east to capture the views to the ocean.

The subject site benefits from a right of way along the access handle which is in the ownership of 40A Henrietta Street. The site is currently occupied by 'Altona' nursing home which appears as a single storey at the front of the site and two storey to the rear. The building footprint occupies the majority of the site. Hard stand car parking spaces are provided at the front of the site for drops/off and pick up to the centre. Parking is also available at the rear of the site, via the access handle which leads to 40A Henrietta Street.

To the south of the site is the Waverley College Junior School at 44 Henrietta Street. To the north of the site is a detached cottage facing Henrietta Street and 2 storey semi-detached dwelling facing Seaview Street. Henrietta Street is characterised by a variety of low density residential developments including semi-detached dwellings, attached terraces and detached cottages and 2 schools at either end of the street.



Figure 1: Front of the site



Figure 2: Rear of the existing nursing home.



Figure 1: Dwelling located at the rear of the site.

1.2 Relevant History

- DA-793/2000- Permission for the Nursing home, demolition of garage, new car spaces and residential subdivision to create 40A Henrietta Street.– Approved.
- Section 96 Application DA-793/2000/A - To vary condition number 4 of Council's development consent – Approved
- DA- 705/2003- Alterations and additions including additional storey and balcony – Approved
- Section 96 application DA-705/2003/A – Modification including new storage area – Approved

1.3 Proposal

The application seeks permission for demolition of existing nursing home building and construction of 4 x 2 storey dwellings, including 2 x semi-detached dwellings facing Henrietta St and an attached dual occupancy at the rear.

The application proposes to create 3 Torrens title allotments and to strata subdivide the attached dual occupancy proposed on lot 3. Each dwelling is proposed to contain living areas at ground floor and 4 bedrooms at first floor level and a garage.



Figure 4: Photomontage of the proposal from Henrietta Street



PROPOSED: Rear Perspective - Prepared by involve studios pty.ltd



PROPOSED: Driveway - Prepared by involve studios pty.ltd

Figure 5: Photomontage of the proposed dwellings from the southern boundary of the site, showing the access handle.

1.4 Background to this application

1.4.1 Pre-DA Advice

A Pre-DA was submitted for the site in May 2017. The main issues raised are summarised below.

- *Subdivision* - A proposal which followed the pattern of land division fronting Henrietta Street was found acceptable. However, it was considered that the land at the rear of the two allotments addressing Henrietta Street is more appropriate as singular a Torrens allotment, similar in arrangement to the property at the rear of the site at 40A Henrietta Street.
- *Car parking/Vehicular Access*

- *Setbacks*
- *Height and Floor Space Ratio (FSR)*
- *Amenity*
- *Waste*

The matters raised in the Pre-DA have been addressed in the application.

1.4.2 Background to this DA

The DA was lodged on 7 August 2017, and after a preliminary assessment of the proposal and consideration of submission the application was deferred on 29 November 2017 identifying the following issues with the proposal;

- *Subdivision of Lot 3 and Lot 4* - The application proposes variations to the statutory minimum allotment size of 325m² for Torrens title subdivision on all 4 allotments. Proposed Lot 3 and Lot 4 propose an awkward and unresolved vehicular access arrangement via land owned by 40A Henrietta Street and a dwelling house on Lot 4 which receives inadequate solar access, receiving less than an hour of sun in the morning period of the shortest day. Given the lack of amenity and unresolved access arrangement (discussed in further detail below), Council is not satisfied that the proposed Lots 3 and 4 satisfactorily achieve the considerations of Clause 4.6 and cannot be supported.
- *Vehicular Access* - The proposed access arrangement via the right of way access provided by the driveway owned by 40A Henrietta has not been adequately addressed in this application. The application proposes 2 x 2 car garages, however there is a concrete structure within the boundary of 40A which divides the two sites which cannot be modified without the consent of the owner. The proposal is to be redesigned to not involve works outside the property boundary (ie. no works to the driveway), otherwise the written consent of the owner is to be provided consenting to any required works to the driveway as a part of this development application.
- *Bulk and Scale* - The use of fill above the proposed garages to Lots 3 and 4 to raise the floor levels is considered to result in an unacceptable bulk and scale to the adjoining properties, in particular the adjoining northern property at 21 Seaview Street.
- *Waste* - The application does not demonstrate the waste collection arrangement for all dwellings, particularly, proposed lots 3 and 4. The waste management form states that this is addressed on drawing 12, however this has not been provided to Council to consider. As noted in the previous advice, consideration is to be given to where bins will be stored, the distance between the bin holding area and collection point on the street, as well as the gradient of the driveway/access handle.
- *Proposed Lot 1 and 2* - The proposed aesthetic of the dwellings which face Henrietta Street result in poor amenity to the dwellings, with the deep masonry balconies, preventing sunlight to the living areas of each dwelling, and unnecessarily compromised amenity. This is demonstrated on the sun diagrams on drawing 13. It is recommended that the architectural resolution of the balconies be amended to better address this issue. For Council to accept a variation to the Torrens title subdivision controls, it must be demonstrated that the dwelling houses will have a high level of amenity, despite the smaller land size.
- *Land Contamination* - The statement of environmental effects doesn't adequately address SEPP 55 Remediation of Land, noting that *"the owner has advised that as the existing and previous uses for*

the site have been commercial or residential". Details of the commercial uses must be clarified in order to determine whether the site is potentially contaminated and would require remediation.

Amended plans and additional information was provided to Council on 13 February and 17 April 2018 to address these matters and are subject to assessment in this application.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 79C of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 79C (1)(a) 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.

SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application. The BASIX Certificate lists measures to satisfy BASIX requirements which are to be incorporated into the proposal. A standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

SEPP 55 Remediation of Land

The SEE states that 'the owner has advised that as the existing and previous uses for the site have been commercial or residential, the site is unlikely to be contaminated'. The applicant has since clarified "The previous owner purchased the site in 1994 and at that time and prior to the site was used as a nursing home". Based on the information that the site has been previously used for residential purposes only, is considered that site contamination is unlikely.

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 does not contravene the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	This application seeks permission for Torrens title and strata subdivision.
Land Use Table R2 – Low Density Residential Zone	Yes	The application proposes 2 semi-detached dwellings on the front of allotments and an attached dual occupancy at the rear of the site, which are permissible uses in the zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size	No	Proposed Lot 1- 283 m ² (42m ² less) Proposed Lot 2- 287 m ² (38m ² less)

Provision	Compliance	Comment
<ul style="list-style-type: none"> 325m² 		Proposed Lot 3- 462m ² (complies)
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	All dwellings are within the 8.5m height limit, as measured from the existing ground level.
4.4A Exceptions to floor space ratio Site Area: 1032m ² . Permitted FSR: 0.5:1 or 516m ²	No	Proposed House/Lot 1- 217m ² GFA Proposed House/Lot 2- 218m ² GFA Proposed Dual occupancy- GFA 277m ² Total GFA over the whole site: 712m ² FSR: 0.69:1 a breach of 196m ² or 38%
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 subdivision and FSR development standards.
Part 5 Miscellaneous provisions		
5.9 Preservation of trees or vegetation (This clause has since repealed after this DA was submitted)	Yes	4 trees are proposed to be removed as a result of the proposed development. The arborist report submitted with the application supports removal of the trees. Tree protection measures are to be installed for trees on adjoining properties.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	Excavation works are proposed to facilitate that construction of the dwellings at the rear. The works have been considered against subclause (3) and are considered to achieve the objective, subject to conditions of consent.

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

Exceptions to Development Standards

Clause 4.1 Minimum subdivision lot size

The LEP development standard for minimum subdivision lot size for this site is 325m². Proposed lot 1 is proposed to be 283 m² which is 42m² short of the development standard and proposed lot 2 is proposed at 287m² which is 38m² less than the standard (12-13% variation). Proposed Lot 3 is 462m² which complies with the development standard.

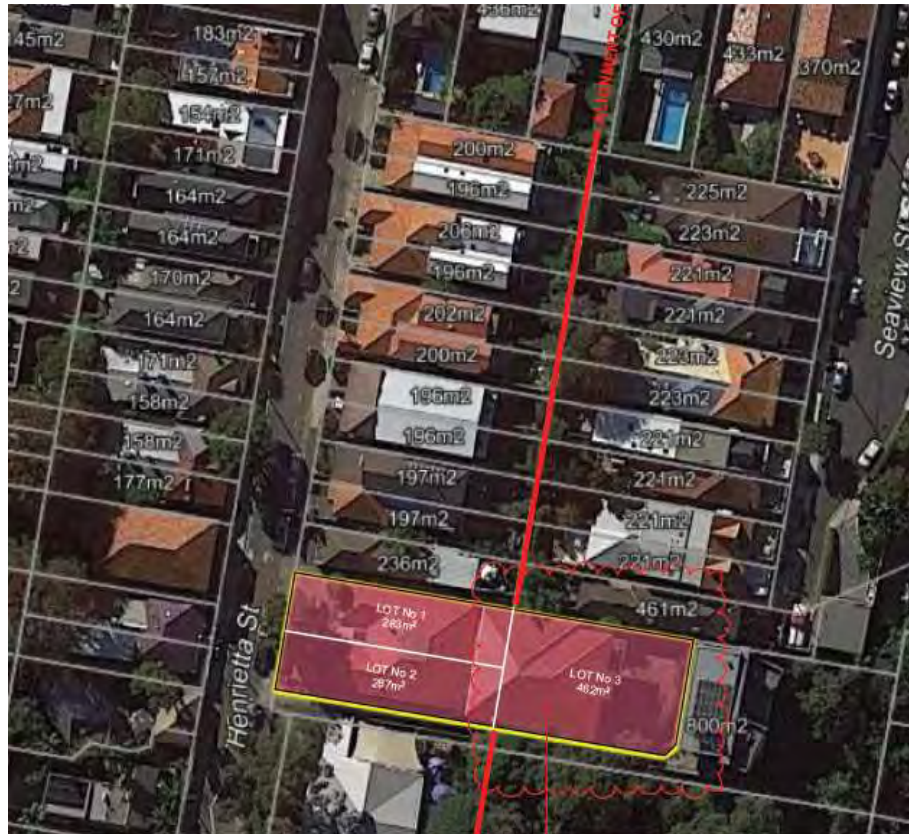
A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposed subdivision will both reflect and reinforce the subdivision pattern in the area. In its existing condition, the subject site is an anomaly in the subdivision being one of the few consolidated residential holdings in the locality.*

- *Along Henrietta Street to the north, the built form predominately comprises semi-detached dwellings on lots with approximate areas ranging from 196m² to 236m². These sites are also subject to a 325m² minimum subdivision size despite the allotments being clearly below this. It is unlikely that these sites would be readily consolidated and it seems extremely unlikely that any subdivision/consolidation would ever be undertaken that would result in these sites complying with the LEP.*
- *To the south is the Waverley College Junior School Campus which is zoned SP2 Infrastructure and that is not subject to a minimum lot size control. Beyond this, further to the south at Nos.66-70 and 72-96 Henrietta Street, the LEP applies a minimum subdivision size of 232m². These sites are occupied by a number of large residential flat buildings and once again it appears unlikely that these sites would be redeveloped.*
- *The proposed subdivision size clearly reflects the existing pattern to the north of the site and is consistent with the controls applied by Council to the south of the site, beyond the school campus. The subdivision of the subject site is appropriate in the circumstances of the case and is consistent with the objectives.*
- *The extent of non-compliance will not result in unreasonable impacts on adjoining or nearby properties in respect of overshadowing, loss of privacy and visual impacts. These matters have been considered in detail in the SEE.*
- *The proposal for subdivision and new dwellings is permissible and, in our opinion, is consistent with the relevant zone objective.*
- *The proposal will present four dwelling houses that in our opinion are consistent with the low density residential character envisaged for R2 zones. This provides a more orderly and economic use of land than a very large single dwelling on the large consolidated holding that is the subject site. The creation of smaller lots, and in turn smaller dwellings, results in an improved outcome for adjoining properties as it reduces bulk, provides central separation (between Houses 1 & 2 and Houses 3 & 4) and allows for a development which steps down the site in response to the topography.*
- *For this reason, it is considered that compliance with the development standard is unreasonable and necessary in the circumstances of the case and the tests of Wehbe is satisfied.*

The consent authority must not accept a variation under Clause 4.6 unless the applicant has adequately addressed subclause (3) and must also consider whether the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone (which is subclause 4).

It is considered that the written request provided by the applicant sufficient addresses the matters in subclause 3, demonstrating that despite the non-compliance with the numerical control that the proposed subdivision would be in keeping with the established pattern to the north of the site. The existing pattern and proposed matching subdivision alignment is illustrated below.



When considering the objectives of the development standard, it has been adequately demonstrated that the subdivision reflects and reinforces the predominant subdivision pattern of the area and that the dwellings proposed on the two allotments which adjoin Henrietta Street, despite not meeting the minimum allotment size, will not have an adverse amenity impacts from the proposal. The amenity impacts of the proposal are discussed in further detail later in the consideration of the DCP controls later in this report. This meets the objectives of Clause 4.1.

In consideration of the objectives of the zone, the proposal will provide additional housing for the housing needs of the community within a low density residential environment, meeting that relevant zone objective.

Given that the proposal does not contravene the objectives of the zone and the considerations of Clause (3) have been adequately addressed, the proposal is not considered to be against the public interest, satisfying the considerations of Clause 4.6. The consent authority can therefore accept the variation to the development standard.

Clause 4.4 Floor space ratio

The proposal which includes the construction of 4 dwelling houses (2 pairs of attached dwellings) has an overall floor space ratio of 0.69:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 of Waverley LEP 2012 which is 196m² over the maximum gross floor area, equating to a 38% breach to the control.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The development standard to which this request for variation relates is Clause 4.4 and Clause 4.4A of the LEP which operate in conjunction with the FSR Map to prescribe a maximum FSR. The map prescribes a FSR of 0.5:1 and Clause 4.4A determines allowable FSR based on lot size. Table 1 outlines the allowable and proposed FSR for each lot. While the proposed dwellings would comply based on the sizes of the proposed lots, under the existing lot size, the development would not comply.

TABLE 1: FSR COMPLIANCE					
Lot	Area	GFA	Allowable FSR	Proposed FSR	Compliance
As Existing	1032m ²	712m ²	0.5:1	0.69:1	NO
1	283m ²	217m ²	0.79:1	0.766:1	YES
2	287m ²	218m ²	0.79:1	0.759:1	YES
3	462m ²	277.2m ²	0.6:1	0.6:1	YES

- The extent of non-compliance is due to the site still being considered as one larger lot, as opposed to the three lots within the proposed scheme. The proposed subdivision plan takes into consideration the existing pattern of the area and the proposed dwellings do the same in terms of bulk and scale; being fully compliant with the LEP controls under the proposed scheme. In our opinion, strict compliance with the control is unnecessary in this instance as the existing lot is not relevant due to the proposed subdivision within this development application.
- The four proposed dwellings will be compatible with the existing and desired future scale of development in the locality. The proposal predominantly complies with the major building envelope controls of height and front and side setbacks. Importantly, the proposal also complies with the DCP controls including landscaping and private open space, contributing to a high quality development.
- The proposal constitutes a quality planning outcome that will respect the character of the area by being sympathetic of the development along the streetscape. The dwellings will present as single storey with a pitched roof form. The dwellings respond to the sloping topography, stepping down the site and providing landscaped separation between the two buildings
- Accordingly, in our opinion, the proposal does not present an overdevelopment of the subject site, with non-compliance a result of varying lot sizes.
- The non-compliance in FSR is due to a technical numeric non-compliance rather than inappropriate building envelope. In our opinion, the proposed FSR is appropriate, given its context of the locality; rear massing its proximity to public transport; and its location in an area where there is a demand for increased residential accommodation.
- The overall scale of the development is consistent with the existing and desired future character of the area. The proposal has been skilfully designed to minimised adverse amenity impacts.
- It is our opinion that the proposal satisfies a number of the five tests established in Wehbe and for that reason, the development standard is unreasonable and unnecessary in this instance.

- *The proposal is considerably below the LEP height development standard and will present a single storey frontage to the street. The proposal also complies with the majority of DCP controls and with FSR when considering the proposed subdivision plan. In addition, the proposal is unlikely to result in adverse amenity impacts in terms of privacy, views or overshadowing. As discussed in the Statement of Environmental Effects, there may even be a slight improvement in these matters.*
- *Accordingly, in our opinion, the non-compliance will be consistent with existing and future planning objectives for the locality, is unlikely to have adverse amenity impacts and is in the public interest. For these reasons, it is our opinion that there are sufficient environmental planning grounds to justify contravening the development standard in the particular circumstances of the case.*

The consent authority must not accept a variation under Clause 4.6 unless the applicant has adequately addressed subclause (3) and must also consider whether the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone (which is subclause 4).

The statement submitted with the development application provides a detailed assessment against the considerations of subclause (3), available for review.

In consideration of the objectives of the development standard for FSR, it is agreed that the non-compliance does result from calculating the gross floor area of each dwelling over the whole site. When considering the size of each dwelling in comparison with the size of the proposed allotment, it would comply. This demonstrates that the proposed building is appropriately proportioned to the size of the proposed allotment, and is compatible with the site.

The dwellings which address Henrietta Street directly compatible with the bulk and scale of the other semi-detached dwellings located to the northern of the site and not out of keeping with the varied character of the streetscape.

Each dwelling proposed in the scheme has an acceptable impact on the adjoining properties in relation to overshadowing and visual and acoustic privacy, in addition to having an acceptable impact upon each of the dwellings within the proposal itself.

It is considered therefore that the proposal, despite the non-compliance with the FSR development standard still meets the objectives of the zone and therefore is in the public interest satisfying the considerations of Clause 4.6. The consent authority can therefore accept a variation to the development standard.

1.4.3 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A waste management plans has been submitted with the DA ,and conditions of consent are to be imposed to ensure that waste is appropriately managed during and after construction.
2. Energy and water conservation	Yes	A BASIX certificate has been provided for each of the dwellings within the proposal.
3. Biodiversity	Yes	The site is located in a habitat corridor, therefore any new planting are required to have 50% native species. A landscaping plan was provided with the original plans, but the footprint of the building has since changed, therefore a new landscaping plan will be requested as a condition of consent which addresses the planting requirements to support biodiversity in the area.
5. Tree preservation	Yes	Four trees are proposed to be removed to facilitate the development at the front of the site. An arborist report was submitted with the application and Council's Tree Management Officer has agreed to the removal of the trees, and a condition of consent is recommended to replace the trees with mature indigenous species.
6. Stormwater	No	<p>The stormwater plans do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual. Given that 3 Torrens title allotments are sought each dwelling will need to have its own on-site stormwater detention (OSD) tank within their property.</p> <p>In the event that a stormwater disposal line passes through another Torrens allotment, an easement must be created and registered with the NSW Lands and Property Information and should appear on the Certificate of Title of the affected properties.</p> <p>This matter can be addressed as a condition of consent.</p>

Development Control	Compliance	Comment
8. Transport Car parking and vehicular access must not dominate the streetscape. Landscaping is to be used to soften the impact of such structures/areas.	Yes	The proposed parking is considered to be in accordance with the Urban Design Guidance in the DCP, being incorporated into the design of the new dwellings with landscaped areas to Henrietta Street.
10. Safety	Yes	The proposal is considered to meet the objectives of these controls.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No	House 1 and 2 at the front of the site slightly exceeds the 7.5m height limit for flat roof dwellings. This does not result in unacceptable amenity impacts and is not considered to present excessive bulk or scale to the street, meeting the objectives of the DCP controls and is accepted on merit. The houses at the rear, 3 and 4 will be within the 7.5m height limit.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line 	Yes	Houses 1 and 2 will align with the predominant front building and rear building setback established in Henrietta Street. It is recommended though that the timber pergola structure that extends to within 1m of the property boundary be deleted as it introduces building bulk to the front yard of the property, which is uncharacteristic to the street.
<ul style="list-style-type: none"> Predominant rear building line at each floor level 	Yes	The location of the building footprint for houses 3 and 4 at the rear of the site is considered appropriate having regard to the surrounding properties.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The dwellings all provide a 900mm side setback to the side boundaries.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	No	Excavation is proposed within 900mm of the western southern side boundary adjoining the right of way, however this is accepted on merit as the proposal does not contravene the objectives of the control. Conditions regarding excavation are recommended.

Development Control	Compliance	Comment
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. Maintain significant landscaping. Existing ground levels and significant landscaping is to be maintained. 	<p>Yes</p> <p>Yes</p>	<p>The proposed dwellings have a 2 storey scale and have masonry and timber finishes, drawing on the elements of the surrounding dwellings.</p> <p>The proposal which seeking permission for 4 dwellings will only present a pair of semi-detached dwellings when viewed from the street. The attached dual occupancy proposed at the rear of the site will not be visually obvious from the street.</p> <p>The application seeks to remove trees at the front of the site which Council's Tree Management Officer has raised no objection subject to suitable replacements. The ground levels in the amended plans predominantly align with the existing ground levels.</p>
1.5 Dual occupancy development		
<p><i>Minimum lot size:</i></p> <ul style="list-style-type: none"> 450m² for attached Attached dual occupancy development should be designed so as to have the appearance from the street of a single dwelling. 	<p>Yes</p> <p>Yes</p>	<p>The proposed allotment is 462m².</p> <p>The attached dual occupancy won't be visible from the street.</p>
1.6 Semi-detached dwellings and terrace style development		
These controls predominantly relate to alterations and additions to existing semi-detached dwellings, not new semi-detached dwellings.		
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>No</p> <p>N/A</p>	<p>New front fencing is proposed to a height of 1.8m which is contrary to the DCP. A condition is recommended to reduce the height to 1.2m.</p> <p>No new side fencing is proposed.</p>
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms to are not to face neighbouring habitable windows unless screened <i>Maximum size of balconies:</i> 10m² in area 1.5m deep 	<p>Yes</p>	<p>Screening is proposed on the first floor bedroom windows which are oriented to the north and south of the site to the adjoining properties. The adjoining eastern dwelling at 40A has been orientated away from the proposed dual occupancy, designed to face the views to the east. The first floor balconies on the western elevation to houses 1 and 2 are slightly over the 10m² requirement at 11m². Given the depth and side</p>

Development Control	Compliance	Comment
Screening to be provided were required		privacy screens proposed, the non-compliance is considered minor and acceptable on merit.
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to minimum of 50% of living areas and principal open space areas on 21 June 	Yes	The solar access diagrams indicate that each of the proposed 4 dwellings will receive adequate sunlight at midwinter satisfying the DCP controls.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to minimum of 50% of living areas and principal open space areas of adjoining properties on 21 June 	Yes	View from the sun analysis has been provided with the application which demonstrates that the proposed dwellings will have minimal additional shadow the adjoining school grounds to the south of the site and acceptable level of overshadowing to 40A Henrietta Street to the west of the site in the afternoon period.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	Each dwelling has at least 3 bedrooms and 1 parking space is provided for each, not exceeding the maximum rate.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	Yes	The garages to the front to semi-detached dwellings are incorporated into the design of the building, not forward of the front building line. Similarly, the garage to the rear dwellings are incorporated into the design of the attached dwellings, meeting the objectives of the controls.
1.11.3 Design	Yes	The garages have been incorporated into the design of each dwelling and does not overwhelm the architecture of each building. A shared driveway crossing is proposed for the front dwellings to Henrietta Street.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Each garage meets the minimum dimensions.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	A shared driveway crossing is proposed for the two garages fronting Henrietta Street. The width of the crossing is to be determined by Council's Engineers and can be addressed as a condition of consent. The rear dwellings will have access via the right of way which exists over the access handle on the southern side of the property.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space 	Yes Yes No Yes	<u>House 1-</u> Open Space: 48% Landscaping: 33 % POS: 73m ² Front Open Space: 86% Front Landscaped Area: 40% (Acceptable on merit) <u>House 2-</u> Open Space: 48% Landscaping: 20% POS: 74m ²

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes No Yes	Front Open Space: 94% Front Landscaped Area: 35% (Acceptable on merit) <u>House 3 & 4 (Attached Dual Occupancy)</u> Open Space: 69% Landscaping: 37% POS: 88m ²
1.17 Battle axe blocks		
<ul style="list-style-type: none"> Maximum of one storey in height Access handles be a minimum of 3m wide 	No	The access handle has already been created by the previous creation of 40A Henrietta Street. The proposed dwellings 3 and 4 meet the objectives of the control, despite being 2 storeys, achieving acceptable levels of building design, amenity, landscaping and access, with minimal impacts on the adjoining properties. The proposal meets the intent of the controls and is acceptable on merit.

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

DCP height control

The proposed dwellings to Henrietta Street are proposed to be within the height limit of the overarching 8.5m development standard in the LEP. The DCP has secondary design controls for flat roof dwellings, which notes that flat roof dwellings can potentially have a greater impact on neighbouring properties than pitched roof dwelling designs. As such, the proposed height of a flat roof dwelling must not preclude the achievement of standards relating to overshadowing, building orientation topography, privacy and views as specified elsewhere in the DCP. For a building with a flat roof the maximum overall building height is 7.5m above existing ground level.

The semi-detached houses which face Henrietta Street have a minor building height non-compliance (as illustrated on drawing 10) at the front of the site, caused by the roof over the front balcony. The non-compliance is so minor that it is would not be visually obvious or cause and adverse amenity impacts on the adjoining properties. The roof over the balcony could be removed by condition to reflect numerical compliance, however it not considered to provide any material benefit, as the houses will remain to achieve the objectives of the control, despite the non-compliance.

2.2 Section 79C(1)(b) – Other Impacts of the Development

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

2.3 Section 79C(1)(c) – Suitability of the Site for the Development

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

2.4 Section 79C(1)(d) – Any Submissions

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

Four submissions were received to the original plans. Five submissions were received to the amended plans. The issues raised in the submissions to the amended plans are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
34 Henrietta Street, Waverley
32 Henrietta Street, Waverley
85 Henrietta Street, Waverley
40A Henrietta Street, Waverley
83 Henrietta Street, Waverley

Issue: Building height (dwellings 1 and 2) to Henrietta Street

Response: This matter has been discussed in the issues section in this report. The dwellings will comply with the overarching LEP 8.5m height control and are not considered to cause any adverse impacts on the locality.

Issue: First floor setback

Response: The objectors have raised concerns regarding the first floor front setback of the proposed dwellings to Henrietta Street, noting that it doesn't align with the first floors of the adjoining semi-detached dwellings to the north of the site. The dwellings to Henrietta Street have been designed to extend no further forward than the adjoining dwelling to the north of the site, nor the adjoining building to the south of the site.

It is noted that the first floor of the dwellings to the north of the site are predominately existing semi-detached dwellings, with the additions set behind the principal street frontage of the dwelling behind the main gable to the street, following the guidance of the DCP. The controls for existing semi-detached dwellings require this setback to maintain the appearance of the semi-detached dwelling, so that a pair of dwellings maintain their scale, character and streetscape values. These controls do not apply to new dwellings.

The objectives of the setback controls which relate to the front setback of this proposal are to;

- (a) *To ensure the distance between buildings on adjacent properties allows adequate solar access, ventilation and privacy.*
- (b) *To ensure that the amenity of rear yards, their function as private open space and their visual and landscape contribution to the surrounding area is protected and enhanced.*
- (c) *To accommodate flexibility in the siting of buildings, where appropriate.*
- (d) *To ensure the front and rear setbacks of buildings are consistent with surrounding buildings and does not visually detract from the streetscape.*
- (e) *To ensure significant views and view corridors available from the public domain and existing properties are considered as part of the local context of any development. Refer to Section 1.10 – Views.*

- (f) *To ensure buildings on corner lots are consistent with the predominant building lines of adjoining sites.*

In consideration of what the controls seek to achieve, the proposed first floor setback does not have an adverse impact on the solar access, ventilation or privacy on the adjoining properties, and does not visually detract from the streetscape. Although, it is recommended that the timber pergola structure that extends to within 1m of the property boundary be deleted the scheme as it does introduce additional building bulk to the front yard of the property, which is not in keeping with the street.

The proposed dwellings will replace a single storey nursing home, which did not conform to the pattern of semi-detached dwellings to the north, therefore it is unreasonable to expect that a new development should repeat this pattern which is not reflective of the historical development of the street.

Whilst it is acknowledged that there is a pattern of first floor setback on the adjoining northern properties, objective (c) of the control is to accommodate flexibility where appropriate and it is considered that to impose the DCP requirements that would apply to additions to semi-detached dwellings to this development is considered unreasonable for the reasons outlined above. The proposed front setback is considered to comply with the DCP, as amended by conditions of consent.

Issue: FSR

Response: This matter has been discussed with the report. Although the GFA of the proposal when considered over the original whole allotment does not comply with the FSR development standard, when calculated using the formula which applies to each of the proposed Torrens Title allotments is compliant.

Issue: Privacy to adjoining northern properties and height of backyards

Response: Privacy screening is proposed over the bedroom windows on the first floor northern elevation of houses 1 and 3 to address overlooking to the northern adjoining properties. The revision B plans proposed fill to the backyard of houses 1 and 2, and this has been amend in the revision C plan, lowering the level to align with the existing level of the site which adjoins the northern properties to address this specific concern of the objector.

Issue: Tree Removal/Pruning and Loss of habitat

Response: Council's Tree Management Officer has not objected to the removal of the trees at the front of the site. A condition is recommended requiring advanced replacement native trees, to support habitat in the area.

Issue: Issue regarding access to the right of way

Response: The adjoining property to the rear of the site at 40A Henrietta Street who owns the access handle which the proposal seeks to use for access, as permitted in the legal right of way has not objected to the proposal, subject to conditions of consent relating to construction, services and stormwater. Some of the matters raised in the letter are civil matters and those which are controlled under the legal instrument which provides right of access over the land. The matters which can be addressed under this DA have been included in the recommended conditions of consent.

Issue: Loss of light and ventilation o the property across the road from the site

Response: The objector's property is located across the road, and the proposal complies with the height development standard in the LEP. The overshadowing from the proposal which will fall east in the morning period will not have a significant impact to warrant refusal of the application. The development is not expected to stop ventilation to the property

Issue: Increased traffic on the one way street and parking

Response: Council's Manager of Traffic and Development has raised no issues related to the proposal on traffic and parking grounds. Conditions of consent are recommended regarding the control of traffic movements from vehicles associated with the construction of the project.

2.5 Section 79C(1)(e) – Public Interest

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

3. REFERRALS

3.1 Driveways – Creating Waverley

Council's Manager of Traffic and Development has reviewed the proposal and the traffic report submitted with the application and has raised no objection to the proposal subject to conditions of consent.

3.2 Stormwater – Creating Waverley

The stormwater plans prepared by ITM Design, Project No. 16-274, Drawing No. H-DA-00 to H-DA-03 (Rev B), dated 31 July 2017 do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual.

- Given that the sub-division is Torrens title, each Torrens allotment will need to have its own On-site Stormwater Detention (OSD) tank within their property. In view of the above, the current stormwater management needs to be revised accordingly.
- In the event that a stormwater disposal line passes through another unit, an easement must be created and registered with the NSW Lands and Property Information and should appear on the Certificate of Title of the affected properties.

An updated Stormwater Management Plan including separate OSD and its details along with separate completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required for each proposed property within the development.

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

3.3 Trees – Clean and Attractive Waverley

The Arboricultural Impact Assessment Report prepared by Andrew Morton Earthscape Horticultural Services dated August 2017 is satisfactory and should be used as the approved arborist report.

4. SUMMARY

The application seeks permission for a subdivision into 3 Torrens title allotments and the construction of 2 attached dwellings with separate Torrens Titles to Henrietta Street and attached dual occupancy on a separate Torrens Title on the rear allotment which is accessed via an existing right of way. Strata subdivision of the attached dual occupancy is also proposed.

The proposed division of land proposed to Henrietta Street fits with the pattern of development established by the properties to the north of the site and the rear allotment is similar to the subdivision of the land which created 40A Henrietta at the rear of the site. Numerically, the 2 Torrens Title allotments proposed at the front of the site will not comply with the development standards set in the LEP. The breach is 12-13% and the applicants Clause 4.6 submission adequately addresses subclause (3) and it is considered that the breach would not be against the public interest, satisfying subclause (4).

Technically, the GFA of the proposed buildings is required to be calculated based on the existing site area, as the land has yet to be subdivided, which results in a non-compliance with the FSR development standard of 0.5:1. The breach is 38%. The applicant has successfully demonstrated that in considering the allowable FSR for each proposed allotment, each dwelling would comply with the FSR development standard applicable to each land parcel. This demonstrates that each dwelling is proportionate to the proposed lot and is not out of keeping with the desired character of the area and the zone and that the proposal, despite the non-compliance would be in the public interest. The Clause 4.6 statement submitted adequately addresses subclause (3), therefore Clause 4.6 is satisfied.

The DCP non-compliances proposed are minor and where not and insufficiently justified, conditions are recommended to address those matters. The issues raised in the submissions are considered to be adequately addressed in the report and addressed by conditions of consent where relevant and do not warrant refusal of the application.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Beth Matlawski
Senior Development Assessment Planner

Mitchell Reid
Executive Manager, Development Assessment

Date: 4 May 2018

Date: 9 May 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA 02, 04, 05, 06, 07, 08, 09, 10 all revision C, dated April 2018, prepared by MHNDU and received by Council on 17 April 2018;
- (b) BASIX Certificate;
- (c) Arboricultural Impact Assessment Report prepared by Andrew Morton, Earthscape Horticultural Services dated April 2016 and received by Council on 7 August 2017;
- (d) Draft Subdivision Plan (Proposed Lot 1, 2 and 3) Surveyors Reference 170634 SUB, Sheets 1 to 4 Issue 4, print date 10 April 2018 and received by Council on 17 April 2018;
- (e) Draft Strata Plan (Houses 3 and 4), Surveyors Reference, 170634 DSP, Sheets 1 to 5, print date 13 April 2018, received by Council on 17 April 2018;
- (f) Schedule of external finishes providing on drawing DA 11, revision C, dated April 2018 and received by Council on 17 April 2018;
- (g) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The timber pergola structure that extends to within 1m of the property boundary be deleted as it introduces building bulk to the front yard of the property, which is uncharacteristic to the street.
- (b) The front fencing to Henrietta Street is to be no higher than 1.2m.

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

3. USE OF DWELLING

Each dwelling (House 1, 2 and 3 and 4) is only to be used as a single unit dwelling house.

4. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application

or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

5. NORTHERN BOUNDARY FENCING

No new boundary fencing is approved in this development consent. A separate application to construct boundary fencing.

6. NO WORKS PERMITTED OUTSIDE THE PROPERTY BOUNDARY

This development consent does not approve any works outside the property boundary of Lot 101, DP 1105009 at 38-40 Henrietta Street.

At no time is the right of way on the southern boundary of the site which forms a part of Lot 102, DP 1105009 (40A Henrietta Street) be obstructed during construction works. Any use of the land outside the property boundary is only to be with the written agreement of the relevant property.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

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

"Waverley Council Cost Summary Report"; or,

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

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

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

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

Advisory Note

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

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ 25, 000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

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

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

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

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

11. GEOTECHNICAL ENGINEERS REPORT

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

12. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

13. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

14. EROSION, SEDIMENT AND POLLUTION CONTROL

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

15. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- (a) Show the size and number of trucks to be used during the various stages of the development.
- (b) Confirm in writing that trucks accessing the southern side right-of-carriageway will at all times have wheel loadings not exceeding those determined by the applicant's engineer.
- (c) Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- (d) Show the location and length of any proposed Works/Construction Zones. Note:

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

16. HEAVY VEHICLE ACCESS RESTRICTIONS – HENRIETTA STREET

There shall be no heavy vehicle access to or from Henrietta Street during School drop off and pickup times of 7:30am – 9am and 2:30pm – 3:30pm (School Days), unless otherwise approved by the Executive Manager Creating Waverley.

17. ON-SITE STORMWATER DETENTION DETAILS

Given that this application creates 3 Torrens title allotments, each property will need to have its own On-site Stormwater Detention (OSD) tank within their property. In the event that a stormwater disposal line passes through another property, an easement must be created and registered with the NSW Lands and Property Information and should appear on the Certificate of Title of the affected properties.

An updated Stormwater Management Plan including separate OSD and its details along with separate completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required for each Torrens Title allotment.

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

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

18. STORMWATER MANAGEMENT

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

19. ENGINEERING DETAILS

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

20. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

21. POSITIVE COVENANT - ON-SITE DETENTION SYSTEM (OSD)

A covenant to the approval of Council is to be placed on the Certificate of Title of the property acknowledging that the site has an on-site detention system (OSD) and that the implementation and the management of the system shall be at the responsibility of the building owners. Council is neither responsible nor liable to any damages caused as a result of any flooding of the property and/or neighbouring properties. Evidence of the creation of the covenant is to be submitted to Council prior to issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979. The covenant shall not be revoked or modified without the prior approval of Council. Any costs associated with the covenant are to be borne by the applicant.

22. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and can not be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

23. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed as per Arboricultural Impact Assessment Report prepared by Andrew Morton Earthscape Horticultural Services dated April 2016 as a part of this development application;

Tree No.	Species	Location	Action
T 2	<i>Cupressus torulosa</i> (Bhutan Cypress)	On-site	Remove as per Arborist report.
T 3	<i>Cupressus sempervirens</i> (Italian Cypress)	On-site	Remove as per Arborist report.
T 4	<i>Casuarina Cunninghamiana</i> (River Oak)	On-site	Remove as per Arborist report.
T 5	<i>Cupressocyparis x leylandii</i> (Leyland Cypress)	On-site	Remove as per Arborist report.

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

24. TREE PROTECTION OF RETAINED TREES

The following trees to be retained in accordance with recommended Tree Protection Measures (Section 10) of the Arboricultural Impact Assessment Report prepared by Andrew Morton Earthscape Horticultural Services dated April 2016.

Tree No.	Species	Location	Action
T 1	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Adjoining property	To be retained - no special tree protection measures required.
T 6	<i>Lophostemon confertus</i> (Brushbox)	Adjoining property	Retain in accordance with recommended Tree Protection Measures (Section 10). Undertake any required canopy pruning (that essential to clear temporary scaffolding) in accordance with Section 10.11. Install temporary scaffolding within TPZ in accordance with Section 10.14.
T7	<i>Eucalyptus botryoides</i> (Bangalay)	Adjoining property	Retain in accordance with recommended Tree Protection Measures (Section 10). Undertake any required canopy pruning (that essential to clear temporary scaffolding) in accordance with Section 10.11. Install temporary scaffolding within TPZ in accordance with Section 10.14. Undertake all open trenching for stormwater pipeline in accordance with Section 10.7.
T8	<i>Eucalyptus botryoides</i> (Bangalay)	Adjoining property	Retain in accordance with recommended Tree Protection Measures (Section 10). Undertake any required canopy pruning (that essential to clear temporary scaffolding) in accordance with Section 10.11. Install temporary scaffolding within TPZ in accordance with Section 10.14. Undertake all open trenching for stormwater pipeline in accordance with Section 10.7.

A tree protection plan is to be submitted with the Construction Certificate showing the location of all trees on the land in relation to the proposed development, including trees to be removed.

All trees and shrubs identified for retention and within 7.5m of the building work are to be provided with a tree guard and a notice on each guard indicating "This tree is the subject of a Tree Preservation Order by Waverley Council." This notice is to be in place prior to commencement of any building or demolition work. Only trees with the approval of Council for removal may be removed from the site. All trees to be 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.

25. AMENDED LANDSCAPE PLAN

An amended Landscape Plan is to be submitted to the Principal Certifying Authority with the plans for the Construction Certificate which relates to the approved plans with a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants. Four advance species trees are to be provided to replace the vegetation removed to facilitate the construction of the approved development.

To support the local habitat in the area, a minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP.

26. SWEEP WHEEL PATH DRAWINGS

In order to minimise the loss of on street parking, prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting the garages directly fronting Henrietta Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

- (a) Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
- (b) Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Henrietta Street to the immediate north and south of the proposed driveway
- (c) Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garages.
- (d) Accurately show the length of the Council's kerb and gutter remaining between the northern side wing of the existing driveway at the right-of-carriageway and the southern side wing of the proposed driveway serving House 1 & 2.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

27. PRIOR TO SITE WORKS

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

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

28. HOME BUILDING ACT

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

29. 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.

30. EXCAVATION AND BACKFILLING

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

31. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

32. OBSTRUCTION TO PUBLIC AREAS

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

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

33. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

34. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

35. DILAPIDATION REPORTS

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

Please note the following:

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

36. USE OF FILL ON SITE

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

37. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

38. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

39. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

40. STOCKPILES

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

41. LOCATION OF BUILDING OPERATIONS

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

42. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

43. ALL BUILDING MATERIALS STORED ON SITE

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

44. CONSTRUCTION HOURS

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

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

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

45. BUILDING CODE OF AUSTRALIA

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

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

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and

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

47. CERTIFICATE OF SURVEY - LEVELS

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

48. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

49. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

50. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

51. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

52. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or

where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

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

53. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

54. NEW VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed garages serving Houses 1 & 2. A separate application is required for the vehicle crossings, with all work to be carried out with the approval of and in accordance with the requirements of Council.

55. VEHICULAR ACCESS CONTROL SYSTEM

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

56. RIGHT OF CARRIAGEWAY – ENGINEER TO CERTIFY MAXIMUM WHEEL LOADINGS

Having regard to Council receiving advice that the concreted right-of-carriageway is supported in parts on soldier piers, documentation, prepared by a suitably qualified and experienced engineering consultant, shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the maximum wheel loading that will be permitted on the driveway during all stages of the development.

57. VEHICULAR ACCESS - FINISHED LEVEL

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

58. FINAL OCCUPATION CERTIFICATE

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

59. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with Section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

60. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

61. STORMWATER MANAGEMENT

Prior to issuance of 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.

62. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

63. ALLOCATION OF STREET NUMBER

The subdivision of the properties has led to the following allocation of primary address site numbers:

- No. 38 Henrietta Street for the front/northern allotment - proposed Lot 1;
- No. 38A Henrietta Street for the front/southern allotment - proposed Lot 2;
- No. 1/40 Henrietta Street for the Rear/northern allotment – proposed house 3;
- No. 2/40 Henrietta Street for the fill in – rear/southern allotment - proposed house 4.

The primary address numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries.

Address number shall be located near the pedestrian entry at Henrietta Street for lots 1-2 and at the entry point to from the easement for lot 3 and 4.

Directional signage shall be required at the pedestrian entry point from Henrietta Street for Lots 3-4 for visitors and emergency services.

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



EXISTING



PROPOSED: Street - Prepared by involve studios pty.ltd

REVISIONS		PLOTTED: 17/4/2018
A	DA SUBMISSION	AUGUST 2017
C	GENERAL AMENDMENTS	APRIL 2018

17-004 - 40 Henrietta St (conserved)
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www.mhndu.com
MHNDU Design Union Pty Ltd. ABN 94 003 717 682

PROJECT:
HENRIETTA RESIDENCES
40 HENRIETTA ST
WAVERLEY NSW 2024

DRAWING:
PHOTOMONTAGE -
STREET

PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: @A3
DRAWING NO: REV:

DA 17/02



PROPOSED: Rear Perspective - Prepared by involve studios pty.ltd



PROPOSED: Driveway - Prepared by involve studios pty.ltd

REVISIONS		PLOTTED: 17/4/2018	
A	DA SUBMISSION	AUGUST	2017
C	GENERAL AMENDMENTS	APRIL	2018

17-004 - 40 Henrietta St (conserved)
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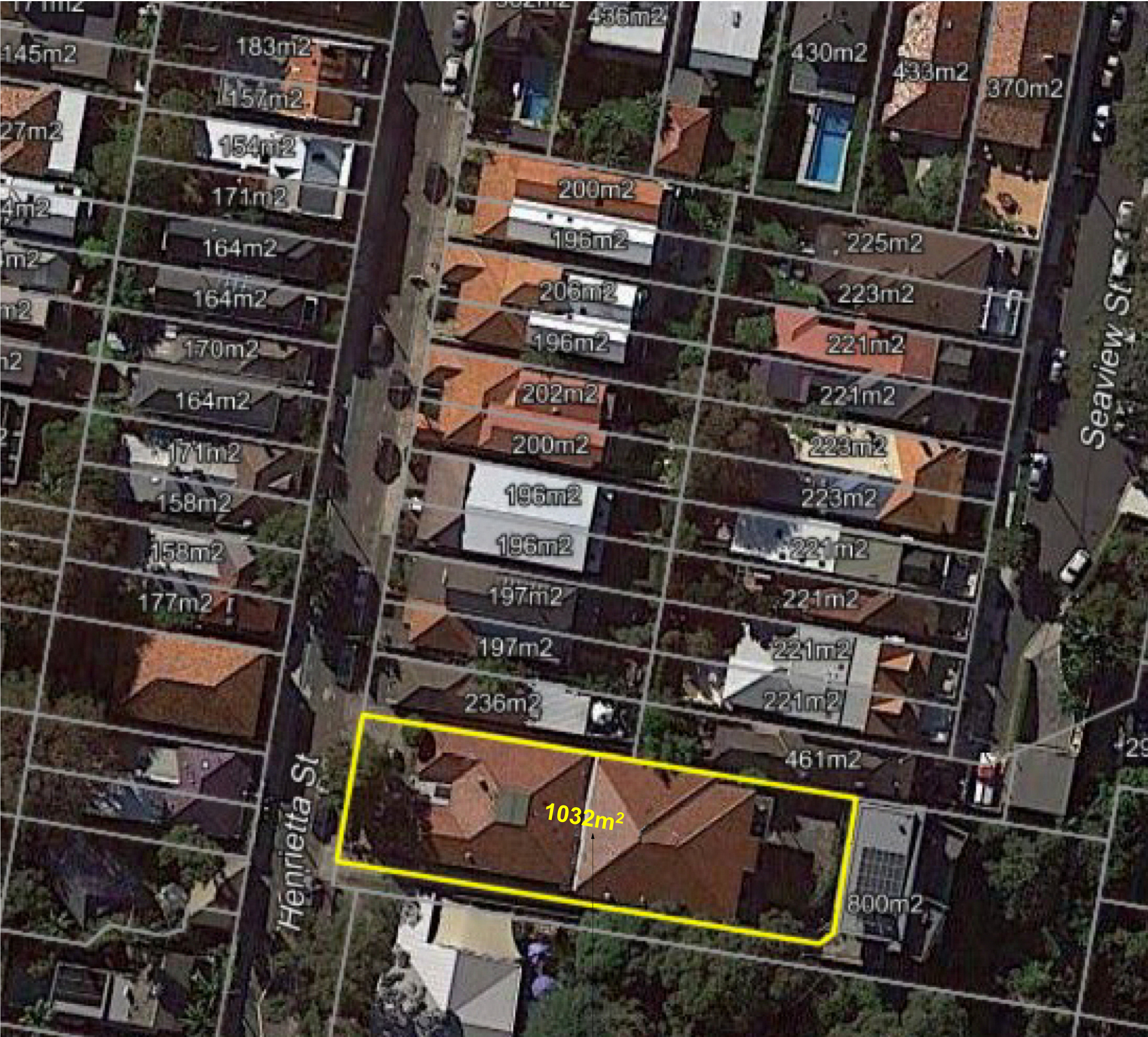
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PROJECT:
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40 HENRIETTA ST
WAVERLEY NSW 2024

DRAWING:
PHOTOMONTAGE -
DRIVEWAY & REAR VIEW

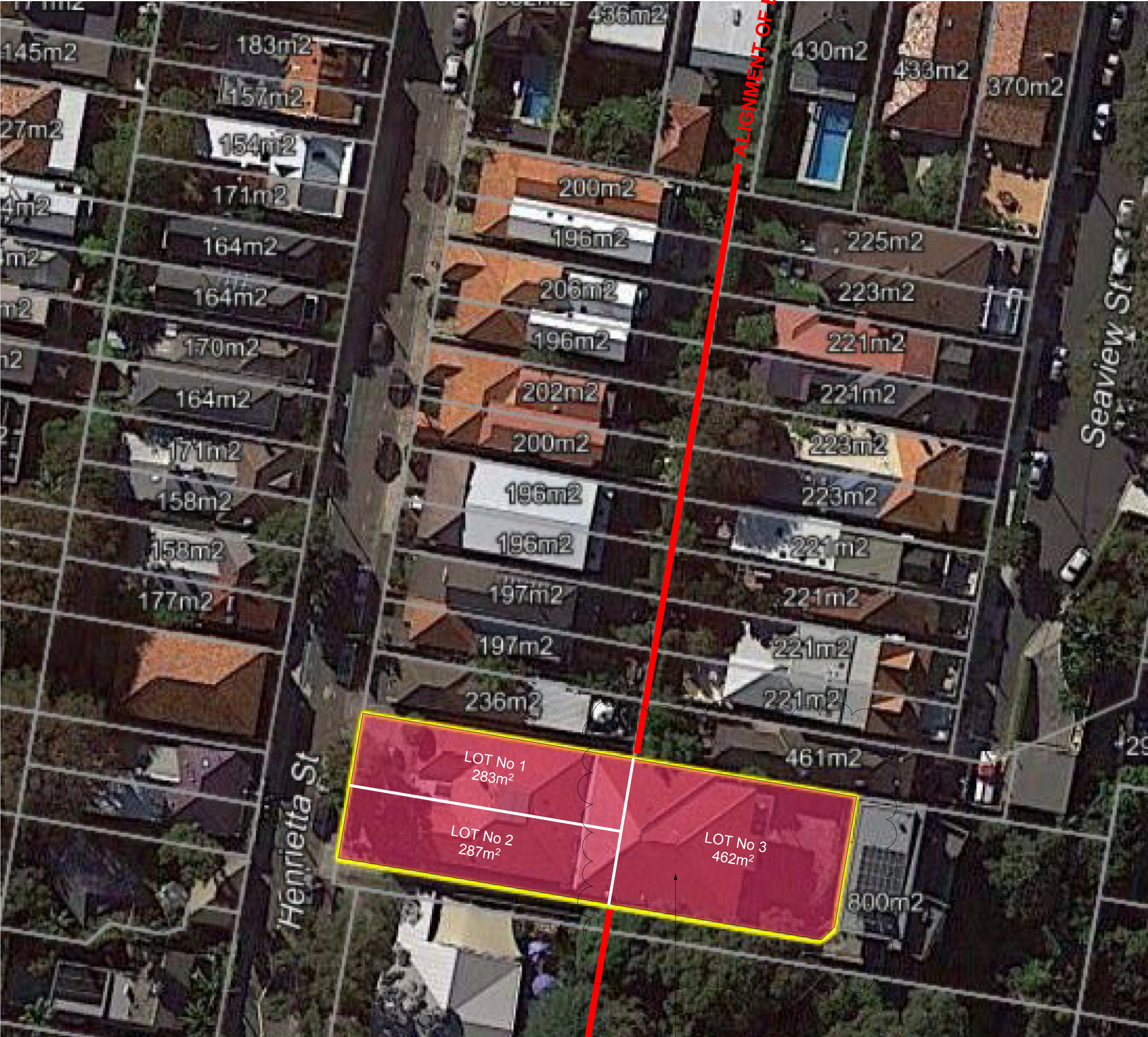
PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: @A3
DRAWING NO: REV:

DA19(C)
43



EXISTING SITE

REV B
SITE AREA, PREVIOUS ERROR UPDATED

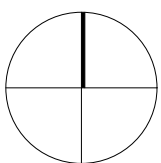


PROPOSED SUBDIVISION

REV B
PROPOSED LOTS 3&4 COMBINED TO ONE LOT
DUAL OCCUPANCY WITH STRATA SUBDIVISION

REVISIONS			
A	DEVELOPMENT APPLICATION SUBMISSION	AUGUST	2017
B	GENERAL AMENDMENTS	JANUARY	2018
C	HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED	APRIL	2018

17-004 - 40 Henrietta St. [Reserved]
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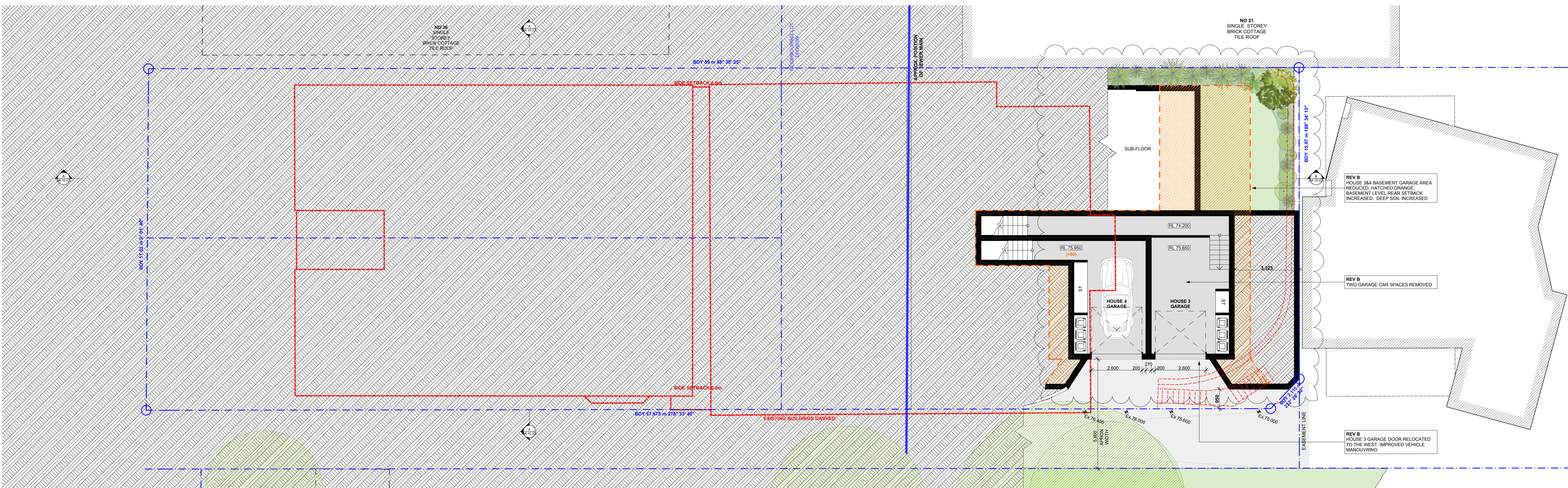


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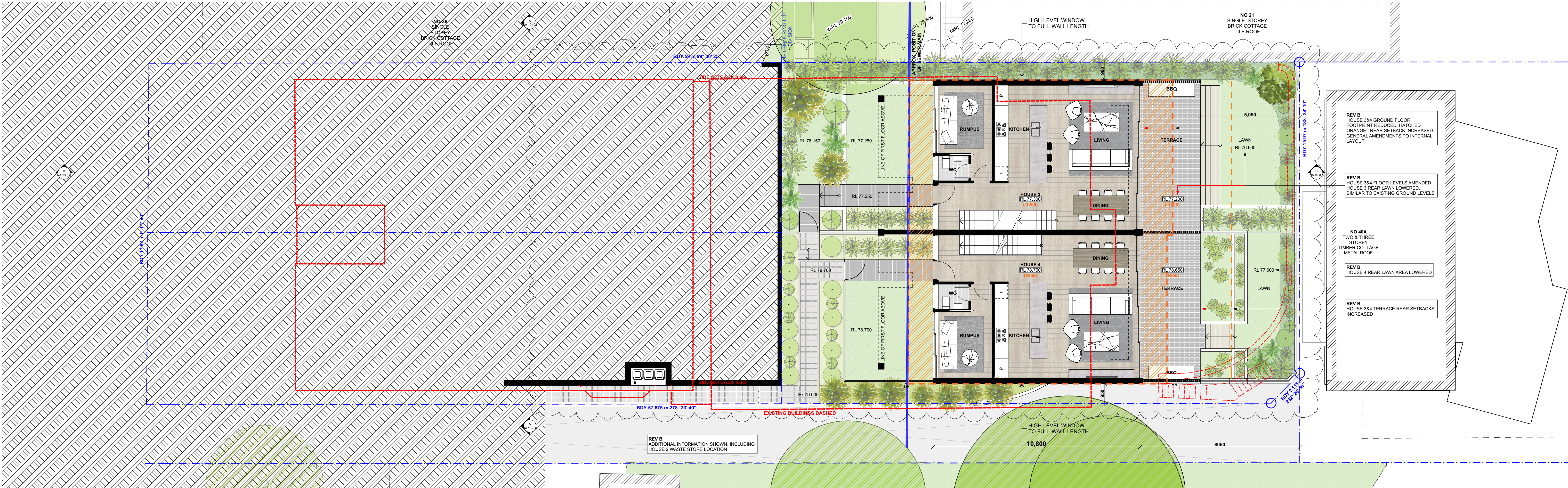
PROJECT:
HENRIETTA RESIDENCES
40 HENRIETTA ST WAVERLEY NSW
2024

DRAWING:
SUBDIVISION CONTEXT PLAN DA 02 (C)

PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: @A1
DRAWING NO: REV:



LOWER GROUND PLAN 1:100



GROUND FLOOR PLAN 1:100

REVISIONS

A	DEVELOPMENT APPLICATION SUBMISSION	AUGUST 2017
B	GENERAL AMENDMENTS	JANUARY 2018
C	HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED	APRIL 2018

LEGEND

BDY	BOUNDARY LINE
BR	BRICK
EX	EXISTING
F	FIXED PANEL
FFL	RL OF FINISHED FLOOR LEVEL
GB	GLASS BRICK
LV	LUOVRES
MB	METAL BALUSTRADE
SL	SLIDING PANEL
SKY	SKYLIGHT
TB	TIMBER
W	WINDOW

KEY

---	SITE BOUNDARY LINE
---	EXISTING BUILDING TO BE DEMOLISHED
---	PROPOSED NEW BUILDING WORKS
---	EXISTING NEIGHBOURING BUILDINGS

EXISTING TREES RETAINED

EXISTING TREES REMOVED

PROPOSED NEW LANDSCAPING

PROJECT:

HENRIETTA RESIDENCES

40 HENRIETTA ST WAVERLEY NSW 2024

DRAWING:

LWR GROUND & GROUND FLOOR PLAN

PROJECT NO:

17-004

DRAWN BY:

MHNDU

TO SCALE:

100 @A1

DRAWING NO:

REV:

2024

DA 04 (C)

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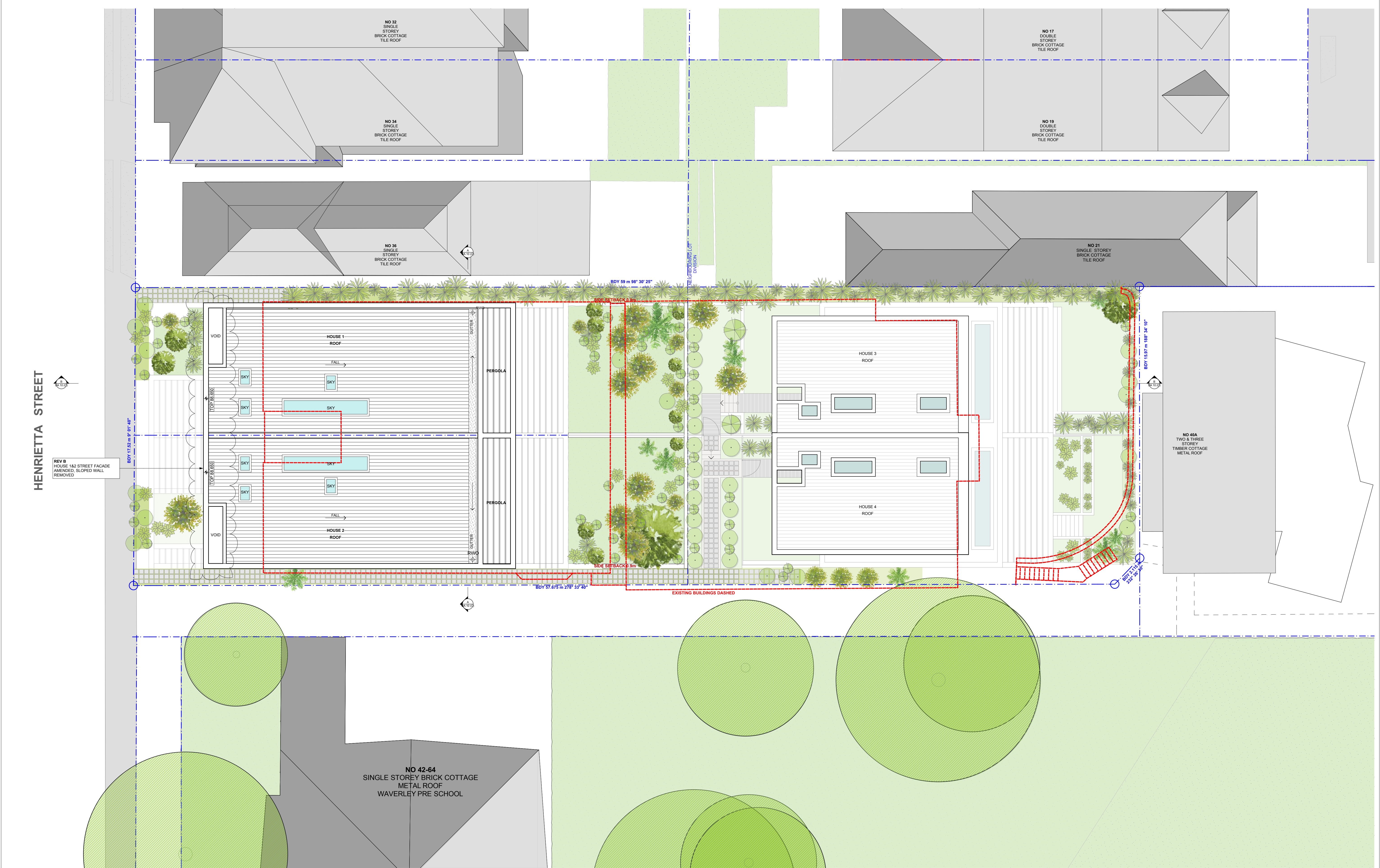
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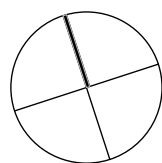


REVISIONS		
A	DEVELOPMENT APPLICATION SUBMISSION	AUGUST 2017
B	GENERAL AMENDMENTS	JANUARY 2018
C	HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED	APRIL 2018

LEGEND	
BDY	BOUNDARY LINE
BR	BRICK
EX	EXISTING
F	FIXED PANEL
FFL	RL OF FINISHED FLOOR LEVEL
GB	GLASS BRICK
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SL	SLIDING PANEL
SKY	SKYLIGHT
TB	TIMBER
W	WINDOW

KEY	
---	SITE BOUNDARY LINE
---	EXISTING BUILDING TO BE DEMOLISHED
---	PROPOSED NEW BUILDING WORKS
---	EXISTING NEIGHBOURING BUILDINGS

---	EXISTING TREES RETAINED
---	EXISTING TREES REMOVED
---	PROPOSED NEW LANDSCAPING

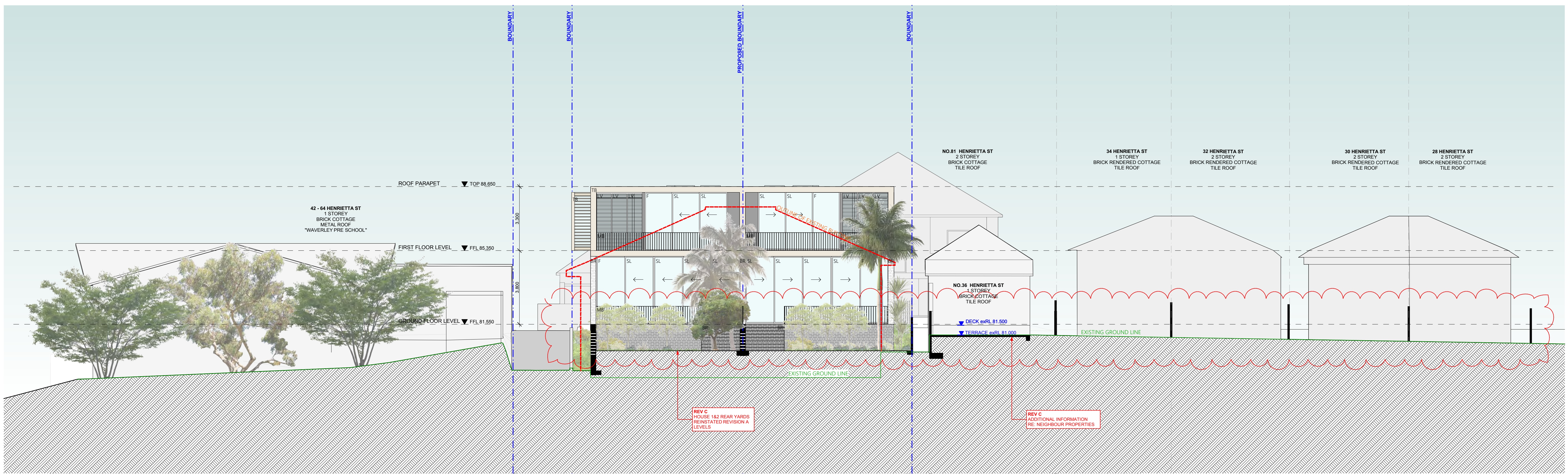


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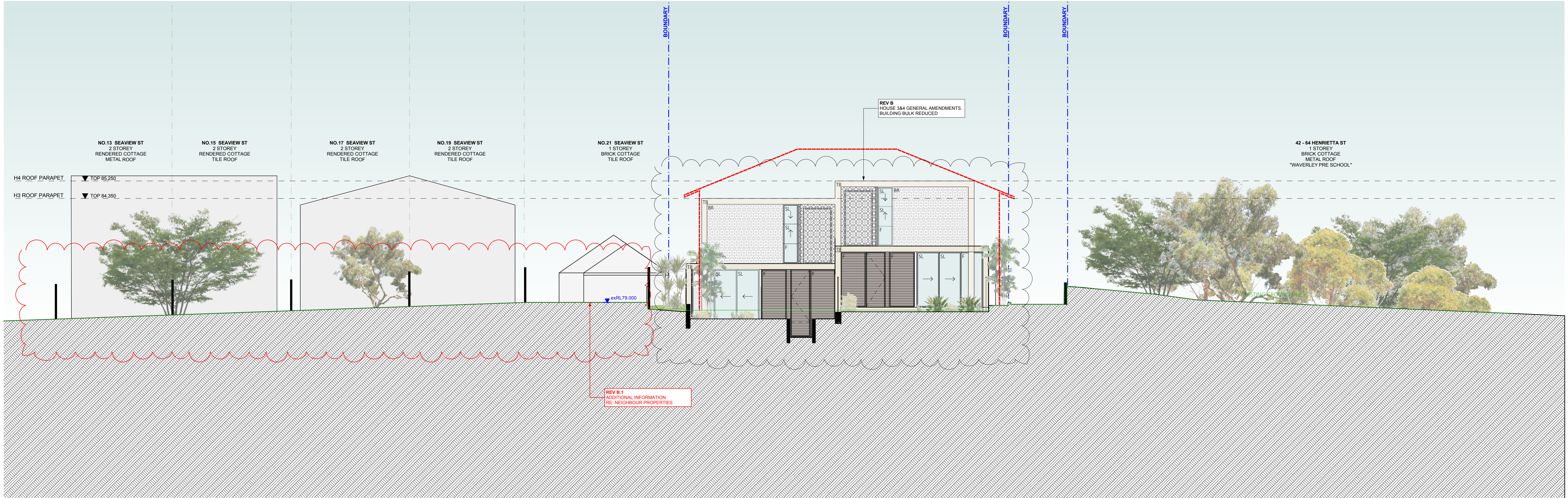
PROJECT:
HENRIETTA RESIDENCES
40 HENRIETTA ST WAVERLEY NSW
2024
DRAWING:
ROOF PLAN

PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: 100 @A1
DRAWING NO: REV:

DA 06 (C)



EAST ELEVATION : HOUSE 1 & 2 1:100



WEST ELEVATION : HOUSE 3 & 4 1:100

REVISIONS		LEGEND		KEY	
A	DEVELOPMENT APPLICATION SUBMISSION	BDY	BOUNDARY LINE	---	SITE BOUNDARY LINE
B	GENERAL AMENDMENTS	BR	BRICK	---	EXISTING BUILDING TO BE DEMOLISHED
C	HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED	EX	EXISTING	---	PROPOSED NEW BUILDING WORKS
		F	FIXED PANEL	---	EXISTING NEIGHBOURING BUILDINGS
		FFL	RL OF FINISHED FLOOR LEVEL		
		GB	GLASS BRICK		
		LV	LUOVRES		
		MB	METAL BALUSTRADE		
		SL	SLIDING PANEL		
		SKY	SKYLIGHT		
		TB	TIMBER		
		W	WINDOW		

17-004 - 40 Henrietta St (Revised)

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PROJECT: HENRIETTA RESIDENCES

40 HENRIETTA ST WAVERLEY NSW 2024

DRAWING: ELEVATION EAST HOUSE 1&2 & WEST HOUSE 3&4

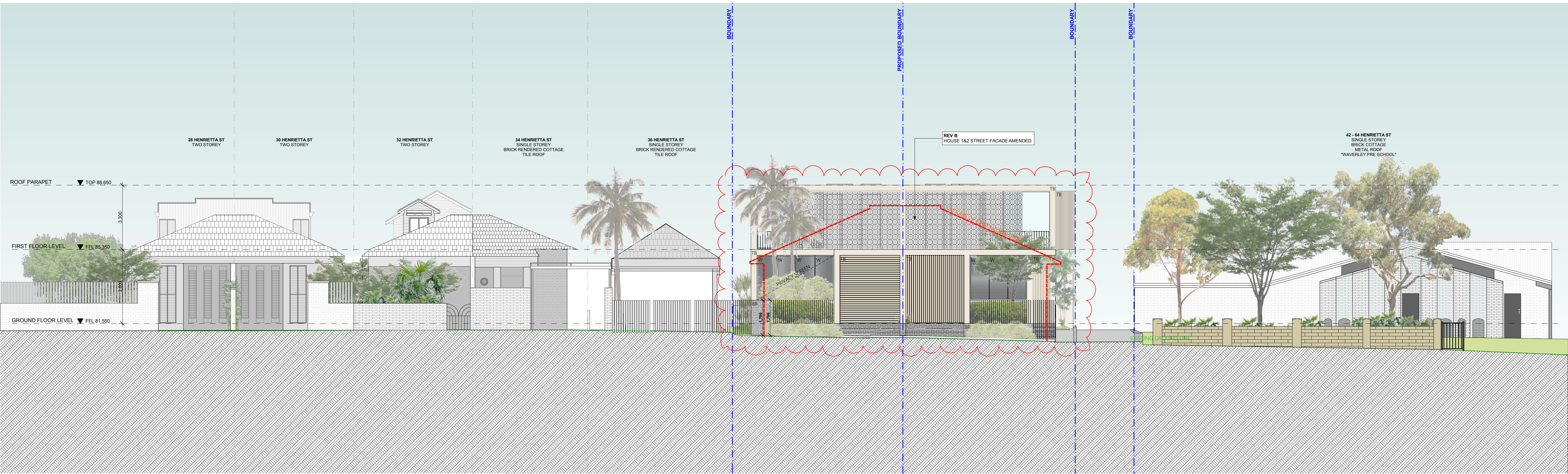
PROJECT NO: 17-004

DRAWN BY: MHNDU

TO SCALE: 100 @A1

DRAWING NO: REV: 2024

MHNDU DESIGN UNION Pty Ltd. ABRN 04 003 717 662

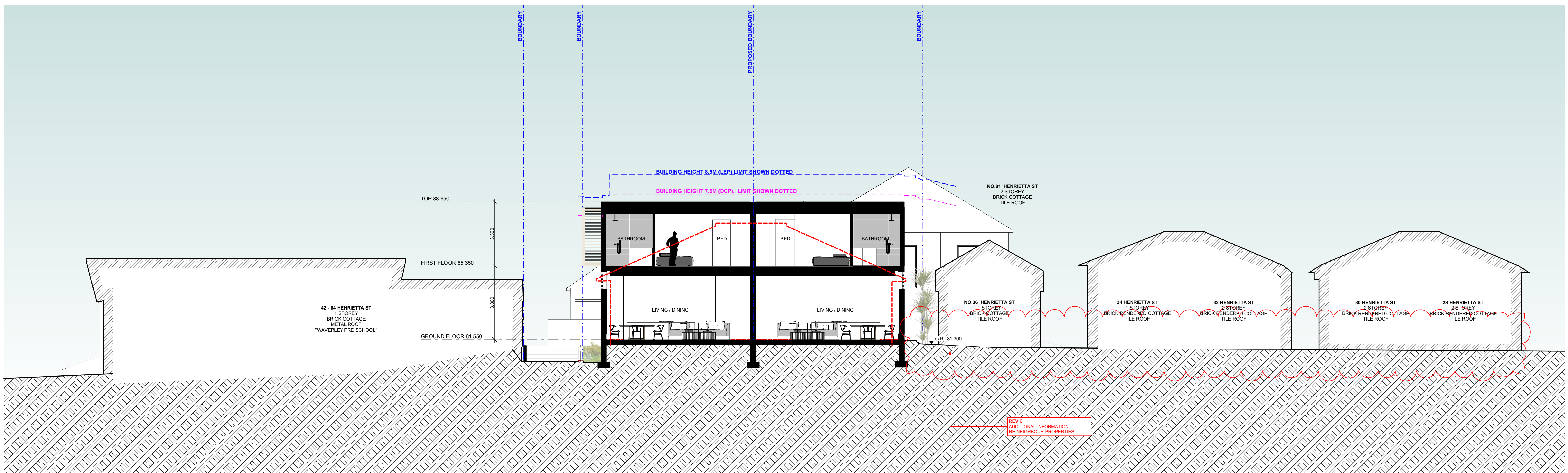


WEST ELEVATION HOUSE 1&2 1:100

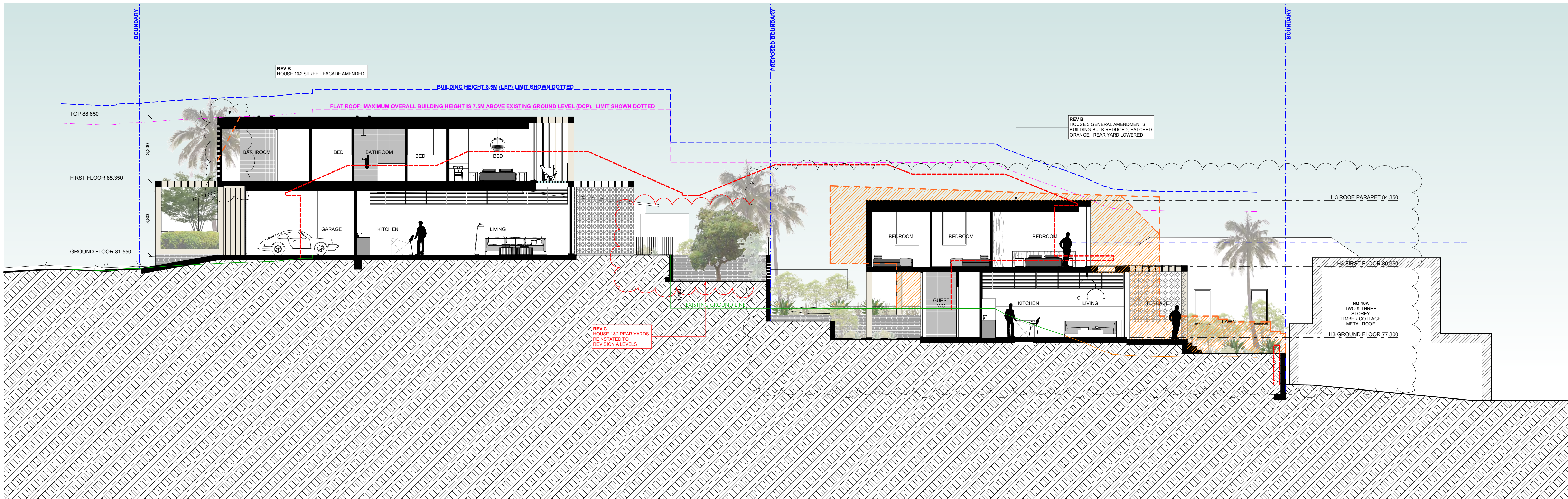


EAST ELEVATION HOUSE 3&4 1:100

REVISIONS A DEVELOPMENT APPLICATION SUBMISSION AUGUST 2017 B GENERAL AMENDMENTS JANUARY 2018 C HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED APRIL 2018	LEGEND BDY BOUNDARY LINE BR BRICK EX EXISTING F FIXED PANEL FFL RL OF FINISHED FLOOR LEVEL GB GLASS BRICK LV LUVRES MB METAL BALUSTRADE SL SLIDING PANEL SKY SKYLIGHT TB TIMBER W WINDOW	KEY - - - SITE BOUNDARY LINE - - - EXISTING BUILDING TO BE DEMOLISHED - - - PROPOSED NEW BUILDING WORKS EXISTING NEIGHBOURING BUILDINGS	EXISTING TREES RETAINED EXISTING TREES REMOVED PROPOSED NEW LANDSCAPING	MHNDUNION 29 HUTCHINSON STREET SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MHND Design Union Pty Ltd ABN 94 003 717 882	PROJECT: HENRIETTA RESIDENCES 40 HENRIETTA ST WAVERLEY NSW 2024 DRAWING: ELEVATION WEST HOUSE 1&2 DA 09 (C) & EAST HOUSE 3&4	PROJECT NO: 17-004 DRAWN BY: MHNDU TO SCALE: 100 @A1 DRAWING NO: REV: 2024
--	---	--	--	--	---	--



SECTION A : HOUSE 1 & 2 1:100



SECTION B 1:100

REVISIONS

A	DEVELOPMENT APPLICATION SUBMISSION	AUGUST 2017
B	GENERAL AMENDMENTS	JANUARY 2018
C	HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED	APRIL 2018

17-004 - 40 Henrietta St (Revised)
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LEGEND

BDY	BOUNDARY LINE
BR	BRICK
EX	EXISTING
F	FIXED PANEL
FFL	RL OF FINISHED FLOOR LEVEL
GB	GLASS BRICK
LV	LUOVRES
MB	METAL BALUSTRADE
SL	SLIDING PANEL
SKY	SKYLIGHT
TB	TIMBER
W	WINDOW

KEY

---	SITE BOUNDARY LINE
---	EXISTING BUILDING TO BE DEMOLISHED
---	PROPOSED NEW BUILDING WORKS
---	EXISTING NEIGHBOURING BUILDINGS

---	EXISTING TREES RETAINED
---	EXISTING TREES REMOVED
---	PROPOSED NEW LANDSCAPING

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PROJECT:
HENRIETTA RESIDENCES

40 HENRIETTA ST WAVERLEY NSW 2024

DRAWING:
SECTION A & B

PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: 100 @A1
DRAWING NO: REV:

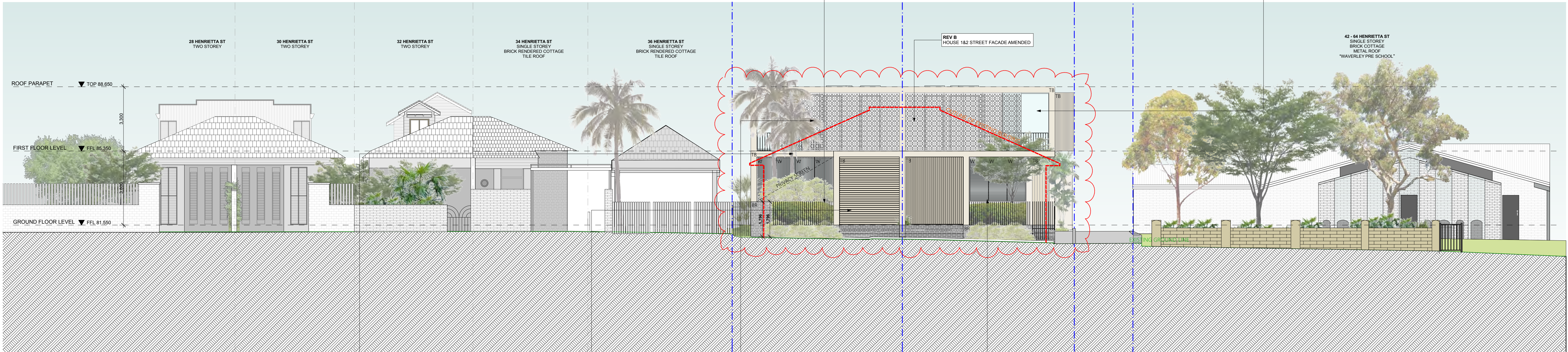
DA 10 (C)



OFF-WHITE FC CLADDING



BREEZE BLOCK



STREET ELEVATION



EXPRESSED TIMBER FRAME



TIMBER BATTENS



BREEZE BLOCK



DARK BRONZE WINDOW FRAMES

REVISIONS		
A	DEVELOPMENT APPLICATION SUBMISSION	AUGUST 2017
B	GENERAL AMENDMENTS	JANUARY 2018
C	HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED	APRIL 2018

17-004 - 40 Henrietta St [Revised]
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FFL	RL OF FINISHED FLOOR LEVEL
GB	GLASS BRICK
LV	LUOVRES
MB	METAL BALUSTRADE
SL	SLIDING PANEL
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TB	TIMBER
W	WINDOW

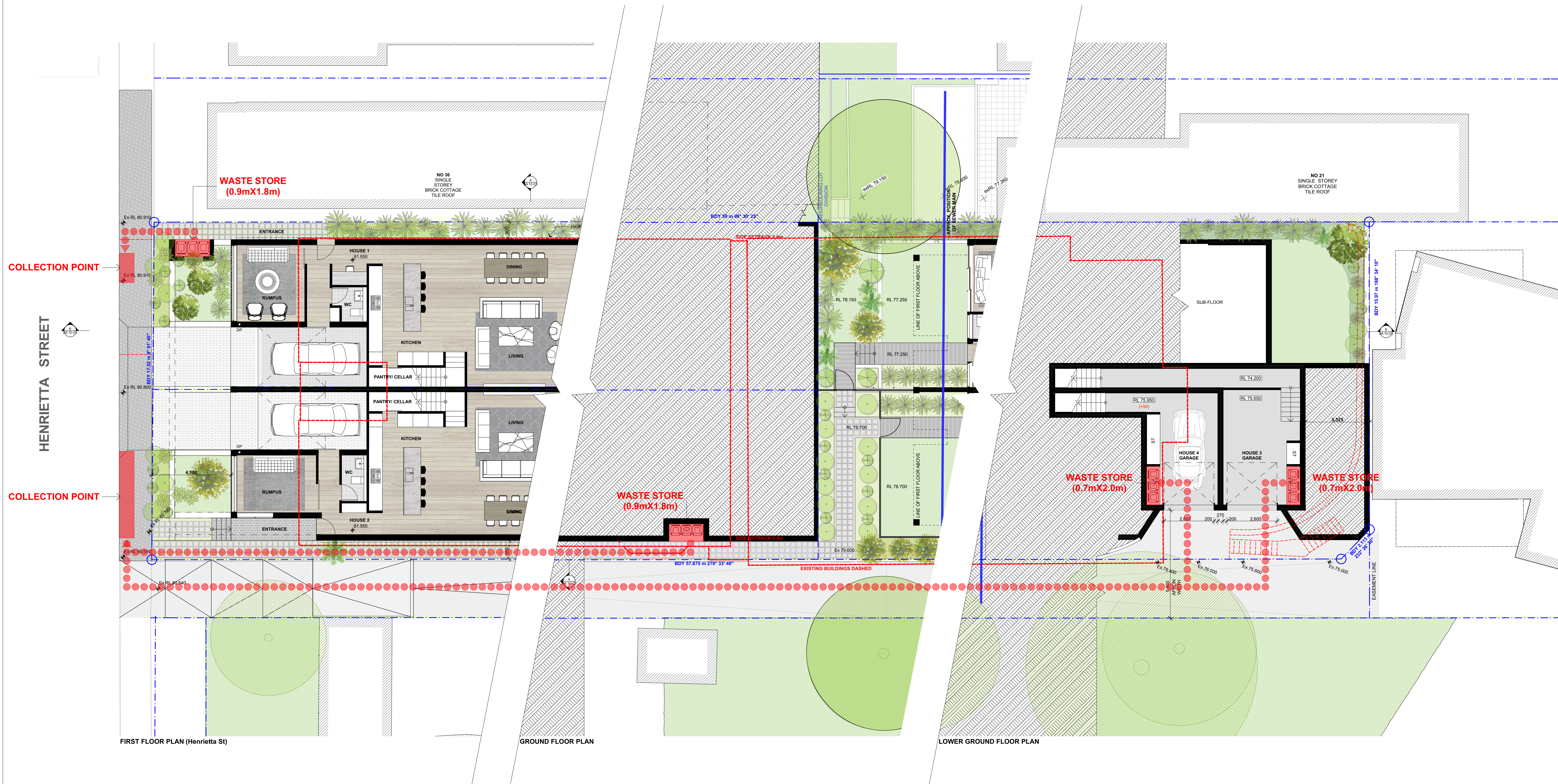
KEY	
---	SITE BOUNDARY LINE
---	EXISTING BUILDING TO BE DEMOLISHED
---	PROPOSED NEW BUILDING WORKS
---	EXISTING NEIGHBOURING BUILDINGS

---	EXISTING TREES RETAINED
---	EXISTING TREES REMOVED
---	PROPOSED NEW LANDSCAPING

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PROJECT:
HENRIETTA RESIDENCES
40 HENRIETTA ST WAVERLEY NSW
2024
DRAWING:
EXTERNAL FINISHES

PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: @A1
DRAWING NO: REV:
DA 11(C)

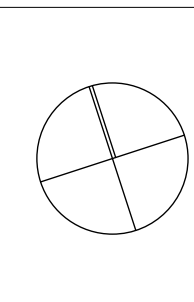


REVISIONS		
A	DEVELOPMENT APPLICATION SUBMISSION	AUGUST 2017
B	GENERAL AMENDMENTS	JANUARY 2018
C	HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED	APRIL 2018

17-004 - 40 Henrietta St [Reserved]
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LEGEND	
BDY	BOUNDARY LINE
BR	BRICK
EX	EXISTING
F	FIXED PANEL
FFL	RL OF FINISHED FLOOR LEVEL
GB	GLASS BRICK
LV	LUOVRES
MB	METAL BALUSTRADE
SL	SLIDING PANEL
SKY	SKYLIGHT
TB	TIMBER
W	WINDOW

KEY	
●●●●●	ROUTE TO WASTE COLLECTION POINT



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PROJECT: HENRIETTA RESIDENCES
40 HENRIETTA ST WAVERLEY NSW 2024

DRAWING: SWMMP FIRST FLOOR LEVEL DA 12 (C)

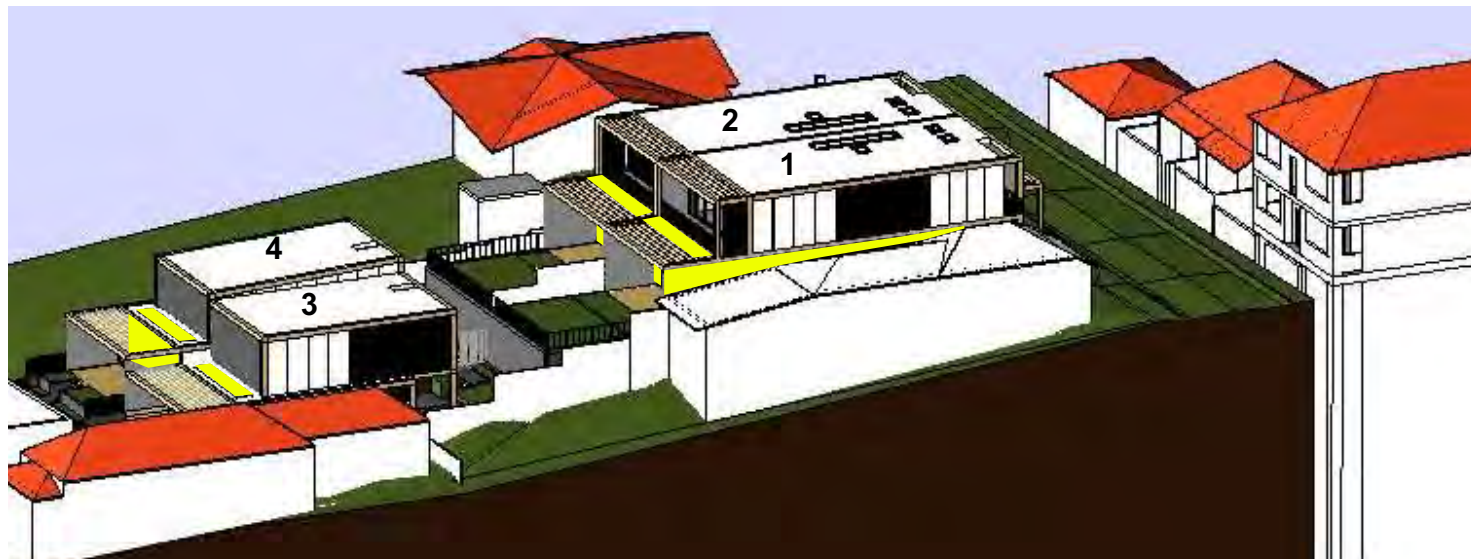
PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: 100 @A1
DRAWING NO: REV: 2024



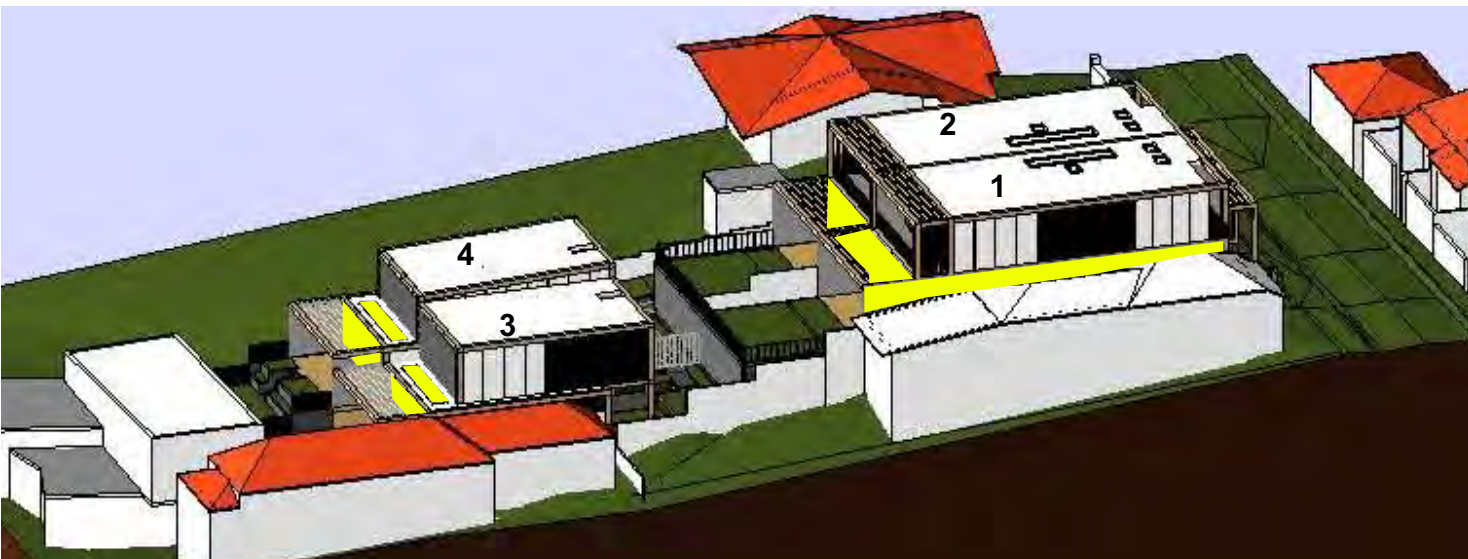
1 21 JUNE 8 AM



2 21 JUNE 8.30 AM



3 21 JUNE 9 AM



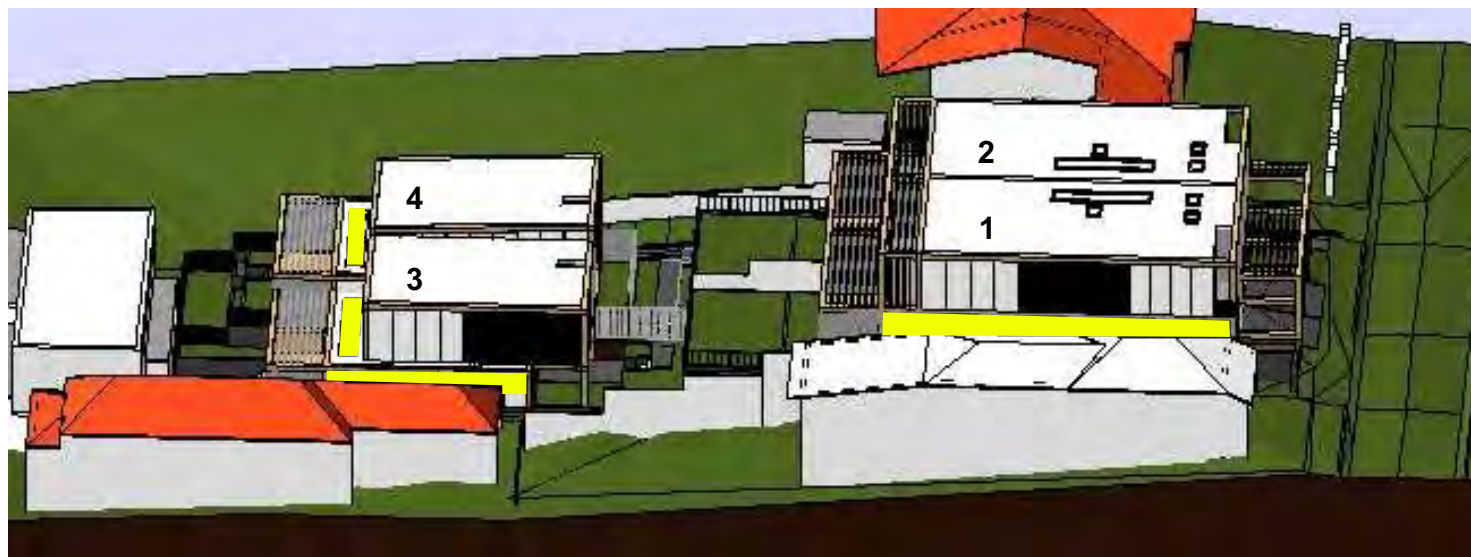
4 21 JUNE 9.30 AM



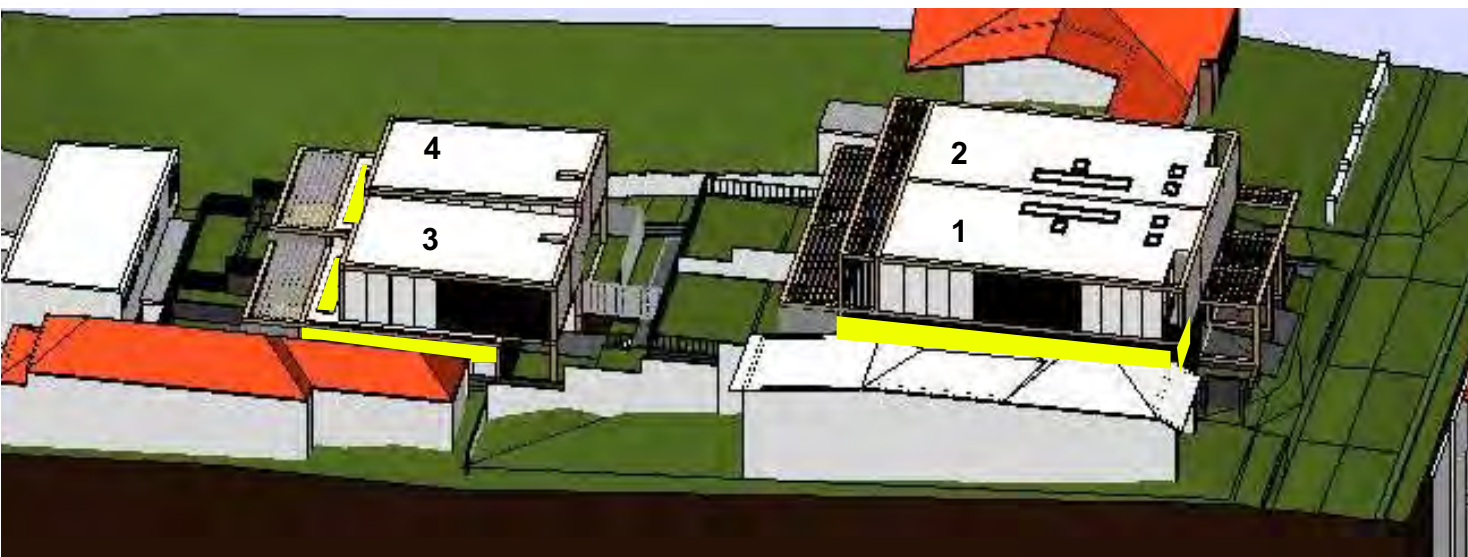
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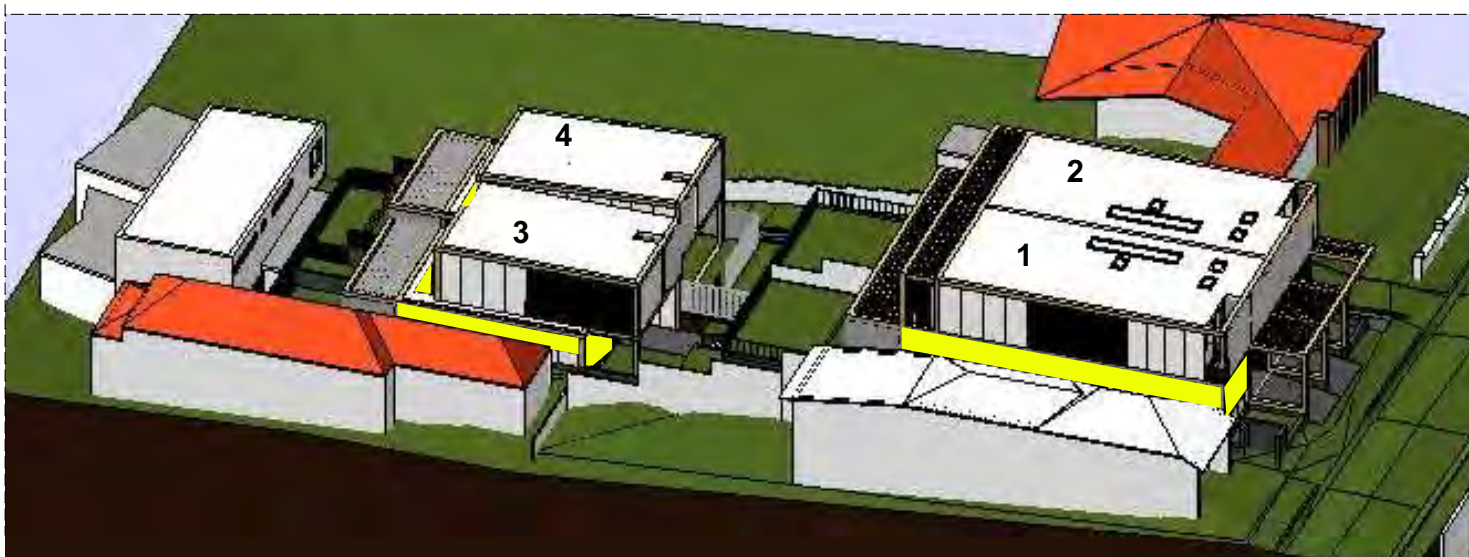
6 21 JUNE 10.30 AM



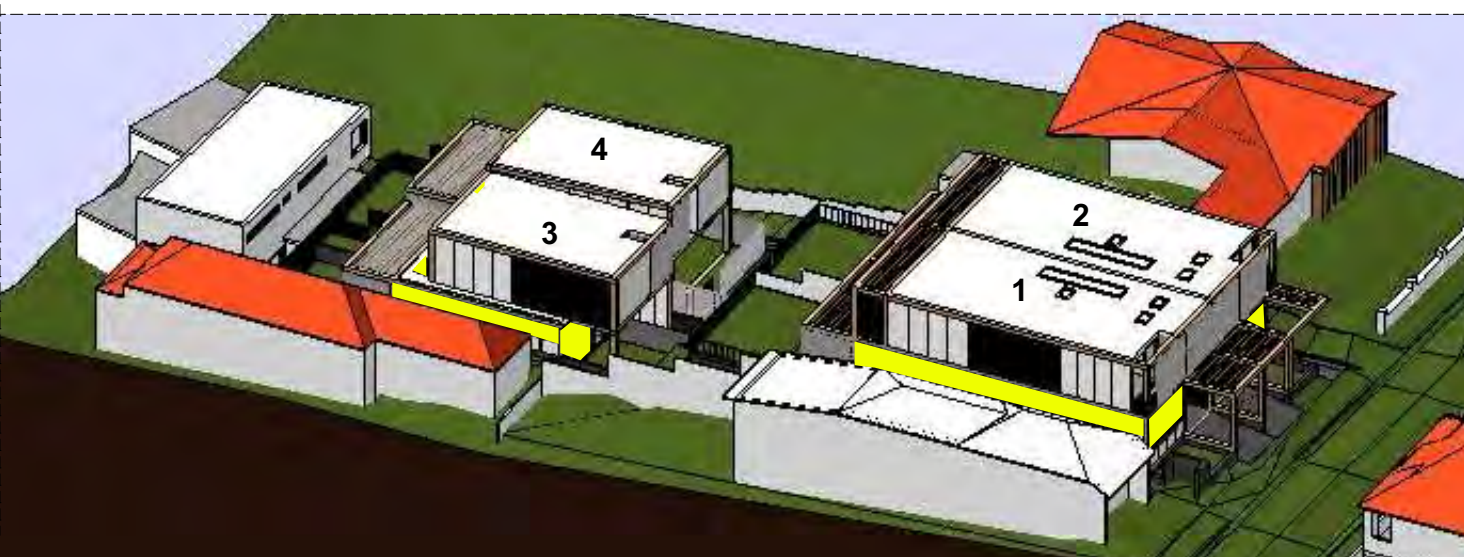
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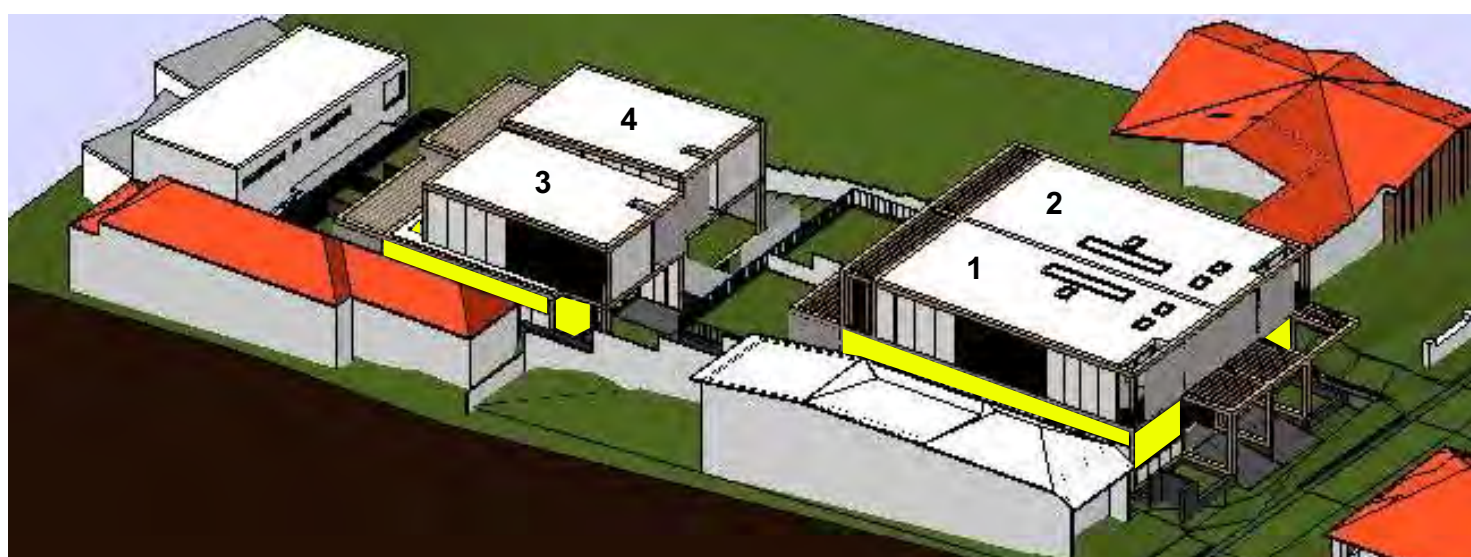
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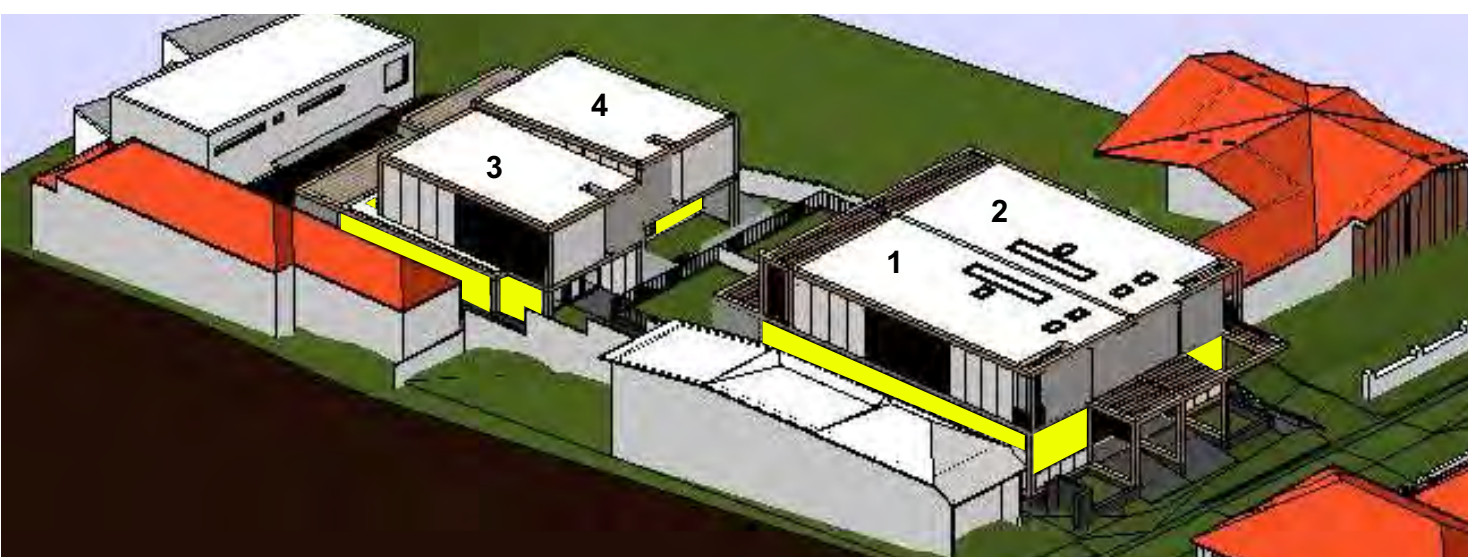
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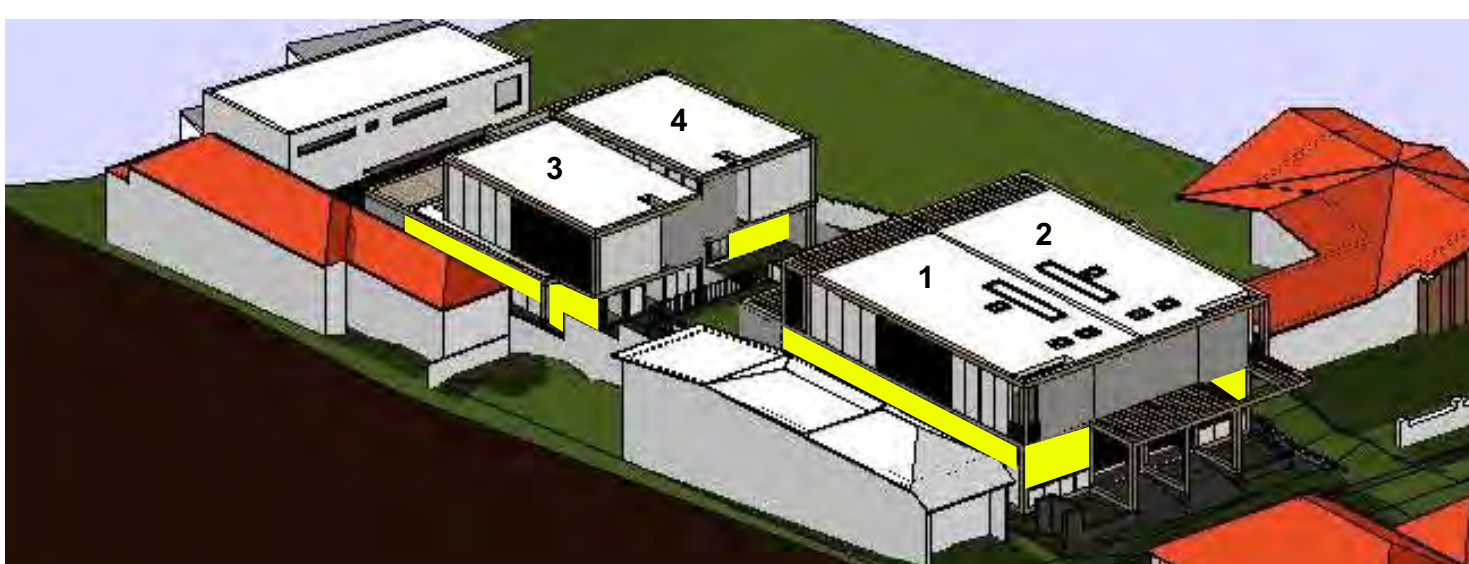
10 21 JUNE 12.30 AM



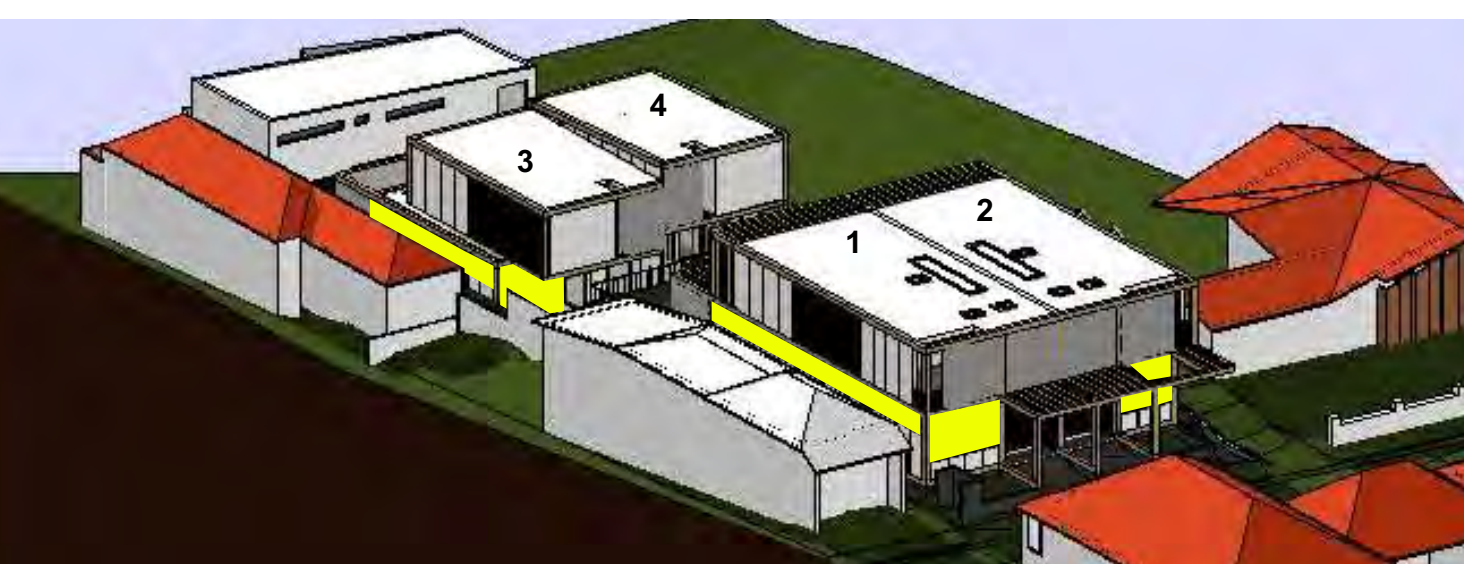
11 21 JUNE 1 PM



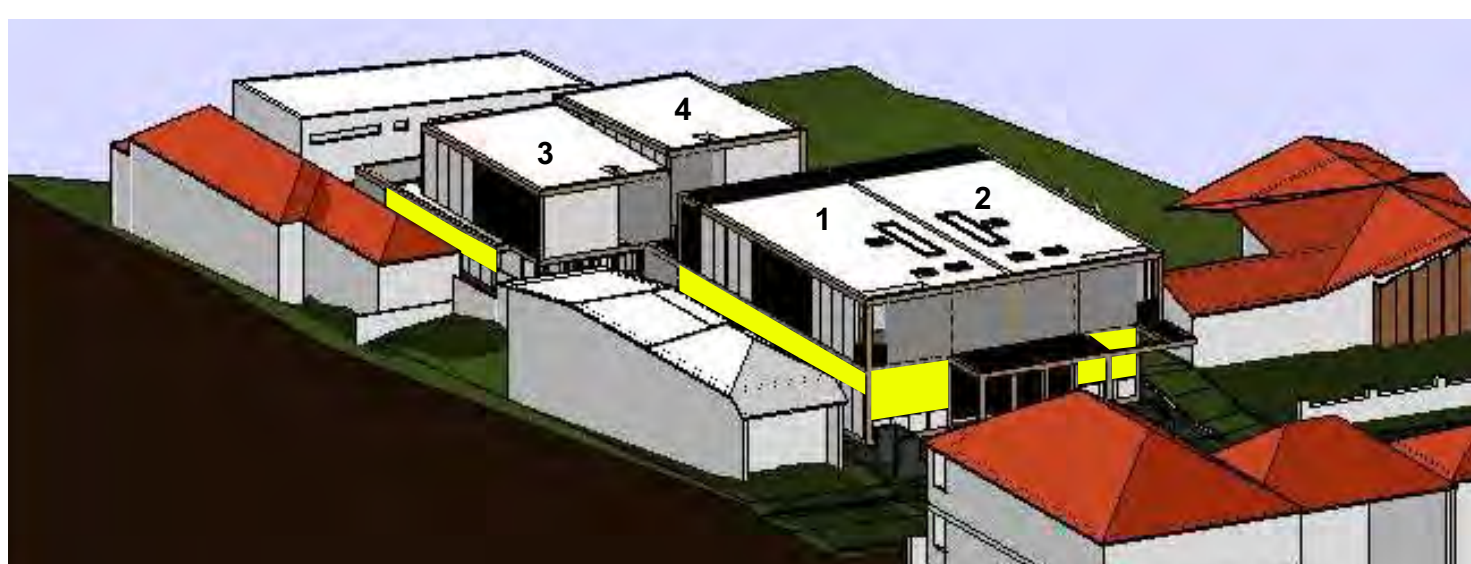
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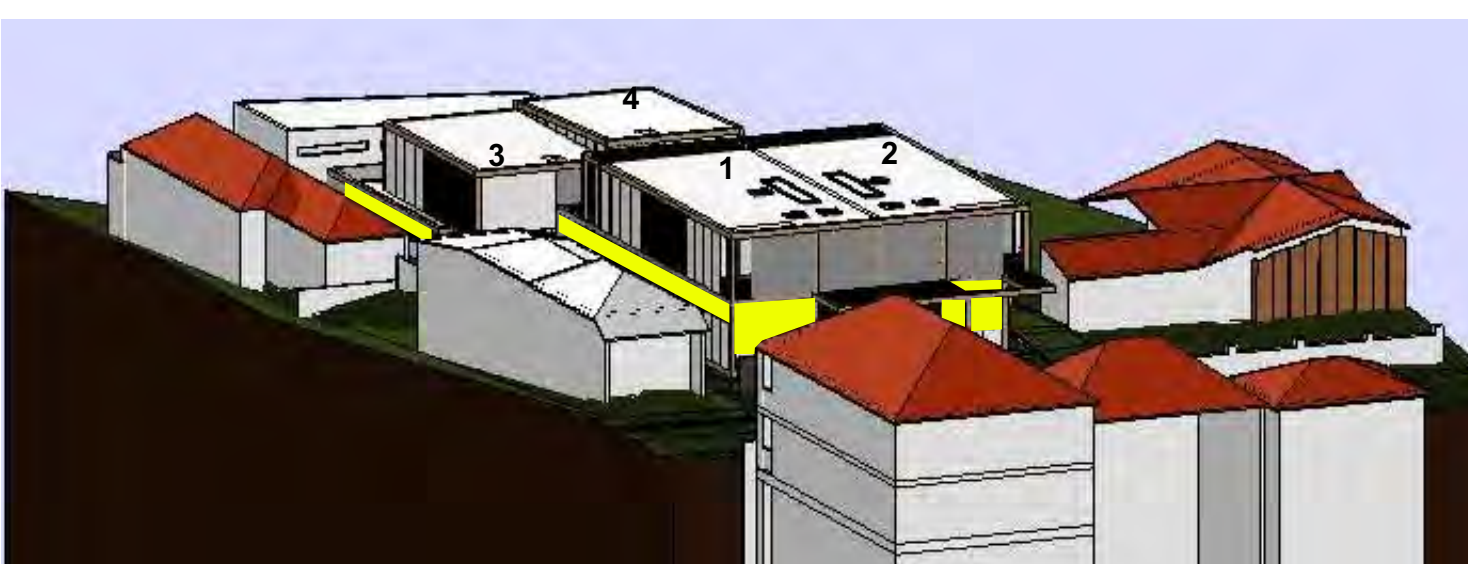
13 21 JUNE 2 PM



14 21 JUNE 2.30 PM



15 21 JUNE 3 PM



16 21 JUNE 3.30 PM

	8 AM	8.30 AM	9 AM	9.30 AM	10 AM	10.30 AM	11 AM	11.30 AM	12 AM	12.30 AM	1 PM	1.30 PM	2 PM	2.30 PM	3 PM	3.30 PM	TOTAL 8:00 - 3:30	TOTAL 9:00 - 3:00	COMPLIANCE
HOUSE 1	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	7.30 H	6.0 H	+
HOUSE 2	+	+	+	+	+	+				+	+	+	+	+	+	+	5.30 H	4.0 H	+
HOUSE 3			+	+	+	+	+	+	+	+	+	+	+	+	+	+	7.0 H	6.0 H	+
HOUSE 4	+	+	+	+	+	+	+	+									4.0 H	3.0 H	+

REVISIONS
A DEVELOPMENT APPLICATION SUBMISSION AUGUST 2017
B GENERAL AMENDMENTS JANUARY 2018
C HOUSE3+4 FLOOR AREA REDUCED, HOUSE1+2 BACKYARD LOWERED APRIL 2018

17-004 - 40 Henrietta St - Residential
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F FIXED PANEL
FFL RL OF FINISHED FLOOR LEVEL
GB GLASS BRICK
LV LUVRES
MB METAL BALUSTRADE
SL SLIDING PANEL
SKY SKYLIGHT
TB TIMBER
W WINDOW

KEY
- - - SITE BOUNDARY LINE
- - - EXISTING BUILDING TO BE DEMOLISHED
- - - PROPOSED NEW BUILDING WORKS
- - - EXISTING NEIGHBOURING BUILDINGS

EXISTING TREES RETAINED
EXISTING TREES REMOVED
PROPOSED NEW LANDSCAPING

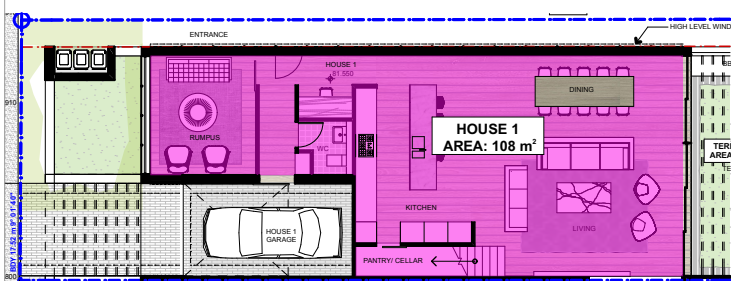
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PROJECT:
HENRIETTA RESIDENCES
40 HENRIETTA ST WAVERLEY NSW 2024

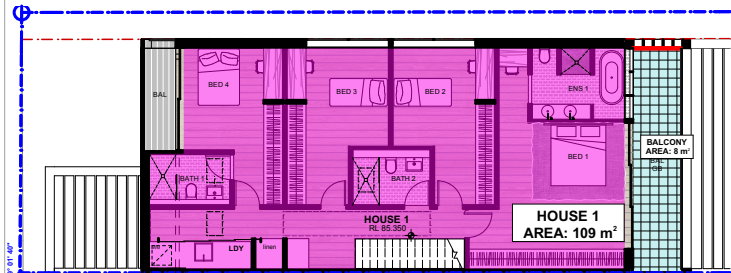
DRAWING:
SOLAR ACCESS DIAGRAM 21
JUNE FROM 8AM TO 3.30 PM

PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: @A1
DRAWING NO: REV: 2024

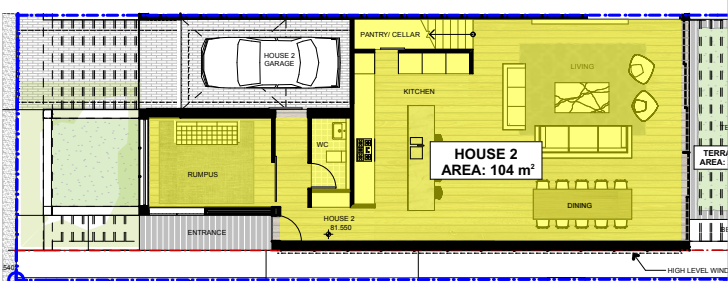
DA 13 (C)



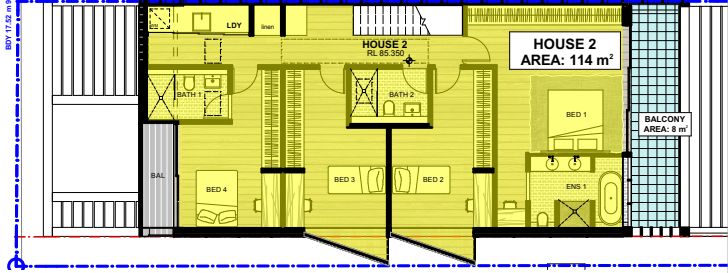
FIRST FLOOR GFA



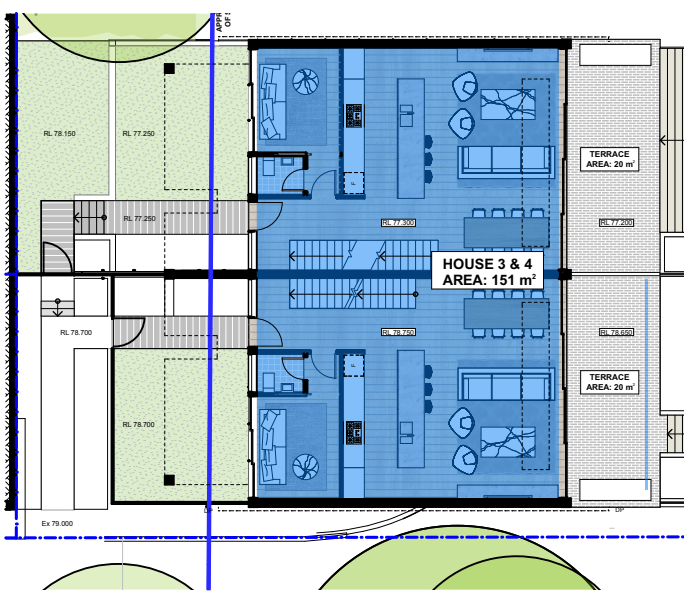
SECOND FLOOR GFA



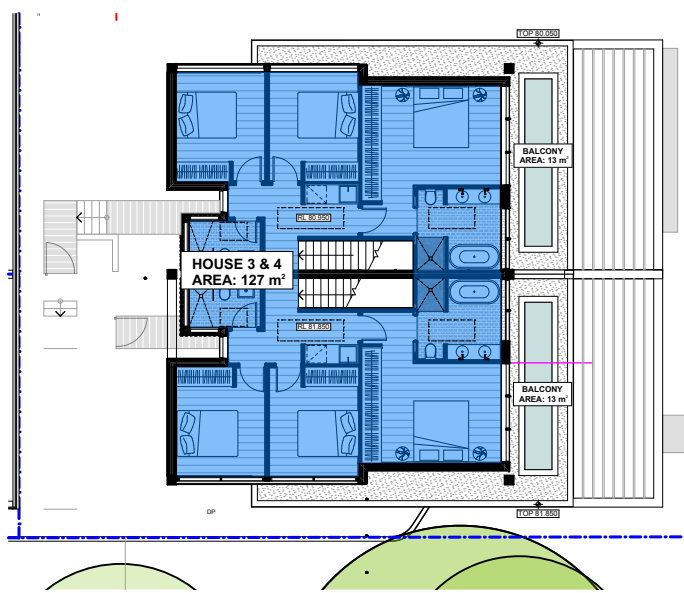
FIRST FLOOR GFA



SECOND FLOOR GFA



GROUND FLOOR GFA



FIRST FLOOR GFA

REV B
MINOR NON-COMPLIANCE (+50mm) DUE TO
SQUARING OFF OF STREET ELEVATION

LOT 1

INTERNAL AREA (m2)	
LEVEL	HOUSE 1
GROUND FLOOR	
FIRST FLOOR	108m²
SECOND FLOOR	109m²
TOTAL	217m²

CONTROLS SUMMARY HOUSE 1			
SITE AREA:	283m²	CONTROLS	PROPOSED
WAVERLEY LEP 2012			
ZONING	R2 RESIDENTIAL (LOW DENSITY)		
LOTS SIZE	325m² MIN. ALOTMENT SIZE	283m²	NO
HEIGHT LIMIT (LEP)	8.5M MAX. HEIGHT	VARIES	YES
HEIGHT LIMIT (DCP)	7.5M MAX. HEIGHT	REFER SECTION A : WEST PARAPET	NO
FSR	GFA FSR 224m² 0.79:1	217m² 0.766:1	YES
REFER TO 4.4 A BELOW	[(550 - 293) x 0.0011] + 0.5 = 0.79 (224sqm)		

WAVERLEY LEP 2012 DEFINITION

GROSS FLOOR AREA, means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area of common vertical circulation, such as lifts and stairs, and
- (e) any basement:
- (i) storage, and
- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4m high, and
- (j) voids above a floor at the level of a storey or storey above.

