



17 November 2021

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

12.00PM WEDNESDAY, 24 NOVEMBER 2021

QUORUM: Three Panel members.

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

AGENDA

WLPP-2111.A Apologies

WLPP-2111.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2111.1 PAGE 5 14 Lawson Street, BONDI JUNCTION NSW 2022 - Alterations and additions to a dwelling house including a first floor addition to the front portion of the dwelling. (DA-382/2021)

Report dated 10 November 2021 from the Development and Building Unit.

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

WLPP-2111.2 PAGE 39 3 View Street, QUEENS PARK NSW 2022 - Demolition of existing 2 storey detached dwelling and construction of a 3 storey dwelling, single car garage, pool and pool house in the rear yard. (DA- 249/2021)

Report dated 11 November 2021 from the Development and Building Unit.

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

WLPP-2111.3 PAGE 100 10/9 Edward Street, BONDI BEACH NSW 2026 - Alterations and additions to Residential Flat Building including extension to Unit 10 (DA-399/2021)

Report dated 12 November 2021 from the Development and Building Unit.

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

WLPP-2111.4 PAGE 142 51 Ebley Street, BONDI JUNCTION NSW 2022 - Substantial alterations and additions to dwelling to convert into a new boarding house, including a rear three storey addition. (DA-104/2021)

Report dated 12 November 2021 from the Development and Building Unit.

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

WLPP-2111.5 **PAGE 219**

25 Chesterfield Parade, BRONTE NSW 2024 - Alterations and additions to an existing dwelling including the enclosure of the courtyard at ground level. (DA-416/2021)

Report dated 12 November 2021 from the Development and Building Unit.

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

WLPP-2111.6 **PAGE 251**

45 Portland Street, DOVER HEIGHTS NSW 2030 - Modification to roof, windows, internal reconfiguration and various other alterations and additions. (DA-16/2021/A)

Report dated 4 November 2021 from the Development and Building Unit.

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

WLPP-2111.7 **PAGE 301**

55/107 MacPherson Street, BRONTE NSW 2024 - Alterations and additions to unit 55 within the existing residential flat building including internal works, new internal lift and works to the roof terrace including new pergola. (DA-423/2021)

Report dated 11 November 2021 from the Development and Building Unit.

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

WLPP-2111.8 **PAGE 354**

116-122 Blair Street, NORTH BONDI NSW 2026 - Change of use of two premises at ground floor level to a Neighbourhood Supermarket – (DA-388/2021)

Report dated 10 November 2021 from the Development and Building Unit.

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

WLPP-2111.9 **PAGE 385**

12 Narelle Street, NORTH BONDI NSW 2026 - Alterations and additions to semi-detached dwelling including new first floor addition and parking. (DA-320/2021)

Report dated 12 November 2021 from the Development and Building Unit.

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

WLPP-2111.10

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15 Wallace Street, WAVERLEY NSW 2024 - Alterations and additions to a semi-detached dwelling including conversion of the garage to a games room and a new first floor addition. (DA-388/2021)

Report dated 14 November 2021 from the Development and Building Unit.

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

WLPP-2111.11

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52 Albion Street, WAVERLEY NSW 2024 - Review of refusal, seeking alterations and additions to convert one shop and three dwellings to an attached dual-occupancy development, including a new first floor addition, garages, and Strata subdivision. (DA-114/2021/1)

Report dated 12 November 2021 from the Development and Building Unit.

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

WLPP-2111.12

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12 Bulga Road, DOVER HEIGHTS NSW 2030 - Modification to roof form and extinguish the majority of works approved under DA-335/2020, (DA-335/2020/A)

Report dated 12 November 2021 from the Development and Building Unit.

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



Report to the Waverley Local Planning Panel

Application number	DA-382/2021
Site address	14 Lawson Street, Bondi Junction
Proposal	Alterations and additions to a dwelling house including a first floor addition to the front portion of the dwelling.
Date of lodgement	16 September 2021
Owner	Mr A E Gould and Mrs J D Gould
Applicant	Cape Cod Australia
Submissions	One
Cost of works	\$300,496.00
Principal Issues	<ul style="list-style-type: none"> • Breach to FSR; • Poor urban design and streetscape presentation; • Negative impact on the Mill Hill Conservation Area; • Breach in wall height; and • Unacceptable front setback.
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



(Source: Nearmaps, 2021)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to a dwelling house including a first floor addition to the front portion of the dwelling at the site known as 14 Lawson Street, Bondi Junction.

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

- Breach to FSR;
- Poor urban design and streetscape presentation;
- Negative impact on the Mill Hill Conservation Area;
- Breach in wall height; and
- Unacceptable front setback.

The assessment finds these issues unacceptable as the proposed first floor addition to the front portion of the dwelling significantly detracts from the original dwelling by removing its original roof form as well as negatively impacting the streetscape and Mill Hill Conservation Area through a poorly designed first floor addition that will breach both FSR and wall height.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 22 October 2021.

The site is identified as Lot 2 in DP82952, known as 14 Lawson Street, Bondi Junction.

The site is rectangular in shape with a western frontage to Lawson Street, measuring 6.135m. It has an area of 158.1m² and slopes down from the front (west) to the rear (east) by approximately 1.3m.

The site is occupied by a part-one, part-two storey detached dwelling with nil off-street parking. The existing first floor of the dwelling is located to the rear portion of the dwelling, behind the existing original roof form.

The site is adjoined by a detached two storey dwelling to the south at No 16, that is reflective of a traditional terrace house (although not attached). To the north of the dwelling at no 12 is a traditional 1-2 storey detached cottage with a contemporary first floor addition (presenting as single storey to the street and addition above is set back). The locality is characterised by a variety of low density residential development that ranges from detached to attached dwellings of varying stories.

Figure 1 is a photo of the site and its context.



Figure 1: Front of the subject site, looking east from Lawson Street. (Source: Google Maps, 2021)

1.3. Relevant Development History

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

- **BA-396/1995** and **DA-172/1995** for alterations and additions to the ground floor was approved on 24 July 1995.
- **L-439/1998** for the demolition of the existing rear 'lean to' and construction of a rear first floor addition was approved on 31 March 1999.

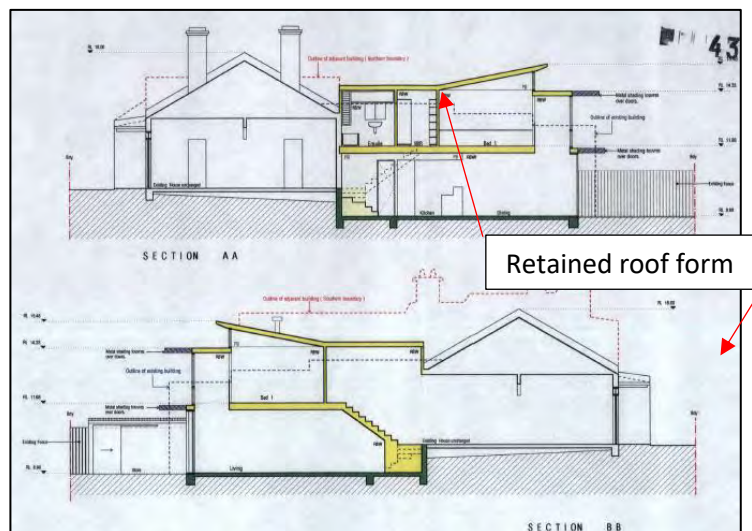


Figure 2: Approved addition under L-439/1998. (Source: Enviro Design Studio, 1999)

It is noted that the assessment of L-439/1998 concluded the following:

As the proposed addition to the existing dwelling will be located to the rear of the site, the impact upon the existing streetscape is considered negligible. While the proposal

does remove the existing “lean to”, this is considered acceptable as the original house to the front consisting of two bedrooms and corridor will be retained.

The use of a flat roof form (as provided by the Section 96 application) no higher than the rising ridge currently over the front dwelling, will maintain the current relationship with the streetscape. In addition, setting back the proposed first floor addition 900mm from the northern boundary will also reduce any possible impact upon the streetscape.

- **L-440/1998** for the demolition of the existing rear ‘lean to’ was approved on 31 March 1999.

1.4. Proposal

The DA seeks consent for alterations and additions to a dwelling house including a first floor addition to the front portion of the dwelling, specifically the following:

- Demolition of the original roof form to the front portion of the dwelling;
- Construction of internal stairs from the existing rear first floor addition to the proposed front first floor addition (higher than rear first floor);
- Construction of a sitting room; and
- Construction of a bedroom with ensuite and western (front) facing balcony.



Figure 3: Proposed perspective plan of the first floor addition as viewed from the front façade. (Source: Cape Cod, 2021)

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table Medium Density Residential 'R3' Zone	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 9.5m 	Yes	The works have an overall height of 9.2m.
4.4 Floor Space Ratio (FSR) and 4.4A Exceptions to FSR <ul style="list-style-type: none"> • Lot size: 158.1m² • Max GFA: 147.2m² • Max FSR: 0.93:1 	No	Gross Floor Area (GFA) Calculation: Ground Floor: 93.3m ² First Floor: 76.1m ² Total GFA: 169.4m² Total FSR: 1.07:1 The proposed development results in a breach of 22.2m ² or 15.1%
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 height of building development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	No	The subject site is located within the Mill Hill Conservation Area. This will be discussed in more detail within section 3.3 of this report.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.93:1. The proposed development has a FSR of 1.07:1, exceeding the standard by 22.2m² equating to a 15.1% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

(i) Meets the objectives of FSR:

- a. *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs.*

The subject site is located at approximately 250m from the Bondi Junction Centre in straight line. Due to the significant separation between the Bondi Junction Centre and the residential zoning there will be no impact on future retail and commercial floor space growth within the Bondi Junction Centre to accommodate future needs.

- b. *to provide an appropriate correlation between maximum building heights and density controls.*

The proposed addition has a final maximum ridge level of RL 79.385 which is consistent and matching to nearby developments. Density is generally understood when setbacks, height and floor area are considered together. As noted above, the proposed height will remain consistent and matching with nearby developments. The front setbacks are compliant, the rear setbacks are compliant, and the side setbacks maintain the existing building setbacks. The minor numerical departure of the FSR in the order of 17% is mainly confined to the front part of the first-floor area as detailed in figure 1 (of the Clause 4.6 Variation document) and which remains within the existing buildings footprint as also detailed in figure 2 (of the Clause 4.6 Variation document). Due to the locations where the FSR departure is mainly located and general compliance with development controls that define density the proposed addition ensures that the correlation between height and density is consistent with the neighbouring dwellings in the immediate vicinity.

- c. *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*

The subject site is located on Lawson Street, Bondi Junction. This street and the surrounding area are established with numerous examples of dwellings of similar bulk and scale to that proposed. The current character of the locality is defined by two storey dwellings that have maximised their sites potential (refer to figures 3-6 inclusive) (of the Clause 4.6 Variation document). The proposed addition will continue to be compatible with the current and future character of the locality and due to the observation of the existing building height and location of the additional floor area similar to other developments within the street, there will be negligible detrimental impact as a result of the addition. The proposal is therefore deemed to be compatible with the bulk and scale of the existing character and streetscape. The proposed upper floor component will contribute positively to the street network and public space. Therefore, the proposal is considered to be consistent with objective of the FSR development standard in clause 4.4 of the Waverley LEP.

- d. *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

As mentioned above, the proposal being for alterations and an upper floor addition to an existing single occupancy dwelling will be in keeping with the predominant scale of neighbouring properties and the locality. As evident from the shadow diagrams prepared with the DA application, neighbouring dwellings will receive more than the minimum of 3 hours of direct sunlight to 50% of living areas and private open space required under WDCP 2012 – C2 -2.6 due to the advantageous east-west subdivisional pattern and strategic design. The surrounding context comprises of an eclectic mix of architectural styles and forms. The proposed, sympathetic two storey dwelling, will positively contribute to the streetscape and will be in keeping with other existing developments. In comparison to the surrounding built form the proposed development would blend into the existing backdrop of the other buildings that have utilised a similar amount or more of their building footprint in the immediate vicinity.

(ii) Meets the objectives of the medium density residential (R3) zone:

- a. *To provide for the housing needs of the community within a medium density residential environment.*
- b. *To provide a variety of housing types within a medium density residential environment.*
- c. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- d. *To maximise public transport patronage and encourage walking and cycling.*

The building as altered maintains its presence as a single occupancy dwelling and would be entirely compatible with the prevailing and desired future character of the built form of the immediate locality. The proposal doesn't affect the existing facilities or services on the property and, as previously discussed in the statement of environmental effect and in the comments to the FSR objectives above, the departure from the control has minimal impact solar access and in addition to maintaining the existing public and private views enjoyed by the subject and surrounding residences and will have no impact on the visual environment of the Bondi Junction area thus

minimising any adverse effects as a result of the FSR departure described in this application.

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

(i) The planning commentary in relation to the relevant clause objectives has already touched on the planning issues and grounds to support the variation. In this regard the extent of the departure is not unlike other proposals. From a planning perspective, the proposal itself creates no environmental planning impacts or issues for the adjoining properties or the streetscape. On environmental planning grounds, the subject site area was considered sufficient to accommodate the addition with no adverse impacts.

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

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

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

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

The applicant has adequately addressed one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant specifically relies upon justification **(a)** outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. Although the applicant has addressed the breach to FSR against each relevant objective of the development standard and zone, Council does not agree with the justification provided as will be detailed 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 development standard. The applicant contends that the development envelope is an acceptable outcome for the site. This is despite the non-compliance with the FSR and wall height as well as a poorly designed addition that will negatively impact the existing dwelling and streetscape.

Is the development in the public interest?

The proposed development will **not be** in the public interest because it is not consistent with the objectives of the FSR development standard.

The objectives of the FSR development standard are as follows:

- a. *to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs.*

The subject site is not located within the Bondi Junction Centre and therefore this clause is not applicable.



Figure 4: Map of the Bondi Junction Centre (outlined red) in context with the subject site (starred yellow). (Source: Waverley Development Control Plan 2012, 2021)

b. to provide an appropriate correlation between maximum building heights and density controls.

The applicant has justified that the development will be similar in height to surrounding developments, with compliant setbacks and the breach to FSR centred around the addition to the front portion of the dwelling. Although the first floor addition is trying to achieve a similar height and density to that of no. 16 Lawson Street, it will breach the FSR development standard and will remove the original roof form of the dwelling which will negatively impact the subject dwelling as well as the streetscape and Heritage Conservation Area. The dwelling is currently at its maximum density with an existing first floor addition appropriately constructed behind the existing roof form, as to be concealed from the streetscape and therefore not impacting the locality and Heritage Conservation Area.

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

The applicant has justified that the development will be similar in bulk and scale to the established dwellings on Lawson Street, with the proposed addition to contribute positively to the street network and public space. Whilst it is acknowledged that the development is trying to achieve a bulk and scale that is similar to that of other terrace styled dwellings in the streetscape it is not appropriate for this site. The dwelling has achieved its maximum development potential with an existing rear first floor addition appropriately set behind the existing original roof form and therefore not impacting the locality and Heritage Conservation Area. This roof form is a key characteristic of this dwelling as it reads as a single story terrace style dwelling, which contributes to the Mill Hill Conservation Area. Any addition would be seen as an undesirable bulk and scale on the locality that will negatively impact the subject dwelling and streetscape.

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

The proposed development does not result in unreasonable shadowing, visual privacy or view loss impacts to surrounding properties. However, the proposed poorly designed addition will not preserve the amenity of the locality. The current dwelling appears as a contributory single storey terraced style dwelling, with the proposed addition not preserving this. The proposed works will remove the original roof form for a non-compliant first floor addition to the front portion of the dwelling. This poorly designed first floor addition will impact the heritage conservation area by removing the key original roof form.

The objectives of the R3 zone are as follows:

- a. To provide for the housing needs of the community within a medium density residential environment.*
- b. To provide a variety of housing types within a medium density residential environment.*
- c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- d. To maximise public transport patronage and encourage walking and cycling.*

The proposal meets the objectives of the zone, providing housing needs for the community.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is not supported, while the applicant's written request has adequately addressed the matters required to be

addressed by clause 4.6(3) of the Waverley LEP 2012, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard.

2.1.3. Waverley DCP 2012 – Amendment No.9

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

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

Development Control	Compliance	Comment
1. Waste	N/A	The existing location of bin storage will not be amended.
2. Ecologically Sustainable Development	Yes	The submitted BASIX Certificate is supported.
5. Vegetation Preservation	N/A	Tree removal is not proposed.
6. Stormwater	Conditional	Council's Stormwater Engineer reviewed the application. If the application was recommended for approval, conditions would be recommended.
9. Heritage	No	The subject site is located within the Mill Hill Conservation Area. This will be discussed in more detail within section 3.3 of this report.
12. Design Excellence	No	<p>The proposed works do not provide a high standard of architectural design. The current dwelling as viewed from Lawson Street is a good example of a single storey terraced styled dwelling, with the previously approved first floor addition appropriately set behind the original roof form to conceal the addition from the streetscape.</p> <p>The proposed works detract from this, in a poor attempt to provide a bulk and scale that is similar to no. 16 Lawson Street. The dwelling is currently at its development capacity and any addition that would remove the original roof form of the dwelling is not supported, as this is a contributory characteristic to the Mill Hill Conservation area.</p>

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

Development Control	Compliance	Comment
2.0 General Objectives		
	No	The proposal contravenes objectives (d) and (e) as it has poor design standards.
2.1 Height		
Pitched roof dwelling house	No	The development will have a wall height of 7.6m.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum external wall height of 7m 		
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	No	<p>Whilst the proposed first floor addition is consistent with the front building line of no. 16 Lawson Street, it is not consistent with objective (a) as the bulk and appearance of the proposed development is not appropriate to the streetscape. The proposed addition will remove the original roof form of the dwelling and result in an addition that is poorly designed, negatively impacting both the subject dwelling and streetscape.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) 	No	<p>It is understood the proposed southern boundary wall will be constructed on the southern boundary to give the illusion of a traditional terraced style dwelling. However, this first floor addition is not supported as it will remove the original roof form and is of a poor design, impacting both the subject dwelling and the streetscape.</p>
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	No	<p>It appears the development proposes to be visually compatible with the two storey terraced style dwelling at no. 16 Lawson Street. However, the first floor addition does not achieve this. The front gabled roof and balustrading design to the front first floor balcony is not characteristic of the two storey terraced style dwellings in the streetscape.</p> <p>The proposed works do not provide a high standard of architectural design. The current dwelling as viewed from Lawson Street is a good example of a single storey terraced styled dwelling, with the existing first floor addition appropriately concealed behind the existing roof form.</p> <p>The proposed works detract from this, in a poor attempt to provide a bulk and scale that is similar to no. 16 Lawson Street. The dwelling is currently at its development capacity (with an existing first floor addition to the rear of the dwelling behind the original roof form) and any addition that would remove the original roof form of the dwelling is not supported.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face 	Yes	<p>The proposed windows will not reduce visual privacy. The proposed windows to the front</p>

Development Control	Compliance	Comment
habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design • Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i>	Yes	elevation will overlook Lawson Street, increasing security. The rear windows are modest in size and will not result in visual privacy impacts. The proposed balcony has a compliant depth of 1.3m and area of 6.3m ² .
2.6 Solar access		
• Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.	Yes	The proposed addition will not impact the amount of solar access received to the private open space or living areas of the subject site or neighbouring lots to an unacceptable level.

2.2. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality and is recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

The application was notified for fourteen days from 28 September 2021 to 14 October 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of one unique submission was received from the following property:

- No. 12 Lawson Street, Bondi Junction

The following issues raised in the submission has already been discussed and addressed in the body of this report and/or the recommendation:

- Impact on streetscape;
- The addition should be setback;
- Breach to wall height; and

- Breach to FSR.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Stormwater

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

3.2. Tree Management

An internal referral was sought from Council's Tree Officer who supported the application.

3.3. Heritage

An internal referral was sought from Council's Heritage Officer who did not support the application. The Heritage Officer advised the following:

- *The heritage impact report appears confused as to the actual date of construction, citing a property transfer of the 1930's which clearly relates to an existing building;*
- *The proposal removes the core form, and streetscape qualities of the residence replacing these with faux detailing of no specific stylistic period or form;*
- *The works detract from both the subject residence and cohesion with adjacent contributory residences;*
- *The works have a significant impact on the streetscape and the streetscape qualities of the immediate setting;*
- *Precedents identified by the applicant are infill developments between existing two story buildings where original buildings were of substantially altered or deteriorated form. These are not comparable with the form and streetscape setting of the current application; and*
- *The site has already been subject to significant additions that are cohesive with adjacent residence and are of a scale commensurate with the objectives of the Waverley DCP 2012 and the Conservation Area.*

4. CONCLUSION

The DA seeks consent for alterations and additions to a dwelling house including a first floor addition to the front portion of the dwelling at the site known as 14 Lawson Street, Bondi Junction.

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

- Breach to FSR;
- Poor urban design and streetscape presentation;
- Negative impact on the Mill Hill Conservation Area;

- Breach in wall height; and
- Unacceptable front setback.

The assessment finds these issues unacceptable as the proposed first floor addition to the front portion of the dwelling significantly detracts from the original dwelling by removing its original roof form as well as negatively impacting the streetscape and Mill Hill Conservation Area through a poorly designed first floor addition that will breach both FSR and wall height.

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

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

Development and Building Unit (DBU) Decision:



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

(a) The application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: *M Reid, A Rossi, B McNamara and B 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:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Angela Rossi
Development Assessment Planner	Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 27 October 2021	Date: 10 November 2021

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The proposal does not satisfy 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 application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:
 - a. *Clause 4.4 Floor Space Ratio*, specifically objectives (1)(b) through (d), as the proposal breaches the floor space ratio development standard, which will negatively impact the subject site and the surrounding locality by removing the original roof form for a poorly designed first floor addition.
 - b. *Clause 4.4A Exceptions to Floor Space Ratio* as the application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.93:1.
 - c. *Clause 5.10 Heritage Conservation*, specifically objectives (1)(a) and (b) as the proposed development will cause adverse impacts on the Mill Hill Conservation Area due to the removal of the original roof form of the contributory dwelling and the construction of a poorly designed first floor addition.
 - d. The Clause 4.6 Variation fails to adequately justify that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
3. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

Part B9 Heritage

- a. Objective (e) as the proposed development will cause adverse impacts on the Mill Hill Conservation Area due to the removal of the original roof form of the contributory dwelling and the construction of a poorly designed first floor addition.

Part B12 Design Excellence

- b. Objectives (a), (c) and (d) and controls (a), (b), (e)(iii), (iv) and (v) as the proposed first floor addition to the front portion of the dwelling will remove the original roof form of the dwelling, which results in a negative impact on the streetscape and heritage conservation area. The addition is of a poor design and quality and will read as an unacceptable addition to such an established streetscape.

Part C2 Low Density Residential Development



- a. *Section 2.0 General Objectives*, specifically objectives (d) and (e) as the proposed addition is not appropriate as it is not sympathetic with desired future character of the area as it has a poor design and diminishes a contributory item within the Mill Hill Conservation Area.
 - b. *Section 2.1 Height*, specifically control (a) as the pitched roof addition results in a wall height of 7.6m, exceeding the maximum permitted wall height of 7m.
 - c. *Section 2.2 Setbacks*, specifically objectives (a) and (f) as the proposed first floor addition to the front portion of the dwelling will remove the iconic roof form of the contributory dwelling, detracting from the streetscape.
 - d. *Section 2.3 Streetscape and Visual Impact*, specifically objectives (a) and (b) and controls (a) and (d). The proposed first floor addition to the front portion of the dwelling will significantly impact the contributory building. The proposal will remove the existing original roof form for a poorly designed first floor addition that does not relate well to streetscape.
4. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1 of the Regulations, including but not limited to:
 - a. Insufficient information provided with respect to proposed materials and finishes.
5. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
6. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development. The standalone redevelopment of the subject site (to the scale and density proposed) could consequently affect orderly future redevelopment of adjoining sites.
7. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
8. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.



PROPOSED FRONT PERSPECTIVE

WORKING PLANS SHEET LIST	
SHEET NO.	SHEET TITLE
1	TITLE
2	SITE PLAN
3	PROPOSED GROUND FLOOR PLAN
4	PROPOSED FIRST FLOOR PLAN
5	ROOF PROPOSED PLAN
6	ELEVATIONS
7	ELEVATIONS
8	SECTIONS
9	BASIX COMMITMENTS
10	GENERAL SPECIFICATIONS
11	GLAZING SPECIFICATIONS

VERSION			
#	DESCRIPTION		DATE
A	TECHNICAL	CS	20.06.21
B	TO CLIENT	SM	09.07.21
C	POV 101591 - 101596 & 101661, BASIX ADDED AND TO COUNCIL	ATM	09.09.21

SPECIAL NOTES			
GENERAL SPECIAL NOTES			
THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE WRITTEN PROPOSAL:			
<ul style="list-style-type: none">• PROVIDE DECORATIVE FRETWORK & FRIEZE TO GABLE & FRONT VERANDAH• INSTALLATION OF ONE (1) FAN/LIGHT/HEATER UNIT & TEN (10) DOWNLIGHT FITTINGS AS SUPPLIED BY OWNER			
SMOKE DETECTORS			
	GROUND FLOOR	SUPPLIED & INSTALLED BY CAPE COD TO COMPLY WITH NCC STANDARD	1
	FIRST FLOOR	SUPPLIED & INSTALLED BY CAPE COD TO COMPLY WITH NCC STANDARD	1


WORKS BY OWNER
<ul style="list-style-type: none">• ALL WORKS ASSOCIATED WITH THE CONSTRUCTION OF THE ON SITE DETENTION (OSD) SYSTEM AS REQUIRED BY COUNCIL TO BE COMPLETED• PROVISION OF TILING TO REMOVED ENSUITE WINDOW• SUPPLY OF ONE (1) FAN/LIGHT/HEATER UNIT & TEN (10) DOWNLIGHT FITTINGS

PROPOSED ADDITION FOR:
MR A & MRS J GOULD
14 LAWSON STREET
BONDI JUNCTION NSW 2022

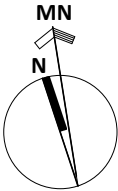
JOB NUMBER: 8120

COUNCIL: WAVERLEY COUNCIL

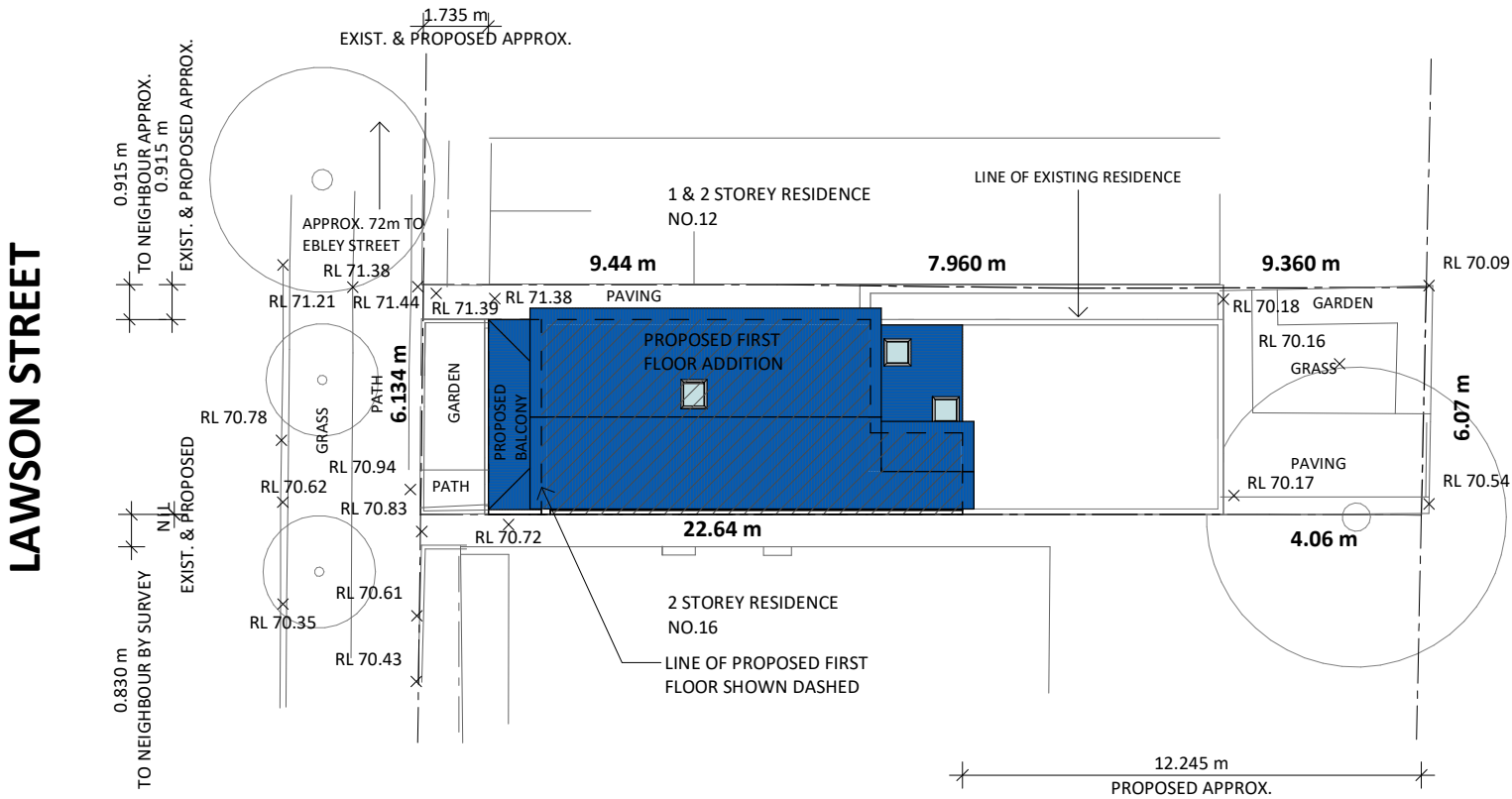
PROJECT DESIGNER: ROCCO RASO



A.B.N. 54 000 605 407
SUITE 41, 410 CHURCH STREET,
NORTH PARRAMATTA 2151
PHONE: (02) 9849 4444
BUILDERS LICENCE NO. 5519



PROPERTY INFORMATION		
PROPERTY NO.	LOT NO.	DP NO.
14	2	82952
SITE AREA INFORMATION		
BY SURVEY (m2)		BY TITLE (m2)
158.10		158.10

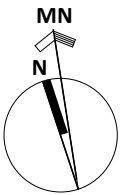


SITE PLAN 1 : 200

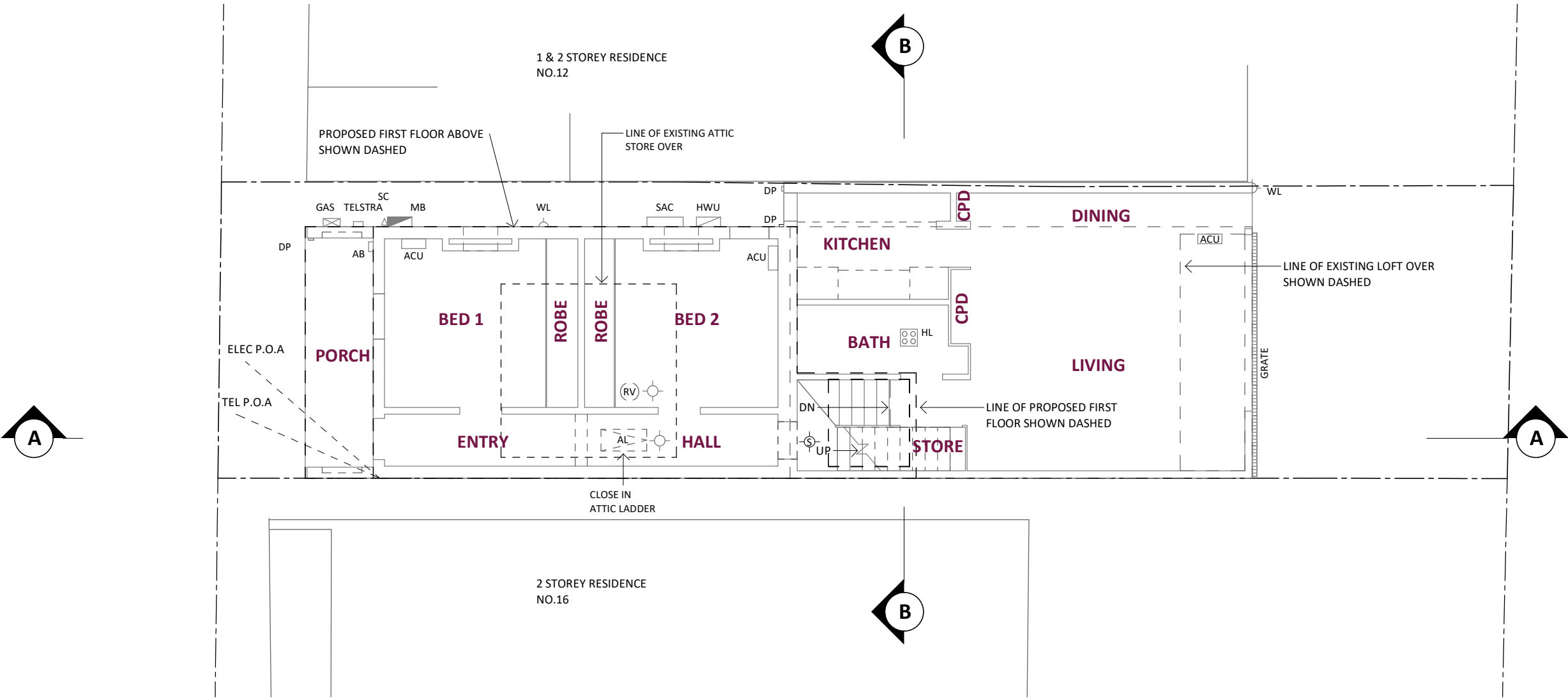
SITE AREA = 158.10m²
Under LEP 4.4A(b) for lots with an area of 100 square metres to 550 square metres— $(((550 - \text{lot area}) \times 0.0011) + 0.5):1$,

Total FSR = 1.09:1

INCLUDED AREAS	
LEVEL	AREA
EXISTING GROUND FLOOR	93.29 m ²
EXISTING FIRST FLOOR LOFT	40.49 m ²
PROPOSED FIRST FLOOR	39.60 m ²
TOTAL	173.38 m ²



SERVICES LEGEND	
DESCRIPTION	
AC	AIRCONDITIONER WALL MOUNTED
SAC	AIRCONDITIONING COMPRESSOR
AB	ALARM BOX
AL	ATTIC LADDER
DP	DOWNPIPE
RV	EXISTING ROOF VENTILATOR
GAS	GAS METER
GRATE	GRATE
HL	HEATER/LIGHT/FAN UNIT
HWU	HOT WATER UNIT - WALL MOUNTED
MB	METERBOX
SC	SECURITY CAMERA
	SMOKE DETECTOR - EXISTING
	SMOKE DETECTOR - NEW
TB	TELSTRA BOX
WL	WALL LIGHT

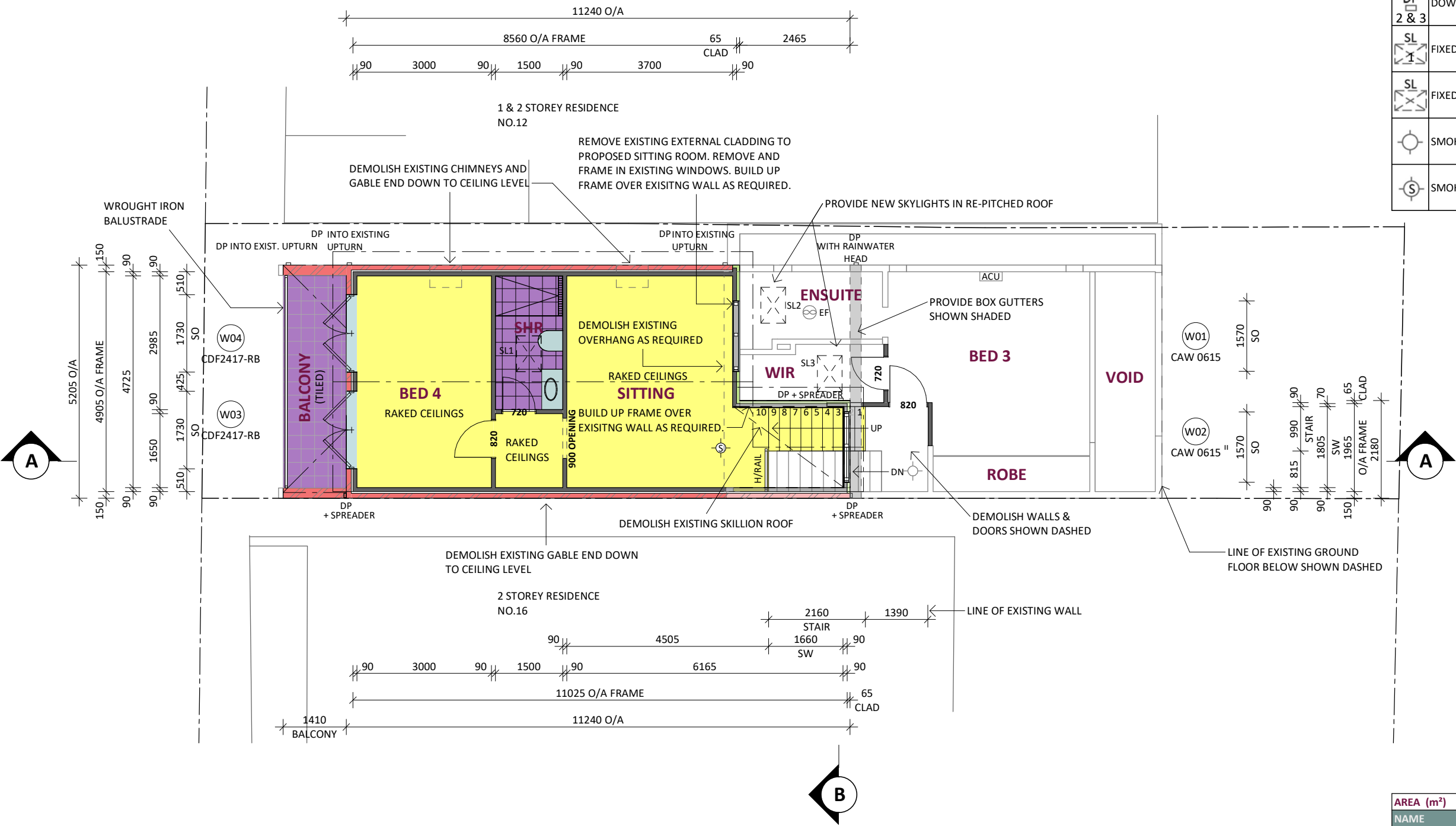
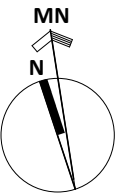


PROPOSED GROUND FLOOR PLAN 1 : 100

AREA (m²)	
NAME	AREA
EXISTING GROUND FLOOR	93.29 m²

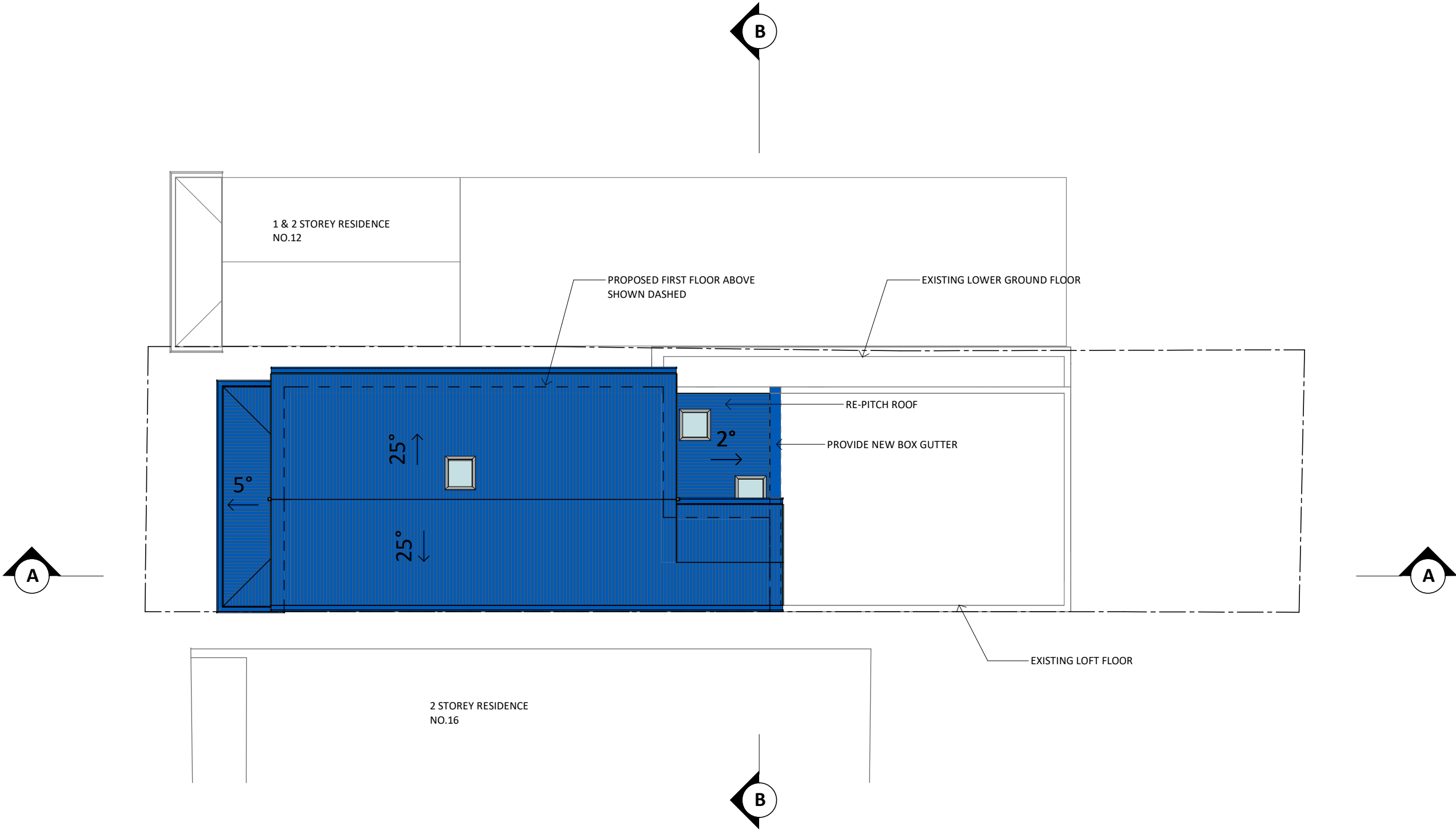
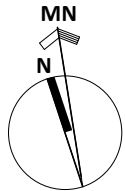
SERVICES LEGEND

DESCRIPTION	
AC	AIRCONDITIONER WALL MOUNTED
DP	DOWNPIPE - METAL QUAD
DP 2 & 3	DOWNPIPE INTO EXISTING U/TURN - METAL QUAD
SL 1	FIXED VELUS SKYLIGHT FCM 572 x 572
SL	FIXED VELUX C01 SKYLIGHT 550 x 700
	SMOKE DETECTOR - EXISTING
S	SMOKE DETECTOR - NEW



PROPOSED FIRST FLOOR 1 : 100

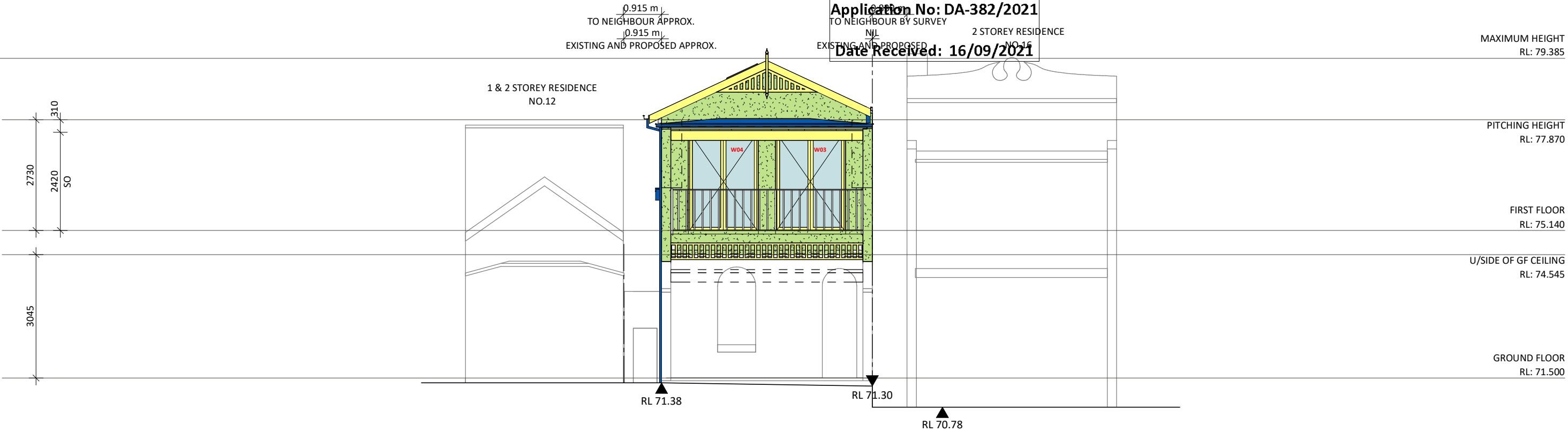
AREA (m²)	
NAME	AREA
EXISTING FIRST FLOOR LOFT	40.49 m²
PROPOSED FIRST FLOOR	39.60 m²



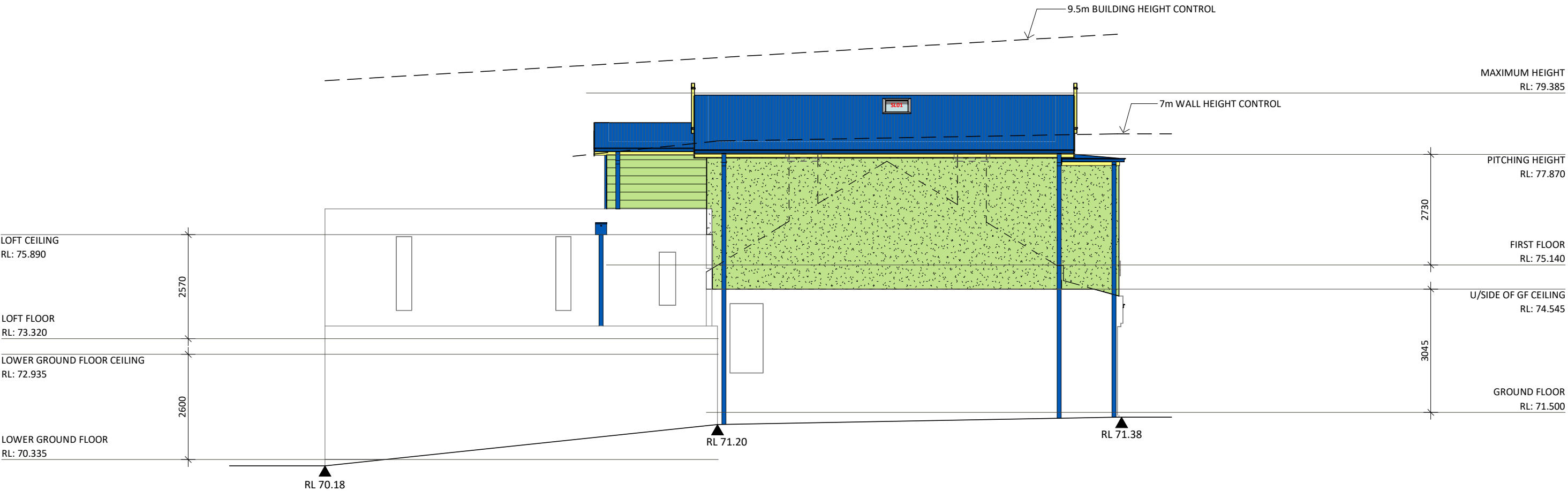
PROPOSED ROOF PLAN 1 : 100

ELEVATIONS

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Waverley Council
Application No: DA-382/2021
TO NEIGHBOUR BY SURVEY
Date Received: 16/09/2021



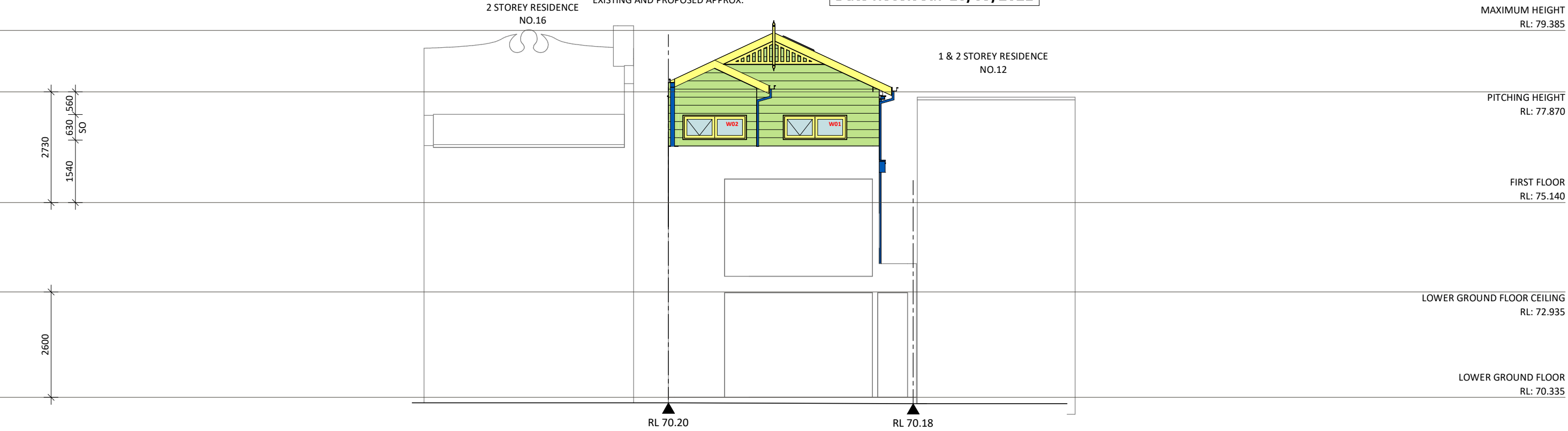
WEST ELEVATION 1 : 100



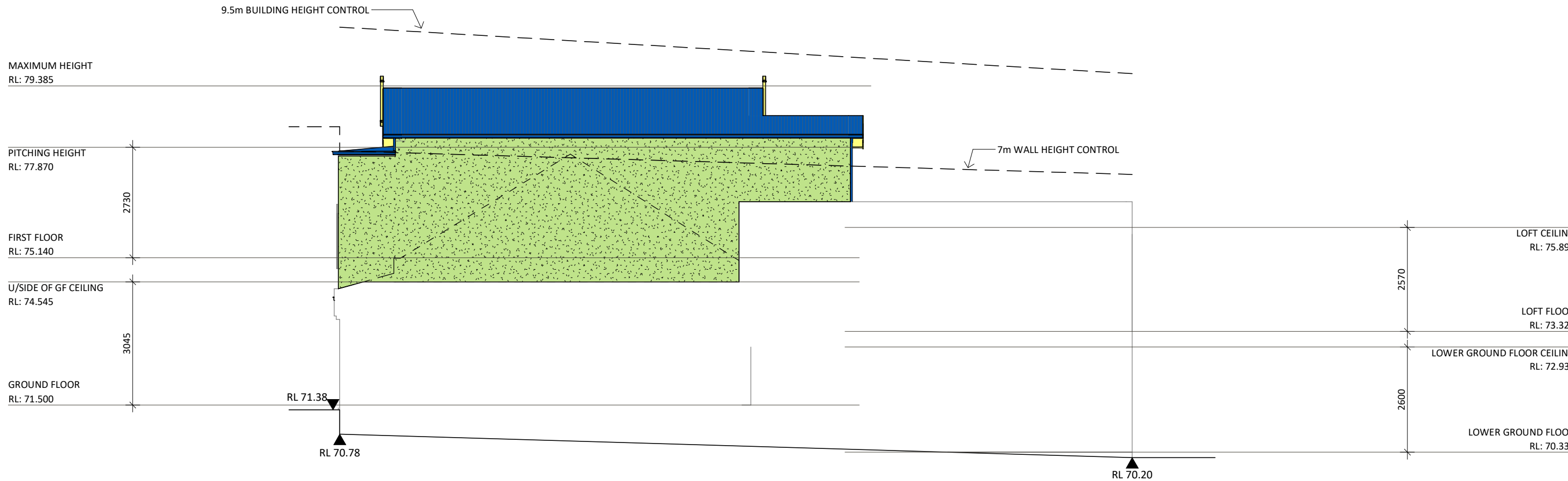
NORTH ELEVATION 1 : 100

0.830 m
TO NEIGHBOUR BY SURVEY
NIL
EXISTING AND PROPOSED APPROX.

0.880
TO NEIGHBOUR APPROX.



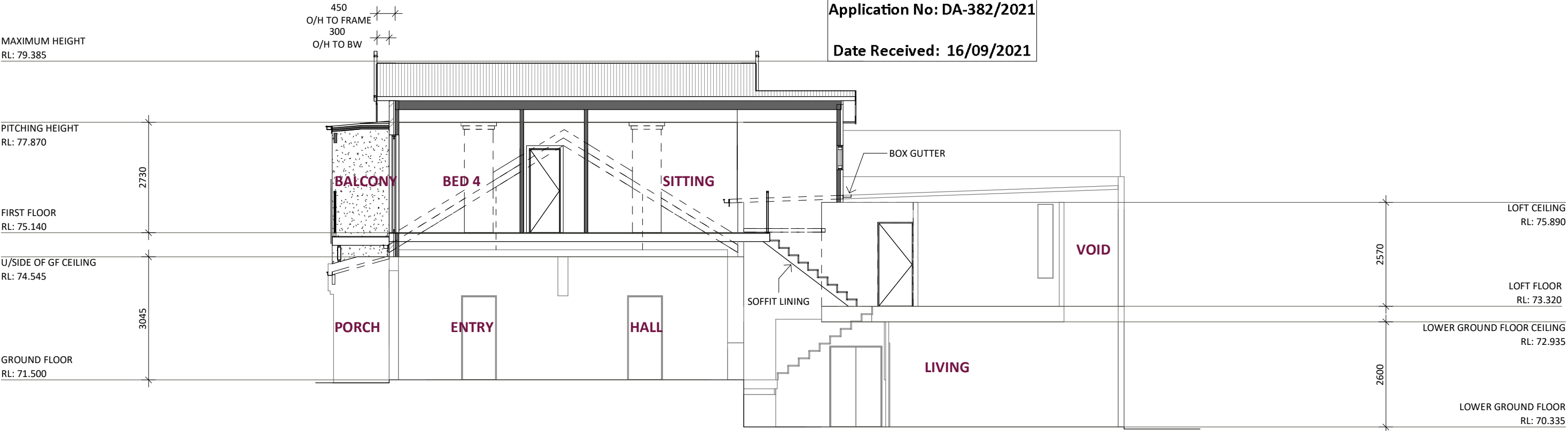
EAST ELEVATION 1 : 100



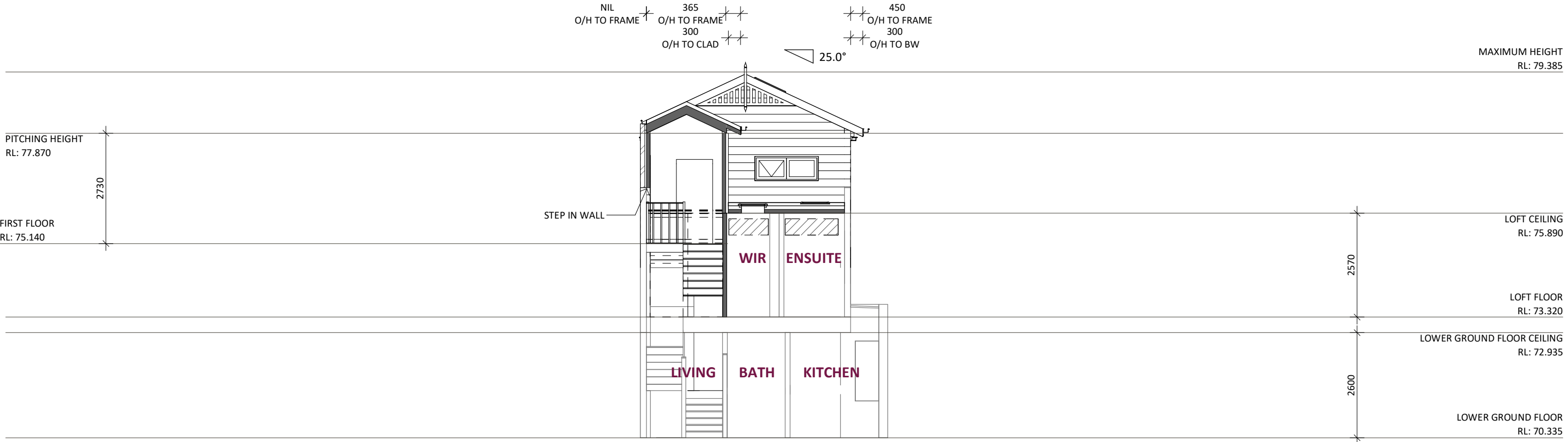
SOUTH ELEVATION 1 : 100

SECTIONS

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Waverley Council
Application No: DA-382/2021
Date Received: 16/09/2021



SECTION AA 1 : 100



SECTION BB 1 : 100

BASIX COMMITMENTS

RECEIVED
Waverley Council

Application No: DA-382/2021

Date Received: 16/09/2021

COUNCIL	BASIX NUMBER
WAVERLEY COUNCIL	A422339

LIGHTING AND SYSTEMS	
FIXTURES AND SYSTEMS	
LIGHTING	MIN 40% OF NEW OR ALTERED LIGHT FIXTURES TO BE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LIGHT-EMITTING-DIODE (LED) LAMPS
WET AREAS (NEW OR ALTERED)	SHOWER HEADS: 3 STAR RATED TOILETS: 3 STAR RATED TAPS: 3 STAR RATED


INSULATION		
Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	
external wall: brick veneer	R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
raked ceiling, pitched/skillion roof: framed	ceiling: R1.74 (up), roof: foil backed blanket (55 mm)	dark (solar absorptance > 0.70)

GLAZING AND SHADING DEVICES						
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	E	0.94	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W2	E	0.94	0	0	none	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W3	W	4.19	0	0	eave/verandah/pergola/balcony >=750 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W4	W	4.19	0	0	eave/verandah/pergola/balcony >=750 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

GLAZING AND SHADING DEVICES			
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.39	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)
S2	0.33	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)
S3	0.33	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)

ROOF SYSTEMS					Application No: DA-382/2021				
ROOF COVERING MATERIAL	ROOF SARKING	ROOF INSULATION	BARGE MATERIAL	FASCIA MATERIAL	GUTTER & DP MATERIAL	GUTTER PROFILE	EAVE LINING	CEILING LINING	
PRE-FINISHED ZINCALUME ROOF SHEETING - CORRUGATED PROFILE	ALUMINIUM FOIL BACKED "ANTICON" INSULATION BLANKET	R3.0 FIBREGLASS INSULATION BATTS TO FIRST FLOOR ADDITION CEILING AREA (165mm)	DAR TIMBER	DAR TIMBER		QUAD	4.5mm FIBRE CEMENT SHEET	10mm PLASTERBOARD. 6.0mm FIBRE CEMENT SHEET TO WET AREAS. 6.0mm FIBRE CEMENT SHEET TO BALCONY.	

FLOOR SYSTEMS			
FLOOR STRUCTURE	FLOORING OVER	FLOOR FINISH	SPECIAL NOTES
FLOOR JOISTS TO STRUCTURAL DETAILS	19MM STRUCTURAL PARTICLEBOARD	BY OWNER	
FLOOR JOISTS TO STRUCTURAL DETAILS	WATERPROOF STRUCTURAL PARTICLEBOARD	SELECTED TILES	

HOT WATER UNIT		
	DESCRIPTION	CONNECTION
HWU 	HOT WATER UNIT - WALL MOUNTED	CONNECT TO EXISTING

EXTERNAL WALL SYSTEMS				
WALL DESCRIPTION	WALL STRUCTURE	INSULATION	INTERNAL LINING	GABLE FINISH
BALCONY SIDE WALLS	COMMON BRICKWORK FOR RENDER AND PAINT FINISH	NOT APPLICABLE	NOT APPLICABLE	
BRICK VENEER WALL	COMMON BRICKWORK FOR RENDER AND PAINT FINISH	R1.5 FIBREGLASS INSULATION BATTS TO FIRST FLOOR EXTERNAL WALL FRAME (75mm)	10mm GYPSUM PLASTERBOARD. 6mm WET AREA BOARD TO WET AREAS	COMMON BRICKWORK FOR RENDER AND PAINT FINISH
HOROZONTAL PLANK CLAD WALL	SCYON LINEA CLADDING OVER POLYSTYRENE CORE WALL INSULATION	R1.5 FIBREGLASS INSULATION BATTS TO FIRST FLOOR EXTERNAL WALL FRAME (75mm)	10mm GYPSUM PLASTERBOARD	



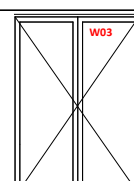
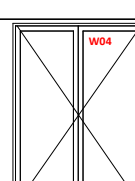
INTERIOR WALLS				
WALLS STRUCTURE	WIDTH	WALL INSULATION	WALL INTERNAL LINING	
90 x 35 STUDS @ 450 CENTRES	90 mm	NOT APPLICABLE	10mm GYPSUM PLASTERBOARD	

STAIRS					
STAIR TYPE	DESCRIPTION	WIDTH	NO. OF RISERS	RISER HEIGHT	TREAD DEPTH
CLOSED TIMBER	MAPLE TREADS & PINE RISERS	990 mm OVERALL STRINGER	10	182 mm	240 mm

INTERNAL DOORS		
DOOR DESCRIPTION	DOOR TYPE	FINISH TYPE/MODEL
INTERNAL DOOR - SINGLE HINGED: 720	SOLID CORE	CORINTHIAN "STANFORD"
INTERNAL DOOR - SINGLE HINGED: 820	SOLID CORE	CORINTHIAN "STANFORD"

FIXINGS		
CORNICES	SKIRTINGS	WINDOW ARCHITRAVES (INTERNAL)
-N/A	EX 150mm x 25mm LAMBS TONGUE	EX 100mm x 25mm LAMBS TONGUE

WINDOW, DOOR & SKYLIGHT SCHEDULE

BASIX CERTIFICATE NUMBER: A422339				WIND LOAD: W28N		TERRAIN: 3		<div>RECEIVED Waverley Council</div> <div>Application No: DA 982/2021</div> <div>Date Received: 16/09/2021</div> <div>TIMBER STEGBAR WINDOWS & DOORS: ALL WINDOW DOOR FRAMES AND DOORS ARE TO BE SUPPLIED CLEAR PRIMED INSIDE AND OUT FOR A PAINT/STAINED FINISH. STANDARD HARDWARE COLOURS: SATIN CHROME, BROWN & WHITE.</div>	
STANDARD NOTES: <ul style="list-style-type: none">WINDOWS & DOORS ARE DRAWN AS VIEWED FROM OUTSIDE. IMAGE IS NOT TO SCALE.ALL WINDOWS COME WITH "KEYED ALIKE" LOCKSSOME WINDOW OPENINGS MAY BE RESTRICTED TO COMPLY WITH THE NCC 3.9.2.6 (REFER WINDOW SCHEDULE SPECIAL NOTES)									
<div><div><div>W01</div></div><div><div>W02</div></div><div><div>W03</div></div><div><div>W04</div></div></div>									

GLAZED WINDOW & DOOR: FIRST FLOOR																	
#	ROOM	ELEVATION	WINDOW INFORMATION										INSECT SCREEN INFORMATION			SPECIAL NOTES	
			MANUFACT.	CODE	FRAME MATERIAL	FRAME COLOUR	HARDWARE COLOUR	REVEAL SIZE	TYPE	CONFIG	WINDOW GLAZING TIMBER	REST	FRAME MATERIAL	FRAME COLOUR	MESH MATERIAL		
W01	SITTING	EAST	STEGBAR	CAW 0615	WESTERN RED CEDAR	TBA	TBA	130mm	AWNING	XF	6.38 LAMINATED CLEAR	NO	ANODISED ALUMINIUM	STANDARD	FIBREGLASS		
W02	STAIR VOID	EAST	STEGBAR	CAW 0615	WESTERN RED CEDAR	TBA	TBA	130mm	AWNING	XF	6.38 LAMINATED CLEAR LOW E	NO	ANODISED ALUMINIUM	STANDARD	FIBREGLASS		
W03	BED 4	WEST	STEGBAR	CDF2417-RB	WESTERN RED CEDAR	TBA	TBA	140mm	HINGED	XX	6.38 LAMINATED CLEAR	NA	ANODISED ALUMINIUM	STANDARD	FIBREGLASS		
W04	BED 4	WEST	STEGBAR	CDF2417-RB	WESTERN RED CEDAR	TBA	TBA	140mm	HINGED	XX	6.38 LAMINATED CLEAR	NA	ANODISED ALUMINIUM	STANDARD	FIBREGLASS		

SKYLIGHTS						
CODE	TYPE	MANUFACT. CODE	HEIGHT	WIDTH	GLAZING	COMMENTS
SL01	C01 550 X 700	FS C01	700	550	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)	
SL02	FCM 572 X 572	FCM	572	572	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)	
SL03	FCM 572 X 572	FCM	572	572	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)	SUPPLY AND INSTALL VELUX HONEYCOMB SOLAR BLOCKOUT BLIND COMPLETE WITH A VELUX ACCESSORY TRAY AS REQUIRED

MID WINTER SHADOW DIAGRAM

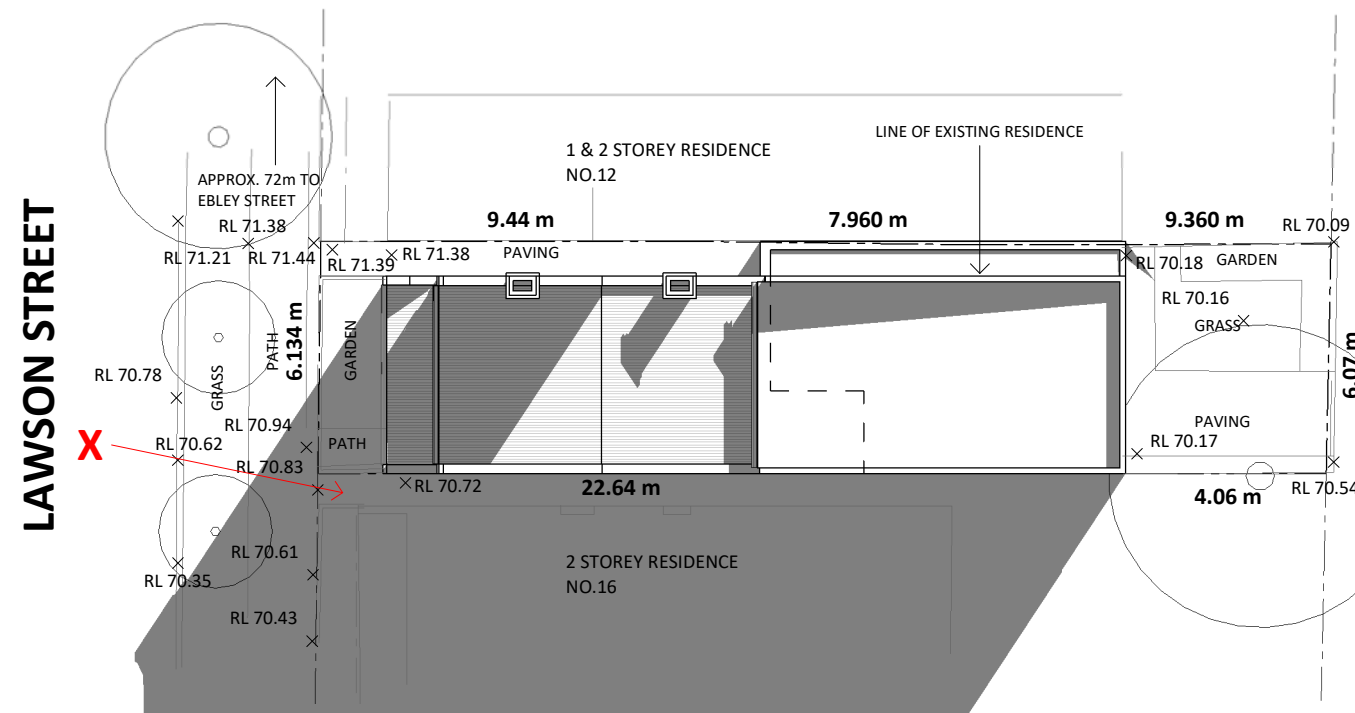
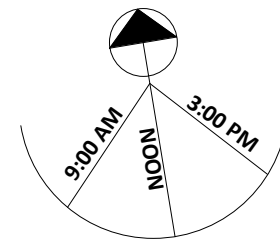
ON: JUNE 22ND AT 9:00AM
 ALTITUDE: 18 DEG
 BEARING: 43 DEG

RECEIVED

Waverley Council

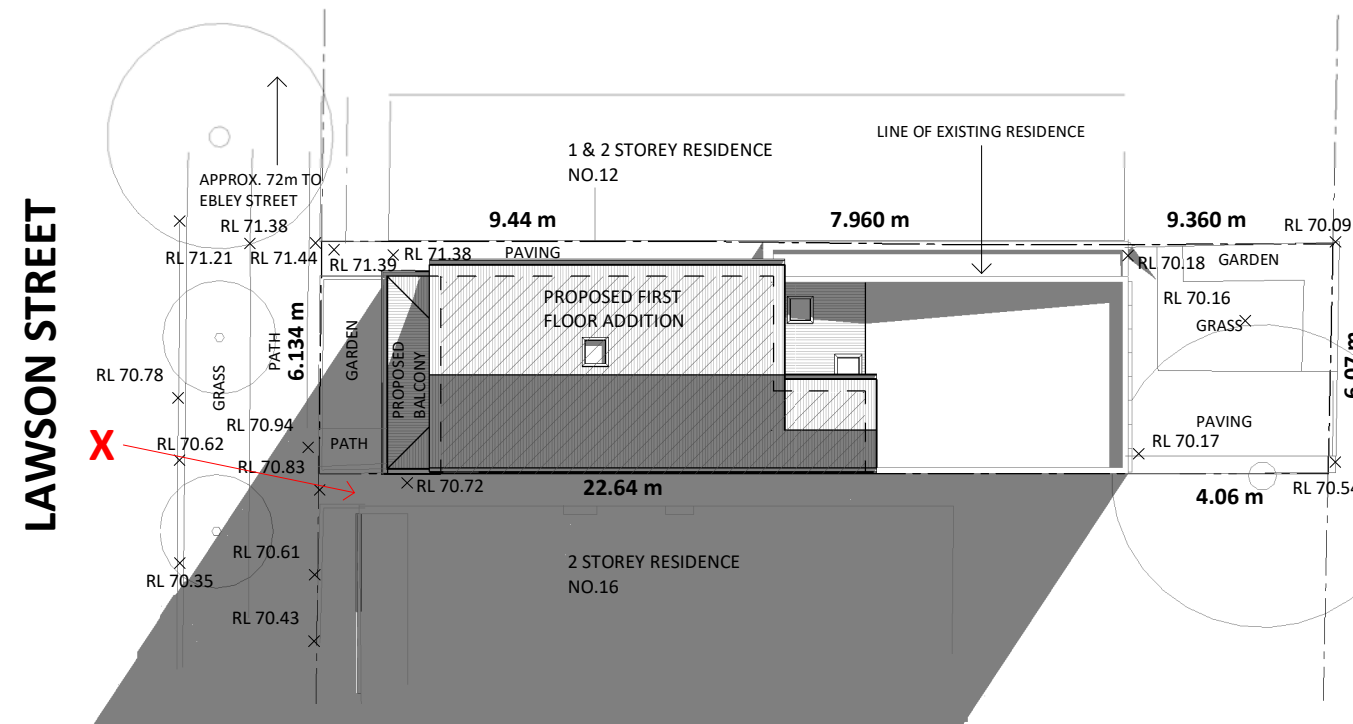
Application No: DA-382/2021

Date Received: 16/09/2021



EXISTING SHADOWS 9AM

NOTE: CAMERA POSITION AND VIEW
 DIRECTION
 SHOWN BY RED X



PROPOSED SHADOWS 9AM

NOTE: CAMERA POSITION AND VIEW
 DIRECTION
 SHOWN BY RED X



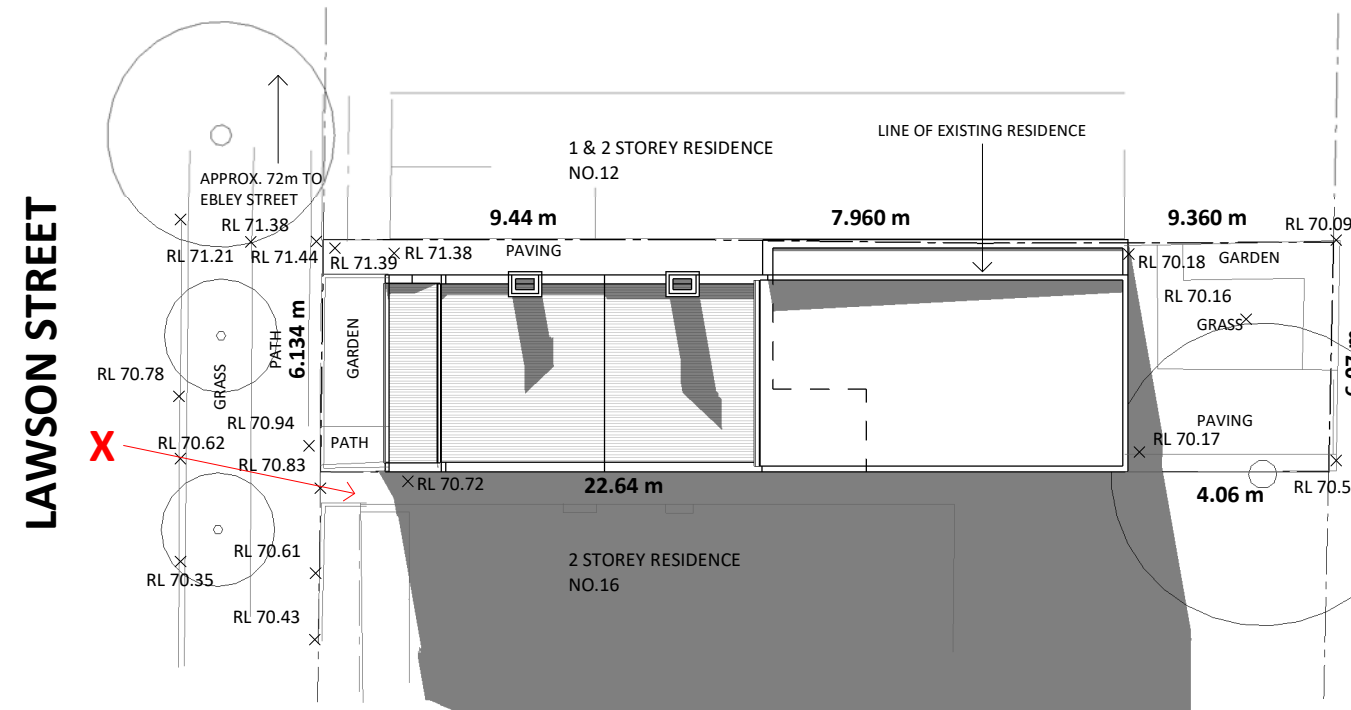
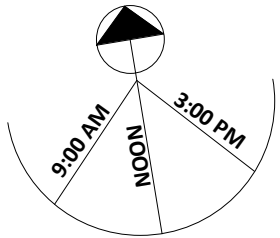
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ON: JUNE 22ND AT 12:00PM
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 BEARING: 00 DEG

RECEIVED
 Waverley Council

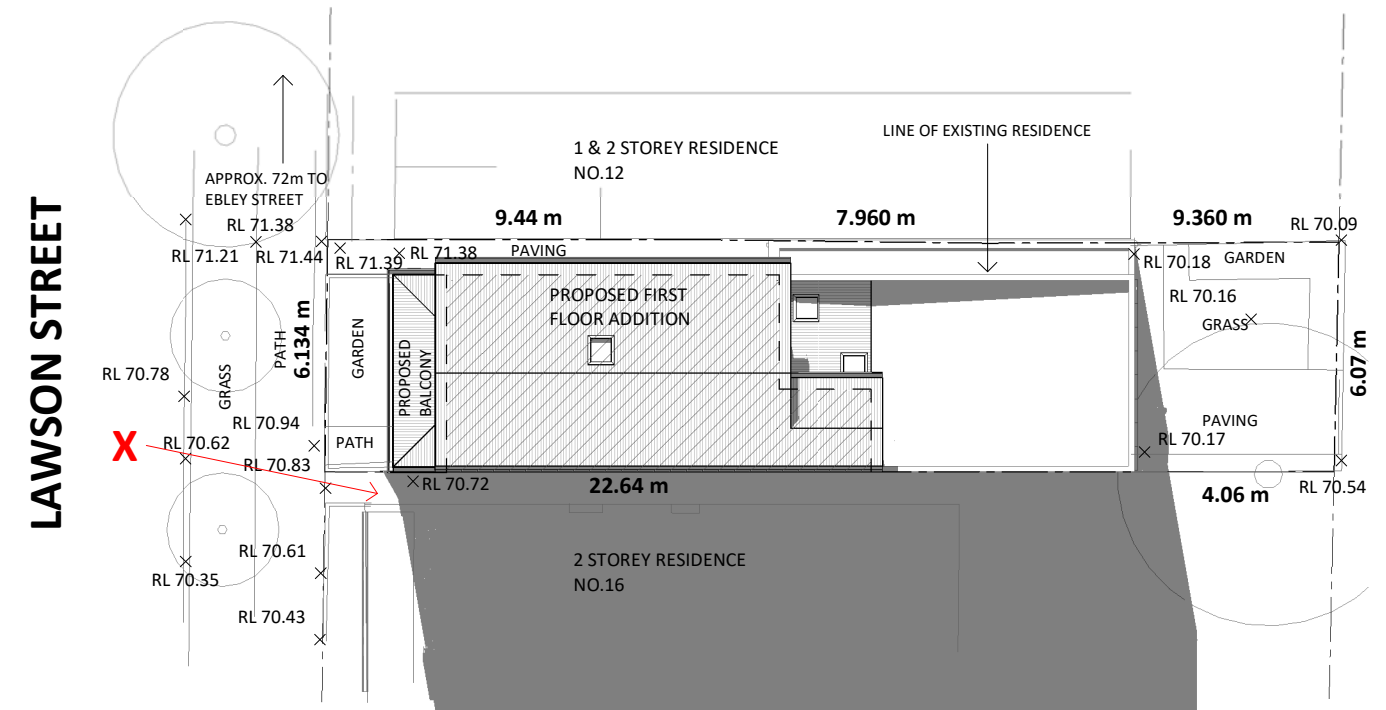
Application No: DA-382/2021

Date Received: 16/09/2021



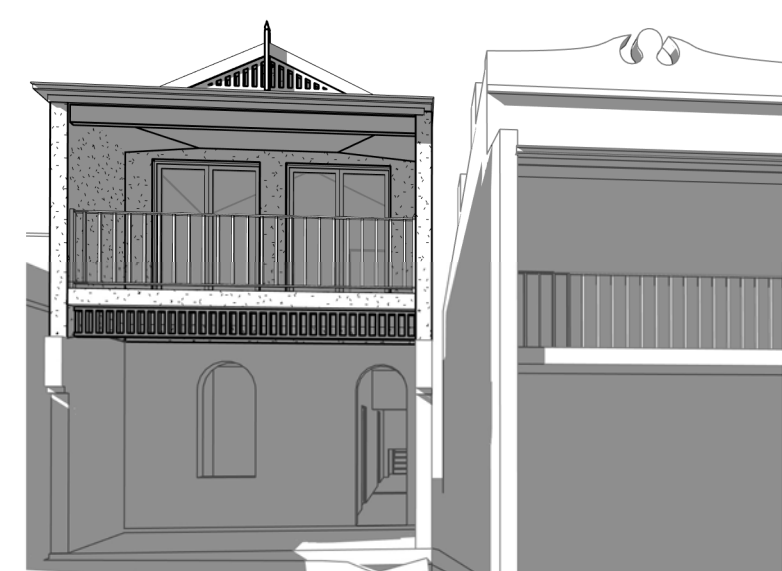
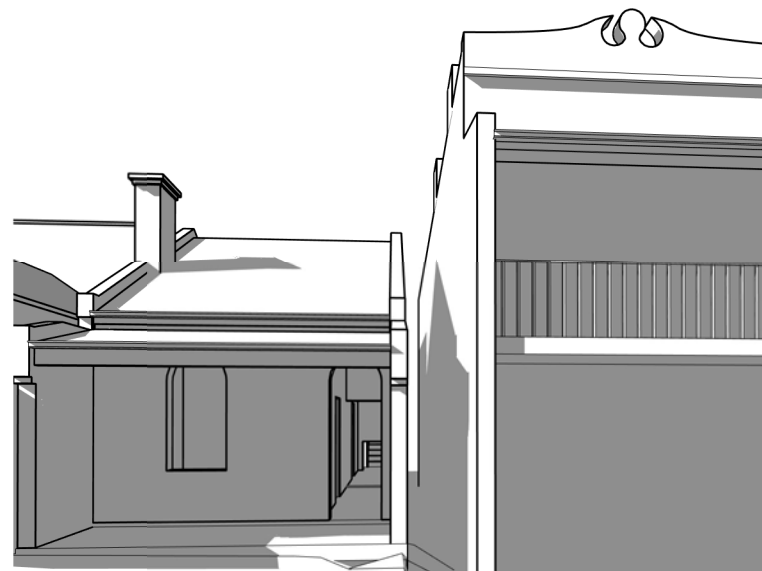
EXISTING SHADOWS 12PM

NOTE: CAMERA POSITION AND VIEW
 DIRECTION
 SHOWN BY RED X



PROPOSED SHADOWS 12PM

NOTE: CAMERA POSITION AND VIEW
 DIRECTION
 SHOWN BY RED X



MID WINTER SHADOW DIAGRAM

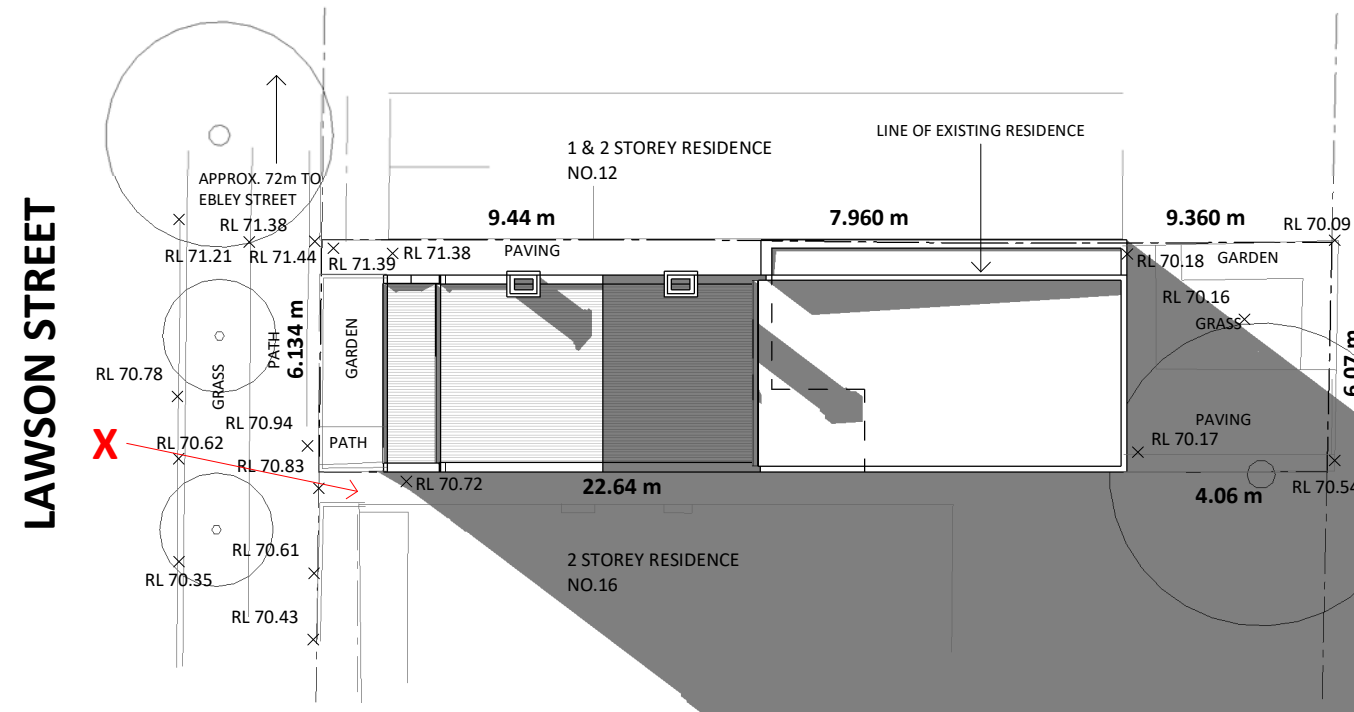
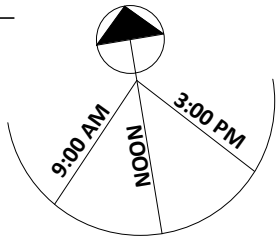
ON: JUNE 22ND AT 3:00PM
 ALTITUDE: 18 DEG
 BEARING: 43 DEG

RECEIVED

Waverley Council

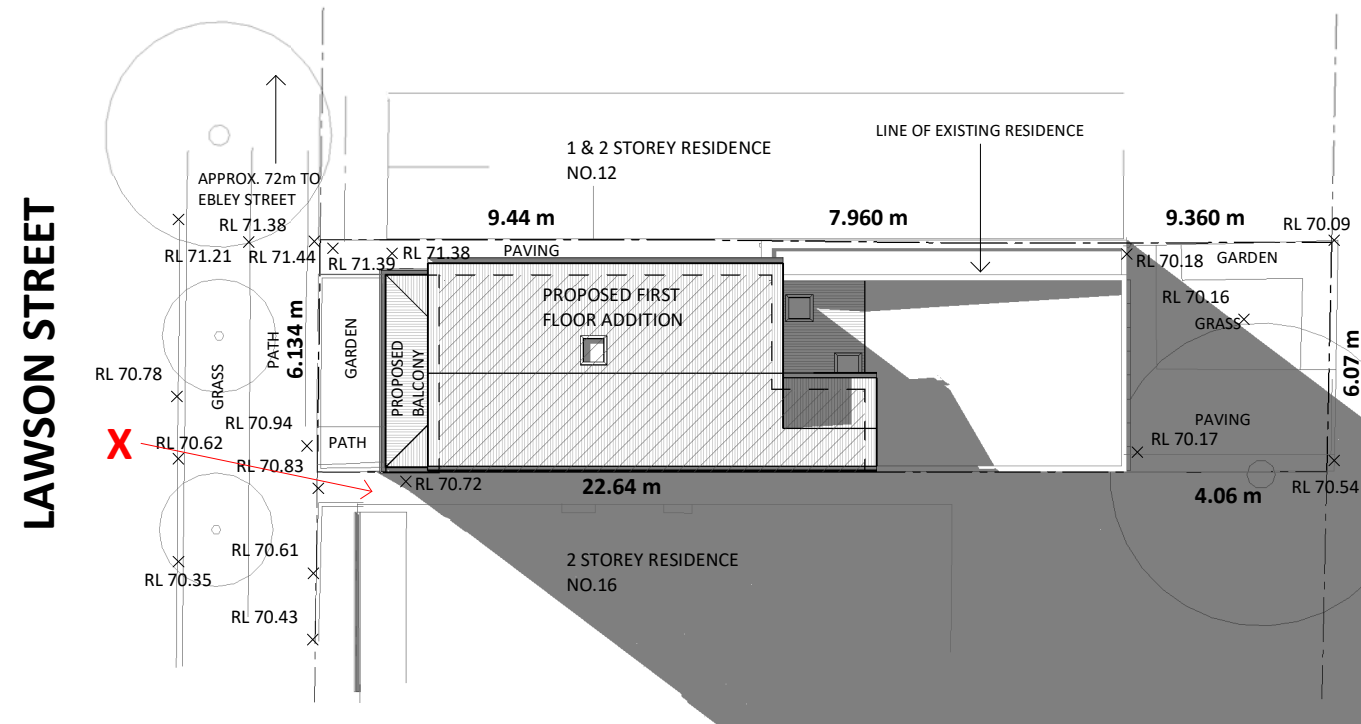
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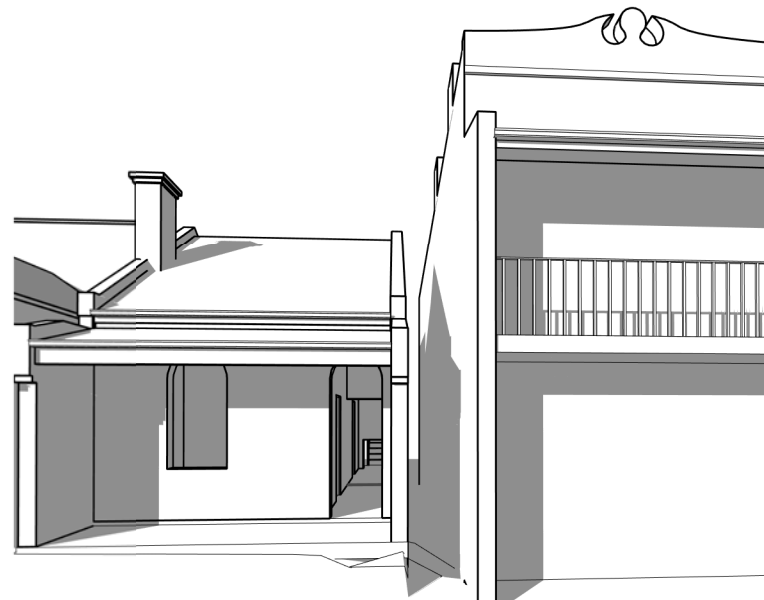
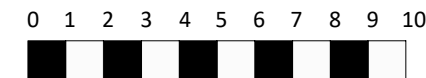
EXISTING SHADOWS 3PM

NOTE: CAMERA POSITION AND VIEW
 DIRECTION
 SHOWN BY RED X



PROPOSED SHADOW 3PM

NOTE: CAMERA POSITION AND VIEW
 DIRECTION
 SHOWN BY RED X





EXTERNAL FINISHES & COLOUR GUIDE

PROPOSED DEVELOPMENT:

AT:

14 LAWSON STREET
BONDI JUNCTION, NSW, 2022

FOR:










MR A & MRS J GOULD

BUILDER:

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ROOFING:	Prefinished Zincalume COLOUR: WALLABY - COLORBOND 
WALL CLADDING:	Fibre Cement Weatherboard COLOUR: RESONATE - HAYMES 
WALL CLADDING:	Common bricks for cement render and paint finish COLOUR: RESONATE - HAYMES 
GUTTERS:	Prefinished Zincalume COLOUR: EBONY - ACE 
DOWNPIPES:	Prefinished Zincalume COLOUR: EBONY - ACE 
FASCIA:	DAR Timber COLOUR: MARBLE MIST - HAYMES 
BARGE BOARD:	DAR Timber COLOUR: MARBLE MIST - HAYMES 
HANDRAIL FRAME:	Timber COLOUR: DARK ADMIRALITY GREY - HAYMES 
BALCONY BEAM:	DAR Timber COLOUR: DARK ADMIRALITY GREY - HAYMES 

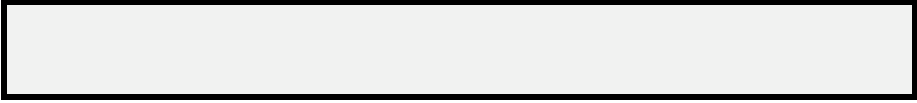
FINIAL:

Timber
COLOUR: MARBLE MIST - HAYMES



FRIEZE:

Timber
COLOUR: MARBLE MIST - HAYMES





Report to the Waverley Local Planning Panel

Application number	DA-249/2021
Site address	3 View Street, Queens Park
Proposal	Demolition of existing 2 storey detached dwelling and construction of a 3 storey dwelling, single car garage, pool and pool house in the rear yard.
Date of lodgement	2 July 2021
Owner	Ms O V Pryke
Applicant	Hancock Architects
Submissions	Five submissions
Cost of works	\$1,029,006
Principal Issues	<ul style="list-style-type: none"> • Building height • View loss • Height of ancillary development
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

Executive Summary

The development application seeks consent for demolition of the existing 2 storey dwelling and construction of a new 3 storey dwelling (part 1 storey and part 2 storey as viewed from the street) including an attached garage accessed from View Street, a swimming pool and a single storey pool house in the rear yard. The proposal also seeks consent for tree removal and associated landscaping at the site known as 3 View Street, Queens Park.

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

- Building height
- View loss
- Height of ancillary development (pool house)

The assessment finds these issues acceptable as the constraints of the site, specifically containing a steep fall from the eastern (front) boundary to the western (rear) boundary and a cliff/rockwall bisecting the site from north to south, does not enable the placement of the building footprint or bulk predominantly to the rear as construction would likely result in adverse impacts on the existing cliff/rockwall formation. The variation sought to the building height development standard comprising of the northern upper portion of the first floor level is supported by a Clause 4.6 written justification and is considered adequate as the proposal presents as a part 1 and part 2 storey dwelling from View Street, is consistent with built form controls and the scale, style and character of immediately surrounding dwellings within the streetscape.

The extent of view loss resulting from the proposed two storey component of the dwelling fronting View Street is considered reasonable having regard to consistency with the building height and FSR development standards, amenity controls and the character of the streetscape.

The height of the pool house is acceptable on merit as the proposed design does not result in any adverse amenity impacts on the adjoining property to the south and is consistent with other controls relevant to an ancillary development. In particular, the pool house will not result in any additional amenity impacts on the adjoining property compared to a structure of compliant building height.

A total number of five (5) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submission were received.

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

Site and Surrounding Locality

A site visit was carried out on 20 July 2021.

The site is identified as Lot A in DP361023, known as 3 View Street, Queens Park.

The site is irregular in shape with a frontage (eastern boundary) to View Street, measuring 18.29m, a western (rear) boundary measuring 16.185m, a northern (side) boundary measuring 33.71m and a southern (side) boundary measuring 38.05m. The site has an area of 583m² and a steep fall from east to west of approximately 18m. A cliff/rockwall bisects the site from north to south approximately 12m from the eastern boundary. The site also has a fall from north to south of approximately 2.32m along the eastern portion of the site between the street frontage and the cliff/rockwall.

The site is occupied by a two storey detached dwelling presenting as a single storey dwelling to View Street with an attached garage accessed from a vehicle crossing adjacent to the southern side boundary. The rear of the site contains landscaped private open space accessed by a set of metal stairs adjacent to the northern side boundary.

The site is located on the western, lower side of View Street and is adjoined by a recently constructed part 3 and 4 storey dwelling to the north at 5 View Street, and a council nature strip to the south fronting View Street. The adjoining property to the south at 1 View Street is located below the View Street road level due to the fall of land from View Street to the west and the existing two storey dwelling does not have a frontage to View Street. Access to 1 View Street is provided at the intersection of View Street and Queens Park Road further to the south. At the end of the cul-de-sac to the north of the site is a rear pedestrian entrance to Waverley Public School and 2 x 2 storey semi-detached dwellings. On the eastern side of View Street, immediately opposite the site, are 4 x semi-detached two storey dwellings. Development to the west of the site, fronting Arnold Street comprises 2 storey detached dwellings.

The locality is characterised by a variety of low-density residential development and is in a residential neighbourhood. The site is not identified as a heritage item however it is located within the Blenheim Street/Bronte Road Landscape Heritage Conservation Area (C24) under Schedule 5 of the Waverley Local Environmental Plan (LEP) 2012.

Figures 1 to 10 are photos of the site and its context.



Figure 1: View of site and adjoining dwelling (5 View Street) looking north in View Street.



Figure 2: Looking north in View Street towards subject site, adjacent Council nature strip and existing vehicle crossing.



Figure 3: Looking west from Council's nature strip towards 1 View Street.



Figure 4: Looking north at rear of existing dwelling towards the lower ground floor rear terrace.



Figure 5: Looking west towards rear yard and stair access from lower ground floor.



Figure 6: View of existing dwelling and cliff/rockwall from rear yard, looking east.



Figure 7: Looking north to rear of 5 View Street from lower ground floor rear terrace.



Figure 8: Looking south from lower ground floor terrace.



Figure 9: Looking south from rear yard towards 1 View Street.



Figure 10: Looking north from Arnold Street, subject site beyond the tree canopy

Relevant Development History

A search of Council's records revealed there is no recent or relevant development history for the site.

Proposal

The development application seeks consent for demolition of the existing dwelling and construction of 3 storey detached dwelling (part 1 and part 2 storey on the View Street elevation) with a single car garage, pool and pool house, specifically the following:

Rear Yard

- Demolition of existing external stairs along the northern side boundary and construction of new access stairs between the lower ground floor and proposed pool deck;
- Construction of a pool, timber decking and a pool house; and
- Removal of trees, replacement planting and associated landscaping works.

Lower Ground Floor

- 2 bedrooms;
- Living room with access to west facing terrace;
- 1.8m high privacy screen to the southern edge of terrace and existing fence line along rock outcrop;
- Bathroom, laundry and storage areas;
- Access to northern side setback;
- External stairs from terrace area to rear yard; and
- New landscaping adjacent to southern side boundary.

Ground Floor

- Main entrance to dwelling at north-eastern corner of site fronting View Street;
- Open plan living, dining and kitchen areas with west facing deck;
- Internal stairs to lower ground and first floor levels;
- Open courtyard fronting View Street;
- West facing deck and external stairs from southern boundary to lower ground floor terrace;
- Attached single car garage with WC and bin storage; and
- Widen vehicular crossing to 5.9m at the gutter on View Street.

First Floor

- Master bedroom with study and ensuite;
- South facing deck with planter above roof of ground floor living room;
- Pebble roof above ground floor kitchen;
- Solar panels on master bedroom roof; and
- solar panels and pebble roof above garage.

Background

The development application was lodged on 2 July 2021 and deferred on 4 August 2021 for the following reasons:

1. Non-compliance with building height development standard and design of dwelling is required to consider the controls for steep sites under the Waverley DCP 2012.
2. View loss assessment for properties to the east of the site.
3. Excessive lower ground floor deck to be amended to address exceedance with building height control, and visual and acoustic privacy impacts on adjoining property to the south.
4. Rear setback on the ground and first floor levels are inconsistent with the existing rear setback at 5 View Street.
5. Pool house is excessive in building height and results in additional overshadowing impacts on the adjoining property. The height of the proposed pool house is to be reduced to address the controls for ancillary developments under the Waverley DCP 2021.
6. FSR calculations are incorrect as internal stairs for the three storey dwelling have not been included as GFA.

7. The proposed street elevation consists of excessive amounts of blank walls and does not adequately address the character of the street or contribute to passive surveillance.
8. The design of the garage and driveway are inconsistent with the requirements under the Waverley DCP 2012 and exceed the maximum driveway width control.
9. Additional stormwater management information demonstrating adequate drainage and OSD systems to be submitted for assessment.
10. Amended landscape plans including species that will contribute to the tree canopy and landscaped character of the locality are to be submitted.

On 2 September 2021, the applicant submitted amended plans and additional information to address the issues raised in Council's Deferral Letter summarised above.

On 10 September 2021, an amended BASIX Certificate and NatHERS Certificate reflecting the amended architectural plans were submitted.

On 5 October 2021, amended stormwater management plans were submitted to address the issues raised by Council's Stormwater Engineer.

The amended architectural plans and supporting documentation were reviewed by Council officers and found to have satisfactorily addressed the issues raised in Council's deferral letter, subject to imposition of appropriate conditions.

2. ASSESSMENT

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

Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Vegetation in Non-Rural Areas) 2017.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the objectives of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal has a maximum building height of 9.4m resulting in a 10.6% variation to the development standard under Clause 4.3 of the Waverley LEP 2012. A Clause 4.6 written justification has been submitted with the proposal seeking variation to the building height development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 	Yes	The proposal has a FSR of 0.33:1 which is consistent with the FSR development standard and is acceptable.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to Clause 4.6 of Waverley LEP 2012 to vary the building height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The site is not a heritage item but is located within the Blenheim Street /Bronte Road Landscape Conservation Area (C24) under Schedule 5 of the Waverley LEP 2012.</p> <p>The site does not contain any significant trees. The proposed dwelling and landscaping will not detract from the character or significance of the Landscape Conservation Area, particularly the existing cliff/rockwall and is acceptable, subject to conditions ensuring construction works will not affect the stability or retention of the existing cliff/rockwall.</p>

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum building height development standard of 8.5m. The proposed development has a building height of 9m, exceeding the standard by 900mm equating to a 10.6% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal presents a two storey dwelling that complies with the building height development standard from View Street (refer to **Figure 11**). The non-compliance of 900mm is contained within the rear portion of the first floor bedroom due to the steep fall of the land between View Street and the cliff/rockwall which bisects the site in a north-south direction (refer to **Figure 12**).
 - (ii) The proposal presents a building that is consistent with the bulk and scale of the immediately adjoining property at 5 View Street and does not detract from the style of two storey dwellings on the eastern side of View Street.
 - (iii) The proposal will not result in any detrimental impact on the amenity of adjoining properties as the extent of non-compliance to the building height development standard does not result in any additional overshadowing or privacy impacts when compared to a compliant building envelope.
 - (iv) The proposal maintains substantial separation ranging between 12.6m and 18m to adjacent properties to the south (1 View Street) and the west (properties fronting Arnold Street), respectively. The proposal has been amended to align with the rear setback of 5 View Street and privacy treatments to balconies orientated to the west will mitigate privacy impacts on adjoining properties.
 - (v) The proposal will not result in any unreasonable view loss impacts as the part two storey form fronting View Street is within the permissible building envelope and is consistent with development standards. The extent of non-compliance to the rear of the first floor does not result in any additional view loss impacts compared to a compliant design.
 - (vi) The proposal is consistent with the objectives of the development standard and the land use zone, and complements the massing of low density residential character of existing dwellings in the street.

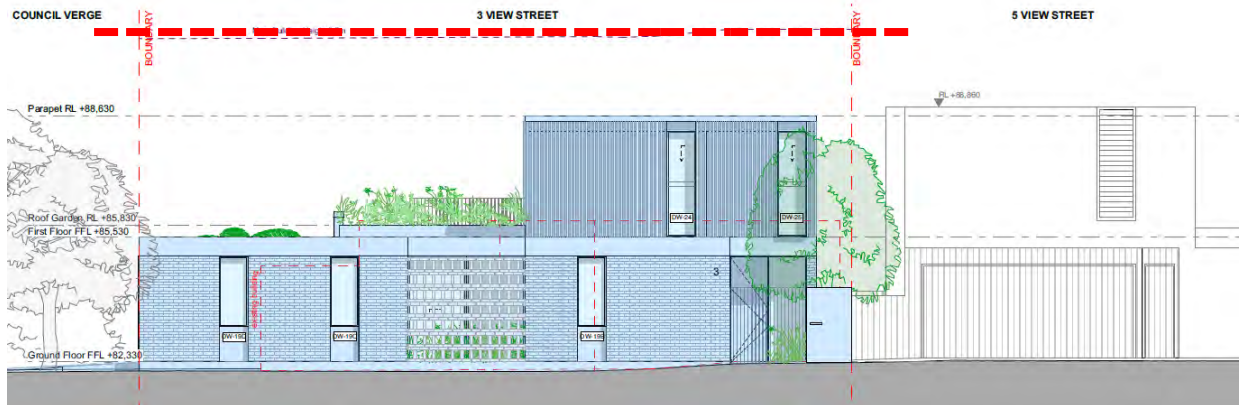


Figure 11: Proposed eastern (View Street) elevation (8.5m building height development standard shown in red dash line).

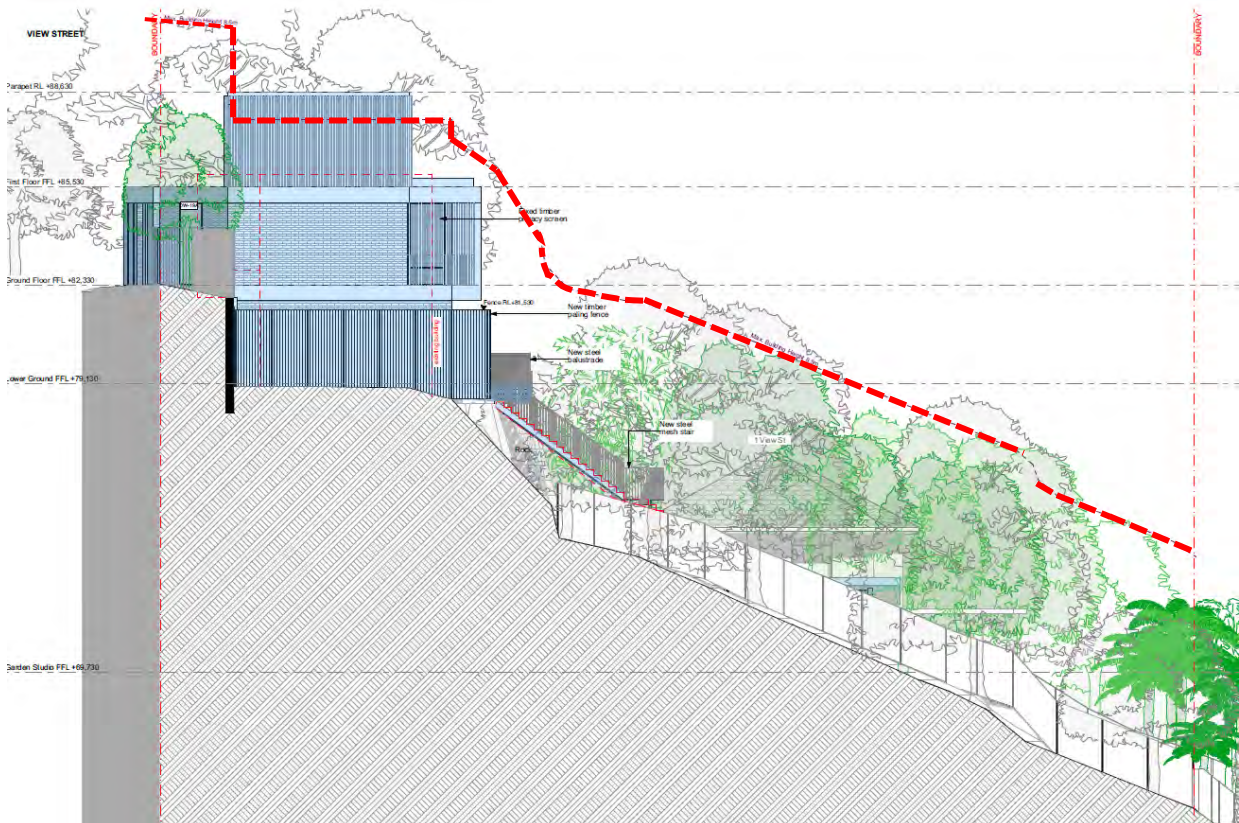


Figure 12: Proposed northern elevation (8.5m building height development standard shown in red dash line).

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal presents as a part 1, part 2 storey dwelling from View Street which is consistent with the bulk and scale of existing dwellings within the streetscape. It is also noted that in this section of View Street, the subject site and 5 View Street are the only two properties with direct frontage to the western side of the street. The bulk and scale of the proposal is compatible with the massing and contemporary style of the dwelling at 5 View Street and will not detract from the streetscape.

- (ii) The proposal is suitable for the site and is not an overdevelopment as it has a FSR of 0.33:1 which is less than the maximum 0.5:1 FSR development standard and provides landscaping that is consistent with the character of the locality and satisfies relevant controls.
- (iii) The steep topography of the site and constraints presented by the desire to minimise impacts on the existing cliff, which is a significant landscape element, restricts the footprint for the construction of a dwelling on the site. Cantilevering a building over the cliff face to provide building bulk at the rear is likely to require substantial anchoring into the rock and risk destabilisation of the cliff. Given that a two-storey form fronting View Street is compliant with built form controls, the variation sought provides a better environmental outcome.
- (iv) The extent of the building height non-compliance does not result in any additional overshadowing or privacy impacts on adjoining properties compared to a compliant scheme and is consistent with the objectives of the development standard and the land use zone.

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The written justification has adequately demonstrated that the proposal satisfies the objectives of the development standard notwithstanding the variation sought as the dwelling presenting to the street is contained within a compliant building envelope and the extent of the non-compliance does not result in any additional environmental amenity impacts on adjoining properties compared to a fully compliant design.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the written justification has satisfactorily demonstrated that the proposed design has taken into consideration site constraints and that the bulk and scale of the dwelling is consistent with the massing of 5 View Street immediately to the north of the site. The proposal does not exceed the maximum building height control from View Street, does not exceed the FSR development standard, is consistent with the setback controls of the adjoining property and will not detract from the character of the streetscape. The extent of the proposed non-compliance will not result in any additional environmental or amenity impacts on surrounding properties compared to a design that achieves full compliance with built form controls.

Is the development in the public interest?

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

The objectives of the building height development standard are as follows:

- (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 objectives of the R2 Low Density Residential zone are as follows:

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

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	<p>The site does not contain any significant trees that require protection.</p> <p>The proposal includes the removal of 5 trees in the rear yard including 1 x Jacaranda, 2 x Canary Island Date Palms and 2 x Large-leaf Privet. Council's Tree Management Officer agrees with the recommendations of the Arborist Report prepared by Sue Wylie Tree Talk and supports the proposed tree removal.</p> <p>A number of trees located in the rear of the site are to be retained. One street tree is identified as being in good health and is to be retained and protected during construction.</p> <p>Council's Tree Management Officer has raised no objection to the proposal, subject to recommended conditions in Appendix A.</p>
6. Stormwater	Yes	Satisfactory.
8. Transport	Yes	The proposal provides for 1 car space accessed from the southern side boundary on View Street.

Development Control	Compliance	Comment
Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 		Its design and location are satisfactory.
9. Heritage	Yes	The site is not a heritage item but is located in the Blenheim Street/Bronte Road Landscape Conservation Area (C24). Properties immediately to the west of the site fronting Arnold Street are located in the Yenda Avenue Conservation Area (C17). The proposal does not result in any works that adversely impacts the significance or character of the landscape conservation area or adjoining heritage conservation area.
12. Design Excellence	Yes	Satisfactory. The proposed two storey dwelling is compliant with built form controls for the site, is consistent with the bulk and scale of the immediately adjoining property at 5 View Street and contributes to the variety of architectural design within Waverley. The proposal, which is contained within the permissible building envelope fronting View Street, will not result in any detrimental amenity impacts on adjoining properties or the public domain.
14. Excavation	Yes	The proposed dwelling and pool house does not involve excavation, however, excavation is proposed within the rear of the site for the installation of a swimming pool and stormwater management works. The proposed excavation is consistent with the provisions of the DCP and is acceptable.
16. Public Domain	Yes	Satisfactory.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal is consistent with the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Yes – fronting View Street No – to the rear of site	The proposal has a wall height of 6.2m fronting View Street and complies with the wall height control. At the point where the site is bisected by the cliff/rockwall and falls steeply towards the west, the proposed wall height measures 9.4m and exceeds the wall height control. Given the environmental constraints of the site and minimal

Development Control	Compliance	Comment
		amenity impacts on adjoining properties, the wall height non-compliance is considered acceptable in this circumstance.
2.2 Setbacks		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	<p>There are only two properties on the western side of this section of View Street. Whilst 1 View Street is located to the south of the site, the existing dwelling is located approximately 12m below the View Street road level and is not visually part of the streetscape.</p> <p>The proposal has a nil ground floor front setback to View Street and is consistent with the part of the existing dwelling and the existing front setback of 5 View Street. As such, the proposal is consistent with the predominant front building at ground floor level and is acceptable.</p> <p>The proposed first floor front setback measures 2.157m from View Street. The proposed setback is greater than the first floor setback at 5 View Street which has a nil setback to the street. The proposed first floor front setback reduces the bulk of the building and provides articulation of the façade and is considered appropriate.</p> <p>The rear setback of the lower ground and ground floor levels do not extend beyond the rear setback of the corresponding floor levels at 5 view Street, except for the proposed ground floor deck which projects slightly beyond the rear setback of the portion of 5 View Street adjacent to the deck. It is noted that the rear setback and built form of 5 View Street is irregular and the projection of the proposed deck does not present as a significant variation and will not have any impacts on the overall built form, massing or amenity impacts on adjoining properties and is acceptable.</p> <p>The proposed rear first floor setback has been amended to align with the rear first floor setback at 5 View Street to minimise amenity impacts on the adjoining property. The rear setback is acceptable.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> • Minimum of 0.9m (for height up to 8.5m) or 1.2m (height non-compliant 2 storey dwelling) 	Partial Compliance – Acceptable on Merit	<p>The first floor is setback 900mm from the northern side boundary and is compliant with the DCP control for the portion of the dwelling fronting View Street as it is compliant with the building height development standard. The proposed side setback at the first floor level does not achieve the</p>

Development Control	Compliance	Comment
		minimum 1.2m setback at the point where the first floor exceeds the development standard as a result of the fall of the site. In this instance, the non-compliance is considered acceptable on merit as maintaining a 900mm setback along the northern boundary does not result in any amenity impacts on 5 View Street, contribute to unacceptable bulk or scale, and allows for appropriate internal layout of the first floor level.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context 	Yes	The architectural style of the proposed dwelling is contemporary and complements the style of the immediately adjoining dwelling at 5 View Street. The part 1 and part 2 storey dwelling is appropriate within the context of predominantly two storey dwellings within the streetscape.
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	No – acceptable subject to condition	<p>The proposal provides a nil setback to the front boundary and does not comprise a front fence. However, a 1.9m high gate and solid wall at the north-eastern corner of the site fronting View Street provides access to the primary entrance to the dwelling and partially screens the garden and meters from the public domain. In the context of the scale of solid walls on the front elevation of 5 View Street, the proposal is acceptable as it provides window openings and passive surveillance to the street.</p> <p>A condition has been recommended requiring the reduction in the height of the gate and adjacent wall at the entry to the dwelling to match the height of the existing screening immediately adjacent to the northern side boundary at 5 View Street.</p>
<p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes	No change is proposed to side and rear fences.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	Yes	<p>The proposal does not have habitable windows that directly overlook the immediately adjoining property to the north at 5 View Street. Appropriate privacy screening is proposed along the northern side of the rear deck to minimise loss of privacy between the site and the adjoining property.</p> <p>A 1.8m high privacy screen is proposed along the southern side of the lower ground floor deck and western edge of the southern garden to minimise</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> External stairs are not acceptable. 	No – acceptable on merit	<p>direct overlooking of 1 View Street which is located below the level of the cliff face.</p> <p>An external stair access located along the northern side boundary currently provides access from the dwelling to the rear yard. In this instance, the proposal to replace the existing stairs with a new orientation to provide access to the centre of the rear yard and pool area is acceptable.</p>
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area 1.5m deep</i> 	Partial compliance – acceptable on merit	<p>The lower ground floor terrace is irregular in shape with a depth of 1m at the southern edge and 2.5m at the northern edge. Whilst the depth of the deck exceeds the maximum 1.5m depth permitted under the DCP in part, the area of the deck is 9.3m² and is compliant. The proposed deck replaces an existing deck that is also irregular in shape. It is recommended that the depth of the deck immediately adjacent to the sliding doors of the living room be reduced to no greater than 1.5m and is permitted to taper towards the northern edge to meet the existing rock surface. A condition has been included in the recommendation in Appendix A.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June 	Yes	The proposal achieves a minimum of 3 hours of solar access to principal living areas, the pool house and the swimming pool between 10.30am and 3.00pm, in mid-winter.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. 	Yes	No change is proposed to the existing solar access to the northern elevation of the adjoining property at 1 View Street. The proposed dwelling will not result in any additional overshadowing of the adjoining property. Some additional overshadowing from the pool house to the open space to the east of 1 View Street will occur at 3pm. The extent of additional overshadowing is considered acceptable as it is the same as overshadowing that would be cast by an ancillary building with a compliant building wall height.
<ul style="list-style-type: none"> Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	The proposal will not result in any additional overshadowing of solar collectors on adjoining properties.
2.7 Views		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	Refer to discussion following this table.
2.8 Car parking		
2.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking 	Yes	<p>Given the orientation of the site and the location of the existing garage, the proposed garage and vehicular access to the site is acceptable.</p> <p>The garage has been designed to be fully integrated into the architectural character of the dwelling and will not detract from the streetscape. Having regard to the orientation of the site and its steep topography, it is not appropriate to locate parking behind the front building line. The design of the proposed driveway will improve vehicular access to and from the site and will not have any impacts on street parking as no parking is permitted along the western side of View Street.</p>
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	No – acceptable on merit	As discussed above, site constraints do not enable the location of car parking behind the front building line in this instance. The location of vehicular access and parking is consistent with existing car parking for the site and is acceptable.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area and appearance to the design of the residences 	Yes	The design of the garage has been integrated into the front façade of the dwelling and will not dominate the appearance of the dwelling.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	A single car space measuring 3.2m x 6m is provided within the garage.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property 	Yes	<p>One vehicle crossover is proposed in generally the same location as the existing vehicle crossover.</p> <p>The proposed driveway width at the gutter measures 5.9m and does not comply with the</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum width of 3m at the gutter (excluding splay) 	No – acceptable on merit	maximum width of 3m. However, given the location of the driveway, width of this section of View Street and existing no parking along the western side of the street, Council's Traffic Engineer raises no objection to the provision of a wider driveway crossing in this instance.
<ul style="list-style-type: none"> Crossings not permitted where 2 on street spaces are lost 	Yes	The site is accessed by an existing vehicle crossing from View Street. The crossing will not result in any loss of street parking as no parking is permitted along the western side of View Street.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes	The proposal provides 352m ² of open space/landscaped area equating to 60.3% of the site area.
	No – acceptable on merit	The proposal is built to the front property boundary and does not have open space within the front building setback. However, a courtyard measuring 12.7m ² is proposed between the garage and kitchen providing outlook and usable open space. The courtyard is partially screened from the public domain by a masonry screen and will comprise of perimeter planting.
<ul style="list-style-type: none"> Outdoor clothes drying area to be provided 	Able to comply	No clothes drying area has been nominated on the architectural plans, however there is sufficient space within the various decks, terraces and rear private open space to accommodate outdoor clothes drying.
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	The proposed swimming pool is located at the rear of the site and the decking around the pool is not immediately adjacent to the side boundaries. The decks are adequately setback from side boundaries and will not have unreasonable amenity impacts on adjoining properties.
2.16 Secondary dwellings and ancillary buildings		
2.16.2 - Ancillary buildings		
<ul style="list-style-type: none"> Floor area not to exceed 10% of site area 	Yes	The proposed pool house is a single storey structure with an area of 32.16m ² equating to 5.5% of the site area.
<ul style="list-style-type: none"> Maximum wall height when on a property boundary of 2.1m 	N/A	The pool house has a wall height of 2.4m and is setback 1.3m from the southern side boundary. As

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum overall height of 2.4m 	No – acceptable on merit	<p>such, the maximum wall height of 2.1m is not strictly applicable in this instance.</p> <p>The pool house ranges in height between 2.4m on the southern elevation and 3.2m on the northern elevation, measuring from the existing ground level and including the height of the deck (800mm). The section of the pool house and deck that exceeds the maximum height control for an ancillary building does not result in any unreasonable amenity impacts on the adjacent property, particularly the ground floor north facing rooms at 1 View Street. As demonstrated by the amended shadow diagrams, the proposal which has a compliant building height adjacent to the southern side boundary will not result in any additional overshadowing compared to a compliant building envelope ie. Built to the boundary with a wall height of 2.1m. The proposed building height is acceptable as there will be no additional visual privacy impacts or unreasonable overshadowing impacts on the adjoining property.</p>

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

Wall Height

The proposal has a building wall height of 6.2m fronting View Street which is consistent with the maximum building wall height of 7.5m for a dwelling with a flat roof form. However, as the site falls to the west the proposed building wall height increases to 9.4m and does not comply with the building wall height control under Section 2.1 in Part C2 of the Waverley DCP 2012. The non-compliance is a direct result of the topography of the site and does not change the form or massing of the two storey component of the dwelling as viewed from View Street and properties to the east. As such, the proposal presents an acceptable two storey massing that is consistent with existing two storey dwellings within the streetscape, particularly 5 View Street which has a similar topography that falls steeply to the west and is construction of a dwelling is constrained by the cliff face.

At the rear western façade of the first floor, the building wall height, which is setback from the western façade of the ground floor level, measures 8.5m on the southern elevation. The building wall height measurement differs from the northern elevation as the site has a fall across the site from south to north. Given the natural slope of the cliff face, the proposal presents predominantly as a two storey dwelling on the southern elevation and is consistent with the scale of surrounding properties.

The view of the proposed dwelling from the rear boundary and Arnold Street presents a three storey form that steps down from the road level of View Street. In this instance, stepping of the built form is

constrained by the bisecting cliff and the desire to retain the rock wall and minimise construction impacts on the cliff. The proposed design has appropriately distributed the massing of the dwelling and is consistent with the built form of the adjoining dwelling to the north which presents as a two storey dwelling to View Street and four storey dwelling to the rear western elevation.



Figure 13: Proposed western elevation viewed from Arnold Street.

View Sharing

The subject site is located on the western side of View Street and is on the lower side of the street. Properties on the eastern side of View Street comprise elevated ground floor levels and first floor levels that have views to the south and south-west to Queens Park, Centennial Park to the west and views of the Sydney CBD further to the west.

Tenacity Consulting v Warringah [2004] NSWLEC 140 provides general principles for the assessment of views and view sharing:

*The **first step** is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

*The **second step** is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The **third step** is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).

The **fourth step** is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Two objections were received regarding view loss impacts on the properties immediately to the east of the site, namely 24 and 26 View Street. Due to the proposal for a part 2 storey dwelling matching the building height of 5 View Street, the applicant was required to undertake a view loss analysis. The view loss analysis included existing views and proposed impacts resulting from the proposal on 22, 24, 26 and 28 View Street located on the eastern side of the street. These are shown in **Figures 13 to 20** below:



Figure 14: Existing view looking north-west from 22 View Street



Figure 15: Proposed view looking north-west from 22 View Street

The affected views from 22 View Street are across the subject site to the north-west towards the Sydney CBD skyline and the tree canopies of Centennial Park. There are also views to the south-west of the tree

canopy of Queens Park. As demonstrated in **Figure 14**, the two storey component of the proposed dwelling will predominantly obscure views of houses and some tree canopy to the north-west but will not impact views of the Sydney CBD skyline which is considered an iconic view. The part 1, part 2 storey design of the dwelling maintains existing views of greenery provided by the tree canopies of Centennial Park to the north-west and Queens Park to the south-west. In this circumstance, it has been adequately demonstrated that the proposal will not result in unreasonable loss of views as the proposal, which is compliant with FSR and building height development standards at the View Street elevation, maintains views of the Sydney CBD skyline. The retention of views towards Queens Park maintains a reasonable outlook and amenity for occupants of 22 View Street and is considered acceptable.



Figure 16: Existing view looking west from 24 View Street



Figure 17: Proposed view looking west from 24 View Street

As shown in **Figures 15 and 16**, 24 View Street currently has views of the Sydney CBD to the north-west, Centennial Park to the west and Queens Park to the south-west. The proposed two storey component of the dwelling will obscure a portion of the view immediately to the west across the subject site however the tree canopy from Centennial Park and distant skyline to the west and Sydney CBD skyline to the north-west will remain visible on the horizon. Having regard to the compliant building height of the two storey dwelling presenting to View Street, the extent of view loss to the adjacent property is considered reasonable as the retention of existing views are reliant on maintaining a single storey structure and the under development of the site.



Figure 18: Existing view looking south-west from 26 View Street



Figure 19: Proposed view looking south-west from 26 View Street

Existing views from 26 View Street across the subject site to the south-west comprises tree canopies visible from above the roof line of the existing dwelling and the side setback between the subject site and 5 View Street. The existing view shown in **Figure 17** comprises of a distant skyline and tree canopy from Centennial Park to the west. Whilst the views are valued and contribute to outlook from 26 View Street they are not categorised as iconic views. As the existing views are provided across the top of the roof of the existing single storey dwelling, any redevelopment of the site within a compliant two storey building envelope will obscure the views which is considered a reasonable impact of a compliant development. However, the proposed design does not occupy the width of the permissible building envelope at first floor level and provides outlook to the south-west and maintains the visibility of tree canopy to the west between the side setback of 5 View Street and the subject site. Given that the proposed dwelling is contained within a compliant building envelope fronting View Street, the view loss impacts on 26 View Street are considered reasonable in this circumstance.



Figure 20: Existing view looking south-west from 28 View Street



Figure 21: Proposed view looking south-west from 28 View Street

Currently, 28 View Street has views of Queens Park looking over the top of the roof of the existing single storey dwelling, across the south-west of the site. As shown in **Figure 20**, the proposal will result in the loss of views of the open spaces in Queens Park however, substantial views of tree canopies will be maintained. Whilst the view of Queens Park is valued and contributes to amenity of adjoining properties, the view is not considered an iconic view and retention of a view that is available due to the underdevelopment of a site is not considered reasonable.

The fourth principle of Tenacity is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them.

The proposal complies with the FSR development standard of the LEP and complies with the building height development standard for the two storey portion of the dwelling fronting View Street. As discussed in the report above, the proposal has a 900mm building height non-compliance containing the western portion of the first floor level as a result of the topography of the site, including a cliff face and step fall towards the west. A Clause 4.6 written justification has been submitted to support the proposal and is considered to be well founded. Notwithstanding the variation sought to the building height development standard, the proposal is consistent with the majority of the controls in the DCP and will not result in any adverse impacts on the amenity of adjoining properties and complements the character of the street and the locality.

The variations to the DCP are minor and compliance would not result in improvements to the view impact from the adjoining building.

The fourth principles also states that ‘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 proposed development has been designed to respond to the setbacks of the dwelling to the north (5 View Street) which is the only other dwelling on the western side of the street in this section of View Street.

The first floor is located along the northern portion of the site adjacent to the existing two storey form of 5 View Street. The first floor is setback from the street alignment to reduce visual bulk from the street and provides a side setback of 900mm to the northern boundary and 8.9m to the southern boundary which complies with the minimum side setback control of 900mm for a building height of 8.5m under the Waverley DCP 2012. Retaining the existing views from the properties to the east of the site as shown in **Figures 13, 15, 17 and 19** will only be possible if the site is limited to a single storey form which is unreasonable given the building height and FSR development standards applicable to the site and that surrounding properties consists of two storey dwellings of various architectural styles.

The removal of the first floor level, would retain views however does not result in the same development potential and amenity for the subject site. It is also noted that the proposal does not reach the development potential permitted for the site given the proposal has a FSR of 0.33:1 and the development standard permits a FSR of 0.5:1 and side setbacks to the southern boundary of 900mm. As demonstrated by the applicant, a compliant built form will result in significantly greater impacts on the streetscape and amenity of adjoining properties. In this regard, a more skilful design will not result in the same development potential/amenity whilst retaining views.



Figure 22: Maximum building envelope permitted under built form controls showing a two storey form across the width of the site looking west from View Street.

Despite any view impacts, the proposal is considered to be reasonable for the following reasons:

- The proposal complies with Council's FSR development standard and the building height development standard *as presented* to the View Street elevation (breach is setback beyond the street presentation) and is therefore consistent with the desired future character of the area.

- The proposal largely complies with Council's building envelope controls.
- The views are achieved across the side boundary of the site where it could reasonably be expected that a built form compliant with development standards and setbacks would result.
- Significant views of the Sydney CBD from properties to the east of the subject site will be retained particularly from the first floor west facing balconies.
- Given that the development is largely compliant with Council's development standards and built form controls (exception being a section of the building height setback from street point where the change in levels occur), it is considered that there is unlikely to be a more skilful design that would be able to reduce the impact on these views.

Given the above analysis, the anticipated view impact of the development is considered to be acceptable and view sharing is reasonable.

Other Impacts of the Development

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

Suitability of the Site for the Development

The site is considered suitable for the proposal.

Any Submissions

The application was notified for 14 days between 7 and 21 July 2021 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- Reduction in building height by 300mm;
- Increased rear setbacks to align with the rear setback of adjoining property at 5 View Street;
- Enhanced street elevation to present a more active frontage to View Street;
- Reduction in height of pool house to 2.4m with amended shadow diagrams demonstrating no unreasonable additional impacts on the adjoining property at 1 View Street;
- View loss analysis from properties on the eastern side of View Street;
- Amended landscape plan provides satisfactorily plant species; and
- Amended stormwater plan and additional information addressing Council's requirements submitted.

A total of 5 unique submissions were received from the following properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	1 View Street, Queens Park
2.	5 View Street, Queens Park
3.	24 View Street, Queens Park

4.	26 View Street, Queens Park
5.	13 Arnold Street, Queens Park

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

- View loss
- Excessive building wall height of dwelling
- Western (rear) setback should align with adjoining property to the north
- Bulk and scale of pool house
- Overshadowing
- Visual and acoustic impacts

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

Issue: Overhang of proposed structures over the cliff edge provides no relief to natural cliff edge.

Response: The proposal was amended to reduce the size of the lower ground floor rear deck so there is no overhanging structure.

Issue: Proposed stormwater management may not work due to shallow soil over bedrock along the western boundary and may affect existing retaining wall.

Response: An amended stormwater management plan was submitted on the request of Council's Stormwater Engineer. The proposed stormwater management plan is considered acceptable subject to conditions included in the recommendation in Appendix A.

Issue: Lower ground rear terrace exceeds height control and will have visual impacts from adjoining properties

Response: The lower ground floor rear terrace has been amended and no longer exceeds the building height development standard. The terrace has been reduced in size and does not overhang the cliff face. Given the setback of the terrace and the location of the existing lower ground floor terrace area, the proposal will not result in any unreasonable additional amenity impacts on adjoining properties and is acceptable.

Issue: Relocation of external stairs in the rear yard to the centre of the site will result in privacy impacts on the adjoining property to the south.

Response: The proposed relocation of the stairs is unlikely to result in unreasonable amenity impacts on adjoining properties as it is designed for access and will not be used for extended periods of time.

Issue: Lack of structural engineers report regarding overhang of proposed structure to the cliff face and risk to stability of cliff face during construction.

Response: The amended proposal no longer seeks to construct any overhanging structure over the cliff face. Notwithstanding this, the applicant's geotechnical report prepared by Assetgeoenviro identified potential construction methodologies for any required footings and recommended further review by a Geotechnical Engineer prior to construction. A condition has been included requiring certification of construction methodology by a Structural Engineer to ensure the proposal will not have any adverse impacts on the stability of the cliff.

Issue: Risk of the use of cranes carrying loads over the adjacent property.

Response: This is a construction management matter that does not form a matter of consideration in the assessment of the subject proposal under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

Issue: Low cost of works given extent of works and difficult with construction on a steep site.

Response: As identified in the Quantity Surveyors Report submitted with the application, the estimated cost of works is considered reasonable in the absence of detailed structural and services requirements and any required conditions of consent.

Issue: Impact of excavation for pool and OSD on heritage landscape.

Response: The proposed excavation for the pool and stormwater management at the rear of the site is not in a location identified as containing landscaped items of significance and will not have any adverse impacts on heritage landscaping in the landscape conservation area.

The originally submitted stormwater management plan has been amended and Council's Stormwater Engineer raises no objection to revised design, subject to conditions which have been included in the recommendation in Appendix A.

Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

Traffic and Development

The proposal was referred to Council's Traffic Engineer who identified that the proposal seeks to provide a 5.9m wide vehicle crossing at the gutter along View Street. Having regard to the width of the street, existing no stopping restrictions along the western side of this section of View Street, the variation to the maximum vehicle crossing of 3m is acceptable in this circumstance. No objection is raised to the proposal subject to conditions included in the recommendation in Appendix A.

Stormwater

The proposal was referred to Council's Stormwater Engineer who is satisfied that amended stormwater management plan has satisfactorily addressed the issues raised in Council's deferral letter and the proposal is acceptable, subject to conditions included in the recommendation in Appendix A.

Heritage

The proposal was referred to Council's Heritage Advisor who requested the preparation and submission of a Heritage Impact Assessment to determine the impact of the proposal on the cave formation, potential archaeological features and contributory flora that may be significant to the landscape conservation area. It has also been recommended that no alterations or removal of deposits or surfaces at the site be undertaken prior to an assessment of the cave formation by a consultant specialising in indigenous sites and archival photographic records and detailing of the history of the site and dwelling be undertaken prior to any demolition works. Appropriate conditions to address the comments provided by Council's Heritage Advisor have been included in the recommendation in Appendix A.

Biodiversity

The proposal was referred to Council's Biodiversity and Environmental Sustainability Officer who identified the site as being within the coastal biodiversity corridor and required the landscape plan to clearly identify the plant species and number of plants that are proposed within the development. The amended landscape plan has been reviewed and is considered to satisfy the requirements for indigenous or local native plants under the Waverley DCP 2012 and is acceptable.

Tree Management

The proposal was referred to Council's Tree Management Officer who raised no objection to the proposed subject to conditions included in the recommendation in Appendix A.

4. CONCLUSION

The development application seeks consent for demolition of the existing 2 storey dwelling and construction of a new 3 storey dwelling (part 1 storey and part 2 storey as viewed from the street) including an attached garage accessed from View Street, a swimming pool and a single storey pool house in the rear yard. The proposal also seeks consent for tree removal and associated landscaping at the site known as 3 View Street, Queens Park.

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

- Building height
- View loss
- Height of ancillary development (pool house)

The assessment finds these issues acceptable as the constraints of the site, specifically containing a steep fall from the eastern (front) boundary to the western (rear) boundary and a cliff/rockwall bisecting the site from north to south, does not enable the placement of the building footprint or bulk predominantly

to the rear as construction would likely result in adverse impacts on the existing cliff/rockwall formation. The variation sought to the building height development standard comprising of the northern upper portion of the first floor level is supported by a Clause 4.6 written justification and is considered adequate as the proposal presents as a part 1 and part 2 storey dwelling from View Street, is consistent with built form controls and the scale, style and character of immediately surrounding dwellings within the streetscape.

The extent of view loss resulting from the proposed two storey component of the dwelling fronting View Street is considered reasonable having regard to consistency with the building height and FSR development standards, amenity controls and the character of the streetscape.

The height of the pool house is acceptable on merit as the proposed design does not result in any adverse amenity impacts on the adjoining property to the south and is consistent with other controls relevant to an ancillary development. In particular, the pool house will not result in any additional amenity impacts on the adjoining property compared to a structure of compliant building height.

A total number of five (5) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submission were received.

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

Development and Building Unit (DBU) Decision:

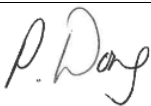

The application was reviewed by the DBU at the meeting on 26 October 2021 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

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

Date: 29 October 2021	Date: 11 November 2021
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Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Hancock Architects of Project No: 19.11.251 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-02-01, Rev B	Proposed Site Plan & Site Analysis	31.08.2021	01.09.2021
DA-02-02, Rev B	Proposed Garden Studio & Lower Ground Floor Plan	31.08.2021	01.09.2021
DA-02-03, Rev B	Proposed Ground Floor and First Floor Plan	31.08.2021	01.09.2021
DA-02-04, Rev B	Proposed Roof Plan	31.08.2021	01.09.2021
DA-02-05, Rev B	Proposed East + North Elevation	31.08.2021	01.09.2021
DA-02-06, Rev B	Proposed West + South + East Studio Elevation	31.08.2021	01.09.2021
DA-02-07, Rev B	Proposed Section 1-1 + Section 2-2	31.08.2021	01.09.2021
DA-02-08, Rev B	Proposed Section 3-3 + Section 4-4	31.08.2021	01.09.2021
DA-04-01, Rev B	Proposed Finishes & Materials Schedule	31.08.2021	01.09.2021

- (b) Landscape Plan No. LP01-D9620 to LP05-D9620 (inclusive), Revision G and documentation prepared by Dangar Barin Smith, dated 31/08/2021 and received by Council on 01/09/2021
- (c) BASIX and NatHERs Certificate/s
- (d) Stormwater Details and documentation prepared by ITM Design Pty Ltd dated 01/10/2021, and received by Council on 01/10/2021
- (e) Arborist Report prepared by Tree Talk Arboricultural Consulting dated March 2021, and received by Council on 02/07/2021
- (f) Geotechnical Investigation Report prepared by Assetgeoenviro dated 3 September 2020, and received by Council on 02/07/2021
- (g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 dated 12/05/2021, and received by Council on 02/07/2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The depth of the lower ground floor deck, adjacent to the living room, is to be amended to have a maximum depth of 1.5m immediately adjacent to the sliding doors of the living room and is permitted to taper to the north to align with the proposed width of the stairs.
- (b) The pedestrian gate and adjacent solid wall built to the eastern property boundary fronting View Street is to be reduced in height and must not exceed the height of the existing screen immediately to the north at 5 View Street.

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

3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

4. APPROVED USE - DWELLING HOUSE WITH STUDIO

This application approves the use of the principle dwelling on site as a single unit dwelling house only, with a studio (pool house) within at the rear yard

No approval is granted or implied for the studio to be used as a domicile.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

6. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

7. SECTION 7.12 CONTRIBUTION

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

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

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

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
- (i) A development valued at \$100,000 or less will be exempt from the levy.
 - (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
 - (iii) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

8. TREE PRESERVATION BOND

A bond of **\$5,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the existing one (1) ***Melaleuca bracteata*** Black Tea-tree (Mock Olive; River Tea Tree) tree in View Street. 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 ***Melaleuca bracteata*** Black Tea-tree (Mock Olive; River Tea Tree) tree is maintained in good condition as determined by Council's Tree Officer. If the tree requires replacing within the bond period, the trees must be replaced within one month of notification from Council and not at the end of the bond period.

9. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$20,580.12** 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.

10. LONG SERVICE LEVY

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

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

HERITAGE MATTERS

11. ARCHIVAL RECORDING OF EXISTING BUILDING

An archival record of the interior and exterior of the existing building shall be prepared for deposit in Waverley Council's Archive. This record must be carried out and submitted to Council prior to the

commencement of any demolition work. The record is to comply with the NSW Heritage Office Guidelines for digital archival recording.

12. HERITAGE ARCHITECT

The applicant is to commission an experienced conservation architect to work with the consultant team, particularly the Structural Engineer, throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters involving the construction of footings and anchoring of the dwelling to existing cliff/rockwall to ensure demolition and constructions works do not compromise the stability and significance of the cliff/rockwall and any significant elements are retained. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

CONSTRUCTION & SITE MATTERS

13. HOARDING

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

14. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan 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.

15. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

16. GEOTECHNICAL ENGINEERS REPORT

The Geotechnical Engineers Report shall be updated to reflect the approved scheme, ensuring that the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

It is recommended that a qualified and experienced Geotechnical Engineer be engaged for the duration of the build to provide further input and review during the design development, including site visits during construction to verify the site conditions and provide advice.

17. ENGINEERING DETAILS

Structural details supporting the construction methodology for any footings for the dwelling on the cliff/rockwall must be prepared and certified by a suitably qualified practicing Structural Engineer, in consultation with a Heritage Architect demonstrating that the construction works will not impact the structural stability of the cliff/rockwall and will not remove or erode elements that are identified as contributory to the significance of the landscape conservation area. The structural details are to be submitted and approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

TRAFFIC MANAGEMENT

18. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

STORMWATER & FLOODING

19. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by itm design Pty Ltd, Job No. 20/136, Drawing No. H-DA-00, H-DA-01 & H-DA-02, Revision C, dated 01.10.2021, are considered concept only.

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

- (a) The plans shall provide a complete and detailed OSD design including multiple cross-sections, proposed construction materials, and full orifice details. The checklist as set out in Council's Water Management Technical Manual shall be submitted. The OSD system is to be designed for the 1% Annual Exceedance Probability (AEP) storm event.
- (b) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided.

- (c) Details of any rainwater reuse system required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted. The rainwater reuse system must have a minimum capacity of 10m³.
- (d) All new downpipes are to be located wholly within the property's boundary.
- (e) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the 1% AEP storm event shall be provided.
- (f) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300 mm wide by 150 mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- (g) The proposed drainage works shall have no impact on any adjacent or downstream property. Details of the proposed method to discharge stormwater is to be provided.
- (h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

20. 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

21. BASIX

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

WASTE

22. 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

23. LANDSCAPE WORKS IN A HABITAT CORRIDOR

A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of the relevant Construction Certificate, with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley Development Control Plan 2012.

24. GREEN ROOF LANDSCAPING DETAILS

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

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

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

NOISE

25. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

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

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

26. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

27. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

28. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

29. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

30. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS

31. CONSTRUCTION HOURS

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

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

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

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

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

33. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and clause

34. 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.

35. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

36. TREE PROTECTION

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

37. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed as per the Arborist Report prepared by Sue Wylie Tree Talk, dated March 2021;

Tree No.	Species	Location	Action
T 1	<i>Jacaranda mimosifolia</i> (Jacaranda)	On site	Remove as per Arborist report
T 3	<i>Phoenix canariensis</i> (Canary Island Date Palm)	On site	Remove as per Arborist report

T 4	<i>Phoenix canariensis</i> (Canary Island Date Palm)	On site	Remove as per Arborist report
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38. TREES TO BE RETAINED

- (a) The following trees are to be retained as per the Arborist Report prepared by Sue Wylie Tree Talk. Dated: March 2021.
- i. Trees A, B & C include *Elaeocarpus reticulatus* (Blueberry Ash), *Banksia integrifolia* (Coastal Banksia) overhanging the stairway. These trees have been considered in the design process and all works are away from trees. Some minor pruning may be required.
 - ii. Trees D, E & F include a mix of species d overhanging the site at the lower level. Replacement planning nearby are the only work requiring management. Drainage is to be outside the SRZ of these trees.
 - iii. Tree I a *Michelia figo* (Port-wine Magnolia), also overhangs and can readily be isolated from works.
- (b) The existing one (1) ***Melaleuca bracteata*** Black Tea-tree (Mock Olive; River Tea Tree) tree on the nature strip in View Street is to be protected for the duration of the construction works.

39. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

40. RECONSTRUCT VEHICLE CROSSING

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

41. VEHICULAR ACCESS - FINISHED LEVELS TO INVERT OF THE GUTTER

The finished level at the property boundary on **both** sides of the vehicle crossing is to be at least 110mm above the level of the invert of the existing concrete gutter.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

42. 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.

