



15 September 2020

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

**12.00 PM WEDNESDAY, 23 SEPTEMBER 2020**

**QUORUM:** Three Panel members.

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

## AGENDA

### **WLPP-2009.A Apologies**

### **WLPP-2009.DI Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-2009.1 PAGE 5 15 Murrivier Road, North Bondi – Demolition of existing structures, construction of two-storey attached dual occupancy with basement garage, swimming pools and strata subdivision (DA-182/2020)**

Report dated 8 September 2020 from the Development and Building Unit.

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

### **WLPP-2009.2 PAGE 53 84 Nancy Street, North Bondi – Demolition of existing buildings, Torrens title subdivision to create two lots and construction of two semi-detached dwellings (DA-165/2020)**

Report dated 7 September 2020 from the Development and Building Unit.

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

### **WLPP-2009.3 PAGE 106 248–250 Bronte Road, Waverley – Review of decision seeking partial demolition of existing building with the partial retention of the front façade and significant alterations and additions resulting in a three-storey shop top housing development with basement level (DA-428/2019/1)**

Report dated 9 September 2020 from the Development and Building Unit.

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



**WLPP-2009.4****PAGE 162**

**292–302 Oxford Street, Bondi Junction – Modifications to approved mixed use (shop top housing) development including modifications to internal layouts of apartments to reduce number of apartments proposed to 48 and increase the commercial floor area (DA-600/2015/H)**

Report dated 10 September 2020 from the Development and Building Unit.

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

**WLPP-2009.5****PAGE 262**

**14 Council Street, Bondi Junction – Review of decision seeking construction of a new carport over an existing hardstand car space (DA-96/2020/1)**

Report dated 11 September 2020 from the Development and Building Unit.

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

**WLPP-2009.6****PAGE 287**

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

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

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

**WLPP-2009.7****PAGE 357**

**58 Military Road, Dover Heights – Modification to alter internal layout, external reconfiguration of side and rear elevations, new roof terrace and various other alterations to approved dual occupancy dwellings (DA-468/2017/B)**

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

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

**11 Thompson Street, Tamarama – Alterations to existing dwelling including internal reconfiguration, conversion of existing garage into habitable studio space and construction of a double garage at front (DA-183/2020)**

Report dated 11 September 2020 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 Local Planning Panel

<b>Application number</b>	DA-182/2020
<b>Site address</b>	15 Murriverie Road, North Bondi
<b>Proposal</b>	Demolition of existing structures, construction of two storey attached dual occupancy with basement garage, swimming pools and strata subdivision
<b>Date of lodgement</b>	12 June 2020
<b>Owner</b>	Bojanic V&J Developments Pty Ltd
<b>Applicant</b>	Vicki Bojanic
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$1,204,331
<b>Issues</b>	Floor Space Ratio, driveways and street trees
<b>Recommendation</b>	That the application be granted <b>DEFERRED COMMENCEMENT CONSENT</b>

**Site Map**



## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 7 July 2020.

The site is identified as Lot 68 in DP 7758, known as 15 Murriverie Road, NORTH BONDI. The site is rectangular in shape with a northern front boundary and southern rear boundary of 13.26m and eastern and western side boundaries of 36.575m. The site has an area of 485m<sup>2</sup> and is generally flat.

The site is occupied by a one storey detached dwelling with vehicular access provided from Murriverie Road to a carport located at the side of the dwelling and a detached garage located towards the rear of the lot.

The subject site is adjoined by a recently constructed attached dual occupancy to the west and detached dwelling to the east. The locality is characterised by a variety of residential developments including semi-detached dwellings, detached dwellings and dual occupancies.



**Figure 1:** Site viewed from Murriverie Road





**Figure 2:** Rear of dwelling from private open space

## **1.2 Relevant History**

There is no recent development history for the subject site. However, recent approval has been granted to the lots either side of the subject site for a dual occupancies, with No. 13 having been constructed.

### 13 Murriverie Road, NORTH BONDI (constructed)

DA-139/2016

Approved: 22 November 2016 (LEC)

Demolition of existing dwelling and construction of attached dual occupancy development with swimming pools and strata sub-division.

### 17 Murriverie Road, NORTH BONDI

DA-61/2018

Approved: 26 September 2018

Development Application - Demolish existing dwelling to construct a two storey attached dual occupancy with basement parking, swimming pool and strata subdivision to create two lots.

The subject DA was received by Council on 12 June 2020. The DA was deferred on 5 August 2020 to address the following issues:

- Double driveway to be modified to a single width driveway;
- Amendments to parking including gradient and sight lines;

- Additional landscaping in the front setback through the removal of the double driveways;
- Fencing detail; and
- Garage door finishes.

Amended plans and documentation was received on 18 August 2020, with a double driveway crossover still proposed.

### **1.3 Proposal**

The application is for the demolition of the existing structures, construction of two storey attached dual occupancy with basement garage, swimming pools and strata subdivision.

In detail the proposal will consist of two dwellings, each consisting of:

#### Basement

- Single Car Garage;
- Storage; and
- Stairs to access ground floor.

#### Ground Floor

- Study with associated front deck;
- Bathroom;
- Laundry nook;
- Open plan kitchen, living and dining rooms;
- Stairs to access first floor;
- Rear decking; and
- In-ground pool.

#### First Floor

- Master bedroom with associated ensuite;
- Bedroom 2;
- Bedroom 3; and
- Bathroom.

## **2. ASSESSMENT**

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

### **2.1 Planning Instruments and Development Control Plans**

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

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

A BASIX Certificate has been submitted with the DA.

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

### 2.1.2 SEPP 55 Remediation of Land

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

### 2.1.3 Waverley Local Environmental Plan 2012 (WLEP)

The relevant matters to be considered under the WLEP for the proposed development are outlined below:

**Table 1: WLEP Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal meets the aims of the WLEP.
<b>Part 2 Permitted or prohibited development</b>		
2.6 Subdivision – consent requirements	N/A	This does not apply to strata subdivision.
Land Use Table <i>Low Density Residential 'R2' Zone</i>	Yes	The proposal is defined as dual occupancy, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.1 Minimum subdivision lot size	N/A	This does not apply to strata subdivision.
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	Yes	The proposal will have an overall height of 7.49m. <i>RL 18.061 – RL 10.57 = 7.49m</i>
4.4 Floor space ratio (FSR) and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>Site Area: 485m<sup>2</sup></li> <li>Max FSR: 0.57:1</li> <li>Max GFA: 277.2m<sup>2</sup></li> </ul>	No	Gross Floor Area (GFA) Calculations are: Basement: 17.9m <sup>2</sup> Ground Floor: 193.2m <sup>2</sup> First Floor: 157.2m <sup>2</sup> Total GFA: 368.3m <sup>2</sup> Total FSR: 0.77:1 The development exceeds the development standard by 91.1m <sup>2</sup> or 32.9%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of WLEP to vary the FSR development standard. A

Provision	Compliance	Comment
		detailed discussion of the variation to the development standard is presented below this table.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The subject site is located within acid sulfate soils class 5. However, the proposal is not likely to disturb, expose or drain acid sulfate soils and cause environmental damage.
6.2 Earthworks	Yes	Earthworks are proposed through the construction of a basement and swimming pools. The application was accompanied by a geotechnical report, which concluded <i>ground conditions are suitable for the proposed dual occupancy development</i> .
6.3 Flood planning	Yes	The subject site is located within a flood planning area. The ground Finished Floor Level of RL11.285 is acceptable, as advised by Council's engineers.

#### Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum FSR control of 0.57:1. The proposed development has a FSR of 0.76:1, exceeding the standard by 91.1m<sup>2</sup> equating to a 32.9% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *Lot is a suitable size and shape to support a dual-occupancy development;*
  - (ii) *Complies with the height of building, solar access and landscaping controls;*
  - (iii) *Consistent with the front and rear building lines;*



- (iv) *Would not be inconsistent with the future character of the locality, which is defined by various built-forms;*
  - (v) *Precedence of dual-occupancies exceeding FSR in North Bondi;*
  - (vi) *Two dwellings on one allotment will require additional GFA; and*
  - (vii) *There are many examples of developments exceeding the FSR development standard in the locality*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The existing area supports a varied outcome of built form and the proposed development is consistent with an established precedent of Council approving dual-occupancies that exceed the FSR development standard;*
  - (ii) *The proposed development responds to the objectives of the WDCP;*
  - (iii) *The development reflect the bulk and scale of the surrounding similar development and provides an appropriated outcome for the site given its location;*
  - (iv) *The development results in a compliant building height and compliant setbacks, landscaping and open space;*
  - (v) *The lot is suitable in size and shape to support a dual-occupancy development;*
  - (vi) *The proposed development minimises impacts on the character and amenity of adjoining properties;*
  - (vii) *Despite non-compliances with FSR, the development is compliant with the objectives of the zone;*
  - (viii) *The development will not impact neighbouring land uses in terms of overshadowing;*
  - (ix) *Minimal privacy impacts;*
  - (x) *No loss of views; and*
  - (xi) *The development is a high-quality design, adding to the visual interest of the streetscapes and providing high amenity to occupants whilst not adversely compromising the amenity of neighbours uses.*

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard, referencing that the development is similar in terms of bulk and scale to the neighbouring dual-occupancies to either side of the development, which also contravenes FSR.

An analysis of surrounding recently approved dual occupancies demonstrates that the majority breached the FSR control, with the proposed development resulting in a similar breach to that of the recently approved 17 Murriverie Road.

**Table 2: FSR analysis of neighbouring sites**

	5 Murriverie Road (DA-400/2017)	13 Murriverie Road (DA-139/2016)	Subject Site	17 Murriverie Road (DA-61/2018)
Total GFA	336.9m <sup>2</sup>	330.2m <sup>2</sup>	368.3m <sup>2</sup>	358.5m <sup>2</sup>
Site Area	484.9m <sup>2</sup>	484m <sup>2</sup>	485m <sup>2</sup>	485m <sup>2</sup>
FSR	0.69:1	0.68:1	0.76:1	0.74:1
Max GFA/FSR	277.2m <sup>2</sup> / 0.57:1	277.1m <sup>2</sup> / 0.57:1	277.2m <sup>2</sup> / 0.57:1	277.2m <sup>2</sup> / 0.57:1
Exceedance	59.7m <sup>2</sup> or 21.5%	53.1m <sup>2</sup> or 19.2%	91.1m <sup>2</sup> or 32.9%.	81.3m <sup>2</sup> / 29.3%

The applicant has also demonstrated that the development results in a compliant height, setbacks and open space and will not significantly impact neighbouring land uses amenities in terms of visual privacy or overshadowing.

Is the development in the public interest?

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

## **Objectives of Floor Space Ratio**

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

### Comment

Although the development exceeds the FSR development standard, the proposed development results in a compliant height and maintains appropriate setbacks, resulting in a similar bulk and scale to the recently approved dual occupancies at 13 and 17 Murriverie Road.

*To ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*

### Comment

The proposal is compatible with the surrounding locality in terms of bulk and scale. The proposal will result in a similar FSR to 17 Murriverie Road, which will be discussed later in this report, it is compliant in terms of wall height, setbacks and maintains appropriate environmental impacts, such as visual privacy and overshadowing.

17 Murriverie has incorporated a large void into its first floor addition, contributing to a slightly lesser breach in FSR of the subject site. Whilst 13 Murriverie has a garage on the ground floor rather than a basement garage, this results in a lesser GFA (as parking spaces do not contribute to GFA) with a similar bulk and scale to the subject site, given it is maintaining a similar height and setbacks. Regardless, the dwellings will be similar in bulk and scale to the neighbouring dual occupancies with the exceedance in FSR not resulting in substantial environmental impacts.

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

### Comment

The proposed development complies with most other development controls, as will be detailed later in this report. For this reason, a breach to the FSR can be supported, as it will not result in significant environmental impacts or a substantial over development of the site given a similar bulk and scale to surrounding development in terms of both height and setbacks.

## **Objectives of the R2 Zone**

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

### Comment

The proposal meets the objectives of the zone, in that it provides residential accommodation within a low density residential environment.

### Conclusion

For the reasons provided above, the requested variation to the FSR is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the WLEP and the proposed development would be in the public interest because it is consistent with the objectives of Low Density Residential Zone and FSR. As will be further detailed in the report, the proposed development has not been designed to result in a significant overdevelopment, with the proposal taking reference from the recently approved dual occupancies to either side of the subject site.

## 2.1.4 Waverley Development Control Plan 2012 (Amendment 7) (WDCP)

The relevant matters to be considered under the WDCP for the proposed development are outlined below:

**Table 3: WDCP – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site.  The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	A BASIX and NATHERS Certificate is submitted with the DA, which is acceptable.
3. Landscaping and Biodiversity	Yes	The landscaping plan has been reviewed and is considered acceptable.
5. Vegetation Preservation	See Discussion.	
6. Stormwater	No. Condition recommended.	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.
8. Transport 8.1 Streetscape 8.2 On-site Parking 8.2.1 Vehicle Access 8.2.2 Parking Rates	See Discussion.	Off-street parking is characteristic of the streetscape.  The subject site is located in parking area 2.  With each dwelling containing three bedrooms, a maximum of two off street parking spaces are permitted. One off-street parking space is proposed for each dwelling.
12. Design Excellence	Yes	The proposed dwelling encompasses design excellence utilising appropriate finishes and materials. The development will result in a contemporary finish which is reflective of the streetscape.  Additionally, the proposal is appropriate in terms of height and setbacks, resulting in a design which is appropriate in terms of overall bulk.
13. Subdivision	N/A	This does not apply to strata subdivision.
14. Excavation	Yes	Excavation is set more than 0.9m from each side boundary.

**Table 2: WDCP – Part C2 Low Density Residential Development Compliance Table**

The proposal is defined as a “Dual Occupancy” in the WLEP.

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• High design standard</li> </ul>	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Pitched Roof dwelling house <ul style="list-style-type: none"> <li>• Maximum external wall height of 7m</li> </ul>	Yes	The proposal will have a wall height of 7m.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>• Predominant front building line</li> <li>• Predominant rear building line at each floor level</li> </ul>	Yes	See discussion
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>• Minimum of 0.9m</li> </ul>	Yes	The dwellings are setback 0.9m or more from side boundaries.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>• New development to be compatible with streetscape context</li> <li>• Significant landscaping to be maintained.</li> </ul>	Yes	The development has a satisfactory streetscape and visual impact. Contemporary dwellings are predominant in the streetscape, as per the recently approved dual occupancies to either side of the subject site.
<b>2.4 Fences</b>		
<i>Front:</i> <ul style="list-style-type: none"> <li>• Maximum height of 1.2m</li> <li>• Solid section no more than 0.6m high</li> </ul> <i>Side and Rear:</i> <ul style="list-style-type: none"> <li>• Maximum height of 1.8m</li> </ul>	Yes     Yes. Condition Recommended.	The front fence does not exceed 1.2m and is of an open design.  The applicant confirmed that no side or rear fence would exceed 1.8m. To ensure this, a condition of consent is recommended.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• 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</li> </ul>	Yes	The windows to the ground floor are acceptable as their outlook will be obstructed by a side boundary fence.  The majority of windows to the first floor will be screened with privacy

Development Control	Compliance	Comment
<p>measures are incorporated into the design.</p> <ul style="list-style-type: none"> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> </ul>	<p>Yes</p> <p>Yes</p>	<p>louvers or frosted glazing, with the exception of bedroom windows W11 and W25, which are considered acceptable.</p> <p>The size of each rear ground floor deck is also similar to the rear decks approved at 13 Murriverie Road and 17 Murriverie Road. Each deck will have a depth of 3m and an area of 16.9m<sup>2</sup>.</p>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	<p>With south facing private open space, it is difficult for the development to be fully compliant in terms of solar access.</p> <p>From 9.00am the development will result in some overshadowing to the private open space of 13 Murriverie Road.</p> <p>At noon, the development will overshadow its own private open space. The proposed development will not significantly overshadow its own private open space in the morning and afternoon.</p> <p>In the afternoon, the development will overshadow part of the private open space of 17 Murriverie Road.</p> <p>With no objections received, along with compliant height, wall height and setbacks the shadowing impacts are deemed acceptable.</p>
<b>2.8 Car parking</b>		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> <li>Parking only allowed where site conditions permit</li> <li>Designed to complement the building and streetscape</li> <li>Car parking structures to be behind the front building line</li> <li>Driveways are to be located to minimise the loss of on street parking</li> </ul>	<p>Yes</p> <p>See discussion.</p>	<p>The garage is located below ground and is well integrated into the dwelling.</p> <p>The proposed driveway design will be addressed below this table.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>		
<b>2.8.2 Parking rates</b> <i>Maximum rates:</i> <ul style="list-style-type: none"> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	With each dwelling containing 3 bedrooms, a maximum of 2 car spaces are permitted. Each dwelling consists of one parking space.
<b>2.8.3 Location</b> <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> </ul>	Yes	The proposed garages have been designed to be integrated into the dwellings, at basement level. This is an acceptable location.
<b>2.8.4 Design</b> <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area &amp; appearance to the design of the residences</li> <li>Gates to have an open design</li> </ul>	Yes	The garage is designed to not be easily identified from the streetscape, with it located below the ground floor of each dwelling.
<b>2.8.5 Dimensions</b> <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	Each parking space has acceptable dimensions of 3.3m x 6m.
<b>2.8.6 Driveways</b> <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	See discussion	See discussion
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> </ul>	Yes	55.6%
<ul style="list-style-type: none"> <li>Overall landscaped area: 15% of site area</li> </ul>	Yes	21.2%
<ul style="list-style-type: none"> <li>Minimum area of 25m<sup>2</sup> for private open space</li> </ul>	Yes	Over 25m <sup>2</sup>
<ul style="list-style-type: none"> <li>Front open space: 50% of front building setback area</li> </ul>	Yes	100%
<ul style="list-style-type: none"> <li>Front landscaped area: 50% of front open space provided</li> </ul>	No	27%
<ul style="list-style-type: none"> <li>Outdoor clothes drying area to be provided</li> </ul>		

Development Control	Compliance	Comment
		The deferred commencement condition limiting the crossover to a single width will assist in additional landscaping.
<b>2.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>	<p>Yes</p> <p>Condition recommended.</p>	<p>Each pool is located to rear of the dwelling.</p> <p>Pool equipment will be conditioned to be fitted within an acoustically treated structure.</p>
<b>2.15 Dual Occupancy Development</b>		
<ul style="list-style-type: none"> <li>Min 450m<sup>2</sup> attached dwellings</li> </ul>	Yes	<p>The site area is 485m<sup>2</sup>, which is capable of providing an attached dual occupancy.</p> <p>The development has the appearance of a single dwelling.</p>

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

### Setbacks

Below is an analysis of the front and rear setbacks of 13 Murriverie Road, the subject site and 17 Murriverie Road.

**Table 5: Front and Rear Setback Analysis**

	Ground Floor Front Setback	Ground Floor Rear Setback	First Floor Front Setback	First Floor Rear Setback
<b>13 Murriverie Road</b>	5.5m	10.12m (inclusive of 2.745m deck)	5.45m	13.4m
<b>Subject Site</b>	6m	11m (inclusive of 3m deck)	5m	13.175m
<b>17 Murriverie Road</b>	5m	11m (inclusive of 3m deck)	5m (from balcony balustrading)	13m (from rear wall) 12m (from balcony balustrading)

From reviewing the above, it has been demonstrated that the development proposes appropriate front and rear setbacks, taking reference from the recently approved dual occupancies.

### Driveways and Street Trees

The DA was deferred on 5 August 2020 as the two separate driveways were not supported, as it did not meet the following controls and objectives of the WDCP:

- i. Part B8, Section 8.2.1, Objective (c) and control (a) *minimise driveway crossovers to retain on-street parking and protect the streetscape.*



- ii. Part B8, Section 8.2.2, Control (d) *minimise the loss of on-street parking where possible.*
- iii. Part C2, Section 2.8, Objective (f) *protect on-street parking supply by minimising impacts of additional vehicular kerb crossings.*
- iv. Part C2, Section 2.8.1, Control (d) *driveways and vehicular access should be designed to minimise the loss of on-street parking where possible.*
- v. Part C2, Section 2.8.4, Control (g) *parking to dual-occupancies is to utilise a shared access way.*
- vi. Part C2, Section 2.8.6, Control (b) and (d) *provide a maximum of 1 vehicle crossing per property and vehicle crossing will not be permitted where one off street parking spaces will result in the loss of two or more street parking spaces.*

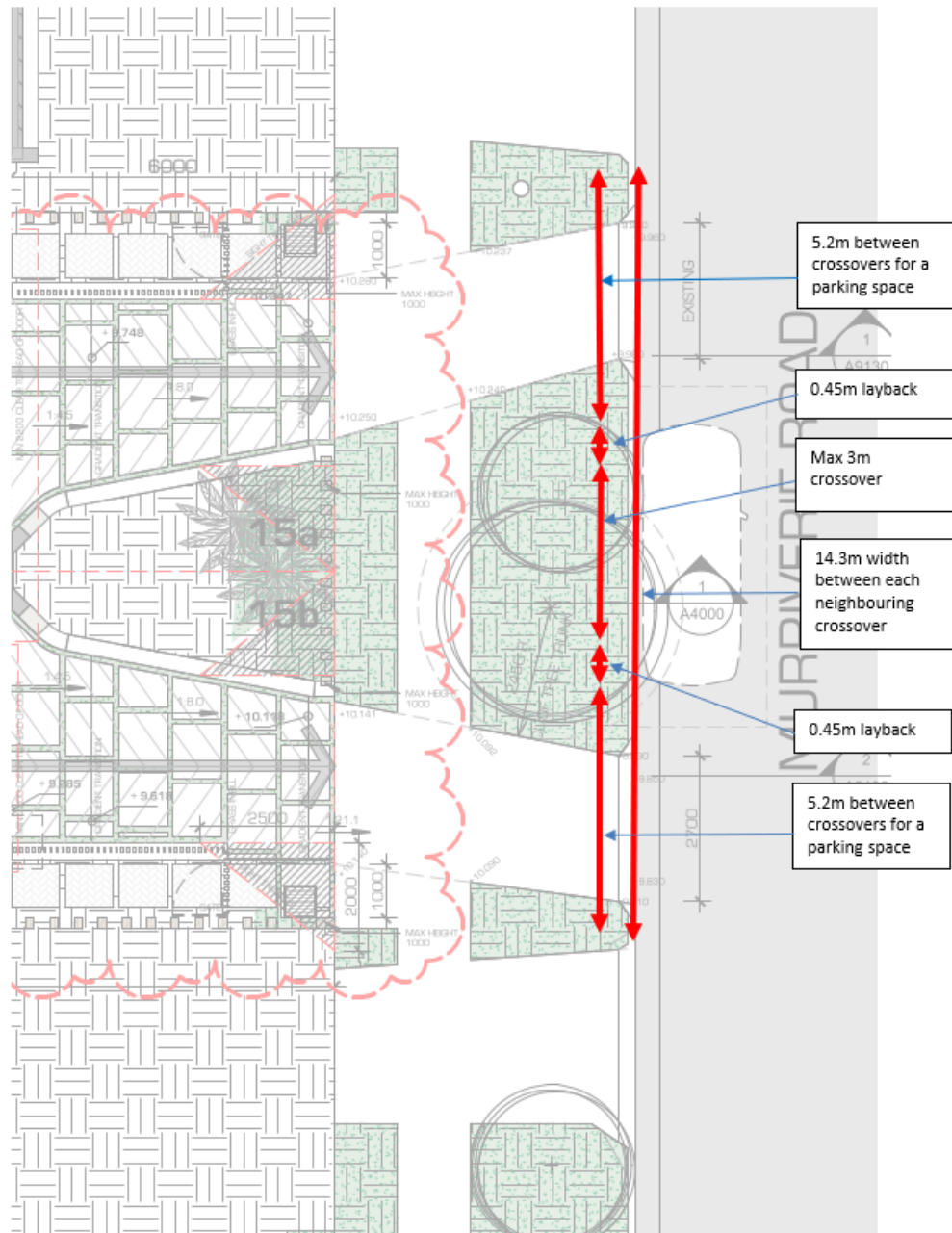
Amended plans were received on 18 August 2020, with the proposal still providing two driveway crossovers and resulted in a non-compliant driveway long section.

This was not supported by Council's Traffic Department as it did not meet the controls and objective of the WDCP (listed above), in particular it would result in the loss of an on-street parking space.

The existing property has a 13m frontage with a 3m wide driveway leaving 10m for two x on-street parking spaces. The proposed development with two x driveways leaves 5m for one on-street parking space, resulting in the loss of one on-street parking space. If a single driveway is provided, as recommended, then there would be a 3m wide driveway leaving 10m for two x on-street parking spaces. This results in no loss of on-street parking (see **Figure 3** for more detail).

The above advice is based on 5m long on-street parking spaces with additional length across driveway/s for manoeuvring. AS2890.5 specifies 5.4 metres. The relaxation from 5.4 to 5.0m is consistent with typical car lengths and parking patterns in Waverley. This relaxation is based on professional judgement. It is not specified in AS2890.5.

Therefore, it is recommended a deferred commencement condition is placed on the consent, that a single driveway crossover be placed at the centre of the lot, with a minimum space of 5m between each driveway to allow a vehicle to park on-street, creating a nil loss to on-street parking.



**Figure 3.** Example of on-street parking situation with one crossover provided

The proposed design of two separate driveway crossovers would have resulted in the *Tristanopsis laurina* (water gum) and the one *Jacaranda mimosifolia* (jacaranda) being retained on the nature strip to the front of the property.

However, it is noted that the deferred commencement condition (combining the driveway crossover to a single point at the centre of the lot) will result in the removal of one *Tristanopsis laurina* (water gum) and the one *Jacaranda mimosifolia* (jacaranda) located on the nature strip in front of the property. This removal is supported by Council's Tree Officer, subject to the re-planting of two super advanced *Tristanopsis laurina* (watergum) of a minimum pot size of 200 litres and grown to Natspec standard, to be planted on either side of the new driveway. A suitable condition is recommended.

## **2.2 Other Impacts of the Development**

The proposed development is capable of complying with the BCA.

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

## **2.3 Suitability of the Site for the Development**

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

## **2.4 Any Submissions**

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

No submissions were received.

The amended plans were not required to be re-notified as the amended proposal did not result in a greater impact.

## **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 Traffic and Development (Infrastructure Services)**

An internal referral was sought from Council's Traffic Department. The proposal would only be supported by Council's Traffic Department subject to the driveway crossover being limited to one single crossover and additional conditions of consent.

### **3.2 Stormwater (Infrastructure Services)**

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

### **3.3 Tree Management Officer**

An internal referral was sought from Council's Tree Officer who supported the application subject to conditions of consent, relating to the planting of two super advanced *Tristaniopsis laurina* (watergum) of a minimum pot size of 200 litres and grown to Natspec standards. A suitable condition is recommended.

### **3.4 GIS Officer**

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

#### 4. SUMMARY

The proposal is for the demolition of existing structures, construction of a two storey attached dual occupancy with basement garage, swimming pools and strata subdivision.

The main issues with the development related to the proposed double crossover, as it was against the controls and objectives of the WDCP, in particular resulting in the loss of an on-street parking space. This matter is recommended to be addressed via Deferred Commencement.

Although the proposal exceeds the FSR development standard, a well-founded clause 4.6 was submitted with the application. The proposed breach is considered to be acceptable, as the proposal will result in a development that has a similar height and setback to recently approved dual occupancies to either side of the subject site.

The application received nil submissions.

The proposal is considered to be well-designed, being similar in bulk and scale to other recently approved dual occupancies.

The proposal is recommended for Deferred Commencement approval.

#### DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 1 September 2020 and the DBU determined:

- (a) The application should be deferred and amendments required as follows:
  - a. Driveway crossover be reduced to one single crossover; and
  - b. Replacement trees to be planted.

DBU members: *M Reid, A Rossi, B McNamara, E Finnegan*

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

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

##### Report prepared by:



Joseph Somerville  
Development Assessment Planner

Date: 02/09/2020

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



Bridget McNamara  
Manager, Development Assessment  
(North/South)

Date: 8 September 2020

##### Reason for referral:

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

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

### **DEFERRED COMMENCEMENT**

That the Council grant deferred commencement consent in accordance with the provisions of Section 4.16 (3) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has satisfied Council as to the following matters:

#### **1. DRIVEWAY DESIGN**

The proposed separate driveways are to be modified to a single driveway crossover at the centre of the site. The driveway crossover is to be setback a minimum of 5m from each neighbouring cross-over.

#### **2. LONG SECTIONS OF DRIVEWAY**

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Murriverie Road carriageway, the kerb and gutter, footpath, paving within the property and the garage floor.
- (c) Show the first 4.5m inside the property boundary having a 5% gradient
- (d) Include existing and design levels.
- (e) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (f) Show vehicular head clearances.
- (g) Show all paving on Council's land being sloped/ drained towards the roadway.

If additional ground clearance is required for a vehicle to enter the garage (to satisfy the driveway long section), the floor levels to the front of the dwelling may be increase, as long as it is below the 8.5m height line. Setbacks are not permitted to be altered.

#### **3. SWEPT WHEEL PATH DRAWINGS**

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 Murriverie Road using a single shared driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.

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 Murriverie Road to the immediate east and west 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) Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.
- (e) Accurately show the length of the Council's kerb and gutter remaining between the eastern side wing of the existing driveway at No.13 and the western side wing of the proposed driveway at No.15.
- (f) Accurately show the length of the Council's kerb and gutter remaining between the western side wing of the existing driveway at No.17 and the eastern side wing of the proposed driveway at No.15

**This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the regulations, as to the matters specified in the above conditions and Waverley Council confirms such satisfaction in writing.**

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

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**Attachment B****DA-182/2020**

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

**A. APPROVED DEVELOPMENT****1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Liquid Design including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
A1000 / Rev E	Demolition and Waste Management	29/05/2020	12/06/2020
A2000 / Rev G	Proposed Basement Plan	11/05/2020	18/08/2020
A2001 / Rev E	Proposed Ground Floor Plan	29/05/2020	12/06/2020
A2002 / Rev E	Proposed Level 1 Plan	29/05/2020	12/06/2020
A2003 / Rev E	Proposed Roof Plan	29/05/2020	12/06/2020
A3000 / Rev E	Proposed East and West Elevations	29/05/2020	12/06/2020
A3001 / Rev E	Proposed North and South Elevations	29/05/2020	12/06/2020
A4000 / Rev E	Sections	29/05/2020	12/06/2020

(b) Landscape Plan No. and documentation prepared by ATC Landscape Architects and Swimming Pool Designers (Dwg. No. L/01 – L/05), dated 01/06/2020 and received by Council on 12/06/2020;

(c) BASIX and NatHERs Certificate/s

(d) Draft Subdivision Strata Plan prepared by Dragomir Milutin Catic dated 12/05/2020 and received by Council on 12/06/2020

(e) Schedule of external finishes and colours received by Council on 12/06/2020

(f) The Waste Management Plan received by Council on 12/06/2020

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. REPLACEMENT TREES**

The applicant may remove the two *Tristaniopsis laurina* (water gum) and the one *Jacaranda mimosifolia* (jacaranda) on the nature strip at their expense. Prior to the issue of an Occupation Certificate, two super advanced *Tristaniopsis laurina* (Watergum) of a minimum pot size of 200 litres and grown to Natspec standard, are to be planted on either side of the new driveway. The trees are to be planted by a horticulturist (Min qualification AQF Level 3)

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

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

### **GENERAL REQUIREMENTS**

## **3. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

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

## **4. HOME BUILDING ACT**

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

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

## **5. SECTION 7.12 CONTRIBUTION**

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

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



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

**"Waverley Council Cost Summary Report"; or,**

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

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

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

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

- (i) A development valued at \$100,000 or less will be exempt from the levy.

- (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR

- (iii) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

## **6. TREE PRESERVATION BOND**

A bond of \$ 2,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the newly planted Watergum trees on the naturestrip. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded three (3) months from the issue of the Final Occupation Certificate subject to the satisfaction of Council.

## **7. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of \$24,086.63 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

## **8. LONG SERVICE LEVY**

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

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

## **9. ENGINEERING PLAN ASSESSMENT AND WORKS INSPECTION FEES**

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

## **CONSTRUCTION & SITE MATTERS**

### **10. HOARDING**

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

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

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

### **12. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

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

### **13. ENGINEERING DETAILS**

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

## **TRAFFIC MANAGEMENT**

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

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

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

## **STORMWATER & FLOODING**

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

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

The submitted stormwater civil plans prepared by Australia Wide Consulting Services, DRG No. (SW01, SW02-A, SW02B-A, SW04, SW05, SW06), dated 01/06/20 are considered unsatisfactory.

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

- a) OSD Details: Each separated On-Site Stormwater Detention (OSD) tank shall be designed for a 1 in 100 year ARI or 1% AEP storm event, as the site is located within an overland flow path which could affect private property. The proposed OSD storage capacity to be revised and approved by Council. The stormwater plans shall include details of the OSD tanks overflow. Amended Council OSD checklists as set out in page 22 of the Council's water management technical manual shall be re-submitted.
- b) Seepage Control: Seepage water from basement car parks and sub surface flows from structures that intersect high ground water flows shall be pumped and harvested onsite or piped to the underground stormwater drainage system. Piped connections to Council's kerb is not permitted. Through geotechnical testing and assessment of the existing water table depth, Council's Public Domain Engineer shall be contacted to determine the required seepage water disposal option.

#### **Notes:**

- Any affected Council infrastructure as the result of construction activities within the public domain area, inclusive of stormwater assets, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned

above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

- Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4.0pm Monday to Friday)

## **16. FLOOD PRONE LAND**

The development works are to be carried out in accordance with the recommendations of the Flood Impact Study prepared by Australia Wide Consulting Services, dated 02/06/2020 pages 1-10. The calculated habitable floor levels are to be set a minimum 300mm above the 1 in 100 year flood level.

Egress in case of an emergency shall be provided to any area of a building affected by flooding /ponding. Internal access (including from any basement or lower ground floor levels of a building) is to be available in the event that flood gates are in operation so that any person can exit the building safely. Any electrical board/s including power points are to be located above the identified flood level.

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **17. BASIX**

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

## **WASTE**

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

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

## **C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION**

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

## **PRIOR TO ANY WORKS**

### **19. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building

works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

## **20. DILAPIDATION REPORT**

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

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

## **DEMOLITION & EXCAVATION**

### **21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

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

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;

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

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

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

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g.: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

### **23. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS (IMPOSE FOR ANY EXCAVATION WORKS)**

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

### **24. EXCAVATION AND BACKFILLING**

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land. The excavation is to be managed by a practising structural engineer.

### **CONSTRUCTION MATTERS**

### **25. CONSTRUCTION HOURS**

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

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

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

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

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

## **27. CONSTRUCTION INSPECTIONS**

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

## **28. CERTIFICATE OF SURVEY - LEVELS**

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

## **29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

## **30. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**

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

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

## **TREE PROTECTION AND REMOVAL**

## **31. TREE PROTECTION**

All trees on site and adjoining properties, including street trees are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

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

No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) event damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

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

#### **33. NEW VEHICLE CROSSING**

A new single shared vehicle crossing is to be provided 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.

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

#### **34. EXISTING VEHICLE CROSSING IS TO BE CLOSED**

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council

### **FENCING**

#### **35. SIDE AND REAR FENCE HEIGHT**

Side and rear fencing is to be constructed to a maximum height of **1.8m** above the existing ground level.

### **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE**

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



or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

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

### **36. FINAL OCCUPATION CERTIFICATE**

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

### **37. SUBDIVISION CERTIFICATE**

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

### **38. CERTIFICATION OF BASIX COMMITMENTS**

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

### **39. CERTIFICATION OF STORMWATER SYSTEM**

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

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

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

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

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

## **OTHER MATTERS**

### **41. ALLOCATION OF STREET NUMBER**

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

- (b) The primary address number and location for the common property strata:
  - 15 Murriverie Road, North Bondi
- (c) As the redevelopment has sub-address sites the following sub-addressing will apply;
  - No. 15A Murriverie Road for the west allotment - proposed Lot 1;
  - No. 15BA Murriverie Road for the east allotment - proposed Lot 2.
- (d) The premises numbering for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point for each lot and be clearly visible on the site boundary that fronts Murriverie Road.
- (e) The address number for a sub-address site shall not consist of the primary address number on its own.
- (f) Sub-address numbers shall be applied in a logical sequence in the street and within a primary address site shall be unique regardless of the type of the address.
- (g) The premises numbers are to be positioned on the site prior to the issue of the Occupation /Subdivision Certificate.
- (h) Any variation to the above premises numbering requires a new application for a Change of street number and/or address to be lodged with Council

## ADVISORY MATTERS

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

### AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to [info@waverley.nsw.gov.au](mailto:info@waverley.nsw.gov.au) , in person (at Council's Customer Service Centre) or via post service.
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition)
- Include DA reference number
- Include condition number/s seeking to be addressed
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.

- Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.
- Any queries, please contact Council's Duty Planner on [duty.planner@waverley.nsw.gov.au](mailto:duty.planner@waverley.nsw.gov.au)

## **AD2. SYDNEY WATER REQUIREMENTS**

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

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

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

## **AD3. DIAL BEFORE YOU DIG**

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

## **AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

## **AD5. EXCAVATION TO BE LIMITED**

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

## **AD6. BONDI - ROSE BAY SAND BODY**

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be

discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

**AD7. TREE REMOVAL/PRESERVATION**

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

**AD8. WORK OUTSIDE PROPERTY BOUNDARY**

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

**AD9. STRATA SUBDIVISION**

This consent includes approval for strata subdivision of the development. In respect to the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012. No exclusive use of common property shall occur without the prior consent of Council.



WASTE MANAGEMENT

GENERAL

THE PROPOSAL ON THIS SITE IS A NEW DUPLEX. THE PROPOSAL SEEKS TO DEMOLISH THE EXISTING HOUSE, CLEAR MOST OF THE SITE AND THEN BUILD THE PROPOSED DUPLEX. THE INTENT IS TO RETAIN THE PLANTING TO THE REAR OF THE SITE AND SOME OF THE TREES IN THE FRONT OF THE SITE (REFER TO THE LANDSCAPE PLANS FOR FURTHER DETAILS)

THIS STATEMENT HAS BEEN PREPARED TO COMPLY WITH COUNCIL'S WASTE MANAGEMENT DCP.

EACH DUPLEX WILL HAVE THREE BEDROOMS MEANING THAT THE MAXIMUM EXPECTED CAPACITY FOR THE SITE WILL BE 12 PEOPLE ALTHOUGH IT IS ANTICIPATED THAT THE NUMBER OF PEOPLE OCCUPYING THE SITE WILL BE LESS THAN 8.

DEMOLITION WASTE

- THE ADJACENT PLAN NOTES TYPES AND AMOUNT OF WASTE. THE NOTES ALSO NOMINATE WHAT WILL BE DONE WITH THE WASTE IN TERMS OF REUSE, RECYCLING OR DISPOSAL.
- IT IS PROPOSED TO HAVE THE STORAGE SPACE, RECYCLING AND LANDFILL BINS AT THE FRONT OF THE SITE FOR EASY TRUCK ACCESS. THEY WILL BE RELOCATED FOR EXCAVATION.
- IT IS PLANNED TO STOCK PILE REUSE AND NEW MATERIALS AT THE REAR OF THE SITE TO IMPROVE SECURITY OF THOSE ELEMENTS.
- THE BUILDING WILL BE DEMOLISHED ELEMENT BY ELEMENT SO SORTING AND RECYCLING MAY BE DONE MORE EFFECTIVELY.

CONSTRUCTION WASTE

- THE BUILDING STRUCTURE IS BRICKS AND PANNELLING WITH TIMBER FRAMING
- ALL OF THE MANUFACTURED COMPONENTS OF THE BUILDING WILL BE SHOP DRAWN PRIOR TO CONSTRUCTION TO IMPROVE EFFICIENCY AND REDUCE WASTAGE.
- THE BUILDING LAYOUT CREATES STANDARD AREAS IN BOTH DWELLINGS. THIS STANDARDISATION REDUCES WASTE THROUGH REPETITION OF ELEMENTS

OPORATION WASTE

- FOR THE FLOOR PLANS, REFER TO A2000 GROUND FLOOR PLAN
- EACH OF THE DWELLINGS HAS A BIN AREA CAPABLE OF STORING 3 240L MOBILE GARBAGE BINS ADJACENT THE STREET FOR COUNCIL COLLECTION.
- WE SEE THE ABOVE PROPOSAL AS ADEQUATE FOR STORAGE, AMENITY AND DISPOSAL OF WASTE.

THE WORKS

- CARE SHALL BE TAKEN AT ALL TIMES WHEN DEMOLISHING EXTERNAL ELEMENTS NOT TO DAMAGE ANY NEIGHBOURING OR PUBLIC PROPERTY. IN THE EVENT OF DAMAGE OCCURING THE CONTRACTOR SHALL HAVE AN INCIDENT REPORTING SYSTEM THAT INCLUDES NOTIFICATION OF THE DEVELOPER AS WELL AS ANY AUTHORITIES REQUIRED.
- THE CLIENT IS TO BE CONSULTED PRIOR TO STRIP OUT OF INTERNAL SPACES TO NOMINATE WHAT ITEMS ARE TO BE KEPT AND WHERE THEY SHALL BE STORED.
- ALL HYDRAULIC SERVICES ARE TO BE CAPPED AND LOCATIONS TO BE NOMINATED ON DRAWINGS.
- IF ANY HAZARDOUS MATERIALS ARE IDENTIFIED THE CONTRACTOR SHALL HAVE A METHOD FOR MAKING SAFE AND NOTIFYING THE CLIENT.
- ANY PRECIOUS MATERIALS OR VALUABLE ITEMS WILL REMAIN THE PROPERTY OF THE OWNER AND WILL BE KEPT OR SOLD AT THE OWNER'S DISCRESSION
- ALL FENCES BEHIND THE BUILDING LINE ARE TO BE RETAINED
- THE ENTIRE EXISTING RESIDENCE IS TO BE DEMOLISHED
- ALL EXISTING FOOTINGS ARE TO BE REMOVED
- ALL EXISTING IN GROUND SERVICES ARE TO BE REMOVED

FINISHING

- THE SITE AND SURROUND ARE TO BE KEPT CLEAN DURING THE WORKS AND LEFT IN A TIDY STATE ONCE WORK IS FINISHED
- THE SITE IS TO BE LEFT IN A SAFE CONDITION WITH FENCING AND HOARDING SECURE THROUGHOUT STAGES.
- THE STATE OF SURROUNDING PROPERTIES IS TO BE RECORDED AT THE COMPLETION OF DEMOLITION

GENERAL

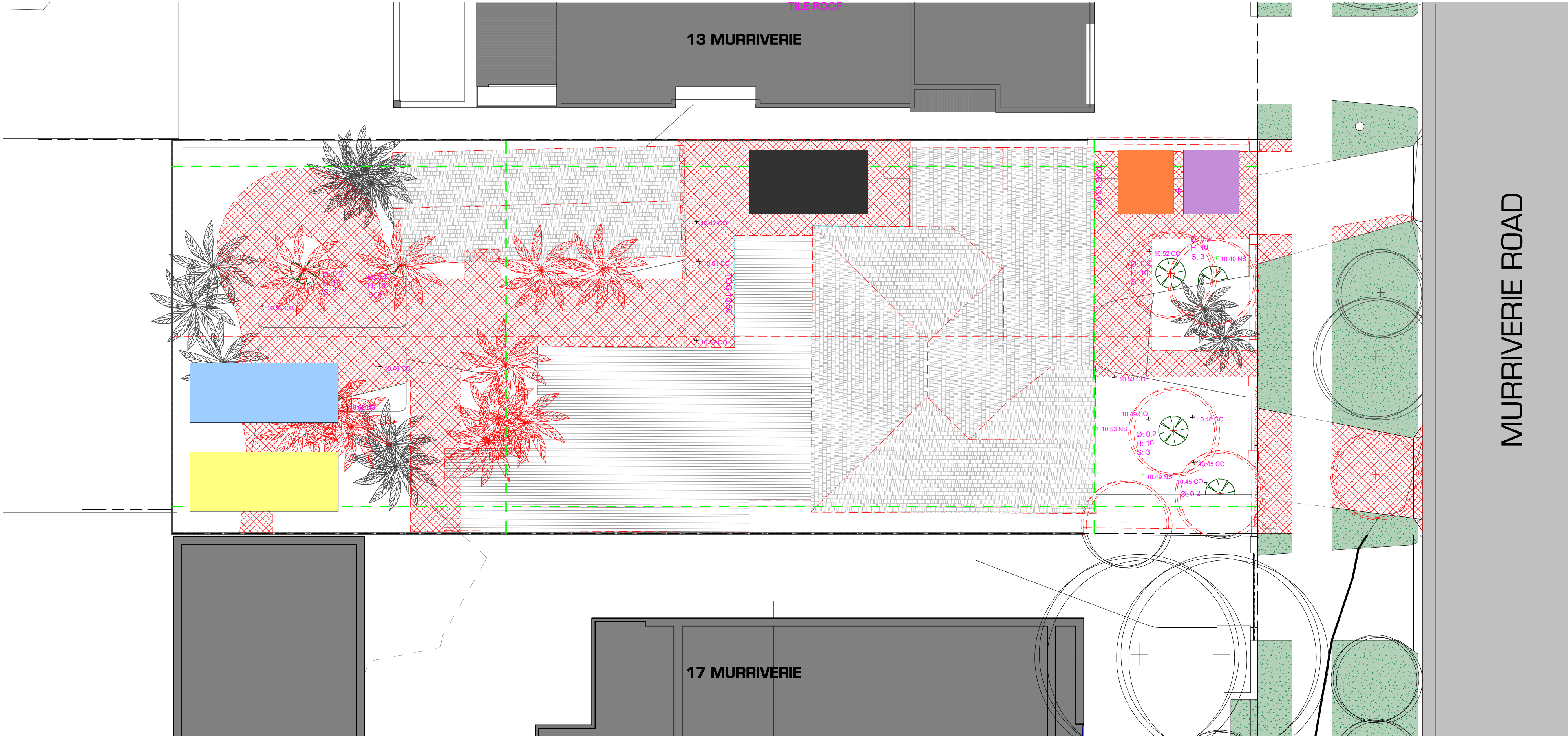
- ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH WORKCOVER AND THE REQUIREMENTS IN THE CONDITIONS OF CONSENT
- CONTRACTOR SHALL OBSERVE THE WORKING HOURS AS SET OUT IN THE CONDITIONS OF CONSENT.
- NO DEMOLITION OF ANY RETAINING WALLS SHALL OCCUR WITHOUT THE APPROVAL OF THE STRUCTURAL ENGINEER
- REFER TO THE SERVICES ENGINEER'S TENDER INFORMATION FOR THE TREATMENT OF ALL EXISTING SERVICES AND EQUIPMENT.
- THE CONTRACTOR SHALL ALLOW TIME IN THEIR CONSTRUCTION PROGRAMME FOR INSPECTIONS AND CONFIRMATION OF STRUCTURES ETC.

PRIOR TO BEGINNING WORK

- THE DEMOLITION PLAN SHALL BE READ IN CONJUNCTION WITH PROPOSED PLANS
- DEMOLITION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF SURVEY, ENGINEERS REPORTS PLANS AND ACOUSTIC REQUIREMENTS.
- THE CONTRACTOR IS TO SEEK THEIR OWN APPROVALS OR FOOTPATH & ROAD CLOSURES, HOARDINGS AND OTHER ITEMS SET OUT IN THE CONDITIONS OF CONSENT TO THE SATISFACTION OF THE CERTIFIER ON THE PROJECT.
- PRIOR TO STARTING WORK, THE CONTRACTOR SHALL GENERATE A WASTE MANAGEMENT PLAN IN ACCORDANCE WITH COUNCIL'S REQUIREMENTS THAT NOMINATES AMOUNTS OF RECYCLING CONTENT & LANDFILL AS WELL AS THE LOCATION OF LANDFILL SITES AND WASTE SUBCONTRACTORS.
- ALL EXISTING SERVICES SHALL BE LOCATED AND MADE SAFE PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORK

NOTES:  
READ DRAWINGS IN CONJUNCTION WITH SCHEDULES &  
SPECIFICATIONS - ALL MEASUREMENTS ARE TO BE VARIFIED ON SITE

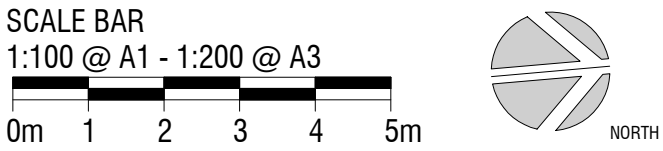
DEVELOPMENT APPLICATION



1 DEMOLITION PLAN  
1 : 100

BUILDING DEMOLITION

<b>ASBESTOS LINING</b> <ul style="list-style-type: none"><li>NILL KNOWN OF</li><li>CONTRACTOR WILL CONFIRM PRIOR TO CONSTRUCTION</li></ul>	<b>PLASTERBOARD</b> <ul style="list-style-type: none"><li>APPROXIMATELY 10m³</li><li>SENT TO LANDFILL</li></ul>	<b>EXCAVATION</b> <ul style="list-style-type: none"><li>APPROXIMATELY 387.9m³</li><li>DEPENDING ON THE QUALITY OF MATERIAL IT WILL BE SENT TO THE APPROPRIATE LANDFILL</li></ul>
<b>BRICKS &amp; PAVERS</b> <ul style="list-style-type: none"><li>APPROXIMATELY 11m³</li><li>THESE WILL BE SEPARATED AND SENT FOR RECYCLING</li></ul>	<b>METALS AND WIRING</b> <ul style="list-style-type: none"><li>APPROXIMATELY 1.5m³</li><li>THESE WILL BE SEPARATED AND SENT FOR RECYCLING</li></ul>	<b>SITE FACILITIES</b> <div></div>
<b>CONCRETE</b> <ul style="list-style-type: none"><li>APPROXIMATELY 18m³</li><li>SOME RE-USED DURING CONSTRUCTION ON SITE THE REMAINDER WILL BE SENT FOR RECYCLING WITH SIMILAR MATERIALS</li></ul>	<b>TILES</b> <ul style="list-style-type: none"><li>APPROXIMATELY 2.5m³</li><li>THIS WILL BE SENT FOR RECYCLING WITH SIMILAR MATERIALS</li></ul>	<b>STORAGE SPACE</b> <div></div>
<b>TIMBER</b> <ul style="list-style-type: none"><li>APPROXIMATELY 10m³</li><li>SOME RE-USED DURING CONSTRUCTION ON SITE THE REMAINDER WILL BE SENT FOR RECYCLING WITH SIMILAR MATERIALS</li></ul>	<b>GREEN WASTE</b> <ul style="list-style-type: none"><li>APPROXIMATELY 3.5m³</li><li>SENT TO LANDFILL</li></ul>	<b>STOCKPIILING</b> <div></div>
		<b>RECYCLING</b> <div></div>
		<b>LAND-FILL</b> <div></div>



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ABN: 56 155 777 370

E 29.05.2020 DA SUBMISSION  
D 27.05.2020 Updated DA Set  
C 21.05.2020 DEVELOPMENT APPLICATION  
B 15.05.2020 DA coordination  
A 11.05.2020 DEVELOPMENT APPLICATION ISSUE

Issue Rev. Date Description

Contractor:

Client:

VLATKA BOJANIC

Project:

NEW DUAL OCCUPANCY  
15 MURRIVERIE ROAD, NORTH  
BONDI

Title:

DEMOLITION & WASTE  
MANAGEMENT

Drawn By:

RS

Checked:

CB

Project No:

3507

Date:

MAY 2020

Sheet No:

A1000

Scale:

1 : 100

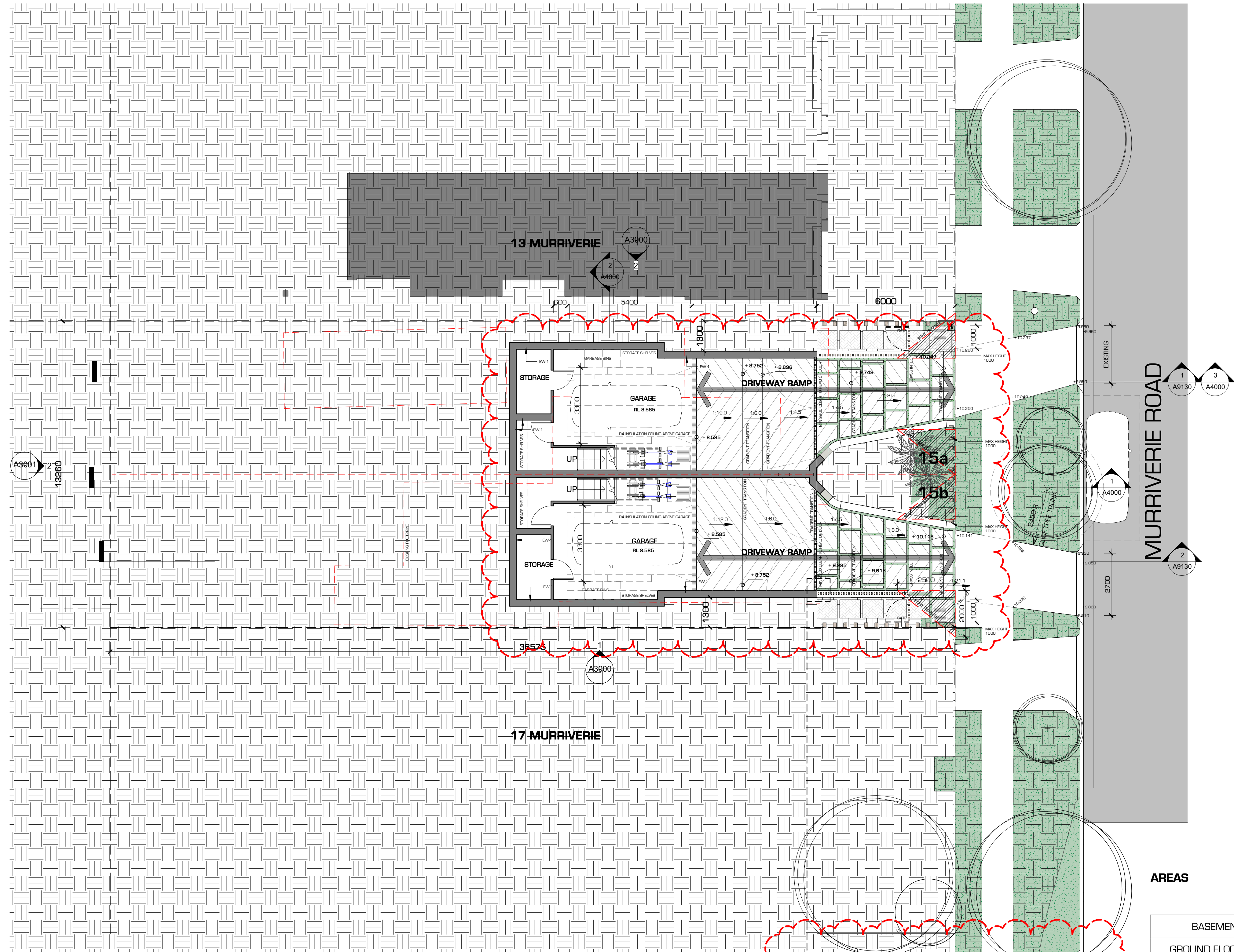
Issue:

Revision:

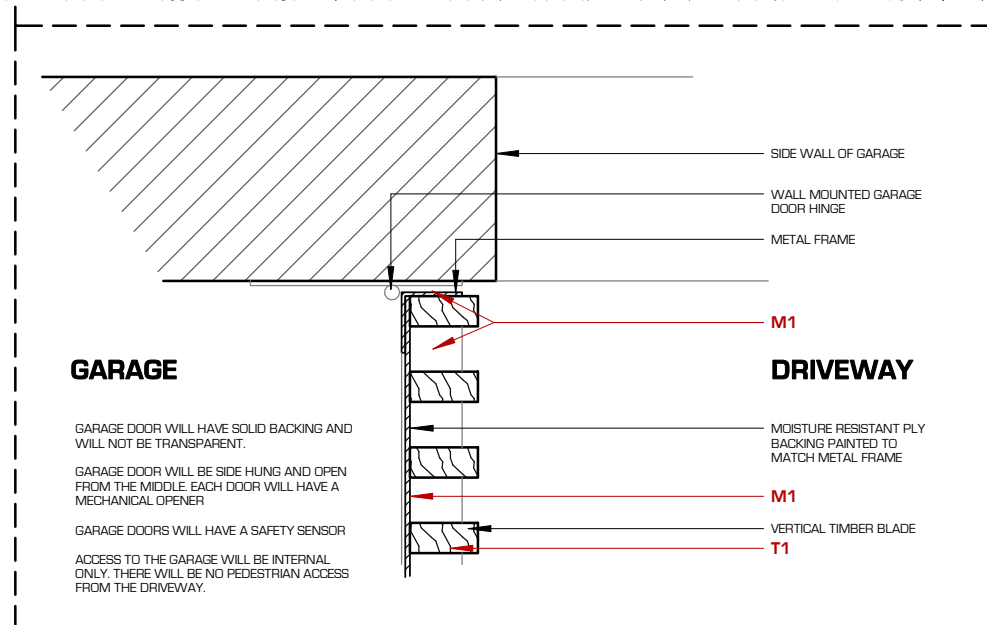
E

It is intended that the drawings only represent the visual design of the work and any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary shop drawings or calculations for compliance with any relevant industry, safety standards or regulations. All dimensions are to be checked on site and any discrepancies are to be referred to Liquid Design Pty Ltd in writing prior to proceeding. Dimensioned drawings are to take precedence over scaling. Check for latest revision issue. Copyright of this drawing is vested with Liquid Design Pty Ltd.





1 PROPOSED BASEMENT PLAN  
1 : 100



GARAGE DOOR DETAIL  
1 : 10

AREAS

	15a	15b
BASEMENT	0m <sup>2</sup>	0m <sup>2</sup>
GROUND FLOOR	88.9m <sup>2</sup>	88.9m <sup>2</sup>
LEVEL 1	77.9m <sup>2</sup>	77.9m <sup>2</sup>
TOTAL	166.8m <sup>2</sup>	166.8m <sup>2</sup>
OVERALL (274.2m <sup>2</sup> )	333.6m <sup>2</sup>	
SITE AREA	484.9m <sup>2</sup>	
FSR	0.688:1 [0.57:1]	

SCHEDULE OF COLOURS & MATERIALS					
LOCATION	CODE	ITEM	DESCRIPTION	SUPLIER	IMAGE
FRONT AND SIDE LIGHT WALLS	RP1	RENDER & PAINT FINISH - LIGHT	COLOUR: MANORBURN  SUBSTRATE: ACRYLIC RENDER WITH A FINE FINISH	PAINT - DULUX  RENDER - ROCKCOTE (OR SIMILAR)	
LEVEL 1 WALLS	CL2	RENDER & PAINT FINISH - MID	COLOUR: MADIGAN  SUBSTRATE: LIGHT WEIGHT WALLS	PAINT - DULUX	
FEATURE CLADDING	CL	VERTICAL CLADDING	COLOUR: TIMELESS GREY		
VERTICAL TIMBER BLADES	T1	VERTICAL TIMBER BLADES 90x45	SPOTTED GUM NATURAL SEALER	DULUX	
PAINTED STEEL WINDOW FRAMES & VERTICAL LOUVRES	M1	POWDER-COATED TO MATCH	COLOUR: MONUMENT	COLORBOND	
ROOF	M2	CORRUGATED METAL ROOF	COLOUR: WINDSPRAY	COLORBOND	
FASCIAS & GUTTERS	M3	POWDER-COATED TO MATCH	COLOUR: WINDSPRAY	COLORBOND	
GLAZING	G1	GLAZING	COLOUR: CLEAR - TO COMPLY WITH THE BASIX REQUIREMENTS		

CONDITION 22 & 56 NOTE:  
ALL FINISHES ARE COMPLEMENTARY TO THE STREETScape AND THERE ARE NO HIGHLY REFLECTIVE MATERIALS PROPOSED. CONTRACTOR IS TO PROVIDE SAMPLES PRIOR TO ORDERING.

BASIX NOTES

<b>WATER</b> a. THE APPLICANT MUST PLANT INDIGENOUS OR LOW WATER USE SPECIES OF VEGETATION THROUGHOUT THE AREA OF LAND SPECIFIED FOR THE DWELLING IN THE "INDIGENOUS SPECIES" COLUMN OF THE TABLE BELOW, AS PRIVATE LANDSCAPING FOR THAT DWELLING. (THIS AREA OF INDIGENOUS VEGETATION IS TO BE CONTAINED WITHIN THE "AREA OF GARDEN AND LAWN" FOR THE DWELLING SPECIFIED IN THE "DESCRIPTION OF PROJECT" TABLE). b. 3 STAR SHOWER HEADS c. 4 STAR TOILETS d. 4 STAR KITCHEN TAPS e. 4 STAR BATHROOM TAPS f. EACH DWELLING REQUIRES A 2000L WATER TANK AS AN ALTERNATIVE WATER SUPPLY - COLLECT RUN-OFF FROM 100m <sup>2</sup>	
<b>ENERGY</b> a. HOT WATER SYSTEM - GAS INSTANTANEOUS 6 STAR b. BATHROOM VENTILATION - INDIVIDUAL FAN WITH MANUAL ON/OFF SWITCH c. KITCHEN VENTILATION - INDIVIDUAL FAN (NOT DUCTED) WITH MANUAL ON/OFF SWITCH d. LAUNDRY - NATURAL VENTILATION ONLY e. HEATING & COOLING - 3 PHASE AIRCONDITIONING (ZONED LIVING ROOM / BEDROOMS) f. ARTIFICIAL LIGHTING IN EACH ROOM TO BE FLUORESCENT OR LED g. NATURAL LIGHT - TO EACH ROOM h. APPLIANCES - GAS COOKTOP & ELECTRIC OVEN	
<b>THERMAL COMFORT</b> a. HEAT LOAD (15-A) - 38.7 & (15-B) - 37.6 b. COOLING LOADS (15-A) - 11.9 & (15-B) - 12.7 c. WALL INSULATION (SEE WALL TYPES BELOW) d. ROOF INSULATION R1.3 & CEILING INSULATION R2.5 e. FLOOR INSULATION R1.3 OVER EXPOSED AREAS (GROUND & LEVEL 1)	

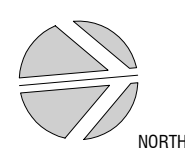
WALL TYPES

EW - 1	CAVITY BRICK (NO INSULATION)	EW - 2	BRICK/BLOCK REVERSE VENEER (R2.5 INSUL)
EW - 3	BRICK OR BLOCK + CLADDING	EW - 4	BRICK/BLOCK REVERSE VENEER (R2.5 INSUL)
ABOVE WALL TYPES DO NOT INCLUDE FINISHED (SINGLE SKIN BRICK WALLS CONSIST OF CLADDING AND OTHERS HAVE RENDER OR GLADDING. REFER TO ELEVATIONS AND FINISHES SCHEDULE			

NOTES:  
READ DRAWINGS IN CONJUNCTION WITH SCHEDULES & SPECIFICATIONS - ALL MEASUREMENTS ARE TO BE VARIFIED ON SITE

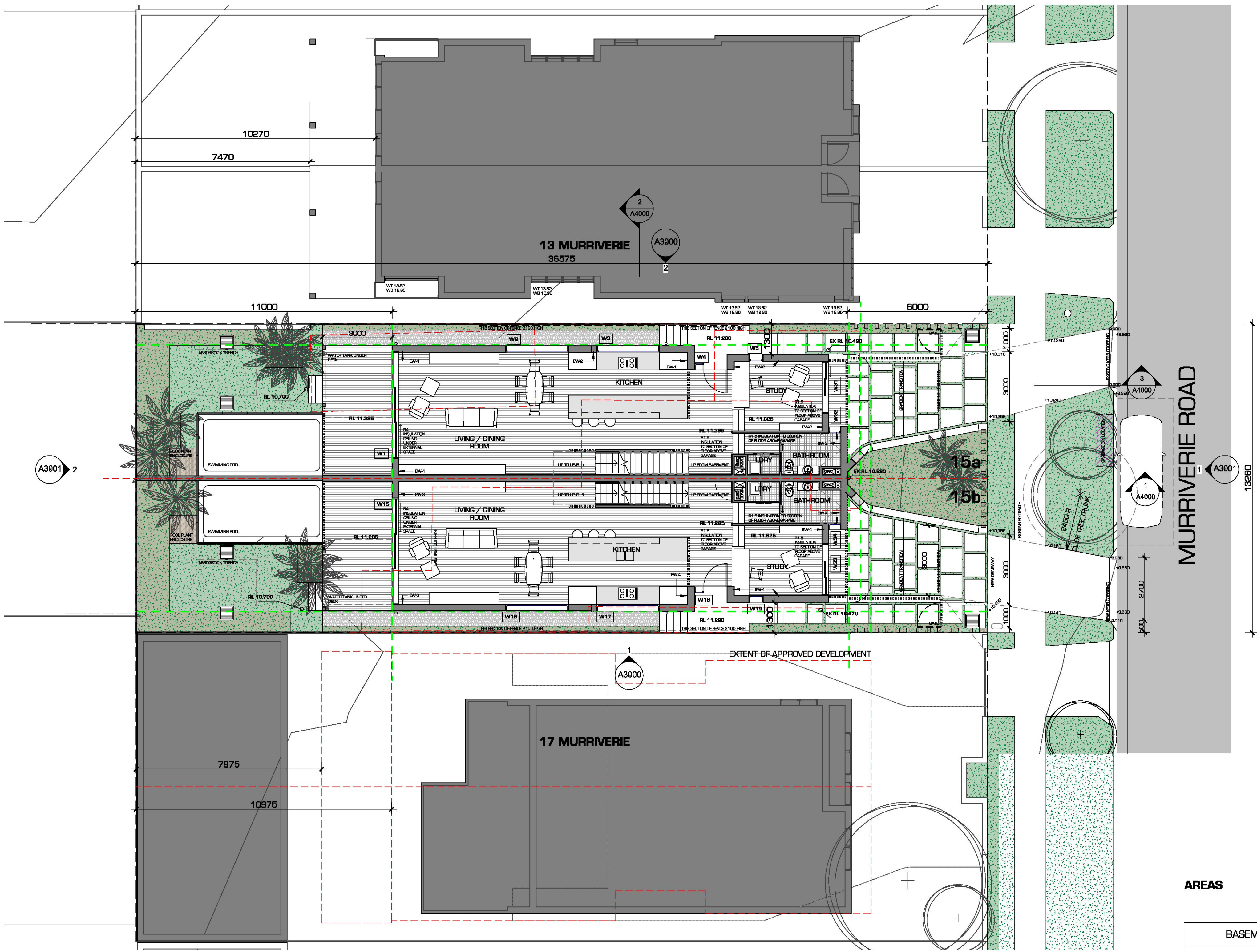
DEVELOPMENT APPLICATION

SCALE BAR  
1:100 @ A1 - 1:200 @ A3  
0m 1 2 3 4 5m



<div>LIQUID</div> <div>DESIGN</div> <div>Liquid Design Pty Ltd Level 3, 100 Harris Street, Pyrmont, NSW 2009 Tel: +61 2 4610 1534 E: info@liquiddesign.com.au W: www.liquiddesign.com.au ABN: 56 155 777 370 Nominated Architect Christopher Bombardieri NSW registration #8123</div>		<div>G11.08.2020LANDSCAPE AREA CLARIFICATION &amp; DRIVEWAY GRADIENT AMENDMENTS</div> <div>F29.05.2020DA SUBMISSION</div> <div>E27.05.2020Updated DA Set</div> <div>D25.05.2020RAMP COORDINATION</div> <div>C21.05.2020DEVELOPMENT APPLICATION</div> <div>B15.05.2020DA coordination</div> <div>A11.05.2020DEVELOPMENT APPLICATION ISSUE</div>	<div>Contractor:</div> <div>VLATKA BOJANIC</div>	<div>Client:</div> <div>NEW DUAL OCCUPANCY 15 MURRIVERIE ROAD, NORTH BONDI</div>	<div>Project:</div> <div>NEW DUAL OCCUPANCY 15 MURRIVERIE ROAD, NORTH BONDI</div>	<div>Title:</div> <div>PROPOSED BASEMENT PLAN</div> <div><div><div>Drawn By: RS</div><div>Checked: CB</div><div>Project No: 3507</div></div><div><div>Date: MAY 2020</div><div>Sheet No: A2000</div></div><div><div>Scale: As indicated</div><div>Issue:</div><div>Revision: G</div></div></div> <div><div>It is intended that the drawings only represent the visual design of the work and any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary shop drawings or calculations for compliance with any relevant industry, safety standards or regulations. All dimensions are to be checked on site and any discrepancies are to be referred to Liquid Design Pty Ltd in writing prior to proceeding. Dimensioned drawings are to take precedence over scaling. Check for latest revision issue. Copyright of this drawing is vested with Liquid Design Pty Ltd.</div></div>
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1 PROPOSED GROUND FLOOR PLAN  
1:100

RECEIVED  
Waverley Council  
Application No: DA-182/2020  
Date Received: 12/06/2020

#### AREAS

	15a	15b
BASEMENT	0m <sup>2</sup>	0m <sup>2</sup>
GROUND FLOOR	88.9m <sup>2</sup>	88.9m <sup>2</sup>
LEVEL 1	77.9m <sup>2</sup>	77.9m <sup>2</sup>
TOTAL	166.8m <sup>2</sup>	166.8m <sup>2</sup>
OVERALL (274.2m <sup>2</sup> )	333.6m <sup>2</sup>	
SITE AREA	484.9m <sup>2</sup>	
FSR	0.688:1 [0.57:1]	

#### SCHEDULE OF COLOURS & MATERIALS

LOCATION	CODE	ITEM	DESCRIPTION	SUPPLIER	IMAGE
FRONT AND SIDE LIGHT WALLS	RP1	RENDER & PAINT FINISH - LIGHT	COLOUR: MANORBURN SUBSTRATE: ACRYLIC RENDER WITH A FINE FINISH	PAINT - DULUX RENDER - ROCKCOTE (OR SIMILAR)	
LEVEL 1 WALLS	CL2	RENDER & PAINT FINISH - MID	COLOUR: MADIGAN SUBSTRATE: LIGHT WEIGHT WALLS	PAINT - DULUX	
FEATURE CLADDING	CL	VERTICAL CLADDING	COLOUR: TIMELESS GREY		
VERTICAL TIMBER BLADES	T1	VERTICAL TIMBER BLADES 90x45	SPOTTED GUM NATURAL SEALER	DULUX	
PAINTED STEEL WINDOW FRAMES & VERTICAL LOUVRES	M1	POWDER-COATED TO MATCH	COLOUR: MONUMENT	COLORBOND	
ROOF	M2	CORRUGATED METAL ROOF	COLOUR: WINDSPRAY	COLORBOND	
FASCIAS & GUTTERS	M3	POWDER-COATED TO MATCH	COLOUR: WINDSPRAY	COLORBOND	
GLAZING	G1	GLAZING	COLOUR: CLEAR - TO COMPLY WITH THE BASIX REQUIREMENTS		

CONDITION 22 & 56 NOTE:  
ALL FINISHES ARE COMPLEMENTARY TO THE STREETSCAPE AND THERE ARE NO HIGHLY REFLECTIVE MATERIALS PROPOSED. CONTRACTOR IS TO PROVIDE SAMPLES PRIOR TO ORDERING.

#### BASIX NOTES

WATER	
a.	THE APPLICANT MUST PLANT INDIGENOUS OR LOW WATER USE SPECIES OF VEGETATION THROUGHOUT THE AREA OF LAND SPECIFIED FOR THE DWELLING IN THE "INDIGENOUS SPECIES" COLUMN OF THE TABLE BELOW, AS PRIVATE LANDSCAPING FOR THAT DWELLING. (THIS AREA OF INDIGENOUS VEGETATION IS TO BE CONTAINED WITHIN THE "AREA OF GARDEN AND LAWN" FOR THE DWELLING SPECIFIED IN THE "DESCRIPTION OF PROJECT" TABLE).
b.	3 STAR SHOWER HEADS
c.	4 STAR TOILETS
d.	4 STAR KITCHEN TAPS
e.	4 STAR BATHROOM TAPS
f.	EACH DWELLING REQUIRES A 2000L WATER TANK AS AN ALTERNATIVE WATER SUPPLY - COLLECT RUN-OFF FROM 100m <sup>2</sup>
ENERGY	
a.	HOT WATER SYSTEM - GAS INSTANTANEOUS 6 STAR
b.	BATHROOM VENTILATION - INDIVIDUAL FAN WITH MANUAL ON/OFF SWITCH
c.	KITCHEN VENTILATION - INDIVIDUAL FAN (NOT DUCTED) WITH MANUAL ON/OFF SWITCH
d.	LAUNDRY - NATURAL VENTILATION ONLY
e.	HEATING & COOLING - 3 PHASE AIRCONDITIONING (ZONED LIVING ROOM / BEDROOMS)
f.	ARTIFICIAL LIGHTING IN EACH ROOM TO BE FLUORESCENT OR LED
g.	NATURAL LIGHT - TO EACH ROOM
h.	APPLIANCES - GAS COOKTOP & ELECTRIC OVEN
THERMAL COMFORT	
a.	HEAT LOAD (15-A) - 38.7 & (15-B) - 37.6
b.	COOLING LOADS (15-A) - 11.9 & (15-B) - 12.7
c.	WALL INSULATION (SEE WALL TYPES BELOW)
d.	ROOF INSULATION R1.3 & CEILING INSULATION R2.5
e.	FLOOR INSULATION R1.3 OVER EXPOSED AREAS (GROUND & LEVEL 1)

#### WALL TYPES

EW - 1	CAVITY BRICK (NO INSULATION)	EW - 2	BRICK/BLOCK REVERSE VENEER (R2.5 INSUL)
EW - 3	BRICK OR BLOCK + CLADDING	EW - 4	BRICK/BLOCK REVERSE VENEER (R2.5 INSUL)

ABOVE WALL TYPES DO NOT INCLUDE FINISHED (SINGLE SKIN BRICK WALLS CONSIST OF CLADDING AND OTHERS HAVE RENDER OR GLAZING. REFER TO ELEVATIONS AND FINISHES SCHEDULE)

#### NOTES:

READ DRAWINGS IN CONJUNCTION WITH SCHEDULES & SPECIFICATIONS - ALL MEASUREMENTS ARE TO BE VERIFIED ON SITE

## DEVELOPMENT APPLICATION

SCALE BAR  
1:100 @ A1 - 1:200 @ A3  
0m 1 2 3 4 5m

**LIQUID**  
DESIGN

Liquid Design Pty Ltd  
Level 3, 100 Harris Street, Pyrmont, NSW 2009  
T: +61 2 4610 1534  
E: info@liquiddesign.com.au  
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ABN 55 155 777 570  
Nominated Architect Christopher Bombardieri NSW registration #8123

Issue	Rev	Date	Description
E	28.05.2020	DA SUBMISSION	
D	27.05.2020	Updated DA Set	
C	21.05.2020	DEVELOPMENT APPLICATION	
B	15.05.2020	DA coordination	
A	11.05.2020	DEVELOPMENT APPLICATION ISSUE	

Contractor:

Client:

VLATKA BOJANIC

Project:

NEW DUAL OCCUPANCY  
15 MURRIVERIE ROAD, NORTH  
BONDI

Title:

PROPOSED GROUND FLOOR  
PLAN

Drawn By:

RS

Checked:

CS

Date:

MAY 2020

Scale:

As indicated

Project No:

3507

Sheet No:

A2001

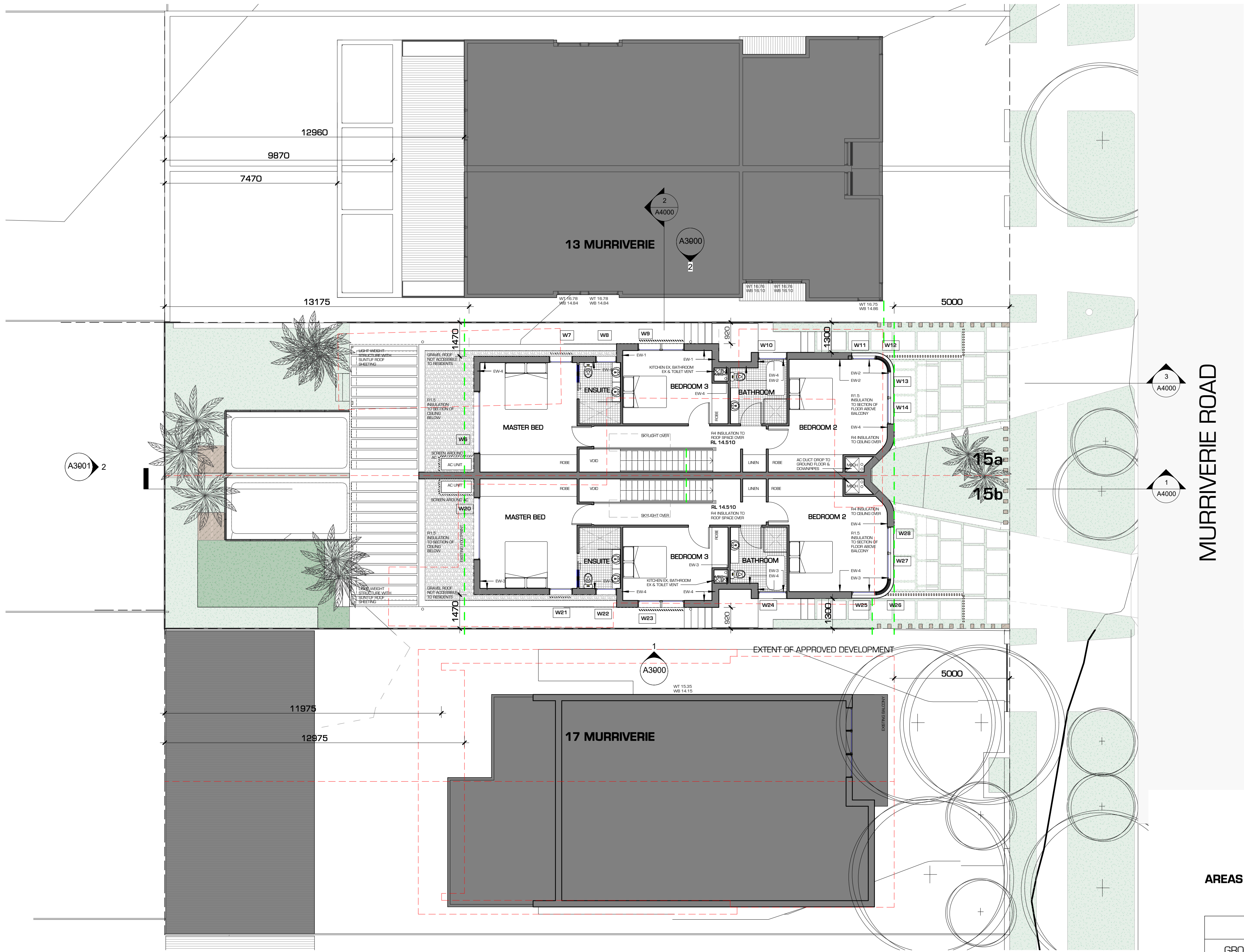
Issue:

Revision:

E

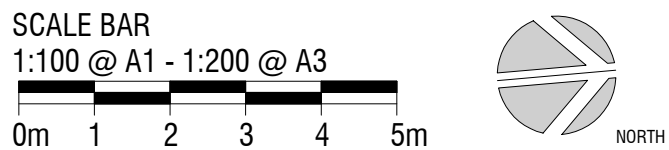
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1 PROPOSED LEVEL 1 PLAN  
1:100

RECEIVED  
Waverley Council  
Application No: DA-182/2020  
Date Received: 12/06/2020



AREAS

	15a	15b
BASEMENT	0m <sup>2</sup>	0m <sup>2</sup>
GROUND FLOOR	88.9m <sup>2</sup>	88.9m <sup>2</sup>
LEVEL 1	77.9m <sup>2</sup>	77.9m <sup>2</sup>
TOTAL	166.8m <sup>2</sup>	166.8m <sup>2</sup>
OVERALL (274.2m <sup>2</sup> )	333.6m <sup>2</sup>	
SITE AREA	484.9m <sup>2</sup>	
FSR	0.688:1 [0.57:1]	

SCHEDULE OF COLOURS & MATERIALS					
LOCATION	CODE	ITEM	DESCRIPTION	SUPPLIER	IMAGE
FRONT AND SIDE LIGHT WALLS	RP1	RENDER & PAINT FINISH - LIGHT	COLOUR: MANORBURN  SUBSTRATE: ACRYLIC RENDER WITH A FINE FINISH	PAINT - DULUX  RENDER - ROCKCOTE (OR SIMILAR)	
LEVEL 1 WALLS	CL2	RENDER & PAINT FINISH - MID	COLOUR: MADIGAN  SUBSTRATE: LIGHT WEIGHT WALLS	PAINT - DULUX	
FEATURE CLADDING	CL	VERTICAL CLADDING	COLOUR: TIMELESS GREY		
VERTICAL TIMBER BLADES	T1	VERTICAL TIMBER BLADES 90x45	SPOTTED GUM NATURAL SEALER	DULUX	
PAINTED STEEL WINDOW FRAMES & VERTICAL LOUVRES	M1	POWDER-COATED TO MATCH	COLOUR: MONUMENT	COLORBOND	
ROOF	M2	CORRUGATED METAL ROOF	COLOUR: WINDSPRAY	COLORBOND	
FASCIAS & GUTTERS	M3	POWDER-COATED TO MATCH	COLOUR: WINDSPRAY	COLORBOND	
GLAZING	G1	GLAZING	COLOUR: CLEAR - TO COMPLY WITH THE BASIX REQUIREMENTS		

CONDITION 22 & 56 NOTE:  
ALL FINISHES ARE COMPLEMENTARY TO THE STREETSCAPE AND THERE ARE NO HIGHLY REFLECTIVE MATERIALS PROPOSED. CONTRACTOR IS TO PROVIDE SAMPLES PRIOR TO ORDERING.

BASIX NOTES

<b>WATER</b>	
a.	THE APPLICANT MUST PLANT INDIGENOUS OR LOW WATER USE SPECIES OF VEGETATION THROUGHOUT THE AREA OF LAND SPECIFIED FOR THE DWELLING IN THE "INDIGENOUS SPECIES" COLUMN OF THE TABLE BELOW, AS PRIVATE LANDSCAPING FOR THAT DWELLING. (THIS AREA OF INDIGENOUS VEGETATION IS TO BE CONTAINED WITHIN THE "AREA OF GARDEN AND LAWN" FOR THE DWELLING SPECIFIED IN THE "DESCRIPTION OF PROJECT" TABLE).
b.	3 STAR SHOWER HEADS
c.	4 STAR TOILETS
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<b>ENERGY</b>	
a.	HOT WATER SYSTEM - GAS INSTANTANEOUS 6 STAR
b.	BATHROOM VENTILATION - INDIVIDUAL FAN WITH MANUAL ON/OFF SWITCH
c.	KITCHEN VENTILATION - INDIVIDUAL FAN (NOT DUCTED) WITH MANUAL ON/OFF SWITCH
d.	LAUNDRY - NATURAL VENTILATION ONLY
e.	HEATING & COOLING - 3 PHASE AIRCONDITIONING (ZONED LIVING ROOM / BEDROOMS)
f.	ARTIFICIAL LIGHTING IN EACH ROOM TO BE FLUORESCENT OR LED
g.	NATURAL LIGHT - TO EACH ROOM
h.	APPLIANCES - GAS COOKTOP & ELECTRIC OVEN
<b>THERMAL COMFORT</b>	
a.	HEAT LOAD (15-A) - 38.7 & (15-B) - 37.6
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NOTES:  
READ DRAWINGS IN CONJUNCTION WITH SCHEDULES &  
SPECIFICATIONS - ALL MEASUREMENTS ARE TO BE VARIFIED ON SITE

# DEVELOPMENT APPLICATION

<div>L I Q U I D</div> <div>D E S I G N</div>						Contractor:			Client: VLATKA BOJANIC			Project: NEW DUAL OCCUPANCY 15 MURRIVERIE ROAD, NORTH BONDI			Title: PROPOSED LEVEL 1 PLAN																										
Liquid Design pty ltd Level 3, 100 Harris Street, Pyrmont, NSW 2009 T: 61 2 4610 1534 E: info@liquiddesign.com.au W: www.liquiddesign.com.au ABN: 56 155 777 370 Nominated Architect: Christopher Bombardieri NSW registration #8123			<table><tr><td>E</td><td>29.05.2020</td><td>DA SUBMISSION</td></tr><tr><td>D</td><td>27.05.2020</td><td>Updated DA Set</td></tr><tr><td>C</td><td>21.05.2020</td><td>DEVELOPMENT APPLICATION</td></tr><tr><td>B</td><td>15.05.2020</td><td>DA coordination</td></tr><tr><td>A</td><td>11.05.2020</td><td>DEVELOPMENT APPLICATION ISSUE</td></tr></table>			E	29.05.2020	DA SUBMISSION	D	27.05.2020	Updated DA Set	C	21.05.2020	DEVELOPMENT APPLICATION	B	15.05.2020	DA coordination	A	11.05.2020	DEVELOPMENT APPLICATION ISSUE										<table><tr><td>Drawn By: <b>RS</b></td><td>Checked: <b>CB</b></td><td>Project No: 3507</td></tr><tr><td colspan="2">Date: <b>MAY 2020</b></td><td>Sheet No: <b>A2002</b></td></tr><tr><td>Scale: As indicated</td><td>Issue:</td><td>Revision: <b>E</b></td></tr></table>			Drawn By: <b>RS</b>	Checked: <b>CB</b>	Project No: 3507	Date: <b>MAY 2020</b>		Sheet No: <b>A2002</b>	Scale: As indicated	Issue:	Revision: <b>E</b>
E	29.05.2020	DA SUBMISSION																																							
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Drawn By: <b>RS</b>	Checked: <b>CB</b>	Project No: 3507																																							
Date: <b>MAY 2020</b>		Sheet No: <b>A2002</b>																																							
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SCHEDULE OF COLOURS & MATERIALS					
LOCATION	CODE	ITEM	DESCRIPTION	SUPLIER	IMAGE
FRONT AND SIDE LIGHT WALLS	RP1	RENDER & PAINT FINISH - LIGHT	COLOUR: MANORBURN  SUBSTRATE: ACRYLIC RENDER WITH A FINE FINISH	PAINT - DULUX  RENDER - ROCKCOTE (OR SIMILAR)	
LEVEL 1 WALLS	CL2	RENDER & PAINT FINISH - MID	COLOUR: MADIGAN  SUBSTRATE: LIGHT WEIGHT WALLS	PAINT - DULUX	
FEATURE CLADDING	CL	VERTICAL CLADDING	COLOUR: TIMELESS GREY		
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PAINTED STEEL WINDOW FRAMES & VERTICAL LOUVRES	M1	POWDER-COATED TO MATCH	COLOUR: MONUMENT	COLORBOND	
ROOF	M2	CORRUGATED METAL ROOF	COLOUR: WINDSPRAY	COLORBOND	
FASCIAS & GUTTERS	M3	POWDER-COATED TO MATCH	COLOUR: WINDSPRAY	COLORBOND	
GLAZING	G1	GLAZING	COLOUR: CLEAR - TO COMPLY WITH THE BASIX REQUIREMENTS		

CONDITION 22 & 56 NOTE:  
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BASIX NOTES

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ENERGY	a. HOT WATER SYSTEM - GAS INSTANTANEOUS 6 STAR
b.	BATHROOM VENTILATION - INDIVIDUAL FAN WITH MANUAL ON/OFF SWITCH
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NOTES:  
READ DRAWINGS IN CONJUNCTION WITH SCHEDULES & SPECIFICATIONS - ALL MEASUREMENTS ARE TO BE VARIFIED ON SITE

DEVELOPMENT APPLICATION

AREAS

	15a	15b
BASEMENT	0m²	0m²
GROUND FLOOR	88.9m²	88.9m²
LEVEL 1	77.9m²	77.9m²
TOTAL	166.8m²	166.8m²
OVERALL (274.2m²)	333.6m²	
SITE AREA	484.9m²	
FSR	0.688:1 [0.57:1]	

PROPOSED ROOF PLAN

1: 100

RECEIVED  
Waverley Council  
Application No: DA-182/2020  
Date Received: 12/06/2020

SCALE BAR  
1:100 @ A1 - 1:200 @ A3  
0m 1 2 3 4 5m

LIQUID  
DESIGN

E	29.05.2020	DA SUBMISSION
D	27.05.2020	Updated DA Set
C	21.05.2020	DEVELOPMENT APPLICATION
B	15.05.2020	DA coordination
A	11.05.2020	DEVELOPMENT APPLICATION ISSUE

Contractor:

Client:

VLATKA BOJANIC

Project:

NEW DUAL OCCUPANCY  
15 MURRIVERIE ROAD, NORTH  
BONDI

Title:

PROPOSED ROOF PLAN

Drawn By:

RS

Checked:

CB

Project No:

3507

Date:

MAY 2020

Sheet No:

A2003

Scale:

As indicated

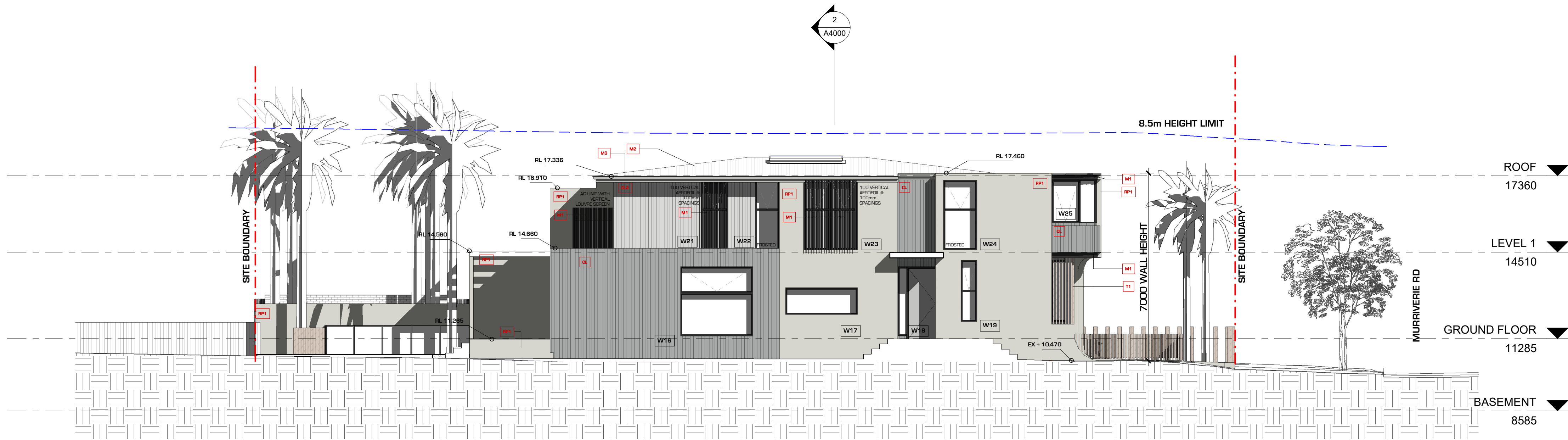
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Revision:

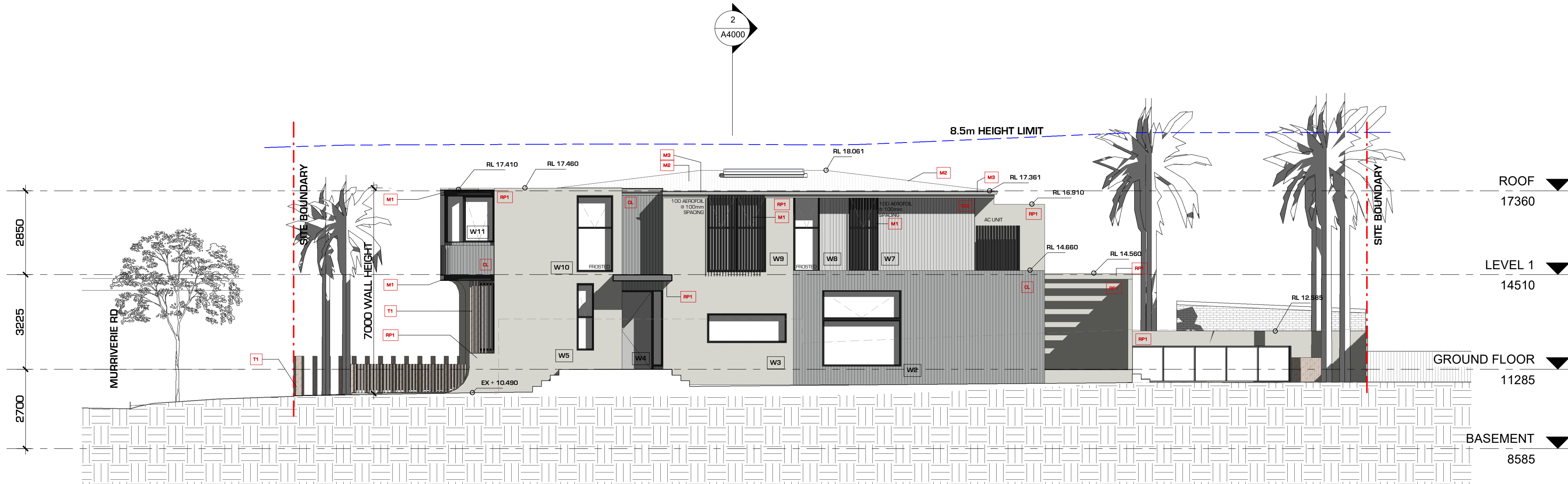
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1 PROPOSED EAST ELEVATION  
1 : 100



2 PROPOSED WEST ELEVATION  
1 : 100

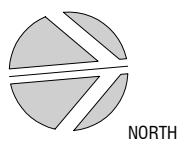
SCHEDULE OF COLOURS & MATERIALS					
LOCATION	CODE	ITEM	DESCRIPTION	SUPLIER	IMAGE
FRONT AND SIDE LIGHT WALLS	RP1	RENDER & PAINT FINISH - LIGHT	COLOUR: MANORBURN  SUBSTRATE: ACRYLIC RENDER WITH A FINE FINISH	PAINT - DULUX  RENDER - ROCKCOTE (OR SIMILAR)	
LEVEL 1 WALLS	CL2	RENDER & PAINT FINISH - MID	COLOUR: MADIGAN  SUBSTRATE: LIGHT WEIGHT WALLS	PAINT - DULUX	
FEATURE CLADDING	CL	VERTICAL CLADDING	COLOUR: TIMELESS GREY		
VERTICAL TIMBER BLADES	T1	VERTICAL TIMBER BLADES 90x45	SPOTTED GUM NATURAL SEALER	DULUX	
PAINTED STEEL WINDOW FRAMES & VERTICAL LOUVRES	M1	POWDER-COATED TO MATCH	COLOUR: MONUMENT	COLORBOND	
ROOF	M2	CORRUGATED METAL ROOF	COLOUR: WINDSPRAY	COLORBOND	
FASCIAS & GUTTERS	M3	POWDER-COATED TO MATCH	COLOUR: WINDSPRAY	COLORBOND	
GLAZING	G1	GLAZING	COLOUR: CLEAR - TO COMPLY WITH THE BASIX REQUIREMENTS		

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## DEVELOPMENT APPLICATION

SCALE BAR  
1:100 @ A1 - 1:200 @ A3  
0m 1 2 3 4 5m



**LIQUID**  
DESIGN

Liquid Design Pty Ltd  
Level 3, 100 Harris Street, Pyrmont, NSW 2009  
T: +61 2 4610 1534  
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ABN: 56 155 777 370  
Nominated Architect Christopher Bombardieri NSW registration #8193

Issue	Rev.	Date	Description
E	29.05.2020	DA SUBMISSION	
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Contractor:

Client:

VLATKA BOJANIC

Project:

NEW DUAL OCCUPANCY  
15 MURRIVERIE ROAD, NORTH  
BONDI

Title:

PROPOSED EAST & WEST  
ELEVATIONS

Drawn By:

RS

Checked:

CB

Project No:

3507

Date:

MAY 2020

Sheet No:

A3000

Scale:

As indicated

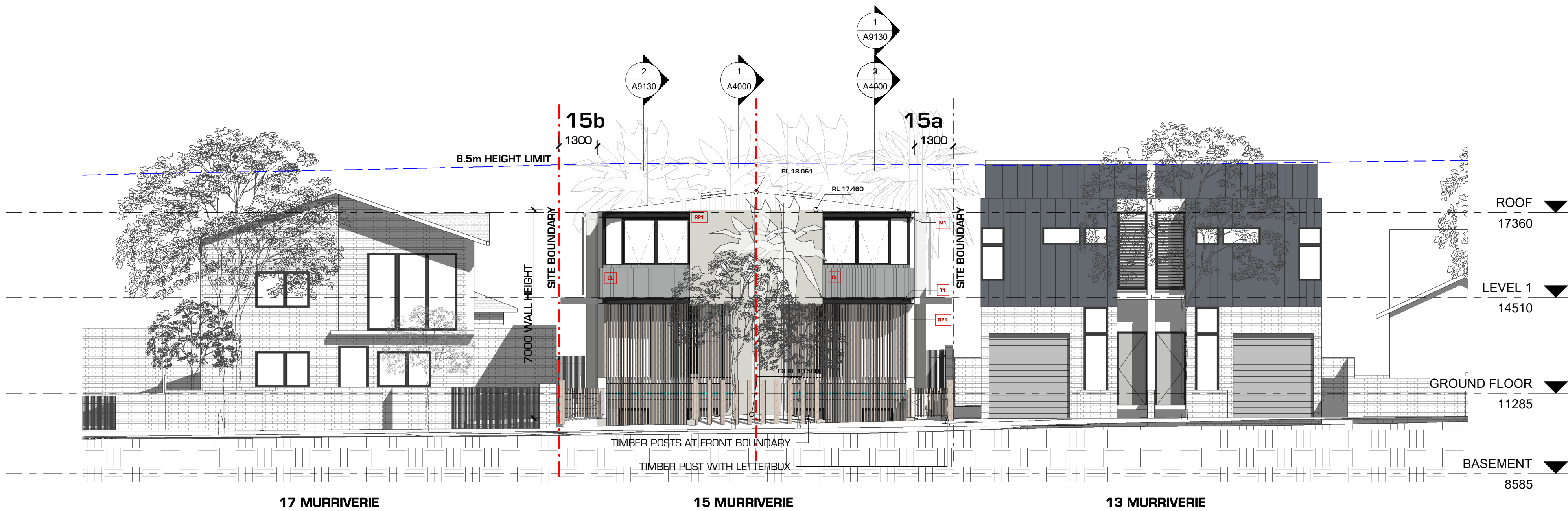
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Revision:

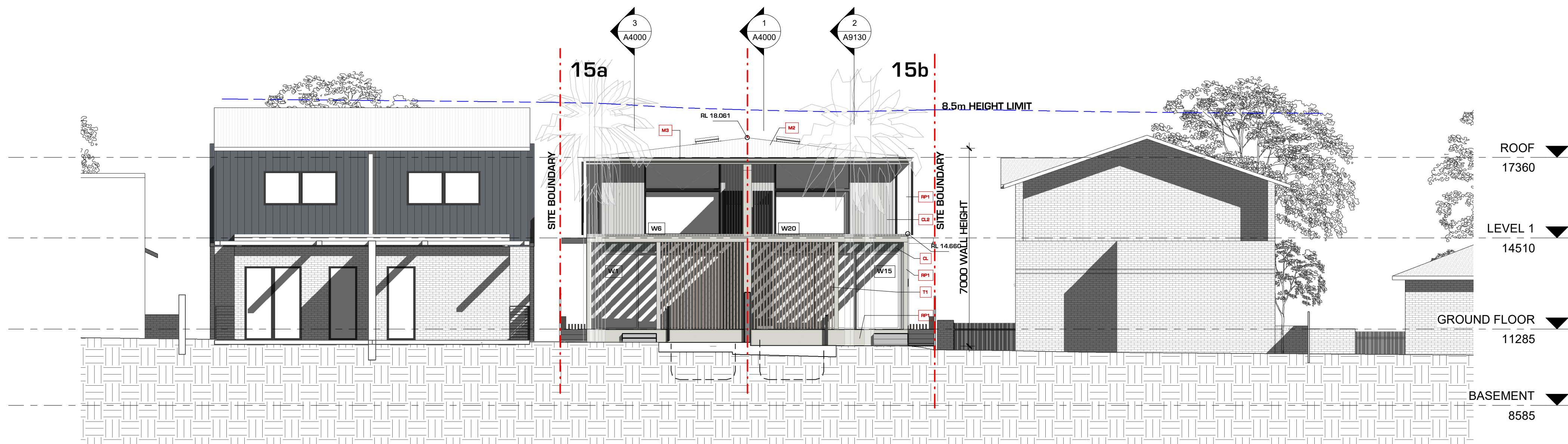
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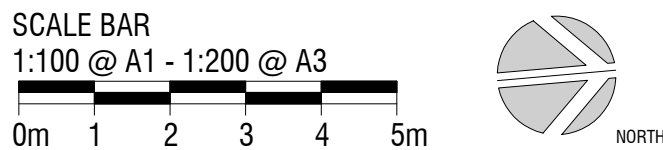




1 PROPOSED NORTH ELEVATION  
1 : 100



2 PROPOSED SOUTH ELEVATION  
1 : 100



SCHEDULE OF COLOURS & MATERIALS					
LOCATION	CODE	ITEM	DESCRIPTION	SUPLIER	IMAGE
FRONT AND SIDE LIGHT WALLS	RP1	RENDER & PAINT FINISH - LIGHT	COLOUR: MANORBURN SUBSTRATE: ACRYLIC RENDER WITH A FINE FINISH	PAINT - DULUX RENDER - ROCKCOTE (OR SIMILAR)	
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GLAZING	G1	GLAZING	COLOUR: CLEAR - TO COMPLY WITH THE BASIX REQUIREMENTS		

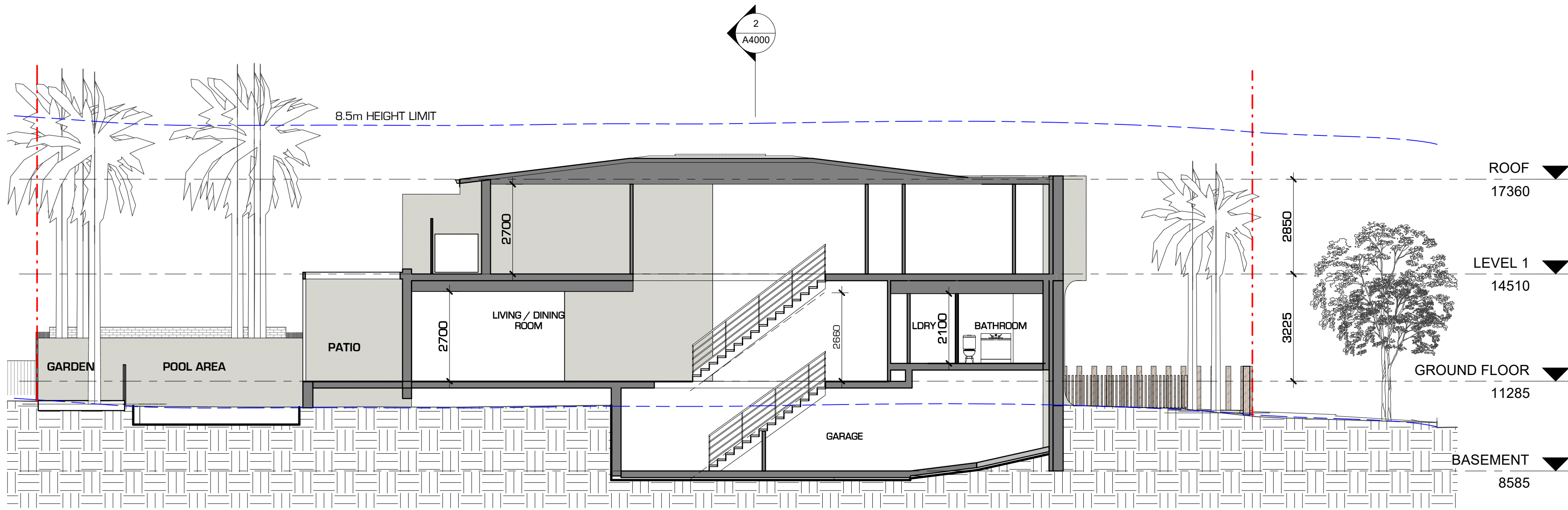
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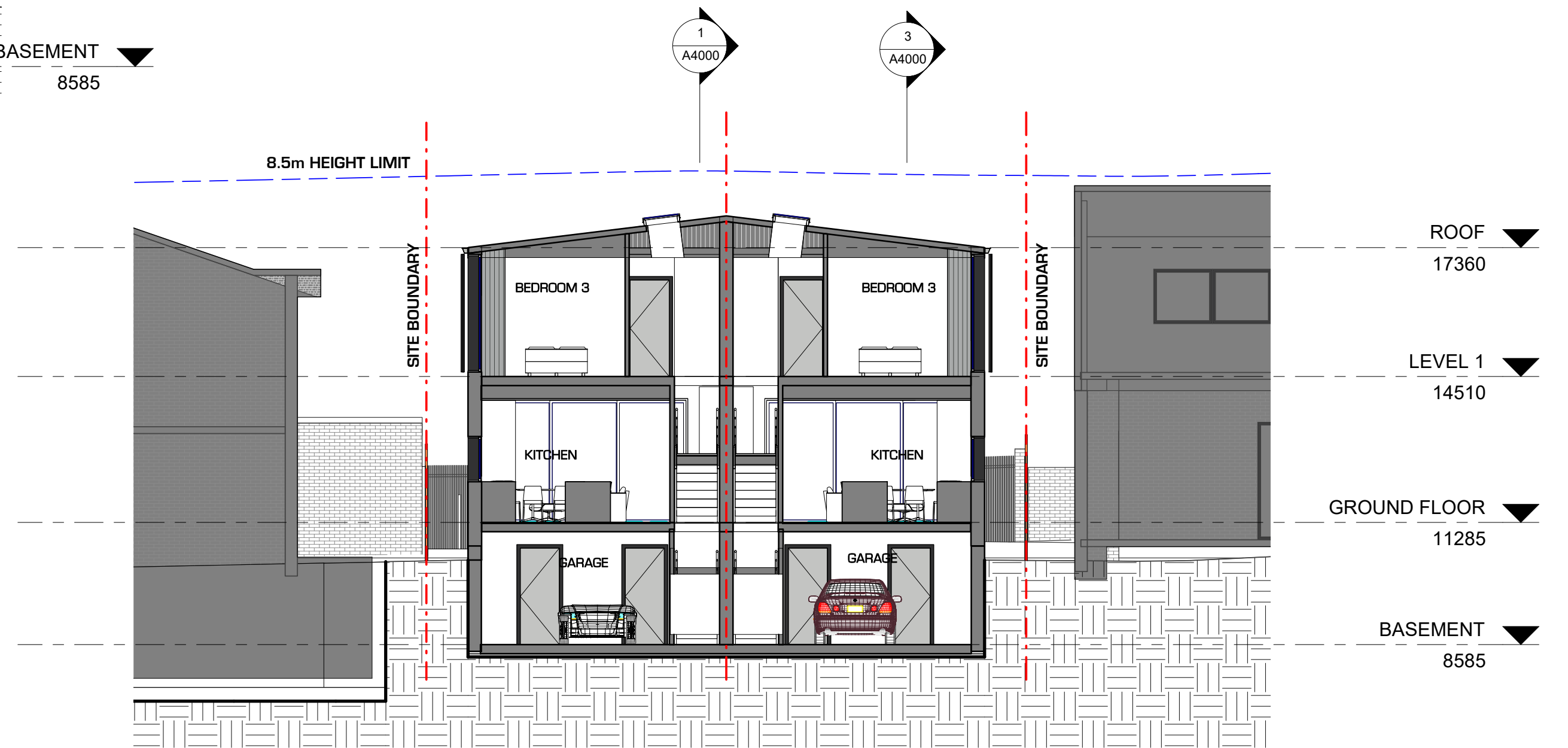
## DEVELOPMENT APPLICATION

<b>LIQUID</b> DESIGN Liquid Design Pty Ltd Level 3, 100 Harris Street, Pyrmont, NSW 2009 T: +61 2 4610 1534 E: info@liquiddesign.com.au W: www.liquiddesign.com.au ABN: 86 155 777 370 Nominated Architect Christopher Bombardieri NSW registration #8193	<b>E</b> 29.05.2020 27.05.2020 21.05.2020 15.05.2020 11.05.2020 <b>Issue Rev. Date Description</b>	DA SUBMISSION Updated DA Set DEVELOPMENT APPLICATION DA coordination DEVELOPMENT APPLICATION ISSUE	Contractor:	Client: VLATKA BOJANIC	Project: NEW DUAL OCCUPANCY 15 MURRIVERIE ROAD, NORTH BONDI	Title: PROPOSED NORTH & SOUTH ELEVATIONS	Drawn By: <b>RS</b>	Checked: <b>CB</b>	Project No: 3507
							Date: <b>MAY 2020</b>	Sheet No:	<b>A3001</b>
							Scale: As indicated	Issue:	Revision: <b>E</b>
							It is intended that the drawings only represent the visual design of the work and any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary shop drawings or calculations for compliance with any relevant industry, safety standards or regulations. All dimensions are to be checked on site and any discrepancies are to be referred to Liquid Design Pty Ltd in writing prior to proceeding. Dimensioned drawings are to take precedence over scaling. Check for latest revision issue. Copyright of this drawing is vested with Liquid Design Pty Ltd.		

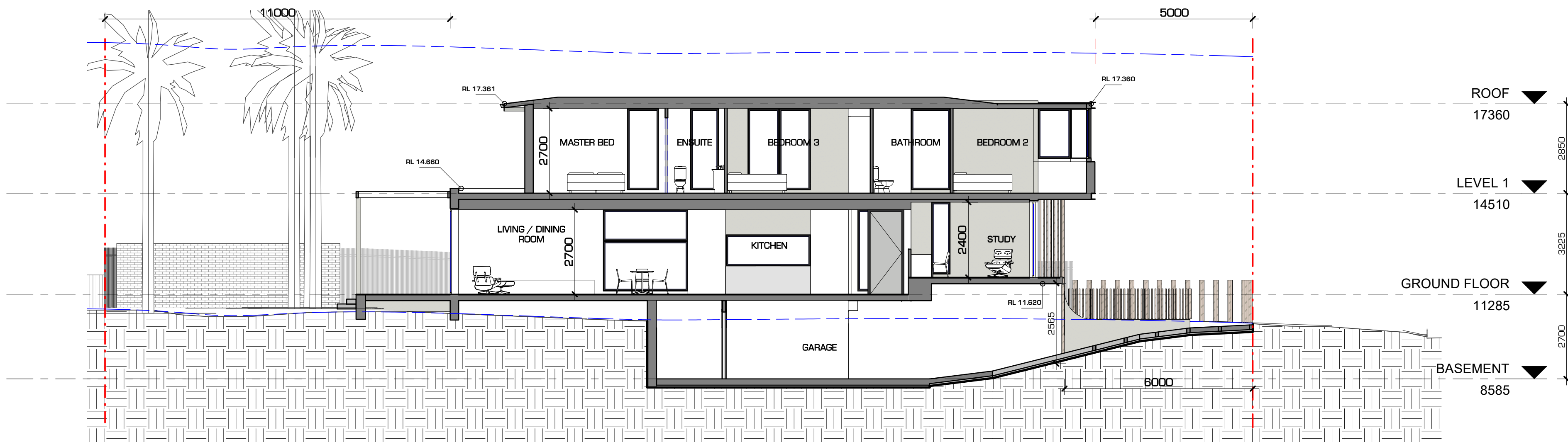




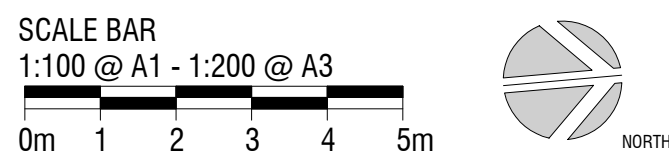
1 LONG SECTION  
1 : 100



2 SHORT SECTION  
1 : 100



3 Section 1  
1 : 100

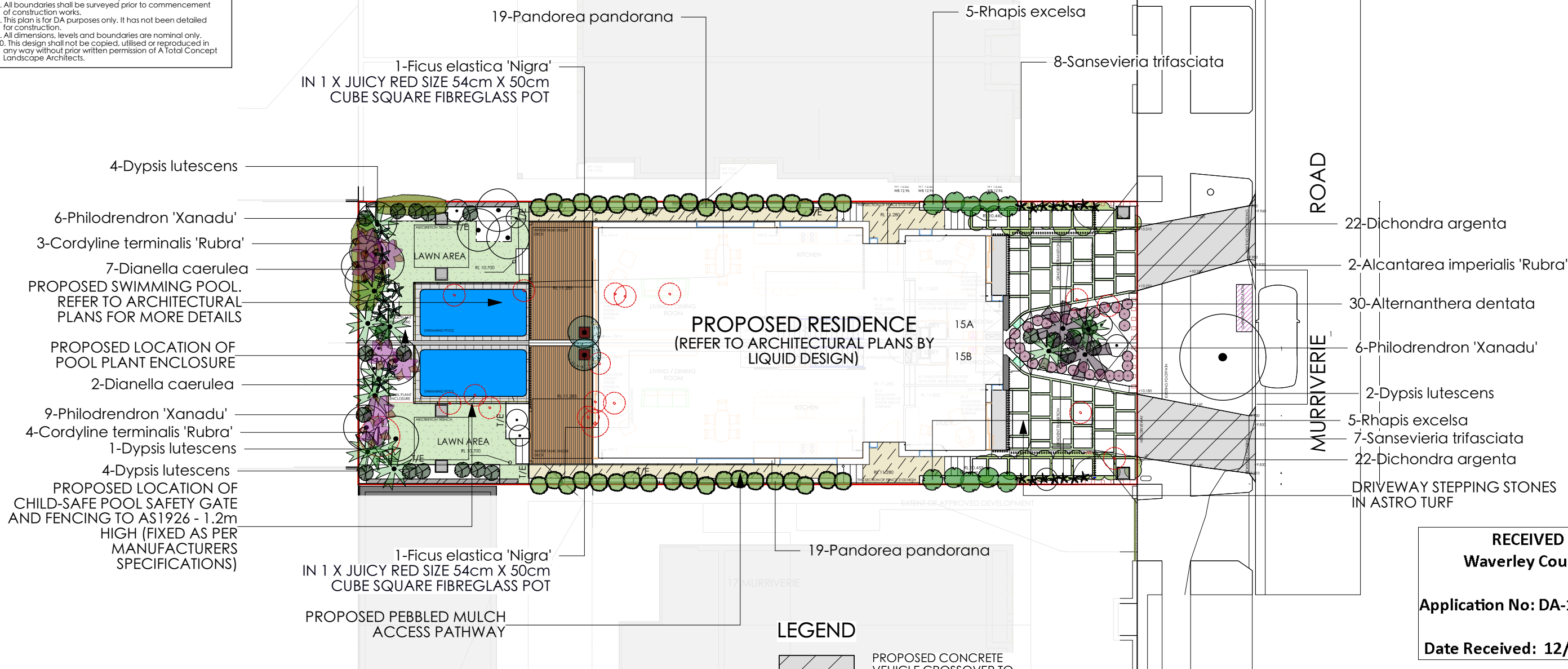


NOTES:  
READ DRAWINGS IN CONJUNCTION WITH SCHEDULES &  
SPECIFICATIONS - ALL MEASUREMENTS ARE TO BE VARIFIED ON SITE

## DEVELOPMENT APPLICATION

<div>L I Q U I D</div> <div>D E S I G N</div> <div>Liquid Design Pty Ltd Level 12, 1001 Avenue Street, Pymont, NSW 2009 P: +61 2 4611 1326 E: info@liquidesign.com.au W: www.liquidesign.com.au ABN: 66 155 777 370 Notarised Architect: Christopher Bombardieri NSW registration #10123</div>			Contractor:	Client:	Project:	Title:		Drawn By:	Checked:	Project No:
				VLATKA BOJANIC	NEW DUAL OCCUPANCY 15 MURRIVERIE ROAD, NORTH BONDI	SECTIONS		RS	CB	3507
								Date:		Sheet No:
								MAY 2020		A4000
								Scale:	Issue:	Revision:
							1 : 100			E
							It is intended that the drawings only represent the visual design of the work and any technical details are for outline purposes only. The contractor/manufacturer must separately provide all necessary shop drawings or calculations for compliance with any relevant industry, safety standards or regulations. All dimensions are to be checked on site and any discrepancies are to be referred to Liquid Design Pty Ltd in writing prior to proceeding. Dimensioned drawings are to take precedence over scaling. Check for latest revision issue. Copyright of this drawing is vested with Liquid Design Pty Ltd.			

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## PLANTING

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Alcantarea imperialis 'Rubra'	Bromeliad	2	25Lt	2500	10000
Alternanthera dentata	Purple Splash	30	5Lt	500	500
Cordyline terminalis 'Rubra'	Red Ti	7	15Lt	1500	2000
Dianella caerulea	Blue Flax Lily	9	2.5Lt	750	1000
Dichondra argenta	Dichondra 'Silver Falls'	44	5Lt	800	100
Dypsis lutescens	Golden Cane Palm	11	45Lt	2000	10000
Ficus elastica 'Nigra'	Rubber Plant	2	200mm	1500	3000
Pandorea pandorana	Wonga Wonga Vine	38	2.5Lt	1000	2000
Philodendron 'Xanadu'	Dwarf Philodendron	21	5Lt	750	1000
Rhapis excelsa	Purple Leaved Prunus	10	75Lt	1000	5000
Sansevieria trifasciata	Mother in Law Tongue	15	15Lt	500	1500

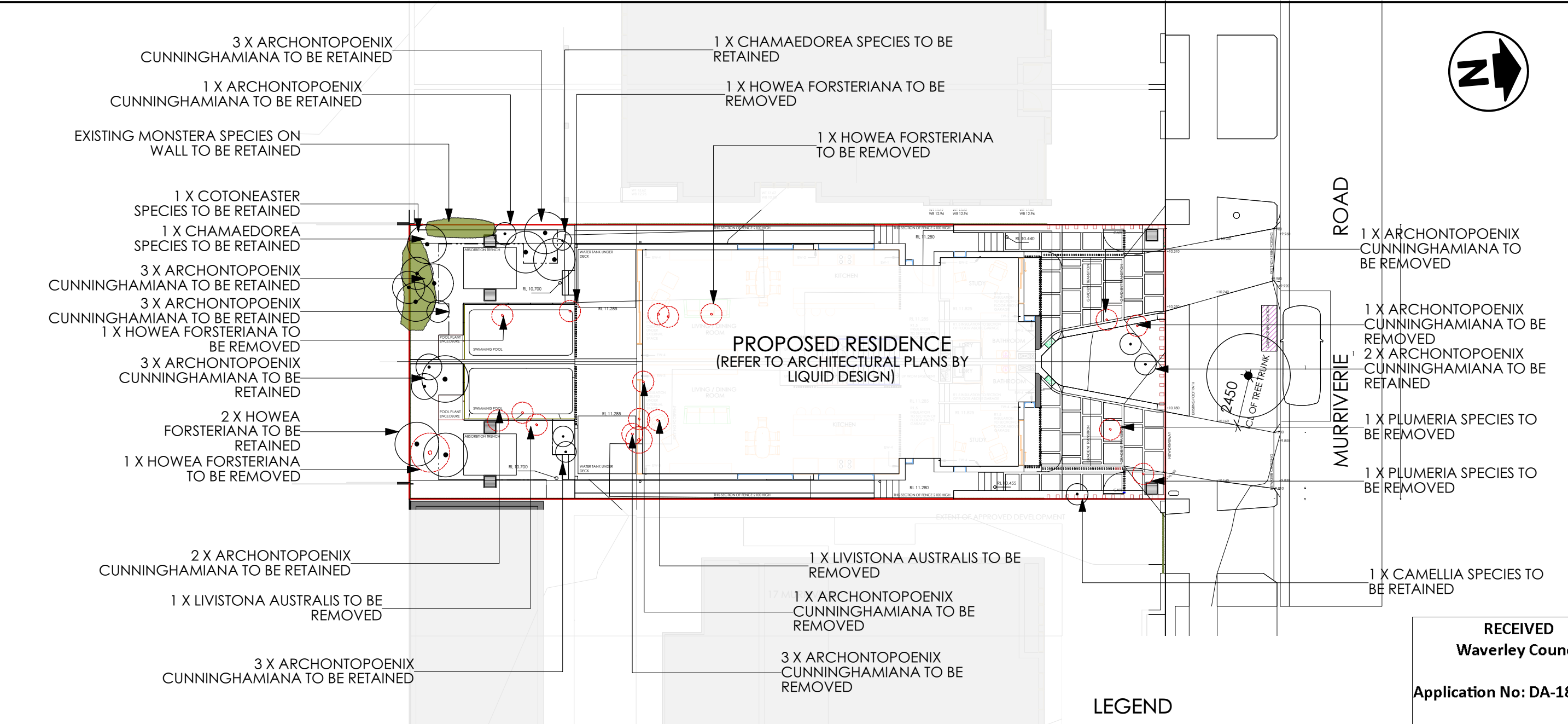
NOTE: ALL PLANTS MUST BE DELIVERED TO SITE SUN HARDENED

## LEGEND

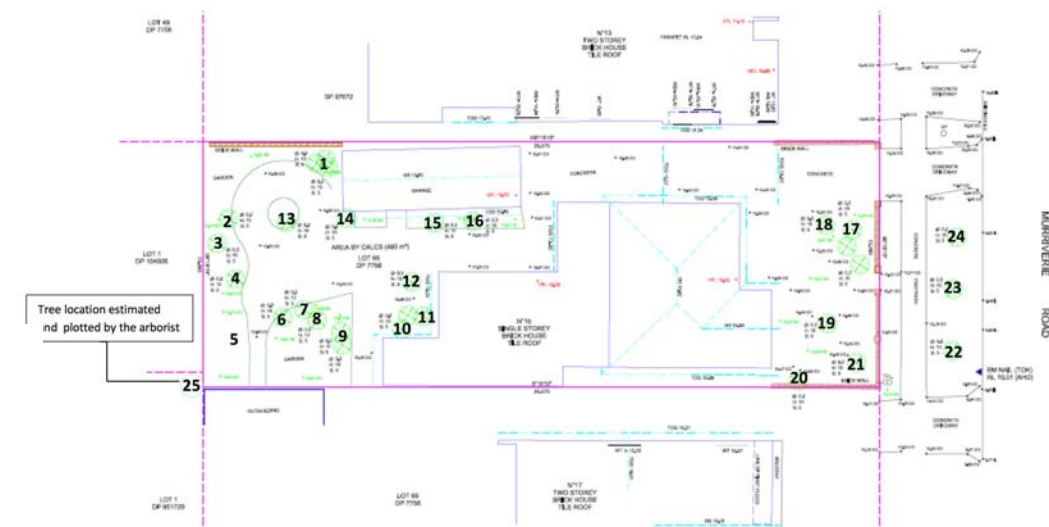
	PROPOSED CONCRETE VEHICLE CROSSOVER TO COUNCIL SPECIFICATION		EXISTING TREE TO BE RETAINED		PROPOSED LAWN AREA
	PROPOSED PEBBLED MULCH		EXISTING TREE TO BE REMOVED		EXISTING VEGETATION TO BE RETAINED
	PROPOSED PAVED AREA				
	PROPOSED TIMBER DECK				
	PROPOSED POOL COPING				
	DRIVEWAY STEPPING STONES IN ASTRO TURF				
	PROPOSED LOCATION OF RETAINING WALL				
	T/E TIMBER LAWN EDGE				

DATE	REVISION
DRAWING	PROPOSED LANDSCAPE PLAN
ADDRESS	15 MURRIVERIE ROAD, NORTH BONDI
CLIENT	VLATKA BOJANIC
DATE #	01/06/20
SCALE @ A3	1:200
DRAWN	BW
CHKD	JS
PROJECT #	LIQUID DESIGN
DWG #	L/01
REVISION	
A Total Concept Landscape Architects & Swimming Pool Designers 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fx: (02) 9957 5922	
atc a total concept landscape architects & swimming pool designers	





REFER TO ARBORIST REPORT BY NSW TREES ARBORICULTURAL CONSULTANTS



LEGEND

- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- EXISTING VEGETATION TO BE RETAINED

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DATE	REVISION
DRAWING	EXISTING PLANTS ON SITE
ADDRESS	15 MURRIVERIE ROAD, NORTH BONDI
CLIENT	VLATKA BOJANIC
DATE #	01/06/20
SCALE @ A3	1:200
DRAWN	BW
CHKD	JS
PROJECT #	LIQUID DESIGN
DWG #	L/02
REVISION	

A Total Concept Landscape Architects & Swimming Pool Designers  
65 West Street, North Sydney NSW 2060  
Tel: (02) 9957 5122 Fx: (02) 9957 5922

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Waverley Council  
Application No: DA-182/2020  
Date Received: 12/06/2020



PLANT PALETTE



RED NEW GUINEA IMPATIENS



DYPSIS LUTESCENS



ALTERNANTHERA DENTATA 'LITTLE RUBY'



CORDYLINE FRUTICOSA 'RUBRA'



SANSEVIERIA TRIFASCIATA



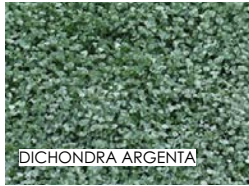
PHILODENDRON XANADU



ALCANTAREA IMPERIALIS



DIANELLA CAERULEA



DICHONDRA ARGENTA



RHAPHIS EXCELSIOR



PANDOREA PANDORANA

PRODUCT SPECIFICATION



PRODUCT  
JUICY RED SIZE 1 54 X 50CM CUBE SQUARE  
FIBREGLASS POT

AVAILABLE FROM:  
<https://lindasplace.com.au/pages/contact-us-1>

QUANTITY: 2



FICUS ELASTICA IN SPECIFIED POT

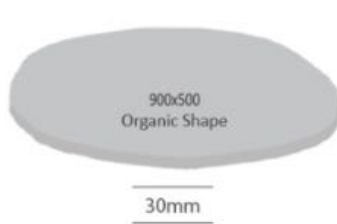
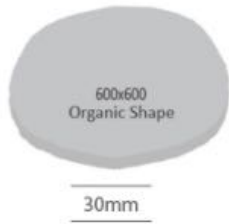


Stepping Stones

PRODUCT  
ASH BLUESTONE REAR STEPPERS

AVAILABLE FROM: ARTISAN STONE  
<https://artisanstone.com.au/>

QUANTITY: TO BE CONFIRMED



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Waverley Council

Application No: DA-182/2020

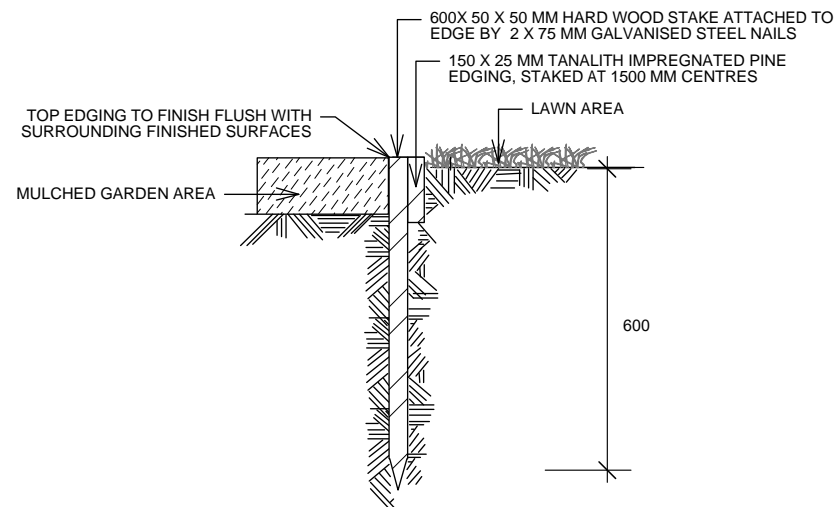
Date Received: 12/06/2020

DATE	REVISION
DRAWING	PLANT AND PRODUCT SPECIFICATION
ADDRESS	15 MURRIVERIE ROAD, NORTH BONDI
CLIENT	VLATKA BOJANIC
DATE #	01/06/20
SCALE @ A3	
DRAWN	BW
CHKD	JS
PROJECT #	LIQUID DESIGN
DWG #	L/03
REVISION	

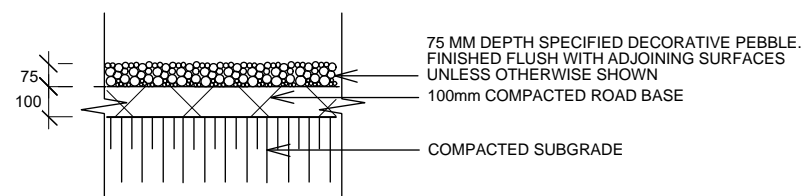
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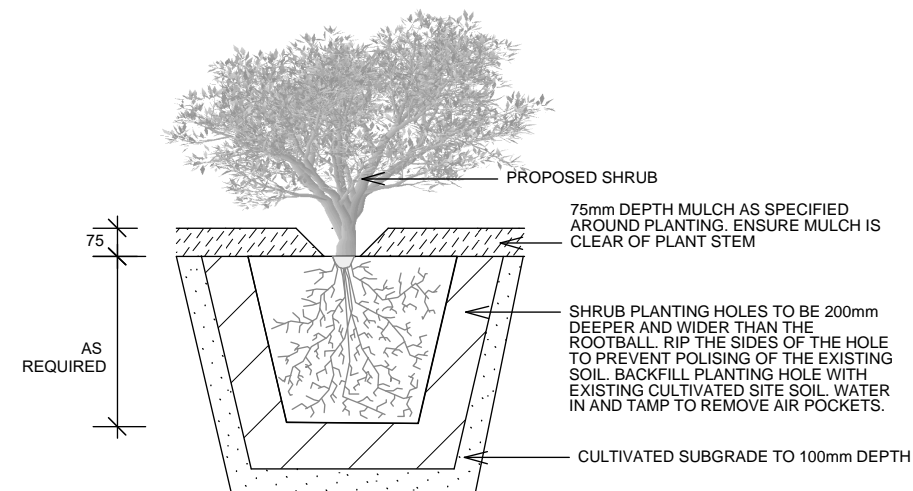




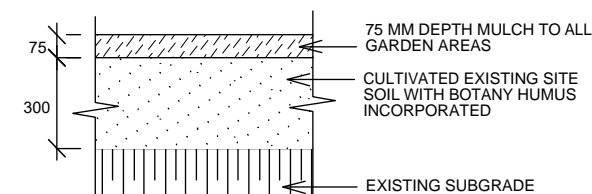
**TYPICAL TIMBER EDGE DETAIL**  
SCALE 1:10  
DO NOT SCALE



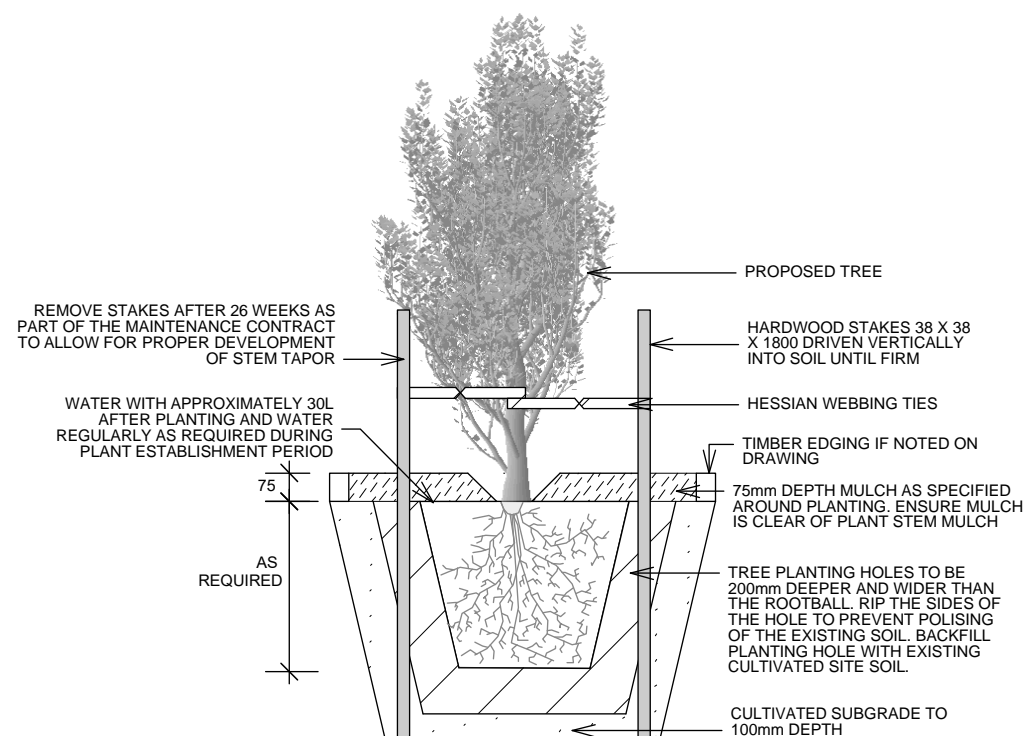
**PEBBLE PATHWAY**  
SCALE 1:10



**PLANTING DETAIL**  
SCALE 1:20



**SOIL TO GARDEN AREAS**  
SCALE 1:20



**TREE PLANTING & STAKING DETAIL**  
SCALE 1:20

**Notes:**

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**RECEIVED**  
**Waverley Council**

**Application No: DA-182/2020**

**Date Received: 12/06/2020**

DATE	REVISION
DRAWING	<b>LANDSCAPE DETAILS</b>
ADDRESS	<b>15 MURRIVERIE ROAD, NORTH BONDI</b>
CLIENT	<b>VLATKA BOJANIC</b>
DATE #	01/06/20
SCALE @ A3	DWG #
DRAWN	BW
CHKD	JS
REVISION	
<b>A Total Concept Landscape Architects &amp; Swimming Pool Designers</b> 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fx: (02) 9957 5922	
 a total concept landscape architects & swimming pool designers	



OUTLINE LANDSCAPE SPECIFICATION

**Preparation by Builder:** Builder shall remove all existing concrete pathways, fences, footings, walls etc. not notated to be retained and complete all necessary excavation work prior to commencement on site by Landscape Contractor (Contractor). Builder shall also install new retaining walls, kerbs, layback kerb, crossover, pathways etc. and make good all existing kerbs, gutters etc. as necessary and to approval of Council. Builder shall ensure that a minimum 450mm of topsoil in garden areas and a minimum 150mm of topsoil in lawn areas exists. Should required depths not exist Builder shall contact Landscape Architect and ask for instructions prior to completion of excavation works. Excavate as necessary, then fill with approved site topsoil to allow for minimum 500mm soil depth in garden areas and 150mm soil depth in lawn areas and to gain required shapes & levels. Ensure all garden and lawn areas drain satisfactorily. All levels & surface drainage shall be determined by others & approved on site by Head Contractor. Note: Approved imported topsoil mix may be utilised if there is insufficient site topsoil available. State in Tender a m3 rate for additional imported topsoil and the quantities of both site topsoil and imported topsoil allowed for in Tender.

**Initial Preparation:** Verify all dimensions & levels on site prior to commencement. Do not scale from drawings. Locate all underground & above ground services & ensure no damage occurs to them throughout contract. Spray approved weedicide to all proposed lawn & garden areas to manufacturer's directions. Remove existing concrete pathways, footings, walls etc. not notated to be retained & weeds from site. Levels indicated on Plan are nominal only and are derived from Architectural Plans & Drawings by others. Final structural integrity of all items shall be the sole responsibility of Landscape Contractor.

**Tree Protection:** Trees to be retained shall be protected during site works and construction by the erection of solid barricades to the specification of Council. Storage of machinery or materials beneath canopy of trees to be retained shall not be permitted. Changes to soil level and cultivation of soil beneath canopy of trees to be retained shall not be permitted unless under direct supervision of Landscape Architect. Existing trees shall be pruned to Landscape Architects onsite instructions.

**Soil Preparation:** Cultivate to depth of 300mm all proposed lawn & garden areas incorporating minimum 100mm depth of organic clay breaker into existing site soil. Do not cultivate beneath existing trees to be retained. In areas where fill is required gain required shapes & levels using a premium grade soil mix. In areas where excavation is required (if in clay) over excavate as required to allow for installation of 500mm depth of premium grade topsoil mix to garden areas and 300mm depth of premium grade topsoil mix to lawn areas. Undertake all required action to ensure that no rootballs of proposed plants sit in clay wells and that all garden areas and lawn areas drain satisfactorily. Note it is intended that wherever possible existing levels shall not be altered through garden and lawn areas. It is the Contractors responsibility to ensure that the end result of the project is that all lawn and garden areas drain sufficiently (both surface & subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow. Should alternative works to those specified be required to achieve the above result, Contractor shall inform Builder at time of Tender and request instructions.

**Lawn Edging and Stepping Stones:**(i) 125 x 25mm approved tanalith impregnated pine edging shall be installed, to lines as indicated on plan and staked with approved stakes at maximum 1500mm centres at ends and changes of direction; stakes shall be nailed to edging with approved galvanised steel nails. Top of edging shall finish flush with surrounding surfaces. Top of stakes shall finish 25mm below top of edging.(ii)Contractor shall install approved bricks on edge on a minimum 100mm deep x 90mm wide concrete footing with brick tor set in, to lines nominated on plan as brick edging. Bricks shall be laid with a nominal 10mm wide approved coloured mortar joint. Bricks needing to be cut shall be done so with clean sharp cuts. Top of edging shall finish flush with surrounding finished surfaces. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed.

**Retaining Walls:** Positions, detail and heights of retaining walls shall be by others.

**Planting:** Purchase plants from an approved nursery. Plants to be healthy & true to type & species. Set out plants to positions indicated on plan. Following approval, plant holes shall be dug approximately twice width and to 100mm deeper than plant rootballs that they are to receive. Base and sides of hole shall be further loosened. Fertiliser, followed by 100mm depth of topsoil mix shall then be placed into base of hole and lightly consolidated. Base of hole shall then be watered. Remove plant container and install plant into hole. Rootball shall be backfilled with surrounding topsoil and topsoil firmed into place. An approved shallow dish shall be formed to contain water around base of stem. Base of stem of plant shall finish flush with finished soil level. Once installed plant shall be thoroughly watered and maintained for the duration of the Contract.

**Staking:** All trees shall be staked using 2 x 38mm x 38mm x 2000mm long hardwood stakes per plant and with hessian webbing ties installed to Landscape Architect's on site instructions.

**Mulching:** Install 75mm depth of 25mm diameter hardwood mulch to all garden areas, coving mulch down around all plant stems & to finish flush with adjacent surfaces.

**Turfing:** Prepare for, level & lay cultivated Palmetto Buffulo turves to all areas nominated on plan as being lawn. Roll, water, fertilise, mow & maintain lawns as necessary until completion of maintenance period. At same time make good all existing lawn areas using same lawn type. Lawns in shade shall be over sown with an approved seed mix. Allow to retrim and returf councils nature strip as required.

**Fencing:** Retain all existing fences unless advised otherwise by builder. Install timber paling fences to heights indicated on Plan.

**Paving:** Areas to be paved shall be excavated or filled to allow for installation of bedding materials. Levels and falls shall be as per Plan. Surface drainage on paving shall be towards grated drains with all drains connected to stormwater system and installed by Builder.

**Irrigation:** Contractor shall supply and install an approved fully automatic, vandal resistant, computerised irrigation system to all garden and lawn areas, excluding council nature strip. Entire system shall be to approval of Water Board and shall utilise pop-up sprinklers and electronic controllers. Contractor shall be responsible to ensure that system is able to satisfactorily operate on available water pressure. Power supply for use by irrigation system shall be provided to an approved location near southwest corner of residence by others and shall consist of an approved weatherproof G.P.O. The irrigation system controller shall be housed in an approved waterproof cabinet mounted to external wall of residence.

**Clotheslines:** Contractor shall allow for all necessary labour and materials and shall install clotheslines to positions as indicated on plan to manufacturer's instructions to approval of Landscape Architect. Clothesline type shall be equal to 'Hills Foldaline'.

**Completion:** Prior to practical completion remove from site all unwanted debris occurring from work. Satisfy Council that all landscaping work has been undertaken in strict accordance with Councils landscape codes & guidelines. **Maintenance Period:** A twelve month maintenance period shall be undertaken by owner or owners representative as set out herein. Owner shall have care and maintenance of all work specified under this Contract and shall rectify any defective work for a period of 52 weeks following Practical Completion of Landscape Works. This period shall be herein known as the Maintenance Period. Work shall also include for the care and maintenance of all existing vegetation to be retained and proposed vegetation. Site shall be attended at least weekly and as otherwise required. The following works shall be undertaken during the Maintenance Period.

- (a) **Recurrent works** Undertake recurrent works throughout the Maintenance Period. These works shall include but are not limited to watering, weeding, fertilising, pest and disease control, returfing, staking and tying, replanting, cultivation, pruning, aerating, renovating, top dressing and the like.
- (b) **Watering** Regularly water all plants and lawn areas to maintain optimal growing conditions. Contractor shall adjust the water quantity utilised with regard to climatic conditions prevalent at the time.
- (c) **Replacements** Immediately replace plants which die or fail to thrive (at discretion of Landscape Architect) with plants of same species or variety and of same size and quality unless otherwise specified. Plant replacement shall be at Contractors expense, unless replacement is required due to vandalism or theft, which shall be determined by Landscape Architect. Required replacement of plants due to vandalism or theft shall be undertaken by Contractor and shall be paid for by Client at an agreed predetermined rate.
- (d) **Mulched surfaces** Maintain mulched surfaces in clean, tidy, weed-free condition and shall reinstate mulch as necessary to maintain specified depths.
- (e) **Stakes & ties** Adjust and/or replace stakes and ties as required. Remove stakes and ties at end of Maintenance Period if directed by Landscape Architect.
- (f) **Lawn areas** Lawn areas shall be mown at regular intervals to ensure non heading of lawn with a fine-cutting mulching mower and clippings left on lawn to mulch and self-fertilise lawn areas. Primary cut after laying of lawn by others shall be determined on site taking into consideration season, watering and growth rate of lawn. Following the primary cut all lawns shall be regularly mown as required to ensure a healthy lawn and a neat appearance. Care shall always be taken to ensure that no clippings are left on surrounding roads or garden areas after mowing. Replace lawn areas that fail to thrive at discretion of Landscape Architect. All new and made good lawn areas shall be barricaded off from pedestrian traffic by use of star pickets and brightly coloured plastic safety mesh until establishment of lawn. Barricades shall be removed upon establishment of lawn area.
- (g) **Weeding** Remove by hand, or by carefully supervised use of weedicide, any weed growth that may occur throughout Maintenance Period. This work shall be executed at weekly intervals so that all lawn and garden areas may be observed in a weed-free condition.
- (h) **Pruning** Prune new and existing plants (excluding existing trees) as necessary to maintain dense foliage conditions. Any rogue branches, or branches overhanging or obstructing pathways, roads, doorways, etc., shall be removed by approved horticultural methods.
- (i) **Spraying** Spraying for insect, fungal and disease attack shall be undertaken as required and in accordance with spray manufacturers recommendations at intervals taking into account the season of year during which landscape works are to be implemented.
- (j) **Tree Care** Should any existing trees be damaged during construction works immediately engage an experienced arboriculturist and then undertake any rectification work recommended by arboriculturist.