LOT 2

INTERNAL AREA (m2)	
LEVEL	HOUSE 2
GROUND FLOOR	
FIRST FLOOR	104m²
SECOND FLOOR	114m²
TOTAL	218m²

CONTROLS SUMMARY HOUSE 2			
SITE AREA:	287m²	CONTROLS	PROPOSED
WAVERLEY LEP 2012			
ZONING	R2 RESIDENTIAL (LOW DENSITY)		
LOTS SIZE	325m² MIN. ALOTMENT SIZE	287m²	NO
HEIGHT LIMIT (LEP)	8.5M MAX. HEIGHT	VARIES	YES
HEIGHT LIMIT (DCP)	7.5M MAX. HEIGHT	REFER SECTION A : SOUTH PARAPET	NO
FSR	GFA FSR 226m² 0.79:1	218m² 0.759:1	YES
REFER TO 4.4 A BELOW	[(550 - 297) x 0.0011] + 0.5 = 0.79 (226sqm)		

4.4A EXCEPTION TO FLOOR SPACE RATIO

Despite clause 4.4, the maximum floor space ratio for a dwelling house dual occupancy on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential is as follows:

- (a) for lots with an area less than 100 square metres - 1:1,
- (b) for lots wit an area of 100 square metres to 550 square metres - [(550 - lot area) x 0.0011] + 0.5] : 1
- (c) for lots with an area greater than 550 square metres - 0.5 : 1

LOT 3

INTERNAL AREA (m2)	
LEVEL	HOUSE 3 & 4
GROUND FLOOR	143m²
FIRST FLOOR	134m²
TOTAL	277m²

CONTROLS SUMMARY HOUSE 3			
SITE AREA:	462m²	CONTROLS	PROPOSED
WAVERLEY LEP 2012			
ZONING	R2 RESIDENTIAL (LOW DENSITY)		
LOTS SIZE (DUAL OCCY)	450m² MIN. ALOTMENT SIZE	462m²	YES
HEIGHT LIMIT (LEP)	8.5M MAX. HEIGHT	VARIES	YES
HEIGHT LIMIT (DCP)	7.5M MAX. HEIGHT	HOUSE 3 HOUSE 4 EAST PARAPET	YES NO
FSR	GFA FSR 277.2m² 0.6:1	277m² 0.60:1	YES
REFER TO 4.4 A BELOW	[(550 - 462) x 0.0011] + 0.5 = 0.6 (277sqm)		

REFER SECOND FLOOR PLAN FOR
EXISTING GROUND AND TOP LEVELS

REVISIONS		PLOTTED: 16/4/2018
A	DA SUBMISSION	AUGUST 2017
B	GENERAL AMENDMENTS	JANUARY 2018
C	GENERAL AMENDMENTS	APRIL 2018

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PROJECT:
HENRIETTA RESIDENCES
40 HENRIETTA ST
WAVERLEY NSW 2024

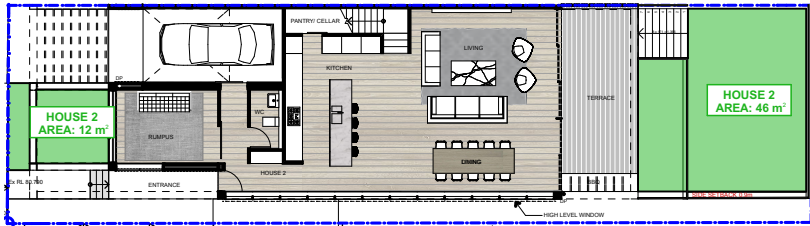
DRAWING:
AREA DIAGRAMS PG 1

PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: @A3
DRAWING NO: REV:

DA 14 (e)



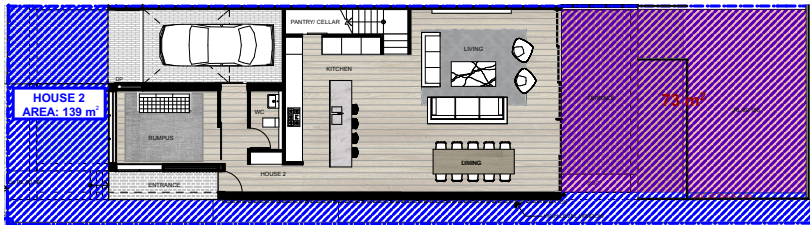
LANDSCAPED AREA - HOUSE 1



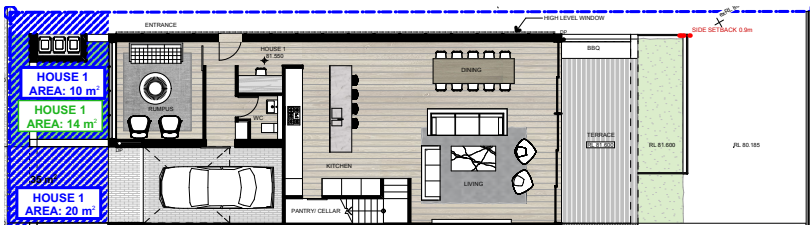
LANDSCAPED AREA - HOUSE 2



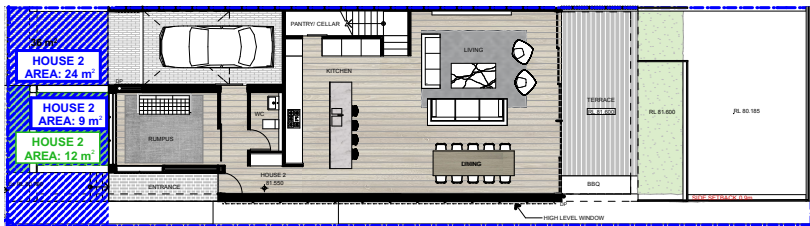
OPEN AREA - HOUSE 1



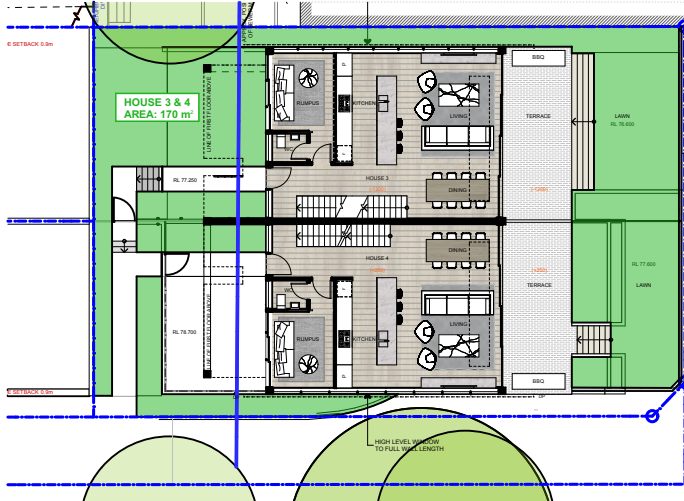
OPEN AREA - HOUSE 2



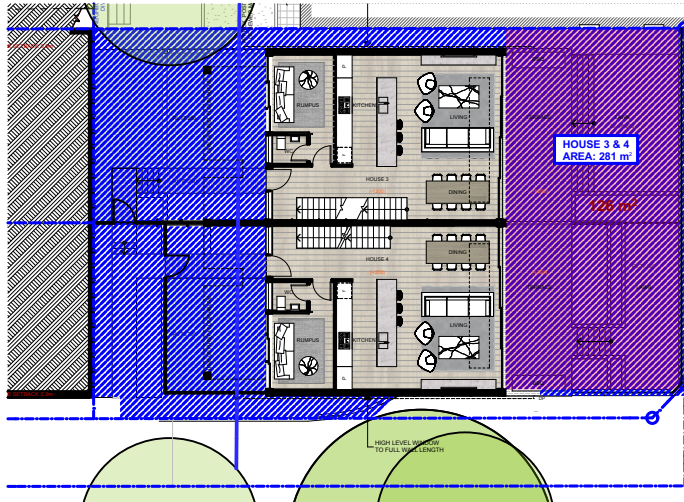
FRONT LANDSCAPED AREA AND OPEN SPACE - HOUSE 1



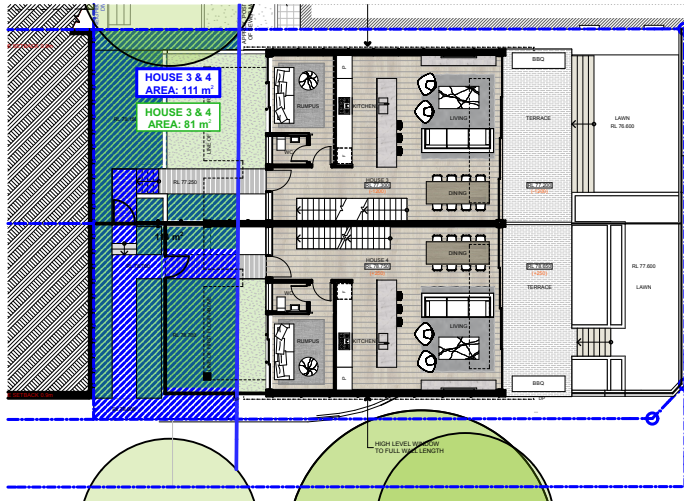
FRONT LANDSCAPED AREA AND OPEN SPACE - HOUSE 2



LANDSCAPED AREA - HOUSE 3 & 4




OPEN AREA - HOUSE 3 & 4




FRONT LANDSCAPED AREA AND OPEN SPACE - HOUSE 3 & 4

	LANDSCAPED AREA (15% MIN. OF SITE AREA)				
	HOUSE NUMBER		CONTROLS	PROPOSED	COMPLIANCE
LOT 1	HOUSE 1	SITE AREA:283m²	42m²,	93m²	YES
LOT 2	HOUSE 2	SITE AREA:287m²	43m²	58m²	YES
LOT 3	HOUSE 3 & 4	SITE AREA:462m²	69.3m²	170m²	YES

OPEN SPACE (25m² MIN. OF PRIVATE OPEN SPACE TO BE USED FOR RECREATION)				
	HOUSE NUMBER	CONTROLS	PROPOSED	COMPLIANCE
LOT 1	HOUSE 1	25m²,	73m²	YES
LOT 2	HOUSE 2	25m²,	74m²	YES
LOT 3	HOUSE 3 & 4	25m²,	126m²	YES



OPEN SPACE (40% MIN. OF SITE AREA)						
HOUSE NUMBER		CONTROLS		PROPOSED	COMPLIANCE	
LOT 1	HOUSE 1	SITE AREA:283m²		113m²	138m²	YES
LOT 2	HOUSE 2	SITE AREA:287m²		114m²	139m²	YES
LOT 3	HOUSE 3 & 4	SITE AREA:462m²		184m²	281m²	YES



FRONT OPEN SPACE (50% MIN. OF FRONT SETBACK)					
HOUSE NUMBER		CONTROLS		PROPOSED	COMPLIANCE
LOT 1	HOUSE 1	FRONT AREA:35m ²	17.5m ²	30m ²	YES
LOT 2	HOUSE 2	FRONT AREA:35m ²	18m ² ;	33m ²	YES
LOT 3	HOUSE 3 & 4	FRONT AREA:114m ²	57m ²	111m ²	YES

FRONT LANDSCAPED SPACE (50% MIN. OF FRONT OPEN SPACE)					
	HOUSE NUMBER		CONTROLS	PROPOSED	COMPLIANCE
LOT 1	HOUSE 1	FRONT AREA:35m²	8.75m²;	14m²	YES
LOT 2	HOUSE 2	FRONT AREA:35m²	9m²;	12m²	YES
LOT 3	HOUSE 3 & 4	FRONT AREA:57m²	28.5m²	81m²	YES

REVISIONS		PLOTTED: 16/4/2018
A	DA SUBMISSION	AUGUST 2017
B	GENERAL AMENDMENTS	JANUARY 2018
C	GENERAL AMENDMENTS	APRIL 2018

17-004 - 40 Henrietta St (batteries)
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PROJECT:
HENRIETTA RESIDENCES

40 HENRIETTA ST
WAVERLEY NSW 2024

DRAWING:
AREA DIAGRAMS PG 2

PROJECT NO: 17-004
DRAWN BY: MHNDU
TO SCALE: @A3
DRAWING NO: REV:

DA 15 (9)

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 3 sheet(s)

Office Use Only

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Registered:
Title System:
Purpose:

DRAFT
PRINTED 10 APR 2018
ISSUE 4

PLAN OF PROPOSED SUBDIVISION OF
LOT 101 IN DP 1105009

LGA: WAVERLEY
Locality: WAVERLEY
Parish: ALEXANDRIA
County: CUMBERLAND

Crown Lands NSW/Western Lands Office Approval

I..... (Authorised Officer) in
approving this plan certify that all necessary approvals in regard
to the allocation of the land shown herein have been given.

Signature:

Date:

File Number:

Office:

Survey Certificate

I, TASY MORAITIS

of Linker Surveying Pty Ltd Suite 301 Level 3 55 Holt St Surry Hills NSW 2010
a surveyor registered under the *Surveying and Spatial Information
Act 2002*, certify that

*(a) The land shown in the plan was surveyed in accordance with the
Surveying and Spatial Information Regulation 2012, is accurate
and the survey was completed on:

*(b) The part of the land shown in the plan (being/*excluding^.....
.....)
was surveyed in accordance with the *Surveying and Spatial
Information Regulation 2012*, is accurate and the survey was
completed on, the part not surveyed was
compiled in accordance with that Regulation.

*(c) The land shown in this plan was compiled in accordance with the
Surveying and Spatial Information Regulation 2012.

Signature: Dated:

Surveyor ID: 1652

Datum Line:

Type: *Urban/*Rural

The terrain is *Level-Undulating / *Steep-Mountainous.

*Strike through if inapplicable.

*Specify the land actually surveyed or specify any land shown in the plan that is not
the subject of the survey.

Subdivision Certificate

I.....
*Authorised Person/*General Manager/*accredited Certifier, certify
that the provisions of s.109J of the *Environmental Planning and
Assessment Act 1979* have been satisfied in relation to the proposed
subdivision, new road or reserve set out herein.

Signature:

Accreditation number:

Consent/Authority:

Date of Endorsement:

Subdivision Certificate no:

File number:

*Strike through if inapplicable

STATEMENTS of intention to dedicate public roads, public reserves and
drainage easements, acquire/resume land.

Plans used in the preparation of survey/compilation

DP's

If space is insufficient continue on PLAN FORM 6A

Signatures, Seals and Section 88B Statements should appear on
PLAN FORM 6A

SURVEYORS REFERENCE: 170634 SUB

57

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 3 sheet(s)

Office Use Only

Office Use Only

Registered:

PLAN OF PROPOSED SUBDIVISION OF
LOT 101 IN DP 1105009

Subdivision Certificate No:

Date of Endorsement:

DRAFTPRINTED 10 APR 2018
ISSUE 4

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) SSI Regulation 2012
- Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919
- Signatures and seals - see 195D Conveyancing Act 1919
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

PURSUANT TO SEC. 88B OF THE CONVEYANCING ACT 1919
IT IS INTENDED TO CREATE:

1. EASEMENT FOR SUPPORT 0.2 WIDE
2. EASEMENT FOR ACCESS VARIABLE WIDTH (B)
3. EASEMENT FOR SUPPORT AND SHELTER VARIABLE WIDTH (C)
4. EASEMENT FOR SERVICES 1 & 1.5 WIDE

If space is insufficient use additional annexure sheet

SURVEYORS REFERENCE: 170634 SUB

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 3 of 3 sheet(s)

Office Use Only

Office Use Only

Registered:

PLAN OF PROPOSED SUBDIVISION OF
LOT 101 IN DP 1105009

Subdivision Certificate No:

Date of Endorsement:

DRAFTPRINTED 10 APR 2018
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- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

If space is insufficient use additional annexure sheet

SURVEYORS REFERENCE: 170634 SUB

THIS PLAN IS BASED ON PLANS BY
DWG No.: DA 04 (B) LWR GROUND
& GROUND FLOOR PLAN



(A) – EASEMENT FOR SUPPORT 0.2 WIDE
(C) – EASEMENT FOR SUPPORT AND SHELTER VARIABLE WIDTH
(D) – EASEMENT FOR SERVICES – 1 WIDE

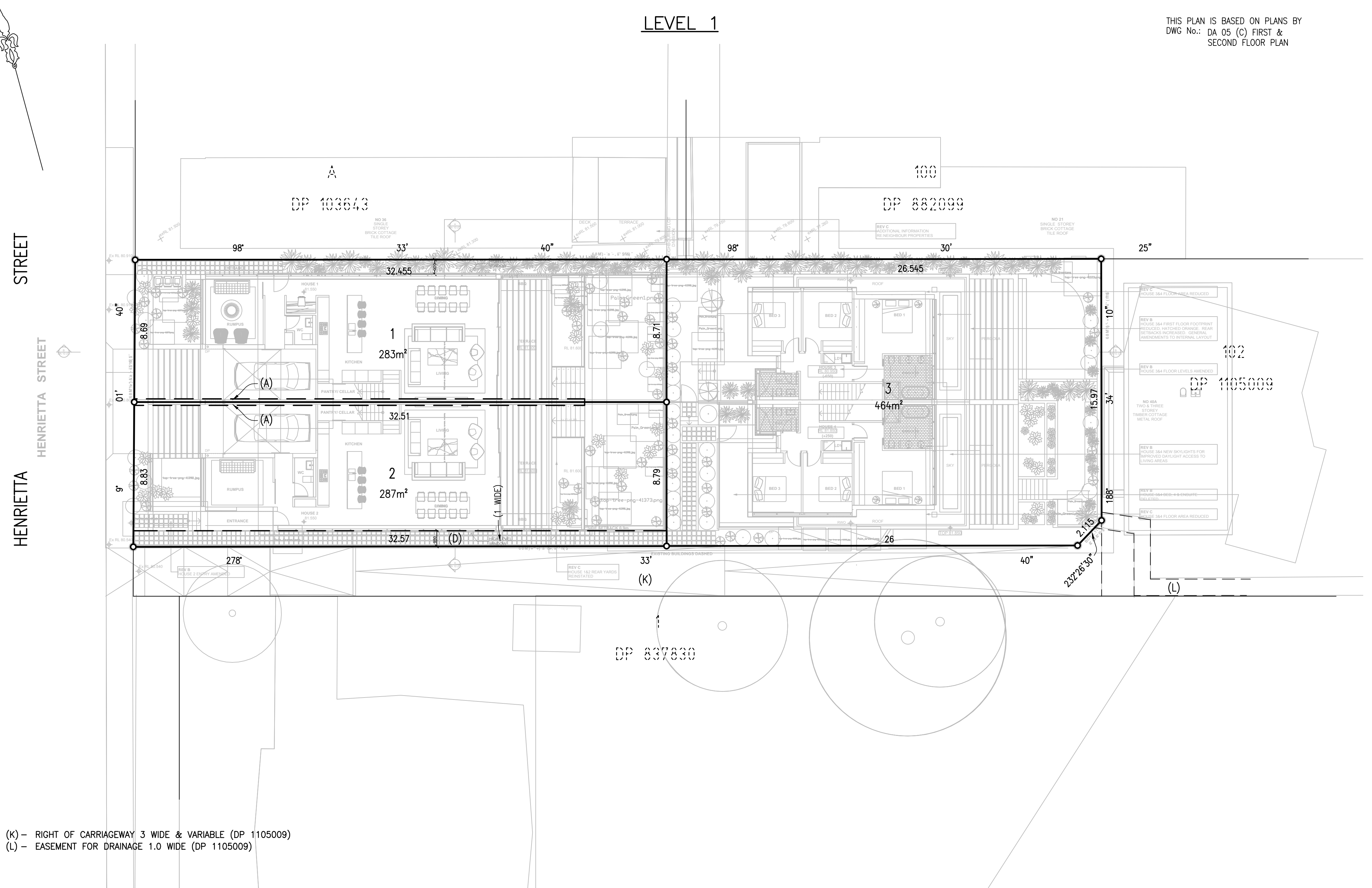
DRAFT
PRINTED 10 APR 2018
ISSUE 4

THIS PLAN IS BASED ON PLANS BY
DWG No.: DA 04 (B) LWR GROUND
& GROUND FLOOR PLAN



X:\17JOBS\170634 38 Henrietta Street\170634-DSUB\170634 DP SHT02 G.dwg

THIS PLAN IS BASED ON PLANS BY
DWG No.: DA 05 (C) FIRST &
SECOND FLOOR PLAN



(K) - RIGHT OF CARRIAGEWAY 3 WIDE & VARIABLE (DP 1105009)
(L) - EASEMENT FOR DRAINAGE 1.0 WIDE (DP 1105009)

(A) - EASEMENT FOR SUPPORT 0.2 WIDE
(C) - EASEMENT FOR SUPPORT AND SHELTER VARIABLE WIDTH
(D) - EASEMENT FOR SERVICES - 1 WIDE

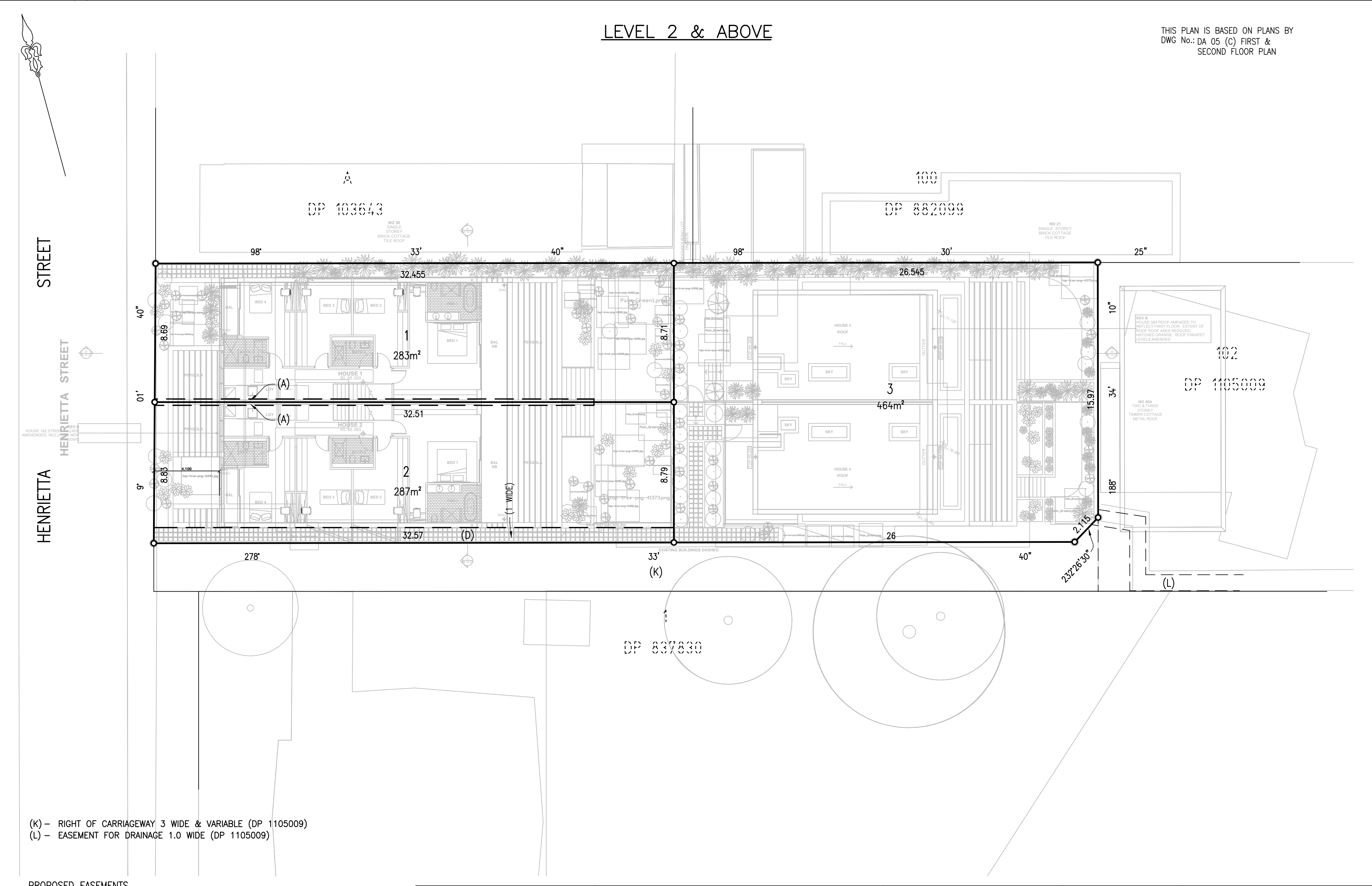
Surveyor: TASY MORAITIS
Date of Survey:
Surveyor's Ref: 170634 SUB

PLAN OF PROPOSED SUBDIVISION OF
LOT 101 IN DP 1105009

LGA: WAVERLEY
 Locality: WAVERLEY
 Subdivision No:
 Lengths are in metres. Reduction Ratio 1: 125

**REGISTERED
CONTRACT PLAN**
Plan compiled from
architectural CAD data.
Plan is subject to final
survey after completion
of construction.

DRAFT
PRINTED 10 APR 2018
ISSUE 4



(K) – RIGHT OF CARRIAGEWAY 3 WIDE & VARIABLE (DP 1105009)
(L) – EASEMENT FOR DRAINAGE 1.0 WIDE (DP 1105009)

PROPOSED EASEMENTS
(A) – EASEMENT FOR SUPPORT 0.2 WIDE
(C) – EASEMENT FOR SUPPORT AND SHELTER VARIABLE WIDTH
(D) – EASEMENT FOR SERVICES – 1 WIDE

Surveyor: TASY MORAITIS Date of Survey: Surveyor's Ref: 170634 SUB	PLAN OF PROPOSED SUBDIVISION OF LOT 101 IN DP 1105009	LGA: WAVERLEY Locality: WAVERLEY Subdivision No: Lengths are in metres. Reduction Ratio 1:150	REGISTERED CONTRACT PLAN Plan compiled from architectural CAD data. Plan is subject to final survey after completion of construction.	DRAFT PRINTED 10 APR 2018 ISSUE 4
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SP FORM 3.01	STRATA PLAN ADMINISTRATION SHEET	Sheet 1 of 2 sheet(s)
Office Use Only Registered:	Office Use Only DRAFT PRINTED 13 APR 2018 ISSUE 1	
PLAN OF PROPOSED SUBDIVISION OF LOT 3 IN DP _____	LGA: WAVERLEY Locality: WAVERLEY Parish: ALEXANDRIA County: CUMBERLAND	
This is a *FREEHOLD/LEASEHOLD Strata Scheme		
Address for Service of Documents Provide an Australian address including a postcode	The by-laws adopted for the scheme are: *Model By-laws for residential schemes together with: Keeping of animals: Option *A/*B Smoke penetration: Option *A/*B (see Schedule 3 Strata Schemes Management Regulation 2016) * The strata by-laws lodged with the plan	
<p align="center">Surveyor's Certificate</p> <p>I, <u>TASY MORAITIS</u>, of <u>Veris Australia Pty Ltd Suite 301 Level 3 55 Holt St Surry Hills NSW 2010</u>, being a land surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that the information shown in the accompanying plan is accurate and each applicable requirement of Schedule 1 of the <i>Strata Schemes Development Act 2015</i> has been met.</p> <p>*The building encroaches on:</p> <p>*(a) a public space</p> <p>*(b) land other than a public place and an appropriate easement to permit the encroachment has been created by ^.....</p> <p>Signature:</p> <p>Date:</p> <p>Surveyor ID:</p> <p>Surveyor's Reference: <u>170634 DSP</u></p> <p><small>^ Insert the deposited plan number or dealing number of the instrument that created the easement</small></p>	<p align="center">Strata Certificate (Accredited Certifier)</p> <p>I, being an Accredited Certifier, accreditation number, certify that in regards to the strata plan with this certificate, I have made the required inspections and I am satisfied the plan complies with clause 17 <i>Strata Schemes Development Regulation 2016</i> and the relevant parts of Section 58 <i>Strata Schemes Development Act 2015</i>.</p> <p>*(a) This plan is part of a development scheme.</p> <p>*(b) The building encroaches on a public space and in accordance with section 62(3) <i>Strata Schemes Development Act 2015</i> the local council has granted a relevant planning approval that is in force for the building with the encroachment or for the subdivision specifying the existence of the encroachment.</p> <p>*(c) This certificate is given on the condition contained in the relevant planning approval that lot(s) ^..... will be created as utility lots and restricted in accordance with section 63 <i>Strata Schemes Development Act 2015</i>.</p> <p>Certificate Reference:</p> <p>Relevant Planning Approval No.</p> <p>Issued by:</p> <p>Signature:</p> <p>Date:</p> <p><small>^ Insert lot numbers of proposed utility lots.</small></p>	

* Strike through if inapplicable

Office Use Only

Office Use Only

Registered:

DRAFT
PRINTED 13 APR 2018
ISSUE 1**Valuer's Certificate**

I, being a qualified valuer, as defined in the *Strata Scheme Development Act 2015*, certify that the unit entitlements shown in the schedule herewith are apportioned in accordance with Schedule 2 *Strata Schemes Development Act 2015*

Signature: Date:.....

SCHEDULE OF UNIT ENTITLEMENT

LOT UE

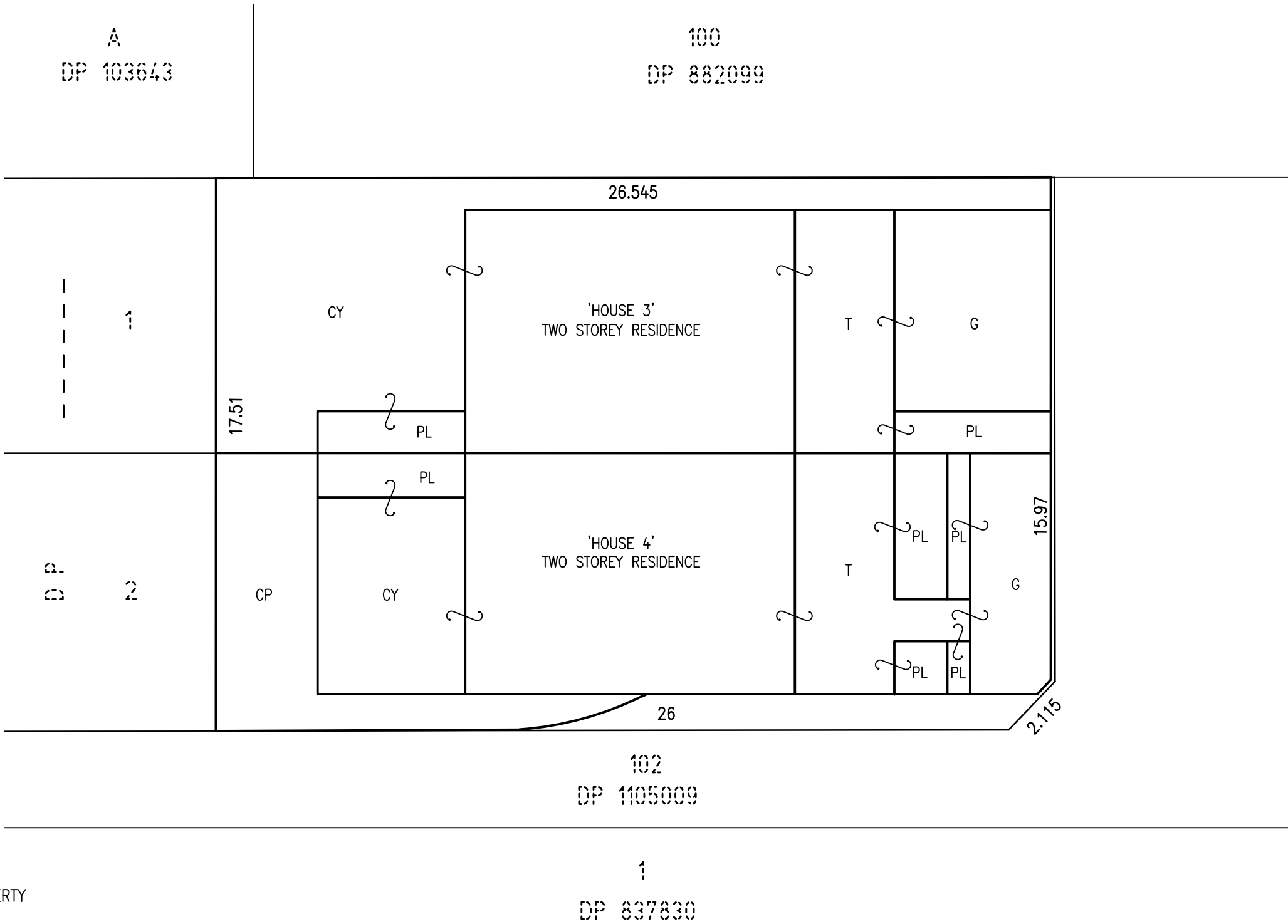
1

2

AGGREGATE

LOCATION PLAN

TO BE COMPLETED ON FINAL PLAN



CP - DENOTES COMMON PROPERTY
CY - DENOTES COURTYARD
G - DENOTES GARDEN
PL - DENOTES PLANTER
T - DENOTES TERRACE

SURVEYOR
Name: TASY MORAITIS
Date:
Reference: 170634 DSP

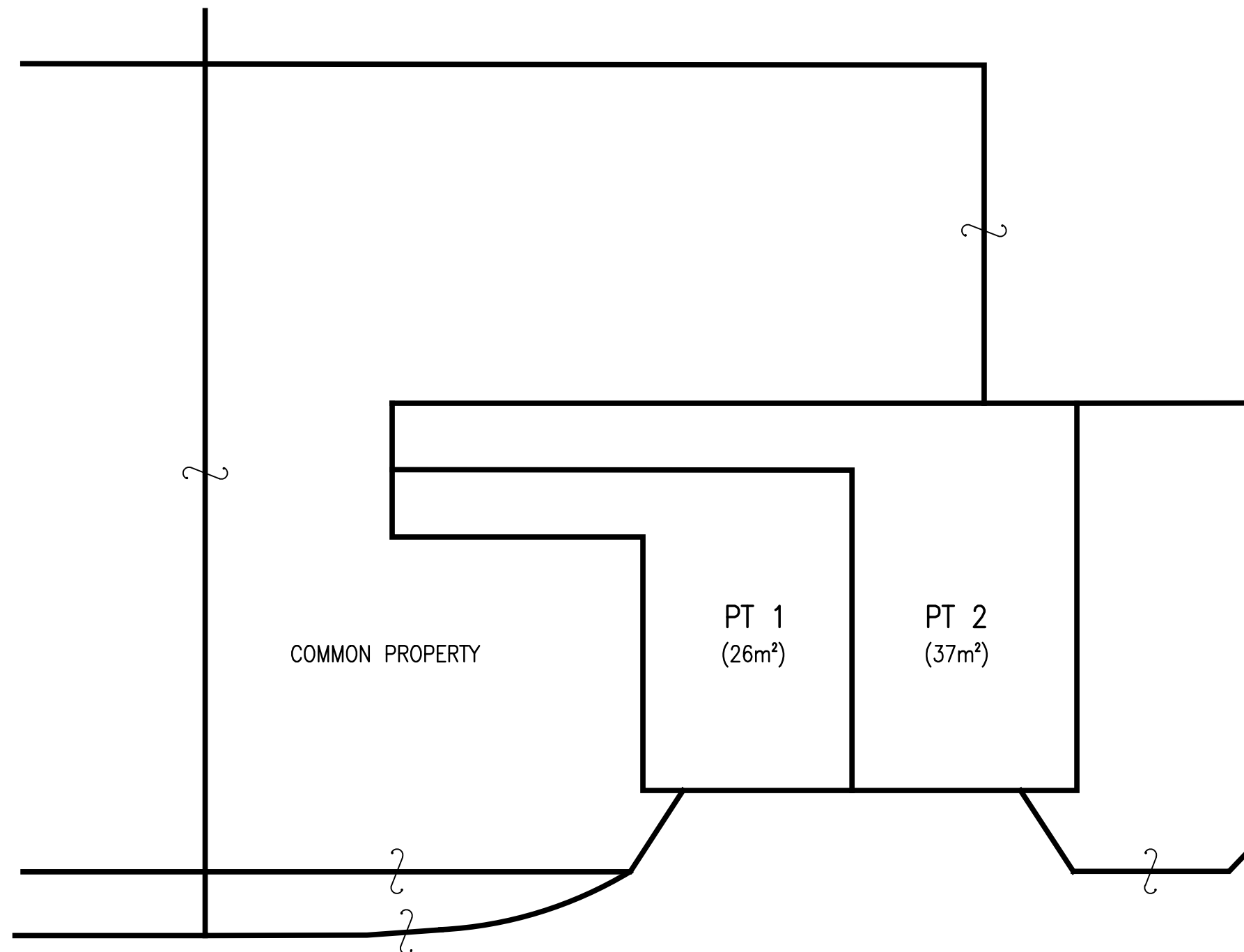
PLAN OF PROPOSED SUBDIVISION OF
LOT 3 IN DP _____

LGA: WAVERLEY
Locality: WAVERLEY
Reduction Ratio: 1:150
Lengths are in metres.

REGISTERED
CONTRACT PLAN
Plan compiled from
architectural CAD data.
Plan is subject to final
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PRINTED 13 APR 2018
ISSUE 1

LOWER GROUND LEVEL

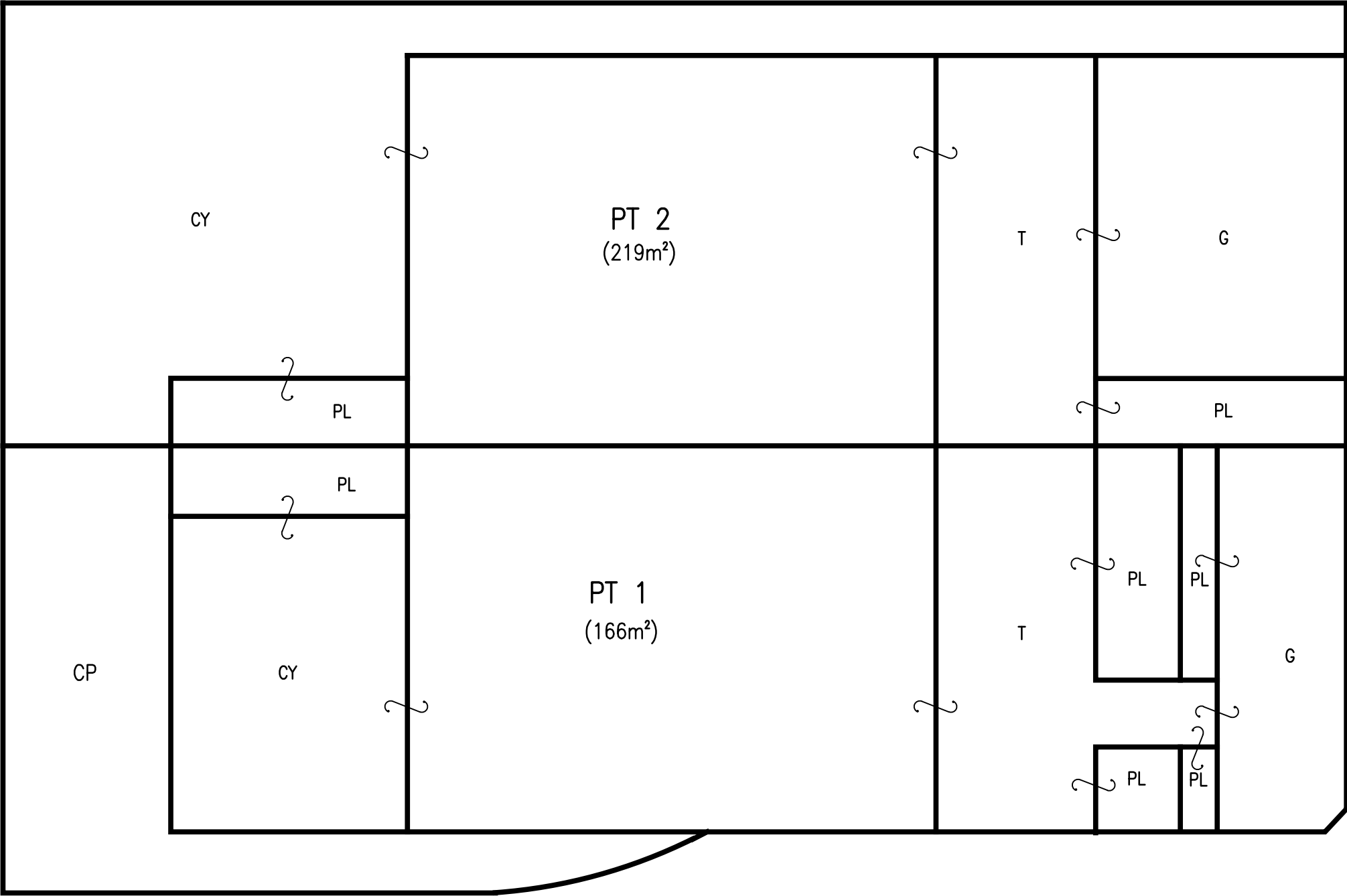


FOR CLARITY NOT ALL COMMON PROPERTY STRUCTURES ARE SHOWN.

<p>SURVEYOR</p> <p>Name: TASY MORAITIS</p> <p>Date:</p> <p>Reference: 170634 DSP</p>	<p>PLAN OF PROPOSED SUBDIVISION OF</p> <p>LOT 3 IN DP _____</p>	<p>LGA: WAVERLEY</p> <p>Locality: WAVERLEY</p> <p>Reduction Ratio: 1:100</p> <p>Lengths are in metres.</p>	<p>REGISTERED</p> <p>CONTRACT PLAN</p> <p>Plan compiled from architectural CAD data.</p> <p>Plan is subject to final survey after completion of construction.</p>	<p>DRAFT</p> <p>PRINTED 13 APR 2018</p> <p>ISSUE 1</p> <p>67</p>
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THIS PLAN IS BASED ON PLANS BY
ARCHITECT
DWG No.: [DA 04 (B) LWR GROUND & GROUND FLOOR PLAN]
RECEIVED: 04 APR 2018

GROUND LEVEL



AREAS SHOWN ON THE FLOOR PLAN HAVE BEEN CALCULATED FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2015 ONLY. THEY MAY DIFFER FROM FLOOR AREAS FOR OTHER PURPOSES.
THOSE PARTS OF SERVICE LINES WHICH SERVICE ONE LOT ONLY AND ARE LOCATED OUTSIDE OF THAT LOT ARE COMMON PROPERTY.
FOR CLARITY NOT ALL COMMON PROPERTY STRUCTURES ARE SHOWN.

- CP – DENOTES COMMON PROPERTY
- CY – DENOTES COURTYARD
- G – DENOTES GARDEN
- PL – DENOTES PLANTER
- T – DENOTES TERRACE

SURVEYOR
Name: TASY MORAITIS
Date:
Reference: 170634 DSP

PLAN OF PROPOSED SUBDIVISION OF
LOT 3 IN DP _____

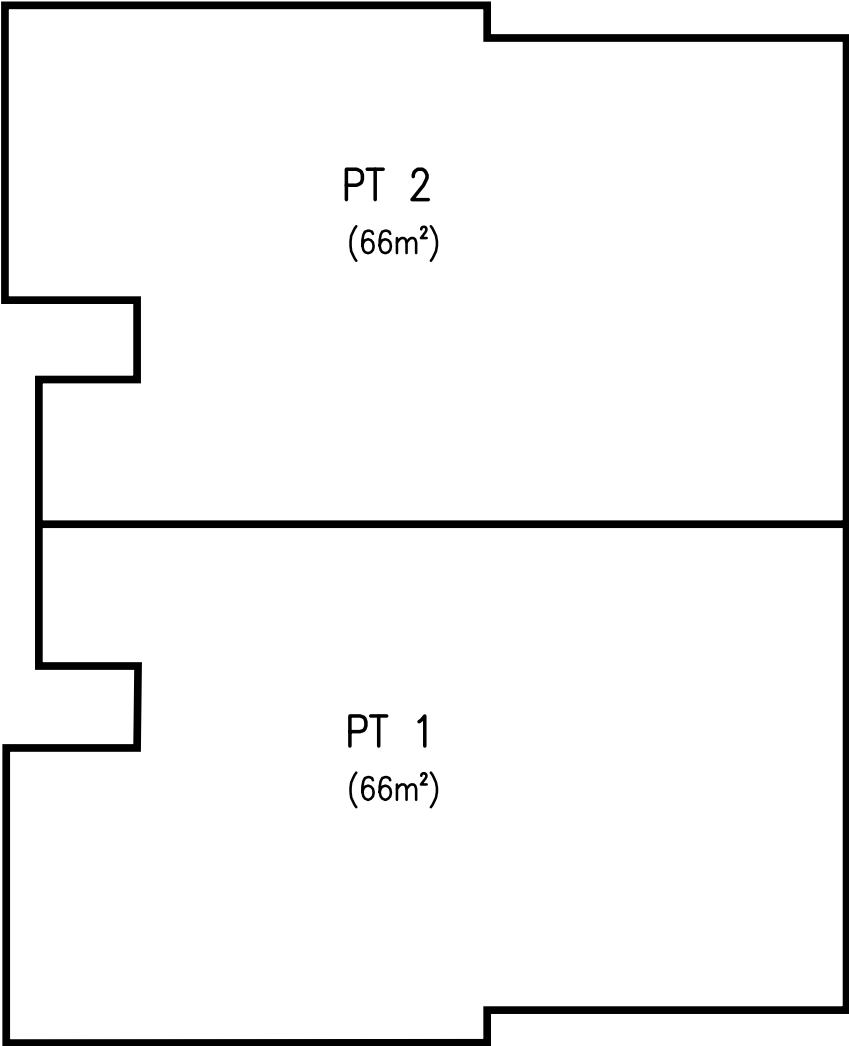
LGA: WAVERLEY
Locality: WAVERLEY
Reduction Ratio: 1:100
Lengths are in metres.

REGISTERED
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THIS PLAN IS BASED ON PLANS BY
ARCHITECT
DWG No.: [DA 05 (C) FIRST & SECOND FLOOR PLAN]
RECEIVED: 04 APR 2018

LEVEL 1



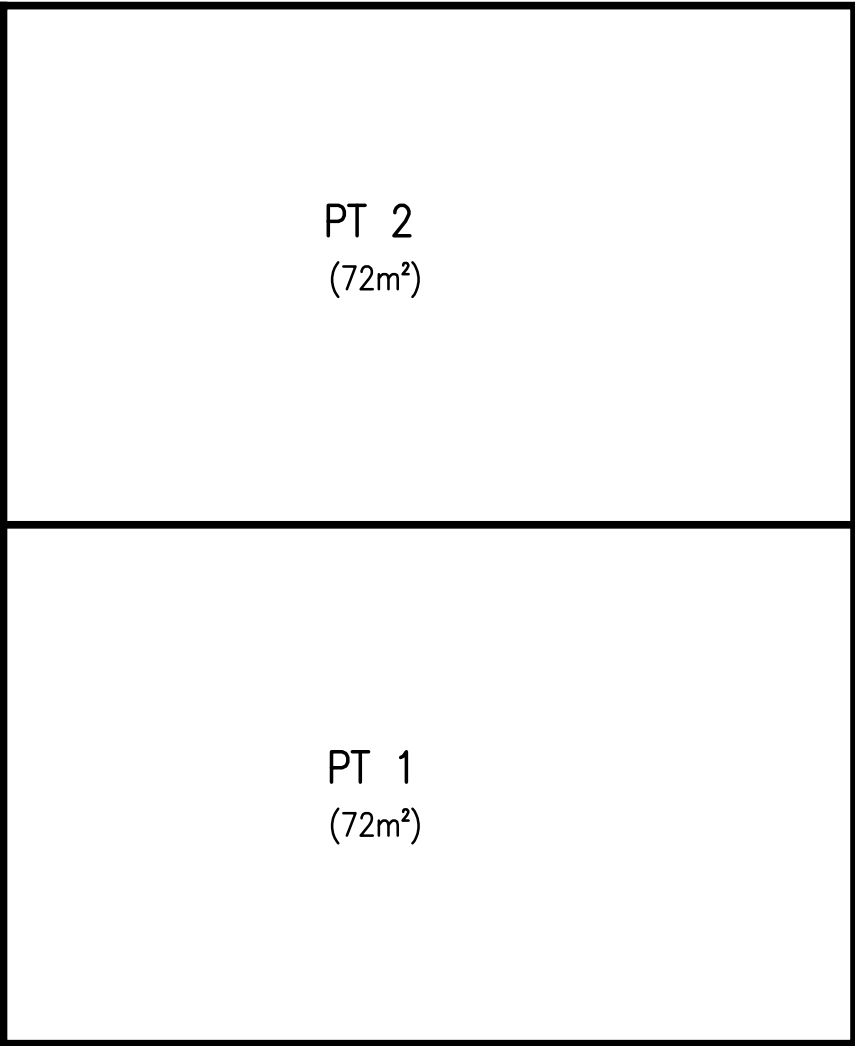
AREAS SHOWN ON THE FLOOR PLAN HAVE BEEN CALCULATED FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2015 ONLY. THEY MAY DIFFER FROM FLOOR AREAS FOR OTHER PURPOSES.

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<div>SURVEYOR</div> <div>Name: TASY MORAITIS</div> <div>Date:</div> <div>Reference: 170634 DSP</div>	<div>PLAN OF PROPOSED SUBDIVISION OF</div> <div>LOT 3 IN DP _____</div>	<div>LGA: WAVERLEY</div> <div>Locality: WAVERLEY</div> <div>Reduction Ratio: 1:100</div> <div>Lengths are in metres.</div>	<div>REGISTERED</div> <div>CONTRACT PLAN</div> <div>Plan compiled from architectural CAD data.</div> <div>Plan is subject to final survey after completion of construction.</div>	<div>DRAFT</div> <div>PRINTED 13 APR 2018</div> <div>ISSUE 1</div> <div>69</div>
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THIS PLAN IS BASED ON PLANS BY
ARCHITECT
DWG No.: [DA 05 (C) FIRST & SECOND FLOOR PLAN]
RECEIVED: 04 APR 2018

ROOF LEVEL



AREAS SHOWN ON THE FLOOR PLAN HAVE BEEN CALCULATED FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2015 ONLY. THEY MAY DIFFER FROM FLOOR AREAS FOR OTHER PURPOSES.

THOSE PARTS OF SERVICE LINES WHICH SERVICE ONE LOT ONLY AND ARE LOCATED OUTSIDE OF THAT LOT ARE COMMON PROPERTY. FOR CLARITY NOT ALL COMMON PROPERTY STRUCTURES ARE SHOWN.

SURVEYOR
Name: TASY MORAITIS
Date:
Reference: 170634 DSP

PLAN OF PROPOSED SUBDIVISION OF
LOT 3 IN DP _____

LGA: WAVERLEY
Locality: WAVERLEY
Reduction Ratio: 1:100
Lengths are in metres.

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ISSUE 1



Report to Waverley Development Assessment Panel

Application number	DA-516/2017
Site address	369A Bronte Road, BRONTE
Proposal	Alterations and additions to three terraces including attic additions
Date of lodgement	5 December 2017
Owner	Proprietors of Strata Plan 84908
Applicant	Peter Lonergan
Submissions	Nil
Cost of works	\$180,000
Issues	FSR and attic design
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 28 March 2018.

The site is identified as SP 84908 known as 369A Bronte Road, BRONTE. The site is irregular in shape in the form of a battle axe lot. The site has an area of 253.7m² and the site falls from the south towards the north by approximately 5m from the rear boundary down to Bronte Road.

The site is occupied by three attached two storey terraces. The site is located directly behind No. 369 Bronte Road (seen in the picture below) which accommodates a late Victorian Villa (known as Sonoma) which is locally heritage listed.

The subject site is adjoined to the east by a part three, part four storey residential flat building with garages to the street alignment. To the west is a recently constructed aged care facility, and to the rear is a three storey residential flat building with car parking and garages abutting the shared boundary. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings, terraces and residential flat buildings.



Figure 1: Site viewed from Bronte Road showing the heritage listed house; access to the subject site is to the east of the house (Source: Google Maps 2017)

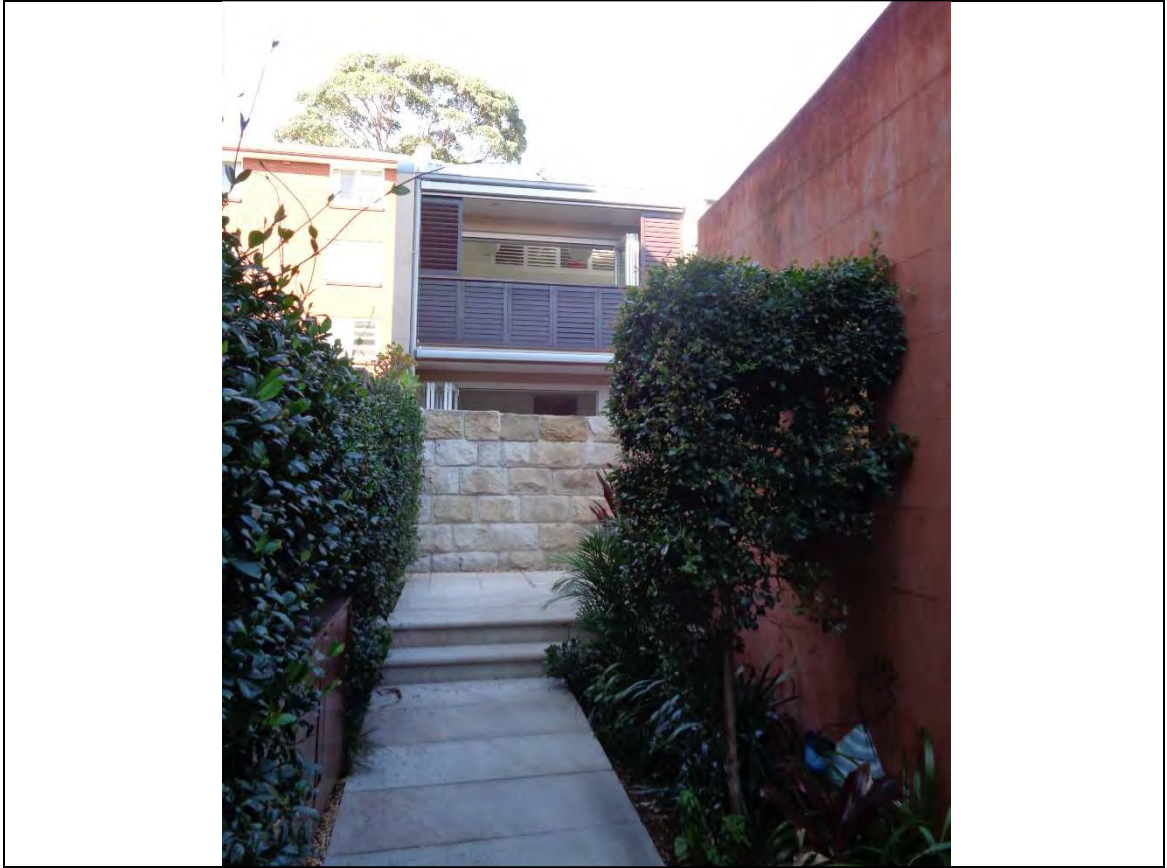


Figure 2: View from the side passage adjoining the heritage listed residence



Figure 3: View of the terraces from the rear, as seen from 48 Evans Street. Attics to be located on within this roof slope.

1.2 Relevant History

A search of Council's building and development records found the following applications relating to the site (including both 369 and 369A Bronte Road):

- DA-880/2003 – Alterations and additions to the existing dwelling (heritage item) and the construction of a new two storey residential flat building containing four units was issued with deferred commencement on 20 May 2004. The deferred commencement was not satisfied and the consent has lapsed.
- DA-812/2004 – Alterations and additions to a heritage listed dwelling and erection of three new two storey townhouses was issued with deferred commencement consent on 26 July 2005 (deferred commencement satisfied on 7 March 2006). This application seeks to additions to the townhouses constructed under this approval.
- DA-579/2008 – Alterations and additions to double garage to front of heritage dwelling was refused on 6 February 2009 (s82A was subsequently refused, and an appeal to the LEC was approved on 27 November 2009)
- DA-584/2009 – Land subdivision to create two Torrens title lots and 3 strata lots was approved on 23 February 2010.

1.3 Proposal

The application seeks approval for alterations and additions to the three existing townhouses including attic additions and dormer windows facing the rear of the site. The proposal includes conversion of the existing attic roof space into a bedroom for each unit with new windows on the eastern and western elevations and dormers protruding from the rear southern roof at attic floor level with bay windows to match the floor level below.

It is noted that the ground floor plan is coloured for two of the townhouses, but no works are proposed for the ground floor of the townhouses.

The proposal is defined under the LEP as 'multi dwelling housing', that *"3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building"*.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

The application does not proposed any earthworks, therefore no contamination investigations are necessary.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of this plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as alterations and additions to multi-dwelling housing, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	The proposal reaches a maximum height of 8.65m which complies with this development standard.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 Site Area: 253.7m ² Permitted GFA: 152m ²	No	The proposal results in an overall gross floor area of 294m ² equating to an FSR of 1.16:1. The site area is based on the approved subdivision certificate (SC-33/2010).
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The main residence located at 369 Bronte Road fronting Bronte Road is listed as an item of Local Heritage Significance in WLEP 2012. The townhouses at the rear (subject of this application) remain within a site defined as the curtilage of the listed item. Referral comments have been provided by Council's Heritage Advisor at the 'Referrals' section of this report.
Part 6 Additional local provisions		

Provision	Compliance	Comment
6.1 Acid sulfate soils	Yes	The site is identified as being within an area classified as class 5 acid sulfate soils. The proposed works are unlikely to generate any adverse impacts on the acid sulfate soils, and therefore no further investigation is required.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 1.16:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4 of Waverley LEP 2012 by 142m² in gross floor area or 93%.

It is noteworthy to provide some historical context in this case. The existing townhouse development on site was approved in 2004 with an FSR of 0.72:1 which exceeded the DCP control at that time of 0.6:1. The Waverley LEP 1996, Clause 50, facilitated Council in considering an application to erect a building on land on which a heritage item is located to exclude the floor space ratio of the heritage building from its calculation if it is satisfied that the conservation of the building depends on making the exclusion. It was resolved to exclude the GFA of the heritage item on the proviso that it was restored, and a heritage deed of agreement executed to ensure that the works were completed. The application was approved on the justification that the townhouse development complied with the FSR control in the DCP (as the GFA of the heritage house was excluded).

In 2010, the townhouses were then subdivided onto a separate Torrens Title allotment of 253.7m² from the heritage house. Therefore the current FSR for the townhouses without the attic additions is 0.9:1 and already exceeds the 0.6:1 development standard of the site by 80.6m² or 53%.

The additional floor space sought in this application is 61.5m², which increases the non-compliance from 54% to 93%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- *The proposed non-compliance with FSR is only marginally increased from the existing development on the site.*
- *The proposal does not significantly increase the bulk and scale of the existing development.*
- *The proposal is surrounded by buildings of far greater bulk and scale than the proposal and the abandonment of the FSR standard in this instance is consistent with the circumstances displayed on surrounding sites.*
- *The site area for No. 369A Bronte Road is reduced to a small curtilage around the existing terraces, however when FSR is calculated based on the overall site comprising Nos. 369 and 369A, the non-compliance is far less.*
- *The proposal does not adversely affect the significance of the adjacent heritage item nor does it have adverse impacts on the streetscape or adjoining properties.*

- *The proposal is generally consistent with the objectives of the FSR development standard and the R3 zone.*

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

- ***Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

The applicant's written requests uses the planning principles of *Webbhe' vs Pittwater Council* and *Winten Developments Ltd vs North Sydney Council* to address whether the strict compliance with the FSR development standard is unreasonable or unnecessary in the circumstances.

The proposed development's FSR is considered appropriate within the locality and the existing townhouses with the attic addition will continue to fit within the context of surrounding building forms and residential uses. The applicant's justification has demonstrated that compliance with the development standard is unreasonable or unnecessary.

- ***Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard***

The proposal results in a non-compliance of approximately 141.78m² above the development standard which results from an additional 20.5m² for each townhouse. Given the configuration of the site, the massing of the building is screened from the street by surrounding buildings and therefore does not present undesirable visual bulk when viewed from the streetscape. The minor increase in FSR to accommodate bedrooms to the upper floor levels of the three townhouses does not generate any unreasonable additional overshadowing, privacy or visual bulk to the adjoining properties. The predominant form of the buildings will remain the same, continuing to be in keeping with the desired bulk and scale of buildings within the area.

- ***Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)***

The applicant's written request has adequately addressed the matters required under subclause 3, therefore, the consent authority can consider a variation to the development standard.

- ***Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out***

In consideration of the public interest, the attic additions are not contrary to the objectives of the R3 zone as it provides for the housing needs of a community within a medium density residential environment and continues to provide a variety of housing types.

The objectives of the FSR development standard are to provide an appropriate correlation between the maximum building heights and density controls and to ensure that buildings are compatible with the bulk, scale and streetscape and desired future character of the locality.

It is noted that existing developments within the immediate locality have a similar or greater floor space ratio to the proposal. Given the predominant character of development in the direct vicinity of the site is comprised of residential flat buildings and an aged care facility, the proposal does not exceed the

established scale of buildings in the locality. The environmental impacts from the additions are not unreasonable and are not contrary to the objectives of the development standard.

Numerically, a 93% variation to the control appears to be significant, however the subdivision of the property alone in 2010 from a larger 627.1m² allotment to a now smaller allotment of 253.7m² exacerbated the non-compliance, without any building works.

The additional 20.5m² of habitable space provided in the attic of each townhouse (61.5m² in total) does not result in houses that are materially bigger in bulk or scale to consider the site overdeveloped, despite the significant numerical non-compliance.

It is considered therefore that the proposal, despite the non-compliance with the FSR development standard still meets the objectives of the zone and therefore is in the public interest satisfying the considerations of Clause 4.6. The consent authority can therefore accept a variation to the development standard.

2.1.4 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management Plan has been submitted with the application. The bin storage area is noted to be outside the property boundary on the waste management plan, however this arrangement is not endorsed. All bin storage should be within the boundaries of the site, unless otherwise agreed with the relevant property owner. A condition of consent is recommended in this regard.
2. Energy and water conservation	Yes	A BASIX Certificate has been submitted with the application which is satisfactory with regard to this clause. Relevant conditions will be imposed on the consent.
9. Heritage	Yes	The proposed additions are located at the rear of the site and directed away from the existing heritage listed residence at No. 369 Bronte Road. The proposal does not have any adverse impacts on the aesthetic of the heritage listed residence. Further discussion is provided at the 'Referrals' section of this report.

Table 3: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
<ul style="list-style-type: none"> FSR compliance 	No - acceptable	The non-compliance has been discussed previously in this report in the discussion of the LEP 'Exceptions to Development Standards'.
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 7m 	Yes – no change	The external wall height is well below 7m, and this component of the development is not altered as part of this proposal.
2.5 Setbacks		
<p>2.5.2 Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 3m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	Yes - merit	<p>The existing building does not achieve the minimum side and rear setbacks required under this clause. In this regard, the attic level is unable to comply with the required setbacks given the siting of the existing development.</p> <p>However, a merit assessment is undertaken given the unusual configuration of the site and building. The additional massing is directed to the rear of the site which adjoins the parking and garages of No. 48 Evans Street. The proposed attic meets the objectives of this clause in that they do not add to the visual bulk of the building when viewed from the streetscape and surrounding buildings. The windows associated with the attic level do not have direct outlook to private open space or living space of adjoining sites, and any additional overshadowing cast from the proposal is cast to the rear parking areas of the sites located to the south. In this regard, the proposed attics are considered contextually suitable on merit having regard to the absence of amenity impacts to adjoining properties.</p>
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m Maximum depth of single aspect unit: 8m 	N/A	No change to the overall length and depth of the building.
2.7 Building separation		
<ul style="list-style-type: none"> Minimum 6m btw non-habitable Minimum 9m btw non-habitable and habitable Minimum 12m btw habitable and habitable 	No (acceptable on merit)	This control is applicable more to residential flat buildings rather than town house development. However the purpose of the clause it relates to visual and acoustic privacy and visual bulk. The new attic addition is positioned to the south of the site having outlook towards the car parking of

Development Control	Compliance	Comment
		the neighbouring site, and therefore are not expected to adversely affect the visual privacy of units of the adjoining building at 48 Evans Street and the aged care facility at 365 Bronte Road. The visual bulk is not unreasonable.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	The proposed additions aren't visually obvious from either street and will only be partially visible from Evans Street. The proposed roof material matches the existing and the timber finish of dormers are considered to be cohesive with the overall appearance of the townhouses.
2.9 Attic and roof design		
<ul style="list-style-type: none"> Minimum room width: 3m Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m Dormer windows set down 300mm from the main ridge and less than 50% of roof elevation Must be connected to unit below 	Merit assessment - below	The proposed attics do not comply with all numerical controls outlined within this clause, and a merit assessment is undertaken below this table.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	N/A	The proposed attic contains only bedrooms and is not subject to this control which applies to living rooms and private open space areas.
	Yes	The shadow diagrams submitted with the application illustrate that the majority of the additional overshadowing caused by the proposal will predominantly fall across car parking and roofs of adjoining and adjacent buildings to the south-west and south-east of the site. Given that the proposal complies with the height of buildings development standard and its setbacks are deemed satisfactory, the additional overshadowing upon adjoining properties during the winter solstice is considered reasonable.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	The proposal is not expected to affect views that may be available over and across the site from surrounding properties.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Minimise overlooking of adjoining properties 	Yes	The proposal is not expected to overlook the private open space areas of units in the buildings on sites adjoining the subject site.

Development Control	Compliance	Comment
		The dormer windows are unlikely to result in overlooking of adjoining properties given that they service bedrooms and bathrooms that are of low and passive use.
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposal is considered satisfactory with regard to this clause.

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

Attic and roof design

The proposed attics are assessed against the provisions of section C2.9 of the WDCP 2012. The proposed attics are not visible from Bronte Road, and are only partially visible from Evans Street across the site at 48 Evans Street. Whilst the attics are not wholly contained within the roof, the proposal is restricted by the site's configuration and proximity to the heritage listed item at No. 369 Bronte Road. In this regard, the design responds to the constraints by providing all additional bulk to the rear of the site, directed away from the heritage item. By doing so, the design incorporates a greater mass of the dormers to the rear, thus exceeding the maximum controls for the width and expanse of dormers stipulated in controls (e), (f) and (g).

As discussed at table 3 of this report, the dormers do not pose any adverse privacy impacts to neighbouring properties and are not visible from the streetscape, nor do they detract from the quality of architecture of the adjacent heritage item. The dormers are situated well below the maximum 9.5m building height limit and the 7m external wall height. In light of the absence of any unreasonable impacts of the development, the technical non-compliances are considered suitable and the attics are supported.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

The application was notified for 21 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

No submissions were received.

2.5 Public Interest

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

3. REFERRALS

3.1 Heritage – Shaping Waverley

Internal referral comments have been sought from Council's Heritage Advisor who has provided the following summarised comments.

The proposed attic level additions housed within a broken back roof form are substantially concealed from the street and the existing listed residence by virtue of location and massing of existing townhouses. No additional recommendations are made in relation to this application.

In light of the above comments, the application is supported in regard to heritage impacts, and no further action is required.

3.2 Stormwater – Creating Waverley

Internal referral comments have been sought from Council's Creating Waverley Stormwater Engineers who have provided the following summarised comments.

The drawings submitted do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual in regard to the following:

- On-Site Stormwater Detention (OSD) tank and its details are required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.
- A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

In light of the above comments, relevant conditions will be imposed on the consent.

4. SUMMARY

The application seeks approval for alterations and additions to three townhouses including attic additions. The proposal exceeds the Floor Space Ratio development standard which has been discussed and considered in accordance with clause 4.6 of the WLEP 2012. The Clause 4.6 submission is available for viewing.

A merit assessment has been undertaken in relation to the non-compliances with attic and roof design controls in the DCP, and the proposed attic dormers are considered suitable having regard to the lack of visibility from the streetscape and the absence of adverse impacts to neighbouring sites.

The application did not receive any submissions during the public notification period. In light of the assessment made throughout this report, the application is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Alice Hanigan
Development Assessment Planner

Beth Matlawski
**Acting Manager, Development Assessment
(South)**

**(Reviewed and agreed on behalf of the
Development and Building Unit)**

Date: 14 April 2018

Date: 8 May 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos 01, 02, 03, 04, 05, 05B, 06, 07, 08, all Issue A, prepared by Cracknell & Lonergan Architects Pty Ltd, dated April 2018, and received by Council on date 11 April 2018,
- (b) BASIX Certificate; and
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

3. INSTALLATION OF AIR CONDITIONING

This consent does not approve any air conditioning units that do not comply with the Development Standards specified under the SEPP (Exempt and Complying Development) 2008.

4. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

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

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

Advisory Note

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

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$5,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

7. LONG SERVICE LEVY

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

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

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and

- (a) Council is given at least two days notice in writing of the intention to commence the building works.

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

9. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

10. EROSION, SEDIMENT AND POLLUTION CONTROL

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

11. STORMWATER MANAGEMENT

The drawings submitted do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual, and the following is required:

- On-Site Stormwater Detention (OSD) tank and its details e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.
- A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual.

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

12. ENGINEERING DETAILS

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

13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

14. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

15. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

16. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

- e. Include swept wheel drawings, prepared by a suitably qualified and experienced traffic engineering consultant showing movements into and out of the site using the largest design vehicle proposed at the site during all stages of development.
- f. Show details and locations of any temporary driveways.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

17. PRIOR TO SITE WORKS

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

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

18. HOME BUILDING ACT

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

19. CONSTRUCTION SIGNS

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

20. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

21. OBSTRUCTION TO PUBLIC AREAS

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

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

22. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

23. DILAPIDATION REPORTS

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

Please note the following:

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

24. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

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

25. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

26. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

27. SOIL AND WATER MANAGEMENT PLAN

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

28. STOCKPILES

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

29. LOCATION OF BUILDING OPERATIONS

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

30. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

31. ALL BUILDING MATERIALS STORED ON SITE

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

32. CONSTRUCTION HOURS

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

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

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

33. BUILDING CODE OF AUSTRALIA

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

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

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and

- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

35. CERTIFICATE OF SURVEY - LEVELS

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

36. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

37. ENCROACH BEYOND THE BOUNDARIES

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

38. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

39. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

40. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

41. SERVICE PIPES

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

42. FINAL OCCUPATION CERTIFICATE

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

43. STORMWATER MANAGEMENT

Prior to issuance of 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 submitted to satisfy conditions and to best engineering practice.

44. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

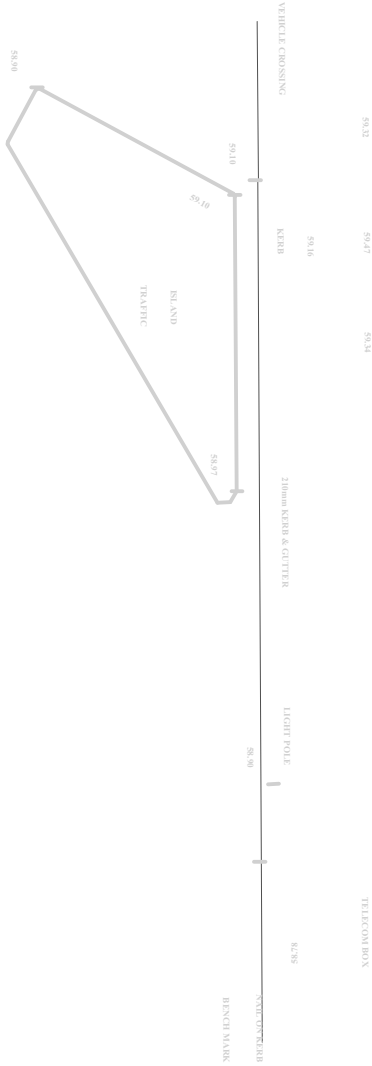
45. STREET NUMBER/S

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

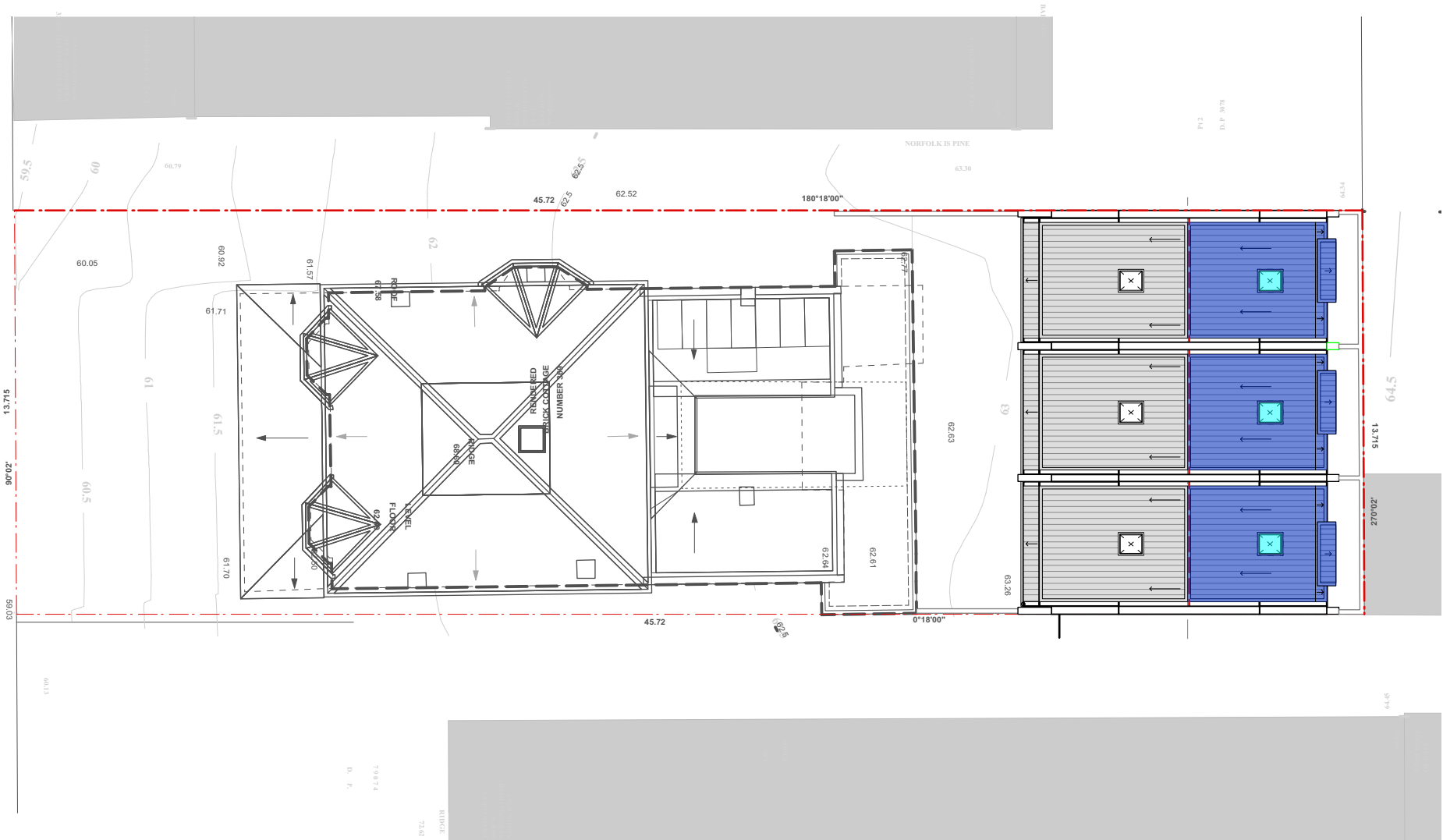
46. BIN STORAGE

The storage residential waste bins is to be within the property boundary, unless otherwise agreed by the relevant property owner/s.

ROAD
BRONTE



01 Location/Site Plan
00 1:200



Drawing List		
DWG NO.	SCALE	TITLE
DA00	NA	COVER PAGE
DA01	1:100	SITE ANALYSIS
DA02	1:100	GROUND/FIRST FLOOR PLANS
DA03	1:100	ATTIC/ ROOF PLAN
DA04	1:100	ELEVATIONS
DA05	1:100	ELEVATIONS
DA05B	1:100	WEST ELEVATION
DA06	1:100	SECTIONS AA/BB
DA07	1:100	MATERIALS/ FINISHES
DA08	1:100	WASTE MANAGEMENT PLAN
DA09	1:100	CONCEPT DRAINAGE PLAN
DA10	1:200	AREA CALCULATIONS
DA11	1:100	SHADOW DIAGRAMS
DA12	1:100	SHADOW DIAGRAMS
DA13	NA	NOTIFICATION PLANS

369A BRONTE RD, BRONTE



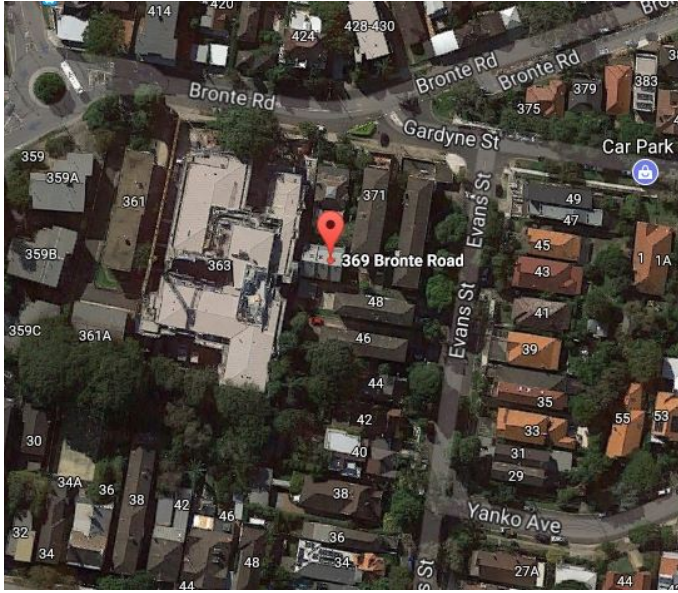
**CRACKNELL
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Nominated Architect: Peter J LonerGAN
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email@cracknellonergan.com.au

NOTES:
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- NOT FOR CONSTRUCTION
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DATE	ISSUE / REVISION	TITLE	COVER PAGE
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE
		CLIENT	WORKWIZE
		SCALE	
		DATE	April 2018

00
ISSUE
94A



AERIAL VIEW OF SUBJECT SITE
369a BRONTE RD, BRONTE



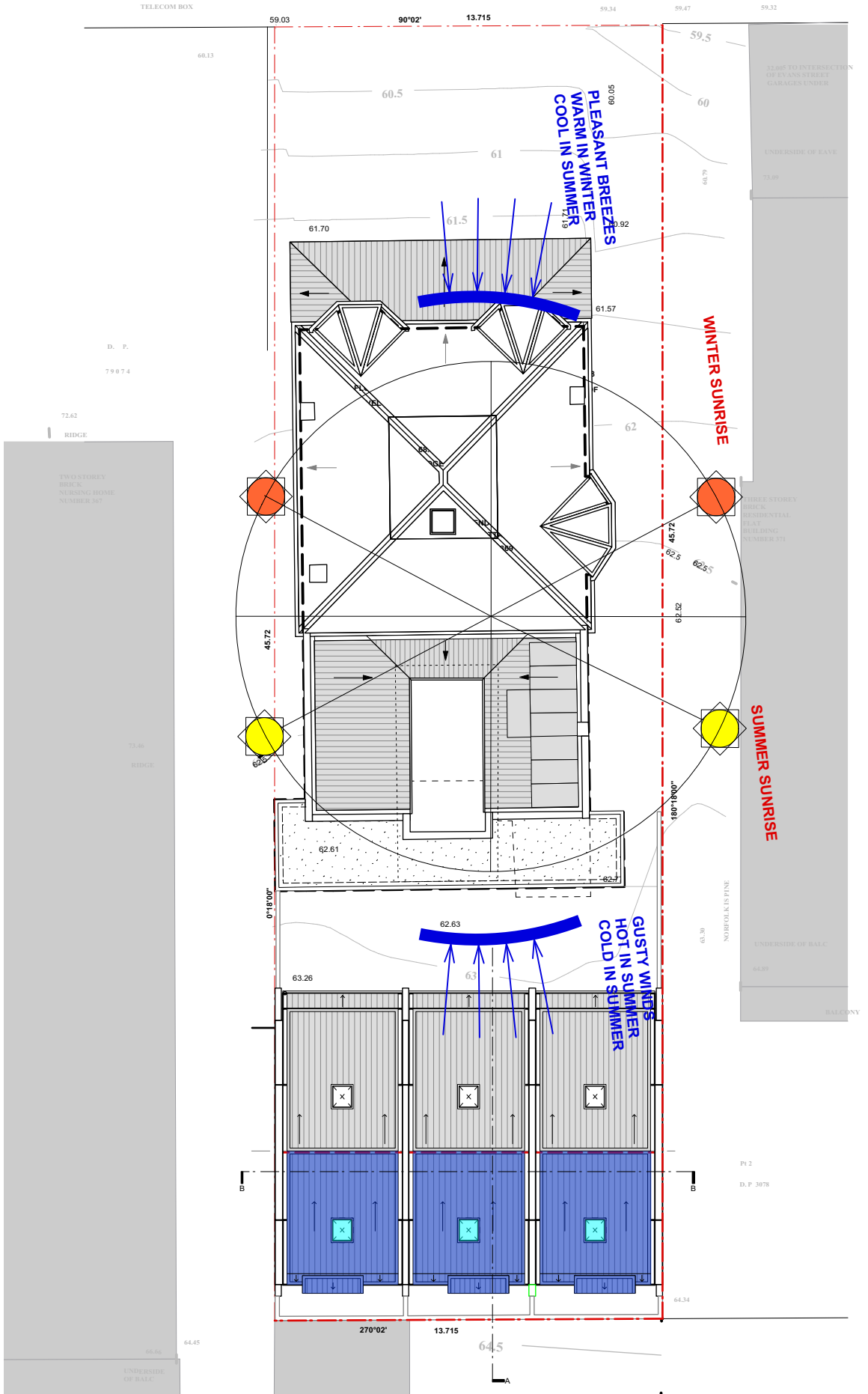
AERIAL VIEW OF SUBJECT SITE
369a BRONTE RD, BRONTE



VIEW FROM BRONTE RD TOWARDS No.369



VIEW OF EXISTING TERRACES
369a BRONTE RD, BRONTE



01 Site Analysis
01 NA

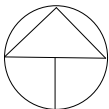


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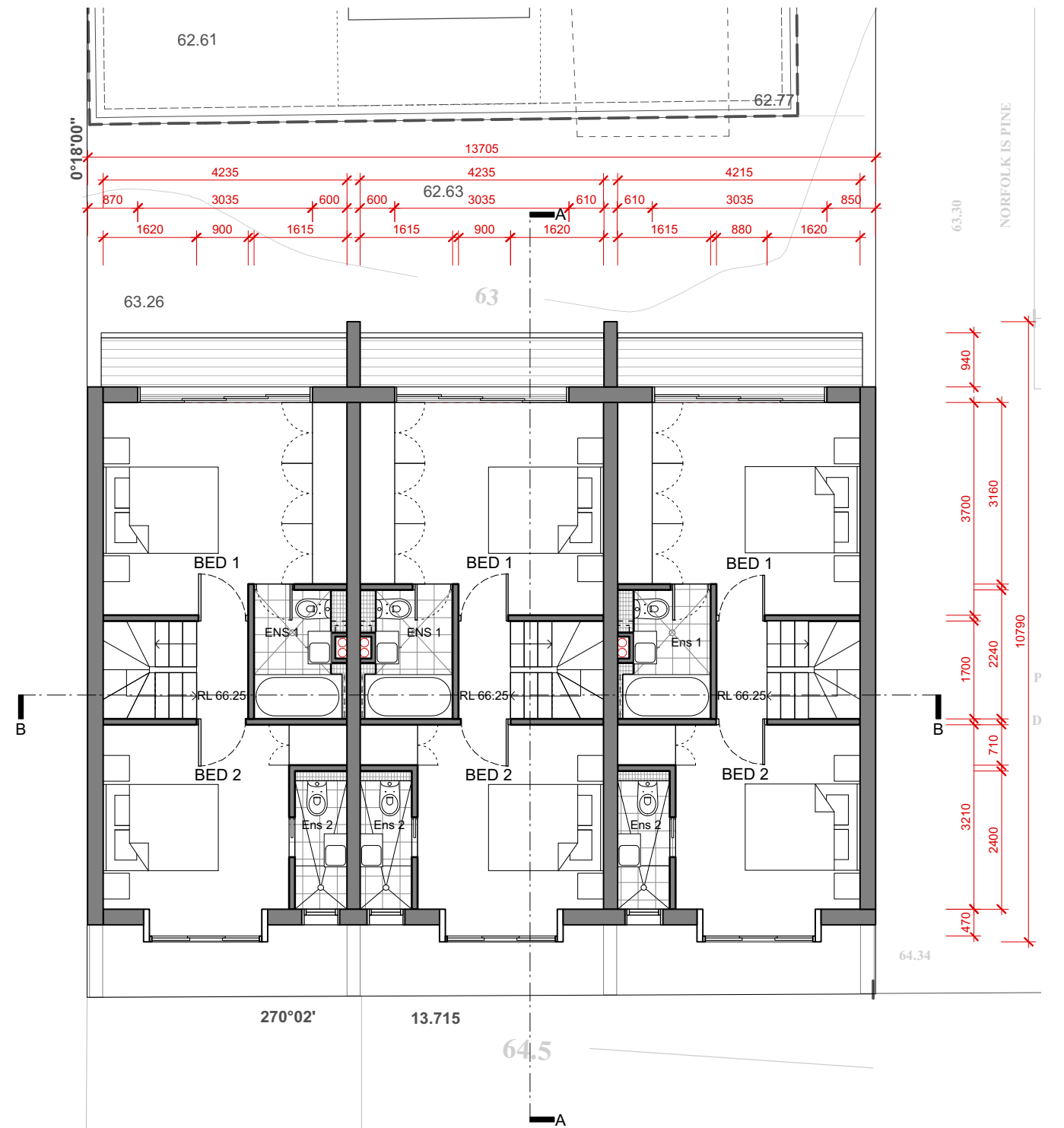
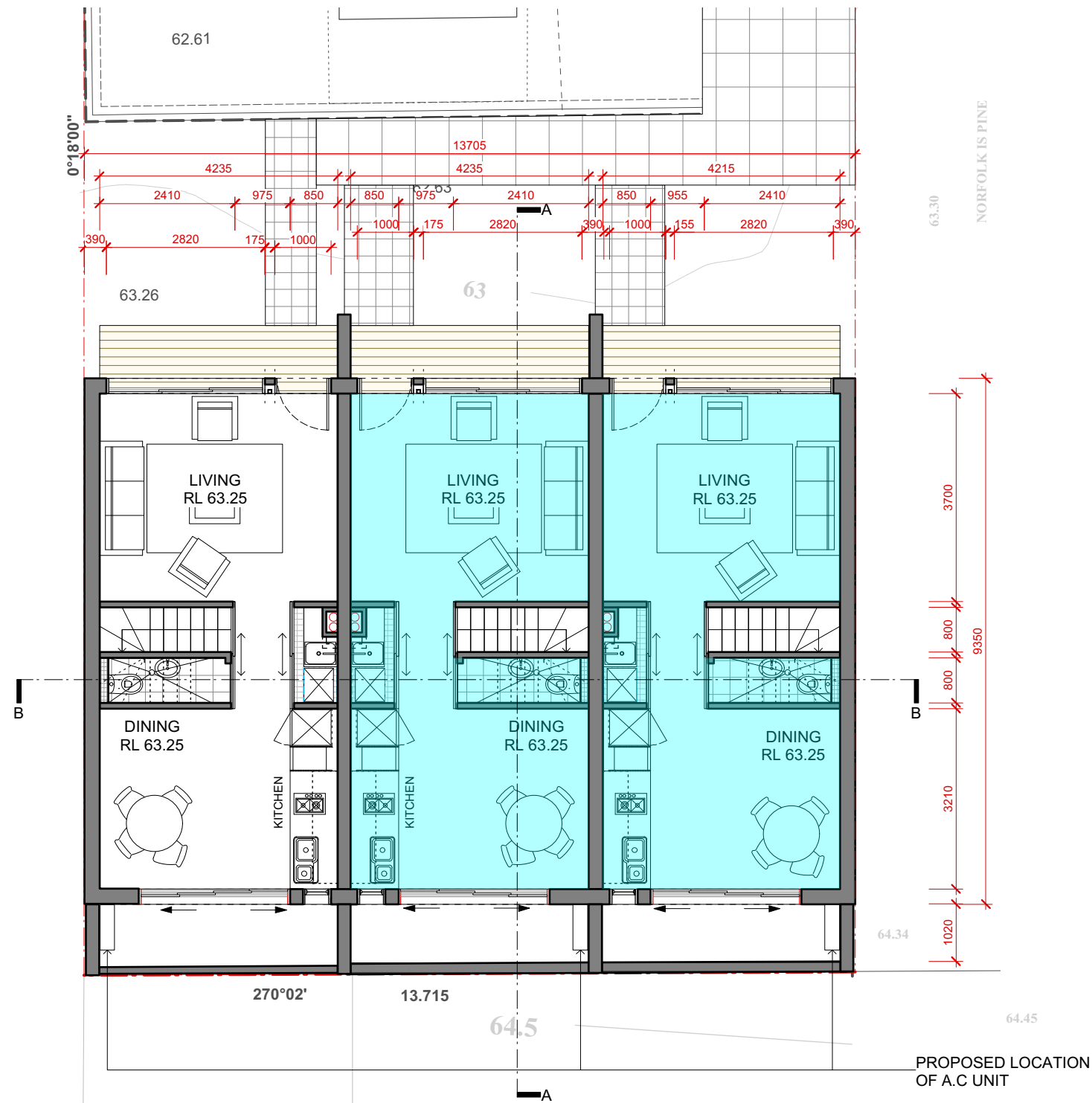


DATE	ISSUE / REVISION	TITLE	SITE ANALYSIS
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE
		CLIENT	WORKWIZE
		SCALE	
		DATE	April 2018

01

ISSUE

95A

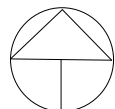


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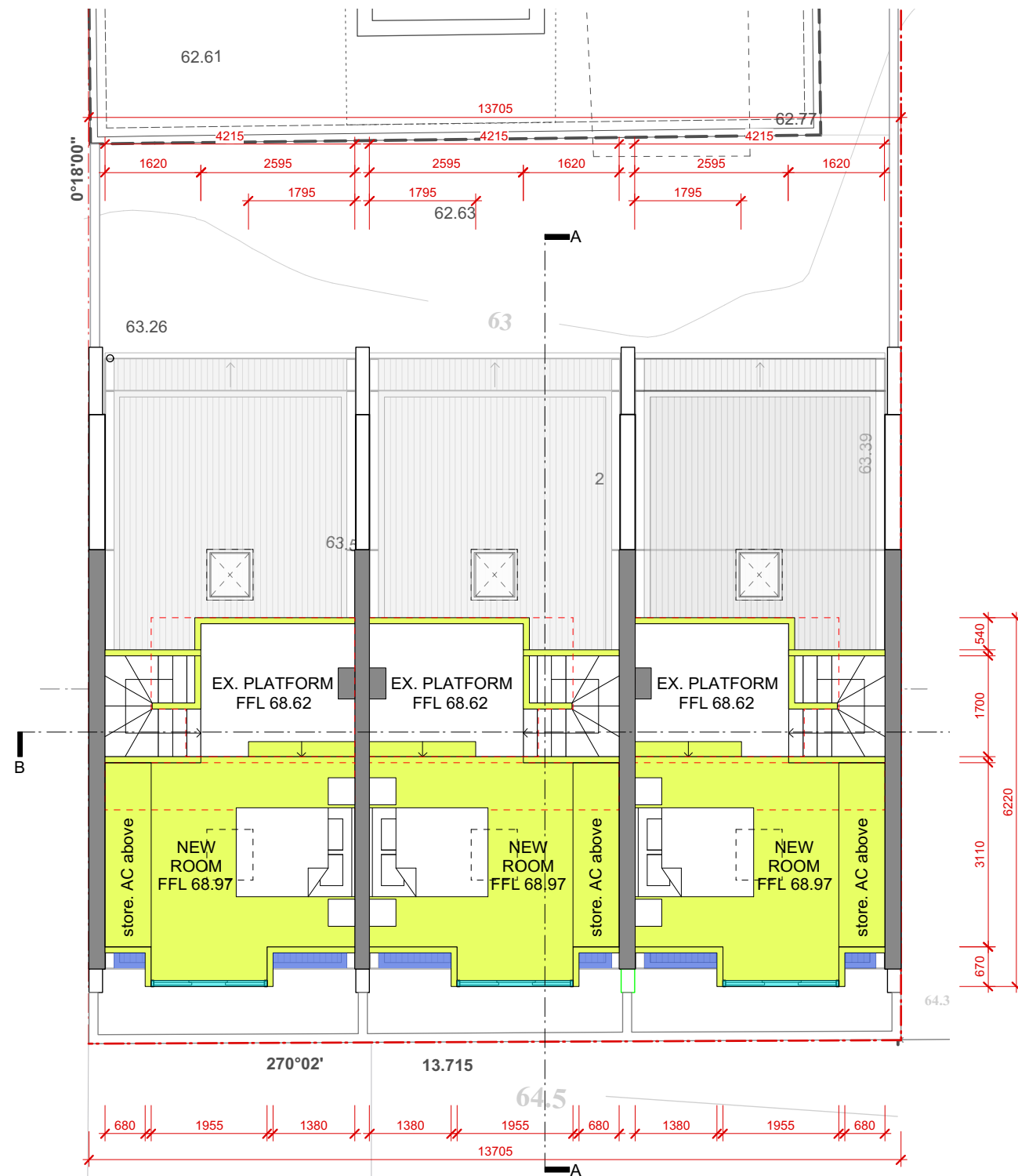
ABN 55 100 940 501
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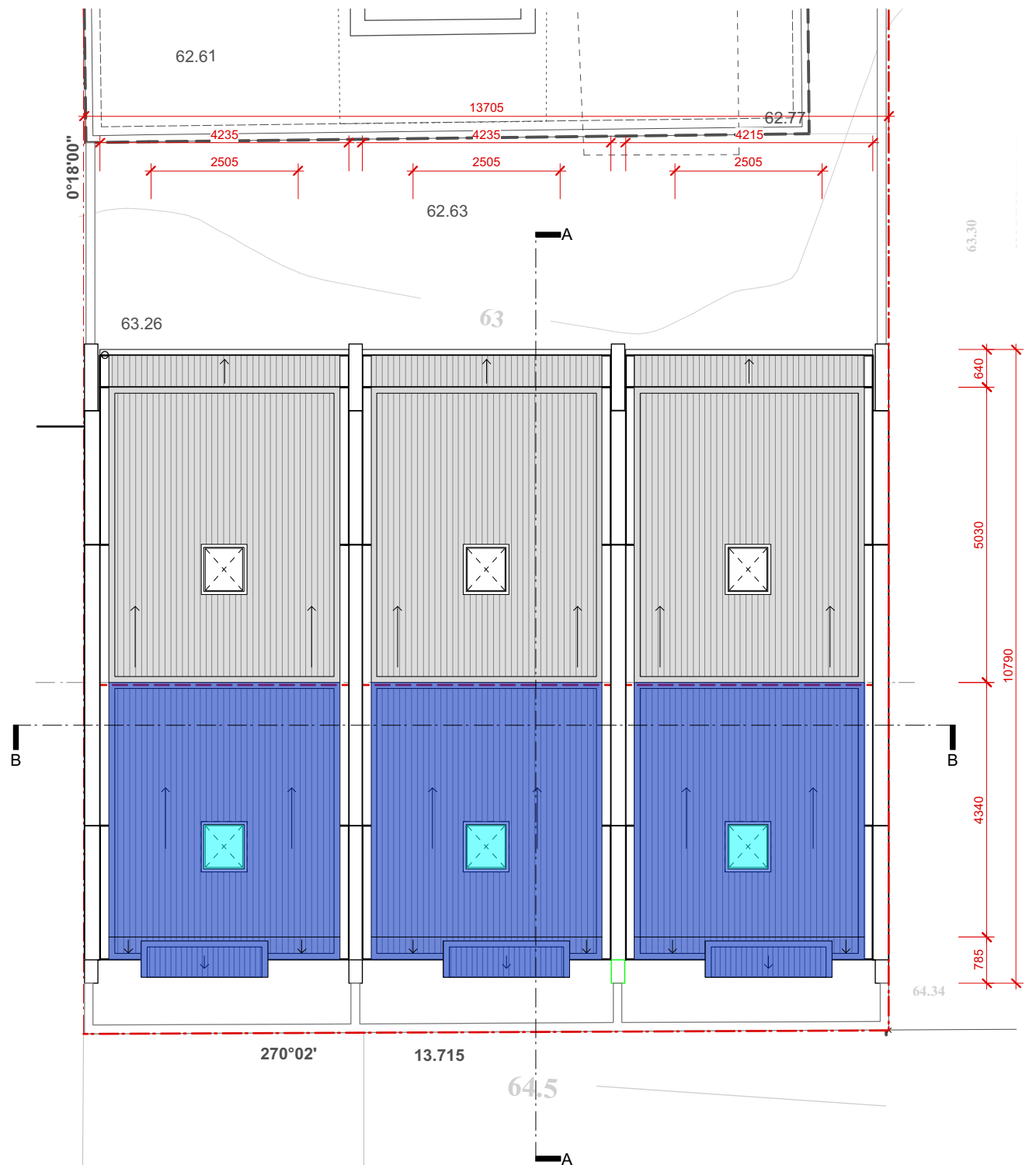
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DATE	ISSUE / REVISION	TITLE	GROUND/ FIRST FLOOR PLANS	02
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	ISSUE 96A
		CLIENT	WORKWIZE	
		SCALE	1:100 @A3, 1:100@A1	
		DATE	April 2018	



01 ATTIC FLOOR PLAN
03 1:100



02 ROOF PLAN
03 1:100

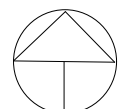


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DATE	ISSUE / REVISION	TITLE	ATTIC/ ROOF PLANS	03
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	ISSUE 97A
		CLIENT	WORKWIZE	
		SCALE	1:100 @A3, 1:100@A1	
		DATE	April 2018	



01 NORTHERN ELEVATION
04 1:100



02 SOUTHERN ELEVATION
04 1:100



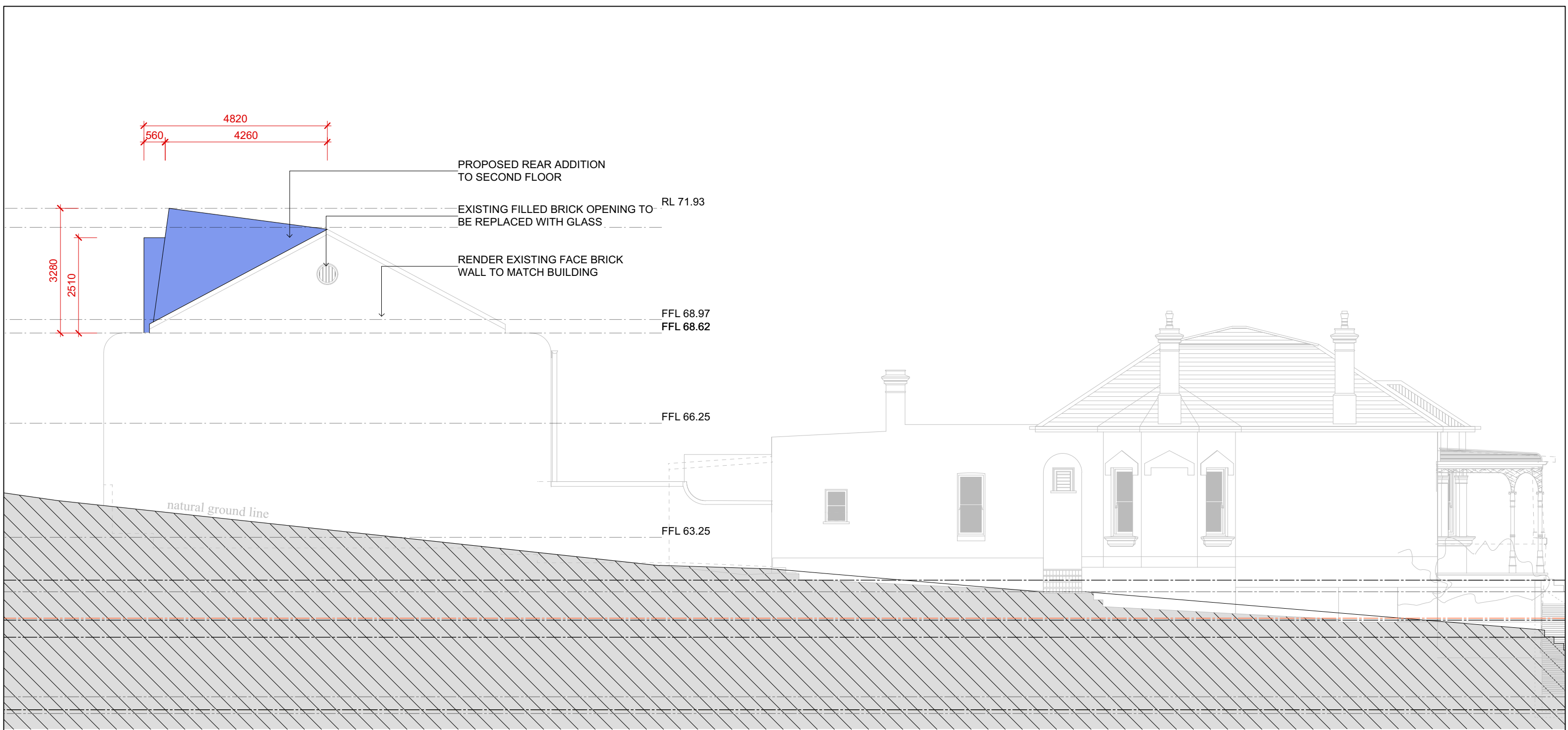
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DATE	ISSUE / REVISION	TITLE	NORTHERN/ SOUTHERN ELEVATIONS	04 ISSUE 98A
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	
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		DATE	April 2018	



01 EASTERN ELEVATION
05 1:100

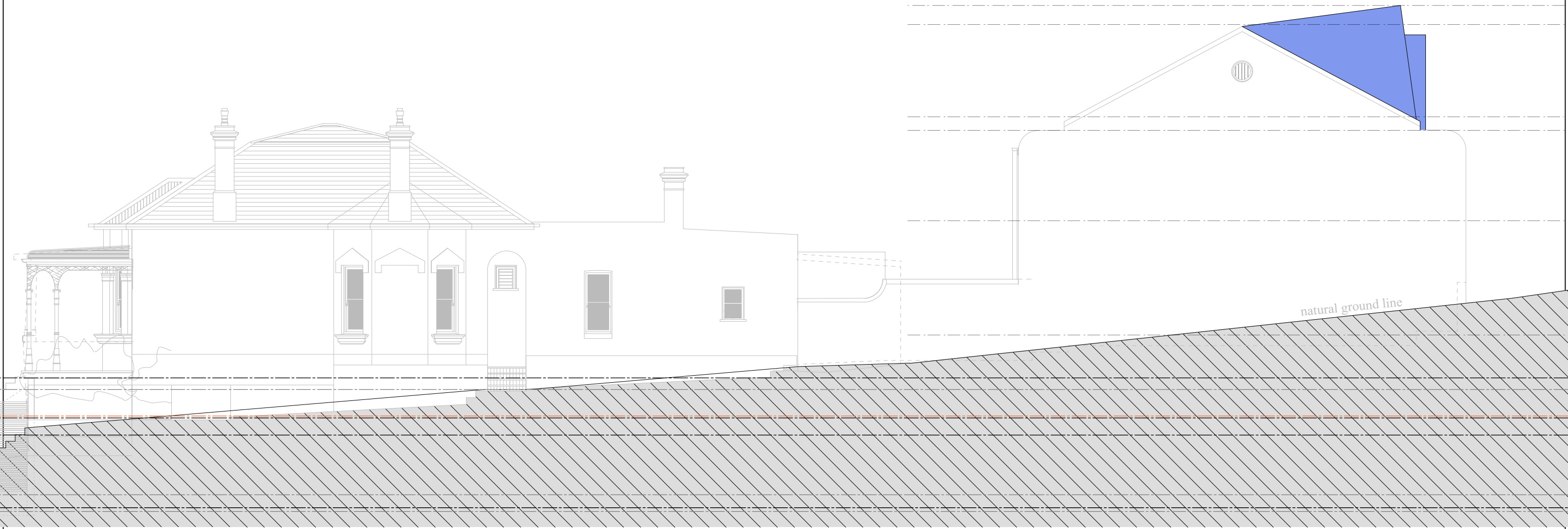


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DATE	ISSUE / REVISION	TITLE	EASTERN ELEVATIONS
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE
		CLIENT	WORKWIZE
		SCALE	1:100 @A3, 1:100@A1
		DATE	April 2018



1 West Elevation
Scale: 1:100

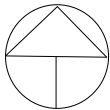


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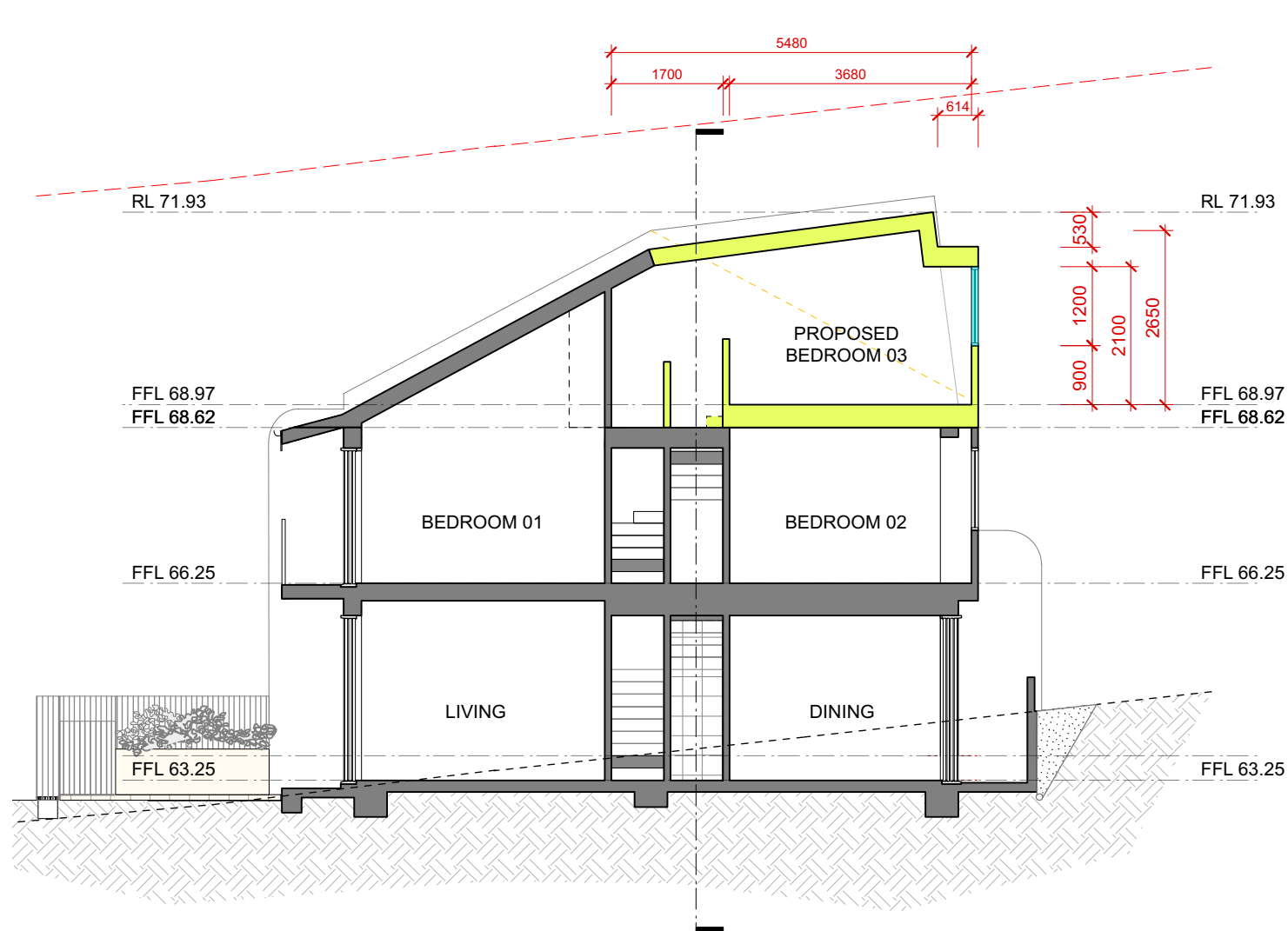
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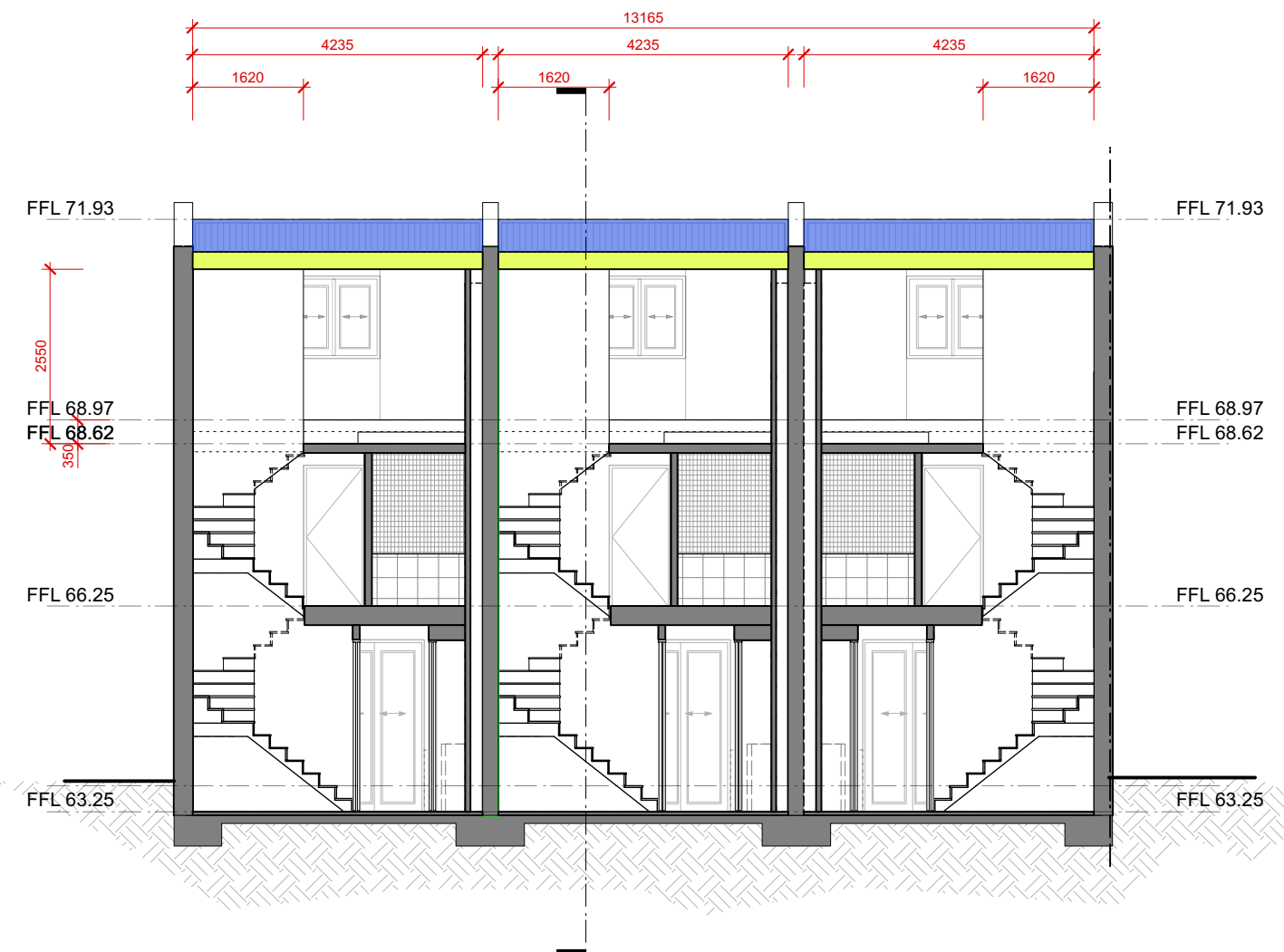
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16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE
		CLIENT	WORKWIZE
		SCALE	1:100 @A3, 1:100@A1
		DATE	April 2018

100
ISSUE
DA
A

5B



01 SECTION AA
06 1:100



02 SECTION BB
06 1:100



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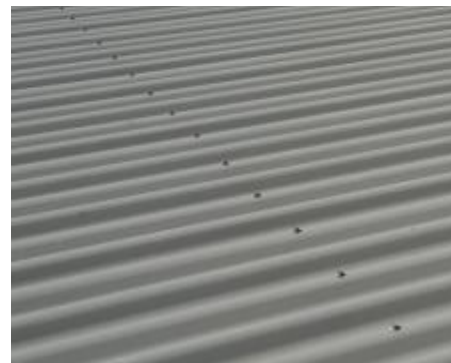
ABN 55 100 940 501
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DATE	ISSUE / REVISION	TITLE	SECTIONS AA/ BB	06
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	10 PA
		CLIENT	WORKWIZE	
		SCALE	1:100 @A3, 1:100@A1	
		DATE	April 2018	



(1) COLOURBOND ROOF TO MATCH EXISTING



(2) PAINTED TIMBER WEATHERBOARDS



(3) WHITE WINDOW FRAMES TO MATCH EXISTING



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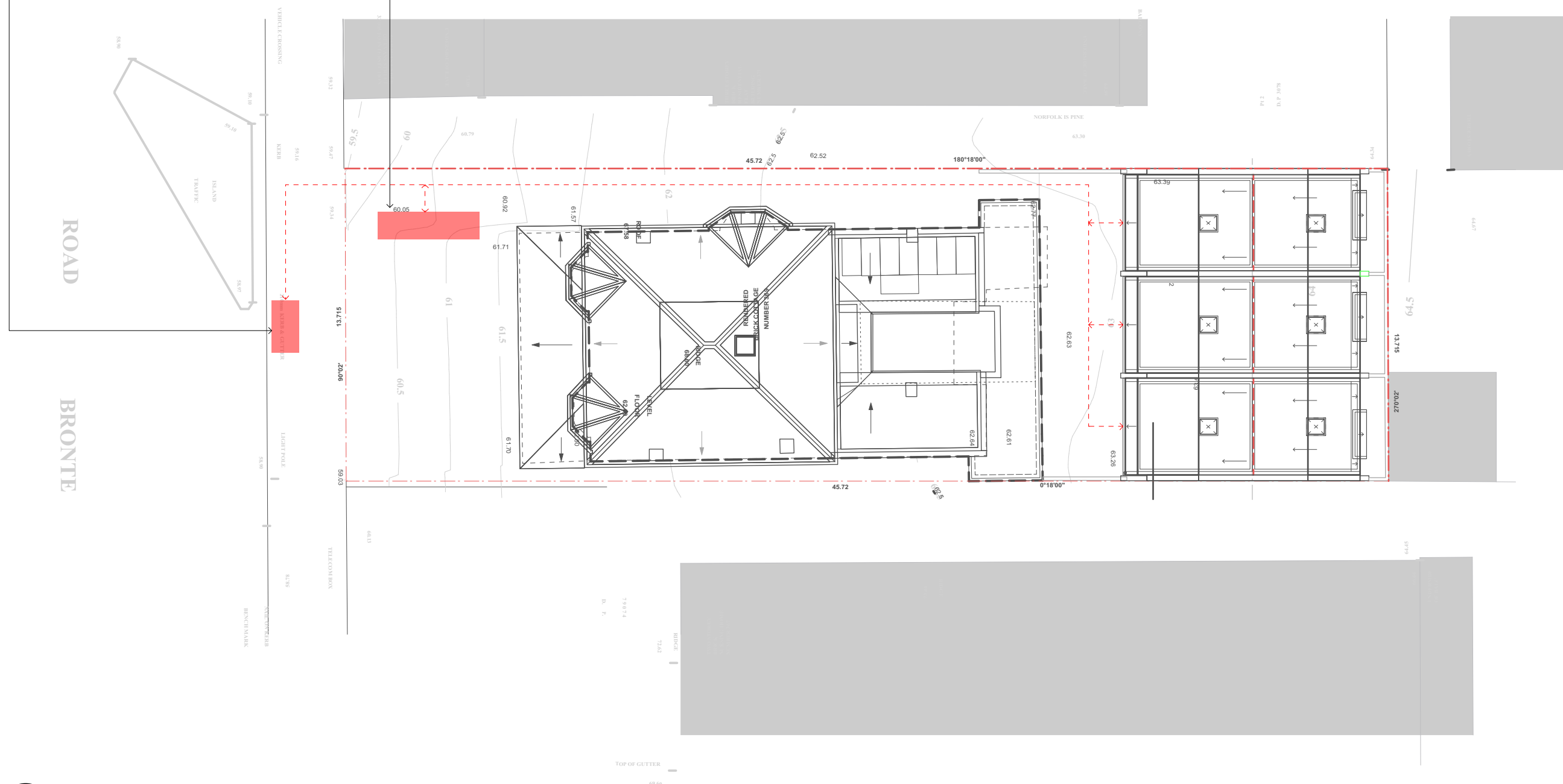
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DATE	ISSUE / REVISION	TITLE	MATERIALS/ FINISHES	07
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	102A ISSUE
		CLIENT	WORKWIZE	
		SCALE	1:100 @A3, 1:100@A1	
		DATE	April 2018	

KERBSIDE COLLECTION POINT

BINS ARE TO BE STORED
IN THE DESIGNATED AREA
PROVIDED

BINS ARE TO BE TAKEN TO
THE KERBSIDE COLLECTION
POINT ONCE A WEEK ACCORDING
TO COUNCILS DESIGNATED DAY AND
BE RETURNED TO THE STORAGE AREA
ON THE SAME DAY.