43. CERTIFICATION OF BASIX COMMITMENTS

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

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

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

45. ON-SITE STORMWATER DETENTION CERTIFICATION

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

46. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

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

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

47. CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA

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

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

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

E. OPERATIONAL MATTERS

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

48. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. EXCAVATION TO BE LIMITED

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

AD6. TREE REMOVAL/PRESERVATION

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

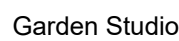
AD7. SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

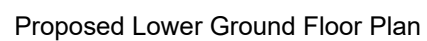
If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
 - (a) make the building/site safe and of an appearance acceptable to Council.
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
 - (d) AND to call on such bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

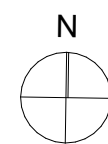




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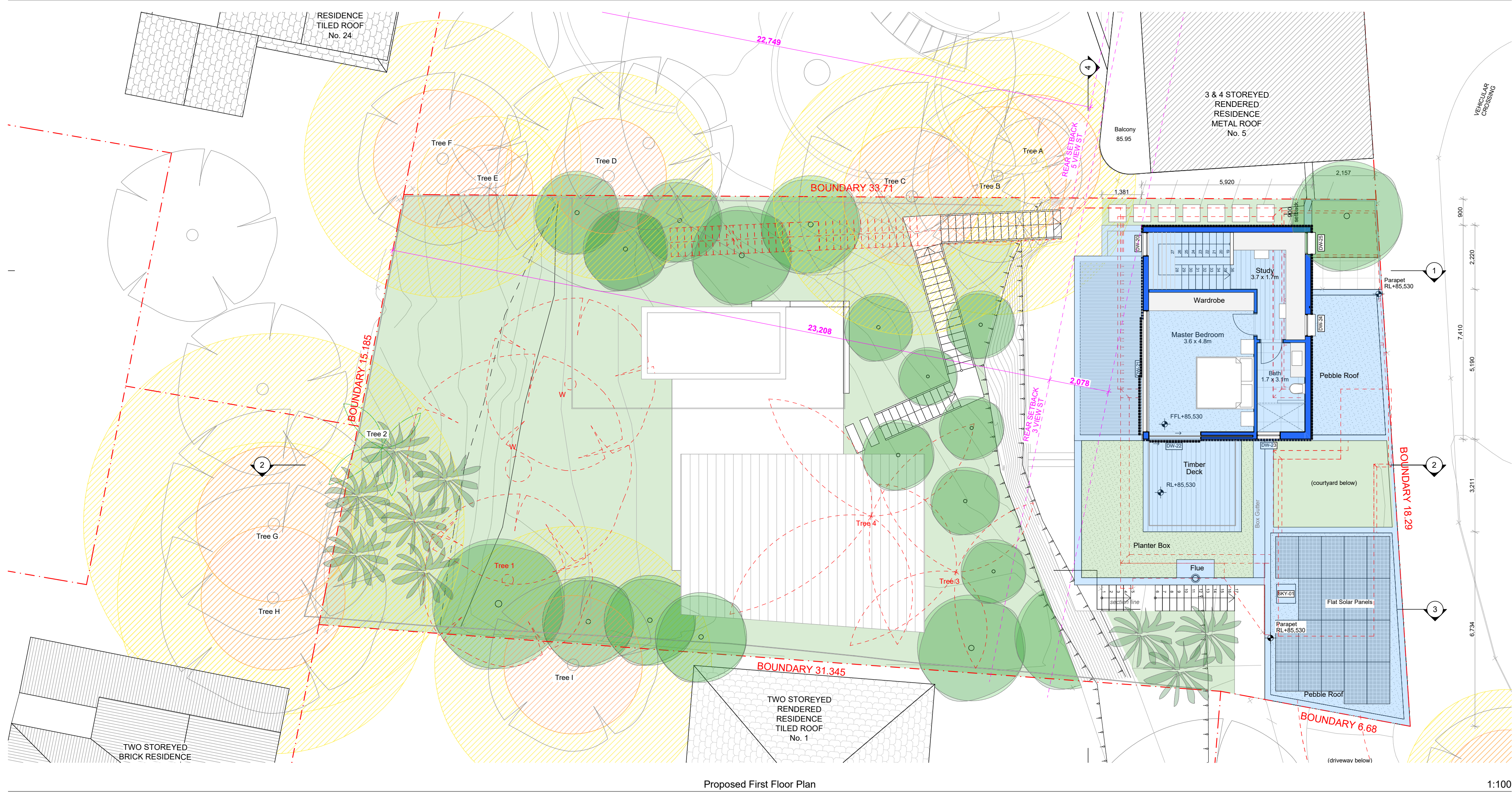
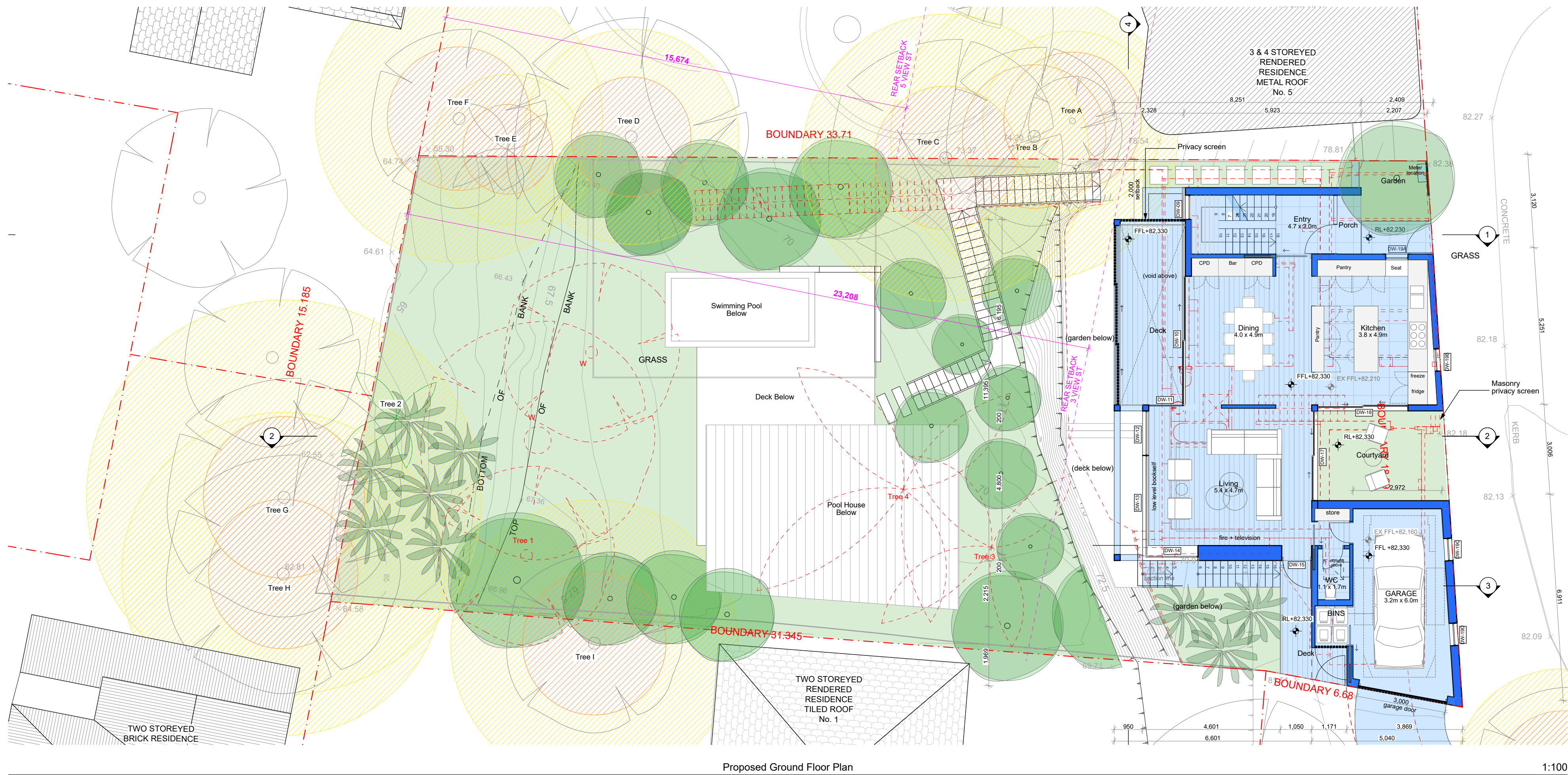


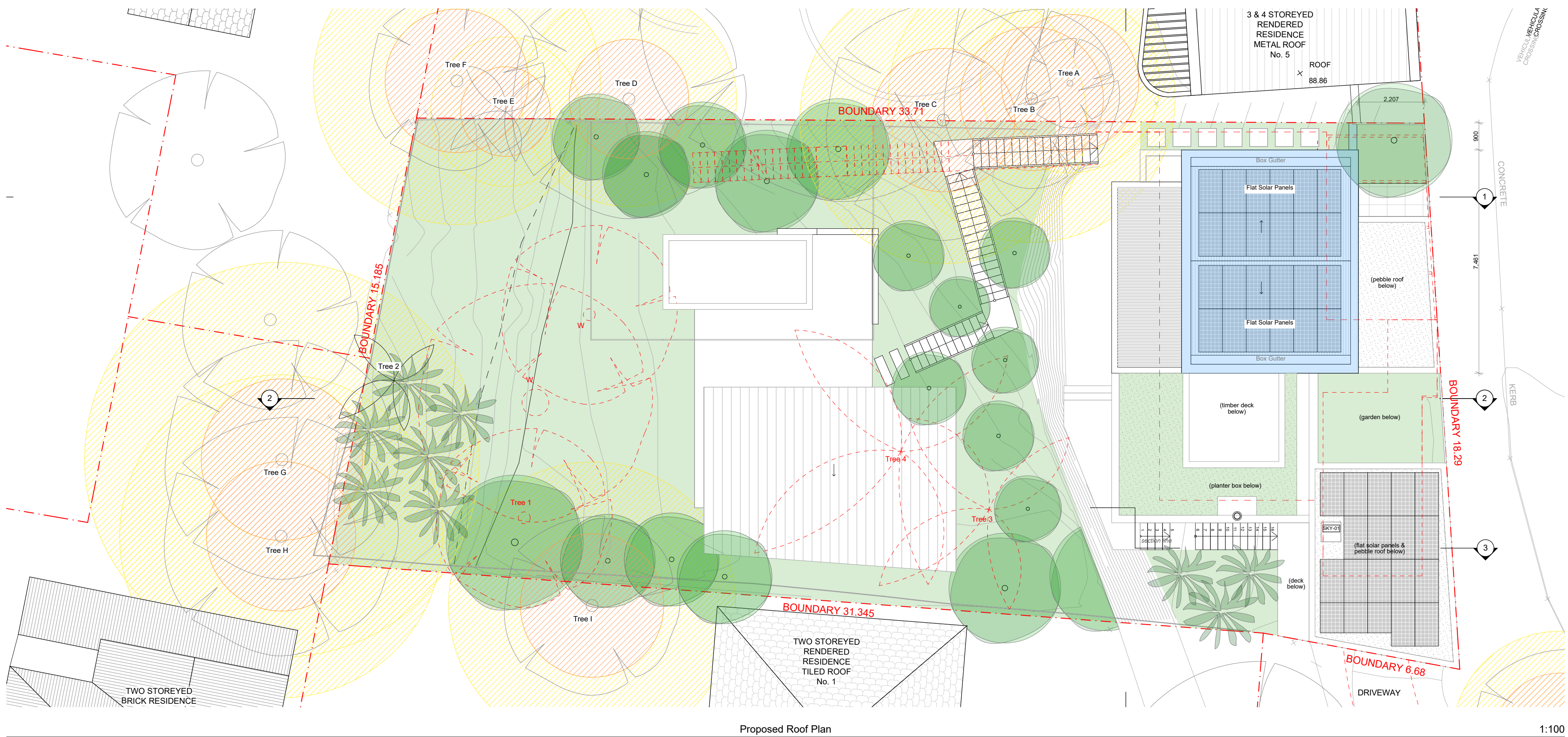
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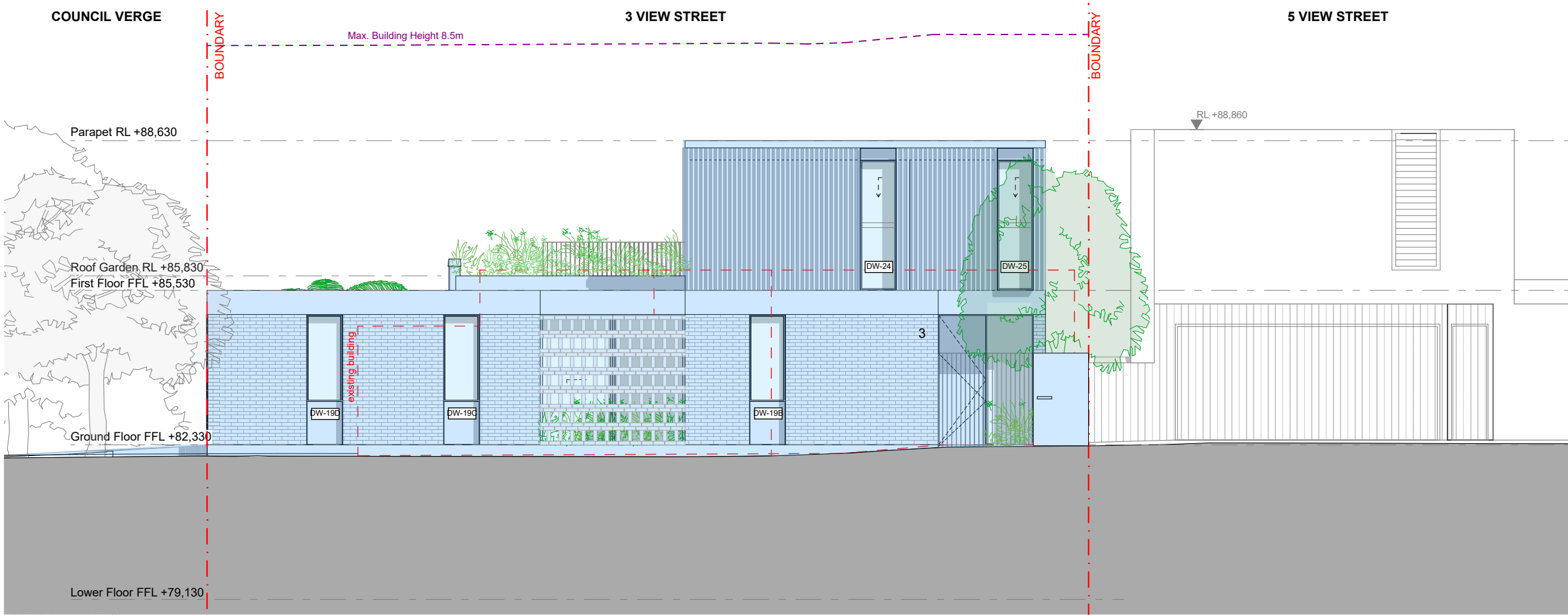


			Project	3 View Street, Queens Park	
B	31.06.21	Amended DA Submission	Drawing Name	Proposed Garden Studio & Lower Ground Floor Plan	
A	20.04.21	DA Submission	Project Number	19.11.251	
Issue	Date	Description	Drawing No	DA-02-02	Scale
					1:100 @A1 1:200 @A3

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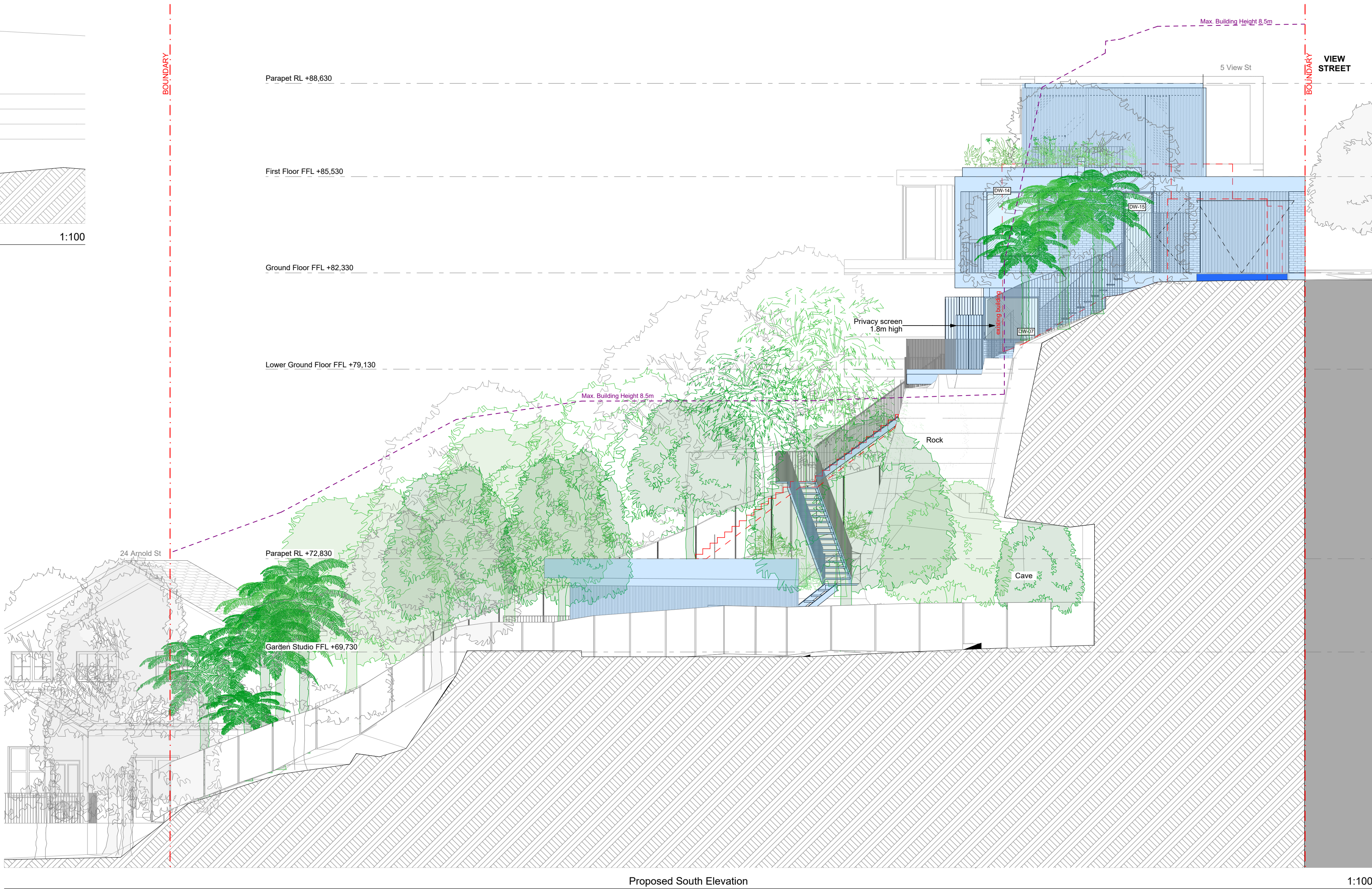
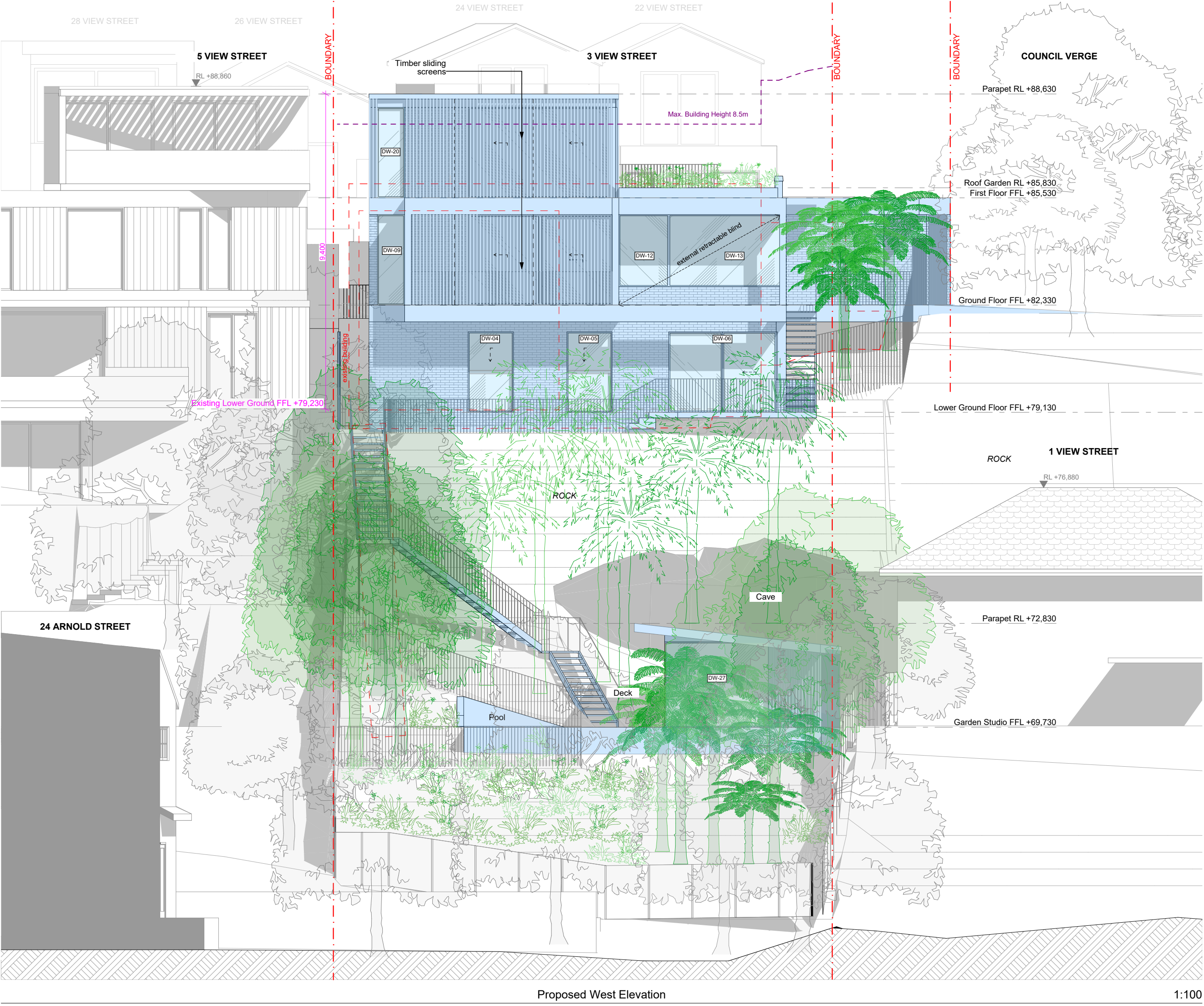
Proposed East Elevation

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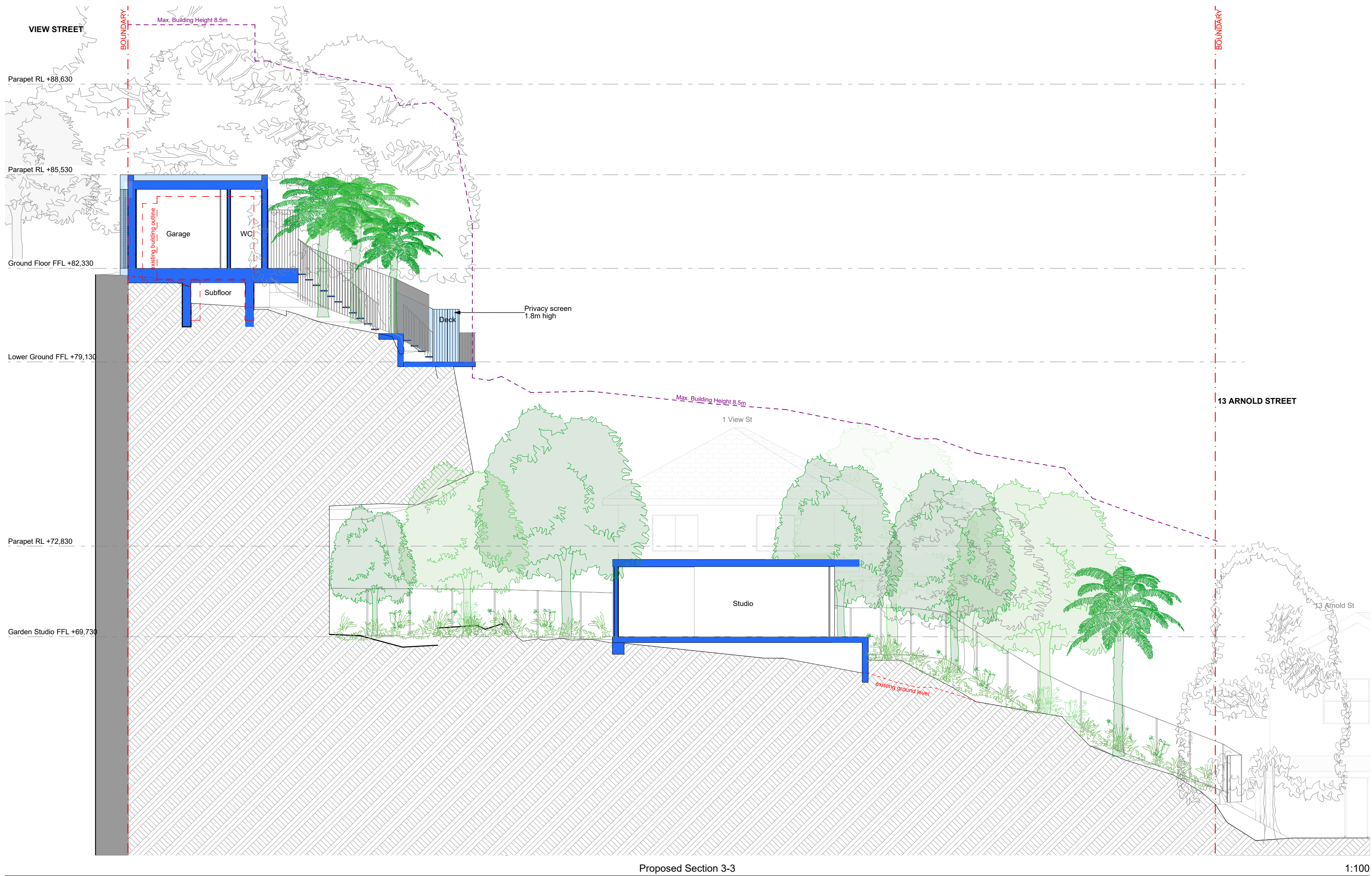
Proposed North Elevation

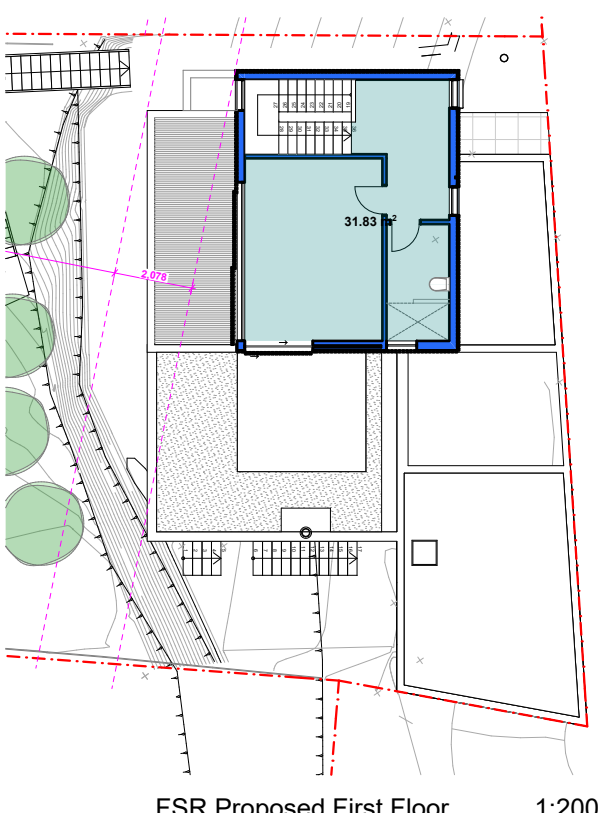
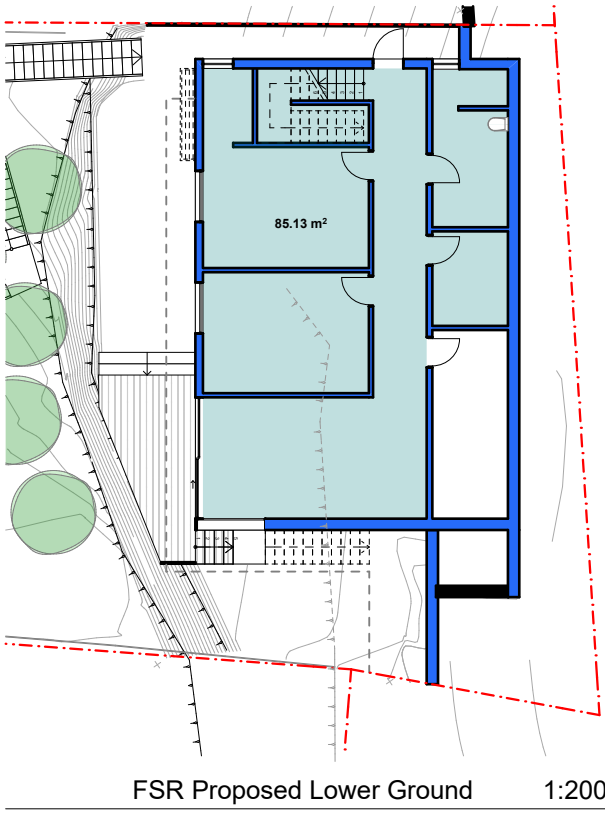
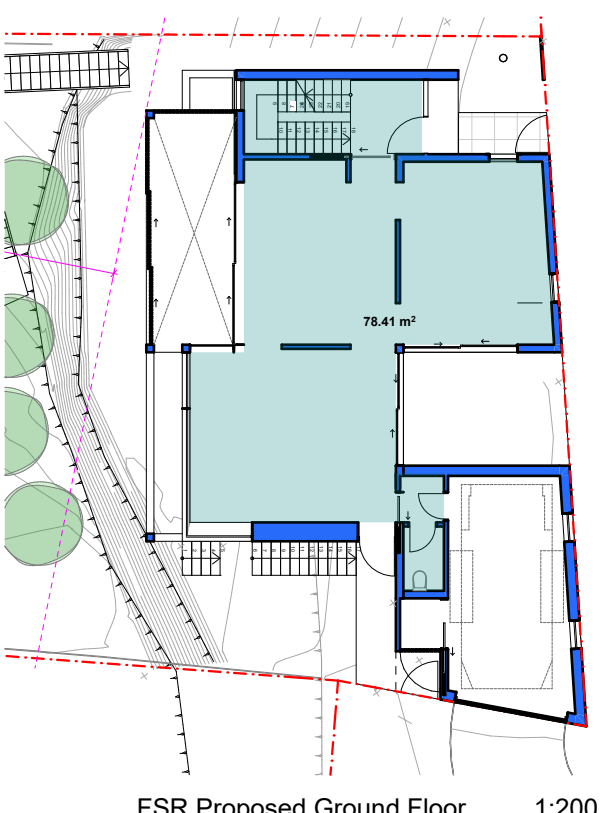
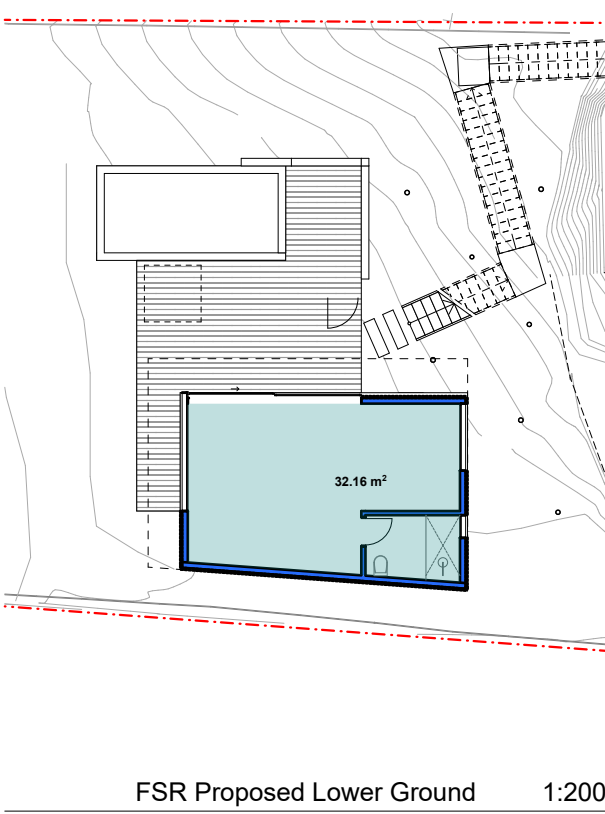
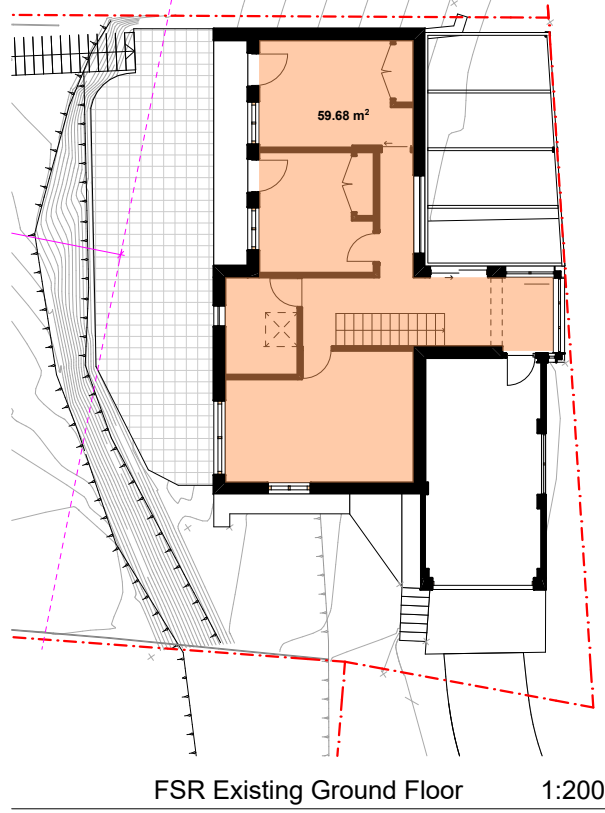
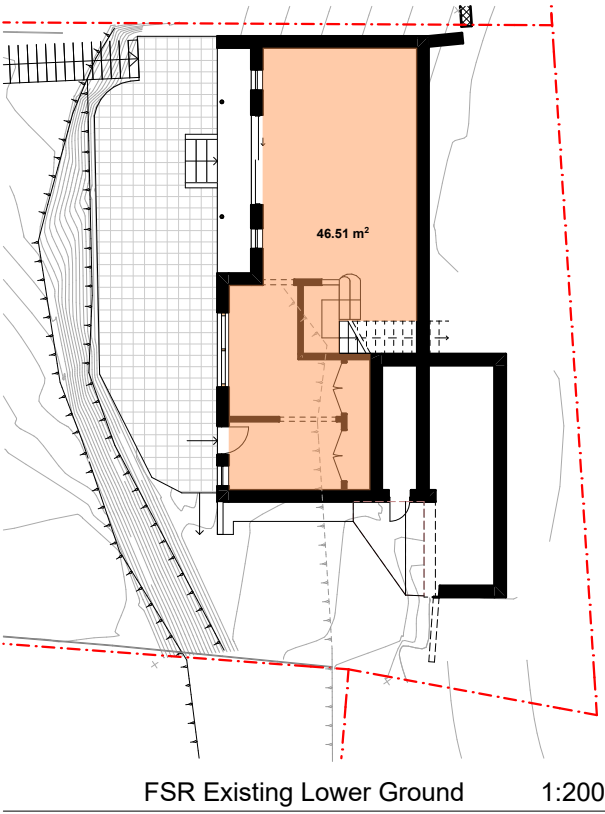
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BOUNDARY

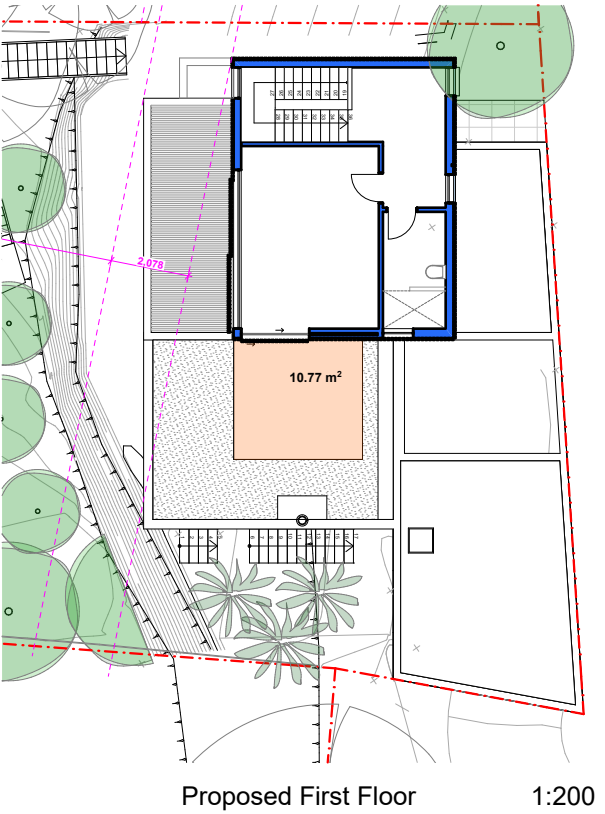
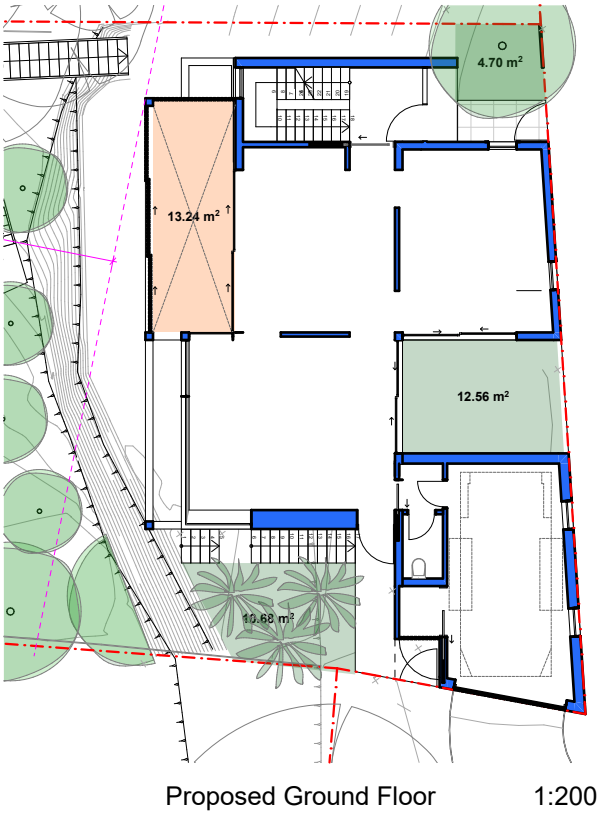
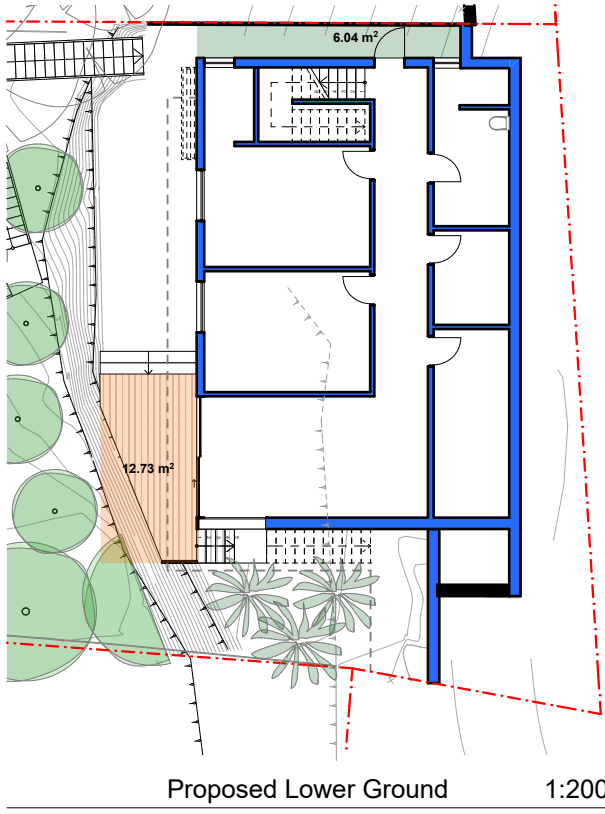
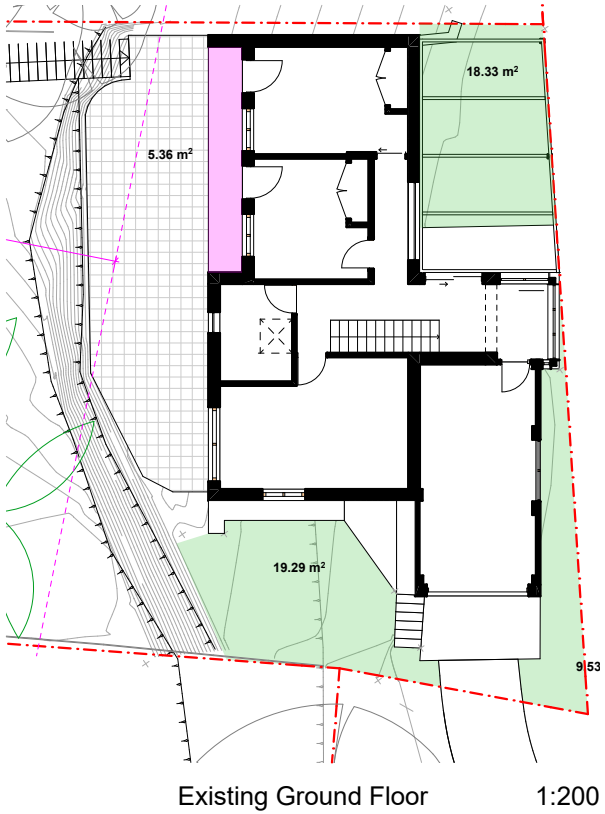
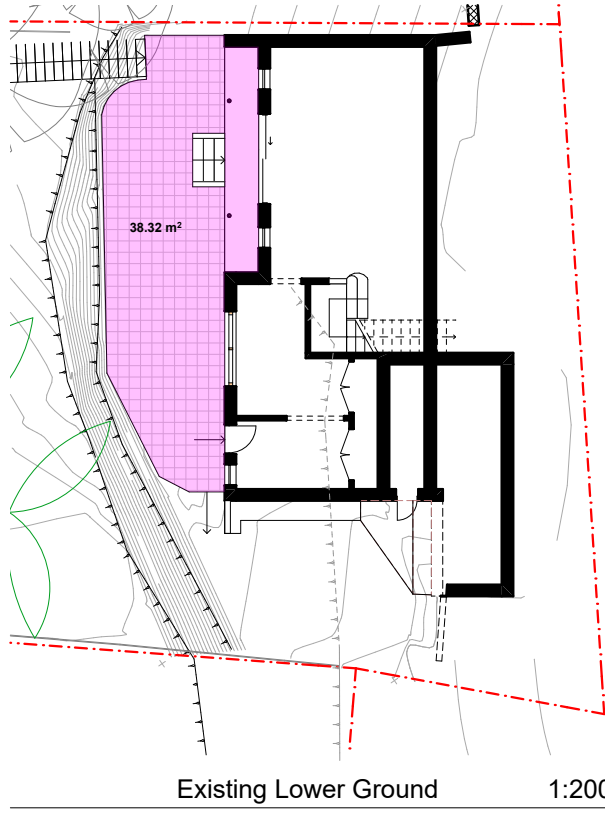
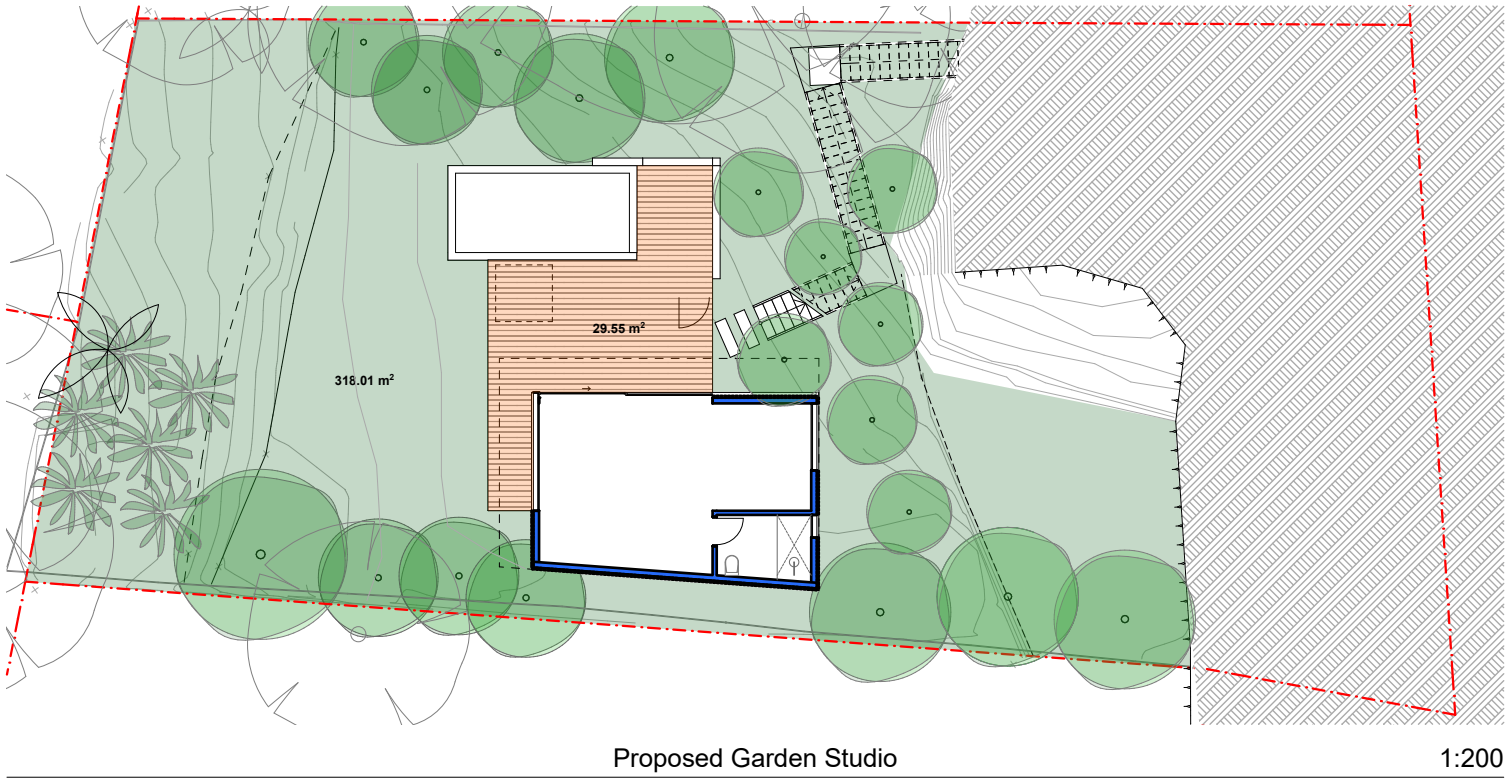
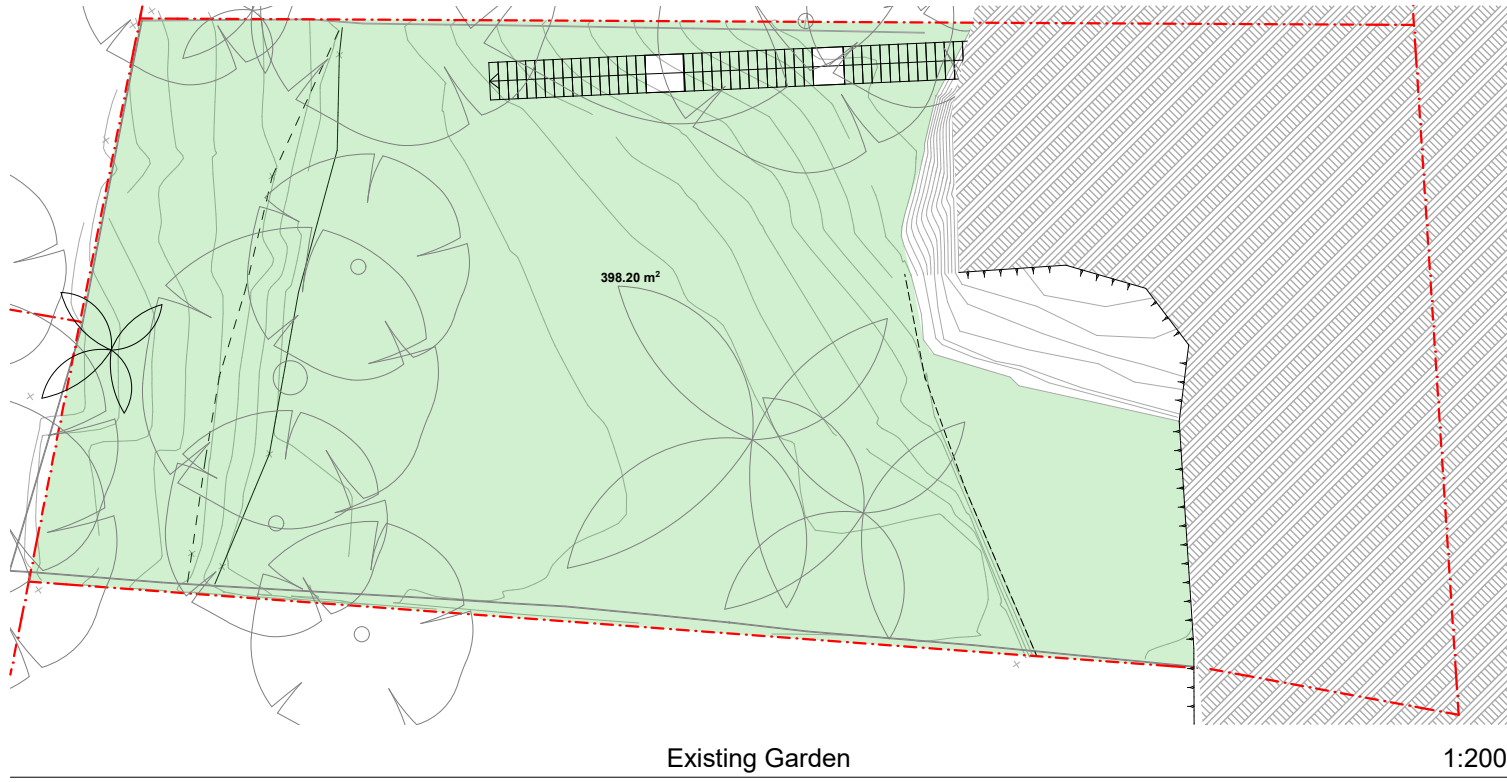






Existing Gross Floor Area
Proposed Gross Floor Area

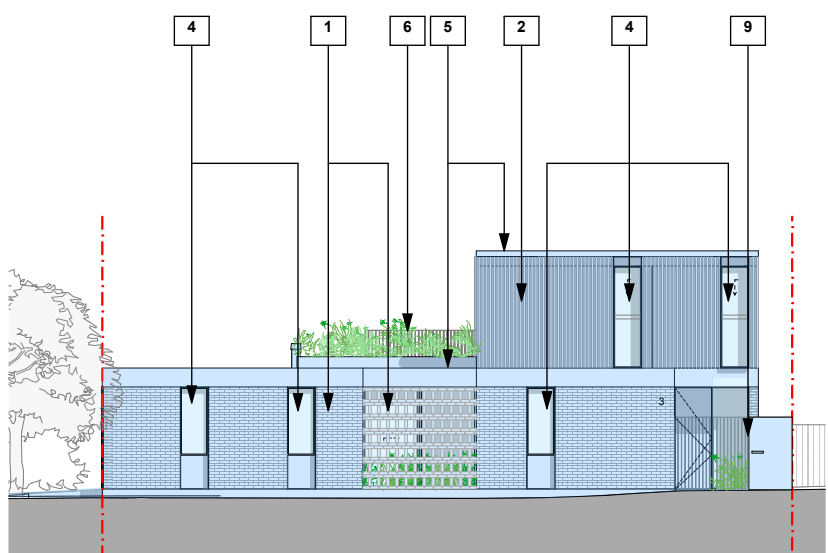
Site Area - 583.0 m²
Required Floor Space Ratio - 0.5 : 1
Existing Gross Floor Area - 106.2 m²
Proposed Total Gross Floor Area - 195.4m²
Existing Floor Space Ratio - 0.18 : 1
Proposed Floor Space Ratio - 0.33 : 1



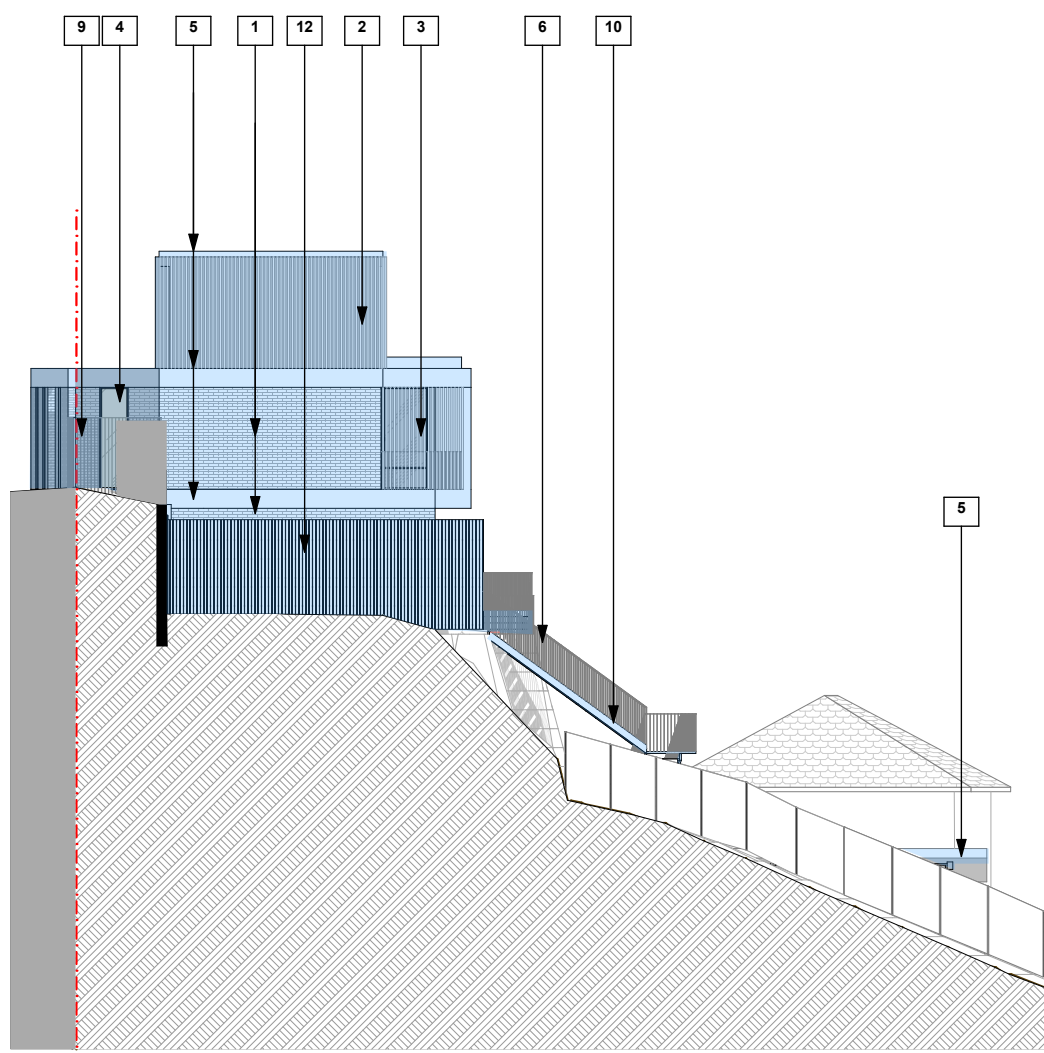
Existing Private Space
Existing Landscaped Area
Proposed Private Space
Proposed Landscaped Area

Site Area - 583.0 m²
Required Open Space (min 40%) - 233.2m²
Required Private Open Space (min 25m²) - 25m²
Required Landscaped Area (min 15%) - 87.5m²
Existing Private Open Space - 43.7m²
Proposed Private Open Space - 66.3m²
Existing Landscaped Area - 446.3m²
Proposed Landscaped Area - 352m²

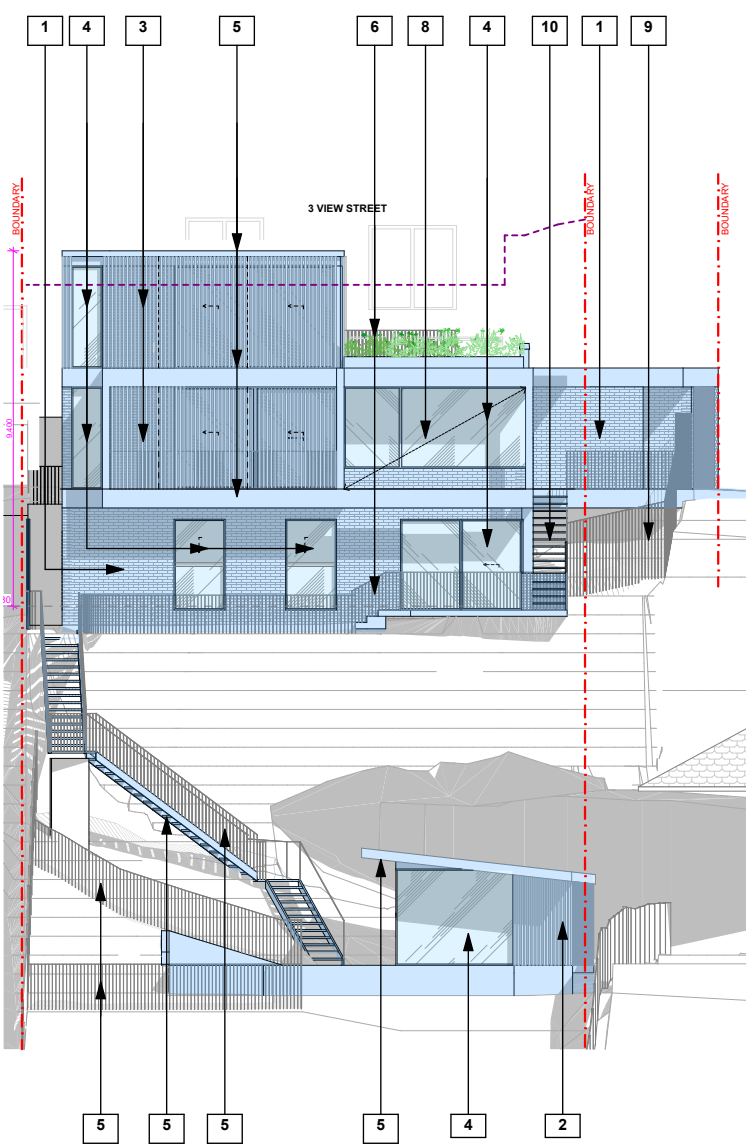
Proposed East Elevation



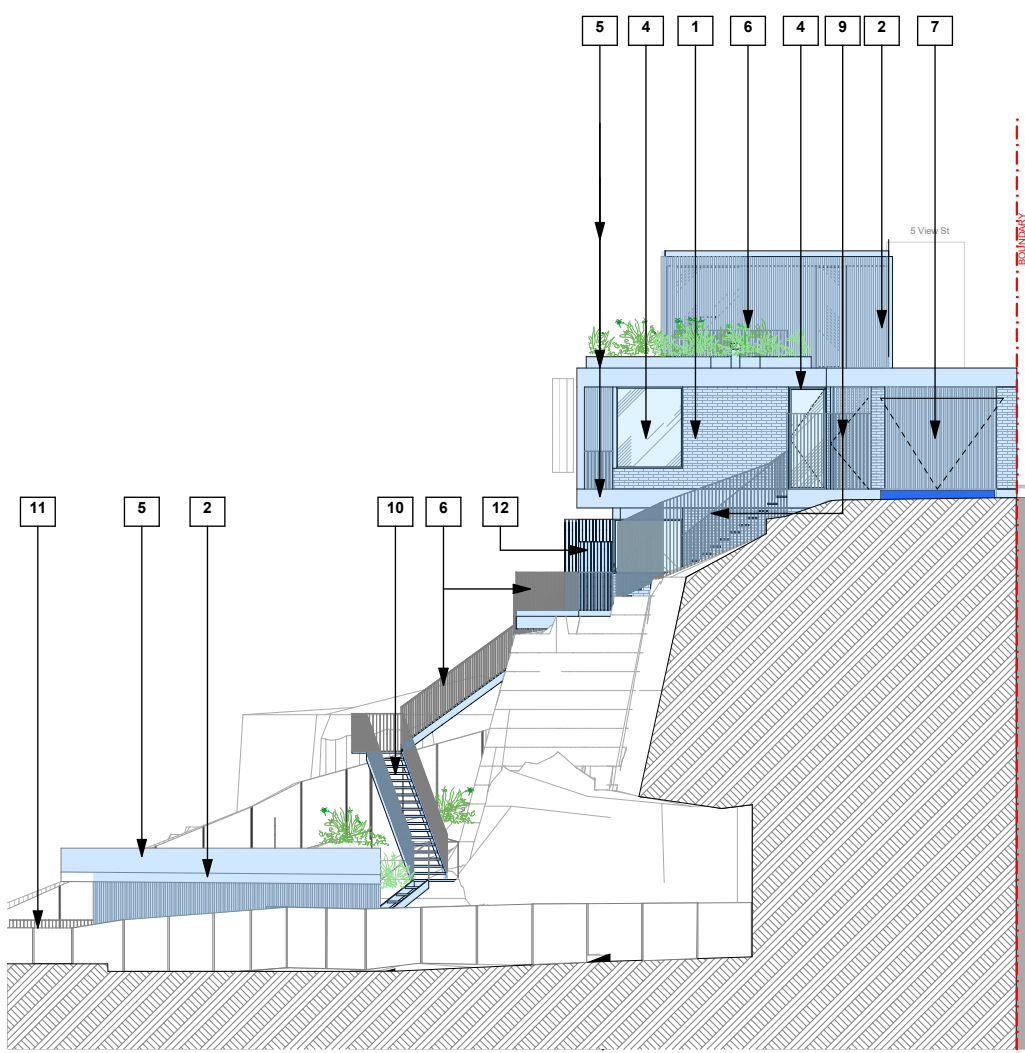
Proposed North Elevation



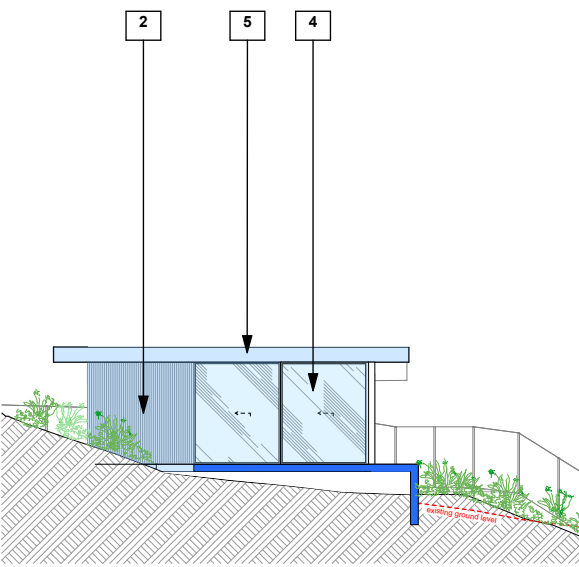
Proposed West Elevation



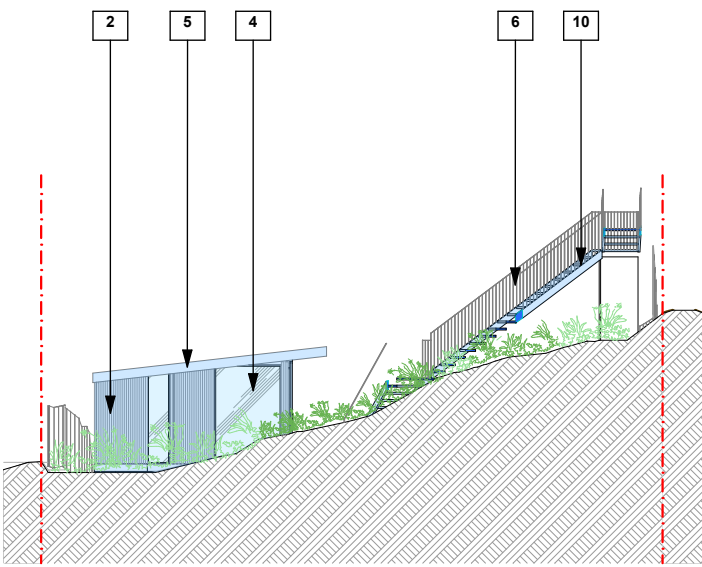
Proposed South Elevation



Proposed North Elevation Studio



Proposed East Elevation Studio



Materials & Finishes Legend

1 Brick Walls + Screen - Light to medium coloured brick



2 Timber Cladding - Silvered timber



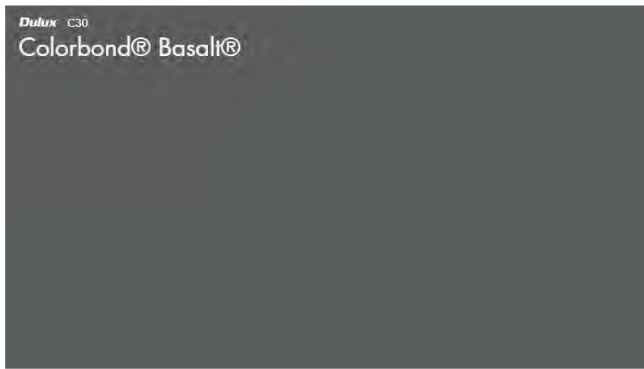
3 Timber screens - Silvered timber



4 Aluminium Door & Window Frames



5 Roof sheeting, parapet & steel detailing



6 Steel Balustrade - Powdercoated



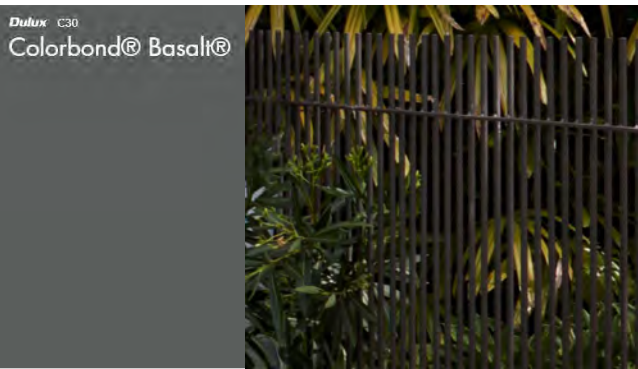
7 Timber Garage Door - Silvered Timber



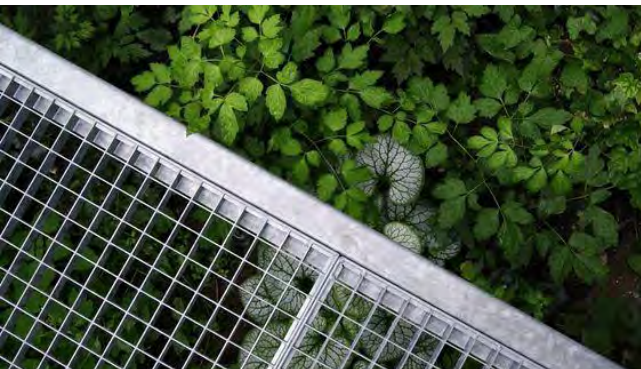
8 Retractable Vertical Blind - Fabric



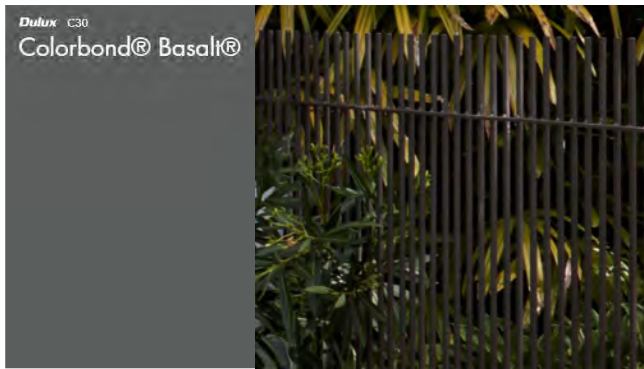
9 Steel Fence & Pedestrian Gate - Powdercoated



10 Steel Stair - Galvanised



11 Pool Metal Fence - Powdercoated



12 Timber Paling Fence - Silvered Timber

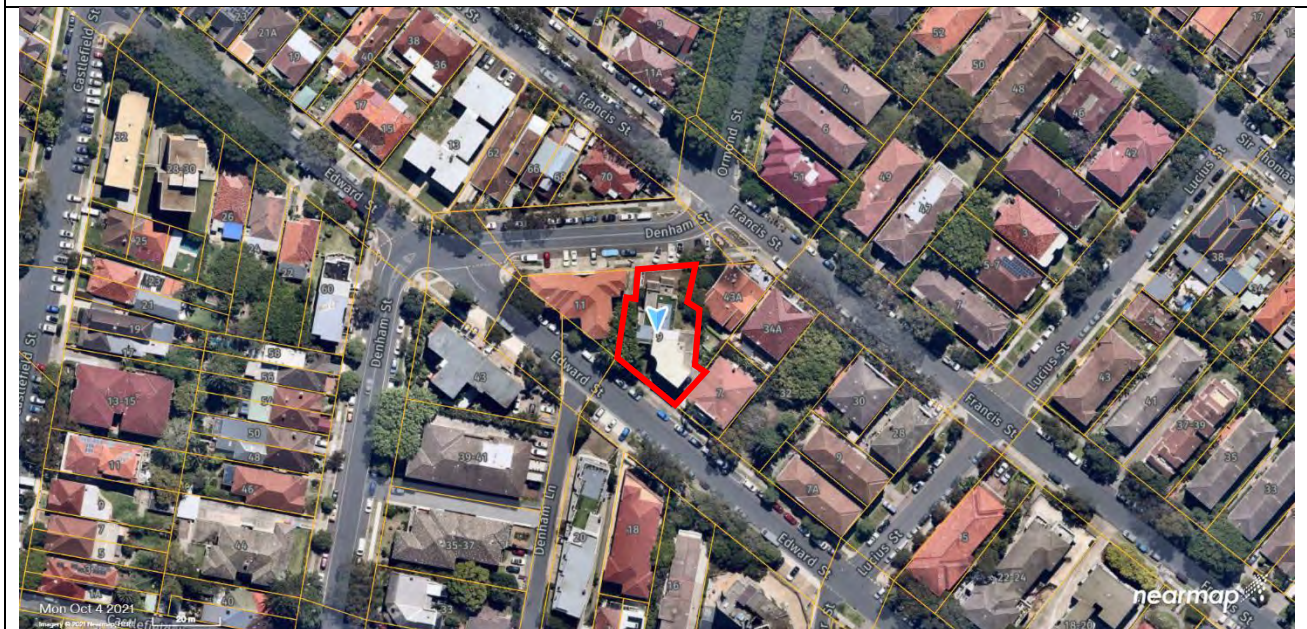




Report to the Waverley Local Planning Panel

Application number	DA-399/2021
Site address	10/9 Edward Street, BONDI BEACH NSW 2026
Proposal	Alterations and additions to Residential Flat Building including extension to Unit 10
Date of lodgement	24 September 2021
Owner	Miss K R Anderson
Applicant	Miss K R Anderson
Submissions	Nil
Cost of works	\$250,000
Principal Issues	<ul style="list-style-type: none"> • Height • FSR
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to residential flat building including extension to Unit 10 at the site known as 10/9 Edward Street, BONDI BEACH.

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

- Building height exceedance;
- FSR exceedance; and
- View loss.

The assessment finds these issues unacceptable as the existing building already exceeds Council's maximum development standards with regards to building height and FSR and the proposal will cause a further exceedance of these standards. The proposal represents overdevelopment of the site and is not supported. Any view impact is not considered to be acceptable in the circumstances of the site.

No submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 4 November 2021.

The site is identified as Lot 10 in SP 5164, known as 10/9 Edward Street, BONDI BEACH.

The site is irregular in shape with a primary frontage to Edward Street (pedestrian access) measuring 22.985m and a secondary frontage to Denham Street (vehicular access) measuring 16.756m. It has an area of 763m². The site is occupied by a 5 storey residential flat building and the subject unit is located on the entirety of the top floor level. The existing unit consists of two bedrooms and a large roof terrace (private open space).

The site is adjoined by residential flat building development on either side. The locality is characterised by a variety of high density residential development.

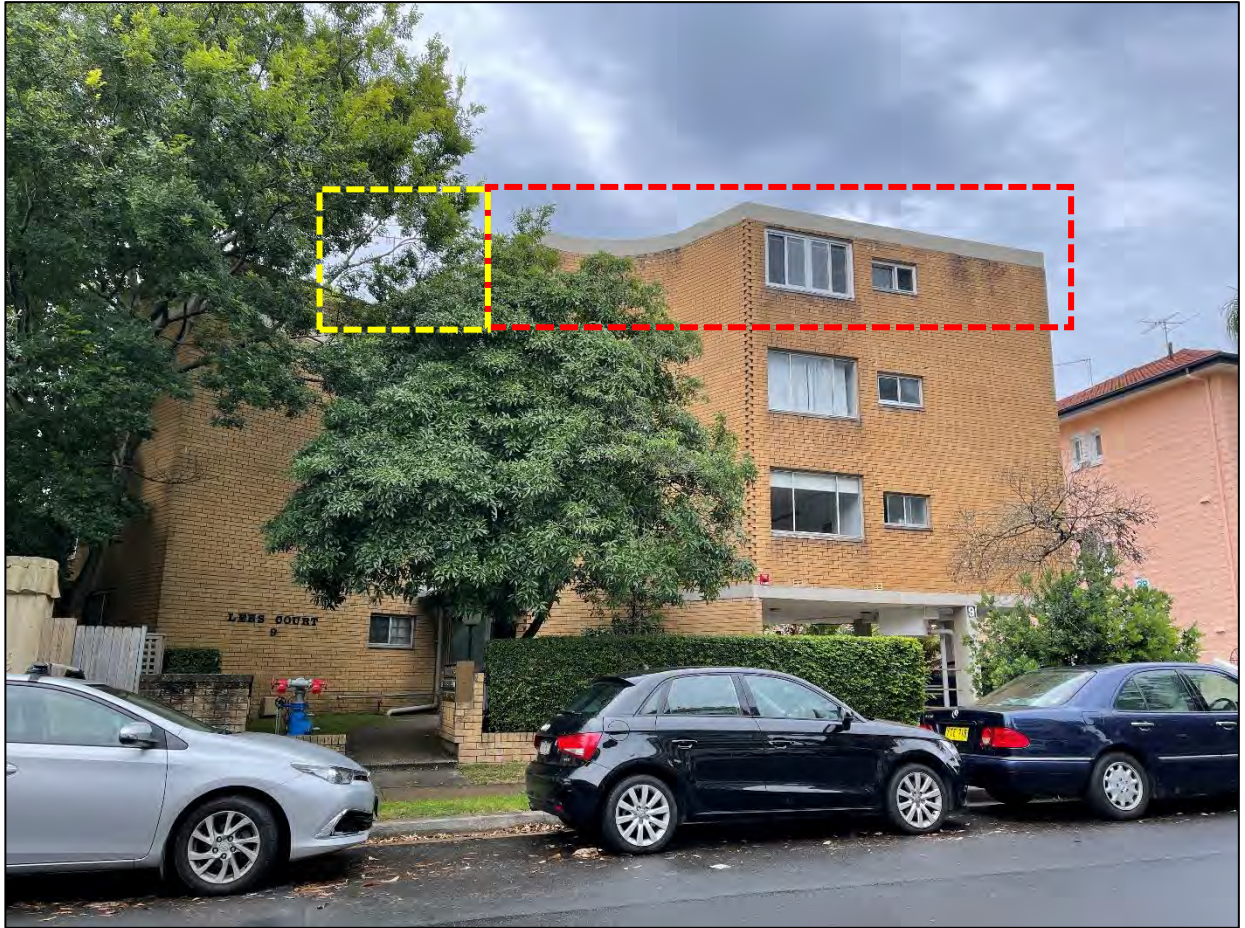


Figure 1: Site frontage to Edward street with the subject unit identified in red and the area of proposed works identified in yellow.



Figure 2: Location of proposed addition upon existing roof terrace to Unit 10.

1.3. Relevant Development History

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

- **PD-43/2020:** A pre-DA was lodged seeking advice on proposed works to extend Unit 10 within the existing residential flat building. In summary, the proposal was not supported in the form submitted and the following comments were made in Council's pre-DA advice letter dated 10 January 2021:

The existing building is already above the building envelope controls (primarily building height and FSR) so any additional extension will further exacerbate this non compliance. The proposed top floor extension results in a significant variation to these development standards, with little justification for the further exceedance. The resultant effect is a proposal that may not be compatible with the scale and appearance of other residential flat buildings within the locality.

The proposal should be in keeping with the height, bulk and scale of the desired future character of the locality, have no view loss impacts, maintain cohesion with the existing building and should not result in any unreasonable impacts to the amenity of adjoining properties.

1.4. Proposal

The development application seeks consent for alterations and additions the existing unit within the residential flat building that specifically includes the following:

- Extension of the existing unit on the top floor level in the area of the existing private open space (terrace) to accommodate a new bedroom with study, robe, ensuite and balcony.
- Raised decking to be constructed adjacent to existing living and new bedroom space.

1.5. Background

There is no background relevant to the subject development application.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

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

A detailed discussion is provided for SEPP 65 (Design Quality of Residential Apartment Development). as follows:

SEPP (Design Quality of Residential Apartment Design)

The application was not referred to the Waverley Design Advisory Excellence Panel (DEAP) as the proposal involves minor alterations and additions to the existing residential flat building in relation to Unit 10 within the development only. Nevertheless, an assessment against the nine design quality principles under SEPP 65 has been undertaken below:

Table 1: Assessment against the Nine Design Quality Principles under SEPP 65

Principle	Planning Comment
1. Context and Neighbourhood	The proposal is incompatible with the desired future character of the area for reasons discussed below.
2. Built form and Scale	The proposal is incompatible with the desired future scale of buildings in the surrounding area as the proposal breaches Council's maximum building height limit development standard.
3. Density	The proposal is incompatible with the desired future density as the proposal further breaches Council's maximum floor space ratio development standard.
4. Sustainability	The proposal is considered to represent good sustainable design.
5. Landscape	The proposal would have no impact upon the landscape character of the streetscape or neighbourhood.
6. Amenity	The proposal would enhance internal amenity for occupants of the subject site but would adversely impact upon the amenity of neighbours with potential to cause view loss.
7. Safety	The proposal is considered to maintain safety.
8. Housing Diversity and Social Interaction	The proposal provides for a three bedroom unit and is considered to promote housing diversity.
9. Aesthetics	The proposal adds further bulk to the building.

Apartment Design Guide

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

- visual privacy,
- solar and daylight access,
- common circulation and spaces,
- apartment size and layout,

- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

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

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	Yes	The proposal is considered to enhance visual privacy for surrounding properties with the proposed part enclosure of the existing rooftop terrace. However, the proposal is not supported for reasons discussed throughout this report.
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	The existing development would continue to receive existing levels of solar access compliance.
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated 	Yes	The proposed habitable room is provided with at least one window for natural ventilation.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	Due to the sloping roof form of the proposed addition, a maximum floor to ceiling height of 2.7m in the habitable rooms (bedroom and study) and a minimum height of 2.4m in the non-habitable spaces.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) <p>Every habitable room must have a window in an external wall with a total minimum glass</p>	Yes	The existing two-bedroom unit has an area of 108.94m ² and the proposed addition to construct a third bedroom (51.38m ²) results in a total internal area of 160.32m ² that is compliant.

Design Criteria	Compliance	Comment
area of not less than 10% of the floor area of the room.		
4E Private open space and balconies		
All apartments provide primary balcony as follows: <ul style="list-style-type: none"> 3+bed - 12m² & 2.4m depth 	Yes	The proposal retains approximately 83m ² of private open space upon the roof terrace area for the subject unit that is acceptable.
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	As existing.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> 2-bed – 8m³ 3+bed – 10m³ 	Yes	Adequate storage is provided within the existing unit and would be increased with the proposed additional bedroom.

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal is inconsistent with the aims of the plan for reasons discussed below.
Part 2 Permitted or prohibited development		
Land Use Table R3: Medium Density Residential Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	No	Existing Height: 14.5m Existing Variation: 2m (16%) Proposed Maximum Height: 13.61m Proposed Variation: 1.11m (8.88%)
4.4 Floor space ratio <ul style="list-style-type: none"> FSR: 0.9:1 GFA: 686.7m² 763 	No	Existing GFA: 987m ² Existing FSR: 1.29:1 Existing Variation: 300.3m ² (43.73%) Proposed GFA: 1038.38m ² (+51.38m ²) Proposed FSR: 1.36:1 Proposed Variation: 351.68m ² (51.21%)
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP

Provision	Compliance	Comment
		2012 to vary the building height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<i>The site adjoins two heritage items of local significance at 7 Edward Street (I100) and 11 Edward Street (I101). Council's Heritage Advisor reviewed the proposal and raised no objection to the works.</i>
Part 6 Additional local provisions		
6.9 Design excellence	No	The proposal is not considered to represent design excellence for reasons previously discussed.

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

Building Height - Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum building height development standard of 12.5m. The existing building has a maximum height of 14.5m and the proposed works have a maximum height of 13.61m, exceeding the standard by at least 1.11m* or equating to an 8.88%* variation.

*Note the plans submitted depict the height plane measured above *natural* ground level, rather than *existing* ground level, which is required having regard to the method for calculating 'building height'. Therefore, the exceedance to building height will actually be greater than 8.88%.

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

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

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

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

It is noted that the Applicant's request to vary the maximum building height development standard incorrectly calculates the variation to the control, stating the following:

The existing maximum height of the RFB on the site is 14.5m. The proposal will result in development above the height control to a maximum height of 13.61m over part of the site. This will remain below the overall maximum height of the existing building but represents an approximately 14% exceedance of the height control.

Given that the variation has been incorrectly calculated, the submitted Clause 4.6 Statement is considered to be void. Nevertheless, the applicant seeks to justify the contravention of the building height development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal does not result in any unacceptable amenity or environmental impacts. It has been designed to limit any potential view, solar access or privacy impacts.
 - (ii) The proposal will provide for an extension of the fourth storey at the Edward Street frontage with appropriate and compliant setbacks provided to the site frontage and side boundaries. The proposal provides a generous rear setback and the extension and the existing apartment is not visible from Denham Street. The existing building will continue to appear as a four storey building from Edward Street. The proposal integrates with the existing built form on the site and in the surrounding area.
 - (iii) Whilst the development standard has not been entirely abandoned by Council, the examples above have demonstrated that there is history and regular pattern of Council, and the relevant consent authority, supporting development proposals that significantly vary the minimum height standard in the R3 zone.

DA #	Address	Description	Variation
DA-91/2018	56 Ramsgate Ave Bondi Beach	Alterations and additions to existing RFB to provide habitable floor area at the roof level	12.91m height – 3.2%
DA-348/2018	66 Fletcher Street Bondi	Conversion of RFB into single dwelling	11%
DA-122/2019	21 Fletcher Street, Bondi	Alterations and additions to semi-detached dwelling including attic extension, internal reconfiguration and swimming pool to rear	25%
DA-8/2019	45 Sir Thomas Mitchell Road, Bondi Beach	Attic conversion to existing unit 9 in residential flat building	41%

Figure 3: Applicant's examples of variations provided on page 8 of 12 of the clause 4.6 variation statement.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal provides for the extension of an existing dwelling on a steeply sloping site. The extension is proposed over a higher part of the site to ensure the bulk and scale impacts are reduced.
 - (ii) The proposal provides the perfect opportunity to convert underutilised private open space to habitable area. This will enable the conversion of the existing two-bedroom apartment to a high quality three-bedroom apartment providing additional, diverse residential accommodation in the Waverley LGA. The provision of private open space for the three-bedroom apartment will still exceed the minimum private open space requirements in both the Waverley DCP and Apartment Design Guide (ADG) despite the reduction in the terrace area to accommodate the new residential extension. The proposal provides the perfect opportunity to realise the benefits of increasing the amenity of the existing apartment without resulting in any unacceptable amenity impacts for surrounding properties or any adverse environmental impacts.
 - (iii) The proposal will provide significant improvements to the existing dwelling in terms of amenity and sustainable outcomes. These benefits will not result in adverse impacts on surrounding properties and will not reduce the area of private open space below the minimum requirements under the DCP/ADG.
 - (iv) The proposed development will be consistent with the objects of the EP&A Act. In particular it will 'promote the orderly and economic use and development of land' by supporting the development of an underutilised roof space to provide additional residential accommodation.
 - (v) Both Council's Local Strategic Planning Statement and Local Housing Strategy (LHS) have highlighted the limited opportunities to provide additional, high quality residential accommodation in the Waverley LGA and the demand for larger family-sized apartments – particularly 3-bedroom dwellings. The proposed extension will convert the existing 2-bedroom apartment into a larger 3-bedroom apartment with adjoining high quality private open space. It is consistent with Council's strategic objectives in relation to delivery of additional, diverse residential accommodation to meet the needs of the local Waverley community.

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

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

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable

or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant specifically relies upon justification (a) and (d) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is not sound justification to consider varying Council's building height development standard for the following reasons:

- (i) In response to point (i) in Clause 4.6(3)(a) above, it is not agreed that the proposal does not result in any amenity impacts to surrounding properties. It is considered that some view loss would occur across the front boundaries of residential flat buildings located on the opposite side of Edward Street, adjacent to the subject site, particularly at 18 and 20 Edward Street. Some view loss is also considered likely to occur across the side boundaries of properties fronting Denham Street and Denham Lane due to the steeply sloping nature of the subject site and surrounds. Potential view loss impacts are discussed in detail further in this report.
- (ii) In response to point (ii) in Clause 4.6(3)(a) above, the proposed extension is not considered to be integrated with the built form as the works are outside the existing building envelope for the site and will have some visibility from the Edward Street streetscape.

- (iii) In response to point (iii) in Clause 4.6(3)(a) above, it is not reasonable to suggest Council's development standard has been abandoned as the examples provided are not in the visual catchment of the site when standing outside the building on Edward Street.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- (i) In response to point (i) in Clause 4.6(3)(b) above, the steeply sloping site is not adequate justification to enable the construction of the proposed works as the location of the extension on a higher part of the site will result in some amenity impacts such as view loss to surrounding properties.
- (ii) In response to point (ii) in Clause 4.6(3)(b) above, the existing rooftop is utilised as the private open space for the subject unit. It is agreed that this private open space area is in exceedance of the minimum requirements however, this is not considered to enable the existing rooftop be described as 'underutilised'.
- (iii) In response to point (ii) in Clause 4.6(3)(b) above, it is agreed that the proposal will improve internal amenity and sustainability for the subject unit. However, the proposal will have amenity impacts to surrounding properties as previously discussed.
- (iv) In response to point (iv) in Clause 4.6(3)(b) above, it is not agreed that the proposal will be consistent with the objects of the EP&A Act for reasons previously discussed.
- (v) In response to point (v) in Clause 4.6(3)(b) above, it is agreed that the proposal will provide an additional three bedroom unit configuration in the Waverley LGA however, this is not adequate justification to vary the control.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the building height development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*

(d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

Comment

As previously discussed, the existing building exceeds Council's maximum building height development standard and the proposed works will also be in exceedance of this control. The proposal would result in view loss from surrounding properties and therefore does not protect the amenity of neighbouring properties. The proposal is not compatible with the desired future character of the locality.

The objectives of the R3: Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

Comment

While the proposal would provide for a three bedroom unit within the locality, the proposal is incompatible with the existing context of the building and neighbourhood and will result in adverse amenity impacts.

Conclusion

For the reasons provided above the requested variation to the building height development standard is not supported as the applicant's written request has incorrectly calculated the proposed variation and 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 building height development standard and the R3: Medium Density Residential Zone.

Floor Space Ratio - Clause 4.6 Exceptions to Development Standards

The application seeks to vary the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.9:1. The existing building has an existing FSR of 1.29:1 and the proposed development provides an additional 51.38m² of GFA to accommodate the proposed addition, result in a proposed FSR of 1.36:1, exceeding the standard by 351.68m² equating to a 51.21% variation.

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

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

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

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

It is noted that the Applicant's request to vary the maximum FSR development standard has rounded the total GFA figure and resulting variation, stating the following:

The proposal will increase the GFA of Unit 10 by 51sqm resulting in a total GFA of 1,038sqm equivalent to an FSR of 1.36:1 – an approximately 51% exceedance of the FSR control.

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal will not increase the number of storeys within the existing building, it will simply extend the apartment at the top storey to provided additional residential accommodation. It provides an appropriate response to the unique opportunity for additional density on the site without increasing the storey height of the existing apartment block.
 - (ii) The proposal will provide for an extension of the fourth storey at the Edward Street frontage with appropriate and compliant setbacks provided to the site frontage and side boundaries. The proposal provides a generous rear setback and the extension and the existing apartment is not visible from Denham Street.
 - (iii) Whilst the development standard has not been entirely abandoned by Council, the examples above have demonstrated that there is history and regular pattern of Council, and the relevant consent authority, supporting development proposals that significantly vary the minimum FSR standard in the R3 zone.

DA #	Address	Description	Variation
DA-91/2018	56 Ramsgate Ave Bondi Beach	Alterations and additions to existing RFB to provide habitable floor area at the roof level	58%
DA-348/2018	66 Fletcher Street Bondi	Conversion of RFB into single dwelling	92%
DA-329/2018	8-10 Notts Avenue Bondi Beach	Alterations and additions to Unit 3	25%
DA-326/2018	591 Old south Head Road Rose Bay	Remodelling of disused store rooms to convert it to a studio apartment	33%
DA-456/2018	1 Bay Street North Bondi	Demolition of dual occupancy and construction of a new dwelling	41%

Figure 4: Applicant's examples of variations provided on page 8 of 11 of the clause 4.6 variation statement.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposal provides the perfect opportunity to convert underutilised private open space to habitable area. This will enable the conversion of the existing two-bedroom apartment to a high quality three-bedroom apartment providing additional, diverse residential accommodation in the Waverley LGA. The provision of private open space for the three-bedroom apartment will still exceed the minimum private open space requirements in both the Waverley DCP and Apartment Design Guide (ADG) despite the reduction in the terrace area to accommodate the new residential extension. The proposal provides the perfect opportunity to realise the benefits of increasing the amenity of the existing apartment without resulting in any unacceptable amenity impacts for surrounding properties or any adverse environmental impacts.
 - (ii) The proposal will provide significant improvements to the existing dwelling in terms of amenity and sustainable outcomes. These benefits will not result in adverse impacts on surrounding properties and will not reduce the area of private open space below the minimum requirements under the DCP/ADG.
 - (iii) Both Council's Local Strategic Planning Statement and Local Housing Strategy (LHS) have highlighted the limited opportunities to provide additional, high quality residential accommodation in the Waverley LGA and the demand for larger family-sized apartments – particularly 3-bedroom dwellings. The proposed extension will convert the existing 2-bedroom apartment into a larger 3-bedroom apartment with adjoining high quality private open space. It is consistent with Council's strategic objectives in relation to delivery of additional, diverse residential accommodation to meet the needs of the local Waverley community.

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant specifically relies upon justification (a) and (d) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is not sound justification to consider varying Council's FSR development standard for the following reasons:

- (i) In response to point (i) in Clause 4.6(3)(a) above, the existing building already exceeds Council's maximum FSR development standard. The proposed addition is large and will result in a three-bedroom unit with a total internal size of 160.32m². Therefore, it is considered that the proposal represents further overdevelopment of the site and the increased density is not supported.

- (ii) In response to point (ii) in Clause 4.6(3)(a) above, it is agreed that the proposal retains the existing setback of the building and would not be visible from Denham Street.
- (iii) In response to point (iii) in Clause 4.6(3)(a) above, it is not reasonable to suggest Council's development standard has been abandoned as the examples provided are not in the visual catchment of the site when standing outside the building on Edward Street.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- (i) In response to point (i) in Clause 4.6(3)(b) above, it is not agreed that the existing rooftop is underutilised as previously discussed.
- (ii) In response to point (ii) in Clause 4.6(3)(b) above, the proposal will have amenity impacts to surrounding properties as previously discussed.
- (iii) In response to point (iii) in Clause 4.6(3)(b) above, it is not agreed that the proposal will be consistent with the objects of the EP&A Act for reasons previously discussed.
- (iv) In response to point (iv) in Clause 4.6(3)(b) above, it is agreed that the proposal will provide an additional three bedroom unit configuration in the Waverley LGA however, this is not adequate justification to vary the control as the proposal enables further overdevelopment of the subject site.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the FSR development standard are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

Comment

The existing building exceeds Council's maximum building height and FSR development standards. The proposal comprises of an additional 51.38m² and results in a total internal unit size of 160.32m². It is considered that the existing two bedroom unit is already large when compared to the requirements of the ADG and therefore, the proposal represents further overdevelopment of the site. The proposal results in additional visual bulk when viewed from Edward Street and would result in view loss impacts from surrounding properties.

The objectives of the R3: Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

Comment

While the proposal would provide for a three bedroom unit within the locality, the proposal is incompatible with the existing context of the building and neighbourhood and will result in adverse amenity impacts. As mentioned above, the proposal represents further overdevelopment of the site and is not supported.

Conclusion

For the reasons provided above the requested variation to the FSR 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 FSR development standard and the R3: Medium Density Residential Zone.

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

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

Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
5. Vegetation Preservation	Yes	Council's Tree Management Officer has confirmed that no trees would be impacted by the proposal.
6. Stormwater	Yes	Satisfactory.
7. Accessibility and Adaptability	Yes	Satisfactory.

Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none">Maximum external wall height: R3/12.5m – 9.5m	No	The proposal results in a maximum external wall height of approximately 13.3m as measured at the western side elevation.
3.3 Setbacks		
3.3.1 - Street setbacks	Yes	The proposal maintains the existing setbacks of the building.
3.3.2- Side and rear setbacks	Yes	
3.4 Length and depth of buildings		
<ul style="list-style-type: none">Maximum building length: 24mFaçade to be articulatedMaximum unit depth: 18m	Yes	The proposal maintains the existing length of the building and the depth of the subject unit does not exceed 18m.
3.5 Building design and streetscape		
<ul style="list-style-type: none">Respond to streetscapeSympathetic external finishes	No	The proposal adds additional bulk to the building when viewed from the Edward Street streetscape and is not supported.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none">Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June.	Yes	The applicant has submitted solar access diagrams that demonstrate the proposal has no adverse overshadowing impacts upon the public domain or adjoining properties. However, the proposal is not supported for reasons discussed throughout this report.
3.14 Views and view sharing		
<ul style="list-style-type: none">Minimise view loss through design	No	See discussion below.
3.15 Visual privacy and security		
<ul style="list-style-type: none">Privacy be considered in relation to context density, separation use and design.	Yes	The proposal would enhance visual privacy for the subject unit and surrounding properties as a result of the proposed enclosure of part of the private open space at the existing rooftop level. However,

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site. 		the proposal is not supported for reasons discussed throughout this report.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposal would enhance acoustic privacy for surrounding properties for reasons previously discussed.

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

View Loss

Section 3.14 in Part C3 details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. An inspection of the subject unit revealed the potential for view loss impacts from the following residential flat building developments in the locality:



Figure 5: Existing residential flat building developments (18 & 20 Edward Street) located adjacent to the subject site. Photograph taken from subject roof terrace, looking south.



Figure 6: Existing residential flat building developments at 18 & 20 Edward Street as viewed from Edward Street. Views would be present over the front boundary of these units.



Figure 7: Existing residential flat building developments at 33-39 Denham Street (fronting Denham Lane) located to the south-west of the subject site. Photograph taken from Edward Street, looking south-west. Views would be present over the side and rear boundaries.

The Applicant has submitted the following to assist with the assessment of views:

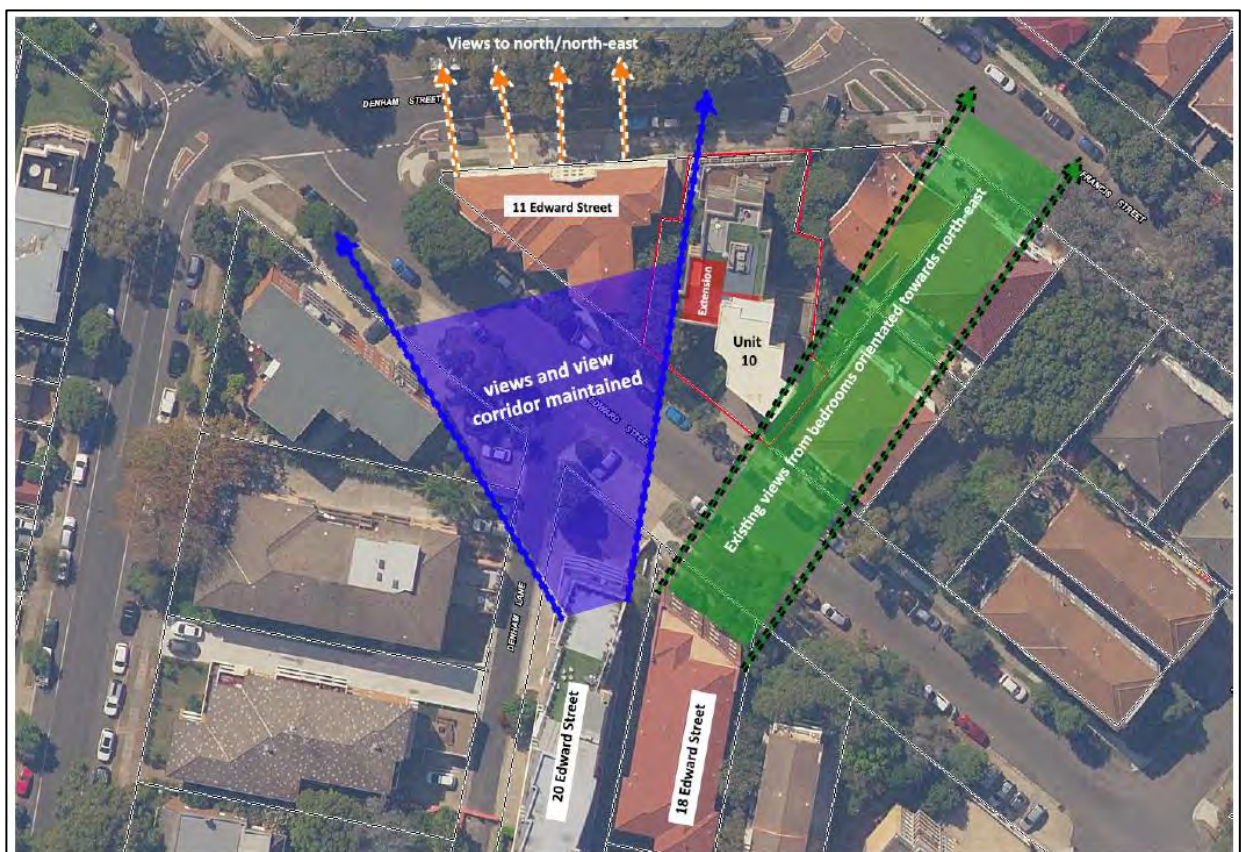


Figure 8: Extract of Applicant's view loss analysis.



Figure 9: Extract of Applicant's view loss analysis from 18 Edward Street (furthest unit to the right, located three windows up from the ground floor of the building as shown in **Figure 5** above).

Figure 10 Floor plan Unit 21



Figure 11 Photograph of No 20 Edward St



Figure 12 Bedroom Unit 21



Figure 13 Living Area Unit 21



Figure 10: Extract of Applicant's view loss analysis on 21/20 Edward Street.

Given that the development is in gross exceedance of Council's maximum building height and FSR development standards, a full view loss assessment in accordance with the NSW Land and Environment Court Planning Principle based on *Tenacity Consulting v Warringah [2004] NSWLEC 140* is not considered to be necessary.

It is evident that there would be views from surrounding properties across the subject site that would be accessible over front and side boundaries. This is clearly demonstrated in **Figure 9** above, where the proposal will result in some negligible view loss across the front boundary from this unit at 18 Edward Street. Although negligible, given that the subject site already exceeds Council's development standards and the proposal causes further non-compliance, any further exceedance resulting in some impact is not considered to be acceptable. In this regard, the proposal fails to '*preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views*' contrary to the objectives set out in the LEP (building height and FSR).

Therefore, views are not considered to be reasonably retained from surrounding properties and the development is not supported.

2.2. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality and is recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

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

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Heritage

No objections.

3.2. Stormwater

No objections.

3.3. Tree Management

No objections.

4. CONCLUSION

The development application seeks consent for alterations and additions to residential flat building including extension to Unit 10 at the site known as 10/9 Edward Street, BONDI BEACH.

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

- Building height exceedance;
- FSR exceedance; and
- View loss.

The assessment finds these issues unacceptable as the existing building already exceeds Council's maximum development standards with regards to building height and FSR and the proposal will cause a further exceedance of these standards. The proposal represents overdevelopment of the site and is not supported. Any view impact is not considered to be acceptable in the circumstances of the site.

No submissions were received.

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

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 2 November 2021 and the DBU determined:

- (a) The application is not acceptable and should be refused for the reasons in Appendix A.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Judith Elijah
Senior Development Assessment Planner

Date: 5 November 2021

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



Angela Rossi
Manager, Development Assessment (Central)
**(Reviewed and agreed on behalf of the
Development and Building Unit)**
Date: 12 November 2021

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.6 Exceptions to Development Standards*

The Clause 4.6 Statement submitted to vary the maximum building height development standard incorrectly calculates the proposed variation and is therefore void.

- b. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 12.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

Details: The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties by causing view loss contrary to clause 4.3 (1) (a) and (d) of WLEP.

- c. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.9:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

Details: The proposal is considered an overdevelopment of the site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of WLEP.

2. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following environmental planning instruments:

- a. *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)* as the application fails to satisfy the following design quality principles specified by Schedule 1 of SEPP 65:

- i. *Principle 1 – Context and neighbourhood* as the proposed development exceeds the height of buildings and floor space ratio development standard under *Waverley Local Environment Plan (WLEP) 2012*, contrary to the existing and desired urban form and built form qualities of the surrounding neighbourhood.
 - ii. *Principle 2 - Built form and scale* as the building envelope of the proposed development is excessive and constitutes overdevelopment of the site.

- iii. *Principle 3 – Density* as the density of the proposed development is significantly greater than what can be suitably and reasonably achieved based on the site’s area and dimensions and not all units will be afforded with a high level of amenity for future occupants of the development.
 - b. *Waverley Local Environmental Plan 2012* (or WLEP) as the application is contrary to the following provisions:
 - i. *Clause 6.9 Design Excellence* as the proposed development fails to exhibit design excellence.
- 3. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

Part C3 Other Residential Development

- a. *Section 3.2 Height*, specifically objective (a) and controls (a) and (b) as the proposed development exceeds Council’s maximum wall height control of 9.5m and results in adverse amenity impacts to surrounding properties.
 - b. *Section 3.14 Views and View Sharing*, specifically objective (a) and control (b) as the proposed development results in view loss impacts from surrounding properties.
- 4. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2000* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to Part 1 of Schedule 1 of the Regulations, including but not limited to:
 - a. Annual Fire Safety Assessment
- 5. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
- 6. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
- 7. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.
- 8. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

DRAWING LIST:

- DA-01COVERSHEET
SURVEY
- DA-02SITE ANALYSIS PLAN
- DA-03STREETSCAPE STUDY - CONTEXT
- DA-04STREETSCAPE STUDY - CONTEXT
- DA-05STREETSCAPE STUDY - CONTEXT
- DA-06STREETSCAPE STUDY - CONTEXT
- DA-07SITE PLAN + LANDSCAPE PLAN
- DA-08EXISTING FLOOR PLAN
- DA-09PROPOSED FLOOR PLAN
- DA-10PROPOSED ROOF PLAN
- DA-11PROPOSED SECTION
- DA-12EXISTING (SOUTH) ELEVATION
- DA-13PROPOSED FRONT (SOUTH) ELEVATION
- DA-14EXISTING SIDE (WEST) ELEVATION
- DA-15PROPOSED SIDE (WEST) ELEVATION
- DA-16EXISTING REAR (NORTH) ELEVATION
- DA-17PROPOSED REAR (NORTH) ELEVATION
- DA-18EXISTING SIDE (EAST) ELEVATION
- DA-19PROPOSED SIDE (EAST) ELEVATION
- DA-20SHADOW DIAGRAMS
- DA-21SHADOW STUDY - NEIGHBOUR ELEVATIONS

SCHEDULE OF MATERIALS AND FINISHES

BRICK - New brickwork to front street facade to tone match existing brick



ROOFING + ROOF PLUMBING - steel in colour - Shale grey



PERGOLA - Light neutral tone painted pergola lightweight structure

LIGHTWEIGHT CLADDING - Cemintel cladding

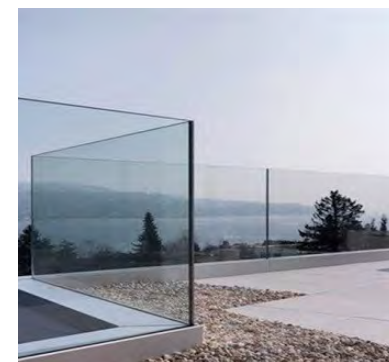


WINDOWS DOORS - Clear Anodised

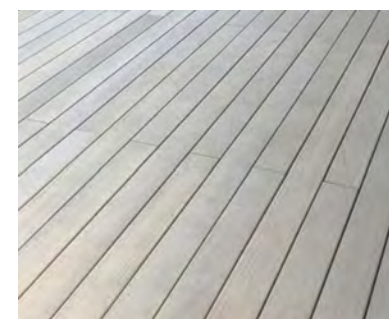


LANDSCAPING - Retain existing terrace landscaping

BALUSTRADE - Clear glazing to new balustrade to meet code requirements



DECKING - New decking to existing terrace



RECEIVED
Waverley Council

Application No: DA-399/2021

Date Received: 24/09/2021

DEVELOPMENT APPLICATION: 10/9 EDWARD STREET, BONDI BEACH, NSW 2026

Lot/ Section/ Plan no. SP5164

Council:Waverley Council

Land Zoning:

Land Application

CONTROL	REQUIRED/MAX.	EXISTING	PROPOSED	COMPLIANCE
Site Area		763 sqm	-	-
Gross floor area		108.94 sqm	164.80 sqm	
Terrace area		143.62 sqm	82.39 sqm	

BASIX COMMITMENTS:

Construction					Additional insulation required (R-value)	Other specifications
external wall: brick veneer					R1.16 (or R1.70 including construction)	
flat ceiling, flat roof: framed					ceiling: R0.90 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	N	8.5	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W6	N	1.7	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W8	S	2.034	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W9	S	2.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	E	7.3	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3	E	1	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W5	W	1	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W7	W	1.8	3	3	none	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)
W4	N	3.24	0	0	projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

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10/9 EDWARD STREET, BONDI BEACH, NSW 2026

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LEGEND
EX EXISTING
FCL FINISHED CEILING LEVEL
FFL FINISHED FLOOR LEVEL
RL REDUCED LEVEL
VOS VERIFY ON SITE
DP DOWNPIPE
G GLAZING
MR METAL ROOFING
P1 EXTERNAL PAVING
TD TIMBER DECKING
LC LIGHTWEIGHT CLADDING (light colour)
FB FACEBRICK
XFB EXISTING FACEBRICK
FGB FRAMELESS GLASS BALUSTRADE

Issue
ISSUE FOR DA

Date
13/08/21

Drawing Title:
COVERSHEET

Client:
Katy Anderson

Project No.
1713

Scale
Z

Issue
DA

DRAWING No.
DA-1

DENHAM

STREET

Waverley Council

Application No: DA-399/2021

Date Received: 24/09/2021

BM

RL:43.30

(NAIL IN KERB)

VEHICULAR CROSSING

VEHICULAR CROSSING

KERBLINE

CONCRETE FOOTPATH

CONCRETE FOOTPATH

GRASS

FRANCIS STREET

No. 11
3 STOREY
STUCCO
APARTMENT
BLOCK
(TILED ROOF)

No. 43 A
2 STOREY
BRICK APARTMENT
BLOCK
(TILED ROOF)

No. 9
5 STOREY
APARTMENT
BLOCK

No. 07
3 STUCCO
APARTMENT
BLOCK
(TILED ROOF)

WINDOW/DOOR TABLE					
No.	Sil RL:	Width	Height	Type	
A	48.35, 51.49, 54.64	1.06	2.60	WIN	
B	47.06	1.18	1.04	WIN	
C	49.52, 52.56, 55.70	0.47	0.87	WIN	
D	49.49, 52.53, 55.69	0.47	0.87	WIN	
E	46.12	0.85	1.98	DOOR	
F	46.88	0.60	1.12	WIN	
G	49.20, 52.24, 55.55	0.58	1.20	WIN	
H	46.76	0.78	1.98	DOOR	
I	50.62, 53.79, 55.97	1.12	1.05	WIN	
J	49.38, 52.52, 55.57	1.30	1.05	WIN	
K	49.56, 52.72, 55.75	0.42	0.89	WIN	
L	49.56, 52.72, 55.75	0.42	0.89	WIN	
M	49.41, 52.53, 55.58	1.74	1.04	WIN	
N	48.66	1.03	1.11	WIN	
O	45.39	1.58	1.18	WIN	
P	48.66	1.42	1.11	WIN	
Q	45.39	1.08	1.18	WIN	
R	48.66	1.02	1.11	WIN	
S	44.45	0.72	2.16	DOOR	
T	45.39	1.02	1.18	WIN	
U	48.67	1.40	1.10	WIN	
V	48.64	2.37	1.13	WIN	
W	50.18, 53.43, 56.70	1.08	0.99	WIN	
X	50.01, 53.38, 56.67	1.69	1.14	WIN	
Y	50.26, 53.58, 56.87	0.43	0.87	WIN	
Z	50.26, 53.58, 56.87	0.43	0.87	WIN	
AA	54.88	0.50	0.81	WIN	
AB	49.70	0.98	2.76	DOOR	

NOTES

- TOW DENOTES TOP OF WALL

LEGEND

- ELECTRICAL POLE
- TELSTRA PIT
- GAS METER
- WATER METER
- GULLY PIT & LINTEL
- DRAINAGE PIT
- SIGNPOST
- UNKNOWN PIT
- GRATED DRAIN
- HYDRANT
- BOUNDARY TRAP
- SEWER MAN-HOLE
- TELSTRA POLE
- TRAFFIC SIGNAL POST
- VENT PIPE
- ELECTRICAL JUNCTION BOX
- TRANSFORMER
- SEWER VENT PIPE

SHEET 1/1

STREET

PO BOX 23 CAMMERAY, NSW 2062
PO BOX 1 WENTWORTH FALLS, NSW 2782
Ph: (02) 9882 6769
Web: peaksurveying.com.au
Email: admin@peaksurveying.com.au

DETAIL SURVEY @
No. 10/9 EDWARD STREET
BONDI BEACH, NSW, 2026

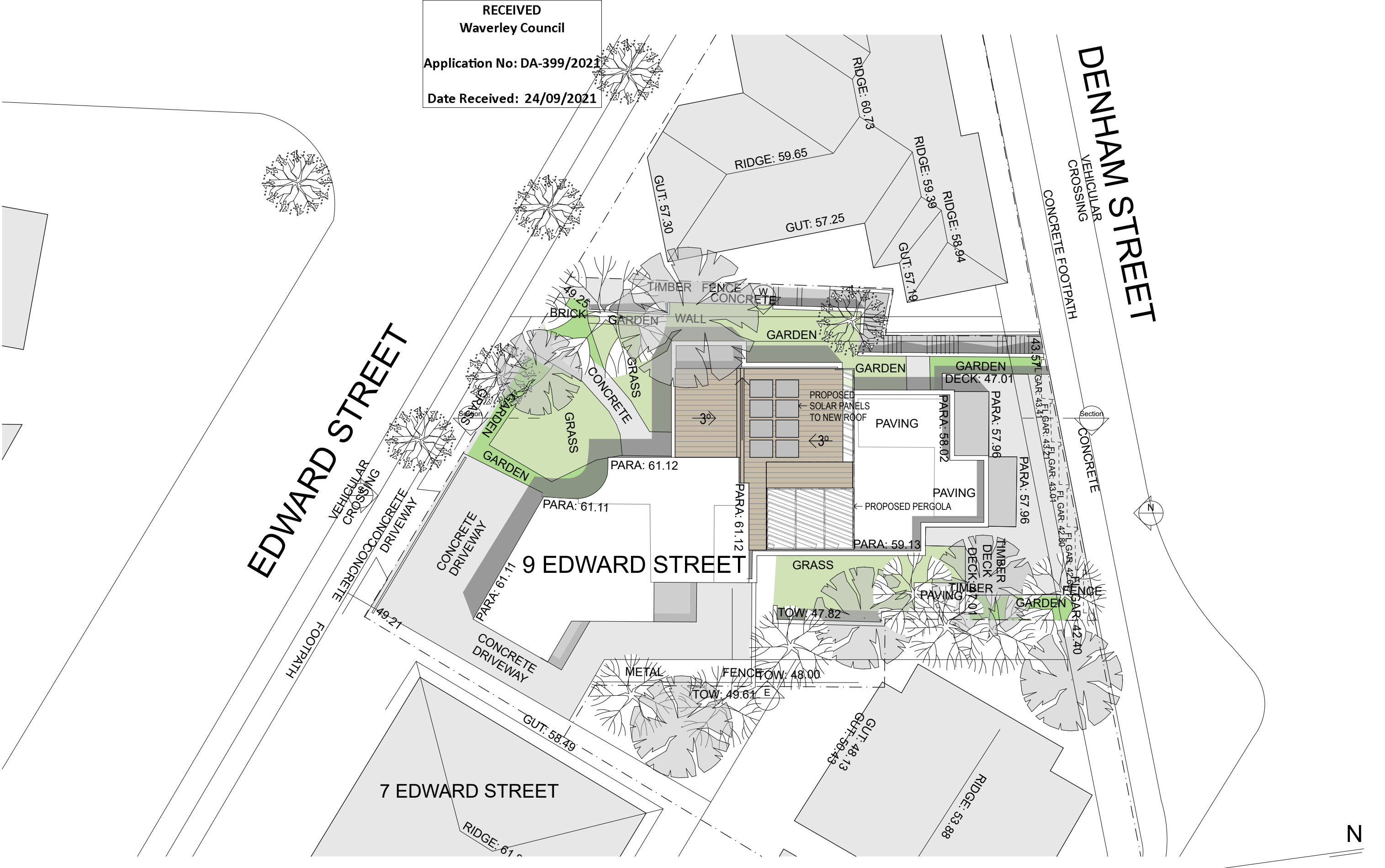
CLIENT: KATY ANDERSON


JOB No: 21-1544
SURVEYED ON: 10/03/2021
J PIERCE & L LEVETT

DRAWN ON: 18/03/2021
BY: M GONZALEZ & J PIERCE

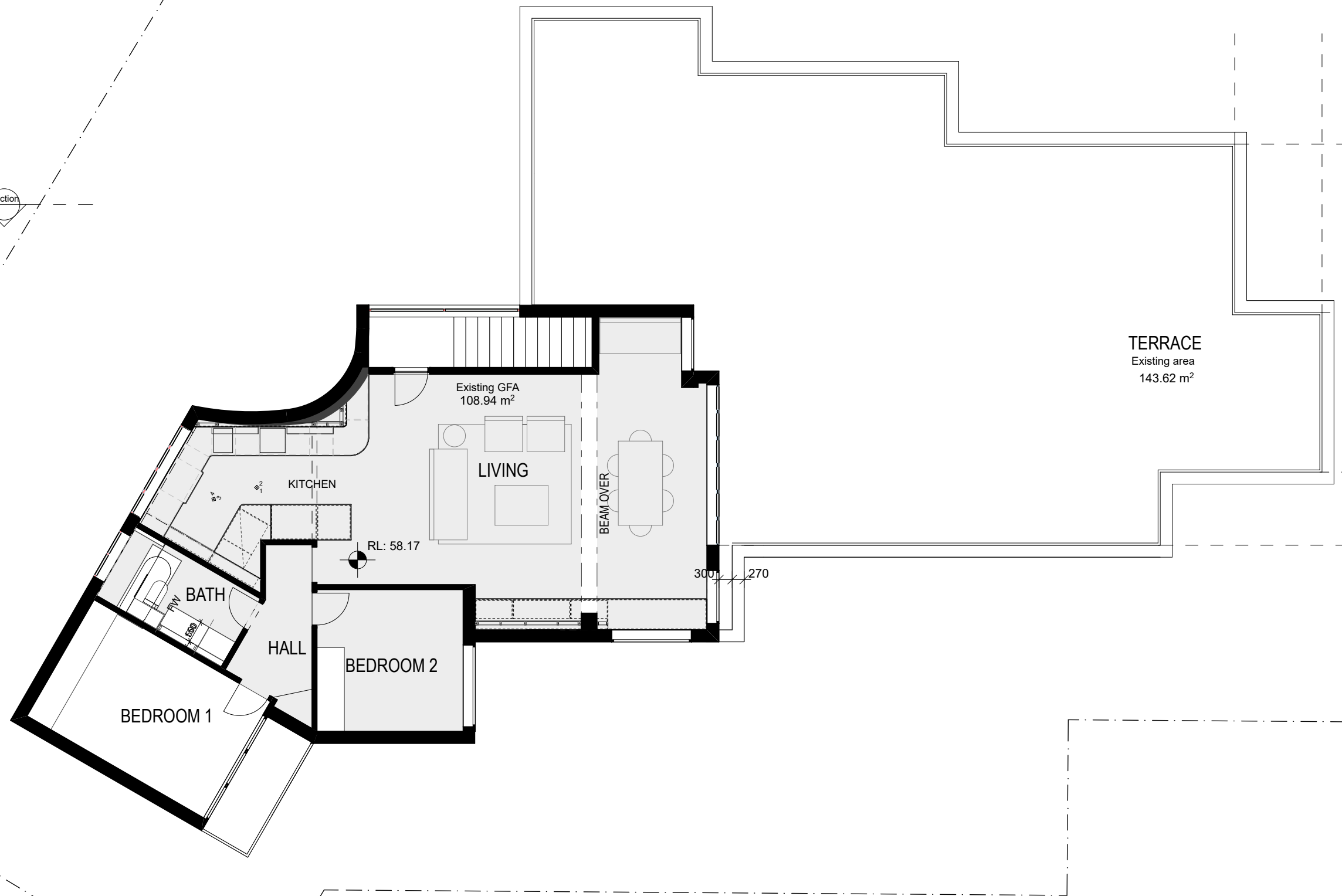
SCALE: 1:100 (@A1)/ 1:200 (@A3)
NORTH: TN (by DP324404)
DATUM: PM1877 RL: 47.779 (AHD)
CONTOUR INT: N/A

PEAK
SURVEYING SERVICES



PEARSON ARCHITECTURE				Studio 10, 47-55 John Street, Leichhardt, NSW 2040 T. 0407 012 678 E. sp@pearsonarchitecture.com NSW Reg. No. 8048				10/9 EDWARD STREET, BONDI BEACH, NSW 2026			
NOTES		LEGEND		Issue	Date		Drawing Title:			Issue	
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		FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING						
		FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)						
		RL	REDUCED LEVEL	FB	FACEBRICK						
		VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK			Client:	Project No.	Scale	DRAWING No.
		DP	DOWNPIPE	FGB	FRAMELESS GLASS BALUSTRADE			Katy Anderson	1713	1:200	DA-8
		G	GLAZING								
		MR	METAL ROOFING								

RECEIVED
Waverley Council
Application No: DA-399/2021
Date Received: 24/09/2021



EXISTING FLOOR PLAN

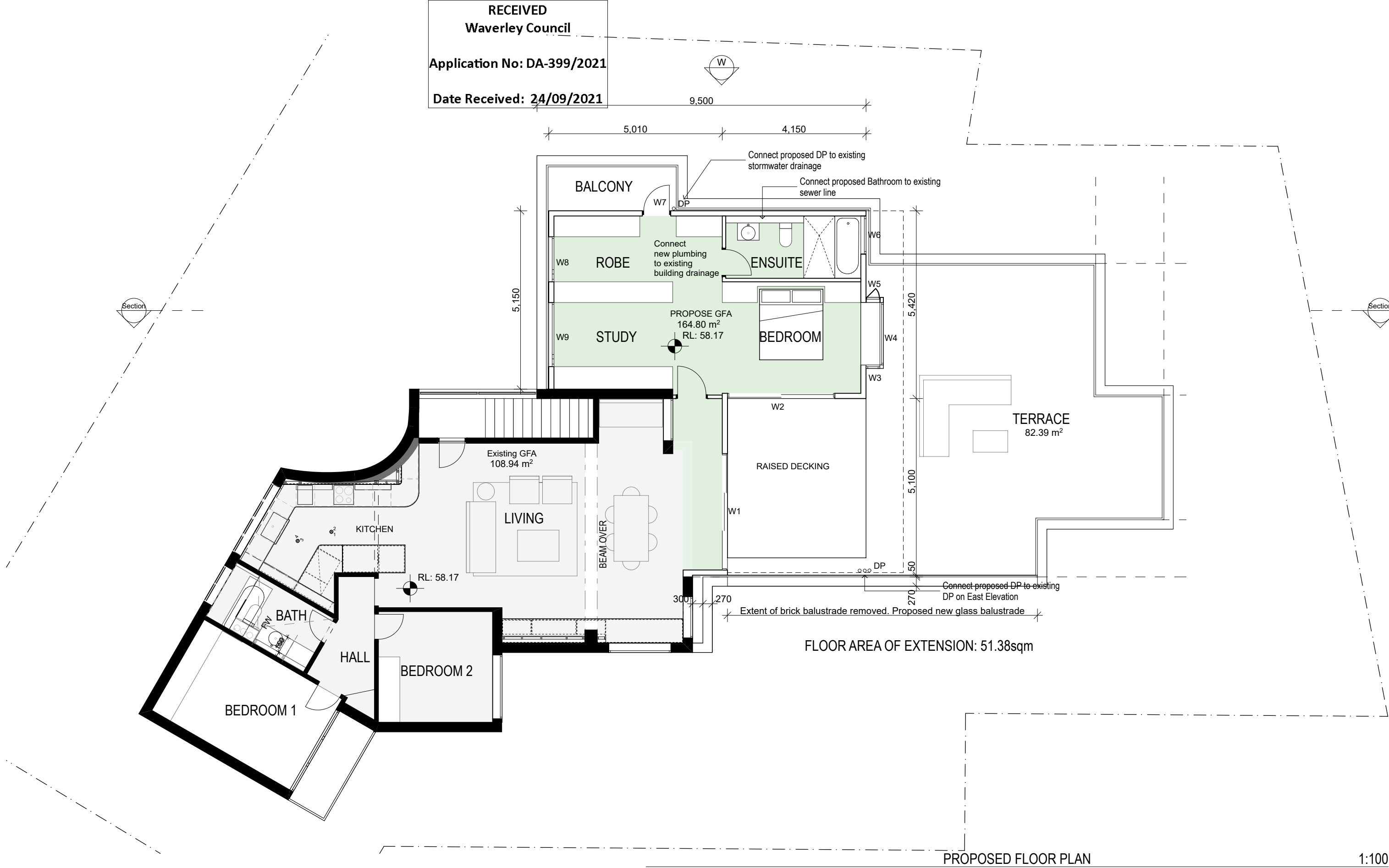
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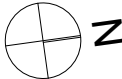
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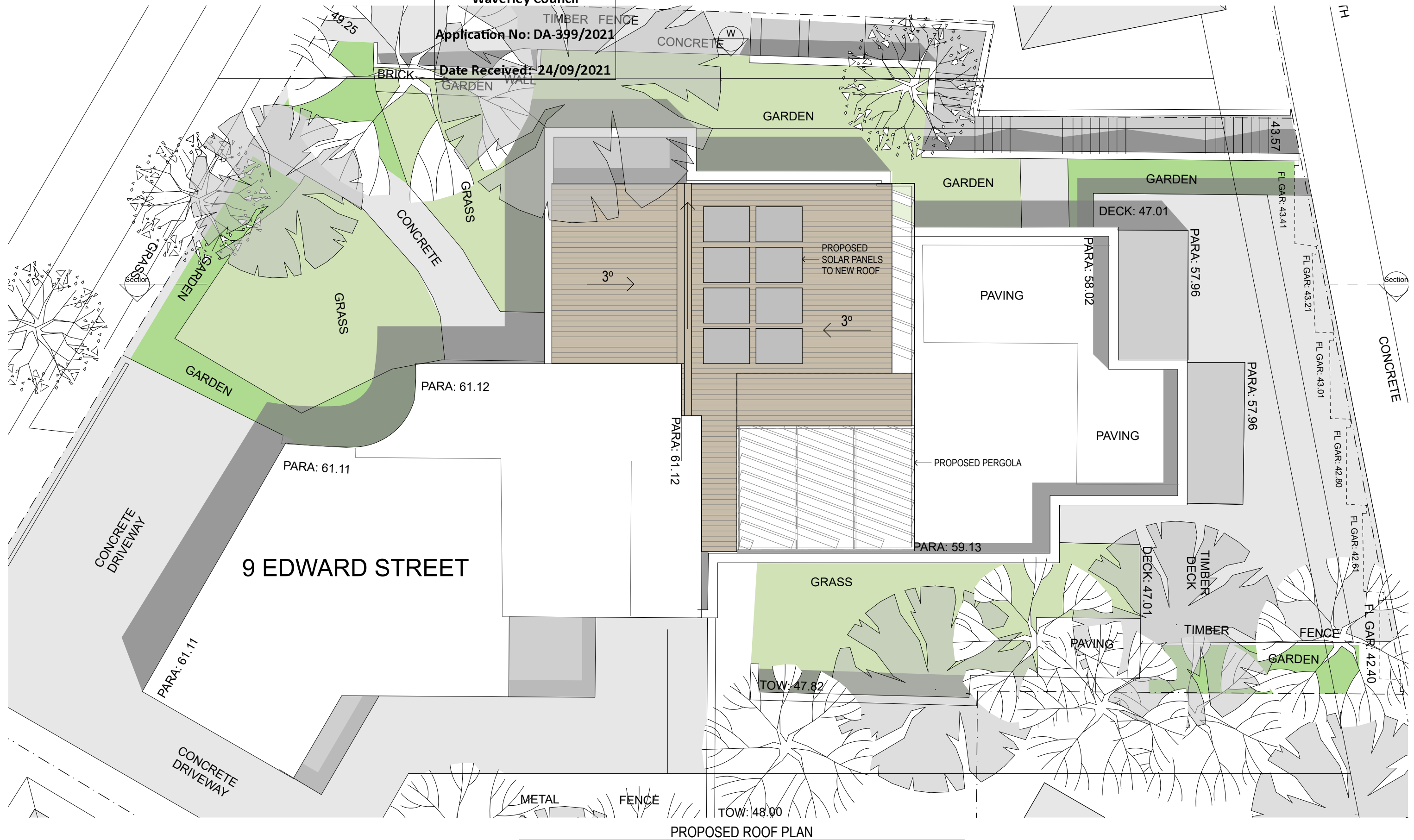
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	EX	EXISTING	P1	EXTERNAL PAVING	ISSUE FOR DA	13/08/21	EXISTING FLOOR PLAN		DA	
	FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING			Client:	Project No.	Scale	DRAWING No.
	FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)						
	RL	REDUCED LEVEL	FB	FACEBRICK						
	VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK			Katy Anderson	1713	1:100	DA-9
	DP	DOWNPIPE	FGB	FRAMELESS GLASS BALUSTRADE						
G	GLAZING									
MR	METAL ROOFING									



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		FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING						
		FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)						
		RL	REDUCED LEVEL	FB	FACEBRICK						
		VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK						
		DP	DOWNPIPE	FGB	FRAMELESS GLASS BALUSTRADE			Client:	Project No.	Scale	DRAWING No.
G	GLAZING					Katy Anderson	1713	1:100	DA-10		
MR	METAL ROOFING										



Date Received: 24/09/2021

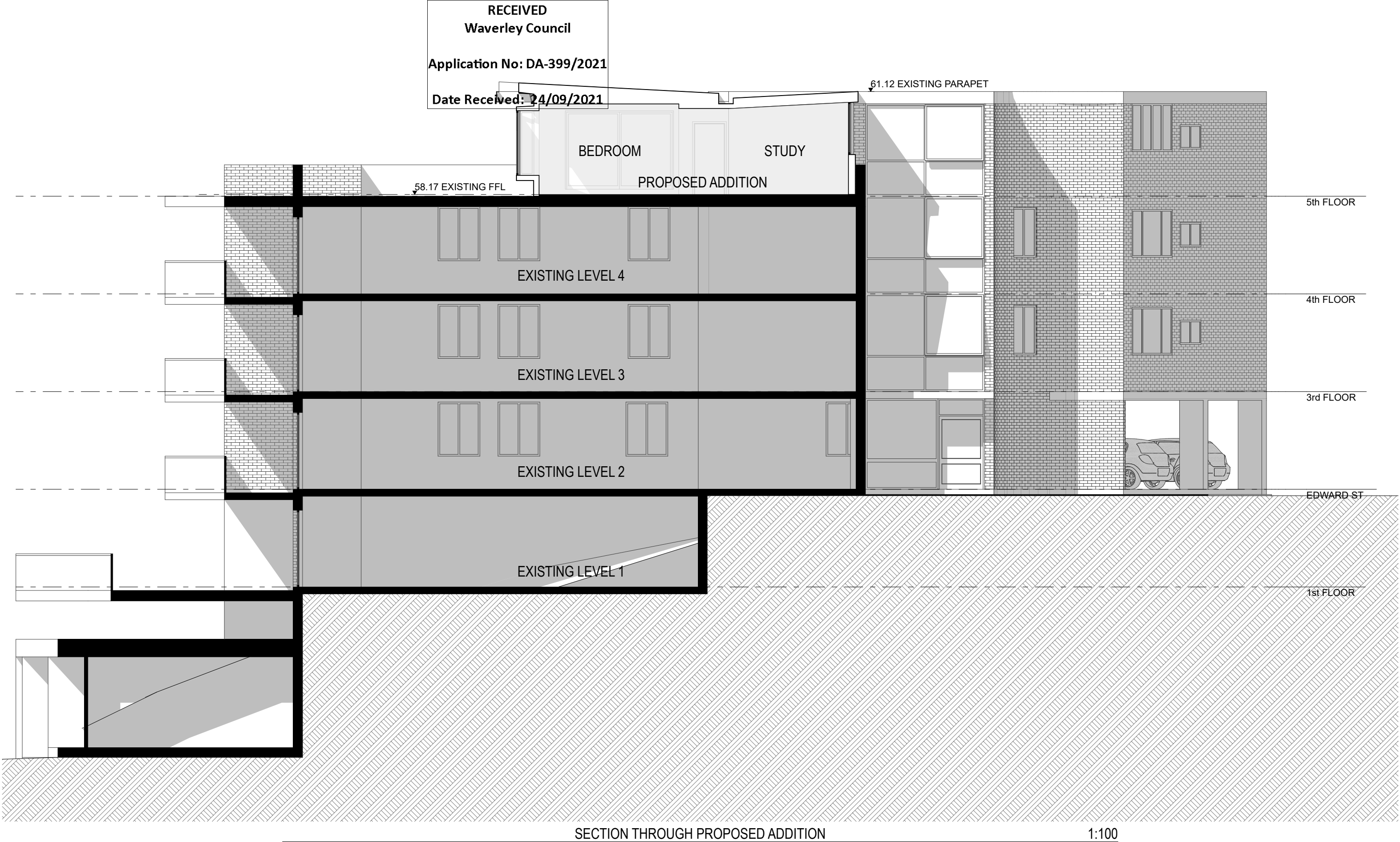



PEARSON ARCHITECTURE

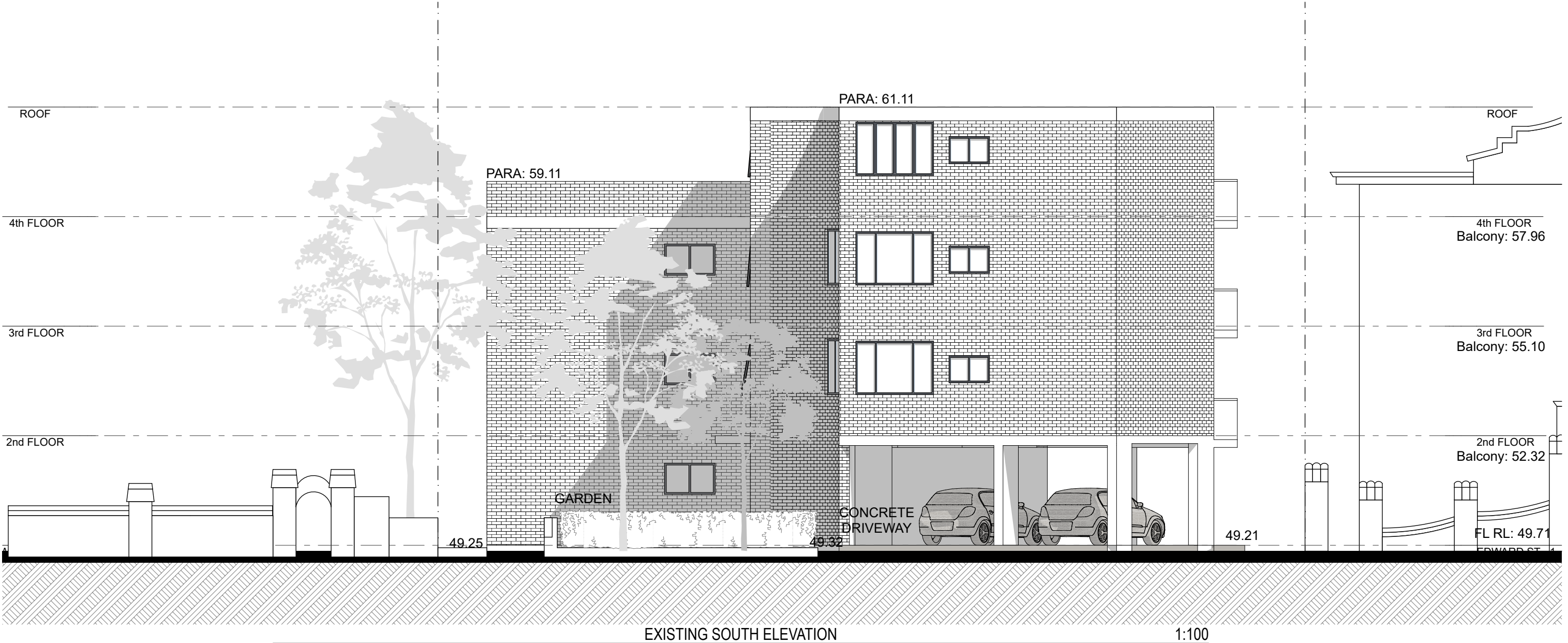
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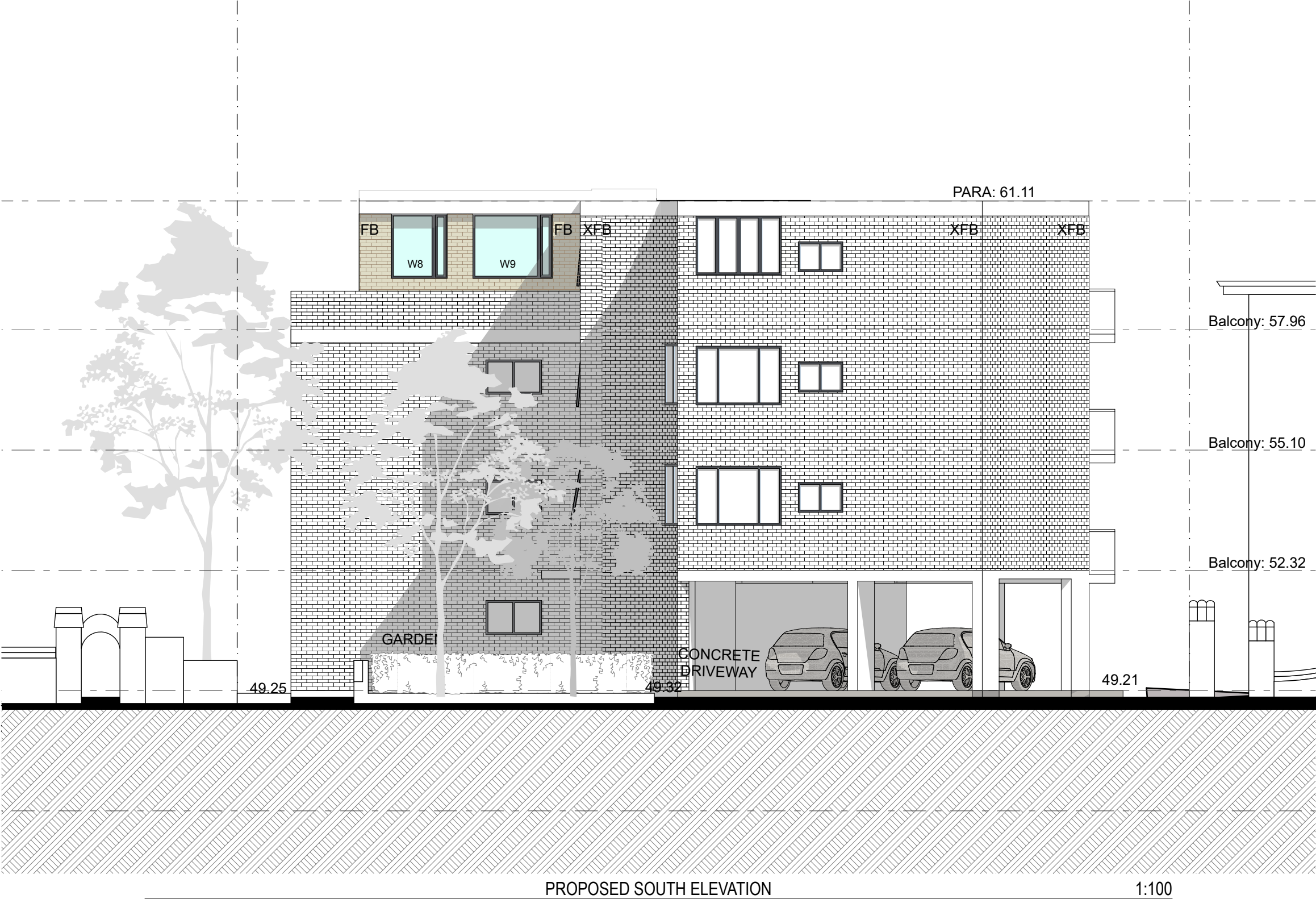
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		FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING							
		FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)							
		RL	REDUCED LEVEL	FB	FACEBRICK							
		VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK							
DP	DOWNPIPE	XGB	FRAMELESS GLASS BALUSTRADE						Katy Anderson	1713	Scale	DRAWING No. DA-11
G	GLAZING											
MR	METAL ROOFING											



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	FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING							
	FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)							
	RL	REDUCED LEVEL	FB	FACEBRICK							
	VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK							
	DP	DOWNPIPE	FGB	FRAMELESS GLASS BALUSTRADE			Client:	Project No.	Scale	DRAWING No.	
	G	GLAZING				Katy Anderson	1713	1:100	DA-12		
	MR	METAL ROOFING									




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		EX EXISTING	P1 EXTERNAL PAVING	ISSUE FOR DA		13/08/21	EXISTING FRONT (SOUTH) ELEVATION			DA	
		FCL FINISHED CEILING LEVEL	TD TIMBER DECKING				Client:		Project No.	Scale	DRAWING No.
		FFL FINISHED FLOOR LEVEL	LC LIGHTWEIGHT CLADDING (light colour)				Katy Anderson		1713	1:100	DA-13
		RL REDUCED LEVEL	FB FACEBRICK								
		VOS VERIFY ON SITE	XFB EXISTING FACEBRICK								
		DP DOWNPIPE	FGB FRAMELESS GLASS BALUSTRADE								
		G GLAZING									
		MR METAL ROOFING									




PEARSON ARCHITECTURE

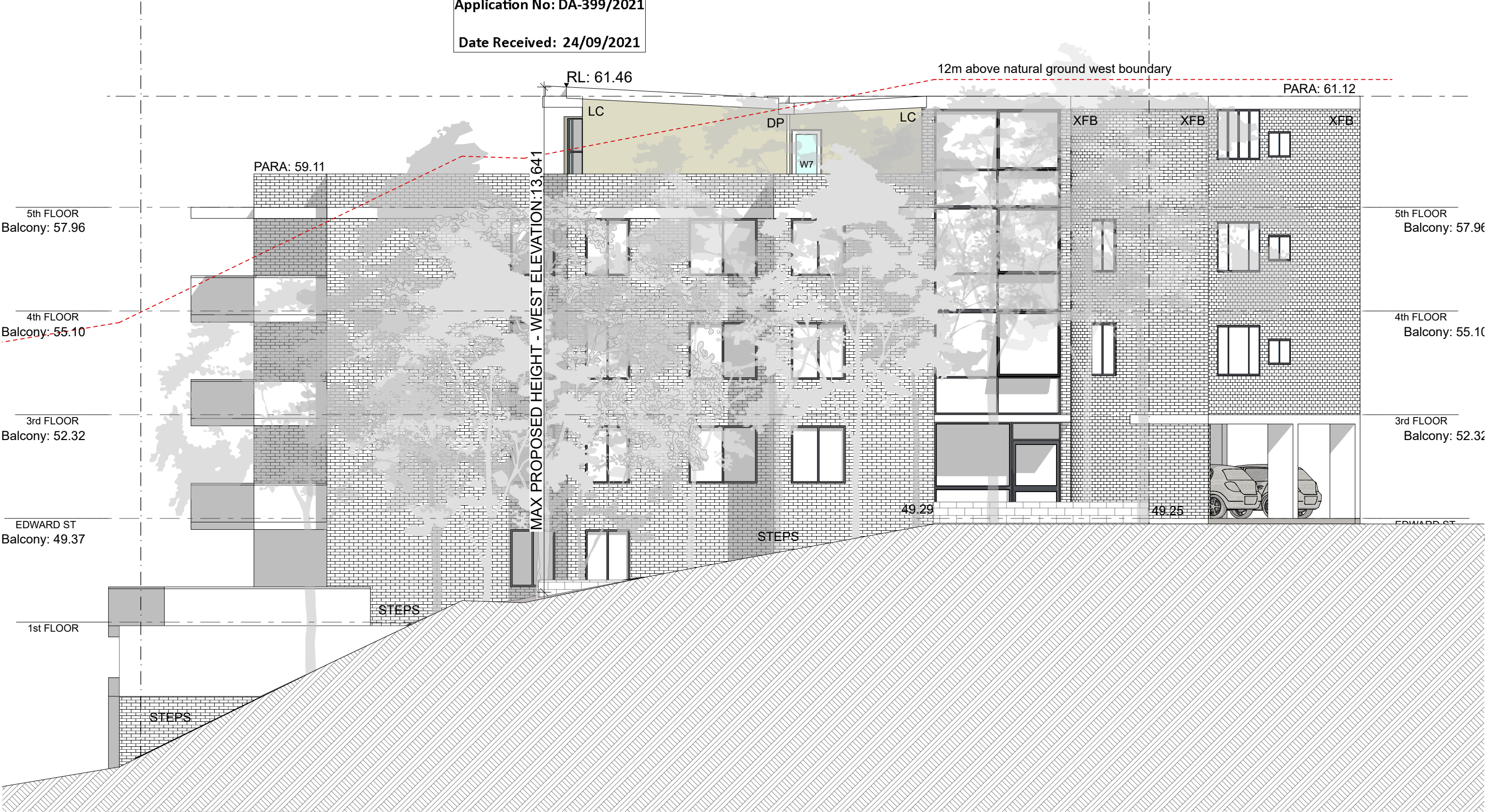
Studio 10, 47-55 John Street, Leichhardt, NSW 2040
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10/9 EDWARD STREET, BONDI BEACH, NSW 2026

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	EX	EXISTING	P1	EXTERNAL PAVING	ISSUE FOR DA	13/08/21	Client: Katy Anderson			Project No. 1713	
	FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING						Scale 1:100	
	FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)						DRAWING No. DA-14	
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	VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK							
	DP	DOWNPIPE	FGB	FRAMELESS GLASS BALUSTRADE							
	G	GLAZING									
MR	METAL ROOFING										




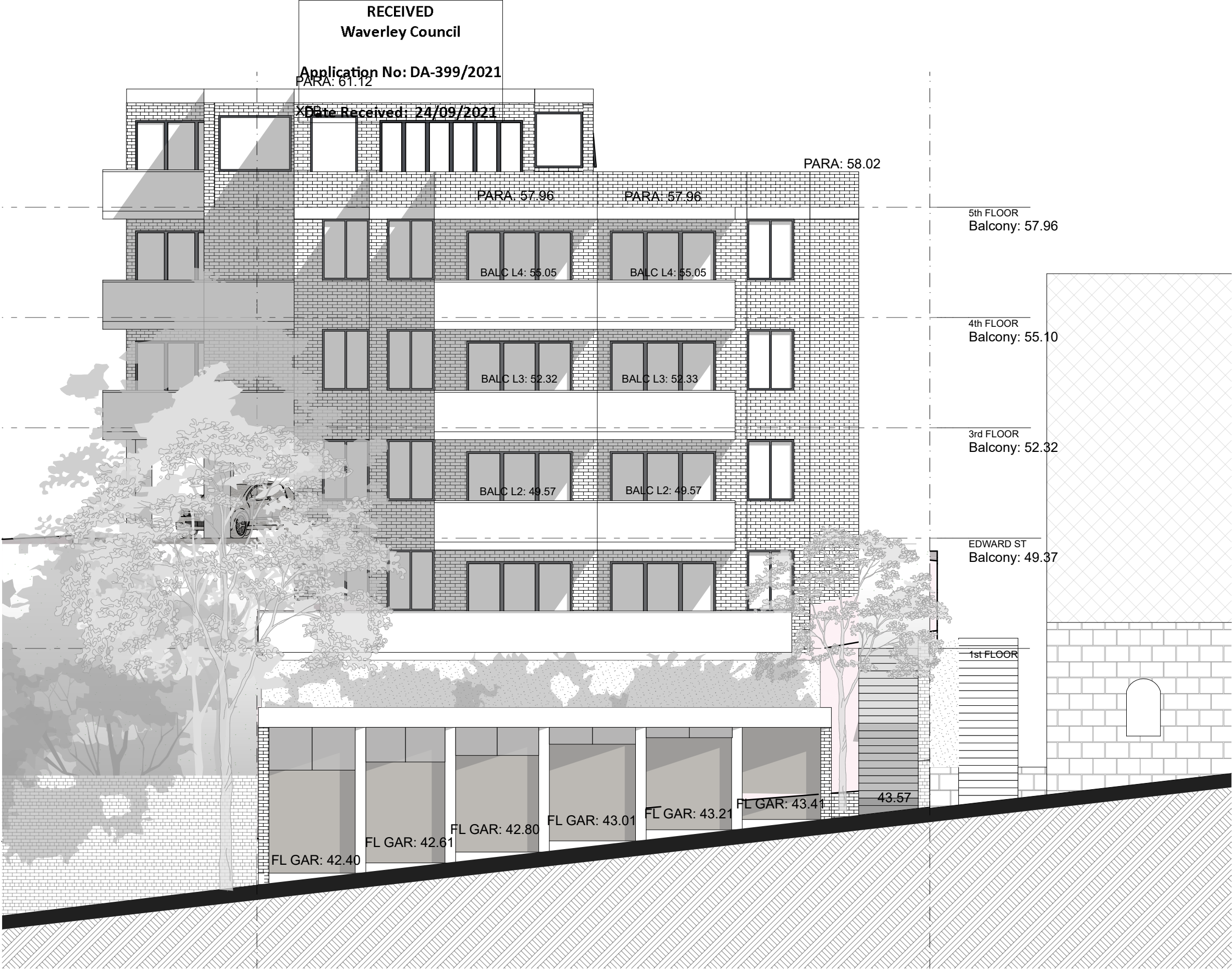
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PROPOSED WEST ELEVATION

1:100

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NOTES		LEGEND		Issue	Date		Drawing Title:			Issue	
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RECEIVED
Waverley Council
Application No: DA-399/2021
Date Received: 24/09/2021

PARA: 58.02

5th FLOOR
Balcony: 57.96

4th FLOOR
Balcony: 55.10

3rd FLOOR
Balcony: 52.32

EDWARD ST
Balcony: 49.37

1st FLOOR

FL GAR: 42.40
FL GAR: 42.61
FL GAR: 42.80
FL GAR: 43.01
FL GAR: 43.21
FL GAR: 43.41

43.57

EXISTING NORTH ELEVATION

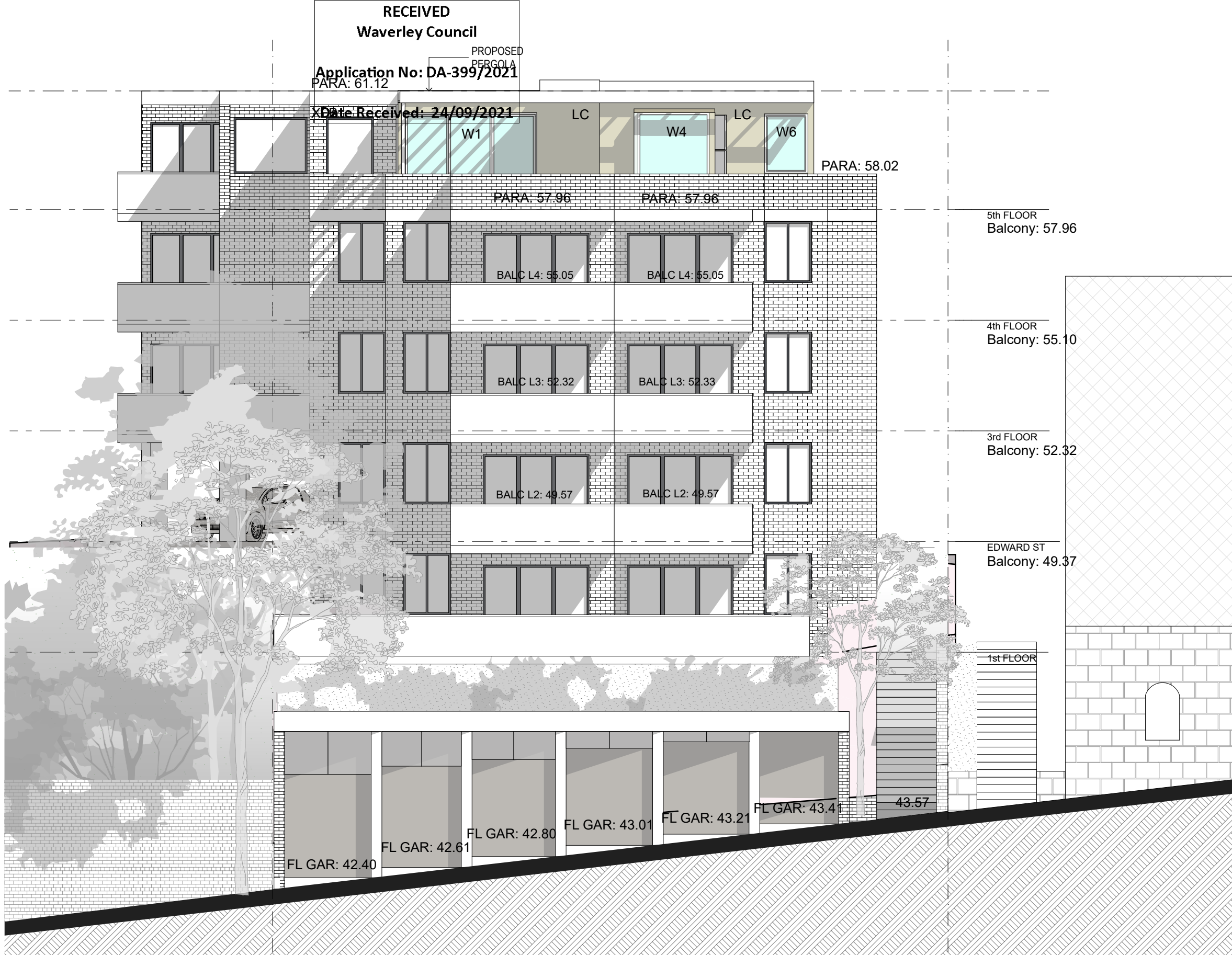
1:100

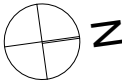
PEARSON ARCHITECTURE

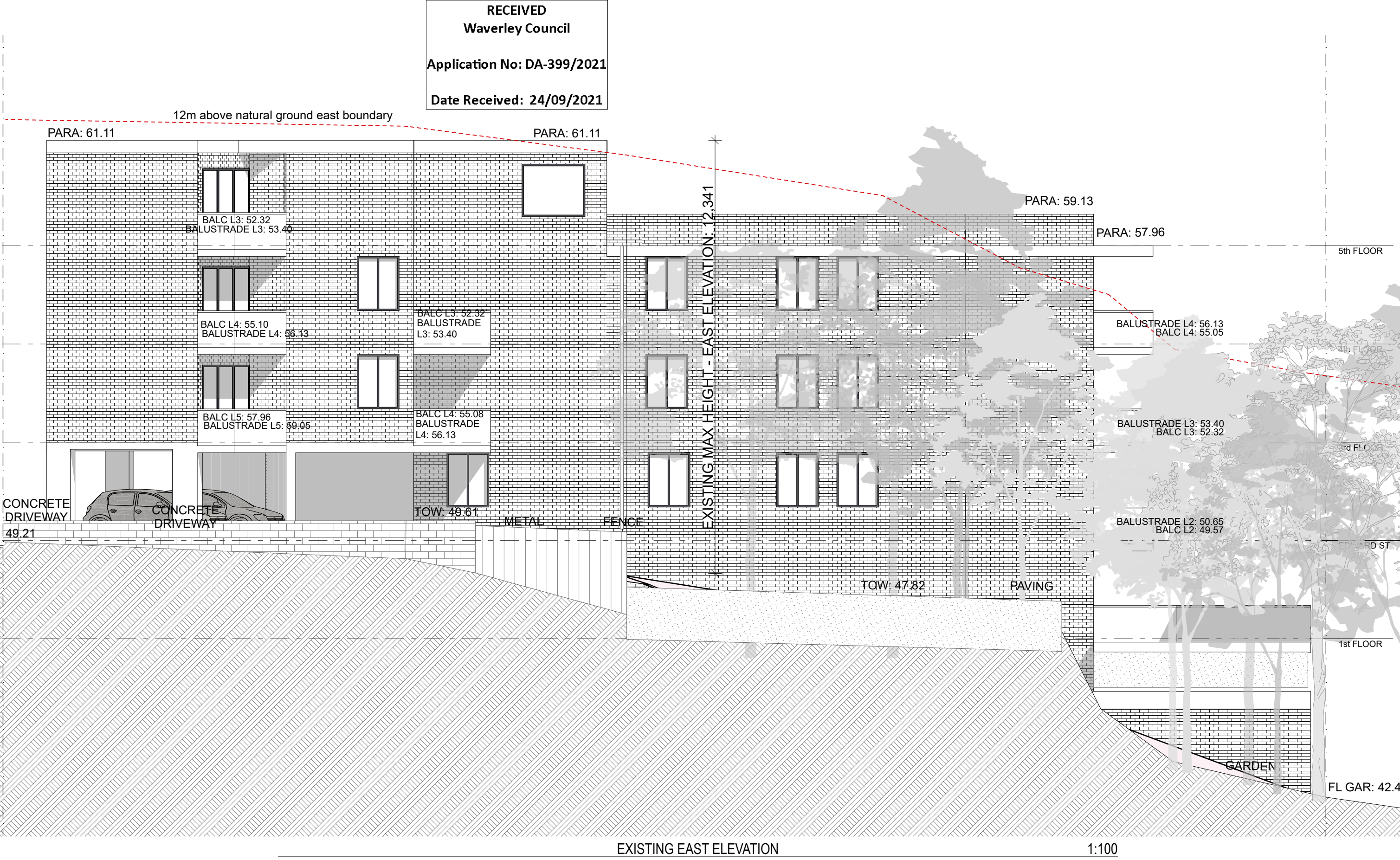
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	FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING			ELEVATION			
	FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)			Client:	Project No.	Scale	DRAWING No.
	RL	REDUCED LEVEL	FB	FACEBRICK			Katy Anderson	1713	1:100	DA-17
	VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK						
	DP	DOWNPIPE	FGB	FRAMELESS GLASS BALUSTRADE						
	G	GLAZING								
MR	METAL ROOFING									



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NOTES		LEGEND			Issue	Date		Drawing Title:			Issue				
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		FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING			Client:	Project No.	Scale	DRAWING No.				
		FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)							Katy Anderson	1713	1:100	DA-18
		RL	REDUCED LEVEL	FB	FACEBRICK										
		VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK										
		DP	DOWNPIPE	FGB	FRAMELESS GLASS BALUSTRADE										
G	GLAZING														
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		FCL	FINISHED CEILING LEVEL	TD	TIMBER DECKING			ELEVATION			
		FFL	FINISHED FLOOR LEVEL	LC	LIGHTWEIGHT CLADDING (light colour)						
		RL	REDUCED LEVEL	FB	FACEBRICK						
		VOS	VERIFY ON SITE	XFB	EXISTING FACEBRICK						
		DP	DOWNPIPE	FGB	FRAMELESS GLASS BALUSTRADE			Client:	Project No.	Scale	DRAWING No.
G	GLAZING					Katy Anderson	1713	1:100	DA-19		
MR	METAL ROOFING										





Report to the Waverley Local Planning Panel

Application number	DA-104/2021
Site address	51 Ebley Street, Bondi Junction
Proposal	Substantial alterations and additions to dwelling to convert into a new boarding house, including a rear three storey addition.
Date of lodgement	22 March 2021
Owner	Mr S S Choi
Applicant	Mr B Hudson
Submissions	Original Notification – 6 submissions Notification of amended plans – 3 submissions
Cost of works	\$496,350
Principal Issues	<ul style="list-style-type: none"> • Excavation • Side setbacks • Garbage storage • Privacy and overlooking • Car and motorcycle parking • Amenity of boarding rooms
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

Executive Summary

The development application seeks consent for alterations and additions to the existing single storey semi-detached dwelling to construct a first floor addition above the existing dwelling and a new 3 storey addition at the rear for use as a boarding house comprising 7 boarding room, 2 communal living areas and a rear communal courtyard at the site known as 51 Ebley Street, Bondi Junction.