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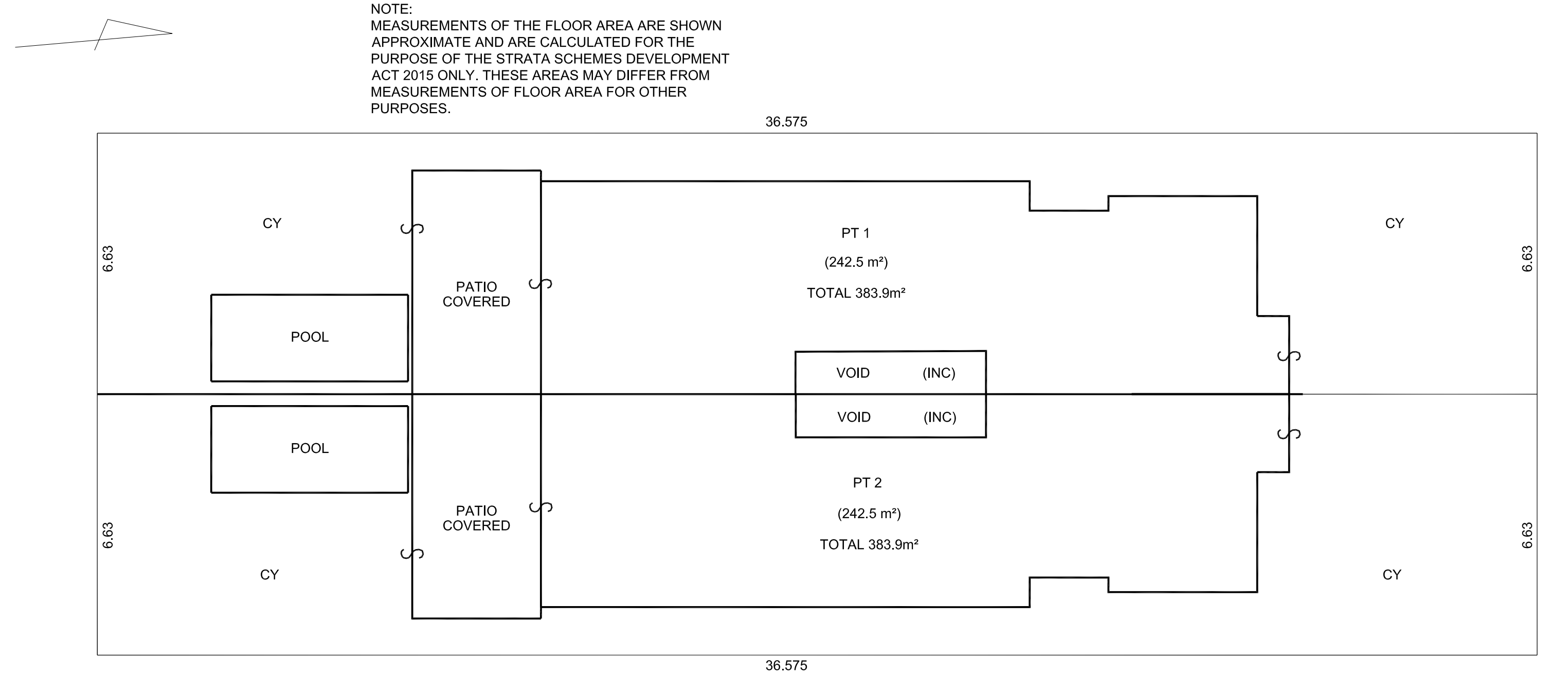
RECEIVED

Waverley Council

Application No: DA-182/2020

Date Received: 12/06/2020

DATE		REVISION	
DRAWING LANDSCAPE SPECIFICATION			
ADDRESS 15 MURRIVERIE ROAD, NORTH BONDI		PROJECT # LIQUID DESIGN	
CLIENT VLATKA BOJANIC	DATE # 01/06/20	DWG #	L/05
	SCALE @ A3		
	DRAWN BW		
A Total Concept Landscape Architects & Swimming Pool Designers 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fx: (02) 9957 5922		CHKD JS	REVISION
<div>atc</div> <div>a total concept</div> <div>landscape architects &amp; swimming pool designers</div>			



PROPOSED STRATA PLAN - IN  
ACCORDANCE WITH PROJECT  
NUMBER 3507 DATE MAY 2020  
DRAWINGS.  
FINAL STRATA PLAN SUBJECT TO  
COMPLETION OF CONSTRUCTION.  
**DRAFT ONLY**

GROUND FLOOR PLAN

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Waverley Council

Application No: DA-182/2020

Date Received: 12/06/2020

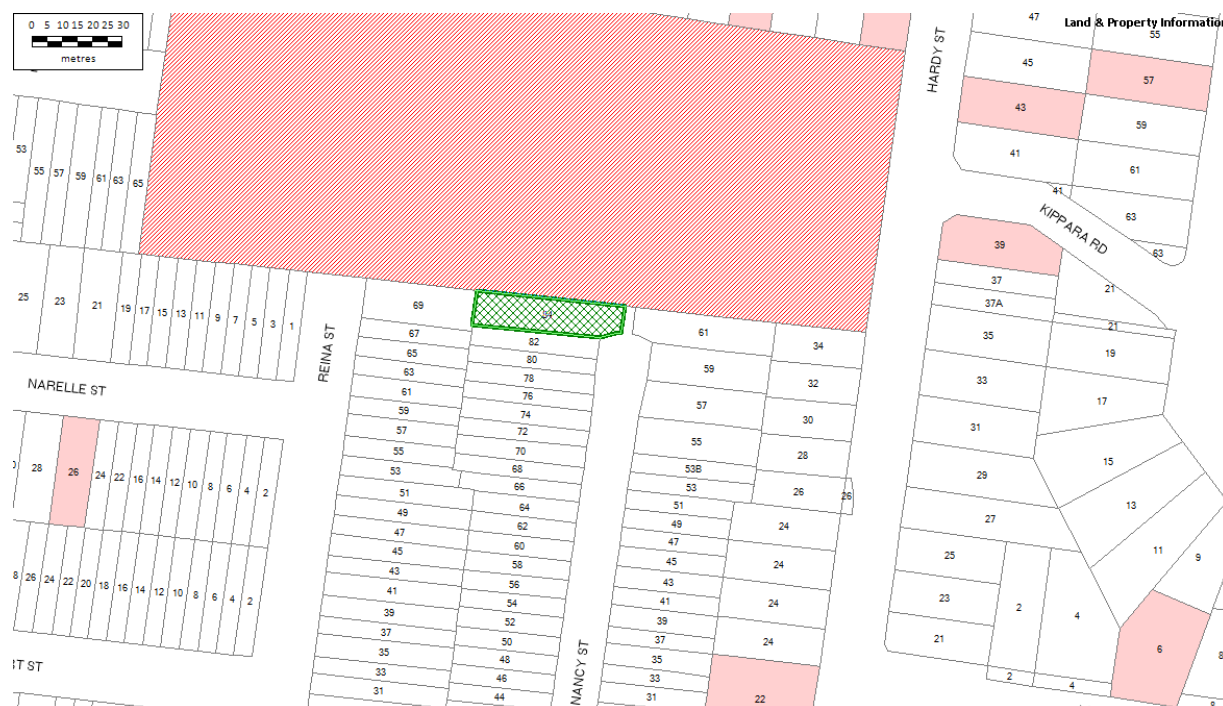
<div>SURVEYOR</div> <div>Name: DRAGOMIR MILUTIN CATIC</div> <div>Date: 12-05-2020</div> <div>Reference: MURRIVERIE</div>	<div>PLAN OF SUBDIVISION OF LOT 68 IN DP 7785</div>	<div>LGA: WAVERLEY</div> <div>Locality: NORTH BONDI</div> <div>Reduction Ratio: 1:100</div> <div>Lengths are in meters</div>	<div>REGISTERED</div>	
--	---	--	-----------------------	--



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-165/2020
<b>Site address</b>	84 Nancy Street, North Bondi
<b>Proposal</b>	Demolition of the existing buildings, Torrens Title subdivision to create two lots and construction of two semi-detached dwellings
<b>Date of lodgement</b>	29 May 2020
<b>Owner</b>	Mr J Rosales and Ms H Wright
<b>Applicant</b>	Mr G Mourad
<b>Submissions</b>	Two
<b>Cost of works</b>	\$1,746,278
<b>Issues</b>	Non-compliant lot size, non-compliant FSR, streetscape presentation, non-compliances with Waverley DCP 2012
<b>Recommendation</b>	That the application be <b>REFUSED</b>

**Site Map**





## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 11 August 2020.

The site is identified as Lot 11 in DP19386, known as 84 Nancy Street, North Bondi. The site is irregular in shape with an angled frontage to Nancy Street at its south-eastern side with a boundary to Nancy Street measuring 7.37m. The rear western boundary measures 11.685m, with a north side boundary measuring 49.1m, southern side boundary measuring 42.385m and eastern side boundary to the access handle leading to Rose Bay Secondary College measuring 9.145m. The site has an area of 562m<sup>2</sup> and has a cross fall from the north-eastern corner towards the south-west by approximately 3m.

The site is occupied by a two storey dual occupancy with vehicular access provided from Nancy Street and a detached single storey garage located at the north-east corner of the site. The property is not Strata subdivided nor is there any historical records of approval for its use as a dual occupancy, although the buildings configuration would lend itself to this use.

The subject site is adjoined by two storey semi-detached dwellings to the south and a mix of two and three storey dwellings and semi-detached dwellings to the east on the opposite side of Nancy Street. Rose Bay Secondary College adjoins the site immediately to the north. To the west of the site is a part two, part three storey dual occupancy known as 69 Reina Street, North Bondi. With the exception of Rose Bay Secondary College, the locality is characterised by predominantly low-density residential developments including single dwellings, dual occupancy developments and semi-detached dwellings.



**Figure 1:** Subject site





**Figure 2:** Site viewed from Nancy Street



**Figure 1:** Site viewed from the rear looking east towards the existing building. Rose Bay College is to the left of the photo.

## 1.2 Relevant History

There is no previous building and development history on Council's records. The subject property is currently being used as a dual occupancy; however, there is no record of approval for this use on Council's Building and Development files.

The subject application was lodged with Council on 29 May 2020.

The applicant submitted a revised set of drawings on 31 August 2020 to provide for open balconies to the rear first floor of each dwelling and to the studio on Lot B to ensure that they are excluded from calculable floor space in accordance with Waverley Local Environmental Plan 2012 (Waverley LEP 2012). These amended plans did not warrant re-notification of the application as there were no design changes that would result in a greater impact. These drawings form the basis of this assessment report.

The applicant was also requested to submit a written request pursuant to clause 4.6 of Waverley LEP 2012, as the overall floor space ratio (FSR) of the proposed development based on the existing area of the site exceeds the FSR development standard prescribed by clause 4.4 of the WLEP. Council received the clause 4.6 written request on 31 August 2020.

## 1.3 Proposal

The development application seeks consent to demolish the existing buildings and construct a two storey semi-detached housing development comprising two dwellings with Torrens title subdivision. The specifics of the proposal are as follows:

### *Demolition and site clearing*

Demolition of all existing structures on the site, including the existing detached two storey dual occupancy, single storey detached garage, driveway and removal of vegetation. The proposal will also involve earthworks on the site to accommodate the proposed development.

### *Subdivision*

Torrens title subdivision into a Lot A (south) having a site area of 252.03m<sup>2</sup> and Lot B (north) having a site area of 309.36m<sup>2</sup>.

### *Proposed semi-detached dwellings*

The layouts of the dwellings are as follows:

**Basement:** The proposed dwelling on Lot B will have a basement level occupied by services, including a 10,000 litre rainwater tank and hot water unit.

**Ground Floor:** A new vehicle crossover will be constructed for driveway access from Nancy Street to both lots. Lot A is designed with a single car garage integrated into the dwelling, while Lot B is proposed to accommodate a detached double garage with studio above. A 3m high fence is proposed to separate the proposed dwellings. Both dwellings are designed with side entries, a single bedroom at ground floor level, open plan living, kitchen and dining areas and bathroom and laundry facilities. The rear private open space is designed with a direct connection to the indoor areas through sliding doors to rear decks. A swimming pool is proposed to each dwelling within the rear private open space area.

*First Floor:* The first floor of both dwellings include three bedrooms, ensuite bathroom and a separate bathroom. Front and rear facing balconies are proposed. A studio loft space is proposed over the Lot B detached garage and includes bathroom facilities.

The semi-detached dwellings are contemporary in their design and materials incorporating rendered paint finishes, timber batten cladding, and aluminium door and window framing. A Photomontage of the proposal is provided in **Figure 4**.



**Figure 4:** Photomontage, identifying the proposed buildings on the two lots.

## **2. ASSESSMENT**

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

### **2.1 Planning Instruments and Development Control Plans**

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

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

A BASIX Certificate has been submitted with the development application. The BASIX Certificate and NatHERs certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

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

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



### 2.1.3 SEPP (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) regulates the clearing of vegetation that is below the Biodiversity Offset Scheme threshold referred to in the Biodiversity Conservation Act 2016.

In accordance with Part 3 of the Vegetation SEPP, a permit is required from Council to clear any vegetation in an area identified:

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

It is proposed to remove two large trees from the subject site. An Arborist Report has been submitted with the application. Council's Tree Management officer has reviewed the application and raises no objection.

### 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is not inconsistent with regards to clause 1.2 - Aims of plan.
<b>Part 2 Permitted or prohibited development</b>		
2.6 Subdivision – consent requirements	Yes	Subdivision is permissible as per subclause (1), with development consent.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as semi-detached dwellings, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"><li>325m<sup>2</sup></li></ul>	No	The proposed Torrens title subdivision is non-compliant and results in undersized allotments being 252.03m <sup>2</sup> (Lot A) and 309.36m <sup>2</sup> (Lot B).



Provision	Compliance	Comment															
		A clause 4.6 Exception to the development standard is submitted and this is further discussed in the issues section below.															
4.3 Height of buildings <ul style="list-style-type: none"><li>8.5m</li></ul>	Yes	The dwellings have a proposed height of 7.8m															
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"><li>0.5:1</li><li>Site Area = 562m<sup>2</sup></li><li>Max GFA = 281m<sup>2</sup></li></ul>	No (parent lot)  Yes (lots created)	<p>The applicant initially calculated the GFA and FSR of the proposed development by separately basing these on site areas of the proposed subdivided lots rather than the existing site area. These calculations are as follows:</p> <table><tr><th>Lot</th><th>Site Area</th><th>Max FSR</th><th>Proposed GFA</th><th>Proposed FSR</th></tr><tr><td>A</td><td>252.03m<sup>2</sup></td><td>0.828:1</td><td>152.53m<sup>2</sup></td><td>0.605:1</td></tr><tr><td>B</td><td>309.36m<sup>2</sup></td><td>0.765:1</td><td>220.89m<sup>2</sup></td><td>0.714:1</td></tr></table> <p>The applicant was required to calculate the FSR of the proposed development based on the existing site area of the parent lot, that being 562m<sup>2</sup>. Given the total gross floor area of the development is 373.42m<sup>2</sup>, the FSR of the development is 0.66:1. The development exceeds the FSR development standard over the parent lot by 92.42m<sup>2</sup> of GFA or 32.9%.</p>	Lot	Site Area	Max FSR	Proposed GFA	Proposed FSR	A	252.03m <sup>2</sup>	0.828:1	152.53m <sup>2</sup>	0.605:1	B	309.36m <sup>2</sup>	0.765:1	220.89m <sup>2</sup>	0.714:1
Lot	Site Area	Max FSR	Proposed GFA	Proposed FSR													
A	252.03m <sup>2</sup>	0.828:1	152.53m <sup>2</sup>	0.605:1													
B	309.36m <sup>2</sup>	0.765:1	220.89m <sup>2</sup>	0.714:1													
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the minimum subdivision lot and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.															
Part 6 Additional local provisions																	
6.2 Earthworks	Yes	Excavation is required to accommodate the proposed development, including the provision of basement floor level to Dwelling B, levelling of rear yards and proposed swimming pools. Minor fill is also proposed.															

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

#### Clause 4.6 Exceptions to Development Standards - Subdivision

The application seeks to vary the minimum subdivision lot size in Clause 4.1.

The site is subject to a minimum subdivision lot size development standard of 325m<sup>2</sup>. It is proposed to Torrens title subdivide the existing allotment into two lots comprising an area of 252.03m<sup>2</sup> (Lot A) and

309.36m<sup>2</sup> (Lot B). This is less than the minimum subdivision lot size development standard of 325m<sup>2</sup> prescribed under Clause 4.1 of Waverley LEP 2012 by 72.97m<sup>2</sup> or 22.5% (Lot A) and 15.6m<sup>2</sup> or 4.8% (Lot B).

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

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

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

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

The applicant seeks to justify the contravention of the minimum subdivision lot size development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - *The current application clearly demonstrates that the proposed subdivision is consistent with the predominant subdivision pattern of the area. The most relevant subdivision pattern in this instance is considered to be land along Nancy Street to the north of the intersection with Clyde Street.*
  - *The subdivision pattern on Nancy Street is varied in its lot size. However, there is a clear predominant lot size range of 200-270m<sup>2</sup>, with only six of the 58 lots in the entire street north of Clyde Street intersection exceeding the minimum subdivision lot size standard of 325m<sup>2</sup> including the existing subject site. In view of this, there is a clear predominant subdivision pattern below the minimum subdivision lot size standard in Nancy Street.*
  - *As the subject development proposes lot sizes of 252.03m<sup>2</sup> and 309.36m<sup>2</sup>, the subdivision pattern will remain consistent.*
  - *The subdivision pattern persists in neighbouring streets, where the majority of properties westward fronting Reina, Narelle and Stewart Streets are of a consistent lot size as to the proposed. The subdivision of the site is therefore not considered to create an undesirable precedent in the locality as the proposal maintains the subdivision pattern occurring in Nancy Street and surrounding streets.*
  - *It is submitted that the proposed subdivision and development on the lots has minimised the impact on the amenity of neighbouring properties. The proposal is notably under the maximum permissible floor space ratio on the subdivided sites and meets the required landscaped area and private open space controls. The proposed semi-detached dwellings meet or exceed the required setbacks and are in alignment with the front and rear building lines, in the context of the case. A variation to the minimum subdivision lot size development standard has not restricted the capacity of the proposal to achieve general consistency and often exceedance with the building envelope design controls.*
  - *The proposal has worked to mitigate overshadowing and privacy impacts, ensuring that the adjoining properties, particularly 82 Nancy Street to the south of the site, is not unduly impacted despite the orientation of the two sites. In terms of privacy, the windows facing 82 Nancy Street*

*have been offset and made high sill to avoid overlooking potential. In terms of overshadowing, the rear private open space meets the DCP control for solar access retention with over half of the principal private open space of 82 Nancy Street receiving solar access. The alignment of the rear building lines further emphasises a compatible built form and relationship between the two sites, ensuring the visual outlook from the private open space of 82 Nancy Street remains that primarily relating to other private open space. The amenity of 82 Nancy Street has been carefully considered and retained.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- *The proposed non-compliance in minimum subdivision size of lots resulting from the proposed Torrens title subdivision will not result in negative impacts to the development site itself or the adjoining properties, as discussed in the Statement of Environmental Effects and demonstrated on the submitted architectural plans. The proposed subdivision is clearly compatible with the predominant subdivision pattern of the area, with similar lot sizes despite being below the development standard.*
  - *It should be noted that, although the proposed allotment sizes fall below the development standard, each proposed lot can accommodate a dwelling of suitable amenity and meeting contemporary living requirements. Importantly, the sites provide for appropriate areas of landscaping and private open space which comply with Council's DCP controls. Overall, the variation does not have a detrimental impact on the capacity of the lots to comply with Council's controls.*
  - *Although numerically non-compliant, the current application clearly demonstrates that the built form envelope as proposed can be accommodated on the resultant lot sizes. The proposed dwellings are reasonable in their size and are complemented by a balance of built and un-built upon areas.*
  - *Given the above, there is deemed to be sufficient environmental planning grounds in that the development will encourage the orderly and economic development of the land in a manner consistent with the site's context and surrounding area without undue impact on adjoining properties.*

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case.

The objectives of the minimum subdivision lot size development standard are as follows:

- (a) to ensure that subdivisions reflect and reinforce the predominant subdivision pattern of the area,
- (b) to minimise the likely impact of subdivision and development on the amenity of neighbouring properties.

It is argued by the applicant, that the non-compliance with the minimum lot size can be justified given the prevailing undersized lot sizes located in the vicinity of the site (see **Figure 5** below).



**Figure 5:** Aerial photograph from applicant's submission showing subdivision pattern

The objective of the minimum subdivision lot size is to ensure subdivisions reflect and reinforce the predominant subdivision pattern of the area and minimise likely impacts on the amenity of neighbouring properties.

The subject lot is located at the head of the Nancy Street cul-de-sac. The site at 84 Nancy Street and 61 Nancy Street directly opposite, provide a bookend to a street characterised by regular and rectangular lots ranging in area from approximately 200m<sup>2</sup> up to 270m<sup>2</sup>. The two lots at the end of the cul-de-sac project forward of lots to the south and have an irregular shaped frontage to Nancy Street.

Whilst it is acknowledged that the immediate locality is characterised by the presence of undersized lots, these existing lot configurations are rectangular and regular in shape with frontages to Nancy Street of at least 6m in most cases. The proposed subdivision will result in irregular shaped undersized lots with a street frontage to Nancy Street of 3m (Lot A) and 4.37m (Lot B).

In assessing the non-compliance with the development standard, consideration of the numerical lot size created by the subdivision should not be considered in isolation. The applicant fails to address the irregularity of the lot configuration and the narrow lot frontages that are created as a result of the subdivision. The proposed lot size non-compliance is contrary to clause 4.1 *Minimum subdivision lot size* (1)(a), (b) and (3) as the significant breach of the development standard fails to ensure that the subdivision reflects and reinforces the predominant subdivision pattern of the area. The development of the site will result in unreasonable impacts on the amenity of neighbouring properties particularly given the massing of the development proposed on the non-compliant irregular shaped lots created. In this regard, it is considered that the objectives of the standard are not achieved.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard. The applicant argues that *'the variation to the minimum subdivision lot size is consistent with the approach to development and subdivision of developed land in the immediate area. No negative impacts to the development itself or its adjacent properties will occur due to the variation'*. The applicant fails to address the irregularity of the lot configuration and the narrow lot frontages that are created as a result of the subdivision and how inconsistent this proposed pattern of subdivision is with the prevailing subdivision pattern in the immediate locality. As previously outlined, the proposal will not preserve the environmental amenity of surrounding properties or the locality, is inconsistent with the prevailing subdivision pattern, with the lots created resulting in an unacceptable development outcome for the site.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular standard as outlined above and the objectives for development within the zone in which the development is proposed to be carried out including:

*Clause 2.1 – Land Use Zone – R2 Low Density Residential*

- *To provide for the housing needs of the community within a low-density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community by developing the site for low density residential purposes, the overall planning outcome for the site to achieve this objective is unacceptable and cannot be supported.

The lot size control is a development standard in Waverley LEP 2012 which has been through a statutory process involving exhibition and public comment. The control reflects the preferences of the locality and the community and the lot size control should be given a significant deal of weight. Council disagrees with the applicant in that the proposal, despite the non-compliance, would achieve the objectives of the development standard as the proposal does not present a more superior planning outcome for the site.

The proposed noncompliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The non-compliance will not achieve a better outcome for the site, fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the minimum subdivision lot size development standard and is not in the public interest. As such the clause 4.6 exception is not considered to be well founded and the variation to the minimum lot size control is not supported.

## Conclusion

For the reasons provided above the requested variation to the minimum lot size development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the minimum lot size development standard and the R2 Low Density Residential zone.

## **Clause 4.6 Exceptions to Development Standards - Floor Space Ratio**

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.5:1. The proposed development has a FSR of 0.66:1, exceeding the standard by 92.42m<sup>2</sup> equating to a 32.9% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - *The objectives supporting the floor space ratio standard identified in Clause 4.4 are discussed below. Consistency with the objectives and the absence of any environmental impacts, would demonstrate that strict compliance with the standards would be both unreasonable and unnecessary in this instance.*
  - *Regarding objective (b), the proposal has been designed within the building height and density controls as demonstrated by compliance with Clause 4.3 (7.8m height proposed vs 8.5m as the development standard) and FSR post subdivision. The proposal also has been designed to comply with the landscaping and private open space controls, ensuring an appropriate balance of built form and landscaping has been provided on the site.*

*It should also be acknowledged that there is an existing dual occupancy on the site. Two dwellings are being maintained on the same site area; however, they are reconfigured to be semi-detached with the associated subdivision which is not out of character with the lot sizes of the surrounding area. The replacement of the aged built form to a contemporary development is reflective of similar proposals within the street and broader area. For example, a recent approval for Torrens title subdivision and reconfiguration of a dual occupancy to semi-detached dwellings was approved under DA-392/2015 at 53 Nancy Street.*

*The development as designed maintains the low density character of the area as expressed through the density of development prescribed to the site under the Waverley LEP 2012 and similar development in the same zoning under the same LEP and DCP provisions.*

- *For objective (c), a detailed examination of the planning controls through the LEP and DCP indicates general compliance with the key provisions of both. In terms of bulk, scale, streetscape and desired future character, the key controls are deemed to be height, FSR, setbacks, landscaping and private open space which are summarised below but comprehensively addressed in the Statement of Environmental Effects.*
- *Regarding objective (d), the application staging to have subdivision occur prior to the construction certificate is a consistent approach undertaken to resolve a technical variation of the FSR to the parent lot. It is reinforced that the built form sought is fully compliant with FSR once subdivision has occurred by 55.14m<sup>2</sup> for Lot A and 16.69m<sup>2</sup> for Lot B respectively. The proposal as designed within the FSR standard then application demonstrate 3 hours of solar access is still available to 50% of the private open space of 82 Nancy Street from 12-3pm, while the 9am to 12pm is overshadowed as a result of the adjoining school rather than the development itself. The proposal is compliant with the DCP controls for the private open space. While the northern elevation of 82 Nancy Street is further overshadowed, this a product of orientation and developing within the planning controls, particularly FSR once subdivided with Lot B being 55.14m<sup>2</sup> below the standard. A strict compliant design with regard to the parent lot FSR would also additionally overshadow this elevation.*

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

- *The proposed non-compliance with the floor space ratio is a technical variation, as following the subdivision of the site both dwellings will be substantially below the maximum FSR permitted by 55.14m<sup>2</sup> for Lot A and 16.69m<sup>2</sup> for Lot B.*
- *The proposal provides for two new dwelling houses in the form of semi-detached dwellings that complement the desired future character of the area as expressed through approved and constructed development and the planning controls prescribed to the site via the LEP and DCP. The proposed subdivision is compatible with the predominant subdivision pattern and lot size of the area, with similar lot sizes prevalent despite being below the development standard.*
- *The current application demonstrates that the built form envelope as proposed can be accommodated on the site. The proposed dwellings are reasonable in their size with regard to the LEP and DCP controls and are complemented by a balance of built and un-built upon areas that are fully compliant and often exceeding the minimums. Where variations exist to the building envelope, these are contextually satisfactory due to the site constraints and circumstances such as the slope of the land and shape of the lot.*
- *The proposal does not raise unacceptable impacts to the amenity of adjoining properties or the public domain, with an acceptable level of solar access maintained to neighbours, no view loss or unreasonable privacy implications created.*
- *Given the above, there is deemed to be sufficient environmental planning grounds in that the development will encourage the orderly and economic development of the land in a manner consistent with the site's context and surrounding area without undue impact on adjoining properties.*

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The objectives of the FSR development standard are as follows:

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

The applicant has primarily focused their commentary on the first justification/test of *Wehbe vs Pittwater Council (2007) LEC 827*, that is the objectives of the development standard are achieved despite the non-compliance with that standard. The applicant's key argument is that the non-compliance is technical in nature, in that, if development consent were granted to the proposed Torrens title subdivision of the site and that subdivision were formalised/implemented through separate regulatory means (i.e. a subdivision certificate issued by Council and land title changes sought through NSW Land Registry Services), then the proposed construction of the pair of semi-detached dwellings would comply with the relevant FSR development standards based on the site areas of the respective subdivided lots. This is an accepted argument as it is a logical and tangible approach, however, the applicant has failed to demonstrate that the non-compliance has limited consequence on the compatibility of the development with the prevailing building bulk, scale and massing qualities of the existing and desired future built form character of the locality particularly given the developments relationship to the subdivided lots created.

The proposed development results in a number of non-compliances with the Waverley Development Control Plan 2012, including the front and rear building line controls and the overall height control despite the applicant's contention that the proposed FSR is within an appropriate building envelope. The number of breaches with the development standards and controls of the Waverley LEP and DCP results in a development that is unreasonable and unacceptable for this site. The proposed FSR non-compliance is contrary to clause 4.4 Floor space ratio (1)(c) and (d), resulting in unreasonable impacts on the amenity of neighbouring properties including its own internal amenity impacts to the proposed dwellings particularly given the visual bulk, massing of the development and overshadowing proposed. The proposal results in privacy impacts and solar access impacts between the two new



dwellings themselves and manoeuvrability issues for cars within the site (see further traffic comments under Referrals section below).

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard. The applicant contends that the development envelope is an acceptable outcome for the site. This is despite the non-compliances with the front and rear building line controls, overall height control, shadow impacts, privacy and car parking issues. Council does not agree with this contention, with the proposed bulk and massing of the development over an irregular lot configuration creating an unacceptable and poor planning outcome for the site.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular standard as outlined above and the objectives for development within the zone in which the development is proposed to be carried out including:

*Clause 2.1 – Land Use Zone – R2 Low Density Residential*

- *To provide for the housing needs of the community within a low density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community by developing the site for low density residential purposes, the overall planning outcome for the site to achieve this objective is unacceptable and cannot be supported.

The proposed noncompliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The non-compliance will result in an unacceptable outcome for the site, fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the FSR development standard and is not in the public interest.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported as the applicant's written request as it has not adequately addressed the matters required to be addressed by cl 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard and the R2 Low Density Residential zone.

**2.1.5 Waverley Development Control Plan 2012 (Amendment 7) (Waverley DCP 2012) Effective 2 March 2020**

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction. Should approval be granted, a condition of consent would be imposed regarding ongoing waste on site.  The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design, contains a rainwater tank and solar panels.
3. Landscaping and Biodiversity	Yes	The site does not contain remnant vegetation which are listed as threatened in the Environment Protection and Biodiversity Conservation Act 1999, and in the NSW Biodiversity Conservation Act 2016.
5. Vegetation Preservation	Yes	The development application involves the removal of two trees from the subject site. The application was referred to Council's Tree Management officer who raised no objection.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
8. Transport	No	The proposed large hardstand areas and garage to Lot B has an unsatisfactory streetscape impact.  The proposed lot configuration will result in an unacceptable outcome for vehicles exiting the sites should a structure be erected between the two new lots.
10. Safety	Yes	The development provides for casual surveillance of the street.
12. Design Excellence	No	The proposed subdivision and development does not achieve design excellence as it does not appropriately consider the context and streetscape, environmental impacts, street frontage and the relationship of the development to other development on neighbouring sites. The proposed new dwellings do not exhibit design excellence given the creation of their own amenity issues due to insufficient solar access and overlooking.

Development Control	Compliance	Comment
13. Subdivision	No	<p>The proposal does not comply with the minimum lot size of Waverley LEP 2012.</p> <p>The proposed lots created do not have characteristics similar to the prevailing subdivision pattern of lots fronting the same street as required by Control (d) (see further discussion below).</p>
14. Excavation	Yes	<p>The proposal includes excavation to provide a basement store area to Lot B. The proposed excavation does not add to the scale of the building or result in the loss of naturally occurring sandstone. The basement is setback an appropriate distance from boundaries. In the event of an approval, standard conditions relating to excavation would be imposed.</p>

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

The proposal is defined as a “Semi-detached dwelling” in the Waverley LEP 2012.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"><li>• Appropriate scale</li></ul>	No	The proposal takes cues from the scale of development opposite the site and the adjoining scale of the Rose Bay Secondary College to the north rather than the scale of development adjoining the site to the south. The western side of Nancy Street comprises predominantly modest two storey semi-detached dwellings. The proposed development comprises a scale that is inconsistent with this predominant built form of dwellings this side of Nancy Street.
<ul style="list-style-type: none"><li>• Does not detract from amenity of other dwellings or view corridors</li></ul>	No	
<ul style="list-style-type: none"><li>• ESD has been considered</li></ul>	Yes	
<ul style="list-style-type: none"><li>• High design standard</li></ul>	No	
2.1 Height		
<ul style="list-style-type: none"><li>• Flat roof dwelling house</li></ul>	No	7.8m (rear of Dwelling B)
<ul style="list-style-type: none"><li>• Maximum wall height of 7.5m</li></ul>		

<b>2.2 Setbacks</b>		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	<p>No</p> <p>No</p>	<p>See further discussion below</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	<p>Partial</p>	<p>The proposed dwellings comply with the required 0.9m setback.</p> <p>The detached garage on Lot B is proposed to be setback 0.15m-0.3m from the eastern boundary and abuts the northern side boundary. The second floor of the detached garage is to have a 0.7m setback from the proposed common lot boundary with new Lot A.</p> <p>The proposed detached garage on Lot B is to be constructed incorporating the existing northern brick retaining wall, which according to the submitted survey plan, is located on the adjoining property to the north (Rose Bay Secondary School). The proposed two storey detached garage is to be constructed utilising this retaining wall, encroaching over the north side property boundary and onto the adjoining property. This is unacceptable and cannot be supported.</p> <p>The proposed east facing first floor balcony to Dwelling B encroaches over the common side boundary into Lot A created by the Torrens subdivision, which is unacceptable.</p>
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Significant landscaping to be maintained.</li> </ul>	<p>No</p> <p>No</p>	<p>The extent of the development across the site does not respond to the context of surrounding development with unreasonable visual bulk impacts at the property frontage (see further discussion below).</p>
<b>2.4 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	<p>None proposed</p> <p>No</p>	<p>A 3m high timber fence is proposed within the property frontage to separate the two lots created. The fence extends from the front of</p>





2.8.6 Driveways		
<ul style="list-style-type: none"> <li>Maximum of one per property</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Maximum width of 3m at the gutter (excluding splay)</li> </ul>	Yes	
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> </ul>	Yes	Lot A - 102.57m <sup>2</sup> or 40.53%
<ul style="list-style-type: none"> <li>Overall landscaped area: 15% of site area</li> </ul>	Yes	Lot B – 128.63m <sup>2</sup> or 41.58%
<ul style="list-style-type: none"> <li>Minimum area of 25m<sup>2</sup> for private open space</li> </ul>	Yes	Lot A – 62.75m <sup>2</sup> or 24.9%
<ul style="list-style-type: none"> <li>Front open space: 50% of front building setback area</li> </ul>	Yes	Lot B – 61.74m <sup>2</sup> or 19.95%
<ul style="list-style-type: none"> <li>Front landscaped area: 50% of front open space provided</li> </ul>	No	
<ul style="list-style-type: none"> <li>Outdoor clothes drying area to be provided</li> </ul>	Not shown	
<b>2.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> </ul>	Yes	A swimming pool is proposed within the rear yard of both dwellings.
<b>2.16 Secondary Dwellings and Ancillary Buildings</b>		
<ul style="list-style-type: none"> <li>Ancillary buildings are to be minor buildings, integrated into the landscaped open space of the dwelling and not exceeding 10% of allotment size</li> </ul>	No	The applicant has not applied for the detached garage building on Lot B to be used for the purposes of a secondary dwelling, despite it including bathroom facilities. The proposed building also does not necessarily fit the description of an ancillary building which are generally minor buildings integrated into the open space area.
<ul style="list-style-type: none"> <li>Wall height not to exceed 2.1m</li> </ul>	No	6.7m
<ul style="list-style-type: none"> <li>Maximum height not to exceed 2.4m</li> </ul>	No	6.7m

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

### Subdivision

Part B13 Subdivision of Waverley DCP 2012 applies to the subject proposal. The relevant objectives as they relate to the subject development state as follows:

- (a) *To maintain the established character of low density neighbourhoods occupied by dwelling houses, semi-detached dwellings, attached dual occupancies or a mixture of these housing types.*



- (b) To ensure that subdivision or amalgamation respects the predominant development pattern of the locality.*
- (c) To ensure that subdivision or amalgamation results in allotments that have adequate width and configuration to deliver suitable building design and to maintain the amenity of the neighbouring properties.*
- (g) To ensure that subdivision and amalgamation result in lots that can achieve compliance with all other relevant DCP controls.*
- (h) To ensure that the creation of new lots does not result in a reduction of pedestrian or vehicular connectivity within the existing street network and provides a safe network.*
- (i) To minimise any likely impact of subsequent development on the amenity of neighbouring properties.*

Whilst the proposed subdivision and development of semi-detached dwellings satisfies objective (a), the proposed subdivision does not uphold objectives (b), (c), (g), (h) and (i). The proposal also does not satisfy the following controls of Part B13:

- (d) Any resulting lots must have characteristics similar to the prevailing subdivision pattern of lots fronting the same street, in terms of area, dimensions and orientation.*
- (e) All resulting lots must have at least one frontage to the street, and adequate vehicle and pedestrian access.*
- (g) Applications must demonstrate that any resulting allotments can facilitate development as per the zoning and controls on the land. This includes setbacks and open space provisions.*
- (j) Subdivision or amalgamation must not compromise any significant features of the existing or adjoining sites including streetscape character, landscape features or trees.*

As discussed previously, it is acknowledged that the locality is characterised by the presence of undersized lots, however, these existing lot configurations are rectangular and regular in shape with frontages to Nancy Street of at least 6m in most cases. The proposed subdivision will result in irregular shaped undersized lots with a street frontage to Nancy Street of 3m (Lot A) and 4.37m (Lot B), contrary to Control (d).

Contrary to control (e), the proposed lot configuration results in an unacceptable outcome in regards to vehicle movement on site. Vehicle manoeuvrability on site may be hindered if a structure was built along the common boundary between the two new properties.

The development of the site results in non-compliances with the front and rear building lines, overall height, solar access and visual privacy controls of Waverley DCP 2012, contrary to control (g) above. The development does not exhibit design excellence; and will result in unreasonable impacts on the amenity of neighbouring properties particularly given the massing of the development proposed on the non-compliant irregular shaped lots created within its streetscape context and is not supported.

### **Front Building Line, Streetscape and Rear Building Line**

Control (d) of Part C2 2.2.1 of Waverley DCP 2012 requires that where it is proposed to build beyond the predominant front and/or rear building line, then greater consideration must be given to the following, but not limited to, compliance with applicable development standards, including FSR and building height, emergence of a new front and/or rear building alignment beyond the dwellings either side of the subject site, visual aspect of the bulk and scale as viewed from the private open space and living areas of adjoining properties and acceptability of amenity impacts on adjacent properties with regard to solar access, and visual and acoustic privacy.

The pattern of development in the immediate locality is predominantly single detached and semi-detached dwellings (refer to **Figure 6** below). The western side of Nancy Street is characterised by modest two storey traditional semi-detached dwellings with first floor additions predominantly setback from the ground floor level at the property frontage. Immediately to the north is the five to six storey building at Rose Bay Secondary College. Adjacent to the subject site on 61 Nancy Street is a two storey garage/ secondary dwelling which is detached from the primary residence on site. This two storey detached garage/ secondary dwelling was approved under DA-582/2011/A.



**Figure 6:** Relationship of proposed building line with the adjoining properties in yellow (red lines show approximate balcony and garage/studio building encroachments)

#### *Front Building Line and Streetscape*

The proposal takes cues from the scale of development opposite the site and the adjoining scale of the Rose Bay Secondary College to the north rather than the scale of development adjoining the site to the south. The western side of Nancy Street comprises predominantly modest two storey semi-detached dwellings.

Part C2 2.2.1 outlines front building line controls requiring that new buildings to extend no further than the front predominant building line. The proposed new two storey detached garage/ studio on Lot B is to be sited within the front building line in a similar location as the existing two storey detached garage/ secondary dwelling on the adjacent property to the east at No.61 Nancy Street. The proposed two storey structure will be the main element visible from Nancy Street which is to be sited east of the main primary residence proposed for this lot.

The design of the garage, as it presents to Nancy Street, is cumbersome and overwhelming, particularly in the context of its relationship to the proposed allotment configuration and Dwelling A. The internal first floor ceiling height of 3m is excessive for a building of this nature which is in addition to the 2.6m floor to ceiling height proposed for the garage. The location of the west facing first floor studio balcony above the garage creates internal privacy conflicts between itself and the dwelling

proposed on Lot A, with direct line of sight into the east facing first floor bedroom of Dwelling A, resulting in unacceptable amenity impacts for the occupants of both new properties.

The dwelling on Lot A is proposed to have a uniform front building line at both ground and first floor levels, which is in line with the existing ground floor building line of the adjoining properties to the south but not consistent with the first floor building line, which is generally set further back from the property frontage. The proposed first floor east facing front balcony to Dwelling B is to extend 2.4 metres further forward of this predominant front building line of development to the south of the site, which is not supported. It is also noted that the ground floor and first plans for both new dwellings appear to indicate that this east facing balcony to Dwelling B is to encroach over the new property boundary of Lot A, which is unacceptable.

As previously noted, the garage is proposed to be built upon an existing retaining wall that is sited on the adjoining property to the north at Rose Bay Secondary College. The two storey structure is proposed to encroach beyond its northern property boundary onto the neighbouring property, which is unacceptable and cannot be supported.

#### *Rear Building Line*

A setback of 8.646m (Dwelling A) and 8.818m (Dwelling B) is proposed from the rear western boundary to the proposed deck/pergola structures at ground floor level and 11.646m (Dwelling A) and 11.818m (Dwelling B) to the main wall of the dwelling at ground floor level. A setback of approximately 11.646m (Dwelling A) and 11.7m (Dwelling B) is proposed from the rear western boundary to the proposed first floor level balcony and approximately 13.26m (Dwelling A) and 14.4m (Dwelling B) to the rear main wall of the dwelling at first floor level. The applicant has provided the following information in regard to the calculation of the rear building line:

*‘The rear buildings lines vary considerably for the closest several properties. Based on the site context and the above information, it is considered the best building line comparison is with the adjoining property, No. 82 Nancy Street’.*

Part C2 2.2.1 outlines rear building line controls requiring that new buildings are to extend no further than the rear predominant building line. The rear building line is not based on assessment of the adjoining property in isolation only but must consider the building lines of the adjoining properties on the same side of the road as the subject site. This is to include the rear building lines of at least two to three properties either side and is to be assessed for each floor level (refer to Figure 6 of Part C2 2.2.1 Front and Rear Building Lines of Waverley DCP 2012 for diagrammatic reference). As seen in the aerial photo in **Figure 6** above, the properties to the south at 78 and 80 Nancy Street have a greater rear setback than the dwelling at No.82 Nancy Street, which has the furthest built form along this rear alignment with a rear setback of 11.7m to the existing first floor balcony. Whilst to the north is the Rose Bay Secondary College, it should be highlighted that the rear building line of the existing five to six storey school building is compatible with the existing two storey dual occupancy building at No. 84 Nancy Street, enabling solar access into the rear yards and living areas of the adjoining properties to the south of this school building after midday.

The rear of the dwellings at both floor levels are proposed to align with the rear first floor balcony of No.82 Nancy Street, which is a lightweight structure that extends over its ground floor level by approximately 1m. This is not the predominant rear building line when considering the building line of other dwellings to the south along this side of the street in proximity to the subject site. The proposed ground floor level decks and pergolas of the subject development extend a further 3m beyond the rear building line of No.82 Nancy Street. Increasing and staggering the rear setbacks, reducing the bulk and massing of the proposed dwellings as they extend through the site and lightening the architectural expression proposed would contribute to achieving improved solar

access to new Dwelling A and to No.82 Nancy Street. More considered design of both new dwellings would contribute to improved solar access for the proposed new dwelling on Lot A. The proposed rear building line is not 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 a significant detrimental effect relating to environmental, social or economic impacts on the locality.

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

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

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

**Table 3: Summary of property addresses that lodged a submission**

Property
80 Nancy Street, North Bondi
82 Nancy Street, North Bondi

### ***Issues:***

***Overdevelopment***

***Visual privacy impacts***

***Overshadowing***

***Driveway access***

***Development out of character with the street***

These issues have been addressed previously in this report.

***Issue: Increase in density and congestion is unacceptable.***

***Response:*** The existing site accommodates an attached dual occupancy. The subject proposal does not increase the number of dwellings proposed overall.

***Issue: Acoustic privacy impacts from proposed swimming pool use and pool equipment.***

***Response:*** The location of the proposed swimming pools in the rear yards of the subject properties is in accordance with Waverley DCP 2012.

***Issue: Impacts associated with excavation to accommodate the development may cause serious damage to property.***

***Response:*** The location of the proposed excavation to accommodate the basement level satisfies the controls of Waverley DCP 2012. Should approval be granted, standard conditions would be imposed

relating to excavation. Notwithstanding, the application is recommended for refusal for other reasons.

**Issue: Conflict with access to Rose Bay Secondary College due to siting of two storey garage/home office to Lot B.**

**Response:** The proposed new garage abuts the eastern side boundary which adjoins the existing access handle to Rose Bay Secondary College. This is a similar siting as the adjacent development at 61 Nancy Street. Whilst the development application is recommended for refusal, it is considered that this is not a justified reason for the refusal of the application.

**Issue: Construction issues and impacts on safety to students of Rose Bay Secondary College.**

**Response:** Should the development application be approved, standard conditions would be imposed regarding construction. Notwithstanding, the application is recommended for refusal for other reasons.

## **2.5 Public Interest**

It is considered that the proposal will have a detrimental effect on the public interest and is not supported.

## **3. REFERRALS**

### **3.1 Traffic and Development**

The application was referred to Council's Traffic and Development Engineer for comment. Council's Traffic Engineer raised an issue regarding the manoeuvrability of vehicles entering and exiting the site between the two lots created. The following comments were provided:

*"In the proposals current form, it is likely that vehicles will be required to drive across a small section of each others property to enter and exit the property.*

*Should a future structure be constructed on the Torrens title boundary separating No.84 & No.86, access to the garages may be restricted.*

*It is recommended that the area in front of the shared driveways be converted to a right-of-carriageway easement or common property to ensure vehicles are allowed to drive across the required section of the internal driveway for access. And that the area remains unobstructed by other vehicles or permanent fixtures".*

This issue is as a result of the irregular lots created by the subdivision, which is considered to be an unacceptable and poor planning outcome.

### **3.2 Stormwater**

Council's Stormwater Engineer raises no objection to the proposed stormwater management, subject to conditions.

### **3.3 Tree Management Officer**

Council's Tree Management officer raises no objection to the proposed removal of trees from the subject site.

### 3.4 Waverley Digital - GIS

The application was referred to Council's GIS officer, who raised no objections subject to appropriate conditions being imposed regarding allocation of street numbers.

## 4. SUMMARY

The proposal seeks consent to demolish the existing dual occupancy, Torrens title subdivide the land into two lots and the subsequent construction of a two storey semi-detached dwelling development.

Two submissions were received during notification of the development application. The issues have been addressed throughout this assessment report.

The proposal results in a non-compliance with the minimum subdivision lot size and FSR development standard over the parent lot of Waverley LEP 2012, the overall height, front and rear building line controls, solar access and visual privacy controls of Waverley DCP 2012. The extent of these breaches and the resultant impacts are unreasonable and are not supported. The development application is recommended for refusal.

### DBU Decision

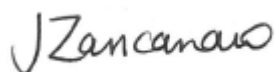
The application was reviewed by the DBU at the meeting on 12 August 2020 and the DBU determined that the application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: A Rossi, B McNamara, K Lucas

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **REFUSED** by the Waverley Local Planning Panel subject to the the reasons contained in Appendix A:

Report prepared by:



Jo Zancanaro  
Senior Development Assessment Planner

Date: 3 September 2020

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



Bridget McNamara  
Manager, Development Assessment  
(North/South)

Date: 7 September 2020

### Reason for referral:

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

## **APPENDIX A – REASONS FOR REFUSAL**

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

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (d) and (g) as the proposal does not promote the orderly and economic use and development of land nor promote good design on amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular, the following provisions:
  - a. Clause 4.1 *Minimum subdivision lot size* (1)(a) and (b), and (3), as the proposal significantly breaches the minimum lot size development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed subdivision does not reflect and reinforce the predominant subdivision pattern of the area given the irregular and undersized lots created with inadequate site frontages which will result in adverse impacts on the streetscape and amenity of adjoining properties, contrary to objective (a) and (b) of the development standard.
  - b. Clause 4.4 *Floor space ratio* (1)(c) and (d), as the proposal breaches the floor space ratio development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the character of the locality and the amenity of adjoining properties, contrary to objective (c) and (d) of the development standard.
  - c. Clause 4.6 *Exceptions to development standards* (1)(b), (3)(a) and (b), and (4)(a), as the proposed subdivision and building will not result in a better development outcome for the site. The applicant's clause 4.6 Exceptions to development standards fails to justify that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds that exist to justify the significant breaches to the minimum subdivision lot size and floor space ratio development standards. The proposed development is contrary to the objectives of the development standards and the proposal is not in the public interest.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - a. Part B8 - Transport - 8.1 *Streetscape*, specifically objectives (a) and (b), control (c), as the proposed extent of hard paved driveway area within the property frontage and the scale of the new two storey garage/studio building to Lot B dominate the streetscape and overwhelms the development.
  - b. Part B12 – *Design Excellence*, 12.1 *Design*, specifically objective (a) control (e), as the proposal has failed to consider the suitability of the land for development given the irregular lots created, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of setbacks,



amenity and urban form, the overall bulk and massing of the development and environmental impacts such as overshadowing and solar access.

- c. Part B13 – *Subdivision*, specifically objective (b), (c), (g) and controls (a), (d), (e) and (g), as the application proposes undersized and irregular shaped lots with inadequate street frontage widths that are not similar to the prevailing subdivision pattern of lots fronting the same street and which cannot facilitate development as per the zoning and controls on the land;
- d. Part C2 – Low Density Residential Development:
  - (i) Section 2.1 *Height*, in particular objectives (a), (b) and (d), and control (b). The proposed development has failed to provide a compliant building height to ensure that the development does not result in unreasonable overshadowing of neighbouring properties and enable sufficient solar access to the newly created Dwelling A.
  - (ii) Section 2.2 *Setbacks*, 2.2.1 *Front and Rear Building Lines*, in particular objectives (a), (b), (c), (f) controls (a), (b) and (d). The proposed front and rear building lines are not characteristic or consistent with the predominant front and rear building lines as required by Waverley DCP 2012, resulting in unreasonable amenity and streetscape impacts.
  - (iii) Section 2.2 *Setbacks*, 2.2.2 *Side Setbacks*, in particular objectives (a) and (c). The proposed east facing first floor balcony to Dwelling B encroaches over the proposed common side boundary between the two new properties created by the subdivision, resulting in unreasonable amenity impacts for the occupants of the new Dwelling A.
  - (iv) Section 2.3 *Streetscape*, in particular objectives (a) and (b) controls (a) and (d). The proposed built form particularly on proposed Lot B dominates the streetscape as the visual appearance, particularly the bulk and scale, do not respond to each new dwelling created by the subdivision or the desired future character of the locality.
  - (v) Section 2.4 *Fences*, in particular objectives (c) and (e) control (d). The proposed side boundary fence between proposed Lots A and B within the property frontage is excessive in height at 3 metres adding to the bulk and scale of the built form dominating the streetscape.
  - (vi) Section 2.5 *Visual and Acoustic Privacy*, in particular objective (c) and controls (b) and (e), in that the development provides unacceptable visual privacy impacts between each of the new buildings within the development itself.
  - (vii) Section 2.6 *Solar Access*, in particular objectives (a) to (d) controls (a), (b) and (c) in that the proposal results in insufficient and unacceptable solar access to proposed Dwelling A and overshadowing impacts on the adjoining property to the south at 82 Nancy Street, North Bondi. Overshadowing arising out of poor design is unacceptable even if it satisfies numerical guidelines, which in this case it doesn't.
  - (viii) Section 2.8 *Car Parking*, in particular objectives (b) and (d) controls 2.8.1 (b) and (c), 2.8.3 (a), 2.8.4 (a), (b) in that the proposed car parking to Lot A may result in issues

of manoeuvrability if a structure were to be erected between the two properties on the common lot boundary within the property frontages. Furthermore, the proposed extent of hard paved driveway area to the property frontages and the scale of the new two storey garage/studio building to Lot B dominates the streetscape and overwhelms the development.

4. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979 as the proposal does not satisfy section 49 of the Environmental Planning and Assessment Regulation 2000, given that the development application does not include owner's consent from the adjoining property owner immediately to the north, being Rose Bay Secondary College, for the proposed encroachment of the Lot B garage structure onto the adjoining property known as Lot 1 DP122318 Hardy Street, Rose Bay (Rose Bay Secondary College).
5. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as the proposed subdivision creates irregular and undersized lots with inadequate property frontages that result in a poor planning outcome and an overdevelopment of the subject site which would adversely impact upon the amenity of the locality.
6. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is not considered suitable for the subject site as the proposed subdivision creates irregular and undersized lots with inadequate property frontages that contribute to a poor planning outcome, providing for a built form that is excessive in terms of bulk and scale, results in undesirable and unacceptable impact on the streetscape, impacts upon the amenity of the dwellings proposed within the development site itself and upon the locality.
7. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

## Drawing No: Description

DA.000	Coversheet
DA.001	Demolition Plan
DA.002	Construction Management Plan
DA.003	Subdivision Plan
DA.004	Streetscape Analysis
DA.005	Site Plan & Analysis
DA.006	Basement plan
DA.007	Ground floor plan
DA.008	First floor plan
DA.009	Roof plan
DA.0010	Planning Computations
DA.0011	Elevations
DA.0012	Sections
DA.0013	Driveway Profiles
DA.0014	Window + door schedule
DA.0015	BASIX Commitments
DA.0016	Sun Study   21 June 9:00am
DA.0017	Sun Study   21 June 12:00pm
DA.0018	Sun Study   21 June 3:00pm
DA.0019	Elevation Shadows   21 June
DA.0020	3D Montage
DA.0021	Schedule of finishes

## Issue Scale

# AMENDED PLANS

B	NTS
B	1:200
B	1:200
B	1:200
B	NTS
B	1:200
B	1:200
B	1:200
B	1:200
B	1:200
B	1:200
B	1:200
B	1:50
B	NTS
B	NTS
B	1:500
B	1:500
B	1:500
B	NTS
B	NTS
B	NTS

RECEIVED  
Waverley Council

Application No: DA-165/2020  
  
Date Received: 31/08/2020

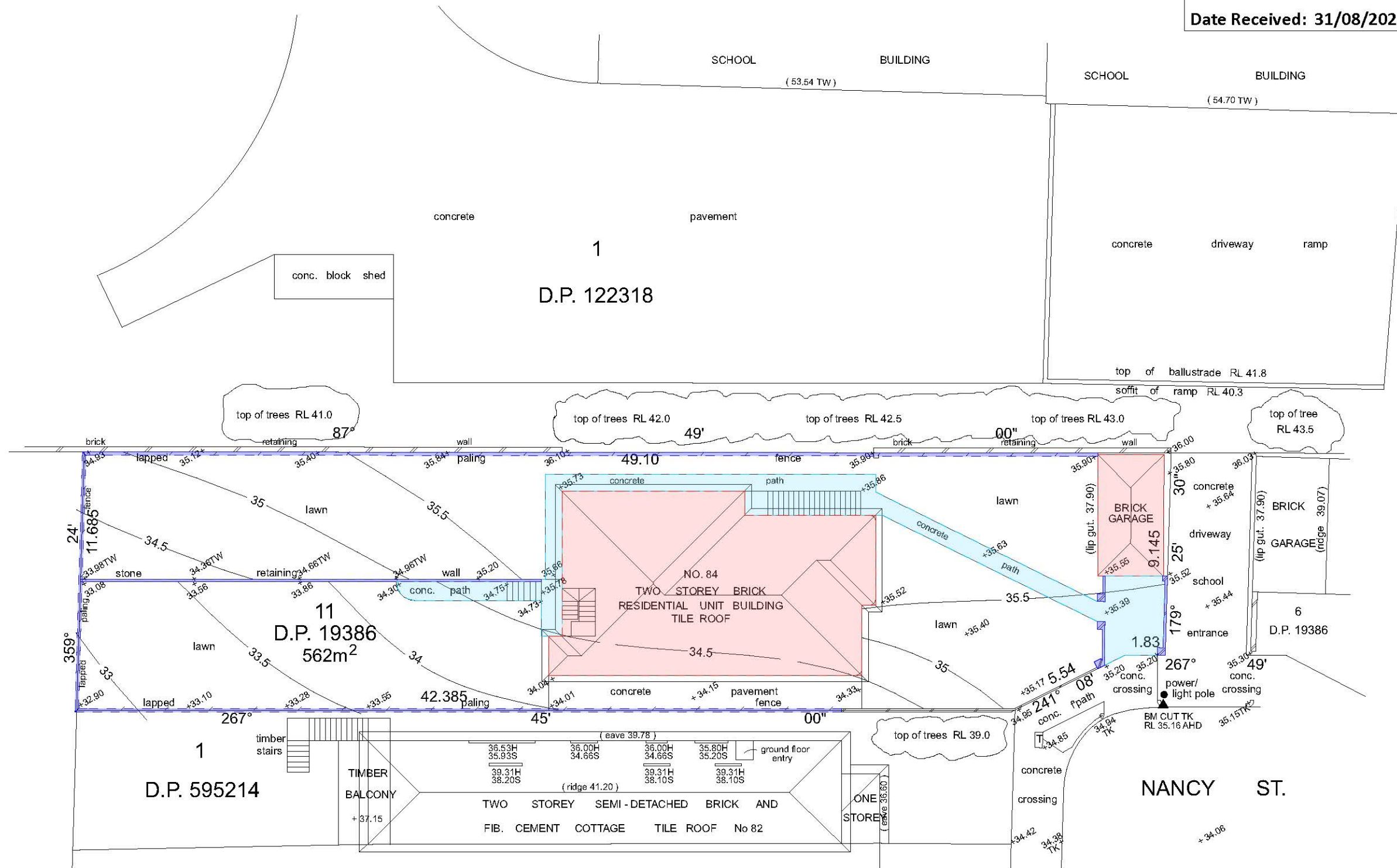


NOTES  
1. TITLE BOUNDARY DIMENSIONS SHOWN ( LOT 11 DP 19386 )  
2. LOT BOUNDARIES HAVE NOT BEEN SURVEYED.  
3. EXISTING FENCING AND OCCUPATIONS ADOPTED FOR APPROXIMATE  
4. LOCATION OF DETAIL AND LEVELS  
5. ORIGIN OF LEVELS PM 1910 RL 21.411 (AHD)

# AMENDED PLANS

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DP 19386



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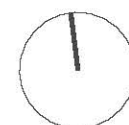


Legend

	Existing structures to be demolished
	Existing concrete & paving to be demolished
	Existing fencing and retaining wall to be demolished
	Existing landscaping to be demolished

Issue	Date	Description
A	27.04.20	Issued for Development Application
B	28.08.20	Revised in response to Council comments

Project north



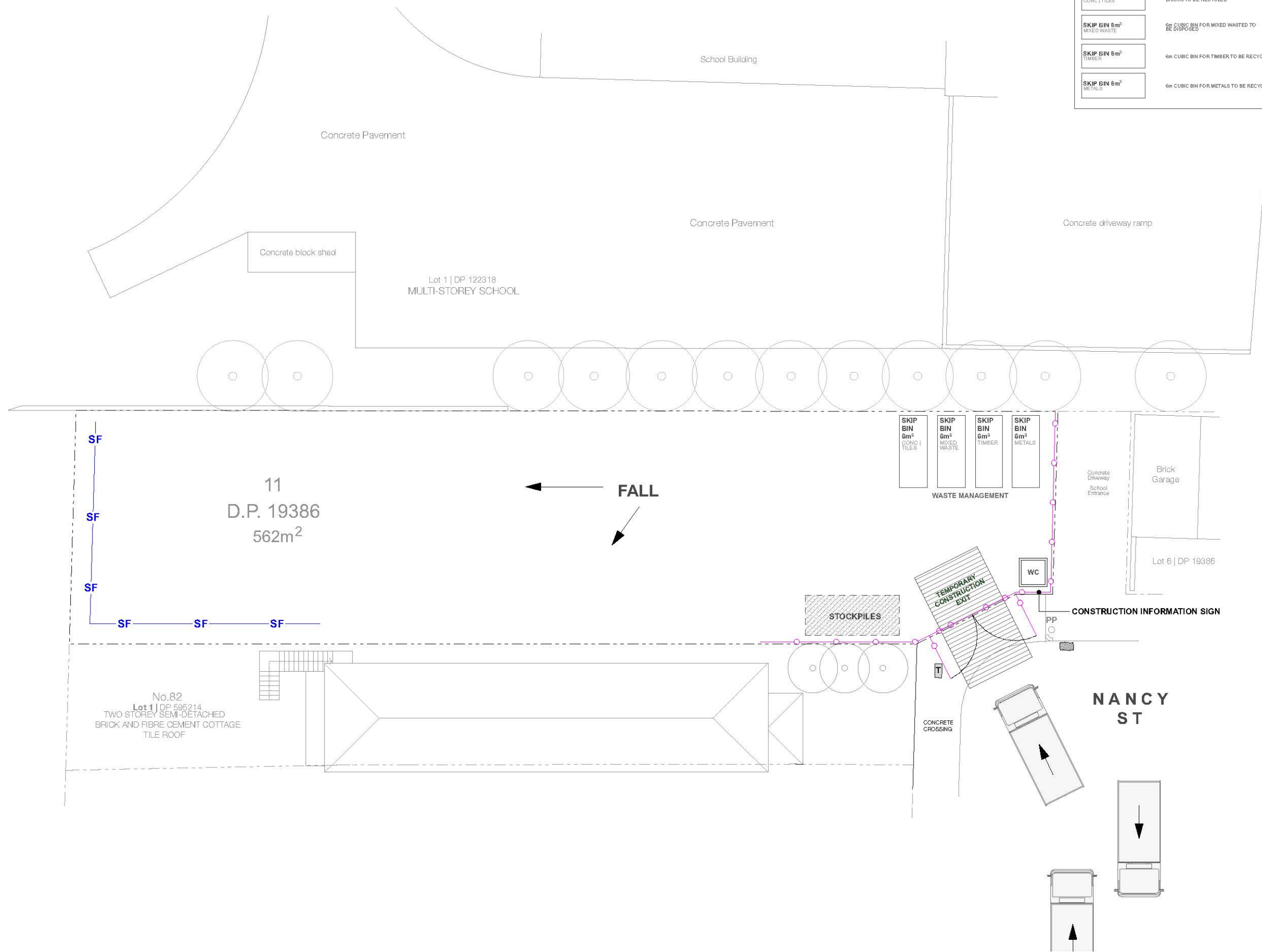
Drawing title  
**Demolition Plan**  
Drawing No.  
**DA.001**  
Revision  
**B**

Site Address  
84 Nancy Street  
Bondi NSW  
Folio Identifier  
**Lot 11 | DP 19386**  
Client  
**Space Creations**

Scale  
**1:200 @ A3**  
Drawn  
**GM**  
Project No.  
**1816**  
Date  
**Sep. 2018**

monument  
design  
partnership  
mdp [M]  
47 drummond  
street, belmore  
nsw 2192  
1300 795 075 T  
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84

# AMENDED PLANS



## LEGEND

	TEMPORARY LEVEL PLATFORM OVER FOOTPATH FOR PEDESTRIAN SAFETY & TO KERB		AREA FOR STOCKPILING MATERIALS
	6m³ CUBIC BIN FOR CONCRETE, TILES & BRICKS TO BE RECYCLED		SEDIMENT & SILT FENCE
	6m³ CUBIC BIN FOR MIXED WASTE TO BE DISPOSED		TEMPORARY FENCING
	6m³ CUBIC BIN FOR TIMBER TO BE RECYCLED		PORTABLE WC
	6m³ CUBIC BIN FOR METALS TO BE RECYCLED		KERB FILTER / SANDBAG

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Application No: DA-165/2020

Date Received: 31/08/2020

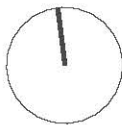
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Legend

Issue	Date	Description
A	27.04.20	Issued for Development Application
B	28.08.20	Revised in response to Council comments

Project north



Drawing title  
**Construction Management Plan**  
Drawing No.  
**DA.002**  
Revision  
**B**

Site Address  
84 Nancy Street  
Bondi NSW  
Folio Identifier  
**Lot 11 | DP 19386**  
Client  
**Space Creations**

Scale  
**1:200 @ A3**  
Drawn  
**GM**  
Project No.  
**1816**  
Date  
**Sep. 2018**

monument  
design  
partnership  
mdp [M]  
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street, belmore  
nsw 2192  
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1300 795 075 F  
85

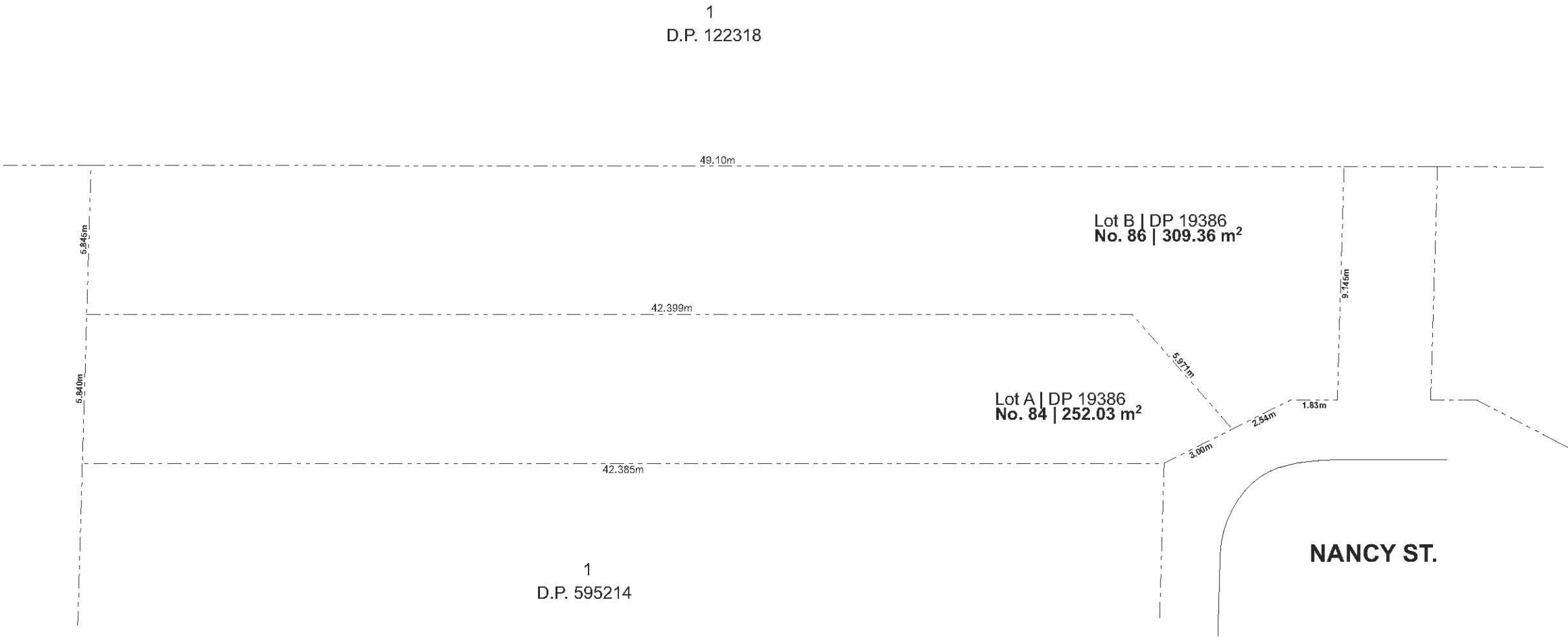


# AMENDED PLANS

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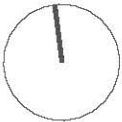
LGA



Legend

Issue	Date	Description
A	27.04.20	Issued for Development Application
B	28.08.20	Revised in response to Council comments

Project north



Drawing title  
**Subdivision Plan**

Drawing No.  
**DA.003**  
Revision  
**B**

Site Address  
**84 Nancy Street  
Bondi NSW**  
Folio Identifier  
**Lot 11 | DP 19386**  
Client  
**Space Creations**

Scale  
**1:200 @ A3**  
Drawn  
**GM**  
Project No.  
**1816**  
Date  
**Sep. 2018**

monument  
design  
partnership

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owner of any materials, fittings, plant, services or  
equipment and the preparation of shop drawings  
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only. Any discrepancies shall immediately be  
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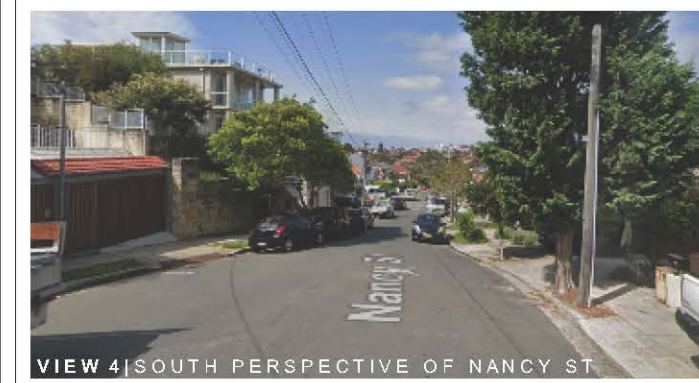
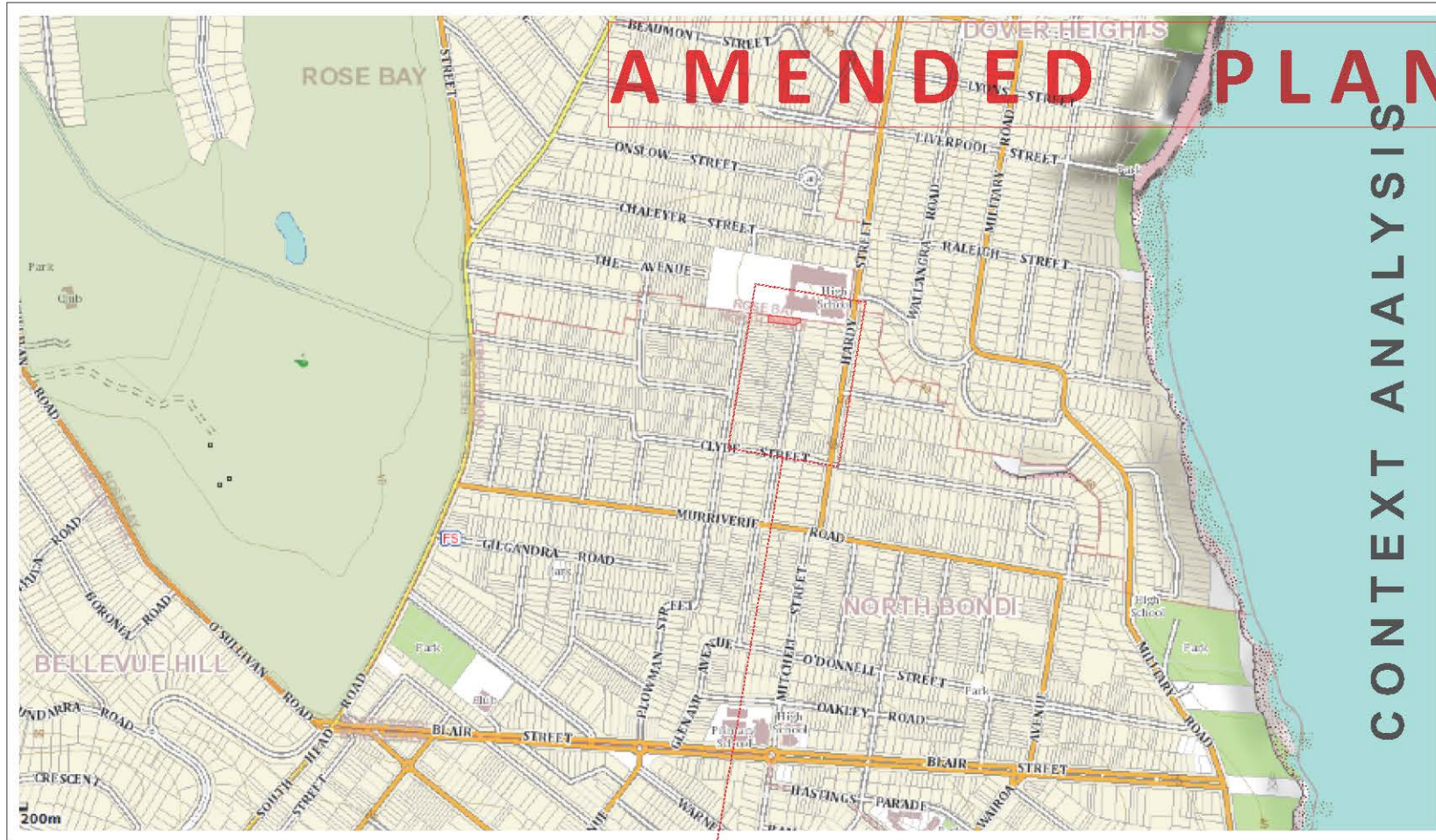
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street, belmore  
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86





LGA	Legend	Issue	Date	Description	Project north	Drawing title	Site Address	Scale	@ A3	monument design partnership	mdp [M]
 WAVERLEY COUNCIL		A	27.04.20	Issued for Development Application		<b>Streetscape Analysis</b>	84 Nancy Street <b>Bondi NSW</b>	Drawn	<b>GM</b>	47 drummond street, belmore nsw 2192	1300 795 075 1300 795 075 info@mdp-partnership.com.au
	B	28.08.20	Revised in response to Council comments	Folio Identifier							
						Drawing No.					
						Revision					
						Client					
						Space Creations					



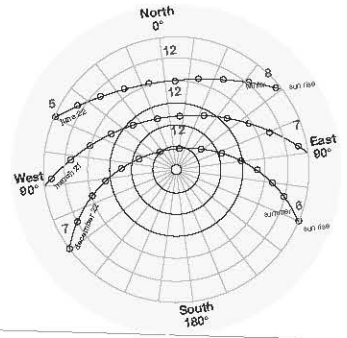
# AMENDED PLANS

ROSE BAY SECONDARY COLLEGE

RECEIVED  
Waverley Council

Application No: DA-165/2020

Date Received: 31/08/2020



1km to Rose Bay Beach

School Building  
(53.54 TW)

School Building  
(54.70 TW)

Concrete Pavement

Concrete Pavement

Concrete driveway ramp

NORTH - WESTERLY WIND  
WARM IN WINTER  
HOT IN SUMMER

Concrete block shed

Lot 1 | DP 122318  
MULTI-STOREY SCHOOL

NORTH - EASTERLY WIND  
WARM IN WINTER  
COOL IN SUMMER

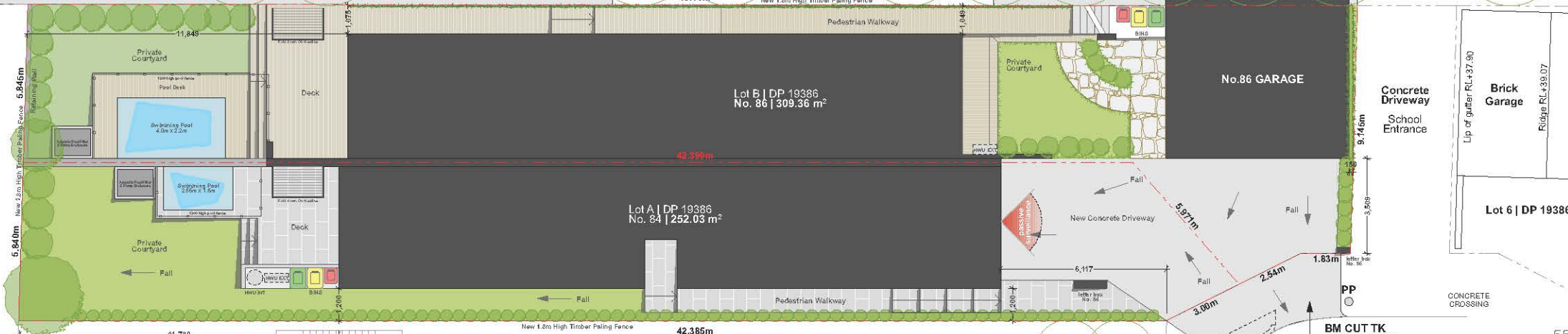
500m to Parklands

Top of balustrade RL 41.8  
Soffit of ramp RL 40.8

550m to Raleigh Reserve / Dover heights Coastal Reserves

EXISTING BRICK RETAINING WALL

EXISTING BRICK RETAINING WALL



SOUTH - WESTERLY WIND  
COLD IN WINTER  
COOL IN SUMMER

2.5km to Westfields Bondi Junction & major retail outlets

1.3km to Bondi Beach

550m to East Coast

Vehicle access

LOCAL TRAFFIC  
VEHICULAR NOISE

Nancy Street

RL+34.06

PREVAILING WIND

SOUTH - EASTERLY WIND  
COLD IN WINTER  
COOL IN SUMMER

LGA

Legend

Issue

Date

Description

Project north

Drawing title

Site Plan & Analysis

Drawing No.

DA.005

Revision

B

Site Address

84 Nancy Street  
Bondi NSW

Folio Identifier

Lot 11 | DP 19386

Client

Space Creations

Scale

1:200 @ A3

Drawn

GM

Project No.

1816

Date

Sep. 2018

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design  
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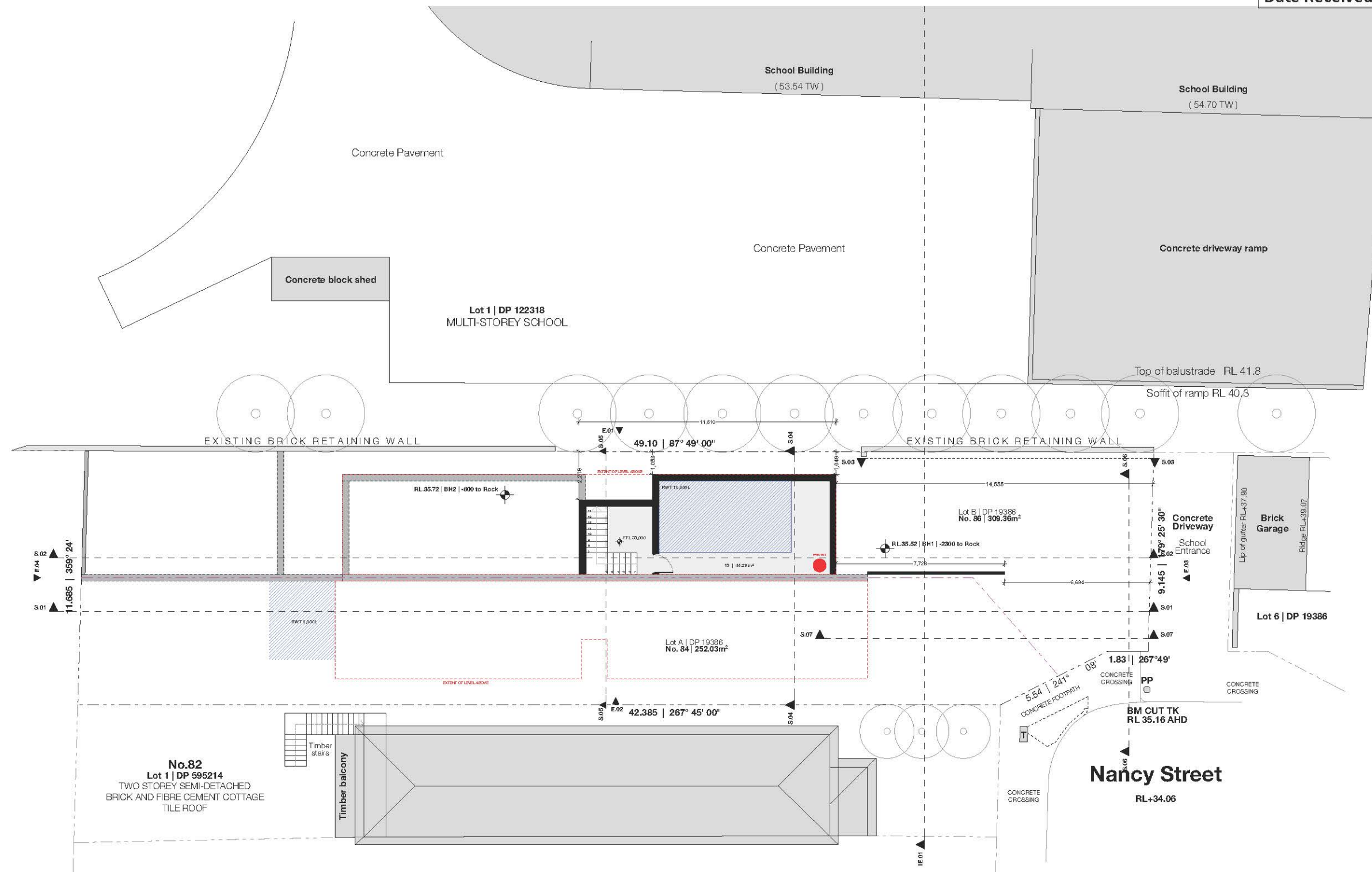
WAVERLEY  
COUNCIL

# AMENDED PLANS

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Waverley Council

Application No: DA-165/2020

Date Received: 31/08/2020



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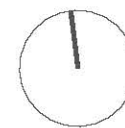
Legend

- |            |                   |                |
|------------|-------------------|----------------|
| 01 Entry   | 06 Kitchen        | 11 Balcony     |
| 02 Bedroom | 07 Dining         | 12 Garage      |
| 03 WC      | 08 Alfresco       | 13 Plant Room  |
| 04 Laundry | 09 Master bedroom | 14 Pool        |
| 05 Lounge  | 10 Master WC      | 15 Home Office |

Issue Date Description

- |   |          |   |
|---|----------|---|
| A | 27.04.20 | Issued for Development Application      |
| B | 28.08.20 | Revised in response to Council comments |

Project north



Drawing title  
**Basement plan**

Drawing No.  
**DA.006**  
Revision  
**B**

Site Address  
**84 Nancy Street  
Bondi NSW**  
Folio Identifier  
**Lot 11 | DP 19386**  
Client  
**Space Creations**

Scale  
**1:200 @ A3**  
Drawn  
**GM**  
Project No.  
**1816**  
Date  
**Sep. 2018**

monument  
design  
partnership

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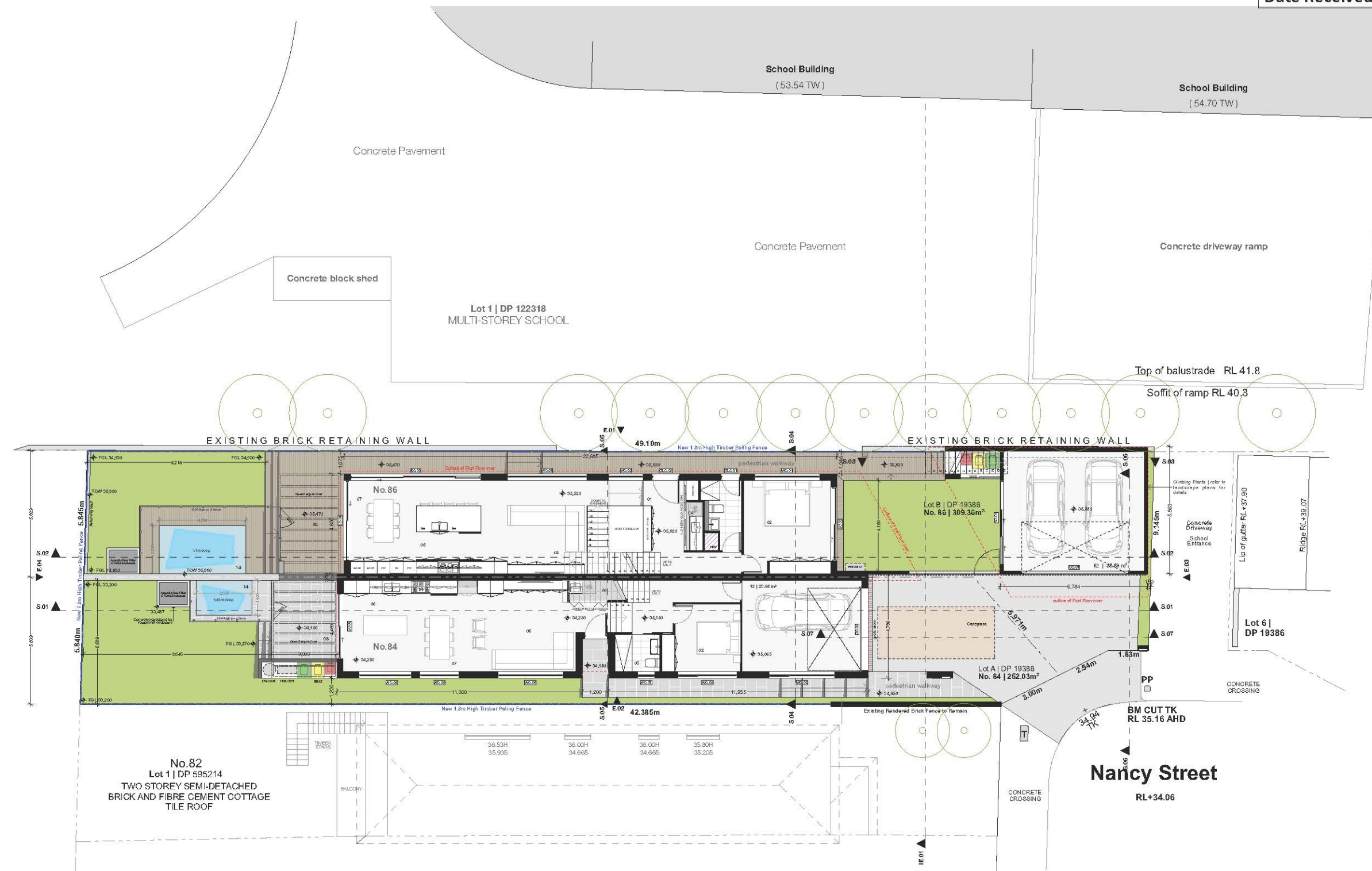


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Application No: DA-165/2020

Date Received: 31/08/2020



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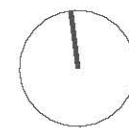
Legend

- |            |                   |                |
|------------|-------------------|----------------|
| 01 Entry   | 06 Kitchen        | 11 Balcony     |
| 02 Bedroom | 07 Dining         | 12 Garage      |
| 03 WC      | 08 Alfresco       | 13 Plant Room  |
| 04 Laundry | 09 Master bedroom | 14 Pool        |
| 05 Lounge  | 10 Master WC      | 15 Home Office |

Issue Date Description

- |   |          |   |
|---|----------|---|
| A | 27.04.20 | Issued for Development Application      |
| B | 28.08.20 | Revised in response to Council comments |

Project north



Drawing title  
**Ground floor plan**

Drawing No.  
**DA.007**  
Revision  
**B**

Site Address  
**84 Nancy Street  
Bondi NSW**  
Folio Identifier  
**Lot 11 | DP 19386**  
Client  
**Space Creations**

Scale  
**1:200 @ A3**  
Drawn  
**GM**  
Project No.  
**1816**  
Date  
**Sep. 2018**

monument  
design  
partnership

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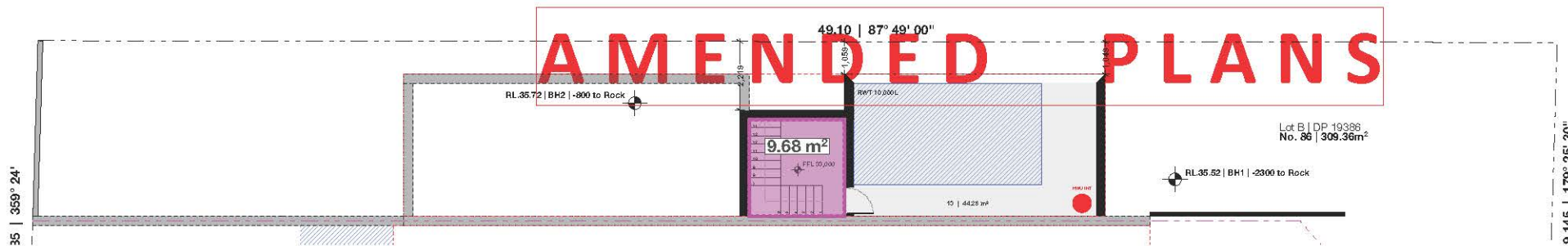
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1300 795 005 F

90

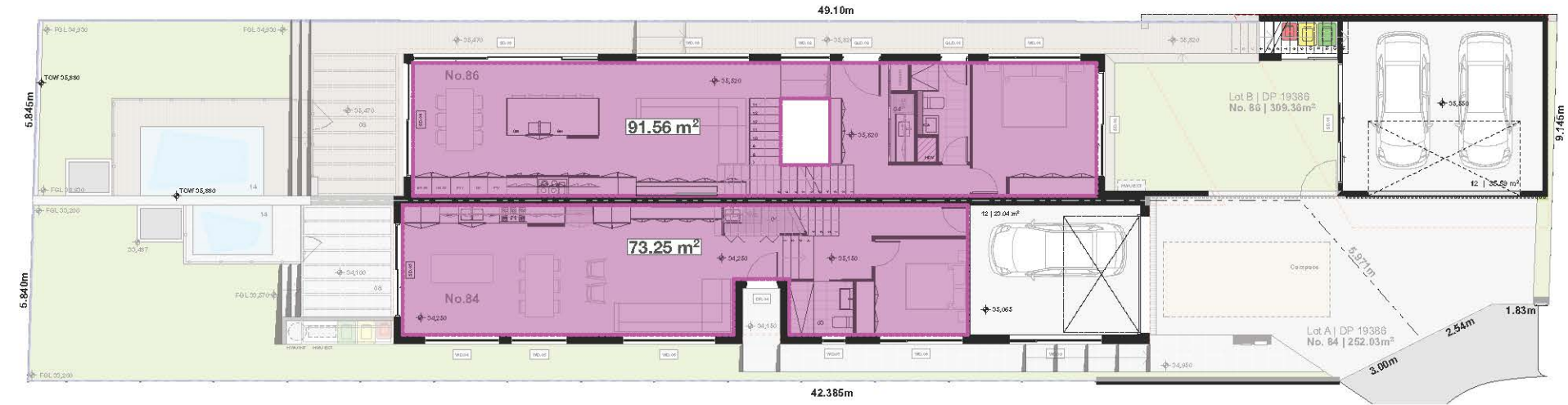
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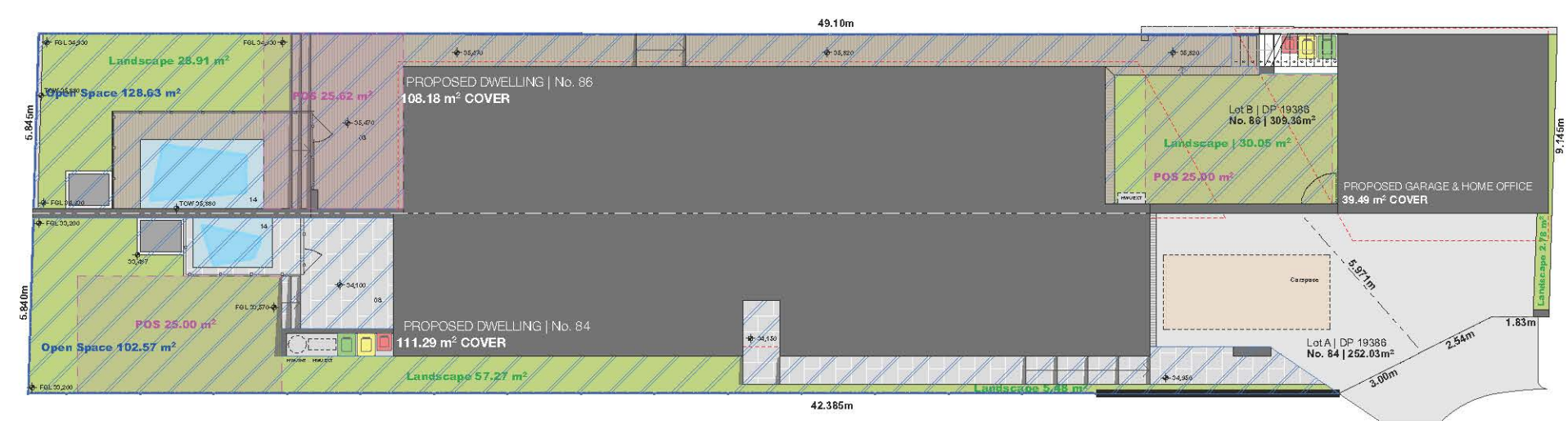
1 | BASEMENT GROSS FLOOR AREA CALCULATIONS



2 | GROUND FLOOR GROSS FLOOR AREA CALCULATIONS



3 | FIRST FLOOR GROSS FLOOR AREA CALCULATIONS



4 | SITE COVER, PRIVATE OPEN SPACE, LANDSCAPE CALCULATIONS

## Planning Computations

No. 84 | LOT A  
Site Area 252.03m<sup>2</sup>

### FLOOR SPACE RATIO

FSR allowed 207.67m<sup>2</sup> or 0.824:1  
GFA Ground proposed 73.25m<sup>2</sup>  
GFA First proposed 79.28m<sup>2</sup>  
FSR proposed 152.53m<sup>2</sup> or 0.60:1

### LANDSCAPE

Min Required 15.00% or 37.80m<sup>2</sup>  
Proposed 24.89% or 62.75m<sup>2</sup>

### OPEN SPACE

Min Required 40.00% or 100.81m<sup>2</sup>  
Proposed 40.53% or 102.57m<sup>2</sup>

### PRIVATE OPEN SPACE

Min Required 25m<sup>2</sup>  
Achieved Yes | 25m<sup>2</sup>

No. 86 | LOT B

Site Area 309.36m<sup>2</sup>

### FLOOR SPACE RATIO

FSR allowed 0.768:1 or 237.58m<sup>2</sup>  
Basement proposed 09.680m<sup>2</sup>  
Ground proposed 91.560m<sup>2</sup>  
First proposed 119.65m<sup>2</sup>  
FSR proposed 0.71:1 or 220.89m<sup>2</sup>

### LANDSCAPE

Min Required 15.00% or 46.40m<sup>2</sup>  
Proposed 19.95% or 61.74m<sup>2</sup>

### OPEN SPACE

Min Required 40.00% or 123.74m<sup>2</sup>  
Proposed 41.58% or 128.63m<sup>2</sup>

### PRIVATE OPEN SPACE

Min Required 25m<sup>2</sup>  
Achieved Yes | 50.62m<sup>2</sup>

## Legend

- Open Space
- Deep Soil & Landscape
- Site Coverage
- Private Open Space

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Application No: DA-165/2020

Date Received: 31/08/2020

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Legend

Issue

Date

Description

Project north

Drawing title

Planning Computations

Drawing No. DA.0010

Revision B

Site Address

84 Nancy Street  
Bondi NSW

Folio Identifier  
Lot 11 | DP 19388

Client

Space Creations

Scale

1:200 @ A3

Drawn

GM

Project No.

1816

Date

Sep. 2018

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Check all dimensions and site conditions prior to commencement of any work, the purchaser or owner of any materials, fittings, plant, services or equipment and the preparation of shop drawings. No part of this drawing, including dimensions or any other information, shall be used for any purpose other than the design of the building. Any discrepancies shall immediately be referred to the architect for clarification. All drawings may not be reproduced or distributed without expressed permission from mdp.

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93



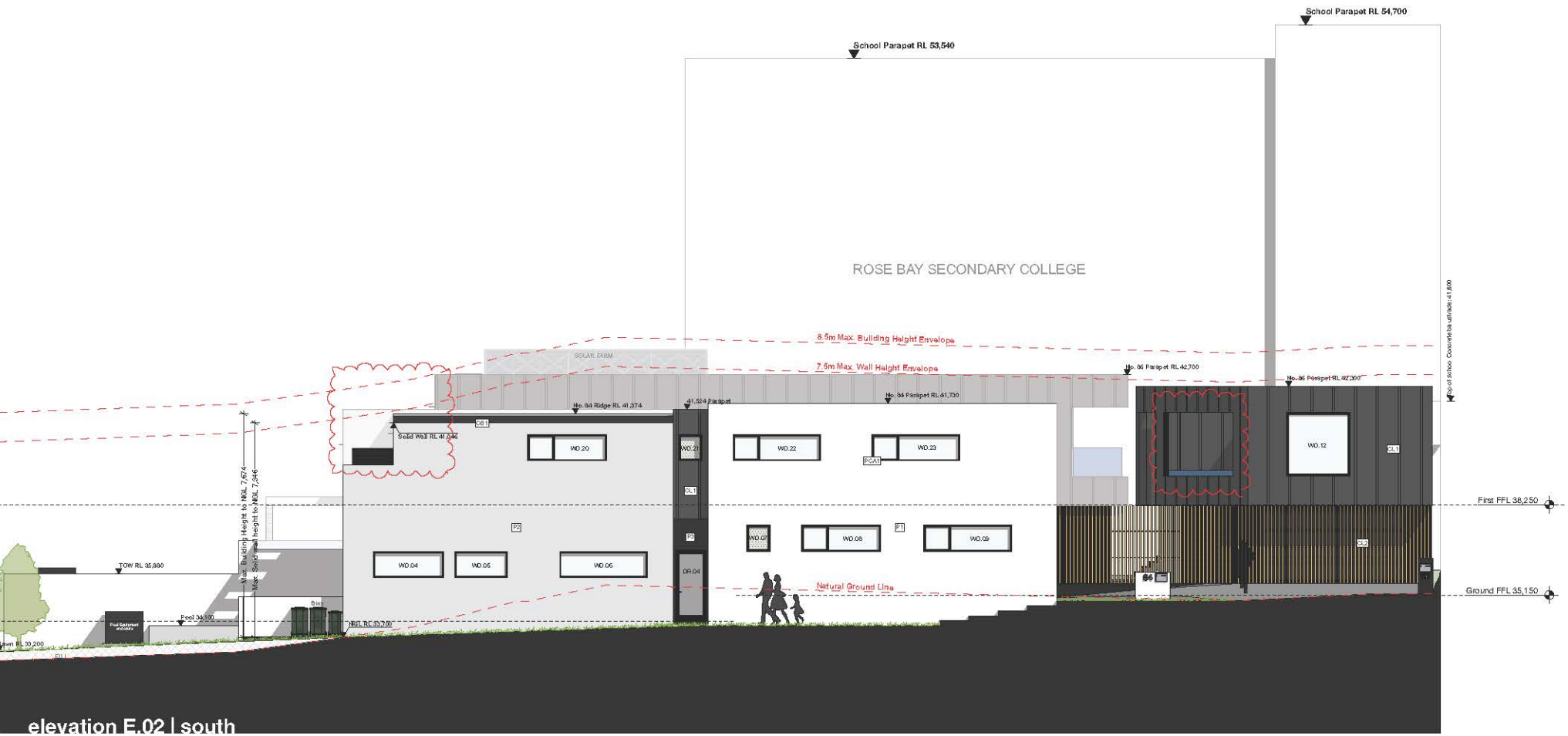
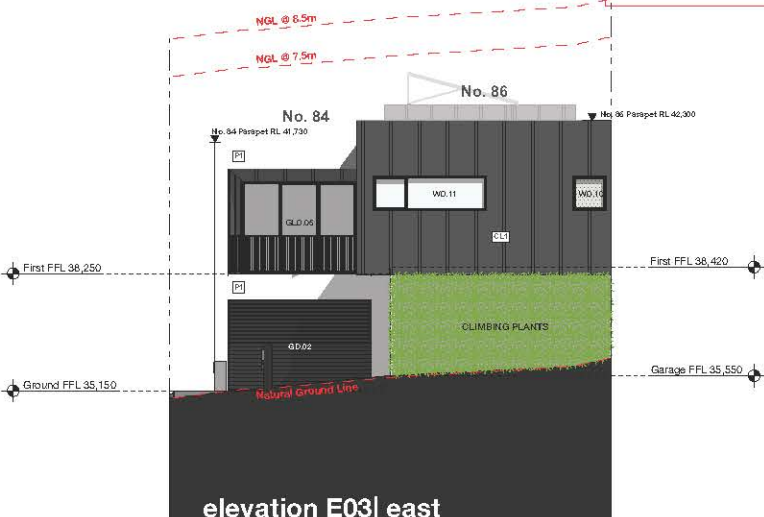


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Application No: DA-165/2020

Date Received: 31/08/2020



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Legend

Issue

Date

Description

A

27.04.20

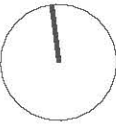
Issued for Development Application

B

28.08.20

Revised in response to Council comments

Project north



Drawing title

Elevations

Drawing No.

DA.0011

Revision

B

Site Address

84 Nancy Street

Bondi NSW

Folio Identifier

Lot 11 | DP 19386

Client

Space Creations

Scale

1:200 @ A3

Drawn

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Project No.

1816

Date

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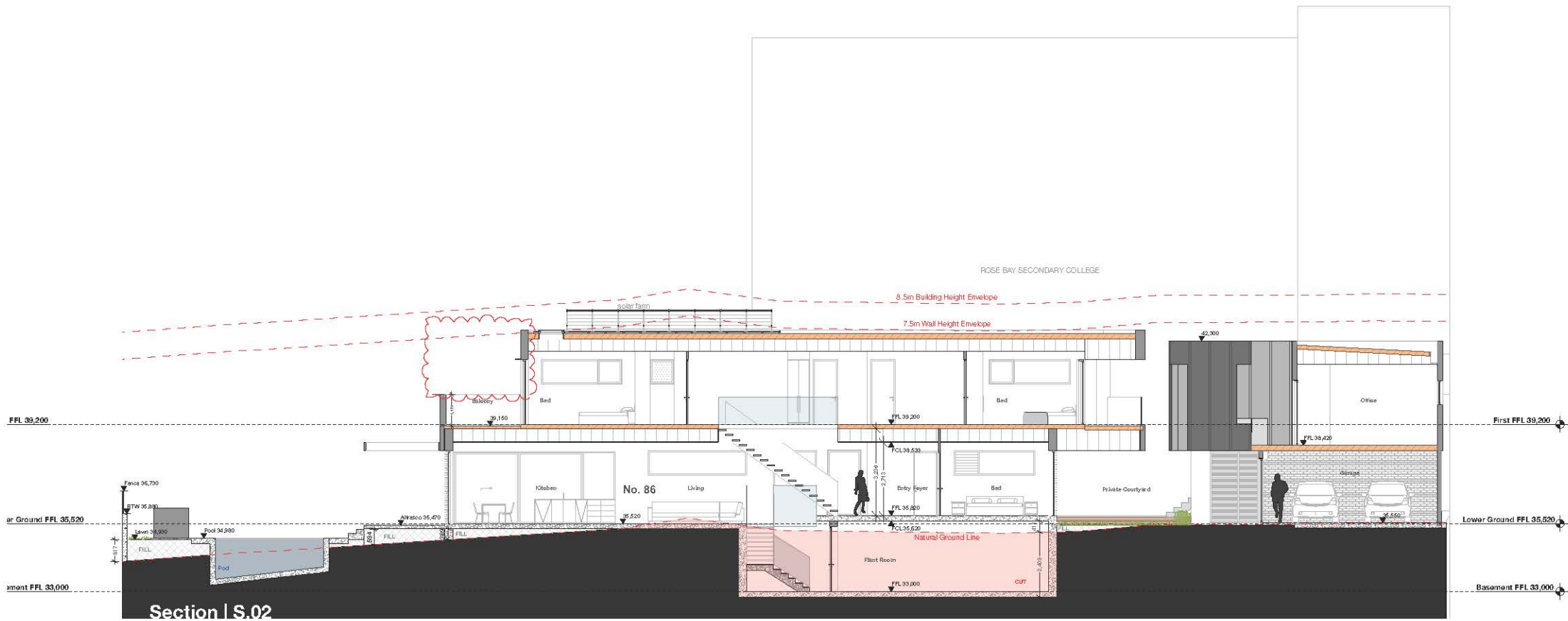
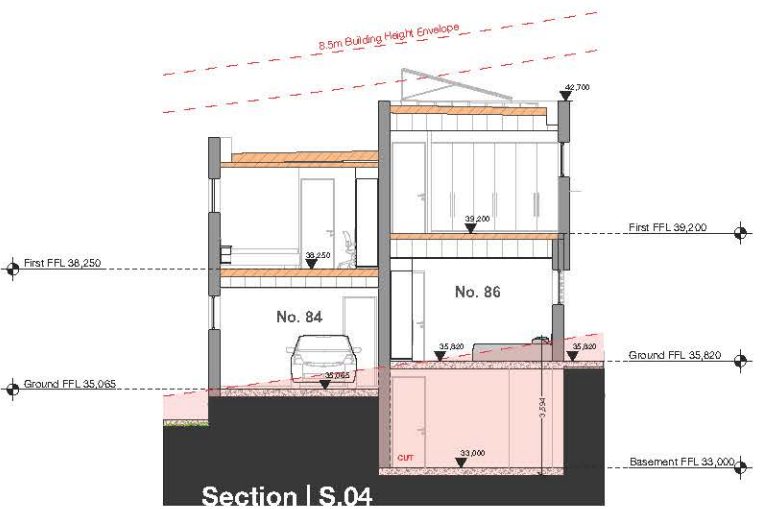
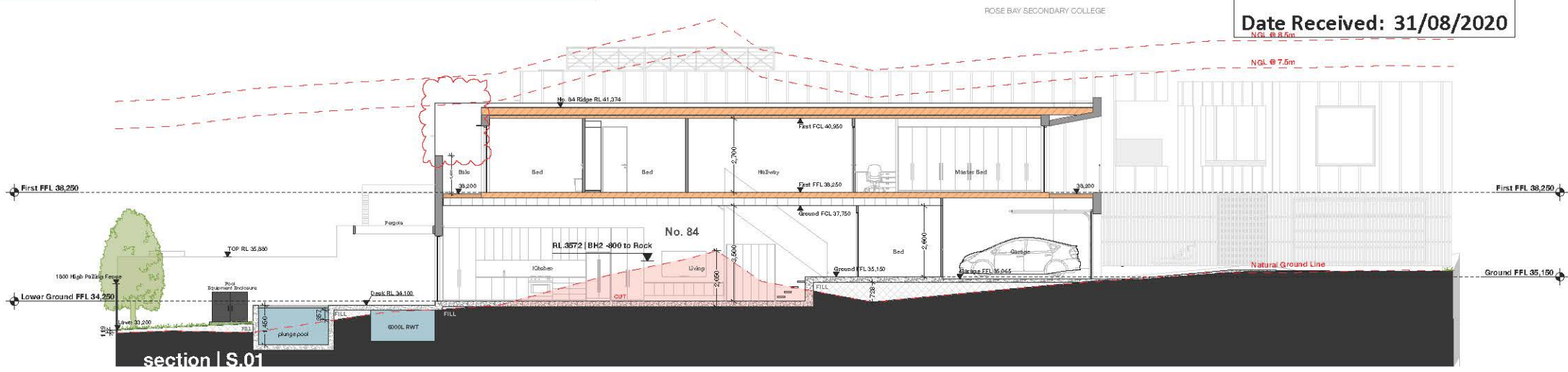


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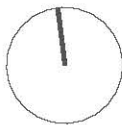
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Legend

Issue	Date	Description
A	27.04.20	Issued for Development Application
B	28.08.20	Revised in response to Council comments

Project north



Drawing title  
**Sections**  
  
Drawing No.  
**DA.0012**  
Revision  
**B**

Site Address  
**84 Nancy Street  
Bondi NSW**  
Folio Identifier  
**Lot 11 | DP 19386**  
Client  
**Space Creations**

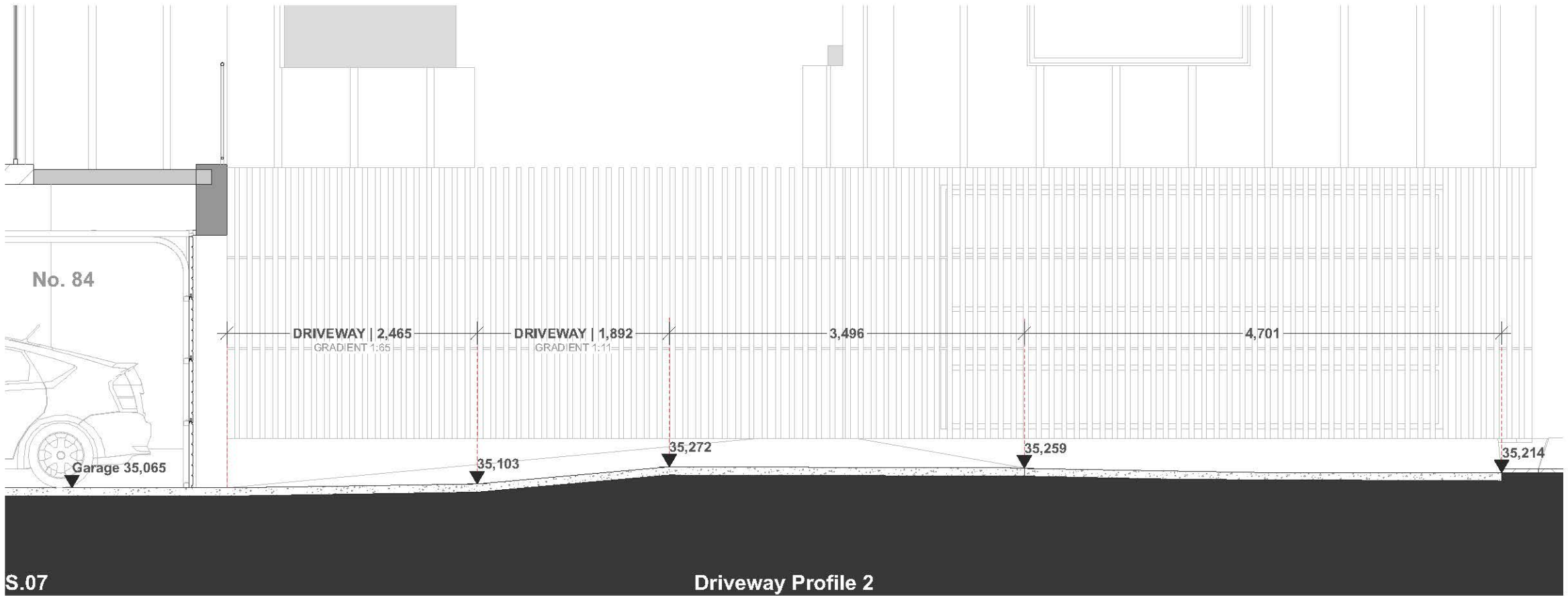
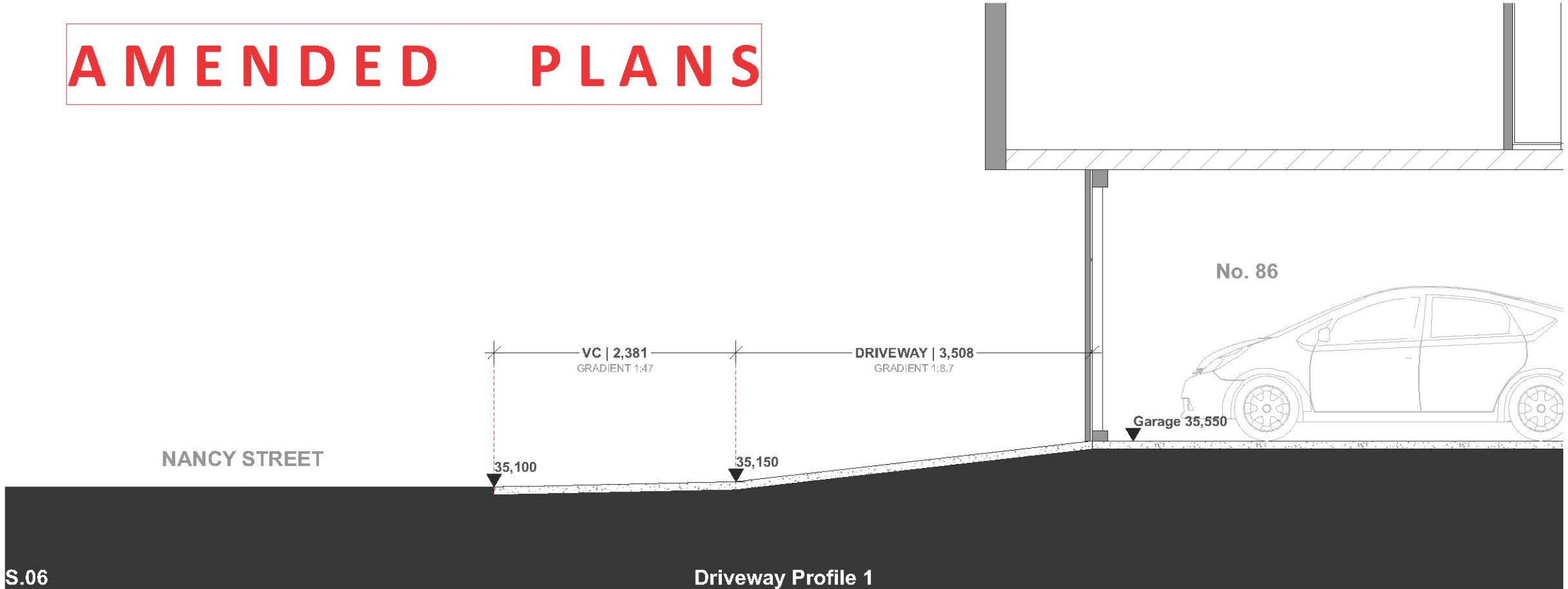
Scale  
**1:200 @ A3**  
Drawn  
**GM**  
Project No.  
**1816**  
Date  
**Sep. 2018**

monument  
design  
partnership  
  
Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings.  
On site scale drawings - refer to signed dimensions only. Any discrepancies and immediately be referred to the architect for clarification.  
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# AMENDED PLANS

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Waverley Council  
Application No: DA-165/2020  
Date Received: 31/08/2020



Window Schedule

AMENDED PLANS														RECEIVED Waverley Council
ID	WD.01	WD.02	WD.03	WD.04	WD.05	WD.06	WD.07	WD.08	WD.09	WD.10	WD.11	WD.12	WD.13	WD.14
Home Story	Ground FFL	Ground FFL	Ground FFL	Ground FFL	Ground FFL	Ground FFL	Ground FFL	Ground FFL	Ground FFL	First FFL	First FFL	First FFL	First FFL	First FFL
Height	900	2,400	900	900	900	900	900	900	900	900	900	2,200	2,400	900
Width	3,000	1,600	3,655	2,400	1,800	3,000	800	2,700	3,000	900	3,000	2,200	2,400	900
Head Height	2,400	2,700	2,700	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	3,000	2,400	2,400
Sill Height	1,500	300	1,800	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	800	0	1,500
Glazed Area (m2)	2.7	3.8	3.3	2.2	1.6	2.7	0.7	2.4	2.7	0.8	2.7	4.8	2.2	2.7
2D Symbol														
Elevation														

Window Schedule

ID	WD.15	WD.16	WD.17	WD.18	WD.19	WD.20	WD.21	WD.22	WD.23
Home Story	First FFL	First FFL	First FFL	First FFL	First FFL	First FFL	First FFL	First FFL	First FFL
Height	900	900	900	900	900	900	900	900	900
Width	3,000	900	3,000	900	3,000	2,700	800	3,000	3,000
Head Height	2,400	2,400	2,400	2,400	2,400	2,400	2,900	2,400	2,400
Sill Height	1,500	1,500	1,500	1,500	1,500	1,500	2,000	1,500	1,500
Glazed Area (m2)	2.7	0.8	2.7	0.8	2.7	2.4	0.7	2.7	2.7
2D Symbol									
Elevation									

nathERS Spec Summary

Floor slabs	Concrete ground floor. Timber first floor. R1 floor insulation over outside air, to unit no. 84.
Exterior walls	Brick veneer wall with foil + R1.5 batts in cavity to plasterboard lining, or wall system reaching a total R-value (R2.62) (as per stamped plans). Metal clad wall (framed + plasterboard) with foil + R1.5 insulation in cavity, or wall system reaching a total R-value (R2.16) (as per stamped plans). External walls modelled with medium colour finishes.
Glazing	<b>High solar gain Low-E glass, with aluminium framing:</b> To no. 84 living and bedroom areas. - Type A (U-Value: 5.4, SHGC: 0.49). - Type B (U-Value: 5.4, SHGC: 0.58). <b>Low solar gain Low-E glass, with aluminium framing:</b> To no. 85 living and bedroom areas. - Type A (U-Value: 5.6, SHGC: 0.41). - Type B (U-Value: 5.6, SHGC: 0.36). <b>Single clear glass, with aluminium framing:</b> Modelled to garages & wet areas: - Type A (U-Value: 6.7, SHGC: 0.57). - Type B (U-Value: 6.7, SHGC: 0.70). <b>U-Value &amp; SHGC are combined glass and frame figures.</b>
Ceilings / Roof	R3.0 ceiling insulation to all unit ceilings with roof over. Rated with sealed downlights & sealed wet area exhaust fans. Metal (with foil under) roofs modelled as unventilated with light colour finishes.
Please refer to NatHERS individual certificates for further details.	

Glazed Door Schedule

ID	GLD.01	GLD.02	GLD.03	GLD.04	GLD.05	SD.01	SD.02	SD.03	SD.04	SD.05	SD.06	SD.07
Home Story	Ground FFL	Ground FFL	First FFL	First FFL	First FFL	Ground FFL	Ground FFL	Ground FFL	Ground FFL	Ground FFL	First FFL	First FFL
Quantity	1	1	1	1	1	1	1	1	1	1	1	1
Width	844	1,200	3,016	3,516	3,016	3,800	3,320	6,000	3,810	2,920	2,400	4,200
Height	2,400	2,400	2,400	2,400	2,400	2,360	2,360	2,660	2,660	2,360	2,360	2,360
Glazed Area (m2)	2.0	2.9	4.8	5.4	4.8	9.0	7.8	16.0	9.6	6.9	5.7	9.9
2D Symbol												
Elevation												

LGA



Legend

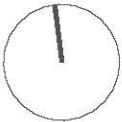
Issue

Date

Description

Issued for Development Application  
Revised in response to Council comments

Project north



Drawing title

Window + door  
schedule

Drawing No.  
DA.0014

Revision  
B

Site Address

84 Nancy Street  
Bondi NSW  
Folio Identifier  
Lot 11 | DP 19386

Client  
Space Creations

Scale

@ A3

Drawn

GM

Project No.

1816

Date

Sep. 2018

monument  
design  
partnership

Check all dimensions and site conditions prior to commencement of any works, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and/or the fabrication of any components.  
On not scale drawings, indicate figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
All drawings may not be reproduced or distributed without expressed permission from mdp.

mdp [M]

47 drummond  
street, belmore  
nsw 2192

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97



Multi Dwelling

Certificate number: 1048176M

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: Thursday, 12 March 2020  
To be valid, this certificate must be lodged within 3 months of the date of issue.






Project summary		
Project name	84 Nancy St, North Bondi	
Street address	84 Nancy Street North Bondi 2026	
Local Government Area	Waverley Council	
Plan type and plan number	deposited 19386	
Lot no.	11	
Section no.	-	
No. of residential flat buildings	0	
No. of units in residential flat buildings	0	
No. of multi-dwelling houses	0	
No. of single dwelling houses	2	
Project score		
Water	41	Target 40
Thermal Comfort	Pass	Target Pass
Energy	50	Target 50

Certificate Prepared by

Name / Company Name: Greenworld Architectural Drafting  
ABN (if applicable): 70203670543

Description of project

Project address	
Project name	84 Nancy St, North Bondi
Street address	84 Nancy Street North Bondi 2026
Local Government Area	Waverley Council
Plan type and plan number	deposited 19386
Lot no.	11
Section no.	-
Project type	
No. of residential flat buildings	0
No. of units in residential flat buildings	0
No. of multi-dwelling houses	0
No. of single dwelling houses	2
Site details	
Site area (m²)	562
Roof area (m²)	278.1
Non-residential floor area (m²)	0.0
Residential car spaces	4
Non-residential car spaces	0

Common area landscape		
Common area lawn (m²)	0.0	
Common area garden (m²)	0.0	
Area of indigenous or low water use species (m²)	0.0	
Assessor details		
Assessor number	BDAV161763	
Certificate number	0004666360	
Climate zone	56	
Project score		
Water	 41	Target 40
Thermal Comfort	 Pass	Target Pass
Energy	 50	Target 50

Description of project

The tables below describe the dwellings and common areas within the project

Single dwelling houses

Dwelling no.	No. of bedrooms or more bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (m² area or %)
84	4	142.2	10.4	59.1	0.0

Dwelling no.	No. of bedrooms or more bedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (m² area or %)
86	4	175.5	10.8	28.9	0.0

No common areas specified.

Schedule of BASIX commitments

- Commitments for multi-dwelling houses
- Commitments for single dwelling houses
  - Dwellings
    - Water
    - Energy
    - Thermal Comfort
- Commitments for common areas and central systems/facilities for the development (non-buildingspecific)
  - Water
  - Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out, if a condition of any development consent granted, or complying development certificate is issued, for the proposed development, that BASIX commitments be complied with.

2. Commitments for single dwelling houses

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓	✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓		
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures					Appliances		Individual pool				Individual spa		
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	MW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
84	4 star (> 4.5 but <= 6 L/min)	3 star	3 star	3 star	no	-	-	7.0	yes	outdoors	no	-	-	-
All other dwellings	4 star (> 4.5 but <= 6 L/min)	3 star	3 star	3 star	no	-	-	16.0	yes	outdoors	no	-	-	-

Alternative water source							
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (a)	Laundry connection	Spa top-up
All dwellings	individual water tank (no. 1)	Tank size (min) 1200.0 litres	To collect run-off from at least: 60.0 square metres of roof area; 0.0 square metres of impervious area; 0.0 square metres of garden and lawn area; and 0.0 square metres of planter box area.	yes	yes	no	no
None	-	-	-	-	-	-	-

(i) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(i) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.			✓
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✓	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes-drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✓	✓	✓

Hot water		Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous 5 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

Application No: DA-165/2020

21/08/2020

	Cooling		Heating		Artificial lighting						Natural lighting	
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bedrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
All dwellings	air conditioning ducting only	air conditioning ducting only	air conditioning ducting only	air conditioning ducting only	4 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	3	yes

Individual pool			Individual spa		Appliances & other efficiency measures							
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	no heating	yes	-	-	gas cooktop & electric oven	-	yes	-	-	-	yes	yes

Alternative energy	
Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)
All dwellings	-

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.			✓
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.			✓
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓

Thermal loads		
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)
84	39.3	12.5
All other dwellings	34.0	25.5

Construction of floors and walls					
Dwelling no.	Concrete slab on ground (m²)	Suspended floor with open subfloor (m²)	Suspended floor with enclosed subfloor (m²)	Suspended floor above garage (m²)	Primarily rammed earth or mudbrick walls
84	39	2	-	37	No
All other dwellings	88	8	-	-	No

3. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

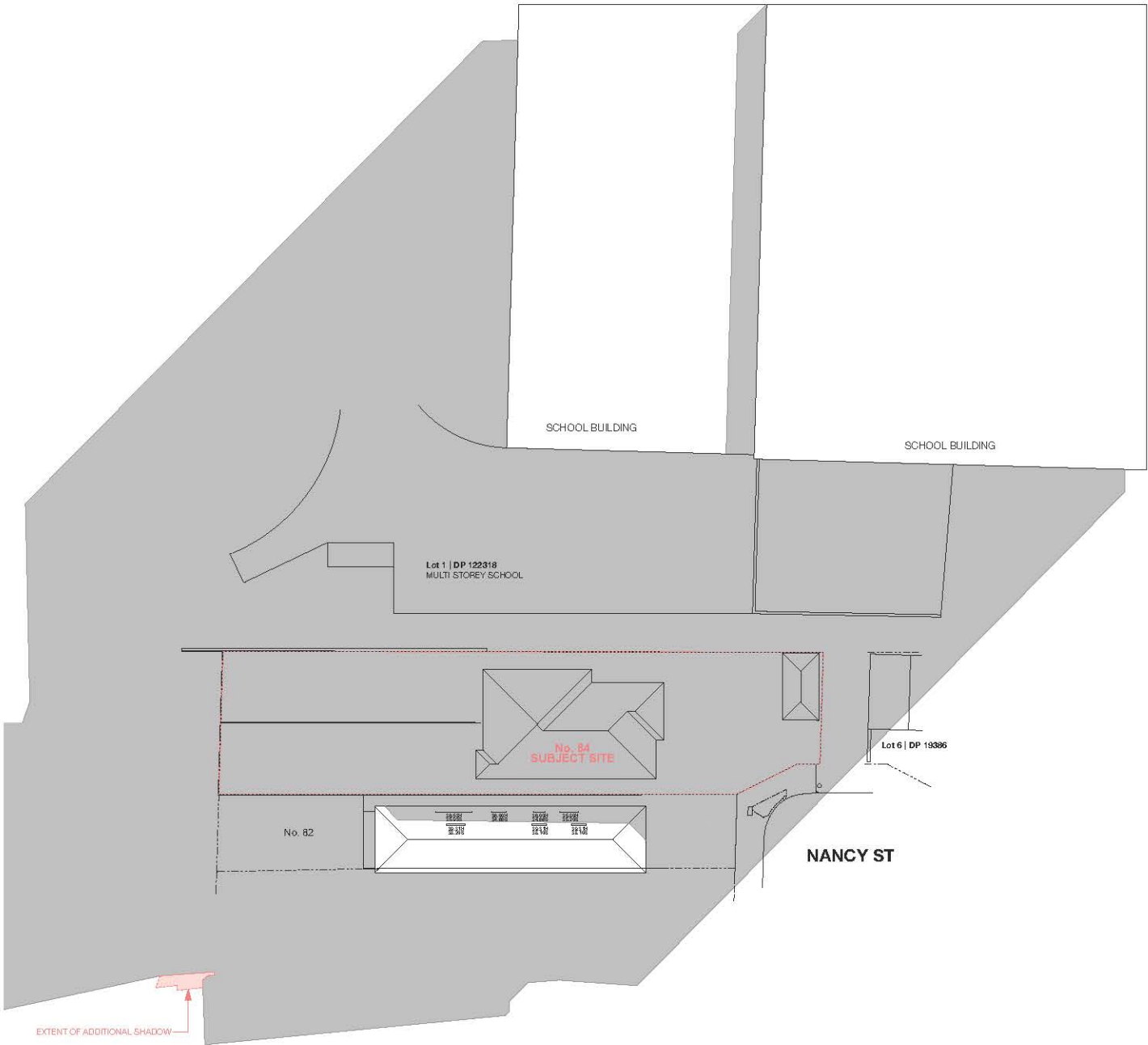


# AMENDED PLANS

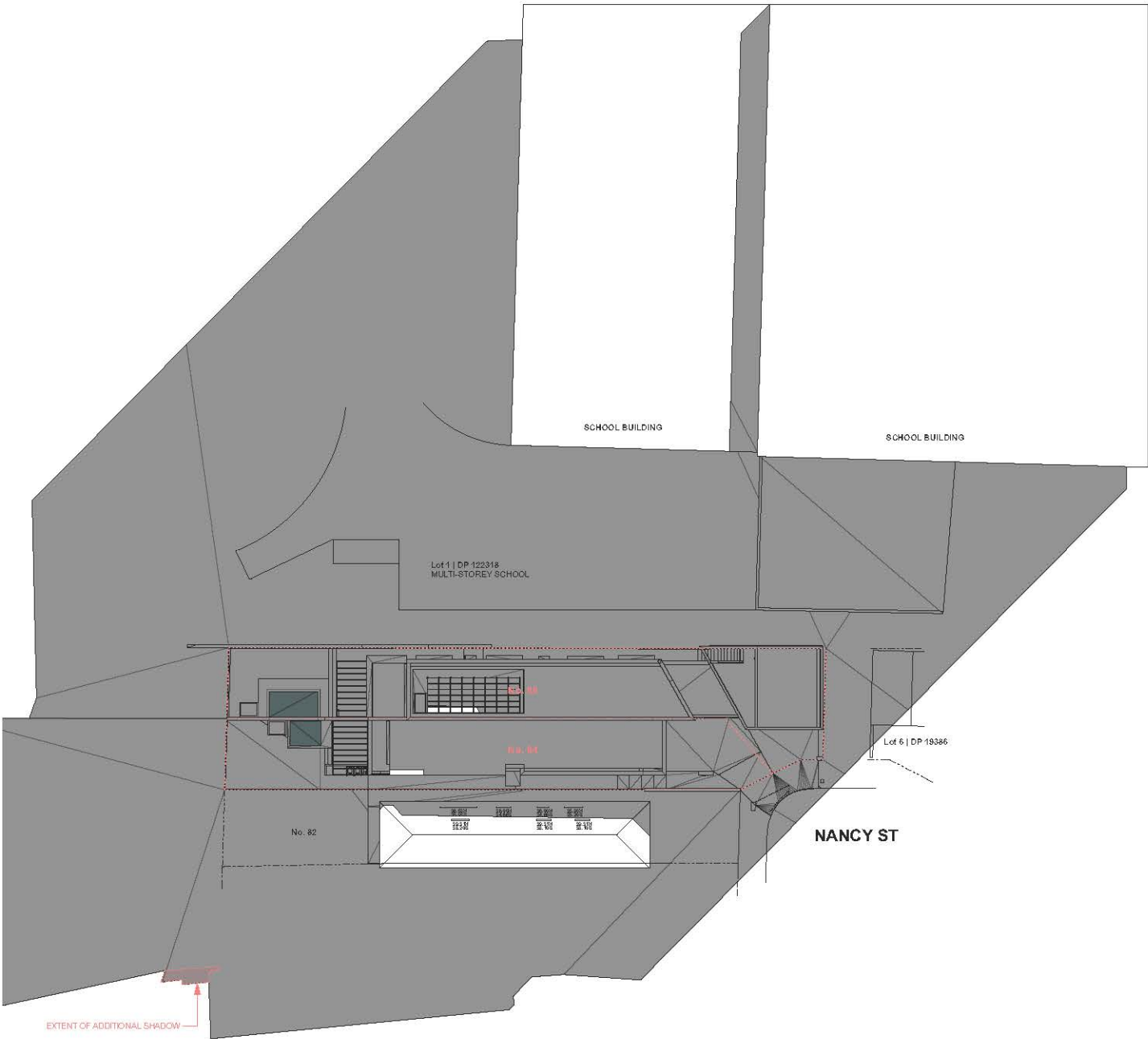
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Application No: DA-165/2020

Date Received: 31/08/2020



Existing Shadows on June 21 | 9am  
Scale 1:500



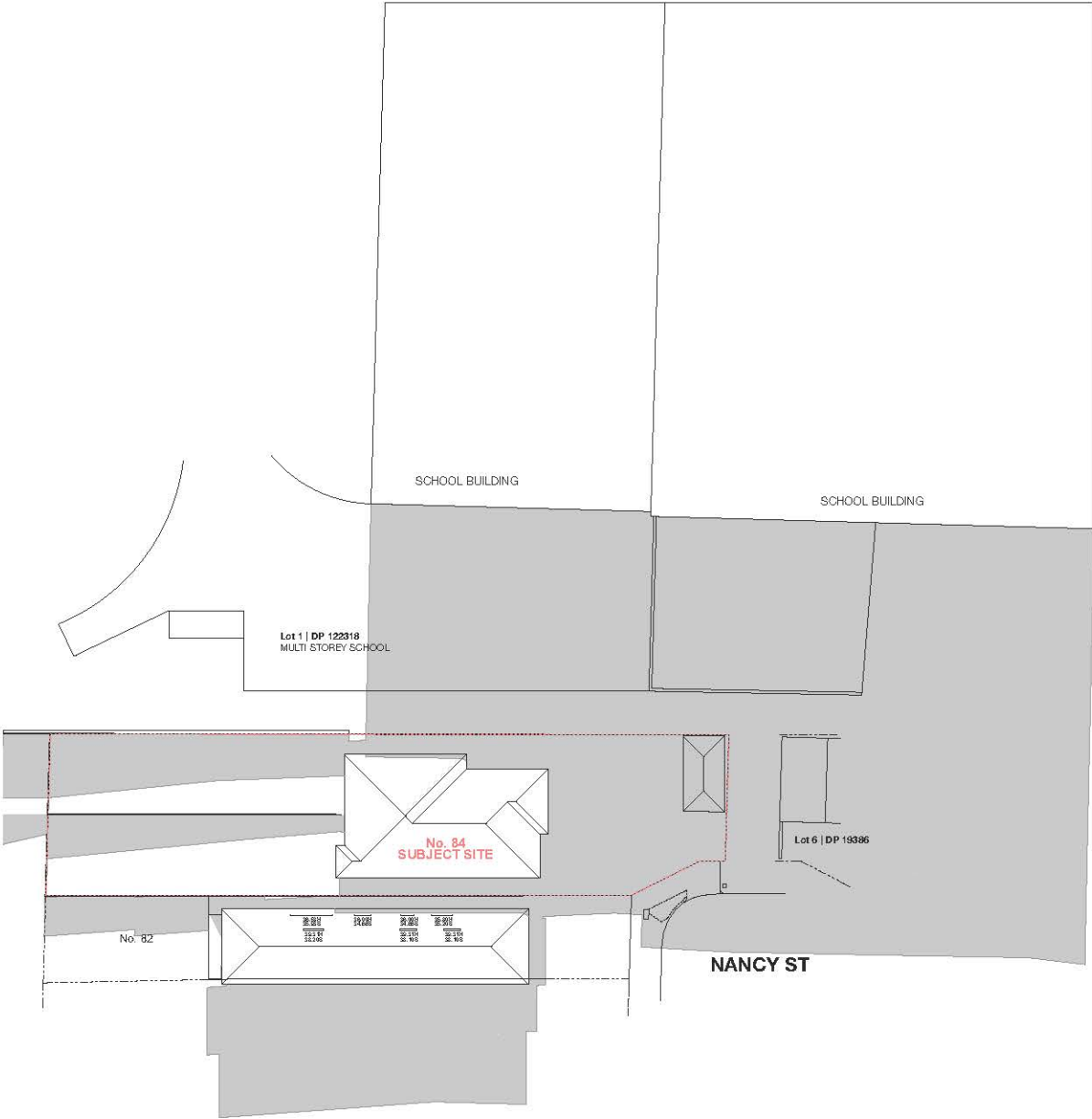
Proposed Shadows on June 21 | 9am  
Scale 1:500

# AMENDED PLANS

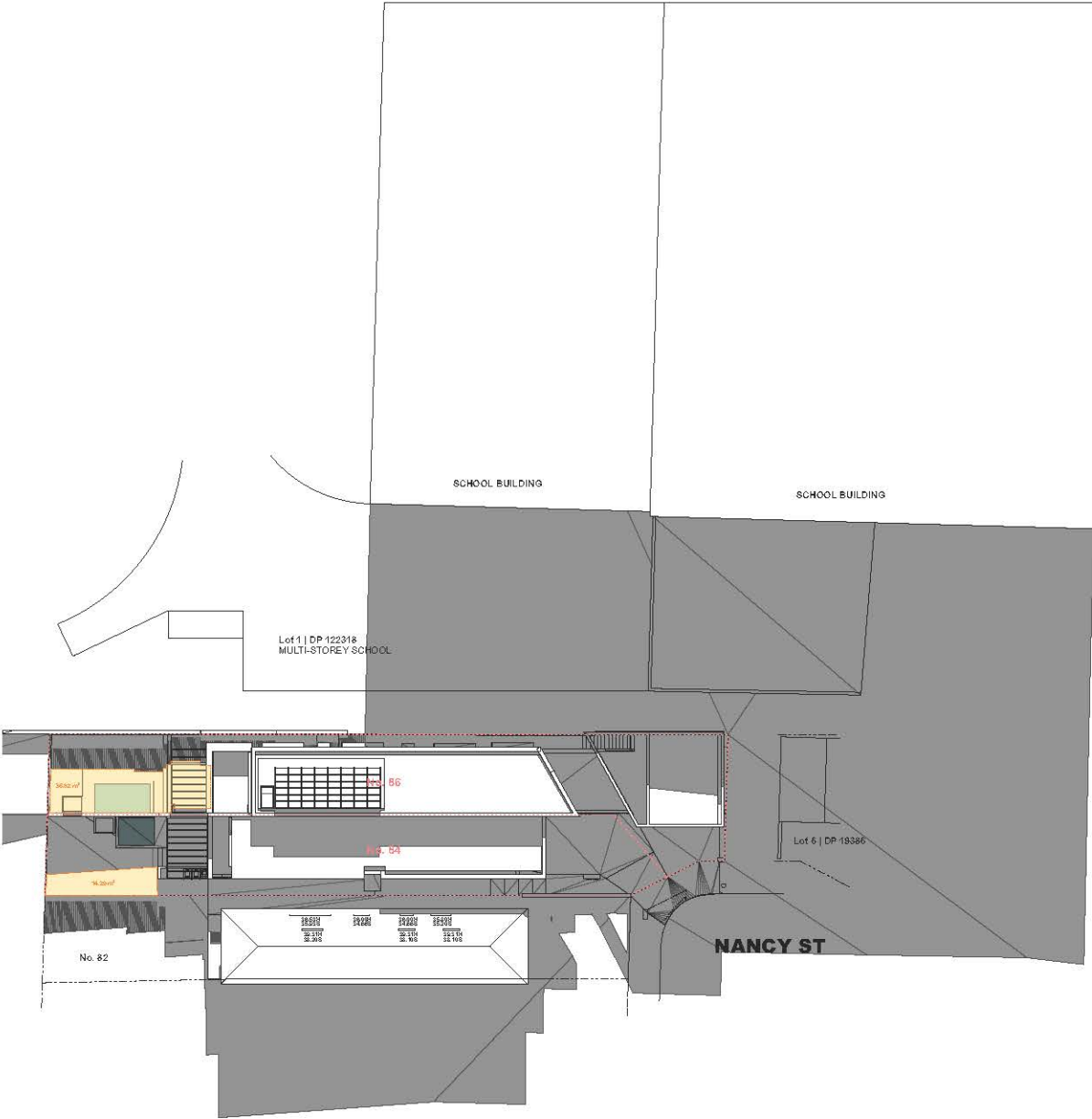
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Application No: DA-165/2020

Date Received: 31/08/2020



Existing Shadows on June 21 | 12pm  
Scale 1:500



Proposed Shadows on June 21 | 12pm  
Scale 1:500

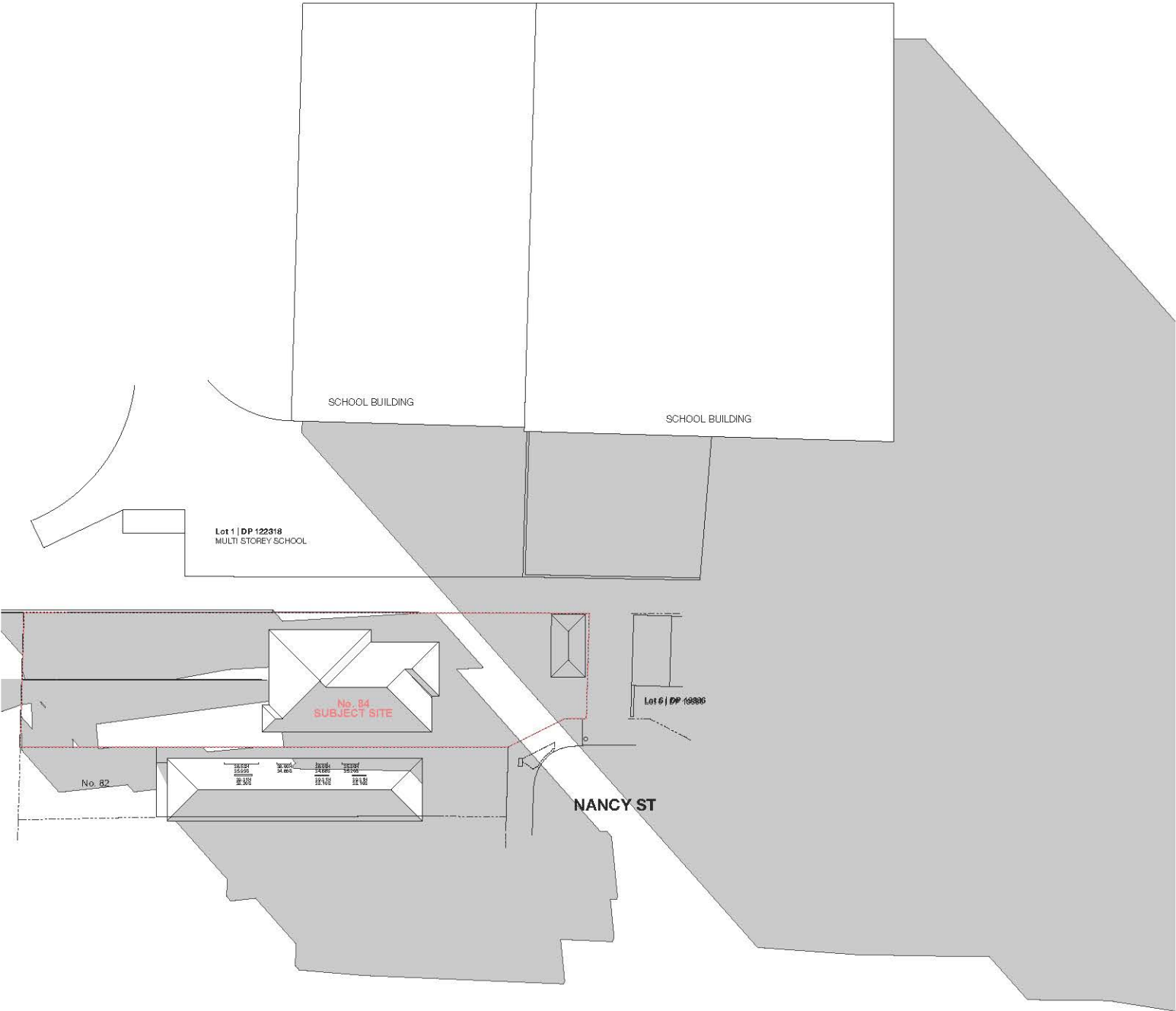


# AMENDED PLANS

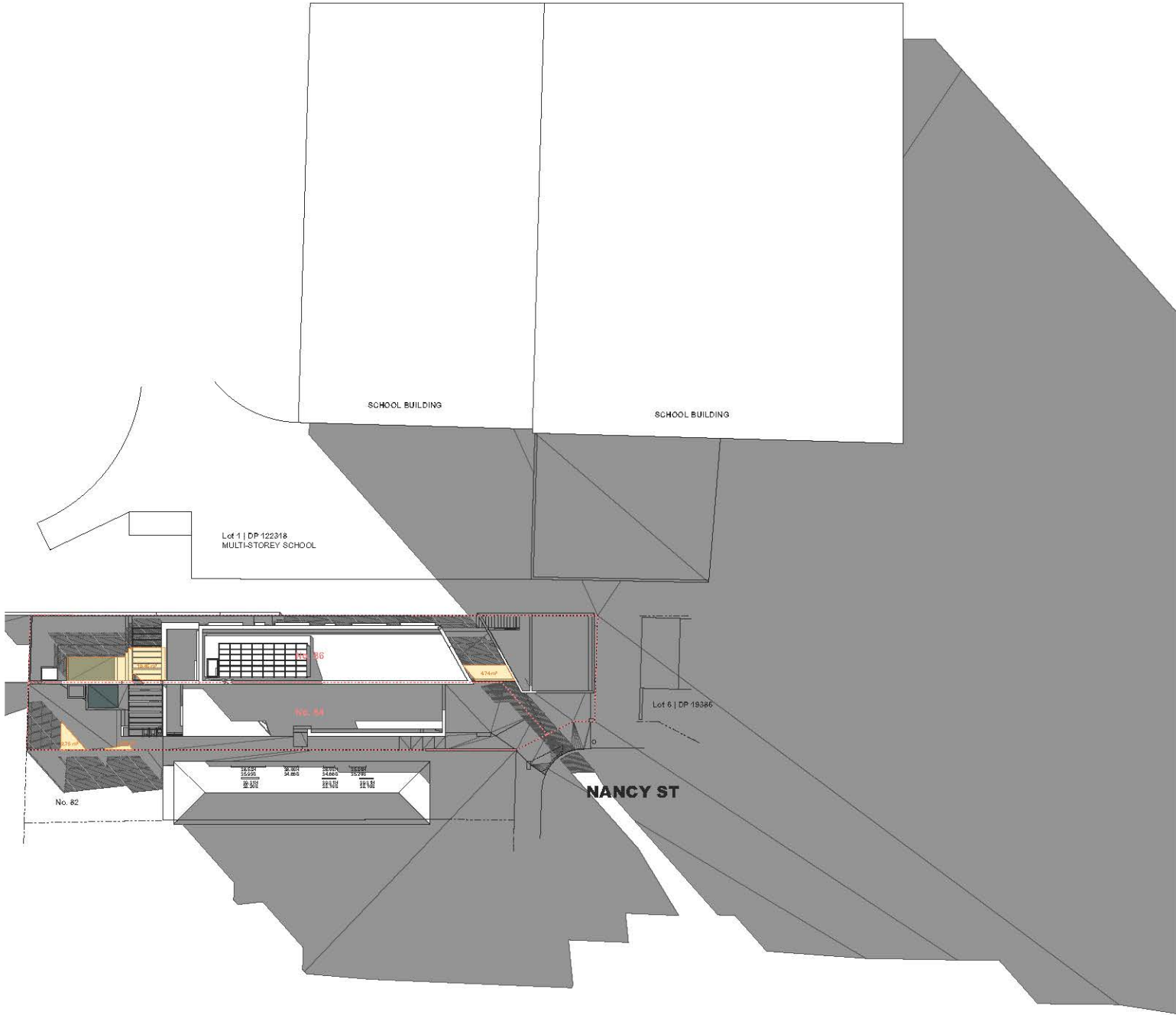
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Application No: DA-165/2020

Date Received: 31/08/2020



Existing Shadows on June 21 | 3pm  
Scale 1:500



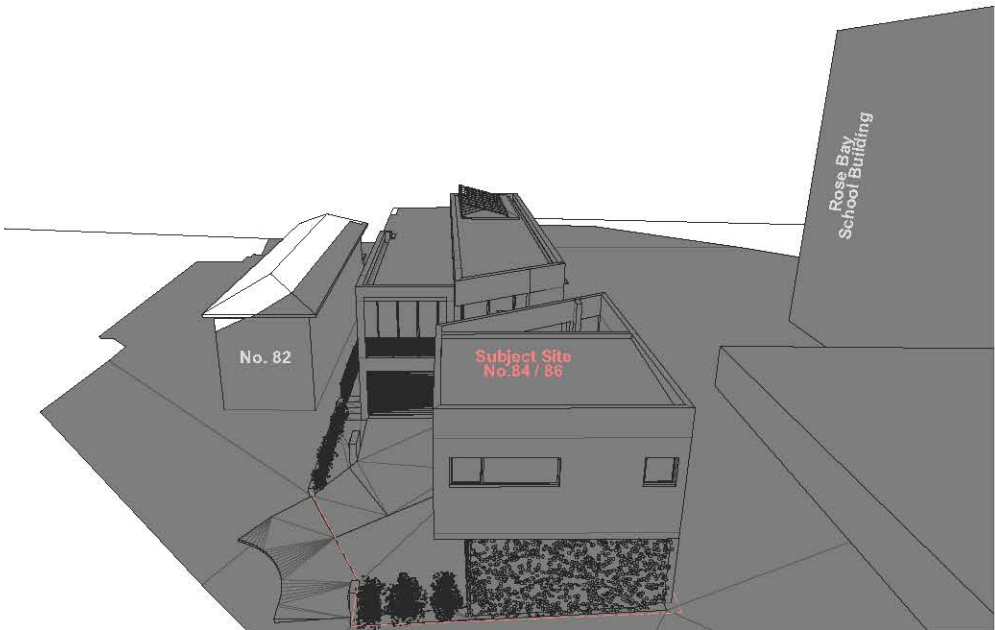
Proposed Shadows on June 21 | 3pm  
Scale 1:500

# AMENDED PLANS

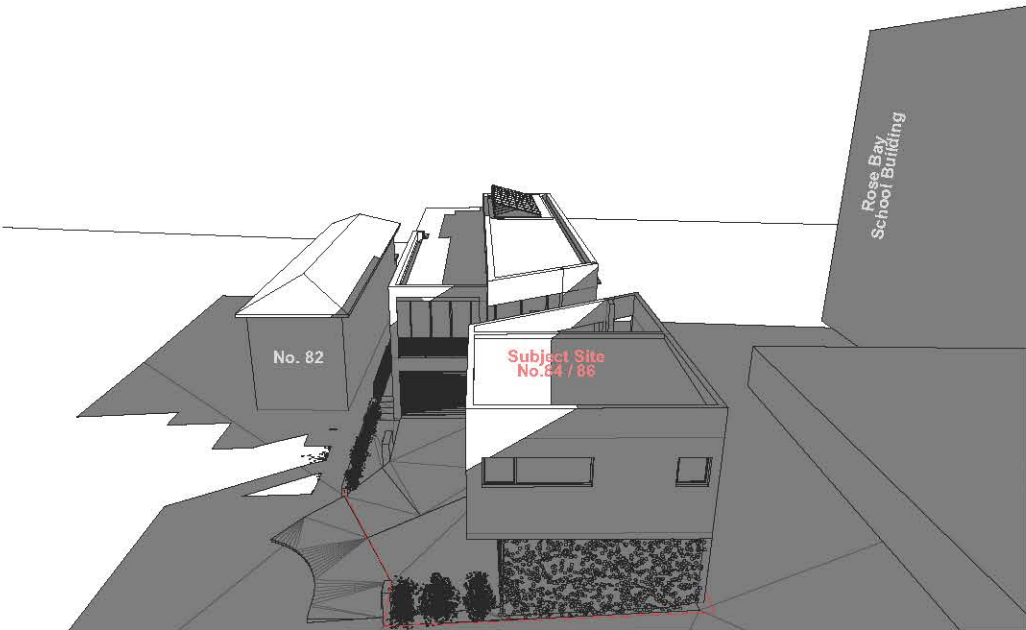
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Application No: DA-165/2020

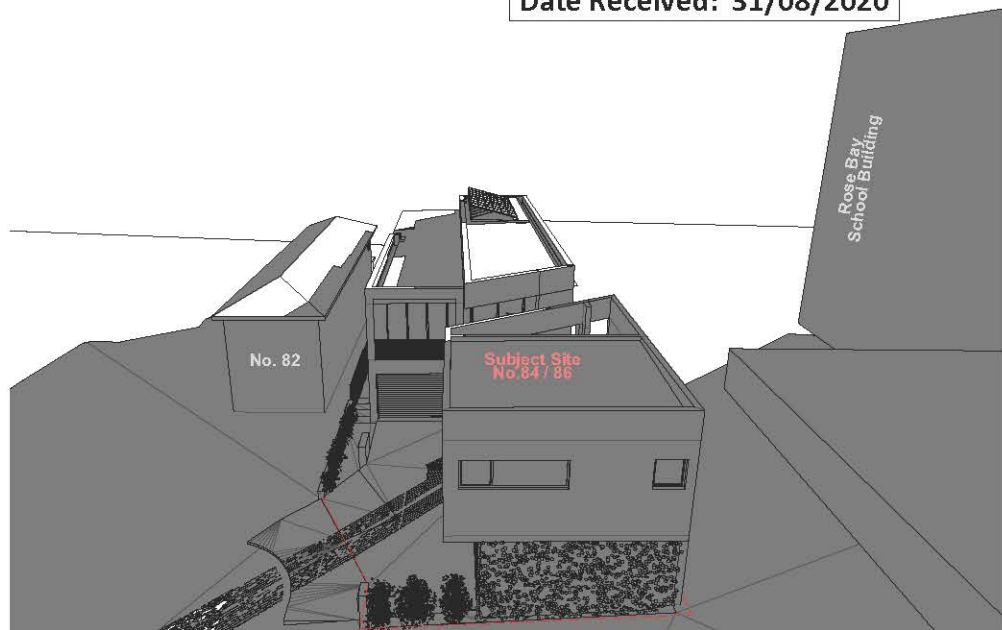
Date Received: 31/08/2020



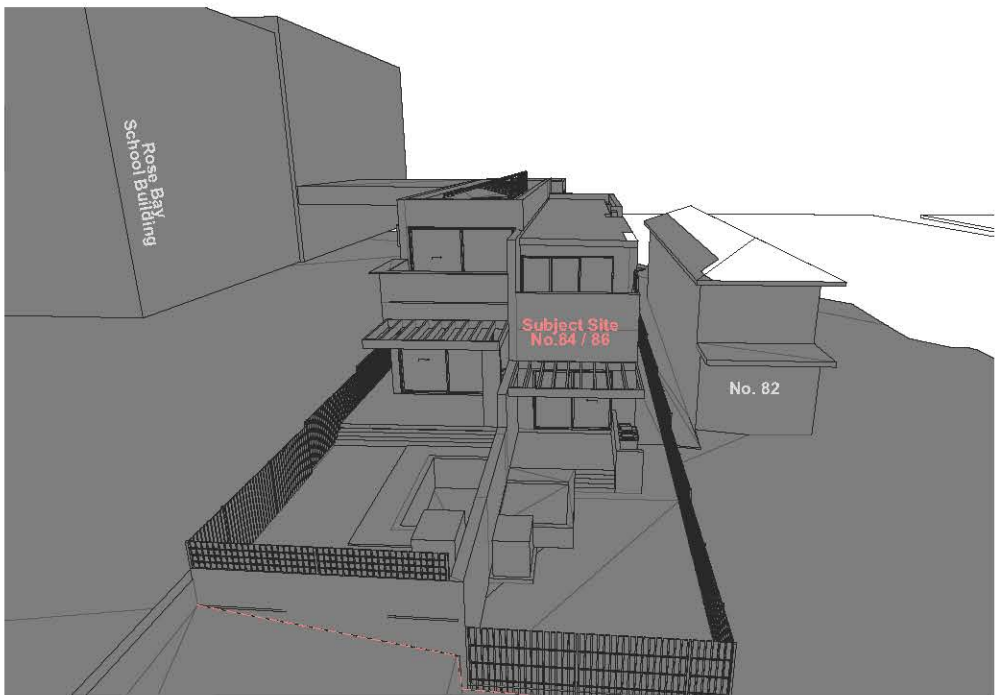
3D Shadow - 21 June 9am



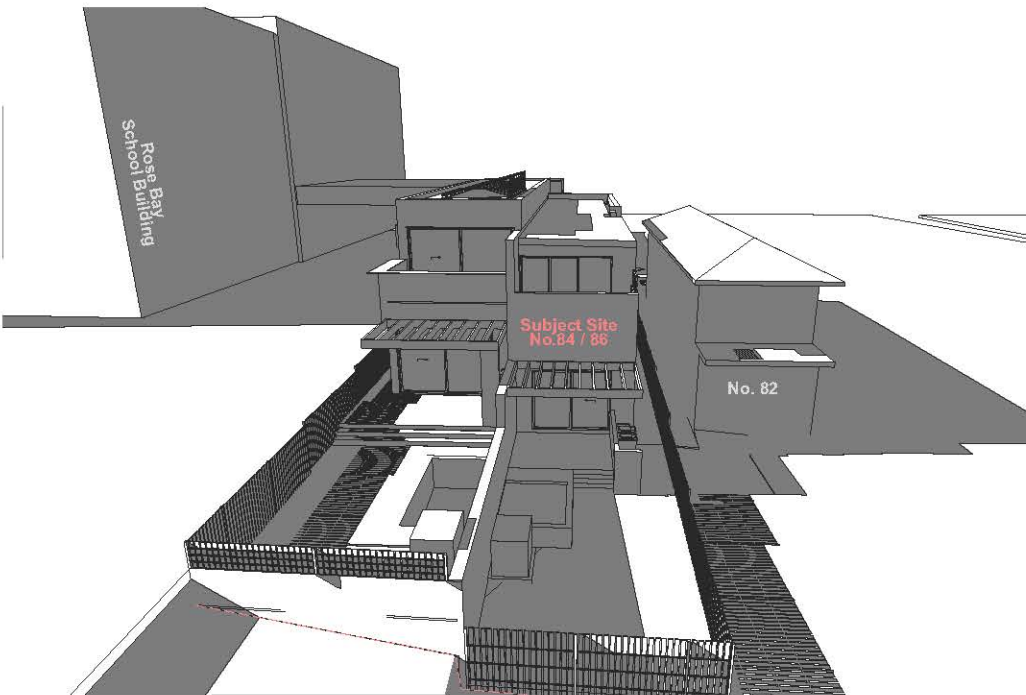
3D Shadow - 21 June 12pm



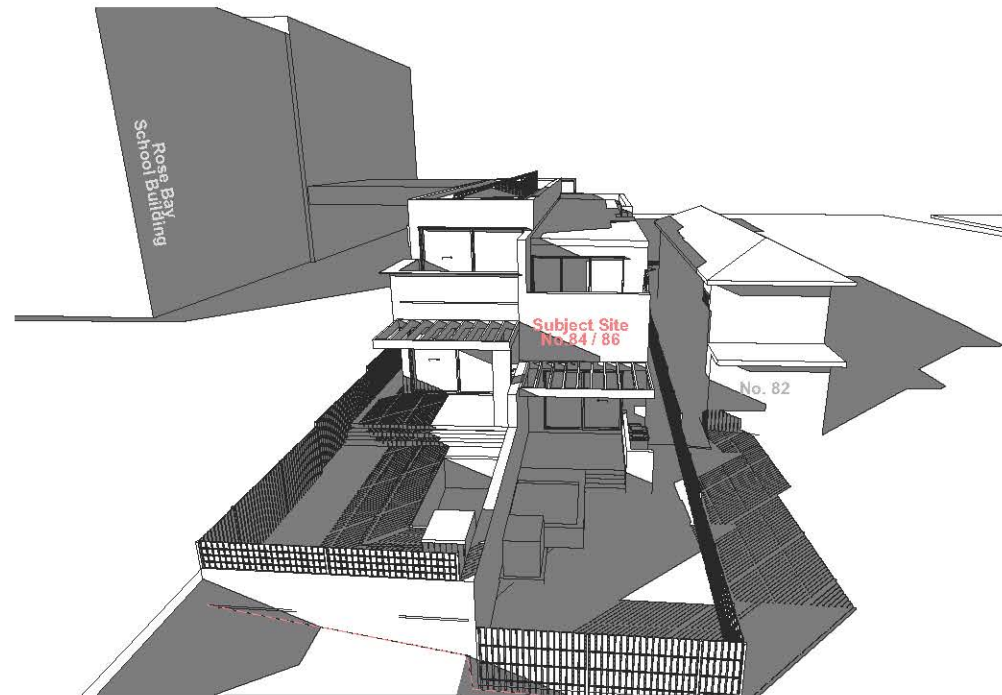
3D Shadow - 21 June 3pm



3D Shadow - 21 June 9am | Rear



3D Shadow - 21 June 12pm | Rear



3D Shadow - 21 June 3pm | Rear



# AMENDED PLANS

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Application No: DA-165/2020

Date Received: 31/08/2020



LGA

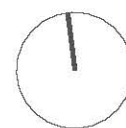


WAVERLEY  
COUNCIL

Legend

Issue	Date	Description
A	27.04.20	Issued for Development Application
B	28.08.20	Revised in response to Council comments

Project north



Drawing title  
**3D Montage**

Drawing No.  
**DA.0020**  
Revision  
**B**

Site Address  
**84 Nancy Street  
Bondi NSW**  
Folio Identifier  
**Lot 11 | DP 19386**  
Client  
**Space Creations**

Scale **@ A3**  
Drawn **GM**  
Project No. **1816**  
Date **Sep. 2018**

monument  
design  
partnership  
mdp [M]  
47 drummond  
street, belmore  
nsw 2192  
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AMENDED PLANS

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Application No: DA-165/2020  
Date Received: 31/08/2020

Paint 2 (P2)  
Render with painted finish  
Colour | Dulux Shale Grey or similar

Paint 3 (P3)  
Render with painted finish  
Colour | Dulux Monument or similar



Paint 1 (P1)  
Render with painted finish  
Colour | Dulux Whisper White or similar

Garage Door  
Colorbond Steel-line  
Colour | Dulux Night sky or similar



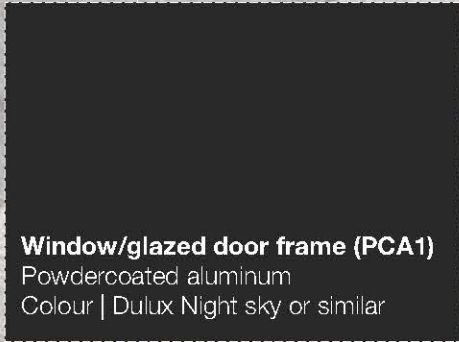
Coloured Concrete Driveway  
with Express joints  
Colour | Dulux Malay Grey or similar



Wall Cladding (CL2)  
Vertical Timber battens  
Colour | Spotted Gum or similar



Wall Cladding (CL1)  
Weathertex Weathergroove 600mm  
Colour | Dulux Monument or similar



Window/glazed door frame (PCA1)  
Powdercoated aluminum  
Colour | Dulux Night sky or similar



# AMENDED PLANS

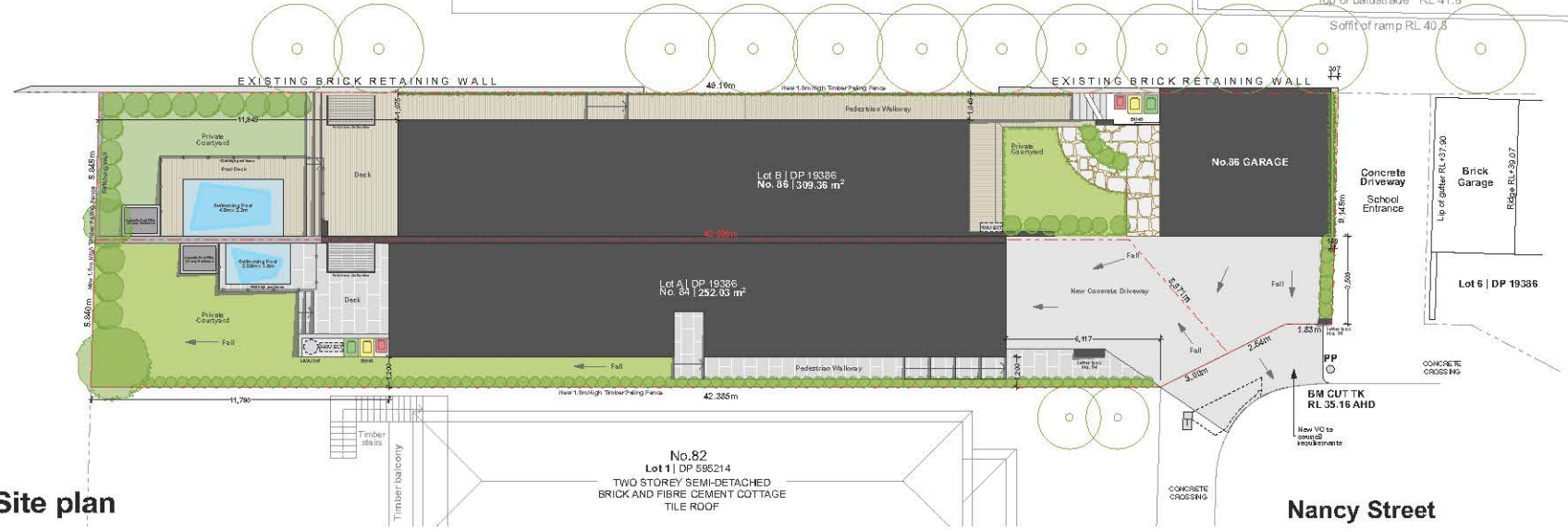
Lot 1 | DP 12231  
MULTI-STOREY SCHOOL

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Waverley Council

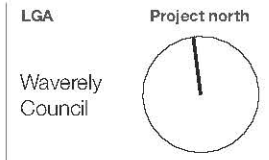
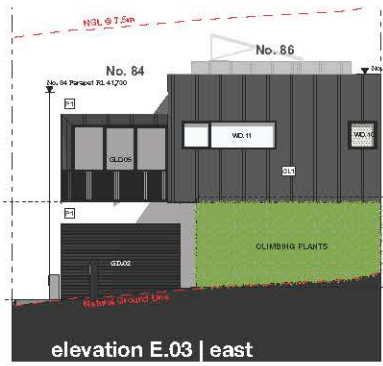
Application No: DA-165/2020

Date Received: 31/08/2020

Site plan



Elevations



Drawing title

## Notification Plan

Drawing No.  
DA.0022  
Revision  
A

Site address  
84-86 Nancy Street  
North Bondi NSW  
folio identifier  
Lot 11 | DP 19386

Scale NTS

Drawn GM

Project No. 1816

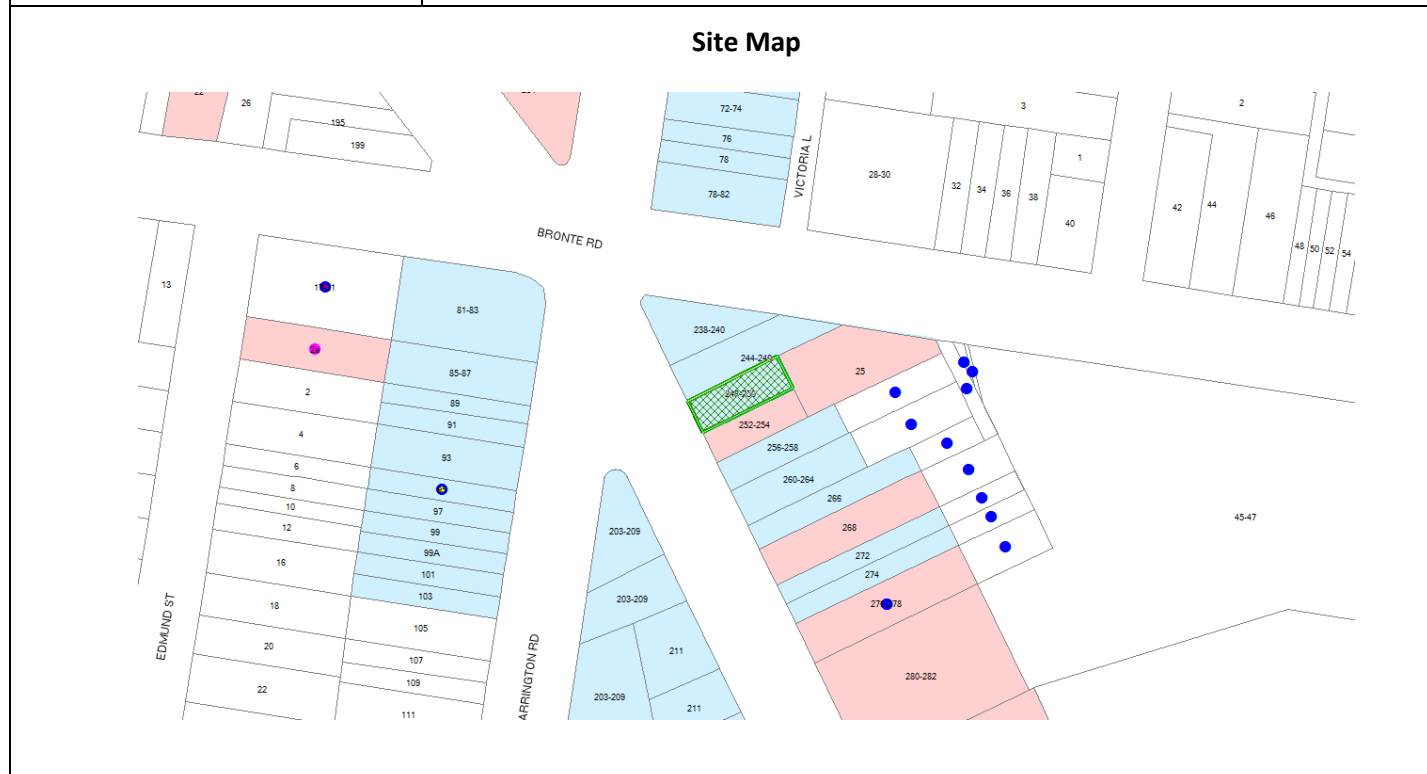
Date September 2018

monument design partnership  
mdp [M]  
47 drummond street belmore nsw 2192  
1300 795 075 T  
1300 795 076 F  
105 monument nsw



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-428/2019/1
<b>Site address</b>	248-250 Bronte Road, Waverley
<b>Proposal</b>	Review of decision seeking partial demolition of existing building, with the partial retention of the front facade and significant alterations and additions resulting in a three storey shop top housing development with basement level
<b>Date of lodgement</b>	26 May 2020
<b>Owner</b>	Mr K S Kaing & Ms L Kaing
<b>Applicant</b>	Corona Projects Pty Ltd
<b>Submissions</b>	Two
<b>Cost of works</b>	\$871,979
<b>Issues</b>	Heritage, Bulk & Scale, Streetscape, Excavation, Solar Access
<b>Recommendation</b>	That the application be <b>REFUSED</b>





## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 11 February 2020.