01 WASTE MANAGEMENT PLAN
08 1:100



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ARCHITECTS PTY LTD

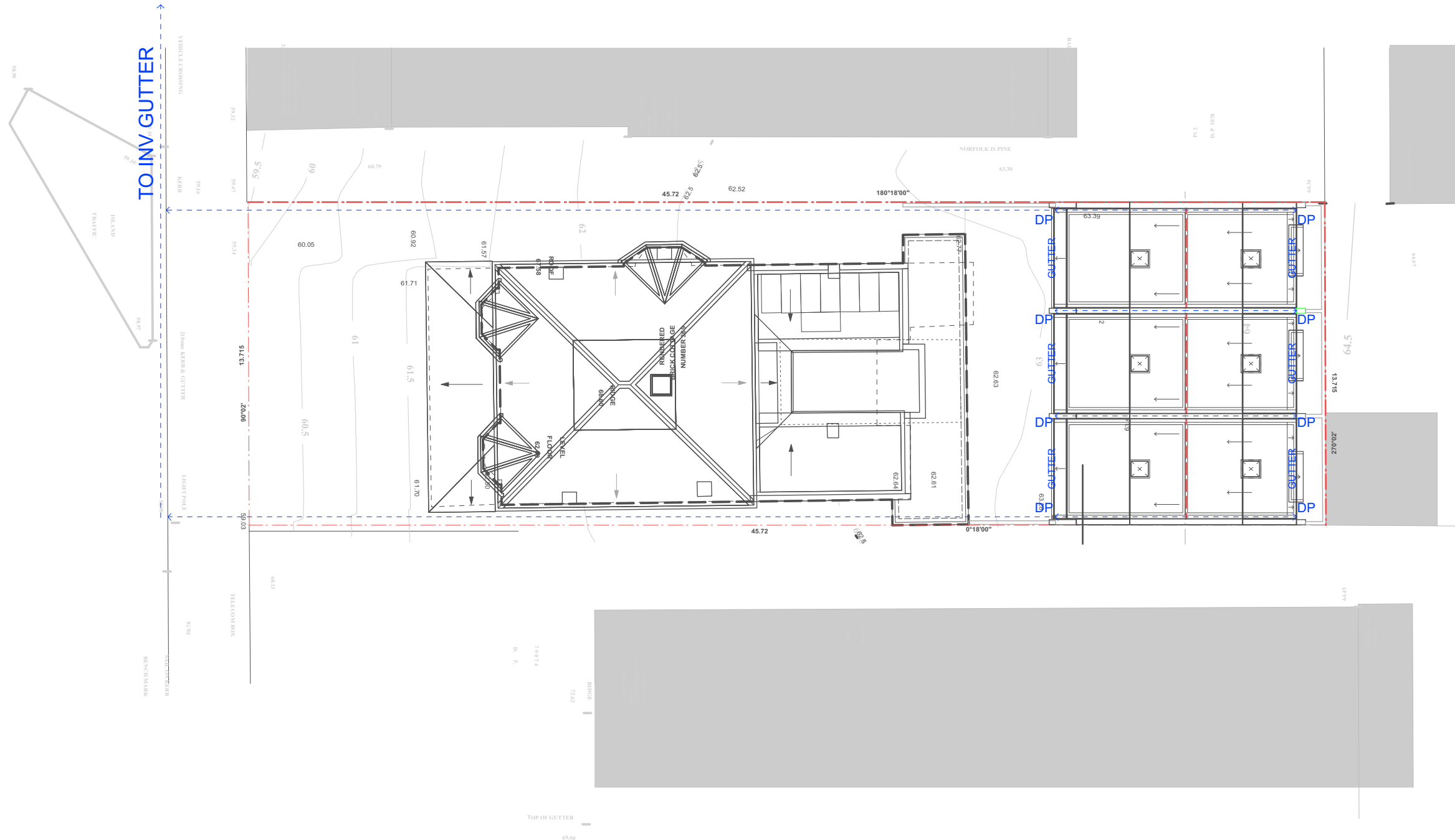
ABN 55 100 940 501
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DATE	ISSUE / REVISION	TITLE	WASTE MANAGEMENT PLAN	08
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	103A
		CLIENT	WORKWIZE	
		SCALE	1:100 @A3, 1:100@A1	
		DATE	April 2018	

ROAD BRONTE



01 COCNEPT DRAINAGE PLAN
09 1:100

150 Ø UPVC DOWNPIPE

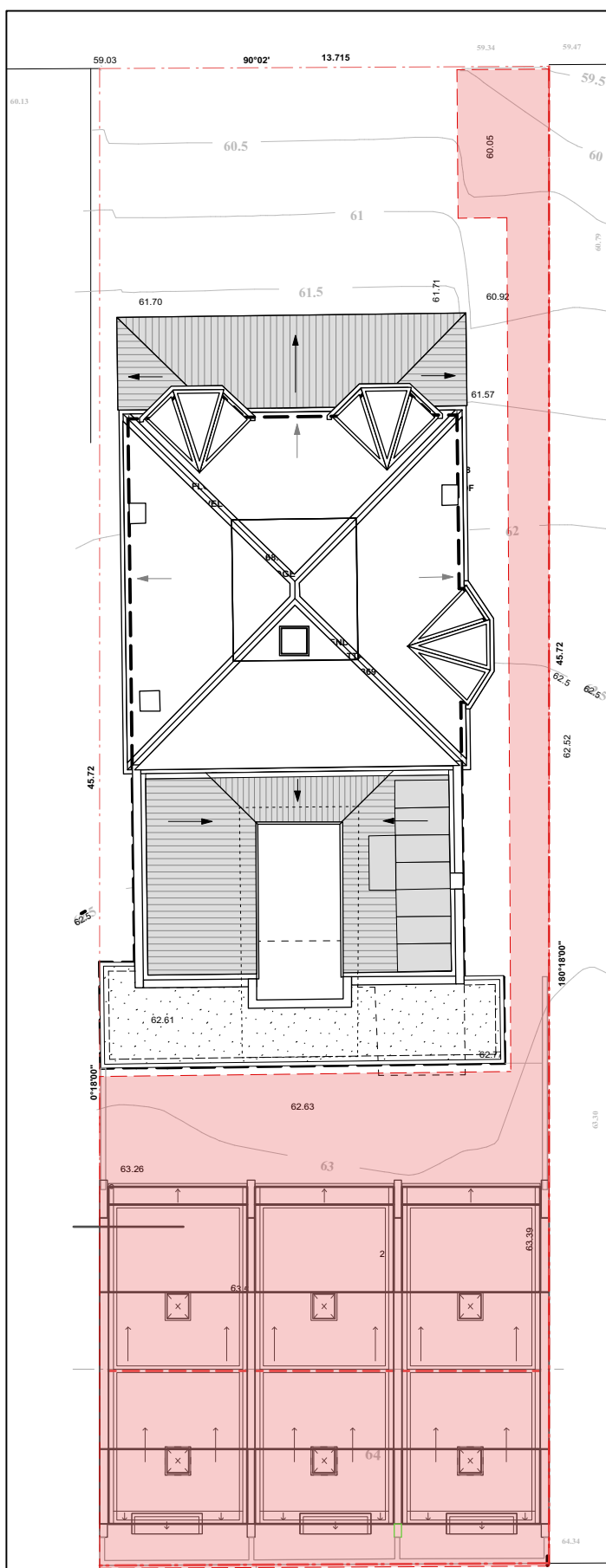


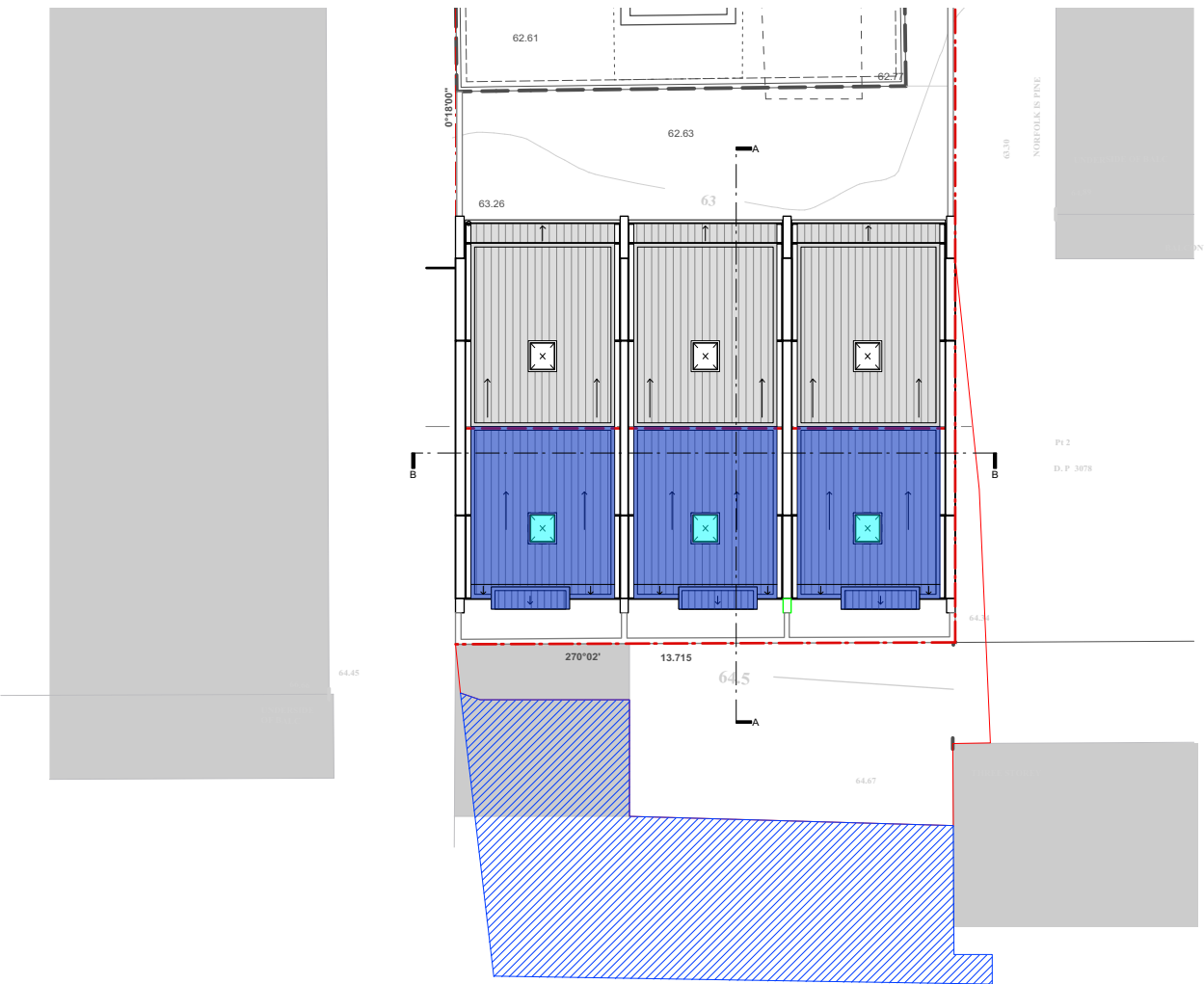
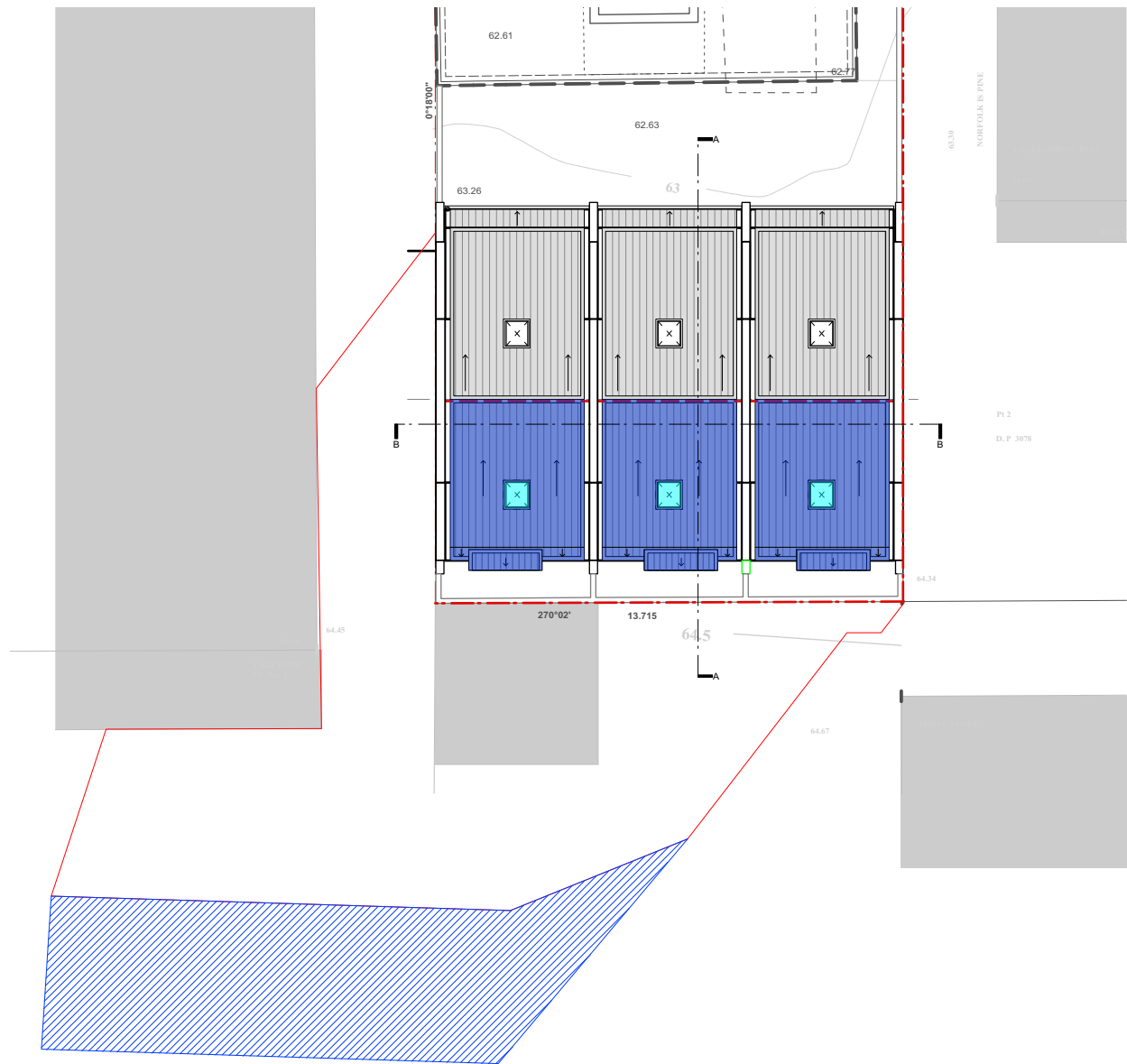
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DATE	ISSUE / REVISION	TITLE	CONCEPT DRAINAGE PLAN	09
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	104A
		CLIENT	WORKWIZE	
		SCALE	1:100 @A3, 1:100@A1	
		DATE	April 2018	



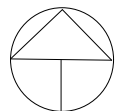


01 Shadow Diagram
11 June 21st 9:00am

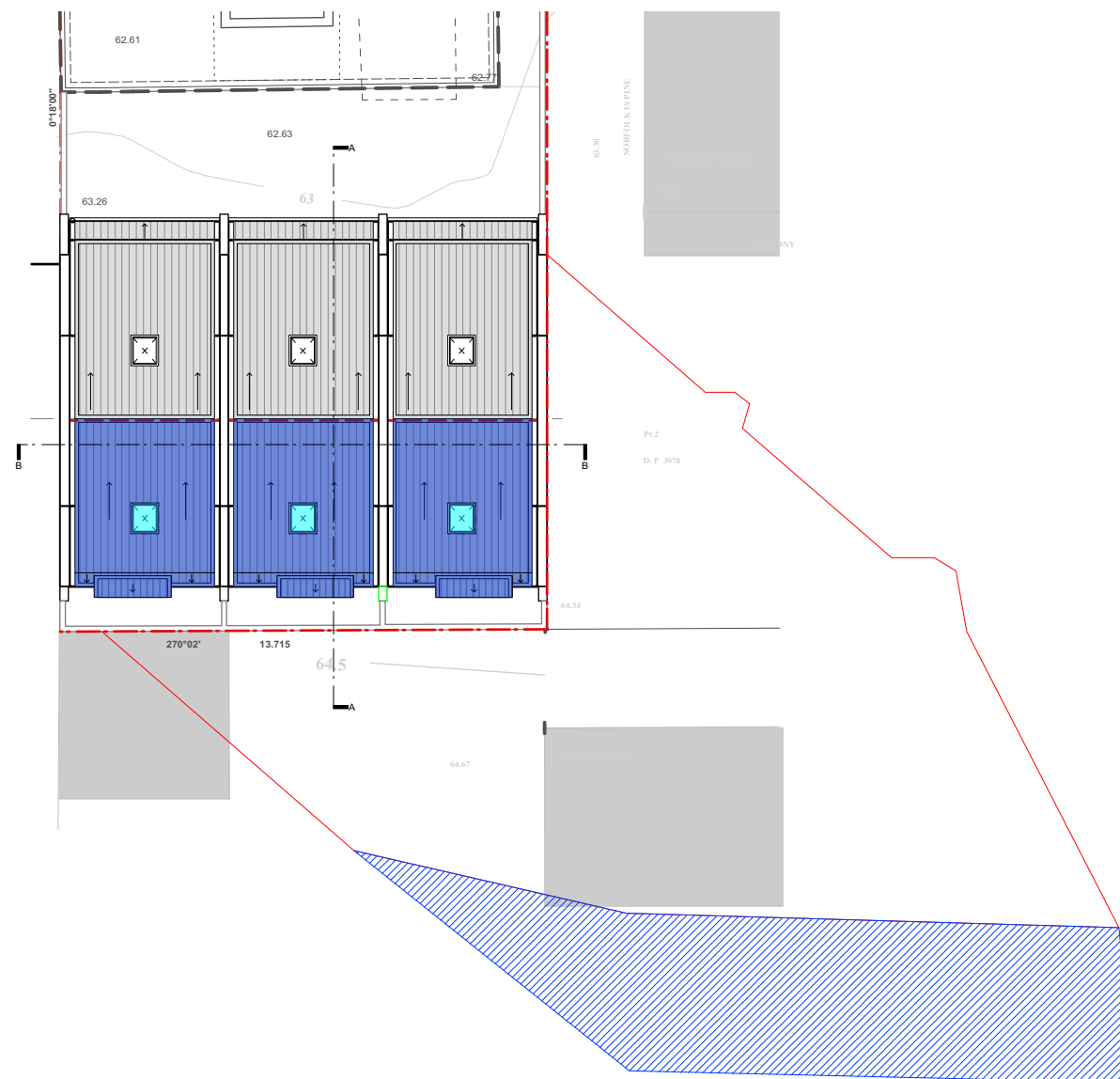
EXISTING SHADOW
PROPOSED ADDITIONAL SHADOWS

02 Shadow Diagram
11 June 21st 12:00pm

EXISTING SHADOW
PROPOSED ADDITIONAL SHADOWS



DATE	ISSUE / REVISION	TITLE	SHADOW DIAGRAMS	11
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	106A
		CLIENT	WORKWIZE	
		SCALE	-	
		DATE	April 2018	



01 Shadow Diagram
12 June 21st 3:00pm

EXISTING SHADOW

PROPOSED ADDITIONAL SHADOWS



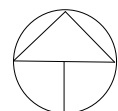
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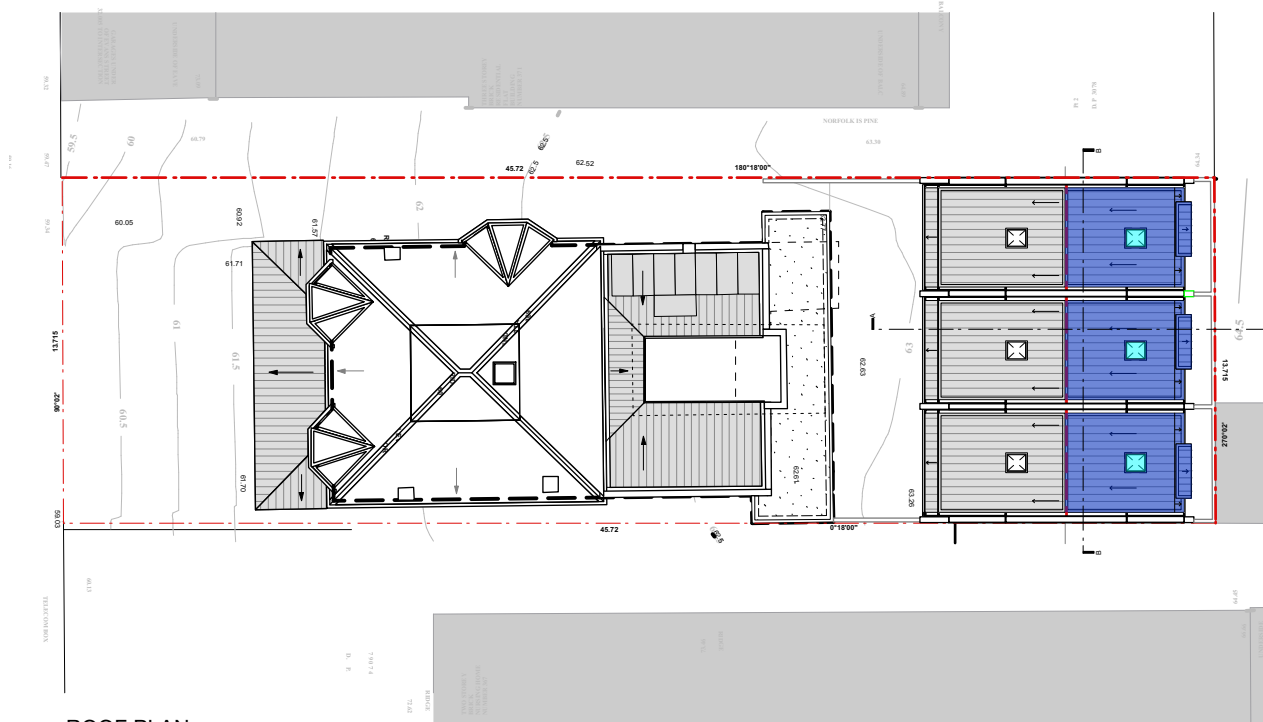
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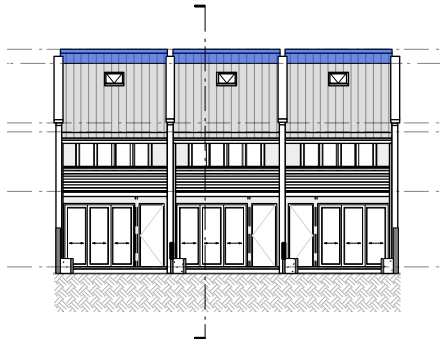


DATE	ISSUE / REVISION	TITLE	SHADOW DIAGRAMS	12
16/11/17	Development Application - ISSUE A	PROJECT	ALTERATIONS AND ADDITIONS	
16/11/17	Development Application - ISSUE A / ADDITIONAL INFORMATION	ADDRESS	369a BRONTE RD, BRONTE	107A ISSUE
		CLIENT	WORKWIZE	
		SCALE	-	
		DATE	April 2018	

369a BRONTE RD, BRONTE



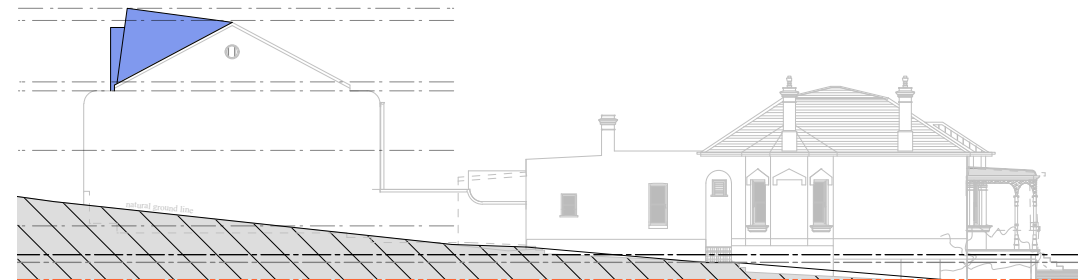
ROOF PLAN



NORTHERN ELEVATION



SOUTHERN ELEVATION



EASTERN ELEVATION



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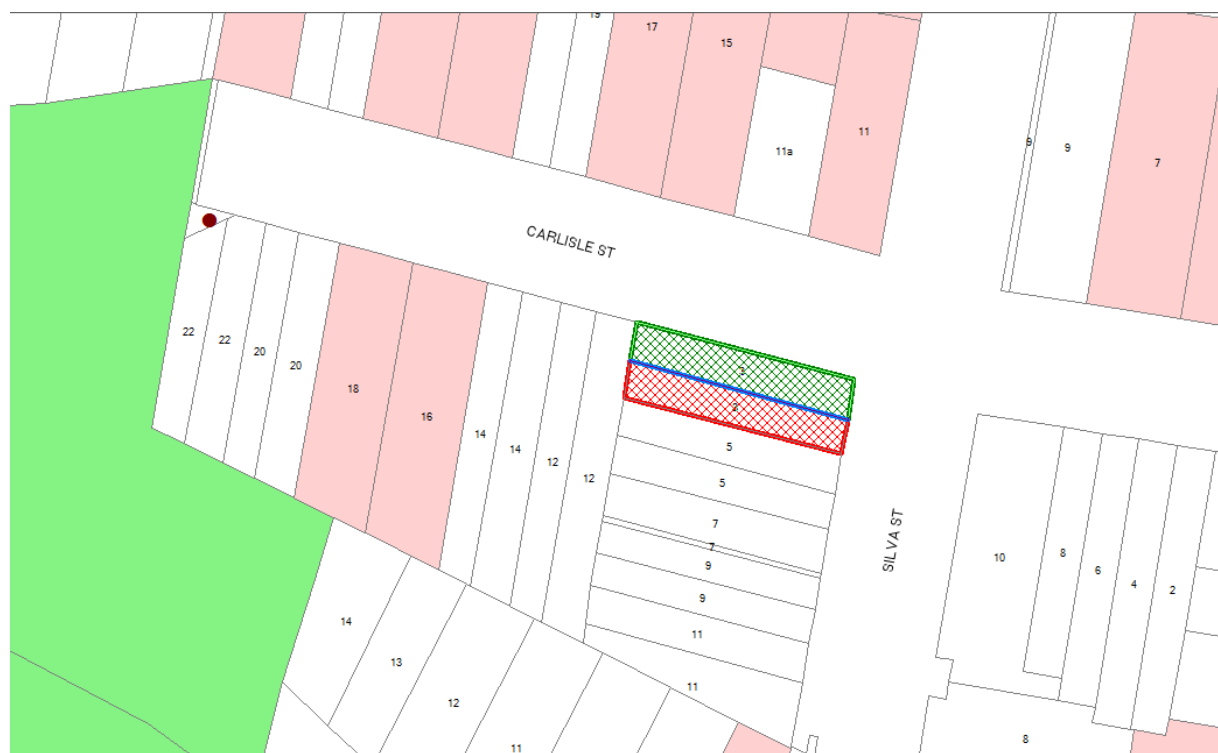
DATE	ISSUE / REVISION	TITLE	NOTIFICATION PLAN	13 108A ISSUE
16/11/17	Development Application - Issue A	PROJECT	ALTERATIONS AND ADDITIONS	
		ADDRESS	7 REGENT ST, PADDINGTON	
		CLIENT	MARGARET DEFTERIOUS	
		SCALE	NA	
		DATE	November 2017	



Report to the Waverley Development Assessment Panel

Application number	DA-312/2017
Site address	3 Silva Street, Tamarama
Proposal	Demolition of existing structures; construction of a part two part three storey dwelling house including a swimming pool and lower ground floor garage.
Date of lodgement	Originally lodged on 1 August 2017 Amended plans received on 7 March 2018
Owner	Mr P S and Mrs S M Phillips
Applicant	Milieu Creative
Submissions	Five submissions received
Cost of works	\$1.8 million
Issues	Non-compliance with height of buildings and floor space ratio development standards; and view loss impact.
Recommendation	That the application be granted DEFERRED COMMENCEMENT CONSENT

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 18 September 2017.

The site is identified as Lots 51 and 52 in DP 4827, known as 3 Silva Street, Tamarama. The site is a rectangular shaped corner property located on the south-western corner of Silva and Carlisle Streets. The site has a total site area of approximately 443.8m². Its northern boundary abuts Carlisle Street and measures 35.9m. The site's eastern boundary abuts Silva Street and measures 12.2m. The southern boundary of the site has a length of 35.9m and the western boundary of the site has a length of 12.2m. The site falls to the rear south-eastern corner of the site by approximately 7.45m.

The site is occupied by a single storey dwelling house. The dwelling house contains an undercroft area which is located under the south eastern part of the dwelling and has been excavated into the exposed sandstone bedrock. Vehicular access to the site is provided from Carlisle Street to a single garage in the undercroft area of the dwelling house.

The subject site is adjoined to the south by a two storey residential flat building comprising four apartments that is orientated in an east-west orientation. To the west of the site adjoins a three storey dwelling house known as 12 Carlisle Street. To the north of the site fronts Carlisle Street, which splits into upper and lower carriageways. On the northern side of Carlisle Street are a series of residential flat buildings and dwelling houses



Figure 1: Site viewed from Carlisle Street, looking south



Figure 2: Site viewed from the intersection of Carlisle Street and Silva Street, looking south-west



Figure 3: The full extent of the Carlisle Street frontage of the site as viewed from upper part of Carlisle Street, looking south-east

1.2 Relevant History

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

- DA-568/2013 for part first floor addition and alterations to dwelling house was approved on 23 April 2014.
- TPO-72/2016 to remove and replace one (1) Banksia, one (1) Paperbark and one (1) New Zealand Christmas tree located adjacent to side boundary was approved on 31 March 2016.

The subject application was lodged on 1 August 2017.

A request for additional information was made to the applicant on 15 August 2017 for a written request (clause 4.6 exception) to be made to Council for the consideration of the application to vary development standards under Waverley Local Environmental Plan 2012. Council received the additional information on 24 August 2017.

The application was deferred on 6 February 2018 for additional information and design change based on matter arising from Council's initial assessment of the application. The deferral matters were relayed in a letter to the applicant dated 6 February 2018 and are extracted as follows:

1. Documentation

The application does not contain sufficient information to undertake a thorough assessment of the proposed development. In this regard, the following information is required:

- a. The site survey appears to not accurately depict the location and identify the sill and head heights of the window openings across the northern elevation of the adjoining building to the south of the site at 5 Silva Street. The survey should be updated to reflect the true details of these window openings.*
- b. Roof and site plans showing the building setbacks and lines of adjoining buildings to the south and west of the site. If possible, the floor plans should identify the rear building line of the adjoining building to the south of the site. This information is necessary to assess how the proposed development responds to the predominant rear building line.*
- c. Reduced Levels relative to the Australian Height Datum nominated on all elevations, sections and floor plans to identify the levels of key aspects of the proposed development. This includes identifying the coping and deck levels of the proposed swimming pool and spa. The roof level should be identified in Reduced Levels to accurately measure the overall building height of the development.*
- d. The shadow diagrams in plan form are to be to scale. Shadow diagrams in elevation form should be provided for 9am and 3pm periods during the winter solstice.*
- e. The floor plans, elevations and section should outline the footprint and envelope of the existing development on the site.*
- f. The height and profile of new fences along the street, side and rear boundaries should be provided on all relevant elevations. The levels of the fence (including the base and top of the fences) should be shown above ground level (existing).*

- g. *A thorough analysis of the impact of the proposal on views enjoyed from properties on the northern side of Carlisle Street and Silva Street should be prepared. Photos were taken from the following properties in Tamarama by the Assessment Planner and can be made available on request:*

- *13/1 Silva Street*
- *3/15 Carlisle Street.*

The view loss analysis can be presented as a photomontage, which superimposes the envelope of the proposed development on various photos taken from living and entertainment rooms and private outdoor areas of adjoining properties. The analysis must be overseen by a qualified surveyor to ensure it accurately depicts the building envelope of the proposed development on the photomontage. The analysis must be accompanied by a report outlining the methodology applied to preparing the photomontage.

- h. *A cross-section of the proposed swimming pool and spa taken between its southern and northern sides. The pool fencing should be shown on the cross-sections to ensure it complies with the safety provisions of the Swimming Pools Act 1992.*
- i. *A three dimensional image of the proposed development with two minimum perspectives from Carlisle Street and Silva Street.*
- j. *Information on how the planter on the roof level will be accessed for maintenance.*
- k. *A revised written request to vary the height and floor space ratio development standards that adequately addresses the matters for consideration under clause 4.6 of Waverley Local Environmental Plan 2012.*

2. Impacts of the proposal in its current form

The proposed development, in its current form, is considered to cause the following impacts:

- *Visual impacts upon the adjoining property to the south of the site and the streetscape of Carlisle Street*
- *View loss impact of properties to the north and north-west of the site*
- *Visual and acoustic privacy impact upon the adjoining property to the south of the site.*

In order to address the impacts identified above, the following design changes to the proposal are recommended:

- a. *Opportunities should be explored to lower the overall building height of the development in order to lessen the view loss impact caused by the development. Lowering the finished ground floor level within the front (eastern) portion of the development by approximately 400mm to create a consistent and single ground floor level and lowering the finished first floor and roof levels accordingly could achieve a reduction of building height.*
- b. *The rear portion of the development, including the garage and terrace above, presents excessive building bulk when viewed from Carlisle Street and limits the ability to provide at-grade open space and landscaped (i.e. deep soil) area. The rear setback of the lower ground (basement) and ground floor levels should be increased to align with the rear building line*

of the adjoining building to the south of the site (i.e. established by the western side of the decks and balconies of the adjoining building). To achieve the suggested rear building setback, the garage should be shifted further eastward and the turfed/landscaped terrace above should be relocated to be at the same level as the proposed swimming pool/spa.

- c. Given that the proposed development is a three storey building, the applicable minimum side setback control for the development is 1.5m in accordance with section 1.2 of Part C1 of Waverley Development Control Plan 2012. In this regard, the southern setback of the development should be a minimum of 1.5m for all levels and part levels that are above ground level (existing).*
- d. The location of the swimming pool and spa immediately adjacent to the southern side boundary of the site will create an almost 4m high wall/fence when viewed from the adjoining property to the south of the site. This will result in unacceptable visual impacts upon the adjoining property. The swimming pool and spa should be relocated and lowered to avoid providing a tall retaining wall and privacy screen when viewed from the adjoining property while reasonably protecting the visual and acoustic privacy of the adjoining property.*
- e. The external stair connecting the rear terrace to the swimming pool area of the rear yard should be relocated and reorientated such that it does not directly overlook the adjoining property to the south of the site.*

Amended plans, together with updated shadow diagrams, landscape plan and BASIX Certificate, should be submitted to address the design change recommendations under this item of the letter together with the level of detail and information asked for in item 1 of the letter.

Council received amended plans on 7 March 2018 in response to the deferral matters. The amended plans generally addressed the deferral matters. The amended plans were publicly notified. Refer to section 2.4 of this report on discussion of the public submissions received in relation to the application, including the amended plans.

The amended plans form the basis of the assessment of this application.

Following the notification of the amended plans, Council's Assessment Planner liaised with the applicant in relation to further analyses on the view impacts of the development prior to the finalisation of this assessment report. These analyses have been incorporated in the view loss impact aspect of the assessment of the development application. The applicant has agreed for the rear first floor balcony to be redesigned so that it is unroofed and does not comprise a full-height screen and supporting columns on its southern side in order to minimise view loss impact. The applicant has not formally amended plans to reflect this change.

1.3 Proposal

The application, as amended, seeks development consent for demolition of existing structures and construction of a two, part three storey dwelling house comprising:

- garage and theatre/pool room with kitchenette on lower ground floor level
- open plan kitchen, living and dining room, bedroom, study and laundry and toilet on ground floor level
- four bedrooms, bathroom and ensuite bathroom on first floor level.

The application also seeks development consent for the following:

- earthworks, including excavation and fill
- construction of a swimming pool
- vehicular access from Carlisle Street
- tree removal
- front, side and rear fencing.

A summary of the amendments made to the proposal, as originally submitted, is as follows:

- the overall building height of the development has been lowered by 400mm
- the lower ground and ground floor levels have been further set back from the rear (western) boundary of the site
- the garage has been shifted eastward
- the turfed/landscaped terrace above the garage in its original position has been deleted
- part of the ground and first floor levels have been set back 1.6m from the southern side boundary
- the finished level of the swimming pool and spa has been lowered by approximately 700mm to accommodate a lower side boundary fence adjacent to the pool
- part southern side boundary fence with a solid component extending 1.8m above existing ground level and a screen extending 1.28m directly above
- minor revisions of the extend and ordinations of the external stair connecting the rear ground floor terrace and the rear yard.

The proposed development, as amended, is visualised in a photomontage shown in **Figure 4** below.



Figure 4: Photomontage of the proposed development, as viewed from Carlisle Street, looking south-east (Source: Milieu Creative)

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a 'dwelling house', which is permitted with consent in the R3 zone. It satisfies the relevant objectives of the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 9.5m	No	The proposed development has an overall building height of 10.6m, measured to the uppermost roof level (top of roof parapet) of RL44.693 directly above ground level (existing) of RL34.090. The proposal exceeds the height of buildings development standard of 9.5m by 1.1m or 12%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.617:1	No	The amended form of the proposed development comprises 287.7m ² of gross floor area (GFA) and achieves a floor space ratio (FSR) of 0.65:1. The proposal exceeds

Provision	Compliance	Comment
<ul style="list-style-type: none"> Maximum GFA – 273.75m² 		the FSR development standard of 0.617:1 by 13.35m ² or 5%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains Class 5 acid sulfate soils, however it is not within 500m of other classes of acid sulfate soils and the proposal will not excavate 1m below the AHD.
6.2 Earthworks	Yes	The proposal involves excavating more than 3m below existing ground level to accommodate the basement level of the development. Conditions of consent are recommended to require the submission of a geotechnical report to the satisfaction of the Principal Certifying Authority that recommends appropriate measures to be taken during excavation works. Standard conditions of consent are recommended to require structural engineering details to be submitted as part of the construction certificate application and for dilapidation reports to be prepared prior to site works commencing.

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

Exceptions to Development Standards

Council is able to grant consent to a development that contravenes any development standard in Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3) (a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(iii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*

- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

Clause 4.3 Height of buildings

The proposal has an overall building height of 10.6m, which exceeds the height of buildings development standard of 9.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.1m or 12%. The area of non-compliance is contained within the south-western corner of the development.

The relevant objectives of the height of buildings development standard set out under clause 4.3(1) of Waverley LEP 2012 are extracted as follows:

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

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The terrain of the site is the reason why the development exceeds the height of buildings development standard.
- The site is in close proximity to three storey dwelling houses that have excessive bulk and scale.
- The area of non-compliance with the development standard results in the least impact to neighbouring properties to the north of the site in terms of views as these neighbours properties sit on higher ground level and their ocean glimpses are viewed across the eastern portion of the proposed development, which complies with the development standard.
- Part of the development that exceeds the development standard is set back by 1.6m from the southern boundary of the site.
- The proposed development presents as a two storey building to the street front, which is consistent with neighbouring street frontages.
- The increase of the rear setbacks of the development, as reflected in the amended scheme of the development, results in the development aligning with the rear of the adjoining building to the south. The amended development is deemed compatible with the scale and character of the area.
- The development is in the public interest as it is consistent with the relevant objectives of the development standard and zone.

The arguments presented in the written request to vary the height of buildings development standard are generally well-founded within the terms of clauses 4.6(3) and (4) of Waverley LEP 2012. The non-compliance will not manifest in adverse visual and streetscape impacts given that it occurs within a small section of the overall envelope of the building and as a result of the cross fall and overall slope of the terrain of the site. The increase of the rear and side setbacks of the development reflected in the amended form of the development assists to offset amenity impacts arising from the non-compliance upon the adjoining properties to the south and west of the site in terms of overshadowing and visual impacts.

Notwithstanding, the non-compliance has been demonstrated in the view impact analysis prepared by the applicant that it will obstruct views of the land-water interface (i.e. the cliff face of the headland and coastline) that are enjoyed by properties on the northern side of Carlisle Street. A full analysis of the view impact of the development is set out in section 2.1.4 of this report. The analysis finds that the roof covering, supporting columns and full-height side screen of the rear first floor balcony, which all exceed the height of buildings development standard, are the contributing factors to the severe view loss of the cliff face of the headland. These elements should be deleted and a deferred commencement consent condition is recommended to this effect. Further, a separate deferred commencement consent condition is recommended to require the overall building height of the development to be lowered to the current roof level of the development (i.e. RL44.286) in order to lessen the extent of impacts on water views and aim to preserve the view of the horizon for properties on the northern side of Carlisle Street. The required reduction of the building height would be 450mm. The deferred commencement consent conditions will in turn lessen the extent of the non-compliance with the development standard. The view impact arising from the non-compliance will be resolved by the recommendation of the application, and therefore, it should not warrant refusal of the application based on the height non-compliance encountered by the development.

The applicant has adequately demonstrated that compliance with the height of buildings development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The non-compliance will not contravene the relevant objectives of the height of buildings development standard and the R3 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the height of buildings development standard to achieve the desired future character of the locality. The non-compliance is therefore partially supported subject to Deferred Commencement.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.65:1, which exceeds the floor space ratio (FSR) development standard of 0.617:1 prescribed under clause 4.4A of Waverley LEP 2012 by 13.35m² of gross floor area or 5%.

The relevant objectives of the FSR development standard set out under clause 4.4(1) of Waverley LEP 2012 are extracted 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, scale, streetscape and existing character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposed development is considered of lesser bulk and scale than surrounding neighbours with the floor space of the development being concealed in the fall of the site, and therefore not impacting on the overall bulk and scale of the development.
- Landscaping and increase of setbacks compared with the existing development provide a vast improvement on the street aspect and local amenity of the site.
- The bulk and scale of the development are consistent with those of the existing character of the locality.

- The scale of the development is well within that of neighbouring properties, which is an improvement of the appearance of the site compared with the existing dwelling
- The development is in the public interest as it is consistent with the relevant objectives of the development standard and zone.

The written request to vary the FSR development standard is generally well-founded within the terms of clauses 4.6(3) and (4) of Waverley LEP 2012. The non-compliance is considered numerically minor and accounts for part of the habitable area within the lower ground or basement level of the development (i.e. theatre/pool room) that is not perceived from the street and adjoining properties given that the space is below existing ground level. In this regard, the non-compliance is not considered to manifest in adverse environmental impacts upon adjoining properties and the streetscape.

The analysis of the view impact of the development demonstrates that the non-compliance with the FSR development standard does not have a strong causal link to the extent of view impact compared to the building height non-compliance encountered by the development. Therefore, the FSR non-compliance is not considered to manifest in adverse view impacts.

The perceived building bulk and scale of the development are compatible with that of adjoining and adjacent contemporary and recently built developments within the visual catchment of the site and wider locality. The development is sited appropriately with regard to the front, rear and side setback controls and provides for more open space and landscaped area than the minimum quantum specified by Waverley Development Control Plan 2012. Despite the non-compliance with the height of buildings development standard, the majority of the development is sited below the height of buildings development standard of 9.5m. In this regard, the building envelope of the development is a reasonable response to the built form and density controls.

The applicant has adequately demonstrated that compliance with the FSR development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The non-compliance will not contravene the relevant objectives of the FSR development standard and the R3 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the FSR development standard to achieve the desired future character of the locality. The non-compliance is therefore supported.

2.1.4 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> • A Site Waste and Recycling Management Plan has been submitted. • Bins will be stored in the basement of the development and out of sight of the street.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> • A BASIX Certificate has been submitted. • The proposed development satisfactorily addresses passive design in terms of energy and water efficiency and thermal comfort.

Development Control	Compliance	Comment
3. Biodiversity	Yes (by condition)	The site is within a recognised habitat corridor. A condition of consent is recommended to ensure that the landscape plan includes 50% of native plants.
5. Tree preservation	Yes	Council's Tree Management Officer accepts the proposed tree removal. Conditions of consent are recommended to protect trees that are not proposed to be removed.
6. Stormwater	Yes	Council's Manager, Design in the Creating Waverley department did not object to the stormwater system of the development, subject to conditions.
8. Transport	Yes	Off-street car parking is accommodated within the development and will not visually dominate the streetscape of Carlisle Street. The vehicular access point of the site remains from Carlisle Street, which is the secondary street frontage of the site.
10. Safety	Yes	Satisfactory.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No (acceptable on merit)	The proposal has an overall building height of 10.6m, which exceeds the maximum overall building height control of 7.5m. The overall building height of the development has been assessed against clause 4.6 of Waverley LEP 2012 and that assessment finds it acceptable on planning merit. The proposal is considered consistent with the relevant objectives outlined in section 1.1 of Part C1 of Waverley DCP 2012 in that the development provides an appropriate building height and scale that responds to the topography and street character within the immediate vicinity of the site and does not manifest in adverse view, visual and overshadowing impacts upon adjacent properties.
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	N/A	The proposal utilises a flat roof form and therefore this control is not applicable.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line 	Yes	<ul style="list-style-type: none"> The front building setback is measured from the Silva Street (eastern) boundary of the site given that this boundary is the site's primary street frontage. The proposed

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 	Yes	<p>development is sited behind the predominant front building line established by buildings to the south of the site and on the western side of Silva Street.</p> <ul style="list-style-type: none"> The application was deferred in part due to the insufficient rear building setbacks of the development in its original form. The ground and first floor levels of the amended form of the development are sited behind the rear balconies of the adjoining building to the south of the site at 5 Silva Street. The development is considered to satisfactorily align with the predominant rear building line established by buildings to the south of the site and on the western side of Silva Street. The external stair connecting the dwelling and the rear yard extends past the predominant rear building line, however its profile is not considered excessive that would result in discernible visual impacts and overshadowing of the adjoining property to the south of the site.
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 1.2m (predominantly a two storey dwelling that exceeds the height of buildings development standard) 	Partial compliance	<p>The proposed development is set back from the southern side boundary:</p> <ul style="list-style-type: none"> by 0.9m on lower ground floor/basement level between 0.9m and 1.6m on ground floor level between 0.9m and 1.6m on first floor level. <p>The development for the most part complies with the minimum side setback of 1.2m required for a two storey development that exceeds the height of buildings development standard, particularly within the rear portion of the development where it exceeds the development standard. Part of the development that is set back by 0.9m is where the development complies with the height of buildings development standard and is perceived as two storeys above existing ground level. Therefore, the minor non-compliance with the side setback control is considered inconsequential and will not hinder the development to be consistent with the objectives of the setback controls.</p> <p>The side setback controls can be applied to guide the northern setback of development that faces Carlisle Street. The development is set back</p>

Development Control	Compliance	Comment
		0.99m from the northern boundary of the site, which is considered appropriate for the development given it is on a corner site. The setback provides sufficient spatial relief and allows for landscaping within the setback area to soften the appearance of the development from Carlisle Street.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries Ground levels should not be raised 	Yes	<ul style="list-style-type: none"> The proposed excavation is set back by 0.9m from the southern side boundary. The ground level of the south-western corner of the rear yard is proposed to be raised to create a levelled outdoor space to accommodate the swimming pool and spa. The proposed ground level raise is not considered inappropriate. An appropriate condition of consent is recommended to control the use of fill.
1.4 Streetscape and visual impact		
	Yes	The proposed development utilises contemporary architecture, which is consistent with the existing, emerging and desired future character of the locality. The perceived bulk and scale of the development are compatible with the prevailing built form character of the locality.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	No (acceptable on merit)	<ul style="list-style-type: none"> No front fencing is proposed along the Carlisle Street (eastern) boundary of the site. Front fencing is proposed along the western part of the Carlisle Street (northern) boundary of a maximum height of 1.8m above existing ground level. The Carlisle Street boundary is considered the site's secondary street boundary and the fence provides screening of the rear yard of the site from Carlisle Street. The fence is also not expected to adversely affect the streetscape of Carlisle Street. Therefore, the height and composition of the front fence are considered acceptable on merit.
<p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	Partial compliance	<ul style="list-style-type: none"> The new southern side boundary fence will for the most part have a maximum height of 1.8m above existing ground level. Part of the fence adjacent to the swimming pool on the western most part of the boundary has a maximum height of 3.1m above existing ground level. While the fence significantly exceeds the maximum height control of 1.8m, the height of the fence is deemed

Development Control	Compliance	Comment
		acceptable given that it provides adequate privacy protection between the subject site and the adjoining property to the south of the site. The visual impact of the fence is not expected to be adverse given that the uppermost part of the fence will be treated with a light weight material.
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. 	Yes	<ul style="list-style-type: none"> The majority of window openings across the southern and western elevations of the development that face adjoining residential properties are not deemed to cause adverse privacy impacts upon these adjoining properties given that they are high-light and/or comprise external shutters to mitigate overlooking.
	Yes	<ul style="list-style-type: none"> The adjoining dwelling house to the west of the site at 12 Carlisle Street has minimal and narrow window openings that face the subject site, and therefore the glazed door openings across the western elevation of the development will not impact on the visual privacy of the adjoining property.
	Yes (by condition)	<ul style="list-style-type: none"> The louvre glass windows (denoted as 'LVR' on the plans) serving the stairwell across the southern elevation do have the potential to overlook the adjoining property to the south of the site. In this regard, a condition of consent is recommended for these windows to be non-operable and comprise translucent glazing between its sill height and 1.6m above the finished floor level of Level 1 of the development.
<ul style="list-style-type: none"> External stairs are not acceptable. 	No (acceptable on merit)	<ul style="list-style-type: none"> The external stair connecting the rear ground floor terrace and the rear yard comprises privacy screens across its southern side that will effectively screen sightlines between the stair and the adjoining property to the south of the site.
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Partial compliance	<ul style="list-style-type: none"> The area and depth of the balconies are as follows: <ul style="list-style-type: none"> the rear ground floor terrace (known as 'alfresco' on the plans) has an area of 23m² and has a depth of 3.8m the rear first floor balcony has an area of 8.5m² and a depth of 1.7m the front first floor balcony has an area of 5.5m² and a depth of 2.4m.

Development Control	Compliance	Comment
		<ul style="list-style-type: none"> The non-compliance with the maximum area controls for balconies encountered by the rear ground floor terrace is deemed acceptable in that it provides adequate privacy mitigation measures by way of a part solid fin wall and screens across its southern side that will protect the visual privacy of the adjoining property to the south of the site. The depth of the front first floor balcony is greater than the maximum control of 1.5m, however its area is less than the maximum control of 10m². While there is no screen across the southern edge of this balcony, the balcony is accessed from a bedroom (considered passive and low use room) and sightlines would be directed over the roof of the adjoining building to the south of the site and not directed to north-facing window openings of the adjoining building.
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<ul style="list-style-type: none"> The living areas and principal open space areas of the development are expected to receive three hours of direct sunlight on 21 June. The shadow diagrams submitted with the application and based on the amended form of the development indicate that the additional shadowing of the adjoining properties to the south of the site caused by the proposed development is principally experienced between 9am and 12pm on 21 June. The diagrams in elevation form indicate that the development will overshadow all of the north-facing window openings of the adjoining residential flat building to the south of the site between 9am and 12pm on 21 June. The adjoining property to the south of the site has an east-west orientation and its ground level is lower than that of the subject site. Therefore, additional overshadowing upon the adjoining property is inevitable arising from any redevelopment of the subject site that maximises the built form controls. While the proposed development exceeds the height of buildings and FSR development standards, the majority of the southern side and rear setbacks of the development comply and are consistent with

Development Control	Compliance	Comment
		<p>the setback controls. The exceedance of the height of buildings development standard does contribute, to an extent, to the additional overshadowing caused by the development, however the rear and side setbacks are proven to be effective in moderating overshadowing. Given that the development is set back sufficiently from the southern side boundary, for the most part, and from the rear (western) boundary, the additional overshadowing caused by the development is deemed reasonable.</p> <ul style="list-style-type: none"> The adjoining building to the south of the site at 5 Silva Street comprises solar panels on the northern slope of its roof. The proposal is expected to affect sunlight received by the solar panels on 21 June, which would be expected for any redevelopment of the subject site. Loss of sunlight received by the solar panels is not deemed unreasonable. Further, no objection or submission to the application was received from 5 Silva Street.
1.10 Views		
	See discussion	See discussion below this table in relation to view impact.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	The plans indicate one off-street car parking space. However, the size of the garage may be capable of accommodating a second car space, which would not be contrary to the maximum car parking rates for a dwelling with more than three bedrooms.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	Yes	The garage is integrated into the building envelope of the development and fronts the secondary street frontage of the site. Its location is acceptable in terms of the preferred location for off-street car parking.
1.11.3 Design	Yes	The garage is integrated in the building envelope and the overall design of the development. The roller doors of the garage are well recessed from the street walls of the development and will not be overly conspicuous when viewed from Carlisle Street.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The internal dimensions of the garage are greater than one car space.
1.11.5 Driveways	Yes	One driveway is proposed, which will have a maximum width of 4m. While slightly over on

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 		the maximum width of 3m, the position of the driveway is not expected to discernibly affect the supply of on-street car parking.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (acceptable on merit)</p>	<ul style="list-style-type: none"> The overall open space area of the site is 270m² (62% of site area). The overall landscaped area of the site is 94m² (21% of site area). The development provides at least 25m² of private open space. The front open space area is 38.2m² (100% of front building setback area measured between the Silva Street boundary and the front building line facing Silva Street). The front landscaped area is 14.7m² (39% of front open space area provided). The shortfall is considered reasonable in that landscaping wraps around to the northern side setback of the development that faces Carlisle Street. The site also provides for over the minimum amount of overall landscaped area specified by Waverley DCP 2012, and therefore, the shortfall of front landscaped area will not hinder the capability of the site to naturally absorb stormwater runoff.
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The swimming pool and spa are located in the rear yard of the site. Screening by way of landscaping and privacy screens are provided between the pool and the adjoining property to the south of the site that will adequately protect the visual and acoustic privacy of the adjoining property.

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

Views

All of the public submissions received in relation to the application claim view loss as a result of the proposed development. These properties in Tamarama are as follows:

- 13/1 Silva Street
- 3/15 Carlisle Street
- 4/15 Carlisle Street
- 1/17A Carlisle Street
- 3/17 Carlisle Street.



These properties are known as the ‘affected properties’ for the purposes of the assessment of the view loss impact.

An assessment of the view loss caused by the proposed development has been undertaken in accordance with the four steps applied in the NSW Land and Environment Court planning principle on view sharing arising from the case of *Tenancy Consulting vs. Warringah [2004] LEC 140*.

1. Identify the views to be affected.

Table 4 below includes photos taken by Council’s Assessment Planner from each of the affected properties. A description of the position the photos are taken and from which aspect of the affected properties, the composition and extent of the views is outlined in the table.

Table 4: Photos of views claimed to be affected by the proposed development

Unit 4/15 Carlisle Street	
	<ul style="list-style-type: none"> • This property is a two level apartment. • Photo taken standing inside the living room and in-front of the kitchen on the lowest level of the apartment. • View composition includes water views and views of the land-water interface (i.e. cliff face of the coastline). • The view composition is described as ‘partial’
	<ul style="list-style-type: none"> • Photo taken standing on the front balcony accessed from the living area on the lowest level of the apartment. • View composition water views and views of the land-water interface (i.e. cliff face of the coastline). • The view composition is described as ‘partial’.



- Photo taken standing on a terrace on the highest level of the apartment.
- View composition includes water views and views of the land-water interface (i.e. cliff face of the coastline).
- The view composition is described as 'whole'.

Unit 3/ 15 Carlisle Street



- This property is a two level apartment.
- Photo taken standing inside the living room and in-front of the kitchen on the lowest level of the apartment.
- View composition includes water views and views of the land-water interface (i.e. cliff face of the coastline).
- The view composition is described as 'partial'



- Photo taken standing on the front balcony accessed from the living area on the lowest level of the apartment.
- View composition water views and views of the land-water interface (i.e. cliff face of the coastline).
- The view composition is described as 'partial'.



- Photo taken standing next to the dwarf wall dividing the terraces on the highest level of Units 3 and 4.
- View composition includes water views and views of the land-water interface (i.e. cliff face of the coastline).
- The view composition is described as 'whole'.

Unit 1/17A Carlisle Street



- Photo taken standing in living room of the apartment.
- View composition includes water views and views of the land-water interface (i.e. cliff face of the coastline).
- The view composition is described as 'partial' or a glimpse.



- Photo taken standing on front balcony accessed from living room of the apartment.
- View composition includes water views and views of the land-water interface (i.e. cliff face of the coastline).
- The view composition is described as 'partial'.

Unit 3/17 Carlisle Street



- Photo taken standing on front balcony accessed from a sitting room of the apartment.
- View composition includes water views and views of the land-water interface (i.e. cliff face of the coastline).
- The water views are described as 'partial' and the land-water interface (i.e. cliff face of the coastline) view is more of a glimpse.

Unit 13/1 Silva Street



- This property is located approximately 50m north of the site.
- Photo taken standing on rear balcony accessed from sitting room of the apartment.
- View composition water views and views of the land-water interface (i.e. cliff face of the coastline).
- The view composition is described as 'partial'.



- Photo taken standing inside sitting room of the apartment.
- View composition water views and views of the land-water interface (i.e. cliff face of the coastline).
- The view composition is described as a glimpse.

The photos presented in **Table 4** above show views enjoyed by the affected properties over the subject site that will be affected by the proposed development. All of the affected properties inspected have water views that are available over properties other than the subject site that will NOT be affected by the proposed development to some degree, with the exception of Unit 13/1 Silva Street that principally enjoys views over the subject site.

2. Consider from what part of the property the views are obtained.

As shown in **Table 4**, views are available at a standing position on outdoor spaces and through window and door openings adjacent to living and active areas of the affected properties. The views are available over the front of the affected properties on Carlisle Street while the views from Unit 13/1 Silva Street is available across the side boundary of that affected property. None of the affected properties abut and adjoin the subject site as they are located to the north of Carlisle Street carriageway or road reserve. The views are principally available over the northern boundary and within the eastern half of the subject site. While the northern boundary of the site abuts a street, it is considered a side boundary given the east-west orientation of the site and Silva Street is the site's primary street frontage.

The view sharing planning principle states: "...the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries". Therefore, the views from Unit 13/1 Silva Street would be more difficult to protect than the views enjoyed from the affected properties on Carlisle Street.

3. Assess the extent of the impact.

The applicant has undertaken their own view analyses and has submitted the analyses as photomontages, which examines the extent of view loss impact upon the affected properties. The analysis anticipates the typical view impact of the development upon the affected properties. These photomontages are extracted in **Figures 5 to 8** and demonstrate the extent of the view loss impact caused by the proposed development in terms of 'negligible', 'minor', 'moderate', 'severe' and 'devastating' that are consistent with the view sharing planning principle.

In terms of the adequacy of the photomontages prepared by the applicant, the applicant has adequately detailed the methodology of preparing the photomontages. While the photomontages were not certified by a registered surveyor, the applicant has identified the steps taken to prepare the photomontages, including utilising Reduced Levels of certain reference points of the existing and proposed development to extrapolate the envelope of the proposed development by a massing overlaid upon photos taken by Council's Assessment Planner of the photos of the view composition over the site. The methodology appears sound and Council's Assessment Planner has cross checked the photomontages against the survey information presented on the amended site survey that accompanied the set of amended plans received by Council on 7 March 2018 to determine the reliability of modelling/predicting the view loss impact. The photomontages can be relied upon for the view loss impact assessment.



Figure 5: Comparison of the view impact upon the vantage point of the front balcony of the lowest level of Unit 3/15 Carlisle Street. The bottom montage shows the deletion of the roof covering, screen and supporting columns of the rear first floor of the proposed development (highlighted by the broken red circle) (Source: Milieu Creative)

The view loss impact upon 3/15 Carlisle Street, shown in **Figure 5** above, is characterised as ‘moderate’ given that the view of the horizon differentiating the sky and ocean will be obscured by the proposed development. As shown in the comparison montage in **Figure 5**, the roof covering, side screen and columns of the rear first floor balcony of the proposed development would create a severe impact on views of the cliff face of the headland and coastline. The removal of these elements from the development would maintain a ‘moderate’ view loss impact.



Figure 6: Analysis of view impact on the vantage point of the balcony accessed from the living room of the lowest level (top photo) and from a terrace on highest level (bottom photo) of Unit 4/15 Carlisle Street (Source: Milieu Creative)

The view loss impact shown in **Figure 6** above is characterised as ‘moderate’ on the lowest level and ‘minor’ on the highest level of Unit 4/15 Carlisle Street. The proposed development will obscure views of the horizon enjoyed on the lowest level of this affected property while it will maintain views of cliff face of the headland and coastline. The development will maintain the majority of water views and not affect views of the coastline and horizon enjoyed from the terrace on the highest level of this affected property.



Figure 7: Analysis of view impact on the vantage point of the balcony accessed from the living room of the apartment at 1/17A Carlisle Street (Source: Milieu Creative)

The view loss impact shown in **Figure 7** above is characterised as ‘moderate’ upon Unit 1/17A Carlisle Street given that the development will obscure views of the horizon. The development does maintain some water views. The view loss impact modelled from the perspective of 1/17A Carlisle Street is similar to that for the adjoining unit to the west at 3/17 Carlisle Street and would also be deemed ‘moderate’.



Figure 8: Analysis of view impact on the vantage point of the balcony accessed from a sitting room of the apartment at 13/1 Silva Street (Source: Milieu Creative)

The view loss impact shown in **Figure 8** above is characterised as ‘minor’ upon 13/1 Silva Street. The proposed development will maintain the majority of views of the coastline and water views from this affected property. As discussed previously, these views are enjoyed across the side boundary of the affected property, which is some 50m north of the subject site.

4. Assess the reasonableness of the proposal that is causing the impact.

The proposed development departs from both the height of buildings and FSR development standards under Waverley LEP 2012. These departures have been considered earlier in this report and are supported on planning merit.

The proposed development has been amended, specifically the rear building setback of the development has been increased, to reduce the extent of the view loss impact upon the vantage points of the affected properties to the north of the site. The rear setbacks of the development are considered to be the contributing factor in moderating the view loss impact upon the majority of the affected properties.

The building height of the development (i.e. measure to the top of its roof parapet) has been reduced slightly, however as identified in the view analysis, the roof covering, full-height screen and supporting column do interrupt views of the cliff face of the headland and coastline. These elements should be deleted and a deferred commencement consent condition is recommended to this effect that will avoid the development resulting in severe view loss impact.

The applicant has advised that the overall building height of the development has been reduced as far as possible and any further reduction would affect the functionality of accessing the garage from Carlisle Street. Notwithstanding, opportunities exist for the overall building height to be lowered by

reducing ceiling heights of ground and first floor levels of the development (which are deemed generous) without changing the finished level of the garage/basement level of the development. Lowering the overall building height of the development to the current roof level of the development will aim to maintain views of the horizon for the majority of affected properties on Carlisle Street, and consequently, reduce the overall view loss impact of the development from 'moderate' to 'minor'. Therefore, a deferred commencement consent condition is recommended to require the overall building height of the development to be restricted to the Reduced Level of the roof level of the development shown on the amended plans received by Council on 7 March 2018, which is RL44.243. This recommendation would encourage a 'skilful design' approach in achieving a balanced outcome by reducing the view loss impact of the development without significantly hindering the development potential and orderly and economic use of the subject site, noting that the subject site is within a fairly significant view corridor enjoyed by several properties to the north of the site.

With regard to the non-compliance with the height of buildings development standard occurring within the south-western corner of the development, the recommended deferred commencement consent matters will reduce the extent of the non-compliance and concurrently the view loss impact. Notwithstanding, the rear setbacks of the development have been demonstrated to be the most effective in moderating the view loss impact. These setbacks comply with the setback controls in Waverley DCP 2012 and are considered acceptable. In this regard, the development, subject to adopting the design changes required by the deferred commencement consent recommendation, will not result in unreasonable view loss impacts upon the affected properties. It is worth noting that many of these properties enjoy water views and views of the coastline over and across other sites within the vicinity of the subject site.

The view loss impacts of the development (subject to the deferred commencement consent conditions) are considered acceptable with regard to the view sharing planning principle established by the NSW Land and Environment Court and the relevant objectives and controls under section 1.10 of Part C1 of Waverley DCP 2012. Upon the changes being made as outlined in the Deferred Commencement matters, any resulting view loss will be associated with the compliant (height) section of the dwelling. Accordingly, the proposed development will reasonably maintain the amenity of adjacent properties to the north and north-west of the site that benefit from the view corridor across and over the subject site.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

Three submissions were received during and following the initial notification period of the application (as originally submitted) from the following properties in Tamarama:

- Unit C or 3/17 Carlisle Street
- 3/15 Carlisle Street
- 13/1 Silva Street.

Following the receipt of amended plans, the application was re-notified for 14 days.

A total of five submissions were received during the re-notification period from the following properties in Tamarama:

- 13/1 Silva Street
- 3/15 Carlisle Street
- 4/15 Carlisle Street
- 1/17A Carlisle Street
- Unit C or 3/17 Carlisle Street.

The following issues raised in the submissions have been addressed in the body of the report:

- non-compliance with the height of buildings development standard
- view impact
- streetscape and visual impact.

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

Issue: *The information initially submitted did not indicate the anticipated view loss*

Response: Noted. The application was in part deferred so that the applicant could prepare and submit view loss impact analyses, which have occurred.

Issue: *The development will impact on the privacy of properties on the northern side of Carlisle Street*

Response: Noted. The proposed development is separated by a substantial distance from these properties and is situated on ground level lower than that of these properties. In this regard, the privacy impact of the development upon these properties would be minimal and would not compromise the visual privacy and amenity of the properties.

2.5 Public Interest

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

3. REFERRALS

3.1 Creating Waverley – Stormwater

Council's Manager, Design in the Creating Waverley department did not object to the stormwater plans submitted with the application, subject to a condition of consent.

3.2 Creating Waverley – Traffic and Development

Council's Professional Engineer – Traffic and Development did not object to the proposal, subject to conditions of consent.

3.3 Clean and Attractive Waverley – Tree Management

Council's Tree Management Officer considered the proposed tree removal inside and outside of the site and does not object to the proposed removal, subject to these trees being replaced. Council's Tree Management Officer has recommended tree protection measures for trees proposed to be retained. Appropriate conditions of consent are recommended to this effect.

4. SUMMARY

The application seeks development consent for redevelopment of the site known as 3 Silva Street, Tamarama to comprise a dwelling house, garage and swimming pool. The application has been amended to address view loss, visual impacts and visual and acoustic privacy impacts that were raised in Council's deferral of the application.

The main issues in the assessment of this application are as follows:

- non-compliance with the height of buildings and FSR development standards
- view loss impact.

The assessment finds these issues acceptable on planning merit, subject to a deferred commencement consent recommendation that aims to minimise view loss and visual privacy impacts of the development upon surrounding properties.

The application attracted a total of five submissions and the issues raised in the submissions have been addressed in the body of this report.

The application is referred to the Waverley Development Assessment Panel for determination as it involves more than five unresolved objections and exceeds the height of buildings development standard by more than 10%.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for deferred commencement consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be granted **DEFERRED COMMENCEMENT CONSENT** by the Waverley Development Assessment Panel subject to the Conditions in Appendices A and B:

Report prepared by:

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

Ben Magistrale
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 7 May 2018

Date: 10/5/18

Reason for referral:

WDAP Charter:

- 1 Development Applications for Class 1 and 10 buildings that receive 4 or more unresolved objections.

State Government referral criteria:

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

APPENDIX A – DEFERRED COMMENCEMENT CONSENT CONDITIONS

The consent authority must be satisfied as to the following matters before the consent can operate.

Deferred commencement consent is granted in accordance with the provisions of section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. The consent is not to operate until the applicant has satisfied Council as to the following matters before the consent can operate:

1. The south-western corner of the development shall be redesigned to maintain views of the cliff face of the headland and coastline enjoyed by the property known as 3/15 Carlisle Street, Tamarama. This will involve deleting the roof covering and full height-screen and support columns on the southern side of the rear first floor balcony of the development. A privacy screen of a height of 1.6m shall be erected along the southern side of the balcony to minimise privacy impacts upon the property to the south of the site.

Amended plans shall be prepared to reflect the requirement above and be submitted for the approval of Council. An updated view analysis shall be submitted with the amended plans to demonstrate that the design change requirement has been met so that the development does not impede on views of the cliff face of the headland and coastline enjoyed from 3/15 Carlisle Street, Tamarama.

2. In order to minimise view loss impact of the development, specifically maintain views of the horizon from properties on the northern site of Carlisle Street, the overall roof level of the development shall not extend above RL44.243. Accordingly, the overall building height of the development shall be reduced by 450mm by adjusting the ground and Level 1 finished floor levels of the development.

Amended plans shall be prepared to reflect the requirement above and be submitted for the approval of Council.

3. In order to protect the visual privacy of the adjoining property to the south of the site, the louvre glass windows (denoted as 'LVR' on the plans) serving the stairwell across the southern elevation of the development shall be non-operable and comprise translucent glazing between its sill height and 1.6m above the finished floor level of Level 1 of the development.

Amended plans shall be prepared to reflect the requirement above and be submitted for the approval of Council.

4. Given that the site is within a habitat corridor, the landscape plan shall be amended to include a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of Waverley Development Control Plan 2012.

5. The stormwater plans shall be amended to ensure the orifice diameter is 83mm and that the plans reflect the approved development (as amended by the deferred commencement consent conditions).

The applicant has 12 months to obtain approval of the amended plans and additional information required by the deferred commencement matters in order to activate the consent. The consent will become active from the date of satisfying the deferred commencement consent matters.

APPENDIX B – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos A000, A101, A200, A201, A202, A203, A300, A301, A302, A303, A400, A401 and A402 (all Revision DA/2), tables and documentation prepared by Milieu Creative, dated 26 February 2018, and received by Council on 7 March 2018;
- (b) Landscape Plan No. 02 (Job No. 28 06 and Revision 'A') and documentation prepared by Marcia Hosking, dated 3 March 2018, and received by Council on 7 March 2018;
- (c) BASIX Certificate;
- (d) Stormwater Plans (Job Number 16-067 Sheets D1), details and documentation prepared by T.O.P Consulting Group dated 20 December 2016, and received by Council on 1 August 2017; and
- (e) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

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

2. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

3. USE OF DWELLING

The premises are to be used only as a single unit dwelling house.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. SECTION 7.12 CONTRIBUTION

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

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

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

"Waverley Council Cost Summary Report"; or,

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

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

5. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$25,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

6. LONG SERVICE LEVY

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

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

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

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

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

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

8. HOARDING REQUIRED

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

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

9. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

10. EROSION, SEDIMENT AND POLLUTION CONTROL

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

11. SYDNEY WATER QUICK CHECK

Since a sewer main runs through the property, plans must be presented to a Sydney Water Quick Check Agent for their approval.

12. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

13. GEOTECHNICAL ENGINEERS REPORT

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

14. ENGINEERING DETAILS

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

15. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

16. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- (a) Show the size and number of trucks to be used during the various stages of the development.
- (b) Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- (c) Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- (d) Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

17. LONG SECTIONS OF DRIVEWAY

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

The long section drawings shall:

- (a) Be drawn at a scale of 1:25 .
- (b) Include reduced levels (RLs) of the Carlisle Street carriageway, the kerb and gutter, footpath and paving within the property.
- (c) Include existing and proposed levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show all paving on Council's land being sloped/ drained towards the roadway.
- (f) Include a separate drawing of any changes proposed to the level of Council's footpath area to provide vehicular access.

18. SWEPT WHEEL PATH DRAWINGS

Prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of a vehicle entering and exiting the garage from Carlisle Street, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

- (a) Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
- (b) Accurately show the kerb and gutter, driveway and vehicles parked kerbside on Carlisle Street to the immediate east and west of the proposed driveway and the line of the low height, sandstone block retaining wall on Carlisle Street opposite the site.
- (c) Show the width of the proposed driveway layback/gutter crossing required to provide suitable vehicle access as well as minimising the loss of on-street parking.
- (d) Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

19. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

20. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

21. GREEN ROOF

The green roof shall comprise plants selected from the 'Grasses/Sedges' and 'Climbers/Groundcovers' tables in the Planting List in Annexure B2-1 of Part B of Waverley Development Control Plan 2012. The plants shall have a maximum maturity height of 200mm above the roof level.

The green roof is a non-trafficable area and must be irrigated and generally maintainable without requiring frequent access. The irrigation system/process is to be nominated on a landscape plan as part of the Construction Certificate documentation. A balustrade at the perimeter is not, and will not be, permitted to address any safety or other implications from accessing the area for infrequent maintenance purposes.

Direct access to the area (e.g. a gate or door from the same level, or a fixed stair from the level below) must not be incorporated into the design in order to discourage frequent use.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

22. PRIOR TO SITE WORKS

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

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

23. HOME BUILDING ACT

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

24. CONSTRUCTION SIGNS

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

25. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or section 4.55 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

26. 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.

27. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

28. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

29. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

25. OBSTRUCTION TO PUBLIC AREAS

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

30. DILAPIDATION REPORTS

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

Please note the following:

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

31. USE OF FILL ON SITE

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

32. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

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

33. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

34. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

35. SOIL AND WATER MANAGEMENT PLAN

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

36. STOCKPILES

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

37. LOCATION OF BUILDING OPERATIONS

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

38. ALL BUILDING MATERIALS STORED ON SITE

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

39. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

40. CONSTRUCTION HOURS

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

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

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

41. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

42. BUILDING CODE OF AUSTRALIA

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

**43. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS
(RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

44. CERTIFICATE OF SURVEY - LEVELS

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

45. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

46. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

47. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

48. SERVICE PIPES

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

49. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

50. TREE REMOVAL

This consent authorises the removal of the trees within the site listed in the table below.

Species	Location	Action
<i>Schefflera actinophylla</i> (Umbrella Tree)	Rear yard	Remove and replace with trees identified in Landscape Plan referred to in condition 1 of this consent.

<i>Dead tree</i>	Southern side	Remove and replace with trees identified in Landscape Plan referred to in condition 1 of this consent.
<i>Banksia integrifolia</i>	Street tree (dead)	Council will remove

51. TREE PROTECTION

- (a) The trees listed in the table below shall be retained and protected unless authorised by a valid application to remove a tree made to and approved by Council (including Application No. TPO-72/2016 if this approval remains valid).

Species	Location	Action
<i>Araucaria heterophylla</i> (Norfolk Island Pine) x 3 and known as 'T1', 'T2' and 'T3' on the Landscaped Plan referred to in condition 1 of this consent.	Rear yard	Protect and retain
<i>Banksia integrifolia</i>	South side rear yard	Protect and retain
<i>Metrosideros excels</i> (NZ Christmas Bush)	South side rear yard	Protect and retain
<i>Metrosideros excels</i> (NZ Christmas Bush)	Front yard	Protect and retain
<i>Banksia integrifolia</i>	Street tree	Protect and retain

- (b) Precautions shall be taken when working near trees identified in the table above to ensure their retention, including the following:
- (i) Do not store harmful or bulk materials or spoil under or near trees;
 - (ii) Prevent damage to bark and root system;
 - (iii) Do not use mechanical methods to excavate within root zones;
 - (iv) Do not add or remove topsoil from under the drip line;
 - (v) Do not compact ground under the drip line;
 - (vi) Do not mix or dispose of liquids within the drip line of the tree; and
 - (vii) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.
- (c) Trunk protection measures as per AS 4970 – 2009, Section 4.5.3 shall be installed, including the following:
- (i) Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.
 - (ii) 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.
 - (iii) 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.

52. TREE PRUNING ON ADJOINING PROPERTIES

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

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

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

53. NEW VEHICLE CROSSING

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

54. SWIMMING POOLS

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

55. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement 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 being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

56. FINAL OCCUPATION CERTIFICATE

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

57. STORMWATER MANAGEMENT

Prior to issuance of 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.

58. STREET NUMBER/S

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

59. POOL SIGN

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

60. INSPECTION OF POOL

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

61. SWIMMING/SPA POOL PUMP - RESTRICTIONS

Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.

62. SWIMMING POOL REGISTRATION

The swimming pool is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.

63. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

64. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

65. VEHICLE TO BE PARKED WITHIN THE SITE

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

66. GREEN ROOF

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



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NO.	DATE	DESCRIPTION
DA/1	28.07.17	DEVELOPMENT APPLICATION
DA/2	23.02.18	DEVELOPMENT APPLICATION - REVISED

PROJECT NAME

PHILLIPS RESIDENCE

PROJECT

3 SILVA STREET,
TAMARAMA NSW, 2026

DRAWING

PERSPECTIVES

milieu

DRAWN	SCALE	DATE	REVISION
CHECKED	CP SHEET DB	26.02.18 PROJECT NO 17001	DA/2

A602
100



NO.	DATE	DESCRIPTION
DA/1	28.07.17	DEVELOPMENT APPLICATION
DA/2	23.02.18	DEVELOPMENT APPLICATION - REVISED

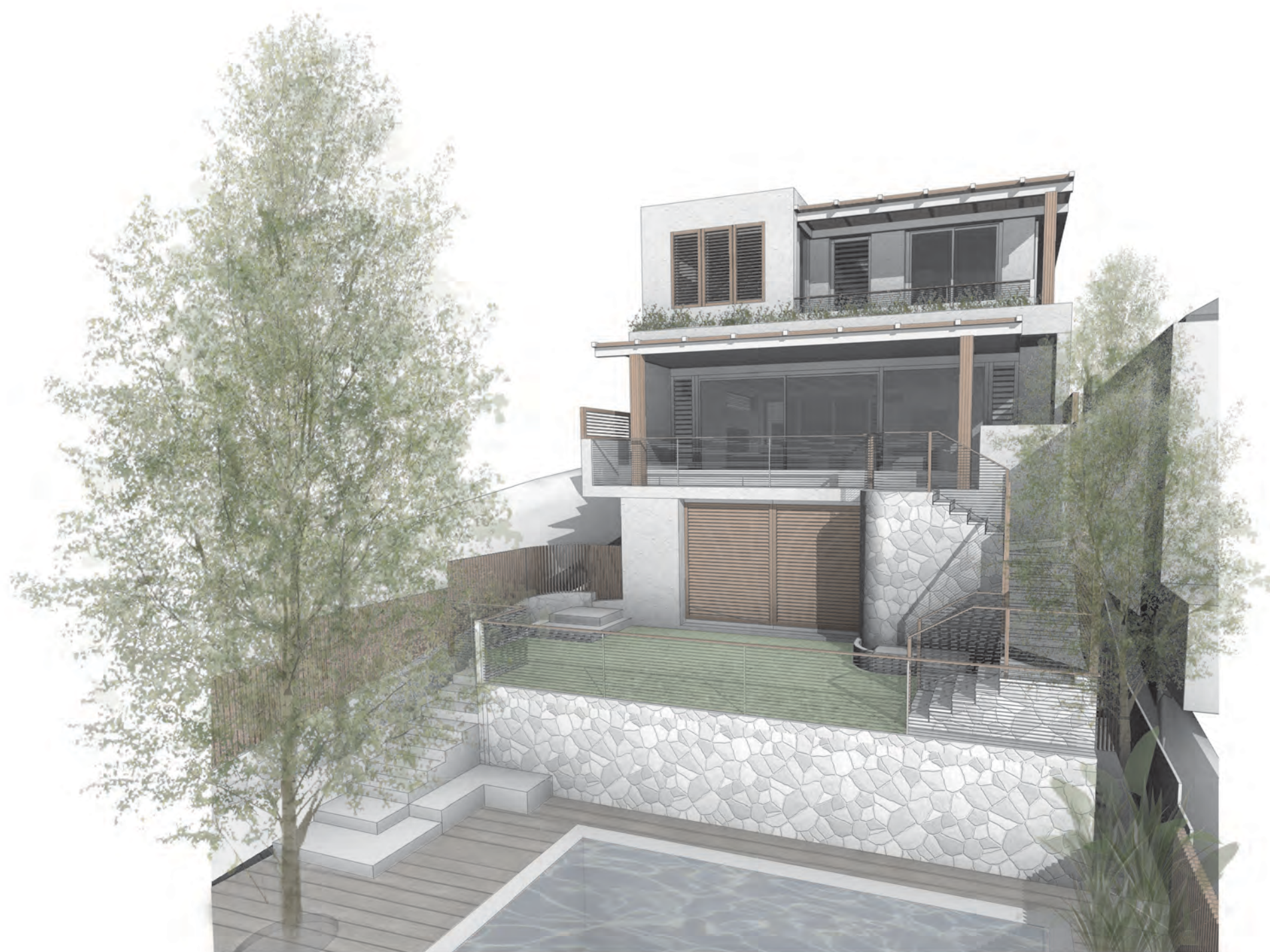
PROJECT NAME
PHILLIPS RESIDENCE

PROJECT
3 SILVA STREET, TAMARAMA NSW, 2026

DRAWING
PERSPECTIVES

DRAWN	SCALE
CHECKED	CP SHEET DB

DATE	REVISION
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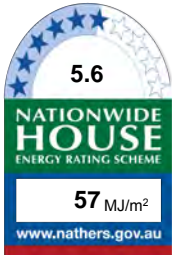
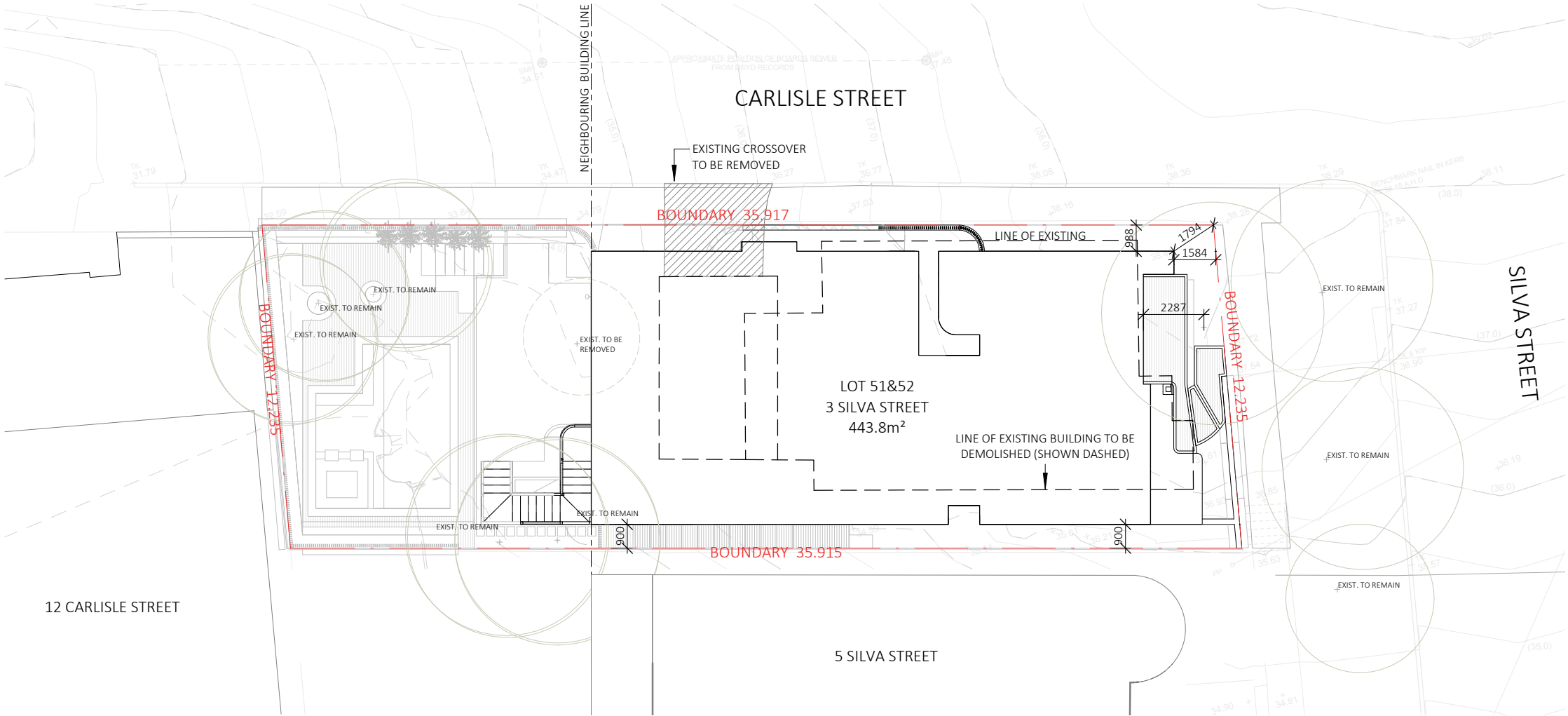
DRAWING
PERSPECTIVES

DRAWN	SCALE	DATE	REVISION
CHECKED	CP SHEET DB	26.02.18 PROJECT NO 17001	DA/2
		A3	

SITE AREA	443.8m ²
FLOOR SPACE RATIO	0.6 = 266.28
LEVEL 01	43m ²
LEVEL 02	135m ²
LEVEL 03	121m ²
TOTAL	299m ²
308/443.8 = FLOOR SPACE RATIO 0.67	
REQUIRED OPEN SPACE	40% = 177.52m ²
PROVIDED OPEN SPACE	= 283.76m ²

OUTDOOR LIVING AREAS	
REQUIRED	25m ²
PROVIDED	= LEVEL 01
	LEVEL 02
	LEVEL 03
TOTAL	164m ²

FLOOR AREAS	
LEVEL 01	138m ²
LEVEL 02	145m ²
LEVEL 03	138m ²
TOTAL	421m ²



Certificate no.: 0001726355-01
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 01 Mar 2018
Dwelling Address:

3 SILVIA STREET
TAMARAMA, NSW
2026

www.nathers.gov.au



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PROJECT NAME

PHILLIPS RESIDENCE

PROJECT

3 SILVA STREET,
TAMARAMA NSW, 2026

DRAWING

SITE PLAN



DRAWN

CHECKED

SCALE

CP

SHEET

DB

DATE

PROJECT NO

17001

26.02.18

A3

1 : 200

REVISION

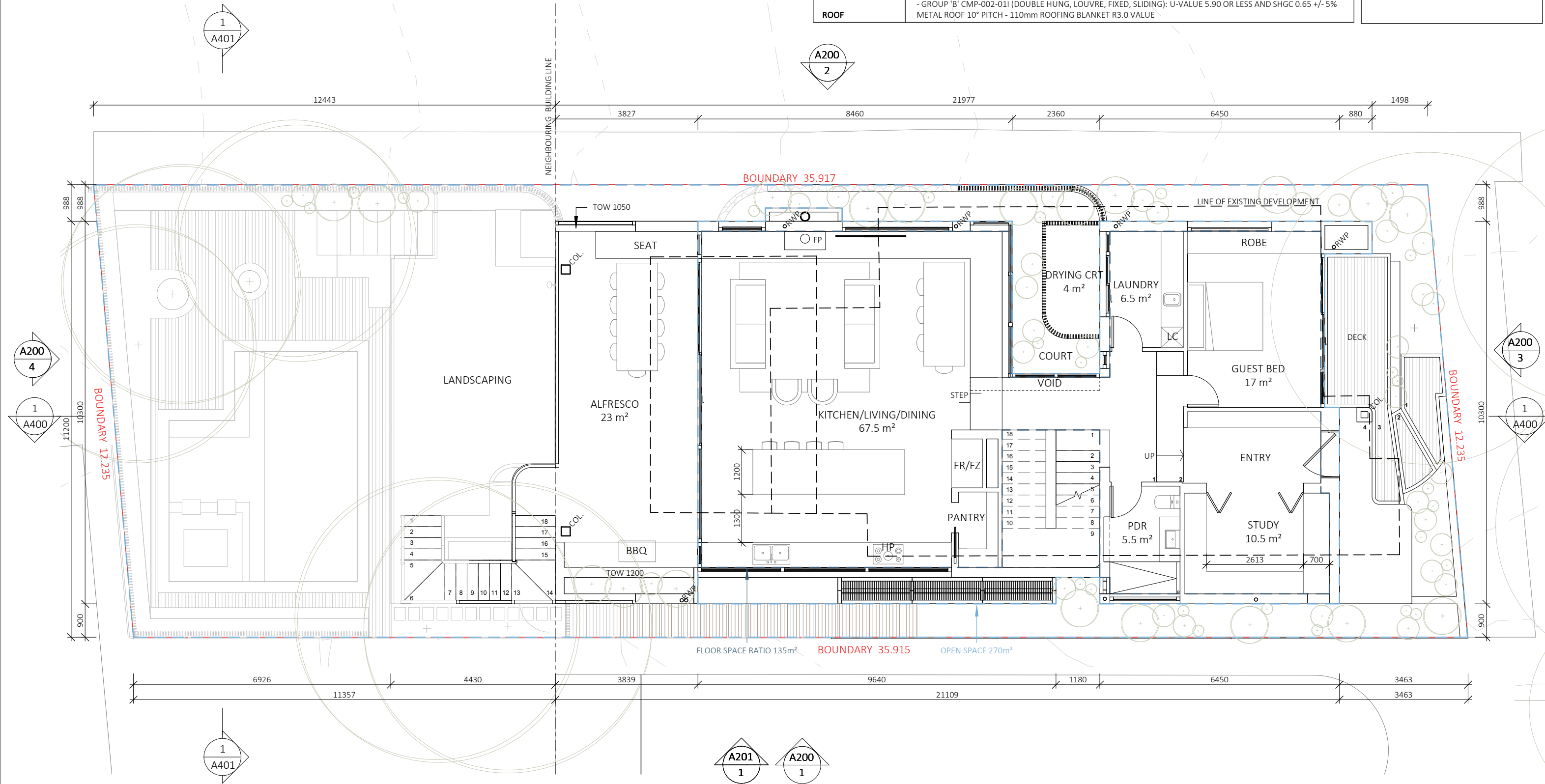
DA/2

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BASIX NOTES	
EXTERNAL WALLS	CAVITY BRICK WITH R1.0 FOIL BOARD
CEILINGS EXTERNAL	SUSPENDED CONCRETE ABOVE PLASTERBOARD - R3.0 BULK INSULATION
FLOORS	TIMBER ABOVE PLASTERBOARD - R6.0 BULK INSUATION
WINDOWS	SLAB ON GROUND - FOAMULAR UNDER SLAB INSULATION OR SIMILAR R1.7 VALUE
	SUSPENDED CONCRETE SLAB - FOIL SIDED R2.0 FIXED TO THE UNDERSIDE OF SSPENDED SLAB
	TIMBER FRAMED DOUBLE GLAZED CLEAR TO ALL WINDOWS
	-GROUP 'A' CMP-003-01I (AWENING, BIFOLD, CASEMENT, TILT N TURN: U-VALUE 3.90 OR LESS SHGC 0.51 +/- 5%
	-GROUP 'B' CMP-004-01I (DOUBLE HUNG, FIXED, LOUVRE, SLIDING): U-VALUE 3.90 OR LESS AND SHGC 0.59 +/- 5%
	TIMBER FRAMED SINGLE GLAZED CLEAR TO ALL LOUVRES ONLY
	- GROUP 'B' CMP-002-01I (DOUBLE HUNG, LOUVRE, FIXED, SLIDING): U-VALUE 5.90 OR LESS AND SHGC 0.65 +/- 5%
ROOF	METAL ROOF 10° PITCH - 110mm ROOFING BLANKET R3.0 VALUE

GENERAL ABBREVIATIONS	
EX	EXISTING
NGL	NATURAL GROUND LEVEL
RL	REDUCED LEVEL
FFL	FINISHED FLOOR LEVEL
CL	CEILING LEVEL
RWP	RAIN WATER PIPE
COL	COLUMN
WST	WASTE PIPE
MOD WD	MOD WOOD IN SILVER GUM



1 GROUND FLOOR
1 : 100

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PROJECT NAME

PHILLIPS RESIDENCE

PROJECT

3 SILVA STREET,
TAMARAMA NSW, 2026

DRAWING

PLANS



DRAWN

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SCALE

CP
SHEET

DB

As indicated

DATE

26.02.18

PROJECT NO
17001

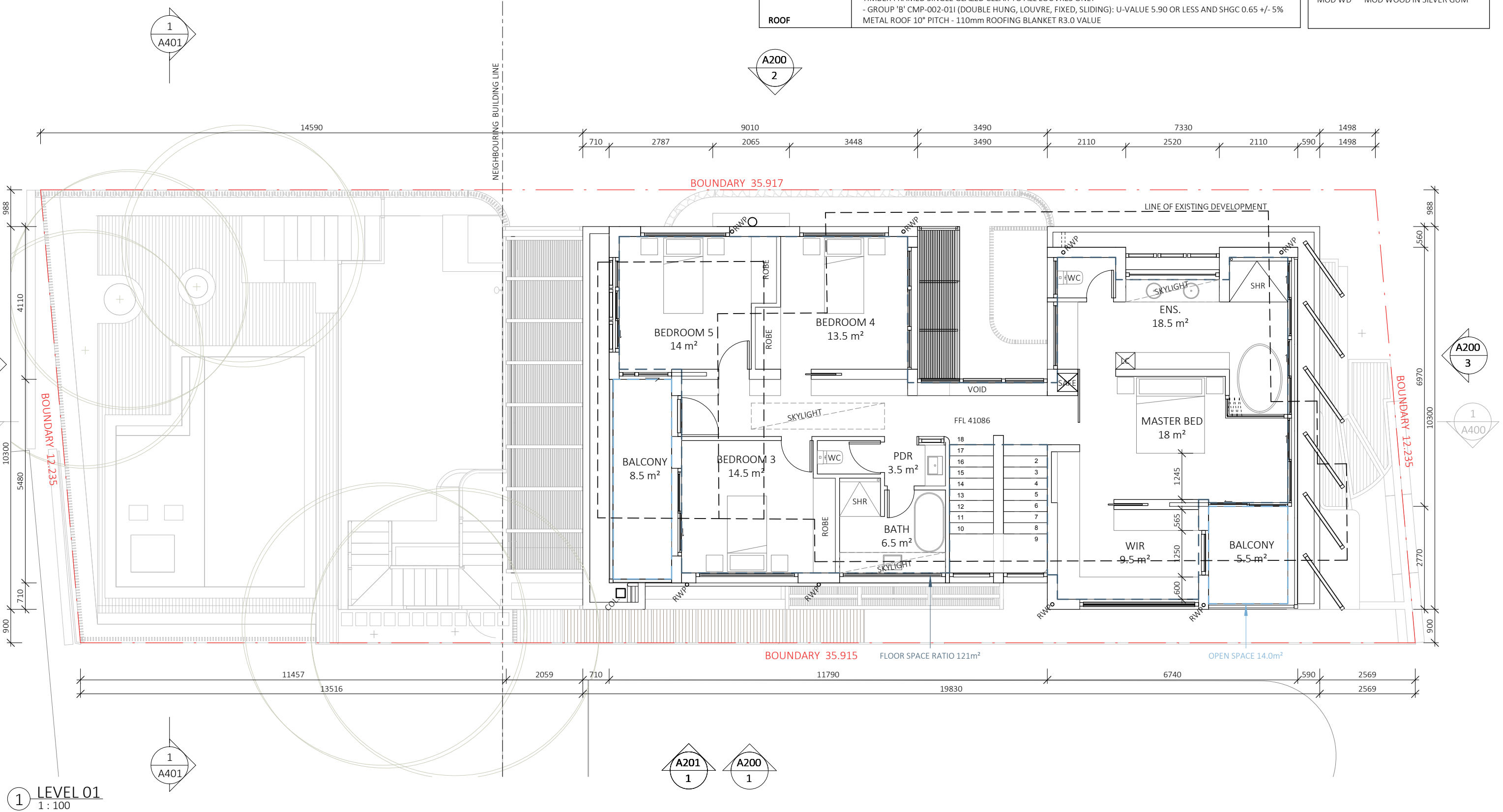
REVISION

DA/2

A201
103

BASIX NOTES	
EXTERNAL WALLS	CAVITY BRICK WITH R1.0 FOIL BOARD
CEILINGS EXTERNAL	SUSPENDED CONCRETE ABOVE PLASTERBOARD - R3.0 BULK INSULATION
FLOORS	TIMBER ABOVE PLASTERBOARD - R6.0 BULK INSUATION
WINDOWS	SLAB ON GROUND - FOAMULAR UNDER SLAB INSULATION OR SIMILAR R1.7 VALUE
ROOF	SUSPENDED CONCRETE SLAB - FOIL SIDED R2.0 FIXED TO THE UNDERSIDE OF SSPENDED SLAB
	TIMBER FRAMED DOUBLE GLAZED CLEAR TO ALL WINDOWS
	-GROUP 'A' CMP-003-01I (AWENING, BIFOLD, CASEMENT, TILT N TURN: U-VALUE 3.90 OR LESS SHGC 0.51 +/- 5%
	-GROUP 'B' CMP-004-01I (DOUBLE HUNG, FIXED, LOUVRE, SLIDING): U-VALUE 3.90 OR LESS AND SHGC 0.59 +/- 5%
	TIMBER FRAMED SINGLE GLAZED CLEAR TO ALL LOUVRES ONLY
	- GROUP 'B' CMP-002-01I (DOUBLE HUNG, LOUVRE, FIXED, SLIDING): U-VALUE 5.90 OR LESS AND SHGC 0.65 +/- 5%
	METAL ROOF 10° PITCH - 110mm ROOFING BLANKET R3.0 VALUE

GENERAL ABBREVIATIONS	
EX	EXISTING
NGL	NATURAL GROUND LEVEL
RL	REDUCED LEVEL
FFL	FINISHED FLOOR LEVEL
CL	CEILING LEVEL
RWP	RAIN WATER PIPE
COL	COLUMN
WST.	WASTE PIPE
MOD WD	MOD WOOD IN SILVER GUM



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PHILLIPS RESIDENCE

PROJECT

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TAMARAMA NSW, 2026

DRAWING

PLANS

DRAWN

CHECKED

SCALE

CP

As indicated

SHEET

DB

DATE

26.02.18

PROJECT NO

17001

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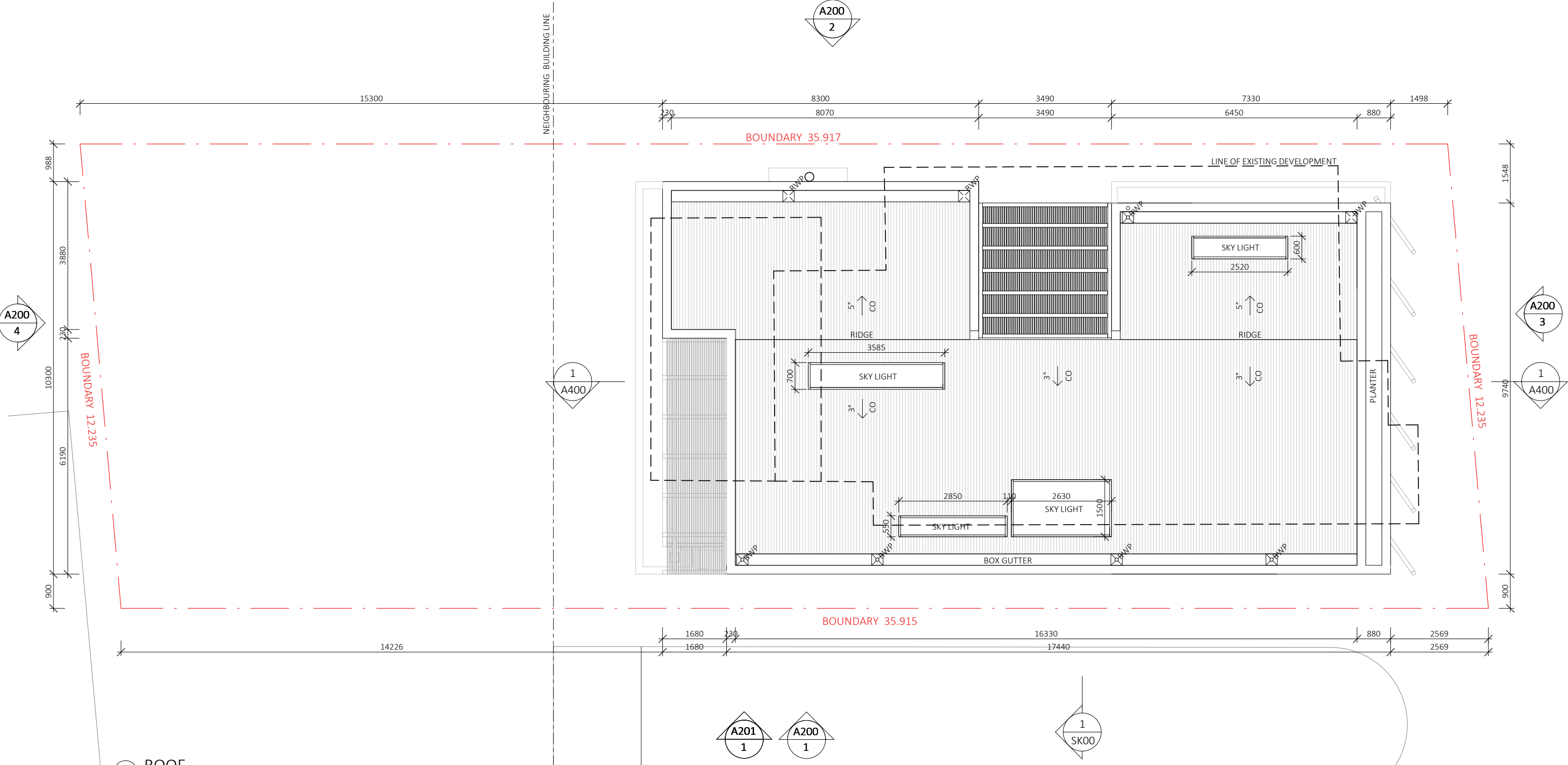
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BASIX NOTES	
EXTERNAL WALLS	CAVITY BRICK WITH R1.0 FOIL BOARD
CEILINGS EXTERNAL	SUSPENDED CONCRETE ABOVE PLASTERBOARD - R3.0 BULK INSULATION
FLOORS	TIMBER ABOVE PLASTERBOARD - R6.0 BULK INSUATION
WINDOWS	SLAB ON GROUND - FOAMULAR UNDER SLAB INSULATION OR SIMILAR R1.7 VALUE
	SUSPENDED CONCRETE SLAB - FOIL SIDED R2.0 FIXED TO THE UNDERSIDE OF SSPENDED SLAB
	TIMBER FRAMED DOUBLE GLAZED CLEAR TO ALL WINDOWS
	-GROUP 'A' CMP-003-01I (AWENING, BIFOLD, CASEMENT, TILT N TURN: U-VALUE 3.90 OR LESS SHGC 0.51 +/- 5%
	-GROUP 'B' CMP-004-01I (DOUBLE HUNG, FIXED, LOUVRE, SLIDING): U-VALUE 3.90 OR LESS AND SHGC 0.59 +/- 5%
	TIMBER FRAMED SINGLE GLAZED CLEAR TO ALL LOUVRES ONLY
	- GROUP 'B' CMP-002-01I (DOUBLE HUNG, LOUVRE, FIXED, SLIDING); U-VALUE 5.90 OR LESS AND SHGC 0.65 +/- 5%
ROOF	METAL ROOF 10° PITCH - 110mm ROOFING BLANKET R3.0 VALUE

ROOF LEGEND	
CO	COLORBOND ROOF SHEETING - SURFMIST
RWP	RAINWATER PIPE



1 ROOF
1 : 100

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PROJECT

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ROOF PLAN



DRAWN

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DATE

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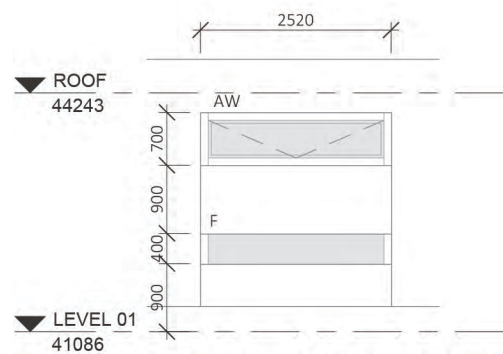
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A203

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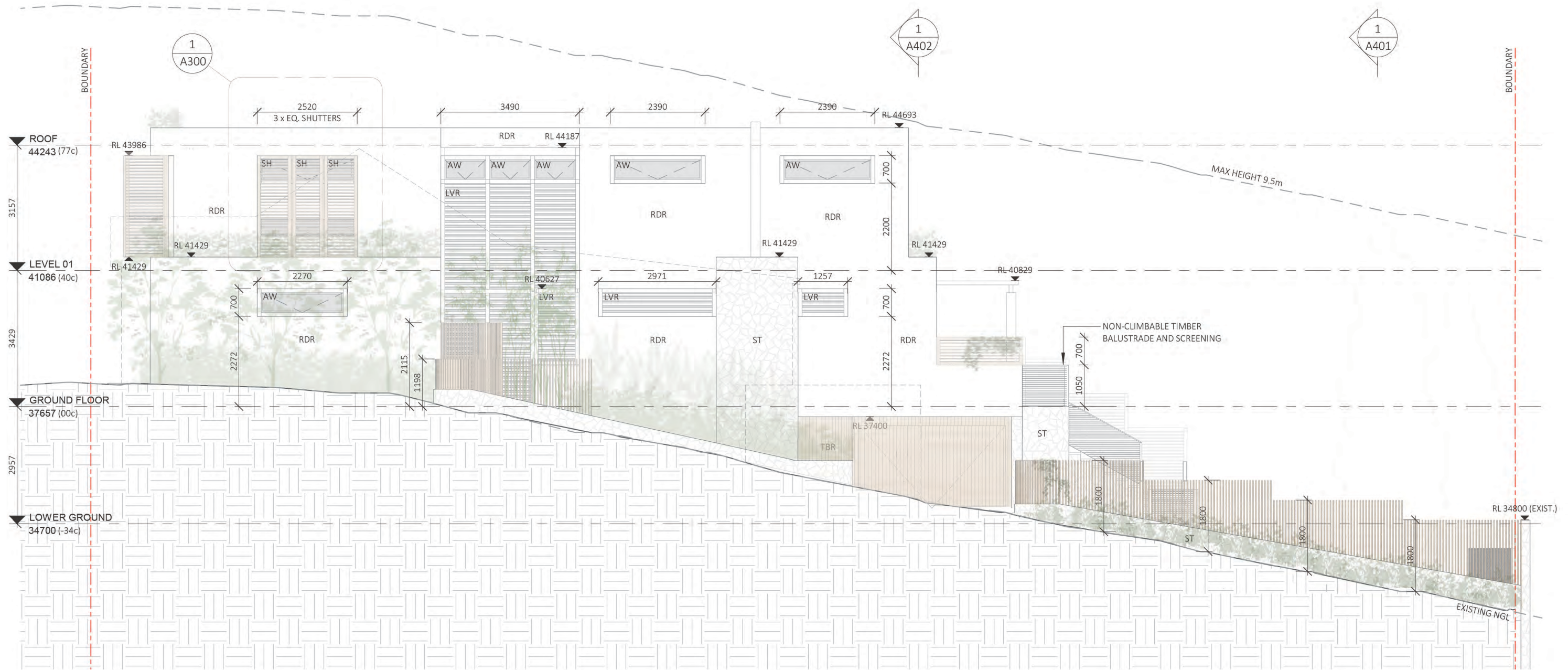


MATERIAL LEGEND	
RDR	DULUX TEXTURE COAT - WHITE
ST	STONE - ECO OUTDOOR NEWPORT
TBR	TIMBER - ACCOYA NATURAL
GL	GLASS
PL	PINE LAP FENCING OR SIMILAR
CR	CEMENT RENDER

WINDOW LEGEND	
F	FIXED
AW	AWENING
LVR	LOUVRE - GLASS
SH	EXTERNAL SHUTTERS - TIMBER
SL	SLIDING
SL SCR	SLIDING SCREEN DOORS - TIMBER
PV	PIVOT ENTRY DOOR - TIMBER

GENERAL ABBREVIATIONS	
EX	EXISTING
NGL	NATURAL GROUND LEVEL
RL	REDUCED LEVEL
FFL	FINISHED FLOOR LEVEL
CL	CEILING LEVEL
RWP	RAIN WATER PIPE
COL	COLUMN
WST	WASTE PIPE
MOD WD	MOD WOOD IN SILVER GUM

1 NORTH ELEVATION - ENS WND BEHIND SHUTTER
1 : 100



2 NORTH ELEVATION
1 : 100

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DA/1	28.07.17	DEVELOPMENT APPLICATION	PHILLIPS RESIDENCE	3 SILVA STREET, TAMARAMA NSW, 2026	ELEVATIONS	CHECKED	CP SHEET DB	As indicated PROJECT NO A3	26.02.18 17001
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A300
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GENERAL ABBREVIATIONS	
EX	EXISTING
NGL	NATURAL GROUND LEVEL
RL	REDUCED LEVEL
FFL	FINISHED FLOOR LEVEL
CL	CEILING LEVEL
RWP	RAIN WATER PIPE
COL.	COLUMN
WST.	WASTE PIPE
MOD WD	MOD WOOD IN SILVER GUM



NO.	DATE	DESCRIPTION
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PROJECT

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TAMARAMA NSW, 2026

DRAWN	SCALE	DATE
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	SHEET	PROJECT NO
DB	A3	17001

REVISION
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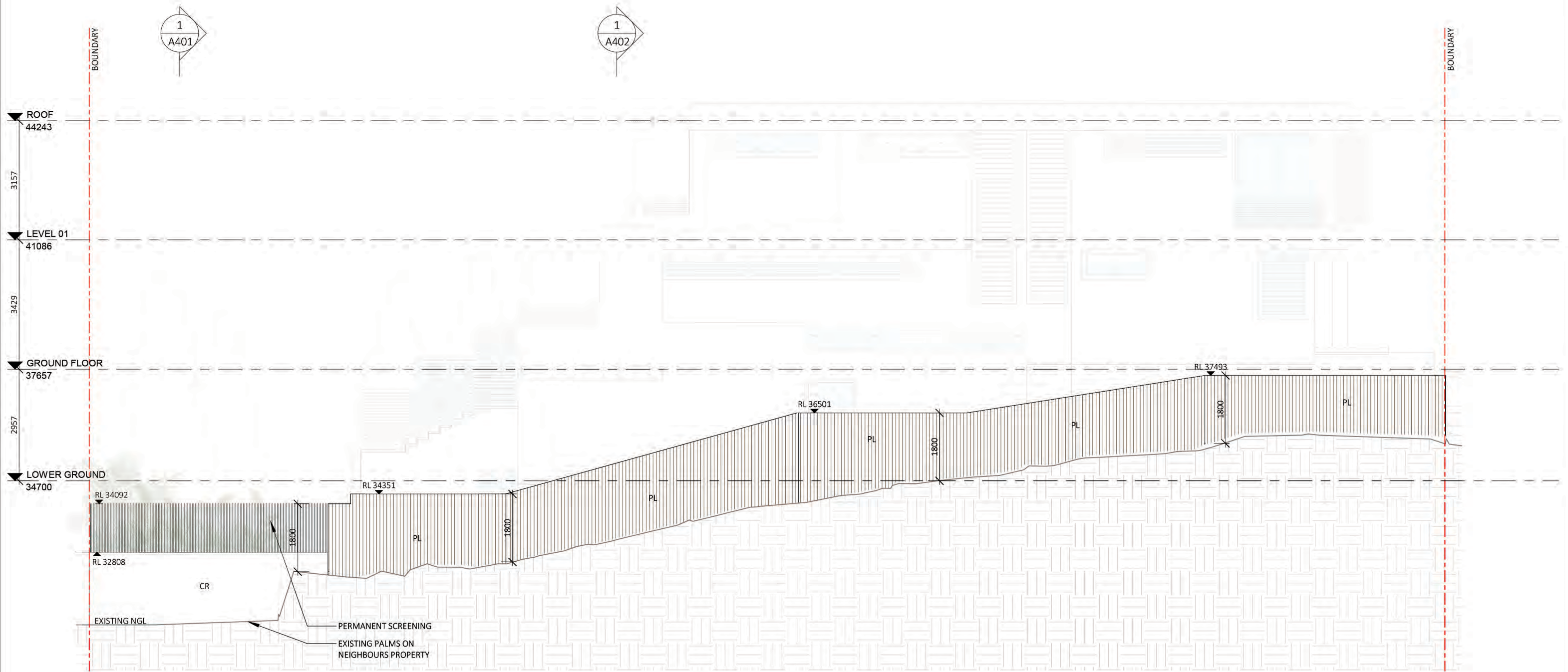
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MATERIAL LEGEND	
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ST	STONE - ECO OUTDOOR NEWPORT
TBR	TIMBER - ACCOYA NATURAL
GL	GLASS
PL	PINE LAP FENCING OR SIMILAR
CR	CEMENT RENDER

WINDOW LEGEND	
F	FIXED
AW	AWENING
LVR	LOUVRE - GLASS
SH	EXTERNAL SHUTTERS - TIMBER
SL	SLIDING
SL SCR	SLIDING SCREEN DOORS - TIMBER
PV	PIVOT ENTRY DOOR - TIMBER

GENERAL ABBREVIATIONS	
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RL	REDUCED LEVEL
FFL	FINISHED FLOOR LEVEL
CL	CEILING LEVEL
RWP	RAIN WATER PIPE
COL.	COLUMN
WST.	WASTE PIPE
MOD WD	MOD WOOD IN SILVER GUM



1 SOUTH ELEVATION - FENCING

1:100

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DRAWING

ELEVATIONS



DRAWN

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SCALE

CP

SHEET

MC

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DATE

26.02.18

PROJECT NO

A3

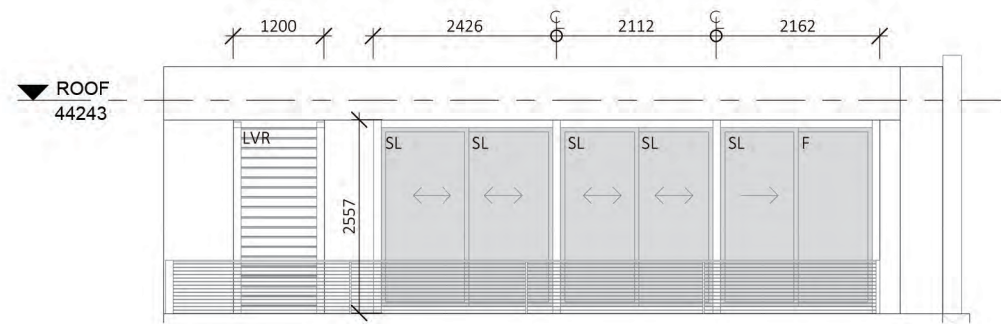
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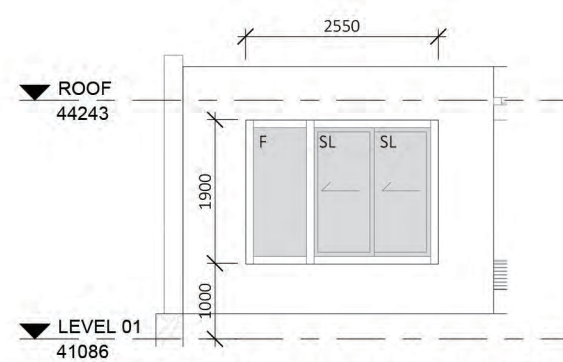
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A302

170



1 EAST ELEVATION - MASTER WND BEHIND ANGLED SHUTTER
1 : 100

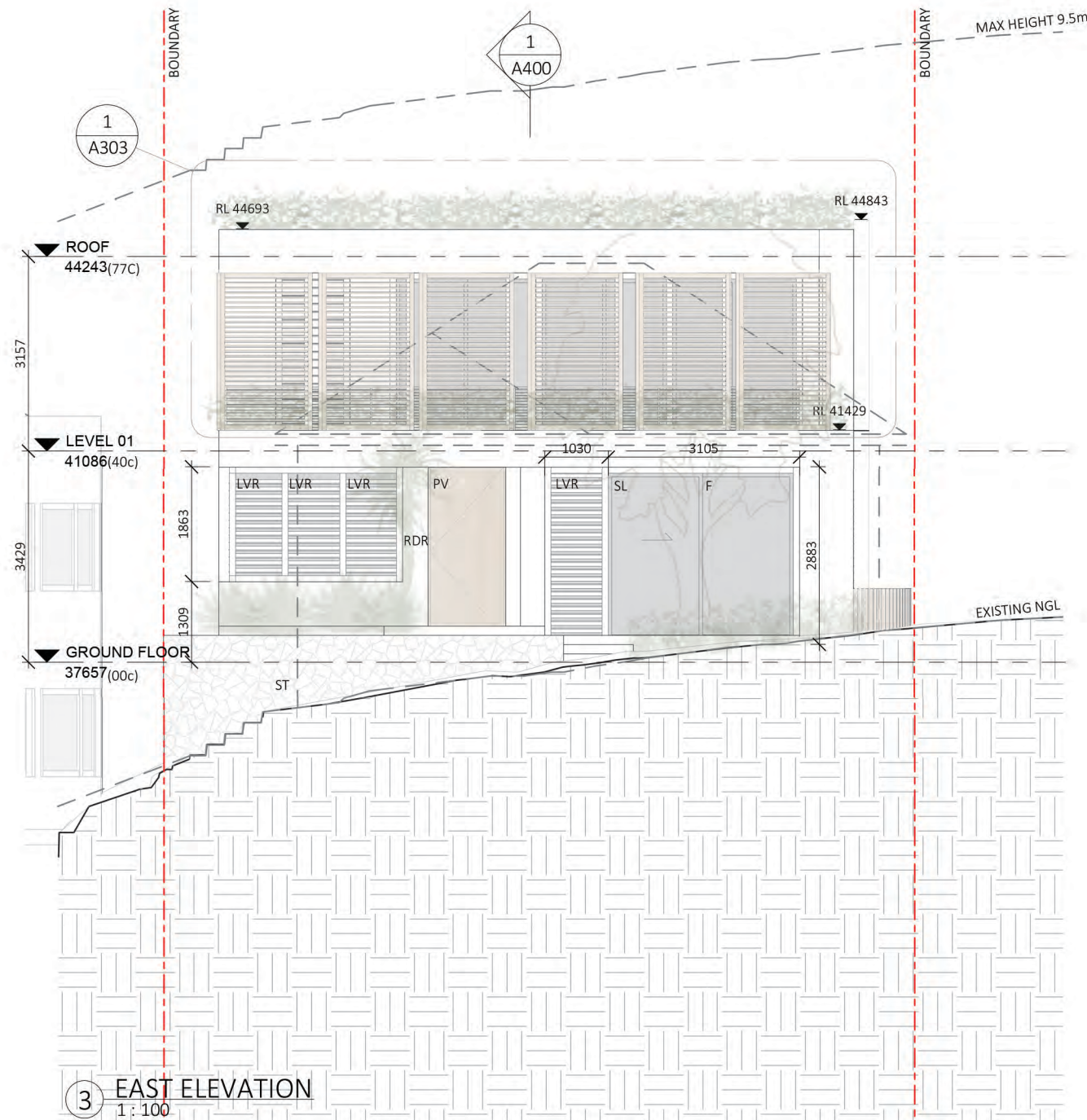


2 WEST ELEVATION - BED 5 WND BEHIND SHUTTER
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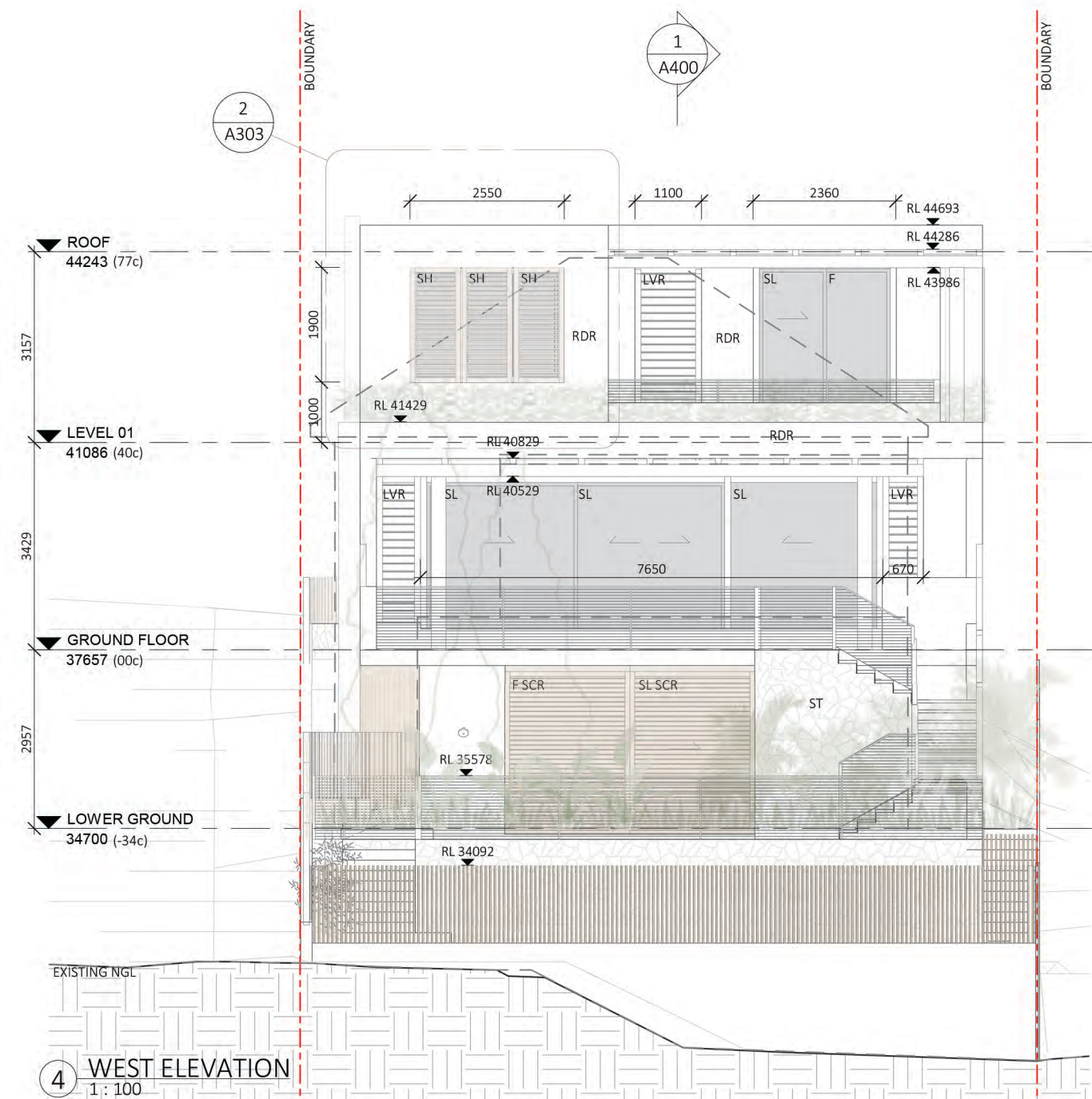
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RDR	DULUX TEXTURE COAT - WHITE
ST	STONE - ECO OUTDOOR
TBR	NEWPORT
GL	TIMBER - ACCOYA NATURAL
PL	GLASS
CR	PINE LAP FENCING OR SIMILAR
	CEMENT RENDER

WINDOW LEGEND	
F	FIXED
AW	AWENING
LVR	LOUVRE - GLASS
SH	EXTERNAL SHUTTERS - TIMBER
SL	SLIDING
SL SCR	SLIDING SCREEN DOORS - TIMBER
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GENERAL ABBREVIATIONS	
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RL	REDUCED LEVEL
FFL	FINISHED FLOOR LEVEL
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RWP	RAIN WATER PIPE
COL	COLUMN
WST.	WASTE PIPE
MOD WD	MOD WOOD IN SILVER GUM



3 EAST ELEVATION
1 : 100



4 WEST ELEVATION
1 : 100

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PROJECT

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TAMARAMA NSW, 2026

DRAWING

ELEVATIONS

DRAWN

CHECKED

SCALE

CP
SHEET

DB

As indicated

DATE

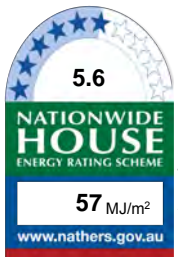
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17001

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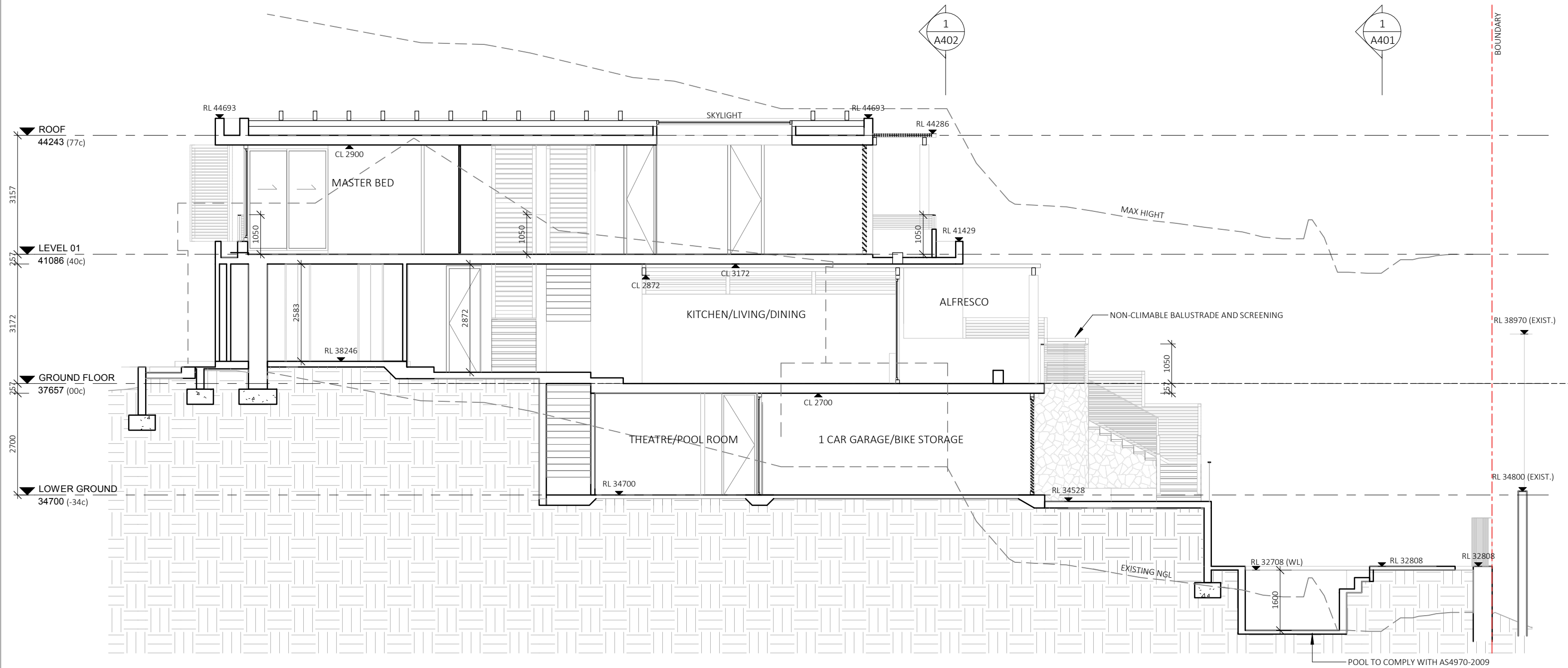
DA/2

A303

171



Certificate no.: 0001726355-01
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 01 Mar 2018
Dwelling Address: 3 SILVIA STREET
TAMARAMA, NSW
2026
www.nathers.gov.au



1 SECTION 1
1 : 100

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SECTION

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26.02.18

PROJECT NO

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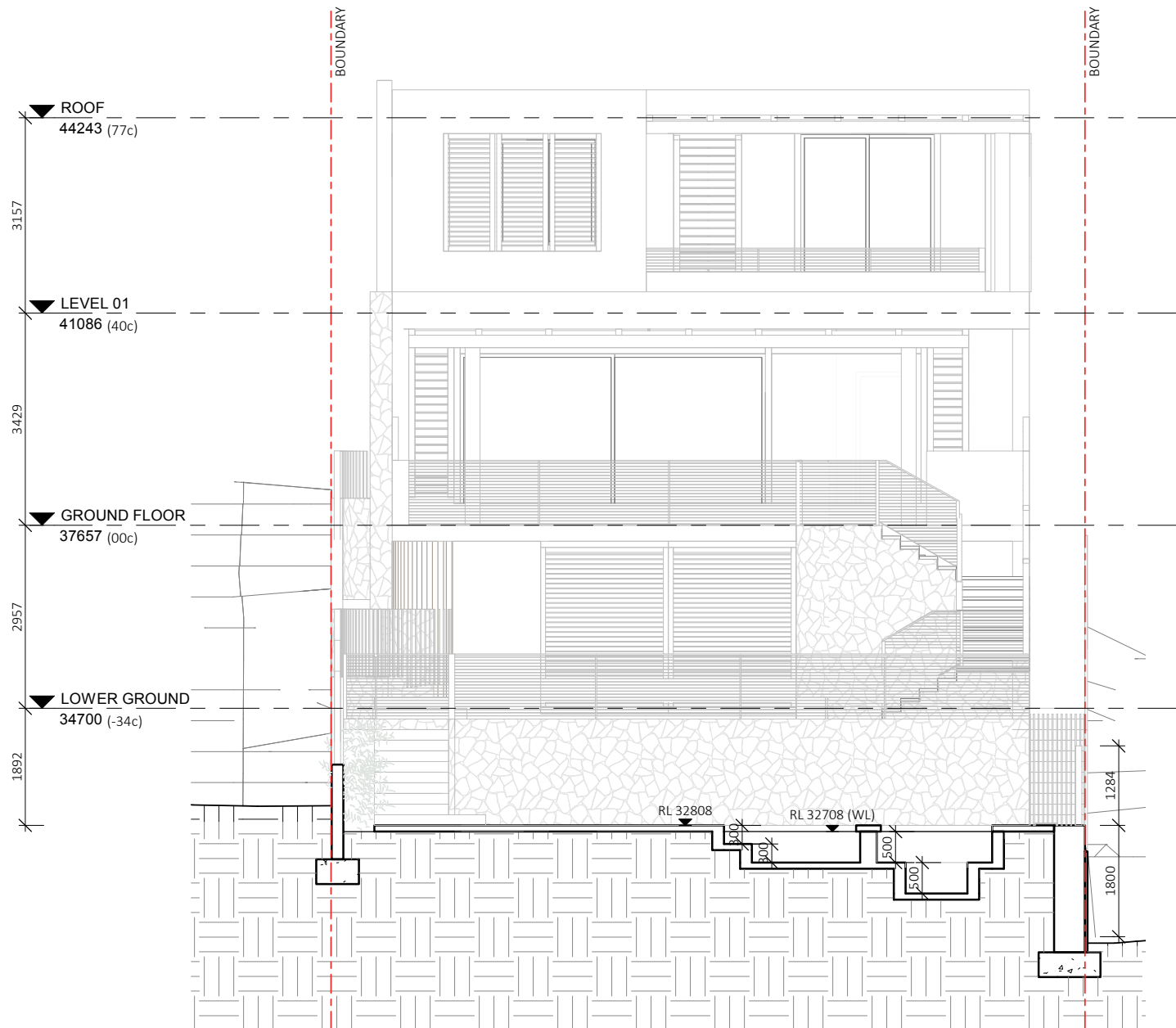
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Certificate no.: 0001726355-01
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 01 Mar 2018
Dwelling Address:
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1 SECTION 3 - POOL
1 : 100

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PROJECT

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TAMARAMA NSW, 2026

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SECTION



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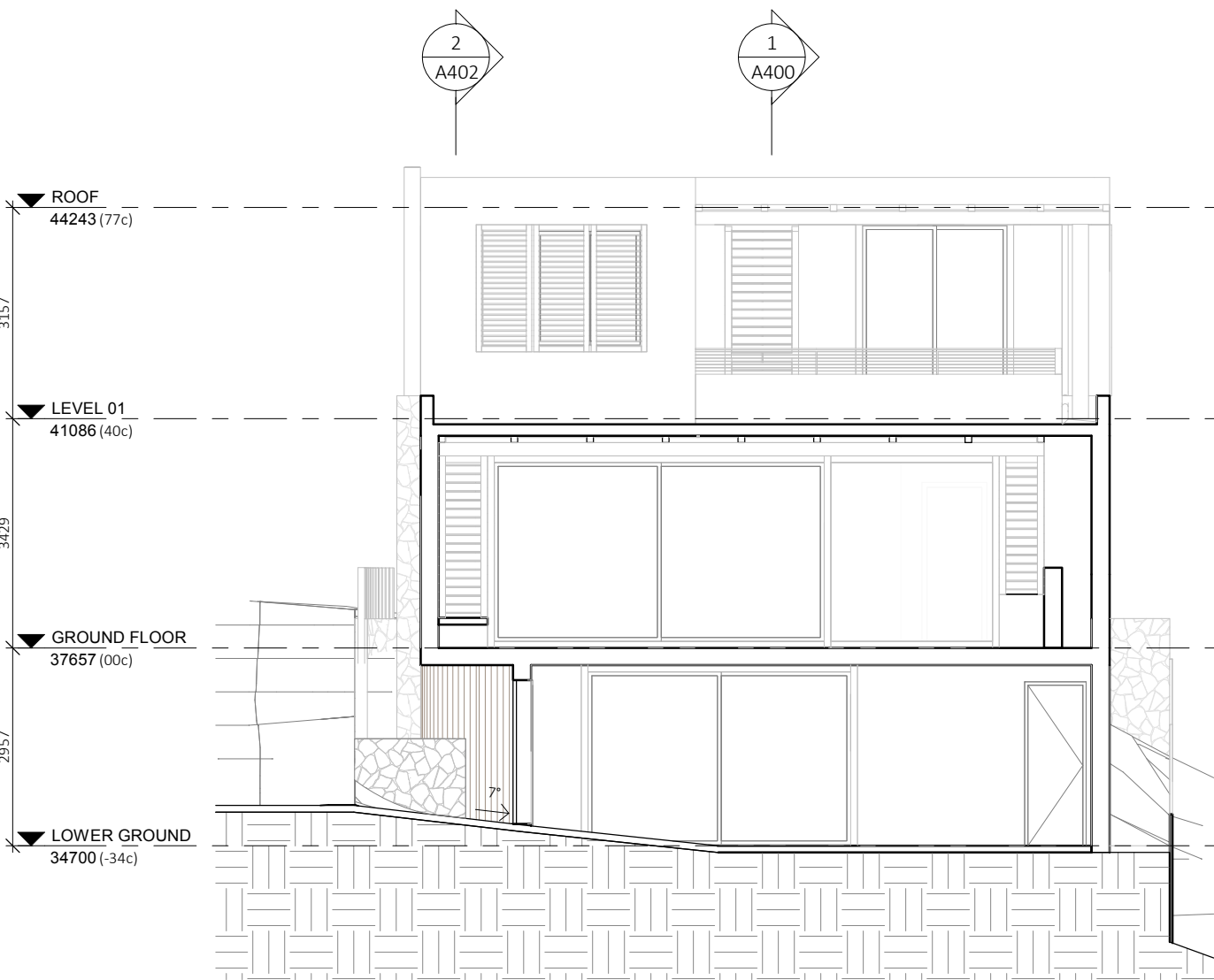
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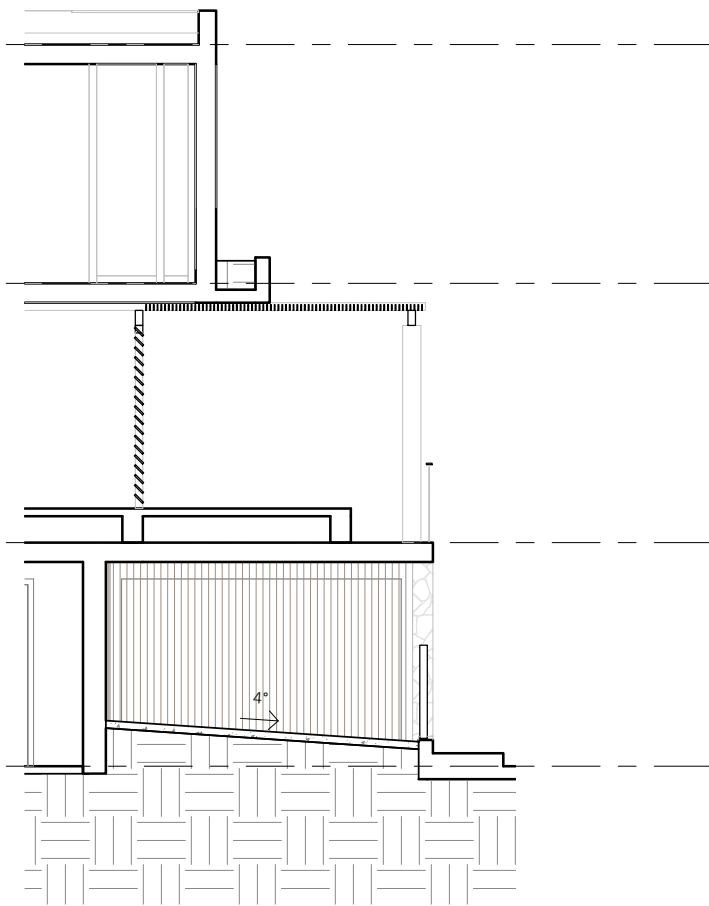
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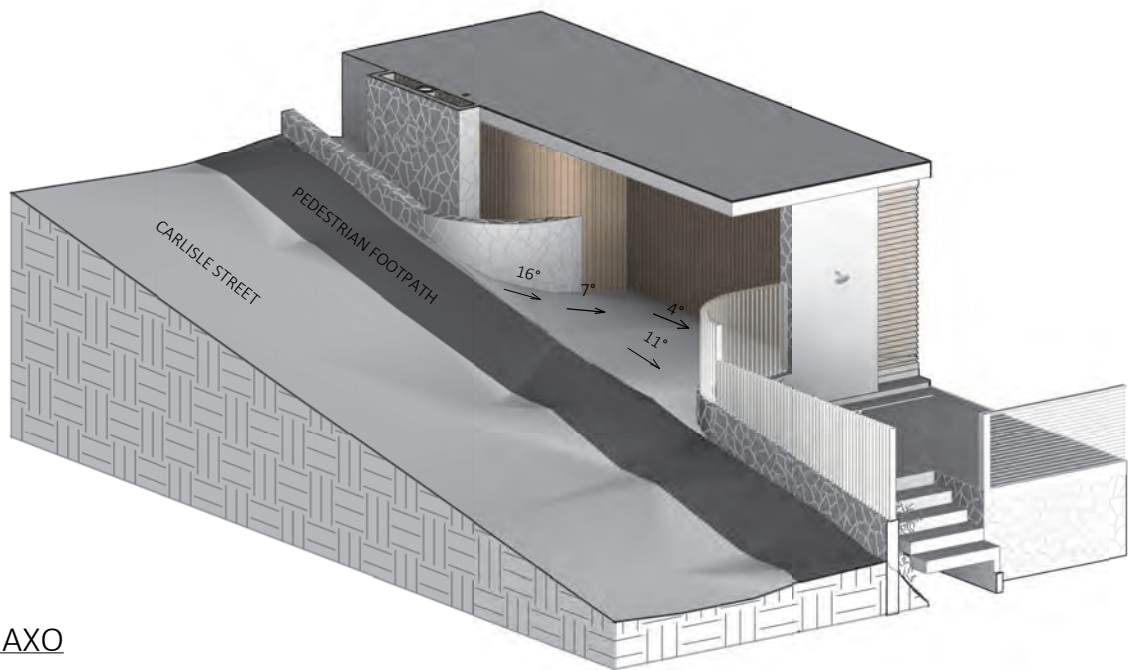
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1 CROSSOVER SECTION A
1 : 100



2 CROSSOVER SECTION B
1 : 100



3 CROSSOVER AXO



Certificate no.: 0001726355-01
Assessor Name: Terry Chapman
Accreditation no.: 20920
Certificate date: 01 Mar 2018
Dwelling Address: 3 SILVIA STREET
TAMARAMA, NSW
2026



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TAMARAMA NSW, 2026

DRAWING

SECTION

DRAWN

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DATE

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PROJECT NO

REVISION

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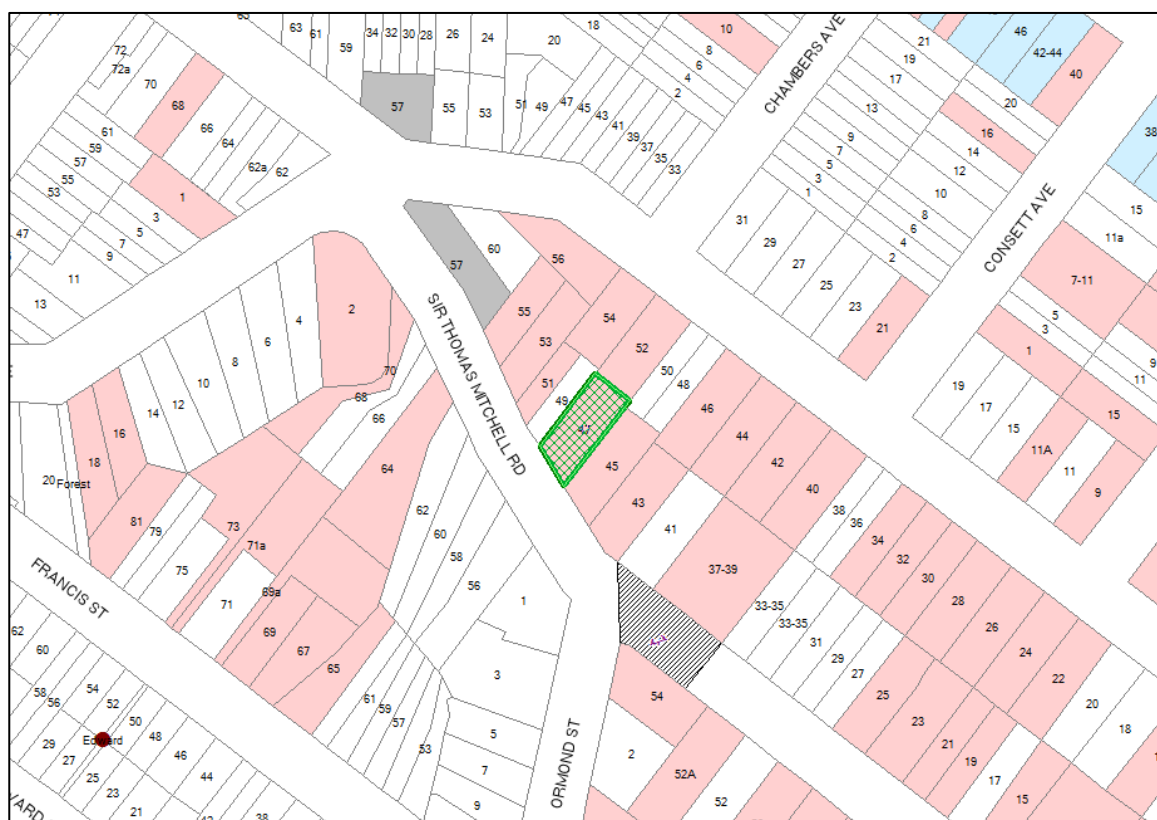
174



Report to the Waverley Development Assessment Panel

Application number	DA-492/2017
Site address	8/47 Sir Thomas Mitchell Road, BONDI BEACH
Proposal	Alterations to existing apartment to convert attic to habitable space to unit 8
Date of lodgement	16 November 2017
Owner	Mr J A Cooke
Applicant	Isa Designs
Submissions	Nil
Cost of works	\$150,000
Issues	Non-compliance with FSR development standard
Recommendation	That the application be APPROVED subject to conditions.