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

- Excavation
- Side setbacks
- Garbage storage
- Privacy and overlooking
- Car and motorcycle parking
- Amenity of boarding rooms

The assessment finds the non-compliance with excavation, side setback, car and motorcycling parking controls acceptable given the constraints of the site including the narrow width of the property, the retention of the front of the semi-detached dwelling which is part of a row of terraces and no existing vehicular access from Ebley Street. In particular, a Clause 4.6 written justification has been submitted seeking variation to the motorcycle parking development standard under Clause 29 of the State Environmental Planning Policy (Affordable Rental Housing) 2009, and is considered to be well founded.

The proposed built form and boarding house use is consistent with recently approved and constructed additions to the rear of dwellings immediately to the east of the site and will not result in adverse amenity impacts on surrounding properties, subject to design amendments regarding the garbage storage enclosure, privacy treatments to minimise amenity impacts to properties to the west, deletion one of the lower ground floor boarding rooms and proposed window openings on the western elevation to enhance internal amenity for future occupants and adjoining properties.

A total of 11 submissions were received as a result of the notification of the proposal and re-notification of amended plans. The issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

Site and Surrounding Locality

A site visit was carried out on 4 May 2021.

The site is identified as Lot 5 in DP 227462, known as 51 Ebley Street, Bondi Junction.

The site is rectangular in shape with a frontage measuring 4.93m. It has an area of 165.7m² and falls from the north (front boundary) towards the south (rear boundary) by approximately 1.77m.

The site is occupied by a single storey semi-detached dwelling storey and is a pair with No 53 Ebley Street. The site has no on site parking or vehicular access. The site is part of a group of 6 single storey semi-detached dwellings with intact frontages and recently constructed rear additions. The site is not identified as a heritage item and is not within a heritage conservation area, however it is immediately adjacent to the heritage conservation area identified as the Mill Hill Heritage Conservation Area (C12) under Schedule 5 of the Waverley Local Environmental Plan 2012.

The locality is characterised by a mix of commercial, retail and residential uses including variety of low and medium density residential development.

Surrounding developments consists of a row of semi-detached, single storey dwellings immediately to the west of the site fronting Newland Street (Nos. 54 to 66 Newland Street, inclusive), commercial/retail uses further to the east at the intersection of Ebley Street and Gardiner Street and the Eastgate Shopping Centre immediately to the north on the opposite side of Ebley Street. To the south of the site is a two storey residential flat building with window openings overlooking the rear courtyard.

Adjacent to the western side boundary of the site and to the rear boundary of properties is a pedestrian right of way from the rear of No. 66 Newland Street to Ebley Street. The right of way is owned by the Department of Housing NSW and the subject site does not have rights of use over the land.

Figures 1 to 7 are photos of the site and its context.



Figure 1: View of site and adjoining properties looking south on Ebley Street



Figure 2: View of site and adjoining properties looking south-east on Ebley Street



Figure 3: View of site and rear additions of adjoining property at 53 Ebley Street, looking south-east from Ebley Street



Figure 4: View of existing dwelling looking north from rear yard



Figure 5: View of right of way from the western side boundary, looking north towards Ebley Street



Figure 6: Rear of adjoining development at 53 Ebley, looking east from rear yard of site



Figure 7: View of southern rear boundary and 70-72 Newland Street, looking south from rear yard

Relevant Development History

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

Proposal

The development application seeks consent for substantial alterations and additions to a semi-detached single storey dwelling to convert to a boarding house including a new three storey addition to the rear comprising 7 boarding rooms, specifically the following:

Lower Ground Floor

- Excavation and construction of plant area for a 5,000L rainwater tank, gas hot water system and air condition condensers;
- 2 x self contained single boarding rooms;
- Communal stair access to ground floor and access to rear communal courtyard; and
- Landscaped rear courtyard comprising seating and clothes line.

Ground Floor

- Bin storage area for six (6) x waste and recycling bins within a bin enclosure in the front setback, adjacent to western side boundary;
- 1 x self-contained single (accessible) room;
- 1 x self-contained double room;
- 2 x indoor common living areas;
- Communal laundry;
- Communal open space with clothes drying area and 2 x bicycle storage;
- 3 sets of communal stairs with bulky waste storage under the stairs adjacent to communal open space; and
- Mailboxes adjacent to communal stairs.

First Floor

- 2 x self-contained double rooms;
- 1 x self-contained single room;
- New front dormer window on northern elevation;
- New dormer window to rear (southern elevation) of existing dwelling;
- Green roof garden;
- New open stairs from ground floor to first floor single room adjacent to western side boundary; and
- Sliding windows and privacy screening on the western side boundary adjacent to southern common stairs.

Background

The development application was lodged on 22 March 2021 and deferred on 13 July 2021 for the following reasons:

1. Clarification sought regarding rights to access the right of way along the western side boundary of the site. Use of the right of way as a primary access point for future boarders is not supported.
2. The proposal does not provide any motorcycle parking spaces and is inconsistent with the development standard under Clause 30 of the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal is required to provide a motorcycle parking space or a Clause 4.6 written justification seeking variation to the development standard.
3. Bulk and scale of additions and its impact on the character of the row and adjoining properties within the adjacent heritage conservation area.
4. Rear setback must align with the setback of recently approved developments adjoining the site, in the row fronting Ebley Street.
5. Inappropriate architectural details detracting from appearance of row of terraces fronting Ebley Street.
6. Redesign the layout and circulation areas of the boarding house to enhance internal amenity, accessibility and minimise amenity impacts on adjoining properties. In particular, the proposed stairs built to the western boundary should be relocated, setback or wholly enclosed to reduce potential visual and acoustic impacts on adjacent properties.
7. The waste storage enclosure along the front boundary detracts from the streetscape and residential amenity for future occupants.
8. Communal open space comprising clothes drying and seating within the front setback, adjacent to waste storage is not supported.
9. Amended architectural plans are required to accurately show existing and recently approved built form of surrounding properties, internal furniture layouts of communal living areas and laundry facilities.
10. Insufficient details provided with proposed landscape plan. A revised landscape plan is required including a plant species schedule and planting palette.
11. A revised Plan of Management is to be prepared and submitted that is also consistent with the proposed development as described in the Statement of Environmental Effects.

Amended architectural plans and supporting documentation to address the issues raised in Council's deferral letter was submitted on 12 August 2021. The issues raised have been adequately addressed and the proposal is supported, subject to conditions, except for internal amenity of boarding rooms particularly at the lower ground floor level where a single boarding room has its window built to the western side boundary immediately adjacent to the existing boundary fence.

The applicant was required to submit a BCA report verifying compliance with fire safety and natural light and ventilation requirements for the boarding room. An amended BCA report was submitted on 29 October 2021 demonstrating that the proposed glazed door to the lower ground floor boarding room is relied upon to satisfy the requirements for natural light and ventilation (Boarding room 100). Notwithstanding technical compliance with natural light and ventilation to the lower ground level boarding rooms, concern is raised relating to the internal amenity of the boarding rooms, particularly Room 100, discussed in detail in Section 2 of the report.

2. ASSESSMENT

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

Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Affordable Rental Housing) 2009.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Affordable Rental Housing) 2009

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

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

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

Development Standard	Compliance	Comment
Clause 29(1) of ARH SEPP Density and scale <i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</i> <i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item</i>	Yes	The site is permitted a FSR of 0.9:1 under Clause 4.4 of the Waverley Local Environmental Plan (LEP) 2012. An additional FSR bonus of 0.5:1 is permitted under Clause 29(1) of the SEPP resulting in a total FSR of 1.4:1 for the site. The proposal has a FSR of 1.32:1, as calculated by the assessing officer, in accordance with the definition for gross floor area under the Waverley LEP 2012. The proposal does not exceed the maximum FSR for the site and as such, a consent authority must not refuse the proposal on the grounds of density and scale.

Development Standard	Compliance	Comment
<p><i>that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p><i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less,</i></p>		
<p>Clause 29(2)(a) of ARH SEPP</p> <p>Building height</p> <p>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	Yes	The proposal has a maximum building height of 9.3m and complies with the maximum building height development standard of 9.5m under Clause 4.3 of the Waverley LEP 2012. As such, a consent authority must not refuse the proposal on the grounds of building height.
<p>Clause 29(2)(b) of ARH SEPP</p> <p>Landscaped area</p> <p>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	Yes	The front setback will comprise of a waste and recycling bin storage area and landscape planting. The proposal is consistent with the landscaped character for front setbacks of immediately adjoining properties fronting Ebley Street and is acceptable.
<p>Clause 29(2)(c) of ARH SEPP</p> <p>Solar access</p> <p>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	Yes	The proposal has adequately demonstrated that the indoor communal living area will have access to a minimum of 3 hours of direct sunlight between 9am and 3pm on 21 June.

Development Standard	Compliance	Comment
<p>(if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>		<ul style="list-style-type: none"> Double boarding rooms range between 16m² and 18m²

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

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

Development Standard	Compliance	Comment
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Yes	Two common living areas are provided on the ground floor level in a centrally located area within the site. The communal living spaces have a combined area of 25m ² and provides opportunities for socialising and passive recreation.
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Yes	No boarding rooms have areas exceeding 25m ² as shown on the architectural plans.
(c) no boarding room will be occupied by more than 2 adult lodgers,	Yes	A maximum of 2 adults are permitted within the double boarding rooms.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Yes	Each boarding room is provided with a private bathroom and kitchenette.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	N/A	A maximum of 10 boarders will be accommodated within the proposed boarding house. No on-site manager is required.
(f) (Repealed)	N/A	N/A

(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	N/A	The site is zoned R3 – Medium Density Residential under the Waverley LEP 2012.
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Partial Compliance	The proposal provides 2 bicycle parking spaces which satisfies the bicycle parking requirement under the SEPP. However, no motorcycle parking is provided on the site. A clause 4.6 written justification has been submitted seeking variation to the development standard and is considered in detail Section 2.1.2 below.

Motorcycle parking

In accordance with Clause 30(1)(h) of the SEPP (ARH) 2009 a minimum of 1 bicycle and 1 motorcycle parking for every 5 boarding rooms within a boarding house development is required. The proposal provides 2 bicycle parking spaces for the 7 boarding rooms which complies with the requirement under the SEPP. No motorcycle parking is proposed as there is currently no vehicular access or parking to the site and vehicular access from Ebley Street is likely to conflict with pedestrian movements and safety. In this regard, the application is accompanied by a written request pursuant to clause 4.6 of WLEP 2012 to vary the development standard of the SEPP in relation to motorcycle parking and is discussed in detail in Section 2.1.2 of this report.

Clause 30A Character of local area

Clause 30A of the ARH SEPP states the following:

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

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

- *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

The physical impacts of the proposed development, in terms of overshadowing, view affectation, privacy and visual amenity, upon surrounding development are deemed acceptable on the principal basis that the development complies with key built form development standards and planning controls, such as building height, FSR and setbacks.

Lower ground floor boarding rooms

The two boarding rooms (Rooms 100 and 110) located on the lower ground floor at the rear of the site have proposed windows on the western side boundary which will be predominantly obscured by the existing timber boundary fence and be non opening (being situated on the boundary with respect to the BCA). The windows on the western elevation provide poor amenity to future occupants particularly outlook and access to natural light and ventilation as openable windows on a boundary requires appropriate fire safety measures. In addition, the windows on the western boundary are immediately adjacent to a right of way providing access from the rear of 66 Newland Street to Ebley Street.

Room 110 provides 2 windows, 1 (W1.3) to the rear and the second (W1.1) on the western boundary between 1.4m and 1.8m from the adjacent ground level. Room 100 provides a single window (W1.2) on the western boundary approximately 1m from the adjacent ground level. Whilst, each of these Boarding Rooms 100 and 110 achieve technical compliance with BCA requirements for natural light and ventilation without relying on the window openings on the western elevation (via the rear for Room 110 and via the doorway to breezeway for Room 100), these western elevation windows are considered to provide poor amenity and potential impacts on future occupants of these rooms, as well as the adjacent property. The expectation of future occupants of Room 100 using their front door as the sole natural ventilation to this boarding room is considered unacceptable, as this does not provide reasonable amenity, privacy or security.

In this instance, the windows on the lower ground floor on the western elevation are not supported on the basis of providing poor amenity and potential impacts on future occupants and the adjoining property. Accordingly, it is recommended the western windows be deleted, and Room 100 also be deleted as a boarding room. This will allow the plant room to be shifted southwards to minimise excavation.

ARH SEPP Summary:

The commentary above demonstrates that the proposed development satisfactorily complies with clause 30A of the ARH SEPP as the proposal is compatible and generally harmonious with the local character of the immediate surrounds of the site. The 'physical' impacts of the development are considered in greater detail in the following sections of this report in relation to relevant development standards and controls under Waverley Local Environmental Plan 2012 and Waverley Development Control Plan 2012, respectively. The overall assessment finds these physical impacts of the development reasonable to demonstrate that the proposed boarding house is compatible and harmonious with the surrounding local character.

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the objectives of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 – Medium Density Residential Zone	Yes	The proposal is defined as boarding house, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	<p>The proposed alterations and additions to the existing dwelling does not exceed the ridge of the original roof and does not exceed the building height control.</p> <p>The proposed three storey addition at the rear has a maximum building height of 9.3m and does not exceed the building height control</p>
4.4 Floor space ratio and <ul style="list-style-type: none"> 0.9:1 	No	<p>The proposal, as calculated by the assessing officer in accordance with the definition of gross floor area under the Waverley LEP 2012, has a FSR of 1.32:1 which differs from the applicant's calculation of FSR of 1.3:1, excluding the internal stairs on the first floor and inclusion of an open air area adjacent to the boarding room in the roof of the existing dwelling.</p> <p>Notwithstanding the difference in FSR calculations, the proposal does not exceed the maximum FSR permitted under Clause 30 of the SEPP (ARH) 2009 and is acceptable.</p>
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The site is not a heritage item, is not located adjacent to any heritage items and is not located in heritage conservation area. However, the site is immediately adjacent to the Mill Hill Heritage Conservation area (C12) and an intact row of semi-detached dwellings fronting Newland Street to the west.</p> <p>The proposed built form and architectural character complements the row of dwellings to</p>

Provision	Compliance	Comment
		<p>the west and will not detract from the existing streetscape as the contemporary additions to the rear is consistent with the redevelopment of the area whilst maintaining the character of the original buildings.</p> <p>Council's Heritage Advisor raises no objection to the proposal subject to recommended conditions discussed Section 3 below.</p>
Part 6 Additional local provisions		
6.2 Earthworks	Yes	<p>The proposal seeks consent to excavate across the width of the site from the middle of the site to the rear building setback.</p> <p>The proposed excavation will not result in any adverse impacts on the environment or amenity of adjoining properties, subject to conditions included in the recommendation. Further, as noted above, the deletion of Room 100 will allow the plant room to be shifted southwards to reduce the scope of excavation of the site.</p>
6.3 Flood planning	Yes	<p>The site is not identified as flood prone land. The proposal is acceptable subject to imposition of appropriate stormwater management conditions recommended by Council's Stormwater Engineer.</p>

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the minimum motorcycle parking development standard in clause 30(1)(h), Division 3 of the SEPP (ARH) 2009.

The site is subject to providing a minimum 1 bicycle parking space and 1 motorcycle parking space for every 5 boarding rooms, requiring a total of 2 motorcycle spaces for a 7 boarding room development. The proposed development provides 2 bicycle parking space and no motorcycle parking spaces.

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal is consistent with the objectives of the SEPP and contributes to the stock of affordable housing in the area to meet demand for boarding house accommodation.
 - (ii) The proposal is consistent with all other boarding house development controls under the SEPP, including the FSR development standard and the motorcycle parking variation does not effect the provision of affordable housing.
 - (iii) The variation is consistent with Council's parking policy which does not require on site parking for sites located in highly accessible locations and to avoid safety and amenity impacts on the public domain.
 - (iv) Compliance with motorcycle parking is not possible due to site constraints such as no existing vehicular crossing and potential impacts on the safety of pedestrians.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The site is within walking distance to Bondi Junction and is in a highly accessible location. The provision of motorcycle parking is not necessary.
 - (ii) Provision of on site parking including a new vehicle crossing will have detrimental impacts on the presentation of the development and amenity of the public domain. The proposal without on site parking presents a better design outcome.
 - (iii) The proposal provides adequate bicycle parking in accordance with the requirements of the SEPP.
 - (iv) The redevelopment of the site will meet the demands for affordable housing in the area and is compatible in bulk and scale to immediately adjoining developments and the transitioning nature of Ebley Street to higher density development.

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

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

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development

standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant identifies that the motorcycle parking development standard under the SEPP (ARH) 2009 does not contain specific objectives, however the written justification has adequately considered the broader aims of the SEPP and has demonstrated that the proposal satisfies the objectives to contribute to affordable housing stock to meet the demands of the community. The applicant's justification that strict compliance with the motorcycle parking development standard is unreasonable or unnecessary is well founded having regard to the constraints of the site, maintaining consistency within the streetscape and amenity of the public domain and the proximity of the site to accessible public transport options at Bondi Junction.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. In particular, the applicant has identified that the proposal is consistent with Council's parking controls which does not require on site parking for sites located in accessible locations to minimise reliance on private vehicle use and seeks to minimise impacts

from vehicle crossings on the streetscape and public domain. Given the character of the existing streetscape, particularly the narrow street frontages of the row of dwellings of which the subject site is a part of, and no vehicle crossing along this section of Ebley Street, no provision of motorcycle parking spaces will not have any detrimental impact on the amenity of future occupants or adjoining properties and is considered acceptable in this circumstance.

Is the development in the public interest?

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

There are no objectives specifically for the motorcycle parking development standard however the objectives of the SEPP (ARH) 2009 are:

- (a) to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) to support local business centres by providing affordable rental housing for workers close to places of work,*
- (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

The proposal is consistent with the relevant objectives of the SEPP by providing new affordable rental housing within proximity of the local business centre of Bondi Junction. The proposal is consistent with the remaining controls for boarding house developments under the ARH SEPP. The departure from the motorcycle parking space requirement will still allow the site to be effectively developed and used as a boarding house.

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposal is consistent with the objectives of the R3 Zone as the boarding house development is permissible with the medium density residential character of the locality, contributes to housing type and stock, is in a highly accessible location that encourages residents to use public transport and cycling. The proposed departure from the motorcycle parking requirement does not impact on the ability for the development to satisfy the objectives of the R3 Zone.

Conclusion

For the reasons provided above the requested variation to the motorcycle parking development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the general objectives of SEPP (ARH) 2009 and the R3 Medium Density Residential Zone.

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

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

Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	No – acceptable subject to conditions	<p>The proposed waste and recycling bin storage area is located in the front setback and immediately adjacent to the window of Boarding Room 200. Insufficient design details have been submitted clearly demonstrating that the storage enclosure will not obscure the existing window opening and not detract from the appearance of the dwelling when viewed from the public domain. Conditions have been included requiring the submission of further design details.</p> <p>The proposal has a bulky waste storage area of 2.5m² which does not satisfy the minimum 4m² requirement under the DCP and is insufficient. The proposal has also failed to provide a dedicated</p>

Development Control	Compliance	Comment
		area for the storage of problem waste. Council's Waste Management officer raises no objection to the proposal subject to conditions including the provision of appropriate waste storage areas.
2. Ecologically Sustainable Development	Yes	Satisfactory.
5. Vegetation Preservation	Yes	The proposal seeks to removal trees located on the site to accommodate the alterations and additions. Council's Tree Management Officer has identified the subject trees as being of poor health and not worthy of retention, as such the removal of trees on the site are supported.
6. Stormwater	Yes	Satisfactory, subject to conditions recommended by Council's Stormwater Engineer.
7. Accessibility and Adaptability	Yes	Satisfactory. An accessible boarding room with access to communal living areas, open space and communal laundry facilities is provided on the ground floor.
8. Transport Parking Zone 1	N/A	No car parking is currently provided on the site. The proposal does not seek to provide any on site car parking. No motorcycle parking spaces are proposed. Two (2) bicycle spaces are proposed. Refer to discussion for parking provisions under ARH SEPP.
9. Heritage	Yes	Satisfactory. The site is not a heritage item and is not located in a heritage conservation area. The site is immediately adjacent to the Mill Hill Heritage Conservation Area (C12) to the west and will not result in any adverse impacts on the significance of the conservation area.
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory. Refer to Section 3 of this report for detailed discussion regarding the recommendations of the DEAP in regard to design excellence. Subject to conditions requiring submission of additional information detailing the design of the bin storage area and schedule of materials and finishes.
14. Excavation	No – acceptable on merit	The proposal seeks consent for excavation at the rear of the site to provide a plant area, boarding rooms and access to the rear communal open space. The extent of excavation extends the width of the site and does not satisfy the required 1.5m

Development Control	Compliance	Comment
		<p>side setback control under Part B14 of the Waverley DCP 2012. However, the excavation is contained within the proposed building footprint and partly complies with the excavation control for development subject to Part C3 of the DCP.</p> <p>Given the narrow width of the site and the excavation undertaken at the adjoining dwelling to the east (at 53 Ebley Street), the proposed excavation up to the eastern side boundary is acceptable. The proposed excavation up to the western side boundary is unlikely to result in any adverse amenity or environmental impacts on adjoining properties having regard to the existing right of way along the length of the western boundary. The proposed excavation is considered acceptable as it will not contribute to unacceptable building bulk as the proposal complies with the FSR and building height development standards.</p>

Although SEPP 65 does not apply to boarding house development, Waverley DCP 2012 specifies that Part C of the DCP applies to boarding houses within applicable zones. In this regard, given the site is zoned R3 Medium Density Residential Development and SEPP 65 does not apply to the development, Part C3 of the DCP that typically relates to multi unit and multi dwelling housing typologies will be applied in the assessment of this application. The following table addresses the relevant sections of the DCP noting that those provisions which are standards within the ARH SEPP have been deleted from the table as the ARH SEPP overrides these controls.

Table 5: Waverley DCP 2012 – Part C3 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m – R3 zone 	No	<p>The site has width of 4.93m and maintains the existing character of the semi-detached terrace. The bulk of the contemporary additions are located at the rear and setback from the original terrace, consistent with the building envelope of immediately adjoining developments to the east. Given the presentation of the row of semi-detached terraces to the street, maintaining the low density scale of the terrace is considered appropriate whilst enabling additions to the rear of the site.</p>
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: 7m 	No – acceptable on merit	<p>The proposed wall height of the 3 storey rear addition measures 8m on the northern elevation and 9m on the southern elevation.</p>

Development Control	Compliance	Comment
		<p>Notwithstanding the exceedance in wall height, the proposal is consistent with the built form and scale of 3 storey additions to the rear of immediately adjoining development within the row of terraces. The proposal provides a minimum floor to ceiling height of 2.7m for boarding rooms on each floor and the overall building height is consistent with the development standard. As such, the exceedance in wall height is considered acceptable on merit as the proposal is compliant with the development standards and built form controls.</p>
3.3 Setbacks		
<p>3.3.1 - Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	<p>No change is proposed to the northern street setback and is consistent with the street setback of the row of terraces to the east.</p> <p>A landscaped area will be maintained within the front setback to provide plantings of appropriate height to complement the presentation of the existing dwelling and the streetscape.</p>
<p>3.3.2- Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 1.5m 	No - acceptable on merit	<p>The proposal is predominantly built to the eastern and western side boundaries with the exception of an open courtyard area between the original terrace and the contemporary new addition at the rear.</p> <p>Having regard to the narrow width of the site, the established building footprint of adjoining terraces and recent additions in the row, the proposed nil side setbacks are acceptable in this circumstance as the built form complies with building height and FSR development standards and is generally consistent with the built form of recently constructed developments along Ebley Street.</p> <p>The proposal does not result in adverse amenity impacts on adjoining properties and is consistent with the development controls for a boarding house under the SEPP (ARH) 2009 and Part F1 of the Waverley DCP 2012. As such, variation to the side setback control is considered unreasonable given the merits of the application and the appropriateness of the use within the zoning and locality.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	<p>Yes</p> <p>No - acceptable on merit</p>	<p>A 6m rear setback is provided and is consistent with the rear setback of adjoining properties within the row of terraces to the east of the site.</p> <p>Deep soil will be provided at the rear of the site. Given the orientation and width of the site, and the established building envelopes within the row of terraces, strict compliance to provide a 2m wide deep soil area along one side boundary will not enable reasonable development of the site for the purposes of providing affordable housing in the area. In this instance, the provision of deep soil at the rear of the site is considered appropriate.</p>
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated Maximum depth of 18m 	<p>Yes</p> <p>Yes</p> <p>No - acceptable on merit</p>	<p>The proposal has a maximum building length of approximately 4.93m, occupying the width of the site.</p> <p>The proposal retains the original form of the terrace with the exception of a new front door and dormer window. The proposed articulation of the front façade does not detract from the existing character of the semi-detached row of terraces and is acceptable.</p> <p>The proposed timber slated front fence is contemporary in style and consistent with recently approved and constructed front fences to the terraces immediately to the east of the site.</p> <p>The proposed development has a total depth of 26 metres, however, there is a central separation between 2.5m and 5.1m wide, consisting of a communal open area and stair access, between the original terrace building and the contemporary 3 storey addition to the rear. As such, the maximum depth of the existing terrace is 8m and the building depth of the new 3 storey addition ranges between 10.8m and 15.5m. The proposal achieves satisfactory amenity for future occupants in accordance with the provisions of the DCP and SEPP (ARH) 2009. Therefore, strict compliance with the maximum building depth control would result in a building footprint and envelope that is inconsistent with the scale of development immediately adjoining the site to the east and would constrain the provision of boarding rooms with good amenity. In this circumstance, the proposed building depth is</p>

Development Control	Compliance	Comment
<p>(i) Ensure the pitched roof form is the major visual element of the roof and must respond to the context;</p> <p>(ii) Not exceed 50% of the floor area of the floor below;</p> <p>(iii) Not contain independent dwellings and must be accessed via internal stairs only; and</p> <p>(iv) Be naturally ventilated using cross or stack ventilation.</p> <ul style="list-style-type: none"> Attic rooms must have a minimum width of 3m and must have a minimum floor to ceiling height of 2.4m, for at least two thirds of the floor area of the room. Dormer windows and skylights are to be less than 50% of the area of the roof elevation. Attic additions must not contain a single expansive dormer window. Multiple smaller dormers are preferred where appropriate. Where dormer structures are proposed they must: <ul style="list-style-type: none"> (i) Be secondary to the primary roof structure; and (ii) Be set down a minimum of 300mm from the main ridge line. 	<p>Partial compliance</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The attic level consisting of a front and rear dormer window occupies a floor area of approximately 56.6% of the ground floor area below. Notwithstanding the numerical non-compliance, the design of the attic level and dormer windows comply with the setback controls and do not dominate the existing roof or detract from the character of the semi-detached terrace. The proposed boarding room achieves natural cross ventilation and adequate amenity and is acceptable.</p> <p>Given the constraints of the internal layout of the existing terrace and the provision of a centrally located and accessible communal living and outdoor area at ground level, the proposed external access to the attic boarding room is acceptable in this circumstance.</p> <p>The attic boarding room has a minimum width of 4.7m and a minimum floor to ceiling height of 2.4m.</p> <p>The front dormer window occupies an area of 3.2m² (28% of the front roof elevation). The front dormer window does not detract from the character of the existing terrace or the row of terraces.</p> <p>The proposed front dormer window appears secondary to the existing roof and is set down 500mm from the roof ridge. The size and positioning of the dormer window is considered acceptable.</p>
3.7 Fences and walls		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid 	<p>Yes</p> <p>Yes</p>	<p>The proposed front fence is 1.2m in height, comprises horizontal timber slats with an open design consistent with the style of adjoining front fences within the row of terraces.</p>

Development Control	Compliance	Comment
<i>Side fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	The proposal does not seek to remove the existing timber fence along the western side boundary. However, a new 3m high rendered brick wall with 1.8m high timber privacy screen above is proposed in the central courtyard, abutting the western side boundary fence extending from the rear of the existing terrace to the northern elevation of the new 3 storey rear addition. The new brick wall will screen the proposed communal living area and adjacent outdoor open space, and stair access to the boarding room to the rear of the existing terrace. The new brick wall and timber privacy screen will provide better visual and acoustic privacy between the boarding house use and the dwellings to the west. In addition, as demonstrated on the view from the sun diagrams, the proposed wall and screening will not result in any additional overshadowing impacts on adjoining properties and is considered acceptable.
<i>Rear fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	No new rear fence is proposed.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Legible, safe, well-lit 	Yes	The entry to the building is located from Ebley Street and is clear and legible. The entry is accessible and at street level.
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity Minimum of 30% of site area landscaped: 49.71m² 50% of the above is to be deep soil: 24.9m² 	Yes	Refer to Tables 1 & 4 above.
	Yes	The proposal provides approximately 53m ² of landscaped area (32% of the site) of which 26m ² (49%) is deep soil. The proposal provides sufficient landscaped area in accordance with the DCP controls, however the amount of deep soil provided is 1% less than the required 50% of the landscaped area. This non-compliance is considered acceptable on merit as the proposal provides a greater area of landscaping than required under the DCP and appropriate plantings and deep soil areas are provided within the front and rear setbacks. The proposed landscaping will contribute to the character of the streetscape and amenity for future occupants and is acceptable.
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone) 	N/A	The provisions of the DCP in regard to communal open space do not apply to boarding houses as

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 		Clause 29(2)(d) of the ARH SEPP prevails. The ARH SEPP includes provisions for communal space as discussed in Table 1 of this report.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units on 21 June. 	N/A	Solar access provisions under Clause 29(2)(c) of the ARH SEPP apply and prevail. There are no requirements for solar access to boarding rooms under the ARH SEPP. A minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter is required for communal living rooms of boarding houses. Refer to Table 1 of this report.
<ul style="list-style-type: none"> New development should maintain at least 2 hrs of sunlight to solar collectors on adjoining properties in mid-winter. 	Yes	The proposal does not result in any additional overshadowing to existing solar panels or skylights of surrounding properties.
<ul style="list-style-type: none"> Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June. 	Yes	The proposal will result in the loss of direct sunlight to one small window on the first floor northern elevation of the residential flat building to the south of the site (at 70-72 Newland Street). The window will not be adversely affected by overshadowing as it will continue to receive direct sunlight between 11am and 3pm in mid-winter.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design. Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	<p>The primary entrance to the terrace fronting Ebley Street remains unchanged. No above ground open space is proposed. The amended proposal has removed originally proposed ground and first floor balconies to boarding rooms. Communal living rooms and open spaces are located on the ground floor and at the rear of the site and will not result in adverse amenity impacts on adjoining properties.</p> <p>Appropriate privacy screening has been included particularly along the western side boundary to minimise loss of privacy to dwellings fronting Newland Street. A condition has been imposed requiring all windows to the western elevation of the new 3 storey addition to comprise of translucent glazing, whilst those to Rooms 100 and 101 are to be deleted..</p>

Development Control	Compliance	Comment
		Notwithstanding a compliant rear building setback of 6m is provided, a condition has been imposed requiring translucent glazing to the louvred windows on the southern elevation, to a height of 1.6m above the finished floor level, to minimise overlooking of window openings of the residential flat building immediately to the south of the site.
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	Yes	All habitable rooms have a minimum ceiling height of 2.7m. The boarding room in the attic of the existing terrace complies with the 2.4m ceiling height control under Section 3.6 of the DCP.
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> Studio and 1 bed = 6m³ 	Yes - acceptable on merit	The requirement for storage is not specifically related to boarding house developments and generally applies to residential flat building developments. Whilst the architectural plans do not specify additional storage spaces within each boarding room, the internal layout of boarding rooms indicate there is sufficient space for additional storage to meet the needs of future occupants. In this regard, the proposal is considered capable of providing adequate storage for future occupants and is acceptable.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	<p>The location of rooms is considered appropriate and provides adequate acoustic privacy for future occupants and adjoining properties.</p> <p>The communal living areas and private open space are provided at ground floor level and to the rear of the site. The location of private open space is consistent with adjoining properties and will not result in any unreasonable acoustic privacy impacts, subject to appropriate operational conditions being imposed.</p> <p>A Plan of Management has been submitted with the proposed development and is referenced in the consent conditions.</p>
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated Ceiling fans are to be provided in all habitable rooms. 	N/A	The natural cross ventilation and ceiling fan requirements are not applicable to boarding rooms. Each boarding room will be naturally ventilated and provided with adequate amenity.
<ul style="list-style-type: none"> Building to be orientated to maximise breezes 	Yes	The site has a narrow frontage and is part of a row of semi-detached terraces with a north to south orientation. Opportunities to orientate the

Development Control	Compliance	Comment
		<p>building to capture favourable breezes is limited due to the built form of the immediately adjoining semi-detached terrace and its contemporary 3 storey addition at the rear that has been constructed along the eastern boundary of the site.</p> <p>Having regard to the constraints of the site, the proposal is considered to provide adequate levels of amenity for boarding rooms and communal areas and is supported.</p>
3.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings 	<p>Yes</p> <p>No</p>	<p>The proposal includes a garbage bin enclosure within the front setback which is generally consistent with the location of bin storage within the row of terraces. No objection is raised to the garbage enclosure subject to submission of additional details to demonstrate no amenity impacts on the adjacent boarding room. The proposal provides a plant area at the lower ground level to minimise impacts on the amenity of future occupants (to be shifted with the deletion of Room 100).</p> <p>The proposal has provided mailboxes inside the building, adjacent to the main circulation area within the ground floor level. This is not acceptable as mailboxes should be adjacent to the main entrance and not require delivery persons to enter the private spaces within the development. A condition has been imposed requiring the relocation of the mailboxes to an appropriate area adjacent to the</p>
<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided 	Yes	A clothes drying area is provided within each outdoor open space at ground level and at the rear of the site.
<ul style="list-style-type: none"> Plant rooms away from entry communal and private open spaces and bedrooms. 	Yes	A plant area is provided at the lower ground level, separated from the internal areas of the boarding house use.

Table 6: Waverley DCP 2012 – Part F1 Shared Residential Accommodation Compliance Table

Development Control	Compliance	Comment
A Plan of Management is required.	Yes	A Plan of Management has been submitted to accompany the proposed development. The Plan

Development Control	Compliance	Comment
		of Management has been referenced in the conditions of consent.
Minimum area for indoor communal living of 12.5m ² or 1.25m ² per resident (whichever is greater)	Yes	The proposal provides a combined communal indoor living area of 25m ² and is considered adequate to meet the needs of future occupants.
Communal storage space provided.	Yes	The communal laundry has adequate storage space to accommodate goods required for use by boarders.
Each room should contain adequate storage facilities.	Yes	Each boarding room is provided with adequate wardrobe, kitchenette and desk areas.
Balconies should be provided for each individual room where site and locality conditions permit.	No – acceptable given site constraints	The original proposal provided balconies to ground floor and first floor boarding rooms, however given the orientation of the site and the siting of existing surrounding developments balconies to boarding rooms will likely result in adverse amenity impacts on adjoining properties and is not supported. The amended proposal has replaced balconies with window openings which will provide better amenity to adjoining properties, subject to conditions requiring privacy treatments.
Laundry facilities provided for every 12 residents (one washing machine and laundry basin per every 12 residents)	Yes	A communal laundry with a wash basin, washer/dryer, bench space and storage shelves is provided at ground floor level adjacent to the communal living area. The proposed laundry is capable of meeting the needs of future occupants and complies with the requirements of the DCP.
Clothes drying facilities are to be provided for occupants, including an outdoor clothes line.	Yes	Two outdoor clothes drying areas are provided for future occupants.
A room with a kitchenette should contain a stove, sink, oven, refrigerator and a bench top with a minimum area of 1m ² .	No – acceptable subject to condition	Each boarding room is self-contained comprising of a kitchenette. Whilst the architectural plans show a sink, stove and bench space within the kitchenette, it has not clearly demonstrated that a minimum bench top with an area of 1m ² is provided. Upon review of the architectural plans, Council's assessment officer is satisfied that each boarding room has sufficient area to provide the required kitchenette facilities. A condition has been imposed requiring submission of additional design details of kitchenettes in the boarding rooms to achieve the minimum requirements for kitchenettes under the DCP.
Minimum area of 5m ² for bathrooms.	Partial compliance	The private bathrooms range between 2m ² (single room) and 2.6m ² (double room) do not achieve the minimum bathroom sizes except for the 5.7m ² bathroom in the accessible boarding room. Given

Development Control	Compliance	Comment
		that all bathrooms are private and will be used by a maximum of 2 occupants per room, smaller bathrooms are acceptable in this instance given the constraints of the site as the boarding house design achieves compliance with other requirements that contribute to better amenity for occupants.
Well ventilated rooms.	Yes	All rooms are well ventilated, however Boarding Room 100 on the lower ground level has a highlight window on the western side boundary adjacent to the existing timber boundary fence. Given the proximity of the fence to the proposed window, it is unlikely the room will achieve good natural ventilation and amenity and is recommended for deletion.
Communal open space is provided for relaxation, dining, entertaining and recreation areas.	Yes	The proposal provides two separate communal open spaces for the use of occupants. The ground floor open space is adjacent to the communal indoor living areas and the rear open space is landscaped to provide opportunities for relaxation and passive recreation.
Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating: (i) The main entry point at the front of the site, away from side boundary areas near adjoining properties; (ii) Communal areas away from the main living area or bedroom windows of any adjacent buildings; (iii) Screen fencing, plantings and acoustic barriers in appropriate locations; and	Yes Yes Yes	 The existing entry to the semi detached terrace is being maintained for the boarding house and is consistent with the location of primary entrances to the row of terraces fronting Ebley Street. The communal indoor and outdoor areas are adjacent to the rear private open spaces of properties to the west and east of the site. Whilst the communal open space at the rear of the site is adjacent to window openings to the residential flat building, this is an existing situation and is unlikely to result in any unreasonable amenity impacts on adjoining properties, subject to operational conditions for use of communal open spaces. The proposed brick wall, privacy screening and landscaping to screen the communal outdoor space and stairs from properties to the west is considered appropriate and will minimise visual and acoustic impacts between the subject site and adjoining properties.

Development Control	Compliance	Comment
(iv) Double glaze windows or glass blocks where noise transmission could affect neighbouring properties.	N/A	No glass bricks or double glazed windows are proposed.

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

Side Setbacks

The proposal provides nil side setbacks along the eastern and western side boundaries which do not comply with the minimum 1.5m side setback control under the DCP, however, given the narrow width of the site at 4.93m and the established building footprint and envelope for the semi-detached terrace row, the proposal to build to the side boundaries is acceptable on merit. In particular, the subject site is at the western end of the row of terraces and is separated from the rear boundary or properties immediately to the west by 1.2m wide right of way that provides pedestrian access from the rear of 66 Newland Street to Ebley Street. Whilst the 1.2m wide right of way is not part of the subject site, it provides a physical separation between the subject site and the properties to the west.

The proposed siting of the rear 3 storey addition is consistent with the recently constructed additions at the rear of 53 and 55 Ebley Street, with the exception of the side setback provided between the shared boundary. Unlike 53 and 55 Ebley Street, the subject site is able to accommodate an addition built to both the eastern and western side boundaries and provide adequate amenity (natural light and ventilation) to habitable rooms. Notwithstanding the nil side setbacks, the proposal is consistent with the bulk and scale of the adjoining built forms to the rear of 53 and 55 Ebley Street and compliant with the building height and FSR development standards under the Waverley LEP 2012. Having regard to the location of the site at the end of the row of terraces, its separation from the rear boundaries of properties to the west and the bulk and scale of recently constructed additions immediately to the east, the site is uniquely suited for the proposed building footprint of the rear additions without having adverse impacts on adjoining properties or the character of the streetscape.

Other Impacts of the Development

The proposed development is capable of complying with the BCA/ NCC.

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.

2.1.4. Impacts on the natural and built environment

The proposal is not expected to result in adverse amenity impacts upon the natural and built environment of the locality for the reasons explained in this report.

2.1.5. Social impacts

Social impact is a key consideration of the assessment of any application in terms of the impact of the proposal on the amenity of neighbouring properties and the locality.

A detailed Plan of Management has been provided with the application which forms part of the consent. The development is within proximity of other boarding houses, particularly those approved at Nos. 53, 55, 57 and 59-61 Ebley Street. The site is ideally located for this type of development being in proximity of public transport and the Bondi Junction Centre.

The proposal is not expected to result in adverse social impacts on the locality. The development is in accordance with the ARH SEPP, that is intended to encourage and enable the provision and increase of a variety of affordable rental housing stock across NSW. In this regard, the social impacts of the proposal are deemed reasonable, particularly given that housing affordability is a prevailing urban planning issue in Sydney, and specifically, within the Waverley local government area.

2.1.6. Economic impacts

The proposal is not expected to result in adverse economic impacts on the locality.

Suitability of the Site for the Development

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

Any Submissions

The application was notified 21 days between 8 April and 29 April 2021 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was re-notified for 14 days between 19 August and 2 September 2021.

A total of 9 unique submissions were received, 6 during the original notification and 3 during the re-notification period, from the following properties:

Table 3: Number of and where submissions were received from – Original notification

Count	Property Address
1.	56 Newland Street, Bondi Junction (2 letters received)
2.	58 Newland Street, Bondi Junction (2 letters received)
3.	60-62 Newland Street, Bondi Junction (2 letters received)
4.	64 Newland Street, Bondi Junction
5.	23 Ebley Street, Bondi Junction

6.	Address unknown
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Table 10: Number of and where submissions were received from – Amended scheme - renotification

Count	Property Address
1.	56 Newland Street, Bondi Junction
2.	66 Newland Street, Bondi Junction
3.	10 Allens Parade, Bondi Junction

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

- External stair access
- Building bulk and scale
- Visibility from adjoining heritage conservation area
- Overlooking and loss of privacy
- External materials and finishes
- Incorrect assumption of rights of access along the right of way along the western boundary

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

Issue: Boarding house developments attract transient occupants that result in noise disturbances, rubbish and antisocial behaviour impacting the amenity of surrounding residents.

Response: The proposed boarding house use is permissible within the land use zone and will contribute to affordable housing stock in the Waverley LGA. A Plan of Management has been submitted and is required to be implemented as part of the operation of the boarding house use to minimise amenity impacts on adjoining properties.

Issue: This is the third boarding house in a row in Ebley Street and the concentration of boarding houses will not improve this part of Bondi Junction or benefit the community.

Response: The proposed boarding house use is permissible within the R3 Medium Density Residential zone. Current planning controls do not restrict the number of boarding houses within a permissible within the R3 zone. The proposal seeks to upgrade the existing semi detached terrace and will contribute positively to the streetscape and housing affordability within the locality.

Issue: Reliance on landscape screening adjacent to stairs on the western boundary is insufficient and will not minimise acoustic and light spill impacts.

Response: The proposal has been amended and the proposed stairs adjacent to the western boundary are now enclosed. Screening is proposed on the western elevation to provide articulation to the façade and minimise amenity impacts on adjoining properties to the west.

Issue: Overshadowing of adjoining rear private open spaces.

Response: The submitted shadow diagrams indicate that the proposal will not result in any adverse overshadowing impacts on the adjoining properties.

Issue: External accessway and open stairs along the western boundary will result in amenity impacts on adjoining properties.

Response: The amended proposal no longer contains a breezeway along the western side boundary and the southern stairs along the western boundary is enclosed with highlight windows and externally fixed privacy screening on the western elevation. The external stairs adjacent to the rear of the original terrace is appropriately screened and is unlikely to be heavily trafficked as it provides access to a single boarding room.

Issue: Insufficient procedures to resolve disputes with tenants and lack of onsite manager will not ensure the behaviour of tenants are sufficiently monitored or managed.

Response: The Plan of Management is considered sufficient having regard to the scale of the proposed development.

Issue: Lack of on site parking will increase demand for street parking in currently congested streets.

Response: Provision of on site parking is not considered suitable for the site given the narrow width of the property and the amenity impacts a new vehicular crossing would have on pedestrians along Ebley Street. The site is located in a highly accessible location with access to good public transport options at Bondi Junction. As such, no on site parking is considered acceptable in this circumstance.

Issue: Transient occupants present a COVID-19 risk to existing elderly population in the local area.

Response: There is no evidence that a boarding house use specifically presents Covid-19 related risks to the community.

Issue: Excessive planting of bamboo along the western boundary with 66 Newland Street is hazardous and needs to be removed.

Response: The proposal includes a landscape plan that will remove existing planting in the rear yard and replace with new plantings.

Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

Waverley Design Excellence Advisory Panel

The Waverley Design Excellence Advisory Panel (DEAP) reviewed the originally proposed development in relation to design excellence principles outlined in Part B12 of Waverley Development Control Plan 2012, specifically in relation to urban design, context and aesthetical considerations. These comments informed the deferral of the application and upon the amended scheme being submitted, the assessing officer has considered the amended scheme in light of the original commentary.

The DEAP's commentary in relation to design excellence principles with a planning comment below each principle (where necessary) are provided in **Table 11** of this report.

Table 11: DEAP's commentary on the design quality principles relating to the proposed development

Principle
<p>(b) Development is to achieve a high standard of architectural design, materials and detailing appropriate to the building type and location.</p> <ul style="list-style-type: none"> - <i>Materiality is not considered to achieve Design Excellence, given its visibility from Ebley Street, and its relationship to the adjoining conservation areas. The Panel considers fibre-cement and colourbond as inappropriate materials in this context. Further analysis of the local character, built form and architectural expression will inform a more suitable response.</i> - <i>Blank elevations and landscaping screening isn't a suitable solution for boundary conditions to neighbouring properties, particular those within this context.</i> - <i>The Panel suggests the front elevation be revisited to ensure the form, material treatment and language of the dormer window and front fence makes a positive contribution to the streetscape.</i> - <i>Consideration should be given to the neighbouring properties, including the recently approved Development Applications, to ensure the approach is complimentary</i> - <i>A contemporary addition to the existing fabric of the building is suitable, however, the form and expression needs to be carefully crafted and justified. This is particularly important given the visibility of the site, and the amenity impacts associated with the overall built form, which is over and above the current FSR controls.</i> <p>Planning comment: The amended architectural plans and schedule of materials and finishes enhances the quality and appearance of the development, and is better suited to the character of the adjoining conservation area and is supported by Council's Heritage Advisor, subject to conditions.</p> <p>The amended plans have altered the design of the proposed front dormer window to replace a flat roof with a roof with a 1 degree fall to the east and west, and a more vertically proportioned form.</p> <p>The three storey addition at the rear has been reconfigured internally and externally to complement the recently approved and constructed additions to properties immediately to the east of the site. The proposal responds appropriately to the built form and scale of rear additions located behind the row of single storey semi-detached dwellings. The proposed use of darker colours at the upper level contributes to a visually recessive addition which is appropriate given the site is immediately adjacent to single storey dwellings to the west located within the Mill Hill Heritage Conservation Area.</p>

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

See comments above as they relate to views from Ebley Street. The Panel suggest the applicant review the Department of Planning's Guidelines on Local Character as a tool to firstly identify the valuable characteristics and how the design can positively contribute to a 'desired future character'.

Planning comment: The amended proposal is considered an appropriate fit within the Ebley Street streetscape as the rear addition presents as a contemporary addition that does not detract from the character of the single storey semi-detached dwelling row, particularly when viewed directly opposite from the northern side of Ebley Street. Whilst the contemporary additions are visible when viewed along Ebley Street from the north-west, the built form is consistent with immediately adjoining developments and the façade treatments do not dominate the overall appearance of the site and the row of dwellings.

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

The development doesn't impact any specific view corridors from the public domain, though further analysis on the visual impact for those properties to the west (fronting Newland Street) is appropriate. The proposal currently presents to the rear garden of these properties with a fibre-cement elevation plus windows and balconies on the boundary. Apart for the privacy and acoustic impacts, the Panel doesn't support this approach, especially considering the interface with a conservation area.

Planning comment: Agreed that no view corridors are impacted by the proposed development. The amended proposal which has removed pedestrian access along the western side boundary and enclosed the southern stair access with windows and privacy screening to the western elevation mitigates amenity impacts to the rear of adjoining properties and is acceptable. The external stairs at the rear of the existing dwelling provides access to the first floor boarding room fronting Ebley Street. Given that the boarding room is single occupancy and the stairs does not provide access to another room or communal area within the boarding house, use of the stairs is likely to be infrequent. The proposed timber batten privacy screen at a height of 1.8m with trellis for climbing plants will minimise direct overlooking and loss of privacy for adjoining properties and is acceptable in this circumstance.

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

- *The Panel doesn't support zero-setbacks to the western boundary, despite the presence of an access easement separating the site from the adjoining properties. See comments above in relation to the blank western elevation.*
- *The extent of over-shadowing impacts needs to be better understood and analysed - this will require further information on the impacts to the northern elevation for 70-72 Newland, and the rear gardens for 62-66, to ensure the impact from the proposal is appropriate.*
- *Relying on a designated 'breezeway' along the western boundary isn't supported, due to the amenity impacts and contribution to the overall bulk of the building. The Panel feel these breezeways should be counted as GFA, given they're enclosed on three sides. The openness of these circulation spaces will also raise issues with noise, privacy and light-spill. Its recognized that some of the proposed units borrow amenity from these circulation spaces, which may require a reconfiguration of the internal planning in order to address this matter.*
- *The dormer window fronting onto Ebley Street does not meet the character requirements (harmony with buildings creating local character)*
- *Front fence is not appropriate way to address street and not in character with adjacent properties*

- *The shared amenity and infrastructure required to adequately support 12 people on this site isn't currently addressed in the design. For example:*
 - o the private open space for Room 100 is the front setback adjacent to the bin store,*
 - o bike racks are located at the rear and requires residents to carry their bikes up/down stairs to access, and*
 - o the common room is only 12sqm and is not an appropriate size to accommodate the number of people living on site.*
- *Privacy interfaces and potential overlooking of the Newland St properties needs to be addressed, as the common rooms, balcony to Room 300 and the breezeways all need to be reorientated or screened.*
- *Confirm whether the private open space and room dimensions are appropriate*
- *Landscape design does not seem consistent with the absorption trench shown*
- *No information on drainage, air conditioning and window operation is provided. If NC is assumed then the location of condensers should be shown, Similar, location or down pipes for roof drainage and servicing to be indicated on all drawings. Solar shading to the western-facing windows should also be considered to reduce heat-loads*

Planning comment: Whilst provision of setbacks to side boundaries are a general requirement under built form controls under the Waverley DCP, the setting of the site is unique as it has a 3 storey built form along the eastern side boundary and a right of way along the western boundary separating the site from the rear courtyards of properties to the west. The proposal to build to the western boundary enables the positioning of access to the rear private open space to the eastern side boundary which addresses the concerns raised with pedestrian access and amenity impacts on properties to the west.

The amended design has satisfactorily addressed concerns raised regarding the extent of stairs and breezeways along the western boundary with the enclosure of the southern stairs and removal of the breezeway and use of the right of way from Ebley Street.

The configuration of communal living areas and window openings have been amended with openings orientated to the north and no longer directly overlooking the western boundary. Originally proposed balconies to boarding rooms on the first floor level have all been deleted to minimise privacy impacts on adjoining properties to the west and south of the site.

Amended landscape plans have been submitted and are considered satisfactory, subject to conditions included in the recommendation.

Heritage

The proposal was referred to Council's Heritage Advisor as the site is immediately adjoined by properties located within the Mill Hill Heritage Conservation Area (C12) under Schedule 5 of the Waverley LEP 2012. Council's Heritage Advisor raises no objection to the proposal subject to design amendments addressing the following:

- Further reduce the bulk of the 3 storey rear addition by reorientation of the skillion roof to fall to the west
- Security concerns for windows on the western elevation with passing pedestrians
- Design details of the garbage bin storage enclosure in the front setback demonstrating no impacts on the existing ground floor window
- Amended schedule of colours and finishes to enhance the detailing and style of the terrace.

Council's assessment officer considered the recommendations provided by Council's Heritage Advisor and is satisfied that the proposed design of the rear 3 storey addition including the roof form is acceptable as it is consistent with the form and style of immediately adjoining developments to the east and is compliant with the building height and FSR development standards under the Waverley LEP 2012. The proposal is contained within an acceptable building envelope that is contextually appropriate with the row of terraces to the east and will not result in any detrimental impacts on the amenity of adjoining properties. As such, it is not considered necessary to require an amendment to the proposed roof form of the 3 storey rear addition.

The amended proposal has removed the originally proposed breezeway and pedestrian access along the western side boundary adjacent to the windows to the boarding rooms on the lower ground floor. Whilst two windows are still proposed on the western elevation, the windows will be obscured by the height of the existing timber boundary fence and not supported for inadequate amenity reasons. The right of way is legally reserved for the use by occupants of 66 Newland Street and is unlikely to result in high volumes of pedestrian traffic that will adversely impact on the amenity of the boarding rooms. However, to minimise amenity impacts for future occupants and adjoining properties, a condition has been imposed requiring privacy treatments including translucent glazing to be installed on windows on the western elevation (primarily the stairwell).

A condition has been imposed requiring design amendments to demonstrate the garbage bin enclosure does not extend above the sill of the existing window on the northern elevation and use of the area will not adversely affect the amenity of the future occupant of the boarding room.

A condition has also been imposed requiring the submission of a revised schedule of colours and finishes that better complement the character of the existing terrace, the row of terraces and the adjoining heritage conservation area.

Strategic Planning

The proposal was referred to Council's Strategic Planner raised no objection to the proposal, subject to conditions.

Stormwater

The proposal was referred to Council's Stormwater Engineer who identified the site as not being flood affected and there are no Council owned pipes affected by the proposal. No objection has been raised to the proposal, subject to imposition of appropriate stormwater management conditions.

Tree Management

The proposal was referred to Council's Tree Management Officer who raised no objection to the proposed removal of existing trees within the site as the trees have not been identified as worthy of retention due to poor health, poor structure and are exempt species which do not require consent for removal.

Environmental Health

The proposal was referred to Council's Environmental Health Officer who raised no objection subject to conditions relating to demolition, construction and operational management of the boarding house.

Waste Management

The proposal was referred to Council's Waste Management Officer who raised no objection to the proposal, subject to conditions including the requirement to provide a sufficient bulky waste storage room and a designated problem waste area.

Fire Safety

The proposal was referred to Council's Fire Safety Officer who reviewed the amended BCA report and raises no objection to the conclusions provided within the BCA report. Conditions relating to BCA compliance and fire safety measures have been included in the recommendation in Appendix A.

4. CONCLUSION

The development application seeks consent for substantial alterations and additions to the existing single storey semi-detached dwelling to construct a first floor addition above the existing dwelling and a new 3 storey addition at the rear for use as a boarding house comprising 7 boarding room, 2 communal living areas and a rear communal courtyard at the site known as 51 Ebley Street, Bondi Junction.

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

- Excavation
- Side setbacks
- Garbage storage
- Privacy and overlooking
- Car and motorcycle parking
- Amenity of boarding rooms

The assessment finds the non-compliance with excavation, side setback, car and motorcycling parking controls acceptable given the constraints of the site including the narrow width of the property, the retention of the front of the semi-detached dwelling which is part of a row of terraces and no existing vehicular access from Ebley Street. In particular, a Clause 4.6 written justification has been submitted seeking variation to the motorcycle parking development standard under Clause 29 of the State Environmental Planning Policy (Affordable Rental Housing) 2009, and is considered to be well founded.

The proposed built form and boarding house use is consistent with recently approved and constructed additions to the rear of dwellings immediately to the east of the site and will not result in adverse amenity impacts on surrounding properties, subject to design amendments regarding the garbage storage enclosure, privacy treatments to minimise amenity impacts to properties to the west, deletion one of the lower ground floor boarding rooms and proposed window openings on the western elevation to enhance internal amenity for future occupants and adjoining properties.

A total of 9 submissions were received as a result of the notification of the proposal and re-notification of amended plans. The issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received. There has been no declared conflict of interest on the application.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 26 October 2021 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Peggy Wong	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 4 November 2021	Date: 12 November 2021

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Nimbus Architecture + Heritage of Project No: 2006 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-001, Rev D	Project Notes	10.08.2021	12.08.2021
DA-100, Rev E	Site Plan & Site Analysis	10.08.2021	12.08.2021
DA-110, Rev I	Ground Floor	10.08.2021	12.08.2021
DA-111, Rev I	Lower Ground Floor	10.08.2021	12.08.2021
DA-112, Rev H	First Floor	10.08.2021	12.08.2021
DA-113, Rev G	Roof Plan	10.08.2021	12.08.2021
DA-200, Rev G	Elevations (west)	10.08.2021	12.08.2021
DA-201, Rev G	Elevations (north and south)	10.08.2021	12.08.2021
DA-300, Rev I	Section	10.08.2021	12.08.2021
DA-500, Rev A	Details (courtyard stairs, laundry, hanging space)	10.08.2021	12.08.2021
DA-700, Rev H	Materials & Finishes	10.08.2021	12.08.2021

- (b) Landscape Plan No. L/01 to L/09 (inclusive) and documentation prepared by Aspect Designs, dated 04/08/2021 and received by Council on 12/08/2021.
- (c) BASIX and NatHERs Certificate/s.
- (d) Stormwater Details and documentation prepared by Hyten Engineering dated 09/07/2020, and received by Council on 22/03/2021.
- (e) BCA Report prepared by BCA Logic dated 29/10/2021, and received by Council on 29/10/2021.
- (f) Plan of Management prepared by Think Planners Pty Ltd dated 11/08/2021, and received by Council on 12/08/2021.
- (g) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Boarding Room 100 including bathroom located on the lower ground floor level is not approved and is to be deleted from the plans. The adjacent plant room shall be shifted southwards to replace the area formally allocated to Room 100. In this regard the plant room shall be reduced to fit within

former Room 100s size and excavation of the site reduced accordingly (that is, the lower ground floor shall not extend northwards beyond notation 4 on Drawing No DA-111).

- (b) Windows W1.1 and W1.2 on the western elevation are not approved and are to be deleted from the plans.
- (c) Translucent glazing is to be installed to windows on the western elevation identified as W2.3, W3.8 and W3.9 on the architectural plans.
- (d) A minimum bench top area of 1m² must be incorporated into the design of kitchenettes within each boarding room.
- (e) Design details of the waste and recycling garbage enclosure located within the front building setback must be submitted demonstrating that the width and height of the enclosure does not extend above the sill height of the existing window on the northern elevation, obstruct view of the window from the public domain. The submitted drawings must clearly demonstrate that access to the garbage enclosure does not impact the operation of the existing window or the amenity of future occupants.
- (f) The proposed mailboxes are to be relocated from the interior of the building to a suitable location adjacent to the entry door.

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

3. EXTERNAL FINISHES

A schedule of external finishes enhancing the historic detailing and style of the building shall be submitted and approved by Council's Heritage Officer, prior to the release of the relevant Construction Certificate.

Materials and finishes are to be restricted to the range of heritage colours sympathetic to the historical character of the area.

4. PLAN OF MANAGEMENT TO BE AMENDED

The Plan of Management (PoM) identified in condition 1 of this development consent shall be amended as follows:

- (a) To address the requirements of the Condition No. 2 of this development consent.
- (b) Contact details, including phone number and email address, of the manager shall be identified so that the manager is readily contactable 24 hours a day and available to be made immediately aware of any issues and complaints as they arise so that they can quickly resolve any issue to the best of their ability.
- (c) Identification of procedure for complaints, complaints register and target timeframes for dealing with complaints and maintenance issues;
- (d) Identification of how noise and behaviour complaints will be dealt with in a timely and efficient manner;
- (e) Inclusion of a schedule of fire safety measures;
- (f) Inclusion of an incident register that must be produced upon demand by any Council Officer or NSW Police Officer. The incident register must contain a direction that all incidents of a criminal nature are to be reported to the police immediately.
- (g) Requirements of signage provision at the front of the boarding house in accordance with conditions of consent and of signage in the common areas identifying emergency contact numbers.
- (h) Identification of the type of locks provided for boarding rooms for security purposes, which are to be a key operated and dead-bolt style lock;

The amendments are to be made and submitted to Council for approval prior to the release of Construction Certificate. A final Occupation Certificate will not be issued until such time as the POM is in a form acceptable to Council.

The PoM shall be reviewed every two years (at minimum) to determine whether any change to it should be made to address any incidents or complaints and/or improve the operations to eliminate anti-social behaviour. A copy shall be registered with Council at any time it is updated. Changes to the PoM must be in accordance with the approved conditions of consent.

5. BOARDING HOUSE

- (a) The use and operation of the premises shall comply with the requirements of the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and the *Boarding House Act 2012*.
- (b) The boarding house must NOT accommodate any more than **9 people** in the building.
- (c) All lodgers shall be required to reside on the premises for a minimum period of three (3) months in accordance with the definition of a Boarding House under the Waverley Local Environmental Plan 2012.
- (d) All lodgers shall be provided with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.
- (e) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity. A copy of the register of persons accommodated must be kept on the premises at all times and provided to Council upon request.

6. COMMUNITY LIASION

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

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

CONTRIBUTIONS, FEES & BONDS

8. 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.

9. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$10,930** 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.

10. LONG SERVICE LEVY

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

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

CONSTRUCTION & SITE MATTERS

11. BUILDING CODE OF AUSTRALIA

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

12. 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.

13. 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.

14. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

15. ENGINEERING DETAILS

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

16. ENGINEERING CERTIFICATE OF ADEQUACY

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

17. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

18. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades or chimneys are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

19. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this 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.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

FIRE SAFETY

20. FIRE SAFETY

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

21. ESSENTIAL SERVICES - EXISTING BUILDING

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

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

22. FIRE SAFETY UPGRADING WORKS

- (a) Fire safety upgrading works are to be undertaken in accordance with all recommendations identified in the Building Code of Australia Report prepared by Josh Harvey of BCA Logic Pty Ltd and dated 28 October 2021 with Reference 112787-BCA-r2.
- (b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.
- (d) The subject building shall accommodate not more than 12 people and have a total area of all floors not more than 300m² (measured over the enclosing walls of the building or buildings).

TRAFFIC MANAGEMENT

23. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

24. BICYCLE PARKING

A minimum of 2 bicycle parking spaces are to be provided for residents and visitors.

The 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 rear yard.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

STORMWATER & FLOODING

25. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, an amended 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 concept stormwater civil plans prepared by Hyten Engineering Pty Ltd, Project No. 20H140, DWG No. SW01 and SW02 (Rev. A), dated 09/07/2020 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 shall be prepared by a suitably qualified and practising Civil Engineer and:

- (a) When proposing an infiltration or pump out system, evidence must be submitted to Council that an honest and reasonable attempt has been made to acquire an easement to drain water through any of the downstream properties or demonstrated that all avenues to establish an easement be impractical or unviable (see ADVISORY section for further information).
- (b) When proposing an infiltration system, a geotechnical report prepared by a suitably qualified and practising Geotechnical Engineer shall be submitted to Council for assessment. The hydraulic conductivity must be tested at a minimum of two locations at the site of the proposed absorption system, and at the base level of the proposed system (and at a minimum of one metre deep). The infiltration system is to be designed using the infiltration rate of the soil of the site. The geotechnical report is to also determine the depth to rock and the presence and depth of the water table. Reference shall also be made to Council's Water Management Technical Manual. Details of the proposed infiltration system shall be drawn to a suitable scale.
- (c) Details of any on-site stormwater detention (OSD) or pump out system and its details shall be provided. A certificate from a registered structural engineer certifying the structural adequacy of any below ground OSD tank or pump out structure shall be provided.
- (d) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system shall be provided.
- (e) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- (f) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided.
- (g) Any pipeline within the road reserve must fall by gravity at 1% minimum.
- (h) 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.
- (i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and

vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

ENERGY EFFICIENCY & SUSTAINABILITY

26. BASIX

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

WASTE

27. 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.

28. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and commercial development;

- **Residential (9persons)**
 - 2 x 240L Mobile Garbage Bins (MGBs) for general waste (collected weekly)
 - 2 x 240L MGBs for paper and cardboard recycling (collected fortnightly)
 - 2 x 240L MGBs for container recycling (collected fortnightly)
 - A minimum of 4m² floor space is required for the on-site storage of bulky waste awaiting collection; A minimum of 1m² floor space is required for additional problem waste streams (such as electronic waste or textile waste). This should be inside or adjacent to the onsite storage of bulky waste with doorway clearance for the bulky waste storage area of a minimum 1.5m

- All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

29. VERMIN AND RAT CONTROL

A *Pest and Vermin Control Management Plan* prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

LANDSCAPING & TREES

30. GREEN ROOF LANDSCAPING DETAILS

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

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

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

NOISE

31. NOISE – ACOUSTIC REPORT

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

Note: Any management measures recommended in the acoustic report shall be incorporated into a

Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

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

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

32. 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.

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

33. 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.

34. DILAPIDATION REPORT

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

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

DEMOLITION & EXCAVATION

35. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

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

36. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

37. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

38. 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

39. CONSTRUCTION HOURS

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

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

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

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

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

41. CONSTRUCTION INSPECTIONS

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

42. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the 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.

43. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

44. TREATMENT OF BOUNDARY WALLS

The wall/s approved on the western boundary with the neighbouring property are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.

45. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

46. TREE PROTECTION

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

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

47. 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.

48. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) as outlined in the acoustic report referenced in Condition No. 1 and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

49. CERTIFICATION OF ALL MECHANICAL PLANT

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

50. CERTIFICATION OF BASIX COMMITMENTS

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

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

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

52. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD, PUMP OUT AND INFILTRATION SYSTEM

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

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

53. REGISTRATION OF BOARDING HOUSE PREMISES

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

- a. Provide an outdoor clothes line and cleaning and cooking items in the kitchen for the use of boarding room occupants.
- b. Arrange for an inspection by Council's Environmental Health Officer.
- c. Be registered as Boarding House with Council.
- d. Provide to Council and the Principal Certifying Authority details of trade waste removal arrangements.
- e. Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.
- f. Prior to the commencing operations, forward a notification letter to the Council and adjoining neighbours providing contact details of the onsite Manager so that any issue regarding the operation of the premises can be addressed promptly. The Manager is to be contactable at all times by mobile phone and the mobile phone number of the Manager is to be clearly displayed externally adjacent to the front door of the premises.

54. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

MANAGEMENT PLANS

55. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant;

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) The role and responsibility of managing composting facilities (if provided);
- (d) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.

- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants and must comply with Council's relevant policies for placing waste in the public place for collection.
- (g) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (h) At no times shall bins or waste of any kind be stored on the public domain (e.g. footpaths).

56. PLAN OF MANAGEMENT – SHARED ACCOMMODATION

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

- (a) How noise will be controlled from within the building and areas of open space on site;
- (b) How guests will be managed as they enter and leave the site, especially late at night;
- (c) The collection and disposal of waste arising from the use of the site;
- (d) Details regarding whether there will be a live-in manager on site;
- (e) The security of the premises;
- (f) Maintenance and cleaning of the premises;
- (g) Maintenance of essential fire safety services; and
- (h) Creation of a Resident Liaison Committee.

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

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

OTHER MATTERS

57. BONDI JUNCTION FSR AND MAPPING MODEL

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

- (a) DP/Lot/Strata Plan
- (b) address
- (c) building footprint (m²)
- (d) gross Floor area (m²)
- (e) total residential floor space (m²)
- (f) total office space (m²)
- (g) total retail space (m²)
- (h) total no. of all levels (m²)
- (i) no. levels above ground
- (j) no. levels below ground
- (k) no. of residential levels
- (l) no. of dwellings

- (m) no. of commercial levels
- (n) no. of parking spaces
- (o) parking location (above or below ground)
- (p) ground floor use (commercial, retail or residential)

58. ALLOCATION OF STREET NUMBER

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

- No. 51 - primary address site number
- Ebley Street primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry points and clearly visible on the site boundary that fronts 51 Ebley Street.

The following sub-addressing will apply:

- Nos. 1-9 for the rooms (including the common room)

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

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

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

59. PARKING PERMITS

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

E. OPERATIONAL MATTERS

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

GENERAL MATTERS

60. BOARDING HOUSE – USE, OPERATION & MANAGEMENT

- (a) Within 28 days of commencing operations in accordance with Part 2, Division 1 of the Boarding Houses Act 2012, the boarding house must be registered with NSW Fair Trading.
- (b) The use and operation of the premises shall comply with the requirements of the *Local Government Act 1993* and the *Boarding House Act 2012*.
- (c) All lodgers shall be required to reside on the premises for a minimum period 3 months in accordance with the definition of Boarding House under Waverley Local Environmental Plan 2012.
- (d) All lodgers shall be provided with and sign the Standard Occupancy agreement for general boarding houses under the Boarding Houses Act 2012.
- (e) All tenancy/occupation agreements and house rules must outlined specific provisions requiring residents of the premises and their guests to comply with the requirements of this consent.
- (f) There must be a manager appointed to manage the premises.
- (g) The name address and contact phone number for the appointed manager and any newly appointed manager must be provided to Waverley Council within 48 hours of the manager's appointment.
- (h) The manager must ensure that the plan of management is complied with at all times, including ensuring the number of patrons in the premises does not exceed the approved capacity.
- (i) The boarding house shall be registered and inspected by Council on an annual basis.
- (j) Rooms with a gross floor area, as defined by *State Environmental Planning Policy (Affordable Rental Housing) 2009*, less than 16m² shall accommodate only a single lodger. For all other rooms the maximum lodgers per room is limited to 2 people.

61. RESTRICTIONS OF TIMES ON USE OF COMMUNAL AREA

The use of the outdoor communal area is permitted between the hours of 7.00am and 10.00pm, seven days only. No music or alcohol consumption is permitted in the outdoor communal area.

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

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

63. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any compliant registers (or other) required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.

AMENITY & SAFETY

64. AMENITY

The management of the premises is to:

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

65. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES

The Management must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- (a) It must operate continuously;
- (b) It must record in digital format at a minimum of six frames per second;
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
 - i. all entry and exit points of the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) on the premises.
- (e) CCTV recordings must be retained for at least 30 days.
- (f) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.

66. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

67. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

68. NOISE EMISSIONS

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

69. BOARDING REFRIGERATION UNITS AND MECHANICAL PLANT

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. DIAL BEFORE YOU DIG

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

AD4. ALTERATIONS AND ADDITIONS ONLY

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

AD5. EXCAVATION TO BE LIMITED

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

AD6. TREE REMOVAL/PRESERVATION

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

AD7. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

AD8. OBTAINING AN EASEMENT TO DRAIN STORMWATER

Council's preference to drain stormwater is by using a gravity fed system. When proposing an infiltration or pump out system on low level properties (i.e. developments that fall away from the street), evidence must be submitted to Council that an honest and reasonable attempt has been made to acquire an easement through any of the downstream properties or demonstrated that all avenues to establish an easement be impractical or unviable.

Applicants are first to approach all downstream property owners, wherever a drainage easement to drain the subject property could be established. Any request for a drainage easement must outline details of the proposed easement, the consequences associated with the failure of the alternative system, as well as present a monetary offer of compensation for the easement. Council requires some written evidence to clarify that some negotiation has been undertaken with the property owner.

Where a neighbouring owner refuses to grant a drainage easement, the applicant must provide documentary evidence of this outcome.

Section 88K of the Conveyancing Act 1919 allows for the compulsory acquisition of an easement over land if the easement is reasonably necessary for the effective use or development of other land that will have the benefit of the easement. There are several criteria outlined in the Act that must first be satisfied. If the property owner is unable to attain any written response from the adjacent downstream property owner, a Statutory Declaration stating the above must be submitted.

51 EBLEY STREET BONDI JUNCTION: NEW BOARDING HOUSE

RECEIVED
Waverley Council
Application No: DA-104/2021
Date Received: 12/08/2021



AMENDED PLANS

Development Application

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
Project Status: Development Application

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Rev	Revision Description	Date	Drawn	Reviewed
A	DA: Preliminary	18.11.2020	SW	JM
B	DA: Preliminary	30.11.2020	SW	JM
C	Development Application	04.01.2021	SW	JM
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Cover Sheet

Project Number : 2006
Drawing Number : DA-000

(A2)

Revision

D

101

DOOR TAG

1i

WINDOW TAG

⊕ RL 25.500

EXISTING LEVEL

⊕ RL 25.500

PROPOSED LEVEL

EXISTING WALLS

NEW STUD WALLS

NEW MASONRY WALLS

EXISTING WALLS/ELEMENTS TO BE DEMOLISHED

SITE BOUNDARY

EXTENT OF NEW WORKS

SOFT LANDSCAPING

NOT IN PROJECT SCOPE OF WORKS

PRIVATE OPEN SPACE

ACCESSIBLE CIRCULATION ZONE TO AS1428.1

LOOSE FURNITURE

ABBREVIATIONS

CJ

CONTROL JOINT

COS

CONFIRM ON SITE

DP

DOWN PIPE

ECL

EXISTING CEILING LEVEL

EFL

EXISTING FLOOR LEVEL

EJ

EXPANSION JOINT

EX

EXISTING

EPP

EXISTING POWER POLE

EPOA

EXISTING POINT OF ATTACHMENT

FC

FIBRE CEMENT SHEET

FCL

FINISH CEILING LEVEL

FFL

FINISH FLOOR LEVEL

MDF

MEDIUM DENSITY FIBRE BOARD

MR

MOISTURE RESISTANT

PB

PLASTERBOARD

PF

PAINT FINISH

SJ

SILICONE JOINT

WT

WATER TANK

FLOOR

FL-CS

CONCRETE SLAB ON GROUND

FL-CT

CERAMIC TILES ON SCREED AND FIBRE CEMENT SHEETING

FL-BR

BRICK PAVING ON SUSPENDED CONCRETE SLAB

FL-SP

PERFORATED STEEL MESH ON STEEL FRAMING

FL-TB

TIMBER FLOOR BOARDS ON TIMBER FRAMING TO SUIT: INSULATION TO BASIX REQUIREMENTS

WALL

WA-BR

SINGLE BRICK WALL, RENDERED

WA-BS

SINGLE BRICK WALL, RENDERED WITH TIMBER STUD INTERIOR: INSULATION TO BASIX REQUIREMENTS

RF-ML

METAL DECK SHEETING ON TIMBER FRAMING TO SUIT: INSULATION TO BASIX REQUIREMENTS

WA-CB

CONCRETE BLOCK RETAINING WALL: INSULATION TO BASIX REQUIREMENTS

ROOF

RF-ML

METAL DECK ROOF SHEETING WITH ANTICON BLANKET ON TIMBER FRAMING TO SUIT

RF-ZN

ZINC ROOF SHEETING WITH ANTICON BLANKET ON TIMBER FRAMING TO SUIT

RF-GR

SUSPENDED CONCRETE SLAB FOR PLANTED ROOF

LANDSCAPE

LN-F

TIMBER FENCE

LN-TB

TIMBER BATTEN SCREENING

REFER TO DA-700 FOR FINISHES

Geotextile filter fabric

Stakes

Runoff water with sediment

200

Buried fabric

Filtered water

Stakes

Drop inlet with grate

Geotextile filter fabric

NOTE:
REQUIRED DURING CONSTRUCTION WORKS FOR ANY EX. GRATED DRAINS ALONG NEIGHBOURING STREETS AT LOWER GRADE TO CONSTRUCTION WORKS. CONTRACTOR TO VERIFY EXACT NUMBER & LOCATION ON SITE.

Sediment Trap to Stormwater

3m max.

600 max.

200

Direction of flow

Geotextile filter fabric

Posts driven 0.6m into ground

Detail of overlap

Undisturbed area

SEDIMENT FENCE

EARTH BANK TO PREVENT SCOUR OF STOCKPILE

WATERPROOF COVERING

SEDIMENT FENCE OR SANDBAGS (SEE DETAIL ABOVE)

STOCKPILE

Building Materials Stockpile

2M MIN.

SANDBAG IN GUTTER

RUNOFF

Sandbag Kerb Sediment Trap

1. Builder shall provide sediment fencing material during construction as required by council. Tie sediment fencing material to cyclone wire security fence. Sediment control fabric shall be an approved material (Eg. Humes propoex silt stop) standing 300mm minimum above ground and extending 200mm below ground.

2. Existing drains located within the site shall also be isolated by sediment fencing material.

3. No parking or stockpiling of materials is permitted on the lower side of the sediment fence.

4. Grass verges shall be maintained as much as practical to provide a buffer zone to he construction site.

5. Builder shall ensure all construction traffic entering and leaving the site site do so in a forward direction.

6. All temporary stockpiles shall be at least 2000mm clear of areas of concentrated water flow & footpath not to be used. Refer to architectural drawings for setout of site sheds.

7. Provide mesh and gravel 'sausage' protection to gutter inlets near the allotment.

Application No: DA-104/2021

Sheet List

Date Received: 12/08/2021

Current

Sheet Number

Sheet Name

Revision

DA-000

Cover Sheet

D

DA-001

Project Notes

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DA-100

Site Plan & Site Analysis

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Lower Ground Floor

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DA-112

First Floor

H

DA-113

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Elevations

G

DA-201

Elevations

G

DA-300

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DA-400

Shadow Diagrams

E

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Shadow Diagrams

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Shadow Diagrams

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Details

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Streetscape Perspective

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DA-601

Rear Boundary Perspective

A

DA-700

Materials & Finishes

H

DA-900

Area Calculation Plan

D

DA-1000

Notification Plan

D

SYDNEY CBD

5km

EBLEY STREET

TRAIN

400m

CLEMENTSON PARK

BUS

NEWLAND STREET

BOARDING HOUSE DEVELOPMENTS

HERITAGE CONSERVATION AREA

EASTGATE SHOPPING CENTRE

SUPERMARKET

DEPARTMENT STORES

WAVERLEY OVAL

BEACHES

GARDINER STREET

MACKENZIE STREET

LOCATION PLAN: 51 EBLEY STREET BONDI JUNCTION (SOURCED FROM SIXMAPS)

AMENDED PLANS

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Member Australian Institute of Architects

Nimbus Architecture and Heritage Pty Ltd

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New Boarding House

51 Ebley St Bondi Junction

For : Expansive Group

Project Status: Development Application

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Rev

Revision Description

Date

Drawn

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A

DA: Preliminary

18.11.2020

SW

JM

B

DA: Preliminary

30.11.2020

SW

JM

C

Development Application

04.01.2021

SW

JM

D

Development Application: Updated Issue

10.08.2021

SV

JM

EXPANSIVE

CONSTRUCTION FITOUT

Project Notes

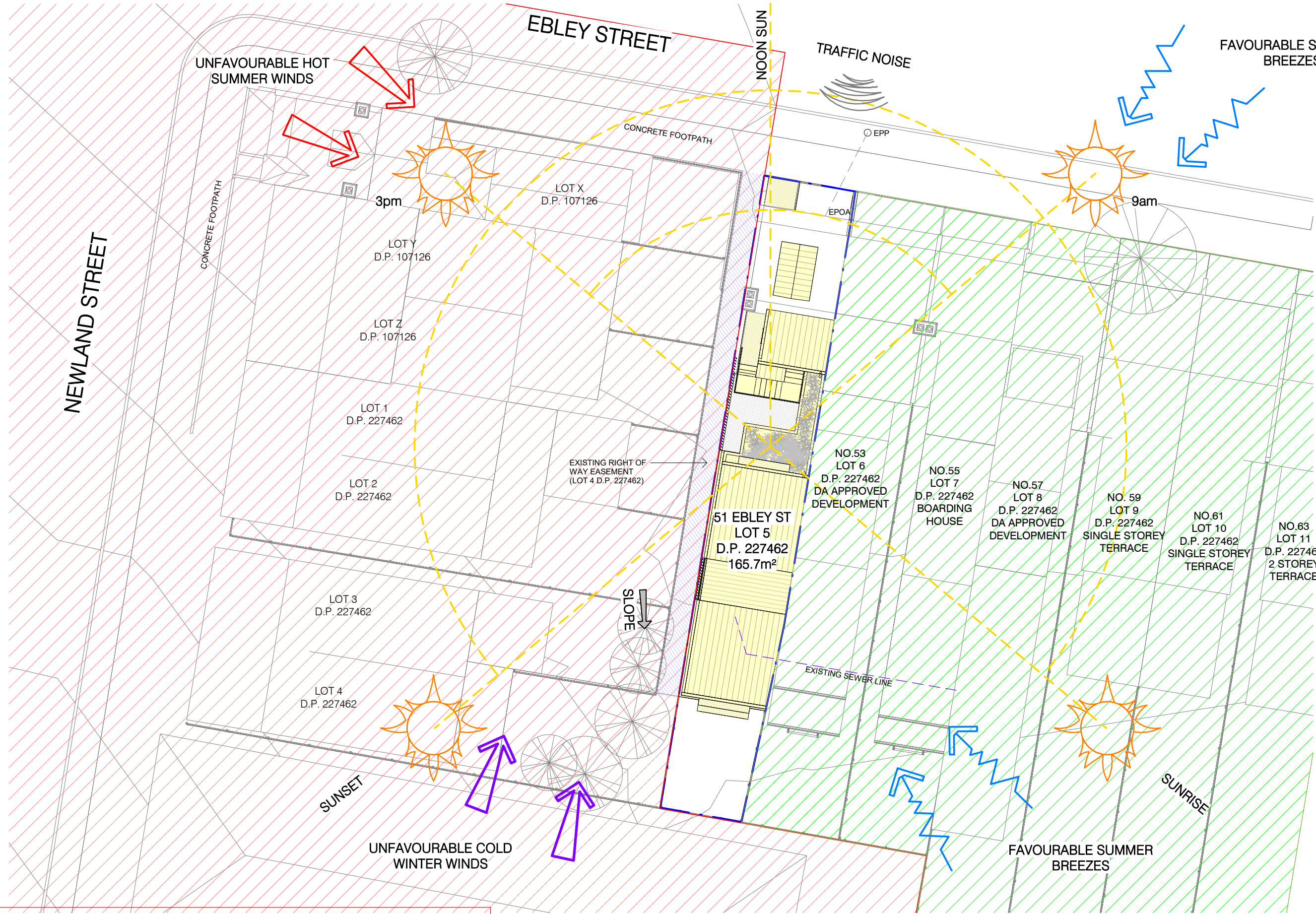
Project Number : 2006

Drawing Number : DA-001

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D



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Application No: DA-104/2021

Date Received: 12/08/2021

- PROPOSAL
- HERITAGE CONSERVATION AREA
WAVERLEY LEP 2012
- EXISTING BOARDING HOUSE
DEVELOPMENTS

AMENDED PLANS

Development Application

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
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A	Concept Design	21.02.2020	SW	JM
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D	Development Application	04.01.2021	SW	JM
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Site Plan & Site Analysis

Project Number : 2006

Drawing Number : DA-100

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Revision

E

NOTES

EXTERNAL WALLS ADJOINING THE COMMON BOUNDARIES ARE TO BE CONSTRUCTED TO ACHIEVE A FRL OF 60/60/60 WHEN TESTED FROM THE OUTSIDE

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ALL KITCHENETTES AND BATHROOMS OPEN TO NATURAL LIGHTING IN COMPLIANCE WITH BASIX AND BCA REQUIREMENTS

ALL LIGHTS SEALED WITH SEAL PENETRATE

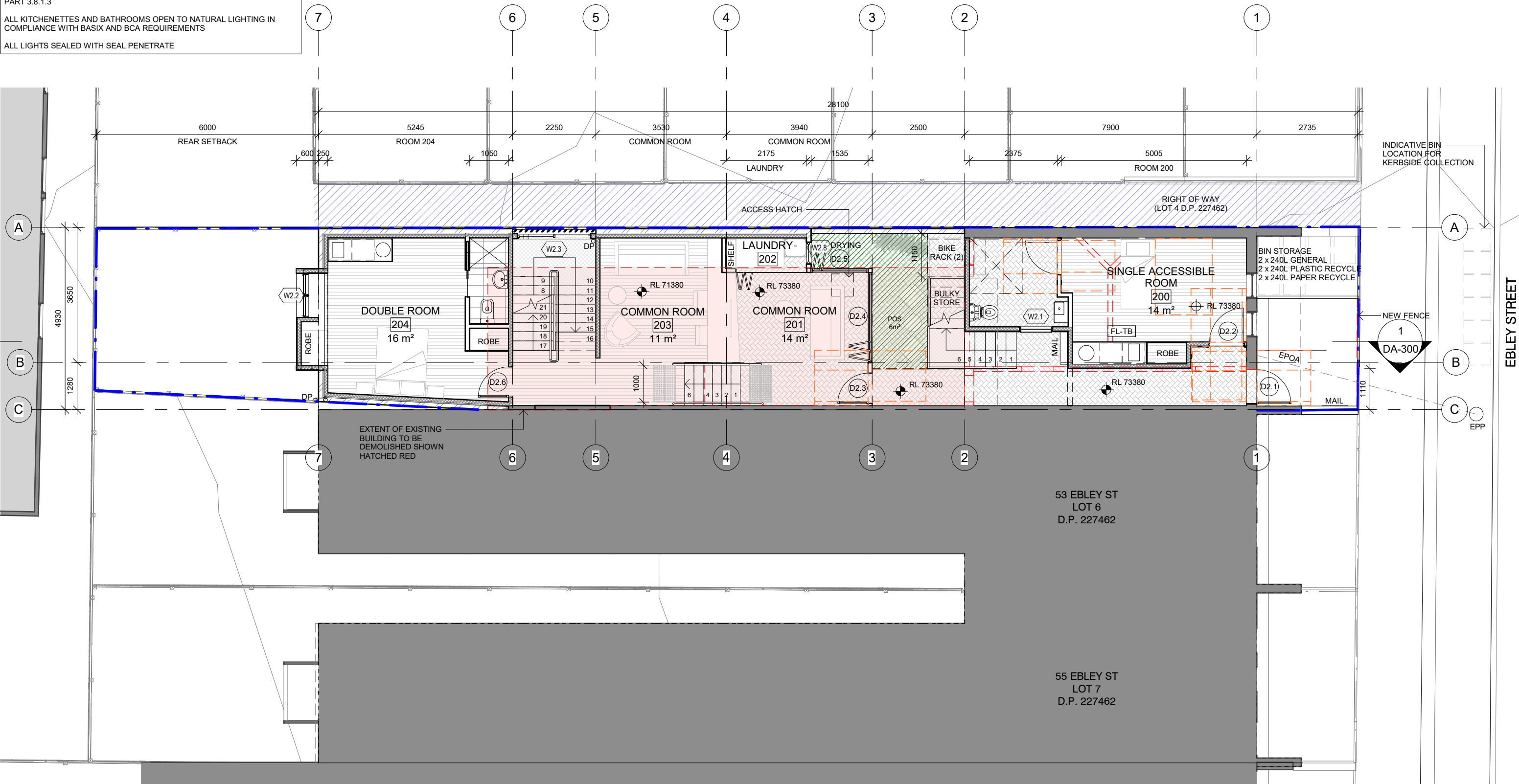
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Development Application

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
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C	DA: Preliminary	15.09.2020	SW	JM
D	DA: Preliminary	02.11.2020	SW	JM
E	DA: Preliminary	18.11.2020	SW	JM
F	DA: Preliminary	30.11.2020	SW	JM
G	Development Application	04.01.2021	SW	JM
H	Development Application	08.03.2021	SS	JM
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Ground Floor
Project Number: 2006
Drawing Number: DA-110
Revision: (A2)

NOTES

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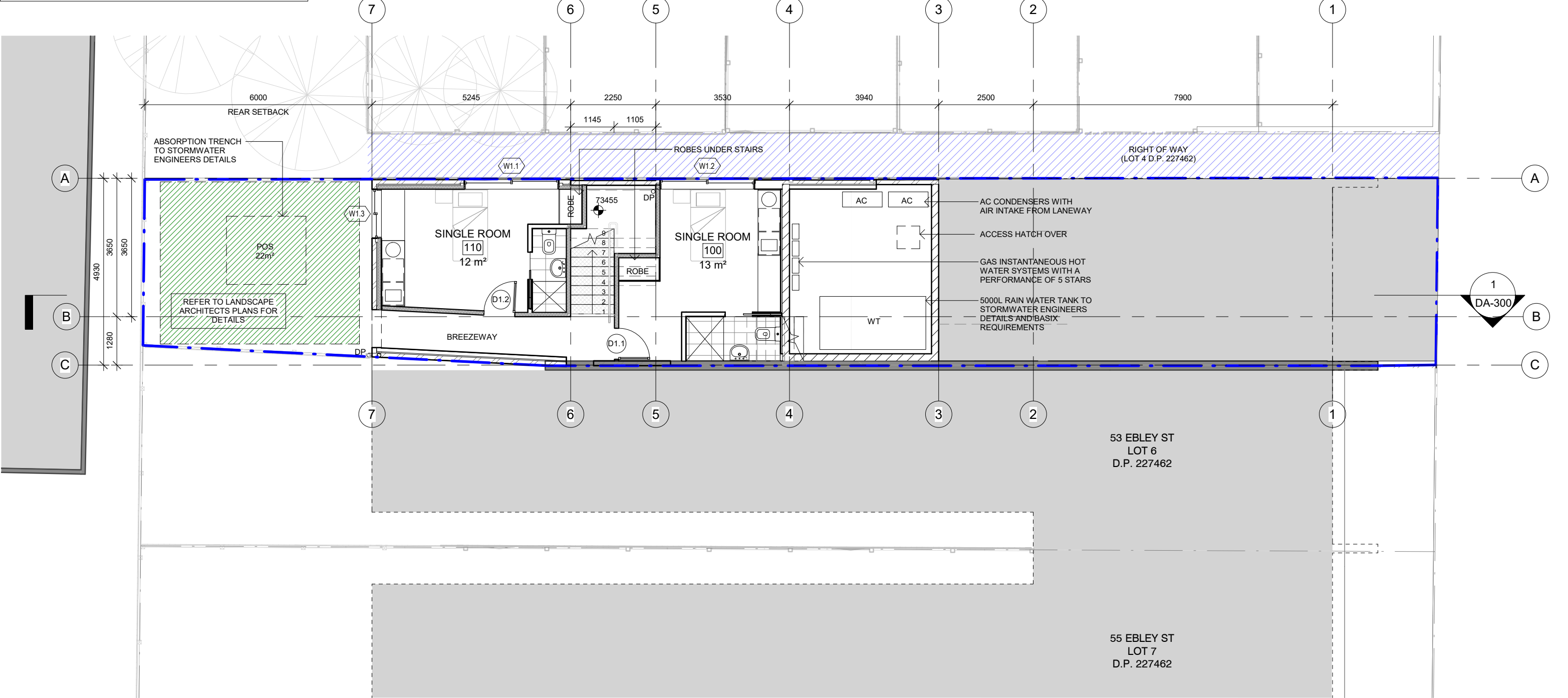
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AMENDED PLANS

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
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Development Application

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Lower Ground Floor

Project Number : 2006 Drawing Number : DA-111

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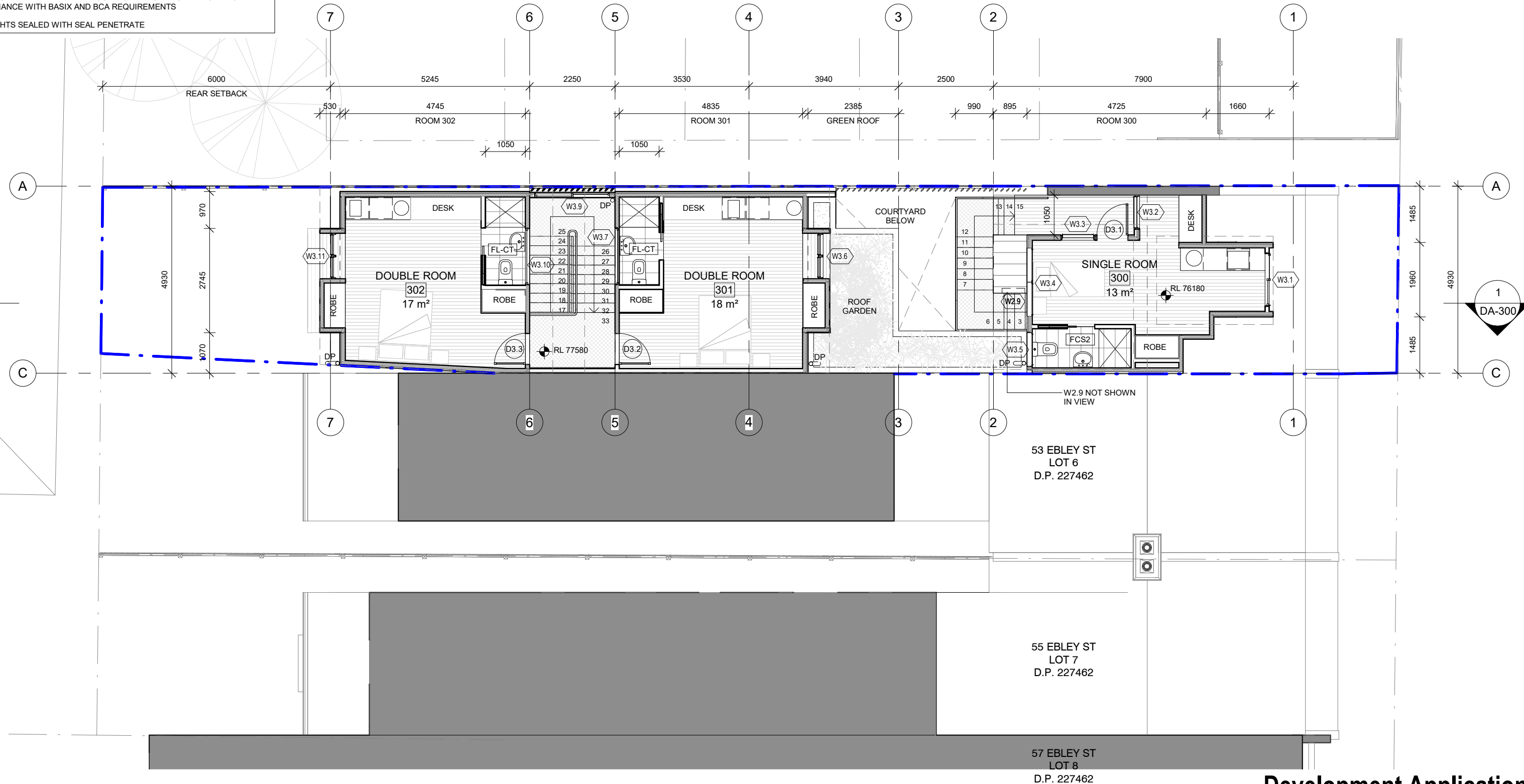
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Development Application

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For : Expansive Group
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B	Concept Design	09.03.2020	SW	JM	JM
C	DA: Preliminary	15.09.2020	SW	JM	JM
D	DA: Preliminary	02.11.2020	SW	JM	JM
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First Floor
Project Number :
2006

Drawing Number :
DA-112

(A2)
Revision
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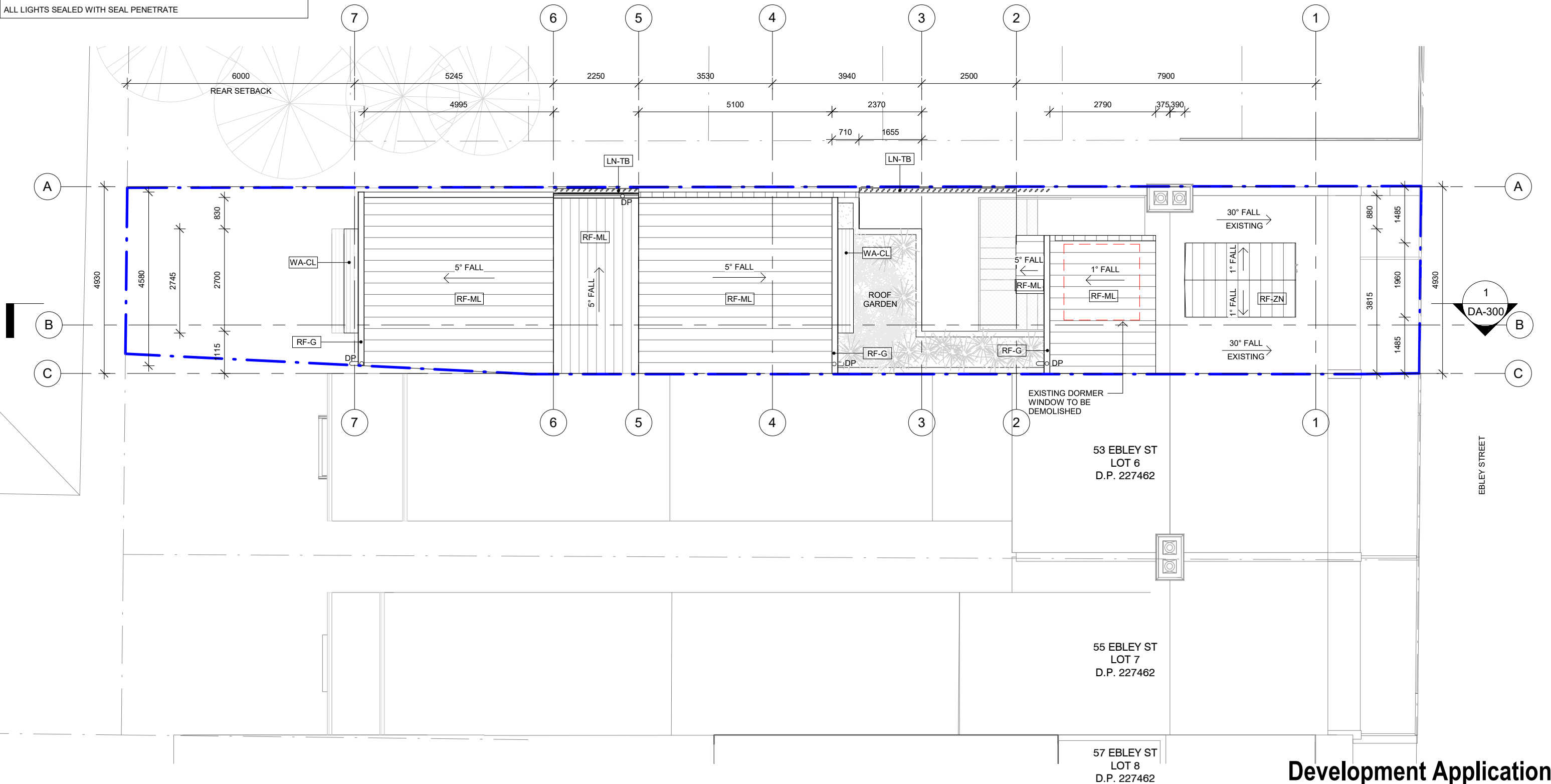
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Project Status: Development Application

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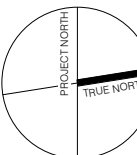
Rev	Revision Description	Date	Drawn	Reviewed
A	Concept Design	08.07.2020	SW	JM
B	DA: Preliminary	15.09.2020	SW	JM
C	DA: Preliminary	18.11.2020	SW	JM
D	DA: Preliminary	30.11.2020	SW	JM
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F	Development Application	08.03.2021	SS	JM
G	Development Application: Updated Issue	10.08.2021	SV	JM

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Development Application

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Roof Plan

Project Number :

2006

Drawing Number :

DA-113

(A2)

Revision

G

Window Schedule					
Mark	Description	Width	Height	U-Value	SHGC
W1.1	Sliding	2500	600	5.4	0.58
W1.2	Sliding	2500	600	5.4	0.58
W1.3	Sliding	1300	1300	5.4	0.58
W2.0	Fixed	920	450	5.4	0.58
W2.1	Louvre	900	900	6.7	0.70
W2.2	Louvre	1195	2000	5.4	0.58
W2.3	Sliding	2000	600	5.4	0.58
W2.4	Louvre	800	750	5.4	0.58
W2.5	Louvre	800	750	5.4	0.58
W2.6	Louvre	800	750	5.4	0.58
W2.7	Louvre	800	750	5.4	0.58
W2.8	Awning	600	1000	6.7	0.70
W2.9	Awning	600	900	6.7	0.70
W3.1	Sliding	1400	1200	5.4	0.58
W3.2	Louvre	900	2100	5.4	0.70
W3.3	Louvre	900	2100	5.4	0.58
W3.4	Louvre	900	600	5.4	0.58
W3.4	Louvre	900	600	5.4	0.58
W3.5	Louvre	900	900	6.7	0.70
W3.6	Louvre	1195	2000	5.4	0.58
W3.7	Sliding	1500	450	6.7	0.70
W3.8	Sliding	2000	600	5.4	0.58
W3.9	Sliding	2000	600	5.4	0.58
W3.10	Sliding	1500	450	6.7	0.70
W3.11	Louvre	1195	2000	5.4	0.58

Door Schedule					
Mark	Description	Width	Height	U-Value	SHGC
D1.1	Swing (frosted)	820	2400	5.4	0.49
D1.2	Swing (frosted)	820	2400	5.4	0.49
D2.1	Swing (solid)	920	2100	5.4	0.49
D2.2	Swing (solid)	920	2400	5.4	0.49
D2.3	Swing (frosted)	820	2400	5.4	0.49
D2.4	Bifold Glass	2435	2400	5.4	0.49
D2.5	Bifold Glass	1545	2400	5.4	0.49
D2.6	Swing (frosted)	820	2400	5.4	0.49
D3.1	Swing (frosted)	820	2100	5.4	0.49
D3.2	Swing (frosted)	820	2400	5.4	0.49
D3.3	Swing (frosted)	820	2400	5.4	0.49

PERFORMANCE AS NOTED ABOVE IS TO BASIX AND NATHERS REQUIREMENTS.



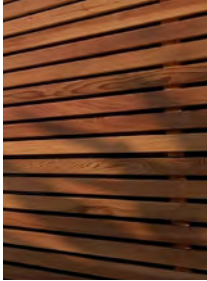
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FINISH: TO MATCH EXISTING



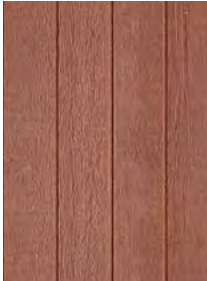
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RF-ZN: ZINC CLADDING (SINGLE SEAM) FINISH: TO MATCH LONGLINE CLADDING



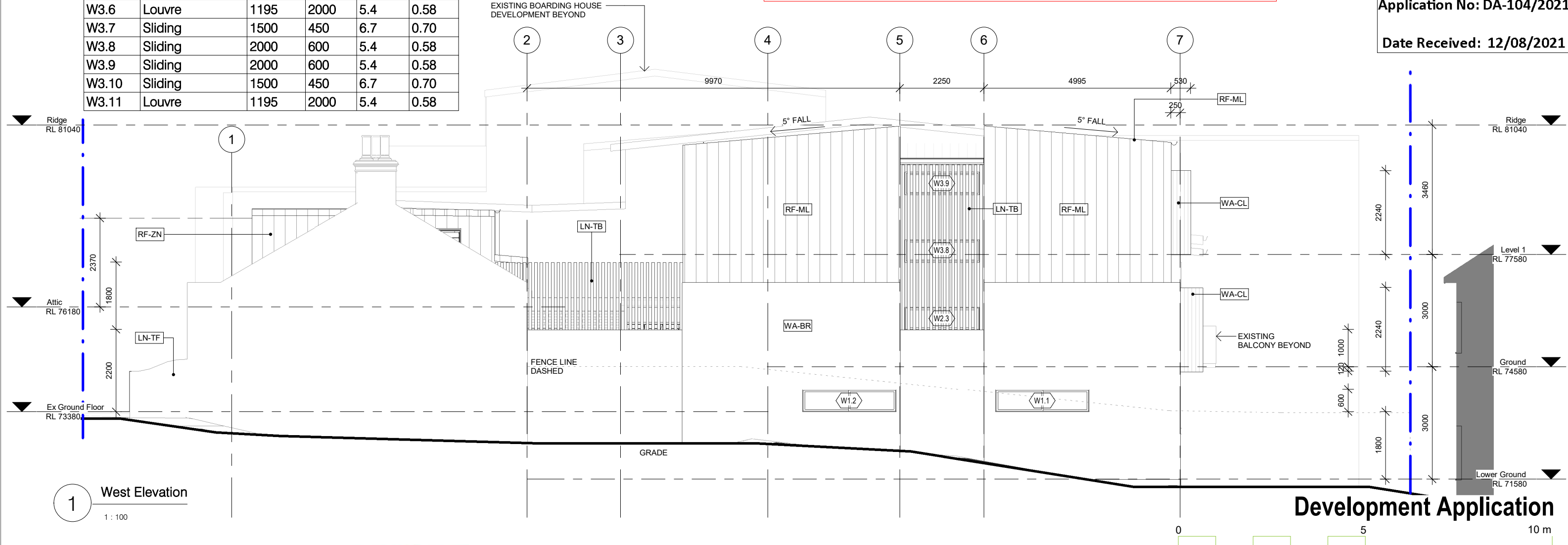
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LN-TB: TIMBER BATTENS
FINISH: TO MATCH CLADDING



WA-CL: COMPOSITE CLADDING (WEATHEREX NATURAL) INSULATION: ANTI-GLARE FOIL WITH BULK NO GAP R2.0

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-104/2021
Date Received: 12/08/2021



New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
Project Status: Development Application

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Rev	Revision Description	Date	Drawn	Reviewed
A	DA: Preliminary	15.09.2020	SW	JM
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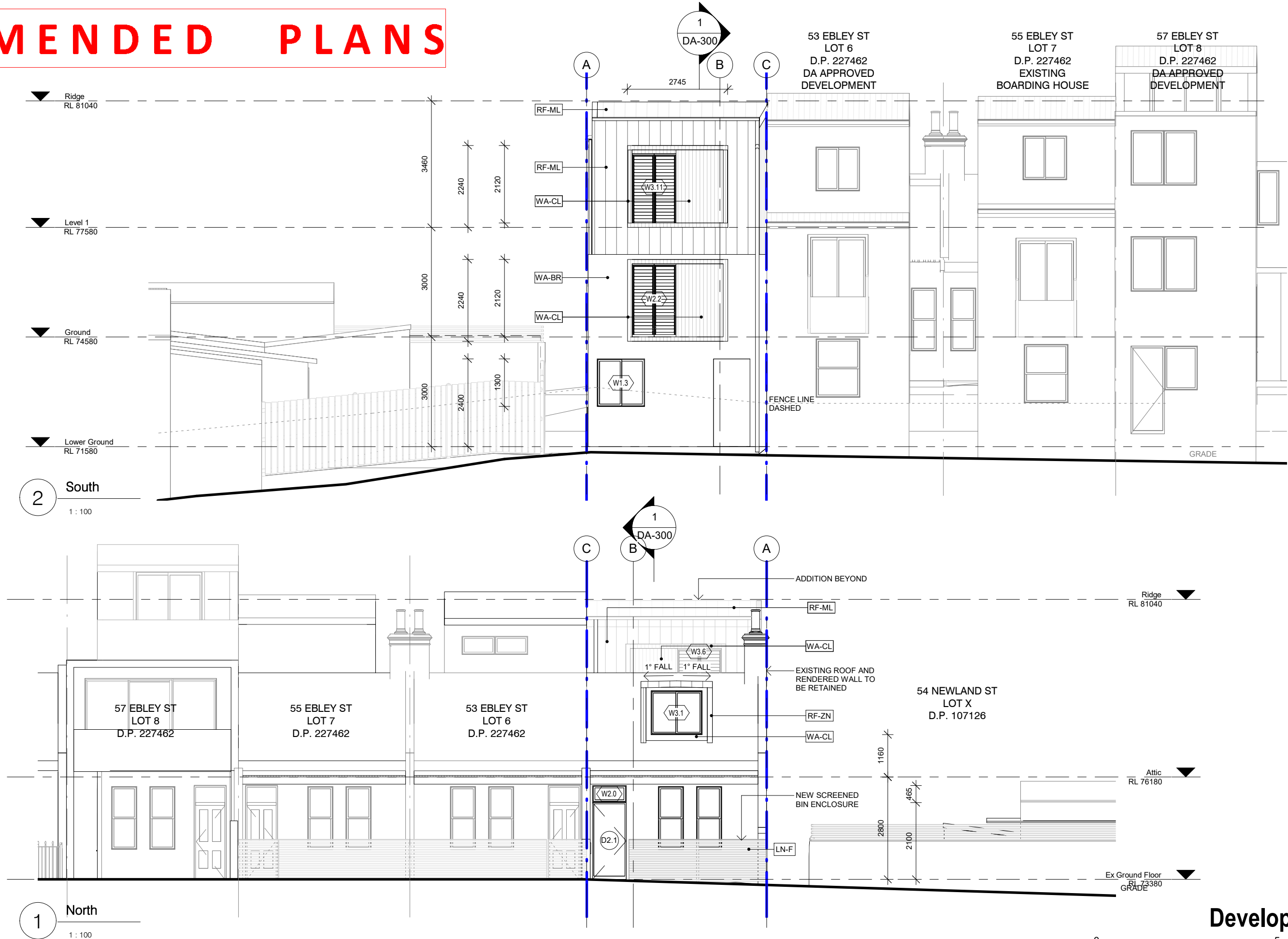
Member Australian Institute of Architects
Nimbus Architecture and Heritage Pty Ltd
Nominated Architect: Jesse Mowbray
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Elevations
Project Number : 2006
Drawing Number : DA-200
Revision : (A2)
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AMENDED PLANS



RF-ZN: ZINC CLADDING (SINGLE SEAM) FINISH: TO MATCH LONGLINE CLADDING



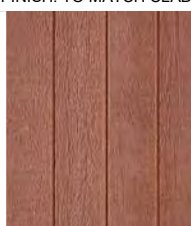
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WA-BR: RENDERED BRICKWORK FINISH: TO MATCH EXISTING



LN-TF: TIMBER FENCE LN-TB: TIMBER BATTENS FINISH: TO MATCH CLADDING



WA-CL: COMPOSITE CLADDING (WEATHERTEX NATURAL) INSULATION: ANTI-GLARE FOIL WITH BULK NO GAP R2.0

RECEIVED
Waverley Council
Application No: DA-104/2021
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Development Application

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
Project Status: Development Application

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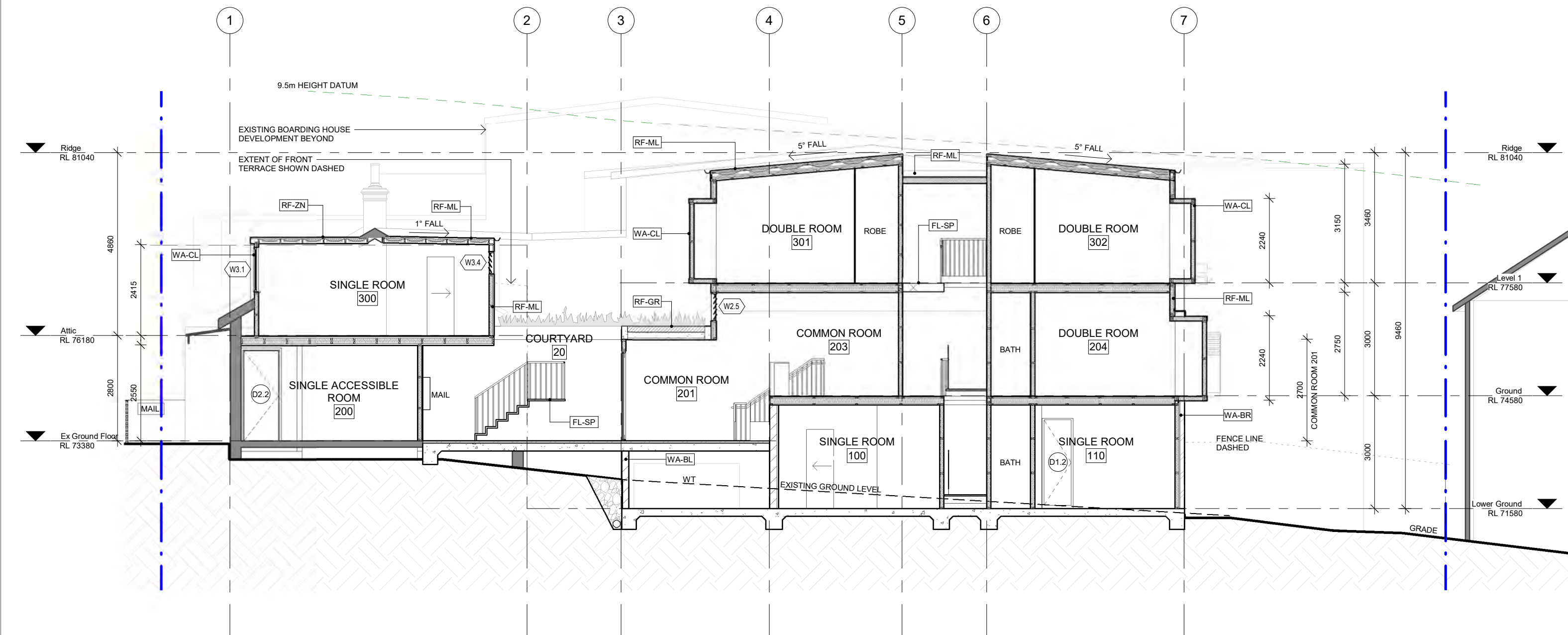
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Elevations
Project Number : 2006
Drawing Number : DA-201
Revision : (A2)
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AMENDED PLANS

Development Application

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
Project Status: Development Application

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Rev	Revision Description	Date	Drawn	Reviewed
C	DA: Preliminary	15.09.2020	SW	JM
D	DA: Preliminary	02.11.2020	SW	JM
E	DA: Preliminary	18.11.2020	SW	JM
F	DA: Preliminary	30.11.2020	SW	JM
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Section

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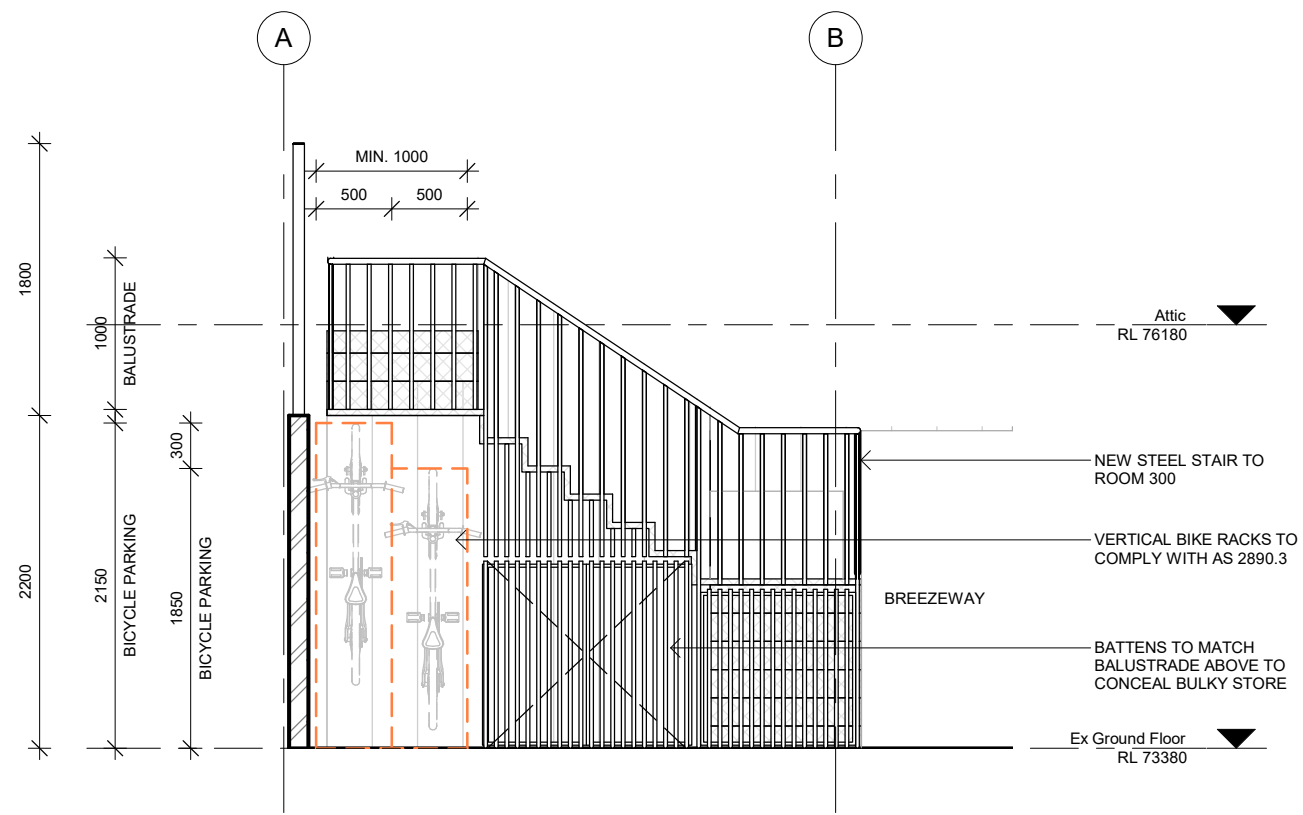
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Drawing Number :

DA-300

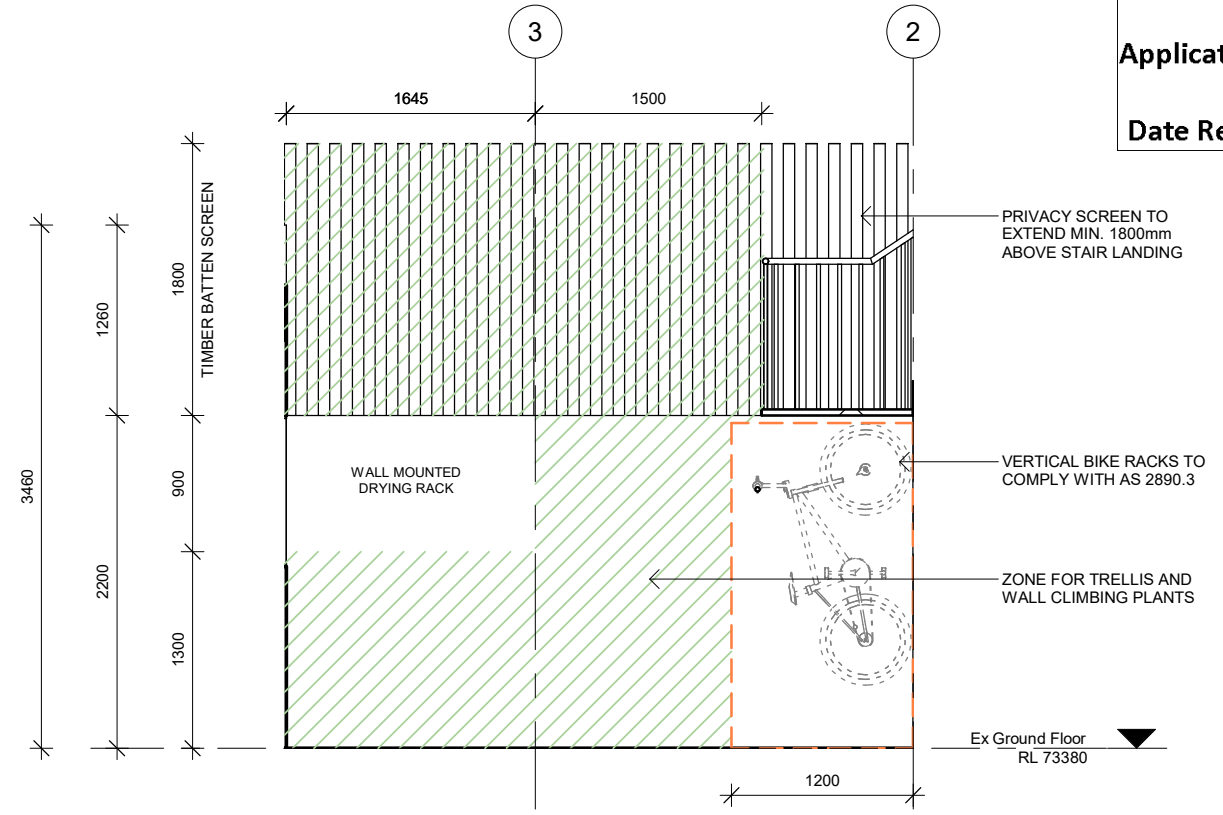
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Revision



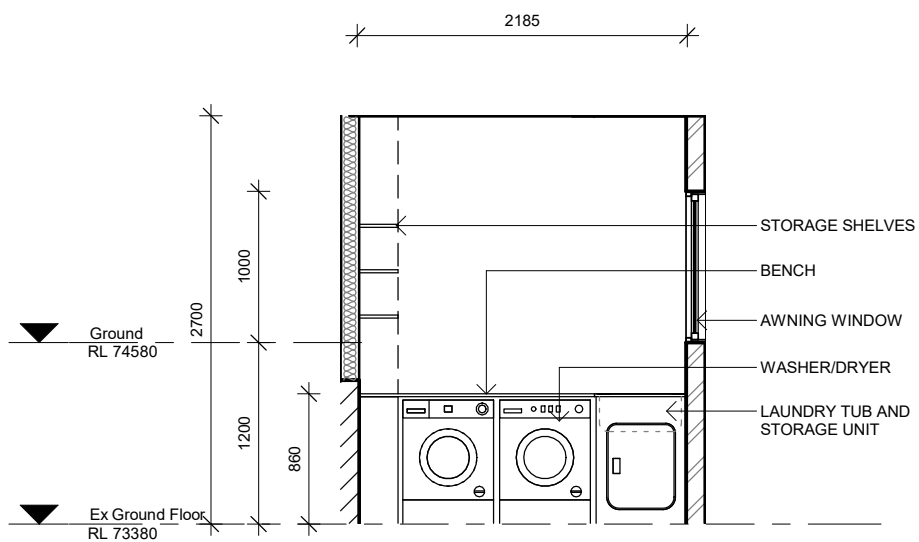
1 Courtyard Elevation - Stairs

1 : 50



2 Courtyard Elevation - Hanging Space

1 : 50



3 Laundry Elevation

1 : 50

AMENDED PLANS

Development Application

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
Project Status: Development Application

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Rev	Revision Description	Date	Drawn	Reviewed
A	Development Application: Updated Issue	10.08.2021	SV	JM

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Project Number : 2006	Drawing Number : DA-500	Revision
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AMENDED PLANS

Development Application

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
Project Status: Development Application

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Rev	Revision Description	Date	Drawn	Reviewed
A	Development Application: Updated Issue	10.08.2021	SV	JM

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Rear Boundary Perspective

Project Number : Drawing Number :

2006 DA-601

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Revision
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AMENDED PLANS

Development Application

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51 Ebley St Bondi Junction

For : Expansive Group
Project Status: Development Application

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Rev	Revision Description	Date	Drawn	Reviewed
A	Concept Design	21.02.2020	SW	JM
B	Concept Design	09.03.2020	SW	JM
C	DA: Preliminary	15.09.2020	SW	JM
D	DA: Preliminary	18.11.2020	SW	JM
E	DA: Preliminary	30.11.2020	SW	JM
F	Development Application	04.01.2021	SW	JM
G	Development Application: Updated Issue	10.08.2021	SV	JM



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Streetscape Perspective

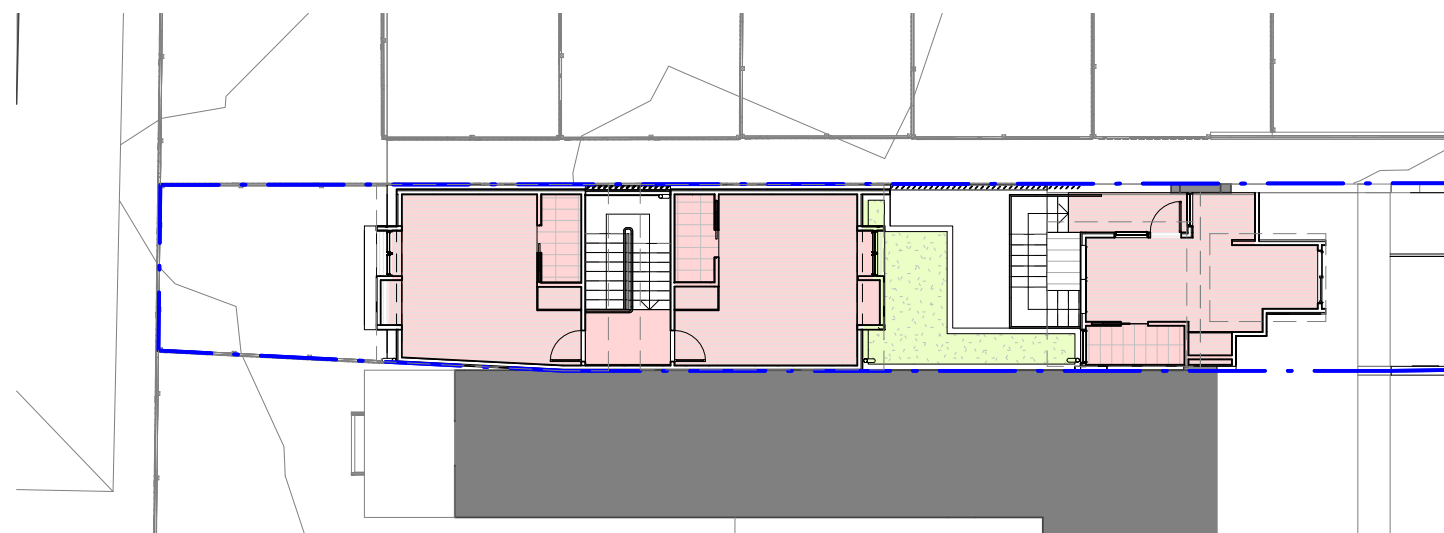
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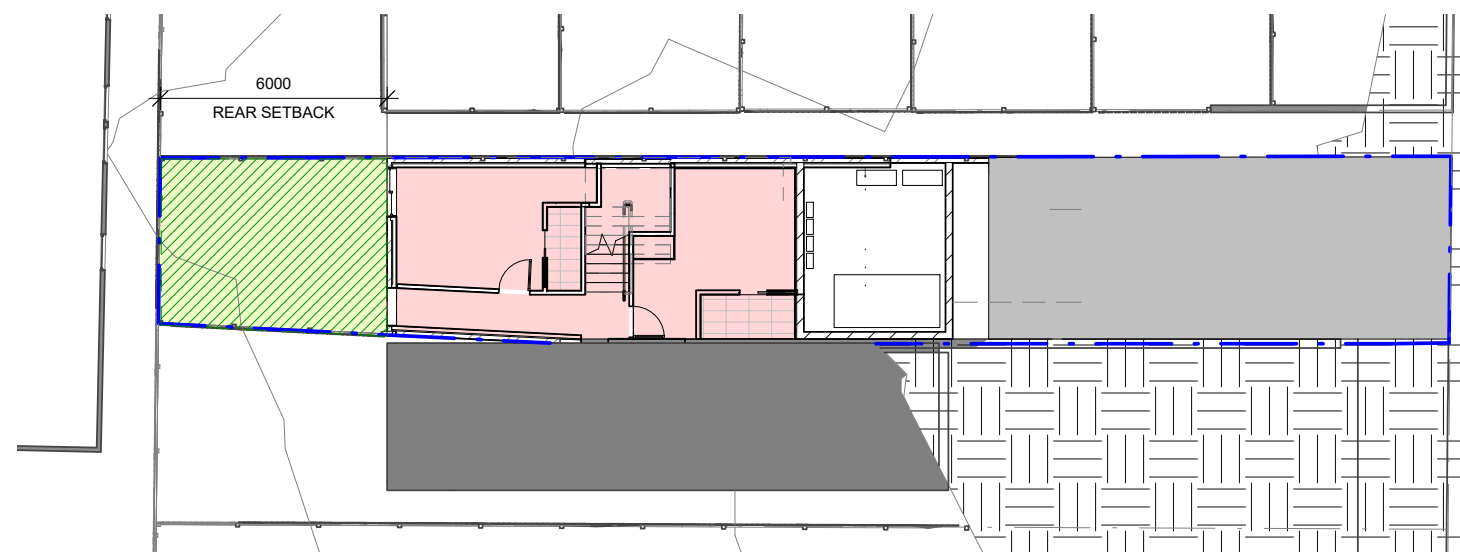
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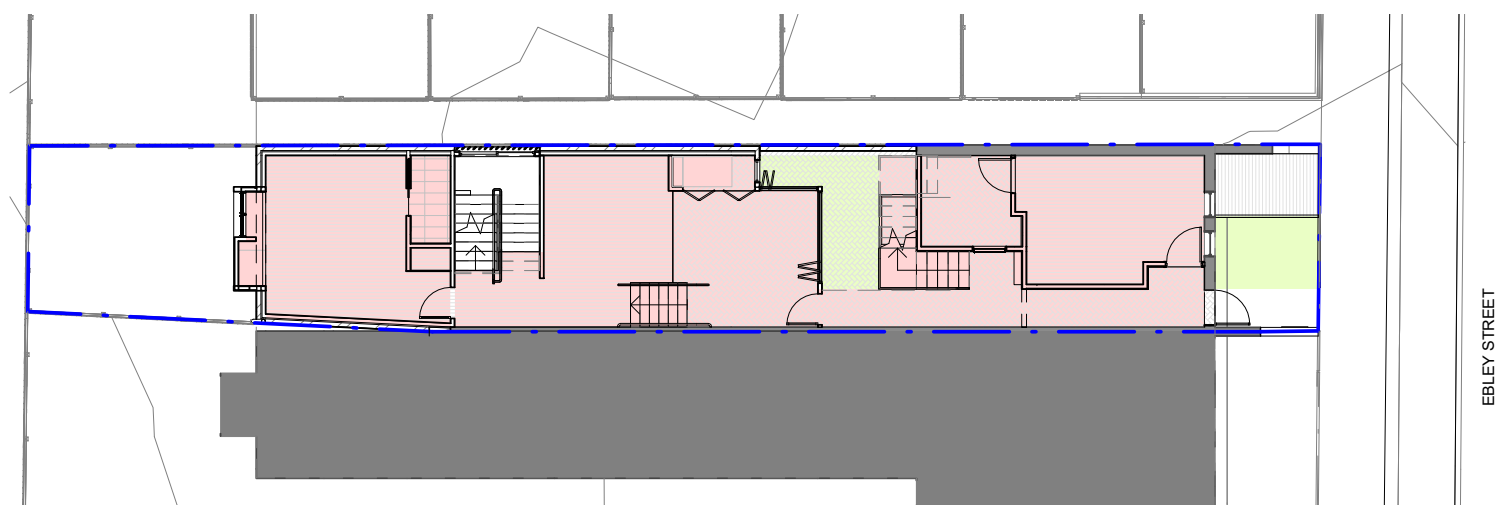
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3 Area Level 1
1 : 200



1 Lower Ground
1 : 200



2 Area Ground Floor Plan
1 : 200

SITE AREA	165.7m ²
GROSS FLOOR AREA	
LGF	45m ²
GF	99m ²
FF	72m ²
TOTAL	216m ²
FSR	1.30:1
LANDSCAPED AREA	
LGF	27m ²
GF	12m ²
FF	12m ²
TOTAL	51m ² (31%)
DEEP SOIL	27m ² (51%)

AMENDED PLANS

Development Application

New Boarding House
51 Ebley St Bondi Junction

For : Expansive Group
Project Status: Development Application

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Area Calculation Plan

Project Number : 2006 Drawing Number : DA-900

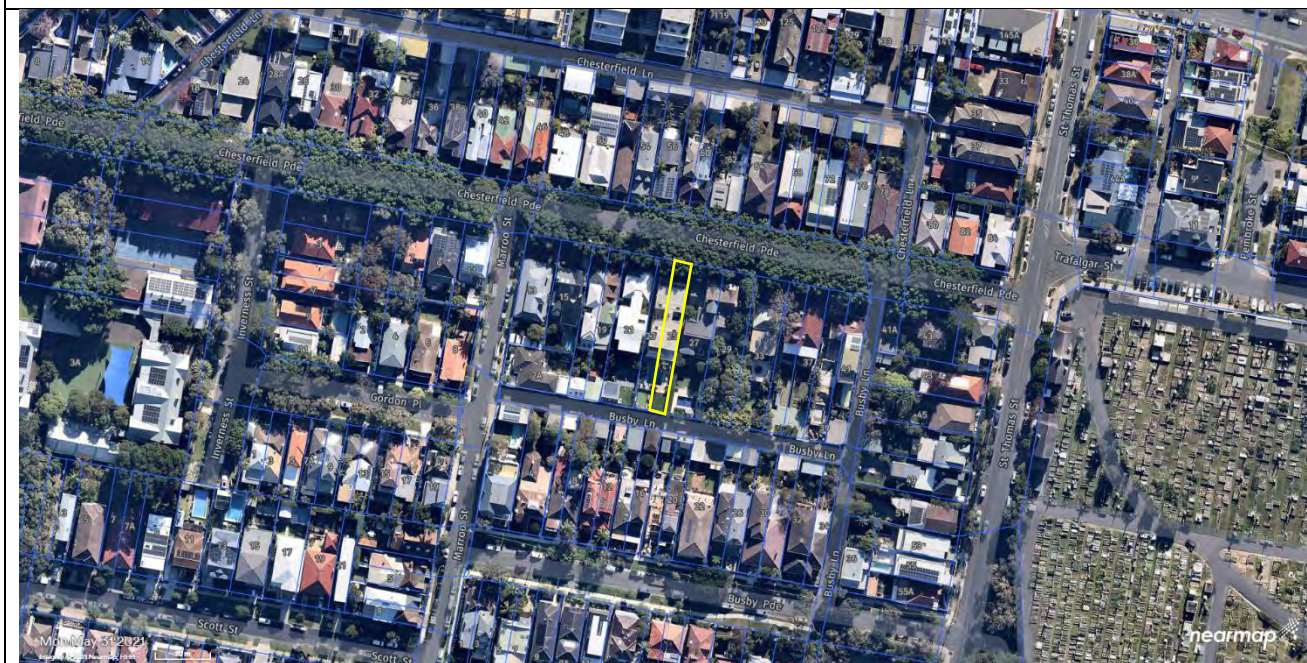
(A2) Revision D



Report to the Waverley Local Planning Panel

Application number	DA-416/2021
Site address	25 Chesterfield Parade, Bronte
Proposal	Alterations and additions to an existing dwelling including the enclosure of the courtyard at ground level.
Date of lodgement	1 October 2021
Owner	Mrs D C Pillinger
Applicant	Blainey North and Associates
Submissions	Nil
Cost of works	\$48,950.00
Principal Issues	<ul style="list-style-type: none"> Breach To Floor Space Ratio (FSR)
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmap, 2021)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to an existing dwelling including the enclosure of the courtyard at ground level at the site known as no. 25 Chesterfield Parade, Bronte.