The combined site is identified as Lot 1 in DP 740902, known as 248-250 Bronte Road, BRONTE. It is located near the intersection of Bronte Road, Victoria Street and Carrington Road.

The site is rectangular in shape with a south-western street front boundary measuring 8.4m, north-western side boundary measuring 23.29m, north-eastern rear boundary measuring 8.055m and a south-eastern side boundary measuring 23.405m. The site has an area of 193.1m<sup>2</sup> and has a gentle slope from the rear to the front of the site.

The combined site is located on the eastern side of the street and is occupied by two x single storey retail tenancies, currently operating as a hairdresser and the other as a small supermarket. This building was erected in or prior to 1881 in conjunction with the adjoining similar building at 246 Bronte Road. No vehicular access is present or available to the site.

The site is located in and is contributory to the Charing Cross Heritage Conservation Area and adjoins an item of local heritage significance to the south at 252-254 Bronte Road, WAVERLEY.



**Figure 1:** Subject site frontage. The heritage item at 252 Bronte Road is to the right of the site.





**Figure 2:** Rear of the existing building.



**Figure 3:** Rear of the subject.

## 1.2 Relevant History

### Previous Applications

A review of Council's records reveals the following relevant development history for the site:

#### **DA-484/2018**

A development application (DA) for demolition of the building (retention and alteration of front facade) and construction of a three-storey shop-top-housing development, consisting of one commercial premise on the ground floor and two x two-bedroom residential apartments above with basement storage was lodged on 20 December 2018.

The application was referred to the Design Excellence Panel (DEP) on 18 February 2019. An email was sent to the Applicant on 7 March 2019 that identified the following key issues with the application, which included issues raised by the DEP:

#### ***Floor Space***

*The proposal is excessive in terms of the proposed floor space, being significantly over the Waverley LEP 2012 floor space ratio (FSR) development standard for the site by 63%, which will not be supported. The proposal will result in an unacceptable development outcome for the site, results in unreasonable impacts on the adjoining properties and the locality in regards to visual bulk and massing, streetscape impacts, overshadowing, extent of excavation and is not in the public interest.*

*There are also a number of non-compliances with the provisions of the Waverley DCP 2012.*

#### ***Heritage***

*The proposed design and its response to the heritage conservation area and the adjoining heritage listed item is unacceptable with the resultant impacts on the area and the listed heritage item deemed unreasonable. The proposed development provides a scale and set out of new construction that overwhelms rather than provides cohesion with the area and the adjoining listed building.*

#### ***Design***

*The DEP advised that the proposal involves a significant FSR exceedance with resultant impact on the bulk and scale of the development, visual impacts on the Heritage Conservation Area and a number of other planning and design issues that have not been satisfactorily resolved. As a consequence, the proposal fails to meet the standard required for Design Excellence.*

#### ***Insufficient information***

*Insufficient information has been provided in order to accurately assess height, extent and impacts of excavation, and shadow impacts on adjoining properties. Inconsistent information has also been provided in regards to the retention of the heritage façade.*

The applicant was advised that they could withdraw the application, or it would be refused. The application was withdrawn on 18 March 2019.

#### **DA-428/2019**

A DA seeking consent partial demolition of the existing building, with the partial retention of the front facade and significant alterations and additions resulting in a three storey shop top housing



development was lodged. On 27 March 2020, a letter was sent to the Applicant that outlined significant issues with the proposed development as follows:

- FSR non-compliance;
- Heritage conservation impacts;
- Landscaped area non-compliance;
- Waste facilities issues;
- Design Excellence Comments; and
- Insufficient information.

The issues raised in the letter were similar to the issues raised in Council's email that was sent to the Applicant on 7 March 2019 in relation to the previous development application **DA-484/2018**. The Applicant was advised to withdraw the application or it would be recommended for refusal to the WLPP. On 29 April 2020, the WLPP endorsed Council's recommendation for refusal and the application was refused on the following basis:

1. *The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.*
2. *The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular, the following provisions:*
  - a. *Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum building height which will result in unreasonable amenity impacts and be incompatible with the character of the locality.*
  - b. *Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum floor space ratio permitted for the site and have unacceptable impacts.*
  - c. *Clause 4.6, as a written request has not been submitted to justify the breach of the building height development standard. In the absence of a well-founded Clause 4.6 written request justifying the contravention of the building height development standard, it is not possible for the proposed development to be approved.*
  - d. *Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the building height and floor space ratio development standards and the objectives of B4: Mixed Use Zone.*
  - e. *Clause 5.10(1)(a) and (b) as the proposal does not conserve the environmental heritage of Waverley, adversely impacts upon the adjoining heritage item and the Charring Cross Conservation Area and results in loss of original fabric and setting of the building within the streetscape.*
  - f. *Clause 6.2(1) and (3)(a) and (d) as the site adjoins a local heritage item and a Geotechnical Report and Structural Engineering Report have not been submitted with the application to determine that the earthworks will not adversely impact upon the surrounding area.*

3. *The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
- a. *Part B1 – Waste*
    - i. *Part B1 – Waste, specifically general control (a) and Clause 1.4.1.4 – Additional Controls Relating to All Mixed-Use Development, as the Site Waste and Recycling Management Plan (SWRMP) and the method for separating bins between the residential and commercial components of the development is insufficient.*
  - b. *Part B3 – Landscaping*
    - i. *Clause 3.1.1 – General Controls, specifically control (a) as a detailed landscape plan has not been submitted in accordance with the Waverley Development Application Guide.*
  - c. *Part B6 – Stormwater*
    - i. *Clause 6.1 – Stormwater Management and WSUD, as the development is non-compliant with the Waverley Water Management Technical Manual.*
  - d. *Part B9 – Heritage*
    - i. *General Objectives, specifically objective (c) as the Heritage Impact Statement submitted with the application is inaccurate and does not adequately inform the assessment of the development.*
    - ii. *General Objectives, specifically objectives (e) and (f) as the development adversely impacts upon the character of the Heritage Conservation Area.*
    - iii. *Clause 9.1.2 – Heritage Conservation Areas, as the existing building is contributory to the heritage significance of the Heritage Conservation Area streetscape and the development is not sympathetic to the built form and character of development within the conservation area.*
    - iv. *Clause 9.2 – Demolition & Excavation, specifically objectives (a)-(c) and control (d) as the development involves significant demolition of the existing fabric that adversely impacts upon the contributory value of the building in the conservation area and no Geotechnical and Structural Engineering Reports have been submitted with the application to support the extensive excavation for a basement level.*
    - v. *Clause 9.4 – Heritage Conservation Areas, specifically objectives (a)-(c) and controls (a) and (b) as the development results in a loss of significant existing building fabric, does not respect the original built form of the contributory item and adversely impacts upon the heritage significance and streetscape of the conservation area.*
    - vi. *Clause 9.6 – Character and Streetscape, specifically objectives (a)-(d), Clause 9.6.1 - All Development, specifically control (a), Clause 9.6.2 - Heritage Items and Contributory buildings, specifically control (a) and Clause 9.6.3 – Infill Development, specifically controls (a)-(c) as the alterations and additions*

*result in a loss of significant building fabric, do not respect the contributory features and characteristics of the existing building and are not sympathetic to the adjoining heritage item and streetscape.*

- vii. *Clause 9.7 – Siting, specifically objective (a), Clause 9.7.1 – All Development, specifically control (e), Clause 9.7.2 – Heritage Items and Contributory Buildings, specifically controls (a) and (d) as the development does not retain the integrity of the contributory value of the existing building to the conservation area or streetscape.*
  - viii. *Clause 9.8 – Scale and Proportion, specifically objectives (a)-(c), Clause 9.8.1 Heritage Items and Contributory Buildings, specifically controls (a) and (b) and Clause 9.8.2 – Infill Development, specifically controls (a), (b) and (d) as the alterations and additions dominate the original scale and proportion of the contributory building and conservation area and the development does not have a cohesive scale and proportion to the surrounding buildings in the streetscape.*
  - ix. *Clause 9.9 – Architectural Style, specifically objective (c) and controls (c) and (f) as the addition detracts from the established roof character of the locality.*
  - x. *Clause 9.10 – Materials and Colour, specifically objectives (a) and (b) as the cladding of upper side walls and frontage to Bronte Road is not harmonious with the conservation area.*
  - xi. *Clause 9.11 – Roofs and Chimneys, specifically objectives (a) and (b) as the siting of the addition on the roof detracts from the existing building and streetscape, does not demonstrate design excellence and would set an undesirable development precedence.*
  - xii. *Clause 9.15 – Building Facades, specifically objective (a) and Clause 9.15.1 – Heritage Items and Contributory Buildings, specifically control (c) as the works are not sympathetic to the style and character of the existing building.*
  - xiii. *Clause 9.16 – Detailing, specifically objectives (a)-(c), Clause 9.16.2 – Heritage Items and Contributory Buildings, specifically controls (a) and (e) and Clause 9.16.3 – Infill Development, specifically control (a) as the development is not cohesive with the original detailing of the building that does not preserve the character and significance of the contributory item within the conservation area and streetscape.*
  - xiv. *Clause 9.19 – Commercial Properties, specifically objectives (a)-(c) and (e), Clause 9.19.2 – Heritage Items and Contributory Buildings, specifically control (e) and Clause 9.19.3 – Infill Development, specifically control (c) as the development is not cohesive with the original building and conservation area and exceeds the height of existing buildings at the street alignment.*
- e. *Part B12 – Design Excellence*
- i. *Clause 12.1 - Design, specifically objectives (a) and (d) and controls (a), (b) and (e) as the development does not positively contribute to the overall urban design quality of Waverley.*



- ii. *Clause 12.2 - Context Analysis, specifically objectives (a)-(d) as the development is not an appropriate design response.*
  - f. *Part B14 – Excavation*
    - i. *Part B14 - Excavation, specifically objective (e) and controls (d) and (l) as the excavation is excessive and occurs beyond the building footprint. The excavated area is accessible from the residential entry of the development and may enable the use of subterranean space as habitable rooms.*
    - ii. *Part B14 – Excavation, specifically objectives (g) and (h) as no Geotechnical Report or Structural Engineering Report has been submitted with the application.*
  - g. *Part E3 – Local Village Centres (Charring Cross Small Village)*
    - i. *Clause 3.1.3 – Existing Character and Built Form, as the development is inappropriate with regards to the high heritage significance of the area.*
    - ii. *Clause 3.1.3 – Desired Future Character Objectives, specifically (a) as the scale of the development is incompatible with existing roof lines and heritage features.*
4. *The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:*
    - a. *Clause 4.6 Statement (Building Height);*
    - b. *Accurate Heritage Impact Statement;*
    - c. *Geotechnical Report and Structural Engineering Report;*
    - d. *Adequate and compliant SWRMP and waste practices;*
    - e. *Detailed landscape plan accordance with the Waverley Development Application Guide; and*
    - f. *Natural Ventilation diagrams and details.*
  5. *The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.*
  6. *The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.*
  7. *The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.*

## Subject Application

- **6 August 2020** Following a preliminary review of the review application, the application was considered unsatisfactory and a meeting was held with the Applicant on 29 July 2020 outlining the outstanding issues with regards to heritage, planning and design of the proposal. The applicant proceeded to submit draft amended plans for heritage feedback. The draft plans were taken to a meeting with Council's Heritage Advisor, who considered the proposal still to be unsatisfactory from a heritage perspective.
- **27 August 2020** The Applicant was informed that the draft amended plans still did not address Council's concerns and were given the option to have the application withdrawn or determined based on the original plans submitted with the review application.
- **31 August 2020** The Applicant confirmed that they wished to have the application determined. The following assessment is based on the original plans submitted with this subject application.

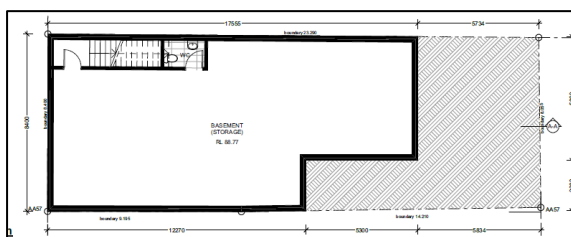
### **1.3 Proposal**

The application seeks to review WLPP's decision relating to the refusal of the proposed partial demolition of the existing building, with the partial retention of the front facade and significant alterations and additions resulting in a three-storey shop top housing development.

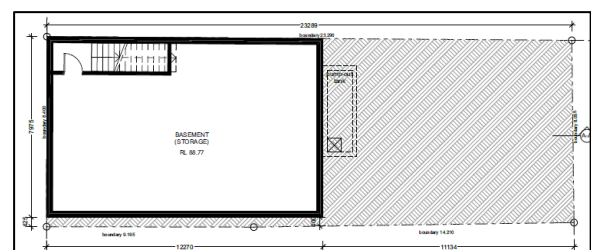
The plans lodged with the review application differ from the originally determined plans as follows:

#### Proposed Basement Level

- Reduced excavation works for the construction of a basement level to be used for storage, accessible from the residential entry corridor. Excavation works have been decreased from the original proposal however, excavation works are still significant. Additionally, the basement excavation works have been setback 425mm from the south-eastern side boundary that adjoins the heritage item.
- The originally proposed WC in the basement has been deleted.



**Figure 4:** Originally proposed basement plan.



**Figure 5:** Basement plan lodged with the subject review application.

### Existing Ground Floor Level

- Reduction in size of the proposed single commercial unit with a setback entrance from the street.
- Accessible toilet for commercial tenancy has been deleted.
- Construction of a residential entry foyer and laundry. The size of the laundry at this level has been reduced from the original proposal.

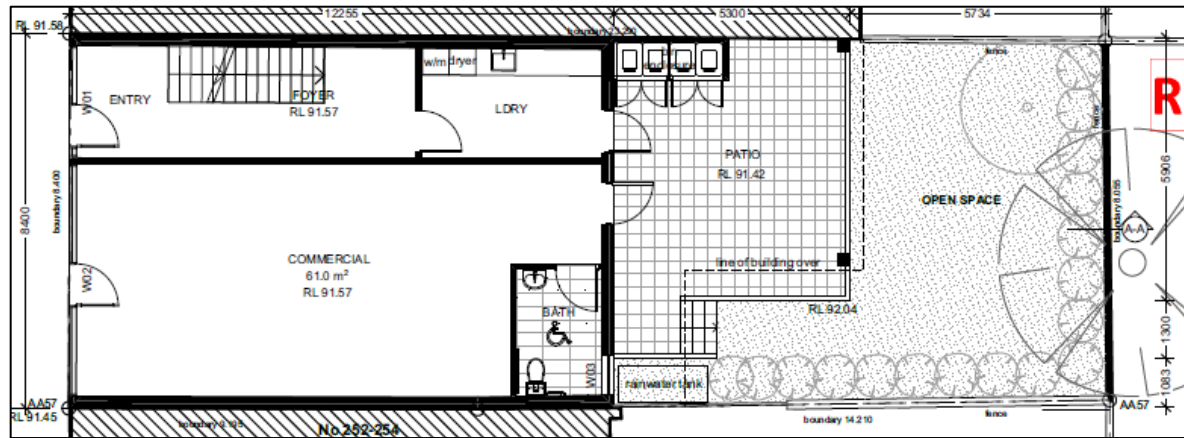


Figure 6: Originally proposed ground floor level.

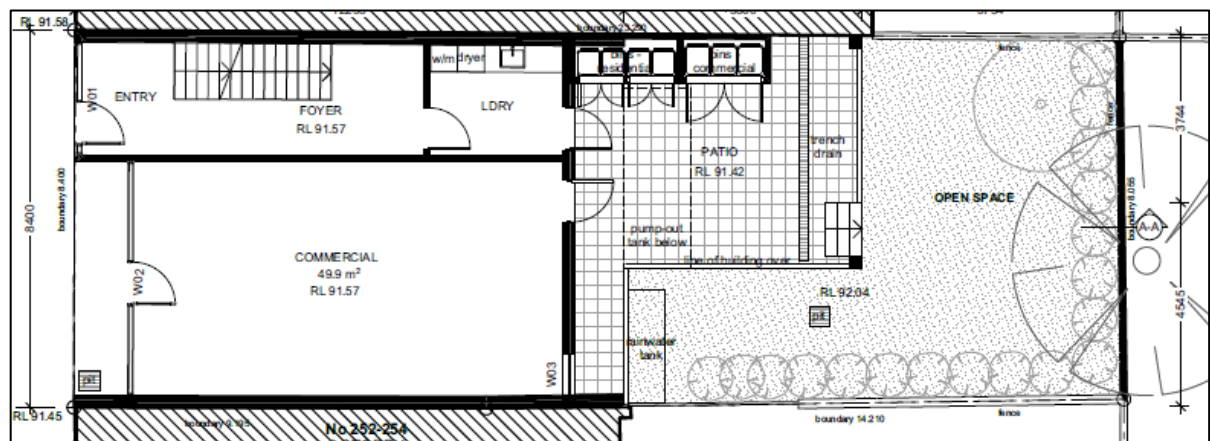
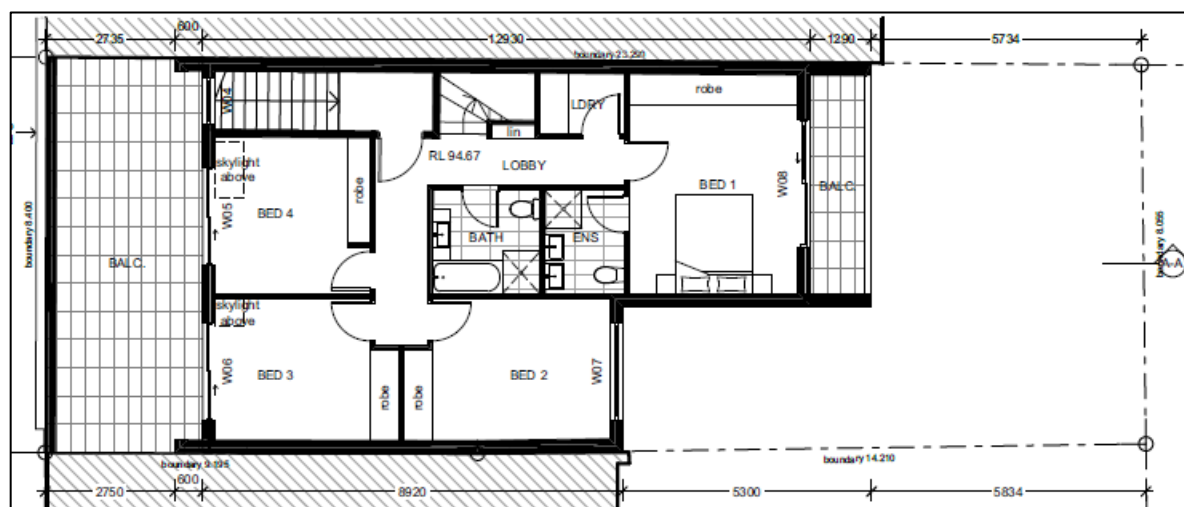
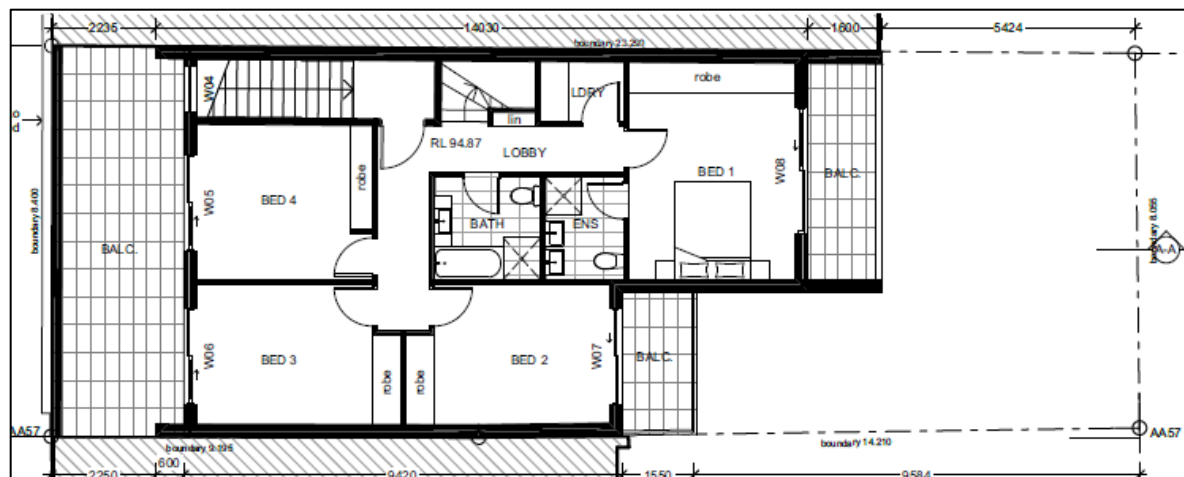


Figure 7: Ground floor plan lodged with the subject review application.

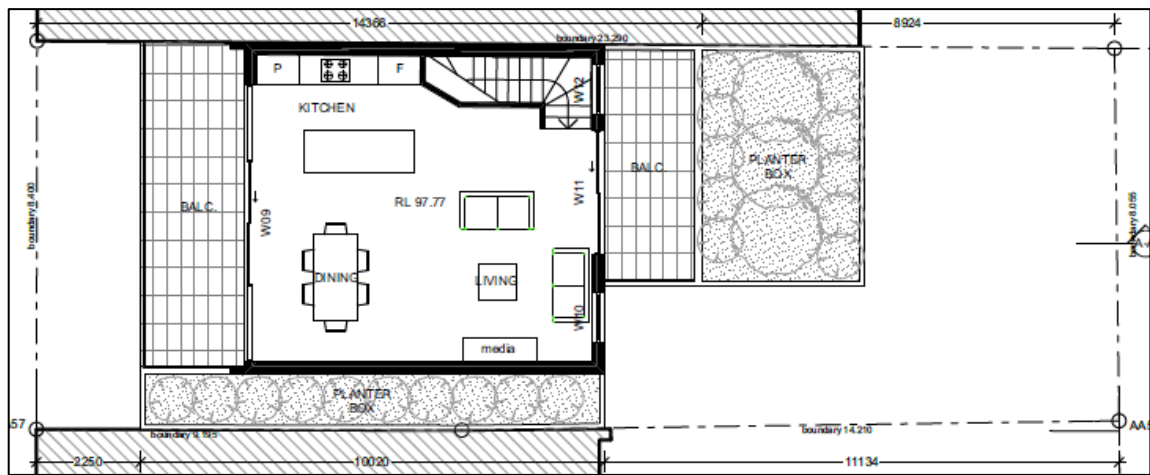


- Retention of the existing front façade as originally proposed;
- Construction of one unit with four bedrooms, two bathrooms and a laundry as originally proposed;
- Increased size/depth of the previously proposed large balcony fronting Bronte Road, accessible from Bedroom 3 and Bedroom 4.
- Construction of a rear balcony off Bedroom 1, decreased in size as originally proposed.
- Deletion of the originally proposed rear balcony off Bedroom 2.

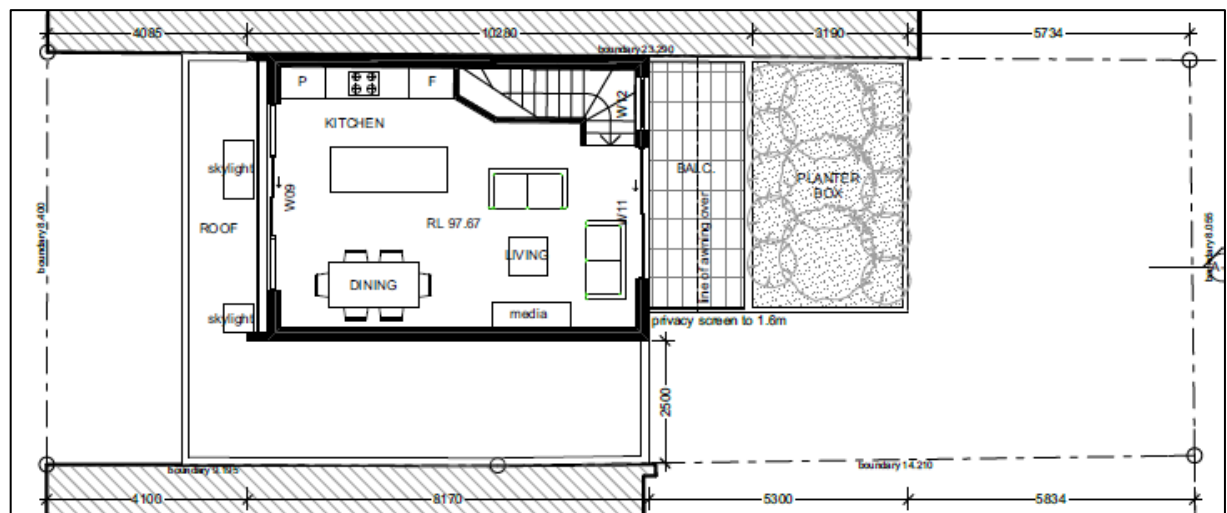


### Proposed Second Floor Level

- Construction of an open plan living, kitchen and dining room that has been reduced in size from the original proposal.
- Previously proposed large balcony fronting Bronte Road changed to a Juliet style with steel balustrade.
- Construction of a large balcony at the rear and a large planter box above the roof below as originally proposed.
- Increased side setback to the adjoining heritage item at No. 252 Bronte Road.
- Deletion of the originally proposed planter box along the south-eastern side boundary adjoining No. 252 Bronte Road.



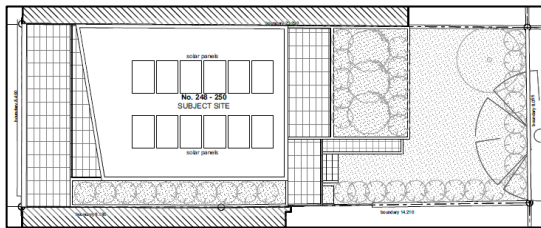
**Figure 10:** Originally proposed second floor level.



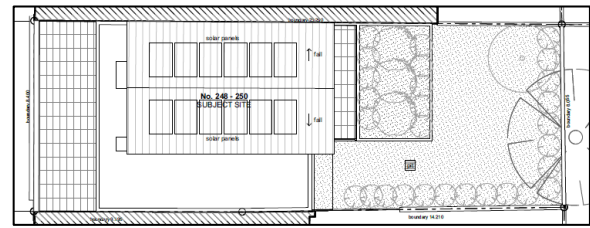
**Figure 11:** Second floor plan lodged with the subject review application.

## Proposed Roof

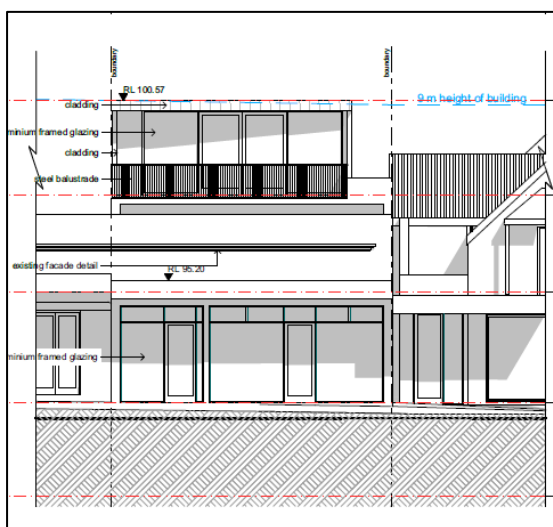
- Installation of solar panels on the roof as previously proposed.
- Flat roof form changed to a low-pitched roof.



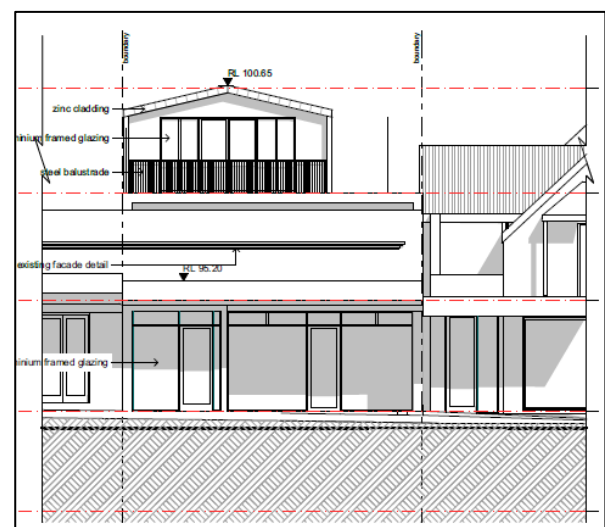
**Figure 12:** Originally proposed roof level.



**Figure 13:** Roof plan lodged with the subject review application.



**Figure 14:** Originally proposed built form.



**Figure 15:** Built form proposed with the subject review application.

## External Works

- Construction of a patio at the rear, accessible from both the residential and commercial sections of the ground floor level; and
- Increased landscaping works at the rear.

## **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).

The application has been submitted as a s8.3 Review application of the previous decision. The original application for alterations and additions to existing dwelling was refused on 29 April 2020 by the WLPP.

### **2.1 Planning Instruments and Development Control Plans**

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



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

A BASIX Certificate has been submitted with the development application.

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

### 2.1.2 SEPP 55 Remediation of Land

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

### 2.1.3 SEPP 65 Design Quality of Residential Apartment Development

The subject review application was referred to the Design Excellence Advisory Panel (DEAP) on 15 July 2020. Given that the application is for the construction of a shop top housing development consisting of one commercial unit and one residential unit in the B4: Mixed Use Zone, an assessment against the nine design quality principles under SEPP 65 is not warranted. However, the Panel considered the application against the principles of “Design Excellence” in part B12 of Waverley Development Control Plan 2012, that is discussed further in this report.

### 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Zone	Yes	The proposal is defined as shop-top housing, which is permitted with consent in the B4 Mixed Use Zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"><li>9m</li></ul>	Yes	The proposal appears to comply with the maximum building height standard. However, inadequate floor to ceiling heights have been provided throughout the development that if increased, is likely to result in non-compliance with the maximum building height development standard.
4.4 Floor space ratio <ul style="list-style-type: none"><li>1:1</li></ul>	Yes	Proposed GFA: 192.8m <sup>2</sup> Proposed FSR: 1:1

Provision	Compliance	Comment
<ul style="list-style-type: none"> <li>Site Area: 193.1m<sup>2</sup></li> </ul>		<p>The Applicant has amended their plans to comply with Council's FSR development standard. In particular, it is noted that compliance is achieved through an increase in the depth and overall size of the balcony on the first-floor level and that the entry to the commercial tenancy at the site frontage adjacent to the footpath has also been set-in to reduce the total GFA proposed on site.</p> <p>The recessed entry to the commercial tenancy is not supported as a consistent shopfront alignment is not maintained. Any amendments to this will increase GFA on site and result in a non-complying development.</p>
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	No	<i>See discussion below.</i>
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	No	<p>The application still proposes significant earthworks for the construction of a large basement that extends beyond the proposed building footprint.</p> <p>The application has not been accompanied by a Geotechnical Report; however, a letter from a Structural Engineer has been provided. The letter has been reviewed and it is not considered to be sufficient to determine that the proposed works would not have any adverse impact on the amenity of the adjoining property at 252-254 Bronte Road that is a listed heritage item, or upon the front parapet of the site itself, that is to be retained.</p> <p>Therefore, the application is not consistent with clause 1 and 3(d), and is not acceptable.</p>

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

#### **Clause 5.10 Heritage Conservation**

The site is located in and is highly contributory to the Charing Cross Heritage Conservation Area. The site also adjoins a local heritage item at 252-254 Bronte Road, WAVERLEY (I455). The plans lodged with the review application, as well as the draft amended plans were discussed with Council's Heritage Advisor, who provided the following comments regarding the heritage significance of the site and surrounds:

*The building at 248-250 Bronte Road Waverley is a c.1880 retail building with later alteration and additions. The building is identified as one of the earliest remaining elements of retail construction*

*in Charing Cross, contemporary with the adjacent heritage listed building at 252-254 Bronte Road and originally constructed in conjunction with the adjacent retail building to the north at 244-246 Bronte Road. The group remain the earliest extant group of retail buildings at Charing Cross. The building group of 244-254 Bronte Road are a significant contributory group to the Charing Cross Conservation Area identified in Waverley LEP 2012 and a key element in the Charing Cross streetscape.*

Council's Heritage Advisor provided the following comments regarding the proposed development and documentation submitted with the application:

- *The application is not supported.*
- *The proposed works remove all but the street parapet of the existing building and the layers of fabric contributing to its significance.*
- *The replacement structure is not considered cohesive with the adjacent listed building or the streetscape and Conservation Area.*
- *Any new works at the site should retain the form, fabric and relationship of the existing building to the Conservation Area and the related buildings to each side.*
- *New works should be located to the rear of the site with an accessway through the more altered northern shopfront.*
- *The existing shop fronts should be retained together with the roof and early interior detailing evident in the shop to the southern side of the site.*
- *The scale of new works should be compatible with the existing structure.*

Further to the above, Council's Heritage Advisor recommended the following:

- *The existing shop fronts including awnings and parapet should be retained together with the roof and early interior detailing evident in the shop to the southern side of the site.*
- *New works should be located to the rear of the site with an accessway through the more altered northern shopfront.*
- *Any new works at the site should retain the form, fabric, and relationship of the existing building to the Conservation Area and the related buildings to each side.*
- *A schedule of conservation works to existing fabric is to be provided.*





**Figure 16:** 1943 aerial image showing the subject shops with roof form mirror reversed on the paired shops to the immediate north. [Source Six Maps NSW Mapping]

#### Planning Comment

The above comments by Council's Heritage Advisor are noted and the proposal is considered to be unsatisfactory with regards to objectives of Clause 5.10 of Waverley LEP 2012 as well as the relevant objectives and controls of Part B9 – Heritage in Waverley DCP 2012 as the proposal does not conserve the environmental heritage of Waverley or the Charring Cross Conservation Area, results in loss of original fabric and adversely impacts upon the setting and streetscape appearance of this locality and the adjoining heritage item.

The plans lodged with this review application have not satisfactorily addressed the concerns raised with regards to the development as originally proposed and is unacceptable. In addition, adequate detail has not been provided on the plans or documentation for the proposed retention of the front parapet, with particular concern raised during construction works associated with the proposed basement.

While it is noted that Council's Heritage Advisor would like works provided to the rear, this form of development no longer constitutes shop-top housing and is prohibited within the zone. Despite this, the above comments from Council's Heritage Advisor further emphasise that the scale and built form of the proposal to the streetscape is still unacceptable and the development is unsuitable for the site and surrounds as currently proposed.

Therefore, it is agreed with Council's Heritage Advisor and the application not be supported and recommended for refusal.

### 2.1.5 Waverley Development Control Plan (DCP) 2012 –Amendment 7 – Effective 2 March 2020

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

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

Development Control	Compliance	Comment
1. Waste	No	Council's Waste and Recycling Officer has reviewed the proposal and the waste management plan submitted with the proposal is unsatisfactory. <i>(Refer to comments in Section 3.2 of this report).</i>
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.
3. Landscaping and Biodiversity	Can be conditioned	Limited detail of the proposed planting species or landscaping has been provided.
5. Vegetation preservation	Yes	The application involves the removal of existing small trees on site that is supported by Council's Tree Management Officer.
6. Stormwater	No	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual.
7. Accessibility and adaptability	Yes	Conditions of consent can be recommended to ensure that the proposed works comply with the access standards; however, the proposal is not supported for reasons discussed throughout this report.
8. Transport	Merit Assessment	No on-site car parking is provided, which is satisfactory given the context and location of the subject site.
9. Heritage	No	<i>See comments above.</i>
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
11. Design Excellence	No	The proposal is not a suitable response to the site and streetscape. <i>See below for further comments.</i>
14. Excavation	No	<i>See comments below.</i>
15. Advertising and Signage	N/A	No advertising or signage is proposed with the current application.

**Table 3: Waverley DCP 2012 – Part C3 Medium Density Residential Development Compliance Table**

The proposal is defined as a “Shop top housing” that is not subject to assessment under SEPP 65 Design Quality of Residential Apartment Development” in the LEP.

Development Control	Compliance	Comment
<b>3.1 Site, scale and frontage</b>		
	No	<i>See comments below.</i>
<b>3.2 Height</b>		
	No	<i>See comments below.</i>
<b>3.3 Setbacks</b>		
3.3.1 Street setbacks <ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	No	<i>See discussion below.</i>
3.3.2 Side and rear setbacks <ul style="list-style-type: none"> <li>Minimum side setback: 1.5m</li> <li>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</li> <li>Deep soil along side boundary min 2m wide</li> </ul>	No	<i>See discussion below.</i>
<b>3.4 Length and Depth of Buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Façade to be articulated</li> <li>Maximum unit depth: 18m</li> </ul>	No	The proposal is compliant with the controls of this section; however, a high standard of amenity is not considered to be provided as discussed further below.
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> <li>Removal of original architectural features not supported.</li> </ul>	No	<i>See discussion below.</i>
<b>3.6 Attic and roof design</b>		
	No	<i>See discussion below.</i>
<b>3.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level and respond to pattern within the street</li> <li>Accessible entry</li> <li>Separate to vehicular entry</li> </ul>	No	<i>See discussion below.</i>



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Legible, safe, well-lit</li> </ul>		
<b>3.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Comply with part B3- Landscaping and Biodiversity</li> </ul>	No	The landscape plan submitted with the review application still lacks detail required to adequately assess the proposed landscaping.
<ul style="list-style-type: none"> <li>Minimum of 30% of site area landscaped: 57.93m<sup>2</sup></li> </ul>	Yes	59m <sup>2</sup> (30.8%) Landscaped area has been increased on site to comply and is no longer a reason for refusal of the application.
<ul style="list-style-type: none"> <li>50% of the above is to be deep soil: 28.965m<sup>2</sup></li> </ul>	Yes	59m <sup>2</sup> (100%)
<b>3.10 Communal open space</b>		
<ul style="list-style-type: none"> <li>Minimum dimensions: 6m x 6m</li> <li>Minimum of 30% of communal area must receive three hours of sunlight</li> <li>Accessible</li> </ul>	Yes	Adequate communal open space is provided at the rear that is accessible by the occupants of the residential unit and the commercial premises on the ground floor level.
<b>3.11 – Private Open Space</b>		
3.11.2 – Balconies/decks <ul style="list-style-type: none"> <li>Should not dominate the façade</li> <li>No wrap around balconies</li> <li>Located to maximise solar access and privacy</li> <li>Balustrades to allow views and casual surveillance of the street &amp; privacy</li> </ul>	Yes	With respect to the objectives and controls of Section 3.11 and 3.15 – <i>Visual Privacy &amp; Security</i> , the plans lodged with this Review application have deleted the previously proposed balcony at the rear of the first floor level, which was accessible from Bedroom 2 and has resolved the issue of overlooking impacts to the adjoining property. This is no longer considered to be a reason for refusal of the application.
<b>3.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to a minimum of 70% of units on 21 June.</li> </ul>	Yes	The residential unit appears to receive at least three hours of solar access to the proposed second floor level that is the primary living space and is acceptable.
<ul style="list-style-type: none"> <li>New development should maintain at least 2 hrs of sunlight to solar collectors on adjoining properties in mid winter.</li> </ul>	Yes	The proposal appears to comply.
<ul style="list-style-type: none"> <li>Direct sunlight to north facing windows of</li> </ul>	No	<i>See discussion below.</i>

Development Control	Compliance	Comment
habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June.		
<b>3.14 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss through design</li> <li>Views from public spaces to be maintained.</li> </ul>	Yes	The proposal is not anticipated to result in view loss impacts.
<b>3.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>Privacy be considered in relation to context density, separation use and design.</li> </ul>	No	<i>See comments relating to the proposed balcony in Section 3.11 above and comments below relating to safe and secure access.</i>
<b>3.16 Dwelling size and layout</b>		
<ul style="list-style-type: none"> <li>Max habitable room depth for single aspect dwelling is 8m from a window</li> <li>Max with of dwelling over 15m deep is min 4m</li> <li>All habitable rooms to have a window</li> <li>Provide a range of dwelling types and sizes</li> <li>Min sizes 3 bedroom = 100m<sup>2</sup></li> <li>Flexible design</li> <li>Accessible and Adaptable</li> </ul>	No	The proposal appears compliant with the relevant controls of this section. However, as discussed further below, the proposal is non-compliant with objective (c) of this section as the residency is not considered to be provided with a high standard of residential amenity due to the inadequate floor to ceiling heights proposed.
<b>3.17 Ceiling Heights</b>		
<ul style="list-style-type: none"> <li>Min 2.7m floor to ceiling height residential floors</li> <li>Min 2.4m floor to ceiling height attic levels</li> </ul>	No	<p>The following floor to ceiling heights are proposed (as scaled from the plans) that are non-compliant and do not provide adequate amenity:</p> <ul style="list-style-type: none"> <li>Basement: 2.4m</li> </ul>

Development Control	Compliance	Comment
		<ul style="list-style-type: none"> <li>Ground Floor (Commercial): 2.75m</li> <li>First Floor: 2.63m</li> <li>Second Floor: 2.38m</li> </ul>
<b>3.18 Storage</b>		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> <li>3 or more bed = 10m<sup>3</sup></li> <li>All to provide bulk storage are in basement or ancillary structure</li> </ul>	Yes	The proposed basement level is to be used as storage for the commercial premise and would be accessible from the residential corridor of the development. However, the basement storage level is considered to be excessive as discussed throughout this report.
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Possible	Limited acoustic information has been provided given the site is on Bronte Road. This could form a condition of consent; however, the application is recommended to be refused for reasons provided throughout this report.
<b>3.20 Natural Ventilation</b>		
<ul style="list-style-type: none"> <li>All dwellings to be naturally cross-ventilated</li> <li>Building to be orientated to maximise breezes</li> <li>Ceiling fans are to be provided in all habitable rooms.</li> </ul>	Yes	Cross ventilation can be provided.
<b>3.21 Building services</b>		
<ul style="list-style-type: none"> <li>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> <li>Outdoor Communal clothes drying area to be provided</li> <li>Plant rooms away from entry communal and private open spaces and bedrooms.</li> </ul>	Possible	More details need to be provided to explain the location and access to building services to both residential and commercial uses.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge</li> </ul>		

**Table 4: Waverley DCP 2012 – Part E3 – Site Specific Development**

Development Control	Compliance	Comment
<b>3. Local Village Centres</b>		
3.1.3 – Charing Cross Small Village	No	The proposal is inconsistent with the existing character of the area as a genuine two storey building character is not maintained. The proposal is also inconsistent with the desired future character objectives of this locality, as the scale of the development is excessive and does not match the height of the existing roof lines.

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

### **Building Design & Streetscape**

The proposed works are inconsistent and non-compliant with the relevant objectives and controls in Sections 3.1 – *Site, Scale and Frontage*, 3.2 - *Height*, 3.3 - *Setbacks*, 3.4 - *Length and Depth of Buildings*, Section 3.5 - *Building Design and Streetscape* and 3.6 - *Attic and Roof Design* in Part C3 of Waverley DCP 2012 for the following reasons:

- The site is located within the B4: Mixed Use Zone. The proposal lodged with this review application appears to comply with the maximum building height limit and FSR development standards. However, it is noted that inadequate floor to ceiling heights are still proposed and the street setback at the ground floor level is unacceptable and that if rectified, would result in non-compliance with the relevant development standards. Therefore, it is considered that the extent of the development, as well as the proposed built form is inappropriate for the streetscape and conservation area.
- The height of the building still exceeds the height of existing development in the immediate vicinity, is unsympathetic to the locality, is not of a high design standard, the proposed materials do not contribute to design quality and will diminish the contributory value of the building in the conservation area and streetscape and the adjoining heritage item.
- The proposed low-pitched roof form is still not an appropriate design response to the site context and locality. The proposed built form of the second-floor level still does not respond to the streetscape character of the area and is not supported.
- The commercial entry at the ground floor level has been setback from the established setback character of the street and is unacceptable. Furthermore, excavation is proposed below this front setback area that is non-compliant with Council's controls.

- The second-floor level of the proposed addition has been provided with an increased setback of 4.1m to the front boundary. Given that there are no existing contemporary, second floor levels on buildings in the immediate streetscape vicinity, a merit assessment is required. Whilst the setback has been increased, the entirety of the second-floor level still adds considerable bulk to the development that does not maintain an appropriate streetscape presentation to Bronte Road and adversely impacts upon the heritage conservation area and is not supported.
- A nil side setback to both boundaries is proposed for the first-floor level that is considered to contribute towards adverse bulk and scale impacts upon the streetscape and is non-compliant with the minimum required side setback of 1.5m for development between 4.5m-12.5m high.

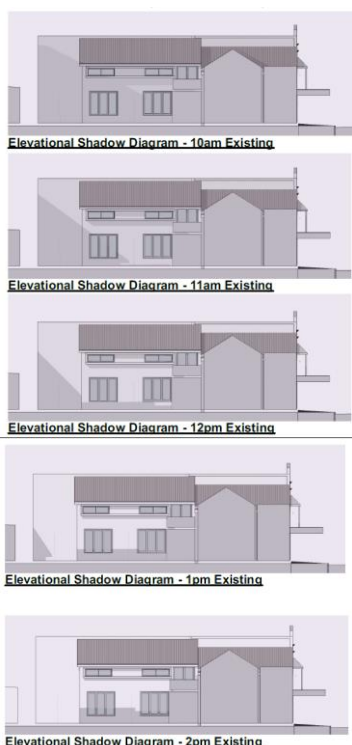
However, the plans lodged with the subject review application appear to have resolved the following issues that formed part of the reasons for refusal of the original application:

- With regards to the rear setback, the proposed first floor level has been increased to 5.834m from the rear boundary to the balcony adjacent to Bedroom 1 and would not extend beyond the rear building line of the adjoining single storey building at 246-244 Bronte Road and is acceptable.
- As the balcony from Bedroom 2 has been deleted with this review application, a rear setback of approximately 11.134m is proposed from the rear boundary to the external wall adjacent to Bedroom 2 on the first-floor level, which aligns with the rear building line of the building on the adjoining property at 252-254 Bronte Road. A rear setback of 8.924m (as originally proposed) to the balcony of the proposed second floor level is considered to be acceptable. Therefore, the concerns raised regarding the rear setback of the original proposal appear to have been addressed with the subject application and no longer forms a reason for refusal.
- The proposed second floor level has an increased side setback of 2.5m to the south eastern side boundary adjoining the heritage item at 252-254 Bronte Road that is now compliant. Despite this, it is considered that the built form of the entirety of the second floor level is not cohesive or complementary to the existing streetscape character of the area and the item and is still not supported.

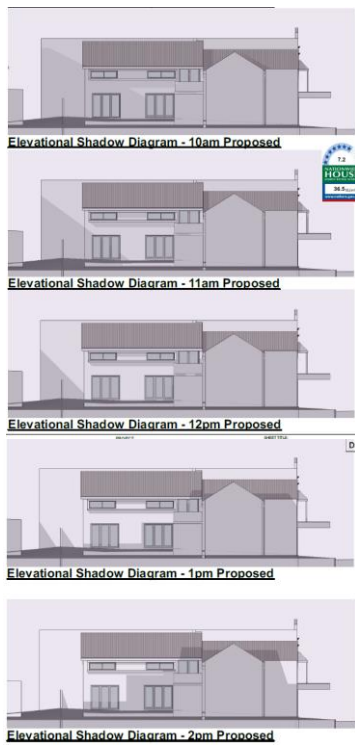
Therefore, the proposed built form of the development is not supported, and the application is recommended to be refused.

### **Solar Access**

The dining and living areas of the residential component on the adjoining building at 252-254 Bronte Road are located on the ground floor level that currently receives solar access to the large windows present adjacent to the private open space area on the north-western elevation. A comparison of the elevational shadow diagrams provided with the original application and the subject review application is provided below. It is noted that the large windows currently receive solar access between 10am and 2pm during mid-winter.



**Figure 17:** Extract of existing shadows received by the adjoining property.



**Figure 18:** Original Proposal - Extract of proposed shadows received by the adjoining property.



**Figure 19:** Subject Proposal - Extract of proposed shadows received by the adjoining property.

The large door on the left is referred to as '*Living Room Window*' and the large window on the right is referred to as '*Dining Room Window*'. Both windows do not receive solar access at 9am and 3pm during mid-winter however, the solar access impacts to these windows are outlined in the table below.

Table 5: Summary of Proposed Solar Access Impacts				
	Living Room Window		Dining Room Window	
Time	Existing	Proposed	Existing	Proposed
<b>10AM</b>	No solar access received.	No change (as originally proposed)	Solar access received to more than >50% of the window.	No change (as originally proposed)
<b>11AM</b>	Solar access received to approximately 50% of the window.	No change (as originally proposed)	Solar access received to 100% of the window.	No change (as originally proposed)
<b>12 NOON</b>	Solar access received to 100% of the window.	No change (as originally proposed)	Solar access received to 100% of the window.	Solar access received to approximately 90% of the window. (slight improvement from original proposal)



<b>1PM</b>	Solar access received to approximately 90% of the window.	No change (as originally proposed)	Solar access received to 100% of the window.	No solar access received. (as originally proposed)
<b>2PM</b>	Solar access received to approximately 75% of the window.	No change (as originally proposed)	Solar access received to 90% of the window.	No solar access received. (as originally proposed)

As demonstrated in the table above, the dining room window of the adjoining property is highly impacted by the proposed development as only two hours of solar access is retained to more than 50% of this window between 10am and 12 noon during mid-winter. The subject proposal has only resulted in a minor improvement of overshadowing impacts to this dining room window at 12 noon during mid-winter.

Despite this, the living room window still retains solar access with the current proposal and would therefore receive more than 3 hours of solar access, which is compliant. The additional adverse overshadowing impact to the dining room window is cast by the bulky nature of the proposed second floor level, even once an increased side setback has been applied. Therefore, given that the nature of the proposed built form is uncharacteristic of the locality, the proposal is non-compliant with Council's development standards and adversely impacts upon the streetscape, the additional overshadowing to the dining room window is not justifiable and the proposal is still not supported.

### **Pedestrian Access & Entry**

The proposal is unsatisfactory in relation to the relevant objectives and controls of Section 3.8 – *Pedestrian Access & Entry* and Section 3.15 – *Visual Privacy and Security* as the development still proposes two entries, one to the residential component of the development and one to the commercial tenancy at the ground floor level. The basement storage is still only accessible through the stairs provided within the residential access corridor that is not considered to maintain safe pedestrian access to all people who live in and visit the development.

### **Excavation**

The proposal is unsatisfactory in relation to the relevant objectives and controls of Part B14 – Excavation of Waverley DCP 2012 for the following reasons:

- The proposal still involves significant excavation works for a large storage area at the basement level. The proposed excavation is considered to be excessive and is non-compliant with Council's controls as it extends beyond the proposed building footprint (towards the front and rear) on the site and is not supported.
- The site adjoins a heritage item and a Geotechnical Report has not been submitted with the application, which is required when proposing excavation works adjoining buildings of significance. The letter provided by a Structural Engineer is inadequate to inform a detailed assessment. Therefore, Council is unable to determine if the proposed excessive excavation works would adversely impact upon the development on the adjoining site at 252-254 Bronte Road and is not supported.

- The basement level is proposed to be accessible from the separate residential entry corridor and staircase and contains a bathroom. While the plans demonstrate that the excavated area is to be used for storage, it is still questioned that the subterranean space may be intended for habitable use, given that two laundries remain proposed within this building. Additionally, should habitable uses be incorporated in the basement level, this would significantly increase the GFA and FSR proposed on the site.

The proposal is non-compliant with the objectives and controls of this section and is not supported.

### Design Excellence

As previously discussed, the review application was referred to the DEAP on 15 July 2020 and the Panel considered the application against the principles of “Design Excellence” in Part B12 of Waverley DCP 2012. Comments provided by the Panel are provided in the table below against the relevant provisions and a planning comment has been made.

**Table 6: Waverley DCP 2012 – Part B12 – Design Excellence (DEAP Comments)**

Development Control	DEAP Comment	Planning Comment
(a) Development is to achieve a high standard of architectural design, materials and detailing appropriate to the building type and location.	<ul style="list-style-type: none"> <li>• <i>If the property includes a second level we believe the balcony balustrade should incorporate a solid planter to provide an acoustic buffer and visual privacy from Bronte Road.</i></li> <li>• <i>More details need to be provided to explain the location and access to building services to both residential and commercial uses.</i></li> <li>• <i>We note the floor to floor levels are very low and should be increased. This will achieve flexibility for retail uses at ground level and a higher quality outcome for the apartment above ground. As a guide the ADG requires 2.7 meters floor to ceiling and 3.1 meters floor to floor for Apartments.</i></li> <li>• <i>It appears that no spatial allowances have been made for services and drainage to roof terraces that will be located between commercial and residential tenancies.</i></li> </ul>	<p>Floor to ceiling heights provided are inadequate and any increase is likely to result in a non-compliance with Council’s maximum building height standard.</p> <p>The issue of floor to ceiling heights has not been addressed as this was raised in the assessment of the original application.</p>
(b) The form and external appearance of development is to improve the quality and amenity of the public domain.	<ul style="list-style-type: none"> <li>• <i>Bronte Road frontage should be reconsidered to maximise active uses rather than the residential entry. The proposed setback of the retail frontage is not supported.</i></li> <li>• <i>Ceiling heights of approximately 3.6m should be maintained to the ground floor commercial level to preserve future uses and adaptability.</i></li> </ul>	<p>The setback of the retail tenancy is not supported and providing this in alignment will increase GFA on site, resulting in a non-compliance with Council’s FSR development standard.</p>

	<ul style="list-style-type: none"> <li>• <i>The addition of planting to the terraces on Bronte Road façade would enhance the streetscape and residential amenity</i></li> <li>• <i>The Panel notes a Landscape Plan for the whole site should be provided as part of the DA set</i></li> </ul>	
<p>(e) Development must consider the following:</p> <p>(i) The suitability of the land for development;</p> <p>(ii) Existing and proposed uses and use mix;</p> <p>(iii) Heritage issues and streetscape constraints;</p> <p>(iv) The relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity, and urban form;</p> <p>(v) Bulk, massing and modulation of buildings;</p> <p>(vi) Street frontage heights;</p> <p>(vii) Environmental impacts such as sustainable design, overshadowing, wind and reflectivity;</p> <p>(viii) The achievement of the principles of ecologically sustainable development;</p> <p>(ix) Pedestrian, cycle, vehicular and service access, circulation requirements; and</p> <p>(x) the impact on, and any proposed</p>	<ul style="list-style-type: none"> <li>• <i>Basement use is noted as a benefit to commercial tenancy. However, the access is only to residential tenancy and would need to be changed on this basis.</i></li> <li>• <i>In terms of the heritage context and achieving reasonable floor to ceiling heights, it may be appropriate to consider removing level 2 and expanding ground floor and/or level 1 further to the rear of the site.</i></li> </ul>	<p>Access to the basement from the residential lobby has been previously raised as an area of concern but has not been addressed with this review application.</p> <p>Expansion towards the rear of the site may be a more suitable approach however, the form of development must be permitted in the zone. This further reiterates that the proposal represents an overdevelopment of the site that does not have regard to the site constraints and context.</p>

improvements to, the public domain.		
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It is further noted, that the proposal has a similar scale and built form to that proposed under **DA-484/2018** that was withdrawn and was not supported by the DEP at the time. As stated in the assessment of the original application, it is considered that a second floor level of that proposed architectural design is not suitable for the site and surrounding context as the heritage issues discussed throughout this report still remain unresolved by the current design

Therefore, the proposal does not demonstrate design excellence and is not supported.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA however, it is considered that the proposal will have significant detrimental effect relating to environmental, social or economic impacts on the locality and is not supported.

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

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

**Table 1: Summary of property addresses that lodged a submission**

Property
Charing Cross Precinct Committee
252-254 Bronte Road, WAVERLEY

**Issue:** *Excavation impacts to adjoining heritage building.*

**Issue:** *Excessive excavation for storage.*

**Issue:** *Drainage impacts resulting from excavation.*

**Issue:** *Impacts of excavation to surrounding buildings.*

**Issue:** *“Excavation for underground storage should be deleted, or as a minimum moved back (east) at least 3 metres from the front street property boundary and 1 metre away from side boundaries”*

**Response:** *Refer to discussions throughout this report.*

**Issue:** *High cost of excavation works.*

**Response:** This is not a relevant matter for consideration.

**Issue:** *Reconstruction of façade. The proposed re-construction is in fact a completely new facade; retaining the parapet is another expensive and risky operation*



**Issue:** *“The existing front elevation should be retained and restored including recessed doorways and parapet”.*

**Response:** The application seeks to retain the existing front façade however, as detailed throughout this report, insufficient information has been provided on the plans and documentation to demonstrate how such works are to be undertaken.

**Issue:** *Pitch of roof.*

**Issue:** *Design of roof form to be improved.*

**Response:** This is not an acceptable roof profile as detailed throughout this report.

**Issue:** *“Balcony, 1st floor: this remains as an exception to traditional practice where expectations might be for a hipped roof to slope away from behind the parapet.”*

**Response:** Noted.

**Issue:** *“Council’s Heritage advisor’s recommended approach to locate a pavilion to the rear was written in Council’s 20th December 2019 report to the WLPP; the Precinct’s submission was written in March 2020, sight of the WLPP report unseen. It is suggested that experience with sites in this strip demonstrates a similar approach by both writers, not a copy, as claimed by John Oultram Heritage and Design”*

**Issue:** *“Historic research should be undertaken to identify whether an awning with posts was attached to the front elevation of this building, and if so, that it be replaced.”*

**Response:** See comments under discussion relating to Clause 5.10 of WLEP 2012.

## **2.5 Public Interest**

It is considered that the proposal will have an adverse detrimental impact on the public interest.

## **3. REFERRALS**

### **3.1 Heritage – Urban Planning, Policy & Strategy**

Refer to comments in Section 2.1.4 this report.

### **3.2 Waste & Recycling – Environmental Sustainability**

The application was referred to Council’s Sustainable Waste Officer who indicated that the Waste Management Plan does not provide sufficient detail with regards to the design and ongoing use and management of waste at the proposed development. Given that the proposal is not supported for reasons detailed throughout this report, no revised SWRMP was requested from the Applicant.

### **3.3 Stormwater Design & Flooding – Infrastructure Services**

The application was referred to Council’s Public Domain Engineer who indicated that the proposal is non-compliant with the Waverley Council Water Management Technical Manual. Given that the proposal is not supported for reasons detailed throughout this report, no amended stormwater details were requested from the Applicant.

### **3.4 Tree Management**

The application was referred to Council's Tree Management Officer who supported the removal of the minor trees on site.

### **3.5 Fire Safety - Compliance**

The application was referred to Council's Fire Safety Officer however, no comment was provided.

### **3.6 Design Excellence Advisory Panel**

Refer to comments throughout this report.

## **4. SUMMARY**

The application seeks to review the WLPP's previous decision of refusal for partial demolition of existing building, with the partial retention of the front facade and significant alterations and additions resulting in a three storey shop top housing development. The site is located within and is contributory to the Charring Cross Conservation Area and is also identified within the Charring Cross Small Village Centre. The review application was notified and received two submissions. The plans lodged with the review application appear to have resolved previous concerns raised regarding building height, FSR, the rear setback, visual privacy and landscaped area however, a considerable amount of issues remain unresolved and are summarised below:

- The proposal appears to comply with Council's maximum building height limit however, non-compliant ceiling heights are still proposed throughout the development that if addressed, is likely to result in non-compliance with this standard. No clause 4.6 statement has been submitted.
- The proposal appears to comply with Council's maximum FSR development standard; however, a setback has been provided to the commercial tenancy at the ground floor level that is not supported and limits activation. If this was to be addressed, the proposal is likely to be non-compliant with Council's FSR development standard that is not acceptable, given that the proposal as a whole still has an undesirable bulk and scale, is incompatible with the streetscape and results in adverse impacts upon the environmental and residential amenity of the area. No clause 4.6 statement has been submitted.
- Council's Heritage Advisor reviewed the proposal and found the works to be unsatisfactory with regards to the contributory value of the building within the heritage conservation area and its impact on the adjoining heritage item and the application is therefore not supported.
- The proposed excavation for basement storage is still excessive and extends beyond the proposed building footprint towards the front as well as the rear.
- The proposal results in adverse amenity impacts with regards to overshadowing to surrounding properties.
- It is not considered that a high residential amenity is achieved for the occupants of the subject unit.

Therefore, the proposal is not acceptable and should be refused.

## DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 29 July 2020 and the DBU determined:

*The application is not acceptable and should be refused for the reasons in Appendix A.*

DBU members: M Reid, A Rossi, B McNamara, B Matlawski

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A:

**Report prepared by:**



Judith Elijah  
**Development Assessment Planner**

**Date: 7 September 2020**

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



Bridget McNamara  
**Manager, Development Assessment  
(North/South)**

**Date: 9 September 2020**

**Reason for referral:**

Section 8.3 Review of Determination

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## **APPENDIX A – REASONS FOR REFUSAL**

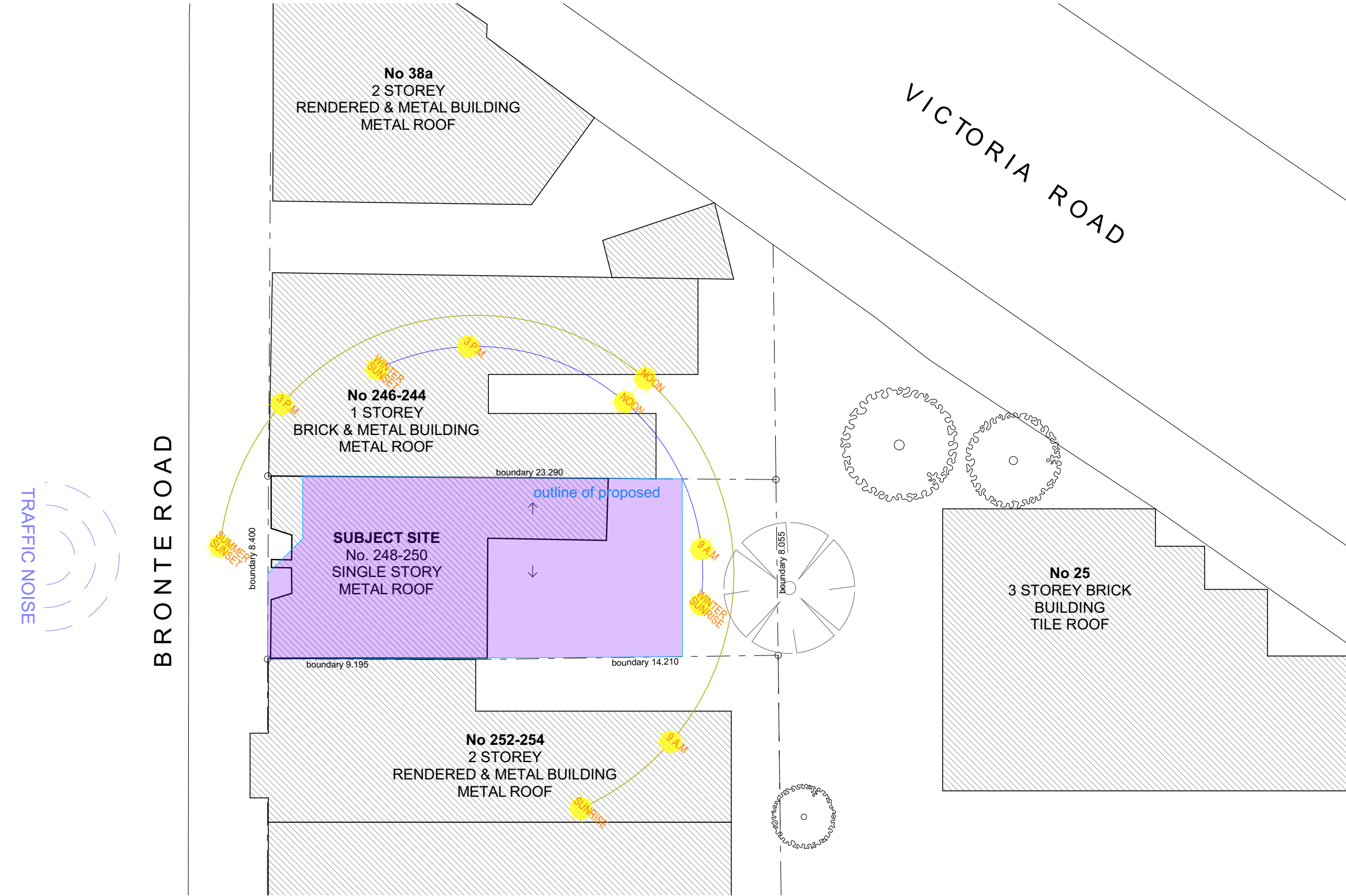
Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular, the following provisions:
  - a. Clause 5.10(1)(a) and (b) as the proposal does not conserve the environmental heritage of Waverley, adversely impacts upon the adjoining heritage item and the Charring Cross Conservation Area and results in loss of original fabric and setting of the building within the streetscape.
  - b. Clause 6.2(1) and (3)(d) as the site adjoins a local heritage item and the excavation works are excessive and are not adequately setback from the boundaries.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - a. Part B1 – Waste
    - i. Part B1 – Waste, specifically general control (a) and Clause 1.4.1.4 – Additional Controls Relating to All Mixed-Use Development, as the Site Waste and Recycling Management Plan (SWRMP) does not provide sufficient detail with regards to the design and ongoing use and management of waste at the proposed development..
  - b. Part B3 – Landscaping
    - i. Clause 3.1.1 – General Controls, specifically control (a) as a detailed landscape plan has not been submitted in accordance with the *Waverley Development Application Guide*.
  - c. Part B6 – Stormwater
    - i. Clause 6.1 – Stormwater Management and WSUD, as the development is non-compliant with the *Waverley Water Management Technical Manual*.
  - d. Part B9 – Heritage
    - i. Part B9 – Heritage, as the development it not sympathetic to the built form character of development in the area and adversely impacts upon the contributory value of the building, the character of the Heritage Conservation Area and the adjoining heritage item. Adequate detail has not been provided on the retention of the front parapet during construction works.



- e. Part B12 – Design Excellence
  - i. Clause 12.1 - Design, specifically objectives (a) and (d) and controls (a), (b) and (e) as the development does not positively contribute to the overall urban design quality of Waverley.
  - ii. Clause 12.2 - Context Analysis, specifically objectives (a)-(d) as the development is not an appropriate design response.
- f. Part B14 – Excavation
  - i. Part B14 - Excavation, specifically objective (e) and controls (d) and (l) as the excavation is excessive and occurs beyond the building footprint. The excavated area is accessible from the residential entry of the development and may enable the use of subterranean space as habitable rooms.
  - ii. Part B14 – Excavation, specifically objectives (g) and (h) as no Geotechnical Report has been submitted with the application.
- g. Part C3 – Medium Density Residential Development
  - i. Clause 3.2 - Height, specifically objectives (a) and (c) and control (a), Clause 3.4 – Length and Depth of Buildings, specifically objectives (a) and (c), and Clause 3.5 – Building Design and Streetscape, specifically objectives (a)-(f) and controls (a)-(c) and (e), as the development exceeds the height of surrounding development in the streetscape, is not of a high design standard and diminishes the contributory value of the building in the conservation area and streetscape. The development is incompatible with the existing building and is unsympathetic to the streetscape and overall appearance of the building.
  - ii. Clause 3.3.1 – Street Setbacks, specifically objectives (a) and (d) and controls (a), (b) and (c) as the street setback of the ground floor level is inconsistent with the predominant building line setback along the street, excavation is proposed below the front setback, and the treatment of the setback of the second floor level is inadequate in preserving and positively contributing to the streetscape character of the area.
  - iii. Clause 3.3.2 - Side and Rear Setbacks, specifically objectives (a) and (b) and control (b) as the side setback of the first-floor level contributes towards the bulk of the building, does not maintain amenity for adjoining properties and adversely impacts upon the streetscape.
  - iv. Clause 3.6 – Attic and Roof Design, specifically objective (c) and controls (a)-(c) as the low-pitched roof form of the second floor level contributes to the bulk of the building and does not respond to the streetscape character of the area.
  - v. Clause 3.8 – Pedestrian Access and Entry, specifically objective (a) and Clause 3.15 – Visual Privacy and security, specifically objective (c), as access to the basement level is only provided from the residential lobby and therefore compromises the safety and security of residents and visitors.

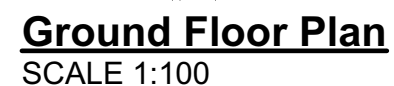
- vi. Clause 3.13 – Solar Access and Overshadowing, specifically objective (d) and control (c) as the development causes adverse overshadowing impacts to the adjoining property.
  - vii. Clause 3.17 – Ceiling Heights, specifically objectives (a)-(d) and control (a) as the development does not provide adequate floor to ceiling heights.
- h. Part E3 – Local Village Centres (Charring Cross Small Village)
- i. Clause 3.1.3 – Existing Character and Built Form, as the development is inappropriate with regards to the high heritage significance of the area.
  - ii. Clause 3.1.3 – Desired Future Character Objectives, specifically (a) as the scale of the development is incompatible with existing roof lines and heritage features.
4. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
- a. Geotechnical Report;
  - b. Adequate and compliant SWRMP and waste practices; and
  - c. Detailed landscape plan accordance with the *Waverley Development Application Guide*; and
  - d. Details to explain the location and access to building services to both residential and commercial uses.
5. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
6. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
7. The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.



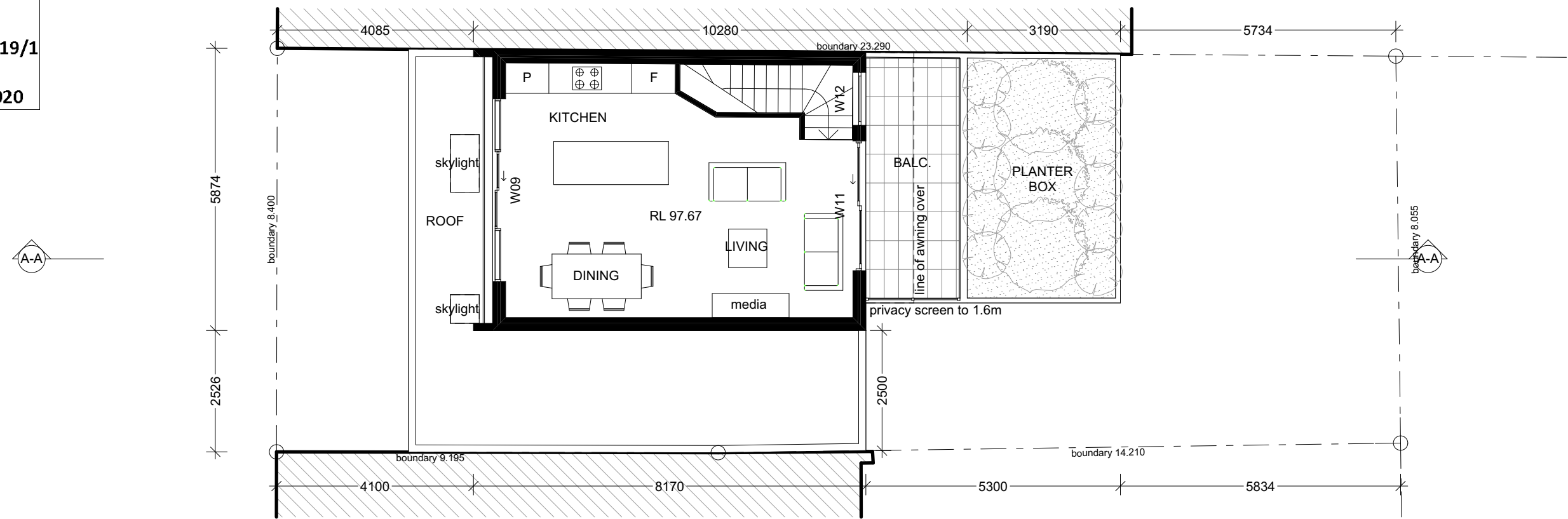
**Site Analysis**  
SCALE 1:200

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application

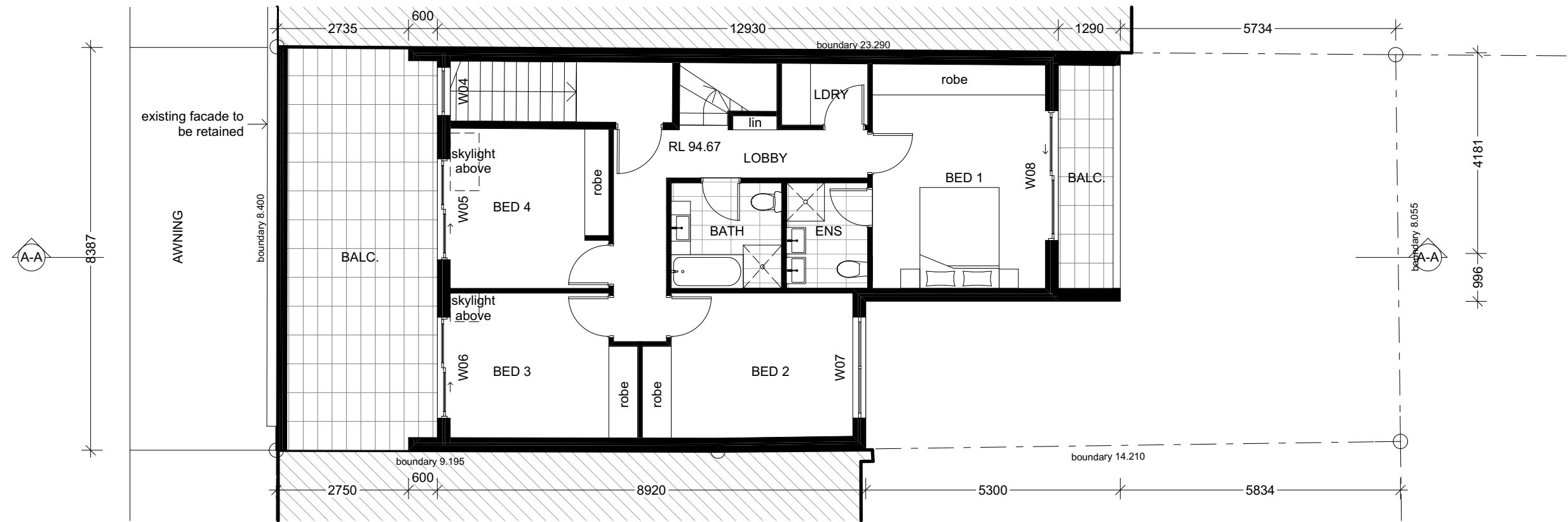




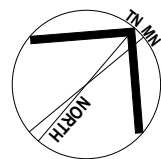




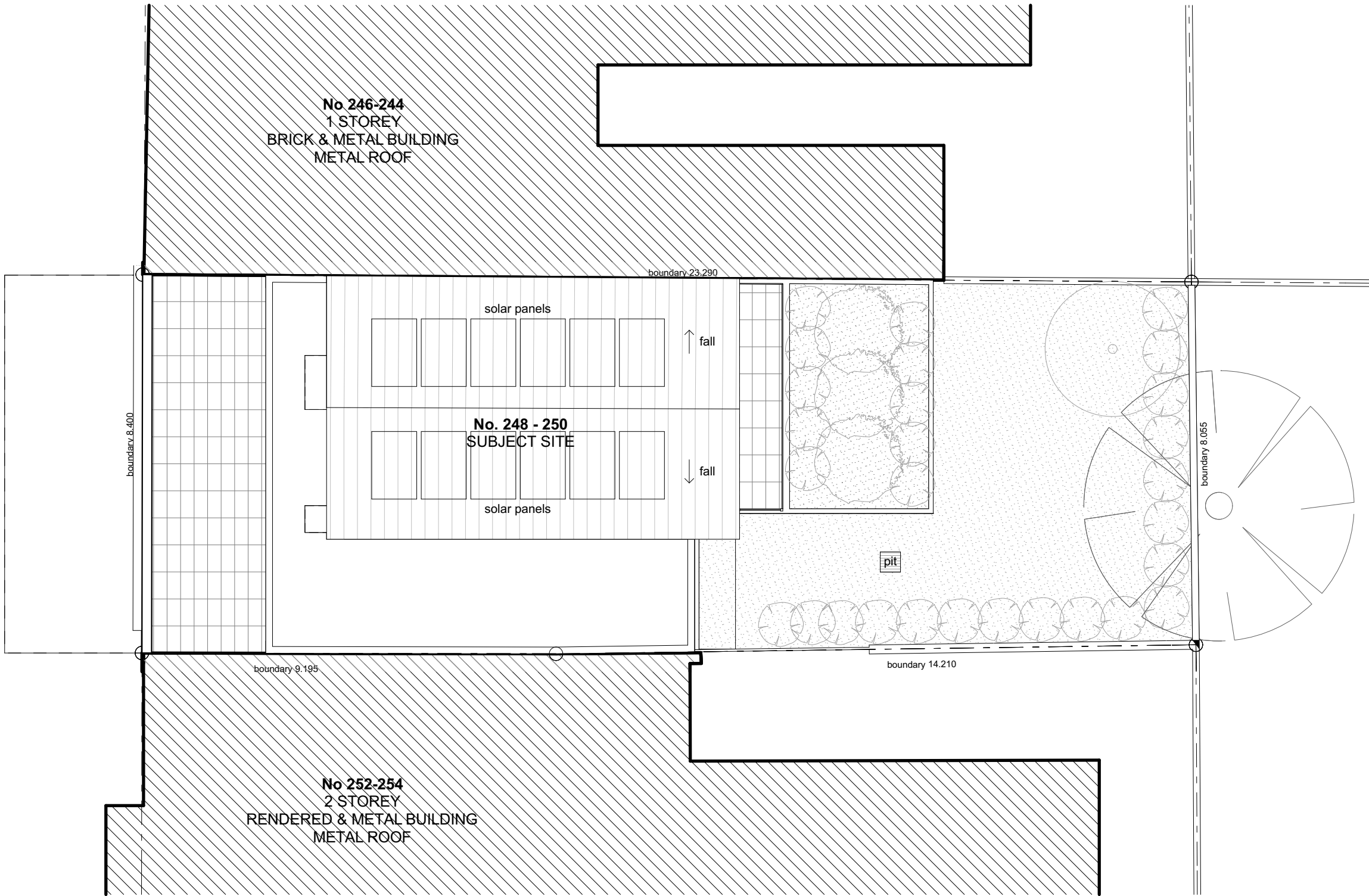
Second Floor Plan  
SCALE 1:100



First Floor Plan  
SCALE 1:100



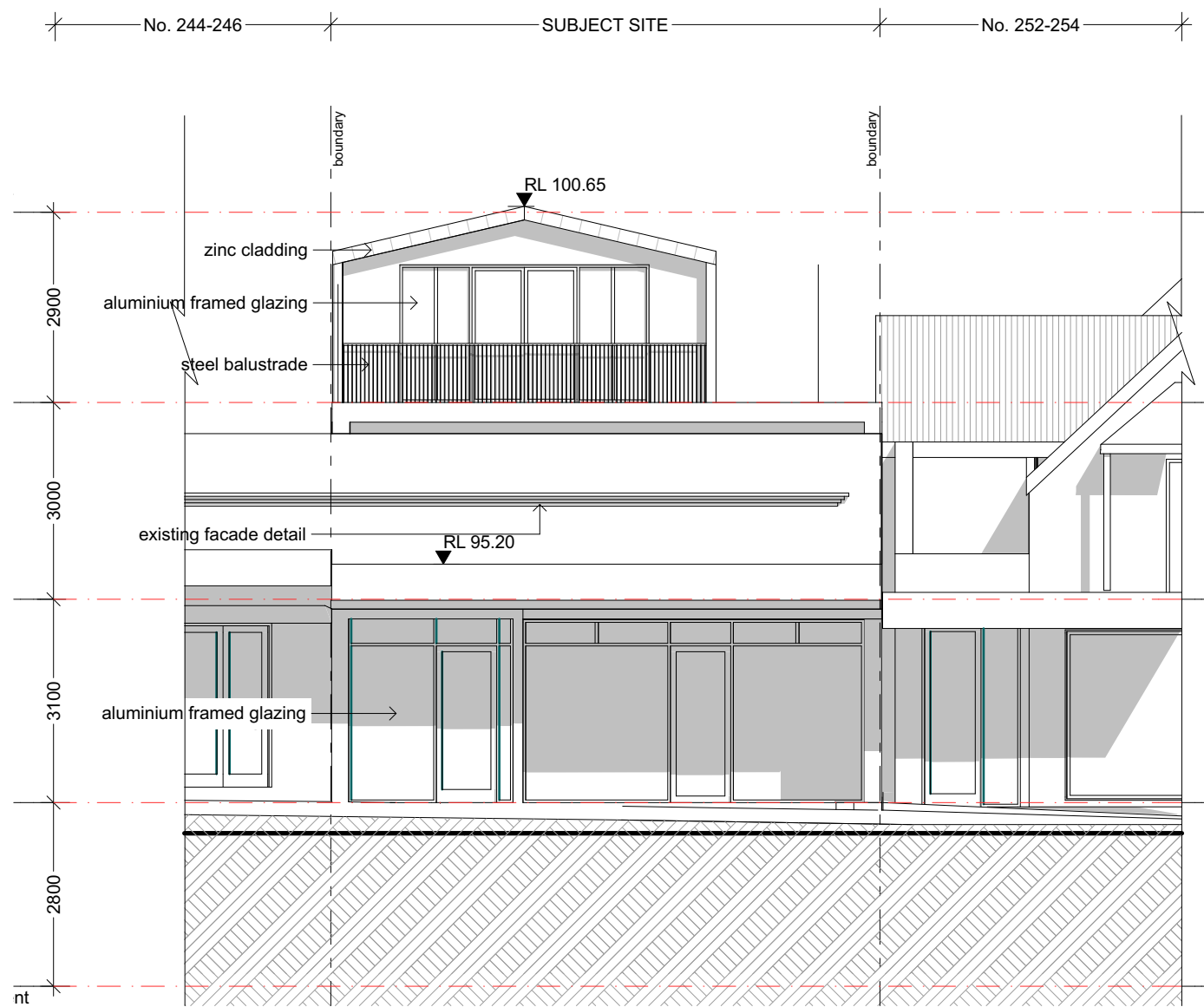
BRONTE ROAD



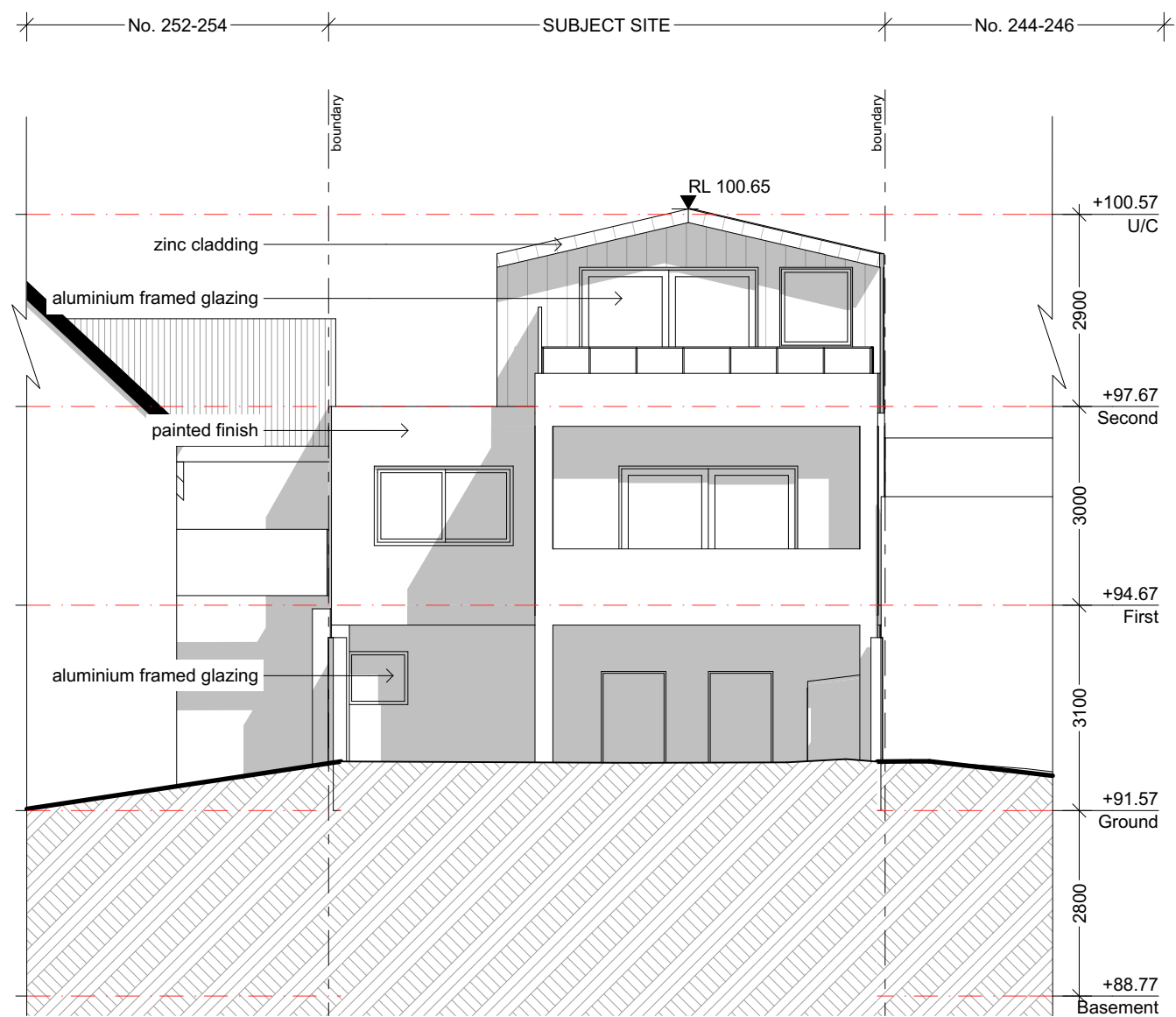
Site & Roof Plan  
SCALE 1:100

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application

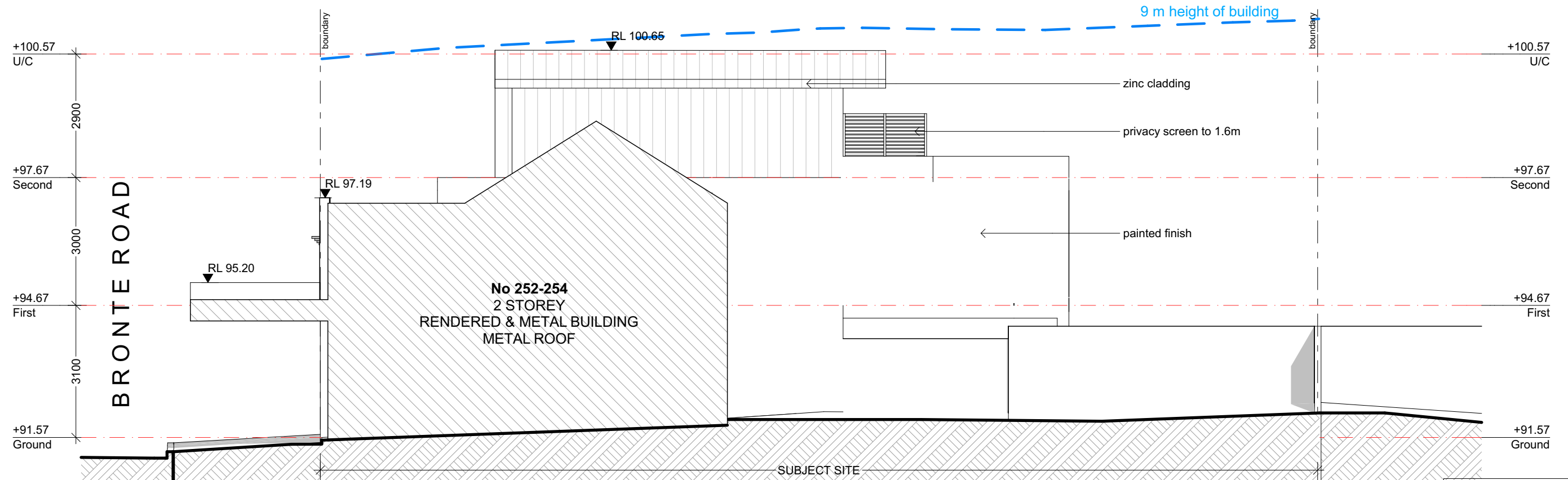
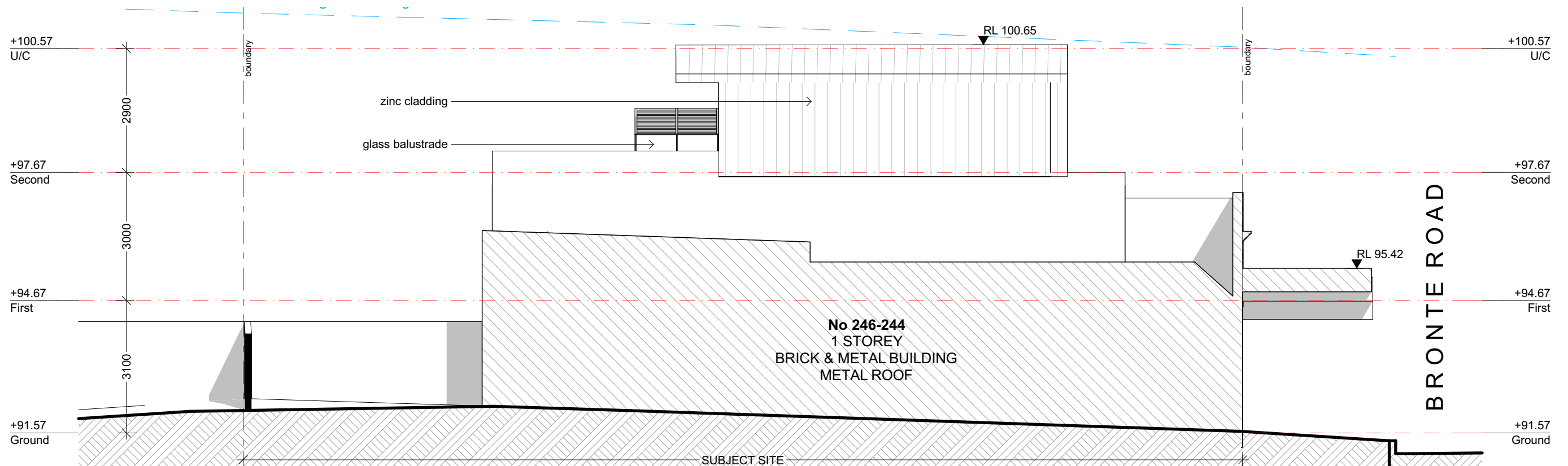




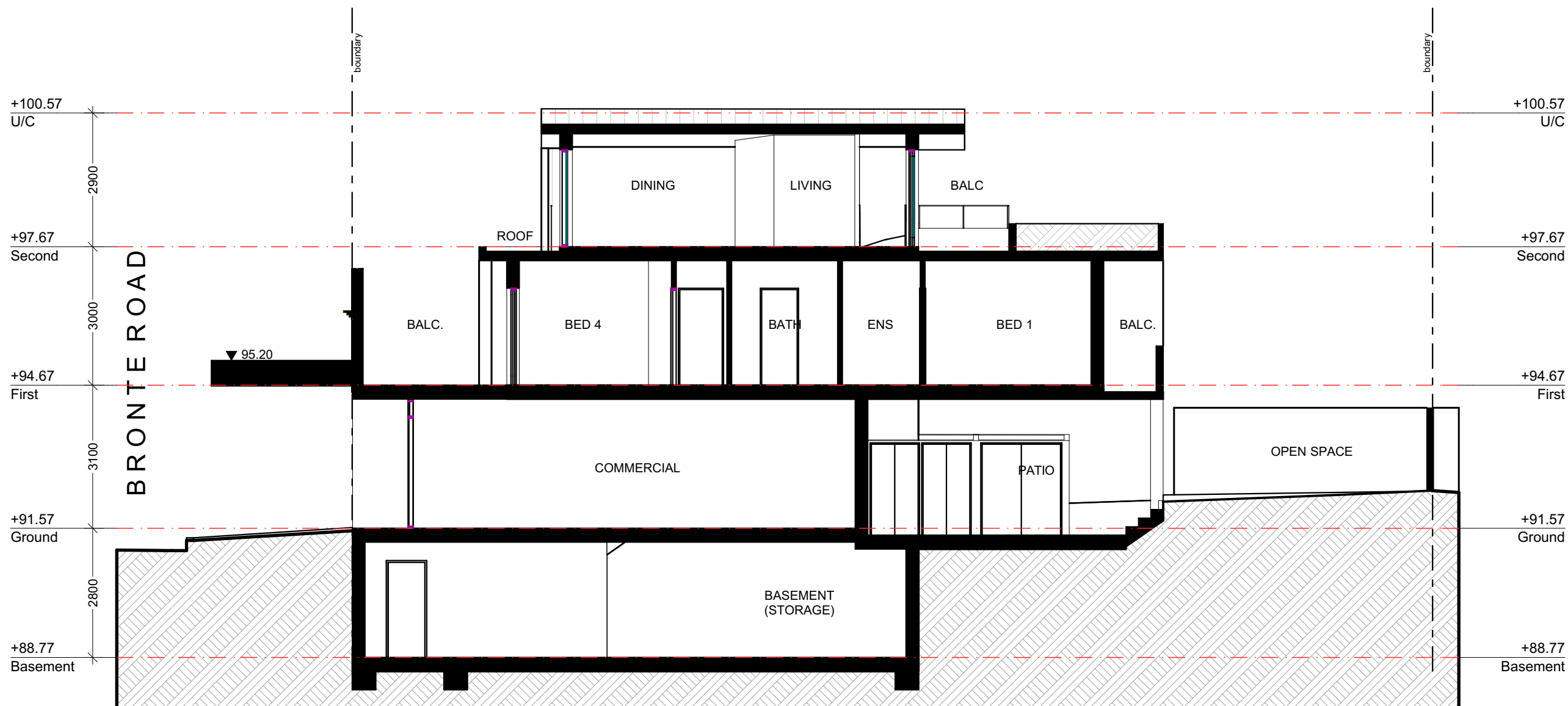
**West Elevation**  
SCALE 1:100



**East Elevation**  
SCALE 1:100







**Proposed section AA**  
SCALE 1:100

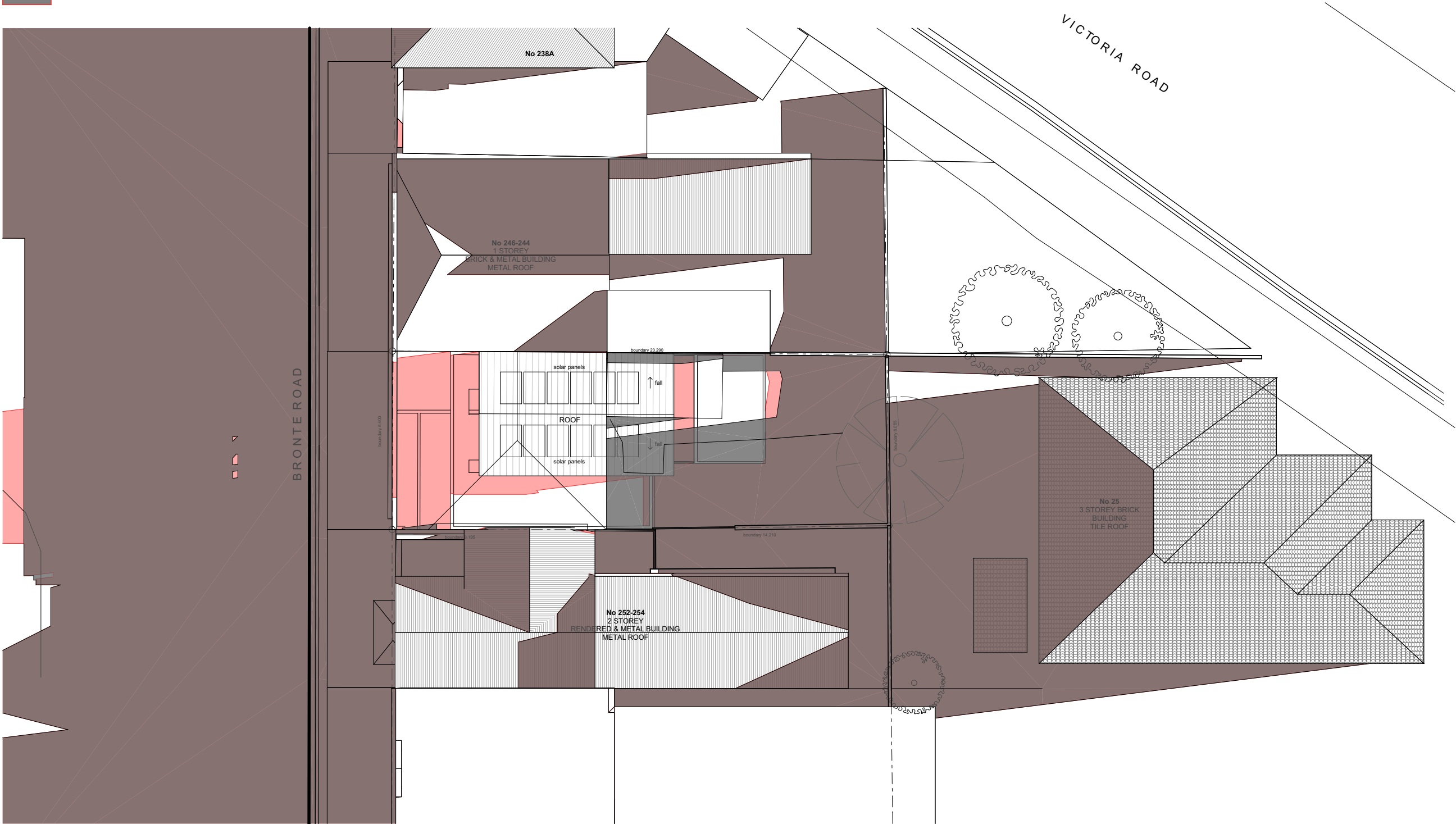
KEY



Proposed additional shadow



Existing shadow



**Winter Solstice - Shadow Diagram 9am**  
SCALE 1:200



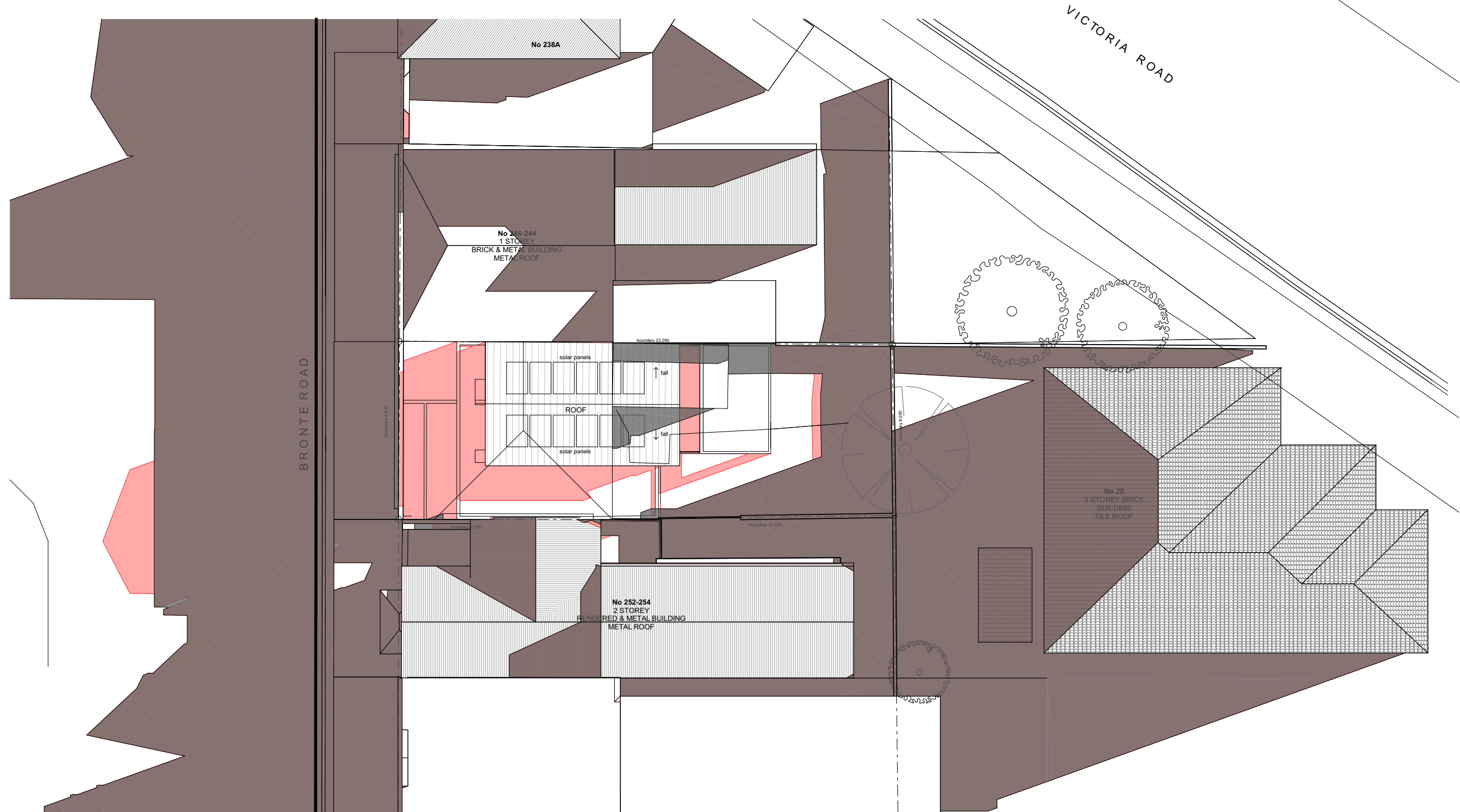
# KEY

- Proposed additional shadow
- Existing shadow

RECEIVED  
Waverley Council

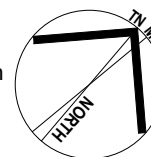
Application No: DA-428/2019/1

Date Received: 26/05/2020



**Winter Solstice - Shadow Diagram 10am**  
SCALE 1:200

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application



PROJECT:  
**New Mixed Use Development**  
248-250 Bronte Rd Waverley  
CLIENT:  
**Kok Seng Kaing & Ly Kaing**  
248-250 Bronte Rd Waverley

SHEET TITLE:  
**Shadow Diagrams - Winter Solstice 10am**

SCALE: 1:200 @ A3  
DRAWN: ANDREW  
SHEET SIZE: DWG NO: REVISION:

**A3 DA09b 149**

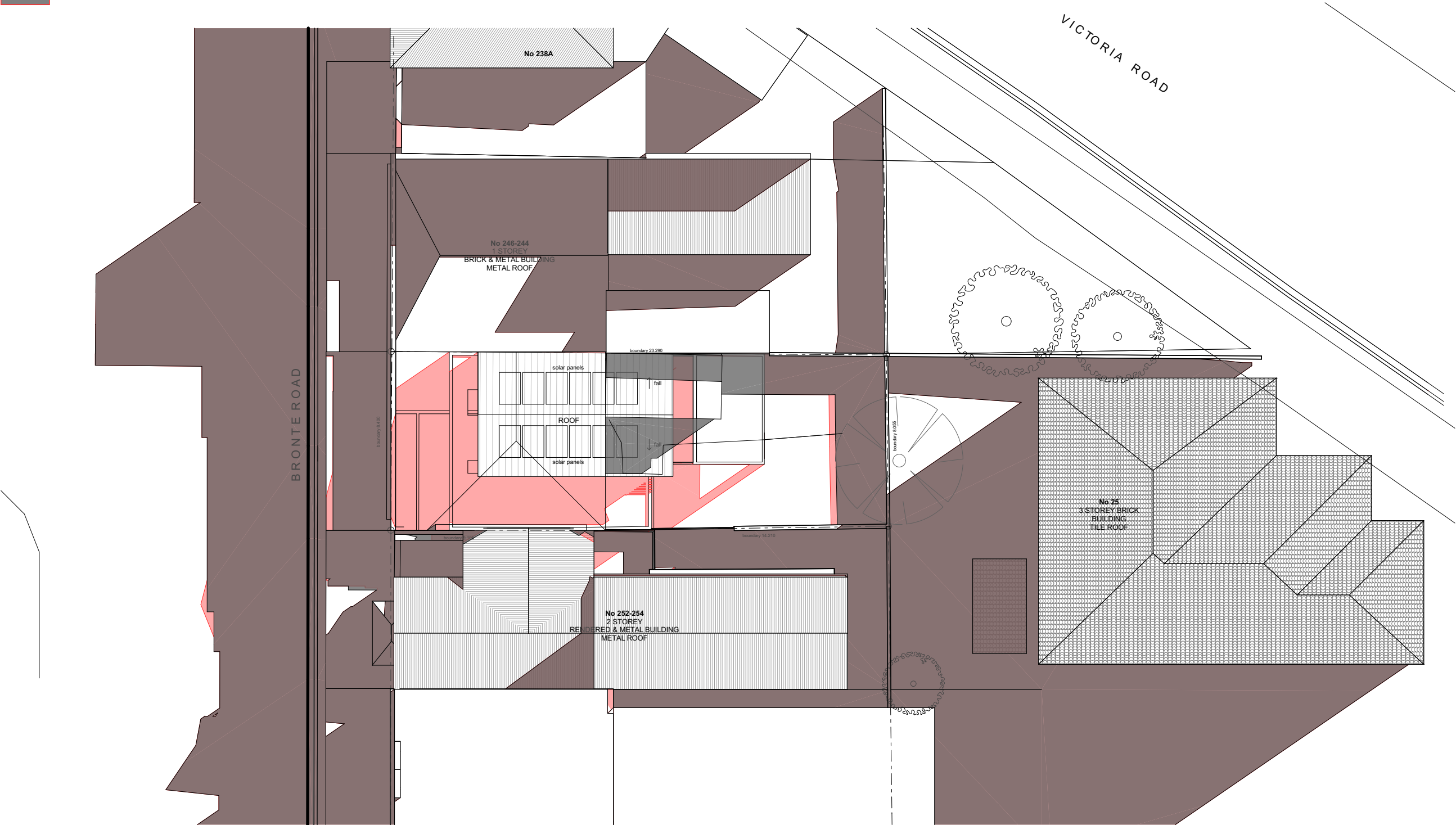
KEY



Proposed additional shadow



Existing shadow



**Winter Solstice - Shadow Diagram 11am**  
SCALE 1:200





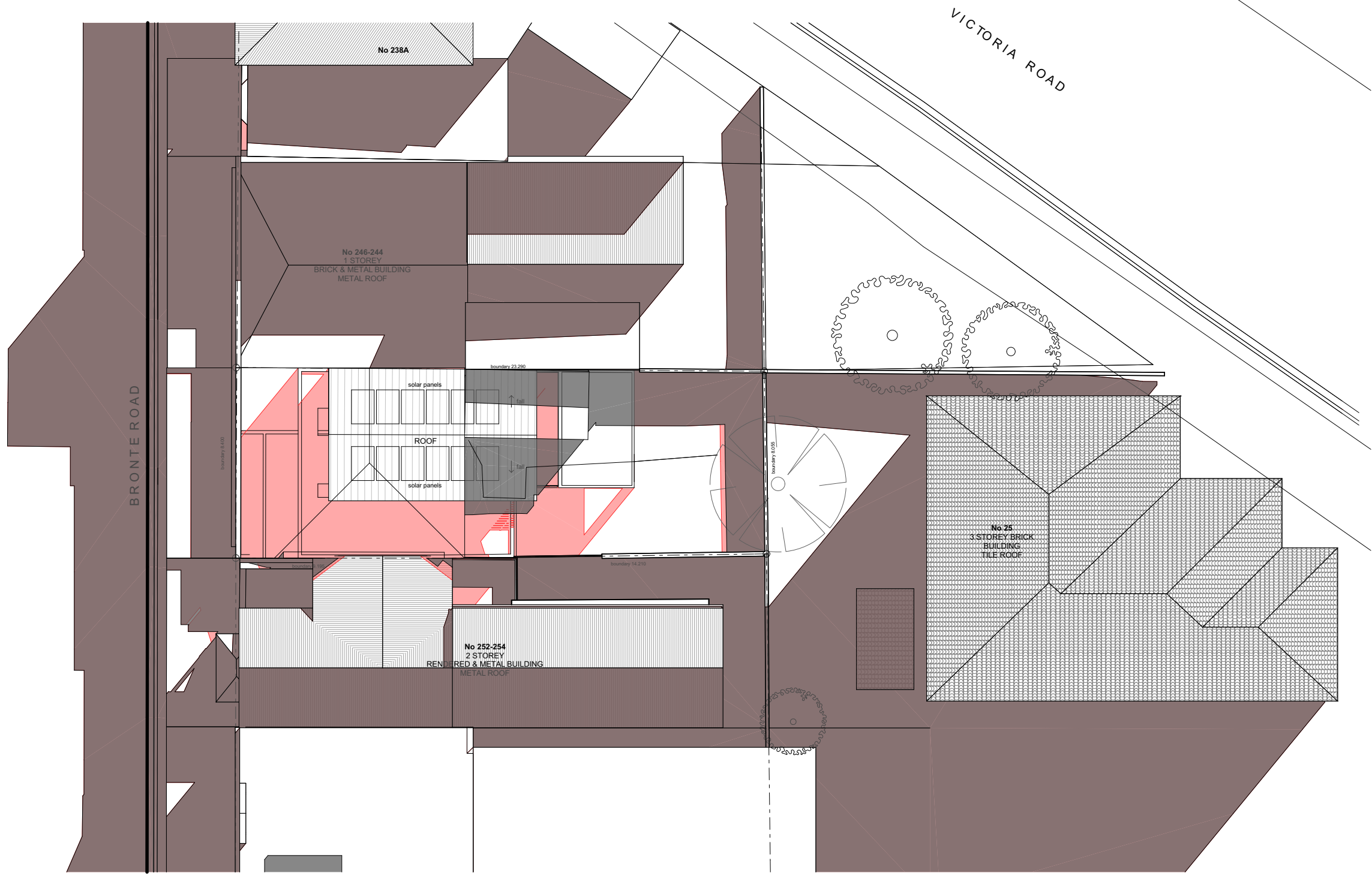
KEY



Proposed additional shadow

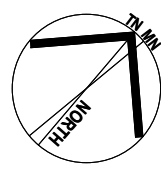


Existing shadow



**Winter Solstice - Shadow Diagram 12pm**  
SCALE 1:200

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application



KEY



Proposed additional shadow

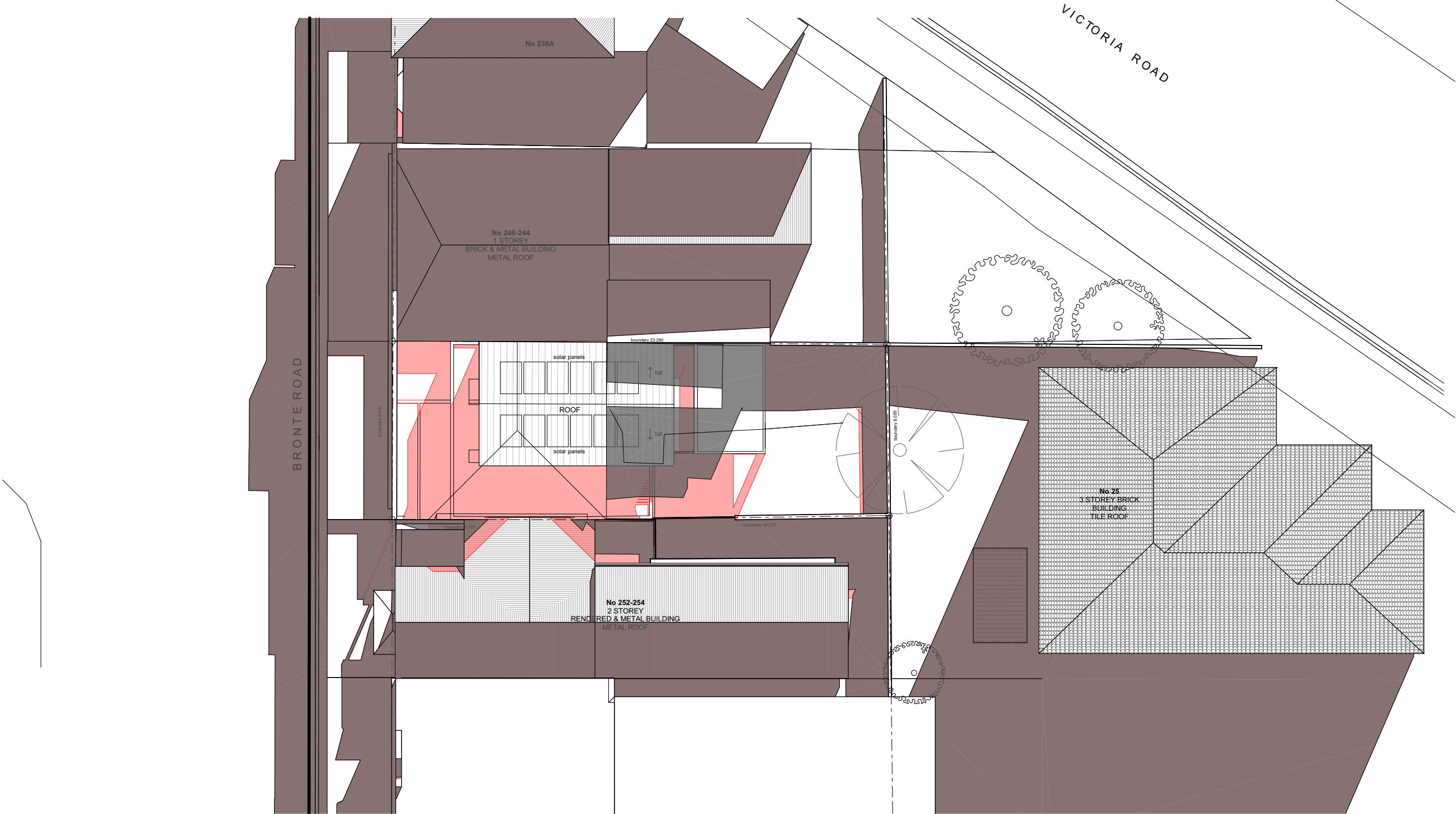


Existing shadow

RECEIVED  
Waverley Council

Application No: DA-428/2019/1

Date Received: 26/05/2020



**Winter Solstice - Shadow Diagram 1pm**  
SCALE 1:200

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application



KEY



Proposed additional shadow

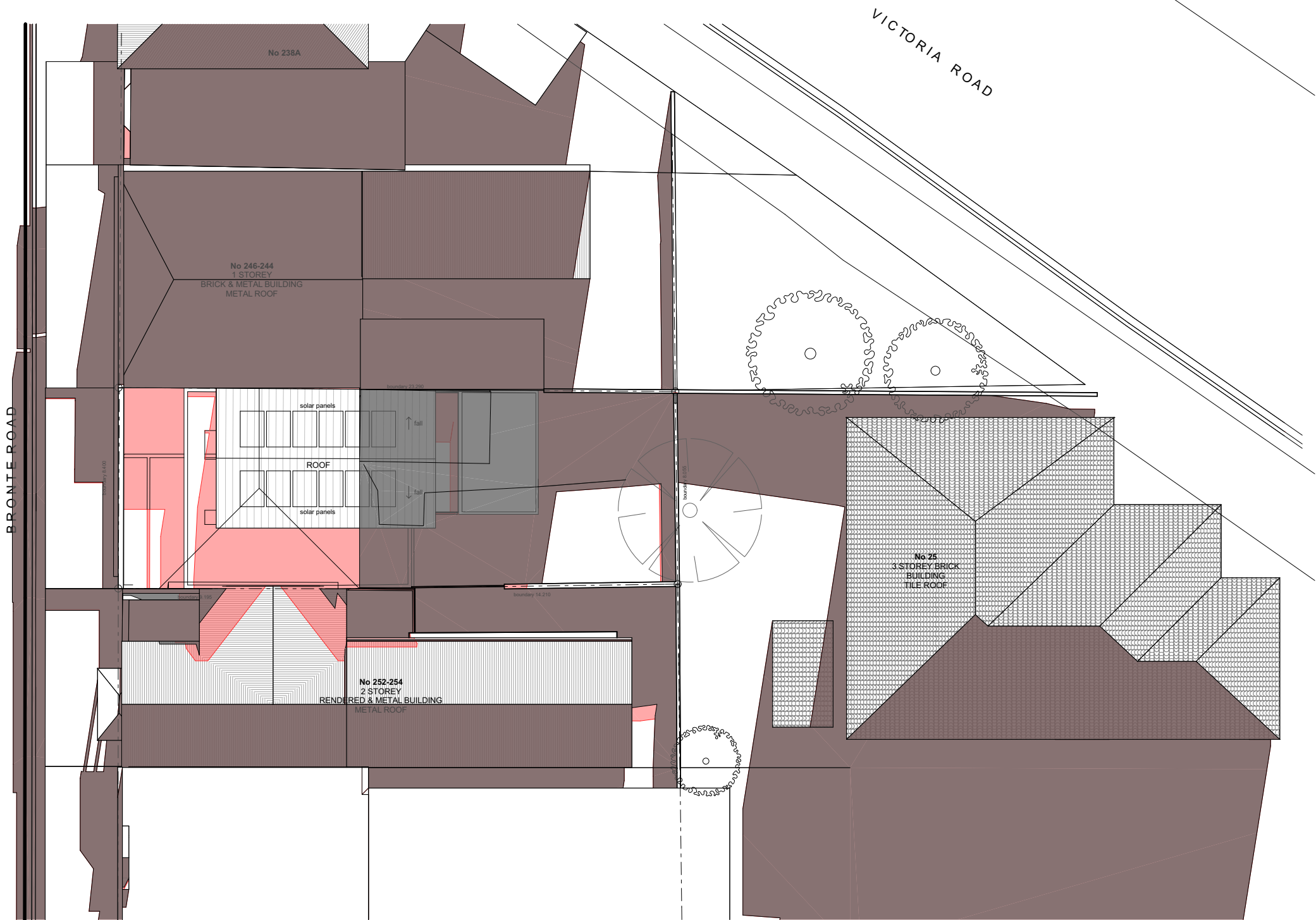


Existing shadow

RECEIVED  
Waverley Council

Application No: DA-428/2019/1

Date Received: 26/05/2020



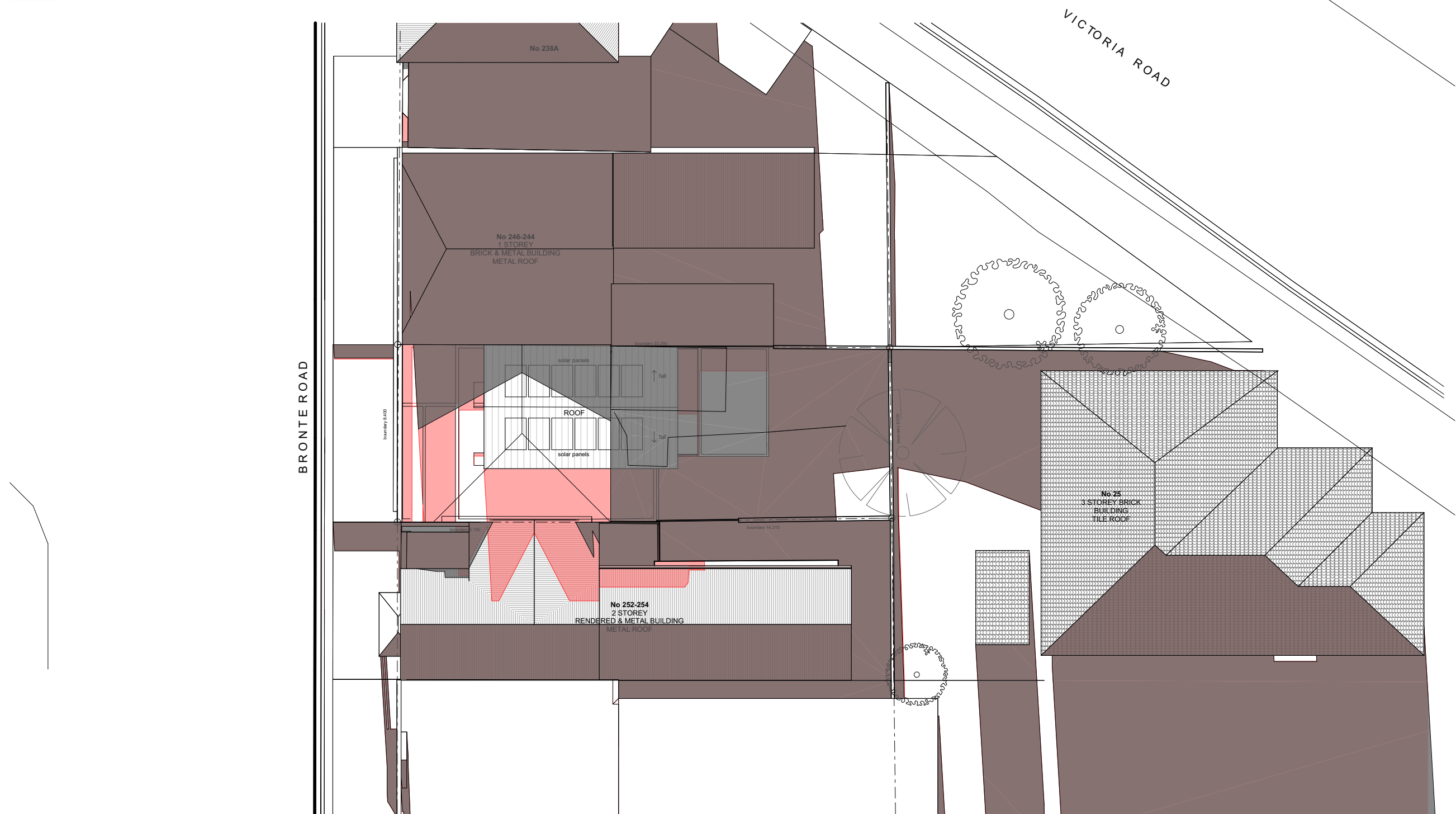
**Winter Solstice - Shadow Diagram 2pm**  
SCALE 1:200

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application



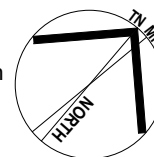
KEY

- Proposed additional shadow
- Existing shadow



Winter Solstice - Shadow Diagram 3pm  
SCALE 1:200

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application



PROJECT:  
**New Mixed Use Development**  
248-250 Bronte Rd Waverley  
CLIENT:  
**Kok Seng Kaing & Ly Kaing**  
248-250 Bronte Rd Waverley

SHEET TITLE:  
**Shadow Diagrams - Winter Solstice 3pm**  
SCALE: 1:200 @ A3  
DRAWN: ANDREW  
SHEET SIZE: DWG NO: REVISION:  
**A3 DA14**





**Elevational Shadow Diagram - 9am Existing**



**Elevational Shadow Diagram - 10am Existing**



**Elevational Shadow Diagram - 11am Existing**



**Elevational Shadow Diagram - 12pm Existing**



**Elevational Shadow Diagram - 9am Proposed**



**Elevational Shadow Diagram - 10am Proposed**



**Elevational Shadow Diagram - 11am Proposed**



**Elevational Shadow Diagram - 12pm Proposed**

RECEIVED  
Waverley Council  
Application No: DA-428/2019/1  
Date Received: 26/05/2020



**Elevational Shadow Diagram - 1pm Existing**



**Elevational Shadow Diagram - 1pm Proposed**



**Elevational Shadow Diagram - 2pm Existing**



**Elevational Shadow Diagram - 2pm Proposed**



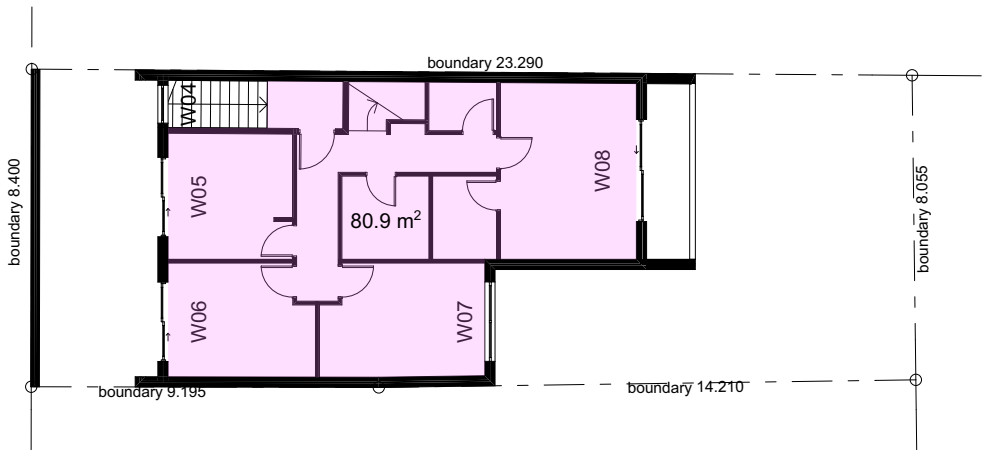
**Elevational Shadow Diagram - 2pm Existing**



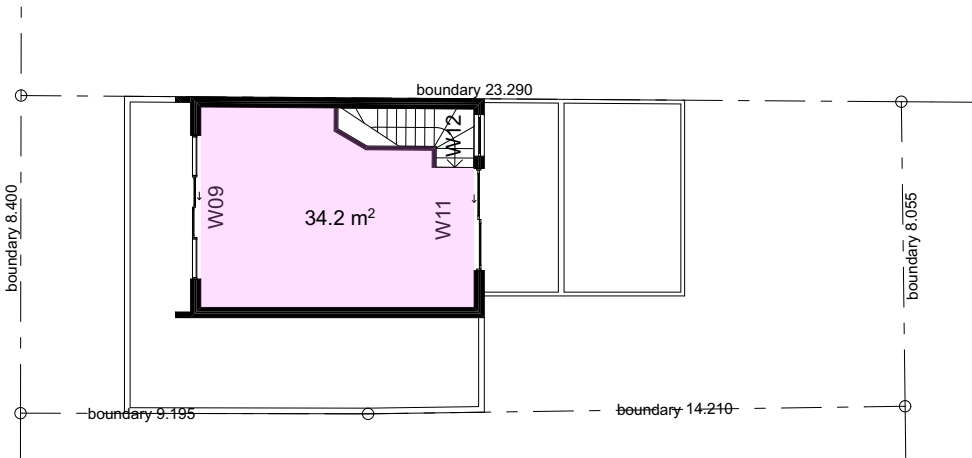
**Elevational Shadow Diagram - 2pm Proposed**

Legend:

GFA

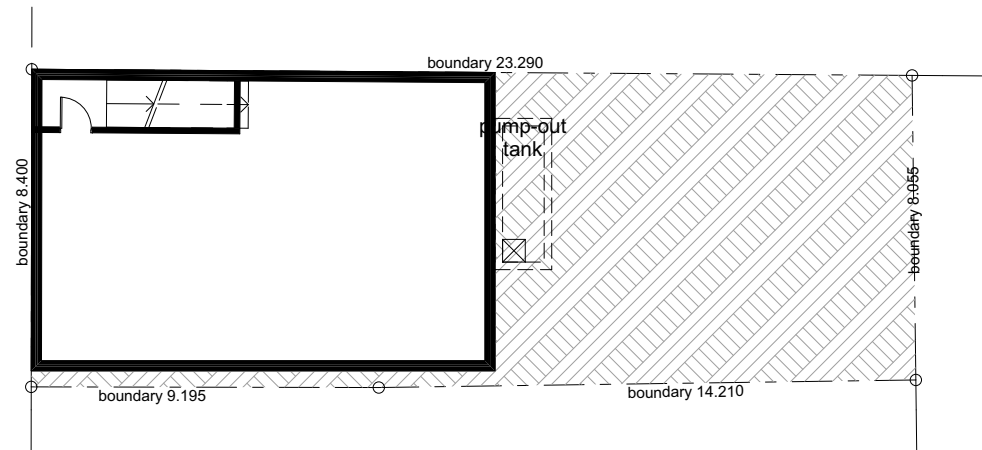


Proposed First Floor Plan  
SCALE 1:200

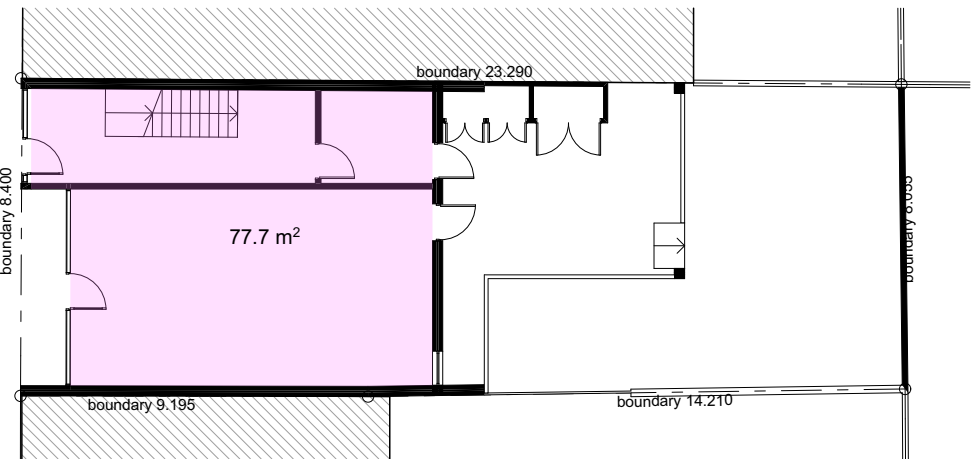


Proposed Second Floor Plan  
SCALE 1:200

GFA	
Site Area	193.1m²
Basement floor	- m²
Ground floor	77.7 m²
First floor	80.9 m²
Second floor	34.2 m²
TOTAL	192.8 m²
Allowable FSR	1:1
Proposed FSR	1:1



Proposed Basement Plan  
SCALE 1:200



Proposed Ground Floor Plan  
SCALE 1:200

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
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MAINTENANCE



Maintenance applies to all landscape materials installed by landscape contractor. Maintain area for 120 days, unless stated otherwise by council.