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 1 March 2018.

The site is identified as Lot 8 in SP 73441, known as 8/47 Sir Thomas Mitchell Road, BONDI BEACH. It is located on the northern side of Sir Thomas Mitchell Road between Forest Knoll Avenue and Ormond Street.

The site is irregular in shape with an area of approximately 520sqm. The street frontage measures 16m and the rear boundary measures 15.2m, the north western side boundary measures 31.2m and the south eastern side boundary measures 37.1m.

The site is occupied by a three storey residential flat building. No vehicle access is provided to the site. The subject apartment, Unit 8, is a two bedroom apartment located on the top floor at the front of the site.

The subject site is adjoined by similar residential flat building to the south east and a single dwelling to the north west. The locality is characterised by a variety of residential development including residential flat buildings and single dwellings.



Figure 1: Subject site frontage



Figure 2: Southern corner of the building, location of the proposed dormer windows



Figure 3: Internal wall proposed to be demolished to allow for stair access to the attic

1.2 Relevant History

The following applications relate to the subject site:

- DA-481/2004 (11 November 2004) approved alterations to the building including new windows and fire safety upgrades
- DA-789/2004 (8 February 2005) approved alterations to the front ground floor bay windows to provide glazed doors
- DA-82/2005 (19 April 2005) approved the erection of a new front fence

On 6 March 2018, Council staff wrote to the applicant advising that additional information was required to accurately consider the proposal with regard to the floor space ratio. On 23 March 2018 the applicant submitted additional drawings and a Clause 4.6 written request to vary the FSR development standard. The submitted plans had drafting error and further plans were submitted on 4 April 2018.

1.3 Proposal

The proposal seeks consent for alterations to Unit 8 to convert the attic to habitable space, comprising a bedroom, rumpus room/study, bathroom and a balcony. The proposed works include internal reconfiguration and two dormer windows on the south western slope of the roof.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP 65 Design Quality of Residential Flat Development

The development is defined as a 'residential flat building' under SEPP 65, however the proposed works do not constitute "substantial alterations" that would trigger the application of SEPP 65 in the assessment of this application. The application will be assessed against the controls contained in Part C2 of Waverley Development Control Plan 2012 that relate to multi-unit dwellings and residential flat buildings.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the relevant aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R3 Zone	Yes	The proposal is for alterations and additions to a residential flat building, which is permitted with consent in the R3 zone. The proposal meets the relevant objectives of the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">12.5m	Yes	The proposal has a maximum height of 12.3m
4.4 Floor space ratio <ul style="list-style-type: none">0.9:1	No	The existing FSR is 1.52:1. The proposed attic level increases the gross floor area by 39.84sqm which equates to a total FSR of 1.6:1. The proposal exceeds the floor space ratio development standard by 363.62sqm or 77.7%
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.

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 1.6:1, which exceeds the floor space ratio development standard of 0.9:1 prescribed under clause 4.4 of Waverley LEP 2012 by 363.62sqm in gross floor area or 77.7%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The existing building exceeds the FSR development standard
- The proposed addition is within the existing roof and does not alter the building envelope or scale, nor does it change the existing setbacks.
- The proposed development does not have any amenity or visual impact on the character of the surrounding area.

The proposal attempts to utilise the roof space of the building with protruding dormer windows across the south-eastern slope of the roof. The style and design of the dormer windows are similar to the existing roof form, and subject to the recommended design changes discussed in other areas of this report relating to setting down the dormers from the main ridge, the dormer windows are a subservient addition that will not have an adverse impact on the building and streetscape character.

The proposal will not result in adverse environmental impacts upon adjoining properties with regards to view loss, privacy, visual impact and overshadowing. The proposed balcony is set down within the roof pitch, and setback 2.4m from the building line and 3.2m from the boundary so it does not have visual privacy impacts on adjoining properties. Further, the proposed dormer additions will not result in additional overshadowing.

The applicant's written request demonstrates that there is sufficient environmental planning grounds to justify contravening the FSR development standard in this particular case. The proposal is in the public interest as it is consistent with the objectives of the R3 zone and the FSR development standard in accordance with WLEP 2012 Clause 4.6(3). The proposal utilises existing space within the building to use as floor space without having an adverse impact on the streetscape or the amenity of adjoining properties. In this regard, the applicant development consent may be granted in accordance with WLEP 2012 Clause 4.6(4).

2.1.5 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A SWRMP has been submitted. On-going waste management of the building will remain unchanged by the proposal.
2. Energy and water conservation	Yes	A BASIX certificate has been submitted with the application.

Development Control	Compliance	Comment
6. Stormwater	N/A	On site detention is not required for the proposal
7. Accessibility, adaptable dwellings & Universal Housing Design	N/A	The proposal relates to alterations and additions to existing units and therefore does not affect the accessibility of communal areas of the building and site.

Table 3: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 7m 	Yes	The proposal does not change the overall external wall height of the existing building.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposed attic addition is within the footprint of the existing building and is set behind the front (south eastern) ridge of the existing roof of the building. It does not change the street setbacks of the building.
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 4.5m (for building height greater than 9.5m) 	Yes	The proposed dormer windows and balcony are within the existing building and the dormers are setback 1.3m from the roof. The proposal does not alter the existing side setbacks, but rather reads as a subservient roof addition.
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m Maximum depth of single aspect unit: 8m 	N/A	No change to the overall length and depth of the building is proposed.
2.7 Building separation		
<ul style="list-style-type: none"> Minimum 6m btw non-habitable Minimum 9m btw non-habitable and habitable Minimum 12m btw habitable and habitable 	No (acceptable on merit)	The dormer windows are setback 2m from the side boundary and the balcony is setback 3.2m from the side boundary. The windows and balcony are positioned one floor level above the adjoining level windows, and therefore are not expected to adversely affect the visual privacy of surrounding properties. Given the setback from the building line, the balcony is not expected to result in privacy impacts.
2.8 Building design and streetscape		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	<p>The proposed roof additions are set behind the front roof plane and the main gable remains intact. The proposed dormers have a pitch roof, mirroring the style of the building and the balcony utilises the existing roof form as balustrading. The addition is considered to be sympathetic to the design integrity and architecture of the existing building. Conditions of consent are recommended to ensure the finishes of the dormer are complementary to the roof tiling of the building.</p> <p>Notwithstanding overall support for the design of the dormer windows, it is recommended that they be set down from the ridge in accordance with WDCP 2012 C2 Cl. 2.9, this is discussed in further detail below.</p>
2.9 Attic and roof design		
<ul style="list-style-type: none"> Must be connected to unit below Minimum room width: 3m Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m Dormer windows set down 300mm from the main ridge and less than 50% of roof elevation 	<p>Yes</p> <p>No, but able to comply via condition</p>	<p>The attic rooms are connected to the apartment below. They have a minimum width of 3m and a floor to ceiling height of 2.8m within the habitable rooms, which exceeds the minimum control of 2.4m.</p> <p>The dormer windows are less than 50% of the roof elevation, however they are not set down from the main ridge. Given the generous head height proposed, it is recommended a condition of consent be included requiring the dormer windows be set down a minimum of 300mm from the main ridge.</p> <p>The proposal includes two separate pitched roof dormers, with an indented bay in the centre. This provides visual interest and is sympathetic to the existing roof form of the building. The roof design contributes to the streetscape character and the pitched roof form is the major visual element of the roof.</p>
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	<p>N/A</p> <p>Yes</p>	<p>The proposed attic contains only bedrooms and bathrooms and is not subject to the minimum amount of sunlight requirements that apply to living rooms and private open spaces. Shadow diagrams have been submitted with the application which appear incorrect. Notwithstanding this, given the orientation of the site and the location of the dormer windows on the south eastern side of the building, the dormer windows are not expected to result in</p>

Development Control	Compliance	Comment
		additional overshadowing to the subject site or neighbouring properties on the winter solstice.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	The proposal is not expected to affect views that may be available over and across the site from surrounding properties.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Minimise overlooking of adjoining properties 	Yes	The proposed dormer windows and balcony are setback from the building line and the boundary. The balcony is off a bedroom which is a passive use, and it is one level higher than the windows at the adjoining property. As such, the development is not anticipated to result in privacy impacts to other units in the subject site or surrounding properties.
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The balcony is located off a bedroom, which is a passive use. The proposal is satisfactory in this regard.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

No submissions were received.

2.5 Public Interest

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

3. REFERRALS

3.1 Fire Safety – Building Waverley

The application was referred to Council's Senior Building Surveyor for comment who advised that Council's Essential Services database file indicates that the subject building has numerous essential fire safety measures installed which are consistent with a building fire safety upgrade in accordance with the BCA. However, there are a number of required fire safety upgrade works that need to be incorporated as a condition of development consent, which have been included in the attached recommended conditions.

4. SUMMARY

The application proposes alterations and dormer window additions above Unit 8 to convert the attic level into habitable space. The application has been referred to the Panel for determination as the proposal results in a 363.62sqm or 77.7% non-compliance with the FSR development standard. The non-compliance is considered acceptable as the existing building already exceeds the FSR development standard, and the proposal relates to an additional 39.84sqm. The proposal utilises existing space within the roof and provides dormer windows that are sympathetic to the existing roof form and architectural style of the building. The proposal does not result in adverse amenity impacts on other units within the building or the adjoining properties. Subject to the dormer windows being set down a further 300mm from the main ridge, the proposal complies with WDCP 2012 C2. The application did not attract any public submissions. The application is recommended for approval, subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:



Emma Finnegan
Senior Development Assessment Planner

Date: 2/5/2018

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



Angela Rossi
Manager, Development Assessment (Central)

Date: 9/5/18

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Drawing Nos. DA_003 to DA_009 (Revision D), tables and documentation prepared by ISA Designs, dated 10 October 2017, and received by Council on 4 April 2017;
- (b) BASIX Certificate; and
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The dormer windows shall be set down 300mm from the main ridge of the building.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. MATERIALS TO MATCH EXISTING

The materials and finishes of the addition shall match the existing finishes of the building.

4. NEW DEVELOPMENT APPLICATION REQUIRED

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be removed, a new development application will be required and need to comply with the relevant planning controls including BASIX.

5. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

6. USE OF DWELLING

Unit 8 shall be used only as a single unit dwelling.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. SECTION 7.11 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.11 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

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

"Waverley Council Cost Summary Report"; or,

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

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

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

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

Advisory Note

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

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$6,100** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

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

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

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

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

11. ESSENTIAL SERVICES - EXISTING BUILDING

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

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

12. BCA – PROTECTION OF EXTERNAL OPENING

Any proposed new openings in the external walls located within 3m of a fire source feature must be protected in accordance with Section C of the Building Code of Australia. Details of compliance with the above requirements are to be included in the Construction Certificate plans.

13. CEILING HEIGHTS

- (a) The Unit 8 attic addition must be provided with a ceiling height that complies with the requirements of Clause F3.1 of the BCA. Detailed plans verifying compliance with this condition are to be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

14. FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully complying with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building must be upgraded to comply with the provisions Sections C, D & E of the Building Code of Australia (BCA) including the following works to be completed in conjunction with the new works:
 - (i) The top floor units must be fire separated from all adjoining sole occupancy units and internal common areas including exit stairways and roof voids by building elements that comply with the fire resistance performance requirements set out in Specification C1.1 of the Building Code of Australia for a building of Type A Fire Resisting Construction;
 - (ii) Provide fire separation between all floor levels of the building in accordance with Section C of the Building Code of Australia for a building of Type A Fire Resisting Construction;
 - (iii) Provision of Smoke Hazard Management to the building in accordance with Part E2;
 - (iv) The electrical installations serving the premises must be inspected by a suitably qualified electrician and certified. The certificate should include the following:
 - i. That a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - ii. That an insulation resistance test was undertaken pursuant to clause 1.5.2 of AS 3000 and was found to be satisfactory;
 - iii. That circuit protection devices used have been examined and found to be satisfactory pursuant to clause 2.4 of AS 3000;
 - (v) 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 electricity meters and switchboard located within the exit stairway;
 - (vi) The main entry/exit doors are to be provided with a 'hold-open' device, or swing in the direction of egress, to facilitate people seeking egress from the building in the event of an emergency;

- (vii) The locking devices to the exit doors are to be opened by a single levered action in accordance with Section D of the BCA and AS 1905.1;
 - (viii) The existing stairways are to be provided with non-slip strips near the edge of the nosings to comply with the provisions of Part D of the Building Code of Australia. In this regard any defective stair treads to the exit stairs are to be repaired or replaced to comply with the Building Code of Australia;
 - (ix) The balustrades and handrails to the exit stairways are to be upgraded in accordance with the requirements of Clause D2.16 and D2.17 of the 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, walkway or floor level. Openings within balustrades are not to exceed 125mm;
 - (x) The fire hazard properties of carpet, lining materials and finishes in the stairways are to comply with the relevant provisions of Specification C1.10 and C1.10a of the Building Code of Australia and certification is to be submitted to Council;
 - (xi) Provide certification from a practising Hydraulic Engineer that adequate street hydrant coverage, pressure and flow is provided to the subject building in accordance with Part E1 of the Building Code of Australia and AS 2419.1. Alternatively install internal Fire Hydrants and Fire Hose Reels in accordance with Part E1 of the Building Code of Australia and AS 2419.1;
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.
- (d) Prior to the issue of an Occupation Certificate by the accredited certifier, all fire safety upgrading works are to be completed and certified by a licensed installer and a Final Fire Safety Certificate is to be issued with the Occupation Certificate, certifying that each essential fire safety measure:-
- i. has been assessed by a competent fire safety practitioner; and
 - ii. 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.

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

15. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. The plans are to be notated accordingly prior to the issue of the Construction Certificate to the satisfaction of the Principal Certifying Authority.

All work to the separating wall must be contained within the boundaries of the subject site only.

However, in the case of an agreement between neighbours for work affecting both sides of a separating wall, written consent of all owners of all properties upon which work will take place must be obtained. The consent must clearly stipulate if approval is granted for works to the separating wall OR if approval is granted for vertical or lateral support use of the separating wall. It is the responsibility of the applicant to determine the relevance of any cross easements affecting the separating wall.

Where it is not possible to obtain the adjoining owners' consent, it must then be demonstrated that the works are to be supported independently of the separating wall and do not rely on the separating wall for lateral or vertical support. Detailed plans must be accompanied by a certificate from a qualified and practising Structural Engineer. It is not sufficient for a Structural Engineer to state that the works will impose no additional load on the separating wall.

These details are to be supplied to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Separating wall consent does not prevent you and your neighbour entering into any private agreement. For example, to make good any damage from the works. This is a civil matter between neighbours.

16. ENGINEERING DETAILS

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

17. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

18. STORMWATER MANAGEMENT

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

19. SYDNEY WATER QUICK CHECK

Since a sewer main runs through the middle of the property, plans must be presented to a Sydney Water Quick Check Agent for their approval.

20. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

Where new work is sought, noise attenuation is to be achieved in residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

21. HOARDING REQUIRED

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

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

22. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

23. EROSION, SEDIMENT AND POLLUTION CONTROL

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

24. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

25. PRIOR TO SITE WORKS

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

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

26. HOME BUILDING ACT

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

27. 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.

28. OBSTRUCTION TO PUBLIC AREAS

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

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

29. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

30. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

31. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

32. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (i) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and / or
 - (iv) Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

33. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

34. STOCKPILES

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

35. SOIL AND WATER MANAGEMENT PLAN

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

36. LOCATION OF BUILDING OPERATIONS

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

37. ALL BUILDING MATERIALS STORED ON SITE

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

38. CONSTRUCTION HOURS

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

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

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

39. BUILDING CODE OF AUSTRALIA

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

40. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and

- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

- (a) sediment control measures prior to the commencement of building work;
- (b) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

41. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

42. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

43. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

44. SERVICE PIPES

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

45. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

46. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

47. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

48. FINAL OCCUPATION CERTIFICATE

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

49. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

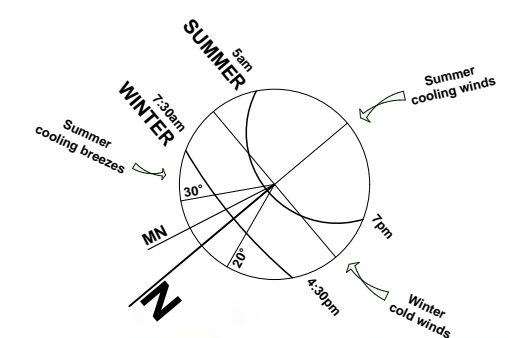
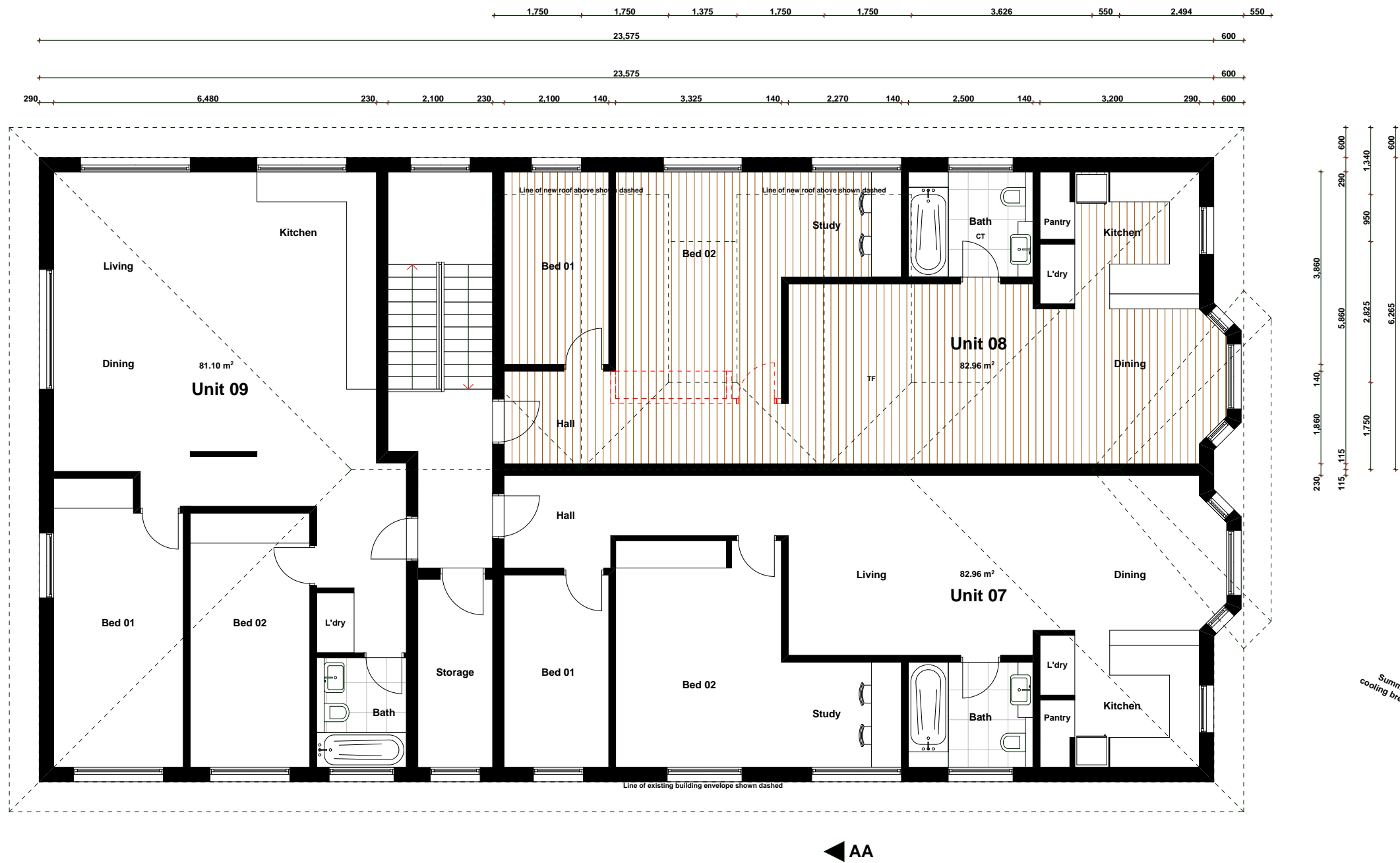
50. FIRE SAFETY WORKS

The Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:-

- (a) has been assessed by a properly qualified person; and
- (b) has been found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

51. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with Section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.



Existing & Demolition Level 3 Floor Plan

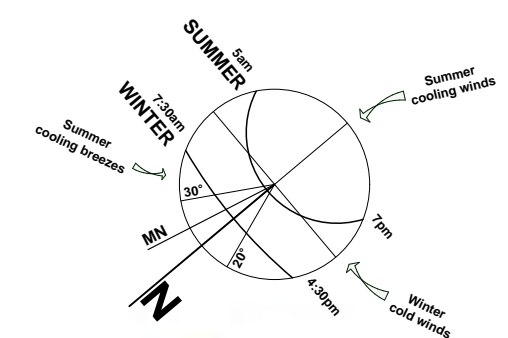
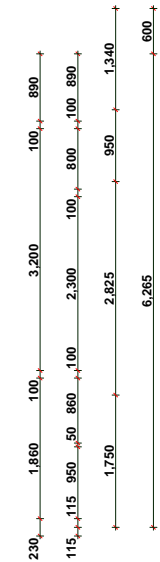
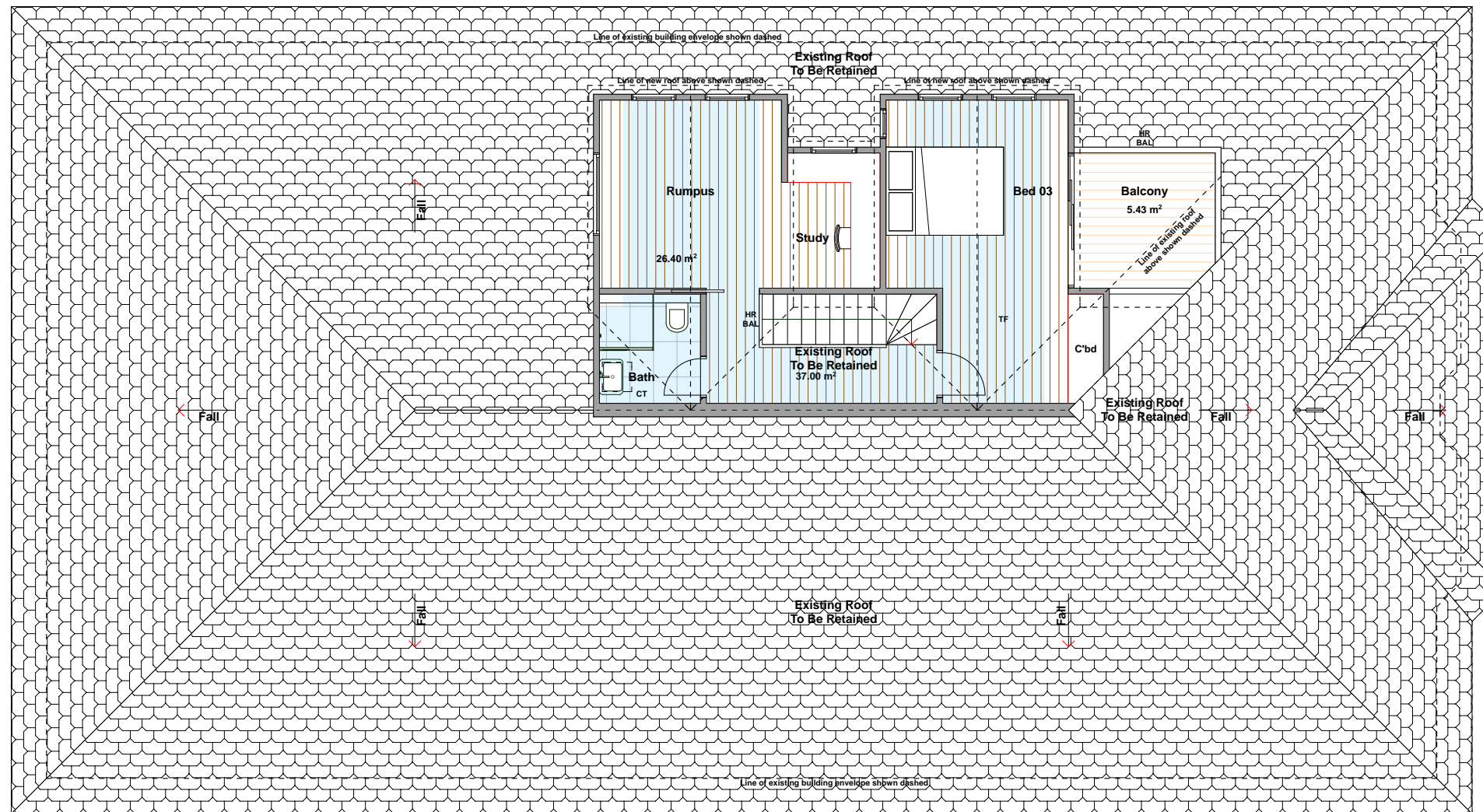
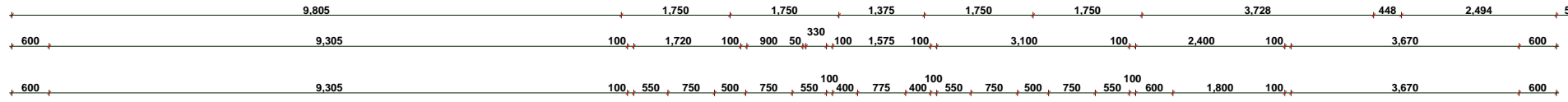
 **WAVERLEY COUNCIL**

RECEIVED

APPLICATION NO: DA-492/2017

Date Received: 04/04/2018

<div>isa DESiGNS</div> <div>Alon Musael</div>		<div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to the designer immediately.</div> <div>FOR CONSTRUCTION</div>	<div>PROJECT:</div> <div>Alterations & Additions</div> <div>SP. 73441 Lot 8</div> <div>8/47 Sir Thomas Mitchell Road Bondi Beach NSW 2026</div>	<div>CLIENT:</div> <div>Jolon Cooke</div> <div>8/47 Sir Thomas Mitchell Road Bondi Beach NSW 2026</div>	<div>Drawing Name:</div> <div>Existing & Demolition Level 3 Floor Plan</div>		<div>Date:</div> 10.10.2017	<div>Revision Description:</div>
							<div>Sent:</div> 03.04.2018	Preliminaries & Schematic Design
<div>Postal Address</div> PO Box 7516 Bondi Beach NSW 2026					<div>Project No:</div> DA_171010	<div>Scale:</div> 1 : 100 @ A3	<div>Issue:</div> 2	DA Submission - Council Review
<div>Mobile</div> +61 451 867 426					<div>Drawing No:</div> DA_003	<div>Drawn:</div> AM	<div>Revision:</div> D	Additional Required Information
<div>Email</div> alon@isadesigns.com.au								200




Proposed Attic Floor Plan

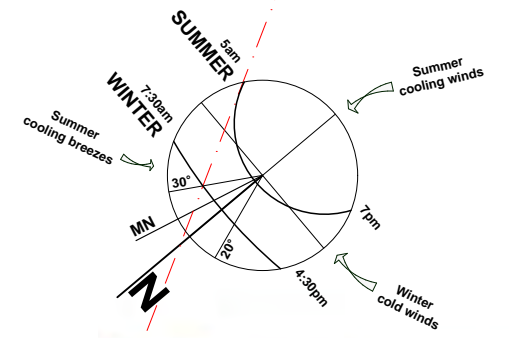
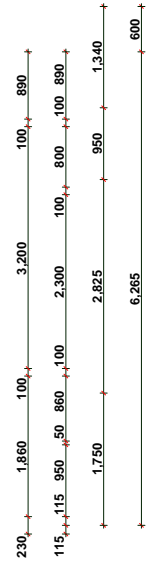
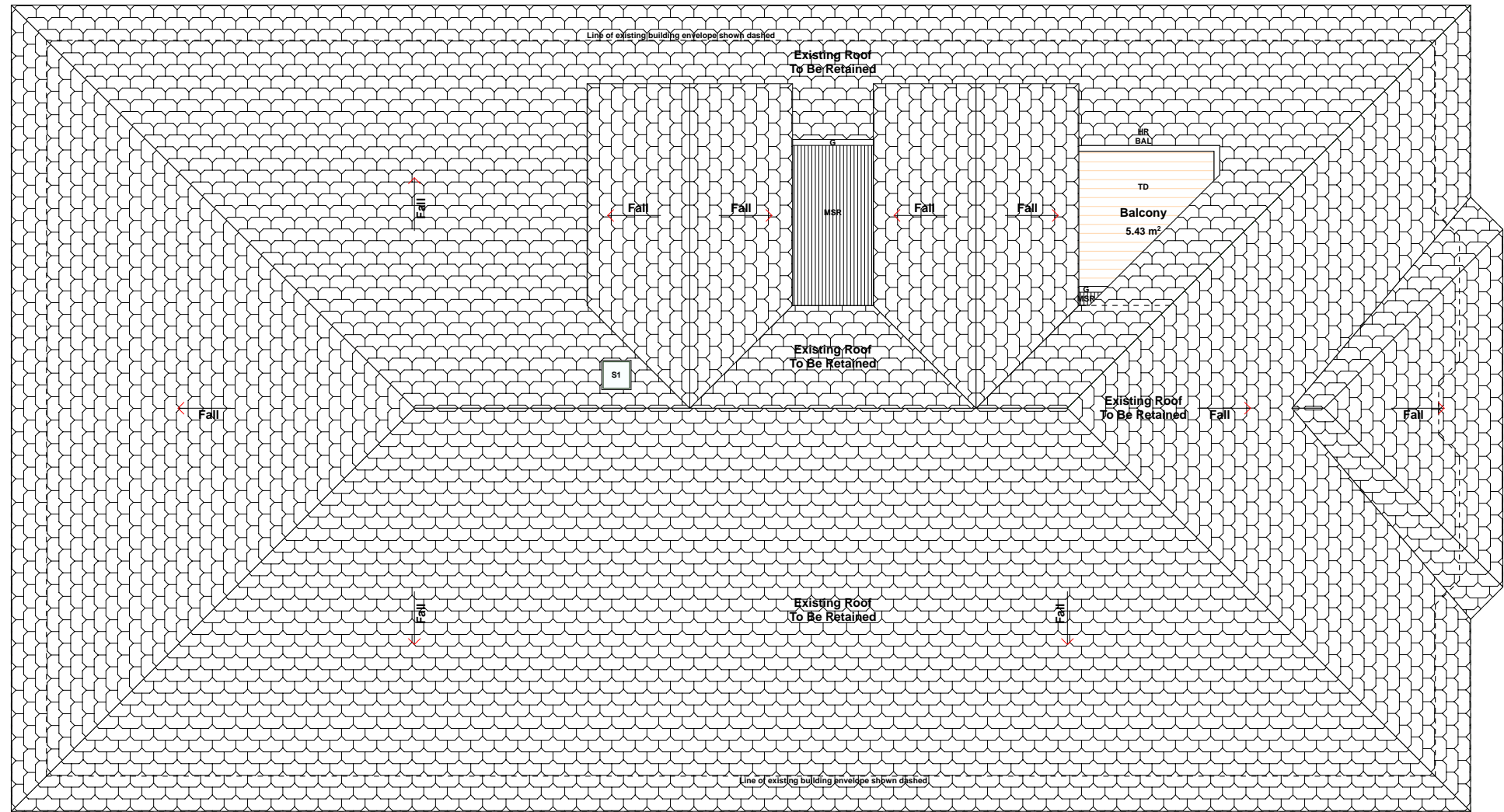
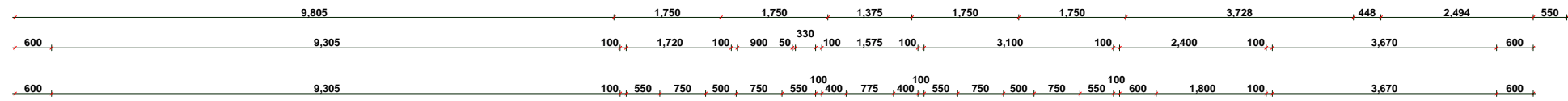
**WAVERLEY COUNCIL**

RECEIVED

APPLICATION NO: DA-492/2017

Date Received: 04/04/2018

<div>ISA DESiGNS</div> <div>Alon Musael</div>		<div></div>	<div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to the designer immediately.</div>		<div>PROJECT:</div> <div>Alterations & Additions</div> <div>SP. 73441 Lot 8</div>		<div>CLIENT:</div> <div>Jolon Cooke</div> <div>8/47 Sir Thomas Mitchell Road Bondi Beach NSW 2026</div>		<div>Drawing Name:</div> <div>Proposed Attic Floor Plan</div>		<div>Date:</div> 10.10.2017		<div>Revision Description:</div>			
<div>Postal Address</div> <div>PO Box 7516 Bondi Beach NSW 2026</div> <div>Mobile</div> <div>+61 451 867 426</div> <div>Email</div> <div>alon@isadesigns.com.au</div>			<div>FOR CONSTRUCTION</div>								<div>Sent:</div> 03.04.2018		<div>Preliminaries & Schematic Design</div> <div>Client Review</div>			
					<div>8/47 Sir Thomas Mitchell Road Bondi Beach NSW 2026</div>		<div>8/47 Sir Thomas Mitchell Road Bondi Beach NSW 2026</div>		<div>Project No:</div> DA_171010		<div>Scale:</div> 1 : 100 @ A3		<div>Issue:</div> 2		<div>DA Submission - Council Review</div> <div>Additional Required Information</div>	
									<div>Drawing No:</div> DA_005		<div>Drawn:</div> AM		<div>Revision:</div> D		<div>202</div>	



Proposed Roof & SWM Plan



RECEIVED

APPLICATION NO: DA-492/2017

Date Received: 04/04/2018

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions

SP. 73441 Lot 8

8/47 Sir Thomas Mitchell Road
Bondi Beach NSW 2026

CLIENT:
Jolon Cooke

8/47 Sir Thomas Mitchell Road
Bondi Beach NSW 2026

Drawing Name:
Proposed Roof & SWM Plan

Project No: DA_171010

Drawing No: DA_006

Scale: 1 : 100 @ A3

Drawn: AM

Date: 10.10.2017

Sent: 03.04.2018

Issue: 2

Revision: D

Revision Description:

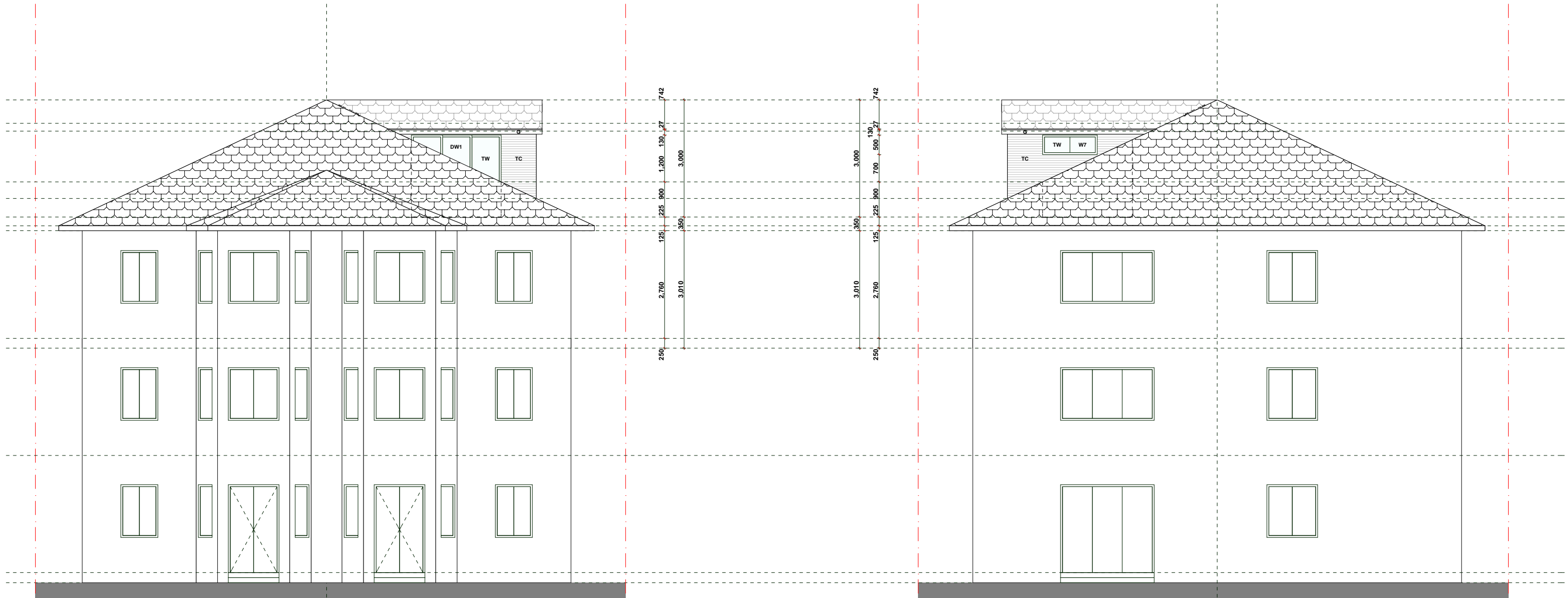
Preliminaries & Schematic Design

Client Review

DA Submission - Council Review

Additional Required Information

203



Proposed South Elevation



APPLICATION NO: DA-492/2017

Date Received: 04/04/2018

Proposed North Elevation

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 73441 Lot 8

8/47 Sir Thomas Mitchell Road
Bondi Beach NSW 2026

CLIENT:

Jolon Cooke

8/47 Sir Thomas Mitchell Road
Bondi Beach NSW 2026

Drawing Name:

Proposed Front & Rear Elevations

Project No: DA_171010

Drawing No: DA_007

Scale: 1 : 100 @ A3

Drawn: AM

Date: 10.10.2017

Sent: 03.04.2018

Issue: 2

Revision: D

Revision Description:

Preliminaries & Schematic Design

Client Review

DA Submission - Council Review

Additional Required Information

204



Proposed East Elevation



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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 73441 Lot 8

8/47 Sir Thomas Mitchell Road
Bondi Beach NSW 2026

CLIENT:

Jolon Cooke

8/47 Sir Thomas Mitchell Road
Bondi Beach NSW 2026

Drawing Name:

Proposed Side Elevation

Project No: DA_171010

Drawing No: DA_008

Scale: 1 : 100 @ A3

Drawn: AM

Date: 10.10.2017

Sent: 03.04.2018

Issue: 2

Revision: D

Revision Description:

Preliminaries & Schematic Design

Client Review

DA Submission - Council Review

Additional Required Information

205



Report to the Waverley Development Assessment Panel

Application number	DA-334/2016/A
Site address	82-84 Curlewis Street, Bondi Beach
Proposal	Modification to boarding house including alterations to building footprint and height, including offer of a Planning Agreement
Approved development description	Demolition of two existing flat buildings and erection of a mixed use development including two retail shops at ground level and boarding house accommodation
Date of lodgement	13 November 2017
Owner	David Reiner and Global Medical Insurance Group Pty Ltd
Applicant	Global Medical Insurance Group
Submissions	Nil
Issues	FSR and height
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 20 February 2018.

The site is identified as Lot 1 in DP1231789 known as 84 Curlewis Street, Bondi Beach (formerly Lots 6 and 7 in DP 11563 known as 82 and 84 Curlewis Street). The site is located on the north-eastern side of the intersection of Curlewis Street and Glenayr Avenue.

The site is rectangular in shape with frontage of 22.855m to Curlewis Street (south), secondary frontage of 32.905m to Glenayr Avenue (west), rear boundary length of 24.38m and side boundary length of 34.45m. The site has a total area of 841m² and falls from RL16.39 in the western corner of the site to RL14.73 in the eastern corner of the site, a fall of 1.66m.

The site is occupied by two x two-storey brick residential flat buildings. No.84 has no vehicular access while No.82 has vehicular access from Glenayr Avenue to a rear concrete paved area which contains a single brick garage, situated on the boundary with 130 Glenayr Avenue.

To the north of the subject site is the side boundary of 130 Glenayr Avenue, containing a two-storey residential flat building with four units. To the east of the site is 86 Curlewis Street, a two-storey residential flat building with recent development approval for alterations and additions to create two additional units including an attic conversion (DA-313/2016). Opposite the site in Glenayr Avenue are two lots containing shop top housing of two and three-storeys in height. Diagonally across from the site is a two-storey shop top housing building and opposite the site in Curlewis Street is a three-storey shop top housing building, and two-storey and four-storey residential flat buildings.

The surrounding area is characterised by a mix of commercial uses and residential along Glenayr Avenue, with medium density residential development in the wider area. The site is situated approximately 400m from Campbell Parade and Bondi Beach, to the south-east. A bus stop is located adjacent to the site in Glenayr Avenue.



Figure 1: Subject site frontage (viewed from Curlewis Street)



Figure 2: Site viewed from Glenayr Avenue (west elevation of no.82 Curlewis Street).



Figure 3: Rear setback of 82 Curlewis Street

1.2 Details of Approved Development

DA-334/2016 for the demolition of the existing residential flat buildings and erection of a mixed use development including two retail shops at ground level and boarding house accommodation was approved on 22 March 2017 by the Waverley Development Assessment Panel (WDAP). Condition No. 2 of the consent requires the following (conditions (c) and (d) are conditions imposed by the WDAP):

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The bin collection area, if required to be on site, is to be redesigned and located south of the driveway and the common area balcony be reduced to accommodate if required.*
- (b) A separate waste room for commercial waste is to be provided and must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012*
- c) All privacy louvres located on the building are to be operable.*
- d) Apartments G01, G07, 1.01, 1.12, 2.01, and 2.12 are to have a minimum setback of 4.5m from the eastern side boundary as measured from the eastern edge of the balcony.*

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

1.3 Proposal

The application has been lodged as a section 4.55 (2) application and provides for the following modifications to the approved development:

- The provision of an additional boarding room at Level 3 (topmost level) by extending the building to the north-west corner (rear) and the south-east corner (front) at this level.
- Increase in the roof height of the building by 600mm.
- Extension of the building to align with the Curlewis Street (front) and Glenayr Avenue (western side) boundaries of the site, including the basement level and associated excavation.
- Relocation of the fire stairs and deletion of voids due to BCA fire safety considerations.
- Re-planning of boarding rooms involving increases in gross floor area (GFA) in response to the relocation of the fire stairs.
- At basement level the proposal will provide additional storage (to comply with Condition 33 of the consent), an additional parking space (13 vehicles), an additional three motorbike spaces (increased to total of nine spaces), reconfiguration of the waste storage room and the provision of a laundry chute room from the levels above (to comply with conditions 2(a) and (b) and condition 43).
- Operable privacy screens to comply with Condition 2(c).
- At ground level minor specific alterations include the reconfiguration of the south-east entry to accommodate hydraulic services; the provision of landscape planters along the Curlewis Street and Glenayr Avenue frontages; new bathroom to the common room; and new street trees to comply with Condition 41.
- Amendment of the street awning from glazing to concrete and new entry canopy over Glenayr Avenue entry and the rear pedestrian entry.

- Alterations to external finishes.
- Alteration of Condition 1 (to reference the amended plans), Condition 6 (number of rooms and lodgers) and Condition 106 (easement for Council stormwater).

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

Section 4.55 (2) applications - the modifications, if approved, are substantially the same development as the original consent. Council has consulted any relevant Minister or Authority and notified the application and considered submissions as discussed further in the report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP 55 Remediation of Land

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

2.2.2 SEPP (Affordable Rental Housing) 2009

Division 3 Boarding Houses of SEPP (ARH) applies to the proposed development. An assessment against the relevant clauses is outlined in table 1:

Table 1: SEPP (ARH) Compliance Table

Provision	Compliance	Comment
29 Standards that cannot be used to refuse consent		
(1) (c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:	No	<p>The site is zoned R3 and residential flat buildings are permissible with consent. As such a bonus FSR of 0.5:1 applies to the development.</p> <p>The approved building has a gross floor area (GFA) of 1174.01m² and FSR of 1.39:1. The modification application seeks to increase the GFA by 112.89m² resulting in an FSR of 1.53:1. This is a departure from the control of 9.6% and the applicant has offered to enter into a planning agreement to provide additional public benefit.</p> <p>Refer to the section after this table for detailed discussion of this issue.</p>

Provision	Compliance	Comment
<p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less,</p> <p>Site area: 841m²</p> <p>WLEP FSR: 0.9:1 (756.9m²)</p> <p>With bonus FSR 1.4:1 (1177.4m²)</p>		
(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
<p>(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	No	<p>The maximum height of the <u>approved</u> building is 12.65m, slightly exceeding the height development standard of WLEP (by 150mm or variation of 1%). This was justified by way of an exception to the standard under WLEP and deemed acceptable during the assessment of the original application.</p> <p>The modified proposal further increases the height of the building by 600mm to 13.25m exceeding the development standard by 750mm or 6%.</p> <p>This is discussed in detail under 'Section 2.2.3 Waverley Local Environmental Plan 2012' of this report.</p>
<p>(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	Yes	<p>The front setback to Curlewis Street is comprised of landscaping in front of the boarding room terraces in the form of landscape planters for screening and privacy. At the corner of Curlewis Street and Glenayr Avenue the built form has been brought to the street edge to respond to the streetscape of the corner and similar surrounding mixed use buildings. Along the Glenayr Avenue frontage similar screening and privacy plantings are proposed in front of the boarding room terraces. This landscaping is considered to be compatible with the streetscape.</p>
<p>(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours</p>	N/A	<p>There is no change to the solar access of the communal area as part of this modification.</p>

Provision	Compliance	Comment
direct sunlight between 9am and 3pm in mid-winter,		
<p>(d) private open space if at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation</p>	Yes	<p>The modified proposal retains the communal terrace accessed from the common room and the manager's private terrace as approved.</p> <p>The SEPP ARH does not require private open space for each boarding room. Notwithstanding, the new boarding room at the roof level will be provided with a wrap-around terrace.</p>
<p>(e) parking if:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p>	Yes	<p>The site is located in an accessible area (as defined by the SEPP) as the site is within 400m of a bus stop (ie, outside the site frontage in Glenayr Avenue) used by a regular bus service.</p> <p><u>Required:</u></p> <ul style="list-style-type: none"> • 0.2 spaces x 39 rooms = 7.8 (8) parking spaces • Plus 1 manager car space <p><u>Provided:</u></p> <ul style="list-style-type: none"> • 9 residential spaces (including 2 disabled resident spaces) • 1 manager space
<p>(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	Yes	<p>The Plan of Management provided with the application indicates there are:</p> <ul style="list-style-type: none"> • 9 single occupancy rooms with sizes ranging from 15m² to 17m². • 30 double occupancy rooms with sizes ranging from 18m² to 24.5m². <p>It is noted that all of the single rooms are large enough to accommodate two boarders under the SEPP however the applicant has provided a unit schedule which indicates that</p>

Provision	Compliance	Comment
		9 of the units will be single rooms regardless of the size. Condition 6 of the consent specifies the number of single and double occupancy rooms and the total number of boarders overall. This condition is modified to reflect the additional unit (refer to Appendix A).
3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	Yes	Each boarding room has private kitchen facilities and an ensuite, including the new proposed unit at the top level.
30 Standards for boarding houses 1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following		
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	N/A	There is no change to the approved communal room and terrace.
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Yes	The modification proposal includes enlargement of all boarding rooms slightly due to changes to the fire stairs. However the largest boarding room will be 24.5m ² .
(c) no boarding room will be occupied by more than 2 adult lodgers,	Yes	Condition 6 of the consent restricts the number of lodgers per room and the number of lodgers overall (refer to Appendix A).
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger	Yes	All rooms contain a private bathroom and kitchen facilities including the proposed new room at roof level.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager	Yes	The on-site manager's room is retained as part of this modification.
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental	N/A	This was considered during the assessment of the original approval. No changes are proposed to the ground floor uses and layout.

Provision	Compliance	Comment
planning instrument permits such a use,		
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms	Yes	<p>39 boarding rooms = 8 bicycle and motorbike spaces</p> <p>The proposal provides 12 bicycle spaces and 9 motorbike spaces within the basement.</p>
<p>30A Character of local area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area</p>	Yes	<p>The proposed modifications marginally reduce the setbacks on the Curlewis Street and Glenayr Avenue boundaries retaining the approved setbacks at the rear and on the eastern side where the site adjoins residential properties. The reduced setbacks on the street edges of the site are consistent with the commercial uses at the ground level and consistent with the pattern of development on surrounding sites particularly those on the opposing corners of the junction of Curlewis Street and Glenayr Avenue which are built up to the street corner with commercial uses at ground. The reduced setbacks concentrate bulk at the corner and will not result in unreasonable additional impacts upon surrounding residential properties.</p> <p>The residential units orientated to Glenayr Avenue and Curlewis Street continue to provide setbacks from the street to the building with terraces adjoining the street boundary. Each terrace will be provided with a landscaped planter to provide privacy for the terraces and to contribute to the streetscape. The planters also provide a visual delineation between the commercial uses and the residential uses on these frontages.</p> <p>Although reduced, the upper level setbacks continue to contribute to the visual interest of the building and reduce the appearance of the bulk and scale within the streetscape.</p> <p>The amended finishes continue to provide a well-considered contemporary building on this corner site and are supported.</p>

Provision	Compliance	Comment
		The proposed modifications to the building are considered consistent with Clause 30A of the SEPP.

Floor space ratio (FSR)

The approved building has a gross floor area (GFA) of 1174.01m² and FSR of 1.39:1. The modification application seeks to increase the GFA by 112.89m² resulting in an FSR of 1.53:1. This is a departure from the control of 9.6% and the applicant has offered to enter into a planning agreement to provide additional public benefit.

The applicant has submitted an undertaking to Council regarding their commitment to enter into a planning agreement for the additional gross floor area above the LEP development standard and the SEPP ARH bonus in accordance with the *Waverley Council Planning Agreement Policy 2014* (the Policy).

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 modification proposal complies with the 15% cap on additional floor space specified in the Policy and 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.

The proposed development is considered to be an orderly and efficient use of the site that is within the R3 Medium Density Residential Zone. The built form and density of the development are appropriate in achieving the objectives of the R3 zone, specifically providing a variety of housing types and for the housing needs of the community within a medium density residential environment.

Therefore, the proposed variation is considered to be acceptable and adequate justification is provided for contravention of the development standard. It is recommended that the variation be supported.

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The modified proposal is considered to be consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table: R3 Medium density residential zone	Yes	<p>The approved building is a mixed use development comprising the following uses:</p> <ul style="list-style-type: none"> • Boarding house • Kiosk • Neighbourhood shop <p>All three uses are permitted with consent in the R3 zone.</p> <p>The modifications do not propose to alter these approved uses and continues to be consistent with the objectives of the zone.</p>
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 12.5m 	No	<p>The maximum height of the approved building is 12.65m slightly exceeding the height development standard of WLEP (by 150mm or variation of 1%). This was justified by way of an 'Exception to a Development Standard' under WLEP and deemed acceptable.</p> <p>The modified proposal further increases the height of the building by 600mm to 13.25m exceeding the development standard by 750mm or 6%.</p>
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> • 0.9:1 + bonus 0.5:1 under SEPP ARH = 1.4:1 	No	<p>The approved building has a gross floor area (GFA) of 1174.01m² and FSR of 1.39:1. The modification application seeks to increase the GFA by 112.89m² resulting in an FSR of 1.53:1.</p> <p>This issue has been previously discussed under Section 2.2.2 of this report.</p>

4.6 Exceptions to development standards	See discussion	The application is not accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard as this does not apply to modification applications. However a detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal involves a minor increase in excavation to the street boundaries. A number of conditions were imposed upon the original consent in regards to the excavation works which will continue to apply to the modified development. The increased excavation is considered acceptable.

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

Height of Buildings

The maximum height of the approved building is 12.65m slightly exceeding the height development standard of WLEP. This was justified by way of an exception to the standard under WLEP and deemed acceptable during the assessment of the original application.

The modified proposal further increases the height of the building by 600mm to 13.25m exceeding the development standard by 750mm or 6%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 seeking to vary the development standard is not required for Section 4.55 applications and as such, has not been submitted. The test for Section 4.55 applications relates to the development being 'substantially the same development' as the original approval. The proposal satisfies this test.

Notwithstanding, the height of the proposed modification is still to be considered against the relevant objectives of the LEP. The objectives of the height development standard within the LEP are:

The objectives of the height development standard within the LEP are:

4.3 Height of buildings

(1) *The objectives of this clause are as follows:*

- (a) *to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (b) *to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) *to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*

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

Objectives (b) and (c) are not relevant to the subject site.

The proposed modification increases the height by a further 600mm which the applicant states '*is a direct result of an increase to slab thicknesses based on structural engineers and roof drainage advice received during detailed documentation.*' The increase in slab thickness at each level has a flow-on effect of increasing the finished floor levels at each subsequent level of the building, however the minor increase at each level does not result in unreasonable additional overlooking of surrounding sites.

The additional height is minimal and will not result in adverse impacts upon surrounding properties by way of additional privacy impacts or overshadowing. The bulk and scale of the building is considered acceptable and the proposal is not out of character with the streetscape (as previously discussed).

Accordingly, it is considered that compliance with the height development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be in the public interest as it is consistent with the objectives of the development standard and the zone.

2.2.4 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>Conditions of the original consent require the use of 10 x 660L bins due to the multitude of 240L bins required and inadequate bin collection space. A further condition requires the provision of a separate commercial waste storage area for 4 x 240L MGBs.</p> <p>The modification application has addressed these conditions in the amended basement. A garbage chute, and associated room in the basement, has also been included in the modified proposal. However Council's Sustainable Waste Officer has not advised if all aspects of these conditions have been satisfied and as such, the conditions cannot be deleted from the consent. In this regard, the conditions are reimposed and can be satisfied post-determination.</p>

Development Control	Compliance	Comment
6. Stormwater	Yes	<p>The modification seeks consent to alter condition 106 which requires that an easement of 1.8m wide is to be created in favour of Waverley Council over the whole length of the drainage pipe for the 'Right of Drainage' along the northeastern edge of the boundary.</p> <p>The applicant has stated that:</p> <p><i>In discussions with Council's Stormwater engineers during the original DA assessment, it was agreed that the easement could include the basement structural wall and portions of the driveway. This should be reflected in the condition.</i></p> <p>Council's Stormwater Engineers have advised that this is correct and the condition should be altered to include the basement structural wall and part of the driveway. Condition 106 is altered accordingly as indicated in Appendix A.</p>
<p>8. Transport</p> <p>Parking requirement:</p> <ul style="list-style-type: none"> • SEPP ARH – 9 spaces for boarding house. • Retail – max 3.3 spaces 	Yes	<p>The proposal provides 13 car spaces in total within the basement car park which is increased from the 12 spaces approved under the original application. The plans indicate that the modified parking will be allocated in the following manner:</p> <ul style="list-style-type: none"> • 10 spaces for the boarding house use; • 2 spaces for the retail use; and • 1 space for visitors. <p>The SEPP ARH requires <u>at least</u> nine spaces for the boarding house use. Condition 36 of the original consent limits the amount of parking for the retail use to 2 spaces, with one allocated to each tenancy. It is therefore considered appropriate to allocate the additional parking space to the boarding house use. Condition 36 is modified accordingly in Appendix A.</p>

Part F1 - *Shared Residential Accommodation* requires compliance with the relevant controls of Part C – *Residential Development*. The below tables provides an assessment against the applicable and relevant controls as they relate to the modifications only, noting that the controls are for multi unit and multi dwelling housing which has different requirements to boarding houses and the overriding controls within SEPP (ARH).

Table 4: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The minor increase in setback on the Curlewis Street and Glenayr Avenue is considered acceptable as previously discussed in this report.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes Yes	The modifications do not detract from the streetscape and are considered appropriate as previously discussed in this report.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	N/A No	<p>Refer to the table relating to the SEPP ARH which override this DCP control.</p> <p>The proposed modifications will marginally increase overshadowing of the western side elevation of No. 86 Curlewis Street throughout the day. Given that this is a side boundary wall with a small side setback, protecting solar access is very difficult. There will be no impact upon the solar access to the rear elevation of this building which is generally orientated to the north. Shadow elevations of the impacted windows are shown in detail by the applicant and indicate that at least 2 hours of solar access will be retained. On balance, the additional overshadowing is not considered unreasonable and is supported.</p>
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	The proposal will not result in unreasonable overlooking of adjoining properties. The amended upper floor level continues to maintain adequate separation distances from adjoining residential properties to ensure that privacy impacts are not unreasonable.
2.21 Storage		
Minimum size: <ul style="list-style-type: none"> Studio: 6m³ 1 Bedroom: 6m³ 2 Bedroom: 8m³ 3 Bedroom: 10m³ 	Yes	Condition 33 of the original consent requires the provision of storage cages within the basement for each boarding room with a minimum size of 6m ³ . The modified proposal provides 39 boarding rooms however 29 storage spaces have been provided. There is very little additional space within the basement for the provision of additional storage spaces and further increased excavation is considered unreasonable as it will

Development Control	Compliance	Comment
		compromise the little deep soil planting provided on site. On balance, the 29 storage cages are considered appropriate for this development. Condition 33 is amended accordingly as indicated in Appendix A.

Table 5: Waverley DCP 2012 – Part F1 Shared Residential Accommodation Compliance Table

Development Control	Compliance	Comment
1.1 Built form and amenity		
a) Development to be designed in accordance with Part C	Yes	Refer to previous table for assessment against part C2 controls.
b) Bedroom min GFA 12m ²	Yes	No room is less than 12m ²
d) Each room to have adequate storage facilities	Yes	Storage areas are shown in each boarding room as well as storage cages in the basement and are adequate for the storage of daily items.
e) Balconies should be provided where site/ locality permits	Yes	The proposed new boarding room provides a balcony.
h) room with kitchenette to contain stove, sink, oven refrigerator and bench top with area of 1m ²	Yes	The proposed new boarding room is provided with a kitchenette that complies, as shown in the indicative unit layout plan.
i) bathrooms min area 5m ²	No, acceptable on merit.	The bathroom to the proposed new boarding room does not comply with the area requirements, however the bathroom has a shower, toilet and sink and is of an adequate size for the intended use.
j) rooms to be well ventilated	Yes	The proposed new boarding room has operable windows that open to a wrap around balcony and can be ventilated through the open corridor/ breezeway.
l) designed to minimise impacts on visual and acoustic privacy of neighbours	Yes	The proposal has been designed to minimise impact to neighbours. This includes privacy screening, landscaping and sufficient setbacks.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.4 Suitability of the Site for the Development

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

2.5 Any Submissions

The modification application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. No submissions were received.

2.6 Public Interest

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

3. REFERRALS

3.1 Strategic Planner – Shaping Waverley

The following condition was provided which is included in Appendix A:

PLANNING AGREEMENT

(a) *The owner/ applicant 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-334/2016/A.*
- (ii) *Pay a monetary contribution amount of **\$240,000** prior to the issue of any Occupation Certificate for the Development relating to any portion of the building and that relates to works contained in DA-334/2016/A.*
- (iii) *A Planning Agreement will be entered into under section 7.4 of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.*

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

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

- With no end date

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

3.2 Strategic Tree Planning – Creating Waverley

The following comments were provided in relation to the additional information to satisfy condition 42 of the consent:

The landscape plan has minimal information on the specifications and designs of the new tree pits.

Reference is made to Council's Public Domain Manual. However, the manual states that: ... "based on specific site conditions. Actual designs shall be developed and submitted to Council based on these technical details for consideration prior to any installation."

Because of the presence of underground services the applicant needs to submit a consulting arborist's report that satisfies Condition 42 (c). This report must include a root mapping report to identify the exact locations for tree planting based on minimal disturbance to underground services.

In this regard, the provisions of condition 42 have not been fully satisfied and this condition will remain on the consent to be satisfied post-determination.

3.3 Waste – Sustainable Waverley

At the time of finalisation of this assessment, comments had not been received from Council's Sustainable Waste Officer in regards to the satisfaction of Conditions 43 and 2(b) of the original consent. In this regard, these conditions remain on the modified consent and can be satisfied post-determination.

3.4 Stormwater – Creating Waverley

As part of the modifications, the applicant is seeking to alter condition 106 of the original consent. Condition 106 is as follows:

106 EASEMENT FOR COUNCIL STORMWATER PIPE

An easement of 1.8m wide is to be created in favour of Waverley Council over the whole length of the drainage pipe for the 'Right of Drainage' along the northeastern edge of the boundary and registered with the Land & Property Information (LPI). The easement must be registered on the Title of property 82-84 Curlewis Street and shall state the location and dimensions of the easement with respect to the property boundary line, prior to the issue of any occupation certificate. All legal fees associated with the creation of the easement are to be paid by the applicant. The easement is to be registered on title prior to the issue of an Occupation Certificate.

The applicant has stated that:

No.106 requires the creation of a 1.8m wide easement over the drainage pipe along the northern end of the boundary. In discussions with Council's Stormwater engineers during the original DA assessment, it was agreed that the easement could include the basement structural wall and portions of the driveway. This should be reflected in the condition.

Council's Stormwater Engineer has advised that it is agreed that the easement can include the basement structural wall and portions of the driveway. Condition 106 has been altered accordingly as indicated in Appendix A.

4. SUMMARY

The proposal seeks consent for modification to an approved boarding house and includes such works as the provision of an additional boarding room at Level 3 (topmost level) by extending the building to the north-west corner (rear) and the south-east corner (front) at this level; increase in the roof height of the building by 600mm; and extension of the building to align with the Curlewis Street (front) and Glenayr Avenue (western side) boundaries of the site, including the basement level and associated excavation.

The modification application seeks to increase the FSR of the development to 1.53:1. This is a departure from the WLEP development standard and bonus FSR applicable under the Affordable Rental Housing SEPP (0.5:1) of 9.6% and the applicant has offered to enter into a planning agreement to provide additional public benefit. The modified proposal also further increases the height of the building by 600mm to 13.25m exceeding the development standard by 750mm or 6%.

The modification proposal complies with the 15% cap on floor space specified in the Waverley Planning Agreement Policy and is in accordance with other variations which have been permitted in conjunction with public benefits (affordable housing or the like).

The proposed development is considered to be an orderly and efficient use of the site that is within the R3 Medium Density Residential Zone. The built form and density of the development are appropriate in achieving the objectives of the R3 zone, specifically providing a variety of housing types and for the housing needs of the community within a medium density residential environment. Given the acceptability of the form and density of the development, the variation of the FSR development standard is considered acceptable.

The application was notified and no submissions were received.

The application is recommended for approval.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Section 4.55 Modification Application be **APPROVED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A:

Report prepared by:

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

Kylie Lucas
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 1 May 2018

Date: 10/5/18

Reason for referral:

- 4 Sensitive development:
 - (f) Planning Agreements

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) The following Architectural Plans, prepared by 'Mark Shapiro Design', received by Council on ~~14 December 2016~~ **13 November 2017**,

Drawing No.	Date
DA0000, Cover page, issue B C	14/12/2016 13/11/2017
DA2000, Basement & ground floor, issue B C	14/12/2016 13/11/2017
DA2001, Level 1 & Level 2, Issue B C	14/12/2016 13/11/2017
DA2002, Level 3 & roof, issue B C	14/12/2016 13/11/2017
DA2300, Sections A & B, issue B C	14/12/2016 13/11/2017
DA2301, Cross section C, issue B C	14/12/2016 13/11/2017
DA2400, Elevations 1, issue B C	14/12/2016 13/11/2017
DA2401, Elevations 2, issue B C	14/12/2016 13/11/2017
DA2500, External finishes schedule 1, issue B C	14/12/2016 13/11/2017
DA2501, external finishes schedule 2, issue B C	14/12/2016 13/11/2017
DA9400, Indicative corridor details, issue B	14/12/2016
DA9401, Indicative typical unit details, issue B	14/12/2016

- (b) Stormwater Concept plans, 16209-SW-001 to 010, Rev P2, prepared by Floth sustainable building consultants date 5/12/2016,
- (c) Landscape Plans, ~~LA-DA01 to LA-DA12~~ **LA-S96 01 to 010**, Rev ~~E A~~, prepared by Sydney Design collection, dated ~~Nov 2016~~ **August 2017** and received by Council ~~14 December 2016~~ **13 November 2017**;
- (d) Noise Impact Assessment, no.16209, issue A, dated 12/8/2016, prepared by Floth sustainable building consultants
- (e) Revised Acoustic Statement, no.16209, prepared by Floth sustainable building consultants, dated 28/11/2016
- (f) BCA Compliance Assessment Report, no.6675-Rev 00, dated July 2016, prepared by AE&D Group;

- (g) Tree Assessment Report, prepared by Hannigan's the Tree Fellas Pty Ltd,
- (h) Report on Geotechnical Investigation, project 85481.00, dated June 2016, prepared by Integrated Practical Solutions,
- (i) Traffic and Parking Impact Assessment, ref: 16260.01FA, prepared by McLaren Traffic Engineering, dated 3/8/2016
- (j) Access Report, ref: A6675-Rev 00, dated July 2016, prepared by AE&D Group;
- (k) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (l) Energy and water conservation report, project no.S16209, prepared by floth sustainable building consultants, dated 1/8/2016.
- (m) A Council approved Plan of Management;

except where amended by the following conditions of consent.

(AMENDED DA-334/2016/A)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The bin collection area, if required to be on site, is to be redesigned and located south of the driveway and the common area balcony be reduced to accommodate if required.
- (b) A separate waste room for commercial waste is to be provided and must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012
- (c) ~~All privacy louvres located on the building are to be operable.~~ **SATISFIED BY DA-334/2016/A.**
- (d) Apartments G01, G07, 1.01, 1.12, 2.01, and 2.12 are to have a minimum setback of 4.5m from the eastern side boundary as measured from the eastern edge of the balcony.

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

6. MAXIMUM NUMBER OF BOARDING ROOMS AND LODGERS

This approval is granted for the purposes of a Boarding House comprising a maximum of ~~38~~ **39** Boarding Rooms (~~29~~ **30** double rooms and 9 single rooms) and a maximum of ~~67~~ **68** lodgers and 1 on site manager.

All lodgers shall be required to reside on the premises for a minimum period three (3) months in accordance with the definition of Boarding House under Waverley local Environmental Plan 2012.

All lodgers shall be provide with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.

(AMENDED DA-334/2016/A)

30. CAR PARKING ALLOCATIONS

A total of ~~12~~ **13** car vehicle parking spaces are to be provided, allocated in the following manner:

- 2 retail parking spaces, 1 per retail space;
- ~~8~~ **9** residential parking space;
- 1 on-site manager parking space;
- 1 residential visitor parking spaces.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

(AMENDED DA-334/2016/A)

32. MOTORCYCLE PARKING

A total of ~~7~~ **9** motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

(AMENDED DA-334/2016/A)

33. BASEMENT STORAGE

~~The 29 storage cages Storage areas of minimum 6m³~~ within the basement are to be allocated to ~~each~~ boarding rooms in the development **with no more than one storage cage per boarding room.**

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

(AMENDED DA-334/2016/A)

106. EASEMENT FOR COUNCIL STORMWATER PIPE

An easement of 1.8m wide is to be created in favour of Waverley Council over the whole length of the drainage pipe for the 'Right of Drainage' along the northeastern edge of the boundary and registered with the Land & Property Information (LPI). **The easement may include the basement structural wall and portions of the driveway.** The easement must be registered on the Title of property 82-84 Curlewis Street and shall state the location and dimensions of the easement with respect to the property boundary line, prior to the issue of any occupation certificate. All legal fees associated with the creation of the easement are to be

paid by the applicant. The easement is to be registered on title prior to the issue of an Occupation Certificate. **(AMENDED DA-334/2016/A)**

B. New Conditions

134. PLANNING AGREEMENT

(a) The owner/ applicant 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-334/2016/A
- (ii) Pay a monetary contribution amount of **\$240,000** prior to the issue of any Occupation certificate for the Development relating to any portion of the building and that relates to works contained in DA-334/2016/A.
- (iii) A Planning Agreement will be entered into under section 7.4 of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.

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

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (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

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

(ADDED DA-334/2016/A)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) The following Architectural Plans, prepared by 'Mark Shapiro Design', received by Council on 13 November 2017,

Drawing No.	Date
DA0000, Cover page, issue C	13/11/2017
DA2000, Basement & ground floor, issue C	13/11/2017
DA2001, Level 1 & Level 2, Issue C	13/11/2017
DA2002, Level 3 & roof, issue C	13/11/2017
DA2300, Sections A & B, issue C	13/11/2017
DA2301, Cross section C, issue C	13/11/2017
DA2400, Elevations 1, issue C	13/11/2017
DA2401, Elevations 2, issue C	13/11/2017
DA2500, External finishes schedule 1, issue C	13/11/2017
DA2501, external finishes schedule 2, issue C	13/11/2017
DA9400, Indicative corridor details, issue B	14/12/2016
DA9401, Indicative typical unit details, issue B	14/12/2016

- (b) Stormwater Concept plans, 16209-SW-001 to 010, Rev P2, prepared by Floth sustainable building consultants date 5/12/2016,
- (c) Landscape Plans, LA-S96 01 to 010, Rev A, prepared by Sydney Design collection, dated August 2017 and received by Council 13 November 2017;
- (d) Noise Impact Assessment, no.16209, issue A, dated 12/8/2016, prepared by Floth sustainable building consultants
- (e) Revised Acoustic Statement, no.16209, prepared by Floth sustainable building consultants, dated 28/11/2016
- (f) BCA Compliance Assessment Report, no.6675-Rev 00, dated July 2016, prepared by AE&D Group;
- (g) Tree Assessment Report, prepared by Hannigan's the Tree Fellas Pty Ltd,
- (h) Report on Geotechnical Investigation, project 85481.00, dated June 2016, prepared by Integrated Practical Solutions,
- (i) Traffic and Parking Impact Assessment, ref: 16260.01FA, prepared by McLaren Traffic Engineering, dated 3/8/2016
- (j) Access Report, ref: A6675-Rev 00, dated July 2016, prepared by AE&D Group;

- (k) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (l) Energy and water conservation report, project no.S16209, prepared by floth sustainable building consultants, dated 1/8/2016.
- (m) A Council approved Plan of Management;

except where amended by the following conditions of consent.

(AMENDED DA-334/2016/A)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The bin collection area, if required to be on site, is to be redesigned and located south of the driveway and the common area balcony be reduced to accommodate if required.
- (b) A separate waste room for commercial waste is to be provided and must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012
- (c) *SATISFIED BY DA-334/2016/A.*
- (d) Apartments G01, G07, 1.01, 1.12, 2.01, and 2.12 are to have a minimum setback of 4.5m from the eastern side boundary as measured from the eastern edge of the balcony.

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

3. BOARDING HOUSE - USE AND OPERATION

The use and operation of the premises shall comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the Local Government (General) Regulation, 2005 under the Local Government Act 1993 and the Boarding House Act 2012.

4. BOARDING HOUSE

Rooms with a gross floor area (as defined by State Environmental Planning Policy [Affordable Rental Housing] 2009) less than 16m² shall accommodate only a single lodger. For all other rooms the maximum number of lodgers per room is limited to 2 people.

5. ON-SITE MANAGER

An on-site manager shall be provided for the operation of the boarding house in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009. The on-site manager shall be provided with a room to reside in (room G.07 on plan) and be responsible for the day to day management of the boarding house.

6. MAXIMUM NUMBER OF BOARDING ROOMS AND LODGERS

This approval is granted for the purposes of a Boarding House comprising a maximum of 39 Boarding Rooms (30 double rooms and 9 single rooms) and a maximum of 68 lodgers and 1 on site manager.

All lodgers shall be required to reside on the premises for a minimum period three (3) months in accordance with the definition of Boarding House under Waverley local Environmental Plan 2012.

All lodgers shall be provide with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.

(AMENDED DA-334/2016/A)

7. PLAN OF MANAGEMENT (POM) MODIFICATIONS

The proposed Plan of Management (Boarding House Management Plan, Rev B) received by Council on 14 December 2016 is to be amended prior to any Occupation Certificate being issued. The plan is to provide further detail on mitigating impacts on surrounding properties, with details on, as a minimum:

- (a) Closing times for the outdoor communal area to be 10pm to 7am, 7 days a week.
- (b) Closing time for the indoor communal area to be 12am (midnight) to 6am, 7 days a week.
- (c) Limited access to the individual balconies, so they are not occupied between 10pm and 6am, 7 days a week.
- (d) Inclusion of an on-site manager, their contact details, responsibilities and room number.

The POM is to address any associated signage and/or management mechanisms to ensure this is complied with.

The amendments are to be made and submitted to Council for approval prior to the release of an Occupation Certificate. The Council will liaise with the NSW Police in its assessment of the POM. A Final Occupation Certificate shall not be issued until such time as the POM is in a form acceptable to Council.

8. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction, Council may require respite periods by restricting the hours that the specific noisy activity can occur.

Notes: If this is imposed, Council will take into account:

1. Times identified by the community when they are less sensitive to noise
2. If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

9. SEPARATE APPLICATIONS FOR NON-RESIDENTIAL USE

This consent does not approve any new use for the ground floor neighbourhood shop and kiosk. Any new use may require a development application to be lodged for the approval of Council.

10. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (e) Not reduce the structural integrity of the building.
- (f) Not be located on balconies.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday;
or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (g) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (h) Where there is a basement level, all efforts should be made to locate the condenser units in the basement within a suitably ventilated area.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from:
www.waverley.nsw.gov.au/publications/

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

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

Advisory Note

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

12. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$80,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

13. TREE BOND

A bond of \$10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the Paperbark (Melaleuca quinquenervia) tree on the Glenayr Avenue footpath at the side of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

14. LONG SERVICE LEVY

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

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

15. ADDITIONAL DA FEE REQUIRED

The estimated cost of works has been amended during assessment to \$6,275,319. As such an additional development application fee of **\$4813.92** is to be paid, prior to the issue of a Construction Certificate.

16. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

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

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

17. ESSENTIAL SERVICES - NEW BUILDING

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

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

18. STORMWATER MANAGEMENT

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

19. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council for approval and comment prior to the issue of a construction certificate and complied with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

20. NOISE ATTENUATION

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

21. ROCK ANCHORS

Any rock anchors into Council/public land or adjoining properties requires appropriate owners consent from all affected parties. Subsequently, evidence of the registration of easement is required for any rock anchors proposed to encroach the subject property boundary (to support the basement retaining wall) prior to the issue of a Construction Certificate.

22. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant authorities regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

23. ENERGY AUSTRALIA

The applicant to confer with Energy Australia to obtain that authority's needs for the provision and location of a kiosk type distribution centre on the subject land, and if deemed necessary, the applicant to make available land to that Authority for the siting of such kiosk/sub-station. Documentary evidence of compliance is to be provided to the satisfaction of the Principle Certifying Authority prior to the issue of the Construction Certificate.

24. HOARDING

If required, hoarding designed and constructed in accordance with the requirements of the Work Cover Authority is to be erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings are to be maintained during the

course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

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

25. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part B1, Waverley DCP 2012 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

26. EROSION, SEDIMENT AND POLLUTION CONTROL

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

27. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

- a. The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
- b. The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- c. The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- d. Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.

- e. The location and materials of construction of temporary driveways providing access into and out of the site.
- f. The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- g. Any temporary changes proposed to the existing bus zone on Glenayr Avenue.
- h. The hours of operation of demolition/construction vehicles.
- i. The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- j. How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
 - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
 - The type(s) of material on which pedestrians will be required to walk
 - The width of the pathway on the route
 - The location and type of proposed hoardings
 - The location of existing street lighting

28. VEHICULAR ACCESS

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the issue of the Construction Certificate.

29. LONG SECTION OF DRIVEWAY

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

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Glenayr Avenue carriageway, the kerb and gutter, footpath and paving within the property to the garage floor.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.

30. CAR PARKING ALLOCATIONS

A total of 13 car vehicle parking spaces are to be provided, allocated in the following manner:

- 2 retail parking spaces, 1 per retail space;
- 9 residential parking space;
- 1 on-site manager parking space;
- 1 residential visitor parking spaces.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

(AMENDED DA-334/2016/A)

31. BICYCLE PARKING

A total of 12 bicycle parking spaces are to be provided, 10 as residential, 1 as retail and 1 as visitor bicycle spaces.

The residential and retail spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the basement car parking area.

At least 3 of these spaces (including the visitor space) are to be located within the ground floor foyer or adjacent within any forecourt or within the rear yard area, with the remaining to be located within the basement level.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

32. MOTORCYCLE PARKING

A total of 9 motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

(AMENDED DA-334/2016/A)

33. BASEMENT STORAGE

The 29 storage cages within the basement are to be allocated to boarding rooms in the development with no more than one storage cage per boarding room.

(AMENDED DA-334/2016/A)

34. GEOTECHNICAL ENGINEERS REPORT

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

35. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

36. ENGINEERING DETAILS

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

37. ACCESS

The development shall be provided with access and facilities for people with disabilities in accordance with AS1428.1-2009 Design for Access and Mobility Part 1: General Requirements for Access and comply with the requirements of Part D3 of the BCA.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

38. ACCESSIBLE SIGNAGE

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided in the building. Such signage shall have regard to the provisions of AS1428.2.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

39. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed and the proposed green wall.

40. GREEN WALL

The green wall shall comprise plants selected from the 'Grasses/Sedges' and 'Climbers/Groundcovers' tables in the Planting List in Annexure B2-1 of Part B of Waverley Development Control Plan 2012.

The irrigation system/process and structural support details are to be nominated on a landscape plan as part of the Construction Certificate documentation.

41. TREE REMOVAL

The following trees are approved to be removed:

Species	Location
2 x small <i>Murraya Paniculata</i>	Front yard 82 Curlewis Street
1 x <i>Plumeria</i> (Frangipani)	Front yard 82 Curlewis Street
3 x <i>Plumeria</i> (Frangipani)	Front yard of 84 Curlewis Street
1 x conifer	Back yard 84 Curlewis Street

All trees on site are of low ecological or arboricultural value and approval to remove all trees is provided and replaced as per the Landscape Plans

In line with Council's policy to maintain and increase tree cover in the Council area, all trees where consent has been given to remove are to be replaced with local native trees of minimum container size of 45 litres / height of 1.5 metres.

These replacement trees are to be clearly shown on an amended landscape plan, prior to the issue of a Construction Certificate.

42. GLENAYR AVENUE AND CURLEWIS STREET TREE PLANTINGS

All work outside the property boundary are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense. Such works shall comply with the following:

- (a) Provision of 2 tree pits and the planting of 2 street trees (1 to Glenayr Avenue and 1 to Curlewis Street at the site's frontage).
- (b) The street trees shall be planted in the footpath verge along the Glenayr Avenue and Curlewis Street frontages of the site. Exact species type and location to be approved by Council's Strategic Tree Planning Officer. The tree/s are to have a minimum pot size of 100 litres and shall be certified as grown to Natspec specifications with a minimum height of 1500mm from the top of the container to the apical tip.
- (c) A consulting arborist is to submit specifications and design for tree pits for the street trees with the Construction Certificate for approval by Council's Strategic Tree Planning Officer. The design is to include measures to minimise tree root conflict with any adjacent services/infrastructure and the installation of a tree guard (Derwent – available from Arborgreen) installed to manufacturer's specifications.
- (d) Cut outs in the awning to account for future growth of trees shall occur.

Details are to be submitted to Council for approval by Council's Strategic Tree Planning Officer prior to the issue of a Construction Certificate.

43. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a minimum;
- **Boarding House**
 - **5 x 660L** Mobile Garbage Bins (MGBs) for general waste,
 - A total of **4 x 660L** for recycling materials:
 - 2 x 660L MGBs for recyclables, and
 - 2 x 660L MGBs for paper and cardboard.
 - 1 x 240L: MGB for garden organic waste
 - Additional space is to be made available for an extra 1 x 240L MGB for general waste, 1 x 240L MGB for recyclables and 1 x 240L MGB for paper/cardboard.
 - **Commercial**
 - 2 x 240L MGBs for general waste,
 - 2 x 240L MGBs for recycling materials,
 - Space will need to be available to accommodate the additional waste and recycling needs of commercial premises such as milk/bread crates.
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (c) Sufficient space must be allocated on-site for the storage of bulky waste and reusable commercial items such as crates and pallets.
- (d) The development must have rooms or caged areas with a minimum volume 4m³ available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.

44. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

45. REFRIGERATION UNITS & MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.

46. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS

Adequate provision for sanitary facilities in accordance with Part F of the Building Code of Australia must be made for the future use of commercial tenancies. Where adequate sanitary facilities are not provided, future uses may not be approved.

47. SIDE FENCE HEIGHT

The side boundary fencing is not to exceed a maximum height of 1.8m above the existing ground level of the subject site.

48. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

49. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

50. COUNCIL STORMWATER PIPE RECONSTRUCTION

The new drainage line is to be a 300mm diameter “The Green Pipe”. Product information can be obtained from (<http://www.thegreenpipe.com.au/>). Installation as per specifications and best industry practice.

During the reconstruction of Waverley Council’s stormwater pipe, the owner of the property is responsible for, amongst other things, the protection of Council’s underground infrastructure from damage and interference; repairing and/or making good loss or damage to any property or the environment arising out of or in connection with works undertaken by the owner.

Maintaining the minimum clearances between Council’s underground infrastructures from any built structure as outlined in Section 4.6 of Waverley Council’s Water Management Technical Manual.

The zone of Influence Assessment sketch prepared by Floth Sustainable Building Consultants is to be amended according to the revised architectural plans prepared by Mark Shapiro Design, Project No. 16004, Drawing No. DA2000 B (basement & Ground Floor Plan) and DA2300 B (Section A & B), dated 14 December 2016. Amended plans and documentation to be approved by Council’s Executive Manager, Creating Waverley prior to these works commencing.

No trees are to be planted within the easement area. Small shrubs are permitted to be planted.

Inspections are required by a Council stormwater engineer Officer (contact Creative Waverley) during business hours on during:

- Trench excavation, pipes laid prior to backfilling.
- Formwork completed prior to concrete pour.

51. PRIOR TO SITE WORKS

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

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

52. HOME BUILDING ACT

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

53. 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.

54. OBSTRUCTION TO PUBLIC AREAS

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

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

55. FOOTPATH PROTECTION

The footpath and driveway must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

56. EXCAVATION TO BE LIMITED

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

57. 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.

58. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

59. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

60. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) 130 Glenayr Avenue and 86 Curlewis Street and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps

were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

61. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

62. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS260-2001, Demolition of Structure and a Hazardous Materials Assessment 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 for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (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.

63. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

64. ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

No asbestos products are to be reused on site.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

65. SOIL AND WATER MANAGEMENT PLAN

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

66. STOCKPILES

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

67. LOCATION OF BUILDING OPERATIONS

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

68. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

69. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

70. ALL BUILDING MATERIALS STORED ON SITE

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

71. CONSTRUCTION HOURS

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

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

- (b) Sundays and public holidays; and

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

72. BUILDING CODE OF AUSTRALIA

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

73. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

74. CERTIFICATE OF SURVEY - LEVELS

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

75. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

76. ENCROACH BEYOND THE BOUNDARIES

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

77. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

78. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

79. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

80. SERVICE PIPES

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

81. SLIP TESTS OF COMMON AREAS

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions.

82. TACTILE NUMBER IN LIFT

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

83. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

84. FIRE SAFETY MAINTENANCE

Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

85. FIRE SAFETY - EXITS

Exits and paths of travel to exits are to be kept clear and at all times to provide clear access to exits and provide a safe passage for occupants to open space in accordance with Section D of the BCA.

86. BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

87. TREE RETENTION

The following trees are to be retained and protected during all construction works:

Species	Location
Paperbark (<i>Melaleuca quinquenervia</i>) tree	Nature strip Glenayr Avenue
Banksia	Nature strip in front of 84 Curlewis Street
Frangipanis (<i>Plumeras</i>) (x2)	In the back yard of 84 Curlewis Street

88. STREET TREES - TREE PROTECTION

To minimise potential damage to the Paperbark tree and its root system the following is required:

- (a) Tree Protection:
Trunk and branch protection to be in accordance with Australian Standard AS 4970-2009 prior to the commencement of construction and demolition works
- (b) Root pruning:

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

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly using sharp hand tools only, by an experienced Arborist/Horticulturist (with a minimum qualification level of AQF 3).

89. TREE PROTECTION

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

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

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

90. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

91. STREET TREE PLANTING - RESIDENTIAL ZONES

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

- (a) adequate drainage with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm;
- (b) solid cast aluminium tree guards and root barriers in accordance with Council's Public Domain Technical Manual;

- (c) a protective wire mesh guard with a minimum height of 1.5m shall be erected and secured around each tree;
- (d) planting areas within 1m of concrete structures shall have a flexible root barrier installed around the perimeter of the planting hole.
- (e) Species, size and spacing to be approved by Council's Strategic Tree Officer.

92. SEDIMENT REMOVAL FROM VEHICLE WHEELS

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Soil and Water Management Plan for the site prior to the commencement of any site works or activities.

93. RECONSTRUCT VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed **basement car park**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

94. PEDESTRIAN ACCESS - FINISHED LEVEL

The finished level of paving at the property boundary shall be as follows;

- Glenayr Avenue – Match Councils existing footpath
- Curlewis Street – Match Councils existing footpath

95. MARKING OF CAR PARKING SPACES

All resident, retail and the manager's car parking spaces shall be clearly delineated and marked to Council's satisfaction.

96. RELOCATION OF PARKING SIGNS

Where necessary, the applicant shall meet the cost of the relocation/installation of any traffic, meters or parking control signs.

97. ADJUSTMENTS TO STREET SIGNS

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

98. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (i) Landfill waste;

- (ii) Recyclable waste;
- (iii) Materials to be re-used on-site; and / or
- (iv) Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

99. STORMWATER WORKS

The contractor is to apply for relevant Footpath/Road Opening Permits prior to commencement of any drainage works.

Drainage works, backfilling and road restoration works to be in accordance with Waverley Council's Standard Drawing D2, D7 (drawing available on request).

Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

100. MANAGEMENT OF ACIDIC SOIL

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

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement and Concrete Association of Australia Technical Note TN57 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

101. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

102. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

103. MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within

the confines of the building for any plant and equipment associated with the use of the building.

104. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

D. COMPLIANCE PRIOR TO OCCUPATION CERTIFICATE

105. OCCUPATION CERTIFICATE

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

106. EASEMENT FOR COUNCIL STORMWATER PIPE

An easement of 1.8m wide is to be created in favour of Waverley Council over the whole length of the drainage pipe for the 'Right of Drainage' along the northeastern edge of the boundary and registered with the Land & Property Information (LPI). The easement may include the basement structural wall and portions of the driveway. The easement must be registered on the Title of property 82-84 Curlewis Street and shall state the location and dimensions of the easement with respect to the property boundary line, prior to the issue of any occupation certificate. All legal fees associated with the creation of the easement are to be paid by the applicant. The easement is to be registered on title prior to the issue of an Occupation Certificate. (AMENDED DA-334/2016/A)

107. STORMWATER MANAGEMENT

Prior to the issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice. This includes the construction of Council's Stormwater pipe along the rear northern boundary of the site.

108. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

109. SITE CONSOLIDATION

The two allotments, Lot 6 and 7 in DP 11563, known as 82 and 84 Curlewis Street, Bondi Beach are to be consolidated. In this regard evidence that the lots have been consolidated and have been registered with the LPI is to be provided to the satisfaction of the PCA prior to the issue of the Occupation Certificate.

110. ALLOCATION OF STREET NUMBER/S

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

- No. 84 Curlewis Street for the building (primary address number);

The primary premises 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 Curlewis Street.
- As the redevelopment has multi-level sub addressing the following sub addressing will apply;
 - 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 floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
 - For clarity, a zero will be interposed in the number of the first nine sub address levels i.e. Level 3 unit 7 =307,
 - Level at ground and below ground shall also be identified by prefixes to distinguish these levels i.e. Ground =G, Basement = B,
 - Commercial premises and common rooms will be identified with an address type identifiers i.e. Shop – Shop G01, Kiosk – KSK G02, Common Room - Room G03

The primary and sub address numbers are to be positioned on the site 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 to be lodged with Council.

111. GENERAL REGULATORY PREMISES

The proprietor of the boarding house shall:

- (a) Submit a notification of boarding house form with Council's Safe Waverley (Health and Compliance) Department prior to occupation.
- (b) Arrange for an inspection by Council's Environmental Health Officer prior to occupation.
- (c) Be registered with Council's Planning and Environmental Services (Health) Department prior to occupation.
- (d) Submit to Council prior to occupation, details of trade waste removal arrangements.
- (e) Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.
- (f) Register the approved Boarding House with NSW Fair Trading within twenty-eight (28) days of commencing operations in accordance with Part 2, Division 1 of the Boarding Houses Act 2012,

- (g) Prior to the commencing operations, forward a notification letter to the Council and neighbours providing contact details of the onsite Manager so that any issue regarding the operation of the premises can be addressed promptly.

112. NOISE ATTENUATION CERTIFICATE

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with Condition 11; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

113. NOISE - MECHANICAL PLANT

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

114. ACOUSTIC REPORT RECOMMENDATIONS

The recommendations and conclusion outlined in the Acoustic Report prepared by Floth Sustainable Building Consultants, Reference No. 16209, dated 12 August 2016 and Revised Acoustic Statement, no.16209, prepared by Floth Sustainable Building Consultants, dated 28/11/2016, shall be implemented.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council certifying that the recommendations made in the above report have been satisfied and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

115. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
 - (i) inspection, testing and commissioning details;
 - (ii) date of inspection, testing and commissioning details;
 - (iii) the name and address of the individual who carried out the test; and
 - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

116. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

117. LANDSCAPE PLAN

The site is to be landscaped in accordance with the approved landscaped plan with the landscape works, including the green wall/ vertical plantings and planter beds, to be completed prior to the issue of the Occupation Certificate.

118. LANDSCAPE CONSULTANT

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

119. TELECOMMUNICATIONS

Notification of arrangement with Telstra and/or Optus for the provision of a telephone supply to each boarding room is to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of an Occupation Certificate.

120. LIGHTS

All external area lights and car parks shall be on sensor switches to save energy and reduce light spill to the sky. Low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

- (a) Lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

121. WAVERLEY DIGITAL MODEL

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Waverley Futures Department for use in the Waverley Digital Model.

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - (i) a building envelope which includes all elements affecting shadow analysis;
 - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Shaping Waverley.

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

E. COMPLIANCE DURING OCCUPATION

122. COMMUNAL AREA USE

- a) The outdoor communal area is only to be used between the hours of 7am and 10pm, 7 days a week.
- b) No amplified music is permitted at any time within the outdoor communal area.
- c) Consumption of alcohol in the indoor and outdoor communal areas is not permitted.

123. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)

- (a) The operation and management of the premises shall be in accordance with a Council approved POM at all times.
- (b) The approved POM shall be adopted by the Management, and filed with Council and the Local Area Command (Police) prior to the commencement of operations.
- (c) A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers and Police Officers.
- (d) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated. A copy of the plan is to be provided to Council. Any changes are subject to Council's approval and may require a modification application under Section 96 of the Environmental Planning and Assessment Act 1979.

124. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Management must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- (a) It must operate continuously,
- (b) It must record in digital format and at a minimum of 15 frames per second,
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
 - i. all entry and exit points of the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) on the premises.
- (e) CCTV recordings must be retained for at least 30 days.
- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.

125. WASTE AND RECYCLING STORAGE AND COLLECTION - USE

- (a) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (b) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (c) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking

and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

- (d) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (e) All waste and recycling receptacles must be removed from the kerb-side or laneway as soon as possible on the same day as the collection service.

126. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

127. NEIGHBOURHOOD AMENITY

The management of the premises:

- (a) Shall ensure residents do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- (b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private staff to ensure that this condition is complied with.
- (c) Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff. Such recording will include time, date, nature of the complaint/s and any complainant details if provided
- (d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

128. AMUSEMENT MACHINES & THE LIKE

The installation of jukeboxes, pinball machines, pool tables or similar amusement machines will not be permitted without the written consent of Council.

129. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers and Police Officers.

130. ENTRY AND EXIT OF VEHICLES

Vehicles entering and exiting the basement car park shall do so in a forward direction at all times.

131. PARKING PERMITS

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

132. USE OF ROOF

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

133. PLANNING AGREEMENT

(a) The owner/ applicant 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-334/2016/A
- (ii) Pay a monetary contribution amount of \$240,000 prior to the issue of any Occupation certificate for the Development relating to any portion of the building and that relates to works contained in DA-334/2016/A.
- (iii) A Planning Agreement will be entered into under section 7.4 of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.

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

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (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

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

(ADDED DA-334/2016/A)

PROJECT
PROPOSED NEW BOARDING HOUSE

82 - 84 CURLEWIS ST,
BONDI BEACH

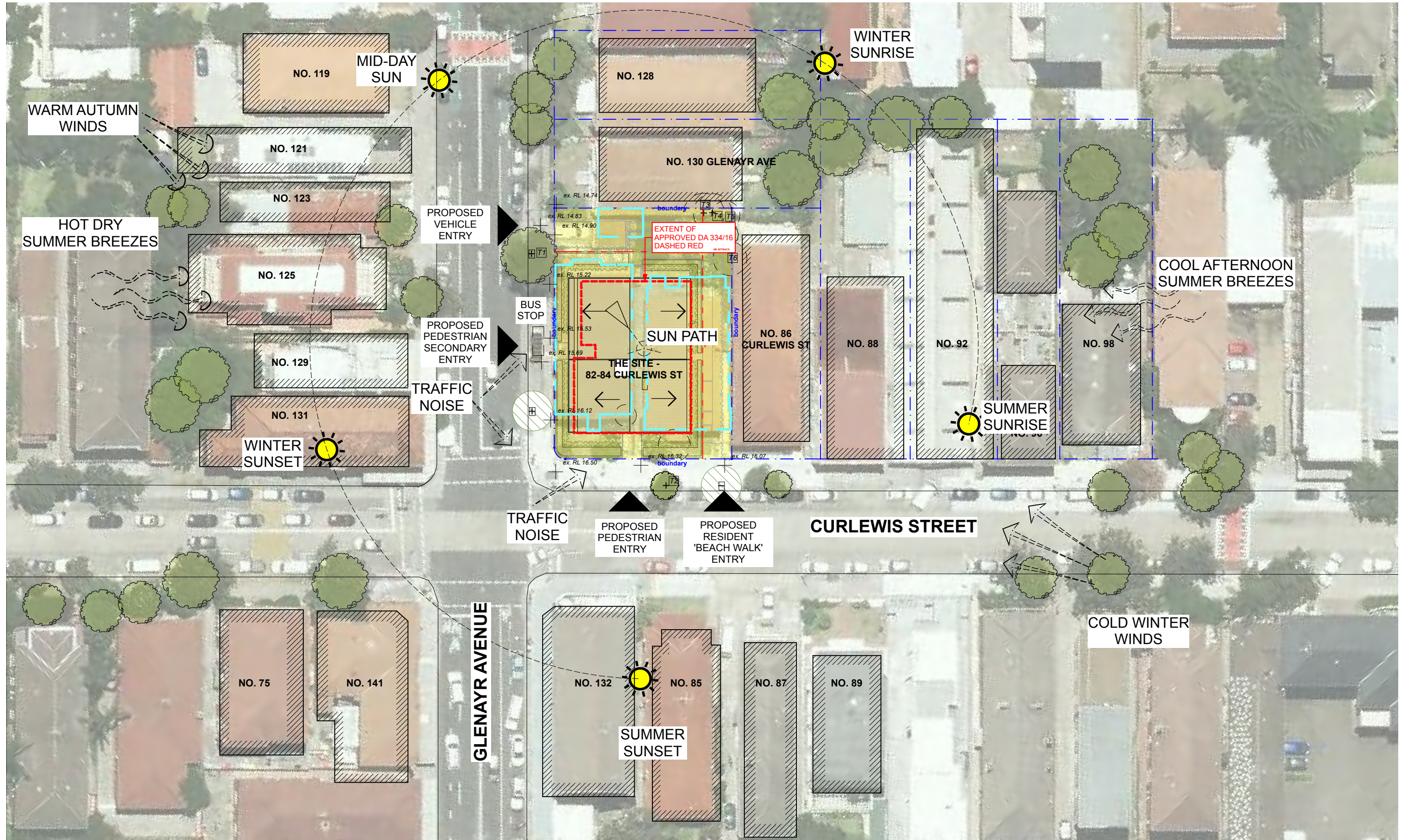
DRAWING NO:	DRAWING NAME	SCALE	REV
DA0000	COVERPAGE		C
DA1000	LOCATION PLAN		C
DA1001	SITE ANALYSIS PLAN	1:500	C
DA2000	BASEMENT & GROUND FLOOR	1:200	C
DA2001	LEVEL 1 & LEVEL 2	1:200	C
DA2002	LEVEL 3 & ROOF	1:200	C
DA2300	SECTIONS A & B	1:200	C
DA2301	CROSS SECTION C	1:100	C
DA2400	ELEVATIONS 1	1:200	C
DA2401	ELEVATIONS 2	1:200	C
DA2500	EXTERNAL FINISHES SCHEDULE 1	1:200	C
DA2501	EXTERNAL FINISHES SCHEDULE 2	1:200	C
DA9000	COMPLIANCE DIAGRAMS 1- GFA	1:300	C
DA9001	COMPLIANCE DIAGRAMS 2 - LANDSCAPE & OPEN SPACE	1:300	C
DA9100	SHADOW DIAGRAMS 1		C
DA9101	SHADOW DIAGRAMS 2		C
DA9102	SHADOW DIAGRAMS 3		C
DA9103	SHADOW DIAGRAMS 4		C
DA9104	SHADOW DIAGRAMS - 86 CURLEWIS APPROVED DA		C
DA9105	SHADOW DIAGRAMS - 86 CURLEWIS S96		C
DA9300	PHOTOMONTAGE 1 - EXISTING VIEW FROM WEST		C
DA9301	PHOTOMONTAGE 2 - PROPOSED VIEW FROM WEST		C



DEVELOPMENT APPLICATION

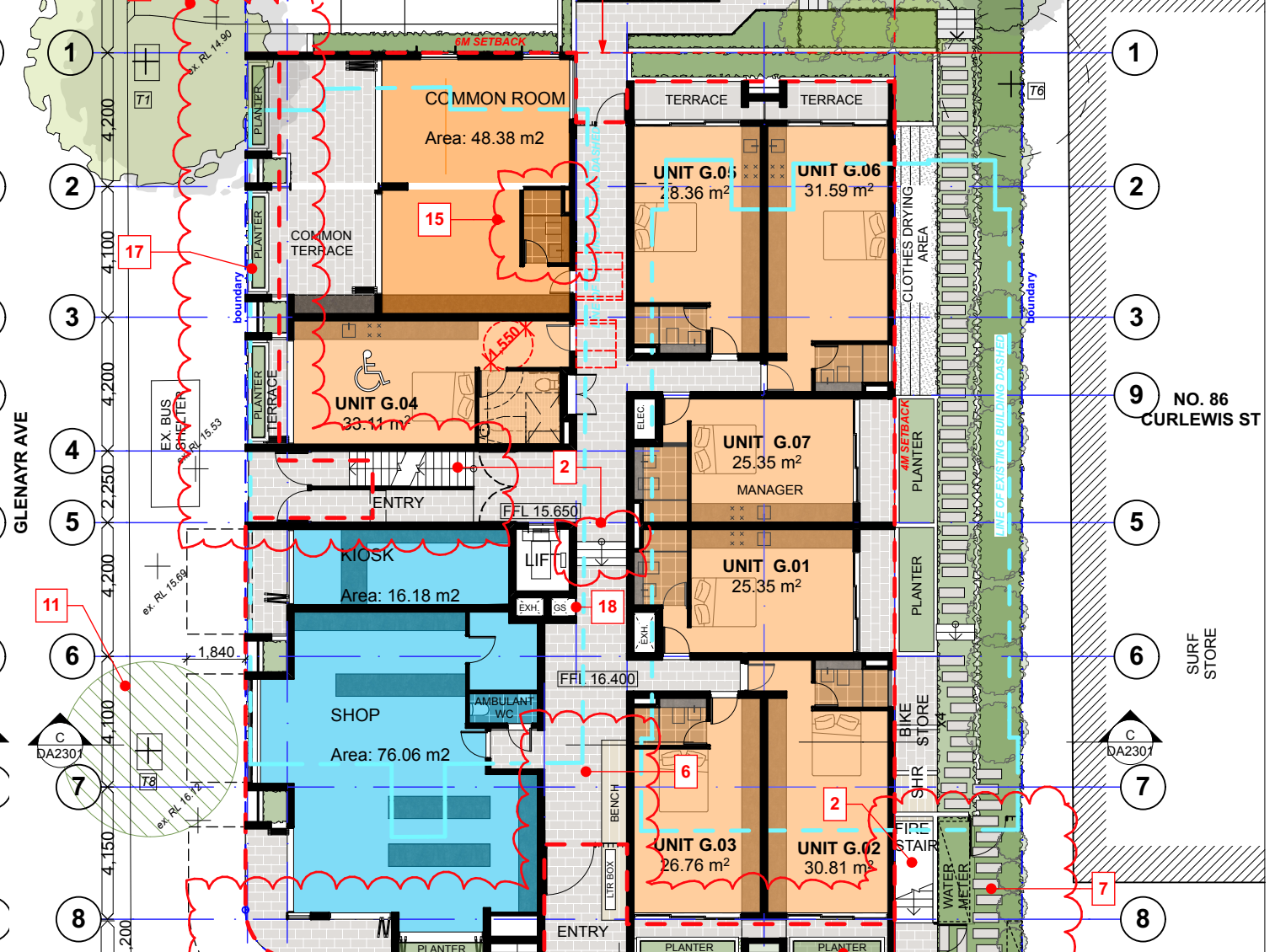
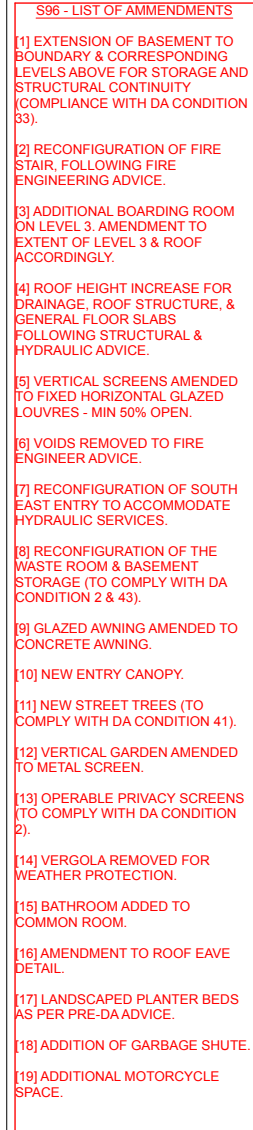


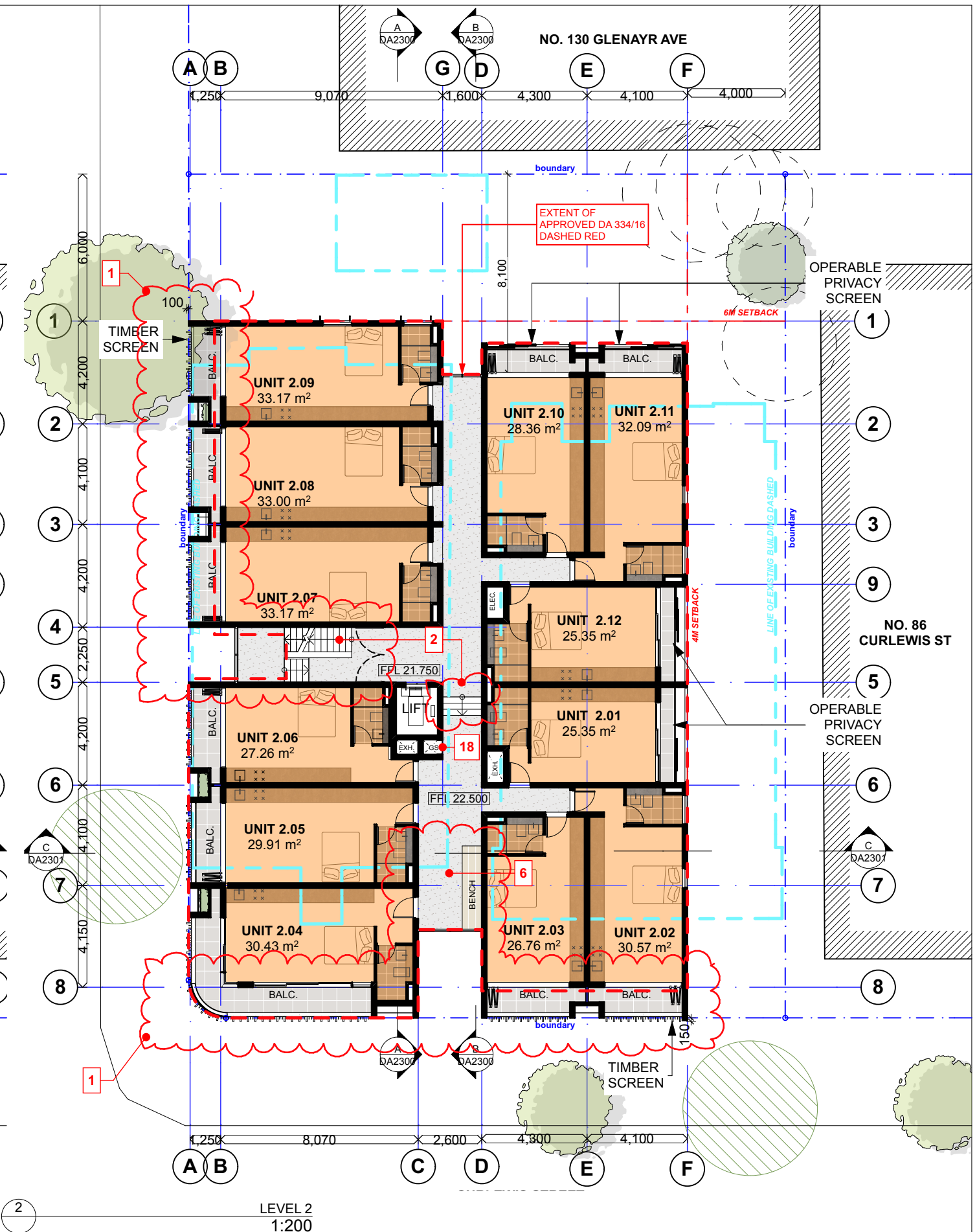
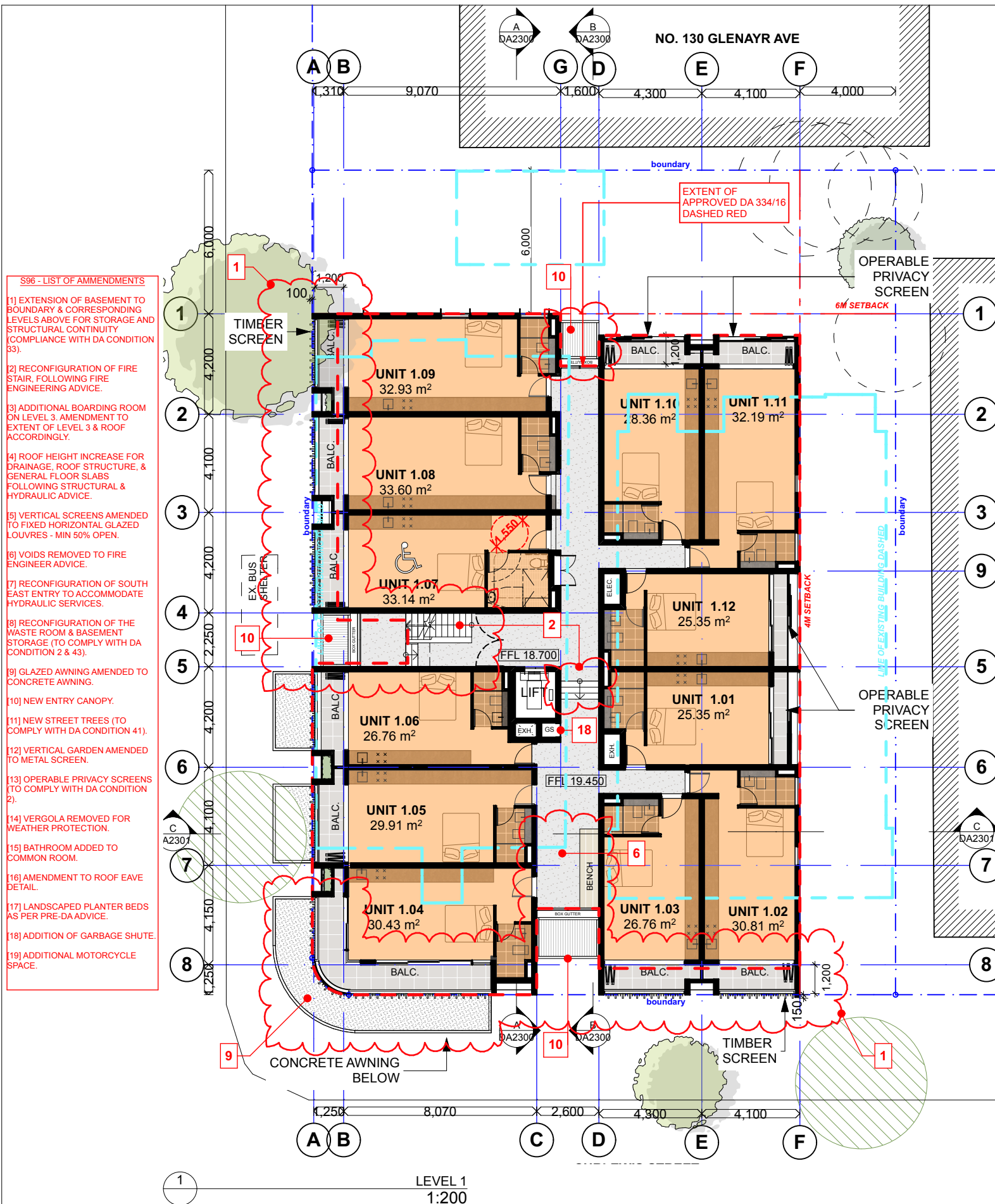
EXISTING VIEW FROM WEST



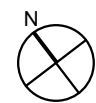
SITE PLAN
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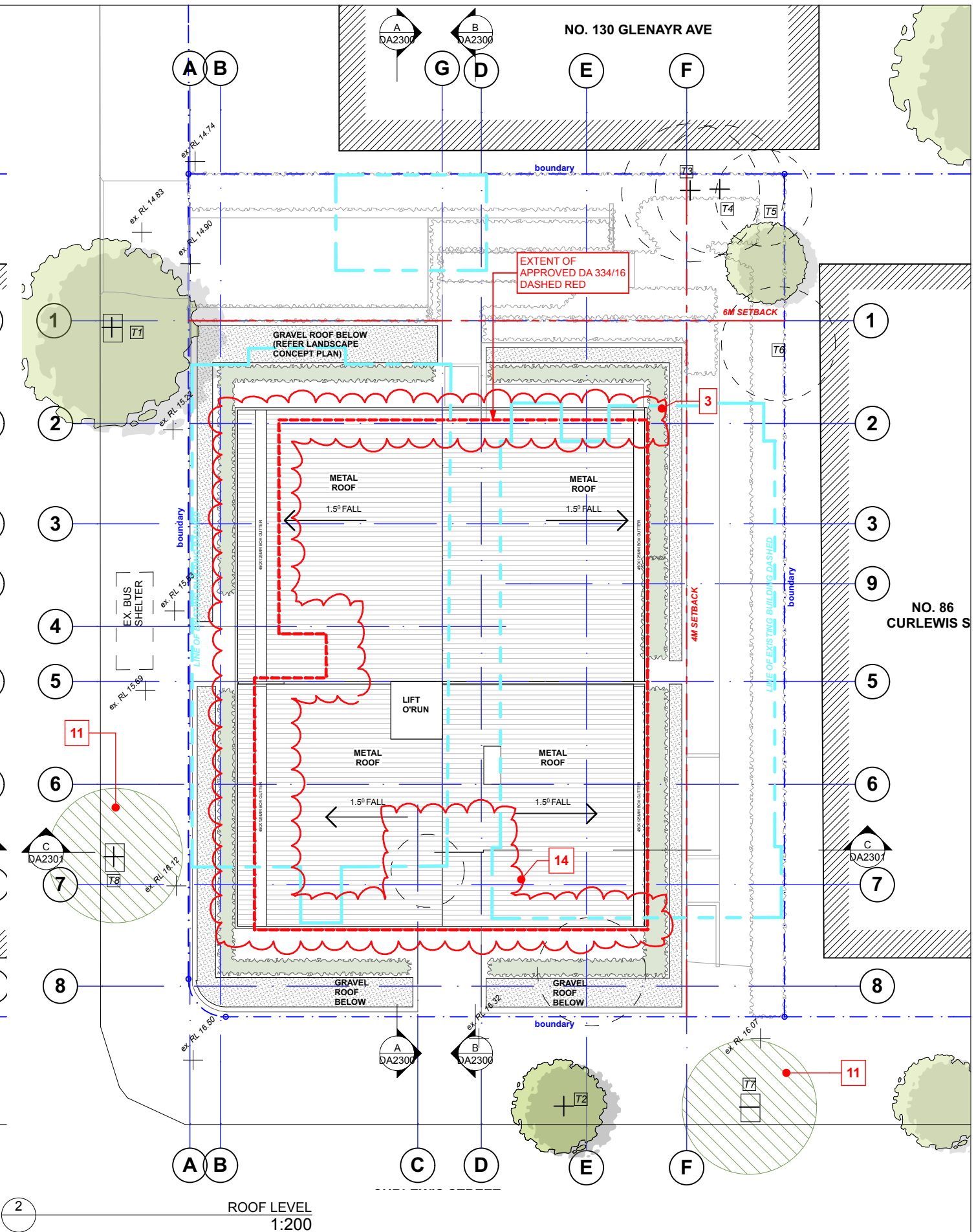
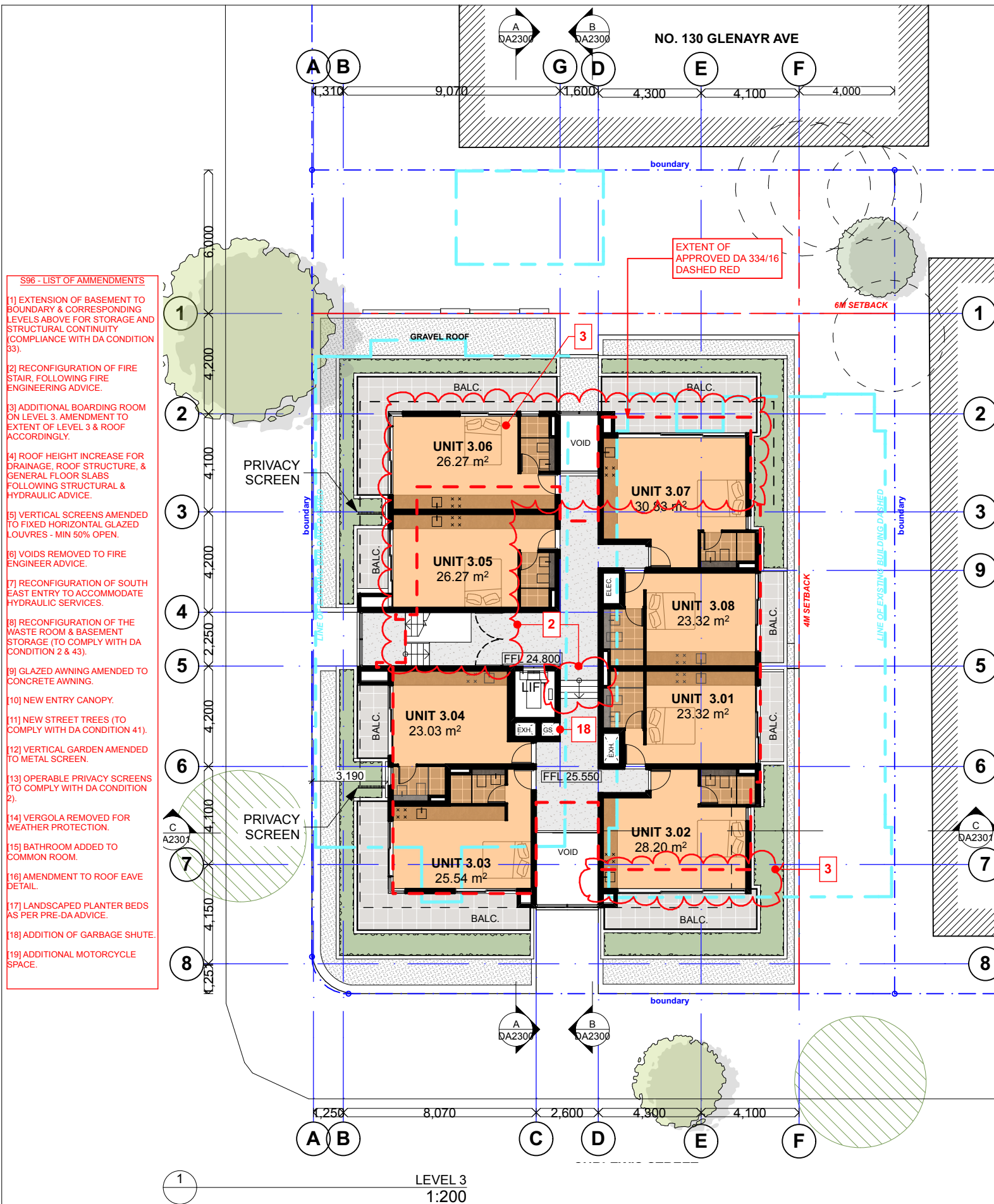


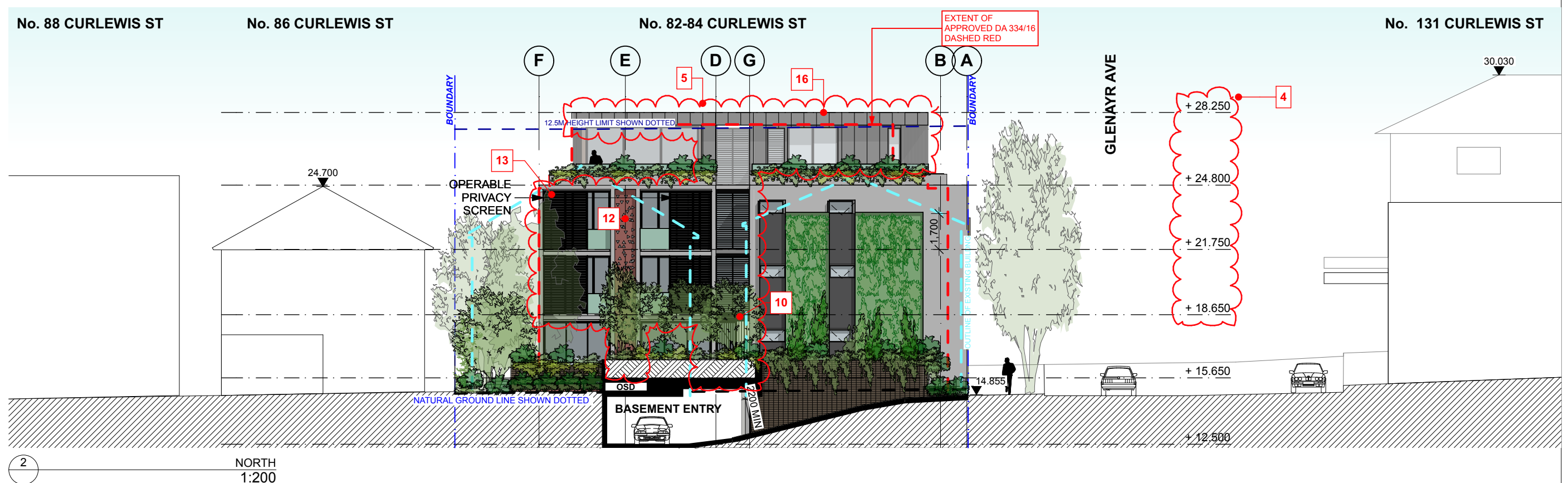


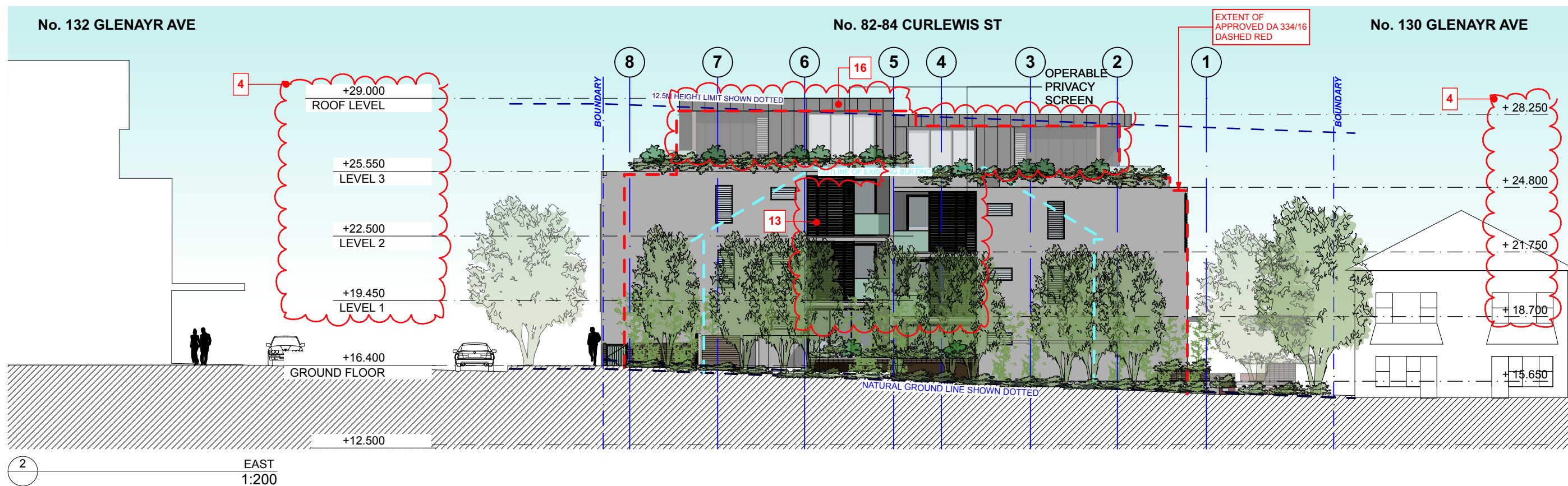
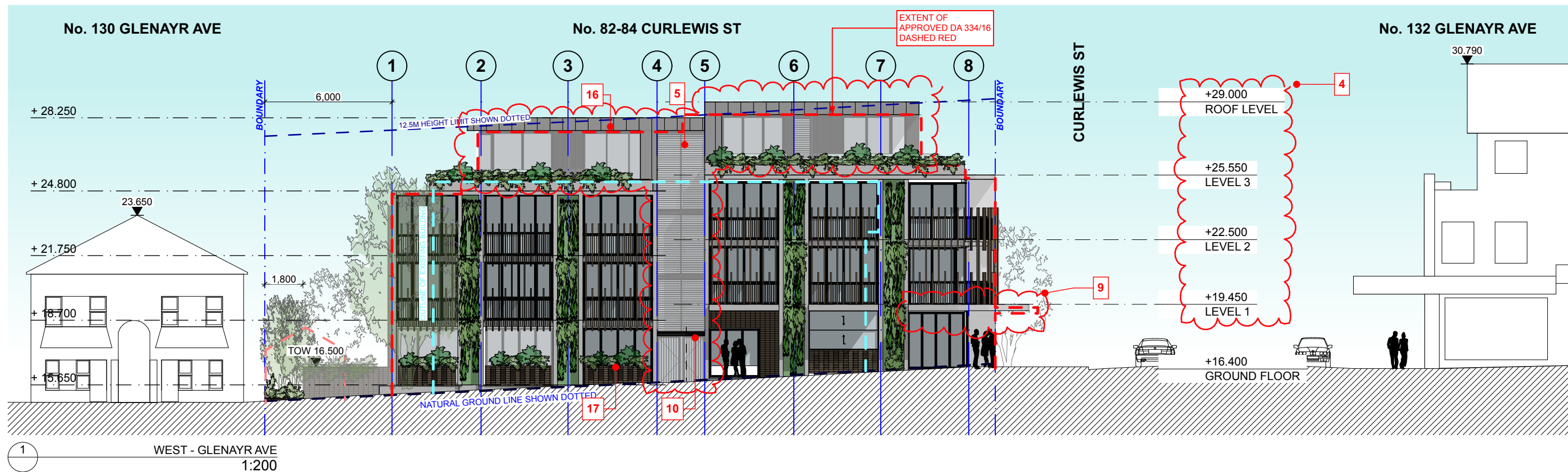


- S96 - LIST OF AMENDMENTS**
- EXTENSION OF BASEMENT TO BOUNDARY & CORRESPONDING LEVELS ABOVE FOR STORAGE AND STRUCTURAL CONTINUITY (COMPLIANCE WITH DA CONDITION 33).
 - RECONFIGURATION OF FIRE STAIR, FOLLOWING FIRE ENGINEERING ADVICE.
 - ADDITIONAL BOARDING ROOM ON LEVEL 3. AMENDMENT TO EXTENT OF LEVEL 3 & ROOF ACCORDINGLY.
 - ROOF HEIGHT INCREASE FOR DRAINAGE, ROOF STRUCTURE, & GENERAL FLOOR SLABS FOLLOWING STRUCTURAL & HYDRAULIC ADVICE.
 - VERTICAL SCREENS AMENDED TO FIXED HORIZONTAL GLAZED LOUVRES - MIN 50% OPEN.
 - VOIDS REMOVED TO FIRE ENGINEERING ADVICE.
 - RECONFIGURATION OF SOUTH EAST ENTRY TO ACCOMMODATE HYDRAULIC SERVICES.
 - RECONFIGURATION OF THE WASTE ROOM & BASEMENT STORAGE (TO COMPLY WITH DA CONDITION 2 & 43).
 - GLAZED AWNING AMENDED TO CONCRETE AWNING.
 - NEW ENTRY CANOPY.
 - NEW STREET TREES (TO COMPLY WITH DA CONDITION 41).
 - VERTICAL GARDEN AMENDED TO METAL SCREEN.
 - OPERABLE PRIVACY SCREENS (TO COMPLY WITH DA CONDITION 2).
 - VERGOLA REMOVED FOR WEATHER PROTECTION.
 - BATHROOM ADDED TO COMMON ROOM.
 - AMENDMENT TO ROOF EAVE DETAIL.
 - LANDSCAPED PLANTER BEDS AS PER PRE-DA ADVICE.
 - ADDITION OF GARBAGE SHUTE.
 - ADDITIONAL MOTORCYCLE SPACE.









