



**15 September 2021**

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

**12.00PM WEDNESDAY, 22 SEPTEMBER 2021**

**QUORUM:** Three Panel members.

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

## AGENDA

### **WLPP-2109.A Apologies**

### **WLPP-2109.DI Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-2109.1 PAGE 5 42 Varna Street, WAVERLEY NSW 2024 - Partial demolition and alterations and additions to the existing semi-detached dwelling (DA-232/2021)**

Report dated 13 August 2021 from the Development and Building Unit.

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

### **WLPP-2109.2 PAGE 43 197 Old South Head Road, BONDI JUNCTION NSW 2022 - Alterations and additions to convert shop top housing development to commercial premises for skin and beauty therapy, including new second floor addition and hardstand car space and double garage at rear. (DA-155/2021)**

Report dated 9 September 2021 from the Development and Building Unit.

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

### **WLPP-2109.3 PAGE 104 14 Bulga Road, DOVER HEIGHTS NSW 2030 - Alterations and additions to dwelling house, including infill of an existing balcony. (DA-243/2021)**

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

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



**WLPP-2109.4****PAGE 138**

**125 Military Road, DOVER HEIGHTS NSW 2030 - Demolition of existing dwelling for the construction of a new two storey attached dual occupancy including excavation for a basement level and car parking, swimming pools at the rear and Strata subdivision. (DA-235/2021)**

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

**Council Recommendation:** That the development application be refused by the Waverley Local Planning Panel for the reasons contained in Appendix A.

**WLPP-2109.5****PAGE 218**

**Bondi Pavilion, Queen Elizabeth Drive, BONDI BEACH NSW 2026 - Integrated Development: Installation of building identification signage, business identification signage and way finding signage at Bondi Pavilion. (DA-206/2021)**

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

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

**WLPP-2109.6****PAGE 281**

**13 Thompson Street, TAMARAMA NSW 2026 - Demolition of dwelling and construction of a three storey dwelling with integrated double garage and new swimming pool to rear. (DA-178/2021)**

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

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

**WLPP-2109.7****PAGE 356**

**2 MacKenzie Street, BONDI JUNCTION NSW 2022 - Alterations and additions to semi detached dwelling including internal reconfiguration, ground and first floor additions and attic dormer. (DA-193/2021)**

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

**Council Recommendation:** That the development application be granted deferred commencement by the Waverley Local Planning Panel subject to the matters in Appendix A and conditions in Appendix B.

**WLPP-2109.8**

**PAGE 404**

**118 MacPherson Street, BRONTE NSW 2024 - Substantial alterations and additions to the existing shop top housing development to provide four new studio apartments above two ground floor commercial tenancies and construction of a new rear garage (DA-40/2021)**

Report dated 13 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the development application be refused by the Waverley Local Planning Panel for the reasons contained in Appendix A.

**WLPP-2109.9**

**PAGE 460**

**21-23 Imperial Avenue BONDI NSW 2026 - Alterations and additions to convert a residential flat building to an attached dual occupancy, including rear extensions, new decks to ground and first floor levels; and Torrens title subdivision of site into two lots. (DA-121/2021)**

Report dated 13 September 2021 from the Development and Building Unit.

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

**WLPP-2109.10**

**PAGE 533**

**575, 577, 581 & 581A Old South Head Road, ROSE BAY NSW - Demolition of all structures and construction of three x four-storey residential flat buildings including infill affordable housing units and basement parking. (DA-204/2020)**

Report dated 13 September 2021 from the Development and Building Unit.

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

**WLPP-2109.11**

**PAGE 633**

**98, 100, & 102 Brighton Boulevard, NORTH BONDI NSW 2026 - Modifications to approved shop top housing development, including proposed balcony on the uppermost floor level, raising central roof area, and new window openings. (DA-159/2015/B)**

Report dated 13 September 2021 from the Development and Building Unit.

**Council Recommendation:** That the modification application be approved by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.



## Report to the Waverley Local Planning Panel

Application number	DA-232/2021
Site address	42 Varna Street, Waverley
Proposal	Partial demolition and alterations and additions to the existing semi-detached dwelling
Date of lodgement	18 June 2021
Owner	Dr H Galvin
Applicant	Dr H Galvin
Submissions	Six (6)
Cost of works	\$1,632,582
Principal Issues	<ul style="list-style-type: none"> <li>• Non-compliant Floor Space Ratio (FSR)</li> <li>• No Clause 4.6 submission</li> <li>• Non-compliances with Waverley DCP 2012</li> </ul>
Recommendation	That the application be <b>REFUSED</b> for the reasons contained in the report.

### SITE MAP



## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for demolition and alterations and additions to the existing semi-detached dwelling at the site known as 42 Varna Street, Waverley.

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

- Non-compliant Floor Space Ratio (FSR)
- No Clause 4.6 submission
- Non-compliances with Waverley DCP 2012

The assessment finds these issues unacceptable with the proposed development resulting in unreasonable impacts on the amenity of neighbouring properties and the locality.

A total number of six (6) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 29 June 2021.

The site is identified as Lot 1 in DP735517, known as 42 Varna Street, Waverley.

The site is rectangular in shape with a southern frontage to Varna Street, measuring 5.065m and a secondary western frontage to Carlton Street, measuring 30.485m. It has an area of 162.5m<sup>2</sup> and has a fall from the rear to the front of approximately 1m.

The site is occupied by a single storey semi-detached dwelling with vehicular access provided from Carlton Street to a single carport.

The site is adjoined by its single storey semi-detached dwelling pair to the east. It is part of a row of six semi-detached dwellings. The locality is characterised by a variety of low density residential development. Varna Street delineates the boundary between the Waverley and Randwick local government areas.



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



**Figure 1:** View looking north-east towards the site



**Figure 2:** View looking south-east down Carlton Street towards the site



**Figure 3:** View looking north-west showing the adjacent building at the corner of Varna Street and Carlton Street

### 1.3. Relevant Development History

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

### 1.4. Proposal

The development application seeks consent for partial demolition and alterations and additions to the existing semi-detached dwelling, specifically the following:

**Demolition** - The proposal seeks demolition for a substantial part of the existing semi-detached dwelling on site, with the exception of the front roof profile, front verandah and common side boundary wall.

**Basement Floor Level** – Excavation to accommodate a new basement floor level, which is labelled as ‘storage’. New windows are proposed to this space at the western street elevation.

**Ground Floor Level** – Construction of a new rear addition and internal reconfiguration to include four bedrooms, new bathroom and laundry. The existing ground floor RL is proposed to be raised by approximately 300mm to allow for the proposed basement ‘storage’. A new internal stair is proposed to access the basement and first floor level. A new double car space masonry carport is proposed to the rear.

**First Floor** – A new first floor addition to accommodate a new living, kitchen and dining area. This area opens onto a new rear raised outdoor terrace which extends to the north, east and western boundaries.



**Figure 4:** Perspective of western elevation from Carlton Street

## 1.5. Background

The development application was lodged on 18 June 2021 and notified from 29 June to 13 July 2021. Following a preliminary review of the application, it was determined that the application could not be supported given the number of non-compliances with Council’s development standard and controls and the lack of supporting information. An email was sent to the applicant on 6 July 2021 advising of a number of issues with the application including the non-compliance with the FSR development standard, lack of supporting information in the form of a Clause 4.6 submission and the number of non-compliances with the Waverley DCP 2012. It was recommended to the applicant to withdraw the application or proceed to determination with a recommendation for refusal. The applicant in their email response dated 7 July 2021 requested for the application proceed to determination.

## 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	No	The proposal is not considered to be consistent with regards to clause 1.2 - Aims of plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table Low Density Residential R2 Zone	Yes	The proposal is defined as alterations and additions to a <i>semi-detached dwelling</i> , which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 8.5m	Yes	7.785m
4.4 Floor space ratio (FSR) and 4.4A Exceptions to FSR • 0.926:1 or 150.5m <sup>2</sup>	No	In their calculations of gross floor area (GFA), the applicant advises that the proposal equates to 147.6m <sup>2</sup> of GFA or an FSR of 0.908:1. The applicant has not included the proposed space at basement floor level, which equates to approximately 46m <sup>2</sup> of additional GFA (inclusive of stair access). The applicant

Provision	Compliance	Comment
		contends that the space is to be used for storage, however, compliant habitable floor to ceiling heights and windows are proposed to the basement floor level. It is apparent from the design of this space that it is to be used for habitable purposes, contributing to the proposed GFA on site. The inclusion of this space as GFA contributes to an overall floor space calculation of 193.6m <sup>2</sup> or an FSR of 1.19:1, an exceedance of 43.1m <sup>2</sup> or 28.6%.
4.6 Exceptions to development standards	No	The application is not accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	No	It is proposed to excavate up to a depth of approximately 3m to accommodate the proposed basement floor level. The excavation is to extend from side boundary to side boundary. A Geotechnical Report has been submitted with the application which provides recommendations on construction methodology. Notwithstanding this, the proposed excavation results in a non-compliance with the setback distance control for excavation required by Waverley DCP 2012 which is addressed in further detail below under Table 2.

### 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	No	Unsatisfactory. The subject development results in a non-compliance with the required landscaped area on site (see discussion below).
5. Vegetation Preservation	Yes	The application includes the removal/transplanting of vegetation on site. The



Development Control	Compliance	Comment
		application was referred to Council's Tree Management Officer who raised no objection.
6. Stormwater	No	See discussion under the Referrals section of this report.
8. Transport	No	<p>The subject site currently accommodates one off-street car space within a single storey carport accessed from Carlton Street.</p> <p>It is proposed to extend the existing carport and construct two off-street car spaces within a predominantly enclosed masonry 'carport' structure. The provision of two off-street car spaces as proposed contributes to the poor design outcome, forsaking at grade open space and landscaping provision over car parking.</p> <p>The proposed carport design contributes to the inappropriate built form through the site, which is discussed in further detail below.</p>
10. Safety	Yes	Satisfactory
12. Design Excellence	No	The proposed development does not achieve design excellence, as it does not appropriately consider the site context, amenity impacts and the relationship of the development to other development on neighbouring sites and the locality (see further discussion below).
14. Excavation	No	Excavation is required to accommodate the proposed development, including the provision of the basement floor level. The proposed excavation is to a depth of approximately 3m. This excavation is to be sited with no setback from the side boundaries, a non-compliance with Part B14 control (l) of Waverley DCP 2012.

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
• Appropriate scale	No	See discussion below this table
• Does not detract from amenity of other dwellings or view corridors	No	
• ESD has been considered	Yes	
• High design standard	No	

Development Control	Compliance	Comment
<b>2.1 Height</b>		
Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum wall height of 7.5m</li> </ul>	No	7.775m – See discussion below this table
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes  No	  See discussion below this table
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	No	See discussion below this table
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> </ul>	No	See discission below this table
<b>2.4 Fences</b>		
<i>Front:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <i>Side and Rear:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes  No	  A wall height of up to 4.2m is proposed to the common boundary with No.44 Varna Street at the location of the neighbouring rear private open space.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>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</li> </ul>	Yes	



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>		
<p>2.8.2 Parking rates</p> <p>Maximum parking rate:</p> <p>2 spaces for 3 or more bedrooms.</p>	Yes	It is proposed to provide two off-street car spaces accessed from Carlton Street
<p>2.8.3 Location</p> <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> <li>Existing development to be in accordance with the hierarchy of preferred car parking locations</li> </ul>	<p>Yes</p> <p>Yes</p>	
<p>2.8.4 Design</p> <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area and appearance to the design of the residences</li> <li>No part of the façade is to be demolished to accommodate car parking</li> <li>Gates to have an open design</li> </ul>	<p>No</p> <p>No</p> <p>Yes</p> <p>None proposed</p>	<p>The proposal includes the provision of two off-street car spaces within what the applicant describes as a 'carport'; however, it is noted that these spaces are predominantly enclosed with no doors or gates proposed to its Carlton Street frontage.</p> <p>Access to the car spaces is proposed from Carlton Street via a double width crossover. The design of the 'carports' contributes to the overall massing of the development as it presents to Carlton Street, reducing the availability of at grade landscaping and open space.</p> <p>The provision of the two car spaces contributes to the overall poor planning outcome which is considered to be unacceptable (see further discussion below).</p>
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	No	The length of one of the car spaces does not comply with the 5.4m minimum dimension control, with the car space to the north having a dimension of 4.5m x 2.5m. This may result in vehicles extending over the pedestrian footpath when parked within the carport.
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> </ul>	<p>Yes</p> <p>No</p>	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area (65m<sup>2</sup>)</li> <li>Overall landscaped area: 15% of site area (24.3m<sup>2</sup>)</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes  No  Yes  Yes  Not shown	70m <sup>2</sup> or 43%  16.5m <sup>2</sup> or 10%
<b>2.13 Semi-detached dwellings and terrace style development</b>		
2.13.1 - Built form <ul style="list-style-type: none"> <li>Additions to match the style of the original semi-detached dwelling</li> <li>Existing roof form maintained forward of principal ridgeline</li> <li>Front verandahs to be maintained.</li> </ul>	No  Yes  Partial	The proposed development has not considered the relationship of the proposed alterations and additions to the character of the existing semi-detached dwelling and the row of dwellings to which it adjoins.  While the front verandah is to be maintained, it is noted that a full floor to ceiling screened enclosure is to be erected around its edge.
2.13.2 - First floor additions to semi-detached dwellings <ul style="list-style-type: none"> <li>First floor addition to be setback from the principal street frontage and maintain the existing front roof slope</li> <li>Flat roofs should be only used when not seen in a Heritage Conservation Area</li> <li>Limit the rise of the interface with adjoining</li> </ul>	Yes  Yes  Not yet developed	The proposed flat roof addition is to be located on the front ridge line.  The subject site is not located within a heritage conservation area.



The adjoining properties are predominantly characterised by one and two storey dwellings on narrow lot frontages with varied rear setbacks and rear north facing ground floor level principal areas of private open space. The neighbouring single storey semi-detached dwelling pair to the east, at No. 44 Varna Street, has a 7.1m rear setback to its ground floor level with a rear north facing private open space. The adjacent property to the west on the opposite corner of Carlton and Varna Streets comprises a two storey dual occupancy development, known as No.40 Varna Street. Sites to the west have deeper lot frontages than those to the east of the site resulting in longer building depths through their sites. To the north of the site is a two storey dwelling that is orientated west-east on a larger allotment with its frontage to Carlton Street, known as 28 Carlton Street (refer to **Figure 5** below).



**Figure 5:** Subject site showing relationship of building line to adjoining properties

The existing dwelling on site comprises a modest single storey building with pitched roof profile to the front and skillion roof towards the rear. This is characteristic of the row of semi-detached dwellings of which it adjoins. A single storey carport is sited at the northern rear boundary. The semi-detached dwelling to the east at No.50 Varna Street is the only one in the row which has undertaken a modest first floor addition.

#### *Streetscape Impacts and Additions to Semi-Detached Dwellings*

Part C2 Section 2.13 of Waverley DCP 2012 provides development controls for alterations and additions to semi-detached dwellings. The objectives of these controls include as follows:

- (a) *To ensure alterations and additions visually read as a cohesive part of the existing dwelling from the streetscape.*

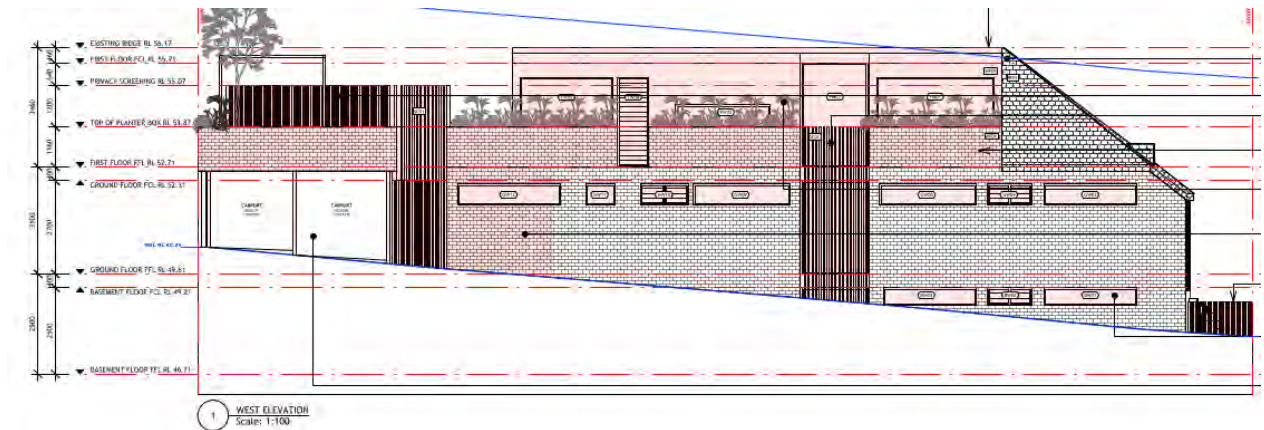
- (b) Materials and detailing of design elements such as roof features are to be of a high quality and reference existing architectural style and features.*
- (c) To maintain the original style, form and detail of development to provide cohesion between semi-detached or attached buildings.*
- (d) To maintain the appearance of semi-detached development as one of a pair, demonstrating consistent scale, character and established streetscape values.*
- (e) To retain the ability of the adjoining residence to undertake comparable cohesive additions.*
- (f) To ensure that additions present as an extension of the historic form of the existing building envelope.*
- (g) To ensure that the design of first floor additions provides for cohesion, both at the interface of dwellings resulting from additions to one dwelling and the overall form resulting from additions to both adjoining semi-detached dwellings.*

The subject proposal results in the demolition of a substantial portion of the existing semi-detached dwelling on site, retaining the common eastern side boundary wall, front roof profile, and verandah to Varna Street only. The building envelope of the semi-detached dwelling is essentially 'reconstructed' and extended over three floor levels. Excavation is proposed to provide for a basement floor level which protrudes above the existing ground level when viewed from Carlton Street by approximately 1.6m (maximum). The nil boundary wall height to Carlton Street is increased from a single storey wall height to up to 5.2m to provide for boundary planter boxes at the first floor level before stepping back by 600mm to the main wall of the first floor living area. The first floor addition is proposed with a flat roof to an overall height of 7.785m. The proposed building footprint extends for most of the length and width of the site with the exception of the existing small 1.85m wide front setback and small inset garden nooks to Carlton Street.

The proposed alterations and additions do not visually read as a cohesive part of the existing dwelling from the streetscape. The design resolution of the new alterations and additions has failed to respect the existing semi-detached dwelling on site and the row of six semi-detached dwellings to which it is a part of, contrary to the objectives and controls for alterations and additions to semi-detached dwellings within the Waverley DCP 2012. There has been little regard given to the context of the site and its surrounds and the unreasonable impacts that result, which is discussed in further detail below.

Whilst the existing single storey dwelling on the site is built up to both side boundaries, the extent of the new nil boundary wall height and massing through the site as it presents to Carlton Street is imposing, dominating the façade and resulting in undesirable streetscape impacts. Given the extent of the building footprint proposed on site, there is minimal areas of deep soil landscaping proposed. The subject site requires the provision of 15% of landscaped area to be provided in accordance with Part 2.9 *Landscaping and Open Space* of Waverley DCP 2012. The subject development proposes 10% or 16.5m<sup>2</sup> only.





**Figure 6:** West Elevation to Carlton Street

The subject development appears to be taking cues from the existing two storey dual occupancy development to the west on the opposite side of Carlton Street at No.40 Varna Street as opposed to the modest semi-detached dwellings to the east. While the development at 40 Varna Street dates back prior to the introduction of the current Waverley LEP and DCP controls currently in place, this dual occupancy development is provided with compliant side and rear boundary setbacks and large areas of deep soil landscaping along its side boundaries and to the rear. It is also noted that development sites to the west have deeper lots in comparison to the subject site and its adjoining semi-detached neighbours to the east, resulting in the allowance for greater building depths.

The subject site would be the first in the row of semi-detached dwellings to divert from the development standards and controls in terms of introducing a solid built form for the majority of the length of the site. The number of non-compliances with the development standard and controls of Waverley LEP and DCP 2012, including FSR, wall height, setbacks, excavation, visual and acoustic privacy, streetscape, side boundary fencing, landscaping and alterations and additions to semi-detached dwellings, provides a clear indication that the proposal is an overdevelopment of the subject site. The development of the subject site to the scale proposed could consequently affect the orderly future redevelopment of the adjoining sites. Council is concerned that the proposal may create an undesirable precedent that is contrary to its development controls, and it is not supported.

#### *Rear and Side Boundary Setbacks*

The proposed new development seeks to extend the building footprint to encompass primarily full site coverage, with the exception of the minimal front setback area to Varna Street and small landscaped nooks to Carlton Street. The applicant contends that the development is consistent with the setbacks of neighbouring properties over both the ground and first floor levels, however, Council disagrees with this contention.

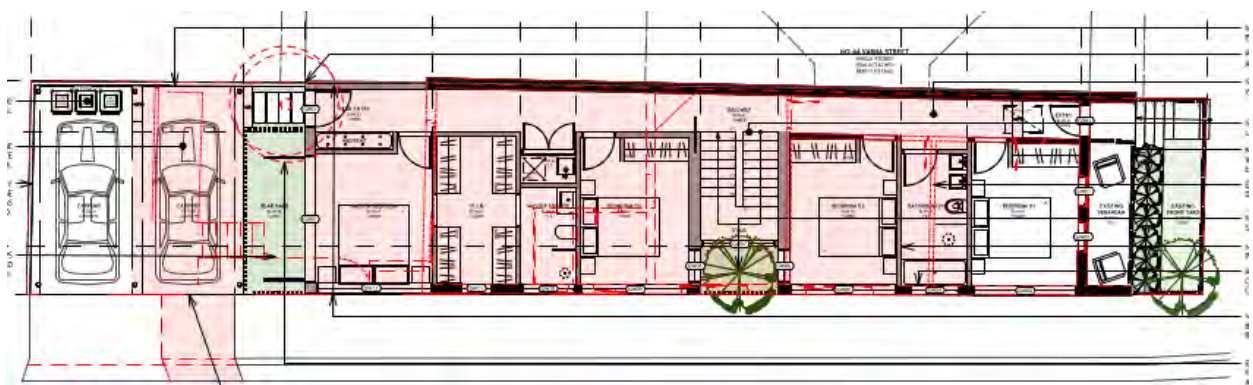
Part C2, Section 2.2 of the Waverley DCP 2012 sets out the following objectives for setbacks, relevant to the proposed development:

- (a) *To ensure that the bulk and appearance of the proposed development is appropriate to the streetscape.*

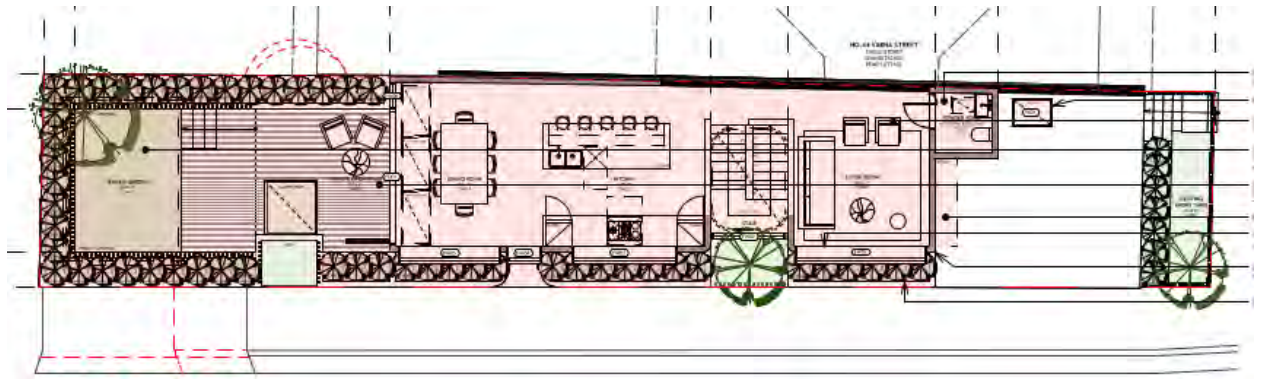
- (b) To set a rhythm and character to residential streets.
- (c) To ensure the distance between buildings on adjacent properties allows adequate solar access, ventilation and privacy.
- (d) To ensure that the amenity of rear yards, their function as private open space, and their visual and landscape contribution to the surrounding area is protected and enhanced.
- (f) To ensure the front and rear setbacks of buildings are consistent with surrounding buildings and do not visually detract from the streetscape.
- (h) To ensure buildings on corner lots are consistent with the predominant building lines of adjoining sites.

Part C2 2.2 Setbacks, control (a) requires that *new buildings and extensions to existing buildings are to extend no further than the front and rear predominant building lines*. For the rear building line, control (b) requires that *the building line be determined separately for each floor level*. It goes on to state that *in most circumstances development at first floor level and above shall be set back from the rear building line of the ground floor level in order to minimise bulk and scale impacts and provide visual relief for the open space and living areas at adjacent properties*.

The proposed development includes the demolition of a significant portion of the existing dwelling. The applicant proposes that the new ground floor level addition is to be extended towards the rear to align with the neighbouring dwelling to the east at No.44 Varna Street, however, the footprint extends beyond that and to the rear northern boundary of the subject site. A narrow 1.6m wide roofed 'rear yard' area provides a transition from the internal living areas to the proposed primarily enclosed double 'carports' which have their frontages to Carlton Street. The development proposes a continuous built form along its Carlton Street frontage, with the exception of the front setback. Given the enclosed form of the building at Ground Floor Level, no rear setback is proposed, contravening the setback controls of Waverley DCP 2012.

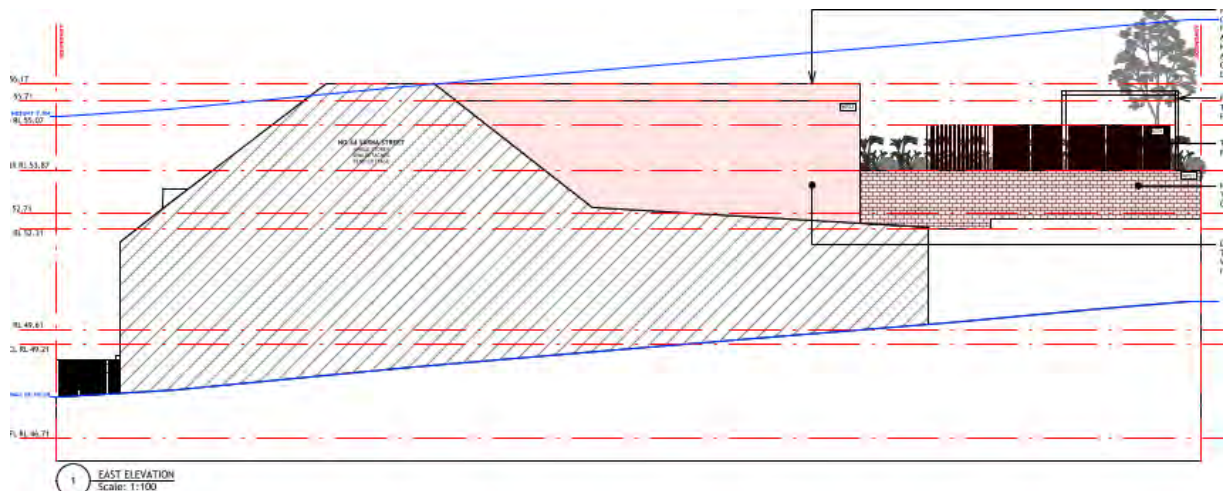


**Figure 7:** Ground Floor Plan demonstrating the proposed building footprint



**Figure 8:** First Floor Plan demonstrating the proposed building footprint

The ground floor level provides the 'podium' base for the principal area of private open space in the form of an elevated terrace that sits above the proposed carports and is accessed from the proposed new first floor. The new first floor is to also accommodate the main living areas contained within a flat roofed addition. The elevated terrace is sited approximately 3m above the rear private open space of the neighbouring semi-detached dwelling pair to the east. Exacerbating the proposed boundary wall height which encompasses this terrace is the provision of 1.2m high planter boxes. Privacy screens are also proposed to be sited behind these planter boxes which measure approximately 1.2m in height. A 2.7m high pergola structure is also proposed to the rear elevated section of the proposed terrace.



**Figure 9:** Eastern elevation as it presents to No.44 Varna Street

Whilst the applicant has attempted to address overlooking with the provision of planter boxes to the edge of the terrace area, essentially the proposed development exposes the neighbouring property at No.44 Varna Street to a wall height of at least 4.2m for the length of its principal area of private open space, which results in unreasonable and unacceptable visual bulk and scale impacts.

Council notes that the existing row of semi-detached dwellings to the east does not feature an emerging new rear building alignment that would be precedent setting in this instance. Varna Street is characterised by one and two storey modest dwellings with large areas of rear open space at ground floor level. This is particularly characteristic of the row of semi-detached dwellings to the east that the

subject dwelling is a part of. Whilst Council is not against modernising and providing first floor contemporary additions to semi-detached dwellings, any new additions are to be respectful of the context of the dwelling itself, the characteristics of adjoining development and the applicable development controls that are in place, ensuring that no unreasonable impacts result.

The proposed development also results in a non-compliance with Council's side setback control of 900mm at the western side boundary. While the current dwelling on site has a nil setback at its western side, it is proposed to extend this setback non-compliance to the first floor level. Proposed planter boxes to the western side are to have a nil setback before stepping back to a predominantly glazed facade with a setback of 600mm proposed from the western side boundary. The proposed nil boundary wall height to the secondary Carlton Street frontage ranges from 4m up to 5.2m, resulting in a dominating façade when viewed from the public domain (see **Figure 6** above).

#### *Visual and Acoustic Privacy*

The proposal includes a large elevated terrace to the rear of the dwelling sited above the roof level of the proposed carports at first floor level, which is to be used as the principal area of private open space. The terrace will have an area of approximately 32m<sup>2</sup> and will be accessed via large glazed doors at the north elevation.

Landscaped planter boxes to a height of 1.2m are proposed to extend around the east, north and western sides of the terrace. 1.2m high privacy screens then sit above and behind the planter boxes to ameliorate against overlooking to neighbouring properties. A 2.7m high pergola structure is also proposed.

There are a number of roof terraces over garages to the frontages of dwellings to the north of the subject site on Carlton Street, including at Nos.10, 12, 14 and 28 Carlton Street. These roof terraces do not exceed 15m<sup>2</sup> in area and are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas. There are none in the immediate vicinity of the subject site along Varna Street.

The 32m<sup>2</sup> elevated terrace which is to function as the principal area of private open space will result in unreasonable visual and acoustic privacy impacts to neighbouring properties in addition to contributing to the visual bulk and scale of the development. The proposed elevated terrace 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 *Waverley Community Participation Plan*. Six submissions were received. The issues raised in the submissions are summarised and discussed below.

**Table 4: Summary of property addresses that lodged a submission**

Property
8 Carlton Street, Waverley
14 Carlton Street, Waverley
18 Carlton Street, Waverley
26 Carlton Street, Waverley
28 Carlton Street, Waverley
38 Varna 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:

### ***Issues:***

- ***Non-compliant FSR***
- ***Overdevelopment***
- ***Impact on streetscape character***
- ***Visual bulk and scale impacts***
- ***Overshadowing***
- ***Visual and acoustic privacy impacts***
- ***Setting an undesirable precedent***
  
- ***Loss of on street parking***

**Response:** Council's Traffic Engineer has stated that there will not be a reduction in on street parking. Notwithstanding, the application is recommended for refusal.

## 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. Traffic and Development

Subject to the relocation of the proposed bin storage area due to its location contributing to the undersized car space, Council's Traffic and Development Engineer raised no objection to the proposal subject to conditions, should the application be approved.

### 3.2. Stormwater

The application was referred to Council's Stormwater Engineer who provided the following comments (in summary):

- *The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2020;*
- *The applicant has submitted a stormwater management plan. Council's mandatory checklist has not been submitted. In addition, if the OSD overflows, surcharge will escape from the access grates and potentially enter the dwelling's rear yard and habitable areas (freeboard) or uncontrolled runoff across Council land. The design will need to be amended prior to the issue of the Construction Certificate.*

Stormwater management measures would need to be addressed via condition should the application be approved.

### 3.3. Tree Management

The application was referred to Council's Tree Management officer and no objections were raised subject to conditions should the application be approved.

## 4. CONCLUSION

The development application seeks consent for alterations and additions to the existing semi-detached dwelling at 42 Varna Street, Waverley.

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

- Non-compliant Floor Space Ratio;
- No Clause 4.6 submission; and
- Non-compliances with Waverley DCP 2012.

The assessment finds these issues unacceptable resulting in an overdevelopment of the subject site and unreasonable impacts on the amenity of neighbouring properties and the locality.

A total number of six submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. There has been no Councillor submission or no identified conflict of interest.



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:*

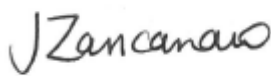

The application was reviewed by the DBU at the meeting on 6 July 2021 and the DBU determined:

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

DBU members: *A Rossi, B McNamara, B Magistrale, K Lucas*

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:
	
Jo Zancanaro	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 6 August 2021	Date: 13 August 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 section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular the following provisions:
  - a. *Clause 4.4 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 Waverley Local Environmental Plan 2012.
  - b. *Clause 4.6 Exceptions to development standards* (1) and (3) as the applicant has failed to provide a written request seeking to justify the contravention of the Floor Space Ratio development standard.
2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:

### *Part B8 Transport*

- a. Objective (d) under this Part as the proposed design of the car parking contributes to a poor planning outcome, resulting in an adverse impact on the character of the streetscape, landscape and the development itself.
- b. Section 8.1 *Streetscape*, specifically objectives (a) and (b) and controls (c) and (d), as the proposed design of the car parking results in an unacceptable impact on the streetscape, landscape and the development. The proposed undersized car space may also result in vehicles being parked across the pedestrian footpath.

### *Part B12 – Design Excellence*

- a. Section 12.1 *Design* specifically objectives (a) to (d), controls (a), (b) and (e) and 12.2 *Context Analysis* objectives (a) to (d), control (a) 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 and surrounds and fails to ensure that the opportunities and constraints of a site are fully considered and incorporated into the design.



*Part B14 Excavation*

- a. Objectives (a), (e) and (h), and controls (d) and (l) under this Part, given the proposed excavation to accommodate the basement floor area provides nil setbacks from side boundaries of the site, posing structural risks to the neighbouring property. The proposed new basement floor area is proposed with habitable floor to ceiling heights and highlight windows promoting its use as habitable subterranean floor space, contributing to the calculable gross floor area on site and the overall visual bulk and scale of the development.

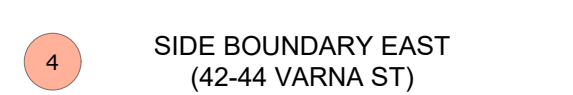
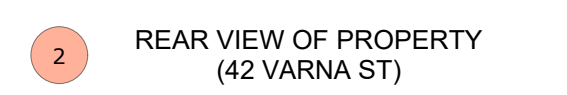
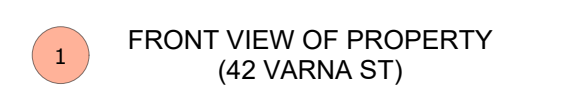
*Part C2 – Low Density Residential Development:*

- a. Section 2.0 *General objectives*, specifically objectives (a), (b), (d) and (e) as the proposed development is not of a scale or density that is appropriate for the allotment or other dwellings in the locality, impacts on the amenity of the locality and is not sympathetic in bulk, scale and character with the desired future character of the area.
- b. Section 2.1 *Height*, specifically objectives (a) and (b) and control (b). The proposed development has failed to provide a compliant wall height.
- c. Section 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 rear building line is not characteristic or consistent with the predominant rear building line as required by Waverley Development Control Plan 2012, resulting in unreasonable amenity impacts to the adjoining properties and unacceptable visual bulk and scale impacts within the streetscape.
- d. Section 2.2 *Setbacks*, 2.2.2 *Side Setbacks* specifically control (a) as the proposed western side setback fails to comply with the 900mm minimum setback control of Waverley Development Control Plan 2012, resulting in unreasonable visual bulk and scale impacts within the streetscape.
- e. Section 2.3 *Streetscape and Visual Impact*, specifically objectives (a) and (b) and controls (a), (d) and (e). 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.
- f. Section 2.4 *Fences*, specifically objective (e), control (d) as the proposed 4.2m high rear eastern boundary wall height as it presents to the neighbouring property to the east results in unreasonable visual bulk and scale impacts.
- g. Section 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 first floor level elevated terrace.
- h. Section 2.8 *Car Parking*, specifically objectives (b) and (d), 2.8.1 *Design Approach* controls (a) and (b), 2.8.2 *Parking Rates* control (b), 2.8.4 *Design* control (a) and (b), 2.8.5 *Dimensions Control* (a) and (b). The proposed design of the car parking contributes to a poor planning outcome for

the overall design of the proposed development. The proposed undersized car space may result in vehicles being parked across the pedestrian footpath.

- i. Section 2.9 *Landscaping and Open Space* specifically objective (a), control (c) as the proposed development fails to comply with the required minimum 15% of the total site area being provided as landscaped area.
  - j. Section 2.13 *Semi-Detached Dwellings & Terrace Style Development*, specifically objectives (a) to (g), 2.13.1 *Built Form* 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). The proposed alterations and additions to the existing semi-detached dwelling do not complement and are not cohesive with the existing building nor the adjoining semi-detached dwelling or the row of semi-detached dwellings to which it is a part of.
3. 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.
  4. 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 development of the subject site (to the scale proposed) could consequently affect orderly future redevelopment of adjoining sites.
  5. 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.
  6. 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.























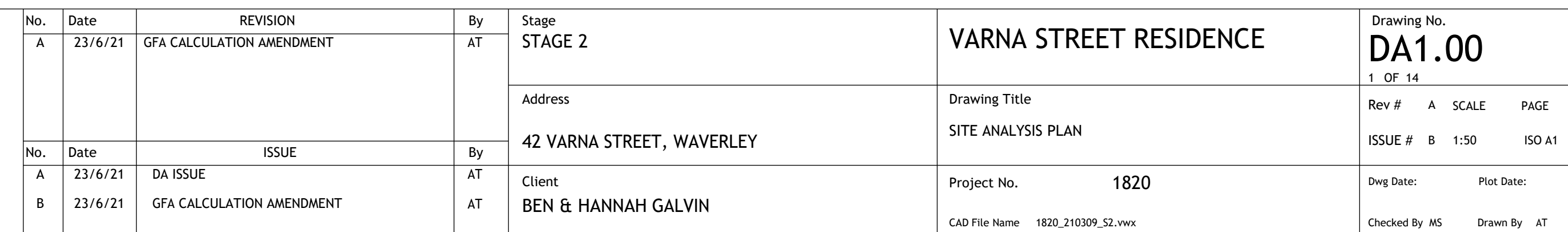


3 BASIX CERTIFICATE

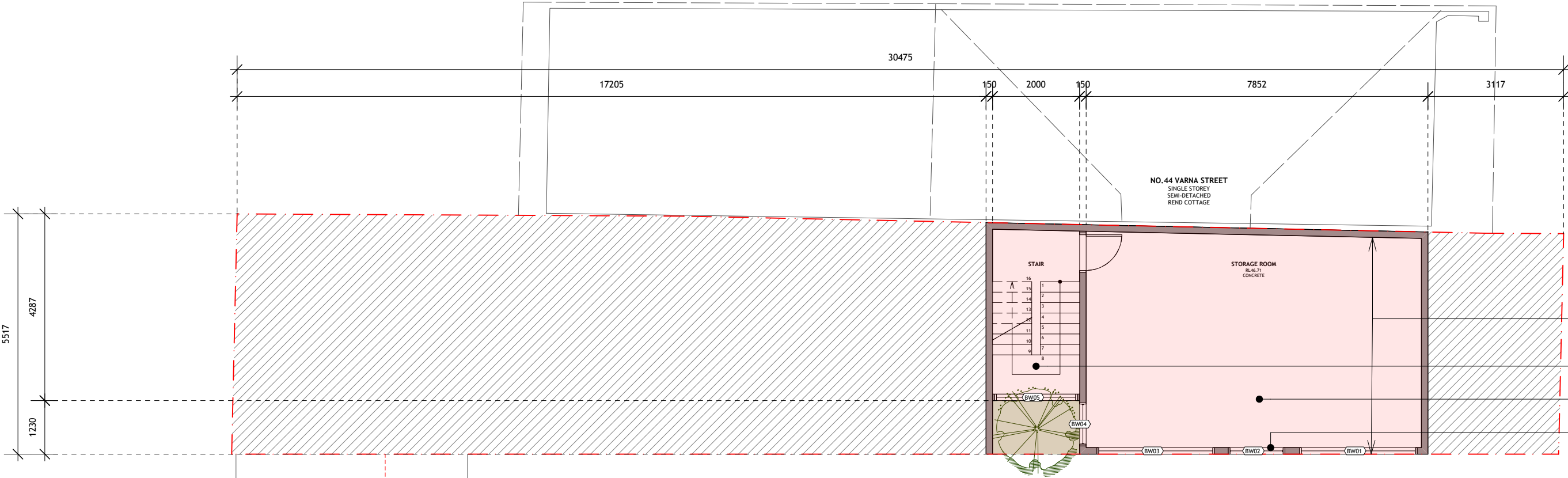
## 4 COMPLIANCE TABLE

**Notes**

 DWELLING ENTRY	 NEIGHBORING WINDOWS	  FALL OF AREA	 EXISTING SITE STRUCTURES TO BE DEMOLISHED
 VEHICULAR ENTRY	 PUBLIC TRANSPORTATION STOP	  SOLAR ANGLES	 LOT BOUNDARIES
 NOISE SOURCE	 TRAFFIC FLOW	 DISTRICT VIEWS	 PROPOSED NEW DWELLING
  SITE PHOTO KEY		  PREDOMINANT BREEZES	 EXISTING DWELLING TO BE DEMOLISHED
			 GROSS FLOOR AREA







- NEW MASONRY CONSTRUCTION TO ALL BOUNDARY WALLS IN COMPLIANCE WITH BCA AND A FIRE RATED LEVEL OF 60/60/60.
- NEW TIMBER FRAMED STAIR TO PROPOSED LOWER GROUND AND FIRST FLOOR LEVELS.
- NEW CONCRETE SLAB TO PROPOSED BASEMENT STORAGE LEVEL.
- HIGHLIGHT TIMBER FRAMED WINDOWS TO COMPLY WITH BASIX AND BCA REQUIREMENTS.

RECEIVED  
Waverley Council

Application No: DA-232/2021

Date Received: 23/06/2021

**BASIX** Certificate  
Building Sustainability Index (BSI) Certificate  
Attention: BASIX

The certificate confirms that the proposed development and its associated BASIX requirements have been assessed and approved by the BASIX Council. The certificate is valid for the period of 10 years from the date of issue. The certificate is issued to the BASIX Council, which is the authority responsible for the BASIX requirements. The certificate is issued to the BASIX Council, which is the authority responsible for the BASIX requirements.

Certificate Prepared by: **Design Projects**  
Name: **Matthew Stedman**  
Date: **23/06/2021**

Section	Requirement	Compliance
1.1	Roof water harvesting	Compliant
1.2	Water saving devices	Compliant
1.3	Water saving devices	Compliant
1.4	Water saving devices	Compliant
1.5	Water saving devices	Compliant
1.6	Water saving devices	Compliant
1.7	Water saving devices	Compliant
1.8	Water saving devices	Compliant
1.9	Water saving devices	Compliant
1.10	Water saving devices	Compliant

Section	Requirement	Compliance
2.1	Roof water harvesting	Compliant
2.2	Water saving devices	Compliant
2.3	Water saving devices	Compliant
2.4	Water saving devices	Compliant
2.5	Water saving devices	Compliant
2.6	Water saving devices	Compliant
2.7	Water saving devices	Compliant
2.8	Water saving devices	Compliant
2.9	Water saving devices	Compliant
2.10	Water saving devices	Compliant

Section	Requirement	Compliance
3.1	Roof water harvesting	Compliant
3.2	Water saving devices	Compliant
3.3	Water saving devices	Compliant
3.4	Water saving devices	Compliant
3.5	Water saving devices	Compliant
3.6	Water saving devices	Compliant
3.7	Water saving devices	Compliant
3.8	Water saving devices	Compliant
3.9	Water saving devices	Compliant
3.10	Water saving devices	Compliant

Section	Requirement	Compliance
4.1	Roof water harvesting	Compliant
4.2	Water saving devices	Compliant
4.3	Water saving devices	Compliant
4.4	Water saving devices	Compliant
4.5	Water saving devices	Compliant
4.6	Water saving devices	Compliant
4.7	Water saving devices	Compliant
4.8	Water saving devices	Compliant
4.9	Water saving devices	Compliant
4.10	Water saving devices	Compliant

Section	Requirement	Compliance
5.1	Roof water harvesting	Compliant
5.2	Water saving devices	Compliant
5.3	Water saving devices	Compliant
5.4	Water saving devices	Compliant
5.5	Water saving devices	Compliant
5.6	Water saving devices	Compliant
5.7	Water saving devices	Compliant
5.8	Water saving devices	Compliant
5.9	Water saving devices	Compliant
5.10	Water saving devices	Compliant

Section	Requirement	Compliance
6.1	Roof water harvesting	Compliant
6.2	Water saving devices	Compliant
6.3	Water saving devices	Compliant
6.4	Water saving devices	Compliant
6.5	Water saving devices	Compliant
6.6	Water saving devices	Compliant
6.7	Water saving devices	Compliant
6.8	Water saving devices	Compliant
6.9	Water saving devices	Compliant
6.10	Water saving devices	Compliant

Section	Requirement	Compliance
7.1	Roof water harvesting	Compliant
7.2	Water saving devices	Compliant
7.3	Water saving devices	Compliant
7.4	Water saving devices	Compliant
7.5	Water saving devices	Compliant
7.6	Water saving devices	Compliant
7.7	Water saving devices	Compliant
7.8	Water saving devices	Compliant
7.9	Water saving devices	Compliant
7.10	Water saving devices	Compliant

FOR DEVELOPMENT APPLICATION ONLY

**DESIGN TRIBE PROJECTS**

**TP**

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Notwithstanding, Matthew Stedman NSW Registered Architect No. 7212, AIA No 28118  
Frederic Kalish NSW Registered Architect No. 8833 AIA No. 52004

Notes

EXISTING WALLS TO BE RETAINED

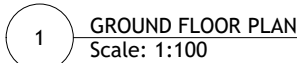
PROPOSED WALLS

PROPOSED WORKS

WALLS TO BE DEMOLISHED

LOT BOUNDARY

No.	Date	REVISION	By	Stage
				STAGE 2
				Address
				42 VARNA STREET, WAVERLEY
				Client
				BEN & HANNAH GALVIN
				Project No.
				1820
				CAD File Name
				1820_210309_S2.rwx
				Drawing No.
				DA1.01
				Rev #
				SCALE
				PAGE
				ISSUE # A 1:50 ISO A3
				Dwg Date:
				Plot Date:
				Checked By MS
				Drawn By AT



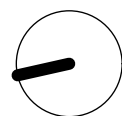
EXISTING CROSSOVER TO BE MAINTAINED AND  
EXTENDED TO ALLOW FOR A DOUBLE CAR  
CROSSOVER TO PROPOSED CARPORT.