- water all garden areas, twice weekly
- remove all weeds
- replace plants which fail to establish with plants of similar size & quantity
- prune & shape plants where necessary
- make good any erosion
- make good defects which may occur
- remove rubbish weekly or as required
- lawn areas are to be mowed once grass has reached a height of 75mm

TREE PROTECTION

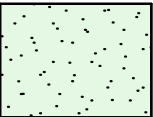
- a protection zone is to be established around tree(s) to be protected
- chain link (or similar) fencing to be installed around protection zone as far from the tree's base as the site allows
- protection zone shall be cleared of weed species and competitive vegetation
- protection zone is to be sign posted
- provide a permanent source of water to the tree
- mulch (75-100mm thick) to be placed on ground within fenced area.
- temporary irrigation to be provided within enclosure to enable water to be applied to the tree without entering the enclosure
- the tree to be watered twice weekly for 3 hours (unless weather conditions warrant variation)

LEGEND

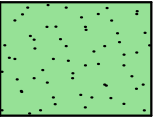
-  CR  
Cordylone 'Red Fountain'  
(dwarf cordylone)  
Height 1m, 0.2m pots  
(native)
-  CO  
Correa alba  
(costal correa)  
Height 1m, 0.2m pots  
(native)

LANDSCAPE AREAS 193.1m²

Landscape area	61.3m²
%	31.7%
Deep Soil area	59.4m²
%	30.8%



LANDSCAPE AREA



DEEP SOIL AREA

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Waverley Council

Application No: DA-428/2019/1

Date Received: 26/05/2020

Deep Soil Calculations

SCALE 1:100

Landscape Calculations

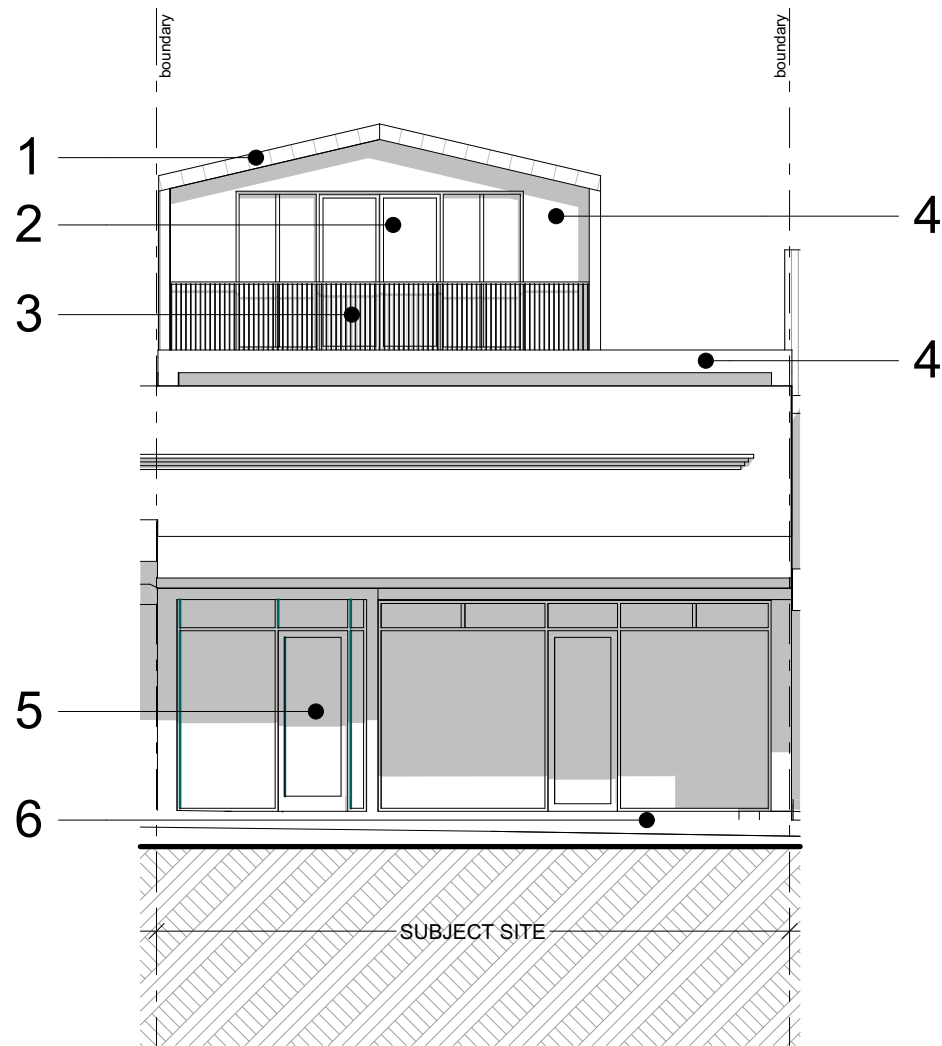
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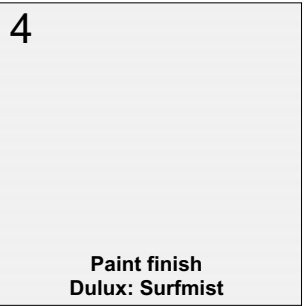
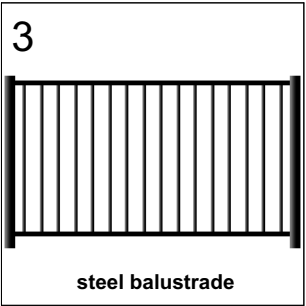
ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application

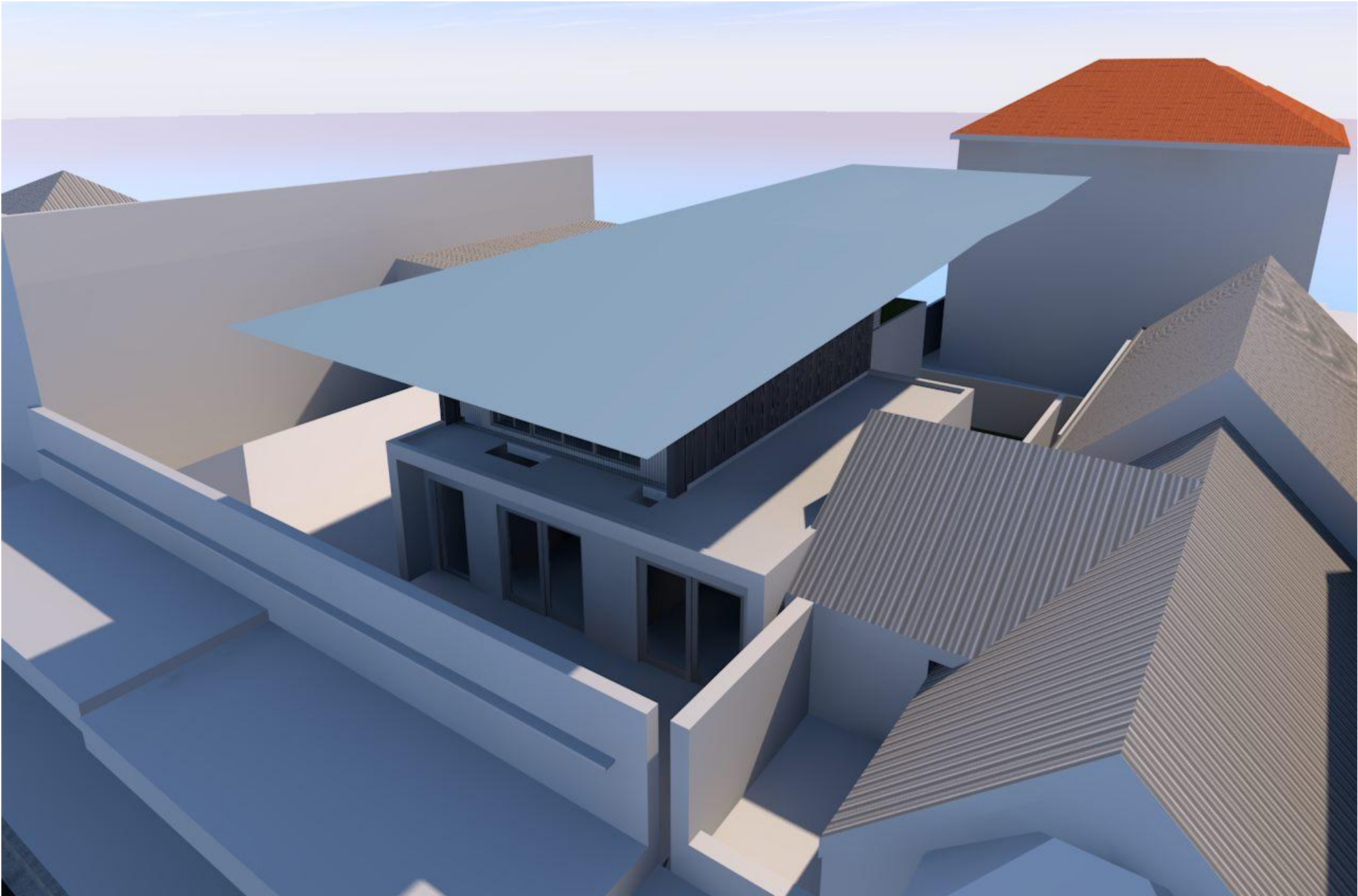






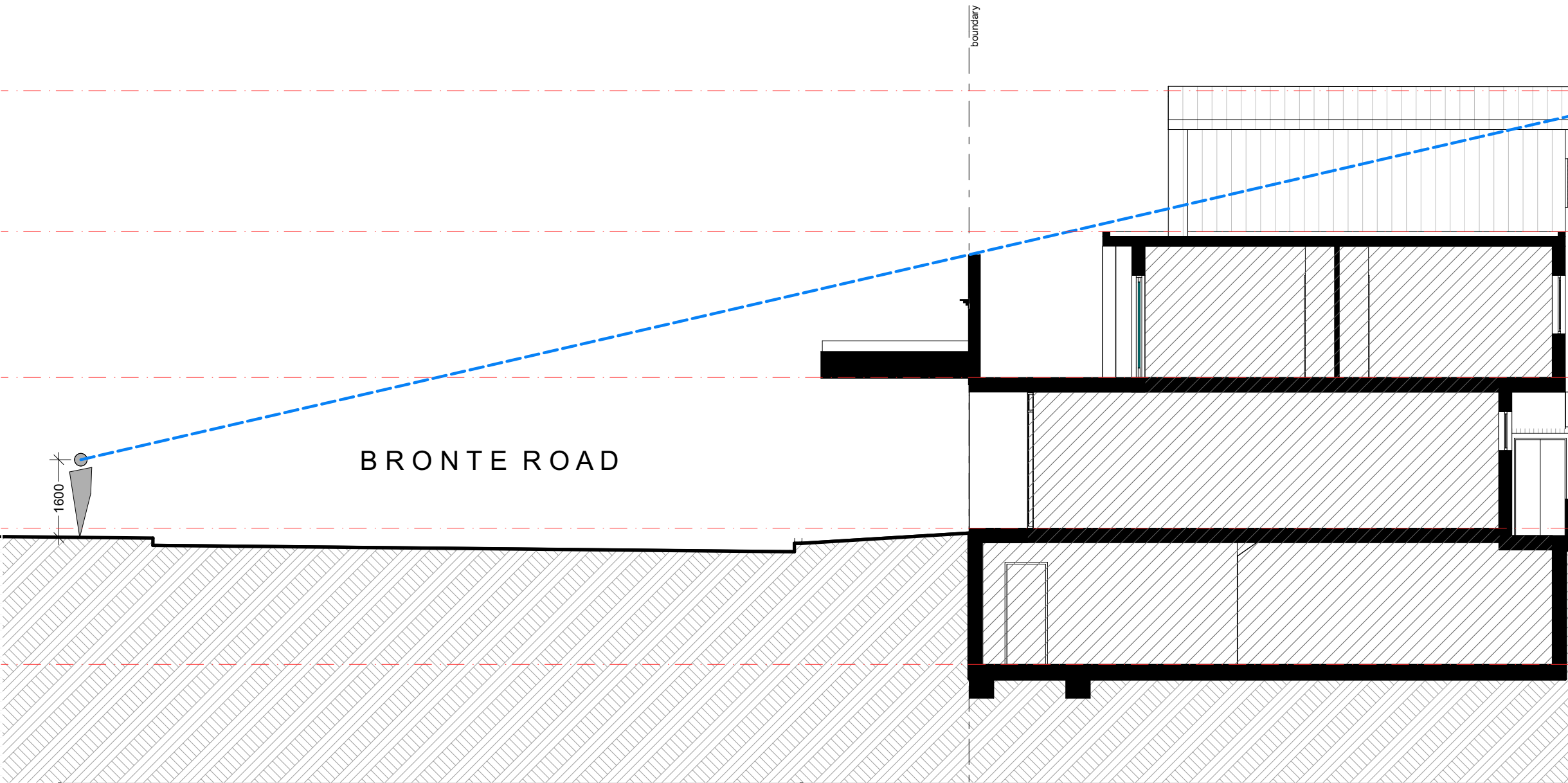
**West Elevation**  
SCALE 1:100





**Height Plane Diagram**

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application



**Street View Line Section**  
SCALE 1:100

ISSUE	DATE	DESCRIPTION
A	17.12.2019	DA Issue for Council
B	26.05.2020	Revision s8.2 Review Application



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-600/2015/H
<b>Site address</b>	292-302 Oxford Street, Bondi Junction
<b>Proposal</b>	Modifications to approved mixed use (shop top housing) development including modifications to internal layouts of apartments to reduce number of apartments proposed to 48 and increase the commercial floor area
<b>Approved Development</b>	Demolition and construction of 14 storey mixed use (shop top housing) development including retail on ground and first floor, 55 residential apartments above and basement parking (Approved under DA-600/2015/B)
<b>Date of lodgement</b>	5 June 2020
<b>Owner</b>	Janco Developments Pty Ltd
<b>Applicant</b>	Janco Developments Pty Ltd
<b>Submissions</b>	One
<b>Issues</b>	Floor space ratio
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions





## 1. PREAMBLE

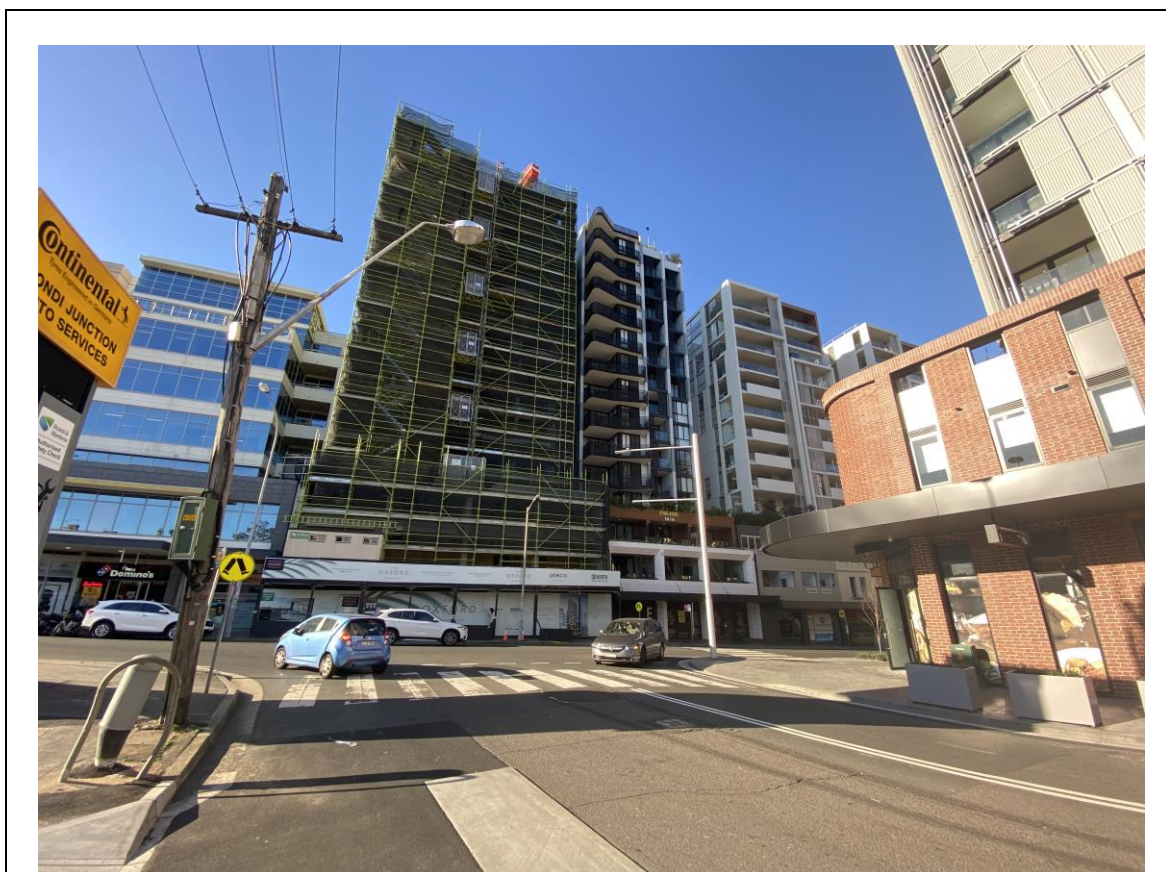
### 1.1 Site and Surrounding Locality

A site visit was carried out on 4 August 2020.

The site is identified as Lot 1 in DP 546065, and is known as 292-302 Oxford Street, Bondi Junction. Located on the northern side of Oxford Street, the site is opposite the intersection of Denison Street and Oxford Street and is in the block between Leswell Street and Newland Street. Hegarty Lane adjoins the site to the rear.

The site is rectangular in shape with a north boundary to Hegarty Lane of 21.23m, side eastern and western boundaries of approximately 38-39m and front south facing boundary of 21.33m. The site has an overall area of 833.3m<sup>2</sup> and has a slope from Oxford Street at the front to Hegarty Lane at the rear, with an overall difference of 2.5m.

The site was previously occupied by Walter Carter Funeral Home with a florist shop facing Oxford Street. The approved development is presently under construction. The site is adjoined by an eight-storey commercial building to the west and a 14 storey mixed use building to the east at 306 Oxford Street.



**Figure 1:** Subject site frontage

### 1.2 Relevant History

**DA-600/2015** sought development consent for the demolition of the existing building and construction of a 12 storey mixed use building containing basement parking, commercial space and 48 residential apartments, with through site link connecting Oxford Street and Hegarty Lane (it is noted that the determination notice stated approval for 48 residential apartments, however, only 47 were shown on the final approved architectural plans). Approval was granted by the then Waverley Development Assessment Panel at its meeting of 24 May 2017 subject to deferred commencement consent.

**DA-600/2015/A** was approved on 30 April 2018 to enable an extension of time to satisfy the deferred commencement matters. Confirmation of the satisfaction of the deferred commencement matters was provided in Council's letter dated 6 June 2018.

**DA-600/2015/B** was approved by the Waverley Local Planning Panel on 27 March 2019 for a modification to include two additional storeys with an offer for a VPA and other various modifications.

**DA-600/2015/C** was approved on 15 October 2019 for modification to the internal layout and car parking arrangements of Level 1 to Basement 6.

**DA-600/2015/D** was refused on 7 November 2019 for the modification to the size of the proposed loading bay on site. This application related to modification of condition 42 which requires swept path drawings for a medium rigid vehicle (MRV). The applicant sought to amend condition 42(1) to limit the size of service vehicles to small rigid vehicles (SRV).

**DA-600/2015/E** was approved on 11 November 2019 for the modification to the wording of Condition 4 relating to architectural detailing.

**DA-600/2015/F** was approved on 5 March 2020 for modifications to Condition 2(g) relating to the location of air condenser units and height increase to the lift overrun.

**DA-600/2015/G** was refused on 28 April 2020 for the modification to the size of the proposed loading bay on site.

#### **Subject application DA-600/2015/H**

Following the lodgement of DA-600/2015/H, a preliminary assessment was made of the application which discovered inconsistencies between dimensions of north facing balconies, particularly noticeable at Levels 10 and 13 with balconies encroaching forward of the approved front building line under DA-600/2015/B from 0.5m up to approximately 1m. The applicant was requested to address this inconsistency and advised in their amended response dated 12 August 2020 that *"during the evolution of the structural design and construction detailing development it was necessary to adjust slightly some of the balcony edge profiles and as such the Construction Certificate No.4 was issued as per this design, which is consistent with Council's approval DA-600/2015/B"*. As these modifications have been certified as part of the construction certificate (CC) process by the private certifier and built in compliance with the CC, this now forms part of the consent.

### **1.3 Proposal**

The application has been lodged as a section 4.55(1A) application and provides for the amendments to the number of residential apartments proposed, unit configuration and an increase in gross floor area.

The development is proposed to comprise 48 residential apartments including 8 x studio apartments, 20 x 1 bedroom apartments, 14 x 2 bedroom apartments, 5 x 3 bedroom apartments and 1 x 4 bedroom plus study apartment. This has also included minor changes to windows within the approved light well. Modifications have also been made to those units now identified as adaptable units and Condition 2(a) as unit number 3.08 no longer exists.

The modification application also proposes to increase the size of the Level 2 commercial tenancy by 31m<sup>2</sup> where subsequent to the rationalisation of services the redundant plant room has been incorporated in the reconfigured commercial space. The plant room to level 3 has also been divided into two and a ventilation louvre added. The proposal will also require modifications to conditions relating to car parking and bicycle parking due to the change in unit type and number.

The proposed modifications change the development configuration of the approved development as shown in **Table 1** below.

**Table 1: Development modifications between approved and proposed development schemes**

Level	Approved (DA-600/2015/B)	Proposed (DA-600/2015/H)
Level 2	Apt L2.04 – Studio apartment adaptable Plantroom/Commercial (185m <sup>2</sup> )	Apartment L2.04 - Internal rearrangement to incorporate a bedroom to be non- adaptable Subsequent to services rationalisation the unutilised plantroom (31m <sup>2</sup> additional GFA) has been incorporated within the reconfigured commercial space (total GFA now proposed as 216m <sup>2</sup> )
Level 3	Apt L3.01 – adaptable Apt L3.02 – non adaptable Apt L3.03 – Studio apartment Apt L3.04 – Studio apartment adaptable Apt L3.05 – Studio apartment Apt L3.06 – Studio apartment adaptable Apt L3.07 – Studio apartment adaptable Apt L3.08 – 1 Bedroom apartment Plantroom - single	Apartment L3.01 – non adaptable Apartment L3.03 and L3.04 – Studio apartments have been amalgamated into a 2 Bedroom apartment non adaptable – new L3.03 Apartment L3.05 – Internal rearrangement to incorporate a bedroom with the addition of a window to the void - new L3.04 Apartment L3.06 - new L3.05 non adaptable Apartment L3.07 and L3.08 – Studio and 1 Bedroom apartments have been amalgamated into a 3 Bedroom apartment – new L3.06 Plantroom divided into two with external louvre added
Level 4	Apt L4.04 – 1 Bedroom apartment	Apartment L4.04 – 1 Bedroom apartment - adaptable
Level 5	Apt L5.05 – 1 Bedroom apartment	Apartment L5.05 – 1 Bedroom apartment adaptable
Level 6	Apt L6.01 – 1 Bedroom apartment Apt L6.02 – 1 Bedroom apartment Apt L6.03 – 1 Bedroom apartment Apt L6.04 – 1 Bedroom apartment Apt L6.05 – 1 Bedroom apartment	Apartment L6.01, L6.02 and L6.03 – 3 x 1 Bedroom apartments have been amalgamated into 2 x 2 Bedroom apartments - new L6.01 and L6.02 Apt L6.04 and L6.05 – 2 x 1 Bedroom apartments have been amalgamated into 3 Bedroom apartments - new L6.03 adaptable
Level 7	Apt L7.03 – 1 Bedroom apartment Apt L7.04 – 1 Bedroom apartment	Apartment L7.03 and L7.04 – 2 x 1 Bedroom apartments have been amalgamated into a 3 Bedroom apartment new L7.03 adaptable
Level 8	Apt L8.03 – 2 Bedroom apartment Apt L8.04 – 1 Bedroom apartment	Apartment L8.03 – converted into a 1 Bedroom apartment Apartment L8.04 – converted into a 2 Bedroom apartment
Level 10	Apt L10.01 – 1 Bedroom adaptable	Apartment L10.01 – 1 Bedroom non adaptable
Level 11	Apt L11.01 – 3 Bedroom apartment Apt L11.02 – 3 Bedroom apartment	Apartment L11.01 and L11.02 – 2 x 3 Bedroom apartments have been amalgamated into a 4 Bedroom plus study apartment new L11.01
Level 12	Apt L12.04 – 1 Bedroom apartment	Apartment L12.04 – 1 Bedroom apartment adaptable
Level 13	Apt L13.03 – 1 Bedroom apartment Apt L13.04 – 1 Bedroom apartment	Apartment L13.03 and L13.04 – 2 x 1 Bedroom apartments have been amalgamated into a 3 Bedroom apartment new L13.03 adaptable

## 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 (1A) applications** - the application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*. The application has been notified as discussed further in the report.

### 2.2 Planning Instruments and Development Control Plans

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

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

An amended BASIX Certificate has been submitted with the application, which reflects the proposed modifications to the approved development.

#### 2.2.2 SEPP 55 Remediation of Land

The assessment of the original application considered all matters relevant to the SEPP 55 Remediation of Land and conditions of consent relating to remediation of the site were imposed accordingly. This modification application does not seek to delete or modify the conditions of consent imposed relating to matters under SEPP 55.

#### 2.2.3 SEPP 65 Design Quality of Residential Flat Development

The application was not required to be referred to the Waverley Design Excellence Panel as the modifications are not considered to constitute significant changes to the approved built form. The approved development, as proposed to be modified, is assessed against the nine design quality principles of the SEPP, which is set out in **Table 2** below.

**Table 2: Assessment against the Nine Design Quality Principles under SEPP 65**

Principle	Planning Comment
1. Context and Neighbourhood	The proposed unit reconfiguration and use of plant room as commercial gross floor area to the approved development will not add to the building height, bulk and scale of the approved development when viewed in its streetscape context.
2. Built form and Scale	The proposal does not affect the overall building alignments, articulation and modulation of the approved development.
3. Density	The proposed reconfigured units are afforded with a high level of amenity. Existing infrastructure, public transport and access to jobs within the Bondi Junction Centre are expected to cater for the total net of 48 apartments in the approved development, as proposed to be modified.



Principle	Planning Comment
4.Sustainability	The approved development, as proposed to be modified, remains consistent with the sustainability design quality principle in that the development affords adequate solar access and natural cross ventilation that minimises reliance on artificial heating and cooling. The application is accompanied by an amended BASIX certificate, which demonstrates the approved development, as proposed to be modified, meets the energy, water and thermal comfort targets set by SEPP BASIX.
5. Landscape	The proposal does not affect the landscaping scheme of the approved development.
6. Amenity	The proposed apartments are afforded reasonable amenity through room dimensions and layout; access to sunlight and natural ventilation, outlook and views; and visual and acoustic privacy.
7. Safety	The proposal does not affect the safety and security of the approved development.
8. Housing Diversity and Social Interaction	The proposal maintains an appropriate apartment mix and the apartments meet the minimum size and area for one, two and three bedroom apartments outlined in the Apartment Design Guide. The approved development, as proposed to be modified, therefore responds well to the living needs and household budgets of the immediate locality.
9. Aesthetics	The proposal maintains the overall aesthetics of the approved development in terms of materiality, building articulation and modulation.

### Apartment Design Guide

SEPP 65 requires the proposed development to consider Parts 3 and 4 of the Apartment Design Guide (ADG). The application is accompanied by an assessment against Parts 3 and 4 of the ADG. An assessment against the provisions within the ADG is provided in **Table 3**.

**Table 3: Assessment against the Apartment Design Guide**

Design Criteria	Consistency	Planning assessment
<b>Part 3 Siting the development</b>		
<b>3F Visual privacy</b> <ul style="list-style-type: none"> <li>Adequate distance separation between buildings *over 25m = 12m between habitable rooms 6m between non-habitable rooms</li> <li>privacy measures should not compromise outlook &amp; access to light &amp; air</li> </ul>	As approved	No changes to separation distances. These separation distances were accepted in the assessment of the original application in terms of the distances affording reasonable levels of visual privacy for residential apartments of the development itself and those in existing and future surrounding development. The same assessment applies to the reconfigured residential apartments.
<b>3J Bicycle and car parking</b>	No, condition	The resident and visitor car parking requirements set out in the <i>Guide to Traffic Generating Development 2002</i> are applicable to the residential component of the development and are used to calculate the minimum

Design Criteria	Consistency	Planning assessment
<p>The applicable car parking rates are as follows:</p> <ul style="list-style-type: none"> <li>0 resident spaces per studio unit</li> <li>0.4 resident spaces per one bedroom unit</li> <li>0.7 resident spaces per two bedroom unit</li> <li>1.2 resident spaces per three bedroom unit</li> <li>1 visitor space per seven units.</li> </ul> <p>Total car spaces (max under WDCP): 55 residential 9 visitor 3 retail / commercial</p>		<p>requirement which are the same as WDCP (Amendment 7) which are used to set the maximum.</p> <p>The proposed reconfigured apartments generates a total additional demand of a maximum of 2.5 resident car spaces due to the reduction in studio apartments proposed which have a zero parking rate, but with the reduction in seven units equates to a reduction of 1 visitor car space in accordance with WDCP (that is, 55 residential car spaces and 9 visitor car spaces maximum) (note: this rate was calculated using the rates under the applicable WDCP (Amendment 7) and applying those to the specific reconfigured apartments and not the development as a whole).</p> <p>The approval under development consent DA-600/2015/B proposed an excess in car parking that was conditioned to be converted to storage. The existing basement parking levels are able to accommodate the additional two car spaces as a result of the proposed reconfigured units (there is no change to commercial/retail parking provisions). Conditions 2(f) and 42A are to be amended to reflect the change in parking rate.</p>
<b>Part 4 Designing the building</b>		
<b>Amenity</b>		
<p>4A Solar and daylight access</p> <ul style="list-style-type: none"> <li>70% of apartments in a building receive a minimum of 2 hours between 9am and 3pm mid winter</li> <li>Maximum of 15% of apartments in a building receive no direct sunlight during 9am and 3pm during mid winter</li> </ul>	<p>No change</p> <p>No change</p>	
<p>4B Natural ventilation</p> <ul style="list-style-type: none"> <li>All habitable rooms naturally ventilated,</li> <li>single aspect apartments to maximise ventilation</li> <li>Max cross ventilation in the development- at least 60%</li> </ul>	No change	
4C Ceiling heights	No change	
4D Apartment size and layout	Yes	All of the proposed reconfigured apartments comply with the minimum internal area and incorporate high quality internal design that will afford good residential

Design Criteria	Consistency	Planning assessment
		amenity for both future occupants without unreasonably impacting on the amenity of surrounding residential buildings and private open spaces.
4E Private open space and balconies	Yes	All of the apartments are provided with private open space in the form of a balcony. Each private open space area is accessed from a living area of individual apartments and includes appropriate privacy treatments and orientations.
4F Common circulation and spaces <ul style="list-style-type: none"> <li>• max 8 apartments off a circulation core</li> <li>• max apartments sharing a lift is 40</li> <li>• safe &amp; promote social interaction</li> </ul>	Yes	
4G Storage	Yes	The proposal provides for the provision of caged storage areas at Basement level and internal storage as required by the ADG
<b>Configuration</b>		
4K Apartment mix	Yes	The approved development, as proposed to be modified, maintains a mix of studio, one, two and three bedroom apartments in addition to the inclusion of a four bedroom apartment plus study that will support a wide variety of household types and sizes.
4M Facades	No change	
4N Roof design	No change	
4O Landscape design and 4P Planting on structures	No change	

#### 2.2.4 SEPP (Infrastructure) 2007

The site is identified within the 'railway corridor' and is affected by SEPP (Infrastructure) 2007. The Section 4.55 application does not propose any modification to the built form that would require concurrence to be obtained from Sydney Trains.

#### 2.2.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Bondi Junction Centre is captured by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the SREP) as it is part of land identified within the edged heavy black borders on the Sydney Harbour Catchment Map referred to in clause 3(1) of the SREP. The SREP is a deemed SEPP, and therefore, the matters for consideration under Division 2 of Part 3 of the SREP apply to the assessment of the application. The approved development, as proposed to be modified, is deemed acceptable against the relevant matters for consideration as it does not discernibly affect the perceived building envelope of the development when viewed from immediate foreshores and waterways of Sydney Harbour. Therefore, the approved development, as proposed to be modified, is not expected to overly affect the visual and scenic qualities of Sydney Harbour.

## 2.2.6 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 4: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposed modifications to the development address the provisions of clause 1.2 of Waverley LEP 2012.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Mixed Use Zone	Yes	The approved 'shop top housing' development, as proposed to be modified, remains permitted with development consent in the B4 Mixed Use Zone. The development remains consistent with the zone objectives.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>38m</li> </ul>	No change	
4.4 Floor space ratio (FSR) and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>5:1</li> <li>Site area 833.3m<sup>2</sup></li> <li>4,166.5m<sup>2</sup> of GFA</li> </ul>	No	<ul style="list-style-type: none"> <li>The approved development has a total gross floor area (GFA) of 4,754.5m<sup>2</sup>, which achieves a FSR of 5.7:1. The approved proposal exceeds the FSR development standard by 588m<sup>2</sup> of GFA or 14.1%.</li> <li>The approved development, as proposed to be modified, has a total GFA of <b>4,785.5m<sup>2</sup></b>, which achieves a FSR of <b>5.74:1</b>. The proposal exceeds the FSR development standard by <b>619m<sup>2</sup></b> of GFA or <b>14.9%</b>.</li> </ul>
4.6 Exceptions to development standards	See discussion	The non-compliance of the approved development, as proposed to be modified, with the FSR development standard is not required to be considered under clause 4.6 of Waverley LEP 2012. Notwithstanding, the non-compliance is considered under section 4.55(1A) of the Act with regard to whether the approved development, as proposed to be modified, is substantially the same as the development for which the consent was originally granted. This discussion along with an assessment against the objectives of clause 4.4 of Waverley LEP 2012 in relation to FSR is set out below the table.

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



#### Clause 4.4 - Floor Space Ratio

The approved development, as proposed to be modified, increases the overall GFA by 31m<sup>2</sup> to 4,785.5m<sup>2</sup>, which achieves a FSR of 5.74:1. The proposal varies the FSR development standard by 14.9% or 619m<sup>2</sup> of GFA.

The application is made under section 4.55(1A) of the Act and therefore the variation cannot be considered under clause 4.6 of Waverley LEP 2012.

The variation of the FSR development standard is considered against the objectives of the FSR development standard expressed by clause 4.4(1) of Waverley LEP 2012 to guide the merit assessment, which are extracted as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

The modification application proposes to increase the size of the Level 2 commercial tenancy by 31m<sup>2</sup> where subsequent to the rationalisation of services the redundant plant room has been incorporated in the reconfigured commercial space within the mixed use building. The additional gross floor area will be utilised for commercial purposes and will meet the foreseeable future needs of the Bondi Junction Centre and commercial space required more broadly within the Waverley Local Government Area. The modifications are considered to address objective (a) of clause 4.4.

The additional GFA does not alter the building envelope but utilises an existing plant room located at Level 2 which is to be converted to commercial floor space. The buildings height and FSR remains consistent with the adjoining building to the east and with the pattern of development in Bondi Junction. The development is already the subject of a formalised voluntary planning agreement under the Waverley Planning Agreement Policy 2014, however, this Policy does not apply to the provision of commercial floor space so cannot be applied to the subject modification application. The modifications are considered to address objective (b) of clause 4.4.

The scale and streetscape presentation of the proposed building will not change as a result of the increase in FSR and is considered to be consistent with the existing and emerging scale of buildings in the Bondi Junction Town Centre. The modifications are considered to address objective (c) of clause 4.4.

Given that there is no change to the approved building envelope as a result of the additional FSR proposed, the environmental impacts arising from the exceedance of the FSR development standard are negligible. As such, the impacts caused by the additional floor space are reasonable in relation to its effect on the amenity of surrounding residential properties, the streetscape and public domain of the immediate vicinity and the ability of the development standards to achieve the desired future character of the locality. The proposal is considered consistent with the objectives of the FSR development standard with regard to urban design, visual impact, and environmental and amenity impact matters.

## 2.2.7 Waverley Development Control Plan (DCP) 2012 - Amendment No.7 – Effective 2 March 2020

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

**Table 5: Waverley DCP 2012 – Part B General Design Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	The applicant submitted a waste management plan as part of the original DA, which has been reviewed and considered satisfactory with all standard conditions of consent included in the original determination.
2. Energy and water conservation	Yes	An amended BASIX certificate has been submitted with this application to address the changes to the overall environmental performance of the development caused by the additional GFA and unit reconfigurations.
6. Stormwater	Yes	Conditions exist in the development consent that deal with stormwater management matters of the approved development.
7. Accessibility and adaptability	Yes	The proposal does not change the overall accessibility of the development. Modifications have been made to the allocated adaptable units but not to the number of units proposed.
Transport Car parking rates	No, condition	See previous discussion above under ADG Table of compliance
Bicycle • 1/unit for residents • 1/10 units for visitors	Yes	The approved development, as proposed to be modified, provides for no modifications to the number of bicycle spaces provided, maintaining the approved number of 72 spaces, which is more than is required by the WDCP.
Motorcycle • 3 spaces for every 15 car parking spaces	Yes	The approved development, as proposed to be modified, provides for no modifications to the number of motorcycle spaces provided, maintaining the approved number of 11 spaces, which satisfies the controls of the WDCP for the total number of car spaces provided.  The approved development, as proposed to be modified, maintains the loading bay.
10. Safety	Yes	The approved development, as proposed to be modified, has been considered against the provisions of Part B10 of Waverley DCP 2012 and the proposal is considered to provide a safe environment for future residents, visitors, workers and the general public.

**Table 5: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table**

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development, including the residential flat buildings, shop top house or mixed use developments that are 3 or more storeys and contain 4 or more dwellings. The relevant sections of Part C4 of Waverley DCP 2012 as it applies to the subject modification application are addressed in Table 6.

Development Control	Compliance	Comment
<b>4.5 Building design and streetscape</b>		
	Yes	The overall form, materials and finishes of the approved development remain unchanged as a result of the proposed modification application. There are minor window changes to the internal light well located at the eastern side of the building, however, these are not visible from the street.
<b>4.7 Vehicular access and parking</b>		
	Yes	The proposed development maintains the location and size of the vehicular access point of the development from Hegarty Lane. The provision of car parking has been addressed under Table 3 above.
<b>4.11 Visual Privacy and Security</b>		
		New openings are proposed to the internal void at Level 2 (Apartment L3.04 north side of Bed 1) and Level 3 (louvres to plant room to its east side). The location of these openings does not result in impacts on visual privacy or security.
<b>4.13 Building services</b>		
	Yes	

**Table 7: Waverley DCP 2012 - Part E1 Bondi Junction Compliance Table**

The relevant sections of Part C4 of Waverley DCP 2012 as it applies to the subject modification application are addressed in Table 7.

Development Control	Compliance	Comment
<b>1.2 Urban form</b>		
	No change	
<b>1.3 Building use</b>		
	Yes	No change to the building uses of the approved development.
<b>1.4 Access and movement</b>		
	No change	The proposal maintains the vehicular and pedestrian access points of the approved development. It also maintains the layout, orientation and size of the through-site link between Hegarty Lane and Oxford Street.
<b>1.7 Active street frontages</b>		
	No change	The proposal does not change the composition of the shopfront of the approved development and maintains the active street frontages of the development.
<b>1.16 Design excellence</b>		
	Yes	The proposal maintains the overall aesthetics and built form character of the approved development, which were considered as part of the assessment and determination of the original development application.
<b>1.17 Building elevations</b>		
	Yes	The changes proposed to elevations is to proposed window changes within the void area and also to the location of balcony privacy screens dividing each unit given

Development Control	Compliance	Comment
		the changes to unit configurations. These modifications are minor with no impacts identified.

## 2.3 Other Impacts of the Development

The approved development, as proposed to be modified, is capable of complying with the Building Code of Australia. 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 remains suitable for the approved development, as proposed to be modified.

## 2.5 Any Submissions

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

One submissions was received from a unit owner at 306 Oxford Street, Bondi Junction. The issues raised in the submission is summarised and discussed below.

**Issue:** *The original approved proposal included privacy screens to the eastern side of proposed balconies to mitigate against overlooking to the adjoining units to the east*

**Response:** The approved plans under DA-600/2015 did not include the provision of privacy screens to the eastern sides of balconies (stamp approved plans date received by Council 13 February 2018 to satisfy deferred commencement matters of development consent DA-600/2015). No modifications are proposed to the approved separation distances of the north facing upper level balconies as part of this Section 4.55 application, which are located 3m from the eastern side boundary.

## 2.6 Public Interest

The proposal is not considered to be contrary to the public interest.

# 3 REFERRALS

## 3.1 Environmental Health

The application was referred to Council's Environmental Health officer who raised no objection subject to the following conditions:

### **ACOUSTIC REPORT RECOMMENDATIONS**

*The "recommendations" as outlined in the acoustic report prepared by Acouras Consultancy [Reference No. SYD2018-1047-R005B] dated 3 June 2020 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.*



## **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.*

The conditions provided are recommended for imposition on the modified consent, contained in Appendix A and B of this report.

### **4. SUMMARY**

The application seeks to modify development consent, known as DA-600/2015, for demolition of and construction of a 12 storey mixed use development including retail on ground floor and 48 residential apartments that was granted by the Waverley Development Assessment Panel on 24 May 2017, which was subsequently amended by DA-600/2015/B for addition of two levels and comprising a total of 55 apartments. The proposed modifications seek amendments to the total number of residential apartments proposed to 48, unit configuration and an increase in commercial gross floor area.

The application has been assessed within the framework of the matters for consideration under sections 4.15 and 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. The assessment finds that the approved development, as proposed to be modified, is substantially the same as the approved development and is acceptable with regard to its performance against environmental planning instruments, specifically SEPP 65 and Waverley LEP 2012, and the Waverley DCP 2012. The development remains consistent with the desired future character of the Bondi Junction Centre.

The application attracted one submission and the issues raised in the submission have been addressed in the body of the report.

Accordingly, the application is supported on merit and recommended for conditional approval.

### **DBU Decision**

The application was reviewed by the DBU at the meeting on 25 August 2020 and the DBU determined that the application is acceptable and should be approved, subject to the conditions in Appendix A and B.

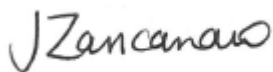
DBU members: A Rossi, B McNamara, E Finnegan

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

That the Section 4.55(1A) Modification Application be **APPROVED** by the Waverley Local Planning Panel subject to the conditions in Appendices A and B of this report.

**Report prepared by:**

**Application reviewed and agreed on  
behalf of Waverley Council's  
Development and Building Unit by:**



Jo Zancanaro  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment  
(Central)**

**Date:** 3 September 2020

**Date:** 10 September 2020

**Reason for referral:**

- 3. Departure from any development standard in an EPI by more than 10%
- 4. Sensitive development:
  - SEPP 65 development
  - Planning Agreements

## **APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED**

### **A. Amended/ Deleted Conditions**

#### **A. APPROVED DEVELOPMENT**

The development must be in accordance with the following documents:

- (a) Architectural Plans;

<b>Drawing Number and Description</b>	<b>Date and Revision</b>	<b>Author of Drawing</b>	<b>Received by Council Date</b>
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	08.05.16
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	08.05.16
Basement B3 Plan DA 1.03-02	12.04.17 – Revision 2	Howe Architects	08.05.16
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	08.05.16
Basement B1 Plan DA 1.06-03	12.04.17- Revision 3	Howe Architects	08.05.16
Ground Floor Plan DA 1.07-04	12.04.17 – Revision 4	Howe Architects	08.05.16
Level 2 Plan DA 1.08-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 3 Plan DA 1.09-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Level 4 Plan DA 1.10-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 5 Plan DA 1.11-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 6 Plan DA 1.12-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 7 Plan DA 1.13-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 8 Plan DA 1.14-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 9 Plan DA 1.15-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 10 Plan DA 1.16-3	14.04.17- Revision 3	Howe Architects	08.05.16
Level 11 Plan DA 1.17-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 12 Plan DA 1.18-03	12.04.17- Revision 3	Howe Architects	08.05.16
Roof Terrace Plan DA 1.19-02	12.04.17- Revision 2	Howe Architects	08.05.16
Roof Plan DA 1.26-00	29.07.16- Revision 0	Howe Architects	08.05.16
Adaptable Units- Sheet 1	12.04.17– Revision 1	Howe Architects	08.05.16

DA 1.27_01			
Adaptable Units- Sheet 2 DA 1.28_01	12.04.17– Revision 1	Howe Architects	08.05.16
Proposed North Elevation DA 2.05-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed South Elevation DA 2.06-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed West Elevation DA 2.07-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed East Elevation DA-2.08-03	14.04.17 – Revision 3	Howe Architects	08.05.16
Section A-A DA 3.00-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Section B-B DA 3.01-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Section C-C DA 3.02-02	05.04.17 – Revision 2	Howe Architects	08.05.16
Typical Balustrade Cross sections DA-6.80-02	20.04.17 – Revision 2	Howe Architects	08.05.16

- (i) As amended by the following architectural plans prepared by 'Howe Architects' and stamp date received by Council on 13 February 2018 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	13.02.18
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	13.02.18
Basement B3 Plan DA 1.03-02	13.04.17 – Revision 2	Howe Architects	13.02.18
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	13.02.18
Basement B1 Plan DA 1.06-06	20.12.17- Revision 6	Howe Architects	13.02.18
Ground Floor Plan DA 1.07-08	20.12.17 – Revision 8	Howe Architects	13.02.18
Level 2 Plan DA 1.08-07	20.12.17- Revision 8	Howe Architects	13.02.18
Level 3 Plan DA 1.09-08	13.02.18 – Revision 8	Howe Architects	13.02.18
Level 4 Plan DA 1.10-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 5 Plan DA 1.11-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 6 Plan DA 1.12-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 7 Plan DA 1.13-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 8 Plan DA 1.14-08	13.02.18- Revision 8	Howe Architects	13.02.18



Level 9 Plan DA 1.15-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 10 Plan DA 1.16-07	13.02.18- Revision 7	Howe Architects	13.02.18
Level 11 Plan DA 1.17-007	13.02.18 - Revision 7	Howe Architects	13.02.18
Level 12 Plan DA 1.18-07	14.12.17- Revision 7	Howe Architects	13.02.18
Roof Terrace Plan DA 1.19-06	14.12.17- Revision 6	Howe Architects	13.02.18
Roof Plan DA 1.26-04	14.12.17- Revision 4	Howe Architects	13.02.18
Adaptable Units- Sheet 1 DA 1.27_01	12.04.17– Revision 1	Howe Architects	08.05.16
Adaptable Units- Sheet 2 DA 1.28_01	12.04.17– Revision 1	Howe Architects	08.05.16
Proposed North Elevation DA 2.05-06	28.11.17 – Revision 6	Howe Architects	13.02.18
Proposed South Elevation DA 2.06-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Proposed West Elevation DA 2.07-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Proposed East Elevation DA-2.08-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Section A-A DA 3.00-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Section B-B DA 3.01-07	14.12.17– Revision 7	Howe Architects	13.02.18
Section C-C DA 3.02-05	28.11.17 – Revision 5	Howe Architects	13.02.18
Typical Balustrade Cross sections DA-6.80-03	09.08.17 – Revision 3	Howe Architects	13.02.18
External Materials Schedule	6.10.17	Howe Architects	6.10.17

- (ii) As amended by the following architectural plans prepared by 'Howe Architects' and stamp date received by Council on 18 April 2018 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
VPA & Section 4.55 Basement B6 General Layout Plan DA01 1.02-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B5 General Layout Plan	19.01.18	Howe Architects	18.04.18

DA01 1.03-01			
VPA & Section 4.55 Basement B4 General Layout Plan DA01 1.04A-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B3 General Layout Plan DA01 1.04-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B2 General Layout Plan DA01 1.05-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B1 General Layout Plan DA01 1.06-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Ground Floor General Layout Plan DA01 1.07-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 2 General Layout Plan DA01 1.08-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 3 General Layout Plan DA01 1.09-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 4 General Layout Plan DA01 1.10-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 5 General Layout Plan DA01 1.11-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 6 General Layout Plan DA01 1.12-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 7 General Layout Plan DA01 1.13-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 8 General Layout Plan DA01 1.14-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 9 General Layout Plan DA01 1.15-00	19.01.18	Howe Architects	18.04.18

VPA & Section 4.55 Level 10 General Layout Plan DA01 1.16-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 11 General Layout Plan DA01 1.17-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 12 General Layout Plan DA01 1.18-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 13 General Layout Plan DA01 1.19-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 14 General Layout Plan DA01 1.20-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.21-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.22-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 1 DA01 1.27-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 2 DA01 1.28-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed North Elevation DA01 2.05-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed South Elevation DA01 2.06-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed West Elevation DA01 2.07-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed East Elevation DA01 2.08-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section A-A DA01 3.00-00	30.01.18	Howe Architects	18.04.18

VPA & Section 4.55 Proposed Section B-B DA01 3.01-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section C-C DA01 3.02-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section D-D Location of Railcorp Easement DA01 3.03 -00	30.01.18	Howe Architects	18.04.18

- (iii) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 13 June 2019 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 18 June 2019 and 17 July 2019 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Section 4.55 Basement Level 6 S4.55 - 102	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 5 S4.55 - 103	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 4 S4.55 - 104	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 3 S4.55 - 105	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 2 S4.55 - 106	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 1 S4.55 - 107	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Level 1 S4.55 - 108	August 2019 Revision C	Beta Solutions Architects	12.09.19
Section 4.55 Section A-A S4.55 - 301	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section B-B S4.55 - 302	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section C-C S4.55 - 303	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section D-D S4.55 - 304	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 South Elevation S4.55 - 202	June 2019 Revision B	Beta Solutions Architects	17.07.19
VPA & Section 4.55 Proposed Section D-D Location of Railcorp Easement	30.01.18	Howe Architects	18.04.18



DA01 3.03 -00			
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- (iv) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 24 February 2020 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 25 February 2020 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
A122 - Roof Terrace	February 2020 Revision P	Beta Solutions Architects	25.02.2020
A122 – Roof Terrace	February 2020 Revision Q	Beta Solutions Architects	25.02.2020
A123 - Roof	February 2020 Revision H	Beta Solutions Architects	25.02.2020
A123 - Roof	February 2020 Revision I	Beta Solutions Architects	25.02.2020
A201 – North Elevation	February 2020 Revision I	Beta Solutions Architects	25.02.2020
A202 – South Elevation	February 2020 Revision L	Beta Solutions Architects	25.02.2020
A203 – West Elevation	February 2020 Revision G	Beta Solutions Architects	25.02.2020
A204 – East Elevation	February 2020 Revision I	Beta Solutions Architects	25.02.2020

- (v) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 7 August 2020 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 18 August 2020 and including:

<b>Drawing Number and Description</b>	<b>Date and Revision</b>	<b>Author of Drawing</b>	<b>Received by Council Date</b>
<b>Section 4.55 Level 2 S4.55 - 109</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 3 S4.55 - 110</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 4 S4.55 - 111</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 5 S4.55 - 112</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 6 S4.55 - 113</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 7 S4.55 - 114</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 8 S4.55 - 115</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 10 S4.55 - 117</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 11 S4.55 - 118</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 12 S4.55 - 119</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Level 13 S4.55 - 120</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>

<b>Section 4.55 Section A-A S4.55 - 301</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Section B-B S4.55 - 302</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Section C-C S4.55 - 303</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Section D-D S4.55 - 304</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Section 4.55 Section D-D S4.55 - 305</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>
<b>Adaptable Units- Sheet 2 S4.55 - 802</b>	<b>May 2020 Revision B</b>	<b>Beta Solutions Architects</b>	<b>18.08.20</b>

- (b) BASIX Certificate to be updated with the Construction Certificate Plans
- (c) Wind Report “ Pedestrian Level Winds - Wind Tunnel Test”, prepared by Vipac Engineers and Scientists, dated 4 April 2017 and received by Council on 5 May 2017 as amended by Wind Report “ Pedestrian Level Winds - Wind Tunnel Test”, prepared by Vipac Engineers and Scientists, dated 13 April 2018 and received by Council on 18 April 2018;
- (d) BCA Design Compliance Report, prepared by Matt Shuter and Associates, dated 9 August 2016 and received by Council on 30 August 2016 as amended by BCA Design Compliance Report, prepared by Matt Shuter and Associates dated 26 February 2018 and received by Council on 18 April 2018;
- (e) Site Contamination Reports, Phase 1 Environmental Site Assessment Report, dated 16 November 2015 prepared by LG Consult and received by Council on 24 December 2015 and Interim Site Audit Advice 1, prepared by GHD, Site Auditor Andrew Kohlrusch, Report number 2125711 dated 3 August 2016 and received by Council on 30 August 2016;
- (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.

**(AMENDED DA-600/2015/H)**

## **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- ~~(a) The layout of apartment 3.08 is to be amended to provide access from a living area to the balcony which adjoins the lightwell.~~
- (b) Vertically stacked car parking spaces are not permitted, pursuant to Part B8, Clause 8.4(j) of the Waverley Development Control Plan 2012 and all reference to car stackers are to be deleted from all plans, in particular on the Section B-B drawing DA 3.01-03.
- (c) A car wash bay is to be provided in the basement

- (d) 8 bicycle racks are to be provided at street level for visitors to both the residential and commercial parts of the building. In accordance with the DCP, the spaces are to be provided at a convenient location near a major entrance.
- (e) Awning details to Oxford Street are to be provided to ensure that the awnings between the building and adjoining development to the east have an appropriate relationship and height clearance from the footpath.
- (f) Off street carparking shall be limited to a maximum of ~~55~~ **52** residential car spaces, ~~9~~ **10** visitor car spaces, 3 commercial/retail spaces and a loading dock. In this regard, the excess carparking spaces (~~6 car spaces~~) (~~8 car spaces~~) are not approved and shall be deleted from the plan. This area shall be redesigned as storage (for commercial/retail uses) or plant.
- (g) (AMENDED/ DELETED DA-600/2015/F)
- (h) The proposed fire doors to the Level 1 Oxford Street frontage of the site are to be treated in a materiality and colour that is the same as the materiality and colour as the area surrounding the fire doors so that it is visually integrated with the development.

The amendments are to be approved by Council's Executive Manager, Building Waverley prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**(AMENDED DA-600/2015/H)**

### **36. ADAPTABLE HOUSING**

8 Adaptable units are to be provided within the development, those being ~~L1-1, L2.01, L4.04, L5-05, L12-04, L6-03, L7-03, L13-03~~ **L1-1, L201, L3-1, L2-4, L3-4, L3-6, L3-7, L10-1** as nominated on drawing 1.27 and ~~S4.55 – 802~~. One car space is to be allocated to each of these apartments. Details are to be submitted to the Principal Certifying Authority, demonstrating compliance with the relevant Australian Standards, prior to the issue of the Construction Certificate.

**(AMENDED DA-600/2015/H)**

### **42A. CAR PARKING ALLOCATIONS**

A total of ~~67~~ **65** car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) ~~55~~ **52** residential parking spaces;
- (b) ~~9~~ **10** visitor parking spaces ;
- (c) 3 retail/commercial parking spaces.
- (d) At least 5 of these spaces to be allocated as accessible parking spaces.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

**(AMENDED DA-600/2015/H)**

### **42B. BICYCLE PARKING**

A *minimum* total of ~~56~~ **63** bicycle parking spaces are to be provided, allocated in the following manner:

- (a) ~~48~~ **55** residential bicycle spaces;
- (b) 6 visitor bicycle spaces ;

- (c) 2 retail bicycle spaces.
- (d) At least 4 of these spaces to be located at ground level, adjacent to lobby

Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

**(AMENDED DA-600/2015/H)**

**B. New Conditions**

**10A. ACOUSTIC REPORT RECOMMENDATIONS**

*The recommendations as outlined in the acoustic report prepared by Acouras Consultancy [Reference No. SYD2018-1047-R005B] dated 3 June 2020 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.*

**(ADDED DA-600/2015/H)**

**10B. REFRIGERATION UNITS AND 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.*

**(ADDED DA-600/2015/H)**



## **APPENDIX B – FULL SET OF CONDITIONS**

**Attachment A**  
**Conditions of the development consent**

**DA-600/2015/H**

~~**Attachment A**~~ ~~**DA-600/2015/A**~~

~~**The consent is not to operate until the applicant satisfies the Council, within 24 months of the date of the consent (DA-600/2015 dated 24 May 2017), that:**~~

- ~~1. The proposal is subject to further design refinement in order to achieve the following outcomes:~~
  - ~~a) Introduce more vertical elements into the tower thereby improving its vertical proportions in order to better reflect the design context provided by the existing and approved buildings to the east. Vertical elements should be extended from the top of the podium to the top of the building.~~
  - ~~b) A reduction in the apparent width and visual dominance of the building by limiting the extent and protrusion of the curved balconies.~~
  - ~~c) The creation of a strong roof form in order to provide an appropriate termination to the top of the building.~~
  - ~~d) A less complex materiality and form.~~

~~Amended plans, photomontages and schedules of external finishes, are to be referred to, and are subject to the satisfaction of, the Waverley/Randwick Design Excellence Panel.~~

~~Following this, Council's Executive Manager, Building Waverley is to approve the amendments.~~

- ~~2. Approval/certification is to be obtained from Sydney Trains as to the following matters and the approval/certification is to be forwarded to the Council:~~
  - ~~a) Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.~~
  - ~~b) Final Construction methodology with construction details pertaining to structural support during excavation.~~
  - ~~c) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.~~
  - ~~d) Detailed Survey Plan showing the relationship of the proposed developed with respect to rail land/easement/stratum and infrastructure.~~
  - ~~e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.~~

~~The above documentation shall be prepared in compliance with the Asset Standards Authority (ASA) standard T HR CI 12051 ST "Development Near Rail Tunnels".~~

~~Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. **(Attachment A - Deleted following Consent activation on 6 June 2018)**~~

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

## A. APPROVED DEVELOPMENT

### 1. APPROVED DEVELOPMENT

The development must be in accordance with the following documents:

(a) Architectural Plans;

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	08.05.16
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	08.05.16
Basement B3 Plan DA 1.03-02	12.04.17 – Revision 2	Howe Architects	08.05.16
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	08.05.16
Basement B1 Plan DA 1.06-03	12.04.17- Revision 3	Howe Architects	08.05.16
Ground Floor Plan DA 1.07-04	12.04.17 – Revision 4	Howe Architects	08.05.16
Level 2 Plan DA 1.08-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 3 Plan DA 1.09-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Level 4 Plan DA 1.10-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 5 Plan DA 1.11-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 6 Plan DA 1.12-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 7 Plan DA 1.13-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 8 Plan DA 1.14-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 9 Plan DA 1.15-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 10 Plan DA 1.16-3	14.04.17- Revision 3	Howe Architects	08.05.16
Level 11 Plan DA 1.17-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 12 Plan DA 1.18-03	12.04.17- Revision 3	Howe Architects	08.05.16

Roof Terrace Plan DA 1.19-02	12.04.17- Revision 2	Howe Architects	08.05.16
Roof Plan DA 1.26-00	29.07.16- Revision 0	Howe Architects	08.05.16
Adaptable Units- Sheet 1 DA 1.27_01	12.04.17– Revision 1	Howe Architects	08.05.16
Adaptable Units- Sheet 2 DA 1.28_01	12.04.17– Revision 1	Howe Architects	08.05.16
Proposed North Elevation DA 2.05-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed South Elevation DA 2.06-03	05.04.17 – Revision 3	Howe Architects	08.05.16
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Section A-A DA 3.00-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Section B-B DA 3.01-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Section C-C DA 3.02-02	05.04.17 – Revision 2	Howe Architects	08.05.16
Typical Balustrade Cross sections DA-6.80-02	20.04.17 – Revision 2	Howe Architects	08.05.16

- (i) As amended by the following architectural plans prepared by 'Howe Architects' and stamp date received by Council on 13 February 2018 and including:

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Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	13.02.18
Basement B3 Plan DA 1.03-02	13.04.17 – Revision 2	Howe Architects	13.02.18
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	13.02.18
Basement B1 Plan DA 1.06-06	20.12.17- Revision 6	Howe Architects	13.02.18
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Level 2 Plan DA 1.08-07	20.12.17- Revision 8	Howe Architects	13.02.18
Level 3 Plan DA 1.09-08	13.02.18 – Revision 8	Howe Architects	13.02.18
Level 4 Plan DA 1.10-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 5 Plan DA 1.11-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 6 Plan DA 1.12-08	13.02.18- Revision 8	Howe Architects	13.02.18



Level 7 Plan DA 1.13-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 8 Plan DA 1.14-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 9 Plan DA 1.15-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 10 Plan DA 1.16-07	13.02.18- Revision 7	Howe Architects	13.02.18
Level 11 Plan DA 1.17-007	13.02.18 - Revision 7	Howe Architects	13.02.18
Level 12 Plan DA 1.18-07	14.12.17- Revision 7	Howe Architects	13.02.18
Roof Terrace Plan DA 1.19-06	14.12.17- Revision 6	Howe Architects	13.02.18
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Proposed East Elevation DA-2.08-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Section A-A DA 3.00-07	14.12.17 – Revision 7	Howe Architects	13.02.18
Section B-B DA 3.01-07	14.12.17– Revision 7	Howe Architects	13.02.18
Section C-C DA 3.02-05	28.11.17 – Revision 5	Howe Architects	13.02.18
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External Materials Schedule	6.10.17	Howe Architects	6.10.17

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VPA & Section 4.55 Basement B5 General Layout Plan DA01 1.03-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B4 General Layout Plan DA01 1.04A-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B3 General Layout Plan DA01 1.04-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B2 General Layout Plan DA01 1.05-01	19.01.18	Howe Architects	18.04.18
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VPA & Section 4.55 Ground Floor General Layout Plan DA01 1.07-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 2 General Layout Plan DA01 1.08-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 3 General Layout Plan DA01 1.09-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 4 General Layout Plan DA01 1.10-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 5 General Layout Plan DA01 1.11-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 6 General Layout Plan DA01 1.12-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 7 General Layout Plan	19.01.18	Howe Architects	18.04.18

DA01 1.13-00			
VPA & Section 4.55 Level 8 General Layout Plan DA01 1.14-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 9 General Layout Plan DA01 1.15-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 10 General Layout Plan DA01 1.16-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 11 General Layout Plan DA01 1.17-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 12 General Layout Plan DA01 1.18-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 13 General Layout Plan DA01 1.19-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 14 General Layout Plan DA01 1.20-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.21-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.22-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 1 DA01 1.27-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 2 DA01 1.28-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed North Elevation DA01 2.05-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed South Elevation DA01 2.06-00	30.01.18	Howe Architects	18.04.18

VPA & Section 4.55 Proposed West Elevation DA01 2.07-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed East Elevation DA01 2.08-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section A-A DA01 3.00-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section B-B DA01 3.01-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section C-C DA01 3.02-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section D-D Location of Railcorp Easement DA01 3.03 -00	30.01.18	Howe Architects	18.04.18

- (iii) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 13 June 2019 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 18 June 2019 and 17 July 2019 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Section 4.55 Basement Level 6 S4.55 - 102	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 5 S4.55 - 103	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 4 S4.55 - 104	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 3 S4.55 - 105	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 2 S4.55 - 106	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 1 S4.55 - 107	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Level 1 S4.55 - 108	August 2019 Revision C	Beta Solutions Architects	12.09.19
Section 4.55 Section A-A S4.55 - 301	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section B-B S4.55 - 302	June 2019 Revision A	Beta Solutions Architects	18.06.19



Section 4.55 Section C-C S4.55 - 303	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section D-D S4.55 - 304	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 South Elevation S4.55 - 202	June 2019 Revision B	Beta Solutions Architects	17.07.19
VPA & Section 4.55 Proposed Section D-D Location of Railcorp Easement DA01 3.03 -00	30.01.18	Howe Architects	18.04.18

- (iv) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 24 February 2020 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 25 February 2020 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
A122 - Roof Terrace	February 2020 Revision P	Beta Solutions Architects	25.02.2020
A122 - Roof Terrace	February 2020 Revision Q	Beta Solutions Architects	25.02.2020
A123 - Roof	February 2020 Revision H	Beta Solutions Architects	25.02.2020
A123 - Roof	February 2020 Revision I	Beta Solutions Architects	25.02.2020
A201 - North Elevation	February 2020 Revision I	Beta Solutions Architects	25.02.2020
A202 - South Elevation	February 2020 Revision L	Beta Solutions Architects	25.02.2020
A203 - West Elevation	February 2020 Revision G	Beta Solutions Architects	25.02.2020
A204 - East Elevation	February 2020 Revision I	Beta Solutions Architects	25.02.2020

- (v) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 7 August 2020 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 18 August 2020 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Section 4.55 Level 2 S4.55 - 109	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 3 S4.55 - 110	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 4 S4.55 - 111	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 5 S4.55 - 112	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 6 S4.55 - 113	May 2020 Revision B	Beta Solutions Architects	18.08.20

Section 4.55 Level 7 S4.55 - 114	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 8 S4.55 - 115	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 10 S4.55 - 117	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 11 S4.55 - 118	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 12 S4.55 - 119	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 13 S4.55 - 120	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section A-A S4.55 - 301	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section B-B S4.55 - 302	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section C-C S4.55 - 303	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section D-D S4.55 - 304	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section D-D S4.55 - 305	May 2020 Revision B	Beta Solutions Architects	18.08.20
Adaptable Units- Sheet 2 S4.55 - 802	May 2020 Revision B	Beta Solutions Architects	18.08.20

- (b) BASIX Certificate to be updated with the Construction Certificate Plans
- (c) Wind Report “ Pedestrian Level Winds - Wind Tunnel Test”, prepared by Vipac Engineers and Scientists, dated 4 April 2017 and received by Council on 5 May 2017 as amended by Wind Report “ Pedestrian Level Winds - Wind Tunnel Test”, prepared by Vipac Engineers and Scientists, dated 13 April 2018 and received by Council on 18 April 2018;
- (d) BCA Design Compliance Report, prepared by Matt Shuter and Associates, dated 9 August 2016 and received by Council on 30 August 2016 as amended by BCA Design Compliance Report, prepared by Matt Shuter and Associates dated 26 February 2018 and received by Council on 18 April 2018;
- (e) Site Contamination Reports, Phase 1 Environmental Site Assessment Report, dated 16 November 2015 prepared by LG Consult and received by Council on 24 December 2015 and Interim Site Audit Advice 1, prepared by GHD, Site Auditor Andrew Kohlrusch, Report number 2125711 dated 3 August 2016 and received by Council on 30 August 2016;
- (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.

**(AMENDED DA-600/2015/H)**

## **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- ~~(a) The layout of apartment 3.08 is to be amended to provide access from a living area to the balcony which adjoins the lightwell.~~
- (b) Vertically stacked car parking spaces are not permitted, pursuant to Part B8, Clause 8.4(j) of the Waverley Development Control Plan 2012 and all reference to car stackers are to be deleted from all plans, in particular on the Section B-B drawing DA 3.01-03.
- (c) A car wash bay is to be provided in the basement
- (d) 8 bicycle racks are to be provided at street level for visitors to both the residential and commercial parts of the building. In accordance with the DCP, the spaces are to be provided at a convenient location near a major entrance.
- (e) Awning details to Oxford Street are to be provided to ensure that the awnings between the building and adjoining development to the east have an appropriate relationship and height clearance from the footpath.
- (f) Off street carparking shall be limited to a maximum of 55 residential car spaces, 9 visitor car spaces, 3 commercial/retail spaces and a loading dock. In this regard, the excess carparking spaces (6 car spaces) are not approved and shall be deleted from the plan. This area shall be redesigned as storage (for commercial/retail uses) or plant.
- (g) (AMENDED/ DELETED DA-600/2015/F)
- (h) The proposed fire doors to the Level 1 Oxford Street frontage of the site are to be treated in a materiality and colour that is the same as the materiality and colour as the area surrounding the fire doors so that it is visually integrated with the development.

The amendments are to be approved by Council's Executive Manager, Building Waverley prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**(AMENDED DA-600/2015/H)**

### **3. DETAILED LANDSCAPE PLAN**

Further details are required to ensure that the landscaping proposed is successful. A detailed landscaping plan prepared by a qualified landscape architect is to be submitted for the approval of Council's Executive Manager, Building Waverley prior to the issue of a Construction Certificate for any works above basement levels.

The plan is to include;

- (a) Appropriate species, which will withstand the harsh environment of Bondi Junction, taking into consideration wind conditions,
- (b) Species which can be accommodated within the depth of the planters proposed and have an appropriate mature height
- (c) Species which have easy maintenance and non-deciduous so that the aesthetic of the building is retained year round.
- (d) Details of irrigation are to be provided.
- (e) Maintenance Plan/Schedule required for the proposed planting scheme.

#### **4. ARCHITECTURAL DETAILING**

Prior to the issue of the Construction Certificate for Stage 5 works (CC5) as outlined in the letter from Vic Lilli & Partners – Accredited Building Certifiers dated 31 October 2019 and stamp date received by Council on 1 November 2019, further details are required to be submitted and reviewed by the Waverley Design Excellence Panel which address the following matters:

- (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace.
- (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

These details are to be submitted for the review of Council's Design Excellence Panel with a referral fee to be paid at the time of lodgement. Please contact Council's Duty Planner for a fee quote prior to submission. The amended Landscape Plan is also to be referred to the Panel for consolidated review.

Council's Executive Manager, Building Waverley is to approve the above details prior to the issue of a Construction Certificate for Stage 5 works (CC5) as outlined in the letter from Vic Lilli & Partners – Accredited Building Certifiers dated 31 October 2019 and stamp date received by Council on 1 November 2019, under the Environmental Planning and Assessment Act 1979.

***(AMENDED DA-600/2015/E)***

#### **5. REFLECTIVITY REPORT**

In accordance with Part E1 - Clause 1.23, a reflectivity report is to be submitted to which addresses the following controls;

- (a) The development is to limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level
- (b) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%
- (c) Reflected solar glare on drivers should not exceed 500 candelas / m<sup>2</sup>. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).

The reflectivity report is to be submitted to Council for approval prior to the issue of a Construction Certificate.

#### **6. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT**

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.



**7. ARCHITECT TO SUPERVISE DESIGN**

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a **qualified designer** in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

**8. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT**

The use, fit-out, signage or proposed hours of operation for the pub, retail or commercial/office area has not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under the SEPP (Exempt and Complying Development) 2008.

**9. 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.

**10. SIGNAGE**

The following shall apply to any future signage for the site;

- (a) The use of flashing lights, flashing illuminated signs and the like is prohibited.
- (b) No advertising signs or notices are to be affixed to the windows of the premises.
- (a) Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.
- (b) Signage is to be erected/supported in a secure manner for safety purposes;
- (c) Signage, must not be installed in a manner which would cause irreversible damage to the building; and,
- (d) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

**10A. ACOUSTIC REPORT RECOMMENDATIONS**

The recommendations as outlined in the acoustic report prepared by Acouras Consultancy [Reference No. SYD2018-1047-R005B] dated 3 June 2020 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.

*(ADDED DA-600/2015/H)*

**10B. REFRIGERATION UNITS AND 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.

*(ADDED DA-600/2015/H)*

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

### **11A. 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 development application DA-600/2015/B; and
- (ii) Pay a monetary contribution amount of \$1,687,239.08 prior to the issue of any Occupation certificate for the Development
- (iii) A Planning Agreement will be entered into under Section 93F 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:
    - i. In a form acceptable to Council and from an institution acceptable to Council
    - ii. Irrevocable
    - iii. Unconditional
    - iv. With no end date
- c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

**(ADDED DA-600/2015/B)**

## **12. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$250,000 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. LONG SERVICE LEVY**

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

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

## **14. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

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

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

#### **15. ESSENTIAL SERVICES - NEW BUILDING**

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) basis of design;
- (b) standard to which the system is to be installed; and
- (c) all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) inspection, testing and commissioning details;
- (b) date of inspection, testing and commissioning;
- (c) the name and address of the individual who carried out the test; and
- (d) a statement that the service has been designed, installed and is capable of operating to the above standard.

#### **16. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS**

Noise attenuation is to be achieved in all residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

#### **17. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities (water, gas, electricity) regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.



**18. 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.

**19. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION**

The preparation of the Construction Certificate plans shall be supervised and be to the satisfaction of a qualified designer in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

In accordance with clause 143a of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

**20. HOARDING 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.

**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. GEOTECHNICAL ENGINEERS REPORT**

The geotechnical investigations required to be submitted to satisfy the Sydney Trains conditions of consent is also to assess the stability of the subject site and make recommendations (if required) to conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring work. The report 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.

**23. UNDERGROUND ANCHORS**

Any underground anchors required for structural support into adjoining properties would require appropriate owners consent from all affected parties. Subsequently, evidence of the registration of easement is required for the anchors proposed to support the basement retaining wall prior to the issue of a Construction Certificate is required.

## **24. 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.

## **25. 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.

## **26. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

Prior to the issue of a Construction Certificate and the undertaking of any demolition, excavation, remediation or construction works on the site, the applicant shall submit to Council a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall provide, but not be limited to, details of the following:

- a. The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- b. There being no access for vehicles at any time from the Oxford Street frontage.
- c. The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
  - such vehicles cannot adequately and safely gain access to and from the site or
  - 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 adjacent to or opposite the site.
- d. 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.
- e. 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.
- f. The location and materials of construction of temporary driveways providing access into and out of the site.
- g. The location and length of any proposed Works/Construction Zones. Note:
  - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
  - It is illegal to:
    - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
    - ii. Barricade/reserve a section of roadway without the prior approval of Council
- 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
- k. Any bus zones, taxi zones etc., that may be affected/require temporary relocation as a result of development works.
- l. Any other requirements that arise out of the assessment of the application prior to it being approved.

**NOTE: PRIOR TO THE PREPATATION OF THE CVPPM**, the applicant or his or her representative shall make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (l) above and provide advice received in relation to the following dot points:

- Make contact with representatives from State Transit and the Taxi Council NSW whose zones may be affected/ require temporary relocation and whose services may be unduly impacted as a result of the development works.
- Be aware that the full length of Oxford Street may not be approved as a route for trucks when travelling to or from the site
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be submitted to Council for all truck movements that are to take place within the Council area prior to an approval being issued for the CVPPM.
- Be aware of and take into account the cumulative effect that truck movement from the development site and other development sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

## **27. ON-SITE STORMWATER DETENTION DETAILS**

The drawings submitted with the DA **and the Section 4.55 modification application** do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual.

Water Management Plans including On-site Stormwater Detention (OSD) 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.

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

**(AMENDED DA-600/2015/B)**

## **28. STORMWATER CERTIFICATION**

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.

## **29. BASIX**

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 undertakings provided in the updated/modified BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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*.

## **30. ENERGY EFFICIENCY**

In accordance with Part B2 - Clause 5.2 of the Waverley Development Control Plan, any mixed use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. BCA, Section J compliant only).

The 'Energy Assessment Report' developed by Team Catalyst provided to Council does not satisfy this requirement and is to be reviewed in consultation with Council's Co-ordinator, Sustainable Energy, as the report currently does not include common areas.

An amended report which successfully demonstrates that the development reduces the emissions in accordance with the DCP is required to be submitted to Council's Co-ordinator Sustainable Energy prior to the issue of a Construction Certificate.

## **31. PLANS TO REFLECT THE ENERGY ASSESSMENT REPORT**

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. Any modifications required to respond to the approved Energy Assessment Report which are not consistent with the approved plans will require the submission of a Section 96 Modification Application.

## **32. 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.



**33. 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.

**34. 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. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Access to and within retail and commercial tenancies and associated common areas must comply with the requirements of Part D3 of the BCA and AS 1428.1. Details verifying compliance must be provided to the Certifying Authority prior to the issue of a Construction Certificate.

**35. ACCESS TO MAIN ENTRY**

Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**36. ADAPTABLE HOUSING**

8 Adaptable units are to be provided within the development, those being **L1-1, L2.01, L4.04, L5-05, L12-04, L6-03, L7-03, L13-03** ~~L1-1, L201, L3-1, L2-4, L3-4, L3-6, L3-7, L10-1~~ as nominated on drawing 1.27 and **S4.55 – 802**. One car space is to be allocated to each of these apartments. Details are to be submitted to the Principal Certifying Authority, demonstrating compliance with the relevant Australian Standards, prior to the issue of the Construction Certificate.

**(AMENDED DA-600/2015/H)**

**37. WASTE STORAGE AREAS**

(a) The development is to include a bin storage point with enough space to accommodate the following minimum number of bins for the residential and commercial components of the development;

(a) Residential

- 16 x 240L Mobile Garbage Bins (MGBs) for general waste,
- 12 x 240 MGBs for recycling materials:
  - 6 x 240L MGBs for recyclables, and
  - 6 x 240L MGBs for paper and cardboard.
- Additional space is to be made available for an extra 240L MGB for general waste

(b) Commercial

- 3 x 240L Mobile Garbage Bins (MGBs) for general waste,
- 2 x 240 MGBs for comingled 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) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (d) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.
- (e) The development must have rooms or caged areas with a minimum volume 4m<sup>3</sup> available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.
- (f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (g) 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.
- (h) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (i) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (j) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (k) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (l) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of Council's Sustainable Waverley staff prior to the issue of a Construction Certificate.

### **38. INSTALLATION OF AIR CONDITIONING**

Air conditioning unit(s) installed within the building shall:

- (a) Be located inside approved plant rooms.
- (b) 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.
- (c) 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).

### **39. LOCATION OF GREASE TRAP**

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied. The location of the grease trap is to be considered and included in the construction certificate drawings for the development.

Note: Sydney Water also have requirements for grease arrestors that you need to comply with.

### **40. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES**

A Noise Management Plan must be submitted to Council for approval prior to the issue of a construction certificate and complied with during any construction 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) Identification of nearby residents and other sensitive locations near to the site;
- (b) Description of hours of work and what work will be undertaken
- (c) Description of what work practices will be applied to minimise noise
- (d) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (e) Selection criteria for plant and equipment;
- (f) Community consultation;
- (g) Details of work schedules for all construction phases;
- (h) Selection of traffic routes to minimise residential noise intrusion;
- (i) Schedule of plant and equipment use and maintenance programs;
- (j) Noise monitoring techniques and method of reporting results;
- (k) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;
- (l) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.
- (m) Site induction details for employees and contractors, and;
- (n) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

#### **41. 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.

#### **42. SWEPT WHEEL PATH DRAWINGS**

In order to confirm the impact the proposal will have on on-street parking, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The swept wheel path drawings shall:

- 1. Be drawn for the MRV, standard design vehicle as described in AS/NZS 2890.2:2002 Part 2 Off Street Commercial Vehicle Facilities.
- 2. Be drawn separately for the vehicle entering the loading dock from both an easterly and westerly direction of travel in Hegarty Lane and exiting the site in both an easterly and westerly direction.
- 3. Include and accurately show the kerb and gutter, driveways and vehicles parked kerbside on the northern side of Hegarty Lane in the vicinity of the proposed driveway.
- 4. Show the minimum length of the opening required at the loading dock entrance to cater for the design vehicle swept wheel paths.
- 5. Clearly and accurately show the part of Hegarty Lane on the northern side for which approval is being sought to the imposition of parking restrictions.

#### **42A. CAR PARKING ALLOCATIONS**

A total of **67** car vehicle parking spaces are to be provided, allocated in the following manner:

- (a) 55 residential parking spaces;
- (b) 9 visitor parking spaces ;
- (c) 3 retail/commercial parking spaces.
- (d) At least 5 of these spaces to be allocated as accessible parking spaces.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

***(AMENDED DA-600/2015/H)***

**42B. BICYCLE PARKING**

A minimum total of 56 bicycle parking spaces are to be provided, allocated in the following manner:

- (a) 48 residential bicycle spaces;
- (b) 6 visitor bicycle spaces ;
- (c) 2 retail bicycle spaces.
- (d) At least 4 of these spaces to be located at ground level, adjacent to lobby

Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

***(AMENDED DA-600/2015/H)***

**42C. MOTORCYCLE PARKING**

A total of 11 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.

***(ADDED DA-600/2015/B)***



## **C. SYDNEY TRAINS CONDITIONS OF CONSENT**

### **43. REQUIREMENTS OF SYDNEY TRAINS**

- (a) All excavation works with 25m of the rail corridor are to be supervised by a geotechnical and structural engineer experience with such excavation projects.
- (b) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.
- (c) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
  - (i) Machinery to be used during excavation/construction.
  - (ii) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of the deferred commencement conditions, track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
  - (iii) A rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- (d) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- (e) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.
- (f) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
- (g) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (h) Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- (i) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.
- (j) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant

must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

- (k) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (l) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- (m) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- (n) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- (o) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.
- (p) Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:
  - (i) Shoring System Details prepared by Northrop, Job Number SY151150, Drawing Number SK30, Revision 5 dated 14 November 2018
  - (ii) Shoring System Details Letter prepared by Northrop to Sydney Trains dated 14 November 2018
  - (iii) Asset Geotechnical Numerical Modelling of Impact on Rail Tunnels Report Reference 4429-2-R3-Rev 4 dated 26 November 2018
  - (iv) Douglas Partners Report Reference 86488.00 R003 Rev 1 Geotechnical Tunnel Monitoring Plan dated 4 September 2018

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of

works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- (q) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Monitoring Plan for endorsement addressing the following items, but not limited to:
- (i) An additional vibration monitor shall be installed along the tunnel traversing the excavation.
  - (ii) The monitoring frequency for survey stations and crack gauges shall be specified including the frequency they will be monitored
  - (iii) Vibration events shall be defined around what is occasional exceedance and sustained exceedance

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (r) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Excavation Methodology for endorsement addressing the following item, but not limited to:
- (i) Inclusion of rock sawing of the perimeter of the excavation prior to rock hammering to limit vibration transfers

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- (s) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a revised Geotechnical Numerical Modelling for endorsement addressing the following item, but not limited to:
- (i) Inclusion of justification on why temporary anchors were omitted from the FEM modelling

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**(AMENDED DA-600/2015/B)**

## **D. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **44. 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.

### **45. 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.

### **46. 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.

### **47. 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.

### **48. 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.

#### **49. TOILET FACILITIES**

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

#### **50. 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.

#### **51. 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.

#### **52. SITE REMEDIATION**

In accordance with the report prepared by GHD NSW EPA Accredited Site Auditor Andrew Kohlrusch, a Construction Environmental Plan (CEMP) outlining the steps required to be undertaken during demolition and removal of the existing structures, including the underground storage tank (UST), basement excavation works to manage the UST and presence of contaminated soil and/or groundwater (if encountered) associated with the UST is to be prepared. In this regard, the CEMP must also outline how the staging of construction certificates will facilitate excavation/demolition works whilst protecting the integrity of the site suitability and validation process prior to obtaining subsequent construction certificates to build structures.



The UST should be removed and the tank pit validated in accordance with NSW EPA made or endorsed guidelines. Any contamination ground water and soil identified following removal of the UST shall also be removed and disposed of in accordance with the NSW EPA made or endorsed guidelines. As part of the audit, an inspection of the final excavated surface should be conducted and consultation held with the environmental consultant to assess whether further sampling is required.

Subject to the safe removal of the UST any associated contaminated soil or ground water, and completion of excavation, a validation report shall be prepared in accordance with the Consultant Guidelines declaring that the site is suitable for the proposed land use.

The above requirements are to be carried out in accordance with GHD Report number 2125711 dated 3 August 2016 prepared by NSW EPA Accredited Site Auditor Andrew Kohlrusch.

Following demolition works, the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas.

A Construction Certificate for works associated with the construction of the approved building, other than as required above to undertake the excavation/remediation requirements, cannot be issued until such time as the Site Audit Statement has been submitted to the satisfaction of Council that the site is suitable for the proposed use.

Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.

### **53. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

### **54. REMEDIATION REQUIREMENTS**

The following requirements apply to the remediation works required on-site:

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.

- (b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.

#### **55. SITE CONTAMINATION - VALIDATION REPORT**

- (a) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. Subsequent Construction Certificates will not be issued until Council approves this Validation Report. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:
  - (b) Description and documentation of all works performed;
  - (c) Results of validation testing and monitoring;
  - (d) Validation results of any fill imported on to the site;
  - (e) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
  - (f) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

#### **56. 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.

#### **57. 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.

## **58. 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](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

## **59. SITE HEALTH & SAFETY PLAN**

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

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

- (f) environmental monitoring

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

#### **60. 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.

#### **61. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

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

#### **62. 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, DPI Office of Water throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

#### **63. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

#### **64. 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.

#### **65. FOOTPATH PROTECTION**

The footpaths in front of the site must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

#### **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. 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.

#### **69. 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.

#### **70. 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.

**71. 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.

**72. 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.

Council will take into account:

- Times identified by the community when they are less sensitive to noise
- If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

**73. BUILDING CODE OF AUSTRALIA**

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

**74. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS**

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 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.

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) 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.

## **75. 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.
- (c) All sound producing plant, equipment, machinery or fittings associated with or forming part of the mechanical ventilation system within the food preparation area is to be capable of being operated in accordance with the requirements of The Protection of the Environment Operations Act 1997 (POEO Act) and The Protection of the Environment Operations (Noise Control) Regulation 2000 (Noise Control Regulation).

## **76. 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.

## **77. 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.

## **78. IN-SINK WASTE DISPOSAL SYSTEMS**

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

**79. 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.

**80. 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.

**81. 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.

**82. 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.

**83. 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.

**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. 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.

**86. EXISTING VEHICLE CROSSINGS**

The existing vehicle crossings on Oxford Street and in Hegarty Lane 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.

**87. NEW VEHICLE CROSSING**

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

**88. FINISHED LEVEL OF PAVING**

The finished level of paving at the property boundaries shall be as follows:

- (i) Oxford Street frontage: Level with Council's existing footpath
- (ii) Hegarty Lane: Level with the top of kerb

**89. HEGARTY LANE- PUBLIC DOMAIN WORKS**

The existing kerb and gutter and paving on the Hegarty Lane frontage shall be demolished and new kerb and gutter and paving installed in accordance with Council's standards and specifications. Details engineering drawings of the works required in Hegarty Lane shall be prepared at the applicant's expense and submitted to Council for the approval of the Executive Manager Creating Waverley prior to the required works in the lane commencing.

## **E. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **90. 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.

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

### **92. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION**

In accordance with clause 154A of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

### **93. NOISE ATTENUATION CERTIFICATE**

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with Condition; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

### **94. NOISE – PLANT AND EQUIPMENT**

A Certificate is to be submitted to Council at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment including mechanical supply and exhaust ventilation systems (including the car park) and lift motors comply with the terms of approval in relation to noise.

### **95. CERTIFICATION OF MECHANICAL EXHAUST**

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1 and part 2, 2012). A Certificate of Test together with a



copy of the final test figures is to be submitted by a competent person and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

**96. STORMWATER**

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

**97. STRATA SUBDIVISION**

Consent is required for strata subdivision of the development.

Note: In respect to the allocation of car parking, bicycle spaces and storage spaces for any future strata subdivision, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

The disabled parking spaces are to be allocated to adaptable units as a first preference. If there are surplus disabled spaces, they are to be allocated to the lower level units as a preference.

**98. TELECOMMUNICATIONS**

Notification of arrangement with Telstra and/or Optus for the provision of a telephone supply to each lot is to be submitted to the satisfaction of the Principle Certifying Authority prior to the release of the Subdivision Certificate.

**99. PUBLIC DOMAIN WORKS COMPLETED**

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

**100. WAVERLEY DIGITAL MODEL**

Prior to the issue of an Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Planning and Environmental Services 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, Planning and Environmental Services Department.

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.

#### **101. WASTE AND RECYCLING STORAGE AND COLLECTION - USE**

- A waste management plan is to be submitted to Council for approval outlining the procedures/processes for the ongoing management of both the residential and commercial waste for the building and is to include the requirements contained in this consent. The document, once approved by Council is to form an approved document to be complied with during the operation of the building.
- Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- Should any of the commercial premises be utilised as a food premises a separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap.
- Should any of the commercial premises be utilised as a food premises, liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- 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.
- 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.
- Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

The above matters are to be submitted to the satisfaction of the Council's Sustainable Waverley staff, prior to the issue of an Occupation Certificate.

#### **102. BONDI JUNCTION FSR AND MAPPING MODEL**

In order to update Council's live floor space model and mapping system, prior the issue of a Final Occupation Certificate the following information is to be provided to the satisfaction of Council's Shaping Waverley sub-program, reflecting the final constructed building. The information is to be submitted in a table and include the following:

- DP/Lot/Strata Plan,
- Address,
- Building footprint (m<sup>2</sup>)
- Gross Floor area (m<sup>2</sup>)
- total residential floor space (m<sup>2</sup>)
- total office space (m<sup>2</sup>)
- total retail space (m<sup>2</sup>)
- total no. of levels (m<sup>2</sup>)
- No. levels above ground

- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings
- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

This information is required for any development consent within Bondi Junction Centre (as defined in Part E1 of the Waverley DCP 2012) that results in a change in gross floor area.

### **103. LANDSCAPE PLAN**

The site is to be landscaped in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

### **104. 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.

### **105. ALLOCATION OF STREET NUMBER**

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

- No. 300 Oxford Street for the building (primary premises);

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 Oxford Street.

- As the redevelopment has multi-level sub-addressing the following sub-addressing will apply;
  - All sub-premises numbers must be unique,
  - 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 ie. Level 3 unit 7 =307,
  - Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
  - Commercial premises will be identified with an address identifier ie Shop 101, Office 102,  
The primary premises and sub premises numbers are to be positioned on the site and Council notified in writing of the corresponding sub premises 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.

### **106. SLIP TESTS OF COMMON AREAS**

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions.

**107. 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.

**108. MARKING OF CAR SPACES**

The resident, resident visitor, retail, office and disabled parking spaces being clearly line marked, numbered and signposted prior to the issue of an Occupation Certificate.

**109. VEHICLE ACCESS**

All vehicles including service vehicles entering and exiting the basement garage to Hegarty Lane shall do so in a forward direction at all times.

**109A. PARKING**

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) A minimum of one car space per retail tenancy (for staff parking) shall be provided within the basement (ie, minimum 3 spaces based on 3 tenancies).
- (d) Car parking and storage spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

***(ADDED DA-600/2015/B)***

**109B. PARKING PERMITS**

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

***(ADDED DA-600/2015/B)***

**110. CONTROLS AT VEHICULAR EXIT**

A speed hump and "STOP" sign and line shall be installed inside the site adjacent to the Hegarty Lane exit driveway prior to the issue of an Occupation Certificate.

**111. PUBLIC ART**

The Public Art proposed in the development is to be in accordance with the guidance provided in the 'Public Art in the Private Domain Guidelines' which can be viewed on Council's website and by liaising with Council's Cultural Development Officer.

Details to be provided to the satisfaction of Waverley Council prior to the issue of any Occupation Certificate issued for the ground, 1<sup>st</sup> and 2<sup>nd</sup> levels of the development.

## **112. LIGHTING**

- (a) Lighting is to be provided to the pedestrian entrance at the rear of the site to Hegarty lane and the access point from the through site link and within the lobby area, to provide safe entrances for residents of the building.
- (b) 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.
- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) 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.
- (g) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

## **113. PEST CONTROL**

A Pest and Vermin Control Management Plan is to be implemented. Details of which are to be submitted to Council prior to initial implementation.



## **F. OPERATIONAL CONDITIONS DURING OCCUPATION**

### **114. DOMESTIC HEATERS**

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

### **115. DELIVERY OF GOODS**

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The loading vehicles are to utilise the approved retail spaces in the basement. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

### **116. ROLLER SHUTTERS**

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes. Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

### **117. HOURS OF OPERATION OF COMMUNAL OPEN SPACE OF THE DEVELOPMENT**

The use of the communal open space on the roof level of the development shall be restricted to the following hours:

- |     |  |                 |
|-----|--|-----------------|
| (a) | Monday to Friday (excluding public holidays) | 7am to 9pm      |
| (b) | Weekends and public holidays                 | 8am to 9pm      |
| (c) | New Year's Eve                               | 9am to 12:30am. |

### **118. THROUGH-SITE LINK**

The following requirements apply to the through-site link:-

- (a) The purpose of the link shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of 7.00am to 10.00pm, seven days a week.
- (b) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.
- (c) Any future strata plan for the site shall be modified to identify a right of carriageway in respect to (a) prior to the issue of an Occupation Certificate or Subdivision Certificate for the development.
- (d) The link is to be maintained in a clean and safe condition by the Body Corporate of the building at all times.
- (e) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.
- (f) Closure of the link to the public, other than allowed for by (a), requires Council's consent.
- (g) Dedicated areas for outdoor seating or the like within the through site link shall not be indicated on any future subdivision plan. Any proposal to utilise the through site link for outdoor seating shall

be subject to development applications being submitted individually for the various commercial/retail tenancies.

- (h) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.
- (i) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

#### **119. 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.

#### **120. 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.
- (c) No sound reproduction device nor any forms of entertainment (or general noise) within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises. The background noise level must be measured in absence of noise emitted from the use in accordance with AS 1055.
- (b) No sound reproduction device shall be installed external to the building, but rather shall be confined to internal areas of the subject premises only. Such devices must not be placed so as to direct the sound towards the outdoor areas associated with the premises.
- (c) Sound reproduction devices shall be restricted to between 9am and 10pm, Monday to Saturday and from 9am to 9.30pm Sundays due to residential premises being located above and nearby.

- (d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver (any place of different occupancy)

#### **121. AIR EMISSIONS**

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

#### **122. AIR-CONDITIONING**

At no time are air-conditioning units permitted to be installed on the balconies.

#### **123. CONTROL OF LEGIONNAIRES DISEASE**

- (a) All cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.
- (b) The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

#### **124. DISPLAY OF WASTE MANAGEMENT PLAN**

The occupant/individual owner/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

#### **125. 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.

#### **126. NOISE COMPLAINTS**

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Safe Waverley sub-program within 60 days of written request. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);
- (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;

- (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;
- (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

## **ADVICE TO APPLICANT**

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

## **SYDNEY WATER REQUIREMENTS**

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

## **DIAL BEFORE YOU DIG**

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

## **TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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



MIXED USE APARTMENT DEVELOPMENT

292-302 OXFORD ST - BONDI JUNCTION NSW 2020

Issued for Section 4.55

AMENDED PLANS

RECEIVED  
Waverley Council

Application No: DA-600/2015/H

Date Received: 18/08/2020

S4.55 DRAWINGS		
DWG No.	SHEET NAME	REVISION
S4.55-101	SECTION 4.55 - TITLE SHEET & DRAWING SCHEDULE	C
S4.55-109	SECTION 4.55 - LEVEL 2	B
S4.55-110	SECTION 4.55 - LEVEL 3	B
S4.55-111	SECTION 4.55 - LEVEL 4	B
S4.55-112	SECTION 4.55 - LEVEL 5	B
S4.55-113	SECTION 4.55 - LEVEL 6	B
S4.55-114	SECTION 4.55 - LEVEL 7	B
S4.55-115	SECTION 4.55 - LEVEL 8	B
S4.55-117	SECTION 4.55 - LEVEL 10	B
S4.55-118	SECTION 4.55 - LEVEL 11	B
S4.55-119	SECTION 4.55 - LEVEL 12	B
S4.55-120	SECTION 4.55 - LEVEL 13	B
S4.55-301	SECTION A-A	B
S4.55-302	SECTION B-B	B
S4.55-303	SECTION C-C	B
S4.55-304	SECTION D-D	B
S4.55-305	SECTION E-E	A
S4.55-802	ADAPTABLES UNIT SHEET 2	A
S4.55-900	LEVEL 2 SOLAR VENTILATION & SOLAR ACCESS	A
S4.55-901	LEVEL 3 & 6 SOLAR VENTILATION & SOLAR ACCESS	A
S4.55-902	LEVEL 7 & 8 SOLAR VENTILATION & SOLAR ACCESS	A
S4.55-903	LEVEL 11 & 13 SOLAR VENTILATION & SOLAR ACCESS	A
S4.55-904	LEVEL 2 GFA CALCULATIONS	A
S4.55-905	LEVEL 3 & 6 GFA CALCULATIONS	A
S4.55-906	LEVEL 7 & 8 GFA CALCULATIONS	A
S4.55-907	LEVEL 11 & 13 GFA CALCULATIONS	A

APARTMENT MATRIX						
LEVEL	STUDIO	1 BED	2 BED	3 BED	4 BED + STUDY	TOTAL
1	101, 102					2
2	201, 202, 203	204				4
3	301, 302, 305	304	303	306		6
4		402, 404	401, 403			4
5		501, 502, 503, 504, 505				5
6		601, 602	603			3
7		701, 702	703			3
8		801, 803	802, 804			4
9		901, 903	902, 904			4
10		1001	1002	1003		3
11					1101	1
12		1203, 1204	1201, 1202			4
13			1301, 1302	1303		3
14				1401, 1402		2
TOTAL	8	20	14	5	1	48

PARKING PROVISIONS						
LEVEL	RESIDENTIAL	VISITOR	RETAIL / COMMERCIAL	CAR WASH	MOTORBIKE	BICYCLE
1						8
B1		6				
B2	8	4 (inc 2x accessible)	3		2	8
B3	13 (inc 4x accessible)				3	24
B4	14 (inc 1x accessible)				2	8
B5	12 (inc 1x accessible)			2	2	8
B6	5 (inc 1x accessible)				2	16
TOTAL	52 (inc 7x accessible)	10 (inc 2x accessible)	3	2	11	72

GFA CALCULATIONS			
LEVEL	APPROVED VPA / S4.55	PROPOSED GFA	DIFFERENCE
BASEMENT 1	56 m²	56 m²	0 m²
LEVEL 1	467 m²	464.5 m²	-2.5 m²
LEVEL 2	461 m²	492 m²	31 m²
LEVEL 3	487 m²	483 m²	-4 m²
LEVEL 4	295 m²	295 m²	0 m²
LEVEL 5	297 m²	296 m²	-1 m²
LEVEL 6	297 m²	296.5 m²	-0.5 m²
LEVEL 7	292.5 m²	296.5 m²	4 m²
LEVEL 8	294.5 m²	296.5 m²	2 m²
LEVEL 9	298.5 m²	299.5 m²	1 m²
LEVEL 10	300 m²	299.5 m²	-0.5 m²
LEVEL 11	297.5 m²	300 m²	2.5 m²
LEVEL 12	294.5 m²	296.5 m²	2 m²
LEVEL 13	294.5 m²	296.5 m²	2 m²
LEVEL 14	302 m²	297 m²	-5 m²

TOTAL	4734 m²	4765 m²	31
The slight variances are due to construction, structural and services engineering detail evolution. The increase has been produced in Level 2 due to the inclusion of the plant room into the commercial tenancy area.			



IMPORTANT NOTES: Do not scale from drawings. All dimensions to be checked on site before commencement of work. All discrepancies to be brought to the attention of the Project / Construction Architect. Larger scale drawings and written dimensions take preference. This drawing is copyright and the property of the author, and must not be retained, copied or used without the express authority of Project / Construction Architect.	REVISION	DATE	DESCRIPTION	BY
	A	03.05.2019	ISSUED FOR S4.55 APPLICATION	EF
	B	13.05.2020	ISSUED FOR S4.55 APPLICATION	JZ
	C	07.08.2020	ISSUED FOR S4.55 APPLICATION	GJ

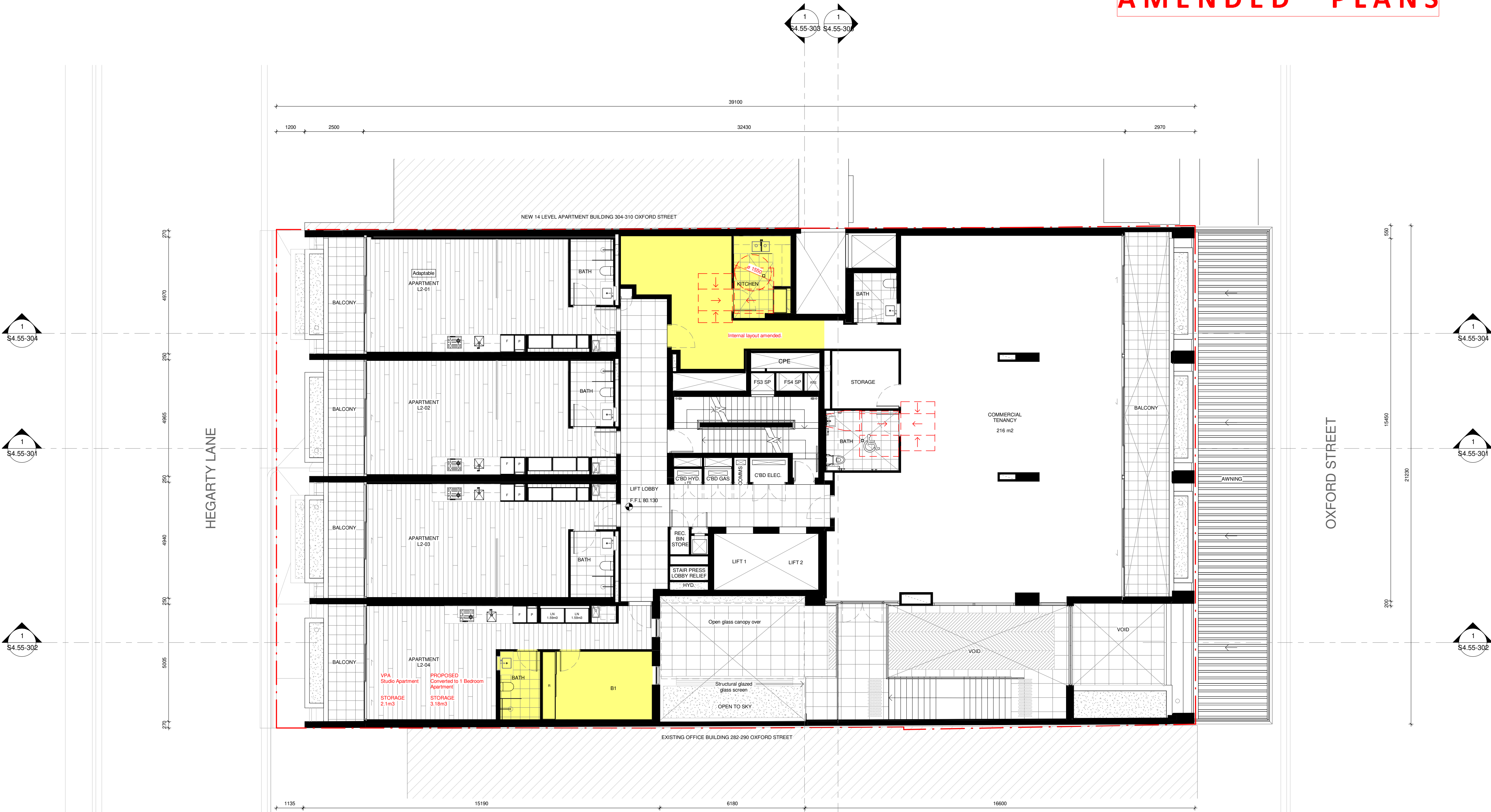
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PROJECT	DRAWING TITLE		
The OXFORD MIXED USE APARTMENT DEVELOPMENT 292-302 Oxford St. Bondi Junction NSW 2022	SECTION 4.55 - TITLE SHEET & DRAWING SCHEDULE		
Scale 1 : 100	Date May 2020	Drawn MM	Checked AT
Job 18100	Drawing S4.55-101	Revision c	



AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-600/2015/H  
Date Received: 18/08/2020



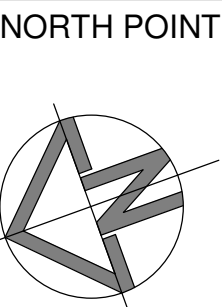
1 LEVEL 2  
1 : 100

LEGEND:  
PROPOSED INTERNAL MODIFICATIONS  
TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Plantroom	N/A (Non-GFA)	Internal layout amended: Subsequent to services rationalisation the unused plantroom is incorporated within the reconfigured commercial space	31 m <sup>2</sup>
Commercial	185 m <sup>2</sup>	Internal layout amended: Subsequent to services rationalisation the unused plantroom is incorporated within the reconfigured commercial space	185 m <sup>2</sup> + 31 m <sup>2</sup> = 216 m <sup>2</sup>
Apt L2.04 - Studio Apartment	Apt L2.04 Nett Area: 59 m <sup>2</sup> Balcony: 7m <sup>2</sup>	Apt L2.04 - Converted to 1 Bedroom Apartment	Apt L2.04 Nett Area: 59 m <sup>2</sup> Balcony: 7m <sup>2</sup>

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4G.1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.		
UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m <sup>3</sup>	3.18m <sup>3</sup>
UNIT L3.03	4m <sup>3</sup>	10.6m <sup>3</sup>
UNIT L3.04	3m <sup>3</sup>	3.01m <sup>3</sup>
UNIT L3.06	5m <sup>3</sup>	5.45m <sup>3</sup>
UNIT L6.01	4m <sup>3</sup>	4.93m <sup>3</sup>
UNIT L6.02	4m <sup>3</sup>	4.01m <sup>3</sup>
UNIT L6.03	5m <sup>3</sup>	5.53m <sup>3</sup>
UNIT L7.03	5m <sup>3</sup>	5.53m <sup>3</sup>
UNIT L8.03	3m <sup>3</sup>	3.07m <sup>3</sup>
UNIT L8.04	4m <sup>3</sup>	4.45m <sup>3</sup>
UNIT L11.01	5m <sup>3</sup>	9.9m <sup>3</sup>
UNIT L13.03	5m <sup>3</sup>	5.53m <sup>3</sup>

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Construction Architect



REVISION	DATE	DESCRIPTION	BY
A	13.05.2020	ISSUED FOR S4.55 APPLICATION	JZ
B	07.08.2020	DIMENSIONS UPDATED FOR CLARITY AS REQUESTED BY COUNCIL	GJ

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ACN 117 402 687



PROJECT

The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

SECTION 4.55 - LEVEL 2

A1 SHEET

Scale	Date	Drawn	Checked
As indicated	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-109	B	

AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-600/2015/H  
Date Received: 18/08/2020



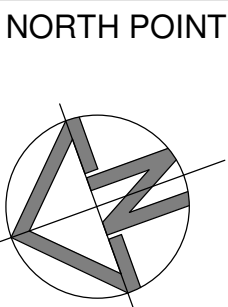
1 LEVEL 3  
1 : 100

LEGEND:  
PROPOSED INTERNAL MODIFICATIONS TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L3.01 – Studio apartment Adaptable	N/A	Proposed non-adaptable apartment Apt L3.01 – Studio apartment	N/A
Apt L3.02 – Studio apartment Non-adaptable	N/A	Proposed adaptable apartment Apt L3.02 – Studio apartment	N/A
Apt L3.03 – Studio apartment Apt L3.04 – Studio apartment	Apt L3.03 Nett Area: 48 m2 Balcony: 9 m2 Apt L3.04 Nett Area: 54 m2 Balcony: 9 m2	Apt L3.03 & L3.04 – Studio apartments have been amalgamated into a 2 Bedroom apartment L3.03	Apt L3.03 Nett Area: 107 m2 Balcony: 19 m2
Apt L3.05 – Studio apartment	Apt L3.05 Nett Area: 51 m2 Balcony: 9 m2	Apt L3.05 – Converted to 1 Bedroom Apartment with the addition of a frosted window to the void - Apartment L3.04	Apt L3.04 Nett Area: 56 m2 Balcony: 9 m2
Apt L3.06 – Studio apartment Adaptable	N/A	Proposed non-adaptable apartment Apt L3.05 – Studio apartment	N/A
Apt L3.07 – Studio apartment Apt L3.08 – 1 Bedroom apartment	Apt L3.07 Nett Area: 52 m2 Balcony: 9 m2 Apt L3.08 Nett Area: 65 m2 Balcony: 14 m2	Apt L3.07 & L3.08 – Studio & 1 Bedroom apartments have been amalgamated into a 3 Bedroom apartment L3.06	Apt L3.06 Nett Area: 121 m2 Balcony: 23 m2
Plant room	Single plant room with no external louvre	Plant room divided into 2 and external louvre added	N/A

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4G-1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.		
UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m3	3.18m3
UNIT L3.03	4m3	10.6m3
UNIT L3.04	3m3	3.01m3
UNIT L3.06	5m3	5.45m3
UNIT L6.01	4m3	4.93m3
UNIT L6.02	4m3	4.01m3
UNIT L6.03	5m3	5.53m3
UNIT L7.03	5m3	5.53m3
UNIT L8.03	3m3	3.07m3
UNIT L8.04	4m3	4.45m3
UNIT L11.01	5m3	9.9m3
UNIT L13.03	5m3	5.53m3

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REVISION	DATE	DESCRIPTION	BY
A	13.05.2020	ISSUED FOR S4.55 APPLICATION	JZ
B	07.08.2020	DIMENSIONS UPDATED FOR CLARITY AS REQUESTED BY COUNCIL. PLANT ROOM DIVIDED INTO 2	GJ

DEVELOPER

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ACN 117 402 687



PROJECT

The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

SECTION 4.55 - LEVEL 3

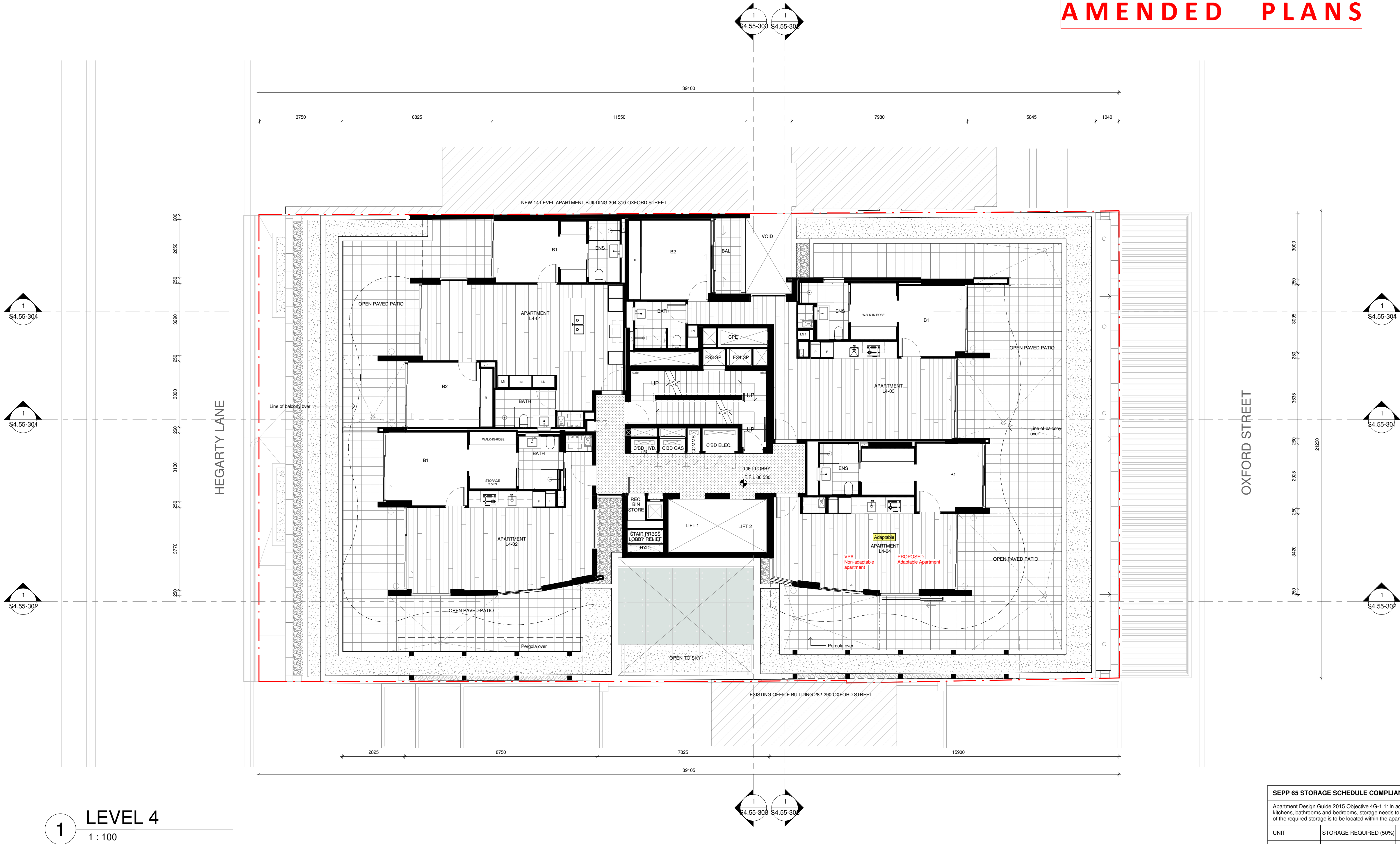
A1 SHEET

Scale	Date	Drawn	Checked
As indicated	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-110	B	



AMENDED PLANS

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Waverley Council  
Application No: DA-600/2015/H  
Date Received: 18/08/2020



1 LEVEL 4  
1 : 100

LEGEND:

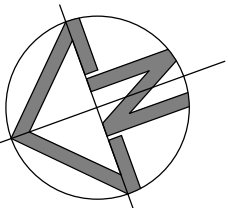
PROPOSED INTERNAL MODIFICATIONS  
TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L4.04 - 1 bedroom apartment Non-adaptable	N/A	Proposed adaptable apartment Apt L4.04 - 1 bedroom apartment	N/A

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
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UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m3	3.18m3
UNIT L3.03	4m3	10.6m3
UNIT L3.04	3m3	3.01m3
UNIT L3.06	5m3	5.45m3
UNIT L6.01	4m3	4.93m3
UNIT L6.02	4m3	4.01m3
UNIT L6.03	5m3	5.53m3
UNIT L7.03	5m3	5.53m3
UNIT L8.03	3m3	3.07m3
UNIT L8.04	4m3	4.45m3
UNIT L11.01	5m3	9.9m3
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NORTH POINT



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B	07.08.2020	DIMENSIONS UPDATED FOR CLARITY AS REQUESTED BY COUNCIL	GJ

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Beta Solutions Pty Ltd  
ARCHITECTS

PROJECT

The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

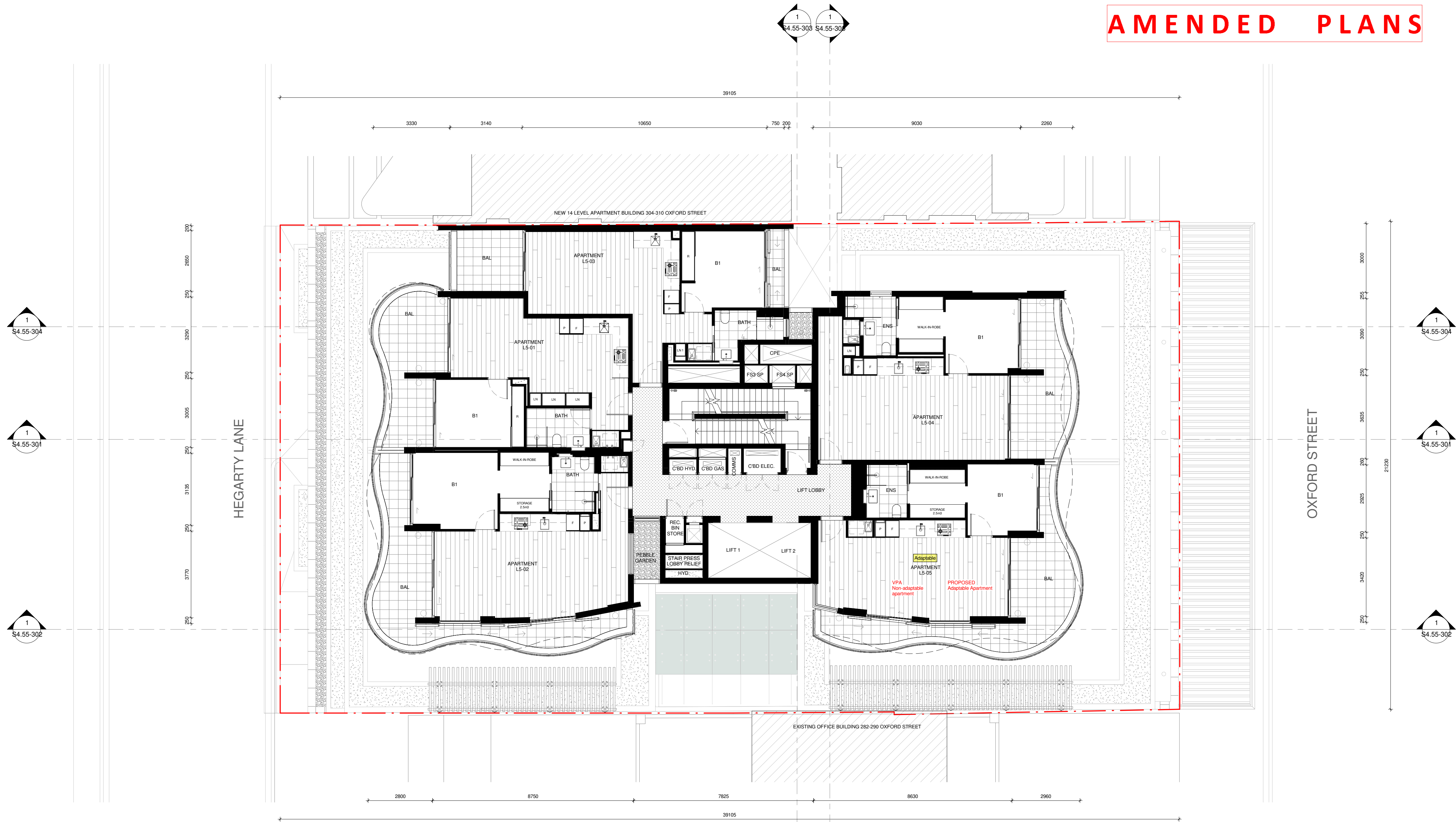
SECTION 4.55 - LEVEL 4

A1 SHEET

Scale	Date	Drawn	Checked
As indicated	May 2020	GJ	AT
Job	Drawing	Revision	
18100	S4.55-111	B	

AMENDED PLANS

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Waverley Council  
Application No: DA-600/2015/H  
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1 LEVEL 5  
1 : 100

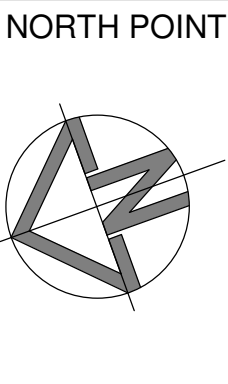
**LEGEND:**

PROPOSED INTERNAL MODIFICATIONS TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L5.05 - 1 bedroom apartment Non-adaptable	N/A	Proposed adaptable apartment Apt L5.05 - 1 bedroom apartment	N/A

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4G-1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.		
UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m3	3.18m3
UNIT L3.03	4m3	10.6m3
UNIT L3.04	3m3	3.01m3
UNIT L3.06	5m3	5.45m3
UNIT L6.01	4m3	4.93m3
UNIT L6.02	4m3	4.01m3
UNIT L6.03	5m3	5.53m3
UNIT L7.03	5m3	5.53m3
UNIT L8.03	3m3	3.07m3
UNIT L8.04	4m3	4.45m3
UNIT L11.01	5m3	9.9m3
UNIT L13.03	5m3	5.53m3

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REVISION	DATE	DESCRIPTION	BY
A	13.05.2020	ISSUED FOR S4.55 APPLICATION	JZ
B	07.08.2020	DIMENSIONS UPDATED FOR CLARITY AS REQUESTED BY COUNCIL	GJ

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**Beta Solutions** Pty Ltd  
ARCHITECTS

PROJECT

The **OXFORD**

MIXED USE APARTMENT  
DEVELOPMENT

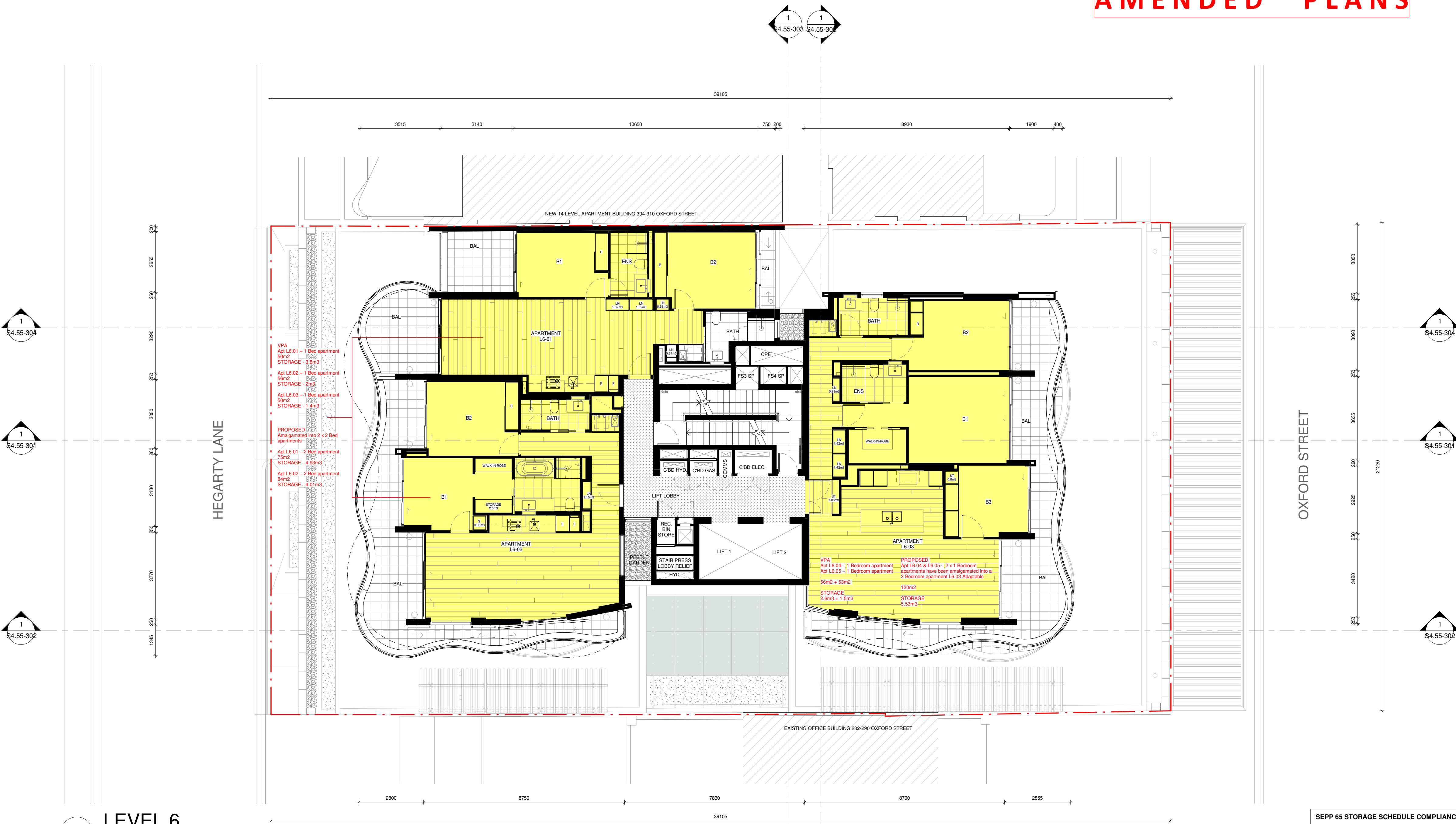
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE				A1 SHEET
SECTION 4.55 - LEVEL 5				
Scale	Date	Drawn	Checked	
As indicated	May 2020	GJ	AT	
Job	Drawing	Revision		
18100	S4.55-112	B		



AMENDED PLANS

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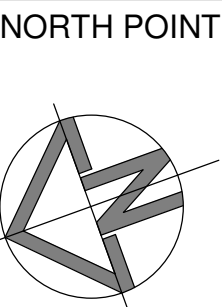
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**LEGEND:**  
PROPOSED INTERNAL MODIFICATIONS  
TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L6.01 – 1 Bedroom apartment Apt L6.02 – 1 Bedroom apartment Apt L6.03 – 1 Bedroom apartment	Apt L6.01 Nett Area: 50 m <sup>2</sup> Balcony: 17 m <sup>2</sup>  Apt L6.02 Nett Area: 56 m <sup>2</sup> Balcony: 25 m <sup>2</sup>  Apt L6.03 Nett Area: 50 m <sup>2</sup> Balcony: 8 m <sup>2</sup>	Apt L6.01, L6.02 & L6.03 – 3 x 1 Bedroom apartments have been amalgamated into 2 x 2 Bedroom apartments L6.01 & L6.02  Apt L6.02 Nett Area: 84 m <sup>2</sup> Balcony: 34 m <sup>2</sup>	Apt L6.01 Nett Area: 75 m <sup>2</sup> Balcony: 23 m <sup>2</sup>  Apt L6.02 Nett Area: 84 m <sup>2</sup> Balcony: 34 m <sup>2</sup>
Apt L6.04 – 1 Bedroom apartment Apt L6.05 – 1 Bedroom apartment	Apt L6.04 Nett Area: 56 m <sup>2</sup> Balcony: 14 m <sup>2</sup>  Apt L6.05 Nett Area: 53 m <sup>2</sup> Balcony: 23 m <sup>2</sup>	Apt L6.04 & L6.05 – 2 x 1 Bedroom apartments have been amalgamated into a 3 Bedroom apartment L6.03 Adaptable	Apt L6.03 Nett Area: 120 m <sup>2</sup> Balcony: 36 m <sup>2</sup>

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4G-1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.		
UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m <sup>3</sup>	3.18m <sup>3</sup>
UNIT L3.03	4m <sup>3</sup>	10.6m <sup>3</sup>
UNIT L3.04	3m <sup>3</sup>	3.01m <sup>3</sup>
UNIT L3.06	5m <sup>3</sup>	5.45m <sup>3</sup>
UNIT L6.01	4m <sup>3</sup>	4.93m <sup>3</sup>
UNIT L6.02	4m <sup>3</sup>	4.01m <sup>3</sup>
UNIT L6.03	5m <sup>3</sup>	5.53m <sup>3</sup>
UNIT L7.03	5m <sup>3</sup>	5.53m <sup>3</sup>
UNIT L8.03	3m <sup>3</sup>	3.07m <sup>3</sup>
UNIT L8.04	4m <sup>3</sup>	4.45m <sup>3</sup>
UNIT L11.01	5m <sup>3</sup>	9.9m <sup>3</sup>
UNIT L13.03	5m <sup>3</sup>	5.53m <sup>3</sup>

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PROJECT

The **OXFORD**  
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DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

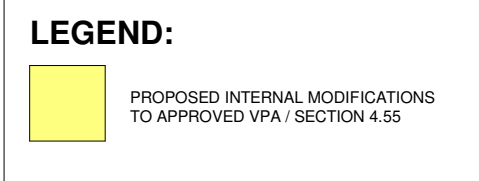
SECTION 4.55 - LEVEL 6

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As indicated	May 2020	JZ	AT
Job	Drawing	Revision	
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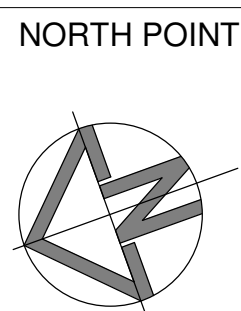
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Application No: DA-600/2015/H  
Date Received: 18/08/2020



VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L7.03 – 1 Bedroom apartment Apt L7.04 – 1 Bedroom apartment	Apt L7.03 Nett Area: 56 m2 Balcony: 14 m2  Apt L7.04 Nett Area: 52 m2 Balcony: 24 m2	Apt L7.03 & L7.04 – 2 x 1 Bedroom apartments have been amalgamated into a 3 Bedroom apartment L7.03 Adaptable	Apt L7.03 Nett Area: 120 m2 Balcony: 38 m2

UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m3	3.18m3
UNIT L3.03	4m3	10.6m3
UNIT L3.04	3m3	3.01m3
UNIT L3.06	5m3	5.45m3
UNIT L6.01	4m3	4.93m3
UNIT L6.02	4m3	4.01m3
UNIT L6.03	5m3	5.53m3
UNIT L7.03	5m3	5.53m3
UNIT L8.03	3m3	3.07m3
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ACN 117 402 687



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ARCHITECTS

	<b>PROJECT</b>
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The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT

292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE
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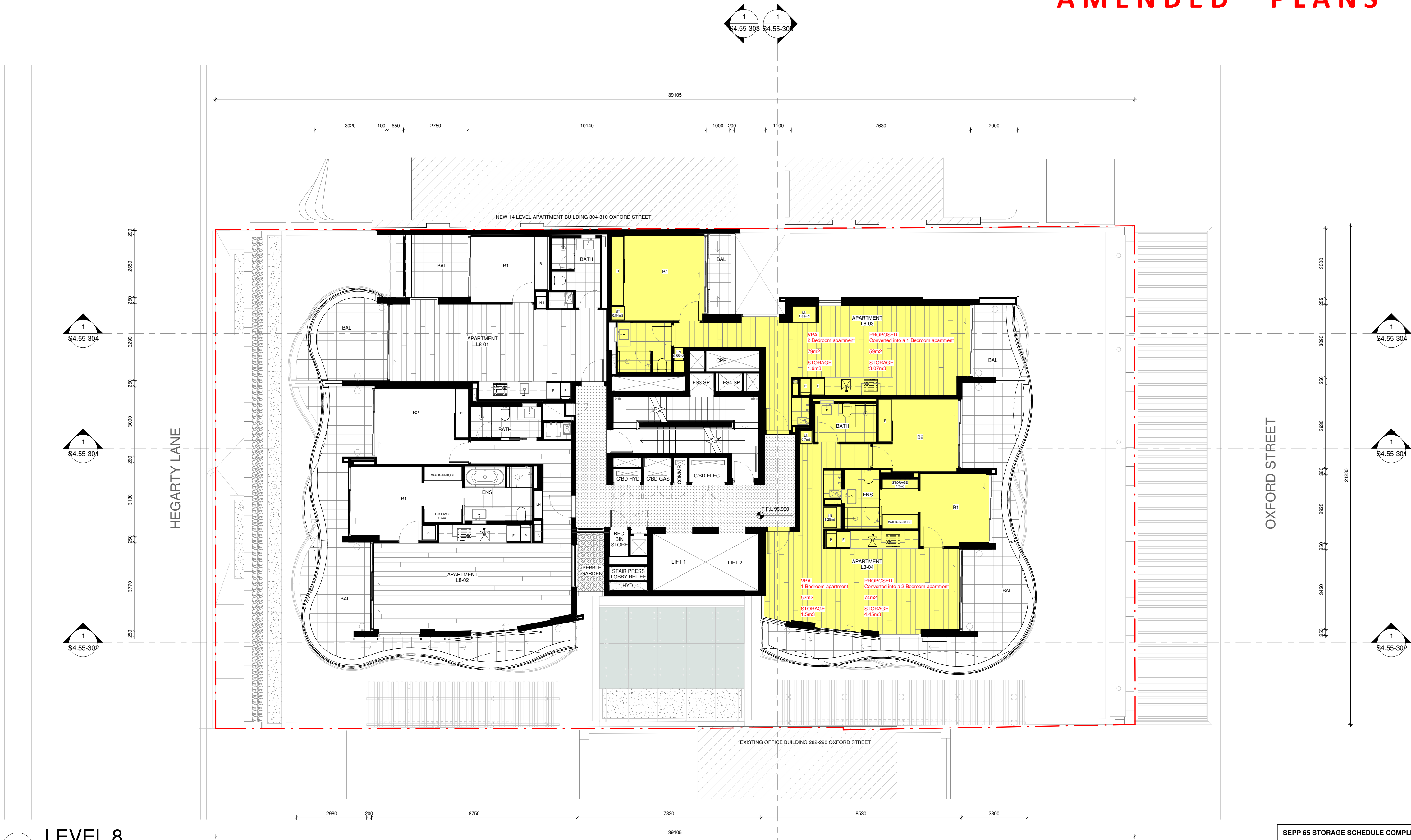
SECTION 4.55 - LEVEL 7

A1 SHEET

Scale As indicated	Date May 2020	Drawn JZ	Checked AT
Job 18100	Drawing S4.55-114		Revision B

AMENDED PLANS

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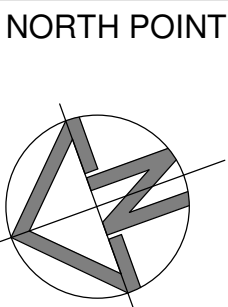
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**LEGEND:**  
PROPOSED INTERNAL MODIFICATIONS  
TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L8.03 - 2 Bedroom apartment	Apt L8.03 Nett Area: 79 m <sup>2</sup> Balcony: 15 m <sup>2</sup>	Apt L8.03 - converted into a 1 Bedroom apartment	Apt L8.03 Nett Area: 59 m <sup>2</sup> Balcony: 9 m <sup>2</sup>
Apt L8.04 - 1 Bedroom apartment	Apt L8.04 Nett Area: 52 m <sup>2</sup> Balcony: 23 m <sup>2</sup>	Apt L8.04 - converted into a 2 Bedroom apartment	Apt L8.04 Nett Area: 74 m <sup>2</sup> Balcony: 36 m <sup>2</sup>

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
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UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m <sup>3</sup>	3.18m <sup>3</sup>
UNIT L3.03	4m <sup>3</sup>	10.6m <sup>3</sup>
UNIT L3.04	3m <sup>3</sup>	3.01m <sup>3</sup>
UNIT L3.06	5m <sup>3</sup>	5.45m <sup>3</sup>
UNIT L6.01	4m <sup>3</sup>	4.93m <sup>3</sup>
UNIT L6.02	4m <sup>3</sup>	4.01m <sup>3</sup>
UNIT L6.03	5m <sup>3</sup>	5.53m <sup>3</sup>
UNIT L7.03	5m <sup>3</sup>	5.53m <sup>3</sup>
UNIT L8.03	3m <sup>3</sup>	3.07m <sup>3</sup>
UNIT L8.04	4m <sup>3</sup>	4.45m <sup>3</sup>
UNIT L11.01	5m <sup>3</sup>	9.9m <sup>3</sup>
UNIT L13.03	5m <sup>3</sup>	5.53m <sup>3</sup>

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B	07.08.2020	DIMENSIONS UPDATED FOR CLARITY AS REQUESTED BY COUNCIL	GJ

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PROJECT

The **OXFORD**  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

SECTION 4.55 - LEVEL 8

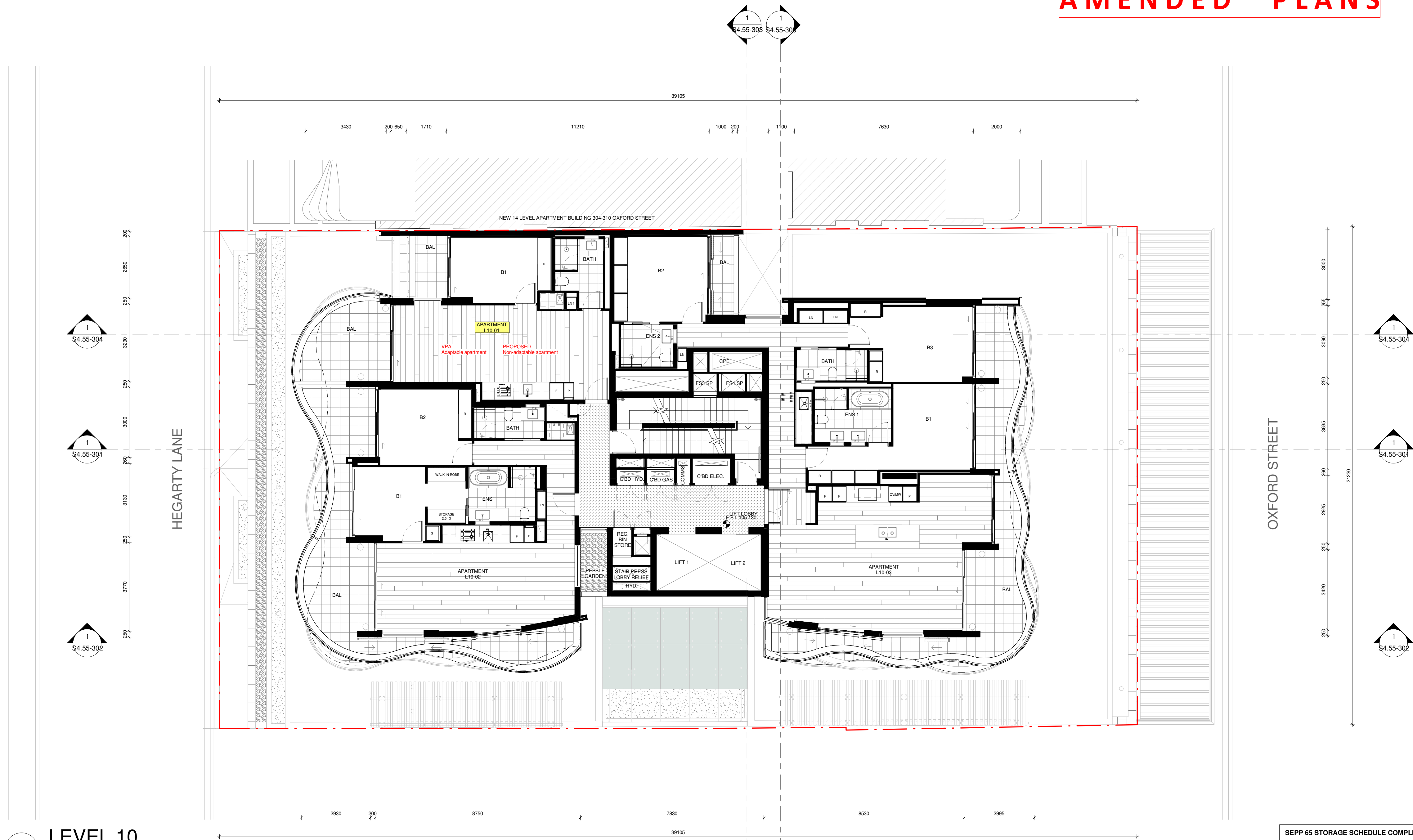
A1 SHEET

Scale As indicated	Date May 2020	Drawn JZ	Checked AT
Job 18100	Drawing S4.55-115	Revision B	



AMENDED PLANS

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Waverley Council  
Application No: DA-600/2015/H  
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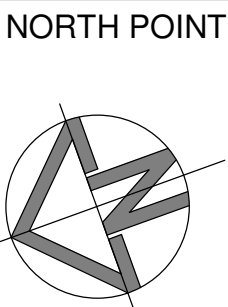
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**LEGEND:**  
PROPOSED INTERNAL MODIFICATIONS  
TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L10.01 - 1 Bedroom Adaptable apartment	N/A	Apt L10.01 - 1 Bedroom apartment Non-adaptable	N/A

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4G.1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.		
UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m3	3.18m3
UNIT L3.03	4m3	10.6m3
UNIT L3.04	3m3	3.01m3
UNIT L3.06	5m3	5.45m3
UNIT L6.01	4m3	4.93m3
UNIT L6.02	4m3	4.01m3
UNIT L6.03	5m3	5.53m3
UNIT L7.03	5m3	5.53m3
UNIT L8.03	3m3	3.07m3
UNIT L8.04	4m3	4.45m3
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PROJECT

The OXFORD  
MIXED USE APARTMENT  
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292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

SECTION 4.55 - LEVEL 10

A1 SHEET

Scale	Date	Drawn	Checked
As indicated	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-117	B	

AMENDED PLANS

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Waverley Council  
Application No: DA-600/2015/H  
Date Received: 18/08/2020



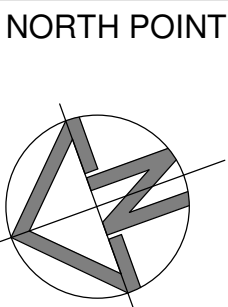
1 LEVEL 11  
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**LEGEND:**  
PROPOSED INTERNAL MODIFICATIONS  
TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L11.01 - 3 Bedroom apartment Apt L11.02 - 3 Bedroom apartment	Apt L11.01 Nett Area: 137 m2 Balconies: 49 m2  Apt L11.02 Nett Area: 141 m2 Balconies: 38 m2	Apt L11.01 & L11.02 - 2 x 3 Bedroom apartments have been amalgamated into a 4 Bedroom + Study apartment L11.01	Apt L11.01 Nett Area: 284 m2 Balconies: 95 m2

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4G.1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.		
UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m3	3.18m3
UNIT L3.03	4m3	10.6m3
UNIT L3.04	3m3	3.01m3
UNIT L3.06	5m3	5.45m3
UNIT L6.01	4m3	4.93m3
UNIT L6.02	4m3	4.01m3
UNIT L6.03	5m3	5.53m3
UNIT L7.03	5m3	5.53m3
UNIT L8.03	3m3	3.07m3
UNIT L8.04	4m3	4.45m3
UNIT L11.01	5m3	9.9m3
UNIT L13.03	5m3	5.53m3

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2022

DRAWING TITLE

SECTION 4.55 - LEVEL 11

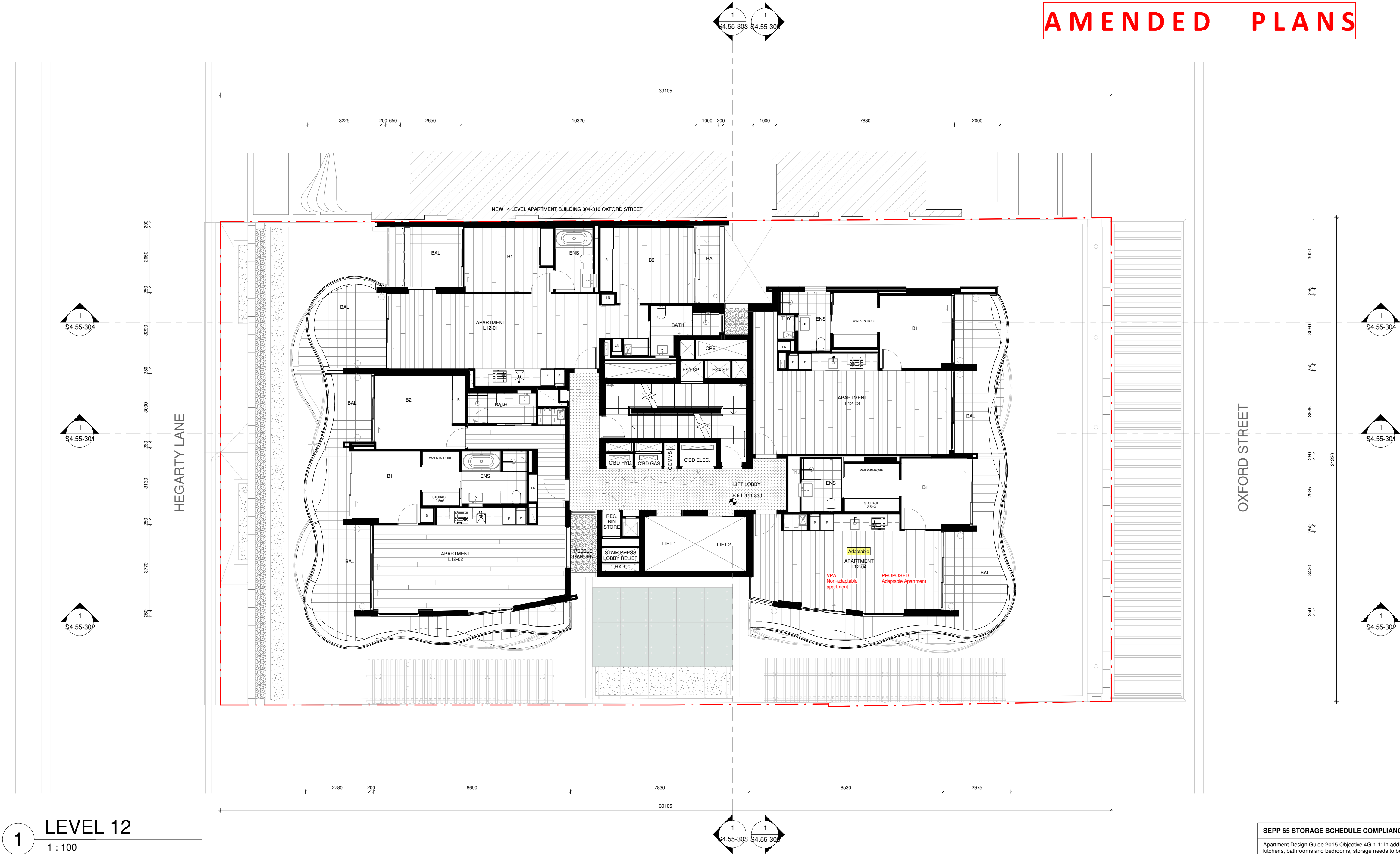
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Scale	Date	Drawn	Checked
As indicated	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-118	B	



AMENDED PLANS

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Date Received: 18/08/2020



1 LEVEL 12  
1 : 100

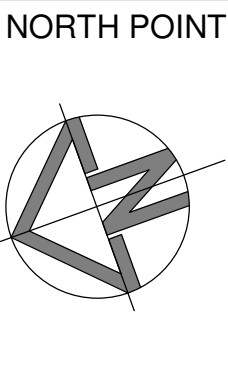
LEGEND:

	PROPOSED INTERNAL MODIFICATIONS TO APPROVED VPA / SECTION 4.55
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VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L12.04 – 1 bedroom apartment Non-adaptable	N/A	Proposed adaptable apartment Apt L12.04 – 1 bedroom apartment	N/A

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4G-1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.		
UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L2.04	3m3	3.18m3
UNIT L3.03	4m3	10.6m3
UNIT L3.04	3m3	3.01m3
UNIT L3.06	5m3	5.45m3
UNIT L6.01	4m3	4.93m3
UNIT L6.02	4m3	4.01m3
UNIT L6.03	5m3	5.53m3
UNIT L7.03	5m3	5.53m3
UNIT L8.03	3m3	3.07m3
UNIT L8.04	4m3	4.45m3
UNIT L11.01	5m3	9.9m3
UNIT L13.03	5m3	5.53m3

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A	13.05.2020	ISSUED FOR S4.55 APPLICATION	JZ
B	07.08.2020	DIMENSIONS UPDATED FOR CLARITY AS REQUESTED BY COUNCIL	GJ

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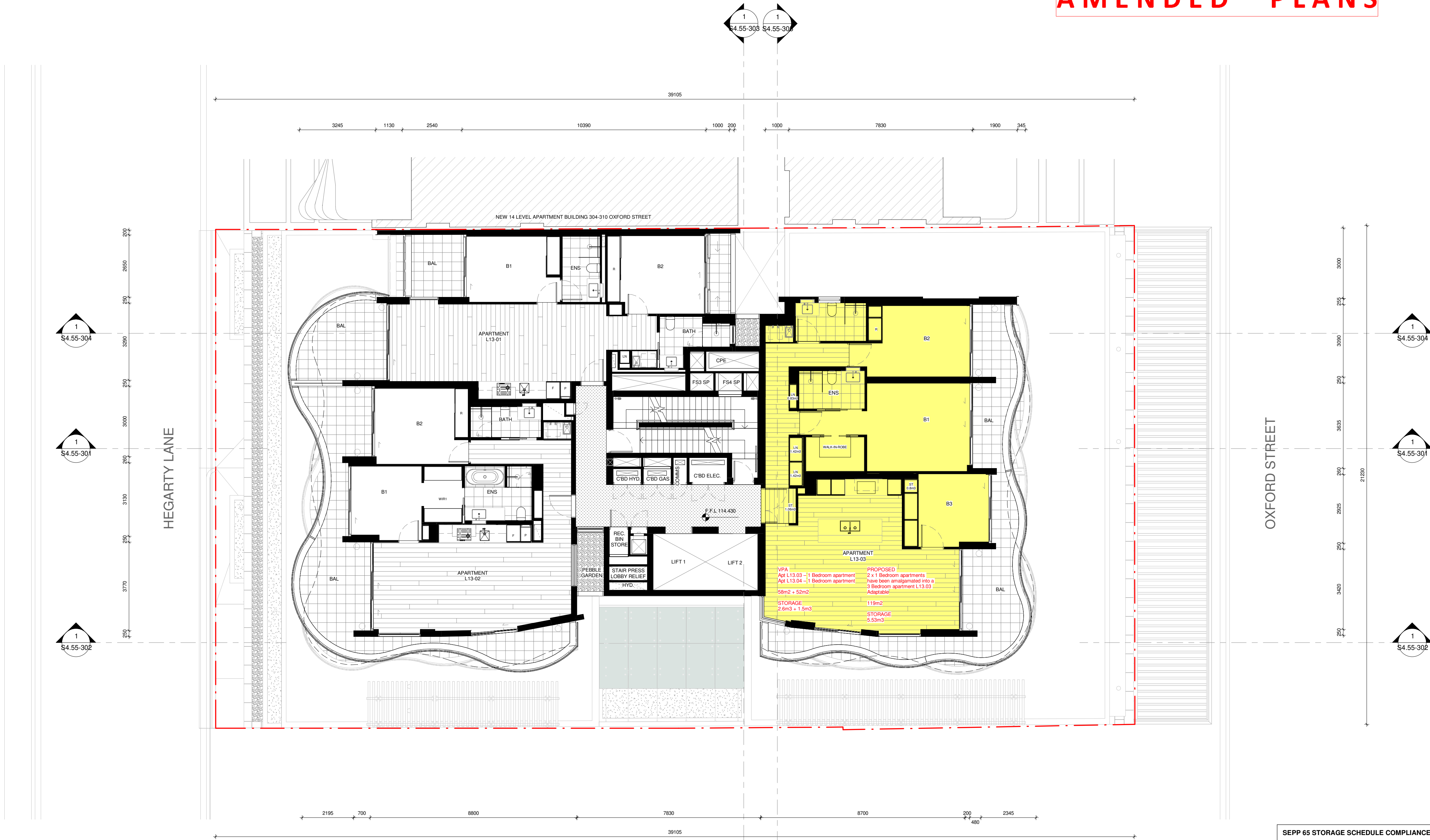
PROJECT  
The **OXFORD**  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE				A1 SHEET
SECTION 4.55 - LEVEL 12				
Scale	Date	Drawn	Checked	
As indicated	May 2020	GJ	AT	
Job	Drawing	Revision		
18100	S4.55-119	B		



AMENDED PLANS

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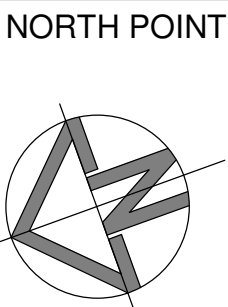
1 LEVEL 13  
1 : 100

**LEGEND:**  
PROPOSED INTERNAL MODIFICATIONS  
TO APPROVED VPA / SECTION 4.55

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L13.03 - 1 Bedroom apartment Apt L13.04 - 1 Bedroom apartment	Apt L13.03 Nett Area: 58 m2 Balcony: 13 m2  Apt L13.04 Nett Area: 52 m2 Balcony: 24 m2	Apt L13.03 & L13.04 - 2 x 1 Bedroom apartments have been amalgamated into a 3 Bedroom apartment L13.03 Adaptable	Apt L13.03 Nett Area: 119 m2 Balcony: 38 m2

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4G.1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.		
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UNIT L3.03	4m3	10.6m3
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UNIT L3.06	5m3	5.45m3
UNIT L6.01	4m3	4.93m3
UNIT L6.02	4m3	4.01m3
UNIT L6.03	5m3	5.53m3
UNIT L7.03	5m3	5.53m3
UNIT L8.03	3m3	3.07m3
UNIT L8.04	4m3	4.45m3
UNIT L11.01	5m3	9.9m3
UNIT L13.03	5m3	5.53m3

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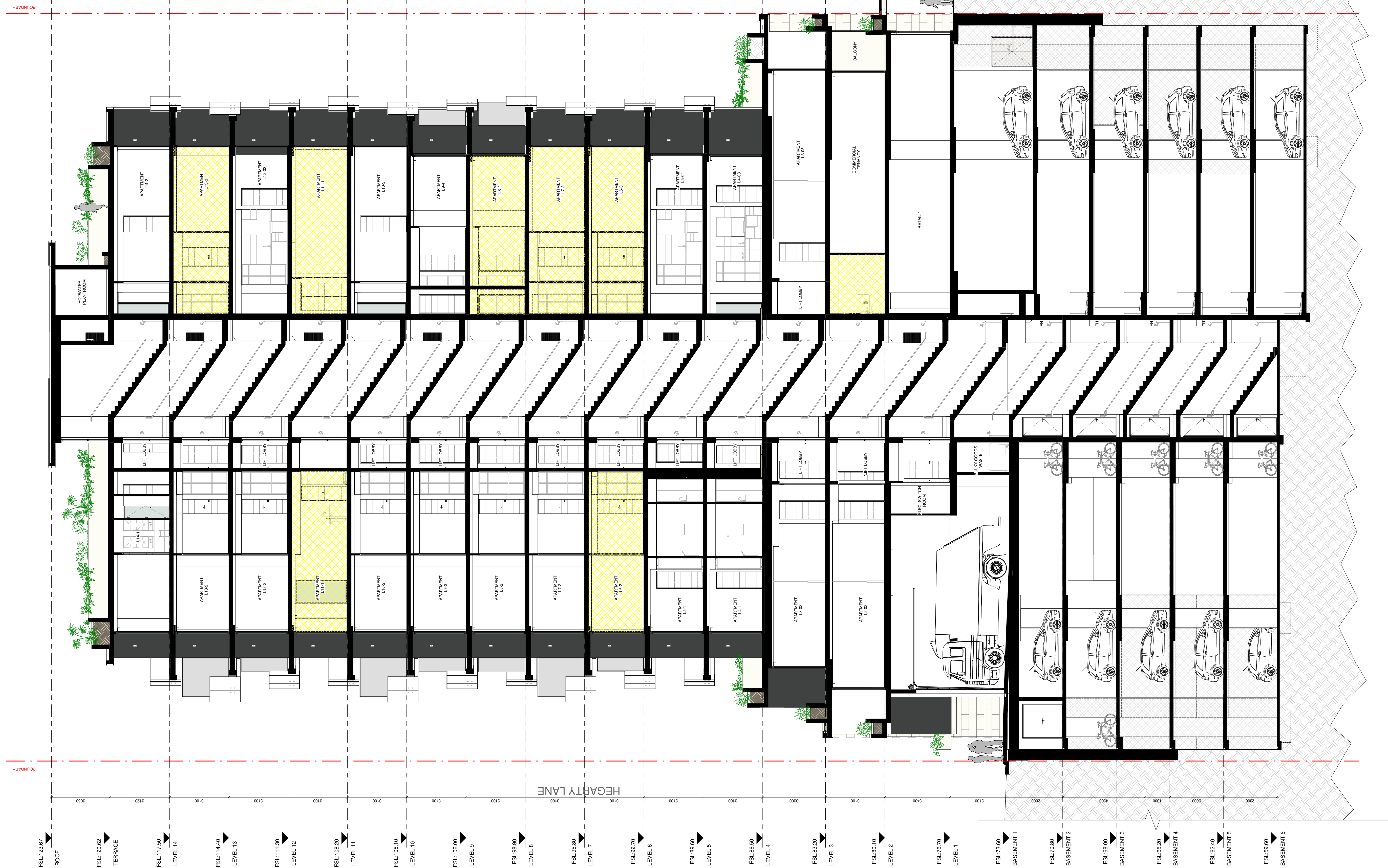
DRAWING TITLE

SECTION 4.55 - LEVEL 13

Scale	Date	Drawn	Checked
As indicated	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-120	B	



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SECTION A-A

Scale 1 : 100	Date May 2020	Drawn JZ	Checked AT
Job 18100	Drawing S4.55-301		Revision B



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A	03.05.2019	ISSUED FOR \$4.55 APPLICATION	EF
B	13.05.2020	ISSUED FOR \$4.55 APPLICATION	JZ

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DRAWING TITLE

SECTION B-B

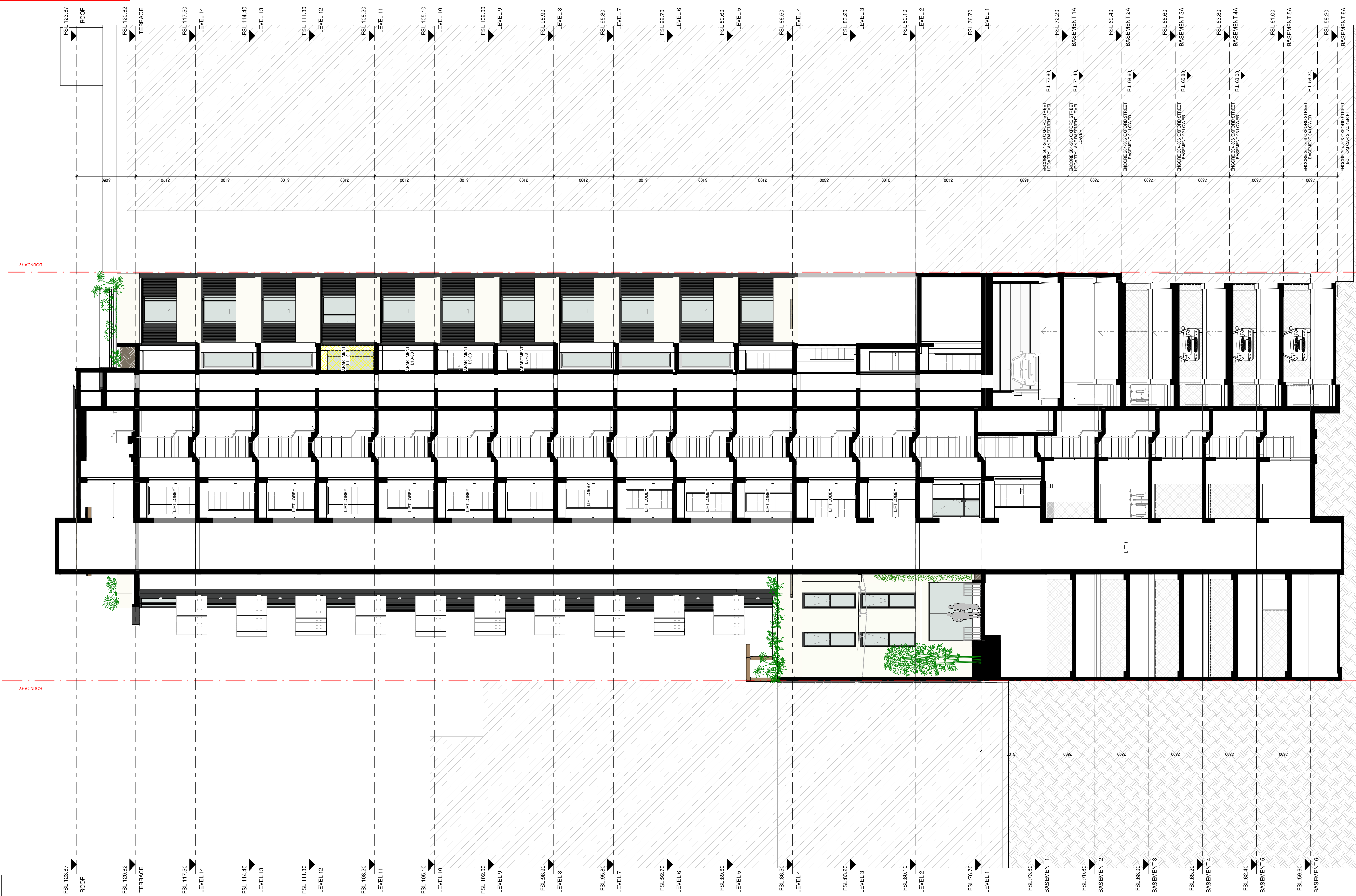
A1 SHEET

Scale	Date	Drawn	Checked
1 : 100	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-302	B	



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	<b>PROJECT</b>
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DEVELOPMENT  
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2022

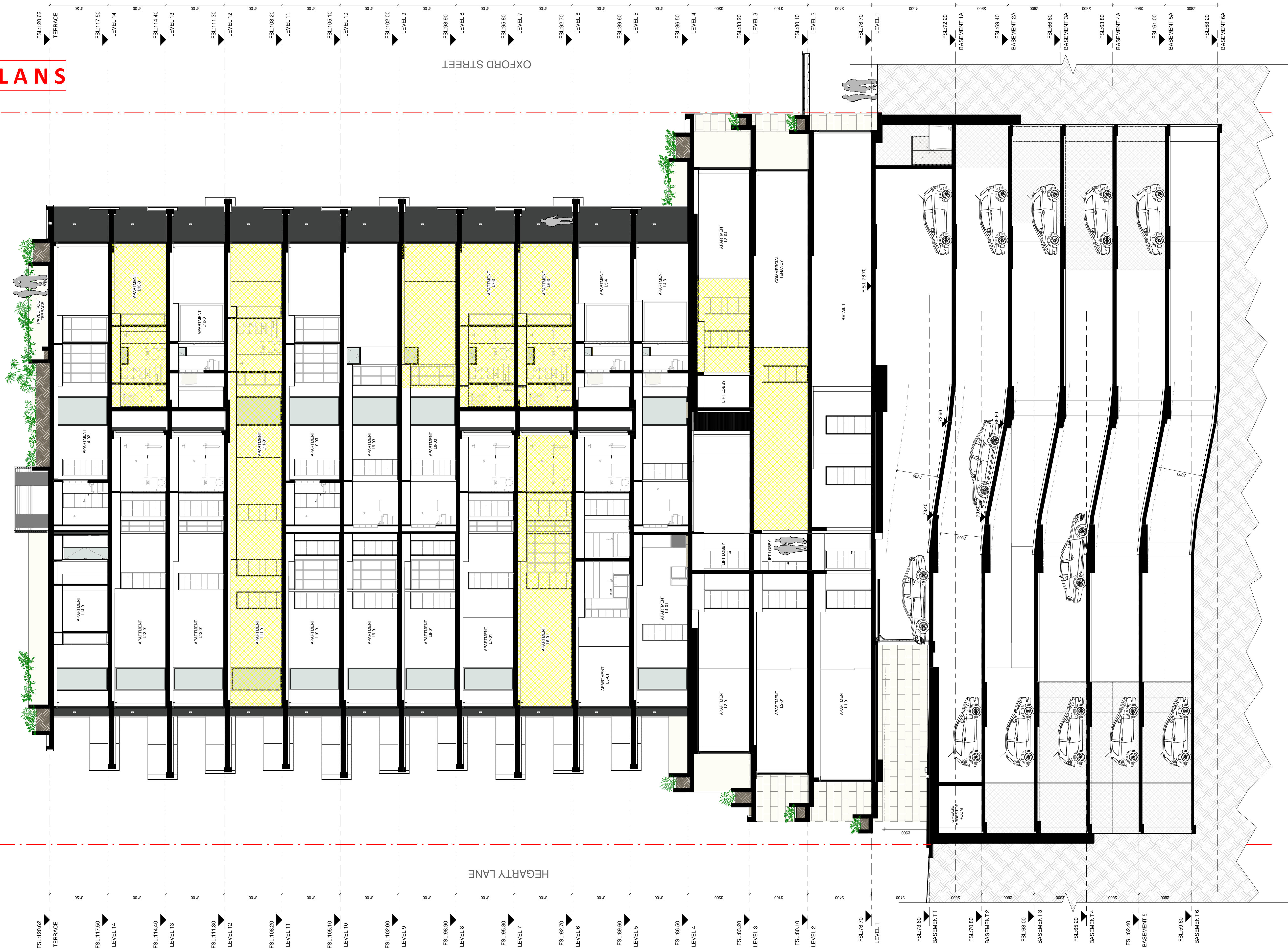
DRAWING TITLE
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SECTION C-C

Scale 1 : 100	Date May 2020	Drawn JZ	Checked AT
Job 18100	Drawing S4.55-303		Revision B



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2022

DRAWING TITLE

SECTION D-D

A1 SHEET

Scale 1 : 100	Date May 2020	Drawn JZ	Checked AT
Job 18100	Drawing S4.55-304		Revision B



Architectural floor plan of a multi-story building. The plan shows a grid of rooms, corridors, and stairs. A red dashed line runs horizontally across the middle of the plan. The right side of the plan shows a parking area with car symbols. The left side shows a roof and terrace area. The plan is labeled with level numbers and elevations.