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- [18] ADDITION OF GARBAGE SHUTE.
- [19] ADDITIONAL MOTORCYCLE SPACE.

MARK SHAPIRO DESIGN

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ISSUE	DATE	REVISION
C	13/11/17	SECTION 96 APPLICATION
B	14/12/16	REVISED DA SCHEME
A	12/08/16	ISSUE FOR DEVELOPMENT APPLICATION

LEGEND:

1 - PROPERTY BOUNDARY

2 - 12.5M HEIGHT PLANE

3 - EXISTING BUILDING TO BE DEMOLISHED

4 - EXISTING GROUND LINE

5 - OUTLINE of approved DA334/2016 RevB

PROJECT:
THE BONDI TREEHOUSE

82-84 Curlewis St
Bondi Beach NSW 2026

DRAWING:
ELEVATIONS 2

PROJECT NO: 16004

SCALE: 1:200 @A3

DRAWING NO: REV:

PLOTTED: 13/11/2017

DA334/16

275

METAL ROOF
ON STEEL ROOF
STRUCTURE TO
ENG. DETAILS

BOX GUTTER

No. 82-84 CURLEWIS ST

EXTENT OF
APPROVED DA 334/16
DASHED RED

No. 86 CURLEW

GLENAYR AVE

BOUNDARY

A B

G D

E

F

BOUNDARY

1

BALC.

UNIT 3.03
LIVING

2.700

VOID

UNIT 3.02
LIVING

BEACH
WALK

4

+29.000
ROOF LEVEL

+25.550
LEVEL 3

24.670

+22.500
LEVEL 2

+19.450
LEVEL 1

+16.400
GROUND FLO

+12.500
BASEMENT

S96 - LIST OF AMMENDMENTS

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- (19) ADDITIONAL MOTORCYCLE SPACE.

TIMBER BALUSTRADE
SCREEN OR SIMILAR

CONCRETE
AWNING

FACE
BRICK WALL

OUTLINE OF EXISTING BUILDING

RETAIL

NATURAL GROUND LINE SHOWN DOTTED

STORE

PARKING

1

SECTION C
1:100

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WORK.

C	13/11/17	SECTION 96 APPLICATION
B	14/12/16	REVISED DA SCHEME
A	12/08/16	ISSUE FOR DEVELOPMENT APPLICATION
ISSUE	DATE	REVISION

LEGEND:

- 1 - PROPERTY BOUNDARY
- 2 - 12.5M HEIGHT PLANE
- 3 - EXISTING BUILDING TO BE DEMOLISHED
- 4 - EXISTING GROUND LINE
- 5 - OUTLINE of approved DA334/2016 RevB

PROJECT:
THE BONDI TREEHOUSE

82-84 Curlewis St
Bondi Beach NSW 2026

DRAWING:
CROSS SECTION C

PROJECT NO: 16004

SCALE: 1:100 @A3

DRAWING NO: REV:

PLOTTED: 13/11/2017

DA334/2016 RevB



Report to the Waverley Development Assessment Panel

Application number	DA-460/2017
Site address	150 Brighton Boulevard NORTH BONDI
Proposal	Alterations and additions including balcony addition to east and west elevations of existing residential flat building and other associated works
Date of lodgement	26 October 2017
Owner	Proprietors of Strata Plan 1433
Applicant	Asa Architects
Submissions	Four submissions
Cost of works	\$425000
Issues	Front building line, height, submissions
Recommendation	That the application be APPROVED subject to conditions of consent attached in the Appendix

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 4 May 2018.

The site is identified as SP 1433, known as 150 Brighton Boulevard NORTH BONDI. The subject site is located on the eastern side of Brighton Boulevard between Bay Street to the north and Ben Buckler Point to the south. The site is rectangular in shape with western front and eastern rear boundaries measuring 12.19 m, and northern and southern side boundaries measuring 39.165 m. The site has an area of 477.4 m² and the site falls from the rear towards the front by approximately 0.91 m.

The site is occupied by three storey brick units with vehicular access provided along the southern side boundary to garages on the ground floor of the units.

The subject site is adjoined by residential flat buildings on either side. The locality is characterised by a variety of residential developments including dwellings, dual occupancies and residential flat buildings.



Figure 1: Subject site frontage



Figure 2: Site viewed down the northern side setback



Figure 3: Site viewed from the rear

1.2 Relevant History

There are no relevant previous applications relating to the subject site.

1.3 Proposal

The development application seeks Council consent for alterations and additions including balcony addition to east and west elevations of existing residential flat building and other associated works. The specifics of the proposal are as follows:

- Demolish existing front and rear balconies and replace with larger balconies.
- Alterations to front and rear glazing for improved access to the new balconies.
- Construct a concrete canopy with skylights adjoining the flat building side entrance and also to the northern side of the front balconies.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

The works are defined as BASIX excluded development under the Regulations.

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP 65 Design Quality of Residential Flat Development

The proposed works are for minor alterations to a residential flat building. Due to the nature of the proposed works, assessment under SEPP 65 is not considered to be required.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with regards to clause 1.2 aims of plan.

Provision	Compliance	Comment
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 • 9.5m	No	The proposed height is 10.5m
4.4 Floor space ratio and • 0.6:1	N/A	No changes to FSR as works are external and unenclosed.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A 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	The proposal includes minimal disturbance to the natural ground surface, therefore acid sulphate soils is not considered to be a significant issue.

Clause 4.3 Height of buildings

The proposal has an overall building height of 10.5m, which exceeds the height of buildings development standard of 9.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1m or 10.5%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The structures sit under the current eaves line of the RFB
- The roofs to the two new balcony structures extend to approximately the underside of the eaves of the existing RFB building but are well below the building's existing ridge height of approximately 12m
- Existing roof and gutter lines are maintained by the development.
- Scale of the new balcony structures are in keeping with the height of the existing building and eave heights of the adjacent apartment buildings to the north and south on a sloping topography.
- New balcony structures have minimal impact in regard to additional overshadowing to the adjacent residence to the south. Solar impact created by the roof structure is limited to 10am at the winter solstice for one rear windows at level 1 at 10am and other windows receive adequate 3hours of sunlight.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

- ***Clause 4.6 (3) (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,***

The objectives of the height development standard relevant to the proposal are:

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

The maximum building height for the site is 9.5m and the proposal has a maximum height of 10.5m but is set below the existing roof form of the building which is already in excess of the development standard. Council agrees with the applicant's justification that the works are lower than the existing overall building height and the scale is in keeping with the adjoining buildings to the north and south in terms of height whilst having minimal additional adverse impacts to the southern adjoining neighbour. Whilst the proposed balconies exceed the height controls, they are retrofitted to the existing building and have been designed to provide a coherent façade by providing the same balcony design through all levels of the existing building. This is also consistent with the existing character of the locality where adjoining flat buildings also have repeated balcony designs through all levels. The height will positively complement and contribute to the physical definition of the street as the flat buildings and associated balconies are all of a similar height and thus it is considered unnecessary and unreasonable for this development to adhere to height standard.

- ***Clause 4.6 (3) (b) that there are sufficient environmental planning grounds to justify contravening the development standard.***

The proposal, as discussed above, is considered able to comply with the objectives of the height development standard as the proposed building height is considered to respond to the existing and desired character of the local area. The proposal will have minor additional overshadowing of one of the windows to the southern neighbour at 10am, however, this is considered unavoidable given the orientation of the site. Solar access is further discussed in the DCP. The proposal has a bulk and scale that respects the streetscape and has demonstrated that the scale of the development will not result unreasonable adverse environmental impacts on neighbouring properties.

- ***Clause 4 (a) (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and***

The applicant's written request is considered to have adequately addressed the matters required under subclause 3 and the proposal is considered able to meet the objectives of the standard.

- ***Clause 4 (a) (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out***

The proposed development is considered to be in the public interest as it satisfies the objectives of the height standard, as discussed previously, and also the objectives of the zone which are to provide for the housing needs of the community in the medium density residential zone. The larger balconies provide a more useable recreation space for residents. The proposal is considered to be in the public interest as the proposal seeks to provide a design similar to that existing in adjoining flat buildings. The applicant's written request is considered to be satisfactory for the proposed development, given the streetscape and existing height non-compliance. Hence whilst the proposal exceeds the development, it is considered to be in the public interest given that it does not result in unacceptable amenity impacts to adjoining sites and contributes to the established built rhythm.

2.1.5 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)


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

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


Development Control	Compliance	Comment
6. Stormwater	Yes – conditioned	A standard condition of consent is recommended requiring the stormwater be connected to the existing system.
10. Safety	Yes	The proposal maximises casual surveillance of the street through larger balconies providing views to the street. Works for canopies over parts of the existing pedestrian entrance will not decrease visibility around the site. The proposal is consistent with the objectives and controls within this part of the DCP.

Table 3: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.1 Special character areas		
<i>Ben Buckler</i>	Yes	The proposal maintains the rhythm of building frontages to the street by providing balconies similar to those existing at adjoining flat buildings. The proposal also respects the boxy forms characteristic of Ben Buckler. Whilst awnings are proposed within the northern side setback over parts of the pedestrian path, it will not obstruct views between buildings to the beach due to the subject site being lower than buildings to the north and east.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	No – conditioned	A front setback of 4m is provided and the proposed front balconies protrude further than the predominant front building line of adjoining development. When considering the front building line of flat buildings in the immediate vicinity, there is generally a consistent street setback between the residential flat buildings at 146 to 154 Brighton Blvd with only minor differences between them. Of the flat buildings in the immediate vicinity, 154 Brighton Blvd extends the furthest forward with a front setback of approximately 4.845m. In this regard, the proposed front setback of 4m is not supportable and conditions will be imposed to reduce the

Development Control	Compliance	Comment
		<p>depth of the front balconies to be consistent with the established street setback and be in line with that at 154 Brighton Blvd.</p> 
<p>2.5.2 Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 3m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	<p>No – acceptable</p> <p>No – acceptable</p>	<p>Balconies generally adhere to the established side setbacks. It is noted that there is an encroachment into the side setbacks by the balconies on the southern side, but can be supported as it is for additional structural support and is minor.</p> <p>The awnings over the pedestrian walkway on the northern side setback being built to the boundary can also be supported as they do not impact adjoining development given the level difference between the properties.</p> <p>The proposal has a rear setback of 5.395m which is non-compliant, however it can be supported as it is consistent with the predominant rear building line of adjoining development.</p>
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	<p>Yes</p> <p>Yes</p>	<p>The proposal provides a contemporary update to the building facade with modern materials and glazing. The building design is considered to be consistent with the existing and desired future character of the area where similar works have been undertaken at adjoining sites.</p>
2.15 Private open space		
<ul style="list-style-type: none"> Minimum of 75% of dwellings to have private open space Accessed from main living area 	<p>Yes</p> <p>Yes</p>	<p>All units have access to private open space from living areas.</p>
<p>2.15.2 Balconies/Decks</p> <ul style="list-style-type: none"> Minimum area: 10m² Minimum depth: 2.5m 	<p>Yes</p>	<p>The proposed balconies have a depth of 2-2.5m and a minimum area of 10m².</p>

Development Control	Compliance	Comment
		As discussed previously, it will be conditioned for the front balconies to be set further back from the street by reducing the depth of the balconies which will result in a non-compliance with the balcony depth controls. This is however acceptable as the existing front balconies are non-compliant with both the area and depth and the proposal will still result in an improvement to the private open space. The resulting balconies will still provide a useable area for private recreation.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	<p>Yes</p> <p>Acceptable</p>	<p>No change to the solar access of existing units.</p> <p>There will be minor additional overshadowing over part of a rear window in the southern adjoining development at 10am during the winter solstice given the orientation of the sites. The subject window will still receive some sunlight solar access and the development is considered reasonable given that the proposal at the rear is consistent with the established rear building line and development pattern whereby similar balconies have been provided to adjoining flat buildings.</p>
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	View loss was raised as an issue by the northern neighbour regarding views from their balcony. A view assessment was undertaken and their primary views towards Bondi Beach are to the west of the site which will not be impacted by this development. The views in question are to the south towards the ocean. Given that the proposal will be incorporating glazed balustrades to the front balconies and it will be conditioned to increase the front setback, the view impacts will be minor.

Development Control	Compliance	Comment
		 <p>Photo above is taken from the balcony of unit 2 at 148 Brighton Blvd looking south.</p>
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Acceptable	Screening has been provided along the sides of the balcony to the extent of the building wall in an effort to maintain view lines from adjoining development which is supportable and is consistent with the approach taken with other balconies to flat buildings in the vicinity.
2.23 Natural ventilation		
<ul style="list-style-type: none"> Minimum of 60% of units cross-ventilated 	Yes	All units remain cross ventilated.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

The application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Four submissions were received. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
5 and 6/152 Brighton Blvd
3/116 Brighton Blvd
2/152 Brighton Blvd
2/148 Brighton Blvd

Issue: Visual and acoustic privacy

Response: See discussion in the DCP table. Privacy works both ways and the objectors have a similar balcony without privacy screening and this is to maintain views to surrounding properties. Given the size and domestic use of the balconies, noise is not considered to be a concern.

Issue: View impacts

Response: See discussion in the DCP table.

Issue: Change balustrades to be more visually attractive

Response: No issues are raised with the proposed design impact on the streetscape.

2.5 Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The application seeks consent for alterations and additions including balcony addition to east and west elevations of existing residential flat building and other associated works. The works exceed the 9.5m height development standards by 10.5%, but compliance with the standard is considered unreasonable and unnecessary in this case given that the existing building is in excess of the standard and the proposal positively contributes to the streetscape and has a bulk and scale similar to surrounding buildings. Whilst the proposal does not result in unreasonably adverse amenity impacts to adjoining development, the front balconies are considered to intrude into the established front setback. As such, conditions will be imposed to ensure that the balconies are reduced in depth and do not extend further than the balconies at 154 Brighton Blvd, which is the furthest forward in the block of residential flat buildings in the vicinity. Four submissions were received raising issues with view loss, privacy, noise and materials which were largely unsubstantiated. The proposal is considered acceptable on merit and supported in this instance subject to standard conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Bianca Chiu
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 7 May 2018

Date: 9 May 2018

Reason for referral:

- 3 Departure from any development standard in an EPI by more than 10%
- 5 Development applications where the owner, applicant or objector is a staff member or Councillor of Waverley Council and any unresolved objections have been received.

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA000, DA001, DA100 rev 02, dated 20/10/17; DA101-104 and DA300-303, rev 03, dated 06/09/17, prepared by ASA Architects, and received by Council on 26 October 2017;

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The western front balconies and adjoining awning over the pedestrian path is to be setback approximately 4.845m from the front boundary so as not to extend beyond the front balconies of 154 Brighton Blvd, North Bondi.

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. SECTION 7.12 CONTRIBUTION

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

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

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

"Waverley Council Cost Summary Report"; or,

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

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

4. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ **10000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

5. LONG SERVICE LEVY

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

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

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 & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days notice in writing of the intention to commence the building works.

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

7. HOARDING REQUIRED

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

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

8. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

9. STORMWATER MANAGEMENT

Stormwater from the development is to be conveyed by approved drains and connected to the existing system.

10. ENGINEERING DETAILS

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

11. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

12. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

13. PRIOR TO SITE WORKS

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

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

14. HOME BUILDING ACT

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

15. 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.

16. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

17. OBSTRUCTION TO PUBLIC AREAS

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

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

18. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

19. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

20. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

21. STOCKPILES

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

22. LOCATION OF BUILDING OPERATIONS

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

23. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

24. ALL BUILDING MATERIALS STORED ON SITE

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

25. CONSTRUCTION HOURS

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

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

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

26. BUILDING CODE OF AUSTRALIA

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

27. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and

- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

28. CERTIFICATE OF SURVEY - LEVELS

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

29. ENCROACH BEYOND THE BOUNDARIES

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

30. SERVICE PIPES

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

31. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.

- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

32. OCCUPATION CERTIFICATE

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

33. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.



150 BRIGHTON BOULEVARDE NORTH BONDI

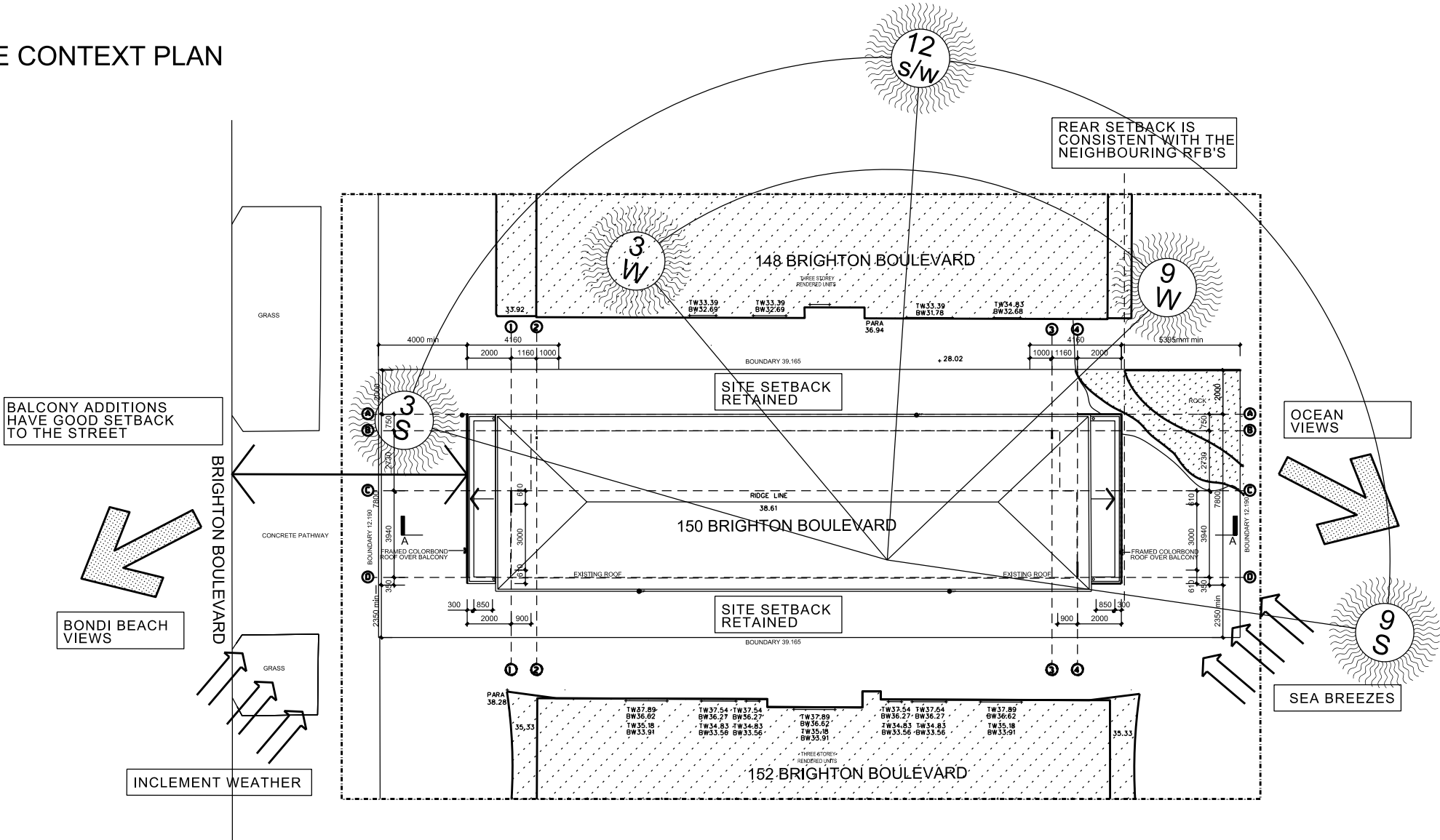
DEVELOPMENT APPLICATION ISSUE

LOCATION PLAN

SITE CONTEXT PLAN

DRAWING SCHEDULE

A-000	COVER SHEET	
A-001	SITE PLAN	
A-100	GROUND FLOOR PLAN	1:100
A-101	FIRST FLOOR PLAN	1:100
A-102	SECOND FLOOR PLAN	1:100
A-103	THIRD FLOOR PLAN	1:100
A-104	ROOF SITE PLAN	1:100
A-300	ELEVATIONS	1:100
A-301	ELEVATIONS	1:100
A-302	ELEVATIONS	1:100
A-303	ELEVATIONS	1:100



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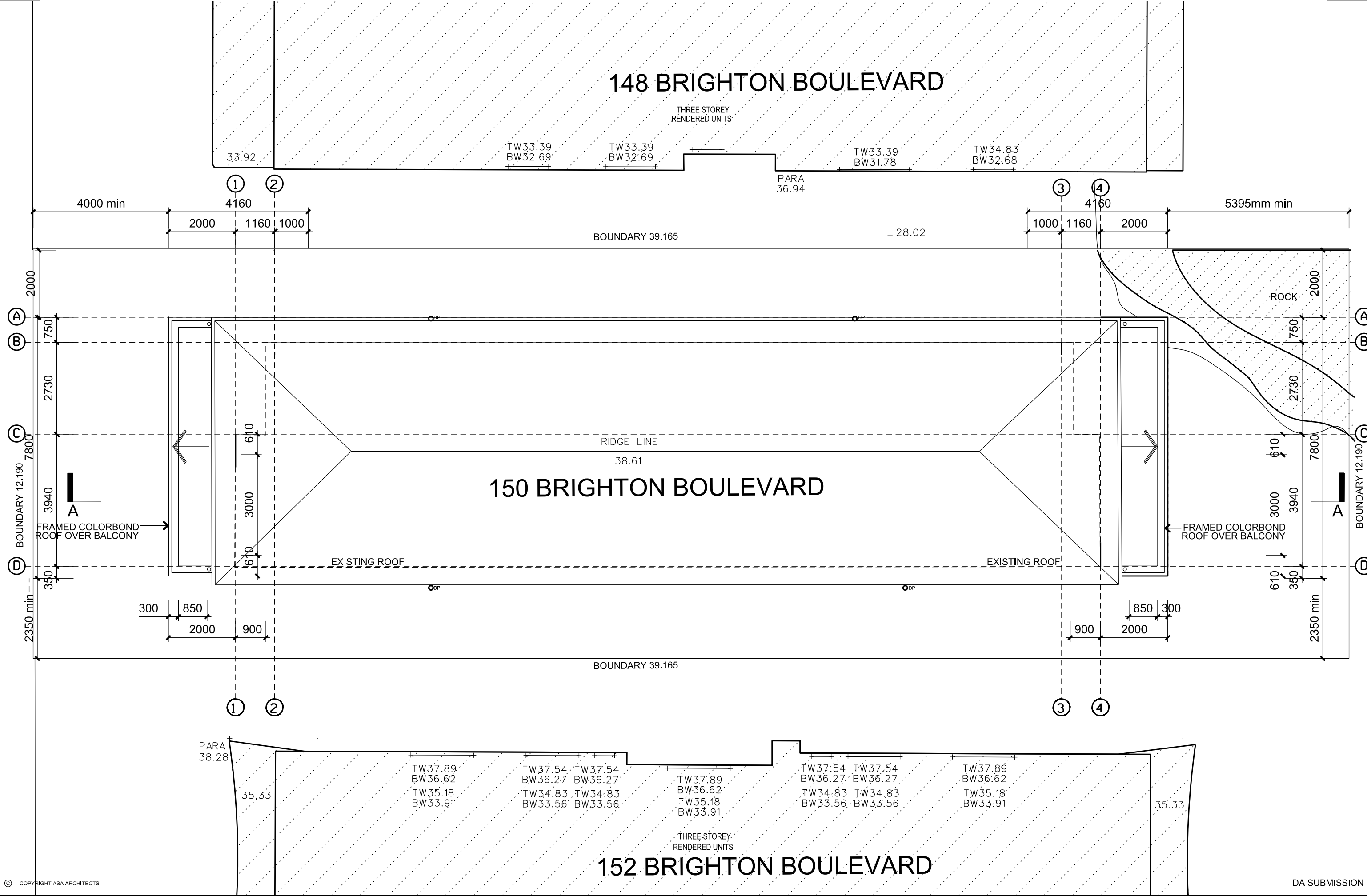
Rev	By	Note	Date
01	AS	CLIENT ISSUE	20/06/17
02	AS	DA ISSUE	20/10/17

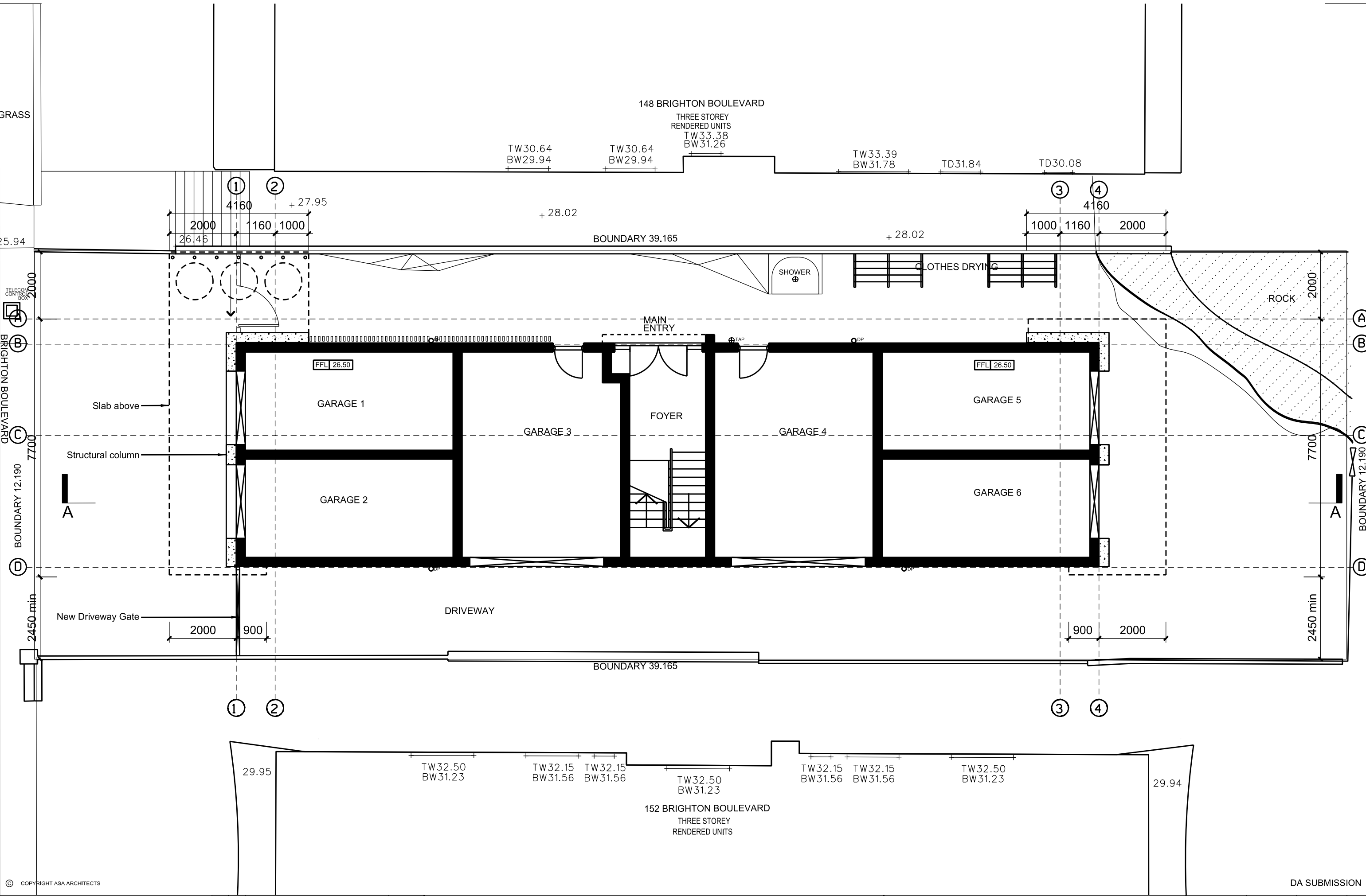
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Nominated Architect - Andrew Schultz 6228

Project
150 BRIGHTON BLVD - NORTH BONDI
Drawing Title
COVER SHEET AND CONTEXT PLAN

Date JUNE 2017	Project No.	Scale 1:100	STRATA PLAN
	Drawing Number DA 000	Rev 300	





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ANY VARIATIONS TO SPECIFICATIONS AND DRAWINGS MUST BE AUTHORISED BY ASA ARCHITECTS

Rev	By	Note	Date
01	AS	CLIENT ISSUE	20/06/17
02	AS	DA ISSUE	20/10/17

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Nominated Architect - Andrew Schultz 6228

Project	150 BRIGHTON BLVD - NORTH BONDI
Drawing Title	LEVEL 00 FLOOR PLAN

DA SUBMISSION

Date	JUNE 2017	Project No.		Scale	1:100
	Drawing Number	Rev			
	DA 100	302			

STRATA PLAN

148 BRIGHTON BOULEVARD

THREE STOREY
RENDERED UNITS

TW30.64
BW29.94

TW30.64
BW29.94

TW33.38
BW31.26

TW33.39
BW31.78

TD31.84

TD30.08

4000 min

① ②

③ ④

5395mm min

BOUNDARY 39.165

+ 28.02

FORMED CONCRETE CANOPY
OVER ENTRANCE WITH
SKYLIGHTS

ALUMINIUM LOUVRE
PRIVACY SCREEN

SOLID WALL FOR
PRIVACY
NEW REPLACEMENT
POWDERCOATED
ALUMINIUM FRAMED
GLAZING (TYP)

FORMED CONCRETE CANOPY
OVER ENTRANCE WITH
SKYLIGHTS

GLASS BALUSTRADE
WITH S/S TOP RAIL

SOLID WALL FOR
PRIVACY
NEW REPLACEMENT
POWDERCOATED
ALUMINIUM FRAMED
GLAZING (TYP)

BALCONY
19.00m²
[29.250] SFL

BALCONY
19.00m²
[SFL 29.250]

DEMOLISH EXISTING
BALCONY SLAB

DEMOLISH EXISTING
BALCONY SLAB

STRUCTURAL
COLUMN

STRUCTURAL
COLUMN

BOUNDARY 12.190

BOUNDARY 12.190

GLASS BALUSTRADE
WITH S/S TOP RAIL
DRAINAGE CHANNEL
ALL ROUND

GLASS BALUSTRADE
WITH S/S TOP RAIL
DRAINAGE CHANNEL
ALL ROUND

CUT DOWN EXISTING
WINDOW OPENING TO
LARGER DOOR OPENINGS

CUT DOWN EXISTING
WINDOW OPENING TO
LARGER DOOR OPENINGS

NEW REPLACEMENT
POWDERCOATED
ALUMINIUM FRAMED
GLAZING (TYP)

NEW REPLACEMENT
POWDERCOATED
ALUMINIUM FRAMED
GLAZING (TYP)

① ②

③ ④

BOUNDARY 39.165

+ 28.02

29.95

TW32.50
BW31.23

TW32.15 TW32.15
BW31.56 BW31.56

TW32.50
BW31.23

TW32.15 TW32.15
BW31.56 BW31.56

TW32.50
BW31.23

29.94

152 BRIGHTON BOULEVARD

THREE STOREY
RENDERED UNITS

ALL EXISTING BUILDING WINDOW FRAMES AND GLAZING WILL BE REPLACED
UNDER SEPP (EXEMPT AND COMPLYING DEVELOPMENT) 2008
PART 2 EXEMPT DEVELOPMENT CODES
SUBDIVISION 27 - MINOR BUILDING ALTERATIONS (EXTERNAL)

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Project

150 BRIGHTON BLVD - NORTH BONDI

Drawing Title

LEVEL 01 FLOOR PLAN

Date

JUNE 2017

Project No.

DA

Scale

1:100

Drawing Number

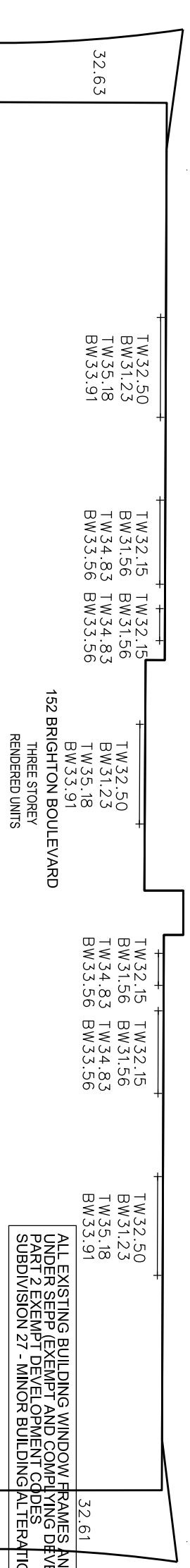
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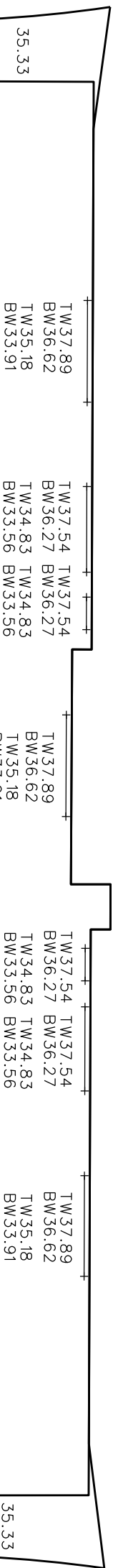
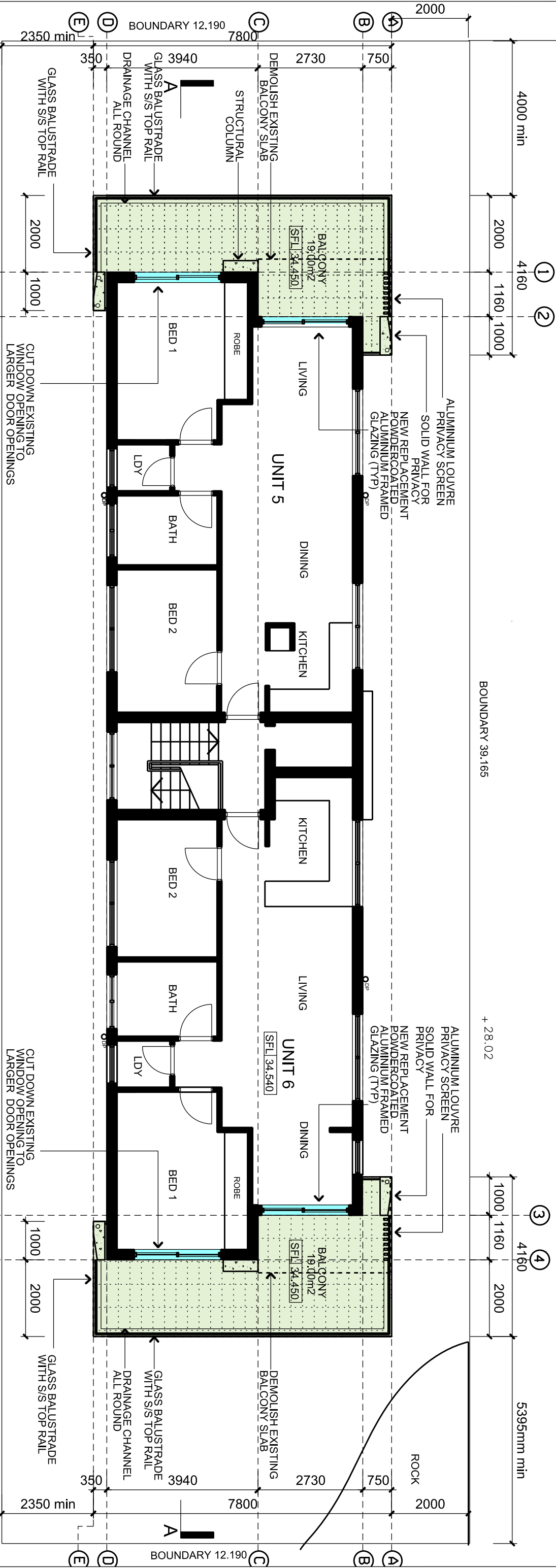
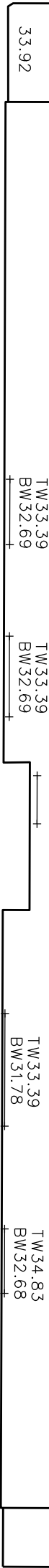
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Project		Date		Project No.		Scale
150 BRIGHTON BLVD - NORTH BONDI		JUNE 2017		DA 102		1:100
Drawing Title		Drawing Number		Rev		
LEVEL 02 FLOOR PLAN		DA 102		03		
STRATA PLAN						

148 BRIGHTON BOULEVARD
THREE STOREY
RENDERED UNITS



ALL EXISTING BUILDING WINDOW FRAMES AND GLAZING WILL BE REPLACED UNDER SEPP (EXEMPT AND COMPLYING DEVELOPMENT) 2008 PART 2 EXEMPT DEVELOPMENT CODES SUBDIVISION 27 - MINOR BUILDING ALTERATIONS (EXTERNAL)

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Project

150 BRIGHTON BLVD - NORTH BONDI

Drawing Title

LEVEL 03 FLOOR PLAN

Date

JUNE 2017

Project No.

DA

Drawing Number

103

Rev

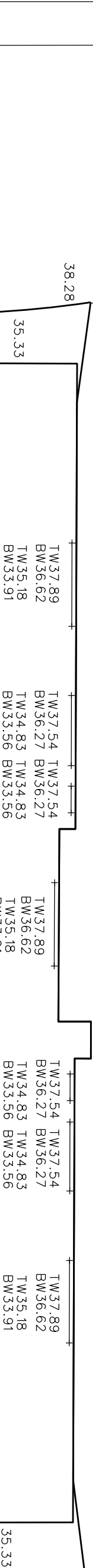
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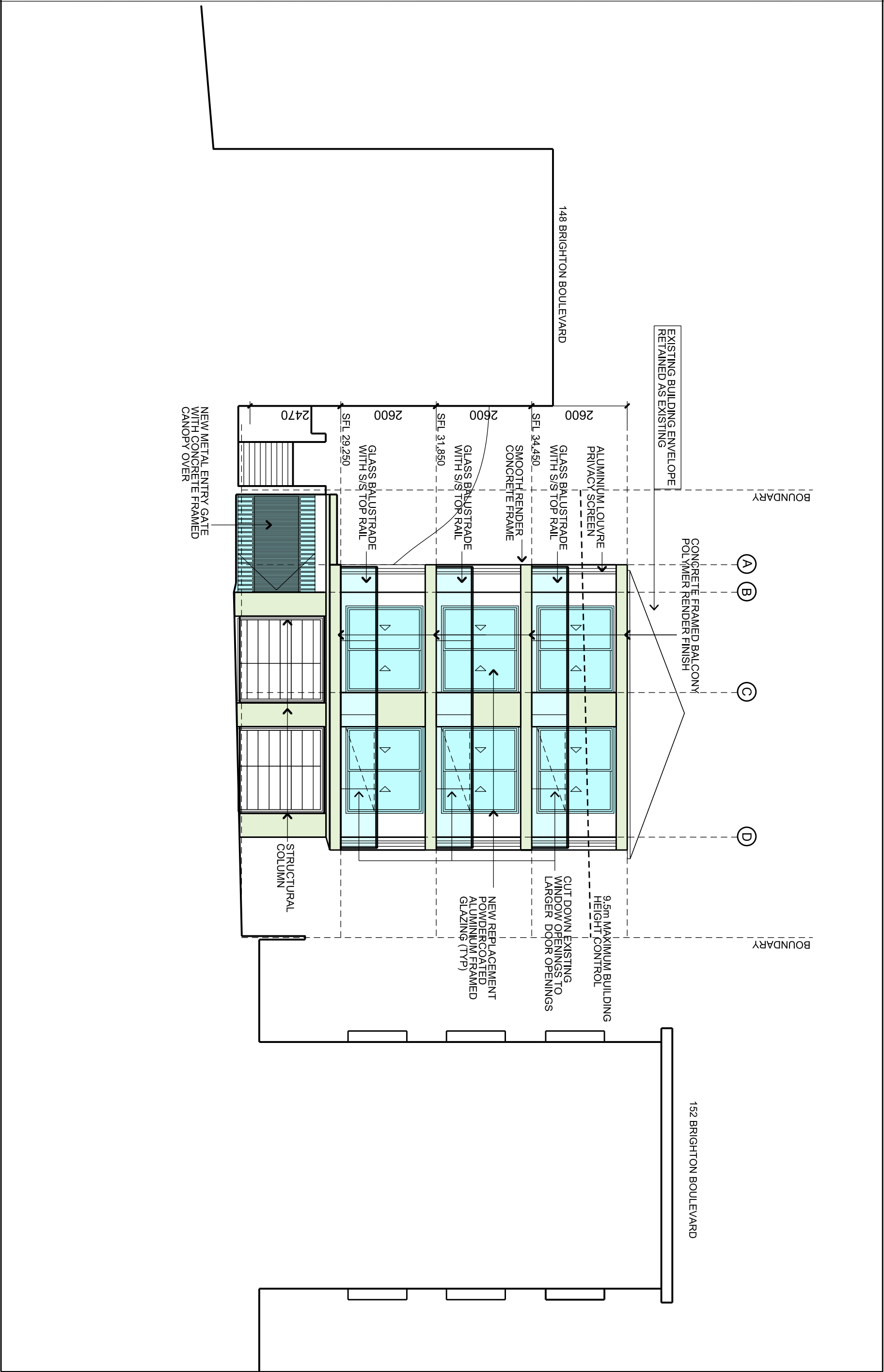
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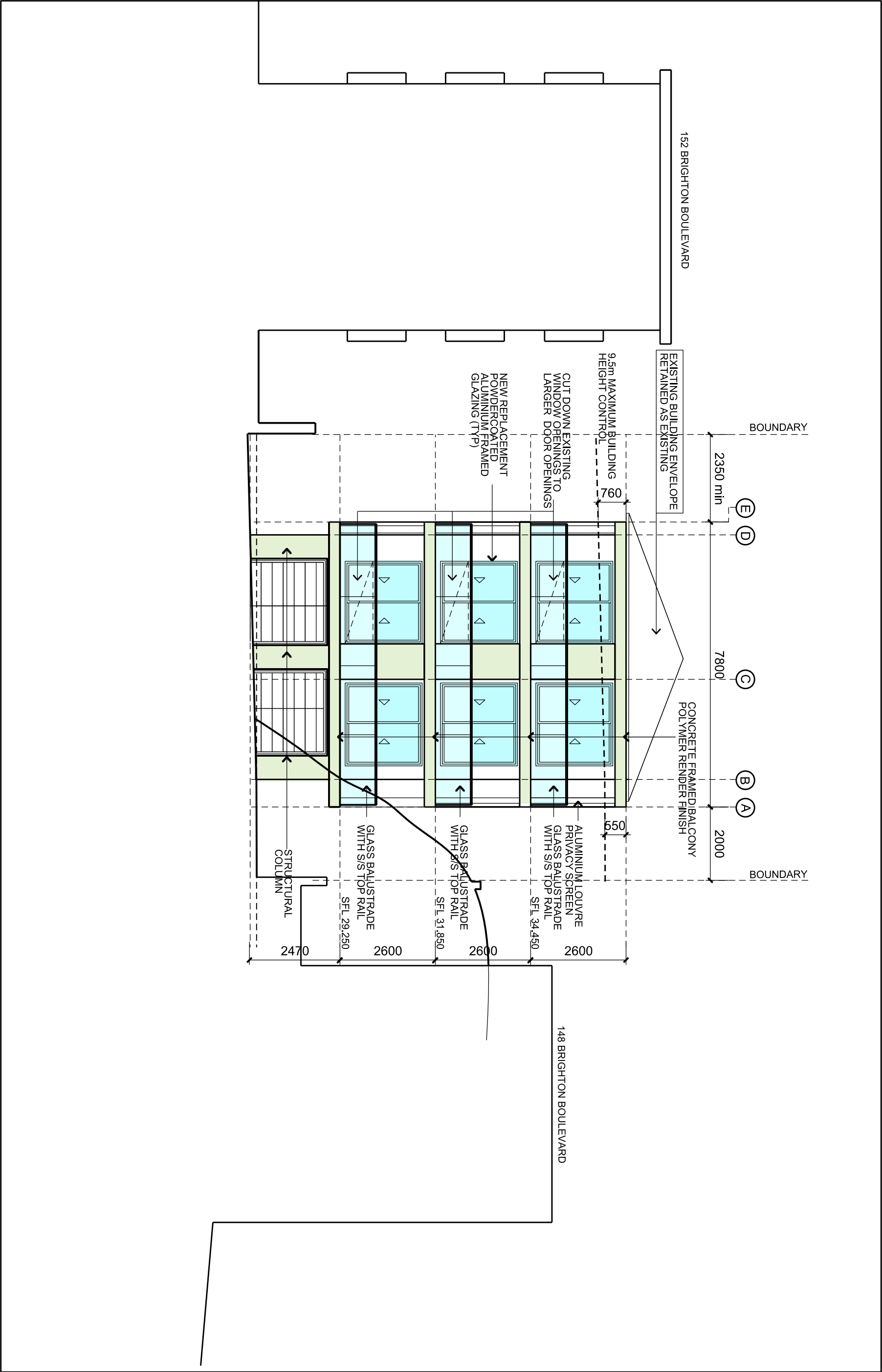
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150 BRIGHTON BLVD - NORTH BONDI	WEST ELEVATION

Date	Project No.	Scale
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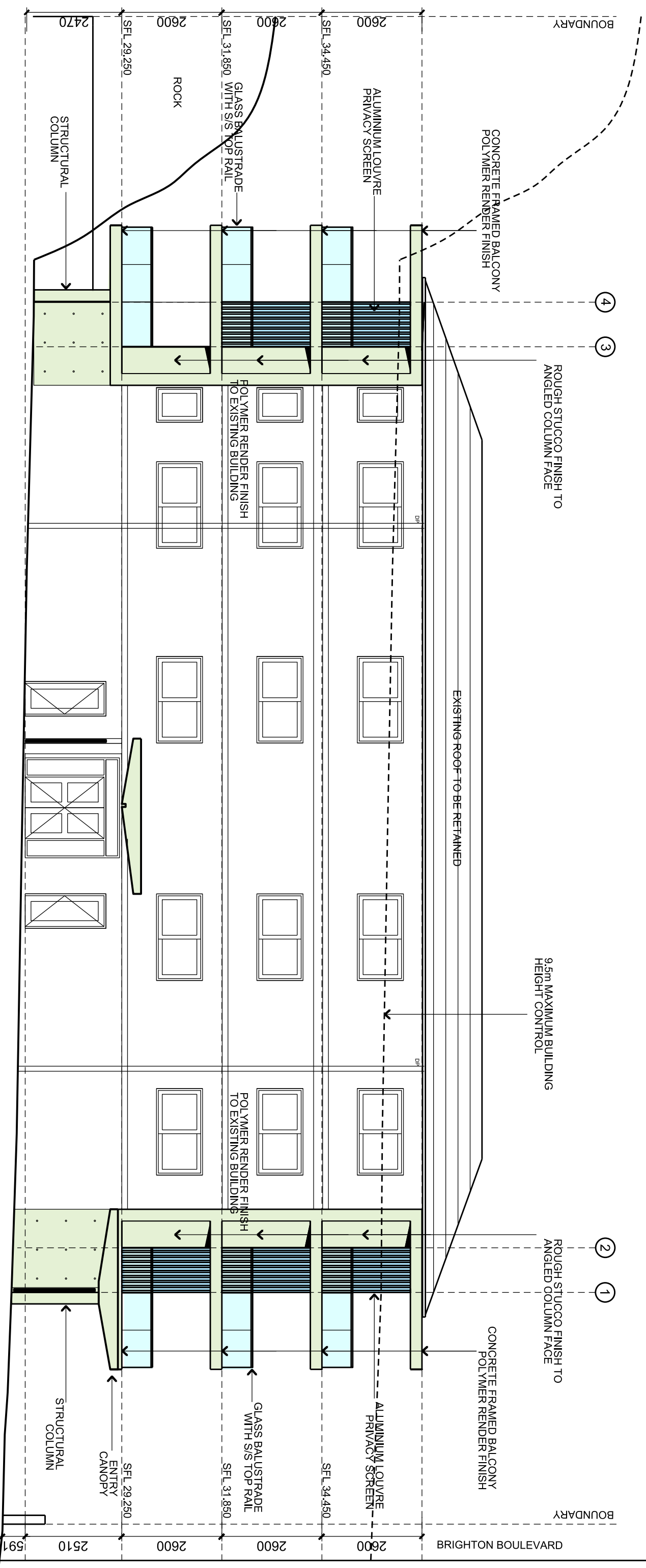
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150 BRIGHTON BLVD - NORTH BONDI	EAST ELEVATION

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STRATA PLAN



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150 BRIGHTON BLVD - NORTH BONDI

Drawing Title

NORTH ELEVATION

DATE

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Drawing Title

NORTH ELEVATION

DATE

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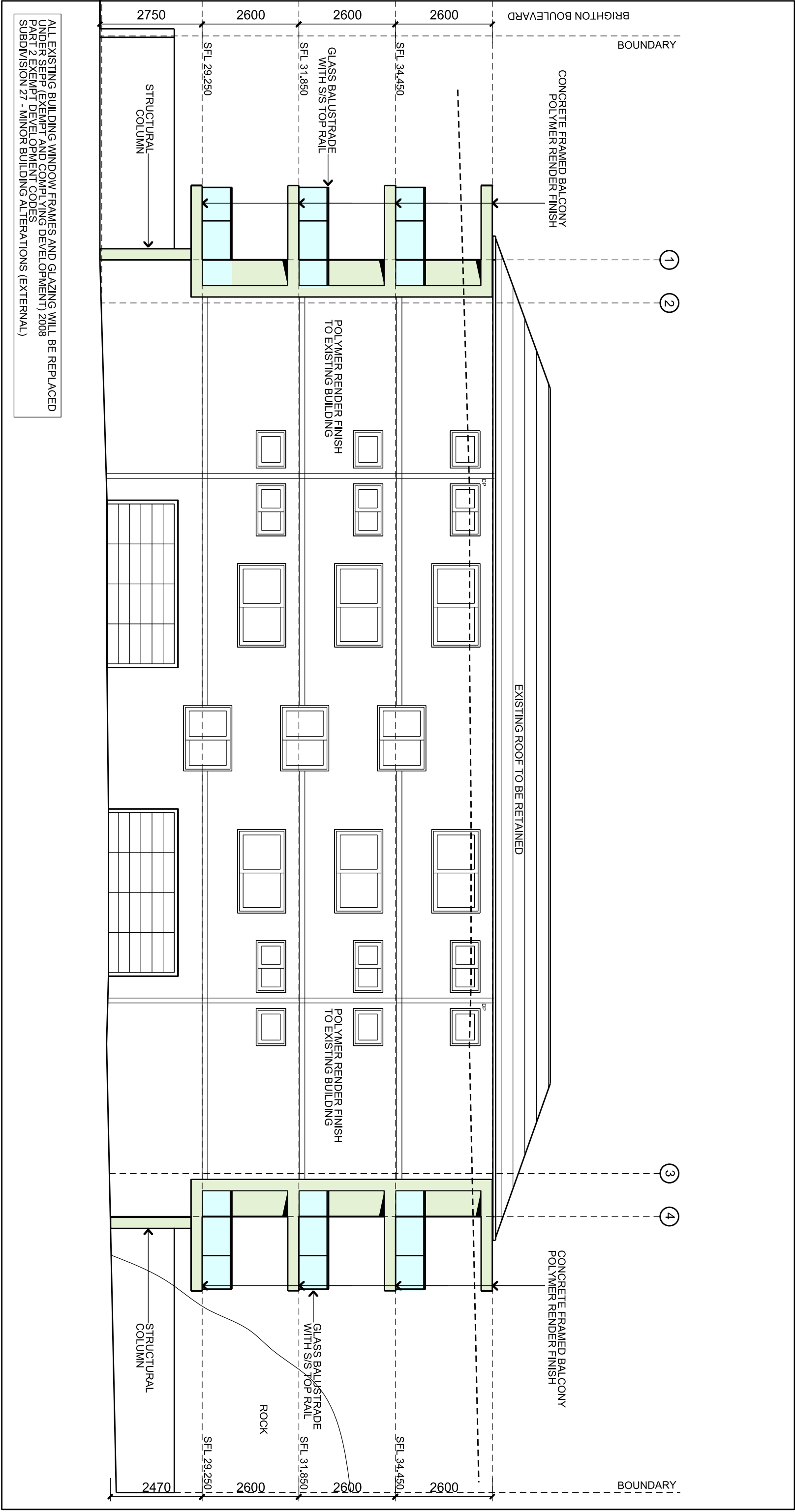
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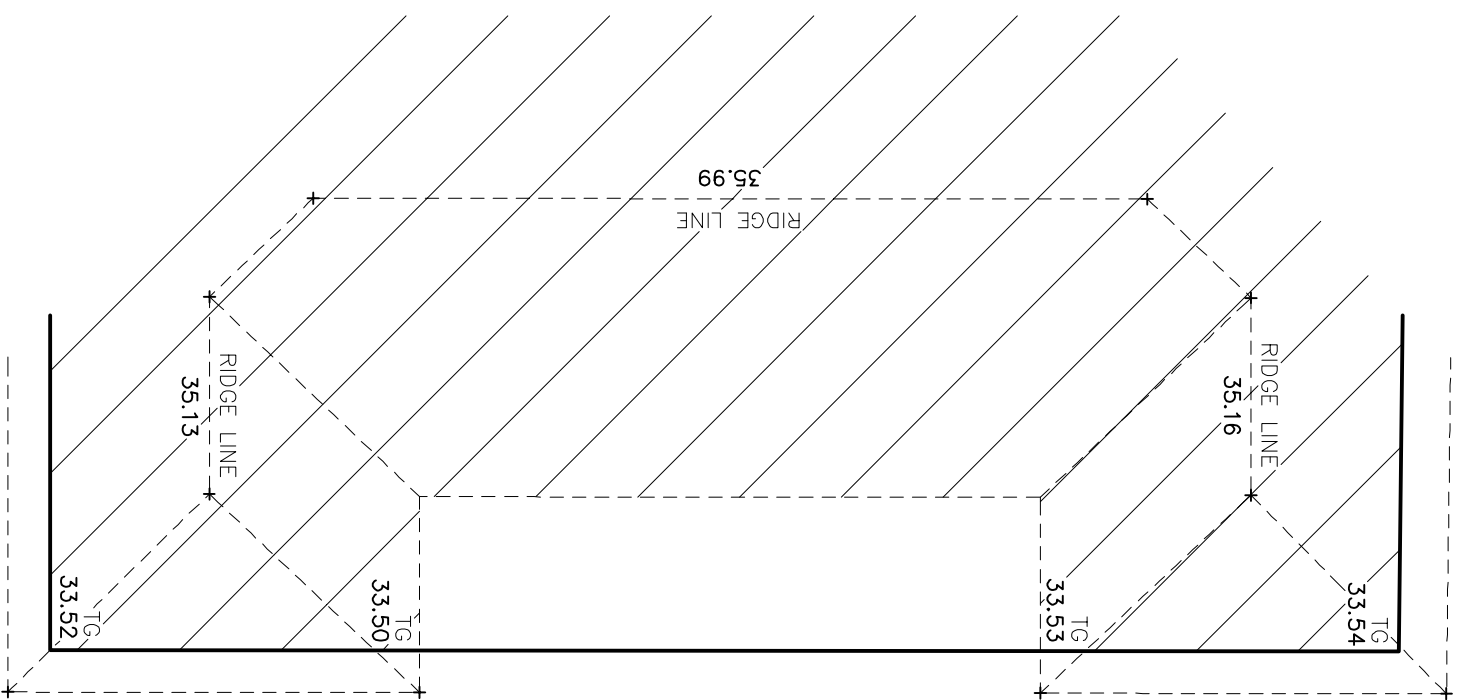
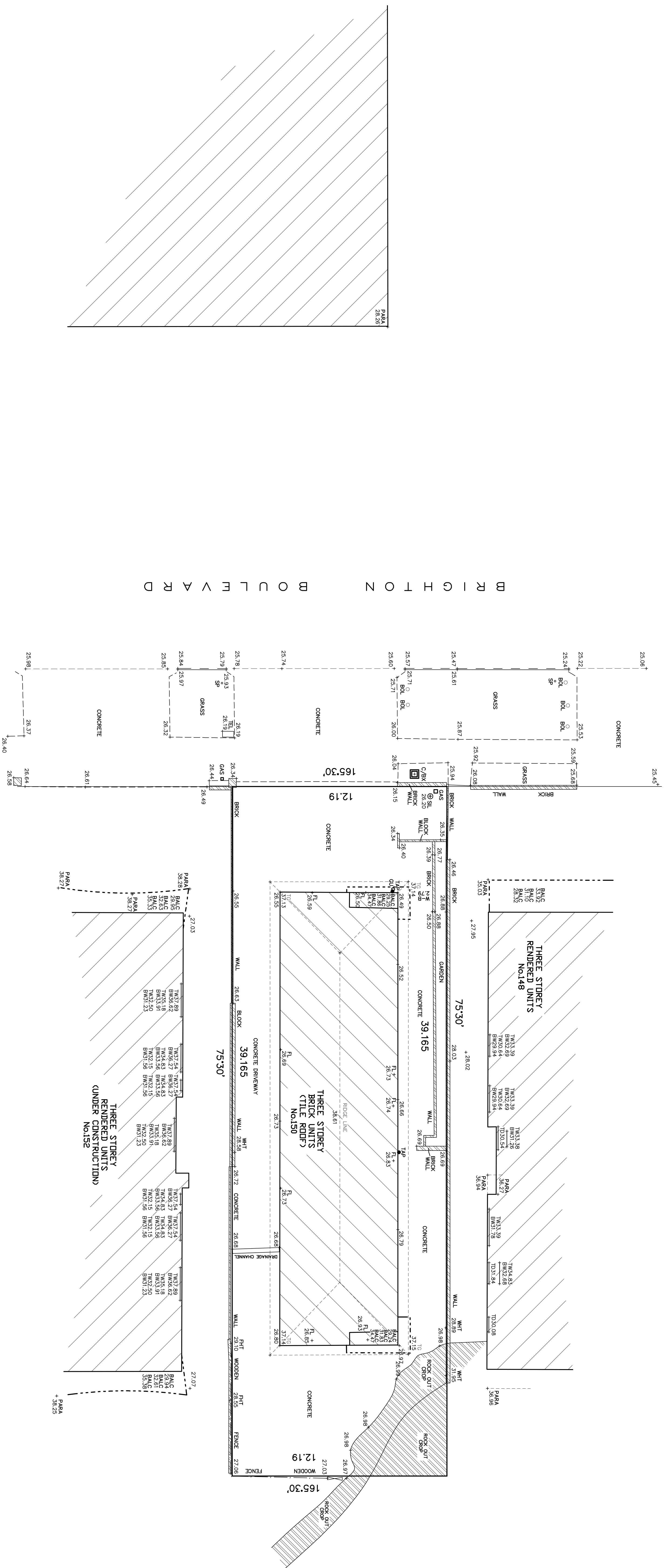
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LEGEND	
	Building
	Walls
	Keel Bottom
	Concrete edge
	Keel top
	Barrier
	Hedge
	Fence
	Overhead Powerline
	Mobiles
	Survey Station & Name
	Beacon Mark
	Spigot
	Trees, 12/0.5/10 (Spread/runs/height)
	Area Of Undergrowth
	Gate
	IC Inspection chamber
	DL Cover level
	IL Invert level
	HY \$0.25 Pipe invert (diameter)
	GU Gully
	MO Back Gully
	MO Mobile
	BALC Balcony Height
	BOL Bollard
	BS Bus Stop
	BW Bottom of Window
	CHM Chimney Height
	ER Earth Road
	FL Fire Hydrant
	FL Gully
	FL Gully Level
	GL Ground Floor Level
	GM Gas Meter
	GV Gas Valve
	HT Height
	IC Inspection Cover
	LCFL Lower Floor Level
	MO Mobile
	PARA Parapet Height
	PL Power Pole
	SFL Second Floor Level
	SIL Soil Height
	SP Sign Post
	SV Stop Valve
	SV Sewer Vent Pipe
	TD Top of Door
	TD Top of Door/Window
	TEL Telesto
	TL Top of Gutter
	TL Traffic Light
	TW Top of Window
	TW Top of Fence
	TW Top of Wall
	UND Underdrains Height
	WM Water Meter
	W-B Wall to Boundary

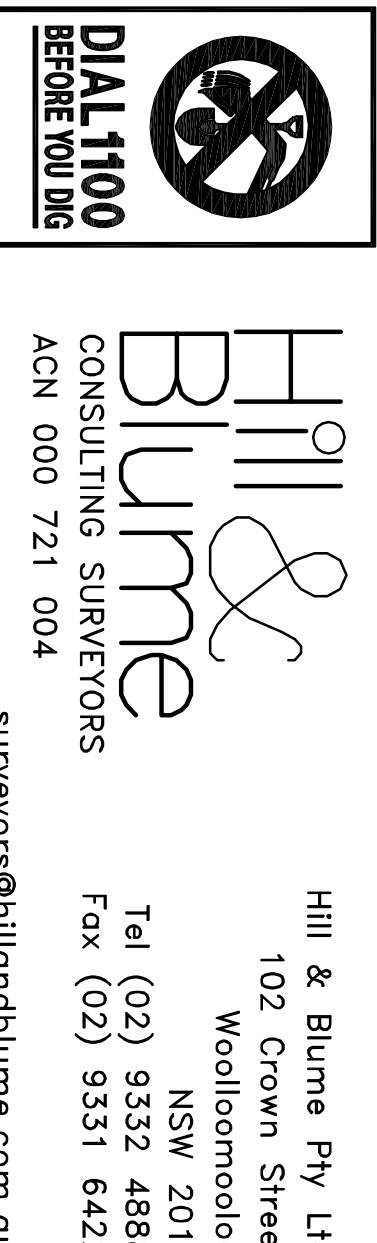
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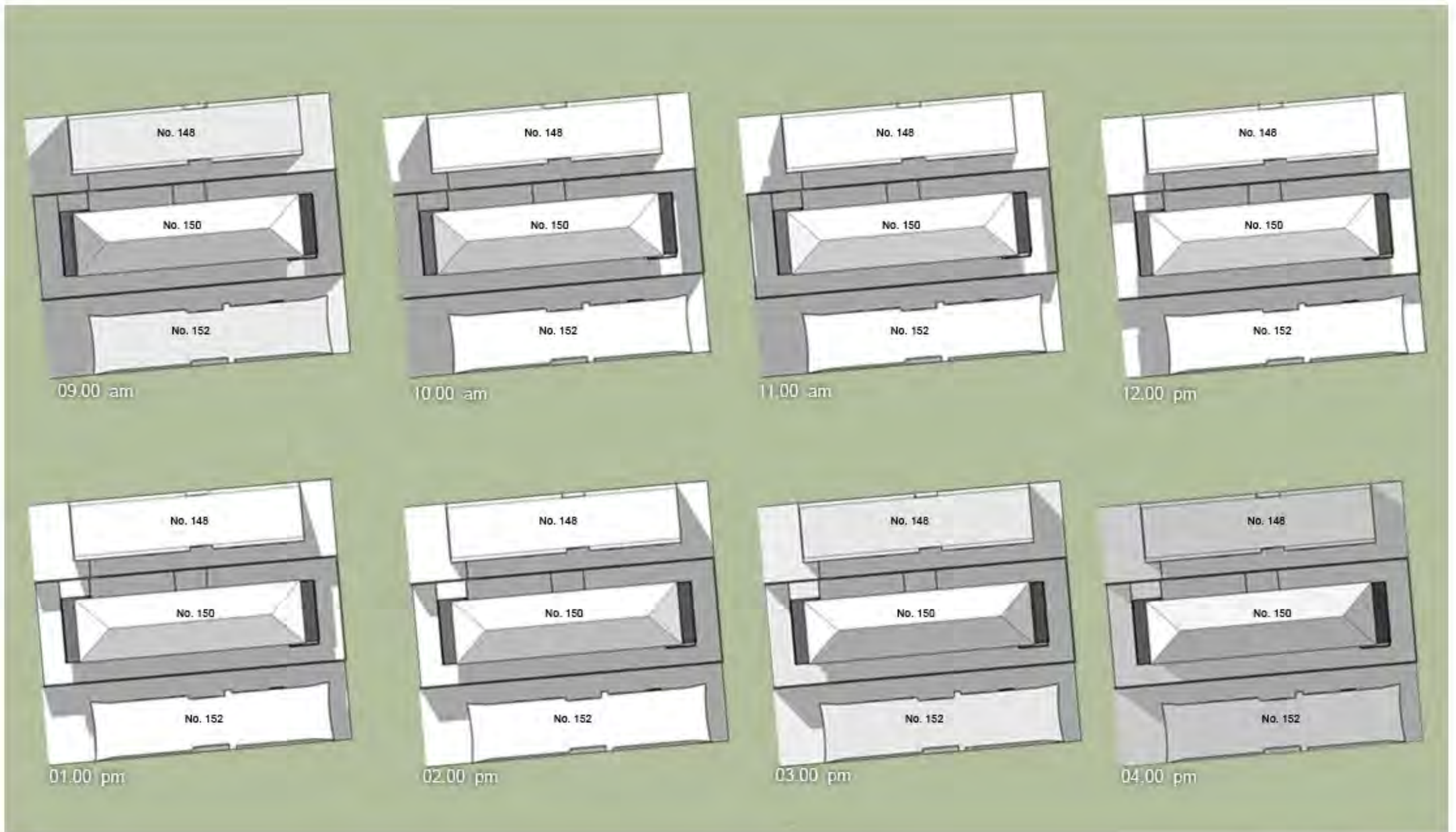
PROJECT

SHOWING SELECTED LEVELS

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27/09/16	58735001A



* Shadows based on Sunpath of 21st June



* Shadows based on Sunpath of 21st June





Report to Waverley Development Assessment Panel

Application number	DA-286/2017
Site address	62 Military Road, Dover Heights
Proposal	Demolition of existing dwelling and construction of a three storey attached dual occupancy development with swimming pools
Date of lodgement	13 July 2017
Owner	Mr M Gajic and Ms J Gajic
Applicant	Peter Zaverdinos
Submissions	Six (original) Three (amended)
Cost of works	\$750,000
Issues	Height, FSR, view loss
Recommendation	That the application be APPROVED subject to conditions



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 25 August 2017.

The site is identified as Lot 13 in DP 10090, known as 62 Military Road, DOVER HEIGHTS. The site is rectangular in shape with northern and southern side boundaries measuring 42.365m, and an eastern street frontage and western rear boundary measuring 12.190m. The site has an area of 499.5m² (by DP) and the site falls from the east towards the west by approximately 13.5m.

The site is occupied by a one and two storey detached dwelling with vehicular access to the south-eastern corner of the site provided with a carport gaining access from Military Road.

The subject site is adjoined by detached dwellings on either side. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings, dual occupancies and residential flat buildings.



Figure 1: Site viewed from Military Road



Figure 2: Site viewed from the rear



Figure 3: Site viewed facing towards the rear

1.2 Relevant History

Site history:

A search of Council's building and development records found the following applications relating to the site:

- BA-779/1995 – Construction of new garage, roof, window and door to existing dwelling was approved on 2 January 1996.

Application history:

The application was deferred to address a number of issues relating to building height and setbacks, view loss, streetscape and bulk, fences and cost of works. Amended plans were received by Council on 27 October 2017. Further discussion with the applicant was undertaken in regard to the rear setback of the lower ground floor pool decks and the view loss from properties located on the higher side of Military Road.

A view loss analysis was not submitted as part of the amended documentation. In this regard, view loss site inspections have been undertaken at adjoining properties (19 and 21 Military Road) and photos have been provided to the applicant to provide view loss photomontages to understand the expected view loss. The view loss photomontage, as well as additional information including amended BASIX, shadow diagrams, Geotechnical Report, and updated plans to reflect the rear setback of the lower ground floor pool deck were received by Council on 16 April 2018. The following assessment is based on the amended plans and documentation.

1.3 Proposal

The application seeks approval for demolition of the existing building and construction of a part 2, part 3 storey attached dual occupancy with swimming pools and garages. The dual occupancy is split into two dwellings side by side. The dwelling on the southern side of the site will be referred to as Dwelling A, and the dwelling to northern side will be referred to as Dwelling B. The proposed works are detailed below.

Demolition

- Demolition of existing dwelling, carport and all associated structures
- Removal of Coastal Banksia street tree
- Removal of shrubs and palms forward of the dwelling

Lower ground floor

Each dwelling contains:

- Family room with balcony
- Plant room
- Swimming pool, rear deck and perimeter landscaping along the side and rear boundaries

Ground floor

Each dwelling contains:

- Single vehicle garage adjoined to the dwelling at the front with roller door
- Front fence measuring up to 1.8m
- Entrance at the front of the site
- WC, lift and stair access
- Dining, kitchen, living room and balcony at the rear
- External stairs along the side passage
- New magnolia tree to the front of each dwelling
- Bin storage located adjacent to front entries

First floor

Each dwelling contains:

- Three bedrooms including one master bedroom with ensuite and balcony at the rear
- Balconies off the front bedrooms
- Stair and lift access

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of this plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy (attached), which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposed development exceeds the maximum height of buildings standard at the rear of the building with an overall height of 11.4m at the northern side and 11.2m at the southern side. Discussion is provided below.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.556:1 	No	The proposal results in a gross floor area of 317m ² equating to an FSR of 0.635:1. Discussion is provided below.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.9 Preservation of trees or vegetation	Yes – subject to conditions	<p>Whilst this clause is repealed by the Vegetation SEPP, the LEP has a savings provision which applies to this application.</p> <p>The proposal involves the removal of a number of trees on the site, and has the potential to damage trees located on the nature strip. The trees proposed for removal on the site are not listed on Council's significant tree register, and discussion with Council's Tree Management Officer has confirmed that the removal is supported.</p> <p>Discussion relating to the tree located on the nature strip is provided at the 'Referrals' section of this report and relevant conditions will be imposed on the consent.</p>
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The application proposes excavation to a depth of approximately 1.5m for the buildings footings, the lower ground floor level, side-passage access and the swimming

Provision	Compliance	Comment
		pools. A geotechnical investigation and stability assessment report has been prepared and submitted with the application. The recommendations in the report will be imposed via conditions of consent.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 11.4m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 2.9m or 34.12%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposed height non-compliance is a result of the steeply sloping topography of the site to the rear.
- The proposal, as viewed from the public domain, will have the appearance of a compliant built form given that the portion of non-compliant height is located at the very rear of the development. In this regard, the proposal is compatible with the character of the locality in terms of bulk and scale.
- A height compliant building would require a shorter length of the dwellings from the street boundary to the rear; the proposal enables a functional floor plan and suitable street setback which is considered an appropriate streetscape outcome.
- The non-compliant height is not the direct cause of any view loss across the site from properties located on the eastern side of Military Road.
- The additional overshadowing to the property located to the south is not considered unreasonable in light of the compliant building setbacks for the rear component of the development.
- The proposal does not generate any significant adverse environmental or amenity impacts for neighbouring properties.
- The proposal satisfies the objectives of the development standard and the R2 zone by providing an attached dual occupancy development appropriate within the existing streetscape context, presenting as two storeys from the street frontage of the site, and ensuring reasonable retention of amenity for neighbouring development.

The proposed height of the development satisfies objectives (a) and (d) of clause 4.3 Height of Buildings in WLEP2012 which aims to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space. Streetscape impacts are discussed in the DCP. The building height non-compliance from the dual occupancy exceeds the height development standards at the western end of the building whilst the majority of the dual occupancy complies with the development standard and flat roof height controls towards the front of the building. The height non-compliance can be supported due to the sloping

topography of the site, and the upper most floor level is stepped back from the floor below to respond to the sloping topography of the site.

The building height satisfies the height objectives and the proposal is compatible with the height, bulk and scale of the existing character of the locality particularly surrounding newer dual occupancy development. The highest RL of the non-compliant portion of the building towards the rear is 67.35 which is similar to the existing ridgeline RL of 66 and the difference in RLs would be akin to a full first floor addition above the existing ground floor of the dwelling. The non-compliance can be supported given the physical constraints of the steeply sloping topography and the limited amenity and streetscape impacts. The development is stepped with the topography of the land and therefore positively responds to the site characteristics and character of surrounding development (existing and approved). Whilst the proposal will result in overshadowing of the dwelling to the south, this is unavoidable due to the east-west orientation of the subdivision and difference in levels between the sites. The additional overshadowing resulting from the small non-compliance to height within the rear of the building is not considered unreasonable and thus the numerical non-compliance is supportable on merit.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.635:1, which exceeds the floor space ratio development standard of 0.556:1 prescribed under clause 4.4A of Waverley LEP 2012 by 39.5m² in gross floor area or 14.24%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposal has a comparable bulk and scale to the existing and approved dual occupancy developments within the direct vicinity of the site.
- The proposal replaces an ageing dwelling with a contemporary dual occupancy that will create a more efficient use of the subject site.
- The proposed development relates to the topography of the site and is commensurate with the character of development in the locality.
- The proposal does not generate any significant adverse environmental or amenity impacts for neighbouring properties.
- The non-compliant height is not the direct cause of any view loss across the site from properties located on the eastern side of Military Road.
- The proposal satisfies the objectives of the development standard and the R2 zone by providing an attached dual occupancy development appropriate within the existing streetscape context, presenting as two storeys from the street frontage of the site, and ensuring reasonable retention of amenity for neighbouring development.

The proposed variation to FSR satisfies the objectives of the zone and the development standard which aim to establish limits on the overall bulk and scale to preserve the streetscape and amenity of neighbouring properties, whilst accommodating housing within an accessible low density residential environment. The proposal provides a portion of the additional FSR in the excavated area of the site which minimises the visible bulk to the streetscape and neighbouring properties. The proposed bulk of the development is consistent with the built form of existing and recently approved dwellings and dual occupancies within the locality. The proposal contributes to the provision of housing in an area of high demand and in close proximity to facilities and services to meet the day to day needs of residents. The proposal is designed to enable the retention of iconic harbour views across the site

where possible and reasonable, and the overall development preserves the streetscape and amenity of neighbouring properties.

The proposed variation to the FSR development standard will not result in an overdevelopment of the site and the proposed variation is considered appropriate in the context of the site and its surrounds.

2.1.4 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management Plan has been submitted with the application, and the proposal generally complies with the relevant objectives and controls relating to waste removal and management. Relevant conditions will be imposed on the consent.
2. Energy and water conservation	Yes	A BASIX Certificate has been submitted which is satisfactory with regard to this section of the DCP. Relevant conditions will be imposed on the consent.
5. Tree preservation	Yes	Refer to comments provided by Council's Tree Management Officer at the 'Referrals' section this report.
6. Stormwater	No – conditions imposed	The application has been referred to Council's Creating Waverley Stormwater team who have advised the application is not satisfactory with regard to stormwater. In this regard relevant conditions will be imposed on the consent. Further discussion is provided at the 'Referrals' section of this report.
8. Transport	Yes	The proposal generally complies with the relevant objectives and controls relating to transport and on-site car parking. See further discussion regarding parking design under Part C1.11 of the DCP.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No - acceptable	The proposed development has a maximum overall height of 11.4m which is non-compliant with the flat roof height control. The non-compliance is supportable as it is confined to a

Development Control	Compliance	Comment
		small portion of the rear of the building and will not result in unreasonable amenity impacts to adjoining properties. Compliant side setbacks have been provided to the building which reduce the overall bulk presented to the streetscape and adjoining properties.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level First floor level to be set back from rear building line of the ground floor 	Yes Yes	<p>Due to the slope of the land, the garage is located to the front boundary similar to the existing situation on the subject and neighbouring sites to the north. The first floor level is suitably set back from the ground floor below at the front of the site, and generally aligns with the predominant front building line of existing and approved development in the direct vicinity of the site.</p> <p>The rear setbacks of the proposal respond to the curvature of the established subdivision along the rear boundaries of the subject and adjoining sites. The proposed rear setbacks at the lower ground, ground and first floor levels provide an appropriate transition between the existing building at No. 60 and the approved dual occupancy at No. 64. The setbacks align with the predominant rear building lines established for each floor level, and appropriately respond to the curved nature of the subdivision.</p> <p>The rear balcony of the first floor level cantilevers over the rear of the ground floor level below which is inconsistent with control (b) and adds to the perceived bulk of the building as viewed from the adjoining properties. In this regard, the balcony at first floor level will be restricted to extend no further than the building line established at the ground floor level below; this is imposed via condition.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 900mm for 2 storeys and 1500mm for 3 storeys 	Yes	<p>Lower ground floor: 900mm</p> <p>Ground floor: 900mm</p> <p>First floor: 900mm at the front portion of the dwelling, and 1500mm for the rear portion of the dwelling.</p> <p>Given that the rear portion of the first floor level presents as three storeys from neighbouring properties, the proposed 1500m setback for this portion of the dwelling is considered acceptable.</p>

Development Control	Compliance	Comment
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	<p>Excavation is proposed for the footings of the building, lower ground floor level, swimming pools and side access to the rear of the site. The excavation required to provide access to the rear of the site is proposed to the side boundaries. Excavation is acceptable for this purpose to accommodate sufficient steps to overcome the steep topography to reach the rear of the site.</p> <p>Conditions requiring engineering details will be imposed on the consent to ensure the stability of the site.</p>
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context Development must not dominate the streetscape Existing ground levels and significant landscaping is to be maintained 	<p>Yes</p> <p>Yes</p> <p>No - acceptable</p>	<p>The proposed dual occupancy is generally consistent with the emerging character of the area. Whilst the garage is proposed to be built up to the street boundary, this is consistent with the existing approved development in the direct vicinity of the site.</p> <p>The proposed development is stepped back on the first floor level from the street frontage in order to minimise the bulk and scale of the development and ensure the development is consistent with the development in the vicinity, rather than dominating the streetscape.</p> <p>Whilst the existing landscaped character is not retained, replacement landscaping is proposed along either side boundary at the front of the development. Further conditions will be imposed on the consent to ensure the front fence height does not exceed 1.2m in height to minimise bulk at the street frontage and ensure landscaping is visible from the streetscape.</p> <p>Subject to the above, the proposal is consistent with the streetscape and visual impact objectives and controls.</p>
1.5 Dual occupancy development		
<p><i>Minimum lot size:</i></p> <ul style="list-style-type: none"> 450m² for attached 600m² for detached 		The site area is 499.5m ² which is sufficient to accommodate an attached dual occupancy.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	No – condition	The proposed front fence and gates measure up to 1.8m in height and are partially of solid masonry. A condition will be imposed on the consent to ensure the front fence and gate do

[illegible]

Development Control	Compliance	Comment
<p>and principal open space areas on 21 June</p> <ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	No – acceptable	<p>afternoon, and private open space will receive partial sunlight all day.</p> <p>The proposal will result in the loss of sunlight to the development at the directly adjoining property to less than 3 hours at mid-winter. Given the orientation of the site and compatibility of the development with the established character within the locality and with the setback controls outlined in the DCP, the loss of solar access to the neighbouring property is an accepted impact of this development. The adjoining development retains solar access to the primary open space area at midday and throughout the afternoon.</p>
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Acceptable on merit	See discussion below.
1.11 Car parking		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	One car space is provided to each dwelling.
<p>1.11.2 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	No – acceptable	The new garages for each dwelling are located forward of the building line and built to the street frontage. The location is non-compliant with Council's preferred parking hierarchy as per section 1.11.2, however, the existing dwelling is non-compliant with a garage located forward of the building line. The proposed car parking arrangement can be supported as it responds to the steep topography of the site towards the street and parking forward of the dwelling is characteristic of the street with adjoining dwellings within the street block all with garages located at the front boundary.
1.11.3 Design	No – acceptable	Whilst the proposal is forward of the building line, it seeks to minimise the impact by providing a small setback from the front boundary to provide some relief to the visual impact.

Development Control	Compliance	Comment
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The proposed garages have lengths of 5.5m each, and widths in excess of 2.5m each. This is sufficient to accommodate one vehicle per garage.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	The proposed driveways will result in the loss of one additional on-street parking space to the north of the proposed driveways, however one space is still retained between the proposed driveway and that of No. 64 Military Road. The availability of on-street car parking to the south of the proposed driveways will remain as existing. Whilst one additional space is lost, it is considered an acceptable impact of the development given the constraints of the site and the appropriate siting of the garages for a dual occupancy development which is permissible on the site.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes No Yes No No	Open space: 268m ² (52%) Landscaped area: 73m ² (14.6%) Private open space: 268m ² (roughly half for each dwelling) Front open space: < 50% Front landscaped area: 8m ² (10.5% of front setback) The minor non-compliance with landscaped area is supportable on merit, given that an increase of 0.4% would not provide any calculable improvement. Less than half of the front setback is open space as the garages consume a large portion of the front setback. This is considered suitable having regard to the constraints of the site and the suitability of the location in accordance with the parking hierarchy. Similarly the non-compliance of landscaped area in the front setback is acceptable given the area is comprised of garages and a paved entrance to each dwelling.
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The proposed swimming pools are located at the rear of the site and standard conditions will

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Pool equipment to be enclosed within acoustically treated structure 		apply to the enclosure of pool equipment. The swimming pool is screened by adequate fencing on either side to minimise privacy impacts to adjoining properties.

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

Views

Clause 1.10 Views of Part C1 in Waverley DCP 2012 outlines the objectives and controls relating to the assessment of views and view loss. The objector's properties are located to the east and south-east of the site on the opposite side of Military Road (Nos. 19 and 21), and have views to the west and north-west over the subject site to the harbour, Harbour Bridge, Sydney Opera House, Centre Point Tower and city skyline.



Figure 4: View loss montage from the ground floor front balcony (left) and living room (right) at 21 Military Rd, standing

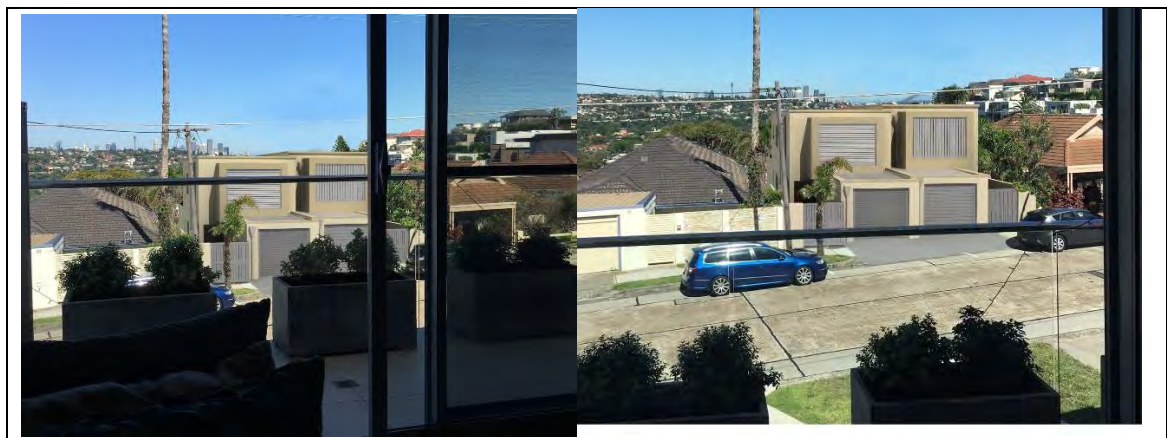




Figure 5: Views from the ground floor living room (left – sitting, right - standing) and balcony (bottom – standing) at 19 Military Rd

Council's view sharing objectives under Waverley DCP 2012 require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regards to view sharing and the impact on neighbours, as follows:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

The existing views from the objector's dwellings comprise views across the whole city skyline and entire Harbour Bridge views (No. 19) and partial Harbour Bridge views (No. 21), and partial Opera House views from the front of the ground and first floor levels.

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.*

The views are obtained across the front of the site across the road, across front setbacks and are viewed from a standing and sitting position.

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.*

View impacts from 21 Military Road are negligible due to the distance and offset in location from the subject site. Only district views are lost, and the city skyline, Harbour Bridge and Opera House views

are all retained. For both the properties, views above the ground floor will be retained. The view impacts to 19 Military Road are moderate given that they will partially lose Harbour Bridge and Opera House views from a standing position, and completely lose Harbour Bridge and Opera House views from a seated position in the lounge room. City skyline views will be retained.

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.*

The proposal is non-compliant with the maximum FSR and height provisions, however the development is compliant with the front, side and rear setback controls. The non-compliance with height do not directly affect or further contribute to the view impacts as the height non-compliance is located to the rear of the property and the proposal only presents as a two storey dwelling from the street frontage (with a permissible height at the front). Further the non-compliance with FSR does not contribute to view loss as the bulk of the dwelling is located at the rear behind the street frontage where the site's topography drops off. If the rear portion of the development were deleted, and the proposal were to comply with the height and FSR, view loss would still be evident. The amended plans provide a lowered overall building height so that the front portion of the building is well below the maximum building height of 8.5m in an effort to assist in maximising views from the objector's properties.

The proposal has a lower maximum RL than the approval at No. 64 Military Road of RL 68.471. It is unreasonable to expect that entire views to be maintained for the objector's properties given that the subject dwelling is currently single storey and is not developed to its maximum potential.

Therefore, although it is acknowledged that there would be a view loss impact for the property at No. 19 Military Road, it is still considered that the proposal is reasonable and that any development of the subject site would likely result in view loss impacts for the objector's property, which would lose some existing views currently obtained across the subject site. However, view sharing is achieved as the objectors will retain views above the ground floor of their developments.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

Six submissions were received relating to the original proposal, and three submissions were received relating to the amended proposal. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
19 Military Rd (original and amended)
21 Military Rd (original and amended)
23 Military Rd (original only)
25 Military Rd (original only)
56 Military Rd (original only)
60 Military Rd (original and amended)

Issue: Height non-compliance

Response: Refer to discussion under ‘Exceptions to development standards’.

Issue: FSR non-compliance

Response: Refer to discussion under ‘Exceptions to development standards’.

Issue: Land size too small for dual occupancy

Response: Council’s DCP allows attached dual occupancies on sites of 450m² or greater. The subject site measures 499.5m².

Issue: Overshadowing

Response: Refer to section 1.9 of table 3 of this report.

Issue: View loss

Response: Objections were received from the properties located at Nos 19, 21 and 25 Military Road in regard to view loss. Site inspections were undertaken at Nos 19 and 21 Military Road. Correspondence via email was undertaken on two separate occasions to understand if the objectors of No 25 still held concerns in relation to view loss associated with the amended plans and no response was received on either occasion.

Refer to issues section below table 3 of this report for view loss analysis.

Issue: Loss of on-street car parking and traffic impacts

Response: The addition of one dwelling is unlikely to generate any significantly different traffic impacts. Refer to section 1.11 of table 3 of this report in relation to loss of on-street car parking.

Issue: Use of roof as terrace

Response: The proposal does not seek approval for use of the roof as a useable area.

Issue: Streetscape impacts and poor design

Response: The proposed development is generally consistent with the emerging character of development in the locality and satisfies the objectives and controls of section C1.4 of the DCP.

2.5 Public Interest

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

3. REFERRALS

3.1 Driveways – Creating Waverley

Internal referral has been sought from Council's Creating Waverley Traffic Engineers. The comments received are summarised below.

The application is recommended for approval subject to specific conditions being imposed on the consent in relation to the following:

- Swept path drawings
- New vehicle crossing
- Vehicular access – finished level
- Long sections of driveway
- All building materials to be stored on site

In light of the above comments, relevant conditions will be imposed on the consent.

3.2 Stormwater – Creating Waverley

Internal referral has been sought from Council's Creating Waverley Stormwater Engineers. The comments received are summarised below.

The plans submitted with the application are considered not satisfactory with regard to stormwater. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual, as follows.

- The location of the proposed development falls outside the infiltration zone. Disposal of stormwater by infiltration is not allowed (Refer to section 3.1.1 & Annexure B, Water Management Technical Manual).
- An Updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.
- The stormwater disposal system is to be designed for 1 in 100 years storm, as the slope of the development area is towards neighbouring properties.

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

In light of the above comments, relevant conditions will be imposed on the consent.

3.3 Tree Management – Open Spaces, Clean and Attractive Waverley

Internal referral has been sought from Council's Tree Management Officer. The comments received are summarised below.

The Landscape Plan submitted with the application should be used as the approved documents. The palms, trees and shrubs proposed for removal are supported for removal.

In light of the above comments, relevant conditions will be imposed on the consent and the above documents will be approved.

3.4 Strategic Tree Planning – Parks Operation, Clean and Attractive Waverley

Internal referral has been sought from Council's Tree Management Officer. The comments received are summarised below.

The applicant may remove the Banksia street tree provided a replacement tree is planted. The tree must be a Tuckeroo and must be a minimum pot size of 45 litres. The tree is to be planted by a qualified horticulturist (AQF Level 3). The tree is to be planted on the northern side of the nature strip midway between the proposed driveway and the boundary with 64 Military Road.

In light of the above comments, relevant conditions will be imposed on the consent and the above documents will be approved.

4. SUMMARY

The application seeks approval for the demolition of the existing dwelling and associated structures and the construction of an attached dual occupancy with ground level combined garages and swimming pools at the rear. The application was deferred to address a number of matters relating to building height, setbacks, view loss, streetscape and bulk, fences and cost of works. The amended proposal generally satisfies Council's main concerns and is brought closer to compliance with the height and FSR development standards. These non-compliances have been addressed throughout this report and are considered suitable having regard to the considerations under clause 4.6 of the WLEP 2012.

The application received six submissions during the notification period which related to height and FSR non-compliance, site area, overshadowing, view loss, car parking, use of the roof as a terrace, and streetscape impacts. The issues have been discussed and addressed throughout this report or via the amended plans and conditions of consent. The application responds appropriately to the topography of the site and is generally consistent with the character of existing and recently approved development in the locality. The application satisfies the aims and objectives of the WLEP 2012 and WDCP 2012, and in this regard is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Alice Hanigan
Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 23 April 2018

Date: 30 April 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA01, DA02, DA03, DA04, DA05, DA09, DA10, DA11, DA12, DA13, tables and documentation prepared by Archicorp, and received by Council on date 16 April 2018;
- (b) Landscape Plan prepared by Bill Muir Landscape Architect, dated April 2017, and received by Council on 16 April 2018;
- (c) BASIX Certificate;
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The first floor balcony is to extend no further to the rear than the rear building line of the ground floor balcony below.
- (b) The front fence and gate adjoining the garages are to be lowered to a height of 1.2m.
- (c) Privacy screening is to be provided between the balconies of each dwelling to a height of 1.7m and are to be of a lightweight material or obscure glazing.
- (d) Side and rear boundary fencing is not to exceed 1.8m in height above the existing ground level.
- (e) The swimming pool equipment is to be housed within an acoustically treated structure.

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

3. STRATA SUBDIVISION

The approved dwellings are to be strata subdivided and the relevant approval is required.

4. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

5. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

6. USE OF DWELLING

Each dwelling within the dual occupancy is to be used only as a single unit dwelling house.

7. SWIMMING POOLS

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

8. EXCAVATION TO BE LIMITED

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

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

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

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

Advisory Note

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

10. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$25,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

11. ADDITIONAL DA FEE REQUIRED

Council considers the estimated cost of the proposed building work is under-valued. In this regard, an additional development application fee relating to the updated cost of works outlined in the Quantity Surveyor's Detailed Cost Report is to be paid, prior to the issue of the Construction Certificate.

12. LONG SERVICE LEVY

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

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

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and

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

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

14. SERVICE AUTHORITIES

If required, the applicant is to seek approval from any relevant authority regarding any possible modification to the service authorities infrastructure prior to the issue of a Construction Certificate.

15. HOARDING REQUIRED

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

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

16. GEOTECHNICAL ENGINEERS REPORT

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

The recommendations outlined in the Geotechnical Report prepared by Dougal Partners and received by Council on 16 April 2018 are to be implemented throughout construction.

17. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the

Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

19. EROSION, SEDIMENT AND POLLUTION CONTROL

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

20. STORMWATER MANAGEMENT

The stormwater plans submitted with the application are considered not satisfactory with regard to stormwater. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual and the following items are required to be provided to the satisfaction of the Executive Manager Design – Creating Waverley:

- The location of the proposed development falls outside the infiltration zone. Disposal of stormwater by infiltration is not allowed (Refer to section 3.1.1 & Annexure B, Water Management Technical Manual).
- An Updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual.
- The stormwater disposal system is to be designed for 1 in 100 years storm, as the slope of the development area is towards neighbouring properties.

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

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

21. ENGINEERING DETAILS

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

22. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.

23. LONG SECTION OF DRIVEWAY

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

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Military Road carriageway, the kerb and gutter, footpath and paving within the property and the garage floors.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show paving on the garage floor at entry being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the door opening.
6. Show all paving on Council's land being sloped/ drained towards the roadway.

24. SWEEP PATH DRAWINGS

Prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting the garages from Hardy Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Military Road both opposite and to the immediate north and south of the proposed driveway.
3. To minimise the loss of on street parking, show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garages. Note, shared use of a portion of the driveway apron may be required to minimise the length of the layback.
4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel paths.
5. Accurately show the length of the Council's kerb and gutter remaining between the southern side wing of the existing driveway at No.64 and the northern side wing of the proposed driveway at No.62

25. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

26. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any

modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

27. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

28. PRIOR TO SITE WORKS

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

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

29. HOME BUILDING ACT

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

30. CONSTRUCTION SIGNS

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

31. 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.

32. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

33. OBSTRUCTION TO PUBLIC AREAS

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

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

34. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

35. DILAPIDATION REPORTS

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed

and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

Please note the following:

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

36. **USE OF FILL ON SITE**

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

The only waste derived fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

37. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

38. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

39. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

40. SOIL AND WATER MANAGEMENT PLAN

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

41. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

42. STOCKPILES

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

43. LOCATION OF BUILDING OPERATIONS

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

44. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

45. ALL BUILDING MATERIALS STORED ON SITE

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

46. CONSTRUCTION HOURS

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

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

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

47. BUILDING CODE OF AUSTRALIA

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

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

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

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

49. CERTIFICATE OF SURVEY - LEVELS

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

50. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

51. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

52. ENCROACH BEYOND THE BOUNDARIES

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

53. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

54. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

55. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

56. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

57. SERVICE PIPES

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

58. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.

(d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

59. STREET TREES

The applicant may remove the Banksia street tree on the condition that a replacement tree is planted. The tree is to be a Tuckeroo (*Cupaniopsis anacardioides*) and must be a minimum pot size of 45 litres. The tree is to be planted by a qualified horticulturist (AQF Level 3), and must be planted on the northern side of the nature strip midway between the proposed driveway and the boundary with No. 64 Military Road.

60. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

61. TREE PROTECTION

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

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

62. NEW VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to access the proposed **garages**. 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.

63. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to be **30mm above** the existing concrete footpath.

64. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

65. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement 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 being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

66. POOL DRAINAGE

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

67. REAR, SIDE AND INTERNAL DIVIDING FENCE HEIGHT

Any side boundary fencing on site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property.

Any rear boundary fencing on site is not to exceed a maximum height of 1.8m above the existing ground level of the subject property.

Any internal dividing fencing on site is not to exceed a maximum height of 1.8m above the proposed ground level of the subject property.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

68. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

69. OCCUPATION CERTIFICATE

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

70. STORMWATER MANAGEMENT

Prior to issuance of 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 submitted to satisfy conditions and to best engineering practice.

71. POOL MANUFACTURER'S CERTIFICATION

The proposed pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a Certificate has been submitted by the pool construction manufacturer to the Principal Certifying Authority.

72. POOL SIGN

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

73. INSPECTION OF POOL

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

74. SWIMMING/SPA POOL PUMP - RESTRICTIONS

Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.

75. SWIMMING POOL REGISTRATION

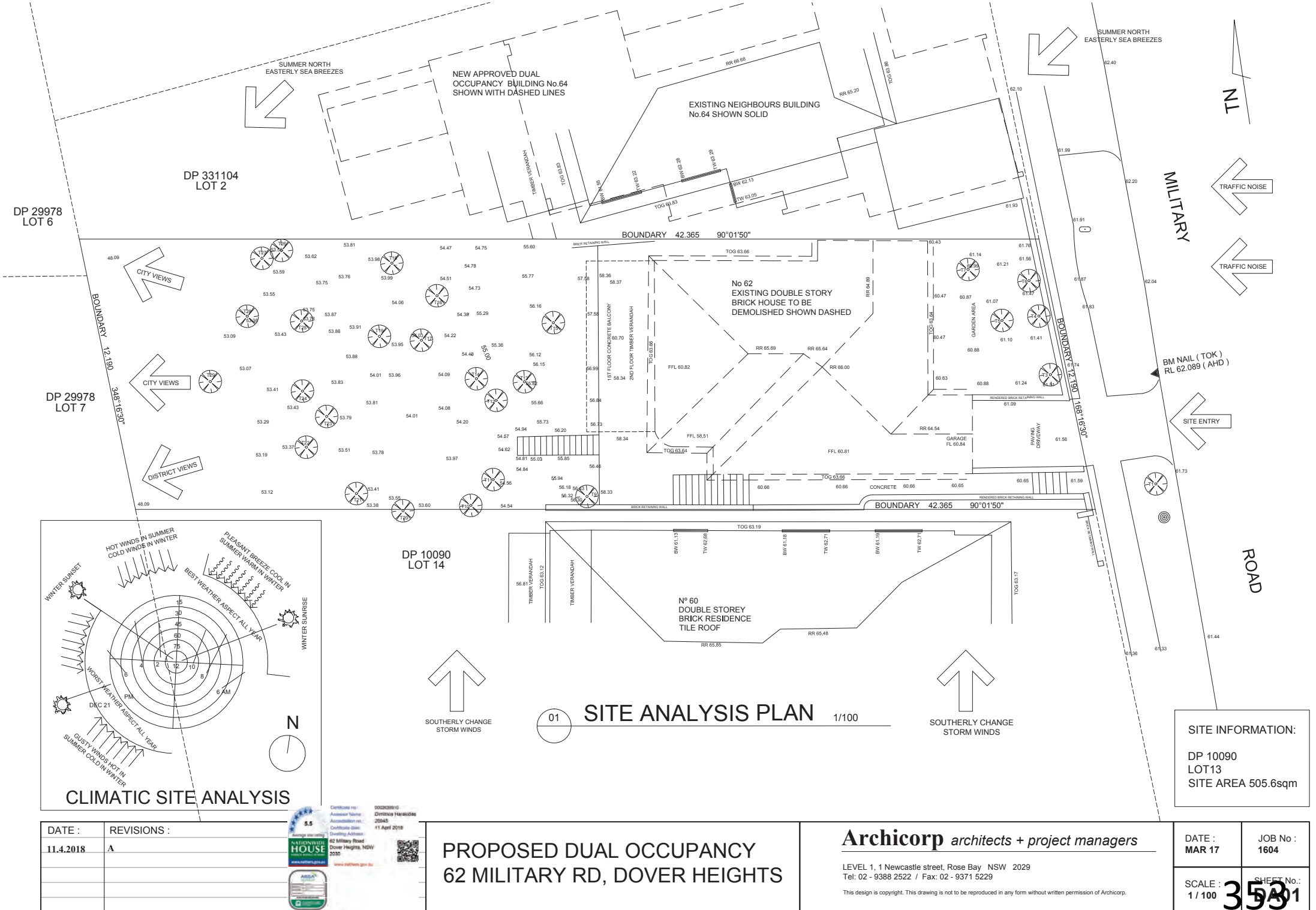
The swimming pool is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.

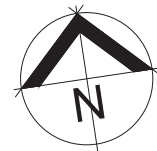
76. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

77. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.





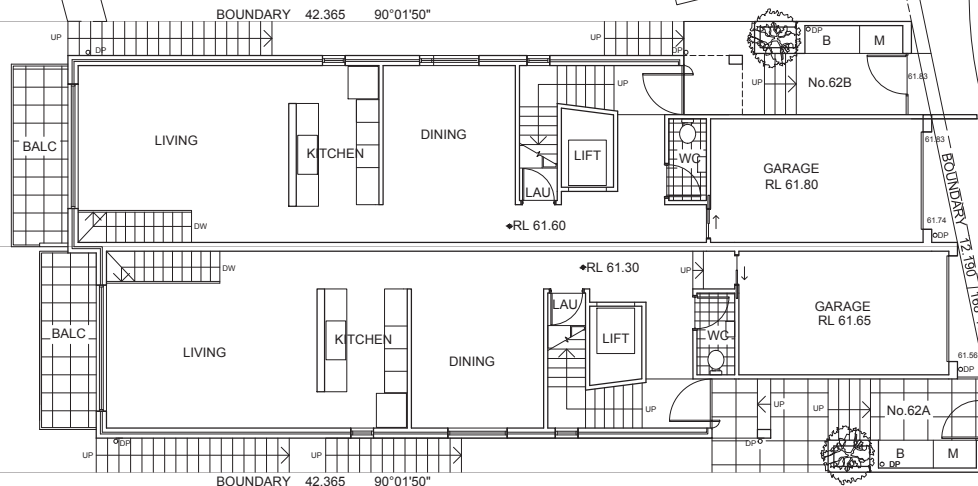
DP 331104
LOT 2

NEW APPROVED DUAL
OCCUPANCY BUILDING No.64
SHOWN WITH DASHED LINES

EXISTING NEIGHBOURS BUILDING
No.64 SHOWN SOLID

MILITARY
ROAD

ROAD



01

PROPOSED GROUND FLOOR PLAN

1/100

Nationwide House Energy Rating Scheme* — Multiple-dwelling summary

Certificate number: 0002639910 Certificate Date: 11 Apr 2016 Average Star Rating: 5.5

Assessor details

Accreditation number: 20845
Name: Dimitrios Marakides
Organisation: ABNEC
Email: info@abnec.com.au
Phone: 0416 316 204
Declaration of interest: No potential conflicts of interest to declare
Software: AccuRate Sustainability V2.3.13 SP3
AAD: ABSA

Dwelling details

Street: 62 Military Road
Suburb: Dover Heights
State: NSW
Postcode: 2030

Scan to access this certificate online and confirm this is valid

Summary of all dwellings

Certificate number	Dwelling/Unit number	Heating load	Cooling load	Total load	Star Rating
0001482934-02	A	39.0	21.0	60.0	5.4
0001482942-02	B	31.0	26.0	57.0	5.6

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

Multi Dwelling

Certificate number: 81451784_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Wednesday, 11 April 2018
To be valid, this certificate must be signed within 3 months of the date of issue



Project summary		
Project name	62 Military Road, Dover Heights, 2030	
Street address	62 Military Road Dover Heights 2030	
Local Government Area	Waverley Municipal Council	
Plan type and plan number	Approved 10300	
Lot no.	23	
Section no.	-	
No. of residential flat buildings	0	
No. of units in residential flat buildings	0	
No. of multi-dwelling houses	2	
No. of single dwelling houses	0	
Project score		
Water	43	Target 40
Thermal Comfort	Pass	Target Pass
Energy	56	Target 50

Certificate Prepared by
Name / Company Name: ABNEC - Trading As: Vite Spectra Pty Ltd
AAD (if applicable): 01050677

DATE :	REVISIONS :
11.4.2018	A

PROPOSED DUAL OCCUPANCY 62 MILITARY RD, DOVER HEIGHTS

Archicorp architects + project managers

LEVEL 1, 1 Newcastle street, Rose Bay NSW 2029
Tel: 02 - 9388 2522 / Fax: 02 - 9371 5229

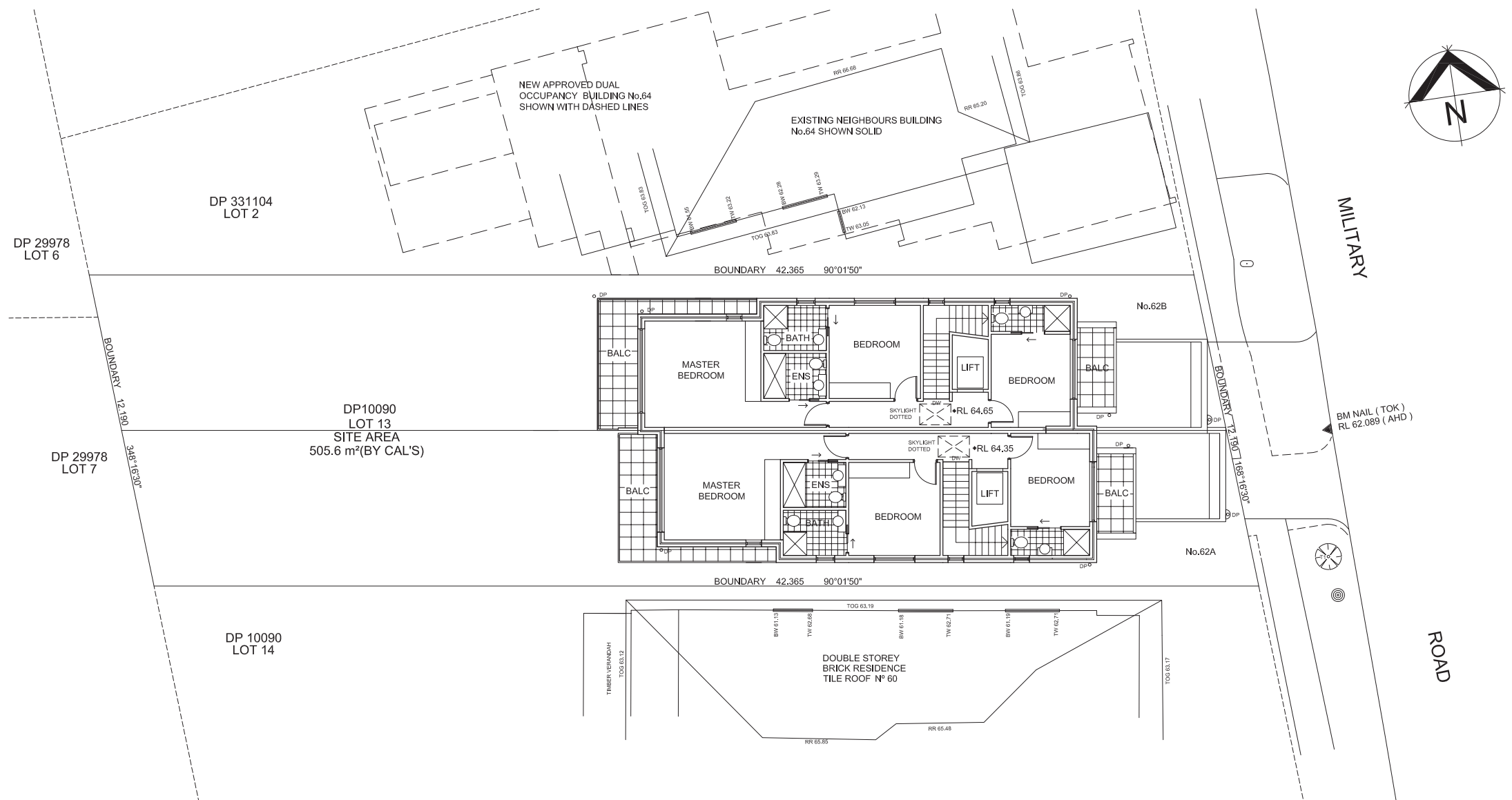
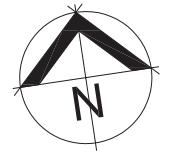
This design is copyright. This drawing is not to be reproduced in any form without written permission of Archicorp.

DATE :
MAR 17

JOB No :
1604

SCALE :
1 / 100

SHEET No.:
3542



NOTES:
LIGHTING TO THE DWELLING IS TO BE FLOURESCENT LIGHTS OR LIGHT EMITTING DIODE (LED) LIGHTING.
HOT WATER SYSTEM TO BE GAS INSTANTANEOUS 5 STAR RATING.
ALL TAPS TO KITCHEN AND BATHROOMS TO BE 4 STAR RATED. SHOWER HEADS TO HAVE A MINIMUM 3 STAR RATING.
TOILET FLUSHING SYSTEM ALSO TO BE 4 STAR RATED.
STORMWATER TANK TO BE MINIMUM 1500 LITRES AND TO COLLECT RAINWATER OF AT LEAST 100 SQM. OF ROOF AREA.
STORMWATER TANK TO SERVICE LANDSCAPED AREA, LAUNDRY AND SWIMMING POOL TOP UP.
TO KITCHEN PROVIDE GAS COOKTOP AND ELECTRIC OVEN WITH KITCHEN EXHAUST FAN DUCTED TO EXTERNAL WALL.
BATHROOMS AND LAUNDRY TO HAVE EXHAUST FANS DUCTED TO EXTERNAL WALLS.
PROVIDE DUCTED AIRCONDITIONING THROUGH OUT THE HOUSE.
PROVIDE TO BRICK CAVITY WALLS R1.5 POLYSTYRENE INSULATION.
PROVIDE TO ROOFS R4.0 POLYSTYRENE EXTRUDED INSULATION.

01

PROPOSED FIRST FLOOR PLAN

1/100

DATE :	REVISIONS :		
11.4.2018	A		

PROPOSED DUAL OCCUPANCY 62 MILITARY RD, DOVER HEIGHTS

Archicorp architects + project managers

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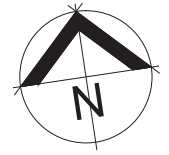
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DATE :
MAR 17

JOB No :
1604

SCALE :
1 / 100

SHEET No.:
35593



DP 29978
LOT 6

DP 331104
LOT 2

DP 29978
LOT 7

DP 10090
LOT 14

NEW APPROVED DUAL
OCCUPANCY BUILDING No.64
SHOWN WITH DASHED LINES

EXISTING NEIGHBOURS BUILDING
No.64 SHOWN SOLID

MILITARY

BM NAIL (TOK)
RL 62.089 (AHD)

ROAD

NOTES:
LIGHTING TO THE DWELLING IS TO BE FLOURESCENT LIGHTS OR LIGHT EMITTING DIODE (LED) LIGHTING.
HOT WATER SYSTEM TO BE GAS INSTANTANEOUS 5 STAR RATING.
ALL TAPS TO KITCHEN AND BATHROOMS TO BE 4 STAR RATED. SHOWER HEADS TO HAVE A MINIMUM 3 STAR RATING.
TOILET FLUSHING SYSTEM ALSO TO BE 4 STAR RATED.
STORMWATER TANK TO BE MINIMUM 1500 LITRES AND TO COLLECT RAINWATER OF AT LEAST 100 SQM. OF ROOF AREA.
STORMWATER TANK TO SERVICE LANDSCAPED AREA, LAUNDRY AND SWIMMING POOL TOP UP.
TO KITCHEN PROVIDE GAS COOKTOP AND ELECTRIC OVEN WITH KITCHEN EXHAUST FAN DUCTED TO EXTERNAL WALL.
BATHROOMS AND LAUNDRY TO HAVE EXHAUST FANS DUCTED TO EXTERNAL WALLS.
PROVIDE DUCTED AIRCONDITIONING THROUGHOUT THE HOUSE.
PROVIDE TO BRICK CAVITY WALLS R1.5 POLYSTYRENE INSULATION.
PROVIDE TO ROOFS R4.0 POLYSTYRENE EXTRUDED INSULATION.



01

PROPOSED LOWER GROUND FLOOR PLAN

1/100

DATE :	REVISIONS :
11.4.2018	A

PROPOSED DUAL OCCUPANCY 62 MILITARY RD, DOVER HEIGHTS

Archicorp architects + project managers

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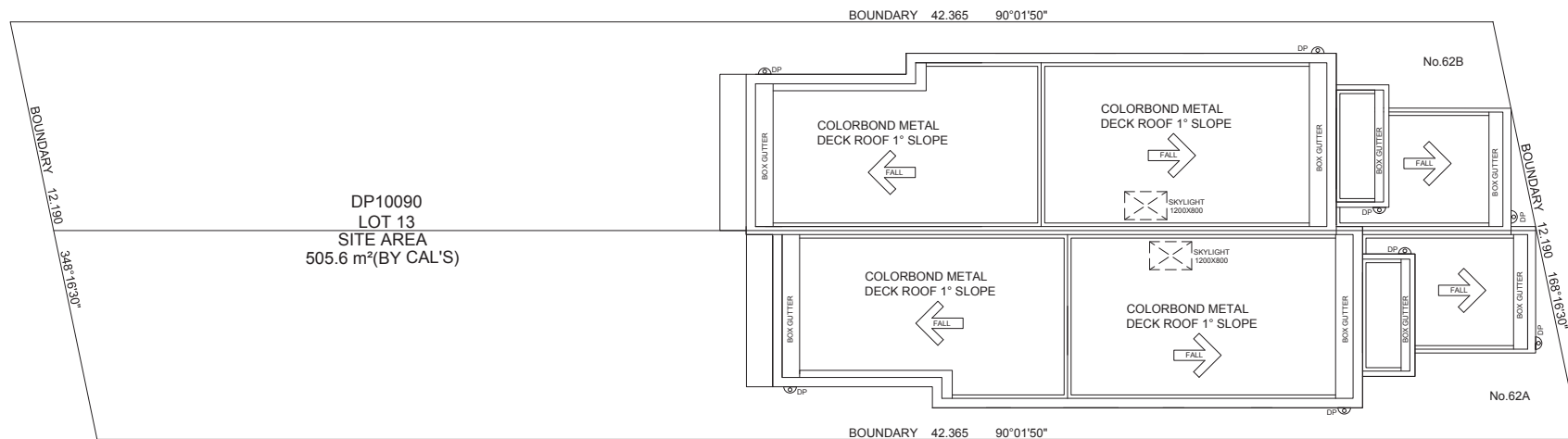
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DATE :
MAR 17

JOB No :
1604





SCALE :
1 / 100

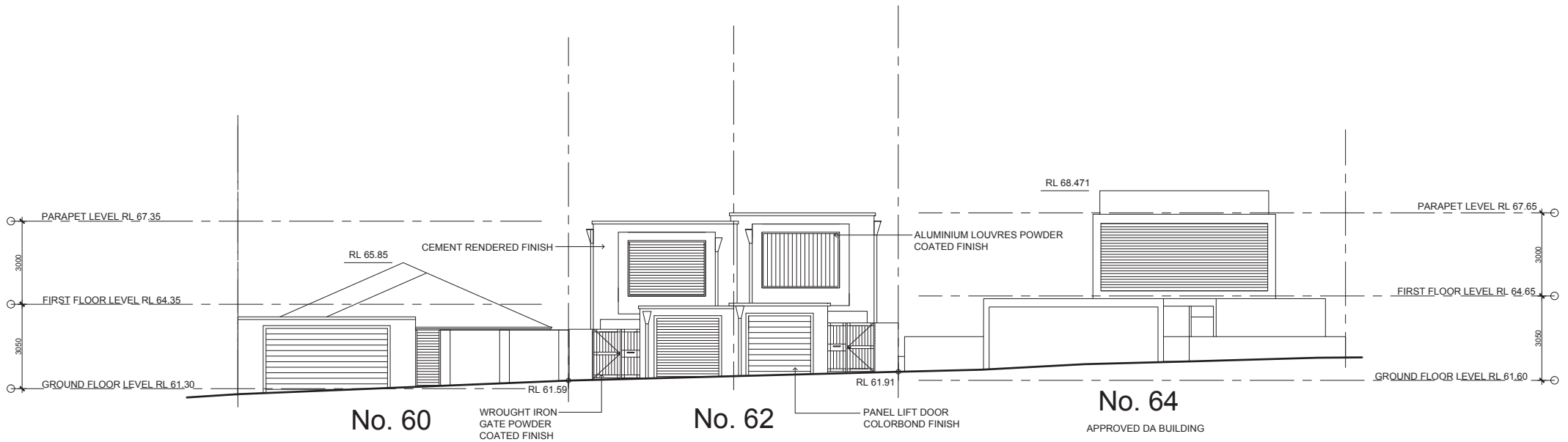
SHEET No.:
56



PROPOSED ROOF PLAN

LIGHTING TO THE DWELLING IS TO BE FLOURESCENT LIGHTS OR LIGHT EMITTING DIODE (LED) LIGHTING.
 HOT WATER SYSTEM TO BE GAS INSTANTANEOUS 5 STAR RATING.
 WALLS TO BE COVERED WITH 100MM BATT INSULATION. SHOWER HEADS TO HAVE A MINIMUM 3 STAR RATING.
 TOILET FLUSHING SYSTEM ALSO TO BE 3 STAR RATED.
 STORMWATER TANK TO BE MINIMUM 1500 LITRES AND TO COLLECT RAINWATER OF AT LEAST 100 SQM. OF ROOF AREA.
 STORMWATER TANK TO SERVICE LANDSCAPED AREA, LAUNDRY AND SWIMMING POOL TOP UP.
 100% KILN DRIED TIMBER AND ELECTRIC OVEN AND FAN DUCTED TO EXTERNAL WALLS.
 BATHROOMS AND LAUNDRY TO HAVE EXHAUST FANS DUCTED TO EXTERNAL WALLS.
 PROVIDE DUCTED AIRCONDITION THROUGH OUT THE HOUSE.
 PROVIDE TO BRICK CAVITY WALLS R1.5 POLYSTYRENE INSULATION.
 PROVIDE TO ROOFS R4.0 POLYSTYRENE EXTRUDED INSULATION.