The principal issues arising from the assessment of the application relates to a breach in Floor Space Ratio (FSR) control.

The assessment finds these issues acceptable given a well-founded clause 4.6 variation was submitted with the applicant demonstrating the breach met the objectives of the FSR development standard and zone whilst not creating unreasonable environmental impacts to neighbouring properties.

Nil submissions were received for the application.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 1 November 2021.

The site is identified as Lot 532 in DP 1063469, known as no. 25 Chesterfield Parade, Bronte.

The site is rectangular in shape with a northern frontage to Chesterfield Parade, measuring 5.995m. It has an area of 331m² and slopes from the northern frontage to the rear southern boundary by approximately 4.34m.

The site is occupied by a part-two, part-three storey semi-detached dwelling with a double car garage accessed from Busby Lane.

The site is adjoined by part-two, part-three storey semi-detached dwelling (attached to the subject site) to the west (no. 23 Chesterfield Parade) and a heritage listed two storey semi-detached dwelling to the east (no. 27 Chesterfield Parade). The locality is characterised by a variety of low-density residential development.

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



Figure 1: Existing side courtyard, looking south-east.



Figure 2: Existing side courtyard, looking north-east.



Figure 3: Existing privacy screen (which is proposed to be retained) looking east towards no. 27 Chesterfield Parade.

1.3. Relevant Development History

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

- DA-780/2002 for the conversion of an existing church into two new semi-detached dwellings with Torrens titled subdivision was granted a deferred commencement consent on 1 May 2003.
- DA-780/2002/A for the modification to the basement level of the semi-detached dwellings was approved on 27 September 2004.

1.4. Proposal

The DA seeks consent for alterations and additions to an existing dwelling including the enclosure of the courtyard at ground level for a formal dining area.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Vegetation in Non-Rural Areas) 2017.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Vegetation in Non-Rural Areas) 2017

The subject site is identified as being located within a Habitat Corridor. However, given the DA proposes to infill an existing courtyard and will not result in the removal of any landscaped area, it is acceptable.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Low Density Residential 'R2' Zone</i>	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling, which is permitted with consent in the R2 zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposed addition will have an overall height of 4.3m.
4.4 FSR; and 4.4A Exceptions to FSR <ul style="list-style-type: none"> Lot Size: 331m² Max FSR: 0.74:1 Max GFA: 245.2m² 	No	<u>Gross Floor Area (GFA) Calculations</u> <i>Lower Ground: 101.4m²</i> <i>Ground: 107.2m²</i> <i>First: 75.4m²</i> Total GFA: 284m ² Total FSR: 0.86:1 The proposed addition will increase the existing GFA by 16.3m ² or 6.6%. The development will result in an overall exceedance of GFA of 38.8m ² or 15.9%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject site is adjacent to no. 27 Chesterfield Parade. This dwelling is listed as a heritage item as it is an example of a Victorian style terrace, paired with no. 29 Chesterfield Parade. The proposed works will have nil impact on the heritage listed dwellings. Additionally, Chesterfield Parade is listed as a Landscaped Conservation Area. The proposed works will have nil impact on this Landscaped Conservation Area.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum or minimum FSR development standard of 0.74:1. The proposed development has a FSR of 0.86:1, exceeding the standard by 38.8m² equating to a 15.9% variation. A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Waverley LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal meets the objective of the FSR development standard.
 - a. Objective (b): to provide an appropriate correlation between maximum building heights and density controls.*
 - b. Objective (c): to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality.*
 - c. Objective (d): to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

The applicant's justification can be summarised as:

Objectives (b), (c) and (d) are similar. As such a combined assessment of the proposal against those objectives follows.

- A single dwelling house is maintained on an existing low density residential allotment of land.
- The FSR changes and the development generally are not inconsistent with the relevant objectives of the FSR standard because they do not materially alter the existing correlation between building height and density, and the correlation is appropriate under the circumstances. Nor do they alter the buildings' existing compatibility with the bulk, scale, streetscape or desired future character of the locality, and that compatibility is appropriate under the circumstances.
- The scale of the proposal is characterised by the desired future character for the area. The height, bulk and scale of the built form does not influence or set a precedent for future buildings on neighbouring or nearby properties. Rather there is no change to siting in general and there is no change to the principal front setback. There are no changes to the side or rear setbacks. The development is largely contained within the existing footprint where it is barely visible to the public domain. The largely unaltered built form sits comfortably in the site's wider visual context as viewed from the surrounding public domain, given the scale and form of development (as anticipated by the planning controls) and as existing in the site's vicinity.
- The surrounding area is and has undergone periodic regeneration. The existing contemporary semi-detached dwelling terrace forms a pair with its western neighbour and their visual cohesiveness in terms of the streetscape is not affected. The built form maintains visual interest and a human scale. This is the desired character.

- Essentially, the objective of an FSR standard is to ensure that the intensity of development respects and reflects the overall built form of a locality and does not detrimentally affect the amenity of the area. The maximum FSR that a site can achieve is determined by its environmental constraints, including overshadowing, privacy, streetscape, parking, landscaping, visual impact and views and the capacity of the community infrastructure. In terms of these performance criteria, the proposal provides for an appropriate planning outcome as it has been designed to minimise impacts and has had particular regard to site users and neighbours in terms of visual appearance, overshadowing, aural and visual privacy, natural daylight and ventilation, traffic generation, parking and streetscape. There are no unreasonable amenity impacts to neighbouring and nearby properties or the surrounding public domain.
- The proposed works, consist of minor alterations to a culturally neutral building. With nil impact to the adjoining heritage item.
- Relative to the proposed works, compliance is maintained with the LEP 2012 height standard and the DCP 2012 wall height, front, rear and side boundary setbacks, landscaped area and open space development guidelines.
- Existing curtilage to the neighbouring property has been retained.
- The quantum of additional floor space above the FSR standard is arranged on the site in a manner that does not result in adverse impacts upon neighbouring properties or the public realm by way of overshadowing, visual massing, view impacts or visual and acoustic privacy.
- The expression of the built form is adjusted to respond to:
 - The expression of the built form is adjusted to respond to:
 - the site's locational context;
 - the design and built form character of the adjoining and adjacent development;
 - solar access and the site's orientation; and
 - internal and external amenity for the future occupants.

(ii) The proposal meets the objective of the R2 zone development standard.

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maximise public transport patronage and encourage walking and cycling.*

The applicant's justification can be summarised as:

- Maintains a low density semi-detached dwelling house land use on the site
- Maintains flexible housing for a family;
- Maintains existing dwelling diversity within the surrounding locality;
- Undertakes works which are not visible when viewed from the surrounding public domain and maintains a built form that sits comfortably within the site's locational built form context;
- There are no unreasonable amenity impacts to neighbours; and
- Does not propose a non-residential land use, although it does not preclude the occupants to work from home as/if required.

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

The applicant's justification can be summarised as:

- (i) A single dwelling house is maintained on an existing low density residential allotment of land.
- (ii) The locality's desired future character is determined by the relevant (existing) planning controls. The surrounding area is and has undergone periodic regeneration. The existing contemporary semi-detached dwelling forms a pair with its western neighbour and their visual cohesiveness in terms of the streetscape is not affected. The built form maintains visual interest and a human scale. This is the desired character.
- (iii) Relative to the proposed works, compliance is maintained with the LEP 2012 height standard and the DCP 2012 wall height, front, rear and side boundary setbacks, landscaped area and open space development guidelines.
- (iv) The additional FSR does not result from excessive site disturbance or excavation.
- (v) The proposed departure is a function of the land size, not the size of the built form in terms of GFA.
- (vi) As the development is located within the side of the existing semi-detached dwelling, without projections within the established wall plane and well set back from the street frontage, there will be no impact on the landscape conservation area.
- (vii) Although it departs from the FSR standard, the altered built form is consistent with the locality's desired future character and the departure does not result in any adverse environmental impacts to neighbouring properties or the surrounding public domain. The built form provides for an acceptable and equitable planning outcome in relation to solar access, visual privacy and view loss.

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

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

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

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

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

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

The applicant specifically relies upon justification **(a)** outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The justification provided by the applicant is sound demonstrating the proposal meets the objectives of the FSR development standard and R2 zone despite the numerical non-compliance.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. It has been referenced that the proposed development will not result in environmental amenity impacts to surrounding residences in terms of over shadowing, view loss or loss of visual privacy.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

Objective (a) is not applicable as the subject site is not located within the Bondi Junction centre.

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

The proposed works, despite the numerical non-compliance with FSR is of an approximate height and density. The addition appropriately fills in the existing side courtyard to a height and density that is appropriate to the existing dwelling as well as the surrounding built-form.

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

The desired future character of the area is that of low-density residential dwelling (as per the R2 zoning). The proposed dwelling will in-fill an existing side courtyard. The proposed addition will be similar in height and scale to the existing dwelling and will therefore be compatible with desired future character of the locality.

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

The dwelling remains overall compliant with height, wall height, setbacks, open space and solar access. Although the dwelling exceeds the maximum permitted FSR the addition has been appropriately designed to preserve the environmental amenity of surrounding residential uses by establishing limitations on the overall scale of the development.

The objectives of the R2 zone are as follows:

- (a) To provide for the housing needs of the community within a low-density residential environment.*
- (b) To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- (c) To maximise public transport patronage and encourage walking and cycling.*

The proposal provides housing needs for the community within a low-density residential environment.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	N/A	The location of waste storage will not alter under this application.
2. Ecologically Sustainable Development	N/A	As the cost of works is below \$50,000 a BASIX certificate is not required.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	As discussed above the subject site is identified as being located within a Habitat Corridor. However, given the DA proposes to infill an existing courtyard and will not result in the removal of any landscaped area, it is acceptable.
6. Stormwater	Conditions recommended.	Council's Stormwater Engineer has recommended conditions of consent.
9. Heritage	Yes	<p>The subject site is adjacent to no. 27 Chesterfield Parade. This dwelling is listed as a heritage item as it is an example of a Victorian style terrace, paired with no. 29 Chesterfield Parade. The proposed works will have nil impact on the heritage listed dwellings.</p> <p>Additionally, Chesterfield Parade is listed as a Landscaped Conservation Area. The proposed works will have nil impact on this Landscaped Conservation Area.</p>
12. Design Excellence	Yes	The proposal will fill in the existing side courtyard and the proposed works will not be identified from the streetscape. Regardless, the proposal is of an appropriate bulk and a scale and is well suited for the existing dwelling.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Yes	The proposed addition will result in an overall wall height of 4.2m.
2.2 Setbacks		
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) 	Yes	The addition is setback 0.9m from the side boundary.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling 	Yes	The proposed works will not be identified from the streetscape and will therefore have no impact on Chesterfield Parade.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Significant landscaping to be maintained. 		
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design 	Yes	<p>There is an existing translucent privacy screen that runs the length of the existing courtyard, parallel with the eastern boundary to increase visual privacy to no. 27 Chesterfield Parade (demonstrated within figure 3).</p> <p>This translucent privacy screen will be retained and will continue to provide increased visual privacy to no. 27 Chesterfield Parade from the proposed addition.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	<p>As the addition is located at ground level and infills an existing courtyard with the same side setback as existing, shadow diagrams were not requested by the Assessment Officer.</p> <p>With the addition located on the western side of the dwelling on a lot that is north-south orientated any overshadowing from the proposed addition would occur from approximately 1pm onwards with sufficient solar access prior to this time.</p> <p>The proposed addition will not overshadow the private open space of the subject site or adjoining properties.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>	<p>Over 40%</p> <p>Nil change</p> <p>Over 25m²</p> <p>Nil change</p> <p>Nil change</p>
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline 	Yes	<p>The proposed addition will not be seen from Chesterfield Parade and will therefore not diminish the pair of semi-detached dwellings.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Use of roof as an attic permitted provided • Front verandahs to be maintained. 		
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> • Finishes and detailing are to be cohesive with the existing dwelling • Historic features of the roofscape are to be incorporated into the addition • Dorms roof forms are to match the style of the original dwelling • New windows to have a similar proportion to the existing • Upper wall finishes to reflect the style and character of the original building. 	Yes	The addition will be constructed of painted FC cladding with a colour to match the existing wall colour. The window frames will be constructed of aluminium and will also match the material of the existing window frames.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for fourteen days (12 October 2021 – 26 October 2021) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Stormwater

An internal referral was sought from Council's Stormwater Engineer who support the application subject to recommended conditions of consent.

3.2. Heritage

An internal referral was sought from Council's Heritage Architect who was not in support of the current roof design. The Heritage Architect recommended a flat roof be proposed to avoid a box gutter. However, as there was no objection from the Stormwater Engineer to the roof design from a stormwater perspective the proposed design is supported by the Assessment Officer.

4. CONCLUSION

The DA seeks consent for alterations and additions to an existing dwelling including the enclosure of the courtyard at ground level at the site known as no. 25 Chesterfield Parade, Bronte.

The principal issues arising from the assessment of the application relates to a breach in FSR.

The assessment finds these issues acceptable given a well-founded clause 4.6 variation was submitted with the applicant demonstrating the breach met the objectives of the FSR development standard and zone whilst not creating unreasonable environmental impacts to neighbouring properties.

Nil submissions were received for the application.

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



Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 2 November 2021. B McNamara declared a non pecuniary interest (acquaintance of the applicant) and did not take part in the discussion on this matter. The DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.
- DBU members: *M Reid, A Rossi, B Matlawski and J Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Angela Rossi
Development Assessment Planner	Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 2 November 2021	Date: 12 November 2021

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Blainey North including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-01 / Rev A	Site Plan	10/09/2021	01/10/2021
DA-02 / Rev A	Proposed Ground Floor Plan	10/09/2021	01/10/2021
DA-03 / Rev A	Proposed Section A	10/09/2021	01/10/2021
DA-04 / Rev A	Proposed East Elevation	10/09/2021	01/10/2021

(b) Schedule of external finishes and colours received by Council on 09/11/2021

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 01/10/2021

Except where amended by the following conditions of consent.

2. ROOF TO ADDITION

The roof to the new addition (over former central courtyard) shall be non trafficable and only accessed for maintenance purposes.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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 \$2,290.00 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.

8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

9. HOARDING

To ensure the site is contained during construction, 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.

10. 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.

11. ENGINEERING CERTIFICATE OF ADEQUACY

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

STORMWATER & FLOODING

12. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

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

- a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- b) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- c) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not

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

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

WASTE

13. 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

14. CONSTRUCTION SIGNS

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

15. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining 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

16. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

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

17. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

CONSTRUCTION MATTERS

18. CONSTRUCTION HOURS

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

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

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

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

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

20. CONSTRUCTION INSPECTIONS

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

21. 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.

22. 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

23. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE 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.

24. 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.

25. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

26. CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in

NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. 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.

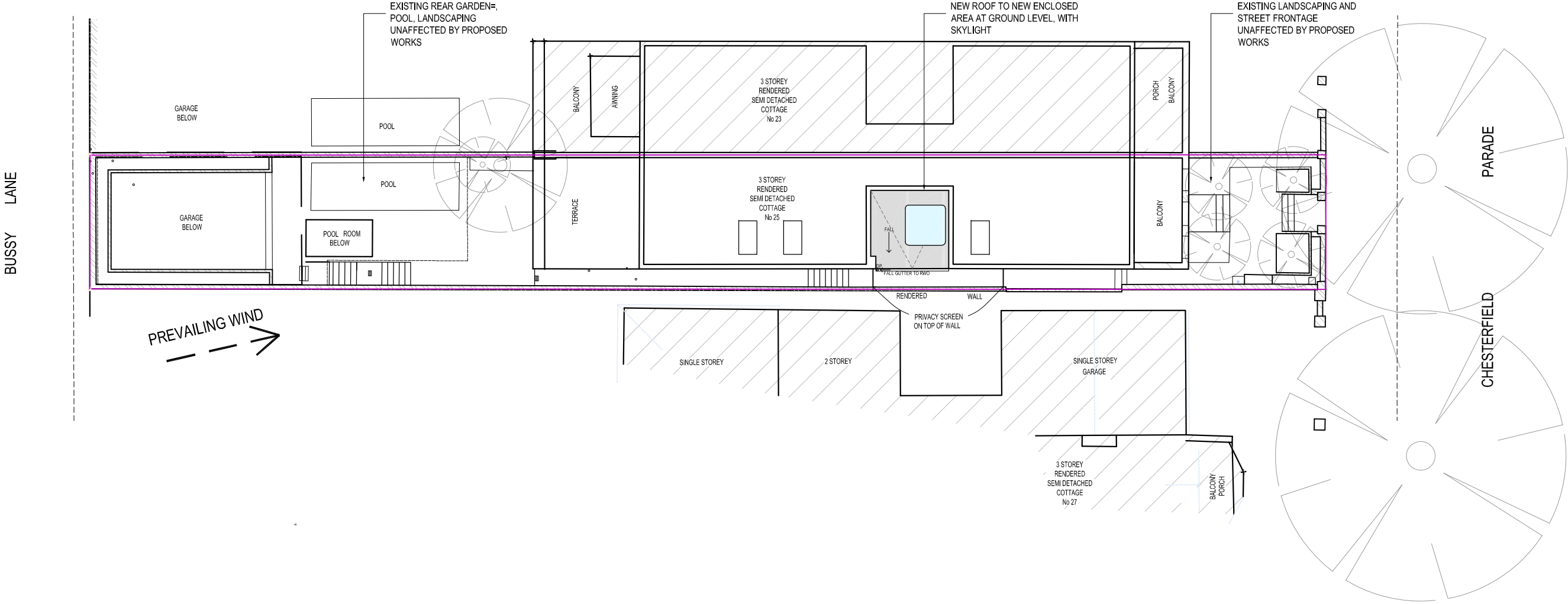
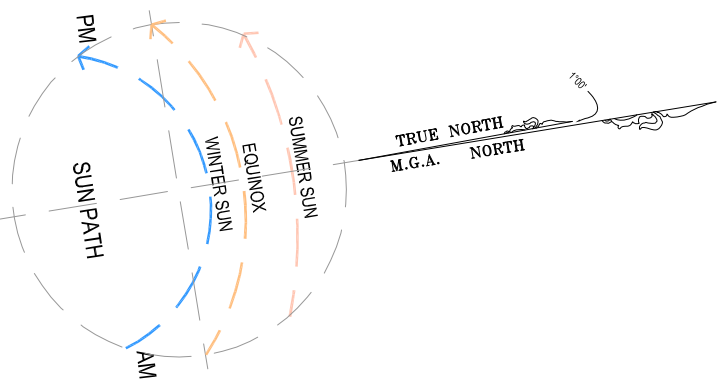
Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD8. TREE REMOVAL/PRESERVATION

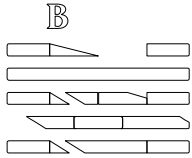
Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD9. WORK OUTSIDE PROPERTY BOUNDARY

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



01
-
SITE PLAN
1:200



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Project
CHESTERFIELD PARADE

Drawing Title
DA SITE PLAN

Drawing No.
DA-01

Date
DATE REV ISSUE
10/09/2021 A ISSUE FOR DA

Rev
A

Description
ISSUE FOR DA

Date
10/09/2021

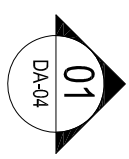
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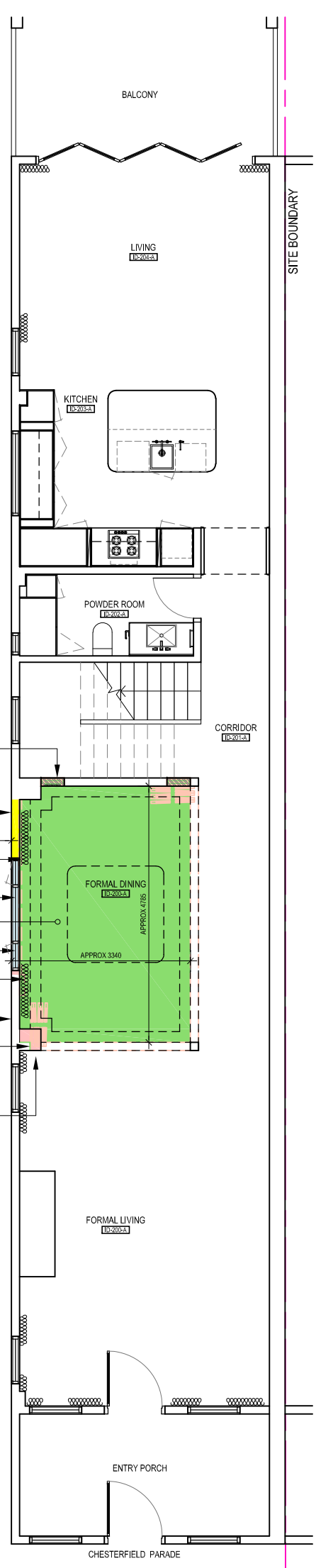
BLAINEY NORTH

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Waverley Council
Application No: DA-416/2021
Date Received: 01/10/2021



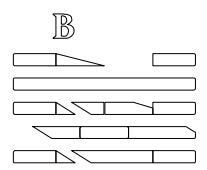
27 CHESTERFIELD PARADE

23 CHESTERFIELD PARADE



- WINDOWS SHOWN DASHED TO BE DEMOLISHED, NEW INFILL WALL TO STRUCTURAL ENGINEER'S DETAILS
- NEW WALL TO STRUCTURAL ENGINEER'S DETAILS
- BALUSTRADE SHOWN RED DASHED TO BE DEMOLISHED
- NEW FIXED WINDOW
- NEW ENCLOSED FLOOR AREA
- NEW OPERABLE WINDOWS
- REDUCE COLUMN TO BE FLUSH WITH EXISTING FACADE WALL
- EXISTING FACADE WALL
- DOORS SHOWN RED DASHED TO BE DEMOLISHED
- NEW WALL TO STRUCTURAL ENGINEER'S DETAILS

01
-
GROUND FLOOR PLAN
1:100



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Project 25 CHESTERFIELD PARADE

Drawing Title DA PROPOSED
GROUND FLOOR PLAN

Drawing No. DA-02

Date
DATE REV ISSUE
10/09/2021 A ISSUE FOR DA

Rev A

Description ISSUE FOR DA

Date 10/09/2021

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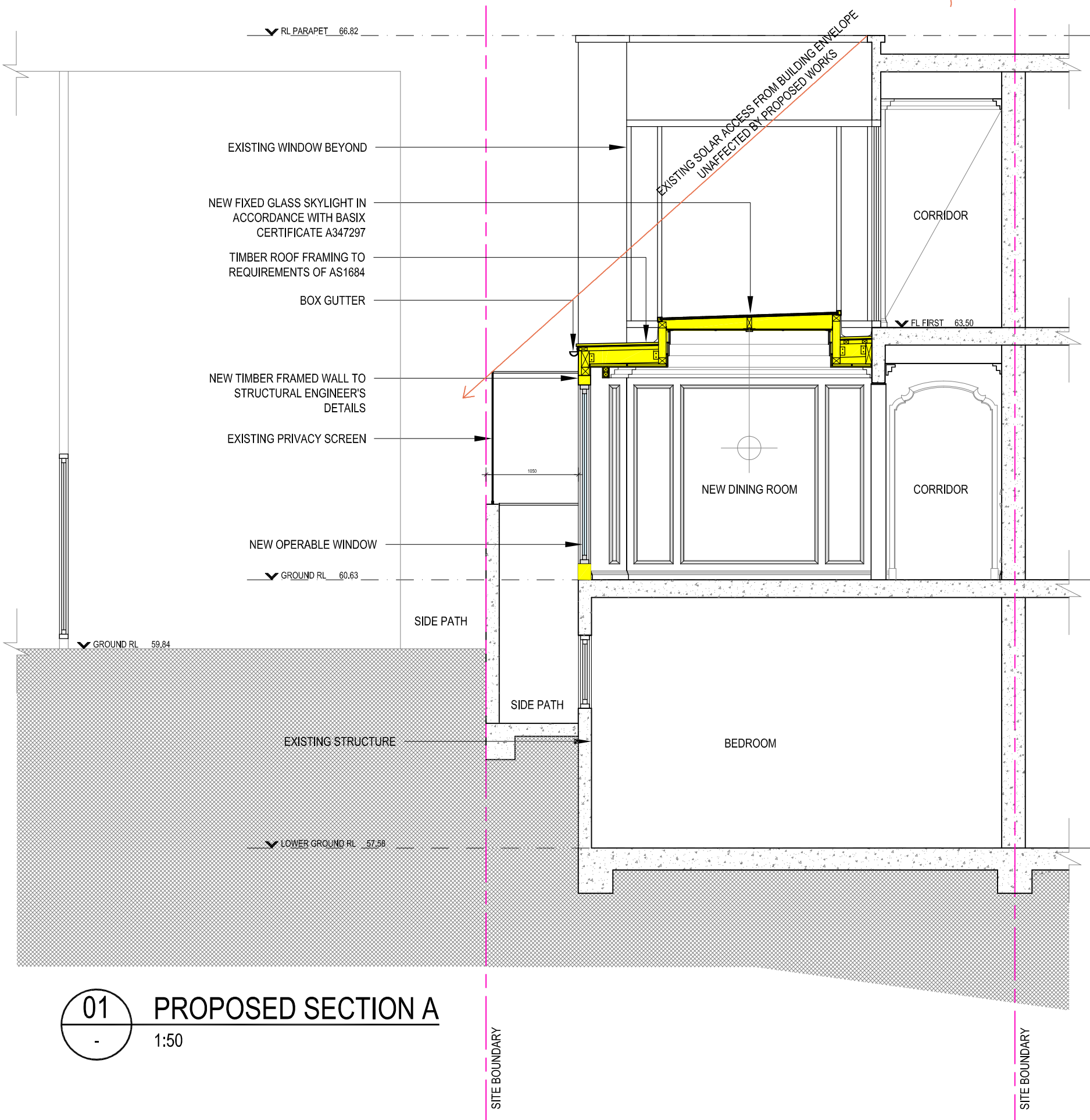
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Date Received: 01/10/2021

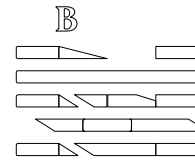
27 CHESTERFIELD PARADE

25 CHESTERFIELD PARADE

23 CHESTERFIELD PARADE



01 - PROPOSED SECTION A
1:50



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Project CHESTERFIELD PARADE

Drawing Title DA PROPOSED SECTION A

Drawing No. DA-03

Date
DATE REV ISSUE
10/09/2021 A ISSUE FOR DA

Rev A

Description ISSUE FOR DA

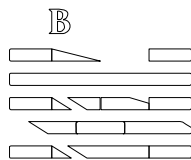
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Project
CHESTERFIELD PARADE

Drawing Title
DA PROPOSED
EAST ELEVATION

Drawing No.
DA-04

Date

DATE	REV	ISSUE
10/09/2021	A	ISSUE FOR DA

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A

Description
ISSUE FOR DA

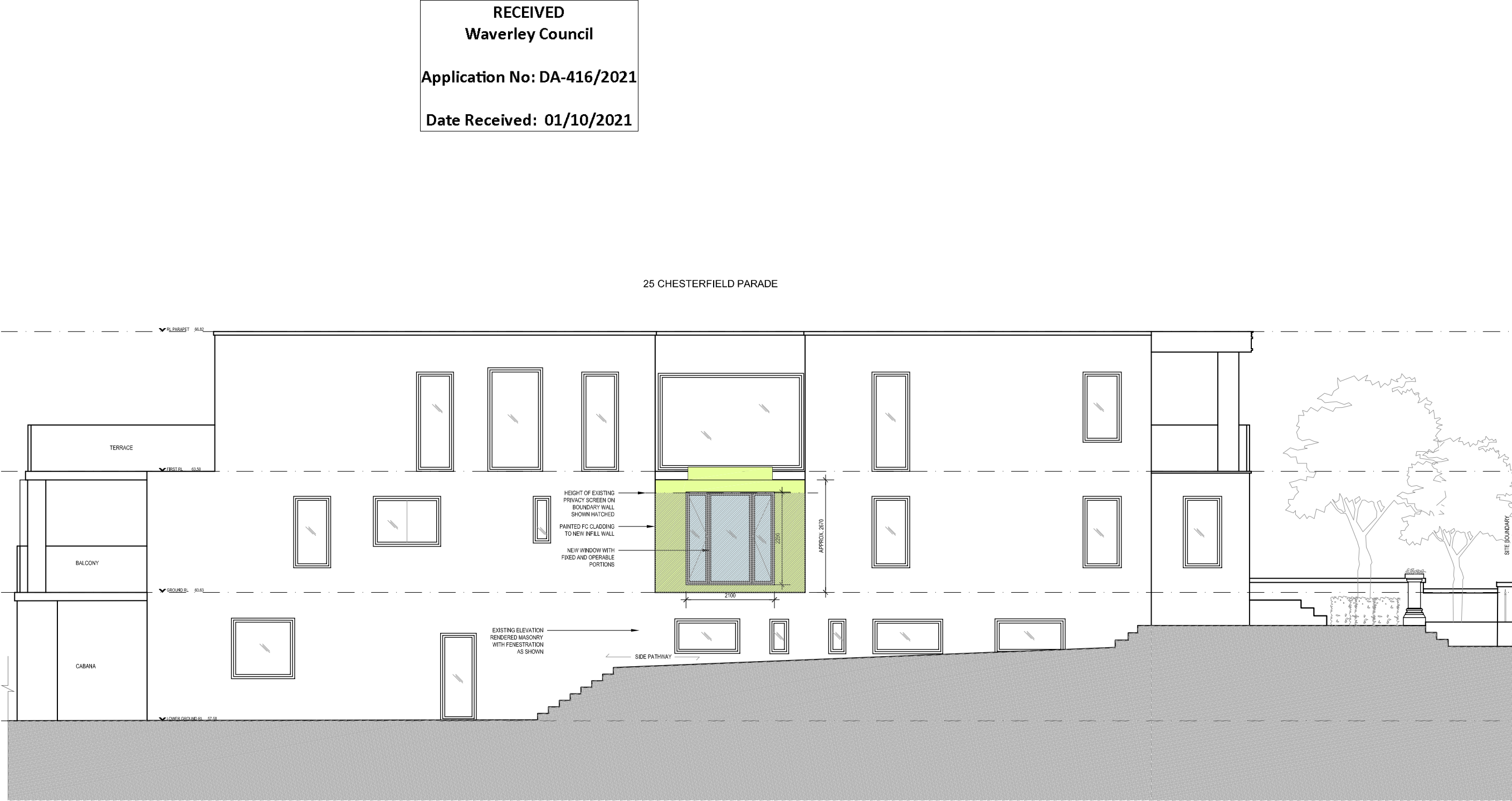
Date
10/09/2021

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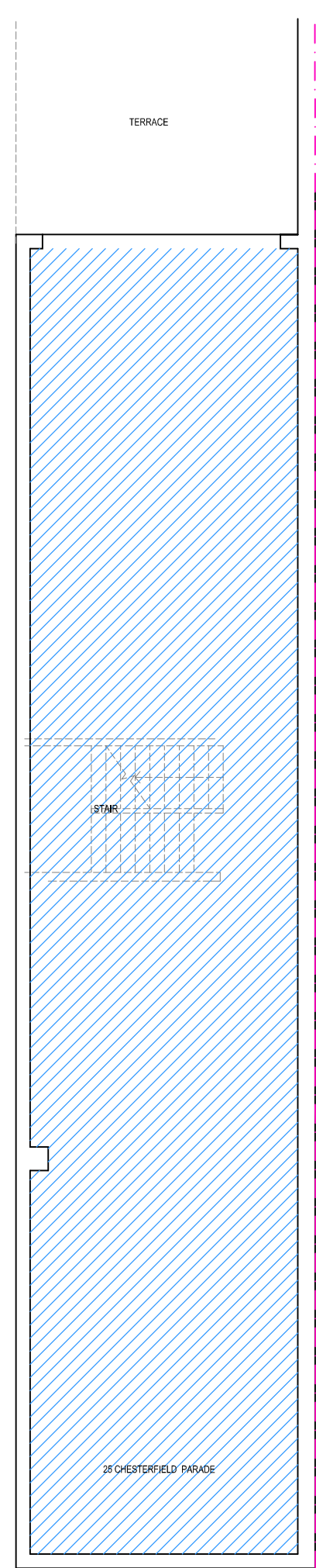
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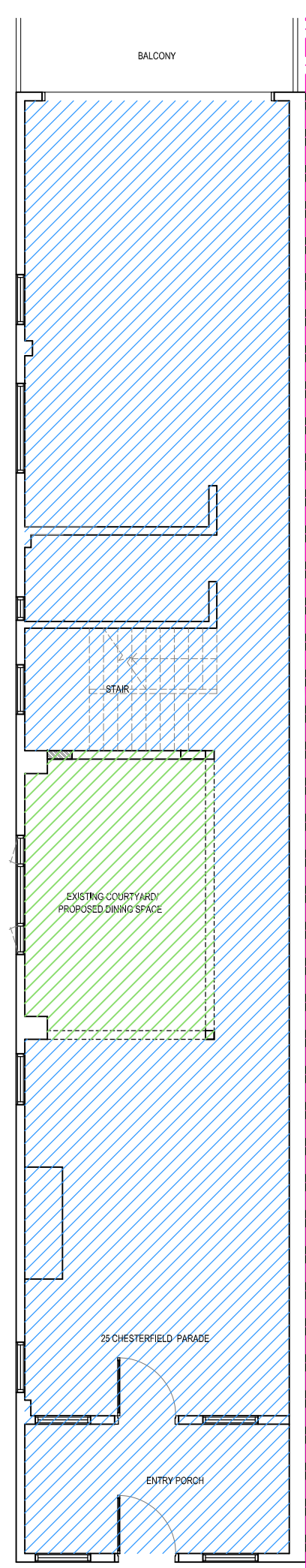
01
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PROPOSED EAST ELEVATION
1:100

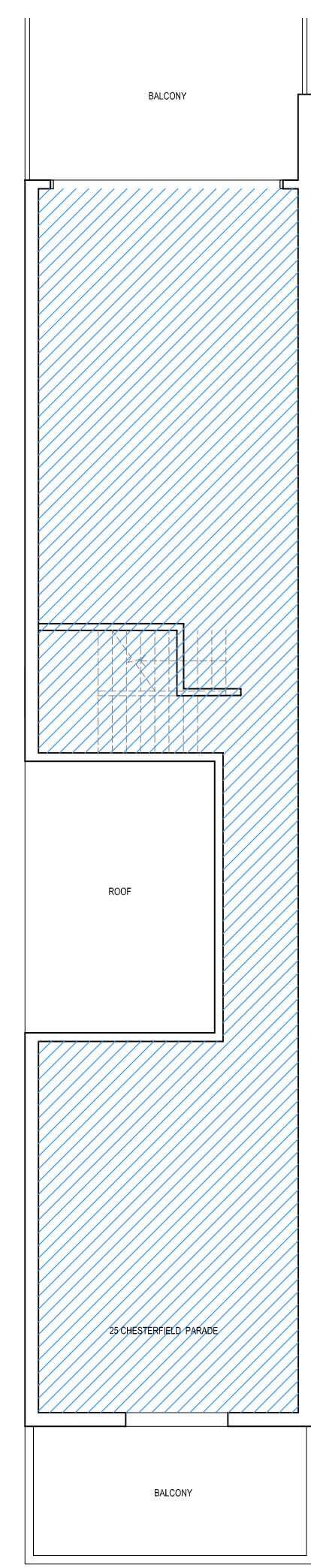
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Application No: DA-416/2021
Date Received: 01/10/2021



01 LOWER GROUND FLOOR PLAN
1:100



02 GROUND FLOOR PLAN
1:100

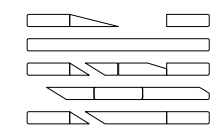


03 FIRST FLOOR PLAN
1:100

LEGEND

EXISTING GROSS FLOOR AREA
287 M2

PROPOSED GROSS FLOOR AREA
ADDITION 15 M2
TOTAL 302 M2



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Project 25 CHESTERFIELD PARADE

Drawing Title DA FLOOR AREA
CALCULATIONS PLANS

Drawing No. DA-05

Date 20/09/2021
Rev A
Issue FOR DA

Rev A

Description ISSUE FOR DA

Date 20/09/2021

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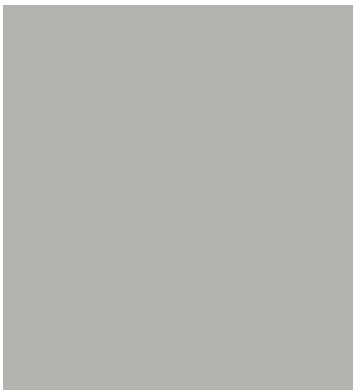
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EXTERNAL WALL PAINT COLOUR -
TO MATCH EXISTING



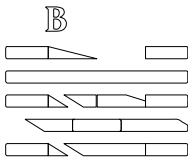
EXTERNAL GLAZING FRAMING - ANODISED ALUMINIUM
TO MATCH EXISTING



ROOF OF DINING ROOM ADDITION -
COLOURBOND 'SHALE GREY' METAL DECK

01
-

EXTERNAL MATERIALS AND FINISHES
NTS



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Project

25 CHESTERFIELD PARADE

Drawing Title

MATERIALS AND FINISHES

Drawing No.

DA-05

Date		
DATE	REV	ISSUE
5/11/2021	A	ISSUE FOR DA

Rev

A

Description

ISSUE FOR DA

Date

5/11/2021

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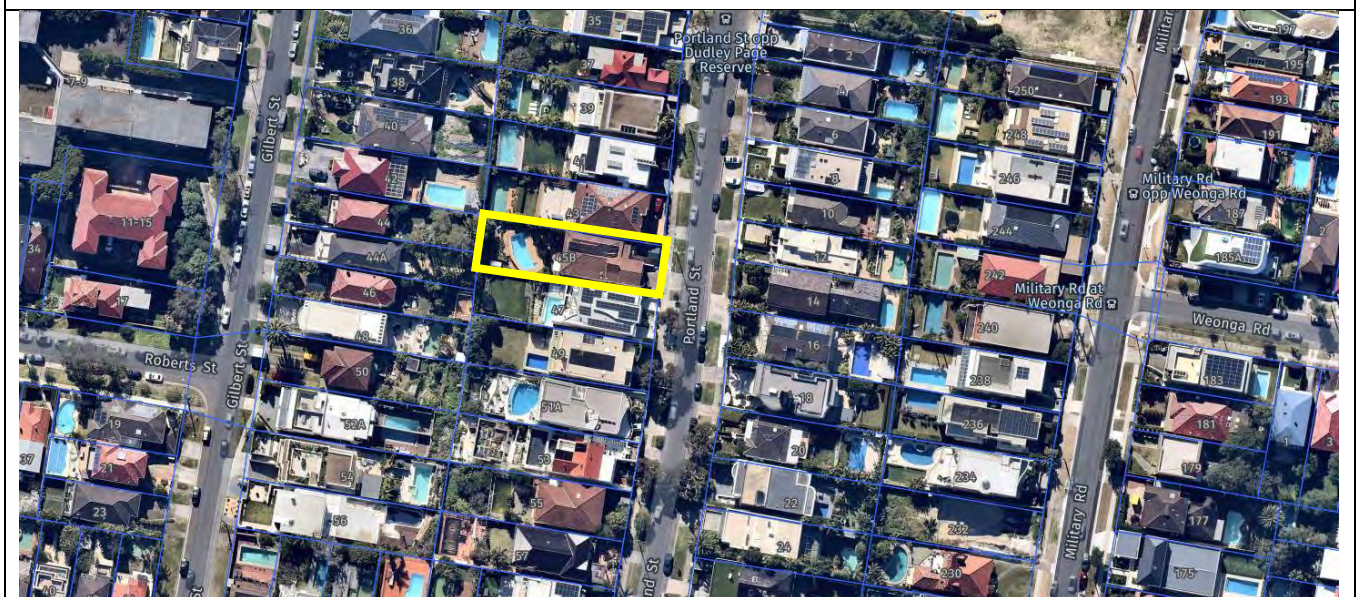
BLAINEY NORTH



Report to the Waverley Local Planning Panel

Application number	DA-16/2021/A
Site address	45 Portland Street, DOVER HEIGHTS
Proposal	Modification to roof, windows, internal reconfiguration and various other alterations and additions.
Description of Approved Development	Alterations and additions to dual occupancy dwelling including additional storey, internal reconfiguration and tree removal.
Date of lodgement	5 August 2021
Owner	A & R Tome
Applicant	Cave Urban
Submissions	Two
Amended cost of works	Original \$1,512,500 (additional \$27,500)
Principal Issues	<ul style="list-style-type: none"> Breach to Floor Space Ratio
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-16/2021, which was approved for alterations and additions to a dual occupancy dwelling including an additional storey, internal reconfiguration and tree removal at the site known as 45 Portland Street, DOVER HEIGHTS. In summary, the proposed modifications are for changes to the roof, windows, internal reconfiguration and various other alterations and additions.

The principal issue arising from the assessment of the application relate to a breach in space ratio floor (FSR) standard. The assessment finds this breach acceptable as it meets the relevant objectives of the FSR development standard and zone.

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

The application has been assessed against the relevant matters for consideration under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 30 March 2021 for the original application DA-16/2021.

The site is identified as Lot 12 in DP 12896, known as 45 Portland Street, DOVER HEIGHTS. The site is rectangular in shape with an eastern street frontage of 13.54m, a western rear boundary of 13.525m, a northern side boundary of 49.57m and a southern side boundary of 49.78m. The site has an area of 671m² and has a steep fall from the east to the west by approximately 9.86m.

The site is occupied by a part two, part three storey dual occupancy with vehicular access provided from Portland Street to an attached double garage. Dwelling 1 is located at ground and first floor levels while Dwelling 2 is located at the lower ground floor level. An existing in-ground swimming pool is also located to the rear of the site.

The locality is generally characterised by majority low density residential dwellings. To either side of the subject site are large multi-level dwellings which follow the steep topography of the locality.



Figure 1: Front of the subject site as viewed from Portland Street, looking west.



Figure 2: Front of subject site, looking west (Source: Cave Urban, 2021)



Figure 3: Rear of subject site, looking west (*Source: Cave Urban, 2021*)

1.3. Details of Approved Development

The original development application, known as DA-16/2021 for alterations and additions to an existing dual occupancy, including an additional first floor storey (above existing first floor due to split level design) to Dwelling 1, internal reconfiguration and tree removal, was approved on 10 May 2021 by the Development and Building Unit.

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

2. **GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) *(Window LG-01 is to be provided with fixed privacy screening to mitigate visual privacy impacts to the adjoining property. The privacy screen is to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.8m high when measured from the finished floor level of the balcony.*
- (b) *The non-solid portion of the front fence and gate is to be 50% open in design.*

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

The modified plans show adequate privacy screening to the window labelled LG-01 on the original approved plans and therefore condition 2 is satisfied.

1.4. Proposal

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

Lower Ground Floor (Dwelling 2)

- Internal layout change, swapping the location of the kitchen and a bedroom;
- Modify the external access from the northern side of the lot to the southern side as the entry location has been amended; and
- Demolition of an internal wall.

Ground Floor (Dwelling 1)

- Increased Gross Floor Area (GFA) to the living room (rear portion) and a new northern addition that includes a bedroom with associated ensuite and entry foyer; and
- New lift.

First Floor (Dwelling 1)

- Alter layout of internal stairs to the first floor;
- Lift;
- Convert two bedrooms located in the south-eastern corner of the dwelling to a large rumpus room; and
- Alter roof to cover the existing balcony to the front of the dwelling.

1.5. Background

The modification application was lodged on 15 August 2021 and deferred on 3 September 2021 for the following reasons:

1. A Fire Safety Upgrade report was to be provided; and
2. Minor additional clarification was sought of the architectural plans.

The amended architectural plans were submitted to Council on 13 September 2021, whilst the Fire Safety Report was submitted to Council on 27 September 2021.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

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

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

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

2.2. Evaluation of Matters for Consideration under Section 4.15

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

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

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

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

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a dual occupancy remains unchanged and continues to be permitted development in the low density residential ‘R2’ zone under Waverley LEP 2012.

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	8.96m.	The modification maintains a parapet of RL 71.40 and the same as approved	N/A – no change.

Provision	Approved	Proposed Modified	Compliance
	The development exceeded the development standard by 0.46m or 5.4%.	footprint to the rear of the dwelling (location of where height is measured) at first floor and roof levels as approved. Therefore, there will be no change in overall maximum height.	
4.4 FSR; and 4.4A Exceptions to FSR <ul style="list-style-type: none"> • Site Area: 671m² • Max FSR 0.5:1 • Max GFA: 335.5m² 	<u>GFA Calculations:</u> Lower Ground Floor: 100m ² Ground Floor: 101.7m ² First Floor: 131.6m ² TOTAL: 333.3m ² FSR: 0.5:1	<u>GFA Calculations:</u> Lower Ground Floor: 100m ² Ground Floor: 146.2m ² First Floor: 136.6m ² TOTAL: 382.8m ² FSR: 0.57:1 The modification increases the GFA by 49.5m ² , resulting in an overall breach of 47.3m ² or 14.1%	No. See discussion below this table.
4.6 Exceptions to development standards	-	A clause 4.6 variation is not required for a Section 4.55.	N/A

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

Breach to FSR

The proposed modifications result in a net increase of GFA of 49.5m², or an overall FSR of 0.57:1. This culminates in an overall exceedance of the FSR development standard by 47.3m² or 14.1%, noting the original application complies with the standard.

The applicant has provided written justification for the non-compliance with the FSR development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

Objectives of the R2 zone

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

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

- *Most of the increase in floor area (89% of the entire breach) is from the changes to the ground floor level which will not have any increased amenity impacts to the adjoining Properties;*
- *The proposal seeks to retain the existing walls of the dwelling without removing them as was originally approved;*
- *The remaining 11% (of the entire breach) relates to the first-floor level which involves only internal changes to the stairwell to enable the addition of the accessible lift;*
- *There are no changes to the external envelope of the approved first floor level. The bulk and scale of this level remains the same;*
- *The proposal will provide an appropriate correlation between maximum building heights and density controls, as the use will be retained as a single dwelling house, the height will be retained as approved and the additional floor area provides for additional bedroom and improved entry way for one of the dwellings within the approved dual occupancy;*
- *The building will remain compatible with the bulk and scale of the desired future character of the locality with limited additional bulk discernible from the public domain; and*
- *The proposal will preserve the environmental amenity of neighbouring properties and the locality (as detailed below under the DCP assessment).*

Council concurs with the justification provided by the applicant, as the proposed modified development will still meet the relevant objectives of FSR and the zone in the following ways:

Objectives of FSR

- (b) *to provide an appropriate correlation between maximum building heights and density controls,*
- The modified development will not increase in height, maintaining a ridge level of RL71.40. Therefore, the modification has been appropriately designed to provide an acceptable correlation between height and density.
- (c) *to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- The development is compatible with the surrounding dwellings. The dwelling infills a void space to the north-eastern corner of the lot, resulting in the dwelling reading as a similar bulk and scale to the adjoining dwellings. Although the dwelling exceeds FSR it has been done in acceptable way by providing compliant building lines and a bulk and scale that is reflective of the existing built-form of the locality.
- (d) *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*
- The modification still results in a dwelling that does not result in unreasonable view loss, reduced visual privacy or unacceptable shadowing, as will be discussed further in **Table 3** below.

Objectives of the zone

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

The modification continues to provide a dual occupancy within a low density residential environment.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the FSR development standard. Therefore, the net exceedance is considered acceptable.

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

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 2** and **3** of this report and detailed discussion below these tables.

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

Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Yes	The amended BASIX Certificate is satisfactory.
12. Design Excellence	Yes	The proposed modification is considered to fit in well with the existing dwelling and surrounding streetscape in terms of bulk, scale and finishes.

Table 3: WDCP – Part C2 Low Density Residential Development Compliance Table

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none">• Appropriate scale• Does not detract from amenity of other dwellings or view corridors• ESD has been considered• Alterations & additions are sympathetic in bulk & scale to the character of the area• High design standard	Yes	The modification does not contravene the general objectives of this part of the WDCP.
2.1 Height		
Flat roof dwelling house	N/A	The modification will not alter the approved wall height.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum wall height of 7.5m 		
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The modification will not result in an extension past the existing front and rear building lines.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The northern addition at the ground floor is setback more than 0.9m from the side boundary.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style & proportions of existing dwelling Significant landscaping to be maintained. 	Yes	The proposed works will help improve the streetscape presentation of the dwelling by better relating to the neighbouring contemporary dwellings on the western side of Portland Street as well as infilling the existing void space to the front of the dwelling, creating a more consistent front building line.
2.4 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 		A modification to the front fence is not proposed, therefore Condition 2(b) relating to the front fence design is to remain.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. 	Yes	<p>W03 is appropriately screened with obscure glazing 1.8m from Finished Floor level, increasing visual privacy.</p> <p>W04 will not look directly into a neighbouring window and therefore it is considered that no privacy measures are required.</p> <p>To ensure visual privacy to the ensuite is provided, a condition requiring obscure glazing is recommended.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas 	Yes	With the addition to the northern side of the existing ground floor, it is not anticipated that

Development Control	Compliance	Comment
and principal open space areas on 21 June <ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 		there will be unreasonable overshadowing impacts.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	See discussion.	View loss will be discussed further below.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes N/A N/A N/A N/A	Remains at over 40% No change No change No change No change
2.15 Dual Occupancy Development		
	Yes	The use will remain as a dual-occupancy.

View Loss

The applicant has provided a photomontage demonstrating that there will be no view loss impacts to 12-16 Portland Street as the proposed addition will not extend above or beyond the established built form of the approved dwelling.



Figure 4: No's 12-16 Portland Street in context to the subject site. (Source: Nearmap, 2021)



APPROVED VIEW 1 | 12 PORTLAND ST

NOTE: PROPOSED WORKS INVOLVE RETAINING EXISTING BUILT ELEMENTS + NO CHANGE TO APPROVED VOLUME



PROPOSED VIEW 1 | 12 PORTLAND ST

No. 12 Portland Street - taken from first floor dining room



APPROVED VIEW 2 | 14 PORTLAND ST



PROPOSED VIEW 2 | 14 PORTLAND ST

No. 14 Portland Street - taken from second floor balcony adjacent to living room



No. 16 Portland Street - approximate location of second floor balcony.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for fourteen days (9-25 August 2021) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- Windows were correctly labelled; and
- Privacy screen added to W03.

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

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	43 Portland Street, DOVER HEIGHTS
2.	47 Portland Street, DOVER HEIGHTS

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

- Breach to FSR; and

- Solar Access

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

Issue: Boundary fencing is not shown.

Response: Location of the existing side boundary fence is shown on the elevational plans.

Issue: Entrance of dwelling at lower ground has been shifted from the northern elevation to the southern elevation. Resulting in increased noise and loss of privacy. Request for a 1.8m fence that will minimise sound.

Response: The amount of pedestrian traffic using this side path will be minimal. An existing 1.8m fence is constructed to this side boundary. Requesting this fence to be made of materials to minimise sound is unreasonable and not a Council requirement.

Issue: Request for screening vegetation along the southern boundary fence adjacent to the fence and garden.

Response: This is not part of the proposed works being sought by the applicant and is not required, with a 1.8m fence provided.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Fire Safety

An internal referral was sought from Council's Fire Safety Officer who did not object to the proposal subject to additional conditions of consent.

3.2. Ausgrid

An external referral was sought from Ausgrid as the subject site is 5m or less from exposed overhead power lines, in accordance with Section 45 of the Infrastructure SEPP. Ausgrid did not object.

4. CONCLUSION

The modification application seeks to modify development consent, known as DA-16/2021 which was approved for alterations and additions to the existing dual occupancy dwelling including an additional storey, at the site known as 45 Portland Street, DOVER HEIGHTS. The proposed modifications are for changes to the roof, windows, internal reconfiguration and various other minor alterations and additions.

The principal issue arising from the assessment of the application relates to a breach in FSR. The assessment finds this breach acceptable as it meets the relevant objectives of the FSR development standard and zone. Additionally, the breach in FSR does not result in unreasonable environmental amenity impacts of overshadowing, view loss or visual privacy subject to recommended conditions.

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

The application has been assessed against the relevant matters for consideration under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 24 August 2021 and the DBU determined:

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

DBU members: *M Reid, B McNamara, B Magistrale, J Elijah*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 1 October 2021	Date: 4 November 2021

Reason for WLPP referral:

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

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

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Cave Urban including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
02 / Rev 1	Existing Plans	12/12/2020	15/01/2021
03 / Rev 1	Existing Elevation	12/12/2020	15/01/2021
04 / Rev 1	Existing Elevation	12/12/2020	15/01/2021
06 / Rev 2 4	Site Plan	09/04/2021 13/09/2021	19/04/2021 13/09/2021
07 / Rev 1 4	Lower ground Plan	12/12/2020 13/09/2021	15/01/2021 13/09/2021
08 / Rev 2 4	Ground Plan	09/04/2021 13/09/2021	19/04/2021 13/09/2021
09 / Rev 2 4	First Floor Plan	09/04/2021 13/09/2021	19/04/2021 13/09/2021
10 / Rev 2 4	North and South Elevation	09/04/2021 13/09/2021	19/04/2021 13/09/2021
11 / Rev 2 3	West Elevation	09/04/2021 11/06/2021	19/04/2021 04/08/2021
12 / Rev 2 3	East Elevation	09/04/2021 11/06/2021	19/04/2021 04/08/2021
13 / Rev 2 3	Section AA	09/04/2021 11/06/2021	19/04/2021 04/08/2021
14 / Rev 1	Landscape Plan	12/12/2020	15/01/2021

(AMENDED DA-16/2021/A)

(b) BASIX Certificate

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 15/01/2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) ~~Window LG-01 is to be provided with fixed privacy screening to mitigate visual privacy impacts to the adjoining property. The privacy screen is to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.8m high when measured from the finished floor level of the balcony.~~

(SATISFIED DA-16/2021/A)

(b) The non-solid portion of the front fence and gate is to be 50% open in design.

- (c) *Any window to the proposed ensuite to the ground floor is have obscure glazing to the entire area of the window.*

(AMENDED DA-16/2021/A)

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

B. New Conditions

FIRE SAFETY

17A. ESSENTIAL SERVICES - EXISTING BUILDING

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

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and*
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.*

(ADDED DA-16/2021/A)

17B. FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with all recommendations detailed in the Fire Safety Assessment Report prepared by Kieran Tobin of BCA Vision Pty Ltd, dated 26 September 2021, Reference P210129 and issue no. 2.*
- b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.*
- c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.*

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

(ADDED DA-16/2021/A)

AD11. OVERHEAD POWERLINES

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

(ADDED DA-16/2021/A)

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Cave Urban including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
02 / Rev 1	Existing Plans	12/12/2020	15/01/2021
03 / Rev 1	Existing Elevation	12/12/2020	15/01/2021
04 / Rev 1	Existing Elevation	12/12/2020	15/01/2021
06 / Rev 4	Site Plan	13/09/2021	13/09/2021
07 / Rev 4	Lower ground Plan	13/09/2021	13/09/2021
08 / Rev 4	Ground Plan	13/09/2021	13/09/2021
09 / Rev 4	First Floor Plan	13/09/2021	13/09/2021
10 / Rev 4	North and South Elevation	13/09/2021	13/09/2021
11 / Rev 3	West Elevation	11/06/2021	04/08/2021
12 / Rev 3	East Elevation	11/06/2021	04/08/2021
13 / Rev 3	Section AA	11/06/2021	04/08/2021
14 / Rev 1	Landscape Plan	12/12/2020	15/01/2021

(AMENDED DA-16/2021/A)

(b) BASIX Certificate

(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 15/01/2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) *SASTISFIED DA-16/2021/A*

(b) The non-solid portion of the front fence and gate is to be 50% open in design.

(c) *Any window to the proposed ensuite to the ground floor is to have obscure glazing to the entire area of the window.*

(AMENDED DA-16/2021/A)

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

3. MATERIALS AND FINISHES

A detailed finishes and materials schedule is to be provided to the Executive Manager of Building Waverley or delegate for approval.

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 REQUIREMENT

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

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

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

5. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$29,700.00 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

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

9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

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.

14. ENGINEERING CERTIFICATE OF ADEQUACY

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

STORMWATER & FLOODING

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 management plan prepared by A K Y Civil Engineering, Project No. 20045, Drawing No. H-01 (Revision B, dated 07.01.21), H-02 (Revision C, dated 16.04.21) and H-03 (Revision C, dated 16.04.21) are conditionally considered satisfactory.

The applicant must submit updated stormwater management plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be in accordance with the approved stormwater drainage design drawing, except where modified by the following:

- a) Additional and revised on-site stormwater detention (OSD) details are to be submitted. The provided OSD shall be designed to be away from the zone of influence of the existing stormwater pipe. The structure shall be designed and built to be self-supporting to allow excavation of the Council's pipe without the need of any supplementary support structures.
- b) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- c) A silt arrestor pit shall be installed inside the property, adjacent to the easement to drain water.
- d) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system.
- e) Seepage water from basement car parks and sub surface flows must not be directly or indirectly discharged to Council's street gutter.
- f) Council's records indicate an existing 600 mm stormwater drainage line traversing the subject development site. In addition, the property is burdened by an easement to drain water. The applicant is required to engage a Registered Surveyor to investigate the exact location of the existing stormwater pipe within the existing easement (this shall include the pipe size, invert, any necessary levels needed as part of this proposal) and submit to Council for further assessment.

The existing pipeline and easement to be overlayed onto the stormwater plans. Detailed sections are to be provided to demonstrate that all structural support elements are located away from the zone of influence of the existing stormwater pipe.

Where the stormwater pipeline is situated outside the extents of the existing drainage easement, a new drainage easement will need to be proposed over the stormwater pipeline. Documentation shall be submitted denoting the width of the existing drainage easement is being maintained and is along the centreline of Council's existing stormwater line for the entire length of pipe within 45 Portland Street.

- g) During construction of the proposed stormwater connection to the existing Council stormwater pipeline, any infrastructure within the Council easement shall be constructed to the satisfaction of Council, with all costs borne by the applicant.
- h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

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

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

FIRE SAFETY

17A. ESSENTIAL SERVICES - EXISTING BUILDING

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

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and*
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.*

(ADDED DA-16/2021/A)

17B. FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with all recommendations detailed in the Fire Safety Assessment Report prepared by Kieran Tobin of BCA Vision Pty Ltd, dated 26 September 2021, Reference P210129 and issue no. 2.*
- (b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.*
- (c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.*

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

(ADDED DA-16/2021/A)

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

18. CONSTRUCTION SIGNS

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

19. DILAPIDATION REPORT

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

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

DEMOLITION & EXCAVATION

20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

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

21. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

23. EXCAVATION AND BACKFILLING

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

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

CONSTRUCTION MATTERS

24. CONSTRUCTION HOURS

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

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

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

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

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

26. CONSTRUCTION INSPECTIONS

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

27. CERTIFICATE OF SURVEY – LEVELS

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

28. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

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', unless approved to be removed in this development consent.

30. STREET TREES TO BE RETAINED/TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) event damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;

- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.

STORMWATER & FLOODING

31. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to doing any works, internal inspection of the Council's stormwater conduit to determine its structural and serviceability condition must be carried out by a Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to Council's public domain engineer for its review.

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

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

32. FINAL OCCUPATION CERTIFICATE

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

CERTIFICATION OF BASIX COMMITMENTS

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

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

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

34. ON-SITE STORMWATER DETENTION CERTIFICATION

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

35. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

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

The wording of the Instrument shall be submitted to and approved by Council's Public Domain Engineer prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

36. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

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

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

The report shall be used by Council to assess whether any rectification works will be required. The applicant shall obtain written approval from Council Engineers prior to the issue of the Occupation Certificate.

37. CREATION OF EASEMENT FOR DRAINAGE

The existing drainage easement that traverses 45 Portland Street shall be extinguished and a new easement is to be created to the satisfaction of the Executive Manager, Infrastructure Services (or delegate). Documentation shall be submitted denoting the width of the easement is being maintained and is along the centreline of Council's existing stormwater line for the entire length of pipe within 45 Portland Street. The easement is to be in favour of Waverley Council and is to be registered on the Certificate of Title of 45 Portland Street. The creation of Easement and the registration of the easement to Certificate of Title is to be undertaken by the applicant at no cost to Council.

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. 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.

AD10. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

AD10. STORMWATER

Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap inTM for their approval.

The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.

Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

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

AD11. OVERHEAD POWERLINES

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

(ADDED DA-16/2021/A)



S4.55 FOR APPROVED DA-16/2021
Adelino Tome
45 PORTLAND ST
DOVER HEIGHTS, NSW, 2030

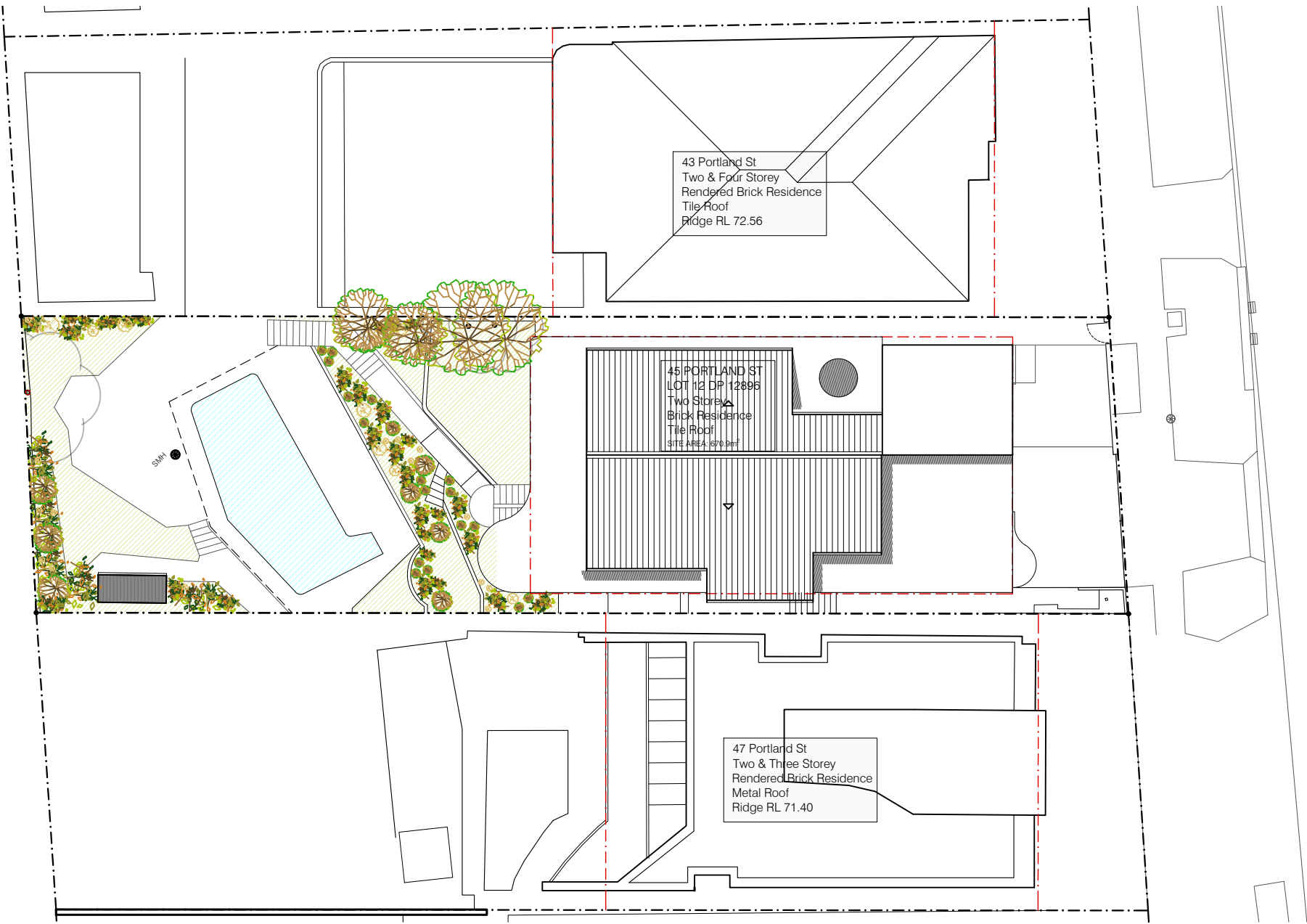
MATERIALS AND FINISHES SCHEDULE:

- Glass
- Masonry Construction
- Timber Frame Construction
- Concrete
- Timber Floor on Slab

DRAWING LIST:

- DA01 - Site Analysis
DA02 - Approved Plan
DA03 - Approved Elevation
DA04 - Approved Elevation
DA05 - Approved Section A-A
DA06 - Site Plan
DA07 - Lower Ground Plan
DA08 - Ground Plan

DA09 - First Floor Plan
DA10 - North + South Elevation
DA11 - West Elevation
DA12 - East Elevation
DA13 -Section A-A
DA15 - FSR
DA16 - View Analysis
DA19 - BASIX



RECEIVED
Waverley Council
Application No: DA-16/2021/A
Date Received: 04/08/2021

12 Portland St
Two Storey
Rendered Brick Dwelling
Tile Roof

14 Portland St
Two Storey
Brick Residence
Tile Roof
Deck RL 72.87
Ridge RL 78.01

16 Portland St
Three Storey
Rendered Brick Residence
Tile Roof



LOCATION REFERENCE | NTS

S4.55 FOR APPROVED DA-16/2021
Adelino Tome
45 PORTLAND ST
DOVER HEIGHTS, NSW, 2030

N

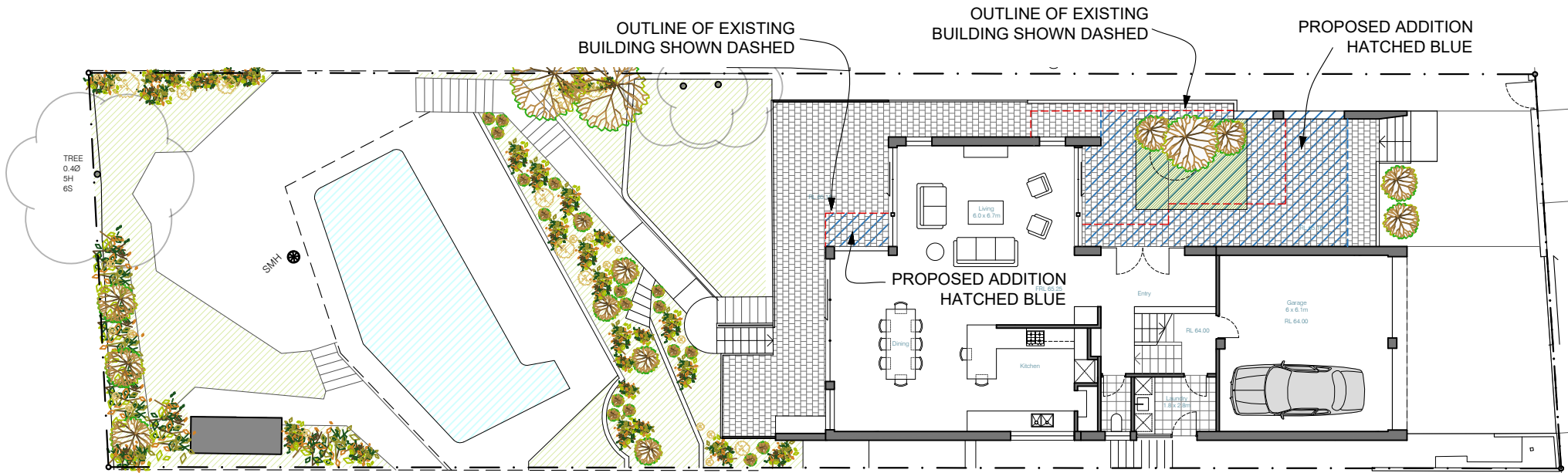
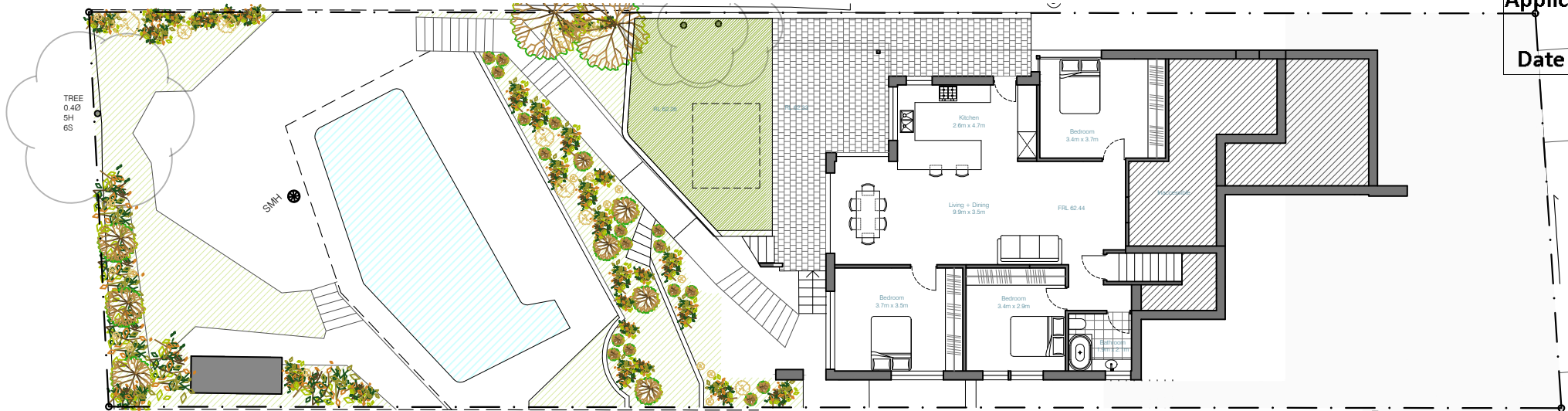
Page 284 of 576

SITE ANALYSIS
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DATE : 11/06/2021
DWG NO. : 01
DRAWN BY : MV

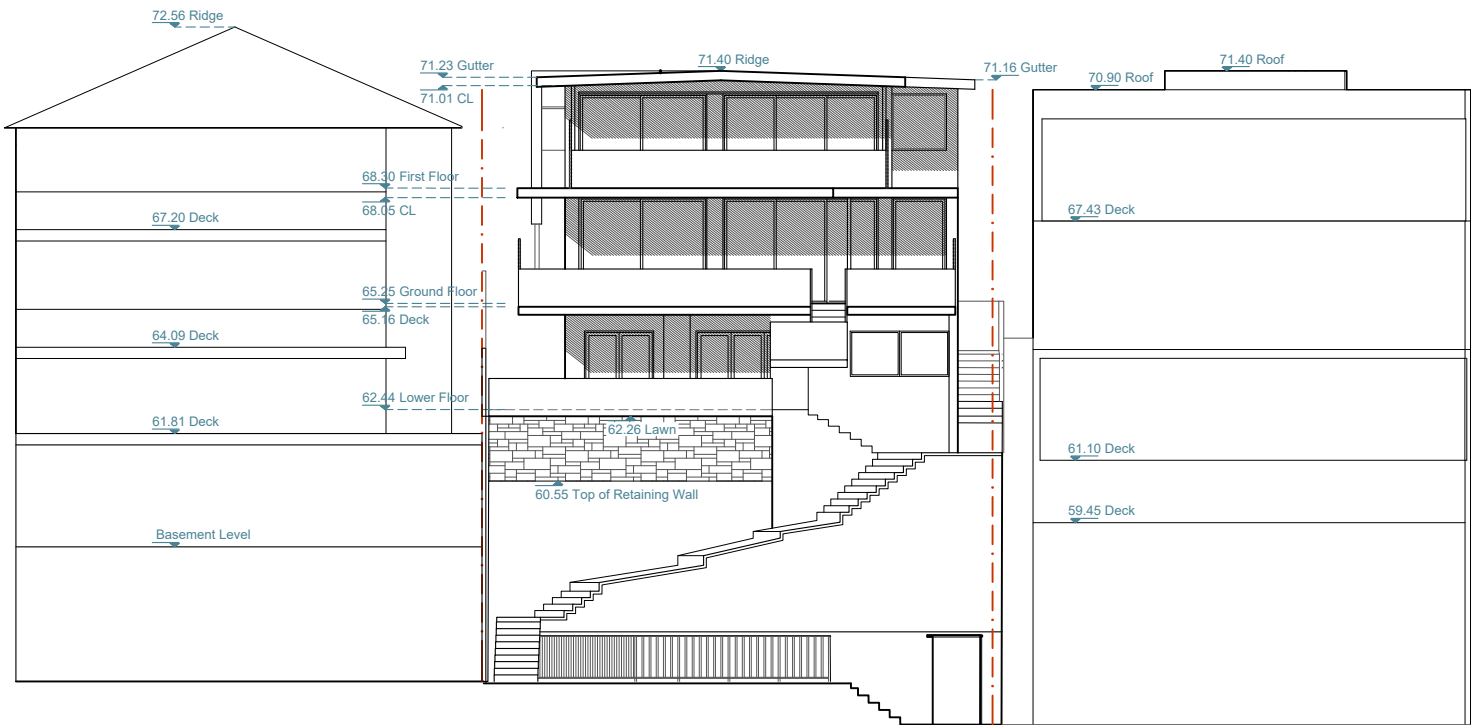
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DA	2	09/04/21	JL
DA	1	12/12/20	JL
Issue	Rev	Date	Check



Cave Urban Pty Ltd | ABN 99 156 120 393
73A Bulkara Rd, Bellevue Hill NSW 2023
t: 02 9327 7064
e: info@caveurban.com
w: www.caveurban.com
Nom Architect: Jed Long NSWARB No. 9871



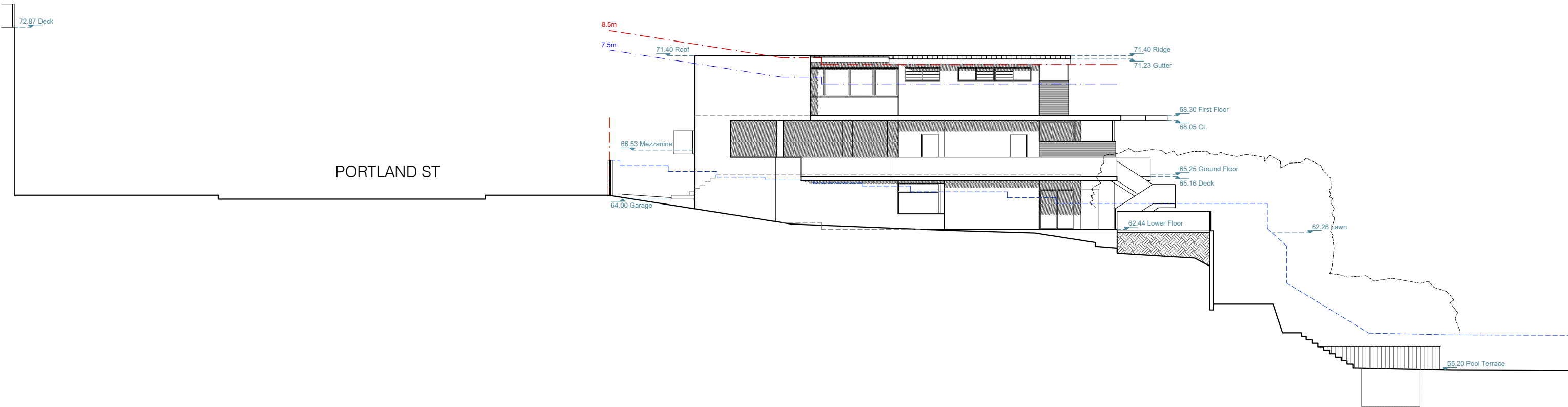
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DA	1	12/12/20	JL
Issue	Rev	Date	Check



WEST ELEVATION



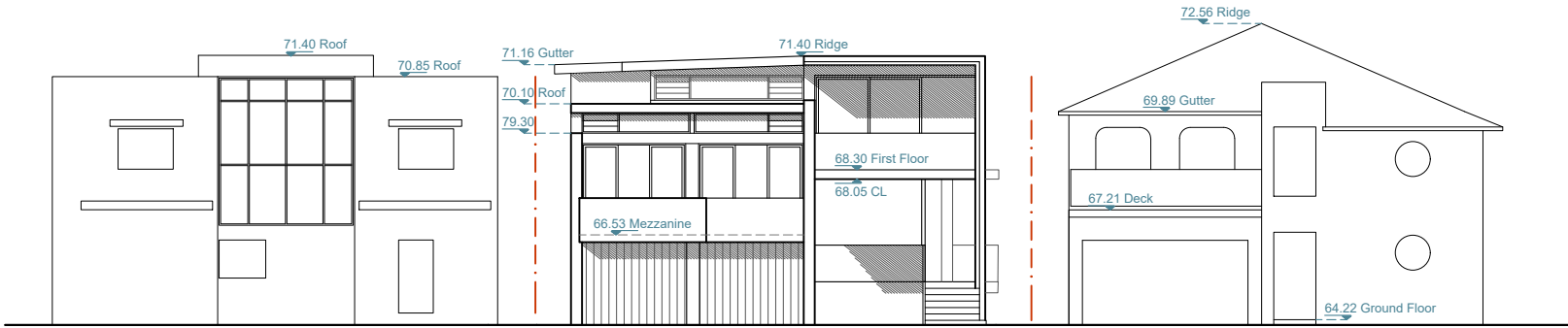
WEST ELEVATION | NTS



NORTH ELEVATION

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DA	1	12/12/20	JL
Issue	Rev	Date	Check

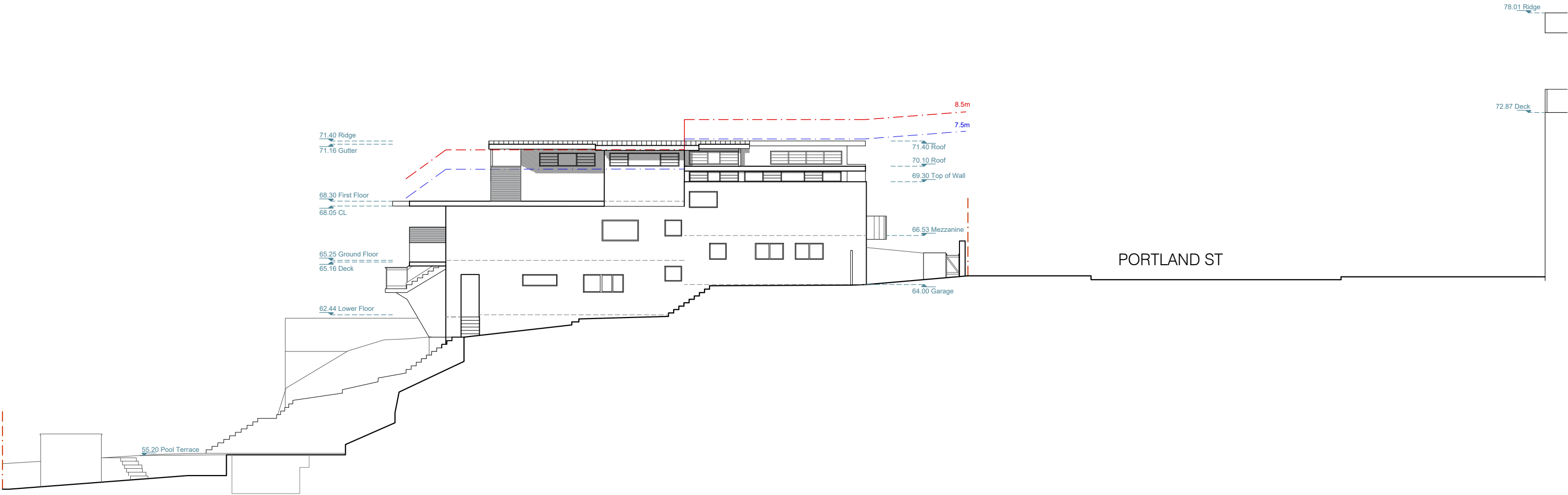
PROPOSAL SEEKS TO
RETAIN EXISTING WALLS
PREVIOUSLY APPROVED
TO BE DEMOLISHED



EAST ELEVATION

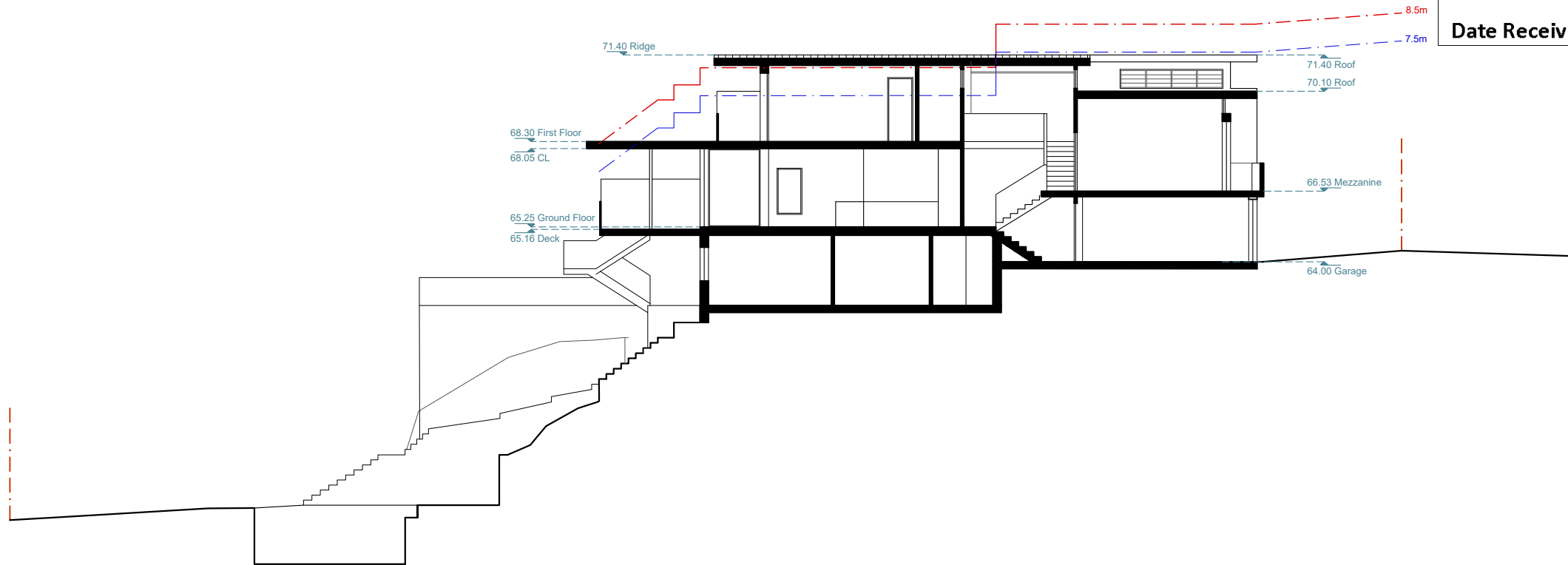


EAST ELEVATION | NTS



SOUTH ELEVATION

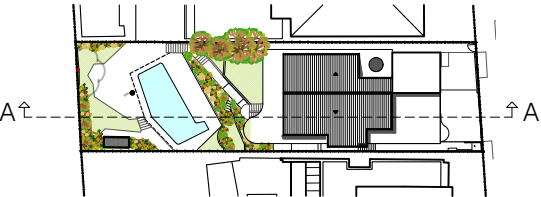
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Issue	Rev	Date	Check



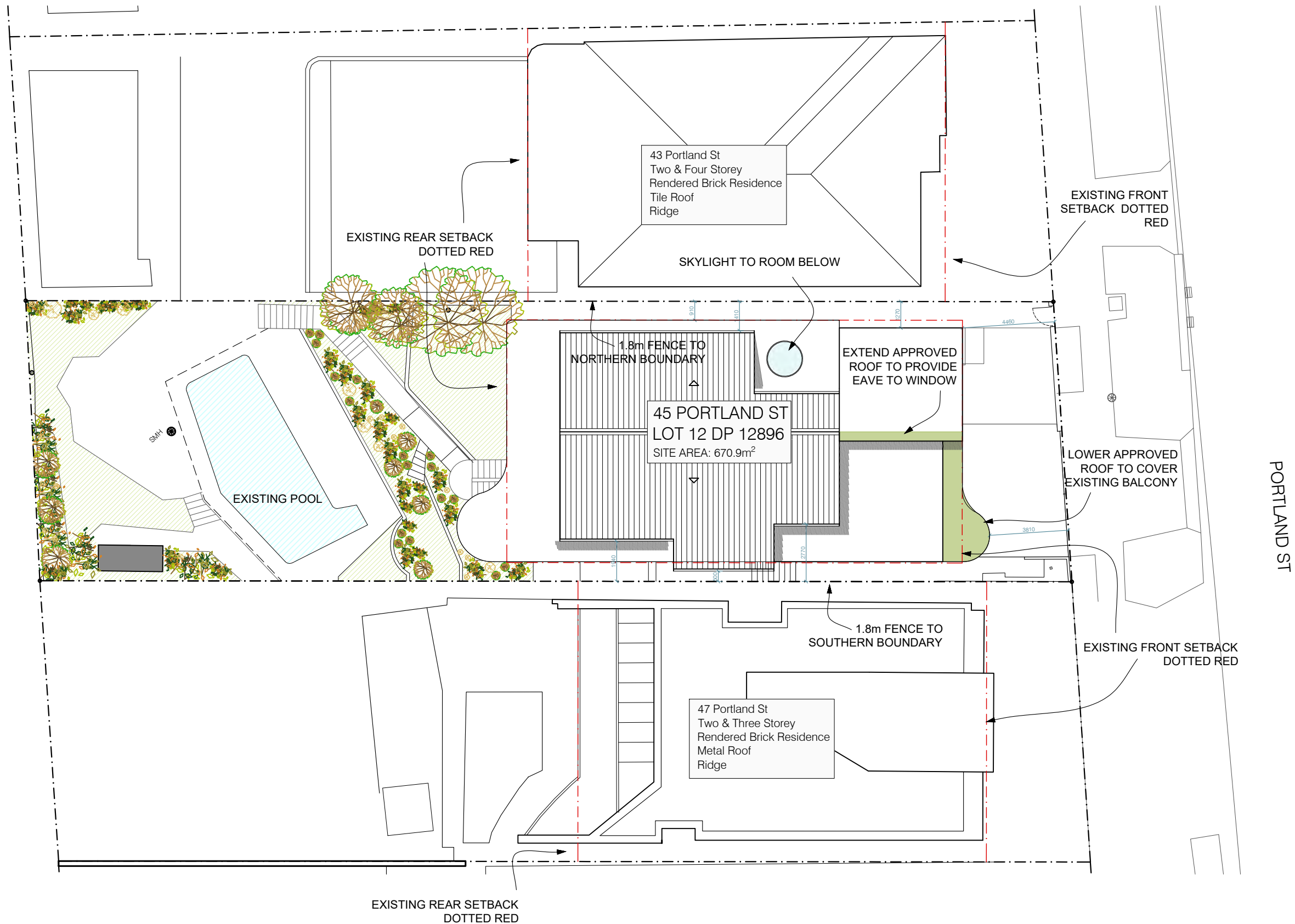
SECTION A-A



AERIAL PHOTO | NTS



Issue	Rev	Date	Check
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DA	2	09/04/21	JL
DA	1	12/12/20	JL



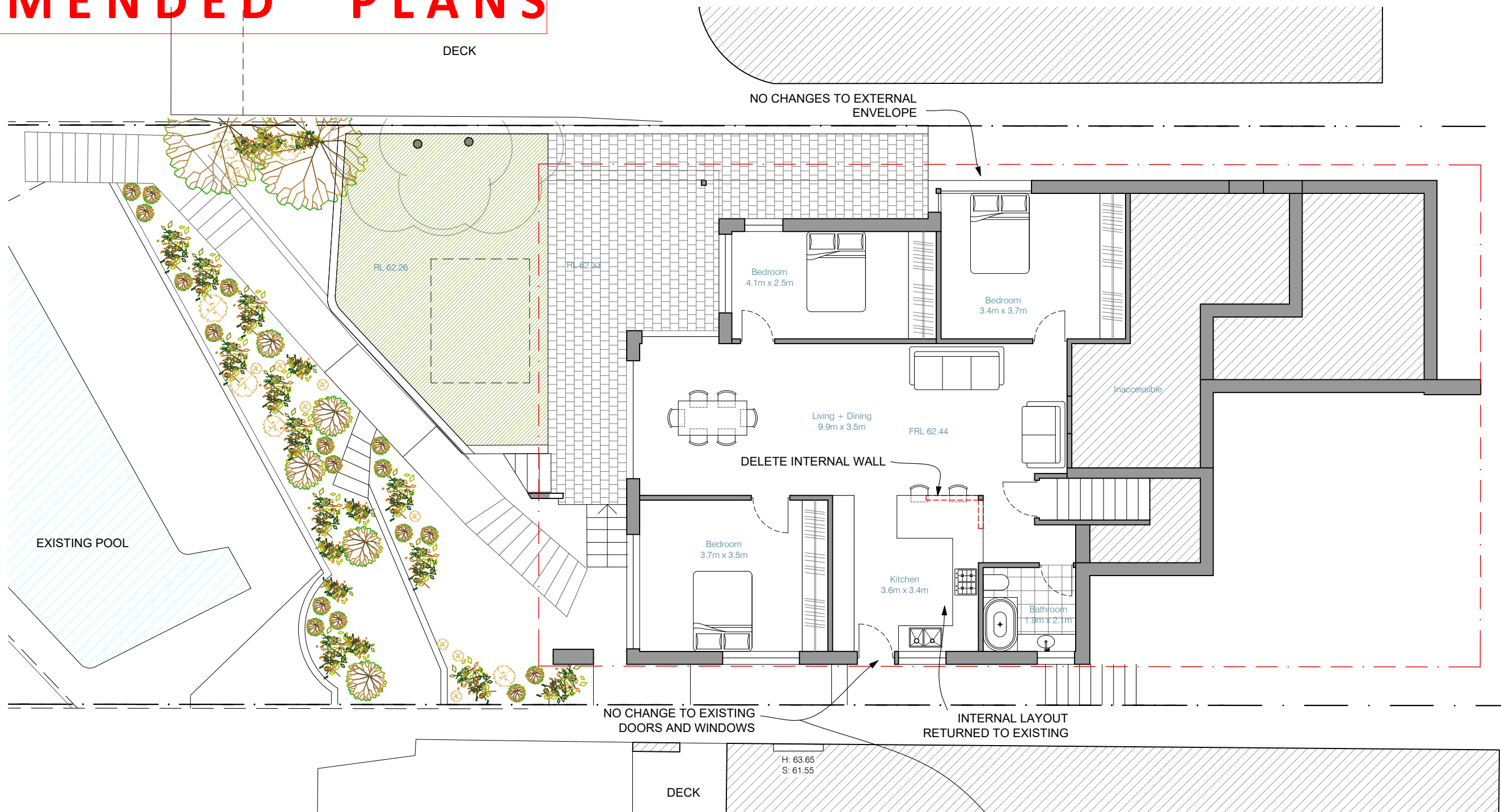
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S4.55	3	11/06/21	JL
DA	2	09/04/21	JL
DA	1	12/12/20	JL
Issue	Rev	Date	Check

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-16/2021/A

Date Received: 13/09/2021



S4.55 FOR APPROVED DA-16/2021
Adelino Tome
45 PORTLAND ST
DOVER HEIGHTS, NSW, 2030

LOWER GROUND PLAN
SCALE : 1:100 @ A3
DATE : 13/09/2021
DWG NO. : 07
DRAWN BY : JL

Issue	Rev	Date	Check
RFI	4	13/09/21	JL
S4.55	3	11/06/21	JL
DA	2	09/04/21	JL
DA	1	12/12/20	JL



Cave Urban Pty Ltd | ABN 99 156 120 393
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t: 02 9327 7064
e: info@caveurban.com
w: www.caveurban.com
Nom Architect: Jed Long NSWARB No. 9871

AMENDED PLANS

EXISTING NORTH FACING WINDOW IS REDUCED IN SIZE FOR NEW PROPOSAL



WINDOW 04 LOOKS ONTO WALL OF NEIGHBOUR

WINDOW OFFSET FROM NEIGHBORING WINDOWS OF 43 PORTLAND ST
NO PRIVACY SCREEN AS THERE IS NO OVERLOOKING ONTO NEIGHBOUR

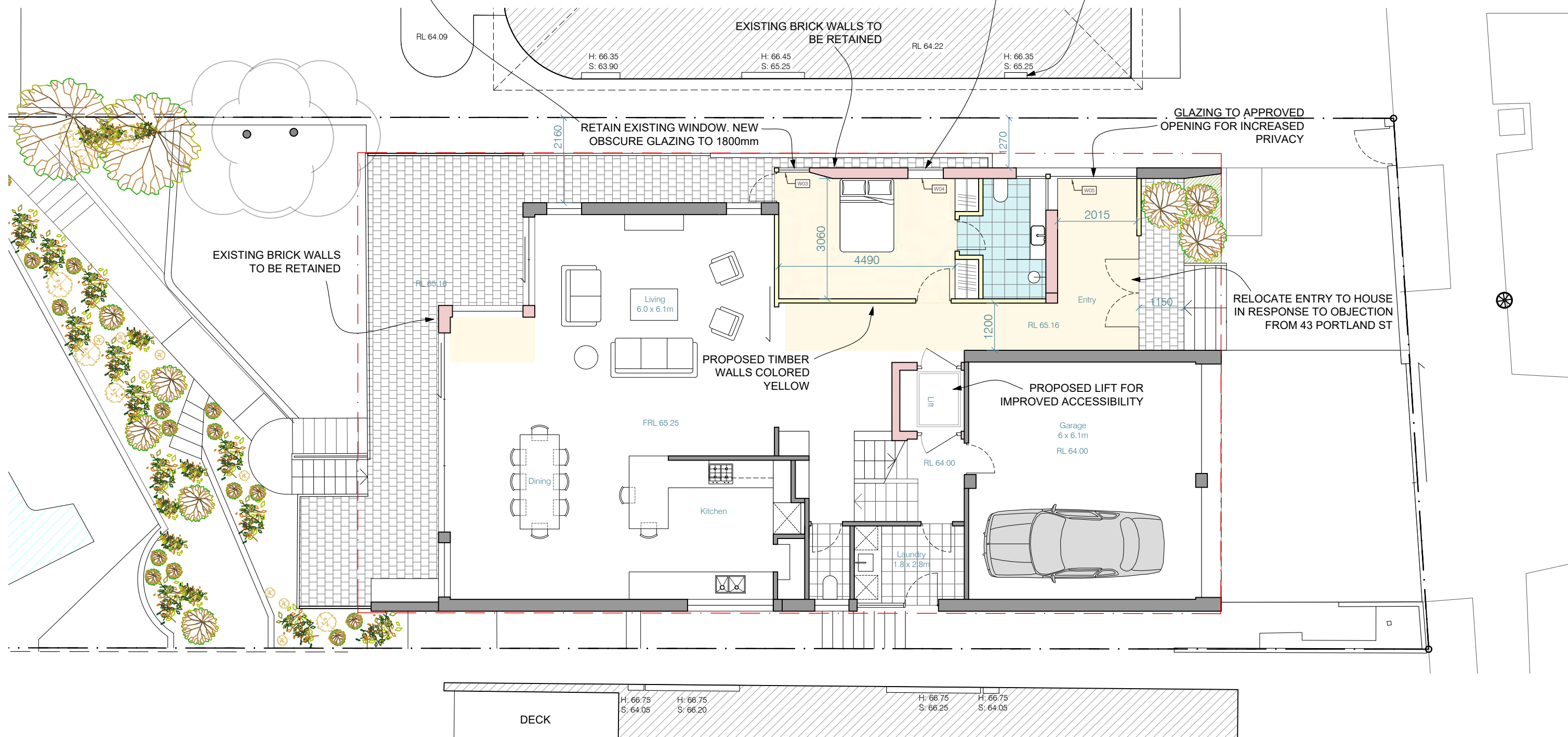
OBSCURE GLAZED WINDOW TO GARAGE



RECEIVED
Waverley Council

Application No: DA-16/2021/A

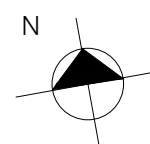
Date Received: 13/09/2021



S4.55 FOR APPROVED DA-16/2021

Adelino Tome

45 PORTLAND ST
DOVER HEIGHTS, NSW, 2030



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GROUND PLAN

SCALE : 1:100 @ A3

DATE : 13/09/2021

DWG NO. : 08

DRAWN BY : JL

RFI	4	13/09/21	JL
S4.55	3	11/06/21	JL
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DA	1	12/12/20	JL
Issue	Rev	Date	Check



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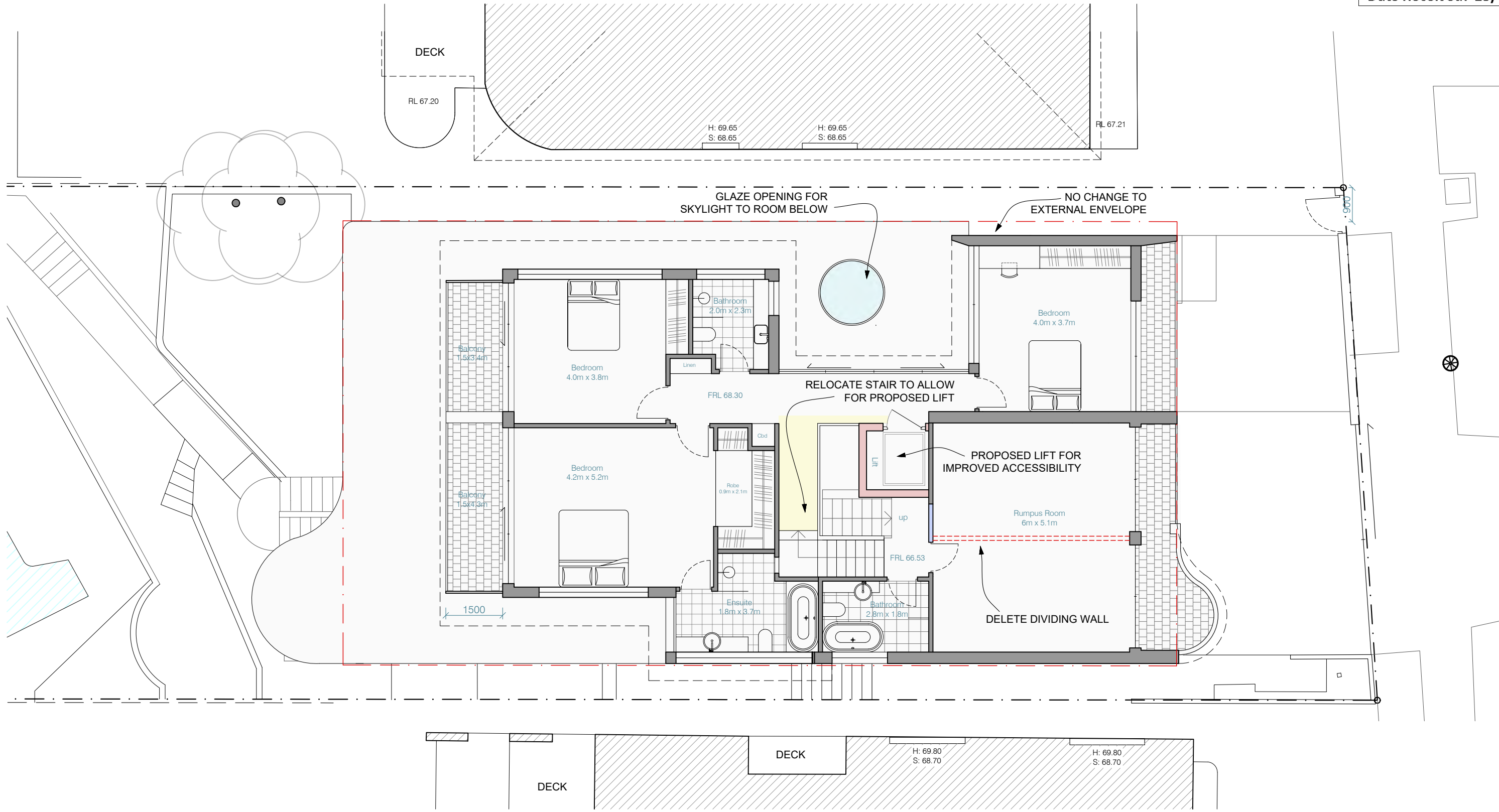
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e: info@caveurban.com

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Nom Architect: Jed Long NSWARB No. 9871



RFI	4	13/09/21	JL
S4.55	3	11/06/21	JL
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DA	1	12/12/20	JL
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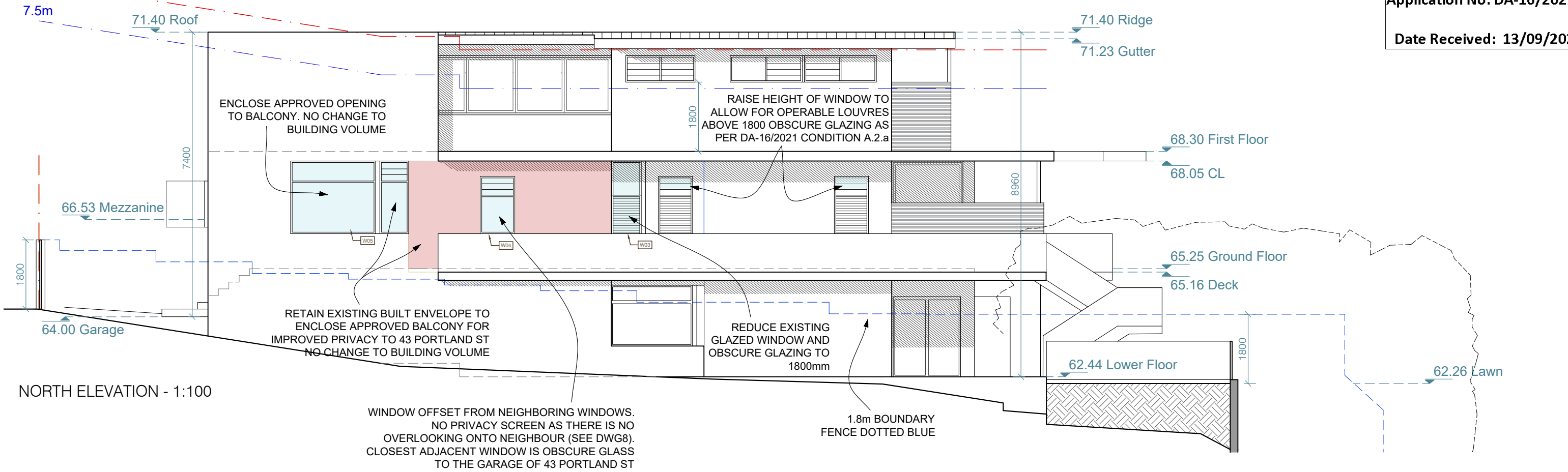


AMENDED PLANS

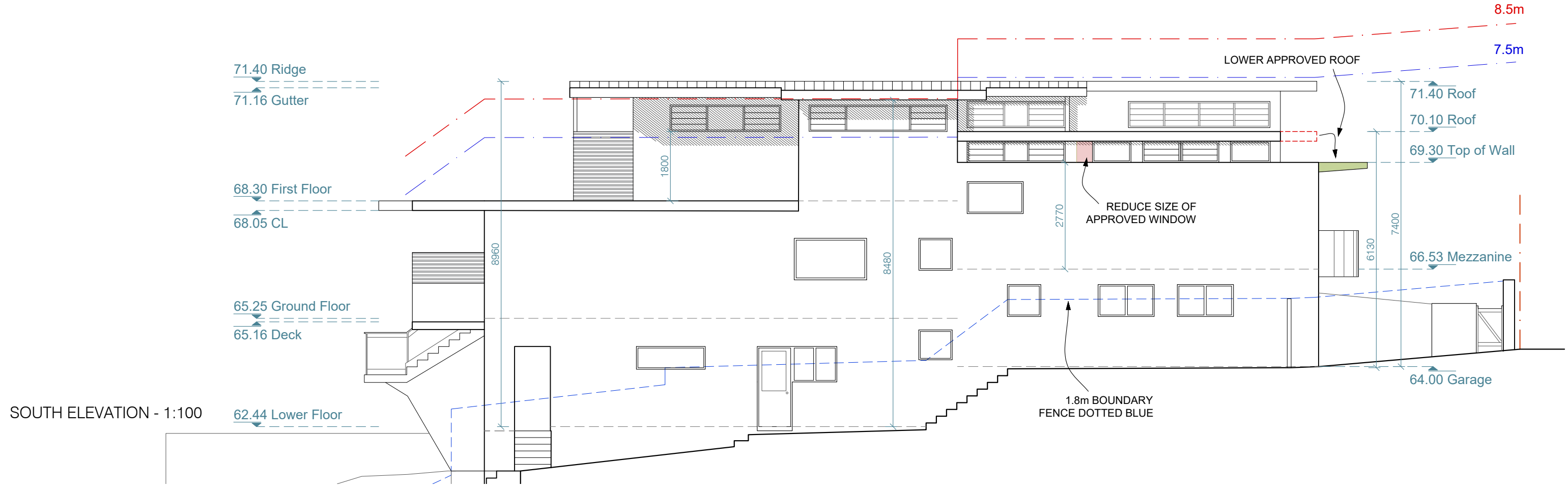
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Waverley Council

Application No: DA-16/2021/A

Date Received: 13/09/2021

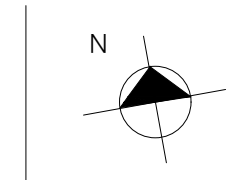


NORTH ELEVATION - 1:100



SOUTH ELEVATION - 1:100

S4.55 FOR APPROVED DA-16/2021
Adelino Tome
45 PORTLAND ST
DOVER HEIGHTS, NSW, 2030

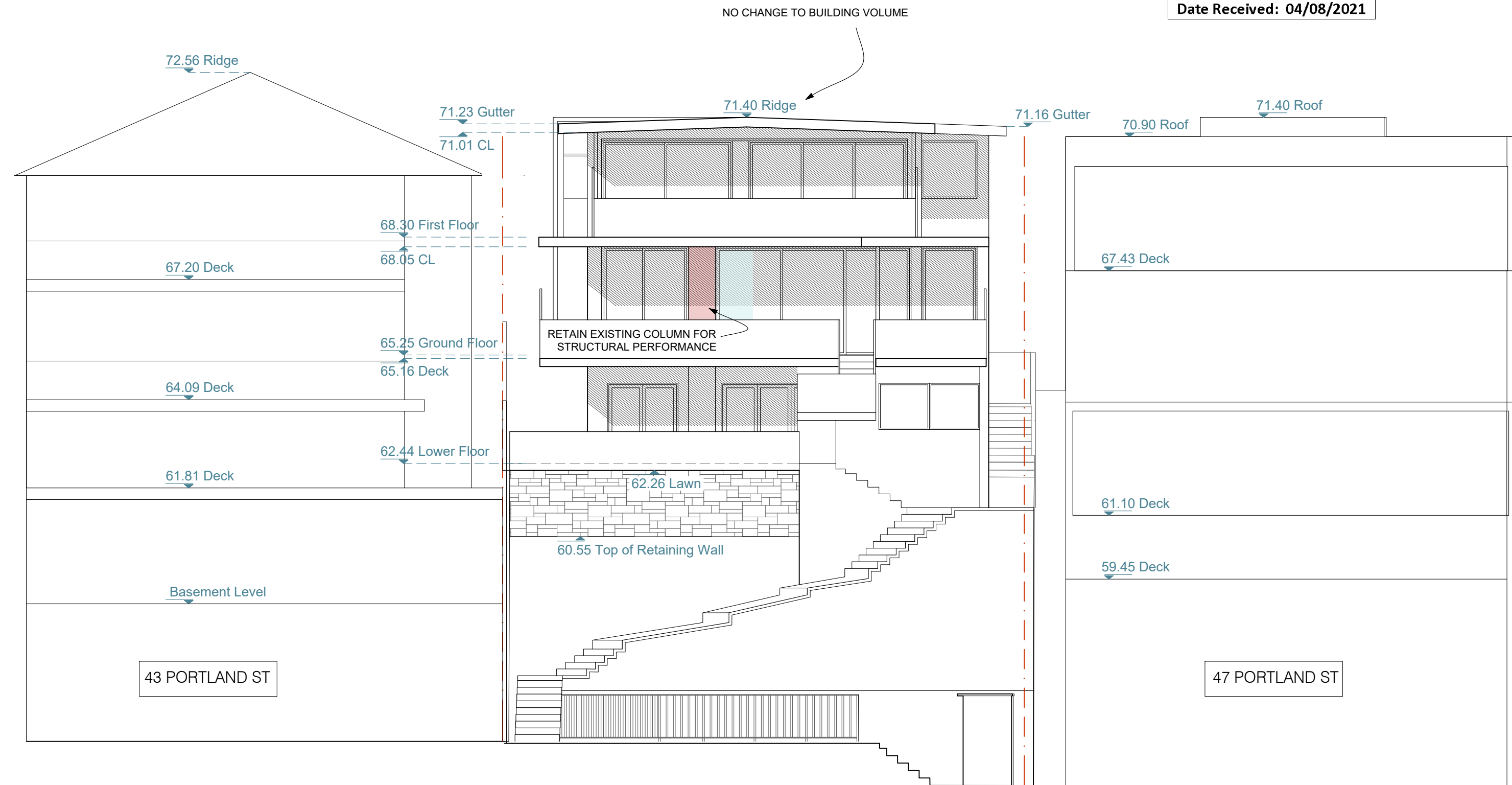


NORTH + SOUTH ELEVATION
SCALE : 1:100 @ A3
DATE : 13/09/2021
DWG NO. : 10
DRAWN BY : JL

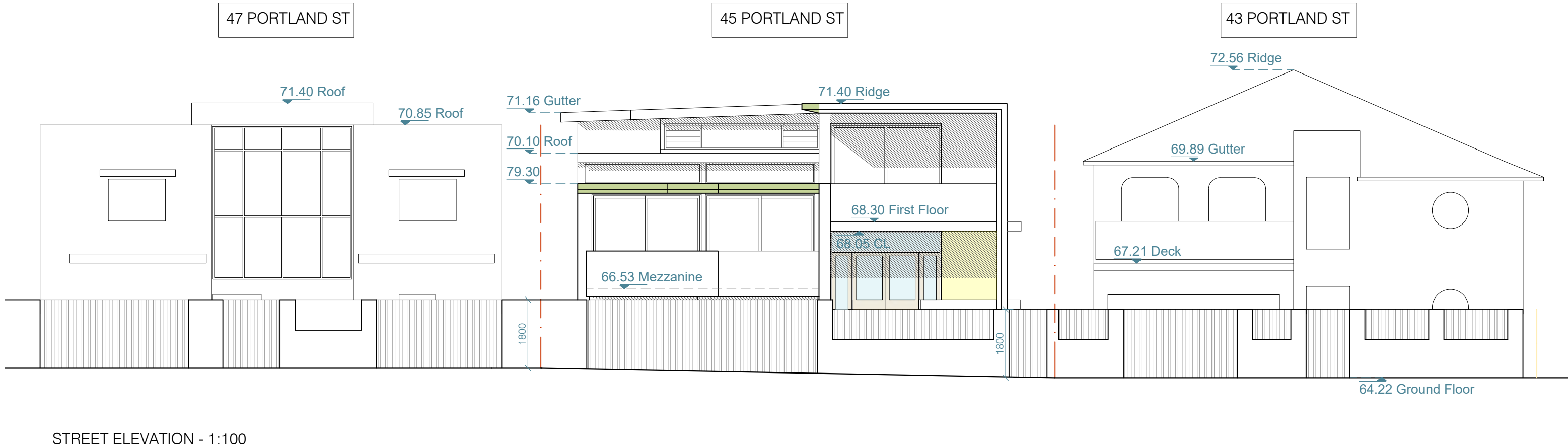
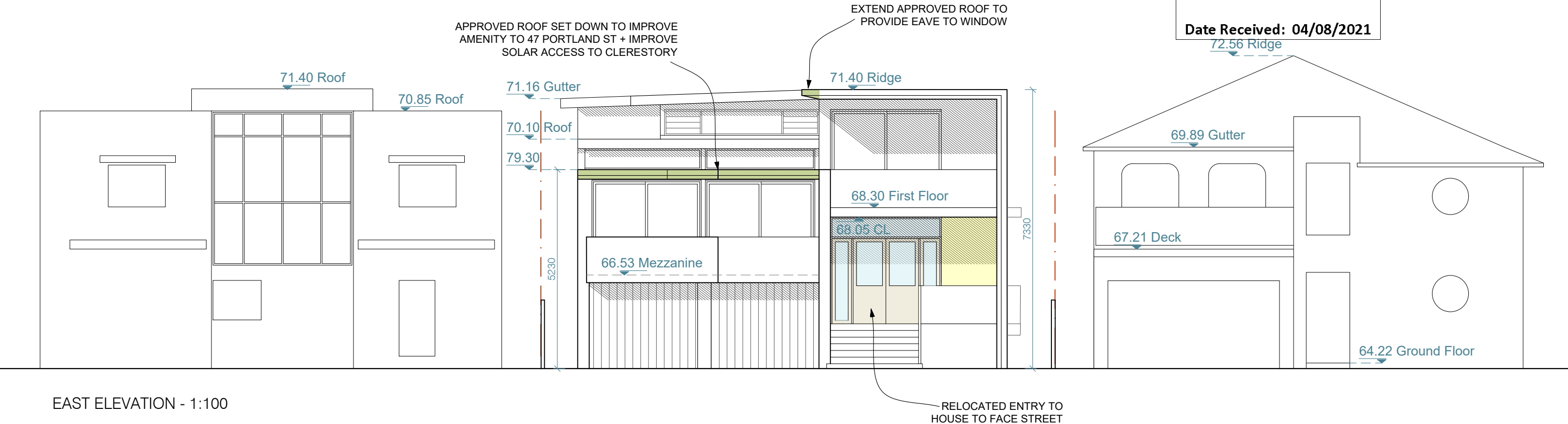
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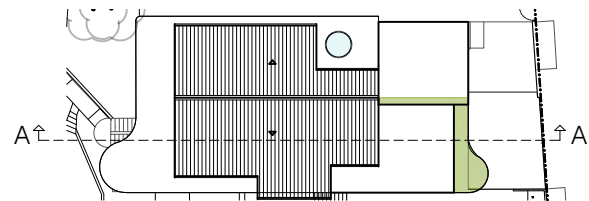
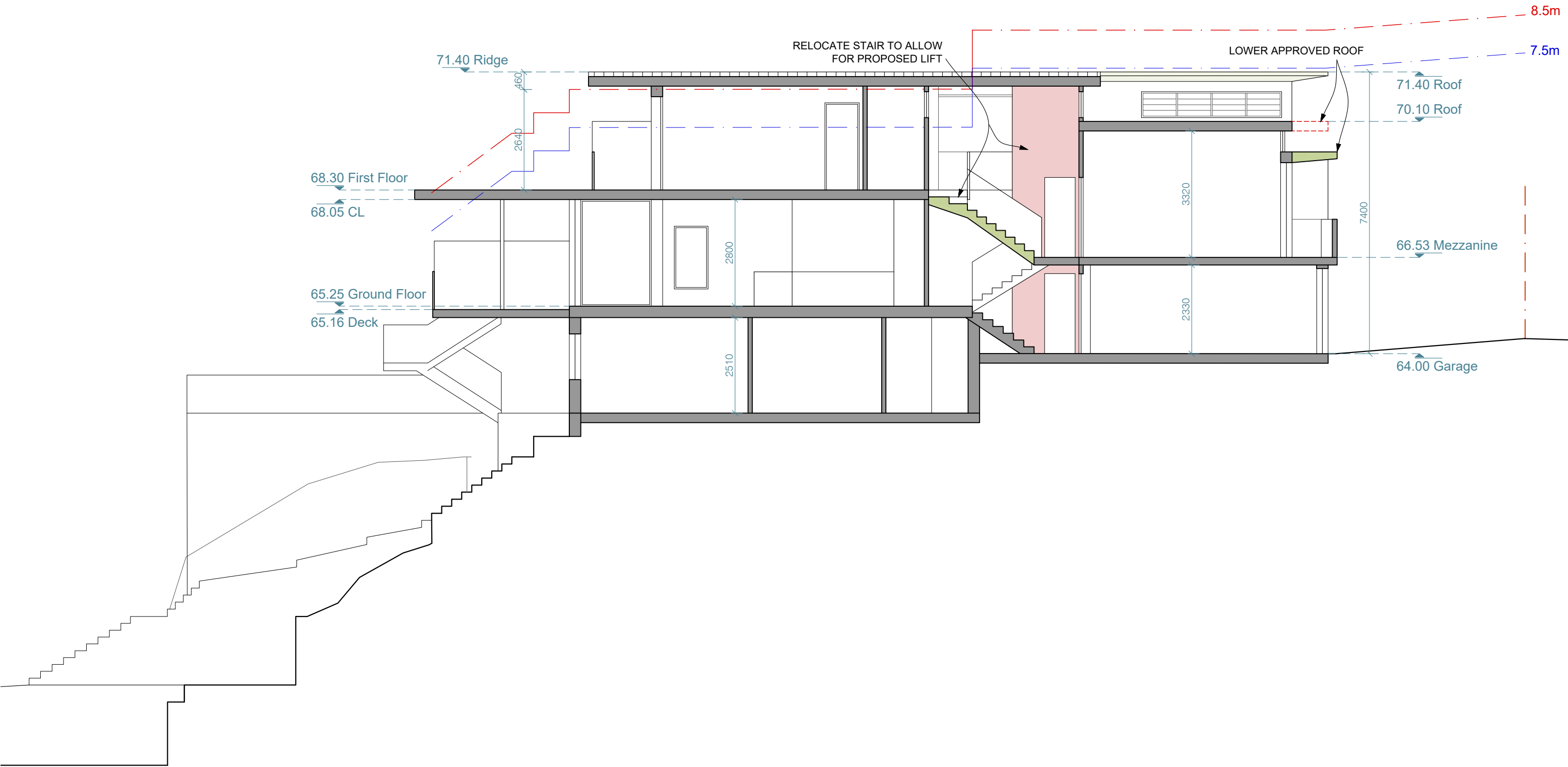
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Norm Architect: Jed Long NSWARB No. 9871



WEST ELEVATION - 1:100

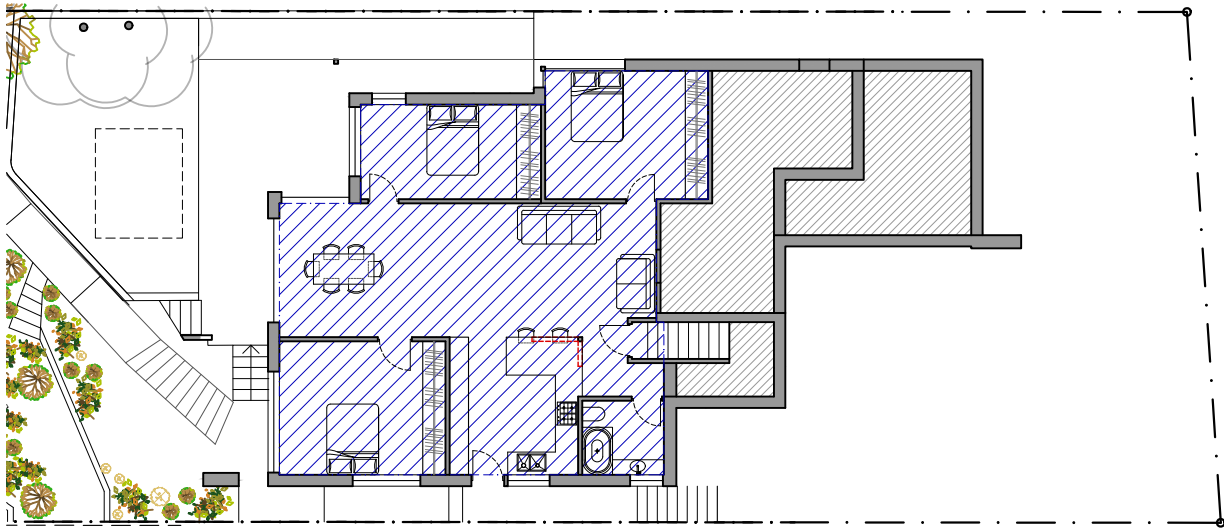


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DA	2	09/04/21	JL
DA	1	12/12/20	JL
Issue	Rev	Date	Check



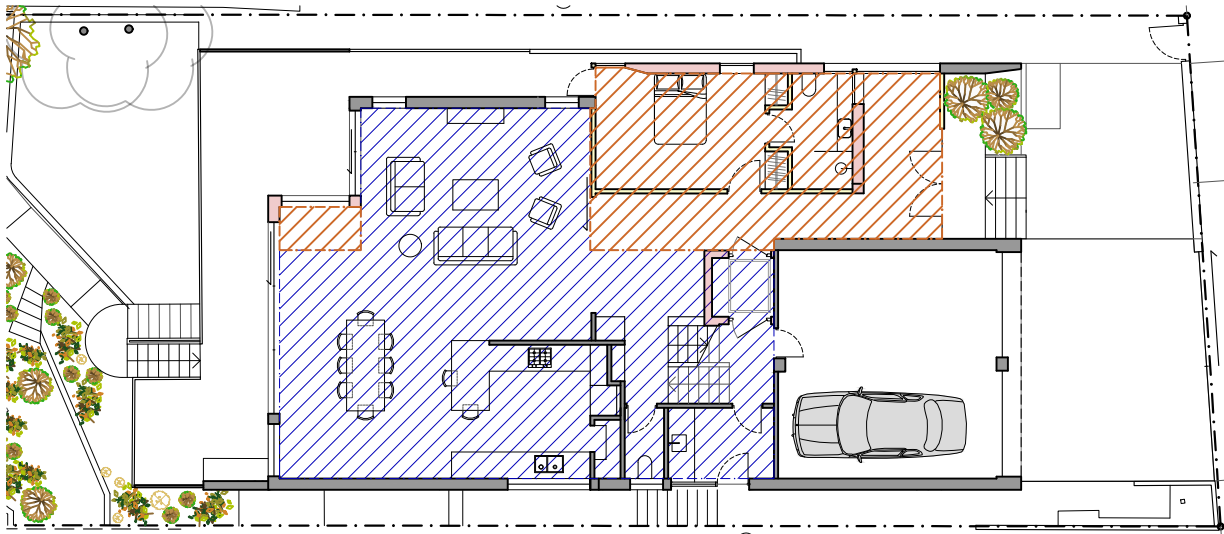
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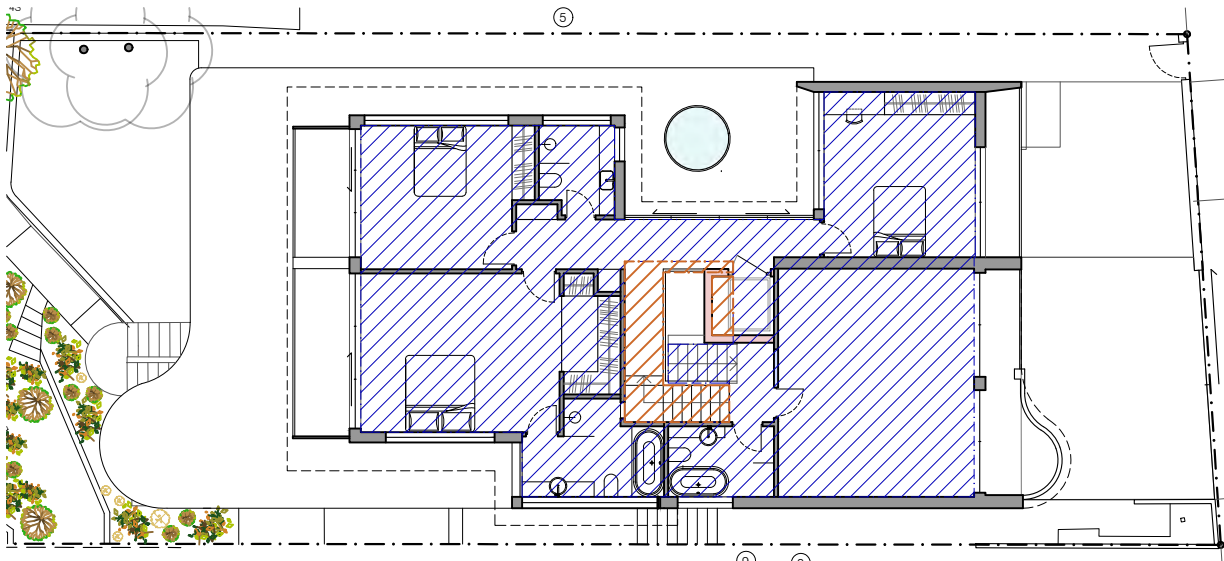
APPROVED LOWER GROUND FLOOR
100m²

PROP LOWER GROUND FLOOR
100m²



APPROVED GROUND FLOOR
101.7m²

PROP GROUND FLOOR
146.2m²



APPROVED FIRST FLOOR
131.6m²

PROP FIRST FLOOR
138.9m²

S4.55	3	11/06/21	JL
DA	2	09/04/21	JL
DA	1	12/12/20	JL
Issue	Rev	Date	Check



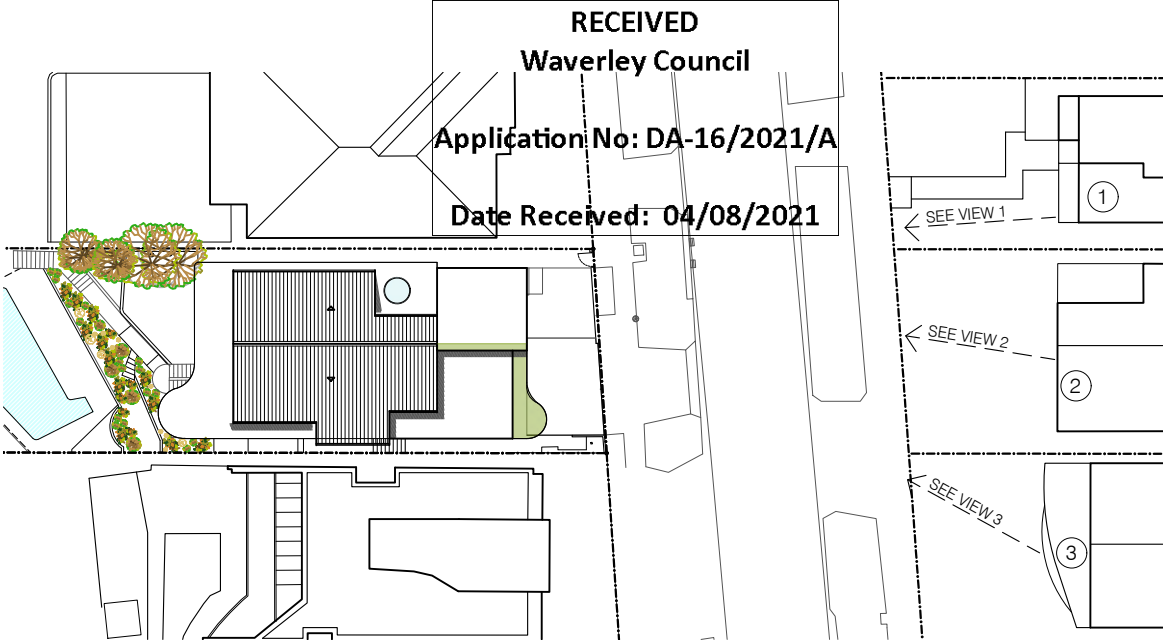


APPROVED VIEW 1 | 12 PORTLAND ST

NOTE: PROPOSED WORKS INVOLVE RETAINING EXISTING BUILT ELEMENTS + NO CHANGE TO APPROVED VOLUME



PROPOSED VIEW 1 | 12 PORTLAND ST



LOCATION OF PHOTOS TAKEN | 1:500

1. 12 Portland St - 1st Floor Dining Room
2. 14 Portland St - 2nd Floor Balcony adjacent to Living Room
3. 16 Portland St - Approximate location of 2nd storey balcony



APPROVED VIEW 2 | 14 PORTLAND ST



PROPOSED VIEW 2 | 14 PORTLAND ST



APPROVED VIEW 3 | 16 PORTLAND ST



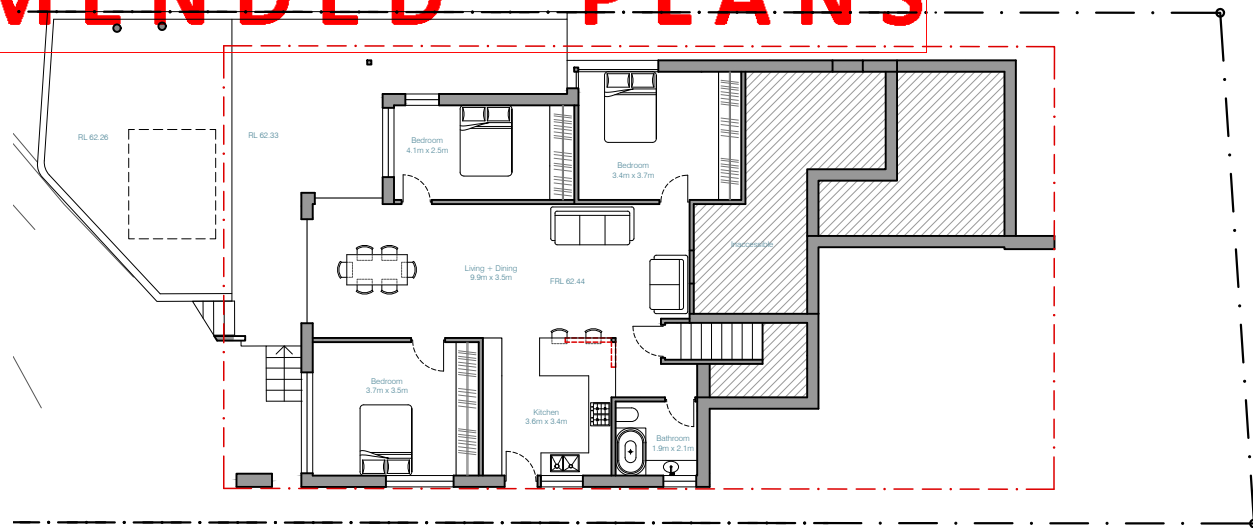
PROPOSED VIEW 3 | 16 PORTLAND ST



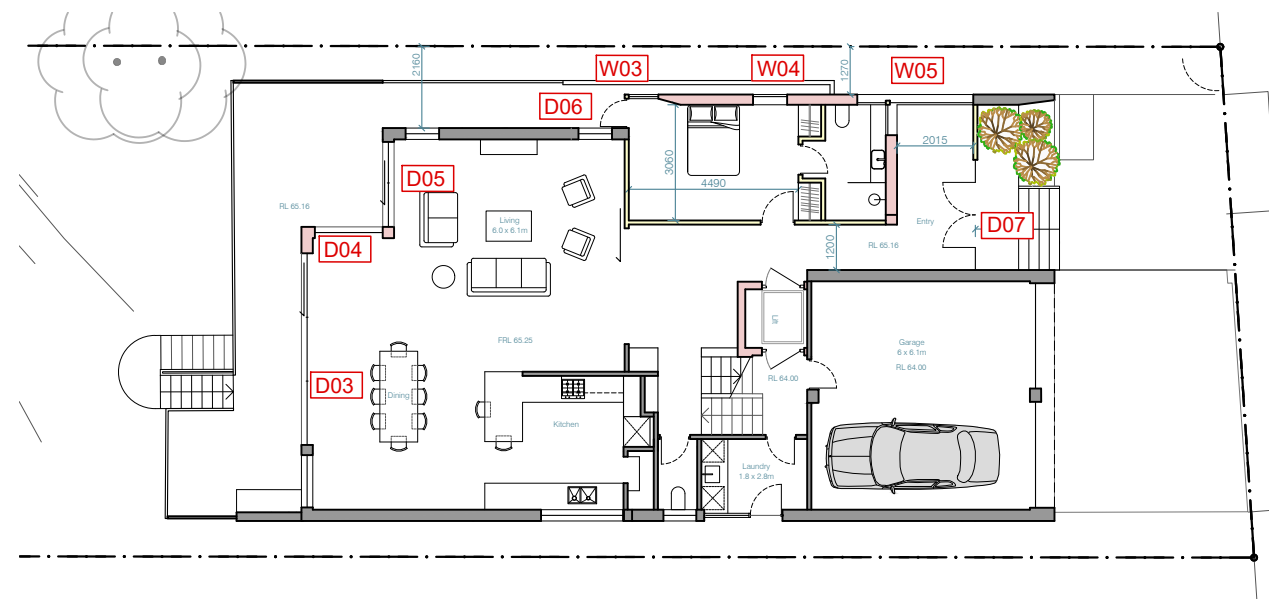
LOCATION OF PHOTOS TAKEN

Issue	Rev	Date	Check
S4.55	3	11/06/21	JL
DA	2	09/04/21	JL
DA	1	12/12/20	JL

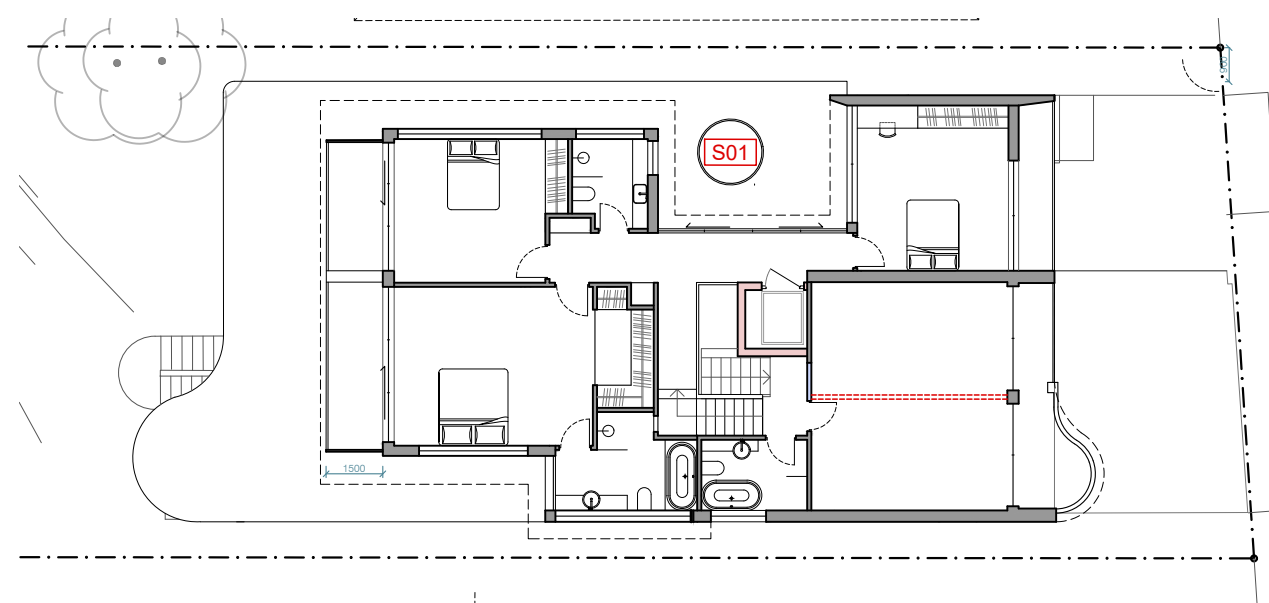
AMENDED PLANS



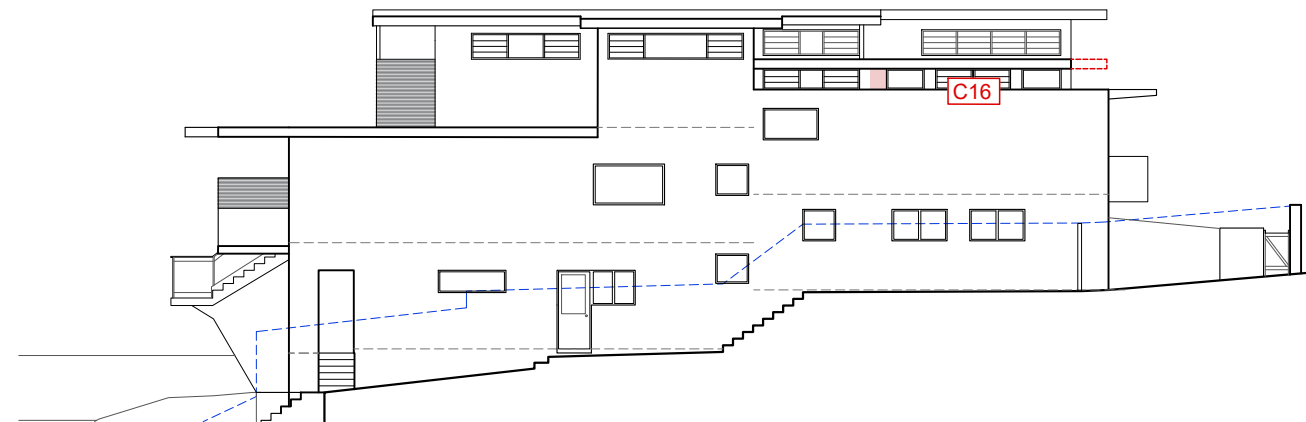
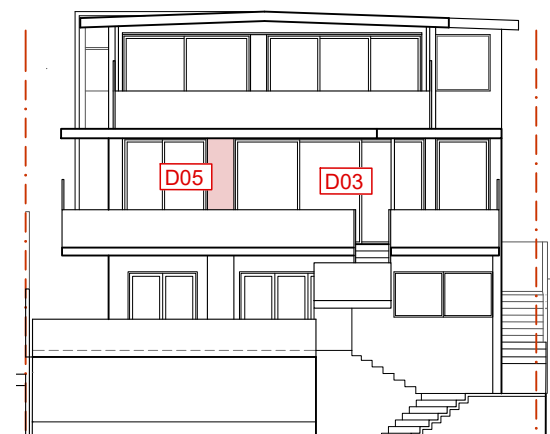
Lower Ground Floor | 1:200



Ground Floor | 1:200



First Floor | 1:200



BASIX COMMITMENTS

Certificate Number: A401577_03

Fixtures:

New or altered showerheads must have a flow rate no greater than 9 litres per minute or a rating of 3 star.
New or altered toilets must have a flow rate no greater than 4 litres per average flush or a minimum rating of 3 star.
New or altered taps must have a flow rate no greater than 9 litres per minute or minimum rating of 3 star.

Hot Water:

The applicant must install solar (gas-boosted) system

Lighting:

Minimum of 40% new or altered light fixtures to be fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps

Glazing Requirements:

Windows, glazed doors and shading devices to be installed in accordance with specifications listed in BASIX certificate.

RECEIVED
Waverley Council

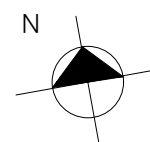
Application No: DA-16/2021/A

Date Received: 13/09/2021

S4.55 FOR APPROVED DA-16/2021

Adelino Tome

45 PORTLAND ST
DOVER HEIGHTS, NSW, 2030



BASIX

SCALE : 1:500 @ A3
DATE : 13/09/2021
DWG NO. : 18
DRAWN BY : MV

Issue	Rev	Date	Check
RFI	4	13/09/21	JL
S4.55	3	11/06/21	JL
DA	2	09/04/21	JL
DA	1	12/12/20	JL



Cave Urban Pty Ltd | ABN 99 156 120 393

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w: www.caveurban.com

Nom Architect: Jed Long NSWARB No. 9871

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Report to the Waverley Local Planning Panel

Application number	DA-423/2021
Site address	55/107 MacPherson Street, BRONTE NSW 2024
Proposal	Alterations and additions to unit 55 within the existing residential flat building including internal works, new internal lift and works to the roof terrace including new pergola.
Date of lodgement	5 October 2021
Owner	Mrs M C Sweeney
Applicant	Mrs M C Sweeney
Submissions	4
Cost of works	\$994,705
Principal Issues	<ul style="list-style-type: none"> Height
Recommendation	That the application be APPROVED.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to unit 55 within the existing residential flat building, including internal works, new internal lift and works to the roof terrace including new pergola at the site known as 55/107 MacPherson Street, BRONTE.

The principal issue arising from the assessment of the application is as follows:

- Building height.

The assessment finds this issue acceptable as the proposed works do not extend above the existing building height and the works would complement the approved works to the adjoining roof terrace of Unit 54 within the residential flat building.

A total number of four submissions were received on behalf of three properties and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 9 October 2019 and on 4 November 2021.

The site is identified as Lot 55 in SP 57072, known as Unit 55, 107 MacPherson Street, BRONTE. It is located on the southern side of MacPherson Street between Baglin Street to the west and St Thomas Street to the east.

The residential flat building (RFB) contains 55 units. The application relates solely to Unit 55 of the building, which has an existing roof terrace located on the top floor (level 9). It is noted that Unit 54 which is also located on the top floor level (to the west) has pergolas at the roof terrace level that were approved under **DA-324/1995/A** (LEC Determination) on 11 November 2020.

Surrounding development comprises a mixture of one and two storey dwellings and to the immediate east of the site is 113 Macpherson Street, a four storey mixed use building. There is a nearby commercial village centre to the east comprising small shops. The site does not contain any heritage items and is not located within a heritage conservation area.



Figure 1: Subject site RFB as viewed from Macpherson Street looking southwest. Subject unit, including roof top is highlighted. Unit 54 is to the right, the recently constructed pergola cannot be seen.



Figure 2: Subject site RFB as viewed from Chesterfield Parade, looking north west. Subject unit including roof top is highlighted. A portion of the recently constructed pergola to unit 54 can be seen on the left.

1.3. Relevant Development History

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

- **DA-324/1995/A:** Modification to allow for the construction of two pergolas and associated landscaping to the roof terrace of Unit 54. Approved by LEC on 11 November 2020 subject to the following new conditions:

1C. COLOUR OF PERGOLA ON LEVEL 9 OF UNIT 54

The pergola must be constructed in a grey tone material to match existing awnings on the building.

1D. OPEN NATURE OF PERGOLA ON LEVEL 9 OF UNIT 54

The pergola must not be enclosed on any sides at any time by any material.

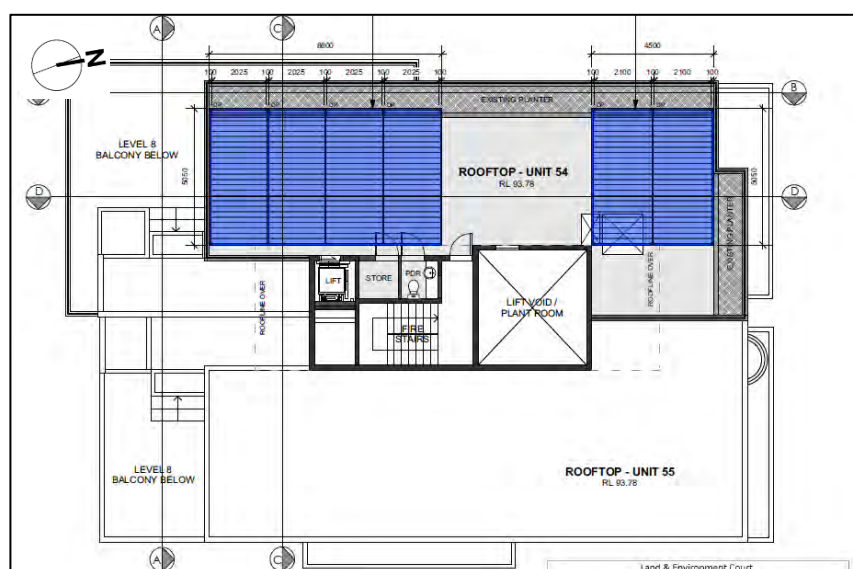


Figure 3: Extract of approved roof plan at Unit 54 of the RFB.



Figure 4: View of recently constructed pergola on the rooftop terrace of Unit 54.

1.4. Proposal

The development application seeks consent for alterations and additions to Unit 55 within the RFB, specifically the following:

Level 8

- Internal demolition of the existing unit layout;
- Partial demolition of the existing windbreak wall on the southern elevation;
- Removal of existing spa pool on terrace;
- Internal reconfiguration to provide two bedrooms, two bathrooms and an open plan kitchen, living and dining area;
- Conversion of existing study to lift to provide access to the roof top;
- Extension of southern terrace and the provision of new planter boxes, new balustrades and glass screen;
- New doors and windows to be installed within existing openings.