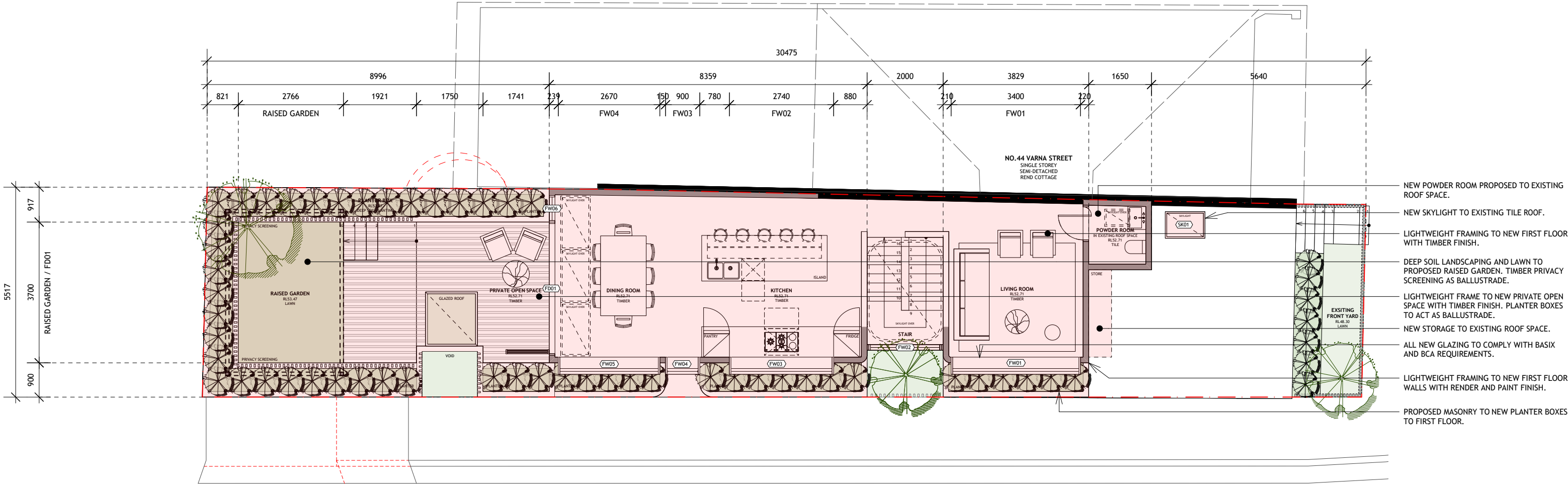
**Date Received: 23/06/2021**

FOR DEVELOPMENT APPLICATION ONLY

Notes

- EXISTING WALLS TO BE RETAINED
- PROPOSED WALLS
- PROPOSED WORKS
- WALLS TO BE DEMOLISHED
- LOT BOUNDARY

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1 FIRST FLOOR PLAN  
Scale: 1:100

- NEW POWDER ROOM PROPOSED TO EXISTING ROOF SPACE.
- NEW SKYLIGHT TO EXISTING TILE ROOF.
- LIGHTWEIGHT FRAMING TO NEW FIRST FLOOR WITH TIMBER FINISH.
- DEEP SOIL LANDSCAPING AND LAWN TO PROPOSED RAISED GARDEN. TIMBER PRIVACY SCREENING AS BALLUSTRADE.
- LIGHTWEIGHT FRAME TO NEW PRIVATE OPEN SPACE WITH TIMBER FINISH. PLANTER BOXES TO ACT AS BALLUSTRADE.
- NEW STORAGE TO EXISTING ROOF SPACE.
- ALL NEW GLAZING TO COMPLY WITH BASIX AND BCA REQUIREMENTS.
- LIGHTWEIGHT FRAMING TO NEW FIRST FLOOR WALLS WITH RENDER AND PAINT FINISH.
- PROPOSED MASONRY TO NEW PLANTER BOXES TO FIRST FLOOR.

RECEIVED  
Waverley Council  
Application No: DA-232/2021  
Date Received: 23/06/2021

<p><b>BASIX Certificate</b></p> <p>Building Sustainability Index (BSI) Certificate</p> <p>Attention: BASIX</p> <p>This certificate confirms that the proposed development will meet the BASIX requirements for water, energy and greenhouse gas emissions. The certificate is valid for the period of 12 months from the date of issue.</p> <p>Project Address: 42 Varna Street, Waverley NSW 1570</p> <p>Project Name: 42 Varna Street Residence 2021</p> <p>Design Date: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p>	<p><b>Basix Certificate Number: 420001</b></p> <p>Project Address: 42 Varna Street, Waverley NSW 1570</p> <p>Project Name: 42 Varna Street Residence 2021</p> <p>Design Date: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p>	<p><b>Basix Certificate Number: 420001</b></p> <p>Project Address: 42 Varna Street, Waverley NSW 1570</p> <p>Project Name: 42 Varna Street Residence 2021</p> <p>Design Date: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p>	<p><b>Basix Certificate Number: 420001</b></p> <p>Project Address: 42 Varna Street, Waverley NSW 1570</p> <p>Project Name: 42 Varna Street Residence 2021</p> <p>Design Date: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p>	<p><b>Basix Certificate Number: 420001</b></p> <p>Project Address: 42 Varna Street, Waverley NSW 1570</p> <p>Project Name: 42 Varna Street Residence 2021</p> <p>Design Date: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p>	<p><b>Basix Certificate Number: 420001</b></p> <p>Project Address: 42 Varna Street, Waverley NSW 1570</p> <p>Project Name: 42 Varna Street Residence 2021</p> <p>Design Date: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p>	<p><b>Basix Certificate Number: 420001</b></p> <p>Project Address: 42 Varna Street, Waverley NSW 1570</p> <p>Project Name: 42 Varna Street Residence 2021</p> <p>Design Date: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p> <p>Design Drawn: 23/06/2021</p> <p>Design Checked: 23/06/2021</p> <p>Design Approved: 23/06/2021</p>
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Registered Architect: Matthew Stubbs NSW Registered Architect No. 7212, AIA No 28118  
Petrica Kalish NSW Registered Architect No. 8833 AIA No. 52004

Notes

EXISTING WALLS TO BE RETAINED

PROPOSED WALLS

PROPOSED WORKS

WALLS TO BE DEMOLISHED

LOT BOUNDARY

No.

Date

REVISION

By

Stage

STAGE 2

Address

42 VARNA STREET, WAVERLEY

Client

BEN & HANNAH GALVIN

No.

Date

ISSUE

By

AT

Drawing No.

DA1.03

4 OF 14

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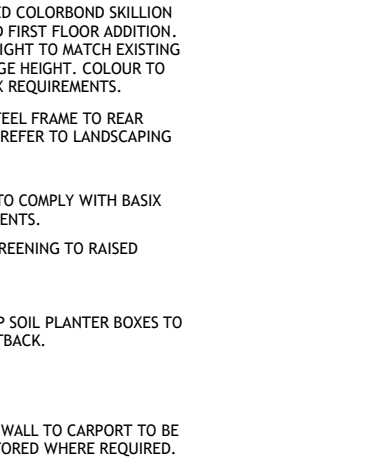
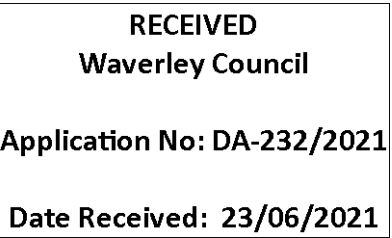
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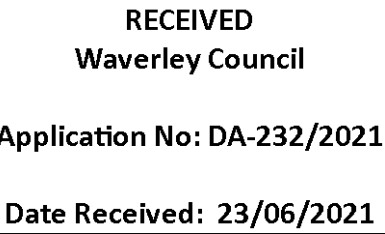
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	PROPOSED WORKS
	WALLS TO BE DEMOLISHED
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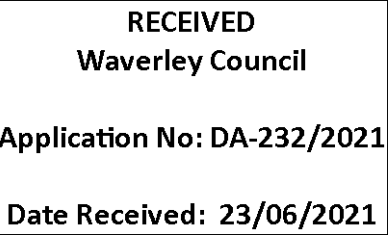


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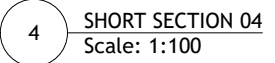
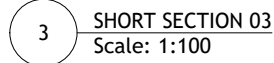
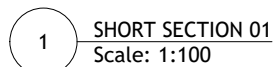
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- LOT BOUNDARY

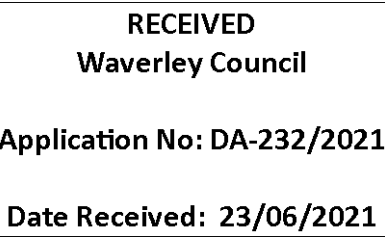
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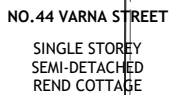
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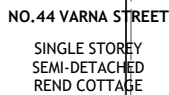








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3) JUNE 21st 3PM  
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**Date Received: 23/06/2021**

4000 Evidence-based practice (EBP)	Page 17 of 17
<b>Course</b>	
<ul style="list-style-type: none"> <li>• These instruments, "Applied" assess the current setting in the development.</li> </ul>	
<ul style="list-style-type: none"> <li>• Components identified with <math>\alpha^2</math> in the "There is an SD and will be more to show on the place accompanying the development application for the proposed development if a further application is submitted." The instrument has been used.</li> </ul>	
<ul style="list-style-type: none"> <li>• Components identified with <math>\alpha^2</math> in the "There is an SD and will be more to show on the place accompanying the development application for the proposed development if a further application is submitted." The instrument has been used.</li> </ul>	
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<ul style="list-style-type: none"> <li>• Components identified with <math>\alpha^2</math> in the "There is an SD and will be more to show on the place accompanying the development application for the proposed development if a further application is submitted." The instrument has been used.</li> </ul>	


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WF01  
EXISTING + NEW EXPOSED BRICK WITH  
LIMEWASH FINISH




WF02  
NEW LIGHTWEIGHT FRAMED EXTERNAL  
WALL WITH WHITE TEXTURED RENDER  
FINISH




SC01  
NEW OPEN SLAT TIMBER VERTICAL  
SCREENING



W01  
NEW TIMBER FRAMED WINDOWS WITH  
NATURAL FINISH



RF01  
EXISTING ROOF TILES  
REPLACE WHERE REQUIRED



RF02  
NEW ROOF  
LYSAGHT HYSpan KLIP-LOK

PROPOSED FINISHES

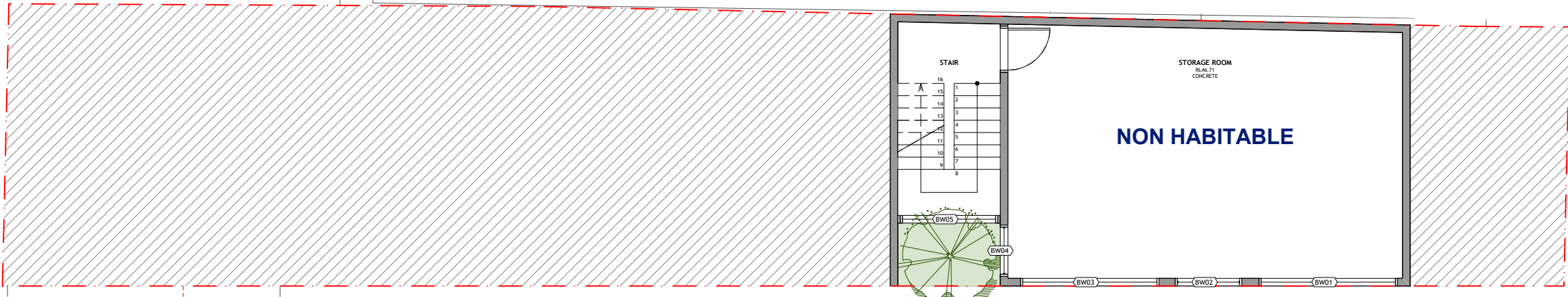
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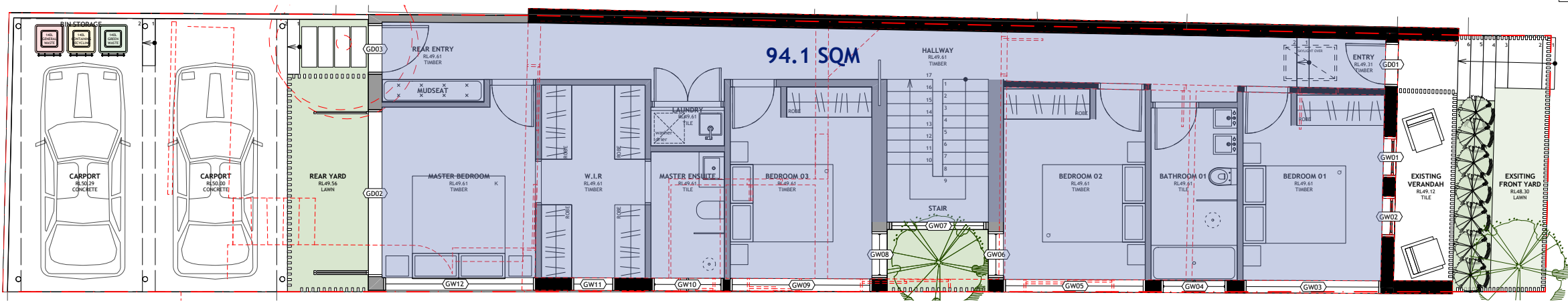


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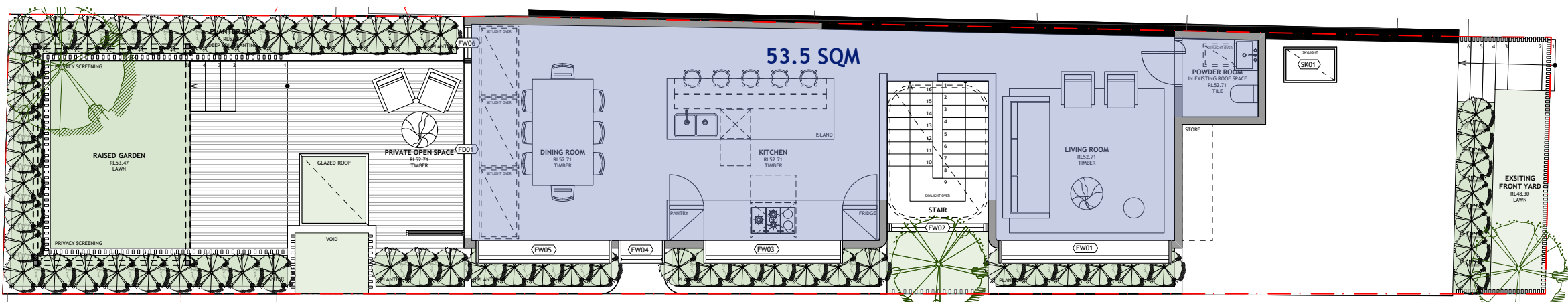
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2 GROUND FLOOR PLAN  
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3 FIRST FLOOR PLAN  
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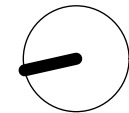
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Notes

GFA TOTAL = 147.6



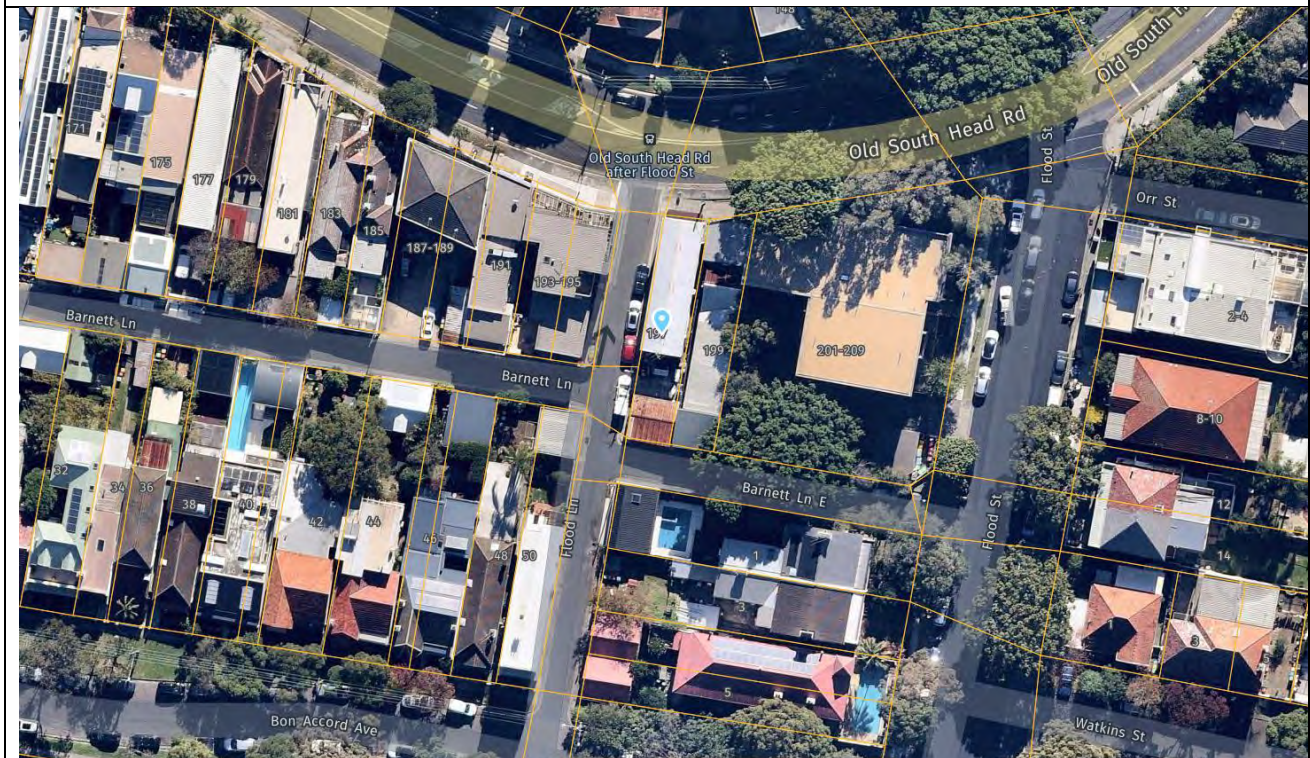
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## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-155/2021
<b>Site address</b>	197 Old South Head Road, BONDI JUNCTION
<b>Proposal</b>	Alterations and additions to convert shop top housing development to commercial premises for skin and beauty therapy, including new second floor addition and double garage at rear
<b>Date of lodgement</b>	29 April 2021
<b>Owner</b>	Marlow Developments Pty Ltd
<b>Applicant</b>	Marlow Developments Pty Ltd
<b>Submissions</b>	Three (3)
<b>Cost of works</b>	\$382,569.00
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• FSR</li> <li>• Height</li> <li>• Streetscape character</li> <li>• Encroachments into the public domain</li> </ul>
<b>Recommendation</b>	That the application be APPROVED

### SITE MAP



## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for alterations and additions to convert a shop top housing development to commercial premises for skin and beauty therapy, including new second floor addition and double garage at rear at the site known as 197 Old South Head Road, BONDI JUNCTION.

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

- FSR
- Height
- Streetscape character
- Encroachments into the public domain

The assessment finds these issues acceptable due to the building sitting in character with the context of the site and the limited amenity impacts that will occur to surrounding residential properties.

A total number of 3 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 15 June 2021.

The site is identified as Lot 7 Section A in DP 1640, known as 197 Old South Head Road, BONDI JUNCTION.

The site is rectangular in shape and is located on the corner of Old South Head Road and Flood Lane. The northern front boundary measures 6.67m and side boundaries measuring 31.485m along the west and 31.7m along the east boundary. The site has an area of 189.7m<sup>2</sup> and is generally flat.

The site is occupied by a two storey shop top housing development with vehicular access provided from the western side boundary along Flood Lane.

The site is adjoined by a two storey commercial development on the east (no 199) and shop top housing to the west on the opposite side of the laneway (no 193-195). The locality is characterised by a variety of low and medium density residential development and is within the Old South Head Road Neighbourhood Centre.

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





**Figure 1: Site viewed from Old South Head Road**



**Figure 2: Site viewed from Old South Head Road**



**Figure 3: Site context located to the west of the subject site**



**Figure 4: Site context located to the east of the subject site**



**Figure 5: Rear of site viewed from Flood Lane looking north-east**



**Figure 6: Neighbouring shop top housing development (no 193-195) viewed from Flood Lane located to the east of the subject site, looking north-west**

### 1.3. Relevant Development History

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

- DA88/2011: Change of use to juice manufacturing, packaging and distribution with associated office space, approved 11 April 2011; and
- DA-350/2019: Change of use to bakery including external signage for spring whole foods, approved 29 November 2019.

#### 1.4. Proposal

The development application seeks consent for change of use for a skin and beauty therapist and alterations and additions to the existing building, specifically the following:

##### Demolition work

- Internal demolition of the ground and first floor
- Demolition of the garage at the rear of the site
- Demolition of the roof

##### Construction work

- Rearrangement of internal layout of the ground floor to include 2 treatments rooms, 2 heal light rooms, 1 bathroom, an entry, reception, and staircase
- Construction of a double garage in the rear of the site
- Inclusion of an accessible hardstand car parking space and associated entry gate (ie 3 car spaces onsite)
- Rearrangement of internal layout of the first floor to include 4 treatment rooms, a laundry, a seated area, 1 bathroom, and a linen cupboard
- Addition of a second floor to include a treatment room, 1 bathroom and a staff kitchen
- Signage is proposed along the front façade of the site

The proposed hours of operation for the premises are as follows:

- Monday to Friday: 8.00am to 7.00pm; and
- Saturday: 9.00am to 4.00pm
- Sunday: closed

A total of 7 staff members are proposed at any one time.

An existing signboard on the western side elevation is sought to be retained.

Figure 7 and 8 below are 3D renders provided by the applicant which demonstrate the design of the building from 2 angles.



Figure 7: 3D render of proposed building viewed from Old South Head Road



Figure 8: 3D render of the proposed building viewed from Flood Lane

### 1.5. Background

The development application was lodged on 29 April 2021 and deferred on 16 June 2021 for the following reasons:

1. **Active Street Frontages** – The sole entrance to the premises was located at the rear of the site, which would not provide any activation to the street frontage along Old South Head Road.

2. **Floor Space Ratio** – The building did not comply with the Floor Space Ratio (FSR) control within the Waverley Local Environmental Plan (LEP) by 26%. The breach in FSR resulted in an overdevelopment of the site that led to amenity issues to surrounding properties.
3. **Visual Privacy** – The rear balcony on the second level resulted in direct overlooking impacts to neighbouring properties.
4. **Additional Information** – The Statement of Environmental Effects submitted with the application was insufficient as it failed to assess the application against part E of the Waverley Development Control Plan (DCP).
5. **Site Waste Management** – Concerns were raised by Council's Sustainable Waste Officer and additional information was required.

Amended plans were submitted on 27 July 2021, reducing the floor space at the rear of the second floor, and providing the additional information requested above. The amended plans were renotified for 14 days on 6 August 2021 and form the basis of this report.

## 2. ASSESSMENT

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

### 2.1. Planning Instruments and Development Control Plans

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

#### 2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP 55 Remediation of Land.
- SEPP 64 Advertising and Signage.

A detailed discussion is provided for relevant SEPPs as follows:

##### *SEPP 64 Advertising and Signage*

In accordance with clause 8 of SEPP 64, Council must not grant development consent unless it is satisfied that the proposed signage is consistent with the objectives of the SEPP and the assessment criteria set out under Schedule 1 of the SEPP.

An assessment against the criteria under Schedule 1 of the SEPP is provided in **Table 1** of this report.



**Table 1: SEPP 64 Advertising and Signage Compliance Table**

Assessment Criteria	Compliance	Comment
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes	The character of the locality is commercial in nature with a number of businesses having erected signage of a similar scale and type. The signage is compatible with the character of the area and will be adequately integrated into the subject building.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes	The signage is consistent with the existing signage in the immediate area and will sit within the existing theme in the area.
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Yes	The site is not located in an environmentally sensitive area, a heritage area, natural or conservation area, waterways and rural landscapes. The signage will not distract from the residential development on the opposite side of Old South Head Road.
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	Yes	The signage will have no impact on important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	Yes	The skyline will not be dominated and the quality of vistas will not be reduced as a result of the signage on site.
Does the proposal respect the viewing rights of other advertisers?	Yes	The location and size of the signage respects the viewing rights of other advertisers.
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes	The signage above the entrance has been designed to sit in proportion to the building and the surrounding development along this section of Old South Head Road.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes	The signage will fit into the character of the streetscape and will blend in with the design of the building.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes	The signage is considered to be a simple style and will not clutter of the front façade.
Does the proposal screen unsightliness?	Yes	The proposal does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Yes	The signage is proposed above the entrance on the ground floor and will not protrude above the buildings, structures or tree canopies.

Assessment Criteria	Compliance	Comment
Does the proposal require ongoing vegetation management?	Yes	The signage does not require ongoing vegetation management.
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes	The signage has been designed to blend in with the built form and front façade of the building on site. This will fit in with the character of the surrounding streetscape.
Does the proposal respect important features of the site or building, or both?	Yes	The proposed signage is respectful of the design features of the building and sits in the context of the site.
<b>7 Illumination</b>		
Would illumination result in unacceptable glare?	Yes	No illumination is proposed with this application.
<b>8 Safety</b>		
Would the proposal reduce the safety for any public road?	Yes	The signage will not result in any safety issues from the public road for cars, pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians or bicyclists?		
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Yes	The signage will not reduce safety for pedestrians from public areas.

Given the above assessment of the proposed signs, the proposal satisfies the assessment criteria specified in Schedule 1 of SEPP 64 and is consistent with the objectives set out in clause 3(1)(a) of SEPP 64. The proposed signs are therefore acceptable.

With respect to the existing signboard on the western side elevation (Flood Lane), the plans indicate 'existing signboard to be retained'. According to Council records, there does not appear to be any recent consent for this signage and it is proposed to be retained as part of this proposal. Therefore, as no assessment of this signage has been included in this DA, it is recommended that a condition be imposed that indicates that no approval is granted or implied for this signboard as part of this consent. This sign shall only be retained if the owner can demonstrate it has proper consent via an alternative avenue (not this development application). In the event, that no consent for the signage can be demonstrated, the signage and associated framework are to be removed and the façade of the building restored to be in keeping with the remainder of the building. This ensures no approval is granted by default as part of this application, without a proper assessment being undertaken, where required.

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

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

**Table 2: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B1 Zone	Yes	The proposal is defined as a business premises, which is permitted with consent in the B1 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 9m	No	The building will have an overall height of 9.7m, which does not comply with the standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 1.1:1 or 208.67m <sup>2</sup>	No	The development proposes an FSR of 1.34:1 or 253.38m <sup>2</sup> , which does not comply with the standard by 21.43%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.

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

#### *Clause 4.6 Exceptions to Development Standards (Height of Buildings)*

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

The site is subject to a maximum height of buildings development standard of 9m. The proposed development has a building height of 9.7m, exceeding the standard by 0.7m equating to a 7.8% variation.

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

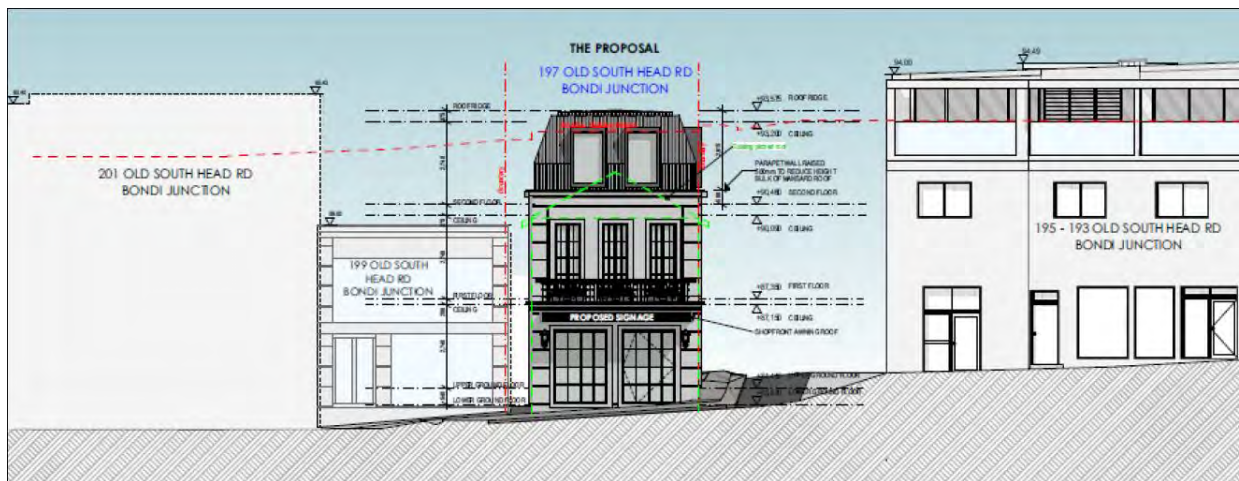
- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- That there are sufficient environmental planning grounds to justify contravening the standard.

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 has been designed to preserve the amenity of neighbouring development. As the additional height is not substantial and required to provide compliant floor to ceiling heights, the proposal will not appear inconsistent with the built form of surrounding development, which is characterised by a mix of multi storey residential, commercial and mixed-use buildings. The proposed building height results in a building envelope that is in keeping with existing and emerging development along Old South Head Road.*
  - (ii) *Due to the corner allotment, the proposal maintains appropriate separation distances to buildings on Old South Head Road, Flood Lane and Barnett Lane. Also, the additional height at the second floor level is associated with the ceiling and roof form, and as such, does not include windows or openings. This ensures the privacy of surrounding development is preserved. The height variation also does not result in any overshadowing to north facing windows of nearby residential development and maintains reasonable solar access to surrounding development and public spaces. It should be noted that the site does not benefit from any view corridors, and as such, the proposal will not create any view impacts to surrounding development.*
  - (iii) *Accordingly, the proposed development is an appropriate scale and preserves the environmental amenity of neighbouring sites and public spaces. The variation is to provide compliant floor to ceiling heights and is unlikely to affect the privacy, solar access or views obtained by neighbouring properties and the locality.*
  - (iv) *The subject site is currently underdeveloped. The proposal upgrades the existing two storey mixed use building with an enhanced three storey commercial development that responds to the corner location and is consistent with the built form and evolving character of Old South Head Road and is consistent with the desired future character of the area.*
  - (v) *The proposal is well articulated and the extent of non-compliance is a result of providing compliant floor to ceiling heights, and occurs to the uppermost ceiling and roof structure at the second floor level. Notwithstanding, the proposal provides a building envelope envisioned by Council's controls. The new storey will result in a better design outcome and will enhance the appearance of the site, within the context of the Old South Head Road Village Centre.*
  - (vi) *When viewed from the street, the area of additional height will not be readily noticeable. The second storey will be treated with metal cladding and a recessive colour. This enables the building to also relate to the adjoining lower density development while maintaining compatibility with the street.*



**Figure 9: Streetscape view of proposed building**

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposal responds to a recognised demand for commercial floor space within the Waverley LGA generally and within the Old South Head Road Village Centre. The commercial use will provide additional local employment and contribute to the activation of this portion of Old South Head Road. There may also be economic multiplier benefits and the stimulation for further renewal in the area.*
  - (ii) *The commercial use of the entire building, including the new second floor level has different needs to residential development. In particular, the need for compliant floor to ceiling heights result in a building height variation to the LEP. Enforcing strict compliance while maintaining the requested floor to ceiling heights would necessitate the removal of an entire level which would create an inconsistent built form in an area that allows for three storey development. This would be an inefficient use of the site and would not facilitate the orderly and economic development for a commercial use in accordance with Object (c) of the EPA Act*
  - (iii) *The subject site is uniquely located on a corner allotment within the Old South Head Road Village Centre. A slightly higher building in this location forms a visual gateway and an urban design benefit. The proposal would also ensure consistency with surrounding three storey built forms which is a visual improvement to the streetscape when compared to the existing underdeveloped site. The corner location also means environmental impacts are minimised, as there is significant building separation on three sides.*
  - (iv) *The proposal will present as three storeys with the new second floor level within a mansard roof form and stepped back from the rear building line. This will visually create a well-proportioned built form and will be compatible with the surrounding built forms, particularly on the southern side of Old South Head Road.*
  - (v) *Accordingly, the desired future character is shaped by the LEP and recent approvals in the vicinity. It is noted that there are numerous approvals for works in the B1 Neighbourhood Centre with non-compliant building heights which were supported by Waverley Council. We note that each DA is assessed on its own merits and in the context of the individual site. However, it is relevant to consider similar breaches to the development standard that were*

accepted by Council. Based on Council's Clause 4.6 Register between 2013 and 2019, these include the following:

- No. 191 Old South Head Road, Bondi Junction – DA 314/2014 – 11% non-compliance
- No. 300 Campbell Parade, Bondi – DA 43/2013 – 12% non-compliance
- No. 98-102 Brighton Boulevard, North Bondi – DA 159/2015 – 30% non-compliance
- No. 96 Glenayr Avenue, Bondi Beach – DA 631/2014 – 50% non-compliance
- No. 91-93 Glenayr Avenue, Bondi Beach – DA 169/2015 – 15% non-compliance
- No. 96 Glenayr Avenue, Bondi Beach – DA 490/2018 – 49% non-compliance

*The above mentioned approved DA's exceeded the development standard between 11% and 50%. As the proposed building height represents a modest variation to the development standard and is contextually compatible with development in the surrounding area, it is our opinion that the proposed building height is acceptable in the context.*

- (vi) *The proposal will maintain environmental amenity in terms of solar access, views and privacy.*
- (vii) *The proposal has utilised the footprint of the existing building for the proposed works, and the upper level will be further set back from the rear building line to enhance articulation and reduce the bulk and scale of the built form. The use of varied contemporary materials and finishes will uplift the appearance of the façade, providing an enhanced design outcome when compared to the existing built form. Articulation and massing of the second floor level provides a contemporary addition that creates visual interest and contributes to the desired future character of the area.*

#### 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. As mentioned in the applicant's justification, there are various examples within the immediate area that have a larger non-compliance to the maximum height of buildings development standard. The buildings in the immediate area, namely No. 193-195 and 201-209 Old South Head Road, maintain heights that are substantially higher than the proposed 9.7m height of the proposed building. Figure 9 above shows that the overall building height is compatible within the streetscape context and will not sit out of character along this particular section of Old South Head Road. Further discussion regarding how the proposal achieves the objectives of the development standard is detailed 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.

The height non-compliance is a result of the existing floor level of the building dropping towards the front of the site, and only breaches the standard by 0.7m. The breach will not result in environmental or amenity impacts to the neighbouring properties, as it will not increase overshadowing, overlooking or block significant views. The dormer windows will sit below the 9m maximum, with the remainder of the roof height having minimal visibility behind the dormers. When viewed from a streetscape context the building is significantly lower than the existing buildings at 93-95 and 201-209 Old South Head Road and will therefore not be out of character within the immediate area. The overall height of the building is therefore considered to be appropriate in the context buildings in the streetscape.

Is the development in the public interest?

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

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



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

Objectives (b) and (c) are not applicable as the site is not located in the Bondi Junction Centre or Zone B3 Commercial Core.

The components of development above the height control will preserve the environmental amenity of neighbouring properties including the sharing of views, privacy, and solar access. No views will be impacted by the additional height, nor will it create unreasonable amenity impacts to surrounding properties. The non-compliance is minor and would not be indiscernible from the streetscape and surrounding properties considering the context of the immediate area. Furthermore, the dormer window will sit lower than the 9m height limit and will block the majority of the view of the height breach.

The objectives of the B1 zone are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation and activities, transport, traffic generation and the car parking capacity of local roads.*
- *To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.*
- *To provide retail facilities and business services for the local community commensurate with the centre's role in the local retail hierarchy.*
- *To maximise public transport patronage and encourage walking and cycling*

The proposed commercial use of the subject site will provide a use that will serve the needs of the community and surrounding neighbourhood. The use and built form will not impact on the amenity of existing and future residential premises within the area and parking has been provided in the rear to alleviate pressure on residential streets in the surrounding area.

The proposed development will provide a business service that will encourage the local community to frequent the area. The proposed development aligns with the objectives of the B1 zone and is considered appropriate in this instance.

## Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the B1 zone.

#### *Clause 4.6 Exceptions to Development Standards (FSR)*

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

The site is subject to a maximum or minimum FSR development standard of 1.1:1. The proposed development has an FSR of 1.34:1, exceeding the standard by 44.71m<sup>2</sup> equating to a 21.43% variation.

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

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

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

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

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

- (c) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *As indicated, the proposal provides a new level above the existing built form. The resultant three storey built form and proposed FSR would complement the scale of surrounding three storey development and is a positive contribution to the character of the street.*
  - (ii) *It is noted that there are numerous approvals for development in the B1 Neighbourhood Centre Zone with non-compliant FSR's which were supported by Waverley Council. We note that each DA is assessed on its own merits and the context of the individual site. However, it is relevant to consider similar breaches to the development standard that were accepted by Council. Based on Council's Clause 4.6 Register, these include the following:*
    - *No. 300 Campbell Parade, North Bondi (DA 43/2013) – 46% Variation*
    - *No. 296 Campbell Parade, North Bondi (DA 495/2014) – 9m<sup>2</sup> Variation*
    - *No. 118 Ramsgate Avenue, North Bondi (DA 152/2018) - 18% Variation*
    - *No. 96 Glenayr Avenue, Bondi Beach (DA 631/2015) – 80% Variation*

- No. 96 Glenayr Avenue, Bondi Beach (DA 490/2018) – 126% Variation

*As the proposed FSR represents a minor variation to the development standard and is contextually compatible with development in the locality, it is our opinion that the proposed correlation between the height and density is appropriate.*

- (iii) *The subject site is currently underdeveloped. The proposal upgrades the existing two storey building with an enhanced three storey commercial development that responds to the corner location and the evolving character of Old South Head Road.*
  - (iv) *The proposal will modify the existing two storey mixed use building with high quality alterations and additions that make a positive contribution to the locality and have a bulk and scale that is consistent with the desired future character of the area.*
  - (v) *The proposal presents as three storeys which is consistent with existing three storey development on the western side of Old South Head Road. Importantly, the second floor level is substantially set back from the rear building line and is located within a mansard roof form. The new storey will result in a better design outcome in respect of volumetric above ground massing which is compatible with the predominant surrounding built form.*
  - (vi) *When viewed from the street, the top storey is treated with metal cladding with a recessive colour which gives the appearance of recessive structure. This enables the building to also relate to the adjoining two storey structure at No. 199 Old South Head Road while maintaining compatibility within the street.*
  - (vii) *The proposal has been designed to maintain amenity of neighbouring development. As the additional floorspace is located within the new storey which is set back from the rear building line, the proposal will not appear inconsistent with the built form of nearby development and results in a building envelope that is in keeping with existing and emerging development along Old South Head Road.*
  - (viii) *Due to the corner allotment, the proposal maintains appropriate separation distances to buildings on Old South Head Road, Flood Lane and Barnett Lane. Also, the additional bulk at the top level does not include the provision of any windows or openings on the eastern elevation to ensure amenity to No. 199 Old South Head Road is maintained. The proposal does not result in any shadowing to north facing windows and maintains reasonable solar access to surrounding development. The site does not benefit from any view corridors, and as such, the proposal is not going to result in any view impacts to surrounding development.*
- (d) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The subject site is located on a corner allotment and near an intersection where there are existing three storey developments that have FSR's that are likely to exceed the standard. The corner location also means environmental impacts are minimised, as there is significant building separation on three sides. The environmental impacts will be further discussed below. Under the objectives of the development standard the proposal capitalises on the site's unique location to provide a high quality distinguished development that is in keeping with the desired future character of the area.*

- (ii) *The proposal responds to a recognised demand for commercial floor space within the Waverley Local Government Area (LGA) and within Bondi Junction. The proposed commercial use will provide additional employment and contribute to the daytime activation and vibrancy of Bondi Junction, in particular Old South Head Road. There may also be economic multiplier benefits. The proposal enhances the amenity of the existing building and allows for a new commercial use that is consistent with Council's objectives for the B1 Neighbourhood Centre.*
- (iii) *The proposal will present as a three storey development which is consistent with the context of Old South Head Road. To the east of the site, is No. 199 Old South Head Road, an underdeveloped two storey commercial building and Nos. 201-209 Old South Head Road, a part three and part four storey residential flat building. To the west of the site is No. 195 Old South Head Road, a three storey mixed use development. Further to the west is No. 187 Old South Head Road, also a three storey mixed use development among other three storey developments further along the street.*
- (iv) *Enforcing strict compliance would result in a streetscape presentation that is lower than many of the developments in the street and would be inconsistent with development to the east and west of the site. A reduced FSR would also minimise the potential for increased commercial floorspace on the subject site, unreasonably impacting development of the site without noticeable benefits to neighbouring properties. The built form results in a building bulk which is consistent with the above ground visual massing of surrounding development, provides additional commercial space and has a similar visual volume to surrounding development.*
- (v) *Regardless of the FSR non-compliance, the proposal will not result in unacceptable environmental impacts in terms of solar access, views, or privacy. As indicated, the site characteristics of a corner allotment assists in reducing any potential environmental amenity impacts. There are no identified view corridors in the vicinity of the site and there are unlikely to be any impacts in this regard due to the extent of existing and emerging development.*
- (vi) *The building is orientated towards the three street frontages and does not contain openings towards the east, thereby maximising visual privacy to adjoining development. Importantly, as the new upper level forms part of the commercial tenancy, it is unlikely to be occupied beyond the proposed working hours of 8:00am to 7:00pm on weekdays and 9:00am to 4:00pm on Saturdays. Accordingly, the proposal is unlikely to generate any privacy impacts in the early morning, evening, or Sundays.*

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 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, particularly in relation to the buildings at No. 193-195 and 201-209 Old South Head Road. The non-compliant floor space equals the majority of the second floor. When viewed in the context of the area, 3 storey buildings are consistent in the immediate area and the proposed addition will not sit out of place with the existing character. The additional floor space does not add significant bulk or scale to the development and matches the existing built forms within the immediate area. The breach in floor space will not be discernible when looking at the building in its entirety from the streetscape.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

The additional floor space will not impact on the amenity of neighbouring properties. The adjoining properties will continue to enjoy the same level of solar access, visual and acoustic privacy, and views

will not be impacted. As 2 storey built forms are consistent in the immediate area, the proposed bulk and scale will not sit out of character along Old South Head Road or Flood Lane.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

Objective (a) is not applicable as the subject site is not located within the Bondi Junction Centre.

The proposed development complies with objectives (b) to (d), as the proposed additional floor space will not result in any adverse perceivable visual bulk to the streetscape or surrounding properties. The additional area has been designed to sit as a second level within a mansard roof form, which will minimise the visual perception of bulk from the streetscape. The proposal will complement the existing bulk and scale of development in the area.

The development will not result in amenity impact to neighbouring properties as there will be no additional adverse overlooking or overshadowing impacts. The environmental amenity of neighbouring properties will be maintained.

The objectives of the B1 zone are as follows:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- To ensure that non-residential uses do not result in adverse impacts on the amenity of existing and future residential premises having regard to building design, operation and activities, transport, traffic generation and the car parking capacity of local roads.*
- To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.*
- To provide retail facilities and business services for the local community commensurate with the centre's role in the local retail hierarchy.*
- To maximise public transport patronage and encourage walking and cycling*



The proposed additional floor space will allow extra space on site for treatments rooms, which will in turn provide a better level of customer service that will suit the needs of the community. The building complies with the objectives of the zone, as the commercial use of the site and additional level will encourage traffic within this section of Old South Head Road.

The amenity of existing and future residents will not be impacted by the additional floor space and parking is available at the rear of the site.

### Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the B1 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
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report for referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	Satisfactory
8. Transport  Zone 2 Minimum parking rate: • Business and office premises: 0 Maximum parking rate: • Business and office premises: 3	Yes	The proposal provides for 3 car spaces accessed from the rear lane. Its design and location are satisfactory.
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	The alterations and additions to the existing building propose to provide a French style built form, including the detailing to the front and side façade, Juliet style balcony on the first floor and the mansard roof as the second floor addition.

Development Control	Compliance	Comment
		The mansard roof design for the second floor is not a characteristic of the surrounding area and the resultant roof addition may sit out of place in the existing streetscape. In order to reduce the visual impact of the mansard roof, and to provide an improved streetscape presentation when viewed from Old South Head Road, a condition has been recommended to shift the entire second floor back by 3m, which provides greater streetscape presentation and reduces bulk to front, while to the rear, the result is the addition is shifting back, will align with the rear of the staircase. This recommendation of setting the attic addition back will still maintain a 3m setback to the rear of the building. This is discussed further throughout this report.
15. Advertising and Signage	Yes	Satisfactory
16. Public Domain		
<p>16.1 Improving the Public Domain</p> <p>a) Overshadowing effects of new buildings on publicly accessible open space is to be minimised between 9am – 3pm on 21 June</p> <p>d) Buildings are to be designed to address the street and to utilise high quality finishes and public art to enhance the public domain and pedestrian interface</p> <p>g) Blank walls are not supported within centres. Where blank walls must be provided, utilise artworks or interesting façade designs to enrich the public domain</p> <p>h) Ground entry lobbies and commercial tenancies are to have entries at the same level as the adjacent footpath or public domain.</p> <p>i) The ground floor of developments is to be designed so that there are regular opportunities for direct surveillance of the adjacent street or public domain.</p>	Yes	<p>a) Due to the orientation of the site, the building will not overshadow on any public open space areas.</p> <p>d) The building has been designed to have the main entrance facing Old South Head Road. The front façade proposes large open style windows and doors to enhance the public interface. The proposed style and finishes have been designed to match the style of the building to the immediate east and the colours to the immediate west.</p> <p>g) No blank walls are proposed along the front façade.</p> <p>h) The entrance is located on the ground floor, which is the same level as the adjacent footpath.</p> <p>i) The large window and door proposed along the front façade will provide casual surveillance from the streetscape and public domain.</p> <p>j) The car parking area is located at the rear of the site and will not be visible from Old South Head Road.</p>

Development Control	Compliance	Comment
j) Car parking areas at ground level must be screened by active uses to a minimum depth of 6m from the façade visible to the street or public domain		
<p>16.2.1 General Controls</p> <p>a) Development is to be constructed to the front property boundary</p> <p>b) Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.</p> <p>c) Sites identified as Active Street Frontage in this DCP must not provide vehicle access across the Active Street Frontage.</p> <p>d) At ground level provide large, clear glazed windows with the sill at a minimum of 500mm above finished floor level.</p> <p>e) Opaque or obscured glazing is not acceptable</p> <p>j) Commercial ground floor frontages are to provide clear glazing where ever possible to promote passive surveillance and contribute to street activity.</p> <p>k) One entrance to civic, entertainment, community, commercial or retail uses per 6m-10m of street frontage must be provided</p> <p>p) A variety of high-quality materials is to be used for active street frontages, with detailing that is of a human scale</p>	Yes	<p>a) The alterations and additions to the building will maintain a nil boundary setback along the front façade.</p> <p>b) The ground floor will be an active area, maintaining the reception and some therapy rooms.</p> <p>c) No vehicle access is provided from the active street frontage.</p> <p>d) Whilst the proposed front window will not have a sill height of 500mm, it has been designed to match the front door along the façade and the windows of surrounding commercial premises. In order to maintain visual consistency, the sill of the window is supported.</p> <p>e) No opaque or obscure glazing is proposed.</p> <p>j) Clear glazing is proposed along the front façade.</p> <p>k) Only one entrance is provided along the front façade.</p> <p>p) The front façade has been designed using high quality materials that provide detailing to a human scale. The detailing is designed to match the details of the building immediate to the east.</p>
<p>16.2.2 Shopfront Style</p> <p>b) Development that is of a Contemporary Shopfront style is to:</p>	Yes	The design of the shopfront is proposed to have a high level of articulation and design detailing, including the details of the doors and decorations along the front façade. The design of the building will not adversely impact on the streetscape character.