Levels and Elevations (from top to bottom):

- Roof: FSL-123.57
- Terrace: FSL-120.02
- Level 14: FSL-117.50
- Level 13: FSL-114.40
- Level 12: FSL-111.30
- Level 11: FSL-108.20
- Level 10: FSL-105.10
- Level 9: FSL-102.00
- Level 8: FSL-98.90
- Level 7: FSL-95.80
- Level 6: FSL-92.70
- Level 5: FSL-89.60
- Level 4: FSL-86.50
- Level 3: FSL-83.20
- Level 2: FSL-80.10
- Level 1: FSL-76.70
- Basement 1A: FSL-72.20
- Basement 2A: FSL-69.40
- Basement 3A: FSL-66.60
- Basement 4A: FSL-63.80
- Basement 5A: FSL-61.00
- Basement 6A: FSL-58.20

The plan also includes a parking area with car symbols and a staircase area. The building is situated on a plot with a red dashed line indicating a boundary or a specific level.

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	A	07.08.2020	ISSUED FOR \$4.55 APPLICATION	GJ

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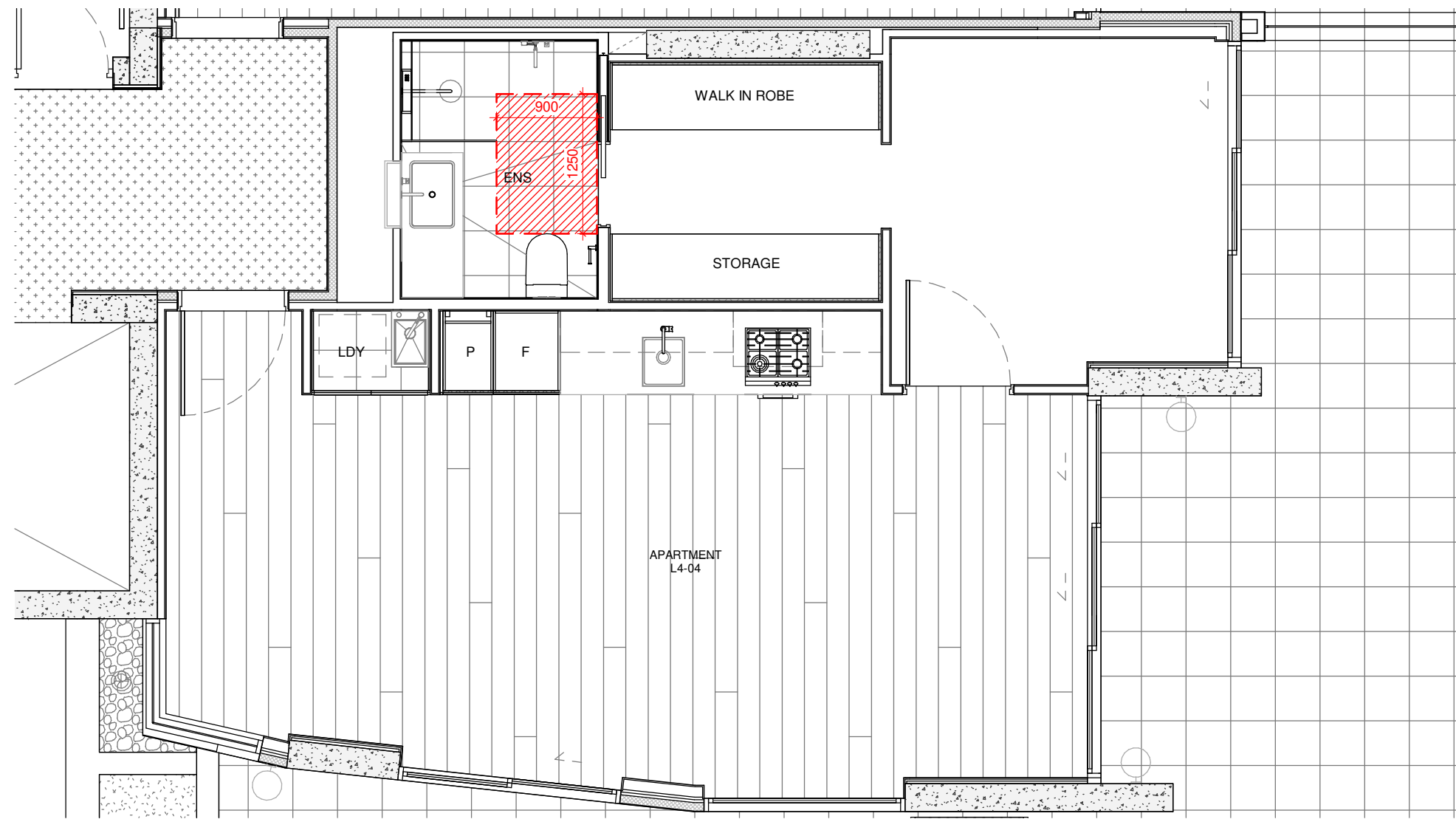
The OXFORD

MIXED USE APARTMENT DEVELOPMENT

292-302 Oxford St. Bondi Junction NSW 2022

DRAWING TITLE				A1 SHEET
SECTION E-E				
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Job	Drawing		Revision	
18100	\$4.55-305			A

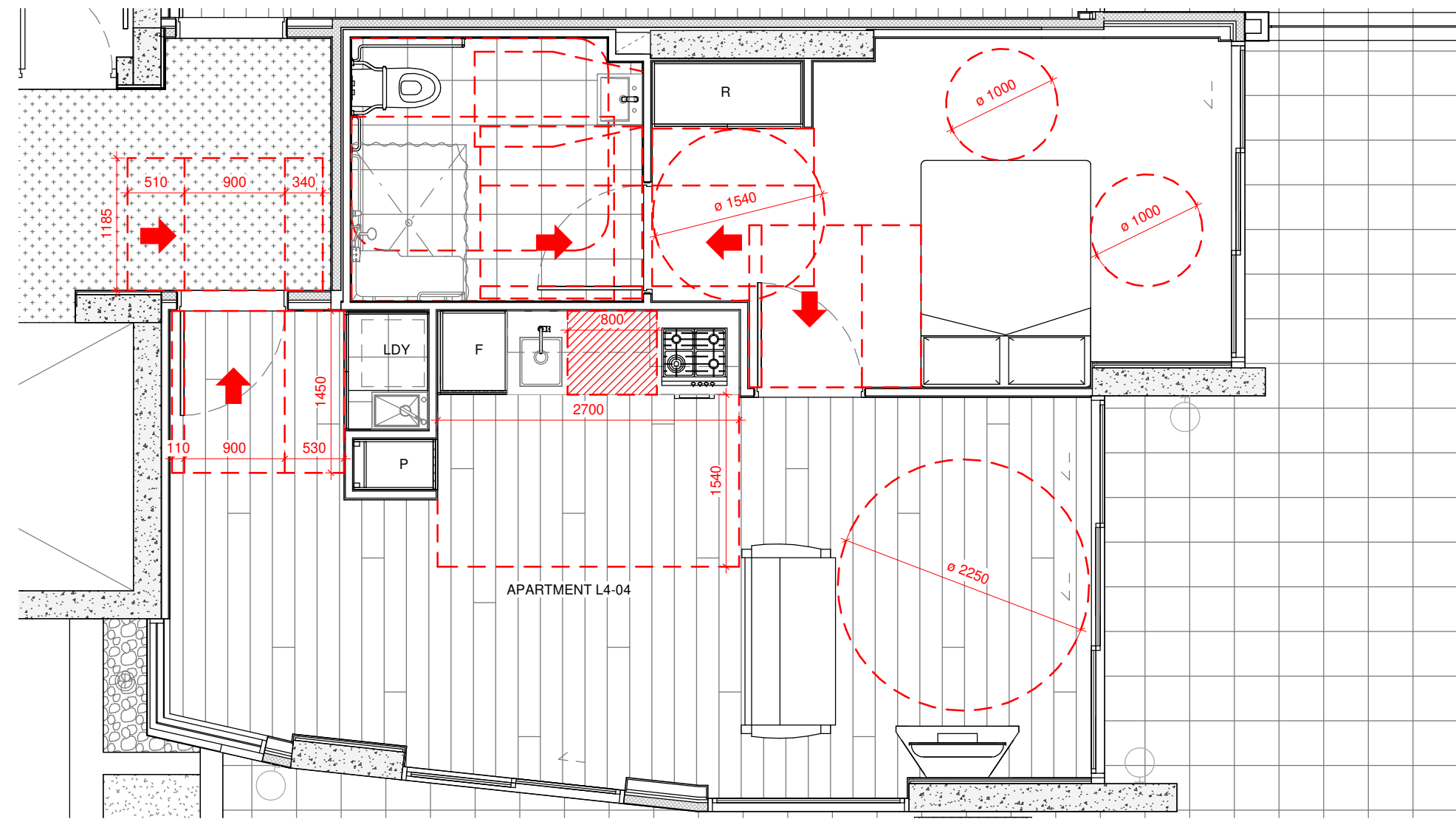




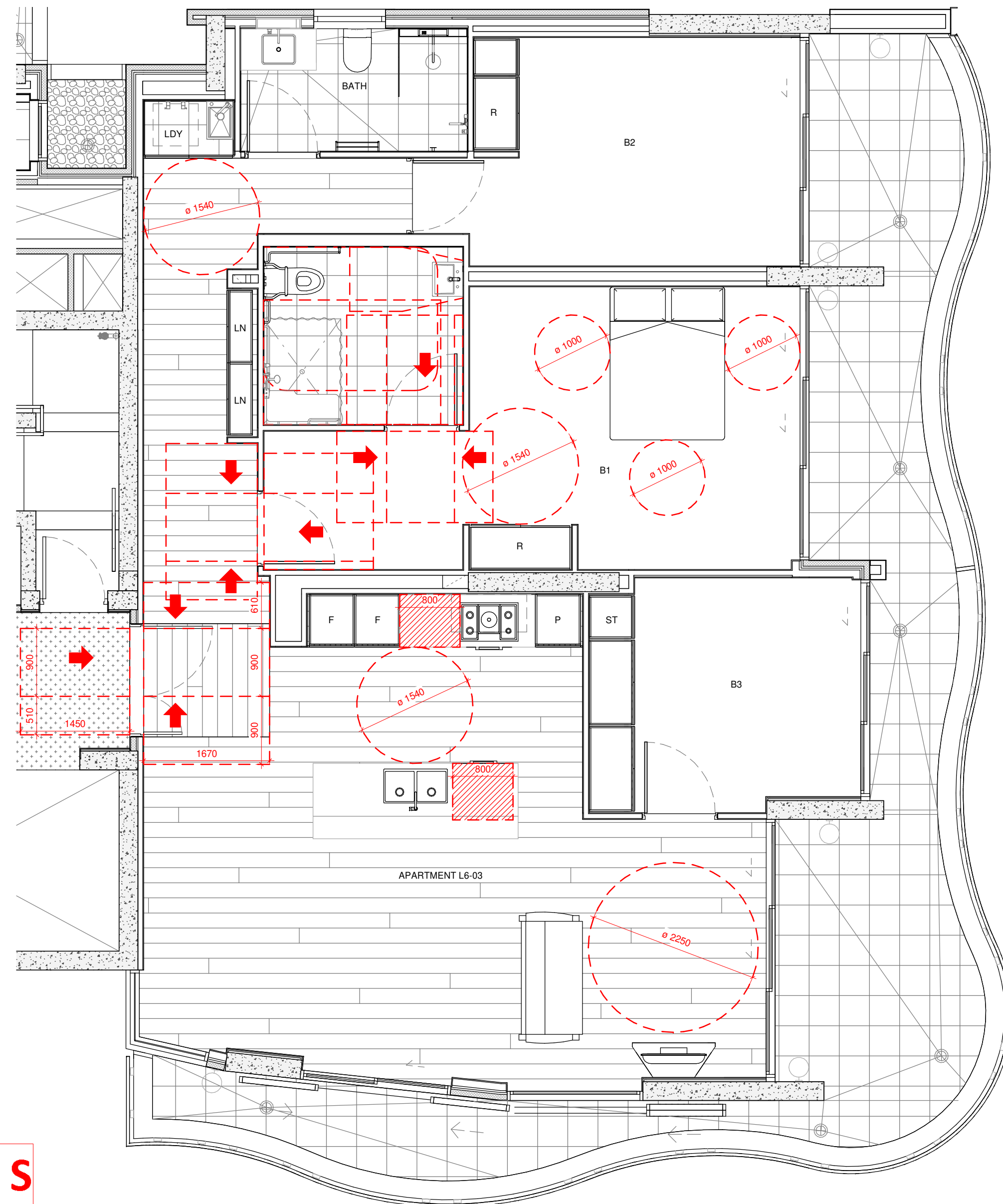
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1 : 50



3 PRE-ADAPTABLE L6-03, L7-03 & L13-03  
1 : 50



2 POST-ADAPTABLE L4-04, L5-05 & L12-04  
1 : 50



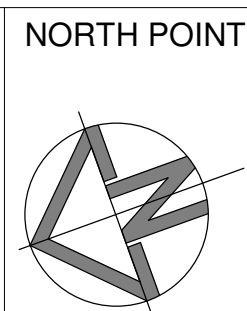
4 POST-ADAPTABLE L6-03, L7-03 & L13-03  
1 : 50

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## AMENDED PLANS

**LEGEND:**  
PROPOSED INTERNAL MODIFICATIONS  
TO APPROVED VPA / SECTION 4.55

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DRAWING TITLE

ADAPTABLES UNIT SHEET 2

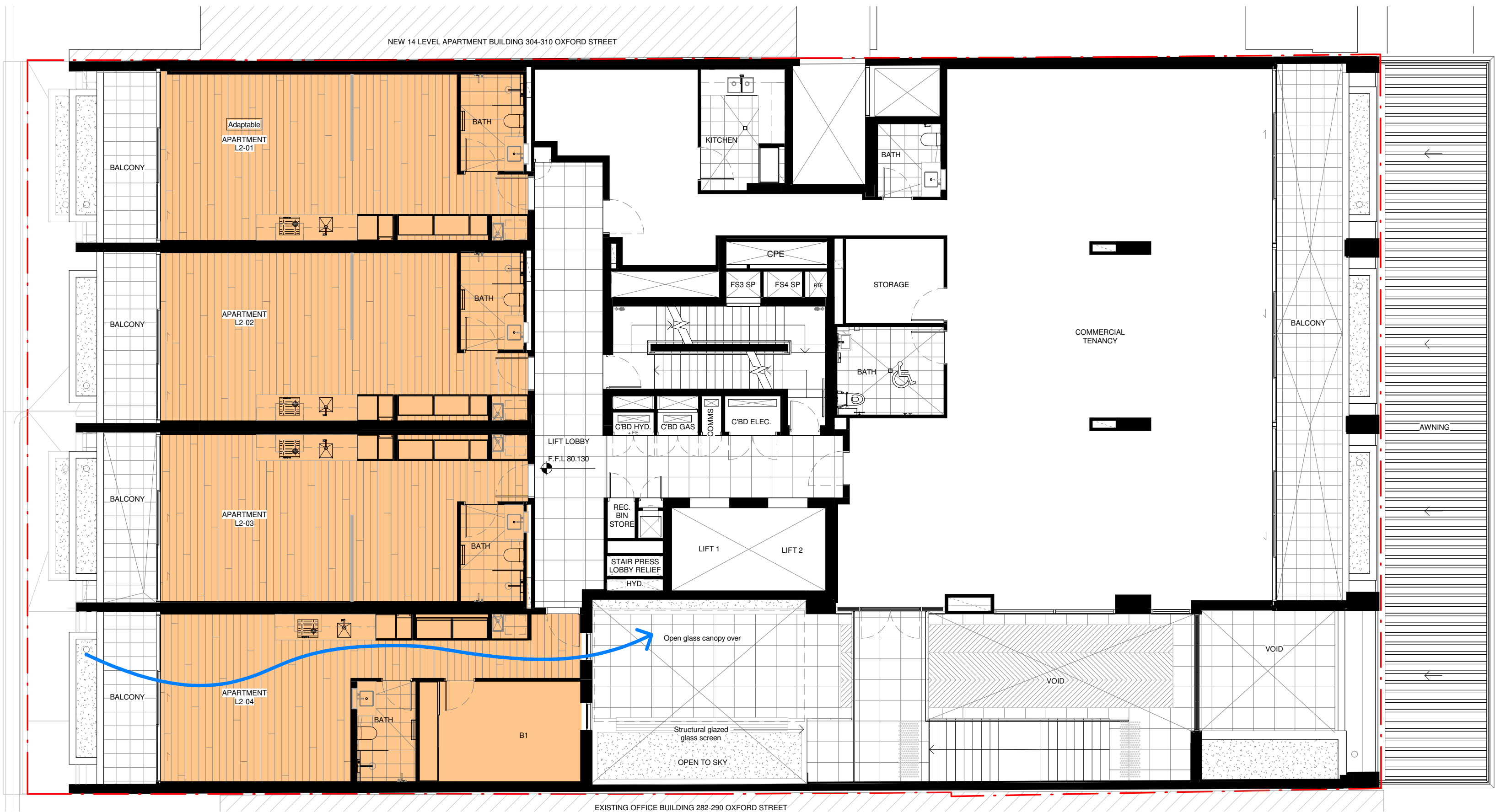
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As indicated	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-802	A	



LEVEL 2 - SEPP 65 COMPLIANCE		
	CROSS VENTILATION	SOLAR ACCESS 2 HOURS 21 JUNE
APARMENT L2-1	NO	YES
APARMENT L2-2	NO	YES
APARMENT L2-3	NO	YES
APARMENT L2-4	YES	YES

SEPP 65 SOLAR COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4A-1.1: Living rooms and private spaces of at least 70% of apartments in a building receive a min of 2 hours direct sunlight between 9am and 3pm at mid winter in Sydney Metropolitan area		
LEVEL	N° OF UNITS	COMPLIANT UNITS
LEVEL 1	2	2
LEVEL 2	4	4
LEVEL 3	6	3
LEVEL 4	4	2
LEVEL 5	5	3
LEVEL 6	3	2
LEVEL 7	3	2
LEVEL 8	4	3
LEVEL 9	4	3
LEVEL 10	3	3
LEVEL 11	1	1
LEVEL 12	4	3
LEVEL 13	3	3
LEVEL 14	2	2
TOTAL	48	36
% SOLAR COMPLIANT UNITS		75%

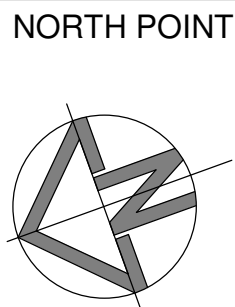
SEPP 65 CROSS VENTILATION COMPLIANCE TABLE		
Apartment Design Guide 2015 Objective 4B-3.1: At least 60% of apartments are naturally cross ventilated in the first nine levels of the building		
LEVEL	N° OF UNITS	COMPLIANT UNITS
LEVEL 1	2	0
LEVEL 2	4	1
LEVEL 3	6	3
LEVEL 4	4	3
LEVEL 5	5	4
LEVEL 6	3	3
LEVEL 7	3	3
LEVEL 8	4	3
LEVEL 9	4	3
TOTAL	35	23
% NATURALLY VENTILATED UNITS		65.7%



1 LEVEL 2  
1 : 100

PRELIMINARY DRAWINGS. NOT FOR CONSTRUCTION

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DRAWING TITLE A1 SHEET

LEVEL 2 SOLAR VENTILATION & SOLAR ACCESS

Scale	Date	Drawn	Checked
1 : 100	May 2020	GJ	AT
Job	Drawing	Revision	
18100	S4.55-900	A	



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Date Received: 18/08/2020

LEVEL 3 - SEPP 65 COMPLIANCE		
	CROSS VENTILATION	SOLAR ACCESS 2 HOURS 21 JUNE
APARMENT L3-1	NO	YES
APARMENT L3-2	NO	YES
APARMENT L3-3	YES	YES
APARMENT L3-4	YES	NO
APARMENT L3-5	NO	NO
APARMENT L3-6	YES	NO

LEVEL 6 - SEPP 65 COMPLIANCE		
	CROSS VENTILATION	SOLAR ACCESS 2 HOURS 21 JUNE
APARMENT L6-1	YES	YES
APARMENT L6-2	YES	YES
APARMENT L6-3	YES	NO

SEPP 65 SOLAR COMPLIANCE TABLE

Apartment Design Guide 2015 Objective 4A-1.1: Living rooms and private spaces of at least 70% of apartments in a building receive a min of 2 hours direct sunlight between 9am and 3pm at mid winter in Sydney Metropolitan area

LEVEL	Nº OF UNITS	COMPLIANT UNITS
LEVEL 1	2	2
LEVEL 2	4	4
LEVEL 3	6	3
LEVEL 4	4	2
LEVEL 5	5	3
LEVEL 6	3	2
LEVEL 7	3	2
LEVEL 8	4	3
LEVEL 9	4	3
LEVEL 10	3	3
LEVEL 11	1	1
LEVEL 12	4	3
LEVEL 13	3	3
LEVEL 14	2	2
TOTAL	48	36

% SOLAR COMPLIANT UNITS

75%

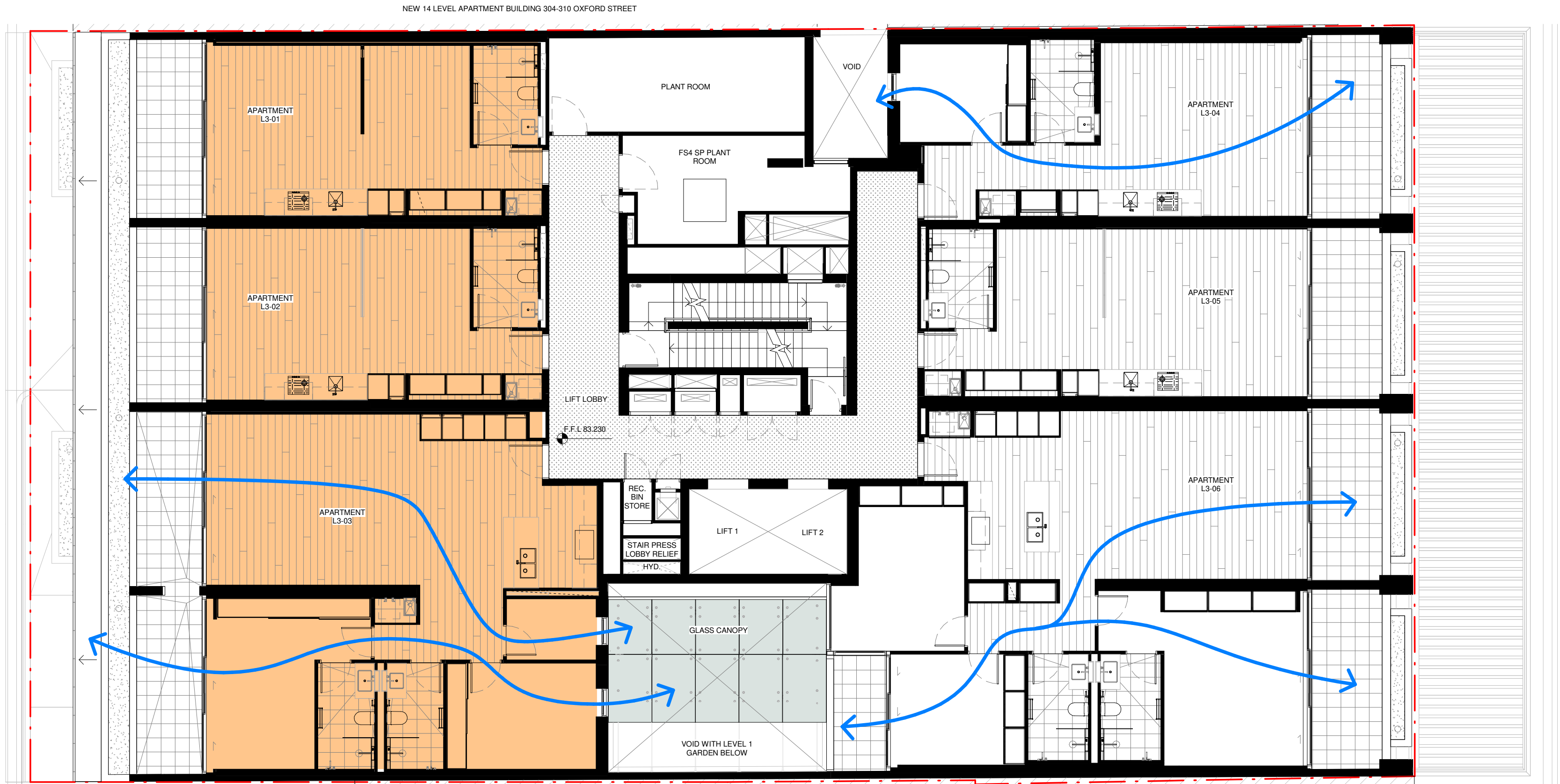
SEPP 65 CROSS VENTILATION COMPLIANCE TABLE

Apartment Design Guide 2015 Objective 4B-3.1: At least 60% of apartments are naturally cross ventilated in the first nine levels of the building

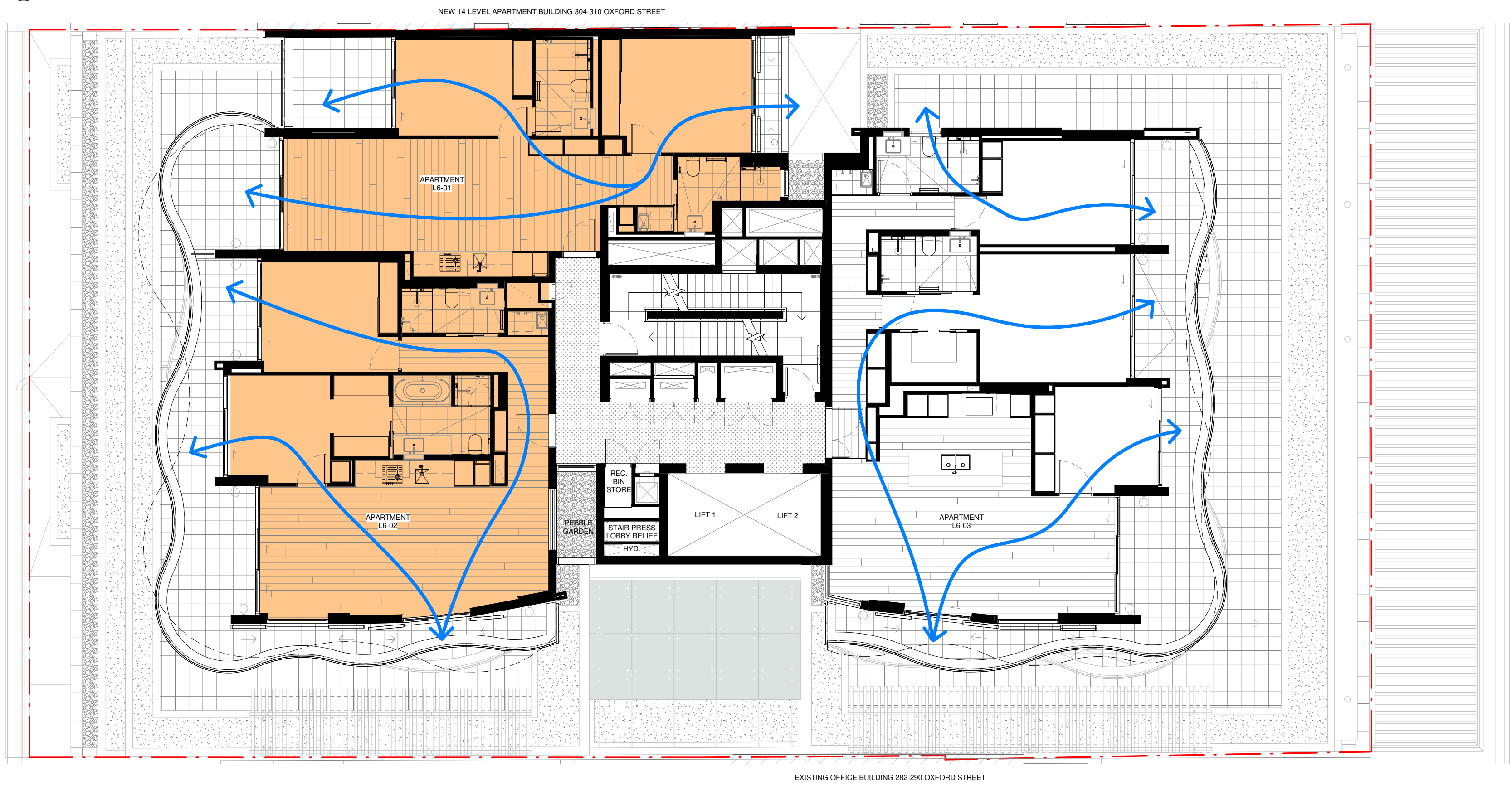
LEVEL	Nº OF UNITS	COMPLIANT UNITS
LEVEL 1	2	0
LEVEL 2	4	1
LEVEL 3	6	3
LEVEL 4	4	3
LEVEL 5	5	4
LEVEL 6	3	3
LEVEL 7	3	3
LEVEL 8	4	3
LEVEL 9	4	3
TOTAL	35	23

% NATURALLY VENTILATED UNITS

65.7%



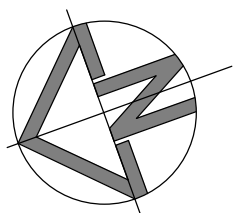
1 LEVEL 3  
1 : 100



2 LEVEL 6  
1 : 100

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REVISION	DATE	DESCRIPTION	BY
A	13.05.2020	ISSUED FOR S4.55 APPLICATION	JZ

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Beta Solutions Pty Ltd  
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PROJECT

The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

LEVEL 3 & 6 SOLAR VENTILATION & SOLAR ACCESS

Scale

1 : 100

Date

May 2020

Drawn

JZ

Checked

AT

Job

18100

Drawing

S4.55-901

Revision

A

A1 SHEET



AMENDED PLANS

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Waverley Council  
Application No: DA-600/2015/H  
Date Received: 18/08/2020

LEVEL 7 - SEPP 65 COMPLIANCE		
	CROSS VENTILATION	SOLAR ACCESS 2 HOURS 21 JUNE
APARMENT L7-1	YES	YES
APARMENT L7-2	YES	YES
APARMENT L7-3	YES	NO

LEVEL 8 - SEPP 65 COMPLIANCE		
	CROSS VENTILATION	SOLAR ACCESS 2 HOURS 21 JUNE
APARMENT L8-1	NO	YES
APARMENT L8-2	YES	YES
APARMENT L8-3	YES	NO
APARMENT L8-4	YES	YES

SEPP 65 SOLAR COMPLIANCE TABLE

Apartment Design Guide 2015 Objective 4A-1.1: Living rooms and private spaces of at least 70% of apartments in a building receive a min of 2 hours direct sunlight between 9am and 3pm at mid winter in Sydney Metropolitan area

LEVEL	Nº OF UNITS	COMPLIANT UNITS
LEVEL 1	2	2
LEVEL 2	4	4
LEVEL 3	6	3
LEVEL 4	4	2
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LEVEL 6	3	2
LEVEL 7	3	2
LEVEL 8	4	3
LEVEL 9	4	3
LEVEL 10	3	3
LEVEL 11	1	1
LEVEL 12	4	3
LEVEL 13	3	3
LEVEL 14	2	2
TOTAL	48	36

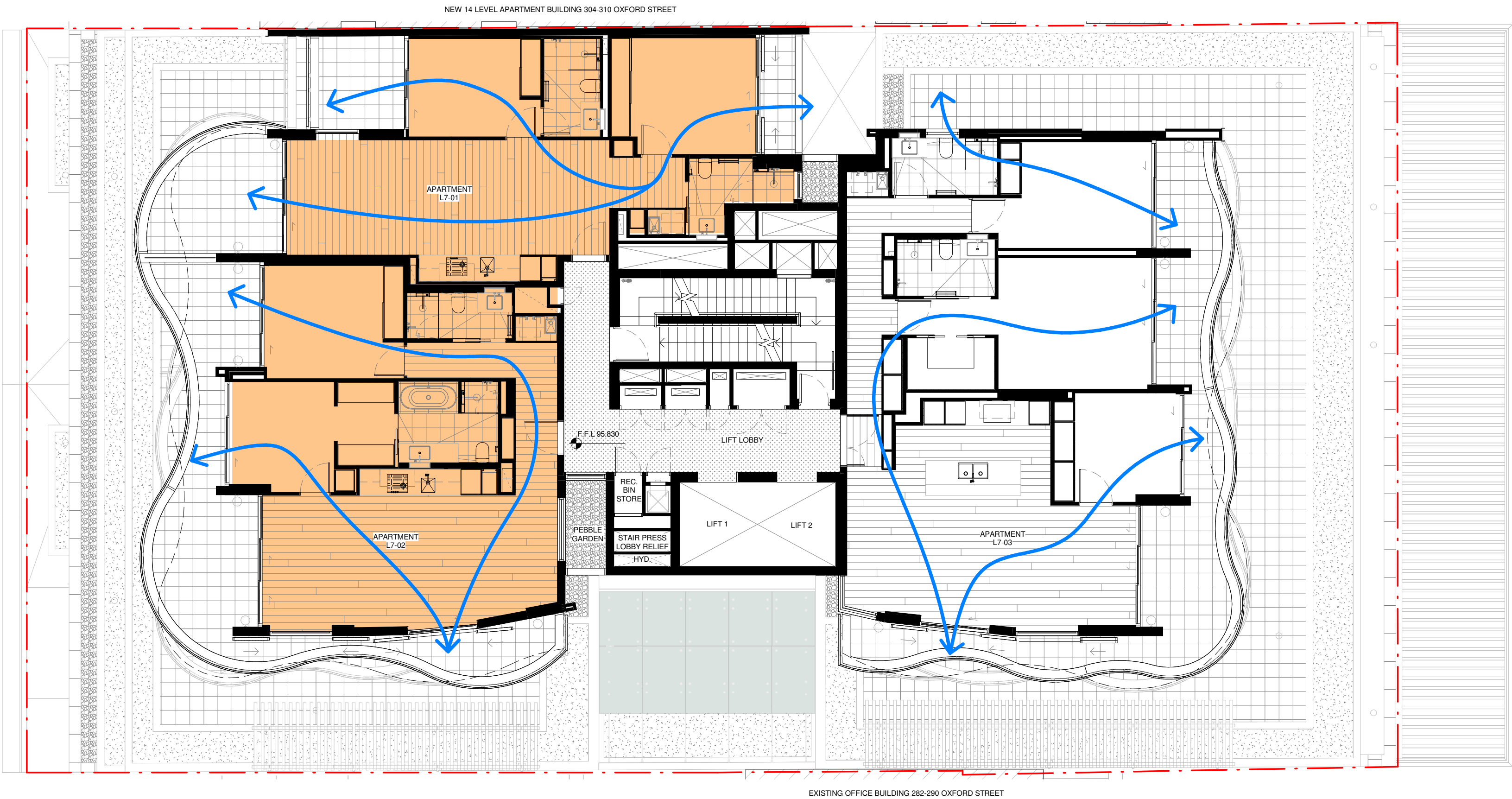
% SOLAR COMPLIANT UNITS 75%

SEPP 65 CROSS VENTILATION COMPLIANCE TABLE

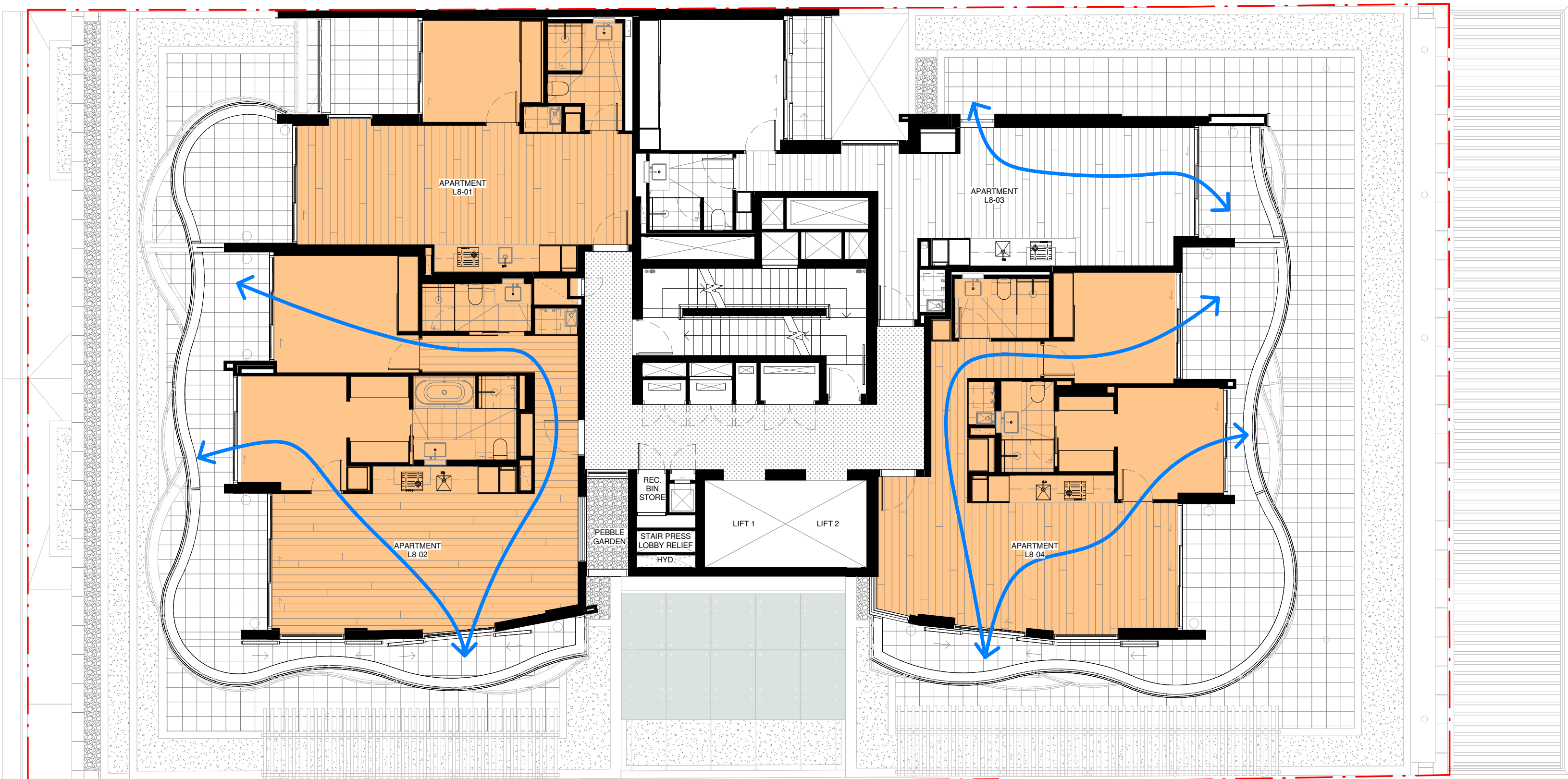
Apartment Design Guide 2015 Objective 4B-3.1: At least 60% of apartments are naturally cross ventilated in the first nine levels of the building

LEVEL	Nº OF UNITS	COMPLIANT UNITS
LEVEL 1	2	0
LEVEL 2	4	1
LEVEL 3	6	3
LEVEL 4	4	3
LEVEL 5	5	4
LEVEL 6	3	3
LEVEL 7	3	3
LEVEL 8	4	3
LEVEL 9	4	3
TOTAL	35	23

% NATURALLY VENTILATED UNITS 65.7%



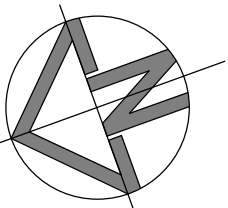
1 LEVEL 7  
1 : 100



2 LEVEL 8  
1 : 100

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PROJECT

The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

LEVEL 7 & 8 SOLAR VENTILATION & SOLAR ACCESS

Scale

1 : 100

Date

May 2020

Drawn

JZ

Checked

AT

Job

18100

Drawing

S4.55-902

Revision

A



AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-600/2015/H  
Date Received: 18/08/2020

LEVEL 11 - SEPP 65 COMPLIANCE		
	CROSS VENTILATION	SOLAR ACCESS 2 HOURS 21 JUNE
APARMENT L11-1	YES	YES

LEVEL 13 - SEPP 65 COMPLIANCE		
	CROSS VENTILATION	SOLAR ACCESS 2 HOURS 21 JUNE
APARMENT L13-1	YES	YES
APARMENT L13-2	YES	YES
APARMENT L13-3	YES	YES

SEPP 65 SOLAR COMPLIANCE TABLE

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LEVEL 7	3	2
LEVEL 8	4	3
LEVEL 9	4	3
LEVEL 10	3	3
LEVEL 11	1	1
LEVEL 12	4	3
LEVEL 13	3	3
LEVEL 14	2	2
TOTAL	48	36

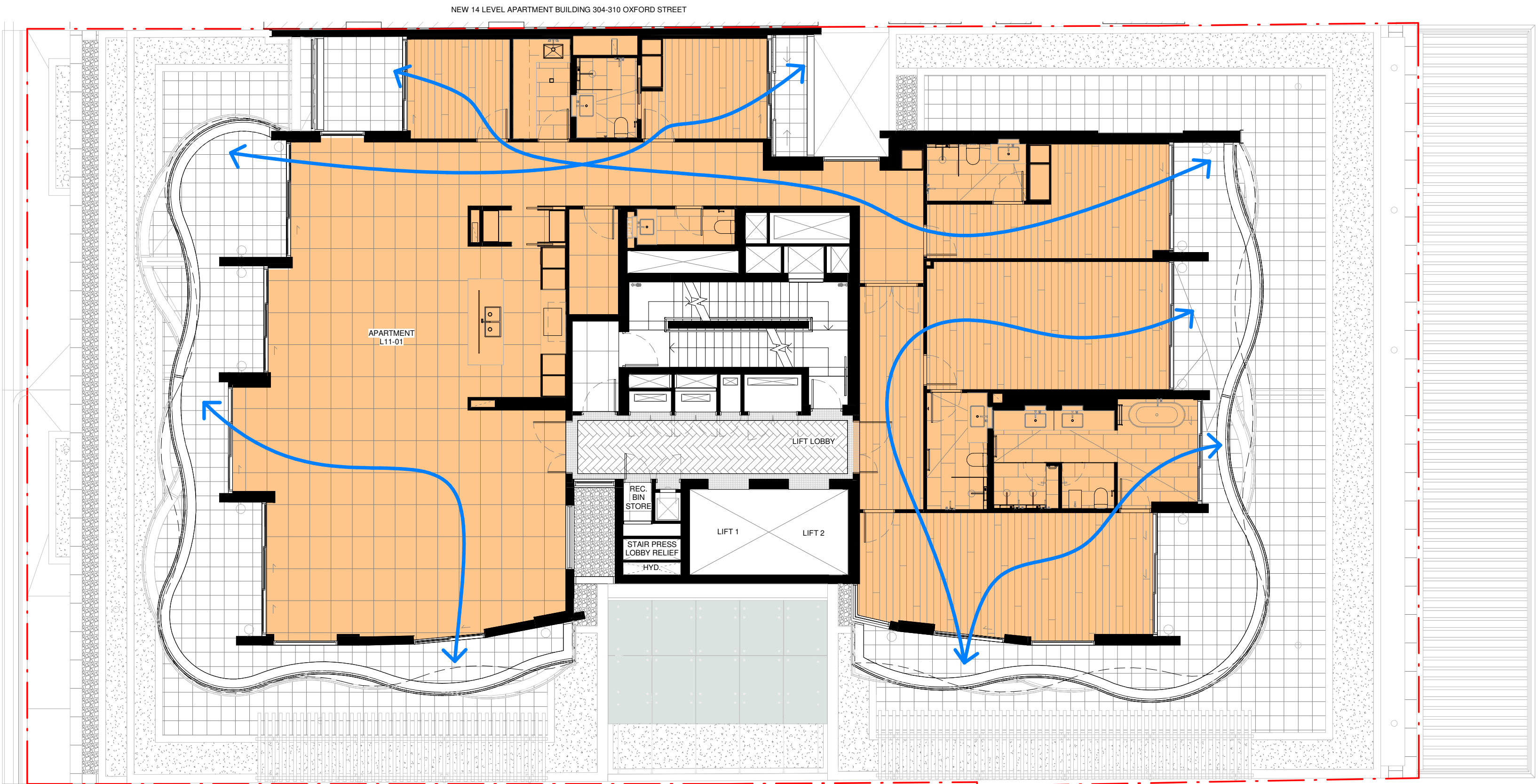
% SOLAR COMPLIANT UNITS 75%

SEPP 65 CROSS VENTILATION COMPLIANCE TABLE

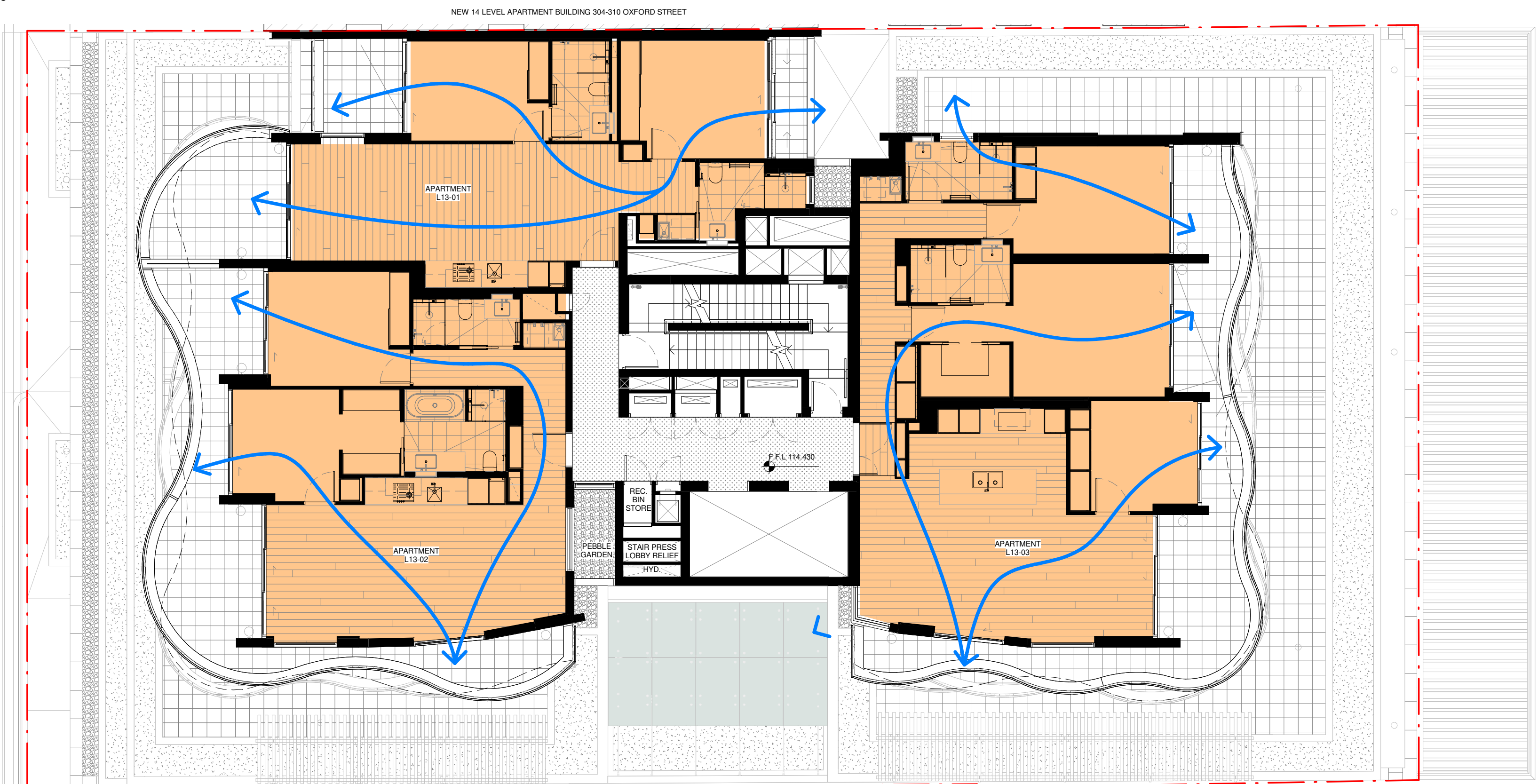
Apartment Design Guide 2015 Objective 4B-3.1: At least 60% of apartments are naturally cross ventilated in the first nine levels of the building

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LEVEL 4	4	3
LEVEL 5	5	4
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LEVEL 7	3	3
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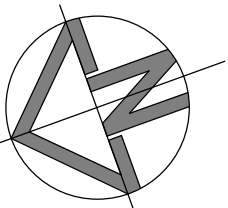
1 LEVEL 11  
1 : 100



2 LEVEL 13  
1 : 100

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NORTH POINT



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PROJECT

The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

LEVEL 11 & 13 SOLAR VENTILATION & SOLAR ACCESS

Scale	Date	Drawn	Checked
1 : 100	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-903	A	



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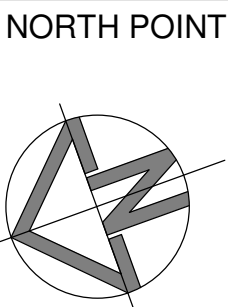


1 LEVEL 2  
1 : 100

GFA CALCULATIONS			
LEVEL	APPROVED VFA / S4.55	PROPOSED GFA	DIFFERENCE
BASEMENT 1	56 m²	56 m²	0 m²
LEVEL 1	467 m²	464.5 m²	-2.5 m²
LEVEL 2	461 m²	492 m²	31 m²
LEVEL 3	487 m²	483 m²	-4 m²
LEVEL 4	295 m²	295 m²	0 m²
LEVEL 5	297 m²	296 m²	-1 m²
LEVEL 6	297 m²	296.5 m²	-0.5 m²
LEVEL 7	292.5 m²	296.5 m²	4 m²
LEVEL 8	294.5 m²	296.5 m²	2 m²
LEVEL 9	298.5 m²	299.5 m²	1 m²
LEVEL 10	300 m²	299.5 m²	-0.5 m2
LEVEL 11	297.5 m²	300 m²	2.5 m²
LEVEL 12	294.5 m²	296.5 m²	2 m²
LEVEL 13	294.5 m²	296.5 m²	2 m²
LEVEL 14	302 m²	297 m²	-5 m²

TOTAL	4734 m²	4765 m²	31
The slight variances are due to construction, structural and services engineering detail evolution. The increase has been produced in Level 2 due to the inclusion of the plant room into the commercial tenancy area.			

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PROJECT  
The **OXFORD**  
MIXED USE APARTMENT  
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292-302 Oxford St. Bondi Junction NSW  
2022

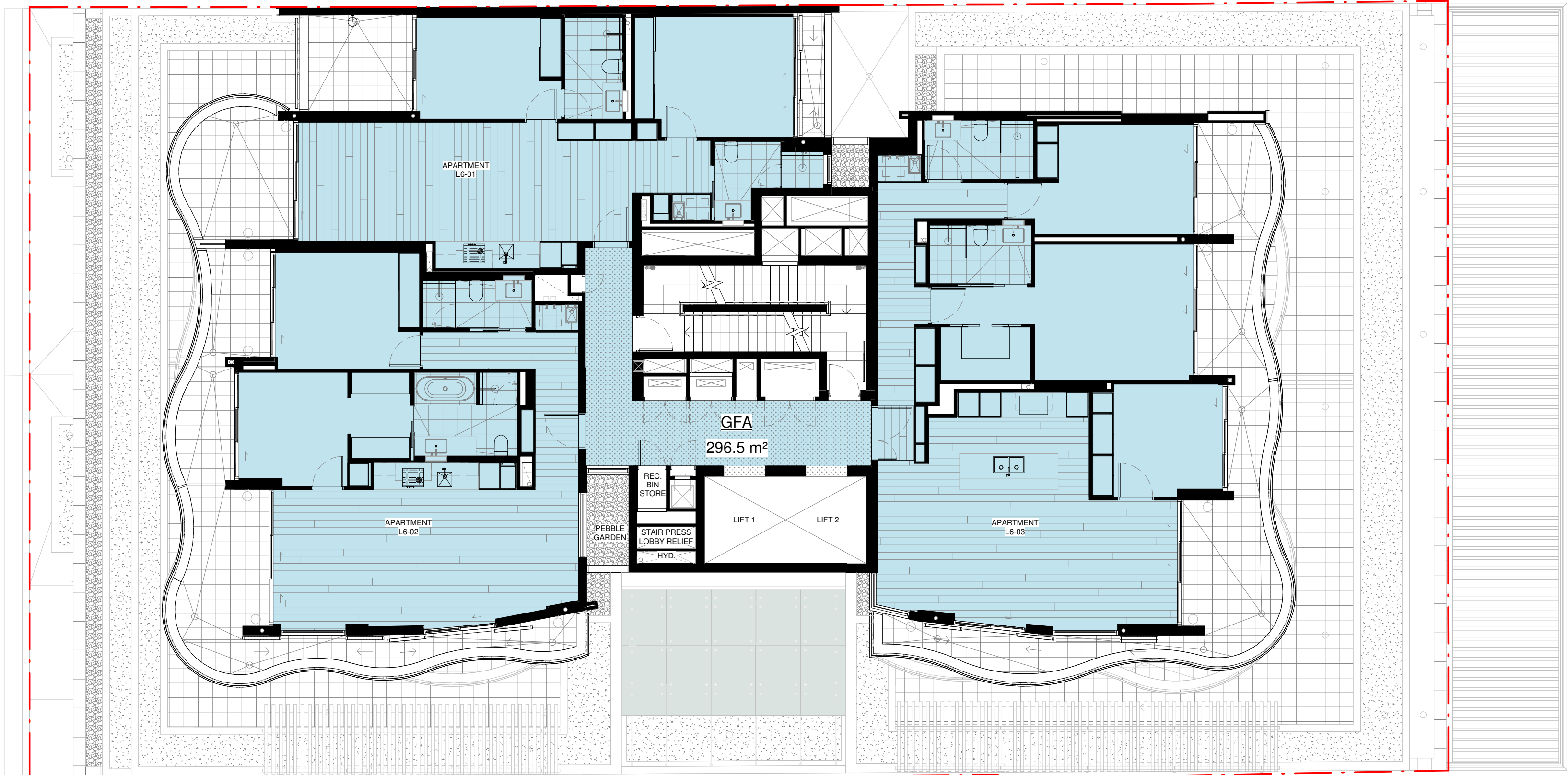
DRAWING TITLE				A1 SHEET
LEVEL 2 GFA CALCULATIONS				
Scale	Date	Drawn	Checked	
1 : 100	August 2020	JZ	AT	
Job	Drawing		Revision	
18100	S4.55-904		A	



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Application No: DA-600/2015/H  
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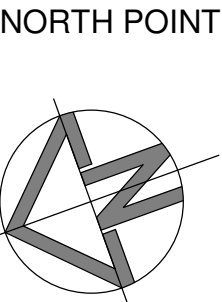
1 LEVEL 3  
1 : 100



2 LEVEL 6  
1 : 100

GFA CALCULATIONS			
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BASEMENT 1	56 m²	56 m²	0 m²
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PROJECT

The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

LEVEL 3 & 6 GFA CALCULATIONS

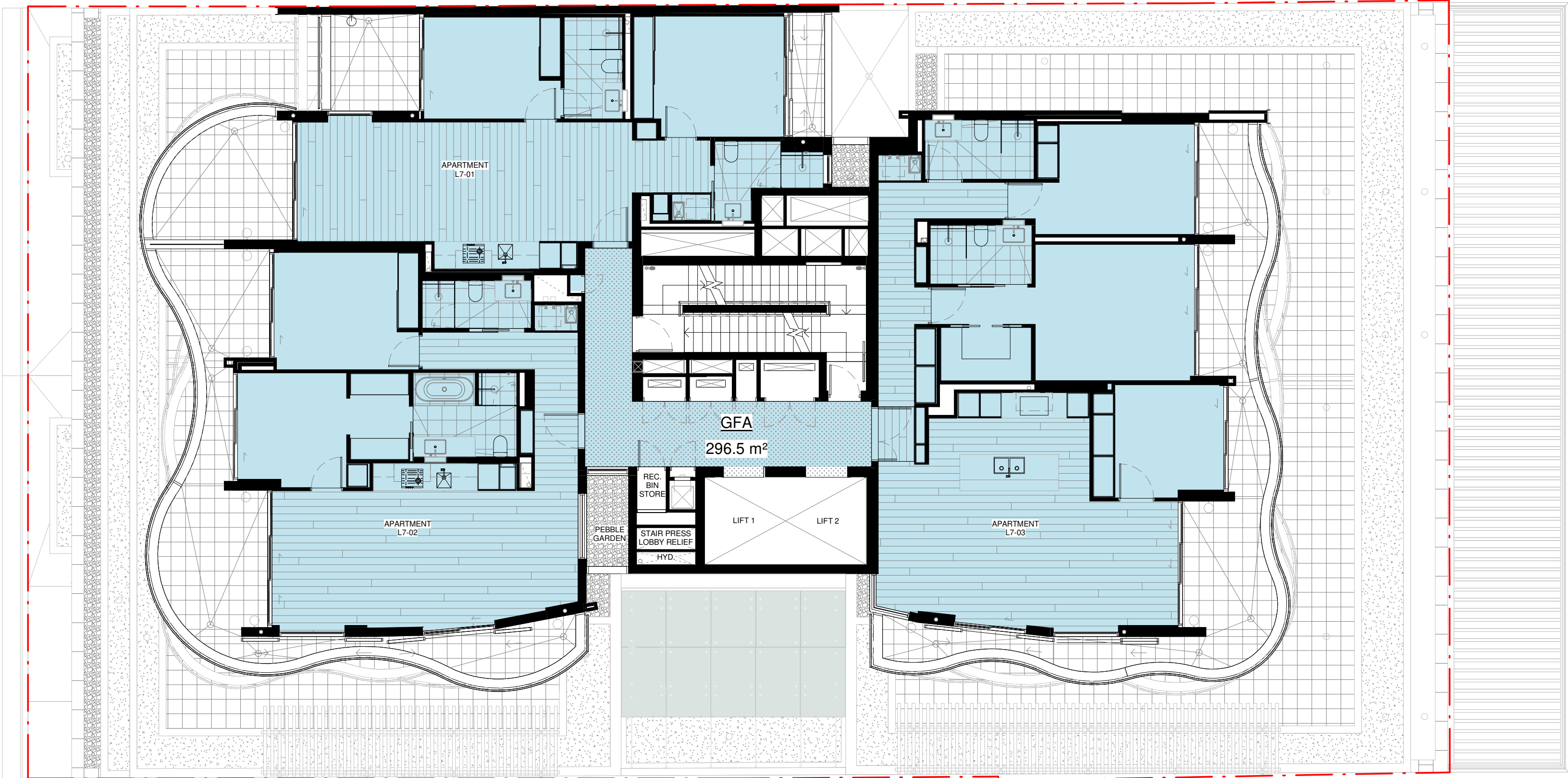
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Scale	Date	Drawn	Checked
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Job	Drawing	Revision	
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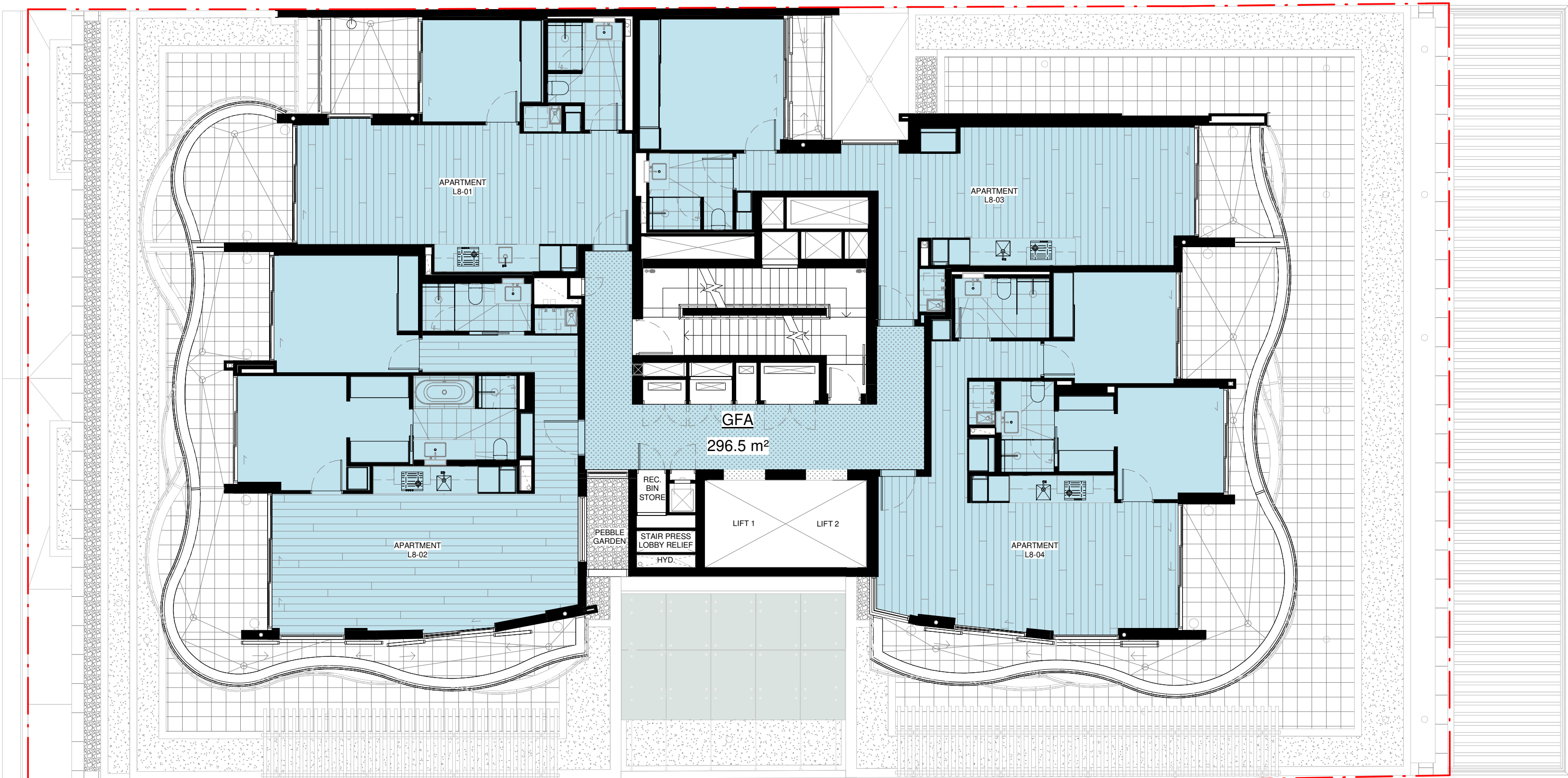


AMENDED PLANS

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Date Received: 18/08/2020



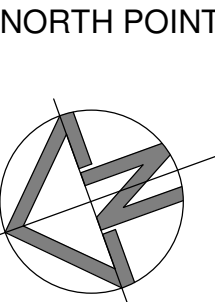
1 LEVEL 7  
1 : 100



2 LEVEL 8  
1 : 100

GFA CALCULATIONS			
LEVEL	APPROVED VFA / S4.55	PROPOSED GFA	DIFFERENCE
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LEVEL 10	300 m²	299.5 m²	-0.5 m²
LEVEL 11	297.5 m²	300 m²	2.5 m²
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MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

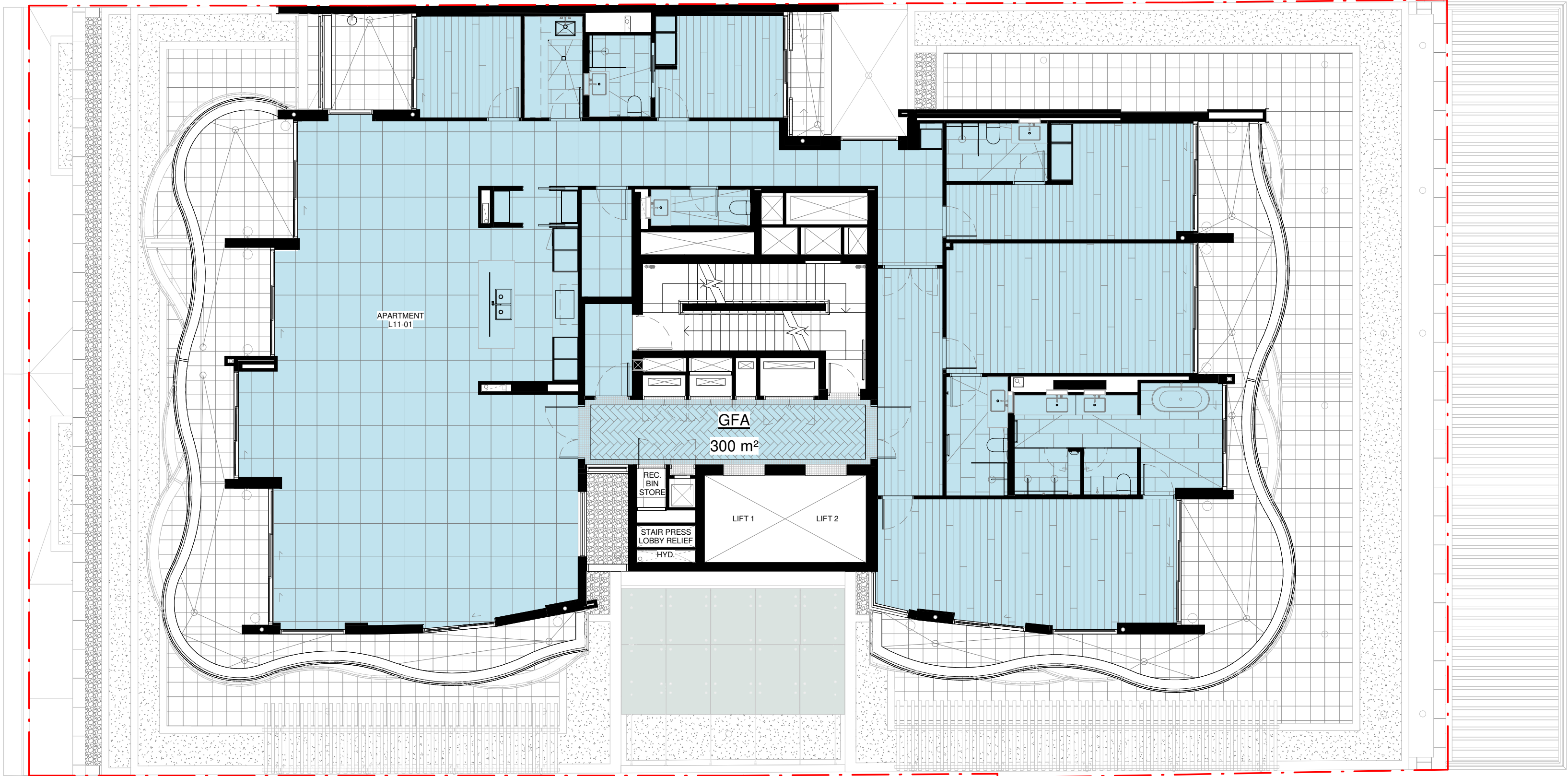
LEVEL 7 & 8 GFA CALCULATIONS

A1 SHEET

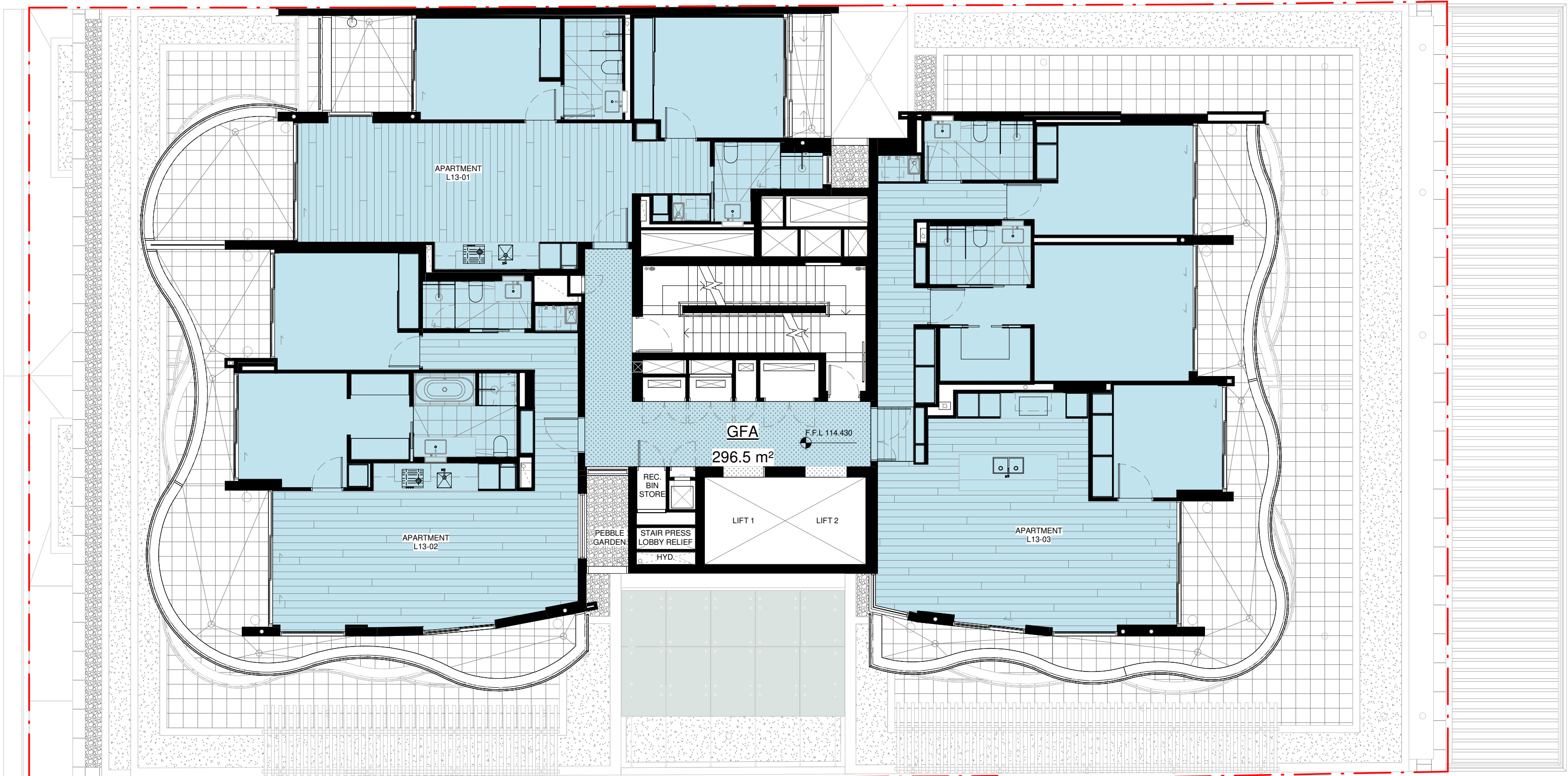
Scale	Date	Drawn	Checked
1 : 100	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-906	A	



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Waverley Council  
Application No: DA-600/2015/H  
Date Received: 18/08/2020



1 LEVEL 11  
1 : 100

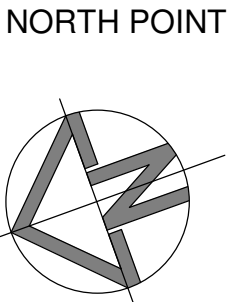


2 LEVEL 13  
1 : 100

GFA CALCULATIONS			
LEVEL	APPROVED VFA / S4.55	PROPOSED GFA	DIFFERENCE
BASEMENT 1	56 m²	56 m²	0 m²
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All discrepancies to be brought to the attention of the Project / Construction Architect.  
Larger scale drawings and written dimensions take preference.  
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REVISION	DATE	DESCRIPTION	BY
A	13.05.2020	ISSUED FOR S4.55 APPLICATION	JZ

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JANCO  
DEVELOPMENTS

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PROJECT

The OXFORD  
MIXED USE APARTMENT  
DEVELOPMENT  
292-302 Oxford St. Bondi Junction NSW  
2022

DRAWING TITLE

LEVEL 11 & 13 GFA CALCULATIONS

A1 SHEET

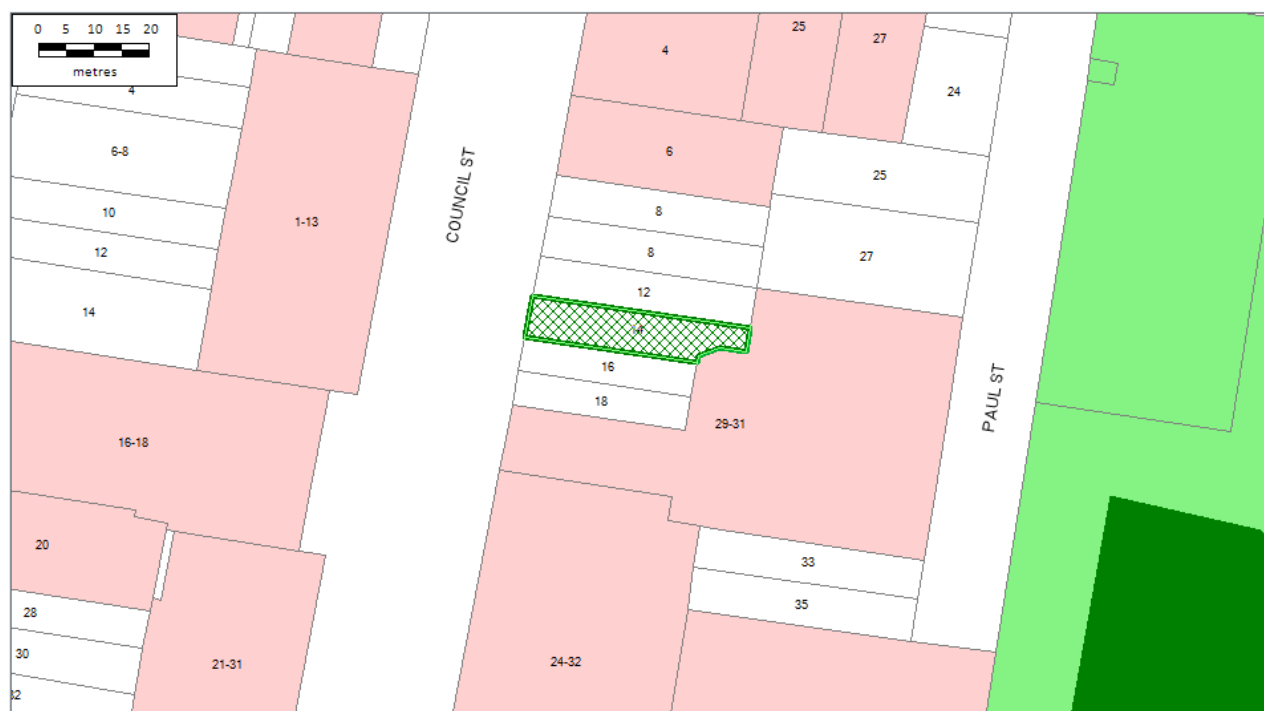
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1 : 100	May 2020	JZ	AT
Job	Drawing	Revision	
18100	S4.55-907	A	



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-96/2020/1
<b>Site address</b>	14 Council Street, Bondi Junction
<b>Proposal</b>	Review of decision seeking construction of a new carport over an existing hardstand car space.
<b>Date of lodgement</b>	13 July 2020
<b>Owner</b>	Pin-Ju Chen
<b>Applicant</b>	Australian Outdoor Living Pty Ltd (Mr Phillip Spina)
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$11,415
<b>Issues</b>	Streetscape.
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions

**Site Map**





## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 6 August 2020.

The site is identified as Lot 2 in DP 574122, known as 14 Council St, BONDI JUNCTION. The site is located on the eastern side of Council St, between the intersections of Bondi Road and Birrell St. The site is irregular in shape with a west (front) boundary measuring 7.35m and a site area of 266m<sup>2</sup>.

The site is occupied by a part one and part two storey semi-detached dwelling and vehicular access to off-street car parking comprising of a hardstand car space located within the front yard area.

The subject site is adjoined by a single storey semi-detached dwelling on the north and southern sides. The locality is characterised by a variety of residential developments including semi-detached dwellings, single dwelling houses and medium and high density residential flat buildings.



**Figure 1:** Easterly view of the subject site from Council Street.





**Figure 2:** South easterly view of streetscape along Council Street.

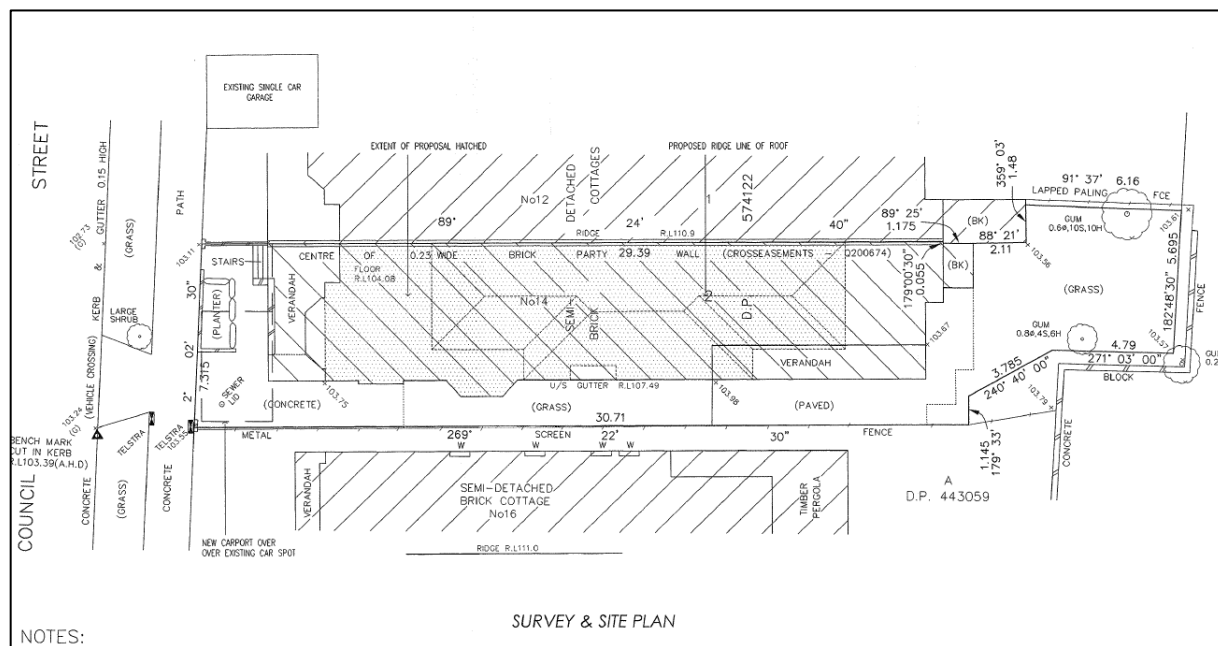


**Figure 1:** View of the site from Council Street. Subject premises are the two-storey semi-detached premises to the right.

## 1.2 Relevant History

A review of Council's records revealed the following relevant history of the subject site:

1. LD-319/2002 – Local Development for the alteration and additions to a dwelling, which was withdrawn on 27 May 2002.
2. DA-695/2010 – Development application for the alterations and additions to an existing semi-detached dwelling, including a first-floor addition. Approved on 24 February 2011.



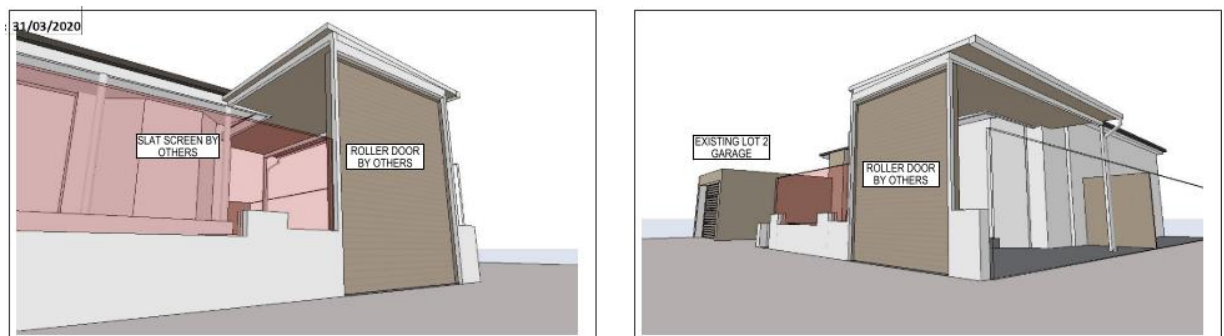
**Figure 4:** Submitted Survey and Site Plan for LD-319/2002, received by Council on 8 July 2002. Showing the existing driveway and concrete hardstand located on the subject site.

### Original Application:

**DA-96/2020:** The original development application sought consent for the construction of a carport with roller door and additions to front fencing. The application was lodged on 31 March 2020. The application was refused under staff's delegated authority on 20 May 2020 for the following reasons:

1. *The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity of the built environment.*
2. *The proposed development is contrary to Waverley Development Control Plan 2012, having regard to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 and in respect to the following provisions:*
  - a. *Part B8 – Transport;*
    - i. *Objectives (a) & (b) in relation to streetscape under section 8.1 Streetscape.*
    - ii. *Section 8.1 Streetscape, controls (c) & (f) as the proposal would result in an inappropriate design outcome for the site.*
  - b. *Part B12 – Design Quality*
    - i. *12.1 Objectives (a) & (c) and Controls (a) & (b) in relation to design quality as the proposal does not result in good urban design.*
  - c. *Part C2 – Low Density Residential Development;*

- i. Section 2.3 Streetscape and Visual Impact, objective (a) as the design does not acknowledge and respond to the architectural style and character of the existing built form.
  - ii. Section 2.3 Streetscape and Visual Impact, control (d) as the proposal does not maintain the existing built form and landscape character and as a result, the development dominates the streetscape presentation of the semi-detached pair.
  - iii. Section 2.8 Car Parking, objectives (a), (b) and (d) as the design and location of the proposed carport over the existing hardstand car parking space adversely impacts upon the visual quality of the streetscape.
  - iv. Section 2.8.4 Design, controls (a), (b), and (i) as the design of proposed carport over the existing hardstand parking space is not considered to be complementary to the style of the semi-detached dwelling to which it relates.
  - v. Section 2.9 Landscaping and Open Space, objective (a) as the proposal does not maintain the landscaped visual setting of the site and streetscape.
  - vi. Section 2.13.1 Built Form, objective (a) as the proposal does not maintain the original style of the semi-detached dwelling and adversely impacts upon the cohesion between the paired buildings.
3. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
  4. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
  5. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.



**Figure 5:** Architects impression of the original application DA-96/2020 (Source - Australian Outdoor Living).

Subject application:

**DA-96/2020/1:** The Section 8.2 review application was lodged on the 13 July 2020. A few changes were made to the original application including:

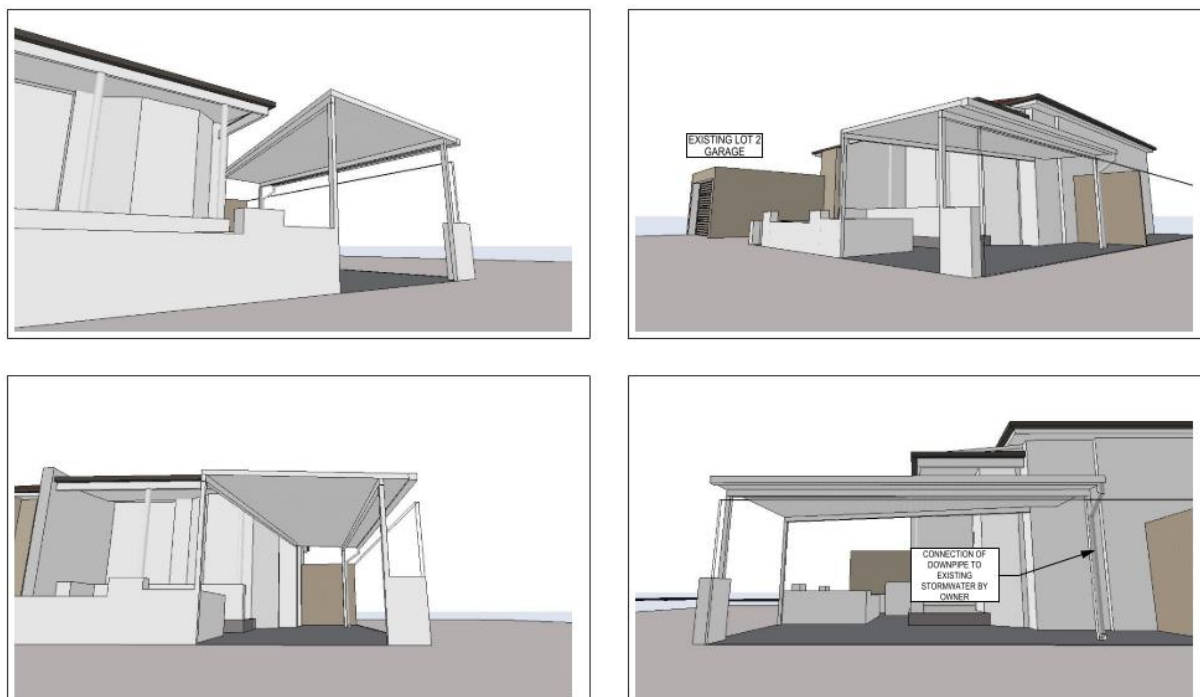
1. Reduction in height of the carport from 3.119m to 2.397m;
2. Removal of the roller door on the western elevation;
3. Maintaining the existing front fence (1.8m high front fence was originally proposed);

4. Minor changes to the roof of the carport.

### 1.3 Proposal

The proposed development seeks to construct a carport within the front setback over an existing hardstand car space that involves the following works:

- Construction of a new attached covered pergola to remain open for the use as a single car carport located within the front yard area and sited up to the front western and side southern boundaries respectively.



**Figure 6:** Architects impression of the reviewal application DA-96/2020/1 (Source - Australian Outdoor Living).

## 2. ASSESSMENT

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

### 2.1 Section 8.2 Considerations

Section 8.2 of the Act enables Council to review a previous determination of a development application subject to the following provisions:

*(2) A determination or decision cannot be reviewed under this Division:*

*(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*

*(b) after the Court has disposed of an appeal against the determination or decision.*



*(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*

The determination of the original development application was made on 20 March 2020. The period of the right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is six months after the date of determination (notwithstanding recent legislation updates due to COVID 19). The application is scheduled to be determined by the Waverley Local Planning Panel on 23 September 2020, which satisfies the statutory timeframe to determine this review application.

Council officers are satisfied that the essential elements of the development, the subject of the original development application, are substantially the same as the amended development, the subject of this review application. The overall scope and description of the development between the two applications remain similar by constructing a carport but have deleted the roller door, additions to the front fence and verandah amendments from the architectural plans.

## 2.2 Planning Instruments and Development Control Plans

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

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

Given that the proposed cost of works is under \$50,000, no BASIX Certificate has been submitted with the application.

### 2.2.2 SEPP 55 Remediation of Land

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

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

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

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

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of this plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3: Medium Density Residential Zone	Yes	The proposal involves the construction of a single carport to an existing semi-detached dwelling, which is permitted with consent in the R3: Medium Density Residential zone.
<b>Part 4 Principal development standards</b>		

Provision	Compliance	Comment
4.3 Height of buildings <ul style="list-style-type: none"> <li>9.5m</li> </ul>	Yes	The maximum height of the proposed building works (carport) is approximately 2.397m, at the roof ridge, which is compliant. A current Survey Plan was not submitted with the application and there are no RLs on the plans.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.78:1</li> </ul>	N/A	The proposed works do not impact upon the existing gross floor area on the site.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The site is not located in a Heritage Conservation Area but is located opposite the Botany Street Urban Conservation Area.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	N/A	No major earthworks are proposed with this application.

#### 2.2.4 Waverley Development Control Plan 2012 (Amendment 7) Effective 2 March 2020

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. A recommended condition of consent will be imposed regarding ongoing waste on site.
5. Vegetation Preservation	Yes	There are no trees present within the subject development area.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.

Development Control	Compliance	Comment
8. Transport	Yes	<p>The proposed carport has a satisfactory streetscape impact, following the guidance of the DCP controls. The changes to the carport to an open design allows for improved security by way of street surveillance and to reduce the predominance on the streetscape. The adjoining semi-detached dwelling at 12 Council Street has a single brick garage. The provision of an open carport on the subject site is a preferred design outcome than a garage. The structure is not considered to unreasonably dominate the streetscape presentation of the semi-detached pair.</p> <p>The vehicular access to the site is limited to one cross over and no changes are proposed to the existing driveway, therefore preserving the on street parking. The existing hardstand car space is undersized measuring 2.35m x 5.1m and is located within the front setback but does not exceed the maximum rate of parking permitted in the parking zone for 4 bedrooms. There are no changes proposed to the hardstand or the front verandah of the semi-detached dwelling. This application is limited to the structure, rather than parking space.</p>
11. Design Excellence	Yes	<p>The applicant has provided a 3D context plan which demonstrates that the proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape. Council Street is a main road and does not have an identified character due to the ranging development types within the locality.</p>

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

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> </ul>	Yes	The proposal does not contravene the general objectives of this part of the DCP.





Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>		The driveway remains unchanged, therefore preserving the existing on-street parking.
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> <li>1 space for 2 or less bedrooms</li> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	One space is already provided for 4 bedrooms.
2.8.3 Location <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> <li>Existing development to be in accordance with the hierarchy of preferred car parking locations</li> </ul>	No – acceptable on merit	The subject site has maintained the existing hardstand car space within the front setback before 2002 (LD-319/2002) and there isn't sufficient space in the side setback without demolition of part of the dwelling. The adjoining semi-detached dwelling has a garage forward of the building line.
2.8.4 Design <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area &amp; appearance to the design of the residences</li> <li>No part of the façade is to be demolished to accommodate car parking</li> <li>Gates to have an open design</li> </ul>	Yes	<p>The massing of the proposed carport has been significantly reduced since the original application. The height, open sides of the carport and its proposed white colours complement the style of the dwelling.</p> <p>The carport would be secondary in appearance to the dwelling because of its height at 2.4m and the structural elements not resulting in excessive bulk.</p> <p>The front façade of the dwelling is maintained through the v-shaped roof on the carport. The width of the roof narrows from the street boundary to the house as the bay window extends past the building line.</p>
2.8.5 Dimensions <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	No (existing non-compliance)	The existing hardstand car space is undersized measuring 2.35m x 5.1m, however there are no changes to its size.
2.8.6 Driveways <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	The site maintains one driveway and no changes are proposed.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> </ul>	No (existing non-compliance)	The front yard area currently has an existing non-compliance in respect to soft landscaping.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>		<p>No landscaping is removed as part of the development however the current landscaped area on site wasn't identified in the plans provided.</p> <p>The front setback provides 100% of open space as the carport remains open on all sides.</p>
<b>2.13 Semi-detached dwellings and terrace style development</b>		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> <li>Additions to match the style of the original semi-detached dwelling</li> <li>Front verandahs to be maintained.</li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The carport has a flat roof with a maximum height of 2.4m. The built form of the carport is simplistic and does not detract from the existing style of the semi-detached dwelling. There is an existing garage on the adjoining dwelling at 12 Council Street, which was approved before the current development controls and the proposal of an open carport improves the symmetry between the semi-detached pair. The front verandah is preserved.</p>
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> <li>Finishes and detailing are to be cohesive with the existing dwelling</li> </ul>	Yes	<p>The carport is proposed to be white which is cohesive with the white exterior of the dwelling.</p>

## 2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.4 Suitability of the Site for the Development

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

## 2.5 Any Submissions

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

No submissions were received.

## 2.6 Public Interest

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

### **3. REFERRALS**

#### **3.1 Traffic and Development (Infrastructure Services)**

The existing hardstand area does not comply with the minimum dimensions set in WDCP2012. It is understood that the applicant currently uses the hardstand for parking of their vehicle. This proposed development does not increase the hardstand area. Should the application be approved it is recommended that a condition be imposed regarding stockpiles and storage of materials.

#### **3.2 Stormwater (Infrastructure Services)**

From a stormwater drainage perspective there are no objections to approval of this application subject to the condition regarding certification of stormwater system.

### **4. SUMMARY**

The application seeks a review of the refusal of DA-96/2020. The original application that was not supported incorporated a higher/larger carport structure, with roller door to street and increase in front fence height. On balance, that proposal was considered to present a detrimental impact to the streetscape and was subsequently refused.

The subject review application has amended the proposal to reduce the carport structure height, open the carport (to all sides), remove roller door and retain the existing front fence and verandah. It is noted that Council's DCP seeks to minimise parking structures at the front of the site due to the dominance they have on the streetscape. In this regard, the adjoining semi detached dwelling (No 12) exhibits a single garage to the front boundary and the provision of a carport structure to the subject site will be in keeping with the pair. Accordingly, on balance, the application is supported in this instance.

The application was notified and received no submissions. There were no declarations of interest throughout the assessment process.

When assessed against the matters for consideration under section 4.15 of the EP&A Act 1979, the proposal is considered to satisfy a number of controls contained within the LEP 2012 and WDCP 2012. The review application is considered to be appropriate in the context of the site and accordingly the application is recommended for Approval.

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

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

**Report prepared by:**



Edwina Ross  
**Development Assessment Planner**

**Date:** 10 September 2020

**Reason for referral:**

1 Section 8.2 Review

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



Angela Rossi  
**Manager, Development Assessment (Central)**

**Date:** 11 September 2020



## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

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

The development must be in accordance with:

- (a) Architectural Plans prepared by Australian Outdoor Living of contract No: 17845 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
Page 1 of 5	Site Plan	8/07/2020	13/07/2020
Page 2 of 5	Floor & Elevation Plan	8/07/2020	13/07/2020
Page 3 of 5	Storm Water Plan	8/07/2020	13/07/2020
Page 5 of 5	Fixing Details Plan	8/07/2020	13/07/2020

- (b) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 13/07/2020.

Except where amended by the following conditions of consent.

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

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

### **GENERAL REQUIREMENTS**

#### **2. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

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

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

#### **3. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$1,588.70** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

#### **4. LONG SERVICE LEVY**

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

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

### **CONSTRUCTION MATTERS**

#### **5. HOARDING**

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

#### **6. EROSION & SEDIMENT CONTROL**

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

#### **7. ENGINEERING DETAILS**

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

### **WASTE**

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

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

## **C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION**

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

### **PRIOR TO ANY WORKS**

#### **9. CONSTRUCTION SIGNS**

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

### **DEMOLITION & EXCAVATION**

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

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g.: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

### **CONSTRUCTION MATTERS**

#### **11. CONSTRUCTION HOURS**

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

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

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



## **12. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

## **13. CONSTRUCTION INSPECTIONS**

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

## **14. CERTIFICATE OF SURVEY - LEVELS**

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans.

## **15. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

## **D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE**

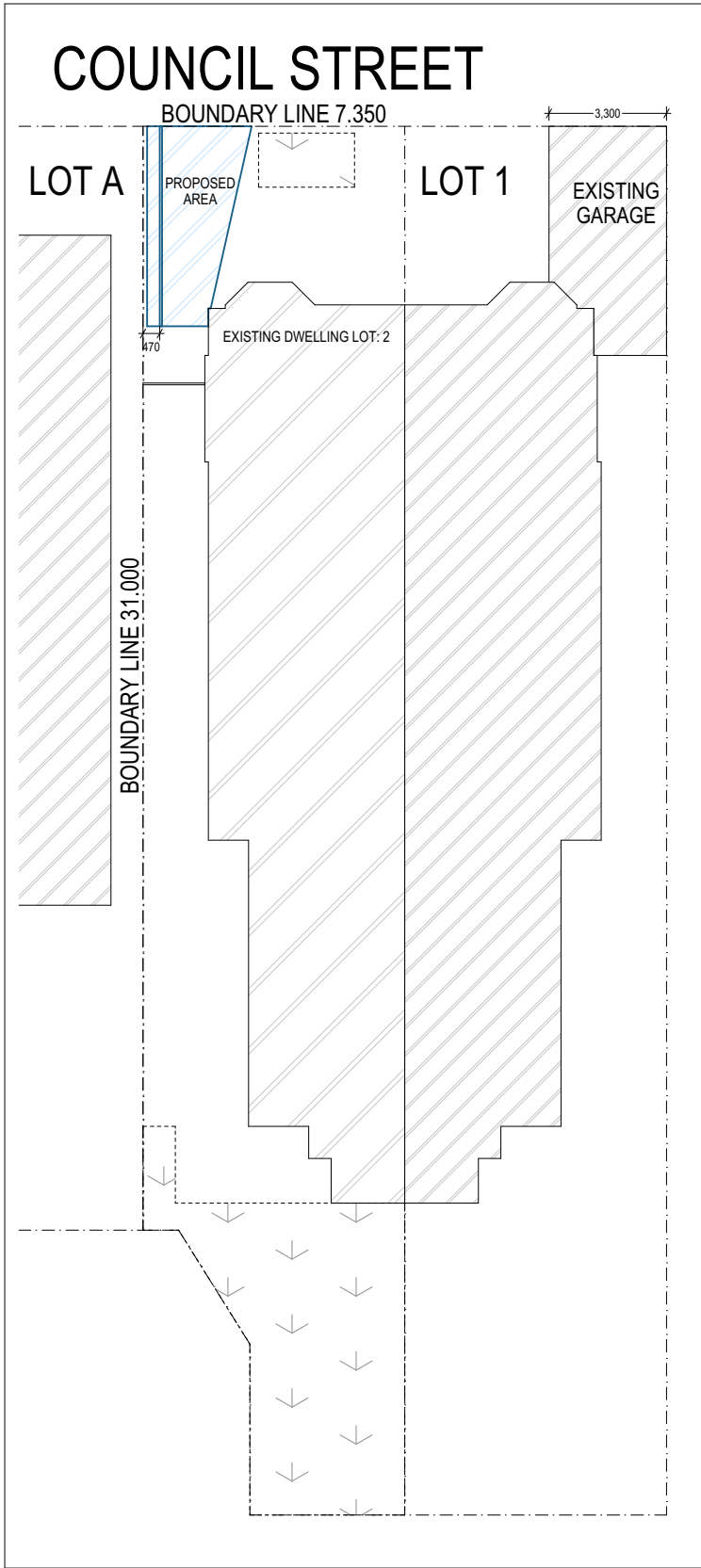
The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision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

### **16. FINAL OCCUPATION CERTIFICATE**

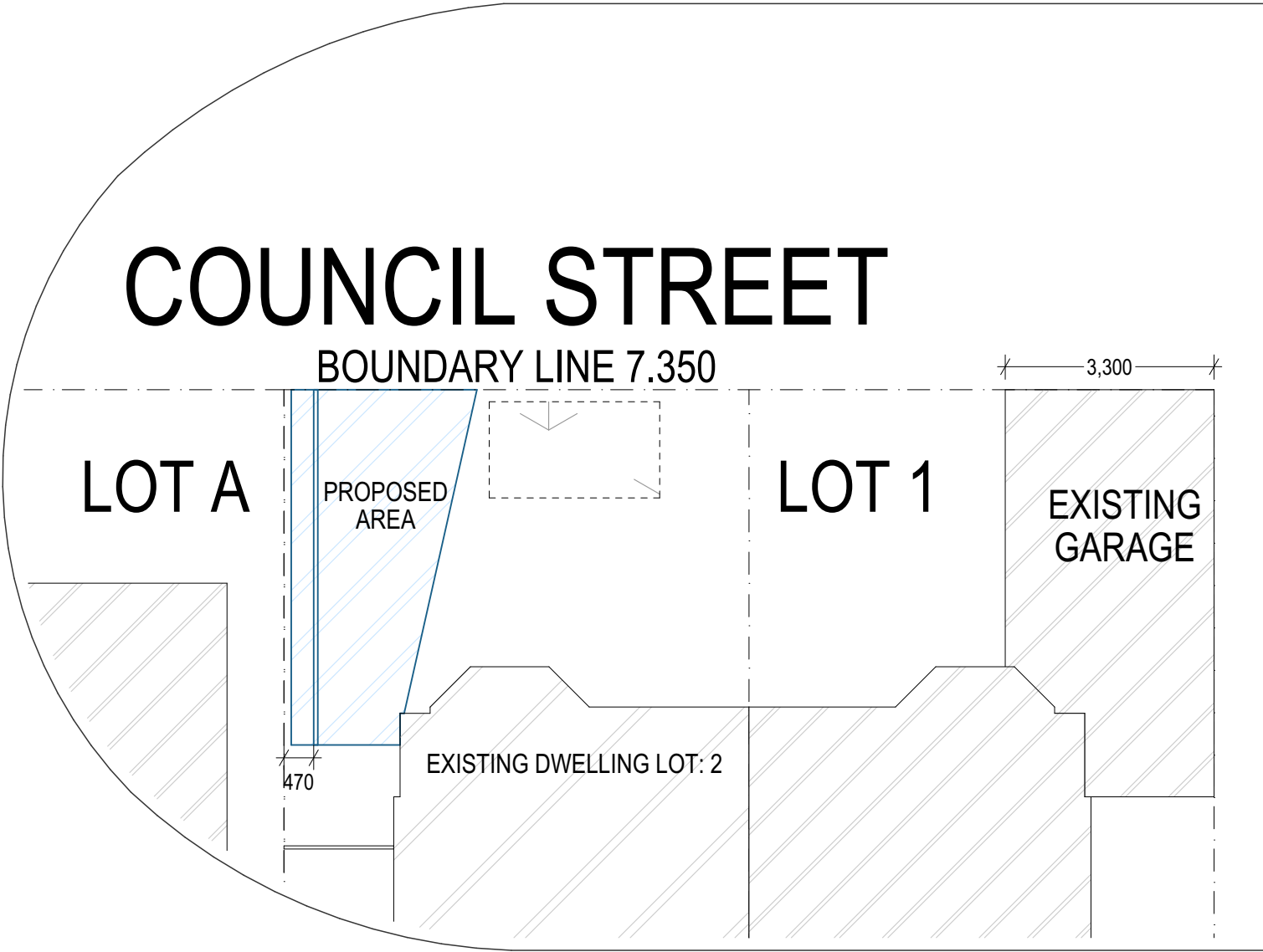
Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections.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

### **17. CERTIFICATION OF STORMWATER SYSTEM**

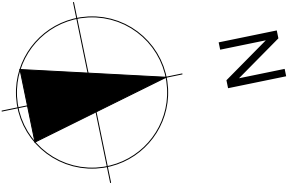
Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified Hydraulics Engineer or Plumber, that the existing stormwater system to the street is unblocked, in good working order and to be repair/replaced in accordance with Councils Stormwater Management Technical Manual.



1:200 SCALE



1:100 SCALE



CLIENT SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_

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**Date Received: 13/07/2020**

TOTAL SITE AREA 266 m<sup>2</sup>  
TOTAL ADDITIONAL AREA: 13 m<sup>2</sup>  
TOTAL SOFTSCAPE AREA: 50 m<sup>2</sup> 19 %  
TOTAL SITE COVERAGE: 47 %  
HARDSCAPE COVERAGE: 13 m<sup>2</sup>  
SOFTSCAPE COVERAGE: 00 m<sup>2</sup>

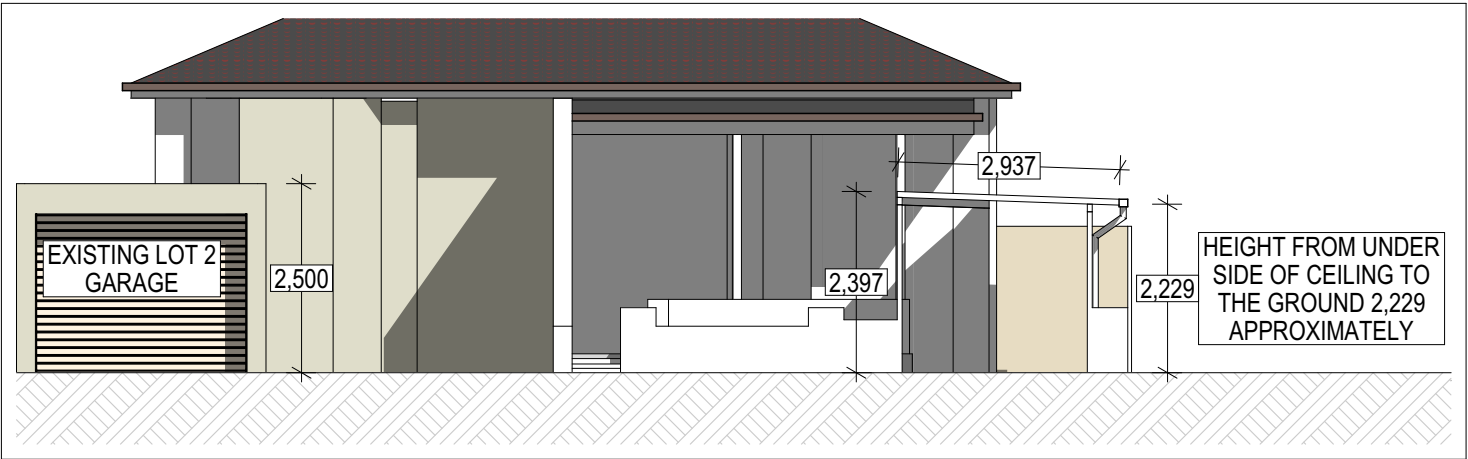
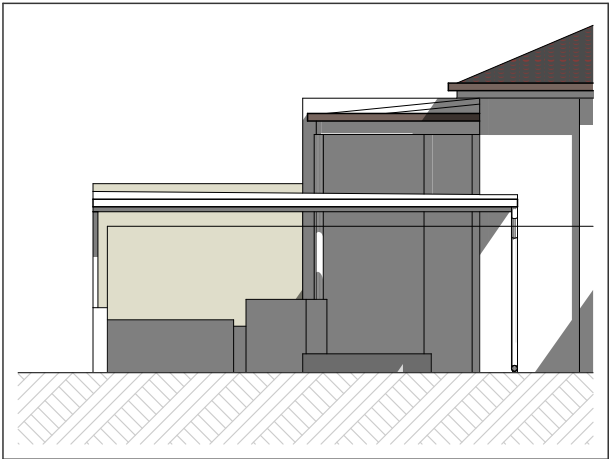
- EASMENT
- EXISTING LANDSCAPED AREA
- AREA PROPOSED STRUCTURE
- EXISTING HARDSCAPED AREA
- EXISTING DWEILLING AREA
- NEIGHBOURING PROPERTY AREA

THERE IS NO TREE OR VEGETATION ARE TO BE REMOVED IN ACCORDANCE WITH THE CONSTRUCTION OF THE OUTBUILDING.  
PLUMBING, EXCAVATION & ELECTRICAL ARE EXCLUDED



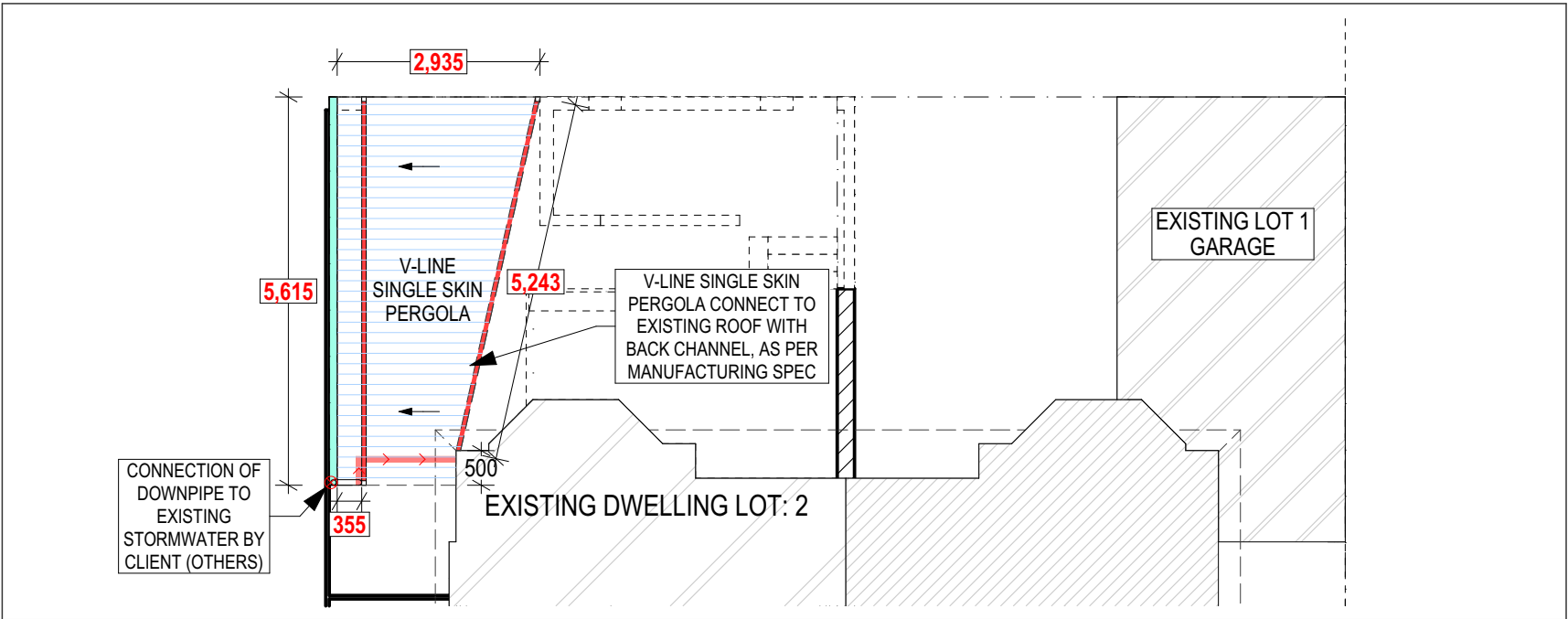
STORMWATER DRAINAGE TO COMPLY WITH PART 3.5.2 GUTTERS & DOWNPIPES - PCA 2016 AND AS/NZS 3500.3 TO BE COMPLETED BY OWNER							
PROPOSAL : Carport Plan	CLIENT : PIN-JU CHEN	SCALE : CHECK SCALE UNDER THE PLANS	SITE ADDRESS : 14 Council Street, Bondi Junction NSW 2022	DRAWN BY : ALLEN SHAMOON	DATE DRAWN: 08/07/2020	PLAN TYPE : SITE PLAN	CONTRACT NO : 17845

ROOF SHEET TO BEAM



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Application No: DA-96/2020/1  
Date Received: 13/07/2020

ELEVATIONS OF THE PROPOSAL



FLOOR PLAN

SPECIFICATIONS

MATERIAL	COLOUR
ROOF - UPPER SIDE	OFF WHITE
ROOF - LOWER SIDE	OFF WHITE
BEAM	OFF WHITE
POST	OFF WHITE
GUTTER	OFF WHITE
DOWNPIPE	THREDBO WHITE
FLASHING	OFF WHITE

ROOF:

V-LINE SINGLE SKIN ROOF 0.42  
METAL BEAM 100X65 QTY (2)  
METAL BEAM 150X65 QTY (1)  
METAL POSTS 65X65 QTY (3)  
2 DEGREE ROOF PITCH  
HIGH FRONT GUTTER

MATERIALS QUANTITY:

ROOF SHEETS LENGTH - 3,105  
POSTS LENGTH - 3,220

PROPOSAL SIZE IN SQUARE METERS:

ROOF 13 m<sup>2</sup>

VARIATIONS: (NIL)

THERE IS NO TREE OR VEGETATION ARE TO BE REMOVED IN ACCORDANCE WITH THE CONSTRUCTION OF THE OUTBUILDING.

PLUMBING, EXCAVATION & ELECTRICAL ARE EXCLUDED

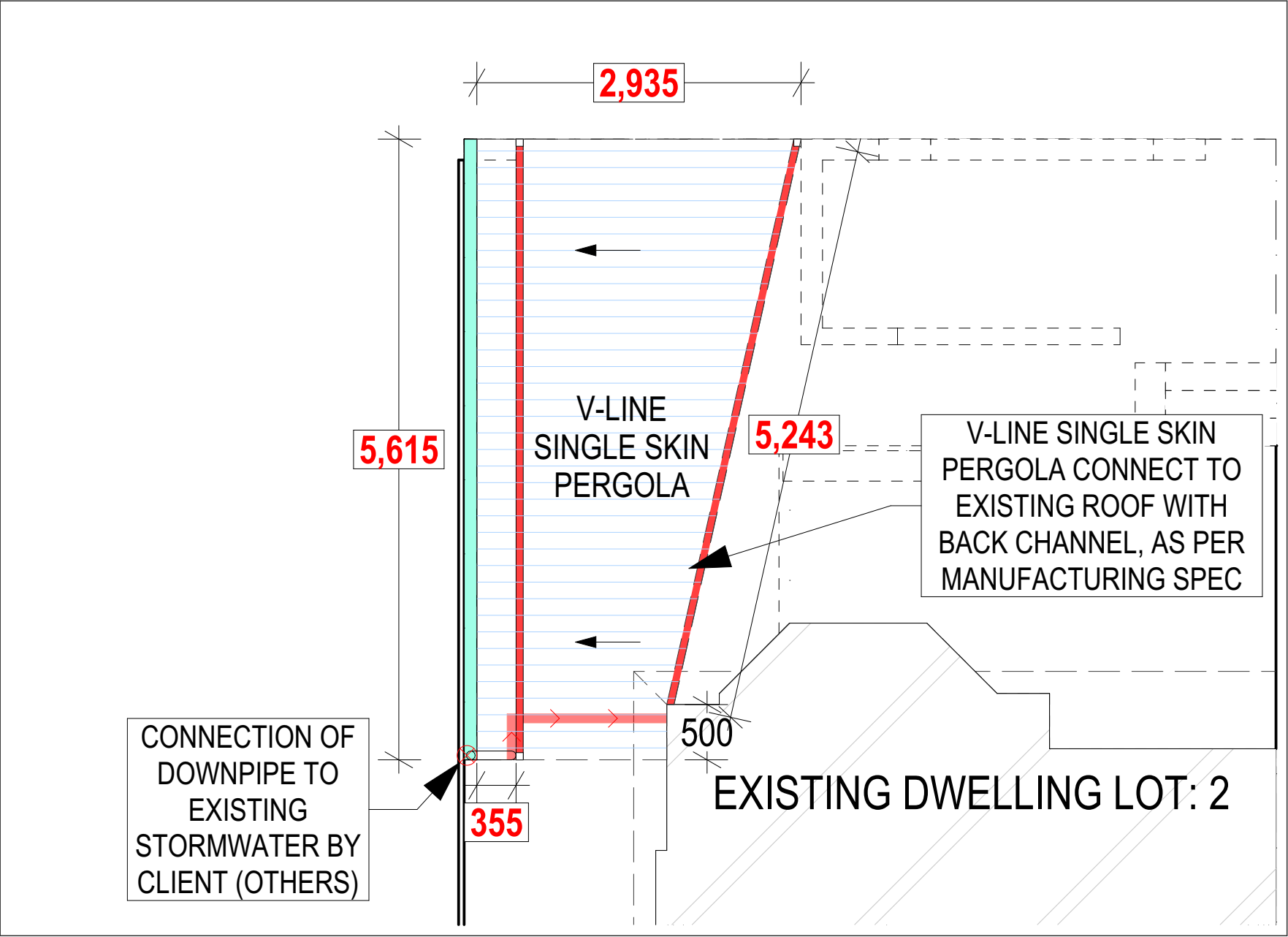
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DATE: .....

STORMWATER DRAINAGE TO COMPLY WITH PART 3.5.2 GUTTERS & DOWNPIPES - PCA 2016 AND AS/NZS 3500.3 TO BE COMPLETED BY OWNER

PROPOSAL : Carport Plan	CLIENT : PIN-JU CHEN	SCALE : 1:100	SITE ADDRESS : 14 Council Street, Bondi Junction NSW 2022	DRAWN BY : ALLEN SHAMOON	DATE DRAWN: 08/07/2020	PLAN TYPE : FLOOR & ELEVATIONS PLAN	CONTRACT NO : 17845
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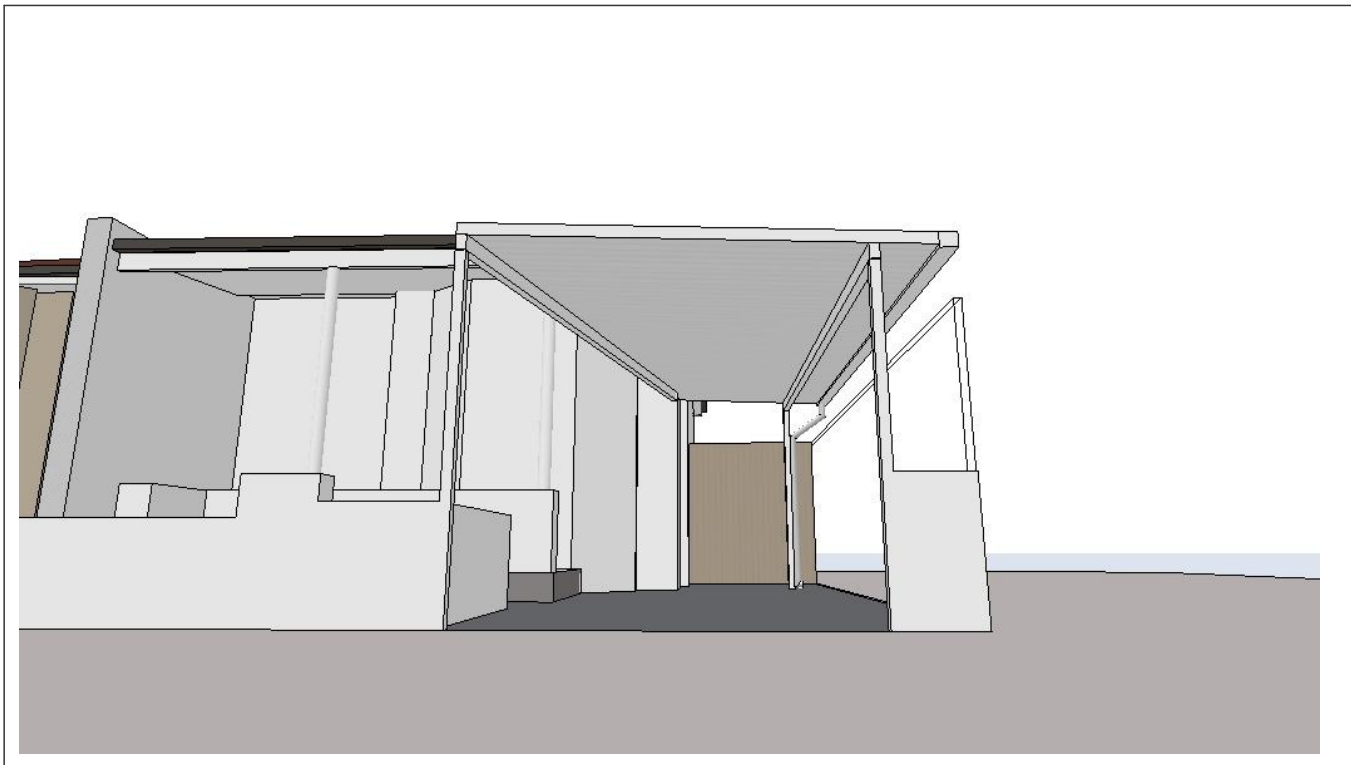
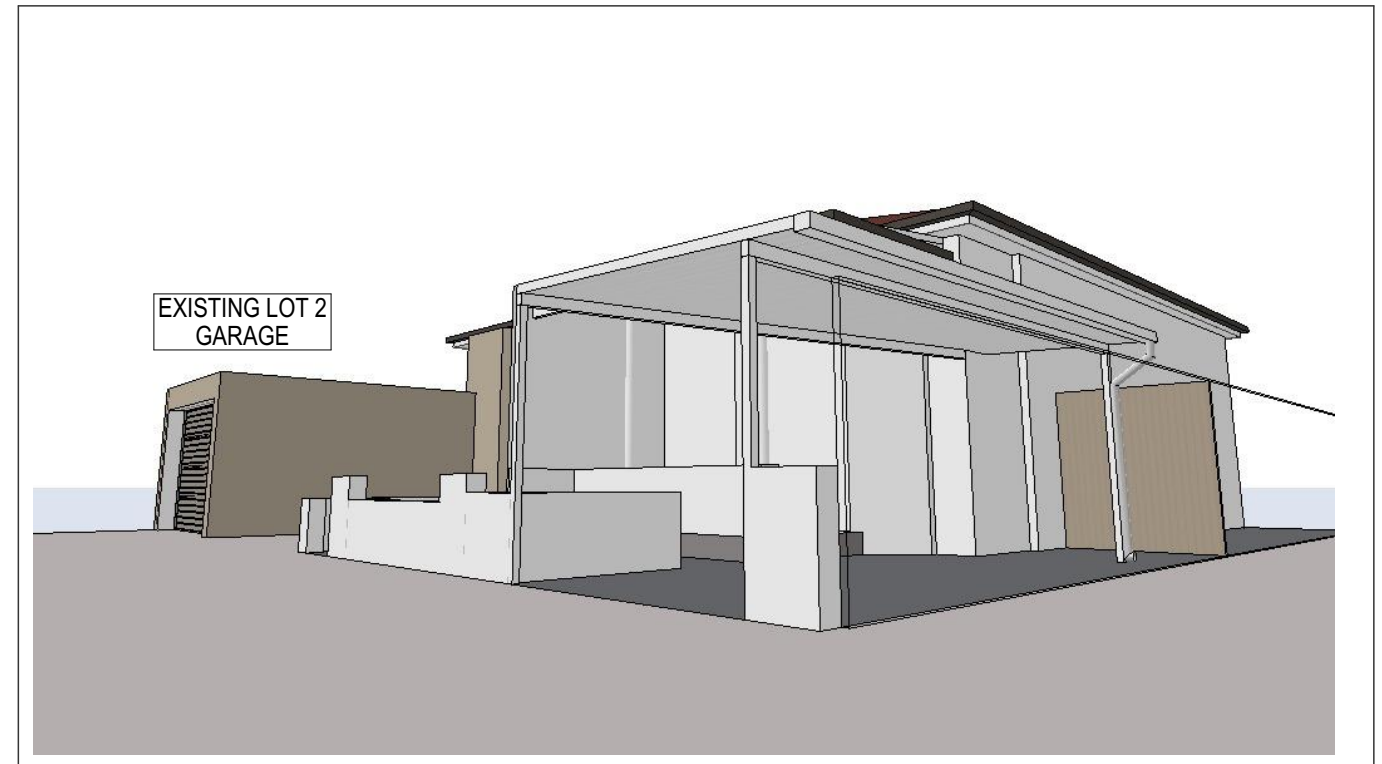
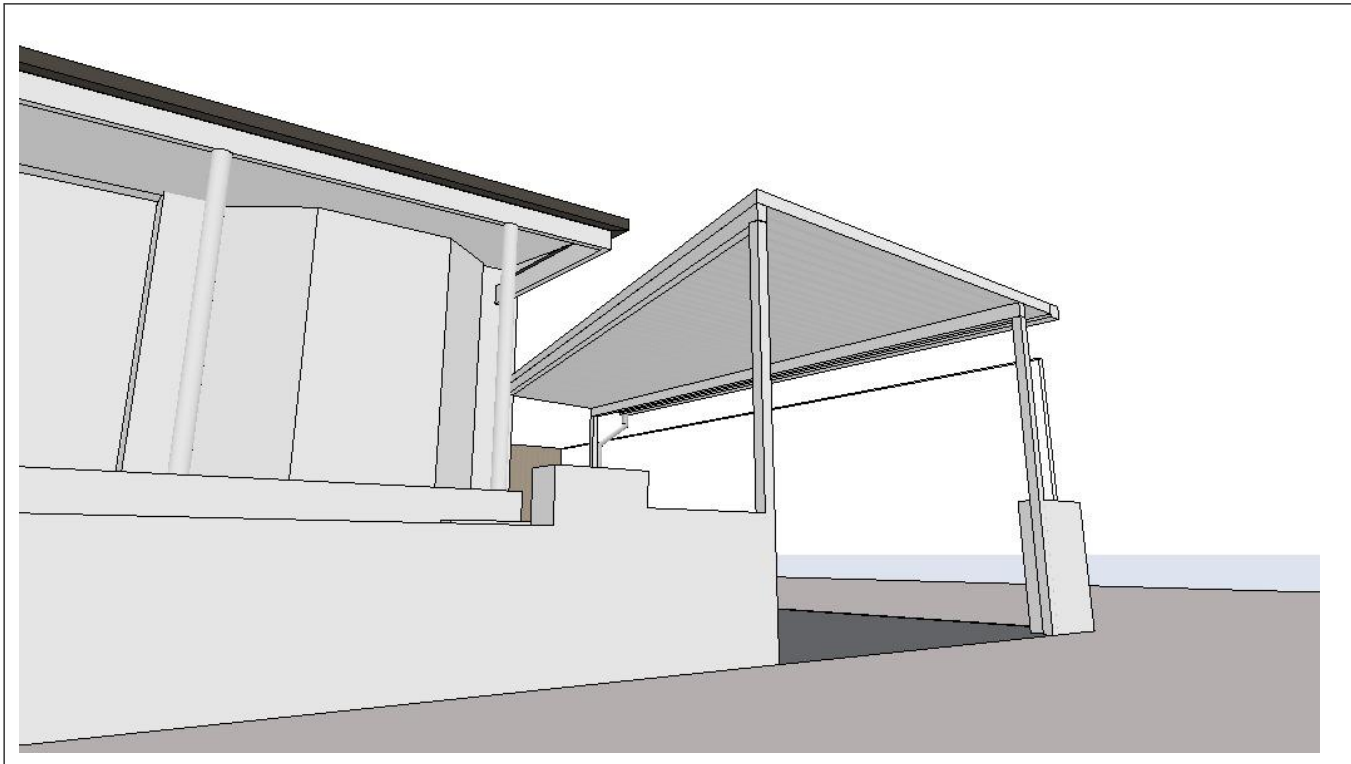


STORM WATER PLAN

CLIENT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

STORMWATER DRAINAGE TO COMPLY WITH PART 3.5.2 GUTTERS & DOWNPIPES - PCA 2016 AND AS/NZS 3500.3 TO BE COMPLETED BY OWNER							
PROPOSAL : Carport Plan	CLIENT : PIN-JU CHEN	SCALE : 1:50	SITE ADDRESS : 14 Council Street, Bondi Junction NSW 2022	DRAWN BY : ALLEN SHAMOON	DATE DRAWN: 08/07/2020	PLAN TYPE : STORM WATER PLAN	CONTRACT NO : 17845



### 3D VIEWS OF THE PROPOSAL

CLIENT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

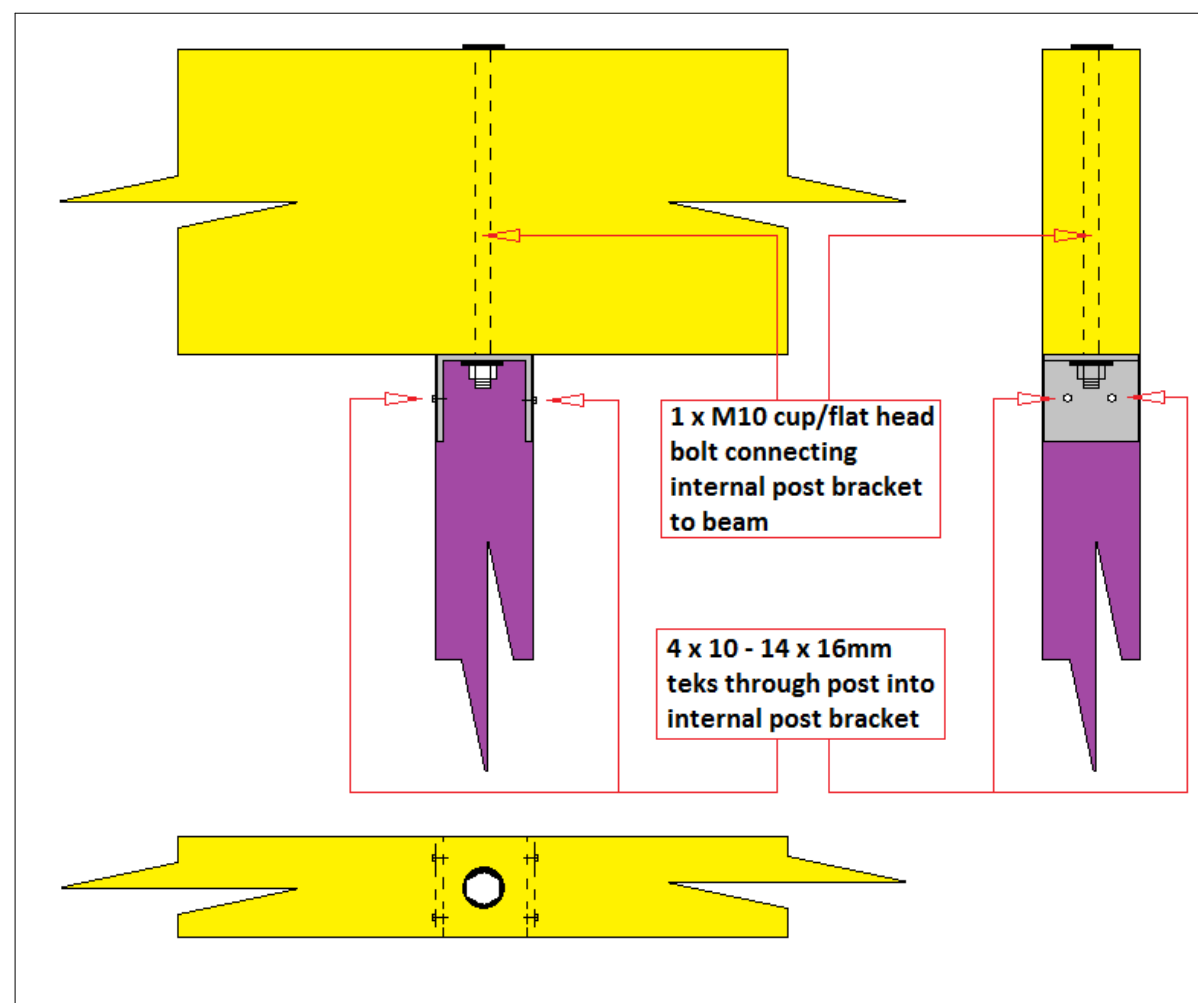
RECEIVED  
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Application No: DA-96/2020/1

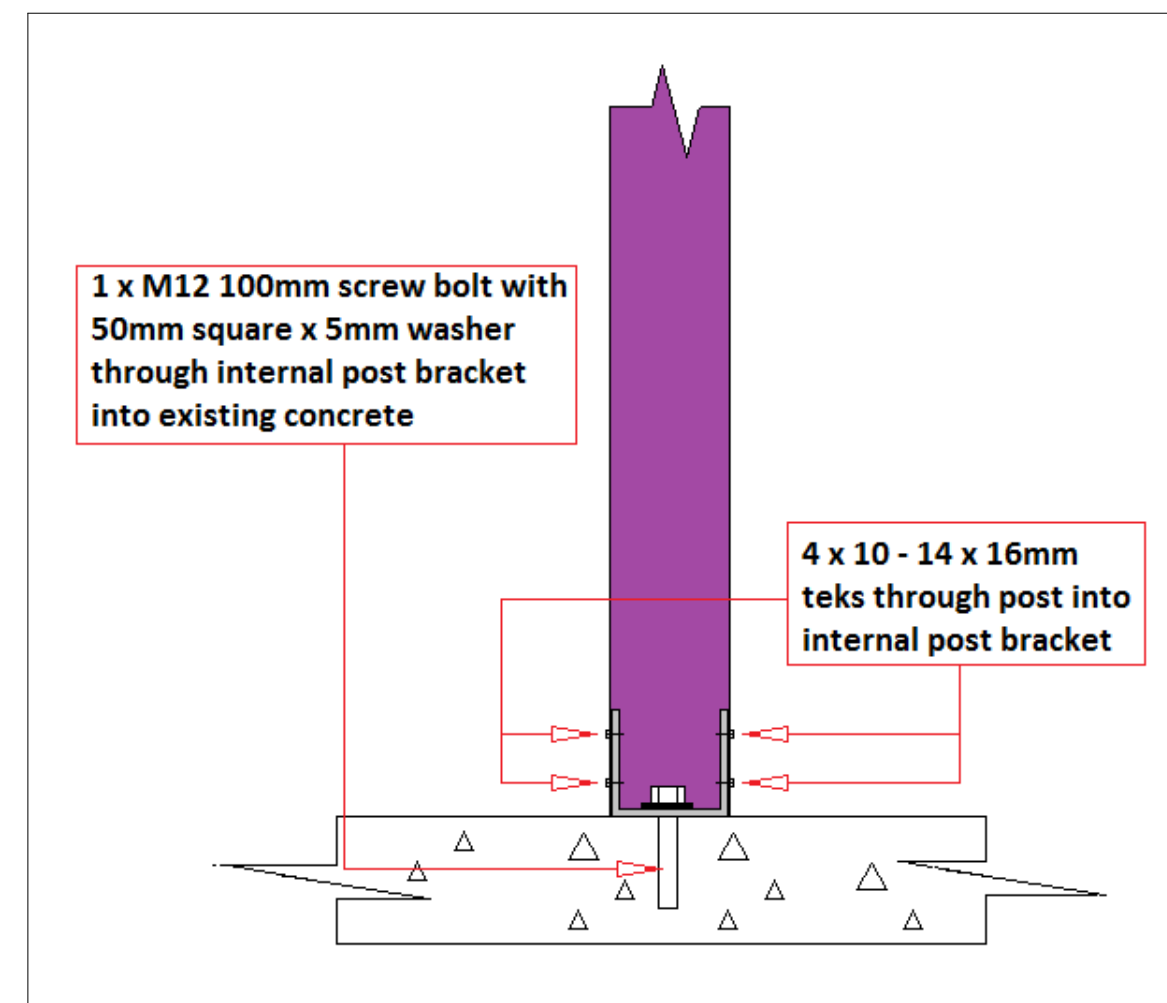
Date Received: 13/07/2020

STORMWATER DRAINAGE TO COMPLY WITH PART 3.5.2 GUTTERS & DOWNPIPES - PCA 2016 AND AS/NZS 3500.3 TO BE COMPLETED BY OWNER

PROPOSAL :	CLIENT :	SCALE :	SITE ADDRESS :	DRAWN BY :	DATE DRAWN:	PLAN TYPE :	CONTRACT NO :
Carport Plan	PIN-JU CHEN	NTS	14 Council Street, Bondi Junction NSW 2022	ALLEN SHAMOON	08/07/2020	3D VIEWS PLAN	17845



POST TO BEAM CONNECTION DETAIL



POST TO CONCRETE FOOTING CONNECTION DETAIL

CLIENT SIGNATURE: .....