Level 9 (Rooftop)

- Removal of existing planters, skylights and plant at the existing terrace level;
- Construction of a new terrace with integrated seat and surrounding garden bed;
- Installation of new lift access to the terrace within the existing pool cupboard; and
- Installation of a new aluminium louvred pergola with dimensions of 8.108m x 4.657m at the southern end of the terrace.

1.5. Background

There is no history relevant to the subject application.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 65 (Design Quality of Residential Apartment Development).

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Design Quality of Residential Apartment Design)

The application involves minor internal and external alterations to Unit 55 of the RFB that does not warrant an assessment under the provisions of SEPP 65.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Zone	Yes	The proposal is defined as alterations and additions to a residential flat building, which is a permissible form of development within the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">• 13m	No	Existing Building Height: 35.67m Existing Variation: 22.67m (174%) Proposed Height of Works: 28.85m Proposed Variation: 15.85m (122%)
4.4 Floor space ratio <ul style="list-style-type: none">• 1:1	Yes	The proposal does not alter the existing gross floor area of the RFB.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the building height development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum building height development standard of 13m. The existing building has a maximum height of 35.67m that exceeds the maximum building height standard by 174% or 22.67m. The proposed works would be sited at a height of 15.85m above the control at 28.85m, therefore in breach of the maximum building height standard by 122%.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The existing building height of the roof top terrace over which the pergola is proposed.*
 - (ii) *The existing building structures above the proposed height of the pergola.*
 - (iii) *The existing building already exhibits a breach to the height control of 174% and the works proposed are located below the maximum building height and are associated with an approved roof top terrace on the upper level.*
 - (iv) *The thinness of the structure and its concealment behind dense landscaping.*
 - (v) *The comparative height of the existing building to its surroundings.*
 - (vi) *The distance to views and properties that may have an aspect over the building.*
 - (vii) *The height of the proposed structure compared to the existing plant overrun.*
 - (viii) *The pergola has no impact on the privacy of, and preserves the amenity of solar access to, surrounding properties and adjoining units within the building. The pergola is also notably set back from the southern edge of the terrace area as compared to the approved pergola on Unit 54, which extended to the edge of the terrace area.*

(ix) *Judgement on the Unit 54 pergola, in Gill v Waverley Council [20202] NSWLEC 1552 and the aspect of 'preservation'.*

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

- (i) *The variation facilitates the orderly and economic development of an existing approved roof top terrace. The existing roof top terrace is approved and constructed, however is unusable in the summer months due to the severe exposure to the sun and heat, in addition to the elements including rain and wind. The provision of the pergola provides for the orderly and economic development of this land in circumstances where the roof top is already constructed and able to provide a high level of amenity to occupants of the unit.*
- (ii) *The unique nature of the existing height of the building being 174% over the height control and its inconsistency with desired future character dictates that there are opportunities for structures above the height plane so long as they do not have an unreasonable impact.*
- (iii) *The pergola's contribution to the perceived bulk and scale of the building is such that it will soften the jarring aesthetic of the plant overrun structure.*
- (iv) *The additional landscaping is proposed as a component of this development application so that the pergola structure can be assessed in tandem with the planting, providing certainty that the landscaping is an integral part of the holistic approach to the project.*
- (v) *The height breach is at such a great elevation above the street that it can only be viewed at extreme angles that separate its visual relationship to the 'streetscape'. Where it is viewed in the wider context, the pergola sits in the foreground of an existing structure.*
- (vi) *The proposal is consistent with the objectives of the height development standard and the objectives of the zone.*
- (vii) *The variation is necessary to facilitate the orderly and economic use and development of land, being a stated Object of the Act (1.3(c) of the EP&A Act). In particular, the variation allows for a pergola that improves the use of the terrace in inclement weather.*
- (viii) *The variation is necessary to improve the design and amenity of the built environment, being a stated Object of the Act (1.3(g) of the EP&A Act). In particular, the pergola and landscaping serve to soften the visual appearance of the building and will promote better opportunities to ensure the long-term viability of the planting.*
- (ix) *A proposal for a larger rooftop pergola to the adjoining apartment, Unit 54, was recently approved by the NSW Land and Environment Court on 11 November 2020 (DA-324/1995/A - [2020] NSWLEC 1552). The pergola was approved at an elevation of 28.73m despite the height standard of 13m. This is a directly relevant comparison to the proposed development, with the pergolas 'tucked in' against the backdrop of a larger building element beyond. Notably, as in the case of the subject site, the approved development to Unit 54 also included significant landscaping to the existing planter boxes to soften the appearance of the structure, noting that the posts of the pergola are on the inside edge of the planting. The proposed pergola to*

Unit 55 is also only a copy of rear pergola of Unit 54, not both, and has a setback from the southern edge of the terrace for greater privacy.

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This justification is accepted as the discussion raised by the Applicant outlined in Clause 4.6(3)(a) above are agreed with for reasons discussed below.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard as the justification provided by the Applicant outlined in Clause 4.6(3)(a) above is accepted and agreed with for reasons discussed below.

Is the development in the public interest?

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

The relevant objectives of the building height development standard are as follows:

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

The objectives of the R3: Medium Density Residential zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maximise public transport patronage and encourage walking and cycling.*

Comment

It is considered that the existing building represents an anomaly in the locality with regards to building height and density and therefore, the building has its own character and/or is already out of character with the surrounding development in the R3: Medium Density Residential Zone. The existing building exceeds Council's maximum building height standard by 174% and the proposed works would not be sited higher than this existing built form.

Unit 54 within the development adjoins the subject unit at the rooftop level. Two large pergolas have already been approved on the rooftop level at this adjoining unit under **DA-324/1995/A** by the LEC of which it was considered resulted in no adverse amenity impacts to surrounding properties with regards to view loss, solar access and privacy. The subject proposal represents a lesser scale to this approved development, as the size of the pergola has been limited and is only to be positioned on the southern side of the roof terrace therefore, visibility from MacPherson Street would be limited.

Furthermore, the provision of a pergola as proposed would complement the existing building and approved/constructed pergola at Unit 54. The schedule of materials and finishes demonstrate the pergola will be constructed using grey tone material (Powdercoated with DULUX Duralloy Charcoal Satin or DULUX Fluoraset Charcoal Satin), as indicated to be similar to the existing/approved pergola at Unit 54.

Additionally, the proposed pergola has been setback from the boundaries of the roof terrace to limit visual bulk and scale impacts when viewed from the surrounds. The provision of deep planter boxes surrounding the terrace would also assist with softening the existing visual bulk of the building and would add visual interest to the rooftop.

Therefore, it is considered that the proposal is compatible with the existing character, bulk and scale of the building and will continue to provide for the housing needs of the occupants of the subject site. Hence, compliance with the building height development standard is unreasonable and unnecessary and the above demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

For the reasons provided above, the requested variation to the building height development standard is supported. The applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of building height development standard and the R3: Medium Density Residential Zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Recommended Condition	<p>Unsatisfactory. The site is located within a biodiversity corridor.</p> <p>Council's Urban Ecology Coordinator has reviewed the landscape plans and a condition is recommended to be imposed for amended landscape plans to be submitted to provide a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers are to be indigenous or local native plants listed in Annexure B2-1.</p> <p>Council's Urban Ecology Coordinator has also noted that the amended landscape plans must exclude <i>Erigeron karvinskianus</i>, as this</p>

Development Control	Compliance	Comment
		groundcover is an environmental weed which can become invasive in a coastal environment.
5. Vegetation Preservation	Yes	Council's Tree Management Officer reviewed the proposal and raised no objection to the removal of the existing vegetation located within the planter boxes on the rooftop.
6. Stormwater	Yes	Satisfactory.
7. Accessibility and Adaptability	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.

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

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: R3/12.5m – 9.5m 	Merit Assessment	<i>Refer to discussion above regarding height.</i>
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Recommended Condition	<p>The proposed works to the subject unit are considered to complement the existing building, including the approved pergolas at the adjoining rooftop terrace at Unit 55.</p> <p>The schedule of materials and finishes demonstrate the pergola will be constructed using grey tone material (Powdercoated with DULUX Duralloy Charcoal Satin or DULUX Fluoraset Charcoal Satin), as indicated to be similar to the existing/approved pergola at Unit 54.</p> <p>A condition is recommended to be imposed to ensure the pergola remain an open structure at all times.</p> <p>The setback of the pergola from the boundaries of the terrace would limit visual bulk of the structure as viewed from the surrounding streets.</p> <p>Furthermore, the partial demolition of the windbreak wall on the southern elevation would not result in adverse streetscape impacts or impacts upon the characteristics of the building.</p>

Development Control	Compliance	Comment
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3-Landscaping and Biodiversity 	Recommended Condition	<i>See discussion above.</i>
3.11 Private Open Space		
<p>3.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy Balustrades to allow views and casual surveillance of the street & privacy 	Yes	The proposal will enhance the amenity of the existing private open space areas provided to the subject unit by way of several balconies accessible from level 8 of the building as well as cover for the private roof terrace.
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June. 	Yes	<p>No solar access diagrams have been submitted with the application. Nevertheless, it is considered that adequate information is present to determine if the proposal would not have any additional adverse overshadowing impacts.</p> <p>In reference to comments made in the submissions received, it is not considered that there would be any adverse overshadowing impacts from the proposed structures to dwellings on Chesterfield Parade, as any shadows cast from the structure is likely to largely fall within the shadows of the existing building. Furthermore, in the LEC case on Unit 54 pergola, in <i>Gill v Waverley Council [20202) NSWLEC 1552</i>, paragraph 54 states the following: <i>"I find that the additional solar shadow cast from the proposed pergolas would not be considered adverse to adjoining properties."</i></p> <p>This is considered to be similarly applied to the subject development and it is noted that any impact would be further limited as the pergola is to be setback from the boundaries of the roof terrace.</p>
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design 	Yes	The proposal would not have any adverse impact upon views as surrounding development is sited significantly lower than the proposed works.

Development Control	Compliance	Comment
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design. Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site. 	Yes	<p>The roof terrace of the subject unit is existing and the proposal would not alter any existing visual or acoustic privacy impacts generated from the use of this roof terrace.</p> <p>Furthermore, the extension to the existing southern balcony is minor and any overlooking generated from the use of this additional space would be limited by the provision of planter boxes upon the balcony to prevent occupants from approaching the glass line of the balustrades.</p>
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> Max habitable room depth for single aspect dwelling is 8m from a window Max width of dwelling over 15m deep is min 4m All habitable rooms to have a window Min sizes 2 bedroom = 80m² Flexible design Accessible and Adaptable 	Yes	The size, depth, dimensions and openings of the existing unit are maintained with the proposal.
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors Min 2.4m floor to ceiling height attic levels 	Yes	The existing floor to ceiling heights are retained with the proposal.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	<i>See comments above regarding visual privacy.</i>

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

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

A total of 4 unique submissions on behalf of 3 properties were received from the following properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	104 MacPherson Street, BRONTE
2.	38 Chesterfield Parade, BRONTE (2 submissions)
3.	42 Chesterfield Parade, BRONTE

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

- Solar access to dwellings at Chesterfield Parade.
- Height, bulk and scale.
- Privacy.
- Streetscape and character.
- Pergola should be setback.

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

Issue: *Health and safety concerns for users of roof terrace adjacent to 20 mobile phone transmitters of various 3G, 4G & 5G networks of Optus, Telstra and Vodaphone that operate at Radio Frequencies (RF) 700MHz, 900 MHz, 1800 MHz, 2100 MHz, 2,300 MHz, 2,600 MHz & 3,500 MHz (see RFNSA 2024001). It is apparent that this rooftop development is situated in a hazardous location and Council could be exposed for approving DAs there.*

Response: The roof terrace and its use as private open space for the subject unit is existing.

Issue: Inaccuracies in Clause 4.6 Statement.

Response: The clause 4.6 statement has been reviewed as part of this assessment and is deemed to be accurate and therefore valid.

Issue: Inconsistent with provisions of WDCP 2012.

Response: *Refer to discussions throughout this report.*

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

No objection. Recommended conditions included in Appendix A.

3.2. Biodiversity

Recommended conditions included in Appendix A.

3.3. Waste & Recycling

No objection.

4. CONCLUSION

The development application seeks consent for alterations and additions to unit 55 within the existing residential flat building including internal works, new internal lift and works to the roof terrace including new pergola at the site known as 55/107 MacPherson Street, BRONTE.

The principal issue arising from the assessment of the application is as follows:

- Building height.

The assessment finds this issue acceptable, as the proposed works do not extend above the existing building height and the works would complement the approved works to the adjoining roof terrace of Unit 54 within the RFB.

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

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

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 2 November 2021 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:



Judith Elijah
Senior Development Assessment Planner

Date: 8 November 2021

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



Bridget McNamara
**Manager, Development Assessment
(North/South)
(Reviewed and agreed on behalf of the
Development and Building Unit)**

Date: 11 November 2021

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by CO-AP of Project No: 2019 including the following:

Plan Number	Revision	Plan Description	Plan Date	Date received by Council
00-00-02	A	Drawing Codes	7/9/2021	5 October 2021
00-01-02	B	Plan 08 - existing	7/9/2021	5 October 2021
00-01-03	B	Plan 09 - existing	7/9/2021	5 October 2021
00-01-04	B	Roof Plan - existing	7/9/2021	5 October 2021
00-02-01	A	Building Elevation North - existing	7/9/2021	5 October 2021
00-02-02	A	Building Elevation West - existing	7/9/2021	5 October 2021
00-02-03	A	Building Elevation South - existing	7/9/2021	5 October 2021
00-02-04	A	Building Elevation East - existing	7/9/2021	5 October 2021
02-01-02	B	Plan 08	7/9/2021	5 October 2021
02-01-03	B	Plan 09	7/9/2021	5 October 2021
02-01-04	B	Roof Plan	7/9/2021	5 October 2021
02-02-01	A	Building Elevation North	7/9/2021	5 October 2021
02-02-02	A	Building Elevation West	7/9/2021	5 October 2021
02-02-03	A	Building Elevation South	7/9/2021	5 October 2021
02-02-04	A	Building Elevation East	7/9/2021	5 October 2021
02-02-11	B	Elevation North	7/9/2021	5 October 2021
02-02-12	B	Elevation West	7/9/2021	5 October 2021
02-02-13	B	Elevation South	7/9/2021	5 October 2021
02-02-14	B	Elevation East	7/9/2021	5 October 2021
02-03-11	B	Section AA	7/9/2021	5 October 2021
02-03-12	B	Section BB	7/9/2021	5 October 2021

(b) BASIX Certificate A419345 dated 6 August 2021

(c) Schedule of external finishes and colours received by Council on (05/10/2021)

(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (05/10/2021)

Except where amended by the following conditions of consent.

2. AMENDED LANDSCAPE PLAN

The landscape plans are to be amended to provide a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) as indigenous or local native plants listed in Annexure B2-1 of WDCP 2012. The amended landscape plans are to exclude *Erigeron karvinskianus* as this groundcover is an environmental weed which can become invasive in a coastal environment.

The landscape plans are to be amended in accordance with the above and submitted to **Council's Urban Ecology Coordinator** for approval, prior to the issue of any Construction Certificate.

3. OPEN NATURE OF PERGOLA ON LEVEL 9 OF UNIT 55

The pergola must not be enclosed on any sides, at any time, by any material, to maintain compatibility with the existing building and streetscape.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

A monetary contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Waverley Council Development Contributions Plan 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 provided 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% of the full cost of the development; or
- (iii) A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

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

6. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$22,900.00** 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 provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus 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 of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

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

CONSTRUCTION & SITE MATTERS

8. HOARDING

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

9. EROSION & SEDIMENT CONTROL

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

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

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

10. ENGINEERING DETAILS

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

STORMWATER & FLOODING

11. STORMWATER MANAGEMENT AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted Stormwater Management Plan prepared by CO-AP Project No:2019, Drawing ID STWMP-001, STWMP-002, Revision A, dated 07/09/2021 are considered concept only.

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

- a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- b) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- c) Any Council infrastructure damaged 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 and all associated costs shall be borne by the applicant.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

12. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

13. BASIX

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

WASTE

14. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

15. CONSTRUCTION SIGNS

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

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

The report is to be made available to affected property owners.

DEMOLITION

17. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

18. 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

19. CONSTRUCTION HOURS

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

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

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

20. 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.

21. CONSTRUCTION INSPECTIONS

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

22. 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 the finished ridge levels are to be submitted to the Principal Certifying Authority during construction.

23. 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 pergola is located in accordance with the development consent plans. The Certificate is to be submitted prior to any Occupation Certificate.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

24. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

25. CERTIFICATION OF BASIX COMMITMENTS

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

26. 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.

27. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

28. CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good

working order and to be repair/replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4. ALTERATIONS AND ADDITIONS ONLY

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



CO-AP

B	7/9/21	Development Application	PB
A	19/5/21	By-law application	PB
REV	DATE	NOTE	DRAWN

PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Cover Page		SCALE / A3 NTS
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RECEIVED Waverley Council	
Code	Description
ALL	Aluminium Louvre
CR	Ceramic tile
CT	Ceramic tile
DP	Downpipe
GC	Glass clear window
GCD	Glass clear door
RC	Reinforced concrete
SB	Steel beam
SC	Steel column
SF	Steel flat
SNP	Stone pavers
TF	Timber floor
Application No: DA-423/2021 Date Received: 05/10/2021	
NOTE	
xx1/xx2	for material specifics refer to 'SCHEDULES A - G'

CO-AP

A	7/9/21	Development Application	PB
REV	DATE	NOTE	DRAWN

PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte			DRAWING Drawing Codes		SCALE / A3 NTS
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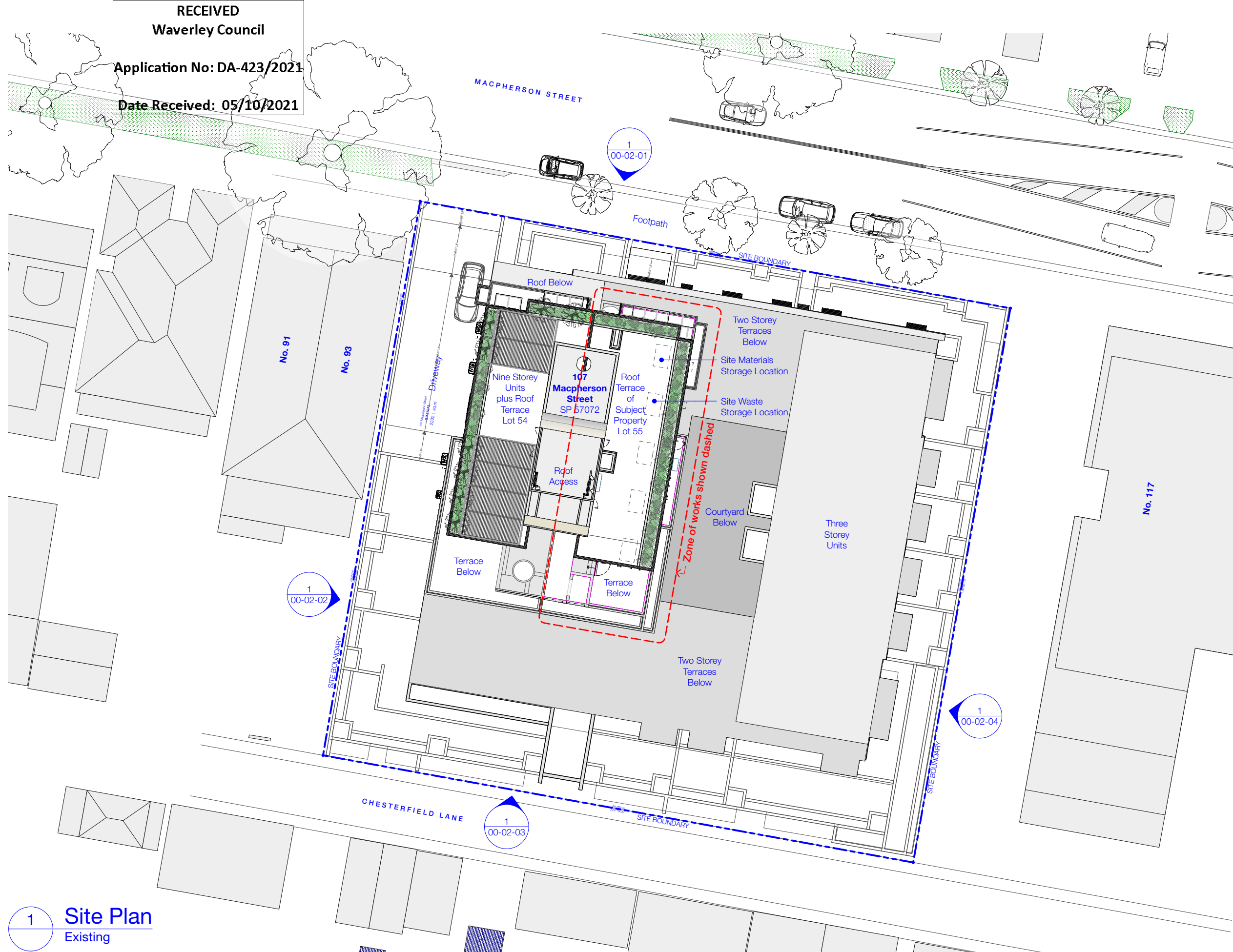
		RECEIVED			
		Waverley Council			
#	Sheet No.	Sheet Name	Sheet Size	Rev. No.	Rev. Date
1.	00-00-01	Cover Page	ISO A3	B	7/9/21
2.	00-00-02	Drawing Codes	ISO A3	A	7/9/21
3.	00-00-03	Drawing List	ISO A3	B	7/9/21
4.	00-01-01	Site Plan - existing	ISO A3	A	7/9/21
5.	00-01-02	Plan 08 - existing	ISO A3	B	7/9/21
6.	00-01-03	Plan 09 - existing	ISO A3	B	7/9/21
7.	00-01-04	Roof Plan - existing	ISO A3	B	7/9/21
8.	00-02-01	Building Elevation North - existing	ISO A3	A	7/9/21
9.	00-02-02	Building Elevation West - existing	ISO A3	A	7/9/21
10.	00-02-03	Building Elevation South - existing	ISO A3	A	7/9/21
11.	00-02-04	Building Elevation East - existing	ISO A3	A	7/9/21
12.	02-01-01	Site Plan, Analysis & Calculations	ISO A3	B	7/9/21
13.	02-01-02	Plan 08	ISO A3	B	7/9/21
14.	02-01-03	Plan 09	ISO A3	B	7/9/21
15.	02-01-04	Roof Plan	ISO A3	B	7/9/21
16.	02-02-01	Building Elevation North	ISO A3	A	7/9/21
17.	02-02-02	Building Elevation West	ISO A3	A	7/9/21
18.	02-02-03	Building Elevation South	ISO A3	A	7/9/21
19.	02-02-04	Building Elevation East	ISO A3	A	7/9/21
20.	02-02-11	Elevation North	ISO A3	B	7/9/21
21.	02-02-12	Elevation West	ISO A3	B	7/9/21
22.	02-02-13	Elevation South	ISO A3	B	7/9/21
23.	02-02-14	Elevation East	ISO A3	B	7/9/21
24.	02-03-11	Section AA	ISO A3	B	7/9/21
25.	02-03-12	Section BB	ISO A3	B	7/9/21
26.	NP-001	Notification Plan	ISO A3	A	7/9/21
27.	PERS-001	Perspective - Sheet 01	ISO A3	A	7/9/21
28.	SCH-F-DA	SCH-F - Finishes	ISO A3	A	7/9/21
29.	STWMP-001	Stormwater Management Plan 08	ISO A3	A	7/9/21
30.	STWMP-002	Stormwater Management Plan 09	ISO A3	A	7/9/21
31.	SWRMP-001	Site Waste / Recycling Management Plan	ISO A3	A	7/9/21

CO-AP

B	7/9/21	Development Application
A	18/5/21	By-law application
REV	DATE	NOTE

PB
PB
DRAWN

PROJECT			DRAWING		SCALE / A3
Sweeney Apartment, 55/107 Macpherson Street Bronte			Drawing List		NTS
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		2019	00-00-03	B	



1 Site Plan
Existing

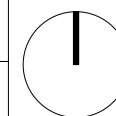
CO-AP

A	7/9/21	Development Application
REV	DATE	NOTE

PB
DRAWN



PROJECT
Sweeney Apartment, 55/107 Macpherson Street Bronte
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DRAWING Site Plan - existing		SCALE / A3 1:300
PROJECT NUMBER 2019	DRAWING NUMBER 00-01-01	REVISION A

DEVELOPMENT APPLICATION

Application No: DA-423/2021

Date Received: 05/10/2021

1
00-02-02

1
00-02-03

No.54

Currently under construction as per:

- DA 198/2019
- DA 198/2019/B
- DA 369/2019
- DA 270/2019

1
00-02-01

Part-demolition of existing windbreak wall
to match height of adjacent Lot #54.

Existing pool and spa to be removed

Existing finish to balcony slab
and hob to be removed.

Existing finish to balcony slab
and hob to be removed.

Existing floor finish and ceiling to be removed

Existing A/C unit to be removed.

Existing kitchen to be removed

Existing finish to balcony slab
and hob to be removed.

1
00-02-04

1 Level 08
Existing

CO-AP

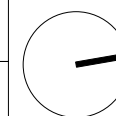
B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB
PB
DRAWN

DEMOLITION FLOOR / CEILING
DEMOLITION EXTENT
DEMOLISHED WALL

0 3 4 5 6 M

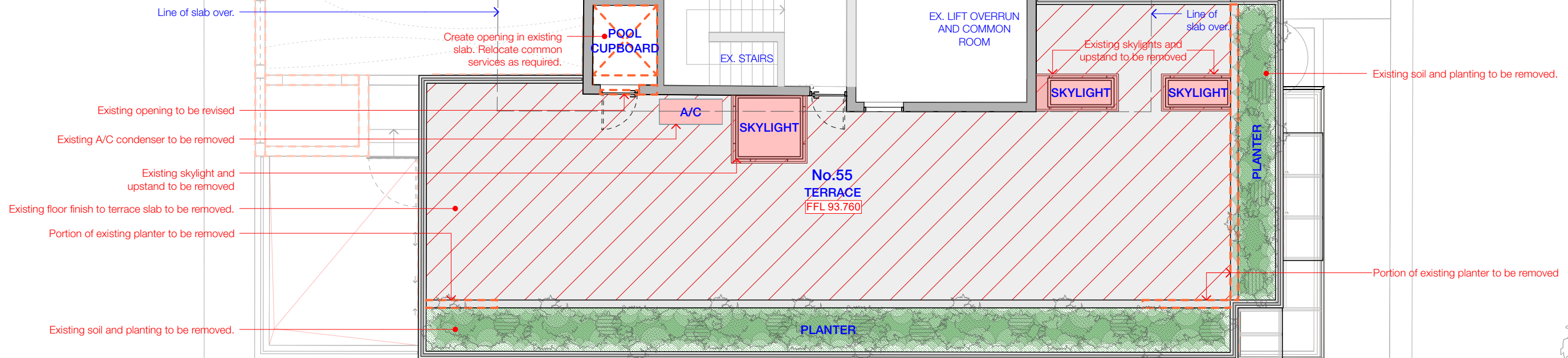
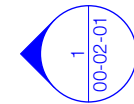
PROJECT
Sweeney Apartment, 55/107 Macpherson Street Bronte
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DRAWING	Plan 08 - existing	SCALE / A3
PROJECT NUMBER	2019	1:100
DRAWING NUMBER	00-01-02	REVISION
		B

Application No: DA-423/2021

Date Received: 05/10/2021



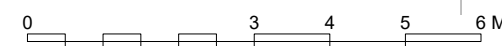
1 Level 09
Existing

CO-AP

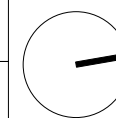
B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB	PB
DRAWN	

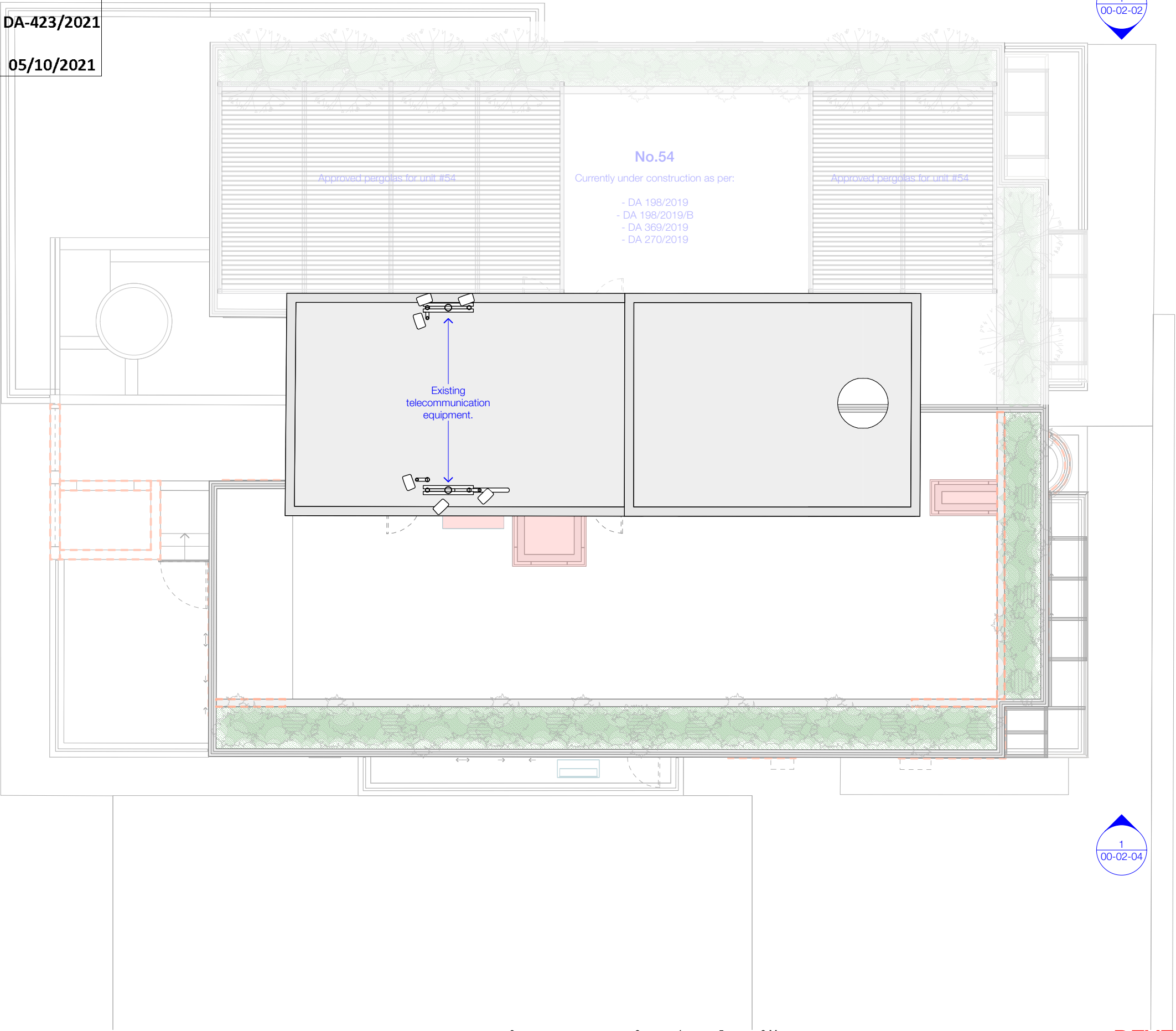
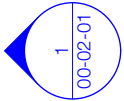
DEMOLITION FLOOR / CEILING
DEMOLITION EXTENT
DEMOLISHED WALL



PROJECT	Sweeney Apartment, 55/107 Macpherson Street Bronte
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DRAWING	Plan 09 - existing	SCALE / A3	1:100
PROJECT NUMBER	2019	DRAWING NUMBER	00-01-03
REVISION	B		

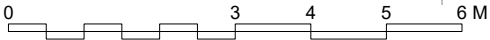


1 Roof
Existing

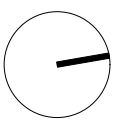
CO-AP

B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB
PB
DRAWN

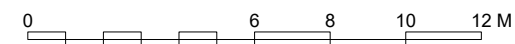


PROJECT
Sweeney Apartment, 55/107 Macpherson Street Bronte
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DRAWING	SCALE / A3
Roof Plan - existing	1:100
PROJECT NUMBER	REVISION
2019	B
DRAWING NUMBER	
00-01-04	

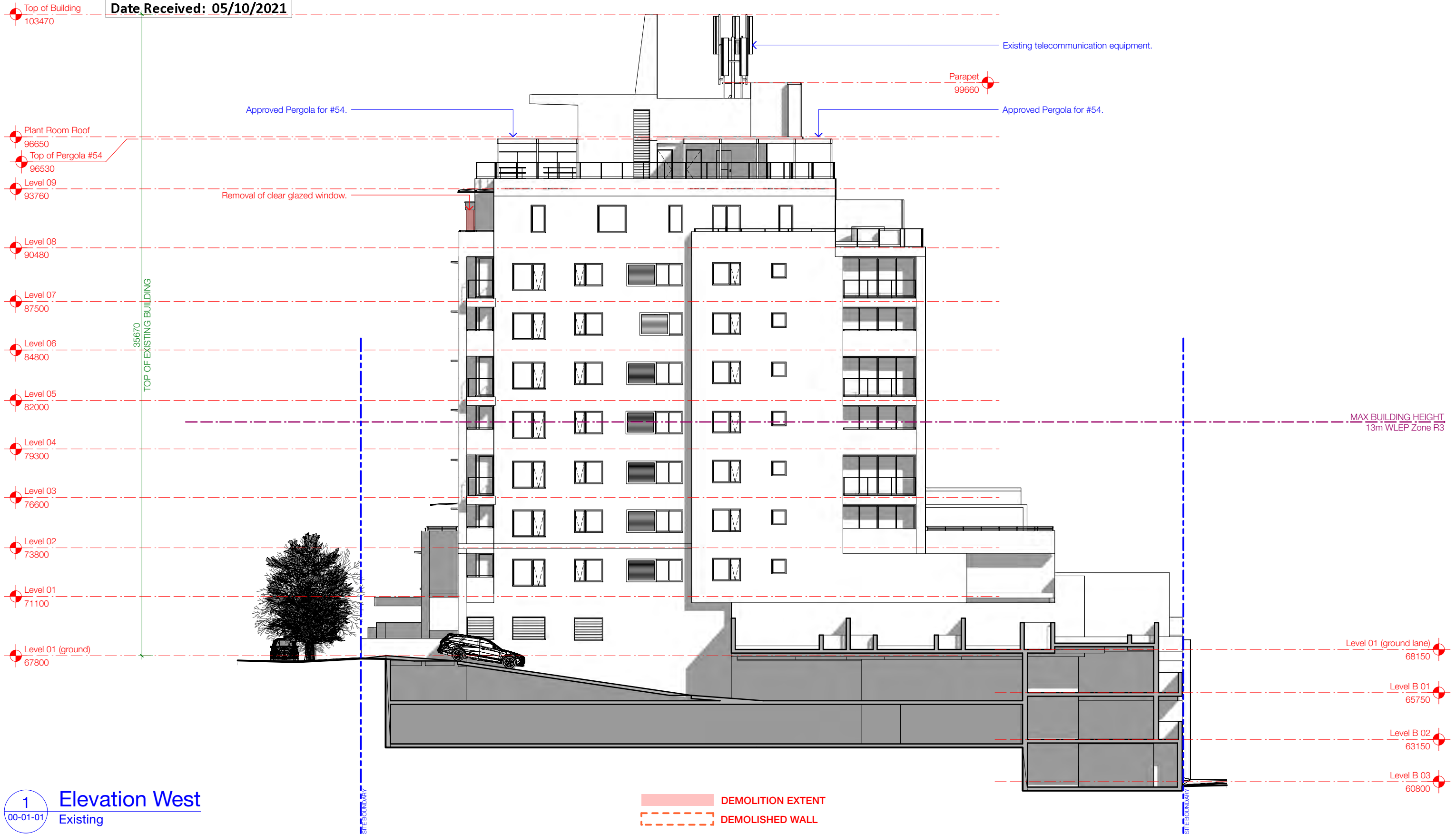
DEVELOPMENT APPLICATION



PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Building Elevation North - existing		SCALE / A3 1:200
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Application No: DA-423/2021

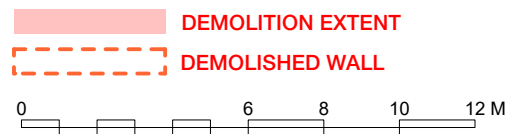
Date Received: 05/10/2021



1 Elevation West
00-01-01 Existing

CO-AP

A	7/9/21	Development Application	PB
REV	DATE	NOTE	DRAWN



PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Building Elevation West - existing		SCALE / A3 1:200
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Application No: DA-423/2021

Date Received: 05/10/2021



1 Elevation South
00-01-01 Existing

CO-AP

A	7/9/21	Development Application	PB
REV	DATE	NOTE	DRAWN

PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Building Elevation South - existing		SCALE / A3 1:200
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MAX BUILDING HEIGHT
13m WLEP Zone R3

Level 01 (ground lane)
68150

Level B 01
65750

Level B 02
63150

Level B 03
60800

1 Elevation East
00-01-01 Existing

CO-AP

A	7/9/21	Development Application
REV	DATE	NOTE

PB
DRAWN

DEMOLITION EXTENT
DEMOLISHED WALL

0 6 8 10 12 M

PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte
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DRAWING
Building Elevation East - existing

PROJECT NUMBER
2019

DRAWING NUMBER
00-02-04

SCALE / A3
1:200

REVISION
A

AREA CALCULATIONS:

Development Site Area: 2232.1m²

Lot Size: 355m²

Gross Floor Area:
Existing: 128m² Proposed: 128m² (unchanged)

Floor Space Ratio:
Existing: 0.36:1 Proposed: 0.36:1 (unchanged)

BASIX Certificate

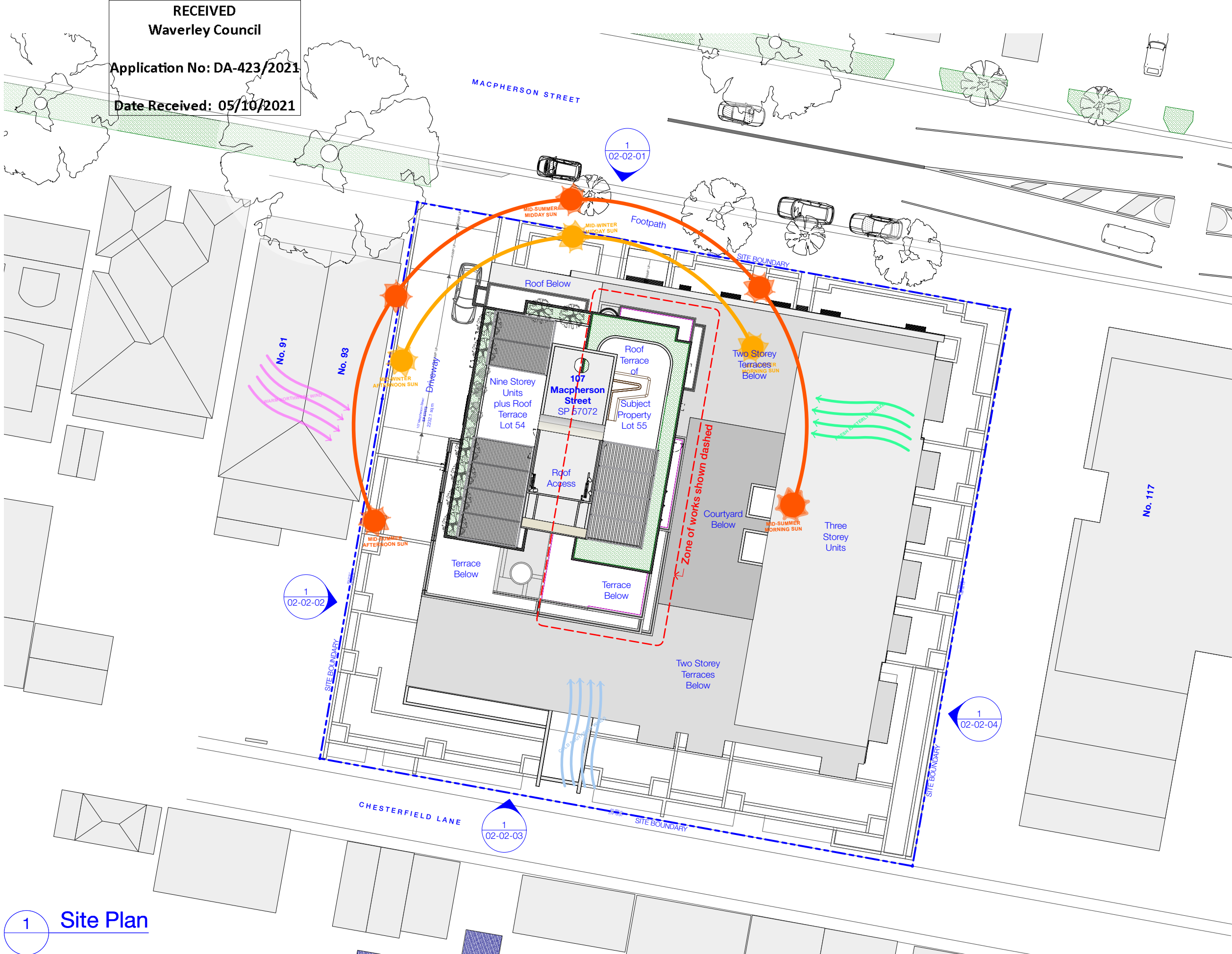
Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A419345

Project address	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan 57072
Lot number	55
Section number	1
Date of issue	Friday, 06, August 2021

Windows and glazed doors glazing requirements						Frame and glass type
Window door no.	Orientation	Area (m ²)	Height (m)	Distance (m)	Glazing device	
W10	W	1.67	1.77	1.83	none	Standard aluminium, clearal glazing, U-value 5.14, SHGC 0.87



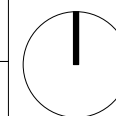
1 Site Plan

CO-AP

B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB
PB
DRAWN

PROJECT
Sweeney Apartment, 55/107 Macpherson Street Bronte
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DRAWING
Site Plan, Analysis & Calculations

PROJECT NUMBER
2019

DRAWING NUMBER

02-01-01

SCALE / A3
1:300

REVISION
B

Application No: DA-423/2021

Date Received: 05/10/2021

COLOUR KEY (note: proposed work ONLY shown as coloured)

Brick	Cement Render
Concrete	Exterior Paving
Glass	Internal Tiles
Metal / Steel	Timber
Timber Frame	

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

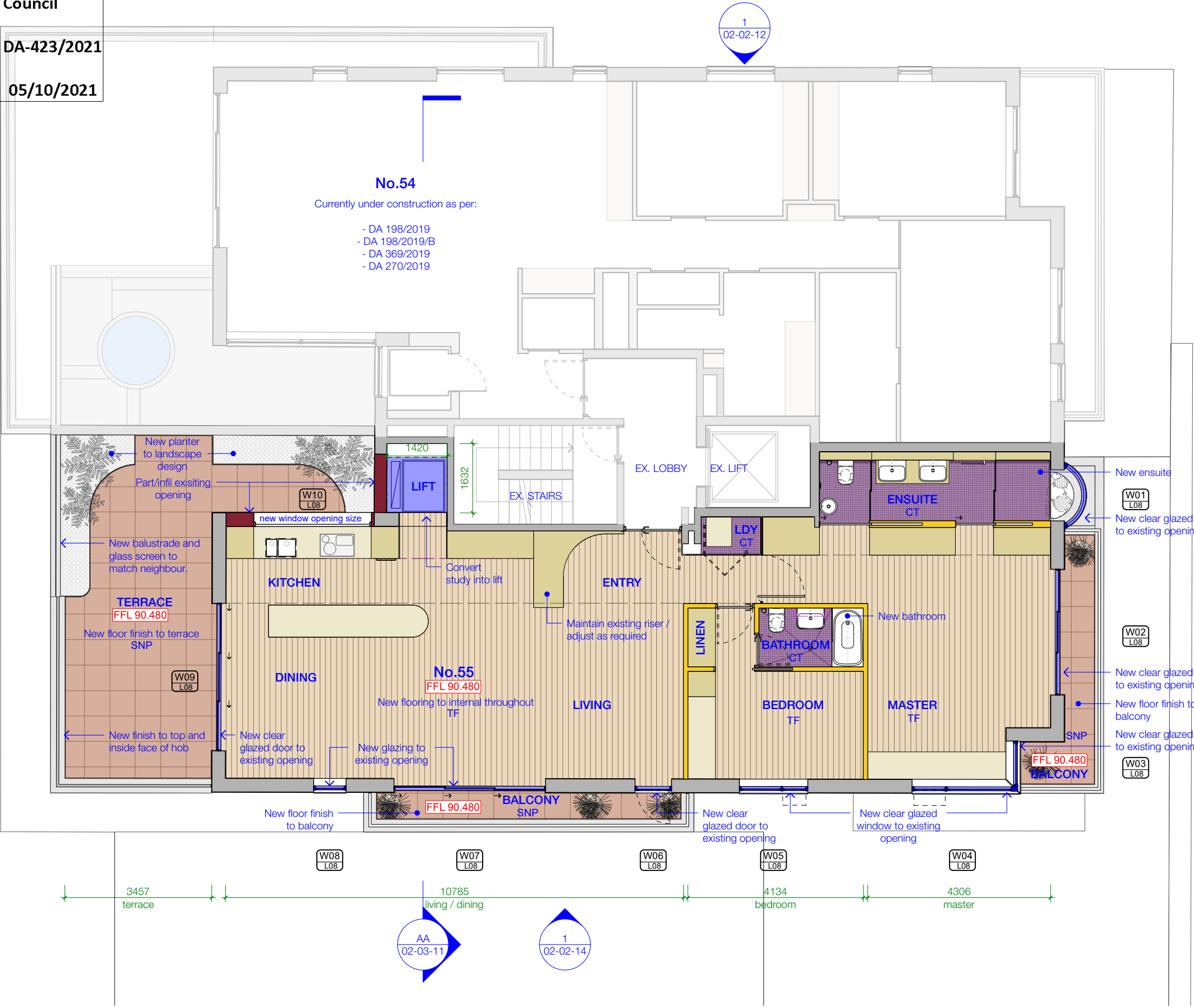
Alterations and Additions

Certificate number: A419345

Project address	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan 07072
Lot number	55
Section number	
Date of issue: Friday, 06, August 2021	

Windows and glazed doors glazing requirements

Window door no.	Orientation	Area of glass (m ²)	Height (m)	Distance (m)	Glazing device	Frame and glass type
W10	W	1.67	1.77	1.83	none	standard aluminium, clearal glazifier, U-value 5.14, SHGC 0.87

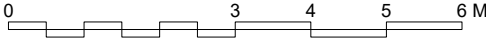


1 Level 08

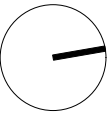
CO-AP

B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB
PB
DRAWN



PROJECT
Sweeney Apartment, 55/107 Macpherson Street Bronte
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DRAWING	Plan 08	SCALE / A3	1:100
PROJECT NUMBER	2019	DRAWING NUMBER	02-01-02
REVISION	B		

DEVELOPMENT APPLICATION

Application No: DA-423/2021

Date Received: 05/10/2021

COLOUR KEY		(note: proposed work ONLY shown as coloured)	
	Brick		Cement Render
	Concrete		Exterior Paving
	Glass		Internal Tiles
	Metal / Steel		Timber
	Timber Frame		

BASIX

Certificate

Building Sustainability Index

www.basix.nsw.gov.au

Alterations and Additions

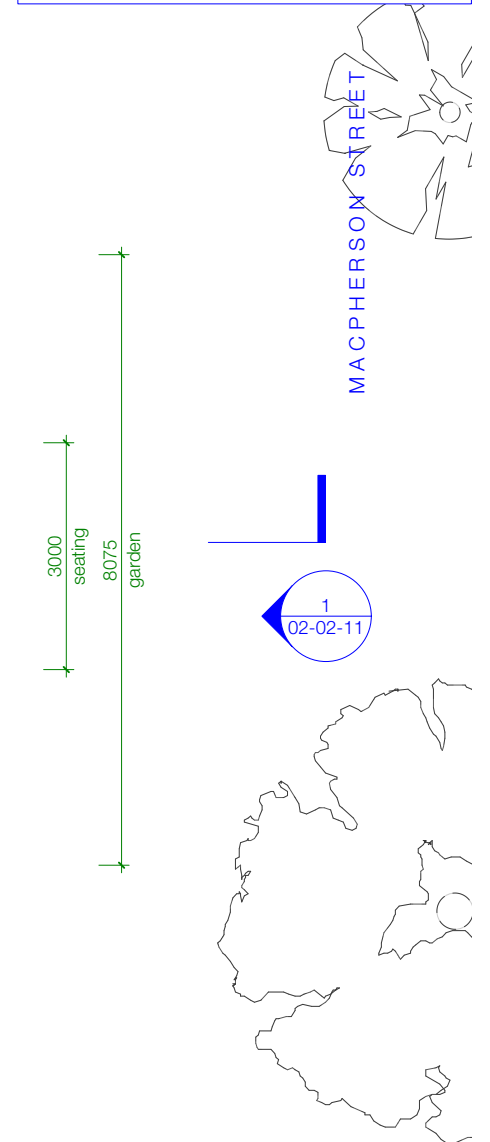
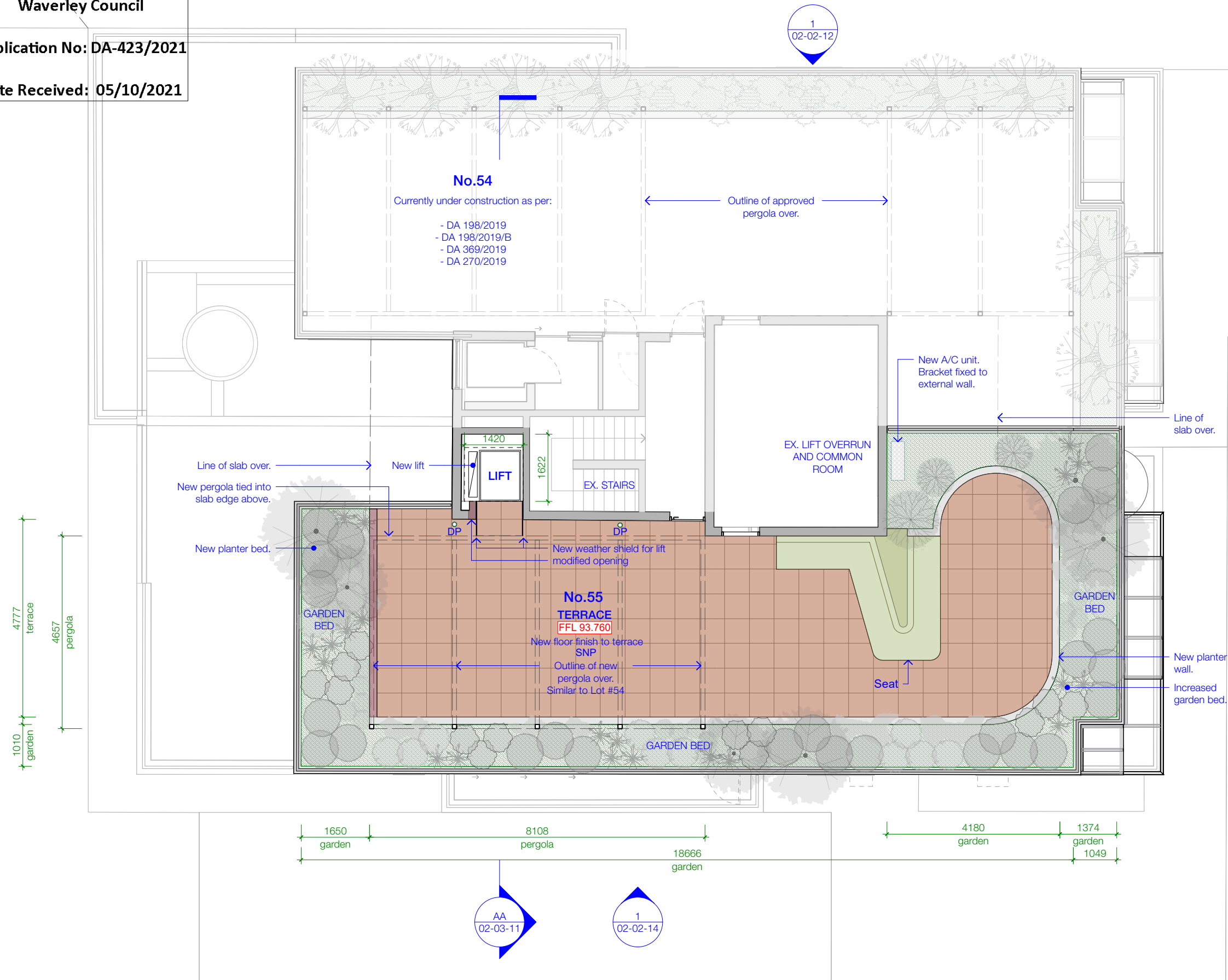
Certificate number: A419345

Project address	
Project name	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan 07072
Lot number	55
Section number	

Date of issue: Friday, 06, August 2021

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area (m ²)	Height (m)	Distance (m)	Glazing device	Frame and glass type
W10	W	1.67	1.77	1.83	none	Standard aluminium, clearal glazings, U-value 5.14, SHGC 0.87

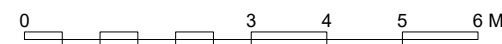


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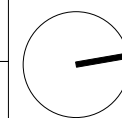
CO-AP

B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB
PB
DRAWN



PROJECT	
Sweeney Apartment, 55/107 Macpherson Street Bronte	
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DRAWING		SCALE / A3
Plan 09		1:100
PROJECT NUMBER	DRAWING NUMBER	REVISION
2019	02-01-03	B

Application No: DA-423/2021

Date Received: 05/10/2021

COLOUR KEY (note: proposed work ONLY shown as coloured)

Brick	Cement Render
Concrete	Exterior Paving
Glass	Internal Tiles
Metal / Steel	Timber
Timber Frame	

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

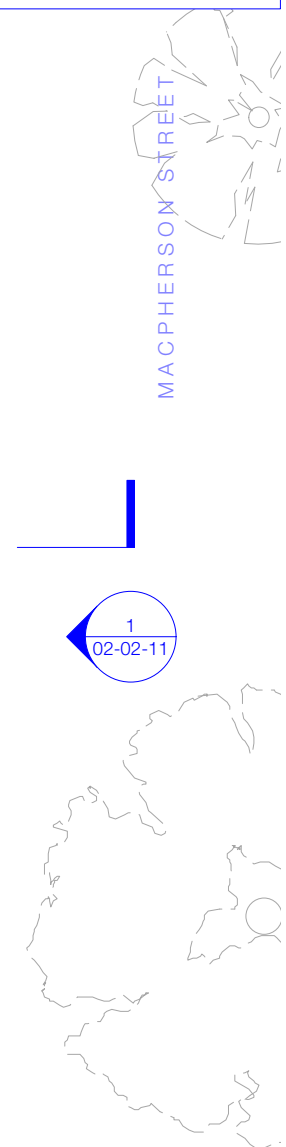
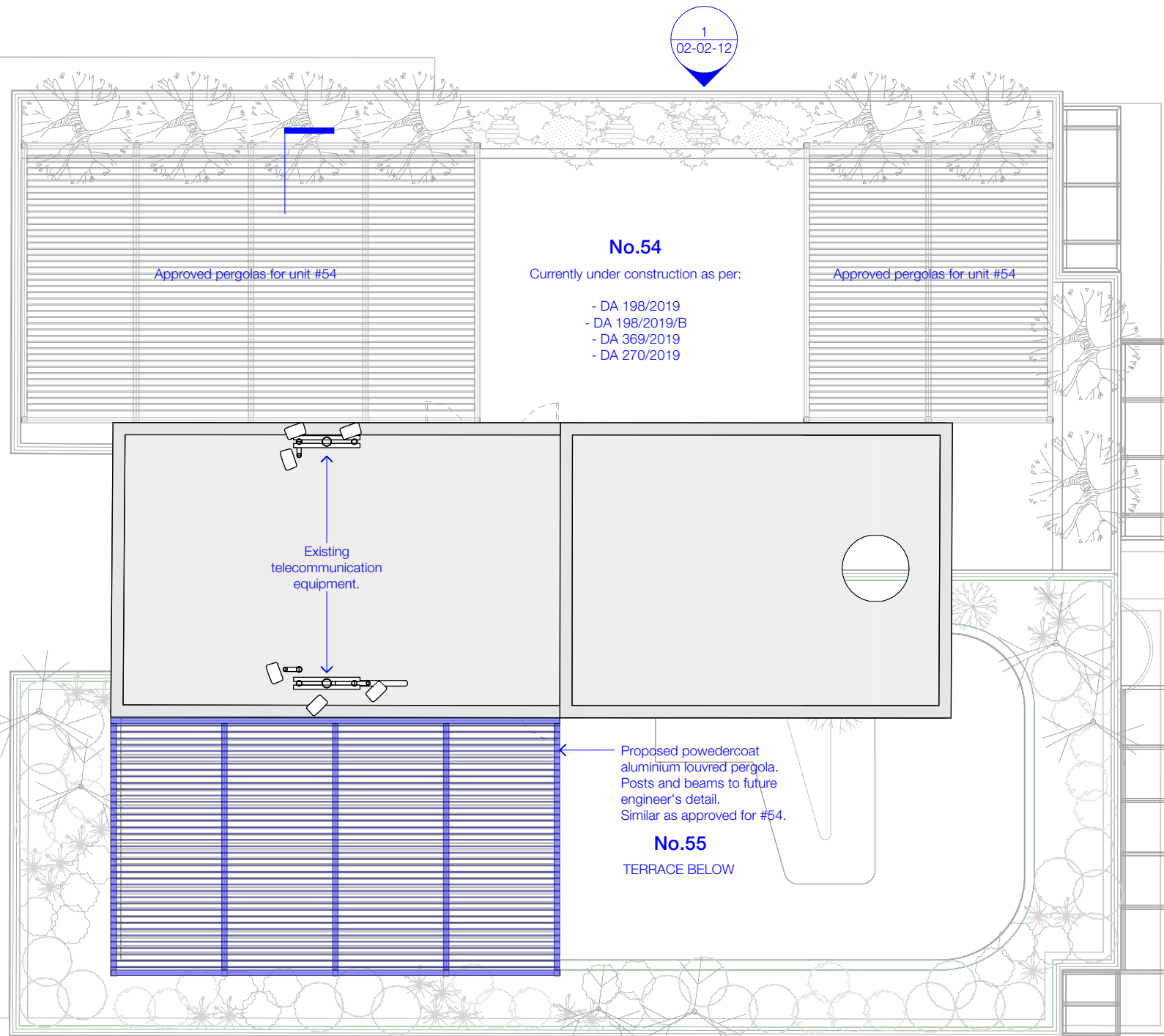
Alterations and Additions

Certificate number: A419345

Project address	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan 07072
Lot number	55
Section number	
Date of issue: Friday, 06, August 2021	

Windows and glazed doors glazing requirements

Window door no.	Orientation	Area of glass (sq m)	Height (m)	Distance (m)	Glazing device	Frame and glass type
W10	W	1.67	1.77	1.83	none	standard aluminium, clearal glazing, U-value 5.14, SHGC 0.87

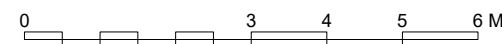


1 Roof

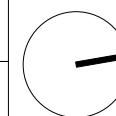
CO-AP

B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB	PB
DRAWN	



PROJECT	Sweeney Apartment, 55/107 Macpherson Street Bronte
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DRAWING	Roof Plan	SCALE / A3	1:100
PROJECT NUMBER	2019	DRAWING NUMBER	02-01-04
REVISION	B		

RECEIVED

Waverley Council

Application No: DA-423/2021

Date Received: 05/10/2021

COLOUR KEY

(note: proposed work ONLY shown as coloured)

Brick

Cement Render

Concrete

Glass

Metal / Steel

Timber Frame

BASIXCertificate

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

Alterations and Additions

Certificate number: A419345

Project address

2019 SWEENEY

107 Macpherson Street Bronte 2024

Waverley Council

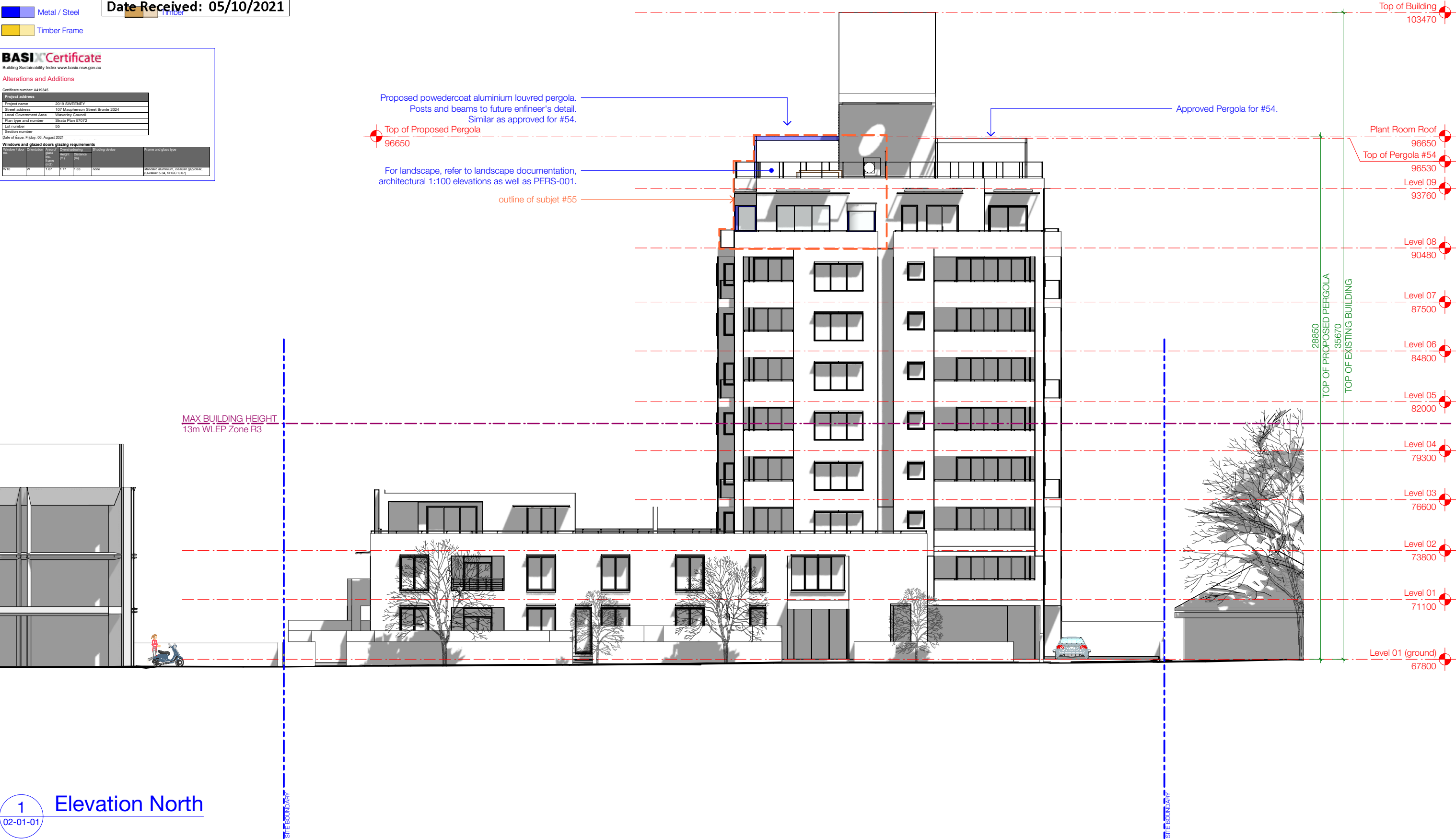
Strata Plan 57072

55

06 August 2021

Windows and glazed doors glazing requirements

Window / door	Orientation	Area of glazing (m²)	Displacement (m)	Shading device	Frame and glass type	
W10	W	1.87	1.72	1.83	none	Standard aluminium, double glazing, (U-value: 0.34, g-value: 0.67)



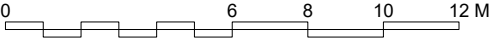
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Elevation North

02-01-01

CO-AP

A	7/9/21	Development Application	PB
REV	DATE	NOTE	DRAWN

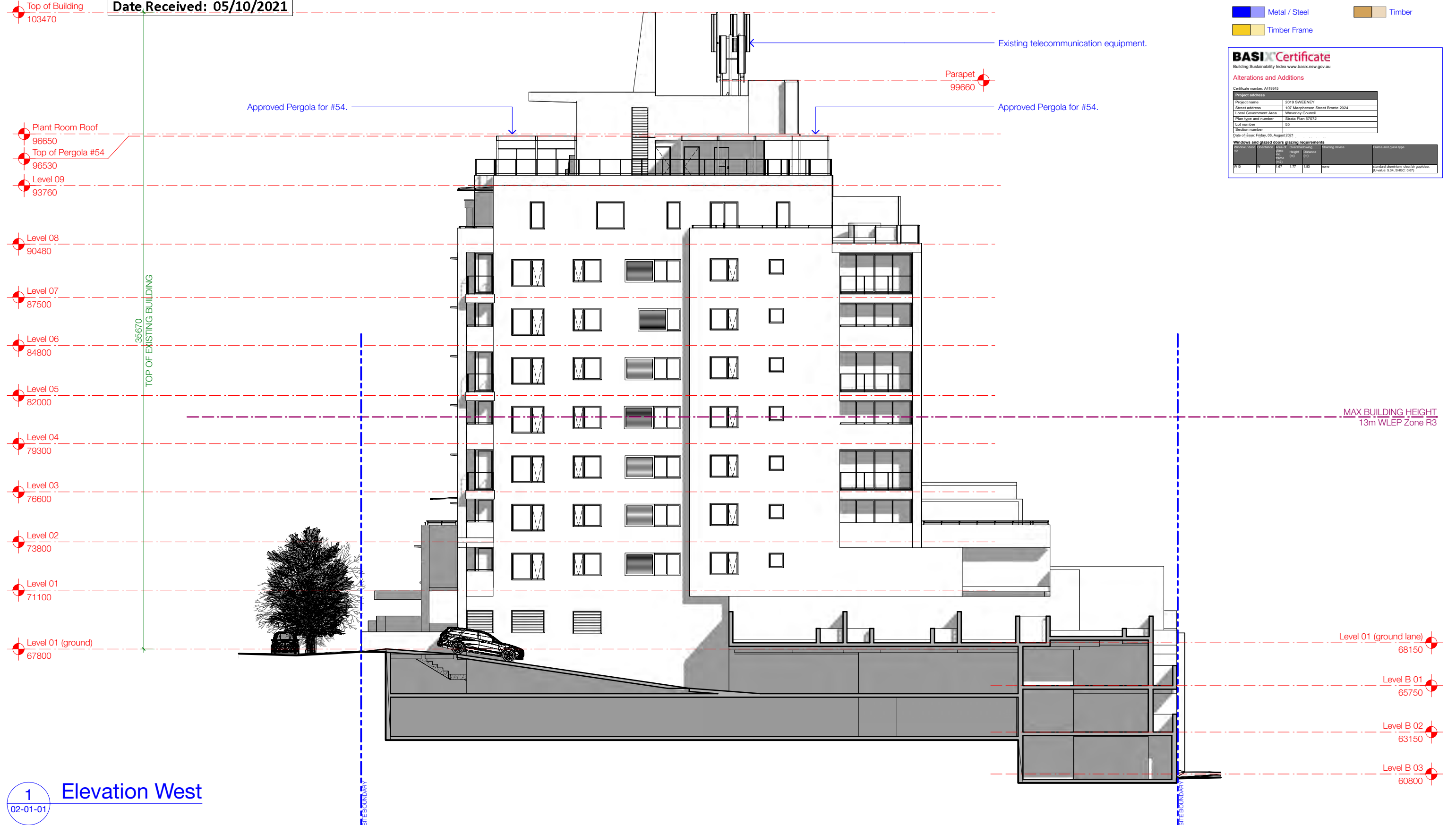


PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Building Elevation North		SCALE / A3 1:200
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COLOUR KEY (note: proposed work ONLY shown as coloured)

Brick	Cement Render
Concrete	Exterior Paving
Glass	Internal Tiles
Metal / Steel	Timber
Timber Frame	

BASIX Certificate Building Sustainability Index www.basix.nsw.gov.au	
Alterations and Additions	
Certificate number: A419345	
Project address	
Project name	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan S7072
Lot number	55
Section number	
Date of issue: Friday, 06, August 2021	
Windows and glazed doors glazing requirements	
Window / door no.	Orientation
Area of glazing (m ²)	Dominant glazing (m ²)
Shading device	Frame and glass type
W10	W
1.57	1.77
1.83	none
standard aluminium, clear glazing, (U-value: 0.34, SHGC: 0.67)	



1 Elevation West
02-01-01

CO-AP

A	7/9/21	Development Application	PB
REV	DATE	NOTE	DRAWN

PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Building Elevation West		SCALE / A3 1:200
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COLOUR KEY (note: proposed work ONLY shown as coloured)

Brick	Cement Render
Concrete	Exterior Paving
Glass	Internal Tiles
Metal / Steel	Timber
Timber Frame	

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

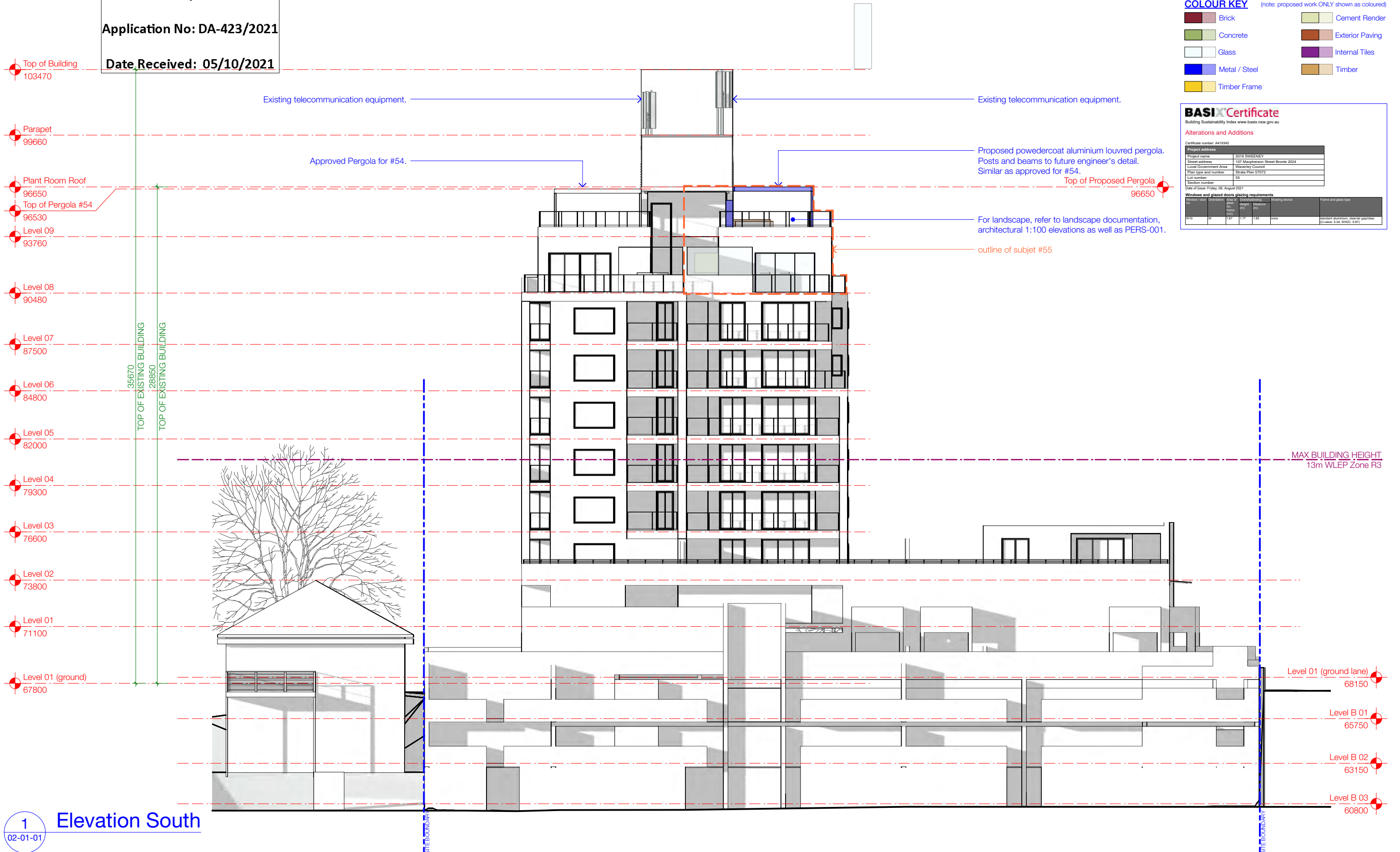
Alterations and Additions

Certificate number: A419345

Project address	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan S7072
Lot number	55
Section number	
Date of issue	Friday, 06 August 2021

Windows and glazed doors glazing requirements










Window / door no.	Orientation	Area of glazing (m ²)	Dominant glazing (m ²)	Shading device	Frame and glass type
W10	W	1.97	1.77	1.83	none
					standard aluminium, clear glass, (U-value: 0.34, SHGC: 0.40)



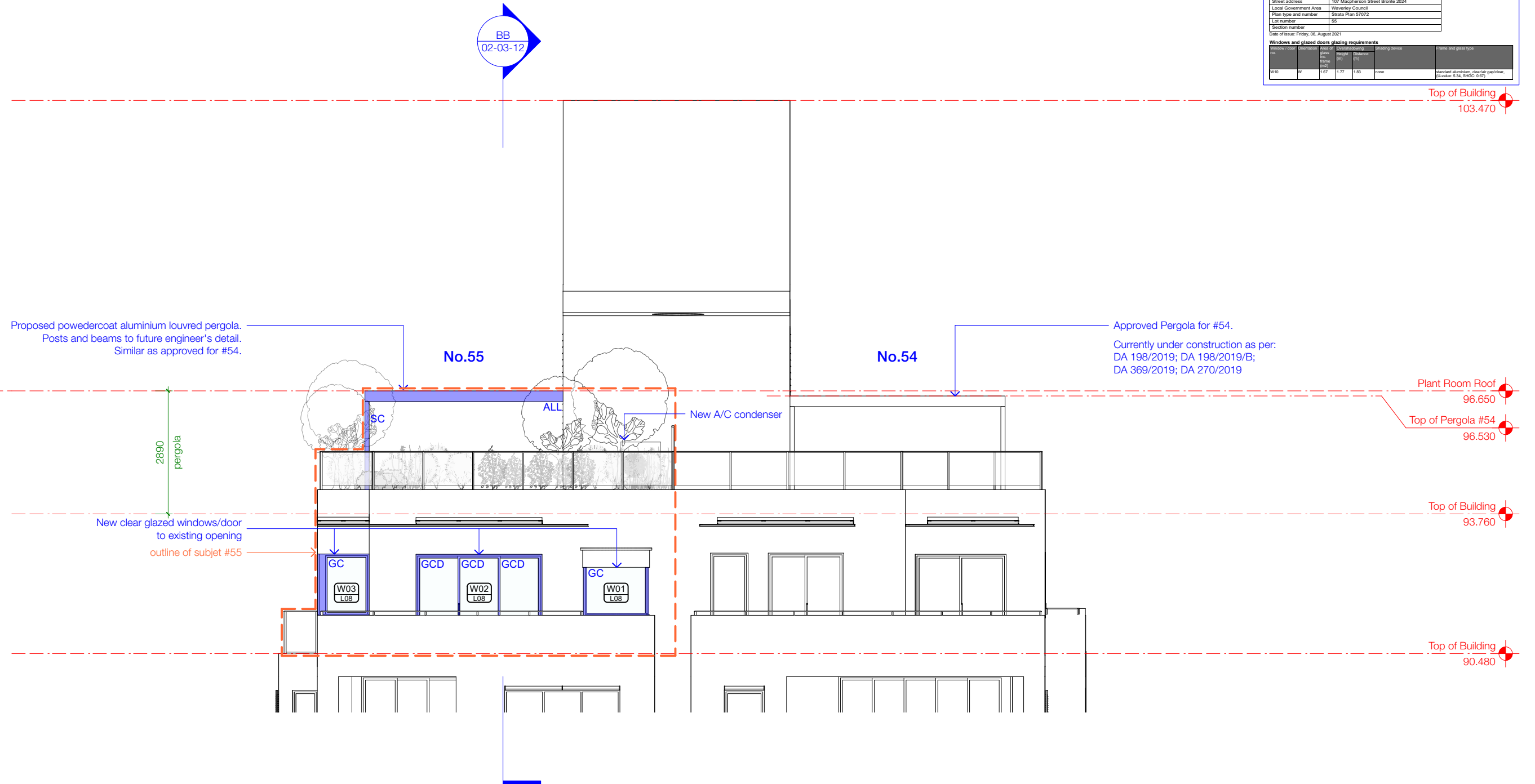
CO-AP

A	7/9/21	Development Application	PB
REV	DATE	NOTE	DRAWN

PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Building Elevation South		SCALE / A3 1:200
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COLOUR KEY		(note: proposed work ONLY shown as coloured)	
	Brick		Cement Render
	Concrete		Exterior Paving
	Glass		Internal Tiles
	Metal / Steel		Timber
	Timber Frame		

<



1 Elevation - North
02-01-02

B	7/9/21	Development Application	PB
A	19/5/21	By-law application	PB
REV	DATE	NOTE	DRAWN

PROJECT		DRAWING		SCALE / A3
Sweeney Apartment, 55/107 Macpherson Street Bronte		Elevation North		1:100
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		2019	02-02-11	B

COLOUR KEY

(note: proposed work ONLY shown as coloured)

Brick

Cement Render

Concrete

Exterior Paving

Glass

Internal Tiles

Metal / Steel

Timber

Timber Frame

BASIXCertificate

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

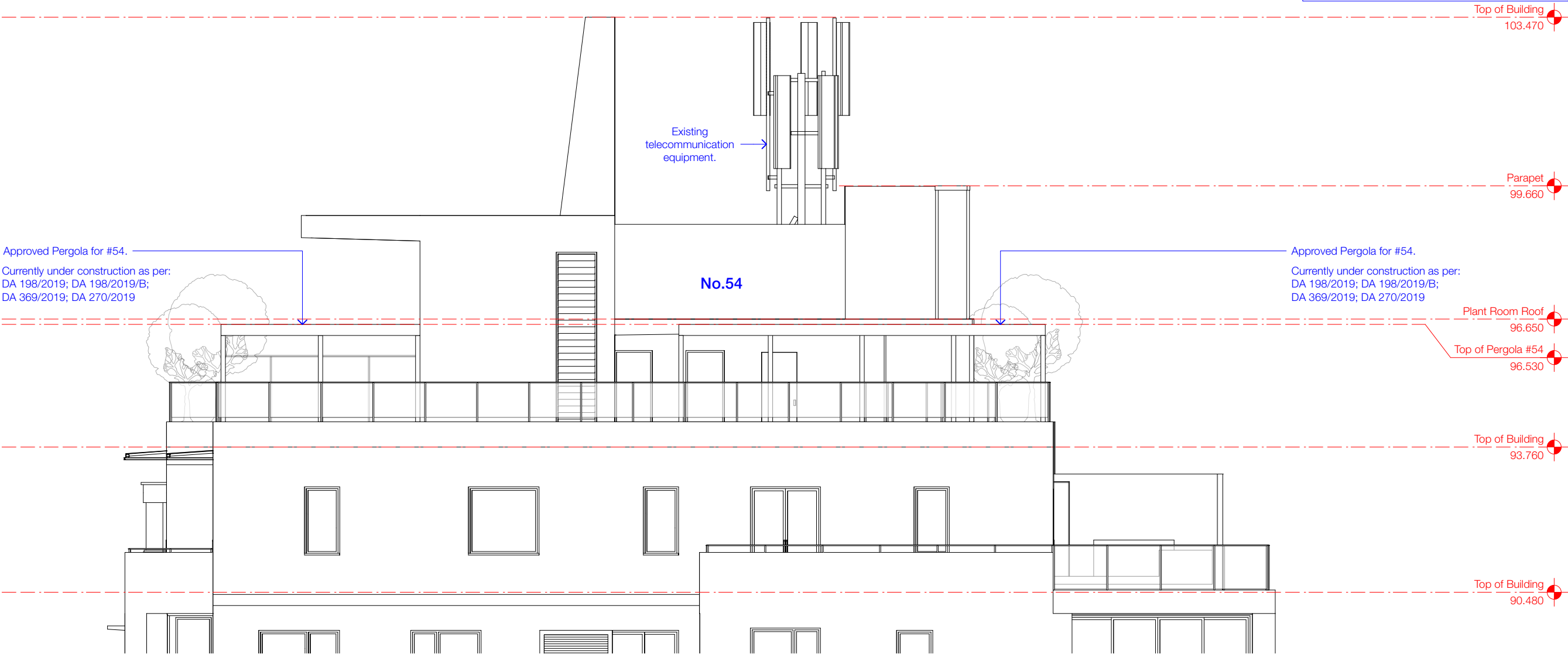
Alterations and Additions

Certificate number: A419345

Project address	
Project name	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan 07072
Lot number	55
Section number	
Date of issue: Friday, 06, August 2021	

Windows and glazed doors glazing requirements

Window door no.	Orientation	Area of glass (sq. m)	Height (m)	Distance (m)	Glazing device	Frame and glass type
W10	W	1.67	1.77	1.83	none	standard aluminium, clearal glazier, U-value 5.14, SHGC 0.87



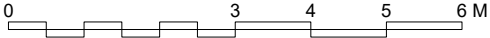
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02-01-02

Elevation - West

CO-AP

B	7/9/21	Development Application	PB
A	19/5/21	By-law application	PB
REV	DATE	NOTE	DRAWN



PROJECT		DRAWING		SCALE / A3
Sweeney Apartment, 55/107 Macpherson Street Bronte		Elevation West		1:100
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		2019	02-02-12	B

COLOUR KEY (note: proposed work ONLY shown as coloured)

Brick	Cement Render
Concrete	Exterior Paving
Glass	Internal Tiles
Metal / Steel	Timber
Timber Frame	

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

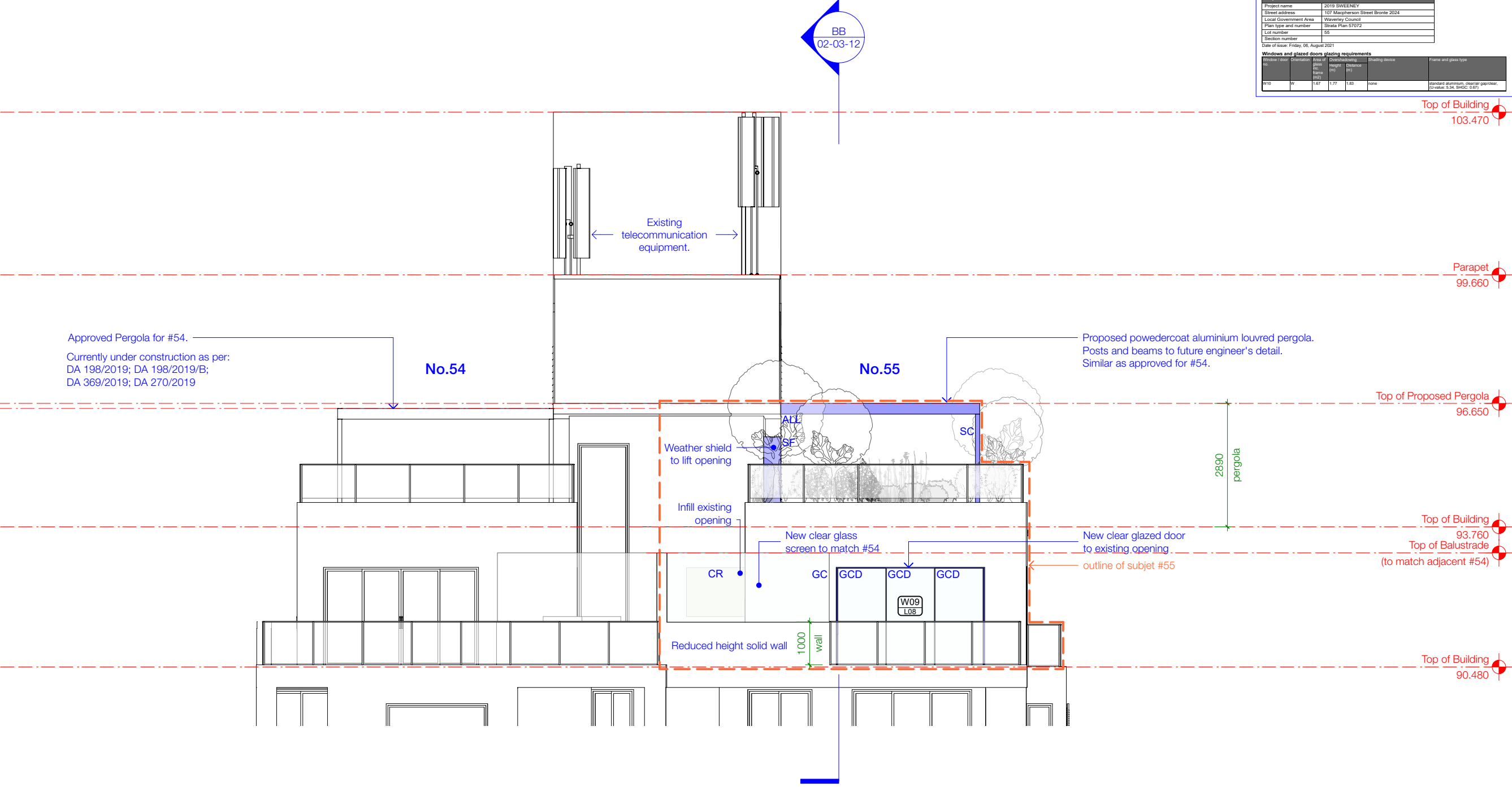
Alterations and Additions

Certificate number: A419345

Project address	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan 57072
Lot number	55
Section number	
Date of issue: Friday, 06, August 2021	

Windows and glazed doors glazing requirements

Window/door no.	Orientation	Area of glass (sqm)	Height (m)	Distance (m)	Glazing device	Frame and glass type
W10	W	1.67	1.77	1.83	none	Standard aluminium, clear/gap/leak, U-value 5.34, SHGC 0.87



1 Elevation - South
02-01-02

CO-AP

B	7/9/21	Development Application	PB
A	19/5/21	By-law application	PB
REV	DATE	NOTE	DRAWN

PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Elevation South		SCALE / A3 1:100
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COLOUR KEY (note: proposed work ONLY shown as coloured)

Brick	Cement Render
Concrete	Exterior Paving
Glass	Internal Tiles
Metal / Steel	Timber
Timber Frame	

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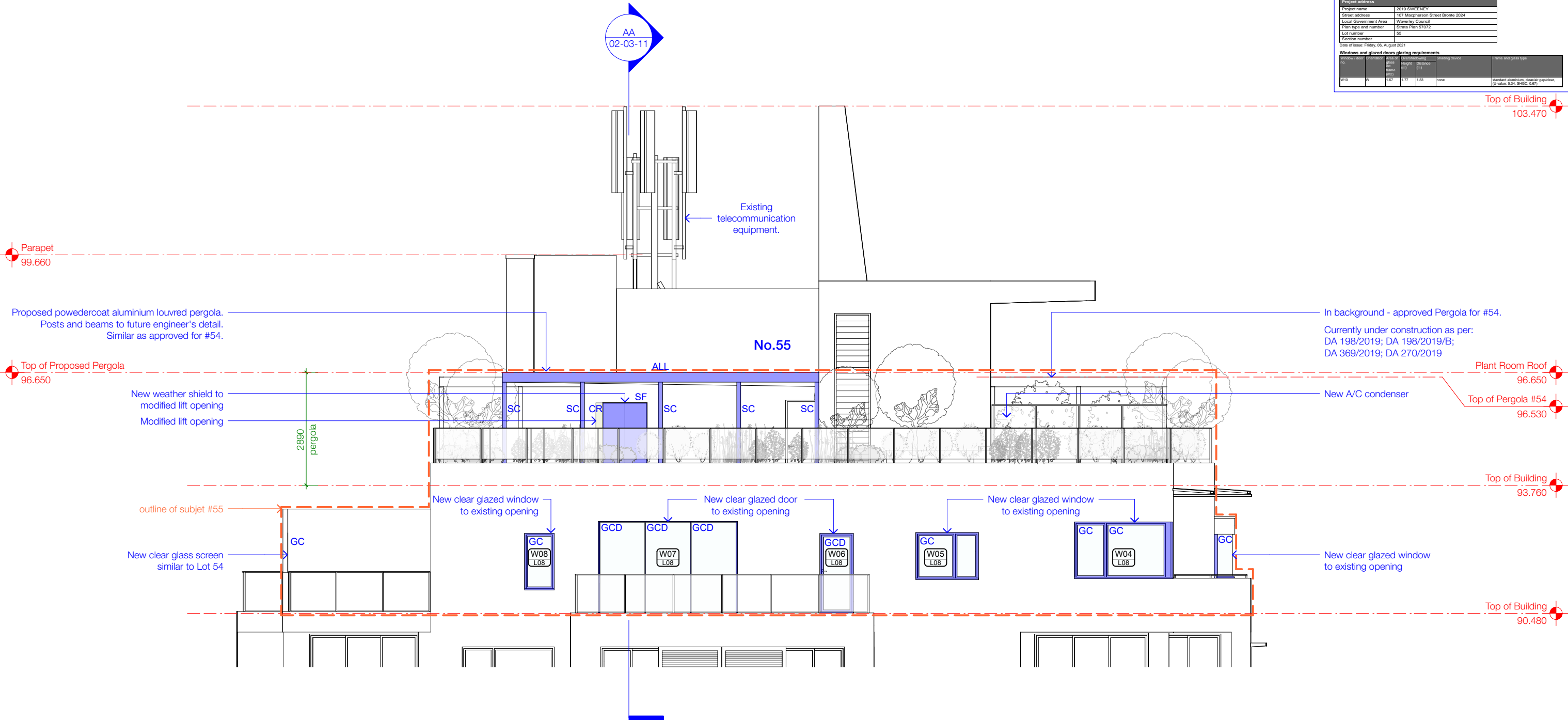
Alterations and Additions

Certificate number: A419345

Project address	2019 SWEENEY
Street address	107 Macpherson Street Bronte 2024
Local Government Area	Waverley Council
Plan type and number	Strata Plan 57072
Lot number	55
Section number	
Date of issue: Friday, 06, August 2021	

Windows and glazed doors glazing requirements

Window/door no.	Orientation	Area of opening (m ²)	Height (m)	Distance (m)	Glazing device	Frame and glass type
W10	W	1.67	1.77	1.83	none	Standard aluminium, clear/gap/low-e, U-value 5.34, SHGC 0.87

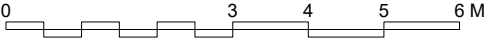


1 Elevation - East
02-01-02










CO-AP

B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

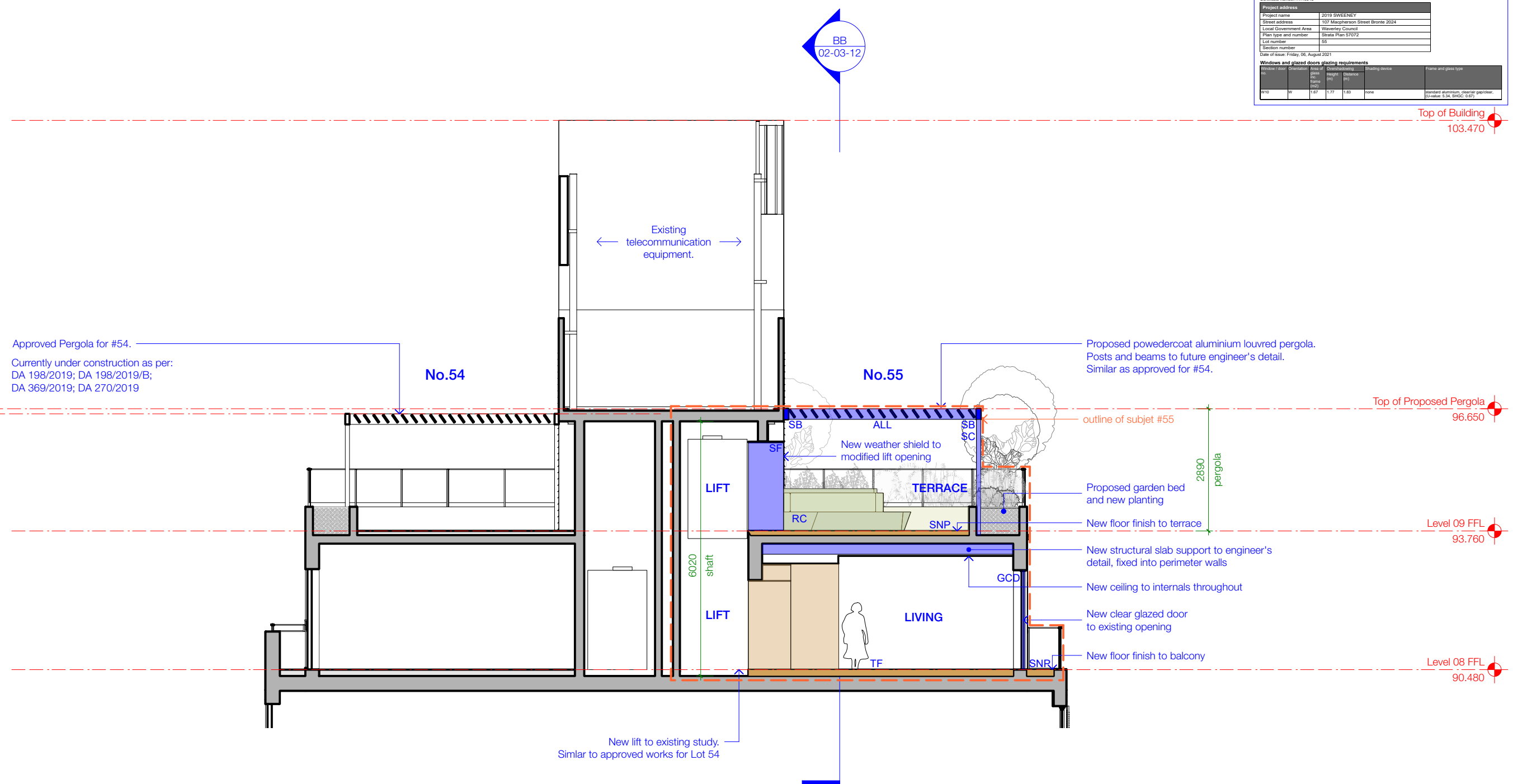
PB
PB
DRAWN



PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Elevation East		SCALE / A3 1:100
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<u>COLOUR KEY</u>		(note: proposed work ONLY shown as coloured)	
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	Glass		Internal Tiles
	Metal / Steel		Timber
	Timber Frame		

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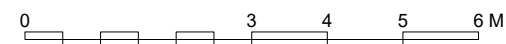


AA Section
02-01-02










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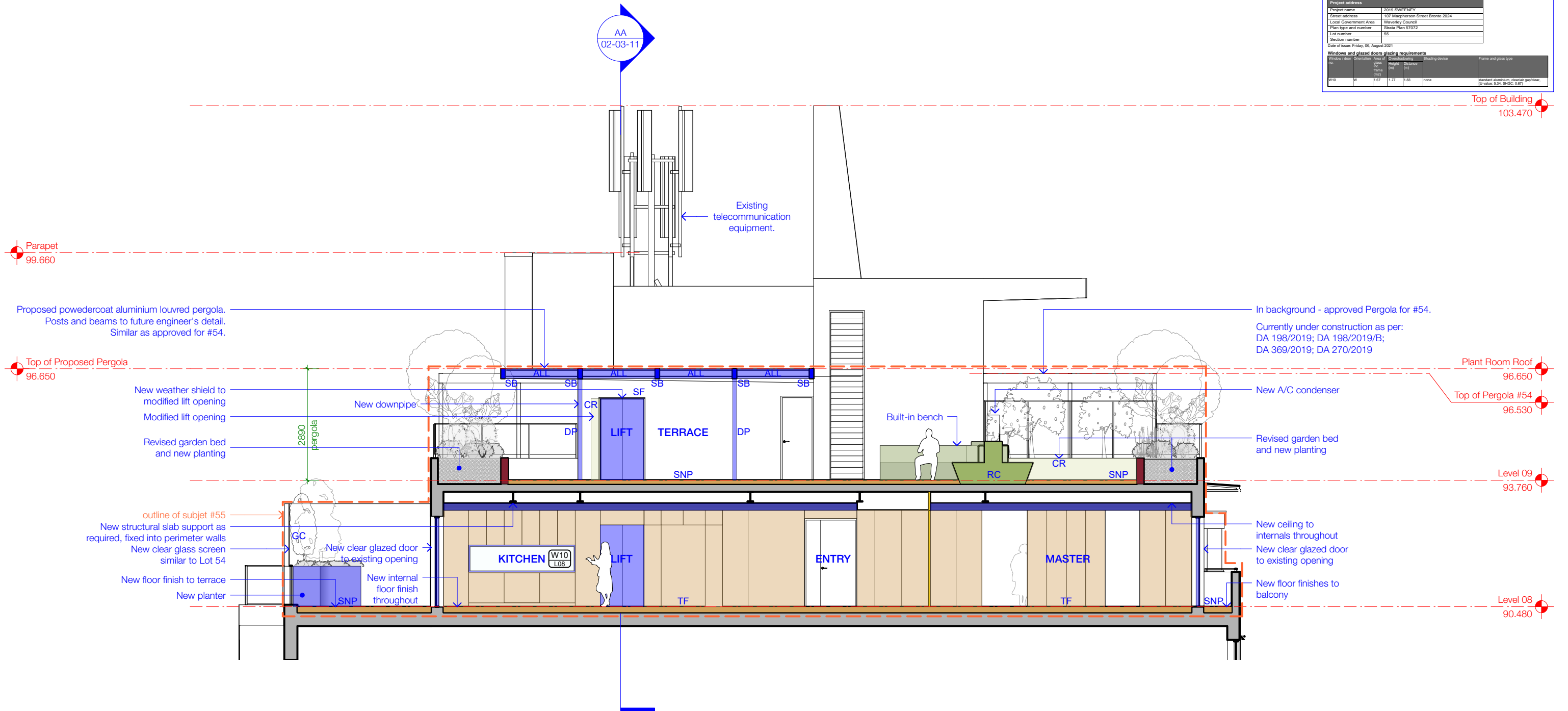
B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB
PB
DRAWN



PROJECT		DRAWING		SCALE / A3
Sweeney Apartment, 55/107 Macpherson Street Bronte		Section AA		1:100
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		2019	02-03-11	B

<u>COLOUR KEY</u>		(note: proposed work ONLY shown as coloured)	
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	Concrete		Exterior Paving
	Glass		Internal Tiles
	Metal / Steel		Timber
	Timber Frame		



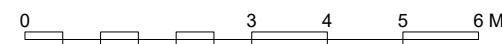
BB
02-01-02

Section

CO-AP

B	7/9/21	Development Application
A	19/5/21	By-law application
REV	DATE	NOTE

PB
PB
DRAWN



PROJECT		DRAWING		SCALE / A3
Sweeney Apartment, 55/107 Macpherson Street Bronte		Section BB		1:100
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		2019	02-03-12	B



1 Perspective North/East
pedestrian view

2 Perspective East
bird's eye

NOTE: landscape indicative only, for details refer to landscape documentation

CO-AP

A	7/9/21	Development Application	PB
REV	DATE	NOTE	DRAWN

PROJECT Sweeney Apartment, 55/107 Macpherson Street Bronte		DRAWING Perspective - Sheet 01		SCALE / A3 NTS
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DEVELOPMENT APPLICATION

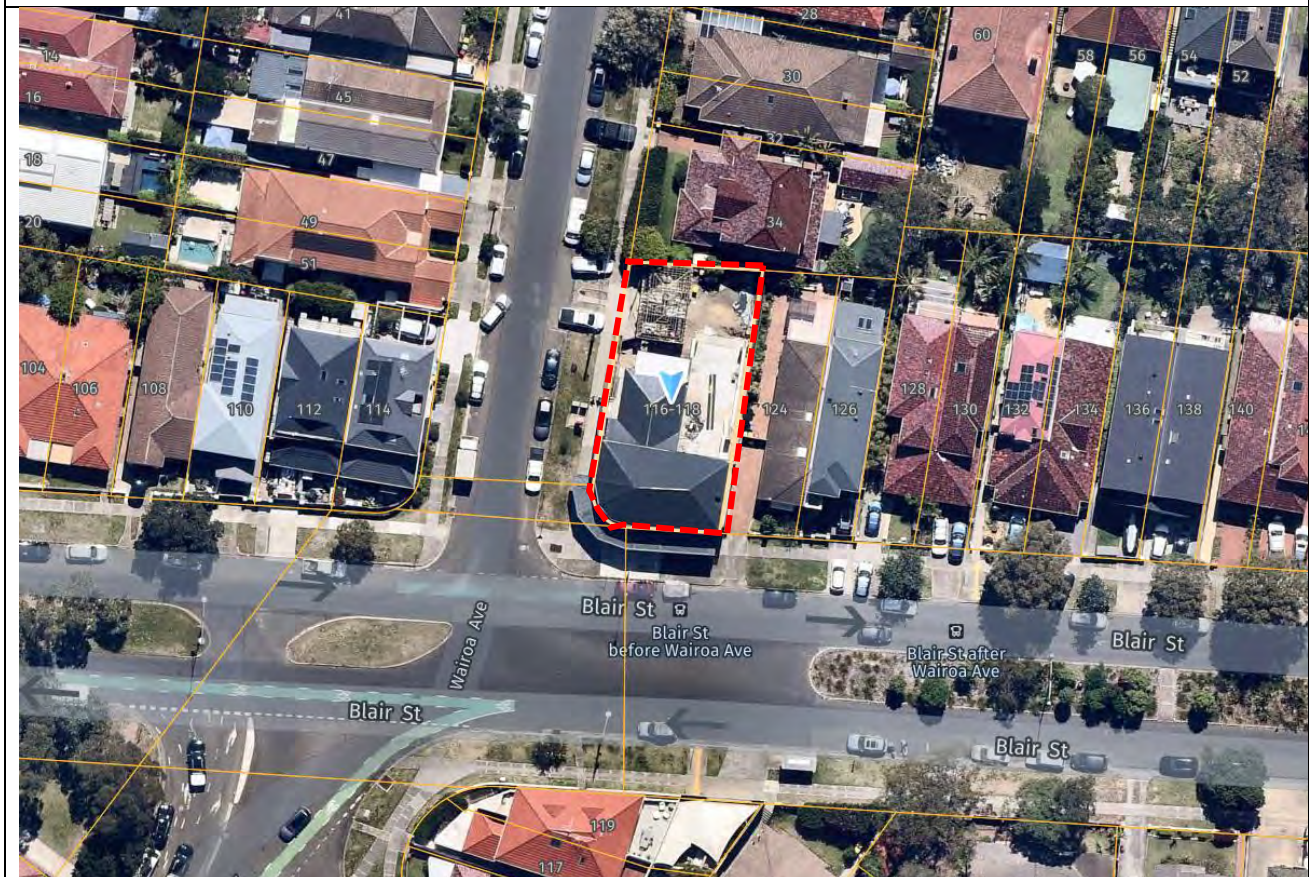


Commercial and Retail Development

Report to the Waverley Local Planning Panel

Application number	DA-338/2021
Site address	116-122 Blair Street, NORTH BONDI
Proposal	Change of use of two premises at ground floor level to a Neighbourhood Supermarket
Date of lodgement	20 August 2021
Owner	Monforo Pty Ltd
Applicant	Monforo Pty Ltd
Submissions	21 unique objections and 18 letters of support
Cost of works	\$16,500.00
Principal Issues	<ul style="list-style-type: none"> Morning hours of operation
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the change of use of two ground floor commercial premises to a Neighbourhood Supermarket at the site known as 116-122 Blair Street, NORTH BONDI.

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

- Morning hours of operation; and
- Operational management of site.

The assessment finds these issues acceptable, subject to a 12 month trial for the operating hours between 6.30am and 7.00am. The operational management of the site generally complies with the definition of the use under the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) and is acceptable.

A total number of 21 unique objections were received and 18 letters of support. The issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 19 October and 6 November 2021.

The site is identified as Lot 26 in DP 15703, known as 116-122 Blair Street, North Bondi. The site is located on the northern side of Blair Street, at the corner of Wairoa Avenue.

The site is generally rectangular in shape, with a southern boundary (Blair Street frontage) of 10.75m, chamfered south-west boundary (Blair Street and Wairoa Avenue intersection) of 6.91m, western boundary (Wairoa Avenue frontage) of 25.91m, northern boundary of 15.3m and eastern side boundary of 30.48m. The site has an area of 459.9m² and falls to Blair Street in a north-south direction by approximately 0.8m.

The site is currently occupied by a part-one, part-two storey mixed-use building, of brick construction, with a detached garage and rear landscaping. The building comprised two commercial tenancies (a convenience store and hairdressing salon, which are now vacant) at the ground floor and two residential attached dwellings at the ground and first floor.

Vehicular access is provided from Wairoa Avenue, with a three-car garage located in the north-west corner of the site. The site comprises no significant trees or vegetation. The site is adjoined by a single-storey semi-detached residential dwelling to the east (124 Blair Street) and a two-storey detached residential dwelling to the north (34 Wairoa Avenue). The locality is characterised by a variety of residential and commercial developments, including semi-detached and detached dwellings, residential flat buildings and shopfronts on Wairoa Avenue.

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



Figure 1: Subject site viewed from Blair Street looking north-east.



Figure 2: Subject site viewed from Wairoa Avenue looking south

1.3. Relevant Development History

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

- **CD-194/2020:** Complying Development Certificate for internal alterations of the existing shops. The current operating hours are from 7.00am to 9.00pm.
- **DA-248/2020:** Alterations and additions to existing residential dwelling forming part of a mixed use development, including partial demolition, internal reconfiguration and swimming pool at rear, approved 24 February 2021 by WLPP.
- **DA-269/2020:** intensification of existing use as a neighbourhood shop, and associated works including fit out and landscaping including change in operating hours from 6.30am to 9.30pm, approved 15 March 2021.
- **DA-269/2020/A:** Modification to the determination of the approved use from a neighbourhood shop to a neighbourhood supermarket, withdrawn 23 July 2021.

1.4. Proposal

The development application seeks consent for the change of use from a neighbourhood shop to a neighbourhood supermarket and internal fit-out works for, specifically the following:

- Demolition of the existing internal walls; and
- Fit out of the area to provide for one single neighbourhood supermarket, including aisles, a service counter, fridges, and an external bin storage area.

The proposed hours of operation for the premises are as follows:

- 6.30am to 9.30pm Monday to Sunday

The application proposes to utilise the site as a 'Milk Run', which involves the following:

- Customer will download the 'Milk Run' app, which will enable them to purchase groceries online.
- Once the purchase has been made, the customer has the option of travelling to the supermarket and picking up their items from the customer service counter, or having the produce delivered via a delivery service.
- The delivery service will have a maximum of 10 'riders' who will use electric bicycles to deliver the produce.

A total of 16 staff are proposed on site, including 10 delivery riders and 6 'hub' staff managing the walk-in customers and the packing of orders.

No signage is proposed as part of this application.

1.5. Background

The development application was lodged on 20 August 2021 and deferred on 20 September 2021 for the following reasons:

1. A Plan of Management was requested to accompany the application;
2. Clarification was sought as to the actual use of the site, including the request for more details on its operation; and
3. Clarification on the mechanical plant and refrigeration equipment in relation to acoustic concerns raised by Council's Environmental Health officer.

The above additional information was submitted to Council on 19 October 2021 and has addressed the above.

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. Waverley LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development does not contravene the aims of this plan
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as 'neighbourhood supermarket', which is permitted with consent in the R3 zone. This is discussed in more detail below.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	N/A	No change is proposed to the overall height of the building.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.6:1 	N/A	No changes are proposed to the existing floor space area on site.

Provision	Compliance	Comment
Part 5 Miscellaneous provisions		
5.4 Controls relating to miscellaneous permissible uses	Yes	As the neighbourhood supermarket will not be more than 1,000m ² in area, the development complies with this control.

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

Land Use

The existing uses on site are a 'commercial premise' and 'neighbourhood shop', which are prohibited in the 'R3' *Medium Density Residential Zone* due to the existing size of the neighbourhood shop being more than 80m² in accordance with Part 5.4 *Controls Relating to Miscellaneous Permissible Uses* under the Waverley LEP 2012. The application is seeking to amend the use of the site to a 'neighbourhood supermarket' as it is a permitted use in the R3 zone. The applicant has provided information on the ongoing operations of the site, which are detailed in section 1.4 of this report. The proposed use of the supermarket for a 'Milk Run' will result in the shop being used as a takeaway shop only, i.e. customers are only allowed on site to pick up orders rather than browse through the aisles.

A 'neighbourhood supermarket' is defined under the Waverley LEP 2012, as a "*premises the principal purpose of which is the sale of groceries and foodstuffs to provide for the needs of people who live or work in the local area. Neighbourhood supermarkets are a type of shop*".

In accordance with the Waverley LEP 2012 definitions, a shop has been defined as a "*premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises. Shops are a type of retail premises*".

A retail premises is defined under the Waverley LEP 2012 as "*a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale) but does not include highway service centres, service stations, industrial retail outlets or restricted premises. Retail premises are a type of commercial premises*".

A commercial premises has been defined under the Waverley LEP 2012 as "*any of the following—(a) business premises, (b) office premises, (c) retail premises*". Whilst it is acknowledged that a commercial use is prohibited in this zone, it is important to identify its definition to determine whether the use of the site as a 'Milk Run' fits in with the definition of 'neighbourhood shop'.

None of the above definitions specify that a customer must be able to enter and browse the premises in order for it to be classified as a 'neighbourhood supermarket'. Furthermore, it is not unusual for supermarkets to provide a 'click and collect' or delivery service. As such, the use of the site and the ongoing operations proposed as a 'Milk Run' comply with the definitional use of the site as a 'neighbourhood supermarket' and is considered to be acceptable in this instance.

Nonetheless, in order to avoid the use of the site turning into a 'warehouse or distribution centre', a condition is recommended to be placed on the consent to restrict deliveries to residential customers only.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory, subject to conditions of consent. Refer to section 3 of this report on referral commentary in relation to waste.
2. Ecologically Sustainable Development	Yes	Given the minimal building work proposed as part of this DA and the small size of the shop, it is considered that the development would not result in an adverse impacts.
6. Stormwater	Yes	No changes are proposed to the existing stormwater management on site.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport	Yes	The proposal provides for 1 car space, which is already existing on site. Refer to section 3 of this report on referral commentary in relation to traffic.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
12. Design Excellence	Yes	The applicant has provided a 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.
15. Advertising and Signage	N/A	No changes are proposed to the existing signage on site.
16. Public Domain	N/A	No changes are proposed to the public domain as a result of the proposal.

Table 3: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages	Yes	The existing frontage is proposed to be retained, with the replacement of the shopfront glazing along the eastern section facing Blair Street (previously known as Tenancy 2).
1.2.2 Awnings	N/A	No changes are proposed to the existing awning, which will be retained for the full length of the commercial tenancy.
1.2.3 Lighting	Yes	The proposal does not alter the existing awning lighting and no additional lighting is proposed on site. The proposal includes the provision for the fit out of new non fluorescent lighting from inside the shop, which is acceptable.
1.2.3 General Amenity (a) The design and use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary. (d) No goods shall be placed on the footpath without Council consent. (e) Premises shall be designed so that customers cannot be served directly from Council's footpath (i.e. via a bar or servery)	Yes	<p>The design of the building is not proposed to change.</p> <p>The use of the site to only provide a takeaway pick-up and delivery service will reduce the impacts of traffic and pedestrian congestion in the immediate area. As customers are unable to browse the shop, it will reduce the amount of vehicular traffic within the area and will result in less demand on parking. Furthermore, it will result in fewer customers visiting the site, which will mean less pedestrian traffic to the location.</p> <p>As only 10 'riders' will be working at any one time, the congestion along the street is considered to be minimal. Furthermore, it is not expected that all 10 riders would be on site at the same time for most of the duration of the operating hours.</p> <p>No goods are proposed on Council's footpath and the premises has been designed to not allow customers to be served from Council's footpath.</p>
1.2.4 Noise	Yes	An acoustic report has been submitted with the application and reviewed by Council's Environmental Health officer and is considered satisfactory. It is recommended that the report be included in the conditions of consent.
1.3 Hours of operation		
(a) General base trading hours:	Yes	The proposed operating hours are from 6.30am to 9.30pm, which is existing on site as approved by DA-269/2020. The opening hours would not fit in with the general base trading hours prescribed

Development Control	Compliance	Comment
(i) 7.00am to 10.00pm, 7 days a week (b) Extended trading hours on a 1 year trial basis will be considered up to 6.00am to 11.00pm, Fridays and Saturdays only.		in the control by 30 minutes in the morning (6.30am -7.00am). In accordance with section (b) of this control, a 1 year trial is recommended for the 30 minute extension in the morning. Standard conditions for the trial will be placed on the consent.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

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

A total of 21 unique objections were received and 18 letters of support. The unique objections were received from the following properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	49 Wairoa Avenue, North Bondi x 3
2.	30 Wairoa Avenue, North Bondi
3.	114 Blair Street, North Bondi
4.	51 Wairoa Avenue, North Bondi
5.	Unknown address x 2
6.	45 Wairoa Avenue, North Bondi
7.	126 Blair Street, North Bondi
8.	53 Wairoa Avenue, North Bondi
9.	102 Blair Street, North Bondi
10.	47 Wairoa Avenue, North Bondi
11.	26 Wairoa Avenue, North Bondi
12.	16A Wairoa Avenue, North Bondi
13.	21 Wairoa Avenue, North Bondi
14.	99 Murrivierie Road, North Bondi
15.	1 Wairoa Avenue, North Bondi
16.	23 Wairoa Avenue, North Bondi
17.	49 Wairoa Avenue, North Bondi

18.	34 Wairoa Avenue, North Bondi
19.	25 Wairoa Avenue, North Bondi

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

Issue: The use of the site as a 'Milk Run' does not fall under the use of 'neighbourhood supermarket' as customers cannot enter and browse the premises. The use is classified as a warehouse distribution centre.

Response: The use of the site operating as a 'Milk Run' complies with the definition of 'neighbourhood supermarket' under the Waverley LEP 2012. This is discussed further in Section 2.1.2 of this report.

Issue: The take-away only approach of the site will result in a large number of 'riders' blocking up Council's footpath.

Response: The Plan of Management specifies that only 10 'riders' will be operational at any one time. As detailed in the Referral section of this report, a condition of consent is recommended to require all bicycles to be parked on site at all times when not being utilised.

Issue: "Our little relatively peaceful corner is going to be chaotic, busy with bikes drivers and an operation that currently operates till midnight at their various locations."

Response: See response above regarding bicycle riders. The application has proposed operating hours of 6.30am to 9.30pm and will therefore not be operating until midnight.

Issue: The use of the site as a 'Milk Run' will devalue the surrounding properties.

Response: The value of surrounding properties is not a planning matter and cannot be taken into consideration throughout the assessment of an application.

Issue: The use of the site is not in keeping with the community spirit of the back streets of North Bondi.

Response: The use of the site as a 'Milk Run' complies with the definition of 'neighbourhood supermarket' and is therefore permitted with consent in this zone. As discussed in the body of the report, the take away aspect of the proposal is not an unusual part of operating a neighbourhood supermarket.

Issue: Noise impacts associated with the premises.

Response: It is not envisaged that the site would incur additional noise from the proposed use on site. Notwithstanding, an acoustic report has been submitted and reviewed by Council's Environmental Health officer who is satisfied that there will be no unreasonable noise impacts to surrounding properties.

Issue: The proposed operational use of the site is vague and does not provide details including how the business will be run, whether customers will be able to walk into the shop and browse, whether a loading zone will be required that will limit parking etc.

Response: Noted. Additional information has since been submitted providing details of the above information. This has been specified and discussed in the body of the report and will form part of the conditions of consent in the form of a Plan of Management.

Issue: Impacts from the loading/unloading of delivery trucks to the site.

Response: The loading and unloading from delivery trucks to the site has been assessed by Council's Traffic engineer who has recommended a condition limiting the size of the delivery van to reduce impacts to the area.

Issue: limited benefit to the surrounding community, as it does not allow public access into the premises.

Response: The use of the site will be take-away only and will service the suburbs of Bondi, North Bondi and Dover Heights. Therefore, the only people that will benefit from this use of the site will be the local residents.

Issue: Traffic congestion from the new use.

Response: As mentioned in the body of the report, as the operation use only allows take-away, it is envisaged that traffic demand will be reduce from the existing operation on site.

Issue: The use of the site as a 'neighbourhood supermarket' is inappropriate in this location.

Response: The use of the site as a neighbourhood supermarket is permitted with consent in the R3 medium density residential zone. As mentioned in the body of the report, the previous use as a neighbourhood shop was a prohibited use and therefore the new use has been proposed to comply with the Waverley LEP 2012 permissible uses. Furthermore, the site will largely remain as a grocery store which was previously existing on site. Therefore, the use is considered acceptable in this location.

Issue: The new entrance from Wairoa Avenue is an intrusion to the residential area.

Response: The entrance door along Wairoa Avenue is already existing and is not proposed to change as part of this development.

Issue: Concerns regarding waste disposal.

Response: The application has been assessed by Council's waste officer and comments are at Section 3 of this report.

Issue: Operating hours of operation are unreasonable and will result in noise and amenity impacts.

Response: As mentioned in the body of the report, the operating hours comply with the base hours allowed on site, with the exception of 30 minutes between 6.30am and 7.00am. it is not envisaged that the additional 30 minute operation time will have an unreasonable impact on the amenity for local residents. Notwithstanding this, a condition has been recommended to allow the 30 minute extension on a 12 month trial basis to enable Council to assess the impacts over a 1 year timeframe.

Issue: *Digital platforms such as MilkRun, Uber and Deliveroo have come under intense scrutiny given the deaths of drivers who are often sub contractors rather than employees meaning that significant rights are not afforded to these vulnerable people (who are often typically from low socio economical backgrounds and/or are migrants). Electric bikes delivering groceries is not suitable where buses and traffic turn into Wairoa Avenue from Blair Street.*

Response: It is expected that all 'riders' will comply with road and traffic rules. The liability of each driver is not a planning matter and cannot be taken into consideration.

Issue: Noise impacts from delivery times being very early/late.

Response: All deliveries to the site will occur between the proposed operating hours of 6.30am to 9.30pm.

Issue: The site notice was not displayed for the full notification period.

Response: The proposed development was not required to provide a site notice fronting the property in accordance with *The Waverley Community Development Participation and Consultation Plan 2019*.

Issue: The NCC report submitted with the application is incorrect in relation to disability access.

Response: The NCC report has been reviewed by Council's fire safety officer and comments are at Section 3 of this report and suitable conditions recommended.

Issue: The corner location of the site currently has traffic safety concerns for pedestrians and vehicles crossing the road.

Response: No changes are proposed to the corner location of the site, nor the existing traffic in the area. As mentioned through this report, the traffic to the site is likely to reduce due to the use offering take-away only. This will therefore improve traffic in this particular location.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Fire Safety

Council's Fire Safety officer has reviewed the design and made the following comments:

The application has been accompanied by a NCC Assessment Report prepared by Beau Zaia of Credwell Consulting Pty Ltd, dated 28th July 2021 with Reference No. C20495-NCC-r3. The subject report identifies existing BCA deficiencies and provides a number of recommendations for the fire safety upgrading of the existing building pursuant to Clauses 94 of the Environmental Planning and Assessment Regulation 2000.

The recommendations are considered satisfactory and will need to be undertaken as part of this development consent.

Standard conditions have been recommended by the Fire Safety officer and included in the conditions of consent.

3.2. Waste Management

Council's waste management officer has reviewed the design and made the following comments:

The SWRMP is insufficient as the applicant has underestimated the number of bins required for a supermarket and has not provided any space for bulky waste storage of reusable packaging such as pallets or crates.

Standard conditions have been recommended, including an increase in bin storage to provide for appropriate waste management for the use of the site as a neighbourhood supermarket.

3.3. Traffic and Transport

Council's Traffic engineer has reviewed the design and made the following comments:

The site has consent for intensification of use as a neighbourhood shop including fit out and landscaping, and extension of operating hours from 6.30am to 9.30pm, 7 days a week. (DA-269/2020).

It has access to a single garage off Wairoa Avenue. No changes to the garage or access are proposed.

The Plan of Management proposes the use of parking on Blair Street and the garage on site by delivery drivers. 10 riders and 6 "hub" staff managing the walk-in customers, picking and packing of orders, inventory, merchandising and delivery are proposed.

10 riders would indicate 10 bicycles and/or motorbikes. The PoM does not specify how larger deliveries would be handled. This would presumably be via car. However, the demand for such loads would be low and probably could be split between riders if necessary.

There are three issues in relation to traffic and parking:

- 1. Whether the traffic generated by the development has adverse impacts on the local community.*
- 2. Whether adequate provision is made for parking.*
- 3. Whether the supermarket should be treated as a distribution warehouse.*

Issue 1 – Traffic

The traffic generated by the development includes customers, inbound deliveries by truck and outbound deliveries by bicycle.

The size of inbound delivery trucks can be controlled by specifying the maximum length of truck that can service the premises. A small rigid vehicle length of 6.6 metres would be appropriate. This can accommodate a 4.5 GVM truck. This can be conditioned.

The use of bicycles and motor bikes reduces traffic impacts of the alternative which would be customers driving to the supermarket.

Traffic impacts overall will not be significant.

Issue 2 – Parking

The plan of management indicates up to 10 bike riders will be undertaking deliveries. It is appropriate parking for these riders to be provided on street. The area between the garage and property boundary should be designated for bike parking. This can be conditioned.

Issue 3 – Distribution centre

The proposed development is not a “distribution warehouse”. The proposed delivery service can be provided under the current consent. Nevertheless a condition restricting deliveries to residential customers only is proposed below for consideration.

The recommended conditions have been included in the conditions of consent.

3.4. Environmental Health

Council’s Environmental Health officer has reviewed the proposal and documents and is supportive, subject to conditions of consent.

4. CONCLUSION

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

Development and Building Unit (DBU) Decision:

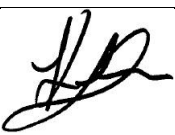

The application was reviewed by the DBU at the meeting on 26 October 2021 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Katie Johnstone	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 5 November 2021	Date: 10 November 2021

Reason for WLPP referral:

- 1 Contentious development (10 or more objections)

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Bureau SRH Architecture of Project No. 20006 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
EX101 Rev. A	Demolition – Ground Floor Plan	22/07/2021	20/08/2021
DA101 Rev. A	Proposed Ground Floor Plan	22/07/2021	20/08/2021
DA201 Rev. A	Elevations – West and South	22/07/2021	20/08/2021
DA300 Rev. A	Sections	22/07/2021	20/08/2021

- (b) National Construction Code Report and documentation prepared by Credwell reference No. C20495-NCC-r1 dated 28 July 2021, and received by Council on 20 August 2021
- (c) Plan of Management prepared by Planning Ingenuity and received by Council on 19 October 2021
- (d) Acoustic Report prepared by Vipac Engineers and Scientists Limited reference No. 20E-20-0228TRP030550211-2, received by Council on 19 October 2021
- (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 20 August 2021

Except where amended by the following conditions of consent.

2. PLAN OF MANAGEMENT

Prior to the issue of any Construction Certificate, an updated Plan of Management is to be submitted to and approved by the Executive Manager, Planning Assessment (or delegate) and is to include the following:

- (a) The Plan of Management is to be amended to include the following subheadings in order to better manage traffic in the surrounding area and to ensure the use of the site is maintained as a 'neighbourhood supermarket':
- (i) **DELIVERIES TO THE SITE**
Trucks in excess of 6.64 metres long (small rigid vehicle) are not permitted to be used for deliveries to the site.
- (ii) **PARKING OF BICYCLES**
All bicycles used by the 'riders' are to be parked wholly within the property boundary when not in use. This includes picking up orders and waiting for orders to be placed by customers.

(iii) **DELIVERIES FROM THE SITE**

Customer deliveries from the store are to be provided for residential customers only. Deliveries to other stores are not permitted.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

CONTRIBUTIONS, FEES & BONDS

4. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$1,200.00** 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 provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's cost for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

5. LONG SERVICE LEVY

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

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

CONSTRUCTION MATTERS

6. HOARDING

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

WASTE

7. 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.

8. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential components of the development;

- (a) Minimum bin requirements
 - **Commercial – Supermarket (173m²)**
 - 8 x 240L or 3 x 660L MGB for general waste (collected 4 times per week)
 - 3 x 240L or 2 x 660L MGB for comingled recycling (collected 4 times per week)
 - Number of bins and frequency of collection must be monitored and adjusted to meet waste generation needs, particular in peak season (summer)
- (b) Extra space is required to store bulky cardboard, packaging related to deliveries and reusable products such as milk/bread carts, etc (This storage areas must be marked on the drawing)
- (c) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (d) The proposal must have a system for the convenient transportation of waste and recyclables to the storage area and the point of collection (i.e. doorways must be 1.5 m wide to allow passage of 660L bins, if being used).

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

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. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

11. 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

12. CONSTRUCTION HOURS

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

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

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

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

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

14. CONSTRUCTION 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

15. CONSTRUCTION INSPECTIONS

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

TREE PROTECTION AND REMOVAL

16. 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.

ENVIRONMENTAL HEALTH

17. REFRIGERATION UNITS & MECHANICAL PLANT

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

18. MECHANICAL VENTILATION SYSTEMS

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

19. NO BARBECUE OR CHARCOAL TYPE COOKING

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

FIRE SAFETY

20. FIRE SAFETY UPGRADING WORKS

- a) Fire safety upgrading works are to be undertaken in accordance with all recommendations detailed in the NCC Assessment Report prepared by Beau Zaia of Credwell Consulting Pty Ltd, dated 28th July 2021 with Reference No. C20495-NCC-r3.
- b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required

upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

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

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

CERTIFICATION AND LICENCES

21. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections.

Documentary evidence of all required inspections is to be submitted to Council.

MANAGEMENT PLANS

22. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant.

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water and any other relevant contractor to ensure a valid Trade Waste Agreement is in place for all trade wastes. Copies of these agreements shall be forwarded to Council.
- (d) The role and responsibility of managing composting facilities (if provided).
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) All waste and recycling bins must only be placed out on Council footpath for collection the morning of the collection day (no earlier than 5:30am) and retrieved from the kerbside as early as possible the same day of collection.
- (i) Any drum containing brewery waste must be sealed to avoid odours.

- (j) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.
- (k) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (l) At no times shall bins or other products (e.g. kegs and pallets) be stored on the public domain (e.g. footpaths).
- (m) Details of ongoing waste management strategy are to be documented within the SWRMP and reviewed every 5 years to employ updated waste reduction strategies and technologies.

FIRE SAFETY

23. BUILDING CODE OF AUSTRALIA

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

24. ESSENTIAL SERVICES - EXISTING BUILDING

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

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

FOOD PREMISES

25. FOOD PREMISES

The fitout of the premises must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation.

https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety

26. 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.

27. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic conditions of consent (including the operational conditions) have been satisfied.

28. CERTIFICATION OF ALL MECHANICAL PLANT

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

29. FOOD PREMISES

The premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer prior to the issue of the Occupation Certificate.

30. HOURS OF OPERATION WITH ONE YEAR TRIAL FOR EXTENDED HOURS

This consent allows for a one (1) year trial period as follows:

Monday to Sunday: 6.30am to 7.00am

The trial period starts from the date of approval and ceases on the anniversary of that date. Unless a further consent is granted for the extended hours, the operational hours will revert to the base hours.

E. OPERATIONAL MATTERS

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

31. HOURS OF OPERATION

The hours of operation for the premises are restricted to:

Monday to Sunday: 7.00am to 9.30pm

32. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.

AMENITY & SAFETY

33. AMENITY

The management of the premises is to:

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

34. 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.

35. 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.

36. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

TRAFFIC

37. DELIVERIES TO THE SITE

- (a) Trucks in excess of 6.64 metres long (small rigid vehicle) are not permitted to be used for deliveries to the site.
- (b) All deliveries to the site must occur between the approved operating hours.

38. DELIVERIES FROM THE SITE

Customer deliveries from the store are to be provided for residential customers only. Deliveries to other stores are not permitted.

39. PARKING OF BICYCLES

All bicycles used by the 'riders' are to be parked wholly within the property boundary when not in use. This includes picking up orders and waiting for orders to be placed by customers.

40. NO ROLLER SHUTTERS

No approval is given for external roller shutters on windows or doors.

F. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4. SEPARATE APPLICATION FOR SIGNAGE

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

AD5. TREE REMOVAL/PRESERVATION

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

AD6. SIGNS/GOODS IN THE PUBLIC WAY

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

AD7. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics

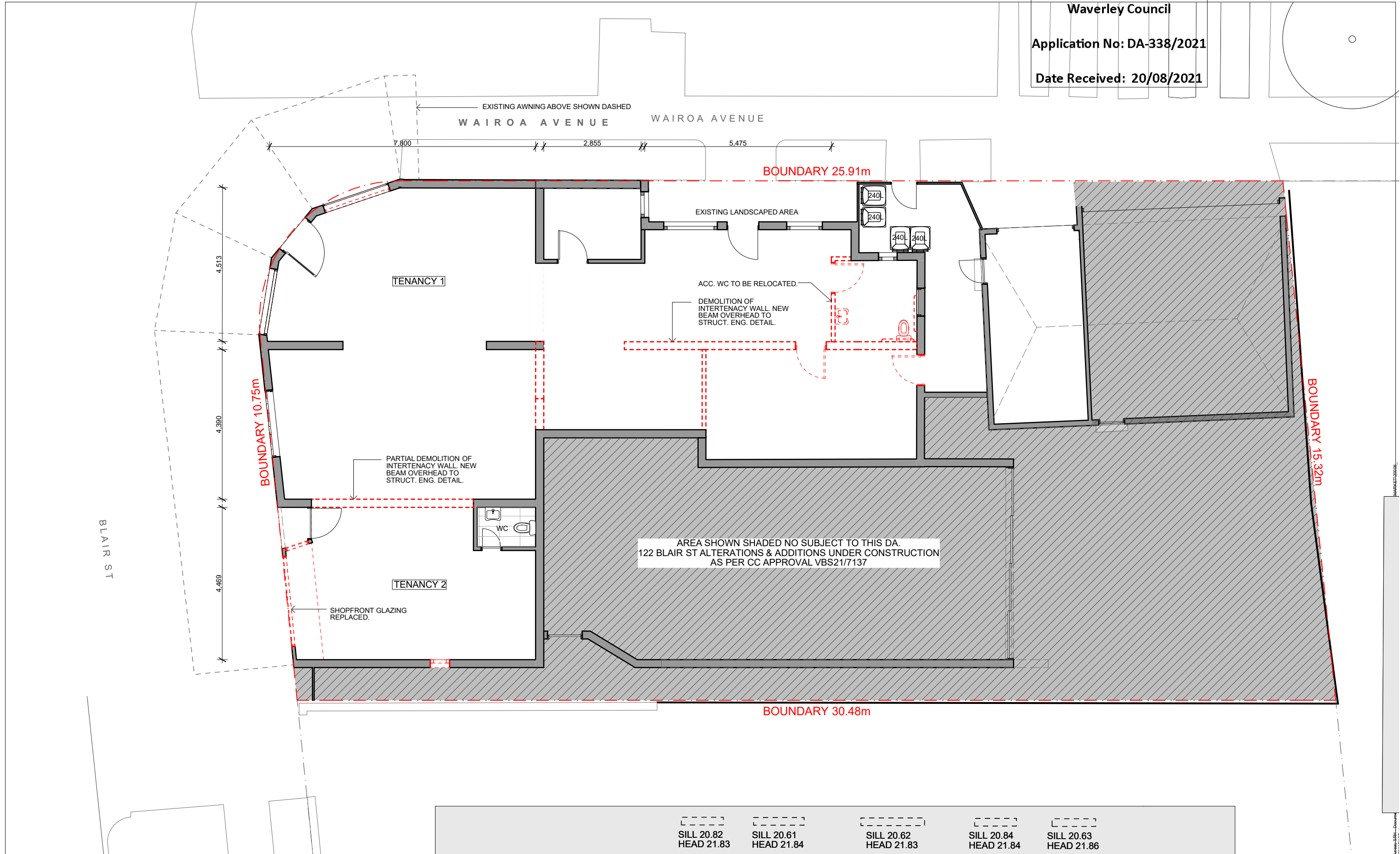
Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

AD8. NO COOKING ON SITE

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

AD9. USE OF THE SITE

The site must not under any circumstances be used as a 'warehouse or distribution centre' as defined by the Waverley LEP 2012.



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NOMINATED ARCHITECT: SIMON HANSON # 6739

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LEGEND:

--- EXTENT OF EXISTING DWELLING TO BE DEMOLISHED

--- EXISTING WALLS TO REMAIN

--- EXISTING RETAIL SPACE NOT SUBJECT TO THIS DA

ALTERATIONS TO COMMERCIAL PREMISES		
REV	DATE	NAME
A	22/07/2021	DA SUBMISSION

20006_116-122 BLAIR ST NORTH BONDI

PROJECT No: 20006

STAGE:
DA

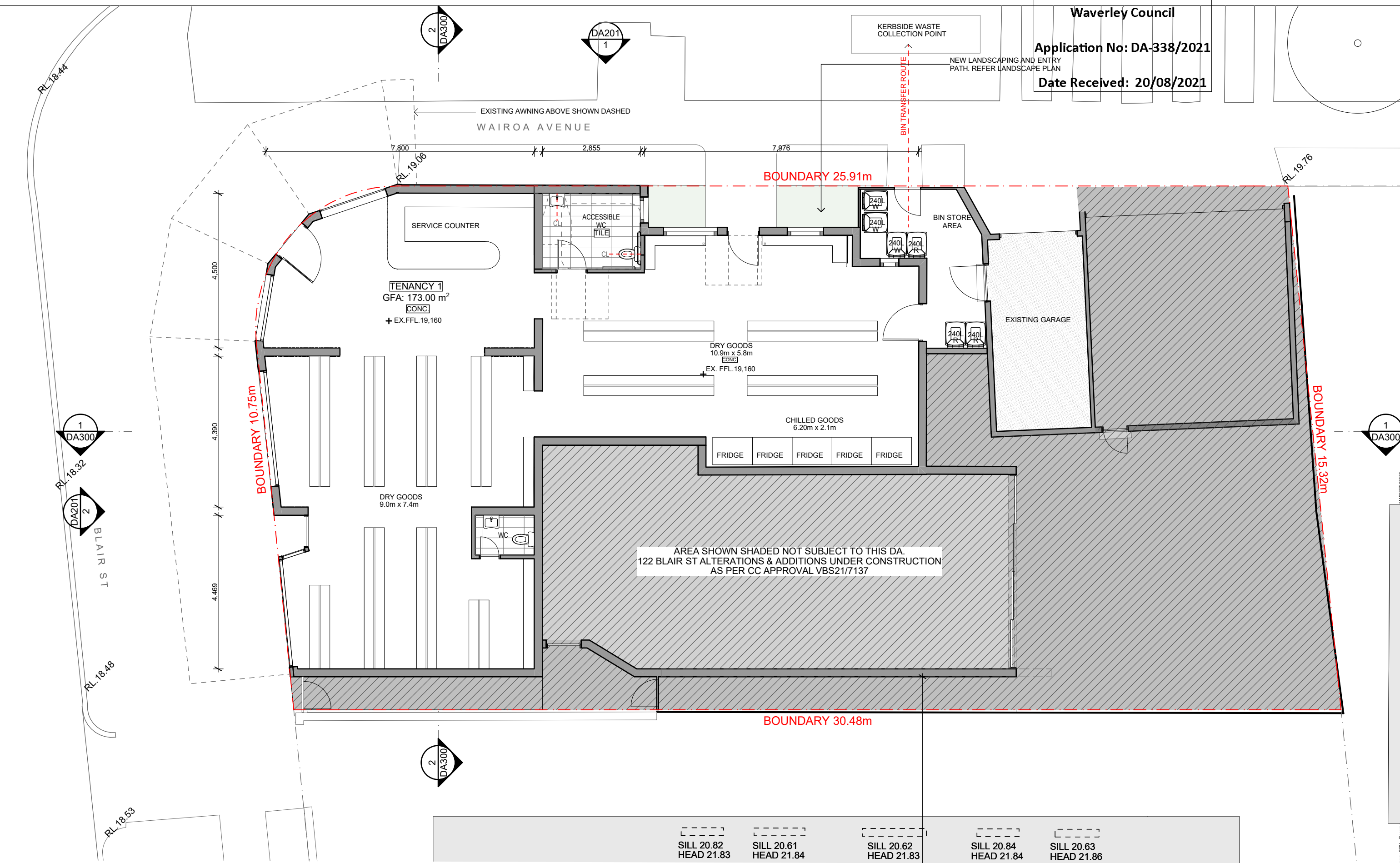
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DRAWING TITLE:
DEMOLITION PLAN -
GROUND FLOOR PLAN

CLIENT: MONFORO PTY. LTD. CHECKED: SRH
DRAWN: EO APPROVED: SRH

DRAWING No:
EX101

REVISION:
A



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EXISTING WALL TO REMAIN

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ALTERATIONS TO COMMERCIAL PREMISES

REV	DATE	NAME
A	22/07/2021	DA SUBMISSION

20006_ 116-122 BLAIR ST NORTH BONDI

STAGE:
DA

SCALE @ A3:
1:100

Z

DRAWING TITLE:
PROPOSED GROUND FLOOR PLAN

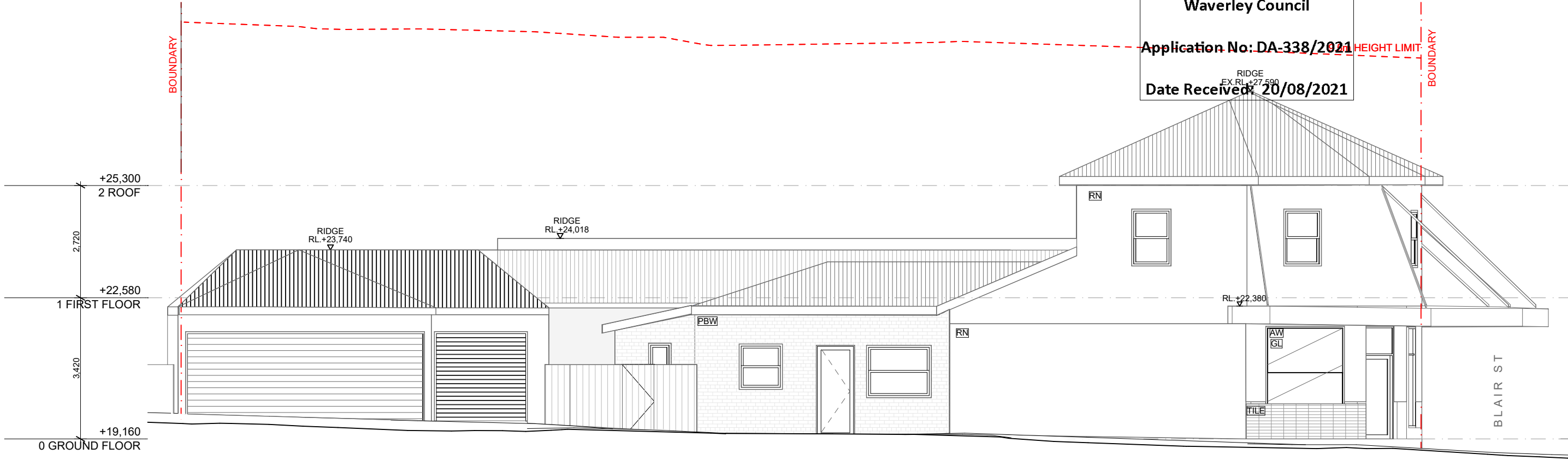
CLIENT: **MONFORO PTY. LTD.** | CHECKED: **SRH** | APPROVED: **SRH**

DRAWN: **EO**

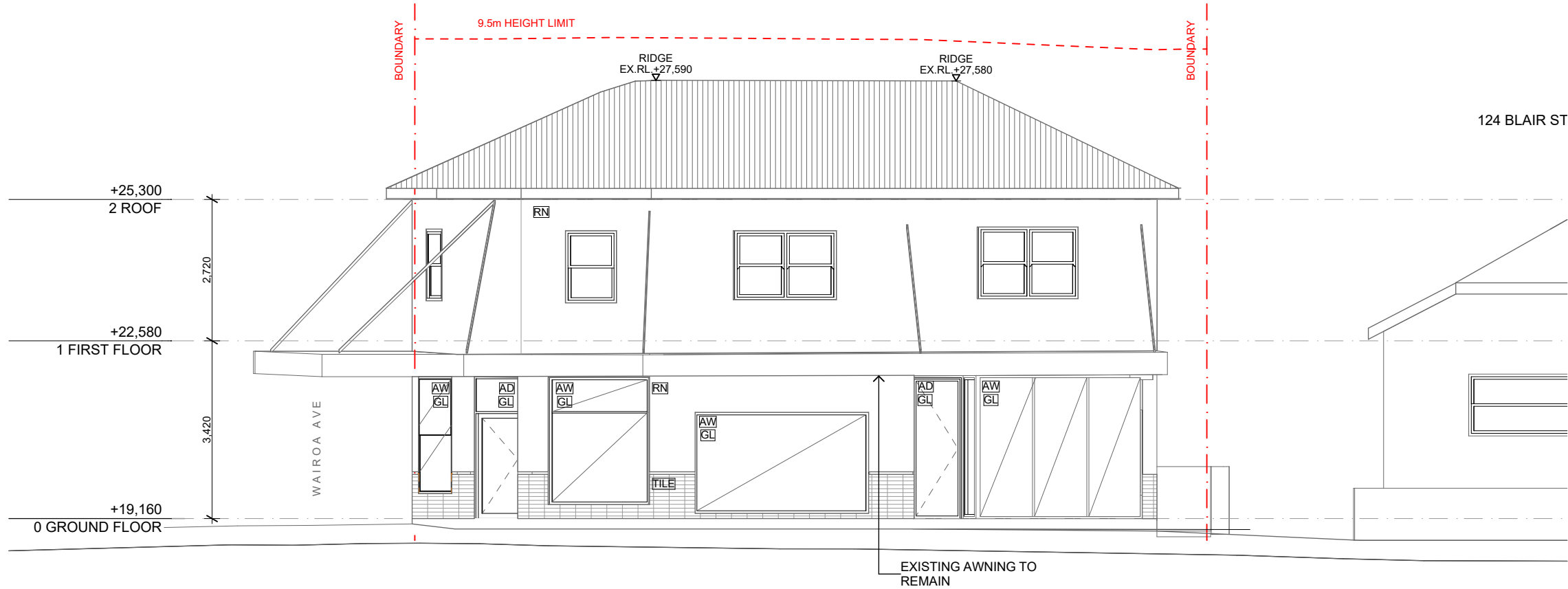
PROJECT No: **20006**

DRAWING No:
DA101

REVISION:
A



1 WEST ELEVATION - PROPOSED
1:100



2 SOUTH ELEVATION - PROPOSED
1:100



TILE: EXTERIOR SUBWAY TILE



RN: CEMENT RENDER - LIGHT

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LEGEND:

AW

AD

GL

RN

TILE

ALUMINIUM WINDOW

ALUMINIUM DOOR SUITE

GLAZING - CLEAR

CEMENT RENDER - LIGHT

TILE FINISH

ALTERATIONS TO COMMERCIAL PREMISES

REV	DATE	NAME
A	22/07/2021	DA SUBMISSION

20006_ 116-122 BLAIR ST NORTH BONDI

PROJECT No: 20006

STAGE: DA

SCALE @ A3: 1:100, 1:2.55

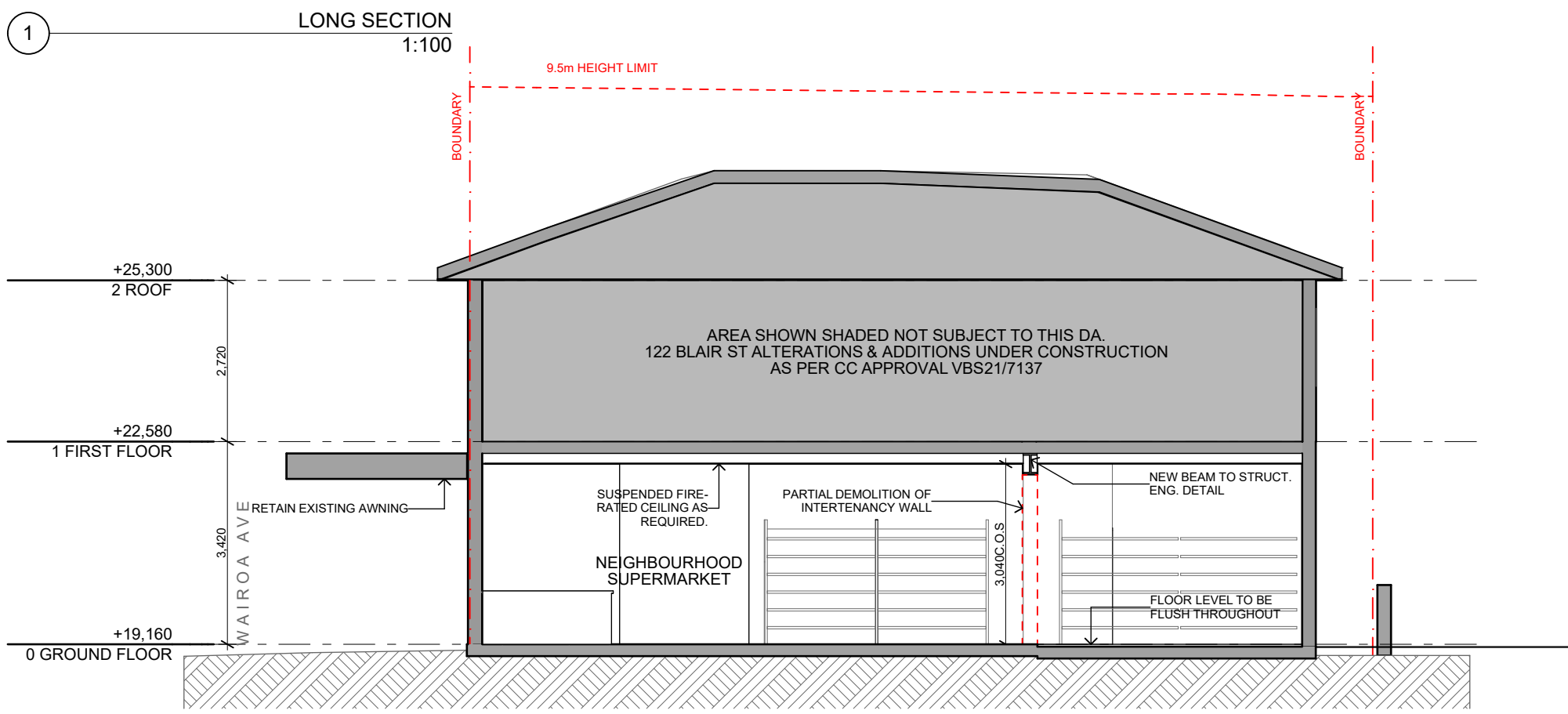
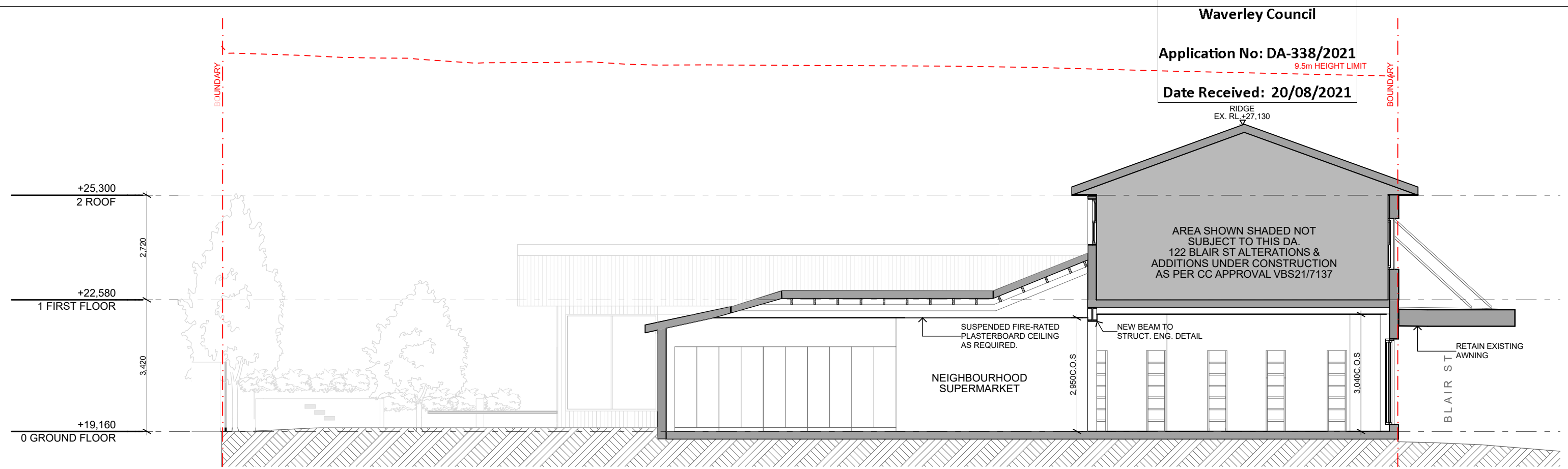
DRAWING TITLE: ELEVATIONS - WEST & SOUTH

CLIENT: MONFORO PTY. LTD. CHECKED: SRH

DRAWN: EO APPROVED: SRH

DRAWING No: DA201

REVISION: A



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LEGEND:

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE DEMOLISHED

MIXED-USE		
REV	DATE	NAME
A	22/07/2021	DA SUBMISSION

20006_ 116-122 BLAIR ST NORTH BONDI		PROJECT No: 20006
STAGE: DA	DRAWING TITLE: SECTIONS	
	CLIENT: MONFORO PTY. LTD.	CHECKED:
SCALE @ A3: 1:100	DRAWN:	APPROVED: SRH
DRAWING No: DA300		REVISION: A



Report to the Waverley Local Planning Panel

Application number	DA-320/2021
Site address	12 Narelle Street, North Bondi
Proposal	Alterations and additions to semi-detached dwelling including new first floor addition and parking.
Date of lodgement	10 August 2021
Owner	Mrs S Rihani
Applicant	Mrs S Rihani
Submissions	Nil
Cost of works	\$495,000
Principal Issues	<ul style="list-style-type: none"> • Exceedance to Height and FSR • Removal of the front façade of the dwelling for parking • Overshadowing • Lack of cohesion between the semi-detached pair (No. 10)
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the alterations and additions to a semi-detached dwelling, including new first floor addition and parking at the site known as 12 Narelle Street, North Bondi.