DATE :	REVISIONS :	  		<h1>PROPOSED DUAL OCCUPANCY 62 MILITARY RD, DOVER HEIGHTS</h1>	<h2>Archicorp <i>architects + project managers</i></h2> <p>LEVEL 1, 1 Newcastle street, Rose Bay NSW 2029 Tel: 02 - 9388 2522 / Fax: 02 - 9371 5229</p> <p>This design is copyright. This drawing is not to be reproduced in any form without written permission of Archicorp.</p>	DATE : MAR 17	JOB No : 1604
11.4.2018	A					SCALE : 1 / 100	SHEET No : 357



WINDOW SCHEDULE			
WINDOW #	HEIGHT	WIDTH	TYPE
W01	2400	1300	PIVOT DOOR
W02	3300	600	LOUVRE
W03	1200	1570	DOUBLE HUNG
W04	2100	600	LOUVRE
W05	2400	3340	SLIDING DOOR
W06	2400	2290	SLIDING DOOR
W07	770	600	LOUVRE
W08	1200	1570	DOUBLE HUNG
W09	770	600	LOUVRE
W10	2100	600	LOUVRE
W11	2400	3230	SLIDING DOOR
W12	2400	3340	SLIDING DOOR

01 PROPOSED EAST ELEVATION 1/100

DATE :	REVISIONS :
11.4.2018	A



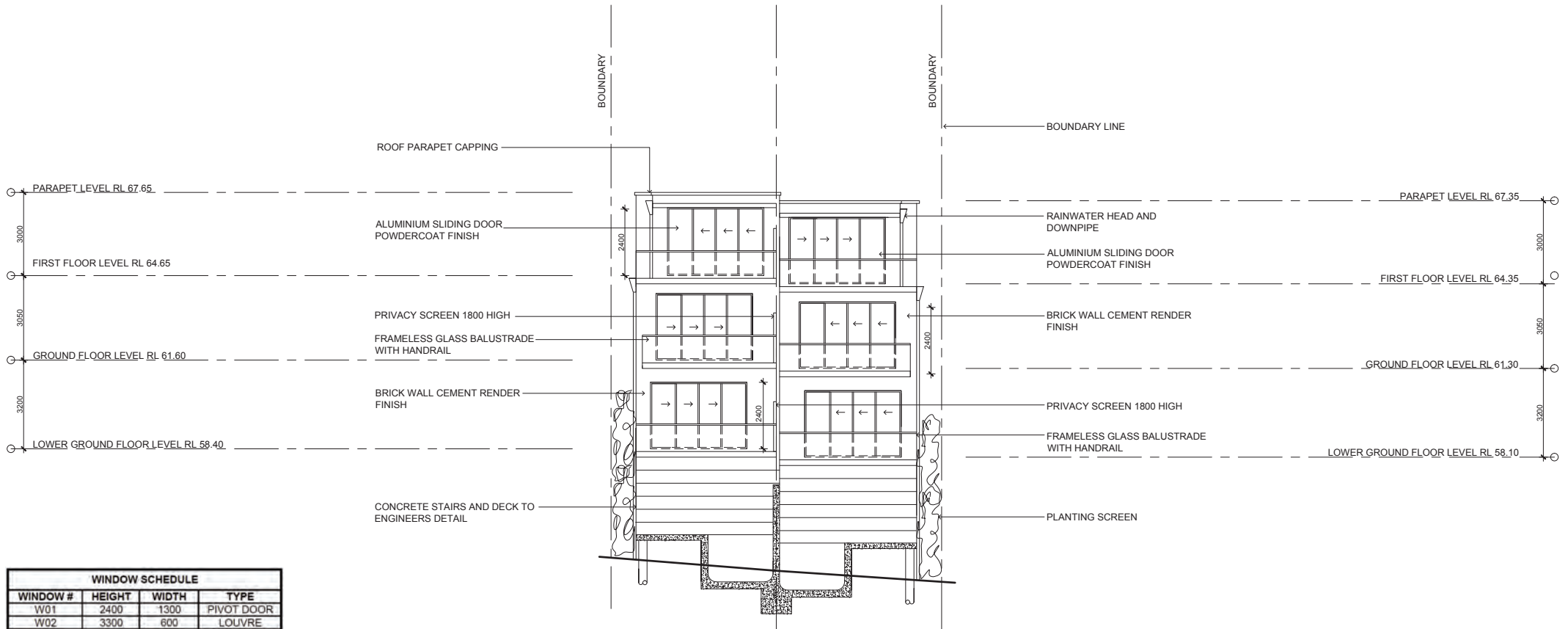
PROPOSED DUAL OCCUPANCY
62 MILITARY RD, DOVER HEIGHTS

Archicorp architects + project managers

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DATE : MAR 17	JOB No : 1604
SCALE : 1 / 100	SHEET No : 3589



WINDOW SCHEDULE			
WINDOW #	HEIGHT	WIDTH	TYPE
W01	2400	1300	PIVOT DOOR
W02	3300	600	LOUVRE
W03	1200	1570	DOUBLE HUNG
W04	2100	600	LOUVRE
W05	2400	3340	SLIDING DOOR
W06	2400	2290	SLIDING DOOR
W07	770	600	LOUVRE
W08	1200	1570	DOUBLE HUNG
W09	770	600	LOUVRE
W10	2100	600	LOUVRE
W11	2400	3230	SLIDING DOOR
W12	2400	3340	SLIDING DOOR

01 PROPOSED WEST ELEVATION 1/100

DATE :	REVISIONS :
11.4.2018	A



PROPOSED DUAL OCCUPANCY 62 MILITARY RD, DOVER HEIGHTS

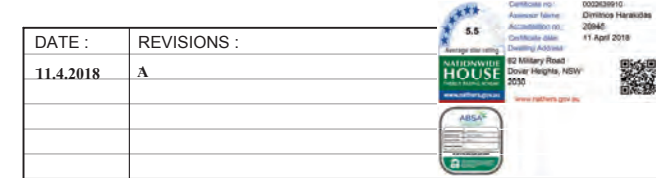
Archicorp architects + project managers

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DATE : MAR 17	JOB No : 1604
SCALE : 1 / 100	SHEET No.: 3590

CONSTRUCTION DETAILS FOR DWELLING A ONLY ON THIS SHEET



PROPOSED DUAL OCCUPANCY 62 MILITARY RD, DOVER HEIGHTS

Archicorp *architects + project managers*

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DATE :	JOB No :
MAR 17	1604

SCALE : 1 / 100

Construction details: External Walls			
Description: Concrete Block R10 (polyester) + 10 plaster	Internal colour: Medium	Internal absorptance (%): 30	Area: 137.2 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Plaster (cement sand 1:4)		15	
2. Brickwork (AS/NZS 4580) (chip brick, single density)		110	
3. Air gap vertical 13.5 mm (3 nominal) (unventilated non-reflective) (R = 0.842)		13.5	
4. Polyurethane extruded R1.0		25	
5. Brickwork (AS/NZS 4580) (chip brick, single density)		110	
6. Plaster (cement sand 1:4)		15	
Internal colour: Light	Internal absorptance (%): 30	Area: 29.3 m ²	
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Plaster (cement sand 1:4)		15	
2. Brickwork (AS/NZS 4580) (chip brick, single density)		110	
3. Plaster (cement sand 1:4)		15	

Construction details: Windows			
Description: ALM 007.41 + Aluminium R5 Glaze 1.6 + 7.50 BR06 + 0.13	Internal colour: R5	Internal absorptance (%): 30	Area: 137.2 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Aluminium R5 (RAL 9001)		1.6	
2. Glaze (Double)		12.5	
3. Aluminium R5 (RAL 9001)		1.6	
4. Glaze (Double)		12.5	
5. Aluminium R5 (RAL 9001)		1.6	
6. Glaze (Double)		12.5	
7. Aluminium R5 (RAL 9001)		1.6	
8. Glaze (Double)		12.5	
9. Aluminium R5 (RAL 9001)		1.6	
10. Glaze (Double)		12.5	
11. Aluminium R5 (RAL 9001)		1.6	
12. Glaze (Double)		12.5	
13. Aluminium R5 (RAL 9001)		1.6	
14. Glaze (Double)		12.5	
15. Aluminium R5 (RAL 9001)		1.6	
16. Glaze (Double)		12.5	
17. Aluminium R5 (RAL 9001)		1.6	
18. Glaze (Double)		12.5	
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20. Glaze (Double)		12.5	
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270. Glaze (Double)		12.5	
271. Aluminium R5 (RAL 9001)		1.6	
272. Glaze (Double)		12.5	
273. Aluminium R5 (RAL 9001)		1.6	
274. Glaze (Double)		12.5	
275. Aluminium R5 (RAL 9001)		1.6	
276. Glaze (Double)		12.5	
277. Aluminium R5 (RAL 9001)		1.6	
278. Glaze (Double)		12.5	
279. Aluminium R5 (RAL 9001)		1.6	
280. Glaze (Double)		12.5	
281. Aluminium R5 (RAL 9001)		1.6	
282. Glaze (Double)		12.5	
283. Aluminium R5 (RAL 9001)		1.6	
284. Glaze (Double)		12.5	
285. Aluminium R5 (RAL 9001)		1.6	
286. Gl			

Construction details: External Doors			
Description: Concrete Slab 150 mm timber/steel/ply/brickwork	Top colour: Medium	Bottom colour: Light	Area: 10.2 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Timber/steel/ply/brickwork		150	
2. Concrete (standard 2400 kg/m ³)		150	
3. Air gap horizontal 10 mm (2 nominal) (unventilated non-reflective) (R = 0.842)		10	
4. Plasterboard		10	
Description: Concrete Slab 150 mm timber/steel/ply/brickwork	Top colour: Medium	Bottom colour: Light	Area: 22.1 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Concrete (standard 2400 kg/m ³)		150	
3. Air gap horizontal 10 mm (2 nominal) (unventilated non-reflective) (R = 0.842)		10	
4. Plasterboard		10	
Description: Concrete Slab 150 mm timber/steel/ply/brickwork	Top colour: Medium	Bottom colour: Light	Area: 15.5 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Concrete (standard 2400 kg/m ³)		150	
3. Air gap horizontal 10 mm (2 nominal) (unventilated non-reflective) (R = 0.842)		10	
4. Plasterboard		10	
Description: Concrete Slab 150 mm timber/steel/ply/brickwork	Top colour: Medium	Bottom colour: Light	Area: 40.9 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Concrete (standard 2400 kg/m ³)		150	
3. Air gap horizontal 10 mm (2 nominal) (unventilated non-reflective) (R = 0.842)		10	
4. Plasterboard		10	
Description: Concrete Slab 150 mm timber/steel/ply/brickwork	Top colour: Medium	Bottom colour: Light	Area: 4.4 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Concrete (standard 2400 kg/m ³)		150	
3. Air gap horizontal 10 mm (2 nominal) (unventilated non-reflective) (R = 0.842)		10	
4. Plasterboard		10	
Description: Concrete Slab 150 mm timber/steel/ply/brickwork	Top colour: Medium	Bottom colour: Light	Area: 43.8 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Concrete (standard 2400 kg/m ³)		150	
3. Air gap horizontal 10 mm (2 nominal) (unventilated non-reflective) (R = 0.842)		10	
4. Plasterboard		10	

Construction details: Internal Walls			
Description: Brick Painted Wall	Internal colour: Light	Internal absorptance (%): 30	Area: 105.1 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Plaster (cement sand 1:4)		15	
2. Brickwork (AS/NZS 4580) (chip brick, single density)		110	
3. Air gap vertical 13.5 mm (3 nominal) (unventilated non-reflective) (R = 0.842)		13.5	
4. Plasterboard		10	
Description: Brick, not plaster	Internal colour: Light	Internal absorptance (%): 30	Area: 155.4 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Plaster (cement sand 1:4)		15	
2. Brickwork (AS/NZS 4580) (chip brick, single density)		110	
3. Plaster (cement sand 1:4)		15	
Description: Concrete Block wall on Earth	Internal colour: Light	Internal absorptance (%): 30	Area: 12.1 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Plaster (cement sand 1:4)		15	
2. Brickwork (AS/NZS 4580) (chip brick, single density)		110	
3. Plaster (cement sand 1:4)		15	
Description: Metal Deck system R4.0	Internal colour: Light	Internal absorptance (%): 30	Area: 78.1 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Deck		10	
2. Insulation extruded R4.0		110	
3. Plasterboard		10	

Construction details: Internal Walls			
Description: Concrete No Insulation	Internal colour: Medium	Internal absorptance (%): 30	Area: 4.1 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Plaster (cement sand 1:4)		15	
3. Concrete (standard 2400 kg/m ³)		150	
Description: Metal Deck - GARAGE	Internal colour: Light	Internal absorptance (%): 30	Area: 15.3 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Deck		10	
2. Air gap horizontal 10 mm (2 nominal) (unventilated non-reflective) (R = 0.842)		10	
3. Plasterboard		10	
Description: Terrace above - Concrete/brick/Paverboard R4.0 - above living	Internal colour: Medium	Internal absorptance (%): 30	Area: 5.0 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Plaster (cement sand 1:4)		15	
3. Concrete (standard 2400 kg/m ³)		150	
4. Plasterboard		10	
Description: Concrete Block wall on Earth	Internal colour: Light	Internal absorptance (%): 30	Area: 12.1 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Plaster (cement sand 1:4)		15	
2. Brickwork (AS/NZS 4580) (chip brick, single density)		110	
3. Plaster (cement sand 1:4)		15	
Description: Metal Deck system R4.0	Internal colour: Light	Internal absorptance (%): 30	Area: 78.1 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Deck		10	
2. Insulation extruded R4.0		110	
3. Plasterboard		10	

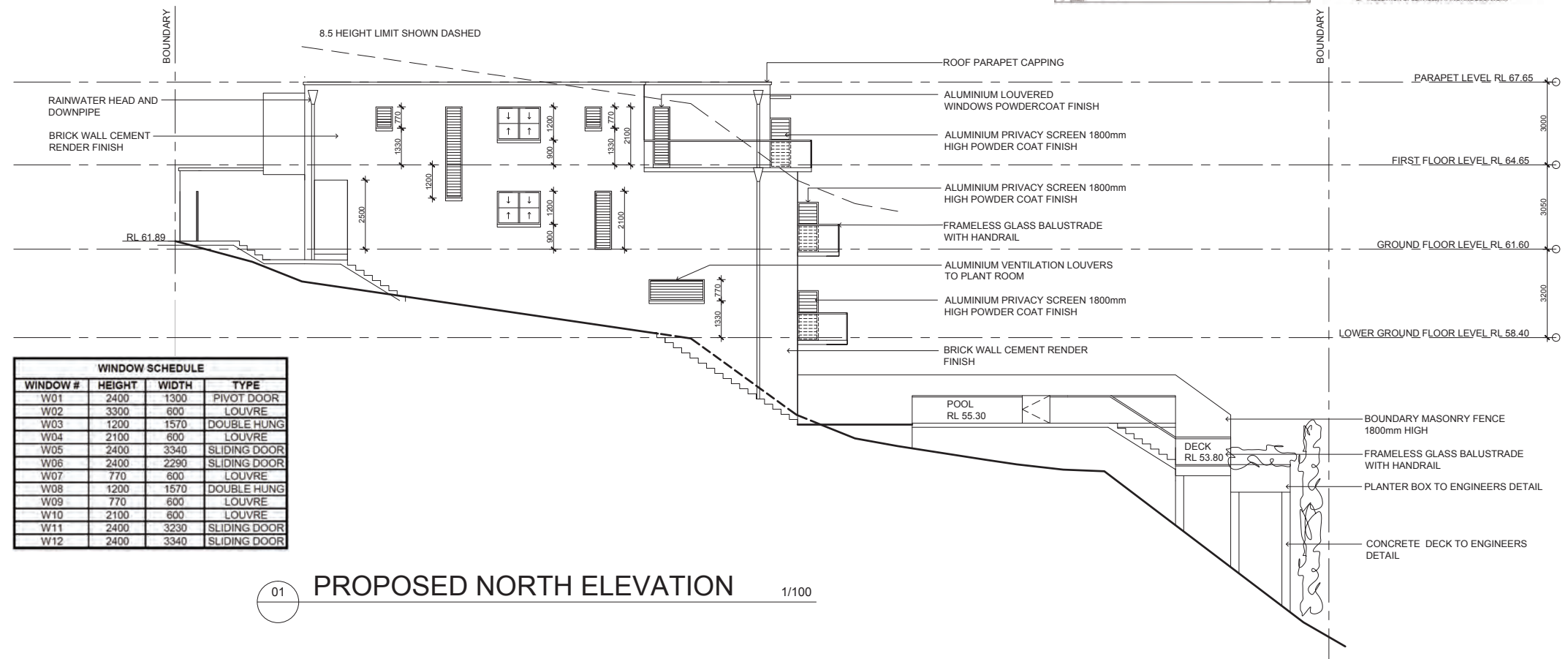
Construction details: Roof Windows			
Description: VET 211 02 W - VET 211 02 W - 1200 x 1200 (mm) - 1200 x 1200 (mm) - 1200 x 1200 (mm)	Internal colour: Light	Internal absorptance (%): 30	Area: 1.0 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Plaster (cement sand 1:4)		15	
3. Concrete (standard 2400 kg/m ³)		150	
4. Plasterboard		10	
Description: VET 211 02 W - VET 211 02 W - 1200 x 1200 (mm) - 1200 x 1200 (mm) - 1200 x 1200 (mm)	Internal colour: Light	Internal absorptance (%): 30	Area: 1.0 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Plaster (cement sand 1:4)		15	
3. Concrete (standard 2400 kg/m ³)		150	
4. Plasterboard		10	
Description: VET 211 02 W - VET 211 02 W - 1200 x 1200 (mm) - 1200 x 1200 (mm) - 1200 x 1200 (mm)	Internal colour: Light	Internal absorptance (%): 30	Area: 1.0 m ²
External absorptance (%): 30	Internal absorptance (%): 30	Thickness (mm)	
Layer/Material			
1. Concrete (standard 2400 kg/m ³)		150	
2. Plaster (cement sand 1:4)		15	
3. Concrete (standard 2400 kg/m ³)		150	
4. Plasterboard		10	

CAUTION – ALL OF THE ITEMS BELOW MUST BE ADHERED BY FOR NATHERS TO BE VALID

NOTES:

- ALL DOWNLIGHTS TO BE:
 - APPROVED NON-VENTILATED
 - WITH FIRE-RATED COVER/SHIELD TO ALLOW CONTINUOUS INSULATION LED TYPE, IF HALOGEN LIGHT ARE TO BE INSTALLED THIS CERTIFICATION IS NOT VALID
- ALL VENTS AND WALL OPENINGS INSTALLED TO BE "THE SEALED" TYPE
- ALL INSULATION IS TO BE INSTALLED IN ACCORDANCE NCC PART 3.12.1.1
 - CREATION OF CONTINUOUS THERMAL BARRIER
 - COMPLIANCE WITH AS4859
 - MAINTAINING THICKNESS OF BULK INSULATION AND AIR GAPS FOR REFLECTIVE INSULATION
- BUILDING SEALING AS PER NCC PART 3.12.3
 - WEATHER SEALS AND DRAFT EXCLUDERS
 - DRAFT STOPPER CAPS
- SERVICES AS PER NCC PART 3.12.5
 - INSULATION OF SERVICES, PIPING AND DUCTWORK

CONSTRUCTION DETAILS FOR DWELLING B ONLY ON THIS SHEET



WINDOW SCHEDULE			
WINDOW #	HEIGHT	WIDTH	TYPE
W01	2400	1300	PIVOT DOOR
W02	3300	600	LOUVRE
W03	1200	1570	DOUBLE HUNG
W04	2100	600	LOUVRE
W05	2400	3340	SLIDING DOOR
W06	2400	2290	SLIDING DOOR
W07	770	600	LOUVRE
W08	1200	1570	DOUBLE HUNG
W09	770	600	LOUVRE
W10	2100	600	LOUVRE
W11	2400	3230	SLIDING DOOR
W12	2400	3340	SLIDING DOOR

PROPOSED NORTH ELEVATION

1/100

DATE :	REVISIONS :
11.4.2018	A



PROPOSED DUAL OCCUPANCY 62 MILITARY RD, DOVER HEIGHTS

Archicorp architects + project managers

LEVEL 1, 1 Newcastle street, Rose Bay NSW 2029
Tel: 02 - 9388 2522 / Fax: 02 - 9371 5229

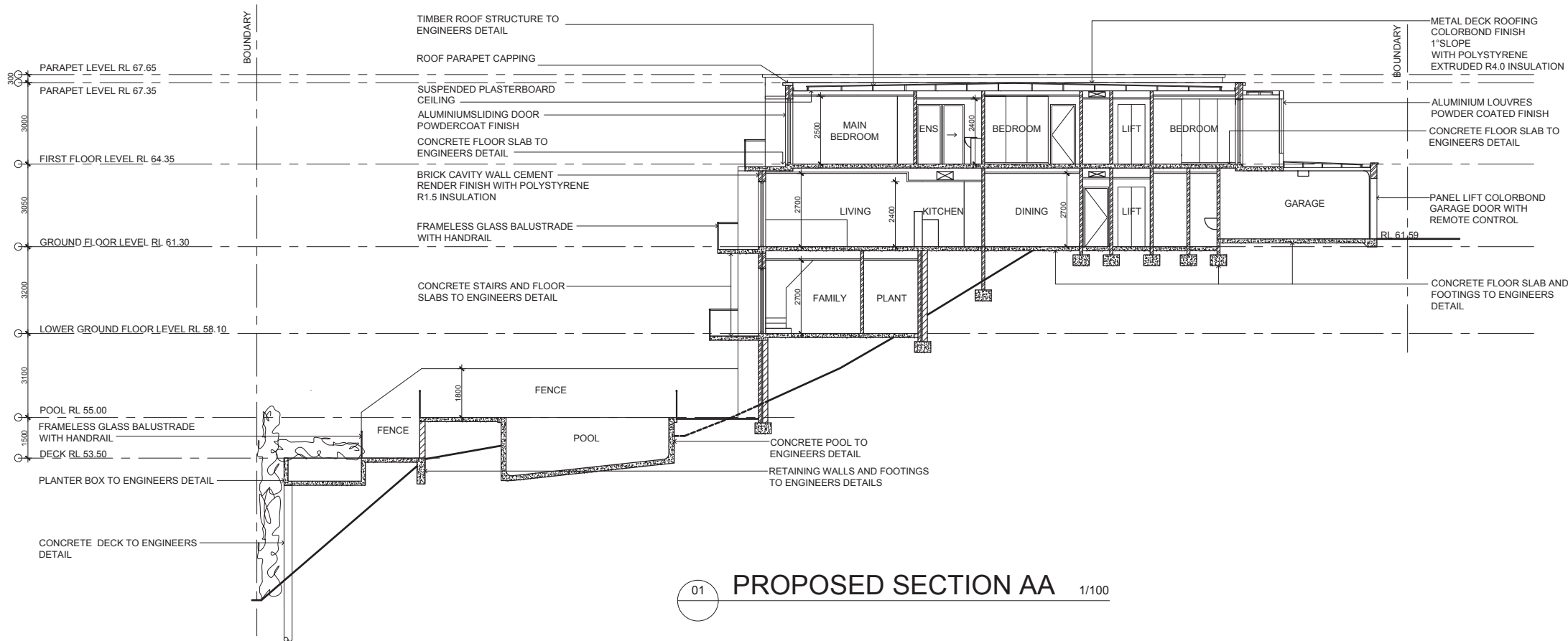
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DATE :
MAR 17

JOB No :
1604

SCALE :
1 / 100

SHEET No.:
36412



NOTES:
 LIGHTING TO THE DWELLING IS TO BE FLOURESCENT LIGHTS OR LIGHT EMMITTING DIODE (LED) LIGHTING.
 HOT WATER SYSTEM TO BE GAS INSTANTANEOUS 5 STAR RATING.
 ALL TAPS TO KITCHEN AND BATHROOMS TO BE 4 STAR RATED. SHOWER HEADS TO HAVE A MINIMUM 3 STAR RATING.
 TOILET FLUSHING SYSTEM ALSO TO BE 4 STAR RATED.
 STORMWATER TANK TO BE MINIMUM 1500 LITRES AND TO COLLECT RAINWATER OF AT LEAST 100 SQM. OF ROOF AREA.
 STORMWATER TANK TO SERVICE LANDSCAPED AREA, LAUNDRY AND SWIMMING POOL. TOP UP.
 TO KITCHEN PROVIDE GAS COOKTOP AND ELECTRIC OVEN WITH KITCHEN EXHAUST FAN DUCTED TO EXTERNAL WALL.
 BATHROOMS AND LAUNDRY TO HAVE EXHAUST FANS DUCTED TO EXTERNAL WALLS.
 PROVIDE DUCTED AIRCONDITIONING THROUGH OUT THE HOUSE.
 PROVIDE TO BRICK CAVITY WALLS R1.5 POLYSTYRENE INSULATION.
 PROVIDE TO ROOFS R4.0 POLYSTYRENE EXTRUDED INSULATION.

DATE :	REVISIONS :
11.4.2018	A



PROPOSED DUAL OCCUPANCY 62 MILITARY RD, DOVER HEIGHTS

Archicorp *architects + project managers*

LEVEL 1, 1 Newcastle street, Rose Bay NSW 2029
 Tel: 02 - 9388 2522 / Fax: 02 - 9371 5229

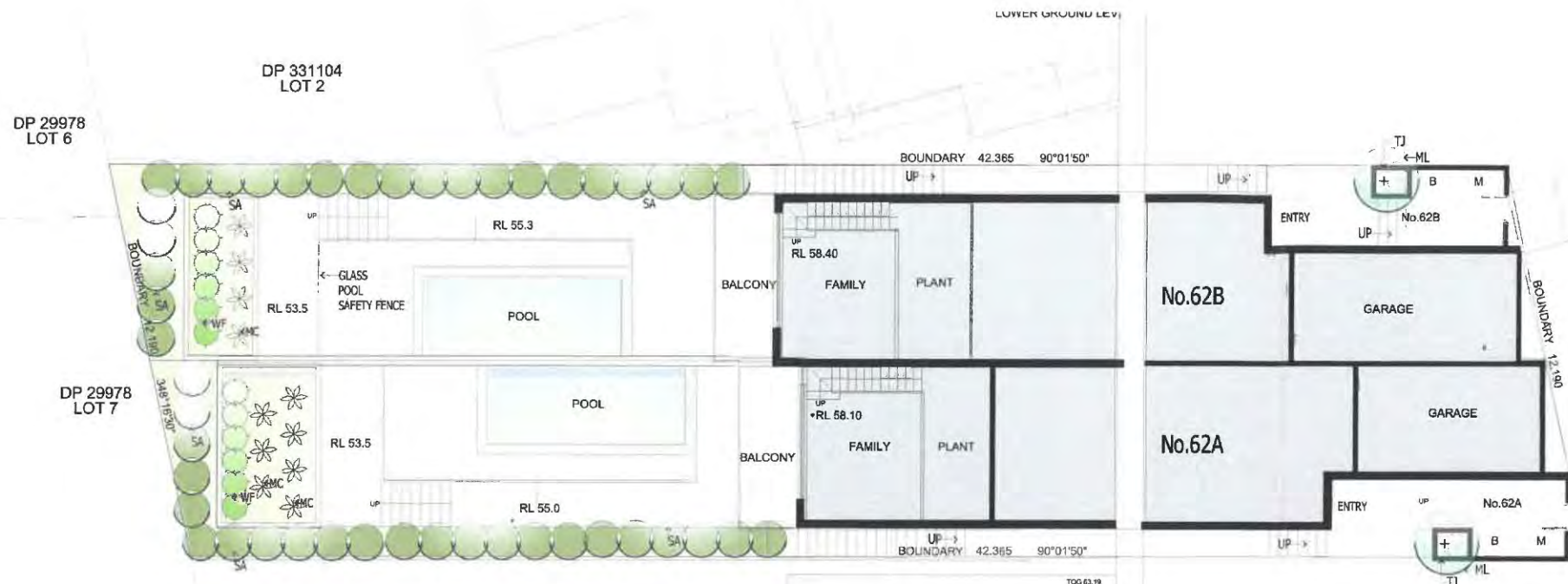
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SCALE : 1 / 100	SHEET No.: 36213

DA-286/17

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16 APR 2018

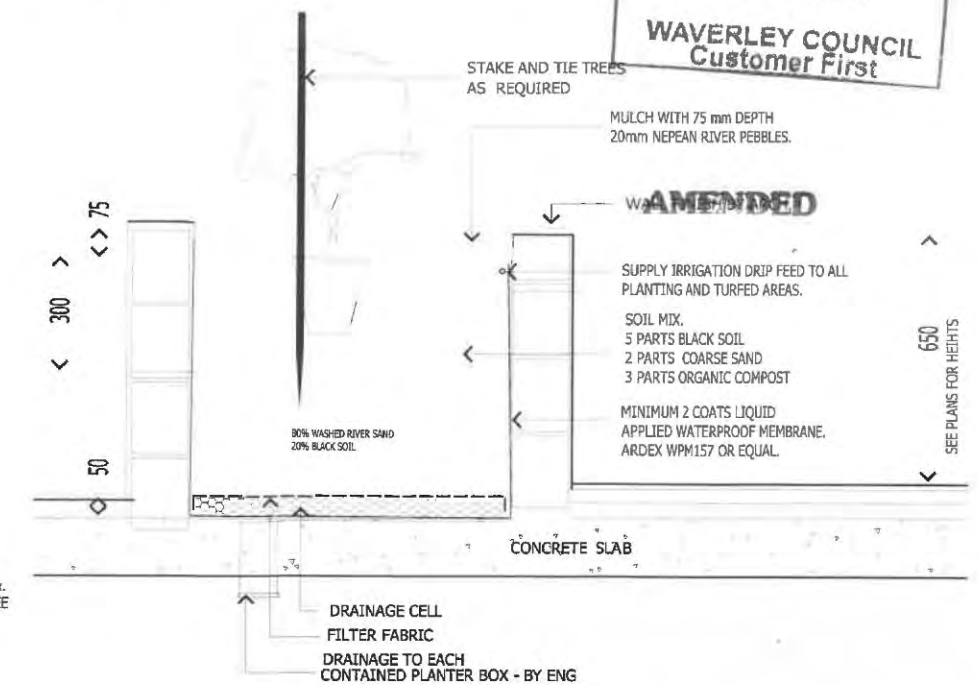
WAVERLEY COUNCIL
Customer First

LOWER GROUND FLOOR

SCALE 1:200 @ A3

GROUND FLOOR

SCALE 1:200 @ A3



PLANTING OVER SLAB DETAILS

SCALE 1:20 @ A3

AUTOMATIC DRIPPER FEED IRRIGATION

A DRIPPER FEED IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED BY THE LANDSCAPE CONTRACTOR.

DRIPPER FEED IRRIGATION SHALL BE PROVIDED TO ALL GROUND MASS PLANTING, PLANTER BOXES, AND TO ALL TURFED AREAS.

THE SYSTEM SHALL BE CONNECTED TO ON SITE RAINWATER TANKS. A BACKUP CONNECTION POINT FOR THE IRRIGATION WILL BE TO THE MAINS SUPPLY, AND WILL BE FITTED WITH A BACK FLOW VALVE.

ELECTRICAL SUPPLY TO THE CONNECTION POINT WILL BE PROVIDED BY THE CONTRACTOR.

AN AUTOMATIC TIMER CONTROL DEVICE SHALL BE CONNECTED AND THE LOCATION OF THE CONTROLLER SHALL BE DECIDED WITH THE CLIENTS APPROVAL. ALL FILTERING DEVICE ATTACHMENTS AND BACK FLOW PREVENTION VALVES SHALL BE PROVIDED WHERE EVER NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE RELEVANT WATER BOARD AUTHORITIES.

MAINTENANCE

MAINTENANCE SHALL MEAN CONTINUING CARE OF THE LANDSCAPE AREAS BY ACCEPTED HORTICULTURAL PRACTICES, AS WELL AS RECTIFYING ANY DEFECTS THAT BECOME APPARENT IN THE WORKS UNDER NORMAL USE.

THE MAINTENANCE PERIOD SHALL BE IN TWO PARTS.

1. PLANTING ESTABLISHMENT PERIOD OF 13 WEEKS.
2. CONTINUING CARE AND MAINTENANCE CORRESPONDING WITH THE DEFECTS LIABILITY PERIOD. 12 MONTHS MINIMUM MAINTENANCE PERIOD.

THE PLANTING ESTABLISHMENT PERIOD COMMENCES AT THE DATE OF PRACTICAL COMPLETION.

THE MAINTENANCE PROGRAM SHALL INCLUDE THE FOLLOWING HORTICULTURAL ITEMS, WHERE AND AS REQUIRED: WATERING, MOWING, FERTILIZING, TURFING, EDGING, WEEDING, PEST AND DISEASE CONTROL, STAKING AND TYING, REPLANTING, CULTIVATION, PRUNING, TOP UP CONSOLIDATED MULCH DEPTHS, RECTIFY DRAINAGE DEFECTS, MAINTAIN SITE NEAT AND TIDY.

PLANTING SCHEDULE

TREES					
Symb.	Botanical Name	Common Name	Size	No.	Mature Size
MC	Macrozamia communis	Burrawang	5 Litre	11	500mm
ML	Magnolia sp.	Little Gem	25 Litre	2	2-3 Metre - Standard
SA	Syzygium australe	Creek Satinash	25 Litre	46	6 Metre
WF	Westringia fruticosa	Coastal Rosemary	5 Litre	12	1.3 Metre Hedge
GROUND COVERS					
TJ	Trachelospermum jasminoides	Star Jasmine	140mm	8	300mm - Hedge

NOTES

1. FOR DRAINAGE POINTS IN PAVING AND PLANTER BOXES - SEE HYDRAULIC DWGS
2. 800mm SOIL COVER MINIMUM OVER ALL CONCRETE STRUCTURES IN LANDSCAPE AREAS. GREATER WHERE INDICATED ON PLANS AND DETAILS
3. INSTALL DRIPPER FEED IRRIGATION TO PLANTING BEDS, PLANTING BOXES, AND TURF AREAS. SHOP DWG BY CONTRACTOR.
4. FOR ALL HARD SURFACES AND DETAILING REFER TO ARCH. DRAWINGS.
5. LANDSCAPE AND DRAINAGE DRAWINGS ARE COMPATIBLE

rev.	no	description	date	drawn
03		PLANTER BOX ADDED	05-04-2018	
02		For DA	01-05-2017	WJM
01		Preliminary	00-00-2014	WJM

Project:

Duplex Development
62 Military Road, Dover Heights

Client:

Archicorp Architects

LA LANDSCAPE ARCHITECT

16/105 Corral Street, WOLLONGONG
MOBILE: 0411 774051
bill.la@oplusnet.com.au



SCALE 1:100 @A1, 1:200 @ A3

April 2017

SHEET 1 OF 1

LA01.01 LANDSCAPE PLANTING PLAN

363





Report to the Waverley Development Assessment Panel

Application number	DA-94/2017/1
Site address	20 Loombah Road, Dover Heights
Proposal	Demolition, excavation and construction of a new dwelling-house with integrated garage and swimming pool
Date of lodgement	16 January 2018
Owner	Belinda Shamieh
Applicant	Molnar Freeman Architects
Submissions	Three and petition with 19 signatures from 17 properties
Cost of works	\$1,700,000
Issues	Impact on biodiversity corridor and endangered species, variation to height and FSR controls, view loss impacts, front building line, overshadowing, privacy
Recommendation	That the application be REFUSED for the reasons given in Appendix A

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 17 July 2017 and 1 May 2018.

The site is legally described as Lot 14 Section B in DP 5491 and is known as 20 Loombah Road, Dover Heights. The site has a frontage to Loombah Road measuring 15.24m however, there is currently no pedestrian or vehicular access from Loombah Road as the site is set below Loombah Road by approximately 20 metres.

The eastern side boundary measures 52.07m, the southern rear boundary measures 15.24m and the western side boundary measures 52.07m. The site has a total area of 793.5 square metres. The site is located on the southern side of Loombah Road with the northern boundary traversing through a steep sandstone rock outcrop. The site is currently comprised of a part one part two storey dwelling house sited towards the southern end of the subject site. A swimming pool is located to the rear of the dwelling. Vehicular access to the site is provided from a right of way over the adjoining property to the west at 22 Loombah Road also known as 27 Macleay Street, Dover Heights.

To the south of the site is a two storey dwelling house at 118 Clyde Street, Dover Heights, to the west of the site is a two storey dwelling house at 22 Loombah Road also known as 27 Macleay Street, Dover Heights, to the north and on the opposite side of Loombah Road are three storey detached dwellings and to the east of the site at 18 Loombah Road, Dover Heights is a part two part three storey attached dual occupancy. The surrounding locality is characterised by predominantly residential dwellings of varying architectural styles and heights.

The Terrestrial Biodiversity area as identified on the Terrestrial Biodiversity Map of Waverley Local Environmental Plan 2012 traverses the subject site.



Figure 1: Site viewed from Macleay Street

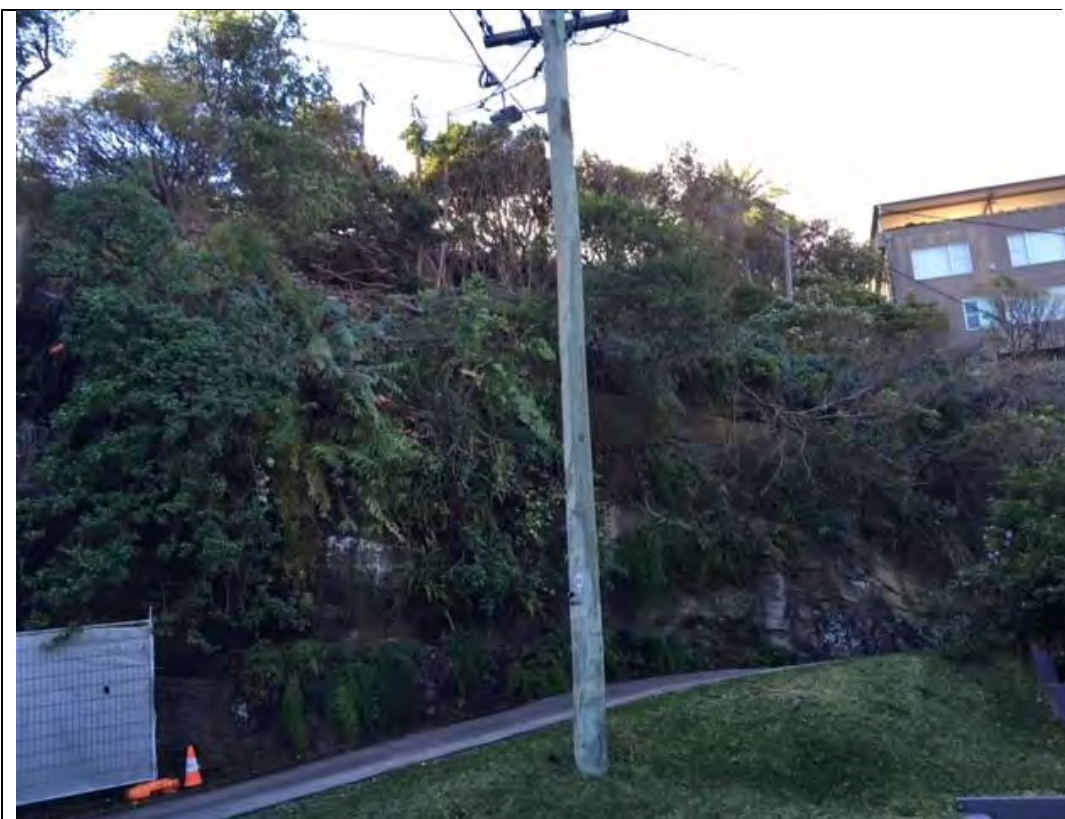


Figure 2: View looking east across right of way access to the site towards rock outcrop



Figure 3: View to the east across site towards the adjoining property at 18 and 18a Loombah Rd

1.2 Relevant History

DA-94-2017 – submitted on 28 March 2017 for the demolition of the existing 2 storey dwelling and associated structures and the erection of a three storey dwelling with garage and lap pool, including excavation, new pedestrian gate, fence, stairs and path off Loombah Road. The applicant lodged an appeal with the Land and Environment Court for a deemed refusal. This matter was heard at a section 34 conference on 23 October 2017 which resulted in the appeal being discontinued. The development application was subsequently refused by Council on 17 November 2017.

This Section 82A application the subject of this assessment report seeks a review of that refusal. Amended plans have been submitted as part of the Section 82A application.

Unauthorised clearing - The site contains the species *Acacia terminalis* subspecies *terminalis* commonly known as Sunshine Wattle. *Acacia terminalis* subspecies *terminalis* is listed as endangered under the NSW *Threatened Species Conservation Act 1995* and as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (C'th). *Acacia terminalis* subspecies *terminalis* is the subject of a Recovery Plan (DECCW 2010). This Recovery Plan lists 'Clearing of Native Vegetation' as one of the Key Threatening Processes affecting this species. The population of *Acacia terminalis* subspecies *terminalis* situated on the slope between Loombah Road and Macleay Street (which includes public land and the properties of 18, 20 and 22 Loombah Road) is the only extant remnant population of *Acacia terminalis* subspecies *terminalis* in the Waverley Local Government Area. The part of the property above the cliff line at 20 Loombah Road contains extant plants of the species *Acacia terminalis* subspecies *terminalis* species, as well as a soil seed bank of this species and habitat for this species.

On 28 December 2016, the applicant had the part of the property above the cliffline deliberately cleared by a contractor arborist on 28 December 2016 with the intention of deliberately destroying any living specimens of *Acacia terminalis* subspecies *terminalis* and prior to engaging landscape architect Marcus Tilbrook to inspect the site. A letter from Marcus Tilbrook to Molnar Freeman Architects dated 18 January 2017 states there were "no traces of the nominated *Acacia terminalis*" on the site. The clearing on 28 December 2016 was witnessed by Council Rangers. During the first half of 2017, at least one plant of *Acacia terminalis* subspecies *terminalis* has regenerated on the property of 20 Loombah Road, demonstrating the viability of the soil seed bank of this species and the suitability of the current habitat for the perpetuation of this plant population.

1.3 Proposal

The development application seeks consent for the demolition of existing dwelling and swimming pool and the construction of a part two (2) part three (3) storey dwelling with swimming pool and a car park partly excavated into the existing rock outcrop. The proposal also includes the construction of a fence and a pedestrian access bridge over the road reserve from Loombah Road to access the site.

Specifically the development application proposes:

- Demolition of existing structures including dwelling, garage and swimming pool;
- Earthworks, including excavation works within the existing rock outcrop;
- Construction of a part two part three storey dwelling comprising:
 - Level 0 - Two vehicle garage with vehicle turntable, bin store, theatre/living room, gym, wet bar, guest bedroom with ensuite, lift access;

- Level 1 – Lift and foyer, master bedroom with ensuite, walk in robe and balcony, Bedroom 1 with ensuite, Bedroom 2 and 3 with ensuites and wardrobes, additional media/guest room, bathroom and laundry room;
- Level 2 – Open plan kitchen, living and dining area, toilet, pantry/store and lift access. This level also comprises large outdoor terrace area, lawn area and swimming pool;
- Mezzanine Level – Entry foyer, lift and cloak room.
- Pedestrian access to be provided via a pedestrian bridge traversing over public road reserve to access the entry of the dwelling at mezzanine level;
- New fence to Loombah Road;
- Tree removal;
- Landscaping.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP 19 – Bushland in Urban Areas

The proposed development is contrary to the aims and objectives of the State Environmental Planning Policy No. 19 - Bushland in Urban Areas with regards to preserving endangered species of *Acacia terminalis* subsp. *terminalis* and the adverse impacts on the continued survival of this habitat in this area.

2.1.4 SEPP – Vegetation in Non-Rural Areas 2017

The SEPP requires that a permit be obtained from Council for the clearing of vegetation.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered to be consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
2.7 Demolition	Yes	Proposed to demolish the existing dwelling and associated structures. Permitted with consent
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal has a height of 11.3m This is a maximum variation of 2.8m or 32.9%. A request to vary the development standard has been submitted. Refer below for discussion.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 (397m²) Site: 793.5m² 	No	FSR 0.69:1 or 547m ² (38% or 150.25m ²)
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variations to the development standards are presented below this table.
Part 5 Miscellaneous provisions		
5.9 Preservation of trees or vegetation	No	
Part 6 Additional local provisions		
6.2 Earthworks	No	Detrimental impact on environmental functions and processes and features of the surrounding land.
6.4 Terrestrial biodiversity	No, see discussion	The proposal involves the excavation into the existing rock outcrop and the construction of the dwelling over the Terrestrial Biodiversity Area (see further discussion below).

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 11.3m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 2.8m or 32.9%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- *The site is steeply sloping and the design suitably responds by stepping down the hillslope from north down to south. Furthermore, the built form has been built into the hillside by excavating part of the hillside, thereby minimising the height impacts of the proposal.*
- *The height breach is essentially triggered by the steep slope of the site as well as the roof design which provides for activation to the Loombah Road frontage, noting that the existing dwelling cannot be viewed from Loombah Road. The height variation allows for pedestrian access from Loombah Road whilst also achieving architectural expression to the dwelling.*
- *The roof form which is responsible for the height breach also provides for a substantial degree of natural light to penetrate the lower levels of the dwelling.*
- *The height, bulk and scale are subservient to the 4-5 level scale of the built form to the east at 18 Loombah Road and other dwellings to the east and west along Loombah Road, thereby ensuring that the dwelling will sit comfortably in its context.*
- *The siting of the built form has been provided in a sensitive manner to the adjoining neighbour, as the majority of solar access, privacy, views and outlook for the eastern neighbour at 18 Loombah Road will be retained.*
- *The north-south orientation of the site ensures that the northern windows of the adjoining dwellings further along Macleay Street will retain in excess of 2 hours solar access between 9am and 3pm on June 21 whilst the substantial rear/southern setback also maintains solar access to the properties addressed to Clyde Street.*
- *The proposal retains a substantial degree of deep soil landscaping on the site and includes a substantial rear yard which is sited where the existing dwelling on the site is located. The combination of landscaping along the Loombah Road frontage and at the rear and sides ensures that the proposed height, bulk and scale are within a landscaped setting. The high quality landscape plan which accompanies the proposal contributes to retention of the landscaped character of the site and its interrelationship with Loombah Road and vegetation on the hillside.*
- *The proposal complies with the side setback requirements for 3-storey dwellings and is therefore consistent with that contemplated by the DCP.*

The applicant argues that the height breach is triggered by the steep slope of the site, however fails to acknowledge that the site has an existing building footprint that can be utilised for the construction of a compliant dwelling envelope. The sites topographical constraints should not be used to argue a Clause 4.6 variation in this instance as there is adequate site area to accommodate a suitably sized dwelling for the landowner.

The proposed excavation into the existing rock outcrop and siting of the dwelling encroaching the identified Terrestrial Biodiversity area is primarily aimed to achieve views from the dwelling across to the Pacific Ocean to the east and city skyline views to the west. The height is further exacerbated by the location of the pool plant and other services below the main living level 2, propping this level up a further 2 metres. The proposed loss of the rock outcrop and associated impact on the Terrestrial

Biodiversity area is not in the public interest to justify supporting a Clause 4.6 variation. There are no justifiable planning grounds to support a variation and there is a public benefit in maintaining the height of buildings development standard.

The variation of the development standard sought for the proposal will manifest in adverse environmental impact on neighbouring properties and the locality. These impacts are discussed further in the report to demonstrate that the variation of the development standard and the proposal as a whole fails to adequately preserve the environmental amenity of neighbouring properties. The variation is therefore not in the public interest and results in the proposal being inconsistent with the desired future character of the locality.

Clause 4.4 and 4.4A Floor space ratio (FSR)

The relevant objectives of the FSR development standard under Waverley LEP 2012 is to provide an appropriate correlation between maximum building heights and density controls, to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality, to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

The proposed dwelling has a gross floor area of 547m² equating to an FSR of 0.69:1 which exceeds the maximum FSR 0.5:1 development standard by approximately 150.25m² or 38%. The application is accompanied by a Clause 4.6 Exception to a development standard for the FSR non-compliance, a brief summary of which is detailed below:

- *The site is steeply sloping and the design suitably responds by stepping down the hillslope from north down to south. Furthermore, the built form has been built into the hillside by excavating part of the hillside, thereby minimising the bulk, scale and impacts of the proposal.*
- *The height, bulk and scale are subservient to the 4-5 level scale of the built form to the east at 18 Loombah Road and other dwellings to the east and west along Loombah Road, thereby ensuring that the dwelling will sit comfortably in its context.*
- *The siting of the built form has been provided in a sensitive manner to the adjoining neighbour, as the majority of solar access, privacy, views and outlook for the eastern neighbour at 18 Loombah Road will be retained.*
- *The north-south orientation of the site ensures that the northern windows of the adjoining dwellings further along Macleay Street will retain in excess of 2 hours solar access between 9am and 3pm on June 21 whilst the substantial rear/southern setback also maintains solar access to the properties addressed to Clyde Street.*
- *A significant proportion of the FSR is below the existing ground level with the above ground FSR thereby being well below that permitted.*
- *The proposal retains a substantial degree of deep soil landscaping on the site and includes a substantial rear yard which is sited where the existing dwelling on the site is located. The combination of landscaping along the Loombah Road frontage and at the rear and sides ensures that the proposed height, bulk and scale are within a landscaped setting. The high quality landscape plan which accompanies the proposal contributes to retention of the landscaped character of the site and its interrelationship with Loombah Road and vegetation on the hillside.*
- *The proposal complies with the side setback requirements for 3-storey dwellings and is therefore consistent with that contemplated by the DCP.*

The arguments presented in the written request by the applicant are unfounded to justify why the FSR development standard should be contravened. The proposal does not comply with other building envelope controls, such as the height of buildings development standard and front building

setback control. These non-compliances, along with the variation of the FSR development standard, collectively demonstrate that the building envelope of the proposal is inappropriate for the site and its immediate locality.

The extent of the variation of the FSR development standard and the proposal as a whole does not satisfy the relevant objectives of the development standard set out under clause 4.4 and 4.4A of Waverley LEP 2012. The variation of the FSR development standard contributes to the proposal achieving a building envelope that is incompatible with density controls, specifically the height of buildings development standard and setback controls, which have been simultaneously exceeded and varied to a significant degree.

The variation of the FSR development standard results in adverse amenity impact on surrounding properties, specifically the adjoining property to the east of the site at 18 and 18a Loombah Road in relation to view loss. View loss is considered in section 2.1.6 of the report. Further, the additional gross floor area overly accentuates the perceived building bulk and scale of the development when viewed from adjoining properties, and will consequently cause adverse visual impacts. The gross floor area exceeding the FSR development control would also reduce the amount and duration of sunlight received by adjoining properties to the east and west of the site.

There are insufficient environmental planning grounds to justify the proposal contravening the FSR development standard. The extent of the variation, being 38% over the development standard, demonstrates that the building bulk and scale of the development are excessive. The siting of the dwelling into the Terrestrial Biodiversity area and the excavation required will result in unreasonable impacts on the natural environment. The variation will also result in adverse environmental impacts on neighbouring properties, which consequently does not satisfy objective (d) of the development standard. The variation of the development standard is not in the public interest, and coupled with the non-compliance with the height of buildings development standard, the variation is inconsistent with the desired future character of the locality.

Terrestrial biodiversity and Impact on Endangered Species *Acacia terminalis* subspecies *terminalis*

The Terrestrial Biodiversity area as identified on the Terrestrial Biodiversity Map of Waverley Local Environmental Plan 2012 traverses the subject site. The proposal has been amended from the original development application. As such, the applicant has submitted a revised report to address Assessment of Significance for *Acacia terminalis* subsp. *terminalis* with respect to the proposed development. Reference to and assessment of this report is provided in detail below under Section 3 - Referrals.

The Biodiversity area identified on the Terrestrial Biodiversity Map of Waverley LEP 2012 comprises the following:

- a) The site contains habitat for the species *Acacia terminalis* subspecies *terminalis* commonly known as Sunshine Wattle.
- b) One dead stem and one juvenile stem of the *Acacia terminalis* subspecies *terminalis* species have been recorded on the subject site and a second live specimen occurs immediately to the west.
- c) *Acacia terminalis* subspecies *terminalis* is listed as endangered under the NSW *Threatened Species Conservation Act 1995*.
- d) *Acacia terminalis* subspecies *terminalis* is listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)

- e) *Acacia terminalis* subspecies *terminalis* is the subject of a Recovery Plan (DECCW 2010). This Recovery Plan lists 'Clearing of Native Vegetation' as one of the Key Threatening Processes affecting this species.

The population of *Acacia terminalis* subspecies *terminalis* situated on the slope between Loombah Road and Macleay Street (which includes public land and the properties of 18 Loombah Road, the site and 22 Loombah Road) is the only extant remnant population of *Acacia terminalis* subspecies *terminalis* in the Waverley Local Government Area. The Office of Environmental Heritage (OEH) Saving our species site indicates additional recordings of the species within the Waverley Local Government Area.

The front of 20 Loombah Road, the part of the property above the cliff line, contains habitat for extant plants of the species *Acacia terminalis* subspecies *terminalis* species, as well as a soil seed bank of this species and habitat for this species. A dead stem and a juvenile stem have been recorded within this habitat. A live stem of the *Acacia terminalis* subspecies *terminalis* species occurs proximate to the western boundary of the site where the habitat for the species extends.

The part of the site above the cliff line was cleared by a contractor arborist on 28 December 2016. During the first half of 2017, at least one plant of *Acacia terminalis* subspecies *terminalis* has regenerated on the site, demonstrating the viability of the soil seed bank of this species and the suitability of the current habitat for the perpetuation of this plant population. *Acacia terminalis* subspecies *terminalis* is the subject of an approved Recovery Plan (DECCW 2010). This Recovery Plan lists 'Clearing of Native Vegetation' as one of the Key Threatening Processes affecting this species. *Acacia terminalis* subspecies *terminalis* is a 'Site Managed' species under the NSW Office of Environment and Heritage 'Saving our Species Program'.

The one above ground plant of the species *Acacia terminalis* subspecies *terminalis* at 20 Loombah Road is part of a contiguous local population of the species *Acacia terminalis* subspecies *terminalis* which consists of at least thirteen (14) plants which extends across public land and the properties of 18, 20 and 22 Loombah Road.

The population of 14 above-ground plants is comprised of one, large mature plant (>1m tall) and 13 seedling and sapling plants distributed between the subject development property, and the adjoining council-owned land (as of March 2018). *Acacia* species generally have high seed dormancy and long-lived persistent seedbanks (Auld 1996). *Acacia terminalis* has a persistent soil seedbank which may last for up to 50 years. Seed viability of greater than 95% has been recorded for *Acacia terminalis* (Auld & O'Connell 1991).

Acacia terminalis subspecies *terminalis* growing in the Loombah Road, Dover Heights population are protected and actively managed as part of the NSW Office of Environment and Heritage Saving our Species 'Eastern Suburbs Key Management Site'. Waverley DCP 2012 states that Sunshine Wattle has a persistent soil seed bank which may last for up to 50 years (DECCW, 2007:8). And that Sites that are undeveloped should be protected to encourage regeneration from the seed bank.

The proposed development should be refused based on the following:

- The proposal fails to identify and has incorrectly assumed that the population of *Acacia terminalis* subspecies *terminalis* is not viable with no significant impacts. It has been incorrectly presumed that no local viable population of this threatened species will be impacted by the proposed development.
- Application of the precautionary principle requires that a lack of scientific certainty about the potential impacts of an action does not itself justify a decision that the action is not likely to have a significant impact. If information is not available to conclusively determine that there

will not be a significant impact on a threatened species, population or ecological community, or its habitat, then it should be assumed that a significant impact is likely and a species impact statement (SIS) should be prepared.

- No Species Impact Statement (SIS) pursuant to Section 110 of the *Threatened Species Conservation Act 1995* has been submitted with the proposal.
- The proposal will have unacceptable adverse impacts on a viable local population of *Acacia terminalis* subspecies *terminalis* an identified Endangered species under Schedule 1 of the *Threatened Species Conservation Act 1995*.
- The proposal will have unacceptable adverse impacts a viable local population of *Acacia terminalis* subspecies *terminalis* an identified Endangered species under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.
- As *Acacia terminalis* subsp. *terminalis* is listed nationally under the *Environment Protection and Biodiversity Conservation Act 1999*, any person proposing to undertake actions likely to have a significant impact on this subspecies should refer the action to the Commonwealth Minister for the Environment. The Minister will then decide whether the action requires EPBC Act approval. This is in addition to any State or Local Government approval required. The proponent has not referred the potential impacts upon *Acacia terminalis* subsp. *terminalis* to the Commonwealth.
- The proposal is contrary to the objectives and controls set out in section 3.1 Remnant Vegetation in Part B3, Biodiversity of Waverley DCP 2012.
- Section 3.1 of Waverley DCP 2012 provides as follows:
Sunshine Wattle has a persistent soil seed bank which may last for up to 50 years (DECCW, 2007:8). And that Sites that are undeveloped should be protected to encourage regeneration from the seed bank.
- The excavation of the cliff at the site will destroy a significant part of this population, its seed bank and habitat, and endanger the entire population of *Acacia terminalis* subspecies *terminalis* at this location. The viable local population currently occupies an area of at least 145m².
- The proposal provides no details on treatment or management of this ecological significant area which is retained within the existing allotment.
- The proposed staircase reaching across public land from Loombah Road public roadway to the site and the construction of this staircase will further destroy plants and habitat of the species *Acacia terminalis* subspecies *terminalis*.
- The site contains remnant bushland identified on Waverley LEP 2012 Bushland Map and the proposed excavation within this area will have a detrimental impact on this existing urban bushland area which will be contrary to the aims and objectives of the State Environmental Planning Policy – 19 Bushland in Urban Areas.
- Shading from the proposed building may cause permanent interruptions to light available for the continued survival of the *Acacia terminalis* subspecies *terminalis* at this location and therefore may significantly impact upon the entire population of *Acacia terminalis* subspecies *terminalis* at this location. The proponent has provided no modelling that accurately predicts the extent of shading. The proponent has not assessed the potential impacts of shading upon the entire population of *Acacia terminalis* subspecies *terminalis* at this location.
- No appropriate measures in respect to the retained stem and seed bank area, are proposed for retention, contrary to clause 6.4(1) of the Waverley LEP 2012.
- No appropriate measures in respect to the staircase/pathway are proposed to minimise or mitigate impacts of the development in accordance with clause 6.4.3(3)(b) of the Waverley LEP 2012.
- No effort has been taken to identify the true extent of the seedbank of *Acacia terminalis* subsp. *terminalis*, using appropriate, acceptable scientific methodology (e.g. soil seedbank sampling and seed counts).

- No Vegetation Management Plan (VMP) or equivalent has been submitted for the management of the *Acacia terminalis* subspecies *terminalis* which is vital for any long term protection of such a significant viable local population.
- The proposed Landscaping includes cultivars and exotic plants that are known weeds and may further adversely impact the *Acacia terminalis* subspecies *terminalis*.

2.1.6 Waverley Development Control Plan 2012 - Amendment No.5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A SWRMP has been submitted which is satisfactory.
2. Energy and water conservation	Yes	A BASIX Certificate has been submitted with the application, which satisfies this section of the DCP.
3. Biodiversity	No	See discussion above and below
5. Tree Preservation	No	Removal of vegetation proposed with Terrestrial Biodiversity Area
6. Stormwater	No	The application has been reviewed by Council's Stormwater Engineer who has advised the plan is not satisfactory.
8. Transport	Yes	It is proposed to provide two car spaces within an integrated garage with access provided from the existing right of way from Macleay Street. The proposal was referred to Council's Traffic Engineers who raised no objection to maintaining the existing vehicle and pedestrian access arrangements from Macleay Street, however, did not support the location of the proposed pedestrian stairs and bridge from Loombah Road over the public road reserve.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house and 1.1.2 External wall height <ul style="list-style-type: none"> • Wall height of 7m • Maximum overall building height of 7.5m 	No	Proposed overall height of 11.3m at the front (pitched roof section) and 8.5m wall height at the rear (flat roof section). Extent of breach beyond the controls is considered to be unreasonable resulting in impacts on the adjoining properties (see further discussion above regarding height).

1.2 Setbacks		
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level First floor level setback from rear building line at ground floor level 	<p>No</p> <p>Yes</p> <p>No</p>	<p>Given the topography of the site and the location of the Terrestrial Biodiversity area, the front building line is to be taken utilising the properties with frontages to Macleay Street. The application utilises the predominant front setback of those properties with frontages to Loombah Road.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Greater than 3 storeys – 1.5m-3m merit assessment 	<p>Yes</p>	<p>1.5m side setbacks proposed</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries Excavation should not add to the visual bulk and scale of the building 	<p>Yes</p> <p>No</p>	<p>Excavation of the existing rock face will result in unreasonable impacts on the terrestrial biodiversity area in addition to adding to the overall visual bulk and scale of the building.</p>
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> Visually compatible with streetscape context The design of a development not dominating the streetscape, particularly when viewed from a public place such as a park or reserve Maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained. 	<p>No</p> <p>No</p> <p>No</p>	<ul style="list-style-type: none"> The proposed development does not correspond harmoniously with the surrounding environment. The scale of the development is excessive particularly given the exceedance of both the height and FSR controls. The visual impact associated with the height, bulk and massing of the dwelling and the loss of the rock outcrop when viewed from the surrounding public realm is considered unreasonable. Proposed excavation will substantially alter the existing ground levels and landscaping
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	<p>No</p>	<p>1.6m high metal fence proposed at Loombah Road verge, outside of the boundaries of the subject site and within the road reserve. Applicant advises that provision of pedestrian</p>

<ul style="list-style-type: none"> Fences including footings to not encroach on the street alignment or adjoining properties <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>No</p> <p>As existing</p>	<p>stairs will enable Council officers to maintain the biodiversity area, however, the provision of a front fence and gate will restrict this.</p> <p>It is noted that retaining walls are proposed within the boundaries of the site in the rear yard, however, no information is provided on the proposed height of these retaining walls.</p>
1.8 Visual and acoustic privacy		
Location of habitable room windows not to face directly into adjoining habitable rooms or open space or screening required	No	Concerns are raised regarding the extent of glazing to the western elevation and visual privacy impacts on the adjoining property to the west at 22 Loombah Road. Privacy screens are proposed, however, these are operable.
Elevated balconies to have screening	Yes	
Elevated/ visually prominent balcony Maximum size of balconies: <ul style="list-style-type: none"> 10m² in area 1.5m deep 	No	Large elevated terrace/ lawn area at level 2. Landscaping proposed at level 2
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to minimum of 50% of living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to minimum of 50% of living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p> <p>Yes</p>	<p>Shadow impacts on property to the east at 18 Loombah Road</p>
1.10 Views		
Minimise impact on existing views and vistas enjoyed from existing residential development and the public domain	No	See comments below
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	Two spaces proposed to be provided within garage with turntable
1.11.3 Design	Yes	Integrated garage to dwelling
1.11.5 Driveways	Yes	Use of existing right of way from Macleay Street

1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space 40% of site area Overall landscaped area 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Existing significant vegetation is to be retained Existing natural features including sandstone and rock features are to be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape. 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>	<p>Open space: 42%</p> <p>>15%</p> <p>The site contains in excess of 25m² of private open space.</p> <p>Existing significant vegetation is to be impacted by the development.</p> <p>The proposal removed part of the existing rock shelf.</p>
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Not located within side setbacks 	<p>Yes</p>	<p>The proposed swimming pool is located at the rear of the site, elevated at second floor level towards the eastern side of the dwelling. Noise impacts associated with pool on amenity of the property to the east at 18 and 18a Loombah Road particularly give the location of habitable rooms and windows at their western elevation.</p>

The following is a discussion of the issues identified in the Waverley DCP 2012 compliance table.

Front building line

The pattern of development in the immediate locality is predominantly large detached dwellings on large allotments with large frontages (refer to Figure 4 below).

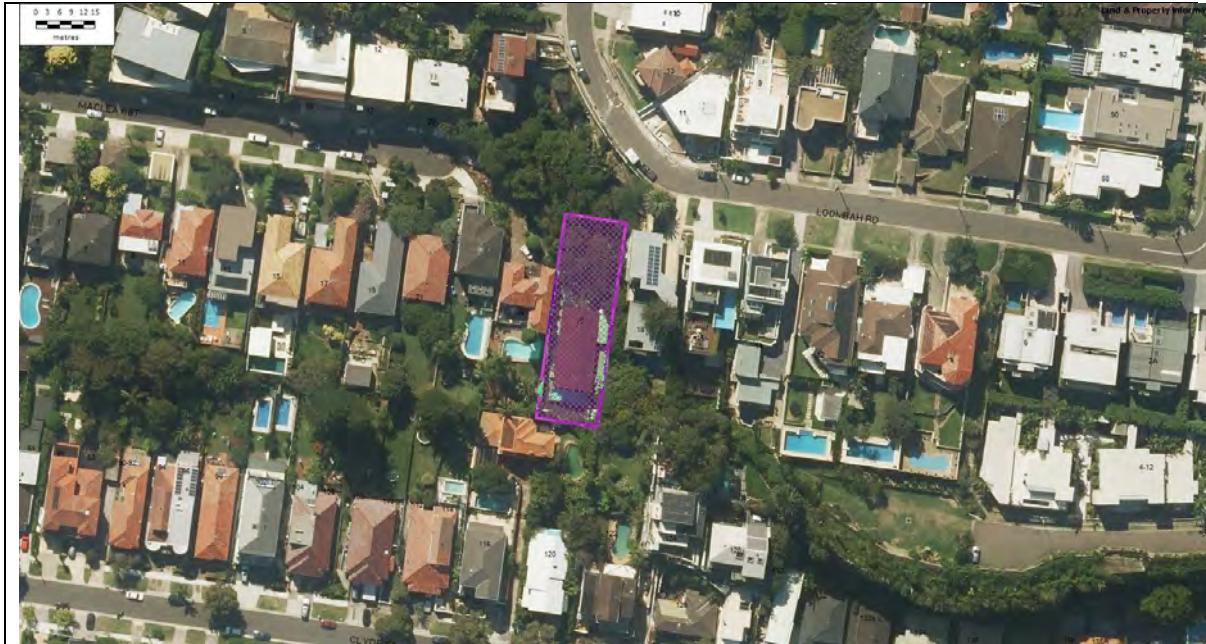


Figure 4: Subject site showing relationship of building line to adjoining properties

The proposed dwelling is to be sited 2m from the front Loombah Road boundary. The dwelling has been designed based on the front boundary setbacks of those dwellings fronting Loombah Road to the east of the site. The subdivision pattern in this location varies from the Loombah Road properties to the properties with their frontages to Macleay Street. As indicated in Figure 4, with the exception of No.23 Macleay Street, the dwellings along this frontage are generally consistent in the front setbacks provided. The existing dwelling on the subject site has a greater front setback to these dwellings before transitioning to the elevated dwelling fronting Loombah Road.

Given the restrictive topography of the site, the front setback proposed is insufficient, contributing to the excessive visual bulk and massing of the building and its associated impacts.

Solar access

The shadow diagrams based on the proposed development have been submitted in plan form showing the shadowing of the proposed development at 9am, 12pm and 3pm during the winter solstice (21 June). The diagrams show the extent of the existing shadow and the proposed shadow.




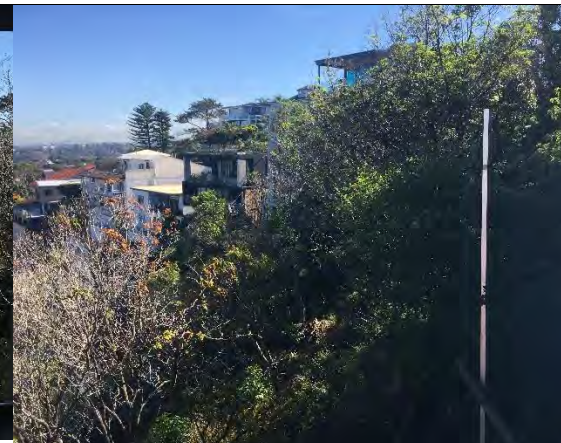
The proposed development exceeds the height of buildings and FSR development standards under Waverley LEP 2012 and does not conform to the predominant front setback in accordance with Waverley DCP 2012. These variations to the development standards and control are responsible for causing additional unreasonable overshadowing impacts to adjoining properties.

Views

Clause 1.10 in Part C1 of Waverley DCP 2012 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. The proposal has also been assessed against the Land and Environment Court's Tenacity principle for view sharing. An inspection was carried out on 17 July 2017 and 1 May 2018 and from the neighbouring property at 18 Loombah Road on 3 May 2018.

During public notification, the adjoining neighbour to the east at 18 and 18a Loombah Road indicated that the proposed building will impact on the views to the west that they currently enjoy.

Height poles were erected by the applicant to demonstrate the height of the proposed development. A view loss assessment was subsequently undertaken from this property. The impacted views are summarised and illustrated in Figures 5 to 8 below (full view loss photos can be seen on the electronic file).

	
<p>Figure 5: View across subject site from lower level living room of 18 Loombah Rd. View from this room will be blocked</p>	<p>Figure 6: View from window of lower level living room of 18 loombah Road. Photo shows height pole erected on site. View from this window will be blocked</p>
	
<p>Figure 7: View across subject site from lower level balcony of 18 Loombah Rd – partial view impact as a result of development proposed</p>	<p>Figure 8: View showing height pole from upper level main living room of 18 Loombah Rd.</p>

Council's view sharing objectives under Waverley DCP 2012 require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regards to view sharing:

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.*

The proposal will result in view loss to the city skyline including the Harbour Bridge from the lower level living room and balcony of 18 Loombah Road. The proposal is non-compliant with the Waverley LEP 2012 height and FSR development standards in addition to the Waverley DCP 2012 flat and pitched roof height standard and front building line. It is considered that the loss of view is unreasonable in the circumstances of the case with the view impact unreasonable to be able to justify breaching the height and FSR development standards and support the clause 4.6 variation.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will result in adverse impacts on the built and natural environments of the locality due to the siting of the development over an area of terrestrial biodiversity, impacts on the species *Acacia terminalis* ssp. *Terminalis*, excessive building height, bulk and scale of the development and associated amenity impacts.

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

submissions were received during notification in addition to a signed petition (an additional submission has since been withdrawn).

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

Table 4: Summary of property addresses that lodged a submission

Property
18 Loombah Road, Dover Heights
18a Loombah Road, Dover Heights
22 Loombah Road, Dover Heights
118 Clyde Street, North Bondi (since withdrawn)
Petition with 19 signatures from 17 properties

The following planning issues raised in the submissions have been addressed and considered in the assessment of the application set out in the body of the report:

- building height
- building bulk and scale
- floor space ratio
- Impacts on terrestrial biodiversity
- solar access and overshadowing
- visual and acoustic privacy
- View loss
- Extent of excavation
- Destruction of threatened species
- Proposed stairs over public reserve and visual impacts

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

Issue: Noise during excavation and construction

Response: This is a matter that could be addressed through conditions on a development consent if development is approved.

2.5 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest.

3. REFERRALS

3.1 Stormwater – Creating Waverley

The application has been reviewed by Council’s Stormwater Engineer who has advised as follows:

*The Plans prepared by Molnar freeman Architects, Project No. 446, DWG No. DA01 to DA10 (Rev J), Dated 23/11/17 have been checked and considered **not satisfactory** with respect to stormwater details.*

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council’s Water Management Technical Manual.

- *On-Site Stormwater Detention (OSD) tank and its details are required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.*
- *A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.*

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

3.2 Traffic and Development – Creating Waverley

The application has been reviewed by Council's Traffic and Development Engineer who has advised as follows:

1. *Having regard to :*

- (i) *The proposed dwelling having its vehicular and pedestrian access continuing to be provided via a right-of carriageway from Macleay Street similar to that of the existing dwelling and*
- (ii) *The proposed pedestrian entry gate, steel stair structure with 'envirowalk' treads & steel posts being proposed fully outside the boundaries of the property in Council's road reserve which is contrary to standard practice and not required having regard to the site's access to Macleay Street, it is recommended the above structures and facilities not be approved*

3.3 Biodiversity/ Bushcare officer – Sustainable Waverley

The application has been reviewed by Council's Biodiversity/ Bushcare officer who has advised as follows:

*The applicant submitted additional Statement of Environmental Effects and Assessment of Significance in December 2017. There are number of deficiencies in these reports that render their conclusions incorrect. In particular, the estimate of the seed bank area by the applicant's consultant EcoLogical is significantly less than the seed bank known to be present on the site, and the consultant's conjecture regarding the capacity of the species to regenerate on this site is significantly understated. Recent surveys by Council's consultant, as well as historical surveys, indicate that the seed bank of *Acacia terminalis* ssp. *terminalis* extends much further to the east and west of that area suggested by EcoLogical.*

Comments on Statement of Environmental Effects:

Section 5.2.5 'Terrestrial Biodiversity'

States on p 25 – 26

Assessment: A terrestrial Biodiversity area exists within the subject site. Existing native flora will be retained between the northern boundary of the subject site and Loombah Road above. The section of escarpment within the site boundary that is proposed to be excavated is mainly clear of any significant biodiversity.

This statement is contradictory of itself. It says that a biodiversity exists within the site and then goes on to say that the area proposed to be excavated is “mainly clear of any significant biodiversity”. That this area could now be considered as “mainly clear of any significant biodiversity” is mostly due to: (i) the fact that this area was cleared by persons allegedly contracted by the property owner on 28 December 2016; and (ii) that the ‘Assessment of Significance of Acacia terminalis ssp. terminalis’ by EcoLogical significantly under-states the extent of the potential soil seed bank of this threatened species.

This area does contain significant biodiversity as it: (i) it contains the seed bank of Waverley LGA’s only extant population of the threatened species Acacia terminalis ssp. terminalis; as well as (ii) a number of other plant species indigenous to the Waverley LGA making it a floristically diverse site. This diversity was previously outlined and species were listed in referral by Sam Mc Guinness on 10 April 2017. The significance of this site is also recognised by the NSW Government as a ‘Saving our Species’ site due to the presence of Acacia terminalis ssp. terminalis, and the Office of Environment and Heritage are supporting the restoration of this site through its ‘Saving our Species’ program.

States on p 26

It is noted that there has been little maintenance of the vegetation in this biodiversity area, and Council’s stormwater currently drains into the area which has caused rubbish to collect.

This statement is incorrect. Council has been maintaining the vegetation on this site since 2011 and has records to back this up. In recent years Council contractors have been visiting the Council-managed land on this site approximately monthly to remove weeds, and are continuing to do so. There is little rubbish present on site as Council and contractors have cleaned up the site. Contractors have installed coir logs and boulders at the western end to channel storm water away from the eastern end of the site and to make soil conditions more suitable for regeneration of native species. Recent emergence of a seedling of Acacia terminalis ssp. terminalis at the western end of the site (mapped in Figure 1) demonstrates that these works are successfully assisting natural regeneration of native plant species on site, including Acacia terminalis ssp. terminalis.

Also on p 26.

It is therefore considered that the proposal will improve the outcome on the site within the Terrestrial Biodiversity area. Please see additional advice in Appendix 3.

This statement does not say how biodiversity will be improved by the applicant’s proposal. Any further clearing of the vegetation remaining on the land, building on the land and/ or excavation of the cliff will further damage the biodiversity of the site.

The document does not contain an Appendix 3, so the additional advice cannot be viewed or assessed.

Comments on Assessment of Significance of Acacia terminalis ssp terminalis by EcoLogical:

This report contains a number of incorrect or dubious claims, both around the extent of the soil seed bank of and population viability of Acacia terminalis ssp. terminalis. It claims that fire is the main dormancy-breaker and germination trigger of this species. While this is correct, the report neglects to mention until page 11 that soil disturbance (for example by digging) is also a germination trigger.

A recent survey by Council’s bush regeneration contractors found three living individuals over a much larger footprint than identified by EcoLogical. One new seedling has appeared towards the western end where soil was disturbed during works undertaken to manage stormwater flows (see Figure 1). This is clear evidence that fire is not necessary at the Loombah site to trigger germination of Acacia terminalis ssp. Terminalis. This clearly shows that Ecological’s mapping of the soil seedbank is

underestimated. The locations of the plants are identified by yellow stars in the aerial image below in Figure 9 below.

This report estimates the likely soil seed bank area for this species as 66 m², estimated following a search for plants of this species. It seems that no soil samples were taken to determine existence of soil seed bank. Their estimation of the extent of the soil seed bank is merely conjecture and seems to assume that the soil seed bank will only exist within a small radius of the parent plant. That seed dispersal of this species is undertaken by ants (See OEH website) means that seeds of this species can be distributed much further than the location of the parent plant.

It is quite possible that the soil seed bank of this species is spread across most of the land that on top of the cliff that belongs to 20 Loombah Road. Further evidence for this claim is that the species was previously surveyed to the east of 20 Loombah Road, see referral dated 2 June 2017.

*EcoLogical's claims that the Loombah population of *Acacia terminalis* ssp. *terminalis* is Waverley's only is correct. The report goes on to say that this means that the population is destined for extinction, but does not acknowledge that there are several more populations nearby in the Woollahra LGA. Considering all these smaller populations as a meta-population, that population is still viable. Information about this species on the Office of Environment and Heritage's website says that its habitat is generally sparse and scattered, and that most areas of habitat or potential habitat are small and isolated.*

The species is pollinated by flying animals – small birds and bees, meaning that the potential gene pool of the Loombah Road population is not restricted to this site.

This population has already survived 50 years of development surrounding the site so there is no reason to think that it may not be able to survive into the future.

The EcoLogical report claims in the Conclusion to Seven Part Test part d(i) that the applicant's amended proposal would not result in removal of the estimated seedbank area. This is true if EcoLogical's estimated seed bank area of an estimated 66 square metres is to be believed, but as noted above, this estimation has now been demonstrated to be incorrect. In d(iii) the Conclusion incorrectly states that the amended proposal will not remove habitat (see response to d(i) above). The conclusion part (f) claims that "The amended proposal is not inconsistent with the Recovery Plan." The amended proposal is inconsistent with the Recovery Plan as it is not minimising one of the threats to this species, that threat being land clearing. That conclusion goes on to say that the amended proposal will not result in the clearance of habitat of this species, which is incorrect as the soil seedbank, and habitat for this species is underestimated in the EcoLogical report.



Figure 9 Locations of living individuals of *Acacia terminalis* ssp. *terminalis* as mapped by Council's bush regeneration contractor in December 2017. This map does not include individual plants on the properties of 20 and 22 Loombah Road.

Recommendations

Should the application be supported, the following conditions shall be imposed:

- *No Excavation of the cliff occurs*
- *No further clearing of the vegetation on top of the cliff occurs*
- *The building plans be modified to avoid building on any of the seedbank of *Acacia terminalis* ssp. *Terminalis* as estimated by Waverley Council*
- *Any proposed staircase will be constructed in a way that allows access for Council's employees and contractors to access Council land.*

4. SUMMARY

The application seeks development consent for demolition of the existing dwelling and associated structures, excavation, construction of a three storey dwelling house at the site known as 20 Loombah Road, Dover Heights. The main issues in the assessment of the application are as follows:

- non-compliance with the height of buildings and floor space ratio development standards and the unfounded request to vary these development standards under clause 4.6 of Waverley LEP 2012;
- Impacts on the Terrestrial Biodiversity area of the Waverley LEP 2012;
- Encroachment on the predominant front building line;
- Loss of iconic views;
- Visual and acoustic privacy impacts;
- Overshadowing; and
- Visual impact.

The proposal has very little regard to the planning controls applying to the site. The sheer non-compliances encountered by the proposal demonstrates its adverse impacts on the natural environment and the amenity of adjoining properties, in particular the impacts on the Terrestrial Biodiversity area especially the species *Acacia terminalis ssp terminalis*, visual impacts associated with the loss of the rock face and unacceptable view loss impact upon the adjoining property to the east of the site at 18 Loombah Road.

The application attracted three submissions and a petition with 19 signatures from 17 properties and the issues raised in the submissions have been addressed in the body of the report and by way of the Recommendation.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and is accordingly recommended for refusal.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **REFUSED** by the Waverley Development Assessment Panel for the reasons outlined in Appendix A.

Report prepared by:

Application determined by:

Jo Zancanaro
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

**(Reviewed and agreed on behalf of the
Development and Building Unit)**

Date: 3 May 2018

Date: 7 May 2018

Reason for referral:

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

APPENDIX A – REASONS FOR REFUSAL

1. The proposed development is contrary to the aims and objectives of the State Environmental Planning Policy No. 19 - Bushland in Urban Areas with regards to preserving endangered species of *Acacia terminalis* subsp. *terminalis* and the adverse impacts on the continued survival of this habitat in this area.
2. The proposed development will result in adverse impact on an area identified as Biodiversity on the Terrestrial Biodiversity Map of Waverley LEP 2012 and it fails to comply with:
 - The objectives of cl.6.4(1)(a), (b) and (c) of Waverley LEP 2012;
 - The matters outlined under cl.6.4(3) (a)(i), (ii), (iii) and (iv) of WLEP;
 - Has failed to satisfy cl.6.4(4) of Waverley LEP 2012; and
 - The objectives and controls of Part B3 Biodiversity of Waverley DCP 2012.
3. The proposed development is excessive in height and fails to comply with:
 - The height of buildings development standard of 8.5m required by clause 4.3 of Waverley LEP 2012;
 - Objectives of the height of buildings development standard set out in clauses 4.3(1)(a) and (d) in Waverley LEP 2012;
 - Objectives (a), (b), (c), (d) and (f) set out in section 1.1 of Part C1 of Waverley DCP 2012; and
 - The external wall height control of 7m for pitched roof dwellings required by control (a) under section 1.1.2 of Part C1 of Waverley DCP 2012.
4. The proposed development results in excessive bulk and scale and its fails to comply with:
 - The floor space ratio (FSR) development standard of 0.5:1 required by clause 4.4A(c) of Waverley LEP 2012; and
 - Objectives of the FSR development standard set out in clauses 4.4(1)(b), (c) and (d) of Waverley LEP 2012.
5. The proposed development results in detrimental impact on an environmentally sensitive area, the local environment, neighbouring properties and the streetscape, and it fails to comply with:
 - The objective of cl.6.2(1) of Waverley LEP 2012 ensuring that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land;
 - The matters outlined under cl.6.2(3) (a), (b), (d), (g) and (h) of Waverley LEP 2012; and

- Part C1 Section 1.3 Excavation Waverley DCP 2012 including objectives (a), (b) and (c) and controls (d), (e), (f).
6. The proposed development results in adverse impact on an area identified as Biodiversity on the Terrestrial Biodiversity Map of Waverley LEP 2012 and it fails to comply with:
 - The objectives of cl.6.4(1)(a), (b) and (c) of Waverley LEP 2012;
 - The matters outlined under cl.6.4(3) (a)(i), (ii), (iii) and (iv) of Waverley LEP 2012;
 - Has failed to satisfy cl.6.4(4) of Waverley LEP 2012; and
 - The objectives and controls of Part B3 Biodiversity of Waverley DCP 2012.
 7. The proposed development is inconsistent with regard to building setback controls and does not comply with:
 - Objectives (d) and (e) under section 1.2 of Part C1 of Waverley DCP 2012; and
 - Control (a) and (d) under section 1.2.1 of Part C1 of Waverley DCP 2012 that requires new buildings to be extend no further than the front predominant building line.
 8. The proposed development is inconsistent streetscape and visual impact controls does not comply with:
 - Control (a) under section 1.4 of Part C1 of Waverley DCP 2012 in relation to new development to be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area;
 - Control (c) under section 1.4 of Part C1 of Waverley DCP 2012 in relation to the design of a development not dominating the streetscape, particularly when viewed from a public place such as a park or reserve; and
 - Control (d) under section 1.4 of Part C1 of Waverley DCP 2012 in relation to the design of a development to maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained.
 - The proposed development does not comply with control (i) under Section 1.7 Fences of Part C1 of Waverley DCP 2012 requiring fences including footings to not encroach on the street alignment or adjoining properties.
 9. The proposed development does not comply with visual and acoustic privacy controls as follows:
 - Objective (a) under section 1.8 of Part C1 of Waverley DCP 2012 in relation to the impact on existing residential or other properties due to unacceptable loss of privacy or generation of noise;

- Control (a) under section 1.8 of Part C1 of Waverley DCP 2012 in relation to the location of habitable room windows to not directly face windows to habitable rooms and/ or open space of neighbouring dwellings;
 - Controls (c) and (d) under section 1.8 of Part C1 of Waverley DCP 2012 in relation to the maximum size of elevated deck or balcony.
10. The proposed development does not comply with solar access and overshadowing controls as follows:
- Objective (c) under section 1.9 of Part C1 of Waverley DCP 2012.
 - Control (c) under section 1.9 of Part C1 of Waverley DCP 2012 that states that any reduction of sunlight as a result of a variation to FSR, maximum building and wall height or setback controls may be considered unacceptable.
11. The proposed development does not comply with regards to view sharing principles as given in the Waverley DCP 2012 as follows:
- Objectives (a) and (b) under section 1.10 of Part C1 of WDCP.
 - Control (c) under section 1.10 of Part C1 of Waverley DCP 2012 that encourages development to be designed and sited to enable a sharing of views with surrounding dwellings.
12. The proposed development does not comply with landscaping and open space controls as given in the Waverley DCP 2012 as follows:
- Objectives (a) and (c) under section 1.12 of Part C1 of Waverley DCP 2012 that is to enhance the amenity and visual setting of the site, streetscape and surrounding neighbourhood;
 - Objective (c) under section 1.12 of Part C1 of Waverley DCP 2012 that requires the retention and increase in remnant populations of endemic flora and fauna; and
 - Control (i) under section 1.12 of Part C1 of Waverley DCP 2012 that requires existing natural features including sandstone and rock features to be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape.
13. The proposed development does not comply with swimming pools and spa pools controls as given in the Waverley DCP 2012 as follows:
- Objectives (b) under section 1.13 of Part C1 of Waverley DCP 2012 that seeks to retain visual and acoustic privacy of adjoining properties; and
 - Control (f) under section 1.13 of Part C1 of Waverley DCP 2012 that encourages exposed pool structures to be screened if visible above ground.
14. The application proposes the construction of a pedestrian access bridge from Loombah Road and traversing over the road reserve and Biodiversity area to access the subject site. The pedestrian access bridge is to be constructed of lightweight materials which is to be supported

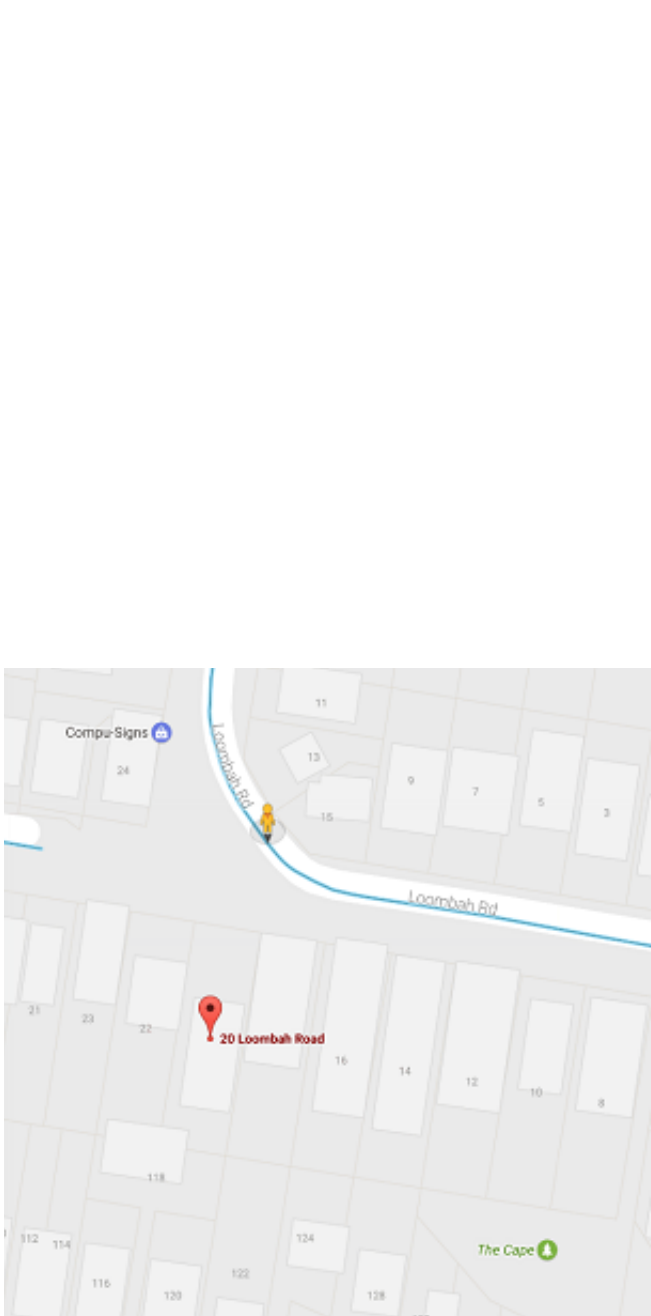
on the rock shelf. Limited information has been submitted to identify the impacts of the proposed bridge on the biodiversity area, endangered species, remnant vegetation and no approval has been granted for these works under the Roads Act 1993.

15. The proposal is contrary to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* in relation to the public interest as the proposal:

- Exceeds the relevant development standards and planning controls applying under Waverley LEP 2012 and Waverley DCP 2012, and will consequently undermine the integrity of these standards and controls in achieving the desired future character of the Waverley local government area;
- Removes a substantial portion of the natural rock shelf escarpment which will be detrimental to the natural topography of the area, the existing landscape character including the natural sandstone features when viewed from public areas and surrounding locality;
- Impacts on the identified Biodiversity area applying under Waverley LEP 2012 and Waverley DCP 2012;
- Impacts on the identified endangered species on site in accordance with the Threatened Species Conservation Act 1995 (NSW) and the Environmental Protection and Biodiversity Conservation Act 1999 which will consequently undermine the integrity of these provisions in protecting the survival of this habitat in the Waverley local government area.

16. The photo montage and plans submitted show the location of a 1.6m high fence to Loombah Road outside of the property boundaries and within the road reserve. No approval has been obtained under the Roads Act 1993 for these works. The applicant in their Statement of Environmental Effects states that *'the pedestrian access will not only provide access to the new development but will allow Council officers and experts to fully and safely survey the biodiversity remediation and any natural regeneration of the area'*, however, the construction of a fence and gate to Loombah Road as is proposed will prohibit access to the pedestrian access bridge.

17. The proposed development includes the provision of guest bedroom, ensuite, theatre/ living room, wet bar and gym at Level 0 which can be separately accessed at garage level and used as a secondary dwelling, however, the development application fails to identify the use for this purpose.



GOOGLE MAP SHOWING WHERE IMAGE IS TAKEN

PHOTOMONTAGE CREATED USING STREET VIEW ON LOOMBAH STREET
IMAGE GENERATED FROM GOOGLE MAP

REVISIONS		
NO.	DESCRIPTION	DATE
J	82a Review Submission	24/11/17

IF THE CONTRACTOR IS IN ANY DOUBT AT ANY TIME THEY ARE TO ASK THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK ON SITE.

DEVELOPMENT APPLICATION
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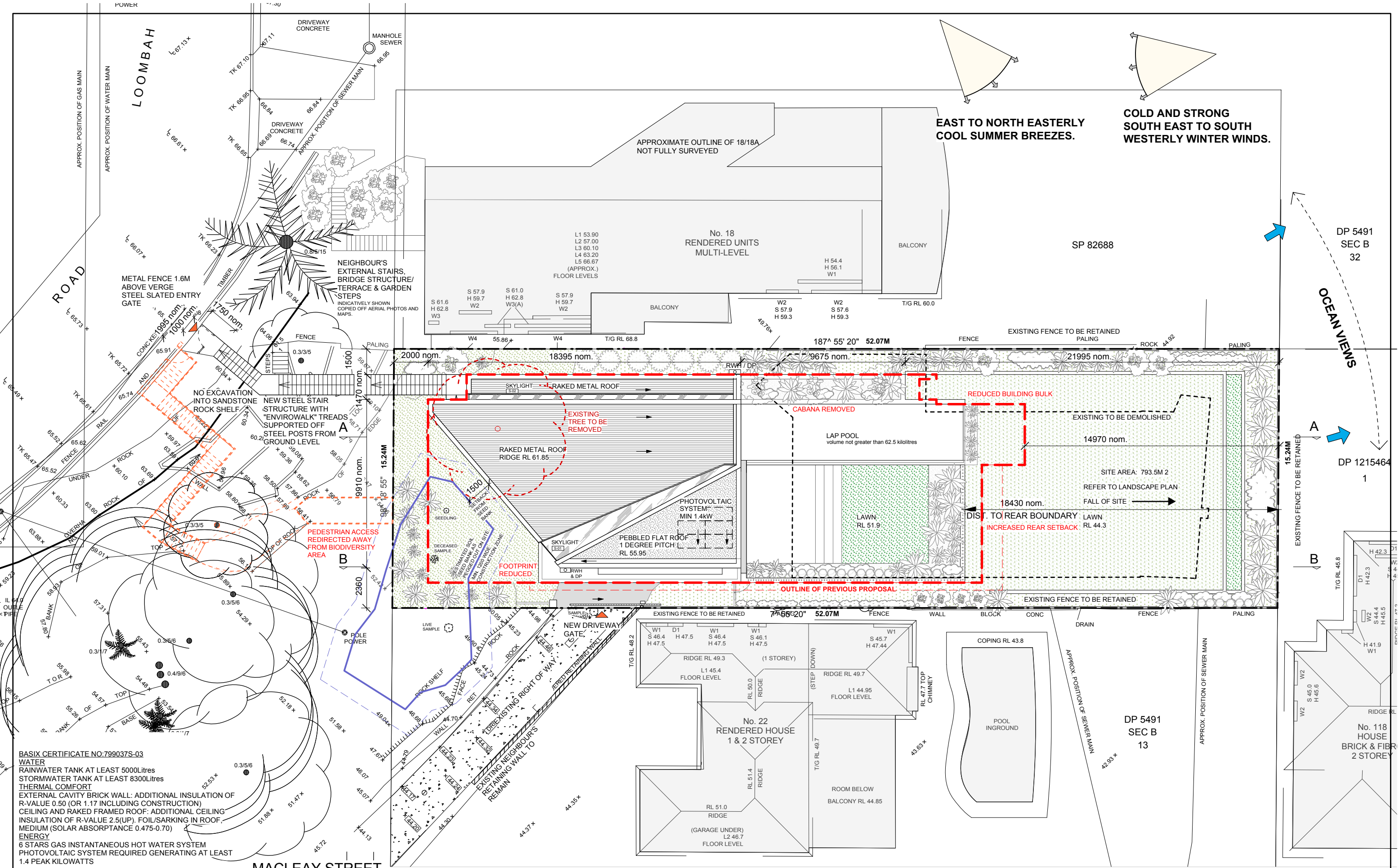
project 20 Loombah Road, Dover Heights
Lot 14 DP5491 SecB

drawing PHOTOMONTAGE LOOMBAH ROAD

project number 446
date MAR 2017

dwg number DA-16
scale N/A

392
revision J



REVISIONS		
NO.	DESCRIPTION	DATE
J	82a Review Submission	23/11/17

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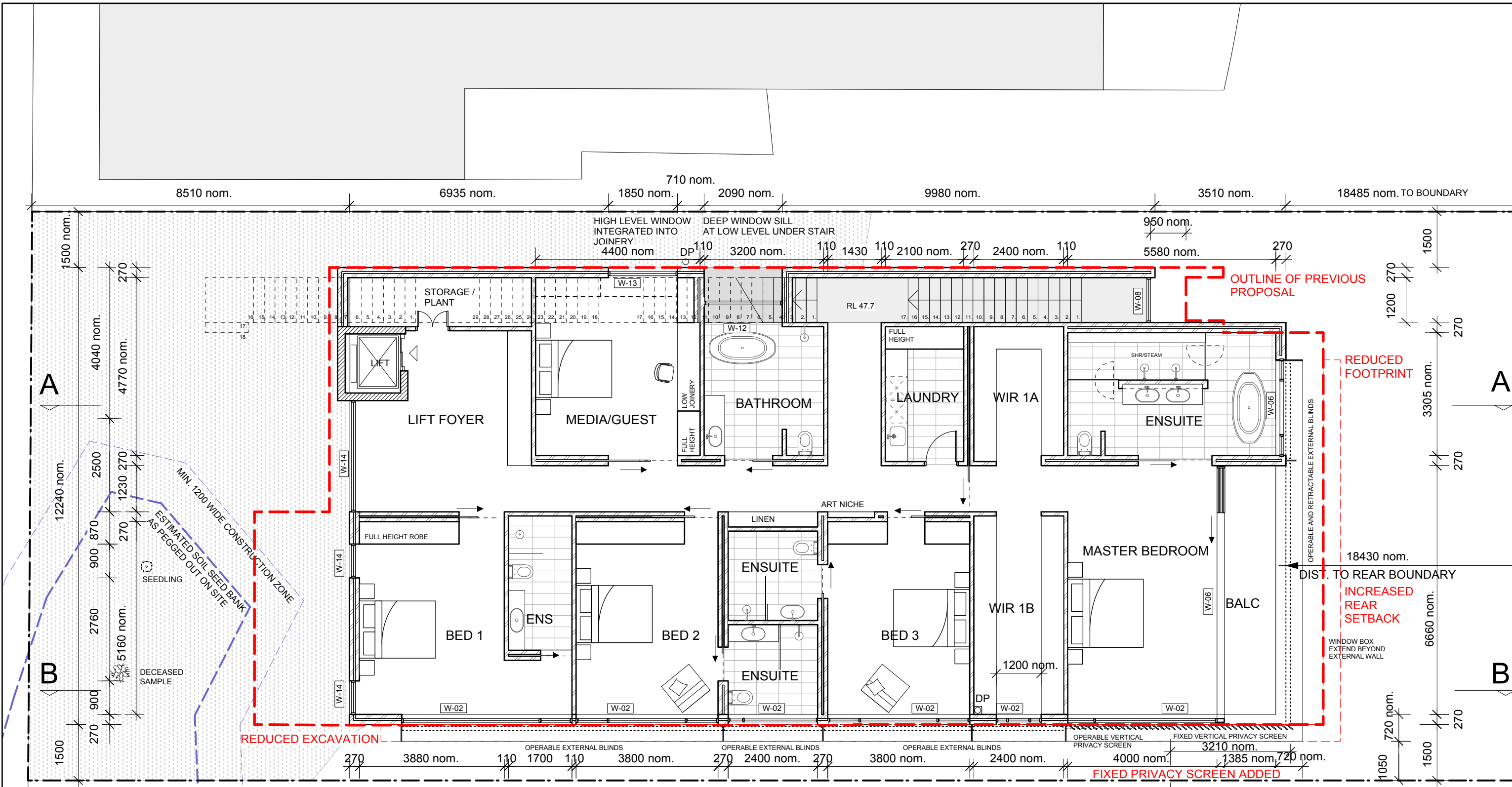
client
BELINDA SHAMIEH

project
20 Loombah Road, Dover Heights
Lot 14 DP5491 SecB

drawing
ROOF/ SITE PLAN

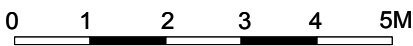
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393



BASIX CERTIFICATE NO:799037S-03
WATER
RAINWATER TANK AT LEAST 5000Litres
STORMWATER TANK AT LEAST 8300Litres
THERMAL COMFORT
EXTERNAL CAVITY BRICK WALL: ADDITIONAL INSULATION OF R-VALUE 0.50 (OR 1.17 INCLUDING CONSTRUCTION)
CEILING AND RAKED FRAMED ROOF: ADDITIONAL CEILING INSULATION OF R-VALUE 2.5(UP). FOIL/SARKING IN ROOF, MEDIUM (SOLAR ABSORPTANCE 0.475-0.70)
ENERGY
6 STARS GAS INSTANTANEOUS HOT WATER SYSTEM
PHOTOVOLTAIC SYSTEM REQUIRED GENERATING AT LEAST 1.4 PEAK KILOWATTS

REVISIONS		
NO.	DESCRIPTION	DATE
J	82a Review Submission	23/11/17



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client **BELINDA SHAMIEH**
project **20 Loombah Road, Dover Heights Lot 14 DP5491 SecB**
drawing **LEVEL 1 PLAN**
project number **446** dwg number **DR-13**
date **JAN 2017** scale **1:100 @ A3** revision **J**

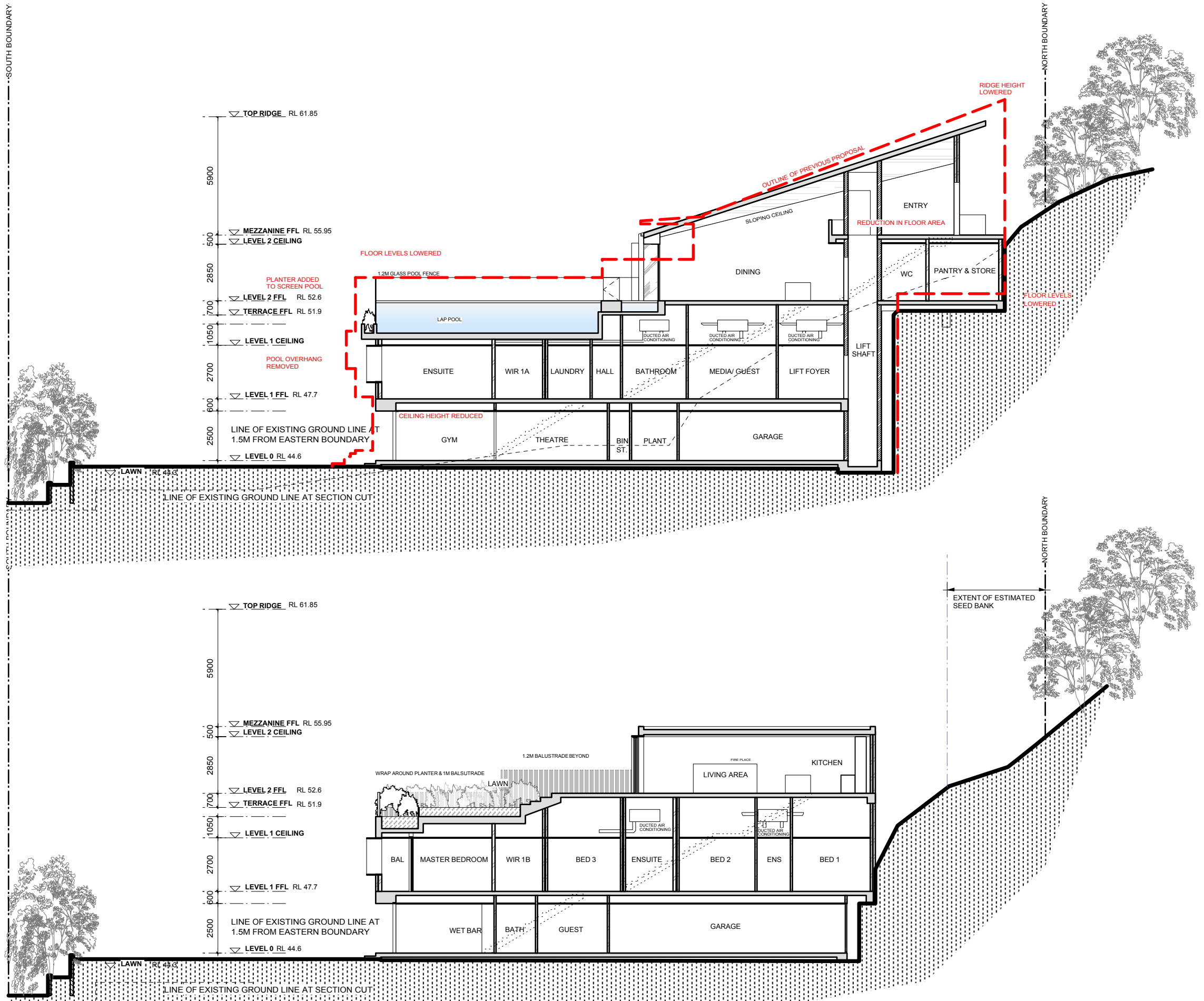
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SECTION AA

SECTION BB

BASIX CERTIFICATE NO:799037S-03
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STORMWATER TANK AT LEAST 8300Litres
THERMAL COMFORT
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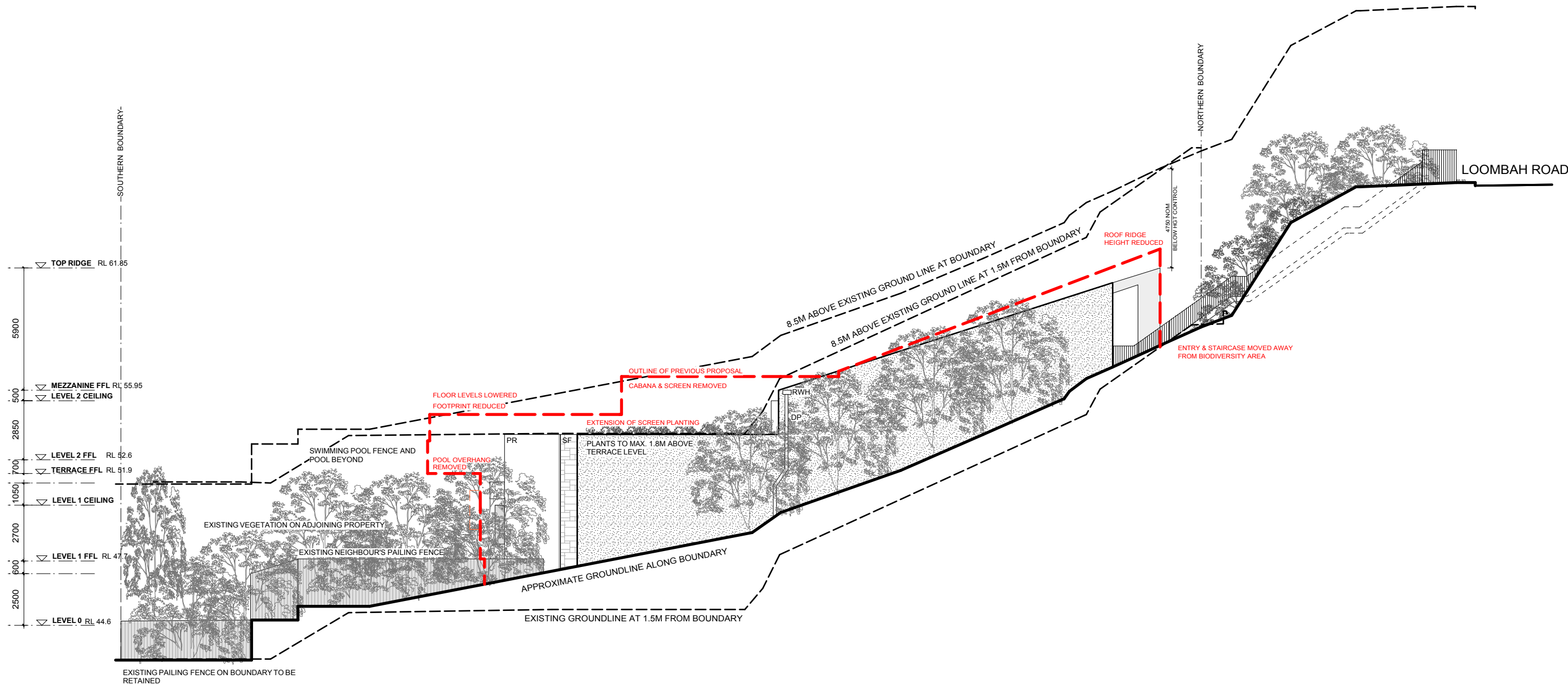
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LOT 14 DP5491 SecB
drawing SECTION AA & BB
project number 446
date JAN 2017
dwg number DA 96
scale 1:200 @ A3
revision J

398



BASIX CERTIFICATE NO:799037S-03

WATER
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STORMWATER TANK AT LEAST 8300Litres
THERMAL COMFORT
EXTERNAL CAVITY BRICK WALL: ADDITIONAL INSULATION OF R-VALUE 0.50 (OR 1.17 INCLUDING CONSTRUCTION)
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REVISIONS		
NO.	DESCRIPTION	DATE
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LEGEND
PR - PAINTED RENDER
SF - STONE FACED MASONRY WALL
FG - FIXED GLASS
LV - GLASS LOUVRES

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DEVELOPMENT APPLICATION
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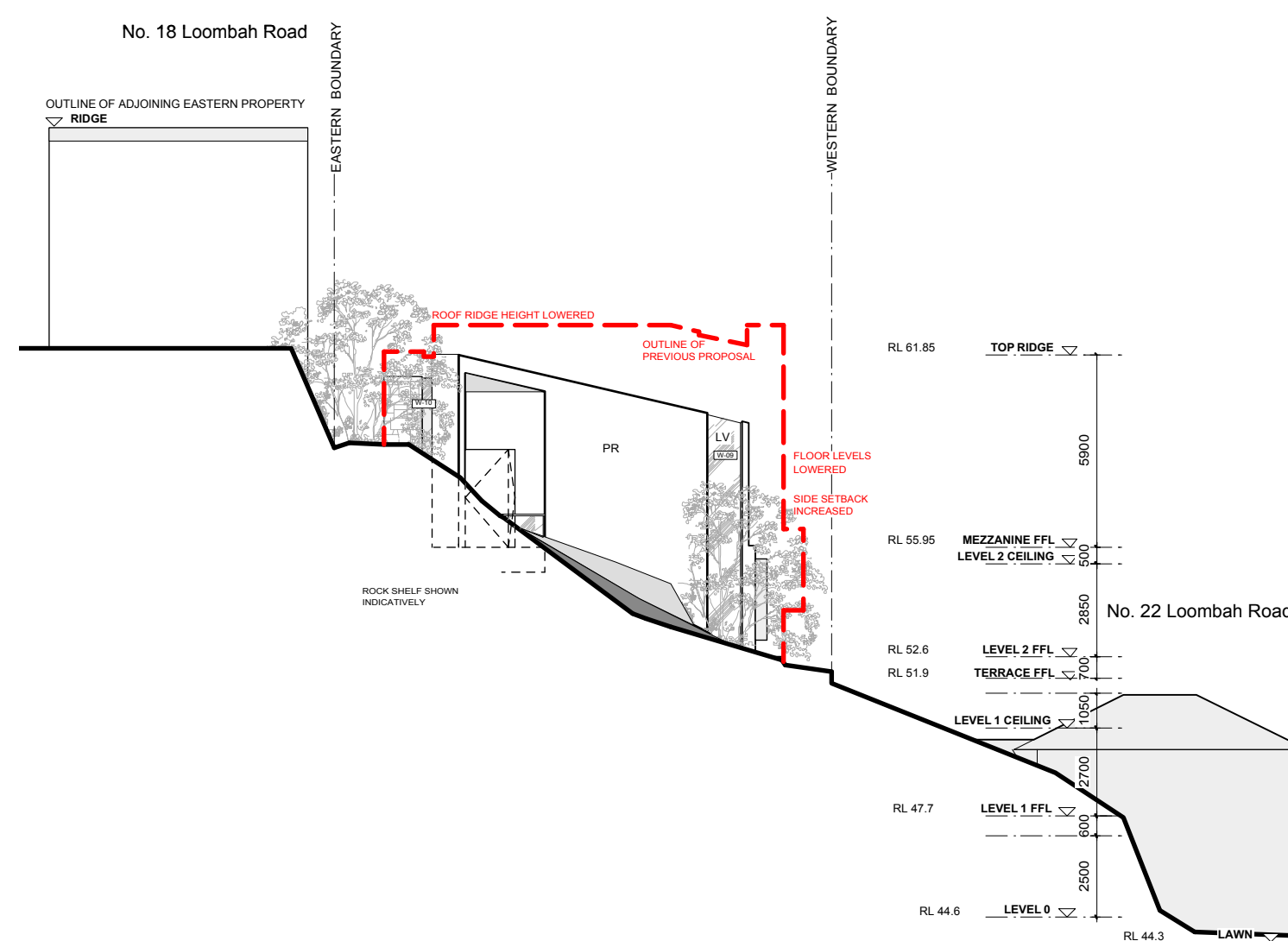
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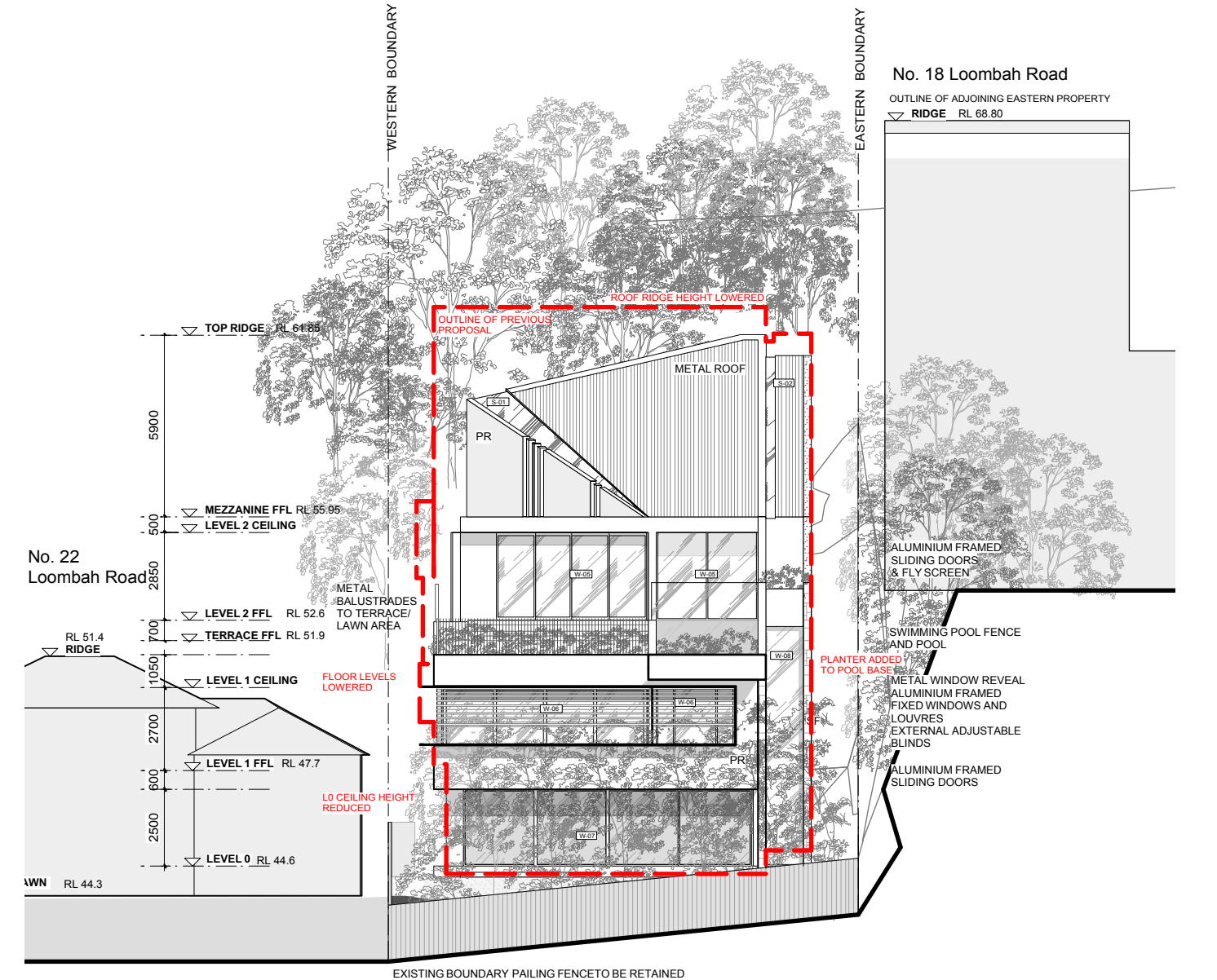
client BELINDA SHAMIEH
project 20 Loombah Road, Dover Heights
LOT 14 DP5491 SecB
drawing EAST ELEVATION
project number 446
date JAN 2017
dwg number 446
scale 1:200 @ A3
revision J

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400



SOUTH ELEVATION

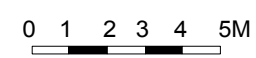


NORTH ELEVATION

BASIX CERTIFICATE NO:799037S-03
WATER
RAINWATER TANK AT LEAST 5000Litres
STORMWATER TANK AT LEAST 8300Litres
THERMAL COMFORT
EXTERNAL CAVITY BRICK WALL: ADDITIONAL INSULATION OF R-VALUE 0.50 (OR 1.17 INCLUDING CONSTRUCTION)
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REVISIONS		
NO.	DESCRIPTION	DATE
J	82a Review Submission	23/11/17

LEGEND
PR - PAINTED RENDER
SF - STONE FACED MASONRY WALL
FG - FIXED GLASS
LV - GLASS LOUVRES



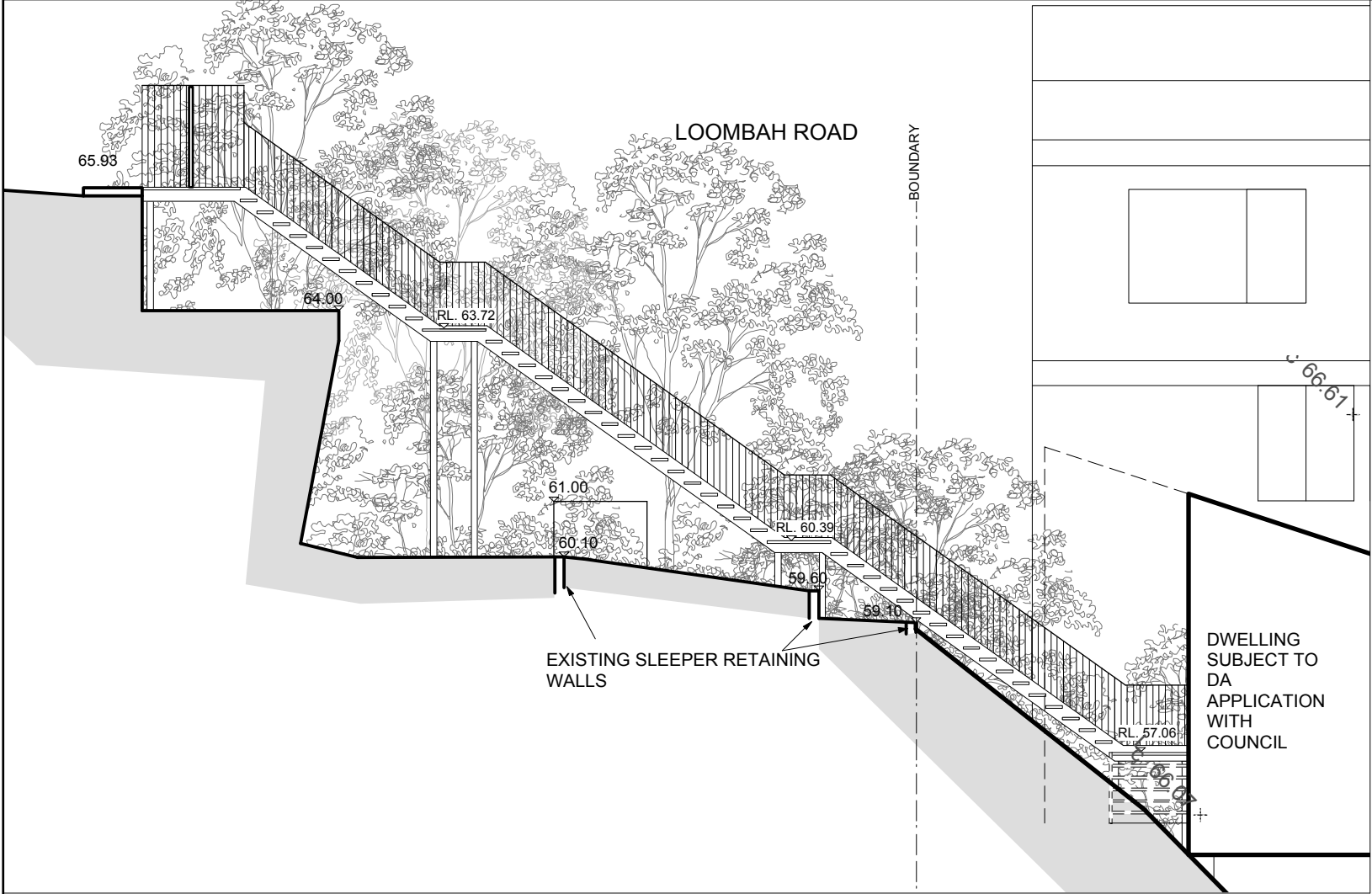
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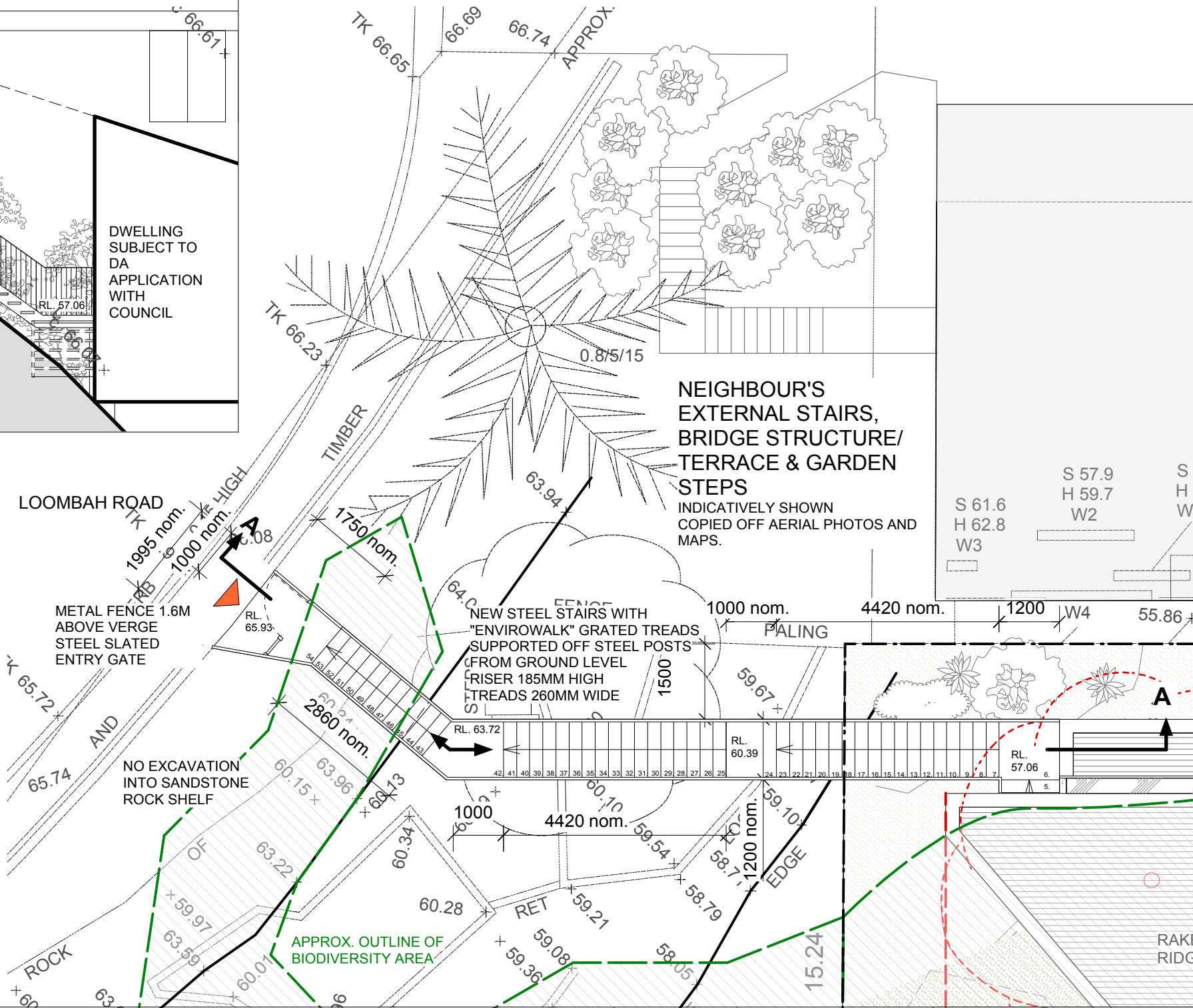
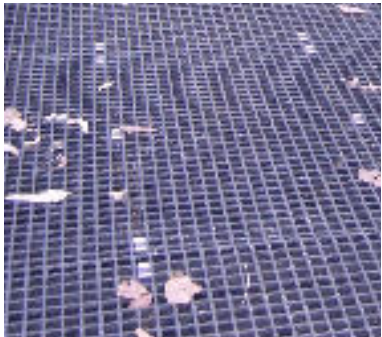
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project 20 Loombah Road, Dover Heights LOT 14 DP5491 SecB
drawing NORTH & SOUTH ELEVATIONS
project number 446
date JAN 2017
dwg number 446
scale 1:200 @ A3



SECTION AA- DEVELOPED LONG SECTION
THRU CENTRE OF STAIR OVER COUNCIL LAND

FRP BOARDWALK IMAGE



SITE PLAN -
PROPOSED STEEL STAIRCASE OVER COUNCIL LAND

REVISIONS		
NO.	DESCRIPTION	DATE
B	82a Review Submission	24/11/17

ALL STRUCTURAL INFO, REFER TO ENGINEERS' DRAWINGS AND SPECIFICATIONS.



0 1 2 3 4 5M

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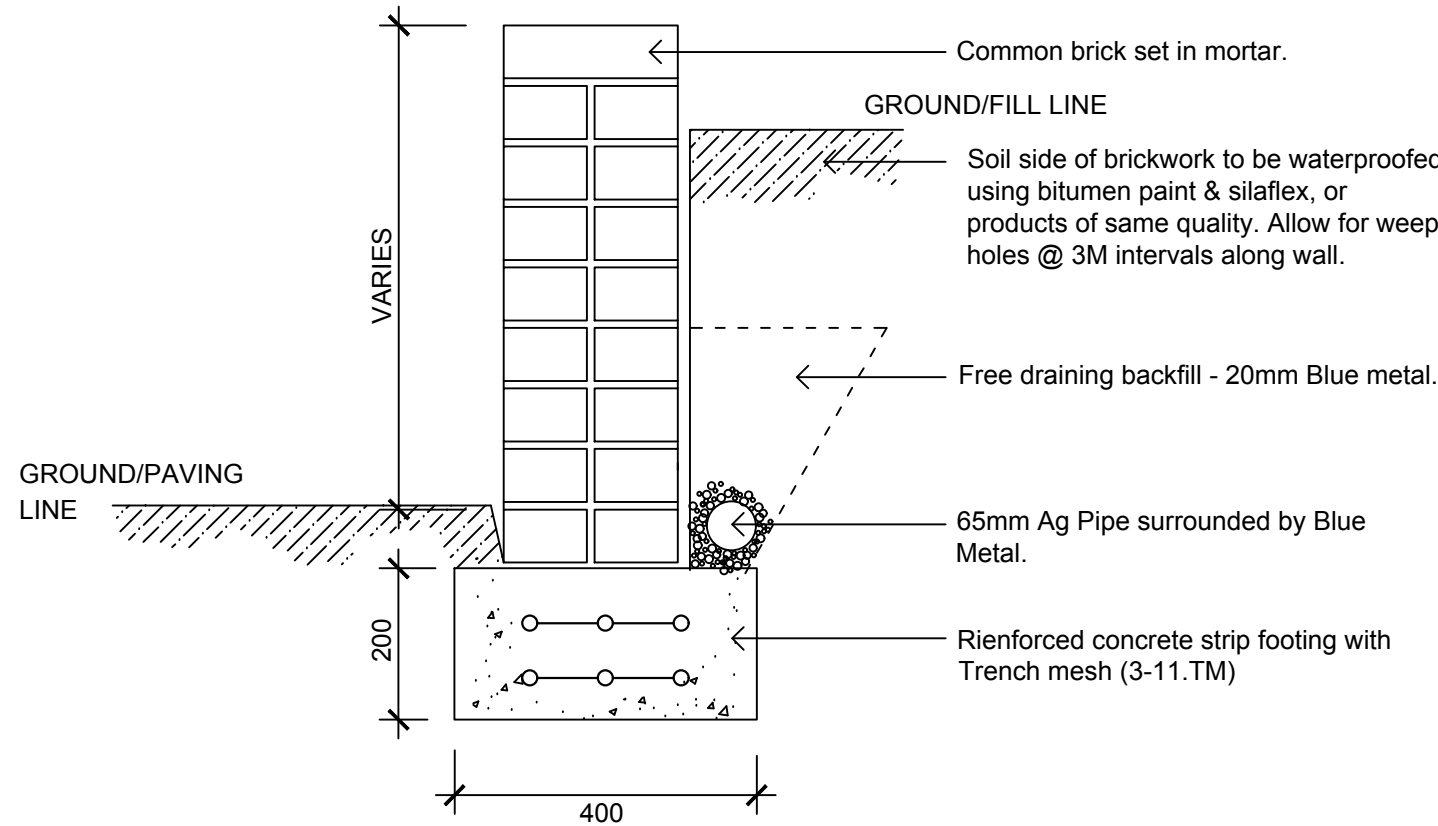
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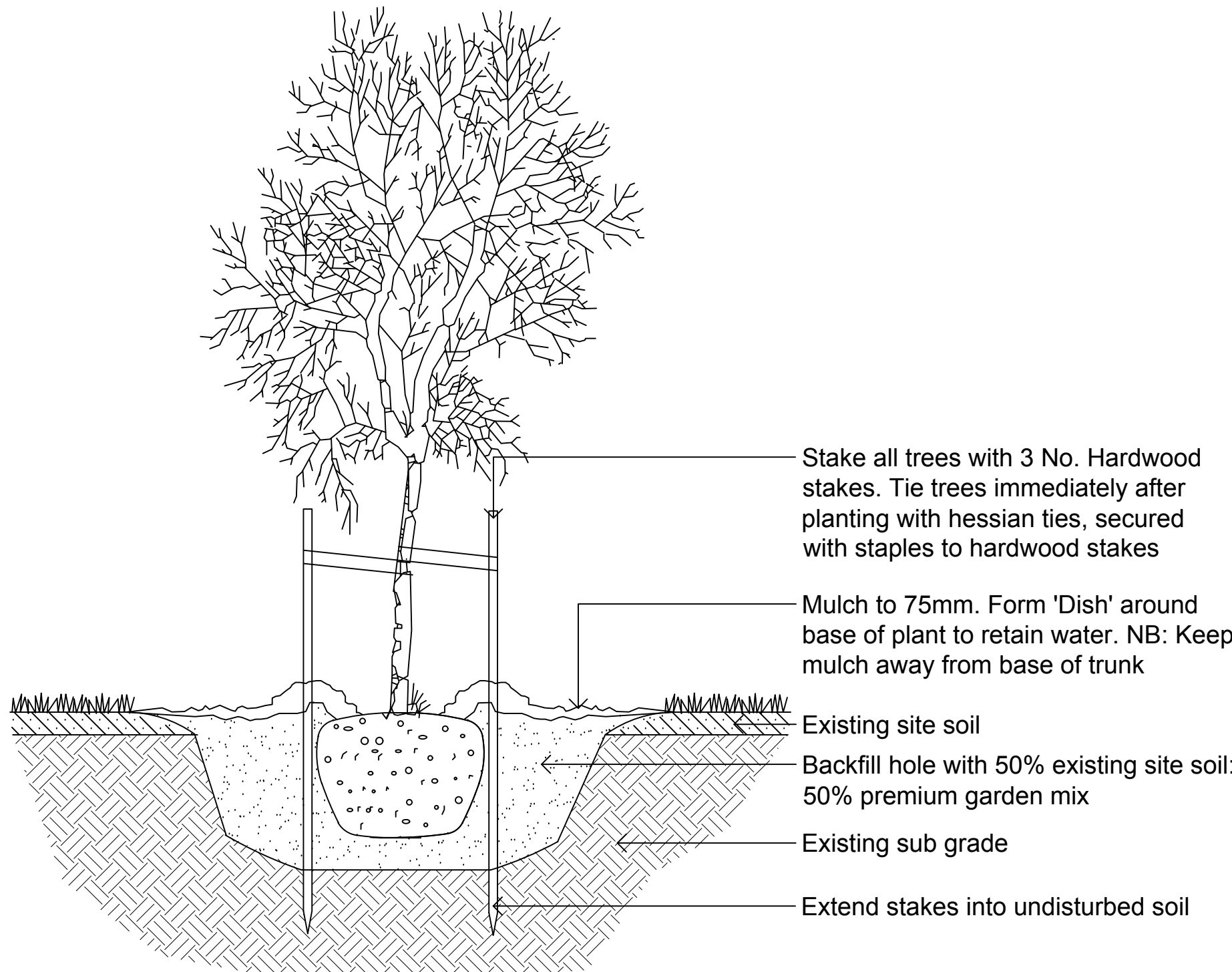
client **BELINDA SHAMIEH**
project **20 Loombah Road, Dover Heights
Lot 14 DP5491 SecB**
drawing **WALK WAY DETAIL**
project number **446** dwg number **DA 18**
date **OCT 2017** scale **VARIES@A3** revision **B**

402

PLANTING SCHEDULE:					
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	POT SIZE	MATURE HEIGHT
	28	<i>Casuarina</i> 'Cousin It'	Cousin It	200mm	3m
	9	<i>Corymbia</i> 'Summer beauty'	Summer Beauty	50Ltr	4m
	4	<i>Livistona australis</i>	Cabbage tree palm	100Ltr	8m
	120	<i>Lomandra longifolia</i> 'Tanika'	Dwarf Mat rush	100mm	.6m
	15	<i>Syzygium leuhmannii</i>	Lilli pilli	400mm	3m
	12	<i>Waterhousia floribunda</i>	Waterhousia	100Ltr	6m
	400	<i>Dichondra repens</i>	Kidney weed	Tubes	Ground cover
	185sqm	Sir Walter Buffalo	Sir Walter Lawn	Rolls	Lawn

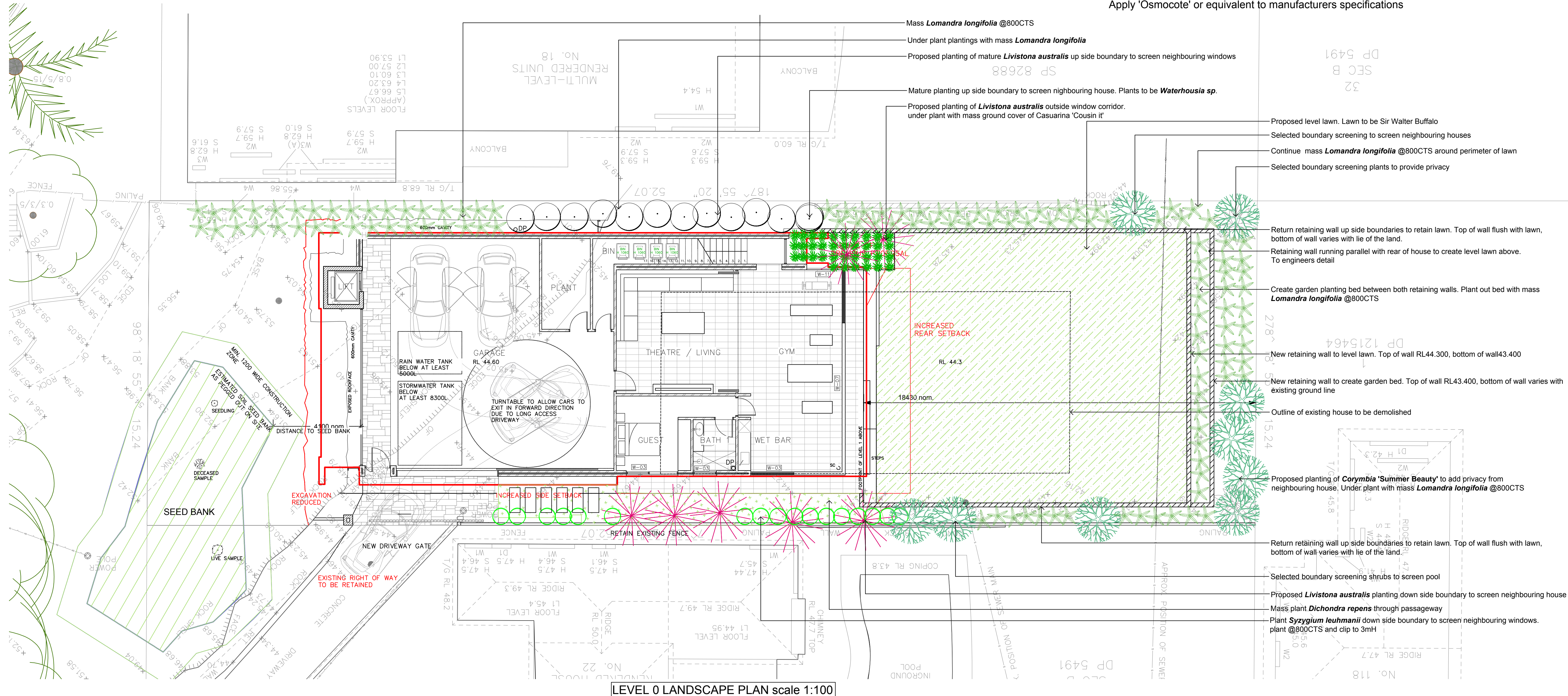


TYPICAL BRICK RETAINING WALL DETAIL
SCALE: 1:10



TYPICAL TREE STAKING/PLANTING DETAIL
SCALE 1:50

NOTE: Planting hole must be minimum 2 $\frac{1}{2}$ times rootball size
Apply 'Osmocote' or equivalent to manufacturers specifications



LEVEL 0 LANDSCAPE PLAN scale 1:100

SITE NOTES:

1. SITE PREPARATION

Any existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape work. In particular, root systems of existing plants must not be disturbed. Any nearby site works should be carried out carefully using hand tools. Trees shall not be removed or lopped unless specific written approval to do so is given or is indicated on plan. Storage of materials, mixing of materials, vehicle parking, disposal of liquids, machinery repairs and refuelling, site office and sheds, and the lighting of fires shall not occur within three (3) metres of any existing or new trees. Do not stockpile soil, rubble or other debris cleared from the site, or building materials within the drip line of existing or new trees. All vegetation not shown on plan to be removed.