DATE: .....

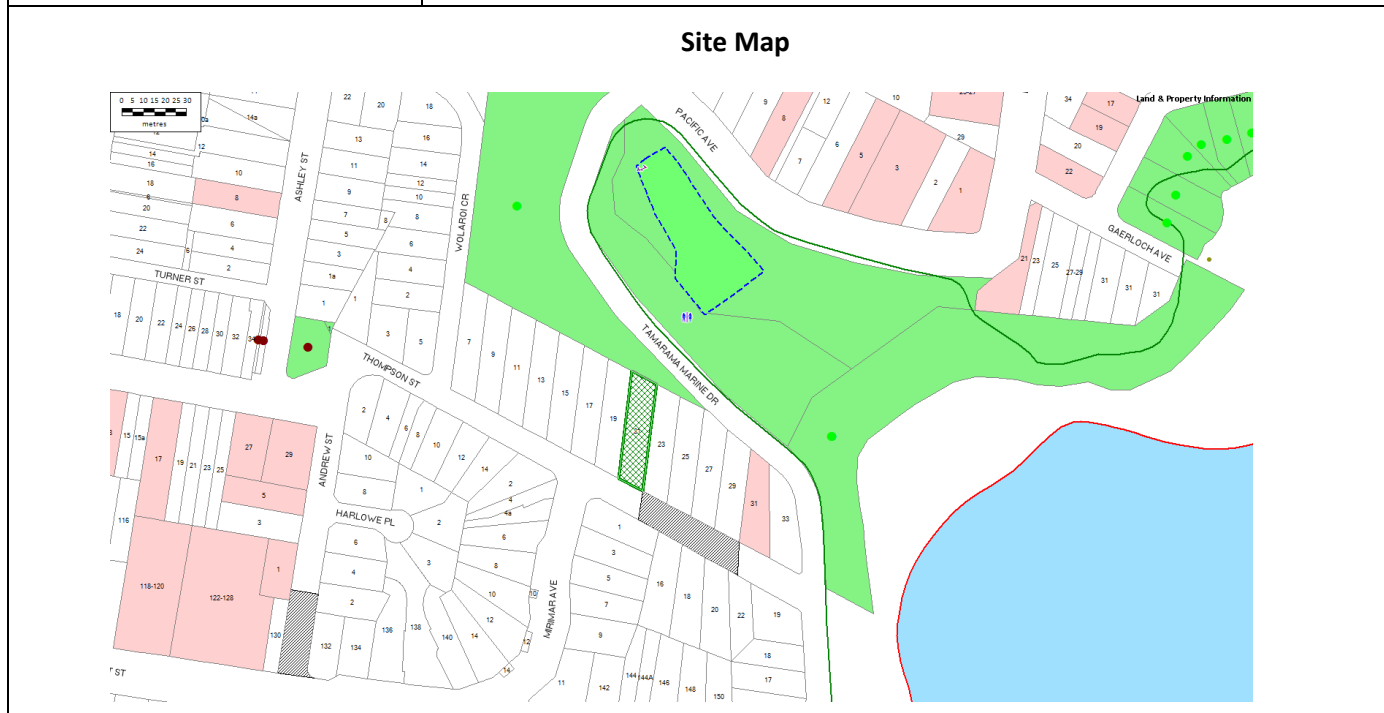
STORMWATER DRAINAGE TO COMPLY WITH PART 3.5.2 GUTTERS & DOWNPIPES - PCA 2016 AND AS/NZS 3500.3 TO BE COMPLETED BY OWNER

PROPOSAL :	CLIENT :	SCALE :	SITE ADDRESS :	DRAWN BY :	DATE DRAWN:	PLAN TYPE :	CONTRACT NO :
Carport Plan	PIN-JU CHEN	NTS	14 Council Street, Bondi Junction NSW 2022	ALLEN SHAMOON	08/07/2020	FIXING DETAILS PLAN	17845



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-163/2019
<b>Site address</b>	21 Thompson Street, Tamarama
<b>Proposal</b>	Alterations to the approved (not yet constructed) dwelling house and change of use to a dual occupancy
<b>Date of lodgement</b>	27 May 2019  Amended plans addressing inconsistencies with gross floor area calculations received 15 August 2019. Further information regarding BCA compliance received 13 December 2019.
<b>Owner</b>	Mr M Rossi and Ms S Stokes
<b>Applicant</b>	Built Development Group Pty Ltd
<b>Submissions</b>	10
<b>Cost of works</b>	\$5,431,258
<b>Issues</b>	FSR, height, excavation
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions





This report should be read having regard to the following components:

- Part 1: Background relating to appeal to the Land and Environment Court (Stokes v Waverley Council (No 3) [2020] NSWLEC 1224)
- Part 2: Consultant Planner's assessment report (based on the assessment and plans presented to the 26 February 2020 WLPP meeting).

## **PART 1: BACKGROUND RELATING TO APPEAL**

### **1. BACKGROUND**

The application was referred to the Waverley Local Planning Panel (WLPP) on 26 February 2020. The Consultant Planner and Development and Building Unit recommended approval of the application, subject to conditions. The WLPP resolved to defer the application for the following reason:

*This application is deferred to allow the Land and Environment Court to determine the matter before it, given that it has heard the matter (including all resident and expert evidence) and the case has been remitted to the Commissioner from a Judge of the Court for determination and the matter has been fixed for hearing on 26-27 March 2020. In addition, the Panel notes that the application before it is the same as the application before the Court.*

As outlined in Part 2 of this report, DA-404/2017 was lodged as an amended development application of DA-365/2014/A. The proposal retained the envelope and heights and generally the façade presentation of the approved development under DA-365/2014/A.

The DA was refused by the Waverley Development Assessment Panel on 28 March 2018. The reasons for refusal are outlined in Part 2 of this report below.

The refusal was the subject of an appeal to the Land and Environment Court (LEC), (Stokes v Waverley Council [2019] NSWLEC 1137) with the Court dismissing the appeal and refusing the application on 3 April 2019.

This LEC decision was in turn the subject of an appeal (Stokes V Waverley Council (No. 2) [2019] NSWLEC 174). This appeal was upheld on 15 November 2019. Details of this appeal are provided in the Part 2: Background section below.

The applicant appealed against the Court's earlier determination regarding jurisdiction (Stokes v Waverley Council (No 3) [2020] NSWLEC 1224). In upholding the applicant's appeal (second appeal), the Court in turn remitted the first appeal to the same Commissioner for further determination. In other words, the Commissioner was required to consider all of the evidence relating to all of the contentions raised in the appeal and make a determination. The appeal was heard on 26 March 2020 and 22 April 2020. On 20 May 2020, the judgement was handed down. The appeal was dismissed and development application DA-404/2017 was refused.

The subject development application DA-163/2019, lodged on 27 May 2019, is now required to be determined. There have been no amendments made or further submissions received since the WLPP reviewed the application on 26 February 2020. The assessment report and recommended conditions, prepared by Council's Consultant Planner, is provided in Part 2 below.

## PART 2: CONSULTANT PLANNER'S ASSESSMENT REPORT

This assessment report was presented to the 26 February 2020 WLPP meeting.

### 1. PREAMBLE

#### 1.1 Site And Surrounding Locality

The site and immediate locality have been inspected.

The site, the two immediately adjoining properties to the east and to the west and some nearby properties in Thompson Street have been visited, including during the most recent Land and Environment Court hearing, discussed below.

The site is identified as Lot 43 in DP 10771, known as 21 Thompson Street, Tamarama. The site has a parallelogram shape with a frontage of 12.495m to Thompson Street, side boundaries of 49.455m and a total site area of 578.4m<sup>2</sup>. The site has a natural ground level fall from Thompson Street to the rear of the site (south to north) of around 18.51m.

The site was occupied by a +three level dwelling house, with a double garage and pool towards the street and the rest of the dwelling stepping down the site. Demolition and construction works, associated with a previous development consent, have started on site, which has included the complete demolition of all structures and excavation works.

The site has been for some time a very deeply excavated hole on the southern side of the sloping land overlooking Tamarama Marine Drive and Tamarama Beach.

Adjoining the site to the east is a two storey dwelling house, positioned towards north on that site with a garage at street level. To the west is a two storey dwelling house also located to the north with a double garage at the street level. Both adjoining sites are heavily landscaped with mature vegetation.

The site is burdened by a series of height covenants which benefit the property two away to the west known as 17 Thompson Street. The height covenants are contained within DP638148 and restricts building above RL36.400 and above RL26.940. The diagram below shows the original dwelling dotted in red with the 8.5m Council height control shown in pink. The height covenant applies in two steps as shown by the blue dotted line. The first step restricts building above RL36.400 and the second restricts building above RL26.940 on the lower part of the site.

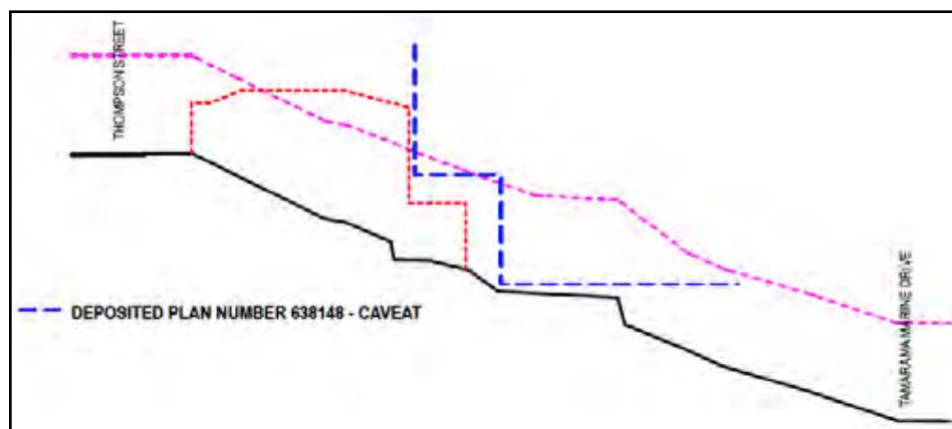


Figure 1: Height covenants affecting the site

The locality is generally characterised by detached residential dwelling houses, consisting of a mix of older and contemporary styles.



**Figure 2:** Site viewed from Pacific Avenue showing excavation and surrounding dwelling houses

## 1.2 Relevant History

### **DA-494/2011**

Demolition of existing dwelling and construction of a five storey dwelling including a car stacker and new swimming pool, approved by the Land and Environment Court on 7 June 2012.

The approved FSR under this development application was 0.74:1 (434.8m<sup>2</sup>).

### **DA 444/2013**

Alterations and additions to the dwelling including a car lift with basement parking, swimming pool, new windows and landscaping, approved 18 June 2014.

The approved FSR under this development application was 0.84:1 (485.06m<sup>2</sup>).

### **DA-365/2014**

Demolition of existing building and construction of a 4-5 storey dwelling including integrated garage and swimming pool, approved on 23 December 2014.

The approved FSR under this development application was 1.02:1 (500.8m<sup>2</sup>).

### **DA-365/2014/A**

Section 96(1A) application to modify development consent approved on 18 September 2015 and included the following:

- Glass lift location and size adjusted at all levels. The height of the lift overrun is RL43.785m.

- Car lift reconfigured at all levels,
- Master terrace balustrade raised to 1200mm, remains below covenant,
- Fences modified on the eastern and western boundaries,
- Stair along western side of house removed and ground grade raised slightly, terraced planter beds and dense planting proposed instead,
- Exterior materials and finishes altered from white cement concrete to stone clad walls,

The approved FSR under this development application was 1.22:1 (711.2m<sup>2</sup>).

#### **DA-404/2017**

Alterations and additions to the approved dwelling house and change of use to a dual occupancy.

The application was lodged as an amending development application of DA365/2014/A. The proposal retained the envelope and heights and generally the façade presentation of the approved development under DA365/2014/A. The DA proposed changes to the internal layouts within the envelope to allow for two dwellings (dual occupancy). The total gross floor area (GFA) was proposed to be increased from 711m<sup>2</sup> to 823m<sup>2</sup>.

The DA was refused by the Waverley Development Assessment Panel on 28 March 2018. The reasons for refusal were:

1. *The variation to the development standard for the floor space ratio is excessive, and is not well-founded, nor in the public interest, being 185% above the standard, having regard to Clause 4.6 of the Waverley Local Environmental Plan 2012.*
2. *The proposal represents an overdevelopment of the site.*
3. *A portion of the additional floor space is located within an area that has been excavated without consent.*
4. *Retrospective approval cannot be granted for that part of the excavation works that were undertaken without consent. This is evident in the comparison drawings, in particular the elevations, sections and plans that compare the proposed development to the 'OUTLINE OF PREVIOUS SUBMITTAL' as shown in red outline.*
5. *The proposal is contrary to the public interest or orderly development.*

The refusal was the subject of an appeal to the Land and Environment Court (LEC), ( *Stokes v Waverley Council* [2019] NSWLEC 1137) with the Court dismissing the appeal and refusing the application on 3 April 2019.

This LEC decision was in turn the subject of an appeal (*Stokes V Waverley Council (No. 2)* [2019] NSWLEC 174). This appeal was upheld.

Both appeals are discussed below

#### First appeal – 2019 NSWLEC 1137

This was a Class 1 merit appeal against the Panel's refusal of the DA.



The Court found that it did not have the jurisdictional power to approve the application. Relevant paragraphs explaining the Court's position are included below:

30 *For the reasons provided below, I have no power to approve this development without the requisite owner's consent. In this instance, the adjoining owners consent from 19 Thompson Street continues to, and remains to this day outstanding and I find that the proposed conditions of consent do not satisfy this requirement.*

...

35 *Although not a contention in the SoFC, as a consequence of information received in evidence during the hearing, namely the amended survey plan, the parties agree that there are (at least) two piles identified and constructed as part of commencement of a previous DA consent for the site, which are located on adjoining land, being 19 Thompson Street.*

36 *A development application must be made by the owner of the land to which the development applies. Relevantly cl 49(1) of the Environmental Planning and Assessment Regulation 2000 (EPA Reg) states:*

***49 Persons who can make development applications***

*(1) A development application may be made:*

- (a) by the owner of the land to which the development application relates, or*
- (b) by any other person, with the consent in writing of the owner of that land.*

37 *A development application must provide relevant supporting information, pursuant to cl 50(1)(a) of the EPA Reg. Relevant information that is required to support this DA includes evidence of owners consent for works that the development relies upon, as specified in Sch 1, Pt 1, 1(1)(b) and (i).*

...

52 *I find that the proposed development relies on the piles located on an adjoining property and therefore requires evidence of owners consent for application of the DA before development consent can be granted by the Court, pursuant to cl 49(1) of the EPA Reg.*

...

56 *I find that the proposed development relies on existing piling including piles located on 19 Thompson Street and that there is no owners consent provided to do so. This is a fundamental jurisdictional hurdle that has not been overcome.*

- 57 *I need evidence at the time of the assessment to be satisfied that the works can be isolated to the applicant's land and that impacts on the adjoining properties are satisfactorily addressed, particularly in circumstances where an adjoining owner has raised a concern about cracking of structures on his site and suggested generated by the excavation to date. There is insufficient information before me to satisfy the assessment of s 4.15 of the EPA Act.*
- 58 *I find that I have no power to grant consent to DA 404/2017, as cll 49(1)(b) and 50(1)(a) of the EPA Reg have not been satisfied.*

### **Conclusion**

- 59 *I have determined that the DA does not satisfy the requirements of cll 49(1)(b) and 50(1)(a) of the EPA Reg. I therefore find that the DA does not comply with s 4.15 of the EPA Act.*
- 60 *I am not required to address the other contentions raised by Council, as they relate to this DA, and I make no decision as to their resolution.*
- 61 *As I am not satisfied that the proposed development is lawful as it does not comply with the relevant provisions of the EPA Act, I am unable to grant consent to DA 404/2017.*

As noted above in the judgement, the Court did not address the other Contentions dealt with during the appeal – notwithstanding that considerable written and verbal evidence was provided to the Court.

For the purposes of reporting on this current application, it is relevant to inform the Panel of the way in which the planning Contentions were dealt with by the planning experts during the course of this appeal, as this in turn provides the context for the lodgement and assessment of the current application.

- A number of Contentions were raised by the Council, principally associated with the increase in GFA/FSR over and above that previously approved (711.2 sqm and 1.22:1); the extent of excavation; and visual and acoustic privacy impacts on neighbours arising from a 120 sqm living area terrace.
- During the Court process, including the relevant Council and applicant experts conferencing to try and narrow the areas of disagreement, as well as the respective parties (Council and the applicant) undertaking mandatory mediation, the GFA was reduced to be consistent with and no greater than previously approved (711 sqm); the applicant agreed to backfill some of the over-excavation that had been undertaken without approval; the trafficable area of the terrace was reduced and the previously approved swimming pool deleted.

- In short, as a result of significant amendments made to the application by the applicant during the mediation process, the Council was satisfied that the various planning Contentions had been satisfactorily addressed.
- The extent of the excavation of the site was interrogated in great detail by the Court, leading to the preparation of additional survey information with more detailed information regarding the property boundaries and levels. This more detailed survey information revealed that some of the temporary piling structure supporting the excavation undertaken along the western boundary of the site slightly extended on to the adjoining property at No 19 Thompson Street.
- Whereas previously it had been assumed that the new building would be set against the excavated sandstone walls along both the eastern and western sides of the site, the over-excavation resulted in a “void” between the walls/structural support of the new building and the over-excavated sides. The Court was not satisfied that there was adequate evidence before it as to how the void would be treated, nor did the evidence before the Court satisfactorily address the Court’s concern regarding the piles located on the adjoining property, including whether these piles would be used for structural support.
- In the absence of adequate information regarding the structural reliance or otherwise of the encroaching piling, the Court found that the development did rely on the piles on adjoining property and that this component of the development did not have owner’s consent – hence the jurisdictional impediment.

#### Second appeal – 2019 NSWLEC 174

The applicant appealed against the Court’s earlier determination regarding jurisdiction. The Court determined that the decision was in legal error with respect to the lack of owner’s consent from the adjoining neighbour and also was in legal error as the Commissioner denied procedural fairness to the parties when she determined the matter on the basis of a contention (that is with respect to owner’s consent) that was not raised by the Council or in the hearing itself without affording the parties an opportunity to be heard in this regard.

The Council’s lawyers have advised in writing that the evidence in the proceedings (first appeal) established that no work was proposed on the adjoining property. This decision is predicated on the basis that the eastern edge of the two piles that are partially located on the adjoining land are within the site that is the subject of the development application. There was an engineering solution provided in the proceedings (first appeal) that would have regularised any reliance on structures off-site but in any event the Judge noted that there is a distinction between works that are the subject of a development application and off-site works that may be carried out pursuant to conditions of consent.

In upholding the applicant’s appeal (second appeal), the Court in turn remitted the first appeal to the same Commissioner for further determination. In other words, the Commissioner was required to

consider all of the evidence relating to all of the contentions raised in the appeal and make a determination. On 20 May 2020, the appeal was dismissed and development application DA-404/2017 was refused.

### **1.3 Proposal**

The application seeks to amend DA365/2014/A.

Whilst it is a new DA it is essentially an amended version of DA-404/2017, seeking to incorporate the agreed changes to the design as occurred during the first appeal, summarised above.

The application also seeks to address the reason for refusal of the previous appeal by the Court, also summarised above – notwithstanding that the second appeal (subsequent to the lodgement of this DA) dismissed this as a valid reason.

The proposal retains the approved maximum building height, the approved envelope, the approved GFA (1.22:1 approved under DA-356/2014A) and generally the approved façade presentation under DA365/2014/A. The proposal proposes changes to the internal layouts within the envelope to allow for two dwellings (dual occupancy). The proposal also includes some deeper excavation on part of the southern section of the site (deeper than approved and deeper than has occurred) as well as some backfilling of some of the over-excavation towards the centre of the site.

The application states that it does not seek any greater GFA than approved under DA365/2014/A, being 711 sqm and a FSR of 1.22:1 Amended architectural plans received on 15 August 2019 confirm a GFA of 711 sqm as defined under WLEP 2012.

Minor changes have been made to the building envelope including the deletion of the curved lift form at the north-west corner of the approved dwelling, increased setback at Levels 1 and 0 to the terrace and bedroom level from the eastern side boundary providing a staggered wall alignment. Additional glazing is proposed at the east and west elevations. The proposal no longer includes a swimming pool.

## **2. ASSESSMENT**

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

### **2.1 Planning Instruments and Development Control Plans**

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

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

A BASIX Certificate has been submitted with the development application.

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



### 2.1.2 SEPP 55 Remediation of Land

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

### 2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012) – Amendment 6.

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

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

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	No	The approved development has a maximum height of 15.4m with the ridge at RL43.785m.  The modifications do not exceed this approved height.
4.4 Floor space ratio and <ul style="list-style-type: none"> <li>Maximum FSR – 0.5:1</li> </ul>	No	Site area: 578.4m <sup>2</sup> Maximum GFA: 289.2 m <sup>2</sup> Proposed GFA: 711 m <sup>2</sup> Breach of maximum GFA: 421.8 m <sup>2</sup> (145%) Proposed FSR: 1.22:1  The DA does not propose any additional floor space above that approved under DA365/2014/A.
4.6 Exceptions to development standards	Yes	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the maximum building height and maximum FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.

Provision	Compliance	Comment
		In short the requests to vary the standards are supported in this case as there is no additional floor space or building height over and above that already approved.
<b>Part 5 Miscellaneous provisions</b>		
No clauses are applicable to the proposed amendments.		
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	<p>The site has been extensively excavated. Excavation is a relevant matter in the consideration of this DA. The issues include:</p> <ul style="list-style-type: none"> <li>• Over excavation, both in width and in depth in some areas, over and above that previously approved.</li> <li>• Over excavation has resulted in structure across the property boundary with No. 19 to the west.</li> <li>• Proposed additional excavation at the southern end of the site to accommodate car lift.</li> <li>• Proposed backfilling of some of the over excavated area within the centre of the site.</li> </ul>

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

#### Clause 4.6 Exceptions to Development Standards

The application seeks to vary both the maximum building height development standard of 8.5m and the FSR development standard of 0.5:1.

The building height variation is 6.9m to a maximum height of 15.4m as measured above the ground levels prior to the current excavation. The variation is 81%.

The variation to the FSR standard of 0.5:1 to 1.22:1 represents a GFA variation of 421.8 m<sup>2</sup> or 145% .

Written requests have been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 2012 seeking to justify the contraventions of the development standards by demonstrating:

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

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

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

### Clause 4.3 - Building height

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) The built-form provided by the proposed building is generally consistent with the bulk and scale of the surrounding buildings and approvals and requiring compliance with the Height of Buildings standard would result in an inconsistent building form.
  - (ii) In this instance the proposed development exceeds the Height of Buildings development standard as a result of the unique site conditions where the site is steeply sloping and had been excavated to accommodate the original dwelling within the set of height covenants which affect the site.
  - (iii) The approved and commenced dwelling followed those site conditions and the original excavation to accommodate the approved and commenced dwelling within the set of height covenants which affect the site. The current proposal utilizes that envelope of the approved and commenced dwelling with no increase or change to the height and therefore also requires a variation to that standard.
  - (iv) The proposal presents as a building predominantly within the maximum height of buildings as it presents to the street and steps down the slope of the site. The breach to the height control arises from a combination of a localised step in the topography where the slope falls over a ledge and where the site had been excavated for the previous dwelling. While the northern portion of the proposal is comfortably compliant with the control the step in the topography in the centre of the site means that the leading edge of the central portion of the building breaches the control.
  - (v) The proposal has preserved the environmental amenity of the neighbouring properties and public spaces by sensitively locating these portions of the building in a manner which preserves the environmental amenity in terms of solar access, privacy, daylight, visual impacts, outlook and views. Those parts of the building which breach the height control do not give rise to any adverse impacts which would cause the environmental amenity of the neighbouring properties and public spaces not to be preserved.
  - (vi) The height of the proposal is considered to be compatible with the height, bulk and scale of the existing character of the locality. The locality comprises a variety of large dwellings of varying designs responding to the topography by stepping down the slope on both sides of the street. The proposal presents a two storey form to Thompson Street which is compatible in height, bulk and scale with the two, three and four storey presentations of existing development describing the character surrounding the site in Thompson Street.
  - (vii) The proposal presents a stepped form following the slope to Tamarama Marine Drive to the north which is compatible in height, bulk and scale with the stepped form of existing development describing the character surrounding the site in Tamarama Marine Drive
  - (viii) The proposal is consistent with the objectives of the standard and the zone.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal seeks flexibility in the application of the standard where the breach to the height control arises from a building, which is compatible in bulk and scale with the existing and desired future character. A compliant building would unnecessarily mass the building form further north on the site in order to achieve the height control while providing a higher lower level and impact upon cross views over the site. The design is considered to achieve flexibility consistent with the objectives of this clause.
  - (ii) More height on the lower level, would have significant view impacts upon the adjoining residential buildings. The solution to lower the building and reduce its extension to the north provides a better planning outcome for both the occupants and the neighbours and retains an acceptable level of solar access for the neighbouring buildings.
  - (iii) The proposal provides for a better outcome in massing the building in a manner consistent with the massing of the buildings forming the existing and desired future character so that the breach to the height control is instrumental to a lower building where view sharing can be created.

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

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

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

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

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

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing, as detailed above.

Is the development in the public interest?

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

The objectives of the development standard are detailed below, together with comments:



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

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted.

*(b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*

Comment: not relevant.

*(c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*

Comment: not relevant.

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

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted.

The objectives of the zone are also detailed below, together with comments:

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

Comment: this objective is met. The dual occupancy development will provide additional housing. The dual occupancy development does not change the approved height of development.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: not relevant.

### Conclusion

For the reasons provided above the requested variation to the building height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the standard and the zone. The development application does not propose any height over and above that already approved and therefore the variation of the development standard has no impact additional to that already determined by the Council to be acceptable.

### Clause 4.4 – Floor Space Ratio (FSR)

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) In this instance the proposed development exceeds the FSR development standard as a result of the unique site conditions where the site is steeply sloping and had been

excavated to accommodate the original dwelling within the set of height covenants which affect the site.

- (ii) The approved and commenced dwelling followed those site conditions and the original excavation to accommodate the approved and commenced dwelling within the set of height covenants which affect the site. The current proposal utilises that envelope of the approved and commenced dwelling with no increase or change to the FSR and therefore also requires a variation to that standard.
  - (iii) The approved and commenced dwelling envelope is retained by the proposal but the space within the envelope has been reconfigured to accommodate two dwellings within a dual occupancy.
  - (iv) The proposal is consistent with the objectives of the standard and the zone.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal provides for a better outcome in providing two dwellings within the envelope of the currently approved and commenced single dwelling making available additional housing in a low density environment, which benefit from high amenity and high levels of solar access and outlook. This is considered to be a better outcome consistent with the objectives of this standard.
  - (ii) The proposal presents as a building predominantly within the maximum Building Height and Floor Space Ratio as it presents to Thompson Street. The significant excavation which existed on the site to accommodate the original dwelling and the subsequent excavation from subsequent approvals have created a unique situation where a significant portion of the gross floor area of the proposed dwellings is located below ground and does not contribute to the bulk and scale of the proposal. Consequently, this provides for an appropriate correlation between height and floor space for the proposed development on this site meeting the objective of this control.
  - (iii) The bulk, scale and streetscape of the proposal is considered to be compatible with the bulk, scale and streetscape of the desired future character of the locality. The locality comprises a variety of recently approved large dwellings of varying designs responding to the topography by stepping down the slope on both sides of the street.  
  
The proposal presents a two storey form to Thompson Street which is compatible in height, bulk and scale with the two, three and four storey presentations of recently approved development describing the desired future character surrounding the site in Thompson Street
  - (iv) The proposal provides an appropriate overall bulk and scale and maintains the established view sharing regime and preserves the environmental amenity of neighbouring properties and public spaces.

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

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

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development

standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

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

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

- a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing, as detailed above.

Is the development in the public interest?

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

The objectives of the development standard are detailed below, together with comments:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*

Comment: not relevant.

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

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted.

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

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted.

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

Comment: this objective is met. The applicant's justification as detailed above in this report is accepted. There is no increase in floor space over and above that already approved. As the building envelope, height and density (floor space) does not change from that already approved, the contravention of the development standard in this case does preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

The objectives of the zone are also detailed below, together with comments:

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

Comment: this objective is met. The dual occupancy development will provide additional housing. The dual occupancy development does not change the approved FSR of development.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment: not relevant.

#### Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the standard and the zone. The development application does not propose any floor space over and above that already approved and therefore the variation of the development standard has no impact additional to that already determined by the Council to be acceptable.

#### **2.1.4 Waverley Development Control Plan 2012 (Amendment 6)**

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site.  The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	A BASIX Certificate has been submitted with the application, which satisfies this section of the DCP.



Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	<p>The subject site is located within a biodiversity corridor. The original development application was referred to Council's Senior Environment Officer who raised no objection subject to conditions. There is no change to the building envelope that would affect this as part of the amending DA.</p> <p>The landscaping plan has been reviewed and is generally considered acceptable subject to some amendments required by conditions of consent.</p>
5. Tree preservation	Yes	The site already excavated to accommodate development.
6. Stormwater	Yes	The stormwater plans submitted have been reviewed by the Council's Stormwater Engineer and are satisfactory. Relevant conditions of consent are included.
8. Transport	Yes	The amending development application does not change the proposed vehicle access. Internal car arrangements have been reconfigured given the proposed change of use to a dual occupancy. Car lift and stackers are proposed. The Council's traffic engineer has raised no objection.
14. Excavation	Yes/No	<p>The site has been extensively excavated and it cannot be said that excavation has been minimised. The extent of current excavation exceeds the past approvals.</p> <p>Further depth of excavation at the southern end of the site (Thompson Street end) is proposed to accommodate the car stacker operation.</p> <p>The application also proposes some backfilling to address some of the over excavation.</p> <p>Existing excavation to side boundaries exceeds that approved but this application does not propose any additional excavation towards side boundaries.</p> <p>The extent of excavation, including 2 piles extending into the neighbouring property to the west at 19 Thompson Street, is discussed further in the report.</p>

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

The proposal is defined as a “Dual Occupancy” in the LEP.

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk &amp; scale to the character of the area</li> <li>• High design standard</li> </ul>	Yes	The building envelope, building height and density of development and standard of design has been previously determined to be acceptable and approved. The change to a dual occupancy does not change the circumstances.
<b>2.1 Height</b>		
Pitched Roof dwelling house <ul style="list-style-type: none"> <li>• Maximum external wall height of 7m</li> </ul>	No, acceptable on merit	There are no changes to the approved building height or wall heights.
Flat roof dwelling house <ul style="list-style-type: none"> <li>• Maximum wall height of 7.5m</li> </ul>		
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>• Predominant front building line</li> <li>• Predominant rear building line at each floor level</li> </ul>	No, acceptable on merit	No changes proposed under this amending DA to minimum setbacks already approved.
2.2.2 Side setbacks	No, acceptable on merit	No changes proposed under this amending DA to minimum setbacks already approved.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>• New development to be compatible with streetscape context</li> <li>• Replacement windows to complement the style &amp; proportions of existing dwelling</li> </ul>	Yes	The streetscape presentation of the dwelling is consistent with the approved DA and the surrounding environment.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>		
<b>2.4 Fences</b>		
<i>Front:</i> <i>Side and Rear:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes	1.8m side boundary fences proposed. Condition to be imposed to ensure any structures do not extend above the covenant line.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>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.</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies:  <i>10m<sup>2</sup> in area</i>  <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>	Yes	<p>Extent of glazing has increased on eastern and western side elevations (see further discussion below).</p> <p>The removal of the approved swimming pool at Level 1 has been replaced with a terrace with extensive planter and non-trafficable areas. This design change actually results in a reduced potential for privacy and amenity impacts as compared to the currently approved development.</p>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	The proposed changes do not increase the height or approved building envelope and no additional shadow is cast over adjoining properties.

Development Control	Compliance	Comment
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	The proposed changes do not exceed the height covenants that apply to the site. The proposal does not change the approved height of the building and as considered in the original DA, is reasonable in regards to view sharing.
<b>2.8 Car parking</b>		
<b>2.8.2 Design Approach</b> <ul style="list-style-type: none"> <li>Parking only allowed where site conditions permit</li> <li>Designed to complement the building and streetscape</li> <li>Car parking structures to be behind the front building line</li> <li>Driveways are to be located to minimise the loss of on street parking</li> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>	Yes	Car parking access from Thompson Street unchanged.
<b>2.8.2 Parking rates</b> <i>Maximum rates:</i> <ul style="list-style-type: none"> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	The proposal provides 2 car parking spaces per dwelling within the garage, located on level 1A, accessed via the car lift and car turning table.
<b>2.8.4 Design</b> <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area &amp; appearance to the design of the residences</li> <li>No part of the façade is to be demolished to accommodate car parking</li> <li>Gates to have an open design</li> </ul>	Yes	<p>The garage entry is located at the front of the building and has a nil front setback to Thompson Street. This is acceptable in this instance given the existing building and adjoining sites which have garages located at street level with the houses at a lower level behind.</p> <p>The car turning table will allow vehicles to enter and exit the site in a forward direction.</p>
<b>2.8.5 Dimensions</b> <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	The Council's traffic engineer has confirmed compliance.



Development Control	Compliance	Comment
<b>2.8.6 Driveways</b> <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	Satisfactory
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Yes	<p>The proposal provides additional landscaping on the eastern, western and northern sides of the development.</p> <p>As the site is affected by covenants restricting the height of structures, objects or growth, an additional condition will be imposed ensuring maturity height of species does not extend above this covenant height.</p> <p>An amended landscape plan will be conditioned to be updated to reflect the additional landscaping proposed.</p>
<b>2.15 Dual Occupancy Development</b>		
<ul style="list-style-type: none"> <li>Min 450m<sup>2</sup> attached dwellings</li> <li>Min 600m<sup>2</sup> detached dwellings</li> </ul>	Yes	Attached dwellings on site area of 578.4 sqm.

### Visual and acoustic privacy

The eastern and western elevations are unchanged from the design included in DA-404/2017 previously considered by the Panel. This includes an increase in glass on the eastern and western side elevations compared to the currently approved development.

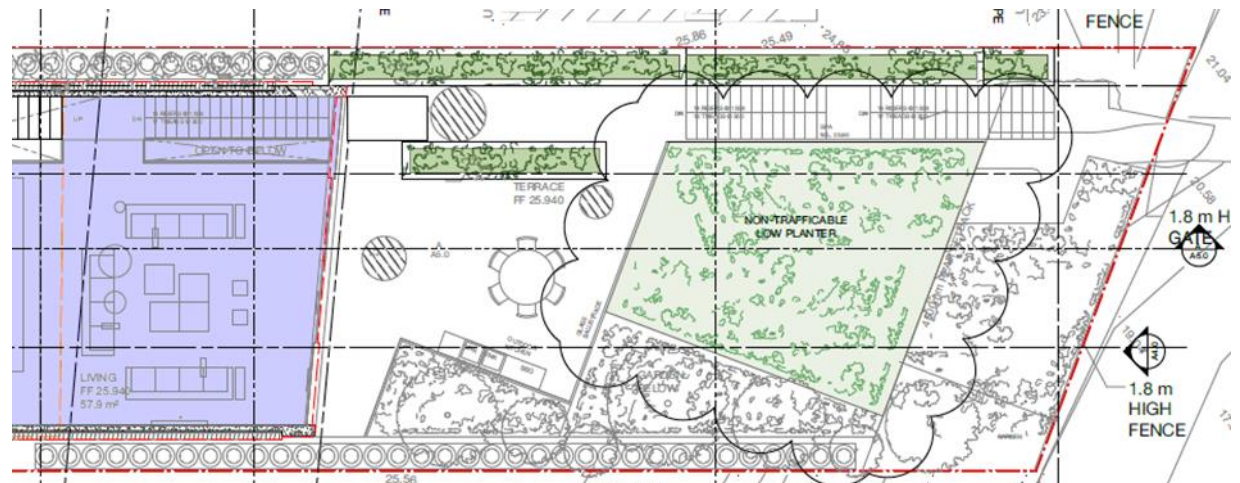
On the eastern elevation, Level 4 contains additional glazing associated with the stairs down to the lower dwelling unit which was previously a garage with a small highlight window at this location. This area overlooks the frontage of the adjoining property. Some of this glazing will be screened by the dense planting proposed along the eastern boundary at this location. This area is associated with circulation space which is not considered likely to cause opportunity for adverse overlooking.

Glazing on the western elevation has been changed to narrow vertical strips with granite columns in between. The majority of this modified glazing at Levels 4 and 5 is associated with circulation space and void, both areas that are not habitable rooms and are not considered likely to cause opportunity for adverse overlooking.

Changes have been made to the elevated master balcony on the northern elevation so as to be accessible from the master bedroom and associated bathroom. The balcony has shifted closer to the western side boundary from 4 metres to a minimum of 2 metres and angled towards the east. Privacy screens are not able to be added to this balcony due to the height covenants affecting the site, however

it is considered that the setback distance proposed will not result in unreasonable impacts on privacy to the adjoining property.

DA-404/2017 included a very large terrace to Level 1, replacing the area of the currently approved swimming pool, located adjacent to the dwelling at No.23 Thompson Street. This current application has significantly reduced the size of the terrace, introduced planters and includes a significant non-trafficable area, as shown in the extract below.



**Figure 3:** lower level living area terrace with large non-trafficable area and planting.

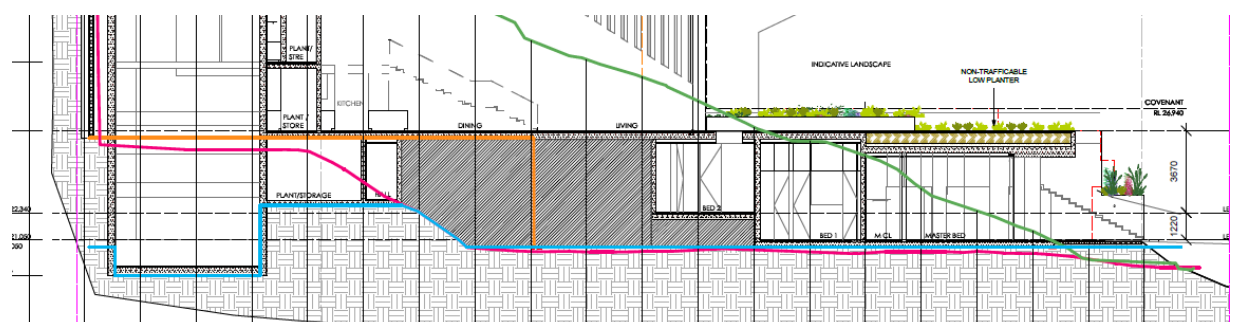
The reduction in the size of this terrace was one of the issues addressed through the first appeal whereby the applicant amended that application and this design change has been carried forward into the current application.

Overall, the development is not considered to create any additional or unacceptable overlooking, privacy or amenity impacts.

### Excavation

The extent, impact and acceptability of excavation of the site was a significant issue during the first appeal and was also central to the second appeal. Excavation has been raised in submissions to the current application, including excavation of a depth and width additional to that previously approved, and also including structural piles extending into the neighbouring property to the west at No. 19 Thompson Street.

The application includes additional depth of excavation at the southern end of the site in order to accommodate the car park stacker lift shaft. The application also includes some backfilling of over-excavation. An extract of one of the section drawings is included below.



**Figure 4:** extract of cross section showing excavation levels in colour.

The hatched area in the central part of the drawing is the proposed backfilling.

The orange line is the previously approved excavation.

The pink line is the current excavation.

The blue line, where it extends below the pink line towards the left side of the drawing, is the additional excavation in order to accommodate the car lift shaft.

The second appeal was limited to considering whether there had been an error on a question(s) of law arising from the first appeal, associated with the extent of excavation and works extending on to No 19. The second appeal considered:

- (1) the finding that the Court did not have jurisdiction to grant consent to the DA before the Court;
- (2) the finding that the consent of the owner of adjoining land was required pursuant to clause 49 of the EPA Regulation;
- (3) the finding that the location of the two existing piles on no. 19 Thompson Street used for structural stability raised an issue of jurisdiction;
- (4) the finding that jurisdiction to determine the appeal was only provided if the two piles were structurally isolated from the proposed development; and
- (5) the decision dismissing the appeal without giving the parties an opportunity to make submissions as to whether the consent of the owner of adjoining land was required and whether the Commissioner had jurisdiction to grant consent to the DA.

In this second appeal the Court determined that the 2 structural piles that encroach on to No. 19 Thompson Street were not within the scope of the DA and were (are) not on the land to which the DA relates. The Judge also found that the evidence (in the first appeal) established that no work was proposed on No. 19. No owners consent was required because no works were proposed. There was no jurisdictional hurdle.

The judgement also found that there had been a lack of procedural fairness as the Commissioner denied the procedural fairness to the parties when she determined the matter on the basis of a contention (that is with respect to owner's consent) that was not raised by the Council or in the hearing itself without affording the parties an opportunity to be heard in this regard.

The Council's lawyers have advised in writing that that the evidence in the proceedings (first appeal) established that no work was proposed on the adjoining property. This decision is predicated on the basis that the eastern edge of the two piles that are partially located on the adjoining land are within the site that is the subject of the development application. There was an engineering solution provided in the proceedings (first appeal) that would have regularised any reliance on structures off-site but in any event the Judge noted that there is a distinction between works that are the subject of a development application and off-site works that may be carried out pursuant to conditions of consent.

In upholding the applicant's appeal (second appeal), the Court in turn remitted the first appeal to the same Commissioner for further determination. In other words, the Commissioner is now required to

consider all of the evidence relating to all of the contentions raised in the appeal and make a determination. This determination has yet to occur.

Finally with regard to excavation, condition(s) of consent are recommended that require the submission of structural engineering plans detailing the structural support along and adjacent to the eastern boundary with No. 23 Thompson Street and the same along and adjacent to the western boundary with No 19 Thompson Street. These structural engineering plans are to detail how the proposed building will be structurally independent of the adjoining properties as well as how those adequate properties will maintain adequate support. In the case of the relationship with No 23, the structural engineering plans must also consider the need for any support on the subject site and along the boundary in order to ensure the integrity of the adjoining sewer main. The condition(s) will require that the applicant's engineering drawings are subject to a peer review, also prior to the issue of any construction certificate.

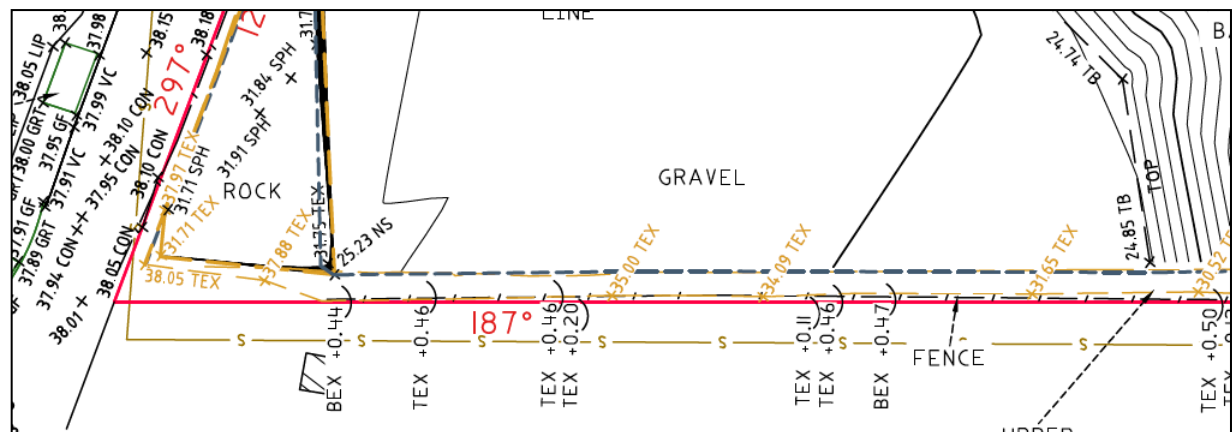
## 2.2 Other Impacts of the Development

### BCA

The proposed development is capable of complying with the BCA, subject to appropriate conditions being imposed.

### Sydney Water Sewer

A Sydney Water sewer main is located within Thompson Street as it runs east then traverses the edge of the south-east corner of the subject site before turning 90 degrees north and running within the western side of 23 Thompson Street close to the common boundary with the subject site. An extract of the site survey identifying the sewer line is shown below, with the sewer shown as the dashed line with "S" and the property boundary in red.



**Figure 5:** location of sewer (denoted as -S-) in south-east corner of the site and on No. 23 and associated property boundary in red

The extent of (over) excavation is close to the sewer line. While the current application does not propose any further excavation, the Council's Manager Design (development engineer) has recommended a condition of consent requiring plans being presented to a Sydney Water Quick Check Agent for their approval. This step will occur prior to the issue of any construction certificate for any further works on the site.



## 2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development, subject to the conditions of consent, particularly in relation to further structural engineering details.

## 2.4 Any Submissions

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

11 submissions were received from 10 properties. The issues raised in the submissions are summarised and discussed below.

**Table 4: Summary of property addresses that lodged a submission**

Property
23 Thompson Street
19 Thompson Street
17 Thompson Street
12 Thompson Street
27 Thompson Street
14 Thompson Street
18 Thompson Street
2 Mirimar Street
4 Mirimar Street
8 Mirimar Street

***Issue: Breach of Sydney Water Condition which affects 23 Thompson Street***

*D/A 365/2014 showed contiguous supporting piles on the boundary on the western side of 23 Thompson Street and 45 supporting piles on the boundary on the eastern side of 19 Thompson Street. In February, 2015, the Agent for Sydney Water provided a Service Protection Report on 23 Thompson Street which stated: Approval to D/A for 21 Thompson Street granted: Condition of Approval: "Concrete piers required as marked on the plans".*

In short the objector is concerned that the current application requires referral to and approval from Sydney Water given the existence of the sewer main in proximity on 23 Thompson Street.

**Response:** a condition of consent is recommended requiring approval of the plans by Sydney Water (agent) prior to the release of any construction certificate.

***Issue: the applicant has not demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. Nor has the Applicant demonstrated that the proposed development would be in the public interest***

**Response:** the written requests to vary the building height and FSR development standards are discussed within the body of the report. The variations are supported in the circumstances of the case. On balance, approval is considered to be in the public interest.

***Issue: will also add to the parking and traffic problems in the area adjacent to 21 Thompson Street, which is not in the public interest.***

**Response:** the Council's traffic engineer has raised no objection to the proposed parking and access arrangements for the development. Each dwelling is provided with 2 car spaces.

**Issue:** *DA previously refused by WLPP.*

**Response:** the current application includes some significant changes to that previously refused by the Panel. These changes are detailed in this report and most notably include the FSR reduced to be no greater than previously approved.

**Issue:** *No owner's consent from 19 Thompson Street*

**Response:** the second appeal to the Land and Environment Court determined that the consent of No. 19 is not required. Conditions of consent are recommended regarding structural engineering along the boundary with No 19.

**Issue:** *request the Council take action to require the works impacting on 19 Thompson Street be demolished and repair/restoration occur.*

**Response:** this is a separate compliance matter, referred to the Council's Manager Compliance.

**Issue:** *exceeds FSR standard.*

**Response:** the proposed FSR is discussed in the body of the report. The FSR has been reduced so as to be no greater than that previously approved.

**Issue:** *exceeds building height standard*

**Response:** the proposed building height is discussed in the body of the report. The height is no greater than that previously approved.

**Issue:** *extent of unauthorised excavation*

**Response:** this has been discussed in detail in the body of the report.

**Issue:** *roofing material is highly reflective*

**Response:** the materials and finishes schedule indicate a matte titanium roof is proposed.

**Issue:** *non-compliance with the height covenant affecting the property and benefitting 21 Thompson Street in part due to proposed plantings.*

**Response:** relevant conditions of consent are proposed ensuring compliance with the covenant.

## **2.5 Public Interest**

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

### **3. REFERRALS**

#### **3.1 Stormwater – Creating Waverley**

The application was referred to Council's Stormwater Engineer who has advised that the plans are satisfactory with respect to the stormwater details. Standard conditions have been included.

#### **3.2 Urban Ecology Coordinator Environmental Sustainability**

The application was referred to Council's Urban Ecology team who advised that given the property lies adjacent to a bushland remnant, section 3.1 of Part B3 of WDCP 2012 applies. The submitted landscape plans do not comply with control (c) which requires a minimum of 90% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1. It is recommended that the landscape plans be amended to comply with this control. A relevant condition has been included.

#### **3.3 Fire Safety Officer**

The application was referred to Council's Fire Safety Officer who advised there were a number of non-compliances with the BCA. The applicant was requested to provide an updated BCA report. An updated BCA report was received, which advises that the proposed building is capable of complying with the BCA. Given the development relates to a building that is not yet constructed, the building will be required to comply with the relevant clauses of the BCA.

### **4. SUMMARY**

The possible redevelopment of the subject site has a long history of development applications, development consents and two recent appeals to the Land and Environment Court, all of which are detailed in the opening sections of this report.

The current application seeks to amend an existing consent DA-365/2014A for a dwelling house to allow a dual occupancy use including internal modifications, some additional excavation to accommodate a car lift and some backfilling of unauthorised excavation.

The application does not propose any increase in FSR or building height over and above that already approved.

While the previous DA-404/217 for the site was refused by the Land and Environment Court on jurisdictional grounds (first appeal), that decision was overturned on appeal (second appeal). The matter is again before the Court for determination based on the planning merit contentions and evidence considered by the Court in the first appeal.

During the course of the first appeal the then application was amended by the applicant, in response to concerns raised by the Council, to the point where the Council's planning expert and the Council were satisfied that the application warranted approval by the Court. Importantly, the FSR was significantly reduced, so as to be no greater than that previously approved by the Council.

The current application is the same as that application, as amended, that remains before the Court, and which has been recommended for approval by the Court.

The proposal continues to exceed the FSR and height development standards applying to the site – but importantly by no more than previously approved. In relation to FSR, this is a significant change to DA-404/2017 refused by the Panel at its meeting on 28 March 2018.

The applicant has submitted clause 4.6 exceptions which are considered to warrant the support as the building envelope is very similar to the previous DA approval issued DA-365/2014/A and also the approved development applications prior to that. The proposed development does not have any additional height or FSR than previously approved. All development is contained within the existing bulk of the building and is not considered to create additional adverse environmental impacts such as overshadowing, loss of privacy or view impacts to adjoining properties.

As detailed in this report, excavation has been a major issue considered by the Court and raised in objections. The report deals in detail with the issues associated with excavation and relevant conditions of consent are included.

The application has been assessed against the Waverley LEP, DCP and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and is recommended for approval.

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

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

**Report prepared by:**

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

**Stuart McDonald**  
**SJB Planning**  
**Consultant Planner to Waverley Council**  
**Date: 20/12/19**

**Mitchell Reid**  
**Executive Manager, Development Assessment**  
**Date: 31/1/20**

### **Reason for referral**

- 1 Conflict of interest
- 2 Contentious development (10 or more objections)
- 3 Departure from any development standard in an EPI by more than 10%



## APPROVED DEVELOPMENT

### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) The following Architectural Plans, prepared by Wallace E. Cunningham Inc, received by Council on 27 May 2019:

<b>Drawings</b>	<b>Stamp Date Received</b>
A1.1 Site Plan	27 May 2019
A2.0 Roof Plan	27 May 2019
A10.01/1 Floor Plan Level 5 – Living Dwelling 1	27 May 2019
A10.02/1 Floor Plan Level 5A – Entry	27 May 2019
A10.03/1 Floor Plan Level 4 – Bed Dwelling 1	27 May 2019
A10.04/1 Floor Plan - Level 3 - Master Bed Dwelling 1	27 May 2019
A10.05/1 Floor Plan – Level 2 - Loft	27 May 2019
A10.06/1 Floor Plan – Level 1 - Living	27 May 2019
A10.07/1 Floor Plan – Level 0 - Bedrooms	27 May 2019
A10.08/1 Section A	27 May 2019
A10.09 Section A with excavation survey overlay	27 May 2019
A10.10 Section B	27 May 2019
A10.11 Section C	27 May 2019
A10.12 Section D	27 May 2019
A10.13 Section E	27 May 2019
A10.10/1 Section F	27 May 2019
A10.15 North Elevation	27 May 2019
A10.16 East Elevation	27 May 2019
A10.17 South Elevation 2	27 May 2019
A10.18 West Elevation	27 May 2019
A4.9 Elevation 4 – West – colour code	27 May 2019
A5.6 Section F	27 May 2019
A7.0 Exterior finish schedule	27 May 2019

- (b) Landscape Plans prepared by Myles Baldwin Design dated 16 May 2019:

<b>Drawing No.</b>	<b>Stamp Date Received</b>
MBD_2IT_01, Cover Page, Issue C	27 May 2019
MBD_2IT_02, Entry Level Plan, Issue C	27 May 2019
MBD_2IT_03, Level 1 Balcony Plan, Issue C	27 May 2019
MBD_2IT_04, Lower Bedroom Level Plan, Issue C	27 May 2019

- (c) Sediment & Erosion Control Plan, No. H5505, Rev B, dated 25/7/2014, prepared by &M Group;
- (d) Stormwater plans prepared by at&l, Project No. 17-482, drawing numbers DAC001, DAC010, DAC015, DAC016, DAC020, DAC030, all Issue P4, dated 1 May 2019;
- (e) BASIX Certificate;

- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B1 Waverley DCP 2012.

Except where amended by the following conditions of consent;

## **2. MODIFICATION OF DEVELOPMENT CONSENT 365/2014/A**

Pursuant to section 4.17(1)(b) and (5) (previously section 80A(1)(b) and (5)) of the *Environmental Planning and Assessment Act 1979*, Development Consent No.365/2014 dated 23 December 2014 as modified by Section 96 application No.365/2014/A dated 18 September 2015 are modified as necessary so that each of these development consents are consistent with this development consent. In this respect Condition 1 of Development Consent No. DA-365/2014/A are modified to include the approved architectural plans and BASIX certificate referred to in Condition 1 above.

## **3. RELATIONSHIP TO DEVELOPMENT CONSENT DA-365/2014/A**

This development consent shall operate concurrently with Development Consent No.DA-365/2014/A and the applicant shall comply with the conditions of that Consent when undertaking the works approved in this amending development consent.

A separate construction certificate is to be obtained for works approved under this amending development consent to combine the approved works with those works being undertaken in accordance with Development Consent No.DA-365/2014/A. All conditions of consent imposed on Development Consent No.DA-365/2014/A are to be read in conjunction with this development consent.

## **4. NATIONAL CODE OF CONSTRUCTION – CHANGE IN CLASSIFICATION**

The approved development now contains portions of a Class 2 and Class 7 building under the NCC and will requires an assessment of the fire safety implications prior to the release of a Construction Certificate. In particular, attention is drawn to the requirements for any protection of openings and the impact this may have on the external finishes and windows. Should any design changes to the external façade be required to address the NCC, those details are to be submitted to and approved by the Executive Manager, Building Waverley, Waverley Council, prior to the issue of a Construction Certificate.

## **5. LANDSCAPE PLAN**

- (a) The landscape plan is to be amended to replace those plantings within the RL 36.4 covenant areas at the eastern and western sides of the development with species that have a growth height at full maturity that do not extend above the RL36.4 height of the restrictive covenant on title. The landscape plan is to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate;
- (b) The landscape plan is to be amended to replace those plantings within the RL26.94 covenant areas at the eastern, western and northern sides of the development with species that have a growth height at full maturity that do not extend above the RL26.94 height of the restrictive covenant on title. The landscape plan is to be submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
- (c) The landscape plan is to be amended to provide a minimum of 90% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 – 1 of Waverley Development Control Plan 2012. It should be noted that cultivar species such as Lomandra ‘Little Pal’, are not considered to be indigenous or locally native. Potential and recognized weeds such as Hedera canariensis and Jasminum azoricum need to be omitted from the plans.

**6. PROPOSED GRADE LINE**

The plans are to be amended to show the location of the proposed grade line and any associated structures, located below the restrictive covenant height of RL26.94, with amended plans being submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

**7. PROPOSED REAR GATE TO TAMARAMA PARK RESERVE AT NORTHERN BOUNDARY**

The proposed rear entry/exit gate located at the northern rear boundary and adjoining Tamarama Park is not to open outwards over that property boundary with details being submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

**8. REMOVAL OF REFERENCE TO POOL LEVEL**

Any reference to Pool and Pool level being deleted from the approved plans, with details being submitted and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

**9. NO STRUCTURES OR PLANTINGS ABOVE COVENANTS**

No structures of any kind and including but not limited to plantings, screens, fences and retaining walls, are to be located above the covenant levels RL36.4 and RL 26.94 as identified on the approved plans

**10. UPDATED GEOTECHNICAL INFORMATION INCLUDING EXCAVATION AND BACKFILLING**

- a) The extent of excavation approved is strictly limited to that detailed in the approved drawings for DA-163/2019
- b) To the extent that the site, through previous action prior to the issue of the consent, has been over-excavated greater than necessary to accommodate approved Level 0, as approved under this consent, then the site is to be back-filled to comply with the land profile and levels approved in this consent
- c) Geotechnical engineering drawings prepared by a suitably qualified and experienced geotechnical engineer are to be submitted and approved by Council detailing the back-filling consistent with this condition, prior to the lodgement of any Construction Certificate.
- d) All back-filling, including any approved method of support for the backfilling under c), is to occur prior to any other works occurring on the site.
- e) Upon completion of the back-filling, the works are to be certified in writing by a suitably qualified and experienced geotechnical engineer as being consistent with the terms of this consent, including confirmation of finished levels and the structural stability of the fill to sustain the proposed construction of the development. This certification must be issued to the Council prior to the lodgement of any Construction Certificate.
- f) The issue of any Construction Certificate must include details of the certified approved fill.

**11. UPDATED STRUCTURAL ENGINEERING DRAWINGS**

Updated structural engineering drawings detailing:

- a) The independent structural integrity of the proposed building demonstrating no reliance of any form on neighbouring properties or land. The drawings are to include detailed sections showing property boundary locations and be fully dimensioned identifying the exact location of the proposed structure(s) within the site and the location of adjoining land. The drawings are to also accurately

identify, based on certified survey information, the exact location of the Sydney Water sewer main that intersects the south-eastern corner of the subject site as well as where the sewer main is located as it extends north-south on the adjoining land at No. 23 Thompson Street.

- b) The structural support to be incorporated along and adjacent to the eastern and western boundaries of the site in order to ensure the adjoining properties and the Sydney Water sewer main are fully protected and retained and in no way impacted or undermined by the proposed works. The drawings are to include detailed sections showing property boundary locations, the Sydney Water sewer main location and be fully dimensioned identifying the exact location of the proposed structure(s) within the site and the location of adjoining land.

The updated structural engineering drawings must be subject to and supported by a written peer review prepared by a suitably and experienced structural engineer.

The updated structural engineering drawings and peer review are to be submitted to the Council for the separate written approval of the Council's Executive Manager Development Assessment prior to the lodgement of any construction certificate.

## **12. APPROVAL OF SYDNEY WATER**

The updated structural engineering drawings required by Condition 11 of this consent are to be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. In particular the written approval of Sydney Water is required regarding the acceptability of the development in relation to the sewer main that traverses the south-eastern corner of the site and extends in a north-south alignment through the neighbouring property at No 23 Thompson Street.

Written confirmation from Sydney Water is to be provided to the to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

## **11. UPDATED CONSTRUCTION MANAGEMENT PLAN (CMP)**

An updated Construction Management Plan which addresses the revised design under this modified development application is to be submitted prior to the release of the Construction Certificate by a suitably qualified expert and be to the satisfaction of the Principal Certifying Authority. The CMP is to include but not be limited to the following:

- (a) Geotechnical engineer's design and construction recommendations as concluded in the report required by condition 10.
- (b) Structural engineering plans and report detailing the type and method of excavation, retaining structures, footings and dwelling design as required by condition of this consent.
- (c) The Construction Vehicle and Pedestrian Plan of Management (CVPPM) as required by condition 16 of development consent DA-365/2014/A.
- (d) Construction Methodology Plan detailing materials handling, methods of construction and programming.



The CMP shall detail any precautionary works required to be undertaken on the subject property to protect the structural integrity of adjoining properties.

A copy of the updated CMP referred to in this condition and the documents referred to in conditions 10 and 11 shall be provided to the owner of **19 Thompson Street** and **23 Thompson Street** prior to release of the Construction Certificate.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **12. SECTION 7.12 CONTRIBUTION**

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

(i) A development valued at \$100,000 or less will be exempt from the levy.

(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR

(iii) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

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

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

### **13. LONG SERVICE LEVY**

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

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

### **14. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$230,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

### **15. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

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

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

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **16. PRIOR TO SITE WORKS**

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

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

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

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

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

The specified MANDATORY inspections are:

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

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

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

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

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

Application No: DA-163/2019  
Date Received: 27/05/2019

**A M E N D E D P L A N S**

A10.00	-	COVER PAGE	DATE OF REVISION	-	13/05/2019
A	-	THERMAL LIVING ASSESSMENT PLAN	DATE OF REVISION	-	16/5/2019
S1.0	-	SURVEY	DATE OF REVISION	-	15/6/2017
A1.1	-	SITE PLAN	DATE OF REVISION	-	13/05/2019
A1.2	-	OPEN SPACE DIAGRAM PLAN	DATE OF REVISION	-	13/05/2019
A1.3	-	LANDSCAPE DIAGRAM	DATE OF REVISION	-	13/05/2019
A1.4	-	STREET FRONTAGE DIAGRAM	DATE OF REVISION	-	13/05/2019
A2.0	-	ROOF PLAN	DATE OF REVISION	-	13/05/2019
A10.01	-	FLOOR PLAN - LEVEL 5, DWELLING 1, LIVING - 149M <sup>2</sup>	DATE OF REVISION	-	13/05/2019
A10.02	-	FLOOR PLAN - LEVEL 5A, DWELLING 1+2, ENTRY - 37M <sup>2</sup>	DATE OF REVISION	-	13/05/2019
A10.03	-	FLOOR PLAN - LEVEL 4, DWELLING 1, BED - 140M <sup>2</sup>	DATE OF REVISION	-	13/05/2019
A10.04	-	FLOOR PLAN - LEVEL 3, DWELLING 1, MASTER BED- 91.5M <sup>2</sup>	DATE OF REVISION	-	13/05/2019
A10.05	-	FLOOR PLAN - LEVEL 2, DWELLING 2, LOFT - 15M <sup>2</sup>	DATE OF REVISION	-	13/05/2019
A10.06	-	FLOOR PLAN - LEVEL 1, DWELLING 2, LIVING -143M <sup>2</sup>	DATE OF REVISION	-	13/05/2019
A10.07	-	FLOOR PLAN - LEVEL 0, DWELLING 2, BEDROOMS - 126.5M <sup>2</sup>	DATE OF REVISION	-	13/05/2019
A10.08	-	SECTION A	DATE OF REVISION	-	13/05/2019
A10.09	-	SECTION A-With excavation overlay	DATE OF REVISION	-	13/05/2019
A10.10	-	SECTION B	DATE OF REVISION	-	13/05/2019
A10.11	-	SECTION C	DATE OF REVISION	-	13/05/2019
A10.12	-	SECTION D	DATE OF REVISION	-	13/05/2019
A10.13	-	SECTION E	DATE OF REVISION	-	13/05/2019
A-10.14	-	SECTION F	DATE OF REVISION	-	13/05/2019
A-10.15	-	NORTH ELEVATION	DATE OF REVISION	-	13/05/2019
A-10.16	-	EAST ELEVATION	DATE OF REVISION	-	13/05/2019
A-10.17	-	SOUTH - STREET ELEVATION	DATE OF REVISION	-	13/05/2019
A-10.18	-	WEST ELEVATION	DATE OF REVISION	-	13/05/2019
A6.0	-	SHADOW DIAGRAMS	DATE OF REVISION	-	13/05/2019
A6.1	-	SHADOW DIAGRAMS	DATE OF REVISION	-	13/05/2019
A6.2	-	SHADOW DIAGRAMS	DATE OF REVISION	-	13/05/2019
A7.0	-	EXTERNAL FINISH SCHEDULE	DATE OF REVISION	-	13/05/2019

CLIENT: ROSS/

SHEET TITLE: COVER PAGE

WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

SCALE: DATE: 13/05/2019  
REVISION:

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640



T m C m A m  
T m m m BASIX P

Assessor T C

Accreditation Number VIC/BDIV/12/1473

BASIX Details

C N m 0003618400  
D 1

BASIX 395m<sup>2</sup> A 48 M /m<sup>2</sup>/  
BASIX - 0m<sup>2</sup> A 38 M /m<sup>2</sup>/  
D 2

BASIX 321m<sup>2</sup> A 11.4 M /m<sup>2</sup>/  
BASIX - 11m<sup>2</sup> A 63.9 M /m<sup>2</sup>/  
Specification T m m m . M

Specification

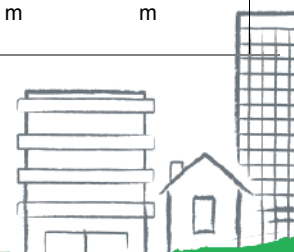
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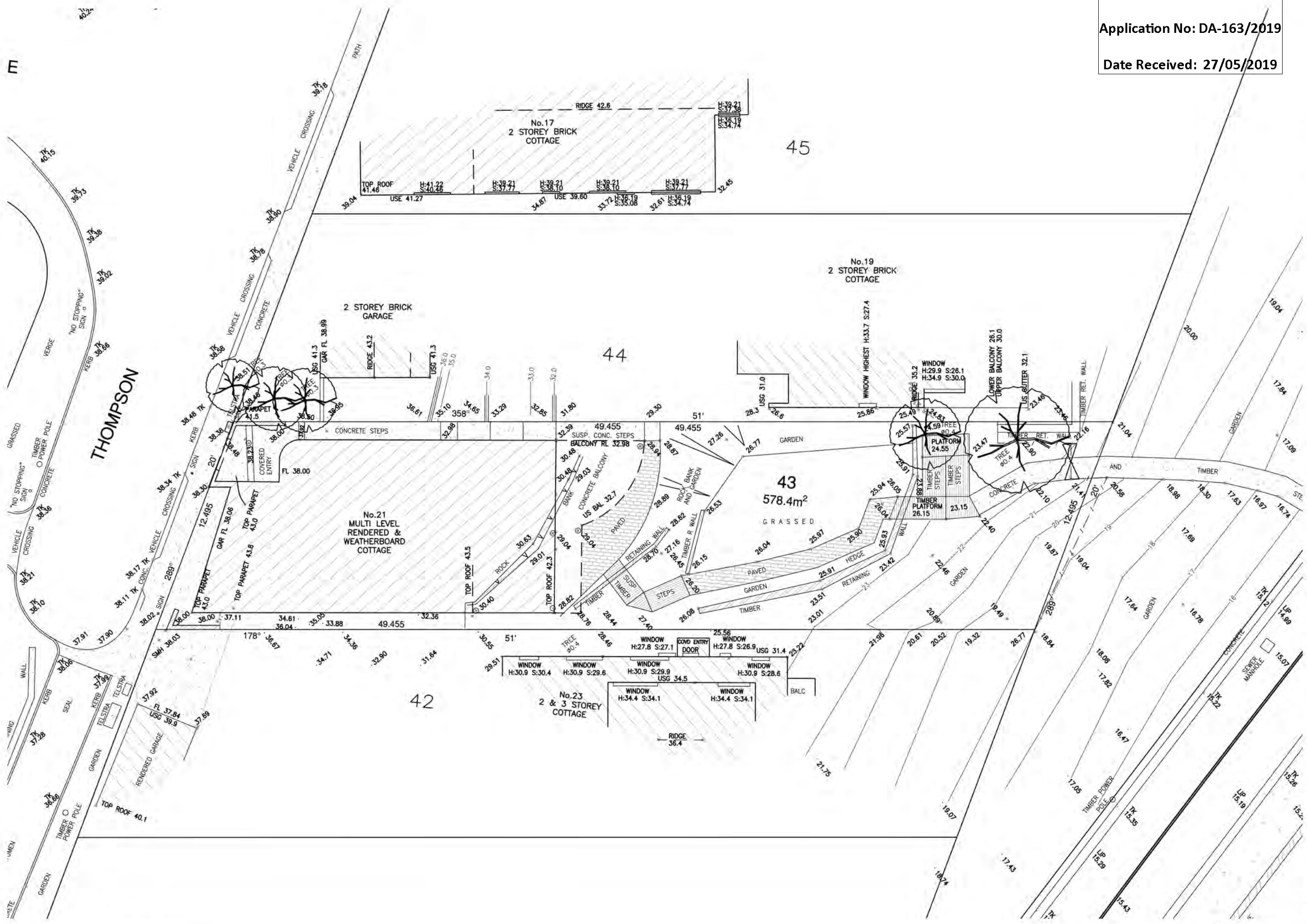
Thermal Performance Specifications

F	C S R1.0
W	E 30mm S C /50mm / 190mm C / 92mm S / R2.0 200mm D / 92mm S / R2.0 / V P SA 0.475 I M
W	A m m m m U-V 4.80 SHGC 0.59 - 10 F m m U-V 4.80 SHGC 0.59 - 10 G NFRC
S	N
C	P R2.5 L BCA 2. A m LED
R	M m m R1.0 SA 0.7
F	20mm
E	E - A P E 1 2
V	A m m

BCA requirements

I M m BASIX m 1  
NSW PART 3.12.1 B 3.12.5.0 - 3.12.5.3





**SURVEY**  
scale: 1:200

CLIENT: ROSSI

SHEET TITLE: SURVEY

WALLACE E. CUNNINGHAM, INC.

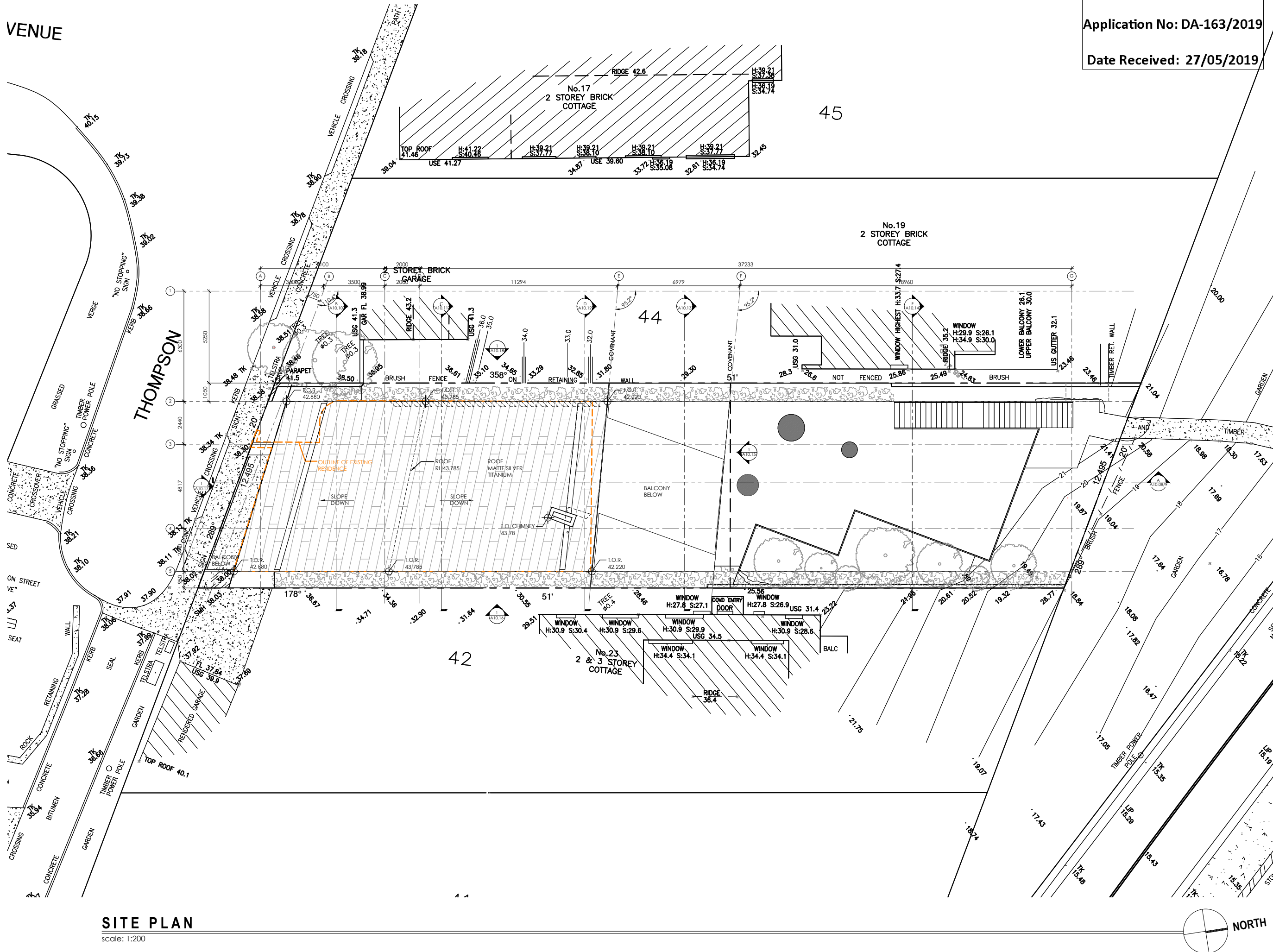
DATE: 15/06/2017 ADDRESS: 21 THOMPSON STREET TAMARAMA, NSW, 2026, AU  
REVISION:  
SCALE: 1:200  
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6  
4  
0

VENUE

RECEIVED  
Waverley Council

Application No: DA-163/2019

Date Received: 27/05/2019



SITE PLAN

scale: 1:200

CLIENT: ROSSI

SHEET TITLE: SITE PLAN

A WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

DATE: 13/05/2019  
SCALE: 1:200

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU  
REVISION:

CLIENT: ROSSI

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

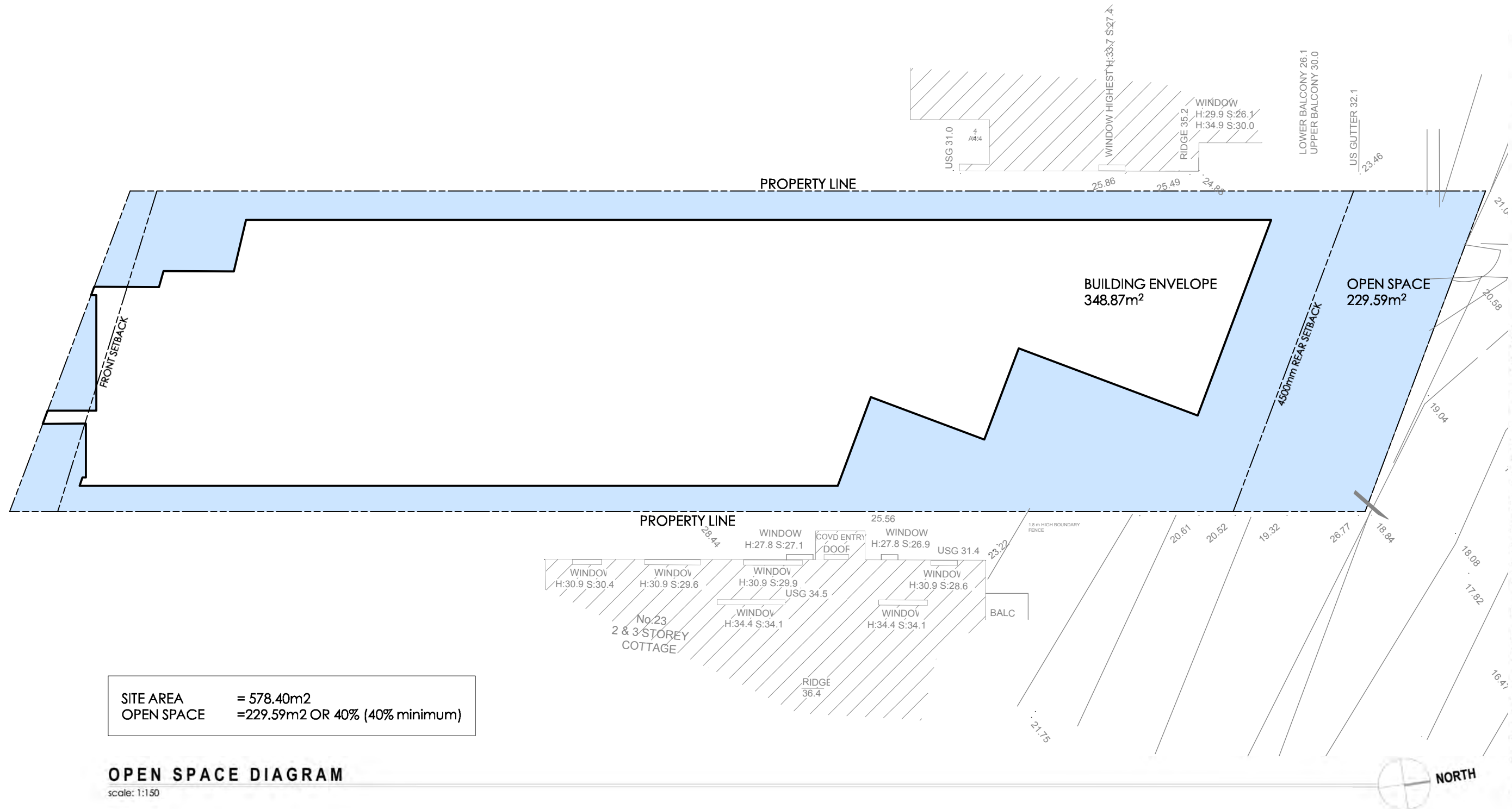
DATE: 13/05/2019  
REVISION:

SCALE: 1:150

P. O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

WALLACE E. CUNNINGHAM, INC.

## A 1.2

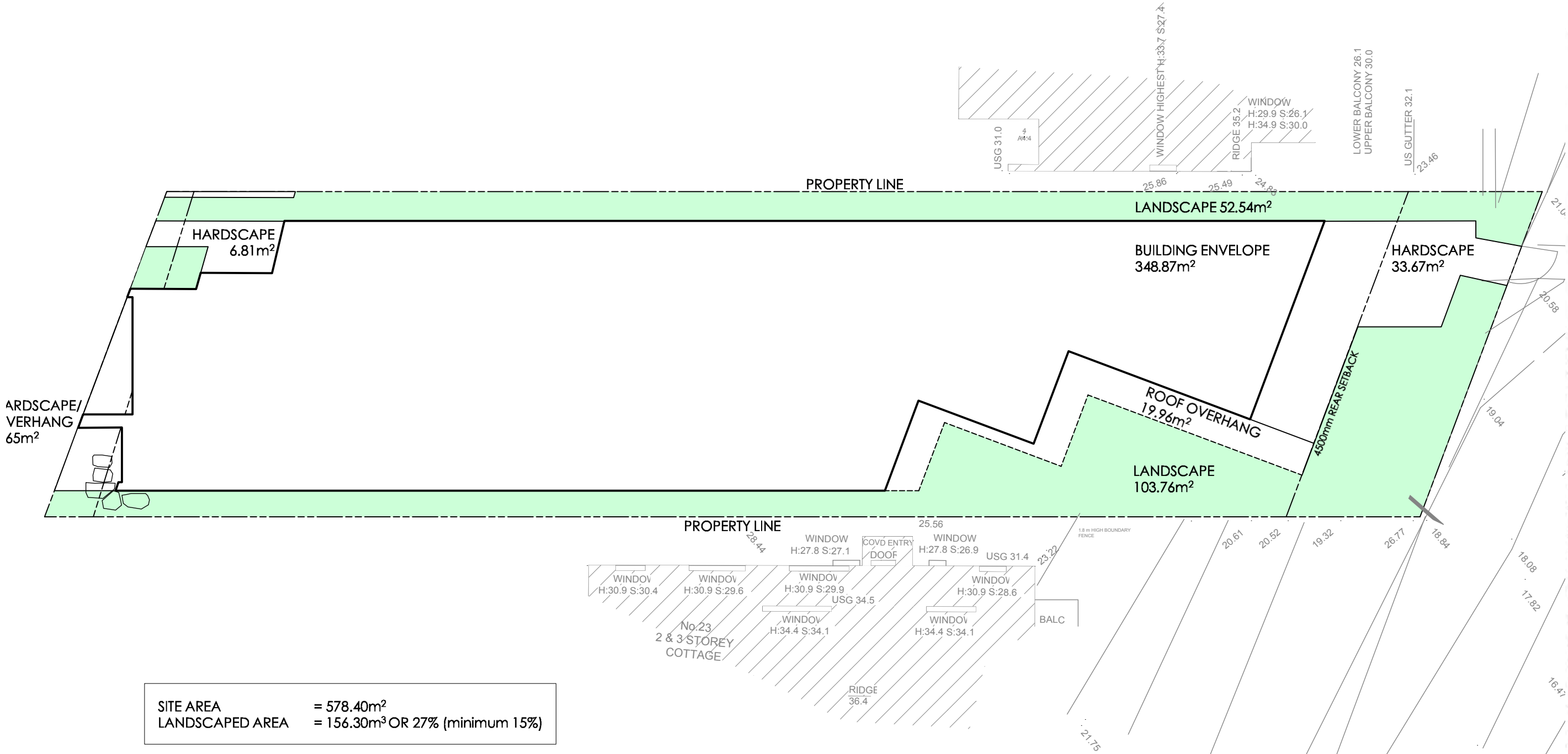


SITE AREA = 578.40m<sup>2</sup>  
OPEN SPACE = 229.59m<sup>2</sup> OR 40% (40% minimum)

### OPEN SPACE DIAGRAM

scale: 1:150





SITE AREA = 578.40m<sup>2</sup>  
LANDSCAPED AREA = 156.30m<sup>3</sup> OR 27% (minimum 15%)

LANDSCAPE AREA DIAGRAM  
scale: 1:150



CLIENT: ROSSI

SHEET TITLE: LANDSCAPE AREA DIAGRAM

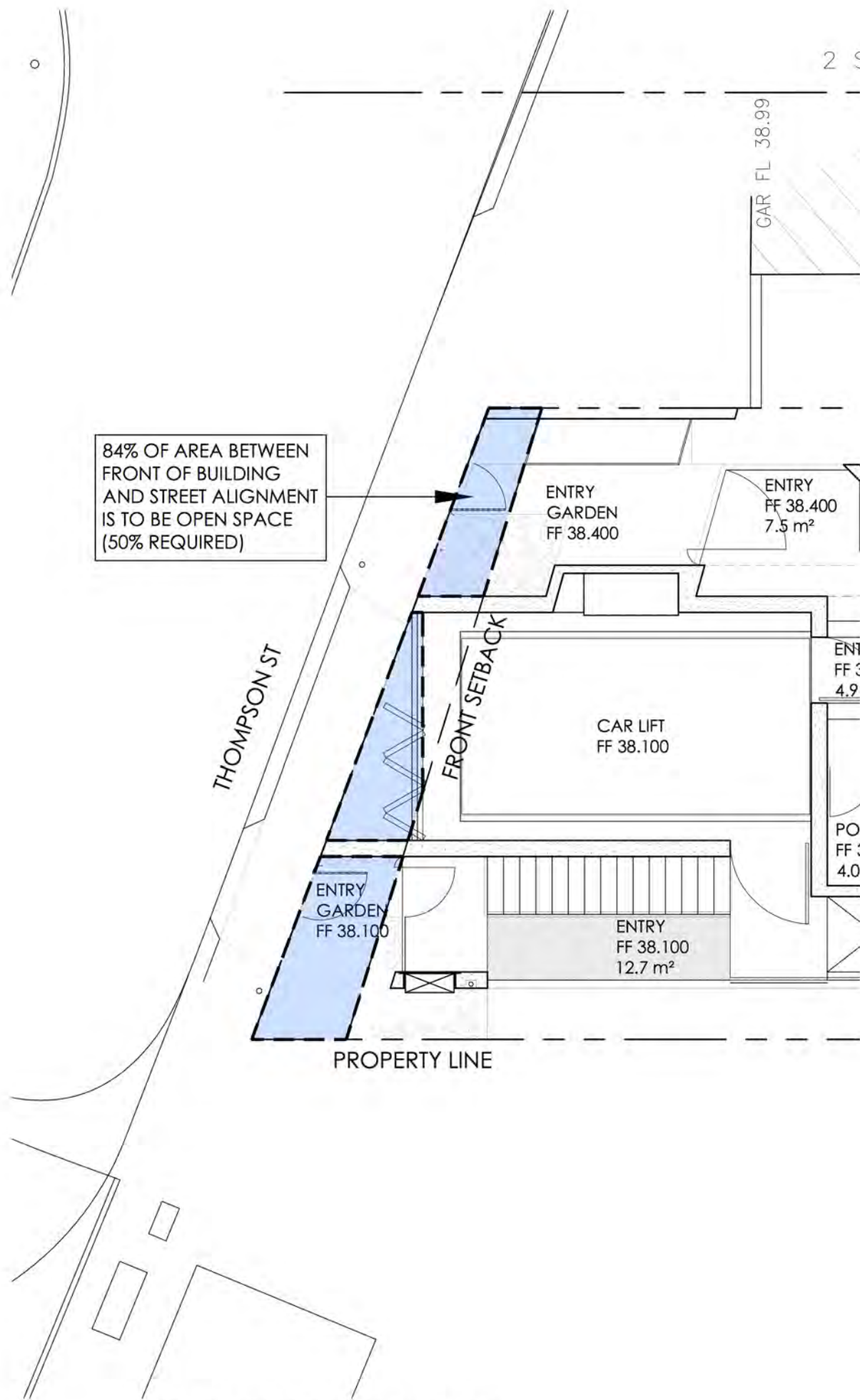
WALLACE E. CUNNINGHAM, INC.

A 1.2

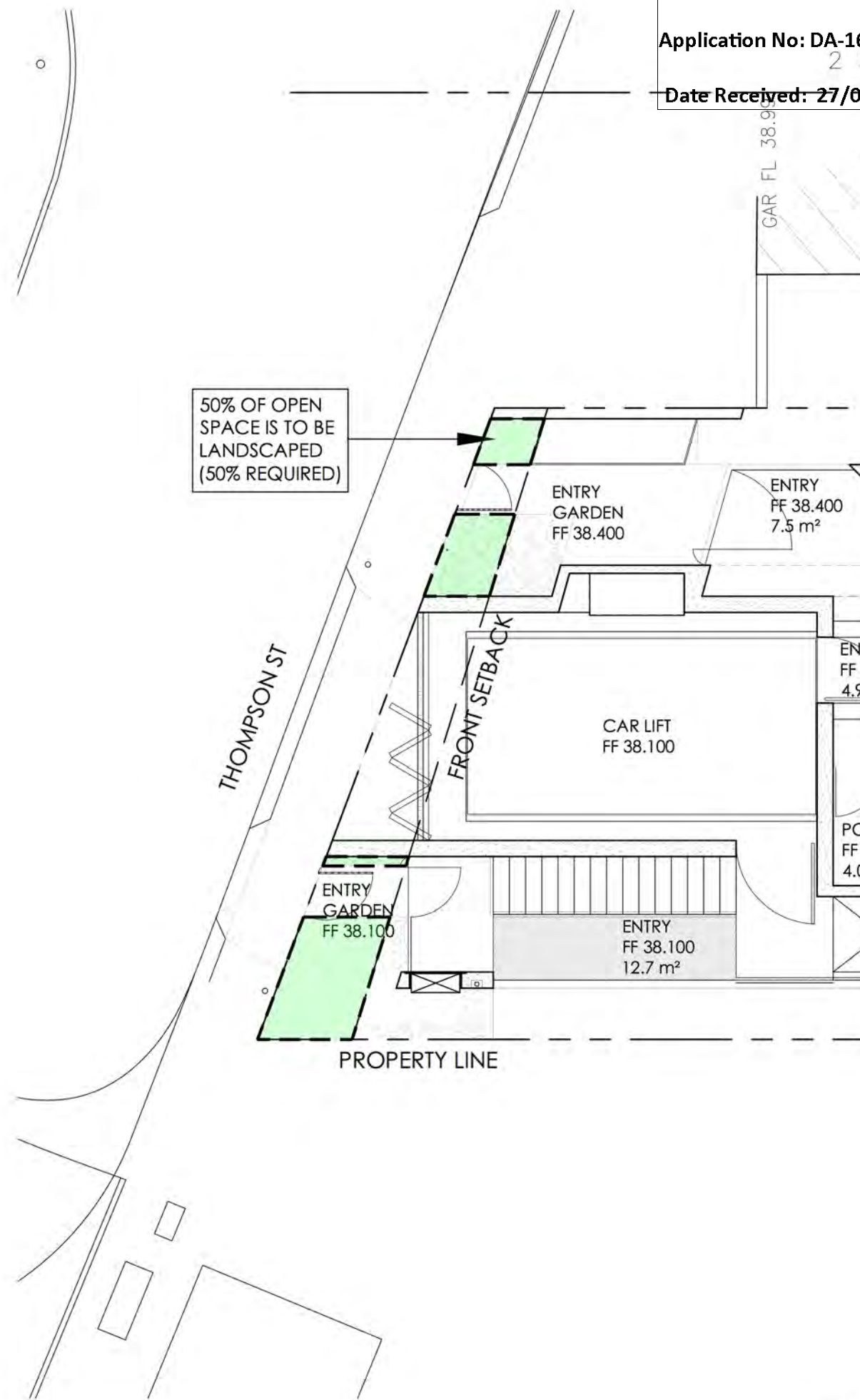
DATE: 13/05/2019  
REVISION:  
ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

SCALE: 1:150

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640



**STREET FRONT DIAGRAM**  
scale: 1:100



CLIENT: ROSSI

SHEET TITLE: STREET FRONT DIAGRAM

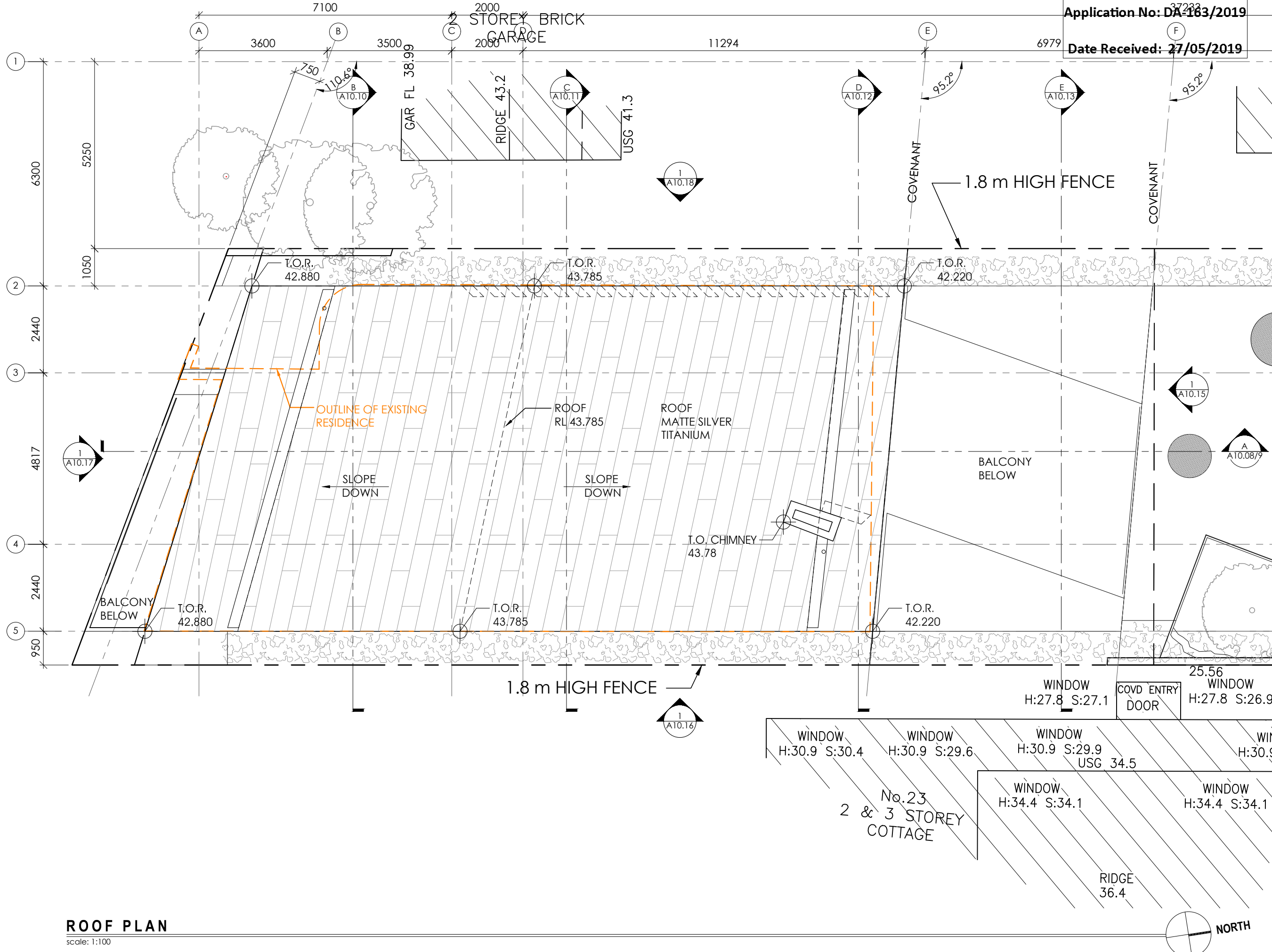
WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

DATE: 13/05/2019  
REVISION:

SCALE: 1:100

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640



**ROOF PLAN**  
scale: 1:100

RECEIVED  
Waverley Council  
Application No: DA-163/2019  
Date Received: 27/05/2019

CLIENT: ROSSI

SHEET TITLE: ROOF PLAN

WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU  
DATE: 13/05/2019  
SCALE: 1:100  
REVISION:  
P . O . B O X 3 7 1 4 9 3  
S A N D I E G O , C A 9 2 1 3 7 - 1 4 9 3  
6 1 9 . 2 9 3 . 7 6 4 0



Application No: DA-163/2019  
Date Received: 27/05/2019

4.3

Average star rating

NATIONWIDE HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

Certificate no.: 0003618400

Assessor Name: Tracey Cools

Accreditation no.: VIC/BDV/12/1473

Certificate date: 15 February 2019

Dwelling Address: 21 Thompson Tamarama, NSW 2026

4.1

Average rating

NATIONWIDE HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

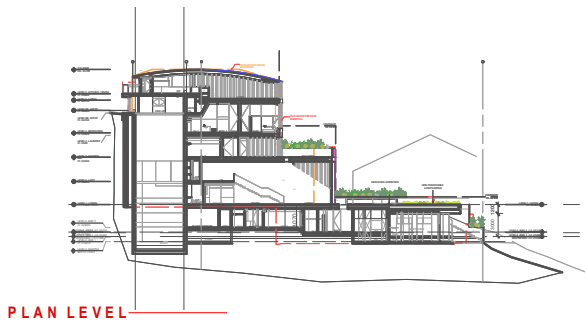
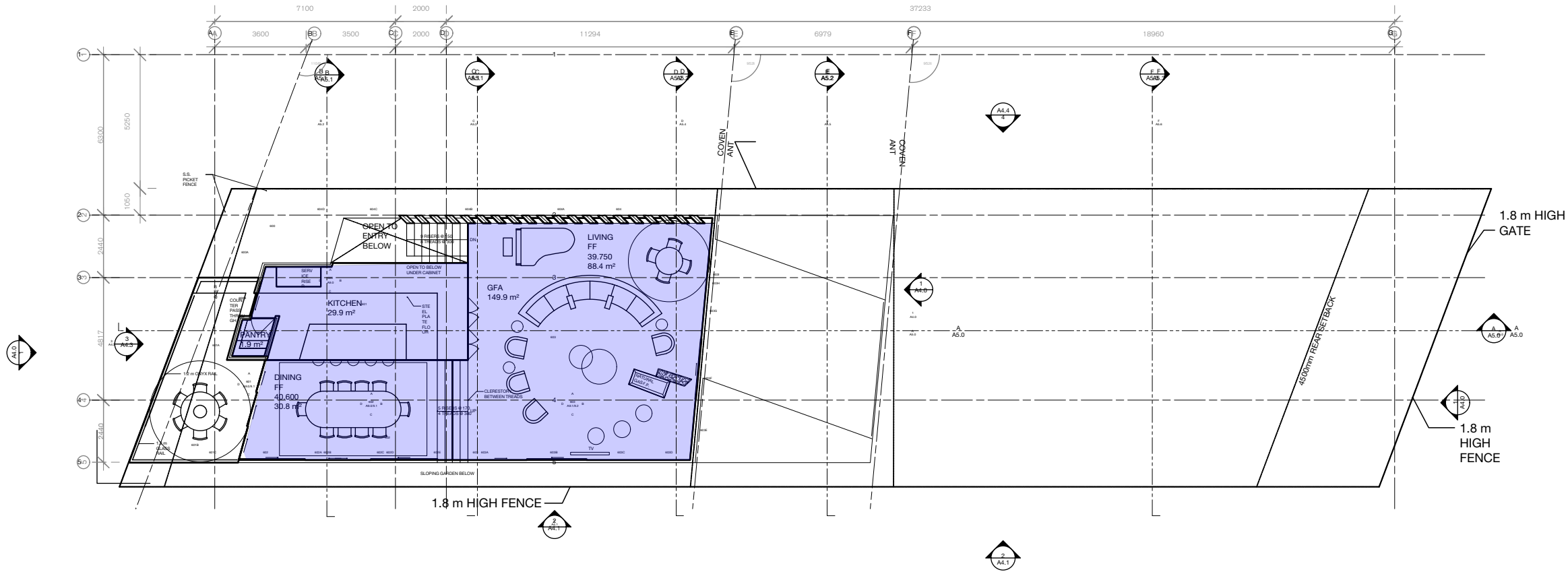
Certificate no.: 0003618295

Assessor Name: Tracey Cools

Accreditation no.: VIC/BDV/12/1473

Certificate date: 15 Feb 2019

Dwelling Address: 1, 21 Thompson Tamarama, NSW 2026



FLOOR PLAN - LEVEL 5 - LIVING- DWELLING 1 -149M2 -  
scale: 1:200

S OF ISSUES - 149

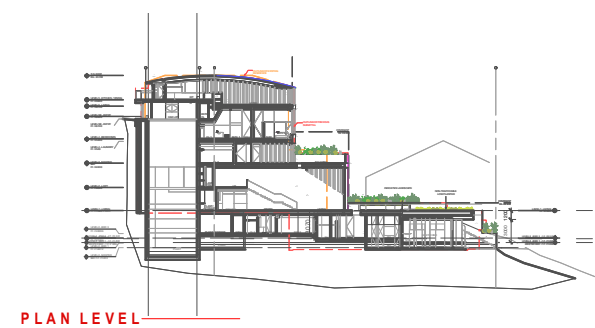
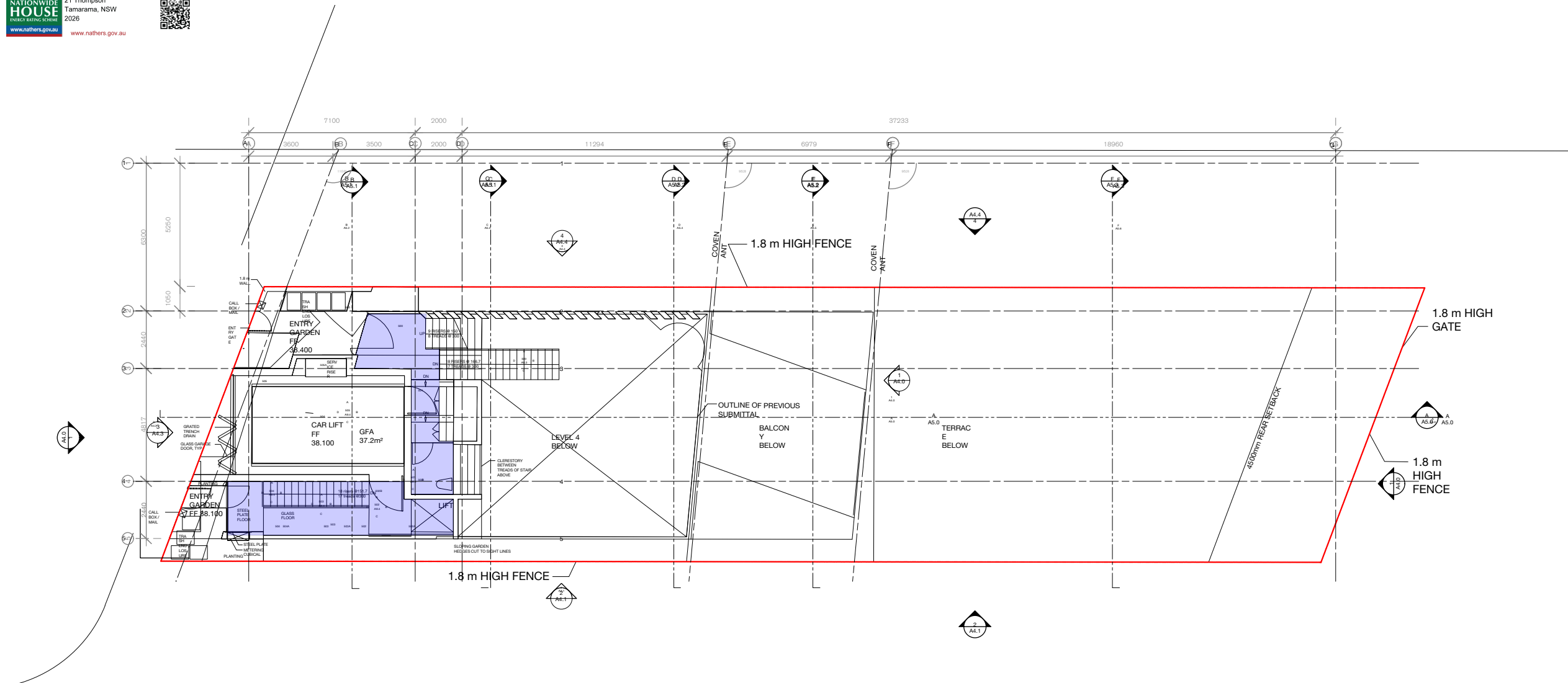
CLIENT: ROSSI  
SHEET TITLE: FLOORPLAN

SCALE: 1:200  
DATE: 27/03/2018  
REVISION: 04/02/2019  
ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

A10.01/1





WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

SCALE: 1:200  
DATE: 27/03/2018  
REVISION: 04/02/2019

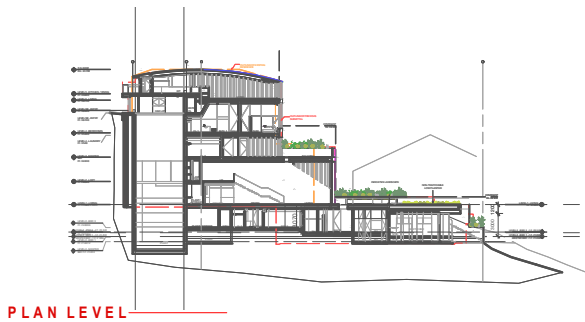
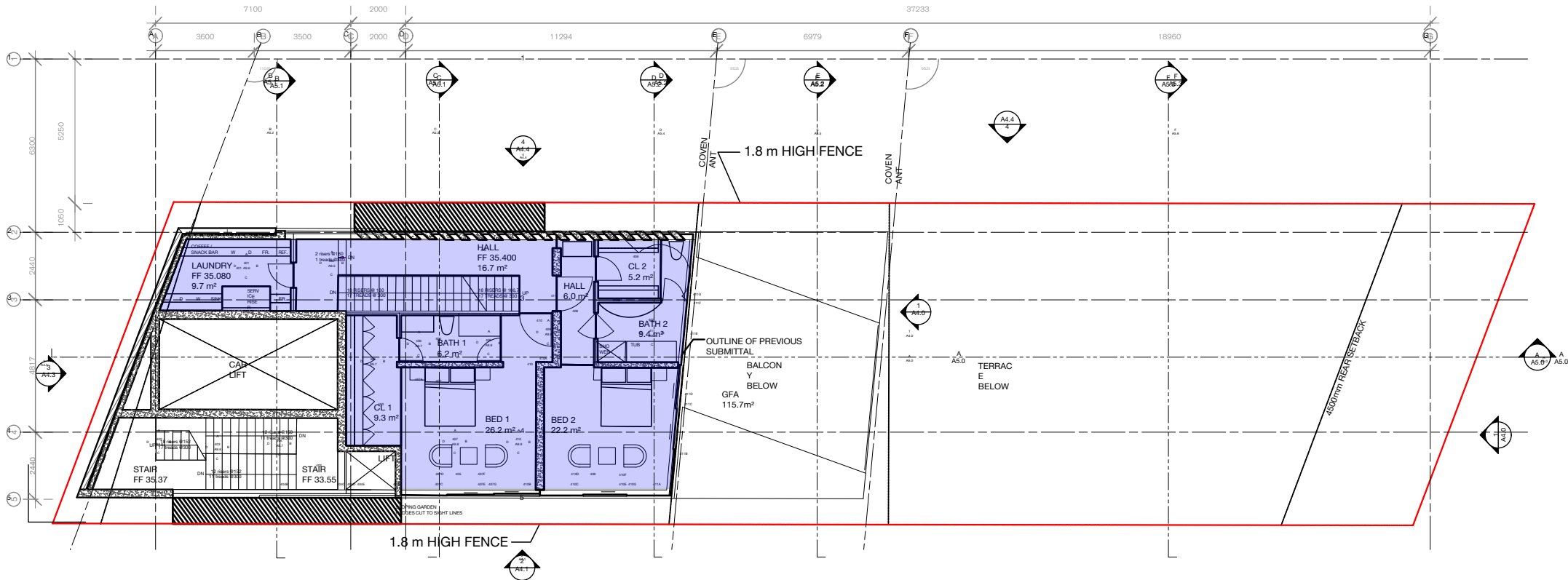
ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

**FLOOR PLAN - LEVEL 5A - ENTRY- DWELLING 1+2 -34M2 -** **S O F I S S U E S - 34 m 2**  
scale: 1:200

A10.02/1

Application No: DA-163/2019

Date Received: 27/05/2019



FLOOR PLAN - LEVEL 4 - BED- DWELLING 1 -123M2 -

scale: 1:200

S OF ISSUES - 123m2

CLIENT: ROSSI

SHEET TITLE: FLOORPLAN

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

SCALE: 1:200 DATE: 27/03/2018 ADDRESS: 21 THOMPSON STREET  
REVISION: 04/02/2019 TAMARAMA, NSW, 2026, AU

A10.03/1

Application No: DA-163/2019  
Date Received: 27/05/2019

4.3

Average star rating

NATIONWIDE HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

Certificate no.: 0003618400

Assessor Name: Tracey Coole

Accreditation no.: VIC/BDV/12/1473

Certificate date: 15 February 2019

Dwelling Address: 21 Thompson Tamarama, NSW 2026

www.nathers.gov.au

4.3

Average star rating

NATIONWIDE HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

Certificate no.: 0003618400

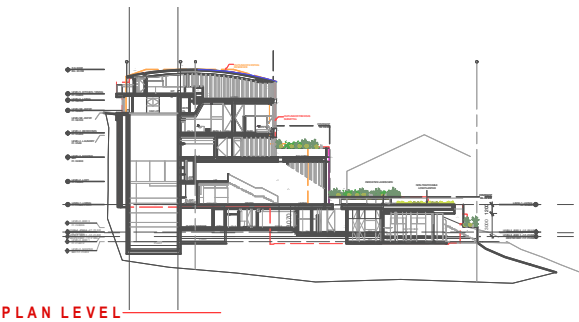
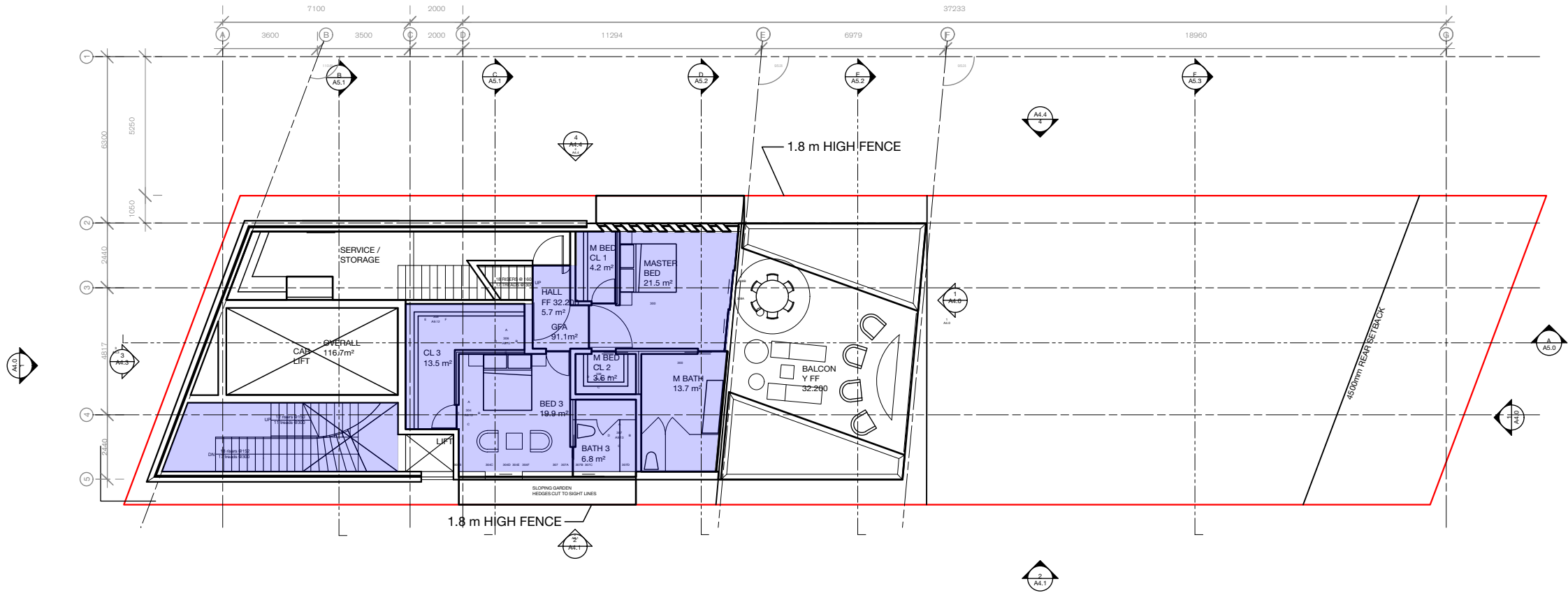
Assessor Name: Tracey Coole

Accreditation no.: VIC/BDV/12/1473

Certificate date: 15 February 2019

Dwelling Address: 21 Thompson Tamarama, NSW 2026

www.nathers.gov.au



FLOOR PLAN - LEVEL 3 - MASTER BED - DWELLING 1 - 113 M<sup>2</sup> - S OF ISSUES - 112.5 m<sup>2</sup>  
scale: 1:200

CLIENT: ROSSI  
SHEET TITLE: FLOORPLAN

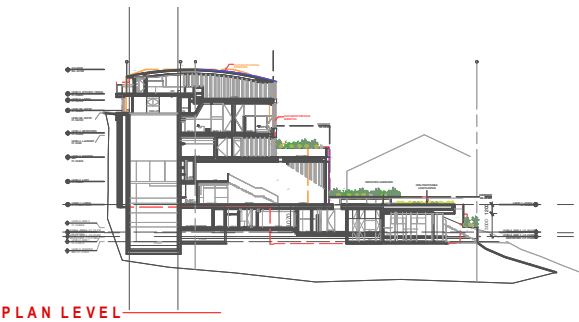
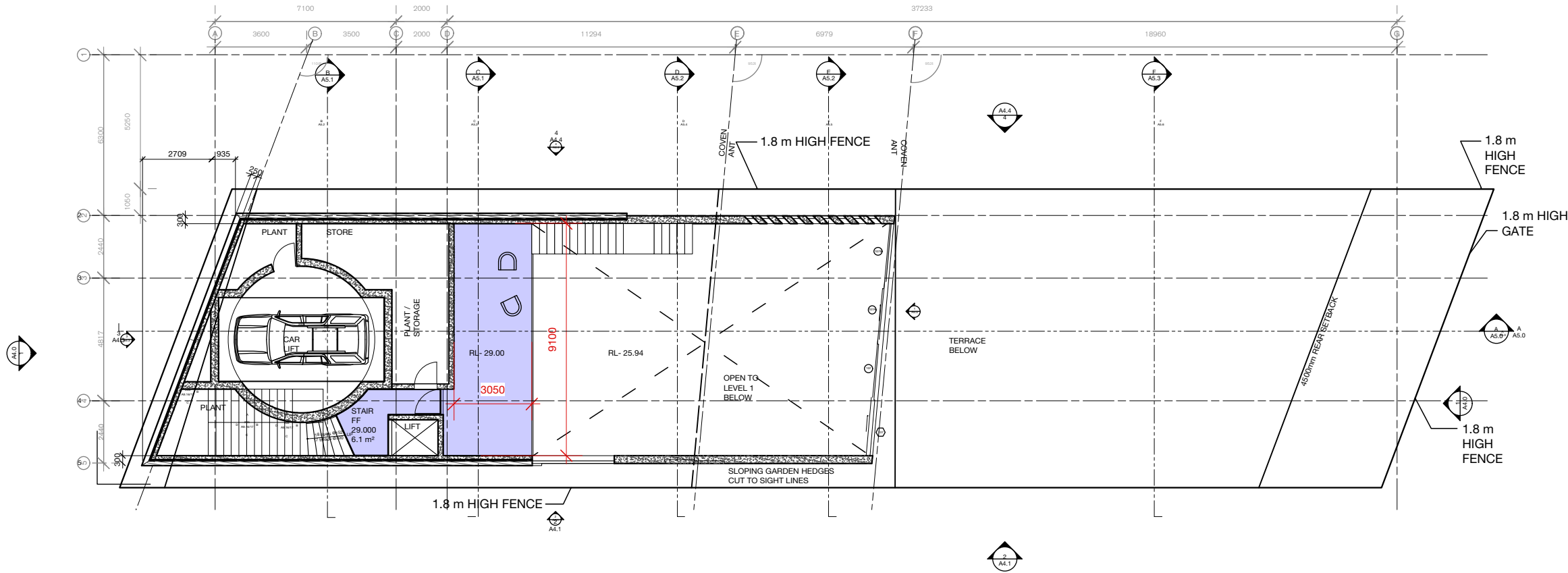
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DATE: 27/03/2018  
REVISION: 04/02/2019  
ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

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619.293.7640

A10.04/1

Application No: DA-163/2019

Date Received: 27/05/2019



FLOOR PLAN - LEVEL 2 - LOFT - 35M2

scale: 1:200

S OF ISSUES - 67 m2

CLIENT: ROSSI

SHEET TITLE: FLOORPLAN

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619.293.7640

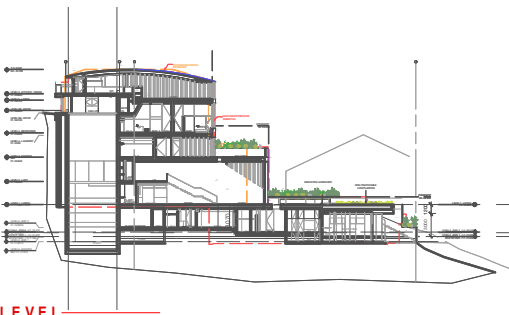
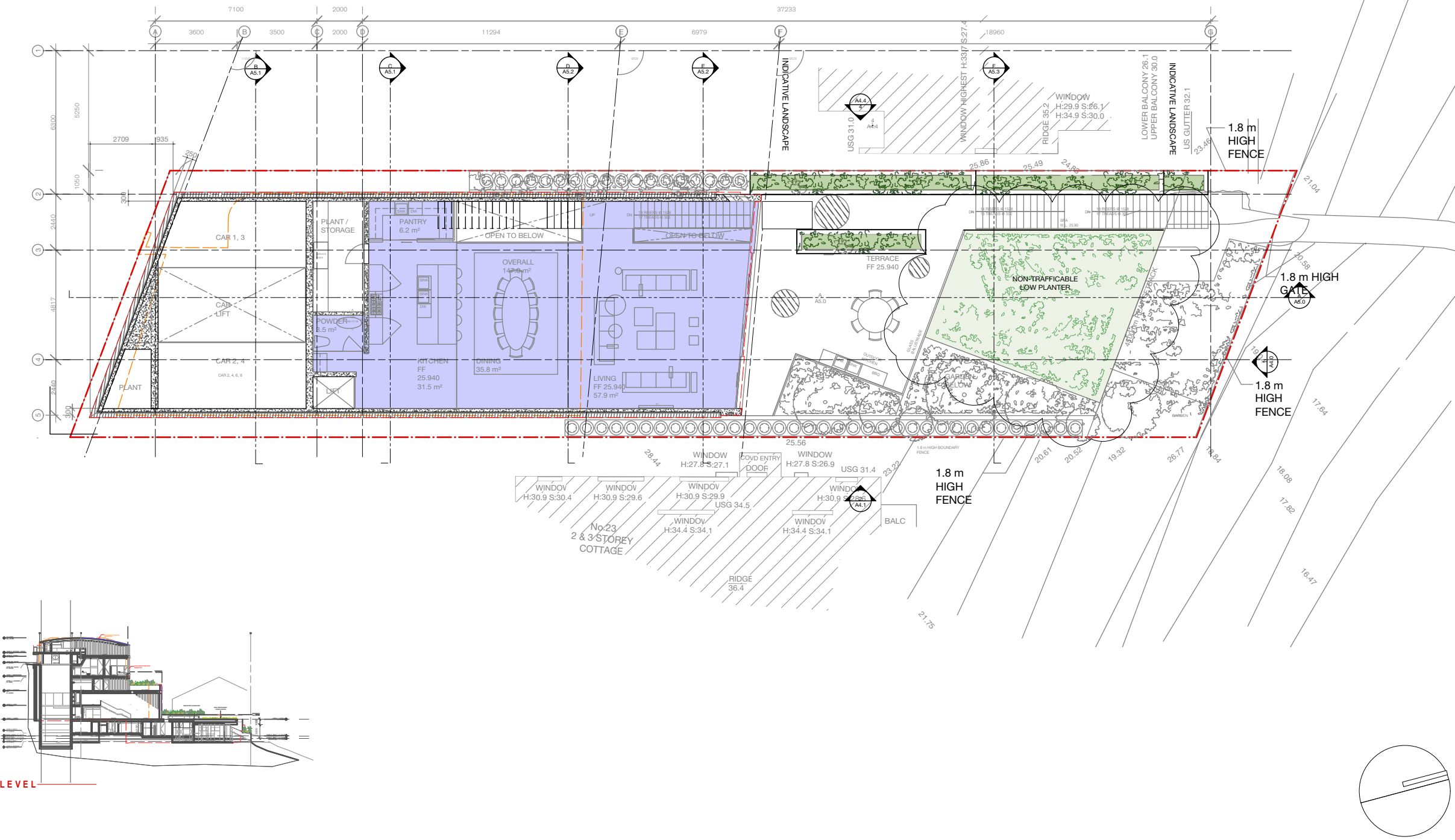
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REVISION: 04/02/2019 TAMARAMA, NSW, 2026, AU

A10.05/1



Application No: DA-163/2019

Date Received: 27/05/2019



PLAN LEVEL

FLOOR PLAN - LEVEL 1 - LIVING -143M2  
scale: 1:200

S OF ISSUES - 143m2

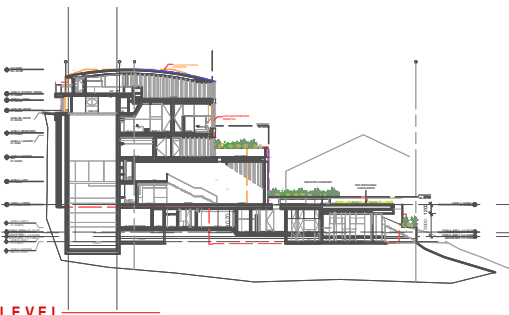
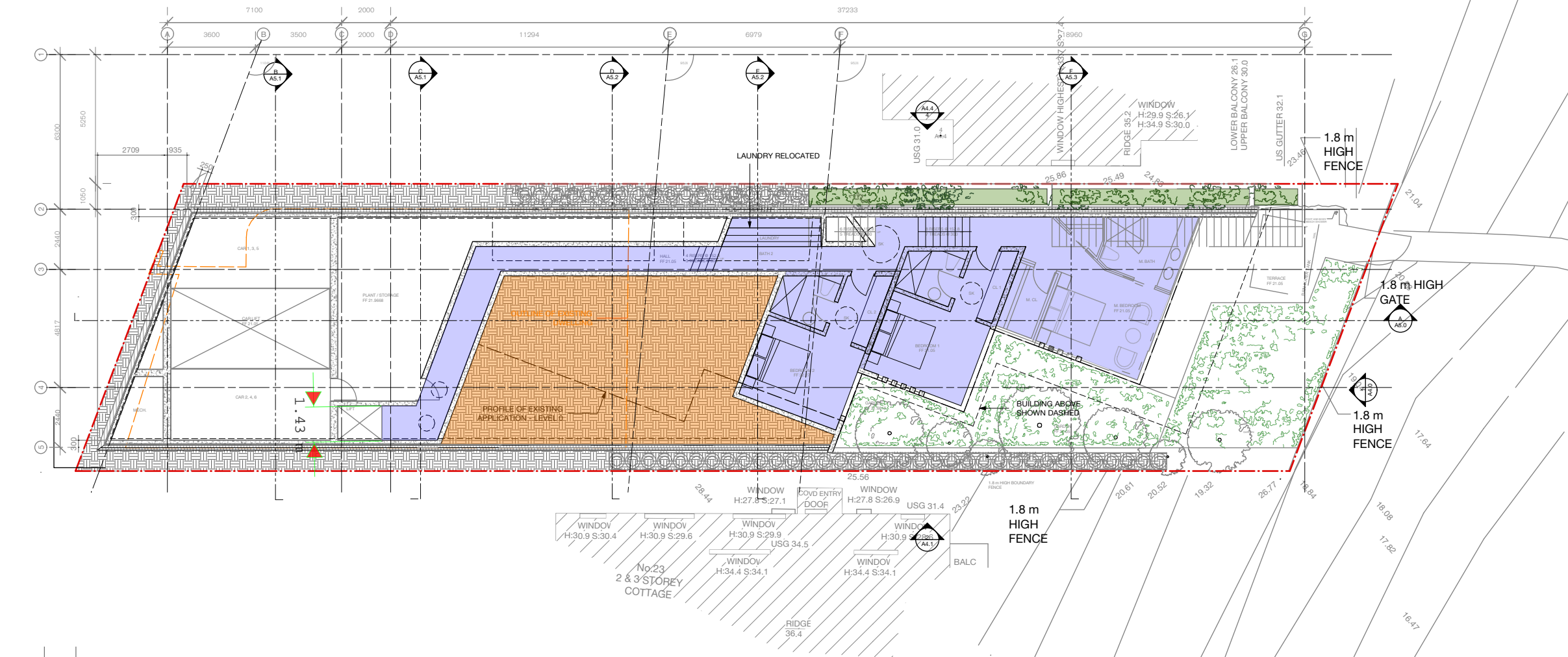
CLIENT: ROSSI  
SHEET TITLE: FLOORPLAN

DATE: 27/03/2018 ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU  
SCALE: 1:200  
REVISION: 04/02/2019

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493  
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619.293.7640

A10.06/1



Reduced Excavation Area = 81m2  
Height - 4.9m  
Volume = 396.9m3

FLOOR PLAN - LEVEL 0 - BEDROOMS - 135M2  
scale: 1:200

S OF ISSUES - 177

CLIENT: ROSSI  
SHEET TITLE: FLOORPLAN

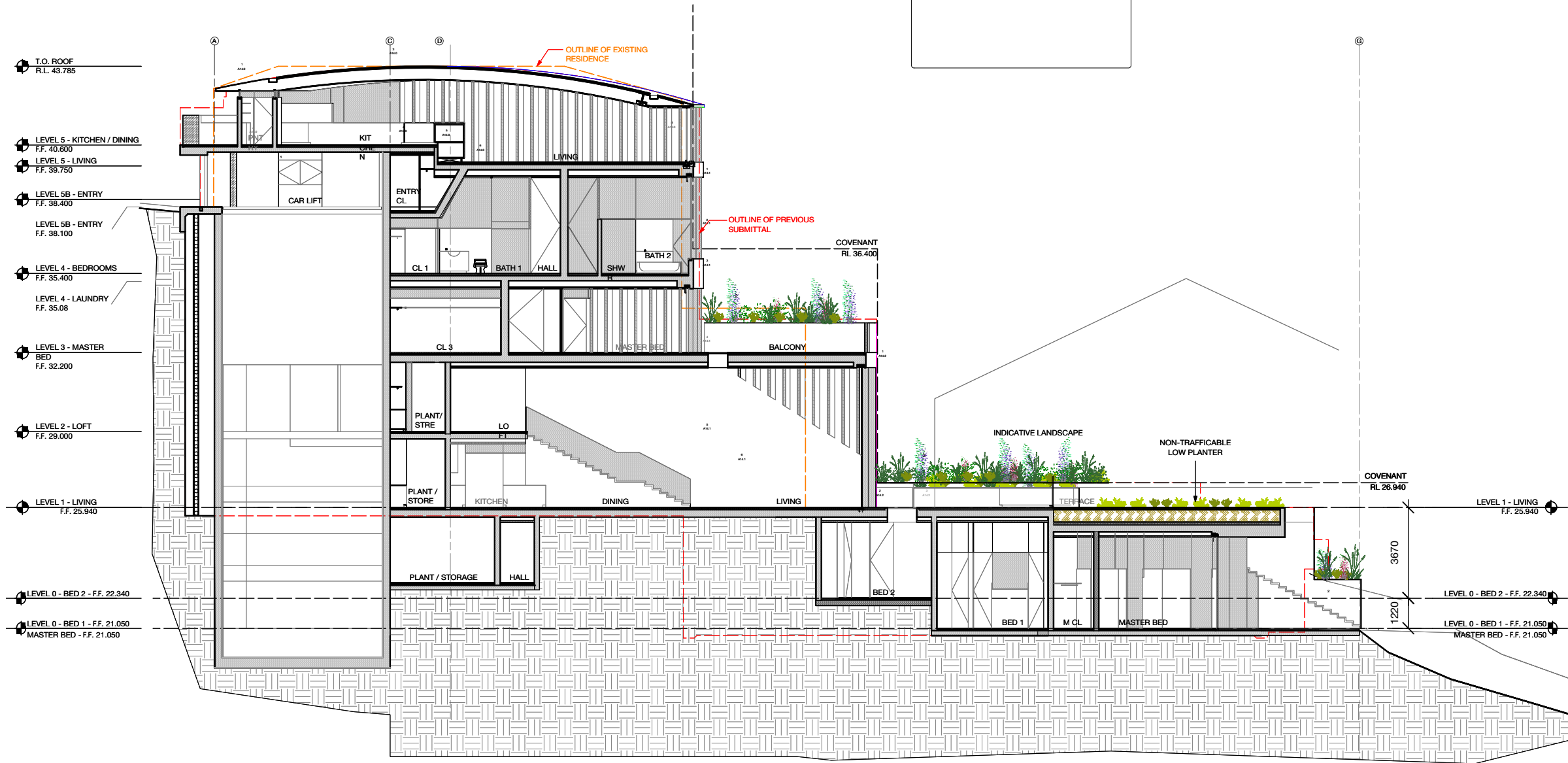
DATE: 27/03/2018 ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU  
SCALE: 1:200 REVISION: 04/02/2019

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

Application No: DA-163/2019

Date Received: 27/05/2019



SECTION A  
scale: 1:200

CLIENT: ROSSI  
SHEET TITLE: SECTIONS

SCALE: 1:200  
DATE: 27/03/2018  
REVISION: 04/02/2019  
ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

WALLACE E. CUNNINGHAM, INC.

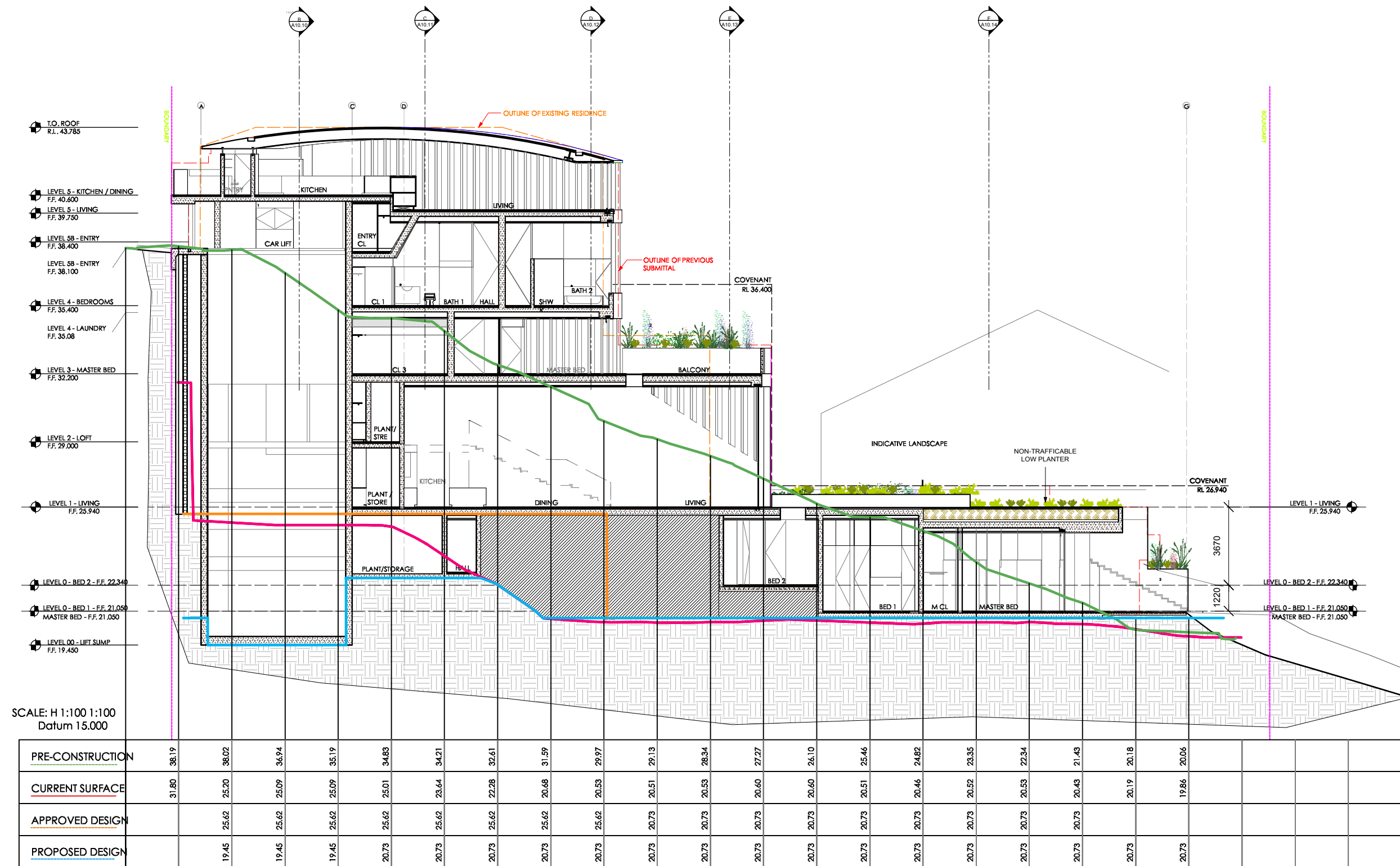
P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

A10.08/1

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

A.10.09



**SECTION A- with Excavation Survey Overlay**  
scale: 1:200@A3



Application No: DA-163/2019  
Date Received: 27/05/2019

CLIENT: ROSSI

SHEET TITLE: SECTIONS

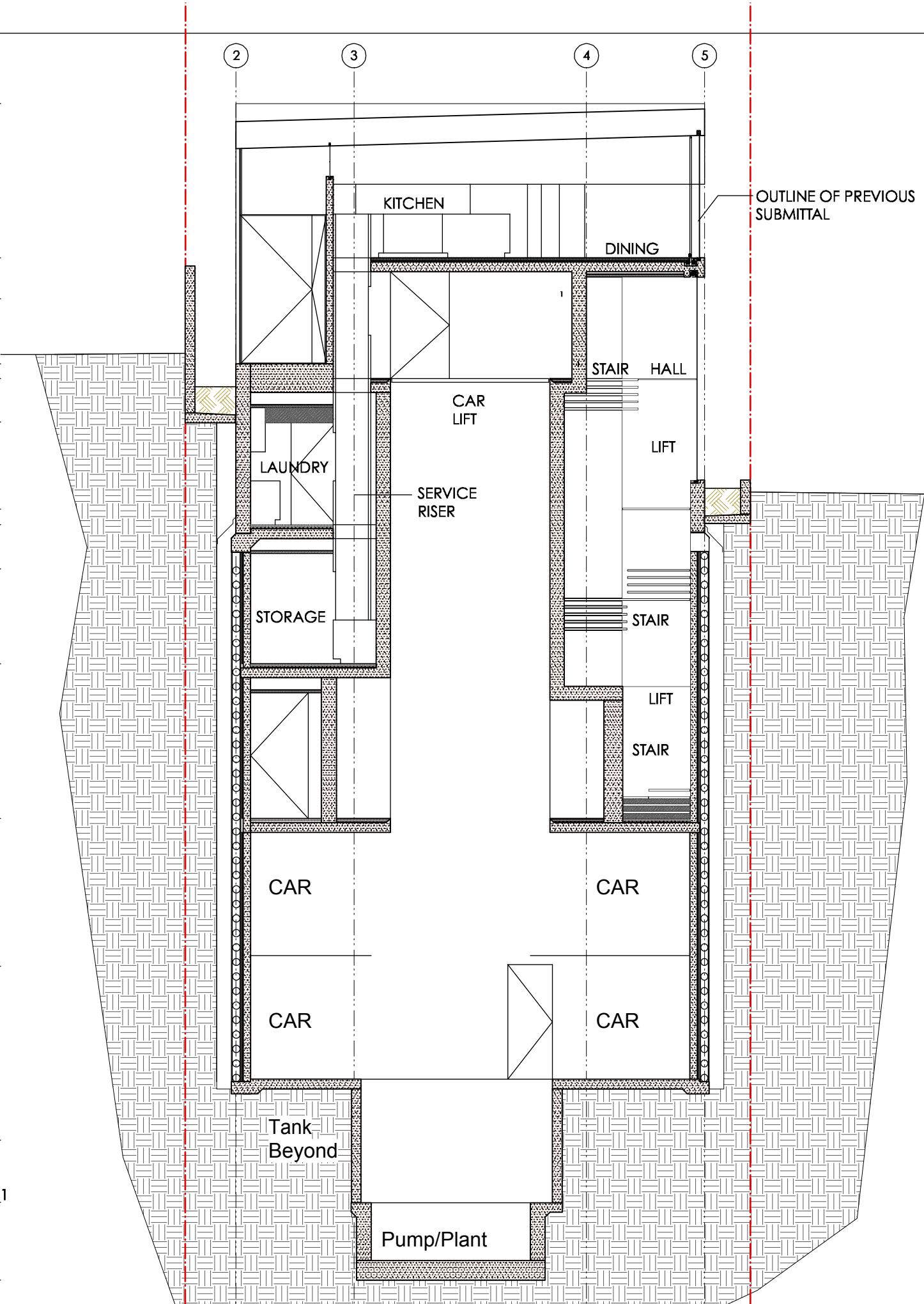
WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

DATE: 13/05/2019  
REVISION:

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

- T.O. ROOF  
R.L. 43.785
- LEVEL 5 - KITCHEN / DINING  
F.F. 40.600
- LEVEL 5 - LIVING  
F.F. 39.750
- LEVEL 5B - ENTRY  
F.F. 38.400
- LEVEL 5B - ENTRY  
F.F. 38.100
- LEVEL 4 - BEDROOMS  
F.F. 35.400
- LEVEL 4 - LAUNDRY  
F.F. 35.08
- LEVEL 3 - MASTER BED  
F.F. 32.200
- LEVEL 2 - LOFT  
F.F. 29.000
- LEVEL 1 - LIVING  
F.F. 25.940
- LEVEL 0 - BED 2  
F.F. 22.340
- LEVEL 0 - MASTER BED + BED 1  
F.F. 21.050
- LEVEL 00 - LIFT SUMP  
F.F. 19.450



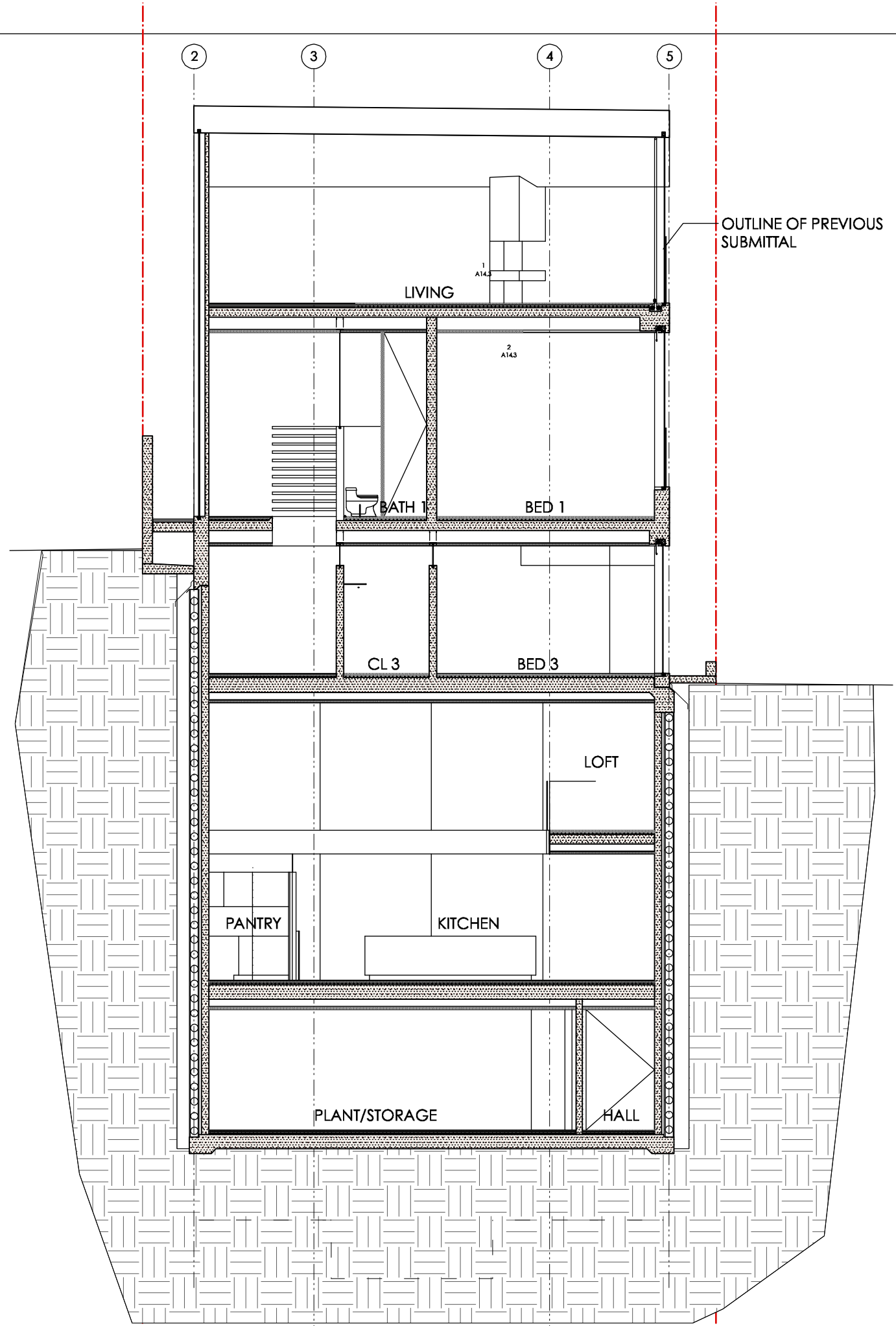
Application No: DA-163/2019  
Date Received: 27/05/2019

CLIENT: ROSSI

SHEET TITLE: SECTIONS

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU  
DATE: 13/05/2019  
REVISION:  
SCALE: 1:100  
P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

- T.O. ROOF  
R.L. 43.785
- LEVEL 5 - KITCHEN / DINING  
F.F. 40.600
- LEVEL 5 - LIVING  
F.F. 39.750
- LEVEL 5B - ENTRY  
F.F. 38.400
- LEVEL 5B - ENTRY  
F.F. 38.100
- LEVEL 4 - BEDROOMS  
F.F. 35.400
- LEVEL 4 - LAUNDRY  
F.F. 35.08
- LEVEL 3 - MASTER BED  
F.F. 32.200
- LEVEL 2 - LOFT  
F.F. 29.000
- LEVEL 1 - LIVING  
F.F. 25.940
- LEVEL 0 - Hall/Store  
F.F. 22.940
- LEVEL 0 - BED 2  
F.F. 22.340
- LEVEL 0 - MASTER BED + BED 1  
F.F. 21.050



SECTION C  
scale: 1:100

A10.11

T.O. ROOF  
R.L. 43.785

LEVEL 5 - KITCHEN / DINING  
F.F. 40.600

LEVEL 5 - LIVING  
F.F. 39.750

LEVEL 5B - ENTRY  
F.F. 38.400

LEVEL 5B - ENTRY  
F.F. 38.100

LEVEL 4 - BEDROOMS  
F.F. 35.400

LEVEL 4 - LAUNDRY  
F.F. 35.08

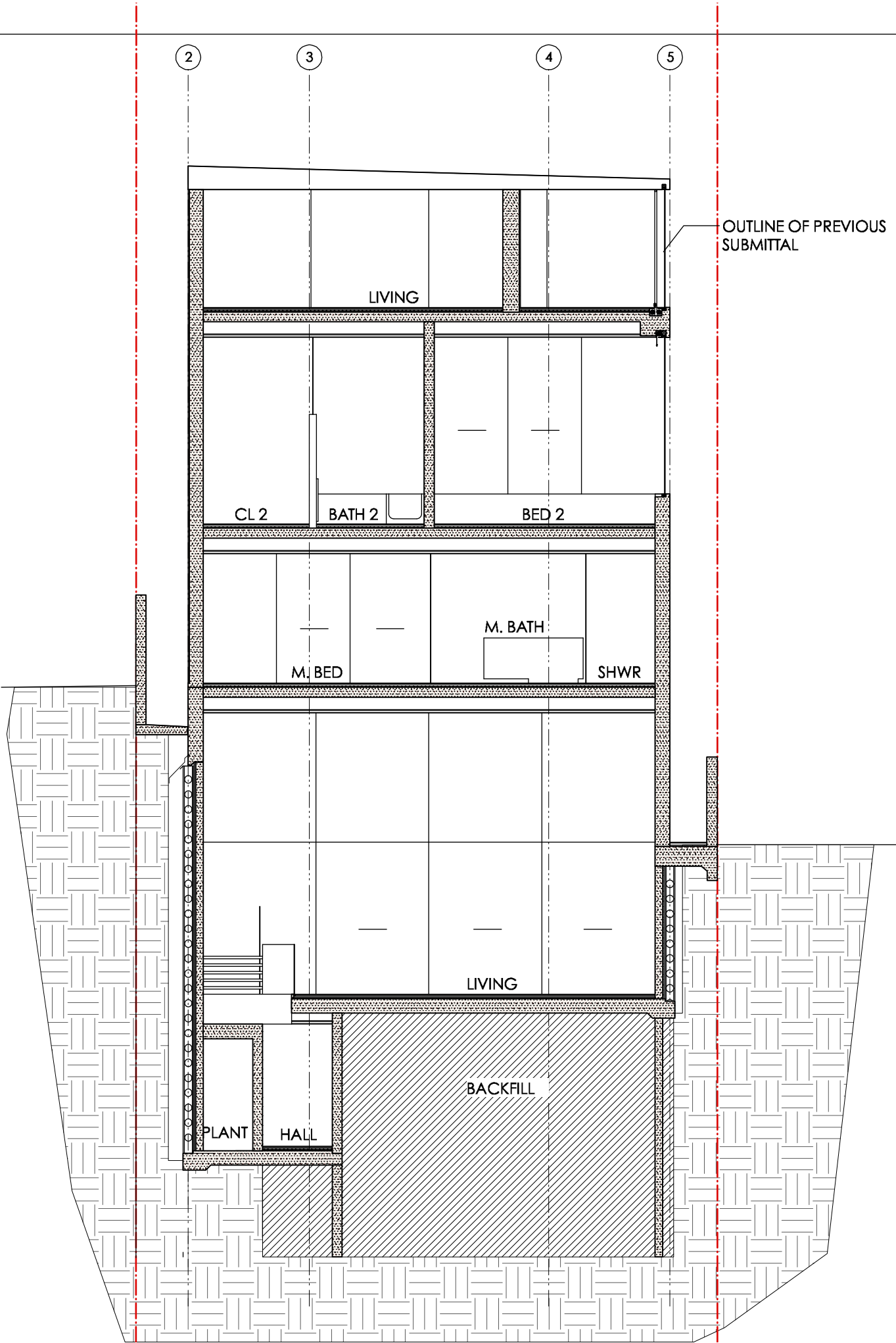
LEVEL 3 - MASTER BED  
F.F. 32.200

LEVEL 2 - LOFT  
F.F. 29.000

LEVEL 1 - LIVING  
F.F. 25.940

LEVEL 0 - BED 2  
F.F. 22.340

LEVEL 0 - MASTER BED + BED 1  
F.F. 21.050



SECTION D

scale: 1:100

CLIENT: ROSSI

SHEET TITLE: SECTIONS

WALLACE E. CUNNINGHAM, INC.