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

- Exceedance to Height of building and FSR standards;
- Demolition to the front portion of the dwelling for parking;
- Overshadowing; and
- Lack of cohesion between the semi-detached pair (No. 10).

The assessment finds these issues unacceptable, as the proposal exceeds the height development standard by 16% and the FSR development standard by 3.4%. Approximately half of the first floor addition is over the height development standard, which will overshadow neighbouring properties and result in adverse environmental impacts.

The proposal is inconsistent with the objectives of the height and FSR development standards, as the proposal results in an unacceptable amenity impacts and does not preserve the amenity of surrounding properties. The proposal is also not consistent with the surrounding low density development or the desired future character anticipated by the controls. In addition, the site conditions do not permit parking without significant demolition to the front of the dwelling, which would have detrimental impacts to the semi-detached pair and streetscape.

No submissions were received during the notification period.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 23 August 2021.

The site is identified as Lot 481 in DP 209061, known as 12 Narelle Street, North Bondi.

The site is rectangular in shape with a northern frontage to Narelle Street, measuring 6.115m. It has an area of 218m² and falls from the front northern boundary towards the southern boundary by approximately 5.03m.

The site is occupied by a part one/two storey semi-detached dwelling with no vehicular access to the site with one tree on site located in the front setback.

The site is adjoined by semi-detached dwellings on either side, with the sites pair recently receiving development consent for a first floor addition (DA-252/2021). The locality is characterised by a variety of low residential developments, varying in one, two and three storeys (along the southern side of Narelle Street) and some parking within the front setback.

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



Figure 1: Front façade of the subject site looking south.



Figure 2: Front façade of 14 Narelle Street to the west of the subject site.



Figure 3: View of the subject site rear elevation, looking north.



Figure 4: View of the rear elevation of 14 Narelle Street, looking north west.

1.3. Relevant Development History

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

- DA-84/2021: Development application for the alterations and additions to a semi-detached dwelling including new first floor addition and integrated parking. This application was withdrawn on 12 May 2021 due to the recommendation provided by the assessing officer not supporting hard stand car space and the height and FSR variation to the development standards and front first floor balcony. The following grounds were outlined:
 - Clause 4.6 variation to the maximum height standard: There are insufficient environmental planning grounds to justify contravening the development standard. The proposed building is not compatible with the height, bulk and scale of the desired future character of the locality and does not positively complement or contribute to the physical definition of the street network and public space.
 - Preserving semi-detached dwelling pair: The proposal must ensure all alterations and additions visually read as a cohesive part of the existing dwelling from the streetscape and maintain the appearance of semi-detached development as one of a pair, demonstrating consistent scale, character and established streetscape values. The proposal disregards these controls, and the dwelling keeps no original style, form or cohesion between the semi-detached pair. The existing street frontage is not protected, the demolition of one existing semi-detached dwelling must not be carried out for the front 6m of the dwelling, or forward of the roof ridge line (whichever is greater). The existing original style of the subject semi-detached dwelling is to form the basis of additions visible from the street.
 - Streetscape and visual impact: The proposal does not enhance the built form of the existing ground floor by removing original elements in the front façade and replacing the fabric with first floor street facing balconies. The proposal does not demonstrate a consistent streetscape character, nor does it propose any relation to surrounding dwellings. The alterations and additions are not sympathetic in bulk or designed to the desired future character of the area.
 - Existing and Demolition Plans: There are missing details in the. These plans are to detail the current built form of the semi-detached dwelling. It is unclear in the submitted Demolition Plan which walls of the existing structure are remaining and what is being demolished. Please clearly label the Demolition Plan with all of the proposed works to the roof, walls and fence.
 - Demotion to dwelling for parking: No element of the street façade/frontage of a building, including verandahs and window awnings are to be removed or demolished in order to accommodate car parking. All car parking should be designed to complement the style, massing and detail of the dwelling to which it relates. The subject site is unable to accommodate parking within the front setback because the conditions do not permit a hardstand without demolishing the front study and is not supported. The neighbouring semi-detached dwellings at 14-16 Narelle St have an appropriate front setback to accommodate a 5.4m long hardstand.
 - Incorrect Plans: The submitted Survey Plan has clearly indicated the existing heights of the Eastern Elevation of 14 Narelle St. The roof is indicated to be 31.82RL and the

proposed northern and southern elevations incorrectly show that 14 Narelle St has a roof height of 32.10RL. This incorrectly shows the surrounding building heights.

Surrounding development history in Narelle Street:

Adjoining semi-detached dwelling at 10 Narelle Street, North Bondi:

- DA-252/2021: Development application for the alterations and additions to a semi-detached dwelling, including first floor addition and internal reconfiguration, no parking was proposed and was height and FSR compliant, approved 20 September 2021.

Next door (west) at 14 Narelle Street, North Bondi:

- DA-32/2018: Development application for alterations and additions, including additional storey to existing semi-detached dwelling including new carport and vehicle crossover, approved 27 June 2017 – Height is 9.3m and FSR over by 6%.
- DA-394/2018: Development application for alterations and additions to semi-detached dwelling, including widening of car space and crossover, approved 20 December 2018. Designed to match neighbouring property at 16 Narelle Street.

8 Narelle Street, North Bondi:

- BA-404/1996: Development application for the alterations and additions, including a hardstand, deck to the rear, approved 25 August 1999.

6 Narelle Street, North Bondi:

- DA-184/2020: Construction of a new carport, hardstand car space, associated vehicle crossing and front fence to semi-detached dwelling, approved 9 July 2020.

1.4. Proposal

The development application seeks consent for alterations and additions to the semi-detached dwelling, specifically the following:

Lower Ground Floor

- Partial demolition to walls; and
- Reconfiguration to create one bedroom, bathroom, rumpus room with kitchen facilities and staircase with door to the upper floor.

Ground Floor

- Demolition to the rear portion of the dwelling and removal of the front study and roof plane; and

- Provision of two bedrooms, bathroom, side courtyard, open plan kitchen and family room with balcony and new staircase.

First Floor:

- Construction of new first floor and provision of two bedrooms (one with rear balcony), bathroom and ensuite.

External:

- Single hardstand car space, driveway and fence; and
- Rear yard terrace located under the overhanging balcony and side courtyard located off the family room on the ground floor.

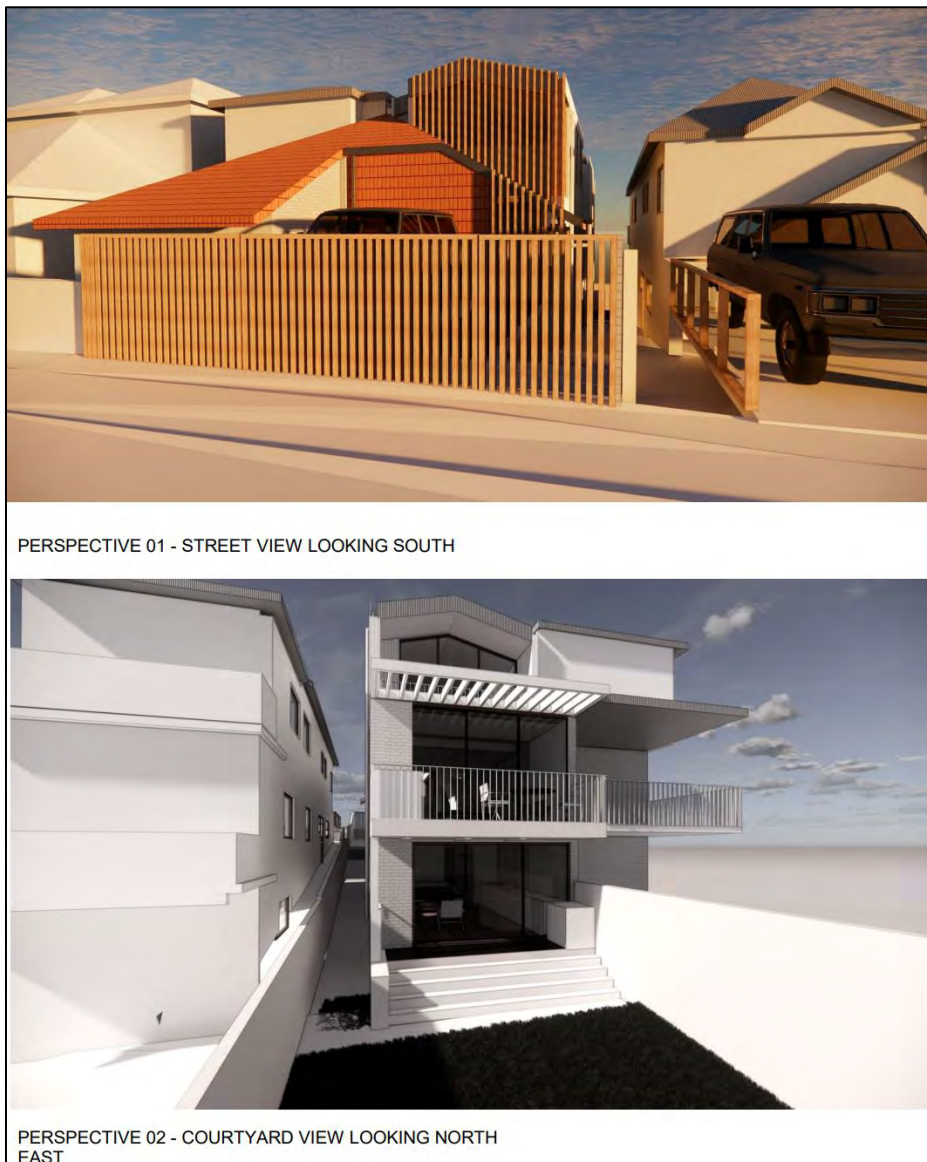


Figure 5: Proposed photomontage of the development.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Vegetation in Non-Rural Areas) 2017.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal contravenes the aims of the plan because it does not conserve the built environment of Waverley or preserve the amenity for surrounding properties.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Partial	The proposal is defined as alterations and additions to a semi-detached dwelling, which is permitted with consent in the R2 zone. However, the second kitchen facilities located on the lower ground floor may result in a secondary dwelling and the applicant has not addressed this proposal against the Affordable Housing SEPP. Notwithstanding, the application is recommended for refusal.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal is 9.86m in height, resulting in a height breach of 1.36m, representing a 16% variation to the development standard.
4.4 Floor space ratio (FSR) and 4.4A Exceptions to FSR <ul style="list-style-type: none"> 0.8652:1 (188.6m²) 	No	The proposed FSR is 0.894:1 (195.06m ²), resulting in a breach of 6.46m ² , representing a variation of 3.4% to the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.

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

Clause 4.6 Exceptions to Development Standards

Height of Buildings

The application seeks to vary the height of buildings (HOB) development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum Height of Building development standard of 8.5m. The proposed development has a maximum HOB of 9.86m, exceeding the standard by 1.36m equating to a 16% variation.

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- (i) *The proposed development will generally comply with the 8.5m height control. The proposed height variation is a result of the upper portion of the rear roof form, with the variation containing the rear portion of the contemporary roof form of the upper level addition. The variation is confined to roof elements and is above a sloping portion of the site and as such it is unreasonable to request strict compliance in this case as the variation is minor and a result of an environmental constraint of the land.*
- (ii) *It is unnecessary to request strict compliance as the proposed varying element will not be visible from the public domain or significantly perceptible from adjoining properties, noting it is located at the rear of the site and the height at the rear elevation will be consistent with the proposed upper level addition at 10 Narelle Street as well as the existing built form at 14 Narelle Street as depicted in the photomontage (Figure 5).*
- (iii) *The proposal is consistent with the objectives of the R2 Low Density Residential zone in that the proposal is a low-impact residential development and would not have a significant adverse impact upon the amenity of surrounding properties or the desired future character of the locality. Further, the proposed variation is consistent with that of the upper level addition at 14 Narelle Street to the west of the site (Figure 6). This addition was approved with a similar variation to height, noting this development did not propose a central courtyard element.*



Figure 6: Elevation of 14 Narelle Street non-compliant upper level addition – height line in red (DA-32/2021).

- (iv) *It is unreasonable to require compliance with the height standard for the proposal noting a similar variation was accepted at the adjoining property with the same topographical constraints and similar addition scale. It is noted that the subject proposal is recessed further from the rear than 14 Narelle Street, and given the site's orientation has resulted in a more 'spread-out' form at the upper level to achieve a good level of residential amenity whilst also responding to the adjoining dwellings.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) *The primary environmental planning grounds to justify the variation to the 8.5m height control is the topography of the site, which has a significant fall of approximately 5m from the front of the site to the rear boundary, directly resulting in the variation being confined to the rear portion of the roof form. Further, the proposed development will not be visible from the public domain. Due to the significant setback from the street the variation at the rear of the upper level addition will not impact upon the streetscape. The over height component of the proposal is confined to the rear portion of the contemporary pitched roof form and will not add significant bulk to the subject site.*
- (ii) *The variation results in a good environmental planning outcome for the subject dwelling by allowing for built form to be concentrated at the front and rear of the dwelling footprint and providing for a recessed central courtyard to receive solar access to living areas noting the site's orientation and surrounding built form context currently restricts sunlight to the rear portion of the garden and south facing living areas.*
- (iii) *The proposed development is not excessive in size, being generally consistent with surrounding built forms and will sit comfortably with respect to adjoining dwellings and bulk and scale. The vast majority of the building sits below the height control, with the variation only being a small portion of rear roof form.*
- (iv) *The proposal aligns with the upper level addition proposed at the adjoining semi-detached dwelling at 10 Narelle Street and as such the variation will align in height with the built form proposed at the neighbouring dwelling*
- (v) *The variation does not result in unacceptable solar impacts or other amenity impacts beyond that of a compliant building for height.*
- (vi) *The first floor non-complying element is well set back from the rear boundary as compared with the ground and lower ground floor elements, noting that the extent of building footprint aligns with what is proposed at No. 10 and what exists at No.14 and 16.*
- (vii) *The variation is a result of the 'pushing back' of the upper level addition form to allow for a central courtyard element within the dwelling which will capture sunlight for living areas within the site noting it is a north-south orientated allotment. Due to the topography of the site and development surrounding the rear of the site, solar access to the subject rear garden is currently compromised and as such the variation allows for solar access to a central recessed courtyard element.*
- (viii) *The site and the surrounding locality can support the increased height, as the development is otherwise consistent with surrounding built forms and the proposal would not unreasonably overshadow or present a bulk and scale impact or view loss upon adjoining properties or the public domain.*

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

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

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard

is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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

The justification provided does not adequately address Clause 4.6(3)(a), the written request has not satisfactorily demonstrated that the design achieves compliance with the HOB development standard objectives. The first floor results in a built form that is inconsistent with the existing and desired future character of the surrounding locality and offers no cohesion with the approved adjoining semi-detached first floor.

The first floor front building line extends 1m forward from the approved first floor at No.10 Narelle Street resulting in unreasonable amenity impacts to the adjoining properties and unacceptable visual bulk and scale impacts within the streetscape. The applicant argues that the proposal provides a development which is consistent with the scale of the adjoining developments and is of an appropriate visual bulk for the locality; however, the new first floor results in adverse environmental impacts by over shadowing surrounding properties. The applicant argues that the height development standard

has been virtually abandoned by approving the adjoining semi-detached dwelling at 14 Narelle Street, which is 6% over the HOB standard and proposes a similar design. However, this is incorrect as the proposed addition includes a side courtyard which elongates the first floor level, causing the roof of bedroom 5 to be entirely over the height limit.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal does not comply with numerous development controls in the Waverley DCP including side setback, wall height, front and rear predominant building lines. The application has stated that the proposal achieves objectives of both the maximum height and zoning however this is incorrect as the height breach does not preserve the environmental amenity of neighbouring properties through overshadowing and privacy issues.

The subject site has a north/ south orientation and the southern rear principal open space already has limited solar access, receiving approximately two hours of sunlight from 11am to 1pm. According to the submitted shadow diagrams, the subject site will receive significantly less solar access to this space. The adjoining properties to the south will be substantially overshadowed throughout the day from the first floor height non-compliant addition. The written request does not provide evidence of sufficient environmental planning grounds to justify exceeding the standard.

Is the development in the public interest?

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

The relevant objectives of the HOB development standard are as follows:

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

The applicant states the proposed height is consistent with the objectives of the height development standard and will not result in unreasonable impacts. Council disagrees that the relevant objectives of the standard are achieved, in addition, insufficient justification has been provided to support the breach. The development is able to comply with the height limit but has prioritised gaining solar access to a side courtyard through a cut out in the first floor, therefore lengthening this level and pushing the bulk of the building further back. The shadow diagrams do not clearly demonstrate the extent of the additional shadow caused by the first floor and only show the two adjoining lots and not the southern lot at 12 Stewart Street. Overshadowing is expected to occur to their rear private open space. In addition, the applicant has not demonstrated the overshadowing impact on the eastern elevation of 14

Narelle Street. The height non-compliance does not preserve the amenity of the neighbouring sites, therefore this variation cannot be supported.

While the subject site sits lower than No. 10 Narelle Street, it will dominate this site, due to its large bulk and the inclusion of the rear balcony, which also sits above the height limit. The height variation will therefore manifest in adverse visual and privacy impacts and is not compatible with the height, bulk and scale of the desired future character of the locality, contrary to objective (d) and is therefore not supported.

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposal is not inconsistent with the objectives of the zone.

Conclusion

For the reasons provided above, the requested variation to the HOB standard is not supported. 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. The proposed development is not in the public interest because it is inconsistent with the objectives of HOB standard and the R2 Low Density Residential zone.

FSR

The application seeks to vary the FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.8652:1 (188.6m²). The proposed development has a FSR of 0.894:1 (195.06m²), exceeding the standard by 6.46m² equating to a 3.4% variation.

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
- (i) It is unnecessary to request strict compliance to the FSR standard as the deletion of 6.46sqm of floor area would not discernibly alter the external built form thus indicating the variation is not contributing to significant bulk and scale or the overdevelopment of the subject site.*
 - (ii) The proposed variation is in the order of 6.46sqm being relatively minor and the non-compliant floor area is not discernibly evident from the street. It is unreasonable to request strict compliance as the variation does not result in any significant external bulk and scale impacts and the resultant built form proposed aligns with the location of adjoining upper level additions and building footprints at 10 & 14 Narelle Street.*
 - (iii) It is noted that alterations and additions to the adjoining property – 14 Narelle Street were approved with an FSR of 0.91:1 under DA-32/2018. In this instance the proposed FSR variation is consistent with similar approved densities within the locality.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) The proposed additional floor area is relatively minor and can be attributed to the internal hallway that links the front and rear bedrooms at the first floor. The hall is essentially a bridge required due to the courtyard below. The bridge link central to the building is in the order of 6.46sqm, is not an additional habitable space and does not contribute to any significant external bulk and scale. The proposed building will be consistent with the built form of adjoining properties and the broader streetscape.*
 - (ii) Whilst it is noted that Clause 4.4A provides more site responsive density provisions, in this instance the additional floor area does not present a significant overdevelopment of the site being 218sqm, rather it allows for maximisation of amenity through alterations and additions to the existing dwelling within a form that is largely consistent with the adjoining semi-detached dwelling and other neighbouring properties. As a result, the proposal is not inconsistent in terms of density and external form of other surrounding dwellings and therefore would not result in visual disharmony within the locality.*
 - (iii) The proposed additional floor area is fully contained within the built form and functions as an access hallway that aligns with existing and proposed built forms at 10 & 14 Narelle Street, noting the resultant building footprint at all levels is largely consistent with that of the neighbouring dwellings.*
 - (iv) The proposed variation does not result in unreasonable amenity impacts upon adjoining properties and the broader locality, including acoustic and visual privacy, solar access, nor does it interrupt views.*
 - (v) The overall development rationalises the existing floorplates, adds an additional floor and results in improved residential amenity through the introduction of a central courtyard element that improves solar access to the living areas of the dwelling at ground level. The courtyard required the first floor bedrooms to be split and the hallway which links them is largely the area that takes the FSR over the standard – 5.3sqm.*

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant specifically relies upon justification (a) and (b), outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The written response argues that if the proposal were to comply with the FSR standard, the semi-detached dwelling would still look the same and present similarly to Narelle Street. However, the proposal does not provide an appropriate correlation between maximum building height and density controls and is not consistent with the desired future character of the locality. The written response does not provide a sound justification.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard nor referencing the significant impacts to the locality or the amenity of neighbouring properties. It is inappropriate to rely on the two storey dwelling along

the southern side of Narelle Street to justify a similar height or built form for a FSR variation. The proposal is very different to the adjoining developments at 10 and 14 Narelle Street because the proposal extends habitable space in lower ground floor and removing the study room at the front of the dwelling. The semi-detached dwelling does not maintain the characteristic architectural features across the pair and is detrimental to the streetscape.

Is the development in the public interest?

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

The relevant objectives of the FSR development standard are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

Comment: An appropriate correlation of height and density has not been achieved. The development results in a three storey dwelling, which does not respect the streetscape and overshadows the surrounding neighbouring property's private open space and habitable windows. The subject site is not compatible with the surrounding bulk, scale, streetscape or character of the locality. While the subject site does have a significant slope across the , no effort has been made to step the first floor in from the below levels and does not achieved a suitable planning outcome. The additional FSR does not preserve the amenity of the surrounding neighbouring properties through adverse overshadowing to their existing private open space and windows that currently gain solar access.

The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maximise public transport patronage and encourage walking and cycling.*

The proposal is not inconsistent with the objectives of the zone.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported. 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, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard.

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

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

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

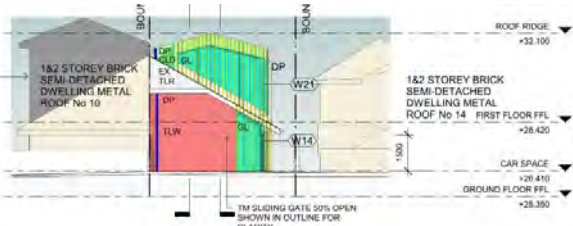
Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	No Landscape Plan was submitted with the application and relied on maintaining the existing grassed areas. The site is not in a biodiversity corridor and is considered acceptable.
5. Vegetation Preservation	Yes	Two trees are proposed for removal located in the front setback. It was noted by the Tree Management Officer, there were no trees of any significance on site. These trees possess no outstanding attributes worthy of retention and their removal is supported.
6. Stormwater	No	Unsatisfactory. Refer to section 3 of this report in relation to stormwater.
8. Transport Maximum parking rate: <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms. 	No	The proposal provides for one hardstand car space in the front setback of the site. Its design and location are unsatisfactory because the existing site conditions do not permit parking due to the existing 2.8m front setback to the study. This semi-detached dwelling is positioned forward in the lot when compared to the surrounding properties with parking in their front setback. This site is not appropriate for parking.
12. Design Excellence	No	This proposal is unsatisfactory and does not positively contribute to the architectural character of Narelle Street. The demolition of the front study for the hardstand and cutting into the front bedroom is not an appropriate design response.
14. Excavation	Yes	No significant excavation is proposed.

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

Development Control	Compliance	Comment
2.0 General Objectives		
	No	The proposal contravenes the general objectives of this part of the DCP. The development is not considered to be sympathetic in bulk, scale and character with the desired future character of the area.
2.1 Height		
Pitched roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	No	A 9.1m wall height is proposed on the western elevation. The subject site has a significant slope towards the rear boundary but the height of the addition is excessive. The scale of the development unreasonably impacts on the neighbours and surrounding properties through overshadowing and perceived bulk.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	No No	<p>The ground floor rear building line is extended 2m so it is inline with No. 14 Narelle Street but extends past No. 10 Narelle Street which is not acceptable. The ground floor front building line has been extended 5.56m from the front boundary through the demolition of the front study room for the hardstand car space. This setback is 2.9m behind the adjoining semi at 10 Narelle Street but is 2.4m in front of 14 Narelle Street.</p> <p>The first floor front building line is not compliant and is set 1m in front of the principal ridgeline and 1m forward from the approved first floor at 10 Narelle St (DA-252/2021). The rear building line is set above the rear ground floor and is inline with the 10 Narelle Street.</p> <p>The ground floor extension and new first floor is not characteristic or consistent with the predominant rear building line, resulting in unreasonable amenity impacts to the adjoining properties and unacceptable visual bulk and scale impacts within the streetscape.</p> <p>The lower ground floor has been extended 4m to the rear boundary directly below the ground floor level which is considered acceptable because it is within the confines of the existing building footprint.</p>
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (for 	No	The development maintains the existing 1.07m side setback. The first floor maintains this distance above the ground floor but is over the maximum

Development Control	Compliance	Comment
height up to 8.5m) or 1.2m (height non-compliant 2 storey dwelling)		height limit and therefore does not comply with control.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. 	<p>No</p> <p>No</p> <p>No</p>	<p>The proposed development is not visually compatible with the streetscape context or adjoining semi-detached dwelling. The front façade does not respond to essential elements that make up the character of the existing dwelling and surrounding area.</p> <p>The existing landscaping in the front yard including one tree is removed for the hardstand car space.</p>
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	No	A new sliding fence is proposed at 1.5m and is partly outlined on the Northern Elevational Plan but any further details have not been identified on any other plans.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>No</p> <p>Yes</p>	<p>Window locations on the adjoining dwelling at 14 Narelle Street have not been shown on the plans. The 5.2m long window off the first floor hallway directly overlooks existing windows and will cause adverse visual privacy issues.</p> <p>A side courtyard is proposed off the middle of ground floor. The courtyard is 2.5m above natural ground level and is bordered by 2.1m vertical slats. This elevated side courtyard is not supported due to the adverse privacy implications.</p> <p>The rear ground and first floor balconies are compliant with this control.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 	<p>No</p> <p>No</p>	<p>The subject site has a north/ south orientation and the southern rear principal open space already has limited solar access, receiving approximately two hours of sunlight from 11am to 1pm.</p> <p>According to the submitted shadow diagrams, the subject site will receive significantly less solar access to this space.</p> <p>The adjoining properties to the south will be substantially overshadowed throughout the day</p>

Development Control	Compliance	Comment
<p>June.</p> <ul style="list-style-type: none"> Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	No	<p>from the first floor height non-compliant addition.</p> <p>Notwithstanding the above, adjoining dwellings have not been clearly shown on site and floor plans, including side facing windows and rear setbacks. Accordingly, it is difficult to accurately assess the impact of the proposal on neighbouring properties.</p>
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p> <p>Yes</p>	<p>There are no views impacted from Narelle Street.</p> <p>The subject site is expected to gain views south across to Bondi Beach. The properties located on the northern side of Narelle Street cannot see these views and are blocked by the existing houses along the southern side of Narelle Street.</p>
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> 	No	Refer to discussion below this table.
2.8.2 Parking rates	Yes	Parking rates are set by Part B8 of Waverley DCP 2012. One on-site car space is provided.
<p>2.8.3 Location</p> <ul style="list-style-type: none"> 	No	Refer to discussion below this table.
<p>2.8.4 Design</p> <ul style="list-style-type: none"> 	No	Refer to discussion below this table.
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	No	The proposal requires demolition of a portion of the semi-detached dwelling in order to achieve compliant hardstand dimensions, which is not supported.
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal results in one driveway.</p> <p>The proposed crossover measures 3m at the gutter (excluding splay).</p> <p>The proposal results in the loss of one on-street parking space.</p>

Development Control	Compliance	Comment
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	The proposal provides 49% (106.98m ²) as open space.
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	40.4m ² (18.5%) of the site is landscaped area.
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	The rear yard provides 50m ² for private open space.
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	100% of the front setback it open space. 14.3% of the front setback is landscaped.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	No	
2.13 Semi-detached dwellings and terrace style development		
2.13.1 - Built form <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline Front verandahs to be maintained. 	No No No	<p>The proposal is to demolish the front study forward of the principal roof ridge to locate a hardstand in front of the dwelling. This design does not maintain the built form style across the semi-detached pair and is recommended for refusal.</p> <p>The existing original style of the subject semi-detached dwelling should form the basis of additions visible from the street. However, the style of the dwelling is unrecognisable through the vertical timber slats and large window proportions.</p>
2.13.2 - First floor additions to semi-detached dwellings <ul style="list-style-type: none"> First floor addition to be setback from the principal street frontage and maintain the existing front roof slope Additions to be located a minimum of 1m behind the front main gable First floor additions should match the style of the additions on the adjoining semi (if relevant). 	No No No	<p>The first floor addition is set 1m in front of the principal ridgeline. The existing front roof slope is demolished for car parking and does not comply with this control.</p> <p>The proposal does not match the recently approved first floor addition at 10 Narelle Street (DA-252/2021), which has no parking. The first floor ridge height is 0.51m lower than 10 Narelle Street and the pitch of the roof is shallower.</p> <p>(Figure 7).</p>  <p>Figure 7: Proposed north elevation of the semi-detached pair.</p>

Development Control	Compliance	Comment
2.13.3 - Material finishes and detail for semi-detached dwellings		
<ul style="list-style-type: none"> • Finishes and detailing are to be cohesive with the existing dwelling 	No	The proposed finishes and detailing are not cohesive with the existing dwelling.
<ul style="list-style-type: none"> • Historic features of the roofscape are to be incorporated into the addition 	No	The style, pitch, profile and colour of roof of the first floor do not match or complement the existing roof form of the dwelling.
<ul style="list-style-type: none"> • New windows to have a similar proportion to the existing 	No	The new windows facing Narelle Street are excessive in size compared to adjoining dwellings. The proposal plans to demolished the existing windows on the ground floor which is not supported.

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

Car Parking

The subject site is situated on the southern side of the street, which is comprised of a mixture of low scale semi-detached dwellings. The northern side comprises primarily attached and detached dwellings. A streetscape analysis has been conducted which indicates a predominance within this section of Narelle Street of vehicle crossings and on-site car parking in the form of hardstand and/or garages. Many of these examples on the opposite (northern) side of the street and to the east of the site were constructed prior to the 2012 Development Control Plan or the conditions on site, permit parking in front of the building. Number 6 and 8 Narelle Street (two properties to the east) have converted the use of the front room into a garage or over hanging carport (**Figure 8**).

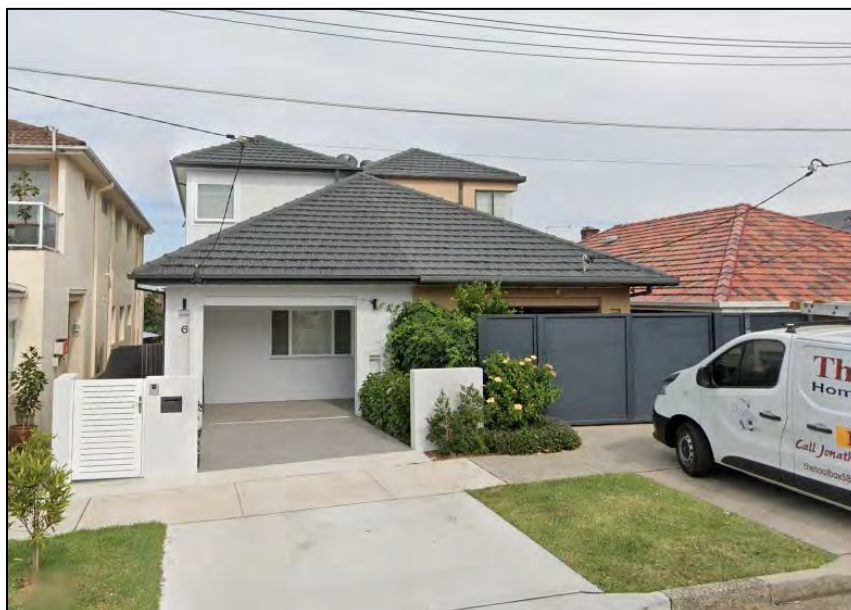


Figure 8: Proposed west elevation of the semi-detached pair at No.s 6 & 8 Narelle Street.

The subject proposal seeks to remove part of the dwelling to accommodate the car parking space, which is acknowledged has occurred with other developments in the street. However, the difference in this proposal compared with previous applications that have altered the front façade is the volume and amount that needs to be altered to accommodate the hardstand car space. In other sections of the street, the front verandah of dwellings have been altered to accommodate the parking, whereas in this scenario, the actual main form of the dwelling is to be altered and the result will have an adverse impact on the streetscape and the architectural integrity of the remaining dwelling. Several properties within Narelle Street have on-site parking in the form of hardstands and garages; however, there is no predominance of demolition to the front primary roof plain within the vicinity of the site. Accordingly, the proposal is at odds with Part C2 clause 2.8 of the Waverley DCP 2012 and demonstrates that on-site parking is not appropriate for the site.

While the proposal does provide the minimum vehicle dimensions of 2.5m width x 5.4m length, it can only do this by altering the front façade with the demolition to the front study. Subsequently, 2.4m of the front dwelling is to be demolished and replaced with a hardstand car space which is elevated 1m above the sloping land to maintain a level parking area. This is evident in the west elevation plan below showing the hardstand in red (**Figure 9**).

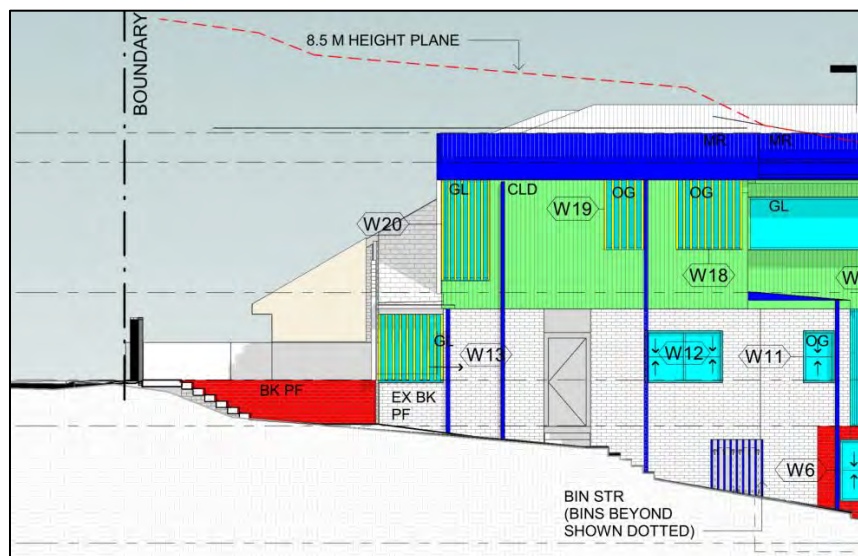


Figure 9: Proposed west elevation of the semi-detached dwelling showing the extent of the front demolition compared to 10 Narelle Street outlined behind the new works and the hardstand car space shown in red.

Part C2, clause 2.8.4 of the Waverley DCP 2012 states that *'no element of the street façade of a building is to be removed or demolished in order to accommodate car parking'*. Without demolition of a portion of the dwelling, the proposed hardstand would measure 3.1m in length.

The proposed development is typically not supported within the Local Government Area, as the proposal fails to comply with Council's controls and is contrary to Council policy. However, in the case of Narelle Street, it is noted there have been deviations from the controls on the sole basis that this

street has exceptional circumstances of precedence and subsequent predominance for parking in the front setback. However, in this circumstance, having regard to the conversion of the front room into a overhanging carport, the architectural integrity and streetscape impact, this proposal is too deficient to support this design.

2.2. Other Impacts of the Development

The proposal is considered to have a significant detrimental effect relating to environmental, social or economic impacts on the locality.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

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

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

The operation of the hardstand requires a significant portion of the semi-detached dwelling. It is recommended that should the application be supported, that conditions be imposed to ensure that the width of the driveway / gate at the property boundary being 3m or less.

3.2. Stormwater

Council's Stormwater Engineer reviewed the stormwater plans and found them unacceptable due to several inconsistencies and a lack of information. Recommended conditions were provided, however the proposal is recommended for refusal.

3.3. Tree Management

Council's Tree Management Officer did not raise any objection to the proposed Demolition Plan to remove the two trees located within the front setback, tree removal across the site and the removal of the vegetation located on the nature strip on Narelle Street.

4. CONCLUSION

The development application seeks consent for the alterations and additions to a semi-detached dwelling, including new first floor addition and parking at the site known as 12 Narelle Street, North Bondi.

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

- Exceedance to the Height of building and FSR development standards;
- Removal of the street façade of the dwelling for parking;
- Overshadowing; and
- Lack of cohesion between the semi-detached pair.

The assessment finds these issues unacceptable, as the proposal exceeds the height development standard by 16% and the FSR development standard by 3.4%. Half of the first floor addition is over the height development standard and will overshadow neighbouring properties and result in adverse environmental impacts. The proposal is inconsistent with the objectives of the height and FSR development standard, as the proposal results in an unacceptable amenity impacts and does not preserve the amenity of surrounding properties. The proposal is also not consistent with the surrounding low density development or the desired future character anticipated by the controls. In addition, the site conditions do not permit parking without significant demolition to the front of the dwelling, which would have detrimental impacts to the semi-detached pair and streetscape.

No submissions were received.

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

Development and Building Unit (DBU) Decision:

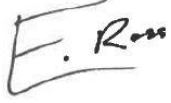

The application was reviewed by the DBU at the meeting on 27 October 2021 and the DBU determined:

- (a) The application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: *M Reid, A Rossi, B McNamara, J Zancanaro and 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:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Edwina Ross	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 4/11/2021	Date: 12 November 2021

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the *Environmental Planning and Assessment Act 1979* the 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 (WLEP) 2012*, in particular, the following provisions:
 - a. Clause 4.3 *Height*, as the proposal is considered an overdevelopment of the subject site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality and is not compatible with the desired future character of the locality as required under clause 4.3 (1)(a) and (d) of WLEP.
 - b. Clause 4.4 *Floor Space Ratio*, as the proposal is considered an overdevelopment of the subject site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1)(d) of WLEP.
 - c. Clause 4.6 *Exceptions to development standards* (1)(b), (3)(a) and (b), and (4)(a), as the proposed development 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 breaches to the height 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 (WDCCP) 2012*, in respect to the following provisions:
 - a. Part B8 – Transport
 - i. Clause 8 *Transport*, specifically objectives (d), (e), (j) and (k) as the hardstand would dominate the site, remove existing landscaping and is not suitable for the constrained site.
 - ii. Clause 8.1 *Streetscape*, specifically objectives (a) and (b) as the application does not adequately balance the proposed car parking space with suitable urban design and control (c) as the proposed car parking would dominate the dwelling and the landscaping within the front setback is reduced.

b. Part B12 – *Design Excellence*

- i. Clause 12.1 *Design Excellence* specifically objectives (a) to (d), controls (a), (b) and (e) as the proposal has failed to consider the suitability of the land for development given the relationship of the development to other development (existing or proposed) on neighbouring sites in terms of design, amenity and urban form. The overall visual bulk and scale of the development is unreasonable. The proposal does not demonstrate an understanding of an appropriate response to the specific conditions of both the site, existing dwelling, surrounds and fails to ensure cohesion between neighbouring semi-detached dwellings.

c. Part C2 – *Low Density Residential Development*;

- i. Clause 2.1 *Height*, specifically objectives (a) and (b) and control (b), as the proposed development has failed to provide a compliant wall height.
- ii. Clause 2.2 *Setbacks*, specifically objectives (a), (b), (c), (d) and (f), Section 2.2.1 *Front and Rear Building Lines* controls (a), (b) and (d). The proposed front first floor and rear ground floor building line is not characteristic or consistent with the predominant rear building line as required by WDCP, resulting in unreasonable amenity impacts to the adjoining properties and unacceptable visual bulk and scale impacts within the streetscape.
- iii. Clause 2.2 *Setbacks*, 2.2.2 *Side Setbacks* specifically control (a) as the proposed western side setback fails to comply with the 1.2m minimum setback control of WDCP, resulting in unreasonable visual bulk and scale impacts within the streetscape.
- iv. Clause 2.3 *Streetscape and Visual Impact*, specifically objectives (a) and (b) and controls (a), (d) and (e), as the proposed built form dominates the streetscape as the visual appearance, particularly the bulk and scale, do not respond to the site context, its surrounds or the desired future character of the locality. The car parking space dominates the front setback area and erodes the character of the streetscape given that landscaped area within the front setback is reduced with the development.
- v. Clause 2.5 *Visual and Acoustic Privacy*, specifically objectives (a), (b) and (c), control (e) as increased privacy impacts arise from the non-compliant rear building line and the proposed elevated side courtyard.
- vi. Clause 2.6 *Solar Access*, specifically objectives (a), (b), (c) and (d), as the proposal does not clearly show the full extent of the shadows from the development. The solar diagrams show unreasonable overshadowing of adjoining properties private open space and windows resultant from the height and FSR non-compliance.

- vii. Clause 2.8 *Car Parking*, specifically objectives (a), (b) and (c), as the site and locality conditions do not support on-site parking in this form, i.e. requiring demolition to the front study room. The distance between the building and the front property boundary is less than the minimum 5.4m required without the demolition of the front facade.
 - viii. Clause 2.13 *Semi-Detached Dwellings & Terrace Style Development*, specifically objectives (a) to (g) and control (e), 2.13.2 *First Floor Additions to Semi-detached Dwellings* controls (a), (b) and (h), and 2.13.3 *Material Finishes and Detail for Semi-detached Dwellings* controls (a) to (c) and (e), as the proposed alterations and additions to the existing semi-detached dwelling do not complement and are not cohesive with the existing building or the adjoining semi-detached dwelling.
4. 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 proposal will result in 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 neighbouring dwellings and upon the locality.
 5. The proposal is not considered to be in the public interest for the reasons outlined above and is therefore contrary to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act, 1979*.

12 NARELLE STREET BONDI

ALTERATIONS AND ADDITIONS

CLIENT SOPHIA RIHANI

DRAWING LIST

000	DRAWING LIST & LOCATION PLAN
001	BASIX COMMITMENTS
010	SITE ANALYSIS
011	STREET SCAPE STUDY- EXISTING
012	STREET SCAPE STUDY- PROPOSED
015	SITE PLAN / NEIGHBOUR NOTIFICATION PLAN
100	EXISTING AND DEMOLITION PLAN -LOWERGROUND FLOOR
101	EXISTING AND DEMOLITION PLAN - GROUND FLOOR
102	EXISTING AND DEMOLITION PLAN - ROOF PLAN
110	PROPOSED LOWER GROUND FLOOR PLAN
111	PROPOSED GROUND FLOOR PLAN
112	PROPOSED FIRST FLOOR PLAN
113	PROPOSED ROOF PLAN
200	PROPOSED NORTH ELEVATION
201	PROPOSED SOUTH ELEVATION
202	PROPOSED WEST ELEVATION
210	PROPOSED MATERIAL AND COLOURS
300	PROPOSED SECTION A
301	PROPSOED SECTION B
302	PROPOSED SECTIONS C AND D
700	SHADOW DIAGRAMS 9AM
701	SHADOW DIAGRAMS MIDDAY
702	SHADOW DIAGRAMS 3PM



LOCATION PLAN - RED DASH OUTLINE INDICATES SITE LOCATION

NOTES

- Verify Dimensions on site prior to commencement of work.

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- Do not scale from drawings.

LEGEND

BK BRICKWORK

CFC COMPRESSED FIBRO CEMENT

CLD VERTICAL PANEL CLADDING

D DOOR

DP DOWNPIPE

ENG ENGINEER

EX EXISTING

FCL FINISHED CEILING LEVEL

FFL FINISHED FLOOR LEVEL

GL GLASS

JU JOINERY UNIT TO DETAIL

MR METAL ROOF

OG OBSCURE GLAZING

PF PAINT FINISH

REN RENDERED

RL RELATIVE LEVEL

RWO RAINWATER OUTLET

RWT RAINWATER TANK

SKYL SKYLIGHT

SLA SLATE

SPR SPREADER

SPG SELF CLOSING POOL GATE

SS STAINLESS STEEL

ST STONE

STL STEEL

SWP STORM WATER PIT TO FUTURE DETAIL

TLR TILE ROOF

TLW TILE WALL

TM TIMBER

TD TIMBER DOOR

UNO UNLESS NOTED OTHERWISE

W GLASS WINDOW OR DOOR

KEY:

NEW WALL / FLOOR / ROOF

EXISTING TO BE DEMOLISHED

EXISTING BUILDING

TIMBER

ROOF / WALL TILES

INTERNAL TILES

STEEL / ALUMINIUM

GLASS

CONCRETE

FIBRE CEMENT

BRICK

ADDITIONAL SHADOW

REV. AMENDMENTS

DATE

A FOR DEVELOPMENT APPLICATION

29.07.21

CLIENT

SOPHIA RIHANI

MICHAEL CLARKE ARCHITECTS

T 0417 647 750

michael.aaron.clarke@gmail.com

Architect 7747

www.michaelclarkearchitects.com

Rihani Residence

12 Narelle Street North Bondi NSW 2026

DEVELOPMENT APPLICATION

NOT FOR CONSTRUCTION

DRAWING LIST & LOCATION PLAN

SCALE

1:1

DRAWN

@ A3

CHECKED

MC

DATE

27/10/19

PROJECT

19014

DRAWING













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REVISION

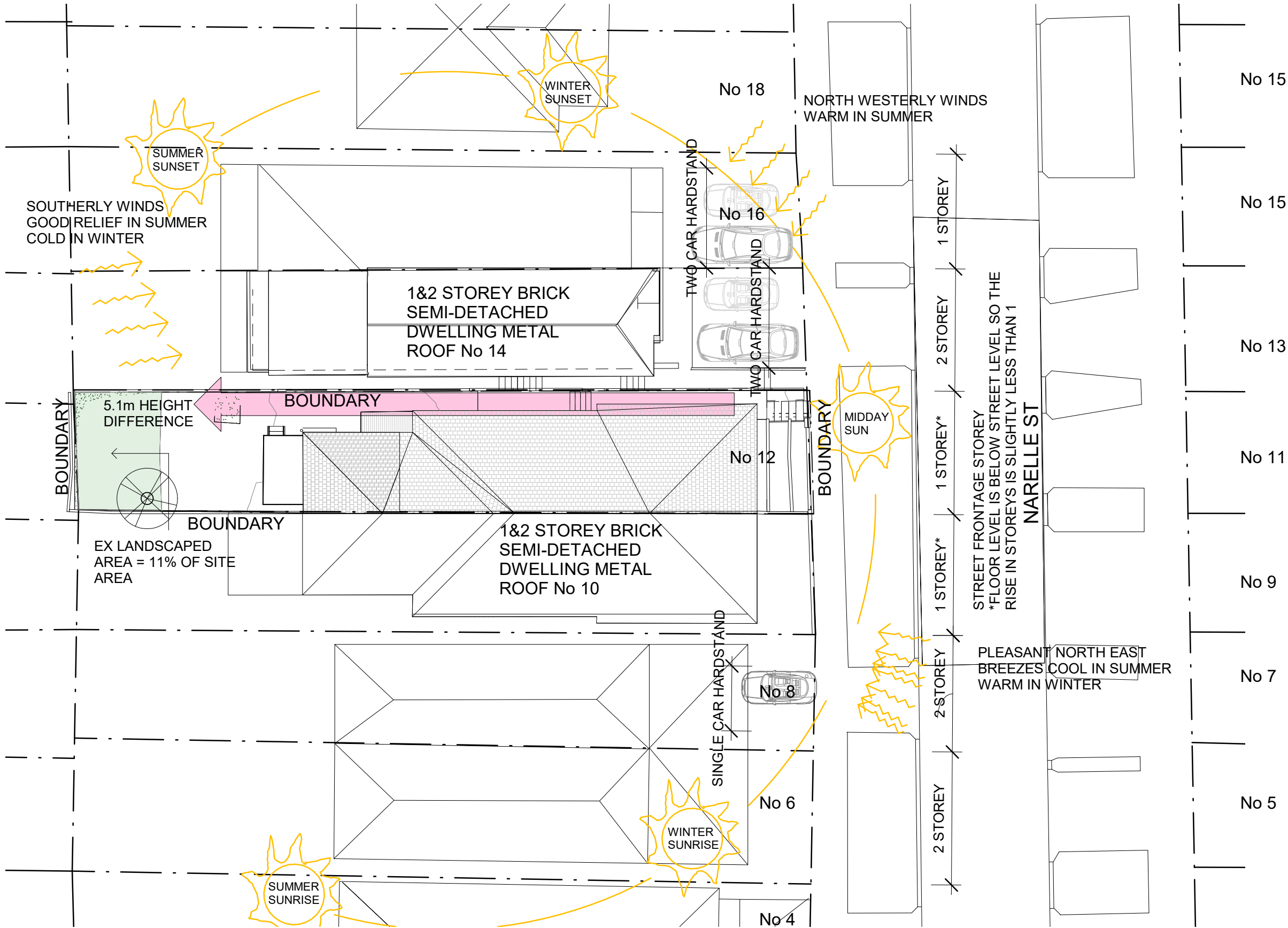
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BASIX COMMITMENTS

Hot water						
The applicant must install a gas instantaneous hot water unit						
Insulation requirements						
Construction			Addition insulation required (R-value)		Other specifications	
concrete slab on ground floorwith in-slab heating system. suspended floor with enclosed subfloor: framed (R0.7). external wall: brick veneer external wall: framed (weatherboard, fibro, metal clad) flat ceiling pitched roof raked ceiling, pitched/skillion roof: framed			R1.00 (slab edge) R0.60 (down) (or R1.30 including construction) nil R1.16 (or R1.70 including construction) R1.30 (or R1.70 including construction) ceiling: R0.95 (up), roof: foil backed blanket (100mm) ceiling: R0.99 (up), roof: 50mm foil backed polystyrene board		in - slab heating system medium solar absorptance 0.475 - 0.70) medium (solar absorptance (0.475 - 0.70)	
Windows and glazed doors glazing requirements						
Overshadowing:						
Window door no.	Orientation	Area incl frame (m2)	Height (m)	Distance (m)	Shading device	Frame and glass type
W1	S	9.1	0	0	eave > = 900mm	standard aluminium, single clear, (or U - value: 7.63, SHGC:0.75) Applies to all windows
W2	W	2.1	6.8	2.16	none	
W3	W	2.1	6.8	2.16	none	
W4	W	2.1	6.8	2.16	none	
W5	W	0.85	8.3	2.16	none	
W6	W	8.4	8.3	2.16	none	
W7	S	10.5	0	0	eave > = 900mm	
W8	W	2.8	5.67	2.16	none	
W9	N	6.2	6.65	5.2	external louvre/blind (adjustable)	
W10	W	15.3	5.67	4.7	external louvre/blind (adjustable)	
W11	W	0.85	5.67	2.16	none	
W12	W	5	5.67	2.16	none	
W13	W	2.3	0.89	2.16	external louvre/blind (adjustable)	
W14	N	2.9	0	0	external louvre/blind (adjustable)	
W15	S	11.25	0	0	eave > = 900mm	
W16	N	2.8	2.5	4	projection / height above sill ratio > = 0.43	
W17	W	6.58	2.4	4.7	projection / height above sill ratio > = 0.43	
W18	W	2.45	1.8	2.6	external louvre/blind (adjustable)	
W19	W	1.7	1.8	2.6	external louvre/blind (adjustable)	
W20	W	2.5	0	0	external louvre/blind (adjustable)	
W21	N	5.7	0	0	external louvre/blind (adjustable)	

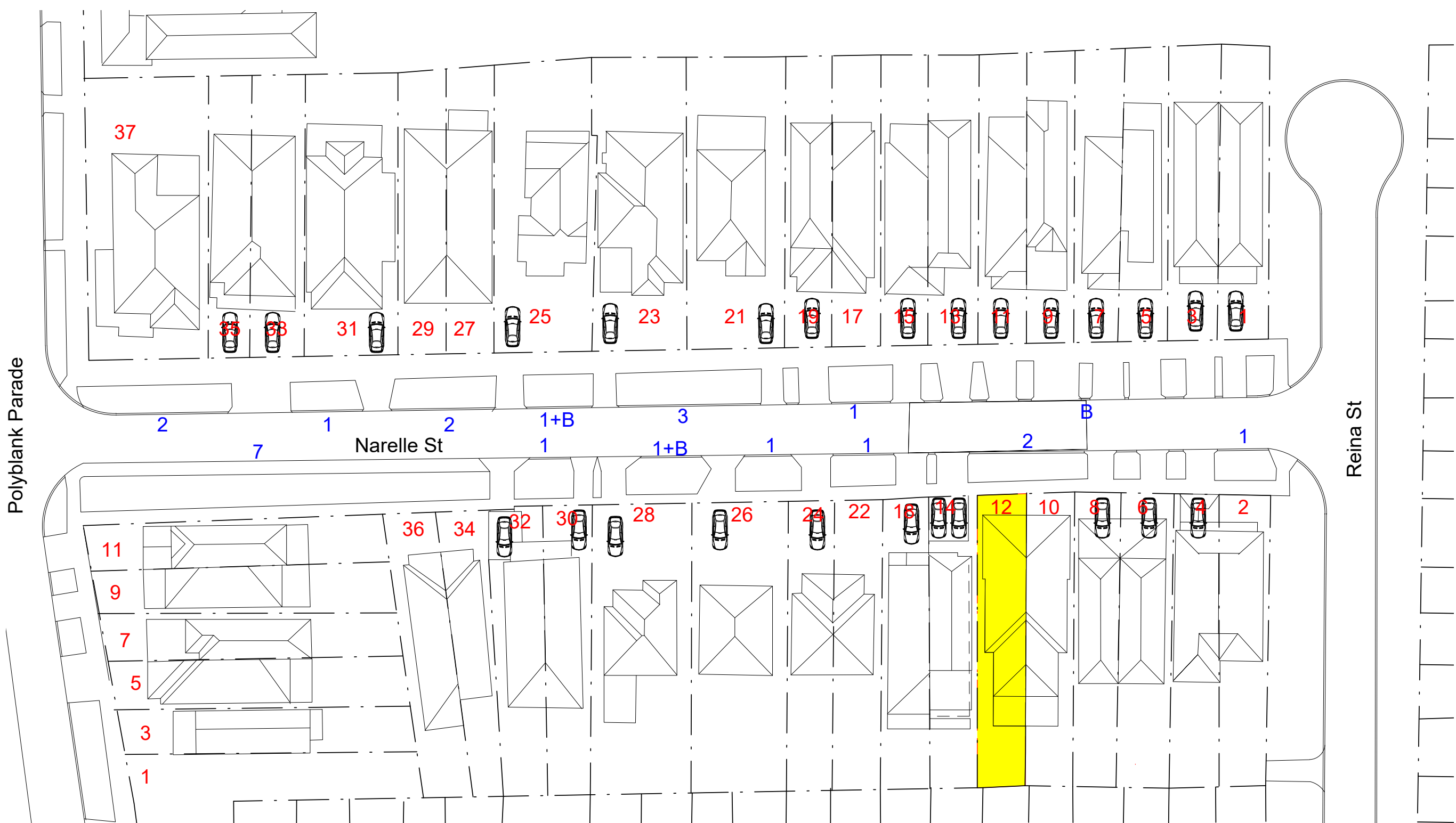
NOTES		LEGEND					KEY:				REV. AMENDMENTS		DATE	
- Verify Dimensions on site prior to commencement of work.		BK	BRICKWORK	MR	METAL ROOF	SS	STAINLESS STEEL		NEW WALL / FLOOR / ROOF		STEEL / ALUMINIUM	A	FOR DEVELOPMENT APPLICATION	29.07.21
- Check existing RL's on site. Advise Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies.		CFC	COMPRESSED FIBRO CEMENT	OG	OBSCURE GLAZING	ST	STONE		EXISTING TO BE DEMOLISHED		GLASS			
		CLD	VERTICAL PANEL CLADDING	PF	PAINT FINISH	STL	STEEL		EXISTING BUILDING		CONCRETE			
		D	DOOR	REN	RENDERED	SWP	STORM WATER PIT		TIMBER		FIBRE CEMENT			
- Do not scale from drawings.		DP	DOWNPIPE	RL	RELATIVE LEVEL	TFD	TO FUTURE DETAIL		ROOF / WALL TILES		BRICK			
		ENG	ENGINEER	RWO	RAINWATER OUTLET	TLR	TILE ROOF		INTERNAL TILES		ADDITIONAL SHADOW			
		EX	EXISTING	RWT	RAINWATER TANK	TLW	TILE WALL							
		FCL	FINISHED CEILING LEVEL	SKYL	SKYLIGHT	TM	TIMBER							
		FFL	FINISHED FLOOR LEVEL	SLA	SLATE	TD	TIMBER DOOR							
		GL	GLASS	SPR	SPREADER	UNO	UNLESS NOTED OTHERWISE							
		JU	JOINERY UNIT TO DETAIL	SPG	SELF CLOSING POOL GATE	W	GLASS WINDOW OR DOOR							

CLIENT SOPHIA RIHANI	MICHAEL CLARKE ARCHITECTS T 0417 647 750 michael.aaron.clarke@gmail.com Architect 7747 www.michaelclarkearchitects.com	Rihani Residence 12 Narelle Street North Bondi NSW 2026				
DEVELOPMENT APPLICATION NOT FOR CONSTRUCTION					BASIX COMMITMENTS	
SCALE 1 : 100 @ A3	DRAWN MC	CHECKED MC	DATE 27/10/19	PROJECT 19014	DRAWING 001	REVISION A



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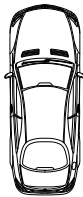
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DEVELOPMENT APPLICATION NOT FOR CONSTRUCTION				SITE ANALYSIS		
SCALE 1 : 200 @ A3	DRAWN DS	CHECKED MC	DATE 27/10/19	PROJECT 19014	DRAWING 010	REVISION A



LEGEND

EX CAR/ MOTOR BIKE (MB) SPACES
TOTAL:
SOUTH SIDE OF STREET
14 CAR SPACES & 1 MB SPACE
NORTH SIDE
9 CAR SPACES & 1 MB SPACE

SUBJECT PROPRETY
STREET NUMBERS



CARSPACE FORWARD OF THE
FRONT BUILDING LINE
NOTE: NO. 4 IS A GARAGE.
NO.1, 7, 30, 31 AND 32 ALSO
HAVE CARPORTS.

RECEIVED
Waverley Council

Application No: DA-320/2021

Date Received: 09/08/2021

NOTES

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0m5m10m15m

LEGEND	
BK	BRICKWORK
CFC	COMPRESSED FIBRO CEMENT
CLD	VERTICAL PANEL CLADDING
D	DOOR
DP	DOWNPIPE
ENG	ENGINEER
EX	EXISTING
FCL	FINISHED CEILING LEVEL
FFL	FINISHED FLOOR LEVEL
GL	GLASS
JU	JOINERY UNIT TO DETAIL
MR	METAL ROOF
OG	OBSCURE GLAZING
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REN	RENDERED
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RWO	RAINWATER OUTLET
RWT	RAINWATER TANK
SKYL	SKYLIGHT
SLA	SLATE
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SWP	STORM WATER PIT TO FUTURE DETAIL
TFD	TILE ROOF
TLR	TILE WALL
TLW	TIMBER
TD	TIMBER DOOR
UNO	UNLESS NOTED OTHERWISE
W	GLASS WINDOW OR DOOR

KEY:	
	NEW WALL / FLOOR / ROOF
	EXISTING TO BE DEMOLISHED
	EXISTING BUILDING
	TIMBER
	ROOF / WALL TILES
	INTERNAL TILES
	STEEL / ALUMINIUM
	GLASS
	CONCRETE
	FIBRE CEMENT
	BRICK
	ADDITIONAL SHADOW

REV.	AMENDMENTS	DATE
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DEVELOPMENT APPLICATION NOT FOR CONSTRUCTION				STREET SCAPE STUDY- EXISTING		
SCALE	DRAWN	CHECKED	DATE	PROJECT	DRAWING	REVISION
As indicated	@ A3 DS	MC	27/10/19	19014	011	A

Polyblank Parade

Reina St

Narelle St

LEGEND



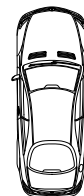
PROPOSED MOTOR BIKE (MB) SPACES
TOTAL:
SOUTH SIDE OF STREET
13 CAR SPACES & 1 MB SPACE
NORTH SIDE
9 CAR SPACES & 1 MB SPACE



SUBJECT PROPRETY



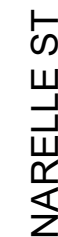
STREET NUMBERS



CARSPLACE FORWARD OF THE
FRONT BUILDING LINE
NOTE: NO. 4 IS A GARAGE.
NO.1, 7, 30, 31 AND 32 ALSO
HAVE CARPORTS.

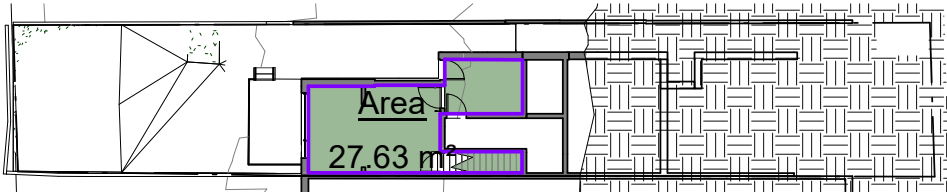
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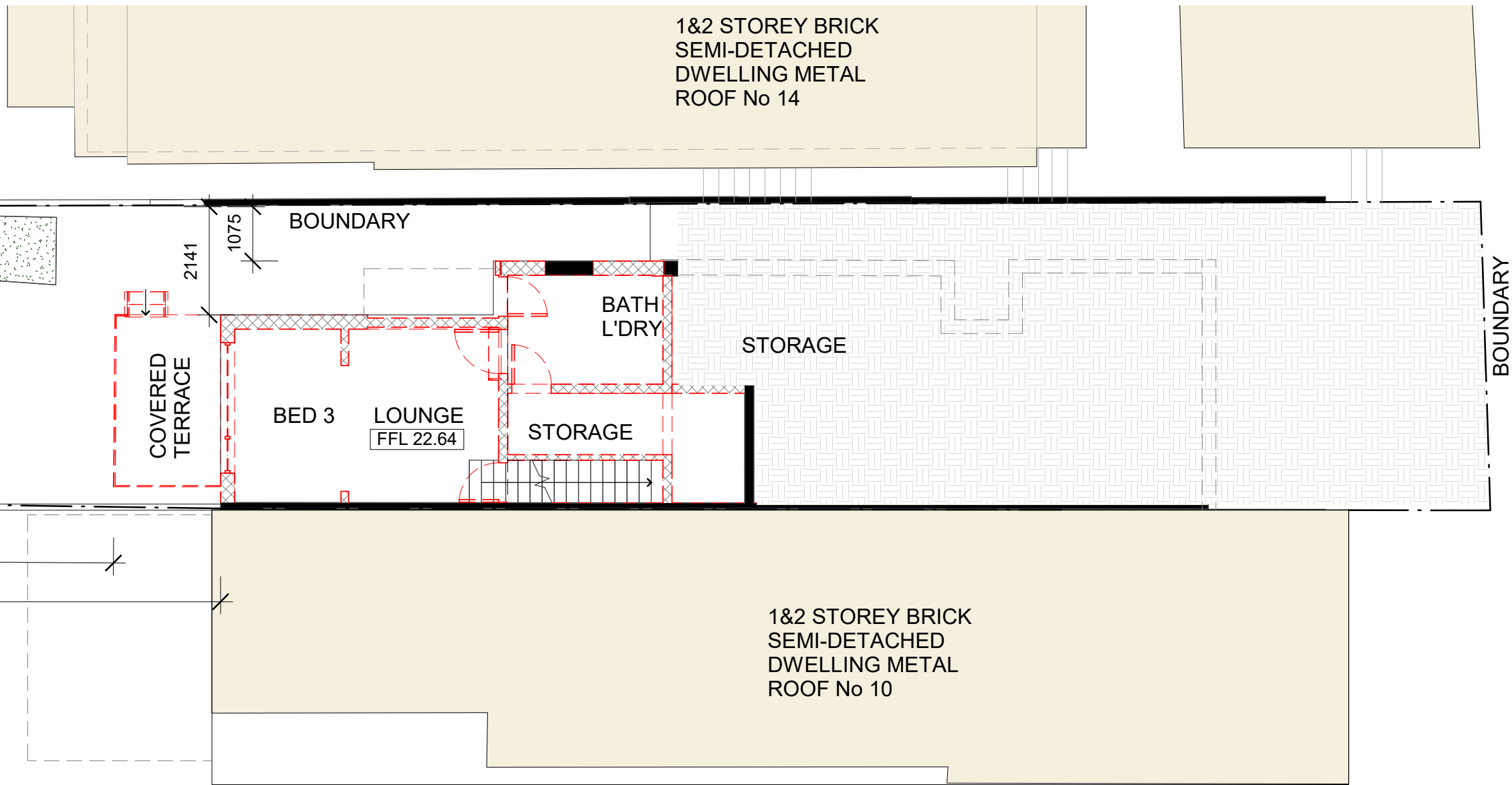


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REVISION
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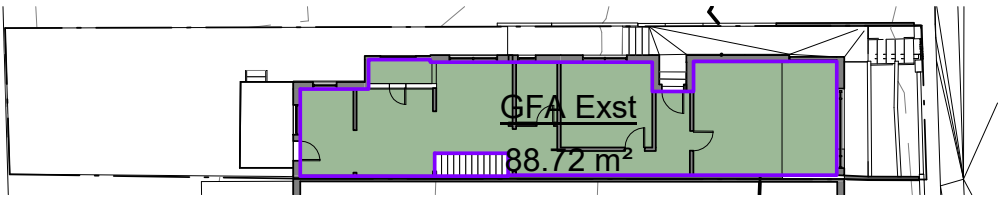


1 Existing Lower Ground Floor GFA
1 : 300



2 Existing and Demolition Plan - Lower Ground Floor
1 : 100

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				<div><div>CLIENT</div><div>SOPHIA RIHANI</div><div>MICHAEL CLARKE ARCHITECTS</div><div>T 0417 647 750</div><div>michael.aaron.clarke@gmail.com</div><div>Architect 7747</div><div>www.michaelclarkearchitects.com</div></div> <div><div>Rihani Residence</div><div>12 Narelle Street North Bondi NSW 2026</div></div>			
				<div><div>DEVELOPMENT APPLICATION</div><div>NOT FOR CONSTRUCTION</div></div> <div><div>EXISTING AND DEMOLITION PLAN</div><div>-LOWERGROUND FLOOR</div></div>			
<div><div>SCALE</div><div>As indicated</div><div>@ A3</div></div>		<div><div>DRAWN</div><div>DS</div></div>	<div><div>CHECKED</div><div>MC</div></div>	<div><div>DATE</div><div>27/10/19</div></div>	<div><div>PROJECT</div><div>19014</div></div>	<div><div>DRAWING</div><div>100</div></div>	<div><div>REVISION</div><div>A</div></div>



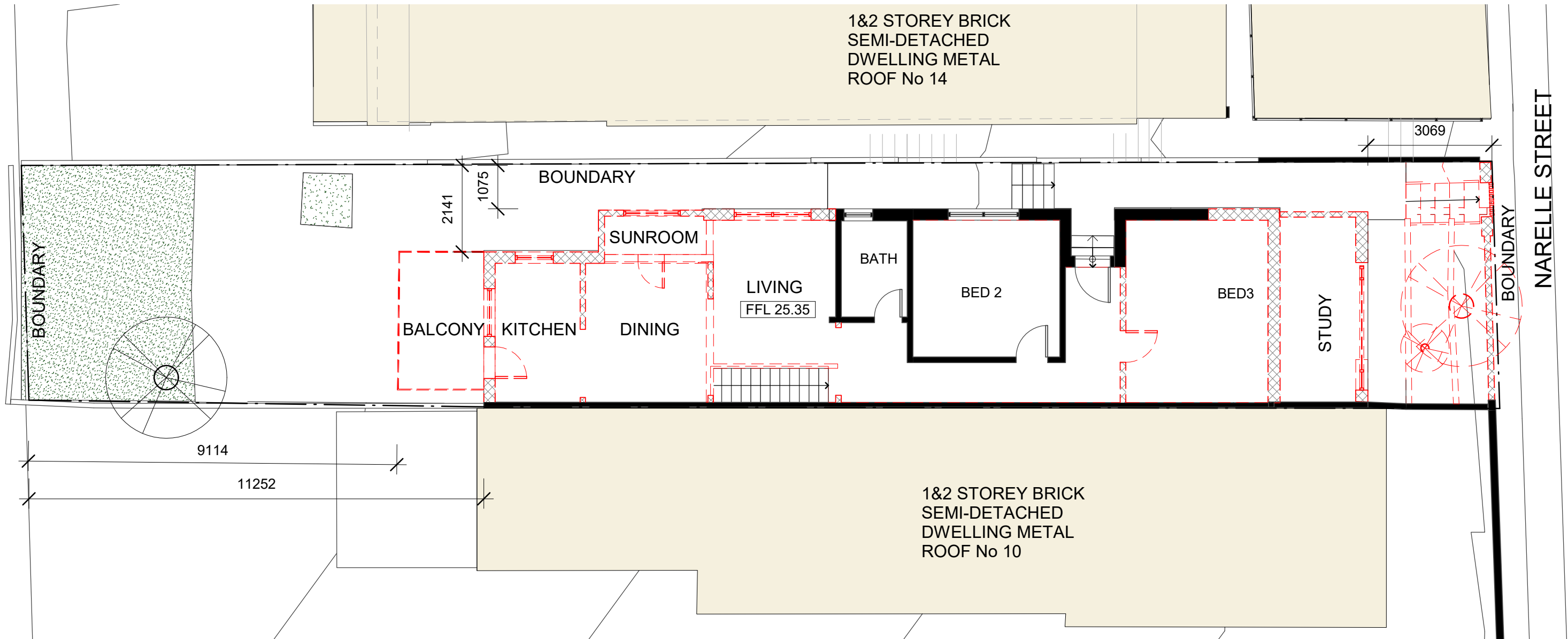
1 Existing Ground Floor GFA
1 : 300

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Waverley Council

Application No: DA-320/2021

Date Received: 09/08/2021

Area Schedule (Gross Building Ex)	
Level	Area
LOWER GROUND FLOOR FFL	27.63 m²
GROUND FLOOR FFL	88.72 m²
TOTAL GFA	116.34 m²



2 Existing and Demolition Plan Ground Floor
1 : 100

NOTES

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LEGEND

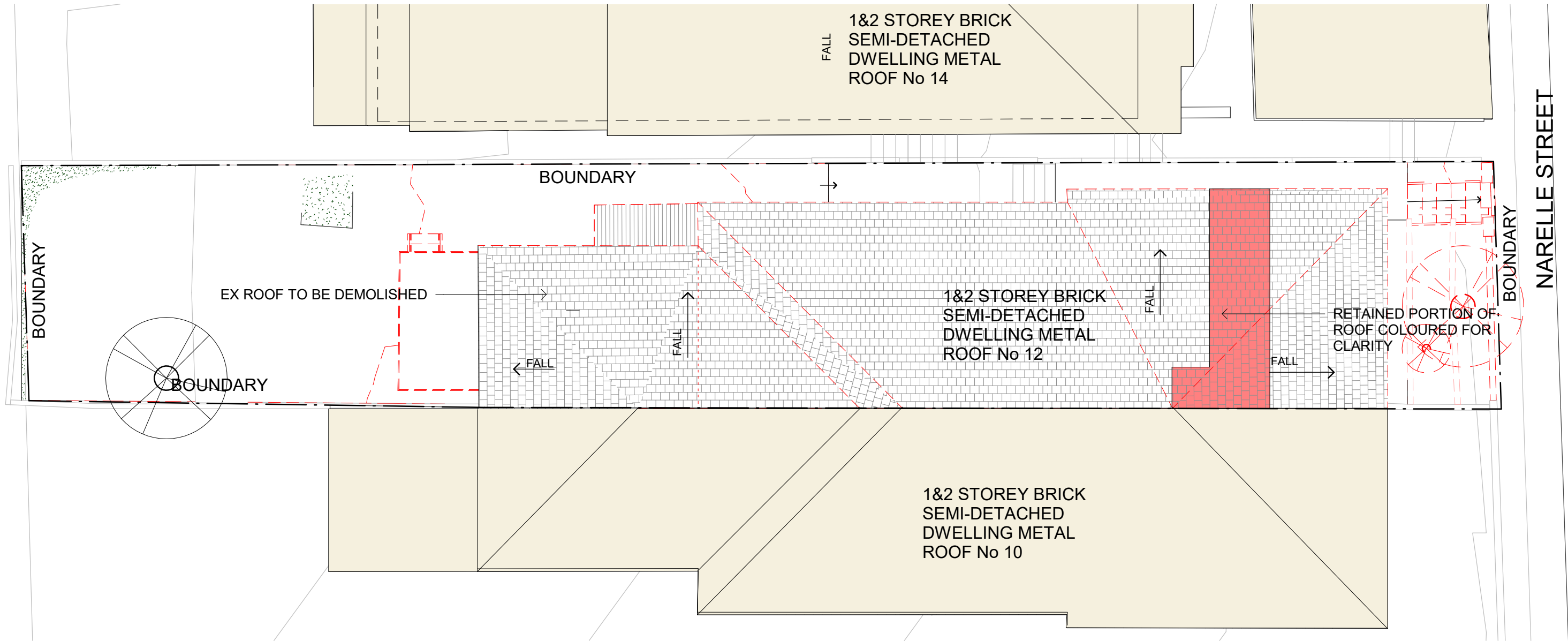
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CFC	COMPRESSED FIBRO CEMENT	OG	OBSCURE GLAZING	ST	STONE
CLD	VERTICAL PANEL CLADDING	PF	PAINT FINISH	STL	STEEL
D	DOOR	REN	RENDERED	SWP	STORM WATER PIT TO FUTURE DETAIL
DP	DOWNPIPE	RL	RELATIVE LEVEL	TFD	TILE ROOF
ENG	ENGINEER	RWO	RAINWATER OUTLET	TLR	TILE WALL
EX	EXISTING	RWT	RAINWATER TANK	TLW	TIMBER
FCL	FINISHED CEILING LEVEL	SKYL	SKYLIGHT	TM	TIMBER
FFL	FINISHED FLOOR LEVEL	SLA	SLATE	TD	TIMBER DOOR
GL	GLASS	SPR	SPREADER	UNO	UNLESS NOTED OTHERWISE
JU	JOINERY UNIT TO DETAIL	SPG	SELF CLOSING POOL GATE	W	GLASS WINDOW OR DOOR

KEY:

NEW WALL / FLOOR / ROOF	STEEL / ALUMINIUM
EXISTING TO BE DEMOLISHED	GLASS
EXISTING BUILDING	CONCRETE
TIMBER	FIBRE CEMENT
ROOF / WALL TILES	BRICK
INTERNAL TILES	ADDITIONAL SHADOW

REV.	AMENDMENTS	DATE
A	FOR DEVELOPMENT APPLICATION	29.07.21

CLIENT	MICHAEL CLARKE ARCHITECTS	Rihani Residence		
SOPHIA RIHANI	T 0417 647 750 michael.aaron.clarke@gmail.com Architect 7747 www.michaelclarkearchitects.com	12 Narelle Street North Bondi NSW 2026		
DEVELOPMENT APPLICATION		EXISTING AND DEMOLITION PLAN - GROUND FLOOR		
NOT FOR CONSTRUCTION				
SCALE	DRAWN	CHECKED	DATE	PROJECT
As indicated	@ A3 DS	MC	27/10/19	19014
DRAWING				REVISION
101				A



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0m1m2m3m

LEGEND

BK

BRICKWORK

CFC

COMPRESSED FIBRO CEMENT

CLD

VERTICAL PANEL CLADDING

D

DOOR

DP

DOWNPIPE

ENG

ENGINEER

EX

EXISTING

FCL

FINISHED CEILING LEVEL

FFL

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GL

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ST

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STL

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STORM WATER PIT TO FUTURE DETAIL

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GLASS

CONCRETE

FIBRE CEMENT

BRICK

ADDITIONAL SHADOW

REV.

AMENDMENTS

DATE

A

FOR DEVELOPMENT APPLICATION

29.07.21

CLIENT

SOPHIA RIHANI

MICHAEL CLARKE ARCHITECTS

T 0417 647 750

michael.aaron.clarke@gmail.com

Architect 7747

www.michaelclarkearchitects.com

Rihani Residence

12 Narelle Street North Bondi NSW 2026

DEVELOPMENT APPLICATION

NOT FOR CONSTRUCTION

EXISTING AND DEMOLITION PLAN - ROOF PLAN

SCALE

1 : 100 @ A3

DRAWN

DS

CHECKED

MC

DATE

27/10/19

PROJECT

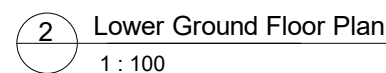
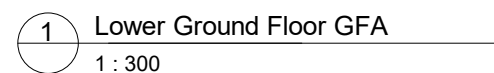
19014

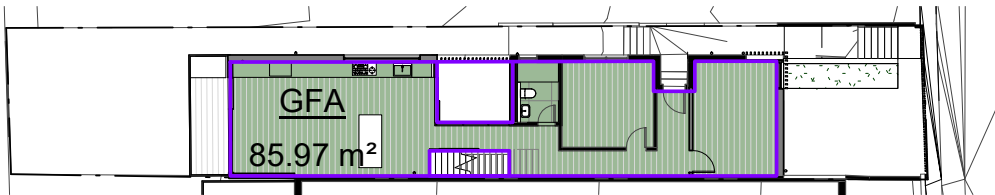
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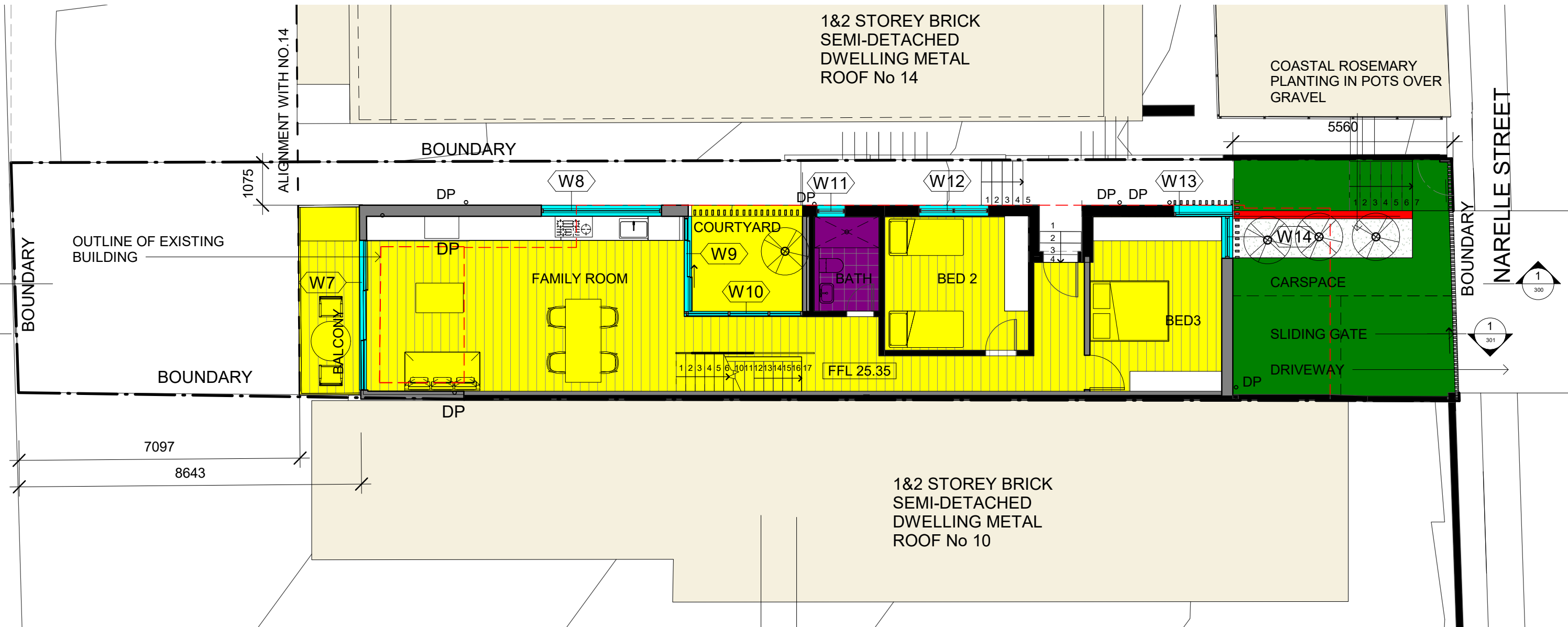
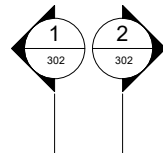
REVISION

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Page 423 of 576

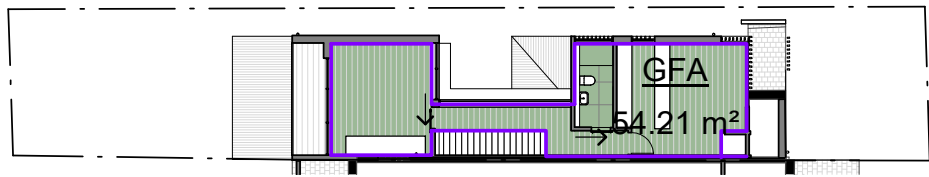


1 Ground Floor GFA
1 : 300

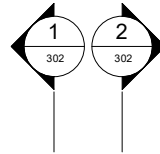


2 Ground Floor Plan
1 : 100

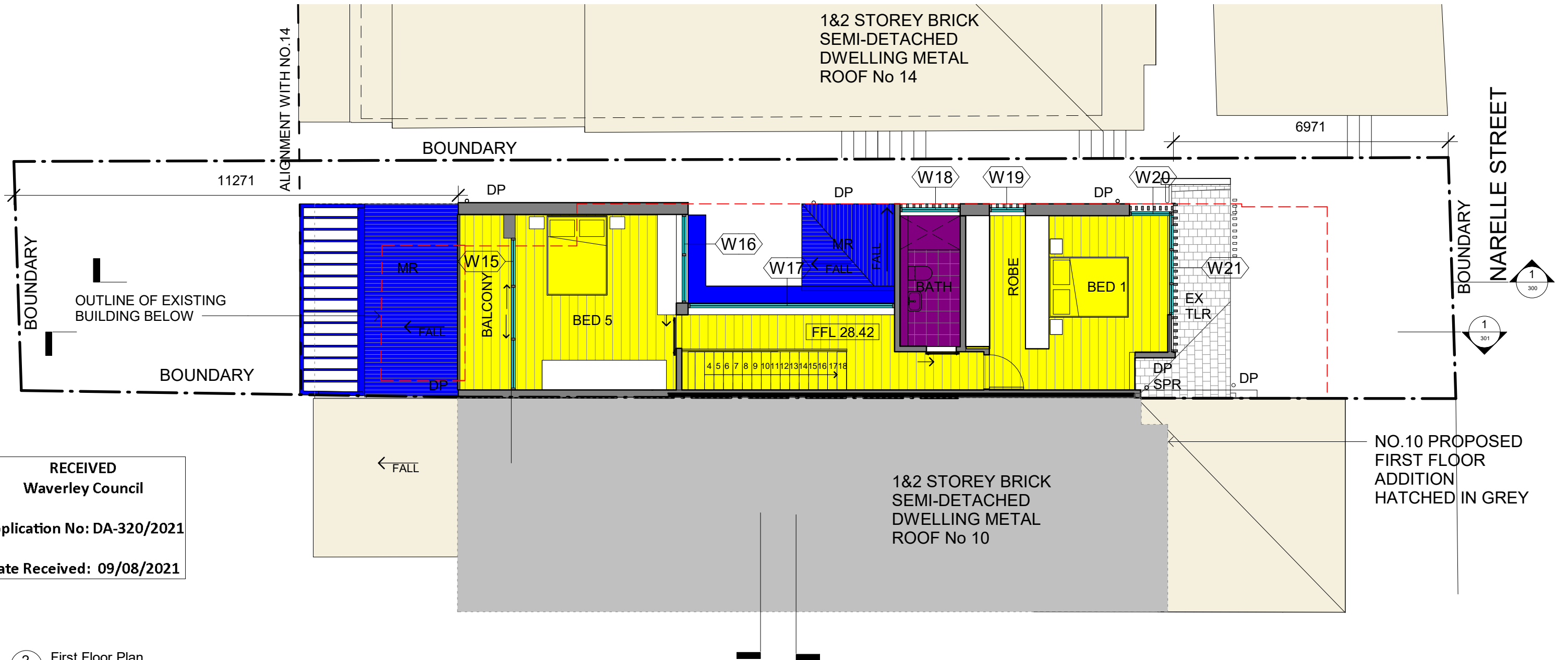
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1 First Floor GFA
1 : 300



Area Schedule (Gross Building)	
Level	Area
LOWER GROUND FLOOR FFL	54.88 m²
GROUND FLOOR FFL	85.97 m²
FIRST FLOOR FFL	54.21 m²
TOTAL GFA	195.06 m²

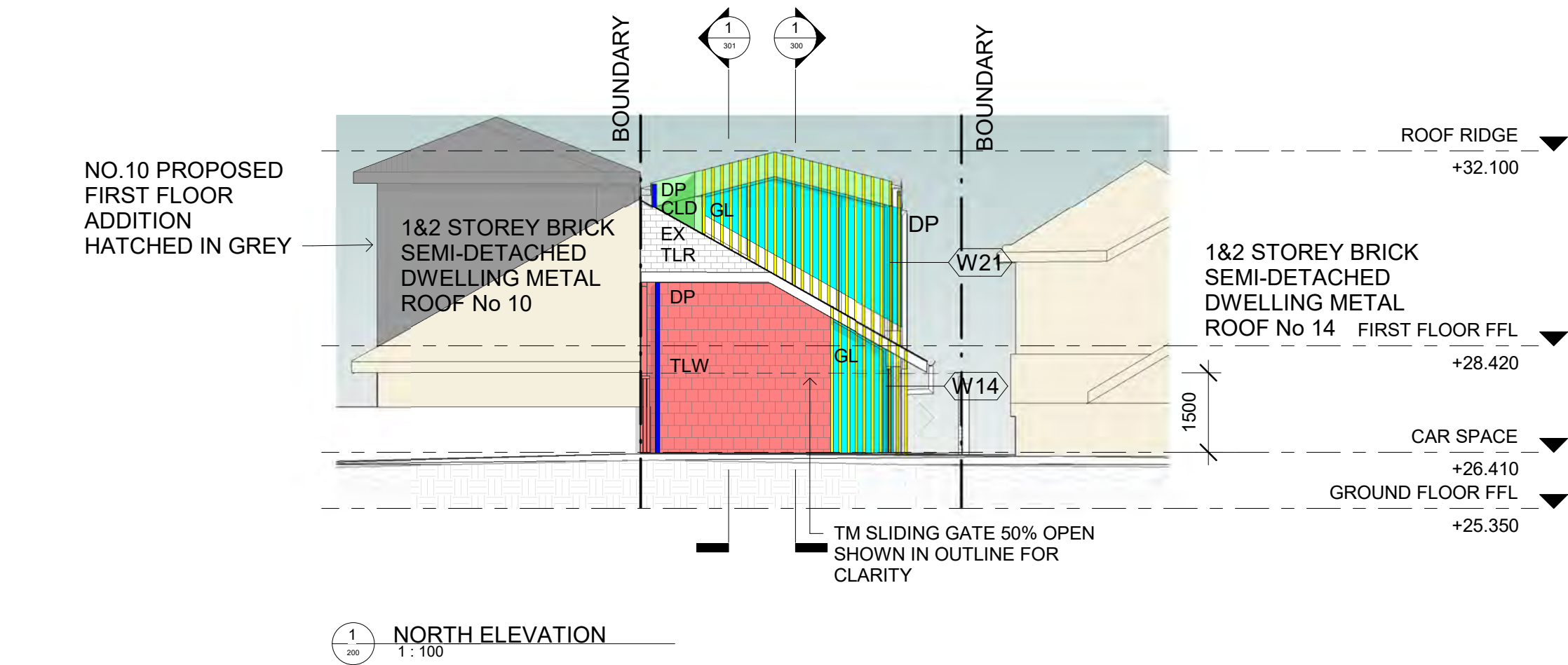


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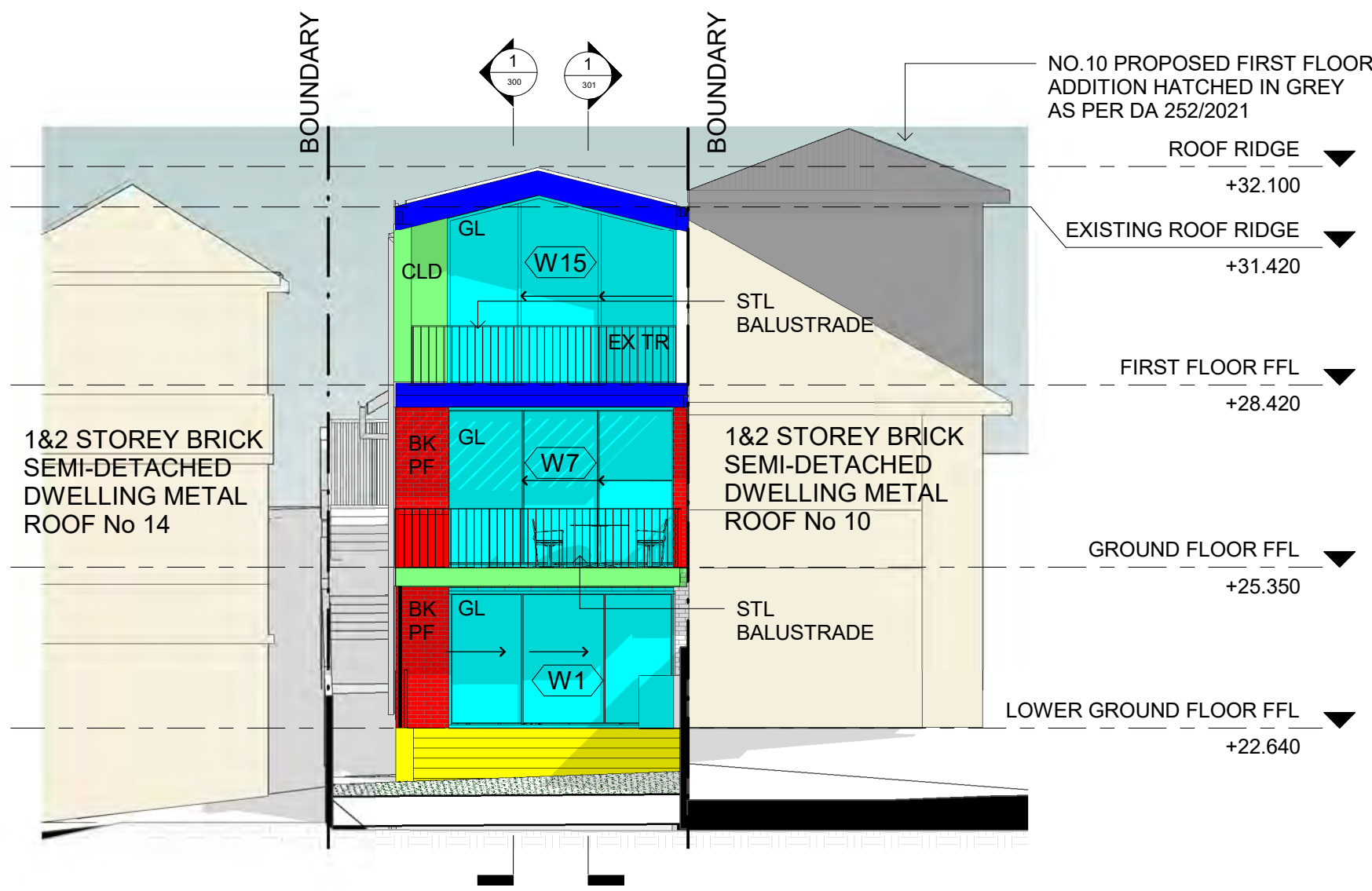
2 First Floor Plan
1 : 100

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SCALE	DRAWN	CHECKED	DATE	PROJECT	DRAWING	REVISION
1 : 100 @ A3	DS	MC	27/10/19	19014	113	A



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1 SOUTH ELEVATION
201
1 : 100

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FACE BRICK PAINT FINISH - BK PF
EX RENDERED BK SIMILAR



OBSCURE GLAZING OG



TERRACOTTA WALL CLADDING
TLW















DRIVEWAY GATE - TM



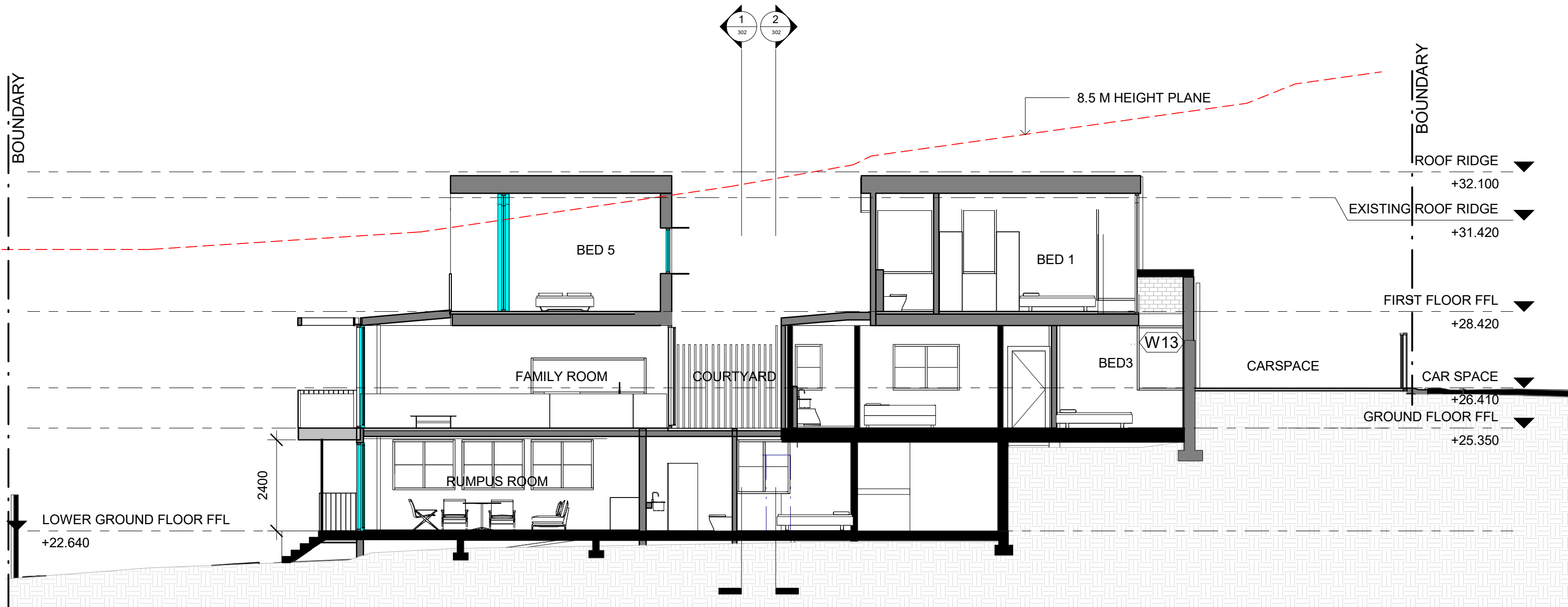
METAL ROOF - MR



VERTICAL PROFILE CLADDING PAINT FINISH -
CLD

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	D	DOOR	REN	RENDERED	SWP	STORM WATER PIT	 TIMBER	 FIBRE CEMENT			
	DP	DOWNPIPE	RL	RELATIVE LEVEL	TFD	TO FUTURE DETAIL	 ROOF / WALL TILES	 BRICK			
	ENG	ENGINEER	RWO	RAINWATER OUTLET	TLR	TILE ROOF	 INTERNAL TILES	 ADDITIONAL SHADOW			
	EX	EXISTING	RWT	RAINWATER TANK	TLW	TILE WALL					
	FCL	FINISHED CEILING LEVEL	SKYL	SKYLIGHT	TM	TIMBER					
	FFL	FINISHED FLOOR LEVEL	SLA	SLATE	TD	TIMBER DOOR					
	GL	GLASS	SPR	SPREADER	UNO	UNLESS NOTED OTHERWISE					
	JU	JOINERY UNIT TO DETAIL	SPG	SELF CLOSING POOL GATE	W	GLASS WINDOW OR DOOR					

CLIENT SOPHIA RIHANI		MICHAEL CLARKE ARCHITECTS T 0417 647 750 michael.aaron.clarke@gmail.com Architect 7747 www.michaelclarkearchitects.com		Rihani Residence 12 Narelle Street North Bondi NSW 2026		
DEVELOPMENT APPLICATION NOT FOR CONSTRUCTION				PROPOSED MATERIAL AND COLOURS		
SCALE	DRAWN	CHECKED	DATE	PROJECT	DRAWING	REVISION
@ A3	DS	DS	27/10/19	19014	210	A



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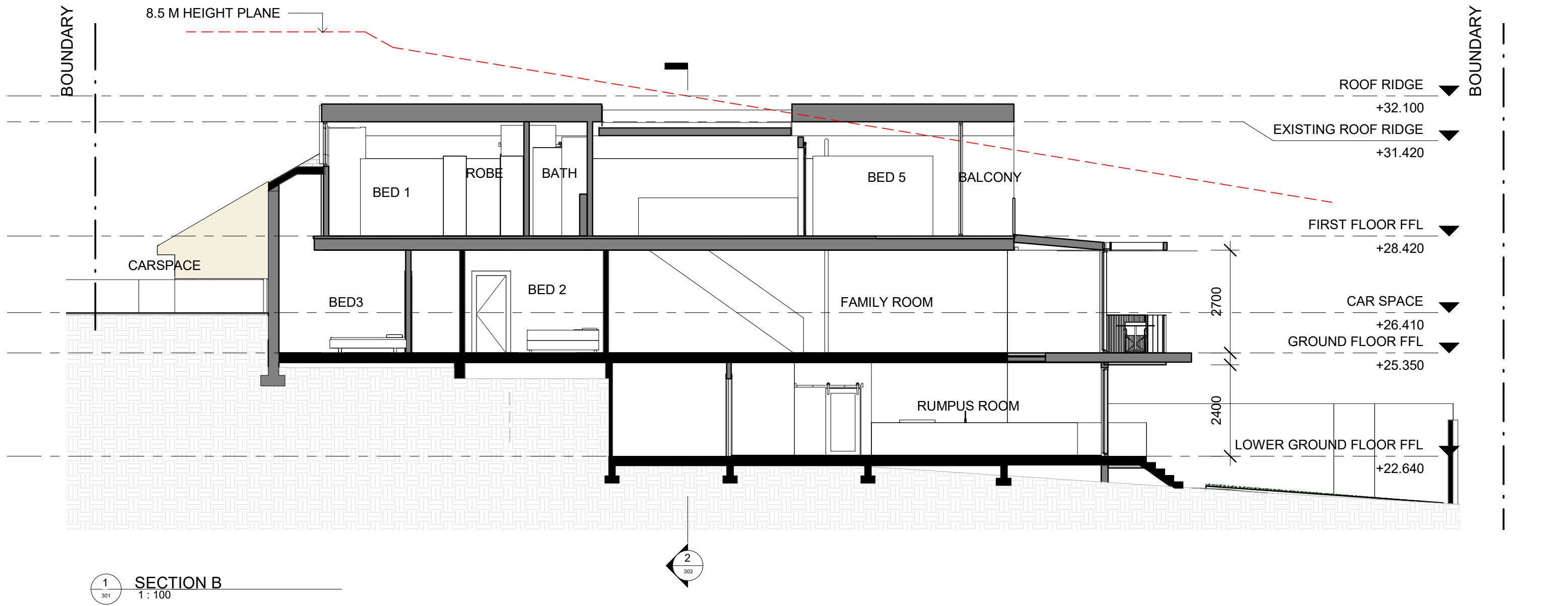
SECTION A
1 : 100

RECEIVED
Waverley Council

Application No: DA-320/2021

Date Received: 09/08/2021

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<div>SCALE</div> <div>1 : 100 @ A3</div>	<div>DRAWN</div> <div>DS</div>	<div>CHECKED</div> <div>MC</div>	<div>DATE</div> <div>27/10/19</div>	<div>PROJECT</div> <div>19014</div>	<div>DRAWING</div> <div>300</div>	<div>REVISION</div> <div>A</div>



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0m1m2m3m

LEGEND

BKBRICKWORK

CFCOMPRESSED FIBRO CEMENT

CLDVERTICAL PANEL CLADDING

D

DPDOWNPIPE

ENGENGINEER

EXEXISTING

FCLFINISHED CEILING LEVEL

FFLFINISHED FLOOR LEVEL

GLGLASS

JUJOINERY UNIT TO DETAIL

MRMETAL ROOF

OGOBSCURE GLAZING

PFPAINT FINISH

RENRENDERED

RLRELATIVE LEVEL

RWORAINWATER OUTLET

RWTRAINWATER TANK

SKYLSKYLIGHT

SLASLATE

SPRSREADER

SPGSELF CLOSING POOL GATE

SSSTAINLESS STEEL

STSTONE

STLSTEEL

STLSTORM WATER PIT TO FUTURE DETAIL

TFDTILE ROOF

TLRTILE WALL

TLWTIMBER

TDTIMBER DOOR

UNOUNLESS NOTED OTHERWISE

WGLASS WINDOW OR DOOR

KEY:

NEW WALL / FLOOR / ROOF

EXISTING TO BE DEMOLISHED

EXISTING BUILDING

TIMBER

ROOF / WALL TILES

INTERNAL TILES

STEEL / ALUMINIUM

GLASS

CONCRETE

FIBRE CEMENT

BRICK

ADDITIONAL SHADOW

REV. AMENDMENTS

DATE

A FOR DEVELOPMENT APPLICATION 29.07.21

CLIENT

SOPHIA RIHANI

MICHAEL CLARKE ARCHITECTS

T 0417 647 750

michael.aaron.clarke@gmail.com

Architect 7747

www.michaelclarkearchitects.com

Rihani Residence

12 Narelle Street North Bondi NSW 2026

DEVELOPMENT APPLICATION

NOT FOR CONSTRUCTION

PROPOSED SECTION B

SCALE

DRAWN

CHECKED

DATE

PROJECT

DRAWING

REVISION

1 : 100 @ A3

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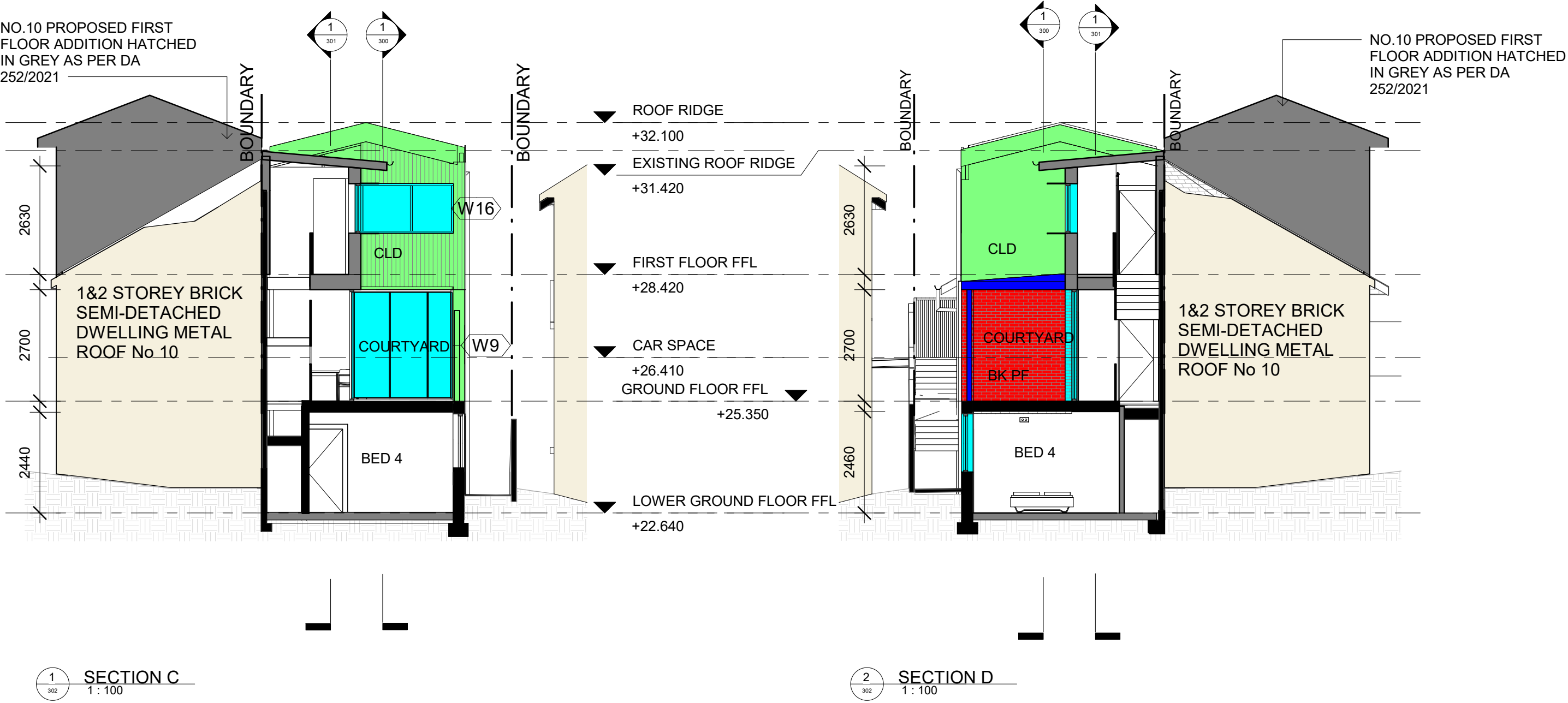
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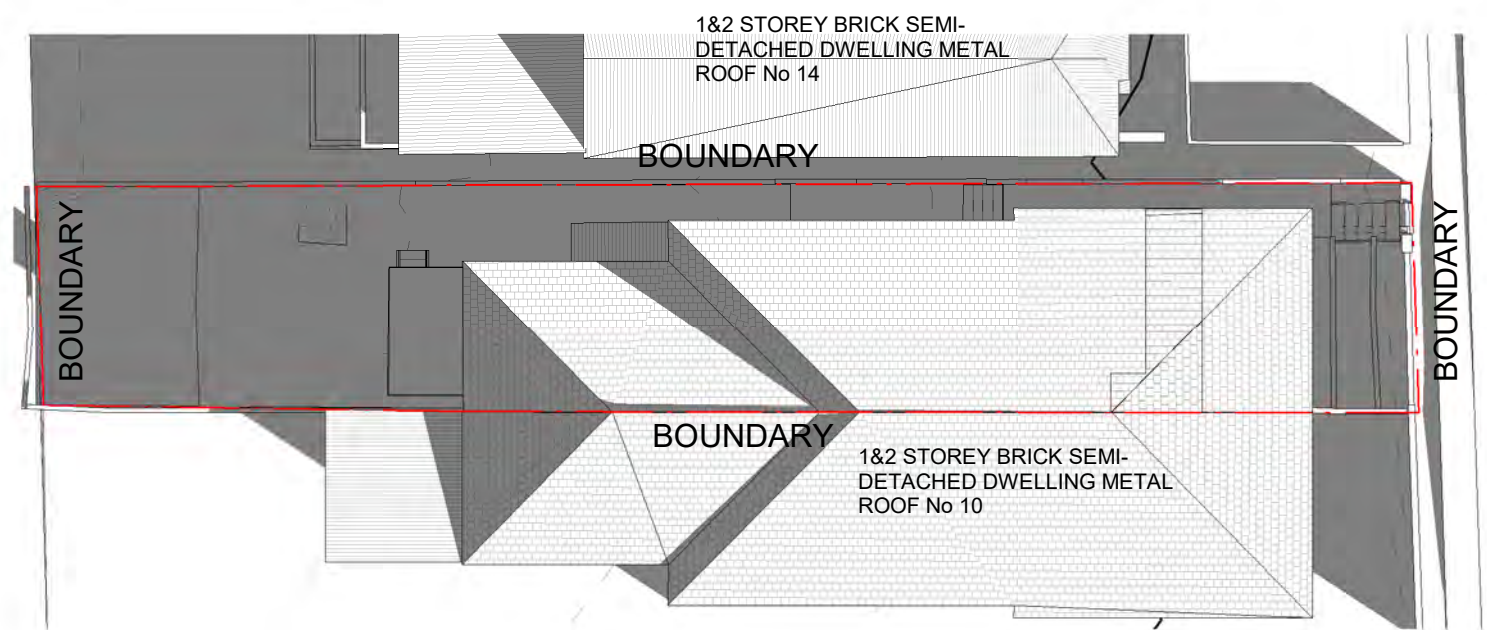
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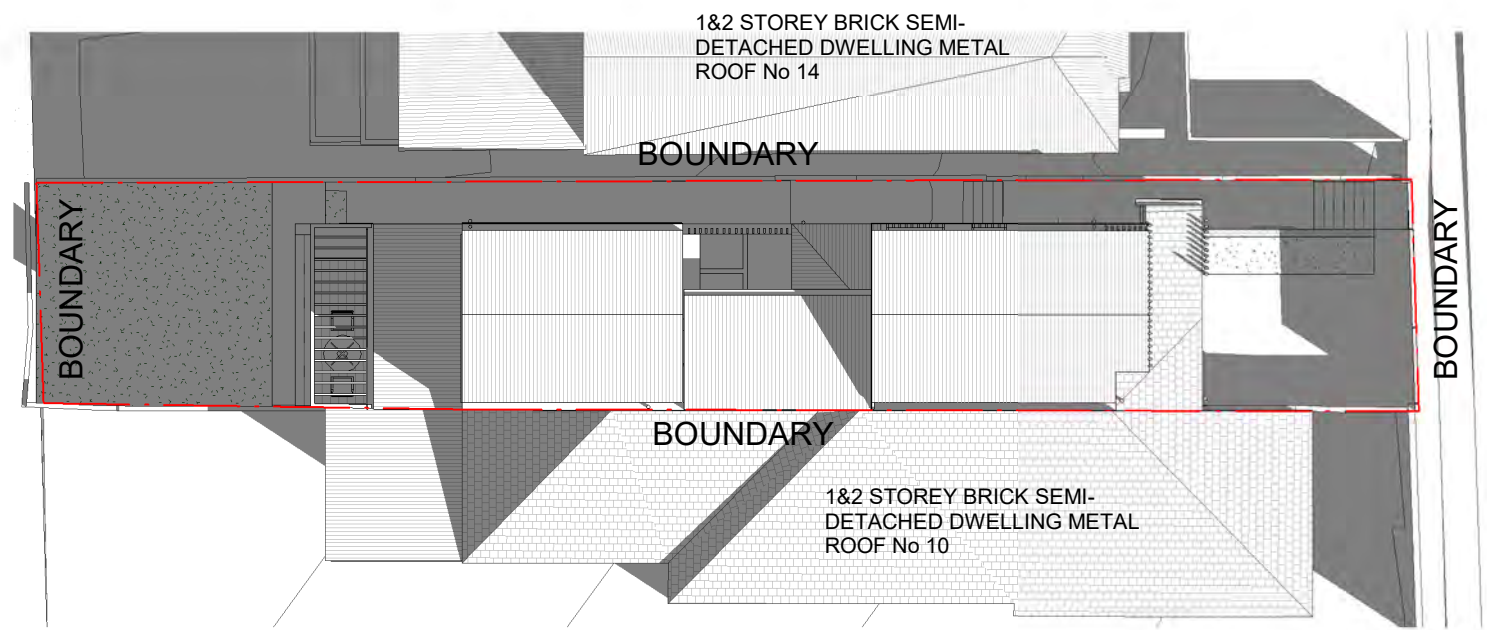
CLIENT		MICHAEL CLARKE ARCHITECTS		Rihani Residence	
SOPHIA RIHANI		T 0417 647 750 michael.aaron.clarke@gmail.com Architect 7747 www.michaelclarkearchitects.com		12 Narelle Street North Bondi NSW 2026	
DEVELOPMENT APPLICATION				PROPOSED SECTIONS C AND D	
NOT FOR CONSTRUCTION					
SCALE	DRAWN	CHECKED	DATE	PROJECT	DRAWING
1 : 100 @ A3	DS	MC	27/10/19	19014	302
				REVISION	A



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9am WINTER SOLSTICE EXISTING SHADOWS

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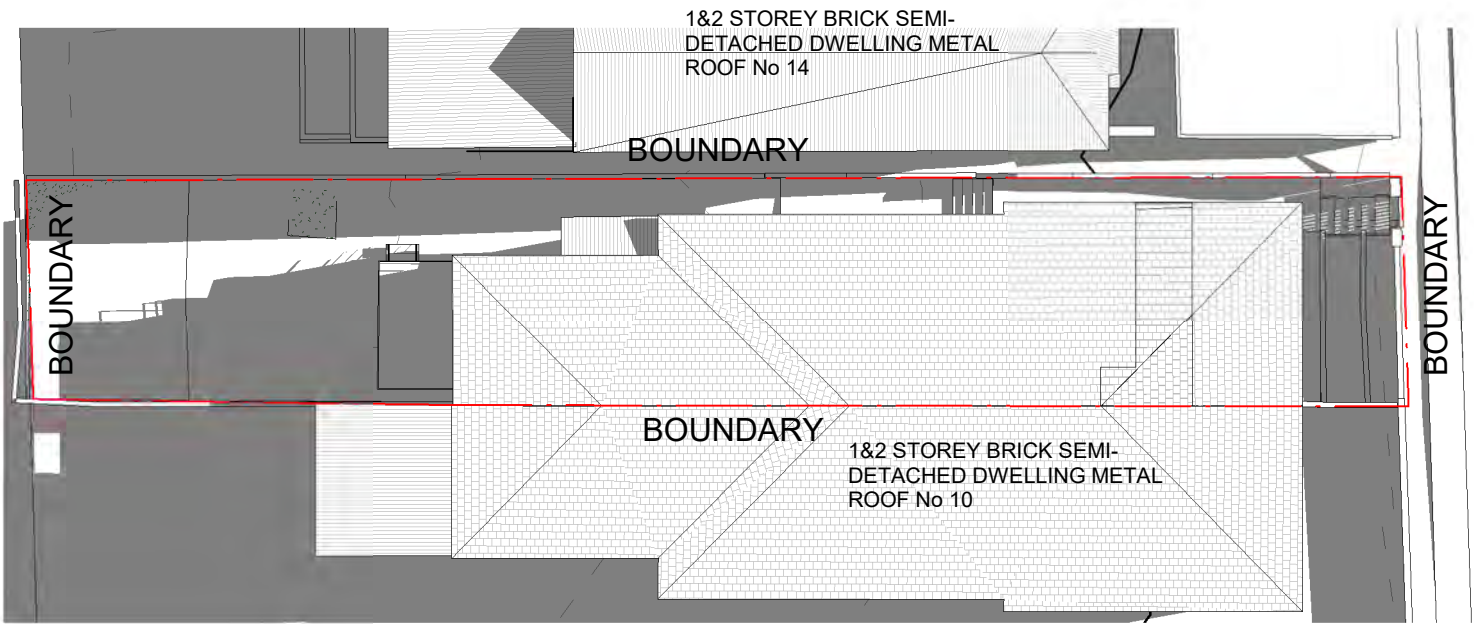


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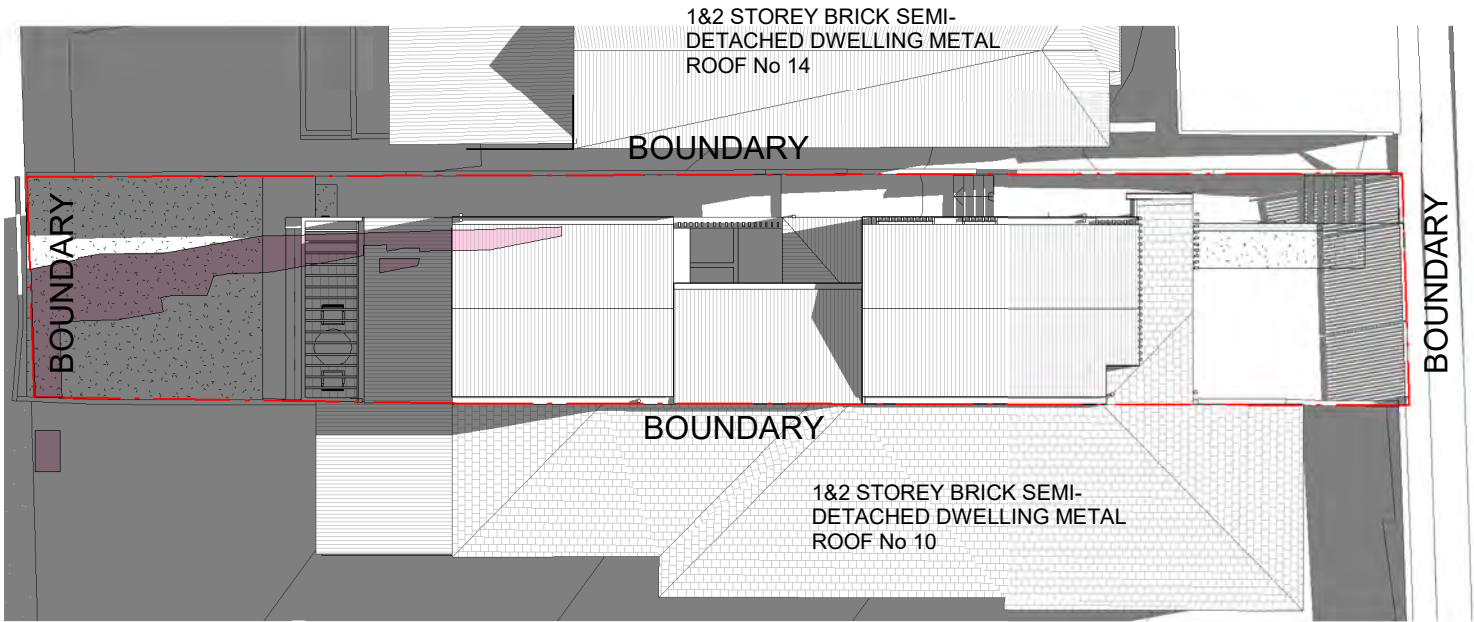
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1 : 200

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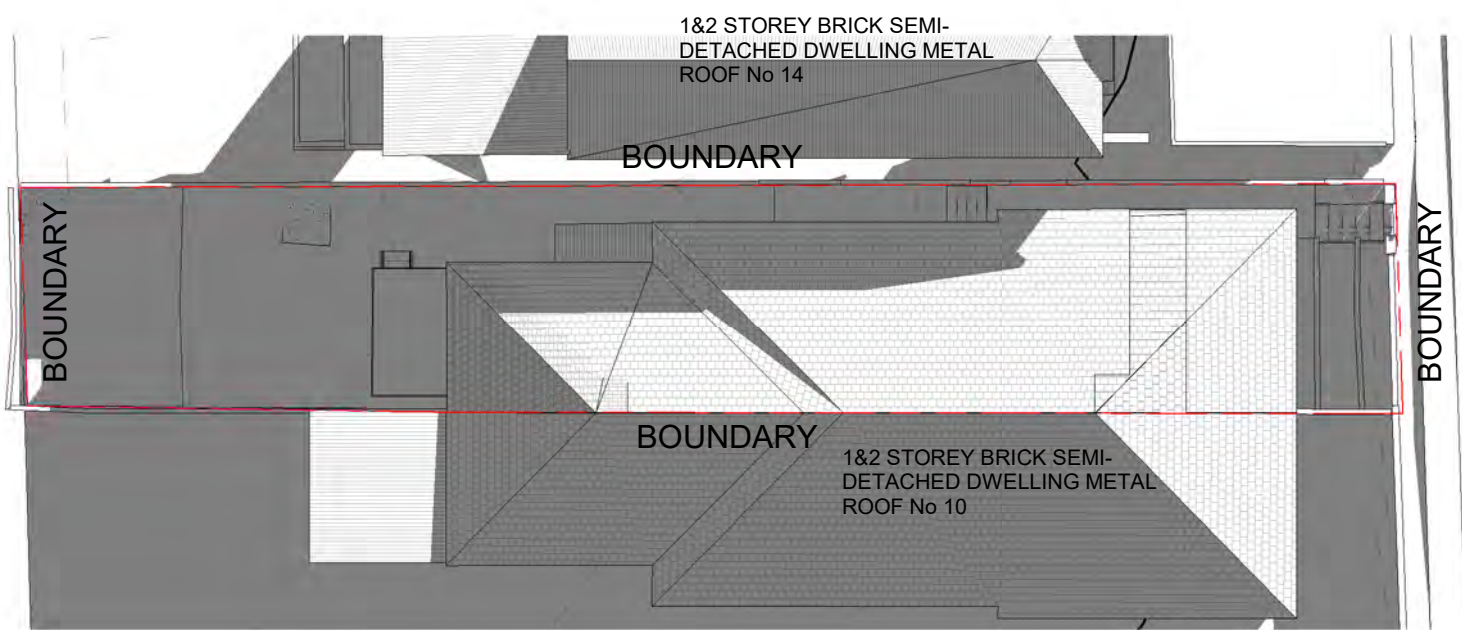


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701
MIDDAY WINTER SOLSTICE EXISTING SHADOWS
1 : 200



2
701
MIDDAY WINTER SOLSTICE PROPOSED SHADOWS
1 : 200

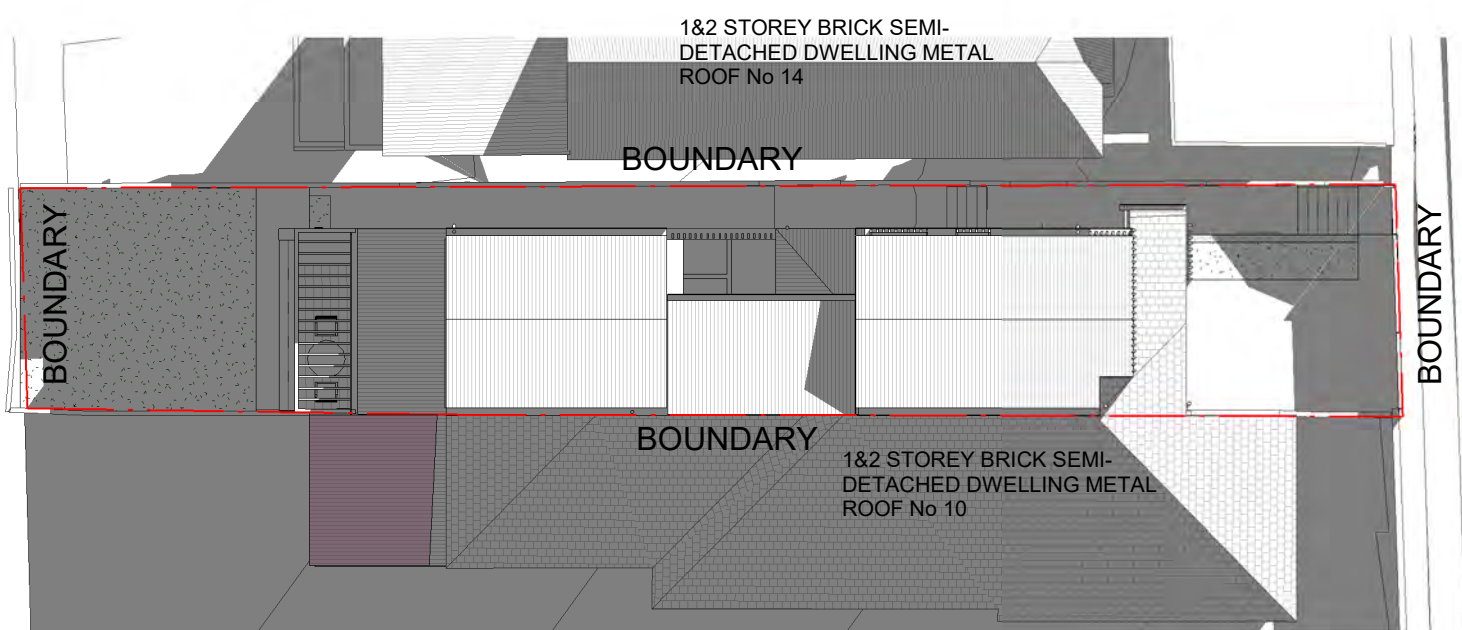
<div>NOTES</div> <div><div>- Verify Dimensions on site prior to commencement of work.</div><div>- Check existing RL's on site. Advise Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies.</div><div>- Do not scale from drawings.</div></div> <div><div><div>0m2m4m6m</div><div></div></div></div>		<div>LEGEND</div> <div><div><div>BKBRICKWORK</div><div>CFCCOMPRESSED FIBRO CEMENT</div><div>CLDVERTICAL PANEL CLADDING</div><div>D DOOR</div><div>DPDOWNPIPE</div><div>ENGENGINEER</div><div>EXEXISTING</div><div>FCLFINISHED CEILING LEVEL</div><div>FFLFINISHED FLOOR LEVEL</div><div>GLGLASS</div><div>JUJOINERY UNIT TO DETAIL</div></div><div><div>MRMETAL ROOF</div><div>OGOBSCURE GLAZING</div><div>PFPAINT FINISH</div><div>RENRENDERED</div><div>RLRELATIVE LEVEL</div><div>RWORAINWATER OUTLET</div><div>RWTRAINWATER TANK</div><div>SKYLSKYLIGHT</div><div>SLASLATE</div><div>SPRSREADER</div><div>SPGSELF CLOSING POOL GATE</div></div><div><div>SSSTAINLESS STEEL</div><div>STSTONE</div><div>STLSTEEL</div><div>SWPSTORM WATER PIT</div><div>TFDTO FUTURE DETAIL</div><div>TLRTILE ROOF</div><div>TLWTILE WALL</div><div>TMTIMBER</div><div>TDTIMBER DOOR</div><div>UNOUNLESS NOTED OTHERWISE</div><div>WGLASS WINDOW OR DOOR</div></div></div>		<div>KEY:</div> <div><div><div>NEW WALL / FLOOR / ROOF</div><div>EXISTING TO BE DEMOLISHED</div><div>EXISTING BUILDING</div><div>TIMBER</div><div>ROOF / WALL TILES</div><div>INTERNAL TILES</div></div><div><div>STEEL / ALUMINIUM</div><div>GLASS</div><div>CONCRETE</div><div>FIBRE CEMENT</div><div>BRICK</div><div>ADDITIONAL SHADOW</div></div></div>		<div>REV. AMENDMENTS DATE</div> <div><div>A</div><div>FOR DEVELOPMENT APPLICATION</div><div>29.07.21</div></div>		<div><div><div>CLIENT</div><div>SOPHIA RIHANI</div></div><div><div>MICHAEL CLARKE ARCHITECTS</div><div>T 0417 647 750</div><div>michael.aaron.clarke@gmail.com</div><div>Architect 7747</div><div>www.michaelclarkearchitects.com</div></div><div><div>Rihani Residence</div><div>12 Narelle Street North Bondi NSW 2026</div></div></div> <div><div>DEVELOPMENT APPLICATION</div><div>NOT FOR CONSTRUCTION</div></div> <div><div>SCALE</div><div>DRAWN</div><div>CHECKED</div><div>DATE</div><div>PROJECT</div><div>DRAWING</div><div>REVISION</div><div>1 : 200 @ A3</div><div>DS</div><div>MC</div><div>27/10/19</div><div>19014</div><div>701</div><div>A</div></div>					
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1

3PM WINTER SOLSTICE EXISTING SHADOWS

1 : 200



2

3PM WINTER SOLSTICE PROPOSED SHADOWS

1 : 200

NOTES

- Verify Dimensions on site prior to commencement of work.

- Check existing RL's on site. Advise Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies.

- Do not scale from drawings.

0m2m4m6m

LEGEND

BKBRICKWORK

CFCOMPRESSED FIBRO CEMENT

CLDVERTICAL PANEL CLADDING

DDOOR

DPDOWNPIPE

ENGENGINEER

EXEXISTING

FCLFINISHED CEILING LEVEL

FFLFINISHED FLOOR LEVEL

GLGLASS

JUJOINERY UNIT TO DETAIL

MRMETAL ROOF

OGOBSCURE GLAZING

PFPAINT FINISH

RENRENDERED

RLRELATIVE LEVEL

RWORAINWATER OUTLET

RWTRAINWATER TANK

SKYLSKYLIGHT

SLASLATE

SPRSREADER

SPGSELF CLOSING POOL GATE

SSSTAINLESS STEEL

STSTONE

STLSTEEL

SWPSTORM WATER PIT TO FUTURE DETAIL

TLRTILE ROOF

TLWTILE WALL

TMTIMBER

TDTIMBER DOOR

UNOUNLESS NOTED OTHERWISE

WGLASS WINDOW OR DOOR

KEY:

NEW WALL / FLOOR / ROOF

EXISTING TO BE DEMOLISHED

EXISTING BUILDING

TIMBER

ROOF / WALL TILES

INTERNAL TILES

STEEL / ALUMINIUM

GLASS

CONCRETE

FIBRE CEMENT

BRICK

ADDITIONAL SHADOW

REV. AMENDMENTS

DATE

A FOR DEVELOPMENT APPLICATION 29.07.21

CLIENT

SOPHIA RIHANI

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Rihani Residence

12 Narelle Street North Bondi NSW 2026

DEVELOPMENT APPLICATION

NOT FOR CONSTRUCTION

SHADOW DIAGRAMS 3PM

SCALE

DRAWN

CHECKED

DATE

PROJECT

DRAWING

REVISION

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27/10/19

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702

A



Report to the Waverley Local Planning Panel

Application number	DA-388/2021
Site address	15 Wallace Street, WAVERLEY
Proposal	Alterations and additions to a semi-detached dwelling including conversion of the garage to a games room and a new first floor addition
Date of lodgement	23 September 2021
Owner	Mr V D Radley
Applicant	Victor Derek Radley
Submissions	One
Cost of works	\$496,100
Principal Issues	<ul style="list-style-type: none"> • Breach to height • Breach to wall height • Roof finish
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmaps, 2021)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for alterations and additions to a semi-detached dwelling including conversion of garage to a games room and a new first floor addition at the site known as no. 15 Wallace Street, Waverley.

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

- Breach to height;
- Breach to wall height; and
- Roof finish.

The assessment finds the breach to height acceptable given a well-founded clause 4.6 was submitted demonstrating that the proposal meets the objectives of the development standard, and the zone and does not result in unreasonable environmental amenity impacts. The breach to wall height was also considered acceptable as it only occurred to a small portion of the proposal and is difficult to avoid given the sloping nature of the site.

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

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

1.2. Site and Surrounding Locality

A site visit was carried out on 1 November 2021. The site is identified as Lot B in DP396786, known as no. 15 Wallace Street, Waverley.

The site is irregular in shape with an eastern frontage to Wallace Street, measuring 7.62m. It has an area of 240.2m² and is falls from the rear (west) to the front (east) by approximately 7.57m.

The site is occupied by a single storey semi-detached dwelling with a garage and storage room located below the ground floor.

The site is adjoined by a two-storey semi-detached dwelling to the north (attached to the subject site) and a single storey detached dwelling to the south (formally a semi-detached dwelling). The locality is characterised by primarily low-density residential dwellings. A day care centre, Bronte bowling club and Varna Park are located across Wallace Street to the east and north-east.

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



Figure 1: Front of the subject site as viewed from Wallace Street, looking west.

1.3. Relevant Development History

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

However, the following development history is relevant for the adjoining sites:

- No. 13 Wallace Street (semi-detached pair) was approved for alterations and additions to a semi-detached dwelling including a first floor addition on 21 November 2013 under DA-335/2013. This has been constructed.
- No. 17-19 Wallace Street was approved for the conversion of a pair of semi-detached dwellings into one single dwelling on 20 June 1997 under BA-363/1997.

1.4. Proposal

The DA seeks consent for alterations and additions to a semi-detached dwelling including conversion of garage to a games room and a new first floor addition, specifically the following:

Lower Ground Floor

- Converting the garage into a games room with associated removal of roller door to be replaced with an entry door with adjustable awning above;

- Renovate existing powder room to a bathroom;
- Construction of a work bench and associated separate room;
- Removal of internal wall to the existing storeroom for one large storeroom; and
- Construction of internal stairs to the ground floor.

Ground Floor

- Demolition of internal walls;
- Construction of open plan kitchen, dining and living area;
- Construction of a powder room and laundry; and
- Construction of internal stairs to the proposed first floor addition.

First Floor

- Construction of a first floor addition containing:
 - Master bedroom with balcony and ensuite;
 - Two secondary bedrooms; and
 - Bathroom.
- Demolition to front portion of existing hipped roof to construct a gabled roof front.

1.5. Background

The DA was lodged on 23 September 2021.

On 1 November 2021 the applicant provided amended shadow diagrams that addressed the correct shadowing impacts that were identified by the objector.

On 4 November 2021 the applicant provided an updated Clause 4.6 Variation to demonstrate a numerical breach of the 8.5m height limit by 1.4m. The southern elevational plan was also updated to amend the height line of the breach from 9.67m to 9.9m.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Vegetation in Non-Rural Areas) 2017.

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

SEPP (Vegetation in Non-Rural Areas) 2017

The property lies within an identified biodiversity habitat corridor. In accordance with the Waverley Development Control Plan 2012 (Waverley DCP 2012) Part B, Section 3.2.2, Control (a) *A minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1.*

The submitted landscape plans do not include information about proposed plantings. A condition is recommended that the landscape plans be amended to include a planting schedule setting out proposed species and numbers of plants, and then resubmitted to Council's Biodiversity Officer for assessment.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table Low Density Residential 'R2' Zone	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 8.5m 	No	The proposed alterations and additions result in an overall height of 9.9m. The development breaches the height standard by 1.4m or 16.5%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	Yes	<u>Gross Floor Area (GFA) Calculations:</u> <i>Lower Ground Floor: 31.2m²</i> <i>Ground Floor: 83.8m²</i>

Provision	Compliance	Comment
<ul style="list-style-type: none"> Lot Size: 240.2m² Max FSR: 0.84:1 Max GFA: 201.96m² 		<i>First Floor: 61.6m²</i> Total GFA: 176.6m² Total FSR: 0.74:1
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 height of building development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in clause 4.3 under the Waverley LEP 2012.

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 9.9m, exceeding the standard by 1.4m equating to a 16.5% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal meets the objectives of the development standard.
 - a. Objective (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.

The proposed alterations and additions the subject of this submission will not adversely affect the environmental amenity of neighbouring properties and public spaces, nor the sharing of views:

- *The proposed first floor addition to the subject dwelling has been carefully designed to comply with and complement the first-floor addition previously approved by Council to the subject dwelling's pair semi-detached dwelling at 13 Wallace Street, and will not increase the bulk or scale of the dwelling when compared to neighbouring properties, or viewed from public spaces;*
- *The proposed ridge line is designed to match that of the subject dwelling's pair semi-detached dwelling, and as such, will not affect views of surrounding properties - in particular, the property to the west, as a result of the significant topographical rise from the eastern side of the subject site to the rear western side of the subject site sees the property on that western side sit well above the proposed new ridge line, and the property to the south, 17 Wallace Street, sits well forward of the subject dwelling, and will not detract from current views from any part of that property.*

- b. Objective (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space. *The proposed alterations and additions to the subject site are compatible with the height, bulk, scale and character of the locality, and positively complement and contribute to the physical definition of the street network and public space. It is noted that Council has approved similar additions and alterations to equivalent properties in the street and surrounding areas. The proposed alterations and additions are no more physically imposing than surrounding properties, and will add to the amenity of the neighbourhood by allowing the property to be turned into a home suitable for many types of individuals and family groups.*

(ii) The proposal meets the objectives of the zone.

- a. To provide for the housing needs of the community within a low density residential environment.
 - b. To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - c. To maximise public transport patronage and encourage walking and cycling.
- *Appropriate for the allotment size and other dwellings in the vicinity;*
 - *Does not detract from the amenity, privacy and views of other dwellings and public view corridors;*
 - *Are sympathetic in bulk, scale and character with the desired future character of the area; and*
 - *Have high design standards, and will be built in accordance with the objectives of that Part.*

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

- (i) *The variation in the height of the building will not adversely impact surrounding properties' environmental amenities or views, or those of surrounding public spaces;*

- (ii) *The proposed alterations and additions have been designed to complement previous approved alterations and additions to the subject site's pair semi-detached dwelling and nearby properties, and will not have any adverse impact of height, bulk or scale on surrounding properties and public spaces. Rather, they will improve the visual impact of the subject dwelling and its pair semidetached dwelling by bringing a pleasing synchronous aesthetic which is currently lacking;*
- (iii) *The proposed height deviation does not contribute to floor space ratio outside of the development controls, and in all other respects, the proposed alterations and additions comply with all development controls and standards set out in the WLEP 2012;*
- (iv) *the proposed height deviation does not affect the current building footprint or envelope approvals, and does not alter the complying setbacks;*
- (v) *The proposed height deviation will not result in any adverse visual or acoustic effects on surrounding properties; and*
- (vi) *The proposed height deviation will not be responsible for any adverse privacy impacts.*

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

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

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

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

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

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;**
- (b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*

(e) *to establish that “the zoning of particular land” was “unreasonable or inappropriate” so that “a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification **(a)** outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. This is an acceptable justification, as the applicant has demonstrated that despite the numeral non-compliance with height, the proposal still meets the relevant objectives of both height and the zone.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed works will create a corresponding pair of semi-detached dwellings with no. 13 Wallace Street, which is currently not achieved. This results in an appropriate bulk and scale. Additionally, the proposal will comply with FSR as well as majority of the Waverley Development Control Plan 2012 (Waverley DCP 2012) standards and will not increase the footprint of the current dwelling. Lastly, the proposed works will not create unreasonable environmental impacts.

Is the development in the public interest?

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

The relevant objectives of the height of building development standard are as follows:

(a) *Objective (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.*

The proposed alterations and additions exceed the height standard to the front portion of the first floor addition due to the sloping nature of the site, as shown in **Figure 2** below. Despite the numerical non-compliance with height, the proposed works do not result in unreasonable amenity impacts to neighbouring properties.