2. SERVICES

Services and utilities shown have been located by physical evidence and/or by reference to surveys provided. Pits may not have been opened to verify the type of utility. Excavation has not been carried out to confirm underground location. Service details should be confirmed with the relevant service authority during design and prior to commencement of construction.

3. SOIL PREPARATION

All proposed planting areas are to be deep ripped to 500mm and clay soils to be treated with clay breaker. 75mm depth of A.N.L. Organic Garden Mix to be imported and combined with 25mm depth Greenlife compost or approved equivalent. Care to be taken to hand cultivate in any area where existing tree roots exist to preserve health of trees.

4. NEW PLANTINGS

Newly planted super advanced trees are to be secured with 3 @ 1.8m x 22mm x 22mm hardwood stakes with hessian ties to prevent excessive movement. Planting holes for plants are to be large enough to take the root ball with additional space for back fill with soil prepared as in 2.

5. MULCHING

All planting areas, unless otherwise specified, to be mulched with ANL (or equivalent) forest fines Hortgrade to 50mm deep with catchment dish to be left around base of plants.

6. IRRIGATION

Automatic watering system to be selected and installed to extend to all landscaped areas included in works including lawn areas. The Landscape Contractor is to liaise with Council as necessary, to ensure that the irrigation system conforms with all Water Board, Council & Australian standards and regulations.

7. POOL ENCLOSURE

Pool fencing to be frame less glass type to comply with Australian Standards for Pool enclosure requirements regarding height and gate fixtures.

8. TURF

Turf to be Sir Walter Buffalo. Turf to be laid on 50mm topsoil over 200mm deep rotary hoed prepared area. Turf areas to be evenly graded. Adequate drainage to be provided under lawn area.

9. RETAINING WALLS

All retaining walls over 900mm to be to Engineers specifications and to council approvals.

10. HARD CONSTRUCTION

All civil, structural and hydraulic work associated with this project shall be to consulting Engineer's details. All external stairs to be constructed in accordance with Clause D2.13 of the Building Code of Australia.

11. EXTRAS

80mm DIA conduit required under all paving and paths for cable access.

12. TREE REMOVAL

Where trees are recommended for removal owner should seek council approval to do so.

VENATION LANDSCAPES

PO BOX 562 FRESHWATER NSW 2096



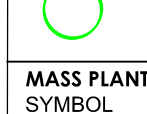







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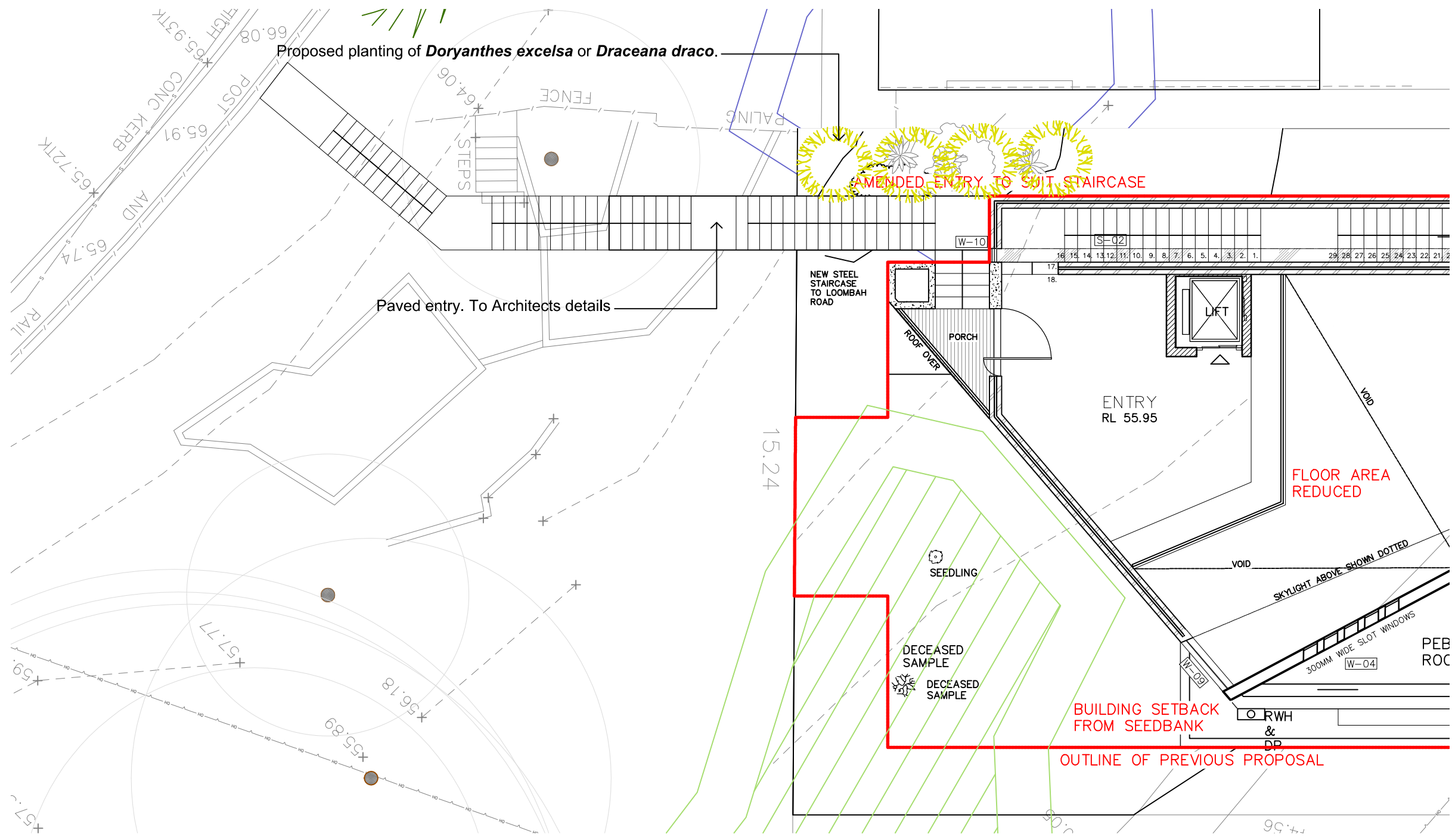
project

**SHEIMAH
RESIDENCE
LANDSCAPE PLAN
COUNCIL PLAN 1**
20 LOOMBAH ROAD
DOVER HEIGHTS
NSW

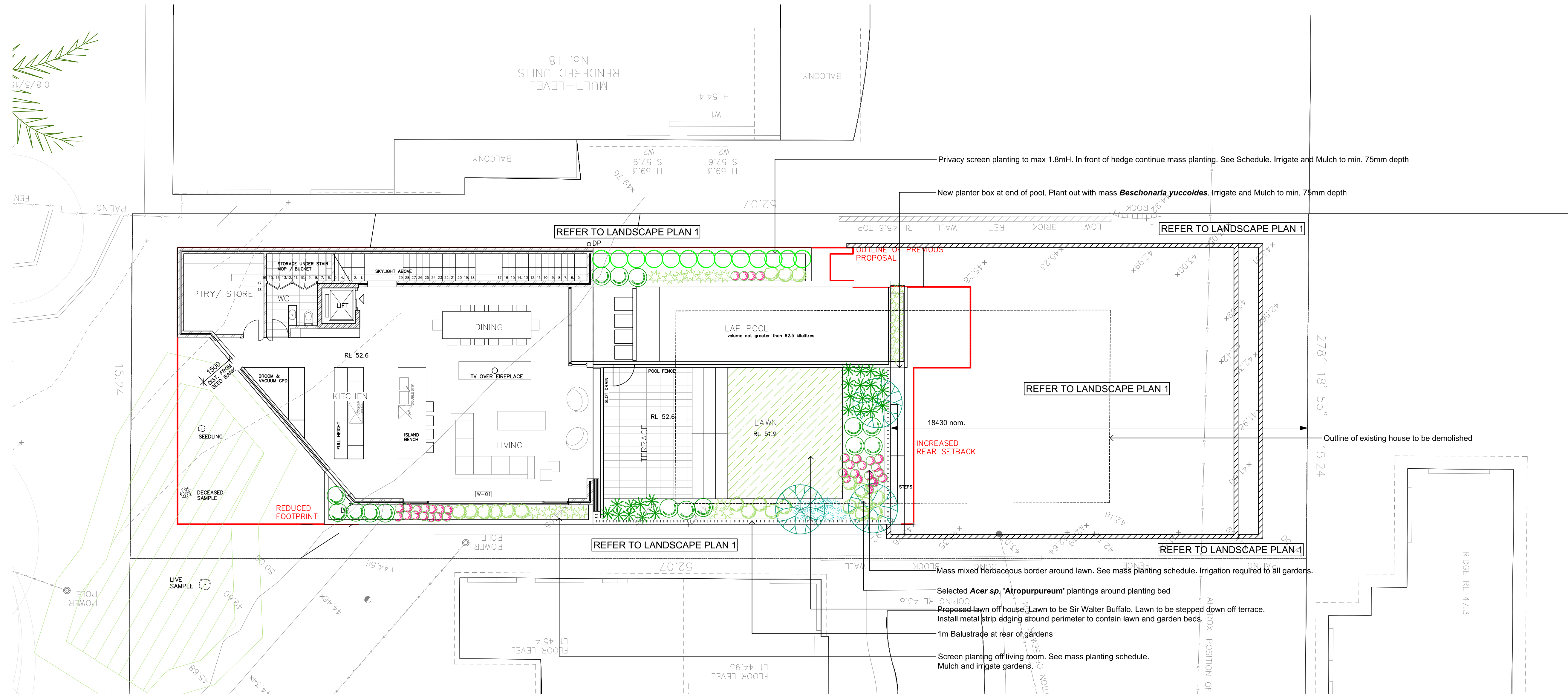
designer	MARCUS	date	12.01.2018
drawn by	MARCUS	scale	1:100
job ref		issue	C

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PLANTING SCHEDULE:				
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	POT SIZE
	3	Acer sp. 'Atropurpureum'	Maple	50Ltr
	4	Doryanthes sp.	Gymea lily	300mm
	15	Syzygium leuhamii	Lilli pilli	400mm
MASS PLANTING SCHEDULE:				
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	POT SIZE
	5	Miscanthus sp.	Japanese Silver grass	200mm
	16	Buxus micro. 'Japonica'	Clipped Buxus balls	200mm
	50	Sanseveria sp.	Mother-in laws tongue	200mm
	22	Strobilanthes gossypinus	Pewter Plant	200mm
	12	Teucium sp.	Teucium	200mm
	15	Beschomera sp.	Mexican lily	200mm
	30sqm	Sir Walter Buffalo	Sir Walter Lawn	Rolls



MEZZANINE LEVEL LANDSCAPE PLAN SCALE 1:100



SITE NOTES:

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9. RETAINING WALLS

All retaining walls over 800mm to be to Engineers specifications and to council approvals.

10. HARD CONSTRUCTION

All civil, structural and hydraulic work associated with this project shall be to consulting Engineer's details. All external stairs to be constructed in accordance with Clause D2.13 of the Building Code of Australia.

11. EXTRAS

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12. TREE REMOVAL

Where trees are recommended for removal owner should seek council approval to do so.

VENATION LANDSCAPES

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project

SHEIMAH

RESIDENCE

LANDSCAPE PLAN

COUNCIL PLAN 2

20 LOOMBAH ROAD

DOVER HEIGHTS

NSW

designer

MARCUS

date

12.01.2018

drawn by

MARCUS

scale

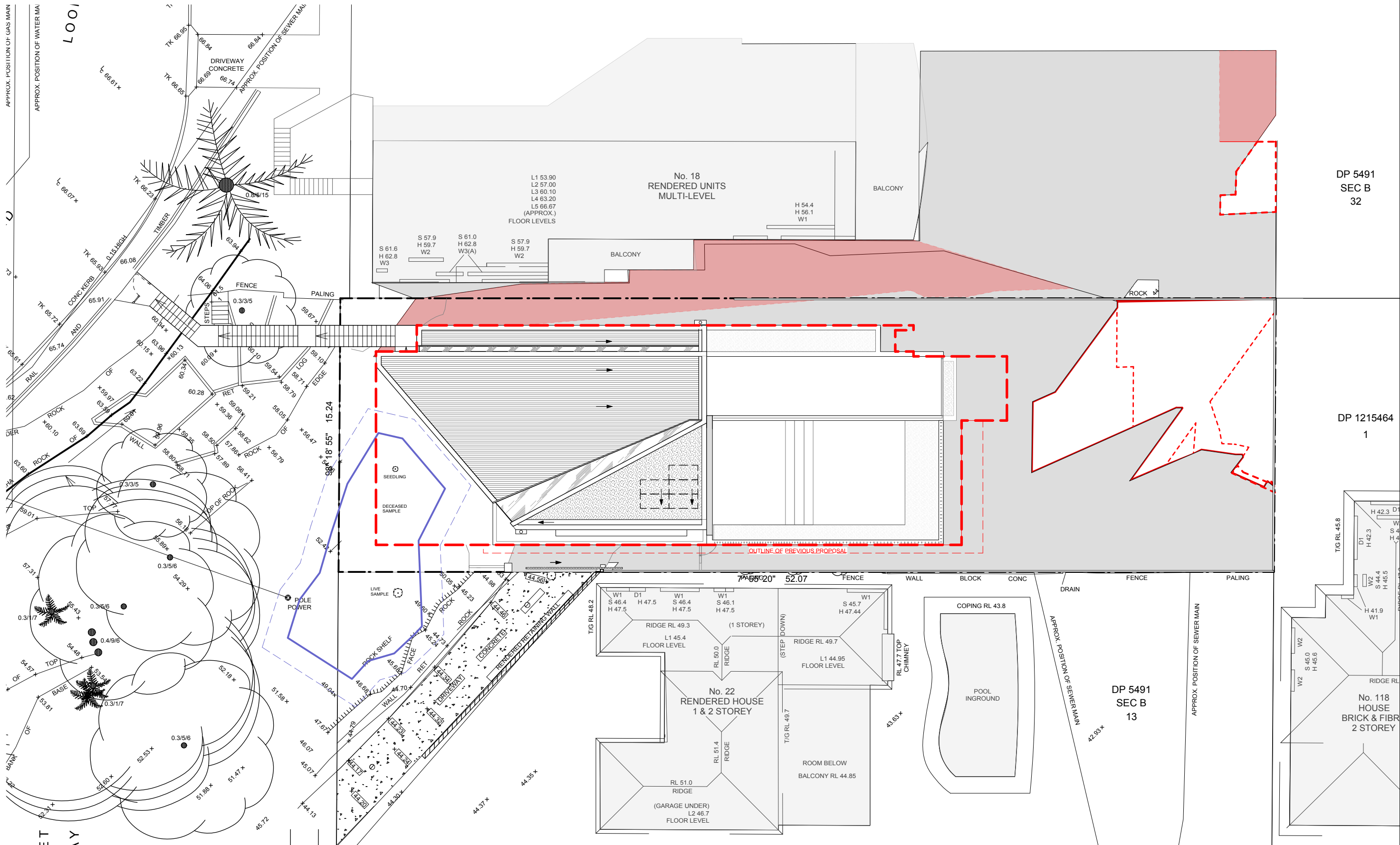
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job ref

issue

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NO.	DESCRIPTION	DATE
J	82a Review Submission	23/11/17

- SHADOW REDUCTION DUE TO PROPOSAL
- ADDITIONAL SHADOW CAST DUE TO PROPOSAL
- EXISTING SHADOW

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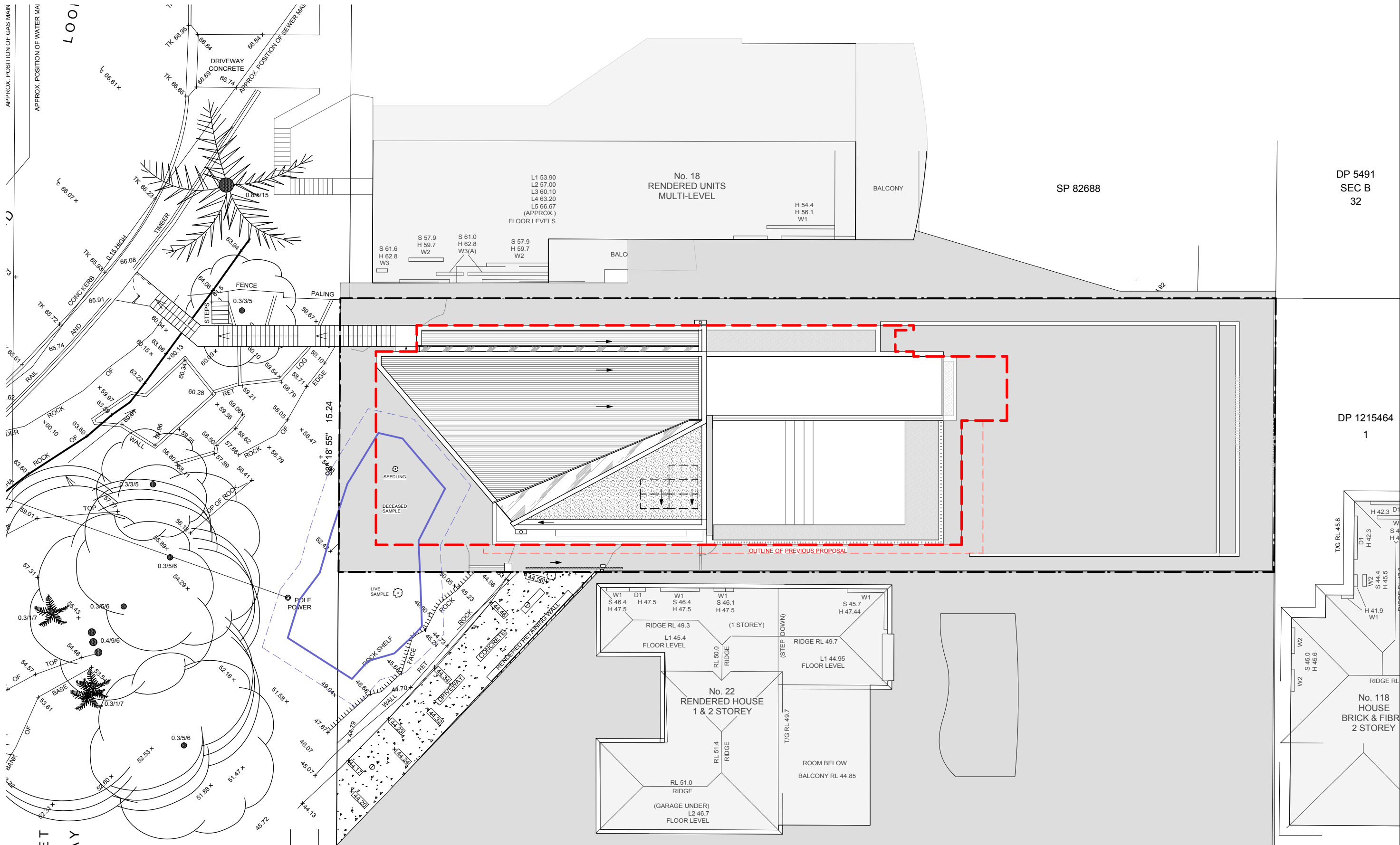
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client	BELINDA SHAMIEH		
project	20 Loombah Road, Dover Heights Lot 14 DP5491 SecB		
drawing	SHADOW DIAGRAMS 3PM WINTER SOLSTICE		
project number	446	dwg number	405
date	JAN 2017	scale	1:200 @ A3
		revision	J



REVISIONS		
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J	82a Review Submission	23/11/17

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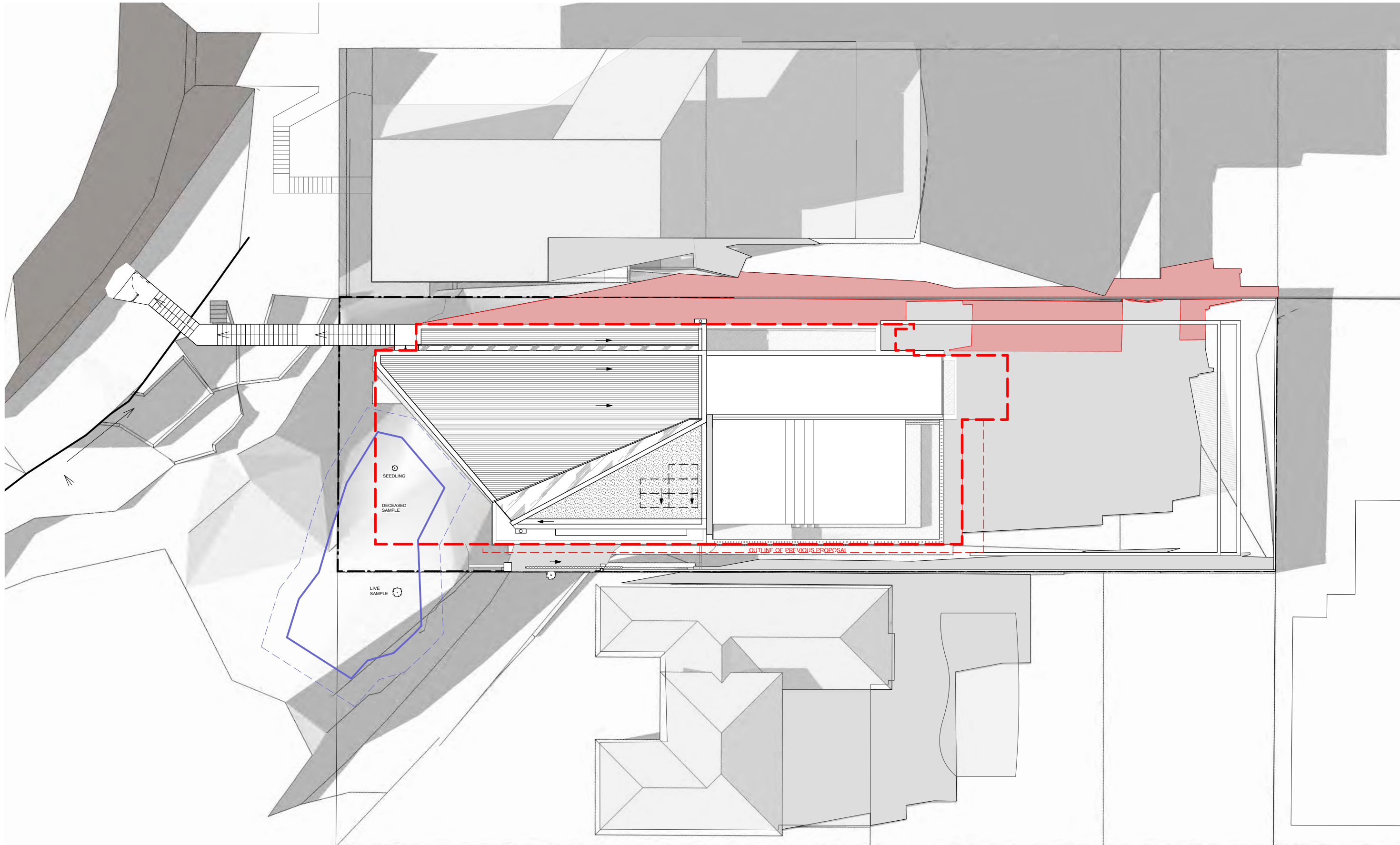
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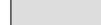
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project **20 Loombah Road, Dover Heights
Lot 14 DP5491 SecB**
drawing **SHADOW DIAGRAMS 9AM WINTER SOLSTICE**
project number **446** dwg number **406**
date **JAN 2017** scale **1:200 @ A3** revision **J**



REVISIONS		
NO.	DESCRIPTION	DATE
J	82a Review Submission	23/11/17

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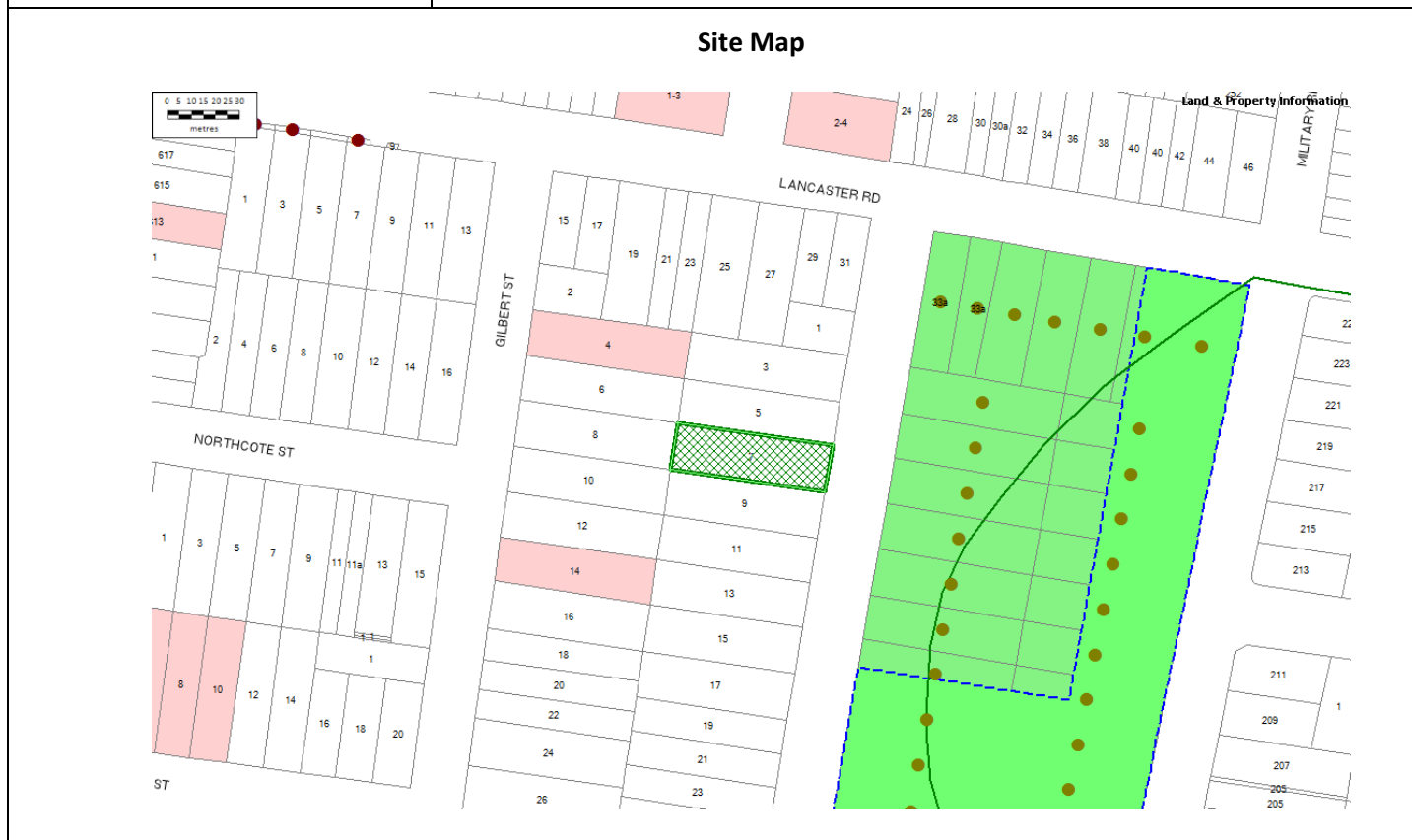
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project 20 Loombah Road, Dover Heights
Lot 14 DP5491 SecB
drawing SHADOW DIAGRAMS 12PM WINTER SOLSTICE
project number 446
date JAN 2017
dwg number 407
scale 1:200 @ A3
revision J



Report to Waverley Development Assessment Panel

Application number	DA-243/2017
Site address	7 Portland Street, Dover Heights
Proposal	Demolition of existing dwelling and construction of dual occupancy and two swimming pools
Date of lodgement	20 June 2017
Owner	Mr T Ventura
Applicant	Daniel Stukel Beasley Architect
Submissions	One submission
Cost of works	\$2 612 170
Issues	Height; FSR; Wall height; Setbacks; Public domain views.
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 7 September 2017.

The site is identified as Lot 30 in DP 6242, known as 7 Portland Street, Dover Heights. The site is rectangular in shape with north and south (side) boundaries measuring 51.76m and 51.51m respectively, and east (front) and west (rear) boundaries measuring 15.245m. The site has an area of 784.1m² and falls from the front towards the rear by approximately 4m.

The site is occupied by a part one and two-storey dwelling with vehicular access to an integrated carport from Portland Street.

The subject site is adjoined by the Turkish Consulate to the north (No. 5), a three-storey building with a large undercroft parking area at the lower ground floor level. The adjoining property to the south (No. 9) is a part one and two-storey detached dwelling which has a current development application in Council for the construction of an upper floor addition (DA-525/2017). Opposite the site on Portland Street is Dudley Page Reserve and Sydney Water facilities. The surrounding area is characterised by large part two and three-storey dwellings.



Figure 1: Site viewed from Portland Street



Figure 2: Site viewed from the rear



Figure 3: Rear yard and existing pool

1.2 Relevant History

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

After initial assessment, the application was deferred on 2 November 2017 for the following reasons:

- **Height and bulk**

Waverley Local Environmental Plan 2012 (the LEP) specifies a height development standard of 8.5 metres for the subject site and an FSR of 0.5:1. The proposal must not exceed the height development standard of 8.5 metres and as such, the bulk of the building must be reduced at the rear to comply. This in turn, will result in reduced FSR on the site.

Additionally, Waverley Development Control Plan 2012 (the DCP) specifies a wall height of no more than 7.5 metres for flat roofed buildings. The height is taken from the existing ground level (refer to definitions within the DCP). The proposal exceeds this control and results in a loss of significant Harbour and Opera House views from Dudley Page Reserve to the east of the site. In this regard, the height of the structure at the front shall also be reduced to comply with the wall height control of 7.5 metres.

The recessed balconies at the rear contribute to the bulk of the rear portion of the structure. Consider lightweight balconies with associated lightweight screening to reduce bulk.

Please note that when calculating gross floor area, the definition contained within the LEP should be strictly adhered to. In this regard, lifts and stairs in dwellings are included on all levels except the topmost floor (as this is considered a void). Lifts and stairs in dwellings are not 'common' circulation spaces (common spaces are only within residential flat buildings). Please adjust any calculations and documentation accordingly.

- **Front entries and side setbacks**

The DCP requires a minimum side setback, for the entire building of 1500mm for three storey structures. Setbacks of 900mm will only be considered where the building is two-storeys in accordance with the DCP.

The proposal includes the raising of the side setbacks, and the existing ground levels within, at the front of the site to provide level access to the dwelling from the side elevations. This will result in excessively high side boundary walls at this part of the site impacting upon the neighbouring property. Additionally, side entries are not encouraged due to the fact that the front entries are not clear and legible from the street. In this regard, the front entries to the dwellings shall be relocated to minimise high walls on the side boundaries. Reduced setbacks (ie, 900mm) may be considered for the length of the garages in order to achieve this (although the remainder of the proposal shall be set back 1500mm as specified above). Additionally, a single garage per dwelling should be considered.

Amended plans were received on 20 December 2017 which increased the rear setback at the first floor level by 1m, introduced a void at this level, lowered the overall height of the building by 565mm and made changes to the side boundary walls and entry. These plans form the basis of the assessment within this report.

1.3 Proposal

The proposal seeks consent for the demolition of the existing dwelling on the site and construction of a part two and three-storey dual occupancy (Dwelling 7A to the north and Dwelling 7B to the south). Each dwelling will provide a double garage accessed from a shared driveway from Portland Street and a swimming pool within the rear yard.

Dwelling 7A is located on the northern side and will provide four bedrooms and Dwelling 7B, located on the southern side, will provide three bedrooms and 2 x studies. Balconies will be provided at the ground and first floor levels at the rear and at the first floor level at the front.

Entry to both dwellings is provided from the side boundaries of the site which results in high retaining walls and balustrading on the side boundaries of the site.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 79C of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 79C (1)(a) Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	Subdivision is not proposed as part of this application.
Land Use Table R2 low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the zone. The proposal is consistent with the zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal has a maximum height of 10.22m exceeding the development standard by 1.72m or 20%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 	No	The proposal has an FSR of 0.62:1 exceeding the development standard by 97m ² or 25%.
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 5 Miscellaneous provisions		
5.9 Preservation of trees or vegetation	Yes	<p>The proposal includes the removal of a large Norfolk Island Pine and a smaller Cypress tree from the rear yard. The application was referred to Council's Tree Management Officer who agreed that the trees could be removed. Conditions of consent are included in Appendix A.</p> <p>The proposal also includes a front driveway adjacent to a street tree. Council's Tree Management Officer agreed with the Arborist Report submitted with the application, that the tree would not be adversely impacted as</p>

Provision	Compliance	Comment
		a result of the driveway crossing. Conditions were also provided which are included in Appendix A.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The site already slopes steeply from the street to the rear and the proposal incorporates a basement at the lower ground floor level under the garage at ground level to provide a storage room. Appropriate conditions in relation to excavation are included in Appendix A and this is considered appropriate.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 10.22m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.72m or 20%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposal is considered to be responsive to the character and context of the area and will provide for a high quality urban design outcome.
- The height and scale of the proposal relates to the topography of the site and the street character and does not unreasonable impact on the amenity of surrounding properties in terms of overshadowing, privacy and view loss.
- The property at the rear of the site was approved with a maximum height of 9.4m (0.9m or 11% over the development standard) and resulted in a loss of city skyline views from the subject property. The height of 10.22m at the rear is to gain back these lost views.
- The proposal is compliant with height at the front and the additional height will not be discernible from the street (being located at the rear).

The objectives of the height development standard within the LEP are:

4.3 Height of buildings

(1) The objectives of this clause are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*

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

It should be noted that the approval of a height of 9.4m for 8 Gilbert Street (as mentioned in the objection to a development standard) was only to certain sections of the building, being a roof lantern over the internal stairwell and glass balustrades and roof parapets at the front western portion of the site. The rear elevation of the building, which obstructs views from the first floor level of the subject site, is well below the 8.5m height control, at 7.2m. The site slopes at the front of the site to the footpath level and it is the front of the building which exceeds the height control. According to the assessment report for this dwelling, this building also complies with the FSR of 0.5:1. In this regard, a compliant building form on the site would already impact upon the view from the subject site and this is not considered to be a valid argument. Nor is the need to vary the height development standard to obtain views over another building a valid argument as this would have a detrimental cumulative impact.

The breach of the 8.5m height limit occurs from the mid-point of the building with the non-compliance increasing towards the rear as the dwelling achieves a height of three-storeys at the western elevation. The proposal is not inconsistent with the height of buildings along the western side of Portland Street where sites slope steeply from the front toward the rear. This slope allows buildings to present to the street as two-storey buildings increasing at the rear to three storeys. The majority of these buildings exceed the height development standard at the rear and the proposal would not be inconsistent with that pattern of development.

Notwithstanding, whilst strict compliance with the height control is not warranted, there is scope to reduce the height of the building further at the rear to improve view loss from Dudley Page Reserve to the east of the site. As detailed later in this report, there is a public domain view over the site of the Harbour, Opera House and Harbour Bridge from Dudley Page Reserve. Although the proposal complies with the height control at the front, the proposal provides floor-to-ceiling heights of 2.865m per floor. The Building Code of Australia (BCA) requires 2.4m high ceilings for habitable rooms in dwellings however recent practice in dwelling construction is for ceiling heights of 2.7m. In this regard, in order to balance the requirements in terms of height of both the LEP and DCP with internal amenity for the dwellings, ceiling heights of 2.7m are considered more than adequate. This will allow the building to be reduced in height by 495mm. The reduction in height will also reduce the height at the rear and retain more of the public domain view over the site. A condition to this effect is included in Appendix A.

Additionally, the public domain view loss is directly attributable to the height of the proposal at the rear of the site. If a greater setback were introduced at the upper floor level at the rear, the retention of a greater proportion of the Opera House view from Dudley Page Reserve may be achievable. The proposal exceeds the FSR development standard by 25% and results in view loss and overshadowing impacts upon the adjoining southern property. It is also noted that surrounding development incorporates greater setbacks at the first floor level than that proposed in the subject application. As such, a further condition requiring that the rear setback of the first floor level be increased by a further 2m, and the balcony and roof accordingly, is included in Appendix A. This will further reduce the height non-compliance at the rear to 9.5m.

It should also be noted that the proposal incorporates a large undercroft area at the lower ground floor level to each dwelling. This area is not included in FSR calculations and pushes the height of the building up at the rear. Typically, a building will step in height with the slope of the land as required by the DCP controls. The subject proposal seeks to provide the undercroft and increase the size of the

building at the upper floor level resulting in height and FSR non-compliances. The condition requiring increased rear setback at the upper floor level will provide a stepped form at the rear reducing impacts upon surrounding properties.

Subject to the amendments outlined, it is considered that compliance with the height development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be in the public interest as it is consistent with the objectives of the development standard and the zone.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.62:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 97m² in gross floor area or 25%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The envelope has been designed to align with the existing and recently approved developments on Portland Street and within the general vicinity of the site.
- The property at the rear of the site was approved with a maximum height of 9.4m and resulted in a loss of city skyline views from the subject property. The envelope of the proposal has been designed to gain back these lost views.
- The scale of the development is consistent with other recent approvals within the area and the FSR is similar to surrounding properties.
- The proposal maintains solar access to surrounding properties and is not considered to be responsible for any unreasonable view or privacy impacts.
- The proposed development is an efficient and appropriate use of the land that is compatible with the site and zoning.

The objectives of the FSR development standard within the LEP are:

Clause 4.4 Floor Space Ratio

(1) The objectives of this clause are as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

The subject proposal exceeds the FSR development standard by 97m². As outlined in the previous section of this report, amendments are recommended to reduce the height and FSR of the proposal by setting in the upper floor level a further 2m from the rear. The proposal incorporates an undercroft at the lower ground floor level (that is not included in FSR calculations) and then seeks to provide additional floor space at the rear first floor level which is the area of highest impact on the building. It is entirely feasible for the floor space at the first floor level to be reasonably located at the lower

ground floor level with direct access to the rear yard. It is considered unnecessary to provide the additional floor space at the first floor level where it has greatest impact in terms of bulk and scale, view loss, and compliance with the development standards.

Subject to the amendments outlined, the proposal will be commensurate in scale with surrounding properties and overshadowing and overlooking impacts upon surrounding properties will be reduced. There is also the potential to retain more of the public domain view over the site from Dudley Page Reserve.

Accordingly, it is considered that compliance with the FSR development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be in the public interest as it is consistent with the objectives of the development standard and the zone.

2.1.4 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>The proposal includes a garbage storage area within the front setback of each dual occupancy dwelling. The storage area will be within an enclosure and contained behind the front boundary wall effectively screening the garbage storage from the street. Landscaping around the bin storage will also further inhibit views of the structure from the street. This location enables level and convenient access to the street for collection.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>
2. Energy and water conservation	Yes	<p>A BASIX Certificate was provided with the application.</p> <p>Appropriate openings are provided on all elevations for adequate cross ventilation and solar access.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>
5. Tree preservation	Yes	Refer to Table 1.
6. Stormwater	Yes (by condition)	The stormwater plans provided were referred to Council's engineer and the plans are not satisfactory. A condition is included in Appendix A in this regard.
7. Accessibility and adaptability	Yes	Level access is provided to the front door of each dwelling. Additionally each dwelling is provided with a lift servicing all levels.
8. Transport	Yes	The proposal generally complies with the relevant objectives and controls relating to transport and on-site car parking. Refer to Table 3 for more detailed discussion.

Development Control	Compliance	Comment
10. Safety	Yes	<p>Each dwelling provides front balconies and windows overlooking the street. Although the entry to each dwelling is from the side boundary, the path to the entry is clear and legible with a clear walkway along each side boundary to a separate gate.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No	The proposal has a maximum wall height of 8.7m however the wall height at the street frontage is 7.63m.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<p>The front setback is between both adjoining properties and is considered acceptable. The pattern of development within the street is upper floor levels being contained toward the front of the site over the ground level and as such the first floor level front setback is also considered acceptable.</p> <p>The proposal provides a rear setback which is also consistent with the predominant rear building line of surrounding properties.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.5m 	No	The lower ground and ground floor levels are set back from the side boundaries by 900mm with the first floor level having side setbacks of 1500mm.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	Excavation is 900mm from the side boundaries. Both swimming pools are located more than 900mm from all boundaries.
1.4 Streetscape and visual impact		
Impact upon streetscape	Yes	The proposal provides a contemporary building with a high level of finishes that contribute to the character of the building. The garages will be across the entire ground level frontage of the building however will be comprised of materials that carry through to the first floor level integrating the garages with the design of the building.

Development Control	Compliance	Comment
		The proposal incorporates a flat-roofed form which is consistent with the character of the street particularly given that there are public domain views over sites in Portland Street from Dudley Page Reserve. Overall, the proposal will contribute to the streetscape and is consistent with the emerging contemporary character of the street.
1.5 Dual occupancy development		
<i>Minimum lot size:</i> <ul style="list-style-type: none"> 450m² for attached Must appear as a single dwelling	Yes	The site area is 784.1m ² . The dwellings appear as a single dwelling at the street.
1.7 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes	<p>The height of the front fence varies from 1185mm – 1425mm due to a slight crossfall at the front of the site. However the fence has been designed to be low along the front boundary allowing views into, and out of, the site. Although strictly not compliant with the 1200mm height control, the front fence steps with the slope of the street and the objectives of this control are achieved.</p> <p>The amended proposal has sought to reduce the retaining wall height along the southern side elevation necessitated by the positioning of the entry to the dwellings from the side (refer to deferral matters in Section 1.2 <i>Relevant History</i> of this report).</p> <p>To the north, 5 Portland Street (Turkish Consulate) already provides high side boundary masonry walls and as such, the proposal to raise the side boundary walls will not unreasonably harm the amenity of this property.</p> <p>To the south, 9 Portland Street, is a single storey building with the principle entry from the northern side. The original proposal would have resulted in high side boundary walls up to 2.5m with further balustrading above. The proposal has been amended to reduce the overall height of the building resulting in a lowered finished floor level (FFL) at the entries. Additionally, the level of the planters along this boundary have been reduced forming a step between the planters and the path to the front entry with the</p>

Development Control	Compliance	Comment
		balustrade contained on the path. These amendments reduce the height of the retaining wall on the side boundary and are considered acceptable.
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<p>All windows on side boundaries have raised sill heights from 1500mm – 1700mm ensuring that privacy impacts on the adjoining dwellings are minimised.</p> <p>The new front windows and balconies overlook the street and front setbacks of adjoining sites which are areas of low privacy. This is acceptable.</p> <p>The new windows and balconies at the rear are a sufficient distance from the properties at the rear to ensure that there are no unreasonable privacy impacts.</p> <p>The balconies at the rear exceed the maximum controls of the DCP however this is consistent with surrounding properties with large rear balconies and raised living areas in order to access the views of the City and harbour.</p> <p>The northern side first floor balcony contains screening on the side boundary to inhibit direct overlooking of the adjoining property to the north. The southern side first floor balcony does not provide screening and is open allowing views into the rear yard of the adjoining southern property for a small part of the balcony. However this is consistent with the pattern of development on surrounding sites with many having high level balconies with no screening. In this regard, there is a degree of mutual overlooking in order to achieve views. This is an accepted impact given the lack of objection regarding this issue from adjoining properties and the pattern of development on surrounding sites.</p> <p>Given the above analysis, the proposal will not result in unreasonable additional privacy impacts upon surrounding properties.</p>
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas 	Yes	The living area windows and private open space of the subject dwellings will receive sufficient

Development Control	Compliance	Comment
<p>and principal open space areas on 21 June</p> <ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 		<p>solar access from 12pm onwards as the rear of the dwellings are orientated toward the west.</p> <p>Similar to the subject site, the adjoining dwelling to the south at 9 Portland Street has living area windows predominantly located at the rear and therefore receives solar access in the afternoon from 12pm to 3pm. The neighbouring southern property will receive solar access to the rear yard from 12pm to 3pm. Solar access to the rear balcony and rear elevation windows, although reduced by the proposed development from 12pm, will continue to receive solar access. The shadow cast by the proposal to the adjoining dwelling is not considered unreasonable, as the proposal commensurate in bulk and scale to buildings within the street. The amendments required by condition (ie, reduction in height and increased rear setback at the first floor level) with further reduce overshadowing impacts upon the adjoining southern property.</p>
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>Refer to section following this table for detailed discussion of public domain views.</p> <p>The proposal will not impact upon private views from surrounding properties given that the rear setback of the building overall is consistent with surrounding properties.</p>
1.11 Car parking		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	Each dwelling provides 2 spaces.
<p>1.11.2 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	Yes	The garages are integrated into the design of the dual occupancy building aligning with the front wall of the dwellings.
1.11.3 Design	Yes	The design of the garage is complimentary to the style of the dwelling and the streetscape.

Development Control	Compliance	Comment
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Both dwellings provide 2 spaces. Each double garage has dimensions of 5.5m x 5.697m (wide).
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	Only one driveway shared between both dwellings will be provided. The width is 3m at the kerb splaying onto the site.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback Front landscaped area: 50% of front open space provided 	Yes Yes Yes Yes No	<ul style="list-style-type: none"> Open space is 71% of the site. Landscaped area is 21% of the site. Each dwelling has 196sqm within rear yard. Front open space is 100% 21% of front open space is landscaped area <p>The proposal provides sufficient landscaping within the front setback to contribute to the streetscape. This is considered acceptable.</p>
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	Both swimming pools are located within the rear yard.

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

Wall height

The proposal has a maximum wall height of 8.7m however the wall height at the street frontage is 7.63m.

The proposal exceeds the wall height control at the front of the site with the rear part of the building incorporating a 1500mm side setback to the upper level.

That part of the building which exceeds the wall height control is the front garages and entry only at the centre of the building due to the slope of the land and the filling of the front setback. At the front edge of the building (street frontage) the height is 7.7m from existing ground level however, the height of the building from the filled ground level is 7m.

Height has been extensively discussed in this report and a condition recommending that the building be reduced in height by 495mm is included in Appendix A. This will reduce the non-compliant wall height in the centre of the site to 8.2m and although continuing to be in excess of the wall height control, is considered to be appropriate due to the slope of the land and the lack of impact of the small part of the building which does not comply.

Setbacks

The proposal fails to comply with the side setback controls of the DCP at the lower ground and ground floor levels providing only 900mm rather than 1500mm as required. The first floor level provides the required 1500mm setback from both sides.

There is a clear pattern of development in this part of Dover Heights and particularly this street, where there are minimal side setbacks at lower ground and ground with a smaller, set in, upper level. The proposal is consistent with this pattern and will not result in unreasonable amenity impacts upon surrounding properties. At the street, the garages are set 1500mm from the side boundaries to provide consistency with the upper level and it is only at the rear that the side setbacks are reduced to 900mm. This gives an appropriate streetscape appearance with the ability to incorporate landscaped planters within the side setback. Accordingly the side setback variation is considered acceptable.

Public domain views

The subject site is located opposite Dudley Page Reserve, from which significant public domain views of the City and Sydney Harbour are achieved. Dudley Page Reserve has uninterrupted views from the southern end of the park where there are panoramic views of the City skyline, Harbour Bridge and Opera House and Sydney Harbour which will be unaffected by the proposal.

However, from a standing position at the northern end of Dudley Page Reserve, a partial view of the Harbour Bridge and Opera House sails is visible over the subject site (Refer to Figure 4 below).



Figure 4: Existing view from Dudley Page Reserve over the subject site



Figure 5: Proposed view from Dudley Page Reserve over the subject site (amended proposal)
Source: Stukel Stone Architects

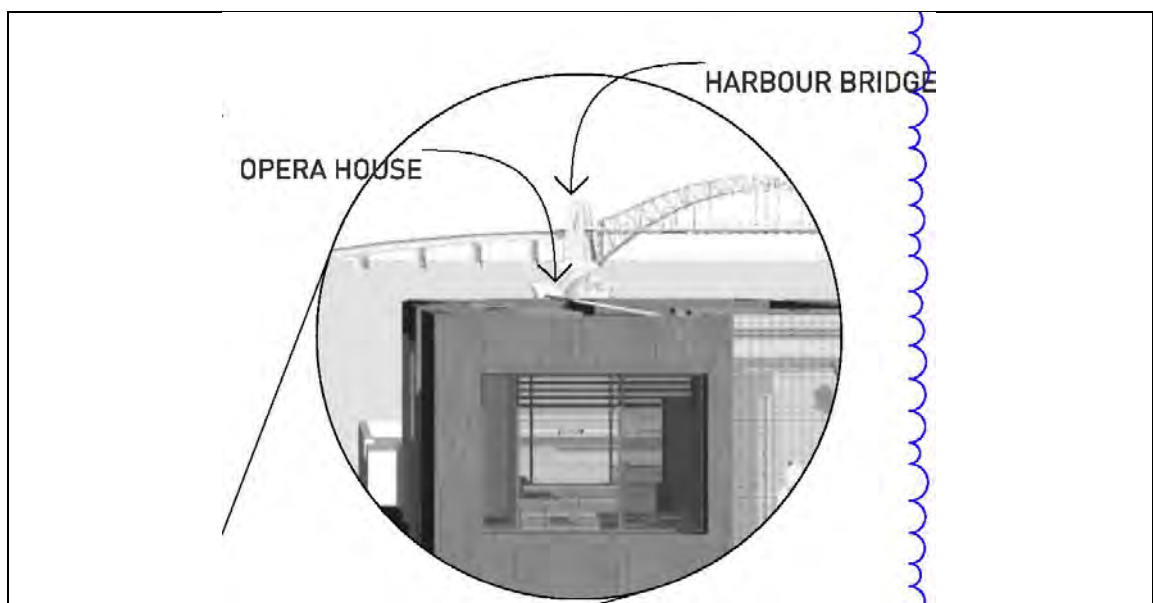


Figure 6: Magnified view loss from Dudley Page Reserve over the subject site (amended proposal)
Source: Stukel Stone Architects

View analysis diagrams provided indicates that the Harbour Bridge and the Opera House sails will continue to be achievable from a standing position however water harbour views and part of the Opera House will be lost. That part of the proposal that will result in view impacts is the front elevation of the building which complies with the wall height control of 7.5m and is 1m less than the 8.5m development standard of the LEP. Loss of views due to the compliant part of the building is not considered unreasonable. However as demonstrated by Figure 6 above, the rear setback of the first floor level is also causing view loss and this is where the proposal exceeds both the height and FSR development standard.

As previously outlined within this report, there is scope to reduce the height of the building further in order to ensure the rear part of the dwelling is not excessive in height. A condition is imposed that will reduce the height overall by a further 495mm and increase the rear setback by a further 2m.

Given the above analysis, and subject to the amendments recommended in Appendix A, it is considered that the proposal will not result in an unreasonable loss of significant public domain views.

2.2 Section 79C(1)(b) – Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Section 79C(1)(c) – Suitability of the Site for the Development

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

2.4 Section 79C(1)(d) – Any Submissions

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

The amended application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. No submissions were received.

Given that the amended plans did not result in significant alteration to the proposal, the issues raised in the original submission are considered to continue to apply and are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
10 Gilbert Street, Dover Heights

Issue: Loss of privacy from raised balconies

Response: The rear south-western corner of the subject site adjoins the rear north-eastern corner of 10 Gilbert Street (ie, located diagonally to the rear of the site). Given that the separation distance between the balconies and the rear boundary of the subject site is over 20m, there is sufficient separation distance between the proposed balconies and the objector's property to ensure that privacy impacts are not unreasonable.

Issue: Height (including precedent)

Response: This issue has been discussed previously in this report.

2.5 Section 79C(1)(e) – Public Interest

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

3. REFERRALS

3.1 Driveways – Creating Waverley

Conditions were provided which are included in Appendix A.

3.2 Stormwater – Creating Waverley

The submitted stormwater plans were referred to Council's Stormwater Engineers and were considered unsatisfactory. A condition regarding stormwater is included in Appendix A.

3.3 Tree Management – Clean and Attractive Waverley

The following comments were provided in regards to the trees to be removed on private land (ie, the subject site):

Impacts on Existing Trees and Vegetation.

- *On inspection, it was noted that on site there were no trees of any significance, the trees possess no outstanding attributes worthy of retention and their **removal is supported**.*
- *On inspection, it was noted that on site there were Araucaria heterophylla (Norfolk Island pine) this tree is small for its species; therefore, **removal is supported**.*
- *Situated on the naturestrip in Portland St is one Melaleuca quinquenervia the tree is 16 metres in height with a canopy width of 6 metres. The tree is in fair health.*

The following comments were provided in regards to the tree on public land in front of the site:

Impact on street tree:

*Situated on the naturestrip in Portland St is one Melaleuca quinquenervia the tree is 16 metres in height with a canopy width of 6 metres. The tree is in fair health, and to be **retained and protected during construction**.*

In both instances conditions were provided which are included in Appendix A.

4. SUMMARY

The application seeks consent for the demolition of the existing dwelling and construction of a new part two and three storey dual occupancy and two swimming pools.

The development exceeds both the FSR and Height development standard in the LEP. The arguments mounted in the Clause 4.6 objection are not considered to adequately argue the merits of the case to allow a variation to the controls as requested. It is recommended therefore that the height of the building be reduced by 495mm and the FSR be reduced by setting back the first floor level at the rear to reduce view loss from the public domain and impacts upon surrounding properties.

The development performs well against the remaining development controls and the architectural style is in keeping with the emerging presence of contemporary architecture with flat roof dwellings.

The application was notified and one submission was received raising issues relating to height and privacy. The amended application was also notified and no submissions were received. The issues raised have been discussed within this report.

The application is recommended for approval subject to conditions requiring the height to be lowered by 495mm and the rear setback at first floor level to be increased by 2m.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Kylie Lucas
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 1 May 2018

Date: 8 May 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DD10 - DD17, DD20 – DD25, (inclusive) all Revision C, tables and documentation prepared by Stukel Stone, dated 13/12/2017, and received by Council on date 20 December 2017,
- (b) Landscape Plan No. LP-P01 and documentation prepared by Insite Land Solutions, dated June 2017, and received by Council on 20 June 2017;
- (c) BASIX Certificate;
- (d) Arboricultural Impact Assessment Report prepared by Sydney Landscape Consultants dated 21/2/17 and received by Council on 20 June 2017;
- (e) Schedule of external finishes and colours indicated Plan No. DD33, DD34 – DD36 (inclusive), all Revision C, prepared by Stukel Stone, dated 13/12/2017 and received by Council on 20 December 2017; and
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The height of the building shall be reduced by 495mm and shall not exceed RL 77.11 at any point of the building to reduce view impacts from the public domain.
- (b) The rear setback of the entire first floor level of the building, including the balcony balustrades, dividing and fin walls and roof over, shall be increased by a further 2 metres to reduce view impacts from the public domain.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. STREET TREE BOND

A bond of \$10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street tree at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

4. EXCAVATION TO BE LIMITED

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

5. INSTALLATION OF AIR CONDITIONING

Air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

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

"Waverley Council Cost Summary Report"; or,

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

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

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

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

Advisory Note

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$25 000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

8. LONG SERVICE LEVY

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

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

9. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

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

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

10. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

11. LONG SECTIONS OF DRIVEWAY

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

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Portland Street carriageway, the kerb and gutter, footpath and paving within the property and the garage floor.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show paving at the property boundary being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the vehicle access gate opening.
6. Show all paving on Council's land being sloped/ drained towards the roadway.

12. HOARDING

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

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

13. GEOTECHNICAL ENGINEERS REPORT

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

14. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

15. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part B1, Waverley DCP 2012 prior to the issue of

the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

16. EROSION, SEDIMENT AND POLLUTION CONTROL

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

17. STORMWATER MANAGEMENT

- (a) The plans prepared by Adcar Consulting, Job No. ADC-170315, Drawing No. SW-000B, SW-100C, SW-101B, SW-102B, SW-103B, SW-104B, SW-200B, dated 03 May 2017 have been checked and considered **not satisfactory** with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual.

- A separate mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required for each of the properties.
- To design the pump capacity and determine the storage volume requirements, a full hydraulic design is required for a range of events up to and including 1 in 100 ARI storm. Refer to section 3.1.4 of Water Management Technical Manual.
- As a minimum, the pump system must consist of one duty and one standby pump with the capacity of each being equal.

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

- (b) Amended details addressing clause (a) are to be submitted and approved by Council's Executive Manager, Creating Waverley demonstrating compliance, prior to the issue of a Construction Certificate.
- (c) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

18. ENGINEERING DETAILS

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

19. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

20. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

21. PRIOR TO SITE WORKS

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

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

22. HOME BUILDING ACT

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

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. 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.

25. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made, at their own expense, must:

- (a) preserve and protect the building from damage; and
- (b) if necessary, must underpin and support the building in an approved manner; and
- (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

26. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

27. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

28. DILAPIDATION REPORTS

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) **9 and 5 Portland Street, Dover Heights**, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS260-2001, Demolition of Structure and a Hazardous Materials Assessment 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 for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (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.

30. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

31. SKIPS AND BINS

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

32. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

33. SOIL AND WATER MANAGEMENT PLAN

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

34. STOCKPILES

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

35. LOCATION OF BUILDING OPERATIONS

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

36. ALL BUILDING MATERIALS STORED ON SITE

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

37. CONSTRUCTION HOURS

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

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

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

38. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

39. BUILDING CODE OF AUSTRALIA

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

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

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

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

41. CERTIFICATE OF SURVEY - LEVELS

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

42. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

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

43. ENCROACH BEYOND THE BOUNDARIES

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

44. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

45. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

46. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

47. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

48. SERVICE PIPES

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

49. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement 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 being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The finished level of the proposed pool is not to exceed a maximum height of 200mm above the existing natural ground level;

- (d) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (e) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

50. POOL DRAINAGE

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

51. NEW VEHICLE CROSSING

A new vehicle crossing is to be constructed to access the proposed **garages**. 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.

52. EXISTING VEHICLE CROSSINGS IS TO BE CLOSED

The existing vehicle crossings are to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.

53. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

54. TREE PROTECTION

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

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

The **retention** of T1, *Melaleuca quinquenervia*, located within the front nature strip of 7 Portland Street, Dover Heights, shall be in accordance to – Australian Standards, *Protection of trees on development sites, AS 4970 – 2009*. The following measures shall also be implemented in regards to this tree:

- The hand digging of the proposed driveway initially, to proposed depths required.

- The erection of temporary fencing, 75 - 100mm thick mulch laid within and geo fabric laid up against temporary fencing (northern sides only) to prevent soil and mulch erosion during heavy rainfall with signs “Tree Protection Zone – do not enter” to be erected on all four sides of the fencing.
- Plywood sheeting to be laid over 100mm of mulch, within proposed driveway, so as builder can use for storage of **dry product only**, and then locked off at night. No vehicles within this zone.
- The use of the existing driveway during the demolition and building phase and temporary fencing of the nature strip, until the new driveway is ready for concreting. Then the temporary fencing shall be placed back to the northern side of the proposed driveway.
- The installation of a new tree in the location of the existing driveway after the removal of the old driveway. Tree protection measures and a maintenance regime shall be implemented, in accordance with Australian Standards and Waverley Councils preferred plant list.

No existing street trees shall be removed without Council approval. A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

55. FINAL OCCUPATION CERTIFICATE

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

56. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*.

57. 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. The street number is to be positioned on the site prior to the issue of the Occupation Certificate.

58. POOL SIGN

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

59. INSPECTION OF POOL

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

60. SWIMMING/SPA POOL PUMP - RESTRICTIONS

Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.

61. SWIMMING POOL REGISTRATION

The swimming pool is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.

62. SWIMMING POOLS

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.

- (b) The pool is to be fitted with a cover that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

63. STORMWATER MANAGEMENT

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

64. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

No.	TITLE	REV
DD00	COVER PAGE	C
DD10	CONTEXT PLAN	C
DD11	SITE PLAN PROPOSED	C
DD12	STREETSCAPE & CONTEXT SECTION	C
DD13	PROPOSED LOWER GROUND FLOOR PLAN	C
DD14	PROPOSED LOWER GROUND FLOOR PLAN	C
DD15	PROPOSED GROUND FLOOR PLAN	C
DD16	PROPOSED FIRST FLOOR PLAN	C
DD17	PROPOSED ROOF PLAN	C
DD20	PROPOSED EAST ELEVATION	C
DD21	PROPOSED NORTH ELEVATION	C
DD22	PROPOSED SOUTH ELEVATION	C
DD23	PROPOSED WEST ELEVATION	C
DD24	PROPOSED LONG SECTION	C
DD25	PROPOSED SHORT SECTION	C
DD30	PROPOSED SHADOW DIAGRAMS 9AM	C
DD31	PROPOSED SHADOW DIAGRAMS 12PM	C
DD32	PROPOSED SHADOW DIAGRAMS 3PM	C
DD33	FINISHES SCHEDULE & BASIX	C
DD34	WINDOW SCHEDULE	C
DD35	DOOR SCHEDULE	C
DD36	SKYLIGHT SCHEDULE	C
DD37	AREA CALCULATIONS	C
DD38	SITE & WASTE MANAGEMENT PLAN	C
DD40	VIEW IMPACT STUDY	C

DRAWING LIST



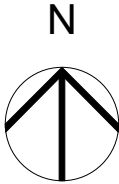
CONTEXT PHOTO



PHOTO MONTAGE



DISTRICT PHOTO



STUKEL
STONE

ARCHITECTURE | PERFORMANCE DESIGN

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COUNCIL
WAVERLEY COUNCIL
SURVEYOR
HAMMOND SMEALLIE & CO
PLANNER
ASQUARE PLANNING
STRUCTURAL ENGINEER
CANTILEVER
HYDRAULIC ENGINEER
ADCAR CONSULTING

QUANTITY SURVEYOR
IAN SMITH PARTNERSHIP
LANDSCAPE ARCHITECT
INSITE LAND SOLUTIONS
BASIX ASSESSOR
CERTIFIED ENERGY

REV	DESCRIPTION	DATE
B	ISSUED FOR DA	15/06/2017
C	REVISED FOR DA	13/12/2017

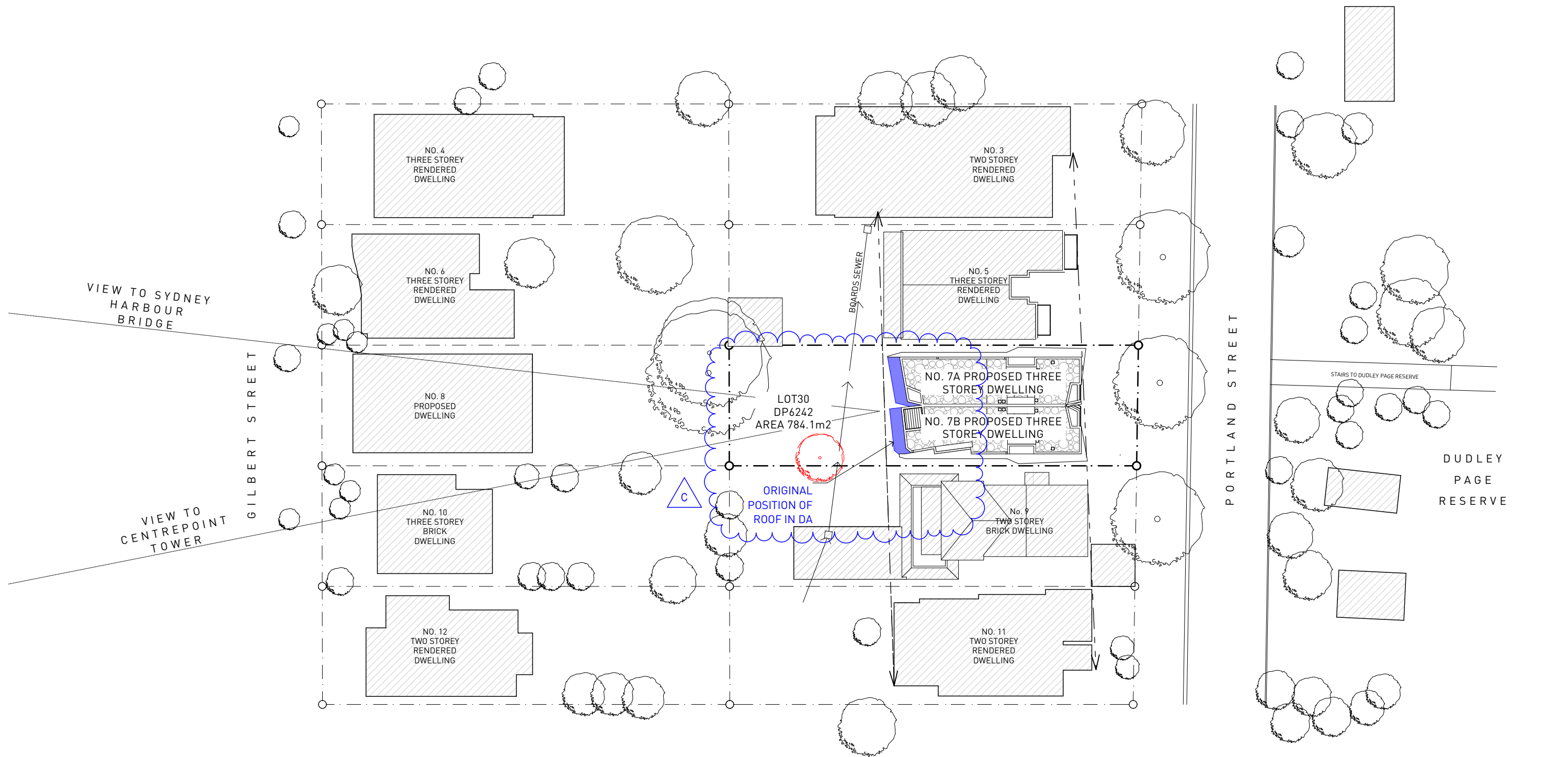
PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
MR TITO VENTURA

GENERAL NOTES
THE CONTRACTOR SHALL CHECK ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO CONSTRUCTION.
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DRAWING TITLE
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STATUS		REVISED FOR DA	
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PROJECT	160905		
DATE	20/12/2017		SCALE
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DRAWING		REVISION	
DD00		446C	



1 CONTEXT PLAN
1:500

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STRUCTURAL ENGINEER
CANTILEVER
HYDRAULIC ENGINEER
ADCAR CONSULTING

QUANTITY SURVEYOR
IAN SMITH PARTNERSHIP
LANDSCAPE ARCHITECT
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BASIX ASSESSOR
CERTIFIED ENERGY

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PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

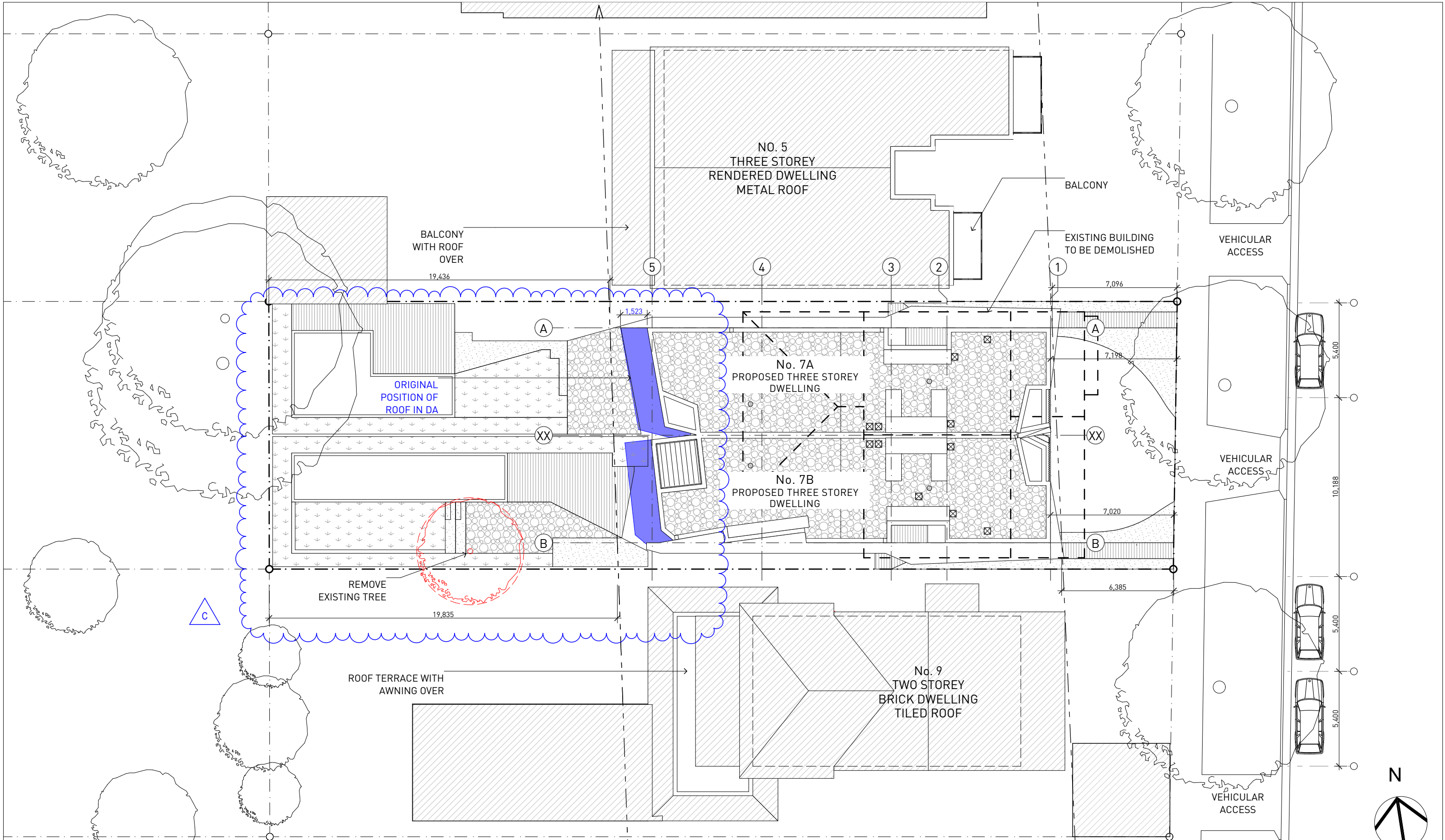
CLIENT
MR TITO VENTURA

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CONTEXT PLAN

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DATE 20/12/2017 SCALE 1:500 @A3
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01

PROPOSED SITE PLAN
1:200



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BASIX ASSESSOR
CERTIFIED ENERGY

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PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
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PROPOSED**

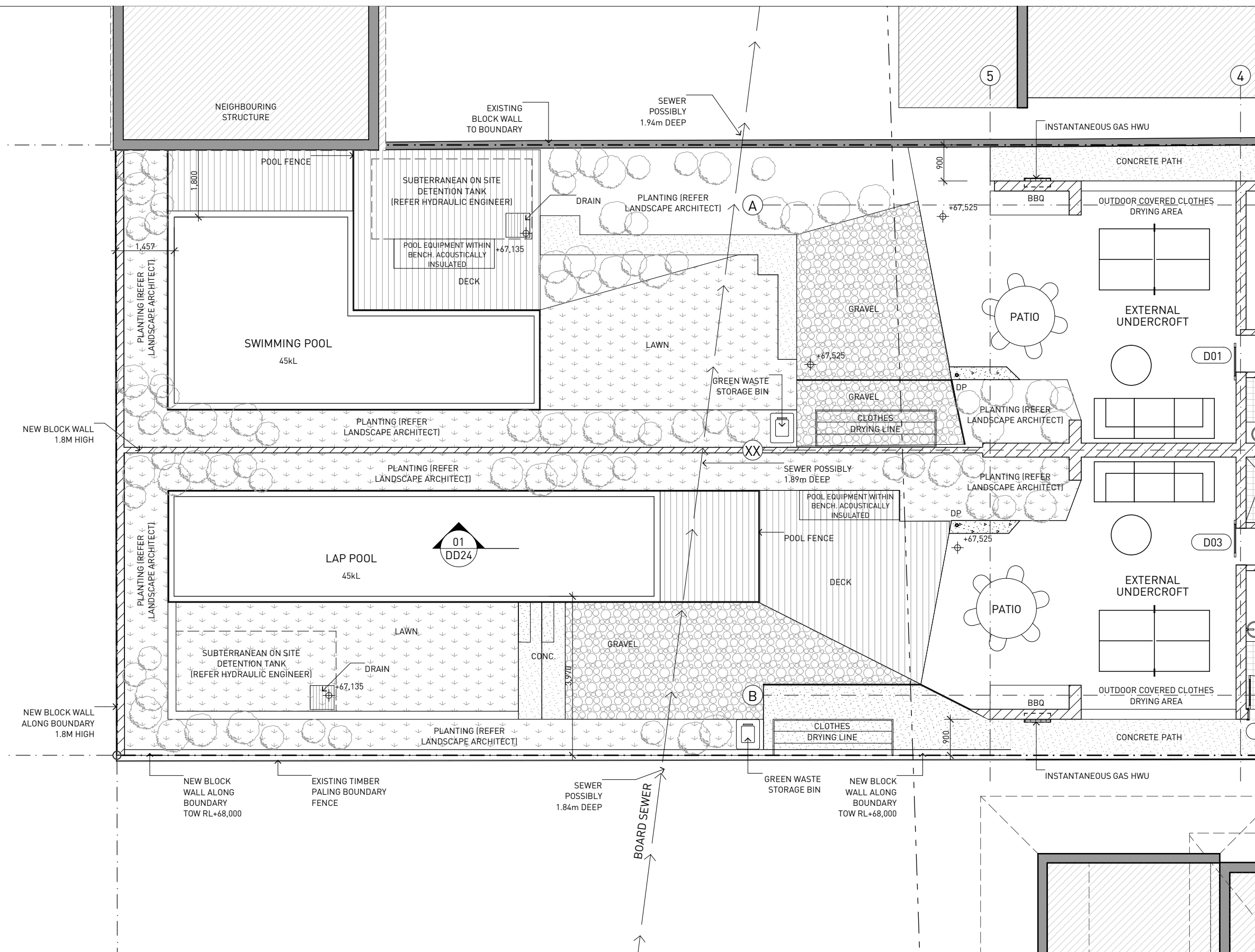
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DATE 20/12/2017 SCALE 1:200 @A3

DRAWING
DD11

REVISION
448C



01 PROPOSED LOWER GROUND LEVEL PLAN WEST
1:100

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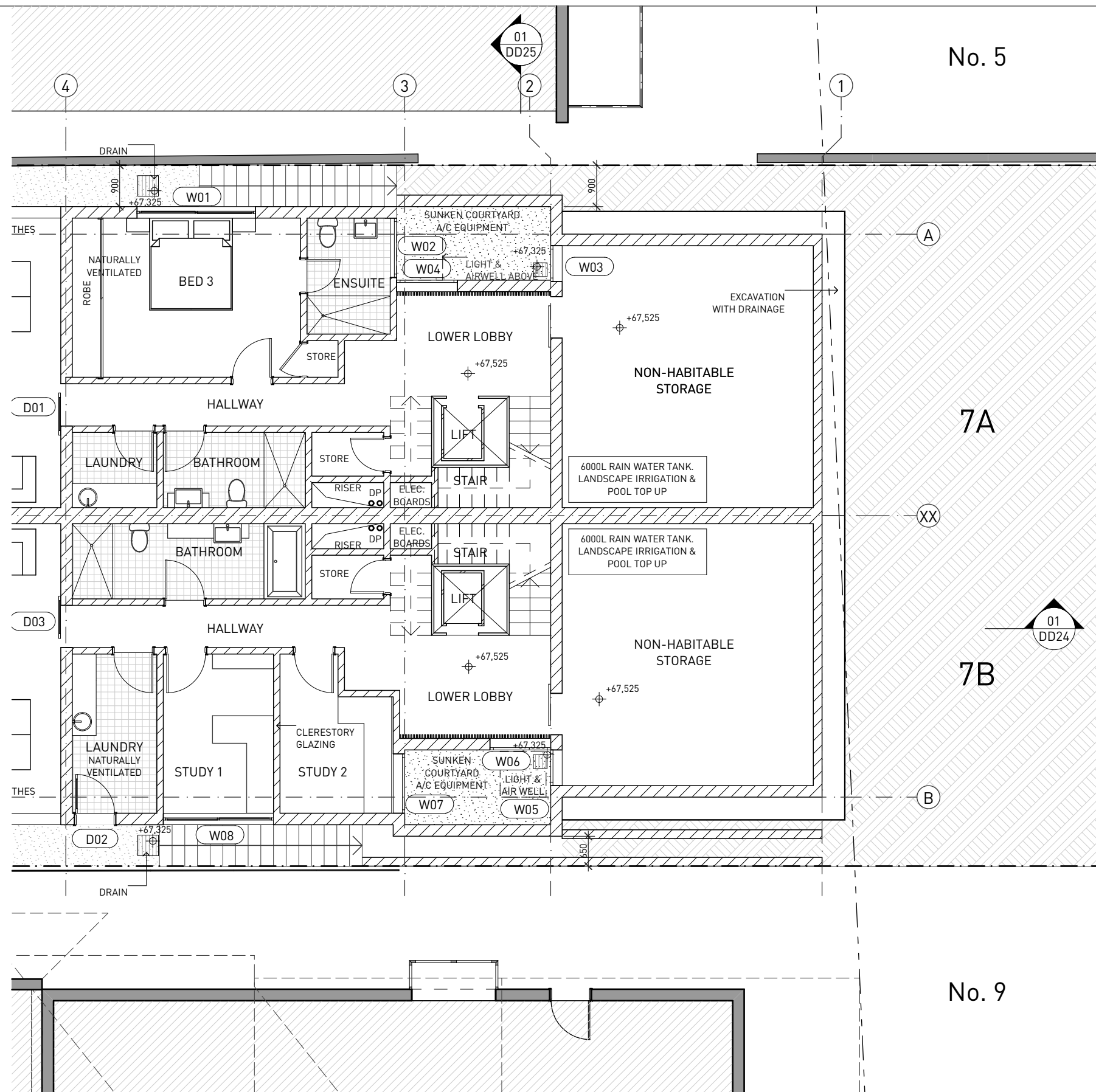
PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
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DRAWING TITLE
**PROPOSED
LOWER GROUND
FLOOR PLAN**

STATUS		REVISED FOR DA	
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DATE	20/12/2017	PROJECT	160905
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		REVISION	449C



01 PROPOSED LOWER GROUND LEVEL PLAN EAST
1:100

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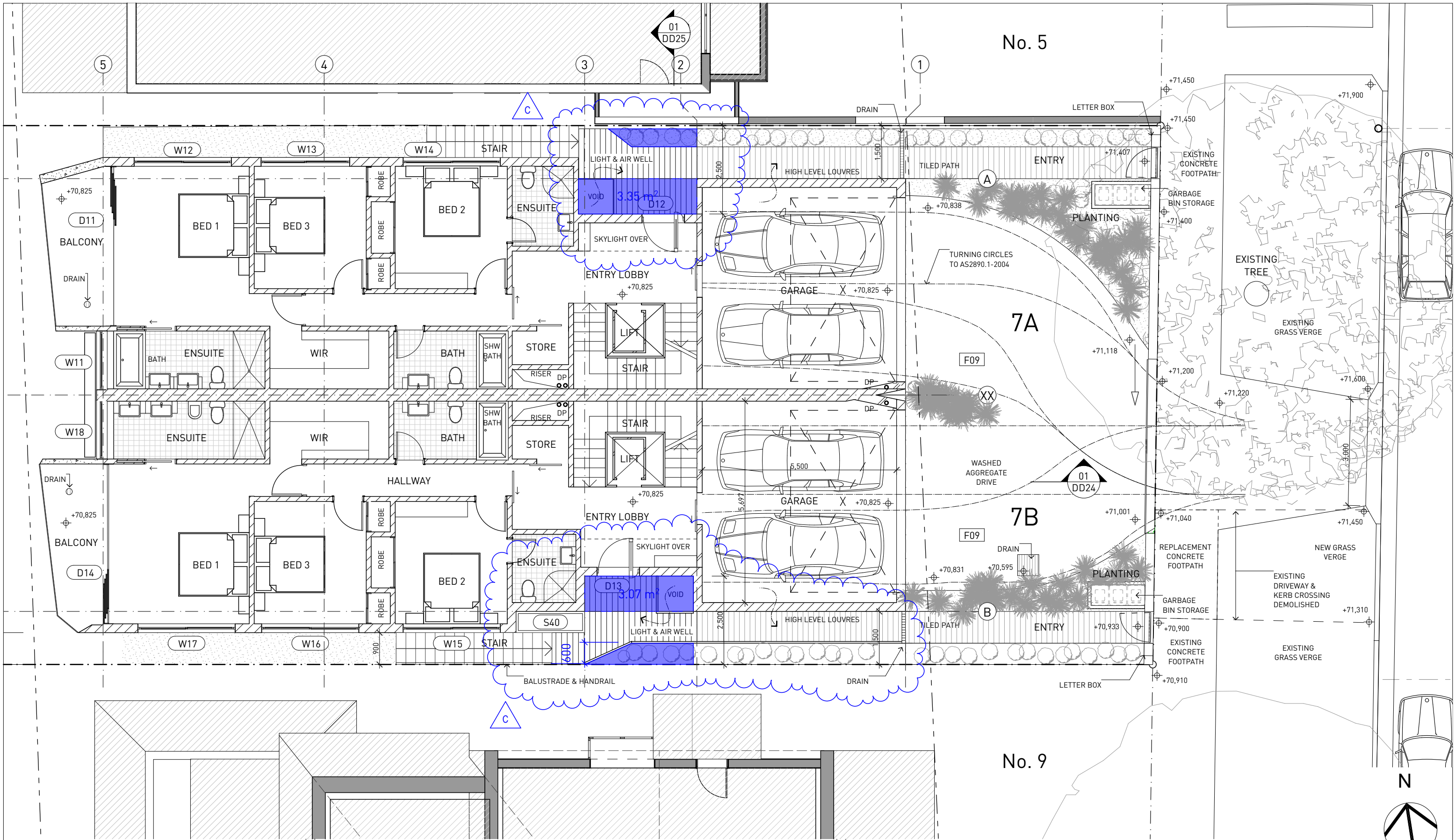
PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
MR TITO VENTURA

DRAWING TITLE
**PROPOSED
LOWER GROUND
FLOOR PLAN**

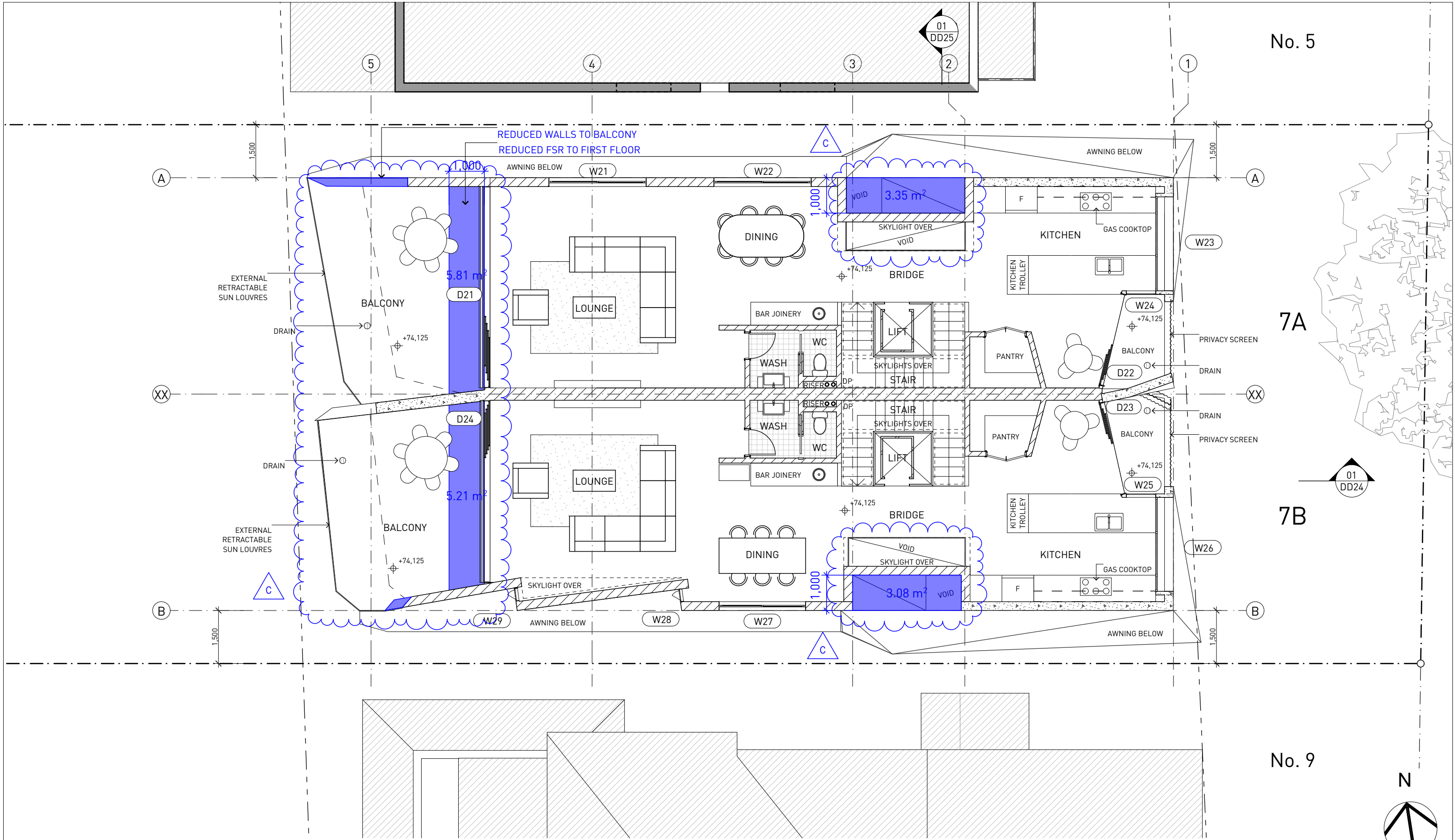
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DATE	20/12/2017	SCALE	1:100 @A3
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01 PROPOSED GROUND LEVEL PLAN
1:100

 STUKEL STONE	Suite 202 59 Great Buckingham Street Redfern NSW 2016 02 9698 2591 stukelstone.com daniel@stukelstone.com <small>Nominated Architect Daniel Stukel Beasley 7680</small>	COUNCIL WAVERLEY COUNCIL SURVEYOR HAMMOND SMEALLIE & CO PLANNER ASQUARE PLANNING STRUCTURAL ENGINEER CANTILEVER HYDRAULIC ENGINEER ADCAR CONSULTING	QUANTITY SURVEYOR IAN SMITH PARTNERSHIP LANDSCAPE ARCHITECT INSITE LAND SOLUTIONS BASIX ASSESSOR CERTIFIED ENERGY	<table><tr><th>REV</th><th>DESCRIPTION</th><th>DATE</th></tr><tr><td>B</td><td>ISSUED FOR DA</td><td>15/06/2017</td></tr><tr><td>C</td><td>REVISED FOR DA</td><td>13/12/2017</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	REV	DESCRIPTION	DATE	B	ISSUED FOR DA	15/06/2017	C	REVISED FOR DA	13/12/2017										PROJECT NAME DOVER HEIGHTS HOUSES 7 PORTLAND STREET DOVER HEIGHTS NSW 2030 CLIENT MR TITO VENTURA	DRAWING TITLE PROPOSED GROUND FLOOR PLAN	STATUS REVISED FOR DA DRAWN BY JTP CHECKED DSB PROJECT 160905 DATE 20/12/2017 SCALE 1:100 @A3 DRAWING DD15 REVISION 451C
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	B	ISSUED FOR DA	15/06/2017																						
	C	REVISED FOR DA	13/12/2017																						



01

PROPOSED LEVEL 1 FLOOR PLAN
1:100

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BASIX ASSESSOR
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PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
MR TITO VENTURA

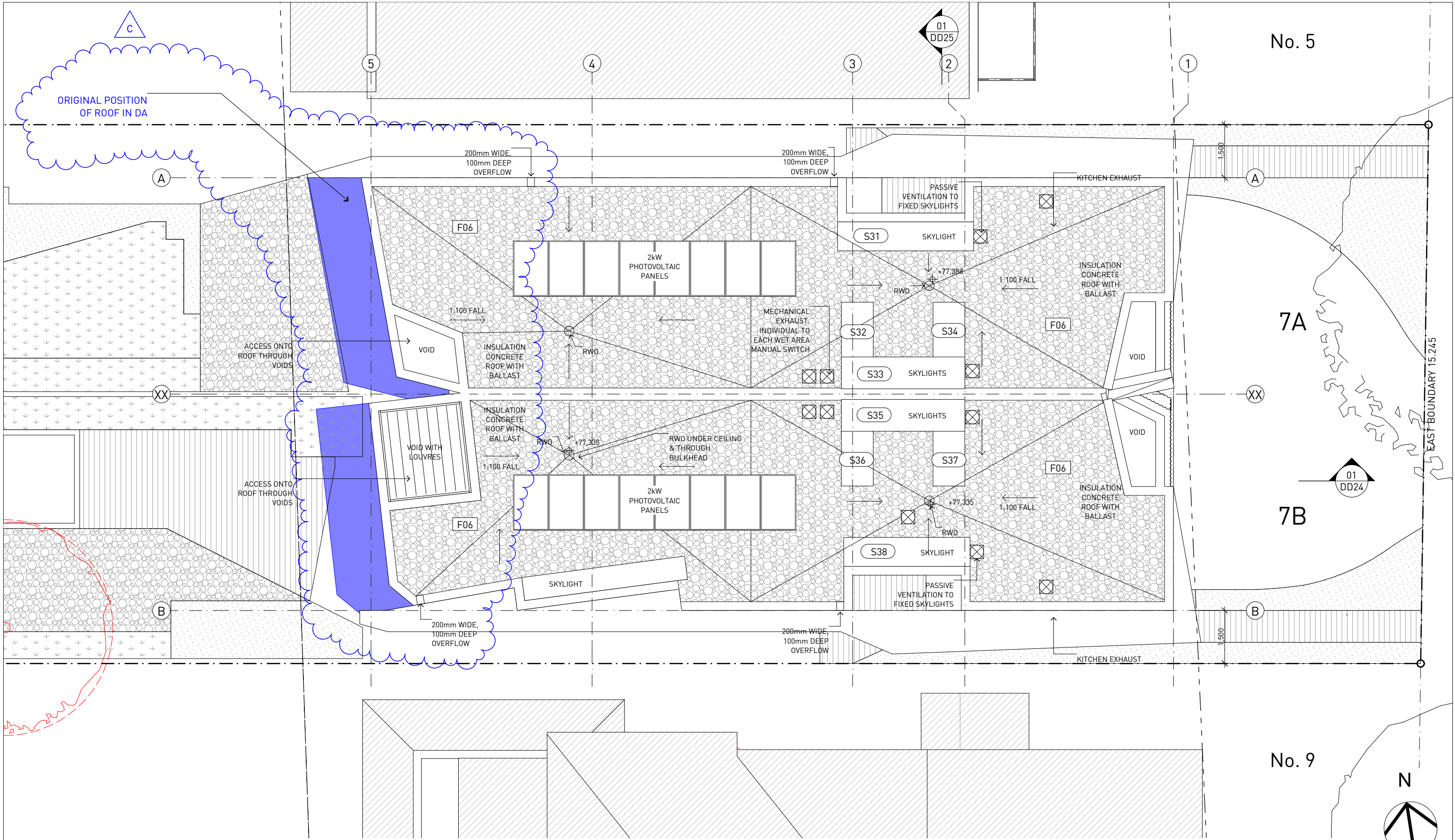
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DRAWING TITLE
PROPOSED
FIRST FLOOR
PLAN

STATUS
REVISED FOR DA

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DATE 20/12/2017 SCALE 1:100 @A3

DRAWING
DD16 REVISION
452C



01

PROPOSED ROOF PLAN
1:100



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PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
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DRAWING TITLE
PROPOSED ROOF PLAN

STATUS
REVISED FOR DA

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DATE	20/12/2017	SCALE	1:100	@A3	

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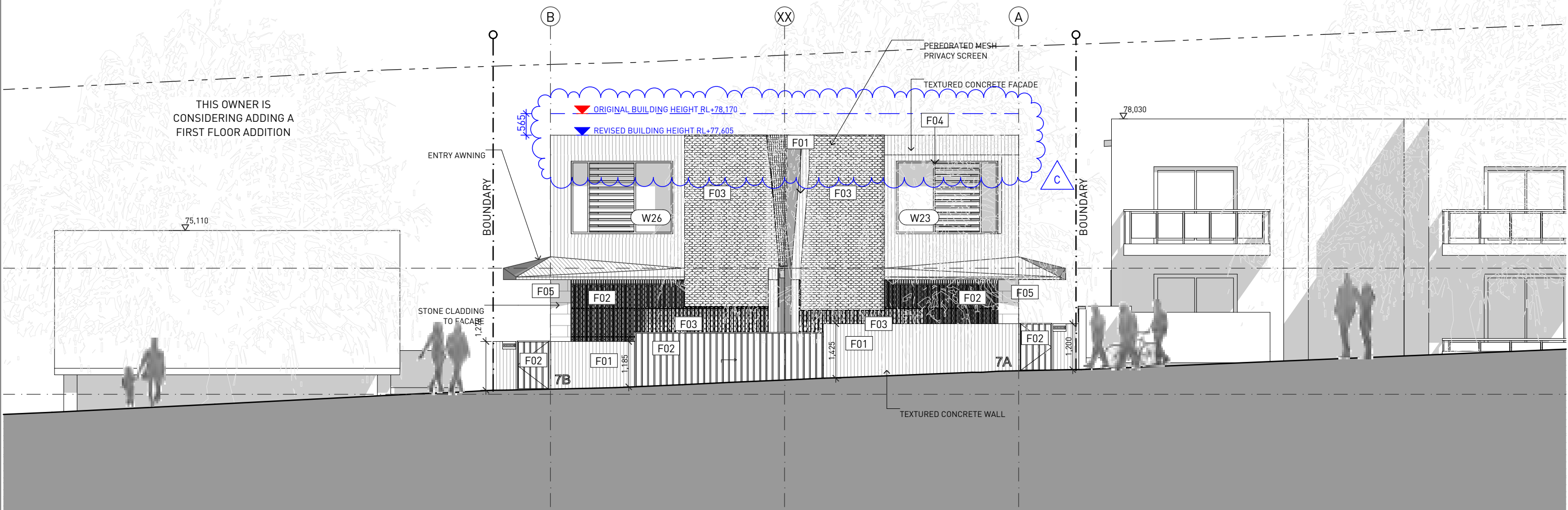
REVISION
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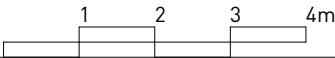
No. 7A

No. 5



01

EAST ELEVATION
1:100



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59 Great Buckingham Street
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PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

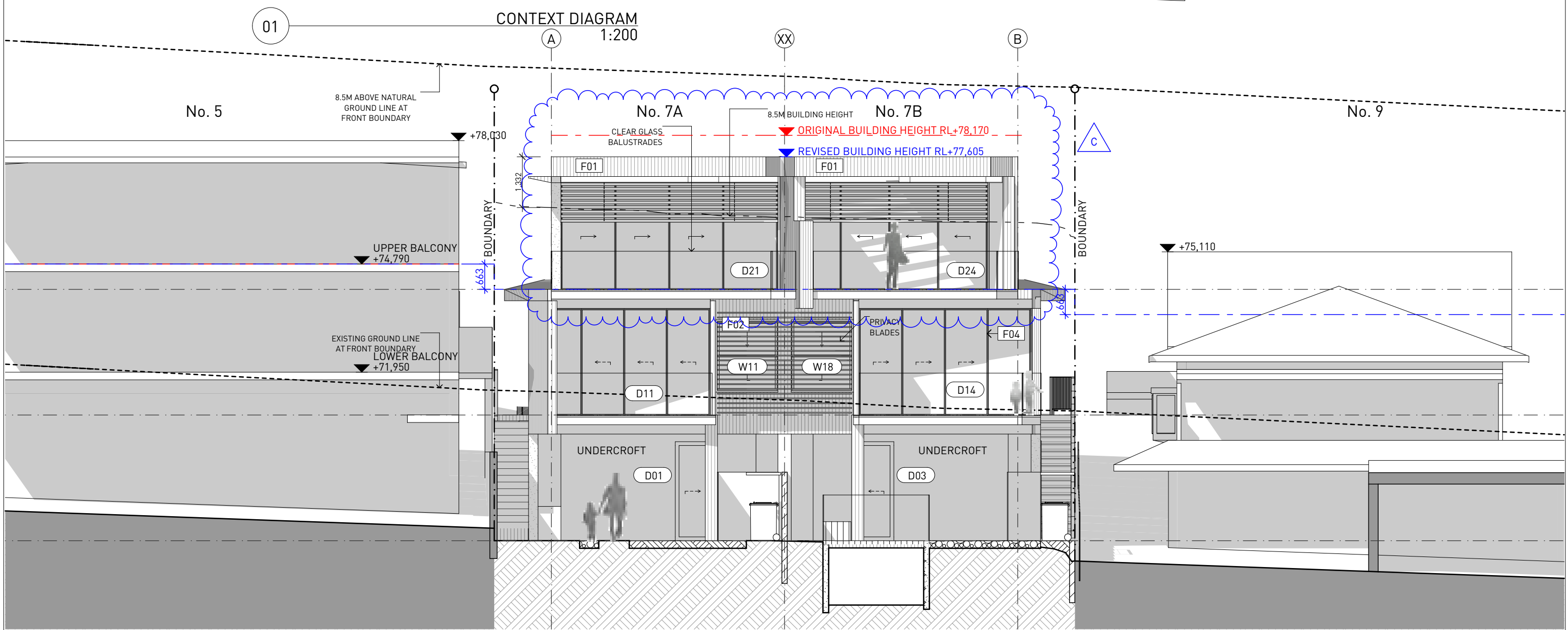
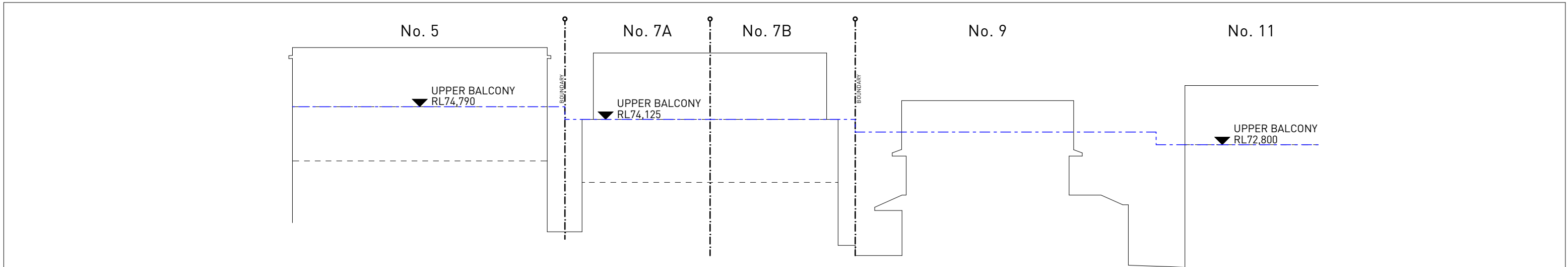
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DRAWING TITLE
PROPOSED EAST ELEVATION

STATUS
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DATE 20/12/2017 SCALE 1:100 @A3
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02

WEST ELEVATION
1:100



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PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
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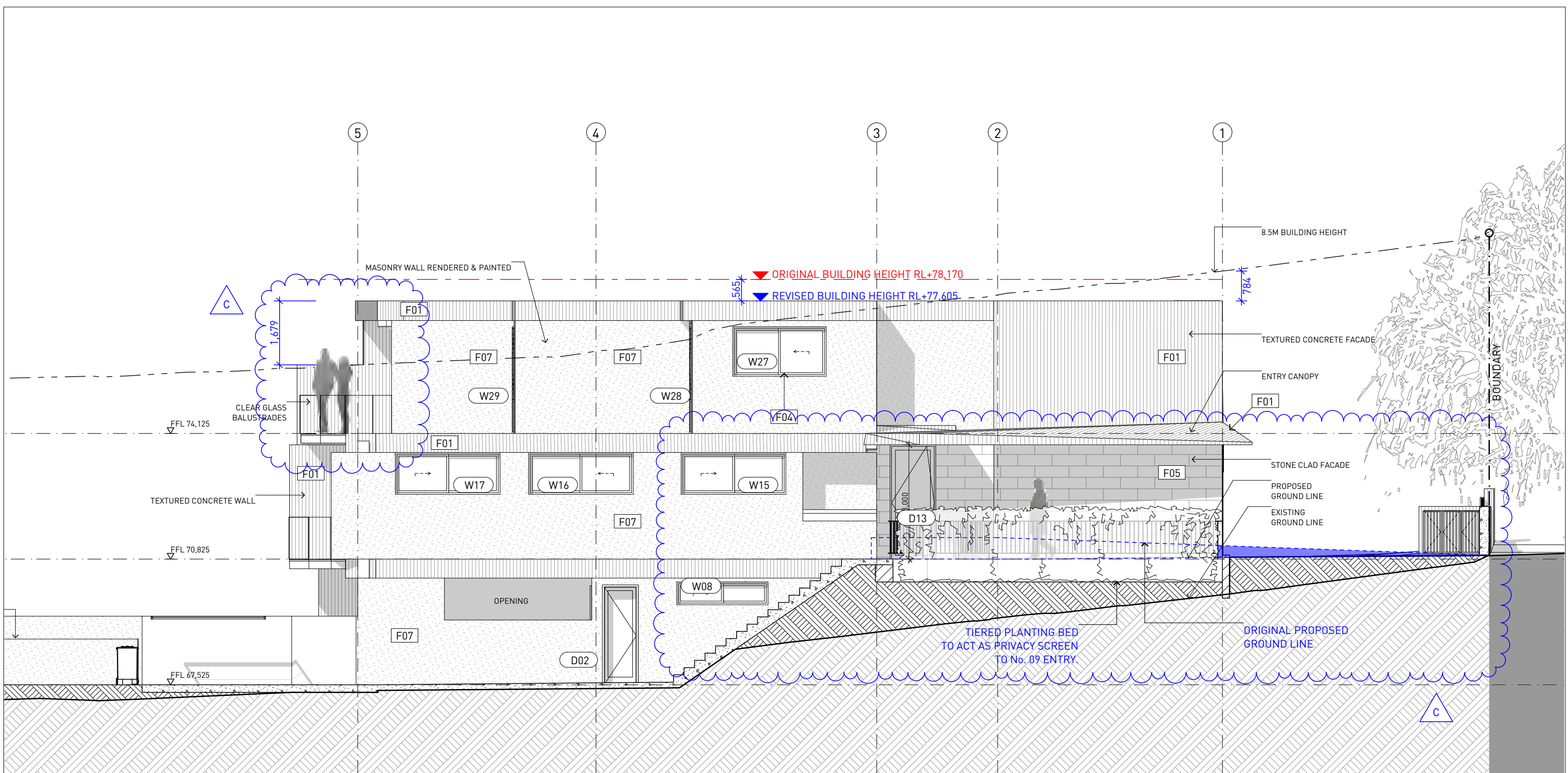
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WEST
ELEVATION**

STATUS
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DATE 20/12/2017	SCALE 1:100	@A3

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DD23

REVISION
455C



01

SOUTH ELEVATION
1:100

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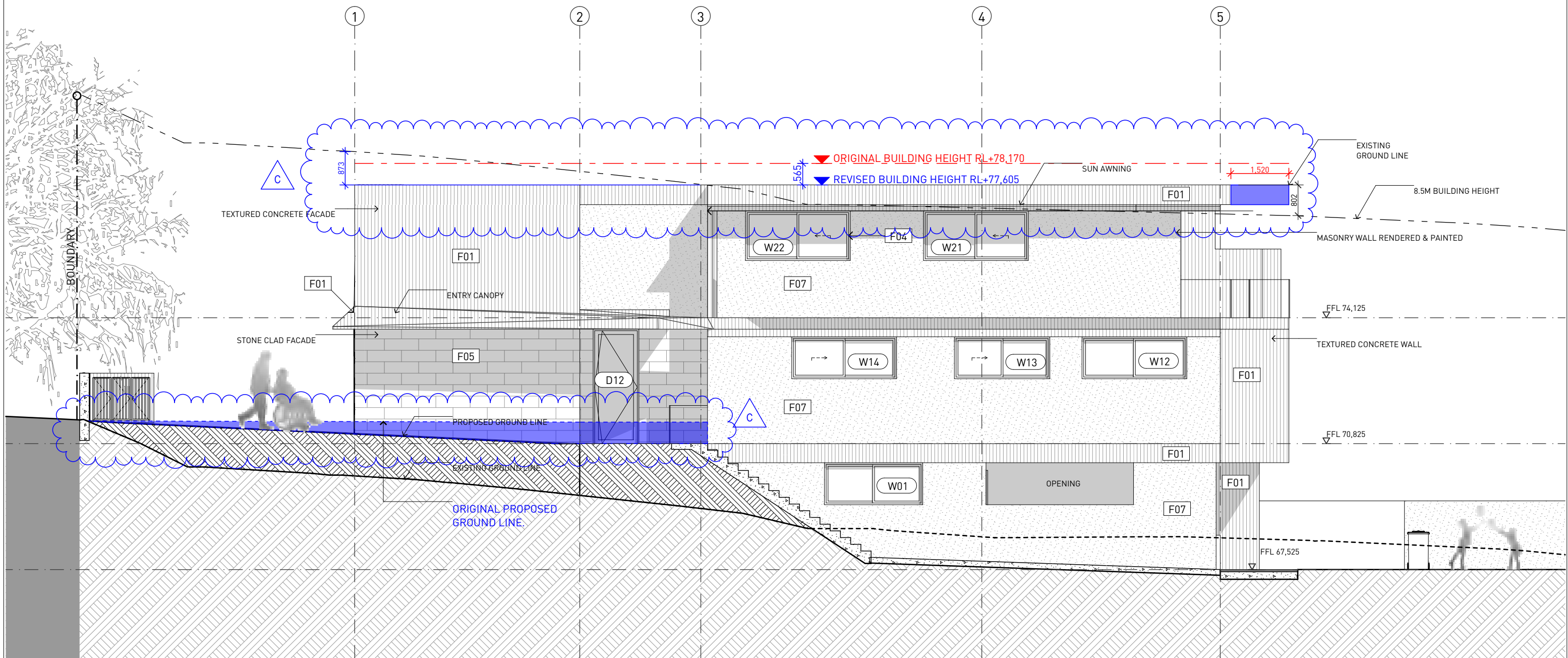
PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
MR TITO VENTURA

DRAWING TITLE
**PROPOSED
SOUTH
ELEVATION**

STATUS		REVISED FOR DA	
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DATE	20/12/2017	PROJECT	160905
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01

NORTH ELEVATION
1:100

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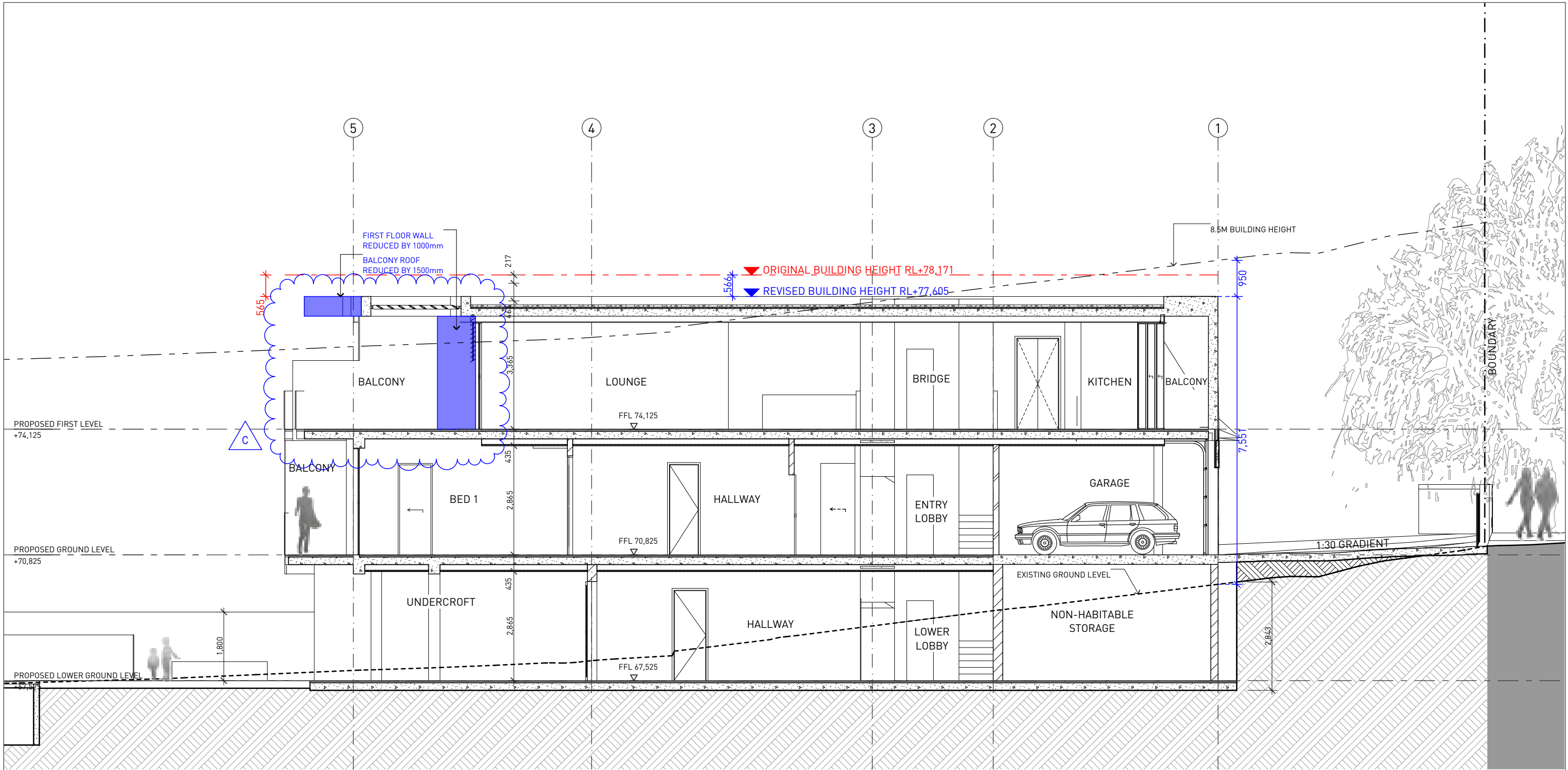
PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

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MR TITO VENTURA

DRAWING TITLE
**PROPOSED
NORTH
ELEVATION**

STATUS		REVISED FOR DA	
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01

LONG SECTION
1:100



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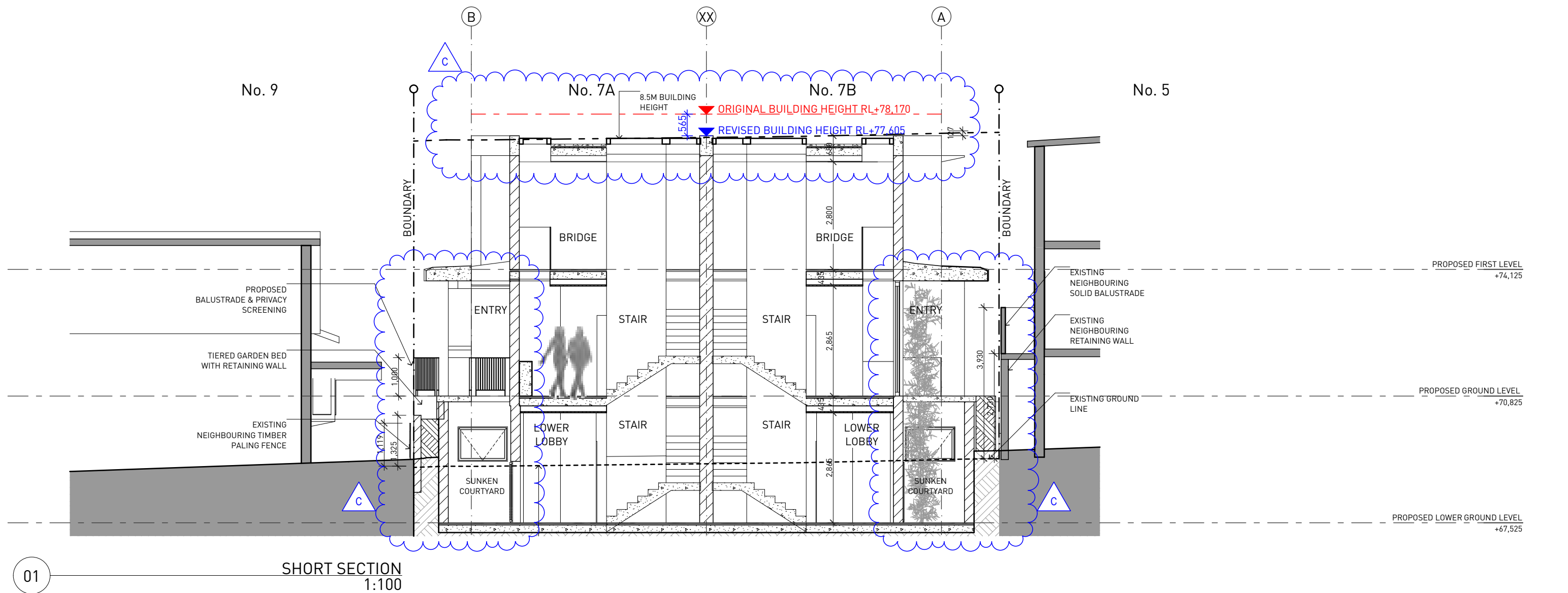
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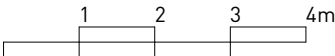
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REVISION
458C



01

SHORT SECTION
1:100



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PROJECT NAME

CLIENT

DOVER HEIGHTS HOUSES

MR TITO VENTURA

7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

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DATE 20/12/2017

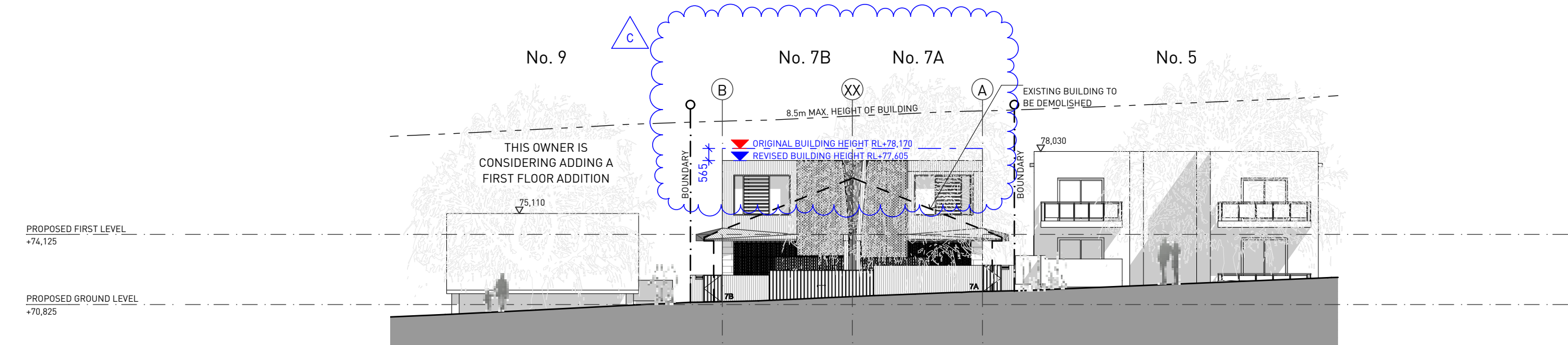
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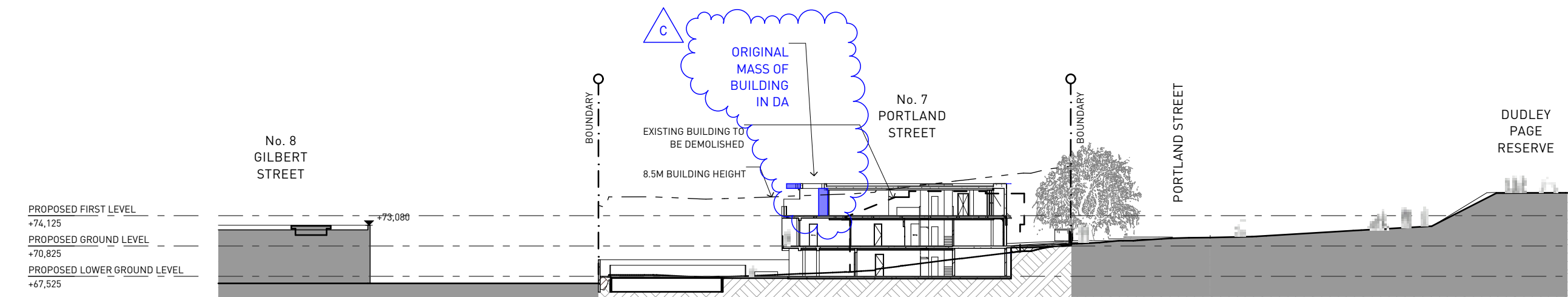
REVISION

DD25

459C



01 STREETScape ELEVATION
1:200



02 CONTEXT SECTION
1:500

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INSITE LAND SOLUTIONS
BASIX ASSESSOR
CERTIFIED ENERGY

REV	DESCRIPTION	DATE
B	ISSUED FOR DA	15/06/2017
C	REVISED FOR DA	13/12/2017

PROJECT NAME

CLIENT

DOVER HEIGHTS HOUSES

MR TITO VENTURA

7 PORTLAND STREET

DOVER HEIGHTS NSW 2030

GENERAL NOTES

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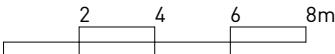
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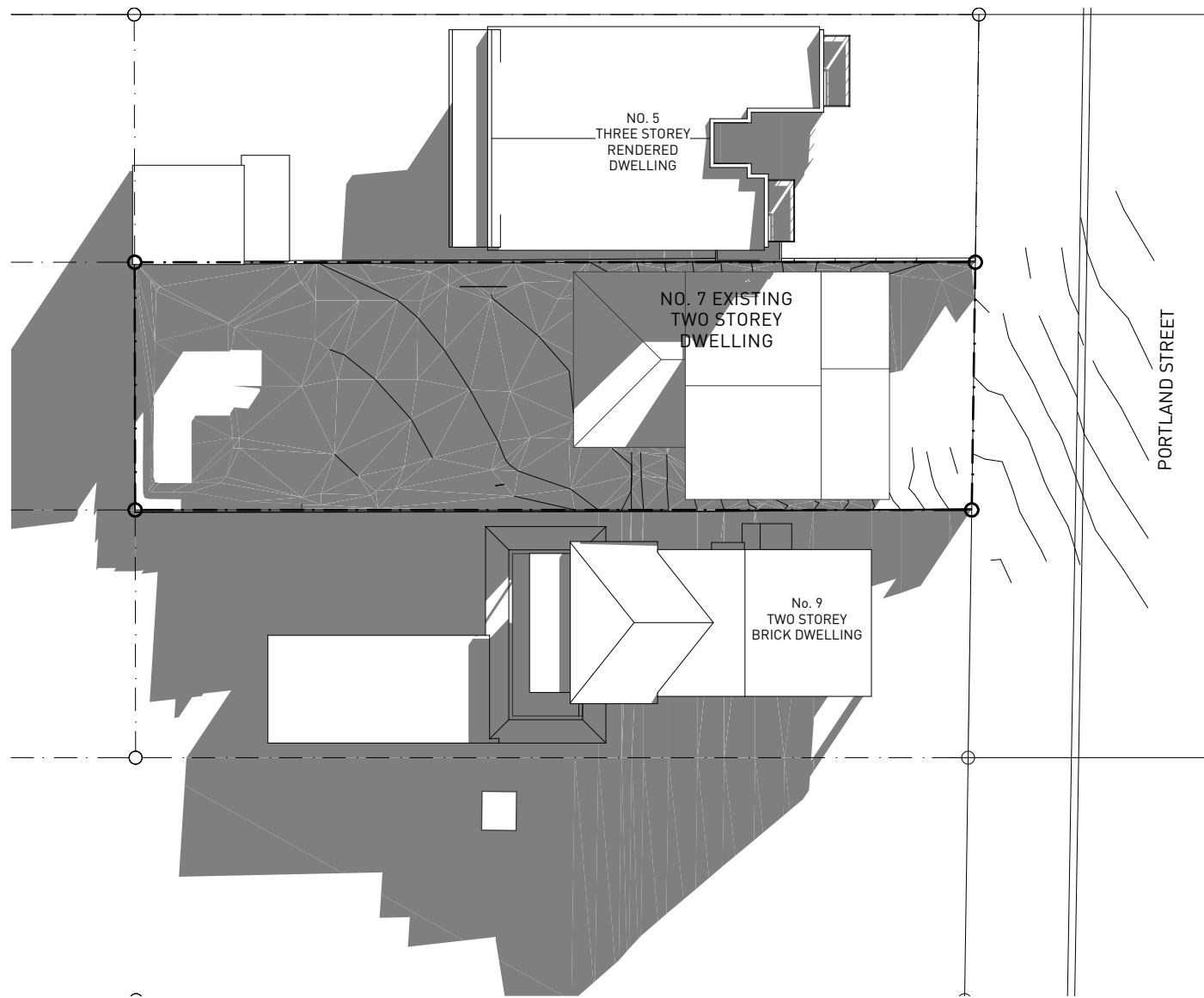
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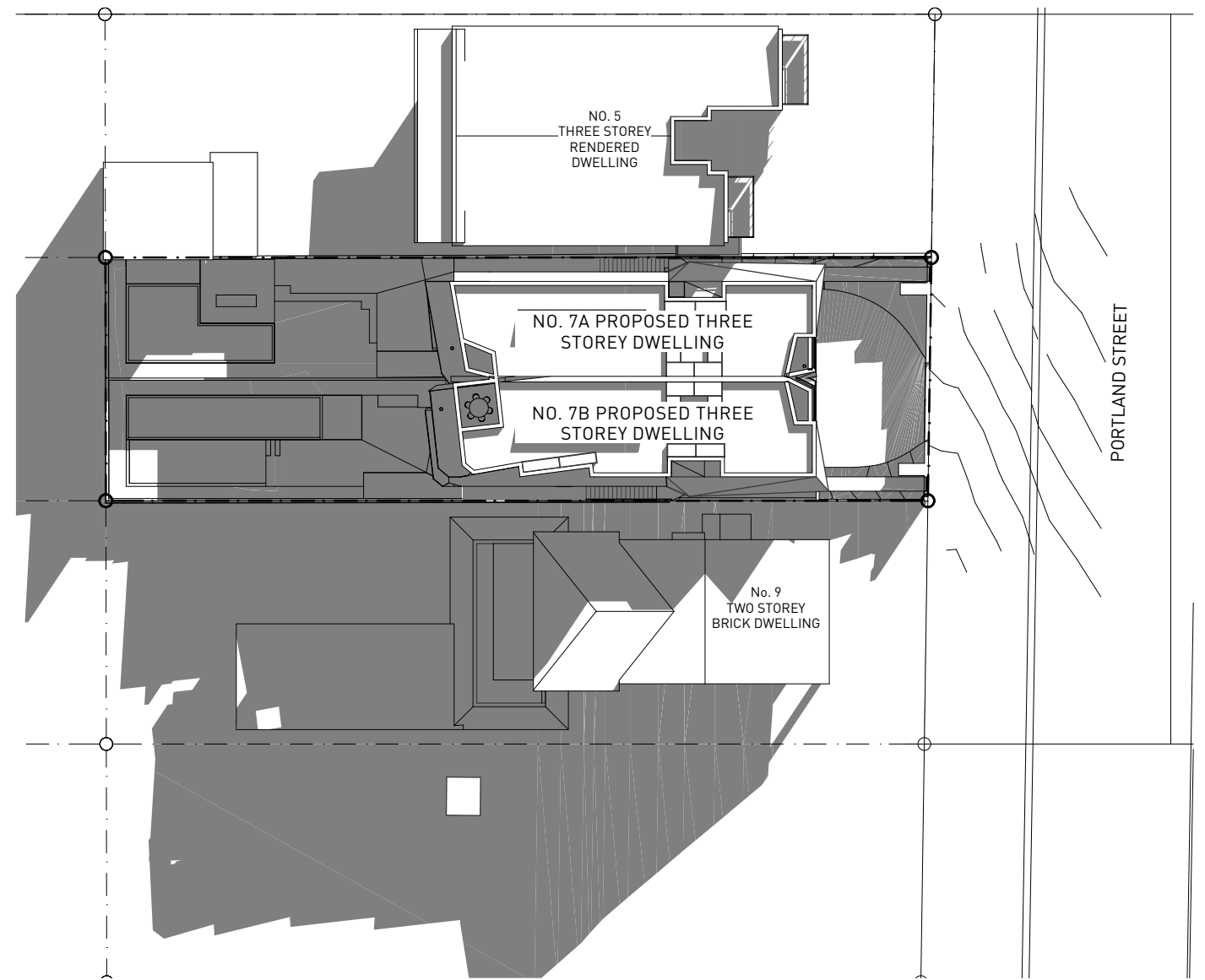
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EXISTING 9AM WINTER SOLSTICE
1:400