Development Control	Compliance	Comment
(i) Have a high degree of articulation and diverse materiality. (ii) Provide between 40-80% of the ground level façade as glazing.		The front façade maintains more than 40% clear glazing.
16.2.2 Primary Shopping Street Frontages a) Active frontages are to occur at ground level along all primary shopping streets. b) Not more than 10% of the street frontage on a lot is to have blank walls or service areas (excluding structure, columns and beams)	Yes	The building will maintain the active street frontage at ground level and will have less than 10% as a blank wall.
16.4 Awnings and colonnades b) Awnings are to be provided above all active frontages d) Awnings are to provide a consistent height above the footpath with a minimum height between the footpath level and underside of awning of 3.1m. e) Awning height is to be in the range 3.2m - 4.2m f) Box awnings with slim fascias are to be provided. g) Preferred awning depth is 3m. h) Awnings are required to step with topography. Sloping awnings are discouraged. i) Building entries must be covered. j) The colour of awning fascias is to be consistent along the street.	Yes	a) An awning has been provided along the ground floor front façade. d) The awning currently sits approximately 2.9m above the existing footpath level. A condition has been recommended to raise the awning to sit a minimum 3.2m from the footpath at the shortest point. e) As above. f) A box awning with a slim fascia has been proposed. g) The awning is proposed to have a depth of 1.1m. As there are no other awnings in the immediate area and the development on the subject site is a stand alone building, the depth is considered acceptable. h) The awning is appropriately located. i) The entry to the building is covered by the proposed awning. j) The colour of the awning is consistent with the character of the building. There are no other awnings in this locality.
16.5 Reflectivity a) Limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level d) Mirrored glass and other highly reflective materials should not be used on building exteriors.		The building will have less than 60% glass area on the first and second floor to limit too much reflectivity to the public domain.  No mirrored glass or other highly reflected materials are proposed.
16.6 Shopfront Security a) Roller shutters on shop fronts are not permitted		No roller shutters or security grilles are proposed.

Development Control	Compliance	Comment
d) Security grilles on shop fronts are discouraged.		
<p>16.7 Minor Encroachments</p> <p>a) Encroachments are to be of a minor nature.</p> <p>b) Encroachments must not pose a hazard, particularly to pedestrians or other users of public space.</p> <p>c) Encroachments must be consistent with the character of the surrounding area.</p> <p>d) Encroachments must:</p> <p>(i) Be a maximum of 300mm;</p> <p>(ii) Not interrupt pedestrian movement or public space or amenity;</p> <p>(iii) Not enter into public space between ground/footpath level and 1m above ground/footpath level;</p> <p>(iv) Not reduce the width of a footpath to less than 1.8 metres wide;</p> <p>(v) Not extend over a vehicular carriageway; and</p> <p>(vi) Must have a minimum setback of 600mm from the kerb face</p>		<p>The encroachments along the front façade are limited to small decorative elements, including lamp style lights on the ground floor and a Juliet style balcony balustrade on the first floor.</p> <p>The elevation plans show that there will be some encroachment of the top of the building and dormer window over the boundary line, which is considered to be unacceptable. A condition is recommended stating that the only encroachments are limited to the front façade decorative elements (ie articulation).</p> <p>The encroachments along the front façade are less than 300mm deep and will not interrupt pedestrian movement along the footpath. The width of the path will not be reduced and all elements will sit more than 1m above ground level.</p> <p>All of the decorative elements along the front façade will sit more than 600mm from the kerb face and will not extend over a vehicular carriageway.</p>

**Table 3: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table**

Development Control	Compliance	Comment
<b>1.1 Other Policies, Strategies and Standards</b>		
<b>1.2 Design</b>		
1.2.1 Frontages	Yes	
a) Front windows shall be designed to promote an active street frontage and have a display function		The front window and large entry door have been designed to activate the street frontage along Old South Head Road. The window and door will provide casual surveillance to the streetscape.
b) The development is to be designed to provide casual surveillance to the street		The style and design of the front façade will fit in with the existing eclectic character of this section of Old South Head Road.
c) The use of obscured glazing is generally not supported		
d) Window and door frames and styles should reflect		

Development Control	Compliance	Comment
the character of the building and area d) Premises are required to display a street number		
1.2.2 Awnings a) Premises are to provide a continuous awning, except where an awning would compromise the integrity of a heritage item. b) Awnings are to be designed in accordance with the building age, style and character, and be sympathetic to the design of adjoining awnings. c) Awnings are to match the alignment and style of adjoining buildings to provide continuous weather protection. d) Development must also comply with the relevant provisions of Part B16 Public Domain	Yes	An awning is proposed above the entrance along the pedestrian footpath. As the development is a stand alone building, there is no opportunity for awnings to be continuous along the street.  The awning has been designed to blend into the character of the building and will not sit out of place along Old South Head Road.  No awnings currently existing along this section of Old South Head Road.
1.2.3 Lighting a) Under awning lighting is to be provided. b) Fluorescent lighting is discouraged. c) Where residential development is located above retail or commercial premises or to the rear, demonstrate that light is not directed toward the residents of the building d) Illumination at the rear of commercial properties or where installed for security purposes must be sensor controlled, except where public street frontage and/or footpaths require it	Yes	Lighting is provided by the two lamp style lights along the front façade.  The development does not propose fluorescent lighting or any illumination on site.
1.2.3 General Amenity	Yes	The use of the site as a beauty shop will not impact on the amenity to the surrounding residents nearby.



Development Control	Compliance	Comment
<p>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</p> <p>b) Development shall incorporate plant rooms and any associated services required for the use of the premises into the building envelope</p> <p>c) No goods shall be placed on the footpath without Council consent</p>		<p>The use is not considered to generate an unreasonable level of noise and the proposed operating hours are well within the limits.</p> <p>No plants rooms are required for this type of use.</p>
<p>1.2.4 Noise</p> <p>a) Air conditioning units and cool-room equipment must be located in a plant room or acoustic enclosure</p> <p>b) The design of the premises shall insulate adjoining/nearby properties from any noise or vibration levels caused by the use of the premises.</p>	Yes	The building has been designed to limit unreasonable noise levels for surrounding residential premises.
<b>1.3 Hours of operation</b>		
<p>General base trading hours:</p> <p>7.00am to 10.00pm, 7 days a week.</p>	Yes/No	<p>The proposed hours of operation for the premises are as follows:</p> <ul style="list-style-type: none"> <li>Monday to Friday: 8.00am to 7.00pm; and</li> <li>Saturday: 9.00am to 4.00pm</li> <li>Sunday: closed</li> </ul> <p>The above hours are well within the general base hours and are therefore supported.</p>

**Table 4: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Specific controls</b>		
3.1.6 – Old South Head Road Neighbourhood Centre	Acceptable	Whilst the development does not provide for residential use above the ground level, the development does maintain the commercial character of the area. The commercial premises will

Development Control	Compliance	Comment
To maintain the mixed-use character of the centre by way of shops and services at ground level and residential units above		maintain the existing character of the area in terms of its use.
<b>3.2 Generic controls</b>		
<b>3.2.1 Land uses</b> a) Building floors above ground and first floor are to be designed for permanent residential use only b) Residential and low scale commercial office uses are acceptable at first floor level	Acceptable	As mentioned above, the development does not propose for a residential use above the ground and first floor. The building is only proposed as a 3 storey form and the second floor is located within the mansard roof form, rather than its own individual level. The commercial use of the site is considered to be low scale, as only maximum of 7 employees will be available on site at any one time. The use of the site as commercial only is considered acceptable in this instance.
<b>3.2.2 Public domain interface</b> a) Development must be sensitive to the streetscape character and views b) Development on a lot identified in this Part is to provide active street frontages c) Buildings are to be located to the front street alignment d) Shop fronts are to be made up predominantly of clear glazing with sill heights to be a maximum of 700mm above finished footpath level along street frontages e) There are to be no solid facades along the primary street frontage at ground level. f) Vehicular entries into buildings are not permitted along the primary commercial street frontage of sites	Yes	a) The proposed mansard roof is not an existing characteristic of the streetscape or immediate area. A condition has been recommended to setback the mansard roof so it will be less visible from Old South Head Road. This will reduce the impact of the second floor design from the streetscape and will result in a built form that is sensitive to the surrounding built forms. The setback of the mansard roof will maintain a 3m setback to the rear of the building and will not result in a bulk visual impact at the rear. The mansard roof will maintain a greater setback on the second level compared to the original plans that were submitted and notified on 13 May 2021. b) The development provides an active street frontage to Old South Head Road. c) The building will be located to the front street alignment. d) The front façade is to be predominantly clear glazed windows and doors and the sill height will be lower than 700mm above finished footpath level. e) The only solid section of the façade is the structural beams to support the levels above. f) The vehicular access is provided at the rear of the site only.
<b>3.2.3 Built form</b> a) Development is to be consistent with the planning controls relating to overall height, floor to ceiling heights and	Yes	a) The proposal results in a 9.7m high built form to the front of the of the subject site, which does not comply with the maximum 9m requirements within Annexure E3-2. A condition has been recommended to set the mansard roof addition back by 3m from front, so as to sit in line with

Development Control	Compliance	Comment
<p>setbacks, outlined for each of the centres in Annexures E3-1 to E3-3</p> <p>b) Sites in local village centres that adjoin residential development at the rear are to provide deep soil zones within the rear setback area with a minimum depth of 2 metres from the boundary</p> <p>c) The maximum street wall height of buildings fronting rear lanes is 7.8m or two storeys, whichever is the lesser</p>		<p>the back of the staircase on the second level. This will reduce the height of the building's street wall by 2.6m. Each level maintains a floor to ceiling height of at least 2.7m, which complies with the standard.</p> <p>b) The subject site adjoins a rear laneway at the rear, which is adjoined by residential opposite. The rear of the site currently has a garage located along the rear boundary, which is proposed to be upgraded as part of this development. A garage is also located along the rear of the residential property to the south. A 2m landscaping strip will not contribute to any visual relief from the neighbouring property to the south.</p> <p>c) The external wall along the rear lane will only be single storey.</p>
<p>3.2.4 Building facade articulation</p> <p>a) New buildings should display proportions which respect and build upon proportions similar to the adjoining streetscape and building forms.</p> <p>b) New buildings should draw on the predominant pattern of the existing streetscape. They are to be open and glazed at the street level, have an emphasis toward a singular more enclosed building form at the upper levels and be capped by a lighter more articulated element</p>	Yes	<p>a) The applicant has provided a streetscape analysis detailing the built form as viewed from Old South Head Road in relation to the existing buildings in the surrounding area. The streetscape analysis demonstrates that the building provides proportionate levels to surrounding development as the area naturally slopes down to the east.</p> <p>b) The built form has been designed as open with large openings to the ground level, with a more enclosed building form on the first level. The second level has been designed to provide a lighter and less visual dominating built form by providing the second floor within a mansard roof form.</p>
<p>3.2.6 Building services and site facilities</p> <p>a) Garbage and recycling storage and collection areas, and the structures in which they are contained, are not to be visible from the public domain</p> <p>b) The rear of buildings, at ground level, where they back directly on to residential properties or</p>	Yes	<p>The waste area is located at the rear of the site and will not be visible from Old South Head Road.</p> <p>The building will effectively be 'sealed' at the rear by the upgraded garage.</p>

Development Control	Compliance	Comment
uses, are to be designed to be effectively 'sealed' at the rear		

## 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*. Three unique submissions were received.

Following receipt of amended plans and additional information, the application was re-notified for 14 days. No submissions were received.

The three unique submissions were received from the following properties:

**Table 5: Number of and where submissions were received from.**

Count	Property Address
1.	1 Flood Street, BONDI JUNCTION
2.	50 Bon Accord Avenue, BONDI JUNCTION
3.	3 Flood Street, 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:

- The FSR does not comply with the development standard and is unacceptable

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

**Issue:** Privacy impacts to No. 1 Flood Street as a result of the second floor balcony and window

**Response:** The application has been amended and the second floor balcony and large window have since been removed from the plans.

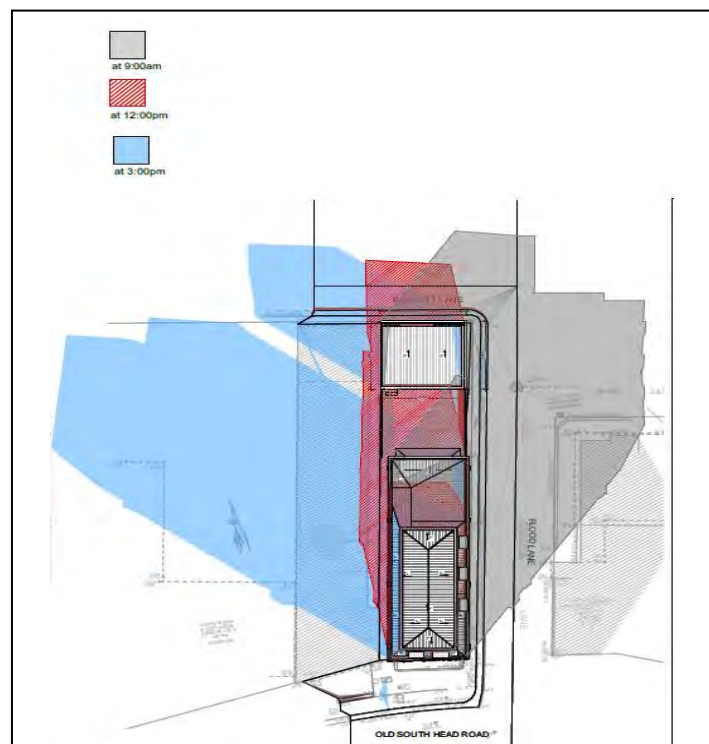
**Issue:** Overshadowing of neighbouring properties to the south

**Response:** Additional overshadowing from the proposal is anticipated, given the increase in height and density of the site. The rear of the site orientates to the south and subsequently greater shadowing impacts are expected. During the winter solstice, when shadows are at their longest, additional shadows will be cast over the laneways (Flood Lane and Barnett Lane), built form of 191-193 Old South Head Road, and the garages at 50 Bon Accord Avenue and 1 Flood Street at 9am. These impacts are largely cast over roadway and rooves of existing buildings.

At midday, shadows will fall primarily over the rear lane (Barnett Lane) and the garage structure (roof) of 1 Flood Street. In the afternoon (3pm), shadows will cast over the rooves of 199 Old South Head Road and the private open spaces zones of 1 Flood Lane and 201 Old South Head Road.

Whilst there will be some overshadowing to the neighbouring properties, it largely falls over existing built structures/rooves. The main impact (at worst) will be in the afternoon, however their private open spaces will maintain a minimum 3 hours of direct sunlight throughout the day, which complies with the standard. Negligible changes will occur as a result of the recommended condition to setback the second floor, having regard to the stair structure along the western side already accounted for in the above analysis. The proposed condition will align with this stair structure.

Therefore the proposal will not result in unreasonable overshadowing to the surrounding properties, particularly to the south.



**Figure 10: Shadows cast 21 June**

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Traffic and Development

Council's traffic engineer has reviewed the proposed development and has raised no issues, subject to standard conditions of the consent relating to the vehicle crossover and the implementation of a construction traffic management plan.

### 3.2. Stormwater

From a stormwater drainage perspective there are no objections to approval of this application subject to standard recommended conditions of consent.

### 3.3. Waste Services

Council's waste management officer has reviewed the design and has raised no issues, subject to conditions of consent. Conditions have been included in Appendix A.

### 3.4. Public Domain

Council's public domain officer has reviewed the design and has raised no issues, subject to conditions of consent relating to the upgrading of the footpath fronting the property.

### 3.5. Fire Safety

Council's fire safety officer has reviewed the proposed development and has raised no issues, subject to standard conditions which have been recommended in the consent.

### 3.6. Environmental Health

Council's health officer has reviewed the proposal and recommended conditions relating to noise and use of the site. The recommended conditions have been included in Appendix A.

## 4. CONCLUSION



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

*Development and Building Unit (DBU) Decision:*



The application was reviewed by the DBU at the meeting on 13 July 2021 and the DBU determined:

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

DBU members: *A Rossi, B Magistrale, K Lucas*

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

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

<b>Report prepared by:</b>	<b>Application reviewed and agreed on behalf of the Development and Building Unit by:</b>
	
Katie Johnstone	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)</b>
<b>Date: 2 September 2021</b>	<b>Date: 9 September 2021</b>

*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 Urban Revolutions including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A.001 Rev. C	Site Plan	01/07/2021	27/07/2021
A.004 Rev. D	Site analysis	01/07/2021	27/07/2021
A.100 Rev. H	Floor Plans	27/07/2021	27/07/2021
A.150 Rev. G	Roof Plan	22/07/2021	27/07/2021
A.200 Rev. F	Elevations	27/07/2021	27/07/2021
A.210 Rev. E	Streetscape Analysis	21/07/2021	27/07/2021
A.300 Rev. F	Sections	21/07/2021	27/07/2021
A.500 Rev. E	Window and Door Schedule	19/07/2021	27/07/2021
A.600 Rev. E	Schedule of Materials and Finishes	19/07/2021	27/07/2021

(b) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 27/07/2021

Except where amended by the following conditions of consent.

#### 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) To reduce the perceived bulk and streetscape presentation, the second floor is to be amended, to be setback a further 3.144m from the front of the building. In this regard, the second floor shall retain a similar form and design, but shift back towards the rear to align with the southern wall of the staircase (leading to the second floor). The roof of the staircase may be amended to be in keeping with the mansard roof.
- (b) The awning located at the front of the site must be amended to have a minimum height of 3.2m from the finished level of the footpath at its shortest point.
- (c) The elevation plans must be amended to show all building works located within the property boundary.
- (d) No approval is granted or implied for the signboard on the western side elevation. In this respect, this sign shall only be retained if the owner can demonstrate it has proper consent via an alternative avenue (not this development application). In the event, that no consent for the signage can be demonstrated, the signage and all associated framework are to be removed and the façade of the building restored to be in keeping with the building.

The amendments are to be approved by the **Manager, Development Assessment (or delegate)** prior to the issue of any Construction Certificate.

#### 3. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary, with the exception of the awning and decorative elements on the front façade facing Old South Head Road.

## 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. BUILDING CODE OF AUSTRALIA**

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

#### **6. 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.

### CONTRIBUTIONS, FEES & BONDS

#### **7. SECTION 7.12 CONTRIBUTION**

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

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

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

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

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

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

## **8. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$8,940.00** 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.

## **9. LONG SERVICE LEVY**

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

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

## **10. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

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

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

## **CONSTRUCTION MATTERS**

### **11. HOARDING**

To ensure the site is contained during construction, 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.

## **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. 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**

## **14. STORMWATER MANAGEMENT**

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

The 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) OSD Details: The plans shall provide details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- c) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- d) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
- e) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

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

## ENERGY EFFICIENCY & SUSTAINABILITY

### **15. ENERGY EFFICIENCY**

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2012*, which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Co-ordinator Sustainable Energy prior to the issue of a Construction Certificate for any works above ground level.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

## WASTE

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

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

### **17. WASTE STORAGE AREAS**

The development must have a storage area with sufficient space to accommodate the following minimum bin and waste storage requirements:.

(a) Minimum bin requirements

- **Commercial – Beauty/Salon**
  - 2x 240L MGBs for general waste collected weekly
  - 2 x 240L MGB for comingled recycling collected weekly
  - Number of bins and frequency of collection must be monitored and adjusted to meet waste generation needs



- (b) Extra space is required to store bulky cardboard, packaging related to deliveries (This storage area 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.

## **TRAFFIC**

### **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](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

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

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

### **PRIOR TO ANY WORKS**

#### **19. CONSTRUCTION SIGNS**

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

#### **20. DILAPIDATION REPORT**

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

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

### **FIRE SAFETY**

#### **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) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):

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

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

## **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**

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**

#### **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.

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

### **33. 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.

### **34. 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.

### **35. VEHICULAR ACCESS - FINISHED LEVELS**

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

### **36. CONSTRUCTION AND FITOUT OF BEAUTY SALONS**

The construction and fitout of the beauty salon must comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the *Local Government (General) Regulations, 2005 under the Local Government Act 1993* and provide for the following:

- (a) The floor of the premises is to be finished with an impervious material capable of being easily cleaned.
- (b) A free standing hand wash basin with soap and hot and cold running water must be provided in each of the treatment rooms.
- (c) A designated cleaners sink (as distinct from the wash hand basin) with hot running water of at least 40<sup>o</sup>c must be provided to wash equipment and utensils.
- (d) The wall at the rear and sides of the basins and sinks must be finished with glazed tiles or other smooth and impervious material.

### **37. PUBLIC INFRASTRUCTURE WORKS**

All Public infrastructure works traversing the development frontage must be completed to Council's satisfaction at no cost to Council.

The Applicant must submit plans and specifications for the following infrastructure works to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate:

- a) Footpath: The existing footpath traversing the Flood Lane and Barnett Ln frontages to be reconstructed. The footpath and vehicular crossing must maintain a 2.5% cross fall towards the road and maintain the same longitudinal grade of the adjacent kerb. Any dilapidated kerb and road pavement extents due to construction works shall be replaced.
- b) Undergrounded Utility Connections: All mains electrical connections to the development must be routed underground. Council will not accept the erection of any new above ground electricity columns/pillars within the Council's public domain to support the new development. All necessary pillars must be located within the development boundary. If required, an easement on the property shall be organised with the relevant Authority.



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

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

### **CERTIFICATION AND LICENCES**

#### **38. 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.

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

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that the stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

#### **40. 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.

#### **41. 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.

#### **42. 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.

#### **43. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)**

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.

- (a) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

#### **44. MECHANICAL PLANT & OTHER ASSOCIATED EQUIPMENT**

All mechanical plant (i.e. air conditioning) and other associated plant and equipment are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it is within the acceptable limits.

#### **MANAGEMENT PLANS**

#### **45. 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) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky 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) 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.
- (g) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.
- (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.
- (i) At no times shall bins or other products (e.g. kegs and pallets) be stored on the public domain (e.g. footpaths).
- (j) 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.

## **E. OPERATIONAL MATTERS**

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

### **46. HOURS OF OPERATION**

The hours of operation for the premises are restricted to:

Monday to Friday: 8.00am to 7.00pm

Saturday: 9.00am to 4.00pm

Sunday: Closed

### **47. SIGNAGE TO BE DISPLAYED**

- (a) Signage (in lettering not less than 150mm in height on a contrasting background) is to be erected in a prominent position near the main principle entry to the premises. The signage shall state:

*Approved hours of operation*

*Monday to Friday: 8.00am to 7.00pm*

*Saturday: 9.00am to 4.00pm*

*Sunday: Closed*

- (b) Signage specified in sub clause (a) is to be erected prior to the commencement of operations.

### **AMENITY & SAFETY**

#### **48. 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.

#### **49. 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.

#### **50. 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.

## **51. 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.

## **52. SKIN PENETRATION /BEAUTY SALONS - USE AND OPERATION**

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards Enforceable by Orders) of the *Local Government (General) Regulation, 2005* under the *Local Government Act 1993*.

The use and operation of the premises shall comply with the requirements of the *Public Health Act 2010*, the *Public Health Regulation 2012* and Council's Policy for Premises Conducting Skin Penetration Procedures.

Prior to the issue of any Occupation Certificate Council's Environmental Health Officer must undertake an inspection (fees apply) to verify that the premises complies with the relevant legislation and the premises is registered with Council. Please contact Council to organise an inspection.

Pay any fees associated with the submission of a notification and/or incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.

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

### AD2. SYDNEY WATER REQUIREMENTS

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

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

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

### AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon

contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

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

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

#### **AD5. 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.

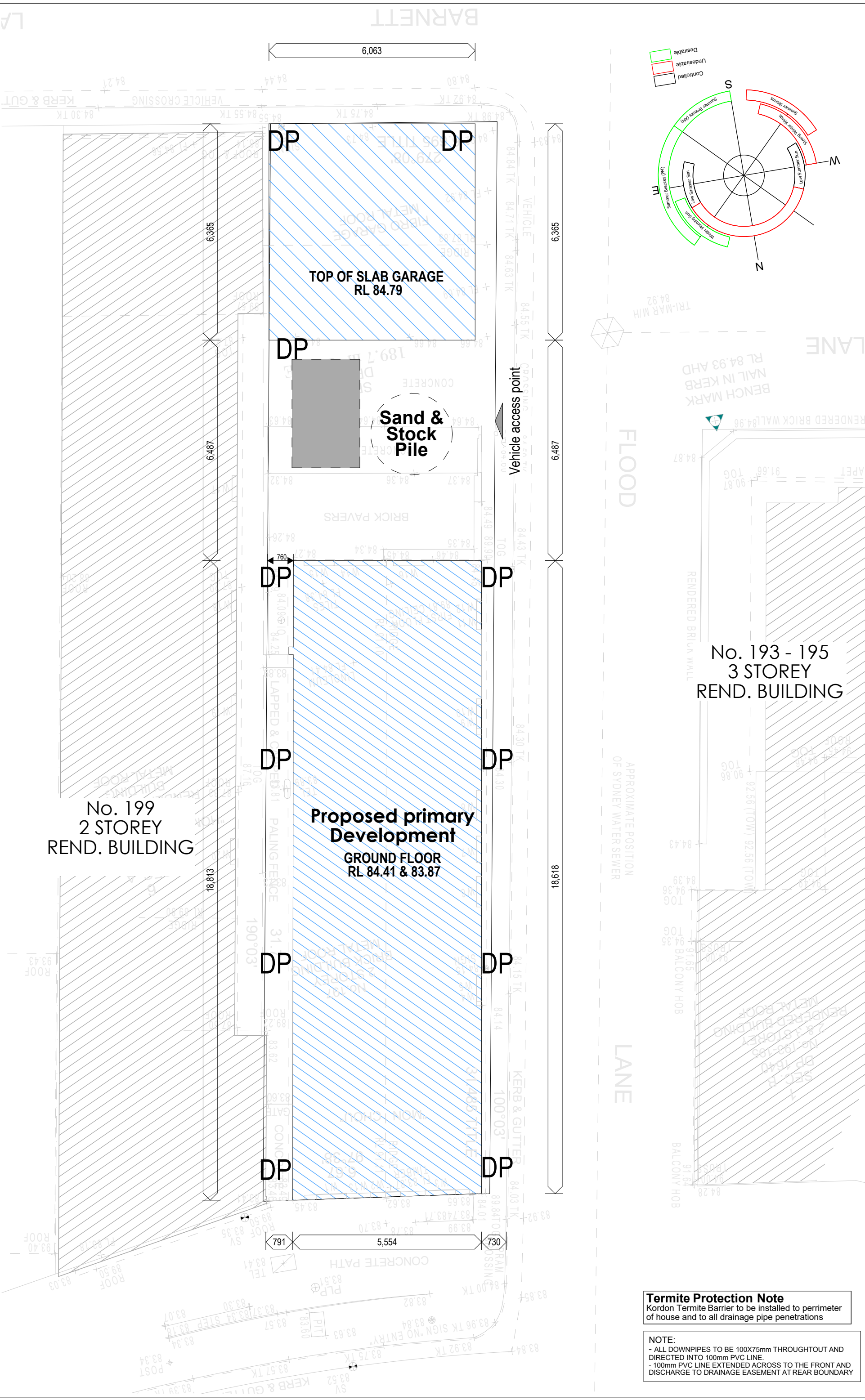
#### **AD8. SEPARATE APPLICATION FOR SIGNAGE**

No signage has been proposed in this application, therefore any advertising or signage requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

#### **AD9. LIQUOR SALE / SUPPLY / CONSUMPTION**

The primary purpose of the premises is to be an unlicensed use i.e. skin and beauty therapy. An application to modify this consent under section 4.55 of the Environmental Planning and Assessment Act 1979 is to be submitted to, and approved by Council prior to serving liquor on the premises. No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.





**Termite Protection Note**  
Kordon Termite Barrier to be installed to perimeter of house and to all drainage pipe penetrations

**NOTE:**  
- ALL DOWNPIPES TO BE 100x75mm THROUGHOUT AND DIRECTED INTO 100mm PVC LINE.  
- 100mm PVC LINE EXTENDED ACROSS TO THE FRONT AND DISCHARGE TO DRAINAGE EASEMENT AT REAR BOUNDARY

1. PART J1 BUILDING FABRIC			
	Requirements	Provide evidence to PCA	Certifier action
J1.1 NSW J(A)1.1	BUILDING FABRIC Including Building Classes 2 and 4 Note: Section J complements BASIX	Applies	Note
J1.2	THERMAL CONSTRUCTION — GENERAL	Applies	
(a)	Compliance with AS/NZS 4889.1 Including that product branded with thermal performance about or overlap adjoining insulation other than at supporting members such as studs, noggin, joists, furring channels and the like where the insulation must be against the member Form a continuous barrier with ceilings, walls, bulkheads, floors or the like that inherently contribute to the thermal barrier Installation does not affect the safe or effective operation of a service or fitting	Applies	PCA must satisfy himself that the installation is compliant.
(b)	Air space next to reflective surface	Applies	PCA must satisfy himself that the installation is compliant.
reflective insulation	Fit closely against any door or window opening Overlaps not less than 50 mm Tape all joints for air tightness	Applies	PCA must satisfy himself that the installation is compliant.
(c)	Bulk insulation	Applies	PCA must satisfy himself that the installation is compliant.
	Requirements	Provide evidence to PCA	Certifier action
(d)	supporting members, water pipes, electrical cabling or the like In a ceiling, where there is no bulk insulation or reflective insulation in the wall beneath, it overlaps the wall by not less than 50 mm Roof, ceiling, wall and floor materials, and associated surfaces are deemed to have the thermal properties listed in Specification J1.2		
(e)	The required Total R-Value and Total System U-Value, including allowance for thermal bridging, must be calculated in accordance with AS/NZS 4889.2 for a roof or floor; or determined in accordance with Specification J1.5a for wall-glazing construction, or determined in accordance with Specification J1.5 or Section 3.5 of CIBSE Guide A for soil or sub-floor spaces.	Applies	PCA must satisfy himself that the installation is compliant.
	Requirements	Provide evidence to PCA	Certifier action
J1.3	ROOF AND CEILING CONSTRUCTION		
(a)	achieve a Total R-Value greater than or equal to R 3.7 downward heat flow	Provide R 3.0 between roofing and ceiling	PCA must satisfy himself that the installation is compliant.
	Requirements	Provide evidence to PCA	Certifier action
J1.5	WALLS AND GLAZING		
(a)	Total System U-Value of wall-glazing construction Class 2 common area, a Class 5, 6, 7, 8 or 9b building or a Class 9a building	Refer calculations below	PCA must satisfy himself that the installation is compliant.

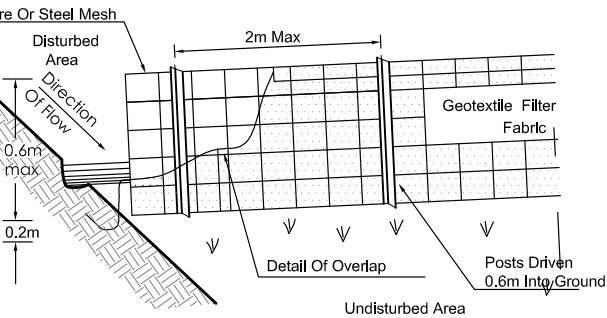
**Soil Note**  
Slab Level to form Datum to be Determined on Site & to Existing FFL Retaining walls to be completed to engineers details (if required) Sewer connection to Existing Connection Dish drains (if Needed) to Authorities Details Smoke Alarms to be Mains Connected There are no existing trees to be removed.

**Soil Management**  
All excess soil on site generated as a result of necessary excavations to be re-used as fill to sub base of raft slab and to achieve a levelled building platform.

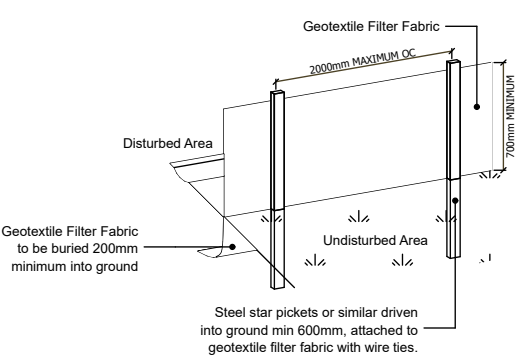
**Sedimentation Control Notes**

1. All erosion and sedimentation control measure, including revegetation and storage of soil and topsoil, shall be implemented to the standards of the Soil Conservation of NSW.
2. Drainage works shall be constructed around all inlet pits, consisting of 300mm W x 300mm D trench.
3. All sediment basins and traps shall be cleaned when at a maximum of 60% full of soil materials.
4. All disturbed areas shall be revegetated as soon as the relevant works are completed.
5. Soil and topsoil stockpiles shall be located away from drainage lines and areas where water may concentrate.
6. Filter shall be constructed by stretching a filter fabric (Propex or equivalent) between posts at 2m centres. Fabric shall be buried 200mm along the bottom edge.

- NOTES**
1. ALL LINES ARE TO BE MIN. 100# U.P.V.C @ MIN 1.0% GRADE UNLESS NOTED OTHERWISE.
  2. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS.
  3. ALL PIPES TO HAVE MIN 200mm COVER IF LOCATED WITHIN PROPERTY.
  4. ALL PITS IN DRIVEWAYS TO BE 600x600 INTERNAL AND ALL PITS IN LANDSCAPED AREAS TO BE 450x450 INTERNAL
  5. ALL WORK DO BE DONE IN ACCORDANCE WITH AS/NZ 3500.3.2:1998 AND COUNCIL SPECIFICATIONS.
  6. LOCATION OF DOWNPIPES & FLOOR WASTES ARE INDICATIVE ONLY. DOWNPIPE & FLOOR WASTE SIZE, LOCATION & QUANTITY TO BE DETERMINED BY BUILDER & IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS



Sediment Fence Detail Nt



	Requirements base building by builder	Provide evidence to PCA	Certifier action
Climate Zone 5	<U-2 for a Class 3 or 9b building or a Class 9a ward area	Not applicable	Note
Climate Zone 6	for a Class 3 or 9b building or a Class 9a ward area <U-1.1	Not applicable	Note
(b)	Display glazing <U-5.8 shopfronts	Not applicable	Note
(c)	Total System U-Value of wall-glazing construction must be calculated in accordance with Specification J1.5a	Refer calculations below	PCA must satisfy himself that the installation is compliant.
(d)	Climate zone 5 Class 2 common area, Class 5, 6, 7, 8 or 9b building or a Class 9a building wall Total R-Value >R-1.4	Refer calculations below	PCA must satisfy himself that the installation is compliant.
Climate zone 5	Wall area >80% or more of wall-glazing construction area Class 3 or 9c building or Class 9a ward area wall Total R-Value >R-1.4	Refer calculations below	PCA must satisfy himself that the installation is compliant.
	Requirements base building by builder	Provide evidence to PCA	Certifier action
(d)	Climate zone 6 Wall area >50% or more of wall-glazing construction area Class 2 common area, Class 5, 6, 7, 8 or 9b building or a Class 9a building wall Total R-Value >R-1.4	Not applicable	Note
Climate zone 6	Class 3 or 9c building or Class 9a ward area wall Total R-Value >R-2.8	Not applicable	Note
(e)	Climate zones 5 and 6 Wall area <80% or more of wall-glazing construction area Class 2 common area, Class 5, 6, 7, 8 or 9b building or a Class 9a building wall Total R-Value >R-0.13	Refer calculations below	PCA must satisfy himself that the installation is compliant.

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Amendments:	
<b>Project Description:</b> Re refurbishment of existing ground and first floor & proposed addition to second floor	
<b>Project Address:</b> <b>197 Old South Head Rd, Bondi Junction</b>	
<b>Client:</b> Nick Souter & Phoebe Jones	<b>Scale:</b> 1:100
<b>Designed By:</b> Bilal Naboulsi	<b>Stage:</b>  DA
<b>Checked By:</b> Russell Garnett	
<b>Date:</b> 1/07/2021	<b>Issue:</b>  D
<b>Plot Date:</b> 1/07/2021	
<b>Drawing Title:</b> <b>SITE PLAN</b>	<b>Drawing No.:</b> <b>A.001</b>



## Legend

① Single Story Dwelling

② Two Story Dwelling

③ Two Storey Dwelling  
Basement under

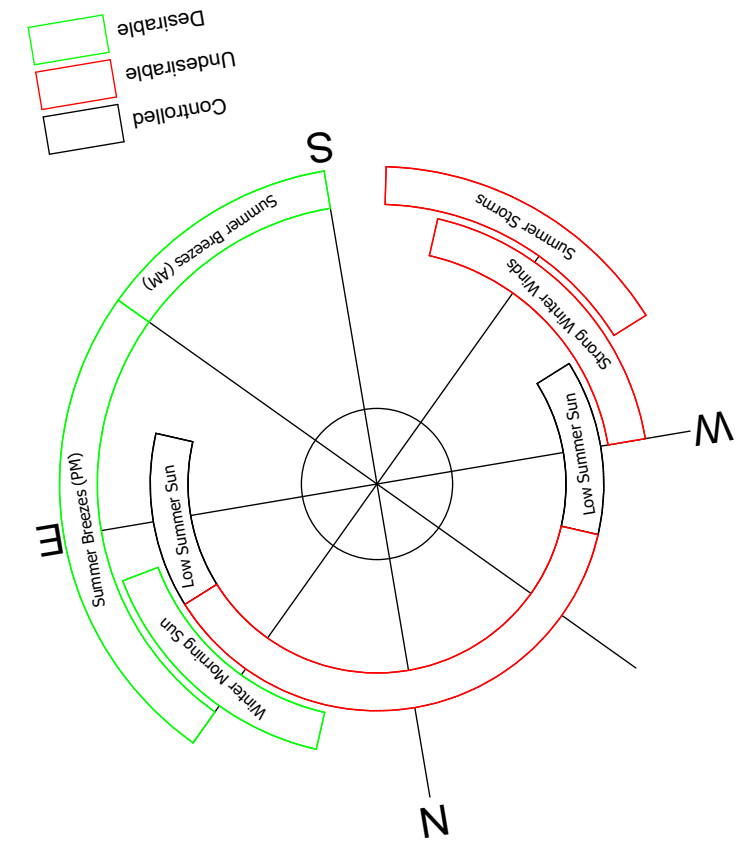
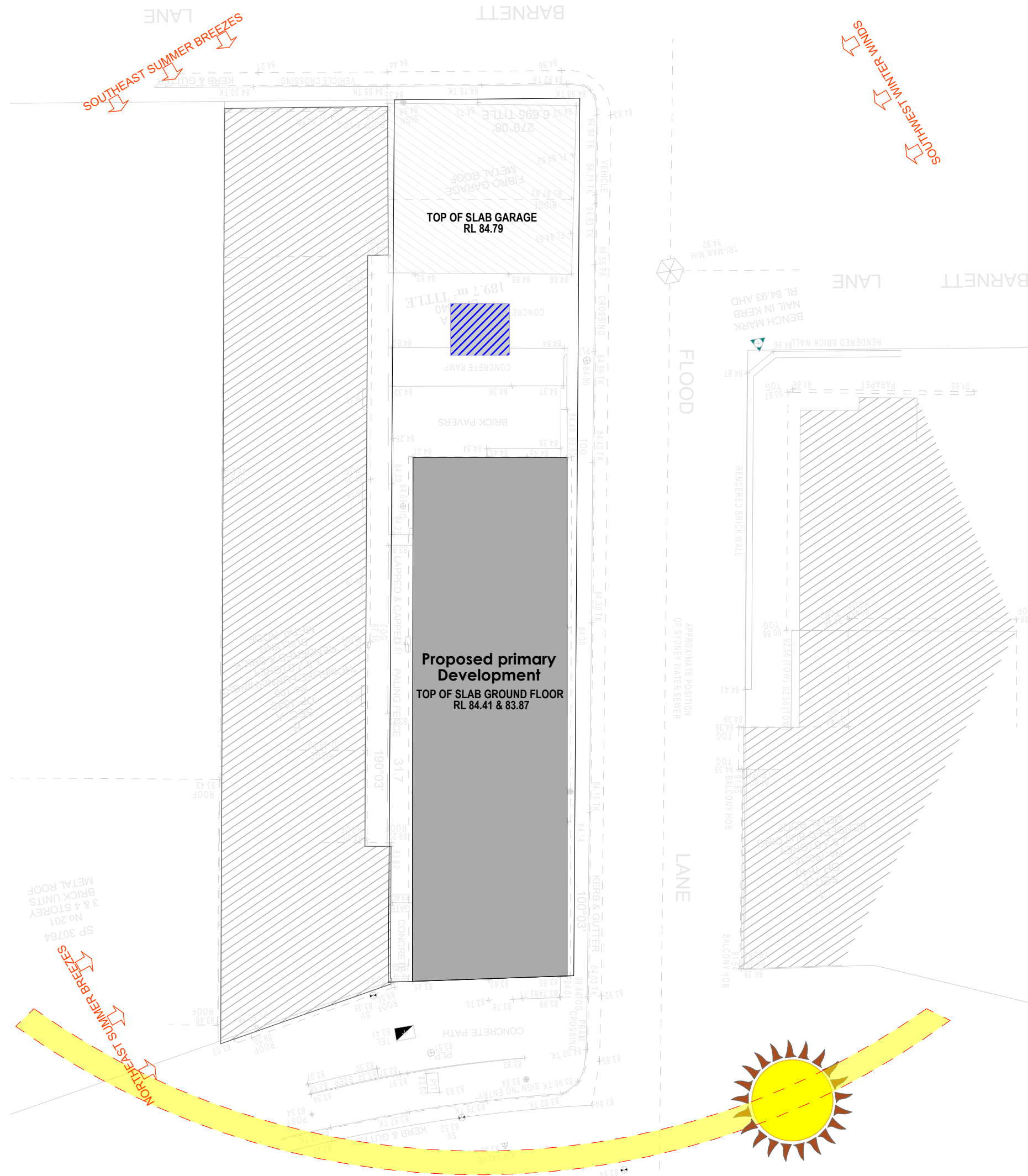
Contour Line

Private Open Space  
and Rear Courtyard

Sun Travel and  
Direction

Existing tree

Existing tree  
to be removed



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Project Address:  
197 Old South Head Rd, Bondi Junction

Client:  
Nick Souler & Phoebe Jones

Designed By:  
Bilal Naboulsi

Checked By:  
Russell Garnett

Date:  
1/07/2021

Plot Date:  
1/07/2021

Drawing Title:  
SITE ANALYSIS

Scale:  
1:150

Stage:  
DA

Issue:  
D

Drawing No.:  
A.004

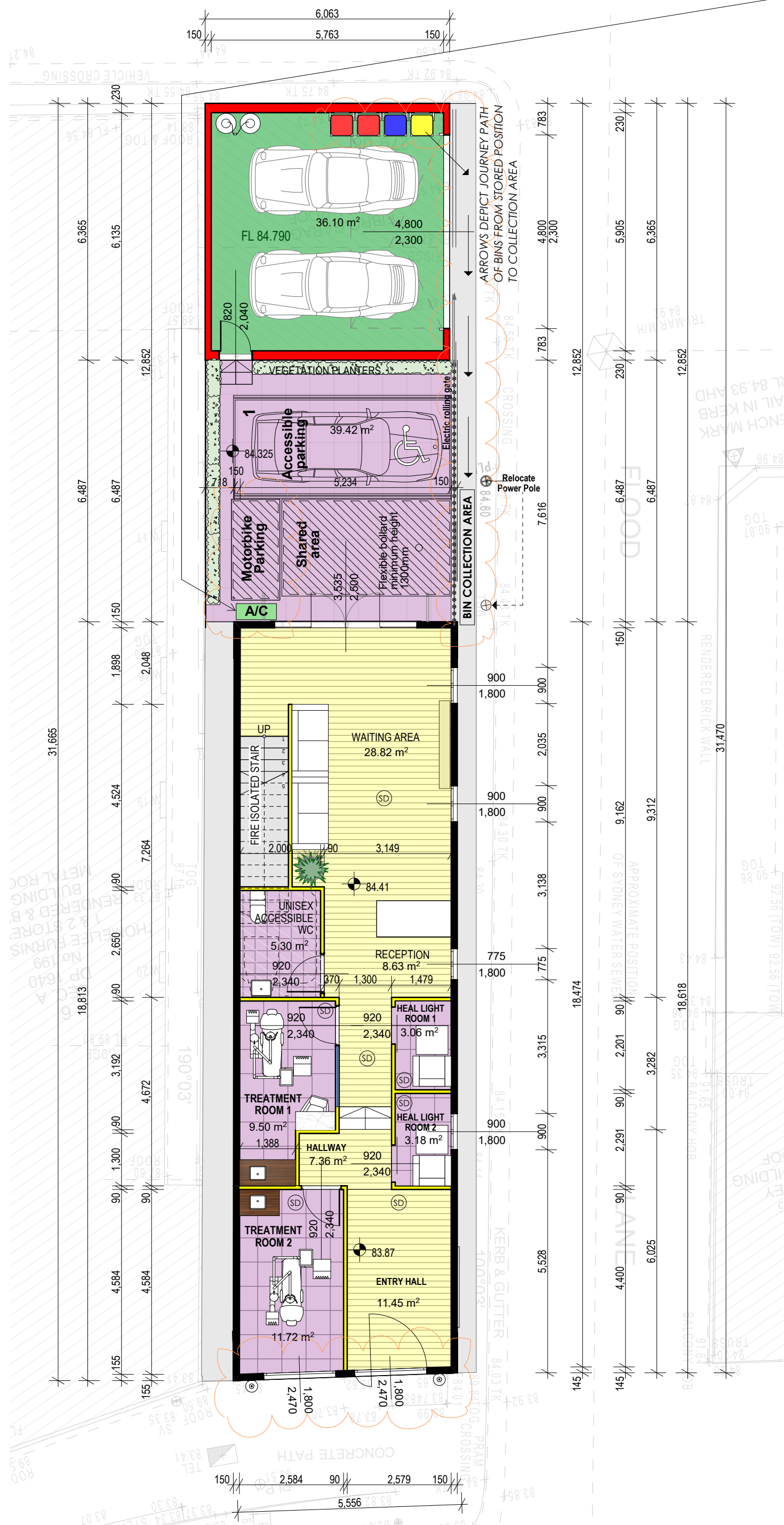
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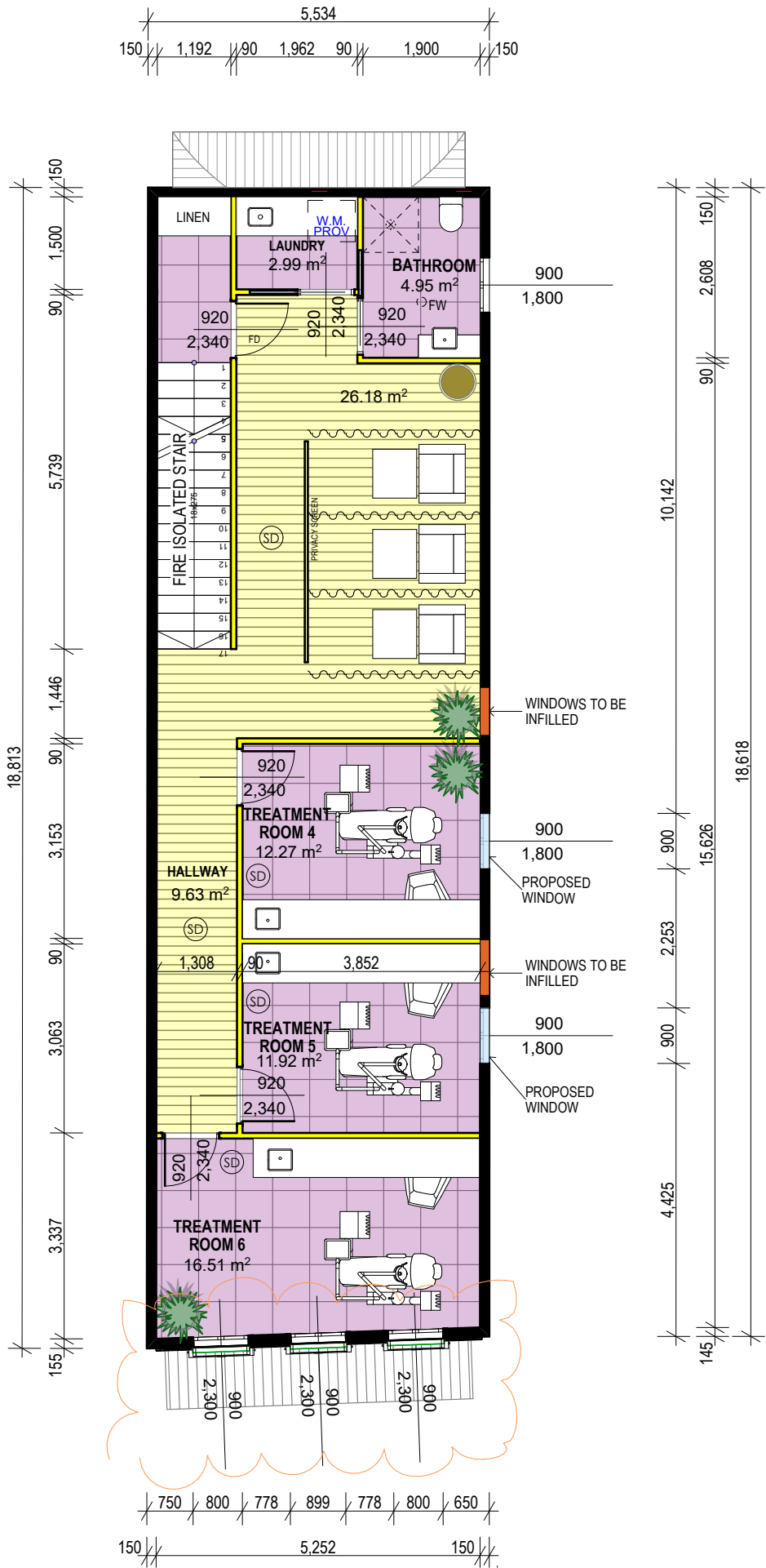
BARNETT LANE



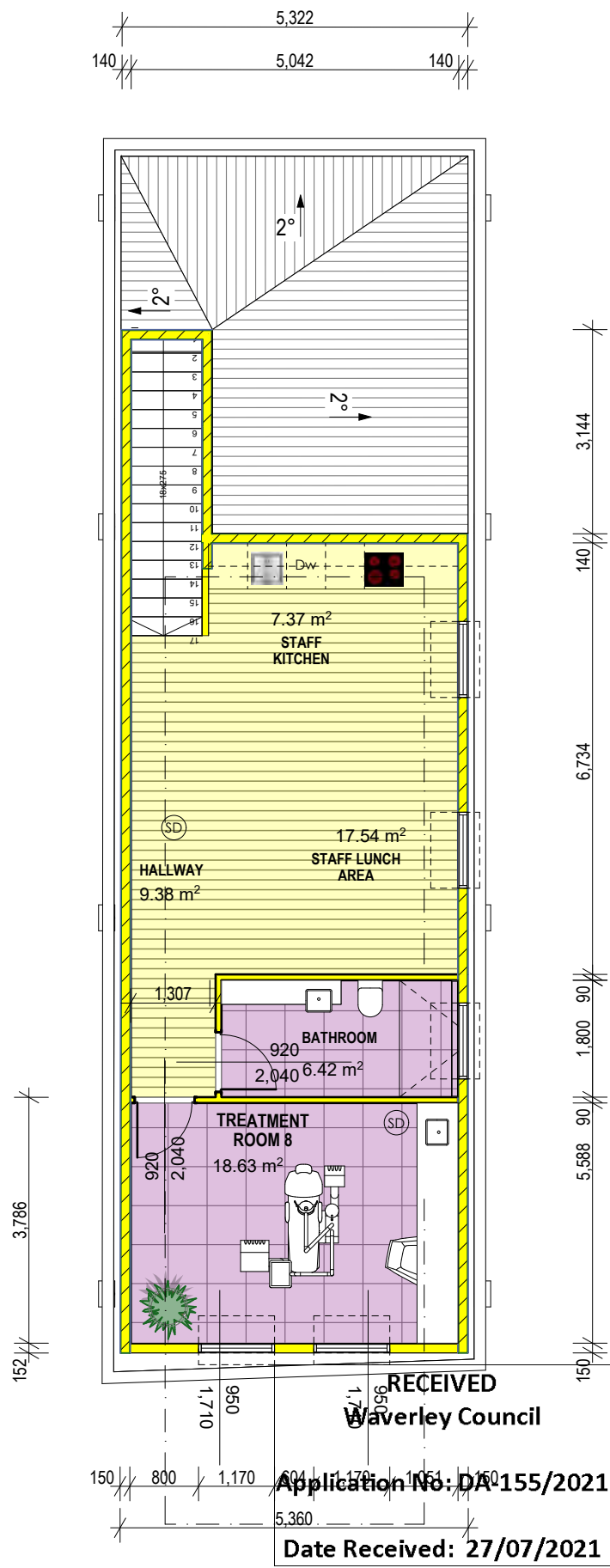
GROUND FLOOR 1:100 @ A2

AIR CONDITIONING - as per Exempt and Complying Development  
**Subdivision 3 Air-conditioning units**  
**2.5 Specified development**  
1A) The standards specified for that development, **if for purposes other than residential uses only**, are that the development must-  
(a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and  
(b) not be built into any external wall unless the development is more than 3m from each side and rear boundary and 6m from any other building on the lot, and  
(c) not involve work that reduces the structural integrity of the building, and  
(d) not reduce the existing fire resistance level of a wall or roof, and  
(d1) be designed so as not to operate-  
(i) during peak time-at a noise level that is more than 5 dB(A) above the ambient background noise level measured at any property boundary, or  
(ii) during off peak time-at a noise level that is audible in habitable rooms of adjoining residences, and  
(e) if it is constructed or installed on or in a heritage item or draft heritage item-not be wall mounted, and  
(f) if it is constructed or installed in a heritage conservation area or a draft heritage conservation area-be located behind the building line of any road frontage.  
(2) Any opening created by the construction or installation of the development must be adequately waterproofed.