2.1.3. Waverley DCP 2012 – Amendment No.9

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


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

Development Control	Compliance	Comment
1. Waste	Yes	Garbage bins are stored in an appropriate location and appropriately screened from the streetscape whilst also providing an easy travel path for collection.
2. Ecologically Sustainable Development	Yes	The submitted BASIX certificate is acceptable.
3. Landscaping and Biodiversity	Condition recommended.	Refer to Section 2.1.1 of this report.
5. Vegetation Preservation	N/A	Tree removal is not proposed.
6. Stormwater	Conditions recommended	Council's Stormwater Engineer has recommended conditions of consent.
8. Transport	Yes	The application proposes to remove the existing single garage, to be replaced with a games room. A hardstand is provided to the front of the site.
12. Design Excellence	Acceptable	<p>The proposed first floor addition is designed to match the bulk and scale of the existing first floor addition at no. 13 Wallace Street, further enhancing the pair of dwellings.</p> <p>The proposed gabled roof to the existing roof form is supported as it provides each semi-detached dwelling with its own unique character whilst not significantly detracting from the relevant objectives of the Waverley DCP 2012 of creating a similar pair.</p> <p>In addition, the proposed gabled roof to the first floor addition compliments the proposed gabled roof to the ground floor.</p> <p>The walls will be treated with a grey render, similar to the adjoining semi-detached dwelling to no. 13 Wallace Street. A condition is recommended that the roof form have a similar finish to the existing terracotta tile finish as is evident in this portion of all dwellings on Wallace Street, as demonstrated in figures 1 and 4.</p>

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

[illegible]

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. 		<p>The proposed gabled roof to the existing roof form is supported, as it provides each semi-detached dwelling with its own unique character whilst not significantly detracting from the relevant objectives of the Waverly DCP 2012 of creating a similar pair.</p> <p>The proposed gabled roof to the first floor addition compliments this proposed gabled roof to the ground floor.</p> <p>The walls will be treated with a grey render, similar to the adjoining semi-detached dwelling to no. 13 Wallace Street. However, a condition is recommended that the roof have a similar finish to the existing terracotta tile finish, which is characteristic of the street.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Acceptable	<p>The windows to the southern elevation will not look directly into neighbouring windows. Windows W8 and W10 (to bedrooms) are substantial in size for first floor side windows, and a condition is recommended that they be provided with a privacy screen or translucent glazing to a minimum height of 1.6m from finished floor level.</p> <p>The proposed front balcony will have a depth of 1.5m and an area of 3.7m². Privacy screens to either side are not required.</p>
A 2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Acceptable	<p>The proposed works will not impact the solar access to the private open space or living areas of the subject site.</p> <p>Given the subdivision pattern to the western side of Wallace Street, it is difficult to comply with the solar access controls outlined in the Waverley DCP 2012. The subdivision pattern of the locality is east-west orientated with each lot to the north, setback further west than that to the south. This results in dwellings being adjacent to private open space of properties to the south in a stepped setback pattern rather than a clear perpendicular building line.</p>

Development Control	Compliance	Comment
		 <p>— Existing rear building line — Lot boundary</p> <p>Figure 4. Showing the unique subdivision pattern and stepped rear building line pattern resulting in difficulty in achieving compliant solar access. (Source: Nearmap, 2021)</p> <p>From this subdivision pattern and the stepped rear setback pattern, it is accepted that a dwelling to the north of a lot will overshadow a lot to the south more than what would be expected from a traditional perpendicular rear building line.</p> <p>In this case, majority of the shadowing from the proposed works will fall on no. 17-19 Wallace Street (a single dwelling that was converted from a previous semi-detached dwelling).</p> <p>The submitted shadow diagrams indicate that the proposed addition will overshadow approximately 50% or more of this sites private open space from 9am to 12 noon; however, from 12 noon additional shadow is limited to this site.</p>
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	Over 40%
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	Over 15%
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	N/A	No change to private open space.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>Acceptable on merit</p>	<p>Over 50%</p> <p>41.5% - Although non-compliant this is acceptable on merit give the paving to the front open space is existing.</p>
2.13 Semi-detached dwellings and terrace style development		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principal ridgeline Use of roof as an attic permitted provided Front verandahs to be maintained. 	<p>Yes</p>	<p>The proposed works retain the majority of the existing dwelling. The main change is to the existing roof form, which alters it from a hipped roof to a gabled roof.</p> <p>The proposed gabled roof is supported, as it provides each semi-detached dwelling with its own character whilst not significantly detracting from the objective of creating a similar pair.</p>
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> First floor additions should match the style of the additions on the adjoining semi (if relevant). 	<p>Yes</p>	<p>The proposed first floor addition is of a similar bulk and scale to that of no. 13 Wallace Street. Although the roofs may differ in design, they maintain a similar pitch and ridge height resulting in individuality whilst maintaining an overall well paired semi-detached dwelling.</p>
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling New windows to have a similar proportion to the existing Upper wall finishes to reflect the style and character of the original building. 	<p>Condition recommended</p>	<p>This has been discussed above.</p>

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days (4 October 2021 – 18 October 2021) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not renotified as the amended shadow diagrams rectified an error identified by the objector, the numerical figures in the clause 4.6 were updated and the height line to the southern elevation was amended to match this breach in height.

A total of one unique submission was received from the following properties:

- No. 17-19 Wallace Street, Waverley

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

- Overshadowing

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

Issue: Submitted shadow diagrams are incorrectly shaded.

Response: The shadow diagrams have been amended to correctly show the correct shadow impacts raised by the objector.

Issue: Change in roof pitch will result in additional solar access.

Response: The proposed roof form is supported as it is similar to the adjoining semi-detached dwelling in terms of pitch and ridge height and meets the general objectives of the Waverley DCP 2012 in creating a similar pair of semi-detached dwellings. As discussed above, the beach to the wall height and height standard is located to the front of the dwelling.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Stormwater

An internal referral was sought from Council's Stormwater Engineer who supported the application subject to recommended condition of consent.

3.2. Biodiversity

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

3.3. Trees

An internal referral was sought from Council's Tree Officer who did not object to the application.

4. CONCLUSION

The DA seeks consent for alterations and additions to a semi-detached dwelling, including conversion of garage to a games room and a new first floor addition at the site known as no. 15 Wallace Street, Waverley.

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

- Breach to height;
- Breach to wall height; and
- Roof finish.

The assessment finds the breach to height acceptable given a well-founded clause 4.6 has been submitted demonstrating that the breach generally meets the objectives of the development standard and the zone and does not result in unreasonable environmental amenity impacts. The breach to wall height is also considered acceptable, as it only occurs to a small portion of the works and is difficult to avoid given the sloping nature of the site. A condition is recommended that the roofing material be amended to a terracotta tile (to match existing) as it is common in the locality.

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

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 2 November 2021 and the DBU determined:

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

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 4 November 2021	Date: 14 November 2021

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by KY Design and More of Project No: 21-077 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A02 / Rev A	Site Plan	13/09/2021	20/09/2021
A04 / Rev A	Proposed Floor Plans	13/09/2021	20/09/2021
A05 / Rev A	Roof Plan	13/09/2021	20/09/2021
A07 / Rev A	Elevations 1	13/09/2021	20/09/2021
A08 / Rev B	Elevations 2	04/11/2021	04/11/2021
A09 / Rev A	Sections	13/09/2021	20/09/2021

- (b) BASIX Certificate;
(c) Schedule of external finishes and colours received by Council on 20/09/2021;
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 03/11/2021.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The proposed roof material is to match the existing roof material.
(b) Windows W8 and W10 are to be provided with translucent glazing or a privacy screen to a minimum height of 1.6m from the finished floor level.

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies that 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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan 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 provided 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% of the full cost of the development; or

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

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

6. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$11,230 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 provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

7. LONG SERVICE LEVY

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

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

8. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

9. HOARDING

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

10. EROSION & SEDIMENT CONTROL

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

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

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

11. ENGINEERING DETAILS

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

12. ENGINEERING CERTIFICATE OF ADEQUACY

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

13. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

14. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

STORMWATER & FLOODING

15. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by Soliman Hanna & Associate, Job No. 21-093, Drawing No. D1, Revision A, dated 08/09/2021 by Soliman Hanna & Associates are considered concept only.

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

- a) The plans shall provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD

warning sign and catchment plan. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be submitted.

- b) The height of any proposed above ground rainwater or OSD tank located within 450 mm of any property boundary shall not exceed 1.8 metres.
- c) Any new downpipes are to be located wholly within the property's boundary
- d) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- e) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating the proposed stormwater drainage system can cater for the relevant design storm event shall be provided.
- f) The pipeline within the footpath verge of Wallace Street must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and fall by gravity at 1% minimum.
- g) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- h) Interceptor drain(s) at the site boundary to prevent stormwater flows from the site crossing the footpath shall be provided.
- a) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

ENERGY EFFICIENCY & SUSTAINABILITY

16. BASIX

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

WASTE

17. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

LANDSCAPING & TREES

18. LANDSCAPE WORKS IN A HABITAT CORRIDOR

- (a) Prior to the issue of any Construction Certificate, a landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley Development Control Plan 2012.
- (b) Prior to any Occupation Certificate, the approved landscape plan is to be implemented.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

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.

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

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

DEMOLITION & EXCAVATION

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;
- *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.

CONSTRUCTION MATTERS

23. CONSTRUCTION HOURS

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

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

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

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

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

25. CONSTRUCTION INSPECTIONS

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

26. CERTIFICATE OF SURVEY – LEVELS

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

27. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

28. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

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.

30. STREET TREES TO BE RETAINED/TREE PROTECTION

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

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

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

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

31. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

32. CERTIFICATION OF BASIX COMMITMENTS

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

33. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTE

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

34. CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order and to be repair/replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

35. ON-SITE STORMWATER DETENTION CERTIFICATION

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

36. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

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

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

E. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in

NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. ALTERATIONS AND ADDITIONS ONLY

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

AD6. TREE REMOVAL/PRESERVATION

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

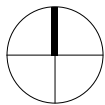
AD7. WORK OUTSIDE PROPERTY BOUNDARY

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



LOCATION PLAN - 15 WALLACE STREET, WAVELEY

SOURCE: SIX MAPS, <https://maps.six.nsw.gov.au/>, SEPTEMBER 2021

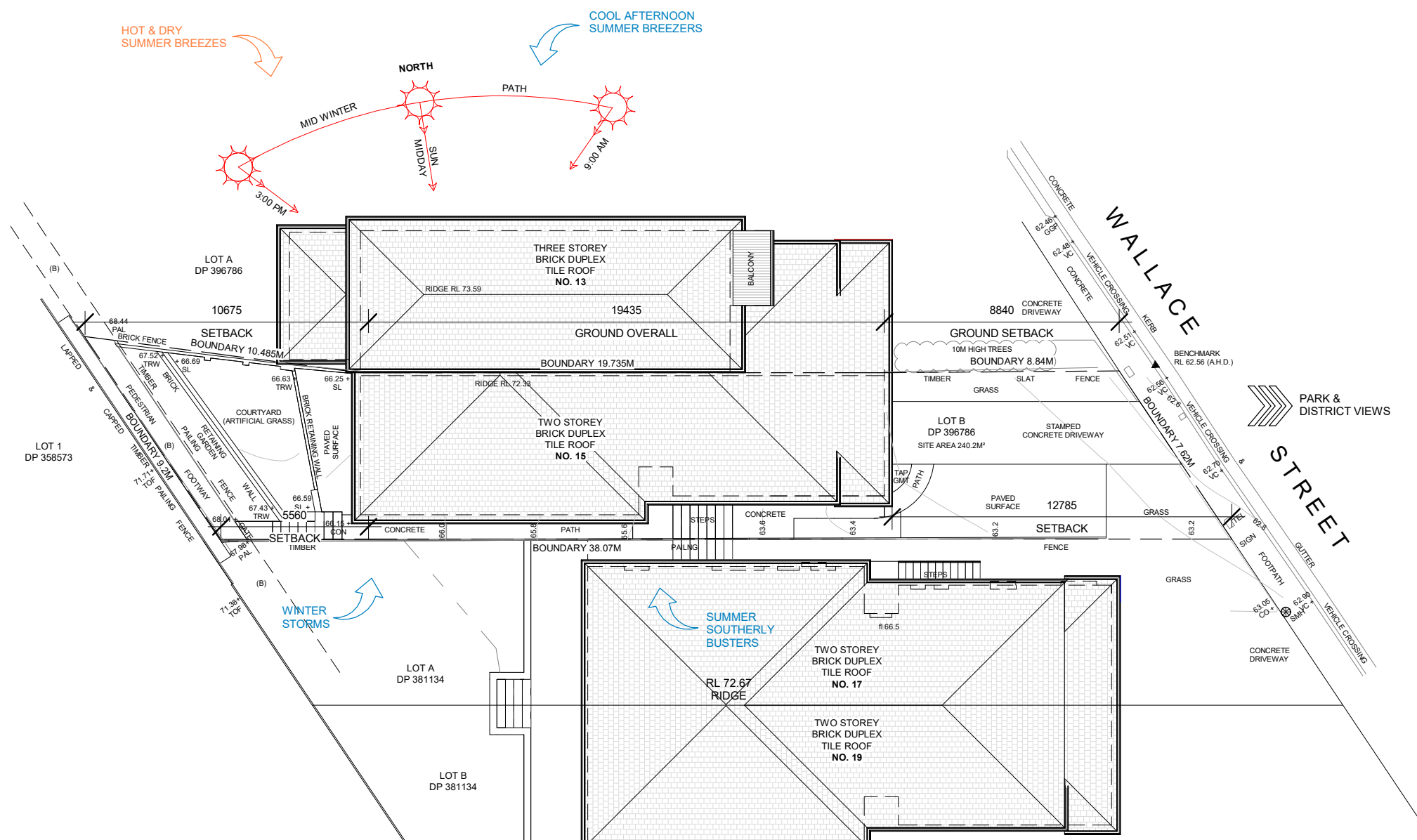


SHEET INDEX

NO.	DRAWING NAME	DRAWN BY	ISSUED
A00	COVER SHEET	AP	13-09-21
A01	SITE ANALYSIS PLAN	AP	13-09-21
A02	SITE PLAN	AP	13-09-21
A03	EXISTING FLOOR PLANS	AP	13-09-21
A04	PROPOSED FLOOR PLANS	AP	13-09-21
A05	ROOF PLAN	AP	13-09-21
A06	GFA PLANS AND DEVELOPMENT CALCULATIONS	AP	13-09-21
A07	ELEVATIONS 1	AP	13-09-21
A08	ELEVATIONS 2	AP	13-09-21
A09	SECTIONS	AP	13-09-21
A10	SHADOW ANALYSIS DIAGRAMS	AP	13-09-21
A11	DIRECT SUNLIGHT - NO. 17+ 19 REAR POS	AP	13-09-21
A12	LANDSCAPING PLAN	AP	13-09-21
A13	SITE WASTE MANAGEMENT PLAN	AP	13-09-21



DEVELOPMENT CALCULATIONS

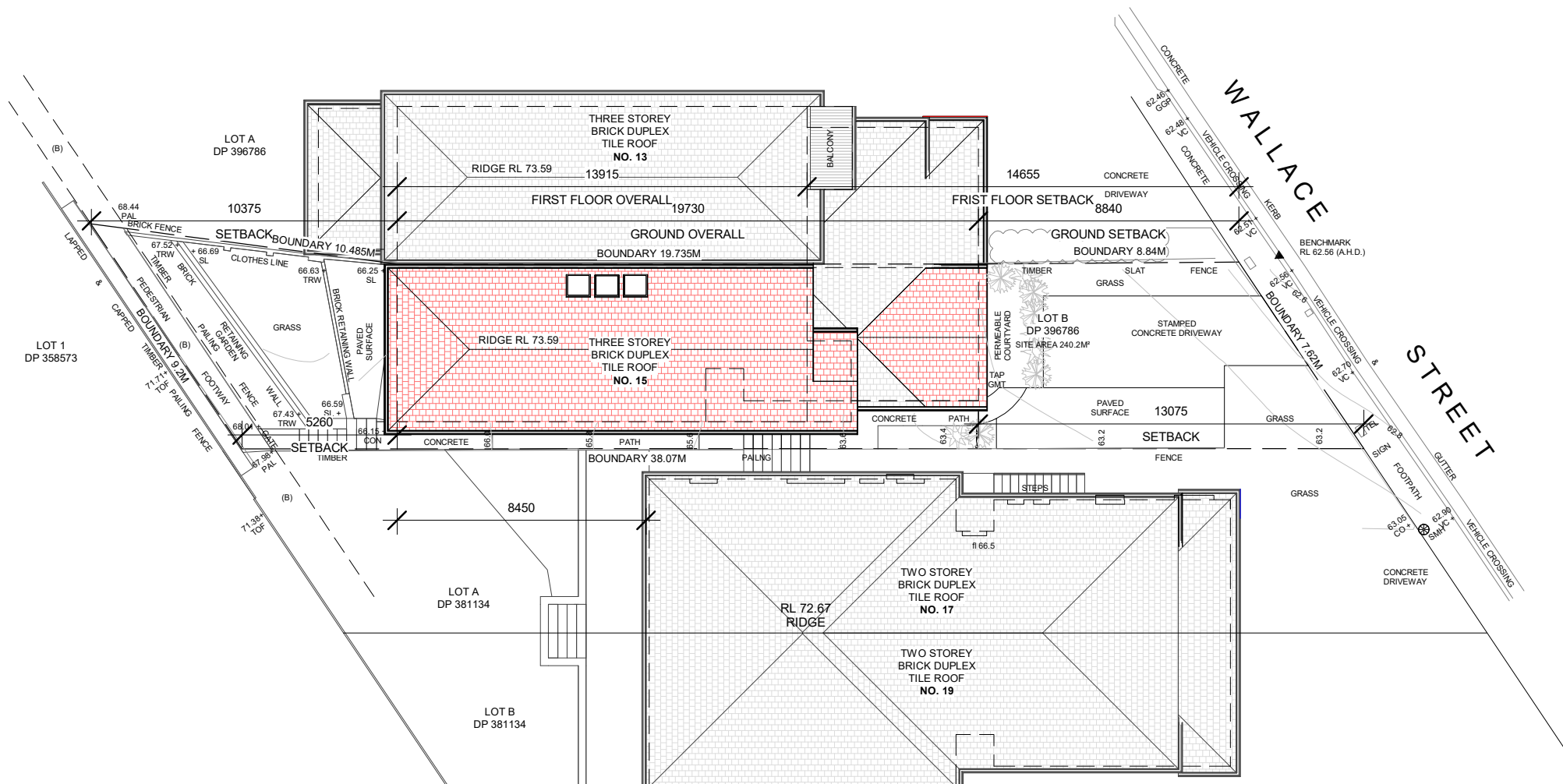
SITE AREA		240.2 M²
EXISTING GROSS FLOOR AREA	LOWER FLOOR	38.9 M²
	GROUND FLOOR	86.0 M²
	TOTAL	124.9 M²
PROPOSED GROSS FLOOR AREA	LOWER FLOOR	51.8 M²
	GROUND FLOOR	86.0 M²
	FIRST FLOOR	61.1 M²
	TOTAL	198.9 M²
PERMISSIBLE FLOOR SPACE RATIO		
= $\frac{[(550 - 240.2) \times 0.0011] + 0.5}{1}$		
= 0.84 : 1		
PROPOSED FLOOR SPACE RATIO		0.83 : 1



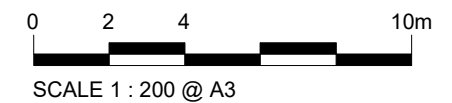
1 SITE ANALYSIS PLAN
SCALE 1 : 200 @ A3


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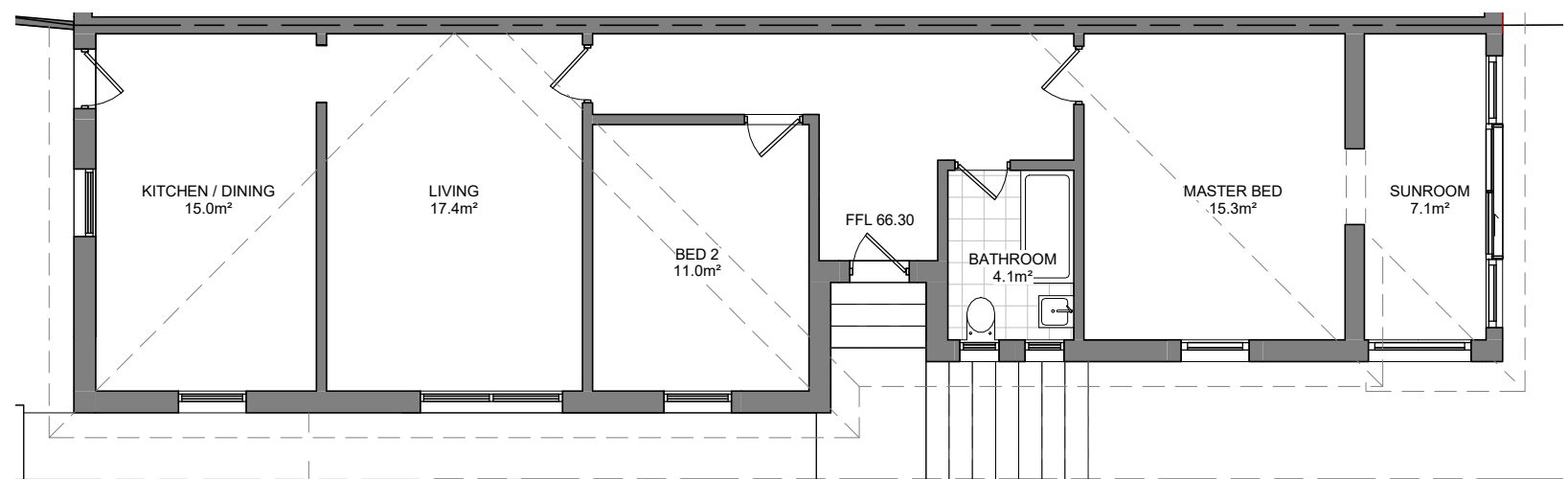
<div></div> <div>kristine yeats registered architect</div> <div>p 0418275433 e ky@kydesignandmore.com.au w kydesignandmore.com.au</div>	<div>NORTH:</div> <div></div>	<table><tr><td></td><td></td><td></td></tr><tr><td>A</td><td>13-09-21</td><td>DEVELOPMENT APPLICATION TO LGA</td></tr><tr><td>ISSUE</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td colspan="3">AMENDMENTS</td></tr></table>				A	13-09-21	DEVELOPMENT APPLICATION TO LGA	ISSUE	DATE	DESCRIPTION	AMENDMENTS			<div>PROJECT:</div> <div>ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]</div>	<div>DRAWING:</div> <div>SITE ANALYSIS PLAN</div>		
			A	13-09-21	DEVELOPMENT APPLICATION TO LGA													
			ISSUE	DATE	DESCRIPTION													
AMENDMENTS																		
	<div>JOB NO:</div> <div>21-077</div>	<div>DATE:</div> <div>13-09-21</div>	<div>SHEET NO:</div> <div>A01</div>															
	<div>OWNER:</div> <div>VICTOR RADLEY</div>	<div>DRAWN BY:</div> <div>AP</div>	<div>SCALE:</div> <div>As indicated</div>	<div>ISSUE:</div> <div>A</div>														



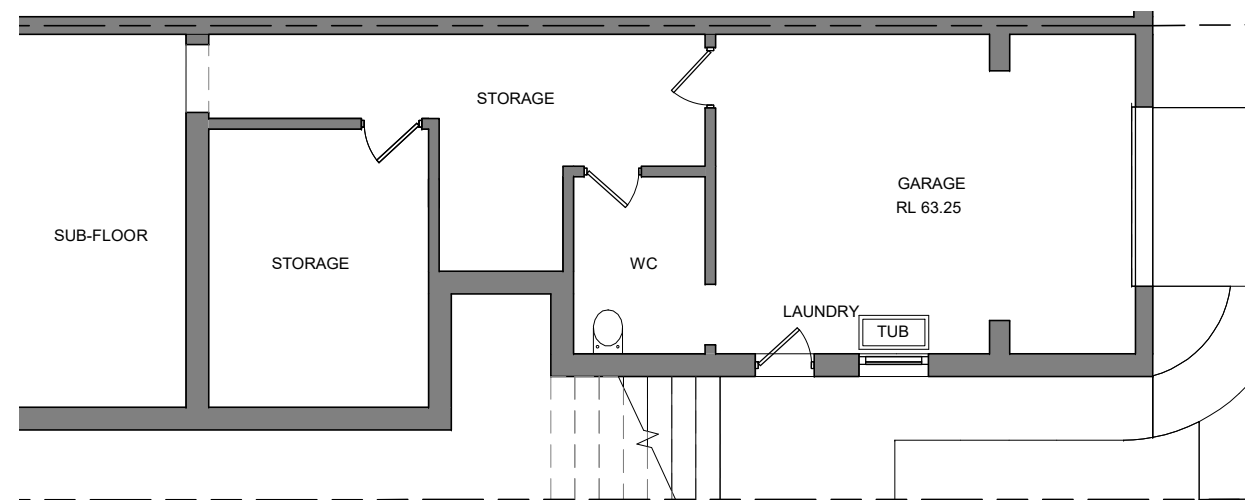
1 SITE PLAN
SCALE 1 : 200 @ A3



<div><p>kristine yeats registered architect</p><p>p 0418275433 e ky@kydesignandmore.com.au w kydesignandmore.com.au</p></div>	<div>NORTH: </div>	<table><tr><td></td><td></td><td></td></tr><tr><td>A</td><td>13-09-21</td><td>DEVELOPMENT APPLICATION TO LGA</td></tr><tr><td>ISSUE</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td colspan="3">AMENDMENTS</td></tr></table>				A	13-09-21	DEVELOPMENT APPLICATION TO LGA	ISSUE	DATE	DESCRIPTION	AMENDMENTS			<div>PROJECT: ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]</div>	DRAWING: SITE PLAN		
			A	13-09-21	DEVELOPMENT APPLICATION TO LGA													
			ISSUE	DATE	DESCRIPTION													
AMENDMENTS																		
			<div>JOB NO: 21-077</div>	<div>DATE: 13-09-21</div>	<div>SHEET NO: A02</div>													
			<div>OWNER: VICTOR RADLEY</div>	<div>DRAWN BY: AP</div>	<div>SCALE: 1 : 200</div>	<div>ISSUE: A</div>												





2 EXISTING GROUND FLOOR PLAN
SCALE 1 : 100 @ A3



1 EXISTING LOWER FLOOR PLAN
SCALE 1 : 100 @ A3

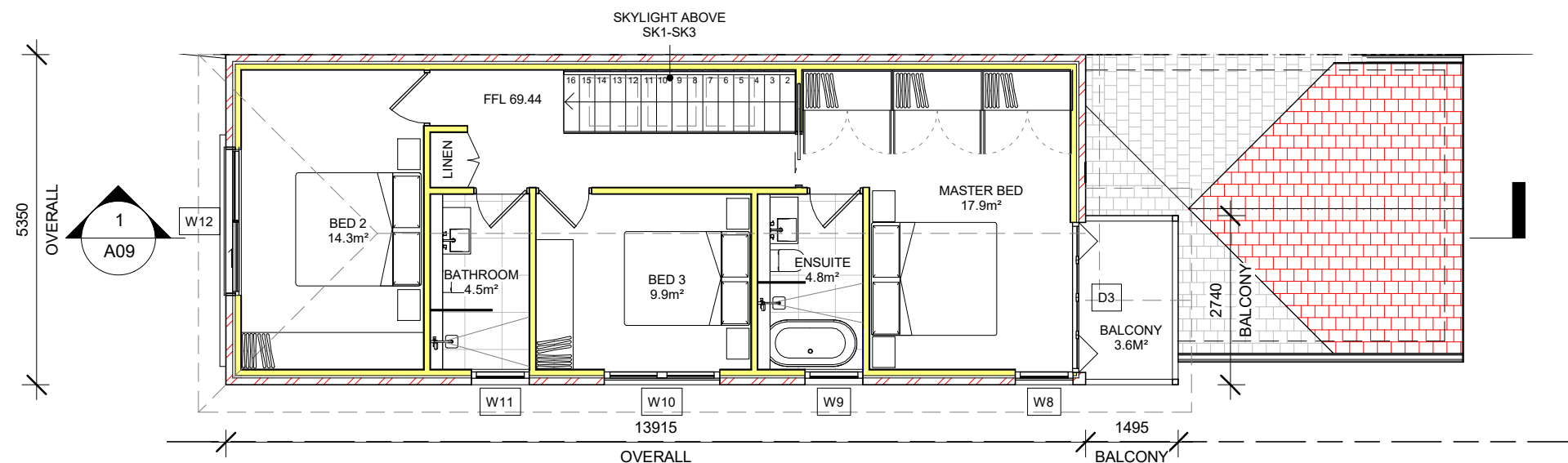


<div><div><div>kristine yeats</div><div>registered architect</div><div>p 0418275433</div><div>e ky@kydesignandmore.com.au</div><div>w kydesignandmore.com.au</div></div></div>	<div>NORTH:</div> <div></div>	<table><tr><td></td><td></td><td></td></tr><tr><td>A</td><td>13-09-21</td><td>DEVELOPMENT APPLICATION TO LGA</td></tr><tr><td>ISSUE</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td colspan="3">AMENDMENTS</td></tr></table>				A	13-09-21	DEVELOPMENT APPLICATION TO LGA	ISSUE	DATE	DESCRIPTION	AMENDMENTS			<div>PROJECT:</div> <div>ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]</div>	<div>DRAWING:</div> <div>EXISTING FLOOR PLANS</div>		
			A	13-09-21	DEVELOPMENT APPLICATION TO LGA													
			ISSUE	DATE	DESCRIPTION													
AMENDMENTS																		
	<div>JOB NO:</div> <div>21-077</div>	<div>DATE:</div> <div>13-09-21</div>	<div>SHEET NO:</div> <div>A03</div>															
	<div>DRAWN BY:</div> <div>AP</div>	<div>SCALE:</div> <div>1 : 100</div>	<div>ISSUE:</div> <div>A</div>															
			<div>OWNER:</div> <div>VICTOR RADLEY</div>															

BASIX CERTIFICATE A430272_02 dated 13 September 2021
Note: The BASIX certificate overrides this table

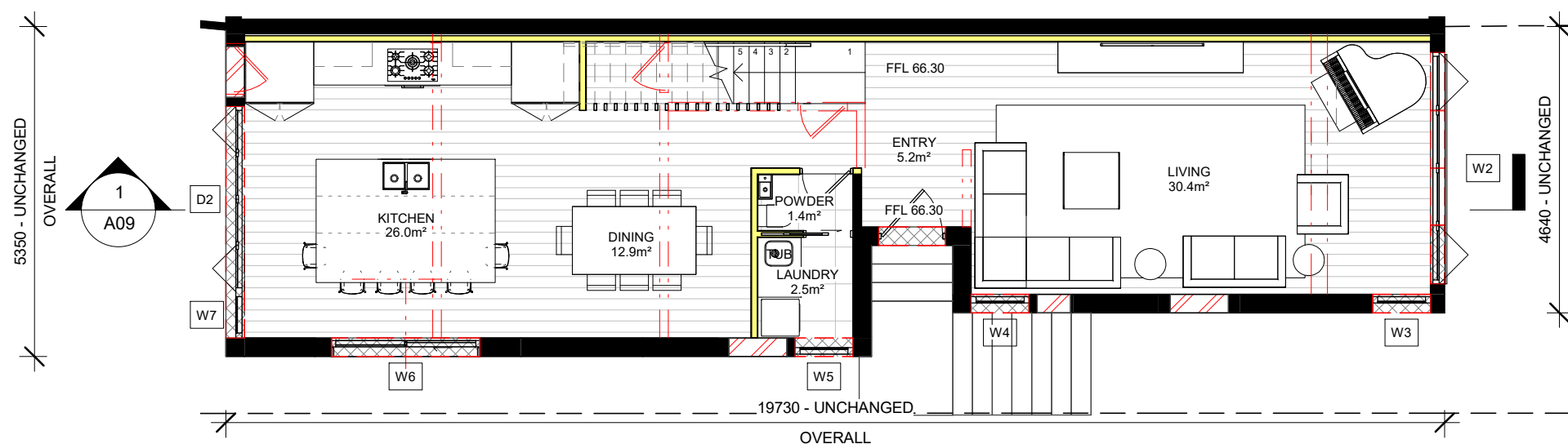
Fixtures & Systems
Hot water system: Gas instantaneous
Lighting - min. 40% fluorescent, compact fluorescent or LED
Showerhead ≤ 9 litres / minute or 3-star
Toilets ≤ 4 litres / average flush or 3-star
Taps ≤ 9 litres / minute or 3-star
Construction - Insulation requirements
Concrete Slab on ground - Nil
Floor above existing dwelling - Nil
External wall: brick veneer - R1.16 (or R1.70 incl. construction)
External wall: framed (weatherboard/clad) - R1.30 (or R1.70 incl. construction)
Flat ceiling, pitched roof - Ceiling: R2.50 (up), Roof: foil/sarking Dark (solar absorptance > 0.70)
Raked ceiling, pitched roof : framed Ceiling: R2.50 (up), Roof: foil/sarking Dark (solar absorptance > 0.70)

Glazing requirements		
No.	Shading	Frame and Glass
W1	none	Timber, single clear or U-value: 5.71, SHGC: 0.66
W2	external louvre/blind (adj.)	
W3	none	
W4	none	
W5	none	
W6	none	
W7	awning (adjustable) >=900mm	
W8	none	
W9	none	
W10	none	
W11	none	
W12	external louvre/blind (adj.)	
D1	awning (adjustable) >=900mm	Skylights
D2	awning (adjustable) >=900mm	
D3	eave >=900mm	
Skylights		
No.	Frame and Glass	
S1	U-value: 2.5, SHGC: 0.456	
S2		
S3		



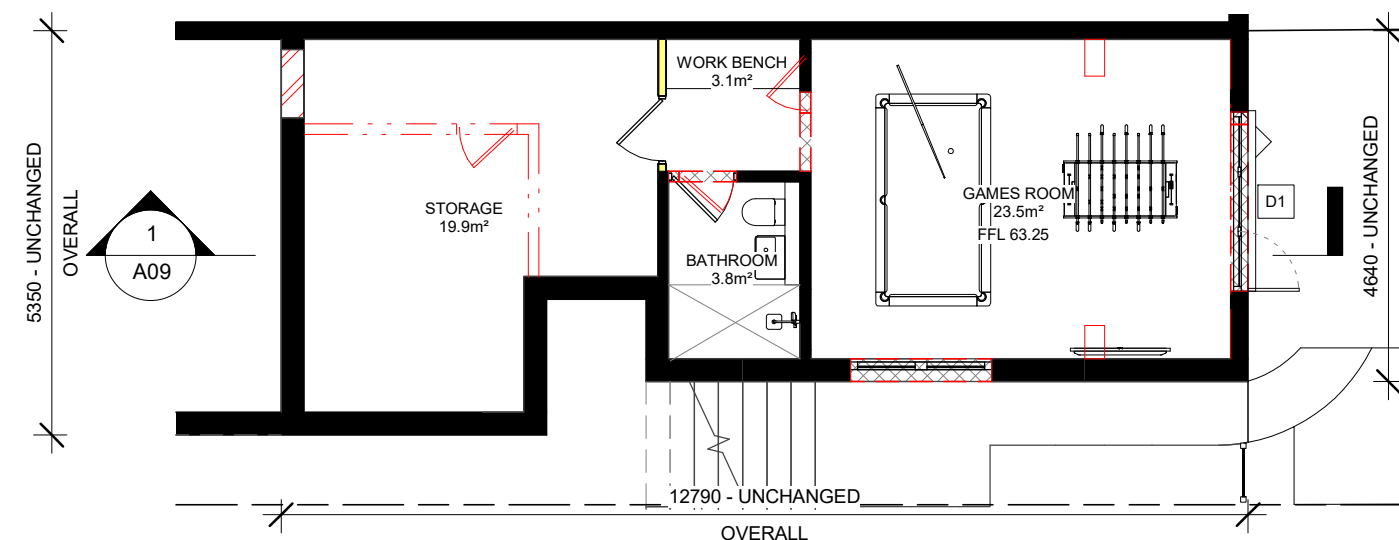
FIRST FLOOR PLAN

SCALE 1 : 100 @ A3



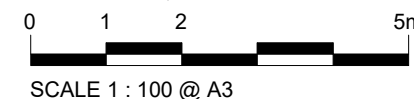
PROPOSED GROUND FLOOR PLAN


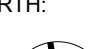
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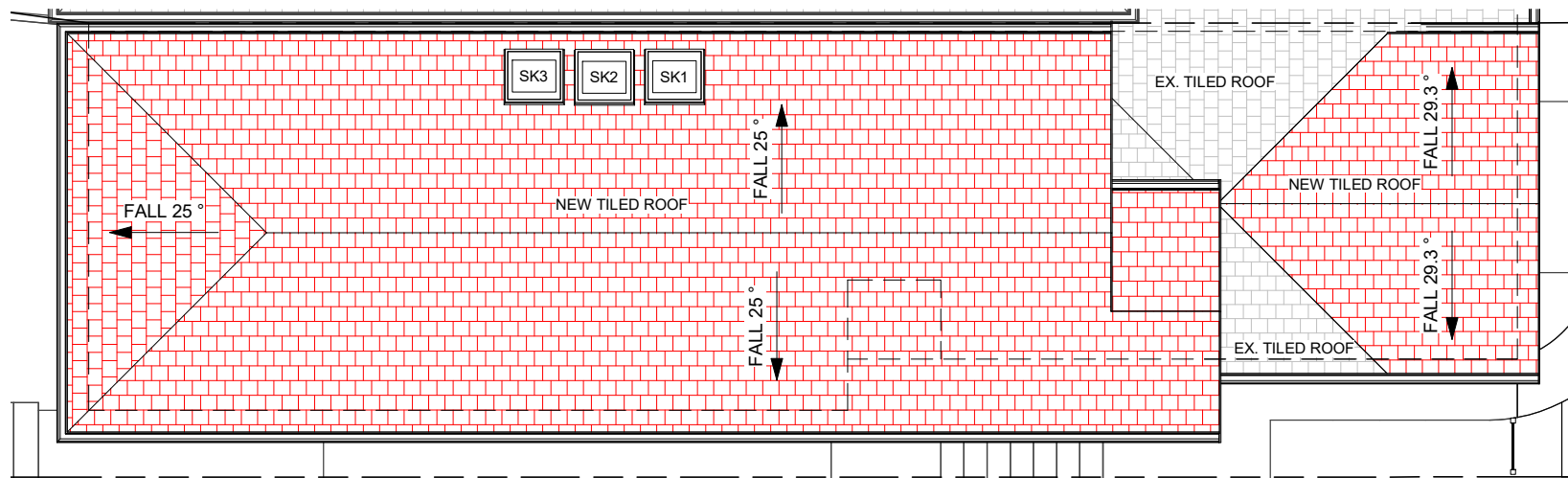


PROPOSED LOWER FLOOR PLAN 51.8 M²

SCALE 1 : 100 @ A3



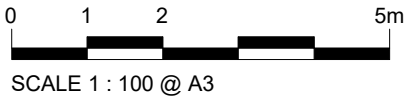
<div><div><div>kristine yeats</div><div>registered architect</div><div><div>p 0418275433</div><div>e ky@kydesignandmore.com.au</div><div>w kydesignandmore.com.au</div></div></div></div>	<div>NORTH:</div> <div></div>	<table><tr><td></td><td></td><td></td></tr><tr><td>A</td><td>13-09-21</td><td>DEVELOPMENT APPLICATION TO LGA</td></tr><tr><td>ISSUE</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td colspan="3">AMENDMENTS</td></tr></table>				A	13-09-21	DEVELOPMENT APPLICATION TO LGA	ISSUE	DATE	DESCRIPTION	AMENDMENTS			<div>PROJECT:</div> <div>ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]</div> <div>OWNER:</div> <div>VICTOR RADLEY</div>	<div>DRAWING:</div> <div>PROPOSED FLOOR PLANS</div>		
			A	13-09-21	DEVELOPMENT APPLICATION TO LGA													
			ISSUE	DATE	DESCRIPTION													
AMENDMENTS																		
<div>JOB NO:</div> <div>21-077</div>		<div>DATE:</div> <div>13-09-21</div>	<div>SHEET NO:</div> <div>A04</div>															
<div>DRAWN BY:</div> <div>AP</div>		<div>SCALE:</div> <div>As indicated</div>	<div>ISSUE:</div> <div>A</div>															



1

ROOF PLAN

SCALE 1 : 100 @ A3



kristine yeats
registered architect

p 0418275433
e ky@kydesignandmore.com.au
w kydesignandmore.com.au

NORTH:

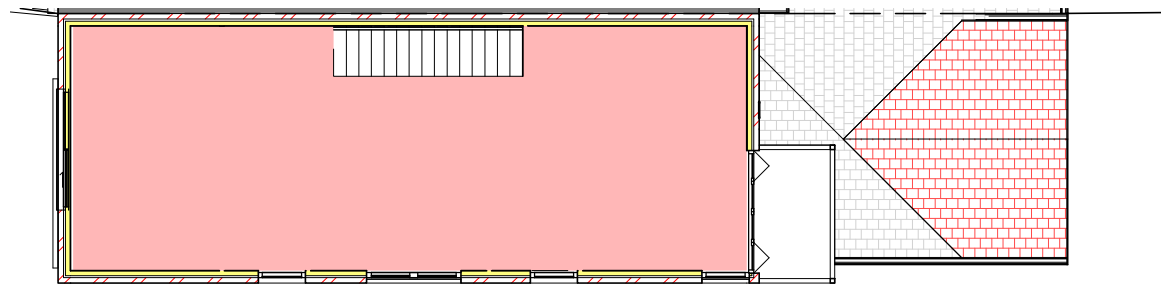
A	13-09-21	DEVELOPMENT APPLICATION TO LGA
ISSUE	DATE	DESCRIPTION

AMENDMENTS

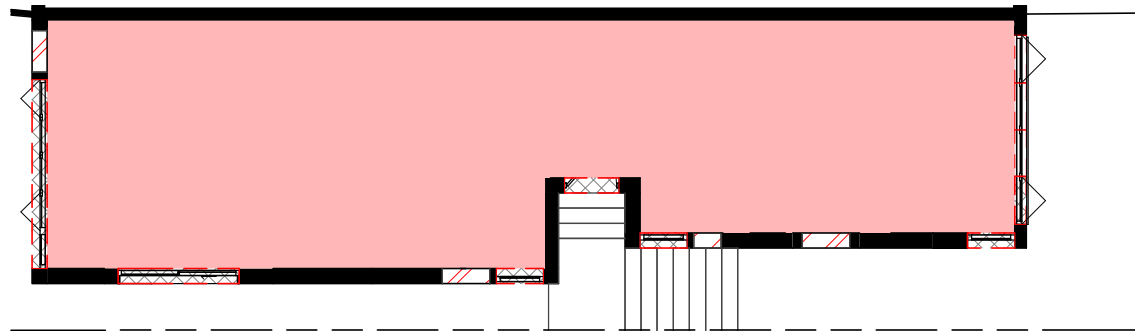
PROJECT:
ALTERATION AND ADDITIONS
15 WALLACE STREET, WAVERLEY
[LOT B, DP 396786, SITE AREA 240.2M²]

OWNER:
VICTOR RADLEY

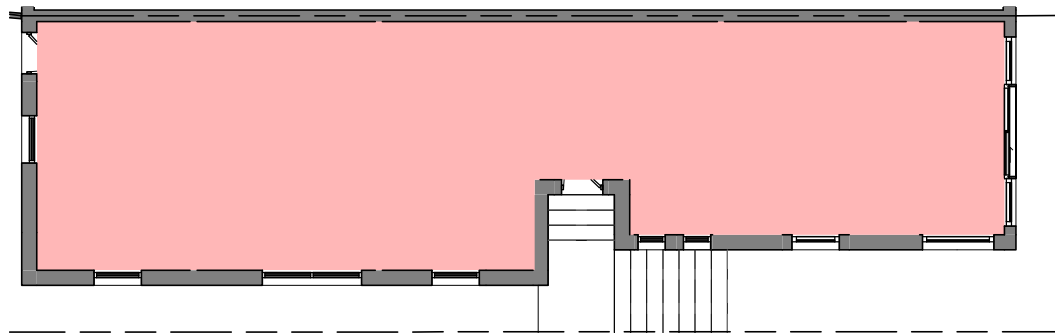
DRAWING: ROOF PLAN		
JOB NO: 21-077	DATE: 13-09-21	SHEET NO: A05
DRAWN BY: AP	SCALE: 1 : 100	ISSUE: A



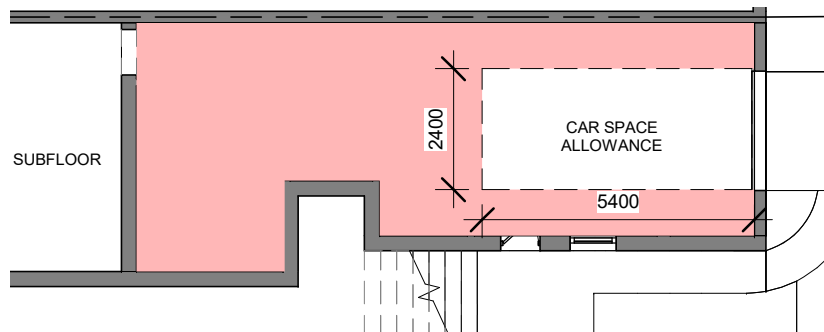
5 **GFA FIRST FLOOR - 61.1 M²**
SCALE 1 : 150 @ A3



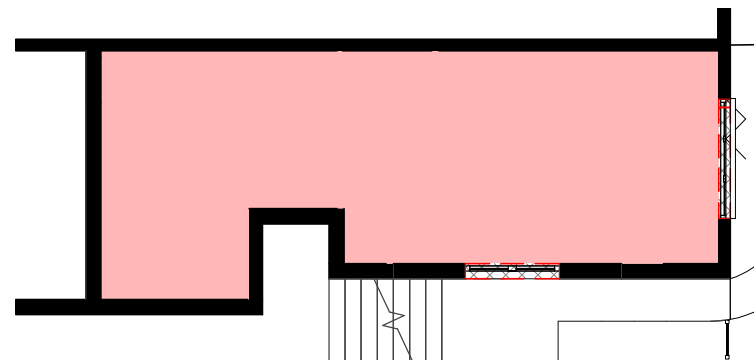
4 **GFA GROUND FLOOR PROPOSED - 86.0 M²**
SCALE 1 : 150 @ A3



2 **GFA GROUND FLOOR EXISTING - 86.0 M²**
SCALE 1 : 150 @ A3



1 **GFA LOWER FLOOR EXISTING - 38.9 M²**
SCALE 1 : 150 @ A3



3 **GFA LOWER FLOOR PROPOSED - 51.8 M²**
SCALE 1 : 150 @ A3

GFA / FSR CALCULATIONS



SITE AREA		240.2 M ²
EXISTING GROSS FLOOR AREA	LOWER FLOOR	38.9 M ²
	GROUND FLOOR	86.0 M ²
	TOTAL	124.9 M ²

PROPOSED GROSS FLOOR AREA	LOWER FLOOR	51.8 M ²
	GROUND FLOOR	86.0 M ²
	FIRST FLOOR	61.1 M ²
	TOTAL	198.9 M ²

PERMISSIBLE FLOOR SPACE RATIO
= $\frac{[(550 - 240.2) \times 0.0011] + 0.5}{1}$
= 0.84 : 1
PROPOSED FLOOR SPACE RATIO
0.83 : 1



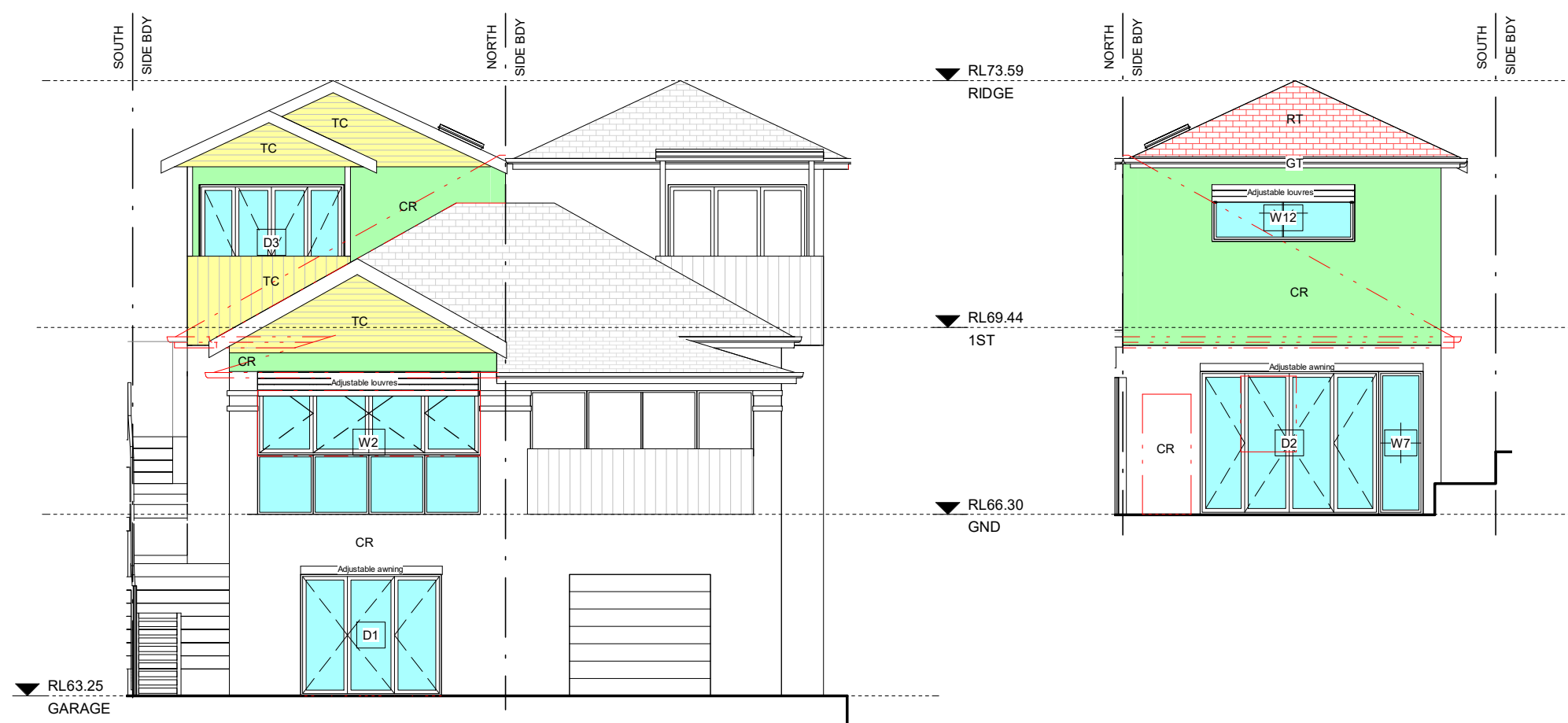
SCALE 1 : 100 @ A3

<div><div><div>kristine yeats</div><div>registered architect</div><div><div>p 0418275433</div><div>e ky@kydesignandmore.com.au</div><div>w kydesignandmore.com.au</div></div></div></div>	<div>NORTH:</div> <div></div>	<table><tr><td></td><td></td><td></td></tr><tr><td>A</td><td>13-09-21</td><td>DEVELOPMENT APPLICATION TO LGA</td></tr><tr><td>ISSUE</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td colspan="3">AMENDMENTS</td></tr></table>				A	13-09-21	DEVELOPMENT APPLICATION TO LGA	ISSUE	DATE	DESCRIPTION	AMENDMENTS			<div>PROJECT:</div> <div>ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]</div>	<div>DRAWING:</div> <div>GFA PLANS AND DEVELOPMENT CALCULATIONS</div>		
			A	13-09-21	DEVELOPMENT APPLICATION TO LGA													
			ISSUE	DATE	DESCRIPTION													
AMENDMENTS																		
<div>JOB NO:</div> <div>21-077</div>	<div>DATE:</div> <div>13-09-21</div>	<div>SHEET NO:</div> <div>A06</div>																
<div>OWNER:</div> <div>VICTOR RADLEY</div>	<div>DRAWN BY:</div> <div>AP</div>	<div>SCALE:</div> <div>1 : 150</div>	<div>ISSUE:</div> <div>A</div>															

BASIX CERTIFICATE A430272_02 dated 13 September 2021
Note: The BASIX certificate overrides this table

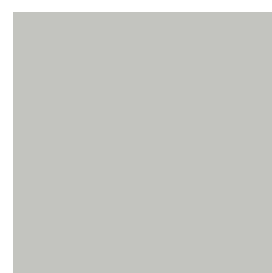
Fixtures & Systems	
Hot water system: Gas instantaneous	
Lighting - min. 40% fluorescent, compact fluorescent or LED	
Showerhead ≤ 9 litres / minute or 3-star	
Toilets ≤ 4 litres / average flush or 3-star	
Taps ≤ 9 litres / minute or 3-star	
Construction - Insulation requirements	
Concrete Slab on ground - Nil	
Floor above existing dwelling - Nil	
External wall: brick veneer - R1.16 (or R1.70 incl. construction)	
External wall: framed (weatherboard/clad) - R1.30 (or R1.70 incl. construction)	
Flat ceiling, pitched roof - Ceiling: R2.50 (up), Roof: foil/sarking Dark (solar absorptance > 0.70)	
Raked ceiling, pitched roof : framed Ceiling: R2.50 (up), Roof: foil/sarking Dark (solar absorptance > 0.70)	

Glazing requirements		
No.	Shading	Frame and Glass
W1	none	Timber, single clear or U-value: 5.71, SHGC: 0.66
W2	external louvre/blind (adj.)	
W3	none	
W4	none	
W5	none	
W6	none	
W7	awning (adjustable) >=900mm	
W8	none	
W9	none	
W10	none	
W11	none	
W12	external louvre/blind (adj.)	
D1	awning (adjustable) >=900mm	Skylights
D2	awning (adjustable) >=900mm	
D3	eave >=900mm	
Skylights		
No.	Frame and Glass	
S1	U-value: 2.5, SHGC: 0.456	
S2		
S3		

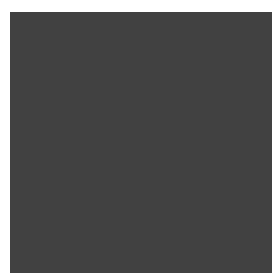


1 EAST (STREET) ELEVATION
SCALE 1 : 100 @ A3

2 WEST (REAR) ELEVATION
SCALE 1 : 100 @ A3



CR - CEMENT RENDER
DULUX TRANQUIL RETREAT



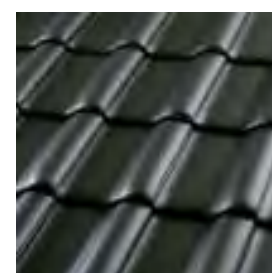
GT/DP - METALWORK
DULUX COLORBOND MONUMENT



T/TC - TIMBER/TIMBER CLADDING
DULUX VIVID WHITE



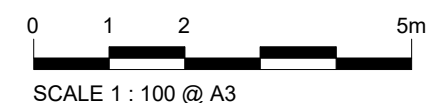
SC - WINDOW & DOOR FRAMES
DULUX VIVID WHITE




RT/RT-EX - ROOF TILES
BORAL TERRACOTTA
SWISS PROFILE, BLACK



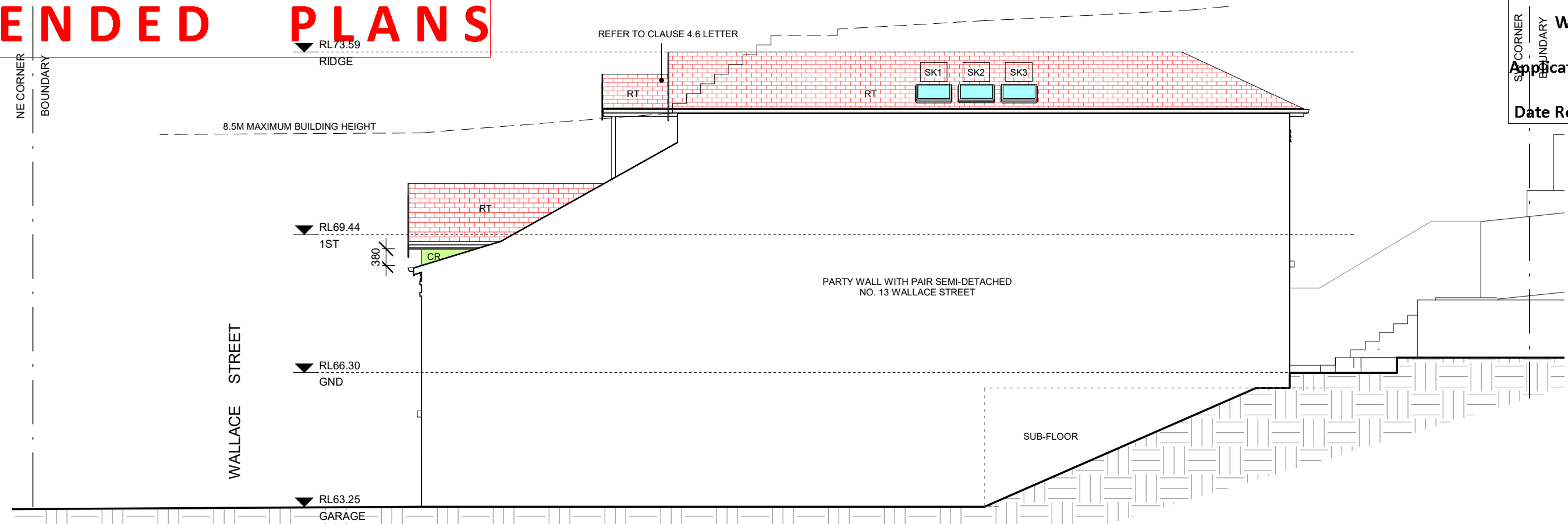
PP - PAVING PAINT
NUTECH PAVECOAT
DULUX COLORBOND IRONSTONE



<div></div> <div>kristine yeats registered architect</div> <div>p 0418275433 e ky@kydesignandmore.com.au w kydesignandmore.com.au</div>	NORTH:				PROJECT: ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]	DRAWING: ELEVATIONS 1			
		A	13-09-21	DEVELOPMENT APPLICATION TO LGA		JOB NO: 21-077	DATE: 13-09-21	SHEET NO: A07	
		ISSUE	DATE	DESCRIPTION		OWNER: VICTOR RADLEY	DRAWN BY: AP	SCALE: As indicated	ISSUE: A
		AMENDMENTS							

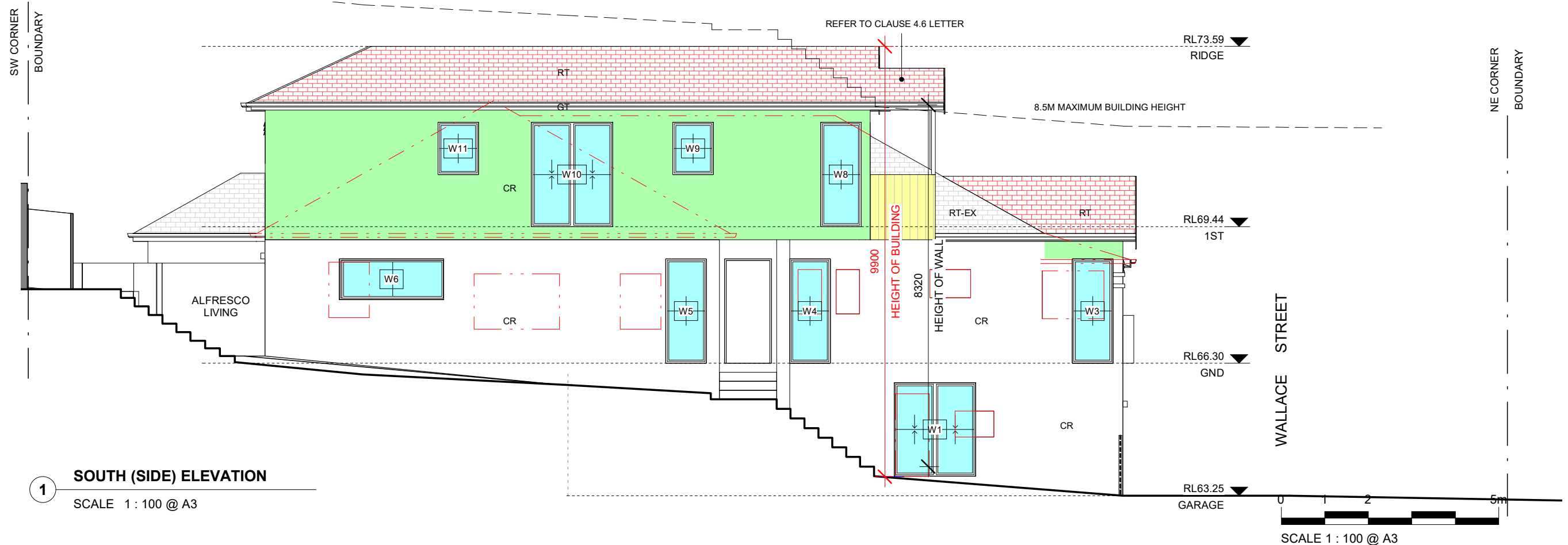
AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-388/2021
Date Received: 04/11/2021



2 NORTH (SIDE) ELEVATION

SCALE 1 : 100 @ A3



1 SOUTH (SIDE) ELEVATION

SCALE 1 : 100 @ A3



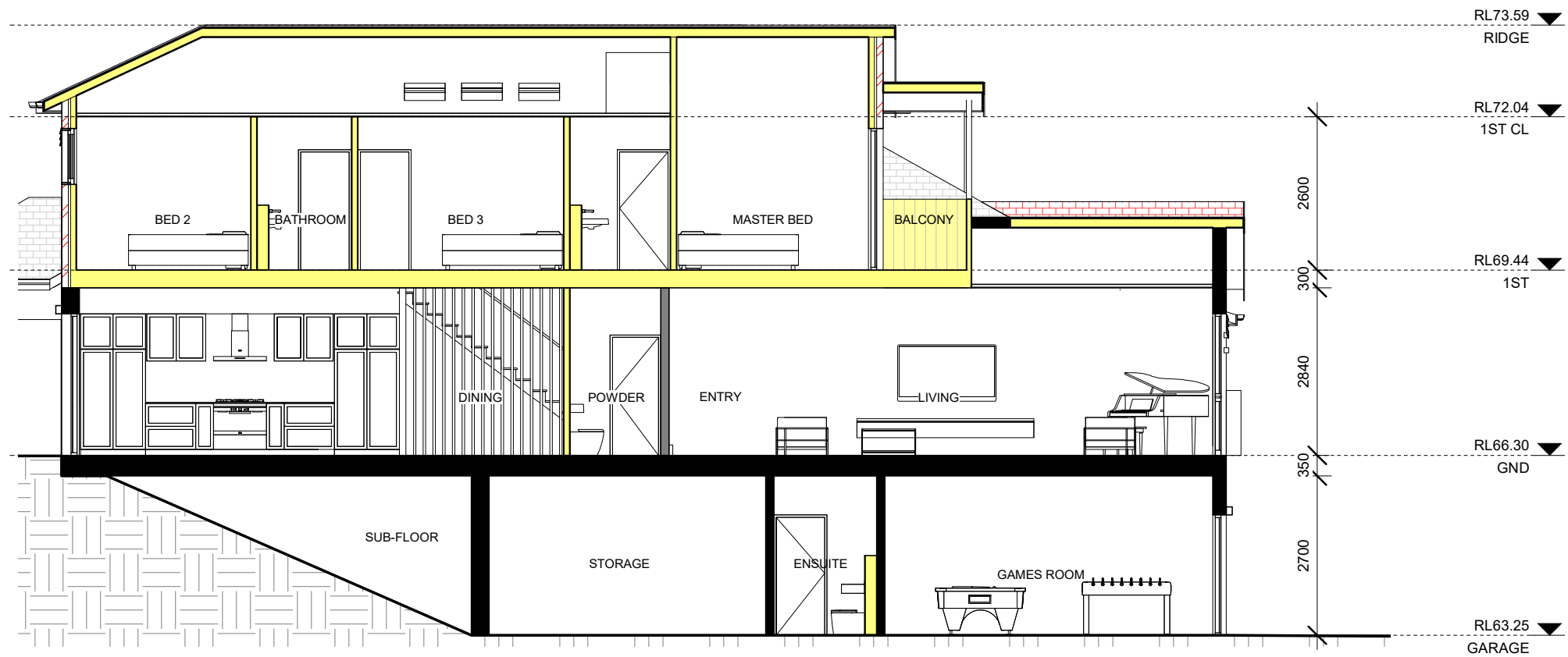
kristine yeats
registered architect
p 0418275433
e ky@kydesignandmore.com.au
w kydesignandmore.com.au

NORTH:

ISSUE	DATE	DESCRIPTION
B	04-11-21	AMENDED HEIGHT OF BUILDING TO LGA
A	13-09-21	DEVELOPMENT APPLICATION TO LGA
AMENDMENTS		

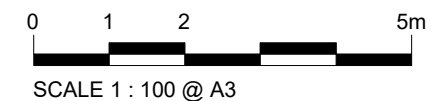
PROJECT: ALTERATION AND ADDITIONS
15 WALLACE STREET, WAVERLEY
[LOT B, DP 396786, SITE AREA 240.2M²]
OWNER: VICTOR RADLEY


DRAWING: ELEVATIONS 2		
JOB NO: 21-077	DATE: 04-11-21	SHEET NO: A08
DRAWN BY: AP	SCALE: 1 : 100	ISSUE: B

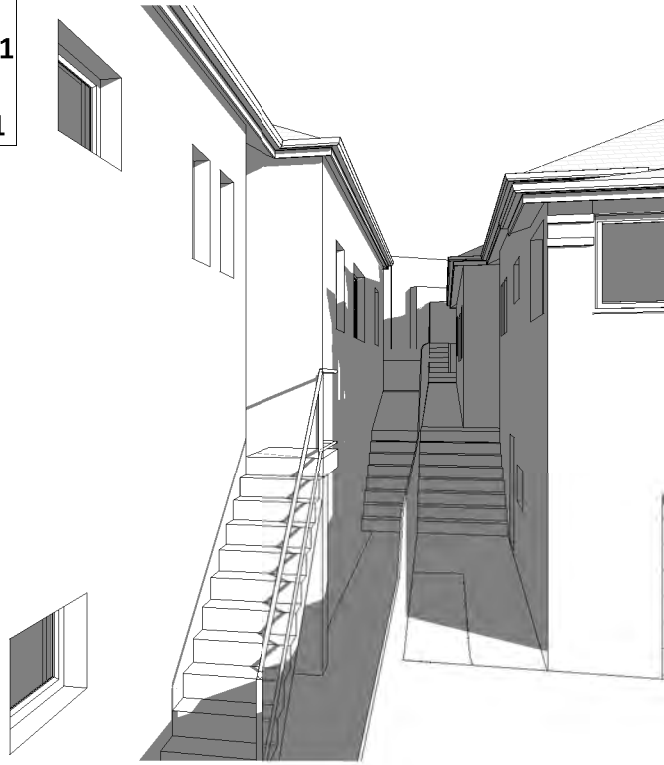


1 LONG SECTION

SCALE 1 : 100 @ A3



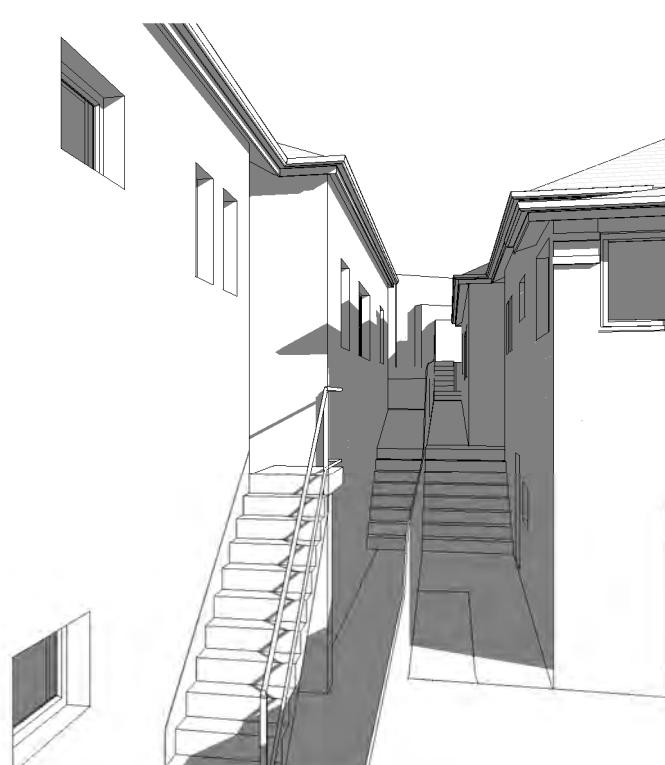
<div></div> <div>kristine yeats registered architect</div> <div>p 0418275433 e ky@kydesignandmore.com.au w kydesignandmore.com.au</div>	NORTH:				PROJECT: ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]	DRAWING: SECTIONS		
						JOB NO: 21-077	DATE: 13-09-21	SHEET NO: A09
					OWNER: VICTOR RADLEY	DRAWN BY: AP	SCALE: 1 : 100	ISSUE: A
		A	13-09-21	DEVELOPMENT APPLICATION TO LGA				
		ISSUE	DATE	DESCRIPTION				
AMENDMENTS								



1

9 AM EXISTING

NOT TO SCALE



2

10 AM EXISTING

NOT TO SCALE



3

11 AM EXISTING

NOT TO SCALE



4

9 AM PROPOSED

NOT TO SCALE



5

10 AM PROPOSED

NOT TO SCALE



6

11 AM PROPOSED

NOT TO SCALE

SHADOW DIAGRAMS - WINTER SOLSTICE 21 JUNE 2021

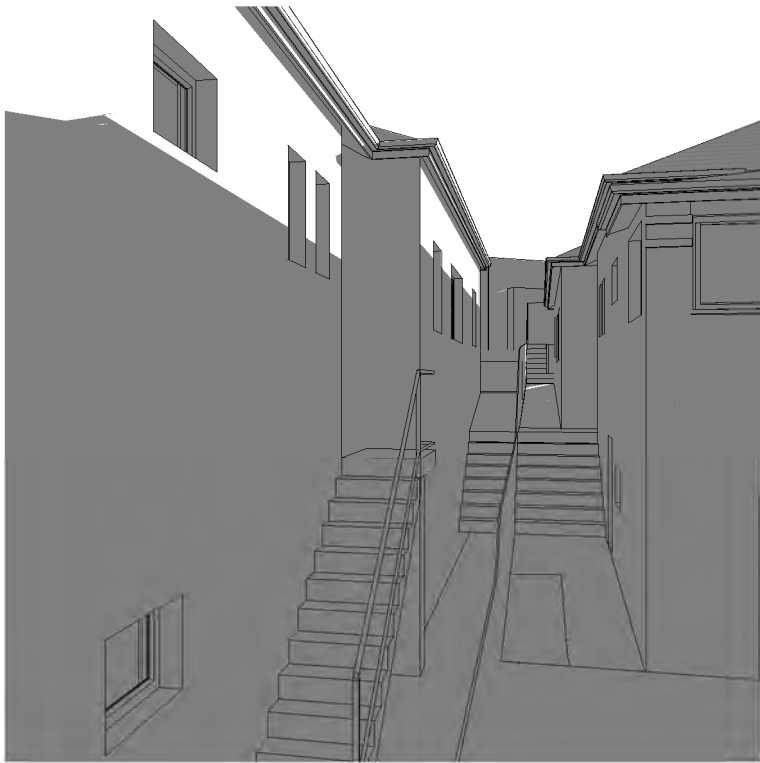
<div><div>K</div><div>design & more</div></div> <div>kristine yeats registered architect</div> <div>p 0418275433 e ky@kydesignandmore.com.au w kydesignandmore.com.au</div>	NORTH:				PROJECT: ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]	DRAWING: 17 WALLACE STREET WALL ELEVATION		
		B	31-10-21	AMENDMENT TO LGA		JOB NO: 21-077	DATE: 31-10-21	SHEET NO: A14
		A	13-09-21	DEVELOPMENT APPLICATION TO LGA	OWNER: VICTOR RADLEY	DRAWN BY: AP	SCALE:	ISSUE: B
		ISSUE	DATE	DESCRIPTION				
		AMENDMENTS						



1

12 NOON EXISTING

NOT TO SCALE



3

3 PM EXISTING

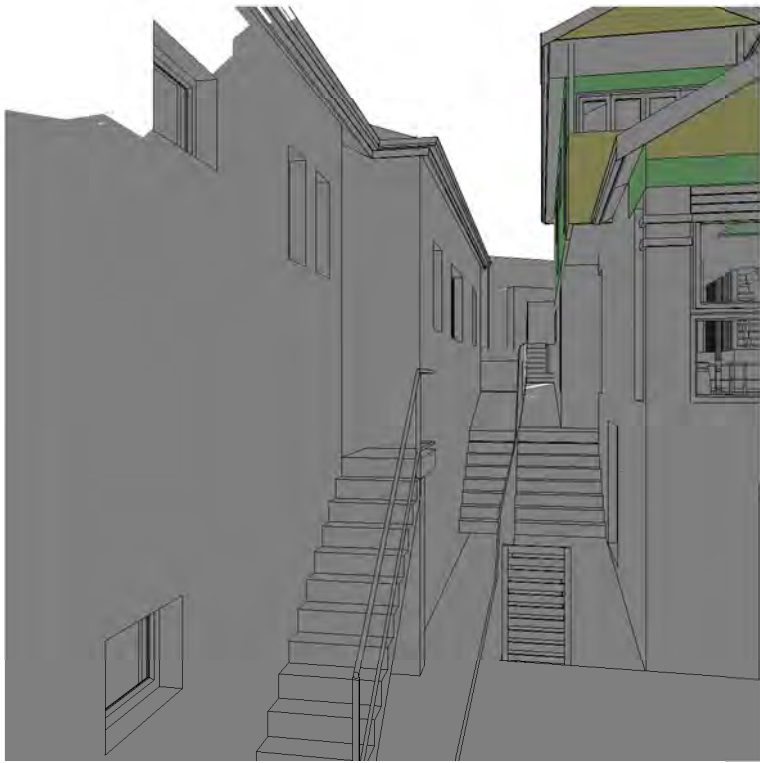
NOT TO SCALE



2

12 NOON PROPOSED

NOT TO SCALE



4

3 PM PROPOSED

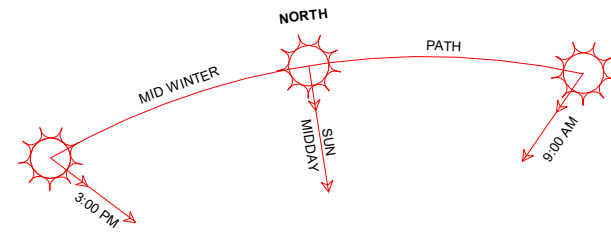
NOT TO SCALE

SHADOW DIAGRAMS - WINTER SOLSTICE 21 JUNE 2021

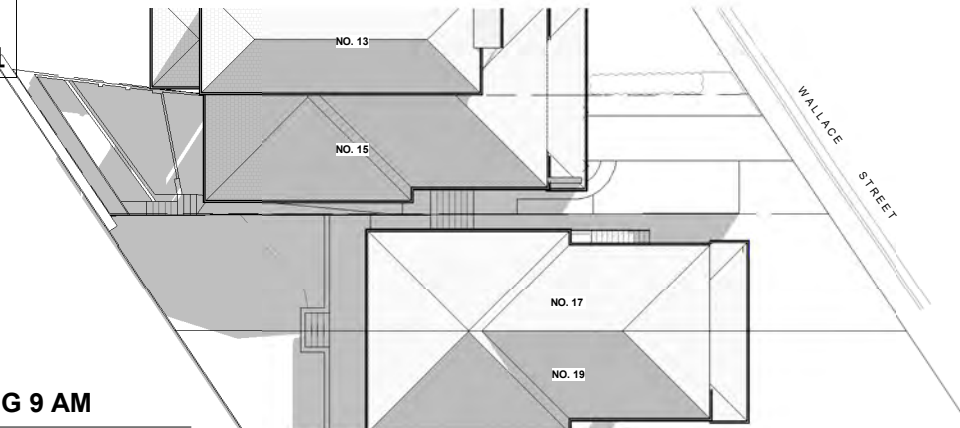
<div><div>K</div><div>design & more</div></div> <div><div>kristine yeats</div><div>registered architect</div></div> <div><div>p 0418275433</div><div>e ky@kydesignandmore.com.au</div><div>w kydesignandmore.com.au</div></div>	NORTH:				PROJECT: ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]	DRAWING: 17 WALLACE STREET WALL ELEVATION 2							
		B	31-10-21	AMENDMENT TO LGA		JOB NO: 21-077	DATE: 31-10-21	SHEET NO: A15					
		A	13-09-21	DEVELOPMENT APPLICATION TO LGA		OWNER: VICTOR RADLEY	DRAWN BY: AP	SCALE:					
		ISSUE DATE DESCRIPTION											
		AMENDMENTS							ISSUE: B				

AMENDED PLANS

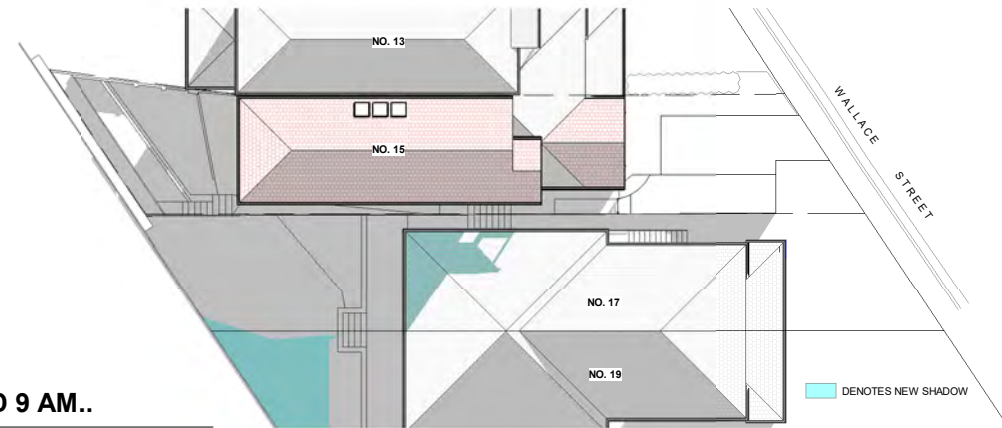
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Waverley Council
Application No: DA-388/2021
Date Received: 01/11/2021



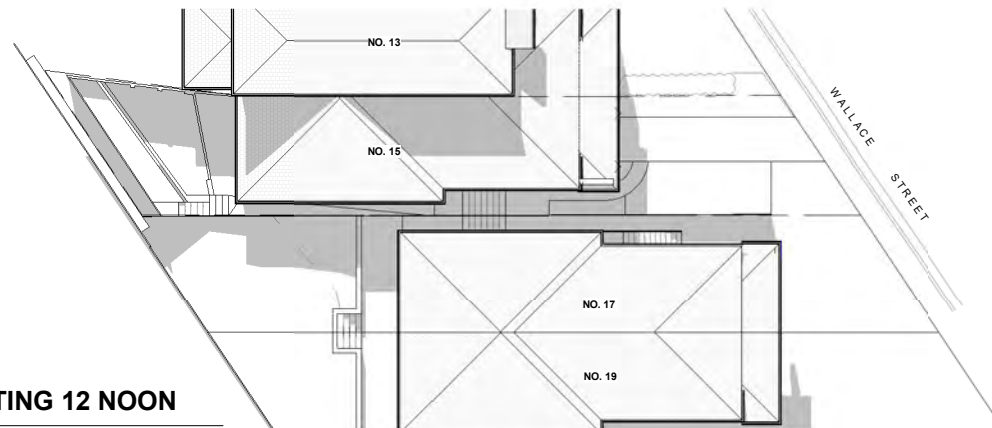
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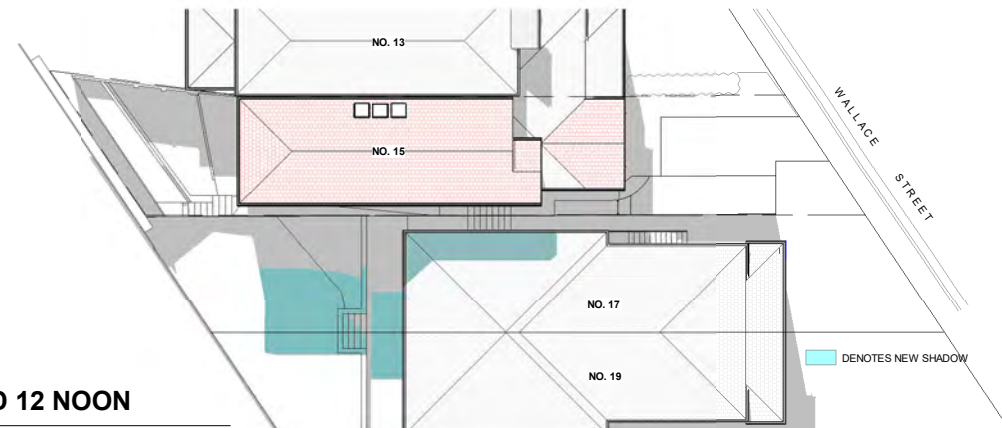
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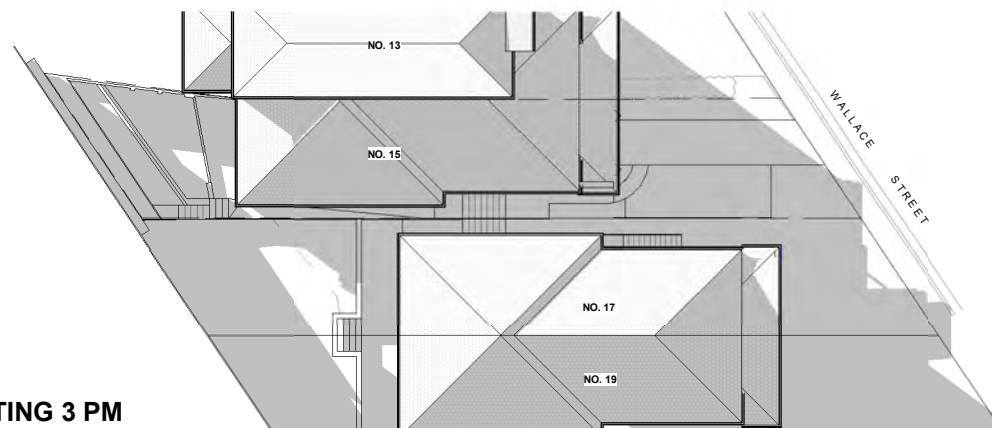
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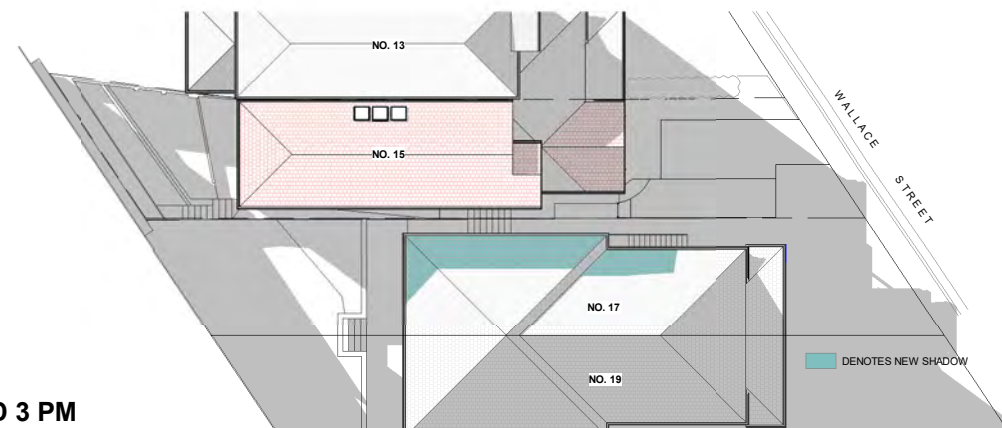
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SHADOW DIAGRAMS - WINTER SOLSTICE 21 JUNE 2021

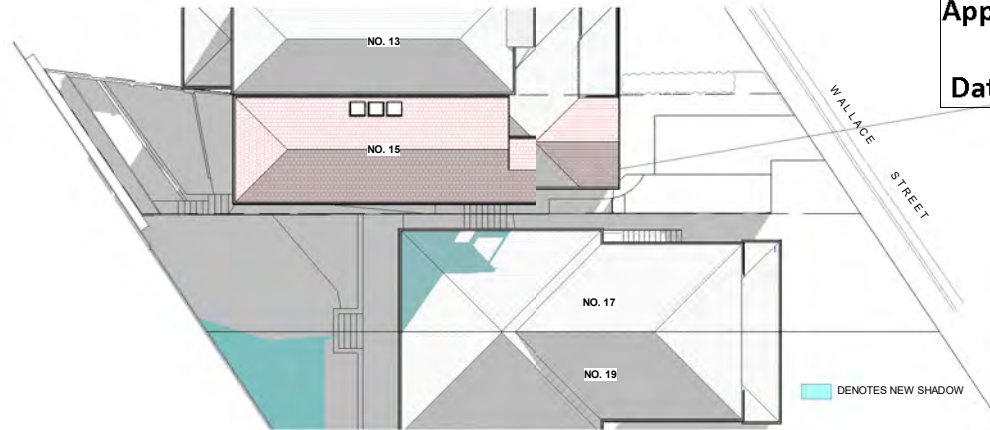
<div></div> <div>kristine yeats registered architect</div> <div>p 0418275433 e ky@kydesignandmore.com.au w kydesignandmore.com.au</div>	<div>NORTH:</div> <div></div>	<table><tr><td>B</td><td>31-10-21</td><td>AMENDMENT TO LGA</td></tr><tr><td>A</td><td>13-09-21</td><td>DEVELOPMENT APPLICATION TO LGA</td></tr><tr><td>ISSUE</td><td>DATE</td><td>DESCRIPTION</td></tr></table>	B	31-10-21	AMENDMENT TO LGA	A	13-09-21	DEVELOPMENT APPLICATION TO LGA	ISSUE	DATE	DESCRIPTION	<div>PROJECT:</div> <div>ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]</div>	<div>DRAWING:</div> <div>SHADOW ANALYSIS DIAGRAMS</div>		
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				<div>DRAWN BY:</div> <div>AP</div>	<div>SCALE:</div> <div>As indicated</div>	<div>ISSUE:</div> <div>B</div>									
		<div>AMENDMENTS</div>													

AMENDED PLANS

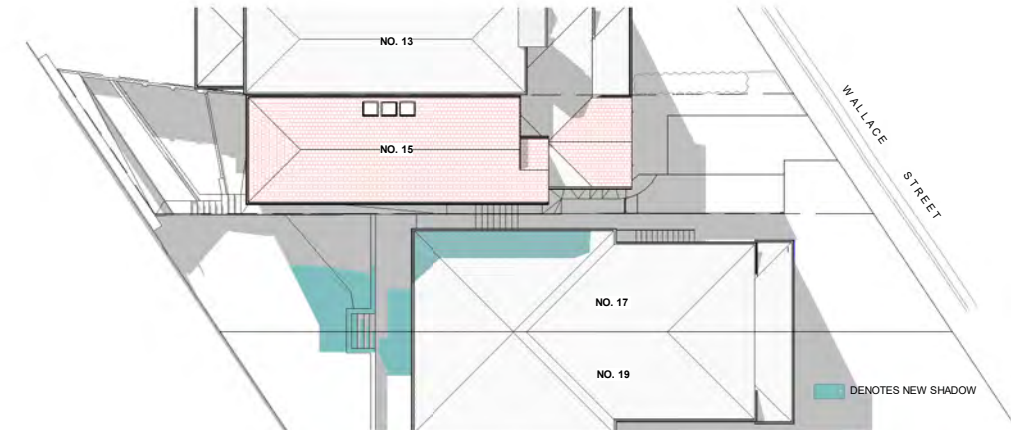
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Waverley Council

Application No: DA-388/2021

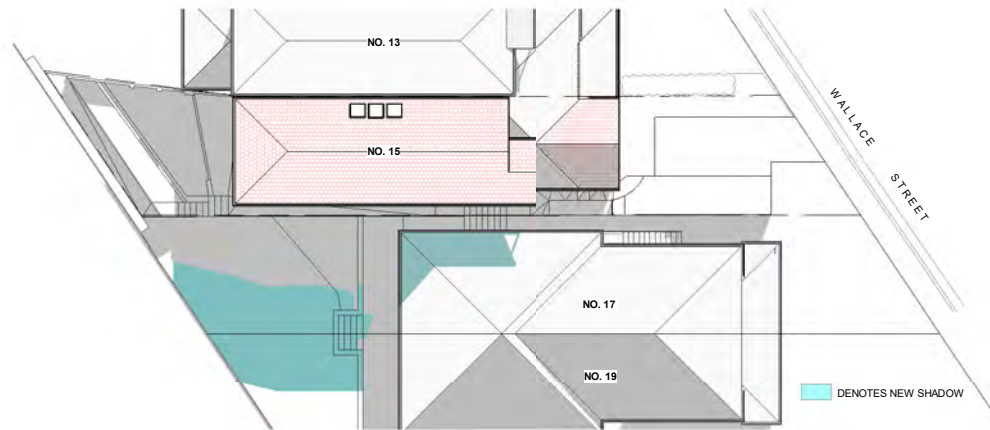
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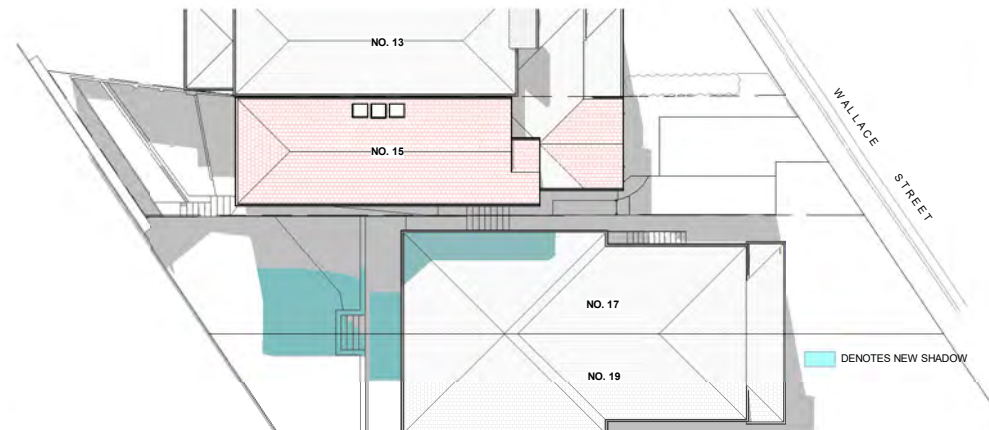
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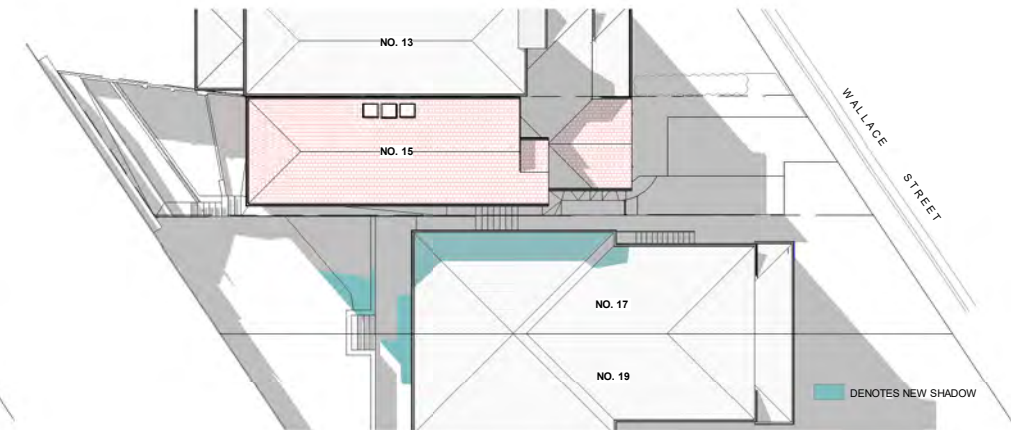
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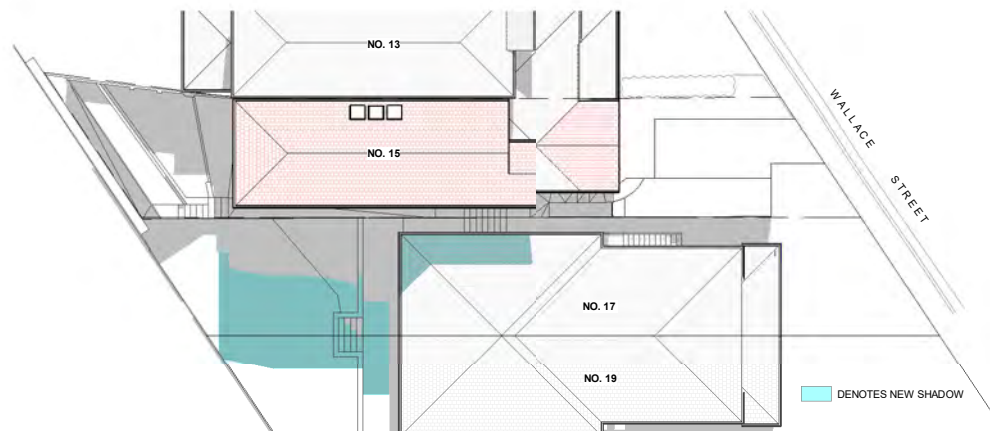
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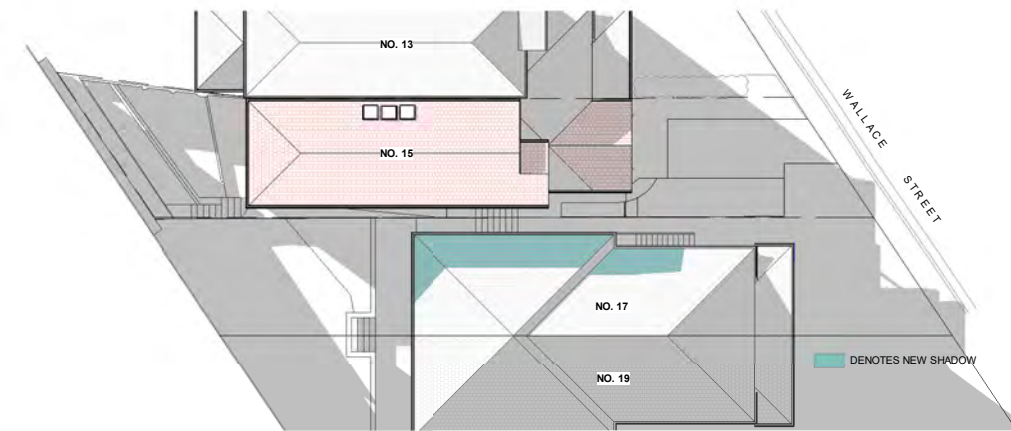
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SCALE 1 : 400 @ A3



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SCALE 1 : 400 @ A3




3 PROPOSED 11 AM
SCALE 1 : 400 @ A3



7 PROPOSED 3 PM.
SCALE 1 : 400 @ A3

SHADOW DIAGRAMS - WINTER SOLSTICE 21 JUNE 2021

<div></div> <div><p>kristine yeats registered architect</p><p>p 0418275433 e ky@kydesignandmore.com.au w kydesignandmore.com.au</p></div>	<div><p>NORTH:</p></div>	<table><tr><td>B</td><td>31-10-21</td><td>AMENDMENT TO LGA</td></tr><tr><td>A</td><td>13-09-21</td><td>DEVELOPMENT APPLICATION TO LGA</td></tr><tr><td>ISSUE</td><td>DATE</td><td>DESCRIPTION</td></tr><tr><td colspan="3">AMENDMENTS</td></tr></table>	B	31-10-21	AMENDMENT TO LGA	A	13-09-21	DEVELOPMENT APPLICATION TO LGA	ISSUE	DATE	DESCRIPTION	AMENDMENTS			<div><p>PROJECT:</p><p>ALTERATION AND ADDITIONS 15 WALLACE STREET, WAVERLEY [LOT B, DP 396786, SITE AREA 240.2M²]</p></div> <div><p>OWNER:</p><p>VICTOR RADLEY</p></div>	<div><p>DRAWING:</p><p>DIRECT SUNLIGHT - NO. 17+ 19 REAR POS</p></div>		
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<div><p>DRAWN BY:</p><p>AP</p></div>	<div><p>SCALE:</p><p>1 : 400</p></div>	<div><p>ISSUE:</p><p>B</p></div>																

RECEIVED
Waverley Council

Application No: DA-388/2021

Date Received: 20/09/2021





External Finishes

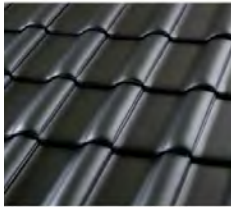
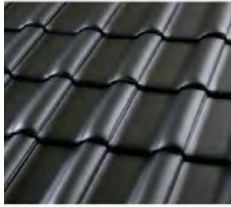


Project: 15 Wallace Street, Waverley

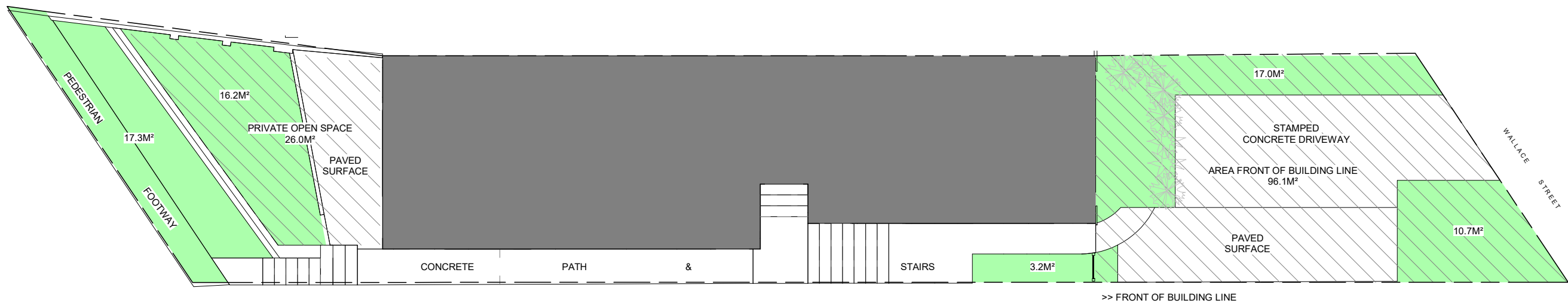
Date: September 2021

Issue: Development Approval



CODE	ITEM	LOCATION	DESCRIPTION	COMMENT	SUPPLIER	IMAGE
EXTERNAL FINISHES						
external façade						
CR	CEMENT RENDER	NEW AND EXISTING BRICKWORK FAÇADE	NAME: : Cement render SPECIFICATION: Dulux weathershield COLOR: Tranquil (or similar)	COLOUR TO MATCH PAIR SEMI RENDER	DULUX	
GT/DP	METALWORK	NEW & EXISTING GUTTERS & DOWNPIPES	NAME: : Gutters and Downpipes SPECIFICATION: Dulux Colourbond COLOR: Monument		DULUX	
T/TC	TIMBER & TIMBER CLADDING	NEW GABLE ENDS, INFILL HORIZONTAL BOARDING & BALCONY CLADDING	NAME: : Timber cladding and posts SPECIFICATION: Dulux Aquanamel COLOR: Vivid White		DULUX	
CS	WINDOW & DOOR FRAMES	NEW TIMBER WINDOW AND DOOR FRAMES	NAME: : Timber window and door frames SPECIFICATION: Dulux Aquanamel COLOR: Vivid White		DULUX	

RT	ROOF TILES	NEW GABLE ROOFS	NAME: : Terracotta roof tiles SPECIFICATION: Swiss profile or similar COLOR: Black	OPTION ONE	BORAL OR SIMILAR (Profile to match existing)	
RT-EX	ROOF TILES	EXISTING ROOFS	NAME: : Terracotta roof tile paint SPECIFICATION: Acratex COLOR: Black	OPTION ONE	DULUX	
RT	ROOF TILES (to match existing)	NEW GABLE ROOFS & EXISTING ROOFS	NAME: : Terracotta roof tiles SPECIFICATION: profile to match existing COLOR: Black & Terracotta	OPTION TWO	BORAL OR SIMILAR (To match existing)	
PP	PAVING PAINT	EXISTING HARDSTAND STAMPED CONCRETE	NAME: : Paving paint SPECIFICATION: Nutech Pavecoat Paving Paint COLOR: Ironstone	REFER DRAWINGS	IRONSTONE PAVING PAINT	



1

LANDSCAPING PLAN

SCALE 1 : 125 @ A3

CLAUSE 2.9 - LANDSCAPING AND OPEN SPACE

(B) A MINIMUM OF 40% OF THE TOTAL SITE AREA IS TO BE PROVIDED AS OPEN SPACE

Footprint 97.5 m² / Site Area 240.2 m²
= 40%

(C) A MINIMUM OF 15% OF THE TOTAL SITE AREA IS TO BE PROVIDED AS LANDSCAPED AREA

Required landscaped area
= Site Area 240.2 m² x 0.15
= 36.03 m²
Achieved landscaped area 64.3 m², increased from existing landscaped area of 42.0 m²

(D) EACH DWELLING IS TO HAVE A MINIMUM OF 25M² OF PRIVATE OPEN SPACE CAPABLE OF BEING USED FOR RECREATION

26 m² of private open space off the ground floor at the rear of the property

(F) A MINIMUM OF 50% OF THE AREA BETWEEN THE FRONT OF THE PRIMARY BUILDING AND THE STREET ALIGNMENT IS TO BE OPEN SPACE

100% front of building line is open space.

(G) A MINIMUM OF 50% OF THE OPEN SPACE PROVIDED AT THE FRONT OF THE SITE IS TO BE LANDSCAPED AREA

Area front of building line 96.1 m².
Existing landscaped area is currently non-compliant 22.16 m² or 23%.
Proposed landscaped area increase to 28.3 m² or 29%.

K

design & more

kristine yeats


registered architect

p 0418275433

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w kydesignandmore.com.au

NORTH:



A	13-09-21	DEVELOPMENT APPLICATION TO LGA
ISSUE	DATE	DESCRIPTION
AMENDMENTS		

PROJECT:

ALTERATION AND ADDITIONS
15 WALLACE STREET, WAVERLEY
[LOT B, DP 396786, SITE AREA 240.2M²]

OWNER:

VICTOR RADLEY

DRAWING:

LANDSCAPING PLAN

JOB NO:
21-077

DATE:
13-09-21

SHEET NO:
A12

DRAWN BY:
AP

SCALE:
1 : 125

ISSUE:
A



Report to the Waverley Local Planning Panel

Application number	DA-114/2021/1
Site address	52 Albion Street, WAVERLEY
Description of Development	Review of refusal, seeking alterations and additions to convert one shop and three dwellings to an attached dual-occupancy development, including a new first floor addition, garages and Strata subdivision.
Date of Original Determination	23 June 2021
Date of lodgement	26 August 2021
Owner	Ms C M McDermott
Applicant	Edifice Design Pty Ltd
Submissions	Two
Cost of works	\$483,890
Principal Issues	<ul style="list-style-type: none"> • Driveway width • Wall height • Side setbacks • Visual privacy • Fence height; • Landscaping • Minimum lot size for dual-occupancies
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



(Source: Nearmaps, 2021)

1. PREAMBLE

1.1 Executive Summary

The section 8.2 review application seeks to review the determination for the refusal of DA-114/2021 for alterations and additions to convert one shop and three dwellings to an attached dual-occupancy development, including a new first floor addition, garages and strata subdivision at the site known as 52 Albion Street, WAVERLEY. The review application has amended the original Development Application (DA). The key amendments are:

- Increased rear setback;
- Replacement of a three car garage with a one car garage and one space hardstand to Wallace Street;
- Addition of private open space to the ground floor of Dwelling 2;
- Internal layout changes to both dwellings; and
- Reduced size of the first floor rear balconies.

The principal reasons why the original DA was refused were as follows:

- Breach to Floor Space Ratio (FSR);
- Unacceptable Clause 4.6 variation;
- Removal of the *Jubaea Chilensis* (Chilean Wine Palm) was not supported;
- Stormwater related issues;
- The proposed garage dominated the streetscape and the driveway crossover was excessive in width impacting on-street parking;
- Exceeded wall height;
- Unacceptable setbacks;
- Unacceptable streetscape impact;
- Unacceptable solar access to Dwelling 2's private open space;
- Non-compliant landscaping and open space; and
- The lot was too small to accommodate a dual-occupancy.

The assessment finds these issues have been substantially addressed in this review application, as the overall bulk and scale of the proposed dwelling has been reduced to provide an appropriate landscaping and streetscape presentation. The reduced design also provides acceptable environmental amenity to surrounding properties, as well as its own.

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

The application has been assessed against the relevant matters for consideration under section 8.2 the *Environmental Planning and Assessment Act 1979*. It is recommended to change the determination of a refusal to an approval, subject to conditions of consent.

1.2 Site and Surrounding Locality

A site visit was carried out on 27 May 2021, during the assessment of DA-114/2021. The site is identified as Lot 1 in DP 658974, known as 52 Albion Street, WAVERLEY. The site is rectangular in shape and is located on the corner of Albion and Wallace Streets. It has a western frontage to Albion Street of 12.495m, a southern secondary frontage to Wallace Street of 30.48m, an eastern rear boundary to no. 2 Wallace Street of 12.38m and a northern side boundary to no. 50 Albion Street of 30.48m. The site has an area of 379m² and falls from the front (west) to the rear (east) by approximately 1.1m.

The site is occupied by a single storey mixed use building, which consists of one commercial space (a commercial children's party room) and three separate dwellings. Vehicle access is located to the rear of the building via Wallace Street to two hardstand parking spaces.

The subject site is adjoined by a commercial premise (medical practice) to the north at no. 50 Albion Street and a detached dwelling to the east at no. 2 Wallace Street. The locality is characterised by a variety of residential and commercial uses.



Figure 1: Subject site viewed from across Albion Street, looking north east.



Figure 2: Subject site viewed from Albion Street, looking east.



Figure 1: Site viewed from Wallace Street, looking north. (Source: Google Maps, 2021)

1.3 Relevant History

BR-133A/1968 Alterations to the existing building. No consent was located on Council's file, however the plans show three separate dwellings and one shop (refer to **Figure 4** below).

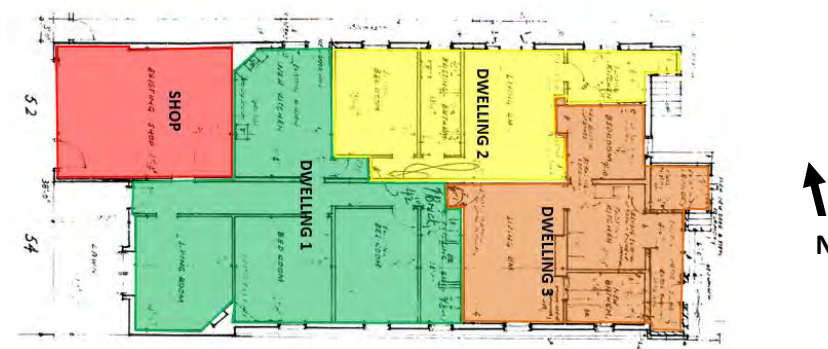


Figure 4. BR-133A/1968 plans, showing three dwellings and one commercial space.

DA-218/1969 A ladies hairdressing salon was approved 29 October 1969.

BR-610/1992 Retrospective consent for a boundary fence was issued 25 November 1992.

DA-501/2016 Change of use from a hairdresser to a children's party facility was approved 7 March 2017.

1.4 Details of the Original Determination Subject to Review

The original DA, known as DA-114/2021 for alterations and additions to convert one shop and three dwellings to an attached dual-occupancy development, including a new first floor addition, garages and Strata subdivision was refused on 23 June 2021 by the Waverley Local Planning Panel.

The principal reasons why the original DA was refused were as follows:

- Breach to FSR;
- Unacceptable Clause 4.6 Variation;

- Removal of the *Jubaea Chilensis* (Chilean Wine Palm) was not supported;
- Stormwater related issues;
- The proposed garage dominated the streetscape and the driveway crossover was excessive in width impacting on-street parking;
- Exceeded wall height;
- Unacceptable setbacks;
- Unacceptable streetscape impact;
- Unacceptable solar access to Dwelling 2 private open space;
- Non-compliant landscaping and open space; and
- The lot was too small to accommodate a dual-occupancy.

1.5 Proposal

The review application was lodged on 26 August 2021 and seeks to review the determination of the original DA.

The original application sought development consent for alterations and additions to convert one shop and three dwellings to an attached dual-occupancy development, including a new first floor addition, garages and Strata subdivision.

The review application has made design amendments to the original application, which are summarised as follows:

Dwelling 1 (northernmost dwelling)

Ground Floor

- Amended internal layout;
- Increased rear setback;
- Alter double garage to a single hardstand; and
- Retention of *Jubaea Chilensis* (Chilean Wine Palm).

First Floor

- Combined kitchen/living/dining room only (removal of a bedroom);
- Reduced rear balcony; and
- Increased rear setback.

Dwelling 2 (southernmost dwelling)

Ground Floor

- Amended internal layout;

- Increased rear setback; and
- Moving the location of the single garage further east, providing ground floor private open space.

First Floor

- Reduced rear balcony; and
- Increased rear setback.

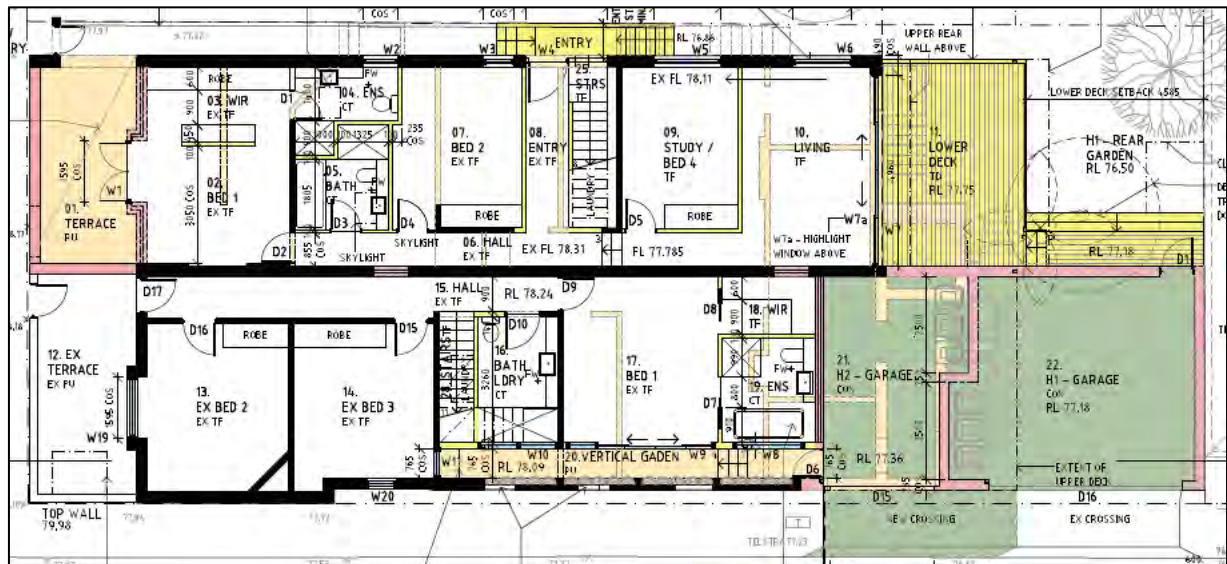


Figure 5. Refused ground floor plan under DA-114/2021 (Source: Edifice Design, 2021)

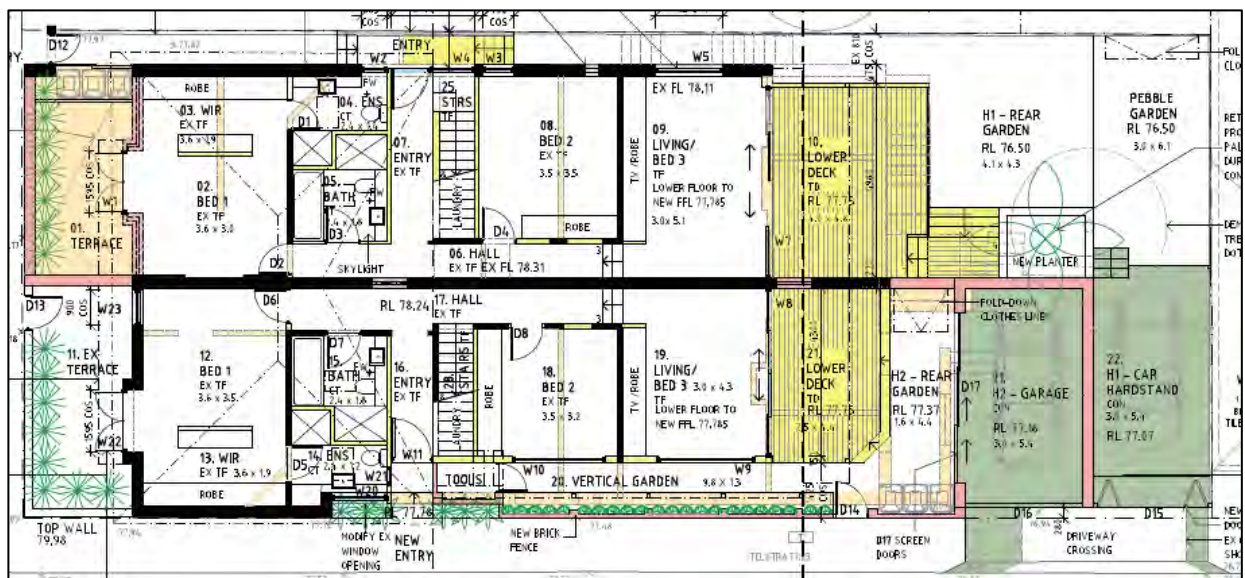


Figure 6. Proposed ground floor plan under DA-114/2021/1 (Source: Edifice Design, 2021)

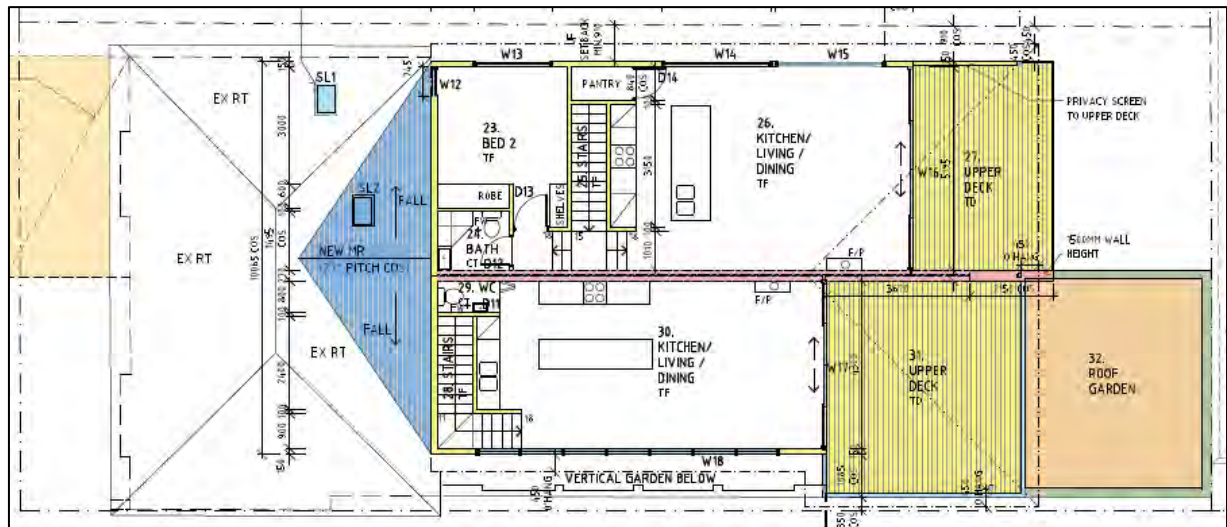


Figure 7. Refused first floor plan under DA-114/2021 (Source: Edifice Design, 2021)

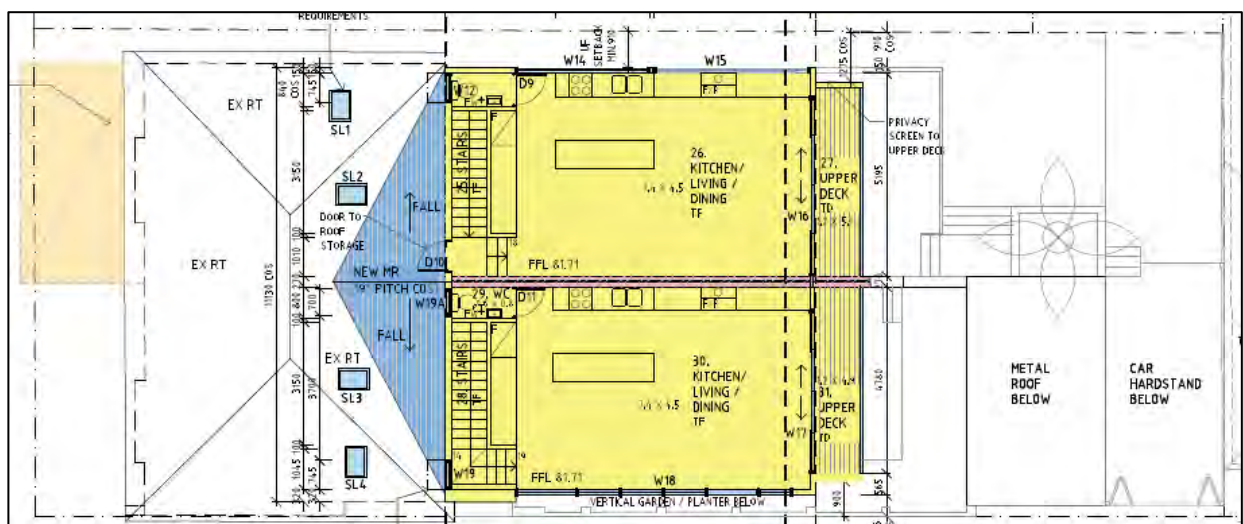


Figure 8. Proposed first floor plan under DA-114/2021/1 (Source: Edifice Design, 2021)

2. ASSESSMENT

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

2.1 Section 8.3 Considerations

Section 8.3 of the Act enables the consent authority (i.e. Council) to review a previous determination of a development application subject to provisions, such as:

(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 application (DA-114/2021) was made on 23 June 2021. The period of right of appeal for the applicant to exercise (referenced in section 8.3(2)(a) of the Act), is 12 months after the date of determination. The application is scheduled to be determined by the Waverley Local Planning Panel on 24 November 2021, which satisfies the statutory timeframe to determine this review application.

Council is satisfied that the essential elements of the original application are substantially the same as those of the amended development that is the subject of the review application. The overall scope and description of the development between the two applications remain unchanged.

The review application is assessed against the relevant matters for consideration under section 4.15(1) of the Act, as discussed in the succeeding sections of this report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 State Environmental Planning Policies (SEPPs)

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

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

2.2.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the WLEP.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	This section does not apply to Strata subdivision.

Provision	Compliance	Comment
Land Use Table <i>Low Density Residential 'R2' Zone</i>	Yes	The proposal is defined as a dual-occupancy, which is permitted with consent in the R2 zone. It is noted that the proposal is removing a prohibited commercial use from the lot, which currently relies on existing use rights.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The proposal will have a maximum height of 8.2m.
4.4 FSR; and 4.4A Exceptions to FSR • Lot Size: 379m ² • Max GFA: 260.8m ² • Max FSR: 0.69:1	Yes	<u>Gross Floor Area (GFA) Calculations</u> Ground Floor: 163.9m ² First Floor: 89.5m ² Total GFA: 253.4m ² FSR: 0.67:1

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

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

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

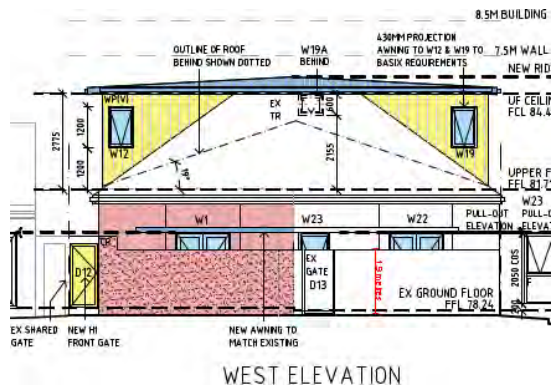
Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. A suitable condition is recommended. The waste and recycling storage area is located in an area convenient for users, whilst being appropriately screened from the streetscape.
2. Ecologically Sustainable Development	Yes	A BASIX Certificate is submitted and is acceptable.
5. Vegetation Preservation	Conditions recommended.	Council's Tree Officer supports the application subject to the retention and protection of the <i>Jubaea chilensis</i> (Chilean wine palm) to the rear of the site.
6. Stormwater	Conditions recommended.	Council's Stormwater Engineer has recommended conditions of consent.
8. Transport 8.1 Streetscape 8.2 On-site parking	-	There are examples of garages and hardstands fronting Wallace Street as identified at no. 1 Fern Street and no. 1 and 4 Wallace Street. Therefore,

Development Control	Compliance	Comment
8.2.1 Vehicle access	Acceptable on merit.	the proposed garage and hardstand are acceptable in the streetscape.
8.2.2 Parking rates <ul style="list-style-type: none"> 1 car space for 2 bedroom dwellings. 	Yes	<p>The proposal has amended the off-street parking structures from the original proposal of a three car garage to a single garage and hardstand. This design amendment has significantly reduced the impact of the development on no. 2 Wallace Street.</p> <p>The subject site is located within parking zone 2.</p> <p>The development proposes to extend the current crossing from 4.2m to 6.2m (excluding splays). Council's Traffic Engineers have concluded that although the Waverley DCP 2012 controls recommend a 3m wide crossover, the requirement cannot be achieved for this development due to the size of the garage. The Traffic Engineers support the width of the driveway crossing subject to the bulk and open space of the development being acceptable (this will be discussed in more detail within Table 3).</p> <p>With each dwelling having two bedrooms, one off-street parking space for each dwelling is permitted.</p>
12. Design Excellence	Yes	<p>The proposed works will improve the streetscape by upgrading a currently dated building.</p> <p>The proposed development sits appropriately on the site in terms of overall size and scale and the proposed finishes and materials work favourably for the development and the surrounding street, being a neutral colour.</p>
13. Subdivision	N/A	This section does not apply to Strata subdivision.

Table 3: WDCP – Part C2 Low Density Residential Development Compliance Table

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> Appropriate scale Does not detract from amenity of other dwellings or view corridors 		The proposal meets the general aims of the Waverley DCP 2012.

Development Control	Compliance	Comment
		<p>the location of the proposed rear external wall and deck is supported.</p> <p><u>Rear first floor building line</u> The subject site is the first to propose a first floor addition in the row of buildings at no. 40-52 Albion Street. Therefore, there is no precedent to form a predominant rear first floor building line. The setback of the first floor from the rear boundary of the subject site is considered to be acceptable. Additionally, the dwelling complies with overall height, FSR and shadowing requirements.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m 	Acceptable	<p><u>South</u></p> <p>The front portion of Dwelling 2, built on the southern boundary, is to be retained. The dwelling will then step in.</p> <p>The new first floor will be setback a minimum 0.4m from the southern boundary (majority setback 0.5m). Although non-compliant, it is proposed to ensure symmetry to the dwelling when viewed from Albion Street, as shown in Figure 9 below. Additionally, with the public domain of Wallace Street to the south, there will be minimal impacts on surrounding properties from this breach in terms of overshadowing and visual privacy.</p>  <p>Figure 9. Symmetry to the front façade of the proposal as viewed from Albion Street. (Source: <u>South</u></p> <p>The majority of the existing northern wall will be retained. The proposed ground floor deck is setback 1.2m from the northern side boundary. The first floor is setback 0.91m from the northern boundary.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless predominant in the immediate vicinity 		<p>The first floor windows are highlight windows and are considered to be acceptable.</p> <p><u><i>Eastern Elevation</i></u> A condition is recommended requiring the balustrading to the ground and first floor decking/balconies be constructed of obscure glazing, increasing visual privacy from the eastern facing windows towards no. 2 Wallace Street.</p> <p><u><i>Southern Elevation</i></u> These windows will overlook the public domain of Wallace Street and will be significantly setback from the neighbouring windows to no. 1 Fern Street. Due to the southern boundary fence being recommended to be reduced in height, it is suggested the applicant be provided the option for privacy screening or obscure glazing to windows W9 and W10 to increase visual privacy to occupants.</p> <p>Each first floor balcony has a depth of 1.2m and an area less than 10m². A 1.8m high privacy screen is proposed to the northern side of Dwelling 1 balcony, providing visual and acoustic privacy.</p> <p>A sufficient privacy blade wall will separate each dwellings balcony and deck.</p>
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Acceptable	<p>Dwelling 1 receives acceptable solar access to its private open space and living areas.</p> <p>Given the lot orientation and the location of the proposed garage, the living area and private open space of Dwelling 2 is slightly below the minimum required solar access. This is considered acceptable given the lot orientation.</p> <p>The submitted shadow diagrams indicate compliant solar access to neighbouring properties.</p>
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit 	Yes	<p>Off-street parking is proposed to be accessed from Wallace Street.</p> <p>The design of the off-street parking is integrated into the proposal while respecting no. 2 Wallace Street by reducing the scale of the development</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 		through an open hardstand on the southern boundary.
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 spaces for 2 bedrooms 	Yes	
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	Yes	Access to the off-street parking is acceptable given Wallace Street is a secondary frontage.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area & appearance to the design of the residences 	Yes	The overall mass of the off-street parking has been significantly reduced from DA-114/2021 to reduce impacts on no. 2 Wallace Street and the streetscape.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Each parking space have dimensions of 5.5m x 3m.
2.8.6 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	Acceptable on merit.	The development proposes to extend the current crossing from 4.2m to 6.2m (excluding splays). Council's Traffic Engineers have stated that although the Waverley DCP 2012 controls recommended a 3m wide crossover, the requirement cannot be achieved for this development due to the location of the garage and hardstand. The Traffic Engineers supported the width of the driveway crossing subject to the bulk and open space of the development being acceptable.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	43.5%

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Condition recommended.</p>	<p>16.9%</p> <p>Both over 25m²</p> <p>100%</p> <p>A condition is recommended that 50% of each front terraced area of each Dwelling is to be landscaped.</p>
2.14 Dual Frontage Development		
<p>2.14.1 - General Controls</p> <ul style="list-style-type: none"> Primary and secondary frontage to be defined Appropriate forms to be provided to each street 	Yes	The development has an appropriate dual-frontage.
2.15 Dual Occupancy Development		
<ul style="list-style-type: none"> Min 450m² attached dwellings 	Acceptable on merit.	<p>The lot has an area of 379m² therefore it does not comply with the minimum lot size for dual-occupancy development.</p> <p>Given the proposal is reducing the building from three dwellings and a commercial tenancy to a dual occupancy, it is considered acceptable. In addition, it is considered that it has been appropriately designed to sit acceptably on the lot without reducing the amenity of neighbouring dwellings as well providing increased amenity to the proposed dwellings.</p>

2.3 Other Impacts of the Development

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

2.4 Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.5 Any Submissions

The application was notified fourteen days between 7 September 2021 and 21 September 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- No. 46 Albion Street, WAVERLEY; and

- No. 2 Wallace Street, WAVERLEY.

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

- Loss of on-street parking;
- Off-street parking impact to northern side of Wallace Street (impact on streetscape);
- Loss of solar access; and
- Loss of visual privacy from eastern facing balustrading.

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

Issue: Request resident-only parking zones and associated permits are issued for Albion Street.

Response: This is not a consideration under the assessment to this DA. These requests would need to be addressed to the Waverley Council Traffic Committee.

Issue: In-correct shadow diagrams.

Response: The shadow diagrams appear to be prepared correctly.

Issue: Structural concerns.

Response: Appropriate conditions of consent are recommended.

2.6 Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1 Traffic and Development

An internal referral was sought from Council's Traffic Engineers who did not object to the proposal, subject to recommended conditions of consent.

3.2 Stormwater

An internal referral was sought from Council's Stormwater Engineers who did not object to the proposal, subject to recommended conditions of consent.

3.3 Tree Management

An internal referral was sought from Council's Tree Officer who did not object to the proposal, subject to recommended conditions of consent.

3.4 GIS

An internal referral was sought from Council's GIS Officer who did not object to the proposal, subject to recommended conditions of consent.

3.5 Fire Safety

An internal referral was sought from Council's GIS Officer who did not object to the proposal, subject to recommended conditions of consent.

3.6 Ausgrid

An external referral was sought from Ausgrid who did not object to the proposal, subject to recommended conditions of consent.

4. CONCLUSION

The section 8.2 review application seeks to review the determination of DA-114/2021 for alterations and additions to convert one shop and three dwellings to an attached dual-occupancy development, including a new first floor addition, garages and strata subdivision at the site known as 52 Albion Street, WAVERLEY. The review application has amended the original Development Application. The key amendments are:

- An Increased rear setback;
- Replacement of a three car garage with a one space garage and one space hardstand to Wallace Street;
- Addition of private open space to the ground floor of Dwelling two;
- Internal layout changes to both dwellings; and
- Reduced size of the first floor rear balconies.

The principal reasons why the original DA was refused were as follows:

- Breach to Floor Space Ratio (FSR);
- Unacceptable Clause 4.6 Variation;
- Removal of the *Jubaea Chilensis* (Chilean Wine Palm) was not supported;
- Stormwater related issues;
- The proposed garage dominated the streetscape and the driveway crossover was excessive in width impacting on-street parking;
- Exceeded wall height;
- Unacceptable setbacks;
- Unacceptable streetscape impact;
- Unacceptable solar access to Dwelling 2 private open space;
- Non-compliant landscaping and open space; and
- The lot was too small to accommodate a dual-occupancy.

The assessment finds these issues have been addressed in this review application, as the overall bulk and scale of the proposed dwellings has been reduced to provide an appropriate landscaping and streetscape presentation. The reduced design also provides acceptable environmental amenity to surrounding properties, as well as its own.

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

The application has been assessed against the relevant matters for consideration under sections 8.2 the *Environmental Planning and Assessment Act 1979*. It is recommended to change the determination of a refusal to an approval, subject to conditions of consent.



Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 12 October 2021 and the DBU determined:
(a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, B McNamara, B Matlawski and P Wong*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the review application be APPROVED by the Waverley Local Planning Panel subject to conditions.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 19 October 2021	Date: 12 November 2021

Reason for WLPP referral:

The original application was determined by the WLPP due to one or more reasons:

1. Review Application

Attachment A

Conditions of the development consent

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Edifice Design of Project No: 20368 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA1 / Rev A	Site / Analysis and Roof Plan	16/08/2021	26/08/2021
DA3 / Rev A	Ground Floor Plan	16/08/2021	26/08/2021
DA4 / Rev A	Upper Floor Plan	16/08/2021	26/08/2021
DA5 / Rev A	West and South Elevations	16/08/2021	26/08/2021
DA6 / Rev A	East and North Elevations	16/08/2021	26/08/2021
DA7 / Rev A	Section A-A	16/08/2021	26/08/2021
Rev A	Landscape Plan	16/08/2021	26/08/2021

- (b) BASIX Certificate
(c) Schedule of external finishes and colours received by Council on 26/08/2021
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 20/10/2021

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The eastern facing balustrading to the rear ground floor decks and rear first floor balconies are to be constructed of obscure glazing to increase visual privacy.
- (b) The proposed southern boundary fence is to be reduced to a maximum height of 1.9m. The height limit is averaged so that the fence steps down the slope.
- (c) Due to the reduced southern boundary fence height windows W9 and W10 **may** be fitted with a privacy screen or obscure glazing. .
- (d) Each front terrace area to the ground floor are to be at least 50% landscaped.
- (e) A Draft Strata Subdivision Plan is to be provided to Council for approval.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

3. STRATA SUBDIVISION

This consent includes approval for a two lot Strata subdivision of the development.

A Strata Certificate must be obtained from either Council or a Registered Certifier in accordance with either Section 54(1) or Section 58(1) of the *Strata Schemes Development Act 2015*.

No exclusive use of common property shall occur without the prior consent of Council.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

5. HOME BUILDING ACT

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan 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 provided 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% of the full cost of the development; or
- (iii) A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$11,230 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 provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.

8. LONG SERVICE LEVY

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

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

9. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION MATTERS

10. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the 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 must be prepared in accordance with Waverley Council's Water Management Technical Manual.

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

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

12. ENGINEERING DETAILS

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

13. ENGINEERING CERTIFICATE OF ADEQUACY

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

14. EXISTING PARTY WALL IS TO BE EXTENDED

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.

15. STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS

Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, such as building facades are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.

STORMWATER & FLOODING

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

- a) The plans shall provide details of the required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory checklist as set out in Council's Water Management Technical Manual shall be submitted.
- b) Any proposed below ground OSD system shall be a concrete based structure with a minimum of two access grates. This is to provide adequate ventilation to prevent the accumulation of noxious odours and to provide convenient access for routine maintenance and inspection of the tank. One grate shall be placed over OSD outlet pipe and orifice plate.
- c) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- d) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- e) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided.
- f) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- g) Any proposed pipeline within the footpath verge must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres, fall by gravity at 1% minimum and must not traverse any vehicular crossing.
- h) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of any OSD system).
- i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

ENERGY EFFICIENCY & SUSTAINABILITY

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.

TRAFFIC MANAGEMENT

19. 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

FIRE SAFETY

20. BCA & FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

- (i) The dwellings must be fire separated from each other in accordance with Part 3.7.3 of the Building Code of Australia, Volume 2;
 - (ii) Smoke alarms must be installed within each dwelling in accordance with Part 3.7.5 of the Building Code of Australia, Volume 2;
 - (iii) Sound insulation must be provided to the wall separating the dwellings in accordance with Part 3.8.6 of the Building Code of Australia, Volume 2.
 - (iv) Facilities must be provided to each dwelling in accordance with Part 3.8.3 of the Building Code of Australia, Volume 2.
- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, a performance solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.
- d) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- e) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

Note: The provisions of Clause 93 & 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

21. CONSTRUCTION SIGNS

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

22. DILAPIDATION REPORT

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

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

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

DEMOLITION & EXCAVATION

23. 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.

24. 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

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 Sundays and public holidays.

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

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

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. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) Adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) Adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

TREE PROTECTION AND REMOVAL

31. TREE PROTECTION

Removal of the *Jubaea chilensis* (Chilean wine palm) is not permitted. The *Jubaea chilensis* (Chilean wine palm) is to be retained and protected in accordance with the following.

Precautions shall be taken when working near trees to ensure their retention, including the following:

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

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- (a) TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- (b) If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- (c) If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

- (d) It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- (e) If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

32. 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.

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.

33. HARDSTAND CAR PARKING AREA IS TO BE GRADED

The hardstand car parking area is to be graded and drained and all surface waters are to be collected and conveyed to the street gutter via underground pipes. A grate drain is to be provided across the front alignment of the hardstand car space.'

34. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

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.

35. FINAL OCCUPATION CERTIFICATE

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

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

36. 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.

37. CERTIFICATION OF BASIX COMMITMENTS

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

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

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

39. ON-SITE STORMWATER DETENTION CERTIFICATION

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

40. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

A “Restriction on the Use of Land” and “Positive Covenant” shall be created for any On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the title that OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building. All associated costs shall be borne by the applicant.

41. ALLOCATION OF STREET NUMBER

The applicant may choose one of the following options:

The redevelopment of the property has led to the following allocation of primary address and sub-address numbering for a strata subdivision:

The primary address number and location for the common property strata:

- 52 Albion Street - primary address site (common property strata)

As the redevelopment has sub-address sites, these include:

- No. 1/52 Albion Street for the north lot;

- No. 2/52 Albion Street for the south lot.

The premises numbers 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 Albion Street.

The address number for a sub-address site shall not consist of the primary address site number on its own.

Sub-address numbers shall be applied in a logical sequence in the street and within a primary address site shall be unique regardless of the type of the address.

The premises numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or address to be lodged with Council.

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au, in person (at Council's Customer Service Centre) or via post service.
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition)
- Include DA reference number
- Include condition number/s seeking to be addressed
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.
- Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au

AD2. SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995* (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800810443.

AD5. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

AD6. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD7. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

AD8. AUSGRID

Ausgrid has no objection to this development application, however the design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.

The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au

Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au

Proposed Alterations & Additions to 52 Albion St, Waverley (Lot 1, DP 658974)



Basix commitments - Certificate No. A404935_02 & A404964_02

Water / Energy options
Toilets, Showerheads, Taps: All - Toilets: 3 star or greater.
Energy Efficient new
Lighting: Minimum 40% of new lights to be either fluorescent, compact fluorescent or LED lamps.
New Hot Water System: Gas instantaneous

Insulation options:
 Minimum 55mm thick foil-backed insulation blanket to underside of new roofs.
 Minimum R1.2 insulation to new ceilings with new pitched roof above.
 Minimum R1.4 insulation to new ceilings with new flat roof above.
 Minimum R1.30 insulation to new external cladding walls.
 Minimum R0.6 insulation to new timber framed floors with subfloor below.
 'Light' coloured roofs.

Glazing:
 Aluminium-framed single-glazed clear glass to all new glazing, except W2, W3, W4, W5.
 Aluminium-framed single-glazed 'Low-e' glass to: W2, W3, W4, W5.
 Additional shading required to: W12, W19 = 430 mm projection sunhood/overhang;
 W1, W22, W23 = 600 mm projection awning;
 Timber-framed double-glazed clear glass to new skylights.

Development Data

(in reference with Randwick Council's Development Control Plan - Small Density Residential and Randwick LEP 2012)

• Site Area:	379m ²
• Zoning:	R2
• Allowable GFA & FSR	261.51m ² (0.69:1)
• Existing GFA & FSR (from internal walls)	221.7m ² (0.58:1)
• Proposed GFA & FSR: (from internal walls)	251 m ² (0.66:1)
• Required Open Space :	151.6m ² (40%)
• Provided Open Space :	174.3m ² (46%)
• Required Landscaped area :	56.85m ² (15%)
• Provided Landscaped area :	64.1m ² (17%)
• Required P.O.S	5m & 5m wide
• Provided P.O.S	H1 = 5.4m & 6.1m H2 = 4.7m X 5.7m

Drawing List

DA0	@A3	Coversheet and drawing list
DA1	@A3	Application No: DA-114/2021/1
DA2a	@A3	Streetscape analysis Plan
DA2b	@A3	Streetscape analysis Elevations
DA3	@A3	Ground floor plan
DA4	@A3	Upper floor plan
DA5	@A3	West & South Elevations
DA6	@A3	East & North Elevations
DA7	@A3	Section AA
DA8a	@A3	Calculations of GFA - GF
DA8b	@A3	Calculations of GFA - UF
DA9	@A3	Schedule of Materials and Finishes
DA10	@A3	Shadow Diagram 9am 21 June
DA11	@A3	Shadow Diagram 12pm 21 June
DA12	@A3	Shadow Diagram 3pm 21 June
DA13	@A3	Landscape Plan
DA14	@A3	Shadow Diagram - Elevations & Additional Plan

General legend:

B	Brick
C	Concrete
COS	Confirm on site
CR	Cement render
CT	Ceramic Tiles
D(1)	Door (1 etc)
DP	Downpipe
EX	Existing
F	Fixed
FC	Fibre Cement
FW	Floor Waste
L	Louvre (Glass)
MR	Metal Roof
PB	Plasterboard
PU	Paving units
RT	Roof Tiles
SL(1)	Skylight (1 etc)
TD	Timber Decking
TF	Timber flooring
W(1)	Window (1 etc)
WR	Walk in Robe
WP(H)	Wall panelling (Horizontal)
WP(V)	Wall panelling (Vertical)
<input checked="" type="checkbox"/> ExA	Existing smoke alarm
<input checked="" type="checkbox"/> A	Smoke alarm
<input checked="" type="checkbox"/> Ex.FFL 0.00	Floor level
<input checked="" type="checkbox"/> FFL 0.00	Floor level
<input checked="" type="checkbox"/> Ex.RL 0.00	Existing level

Wall legend:

	Existing walls
	New Blockwork
	New Studwork (100mm)
	New Double Brick wall

General notes:

- COS Confirm On Site
- Stormwater lines taken to existing stormwater in accordance with Stormwater details.
- Building RL's shown are to structure (not surfaces)

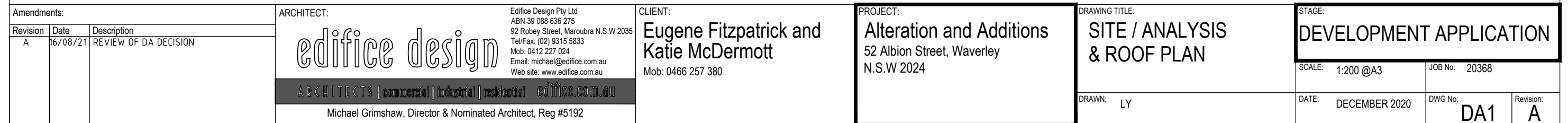
ARCHITECT:

edifice design

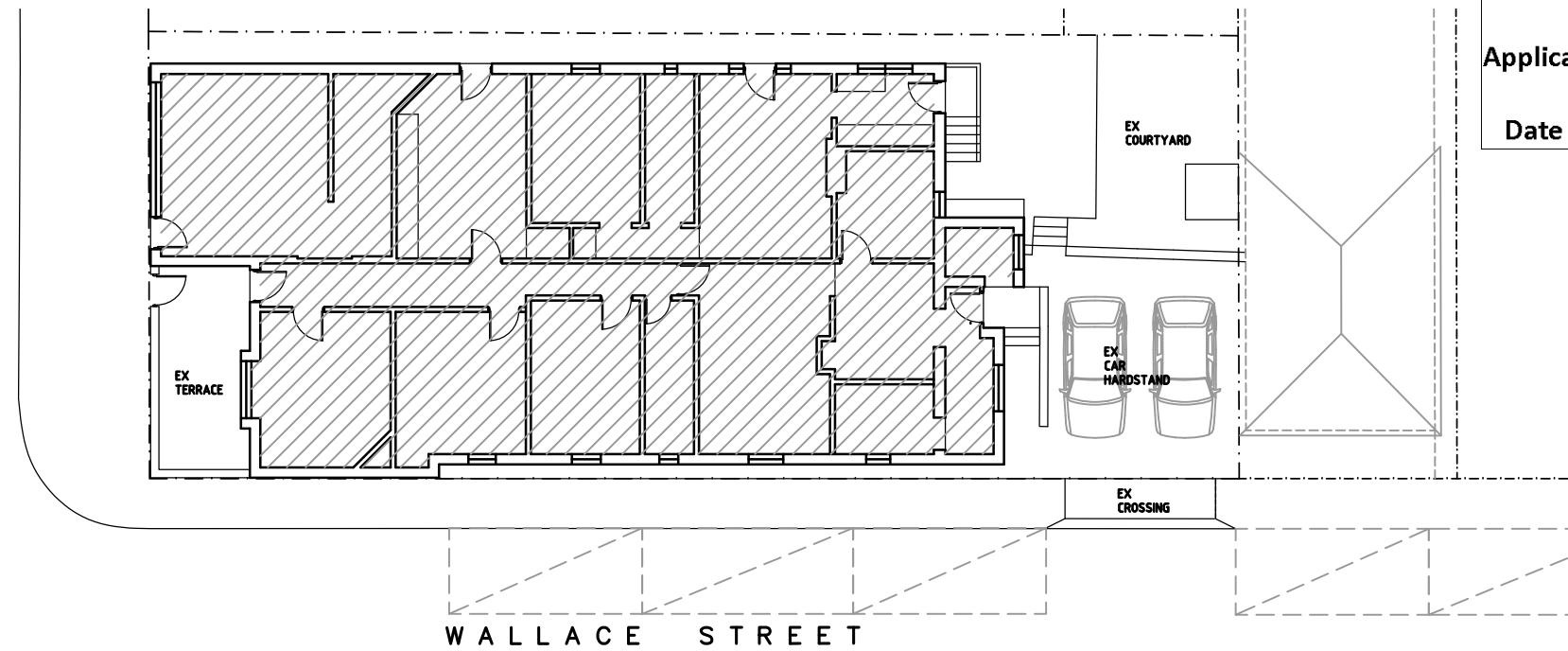
DEVELOPMENT APPLICATION

ISSUE : A

Job: 20368
Date: December 2020



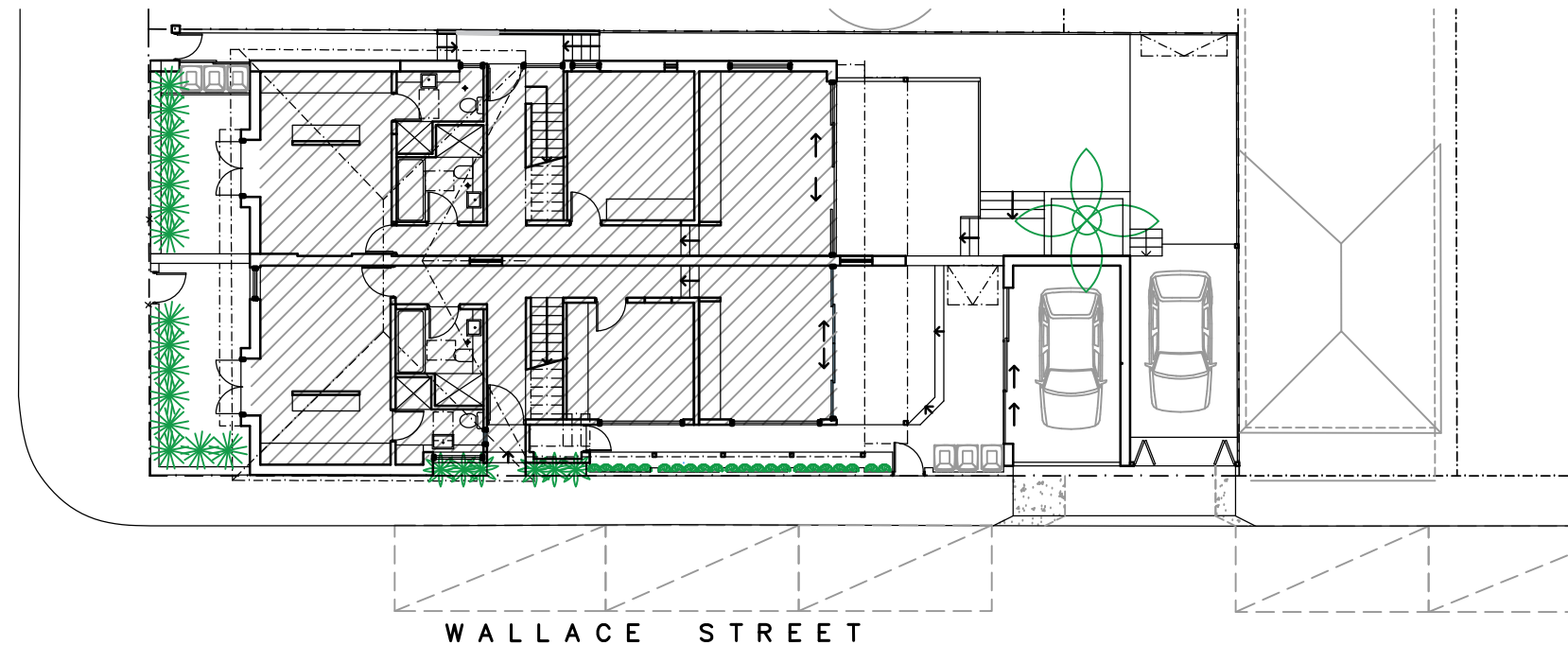
ALBION STREET



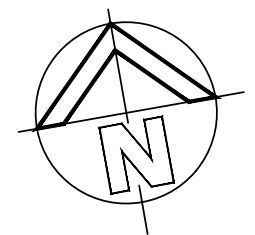
- Remove existing shop front on Albion Street shall reduce bulk and improve Albion St Streetscape.
- Slight widening ex crossing on Wallace St shall on-site carparking & on-street parking shall be maintained. (on-street carparking bays shown dotted).
- The proposed layout would maintain pedestrian and cyclist accessibility & safety.
- Existing footpath levels shall also be maintained.