02

EXISTING 9AM WINTER SOLSTICE



03

PROPOSED 9AM WINTER SOLSTICE
1:400



04

PROPOSED 9AM WINTER SOLSTICE



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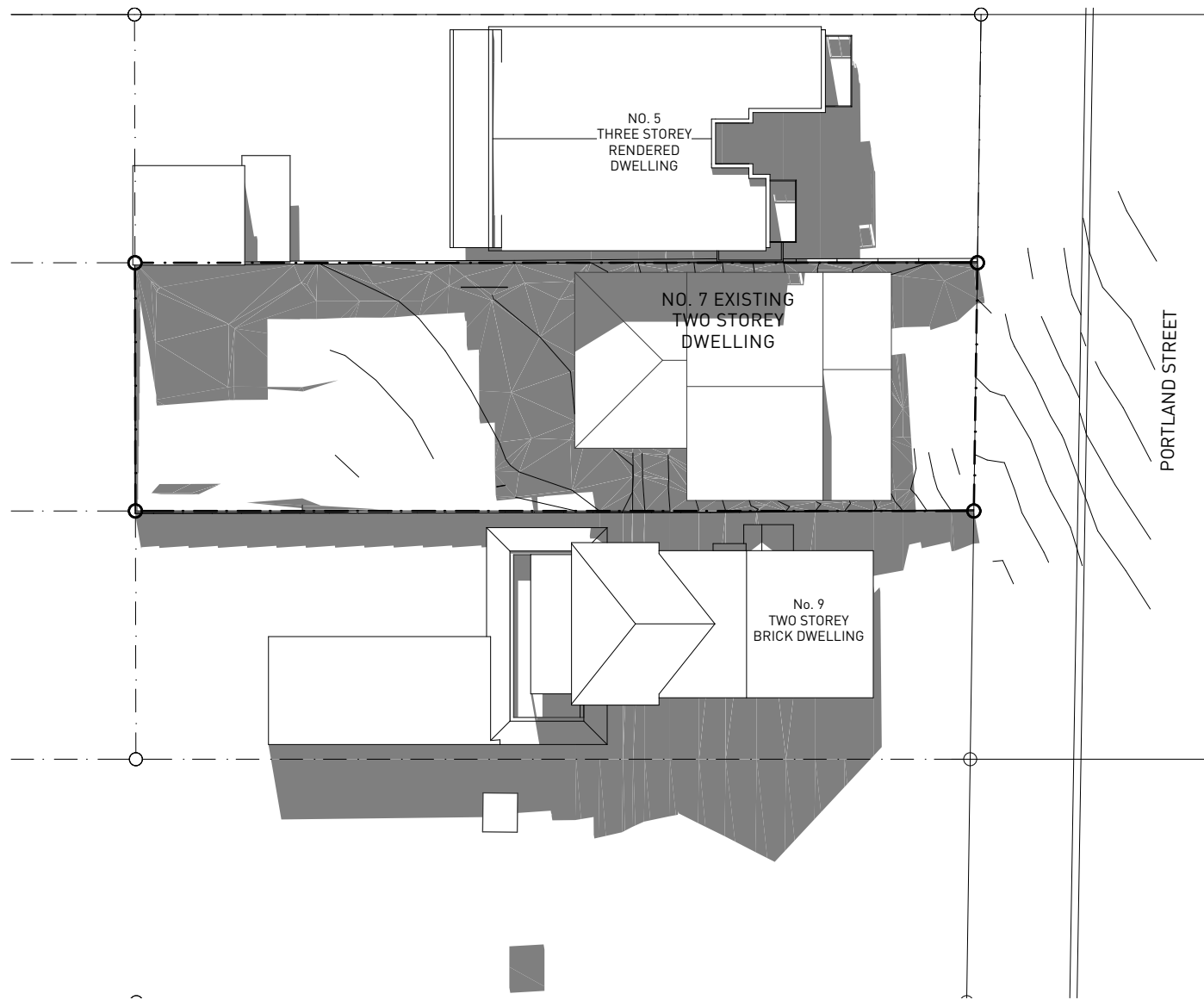
PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
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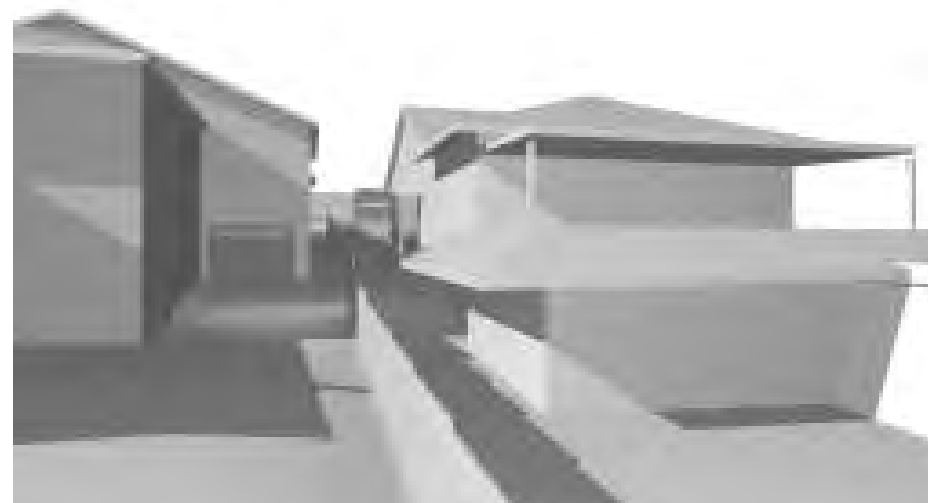
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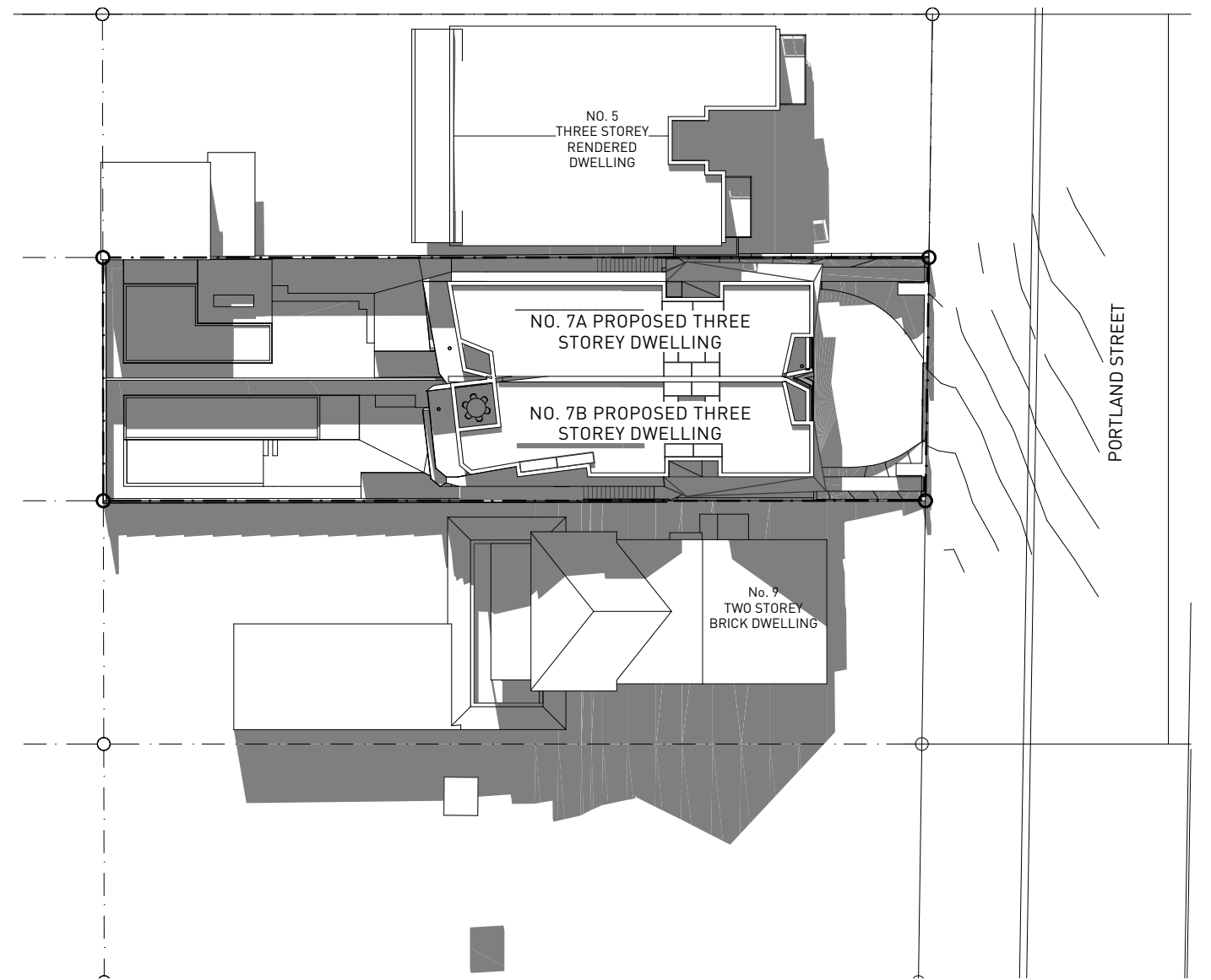
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01 EXISTING 12PM WINTER SOLSTICE
1:400



02 EXISTING 12PM WINTER SOLSTICE



03 PROPOSED 12PM WINTER SOLSTICE
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04 PROPOSED 12PM WINTER SOLSTICE



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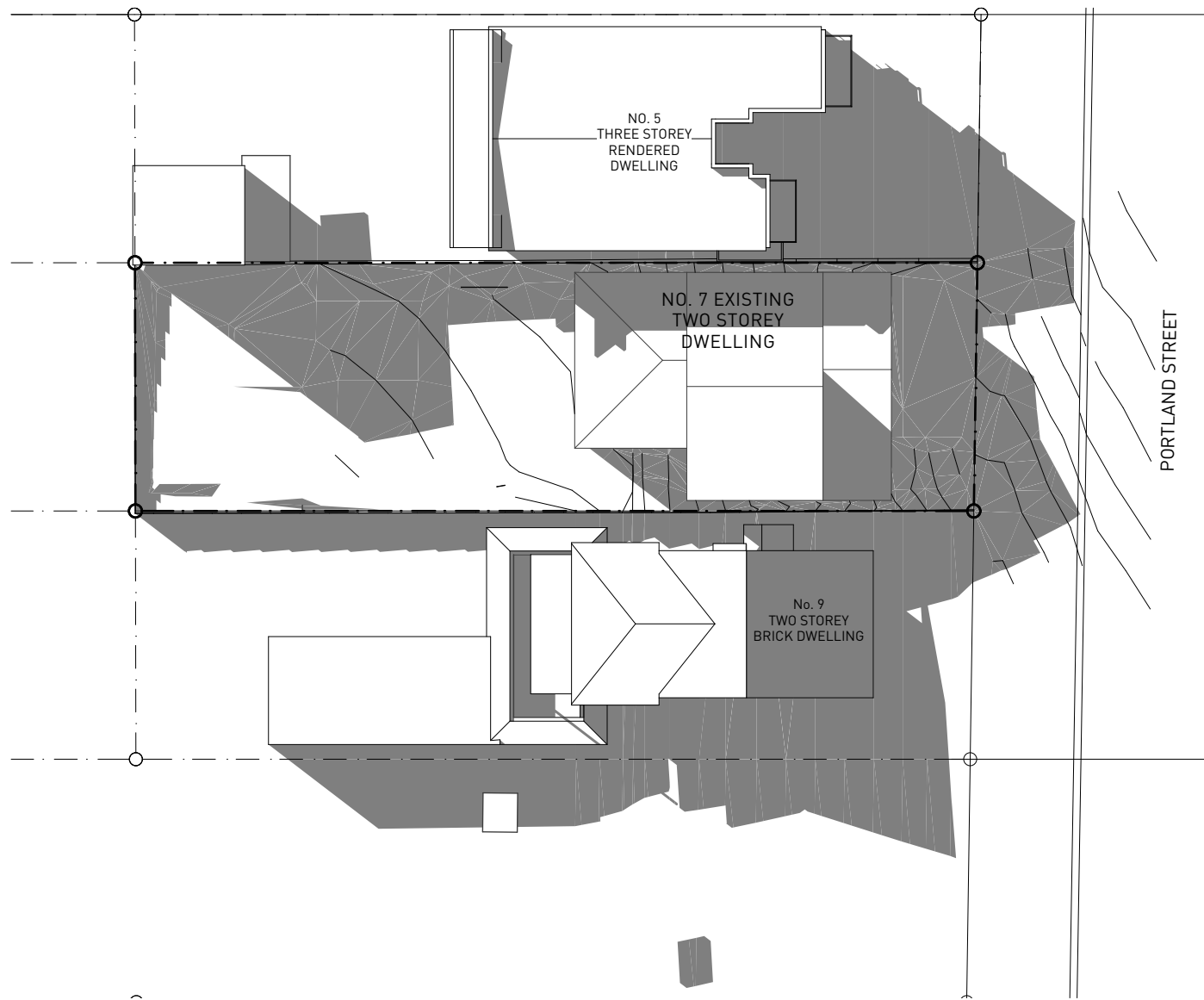
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DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

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CLIENT
MR TITO VENTURA

DRAWING TITLE
**PROPOSED
SHADOW
DIAGRAMS 12PM**

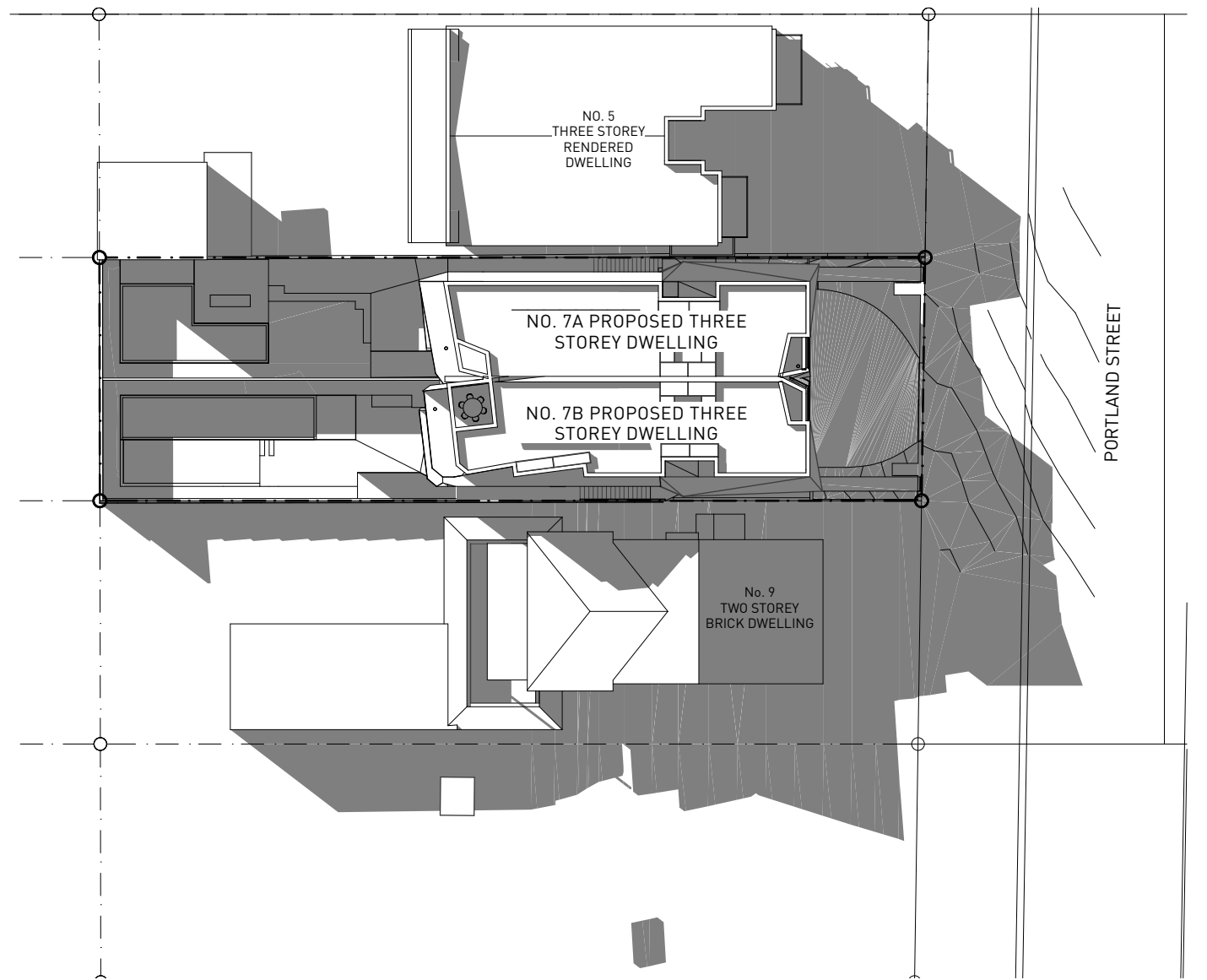
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DATE	20/12/2017	SCALE	1:400 @A3
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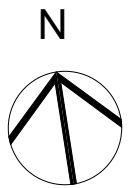
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03 PROPOSED 3PM WINTER SOLSTICE
1:400



04 PROPOSED 3PM WINTER SOLSTICE



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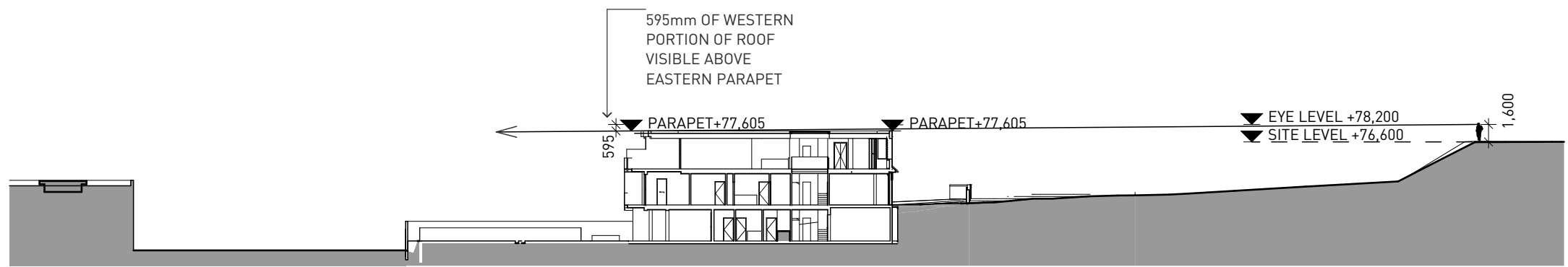
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7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

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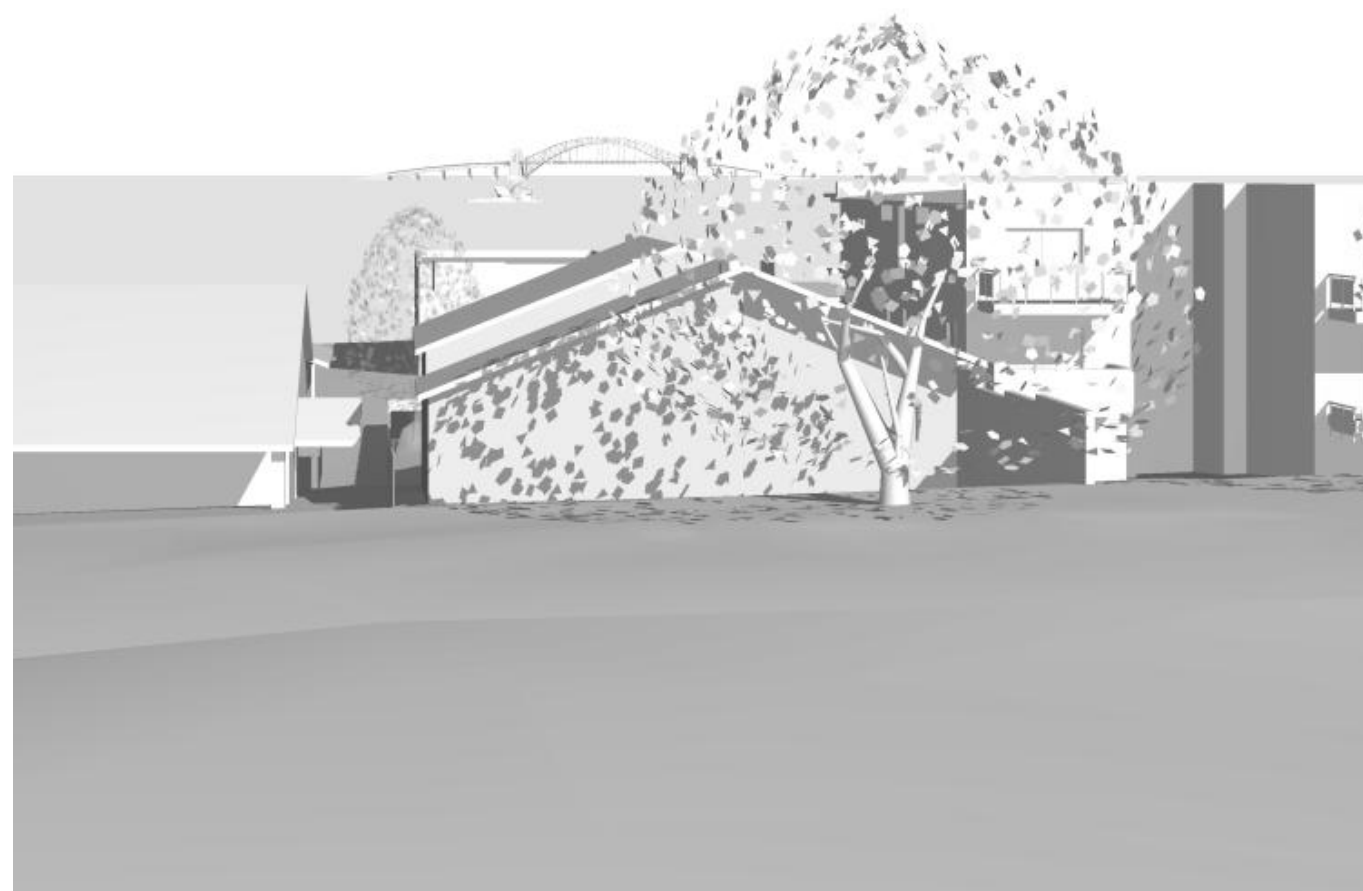
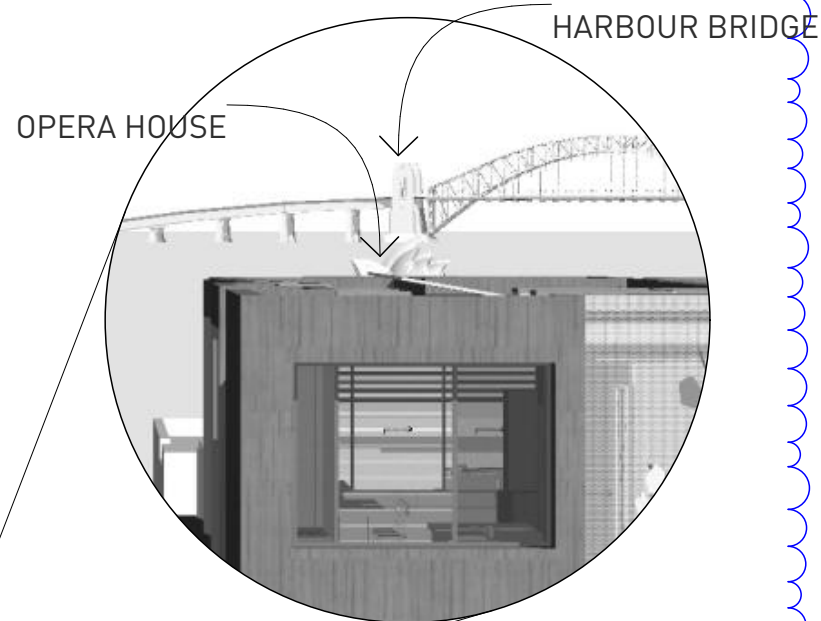
CLIENT
MR TITO VENTURA

DRAWING TITLE
**PROPOSED
SHADOW
DIAGRAMS 3PM**

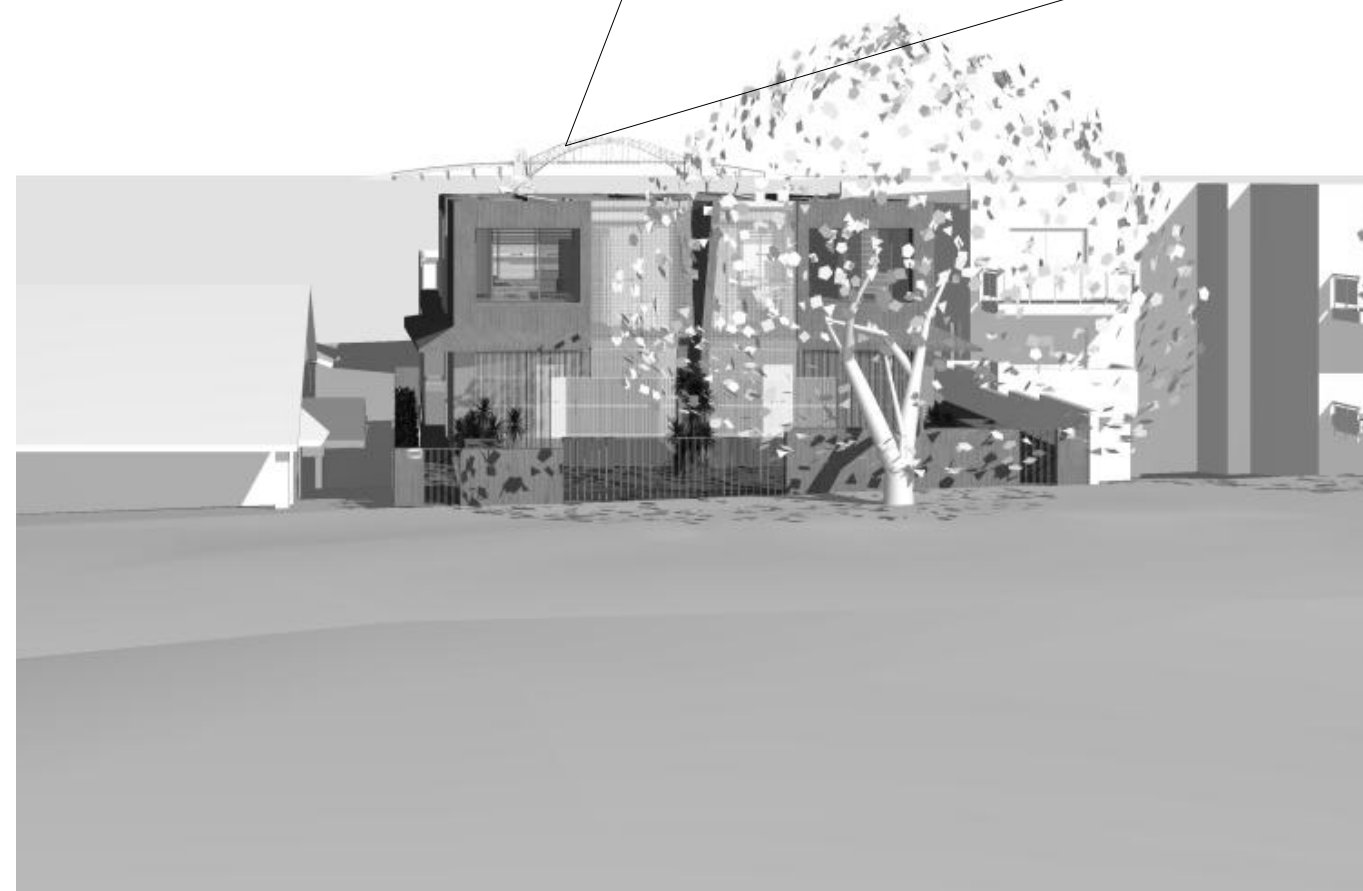
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DATE	20/12/2017	SCALE	1:400 @A3
DRAWING	DD32	REVISION	463 C



WEST EAST LONG SECTION
1:500



EXISTING VIEW



PROPOSED VIEW

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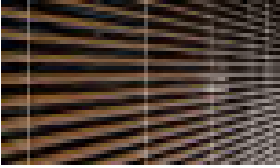
PROJECT NAME
DOVER HEIGHTS HOUSES
7 PORTLAND STREET
DOVER HEIGHTS NSW 2030

CLIENT
MR TITO VENTURA

DRAWING TITLE
VIEW IMPACT STUDY

STATUS		REVISED FOR DA	
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CODE	ITEM	DESCRIPTION	LOCATION	IMAGE
F01	OFF-FORM CONCRETE	FINE VERTICAL TEXTURE	FRONT FENCE & FRONT FACADES	
F02	METAL VERTICAL & HORIZONTAL BATTENS	SATIN MEDIUM BRONZE ANODISED ALUMINIUM	ENTRY GATES & FRONT FACADE BATTENS	
F03	ALUMINUM SCREEN	CORRUGATED PERFORATED METAL SCREEN - COPPER COLOUR	FRONT BALCONY SCREENS & GARAGE DOORS	
F04	DOOR & WINDOW FRAMES	SATIN MEDIUM BRONZE ANODISED ALUMINIUM	ALL FACADES	
F05	STONE CLADDING	CROSS CUT LIMESTONE	FACADES AT PEDESTRIAN ENTRY	
F06	ROOF BALLAST	RIVER PEBBLES - MIXED COLOURS	COVERING TO FLAT ROOF	
F07	PAINTED EXTERNAL WALLS	TEXTURED PAINT FINISH (MUROWASH OPULENCE) TO MASONRY WALLS	ALL EXTERIOR WALLS EXCLUDING OFF-FORM CONCRETE	
F08	VERTICAL SUN LOUVRES	EXTERNAL ALUMINIUM OPERABALE & RETRACTABLE HORIZONTAL VENETIAN BLINDS	WESTERN REAR FACADES LIVING LEVELS	
F09	DRIVEWAY	WASHED AGGREGATED CONCRETE DRIVEWAY - COLOURS TO MATCH ROOF BALLAST	ENTRY VEHICULAR DRIVEWAYS	

01

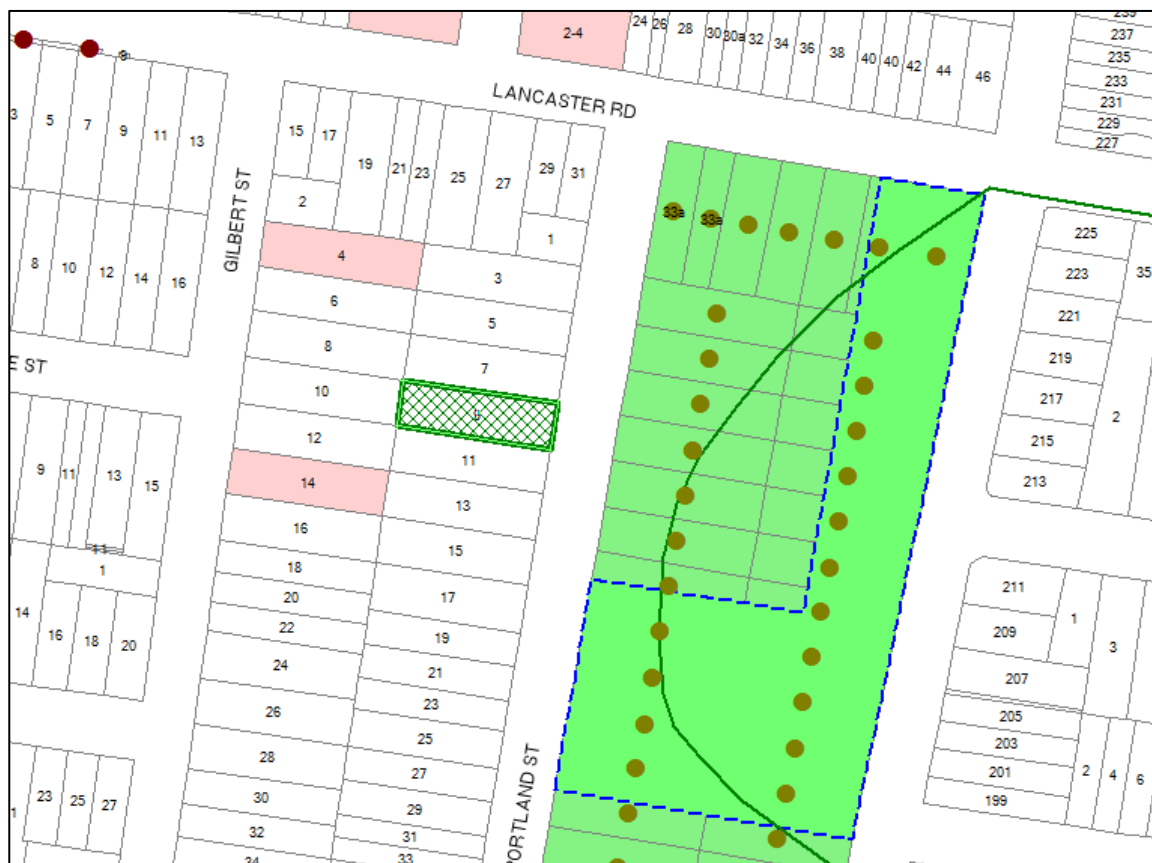
FINISHES SCHEDULE



Report to the Waverley Development Assessment Panel

Application number	DA-525/2017
Site address	9 Portland Avenue, DOVER HEIGHTS
Proposal	Alterations and additions to existing dwelling including additional storey
Date of lodgement	7 December 2017
Owner	Mr N A Golfin and Ms P Polly
Applicant	Christopher Polly Architect
Submissions	Two
Cost of works	\$450,000
Issues	Non-compliance with height control, garage streetscape impact
Recommendation	That the application be APPROVED, subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 22 March 2018 date.

The site is identified as Lot 29 in DP 6242, known as 9 Portland Avenue, DOVER HEIGHTS. The site is rectangular in shape with a north boundary measuring 51.51m, east boundary (street frontage) measuring 15.24m, south boundary measuring 51.26m and west boundary measuring 15.24m. The site has an area of 785.07sqm and the site falls from the front to the rear by approximately 4.23m.

The site is occupied by a single storey detached dwelling, with a partial lower ground floor at the rear. The house sits lower than the adjoining street level. Vehicular access is provided to a car port located at the front of the site.

The subject site is adjoined by a three storey dwelling to the south. The site to the north contains a two storey dwelling, and a development application currently under assessment proposes demolition and construction of a three storey dual occupancy (DA-243/2017). The locality is characterised by a variety of residential developments including semi-detached and detached dwellings. Opposite the site to the east is Dudley Page Reserve.



Figure 1: Site viewed from Portland Street



Figure 2: Existing carport viewed from Portland Street



Figure 1: Rear of the site. 11 Portland Street is visible above the existing pool enclosure



Figure 4: The northern elevation of 11 Portland Street viewed from the terrace at the subject site



Figure 5: Looking south towards 11 Portland Street from the existing terrace



Figure 6: Looking north towards 7 Portland Street from the existing terrace

1.2 Relevant History

- BA-198/1998 approved construction of a swimming pool enclosure
- BA-199/1998 approved a swimming pool in the rear yard

During the assessment period, Council staff wrote to the applicant raising concern about the garage roller door on the front boundary line. Council staff advised that the roller door was considered to have an impact on the streetscape, and a low height sliding fence should be explored. The applicant responded on 18 April 2018 informing that given the restricted length of the hardstand (because of the topography of the site and positioning of the dwelling), a sliding gate on the inside of the fence line will not work, and the applicant does not wish to go to the expense of a new front fence to accommodate a sliding gate. The applicant has advised that the roller door could be replaced with a framed glazed door with battens attached to the front, which will provide transparency and visual relief when viewed from the streetscape. This has been discussed in further detail below.

1.3 Proposal

The application seeks consent for alterations and additions to the existing dwelling, including:

- Removal of the existing roof and construction of an additional level consisting a master bedroom, ensuite and living area with a rear balcony and splayed external walls;
- Internal alterations to provide stairs from the entry level to the proposed upper level;
- Conversion of the existing car port to a garage by increasing the roof height and installing a roller door;

No change is proposed to the lower ground floor and existing pool enclosure.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the Aims of the Plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal relates to a single dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">8.5m	No	The maximum height of the proposed development is 10.13m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">0.5:1	Yes	The proposal results in a FSR of 0.34:1. This calculation excludes the existing indoor pool enclosure, as it is not clear if this structure constitutes gross floor area. Notwithstanding this, the FSR of the site is 0.45:1 when the indoor pool is included, which still complies.

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 development standard. A detailed discussion of the variation to the development standard is presented below this table.

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 10.13m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.63m or 19%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the height development standard. The justification presented in the written request is summarised as follows:

- Given the appearance of the building, the perceived height of the resultant building when viewed from the street will be of a 1 storey plus attic roof form.
- The area of non-compliance is specific to the rear of the building where the land slopes down and is cut significantly.
- The building will not be bulky or excessive in scale in its context. There are existing part 2, part 3 storey dwellings adjoining the site.
- The proposal does not result in adverse amenity to neighbouring properties. Solar access is achieved to neighbouring dwellings, and any additional overshadowing as a result of the proposal does not fall onto private open space or living room windows. The proposed development does not impact views from surrounding properties or the public domain.

The applicant's written request is considered to demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard in this particular case. In particular:

- The non-compliance with the height control relates only to the rear portion of the site, where there is a significant drop in levels. From the front of the street on Portland Street, the maximum height is 5-6 metres.
- The maximum height of the proposed development at the ridge is RL76.46, which is still below the maximum height of 11 Portland Street at RL77.09 and the proposed development at 7 Portland Street at RL77.11 (as recommended by the assessing officer), the proposed height is considered to be in context with the streetscape.
- The additional level has considerable setbacks compared to the development on adjoining sites. The proposed top floor has a setback of 13m from the front boundary, 4m from the southern boundary with 11 Portland Street and between 1m and 2.7m from the northern boundary with 7 Portland Street.
- The proposed addition will result in 3 storeys at the rear. The lower ground floor extends beyond the ground floor. The proposed top floor rear building line is in line with the existing

ground floor building line. A cantilevered balcony with slayed external walls is proposed beyond the top floor building line to offer privacy at the upper level and also provide a roof for the terrace area below. While traditionally a cantilevered structure would not be supported, in this instance, the proposal does not extend beyond the existing ground floor terrace, and is still set back further than the balcony and parapet of the neighbouring dwelling at 11 Portland Street, which as shown in the photos above, is overbearing and offers little privacy to the subject site. The splayed balcony surrounds is an architectural feature offering privacy to the subject site while minimising the impact on adjoining dwellings.

- The additional level results in some overshadowing on the neighbouring dwelling at 11 Portland Street. However, the neighbouring site achieves more than the required 3 hours of solar access to the private open space and living room windows on the winter solstice.
- The significant setbacks result in an addition that sits atop of the existing building comfortably that does not appear bulky or over scaled. The proposed development will not result in a loss of views from surrounding dwellings or the public domain opposite the site.

The proposal will be in the public interest because it is consistent with the objectives of the height development standard and the R2 zone, and therefore in accordance with Clause 4.6 (3) and (4) the non-compliance may be supported.

2.1.4 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A SWRMP has been submitted. On-going waste management of the dwelling will remain unchanged by the proposal.
2. Energy and water conservation	Yes	A BASIX certificate has been submitted with the application.
6. Stormwater	Yes	The application has been referred to Council's Creating Waverley stormwater engineers. The plans are considered not satisfactory with regard to stormwater. Relevant conditions will be placed on the consent. This is further discussed at the 'Referrals' section of this report.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No, but considered acceptable	The proposal does not comply. However, the proposed height is considered acceptable as discussed in other areas of this report.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<p>The proposed addition is set back 13m from the front boundary, which does not exceed the front building line of the neighbouring dwelling at 11 Portland Street.</p> <p>The existing lower ground floor and ground floor rear building lines remain. The proposed upper level building line is directly above the existing ground floor rear building line, however a cantilevered balcony with splayed external walls extends beyond. This is considered acceptable as the balcony surrounds do not extend beyond the existing lower ground floor of the subject site, or the neighbouring dwelling at 11 Portland Street.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m or 1.5m 	Yes	The proposed additional level is setback between 1m and 2.7m from the northern boundary (with 7 Portland St) and is setback 4m from the southern boundary (with 11 Portland St)
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. Development must not dominate the streetscape. 	No	The addition to the dwelling does not dominate the streetscape and is considered compatible with the existing dwelling and streetscape. However, the proposed roller door is not compatible with the streetscape, and dominates the front façade. This is discussed further in other areas of this report.
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. Maximum size of balconies: 	Yes	The addition has been designed to minimise openings on the side boundaries, directing the outlook to the front and rear of the dwelling. The openings on the northern boundary (facing 7 Portland Street) include fixed external screens for privacy. On the southern side (facing 11 Portland Street) there are two openings with sill heights of 1m. These windows are to the walk in robe and ensuite bathroom. They have been designed to offset the two existing full height windows to the dining room at 11 Portland Street. Given the proposed windows are to low

Development Control	Compliance	Comment
<p>10m² in area 1.5m deep</p>	Yes	<p>use rooms, where privacy is required, it is expected that internal blinds will be installed.</p> <p>The proposal includes a rear facing upper level balcony (above the existing terrace). The balcony is 1.5m in depth and 11.55sqm in area. While this does not strictly comply with the maximum 10sqm area, the width of the site allows for the balcony to be setback 3m from the northern boundary and 4.5m from the southern boundary. The proposal includes external splay walls as an architectural feature to provide privacy to both the subject site and neighbouring dwellings. The external splay walls do not result in view loss or additional overshadowing. The proposed balcony is considered acceptable.</p>
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>The shadow diagrams submitted with the development application indicate the subject and neighbouring sites receive solar access to their private open space and rear facing living room windows on the winter solstice between 12 noon and 3pm. The proposed addition results in additional overshadowing to a portion of the private open space at 11 Portland St at 9am on the winter solstice. By 12 noon and 3pm, the additional overshadowing falls to the side and front of the dwelling. The majority of the private open space and living room windows retain solar access for over 3 hours on the winter solstice.</p>
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	<p>The subject site is located opposite Dudley Page Reserve, from which significant public domain views of the City and Sydney Harbour are achieved. Dudley Page Reserve has uninterrupted views from the southern end of the park where there are panoramic views of the City skyline, Harbour Bridge and Opera House and Sydney Harbour which will be unaffected by the proposal.</p> <p>However, from a standing position at the northern end of Dudley Page Reserve, a partial view of the Harbour Bridge and Opera House sails is visible over the subject site and neighbouring dwellings.</p> <p>A detailed view loss analysis has been undertaken for the proposal at the neighbouring site, 9 Portland Street. The proposed addition at</p>

Development Control	Compliance	Comment
		the subject site is lower in height and has greater setbacks than the neighbouring properties. The addition is also smaller than the existing street tree, which is to be retained. The proposed addition does not have impacts on views from the public domain or neighbouring sites.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	The existing car port provides off street parking for two cars.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	No	<p>The existing car port is forward of the front building line. There is no rear access, and the topography of the site does not allow for a garage to be located at the side of the dwelling or behind the building alignment.</p> <p>It is not clear whether consent has been sought for the existing car port, however, Council have not previously taken any compliance action.</p> <p>The hierarchy in Clause 1.11.2 allows for hardstand car spaces to be forward of the front building line, there is no provision for garages forward of the building line. There is not a predominance of garage roller doors on the boundary within the immediate vicinity of the site, as such the proposed roller door is not supported.</p>
1.11.3 Design	No	The proposed roller door is considered to exacerbate the bulky and unsympathetic carport at the front of the site. It has not been sympathetically integrated into the design of the dwelling, and given the topography of the site will be highly visible and dominate the street frontage. During the assessment period the applicant was advised that the roller door would not be supported, and the proposal should be amended to include a sliding gate. The applicant advised that given the length of the car space, a sliding gate would require replacement of the entire front fence. It is recommended that a condition be included advising that the roller door is not supported.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	No, but as existing	The existing double carport measures 5.3m x 4.9m, which does not comply.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property 	No	There is an existing single driveway, which is proposed to be retained. However, the application was referred to Council's Traffic and

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum width of 3m at the gutter (excluding splay) 		Development Unit who recommended that the existing vehicle crossing be modified to provide access to the proposed double garage. See discussion in the referrals section below.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front landscaped area: 50% of front open space provided 	Yes	<p>The proposal does not alter the existing building footprint. Therefore the existing open space and landscaping on the site is retained.</p> <p>The overall open space on the site is 47% and the overall landscaped area is 25%. The private open space at the rear ground floor level is 226sqm, and over 50% of the front setback is landscaped.</p>

Streetscape and visual impact

The proposal includes raising the roof of the carport, providing solid walls and a roller door on the front boundary line. The existing carport does not comply with WDCP C1 Clause 1.11.4 as it is undersized. While the hierarchy of preferred car parking locations in clause 1.11.2 allows for hardstand and carports to be located forward of the building line, there is no provision for garages forward of the building line. The roller door and enclosed garage structure is considered to have an adverse impact on the streetscape and will dominate the frontage of the site.

The applicant argues that there are a number of roller doors on the boundary within the street. However, these are located on the opposite side of Portland Street, approximately 85m to the south. The topography of these sites is very different from the subject site. The dwellings are located higher than the street level, which allows for excavation to provide parking and a garage at street level. The subject site drops significantly from the street level. The proposed upper level addition will be the only portion of the dwelling visible from the street, therefore the car parking is not sympathetically integrated into the design of the dwelling, and it does not complement the style, massing and detail of the dwelling to which it relates, contrary to Clause 1.11.3(a) and (b).

As discussed above, the applicant was given the opportunity to amend the development application to provide a sliding gate, rather than a roller door. It is acknowledged that given the non-compliant size of the existing carport, a sliding gate cannot be accommodated given the existing masonry fence, and the applicant has advised that the owner does not wish to replace the front fence to accommodate a sliding gate for the garage. As such, it is recommended that a condition be included to delete the roller door.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

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

Table 4: Summary of property addresses that lodged a submission

Property
5 Portland Street, Dover Heights (Consulate General of the Republic of Turkey Sydney)
11 Portland Street, Dover Heights

Issue: *Could the applicant please confirm in writing that they will not object to any future property development projects submitted by the Consulate.*

Response: This is a civil matter. Council will assess any future application on its merits and take into account any submissions received during the notification period.

Issue: *The building height does not comply. The existing ceiling heights can be reduced to reduce the overall height of the building*

Response: The proposed addition is below the parapet height of the adjoining two sites. The neighbouring dwellings and in particular, 11 Portland Street, already exceeds the building height development standard with minimal setbacks from the boundary. The non-compliance has been discussed above and is considered acceptable.

Issue: *The proposal results in overshadowing and privacy impacts to the dining room windows at 11 Portland Street*

Response: The proposal does not result in adverse additional overshadowing. The rear private open space and living room windows achieve in excess of the minimum requirements. The dining room windows referred to in the submission are full height windows facing the subject site. The proposed windows are offset from the windows at the adjoining site, have a sill height of 1m and are to passive use rooms (ensuite and walk in robe) which are likely to be covered. The proposed addition does not have adverse impacts on the amenity of neighbouring properties.

Issue: *The height of the garage should be minimised to reduce the impact on the streetscape*

Response: The conversion of the carport to a garage is not supported.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater – Creating Waverley

The application was referred to Council’s stormwater engineers who advised that the stormwater drainage plan and details are not satisfactory. The drawings do not comply with the Waverley DCP 2012 and the Waverley Council Water Management Technical Manual. It is recommended that conditions be included requesting the correct stormwater drainage plan and details.

3.2 Traffic & Development – Creating Waverley

The application was referred to Council’s traffic & development team who advised that the proposal is acceptable subject to conditions relating to the modifications to the existing vehicle crossing. The conditions have been included in the attached recommended conditions.

4. SUMMARY

The application seeks consent for alterations and additions to the existing single dwelling. The proposal includes removing the existing roof and providing an additional level consisting of a bedroom, ensuite, living room and rear facing balcony. The proposal also includes conversion of the existing carport to a garage and installation of a roller door on the balcony.

The proposed addition exceeds the height development standard of 8.5m by 1.63m or 19%, so it has been referred to the Waverley Development Assessment Panel for determination. The application submitted a Clause 4.6 request to vary the height development standard which addresses Clauses (3) and (4), so it is recommended that the variation be supported. The proposed roller door is considered to have streetscape impacts and the existing carport is undersized.

Two submissions were received, which have been resolved in this report. It is recommended that the application be approved, subject to the recommended conditions.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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



Emma Finnegan
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 3 May 2018

Date: 7 May 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA.100 Issue P3, DA.101 Issue P5, DA.102 Issue P5, DA.103 Issue P5, DA.104 Issue P3, DA.105 Issue P2, DA.201 Issue P5, DA.202 Issue P5, DA.203 Issue P5, DA.204 Issue P5, DA.205 Issue P5, tables and documentation prepared by Christopher Polly Architect, dated 7/12/2017, and received by Council on 7 December 2017,
- (b) BASIX Certificate;
- (c) Schedule of external material finishes Plan No. DA.300a and DA.300b, all Issue P2, prepared by Christopher Polly Architect, dated 7/12/2017, and received by Council on 7 December 2017
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The panel lift door proposed for the new garage is not supported and is to be deleted from the plans.

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. USE OF DWELLING

The premises are to be used only as a single dwelling house.

4. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

5. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

6. NEW DEVELOPMENT APPLICATION REQUIRED

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be removed, a new development application will be required and need to comply with the relevant planning controls including BASIX.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. SECTION 7.11 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.11 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to council:

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

"Waverley Council Cost Summary Report"; or,

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

"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports may be obtained from Waverley Council Customer Service Centre or downloaded from: www.waverley.nsw.gov.au/publications/

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.11 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$10,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

This deposit (cash or cheque) or guarantee must be established prior to the issue of the Construction Certificate. The full amount of the difference after recovery of Council's cost for any repair of damage

to Council property or rectification of unauthorised works on Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

9. LONG SERVICE LEVY

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

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

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

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

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

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

11. HOARDING REQUIRED

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

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

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

13. EROSION, SEDIMENT AND POLLUTION CONTROL

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

14. STORMWATER MANAGEMENT

- (a) The plans prepared by Christopher Polly Architect, DWG No. 1702.DA.105 (Issue P2), Dated September 2007 have been checked and considered **not satisfactory** with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual.

- An updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details e.g. dimensions, cross & long sections, top water level, details of orifice plate along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

(b) Amended details addressing clause (a) are to be submitted and approved by Council's Executive Manager, Creating Waverley demonstrating compliance, prior to the issue of a Construction Certificate.

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

15. ENGINEERING DETAILS

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

16. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

17. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

18. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

The Principal Certifying Authority shall be responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

19. PRIOR TO SITE WORKS

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

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

20. HOME BUILDING ACT

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

21. CONSTRUCTION SIGNS

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

22. OBSTRUCTION TO PUBLIC AREAS

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

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

23. VEHICULAR ACCESS - FINISHED LEVEL

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

24. EXISTING VEHICLE CROSSING IS TO BE MODIFIED

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

25. DILAPIDATION REPORTS

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

Please note the following:

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

26. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

27. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

28. DEMOLITION & SITE PREPARATION

Hazardous or intractable wastes arising from the demolition process being removed and disposed of in accordance with the requirements NSW WorkCover Authority and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

29. ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

No asbestos products are to be reused on site.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

30. STOCKPILES

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

31. ALL BUILDING MATERIALS STORED ON SITE

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

32. LOCATION OF BUILDING OPERATIONS

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

33. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

34. TOILET FACILITIES

Toilet facilities being provided on the work site in accordance with the requirements of Sydney Water.

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:

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

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

36. BUILDING CODE OF AUSTRALIA

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

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

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

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

38. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

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

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

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

40. ENCROACH BEYOND THE BOUNDARIES

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

41. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

42. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

43. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

44. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

45. SERVICE PIPES

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

46. TREATMENT OF BOUNDARY WALLS

The walls on the southern boundary are to be finished to a minimum standard, that being face brickwork and all mortar joints ironed (no dags).

47. STREET TREES

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

48. TREE PROTECTION

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

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

49. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

50. TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;

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

The **retention** the tree located within the front nature strip of 9 Portland Street, Dover Heights, shall be in accordance to – Australian Standards, *Protection of trees on development sites, AS 4970 – 2009*. The following measures shall also be implemented in regards to this tree:

- The hand digging of the proposed driveway initially, to proposed depths required.
- The erection of temporary fencing, 75 - 100mm thick mulch laid within and geo fabric laid up against temporary fencing (northern sides only) to prevent soil and mulch erosion during heavy rainfall with signs “Tree Protection Zone – do not enter” to be erected on all four sides of the fencing.
- Plywood sheeting to be laid over 100mm of mulch, within proposed driveway, so as builder can use for storage of **dry product only**, and then locked off at night. No vehicles within this zone.
- The use of the existing driveway during the demolition and building phase and temporary fencing of the nature strip, until the new driveway is ready for concreting. Then the temporary fencing shall be placed back to the northern side of the proposed driveway.
- The installation of a new tree in the location of the existing driveway after the removal of the old driveway. Tree protection measures and a maintenance regime shall be implemented, in accordance with Australian Standards and Waverley Councils preferred plant list.

No existing street trees shall be removed without Council approval. A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

51. OCCUPATION CERTIFICATE

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

52. STORMWATER MANAGEMENT

Prior to issuance of 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 submitted to satisfy conditions and to best engineering practice.

53. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

54. STREET NUMBER/S

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

55. INSTALLATION OF AIR CONDITIONING

Air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

GFA CALCULATIONS

Site Area: 785.07 sq.m
Maximum FSR permissible: 0.5 : 1
Maximum GFA allowed: 392.535 sq.m

Existing GFA (LGF+GF: 84.92 + GF: 112.76): 197.68 sq.m
Existing FSR: 0.252 : 1

PROPOSED DA
Proposed GFA (LGF+GF: 197.68 + FF: 72.75): 270.43 sq.m
Proposed FSR: 0.344 : 1

BASIX COMMITMENTS

THERMAL COMFORT COMMITMENTS

Construction & Insulation:
1. Floor above existing dwelling - nil.
2. External framed walls - R1.70 insulation.
3. Framed pitched roof, raked ceiling - Roof: 75mm foil backed blanket insulation, Ceiling: R1.24 insulation (up), Metal roofing: dark solar absorbance.

Windows & Glazed Doors:

- W1 - E standard aluminium framed, single clear glass, overshadowing 1.523m (h), 0.75m (w), eave/verandah/pergola/balcony >=750mm.
- W2 - E standard aluminium framed, single clear glass, overshadowing 1.523m (h), 0.75m (w), eave/verandah/pergola/balcony >=750mm.
- W3 - E standard aluminium framed, single clear glass, overshadowing 1.496m (h), 0.75m (w), eave/verandah/pergola/balcony >=750mm.
- W4 - N standard aluminium framed, single clear glass, external fixed louvre.
- W5 - W standard aluminium framed, single clear glass, overshadowing 2.87m (h), 3.1m (w), projection/height above sill ratio >=0.43.
- W6 - W standard aluminium framed, single clear glass, external adjustable louvre/blind.
- W7 - S standard aluminium framed, single clear glass, no shading.
- W8 - S standard aluminium framed, single clear glass, no shading.
- W9 - W timber or uPVC framed, single clear glass, overshadowing 2.85m (h), 3.1m (w), projection/height above sill ratio >=0.43.

Skylights:

- S1 - timber, low-e internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456), no shading.
- S2 - timber, low-e internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456), no shading.

KEY:

- Existing walls & structures
- Existing elements to be demolished
- New framed walls & elements
- New brickwork
- New blockwork to Struct Eng details

APPROX. TRUE NORTH

Notes:

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0 2 4 6 10m

Rev Amendment

Rev	Amendment	Date
P1	Prelim DA Issue to Planner & Client	19.09.17
P2	Prelim DA Issue to Planner & Client	16.11.17
P3	Development Application	07.12.17

LEGEND

AFD	ALUMINIUM FRAMED DOOR	NGL	NATURAL GROUND LEVEL
AFW	ALUMINIUM FRAMED WINDOW	PB	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
CONC	CONCRETE to Struct Eng detail	REF	REFRIGERATOR
CP	DOWNPIPE (METAL)	REL	RELATIVE LEVEL
EX	EXISTING	RWH	RAINWATER HEAD (METAL)
FCL	FINISHED CEILING LEVEL	SHR	SHOWER
FFL	FINISHED FLOOR LEVEL	SKL	SKYLIGHT
FG	FIXED GLASS	TFD	TIMBER FRAMED DOOR
FRL	FINISHED RELATIVE LEVEL	TFW	TIMBER FRAMED WINDOW
FW	FLOOR WASTE (STRIP DRAIN)	TL	TILE FINISH
HWU	HOT WATER UNIT	TM	TIMBER (DRESSED)
JU	JOINERY UNIT STORAGE	TMB	TIMBER BOARDS
MC	METAL CAPPING	TMF	TIMBER FLOOR (FRAMED FLOOR)
MCL	METAL CLADDING	TOG	TOP OF GUTTER
MDR	METAL DECK ROOF	TW	TOP OF WALL
MG	METAL GUTTER	WIR	WALK-IN ROBE
MR	METAL ROOF	WM	WASHING MACHINE
MS	MILD STEEL to Struct Eng detail		

DEVELOPMENT APPLICATION NOT FOR CONSTRUCTION NOT FOR TENDER

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Project

GOLFIN POLLY HOUSE
9 Portland St Dover Heights (Lot 29, DP.6242)

Client

NICHOLAS GOLFIN and PATSIE POLLY
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Drawing

SITE PLAN

Scale

1:200 @A3 CP

Signed

CP

Origin Date

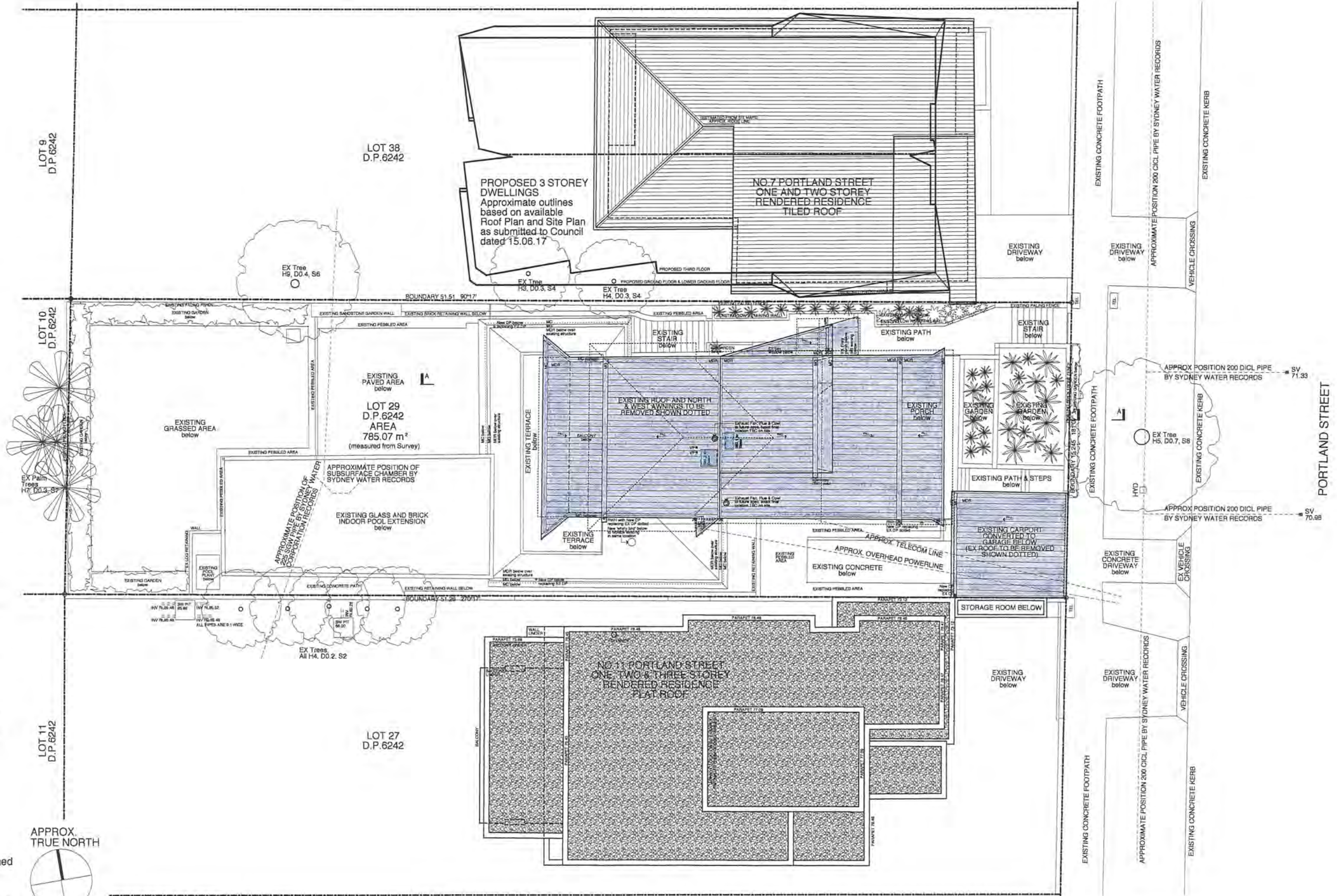
Sept 2017

Drawing No.

1702.DA.100

Issue

494



NEW STORMWATER SYSTEM
INSTALLED BY INFRAWORKS
PLUMBING PTY LTD IN APRIL 2016

- Installed underground absorption arch drain pit in rear yard, 6m long x 2m wide x 1m deep - consisting of 2 x 6m rows of poly arch drainage system wrapped in geotech fabric and backfilled with blue metal. These arch drains are joined together with piping and act as an underground absorption tank
- Installed 600 x 600 collection pit in rear yard before absorption system, which collects all stormwater pipes, and has a mesh screen to collect leaves and debris from entering the arch drainage system
- Installed 90mm stormwater pipes along the side path from the Entry Porch location & top of the side path stair, with 2 x installed SS trench drains. Pipework runs all the way along inside of fence to the 600 x 600 pit
- Installed stormwater pipes along lower part of side path collects 3 x existing trench drains and downpipes at rear of house

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Rev Amendment
P1 Prelim DA Issue to Client & Planner
P2 Development Application

Date
16.11.17
07.12.17

LEGEND

AFD ALUMINIUM FRAMED DOOR
AFW ALUMINIUM FRAMED WINDOW
BAL BALUSTRADE
BK BRICKWORK
BL BLOCKWORK
BTS BATTENS
CONC CONCRETE to Struct Eng detail
DP DOWNPIPE (METAL)
EX EXISTING
FCL FINISHED CEILING LEVEL
FFL FINISHED FLOOR LEVEL
FG FIXED GLASS
FRL FINISHED RELATIVE LEVEL
FW FLOOR WASTE (STRIP DRAIN)
HWU HOT WATER UNIT
JU JOINERY UNIT STORAGE
MC METAL CAPPING
MCL METAL CLADDING
MDR METAL DECK ROOF
MG METAL GUTTER
MR METAL ROOF
MS MILD STEEL to Struct Eng detail

NGL NATURAL GROUND LEVEL
PB SET PLASTERBOARD
PR PLASTER OVER RENDER FINISH
RB RETRACTABLE BLIND
RBK RENDERED BRICKWORK
RBL RENDERED BLOCKWORK
REF REFRIGERATOR
RL RELATIVE LEVEL
RWH RAINWATER HEAD (METAL)
SHR SHOWER
SKL SKYLIGHT
TFD TIMBER FRAMED DOOR
TFW TIMBER FRAMED WINDOW
TFW TILE FINISH
TMB TIMBER (DRESSED)
TMB TIMBER BOARDS
TMF TIMBER FLOOR (FRAMED FLOOR)
TOG TOP OF GUTTER
TW TOP OF WALL
WIR WALK-IN ROBE
WM WASHING MACHINE

DEVELOPMENT APPLICATION
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NOT FOR TENDER

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Project
GOLFIN POLLY HOUSE
9 Portland St Dover Heights (Lot 29, DP.6242)

Client
NICHOLAS GOLFIN and PATSIE POLLY
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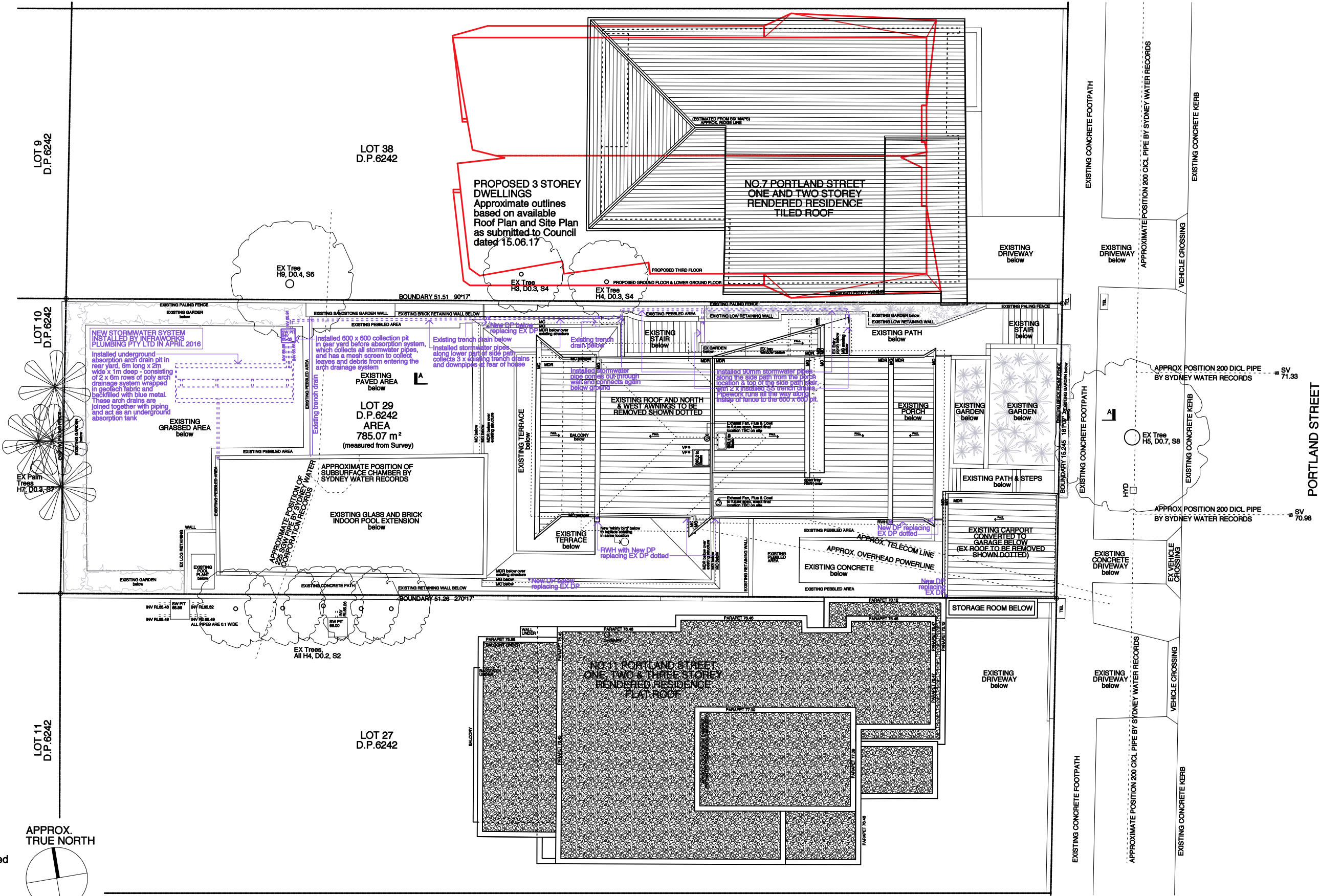
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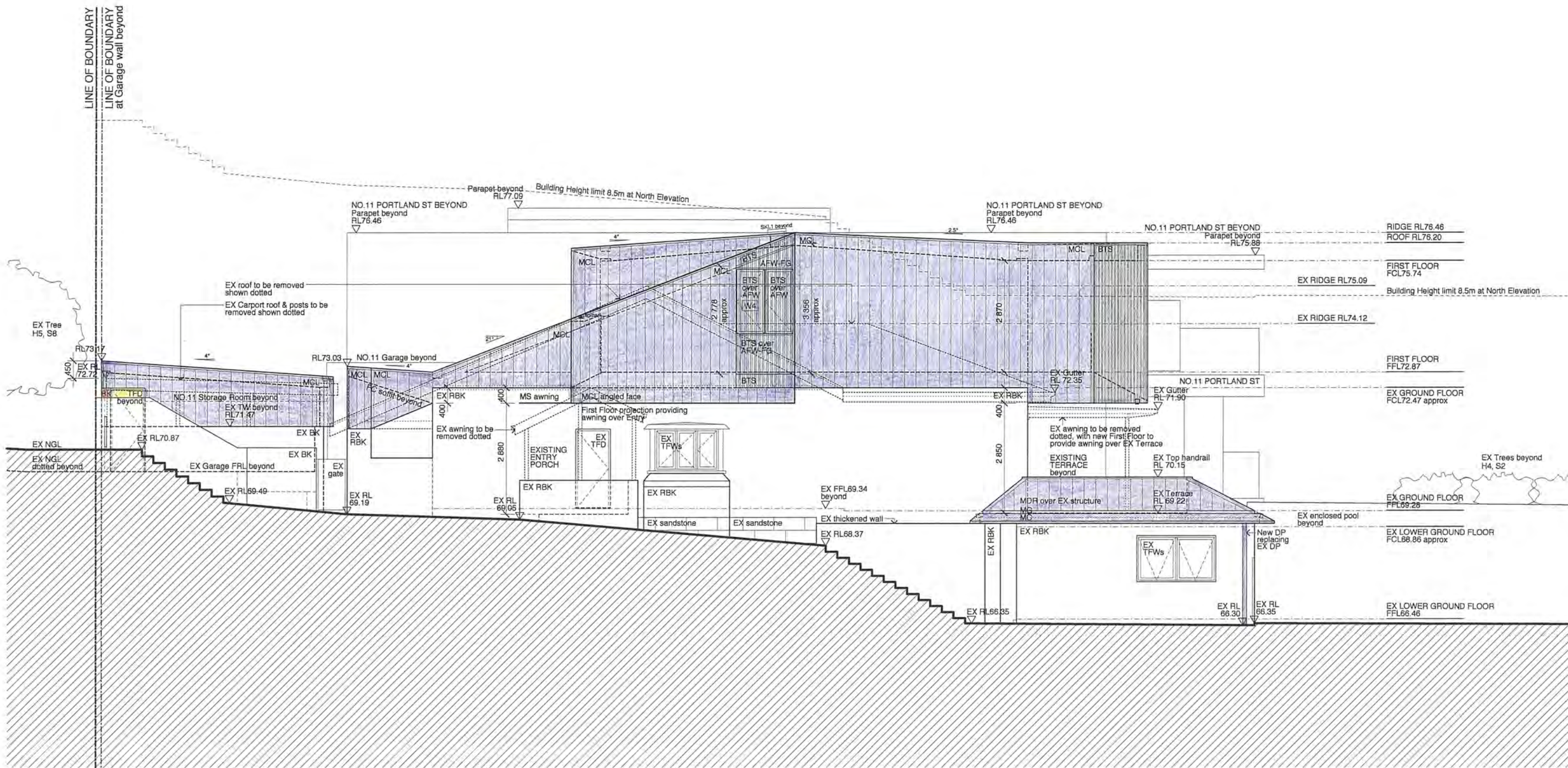
Drawing
**WATER MANAGEMENT
SITE PLAN**

Scale Drawn Signed Origin Date
1:200 @A3 CP CP Sept 2017

Drawing No.
1702.DA.105

499





KEY:

- Existing walls & structures
- Existing elements to be demolished
- New framed walls & elements
- New brickwork
- New blockwork to Struct Eng details

01 NORTH ELEVATION

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LEGEND

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AFW	ALUMINIUM FRAMED WINDOW	PR	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
CONC	CONCRETE to Struct Eng detail	REF	REFRIGERATOR
DP	DOWNPIPE (METAL)	RL	RELATIVE LEVEL
EX	EXISTING	RWH	RAINWATER HEAD (METAL)
FCL	FINISHED CEILING LEVEL	SKL	SKYLIGHT
FFL	FINISHED FLOOR LEVEL	SHR	SHOWER
FG	FIXED GLASS	TFD	TIMBER FRAMED DOOR
FRL	FINISHED RELATIVE LEVEL	TFW	TIMBER FRAMED WINDOW
FW	FLOOR WASTE (STRIP DRAIN)	TL	TILE FINISH
HWU	HOT WATER UNIT	TM	TIMBER (DRESSED)
JU	JOINERY UNIT STORAGE	TMB	TIMBER BOARDS
MC	METAL CAPPING	TMF	TIMBER FLOOR (FRAMED FLOOR)
MCL	METAL CLADDING	TOG	TOP OF GUTTER
MDR	METAL DECK ROOF	TW	TOP OF WALL
MR	METAL GUTTER	WM	WALK-IN ROBE
MR	METAL ROOF	WM	WASHING MACHINE
MS	MILD STEEL to Struct Eng detail		

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9 Portland Street, Dover Heights NSW 2030
m. 0402 096 075 m. 0402 096 074

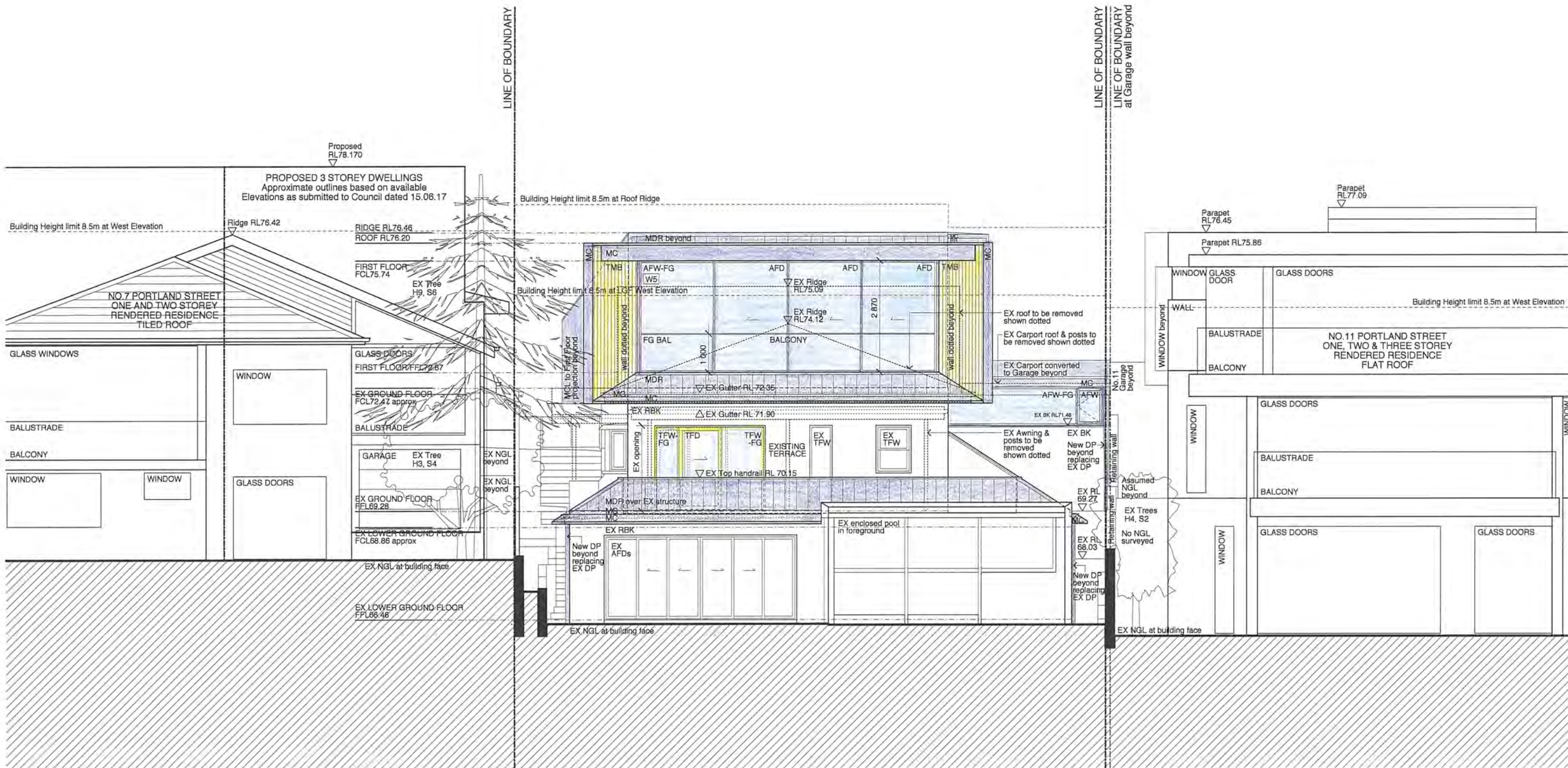
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Drawing
NORTH ELEVATION

Scale	Drawn	Signed	Origin Date
1:100 @A3	CP	CP	May 2017

Drawing No.
1702.DA.201

Issue
500



KEY:

- Existing walls & structures
- Existing elements to be demolished
- New framed walls & elements
- New brickwork
- New blockwork to Struct Eng details

01 WEST ELEVATION

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LEGEND

AFD	ALUMINIUM FRAMED DOOR	NGL	NATURAL GROUND LEVEL
AFW	ALUMINIUM FRAMED WINDOW	PS	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
CONC	CONCRETE to Struct Eng detail	REF	REFRIGERATOR
DP	DOWNPIPE (METAL)	RL	RELATIVE LEVEL
EX	EXISTING	RWH	RAINWATER HEAD (METAL)
FCL	FINISHED CEILING LEVEL	SHR	SHOWER
FFL	FINISHED FLOOR LEVEL	SKL	SKYLIGHT
FG	FIXED GLASS	TFD	TIMBER FRAMED DOOR
FRL	FINISHED RELATIVE LEVEL	TFW	TIMBER FRAMED WINDOW
FW	FLOOR WASTE (STRIP DRAIN)	TL	TILE FINISH
HU	HOT WATER UNIT	TM	TIMBER (DRESSED)
JU	JOINERY UNIT STORAGE	TMB	TIMBER BOARDS
MC	METAL CLADDING	TMF	TIMBER FLOOR (FRAMED FLOOR)
MCL	METAL CLADDING	TOG	TOP OF GUTTER
MDR	METAL DECK ROOF	TW	TOP OF WALL
MG	METAL GUTTER	WIR	WALK-IN ROBE
MR	METAL ROOF	WM	WASHING MACHINE
MS	MILD STEEL to Struct Eng detail		

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Drawing

WEST ELEVATION

Scale

1:100 @A3

Drawn

CP

Signed

CP

Origin Date

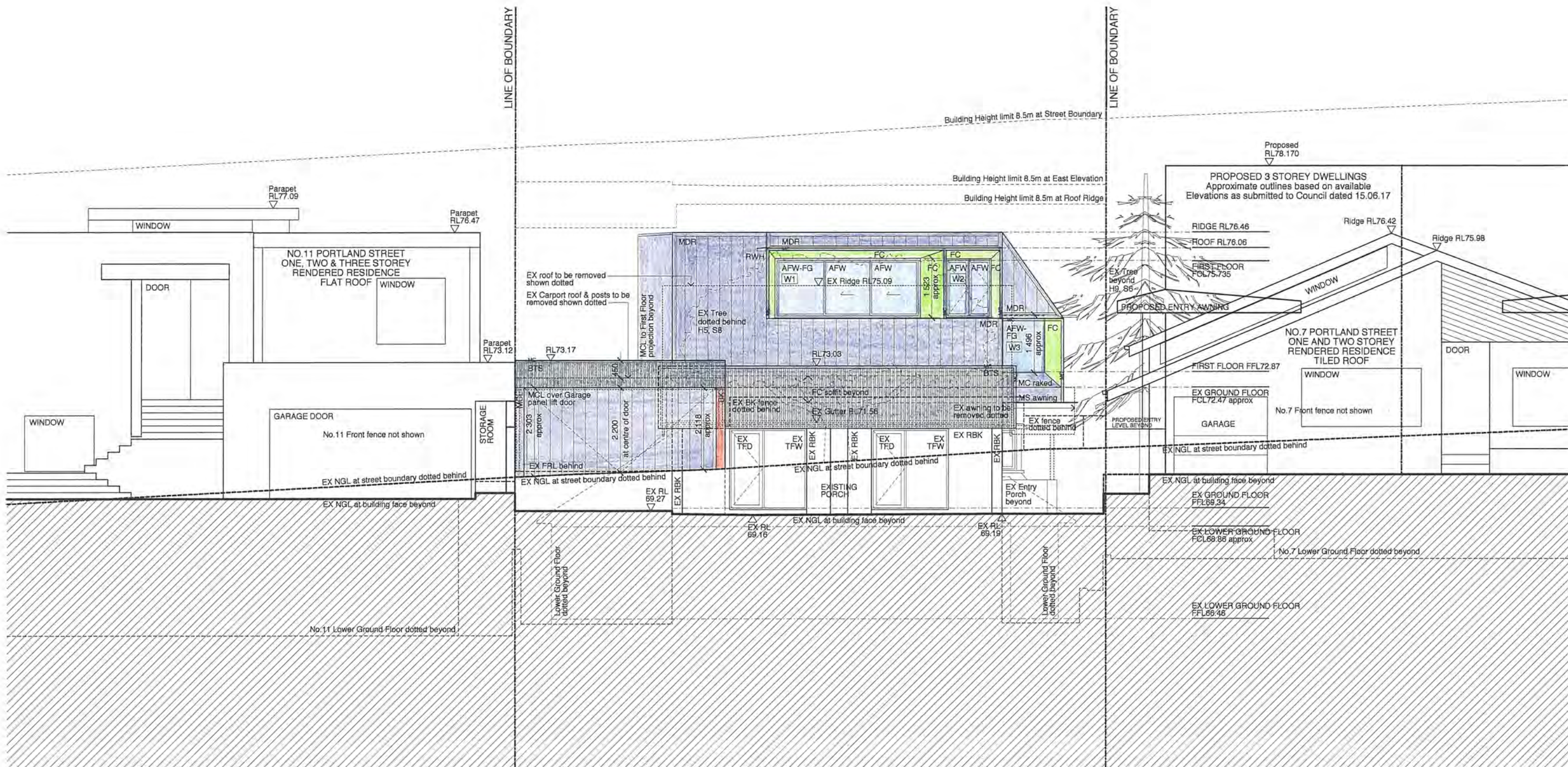
May 2017

Drawing No.

1702.DA.202

Issue

501



KEY:

- Existing walls & structures
- Existing elements to be demolished
- New framed walls & elements
- New brickwork
- New blockwork to Struct Eng details

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01 EAST ELEVATION

Composite Elevation with Garage Elevation
at street boundary

LEGEND

AFD	ALUMINIUM FRAMED DOOR	NGL	NATURAL GROUND LEVEL
AFW	ALUMINIUM FRAMED WINDOW	PR	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
CONC	CONCRETE to Struct Eng detail	REF	REFRIGERATOR
OP	DOWNPIPE (METAL)	RL	RELATIVE LEVEL
EX	EXISTING	RWH	RAINWATER HEAD (METAL)
FCL	FINISHED CEILING LEVEL	SHR	SHOWER
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MDR	METAL DECK ROOF	TW	TOP OF WALL
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MR	METAL ROOF	WM	WASHING MACHINE
MS	MILD STEEL to Struct Eng detail		

DEVELOPMENT APPLICATION
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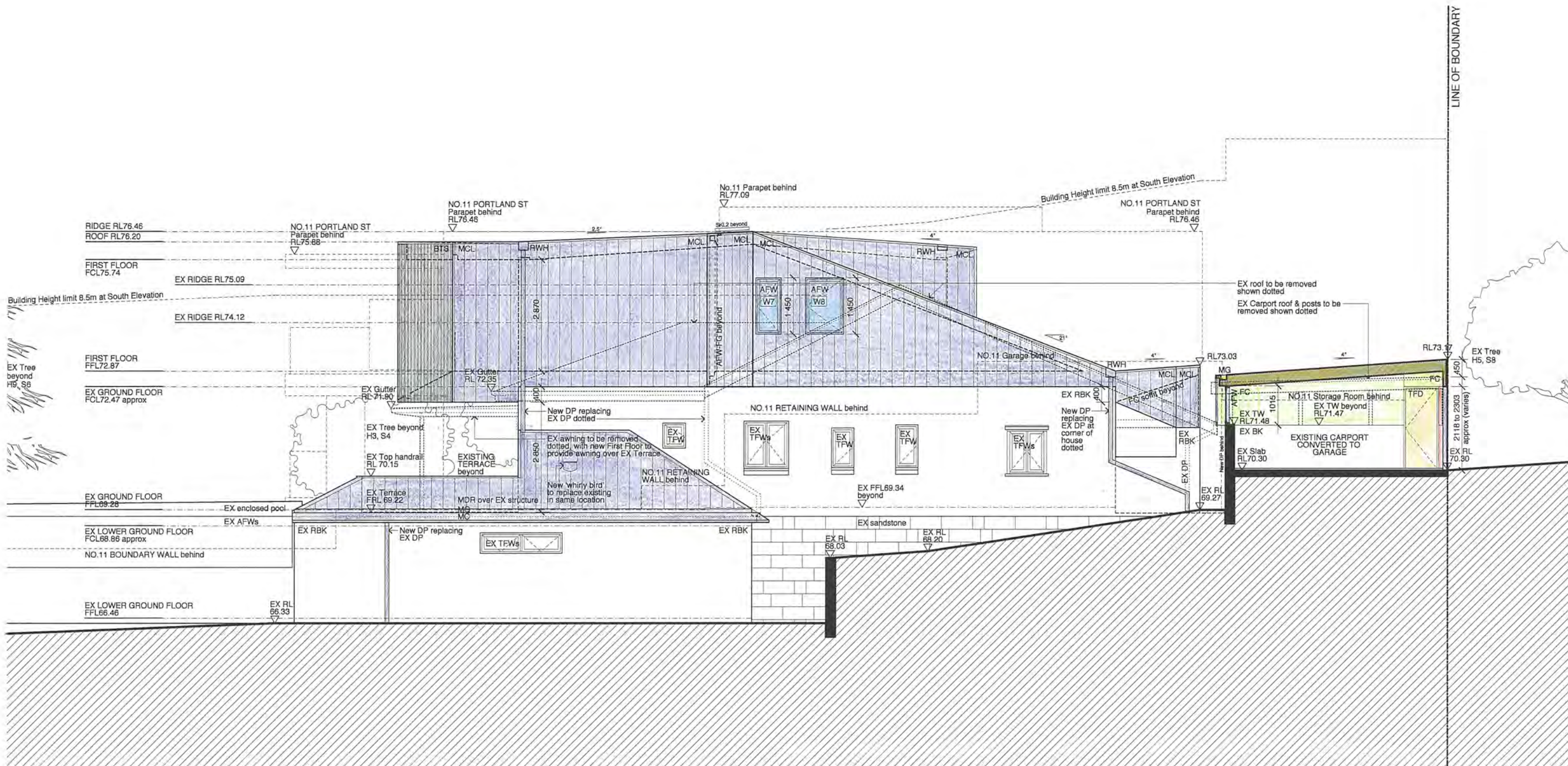
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Drawing
EAST ELEVATION

Scale	Drawn	Signed	Origin Date
1:100 @A3	CP	CP	May 2017

Drawing No.
1702.DA.203

Issue
502



KEY:

- Existing walls & structures
- Existing elements to be demolished
- New framed walls & elements
- New brickwork
- New blockwork to Struct Eng details

01 SOUTH ELEVATION

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LEGEND

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FG	FIXED GLASS	TL	TILE FINISH
FRL	FINISHED RELATIVE LEVEL	TFD	TIMBER FRAMED DOOR
FW	FLOOR WASTE (STRIP DRAIN)	TFW	TIMBER FRAMED WINDOW
HWU	HOT WATER UNIT	TL	TILE FINISH
JU	JOINERY UNIT STORAGE	TM	TIMBER (DRESSED)
MC	METAL CAPPING	TMB	TIMBER BOARDS
MCL	METAL CLADDING	TMF	TIMBER FLOOR (FRAMED FLOOR)
MDR	METAL DECK ROOF	TOG	TOP OF GUTTER
MG	METAL GUTTER	TW	TOP OF WALL
MR	METAL ROOF	WIR	WALK-IN ROBE
MS	MILD STEEL to Struct Eng detail	WM	WASHING MACHINE

DEVELOPMENT APPLICATION NOT FOR CONSTRUCTION NOT FOR TENDER

Architect
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Project
GOLFIN POLLY HOUSE
9 Portland St Dover Heights (Lot 29, DP.6242)

Client
NICHOLAS GOLFIN and PATSIE POLLY
9 Portland Street, Dover Heights NSW 2030
m. 0402 096 075 m. 0402 096 074

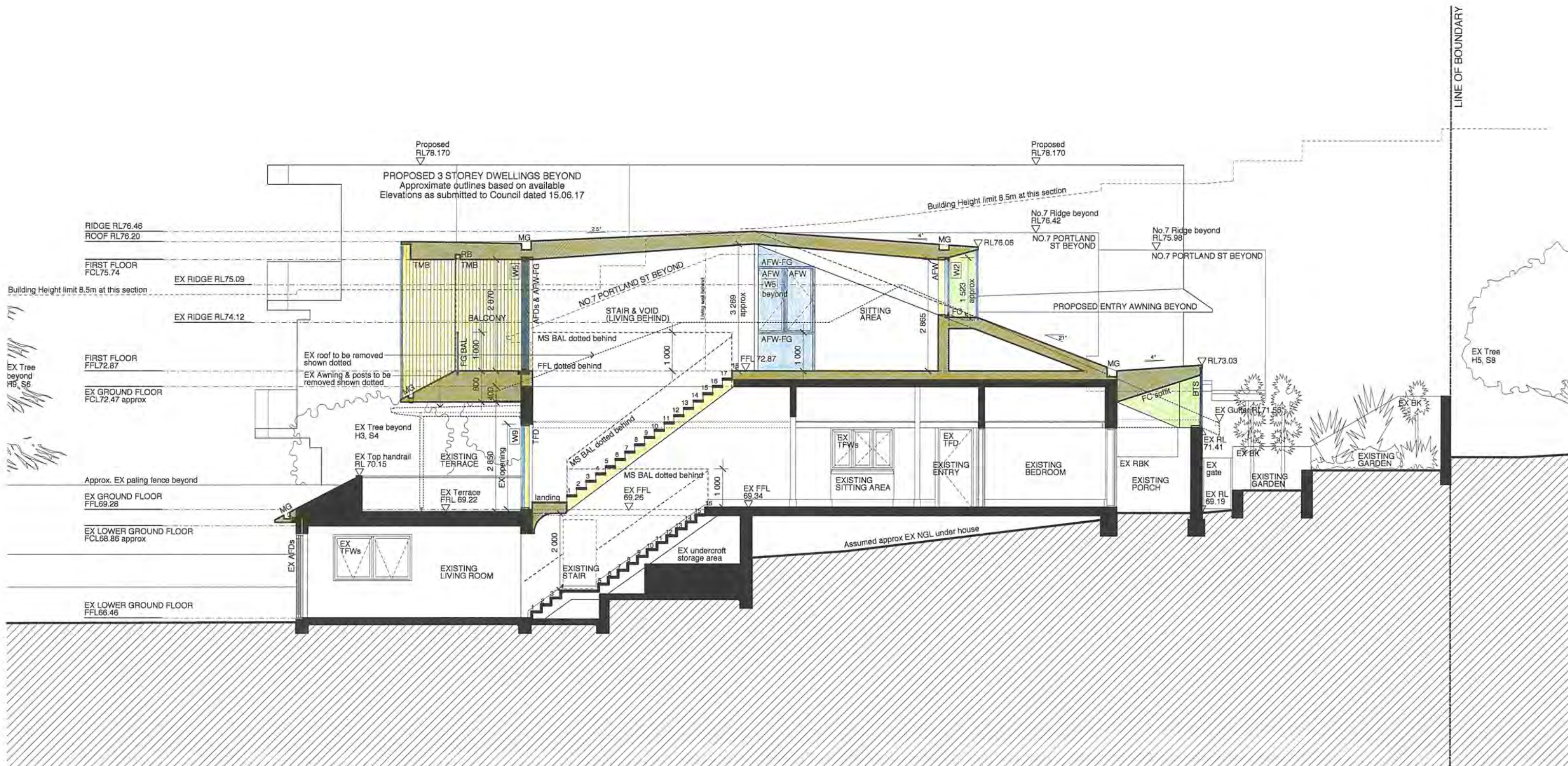
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PROJECT SURVEYORS PTY LTD
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Drawing
SOUTH ELEVATION

Scale Drawn Signed Origin Date
1:100 @A3 CP CP May 2017

Drawing No.
1702.DA.204

Issue
503



- KEY:
- Existing walls & structures
 - Existing elements to be demolished
 - New framed walls & elements
 - New brickwork
 - New blockwork to Struct Eng details

01 SECTION AA

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Rev	Amendment	Date
P1	Design Concepts Client Issue	21.06.17
P2	Revised Sketch Design B Issue to Client & Struct Eng	11.08.17
P3	Prelim DA Issue to Planner & Client	19.09.17
P4	Prelim DA Issue to Planner & Client	16.11.17
P5	Development Application	07.12.17

LEGEND	
AFD	ALUMINIUM FRAMED DOOR
AFW	ALUMINIUM FRAMED WINDOW
BAL	BALLUSTRADE
BK	BRICKWORK
BL	BLOCKWORK
BTS	BATTENS
CONC	CONCRETE to Struct Eng detail
OP	DOWNPIPE (METAL)
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FRL	FINISHED RELATIVE LEVEL
FW	FLOOR WASTE (STRIP DRAIN)
HWU	HOT WATER UNIT
JU	JOINERY UNIT STORAGE
MC	METAL CAPPING
MCL	METAL CLADDING
MDR	METAL DECK ROOF
MG	METAL GUTTER
MR	METAL ROOF
MS	MILD STEEL to Struct Eng detail
NGL	NATURAL GROUND LEVEL
PS	SET PLASTERBOARD
PR	PLASTER OVER RENDER FINISH
RB	RETRACTABLE BLIND
RBK	RENDERED BRICKWORK
RBL	RENDERED BLOCKWORK
REF	REFRIGERATOR
RL	RELATIVE LEVEL
RWH	RAINWATER HEAD (METAL)
SHR	SHOWER
SKL	SKYLIGHT
TFD	TIMBER FRAMED DOOR
TFW	TIMBER FRAMED WINDOW
TL	TILE FINISH
TM	TIMBER (DRESSED)
TMB	TIMBER BOARDS
TMF	TIMBER FLOOR (FRAMED FLOOR)
TOG	TOP OF GUTTER
TW	TOP OF WALL
WIR	WALK-IN ROBE
WM	WASHING MACHINE

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION
NOT FOR TENDER

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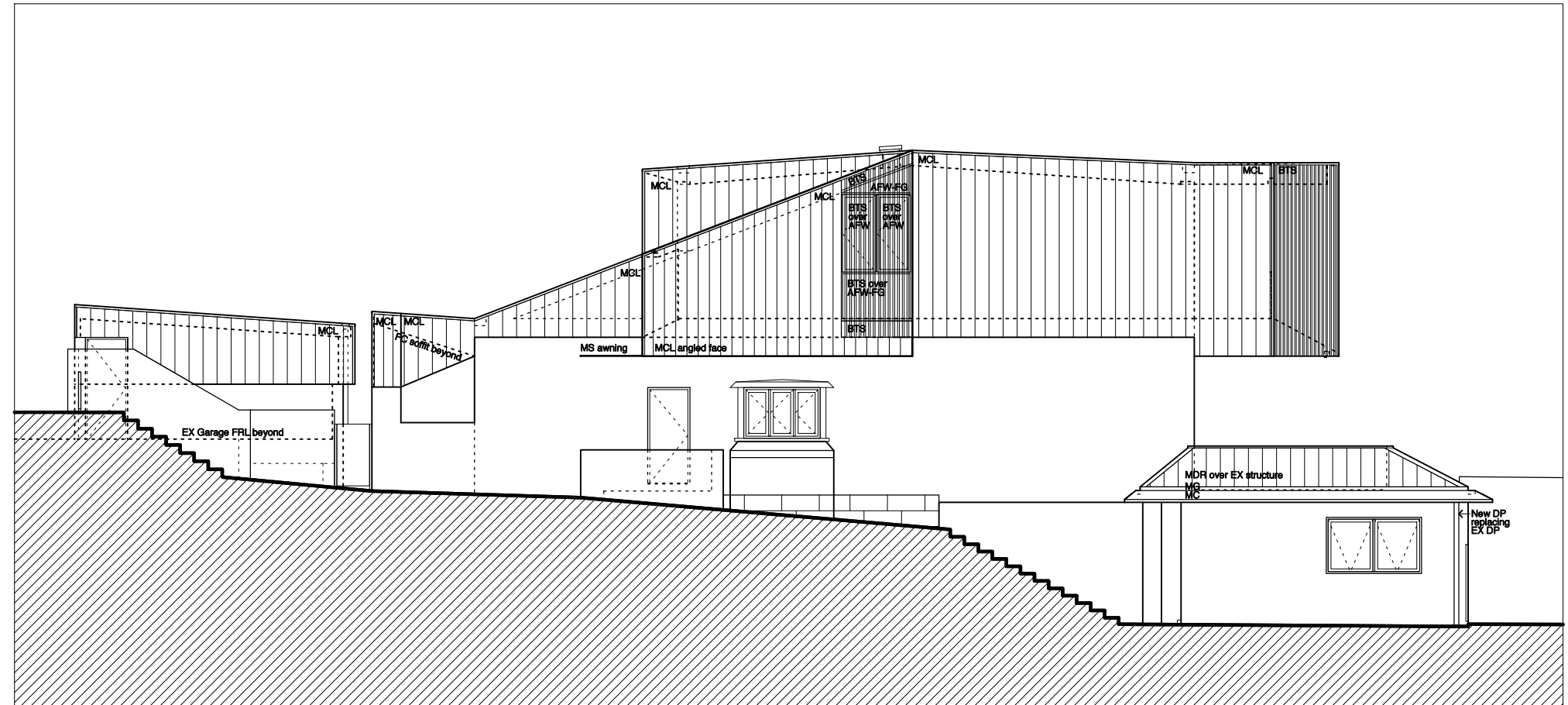
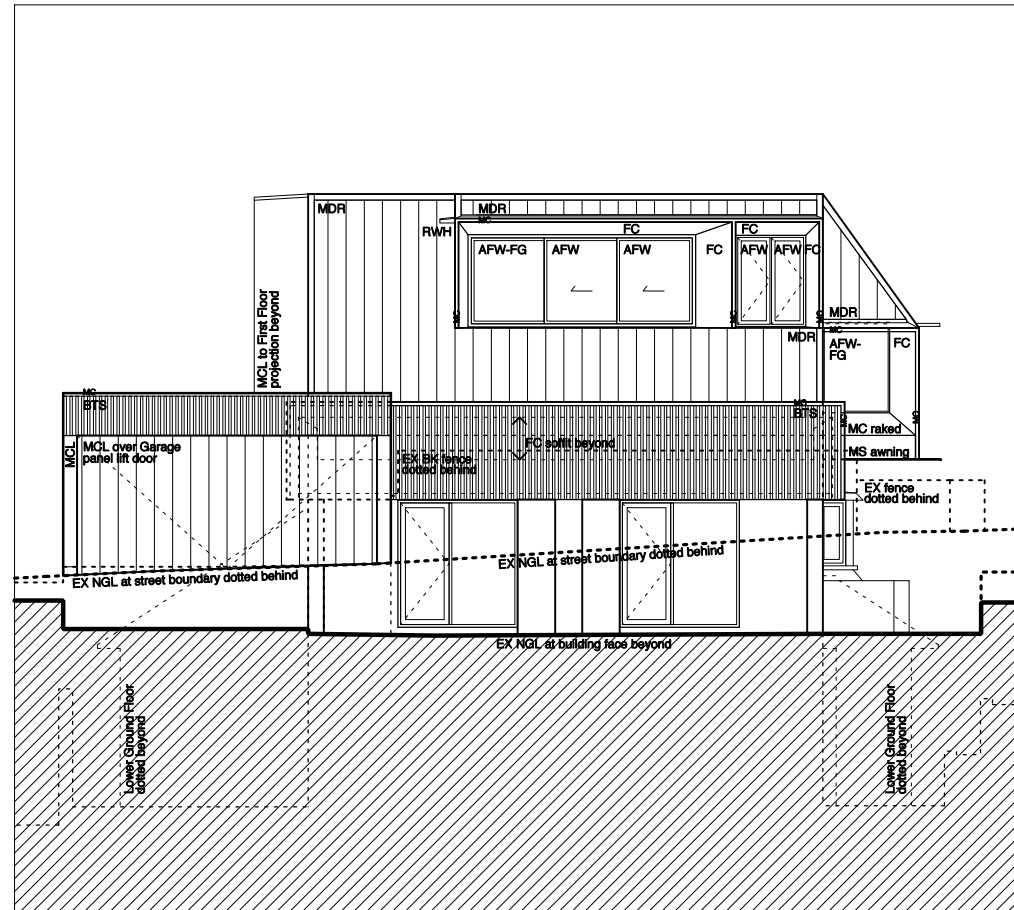
Drawing
SECTION AA

Scale Drawn Signed Origin Date
1:100 @A3 CP CP May 2017

Drawing No.
1702.DA.205

Issue
504

NORTH ELEVATION



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Rev	Amendment	Date
P1	Prelim DA Issue to Client & Planner	16.11.17
P2	Development Application	07.12.17

Date
r 16.11.17
07.12.17

LEGEND

AFD	ALUMINIUM FRAMED DOOR
AFW	ALUMINIUM FRAMED WINDOW
BAL	BALUSTRADE
BL	BRICKWORK
BL	BLACKWORK
BTS	BATTENS
CONC	CONCRETE to Struct Eng detail
DP	DOWNPIPE (METAL)
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FRL	FINISHED RELATIVE LEVEL
FW	FLOOR WASTE (STRIP DRAIN)
HWU	HOT WATER UNIT
JU	JOINERY UNIT STORAGE
MC	METAL CAPPING
MCL	METAL CLADDING
MDR	METAL DECK ROOF
MG	METAL GUTTER
MR	METAL ROOF
MS	MILD STEEL to Struct Eng detail

NGL	NATURAL GROUND LEVEL
PS	SET PLASTERBOARD
PR	PLASTER OVER RENDER FINISH
RB	RETRACTABLE BLIND
RBK	RENDERED BRICKWORK
RBL	RENDERED BLOCKWORK
REF	REFRIGERATOR
RL	RELATIVE LEVEL
RWH	RAINWATER HEAD (METAL)
SHR	SHOWER
SKL	SKYLIGHT
TFD	TIMBER FRAMED DOOR
TFW	TIMBER FRAMED WINDOW
TL	Tile FINISH
TM	TIMBER (DRESSED)
TMB	TIMBER BOARDS
TMF	TIMBER FLOOR (FRAMED FLOOR)
TOG	TOP OF GUTTER
W	TOP OF WALL
WIR	WALK-IN ROBE
WM	WASHING MACHINE

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION
NOT FOR TENDER

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Drawing
EXTERNAL MATERIAL FINISHES –
PANEL A

Scale	Drawn	Signed	Origin Date
1:125 @A3	CP	CP	Nov 2017

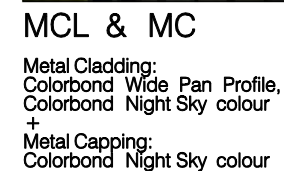
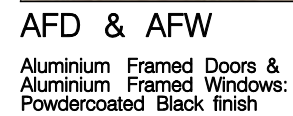
Drawing No.
1702.DA.300a

ISSUE
05



This architectural elevation drawing shows a building facade with several annotations and structural details. The building features a mix of materials, including vertical siding, horizontal siding, and a stone base. Key elements and labels include:

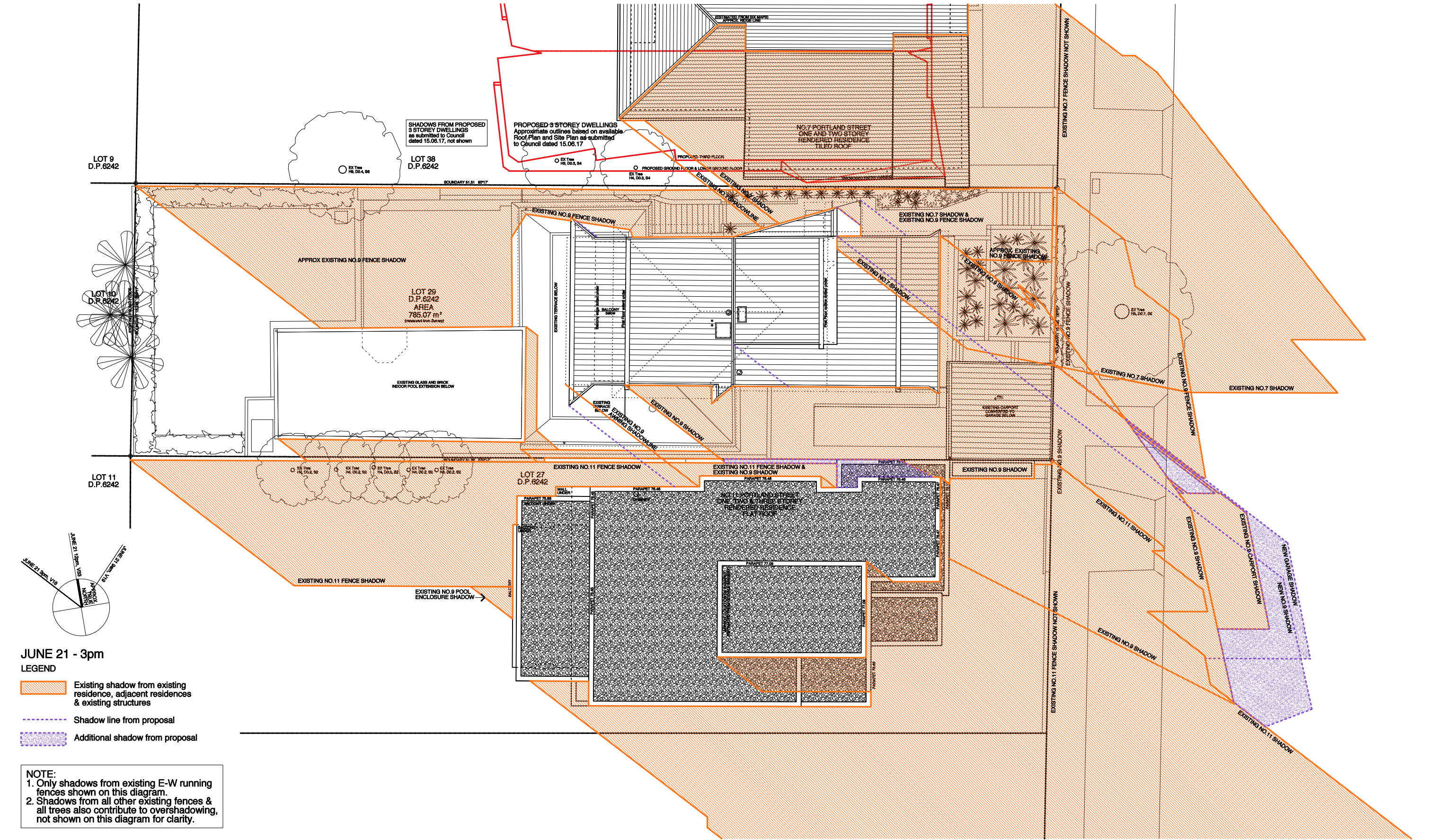
- Roofline and Siding:** The upper portion of the building has vertical siding. The roofline is marked with "BTS", "MCL", "RWH", "MCL", "MCL", "MCL", "RWH", and "MCL".
- Windows:** There are several windows, including two small square windows, two larger double-hung windows, and a small circular window. One window is labeled "AFW".
- Annotations:**
 - "New DP replacing EX DP" (twice) with arrows pointing to specific locations on the facade.
 - "MDR over EX structure" with an arrow pointing to a section of the roofline.
 - "AFW-FC beyond" and "FC some beyond" with arrows pointing to specific areas.
 - "RWH" (twice) and "MCL" (twice) are also labeled near the roofline.
- Base and Foundation:** The lower portion of the building has horizontal siding and a stone base. A section of the foundation is labeled "MG" and "AFW".
- Right Side Structure:** A separate structure on the right is labeled "EXISTING CARPORT CONVERTED TO GARAGE".



0 1 2 4 6m

NGL NATURAL GROUND LEVEL
 PB SET PLASTERBOARD
 PR PLASTER OVER RENDER FINISH
 RB RETRACTABLE BLIND
 RBK RENDERED BRICKWORK
 RBL RENDERED BLOCKWORK
 REF REFRIGERATOR
 RL RELATIVE LEVEL
 RWH RAINWATER HEAD (METAL)
 SHR SHOWER
 SKL SKYLIGHT
 TFD TIMBER FRAMED DOOR
 TFW TIMBER FRAMED WINDOW
 TL TILE FINISH
 TM TIMBER (DRESSED)
 TMB TIMBER BOARDS
 TMF TIMBER FLOOR (FRAMED FLOOR)
 TNG TIP OF GUTTER
 TW TOP OF WALL
 WIR WALK-IN ROBE
 WM WASHING MACHINE

Drawing No.	Issue
1702.DA.300b	506



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0 2 4 6 10m

Rev	Amendment	Date
P1	Prelim DA Issue to Planner & Client	24.11.17
P2	Development Application	07.12.17

LEGEND	
AFD	ALUMINIUM FRAMED DOOR
AFW	ALUMINIUM FRAMED WINDOW
BAL	BALUSTRADE
BK	BRICKWORK
BL	BLOCKWORK
BTS	BATTENS
CONC	CONCRETE to Struct Eng detail
DP	DOWNPIPE (METAL)
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FRL	FINISHED RELATIVE LEVEL
FW	FLOOR WASTE (STRIP DRAIN)
HWU	HOT WATER UNIT
JU	JOINERY UNIT STORAGE
MC	METAL CAPPING
MCL	METAL CLADDING
MDR	METAL DECK ROOF
MG	METAL GUTTER
MR	METAL ROOF
MS	MILD STEEL to Struct Eng detail
NGL	NATURAL GROUND LEVEL
PB	SET PLASTERBOARD
PR	PLASTER OVER RENDER FINISH
RB	RETRACTABLE BLIND
RBK	RENDERED BRICKWORK
REL	RENDERED BLOCKWORK
REF	REFRIGERATOR
RL	RELATIVE LEVEL
RWH	RAINWATER HEAD (METAL)
SHR	SHOWER
SKL	SKYLIGHT
TFD	TIMBER FRAMED DOOR
TFW	TIMBER FRAMED WINDOW
TL	TILE FINISH
TM	TIMBER (DRESSED)
TMB	TIMBER BOARDS
TMF	TIMBER FLOOR (FRAMED FLOOR)
TOG	TOP OF GUTTER
TW	TOP OF WALL
WIR	WALK-IN ROBE
WM	WASHING MACHINE

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION
NOT FOR TENDER

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Client
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m. 0402 096 075 m. 0402 096 074

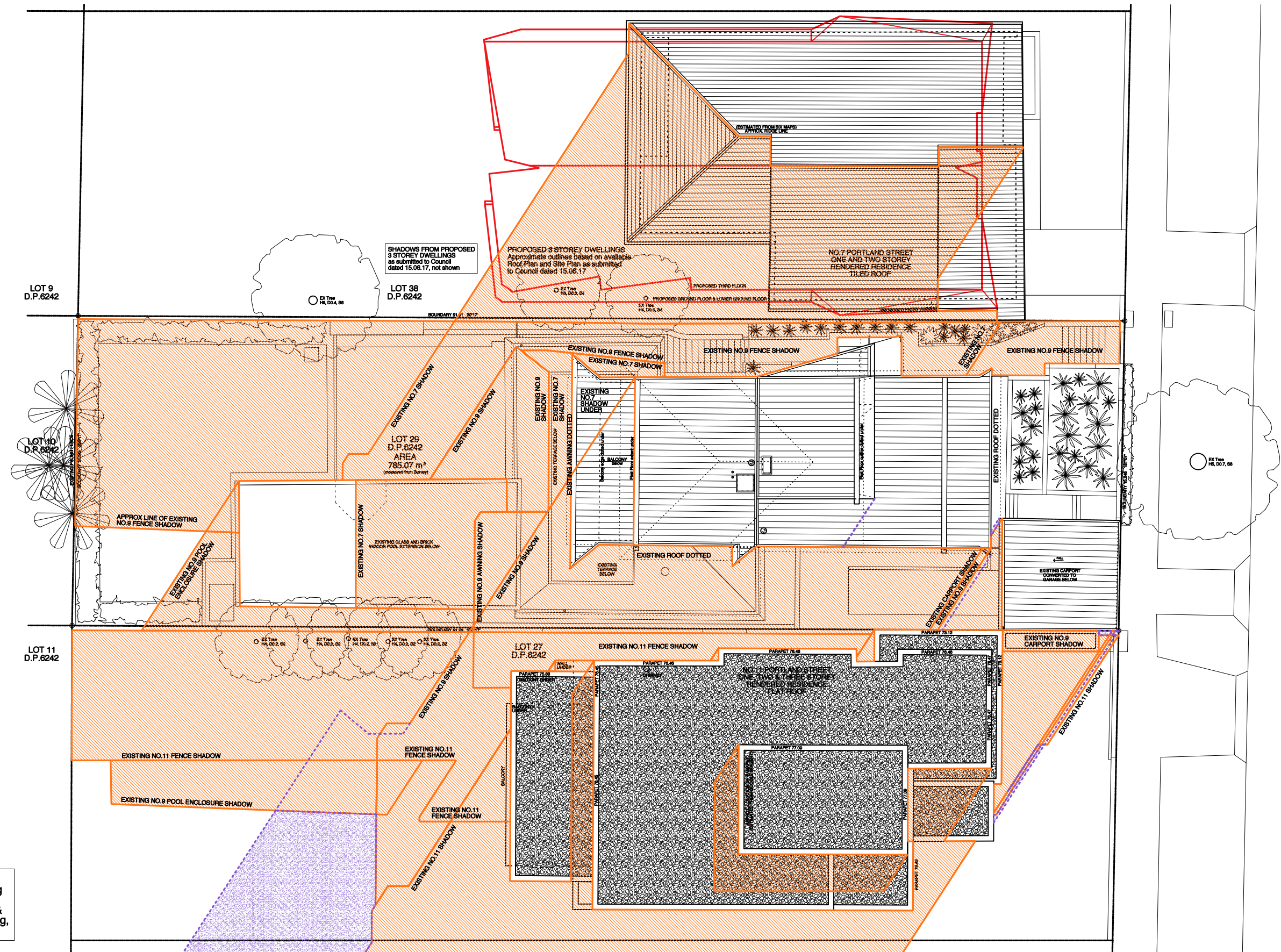
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Drawing
SHADOW PLAN DIAGRAM –
JUNE 21 – 3pm

Scale	Drawn	Signed	Origin Date
1:200 @A3	CP	CP	Nov 2017

Drawing No.
1702.DA.303

Issue
507



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Rev Amendment Date

P1 Prelim DA Issue to Planner & Client 24.11.17

P2 Development Application 07.12.17

LEGEND

AFD	ALUMINIUM FRAMED DOOR	NGL	NATURAL GROUND LEVEL
AFW	ALUMINIUM FRAMED WINDOW	PB	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
REF	REFRIGERATOR	RL	RELATIVE LEVEL
CONC	CONCRETE to Struct Eng detail	RWH	RAINWATER HEAD (METAL)
DP	DOWNPIPE (METAL)	SHR	SHOWER
EX	EXISTING	SKL	SKYLIGHT
FCL	FINISHED CEILING LEVEL	TFD	TIMBER FRAMED DOOR
FFL	FINISHED FLOOR LEVEL	TFW	TIMBER FRAMED WINDOW
FG	FIXED GLASS	TL	TILE FINISH
FRL	FINISHED RELATIVE LEVEL	TMB	TIMBER (DRESSED)
FW	FLOOR WASTE (STRIP DRAIN)	TMB	TIMBER BOARDS
HWU	HOT WATER UNIT	TMF	TIMBER FLOOR (FRAMED FLOOR)
JU	JOINERY UNIT STORAGE	TOG	TOP OF GUTTER
MC	METAL CAPPING	TW	TOP OF WALL
MCL	METAL CLADDING	WIR	WALK-IN ROBE
MDR	METAL DECK ROOF	WM	WASHING MACHINE
MR	METAL GUTTER		
MS	METAL ROOF		
	MILD STEEL to Struct Eng detail		

DEVELOPMENT APPLICATION NOT FOR CONSTRUCTION NOT FOR TENDER

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Client
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9 Portland Street, Dover Heights NSW 2030
m. 0402 096 075 m. 0402 096 074

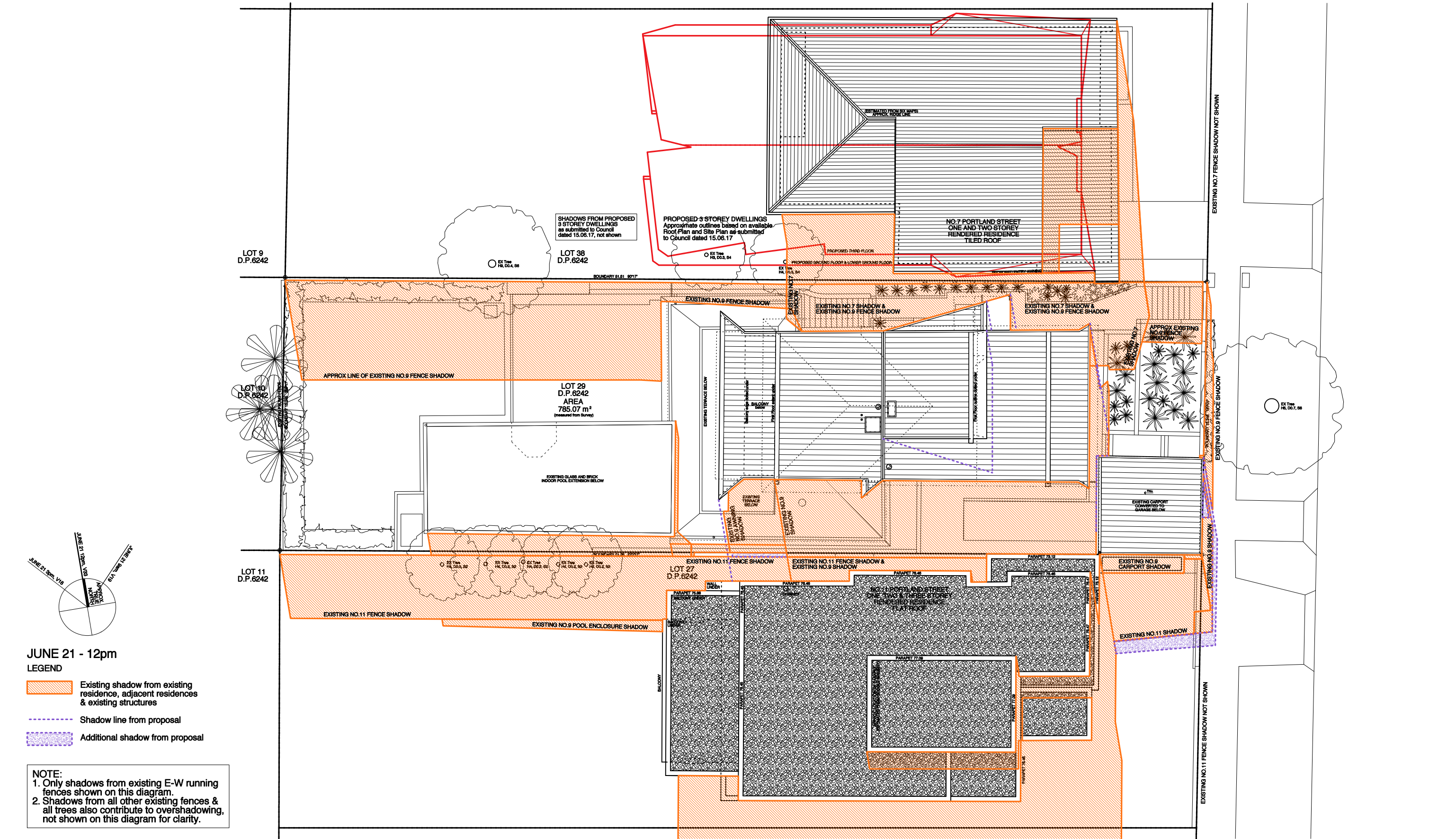
Surveyor
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Drawing
**SHADOW PLAN DIAGRAM –
JUNE 21 – 9am**

Scale	Drawn	Signed	Origin Date
1:200 @A3	CP	CP	Nov 2017

Drawing No.
1702.DA.301

Issue
508



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Rev Amendment Date

P1 Prelim DA Issue to Planner & Client 24.11.17

P2 Development Application 07.12.17

LEGEND

AFD	ALUMINIUM FRAMED DOOR	NGL	NATURAL GROUND LEVEL
AFW	ALUMINIUM FRAMED WINDOW	PB	SET PLASTERBOARD
BAL	BALUSTRADE	PR	PLASTER OVER RENDER FINISH
BK	BRICKWORK	RB	RETRACTABLE BLIND
BL	BLOCKWORK	RBK	RENDERED BRICKWORK
BTS	BATTENS	RBL	RENDERED BLOCKWORK
REF	REFRIGERATOR	REL	RELATIVE LEVEL
CONC	CONCRETE to Struct Eng detail	RL	RAINWATER HEAD (METAL)
DP	DOWNPIPE (METAL)	RWH	RAINWATER HEAD (METAL)
EX	EXISTING	SHR	SHOWER
FCL	FINISHED CEILING LEVEL	SKL	SKYLIGHT
FFL	FINISHED FLOOR LEVEL	TFD	TIMBER FRAMED DOOR
FG	FIXED GLASS	TL	TIMBER FRAMED WINDOW
FRL	FINISHED RELATIVE LEVEL	TLF	TILE FINISH
FW	FLOOR WASTE (STRIP DRAIN)	TM	TIMBER (DRESSED)
HWU	HOT WATER UNIT	TMB	TIMBER BOARDS
JU	JOINERY UNIT STORAGE	TMF	TIMBER FLOOR (FRAMED FLOOR)
MC	METAL CAPPING	TOG	TOP OF GUTTER
MCL	METAL CLADDING	TW	TOP OF WALL
MDR	METAL DECK ROOF	WM	WALK-IN ROBE
MG	METAL GUTTER		WASHING MACHINE
MR	METAL ROOF		
MS	MILD STEEL to Struct Eng detail		

DEVELOPMENT APPLICATION
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NOT FOR TENDER

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Surveyor
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Drawing
**SHADOW PLAN DIAGRAM –
JUNE 21 – 12pm**

Scale Drawn Signed Origin Date

1:200 @A3 CP CP Nov 2017

Drawing No.
1702.DA.302

Issue
509