FSR	
	m2
FSR - FLOOR AREA FIRST FLOOR (EXISTING)	96.47
FSR - FLOOR AREA GROUND FLOOR (EXISTING)	96.47
FSR - FLOOR AREA SECOND FLOOR (ADDITION)	60.44
	253.4
LAND AREA	195.7
FSR (PERMISSABLE)	1.1:1
FSR (PROPOSED)	1.29:1



FIRST FLOOR 1:100 @ A2



SECOND FLOOR 1:100 @ A2

**LEGEND**

- CONCRETE
- TIMBER
- TILE
- BRICK
- SMOKE DETECTOR

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**Project Description:**  
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**Project Address:**  
197 Old South Head Rd, Bondi Junction

**Client:** Nick Souter & Phoebe Jones  
**Scale:** 1:100

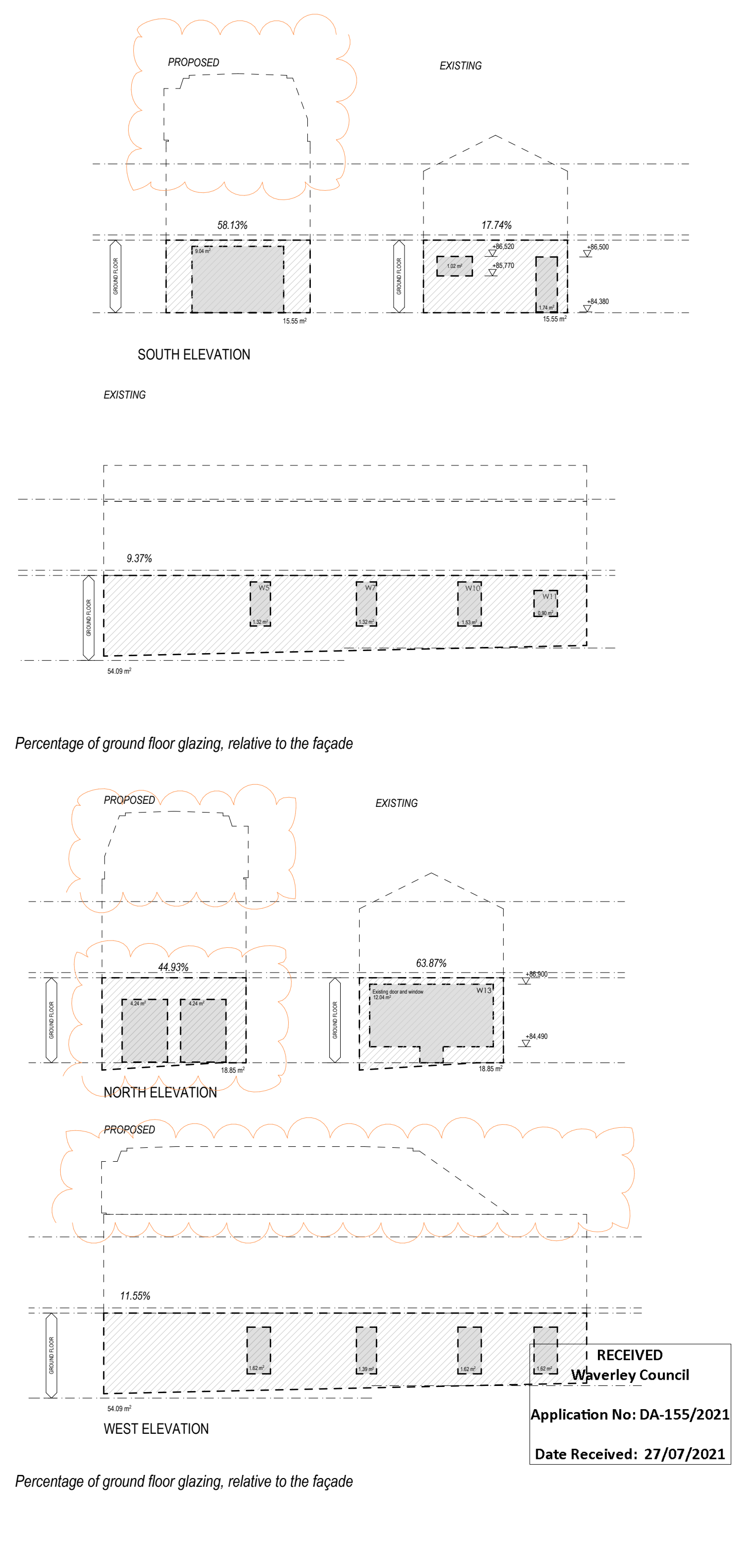
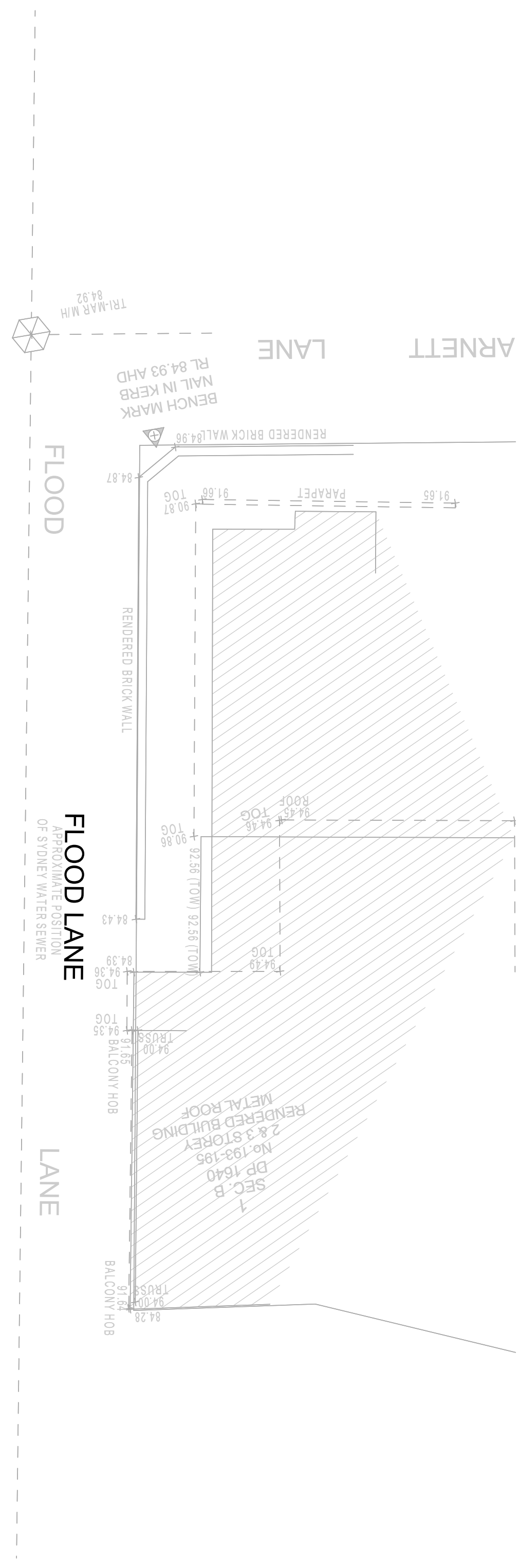
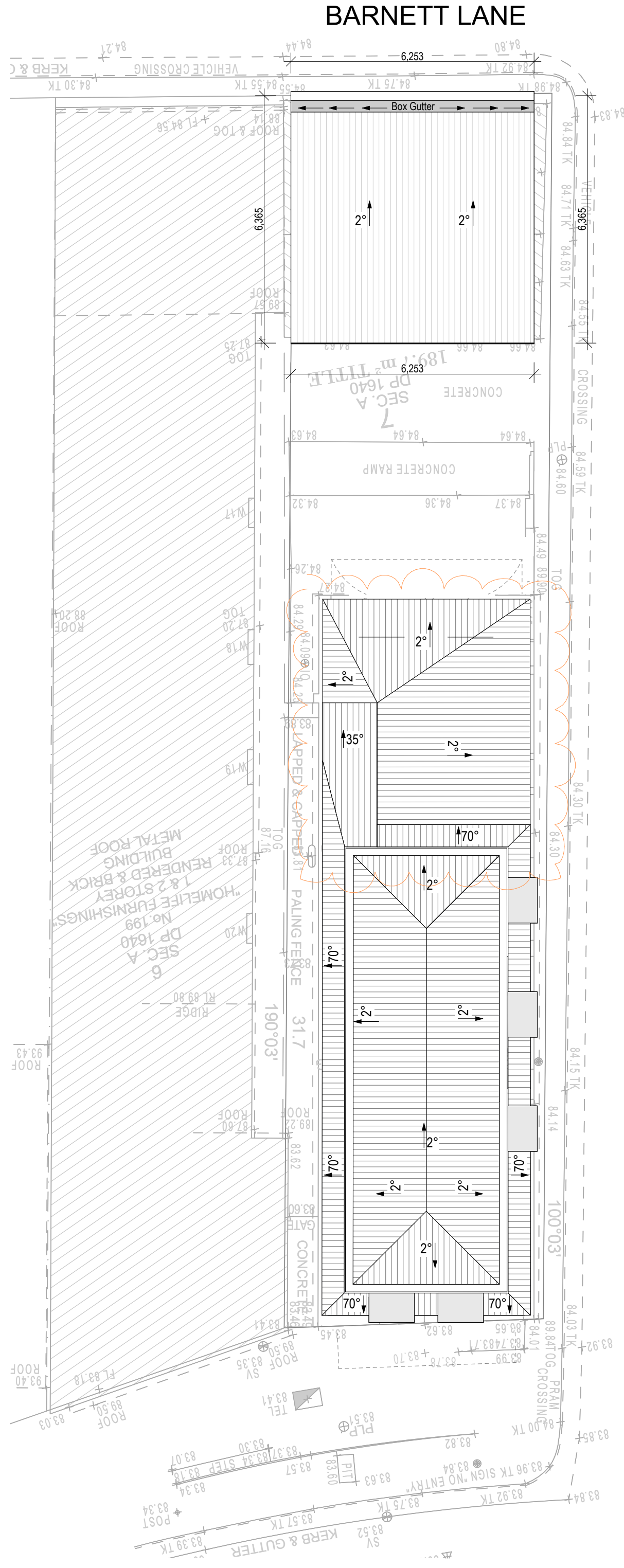
**Designed By:** Bilal Naboulsi  
**Stage:** DA

**Checked By:** Russell Garnett  
**Issue:** H

**Date:** 27/07/2021  
**Plot Date:** 27/07/2021

**Drawing Title:** FLOOR PLANS  
**Drawing No.:** A.100





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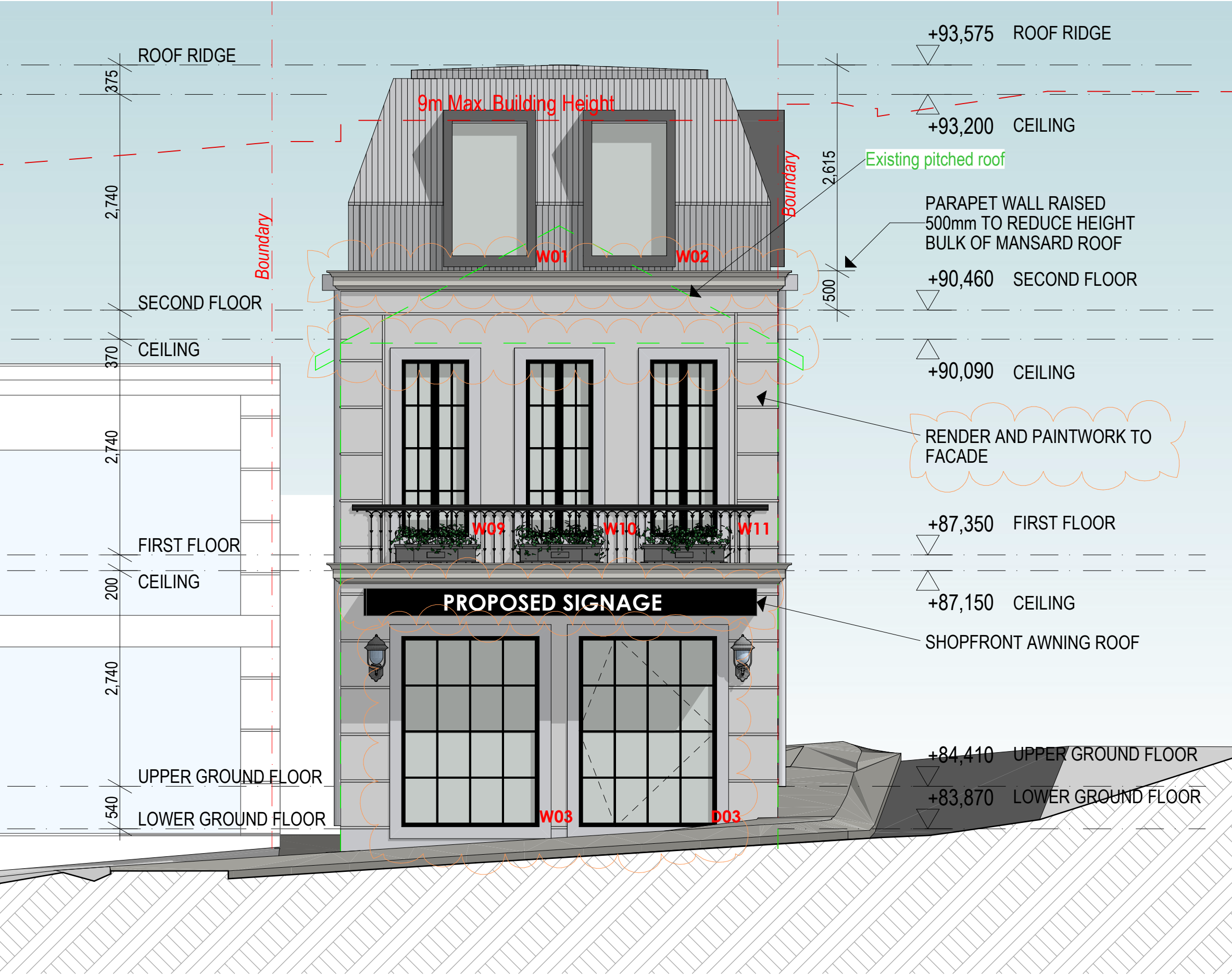
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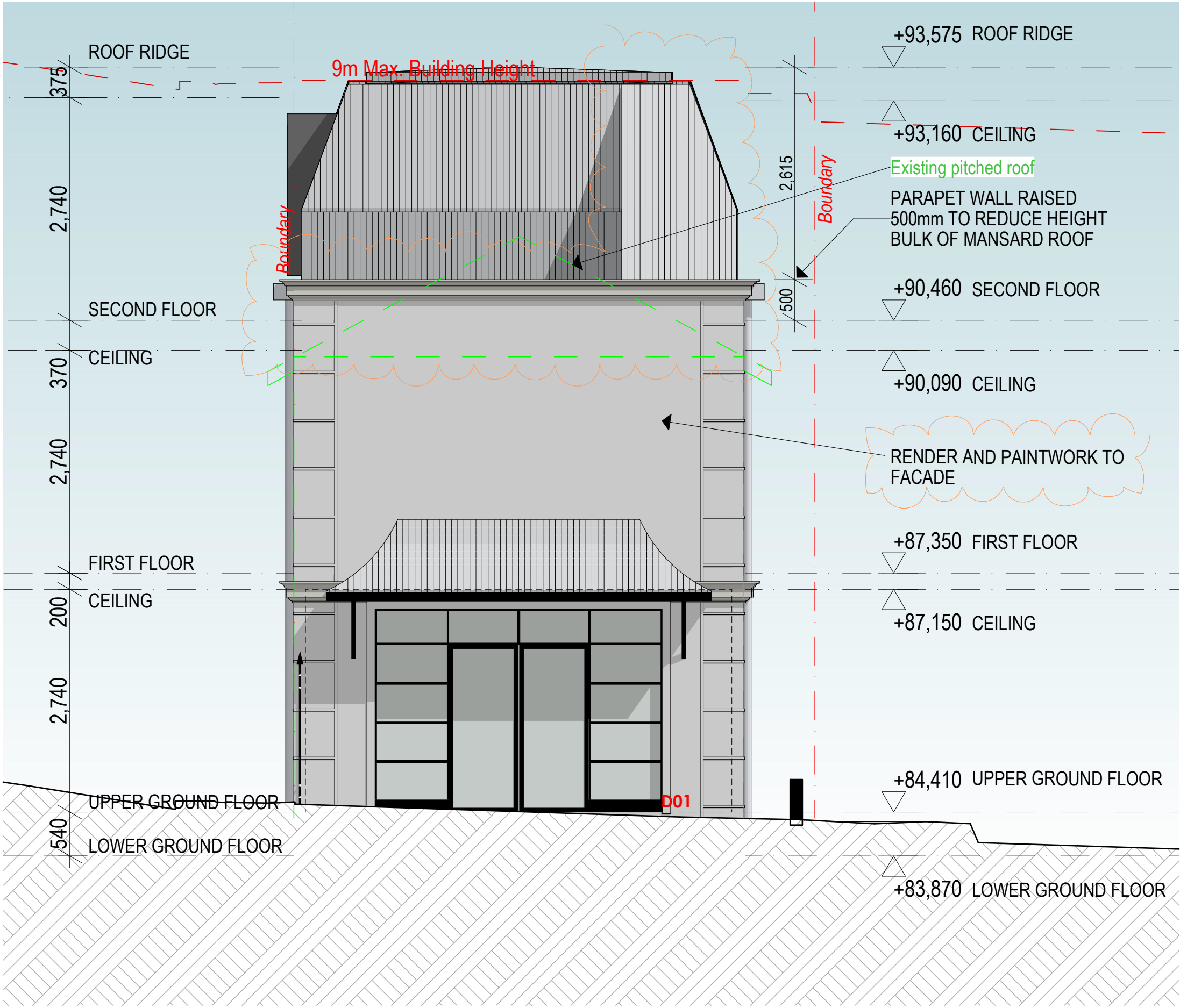
<b>Project Description:</b> Re refurbishment of existing ground and first floor & proposed addition to second floor	
<b>Project Address:</b> 197 Old South Head Rd, Bondi Junction	
<b>Client:</b> Nick Souter & Phoebe Jones	<b>Scale:</b> 1:100, 1:150
<b>Designed By:</b> Bilal Naboulsi	<b>Stage:</b> DA
<b>Checked By:</b> Russell Garnett	<b>Issue:</b> G
<b>Date:</b> 21/07/2021	<b>Drawing Title:</b> ROOF PLAN & CALCULATION
<b>Plot Date:</b> 22/07/2021	<b>Drawing No.:</b> A.150

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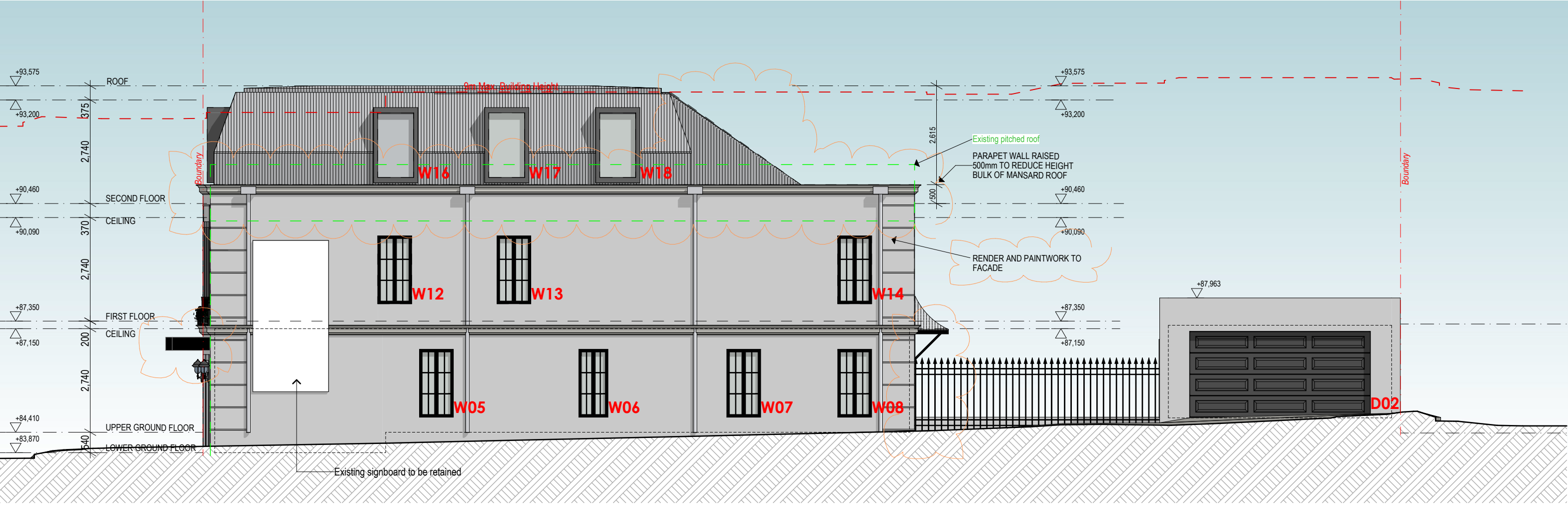




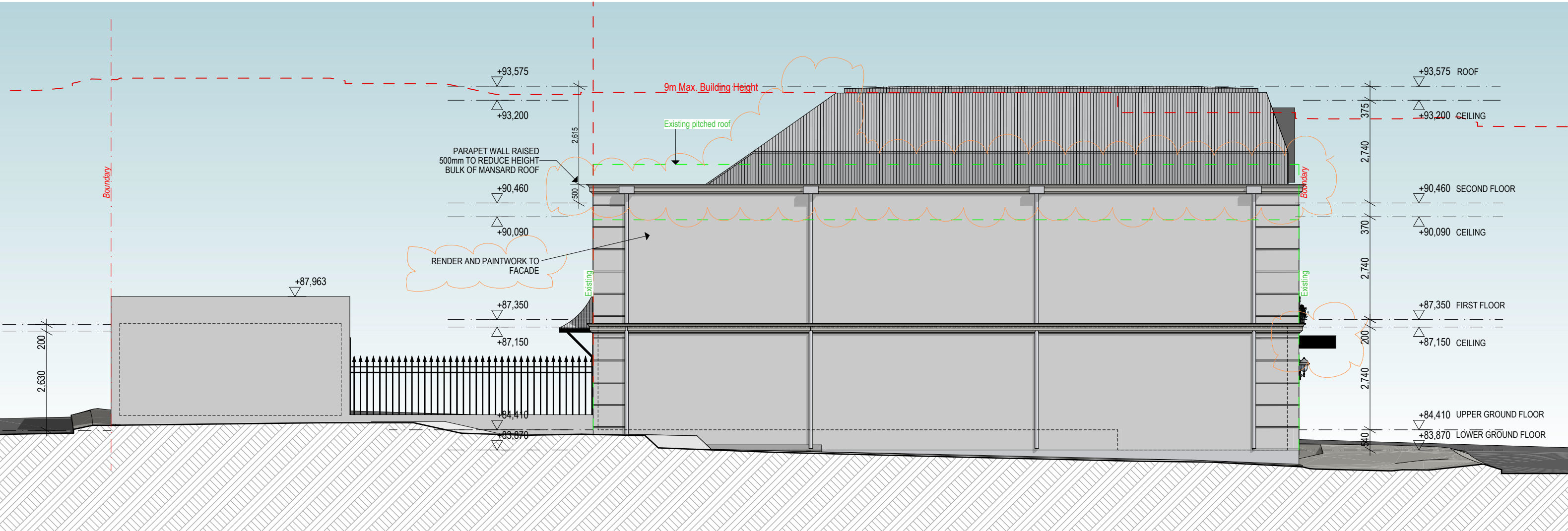
NORTH ELEVATION 1:50 @ A1



SOUTH ELEVATION 1:50 @ A1



WEST ELEVATION 1:100 @ A1



EAST ELEVATION 1:100 @ A1

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Project Address:

197 Old South Head Rd, Bondi Junction

Client:

Nick Souler & Phoebe Jones

Scale:

1:50, 1:100

Designed By:

Bilal Naboulsi

Stage:

DA

Checked By:

Russell Garnett

Issue:

F

Date:

27/07/2021

Plot Date:

27/07/2021

Drawing Title:

ELEVATIONS

Drawing No.:

A.200

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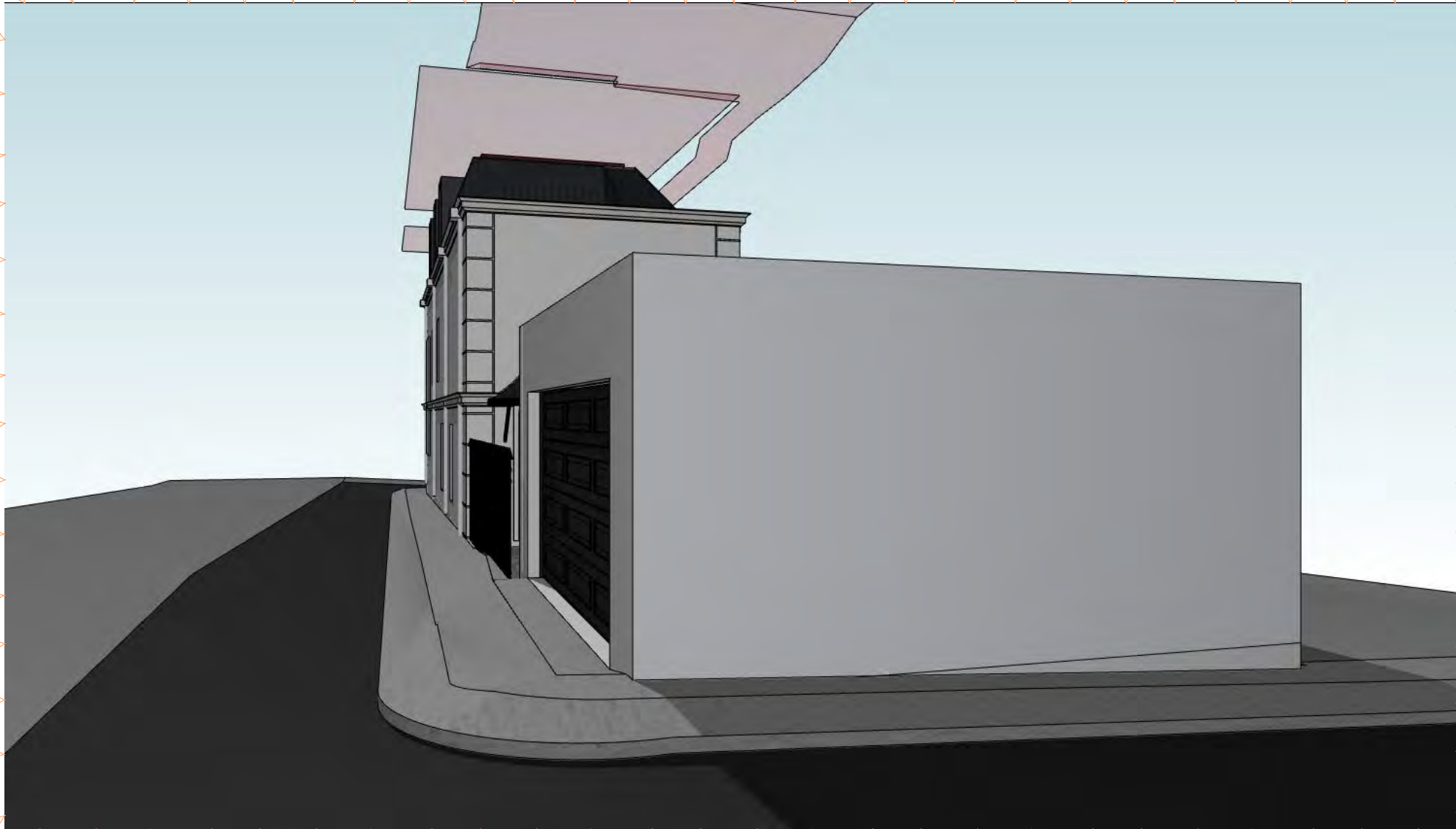
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**Project Address:**  
197 Old South Head Rd, Bondi Junction

**Client:** Nick Souther & Phoebe Jones  
**Scale:** 1:201.92

**Designed By:** Bilal Naboulsi  
**Stage:** DA

**Checked By:** Russell Garnett

**Date:** 21/07/2021  
**Issue:** F

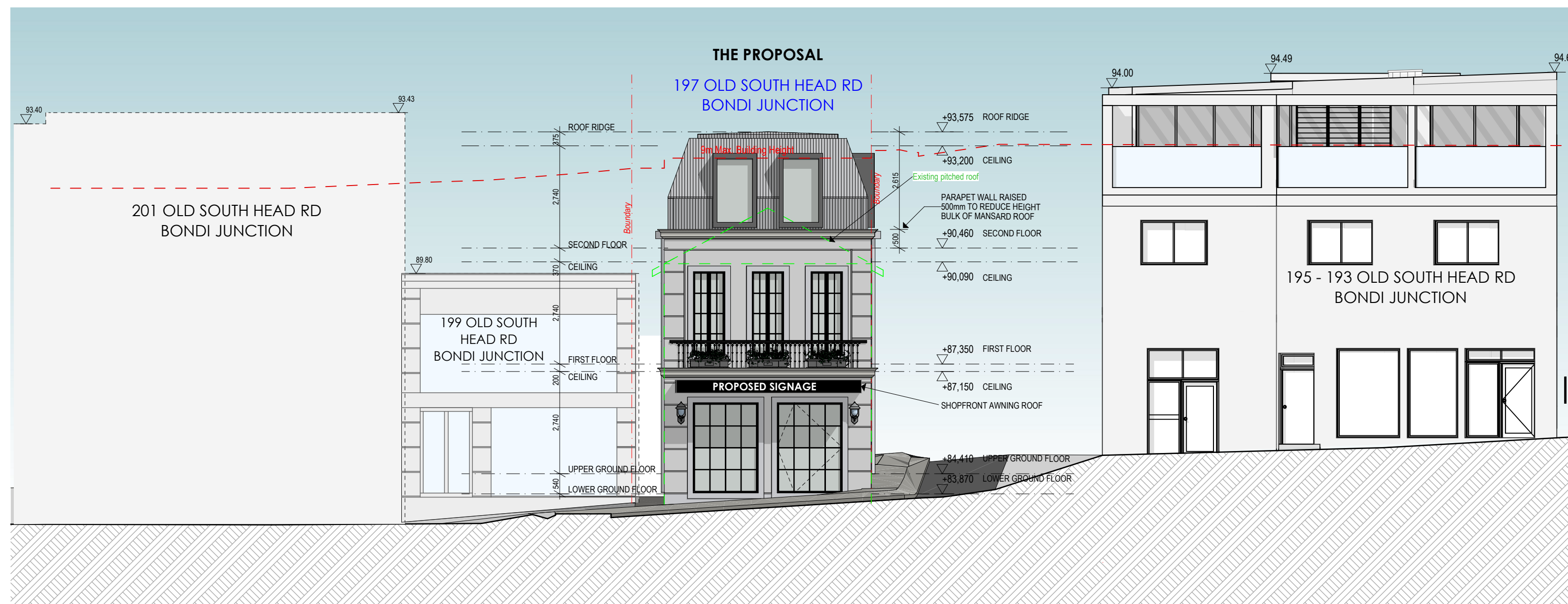
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**Drawing Title:** PERSPECTIVES  
**Drawing No.:** A.201



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## STREETSCAPE ANALYSIS



## STREET IMAGE

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Junction

<b>Client:</b> Nick Souter & Phoebe Jones	<b>Scale:</b> 1:100
--	------------------------

Designed By:	Stage:
Bilal Naboulsi	

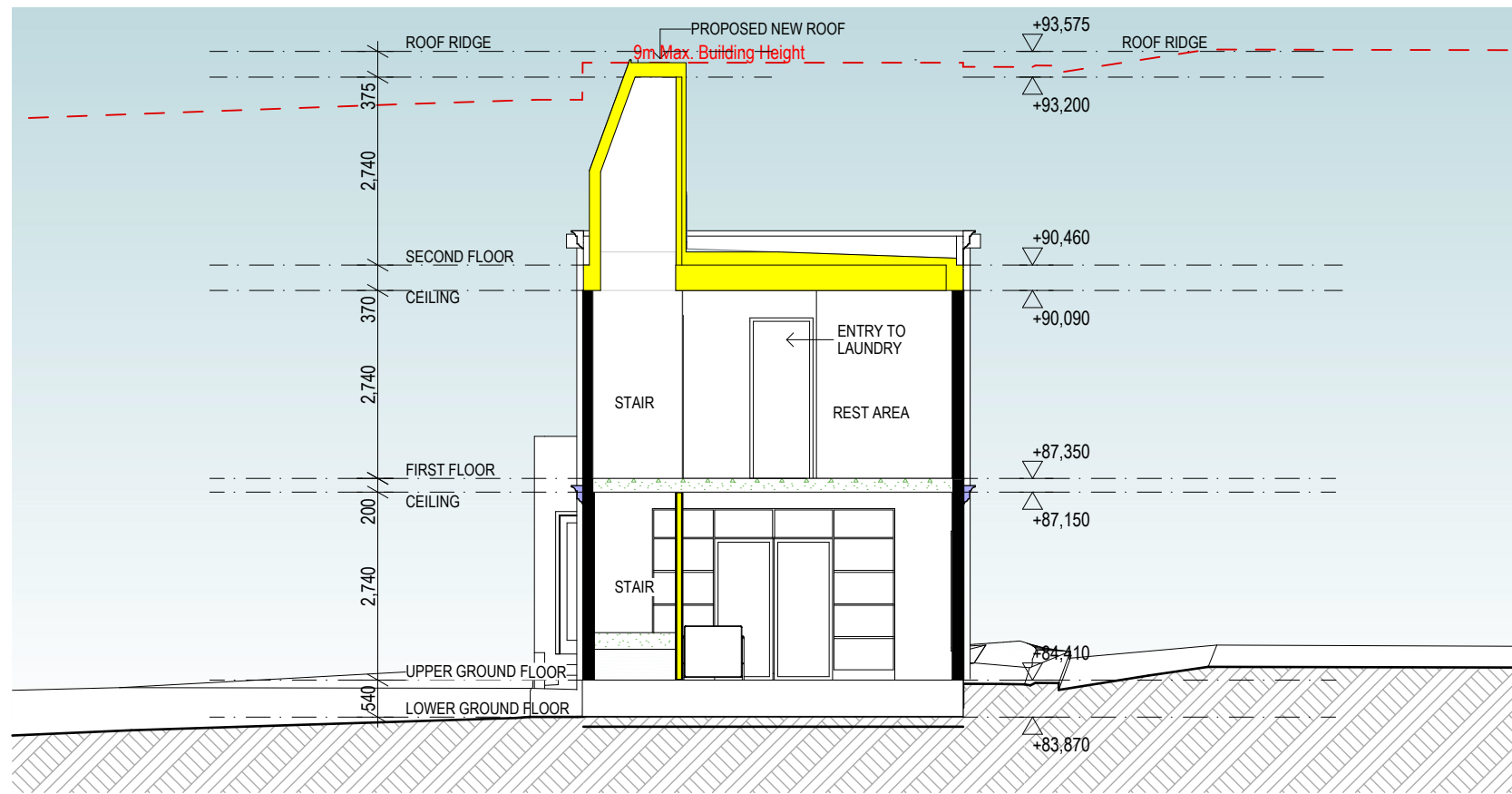
Checked By:	DA
Russell Garnett	

<b>Date:</b> 21/07/2021	<b>Issue:</b>
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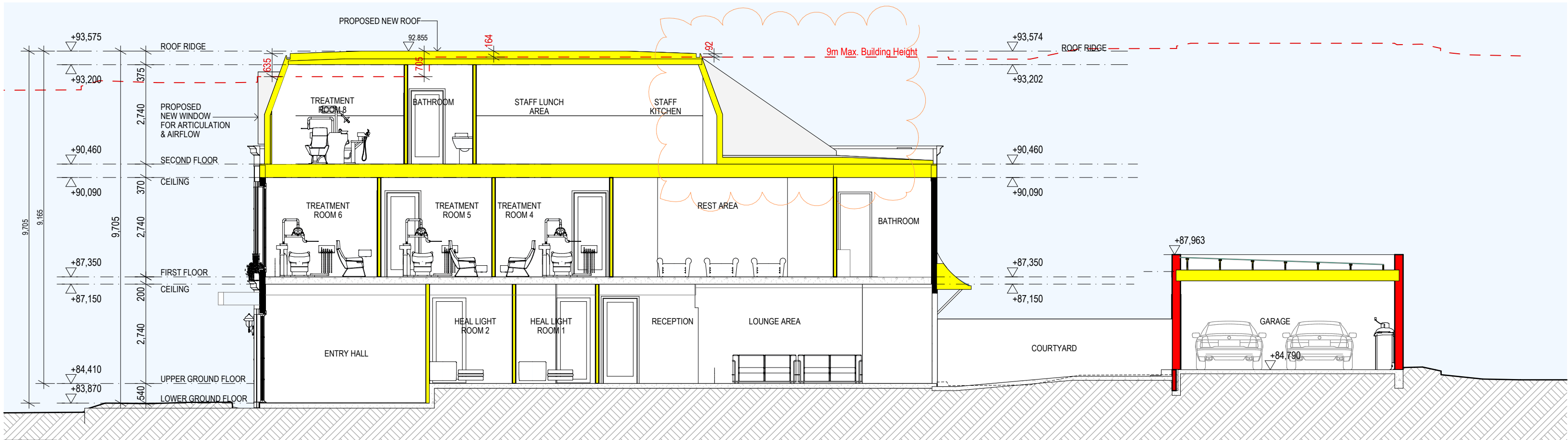
Plot Date:	21/07/2021
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Drawing Title:	Drawing No.:
<b>STREETSCAPE ANALYSIS</b>	<b>A.210</b>

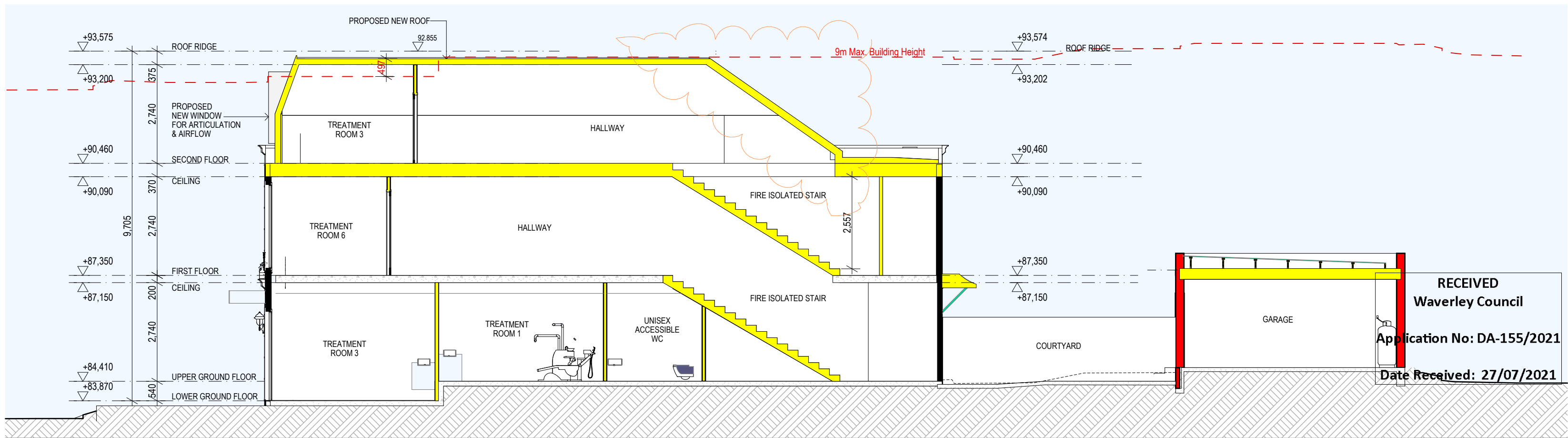




TYPICAL SECTION (A) 1:100 @ A2



TYPICAL SECTION (B) 1:100 @ A2



TYPICAL SECTION (C) 1:100 @ A2

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Amendments:

Project Description:

Re-turbishment of existing ground and first floor & proposed addition to second floor

Project Address:

197 Old South Head Rd, Bondi Junction

Client:

Nick Souter & Phoebe Jones

Scale:

1:100

Designed By:

Bilal Naboulsi

Stage:

DA

Checked By:

Russell Garnett

Date:

21/07/2021

Issue:

F

Plot Date:

21/07/2021

Drawing Title:

SECTIONS

Drawing No.:

A.300

RECEIVED

Waverley Council

Application No: DA-155/2021

Date Received: 27/07/2021

Number	W01	W02	W09	W10	W11	W03	D 03
Sill	690	690	0	0	0	470	0
Location	Treatmeant Room 8	Treatmeant Room 8	Treatmeant Room 6	Treatmeant Room 6	Treatmeant Room 6	Treatmeant Room 2	Entry hall
Frame Material	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium
Types	FIXED	FIXED	SLIDING	SLIDING	SLIDING	FIXED	PIVOT
Frame Section							
Frame Colour	MONUMENT	MONUMENT	MONUMENT	MONUMENT	MONUMENT	MONUMENT	MONUMENT

Number	W05	W06	W07	W08	W12	W13	W14
Sill	0	0	0	0	0	0	0
Location	Heal light room 2	Reception	Waiting Area	Waiting Area	Treatmeant Room 5	Treatmeant Room 4	Bathroom first floor
Frame Material	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium
Types	SLIDING	SLIDING	SLIDING	SLIDING	SLIDING	SLIDING	SLIDING
Frame Section							
Frame Colour	MONUMENT	MONUMENT	MONUMENT	MONUMENT	MONUMENT	MONUMENT	MONUMENT