EXISTING


ALBION STREET



PROPOSED

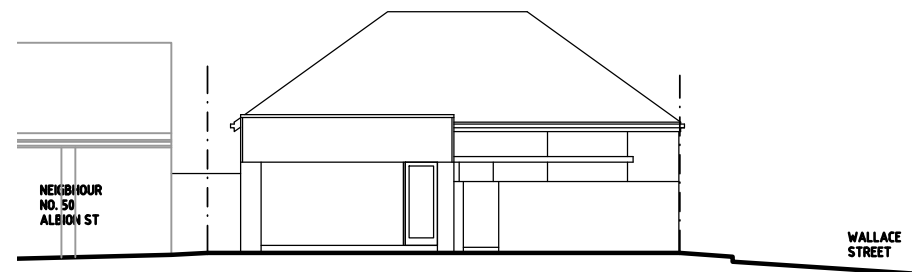


0 1 2 5 10m

Amendments:			<div>ARCHITECT:</div> <div></div> <div>ARCHITECTS commercial industrial residential edifice.com.au</div> <div>Michael Grimshaw, Director & Nominated Architect, Reg #5192</div>	<div>Edifice Design Pty Ltd ABN 39 088 636 275 92 Robey Street, Maroubra N.S.W 2035 Tel/Fax: (02) 9315 5833 Mob: 0412 227 024 Email: michael@edifice.com.au Web site: www.edifice.com.au</div>	<div>CLIENT:</div> <div>Eugene Fitzpatrick and Katie McDermott</div> <div>Mob: 0466 257 380</div>	<div>PROJECT:</div> <div>Alteration and Additions 52 Albion Street, Waverley N.S.W 2024</div>	<div>DRAWING TITLE:</div> <div>STREETSCAPE ANALYSIS- FLOOR PLAN</div>	<div>STAGE:</div> <div>DEVELOPMENT APPLICATION</div>						
Revision	Date	Description						SCALE: 1:200 @A3			JOB No: 20368			
A	16/08/21	REVIEW OF DA DECISION						DRAWN: LY			DATE: DECEMBER 2020		DWG No: DA2a	Revision: A

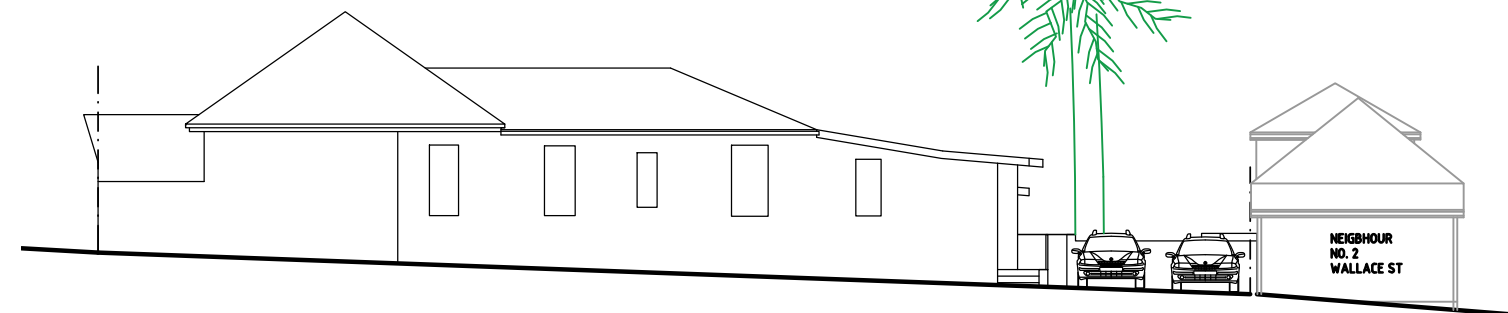


EXISTING PHOTOS

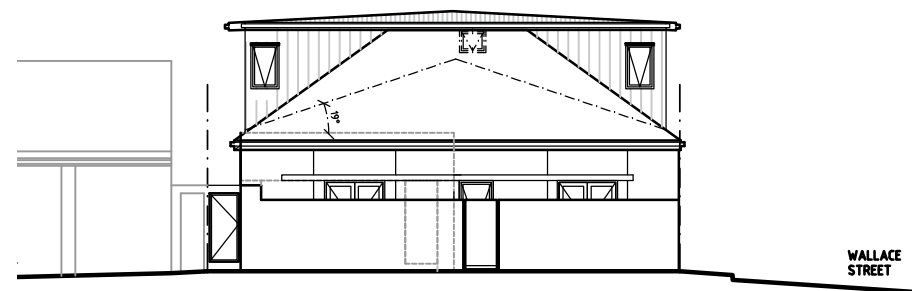


- Remove existing shop front
- Reinstate residential semi-detached symmetrical configuration to improve Albion St Streetscape

EXISTING

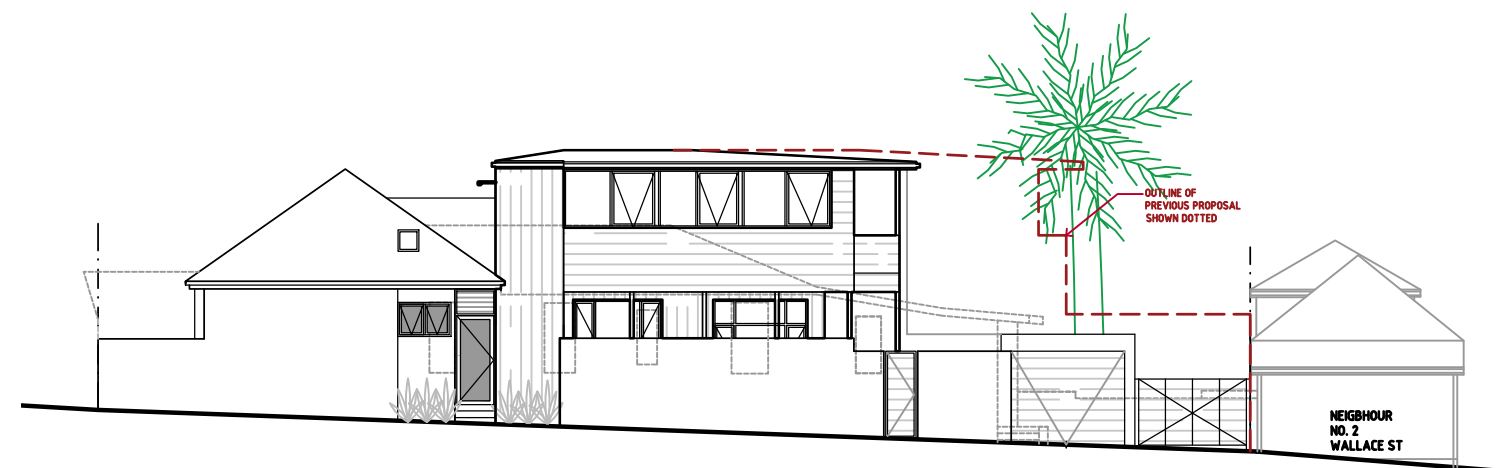


- The existing exposed double car hardstands & garbage bin areas will be neatly enclosed behind the proposed garage / car hardstand doors. This shall improve the streetscape & rhythm of facades along Wallace St.



ALBION ST ELEVATION

PROPOSED



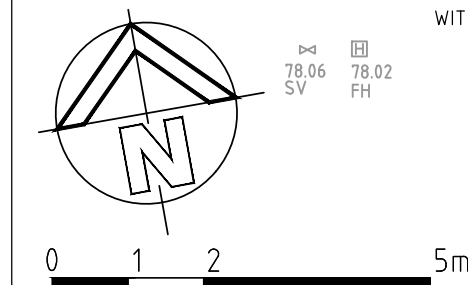
WALLACE ST ELEVATION

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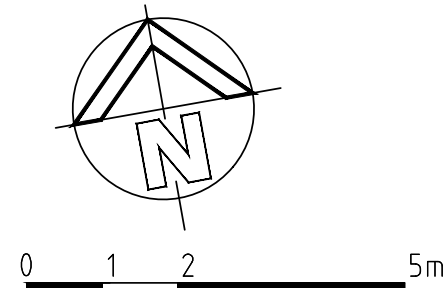
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Revision	Date	Description	DEVELOPMENT APPLICATION												
A	16/08/21	REVIEW OF DA DECISION	<div>edifice design</div> <div>ARCHITECTS commercial industrial residential edifice.com.au</div> <div>Michael Grimshaw, Director & Nominated Architect, Reg #5192</div>						SCALE: 1:200 @A3	JOB No: 20368					
									DRAWN: LY	DATE: DECEMBER 2020	DWG No: DA2b	Revision: A			

ALBION STREET

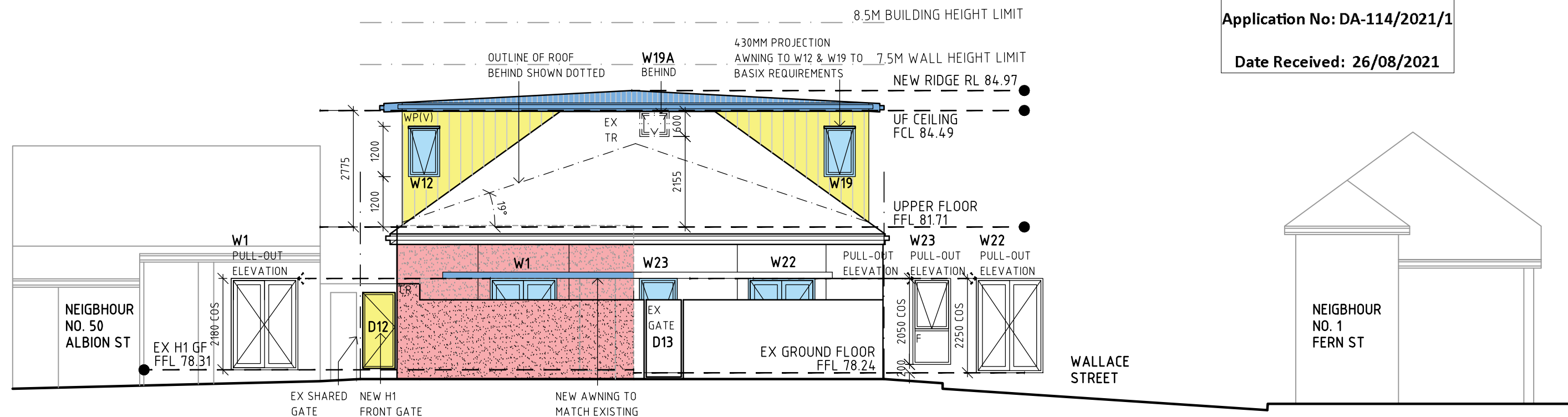
WALLACE STREET



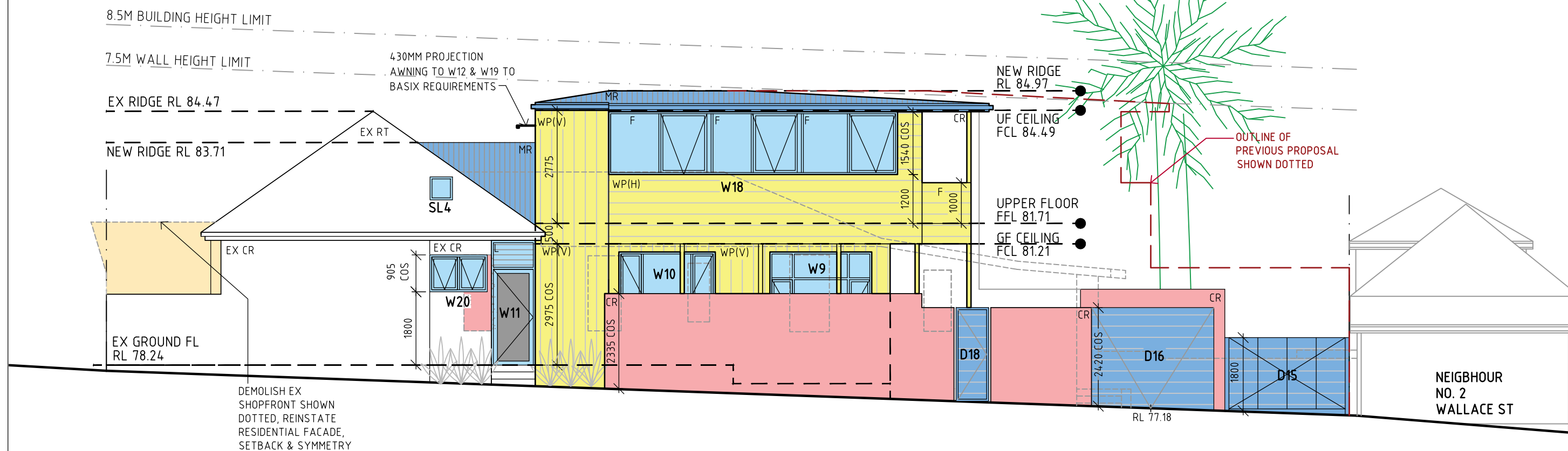
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Revision	Date	Description	edifice design ARCHITECTS commercial industrial residential edifice.com.au Michael Grimshaw, Director & Nominated Architect, Reg #5192						SCALE: 1:100 @A3	JOB No: 20368				
A	16/08/21	REVIEW OF DA DECISION							DATE: DECEMBER 2020	DWG No: DA3	Revision: A			



Amendments:			<div>ARCHITECT:</div> <div><div>edifice design</div><div>ARCHITECTS commercial industrial residential edifice.com.au</div><div>Michael Grimshaw, Director & Nominated Architect, Reg #5192</div></div>	<div>Edifice Design Pty Ltd</div> <div>ABN 39 088 636 275</div> <div>92 Robey Street, Maroubra N.S.W 2035</div> <div>Tel/Fax: (02) 9315 5833</div> <div>Mob: 0412 227 024</div> <div>Email: michael@edifice.com.au</div> <div>Web site: www.edifice.com.au</div>	<div>CLIENT:</div> <div>Eugene Fitzpatrick and Katie McDermott</div> <div>Mob: 0466 257 380</div>	<div>PROJECT:</div> <div>Alteration and Additions</div> <div>52 Albion Street, Waverley</div> <div>N.S.W 2024</div>	<div>DRAWING TITLE:</div> <div>OP 1</div> <div>UPPER FLOOR PLAN</div>	<div>STAGE:</div> <div>DEVELOPMENT APPLICATION</div> <div>SCALE: 1:100 @A3</div> <div>JOB No: 20368</div>	
Revision	Date	Description							<div>DRAWN:</div> <div>LY</div> <div>DATE:</div> <div>DECEMBER 2020</div> <div>DWG No:</div> <div>DA4</div> <div>Revision:</div> <div>A</div>
A	16/08/21	REVIEW OF DA DECISION							

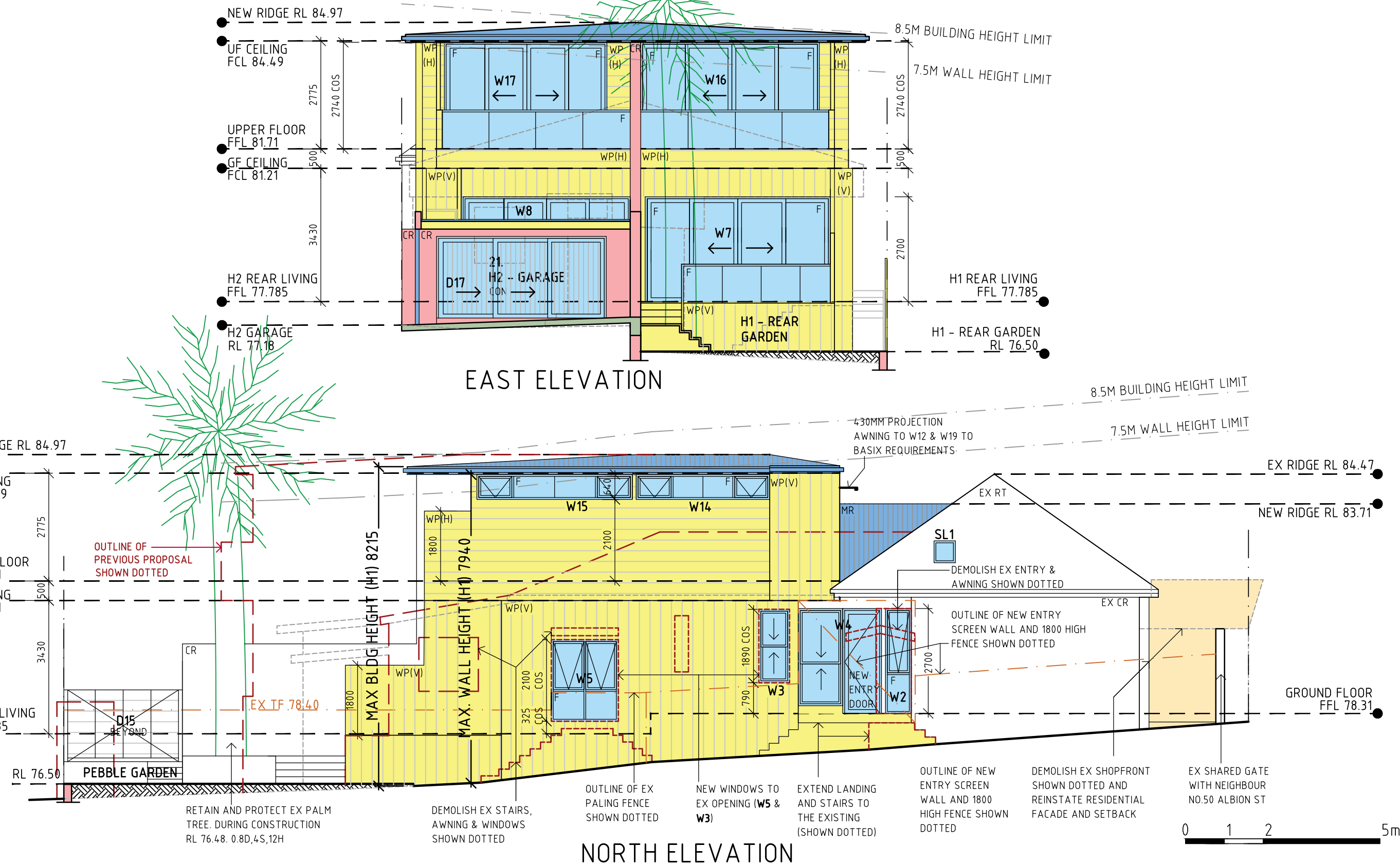


WEST ELEVATION

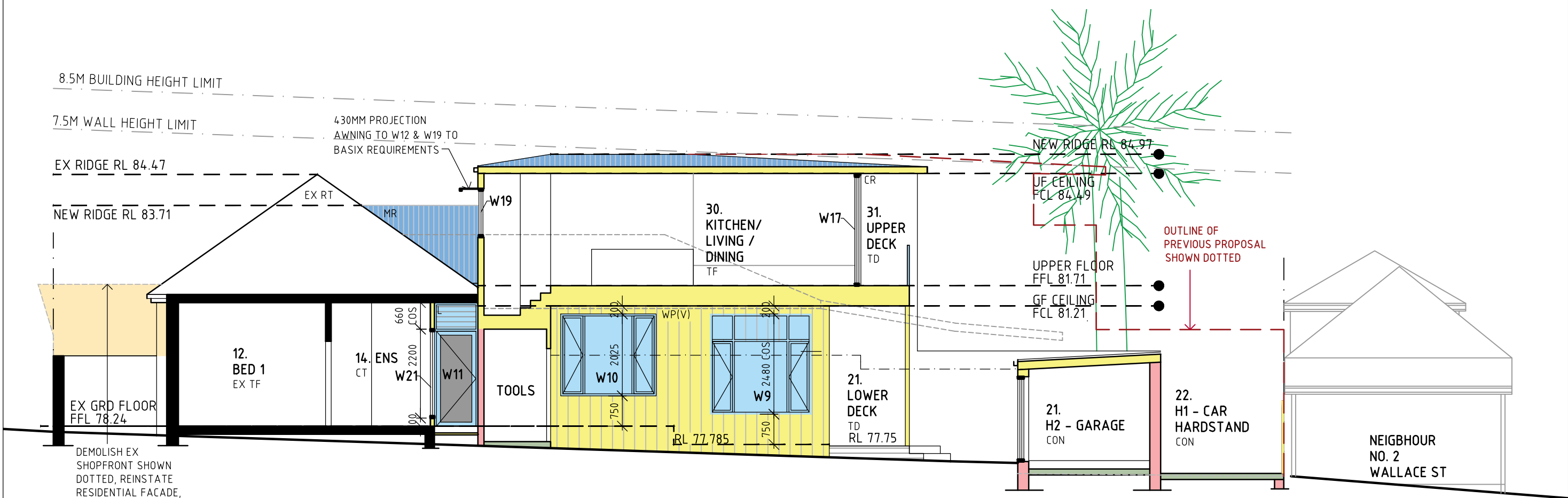


SOUTH ELEVATION

Amendments:			ARCHITECT:		CLIENT:	PROJECT:	DRAWING TITLE:	STAGE:	
Revision	Date	Description	<div>edifice design</div> <div>ARCHITECTS commercial industrial residential edifice.com.au</div> <div>Michael Grimshaw, Director & Nominated Architect, Reg #5192</div>					DEVELOPMENT APPLICATION	
A	16/08/21	REVIEW OF DA DECISION	<div>Edifice Design Pty Ltd ABN 39 088 636 275 92 Robey Street, Maroubra N.S.W 2035 Tel/Fax: (02) 9315 5833 Mob: 0412 227 024 Email: michael@edifice.com.au Web site: www.edifice.com.au</div>		Eugene Fitzpatrick and Katie McDermott Mob: 0466 257 380	Alteration and Additions 52 Albion Street, Waverley N.S.W 2024	WEST & SOUTH ELEVATIONS	SCALE: 1:100 @A3	JOB No: 20368
							DRAWN: LY	DATE: DECEMBER 2020	DWG No: DA5
									Revision: A



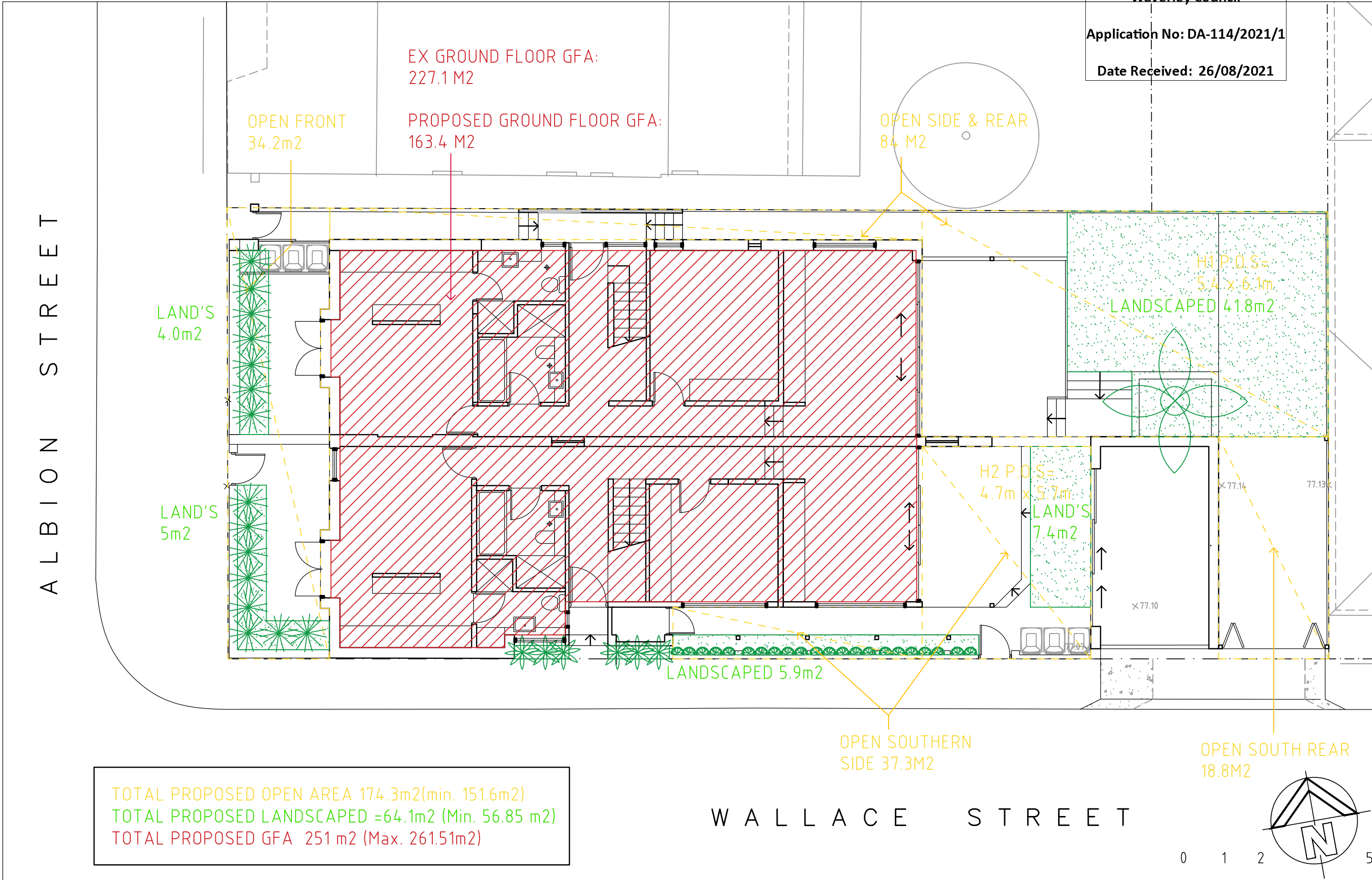
Amendments:			<div>ARCHITECT:</div> <div><div>edifice design</div><div>ARCHITECTS commercial industrial residential edifice.com.au</div><div>Michael Grimshaw, Director & Nominated Architect, Reg #5192</div></div>	<div>CLIENT:</div> <div>Eugene Fitzpatrick and Katie McDermott</div> <div>Mob: 0466 257 380</div>	<div>PROJECT:</div> <div>Alteration and Additions</div> <div>52 Albion Street, Waverley</div> <div>N.S.W 2024</div>	<div>DRAWING TITLE:</div> <div>EAST & NORTH ELEVATIONS</div>	STAGE: <div>DEVELOPMENT APPLICATION</div>		
Revision	Date	Description					SCALE: 1:100 @A3	JOB No: 20368	
A	16/08/21	REVIEW OF DA DECISION					DRAWN: LY	DATE: DECEMBER 2020	DWG No: DA6



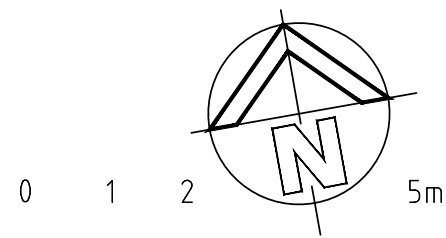
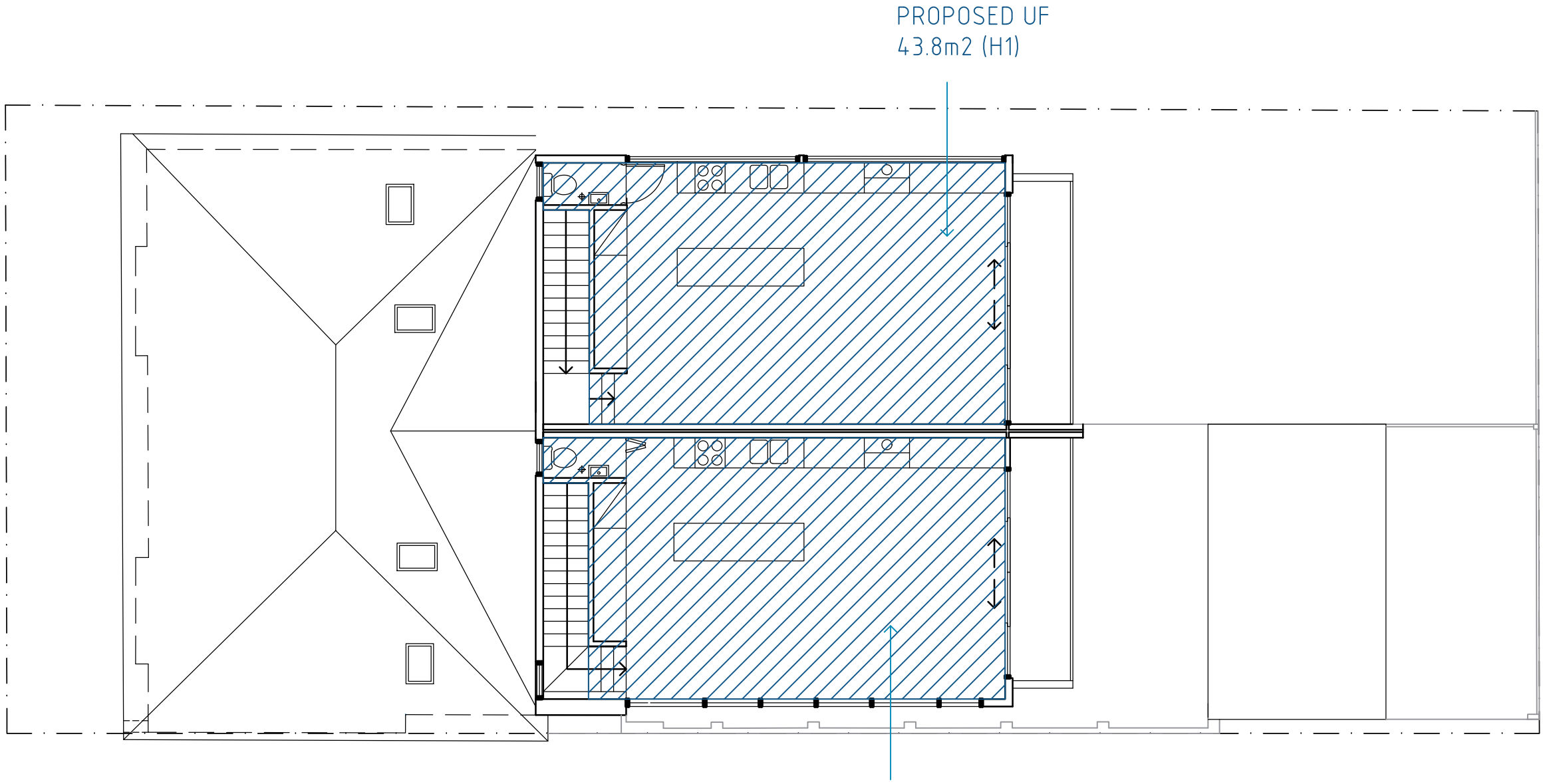
SECTION A-A




Amendments:			ARCHITECT:		Edifice Design Pty Ltd ABN 39 088 636 275 92 Robey Street, Maroubra N.S.W 2035 Tel/Fax: (02) 9315 5833 Mob: 0412 227 024 Email: michael@edifice.com.au Web site: www.edifice.com.au	CLIENT: Eugene Fitzpatrick and Katie McDermott Mob: 0466 257 380	PROJECT: Alteration and Additions 52 Albion Street, Waverley N.S.W 2024	DRAWING TITLE: SECTION A-A	STAGE: DEVELOPMENT APPLICATION						
Revision	Date	Description	<div>edifice design</div> <div>ARCHITECTS commercial industrial residential edifice.com.au</div> <div>Michael Grimshaw, Director & Nominated Architect, Reg #5192</div>						SCALE: 1:100 @A3	JOB No: 20368					
A	16/08/21	REVIEW OF DA DECISION							DRAWN: LY	DATE: DECEMBER 2020	DWG No: DA7	Revision: A			



Amendments:			ARCHITECT:		Edifice Design Pty Ltd ABN 39 088 636 275 92 Robey Street, Maroubra N.S.W 2035 Tel/Fax: (02) 9315 5833 Mob: 0412 227 024 Email: michael@edifice.com.au Web site: www.edifice.com.au	CLIENT: Eugene Fitzpatrick and Katie McDermott Mob: 0466 257 380	PROJECT: Alteration and Additions 52 Albion Street, Waverley N.S.W 2024	DRAWING TITLE: CALCULATION OF GROUND FLOOR GFA	STAGE: DEVELOPMENT APPLICATION						
Revision	Date	Description	<div>edifice design</div> <div>ARCHITECTS [commercial] [industrial] [residential] edifice.com.au</div> <div>Michael Grimshaw, Director & Nominated Architect, Reg #5192</div>						SCALE: 1:100 @A3	JOB No: 20368					
A	16/08/21	REVIEW OF DA DECISION							DRAWN: LY	DATE: DECEMBER 2020	DWG No: DA8a	Revision: A			



Amendments:			ARCHITECT:		Edifice Design Pty Ltd ABN 39 088 636 275 92 Robey Street, Maroubra N.S.W 2035 Tel/Fax: (02) 9315 5833 Mob: 0412 227 024 Email: michael@edifice.com.au Web site: www.edifice.com.au	CLIENT: Eugene Fitzpatrick and Katie McDermott Mob: 0466 257 380	PROJECT: Alteration and Additions 52 Albion Street, Waverley N.S.W 2024	DRAWING TITLE: CALCULATION OF UPPER FLOOR GFA	STAGE: DEVELOPMENT APPLICATION						
Revision	Date	Description	 ARCHITECTS commercial industrial residential edifice.com.au						SCALE: 1:100 @A3		JOB No: 20368				
A	16/08/21	REVIEW OF DA DECISION							DRAWN: LY		DATE: DECEMBER 2020	DWG No: DA8b	Revision: A		
			Michael Grimshaw, Director & Nominated Architect, Reg #5192												

Application No: DA-114/2021/1

Date Received: 26/08/2021

SHADOW AT 9AM
FROM PROPOSED
GARAGE OF 52
ALBION ST
SHOWN DOTTED

NEW
METAL ROOF
3° PITCH

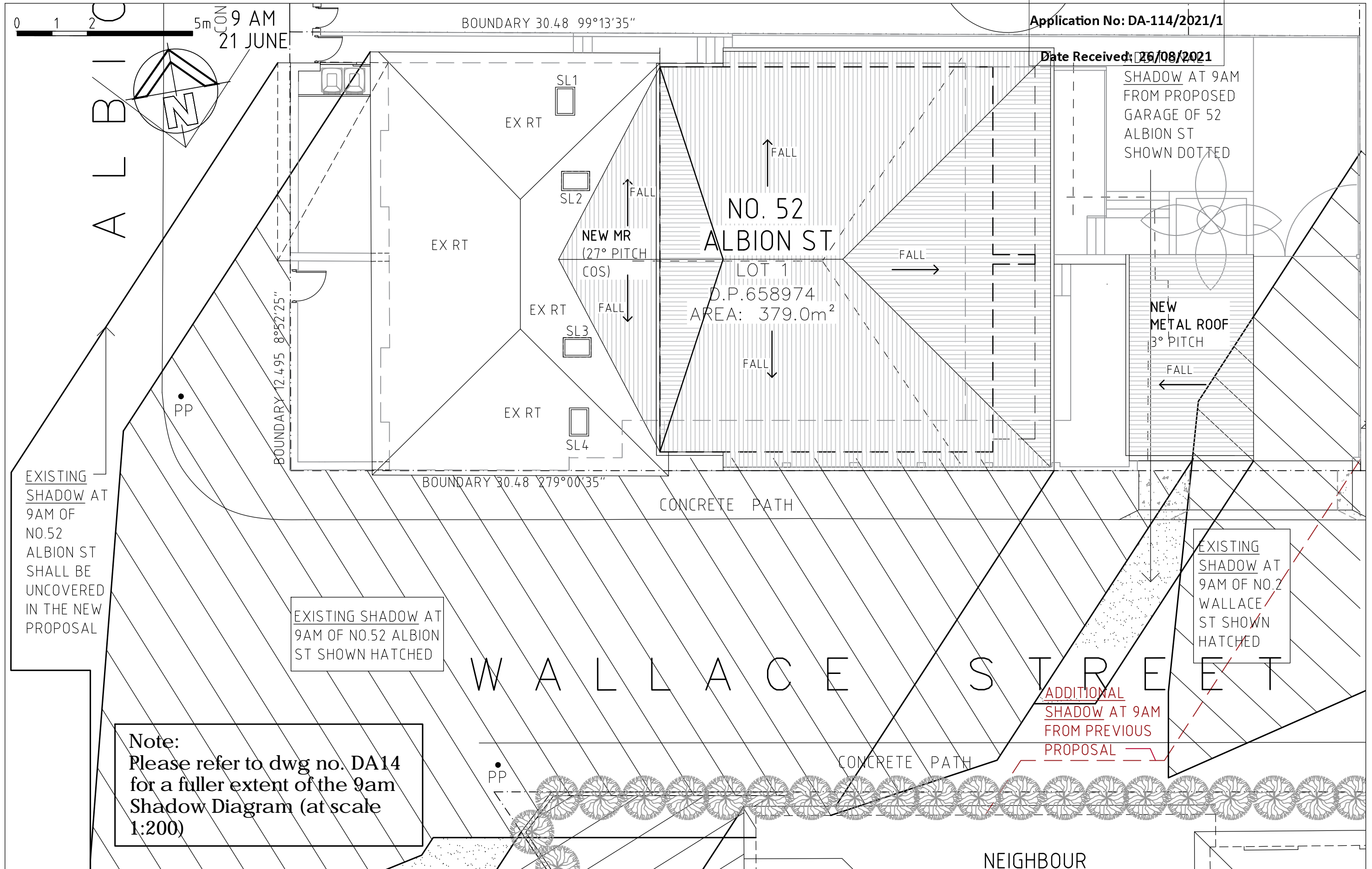
EXISTING
SHADOW AT
9AM OF NO.2
WALLACE
ST SHOWN
HATCHED

ADDITIONAL
SHADOW AT 9AM
FROM PREVIOUS
PROPOSAL

Note:
Please refer to dwg no. DA14
for a fuller extent of the 9am
Shadow Diagram (at scale
1:200)

EXISTING
SHADOW AT
9AM OF
NO.52
ALBION ST
SHALL BE
UNCOVERED
IN THE NEW
PROPOSAL

EXISTING SHADOW AT
9AM OF NO.52 ALBION
ST SHOWN HATCHED



Amendments:		
Revision	Date	Description
A	16/08/21	REVIEW OF DA DECISION

ARCHITECT:

edifice design

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CLIENT:

**Eugene Fitzpatrick and
Katie McDermott**

Mob: 0466 257 380

PROJECT:

Alteration and Additions
52 Albion Street, Waverley
N.S.W 2024

DRAWING TITLE:

**SHADOW DIAGRAM
9AM 21 JUNE**

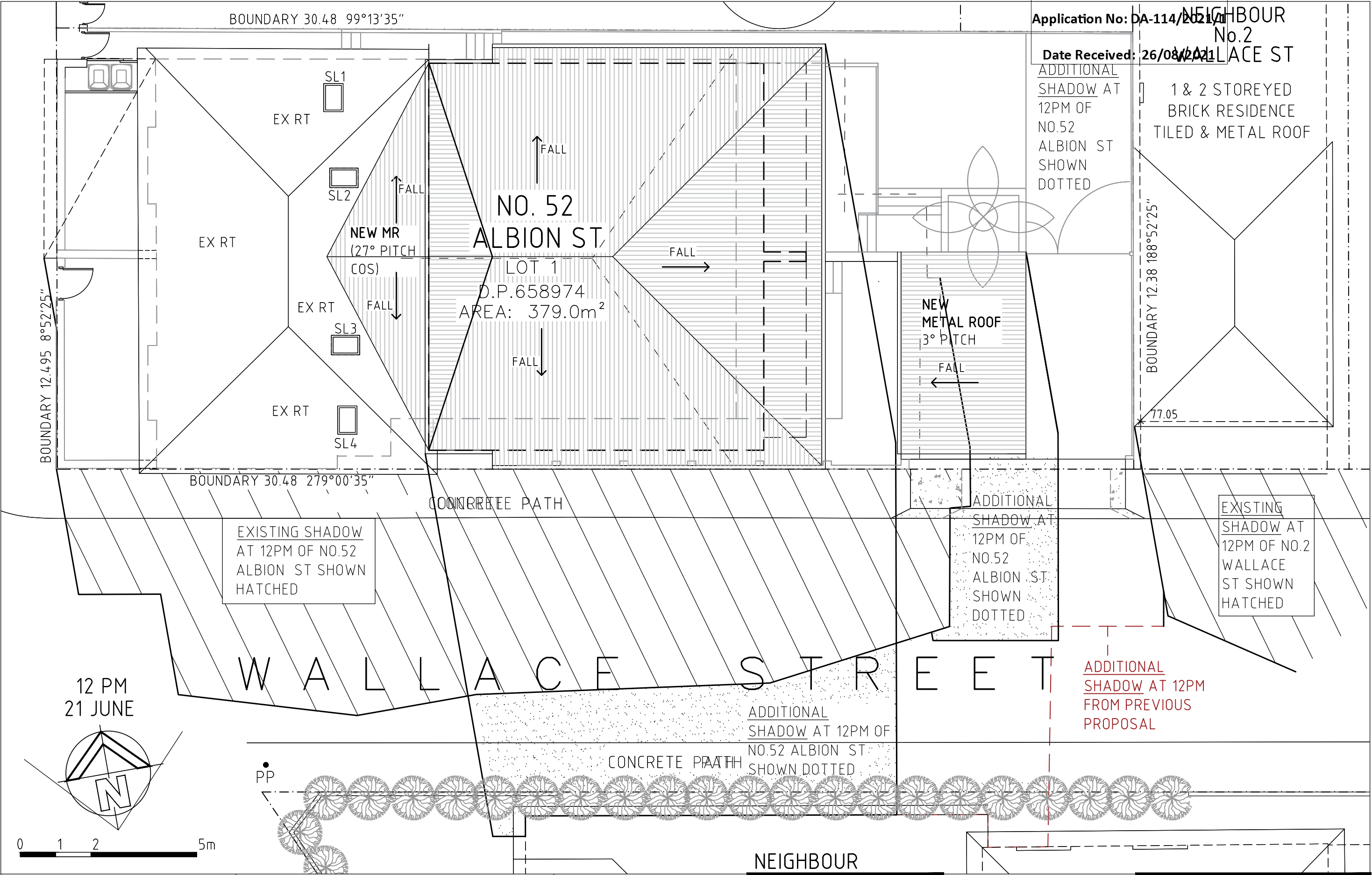
DRAWN: LY

STAGE:

DEVELOPMENT APPLICATION

SCALE: 1:100 @A3 JOB No: 20368

DATE: JANUARY 2021 DWG No: **DA10** Revision: **A**



RECEIVED
Waverley Council

NEIGHBOUR
No.2
WALLACE ST

Application No: DA-114/2021

Date Received: 26/08/2021

ADDITIONAL
SHADOW AT
12PM OF
NO.52
ALBION ST
SHOWN
DOTTED

1 & 2 STOREYED
BRICK RESIDENCE
TILED & METAL ROOF

BOUNDARY 12.38 188°52'25"

77.05

EXISTING
SHADOW AT
12PM OF NO.2
WALLACE
ST SHOWN
HATCHED

ADDITIONAL
SHADOW AT 12PM
FROM PREVIOUS
PROPOSAL

Amendments:

Revision	Date	Description
A	16/08/21	REVIEW OF DA DECISION

ARCHITECT:

edifice design

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CLIENT:

Eugene Fitzpatrick and
Katie McDermott
Mob: 0466 257 380

PROJECT:

Alteration and Additions
52 Albion Street, Waverley
N.S.W 2024

DRAWING TITLE:

SHADOW DIAGRAM
12 PM 21 JUNE

DRAWN: LY

STAGE:

DEVELOPMENT APPLICATION

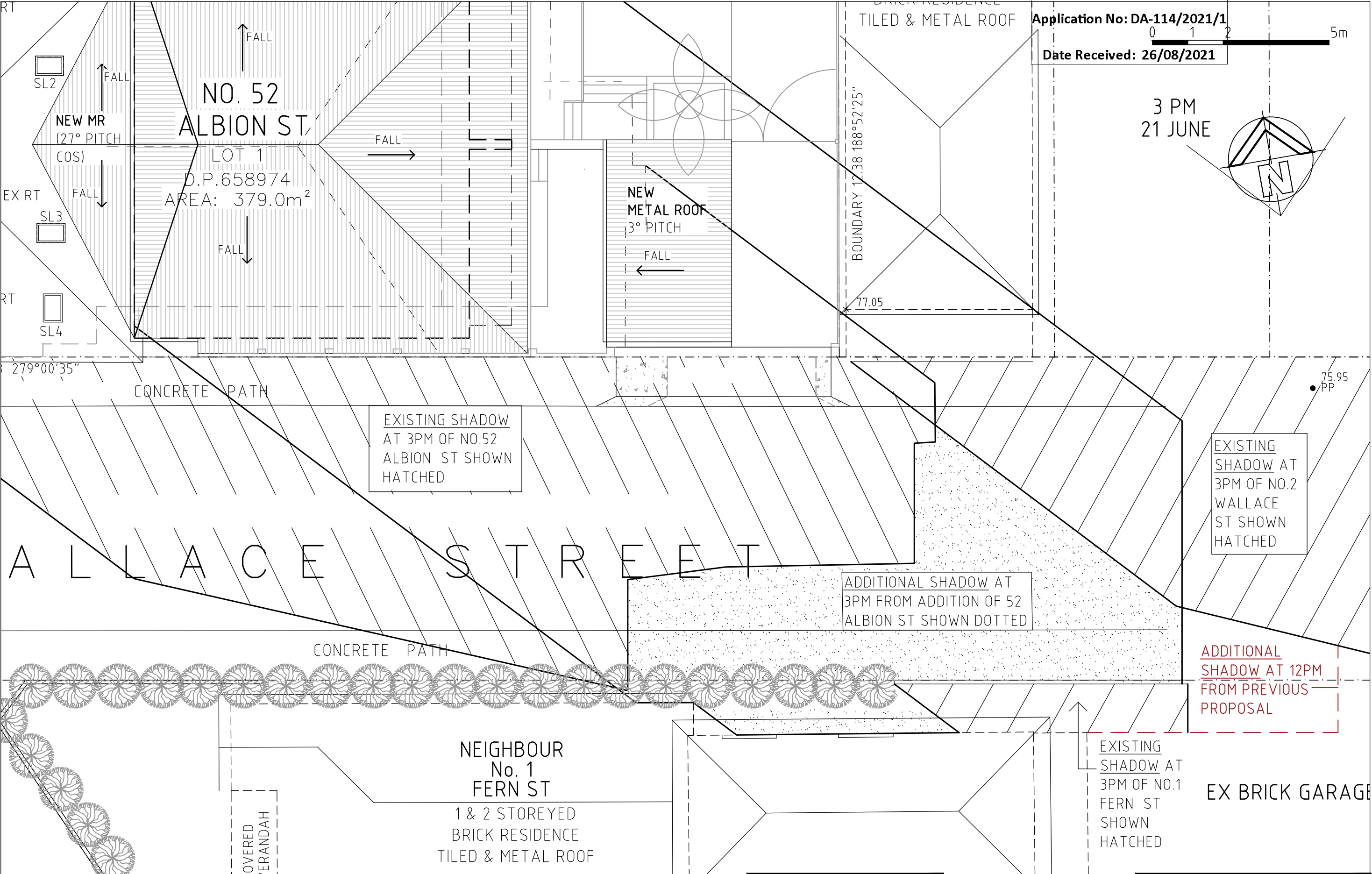
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JOB No: 20368

DATE: JANUARY 2021

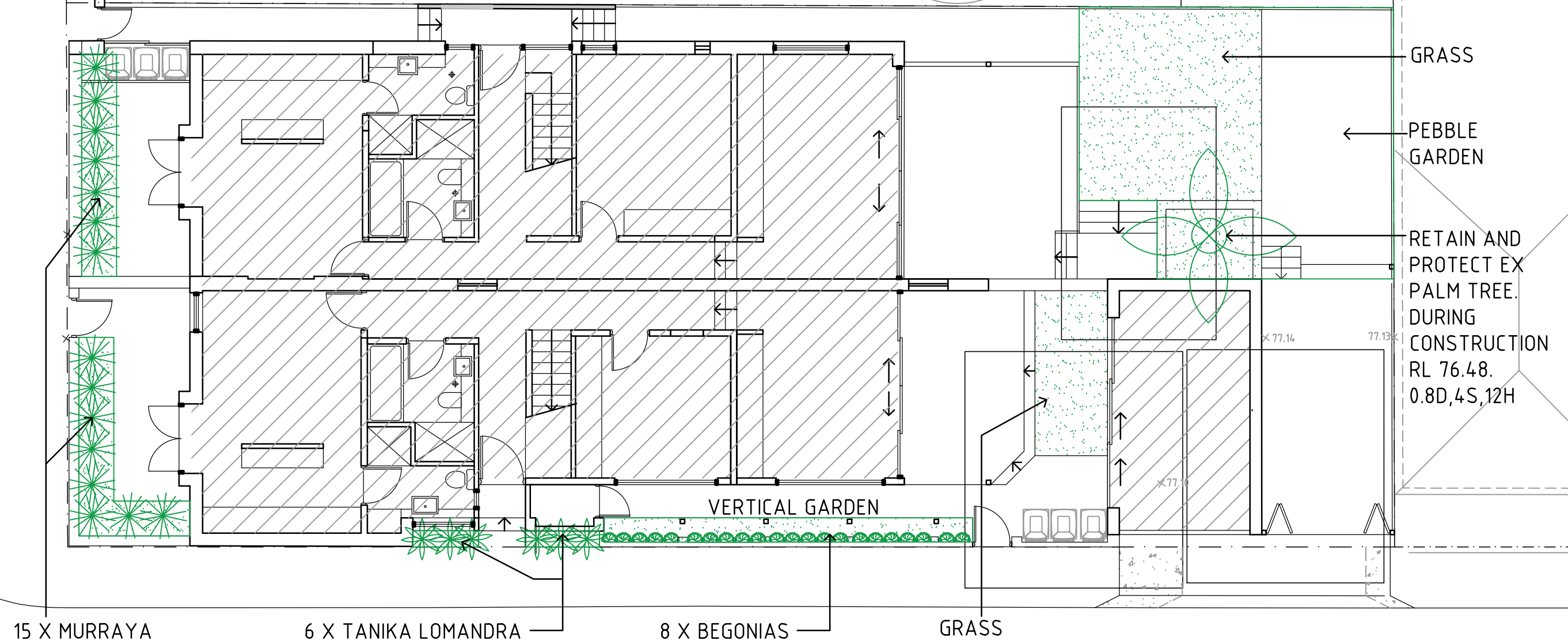
DWG No: DA11

Revision: A

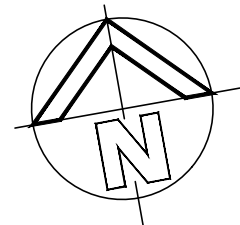




Amendments:			ARCHITECT:  Edifice Design Pty Ltd ABN 39 088 636 275 92 Robey Street, Maroubra N.S.W 2035 Tel/Fax: (02) 9315 5833 Mob: 0412 227 024 Email: michael@edifice.com.au Web site: www.edifice.com.au		CLIENT: Eugene Fitzpatrick and Katie McDermott Mob: 0466 257 380		PROJECT: Alteration and Additions 52 Albion Street, Waverley N.S.W 2024		DRAWING TITLE: SHADOW DIAGRAM ELEVATIONS & ADDITIONAL PLAN		STAGE: DEVELOPMENT APPLICATION	
Revision	Date	Description							SCALE: 1:200 @A3		JOB No: 20368	
A	16/08/21	REVIEW OF DA DECISION							DRAWN: LY		DATE: JANUARY 2021	
			ARCHITECTS Commercial Industrial Residential edifice.com.au Michael Grimshaw, Director & Nominated Architect, Reg #5192								DWG No: DA14 Revision: A	

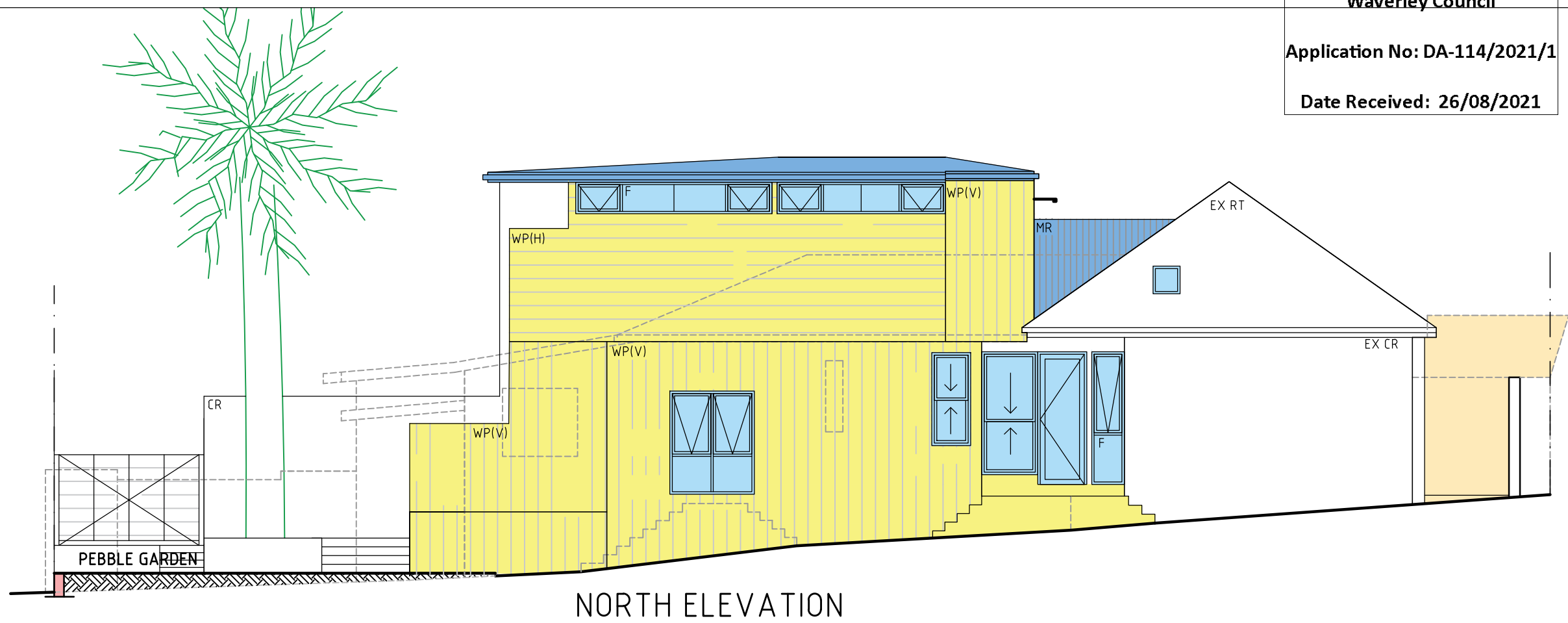


W A L L A C E S T R E E T

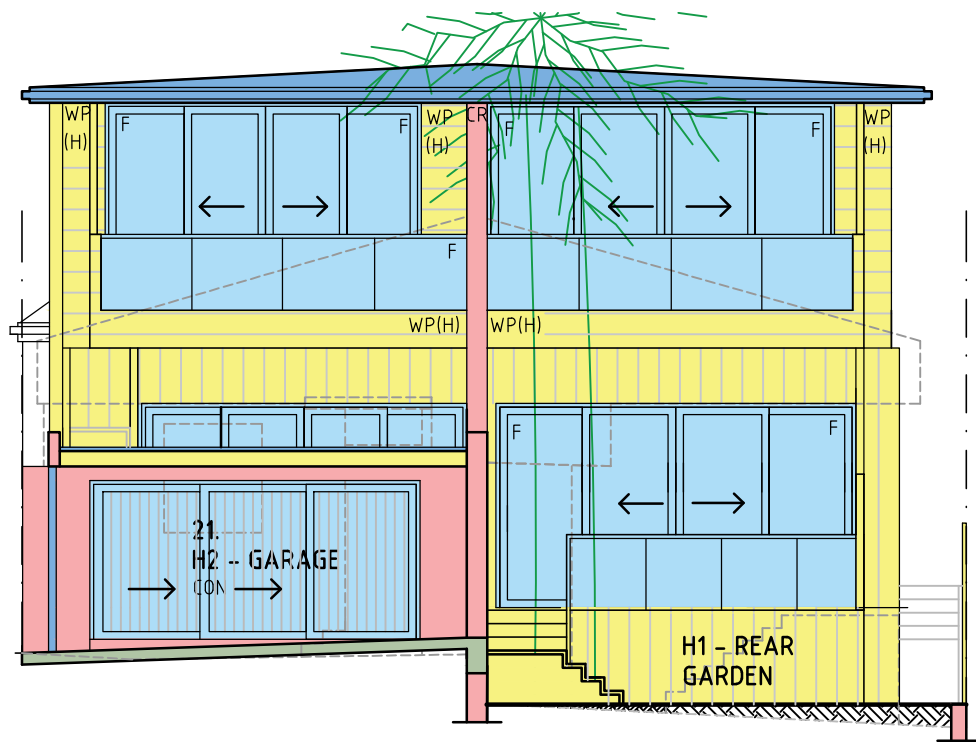


0 1 2 5m

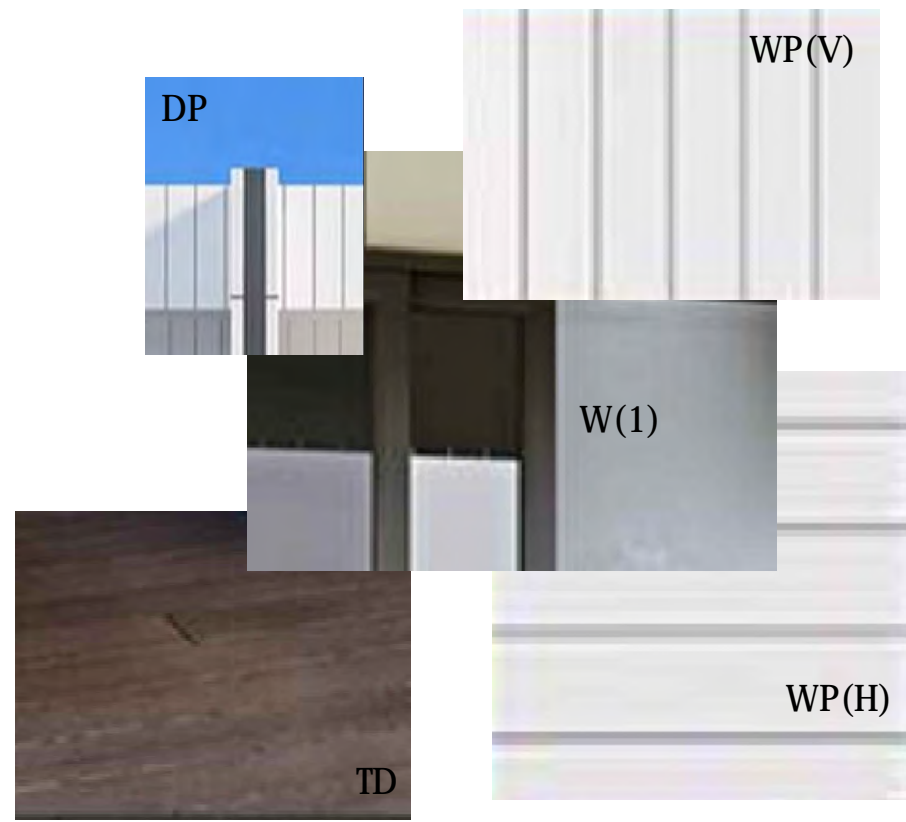
Amendments:			ARCHITECT: <div>edifice design</div> <div>ARCHITECTS commercial industrial residential edifice.com.au</div> Michael Grimshaw, Director & Nominated Architect, Reg #5192	Edifice Design Pty Ltd ABN 39 088 636 275 92 Robey Street, Maroubra N.S.W 2035 Tel/Fax: (02) 9315 5833 Mob: 0412 227 024 Email: michael@edifice.com.au Web site: www.edifice.com.au	CLIENT: Eugene Fitzpatrick and Katie McDermott Mob: 0466 257 380	PROJECT: Alteration and Additions 52 Albion Street, Waverley N.S.W 2024	DRAWING TITLE: LANDSCAPE PLAN	STAGE: DEVELOPMENT APPLICATION		
Revision	Date	Description						SCALE: 1:100 @A3	JOB No: 20368	
A	16/08/21	REVIEW OF DA DECISION					DRAWN: LY	DATE: DECEMBER 2020	DWG No:	Revision: A



NORTH ELEVATION



EAST ELEVATION



- Legend:
- B Brick
 - C Concrete
 - COS Confirm on site
 - CR Cement render
 - CT Ceramic Tiles
 - D(1) Door (1 etc)
 - DP Downpipe
 - EX Existing
 - F Fixed
 - FC Fibre Cement
 - FW Floor Waste
 - L Louvre (Glass)
 - MR Metal Roof
 - PB Plasterboard
 - PU Paving units
 - RT Roof Tiles
 - SL(1) Skylight (1 etc)
 - TD Timber Decking
 - TF Timber flooring
 - W(1) Window (1 etc)
 - WIR Walk in Robe
 - WP(H) Fibre Cement Wall panelling (Horizontal)
 - WP(V) Fibre Cement Wall panelling (Vertical)



Amendments:			ARCHITECT:		CLIENT:		PROJECT:		DRAWING TITLE:		STAGE:					
Revision	Date	Description	<div>edifice design</div> <div>ARCHITECTS commercial industrial residential edifice.com.au</div> <div>Michael Grimshaw, Director & Nominated Architect, Reg #5192</div>		Edifice Design Pty Ltd ABN 39 088 636 275 92 Robey Street, Maroubra N.S.W 2035 Tel/Fax: (02) 9315 5833 Mob: 0412 227 024 Email: michael@edifice.com.au Web site: www.edifice.com.au		Eugene Fitzpatrick and Katie McDermott Mob: 0466 257 380		Alteration and Additions 52 Albion Street, Waverley N.S.W 2024		SCHEDULE OF MATERIALS & FINISHES		DEVELOPMENT APPLICATION			
A	16/08/21	REVIEW OF DA DECISION														
											SCALE: 1:100 @A3		JOB No: 20368			
											DRAWN: LY		DATE: DECEMBER 2020		DWG No: DA9	Revision: A



Report to the Waverley Local Planning Panel

Application number	DA-335/2020/A
Site address	12 Bulga Road, DOVER HEIGHTS
Proposal	Modification to roof form and extinguish the majority of works approved under DA-335/2020
Description of Approved Development	Alterations and additions to dual occupancy dwellings including construction of garages
Date of lodgement	9 July 2021
Owner	Proprietors of Strata Plan 2683
Applicant	Studio York Architects
Submissions	Three
Amended cost of works	\$78,000 (reduced from \$162,420)
Principal Issues	<ul style="list-style-type: none"> Breach to height
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmap, 2021)

1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-335/2020, which was approved on 24 February 2021 by the Waverley Local Planning Panel for alterations and additions to an existing dual occupancy, including construction of garages at the site known as 12 Bulga Road, Dover Heights. The proposed modification is for amendments to the roof form and extinguish the majority of works approved under DA-335/2020.

The principal issue arising from the assessment of this modification application relates to a breach in the height standard.

The assessment finds this issue acceptable, as the re-designed roof is of a simpler design than the approved and results in less bulk and scale than the existing roof form or from that approved under DA-335/2020. Additionally, the development meets the objectives of both the height standard and the R2 zone.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendations.

The application has been assessed against the relevant matters for consideration under Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was not carried out for the modification application, as the assessment planner is familiar with the site, undertaking a site visit on 25 November 2020 for DA-335/2020.

The site is identified as SP 2683, known as 12 Bulga Road, Dover Heights. The site is rectangular in shape, with a southern frontage to Bulga Road, northern rear boundary of 12.19m, and eastern and western side boundaries of 35.205m. The site has an area of 459.1m² and slopes from the southwest to the northeast by 9.07m.

The site is occupied by a part-two, part-three storey dual-occupancy, with parking from Bulga Road to an attached garage. Dwelling 2 is located on the lower ground and first floor and Dwelling 1 is located on the second floor (street level).

The subject site is adjoined by detached dwellings on either side. The locality is generally characterised by detached dwellings and residential flat buildings.



Figure 1: Front of the site as viewed from Bulga Road looking north.



Figure 2: Rear of the site as viewed from private open space looking south-east.

1.3. Details of Approved Development

The original Development Application (DA), known as DA-335/2020 for alterations and additions to a dual-occupancy, including construction of garages, was approved on 24 February 2021 by the Waverley Local Planning Panel (WLPP).

1.4. Proposal

The modification application has been submitted under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

Ground Floor and First Floor (Dwelling 2)

- No works proposed. The proposal seeks to extinguish the internal and external works approved to the ground and first floor under DA-335/2020.

Second Floor (Dwelling 1)

- The modification seeks to extinguish the works approved under DA-335/2020, with the exception of the approved windows to the dining and living room and the approved awning above the existing balcony.

Roof

- Modify the roof form approved under DA-335/2020.

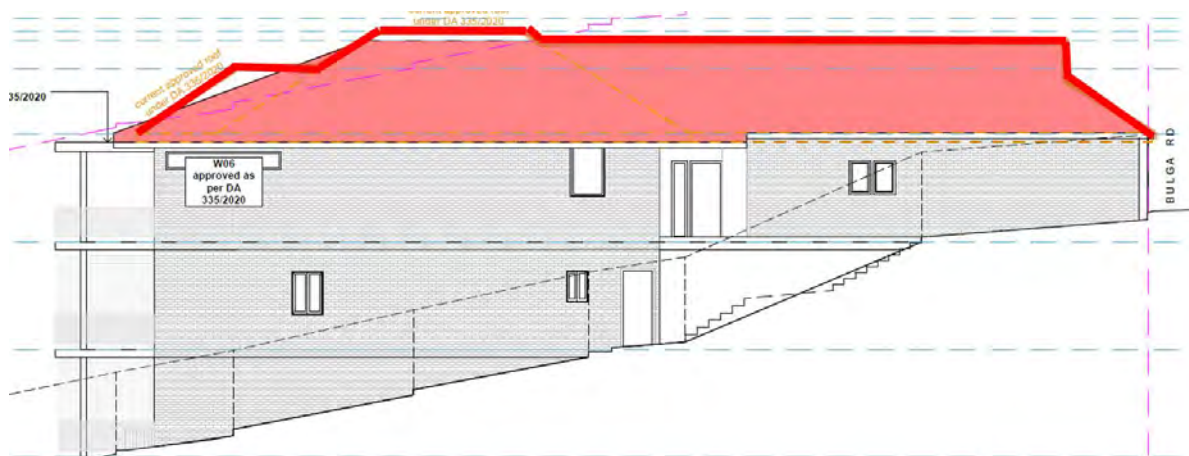


Figure 3. Proposed western elevation, demonstrating proposed roof form (shaded red) has a smaller bulk and scale from the approval (outlined red). (Source: Studio York Architects, 2021)

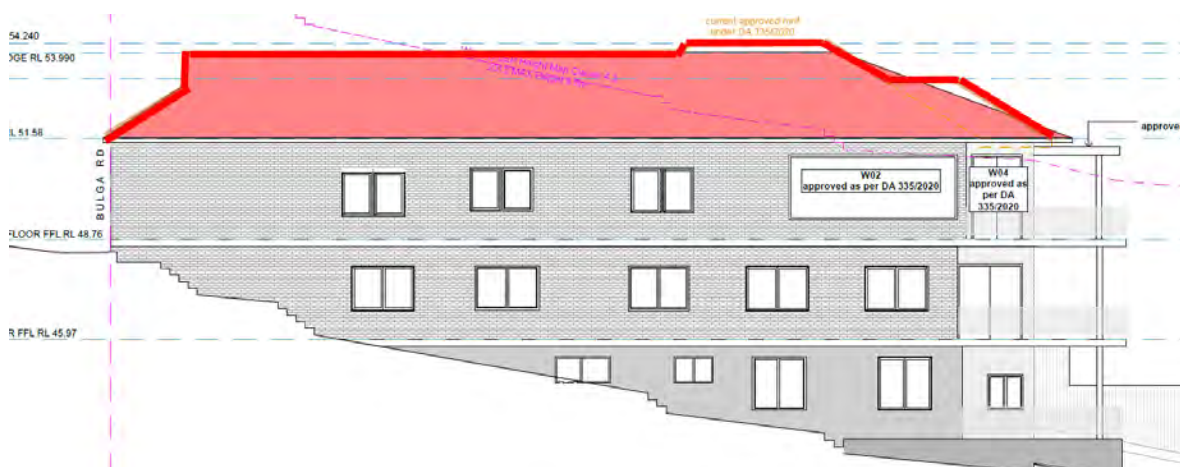


Figure 4. Proposed eastern elevation, demonstrating proposed roof form (shaded red) has a smaller bulk and scale from the approval (outlined red). (Source: Studio York Architects, 2021)

1.5. Background

The modification application was lodged on 9 July 2021 and deferred on 1 September 2021 for the following reasons:

1. To further reduce the breach in height, the maximum ridge height of the proposed roof was to be reduced to RL53.99.
2. The increased height to the approved awning (originally proposed) was to be reduced in height to what was approved under DA-335/2020.
3. A request that the applicant was to address the relevant objectives of height and the zone as well as addressing any environmental impacts, as the proposed roof breached the height limit.
4. An isometric height diagram was requested.
5. Council sought reasoning as to why the floor to ceiling height of the second floor was being increased.
6. A Fire Safety Upgrade Report was requested.
7. Minor clarification was sought to the plans.

The amended plans were lodged to Council on 1 October 2021, with the proposed works being significantly scaled back from what was originally sought under DA-335/2020/A. The main modification sought under DA-335/2020/A is to the roof form.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under relevant sections of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1. Section 4.55 – Modification of consents – generally

The application is made under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The relevant Minister, public authority or approval body have been consulted about this modification application, where necessary.

The application was publicly notified and three submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.2.1. Planning Instruments and Development Control Plans

The following is an assessment against relevant environmental planning instruments, including State Environmental Planning Policies (SEPPs), and development control plans.

State Environmental Planning Policies (SEPPs)

The following SEPPs apply and have been considered acceptable in the assessment of this modification application:

- SEPP 55 Remediation of Land.
- SEPP (Building Sustainability Index – BASIX) 2004.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as alterations and additions to a dual-occupancy remains unchanged and continues to be permitted development in the Low Density Residential (R2) zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 1** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none">• 8.5m	See discussion below this table.		

The following is a detailed discussion of exceedances of particular development standards under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

Height of Buildings

The modification proposes to amended the design of the approved roof form under DA-355/2020.

The proposed modification results in an overall reduction in ridge height of 0.59m (from approved roof form under DA-335/2020), resulting in an overall building height of 15.5m. This culminates in an overall exceedance of the height of buildings development standard by 7m or 82.4%. Despite the non-compliance, the roof's ridge has been reduced by 1.1% from the approved maximum ridge height of

RL 54.58.

The relevant objectives of the development standard are as follows:

Height of Building Objectives

Objective (a): to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,

The modification has established an overall height limit by ensuring the proposed roof has the same ridge height to majority of the existing roof's ridge height at RL53.99. The roof is smaller in bulk and scale than what was existing and approved under DA-335/2020, which is demonstrated in **figures 3 and 4**. Given the reduction in the bulk and scale from the existing and approved (DA-335/2020) roof, compared to the plans under this modification application, amenity impacts of overshadowing and view loss have been reduced.

Objective (d): to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

With the bulk and scale of the roof being reduced, it relates better to the existing dwelling by simplifying an overly complex existing roof form. The dwelling will still read as a single storey dwelling from Bulga Road, similar to the other dwellings to the northern side of Bulga Road.

R2 Zone Objectives

- *To provide for the housing needs of the community within a low density residential environment.*

The modified plans continue to provide housing for the community within a low density residential environment.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the height of buildings development standard and the R2 zone. The exceedance is considered acceptable and is supported.

Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in **Tables 2 and 3** of this report and detailed discussion below these tables.

Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
3. Stormwater	Condition recommended to be deleted	Under DA-335/2020, two trees to the eastern side of the dwelling and one tree on the western side of the dwelling were proposed to be removed. The modified plans no longer propose the removal of these three trees. Therefore, Condition 3 relating to the planting of two indigenous trees is recommended to be deleted from the consent.
6. Stormwater	Conditions recommended	Council's Stormwater Engineer has reviewed the application and recommended minor amendments to the previously imposed conditions under DA-335/2020.
12. Design Excellence	Yes	The proposed roof simplifies a currently complicated roof form, enhancing the appearance of the existing dwelling

Table 3: WDCP – Part C2 Low Density Residential Development Compliance Table

The proposal is defined as a "Dual Occupancy" in the WLEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	Yes	The proposal does not contravene the general objectives of this part of the WDCP.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • New development to be compatible with streetscape context 	Yes	The roof form simplifies a currently complex roof form and contributes positively to the streetscape.
2.6 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June 	Yes	<p>The proposed shadow diagrams submitted with the application demonstrate that shadowing mainly falls on the public domain of Bulga Road.</p> <p>With the roof form being reduced in bulk and scale, amended shadow diagrams were not</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 		requested as they would not result in a greater shadowing impact.
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 		The proposed roof is reduced from what was approved and also from what is existing and is therefore anticipated to not result in view loss.
2.15 Dual Occupancy Development		
<ul style="list-style-type: none"> Min 450m² attached dwellings 	N/A	The development has been previously approved as a dual occupancy. The development will not alter the use of the building and will remain as a dual occupancy.

2.2.2. Other Impacts of the Development

The proposal is considered to have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not renotified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- Removal of works to the ground, first and second floor; and
- A reduction in the bulk and scale of the roof form.

A total of three unique submissions were received from the following properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	268 Military Road, DOVER HEIGHTS
2.	37 Eastern Avenue, DOVER HEIGHTS
3.	39 Eastern Avenue, DOVER HEIGHTS

All issues raised in the submissions are summarised and discussed below.

Issue: View Loss.

Response: The development has been amended since the original submission by reducing the bulk and scale of the roof from what is currently existing and what was approved under DA-335/2020. The Assessment Officer emailed the objector requesting photographs of their view, however no response was received.

Issue: *“Why is it being asked for to be increased again and so soon?”*

Response: It is common for a modification to be submitted shortly after the original application has been approved, as an issue may arise during Construction Certificate stage. In this instance, the roof form is being altered due to existing drainage and water penetration issues. The applicant’s Engineer has advised a new roof form with less hip junctions and a simpler form will resolve the current issues.

Issue: *“This property already has had balconies extended, a terrace added at the ground floor and now more extension at the rear seems to be put in the DA without much detail or explanation.”*

Response: Much of the originally notified works (under DA-335/2020/A) have been removed from the proposed modification. The only proposed works under this application are changes to the roof form.

Issue: *Overshadowing from the proposed roof.*

Response: The modified roof form will not result in unreasonable overshadowing..

Issue: *“There is no detail on the roof extending over the rear deck on the top floor.”*

Response: The roof form (under this application) will not extend over the rear deck.

Issue: *“What is happening with the pergola that was approved in the last DA?”*

Response: Modified plans were received and demonstrate no modifications are occurring to the approved pergola under DA-335/2020.

Issue: *“We will have a more imposing extended roofline now it seems, rather than a pergola.”*

Response: The proposed roof form is simplified, has a lower pitch and lower overall height from approved under DA-335/2020 and existing.

Issue: *“There seems to be two new windows around the 2nd floor balcony sliding doors.”*

Response: No modifications are proposed to the approved and existing windows.

Issue: *“What will the residents of this floor now use as a terrace/outdoor living space?” and “Will there be more terrace built to extend out into the garden or will they step out onto the grass?”*

Response: No modifications are now occurring to the terraces and outdoor living spaces.

Issue: *“Please confirm there is no change to rear balconies and no addition or wrap-around balconies or new terrace area at the rear.”*

Response: Confirming no changes are occurring to the rear balconies as apart of this modification.

Issue: *The living room addition will result in visual privacy issues.*

Response: No changes are proposed to the ground floor living room.

Issue: *Floor Space Ratio (FSR)*

Response: The modification will not increase FSR.

2.2.5. Public Interest

The proposal is considered to have no detrimental effect on the public interest, subject to appropriate conditions being imposed.

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Fire Safety

An internal referral was sought from Council’s Fire Safety Officer who supports the proposal, subject to recommended conditions of consent.

3.2. Stormwater

An internal referral was sought from Council’s Stormwater Engineer who supports the proposal, subject to recommended modifications to the conditions previously imposed under DA-335/2020.

3.3. Ausgrid

An external referral was sought from Ausgrid who support the proposal, subject to recommended conditions of consent.

4. CONCLUSION

The modification application seeks to modify development consent, known as DA-335/2020 which was for alterations and additions to dual occupancy dwellings including construction of garages at the site known as no. 12 Bulga Road, Dover Heights. The proposed modification is for amendments to the roof form and extinguish majority of the works approved under DA-335/2020.

The principal issues arising from the assessment of the application relates to a breach in height.

The assessment finds this issue acceptable as the re-designed roof is of a more simple design and results in a lesser bulk and scale than the existing roof form or from that approved under DA-335/2020. Additionally, despite the breach to height the development meets the objectives of both height and the zone.

A total number of three submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendations.

The application has been assessed against the relevant matters for consideration under Section 4.55 (2) of the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 24 August 2021 and the DBU determined:

(a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: *M Reid, B McNamara, B Magistrale and J Elijah*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Joseph Somerville	Bridget McNamara
Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 4 November 2021	Date: 12 November 2021

Reason for WLPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to:

1. Departure from any development standard in an EPI by more than 10%

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Studio York Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-00-06 / Rev B	Proposed Ground Floor	07/12/2020	07/12/2020
DA-00-07 / Rev B	Proposed First Floor	07/12/2020	07/12/2020
DA-00-08 / Rev C	Proposed Second Floor (Entry Level)	06/01/2021	06/01/2021
DA-00-09 / Rev C	Proposed Roof Plan	06/01/2021	06/01/2021
DA-01-01 / Rev C	Western Elevation	06/01/2021	06/01/2021
DA-01-02 / Rev C	Eastern Elevation	06/01/2021	06/01/2021
DA-01-03 / Rev C	Northern and Southern Elevation	06/01/2021	06/01/2021
DA-01-04 / Rev E	Proposed Section	06/01/2021	06/01/2021

(i) *As amended by Architectural Plans prepared by Studio York Architects including the following:*

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-00-02 / Rev A	Ground Floor Plans	01/10/2021	06/10/2021
DA-00-03 / Rev A	First Floor Plans	01/10/2021	06/10/2021
DA-00-04 / Rev A	Second Floor (Entry Level) Plans	01/10/2021	06/10/2021
DA-00-05 / Rev A	Proposed Roof Plan	01/10/2021	06/10/2021
DA-01-01 / Rev A	Western Elevation	01/10/2021	06/10/2021
DA-01-02 / Rev A	Eastern Elevation	01/10/2021	06/10/2021
DA-01-03 / Rev A	Northern and Southern Elevation	01/10/2021	06/10/2021

(AMENDED DA-335/2020/A)

(b) BASIX Certificate

(c) Schedule of external finishes and colours received by Council on 07/12/2020

(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 15/10/2020

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

~~(a) An amended Draft Strata Subdivision Plan prepared by a Registered Surveyor is required to represent the approved development.~~

~~The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.~~

(DELETED DA-335/2020/A)

3. REPLACEMENT TREES

~~Prior to the issue of any Construction Certificate, two x indigenous species trees are to be planted in the back communal garden.~~

(DELETED DA-335/2020/A)

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of ~~\$5,520.00~~ **\$2,830.00** 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.

(AMENDED DA-335/2020/A)

13. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

~~A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.~~

~~Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.~~

(DELETED DA-335/2020/A)

16. STORMWATER MANAGEMENT AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted to the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the Construction Certificate.

The submitted stormwater management plans prepared by E2 Civil and Structural Pty Ltd, Job No. 20.409, Drawing No. SW1, Revision 0, dated 01.10.2020, are generally considered unsatisfactory.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practicing Civil Engineer and include:

- a) Details of the existing stormwater drainage system shall be provided on the submitted stormwater management plans. *The details to be submitted must at a minimum include the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system*
- b) ~~Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.~~ ***The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.***

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

(AMENDED DA-335/2020/A)

19. LONG SECTIONS OF DRIVEWAY

~~Amended long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to the issue of the Construction Certificate.~~

~~The long section drawings shall:~~

- ~~(a) Include reduced levels (RL's) of the Bulga Road carriageway, an accurate centreline, the kerb and gutter, footpath, and the garage floor.~~
- ~~(b) Include existing and design levels.~~
- ~~(c) 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.~~
- ~~(d) Show Council's footpath having a 2% crossfall away from the property at all points along the frontage. Note: 2% is not equal to 2 degrees~~
- ~~(e) Show paving on the garage floors at entry being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the door opening.~~
- ~~(f) Show all paving on Council's land being sloped/ drained towards the roadway.~~
- ~~(g) Include a separate long section drawing along both the front and back edge of Council's footpath for the full frontage of the site.~~

(DELETED DA-335/2020/A)

26. EXCAVATION AND BACKFILLING

~~All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.~~

~~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.~~

(DELETED DA-335/2020/A)

33. EXISTING VEHICLE CROSSING IS TO BE MODIFIED

~~The existing vehicle crossing is to be modified to provide access to the proposed garages. A separate application is required for the modified vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.~~

(DELETED DA-335/2020/A)

34. DRIVEWAY LAYBACK

~~The overall length of the layback at the proposed driveway is not to exceed 3.9m~~

(DELETED DA-335/2020/A)

37. CERTIFICATION OF STORMWATER SYSTEM

~~Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising ~~Hydraulics~~ Engineer or Plumber, that the existing stormwater system is unblocked, in good working order and to be repair/replaced in accordance with Council's Water Management Technical Manual and Development Control Plan.~~

(AMENDED DA-335/2020/A)

B. New Conditions

20A. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and*
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.*

(ADDED DA-335/2020/A)

20B. FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with all recommendations detailed in the DA Stage BCA Assessment and Fire Safety Audit Report prepared by Cameron Clark of BCA Logic, dated 4 November 2021 and Reference 114910-BCA-r1 and the following additional requirements: -
 - i. All services penetrating building elements required to achieve a fire resistance must be suitably sealed in accordance with Clause C3.15 of the BCA.**
- b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.*
- c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.*

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

(ADDED DA-335/2020/A)

38. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

(ADDED DA-335/2020/A)

AD10. AUSGRID

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

*Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au
(ADDED DA-335/2020/A)*

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Studio York Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-00-06 / Rev B	Proposed Ground Floor	07/12/2020	07/12/2020
DA-00-07 / Rev B	Proposed First Floor	07/12/2020	07/12/2020
DA-00-08 / Rev C	Proposed Second Floor (Entry Level)	06/01/2021	06/01/2021
DA-00-09 / Rev C	Proposed Roof Plan	06/01/2021	06/01/2021
DA-01-01 / Rev C	Western Elevation	06/01/2021	06/01/2021
DA-01-02 / Rev C	Eastern Elevation	06/01/2021	06/01/2021
DA-01-03 / Rev C	Northern and Southern Elevation	06/01/2021	06/01/2021
DA-01-04 / Rev E	Proposed Section	06/01/2021	06/01/2021

- (i) As amended by Architectural Plans prepared by Studio York Architects including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-00-02 / Rev A	Ground Floor Plans	01/10/2021	06/10/2021
DA-00-03 / Rev A	First Floor Plans	01/10/2021	06/10/2021
DA-00-04 / Rev A	Second Floor (Entry Level) Plans	01/10/2021	06/10/2021
DA-00-05 / Rev A	Proposed Roof Plan	01/10/2021	06/10/2021
DA-01-01 / Rev A	Western Elevation	01/10/2021	06/10/2021
DA-01-02 / Rev A	Eastern Elevation	01/10/2021	06/10/2021
DA-01-03 / Rev A	Northern and Southern Elevation	01/10/2021	06/10/2021

(AMENDED DA-335/2020/A)

- (b) BASIX Certificate
(c) Schedule of external finishes and colours received by Council on 07/12/2020
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 15/10/2020

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS (DELETED DA-335/2020/A)

3. REPLACEMENT TREES (DELETED DA-335/2020/A)

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

4. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

The building work, or demolition work, must not be commenced until:

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & 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.

5. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act, 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

(a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:

- (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
- (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

- (i) A development valued at \$100,000 or less will be exempt from the levy.
- (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
- (iii) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of \$2,830.00 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.

(AMENDED DA-335/2020/A)

8. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

9. TREE 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 two *Olea europaea* (Olives trees) and one *Melaleuca quinquenervia* (Paperbark tree) trees on the nature-strip of 12 Bulga Road. The bond is to be lodged prior to the issue of any Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded 12 months from the issue of the Occupation Certificate subject to the satisfaction of Council.

10. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

CONSTRUCTION MATTERS

11. HOARDING

To ensure the site is contained during construction, if hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

12. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

13. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION (*DELETED DA-335/2020/A*)

14. ENGINEERING DETAILS

Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.

15. ENGINEERING CERTIFICATE OF ADEQUACY

A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate.

STORMWATER & FLOODING

16. STORMWATER MANAGEMENT AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted to the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the Construction Certificate.

The submitted stormwater management plans prepared by E2 Civil and Structural Pty Ltd, Job No. 20.409, Drawing No. SW1, Revision 0, dated 01.10.2020, are generally considered unsatisfactory.

The applicant must submit plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practicing Civil Engineer and include:

- a) Details of the existing stormwater drainage system shall be provided on the submitted stormwater management plans. The details to be submitted must at a minimum include the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system
- b) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.

- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)
(AMENDED DA-335/2020/A)

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.

TRAFFIC REQUIREMENTS

19. LONG SECTIONS OF DRIVEWAY (DELETED DA-335/2020/A)

20. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

FIRE SAFETY

20A. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (c) has been assessed by a properly qualified person; and
- (d) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

(ADDED DA-335/2020/A)

20B. FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with all recommendations detailed in the DA Stage BCA Assessment and Fire Safety Audit Report prepared by Cameron Clark of BCA Logic, dated 4 November 2021 and Reference 114910-BCA-r1 and the following additional requirements: - All services penetrating building elements required to achieve a fire resistance must be suitably sealed in accordance with Clause C3.15 of the BCA.
- (b) Details demonstrating compliance with the BCA and the matters listed in condition (a) must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

(ADDED DA-335/2020/A)

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

21. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

22. 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

23. 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.

24. 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.

25. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014.

26. EXCAVATION AND BACKFILLING (*DELETED DA-335/2020/A*)

CONSTRUCTION MATTERS

27. 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.

28. 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.

29. 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.

30. 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.

31. 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

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.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk.

Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

- TPZ – A 1.8m chain link wire fence or the like shall be erected around the street trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.
- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

- If Pruning is required it shall be performed by a suitably qualified Arborist with a minimum qualification of AQF 3.
- All pruning works shall be undertaken in accordance with AS4373-2007 *Pruning of amenity trees*.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

- 33. EXISTING VEHICLE CROSSING IS TO BE MODIFIED (*DELETED DA-335/2020/A*)**
- 34. DRIVEWAY LAYBACK (*DELETED DA-335/2020/A*)**

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.

35. 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.

36. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

37. CERTIFICATION OF STORMWATER SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that the existing stormwater system is unblocked, in good working order and to be repair/replaced in accordance with Council's Water Management Technical Manual and Development Control Plan.

(*AMENDED DA-335/2020/A*)

38. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

(*ADDED DA-335/2020/A*)

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au, in person (at Council's Customer Service Centre) or via post service.
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition)
- Include DA reference number
- Include condition number/s seeking to be addressed
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.
- Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au

AD2. SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon

contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

AD5. 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.

AD10. AUSGRID

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the

development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

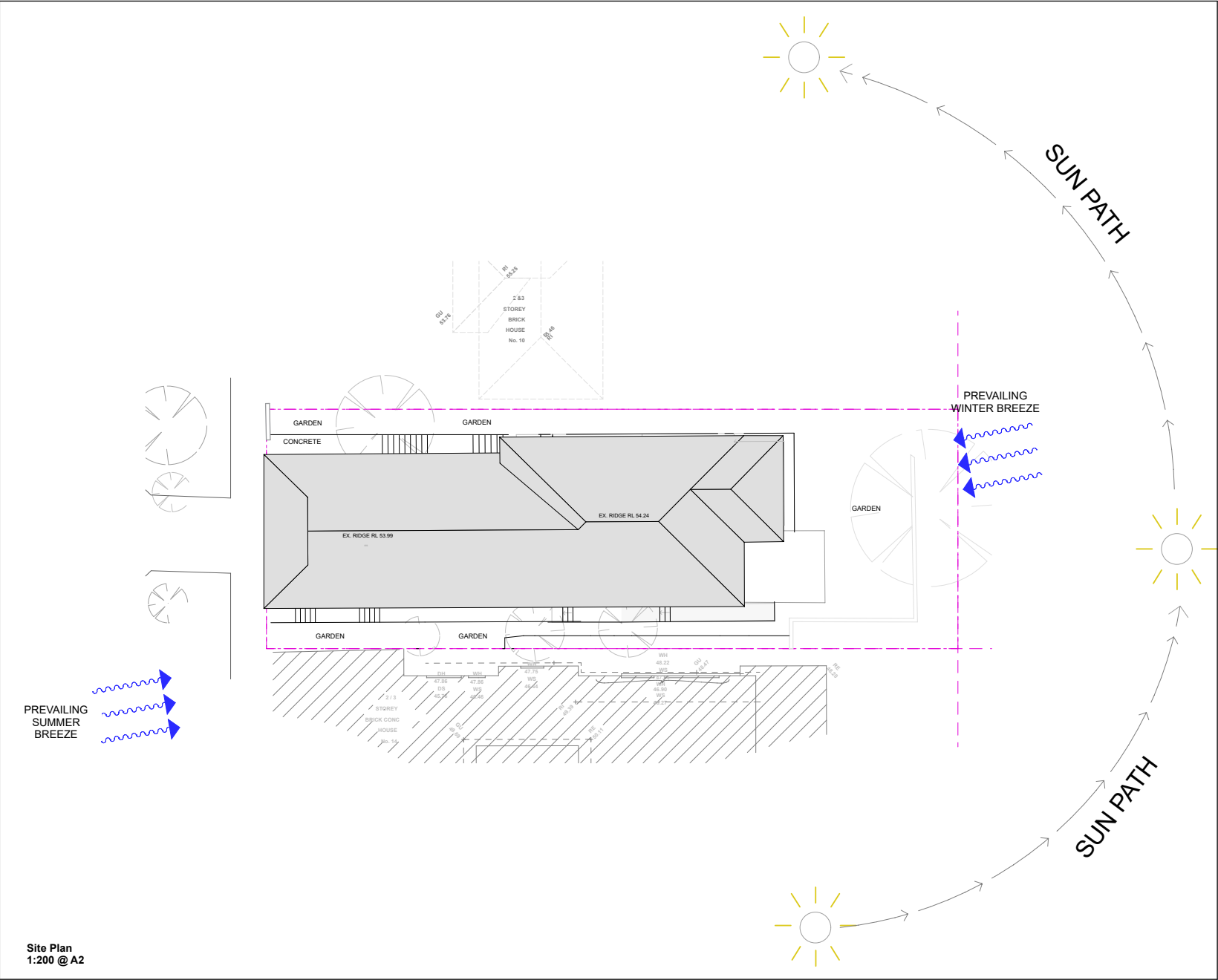
Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

(ADDED DA-335/2020/A)

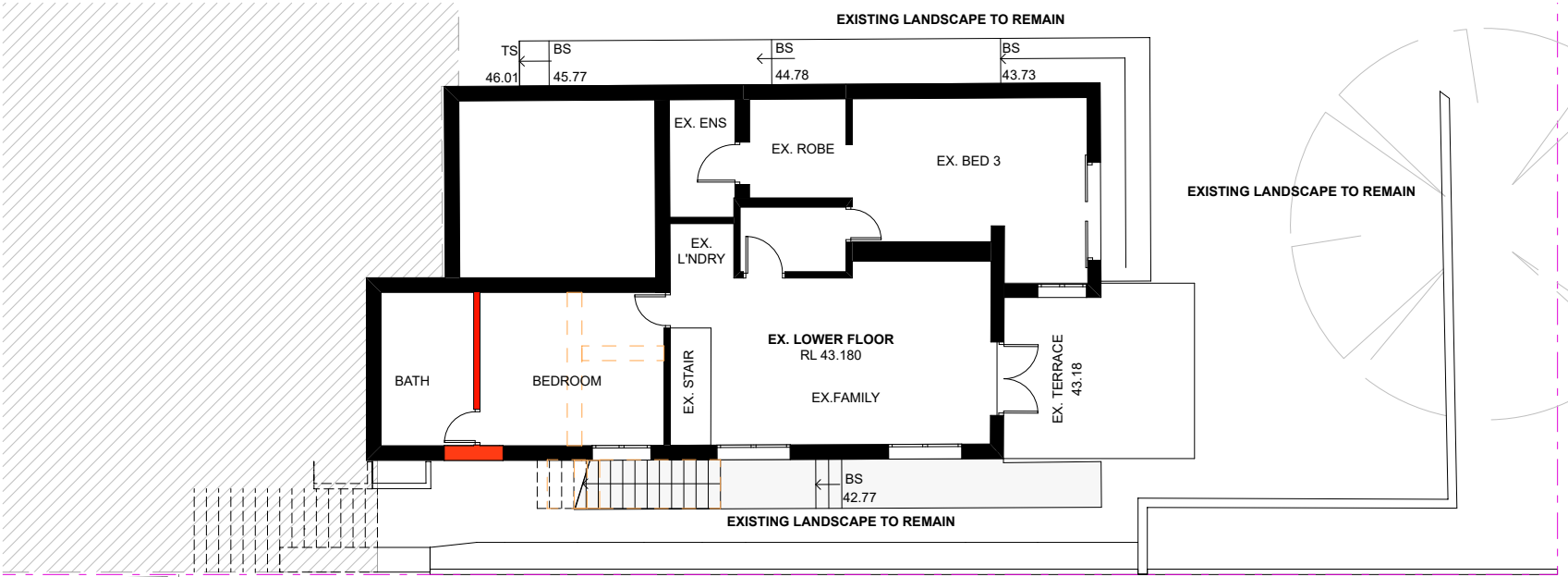
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DEVELOPMENT APPLICATION - 4.55 (REDUCED SCOPE)

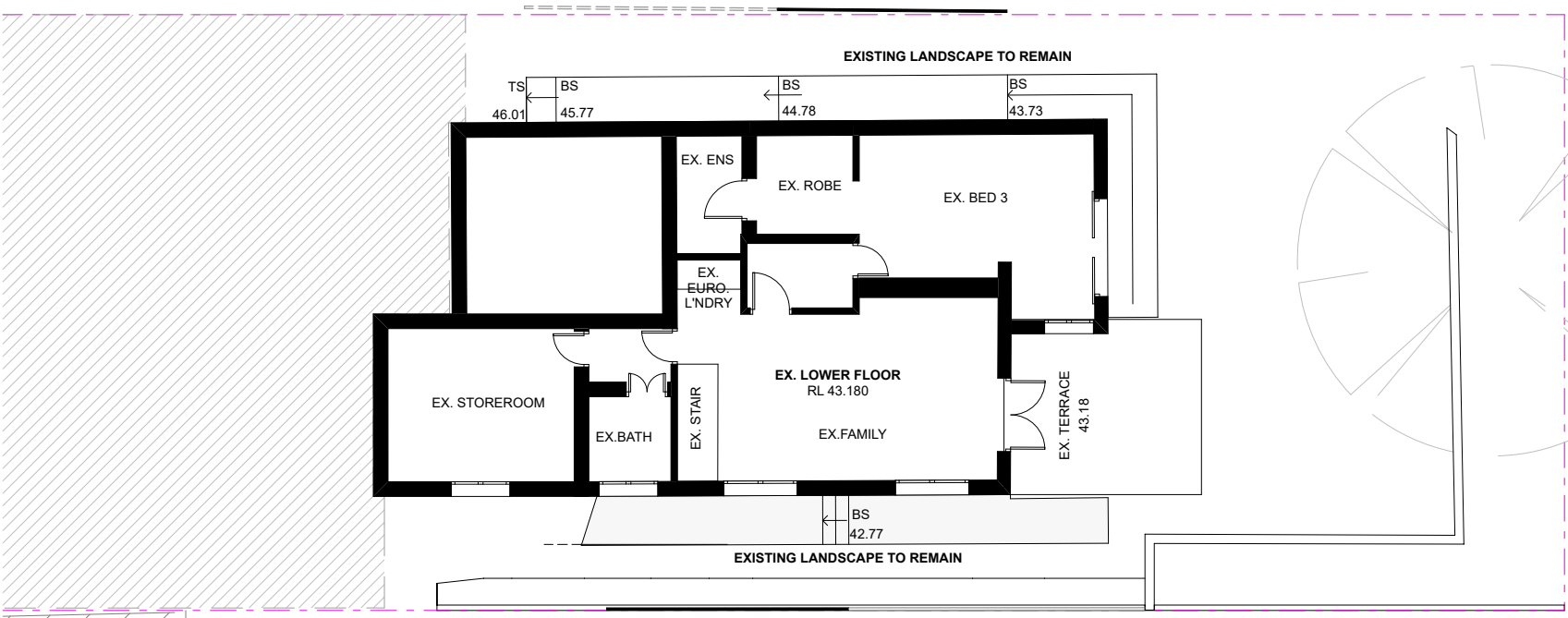
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Drawing ...	Drawing Name
DA-00-01	Cover Page and Site Plan
DA-00-02	Ground Floor Plans
DA-00-03	First Floor Plans
DA-00-04	Second Floor (Entry Level) Plans
DA-00-05	PROPOSED Roof Plan
DA-01-01	Western Elevation
DA-01-02	Eastern Elevation
DA-01-03	Northern and Southern Elevation



APPROVED Ground Floor Plans
1:100



PROPOSED Ground Floor Plans
1:100

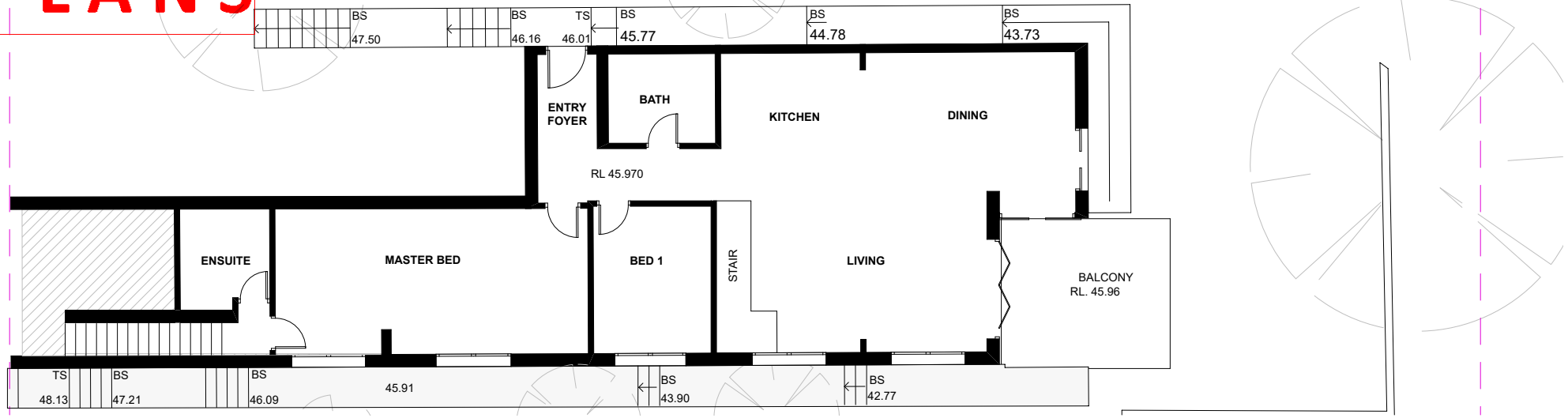


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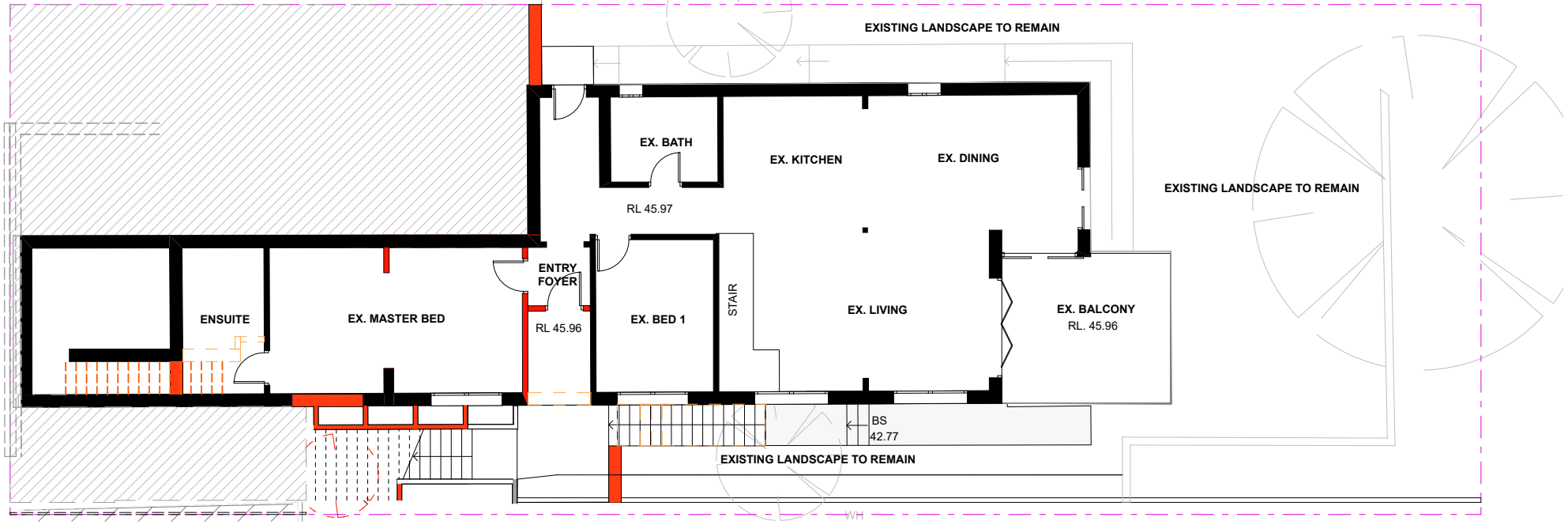


EXISTING First Floor Plans
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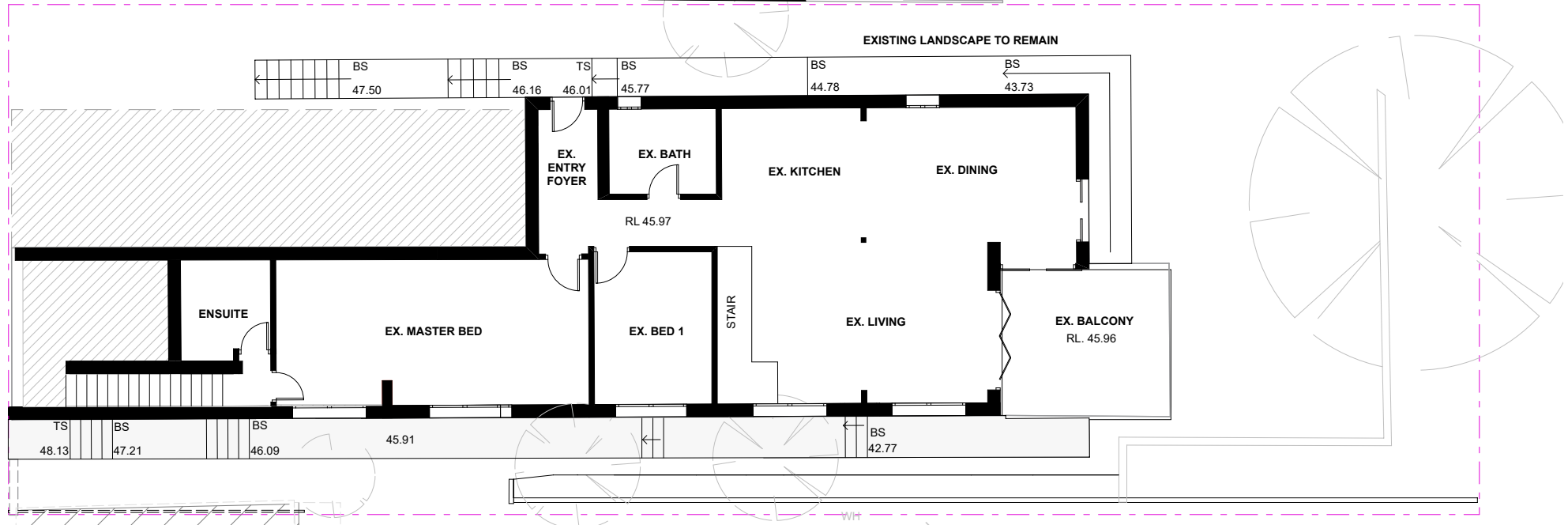
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Application No: DA-335/2020/A
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APPROVED First Floor Plans
1:100



PROPOSED First Floor Plans
1:100



1:100 @ A2

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REG ARCH #9125

CLIENT
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DOVER HEIGHTS NSW 2030**

NOT FOR CONSTRUCTION

GENERAL NOTES:
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ALL ARCHITECTURAL DRAWINGS TO BE READ @ A3
ALL DOCS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORKS
ALL DISCREPANCIES TO BE BROUGHT TO THE ATTENTION OF NOMINATED ARCHITECT
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ISSUE DATE DESCRIPTION
DA_A 01.10.21 SECTION 4.55



DRAWING
First Floor Plans

ISSUE DWG NO.
DA_A DA-00-03

AMENDED PLANS

EXISTING Roof Plan
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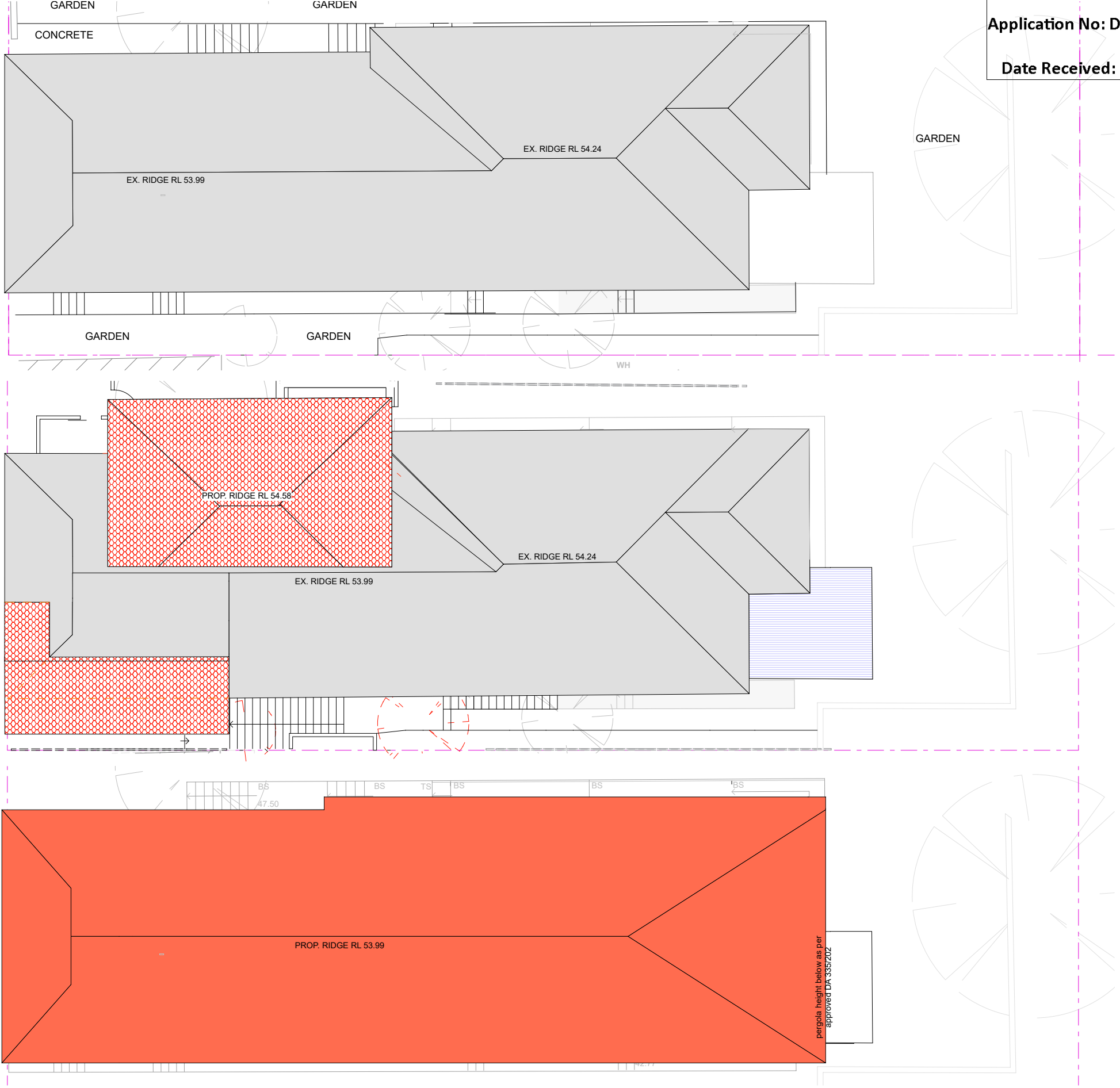
APPROVED Roof Plan
1:100

PROPOSED Roof Plan
1:100

BULGA ROAD

BULGA ROAD

BULGA ROAD



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DA_C 06.01.21 DEVELOPMENT APPLICATION
AMENDED

DA_C

ISSUE DATE DESCRIPTION
DA_A 01.10.21 SECTION 4.55



DRAWING
PROPOSED Roof Plan

ISSUE DWG NO.
DA_A DA-00-05

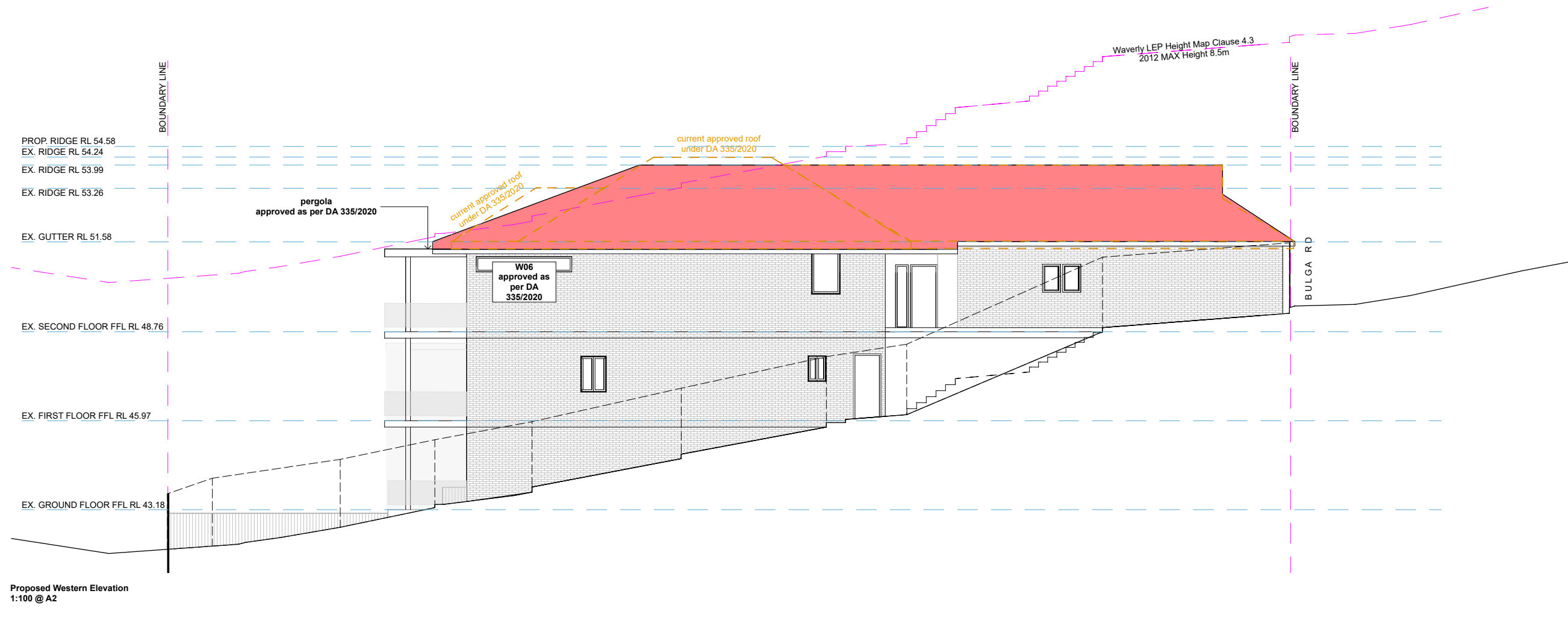
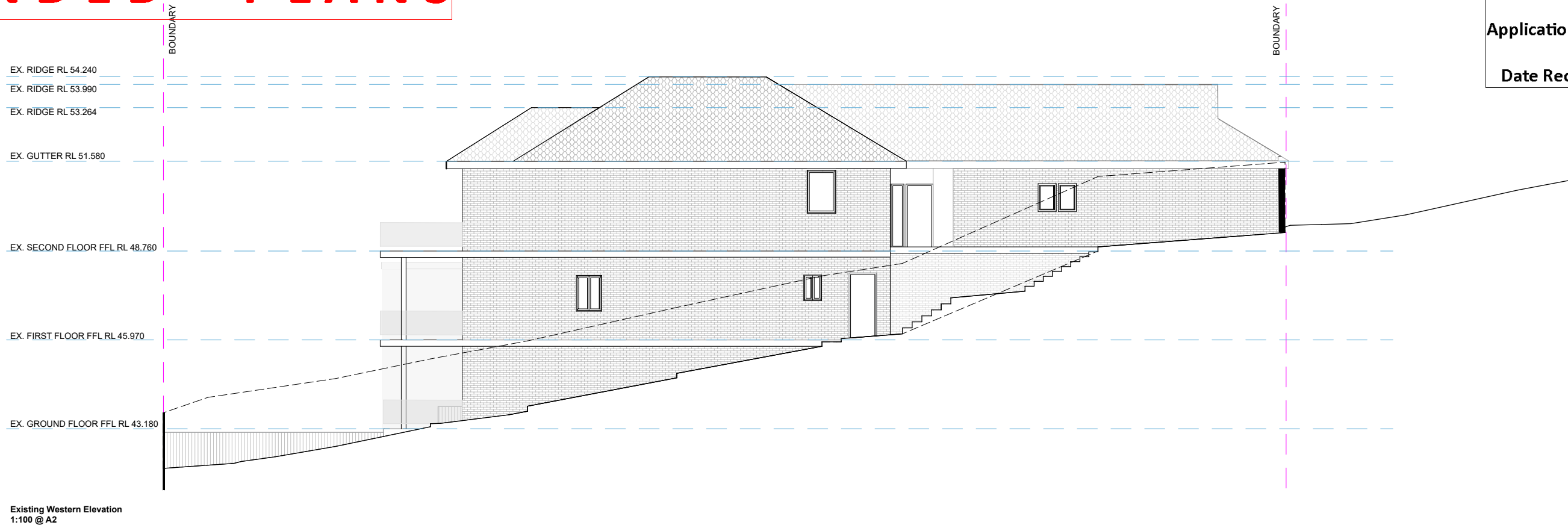
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ISSUE	DATE	DESCRIPTION
DA_A	01.10.21	SECTION 4.55

DRAWING
Western Elevation

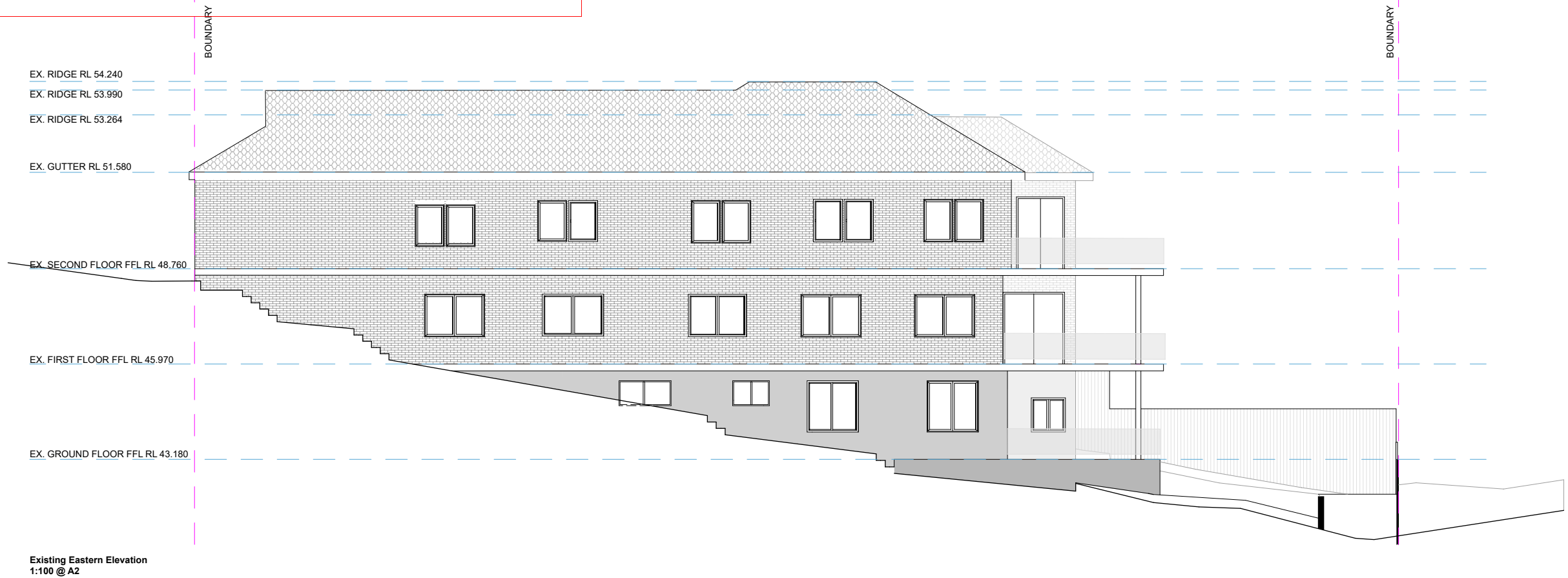
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DA_A	DA-01-01

AMENDED PLANS

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Date Received: 06/10/2021



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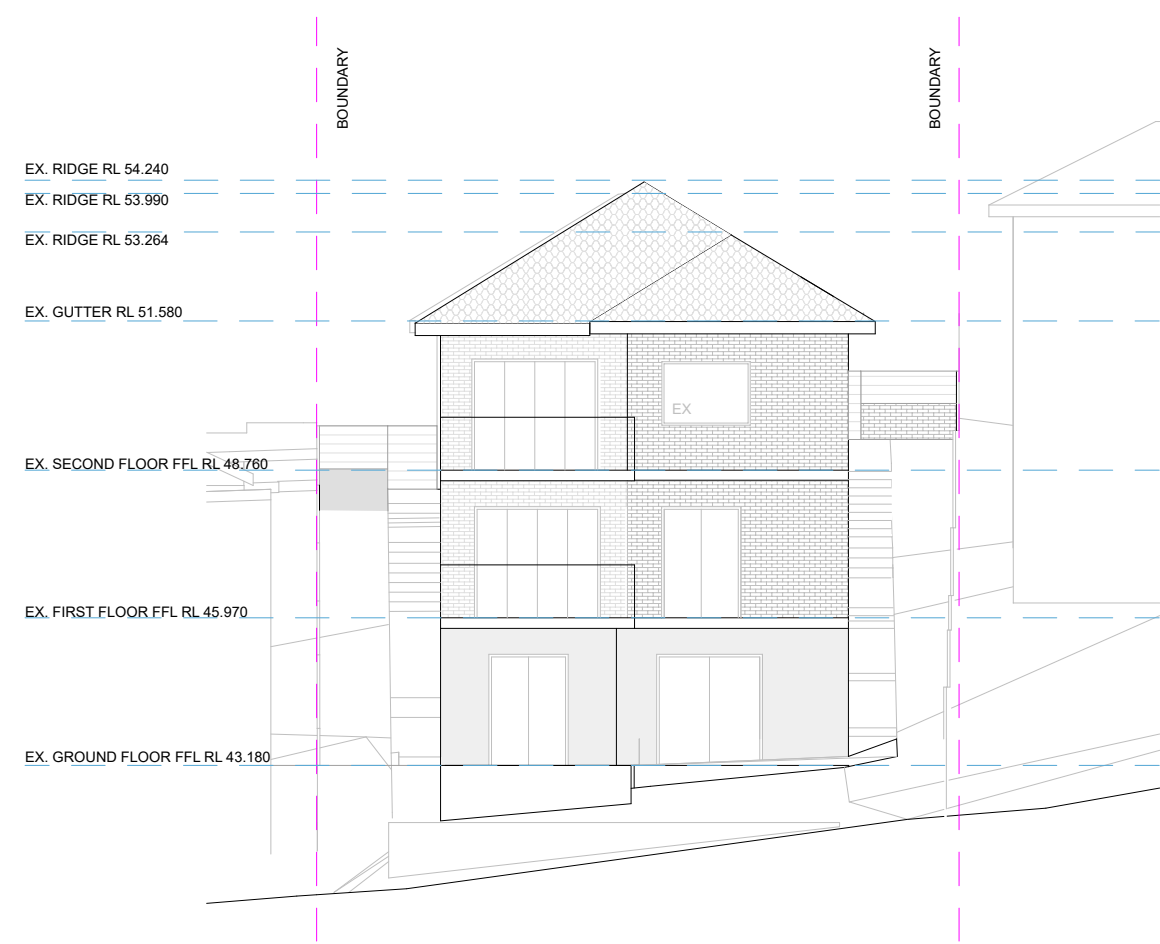
ISSUE DATE DESCRIPTION
DA_A 01.10.21 SECTION 4.55

DRAWING
Eastern Elevation

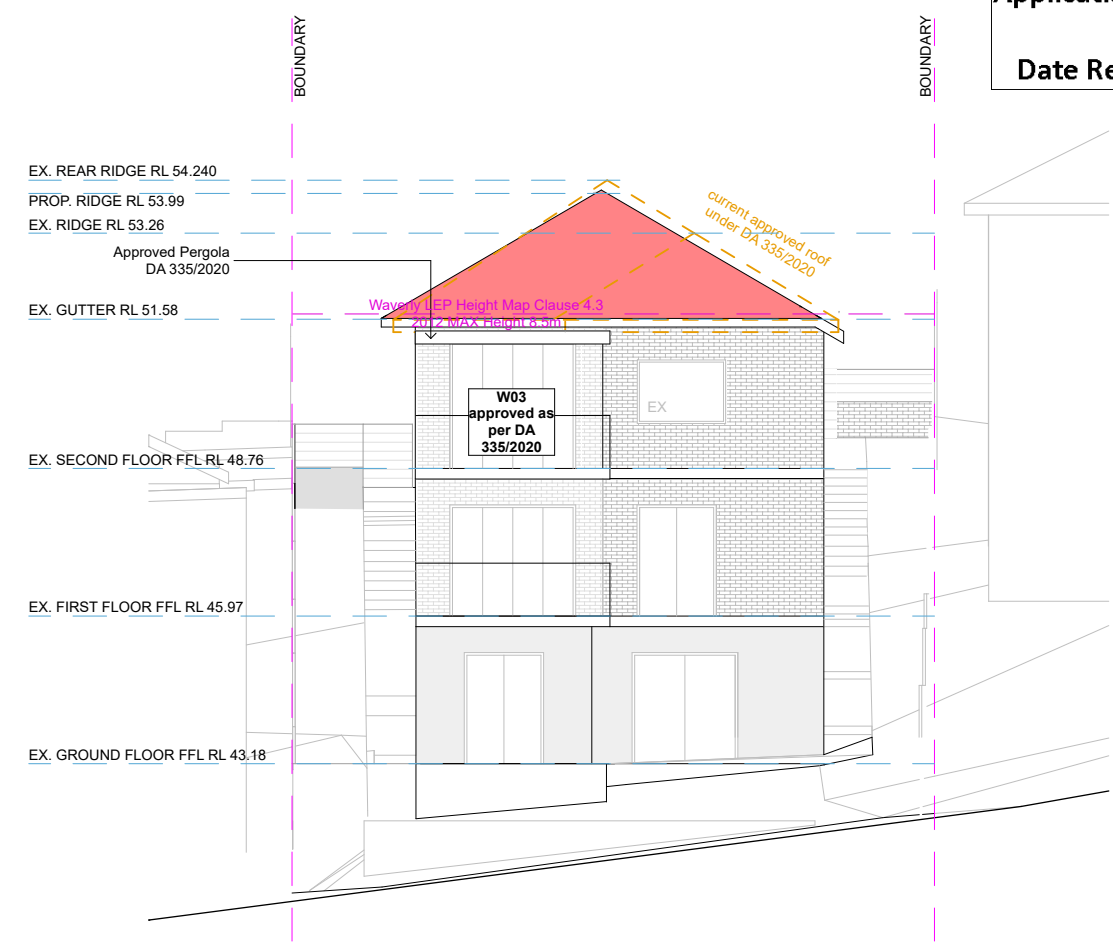
ISSUE DWG NO.
DA_A DA-01-02

AMENDED PLANS

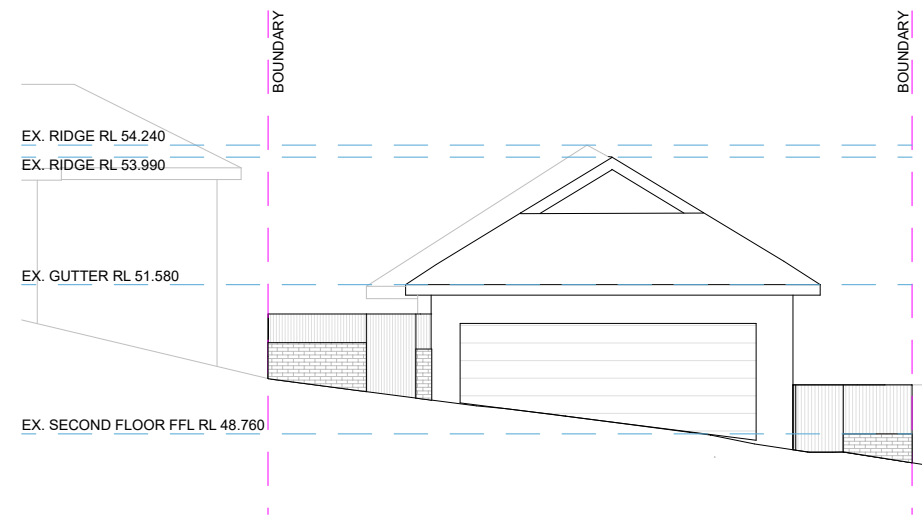
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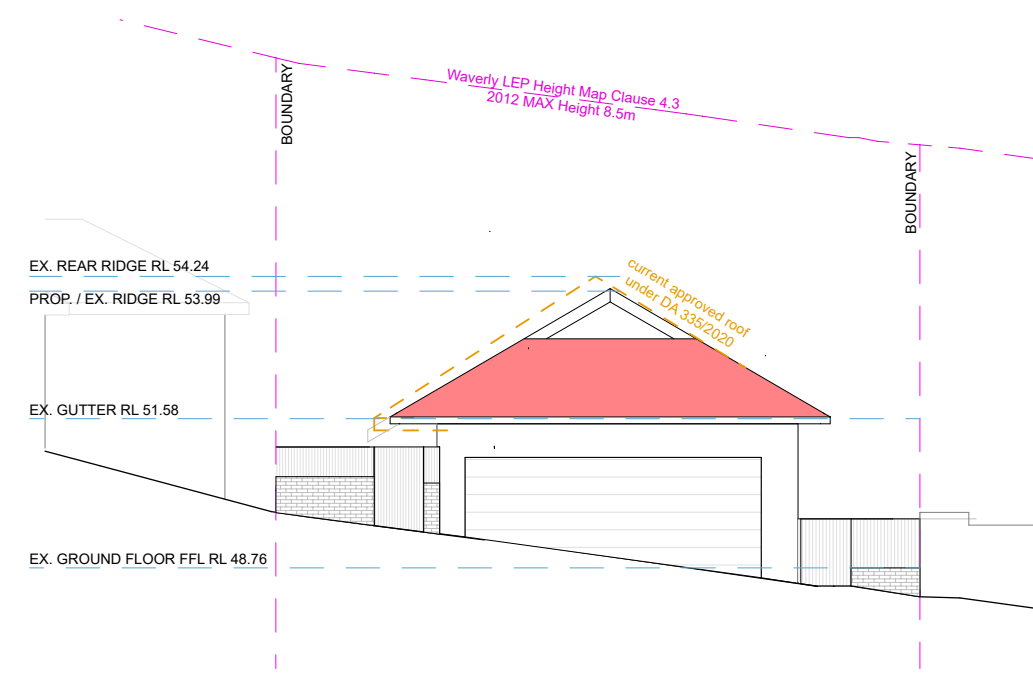
Existing Northern Elevation
1:100 @ A2



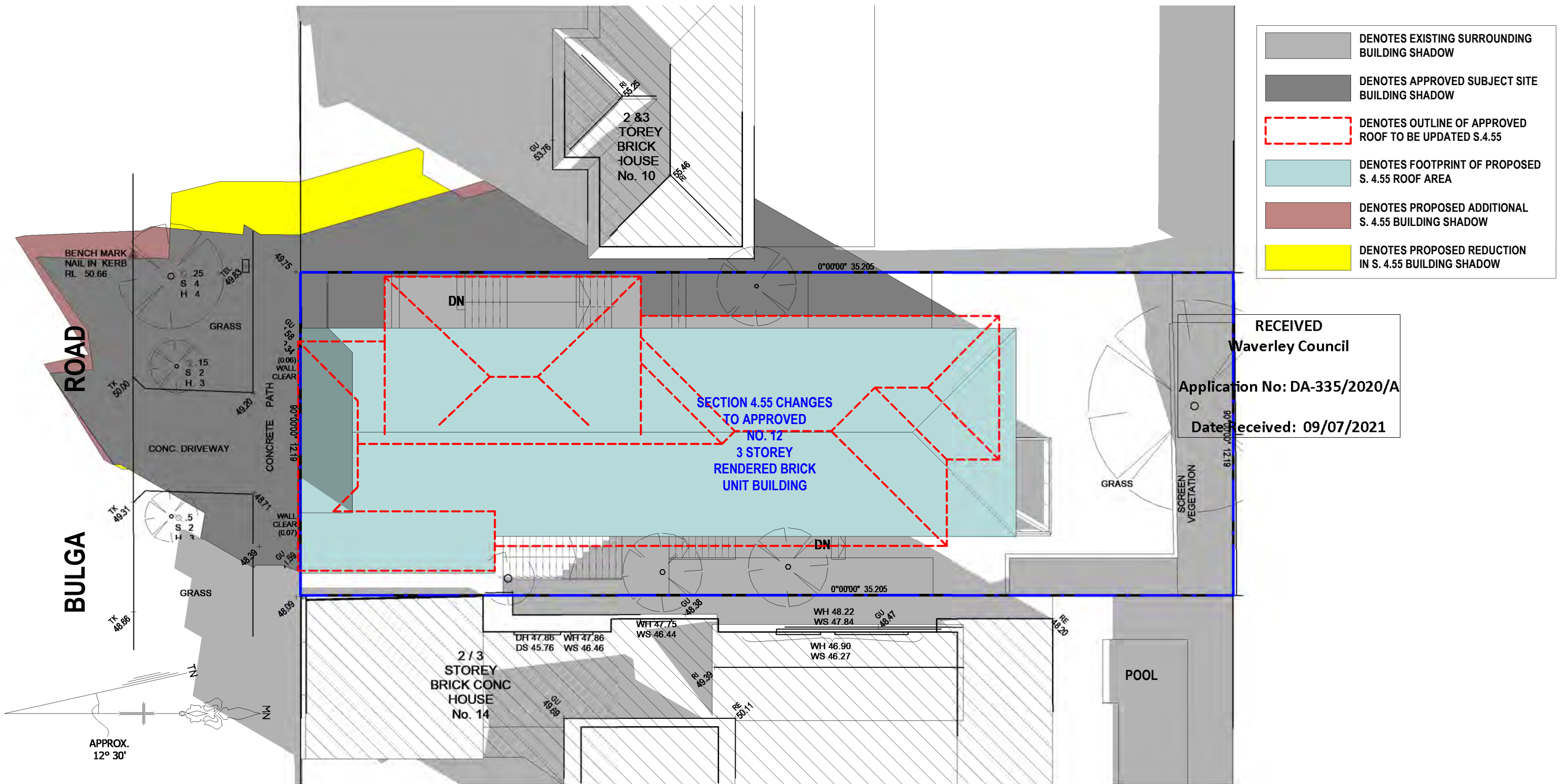
Proposed Northern Elevation
1:100 @ A2



Existing Southern Elevation
1:100 @ A2



Proposed Southern Elevation
1:100 @ A2



1 Shadowing June 21st 9.00am
1 : 150

SHADOWS SHOWN HAVE BEEN COMPILED FROM DETAIL & LEVEL SURVEY BY JOHN B. STEPHEN SURVEYORS REF NO. 3063BC DATED 05-02-2020 AND SECTION 4.55 ARCHITECTURAL DRAWINGS BY STUDIO YORK ARCHITECTS ISSUE DA C S.4.55 DATED 10.06.21

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

SHADOW ANALYSIS CONSULTANTS

PH: 9555 8545

info@caddraftnsw.com.au

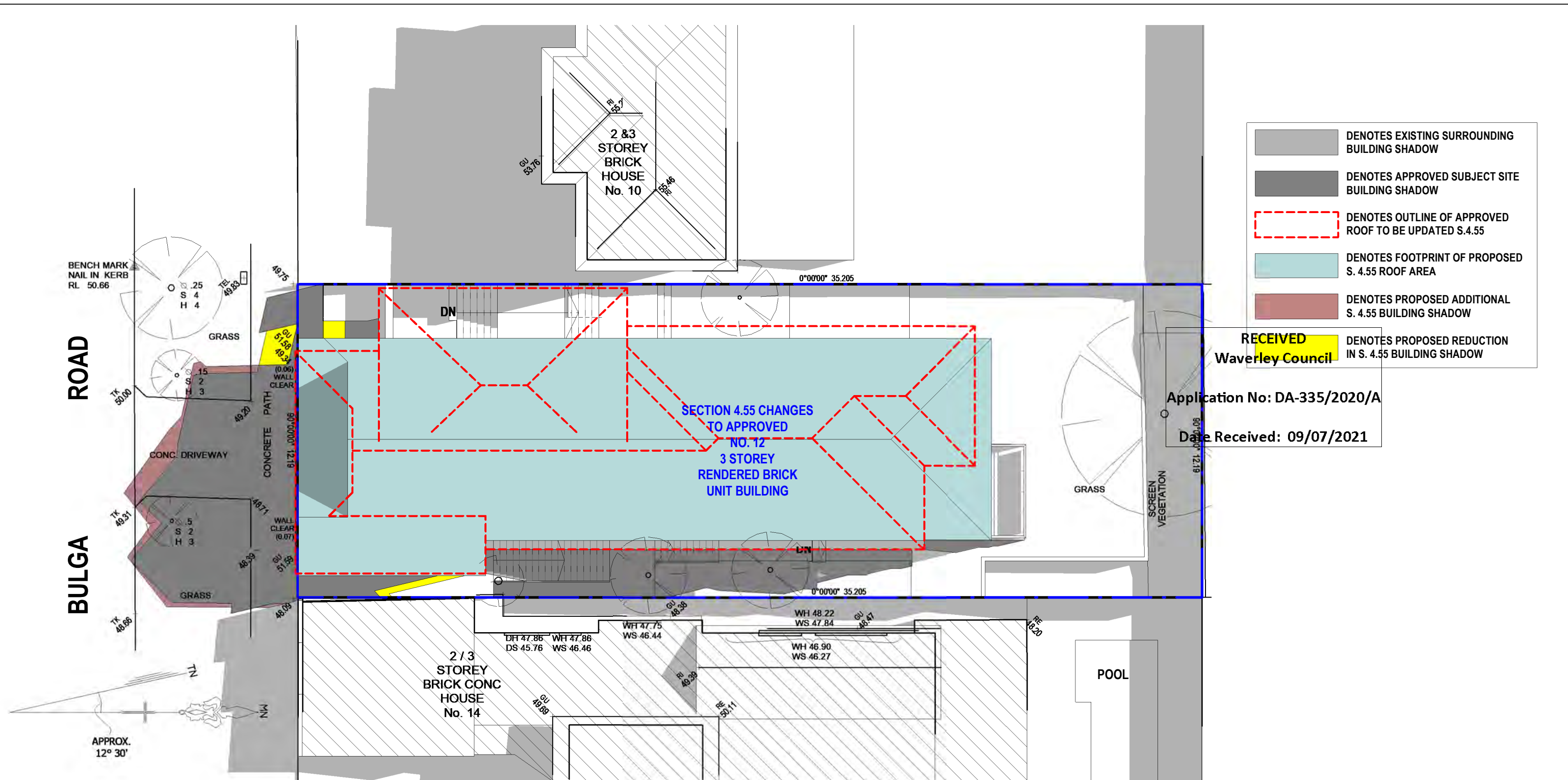
No.	Description	Date

SHADOW DIAGRAMS - SECTION 4.55
No.12 BULGA ROAD
DOVER HEIGHTS

CLIENT: MR & MRS A. EVANS

Shadowing June 21st 9.00am

Project number	20-52	A100
Date	24-06-21	
Drawn by	KP	
Checked by	JD	Scale
		1 : 150



1

Shading June 21st 12.00pm
1 : 150

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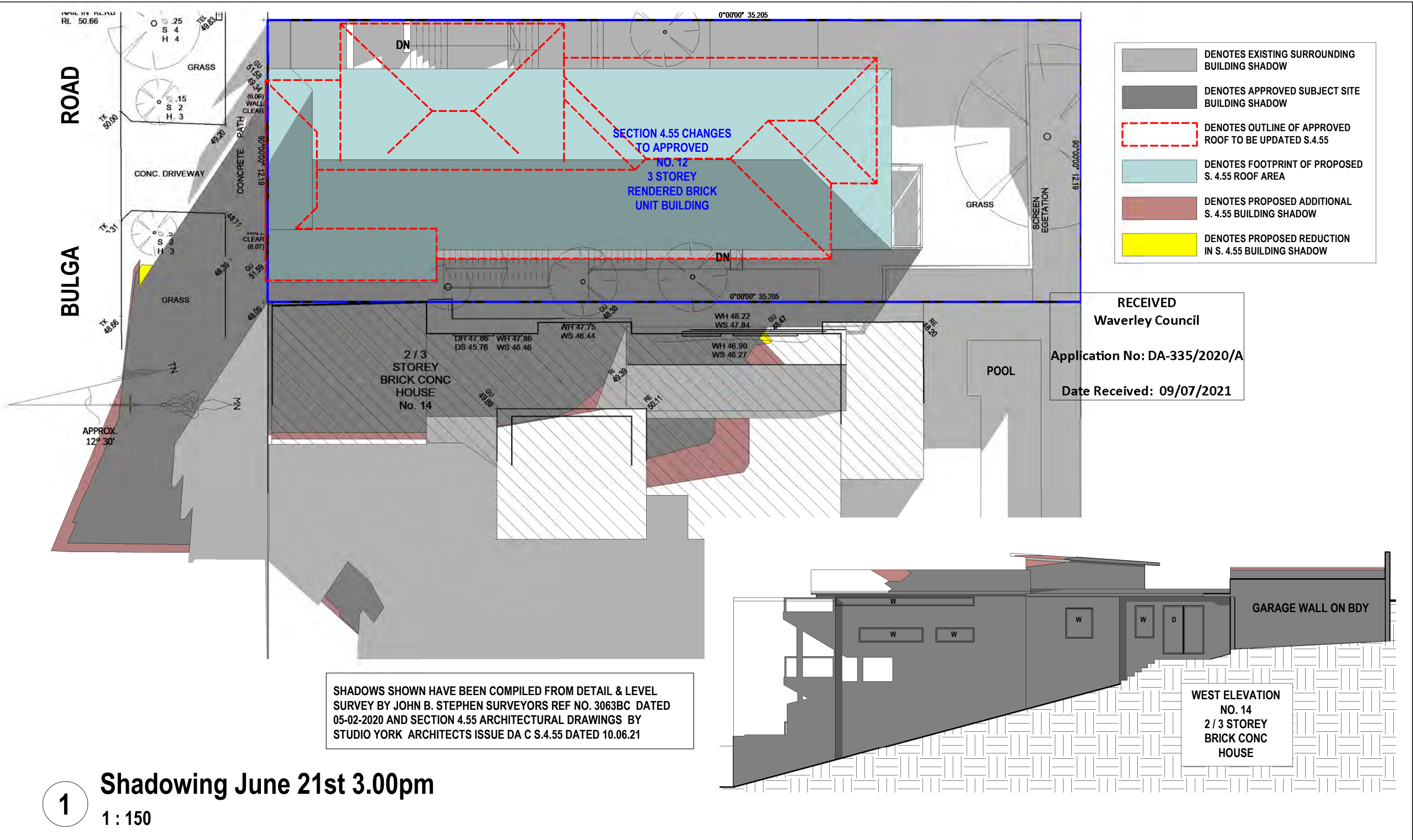
No.	Description	Date

SHADOW DIAGRAMS - SECTION 4.55
No.12 BULGA ROAD
DOVER HEIGHTS

CLIENT: MR & MRS A. EVANS

Shading June 21st 12.00pm

Project number	20-52	A101
Date	24-06-21	
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Checked by	JD	Scale
		1 : 150



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SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
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SHADOW ANALYSIS CONSULTANTS

PH: 9555 8545

info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS - SECTION 4.55

No.12 BULGA ROAD

DOVER HEIGHTS

CLIENT: MR & MRS A. EVANS

Shadowing June 21st 3.00pm

Project number	20-52
Date	24-06-21
Drawn by	KP
Checked by	JD

A102

Scale 1 : 150