SCALE: 1:100 DATE: 13/05/2019

REVISION:

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

A10.12

SECTION E

scale: 1:100

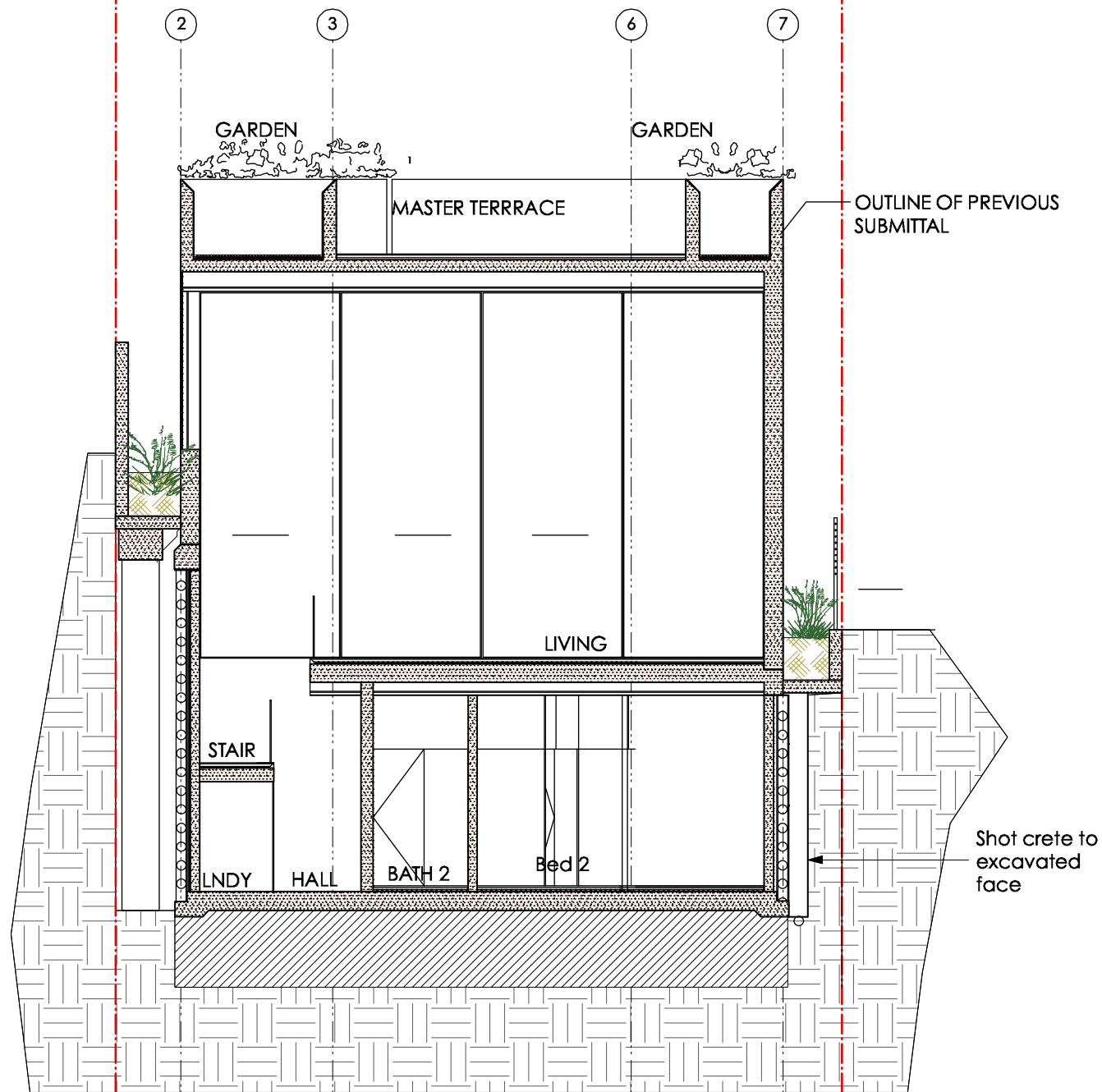
LEVEL 3 - MASTER BED  
F.F. 32.200

LEVEL 2 - LOFT  
F.F. 29.000

LEVEL 1 - LIVING  
F.F. 25.940

LEVEL 0 - BED 2  
F.F. 22.340

LEVEL 0 - MASTER BED + BED 1  
F.F. 21.050



WALLACE E. CUNNINGHAM, INC. SHEET TITLE: SECTIONS CLIENT: ROSSI

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

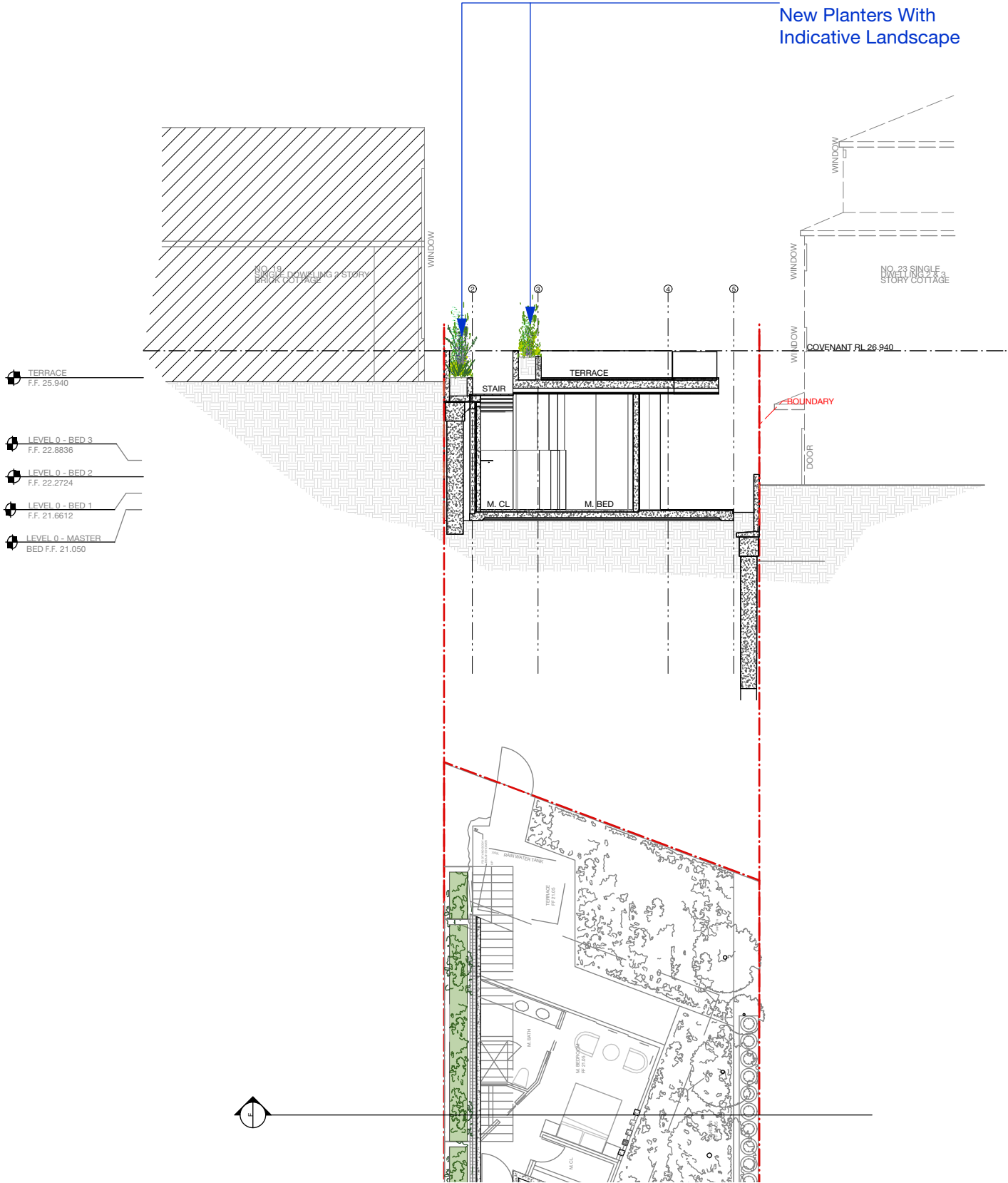
SCALE: 1:100 DATE: 13/05/2019 REVISION:

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU



Application No: DA-163/2019

Date Received: 27/05/2019



SECTION F  
scale: 1:200

CLIENT: ROSSI

SHEET TITLE: SECTIONS

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

SCALE: 1:200 DATE: 27/03/2018  
REVISION:

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

A10.10/1

CLIENT: ROSSI

SHEET TITLE: Elevation

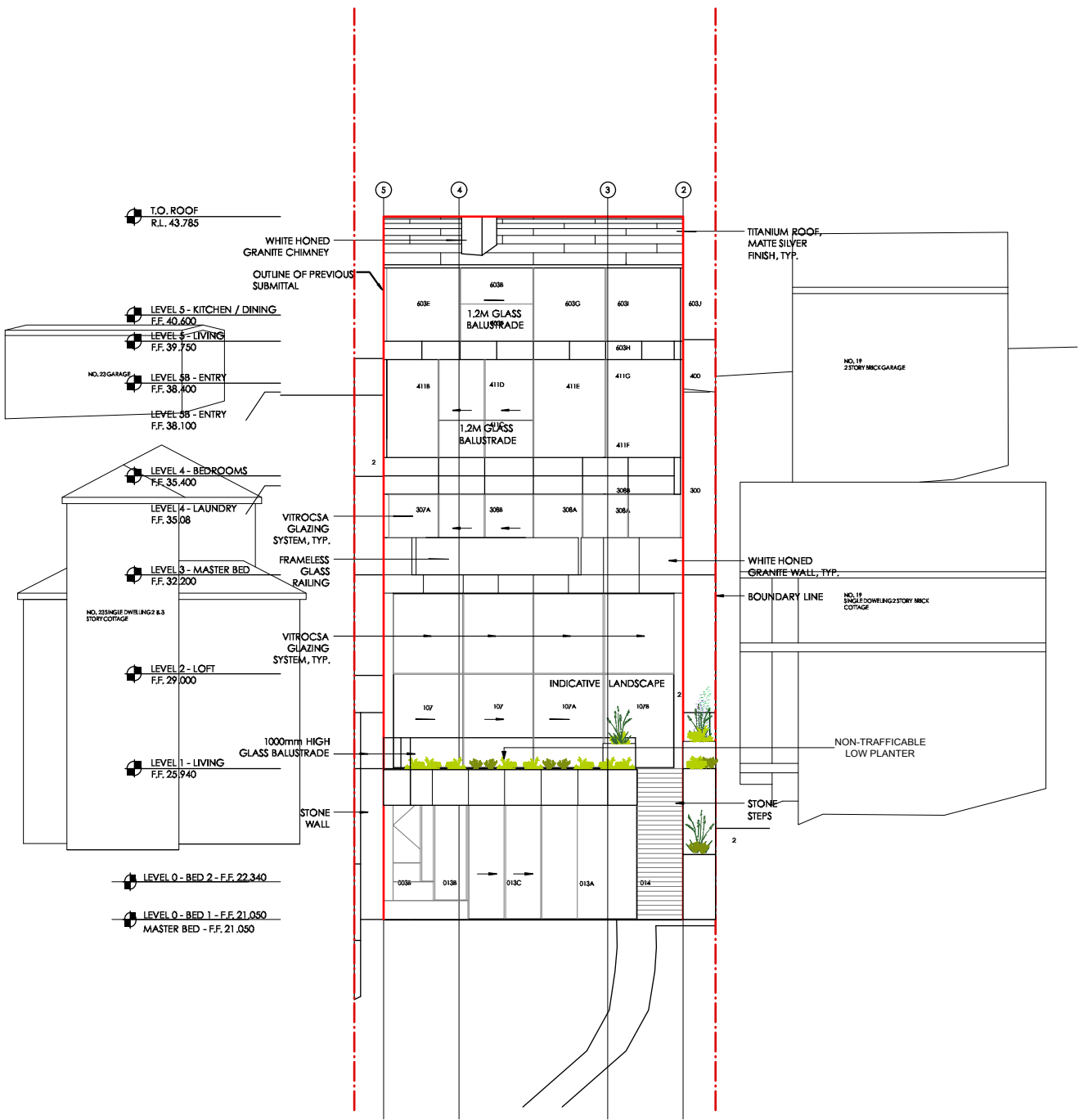
WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

SCALE: 1:200 DATE: 13/05/2019  
REVISION:

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

A10.15



North Elevation

scale: 1:200

CLIENT: ROSSI

SHEET TITLE: Elevation

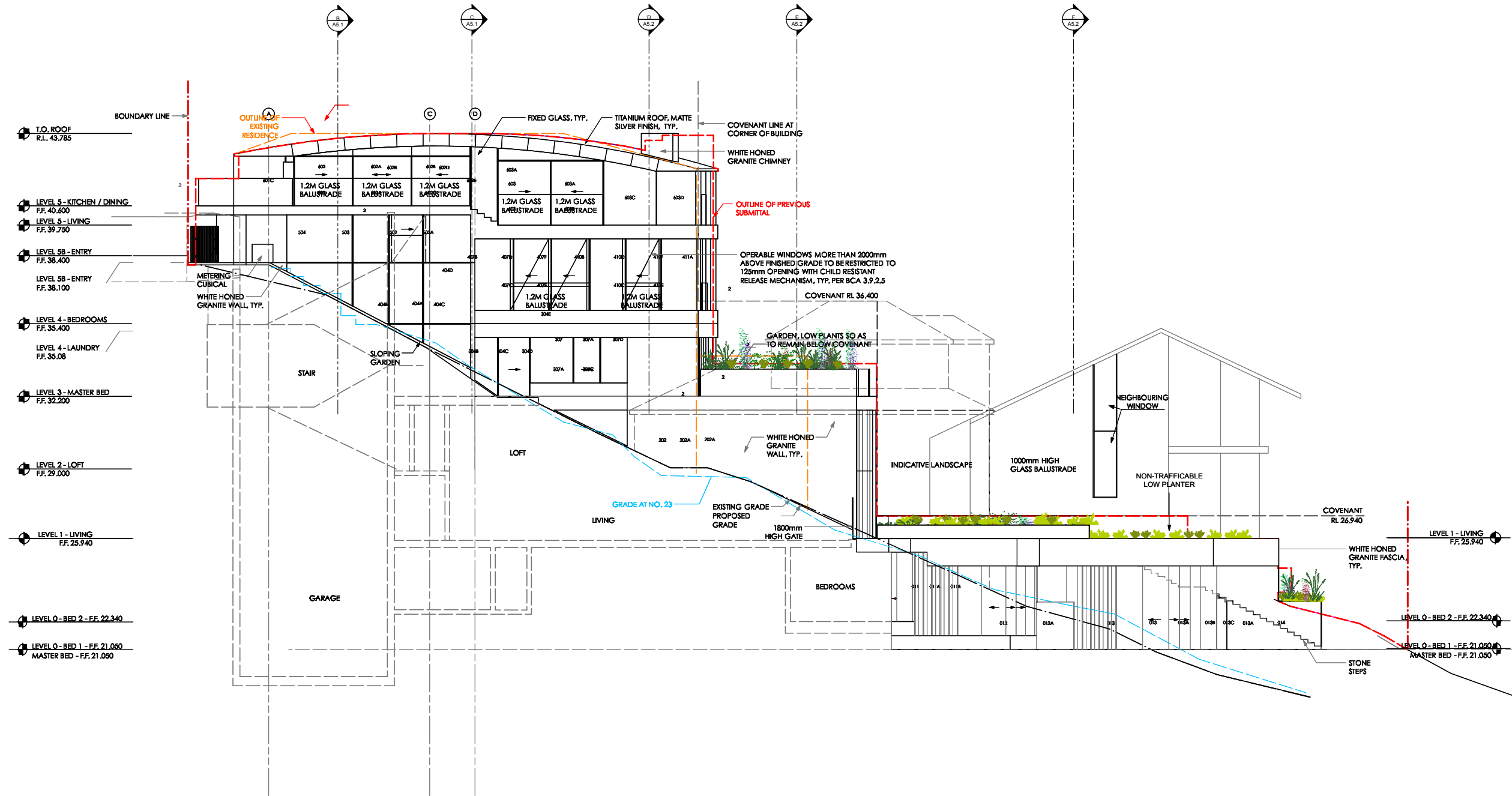
WALLACE E. CUNNINGHAM, INC.

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

SCALE: 1:200 DATE: 13/05/2019  
REVISION:

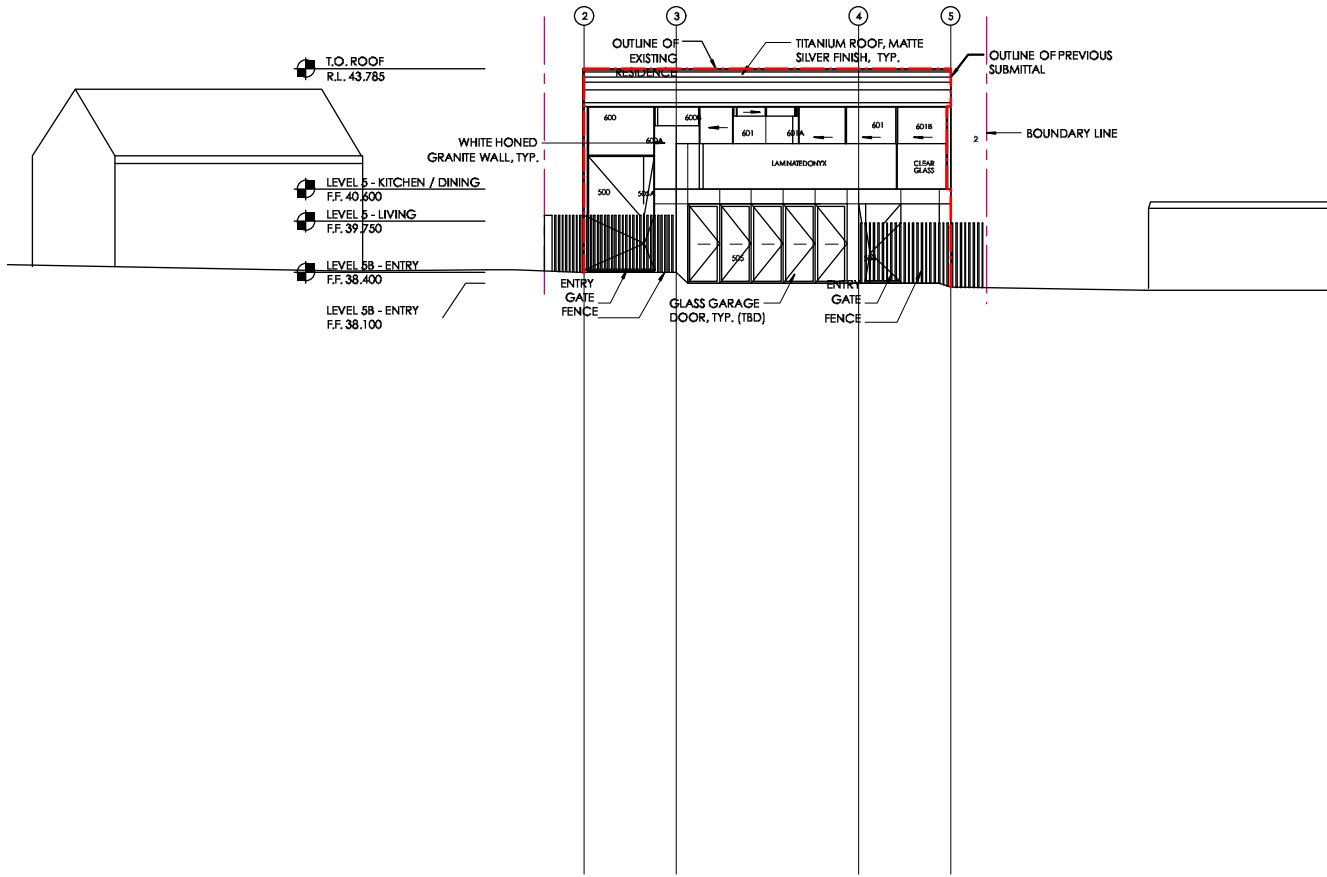
P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

A10.16



East Elevation

scale: 1:200



South - Street Elevation

scale: 1:200

CLIENT: ROSSI

SHEET TITLE: Elevation

WALLACE E. CUNNINGHAM, INC.

P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

SCALE: 1:200

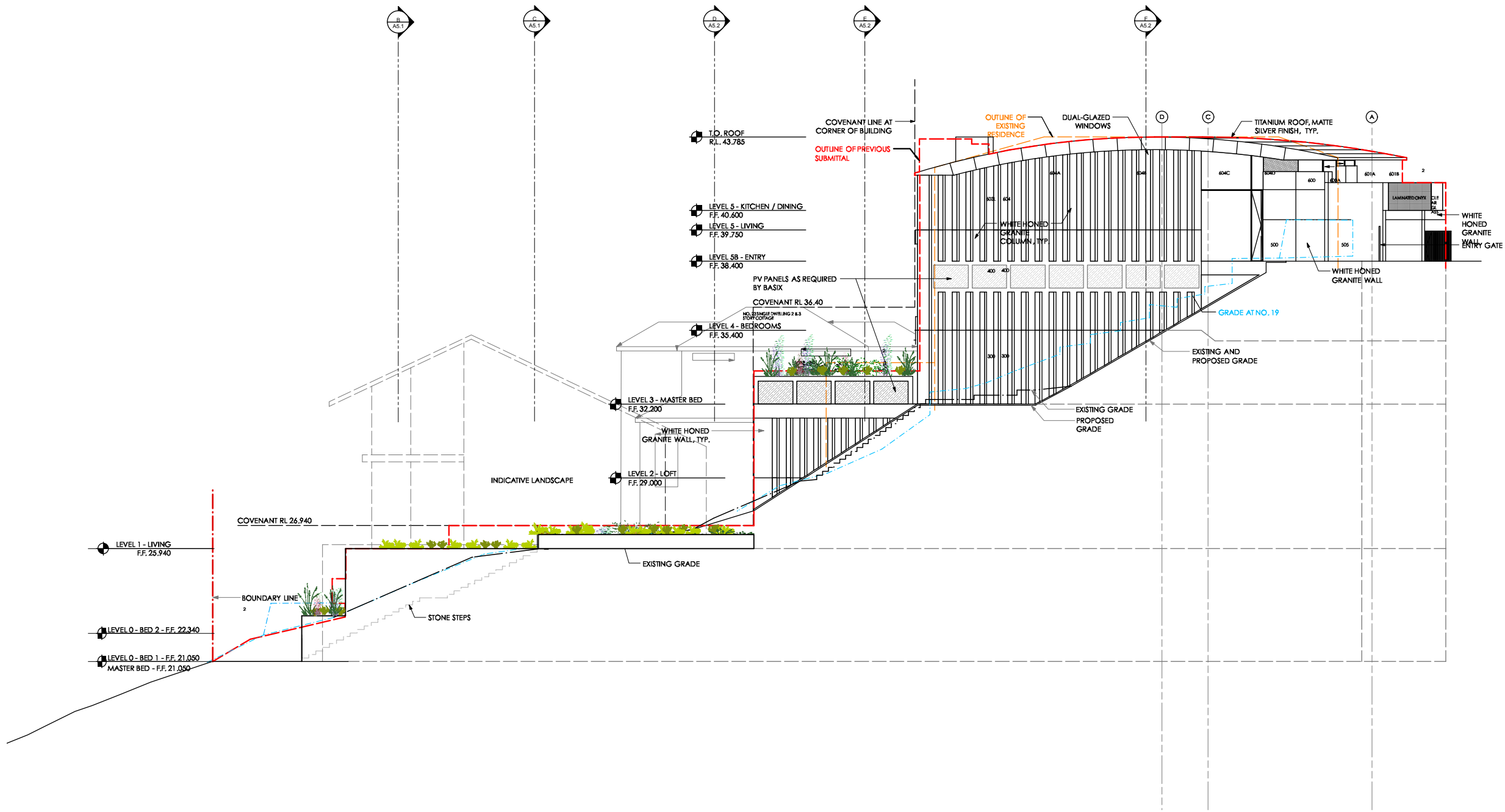
DATE: 13/05/2019

REVISION:

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

A10.17





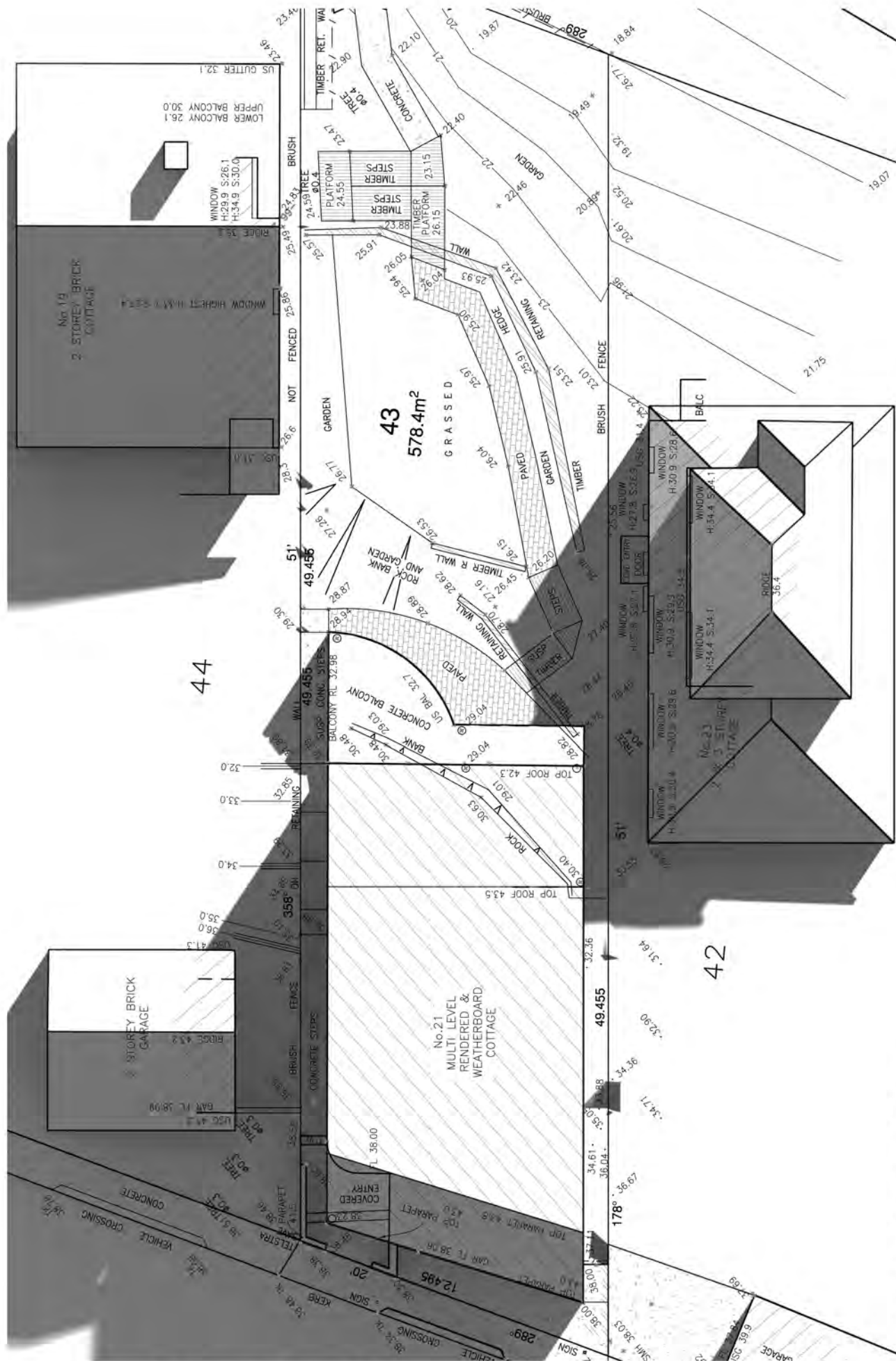
West Elevation  
scale: 1:200

WALLACE E. CUNNINGHAM, INC. SHEET TITLE: Elevation CLIENT: ROSSI

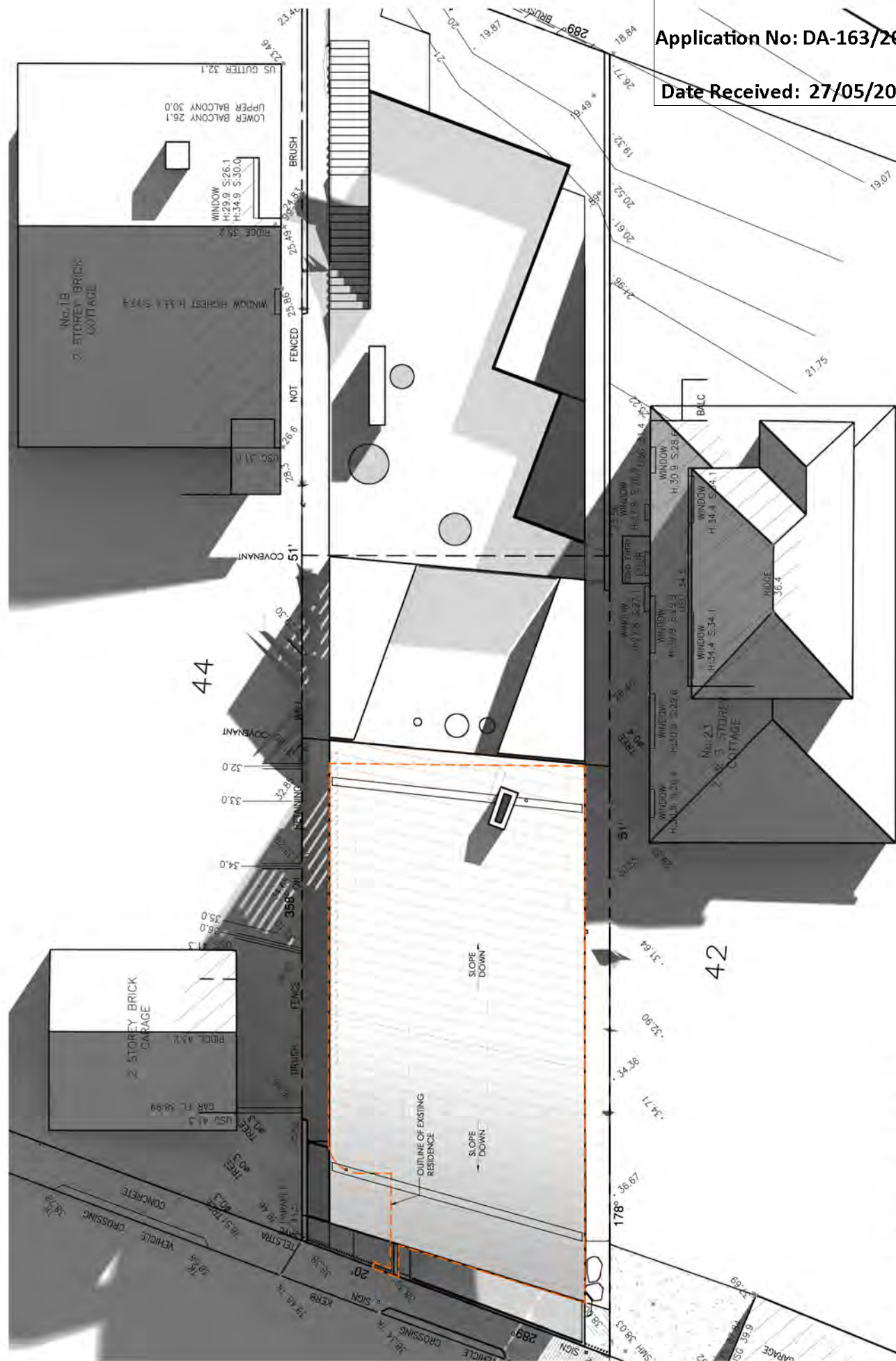
P.O. BOX 371493  
SAN DIEGO, CA 92137-1493  
619.293.7640

SCALE: 1:200 DATE: 13/05/2019 ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

REVISION:



EXISTING RESIDENCE



PROPOSED RESIDENCE

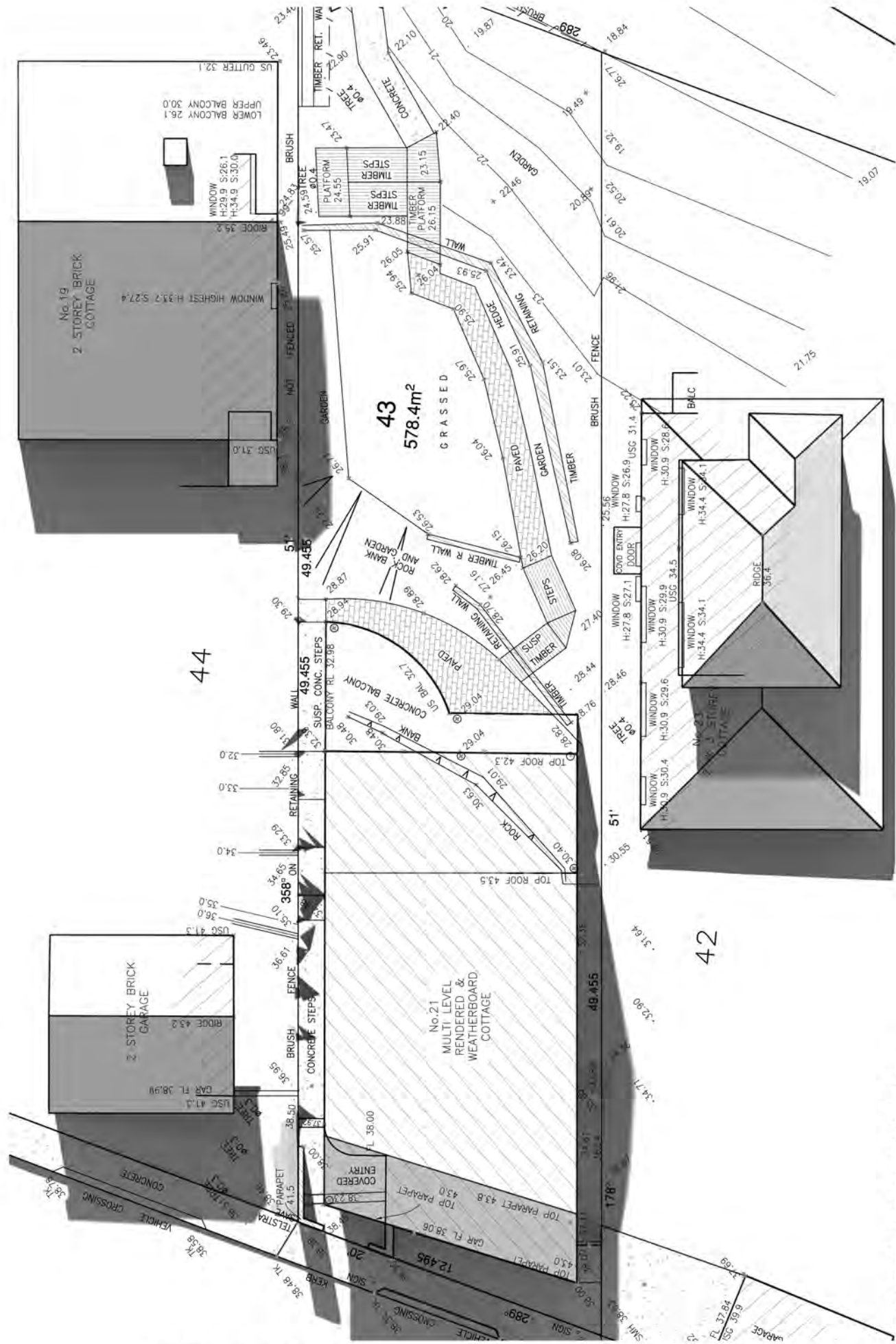
CLIENT: ROSSI

SHEET TITLE: SHADOW STUDIES

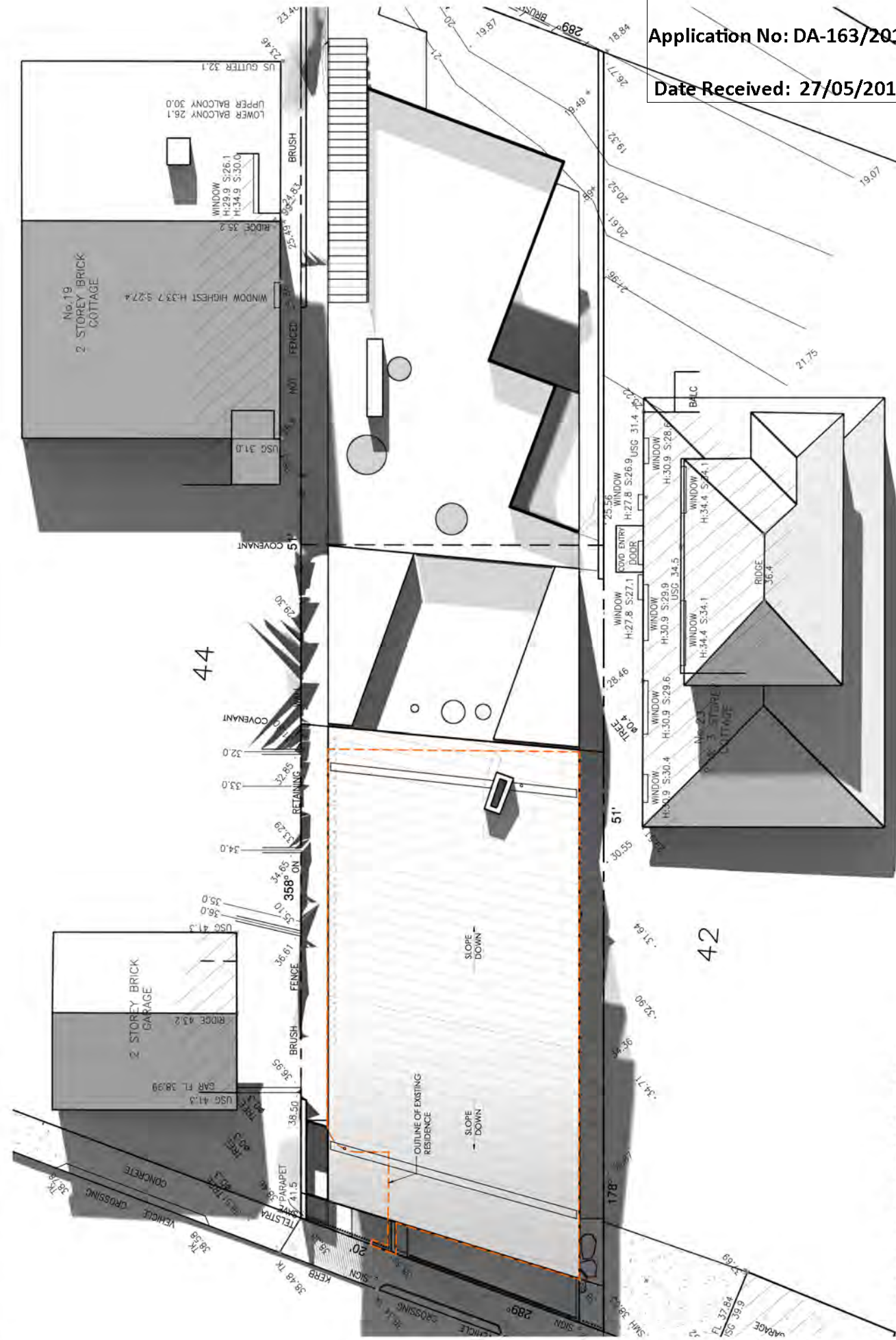
A WALLACE E. CUNNINGHAM, INC.

DATE: 13/05/2019 ADDRESS: 21 THOMPSON STREET  
REVISION: TAMARAMA, NSW, 2026, AU





EXISTING RESIDENCE



PROPOSED RESIDENCE

RECEIVED  
Waverley Council  
Application No: DA-163/2019  
Date Received: 27/05/2019

A WALLACE E. CUNNINGHAM, INC.

SHEET TITLE: SHADOW STUDIES

CLIENT: ROSSI

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SAN DIEGO, CA 92137-1493  
619.293.7640

DATE: 13/05/2019

REVISION:

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU



CLIENT: ROSSI

SHEET TITLE: SHADOW STUDIES

ADDRESS: 21 THOMPSON STREET  
TAMARAMA, NSW, 2026, AU

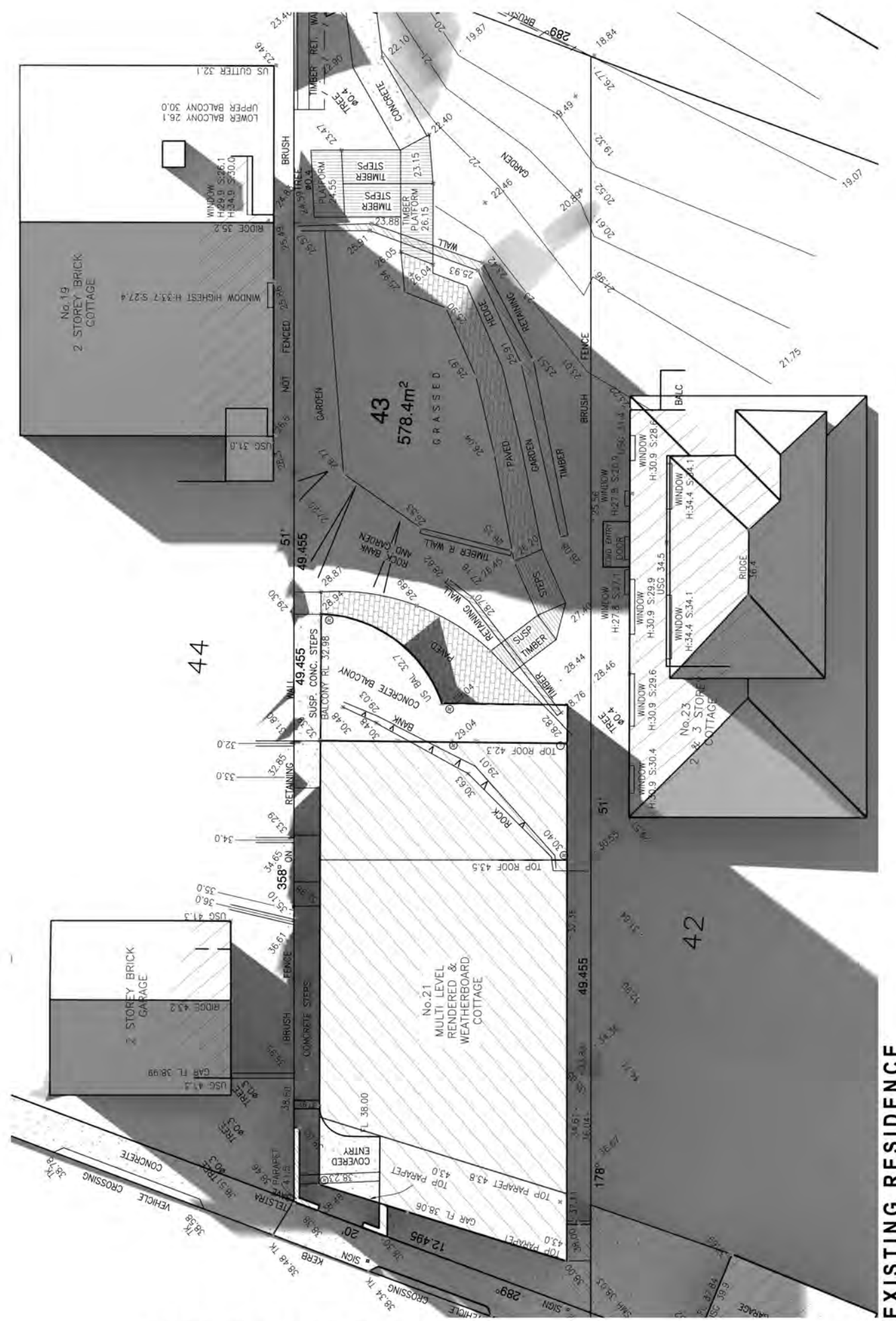
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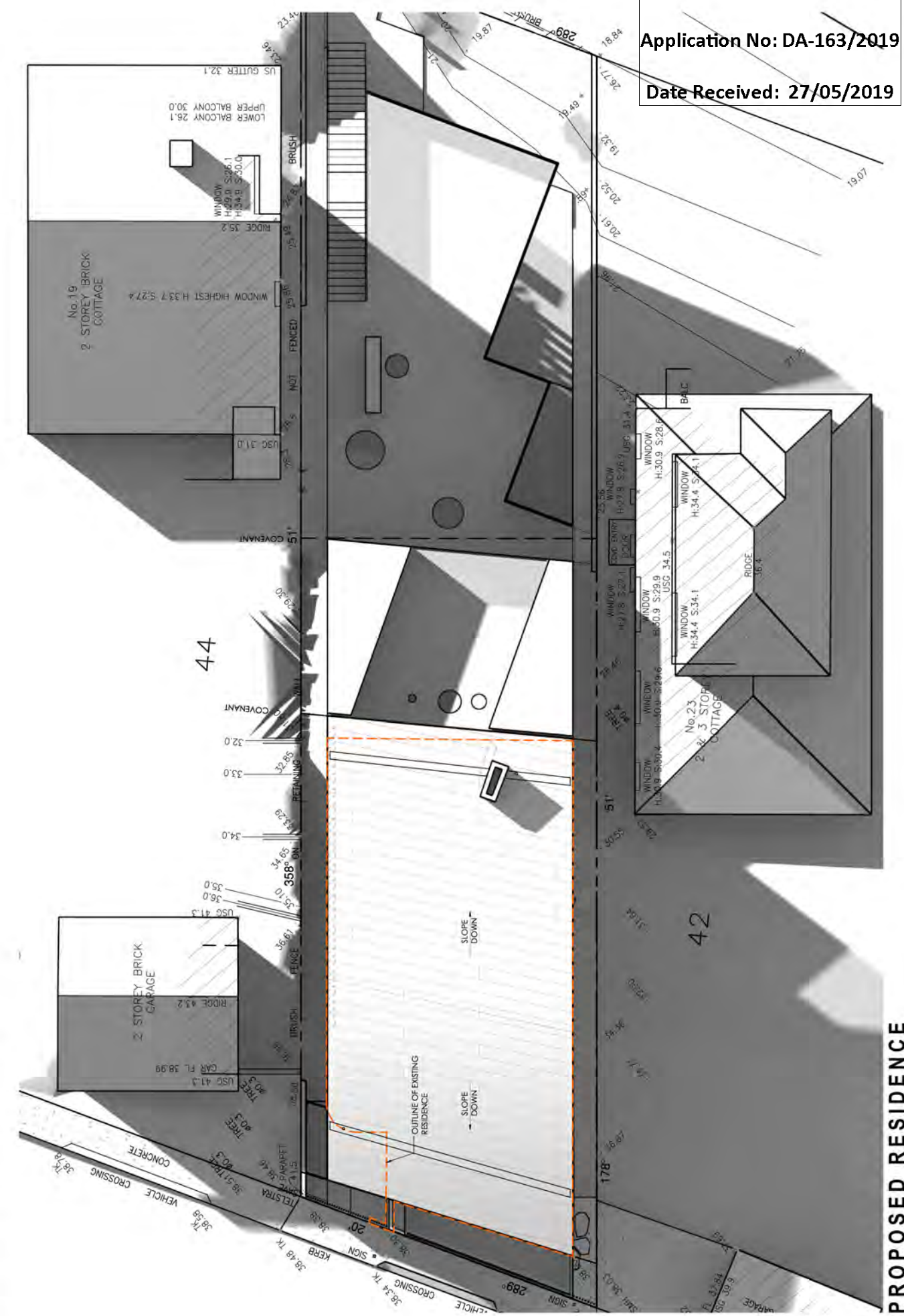
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A WALLACE E. CUNNINGHAM, INC.

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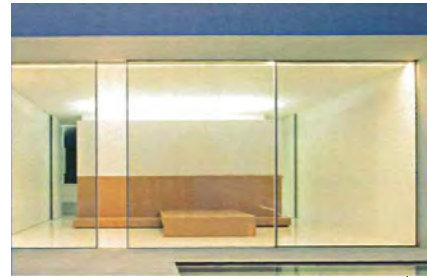


EXISTING RESIDENCE

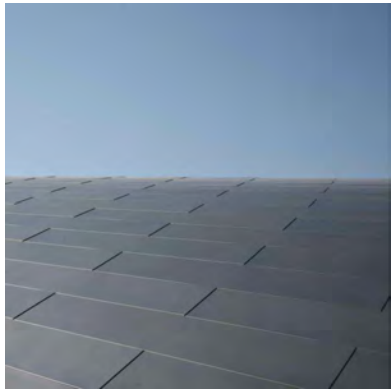


PROPOSED RESIDENCE





ALUMINUM FRAMED GLAZING



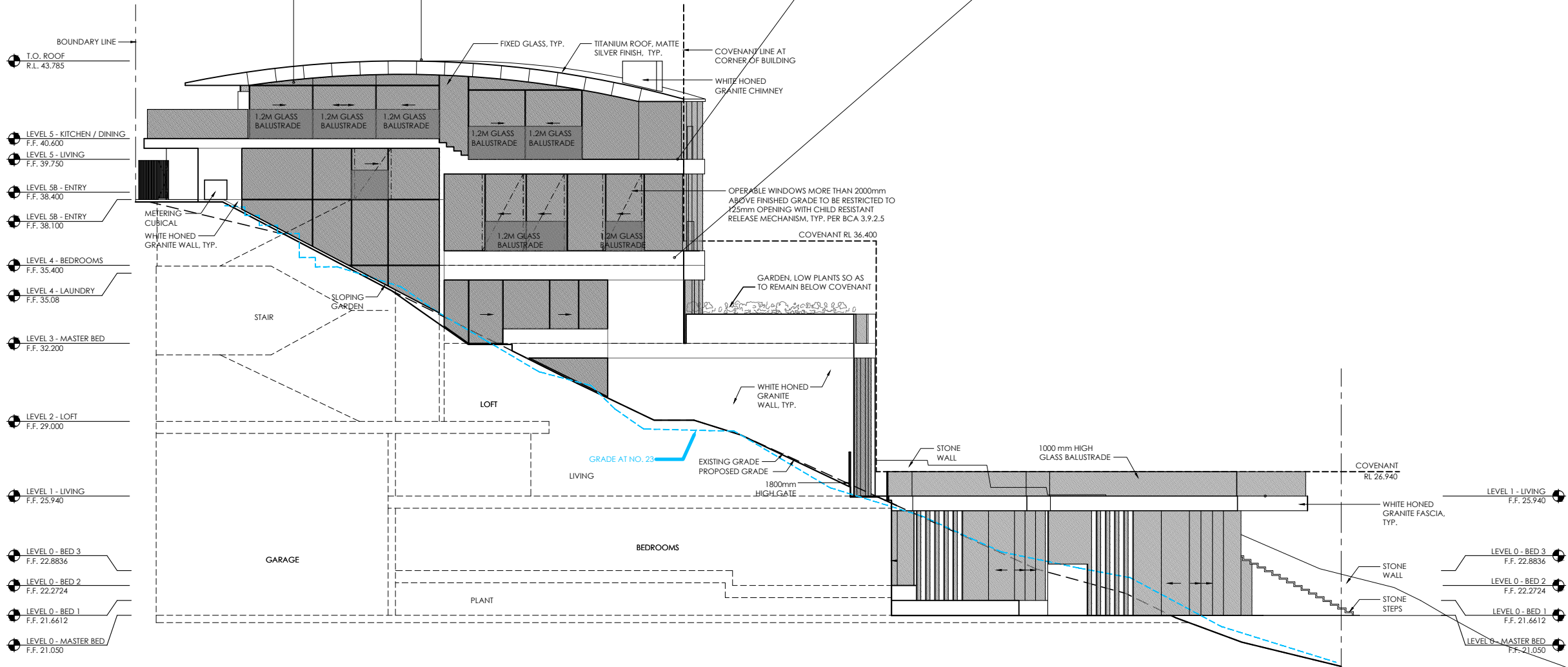
MATTE SILVER TITANIUM ROOF



WHITE TRAVERTINE FLOORS



WHITE HONED GRANITE WALLS



EXTERIOR FINISH SCHEDULE

scale: 1:200

CLIENT: ROSSI

SHEET TITLE: EXTERNAL FINISH SCHEDULE

A WALLACE E. CUNNINGHAM, INC.

DATE: 13/05/2019 ADDRESS: 21 THOMPSON STREET TAMARAMA, NSW, 2026, AU

SCALE: 1:200

REVISION: 6 1 9 . 2 9 3 . 7 6 4 0

NOTES

- MBD TO SOURCE ALL PROPOSED TREES.
- 'AUSTRALIAN NATIVE LANDSCAPE PLANTER BOX MIX' TO BE USED AS THE PLANTING MEDIA IN ALL PLANTERS.
- ALL MULCH TO BE 'GREENLIFE® MULCH AND COMPOST'.
- ALL LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECTS AND ADDITIONAL CONSULTANT'S DRAWINGS, SPECIFICATIONS AND REPORTS.
- CROSS REFERENCE WITH THE ARCHITECT'S DRAWINGS FOR FINISHED LEVELS.
- ALL PUBLIC UTILITY SERVICES ARE TO BE LOCATED ON SITE BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS. THE LOCATION, PRESENCE AND EXTENT OF SERVICES SHOWN ARE NOT GUARANTEED COMPLETE OR CORRECT.
- NO TREES PROTECTED UNDER THE LOCAL COUNCIL'S TREE PRESERVATION ORDER ARE TO BE REMOVED UNLESS APPROVED BY DEVELOPMENT CONSENT OR PERMIT OBTAINED FROM COUNCIL.
- ALL STEEL EDGING TO BE MILD STEEL PLATE, 3mm X 200mm. THE TOP EDGE OF THE PLATE IS TO BE FLUSH WITH THE LEVEL OF THE LAWN.
- ALL PAVING IS INDICATIVE, TO BE TO FUTURE SPECIFICATION, AND SET OUT ON SITE.
- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LOCAL COUNCIL'S APPROVAL, STANDARDS AND CODES.
- THE CONTRACTOR IS TO ENSURE THAT ALL THE WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE WORK HEALTH AND SAFETY ACT.

DRAWING SCHEDULE

MBD_21T_01	COVER PAGE
MBD_21T_02	ENTRY LEVEL PLAN
MBD_21T_03	LEVEL 1 BALCONY
MBD_21T_04	LOWER BEDROOM LEVEL PLAN

PLANT SCHEDULE

FRONT GARDEN

TREES					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Re	RHAPIS EXCELSA	BROADLEAF LADY PALM	3	500mm	2.5m
SHRUBS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Al	ACACIA 'LIMELIGHT'	DWARF ACACIA	16	300mm	0.6m
PERENNIALS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Dc	DIANELLA CAERULEA	FLAX-LILY	6	200mm	600mm
GROUNDCOVERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Vh	VIOLA HEDERACEA	VIOLET	45	140mm	GROUNDCOVER

LEVEL 1 BALCONY

PERENNIALS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Lc	LOMANDRA CONFERTIFOLIA	LITTLE PAL	25	200mm	600mm
GROUNDCOVERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Cg	CARPOBROTUS GLAUCESCENS	PIGFACE	150	140mm	GROUNDCOVER

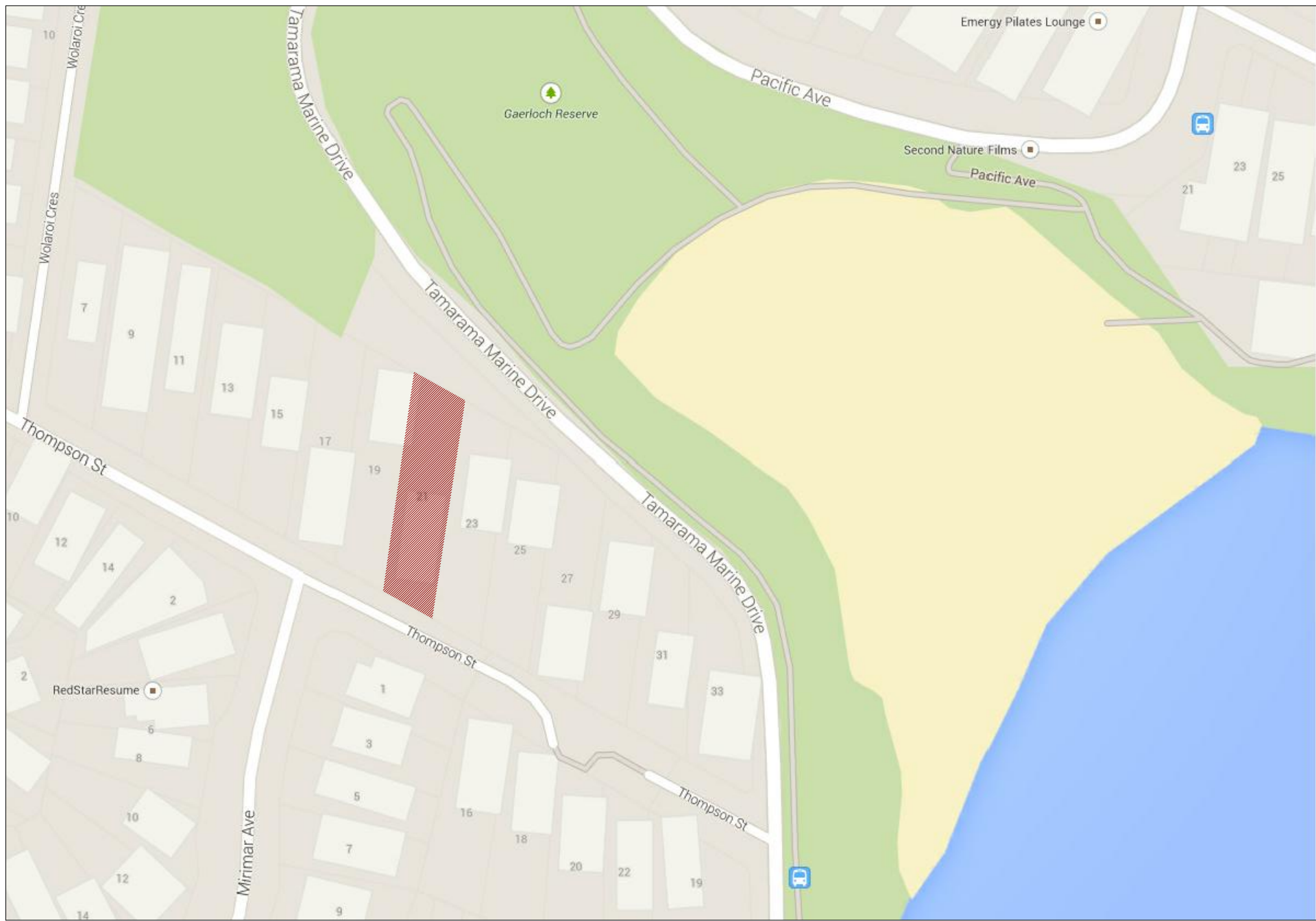
LOWER BEDROOM GARDENS

TREES					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ba	BANKSIA INTEGRIFOLIA	COAST BANKSIA	4	100L	4m
Br	BRACHYCHITON RUPESTRIS	THE QLD BOTTLE TREE	1	300L	4m
Fr	FICUS RUBIGINOSA	PORT JACKSON FIG	1	200L	5m
Gf	GLOCHIDION FERDINANDI	CHEESE TREE	3	200L	7m
SHRUBS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
As	ACMENA SMITHII	LILY PILLY	16	400mm	4m
Bc	BACKHOUSIA CITRIODORA	LEMON SCENTED MYRTLE	18	400mm	5m
Ca	CORREA ALBA	WHITE CORREA	25	400mm	1.2m
Cf	CYCAS REVOLUTA	CYCAD	5	400mm	800mm
Da	DOODIA ASPERA	RASP FERN	30	200mm	0.6m
No	NERIUM OLEANDER	OLEANDER	9	300mm	2m
Sf	STICHERUS FLABELLATUS	UMBRELLA FERN	25	300mm	1m
Wf	WESTRINGIA FRUTICOSA	COASTAL ROSEMARY	18	400mm	1.4m

PERENNIALS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Am	ALOCASIA MACRORRHIZOS	GIANT ELEPHANT EAR	16	200mm	1.5m
Dc	DIANELLA CAERULEA	FLAX-LILY	30	200mm	600mm
Lc	LOMANDRA CONFERTIFOLIA	LITTLE PAL	60	200mm	600mm

GROUNDCOVERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Hc	HEDERA CANARIENSIS	ALGERIAN IVY	50	140mm	GROUNDCOVER
Mp	MYOPORUM PARVIFOLIUM	CREeping BOOBIALLA	80	200mm	GROUNDCOVER
Sh	SCAEVOLA HUMILIS	SCAEVOLA PURPLE	40	100mm	0.5m

CLIMBERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ca	CISSUS ANTARCTICA	KANGAROO VINE	12	200mm	CLIMBER
Ja	JASMINUM AZORICUM	LEMON-SCENTED JASMINE	16	300mm	CLIMBER



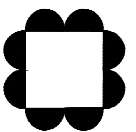
SITE LOCATION MAP  
GOOGLE MAPS - NTS

SIDE BOUNDARIES

TREES					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ca	CUPANIOPSIS ANACARDIOIDES	TUCKEROO	3	200L	5m
Mq	MELALEUCA QUINQUENERVIA	BROAD-LEAVED PAPERBARK	7	200L	6m
PERENNIALS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Lc	LOMANDRA CONFERTIFOLIA	LITTLE PAL	120	200mm	600mm
Re	RUSSELLIA EQUISETIFORMIS	FIRECRACKER PLANT	50	300mm	1m
GROUNDCOVERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ca	CISSUS ANTARCTICA	KANGAROO VINE	80	200mm	CLIMBER
CLIMBERS					
CODE	BOTANIC NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT
Ja	JASMINUM AZORICUM	LEMON-SCENTED JASMINE	16	300mm	CLIMBER

NOTE

PLANT SCHEDULES TO BE CONFIRMED BY DESIGNER PRIOR TO CONSTRUCTION



MYLES BALDWIN DESIGN

Level 1, 357-359 Cleveland St, Redfern, Sydney, NSW, 2016, Australia  
PH +61 2 9699 2622 | www.mylesbaldwin.com

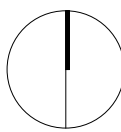
PROJECT:  
21 THOMPSON STREET, TAMARAMA

CLIENT:  
ROSSI

AMENDMENT		
ISSUE	DATE	DETAILS
C	14.05.19	FOR COUNCIL

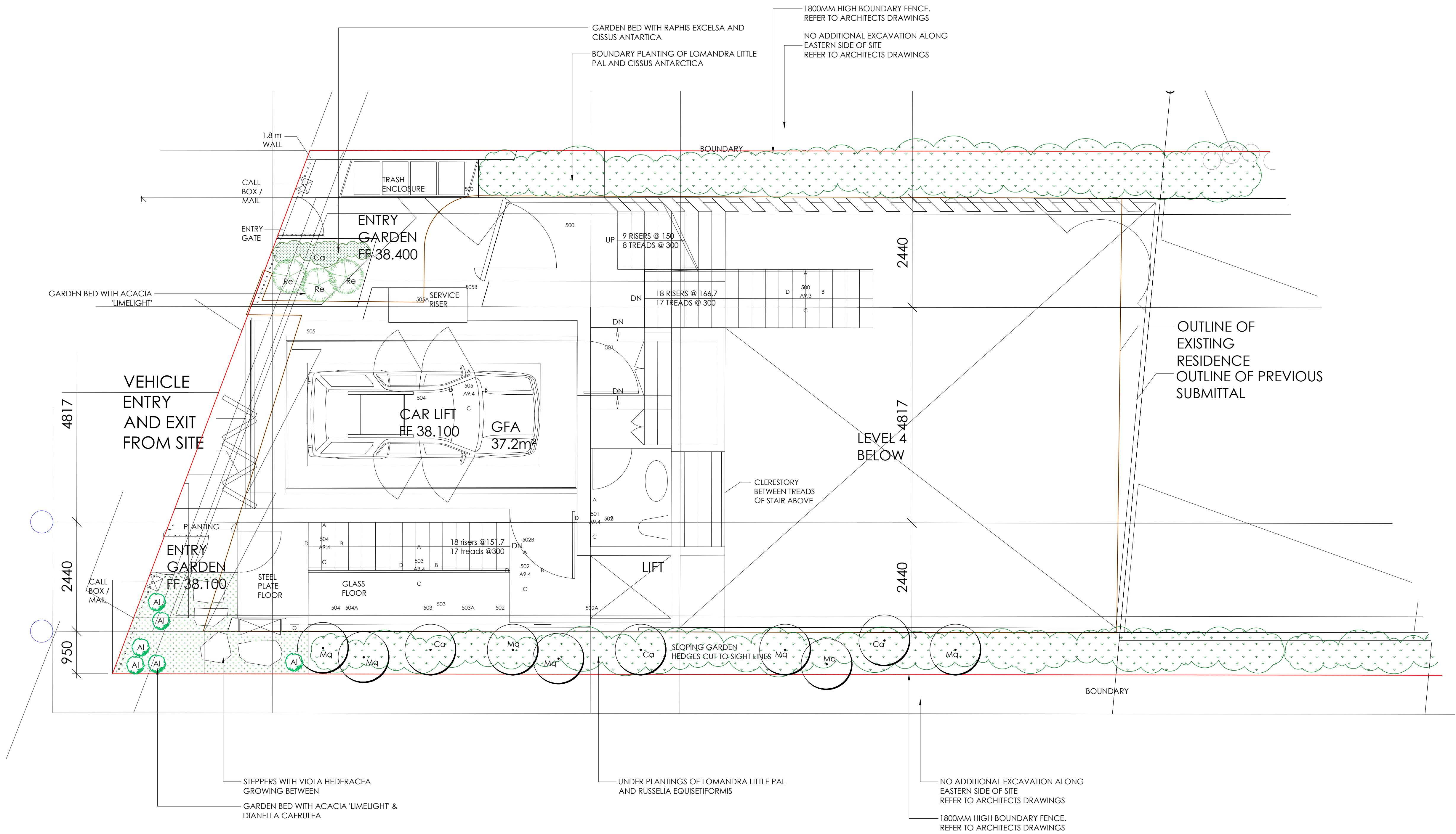
MBD MUST BE PRESENT ON-SITE FOR THE POSITIONING OF **ALL PLANTS**.  
CONTACT DESIGNER IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.  
BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

DRAWING:  
COVER PAGE

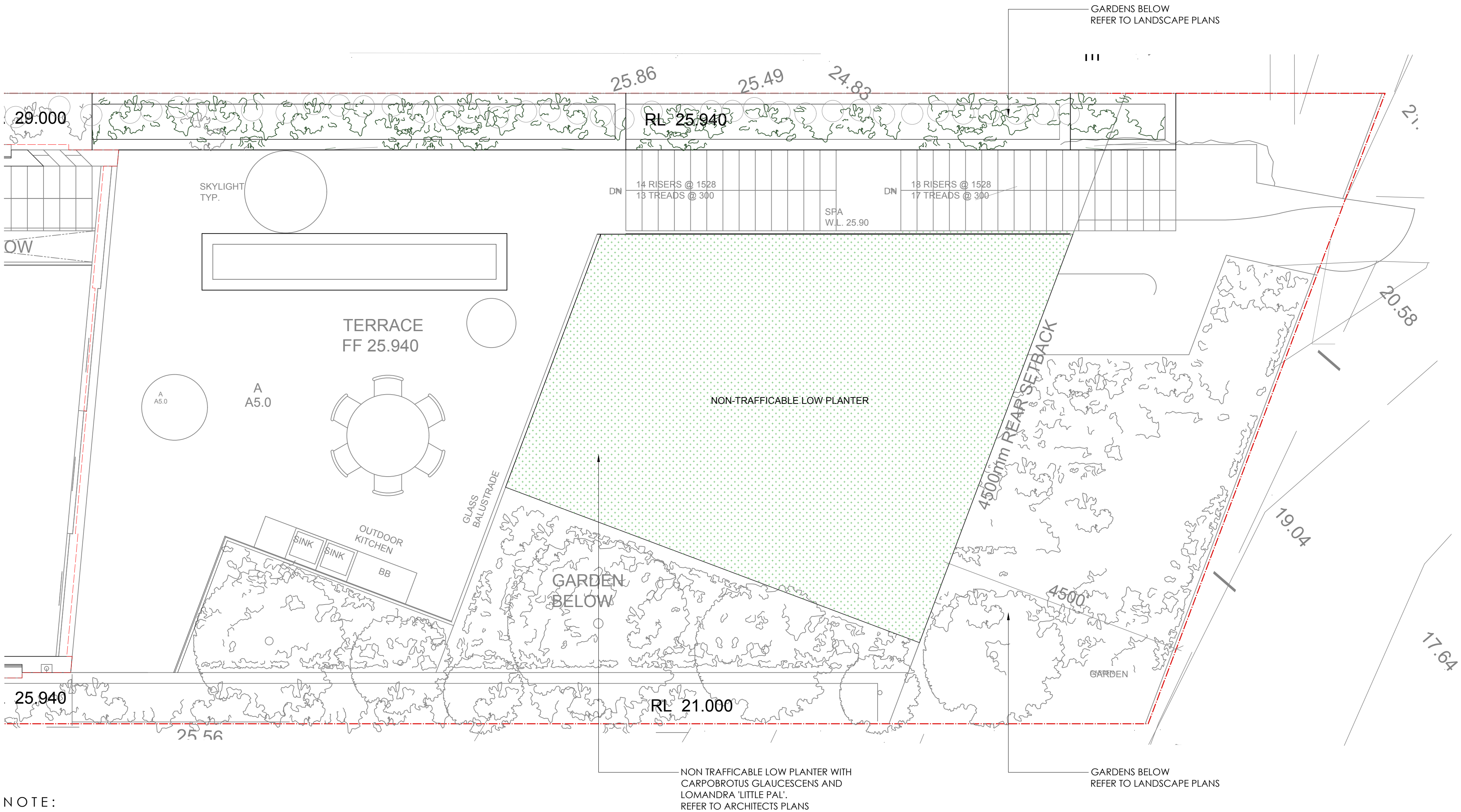


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SCALE: AS NOTED  
DRAWN: LM/MP  
CHECKED: MB  
ISSUE: C  
THIS DRAWING IS COPYRIGHT

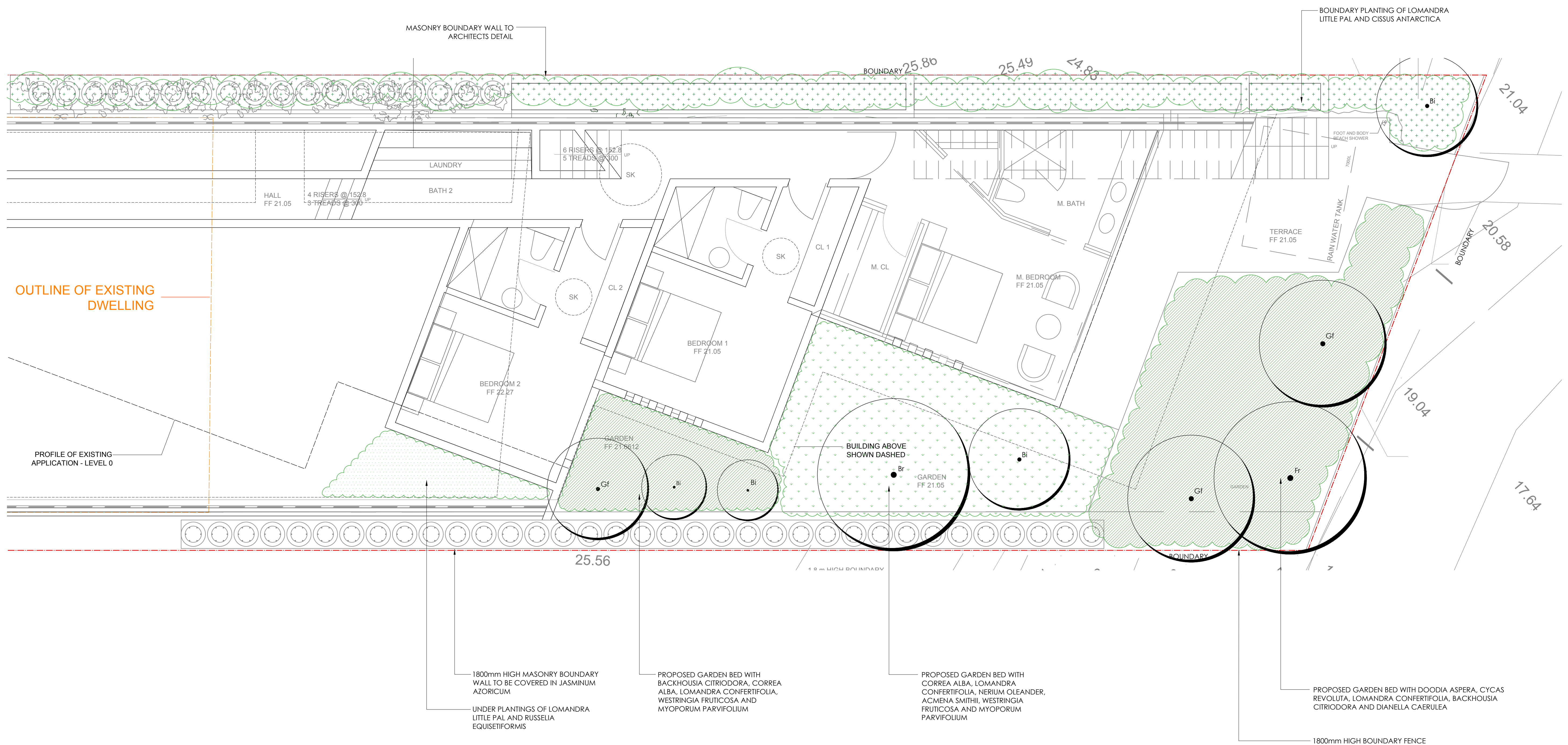




NOTE:  
REFER TO MBD\_21T\_01 FOR PLANT SCHEDULE







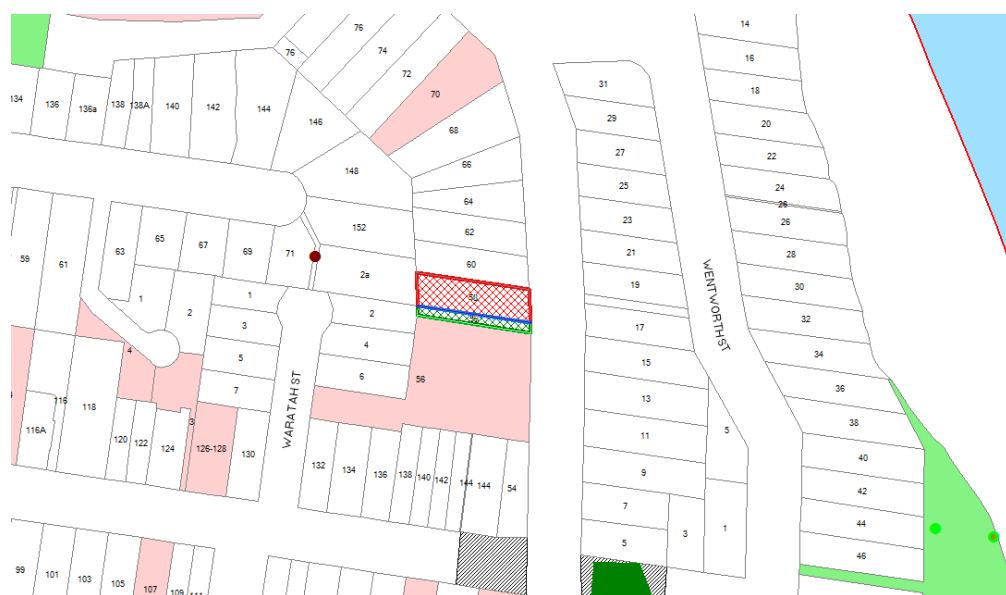
NOTE:  
REFER TO MBD\_21T\_01 FOR PLANT SCHEDULE



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-468/2017/B
<b>Site address</b>	58 Military Road, Dover Heights
<b>Proposal</b>	Modification to alter internal layout, external reconfiguration of side and rear elevations, new roof terrace and various other alterations to approved dual occupancy dwellings.
<b>Approved development description</b>	Demolition of building; construction of a dual occupancy.
<b>Date of lodgement</b>	22 May 2020 (amended on 20 August 2020)
<b>Owner</b>	C Li and J Luo
<b>Applicant</b>	Studio Make Made
<b>Submissions</b>	11
<b>Cost of Works</b>	\$2,500,000
<b>Issues</b>	Non-compliances with height of buildings and floor space ratio development standards.
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions

**Site Map**





## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A detailed site inspection was carried out on 15 March 2018 during the assessment of the original development application. The site was also inspected from the public domain on 10 September 2020.

The site comprises two allotments which are identified as Lot A in DP 366637 and Lot 15 in DP 10090, known as 58 Military Road, Dover Heights. The site is irregular in shape with a frontage to Military Road measuring 15.24m. The site has an area of 634.3m<sup>2</sup> falls steeply from its street frontage (east) towards the west by approximately 13.3m.

The site was occupied by a three storey dwelling house with vehicular access provided from Military Road and a garage located at the front of the site. The site is currently under construction.

The subject site is adjoined by an eight-storey residential flat building (RFB) to the south at 56 Military Road and a three storey dwelling house to the north at 60 Military Road and one and two storey dwelling houses to the west of the site at 2 and 2A Waratah Street. The locality is characterised by predominantly low density residential development, including dwelling houses and dual occupancies.



**Figure 1:** Site (centre of photo) and the adjoining residential flat building to the south at 56 Military Road (left-hand side of photo), as viewed from Military Road, looking west



**Figures 1 & 3:** The northern elevation of the adjoining residential flat building to the south of the site at 56 Military Road, facing the subject site



**Figure 4:** Southern elevation of the adjoining dwelling house to the north of the site at 60 Military Road

## 1.2 Details of Approved Development

The original application, known as DA-468/2017 for demolition of building, construction of a dual occupancy was granted deferred commencement consent by the former Waverley Development Assessment Panel (WDAP) on 13 June 2018.



The deferred commencement matters were as follows:

1. *In order to minimise the loss of on street parking, 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 Military Road 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 Military Road 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) Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.*
  - (e) Accurately show the length of the Council's kerb and gutter remaining between the southern side wing of the existing driveway at No.60 and the northern side wing of the proposed driveway at No.58 Military Road.*
2. *The width of the driveway shall be reduced in accordance with the results of the swept wheel path drawings as required by deferred commencement consent condition 1 and approved by Council's Executive Manager, Creating Waverley. Landscaped area within the front building setback area of the development shall increase accordingly. Amended plans shall be submitted for the approval of Council to meet this requirement.*
  3. *The depth of the rear lower ground and ground balconies shall be reduced so that the western edge of the balconies aligns with that of the balconies on the comparable floor levels of the adjoining dwelling house to the north of the site that is shown on the site survey prepared by W. Buxton Pty Ltd. The roof coverings above the balconies shall be reduced to reflect the required reduced depths of the balconies. Amended plans shall be submitted for the approval of Council to meet this requirement.*
  4. *Privacy screens shall be erected across the outer sides of the rear lower ground and ground balconies to a height of 1.8m above respective finished floor levels and be constructed of a light-weight material that is complementary to the architectural style of the development. Amended plans shall be submitted for the approval of Council to meet this requirement.*
  5. *The westernmost windows serving the rumpus room and open plan living and dining room on lower ground and ground floor levels of the development shall implement additional privacy measures to reduce impacts upon adjoining properties. To mitigate privacy impacts, one of the following measures shall be implemented and details provided to Council:*
    - Sill height shall be raised to 1.5m above finished floor level; or*
    - Privacy screening (such as fixed louvres angled so as to prevent overlooking to the west of the site) shall be fitted on the outside of the window; or*
    - Obscure glazing to a height of 1.5m above finished floor level.*

*Amended plans shall be submitted for the approval of Council to meet this requirement.*

*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 for five years from the date of satisfying the deferred commencement consent matters.*

The applicant successfully satisfied the above-mentioned matters and activated the development consent on 30 May 2019.

A modification application, known as DA-468/2017/A for modification to replace car stacker with garage and new store plant room and wine cellar room, was approved on 28 March 2020.

Modification DA-468/2017/C was lodged on 30 July 2020 to amend OSD and rainwater tanks and is currently under assessment.

### **1.3 Proposal**

The application has been lodged as a section 4.55(2) application and provides for the following modifications to each dwelling of the approved dual occupancy development:

#### Basement and Lower Ground floor level

- Internal reconfiguration of layouts, specifically swapping or relocating bedroom and rumpus rooms from basement level to lower ground floor level and vice versa.
- The basement level will comprise the rumpus level with a bar, guest room, laundry and bathroom. The wine cellar remains unchanged.
- The lower ground floor level will comprise two bedrooms, each with ensuite bathrooms. The store/plant room remain unchanged.
- Redistribution of existing and net increase of gross floor area (GFA) by squaring out or removing the indents of the rear corners of the basement level while straightening out the rear (western) external wall.
- New rear decks on basement level that will be accessed from the new modified rumpus room.
- New doors on the side elevations of the bathrooms on basement level.
- Modification of window openings across side and rear elevations, including bringing forward the side sliding doors on basement level that will now serve the rumpus rooms.

#### Ground floor level

- Redistribution of existing and net increase of gross floor area by infilling the side indents adjacent to the entries of the dwellings and straightening the rear (western) external wall.
- New toilets.
- Minor realignment of entries/foyers.
- Modification to window openings across the side and rear elevations.

#### First floor level

- Provision of 'roof terraces', including associated planter boxes and privacy screens, to the rear of the first floor level of each dwelling, accessed from new doors adjacent to top landing of the internal stair.
- Redistribution of existing and net increase of gross floor area by relocating front balconies from the centre to the sides.
- Modification of window openings across front and side elevations.
- Minor change to the articulation of the street (front) elevation.

Following its preliminary assessment, the application was deferred on 28 July 2020 for the following reasons:

1. Design the 'roof terraces' as balconies that comply with the maximum size controls for balconies and elevated decks in *Part C2* of Waverley Development Control Plan 2012.
2. Provide better justification of the exceedance of the height of buildings and floor space ratio development standards under Waverley Local Environmental Plan 2012.
3. Maintain the approved width of the driveway.
4. Provide a view analysis to consider view impact concerns raised by 15 Military Road.
5. Provide clearer shadow diagrams that distinguish the net increase of shadowing impacts caused by the proposed modifications.

Amended plans and information were received by Council on 20 August 2020 and was publicly notified for 14 days. The applicant maintains the 'roof terraces', stating they are not considered balconies, and has amended these to include external privacy screens on their outer sides to a height of 1.6m above the finished first floor level. All other deferral matters have been adequately met.

The Assessment Officer requested revisions to the GFA calculation diagrams as the lifts and common/shared walls of the dwellings were not included in the overall measurement and calculation of the GFA of the development. Council received amended GFA diagrams on 2 September 2020. These were not required to be publicly notified, as they did not involve modifications to the substance and design of the approved development, as proposed to be modified.

The assessment of the application is based on the amended plans received by Council on 20 August 2020.

## **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**

The application has been made under section 4.55(2) of the Act. The proposed modifications are considered to be substantially the same development as the original consent given the land use and essential nature of the development are unchanged. The modifications result in a slight decrease of the overall GFA of the development as it redistributes it by infilling indents and relocating open space areas of the approved development. However, the overall building height of the development remains unchanged. Therefore, the perceived building height, bulk and scale of the approved development, as proposed to be modified, remains unchanged.

The environmental impacts of the proposed modifications are discussed later in this report.

Council has consulted any relevant Minister or Authority and notified the application and considered submissions as discussed further in the report.

### **2.2 Planning Instruments and Development Control Plans**

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

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

An amended BASIX Certificate has been submitted with the modification application to reflect the approved development, as proposed to be modified.

### 2.2.2 SEPP 55 Remediation of Land

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

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

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

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

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	Satisfactory.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as 'dual occupancy (attached)', which is permitted with consent in the R2 zone. It satisfies the relevant zone objectives.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 8.5m	No	The side privacy screens, balustrades and planter boxes of the 'roof terraces' exceed the height of buildings development standard of 8.5m by an overall extent of <b>1.76m</b> or <b>20%</b> , which measures as an overall building have an overall building height <b>10.26m</b> .
4.4 Floor space ratio (FSR) and 4.4A Exceptions to FSR • 0.5:1 • Site Area: 634.3m <sup>2</sup> • Max GFA: 317.15m <sup>2</sup>	No (however, proposal decreases exceedance from approved)	The approved development has an overall GFA of <b>515.38m<sup>2</sup></b> and a FSR of <b>0.813:1</b> . This measurement was based on the plans that successfully satisfied the deferred commencement consent matters that were issued when the original development application was determined in 2018.  The proposed modifications slightly decrease the overall GFA of the development to <b>513.8m<sup>2</sup></b> and its FSR to 0.81:1. The net <b>decrease</b> of GFA is <b>1.58m<sup>2</sup></b> .



Provision	Compliance	Comment
		While the proposal still exceeds the FSR development standard of 0.5:1, the slight decrease of the overall GFA of the development due to the redistribution of the GFA across the development will not manifest in additional environmental impacts upon neighbouring properties and the streetscape. Therefore, the modified (and slightly decreased) overall GFA of the development is supported.
4.6 Exceptions to development standards	See discussion	The approved development, as proposed to be modified, exceeds both the height of buildings and FSR development standards. While clause 4.6 of the LEP does not apply to modification applications made under section 4.55 of the Act, the exceedances are discussed below <b>Table 2</b> of this report.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The adjoining property to the south of the site is known to be an archaeological site, as it was a former quarry (Item No. A536 under Schedule 5 of Waverley LEP 2012). The proposal is not expected to have any discernible impact on the significance of the archaeological site.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	N/A	No additional excavation is proposed.

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 provision of the 'roof terraces' to the rear of the first floor level of the development, including the associated privacy screens, balustrades and planter boxes, have an overall building height of 10.26m, and exceeds the height of buildings development standard of 8.5m under Waverley LEP 2012 by 1.76m or 20%. The overall building height of the approved development is defined by the uppermost ridge or roof level of the development, which is not proposed to be changed by the proposed modifications. The structures associated with roof terraces have a building height that is lower than the overall building height of the approved development.

The applicant has provided written justification for the non-compliance with the development standard and has based the justification on the performance of the proposal against the objectives of the height of buildings development standard. The relevant objectives of the development standard are as follows:

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

- (b) *to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) *to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) *to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

The subject site is not contained within the area designated as the 'Bondi Junction Centre', and as such, objectives (b) and (c) are not relevant to the proposal.

The structures associated with the roof terraces are best described as ancillary built structures that are necessary for the functionality of the terraces. They are lower than the uppermost roof level of the development. The structures are also to the rear of the development and are not visible from the street. Therefore, they do not discernibly accentuate the perceived building height, bulk and scale of the approved development, as proposed to be modified, and will not result in any streetscape impact.

The suitability and privacy impacts of the terraces were determined when the application was deferred (i.e. be designed as balconies with a compliant size/area) and the applicant chose not to amend the terraces. In this regard, a condition of consent is recommended to require the terraces to be designed as balconies that have an area no greater than 10m<sup>2</sup>. This will ensure, in part, the exceedances of the height of buildings development standard encountered by the associated structures will preserve the environmental amenity of the neighbouring properties, in relation to privacy impacts. Privacy impacts are discussed further in this report.

The shadow diagrams show that the associated structures will result in a marginal increase of overshadowing of the adjoining property to the south of the site at 12pm on 21 June. The net increase of overshadowing will not fall on the adjoining RFB itself, and therefore, the structures will not reduce sunlight received to apartments in the RFB during mid-winter, thereby preserving their environmental amenity with respect to solar access.

The exceedance with the height of buildings development standard encountered by the structures associated with the roof terraces are considered acceptable with regard to the relevant objectives of the height of buildings development standard. As indicated earlier in this section of the report, a condition of consent is recommended to reduce the size and dimensions of the terraces to be compliant with the maximum area of balconies controls in the Waverley DCP 2012.

### **Floor Space Ratio**

As discussed in **Table 1** of this report, the approved development, as proposed to be modified, redistributes the overall GFA of the development, which results in a slight reduction of the overall GFA of the development by 1.58m<sup>2</sup>. While the approved development, as proposed to be modified, maintains an overall exceedance of the FSR development standard by 196.65m<sup>2</sup> or 62%, the clause 4.6 written request to support the FSR of the originally approved development was accepted when the former WDAP approved the original development application.

The proposal slightly decreases the exceedance and the redistribution of GFA of the development, as a result of infilling indents across the side and rear elevations of the development, will have no discernible environmental impact upon neighbouring properties and the streetscape. Further, the minimum side and rear setbacks of the development (except for the rear first floor setback, discussed later) remain unchanged. The additional GFA will not alter the overall building height of the

development too. Therefore, the perceived building envelope of the approved development, as proposed to be modified, remains unchanged.

## 2.2.4 Waverley Development Control Plan 2012 - Amendment No 7 (Waverley DCP 2012)

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

**Table 1: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	N/A	The original SWMRP indicates bins will be stored to the sides of the development. The proposal will not change this arrangement.
2. Ecologically sustainable Development	Yes	An amended BASIX Certificate has been submitted with the application. The approved development, as proposed to be modified, responds satisfactorily to the controls and objectives of this part of the DCP.
3. Landscaping and Biodiversity	N/A	No change.
6. Stormwater	N/A	No change.
8. Transport	Yes	The proposal does not change the size and appearance of the garages. The amended plans have reinstated the approved width and design of the driveways.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
11. Design Excellence	Yes	The proposal maintains its architecturally designed appearance.

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk &amp; scale to the character of the area</li> </ul>	Yes	The proposal does not contravene the general objectives of this part of the DCP.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>High design standard</li> </ul>		
<b>2.1 Height</b>		
Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum wall height of 7.5m</li> </ul>	N/A	The proposal does not change the overall external wall height of the development.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes	<ul style="list-style-type: none"> <li>The front building line/setback of the development remains unchanged.</li> <li>The rear building lines/setbacks of the basement, lower ground and ground floor levels of the development remain unchanged.</li> <li>The terraces/balconies on the first floor level reduces the rear setback of this level of the development. A condition of consent is recommended to ensure the balconies to not be greater than 10m<sup>2</sup>, which will reduce the depth of the balcony and therefore reduce the extent of the encroachment of the rear setback of this level of the development.</li> <li>The new rear decks on the basement level will partially encroach on the rear setback of this level of the development. The visual and acoustic privacy impacts of these new decks are discussed further below.</li> </ul>
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 1.5m</li> </ul>	N/A	No change to the minimum side setbacks of the development.
<b>2.3 Streetscape and visual impact</b>		
	Yes	<p>The relocation of the front first floor balconies to the sides from the centre do not overly change the extent and level of articulation across the front/street elevation of the development.</p> <p>The modification application includes an amended schedule of materials and finishes, which incorporates a range of materials and finishes that will achieve adequate articulation and visual interest to the street façade of the development.</p>
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Windows to habitable rooms are not to directly face windows to</li> </ul>	See discussion	Visual and acoustic privacy impacts regarding the proposed modifications to window openings and the provision of rear basement level decks



Development Control	Compliance	Comment
<p>habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</p> <ul style="list-style-type: none"> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>		and roof terraces to the rear of the the first floor level of the development is discussed further below.
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	<p>N/A</p> <p>Yes</p>	<ul style="list-style-type: none"> <li>The amount and duration of sunlight received to the development itself remains unchanged.</li> <li>The shadow diagrams submitted with the modification application show that the proposed modifications will result in a marginal increase of overshadowing of the adjoining property to the south of the site at 56 Military Road, which will be experienced at 12pm on 21 June. The additional overshadowing will not affect any apartment in the adjoining RFB at 56 Military Road.</li> </ul>
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	See discussion below.
<b>2.8 Car parking</b>		
2.8.6 Driveways	N/A	The width and design of the driveway remains unchanged from the approval.



terrace/balcony does not exceed an area of 10m<sup>2</sup> in order to reasonably protect the visual and acoustic privacy impact of neighbouring properties. The exceedance of the maximum depth control of 1.5m can be accepted given that privacy screens of a height of 1.6m will be erected on the external sides of the terraces/balconies that will obscure direct sightlines across the side boundaries of neighbouring properties on either side of the site. Further, the height of 1.6m for the screens is considered appropriate given that is typically the horizontal line of sight for most of the population.

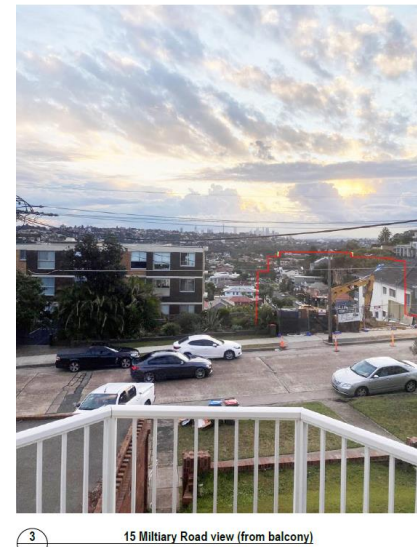
## Views

A submission from 15 Military Road raised concern about the impacts of the approved development, as proposed to be modified, on views enjoyed from this adjacent property. The dwelling house at 15 Military Road is to the south-east of the site and on the opposite side of Military Road. The Assessment Officer sought photos from the occupants of this property (having regard to COVID-19 restrictions in place at the time of assessment, inspections by the assessment officer did not occur).

The applicant overlaid an outline of the building envelope of the approved development, as proposed to be modified, on these photos taken by the occupants of 15 Military Road. These view analyses have been excerpted below in **Figures 5** and **6** of this report.



**Figure 5:** View from ground floor living room of dwelling at 15 Military Road



**Figure 6:** View from front facing balcony of dwelling at 15 Military Road

The view analyses show that the approved development, as proposed to be modified, will not impact on the iconic views of the skyline of the Sydney Central Business District, Harbour Bridge and Opera House. Despite these view analyses, the proposed modifications do not change the overall building height, side, rear and front setbacks of the development. These are typically the contributing factors to the extent of view loss impact. Given that none of these are proposed to change, the proposed modifications do not result in additional view loss impact.

## 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 initially notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Following receipt of amended plans and information, the application was re-notified for a further 14 days.

A total of 11 unique submissions were received. The issues raised in the submissions are summarised and discussed below.

**Table 4: List of submitting properties**

Initial Notification	Amended Notification
15 Military Road, Dover Heights	15 Military Road, Dover Heights
1C/56 Military Road, Dover Heights	4A/56 Military Road, Dover Heights
4A/56 Military Road, Dover Heights*	5C/56 Military Road, Dover Heights
5B/56 Military Road, Dover Heights*	7B/ 56 Military Road, Dover Heights
5C/56 Military Road, Dover Heights	
7B/56 Military Road, Dover Heights*	
60 Military Road, Dover Heights*	

\* denotes pro-forma or template submissions, however, have been slightly altered to specifically relate to circumstances of individual submitting properties. Therefore, they can still be considered 'unique' submissions.

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

- visual and acoustic privacy impacts;
- view impact; and
- breach of height of buildings and floor space ratio development standards.

All other issues are summarised and discussed below.

**Issue:** *Construction impacts, such as noise and dust*

**Response:** Noted. These cannot be used as grounds to refuse development consent to the application. Conditions exist in the development consent to minimise disturbance and impacts upon neighbouring properties during site works.

**Issue:** *Enquiries about stormwater run-off and sewerage disposal system of the development*

**Response:** Some submitters raised concern about stormwater run-off and sewerage disposal. The proposed modifications associated with the subject modification application do not alter the stormwater system of the approved development. Sydney Water is responsible for sewerage disposal and the applicant is required to liaise with Sydney Water on this matter.



**Issue:** *Enquiries about the certification of the excavation and construction works*

**Response:** Some submitters raised concern about the certification of the current excavation and construction works on part of the Principal Certifying Authority. This is irrelevant to the assessment of the proposed modifications sought by the subject application and these submitters have been advised to make separate enquiries through appropriate channels.

**Issue:** *Submitter at 15 Military Road claims they were never notified of the original development application when it was submitted in 2017*

**Response:** Council's records show that a notification letter was sent to 15 Military Road, notifying the occupiers of this property at the time of the original development application being submitted.

## **2.6 Public Interest**

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

## **3. REFERRALS**

### **3.1 Traffic and Transport (Infrastructure Services)**

Council's Traffic and Transport staff reviewed the amended plans and raise no objection to these in relation to the design and size of the driveways. No additional conditions are recommended.

## **4. SUMMARY**

The application seeks to modify the development consent for a new dual occupancy development at the site known as 58 Military Road, Dover Heights. The notable modifications to the consent are the provision of 'roof terraces' to the rear of the first floor level of the development and redistribution of the GFA of the development by infilling side indents and relocating the front first floor balconies.

The main issues in the assessment of this application are:

- non-compliance with the height of buildings development standard encountered by the proposed roof terraces;
- visual and acoustic privacy impacts; and
- view impacts.

The assessment finds these issues acceptable on planning merit, except a condition of consent is recommended to require the terraces to be redesigned as balconies that do not exceed 10m<sup>2</sup> in area for each balcony.

The application is referred to the Waverley Local Planning Panel for determination as it seeks to exceed the height of buildings development standards under Waverley LEP 2012 by more than 10%. The applicant has provided sound justification for the exceedance and it is supported.

The application attracted 11 unique submissions and the issues raised in the submissions have been considered and discussed in the body of this assessment report. This is also why the application is referred to the Waverley Local Planning Panel for determination.

The application has been assessed against the matters for consideration under sections 4.15 and 4.55 of the Act, and is recommended for approval, subject to modified and additional conditions of consent.

#### **DBU Decision**

The application was reviewed by the DBU at the meeting on 28 July 2020 and the DBU determined:

*(a) The application should be deferred and amendments required as follows:*

- *Roof terraces are designed to be balconies that comply with the maximum elevated deck and balcony controls in the DCP with side privacy screens.*

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

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

That the Section 4.55 Modification Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendices A and B:

**Report prepared by:**



Ben Magistrale  
**Senior Development Assessment Planner**

**Date:** 10 September 2020

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



Bridget McNamara  
**Manager, Development Assessment  
(North/South)**

**Date:** 13 September 2020

**Reason for referral:**

- 1 Contentious development (10 or more objections)
- 2 Departure from any development standard in an EPI by more than 10%

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## **APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED**

### **A. Amended/Deleted Conditions**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan Nos DA01, DA02, DA03, DA04 and DA05 (all Amendment F), tables and documentation prepared by Gelder Architects, dated 16 May 2019, and received by Council on 16 May 2019;

- (i) As amended by Architectural Plans Nos DA02, DA03, DA04, DA05, DA06 and DA07 (all Revision A) prepared by Studio Make Made, dated 30 January 2020, and received by Council on 3 February 2020.

(AMENDED BY DA-468/2017/A)

- (ii) *As amended by Architectural Plan Nos DA01 to DA05 (Revision D) dated 10 August 2020, DA06 (Revision D) dated 28 August 2020, DA07 (Revision D) and DA08 (Revision D) dated 10 August 2020, all prepared by Studio Make Made, and received by Council on 20 August 2020.*

(AMENDED BY DA-468/2017/B)

- (b) Landscape Plan No. L1-C and L2-C and documentation prepared by Nicholas Bray Landscapes, dated 28 May 2019, and received by Council on 13 June 2018;

- (c) BASIX Certificate;

- (d) Schedule of external finishes and colours prepared by Gelder Architects and received by Council on 2 November 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.

- (f) Geotechnical Assessment Ref. P1802\_01 rev 1 prepared by Morrow, dated 28 January 2020 and received by Council on 3 February 2020.

(ADDED BY DA-468/2017/A)

### **B. New Conditions**

#### **3C. GENERAL MODIFICATION**

*The modification application (i.e. DA-468/2017/B) is approved subject to the following design modifications;*

- (a) *The roof terraces denoted on the first floor plan shall be redesigned as balconies with their trafficable areas of these balconies being reduced to a maximum of 10m<sup>2</sup> (i.e. for each balcony) in order to reasonably preserve the visual and acoustic privacy of neighbouring properties. The planter that divides the two balconies and external side privacy screens, while maintaining a minimum height of 1.6m above finished floor level, shall be amended accordingly.*

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

(ADDED BY DA-468/2017/B)

## **APPENDIX B – FULL SET OF CONDITIONS**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan Nos DA01, DA02, DA03, DA04 and DA05 (all Amendment F), tables and documentation prepared by Gelder Architects, dated 16 May 2019, and received by Council on 16 May 2019;
  - (i) As amended by Architectural Plans Nos DA02, DA03, DA04, DA05, DA06 and DA07 (all Revision A) prepared by Studio Make Made, dated 30 January 2020, and received by Council on 3 February 2020.

*(AMENDED BY DA-468/2017/A)*

- (ii) As amended by Architectural Plan Nos DA01 to DA05 (Revision D) dated 10 August 2020, DA06 (Revision D) dated 28 August 2020, DA07 (Revision D) and DA08 (Revision D) dated 10 August 2020, all prepared by Studio Make Made, and received by Council on 20 August 2020.

*(AMENDED BY DA-468/2017/B)*

- (b) Landscape Plan No. L1-C and L2-C and documentation prepared by Nicholas Bray Landscapes, dated 28 May 2019, and received by Council on 13 June 2018;
- (c) BASIX Certificate;
- (d) Schedule of external finishes and colours prepared by Gelder Architects and received by Council on 2 November 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.
- (f) Geotechnical Assessment Ref. P1802\_01 rev 1 prepared by Morrow, dated 28 January 2020 and received by Council on 3 February 2020.

*(ADDED BY DA-468/2017/A)*

#### **2. DOMESTIC HEATERS**

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

#### **3. 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.



### **3A. GENERAL MODIFICATION**

The modification application (i.e. DA-468/2017/A) is approved subject to the following plan amendments;

- (a) Drawing No. DA07 shall be amended to correct the labelling of the basement level on the 'West Elevation' Drawing. It currently says the basement level is the lower ground floor.
- (b) Drawing No. DA04 (Proposed Ground Floor Plan) shall be amended to remove the annotation indicating handrailing for internal stair as it is obscuring details of the internal wall and door opening between garage and foyer/entry for the northern-most dwelling of the development.

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

(ADDED BY DA-468/2017/A)

### **3B. USE OF STORES, PLANT ROOMS AND WINE CELLARS**

The plant/store rooms on lower ground floor level and the wine cellars on basement level of both dwellings in the development shall only be used for those specific non-habitable uses. These rooms shall not be converted to habitable floor space unless separate development consent is sought for such conversion.

(ADDED BY DA-468/2017/A)

### **3C. GENERAL MODIFICATION**

The modification application (i.e. DA-468/2017/B) is approved subject to the following design modifications;

- (a) The roof terraces denoted on the first floor plan shall be redesigned as balconies with their trafficable areas of these balconies being reduced to a maximum of 10m<sup>2</sup> (i.e. for each balcony) in order to reasonably preserve the visual and acoustic privacy of neighbouring properties. The planter that divides the two balconies and external side privacy screens, while maintaining a minimum height of 1.6m above finished floor level, shall be amended accordingly.

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

(ADDED BY DA-468/2017/B)

## **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/](http://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. STREET TREE**

- (a) The street tree may be removed by the applicant on the condition that a replacement tree is planted. The tree is to be a *Cupaniopsis anacardioides* of minimum container size of 75 litres and grown to Natspec standard.

The replacement tree is to be planted by a qualified horticulturist/arborist (minimum AQF Level 3).

- (b) A bond of **\$1,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the newly planted *Cupaniopsis anacardioides* tree on the nature strip of the property.

The bond is to be lodged prior to the issue of a Construction Certificate.

The bond will be refunded after 12 months on condition that the Banksia tree is maintained in good condition as determined by Council's Tree Officer. If the tree requires replacing within the bond period the tree must be replaced within one month of notification from Council and not at the end of the bond period.

## **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 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.

## **9. 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.

## **10. 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.

**11. 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.

**12. 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.

**13. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

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

**14. GEOTECHNICAL ENGINEERS REPORT**

Demolition and excavation works shall be in accordance with the recommendations and advice outlined in the Geotechnical and Slope Risk Assessment Report Ref. P1802\_01 rev 1 prepared by Morrow and dated 28 January 2020.

Any further modification applications that involve further excavation or revised basement designs shall be subject to amended geotechnical advice.

***(AMENDED BY DA-468/2017/A)***

**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. STORMWATER PLANS**

The Stormwater Management Site Plans prepared by Adams Engineering, Project No. 170398, Drawing No. C001, C002 and C003 Rev A and dated 1 November 2017 are ***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.

The following shall be submitted to the satisfaction of the Executive Manager, Creating Waverley prior to the issue of a construction certificate:

- (a) An Updated Stormwater Management Plan and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

**17. 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.

**18. FENCE NOT TO ENCROACH BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority 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 4.55 of the *Environmental Planning and Assessment Act 1979*.

**20. TREE PRUNING ON ADJOINING PROPERTIES**

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

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

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

## **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 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.

### **25. 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.

**26. 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.

**27. 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.

**28. TOILET FACILITIES**

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

**29. 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 Environmental 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 (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; and
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns.

**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 all trees on the site that are shown to be removed on the landscape plan referred to in condition 1 of this consent.

**51. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided 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 CROSSING IS TO BE CLOSED**

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.



**53. 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**

**54. 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](http://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.

**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 the Environmental Planning and Assessment Act, 1979 have been satisfied.

**56. 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.

**57. 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.

**58. 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.

**59. 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.

## **60. ALLOCATION OF STREET NUMBER**

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

- No. 58 - primary address site number
- Military primary address location.

The primary address number for the property shall be a minimum of 75mm high shall be positioned 600mm-1500mm above ground level and clearly visible from the street.

The following sub-addressing will apply:

- No. 1/58 for the sub-addresses within the building correlating with the south allotment on the floor plans for the building (proposed Duplex B),
- Nos. 2/58 for the sub-addresses within the building correlating with the north allotment on the floor plans for the building (proposed Duplex A).

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

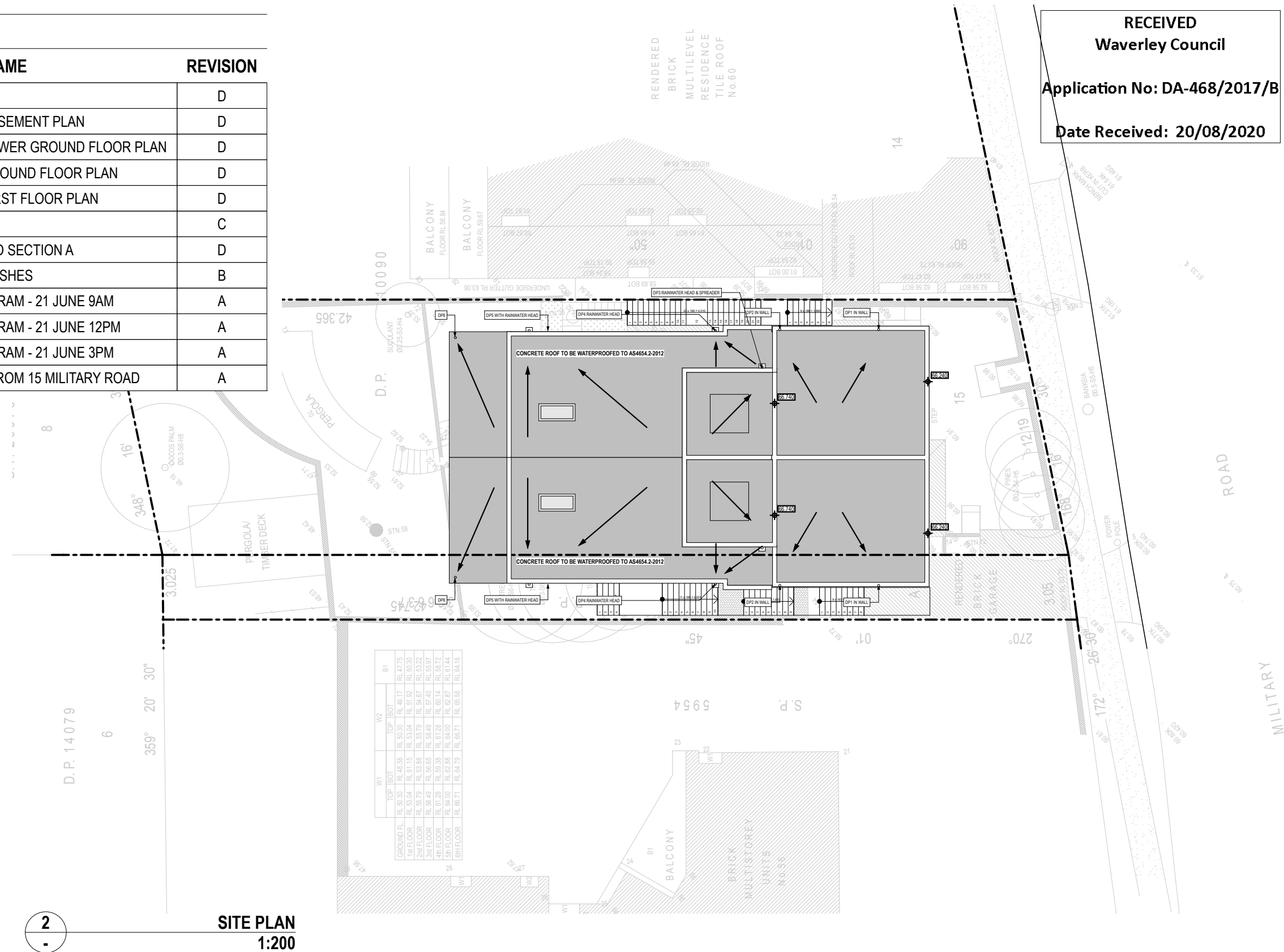
Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

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

Any variation to the above premises numbering requires a new application to be lodged with Council.

# 58 MILITARY ROAD DOVER HEIGHTS - S4.55 APPLICATION

DRA...	DRAWING NAME	REVISION
DA01	SITE PLAN	D
DA02	PROPOSED BASEMENT PLAN	D
DA03	PROPOSED LOWER GROUND FLOOR PLAN	D
DA04	PROPOSED GROUND FLOOR PLAN	D
DA05	PROPOSED FIRST FLOOR PLAN	D
DA06	ELEVATIONS	C
DA07	ELEVATION AND SECTION A	D
DA08	EXTERNAL FINISHES	B
DA09	SHADOW DIAGRAM - 21 JUNE 9AM	A
DA10	SHADOW DIAGRAM - 21 JUNE 12PM	A
DA11	SHADOW DIAGRAM - 21 JUNE 3PM	A
DA12	VIEW STUDY FROM 15 MILITARY ROAD	A



DUPLEX A FSR CALCULATION		
LEVEL	AREA	
1. FIRST FLOOR	42.9	
2. GROUND FLOOR	65.5	
3. LOWER GROUND	59.5	
4. BASEMENT LEVEL	81.6	
	249.5 m <sup>2</sup>	
DUPLEX B FSR CALCULATION		
Zone Name	Measured Area	
1. FIRST FLOOR	42.4	
2. GROUND FLOOR	65.1	
3. LOWER GROUND	59.5	
4. BASEMENT LEVEL	81.6	
	248.6 m <sup>2</sup>	
SITE AREA	634.3	m2
DUPLEX A GFA	249.5	m2
DUPLEX B GFA	248.6	m2
TOTAL	498.1	m2
FSR	0.785	:1

58 Military Road

SUMMARY OF BASIC COMMITMENTS FOR EACH UNIT

This is a summary of the BASIX Commitments as detailed in the BASIX Certificate.  
Refer to the CURRENT BASIX Certificate for Complete details.  
For definitions refer to [basix.nsw.gov.au](http://basix.nsw.gov.au)

WATER COMMITMENTS

Fixtures

3 Star Shower Heads

Yes

3 Star Kitchen / Basin Taps

Yes

3 Star Toilet

Yes

Alternative Water

Minimum Tank Size (L)

3000

Collected from Roof Area (m2)

80

Tank Connected To:

All Toilets

Yes

Laundry With Cold Tap

Yes

One Outdoor Tap

Yes

THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans

ENERGY COMMITMENTS

Hot Water

Gas Instantaneous

6 Star

Cooling System

Living

3 Phase A/C Zoned

EER 3.0 - 3.5

Bedrooms

3 Phase A/C Zoned

EER 3.0 - 3.5

Heating System

Living

3 Phase A/C Zoned

EER 3.0 - 3.5

Bedrooms

3 Phase A/C Zoned

EER 3.0 - 3.5

Ventilation

1 x Bathroom

Fan ducted to exterior

Manual on/off

Kitchen

Fan ducted to exterior

Manual on/off

Natural Lighting

Laundry

Fan ducted to exterior

Manual on/off

Window/Skylight in Kitchen

No

Window/Skylight in Bathrooms/Toilets

Yes

Artificial Lighting

Number of bedrooms

4

Dedicated

Yes

Number of Living/Dining rooms

2

Dedicated

Yes

(rooms to be primarily lit by fluorescent or LED lights)

Kitchen

Yes

Dedicated

Yes

All Bathrooms/Toilets

Yes

Dedicated

Yes

Laundry

Yes

Dedicated

Yes

All Hallways

Yes

Dedicated

Yes

OTHER COMMITMENTS

Outdoor & indoor clothes lines

Yes

Ventilated refrigerator space

Yes

Stove/Oven

Gas cooktop & electric oven

April 2020

BSA Reference: 12542

Building Sustainability Assessments

Ph: (02) 4982 3439

enquiries@buildingustainability.net.au

www.buildingsustainability.net.au

Important Note

The following specification is used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification.

If different construction elements are applied then the Assessor Certificate is no longer valid.

Thermal Performance Specifications (does not apply to garage)

External Wall Construction

Added Insulation

W1 200mm Concrete + stud + lining (Basement up to ground floor)

R1.0

W4 250mm Concrete (Storage, wine cellar)

none

W6 150mm Concrete + top hat + lightweight cladding (first floor)

R1.0

Internal Wall Construction

Added Insulation

P1 Plasterboard on studs

none

W2,W3,W7,W8 Concrete

none

W2 200mm Concrete (Party walls)

none

Ceiling Construction

Added Insulation

Ceasterboard R3.5 to ceilings adjacent roof space to Basement, Lower ground floor

R2.0 to floors where open below

Plasterboard R1.0 to ceilings adjacent roof space to first floor

R2.0 to floors adjacent to garage

Roof Construction

Colour

Added Insulation

Concrete

Any

none

Floor Construction

Covering

Added Insulation

Concrete

As drawn

R2.0 to floors where open below

R2.0 to floors adjacent to garage

Windows

Glass and frame type

U Value

SHGC Range

Area sq m

ALM00-031 A Aluminium Type A

4.80

0.46 - 0.56

To Res B

ALM00-041 A Aluminium Type B

4.80

0.53 - 0.65

To Res B

ALM00-011 A Aluminium Type A Single clear

6.70

0.51 - 0.63

To Res A

ALM00-021 A Aluminium Type B Single clear

6.70

0.63 - 0.77

To Res A

Type A windows are seaming windows, bi-folds, casements, tilt 'n turn' windows, entry doors, french doors

Type B windows are double hung windows, sliding windows & doors, lead windows, stacker doors, louvers

Skylights

Glass and frame type

U Value

SHGC Range

Area sq m

Single clear glazed in aluminium frames

As drawn

U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower and the SHGC is within the range specified

External Window Shading



(awnings, verandahs, pergolas, awnings etc)

All shade elements modelled as screens

Ceiling Penetrations

(downlights, exhaust fans, flues etc)

No adjuatment has been made for losses to insulation caused from ceiling penetrations.

ISSUE / DATE / NOTE A ISSUE FOR \$4.55 B ISSUE FOR \$4.55	30/01/2020 11/05/2020	PROJECT TITLE: CONSTRUCTION OF DUAL OCCUPANCY	DRAWING TITLE: SITE PLAN	STAGE: \$4.55 MODIFICATION	DRAWN BY: RK		<h1>STUDIO MAKE MADE</h1> <p>a PO BOX 133, ANNANDALE NSW 2038 e rkoo@studiomakemade.com m 0405307188</p> 	DRAWING NO.: DA01	REVISION: D
C ISSUE FOR \$4.55(1A) - AMENDED OSD AND RAINWATER TANK LOCATION D DA/468/2017/B - ADDITIONAL	29/07/2020 10/08/2020		CLIENT: Mr Lion Li		CHECKED BY: RK			PROJECT NO.: ARCH-19-05	SCALE: AS SHOWN @ 1:390
INFORMATION AS PER COUNCIL LETTER 28/07/20			ADDRESS: 58 Military Road Dover Heights NSW						





# AMENDED PLANS

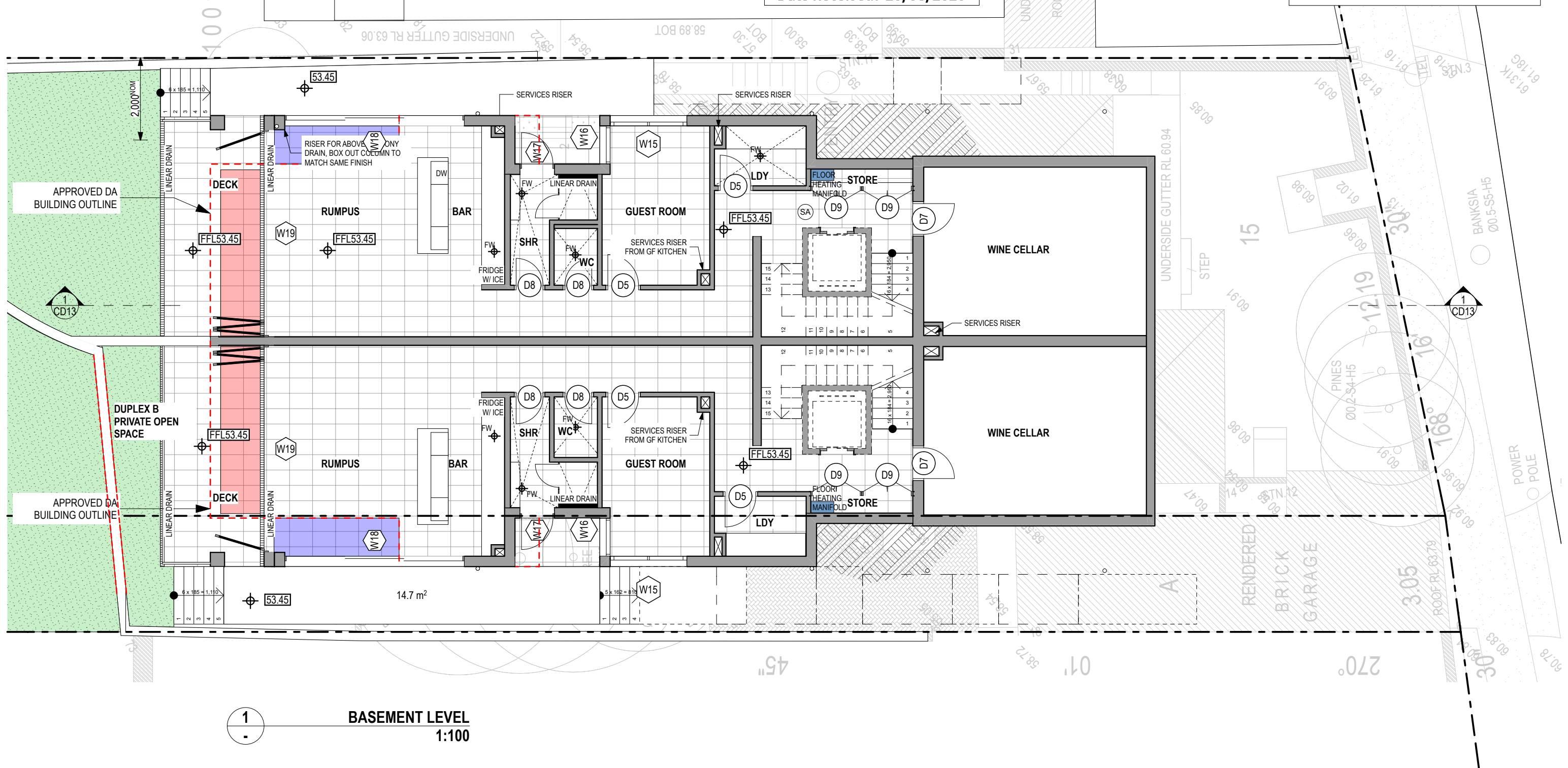
RECEIVED  
Waverley Council

**Application No: DA-468/2017/B**



Date Received: 20/08/2020

## LEGEND

	DA468/2017 WINDOWS AND GLAZED DOORS
	DA468/2017 BUILDING OUTLINE
	AREA OF GFA REDUCTION
	AREA OF GFA ADDITION

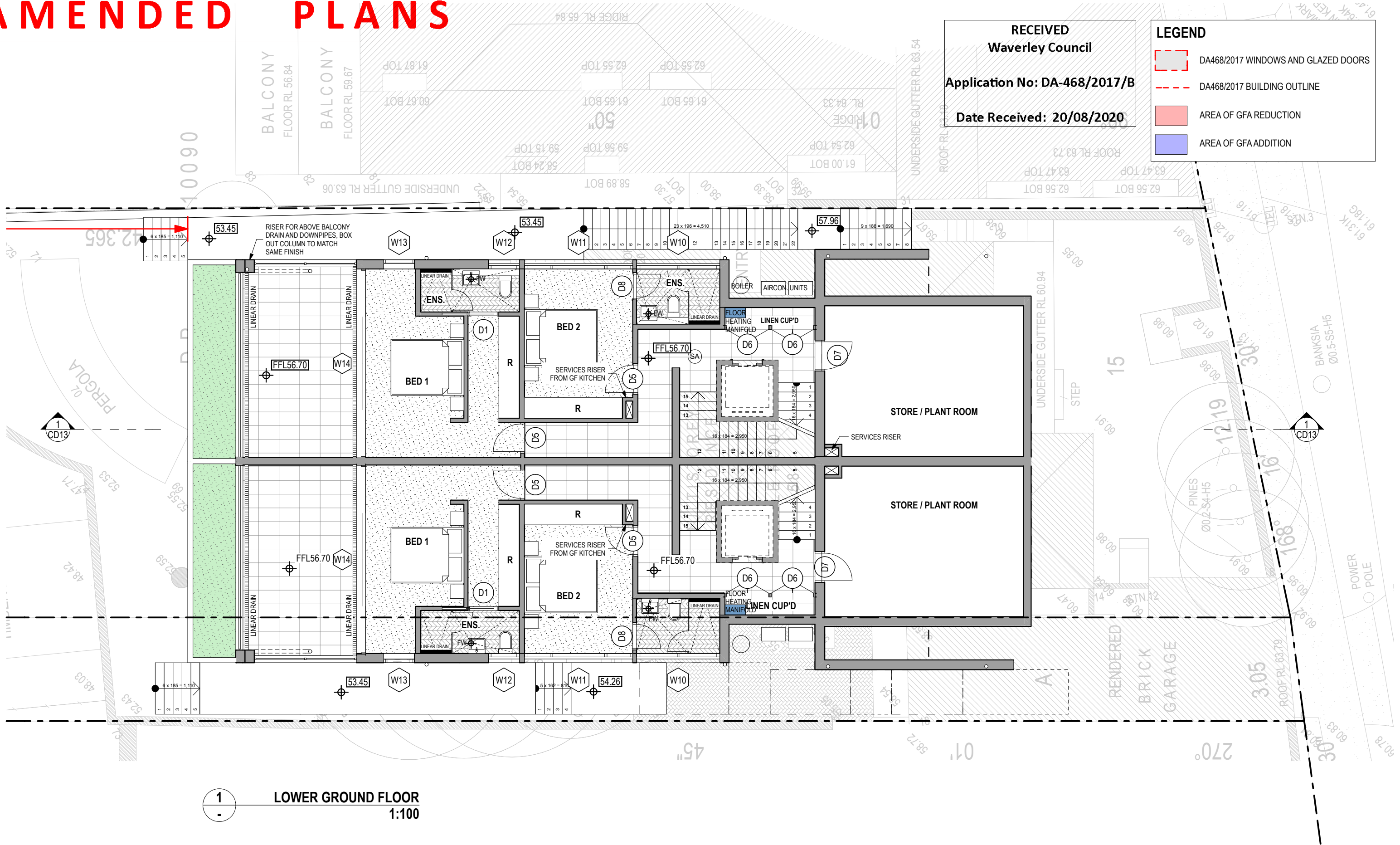


**1 BASEMENT LEVEL**  
**1:100**

<div>ISSUE / DATE / NOTE</div> <div>A ISSUE FOR \$4.55 30/01/2020</div> <div>B ISSUE FOR \$4.55 11/05/2020</div> <div>C ISSUE FOR \$4.55(1A) - AMENDED OSD 29/07/2020</div> <div>AND RAINWATER TANK LOCATION</div> <div>D.DA/468/2017/B - ADDITIONAL 10/08/2020</div> <div>INFORMATION AS PER COUNCIL LETTER</div> <div>28/07/20</div>		<div>PROJECT TITLE:</div> <div>CONSTRUCTION OF DUAL OCCUPANCY</div>		<div>DRAWING TITLE:</div> <div>PROPOSED BASEMENT PLAN</div>		<div>STAGE:</div> <div>\$4.55 MODIFICATION</div>		<div>DRAWN BY:</div> <div>RK</div>		<div></div>	<div>STUDIO MAKE MADE</div> <div>a PO BOX 133, ANNANDALE NSW 2038</div> <div>e rkoo@studiomakemade.com</div> <div>m 0405307188</div>	<div></div>	<div>DRAWING NO.:</div> <div>DA02</div>		<div>REVISION:</div> <div>D</div>	
		<div>CLIENT:</div> <div>Mr Lion Li</div>				<div>CHECKED BY:</div> <div>RK</div>		<div>ADDRESS:</div> <div>58 Military Road Dover Heights NSW</div>					<div>PROJECT NO.:</div> <div>ARCH-19-05</div>		<div>SCALE:</div> <div>AS SHOWN @ 1:100</div> <div>391</div>	

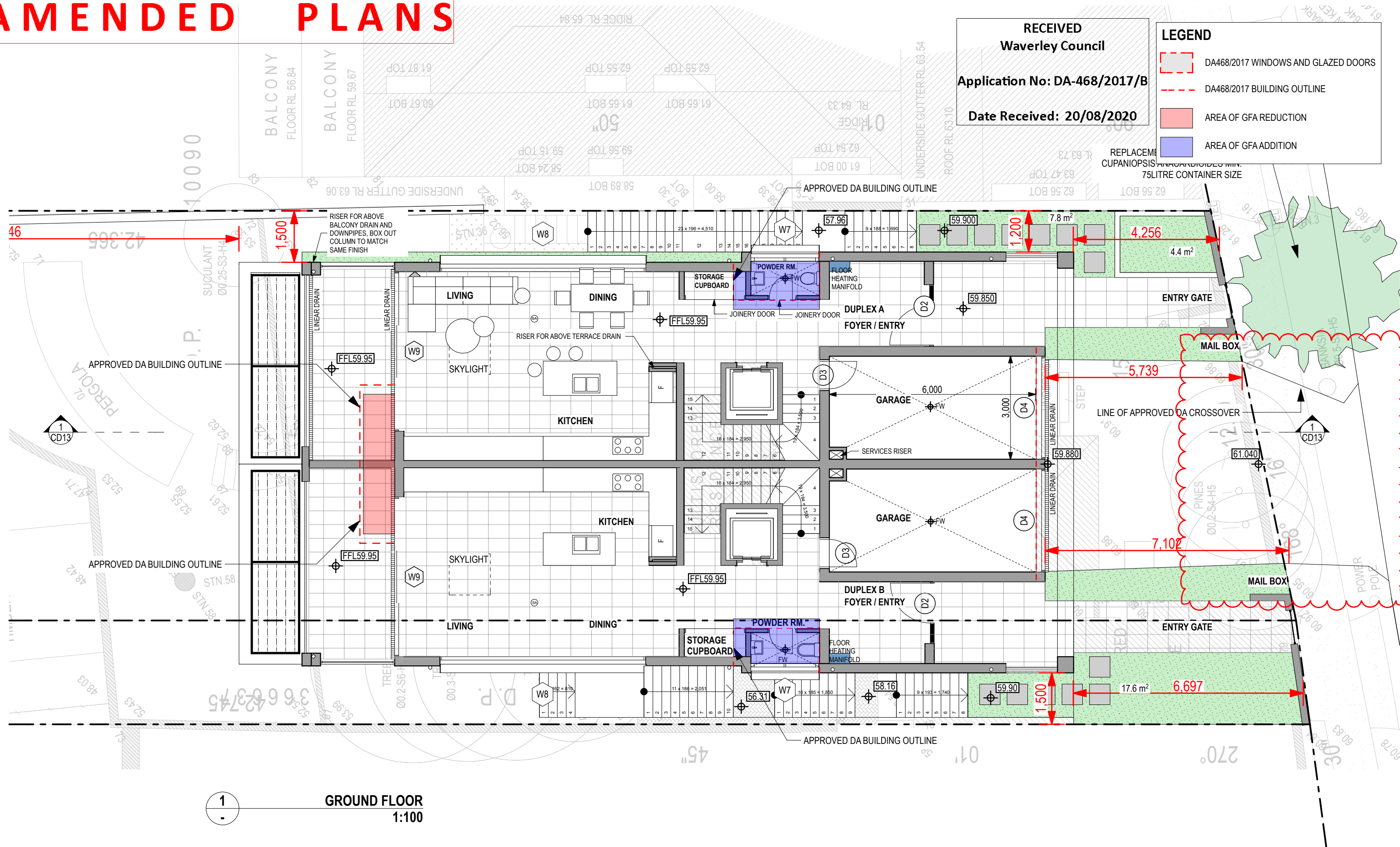




# AMENDED PLANS



ISSUE / DATE / NOTE A ISSUE FOR \$4.55 30/01/2020 B ISSUE FOR \$4.55 11/05/2020 C ISSUE FOR \$4.55(1A) - AMENDED OSD AND RAINWATER TANK LOCATION 29/07/2020 D DA/468/2017/B - ADDITIONAL INFORMATION AS PER COUNCIL LETTER 28/07/20	PROJECT TITLE: CONSTRUCTION OF DUAL OCCUPANCY	DRAWING TITLE: PROPOSED LOWER GROUND FLOOR PLAN	STAGE: \$4.55 MODIFICATION	DRAWN BY: RK CHECKED BY: RK		<b>STUDIO MAKE MADE</b> a PO BOX 133, ANNANDALE NSW 2038 e rkoo@studiomakemade.com m 0405307188		DRAWING NO.: <b>DA03</b>	REVISION: <b>D</b>
								PROJECT NO.: ARCH-19-05	SCALE: AS SHOWN

# AMENDED PLANS

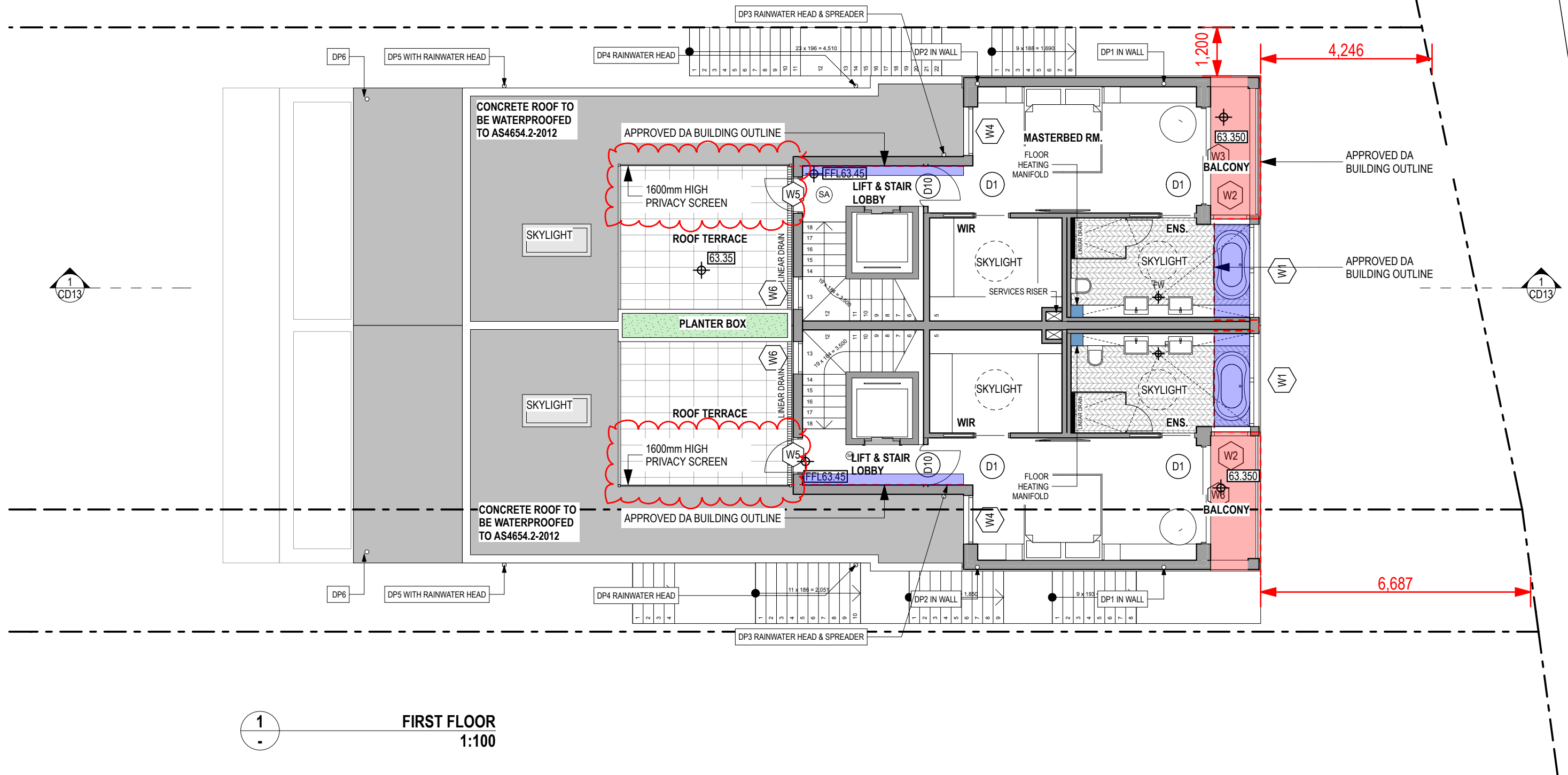




ISSUE / DATE / NOTE A ISSUE FOR \$4.55 B ISSUE FOR \$4.55	30/01/2020 11/05/2020	PROJECT TITLE: CONSTRUCTION OF DUAL OCCUPANCY	DRAWING TITLE: PROPOSED GROUND FLOOR PLAN	STAGE: \$4.55 MODIFICATION	DRAWN BY: RK		<h1>STUDIO MAKE MADE</h1> <p>a PO BOX 133, ANNANDALE NSW 2038 e rkoo@studiomakemade.com m 0405307188</p> 	DRAWING NO.: <b>DA04</b>	REVISION: <b>D</b>
C ISSUE FOR \$4.55(1A) - AMENDED OSD AND RAINWATER TANK LOCATION <b>D DA/468/2017/B - ADDITIONAL</b>	29/07/2020 <b>10/08/2020</b>		CLIENT: Mr Lion Li		CHECKED BY: RK			PROJECT NO.: ARCH-19-05	SCALE: AS SHOWN ON DRAWING
<b>INFORMATION AS PER COUNCIL LETTER 28/07/20</b>		ADDRESS: 58 Military Road Dover Heights NSW						<b>393</b>	

# AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-468/2017/B  
Date Received: 20/08/2020

LEGEND	
	DA468/2017 WINDOWS AND GLAZED DOORS
	DA468/2017 BUILDING OUTLINE
	AREA OF GFA REDUCTION
	AREA OF GFA ADDITION



ISSUE / DATE / NOTE A ISSUE FOR \$4.55 B ISSUE FOR \$4.55 C ISSUE FOR \$4.55(1A) - AMENDED OSD AND RAINWATER TANK LOCATION D DA/468/2017/B - ADDITIONAL INFORMATION AS PER COUNCIL LETTER 28/07/20	30/01/2020 11/05/2020	PROJECT TITLE: CONSTRUCTION OF DUAL OCCUPANCY	DRAWING TITLE: PROPOSED FIRST FLOOR PLAN	STAGE: \$4.55 MODIFICATION	DRAWN BY: RK		STUDIO MAKE MADE a PO BOX 133, ANNANDALE NSW 2038 e rkoo@studiomakemade.com m 0405307188		DRAWING NO.: DA05	REVISION: D
	29/07/2020		CLIENT: Mr Lion Li	CHECKED BY: RK	PROJECT NO.: ARCH-19-05				SCALE: AS SHOWN ON PLAN	
	10/08/2020		ADDRESS: 58 Military Road Dover Heights NSW							



# AMENDED PLANS

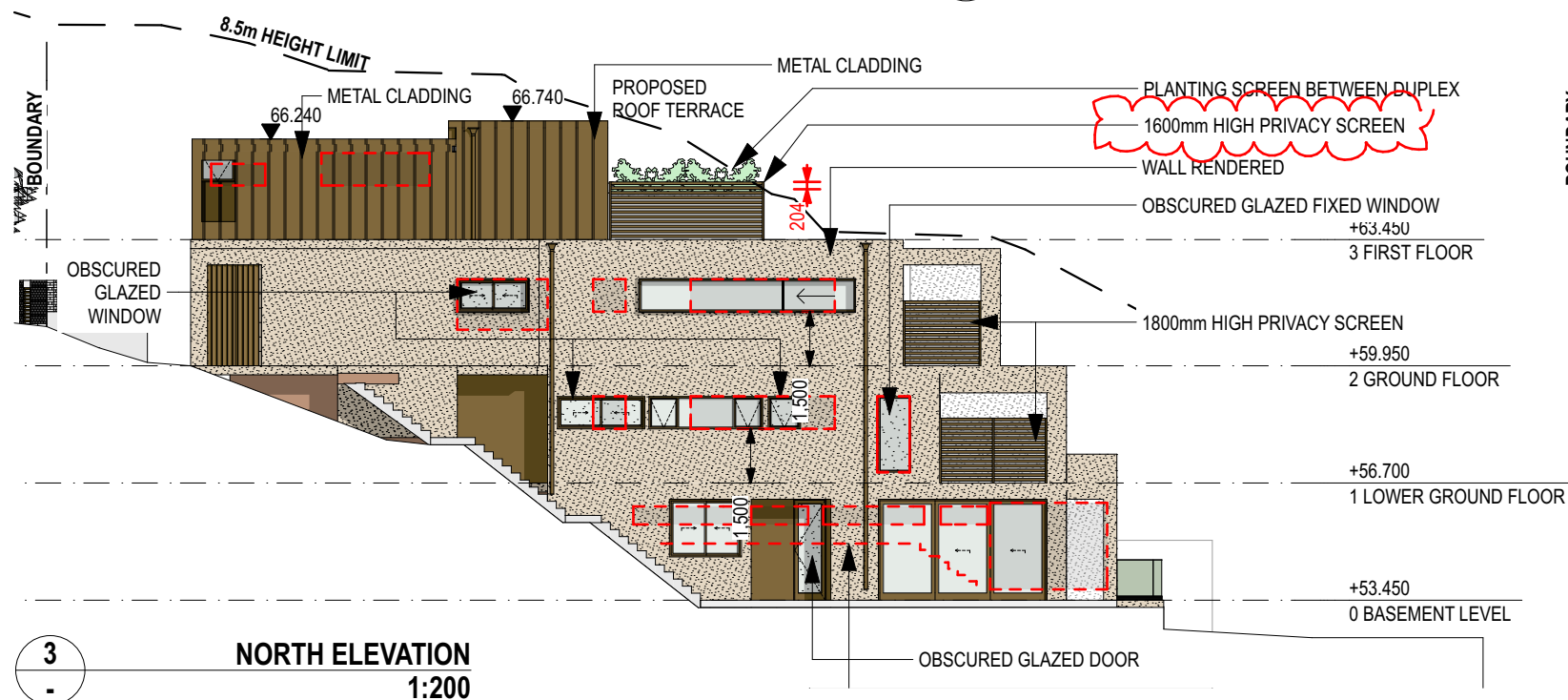
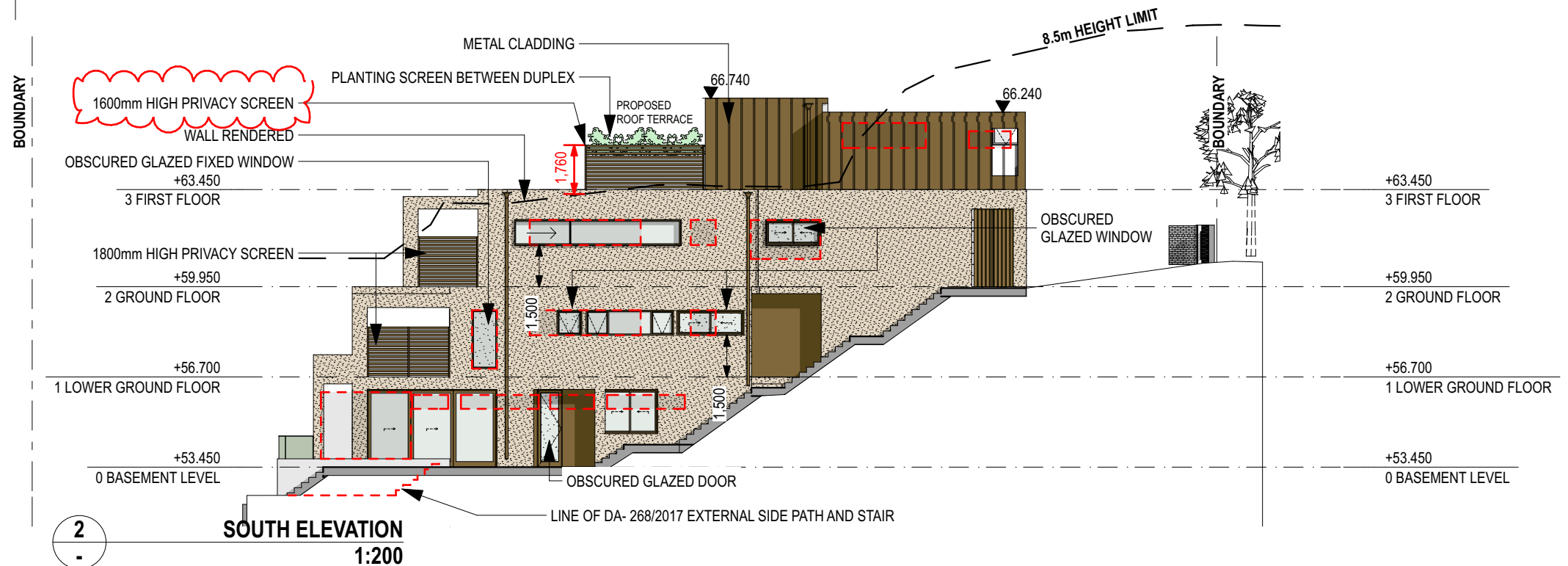
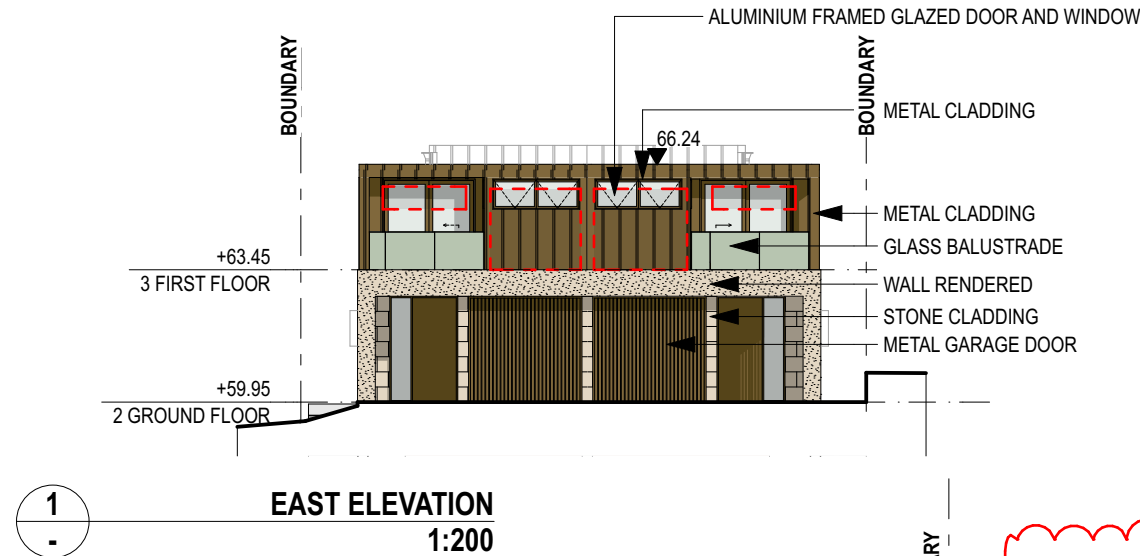
## LEGEND

- DA468/2017 WINDOWS AND GLAZED DOORS
- DA468/2017 BUILDING OUTLINE

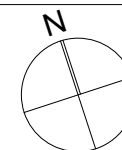
RECEIVED  
Waverley Council

Application No: DA-468/2017/B

Date Received: 20/08/2020



ISSUE / DATE / NOTE	PROJECT TITLE	DRAWING TITLE	STAGE	DRAWN BY:
A ISSUE FOR \$4.55	30/01/2020	ELEVATIONS	S4.55 MODIFICATION	RK
B ISSUE FOR \$4.55	11/05/2020			
C DA/468/2017/B - ADDITIONAL INFORMATION AS PER COUNCIL LETTER	10/08/2020	CLIENT:		CHECKED BY:
28/07/20		Mr Lion Li		RK
D ISSUE FOR INFORMATION	28/08/2020	ADDRESS:		
		58 Military Road Dover Heights NSW		



STUDIO MAKE MADE

a PO BOX 133, ANNANDALE NSW 2038  
e rkoo@studiomakemade.com  
m 0405307188



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DA06	D
PROJECT NO.:	SCALE:
ARCH-19-05	1:200 (HOW TO)

395



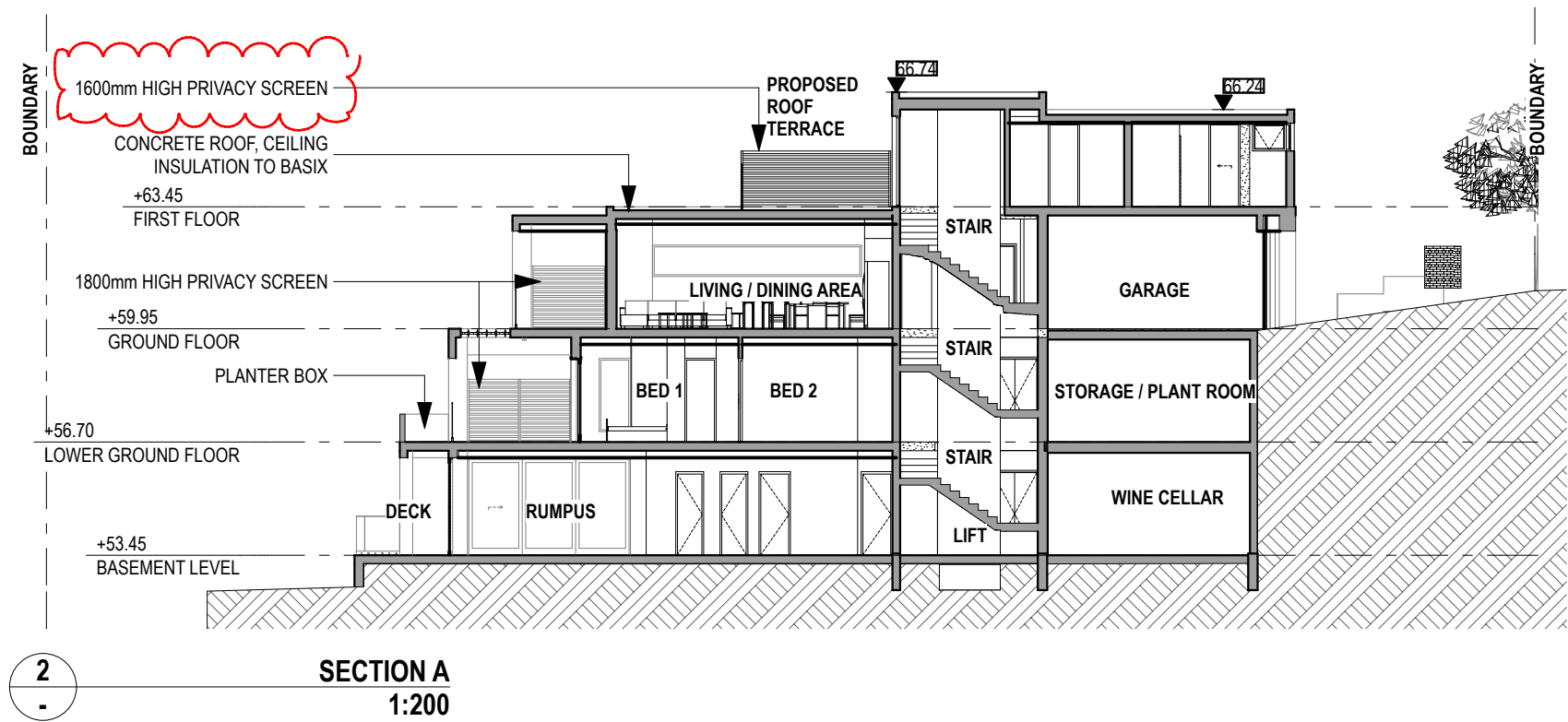
# AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-468/2017/B  
Date Received: 20/08/2020

LEGEND

DA468/2017 WINDOWS AND GLAZED DOORS

DA468/2017 BUILDING OUTLINE



ISSUE / DATE / NOTE	PROJECT TITLE:	DRAWING TITLE:	STAGE:	DRAWN BY:	<div>N</div>	STUDIO MAKE MADE	<div>MM</div>	DRAWING NO.:	REVISION:
A ISSUE FOR \$4.55 30/01/2020	CONSTRUCTION OF DUAL OCCUPANCY	ELEVATION AND SECTION A	S4.55 MODIFICATION	RK				DA07	D
B ISSUE FOR \$4.55 11/05/2020									
C ISSUE FOR \$4.55(1A) - AMENDED OSD AND RAINWATER TANK LOCATION 29/07/2020				CHECKED BY:					
D DA/468/2017/B - ADDITIONAL INFORMATION AS PER COUNCIL LETTER 28/07/20				RK					
	CLIENT:	ADDRESS:						PROJECT NO.:	SCALE:
	Mr Lion Li	58 Military Road Dover Heights NSW						ARCH-19-05	AS SHOWN 396

AMENDED PLANS

# 58 MILITARY ROAD DOVER HEIGHTS - SCHEDULE OF FINISHES

RECEIVED  
Waverley Council

Application No: DA-468/2017/B

Date Received: 20/08/2020

EXTERNAL WALLS

- 1. METAL CLADDING VERTICAL NAIL STRIP COLOUR 'DARK BRONZE'
- 2. WALL RENDERED DULUX COLOUR 'BEIGE ROYAL OR SIMILAR'
- 3. WALL RENDERED DULUX COLOUR TO MATCH DARK BRONZE

WINDOWS AND DOORS

- 1. ALUMINIUM FRAMED GALZED, COLOUR DULUX POWDERCOATING 'DARK BRONZE'

BALUSTRADE

- 1. FRAME LESS GLAZING WITH ALUMINIUM TRIM ON TOP OF GLASS, TRIM COLOUR DULUX POWDERCOATING 'DARK BRONZE'

ROOF COLOUR

- 1. CONCRETE SLAB, COLOUR 'BEIGE ROYAL OR SIMILAR'

DOWNPIPES AND RAINWATER HEAD

- 1. METAL AND TO MATCH DARK BRONZE

FENCE

- 1. METAL AND TO BE PAINTED TO MATCH DARK BRONZE

GARAGE DOOR

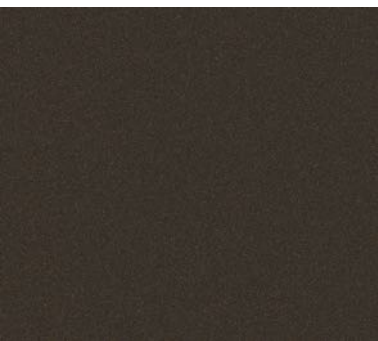
- 1. ALUMINIUM BATTEN, COLOUR DULUX POWDERCOATING 'DARK BRONZE'

PRIVACY SCREEN AND LOUVRES

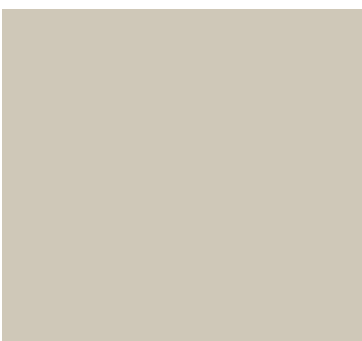
- 1. ALUMINIUM BATTEN AND LOUVRES, COLOUR DULUX POWDERCOATING 'DARK BRONZE'



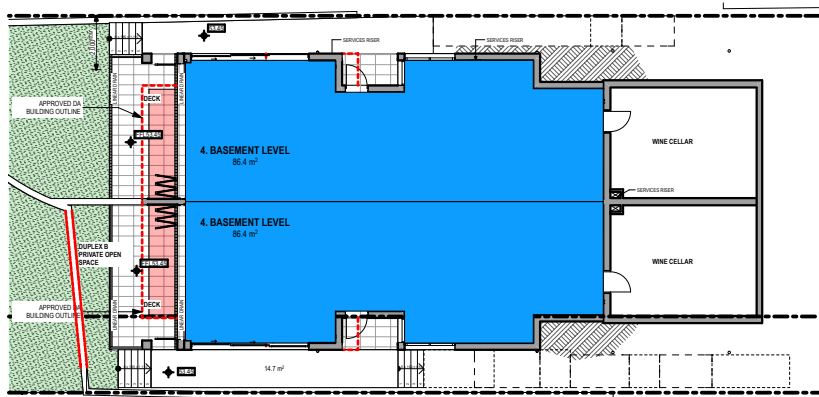
METAL CLADDING AND WALL RENDERED



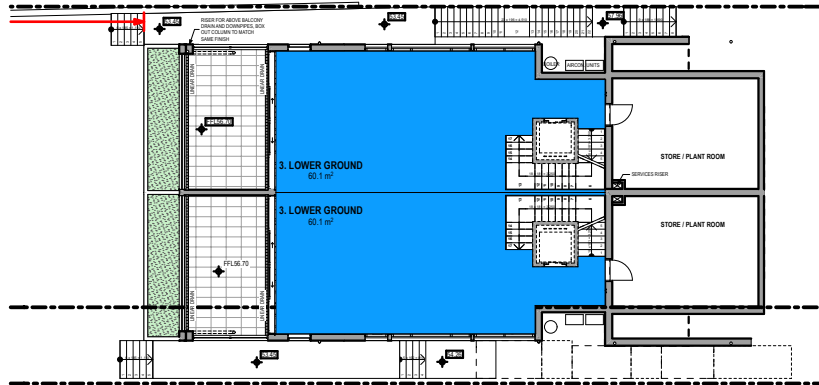
DULUX POWDER COATING 'DARK BRONZE'



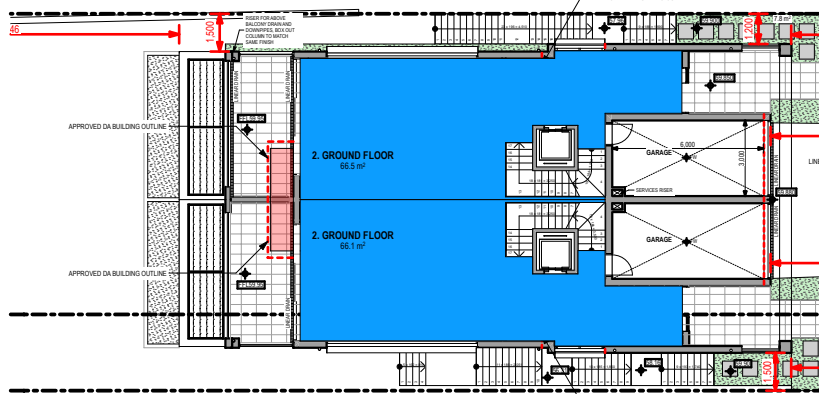
DULUX COLOUR 'BEIGE ROYAL' OR SIMILAR



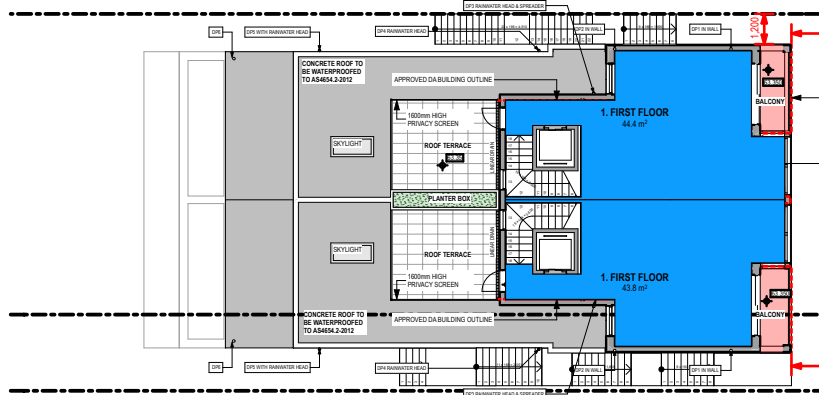
1 BASEMENT LEVEL



2 LOWER GROUND FLOOR



3 GROUND FLOOR



4 FIRST FLOOR

## S4.55 GROSS FLOOR AREA



DUPLEX A FSR CALCULATION	
LEVEL	AREA
1. FIRST FLOOR	44.4
2. GROUND FLOOR	66.5
3. LOWER GROUND	60.1
4. BASEMENT LEVEL	86.4
	257.4 m <sup>2</sup>

DUPLEX B FSR CALCULATION	
Zone Name	Measured Area
1. FIRST FLOOR	43.8
2. GROUND FLOOR	66.1
3. LOWER GROUND	60.1
4. BASEMENT LEVEL	86.4
	256.4 m <sup>2</sup>

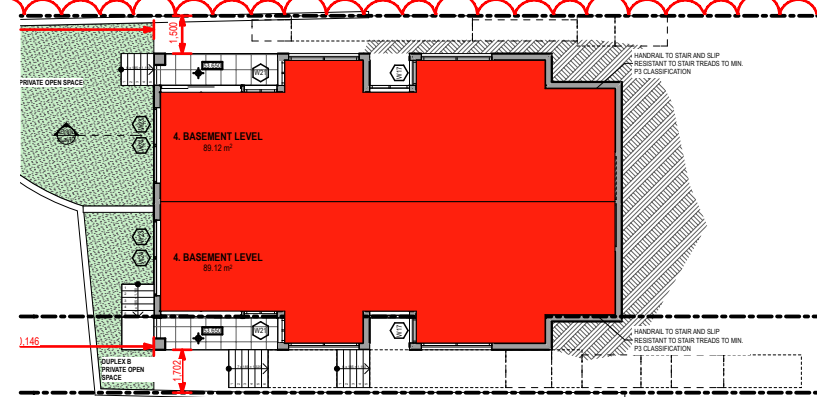
SITE AREA	634.3	m2
DUPLEX A GFA	257.4	m2
DUPLEX B GFA	256.4	m2
TOTAL	513.8	m2
FSR	0.810	:1

AMENDED

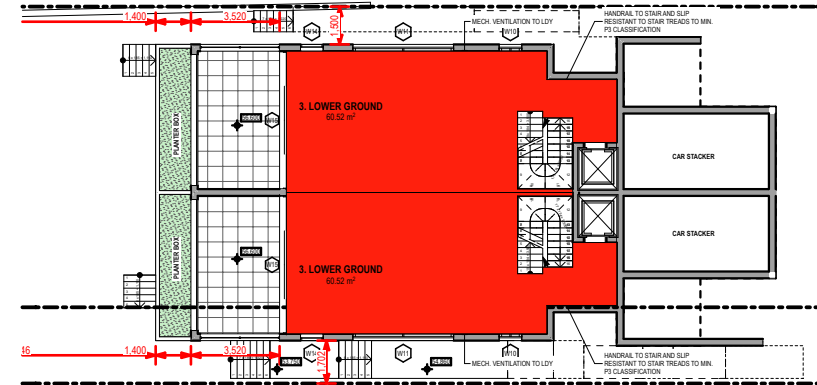
RECEIVED  
Waverley Council

Application No: DA-468/2017/B

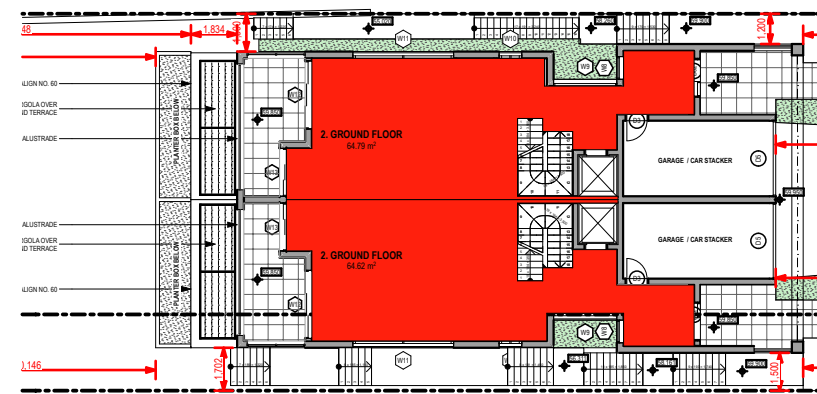
Date Received: 02/09/2020



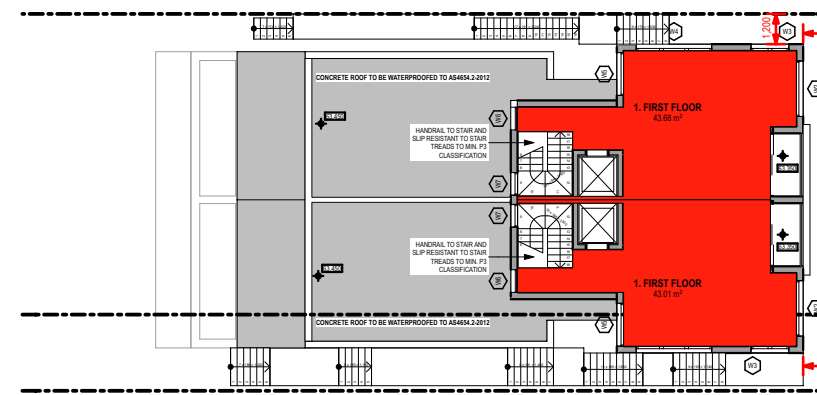
5 BASEMENT LEVEL



6 LOWER GROUND FLOOR



7 GROUND FLOOR



8 FIRST FLOOR

## APPROVED DA 468/2017 GROSS FLOOR AREA



DUPLEX A FSR CALCULATION	
LEVEL	AREA
1. FIRST FLOOR	43.68
2. GROUND FLOOR	64.79
3. LOWER GROUND	60.52
4. BASEMENT LEVEL	89.12
	258.11 m <sup>2</sup>

DUPLEX B FSR CALCULATION	
Zone Name	AREA
1. FIRST FLOOR	43.01
2. GROUND FLOOR	64.62
3. LOWER GROUND	60.52
4. BASEMENT LEVEL	89.12
	257.27 m <sup>2</sup>

SITE AREA	634.3	m2
DUPLEX A GFA	258.11	m2
DUPLEX B GFA	257.27	m2
TOTAL	515.38	m2
FSR	0.813	:1





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-183/2020
<b>Site address</b>	11 Thompson Street, Tamarama
<b>Proposal</b>	Alterations to existing dwelling including internal reconfiguration, conversion of existing garage into habitable studio space and construction of a double garage at front.
<b>Date of lodgement</b>	12 June 2020
<b>Owner</b>	Mr M & Mrs K Huggins
<b>Applicant</b>	Cullen Feng Pty Ltd
<b>Submissions</b>	Original: one Renotification of amended plans: one
<b>Cost of works</b>	\$1,924,000
<b>Issues</b>	Over the maximum Floor Space Ratio by 30%, 8% exceedance with the maximum building height and view loss.
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions

**Site Map**





## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 1 July 2020.