Number	W16	W17	W18	D 02	D 01
Sill	690	690	690	0	0
Location	Bathroom second floor	Staff lunch area	Staff kitchen	Garage	Rear courtyard to Waiting Area
Frame Material	Aluminium	Aluminium	Aluminium	Aluminium	Steel
Types	FIXED	FIXED	FIXED	SECTIONAL LIFT	2 X HINGED DOORS, AND FIXED PANELS
Frame Section					
Frame Colour	MONUMENT	MONUMENT	MONUMENT	MONUMENT	MONUMENT

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DESIGNER BUILDING

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Re refurbishment of existing ground and first floor & proposed addition to second floor

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197 Old South Head Rd, Bondi Junction

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Nick Soufer & Phoebe Jones

Scale:  
1:50

Designed By:  
Bilal Naboulsi

Stage:  
DA

Checked By:  
Russell Garnett

Date:  
1/07/2021

Issue:  
E

Plot Date:  
19/07/2021

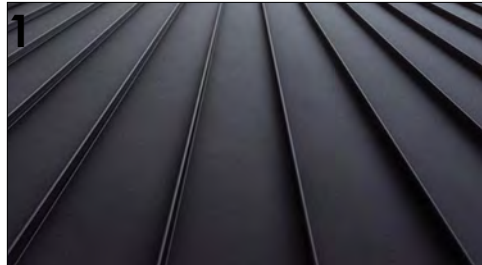
Drawing Title:  
WINDOW & DOOR SCHEDULE

Drawing No.:  
A.500

RECEIVED  
Waverley Council  
Application No: DA-155/2021  
Date Received: 27/07/2021



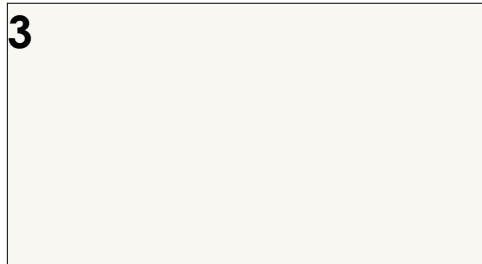
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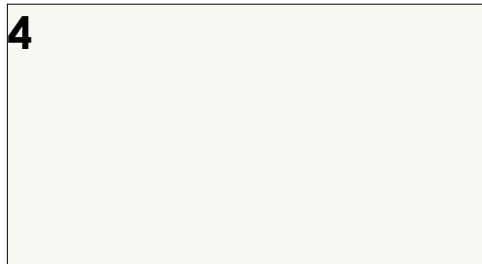
Standing Seam cladding  
COLORBOND MONUMENT - matt



STEEL BALUSTRADE  
Custom Made Steel Balustrade  
powdercoated MONUMENT



EXTERIOR WALLS  
Dulux - White Polar Quarter



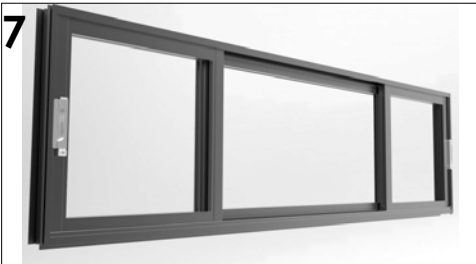
EXTERIOR MOULDINGS  
Dulux - White Polar Quarter



GARAGE DOOR  
Garage Panel Door  
COLORBOND MONUMENT



DOWNPIPES  
COLORBOND SURFMIST



EXTERIOR DOORS & WINDOWS  
Aluminium Doors & Windows  
powdercoated MONUMENT

RECEIVED  
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Application No: DA-155/2021

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Plot Date:

19/07/2021

Issue:

E

Drawing Title:

SCHEDULE OF MATERIAL FINISHES

Drawing No.:

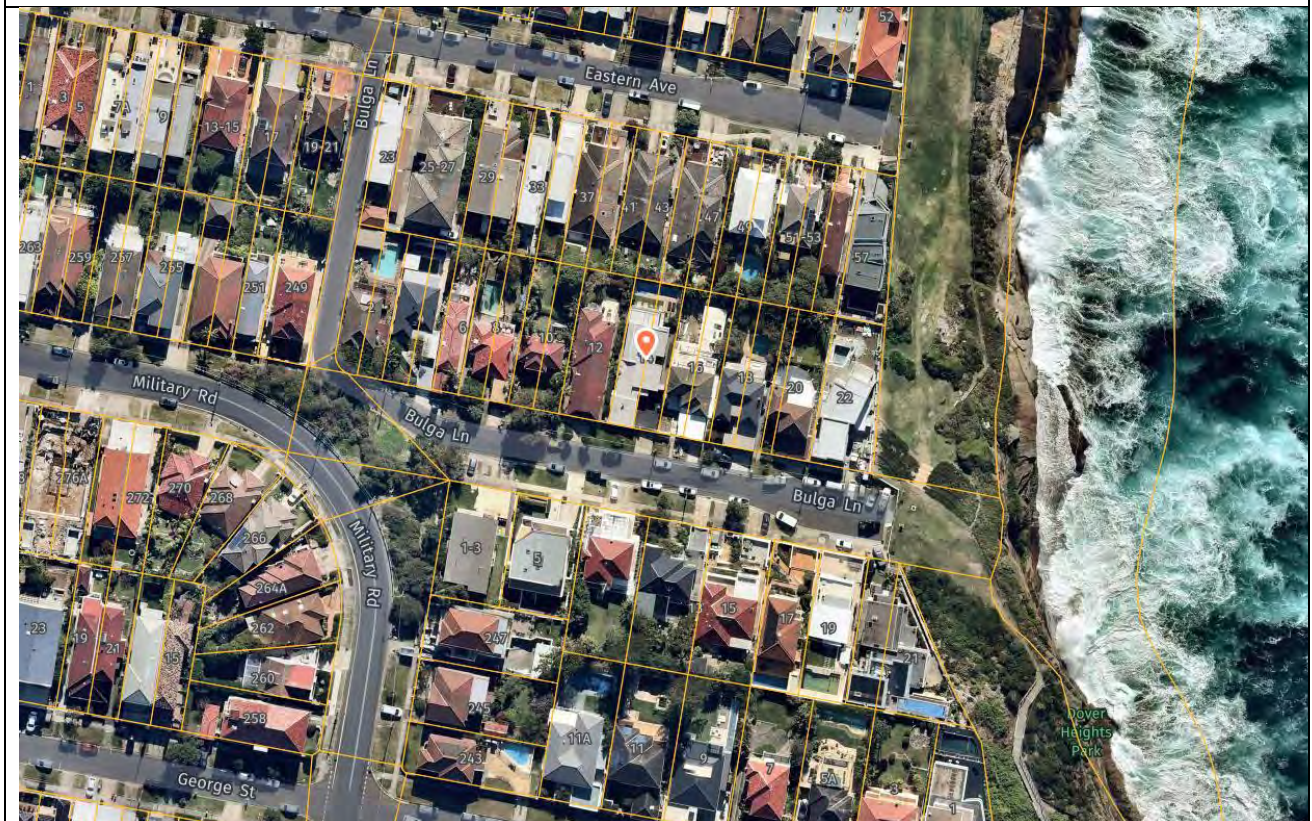
A.600



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-243/2021
<b>Site address</b>	14 Bulga Road, DOVER HEIGHTS
<b>Proposal</b>	Alterations and additions to dwelling house, including infill of an existing balcony
<b>Date of lodgement</b>	25 June 2021
<b>Owner</b>	Mrs S M Friedman & Mr D J Friedman
<b>Applicant</b>	Mr D J Friedman
<b>Submissions</b>	Two submissions received
<b>Cost of works</b>	\$269,500
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>FSR</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP



## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing dwelling house, including infill of an existing balcony at the site known as 14 Bulga Road, DOVER HEIGHTS.

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

- FSR

The assessment finds this issue acceptable as the development will not result in an overly bulk development.

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

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 4 August 2021.

The site sits over two lots, which are identified as Lot 135 and 137 in DP 837, known as 14 Bulga Road, DOVER HEIGHTS.

The site is rectangular in shape with a southern frontage to Bulga Road, measuring a combined 12.19m. It has a combined site area of 429.1m<sup>2</sup> and falls from the south towards the northern rear boundary by approximately 6.63m.

The site is occupied by a three storey dwelling with vehicular access provided from Bulga Road.

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



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



**Figure 1:** Subject site viewed from Bulga Road



**Figure 2:** Subject site viewed from Bulga Road showing the neighbouring property to the west, No. 12



**Figure 3:** Streetscape context showing the neighbouring property to the east, No. 16



**Figure 4:** Streetscape context looking east



**Figure 5:** Streetscape context of properties opposite the subject site to the south, showing No. 1-7



**Figure 6:** Streetscape context of properties opposite the subject site to the south, showing No. 7

### 1.3. Relevant Development History

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

- LD-775/2001 – Alterations and additions to a single dwelling, approved on 17 December 2001.
- CD-219/2017 – Internal alterations and additions to the existing dwelling, approved on 13 October 2017.

### 1.4. Background

The development application was lodged on 25 June 2021 and deferred on 20 July 2021 for the following reasons:

- **View Impact Analysis** – A view impact analysis was requested to properly assess the potential impacts of views from surrounding properties.
- **Floor Space Ratio (FSR)** – The FSR calculation was incorrect as it did not include some internal areas. An update was requested, including an updated Clause 4.6 request.
- **Clarification of Architectural Plans** – Clarification was required as some sections of the architectural plans were not clear.

Amended plans and documentation were submitted on 4 August 2021 to address the above issues and it was further considered that the view impacts from the second floor addition were not appropriate due to the impact on views to the neighbouring property at No. 12 Bulga Road. The application was further deferred on 10 August 2021 and amended plans were submitted on 31 August 2021 removing the second floor addition from the proposal. The amended plans were not renotified.

### 1.5. Proposal

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

- Replace existing paving at the rear with landscaping;
- Infill of the existing east facing outdoor balcony on the ground floor to extend the area of the living room;
- Internal alterations to provide two bathrooms; and
- Extension of the opening on the basement level to the rear yard.

## 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 (Coastal Management) 2018.

A detailed discussion is provided for relevant SEPPs as follows:

#### *SEPP (Coastal Management) 2018*

SEPP Coastal Management applies to the subject site as it is wholly located within the Coastal Environment Area (i.e. defined by clause 13) and a Coastal Use Area (i.e. defined by clause 14) .

Clause 13 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration outlined in **Table 1** of this report.

**Table 1: Clause 13 of SEPP (Coastal Management) 2018 Matters for Consideration Table**

Matter for Consideration	Compliance	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	Yes	The proposed works will not have an adverse impact on the integrity and resilience of the surface and groundwater.
(b) coastal environmental values and natural coastal processes,	Yes	The proposal is not expected to adversely affect the scenic qualities of the immediate coastline. Council is satisfied that the proposal is not likely to cause increased risk of coastal hazards on that land or other land.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i> ), in particular, the	Yes	The proposed works will have no impact on the water quality of the area.

Matter for Consideration	Compliance	Comment
cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,		
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	Yes	The works will not impact on the existing vegetation on the site or surrounding areas.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	The location of the subject site is not located along the foreshore, beach or headland and will therefore not impact on safe access.
(f) Aboriginal cultural heritage, practices and places,	Yes/No	The proposed works are not expected to impact on the Aboriginal and built environment heritage aspects of the surrounding area.

Clause 14 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 2** of this report.

**Table 2: Clause 14 of SEPP (Coastal Management) 2018 Matters for Consideration Table**

Matter for Consideration	Compliance	Comment
<b>(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—</b>		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	The subject site is not located along the foreshore, headline, beach or rock platform and is not expected to have an impact on safe access.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Yes	The proposed works will not cause overshadowing, wind funnelling or loss of views from public places of the foreshore.



Matter for Consideration	Compliance	Comment
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Yes	The proposed works are considered relatively minor and will not impact on the visual amenity of the coastal headlands.
(iv) Aboriginal cultural heritage, practices and places,	Yes	The proposed works are not expected to impact on aboriginal cultural practices or places.
(v) cultural and built environment heritage, and	Yes	The works are mainly located above the existing built form and are not considered to impact on the cultural and heritage built environment.
<b>(b) ...the consent authority is satisfied that:</b>		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	The proposed works are for alterations and additions and will avoid adverse impacts to the coastal foreshore.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	Yes	No impact will occur as a result of the development.
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact	Yes	No impact will occur as a result of the development.

### 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The development is consistent with the aims of the plan.

Provision	Compliance	Comment
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 8.5m	Yes	No change is proposed to the overall height of the built form. The proposed infill area will have a total height of 7m, which complies with the standard.
4.4 Floor space ratio (FSR) and 4.4A Exceptions to FSR • 0.64:1 or 271.6m <sup>2</sup>	No	The development proposes an FSR of 0.7:1 or 301.5m <sup>2</sup> , which does not comply with the standard. The development will breach the standard by 11%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

#### *Clause 4.6 Exceptions to Development Standards*

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

The site is subject to a maximum FSR development standard of 0.64:1. The proposed development has an FSR of 0.7:1, exceeding the standard by 29.9m<sup>2</sup> equating to an 11% variation. It should be noted that the existing dwelling already provides a non-compliant built form and the proposal is only adding an additional 6m<sup>2</sup> to the overall GFA.

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 current results in the following Positive Outcomes:*

- a) The current DA is significantly below the Height of Buildings Standard under LEP 2012.*
- b) The height of the current DA is below the Wall Height Control under DCP 2012.*
- c) The existing front setback is to remain.*
- d) The existing proposed side setbacks are to remain.*
- e) The existing proposed rear setback is to remain.*
- f) There will be no reduction in the existing Landscaped Area. In fact, the proposed development result in a net increase in Landscaped Area.*

(ii) *The approved development on the adjoining property at 12 Bulga Road under DA-335/2020 in which Council granted approval to a breach of the FSR Standard of 15.6% (compared to the 10.6% breach in the current DA). On this point, I also note that the approved development for 12 Bulga Road also breached the Maximum Height of Buildings Standard by 8.5%. Furthermore, the approved development for 12 Bulga Road has a Wall Height significantly greater than the Wall Height Control. In comparison, the current DA for the subject site is significantly below the Height of Buildings Standard and is below the Wall Height Control. By any measure, the height, bulk and scale of the Council approved development at 12 Bulga Road is greater than the currently proposed development on the subject site.*

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

- (i) The proposed development maintains the existing views over the subject site of Eastern Reserve and the Pacific Ocean to the north and east.*
- (ii) Furthermore, for the reasons referred to in this Further Revised Clause 4.6 Request and the accompanying SEE, the current DA represents a conservative development when assessed against the Planning Controls.*
- (iii) The proposed development results in an increase in landscaping compared to the existing development, with a net increase in Landscaped Area.*
- (iv) The proposed development results in an FSR which is lower than that approved at both of the immediately adjoining developments on Bulga Road, being 12 and 16 Bulga Road.*
- (v) The proposed development will not result in any impacts on the nearby Coastal Sandstone Escarpment Landscape Conservation Area, identified as C37 on the Heritage Map. I note that the subject site is separated from the Coastal Sandstone Escarpment Landscape Conservation Area by a number of low-density residential developments.*

- (vi) There is no excavation proposed as part of the proposed development.*
- (vii) There will be no increase in carparking demand as a result of the proposed development. I note that there will be no changes to the existing approved carparking and vehicular access as a result of the proposed development.*
- (viii) The current DA will not increase amenity impacts as the proposed development will be built within the existing Building Envelope.*

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 proposal results in an additional GFA of 6m<sup>2</sup>. The additional floor space is proposed to infill an existing balcony area along the eastern elevation. The infill area will not result in an overly bulk structure and will only slightly be viewed from the neighbouring property to the east. The additional area will not be visible from the streetscape or any public domain areas. The proposed additional FSR is considered appropriate within the locality, providing a building which fits within the context of surrounding built forms and residential uses and is consistent with the desired future character of the area. The proposed additional breach of the FSR control is considered to have no unreasonable impacts.

It has been successfully demonstrated that the non-compliance will not impact on the visual bulk and scale of the built form from a streetscape perspective. The dwelling will be viewed as a single storey building that aligns with the overall scale of dwellings on either side of the site. The breach in the FSR development standard is supported.



**Figure 7:** Image of subject site showing area to be filled in red. Source: Google maps

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development does not result in a non-compliance in amenity related controls within the DCP, including views, solar access, overshadowing, overlooking, and visual bulk. The infill of the balcony will improve privacy measures in this area looking into the neighbouring property to the east.

Due to the minor floor space addition, the infilled area will not cause an unreasonable bulk to the existing built form and will not be visible from the streetscape. No changes are proposed to the front and rear setbacks currently on site.

### Is the development in the public interest?

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

The relevant objectives of the FSR development standard are as follows:

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

The dwelling sits significantly below the maximum building height required under the Waverley LEP 2012 and the proposed additional infill area at ground floor level will not result in an unreasonable density on the site. The overall bulk and scale of the dwelling is compatible with the surrounding development and the view of the dwelling from the streetscape will not change. As mentioned above, the development does not change the front and rear setbacks current on site and provides for a dwelling that aligns with the desired future character of the locality. The bulk and scale will fit in with the context of the area.

The overall environmental amenity of adjoining properties will not be detrimentally impacted by this development as the dwelling will not cause unreasonable overshadowing, overlooking, or visual bulk to neighbouring properties. The breach in FSR is therefore considered acceptable.

The objectives of the R2 zone are as follows:

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

The development provides for appropriate housing needs of the community within a low density environment, by providing a dwelling house that allows for sufficient space and density compatible with the area. The proposal is consistent with the objectives of the zone and is acceptable in this instance.

### Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
4. Coastal Risk Management	Yes	Satisfactory
6. Stormwater	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory

**Table 5: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum wall height of 7.5m</li> </ul>	Yes	The development proposes a maximum wall height of 7m, which complies with the control.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes	No change is proposed to the front and rear setbacks on site.
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	Yes	The infill of the ground floor eastern balcony will have a side setback of 1.7m, which complies with the control.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> </ul>	Yes	The proposed infill area has been designed to match the character of the existing dwelling and minimise view impacts to surrounding properties.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> </ul>		The additional area will not be visible from the streetscape.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>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</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>	Yes	<p>The infill of the ground floor balcony proposes screening over the window, which will limit overlooking to the neighbour to the east.</p> <p>The additional opening of the lower ground level will not have overlooking opportunities to neighbouring properties and is considered appropriate.</p> <p>No balconies, external stairs or rooftop are proposed.</p>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li> <li>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li> </ul>	Yes	Shadow diagrams have been submitted with the application demonstrating that the proposed works will not overshadow existing windows or private open space areas of the subject site or neighbouring properties.
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> </ul>	Yes	As discussed above, amended plans have been submitted removing the second floor addition.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>		There are now no view impact concerns relating to the development.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	The development proposes to replace part of the paving in the rear to landscaped area. No other changes are proposed to the existing open space or landscaped area. The proposal therefore complies with the control.

## 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, subject to conditions.

## 2.4. Any Submissions

The application was notified for 14 days on 2 July 2021 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The amended plans involved the removal of the second floor addition and therefore resulted in a lesser built form and lesser impact to neighbouring properties.

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

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

Count	Property Address
1.	1/5 Bulga Road, DOVER HEIGHTS
2.	12 Bulga Road, DOVER HEIGHTS

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

**Issue:** View loss from surrounding properties.

**Response:** It was considered that the view impact from the second floor addition would result in unreasonable impacts to surrounding properties. Therefore, amended plans were submitted removing the second floor addition entirely. The amended plans will have no impact on views from surrounding properties.

**Issue:** The second floor addition does not comply with the overall height and wall height requirements.

**Issue:** Unreasonable bulk and scale to the existing built form as a result of the second floor addition.

**Response:** The second floor addition has since been removed from the plans.

**Issue:** The FSR does not comply with the development standard.

**Response:** Noted. This has been discussed in section 2.1.2 of this report for a full assessment on the FSR development standard; however, the proposal has been substantially reduced since the original submission.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Stormwater

Council's stormwater engineer provided comments based on the second floor addition to the existing built form, including recommended conditions. As the second floor addition has now been removed, the conditions that have been recommended are not applicable to the proposed works on site. Standard conditions are recommended to ensure the infill area is connected to the existing stormwater system.

## 4. CONCLUSION

The development application seeks consent for alterations and additions to the existing dwelling house, including infill of an existing balcony at the site known as 14 Bulga Road, DOVER HEIGHTS.

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

- FSR

The assessment finds this issue acceptable as the development will not result in an overly bulk development.

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

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the 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 10 August 2021 and the DBU determined:

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

DBU members: *A Rossi, B McNamara and B Magistrale*

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
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: 6 September 2021	Date: 10 September 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 Studio Katz Architects of Project No. 2011 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA001 Rev. C	Site Plan and Analysis	30/08/2021	30/08/2021
DA100 Rev. E	Existing Ground Floor Plan	31/05/2021	30/08/2021
DA101 Rev. G	Existing Lower Ground Floor Plan	30/08/2021	30/08/2021
DA102 Rev. F	Existing Basement Floor Plan	30/08/2021	30/08/2021
DA110 Rev. F	Proposed Ground Floor Plan	30/08/2021	30/08/2021
DA112 Rev. F	Existing Roof Plan	30/08/2021	30/08/2021
DA202 Rev. F	Elevations North and South	30/08/2021	30/08/2021
DA205 Rev. F	Elevations East	30/08/2021	30/08/2021
DA206 Rev. F	Elevations West	30/08/2021	30/08/2021

- (b) BASIX Certificate
- (c) Schedule of external finishes and colours received by Council on 25 June 2021
- (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 25 June 2021

Except where amended by the following conditions of consent.

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

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

#### **GENERAL REQUIREMENTS**

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and

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

### 3. HOME BUILDING ACT

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

## CONTRIBUTIONS, FEES & BONDS

### 4. SECTION 7.12 CONTRIBUTION

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

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

- (i) Where the total development cost is less than \$500,000:  
**"Waverley Council Cost Summary Report"; or,**
- (ii) Where the total development cost is \$500,000 or more:  
**"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".**

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

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

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

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

### 5. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$6,860.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.



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

## **6. LONG SERVICE LEVY**

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

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

## **CONSTRUCTION MATTERS**

### **7. HOARDING**

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

### **8. 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.

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **9. BASIX**

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

## **WASTE**

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

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

#### **11. CONSTRUCTION SIGNS**

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

### **DEMOLITION & EXCAVATION**

#### **12. 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.

### **13. 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**

#### **14. CONSTRUCTION HOURS**

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

- (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.

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

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

#### **16. CONSTRUCTION INSPECTIONS**

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

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

All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels

is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

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

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

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

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

#### **19. 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.

#### **20. CERTIFICATION OF BASIX COMMITMENTS**

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

#### **21. 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.

### **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](mailto: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 Phone Number 1800810443.

## **AD4. ALTERATIONS AND ADDITIONS ONLY**

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



**AD5. TREE REMOVAL/PRESERVATION**

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

**AD6. WORK OUTSIDE PROPERTY BOUNDARY**

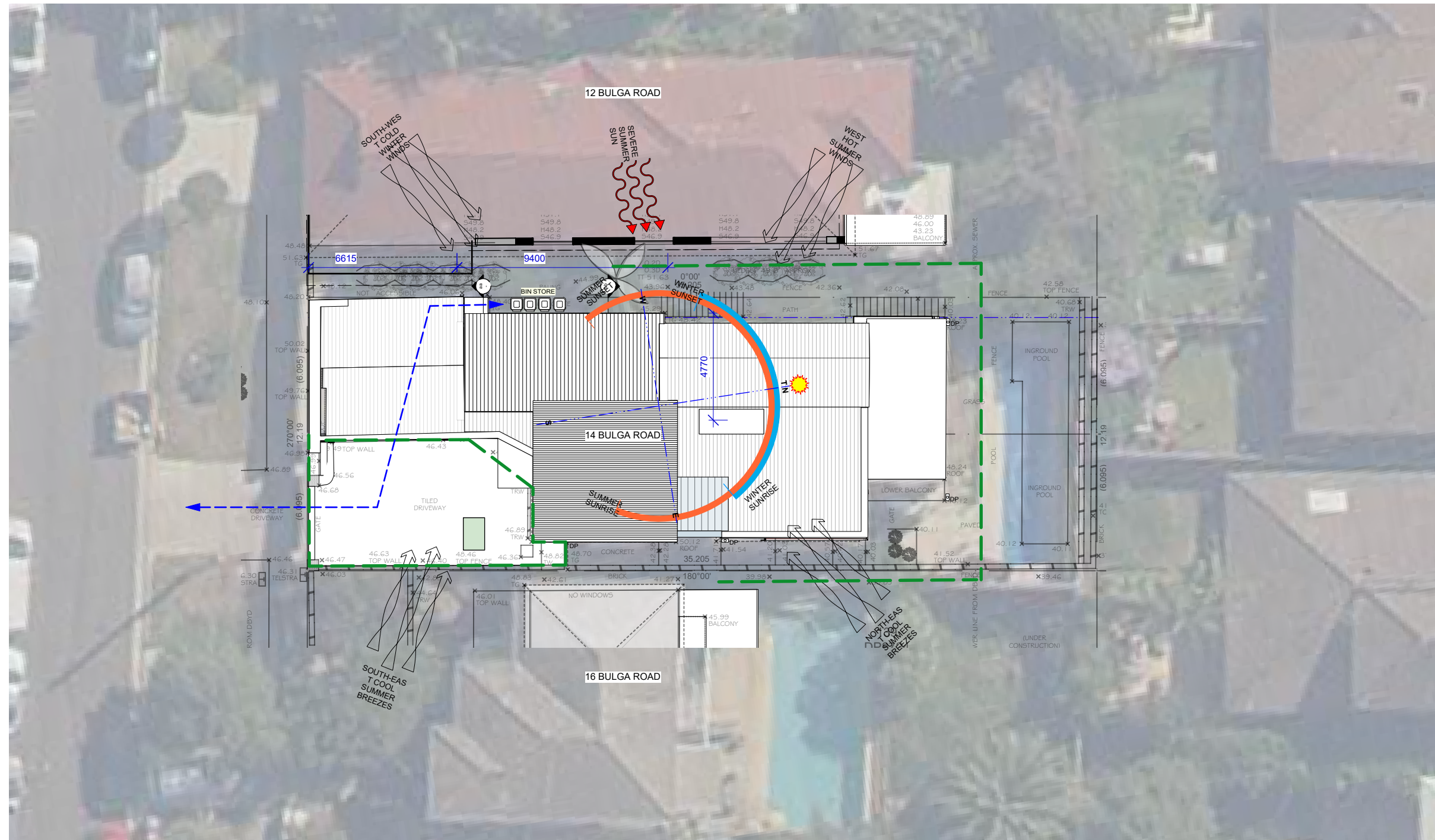
This consent does not authorise any work outside the property boundary.

# AMENDED PLANS

RECEIVED  
Waverley Council

Application No: DA-243/2021

Date Received: 30/08/2021



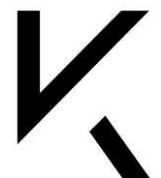
1

**SITE PLAN AND ANALYSIS**  
Scale: 1:200

--- SILT PROTECTION

MATERIAL STORE

PATH FOR BINS TO  
COLLECTION POINT



**STUDIO KATZ**  
ARCHITECTS

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BARCH (HONS1) UNSW  
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C 30/8/21 AMENDED DA PLAN  
B 31/5/21 ISSUED FOR DA

CONSULTANTS:



NOTES:  
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DISCREPANCIES TO THE ARCHITECT PRIOR  
TO THE COMMENCEMENT OF WORK.  
ALL WORK TO COMPLY WITH RELEVANT  
AUSTRALIAN STANDARDS AND BUILDING  
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PROJECT NAME: **14 BULGA RD  
DOVER HEIGHTS**

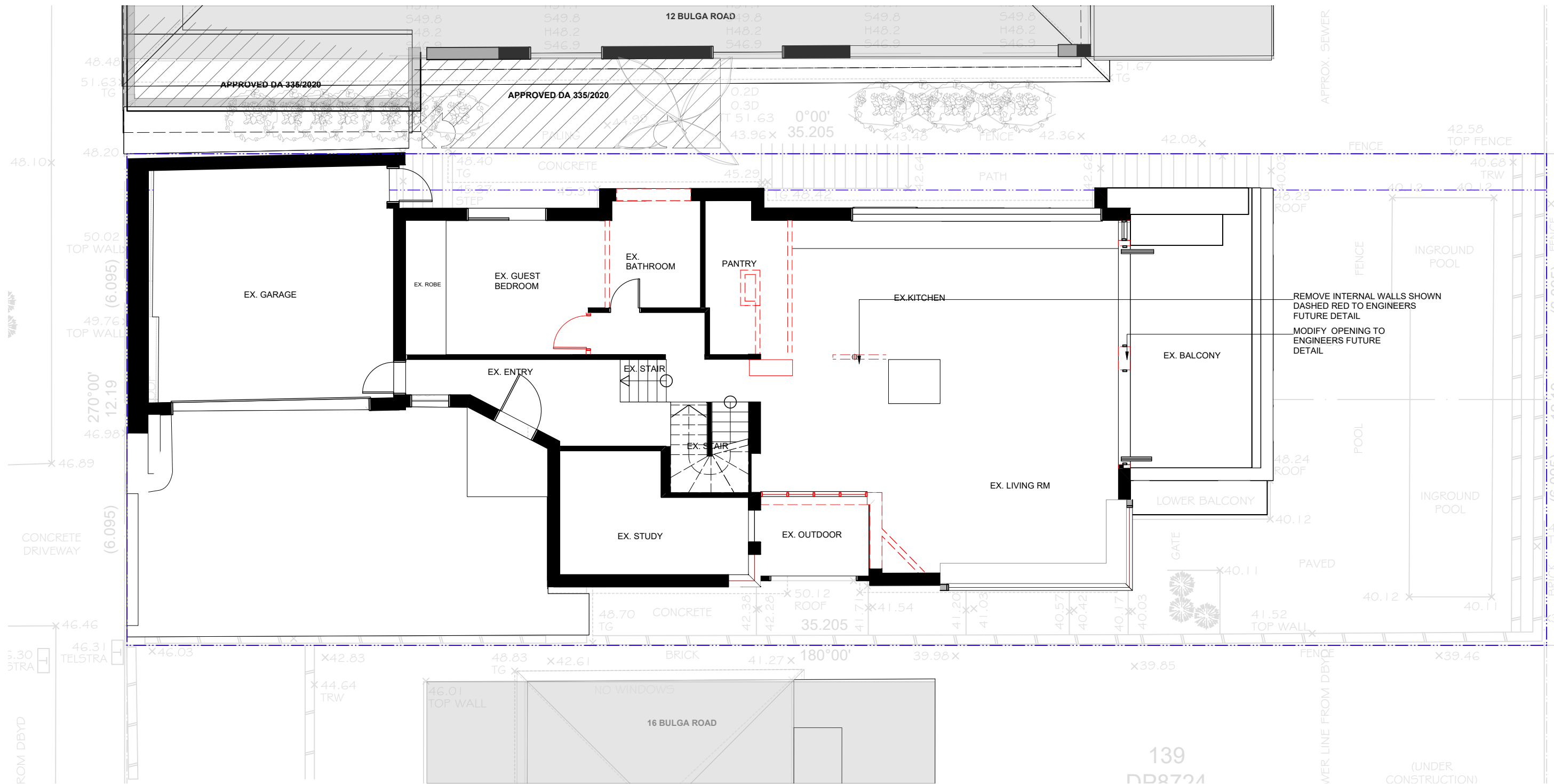
PROJECT No.: 2011

DRAWING NAME: **SITE PLAN AND ANALYSIS**

DRAWING SCALE 1:100

DATE: SEP 2020

DRAWING No.: **DA001**  
DRAWING Rev.: C



1 EXISTING GROUND FLOOR  
Scale: 1:100

**AMENDED PLANS**

**RECEIVED**  
**Waverley Council**  
**Application No: DA-243/2021**  
**Date Received: 30/08/2021**

**K** **STUDIO KATZ**  
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BARCH (HONS1) UNSW  
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E 31/5/21 ISSUED FOR DA  
D 21/5/21 ISSUED FOR FINAL REVIEW PRIOR TO DA

CONSULTANTS:



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PROJECT NAME: **14 BULGA RD  
DOVER HEIGHTS**

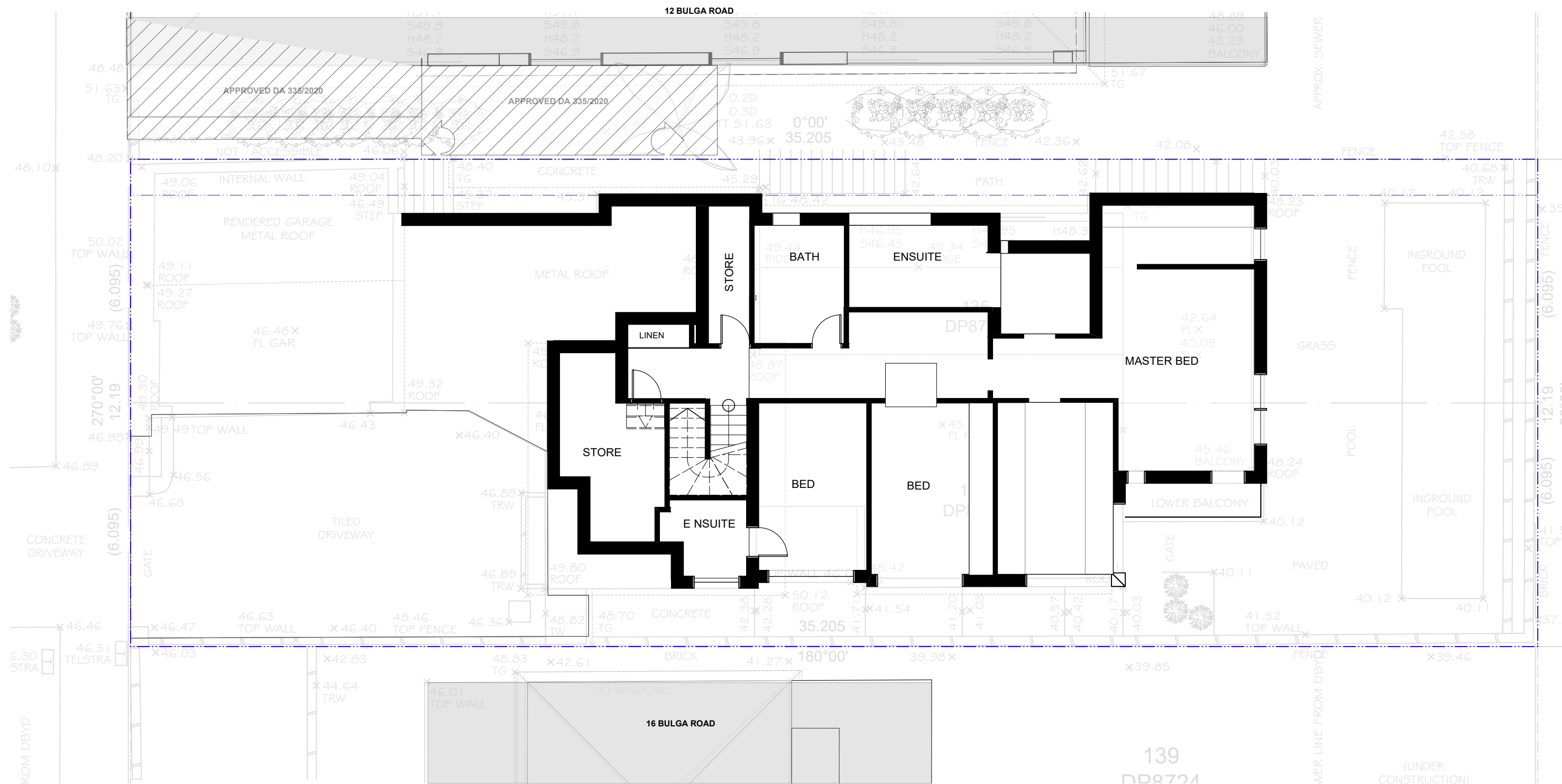
PROJECT No.: 2011

DRAWING NAME: **EXISTING GROUND FLOOR PLAN**

DRAWING SCALE 1:100

DATE: SEP 2020

DRAWING No.: **DA100**  
DRAWING Rev.: **E**



1 EXISTING LOWER GROUND FLOOR  
Scale: 1:100

AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-243/2021  
Date Received: 30/08/2021

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ABN 36 135 868 490

G 30/8/21 AMENDED DA PLAN  
F 1/8/21 REVISED GFA ISSUED TO COUNCIL

CONSULTANTS:

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ALL STRUCTURAL WORK TO ENGINEERS  
SPECIFICATION. REMAINS THE PROPERTY OF  
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PROJECT NAME: 14 BULGA RD  
DOVER HEIGHTS

PROJECT No.: 2011

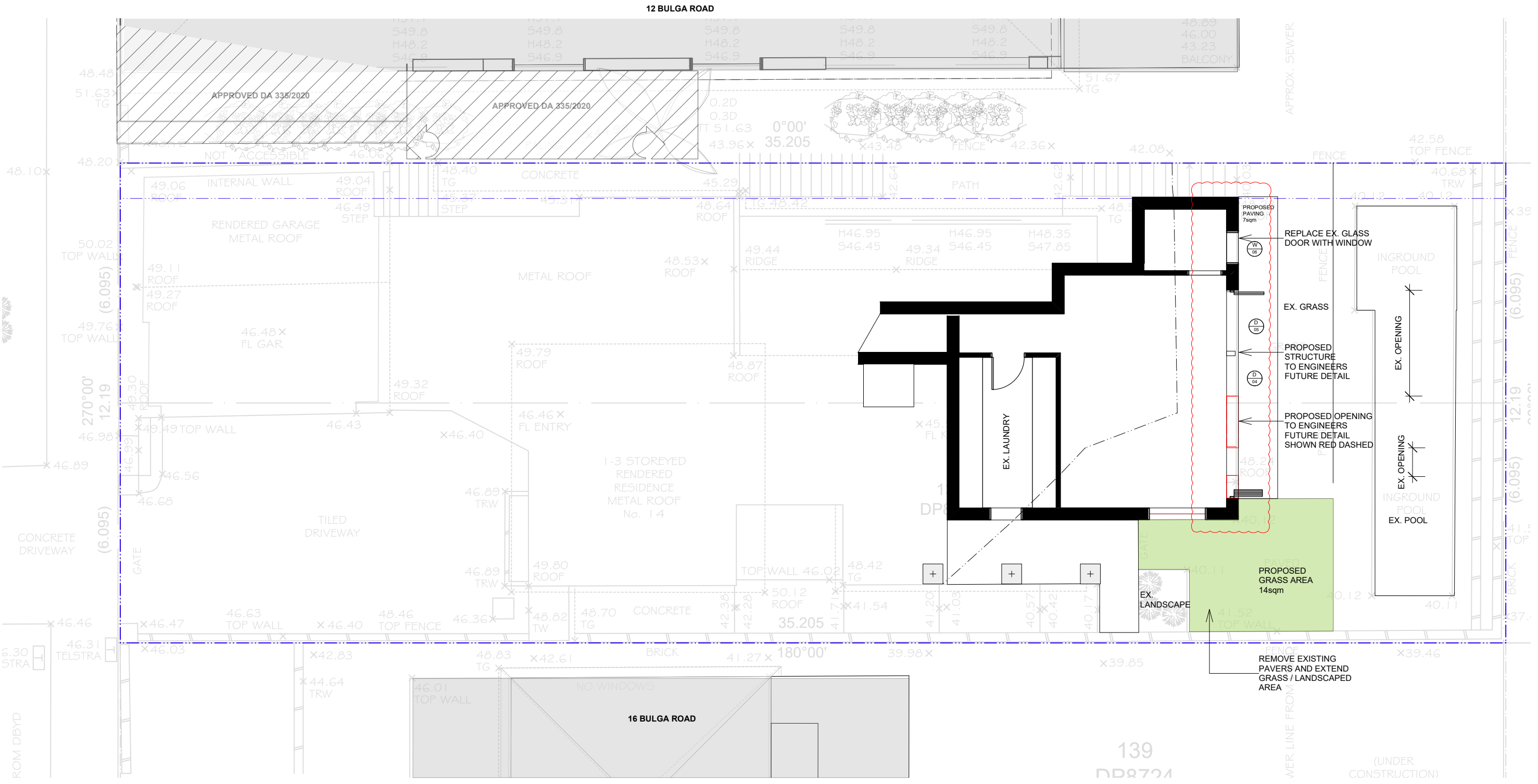
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DRAWING SCALE: 1:100

DATE: SEP 2020

DRAWING No.: DA101  
DRAWING Rev.: G

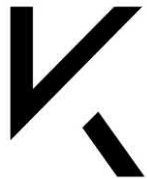




1 EXISTING BASEMENT FLOOR  
Scale: 1:100

AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-243/2021  
Date Received: 30/08/2021



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ABN 36 135 868 490

F 30/8/21 AMENDED DA PLAN  
E 31/5/21 ISSUED FOR DA

CONSULTANTS:



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PROJECT NAME: 14 BULGA RD  
DOVER HEIGHTS

PROJECT No.: 2011

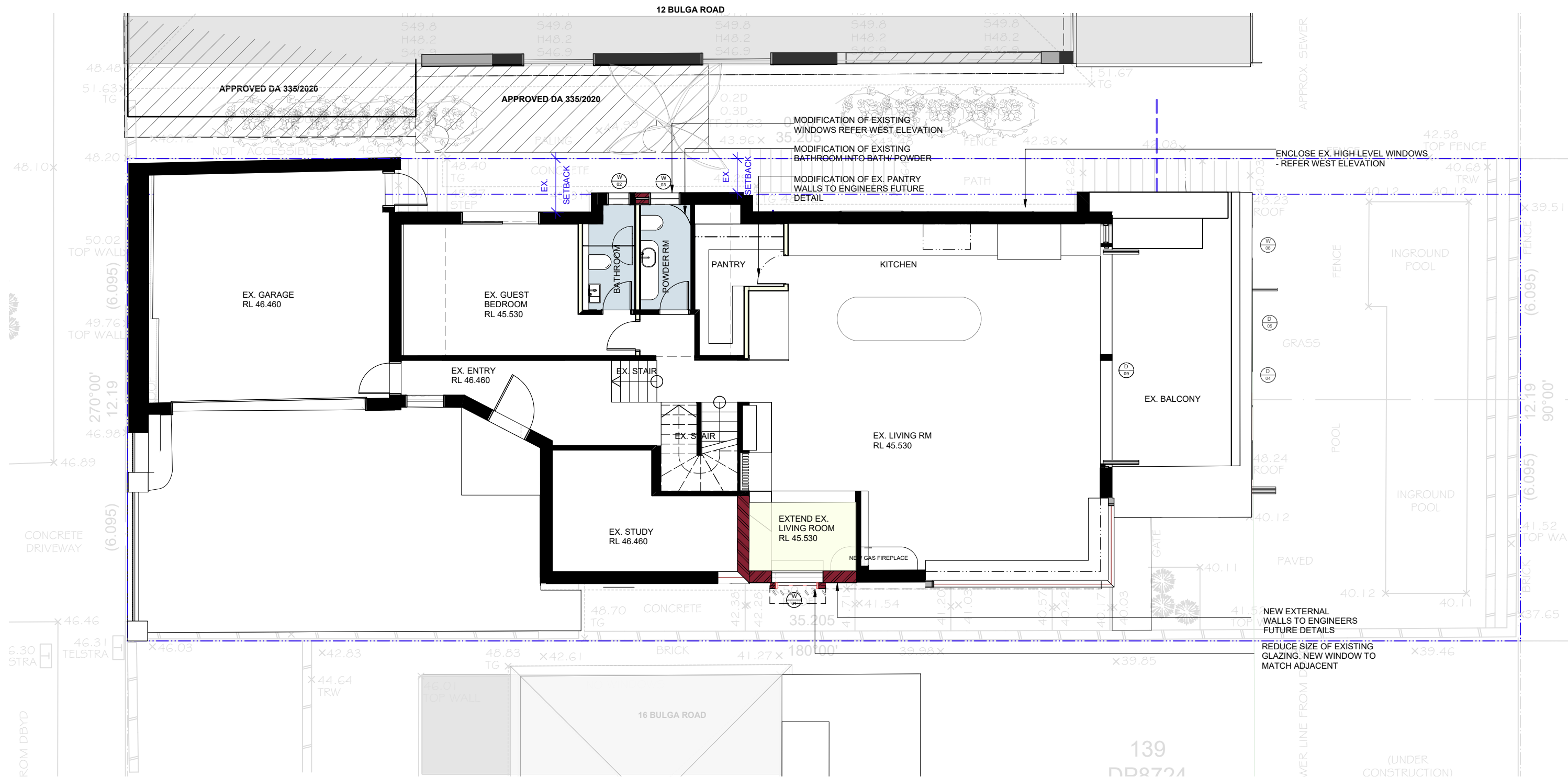
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DRAWING SCALE 1:100

DATE: SEP 2020

DRAWING No.: DA102  
DRAWING Rev.: F

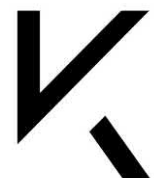




1 PROPOSED GROUND FLOOR  
Scale: 1:100

AMENDED PLANS

RECEIVED  
Waverley Council  
Application No: DA-243/2021  
Date Received: 30/08/2021



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F 30/8/21 AMENDED DA PLAN  
E 31/5/21 ISSUED FOR DA

CONSULTANTS:



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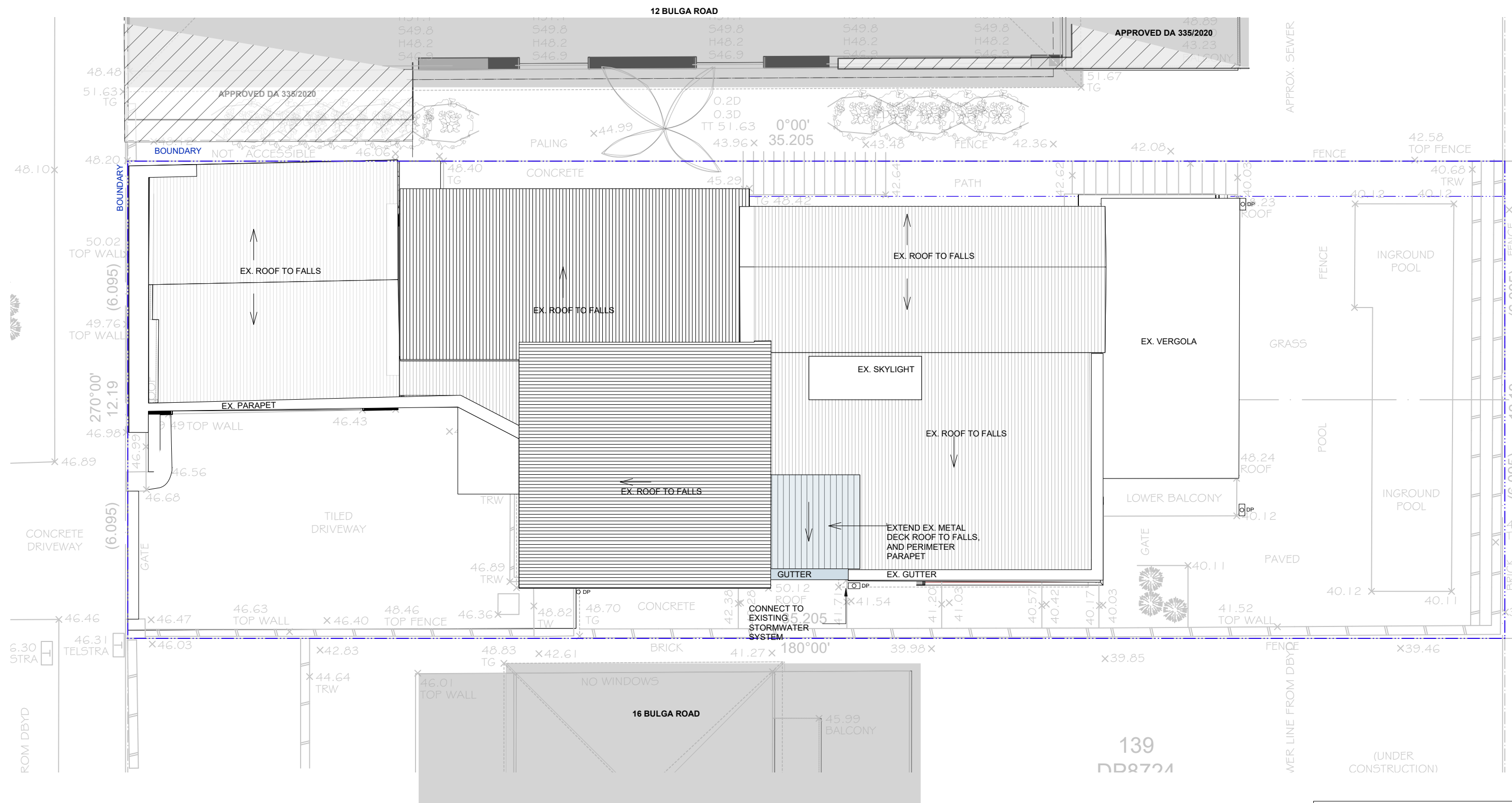
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DRAWING NAME: PROPOSED GROUND FLOOR PLAN

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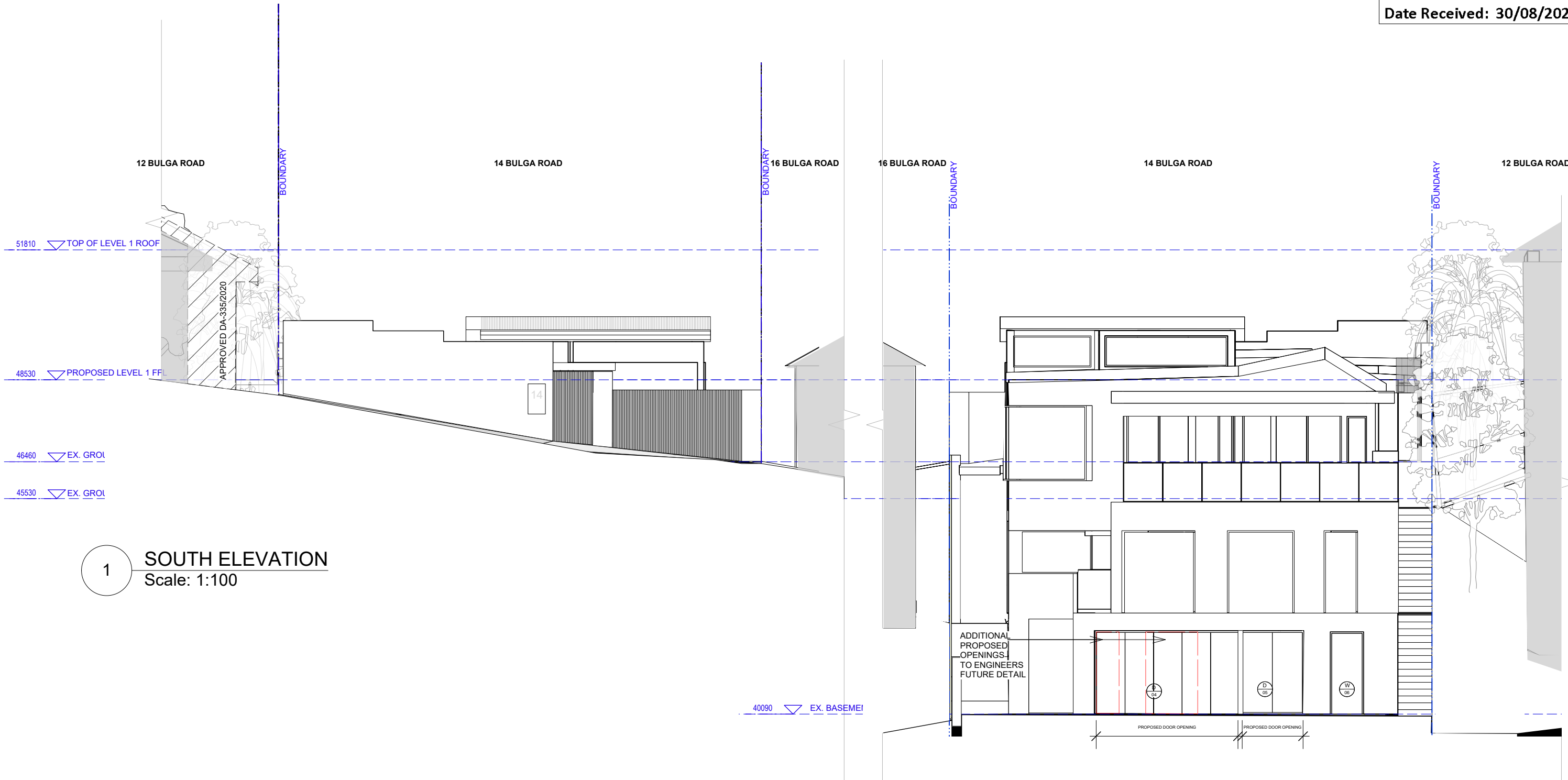
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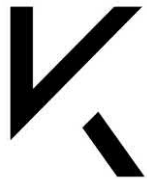
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Application No: DA-243/2021  
Date Received: 30/08/2021



1 SOUTH ELEVATION  
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2 NORTH ELEVATION  
Scale: 1:100



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PROJECT NAME: 14 BULGA RD  
DOVER HEIGHTS

PROJECT No.: 2011

DRAWING NAME: ELEVATIONS S + N

DRAWING SCALE 1:100

DATE: SEP 2020

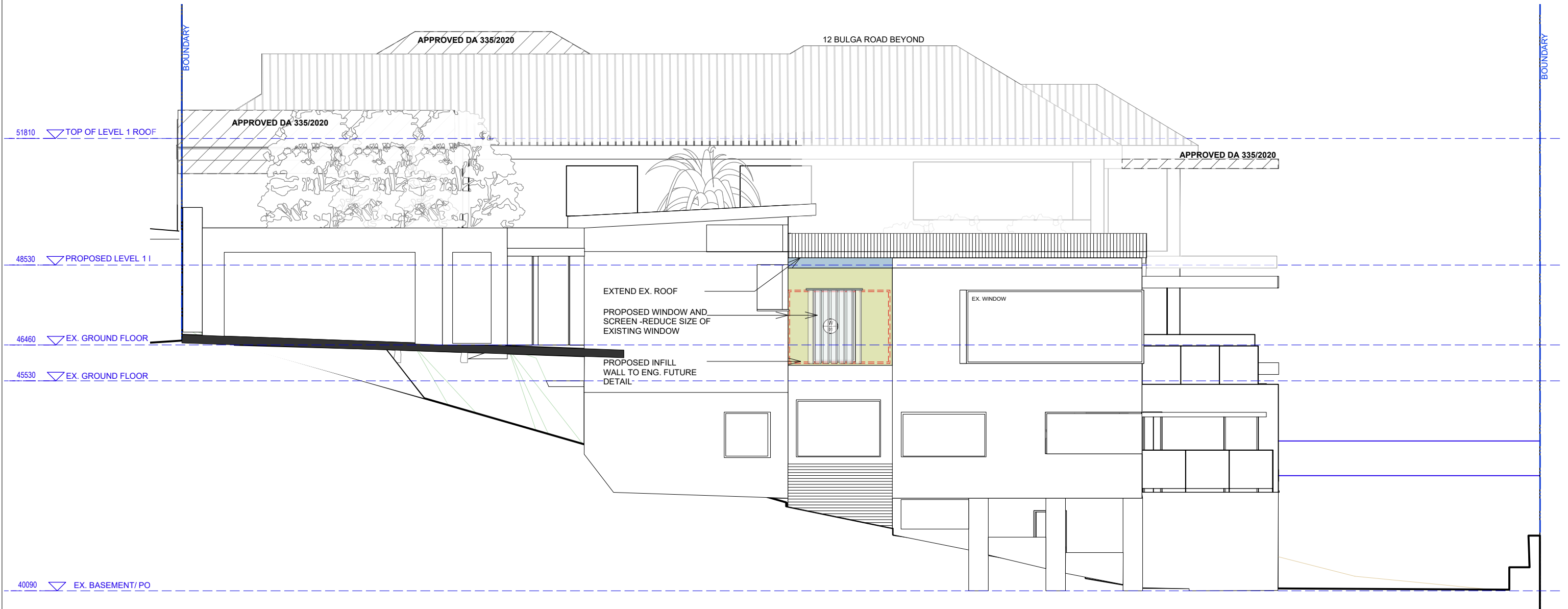
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DRAWING Rev.: F

# AMENDED PLANS

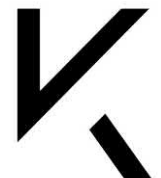
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Application No: DA-243/2021

Date Received: 30/08/2021



1 EAST ELEVATION  
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PROJECT NAME: 14 BULGA RD  
DOVER HEIGHTS

PROJECT No.: 2011

DRAWING NAME: ELEVATIONS E

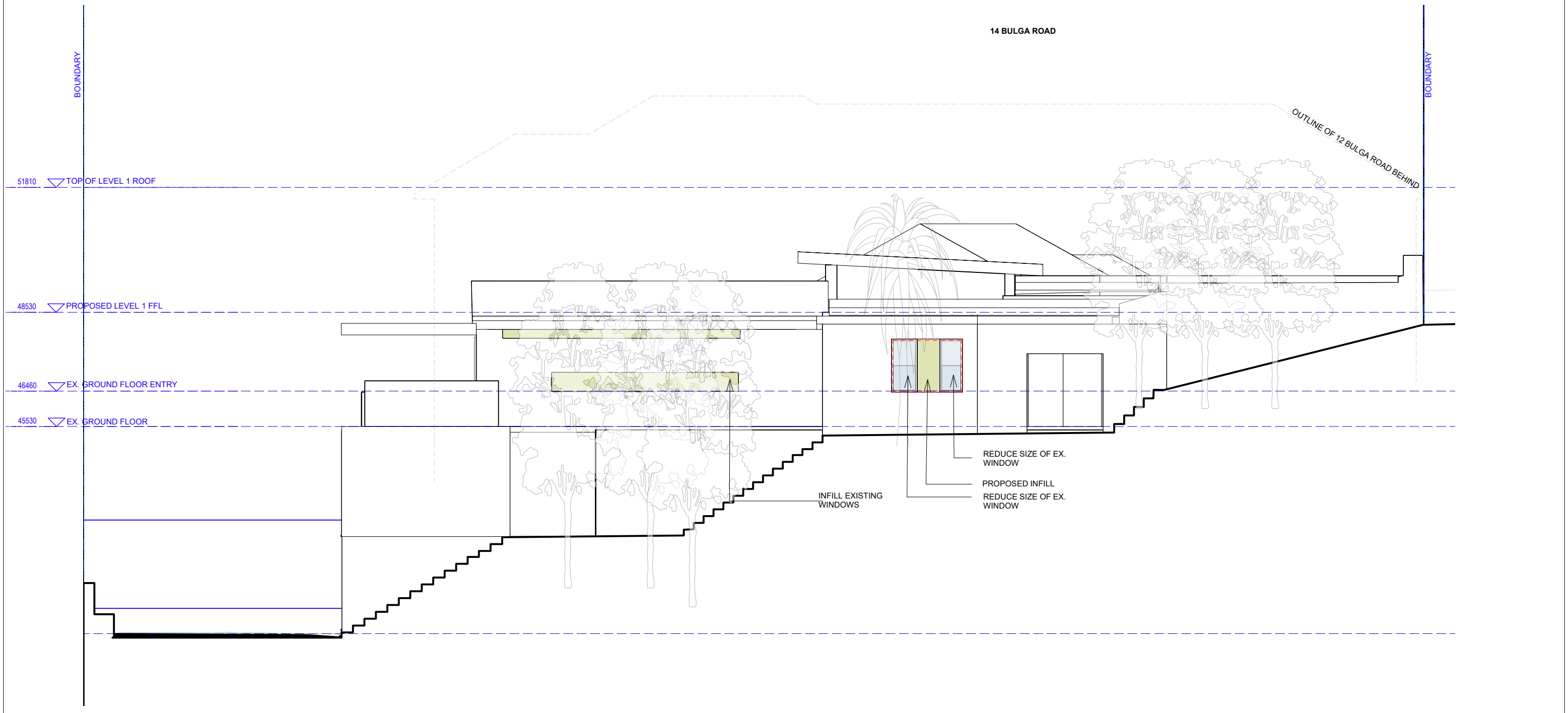
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DATE: SEP 2020

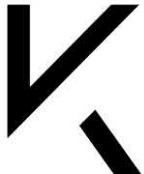
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AMENDED PLANS

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Date Received: 30/08/2021



1 WEST ELEVATION  
Scale: 1:100



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DOVER HEIGHTS  
  
PROJECT No.: 2011  
  
DRAWING NAME: ELEVATIONS W

DRAWING SCALE 1:100

DATE: SEP 2020

DRAWING No.: DA206  
DRAWING Rev.: F





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-235/2021
<b>Site address</b>	125 Military Road, Dover Heights
<b>Proposal</b>	Demolition of existing dwelling for the construction of a new two storey attached dual occupancy including excavation for a basement level and car parking, swimming pools at the rear and Strata subdivision.
<b>Date of lodgement</b>	22 June 2021
<b>Owner</b>	Ms N D Skurnik
<b>Applicant</b>	Arquero Architects Pty Ltd
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$1,750,000
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Setback of excavation to side boundaries</li> <li>• Building height</li> <li>• FSR</li> <li>• Size of roof terraces</li> </ul>
<b>Recommendation</b>	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 demolition of the existing single storey dwelling and swimming pool at the rear to construct a two storey attached dual occupancy with a basement level, double garages and swimming pools at the rear and Strata subdivision at the site known as 125 Military Road, Dover Heights.

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

- Extent of excavation
- Building height
- Floor space ratio (FSR)
- Size of roof terraces

The assessment finds these issues unacceptable, as the proposal presents a bulk and scale that is inconsistent with immediately adjoining properties and the surrounding area. In particular, the variation sought to the FSR and height of buildings development standards is excessive and does not complement the character of existing dwellings within the streetscape or the desired future character of the locality.

The submitted Clause 4.6 written justifications for the variation to the FSR and building height development standards do not adequately address Clauses 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) and has not satisfactorily demonstrated that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify contravention of the development standards. As such, development consent cannot be granted by the consent authority in accordance with Clause 4.6(4) of the Waverley LEP 2012.

No submissions were received during the notification period. No Councillor submissions have been received.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 20 July 2021.

The site is identified as Lot 103 in DP 1182 and is known as 125 Military Road, Dover Heights.

The site is rectangular in shape with a western frontage to Military Road, measuring 12.8m; the northern side boundary measures 41.14m and the southern side boundary measures 41.135m. It has an area of 526.6m<sup>2</sup> and has a fall from the north-east corner (at the rear) to the south-west corner (at the front boundary) of the site of approximately 1.7m.

The site is occupied by a single storey detached dwelling house with a single car garage located below and vehicular access from Military Road. The rear yard contains a swimming pool, alfresco area and landscaped areas along the eastern rear boundary.

The site is adjoined by a two storey dwelling with a pool and single storey detached structure to the north (at No. 127 Military Road) and a single storey dwelling to the south (at No. 123 Military Road). To the east of the site (adjoining the rear boundary) is a two storey dwelling with a frontage to Dover Road (No. 149). On the western side of Military Road, immediately opposite the site, are two storey dwellings with vehicular access from Military Road.

The locality is characterised by a variety of low density residential development comprising single and two storey detached dwellings and two storey dual occupancies. The architectural character of the immediately surrounding area is varied consisting of dwellings with various pitched roof forms and contemporary flat roof designs.

The site is not identified as a heritage item and is not located within a heritage conservation area under the Waverley LEP 2012. The site is also not located within a special character area or local village precinct under the Waverley Development Control Plan 2012 (Waverley DCP 2012).

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



**Figure 1:** Looking east from Military Road towards the site and immediately adjoining properties.



**Figure 2:** Adjoining properties to the north of subject site viewed from Military Road.





**Figure 3:** Properties to the south of subject site looking south along Military Road.



**Figure 4:** Existing developments opposite subject site on the western side of Military Road.



**Figure 5:** Rear of existing dwelling looking west from the eastern rear boundary.



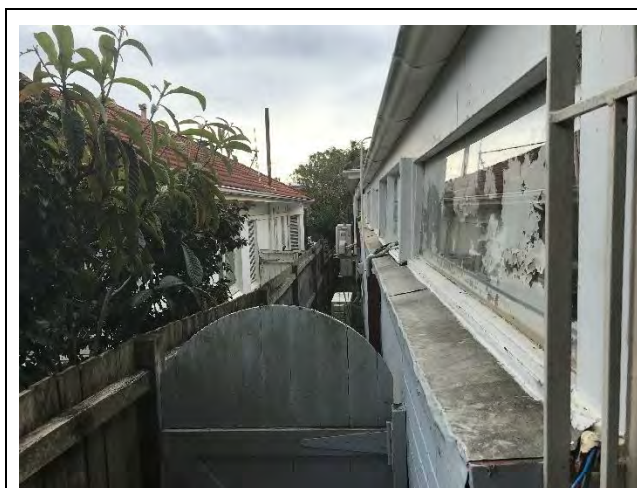
**Figure 6:** Looking north-west from rear yard towards properties immediately to the north of subject site.



**Figure 7:** Looking towards north-eastern corner of subject site from rear yard.



**Figure 8:** Looking south-east from rear yard.



**Figure 9:** Looking west along the southern side boundary towards Military Road. (No.123 to left)



**Figure 10:** Looking west along the northern side boundary toward Military Road. (No. 127 to right)

### 1.3. Relevant Development History

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

### 1.4. Proposal

The development application, as amended, seeks consent for demolition of the existing dwelling and swimming pool at the rear, excavation and construction of a new two storey attached dual occupancy development with a shared driveway and Strata subdivision, specifically the following for each dwelling:

#### Basement

- Excavation for a basement level comprising double garages, bin storage area, laundry, plant and pool pump room, storage room, lift and stair access to dwelling above.

#### Ground Floor

- New front fence with electronic gate across driveway;
- New landscaping in front setback including stepping stones and stairs along the northern and southern side boundaries to provide access to dwelling entries;
- Open plan living areas;
- Family room/guest bedroom fronting Military Road;
- Powder room;
- Lift;
- Stairs to first floor; and
- Alfresco area, pool and landscaping to the rear.

#### First Floor

- Four x bedrooms with two x ensuites;
- Bathroom;
- Lift;



- Stairs to roof level;
- Skylight void above ground floor living room;
- Planter boxes on the east and west elevations; and
- Rear balcony.

#### Roof

- Roof terrace measuring 4m x 5.2m (20.8m<sup>2</sup>);
- Accessway between stair entry and terrace measuring 1m x 4.6m;
- Glazed roof over stairs; and
- Solar panels.

### 1.5. Background

The development application was lodged on 22 June 2021 and deferred on 26 July 2021 for the following reasons:

- Incorrect calculation of gross floor area (GFA) and FSR in accordance with the definition for GFA under the Waverley LEP 2012.
- Insufficient Clause 4.6 written justification demonstrating compliance with the objectives of the FSR development standard, particularly how the proposal preserves the environmental amenity of neighbouring properties.
- Roof terrace area and stair access design exceed the height of buildings development standard under the Waverley LEP 2012 and design and size provisions under Part C2 of the Waverley DCP 2012, contributing to additional building bulk.
- Inaccurate calculation of building height from natural ground level rather than existing ground level.
- Inadequate setbacks to the northern and southern side boundaries at basement and ground floor levels. In particular, the garage and storage area are setback less than 900mm from the side boundaries and the blade walls and planter box structures on the western elevation is built to the side boundaries and will contribute to excessive building bulk when viewed from the Military Road and adjoining properties.
- Amended shadow diagrams are required to clarify existing and proposed shadow impacts on adjoining properties.
- The proposed driveway design and crossover width are excessive and inconsistent with design requirements under the Waverley DCP 2012. Additional information demonstrating sufficient sightlines, driveway gradients and drainage are required to enable a proper assessment of the proposal.
- Amended architectural drawings are to include additional design details including the following:
  - a. Existing footprint and floor levels of the basement area including the garage;
  - b. Contextual information of adjoining properties;

- c. Design details for the proposed front fence including materials and finishes;
  - d. Elevations showing proposed window openings on the north and south elevations without privacy screening; and
  - e. Additional landscaping within the front building setback.
- Insufficient stormwater management information. Amended stormwater management plan drawings and information demonstrating adequate on-site detention and compliance with Council's Water Management Technical Manual is required.

On 19 August 2021, Council received amended plans and additional information including the following:

- Reduction in vehicular crossover width at the kerb;
- Reduction in driveway width at the property boundary;
- Setback of blade wall 900mm from the north and south side boundaries at the front of the dwellings;
- Deletion of first floor planter boxes returning from the western elevation to the north and south side boundaries;
- Increase side setback of garage from the north and south side boundaries by 25mm, from 450mm to 475mm;
- Increase length of basement level with 900mm setback to the north and south boundaries;
- Reduce length of basement level and extent of excavation by 3m from the rear of proposed dwellings;
- Reconfiguration of basement level with reduced circulation space and bicycle storage area measuring 2.8m x 5.8m;
- Amended design for stair access to roof top terrace with reduction in building height and bulk; and
- Reduced roof terrace areas measuring 4m x 5.2m (20.8m<sup>2</sup>).

## 2. ASSESSMENT

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

### 2.1. Planning Instruments and Development Control Plans

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

### 2.1.1. State Environmental Planning Policies (SEPPs)

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

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

### 2.1.2. Waverley LEP 2012

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the objectives of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table <ul style="list-style-type: none"><li>• R2 Low Density Residential Zone</li></ul>	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"><li>• 8.5m</li></ul>	No	<p>The proposal has a building height of 10.1m to the northern elevation of the stair access to Dwelling 2 and 10.3m to the southern elevation of the stair access to Dwelling 1 (RL88.90), measured to the top of the stair access on the roof level.</p> <p>The proposal seeks a variation of 17.5% to the building height development standard.</p>
4.4 FSR and 4.4A Exceptions to FSR <ul style="list-style-type: none"><li>• 0.53:1</li></ul>	No	<p>The applicant has calculated a FSR of 0.73:1 (386.84m<sup>2</sup>) representing a variation of 37%. However, upon review of the GFA calculations Council's assessment officer has identified incorrect GFA calculations within the basement.</p> <p>In particular, the proposal has not included the laundries (15.4m<sup>2</sup>) within the basement level in GFA calculations. In accordance with definition for GFA under the WLEP 2012, laundries are not specifically excluded and are required to be included as GFA.</p> <p>Whilst the bin storage area adjacent to the garage is excluded from GFA calculations, the proposed bike storage area measuring 5.8m x</p>

Provision	Compliance	Comment
		.8m (total of 332.48m <sup>2</sup> ) is excessive for the nominated purpose and is capable of accommodating a car space adjoining the double garage. As such, the area between the bin storage and the lift/stair access is required to be included as GFA.  Having regard to the additional areas required to be included as GFA, the proposal has a FSR of 0.86:1 (GFA 450.6m <sup>2</sup> ) and represents a 38.4% variation to the FSR development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by written requests pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	No	The proposed excavation is considered excessive as it is not contained within the building footprint immediately above the basement and is not sufficiently setback at least 900mm from the side boundaries. The proposed excavation contributes to additional FSR and overdevelopment of the site.
6.3 Flood planning	Yes	The site is not flood affected. Existing drainage infrastructure is located within the road reserve on Military Road. Subject to imposition of appropriate stormwater management conditions.

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

*Clause 4.6 Exceptions to Development Standards - Height of Buildings*

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

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has a building height of 10.3m measured to the top of the stairs on the roof level (RL88.90), exceeding the standard by 1.8m equating to a 17.5% 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 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 exceedance of building height is a result of existing excavation and the topography of the site;*
  - (ii) *The exceedance of building height is a result of achieving compliance with the BCA for access to the roof terraces;*
  - (iii) *The proposal is consistent with the two storey streetscape along the eastern side of Military Road;*
  - (iv) *The proposal will not unreasonably impact on the privacy or amenity of neighbouring properties;*
  - (v) *The height of the adjoining dwelling to the north is higher than the height of the proposed dwelling measured to the top of the parapet and 560mm lower than the height of the proposed stair access;*
  - (vi) *The roof terraces will not be visible from the street and will not have any impacts on views from adjoining properties; and*
  - (vii) *The proposal achieves the objectives of the development standard notwithstanding non compliance with the standard.*

Compliance with the development standard would defeat the objective or purpose of the development standard on the following basis:

- (i) *The proposal is consistent with the height, bulk and scale of new developments and recently approved local residential developments; and*
  - (ii) *Similar dual occupancy developments have recently been approved and will complement the streetscape.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
    - (i) *The proposed built form is suitable for site and is compatible with nearby developments;*



- (ii) The roof terraces will not be visible from the street;*
- (iii) The proposal does not result in any additional amenity impacts on neighbouring properties such as loss of privacy or overshadowing compared to a building of compliant height;*
- (iv) The additional height to provide roof terraces results in a better outcome than the provision of larger balconies, additional excavation or additional building bulk;*
- (v) A compliant building height would require pushing building bulk further to the north-east, additional excavation or lowering of ceiling heights;*
- (vi) The proposal provides various private open spaces for the dwelling and maximises iconic views to Sydney Harbour and the CBD;*
- (vii) Variation to the development standard allows for proper and orderly development of land and good design and amenity of the built environment.*

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

Council’s assessment officer does not agree with the applicant’s justification that the proposal satisfies the objectives of the development standard notwithstanding non-compliance with the standard for the reasons as follows:

- Immediately surrounding properties do not comprise of dwellings that exceed the building height development standard to provide roof terraces greater than 15m<sup>2</sup>. As such, whilst the proposed two storey dual occupancy development is generally consistent with two storey dwellings in the surrounding area, the proposed roof terrace and stair access contributes to excessive building bulk and roof level development that is not part of the established streetscape and is not compatible with the height, bulk or scale of the desired future character of the local area.
- The proposed roof terraces and stair access will be visible from various points along Military Road and therefore will contribute to the appearance of additional building bulk at the roof level above the parapet of the two storey dwellings. Whilst some dwellings in the wider surrounding area comprises roof terraces, the roof terraces are generally not visible or visually prominent when viewed from the public domain.
- The proposed ground floor level has a floor to floor height of 3.7m and floor to ceiling height of 3.2m which is greater than the 2.7m floor to ceiling height requirement for habitable rooms. The proposed ground floor can be reasonably lowered to reduce the overall height of the development without adverse impacts on internal amenity for future occupants.

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 principal justification provided for the variation to the building height development standard is that the roof terrace and stair access will not be visible from the public domain, does not contribute to building bulk and does not result in any additional amenity impacts on surrounding properties. As discussed in above, the height and bulk of the stair access and glass balustrades to the roof terrace will be visible when viewed from the south and north along Military Road and contributes to additional bulk at the roof level. Given that sufficient private open space with good amenity is provided to each of the dual occupancy dwellings at ground level immediately adjacent to internal living areas, there is insufficient environmental planning grounds to provide large roof terrace areas that exceed the height of buildings development standard. In this instance, the non-compliance with the development standard does not result in a better environmental outcome or results in a development that is better suited to the existing character of immediately adjoining properties or the streetscape.

### 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 relevant objectives of the height of buildings development standard are as follows:

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

The 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 has failed to satisfactorily demonstrate how the variation sought is compatible with the existing building height and bulk of immediately surrounding properties which do not comprise of dwelling with roof terraces that are visible from the public domain and inconsistent with the development standard. Whilst the proposed dual occupancy development contributes to the objective to provide housing within a low density residential environment, the scale of the proposed development particularly with the visibility of the roof terrace from the public domain, is inconsistent with the character of the immediately surrounding neighbourhood.

### Conclusion

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

### *Clause 4.6 Exceptions to Development Standards - FSR*

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

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has a FSR of 0.82, exceeding the standard by 171.14m<sup>2</sup> equating to a 39% 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 provides a high quality dual occupancy development that maximises private open space and views;*
  - (ii) *The proposal is compatible with the two storey form and scale of existing neighbouring properties and recently approved developments;*
  - (iii) *The proposal does not result in any unreasonable privacy or amenity impacts on neighbouring properties;*
  - (iv) *The proposal satisfies the objectives of the development standard despite the non compliance;*
  - (v) *The building envelope and FSR is consistent with larger dwellings characteristic of the locality including the following:*

Address	DA Number	Development Description	FSR
<b>113 Military Road</b>	DA-323/2012	Demolition of the existing dwelling and construct new dual occupancy development, strata subdivision into two lots	<b>0.78:1</b>
<b>131 Military Road</b>	DA-259/2020	Demolition of dwelling and construction of a two-storey attached dual occupancy with integrated basement parking, swimming pool at rear and strata subdivision	<b>0.8:1</b>
<b>137 Military Road</b>	DA-24/2013	Demolition of dwelling, construction of dual occupancy with basement parking and strata subdivision	<b>0.68:1</b>
<b>141 Military Road</b>	DA-149/2017	Demolition of existing structures and construction of new dual occupancy with strata subdivision	<b>0.74:1</b>
<b>145 Military Road</b>	DA-321/2014	Demolish existing dwelling and construct new dual occupancy with swimming pools, double garages, new fencing and landscaping works	<b>0.65:1</b>
<b>147 Military Road</b>	DA-167/2012	Demolition of dwelling and Construct new dual	<b>0.66:1</b>

		occupancy with garage, swimming pool and strata subdivision	
<b>2 Lyons Street</b>	DA-387/2013	Demolition of dwelling & construction of dual occupancy with basement parking & swimming pool including strata subdivision	<b>0.67:1</b>
<b>52 Gilbert Street</b>	DA-397/2012	Demolition of dwelling, construction of a two storey dual occupancy with basement garage and storage	<b>0.66:1</b>
<b>57 Wallangra Road</b>	DA-60/2014	Demolish the existing dwelling, construct a new two storey dual occupancy plus strata subdivision into 2 lots	<b>0.55:1</b>

**Figure 11:** Extract from Clause 4.6 written justification seeking variation to the FSR development standard (Source: Myriad Consulting)

- (vi) *The objective of the development standard would be defeated or thwarted if compliance was required as the resulting built form would be inconsistent with the existing or desired future character of the locality; and*
  - (vii) *The proposal contributes to the streetscape with a high quality, contemporary dual occupancy development.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *Compliance with the FSR development standard will result in underdevelopment of the site with a form that is inconsistent with the desired future character of the locality;*
  - (ii) *The proposal provides two lots of 263.3m<sup>2</sup> in area which would permit a greater FSR if the proposed lots were on separate titles. As such, the proposed density of each dwelling is less than that permitted for a similar size Torrens titled lot within the R2 Low Density Residential zone;*
  - (iii) *The proposal maintains the amenity of surrounding properties and will not have any adverse impacts on built form, overshadowing, residential amenity, wind impacts or infrastructure;*
  - (iv) *The non-compliance does not result in substantial building bulk as it is generally within the building height limit;*
  - (v) *The proposal will not impact on any iconic harbour or city views; and*
  - (vi) *The proposal is contained within the maximum building envelope and satisfies the private open space, setback and amenity requirements.*

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

The justification provided does not adequately address Clause 4.6(3)(a) as it has not been satisfactorily demonstrated that a design that achieves compliance with the FSR development standard will result in a built form that is inconsistent with the existing or desired future character of the surrounding locality. It is noted that the dwellings within the street block bounded by Dover Road to the north, Lyons Street to the south, Aboukir Street to the east and Military Road to the west comprises various styles of dwellings with varying rear setbacks that will not have any impact on the proposed presentation of the dual occupancy to the street.

The applicant's comparison of the lot sizes for the dual occupancies subject to Strata subdivision and the maximum permitted FSR development standard for similarly sized Torrens titled lots is not well founded as the subdivision pattern of the immediately surrounding area is not characterised by allotment sizes of approximately 263m<sup>2</sup>. In accordance with the subdivision requirements under the Waverley LEP 2012, subdivision of land must result in minimum lot sizes of 500m<sup>2</sup> per allotment. As such, the subject site and immediately surrounding properties do not consist of sufficient lot sizes that would support land subdivision to accommodate dwellings with greater FSR as suggested by the applicant.

As demonstrated in the table provided by the applicant in **Figure 11**, variations to development standards may be considered acceptable where a development adequately demonstrates that

notwithstanding the non-compliance with the objectives of a development standard and the relevant zone, and does not have adverse environmental or amenity impacts on surrounding locality. As calculated by Council's assessment officer, the correct FSR for the proposal is 0.86:1 (38.4% variation) which is 64.16m<sup>2</sup> greater than the FSR sought by the Clause 4.6 written justification submitted. The proposal seeks a variation to the FSR development standard that is substantially greater than developments in the immediate vicinity of the site and has failed to adequately address relevant matters under Clause 4.6(3)(a) of the Waverley LEP 2012.

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

The applicant has adequately identified that the proposed variation to the development standard will not result in any additional amenity impacts on adjoining properties, however, insufficient justification has been provided to demonstrate that the proposal cannot reasonably accommodate a compliant design and that a compliant development would result in adverse impacts on character of the locality and streetscape.

The Clause 4.6 written justification is inadequate as it does not accurately refer to the extent of the variation sought as shown on the architectural plans and has failed to demonstrate that compliance with the development standard is unreasonable or unnecessary, and that there are sufficient environmental grounds to contravene the development standard.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out. In particular, the proposal will set an undesirable precedent of excessive FSR and building bulk having regard to the variation to the height of and FSR development standards and its impact on the existing character of the streetscape.

The relevant objectives of the FSR development standard are as follows:

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

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

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

## 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 R2 Low Density Residential zone as it presents a building bulk and scale that is inconsistent with the character of existing low density residential development in the immediately surrounding area.

### 2.1.3. Waverley DCP 2012 – Amendment No.9

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

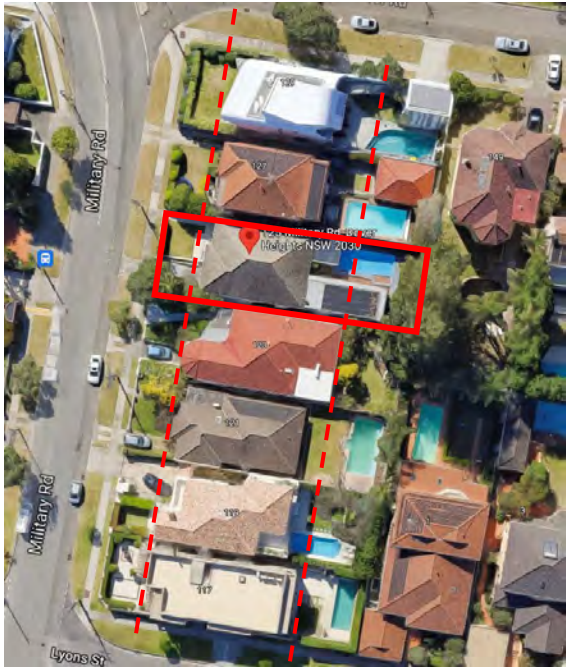
**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	The site does not contain any significant trees. The proposed removal of three existing trees adjacent to the southern boundary within the front building setback is supported. The proposal will not have any adverse impacts on surrounding trees, subject to imposition of tree management conditions.
6. Stormwater	No	Amended stormwater management plans to address the matters raised by Council's Stormwater Engineer have not been submitted.
8. Transport <ul style="list-style-type: none"><li>Parking Zone 2</li></ul> Minimum parking rate: <ul style="list-style-type: none"><li>Nil</li></ul> Maximum parking rate: <ul style="list-style-type: none"><li>2 spaces for 3 or more bedrooms.</li></ul>	No	<p>The proposal provides two car spaces per dwelling as shown on the architectural plans. However, the bike storage area immediately adjacent to the car parking spaces measure 5.8m x 2.8m and is capable of accommodating an additional car space directly accessible from the garage. As such, the proposal is identified as being able to accommodate three car parking spaces per dwelling, which is inconsistent with the maximum car parking control of a maximum of two car spaces per dwelling.</p> <p>Car parking spaces in excess of the maximum car parking control are inconsistent with the objectives of the DCP to reduce car parking rates,</p>

Development Control	Compliance	Comment
		results in additional excavation and contributes to floor space. The proposed area capable of accommodating an additional car space is not supported.
10. Safety	Yes	Satisfactory.
12. Design Excellence	No	Unsatisfactory, as the scale of the development, exceeding both FSR and height of building development standards, is inconsistent with the character of development in the vicinity of the site and will impact the existing and desired future character of the streetscape.
14. Excavation	No	The proposed excavation for the garages are within 900mm of the north and south side boundaries and extends beyond the building footprint of the building. The extent of excavation for the basement level, particularly the area nominated for bin and bicycle storage is excessive could be reduced to minimise the amount of proposed excavation and environmental impacts.

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum wall height of 7.5m</li> </ul>	No – acceptable on merit	The proposed wall height measures between 8m (adjacent to northern boundary) to 8.5m (adjacent to southern boundary). Notwithstanding the exceedance in wall height, the proposal does not exceed the wall height of the adjacent two storey dwellings at Nos. 127 and 129 Military Road and is acceptable.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes	The proposed front building setback measures 7.35m from the front property boundary. As shown in <b>Figure 12</b> below, the front building setback of properties on the eastern side of Military Road is consistent with No. 123 Military Road, except No. 127 Military Road which has a front setback of approximately 8.1m.  The proposed front building setback is aligned with No. 123 Military Road and is consistent with

Development Control	Compliance	Comment
		<p>the predominant front building setback of surrounding properties.</p>  <p><b>Figure 12:</b> Aerial view of site and the front and rear building setbacks of adjoining properties.</p> <p>The rear façade building setback measures 11.2m on both ground and first floor levels. The first floor rear balconies are setback 9.99m from the eastern boundary. The proposed rear building setback, excluding the balconies is aligned with the existing rear building setback of No. 123 Military Road. As shown on <b>Figure 12</b> above, dwellings in the immediate vicinity of the site consists of varying rear building setbacks with Nos. 123 and 117 Military Road extending the furthest to the rear. The proposed rear building setback is acceptable in this instance as it is consistent with the rear setback of No. 123 Military Road and will not result in any unreasonable visual bulk or amenity impacts on adjoining properties.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> <li>Minimum of 0.9m (for height up to 8.5m) or 1.2m (height non-compliant 2 storey dwelling)</li> </ul>	Yes	<p>The dual occupancy dwellings comply with the maximum building height of 8.5m except for the proposed roof terraces and stair access. As the roof terraces and stair access are setback from the external walls of the proposed dwellings, and is not considered a storey, a minimum side setback of 900mm is considered suitable in this circumstance. The proposed ground and first floors of the development have a minimum</p>



Development Control	Compliance	Comment
		900mm setback from the north and south side boundaries and is supported.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Significant landscaping to be maintained.</li> </ul>	<p>No</p> <p>No – acceptable on merit</p>	<p>The contemporary style of the proposed two storey dual occupancy is generally compatible with the existing streetscape, however the roof terraces and stair access to the roof level contributes to additional building bulk that is visible from the public domain and is inconsistent with the built form of immediately surrounding properties.</p> <p>The proposal results in a significant reduction in landscaping within the front setback as a driveway of greater width is required to provide shared vehicular access for the dual occupancy development. The proposed landscaping adjacent to the front boundary is consistent with landscaping within the front setback of contemporary developments within the street and is acceptable.</p>
<b>2.4 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	<p>Partial compliance – acceptable on merit</p> <p>Yes</p>	<p>The proposed front fence has a maximum height of 1.2m and tapers with the slope of the site along the front boundary. Whilst the height of the front fence complies with the DCP controls, the solid stone construction to a height of 1.2m adjacent to the driveway and pedestrian gates exceeds the maximum 600mm high solid construction permitted under the DCP.</p> <p>Notwithstanding this, the design of the front fence complements the architectural character of the dual occupancy development and will provide adequate passive surveillance, subject to the driveway pedestrian gates comprising an open design that enables visibility to and from the site.</p> <p>The side and rear fences will maintain the existing height of 1.8m.</p>
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures</li> </ul>	Yes	<p>The bedroom windows on the first floor on the north and south elevations will be screened with externally fixed, full height vertical blade privacy screens to minimise loss of privacy for adjoining properties and future occupants.</p>

Development Control	Compliance	Comment
<p>are incorporated into the design</p> <ul style="list-style-type: none"> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity and not exceed 15m<sup>2</sup> in area</li> </ul>	<p>Yes</p> <p>No</p>	<p>The rear first floor balconies have a depth of 1.22m, an area of 4.7m<sup>2</sup> and full height blade walls on the north and south sides to minimise direct overlooking of adjoining properties.</p> <p>The roof terraces have a principle useable area 20.8m<sup>2</sup> each, measuring 4m x 5.2m. Access to the roof terraces are provided via a 1m x 4.6m accessway (4.6m<sup>2</sup>) resulting in a total roof top area of 25.4m<sup>2</sup> per dwelling which exceeds the DCP control of 15m<sup>2</sup>.</p> <p>Given that immediately surrounding properties do not have roof terraces and existing roof terraces in the surrounding neighbourhood are not visible from the public domain, the proposal in its current form is not supported.</p> <p>The stair access to the roof terraces exceeds the height of buildings development standard and projects beyond the envelope of the two storey built form. As discussed above, the variation to the height of building development standard and impacts of the roof terrace and stair access have been considered under the provisions of Clause 4.6 and are not supported.</p>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li> <li>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The principle living areas and private open space at the rear of the site are orientated to the east and receive adequate sunlight on 21 June.</p> <p>The proposal maintains a minimum of 3 hours of sunlight to the principal open space of adjoining properties on 21 June.</p> <p>The submitted shadow diagrams demonstrate that the proposal does not result in any additional overshadowing of adjoining windows particularly at No. 123 Military Road immediately to the south of the site.</p>
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> </ul>	<p>Yes</p>	<p>No views from the public domain will be affected by the proposal.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	The proposal will not affect views from surrounding dwelling.
<b>2.8 Car parking</b>		
<b>2.8.1 Design Approach</b> <ul style="list-style-type: none"> <li>Parking only allowed where site conditions permit</li> <li>Car parking structures to be behind the front building line</li> <li>Designed to complement the building and streetscape</li> <li>Driveways are to be located to minimise the loss of on street parking</li> </ul>	Partial	<p>The location of the garages setback behind the front building setback complements the architectural style and character of the proposal and streetscape.</p> <p>The proposed vehicular crossing will not result in any net loss of on street car parking; however, insufficient information have been submitted to demonstrate compliance with relevant design requirements under the DCP and Australian Standards for driveway to ensure pedestrian safety, vehicular access and adequate stormwater drainage.</p>
<b>2.8.2 Parking rates</b>	No	Parking rates are set by Part B8 of Waverley DCP 2012. The architectural plans show two car parking spaces per dwelling which complies with the maximum car parking rates under the DCP however, the proposal has not adequately addressed the large bicycle storage area adjacent to the garage which is capable of accommodating an additional car space per dwelling, which is not supported.
<b>2.8.3 Location</b> <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> </ul>	Yes	The garages are located behind the front building line of the proposed dual occupancy dwellings.
<b>2.8.4 Design</b> <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area and appearance to the design of the residences</li> <li>Gates to have an open design</li> </ul>	Yes	<p>The proposed garages are located below the ground floor level of the dual occupancies and are consistent with the location of the garage for the existing dwelling.</p> <p>The front fence and gate are capable of complying with design requirements, subject to comprising an open design.</p>

Development Control	Compliance	Comment
<b>2.8.5 Dimensions</b> <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	The double garages have internal dimensions of 6m x 5.4m and achieves the minimum requirements per vehicle.
<b>2.8.6 Driveways</b> <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes  No  Yes	One shared driveway is proposed to be used by the dual occupancy dwellings.  The driveway cross over width at the gutter measures 3.5m excluding the splay.  The proposal will not result in any net loss of street parking.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes  Yes  Yes  No – acceptable on merit  Yes	Open space equating to approximately 50% of the site area will be provided.  The proposal provides a total landscaped area of 122.7m <sup>2</sup> (23.4%), excluding the rear swimming pools.  Each dwelling has a principle private open space area of 71m <sup>2</sup> within the rear yard.  77.4% of the front setback comprises of open space.  A total landscaped area of 19.4m <sup>2</sup> (26.6%) is provided within the front open space. The availability of suitable landscape area within the front setback is restricted given the driveway design required to achieve adequate vehicular access. The proposal seeks to increase landscaping when viewed from the public domain by incorporating planters on the ground and first floor levels of the western elevation which is supported.  Each dwelling will be provided with a clothes drying area within the rear yard.
<b>2.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> <li>All pool equipment must be enclosed within an</li> </ul>	Yes	Swimming pools are located at the rear of the property and are appropriately landscaped along the rear and side boundaries to minimise privacy impacts on adjoining properties.  The pool pump equipment is located within the basement and will not have any unreasonable acoustic impacts on adjoining properties.

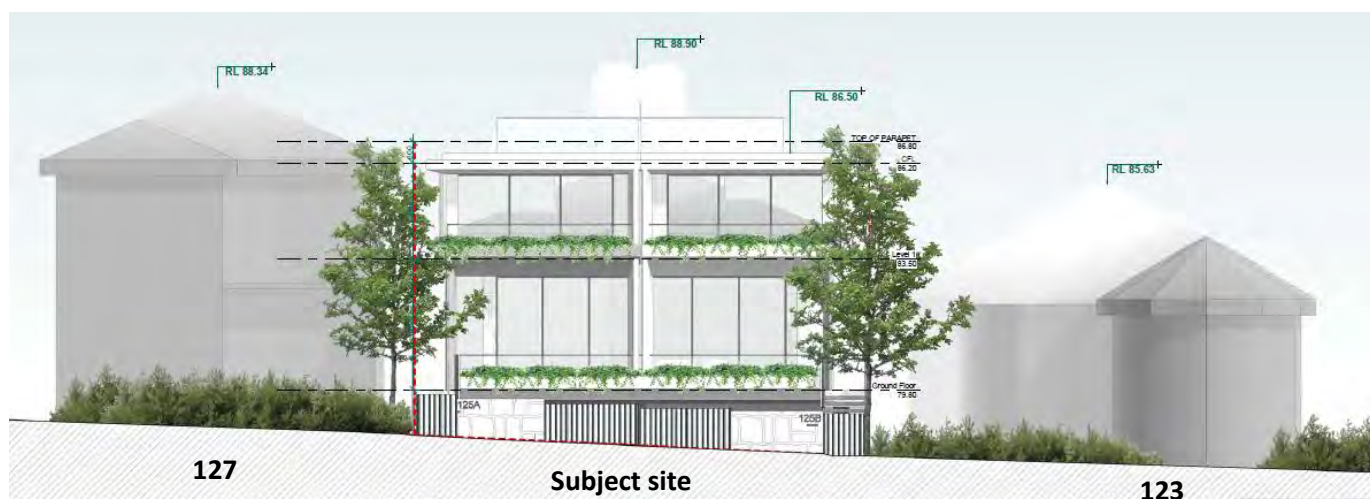
Development Control	Compliance	Comment
acoustically treated structure		
<b>2.15 Dual Occupancy Development</b>		
<ul style="list-style-type: none"> <li>Min 450m<sup>2</sup> attached dwellings</li> </ul>	Yes	The site has an area of 526.6m <sup>2</sup> .
<ul style="list-style-type: none"> <li>Must provide a single vehicle crossing to the street</li> </ul>	Yes	A single driveway and vehicle crossing provides access to the dual occupancies from Military Road.