The site is identified as Lot 48 in DP 10771, known as 11 Thompson Street, Tamarama. The site is irregular in shape with a northern boundary measuring 12.5m, eastern and western boundary measuring 49.5m and southern boundary measuring 12.5. The site has an area of 578.6m<sup>2</sup> and the site falls from the front boundary along Thompson Street towards the northern boundary by approximately 11.69m. The site backs onto Tamarama Park and is the rear is highly visible from the coastal walk and Tamarama Beach and parklands.

The site is occupied by a three (3) storey dwelling that presents to Thompson Street as single storey dwelling (due to the slope of the land). Vehicular access is provided from Thompson Street and a garage is located integrated into the front of the dwelling (inset from front boundary).

The subject site is adjoined by dwellings on either side. The locality is characterised by a variety of residential developments including semi-detached dwellings and dwellings.



**Figure 1:** Northern view of the subject site from Thompson Street.



**Figure 2:** Southerly view of the rear façade of the dwelling.



**Figure 1:** North easterly view of Tamarama Beach from the mid-level balcony.





**Figure 4:** Westerly view across the mid-level balcony looking towards 9 Thompson Street.

## 1.2 Relevant History

A search through Council's records concluded that there was one previous Local Development Application linked to the site. Application number LD-797/2000 was for the construction of an additional storey resulting in four (4) levels and the application was refused on the 1 July 2002.

### Current Application:

The application was deferred on the 12 July 2020 due to discrepancies in the calculated gross floor area, view loss impacts, height of the solar panels on the roof, missing streetscape analysis, lower level decking, encroachments to the rear, visual and aural privacy. The applicant lodged amended plans on the 28 July 2020, which addressed all the issues raised in the deferral letter. The amended plans were renotified for 14 days and no submissions were received during the second notification period.

The amended plans will form the basis of the following assessment report.

## 1.3 Proposal

The proposed alterations and additions to the existing three (3) level dwelling include the following works:

### Upper Level (Thompson Street level):

- Internal alterations to the porch, foyer, bathroom and water closet;
- Conversion of the existing integrated garage into a studio space;
- Reconfigure the master bedroom with ensuite and walk-in robe and one bedroom;
- New double garage located along the street boundary;

#### Middle Level:

- Relocation of the staircase between all the levels;
- Open plan kitchen, dining, living area with bathroom and clock room;
- Laundry and library/guest bedroom;
- Corner extension to the to the external deck;

#### Lower Level:

- Reconfiguration of gym, games room, bedroom and bathroom;
- Partial excavation of the existing sub floor area to allow for the stair relocation and additional storage;

#### External changes:

- Landscaping works across the site;
- Retractable awning to replace existing fabric awning;
- Solar panels flush mounted to the roof;
- Timber cladding on the existing privacy screen located off the western elevation of the middle floor deck;
- Refurbish the pool pavers and coping level and patio.



**Figure 5:** Existing and proposed rear view photomontage.



**Figure 6:** Existing and proposed street view



## **2. ASSESSMENT**

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

### **2.1 Planning Instruments and Development Control Plans**

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

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

A BASIX Certificate has been submitted with the development application.

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

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

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

#### **2.1.3 SEPP (Coastal Management) 2018**

The SEPP applies to the subject site as it is wholly located within the Coastal environment area (Clause 13) and a Coastal use area (Clause 14) according to the SEPP.

Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

*(a) has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

*(b) is satisfied that:*

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

*(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

*The above matters have been considered and in the context of the subject site/application, it is unlikely that the proposal will have an adverse impact.*

Clause 15 states Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

#### Planning Comment

The proposal seeks alterations and additions to an existing dwelling and therefore, would not increase the risk of coastal hazards on the site or other land.

#### **2.1.4 SEPP (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) regulates the clearing of vegetation that is below the Biodiversity Offset Scheme threshold referred to in the Biodiversity Conservation Act 2016.

In accordance with Part 3 of the Vegetation SEPP, a permit is required from Council to clear any vegetation in an area identified:

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

#### Planning Comment

The subject site is located in a Biodiversity Habitat Corridor and the proposal is removing three (3) existing palm trees. The Landscape Plan required amendments to comply with the 15% landscaped area on site control and meet the 90% requirement for Indigenous and Local Plants. The amended landscape area meets the minimum 15% but only provides 80% of indigenous plants. A recommended condition of consent for the development requires the resubmission of the landscape plan to comply with the above control and be approved by Council's Biodiversity Officer prior to a Construction Certificate.

## 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations to a dwelling, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	No – existing non-compliance.	The existing dwelling has a maximum height of 9.18m at the northern elevation. There are no changes to the existing height of the building but alterations to the roof are proposed. A Clause 4.6 variation to the height standard has been submitted. The solar panels are flush mounted to the roof below the highest point of the eave. The new garage is 3.23m in height at the southern elevation on Thompson Street.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.5:1</li> </ul>	No	The proposed FSR on site is 0.65:1 (374.5m <sup>2</sup> ), which is approximately 30% over the standard. The existing house is currently over the standard at 0.55:1 (316.5m <sup>2</sup> ) and the variation sought is a 18% increase of the existing FSR on site.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Floor Space Ratio and the maximum building height development standards. A detailed discussion of the variation to the development standards are presented below this table.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site contains 'Class 5' acid sulfate soils. The site is located greater than 500m from land known as containing Classes 1, 2, 3 or 4 acid sulfate soils. The proposal does not involve excavation deeper than 5m below AHD. Therefore, the proposed development is not expected to disturb or expose acid sulfate soils.
6.2 Earthworks	N/A	No additional excavation proposed.

Provision	Compliance	Comment

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

#### Clause 4.6 Exceptions to Development Standards

##### Height

The application seeks to develop above the maximum height of buildings development standard in Clause 4.3.

The site is subject to a maximum height control of 8.5m. The existing dwelling has a height of 9.18m and the proposed alterations to the roof are above the height control, exceeding the standard by 0.68m equating to an 8% variation.

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

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

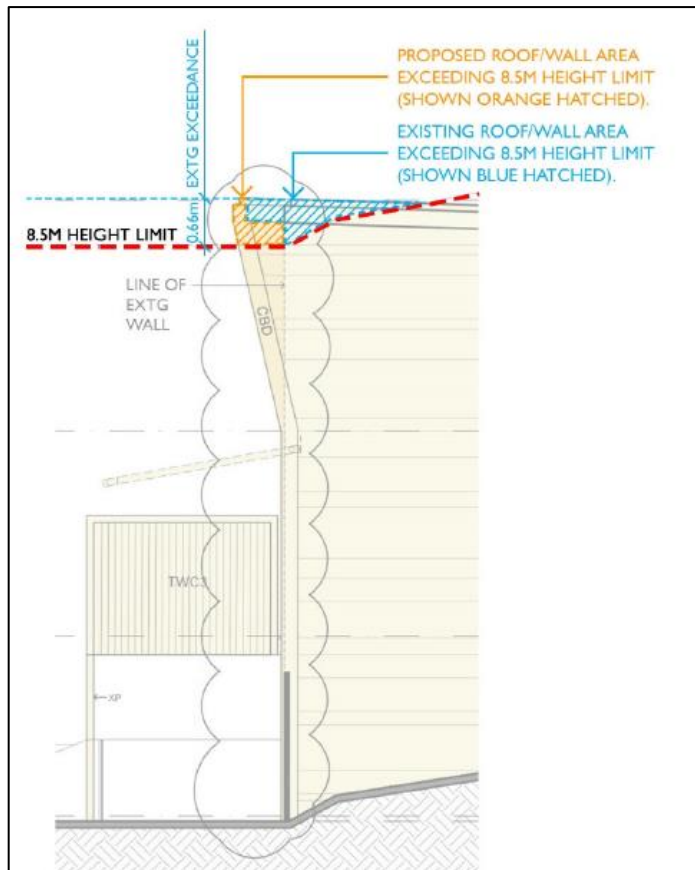
A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration. Applicant's Written Request - Clause 4.6(3)(a) and (b) The applicant seeks to justify the contravention of the height development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - i. *Similar to most of the houses in the area this steep topography means that with entrance levels near Thompson Street, the rear elevation of houses on the north side of the street will typically be at or over the current Building Height control. The majority of houses visible would exceed the height control. The roof of the existing residence at No 11 does exceed the 8.5m height at the northwest boundary corner. The existing exceedance in height is approximately 0.66m (660mm).*
  - ii. *The proposed development includes comprehensive alterations to the existing house to substantially improve the internal planning and external appearance of the residence. The essential form and bulk of the existing house and roof will however remain unchanged. The proposed alterations include some works to the existing roof which has a butterfly form and currently leaks in a number of places. These works will include replacing the steel roof sheeting, flashings, box gutters and overflows to achieve a weatherproof roof.*
  - iii. *It is also proposed to alter the eave of the existing roof and extend it slightly to the north to provide better shading and integrate the roof form with the overall design of*



*the house. The sloped timber lined eave is an important element in the aesthetic modernisation of the house and is one of a family of elements with tapered and angled faces and timber finishes throughout the exterior and interior design of the house.*

- iv. As can be seen in the proposed northern elevation photomontage, it is proposed to terminate the eave treatment by resolving it into a vertical blade below the existing roof level at the northwest corner of the roof. This blade was originally vertical down to the mid level floor of the house but has been altered with a tapered form to preserve the views of No 9 across the subject site.*
- v. The existing roof in this area already slightly exceeds the height limit by approximately 660mm. The proposed modifications would result in a minor portion of new work that would similarly exceed the height limit. The new work does not increase the height of the existing roof – so there is no additional exceedance beyond that that already exists.*
- vi. Given that the proposed works are below the line of an already projecting roof eave as well as a slight extension of that eave (Figure 7), there are no new amenity impacts created of any significance. As noted above the form of the proposed blade wall below the roof (which largely complies with the height limit) has already been altered to address concerns of the owners of No 9 regarding view loss. The shadow diagrams submitted with the DA show that the blade (prior to the modification from vertical to tapered) has no meaningful solar impact on No 9 from 9am to 3pm at any time during the year.*
- vii. It is therefore submitted the minor area of non-compliance with the standard is essentially a refurbishment of an existing building element that already exceeds the relevant control by a minor degree. Furthermore that existing element was built well prior to the relevant control existing.*



**Figure 7:** North End of west elevation showing change highlighted in orange.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- i. *The proposed development is permissible within the R2 Low Density Residential zone and is consistent with the relevant zone objectives.*
  - ii. *This Request demonstrates in Section 3.2 and 3.3 that the proposal also achieves all of the objectives of the relevant control, despite the technical exceedance.*
  - iii. *Particularly given that the existing house form predates the control and already exceeds it and that the proposed alterations occur within the existing envelope of the house avoiding the creation of any adverse amenity impacts, it is submitted that strict compliance with the control would be unreasonable and unnecessary in the circumstances of the case.*
  - iv. *The proposed development is in the Public Interest as it will result in a substantial improvement of the streetscape as well an incremental development of the land that better realises its potential for residential use. The proposal does not seek to demolish and rebuild but rather seeks to retain the existing structure and enhance it.*
  - v. *Therefore the technical non-compliance will not be inconsistent with existing and future planning objectives for the locality and it is submitted that there are sufficient environmental planning grounds to justify exceedance of the development standard in the particular circumstances of the case.*

- vi. *The proposed alterations and refurbishment of the existing house will significantly improve its aesthetic character resulting in a residence that positively contributes to the quality of the streetscape and locality generally.*

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing the design of the dwelling has been built to work with the natural topography of the land and the alterations are to the existing non-compliant roof which was built before the current development standards. The proposed development does not change the height of the existing house but refurbishes the exterior facades and improves the architectural appearance of the dwelling. The alterations do not result in any amenity impacts on neighbouring properties or effect any existing views, which is discussed later in this report.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with both the

objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out including;

Clause 4.3 Height of Building

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

Planners Comment:

It is demonstrated on the architectural plans, the existing building is already built over the maximum height limit and has a similar height to adjoining dwellings which also exhibit steep gradients in land, resulting in only a minimal breach to the development standard. In addition, the proposal has encompassed view sharing through a compliant design, maintaining the existing rear building line and side setbacks, allowing view corridors for those lots to the west of the subject site.

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

Planners Comment:

The bulk and scale of the existing house is largely unchanged by the proposed development as the works are within the existing footprint of the dwelling. The area of non-compliance is not visible from the street and the proposed development overall results in a significant improvement in streetscape.

Low Density Residential 'R2' Zone:

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

Planners Comment:

The proposal will maintain one contemporary dwelling within a low density residential environment resulting in a better design and amenity outcome for the residents.

Conclusion

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

**Floor Space Ratio**

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4.

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has an FSR of 0.65:1, exceeding the standard by 85.2m<sup>2</sup> equating to a 30% variation. The proposal specifically attributes an additional 58m<sup>2</sup> to the existing floor space, which is an 18% variation from the existing FSR. The written request successfully identified the components of the proposal that specifically exceed the FSR development standard, which is largely from the conversion of the garage into a studio, extension to the entry porch and lower level floor.



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

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

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

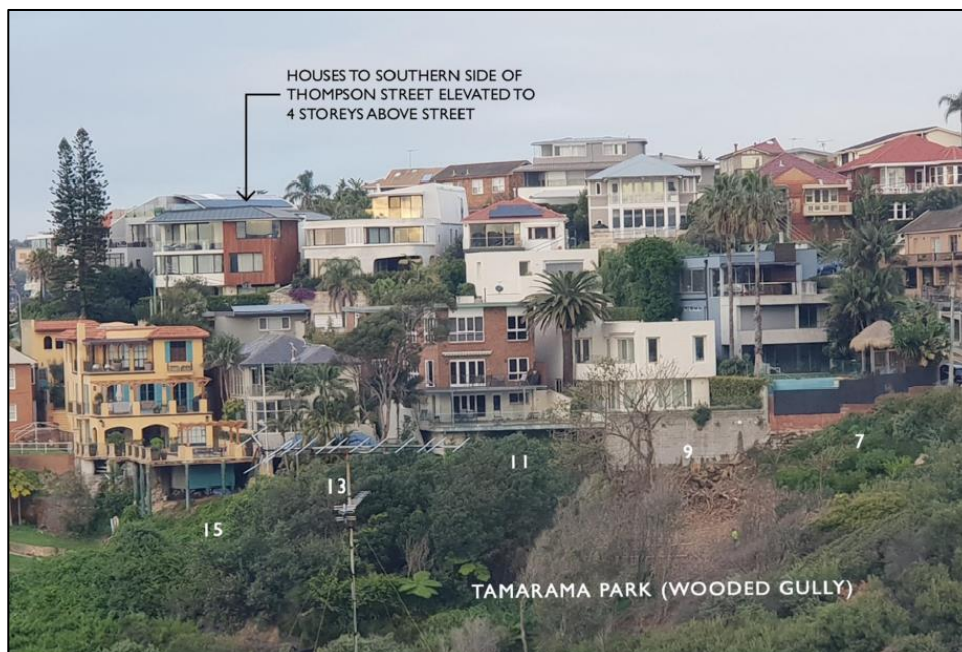
Applicants Written Request - Clause 4.6(3)(a) and (b)

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *The subject site is located in an area of steep topography in which the majority of the adjoining and nearby properties already exceed the allowable FSR. This is partly to do with age of construction of the buildings, many of which, including the subject property, were constructed prior to the relevant standard existing. It's also partly due to the steep topography in the area giving rise to multiple floor levels within the length of a typical dwelling. Figure 7 below shows the FSR's of the surrounding properties, whereby it appears only one of these properties (No 13) is currently in compliance with the FSR standard of 0.5:1 (according to the applicant's calculations).*
  - (ii) *The existing house on the subject site has an FSR of 0.55:1 which also exceeds the current FSR control of 0.5:1. The existing house was built well before the current controls came into being. The proposed development includes creation of some additional GFA in the following areas which results in the final FSR being 0.65:1.*
  - (iii) *All of these additional areas of GFA are created underneath the existing roof line and within the existing external walls of the house. In the case of the entrance door area, the porch to be partially enclosed is already defined with a masonry screen wall to the west and already has a pergola roof over it.*
  - (iv) *None of the additional GFA has any amenity impacts on adjoining properties or the locality as it does not result in any increase in height, bulk, scale, overshadowing or create any privacy impacts.*
  - (v) *An FSR of 0.55:1 and/or 0.65:1 is not at all inconsistent with the FSR on adjoining properties as indicated in Figures 7 and 8. The adjoining property at No 9 Thompson Street has a higher FSR of approximately 0.88:1 and the average existing FSR of the five properties in the group 7,9,11,13,15 is approximately 0.6:1.*



**Figure 7:** FSR of neighbouring properties (Source: applicant).



**Figure 8:** View from north over Tamarama Park.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed development is permissible within the R2 Low Density Residential zone and is consistent with the relevant zone objectives.*
  - (ii) *This request demonstrates that the proposal also achieves all of the objectives of the relevant control, despite the technical exceedance. Particularly given that the existing house form predates the control and already exceeds it and that the proposed alterations occur within the existing envelope of the house avoiding the creation of any adverse amenity impacts, it is submitted that strict compliance with the control would be unreasonable and unnecessary in the circumstances of the case.*

- (iii) *The proposed development is in the Public Interest as it will result in a substantial improvement of the streetscape as well an incremental development of the land that better realises its potential for residential use. The proposal does not seek to demolish and rebuild but rather seeks to retain the existing structure and enhance it. Therefore, the technical non-compliance will not be inconsistent with existing and future planning objectives for the locality and it is submitted that there are sufficient environmental.*

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard by addressing all considerations and justifications set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446. The applicant has focused their justification on the objectives of the development standard, which are achieved despite the non-compliance with the standard. The applicant argues that the numerical non-compliance of floor area does not have any amenity impacts on the adjoining properties or locality as it does not result in any increase in height, bulk, overshadowing or create privacy impacts. The additional floor space is all within the existing building

footprint and is maintaining the current building envelope except for the changes to the streetscape. The new garage is argued to improve the streetscape and character of the locality through joining the continued pattern of garages and front boundary walls built close to the street frontage. In this regard, the applicant has sufficiently demonstrated and justified that:

- the proposed development satisfies the relevant objectives of the FSR development standard; and
- sufficient environmental planning grounds have been established to justify the noncompliance, given the absence of adverse environmental impacts upon neighbouring properties and the public domain relative to the FSR non-compliance.

In this regard, the applicant has successfully justified the non-compliance under the terms of clause 4.6 of the LEP and therefore the non-compliance can be supported.

Is the development in the public interest?

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

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the objectives of the R3 zone as it slightly and inconspicuously expands upon the existing residence to meet the housing needs of the community within the predominant low density residential surrounding locality.

The relevant objectives of the FSR development standard and an assessment against each of these points are as follows:

*(a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*

Comment:

The subject site is not contained within the area designated as the 'Bondi Junction Centre', and as such, objectives (a) does not apply.

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

Comment:

The height of the building is unchanged by the proposed development and there is no change in the bulk of the house. The proposal includes the construction of a new double garage forward of the existing house. The garage is excluded from FSR calculations consistent with the definitions of the LEP. The garage is compliant with the DCP height control and consistent with the surrounding streetscape and proposes a consistent density within the surrounding built form.



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

Comment:

The proposed alterations are compatible with the bulk, scale, streetscape and desired future character of the locality, specifically by providing a contemporary alteration to the existing dwelling, that primarily maintains the existing envelope.

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

Comment:

The application sufficiently demonstrates that the proposal will not result in additional adverse environmental impacts and as outlined and discussed in the body of this assessment report. The overall scale of the existing dwelling is maintained through the external refurbishment and internal alterations to the sub floor areas. The additional gross floor area caused by the conversion of the garage to a studio will not result in any discernible environmental amenity impacts upon neighbouring properties and the locality. The new garage located within the front setback will continue the existing streetscape pattern of garages and fences built to the front boundary and maintain a consistent built form.

The proposal will therefore successfully preserve the environmental amenity of neighbouring properties can cause limited impacts on the amenity of the locality. Overall, the proposal satisfies the relevant objectives of the FSR development standard.

Conclusion

For the reasons provided above the requested variation to the Floor Space Ratio is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Floor Space Ratio and the R2 Low Density Residential Zone.

### 2.1.6 Waverley Development Control Plan 2012 (Amendment 7) Effective 2 March 2020

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	Given the low scale of this development, the passive design and environmental aspects of the proposal are considered to address the objectives of Part B2 of the DCP.
3. Landscaping and Biodiversity	Yes (by condition)	<p>The landscaping plan has been reviewed and is considered acceptable, while removing three trees the rest of the landscaped area is maintaining as much existing vegetation as possible and is cohesive with the site and streetscape.</p> <p>The site does not contain remnant vegetation but is located within a Biodiversity Habitat Corridor and the application was referred to Council's Biodiversity Officer. A recommended condition is imposed regarding landscape plan to include a minimum of 90% of indigenous species, which is currently proposing 80%.</p>
5. Vegetation Preservation	Yes	Three existing palm trees are proposed for removal for new landscaping works to occur. Council's Tree Management Officer supported their removal as it was noted that the Palms possess no outstanding attributes or worthy of retention.
6. Stormwater	Yes (by condition)	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.

Development Control	Compliance	Comment
8. Transport	Yes	<p>The new double garage is proposed to be located on the front boundary. Typically, this form of carparking is not supported in the DCP due to the visual dominance of parking structures at the front of the site. However, having regard to the predominance of carparking structures at the front boundary in this section of Thompson Street, an exception is deemed satisfactory in this instance.</p> <p>Furthermore, the applicant has provided a Streetscape Analysis to support this built form in Thompson Street. The garage is located within the front setback and is in line with adjoining garages and of a similar scale at a maximum height of 3.5m.</p> <p>One vehicle access point is provided and has been moved further east along the front boundary. The driveway is satisfactorily located and complies with the minimum required dimensions and other technical requirements.</p> <p>The car parking proposed compliments the design of the building and streetscape, does not reduce the number of on street spaces or exceed the maximum rate of parking permitted in the parking zone.</p>
11. Design Excellence	Yes	<p>The applicant has provided a photomontage which demonstrates that the proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape.</p>

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

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk</li> </ul>	Yes	<p>The proposal does not contravene the general objectives of this part of the DCP.</p>

Development Control	Compliance	Comment
& scale to the character of the area • High design standard		
<b>2.1 Height</b>		
Flat roof dwelling house • Maximum wall height of 7.5m	No – existing non-compliance	The existing dwellings maximum wall height on the northern elevation at 9.1m, which remains unchanged.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines • Predominant front building line • Predominant rear building line at each floor level	Yes          Yes	Due to the orientation of the lot, the proposed two space garage provides a nil setback to the south eastern corner and a 2.7m setback to the south western corner of the garage. The applicant has successfully demonstrated that this built form is a predominant feature along both sides of Thompson Street through a Streetscape Analysis. This is discussed further below.  There is no change proposed to the existing rear building setback / alignment.
2.2.2 Side setbacks • Minimum of 0.9m	Yes       No – acceptable on merit	The existing dwelling's side setbacks are preserved as the proposed alterations are mostly internal.  The new garage proposes a nil setback to the eastern boundary as the neighbouring garage at 13 Thompson Street is already built to the boundary.
<b>2.3 Streetscape and visual impact</b>		
• New development to be compatible with streetscape context • Replacement windows to complement the style & proportions of existing dwelling • Significant landscaping to be maintained. • Development must not dominate or erode the character of the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean.	Yes   No – acceptable on merit  Yes  Yes	The proposed alterations and additions are designed to enhance and modernise the exterior façade of the dwelling to Thompson Street and when viewed from Tamarama Beach and Park. The garage is of a similar scale and proportion to adjoining garages and is consistent with the established character of the streetscape.  All of the windows are being replaced and most of the window sill heights along the eastern elevation are being extended for a floor to ceiling glass window in the same location of the original windows. These windows aren't visible from the street and are considered acceptable. Three palm trees are proposed for removal in the front setback to make way for the new garage, and replacement planting proposed. Substantial planting along the western boundary between the street and the house is maintained. The proposal is not considered to erode the character or outlook of Tamarama Gully. This is discussed further below.



Development Control	Compliance	Comment
<b>2.4 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	<p>No</p> <p>Yes</p>	<p>The proposed front fence and gate have a maximum height that measures 1.8m which is over the control. There are no dominant high front fence heights within the streetscape and Thompson Street does not have high traffic volume therefore a fence at this high is not supported. A recommended condition of consent requires the fence to have a maximum height no greater than 1.2m to allow passive surveillance of the street.</p> <p>The side fence is to be repaired but maintains the existing height, non compliant in sections due to the tapering with the slope.</p>
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>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.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> </ul>	<p>Yes</p> <p>Existing non-compliance</p>	<p>Alterations are proposed to all the existing windows including reducing the size of windows on the west elevation, while increasing the lengths of the windows on the eastern and northern elevations so they are floor to ceiling windows. Most of these windows are located in the same place and are not considered to cause visual privacy impacts on surrounding properties. The eastern windows located off the middle level living room were proposed to open but have been amended to remain fixed and propose vegetation screening along the shared eastern boundary preventing over looking to the private open space of 13 Thompson Street.</p> <p>The existing middle level balcony has a splay corner which is proposed to be squared off, adding 2.1m<sup>2</sup> in trafficable area. This minor increase to an existing balcony will not impact unreasonably upon the privacy of adjoining properties.</p>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	<p>Yes</p> <p>Yes</p>	<p>Due to the northerly orientation of the rear yard/swimming pool and living area windows, the dwelling receives optimal solar access.</p> <p>The footprint of the dwelling is maintained resulting in relatively unchanged shadow impacts. There will however be minor changes attributed to the proposed vertical blade at the north-western corner of the house and square corner of the balcony, however the change is negligible. The double garage located along the</p>

Development Control	Compliance	Comment
		front boundary will cast shadows across Thompson Street, which is not considered to result in unreasonable overshadowing.
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	<p>Views from the public domain are maintained.</p> <p>The proposed vertical blade on the north-western corner has been amended to cut in from the eave and reduce view loss from 9 Thompson Street. This is discussed further in the report. The proposal is not expected to affect views across and over the site from surrounding properties to the south, south-west and west of the site.</p>
<b>2.8 Car parking</b>		
<p>2.8.2 Design Approach</p> <ul style="list-style-type: none"> <li>Parking only allowed where site conditions permit</li> <li>Designed to complement the building and streetscape</li> <li>Car parking structures to be behind the front building line</li> <li>Driveways are to be located to minimise the loss of on street parking</li> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>No – acceptable on merit</p> <p>Yes</p> <p>Yes</p>	<p>This has been discussed previously in the report, whereby it is acknowledged that there is a predominance of car parking structures to the front boundary in this section of Thompson Street, which assists the applicants argument to seek similar.</p> <p>The garage is considered to complement the design of the building and streetscape through appropriately setting the entrance way back from the street and is designed with the same wooden material appearance proposed on the dwelling.</p> <p>Whilst the garage is located in front of the dwelling, it is acknowledged that this is a character of the streetscape. Most of the garages along the northern side of Thompson Street provide a nil setback to the street and this garage is in keeping with this trend.</p> <p>The relocation of the driveway results in the loss of one car space which is undersized at 3.9m.</p>
<p>2.8.2 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> <li>1 space for 2 or less bedrooms</li> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	Two spaces are provided for the proposed four bedrooms within the dwelling.
<p>2.8.3 Location</p> <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> <li>Existing development to be in accordance with the hierarchy of</li> </ul>	No – acceptable on merit	The new double garage is located in front of the dwelling but the garage sits along the predominant established front building line. The proposal is similar in form and scale to the adjoining garage at No 13, approved in 2011, except that it does not have an over sailing roof projecting from the garage to the street front.

Development Control	Compliance	Comment
preferred car parking locations		The garage presents to the street on an approximate 45 degree angle, similar to most of the properties along the northern side of Thompson.
2.8.4 Design <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area &amp; appearance to the design of the residences</li> </ul>	Yes	Garage is designed to complement the style of the alterations to the dwelling through identical materials. The garage is 3.5m in height and is of a similar mass and scale as neighbouring garages. The dwelling will be partly visible from the street as the land slopes away to the north. However, the garage does dominate the streetscape but this is the existing built form pattern in Thompson Street with garages and driveways first in appearance to the primary residence. The subject site is the only property that hasn't built to the front boundary line and this development aims to infill and improve streetscape continuity.
2.8.5 Dimensions <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	There is more than enough space for two car spaces, storage and bin storage within the garage.
2.8.6 Driveways <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes  No  Yes	One driveway remains on the property.  The proposed driveway has a width of 4.4m at the gutter which is more than required. Standard conditions shall be applied with regard to the crossover construction.  The proposal plans to relocate the driveway to the eastern end of the boundary and moves the existing undersized on-street car space to the west. The resultant car space is 13m which can comfortably fit two cars or three small cars.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes  Yes  Yes  Yes  Yes	59% (341.2m <sup>2</sup> ) of the site is open space. The amended landscape plan complies with the control at 15.5% (89.4m <sup>2</sup> ) of the site is landscaped area. The front court yard and rear yard meets this standard for private open space. The area between the garage and dwelling provides 100% of open space.  52.4% (71.7m <sup>2</sup> ) of the front setback is landscaped.  An outdoor clothes drying area is provided on the lower ground floor.
<b>2.10 Swimming pools and spa pools</b>		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• Located in the rear of property</li> <li>• Pool decks on side boundaries must consider visual privacy</li> </ul>	Yes	There are no changes proposed to the inground swimming pool but new paving and coping is proposed.

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

#### **View loss Analysis:**

A submission was received from 9 Thompson Street raising concern for view impacts as a result of the proposed development. The submission included photographs of the views enjoyed from No 9 looking out towards the east, towards the ocean, over the subject site.

The applicant obtained these photos during the assessment process to assist preparation of a view analysis. Having regard to COVID 19, the assessment officer did not undertake independent view inspections.

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*. The assessment is set out below.

#### **1. Identify the views to be affected.**

**Figures 9-10** includes photos taken by the land owner of No 9 (hereafter known as the 'affected property'), indicate views are presently enjoyed across the side boundaries of the subject site from this adjoining property to the east at 9 Thompson St.





**Figure 9:** Standing in the dining room of 9 Thompson St, located on the middle level of dwelling looking east over the shared boundary (with No 11) over the existing privacy screen.



**Figure 10:** Context photos taken from 9 Thompson St of the privacy screen (existing at No 11) and palm tree (existing at No 9) from the lower ground level of No 9 Thompson St site.

As shown in the photos, the affected property, being 9 Thompson St enjoys partial water views (which are predominately filtered by surrounding vegetation) from the middle floor level. These water views include views of the horizon, some of which are obscured by existing vegetation and existing

screening. As such, these views are considered to be 'partial' rather than 'whole' with respect to the view sharing planning principle, obtained across a side boundary.

While not shown in the photos, the affected property has uninterrupted views of Tamarama Park and Tamarama Gully directly north across its northern (i.e. rear) boundary. However, these views are not considered in the view sharing planning principle and will also not be affected by the proposed development. They are, however, considered under the DCP with regarding to view retention. Views of the district or outlooks are not considered in this view analysis as per the view sharing planning principle.

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

The views are largely obtained from the middle level of 9 Thompson Street, from a standing position, across the side boundary of the subject site, 11 Thompson Street. The views are enjoyed across the eastern side boundary of the 9 Thompson St, which is shared with the subject site.

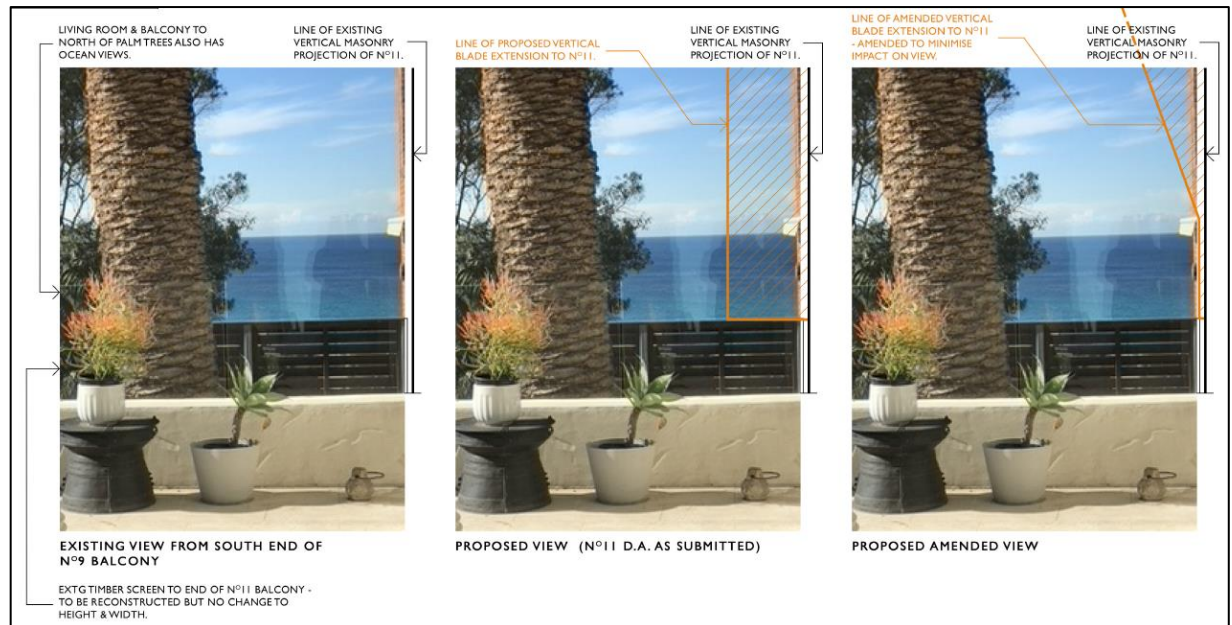
The view sharing planning principle states the following:

*"...the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries... The expectation to retain side views and sitting views is often unrealistic."*

While the view sharing planning principle establishes a clear position on the difficulty of retaining side views, views enjoyed by the affected property are only available across their eastern side boundary. Therefore, the applicant was encouraged to maintain, as responsibly possible, as much of these views through a conscious and skilful design approach when the application was deferred. The applicant provided amended plans, that attempt to reduce the impact to be no greater than existing, through a varied design approach while not compromising the overall design and architecture of the proposed development, and in turn, the amenity for future occupants of the subject development. Further discussion on the reasonableness of the view loss impact and the proposed development is provided later in this subsection of this report.

3. *Assess the extent of the impact.*

The view loss impact has been modelled by the applicant through the photomontage analyses to indicate the impact on views caused by the proposed development. **Figure 11** include extracts of the photomontage analyses and indicate that the proposed development, as amended, will result in negligible impacts on views enjoyed on the middle floor level of the affected property.



**Figure 11:** View Loss Analysis completed by Cullen Feng Architects.

The view sharing planning principle places greater importance on views enjoyed from living rooms than from bedrooms or service areas. It is generally difficult to protect views enjoyed from rooms or associated outdoor areas on ground floor levels of developments, irrespective of their particular use.

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

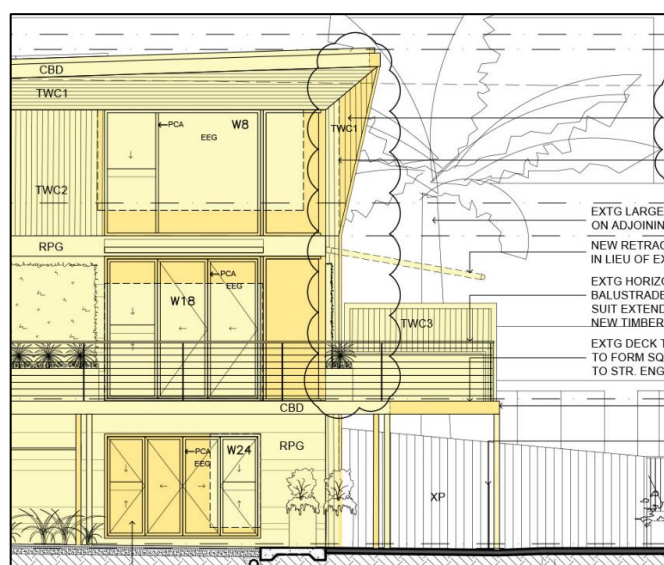
The following sentences from the view sharing planning principle are relevant to the assessment of the reasonableness of the view impact caused by the proposed development:

*“A development that complies with all planning controls would be considered more reasonable than one that breaches them.... 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 existing dwelling does not comply with maximum height of buildings and floor space ratio development standards but the height of the dwelling is not changed and the additional floor space is within the existing envelope of the building. The side and rear building setbacks are also unchanged from existing. The proposal ultimately seeks to renovate the existing structure into a more contemporary architectural form. While non compliant, for the purposes of this analysis, there is little additional bulk or extension beyond existing proposed, as part of this application.

The application was deferred, principally in part, to encourage the applicant to exercise a more skilful design approach in order to retain as much of the views enjoyed by the affected property (No 9) as reasonably possible. The applicant has demonstrated this through their view analyses that compare the original and amended forms of the proposed development. The ‘offending’ elements of the original form of the development causing a more than minor view impact were revealed (through the view analyses) to be the vertical blade located on the north-western corner of the dwelling as an architectural element. An existing privacy screen seen in the view analysis is to remain at the same height but to be a new timber screen. The applicant amended the architectural plans and reduced the vertical blade through cutting into the dwelling rear wall from the roof eave. This is consistent

with control (d) under section 2.7 of Part C2 of the DCP. These amendments have proven to be successful in resulting in negligible view impacts while maintaining the same development potential and amenity afforded to the subject site. The view impact caused by the development is deemed reasonable, and can be accepted.



**Figure 12:** Proposed eastern elevation of the rear portion of the dwelling showing the amended vertical blade.

Therefore, in summary, the amended proposal is considered to provide a negligible impact with regard to view loss, whereby the rear section of the dwelling has been amended to retain the water views to the horizon presently enjoyed by 9 Thompson Street (minor reduction in sky view anticipated). This is considered a reasonable outcome for the proposal with respect to view impact concerns that satisfies the Tenacity Principles.

### Visual impact:

The subject site backs on to Tamarama Gully and is partly visible from Tamarama Beach Park. The deck to the rear boundary seeks to cantilever over the rock form/gully and is highly prominent from the public domain, particularly Tamarama Beach and Tamarama Marine Drive. The proposal includes alterations to the existing rear decking and pool coping levels on the lower level plans. The applicant was asked to consider the visual prominence and in particular the visibility of the structure when viewed from below/public domain. The applicant justified that the proposed works to the pool coping would not result in change in respect of the current view of the property from Marine Drive or from Tamarama Beach as both the pool and the decking boards are not visible from those vantage points. The Assessing Officer inspected the property from Tamarama Beach which confirmed that the lower level decking and pool are not visible (Figure 13).





**Figure 13:** South-westerly view from Tamarama Beach Park of the properties located on Thompson Street.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

The application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. The amended plans were re-notified for an additional 14 days to surrounding neighbours.

One submission was received during the initial notification. One submission was received to the renotification of amended plans (same property for each). The issues raised in the submission are summarised and discussed below.

**Table 4: Summary of property addresses that lodged a submission**

Property
9 Thompson Street, Tamarama

**Issue:** *The proposed screen partition on the north-western corner that will extend two levels high to join an elongated wrap-around roofline will obscure our only clear view to the shoreline (which is reflected in a wall of mirrors) and reduce solar access to our children’s bedrooms.*

**Response:** The issue of view loss has been discussed previously in the report. Initially, the concern with view loss was relayed to applicant via the deferral of the application. The applicant provided a

view analysis and amended the proposal and the result is considered to maintain water views similar to existing (minor reduction in view of sky).

In relation to loss of light / solar access, the amended scheme change in impact is negligible. The submitted Shadow Diagrams show a minor increase to shadow at 9am but due to the orientation of the lot, the solar access is relatively unchanged to 9 Thompson Street.

***Issue: There is a giant Madagascar Palm extending the full height of our property and the house had to be designed around the Palm. The proposed vertical blade will impede the tree's natural growth cycle. We request the height of any privacy screen erected on the balcony, be no higher than the existing screen.***

***Response:*** The proposed vertical blade is setback 2m from the existing palm tree at 9 Thompson Street. This distance is considered acceptable as the existing dwelling is located 1.5m from the tree. A recommended condition of consent requires the protection of existing trees located near the development.

***Issue: Clarification around the height of the new roof and solar panels are required as we have concerns it may be levelled and raised.***

***Response:*** The applicant was asked to clarify the amendments to the roof and additional notes and RLs were placed on the plans. The proposal will retain the existing roof framing and flash mount the solar panels to the roof. The overall height of the dwelling is not increasing.

## **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 Traffic and Development (Infrastructure Services)**

The application was referred to Council's Traffic Engineer to comment on the new garage and relocated driveway. No issues were raised as the internal garage dimensions are 5.4m x 4.8m and these comply with the requirements of AS2890.1. Thompson St is a narrow street with parking allowed on both sides and access can be difficult at times should a vehicle be parked directly next to the driveway. In order to determine the width of driveway required for the garage it is recommended that Council seek swept wheel path drawings prior to the issues of the developments Construction Certificate.

### **3.2 Stormwater (Infrastructure Services)**

The subject site is outside an identified flood affected area, however it is was still referred to Council's Stormwater Engineer for comment. From a stormwater drainage perspective, the submitted Stormwater Civil Plans is unsatisfactory but there are no objections to approval of this application subject to the recommended conditions regarding OSD details and standard engineering conditions.

### **3.3 Biodiversity Health (Compliance)**

The subject site is located within a Biodiversity Habitat Corridor and was referred to Council's Biodiversity Officer for comment. The proposed landscape plan submitted on 12 June 2020 did not

comply with the DCP control of meeting a minimum of 90% of the proposed plantings (not including turfed areas) to be indigenous or local native plants listed in Annexure B2-1 and amended plans were requested through the Deferral Letter. Amended plans were submitted on 28 July 2020 and referred back to the Biodiversity Officer. They confirmed that these plans are still not compliant because only 80% of plants listed are locally indigenous species listed in Annexure B2-1. Some of the listed species on the amended plans are incorrectly identified as locally indigenous. Cultivars such as *Poa* 'Suggan Buggan' are not considered to be locally indigenous. *Pandanus tectorius* is not a locally indigenous species, its distribution being from Port Macquarie northwards.

A recommended condition of consent requires the landscape plans be amended to be compliant with the 90% native or indigenous control and resubmitted for approval prior to the issue of the relevant construction certificate.

### **3.4 Tree Management Officer (Open Space and Sports fields Management)**

Three Palm trees located within the front setback are proposed for removal and the replacement of new landscaping works to occur. Council's Tree Management Officer was referred the application for comment and it was noted that the Palms possess no outstanding attributes, worthy of retention (due to being a weed species, and under 5 metres in height) and their removal is supported. The landscape plan prepared by Cullen Feng Architects is satisfactory and should be used as the approved Landscape plan.

## **4. SUMMARY**

The application is for the alterations to the existing dwelling including internal reconfiguration, conversion of existing garage into habitable studio space and construction of a double garage at the front boundary. The application has been amended following its deferral and the amended built form of the proposal has successfully satisfied the deferral matters. The main issues in the assessment of the application are the non-compliance with the FSR and building height development standard, view impacts, streetscape and building design. The overall assessment of the application finds these issues acceptable on planning merit. The applicant's written requests pursuant to clause 4.6 of the LEP is deemed sufficient to convincingly argue that compliance with the FSR and the maximum building height development standards is unreasonable and unnecessary given circumstances and that there are sufficient environmental planning grounds to justify the noncompliance.

The application received one objection during the first notification period and one during the second notification period (same property in each). The issues raised in these submissions have been addressed in the body of this report. The application is referred to the Waverley Local Planning Panel for determination as it departs by more than 10% from the FSR and building height development standards of the LEP. The proposal has successfully maintained and enhanced the architecture of the building while maintaining the existing envelope of the dwelling. The application has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for approval, subject to conditions of consent.

### **DBU Decision**

The application and assessment report was reviewed by the DBU at the meeting on 9 August 2020 and the DBU determined:

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

DBU members: A Rossi, B McNamara, E Finnegan

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

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

**Report prepared by:**

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



Edwina Ross  
**Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date:** 4 September 2020

**Date:** 11 September 2020

**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 PLANS AND DOCUMENTATION**

The development must be in accordance with:

- (a) Architectural Plans prepared by Cullen Feng Architects of Project No. 1915 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA02, Revision -	Existing Upper Level Plan	22 May 2020	12/06/2020
DA03, Revision -	Existing Mid Level Plan	22 May 2020	12/06/2020
DA04, Revision -	Existing Lower Level Plan	22 May 2020	12/06/2020
DA08, Revision B	Proposed Roof Plan	27 July 2020	28/07/2020
DA09, Revision B	Proposed Upper Level Plan	27 July 2020	28/07/2020
DA10, Revision B	Proposed Mid Level Plan	27 July 2020	28/07/2020
DA11, Revision B	Proposed Lower Level Plan	27 July 2020	28/07/2020
DA12, Revision B	Proposed East & West Elevations	27 July 2020	28/07/2020
DA13, Revision B	Proposed North & South Elevations	27 July 2020	28/07/2020
DA14, Revision B	Proposed Courtyard Elevations	27 July 2020	28/07/2020
DA15, Revision B	Proposed Section	27 July 2020	28/07/2020

- (b) Landscape Plan No. DA21 and documentation prepared by Cullen Feng Architects, dated (27/7/2020) and received by Council on (28/07/2020)
- (c) BASIX Certificate
- (d) Schedule of external finishes and colours received by Council on (12/06/2020)
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on (12/06/2020)

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) The front fence extending between the garage and western side boundary shall be limited in height to 1.2m measured above footpath level.

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

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

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

### **GENERAL REQUIREMENTS**

#### **3. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

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

#### **4. HOME BUILDING ACT**

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

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

#### **5. SECTION 7.12 CONTRIBUTION**

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

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

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

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

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

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

## **6. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of \$ **38,480.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

## **7. LONG SERVICE LEVY**

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

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

## **CONSTRUCTION MATTERS**

### **8. HOARDING**

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

### **9. EROSION & SEDIMENT CONTROL**

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

### **10. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

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

#### **11. ENGINEERING DETAILS**

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

#### **12. SWEPT WHEEL PATH DRAWINGS**

Prior to the issue of the relevant 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 Thompson Street shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.

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 Thompson Street both opposite and to the immediate east and west of the proposed driveway.
3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garage.
4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

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

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

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

### **STORMWATER & FLOODING**

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

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed amended plan and certification of the development's stormwater management system must be submitted and approved by the



Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater civil plans prepared by Cullen Feng Architects Pty Ltd, Job No. 1915, DWG No. DA22 (Rev. 0), dated 22/05/2020 are considered unsatisfactory. The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans to include:

- a) OSD Details: The plans shall include On-Site Stormwater Detention (OSD) tank and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc and pit overflow. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.
- c) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to insure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

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

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

### **ENERGY EFFICIENCY & SUSTAINABILITY**

## **16. BASIX**

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

### **WASTE**

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

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

### **LANDSCAPING & TREES**

## **18. LANDSCAPE WORKS FOR PROPERTIES ADJACENT TO REMNANT VEGETATION**

A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a minimum of 90% of the proposed plantings (not including turfed areas) to be indigenous or local native plants as listed in Annexure B2 - 1 of the *Waverley Development Control Plan 2012*.

## **C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION**

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

### **PRIOR TO ANY WORKS**

#### **19. CONSTRUCTION SIGNS**

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

#### **20. DILAPIDATION REPORT**

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

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

### **DEMOLITION & EXCAVATION**

#### **21. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**

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

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;

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

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land; or

- (c) Particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

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

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g.: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

## **23. EXCAVATION AND BACKFILLING**

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land. The excavation is to be managed by a practising structural engineer.

## **CONSTRUCTION MATTERS**

## **24. CONSTRUCTION HOURS**

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

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

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

## **25. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**



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

## **26. CONSTRUCTION INSPECTIONS**

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

## **27. CERTIFICATE OF SURVEY - LEVELS**

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

## **28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

## **TREE PROTECTION AND REMOVAL**

### **29. TREE PROTECTION**

All trees on site and adjoining properties, including street trees are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

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

### **30. NEW VEHICLE CROSSING**

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

### **31. EXISTING VEHICLE CROSSING IS TO BE CLOSED**

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.

### **32. 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. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE**

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

### **33. FINAL OCCUPATION CERTIFICATE**

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

### **34. CERTIFICATION OF BASIX COMMITMENTS**

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

### **35. CERTIFICATION OF STORMWATER SYSTEM**

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

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

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

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

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

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

Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.

## ADVISORY MATTERS

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

### AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

### AD2.SYDNEY WATER REQUIREMENTS

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

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

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

### AD3.DIAL BEFORE YOU DIG

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

#### **AD4.TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**

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

#### **AD5.ALTERATIONS AND ADDITIONS ONLY**

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

#### **AD6.EXCAVATION TO BE LIMITED**

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

#### **AD7.BONDI - ROSE BAY SAND BODY**

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

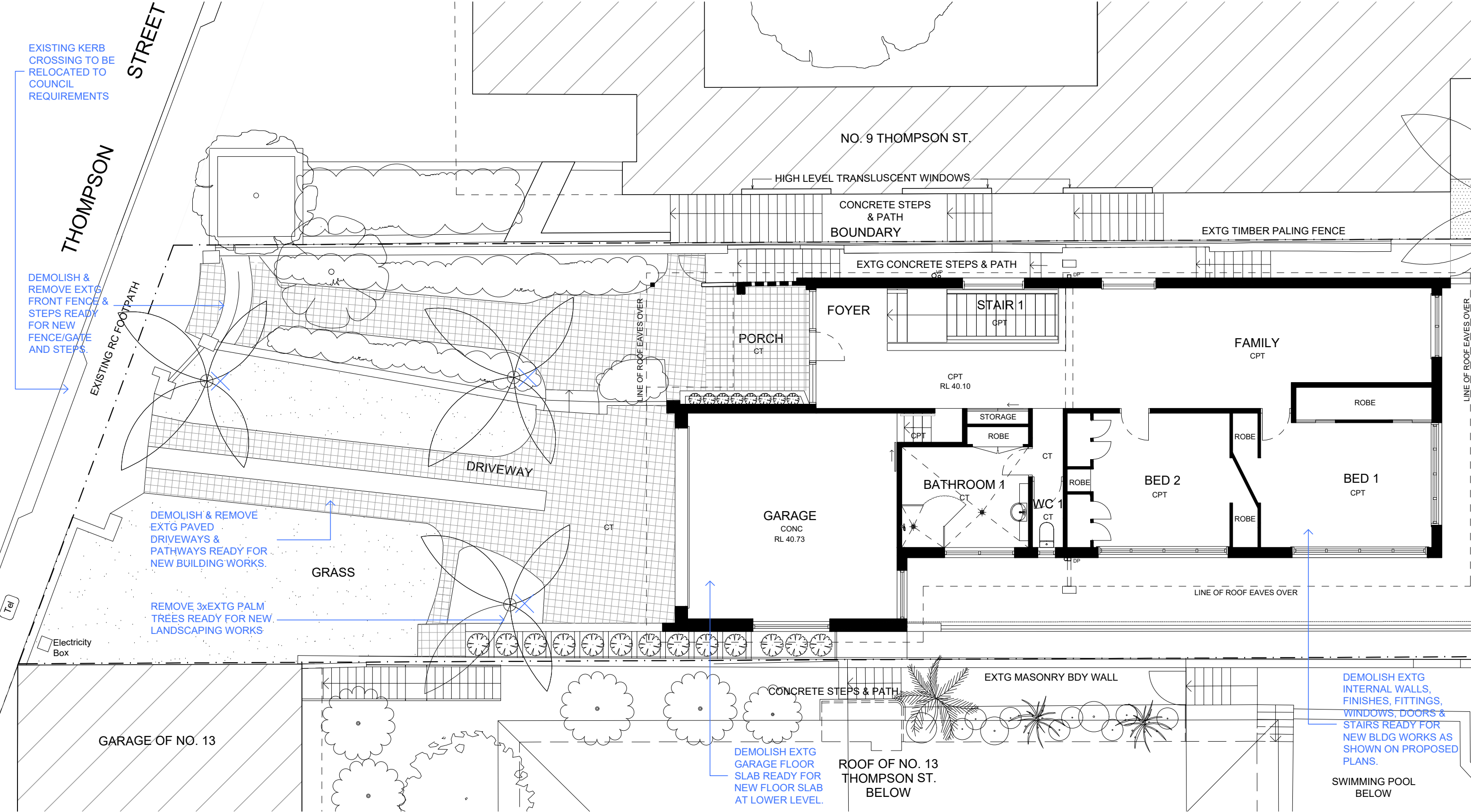
#### **AD8.TREE REMOVAL/PRESERVATION**

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

#### **AD9.WORK OUTSIDE PROPERTY BOUNDARY**

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






1 EXISTING UPPER LEVEL PLAN  
1:100 @ A3

LEGEND	WALL TYPE LEGEND	FINISHES LEGEND REFER TO MATERIALS SCHEDULE FOR MORE INFORMATION
<div><div></div>NEW WORK IN PLAN/ELEVATION MAJOR/MINOR SIGNIFICANCE</div> <div><div></div>NEW WORK IN SECTION MAJOR/MINOR SIGNIFICANCE</div> <div><div></div>NEW LANDSCAPING WORKS</div>	<div><div></div>EXISTING MASONRY/TIMBER STRUCTURE</div> <div><div></div>NEW MASONRY WALL TO STR. ENG. DETAIL, THICKNESS VARIES.</div> <div><div></div>PROPRIETARY LIGHT STEEL FRAMED WALL WITH BULK INSULATION AND FL SET PBD/VBD OR OTHER LINING TO DETAIL, FIRE &amp; ACOUSTIC RATED WHERE NOTED, THICKNESS VARIES.</div> <div><div></div>REINFORCED CORE FILLED CONC. BLOCK WALLS TO STR. ENG. DETAILS, THICKNESS VARIES.</div> <div><div></div>IN-SITU REINFORCED CONCRETE WALL TO STR. ENG. DETAIL, THICKNESS VARIES</div>	<div><div></div>WALL FINISH CBO COLORBOND STEEL EEO ENERGY EFFICIENT GLAZING FBK FACE BRICKWORK FG FRAMELESS GLASS LSC LINEAR STONE CLADDING PCA POWDERCOATED ALUMINIUM PTW PAINTED TIMBER WINDOWS RPR RENDER &amp; PAINT RPG RENDER &amp; PAINT W/ EXPRESSED GROOVES SSS (SATIN) STAINLESS STEEL TWC TIMBER WALL CLADDING (CLR FINISH) TWC1 TIMBER WALL CLADDING (PALE) TWC2 TIMBER WALL CLADDING (DARK/CHARCOAL) TWC3 TIMBER WALL CLADDING (WEATHERED GREY) XP EXTERNAL PAINT FINISH ZN COLORBOND STEEL ZINC APPEARANCE</div> <div><div></div>FLOOR FINISH BPV BRICK PAVERS CT CERAMIC TILES CPT CARPET TILES EM ENTRY MAT PGC POLISHED CONCRETE W/ EXPRESSED GROOVES PRT PORCELAIN TILES PV SEALING PAVERS SC SEALED CONCRETE TDB TIMBER DECKING BOARDS TFB TIMBER FLOOR BOARDS</div>

RECEIVED  
Waverley Council  
Application No: DA-183/2020  
Date Received: 12/06/2020

FOR DEVELOPMENT APPLICATION

ISSUE	22/5/2020	FOR DEVELOPMENT APPLICATION	EL	JC
DATE		REVISION	BY	CHECK
DO	NOT	SCALE	FROM	DRAWINGS VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK



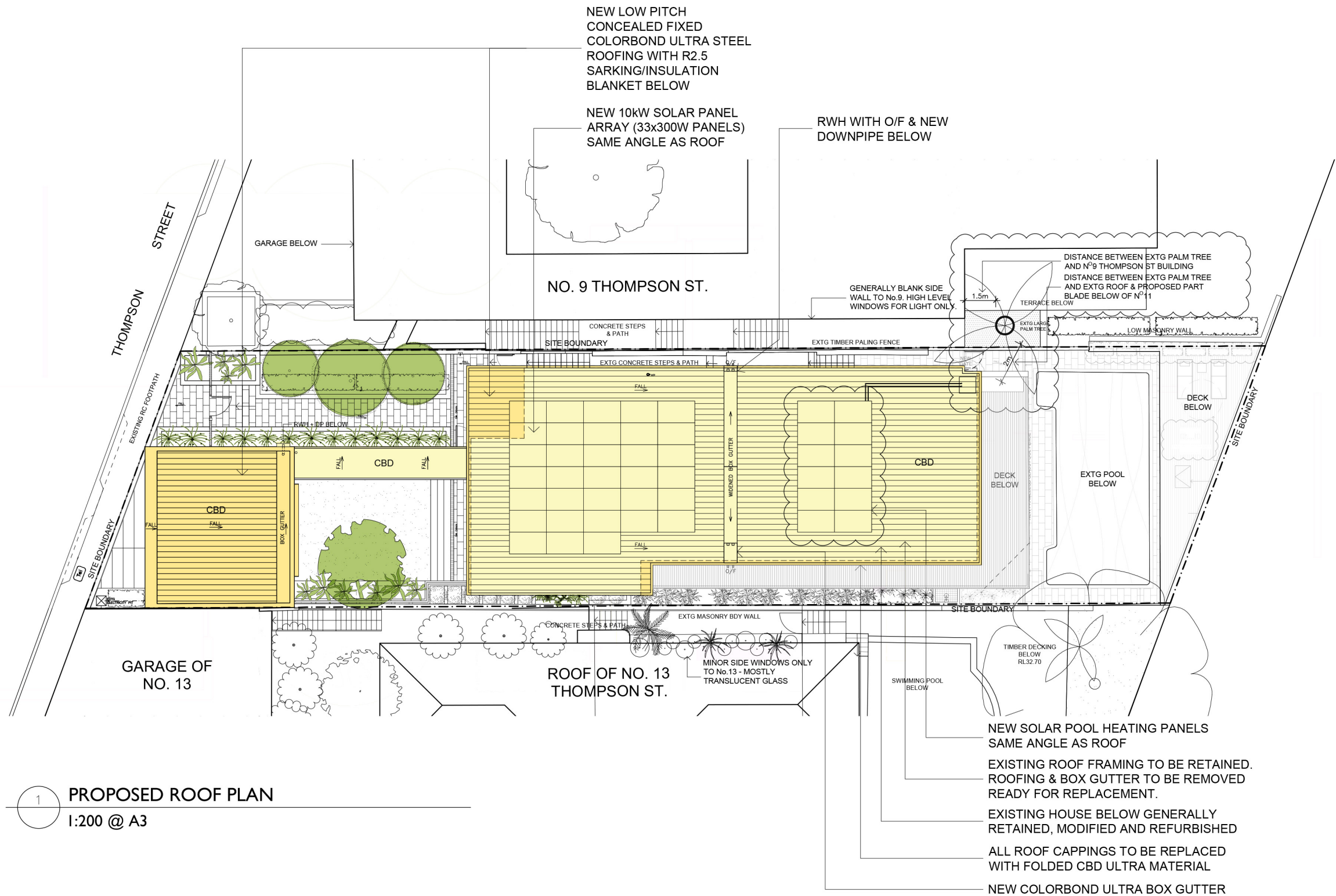
CULLEN FENG ARCHITECTS

PROJECT 11 THOMPSON STREET, TAMARAMA  
CLIENT KATE & MICHAEL HUGGINS  
DRAWING EXISTING UPPER LEVEL PLAN & DEMOLITION  
DATE MAY 2020 SCALE 1:100 @ A3 DRAWN EL  
JOB# 1915 DWG# DA02 REV. -  
NOM ARCH: JON CULLEN NSW 6437 1 303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA 612 851 2099









1 PROPOSED ROOF PLAN  
1:200 @ A3

# AMENDED PLANS

LEGEND		WALL TYPE LEGEND		FINISHES LEGEND REFER TO MATERIALS SCHEDULE FOR MORE INFORMATION		BASIX BASIX COMMITMENTS BASIX CERTIFICATE NO. A3789854.					
<div><div></div></div>	NEW WORK IN PLAN/ELEVATION MAJOR/MINOR SIGNIFICANCE	<div><div></div></div>	EXISTING MASONRY/TIMBER STRUCTURE	<div><div></div></div>	WALL FINISH	<div><div></div></div>	FLOOR FINISH	<div><div></div></div>	Light Coloured Roof with minimum 100 foil backed insulation blanket.	<div><div></div></div>	1. NO SHADING DEVICE: Applies to W13, W21, W22, W28.
<div><div></div></div>	NEW WORK IN SECTION MAJOR/MINOR SIGNIFICANCE	<div><div></div></div>	NEW MASONRY WALL TO STR. ENG. DETAIL, THICKNESS VARIES.	<div><div></div></div>	EEG ENERGY EFFICIENT GLAZING	<div><div></div></div>	CT CERAMIC TILES	<div><div></div></div>	EAVE/VERANDAH/PERGOLA/BALCONY >=450MM: Applies to W3, W11, W12.	<div><div></div></div>	2. EAVE/VERANDAH/PERGOLA/BALCONY >=600MM: Applies to W14.
<div><div></div></div>	NEW LANDSCAPING WORKS	<div><div></div></div>	PROPRIETARY LIGHT STEEL FRAMED WALL WITH BULK INSULATION AND FL SET PBD/VBD OR OTHER LINING TO DETAIL. FIRE & ACOUSTIC RATED WHERE NOTED. THICKNESS VARIES.	<div><div></div></div>	LSC LINEAR STONE CLADDING	<div><div></div></div>	EM ENTRY MAT	<div><div></div></div>	Windows, Glazed Doors, Eaves and Shading Devices to be installed as per the Basix Certificate and as shown on these drawings.	<div><div></div></div>	3. EAVE/VERANDAH/PERGOLA/BALCONY >=900MM: Applies to W1, W2, W4 to W10, W23 to W27.
		<div><div></div></div>	REINFORCED CORE FILLED CONC. BLOCK WALLS TO STR. ENG. DETAILS, THICKNESS VARIES.	<div><div></div></div>	PCA POWDERCOATED ALUMINIUM	<div><div></div></div>	PRT PORCELAIN TILES	<div><div></div></div>	All window frames are standard aluminium with single pyrolytic low-e glazing U-value: 5.7 max and SHGC 0.47 max unless noted otherwise.	<div><div></div></div>	4. EAVE/VERANDAH/PERGOLA/BALCONY >=900MM: Applies to W15 to W20.
		<div><div></div></div>	IN-SITU REINFORCED CONCRETE WALL TO STR. ENG. DETAIL, THICKNESS VARIES	<div><div></div></div>	PTW PAINTED TIMBER WINDOWS	<div><div></div></div>	PV PORCELAIN PAVERS				
		<div><div></div></div>		<div><div></div></div>	RP RENDER & PAINT	<div><div></div></div>	SC SEALED CONCRETE				
		<div><div></div></div>		<div><div></div></div>	RPG RENDER & PAINT W/ EXPRESSED GROOVES	<div><div></div></div>	TDB TIMBER DECKING BOARDS				
		<div><div></div></div>		<div><div></div></div>	SSS (SATIN) STAINLESS STEEL	<div><div></div></div>	TFB TIMBER FLOOR BOARDS				
		<div><div></div></div>		<div><div></div></div>	TWC TIMBER WALL CLADDING (CLR FINISH)						
		<div><div></div></div>		<div><div></div></div>	TWC1 TIMBER WALL CLADDING (PALE)						
		<div><div></div></div>		<div><div></div></div>	TWC2 TIMBER WALL CLADDING (DARK/CHARCOAL)						
		<div><div></div></div>		<div><div></div></div>	TWC3 EXTERNAL PAINT FINISH (WEATHERED GREY)						
		<div><div></div></div>		<div><div></div></div>	XP EXTERNAL PAINT FINISH						
		<div><div></div></div>		<div><div></div></div>	ZN COLORBOND STEEL ZINC APPEARANCE						

AMENDED DEVELOPMENT APPLICATION

B

A

ISSUE

27/7/2020

17/6/2020

22/5/2020

AMENDED D.A. SUBMISSION

BASIX COMMITMENTS ADDED TO DRAWING

FOR DEVELOPMENT APPLICATION

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DRAWINGS

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DIMENSIONS

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SITE

BEFORE

COMMENCING

WORK

CULLEN FENG

PROJECT

II THOMPSON STREET, TAMARAMA

CLIENT

KATE & MICHAEL HUGGINS

DRAWING

PROPOSED ROOF PLAN

DATE

JULY 2020

SCALE

1: 200 @ A3

DRAWN

EL

JOB #

1915

DWG #

DA08

REV.

B

NOM ARCH : JON CULLEN NSW 6437

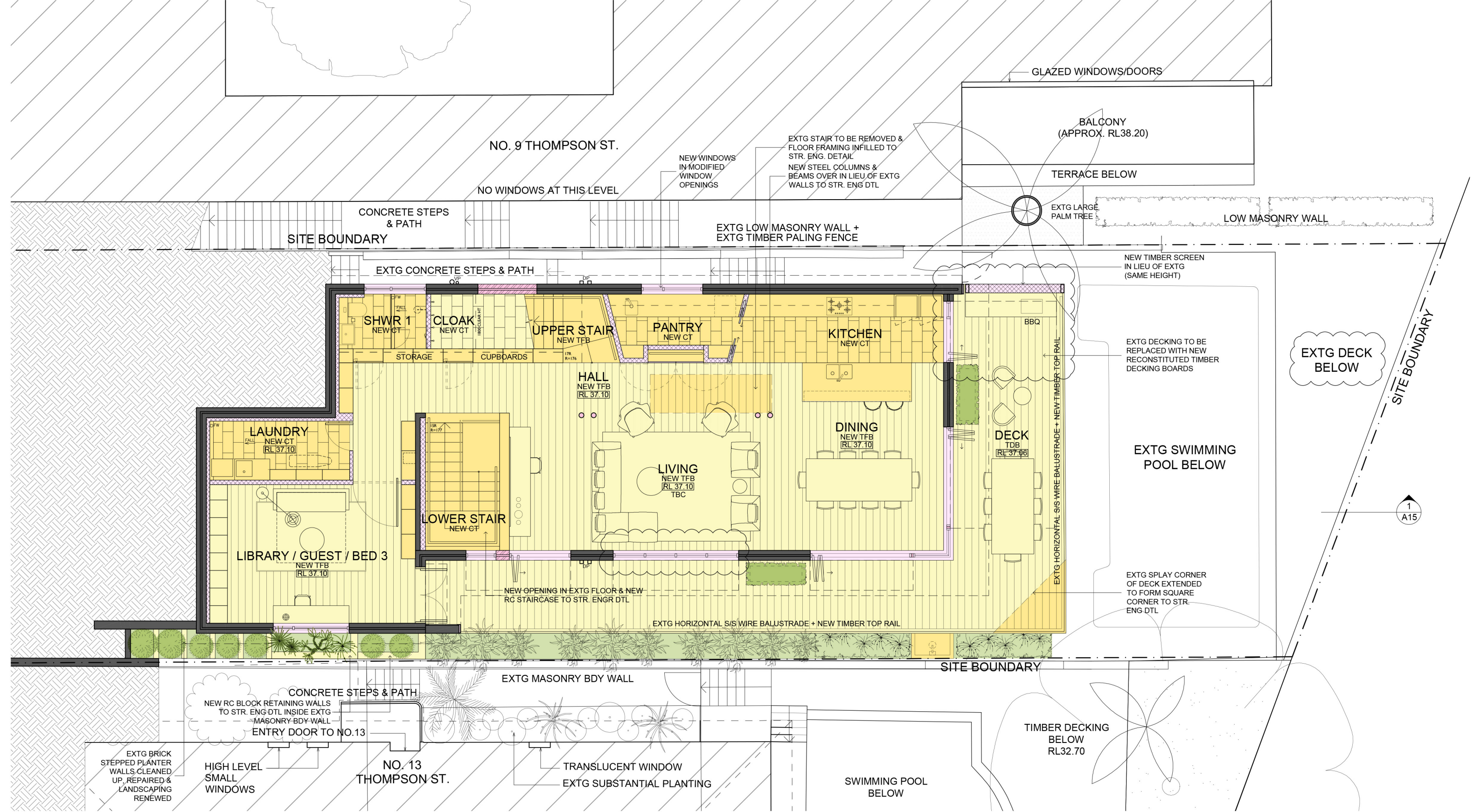
303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA

12 800 0095









1 PROPOSED MID LEVEL PLAN  
1:100 @ A3


AMENDED PLANS

LEGEND	WALL TYPE LEGEND	FINISHES LEGEND	BASIX
<div><div></div>NEW WORK IN PLAN/ELEVATION MAJOR/MINOR SIGNIFICANCE</div> <div><div></div>NEW WORK IN SECTION MAJOR/MINOR SIGNIFICANCE</div> <div><div></div>NEW LANDSCAPING WORKS</div>	<div><div></div>EXISTING MASONRY/TIMBER STRUCTURE</div> <div><div></div>NEW MASONRY WALL TO STR. ENG. DETAIL, THICKNESS VARIES.</div> <div><div></div>PROPRIETARY LIGHT STEEL FRAMED WALL WITH BULK INSULATION AND FL SET PBD/VBD OR OTHER LINING TO DETAIL, FIRE &amp; ACOUSTIC RATED WHERE NOTED, THICKNESS VARIES.</div> <div><div></div>REINFORCED CORE FILLED CONC. BLOCK WALLS TO STR. ENG. DETAILS, THICKNESS VARIES.</div> <div><div></div>IN-SITU REINFORCED CONCRETE WALL TO STR. ENG. DETAIL, THICKNESS VARIES</div>	<div>REFER TO MATERIALS SCHEDULE FOR MORE INFORMATION</div> <div><div>WALL FINISH</div><div>CBD COLORBOND STEEL</div><div>EEG ENERGY EFFICIENT GLAZING</div><div>FBK FACE BRICKWORK</div><div>FG FRAMELESS GLASS</div><div>LSC LINEAR STONE CLADDING</div><div>PCA POWDERCOATED ALUMINIUM</div><div>PT PAINT FINISH</div><div>PTW PAINTED TIMBER WINDOWS</div><div>RP RENDER &amp; PAINT</div><div>RPG RENDER &amp; PAINT W/ EXPRESSED GROOVES</div><div>SSS (SATIN) STAINLESS STEEL</div><div>TWC1 TIMBER WALL CLADDING (CLR FINISH)</div><div>TWC2 TIMBER WALL CLADDING (PALE)</div><div>TWC3 TIMBER WALL CLADDING (DARK/CHARCOAL)</div><div>XP EXTERNAL PAINT FINISH (WEATHERED GREY)</div><div>ZN COLORBOND STEEL ZINC APPEARANCE</div></div> <div><div>FLOOR FINISH</div><div>BPV BRICK PAVERS</div><div>CT CERAMIC TILES</div><div>CPT CARPET TILES</div><div>EM ENTRY MAT</div><div>FOC FORMED CONCRETE W/ EXPRESSED GROOVES</div><div>PRT PORCELAIN TILES</div><div>PV PORCELAIN PAVERS</div><div>SC SEALED CONCRETE</div><div>TDB TIMBER DECKING BOARDS</div><div>TFB TIMBER FLOOR BOARDS</div></div>	<div>BASIX</div> <div>BASIX COMMITMENTS BASIX CERTIFICATE NO. A3789854.</div> <div><div>• Light Coloured Roof with minimum 100 foil backed insulation blanket.</div><div>• Windows, Glazed Doors, Eaves and Shading Devices to be installed as per the Basix Certificate and as shown on these drawings.</div><div>• All window frames are standard aluminium with single pyrolytic low-e glazing U-value: 5.7 max and SHGC 0.47 max unless noted otherwise.</div></div> <div><div>1. NO SHADING DEVICE: Applies to W13, W21, W22, W28.</div><div>2. EAVE/VERANDAH/PERGOLA/BALCONY &gt;=450MM: Applies to W3, W11, W12.</div><div>3. EAVE/VERANDAH/PERGOLA/BALCONY &gt;=600MM: Applies to W14.</div><div>4. EAVE/VERANDAH/PERGOLA/BALCONY &gt;=900MM: Applies to W1, W2, W4 to W10, W23 to W27.</div><div>5. AWNING (ADJUSTABLE) &gt;=900MM: Applies to W15 to W20.</div></div>

RECEIVED  
Waverley Council  
Application No: DA-183/2020  
Date Received: 28/07/2020

AMENDED DEVELOPMENT APPLICATION

B	27/7/2020	AMENDED D.A. SUBMISSION	EL	JC
A	17/6/2020	BASIX COMMITMENTS ADDED TO DRAWING	EL	JC
ISSUE	DATE	REVISION	BY	CHECK
DO	NOT	SCALE	FROM	DRAWINGS
		VERIFY	ALL	DIMENSIONS
		ON	SITE	BEFORE
		COMMENCING	WORK	



ARCHITECTS

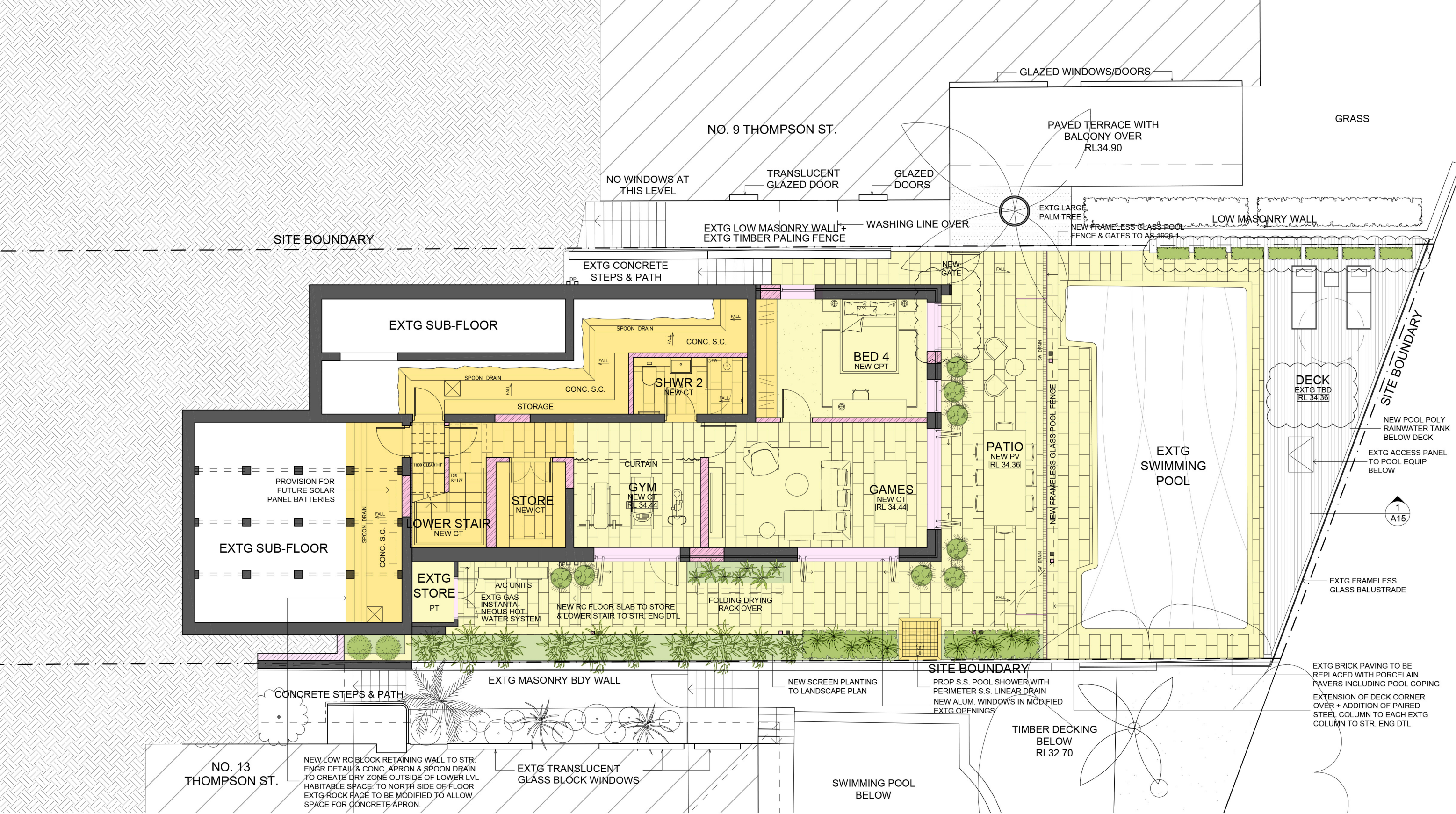
CULLEN FENG

PROJECT	11 THOMPSON STREET, TAMARAMA				
CLIENT	KATE & MICHAEL HUGGINS				
DRAWING	PROPOSED MID LEVEL PLAN				
DATE	JULY 2020	SCALE	1:100 @ A3	DRAWN	EL
JOB #	1915	DWG #	DA10	REV.	B

NOM ARCH: JON CULLEN NSW 6437   303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA   12 880 009				
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1 PROPOSED LOWER LEVEL PLAN  
1:100 @ A3

AMENDED

RECEIVED  
Waverley Council  
Application No: DA-183/2020  
Date Received: 28/07/2020

LEGEND	WALL TYPE LEGEND	FINISHES LEGEND	BASIX
<div></div> NEW WORK IN PLAN/ELEVATION MAJOR/MINOR SIGNIFICANCE <div></div> NEW WORK IN SECTION MAJOR/MINOR SIGNIFICANCE <div></div> NEW LANDSCAPING WORKS	<div></div> EXISTING MASONRY/TIMBER STRUCTURE <div></div> NEW MASONRY WALL TO STR. ENG. DETAIL, THICKNESS VARIES. <div></div> PROPRIETARY LIGHT STEEL FRAMED WALL WITH BULK INSULATION AND FL SET PBD/VBD OR OTHER LINING TO DETAIL. FIRE & ACOUSTIC RATED WHERE NOTED. THICKNESS VARIES. <div></div> REINFORCED CORE FILLED CONC. BLOCK WALLS TO STR. ENG. DETAILS, THICKNESS VARIES. <div></div> IN-SITU REINFORCED CONCRETE WALL TO STR. ENG. DETAIL, THICKNESS VARIES	REFER TO MATERIALS SCHEDULE FOR MORE INFORMATION <div></div> WALL FINISH CBF COLORBOND STEEL EFG ENERGY EFFICIENT GLAZING FBK FACE BRICKWORK FGK FRAMELESS GLASS LSC LINEAR STONE CLADDING PCA POWDERCOATED ALUMINIUM PT PAINT FINISH PTW PAINTED TIMBER WINDOWS RPR RENDER & PAINT W/ EXPRESSED GROOVES SSS (SATIN) STAINLESS STEEL TWC1 TIMBER WALL CLADDING (CLR FINISH) TWC2 TIMBER WALL CLADDING (PALE) TWC3 TIMBER WALL CLADDING (DARK/CHARCOAL) XP EXTERNAL PAINT FINISH (WEATHERED GREY) ZN COLORBOND STEEL ZINC APPEARANCE <div></div> FLOOR FINISH BPV BRICK PAVERS CT CERAMIC TILES CPT CARPET TILES EM ENTRY MAT POC POINTED CONCRETE W/ EXPRESSED GROOVES PRT PORCELAIN TILES PV PORCELAIN PAVERS SC SEALED CONCRETE TDB TIMBER DECKING BOARDS TFB TIMBER FLOOR BOARDS	BASIX BASIX COMMITMENTS BASIX CERTIFICATE NO. A3789854. <ul style="list-style-type: none"><li>Light Coloured Roof with minimum 100 foil backed insulation blanket.</li><li>Windows, Glazed Doors, Eaves and Shading Devices to be installed as per the Basix Certificate and as shown on these drawings.</li><li>All window frames are standard aluminium with single pyrolytic low-e glazing U-value: 5.7 max and SHGC 0.47 max unless noted otherwise.</li><li>NO SHADING DEVICE: Applies to W13, W21, W22, W28.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=450MM: Applies to W3, W11, W12.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=600MM: Applies to W14.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=900MM: Applies to W1, W2, W4 to W10, W23 to W27.</li><li>AWNING (ADJUSTABLE) &gt;=900MM: Applies to W15 to W20.</li></ul>

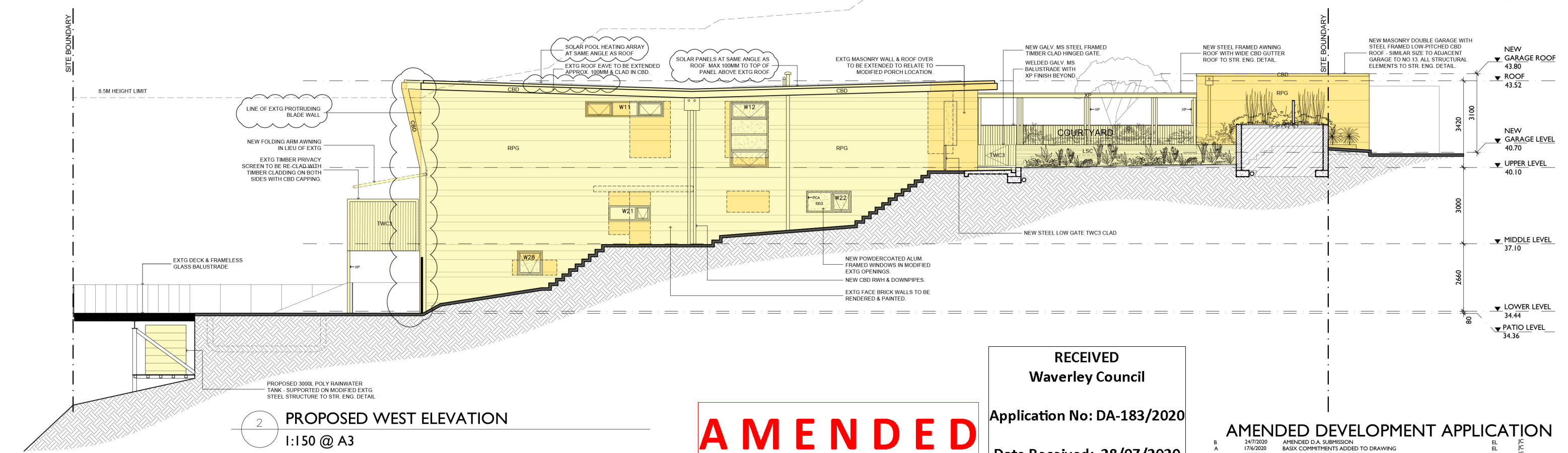
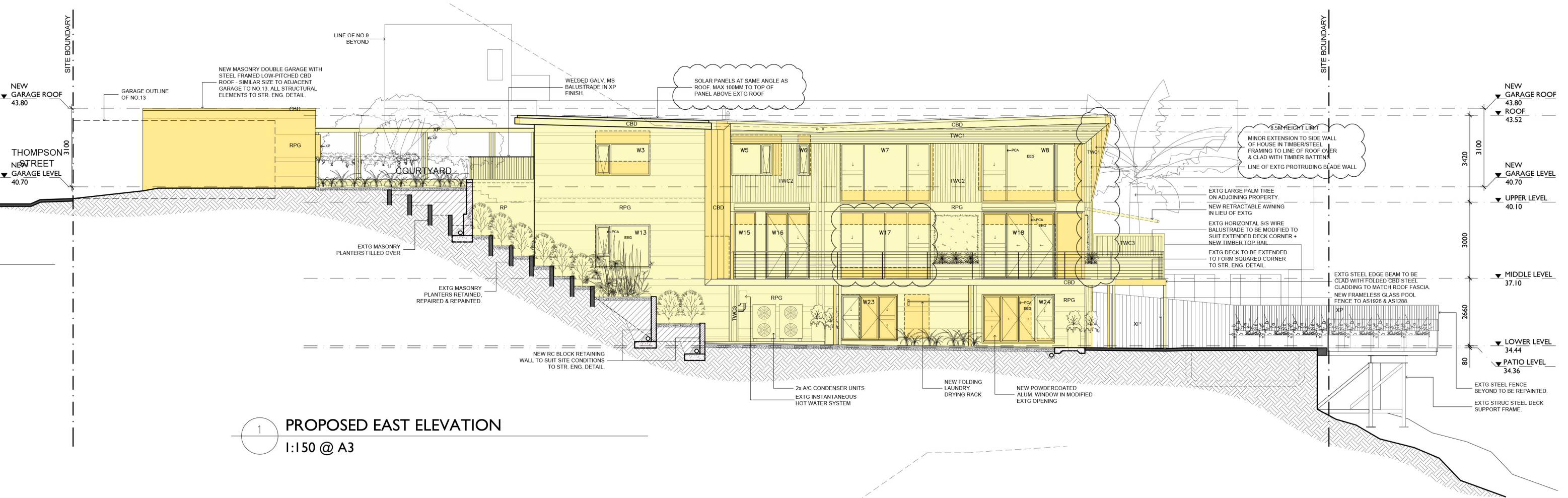
AMENDED DEVELOPMENT APPLICATION

27/7/2020	AMENDED D.A. SUBMISSION	EL	JC
17/6/2020	BASIX COMMITMENTS ADDED TO DRAWING	EL	JC
22/5/2020	FOR DEVELOPMENT APPLICATION	EL	JC
DATE	REVISION	BY	CHECK

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

PROJECT II THOMPSON STREET, TAMARAMA  
CLIENT KATE & MICHAEL HUGGINS  
DRAWING PROPOSED LOWER LEVEL PLAN  
DATE JULY 2020 SCALE 1:100 @ A3 DRAWN EL  
JOB# 1915 DWG# DA11 REV. B  
CULLEN FENG ARCHITECTS  
NOM ARCH: JON CULLEN NSW 6437 | 303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA | 12 450 9509





AMENDED

RECEIVED  
Waverley Council  
Application No: DA-183/2020  
Date Received: 28/07/2020

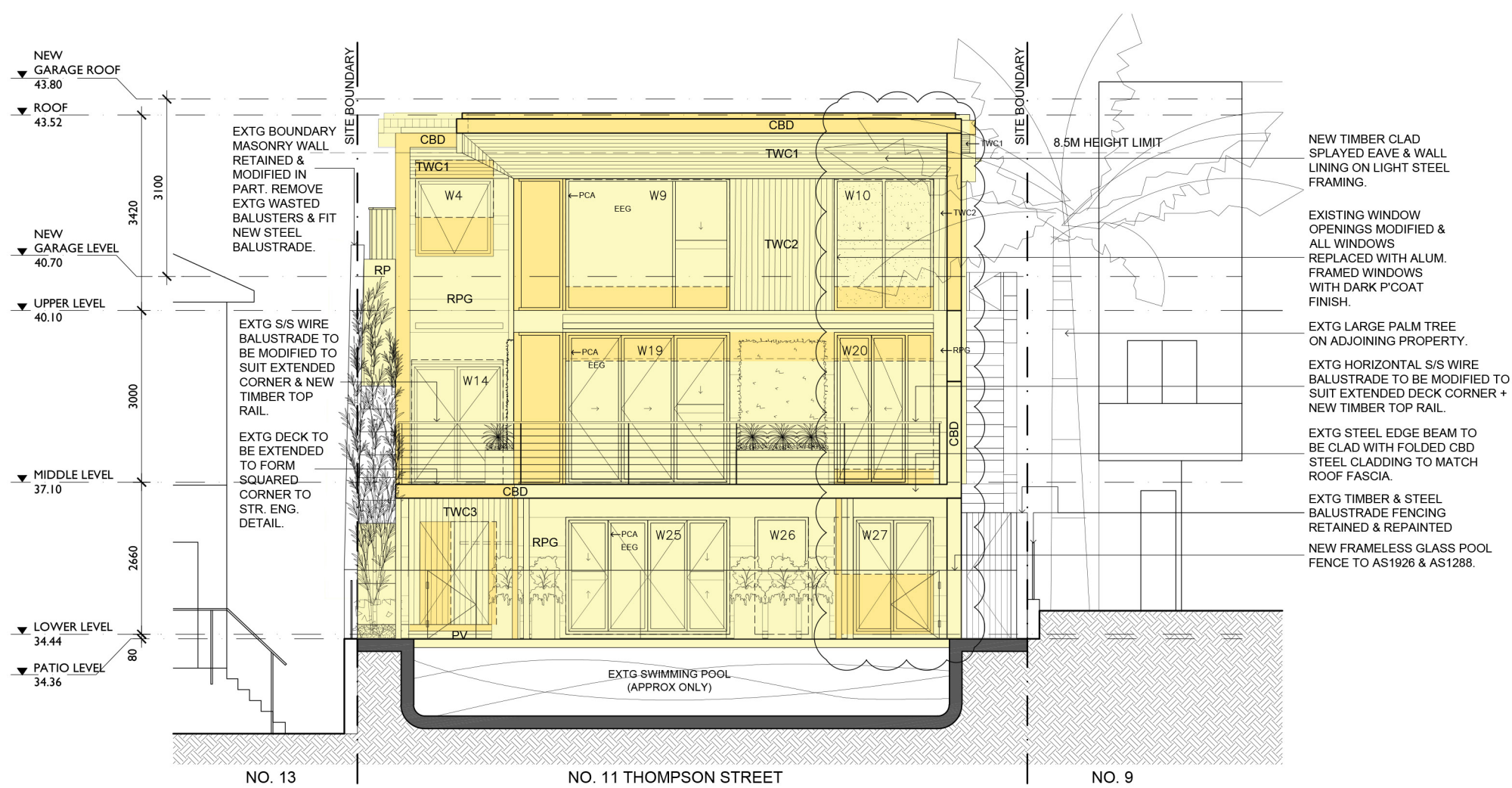
LEGEND	WALL TYPE LEGEND	FINISHES LEGEND	BASIX
<div><div></div>NEW WORK IN PLAN/ELEVATION MAJOR/MINOR SIGNIFICANCE</div> <div><div></div>NEW WORK IN SECTION MAJOR/MINOR SIGNIFICANCE</div> <div><div></div>NEW LANDSCAPING WORKS</div>	<div><div></div>EXISTING MASONRY/TIMBER STRUCTURE</div> <div><div></div>NEW MASONRY WALL TO STR. ENG. DETAIL, THICKNESS VARIES.</div> <div><div></div>PROPRIETARY LIGHT STEEL FRAMED WALL WITH BULK INSULATION AND FL SET PER VBO OR OTHER LINING TO DETAIL, FIRE &amp; ACOUSTIC RATED WHERE NOTED, THICKNESS VARIES.</div> <div><div></div>REINFORCED CORE FILLED CONC. BLOCK WALLS TO STR. ENG. DETAILS, THICKNESS VARIES.</div> <div><div></div>IN-SITU REINFORCED CONCRETE WALL TO STR. ENG. DETAIL, THICKNESS VARIES</div>	<div>REFER TO MATERIALS SCHEDULE FOR MORE INFORMATION</div> <div><div>WALL FINISH</div><div>CBD COLORBOND STEEL</div><div>EEG ENERGY EFFICIENT GLAZING</div><div>FBK FACE BRICKWORK</div><div>LSC FRAMELESS GLASS</div><div>PCA LINEAR STONE CLADDING</div><div>PTW POWDERCOATED ALUMINIUM</div><div>PTW PAINT FINISH</div><div>RP RENDER &amp; PAINT</div><div>RPG RENDER &amp; PAINT W/ EXPRESSED GROOVES</div><div>SSS (SATIN) STAINLESS STEEL</div><div>TWC2 TIMBER WALL CLADDING (CLR FINISH)</div><div>TWC2 TIMBER WALL CLADDING (PALE)</div><div>TWC2 TIMBER WALL CLADDING (DARK/CHARCOAL)</div><div>TWC3 TIMBER WALL CLADDING (WEATHERED GREY)</div><div>XP EXTERNAL PAINT FINISH</div><div>ZN COLORBOND STEEL ZINC APPEARANCE</div></div> <div><div>FLOOR FINISH</div><div>BPV BRICK PAVERS</div><div>CT CERAMIC TILES</div><div>CPT CARPET TILES</div><div>EM ENTRY MAT</div><div>EM EXPRESSED GROOVES</div><div>PRT PORCELAIN TILES</div><div>PV PORCELAIN PAVERS</div><div>SC SEALED CONCRETE</div><div>TDB TIMBER DECKING BOARDS</div><div>TDB TIMBER FLOOR BOARDS</div></div>	<div>BASIX</div> <div>BASIX COMMITMENTS BASIX CERTIFICATE NO. A3789854.</div> <div><div>• Light Coloured Roof with minimum 100 fall backed insulation blanket.</div><div>• Windows, Glazed Doors, Eaves and Shading Devices to be installed as per the Basis Certificate and as shown on these drawings.</div><div>• All window frames are standard aluminium with single pyralytic low-e glazing U-value: 5.7 max and SHGC 0.47 max unless noted otherwise.</div></div> <div><div>1. NO SHADING DEVICE: Applies to W13, W21, W22, W28.</div><div>2. EAVE/VERANDAH/PERGOLA/BALCONY &gt;=450MM: Applies to W3, W11, W12.</div><div>3. EAVE/VERANDAH/PERGOLA/BALCONY &gt;=600MM: Applies to W14.</div><div>4. EAVE/VERANDAH/PERGOLA/BALCONY &gt;=900MM: Applies to W1, W2, W4 to W10, W23 to W27.</div><div>5. AWNING (ADJUSTABLE) &gt;=900MM: Applies to W15 to W20.</div></div>

AMENDED DEVELOPMENT APPLICATION

DO	NOT	SCALE	FROM	DRAWINGS	VERIFY	ALL	DIMENSIONS	ON	SITE	BEFORE	COMMENCING	WORK
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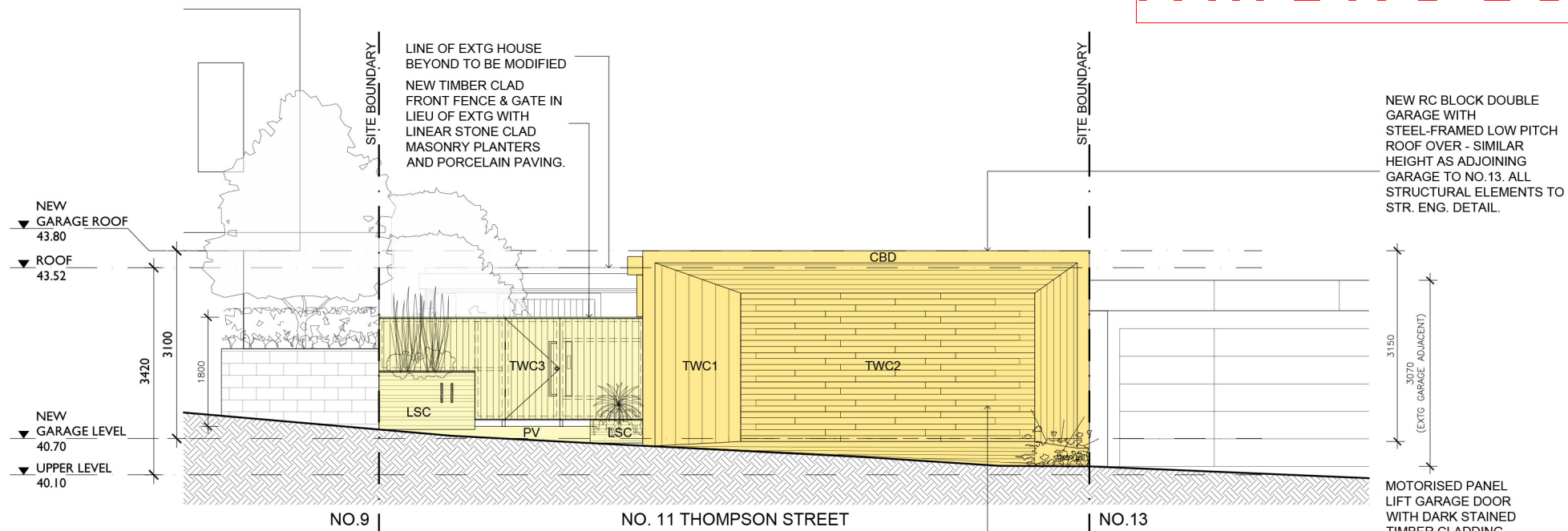
PROJECT | I THOMPSON STREET TAMARAMA  
CLIENT | KATE & MICHAEL HUGGINS  
DRAWING | PROPOSED EAST & WEST ELEVATIONS  
DATE | JULY 2020  
SCALE | AS SHOWN  
DRAWN | EL  
JOB # | 1915  
DWG # | DAI2  
REV. | B  
NOM ARCH : JON CULLEN NSW 6437 | 303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA





1  
PROPOSED NORTH ELEVATION  
1:100 @ A3

AMENDED PLANS



2  
PROPOSED SOUTH ELEVATION  
1:100 @ A3

LEGEND		WALL TYPE LEGEND		FINISHES LEGEND		BASIX	
		REFER TO MATERIALS SCHEDULE FOR MORE INFORMATION				BASIC COMMITMENTS BASIX CERTIFICATE NO. A3789854.	

BASIX

BASIX COMMITMENTS BASIX CERTIFICATE NO. A3789854.

Light Coloured Roof with minimum 100 fall backed insulation blanket.

Windows, Glazed Doors, Eaves and Shading Devices to be installed as per the Basix Certificate and as shown on these drawings.

All window frames are standard aluminium with single pyralytic low-e glazing U-value: 5.7 max and SHGC 0.47 max unless noted otherwise.

1. NO SHADING DEVICE: Applies to W13, W21, W22, W28.

2. EAVE/VERANDAH/PERGOLA/BALCONY >=450MM: Applies to W3, W11, W12.

3. EAVE/VERANDAH/PERGOLA/BALCONY >=600MM: Applies to W14.

4. EAVE/VERANDAH/PERGOLA/BALCONY >=900MM: Applies to W1, W2, W4 to W10, W23 to W27.

5. AWNING (ADJUSTABLE) >=900MM: Applies to W15 to W20.

AMENDED DEVELOPMENT APPLICATION

27/7/2020

17/6/2020

22/5/2020

AMENDED D.A. SUBMISSION

BASIX COMMITMENTS ADDED TO DRAWING

FOR DEVELOPMENT APPLICATION

EL

EL

BY

JC

JC

CHECK

DO

NOT

SCALE

FROM

DRAWINGS

VERIFY

ALL

DIMENSIONS

ON

SITE

BEFORE

COMMENCING

WORK

CULLEN FENG

11 THOMPSON STREET TAMARAMA

KATE & MICHAEL HUGGINS

PROPOSED NORTH & SOUTH ELEVATIONS

JULY 2020

SCALE AS SHOWN

DRAWN EL

1915

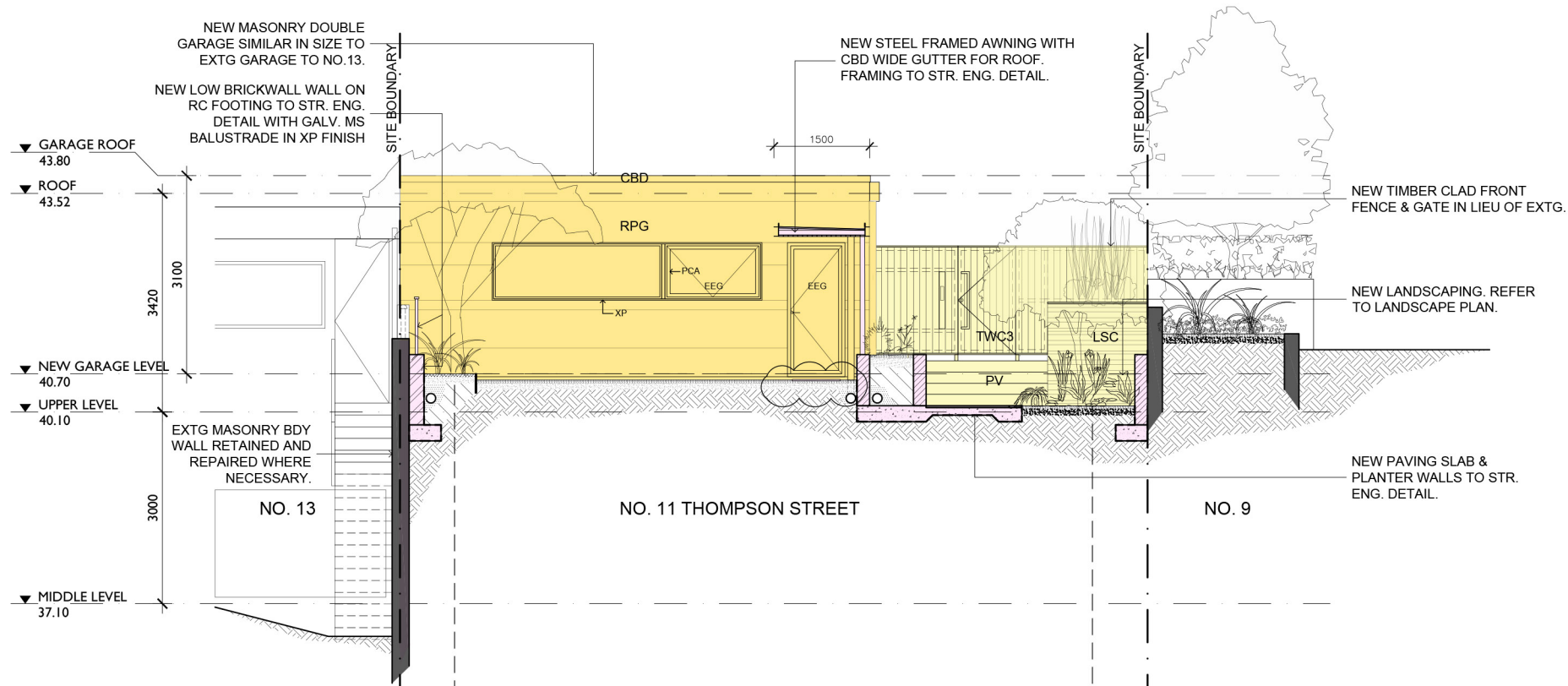
DA13

B

NOM ARCH : JON CULLEN NSW 6437 | 303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA

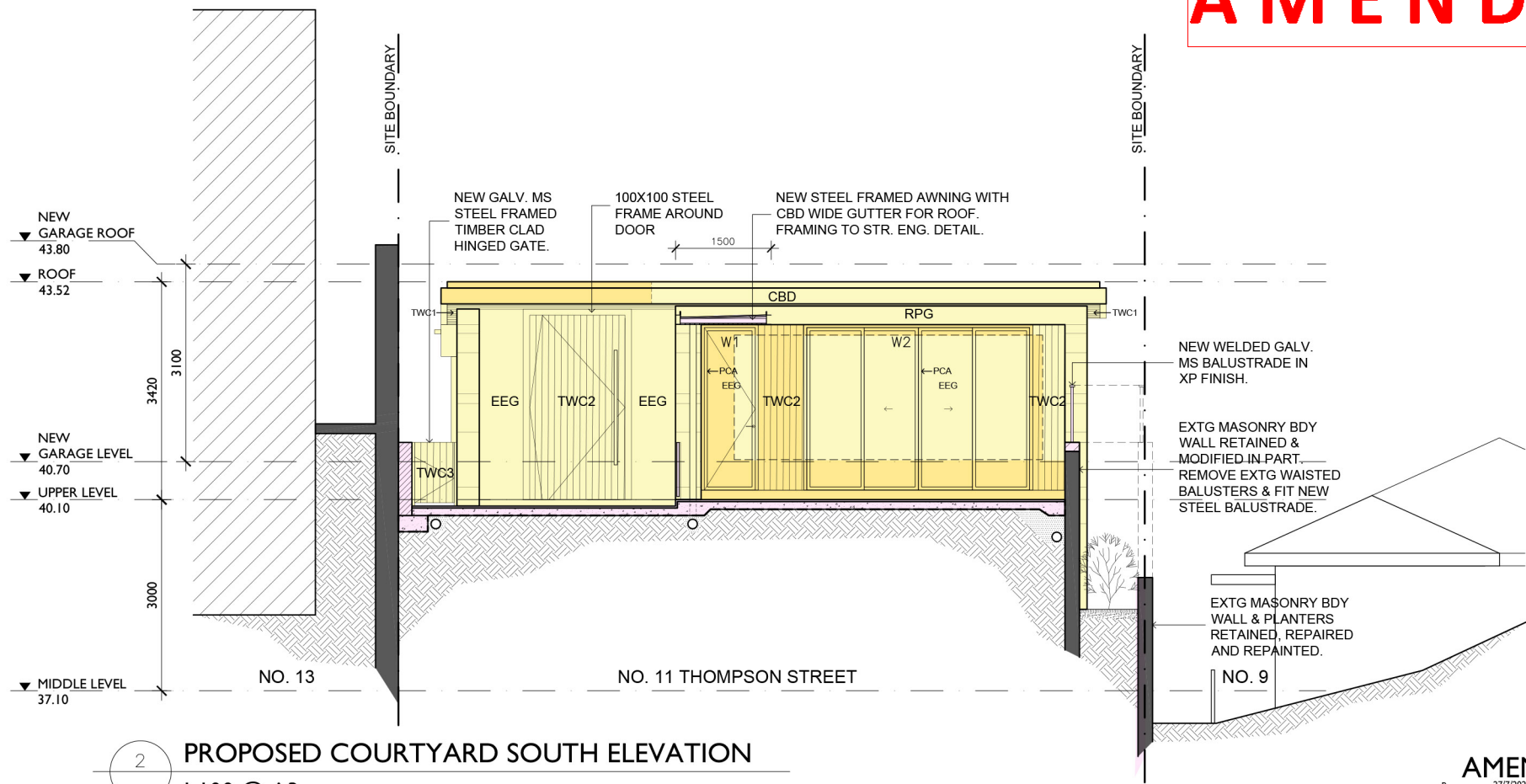
452





1 PROPOSED COURTYARD NORTH ELEVATION  
1:100 @ A3

AMENDED PLANS

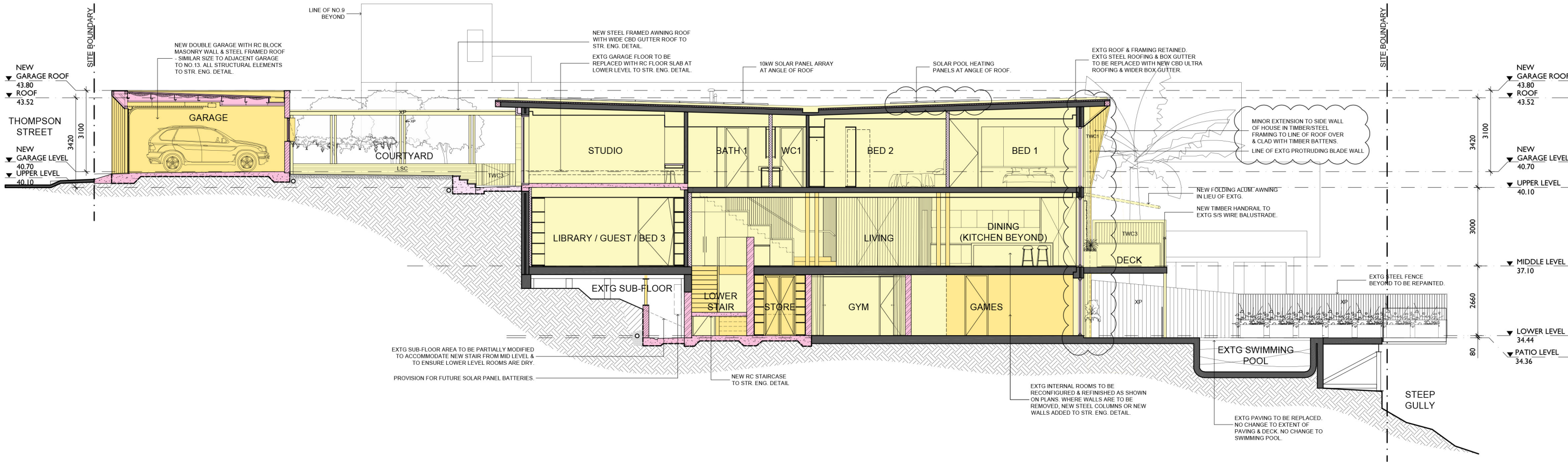


2 PROPOSED COURTYARD SOUTH ELEVATION  
1:100 @ A3

LEGEND	WALL TYPE LEGEND	FINISHES LEGEND	BASIX
<div>NEW WORK IN PLAN/ELEVATION MAJOR/MINOR SIGNIFICANCE</div> <div>NEW WORK IN SECTION MAJOR/MINOR SIGNIFICANCE</div> <div>NEW LANDSCAPING WORKS</div>	<div>EXISTING MASONRY/TIMBER STRUCTURE</div> <div>NEW MASONRY WALL TO STR. ENG. DETAIL, THICKNESS VARIES.</div> <div>PROPRIETARY LIGHT STEEL FRAMED WALL WITH BULK INSULATION AND FL SET PBD/VBD OR OTHER LINING TO DETAIL, FIRE &amp; ACOUSTIC RATED WHERE NOTED. THICKNESS VARIES.</div> <div>REINFORCED CORE FILLED CONC. BLOCK WALLS TO STR. ENG. DETAILS, THICKNESS VARIES.</div> <div>IN-SITU REINFORCED CONCRETE WALL TO STR. ENG. DETAIL, THICKNESS VARIES</div>	<div>REFER TO MATERIALS SCHEDULE FOR MORE INFORMATION</div> <div>WALL FINISH CBD COLORBOND STEEL EEG ENERGY EFFICIENT GLAZING FBK FACE BRICKWORK FG FRAMELESS GLASS LSC LINEAR STONE CLADDING PCA POWDERCOATED ALUMINIUM PT PAINT FINISH PTW PAINTED TIMBER WINDOWS RP RENDER &amp; PAINT RPG RENDER &amp; PAINT W/ EXPRESSED GROOVES SSS (SATIN) STAINLESS STEEL TWC TIMBER WALL CLADDING (CLR FINISH) TWC1 TIMBER WALL CLADDING (PALE) TWC2 TIMBER WALL CLADDING (DARK/CHARCOAL) TWC3 TIMBER WALL CLADDING (WEATHERED GREY) XP EXTERNAL PAINT FINISH ZN COLORBOND STEEL ZINC APPEARANCE</div> <div>FLOOR FINISH BPV BRICK PAVERS CT CERAMIC TILES CPT CARPET TILES EM ENTRY MAT PCP POLISHED CONCRETE W/ EXPRESSED GROOVES PRT PORCELAIN TILES PV PORCELAIN PAVERS SC SEALED CONCRETE TDB TIMBER DECKING BOARDS TFB TIMBER FLOOR BOARDS</div>	<div>BASIX</div> <div>BASIX COMMITMENTS BASIX CERTIFICATE NO. A3789854.</div> <div><ul style="list-style-type: none"><li>Light Coloured Roof with minimum 100 fall backed insulation blanket.</li><li>Windows, Glazed Doors, Eaves and Shading Devices to be installed as per the Basic Certificate and as shown on these drawings.</li><li>All window frames are standard aluminium with single pyralytic low-e glazing U-value: 5.7 max and SHGC 0.47 max unless noted otherwise.</li></ul></div> <div><ol style="list-style-type: none"><li>NO SHADING DEVICE: Applies to W13, W21, W22, W28.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=450MM: Applies to W3, W11, W12.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=600MM: Applies to W14.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=900MM: Applies to W1, W2, W4 to W10, W23 to W27.</li><li>AWNING (ADJUSTABLE) &gt;=900MM: Applies to W15 to W20.</li></ol></div>

AMENDED DEVELOPMENT APPLICATION

B	27/7/2020	AMENDED D.A. SUBMISSION	SY	JC
A	17/6/2020	BASIX COMMITMENTS ADDED TO DRAWING	EL	JC
-	22/5/2020	FOR DEVELOPMENT APPLICATION	EL	JC
ISSUE	DATE	REVISION	BY	CHECK
DO	NOT	SCALE	FROM	DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK
PROJECT 11 THOMPSON STREET TAMARAMA				
CLIENT KATE & MICHAEL HUGGINS				
DRAWING PROPOSED COURTYARD ELEVATIONS				
DATE JULY 2020 SCALE AS SHOWN DRAWN EL				
JOB # 1915 DWG # DA14 REV. B				
CULLEN FENG				
NOM ARCH: JON CULLEN NSW 6437   303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA				



1 PROPOSED SECTION  
I:150 @ A3

# AMENDED PLANS

LEGEND	WALL TYPE LEGEND	FINISHES LEGEND	BASIX
<div><div></div>NEW WORK IN PLAN/ELEVATION MAJOR/MINOR SIGNIFICANCE</div> <div><div></div>NEW WORK IN SECTION MAJOR/MINOR SIGNIFICANCE</div> <div><div></div>NEW LANDSCAPING WORKS</div>	<div><div></div>EXISTING MASONRY/TIMBER STRUCTURE</div> <div><div></div>NEW MASONRY WALL TO STR. ENG. DETAIL, THICKNESS VARIES.</div> <div><div></div>PROPRIETARY LIGHT STEEL FRAMED WALL WITH BULK INSULATION AND FL SET PBD/VBD OR OTHER LINING TO DETAIL, FIRE &amp; ACOUSTIC RATED WHERE NOTED, THICKNESS VARIES.</div> <div><div></div>REINFORCED CORE FILLED CONC. BLOCK WALLS TO STR. ENG. DETAILS, THICKNESS VARIES.</div> <div><div></div>IN-SITU REINFORCED CONCRETE WALL TO STR. ENG. DETAIL, THICKNESS VARIES</div>	<div>REFER TO MATERIALS SCHEDULE FOR MORE INFORMATION</div> <div><div>WALL FINISH</div><div>CBD COLORBOND STEEL</div><div>EEG ENERGY EFFICIENT GLAZING</div><div>FBK FACE BRICKWORK</div><div>LSC LINEAR STONE CLADDING</div><div>PCA POWDERCOATED ALUMINIUM</div><div>PT PAINT FINISH</div><div>PTW PAINTED TIMBER WINDOWS</div><div>RP RENDER &amp; PAINT</div><div>RPG RENDER &amp; PAINT W/ EXPRESSED GROOVES</div><div>SSS (SATIN) STAINLESS STEEL</div><div>TWC TIMBER WALL CLADDING (CLR FINISH)</div><div>TWC1 TIMBER WALL CLADDING (PALE)</div><div>TWC2 TIMBER WALL CLADDING (DARK/CHARCOAL)</div><div>TWC3 TIMBER WALL CLADDING (WEATHERED GREY)</div><div>XP EXTERNAL PAINT FINISH</div><div>ZN COLORBOND STEEL ZINC APPEARANCE</div></div> <div><div>FLOOR FINISH</div><div>BPV BRICK PAVERS</div><div>CT CERAMIC TILES</div><div>CPT CARPET TILES</div><div>EM ENTRY MAT</div><div>EMC PIGMENTED CONCRETE W/ EXPRESSED GROOVES</div><div>PRT PORCELAIN TILES</div><div>PV PORCELAIN PAVERS</div><div>SC SEALED CONCRETE</div><div>TDB TIMBER DECKING BOARDS</div><div>TFB TIMBER FLOOR BOARDS</div></div>	<div>BASIX</div> <div>BASIX COMMITMENTS BASIX CERTIFICATE NO. A3789854.</div> <div><ul style="list-style-type: none"><li>Light Coloured Roof with minimum 100 fall backed insulation blanket.</li><li>Windows, Glazed Doors, Eaves and Shading Devices to be installed as per the Basis Certificate and as shown on these drawings.</li><li>All window frames are standard aluminium with single pyralytic low-e glazing U-value: 5.7 max and SHGC 0.47 max unless noted otherwise.</li></ul></div> <div><ol style="list-style-type: none"><li>NO SHADING DEVICE: Applies to W13, W21, W22, W28.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=450MM: Applies to W3, W11, W12.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=600MM: Applies to W14.</li><li>EAVE/VERANDAH/PERGOLA/BALCONY &gt;=900MM: Applies to W1, W2, W4 to W10, W23 to W27.</li><li>AWNING (ADJUSTABLE) &gt;=900MM: Applies to W15 to W20.</li></ol></div>

## AMENDED DEVELOPMENT APPLICATION

B	27/7/2020	AMENDED D.A. SUBMISSION	EL	JC
A	17/6/2020	BASIX COMMITMENTS ADDED TO DRAWING	EL	JC
-	22/5/2020	FOR DEVELOPMENT APPLICATION	EL	JC
ISSUE	DATE	REVISION	BY	CHECK
DO	NOT	SCALE	FROM	DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK
<div><div>CULLEN FENG</div><div>PROJECT 11 THOMPSON STREET TAMARAMA</div><div>CLIENT KATE &amp; MICHAEL HUGGINS</div><div>DRAWING PROPOSED SECTION</div><div>DATE JULY 2020</div><div>SCALE AS SHOWN</div><div>DRAWN EL</div><div>JOB # 1915</div><div>DWG # DA15</div><div>REV. B</div></div>				
NOM ARCH: JON CULLEN NSW 6437   303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA				





**CBD**  
COLORBOND STEEL ROOF &  
WALL CAPPINGS -  
CHARCOAL COLOUR



**RPG**  
RENDER & PAINT WITH  
EXPRESSED GROOVES -  
WARM GREY COLOUR



**TWC1**  
TIMBER WALL CLADDING -  
PALE OAK OR ASH COLOUR



**TWC2**  
TIMBER WALL CLADDING -  
DARK STAINED BLACK OR  
CHARCOAL COLOUR



**TWC3**  
TIMBER WALL CLADDING -  
WEATHERED GREY COLOUR



**PV**  
PORCELAIN PAVERS -  
LIGHT WARM GREY OR  
LIMESTONE COLOUR



**PCA**  
POWDERCOATED ALUMINIUM  
WINDOW FRAMES -  
BLACK OR CHARCOAL COLOUR



**TBD**  
RECONSTITUTED TIMBER  
DECKING BOARDS -  
WEATHERED GREY COLOUR



**LSC**  
TEXTURED LINEAR STONE  
CLADDING -  
WARM GREY COLOUR



PROPOSED BACK OF HOUSE VIEW (NORTH)



PROPOSED STREET VIEW (SOUTH)

# FOR DEVELOPMENT APPLICATION

RECEIVED

Waverley Council

Application No: DA-183/2020

Date Received: 12/06/2020

ISSUE

DO

NOT

SCALE

FROM

DRAWINGS

VERIFY

ALL

DIMENSIONS

ON

SITE

BEFORE

COMMENCING

WORK

23/5/2020

DATE

REVISION

FOR DEVELOPMENT APPLICATION

EL

JC

BY

CHECK

CULLEN FENG

ARCHITECTS

PROJECT

11 THOMPSON STREET, TAMARAMA

CLIENT

KATE & MICHAEL HUGGINS

DRAWING

PROPOSED EXTERIOR FINISHES

DATE

MAY 2020

SCALE

N.T.S.

DRAWN

EL

JOB #

1915

DWG #

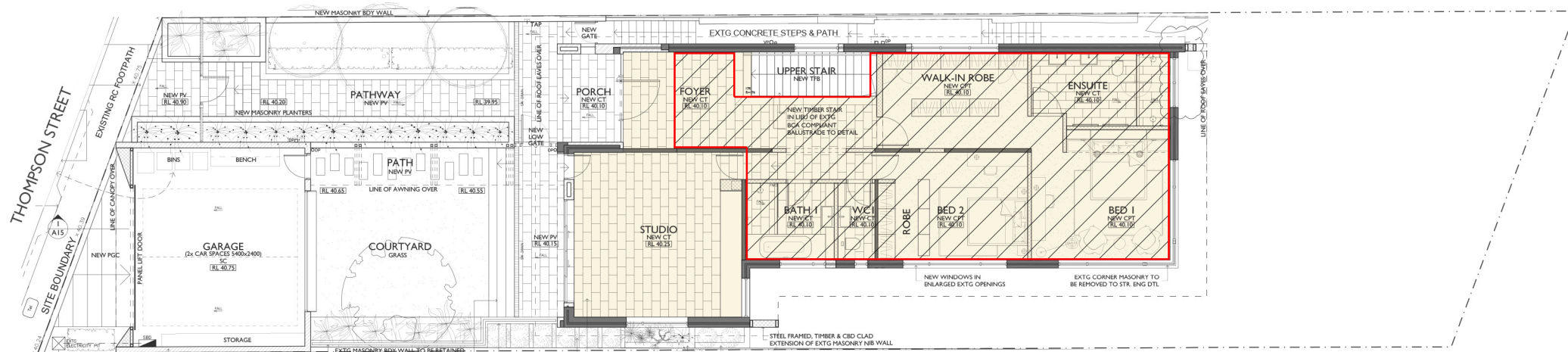
DA18

REV.

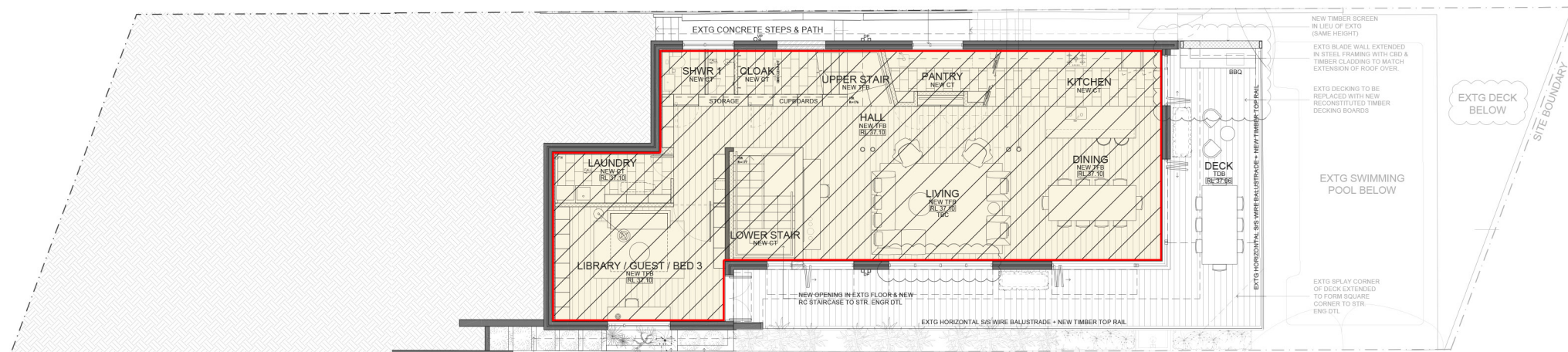
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NOM ARCH: JON CULLEN NSW 6437 | 303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA | 02 9550 2095

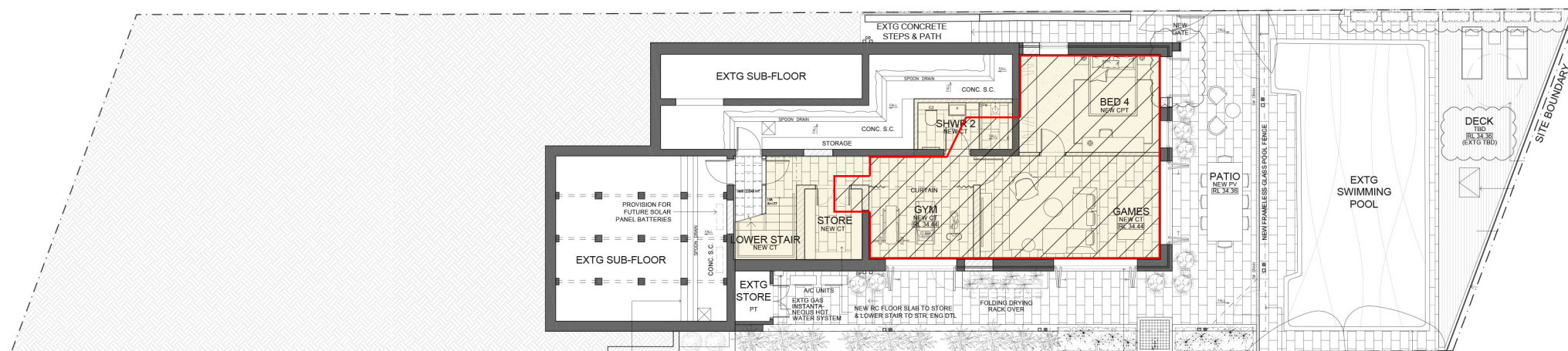




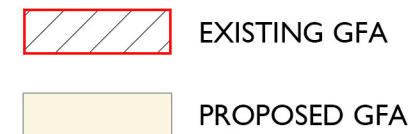
UPPER LEVEL PLAN  
1:200 @ A3



MID LEVEL PLAN  
1:200 @ A3



LOWER LEVEL PLAN  
1:200 @ A3



RECEIVED  
Waverley Council

Application No: DA-183/2020

Date Received: 28/07/2020

#### GFA CALCULATION (SQM)

LEVEL	EXISTING AREA	PROPOSED AREA
UPPER	108.6	150.4
MIDDLE	151.4	151.4
LOWER	56.5	72.7
TOTAL	316.5	374.5

#### WAVERLEY LEP 2012 FSR CALCULATION

	AREA (SQM)	FSR
SITE AREA	578.6	-
ALLOWABLE GFA	289.3	0.5
EXISTING	316.5	0.55
PROPOSED	374.5	0.65

## AMENDED DEVELOPMENT APPLICATION

A	27/7/2020	AMENDED DA SUBMISSION	EL	JC
ISSUE	DATE	FOR DEVELOPMENT APPLICATION	BY	CHECK

DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.

CULLEN FENG ARCHITECTS	PROJECT	11 THOMPSON STREET, TAMARAMA
	CLIENT	KATE & MICHAEL HUGGINS
	DRAWING	GFA ANALYSIS
	DATE	JULY 2020
CULLEN FENG	SCALE	N.T.S.
	DRAWN	EL
	JOB #	1915
	DWG #	DA20

NOVARCH: JON CULLEN NSW 6437 | 303 / 77 DUNNING AVENUE, ROSEBERY NSW 2018, AUSTRALIA | 02 910 2095

456