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

### *Roof terraces*

In accordance with design provisions for roof terraces to dwellings under Section 2.5 in Part C3 of the Waverley DCP 2012, roof terraces are permitted where there is a prominence of roof terraces in the immediate vicinity of the site and the design and use of the area will not have adverse amenity impacts on adjoining properties. In addition, access to roof terraces are to be contained within the building envelope and the roof terraces are not to be greater than 15m<sup>2</sup> in area.

The proposed roof terraces have an area measuring 25.4m<sup>2</sup> each including the pathway from the stair access. Given that the proposed dual occupancy development consists of a flat roof, the stair access to the roof terraces projects above the main roof and exceeds the height of buildings development standard, as discussed in Section 2.1.2 above. The balustrades, privacy screen between the dwellings and stair access will be visible from the public domain and contributes to additional building bulk above the parapet which is inconsistent with the character of immediately surrounding properties, as shown in **Figure 11** below, which demonstrates that the proposal is not suitable within the streetscape.



**Figure 11:** Proposed roof terrace and lift overrun within the streetscape.

Having regard to the eastern orientation, size and good amenity provided by the rear yards at the ground level of the development, the proposed roof terraces are not necessary and are inconsistent with the design requirements under Section 2.5(f) in Part C3 of the WDCP 2012. Support for roof



terraces would be subject to a reduction in area and visibility of the structures from the public domain and submission of an adequate Clause 4.6 written justification seeking variation to the height of buildings development standard.

## 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 and is recommended for refusal

## 2.4. Any Submissions

The application was notified for 14 days from 24 June 2021, in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- A reduction in driveway crossover width;
- A reduction in building bulk as viewed from the street;
- A reduction in building bulk resulting from amended stair access to the roof level and reduction in area of the roof terraces;
- Increased setbacks along the north and south side boundaries
- Reduction in extent of excavation along the north and south side boundaries and to the rear of the site; and
- No additional visual or acoustic privacy impacts on adjoining properties.

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

Council's Traffic Engineer noted that the amended proposal provided double garages with compliant internal dimensions and a shared driveway which is consistent with the requirements of the Waverley DCP 2012. However, the proposed driveway width at the gutter measures 3.5m exceeds the maximum width of 3m under the DCP and is not supported in its current form.

Insufficient information has been submitted to enable a proper assessment of the proposed driveway. The amended architectural plans have not included relevant gradients and levels of the proposed driveway to allow Council officers to assess any potential impacts on the public domain, pedestrian safety, drainage and vehicular access.

### 3.2. Stormwater

Council's Stormwater Engineer noted that amended stormwater plans have not been submitted. Notwithstanding this, no objection is raised to the proposed development and Council's stormwater management requirements are capable of being satisfied, subject to appropriate conditions being imposed.

### 3.3. Tree Management

Council's Tree Management officer raised no objection to the proposal, subject to imposition of appropriate tree protection conditions.

### 3.4. Land Information/GIS

Council's Land Information/GIS officer raised no objection to the proposal, subject to imposition of appropriate conditions relating to street numbering of the proposed dual occupancies.

## 4. CONCLUSION

The development application seeks consent for demolition of the existing single storey dwelling and swimming pool at the rear to construct a two storey attached dual occupancy with a basement level, double garages and swimming pools at the rear and Strata subdivision at the site known as 125 Military Road, Dover Heights.

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

- Extent of excavation
- Building height
- FSR
- Size of roof terraces

The assessment finds these issues unacceptable as the proposal presents a bulk and scale that is inconsistent with immediately adjoining properties and the surrounding area. In particular, the variation sought to the FSR and height of buildings development standards is excessive and does not complement the character of existing dwellings within the streetscape or the desired future character of the locality.

The submitted Clause 4.6 written justifications for the variation to the FSR and building height development standards do not adequately address Clauses 4.6(3)(a) and (b) of the Waverley LEP 2012 and have not satisfactorily demonstrated that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify contravention of the development standards. As such, development consent cannot be granted by the consent authority in accordance with Clause 4.6(4) of the Waverley LEP 2012.

No submissions were received during the notification period. No Councillor submissions have been received. There are 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 refusal.

***Development and Building Unit (DBU) Decision:***



The application was reviewed by the DBU at the meeting on 31 August 2021 and the DBU determined:

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

DBU members: *M Reid, A Rossi, B McNamara 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.

<b>Report prepared by:</b>	<b>Application reviewed and agreed on behalf of the Development and Building Unit by:</b>
	
Peggy Wong	Bridget McNamara
<b>Senior Development Assessment Planner</b>	<b>Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)</b>
<b>Date: 3 September 2021</b>	<b>Date: 10 September 2021</b>

***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 of buildings* (1)(a) and (d) and (2), as the proposal breaches the height of buildings development standard and has not adequately demonstrated that the proposed extent of non-compliance consisting of the roof terraces and stair access is consistent with the form, bulk and scale of existing surrounding developments and the desired future character of the locality.
  - b. Clause 4.4 *Floor space ratio* (1)(b) to (d) and (2), as the proposal breaches the floor space ratio development standard and has not adequately demonstrated that the exceedance in both floor space and building height is compatible with the density, bulk or scale of immediately surrounding developments and is consistent with the desired future character of the locality.
  - c. Clause 4.6 *Exceptions to development standards* (1)(b), 3(a) and (b) and (4)(a) as the applicant's written request fails to justify that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the variation to the floor space ratio and height of building development standards, and the proposal achieves a better outcome for the subject site and the adjoining properties.
  - d. Clause 4.6 *Exceptions to development standards* (4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height of buildings and floor space ratio development standards and is not in the public interest as the proposal is inconsistent with the character of the streetscape and does not achieve the desired future character of the locality, and is an over development of the site.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposal is contrary to Waverley Development Control Plan 2012, in particular, the following provisions:
  - a. Part B6 – Stormwater
    - i. Clause 6.1 *Stormwater management and WSUD*, specifically controls (b) to (f) as insufficient information has been submitted to adequately address the requirements for stormwater management and on-site detention systems.
  - b. Part B8 – Transport
    - i. Clause 8.2.2 *Car parking provision rates* and Clause 8.2.3 *Variations to parking rates*, as the basement level is capable of accommodating three car parking spaces per dwelling which exceeds the maximum car parking rate of two car parking spaces for a dwelling containing three or more bedrooms. The proposal has not adequately addressed the purpose of the large area directly adjacent from the garage and has not

demonstrated that extent of excavation within the basement level and variation to the maximum car parking rate is in the public interest.

c. Part B12 – *Design Excellence*

- i. Clause 12.1 *Design*, specifically objective (a) and control (e)(iv) as the visibility of the roof terraces and stair access to the roof level contributes to the overall built form and scale of the development and is inconsistent with the character of existing developments and the desired future character of the locality. In particular, there is no precedent of roof terraces of similar dimensions or variation to the height of building development standard to provide access to the roof terraces that result in visual impacts in the immediate vicinity of the site.

d. Part B14 – *Excavation*

- i. Objectives (a), (b) and (f) and controls (d) and (l) as the extent of excavation particularly adjacent to the north and south side boundaries is excessive and does not minimise site disturbance or impacts on the natural environment.

e. Part C2 – *Low Density Residential Development*

- i. Section 2.0 *General Objectives*, specifically objectives (a) and (d) as the exceedance in floor space ratio and building height is inconsistent with the bulk, scale and character of existing and desired future character of the area.
  - ii. Section 2.1 *Height*, specifically objective (b) and control (b) as the proposed exceedance in building height does not respond appropriately to the existing built form character within the street particularly with additional structures visible above the parapet.
  - iii. Section 2.3 *Streetscape and visual impact*, specifically objectives (a) and (b) and controls (a) and (d) as the excessive building height and additional bulk above the parapet is inconsistent with the existing or desired future character of the locality and will set an undesirable precedent.
  - iv. Section 2.5 *Visual and acoustic privacy*, specifically objectives (a) to (d) and control (f)(i) to (iii) and (v) as roof terraces are not a prominent feature within the immediate surrounding area and the proposed roof terrace dimensions are excessive and likely to have additional acoustic privacy impacts on adjoining properties. Stair access to the roof terraces project beyond the building envelope and is inconsistent with the design of stair access to roof terraces in the surrounding area.
  - v. Section 2.8 *Carparking*, specifically clause 2.8.4(k) and 2.8.6(c) and AS2890.1 Clause 2.6.2 and Clause 3.2.4(b) as insufficient information has been provided to demonstrate that the design of the driveway including width and gradients are consistent with relevant design requirements and will not have any adverse impact on the amenity within the public domain, pedestrian safety, vehicular access and appropriate drainage.
4. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, and is inconsistent with the existing and future desired character of the locality.
5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the bulk and scale of the development has adverse amenity impacts on neighbouring properties and is therefore considered unsuitable for the site.



6. The proposal is not considered to be in the public interest *for the reasons outlined above*, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

125 MILITARY ROAD , DOVER HEIGHTS



DRAWING LIST

SHEET NO.	SHEET NAME
A000	COVER SHEET
A002	BASIX COMMITMENT
A003	COMPLIANCE TABLE
A100	PLAN - SITE
A110	PLAN - EXISTING
A120	PLAN - DEMOLITION
A130	PLAN - SITE ANALYSIS
A140	DRAFT SUBDIVISION PLAN
A200	PLAN - BASEMENT
A201	PLAN - GROUND FLOOR
A202	PLAN - FIRST FLOOR
A203	PLAN - ROOF
A300	ELEVATIONS - FRONT AND REAR
A310	ELEVATIONS - SIDE
A320	ELEVATIONS - SIDE
A340	ELEVATIONS - SIDE (WITHOUT PRIVACY SCREEN)
A350	ELEVATIONS - SIDE (WITHOUT PRIVACY SCREEN)
A400	SECTIONS - OVERALL
A800	SCHEDULE - WINDOWS TYPES
A900	DIAGRAM - FSR CALCULATION
A901	DIAGRAMS - LANDSCAPING
A902	DIAGRAM - EXCAVATION
A903	MAX HEIGHT CONTROL
A904	VIEWS ACROSS THE STREET
A910	NOTIFICATION PLAN
A911	NOTIFICATION PLAN - ELEVATIONS
A920	SHADOWS 9AM
A920A	SHADOWS 9AM EXSTING
A921	SHADOWS 10AM
A921A	SHADOWS 10AM EXSTING
A922	SHADOWS 11AM
A922A	SHADOWS 11AM EXSTING
A923	SHADOWS 12PM
A923A	SHADOWS 12PM EXSTING
A924	SHADOWS 1PM
A924A	SHADOWS 1PM EXSTING
A925	SHADOWS 2PM
A925A	SHADOWS 2PM EXSTING
A926	SHADOWS 3PM
A926A	SHADOWS 3PM EXSTING
A927	ELEVATION SHADOWS 9AM
A928	ELEVATION SHADOWS 10AM
A929	ELEVATION SHADOWS 11AM
A930	ELEVATION SHADOWS 12PM
A931	ELEVATION SHADOWS 1PM
A932	ELEVATION SHADOWS 2PM
A933	ELEVATION SHADOWS 3PM



BASIX COMMITMENTS

Project address	
Project name	Dual occ @ 125 Military Road, Dover Heights
Street address	125 Military Road Dover Heights 2030
Local Government Area	Waverley Council
Plan type and plan number	deposited 11822
Lot no.	103
Section no.	-
Project type	
No. of residential flat buildings	0
No. of units in residential flat buildings	0
No. of multi-dwelling houses	2
No. of single dwelling houses	0
Site details	
Site area (m²)	526.6
Roof area (m²)	238
Non-residential floor area (m²)	0 0
Residential car spaces	6
Non-residential car spaces	0

Common area landscape		
Common area lawn (m²)	0.0	
Common area garden (m²)	0.0	
Area of indigenous or low water use species (m²)	0.0	
Assessor details		
Assessor number	10194	
Certificate number	0004256256	
Climate zone	56	
Ceiling fan in at least one bedroom	No	
Ceiling fan in at least one living room or other conditioned area	No	
Project score		
Water	 42	Target 40
Thermal Comfort	 Pass	Target Pass
Energy	 57	Target 50

(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✔	✔	✔
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(g) Where there is an in-slab heating or cooling system, the applicant must:  (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔	✔	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✔	✔	
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

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NOMINATED ARCHITECT  
RAMY TAWADROS

Reg No. 9209 (NSW)



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B	17/08/21	ADDITIONAL INFO

STATUS  
DA APPLICATION

Do not scale drawing. Verify all dimensions on site. Report any discrepancies in documentation to architect. This drawing is for the purpose of council approval and as such, is not suitable for construction

CLIENT  
CRAIG & NATALIE WUNSH

PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A002

DRAWING TITLE  
BASIX COMMITMENT

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COMPLIANCE - PRIMARY CONTROLS

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ITEM	PROPOSED			STANDARD / CONTROL		COMPLIANCE
SITE AREA		526.6 m²				
MAX BUILDING HEIGHT		8.5 m			8.5 m	YES
SETBACKS						
	FRONT					
		GROUND	7.35	m	STREET SETBACK	YES
		FIRST	6.8	m	STREET SETBACK	YES
	REAR					
		GROUND	11.15	m	STREET SETBACK	YES
		FIRST	11.15	m	STREET SETBACK	YES
	SIDE STEBACK					
		0.9 - 2.8			m	.9M
GFA						
	FIRST		99.39 m²			
	GROUND		91.28 m²			
	BASEMENT		2.75 m²			
	TOTAL		193.42m² *2 = 386.84 m²	=0.73	0.5 = 263.3 M²	NO
LANDSCAPEED AREA		20.15% OF LOT			15% OF LOT	YES
	TOTAL		106.14 m²		78.99 M²	YES
POS		71 m²			MIN 25 M²	YES



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ADDRESS  
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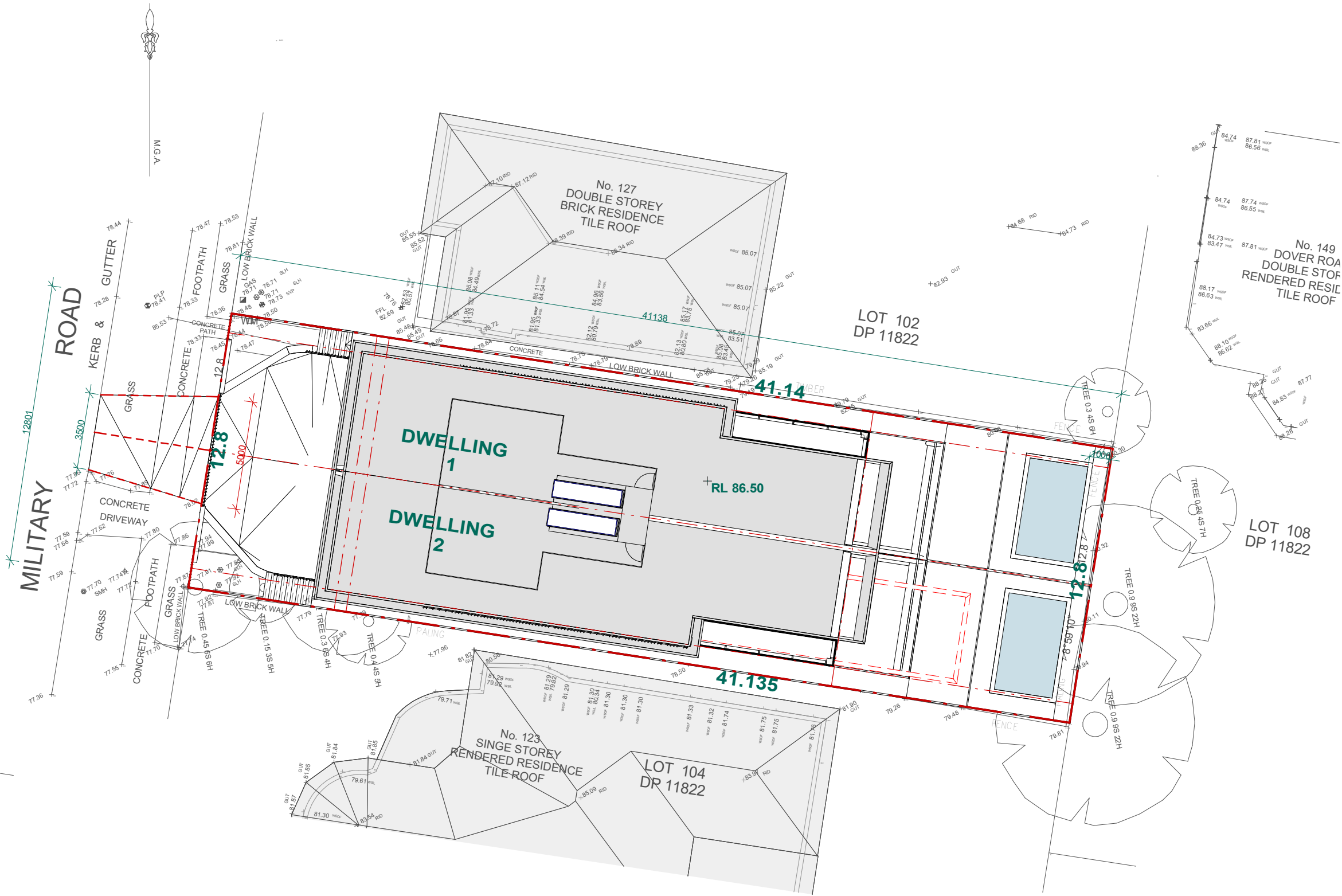
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ADDRESS  
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A100

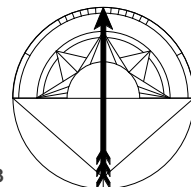
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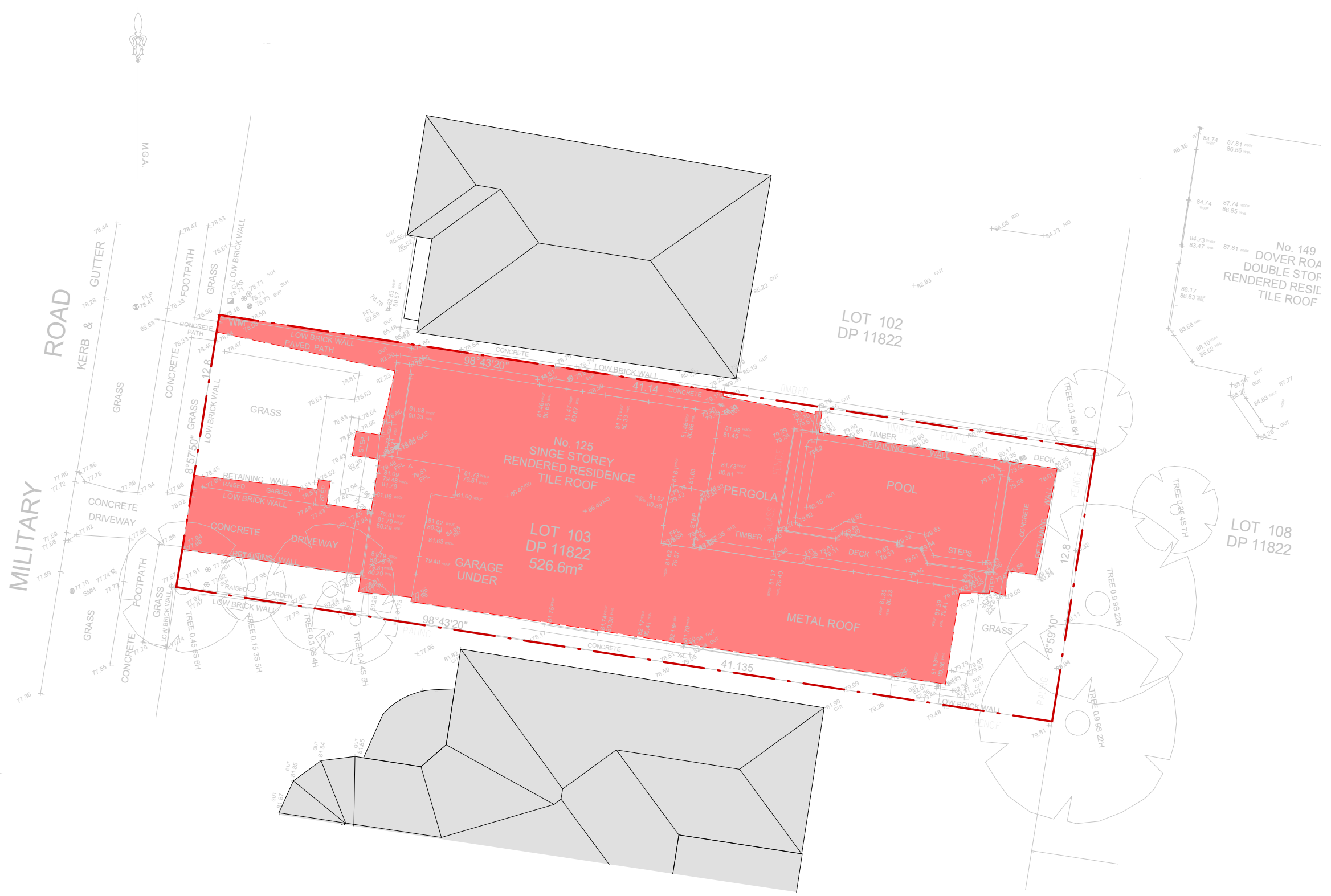


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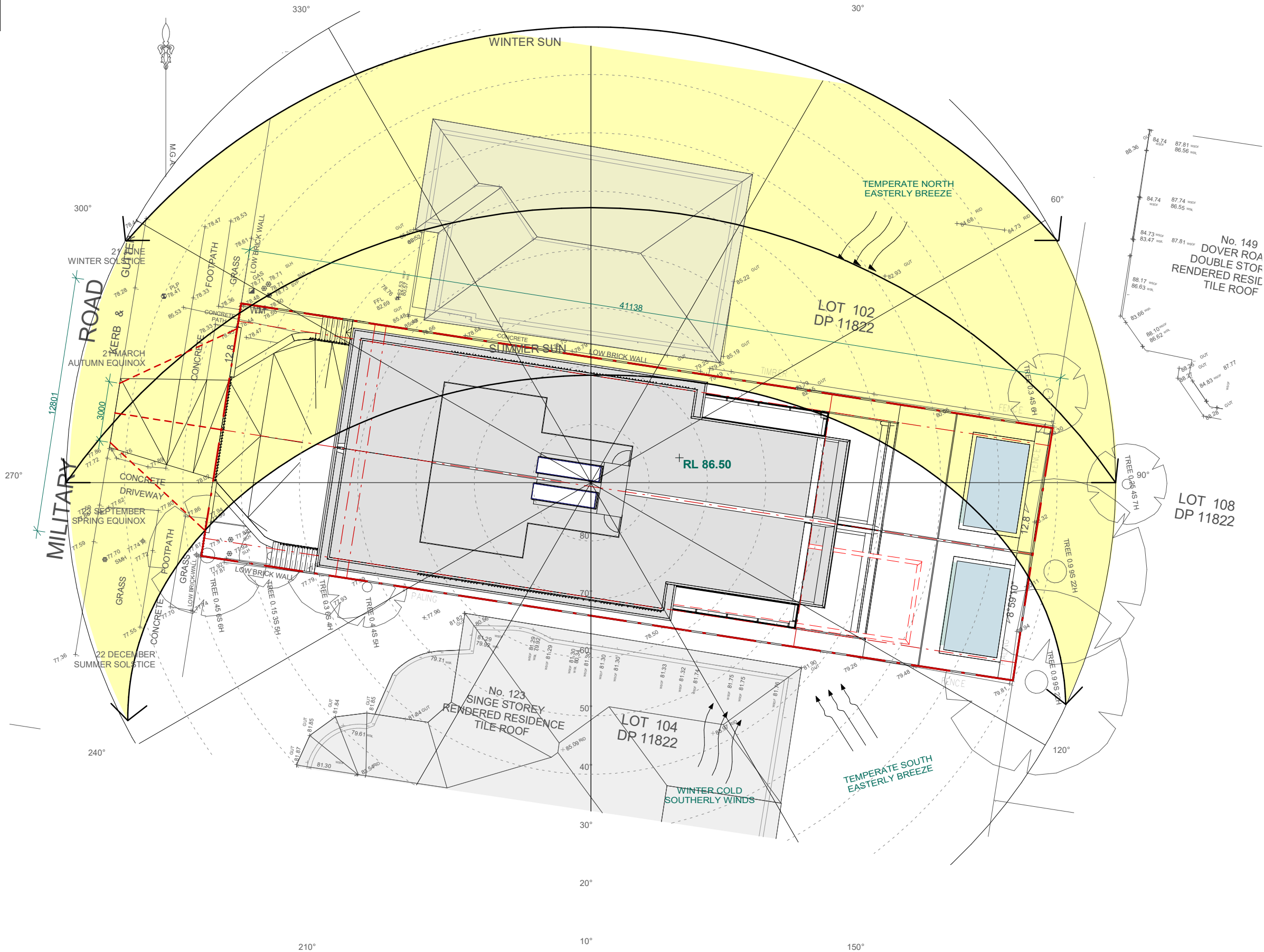




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A130

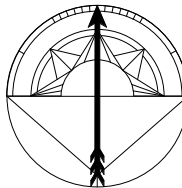
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PLAN - SITE ANALYSIS

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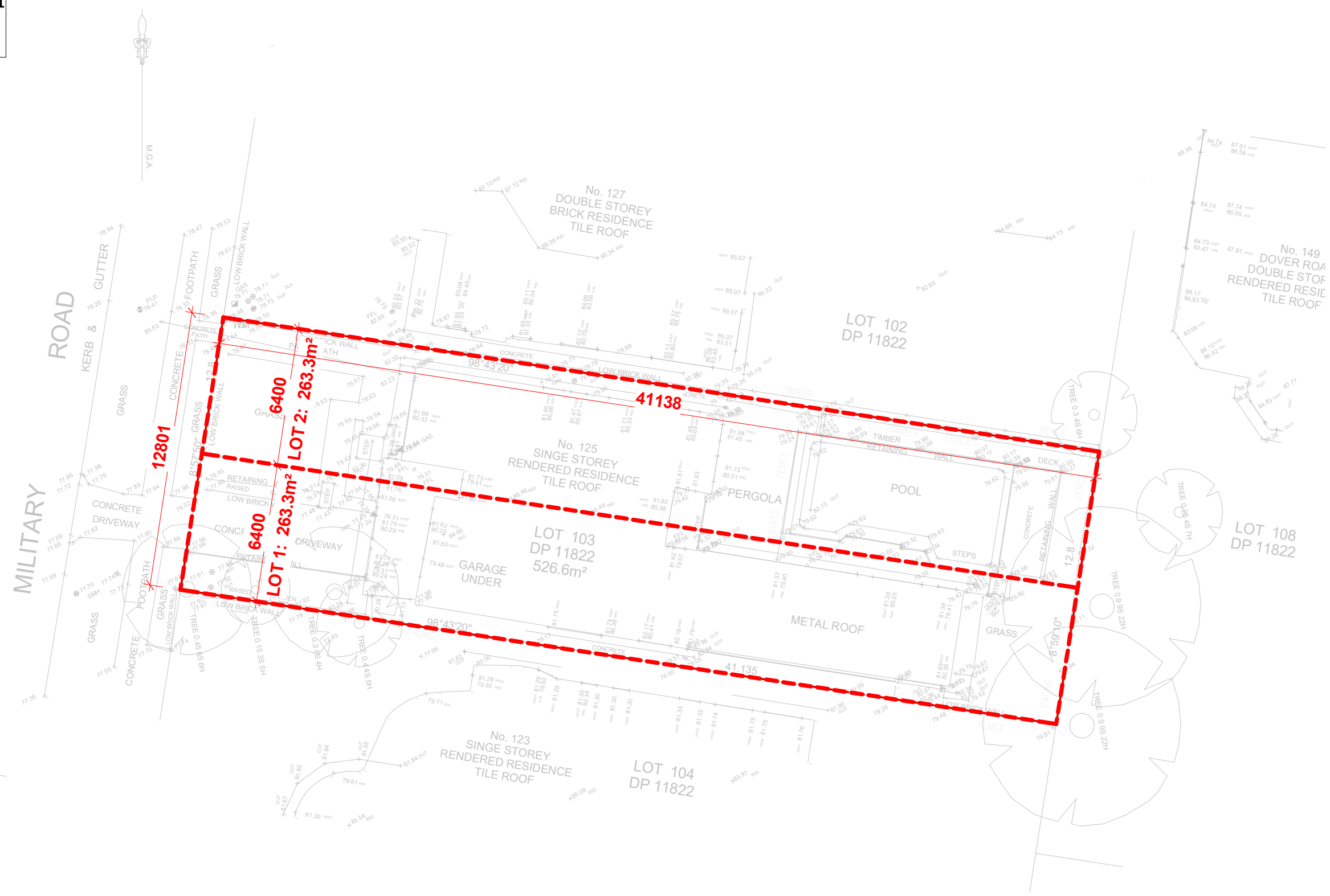
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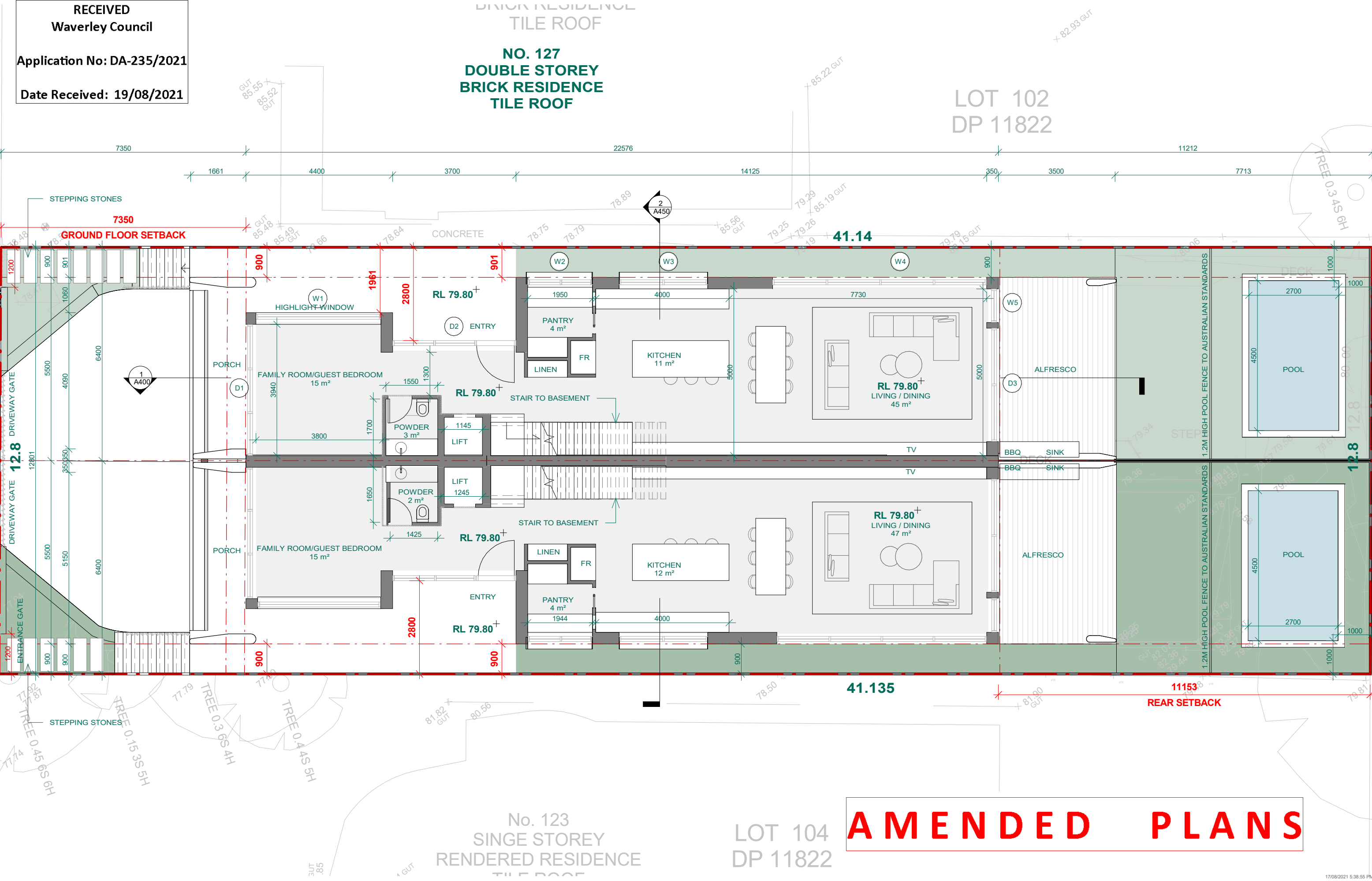


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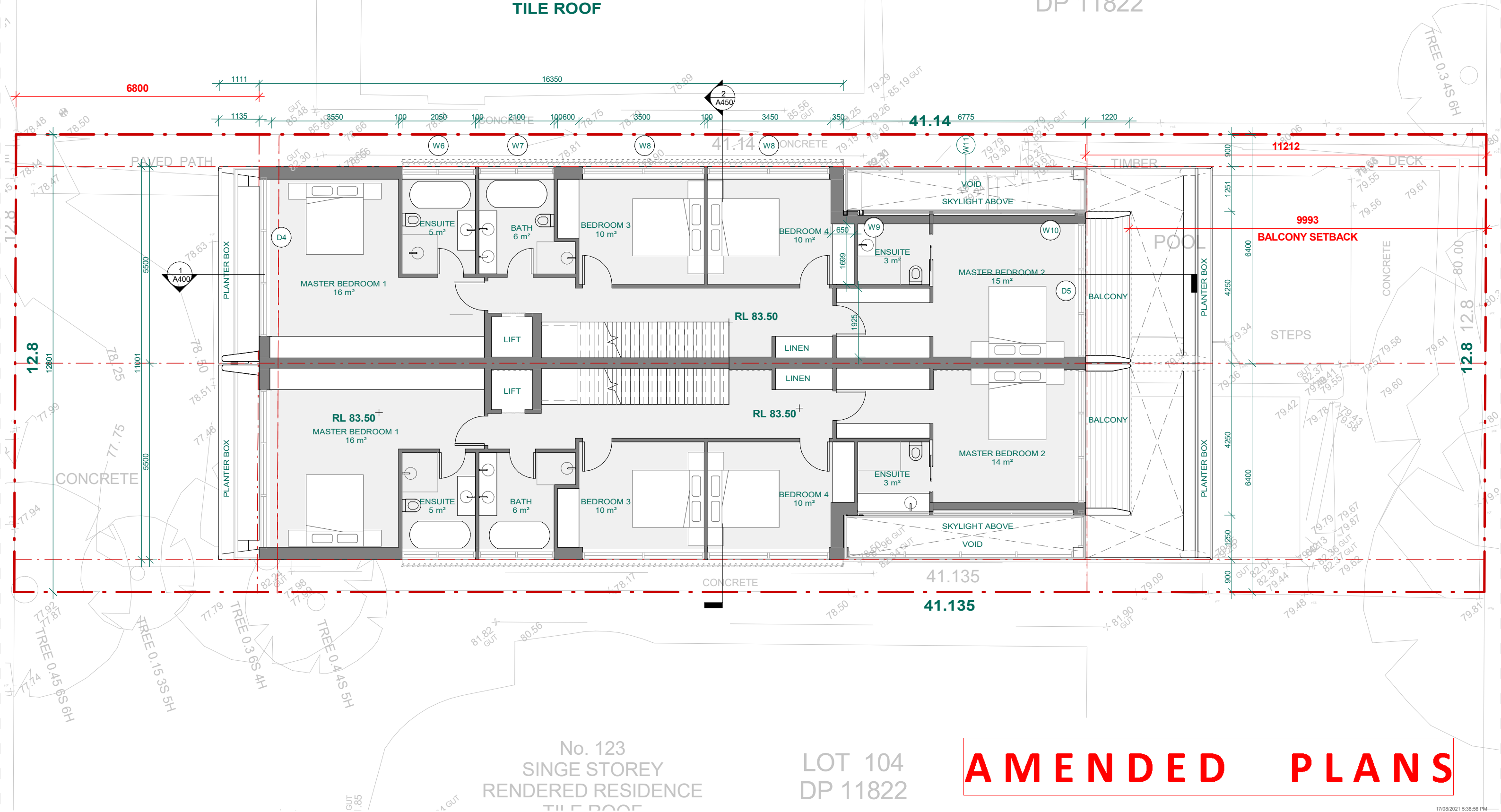






NO. 127  
DOUBLE STOREY  
BRICK RESIDENCE  
TILE ROOF

LOT 102  
DP 11822



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ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

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A202

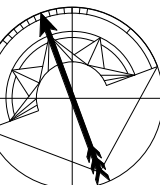
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PLAN - FIRST FLOOR

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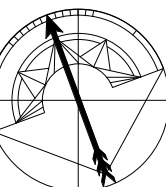
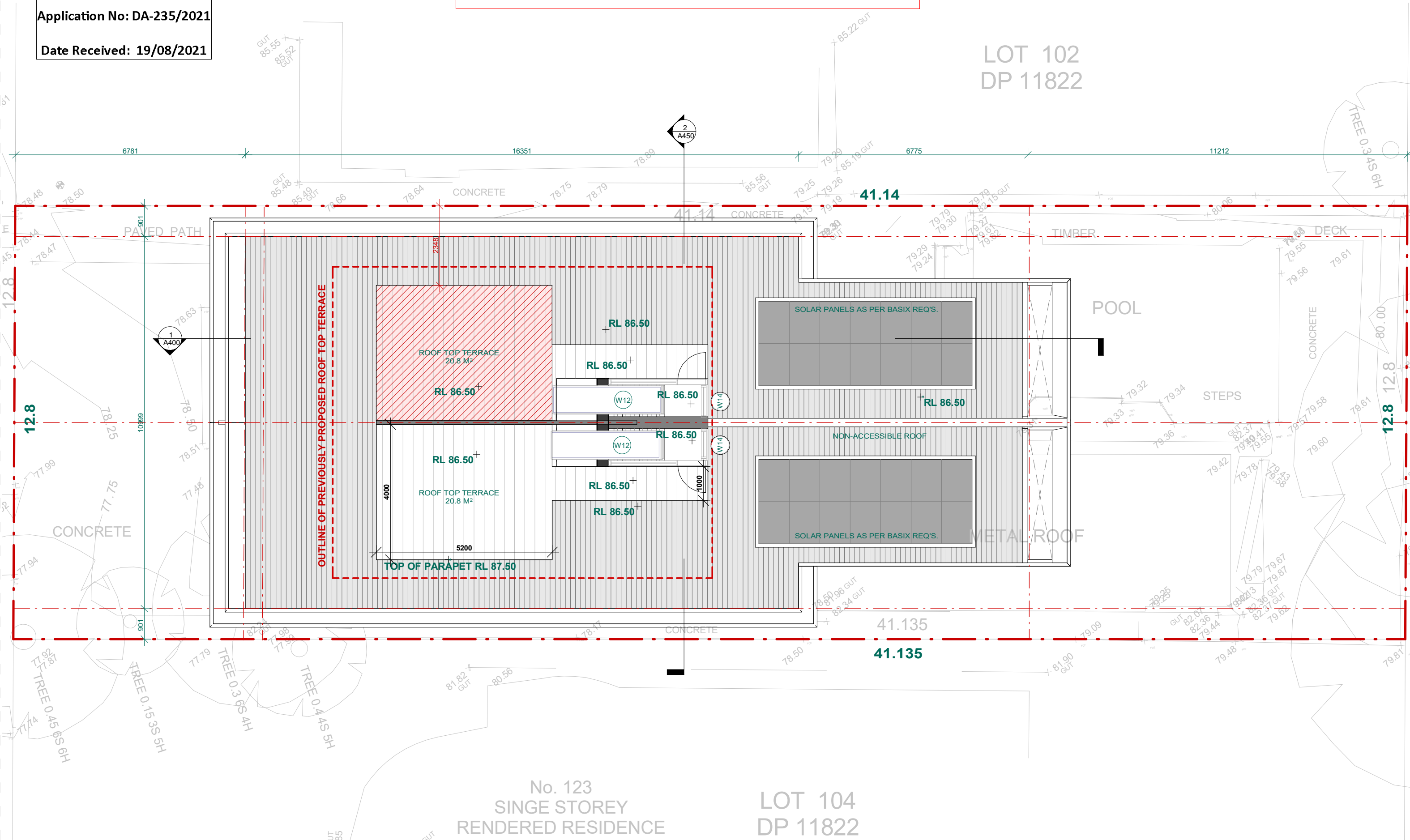
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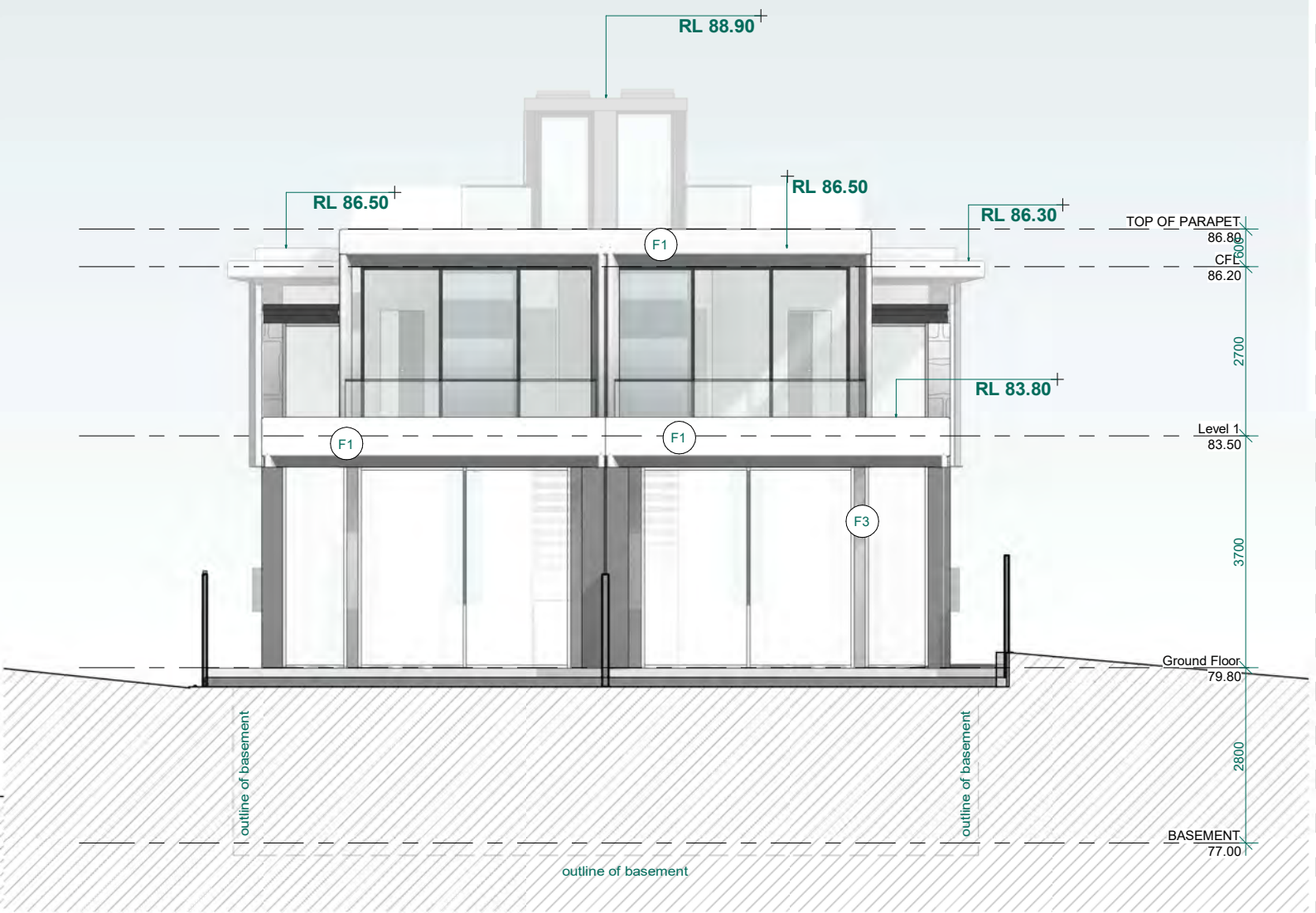
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# AMENDED PLANS







F1: SELECTED LIGHT GREY RENDER FINISH



F2: SELECTED STONE FINISH



F3: SELECTED WHITE RENDER FINISH



F4: SELECTED SEAMLESS BLACK CLADDING



F5: SELECTED BLACK PRIVACY SCREEN

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A300

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ELEVATIONS - FRONT AND REAR

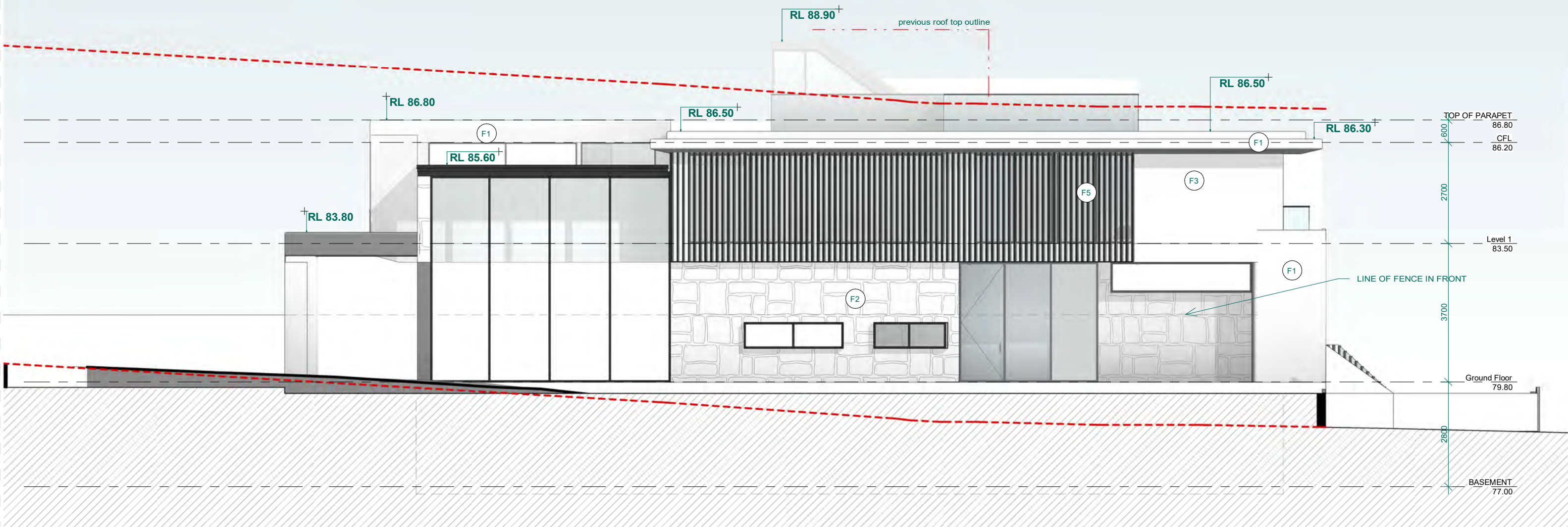
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PROJECT NO.  
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SCALE  
1 : 100 @ A3





F1: SELECTED GREY RENDER FINISH



F2: SELECTED STONE FINISH



F3: SELECTED WHITE RENDER FINISH



F4: SELECTED SEAMLESS BLACK CLADDING



F5: SELECTED BLACK PRIVACY SCREEN

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B	17/08/21	ADDITIONAL INFO

STATUS  
DA APPLICATION

Do not scale drawing. Verify all dimensions on site. Report any discrepancies in documentation to architect. This drawing is for the purpose of council approval and as such, is not suitable for construction

CLIENT  
CRAIG & NATALIE WUNSH

PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A310

DRAWING TITLE  
ELEVATIONS - SIDE

DRAWING BY  
ND

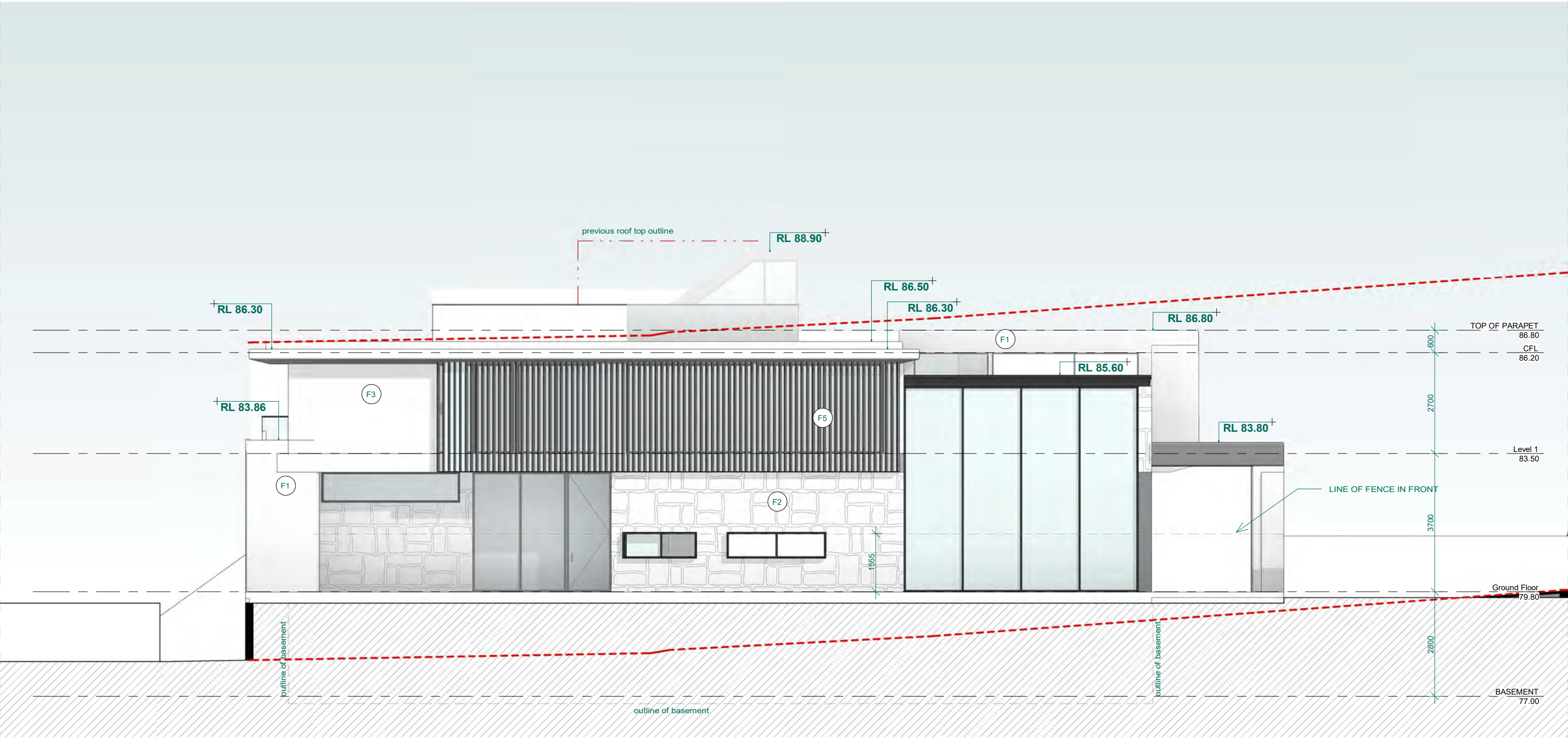
CHECKED BY  
ARQ

PROJECT NO.  
20176

SCALE  
1 : 100 @ A3

17/08/2021 5:39:28 PM





F1: SELECTED GREY RENDER FINISH



F2: SELECTED STONE FINISH



F3: SELECTED WHITE RENDER FINISH



F4: SELECTED SEAMLESS BLACK CLADDING



F5: SELECTED BLACK PRIVACY SCREEN

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NOMINATED ARCHITECT  
RAMY TAWADROS  
Reg No. 9209 (NSW)



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CLIENT  
CRAIG & NATALIE WUNSH

PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A320

DRAWING TITLE  
ELEVATIONS - SIDE

DRAWING BY  
ND

CHECKED BY  
ARQ

PROJECT NO.  
20176

SCALE  
1 : 100 @ A3

17/08/2021 5:39:42 PM



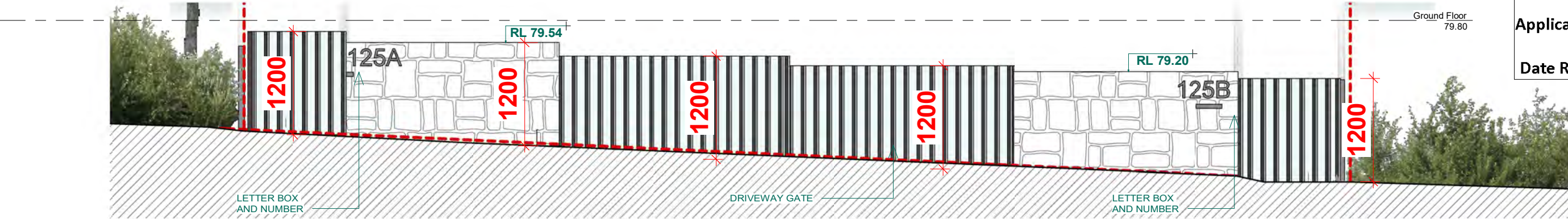
NO. 127 MILITARY RD.  
DOUBLE STOREY BRICK RESIDENCE  
TILE ROOF

PROPOSAL NO. 125 MILITARY RD.

NO. 123 MILITARY RD.  
SINGLE STOREY RENDERED RESIDENCE  
TILE ROOF



FRONT STREETSCAPE ELEVATION



FRONT FENCE ELEVATION

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CRAIG & NATALIE WUNSH

PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

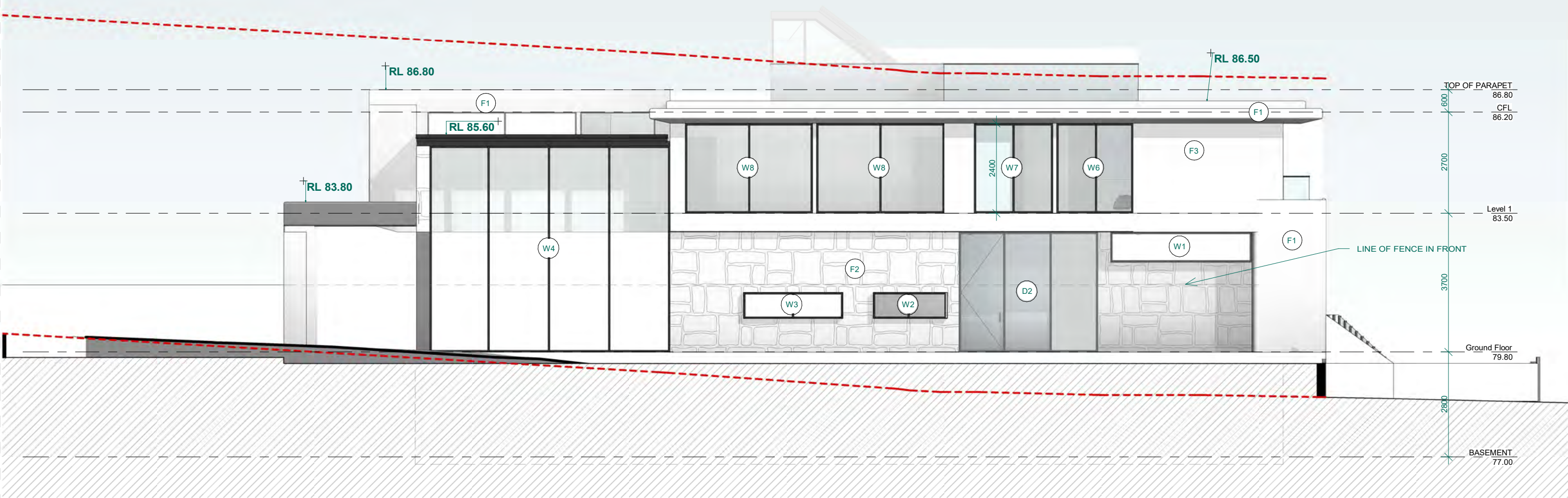
DRAWING NO.  
A330  
DRAWING TITLE  
STREETSCAPE

DRAWING BY  
ND  
CHECKED BY  
ARQ

PROJECT NO.  
20176

SCALE  
As indicated @  
A3





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Application No: DA-235/2021

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CLIENT  
CRAIG & NATALIE WUNSH

PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A340

DRAWING TITLE  
ELEVATIONS - SIDE (WITHOUT PRIVACY SCREEN)

DRAWING BY  
EM

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ARQ

PROJECT NO.  
20176

SCALE  
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CLIENT  
**CRAIG & NATALIE WUNSH**

PROJECT  
**DUPLEX**

ADDRESS  
**125 MILITARY RD. DOVER HEIGHTS**

DRAWING NO.  
**A350**

DRAWING TITLE  
**ELEVATIONS - SIDE (WITHOUT PRIVACY SCREEN)**

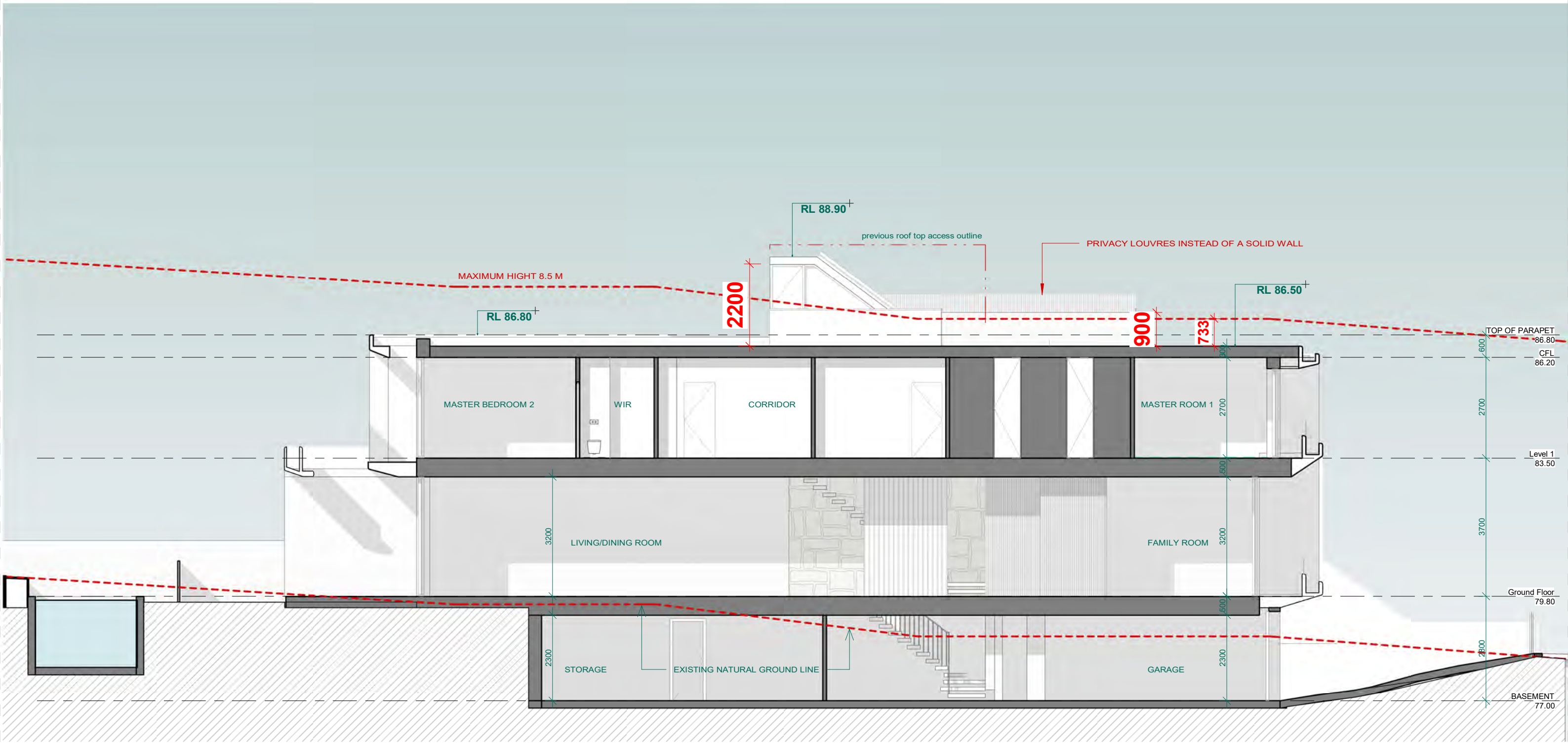
DRAWING BY  
**EM**

CHECKED BY  
**ARQ**

PROJECT NO.  
**20176**

SCALE  
**1 : 100 @ A3**





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CLIENT  
CRAIG & NATALIE WUNSH

PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A400

DRAWING TITLE  
SECTIONS - OVERALL

DRAWING BY  
ND

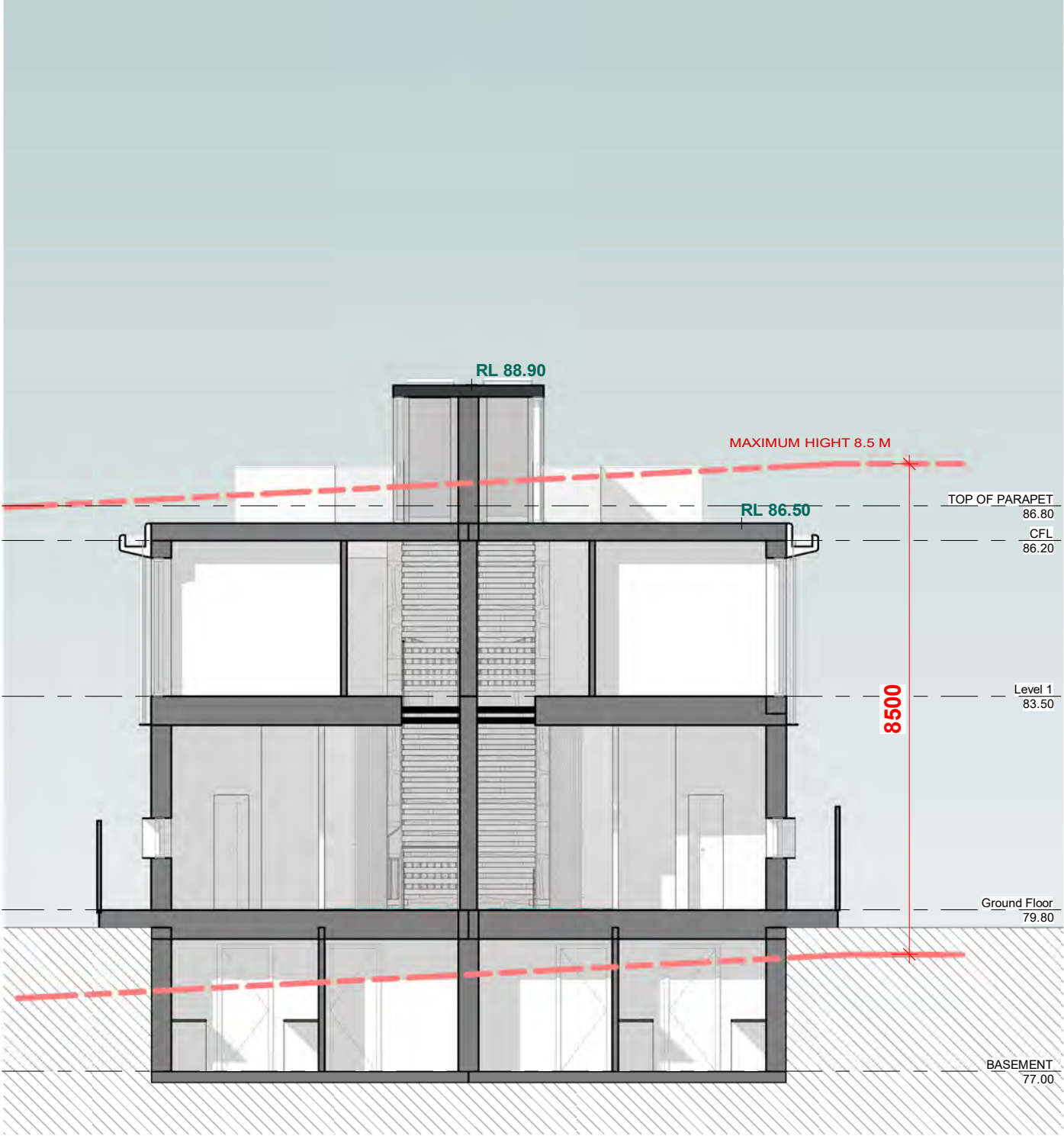
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ARQ

PROJECT NO.  
20176

SCALE  
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CLIENT  
CRAIG & NATALIE WUNSH

PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A450

DRAWING TITLE  
SECTIONS - OVERALL

DRAWING BY  
ARQ

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ARQ

PROJECT NO.  
20176

SCALE  
1 : 100 @ A3

GLAZING SCHEDULE			
MARK	TYPE	Length	HEIGHT
D1	al. frame sliding door (double glazed)	4115	3200
D2	al. frame door with 2 fixed panels	3874	3200
D3	al. frame bi-fold doors	3400	3200
D4	al. frame sliding door (double glazed)	4450	2400
D5	al. frame bi-fold doors	3900	2700
W1	al. frame sliding window	3925	800
W2	al. frame sliding window	1990	700
W3	al. frame fixed window	2660	700
W4	al. frame fixed window	6600	5500
W5	al. frame fixed window	1179	5500
W6	al. frame sliding window	2100	2400
W7	al. frame sliding window	2100	2400
W8	al. frame sliding window	3400	2400
W9	al. frame sliding window	2050	775
W10	al. frame sliding window	3970	775
W14	al. frame louvred window	945	2200

SKYLIGHT SCHEDULE			
MARK	TYPE	LENGTH	WIDTH
W11	FIXED	6700	1200
W12	FIXED	4000	800



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Member Level 1  
Australian Institute of Architects  
2019

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DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A800

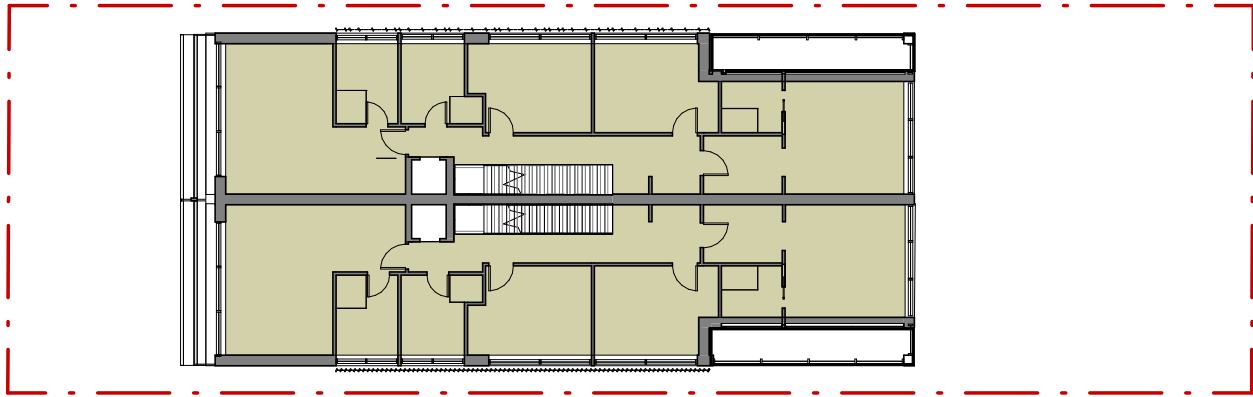
PROJECT NO.  
20176

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SCHEDULE - WINDOWS TYPES

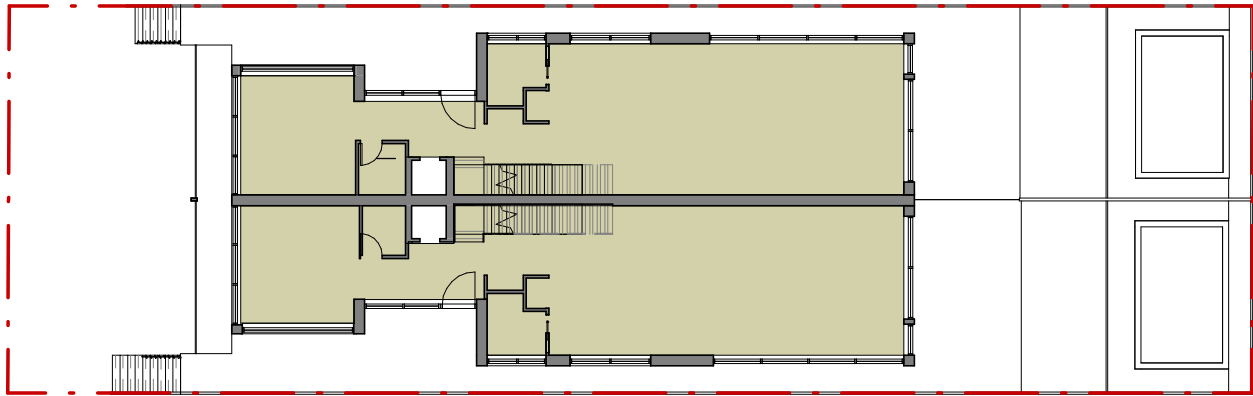
DRAWING BY  
ND

CHECKED BY  
ARQ

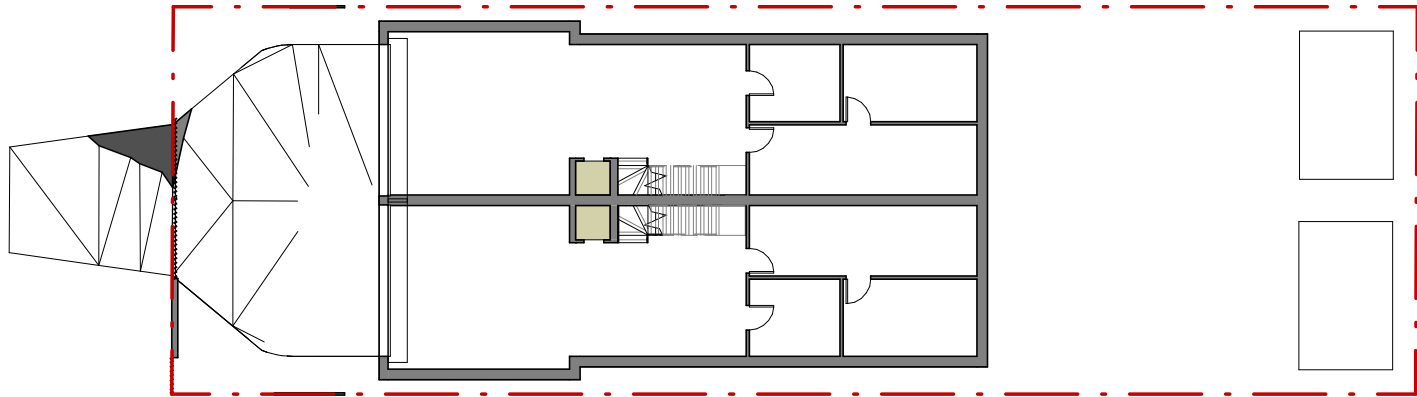
SCALE  
@ A3



LEVEL 1

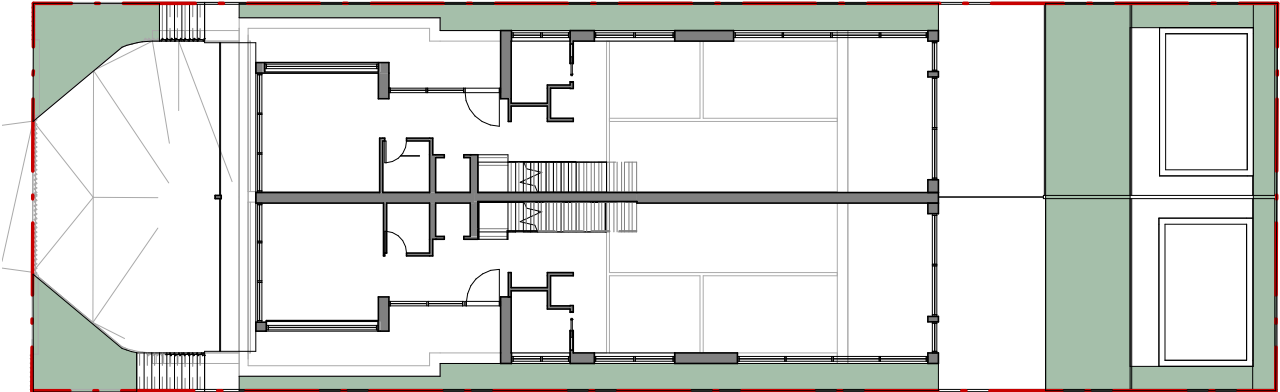


GROUND FLOOR



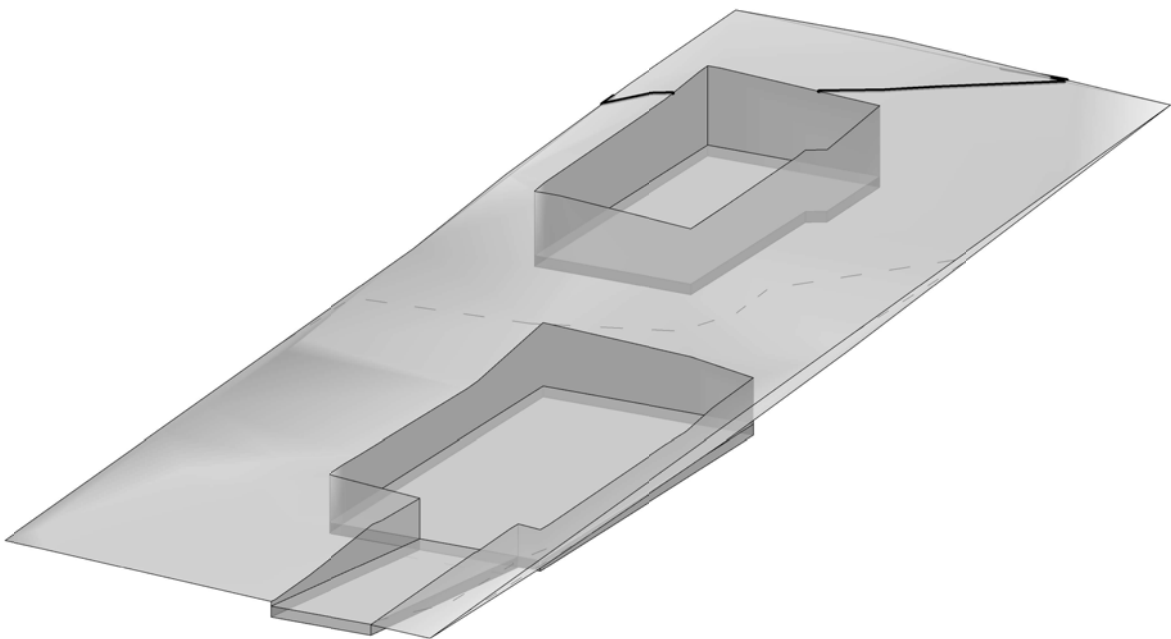
SITE AREA	526.6	
	GFA	FSR
FIRST FLOOR	99.39 x 2 = 198.78	
GROUND FLOOR	91.28 x 2 = 182.56	
BASEMENT	5.1	
TOTAL	386.44	0.73:1
DCP MAX.	263.3	0.5:1

AMENDED PLANS



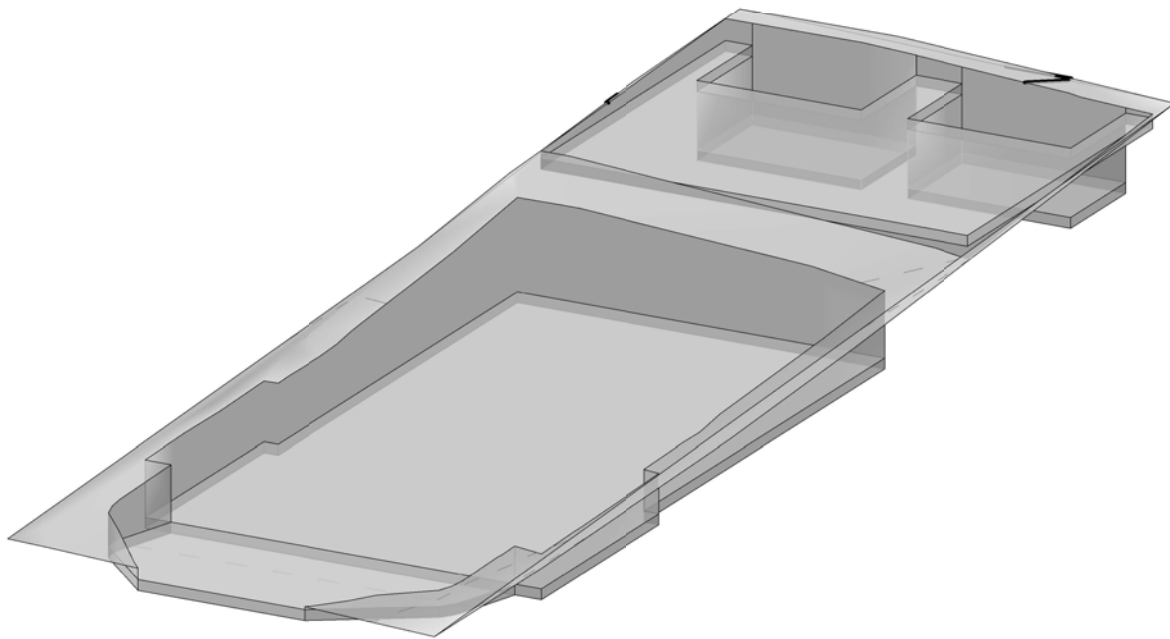
SITE AREA	526.6	
		%
LANDSCAPED AREA	106.14	20.15
DCP MIN	78.99	15

AMENDED PLANS



EXISTING EXCAVATION

CURRENT EXCAVATION = 149m²

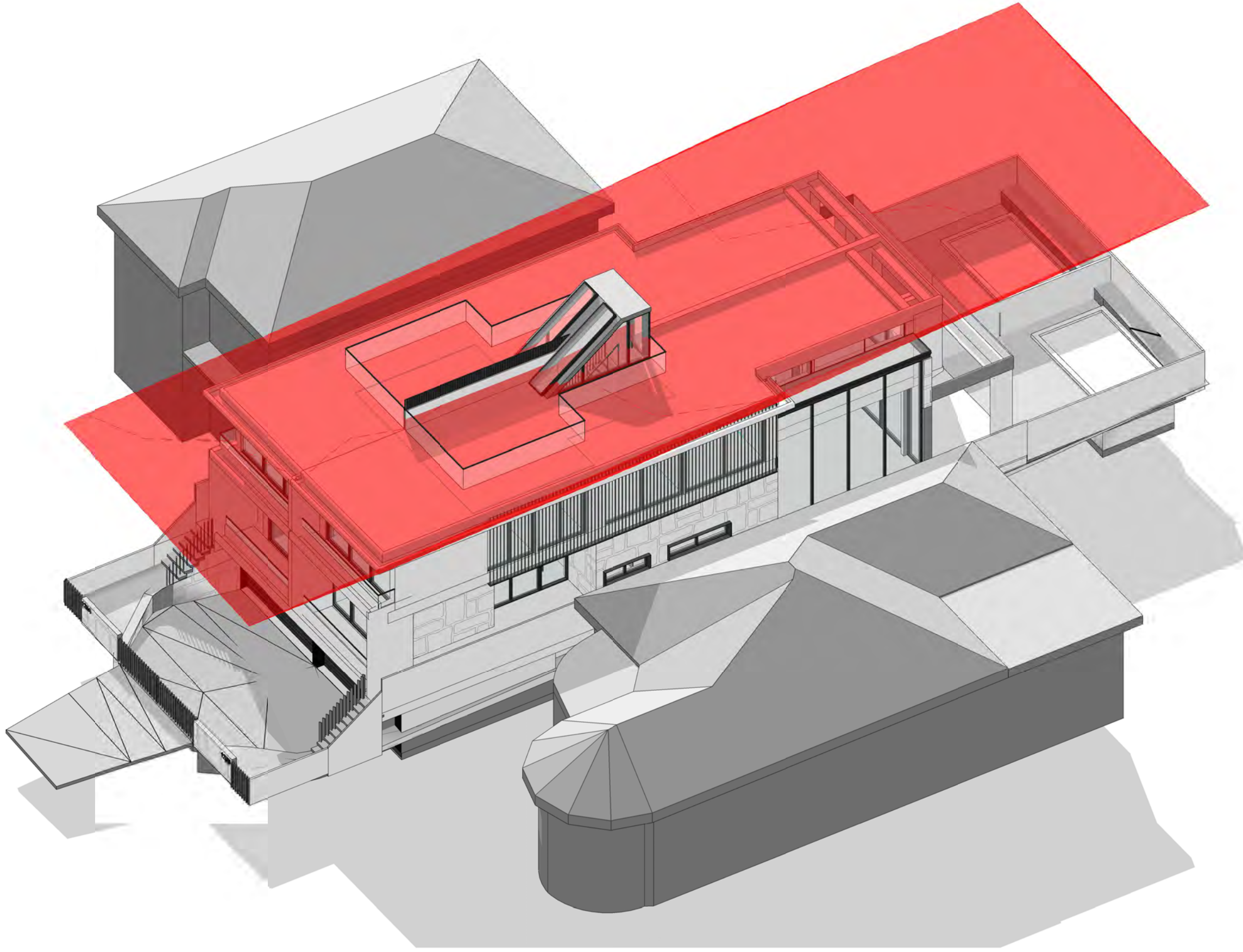


PROPOSED EXCAVATION

CURRENT EXCAVATION = 318m²



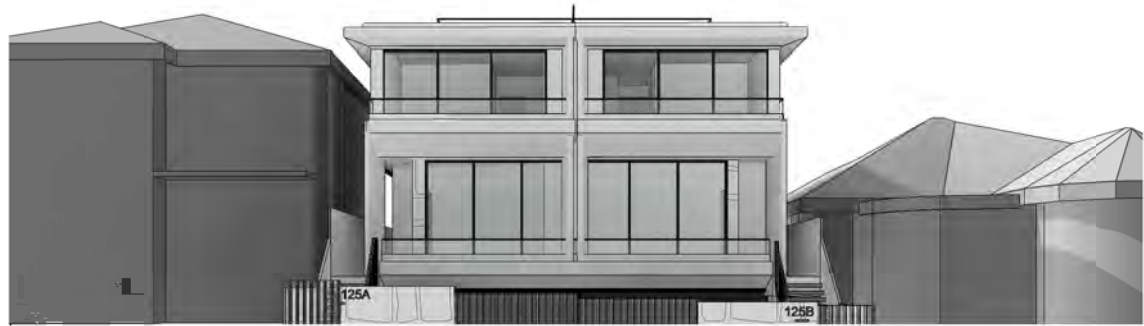
AMENDED PLANS



AMENDED PLANS



RL 80.0 FROM THE HIGHER SIDE OF THE STREET



RL 79.50 ACROSS THE STREET



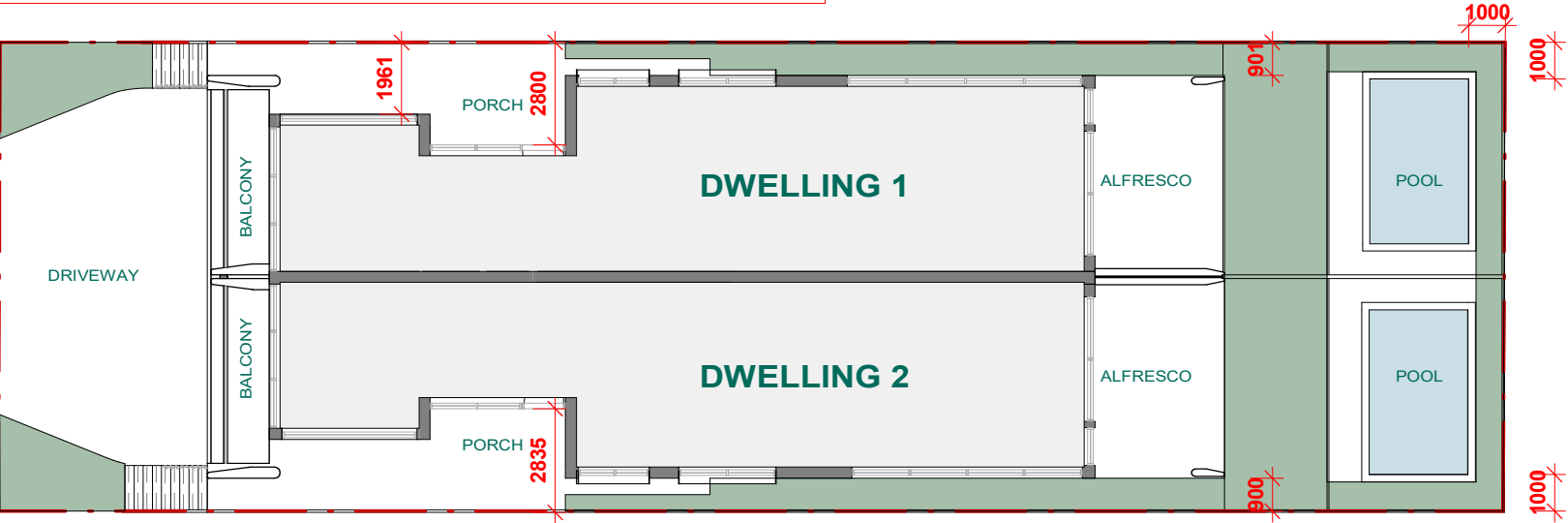
RL 78.50 VIEW FROM THE LOWER SIDE OF THE STREET

# AMENDED PLANS

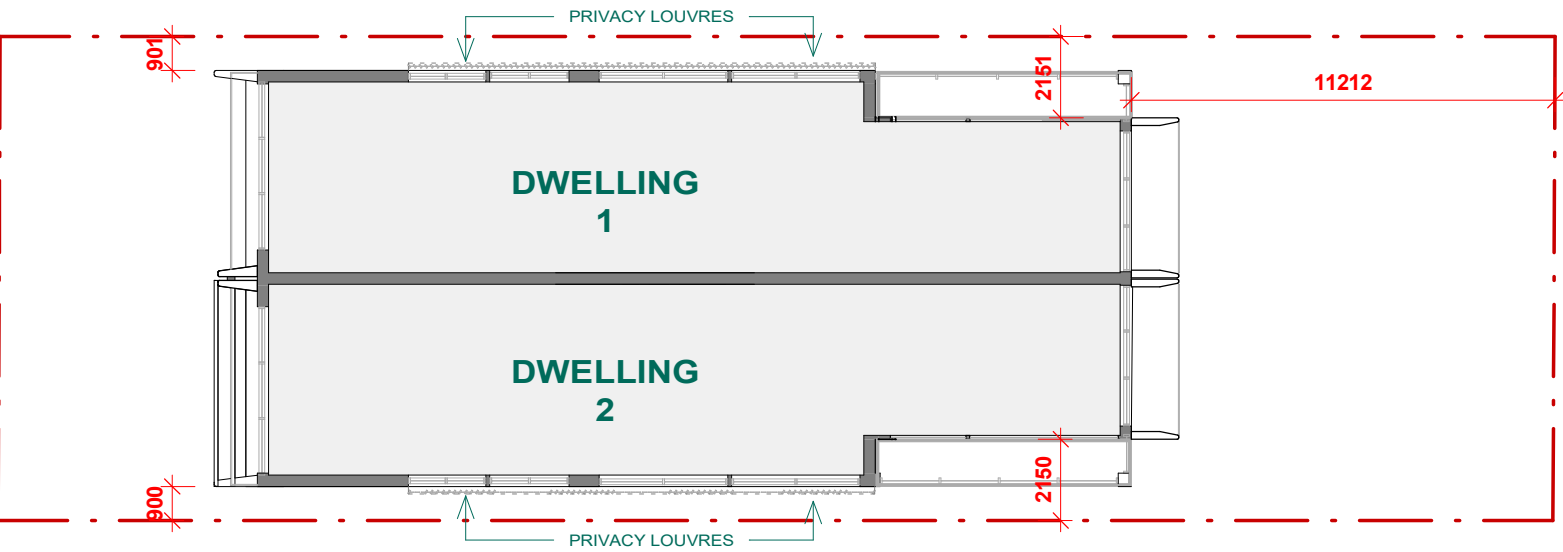
RECEIVED  
Waverley Council

Application No: DA-235/2021

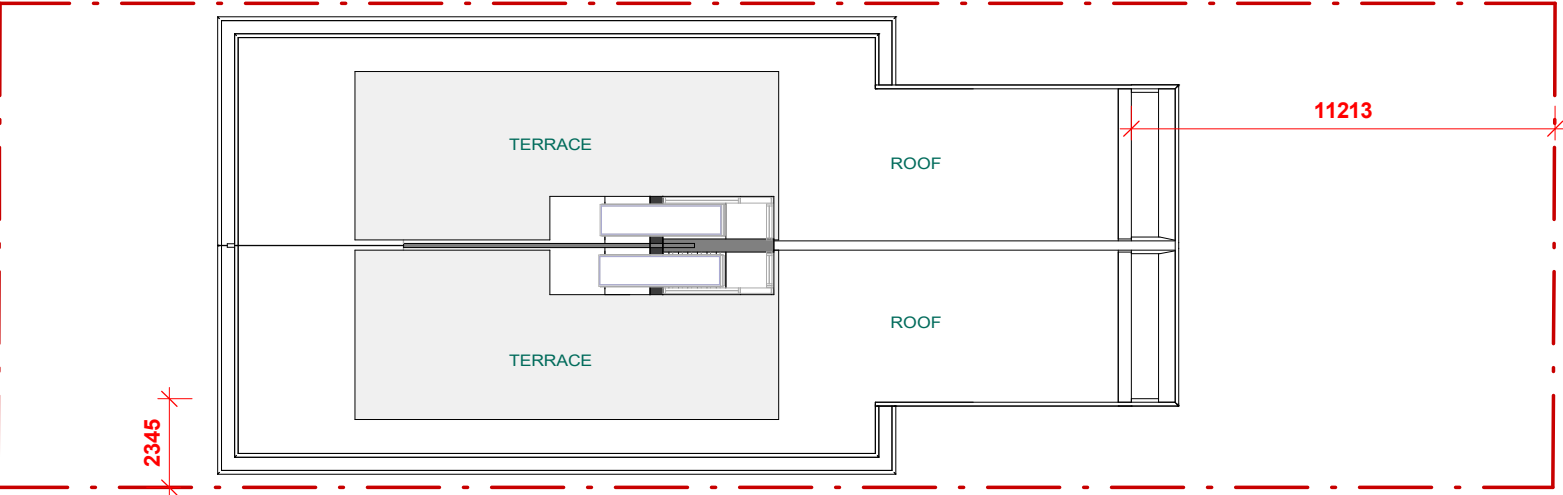
Date Received: 19/08/2021



NOTIFICATION PLAN - GROUND FLOOR



NOTIFICATION PLAN - FIRST FLOOR



NOTIFICATION PLAN - ROOF



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NOMINATED ARCHITECT  
RAMY TAWADROS

Reg No. 9209 (NSW)



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CLIENT  
CRAIG & NATALIE WUNSH

PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A910

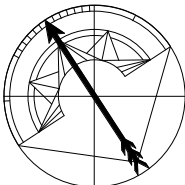
DRAWING TITLE  
NOTIFICATION PLAN

DRAWING BY  
ND

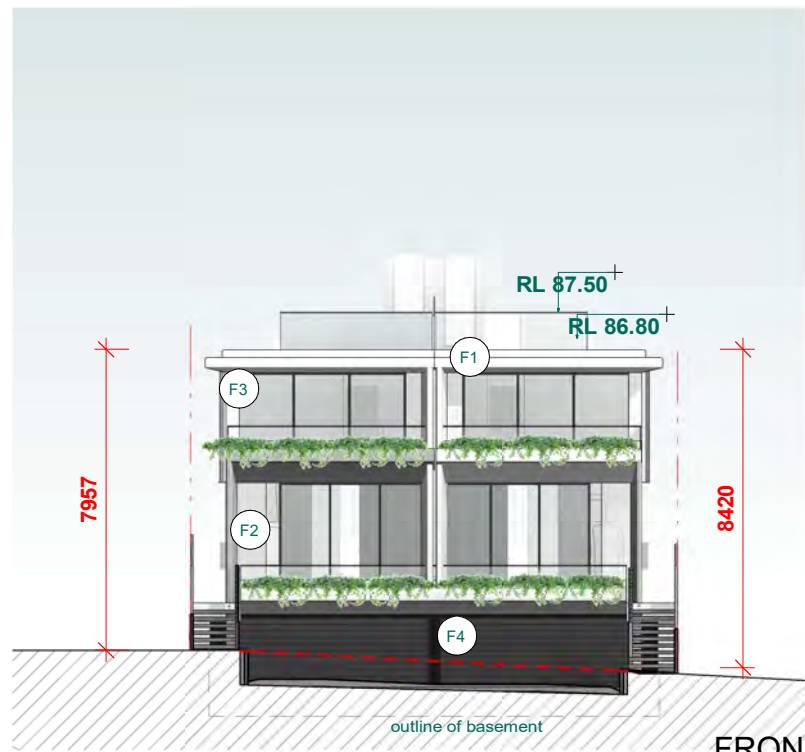
CHECKED BY  
ARQ

PROJECT NO.  
20176

SCALE  
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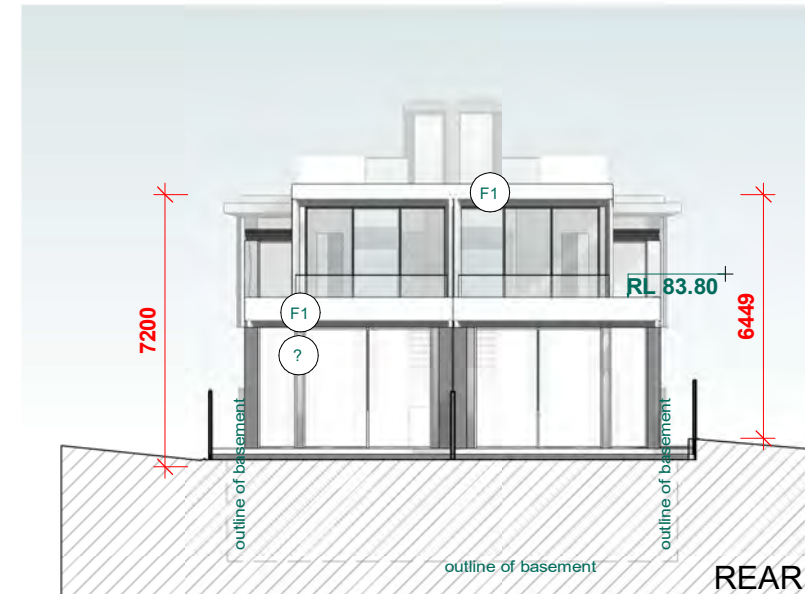




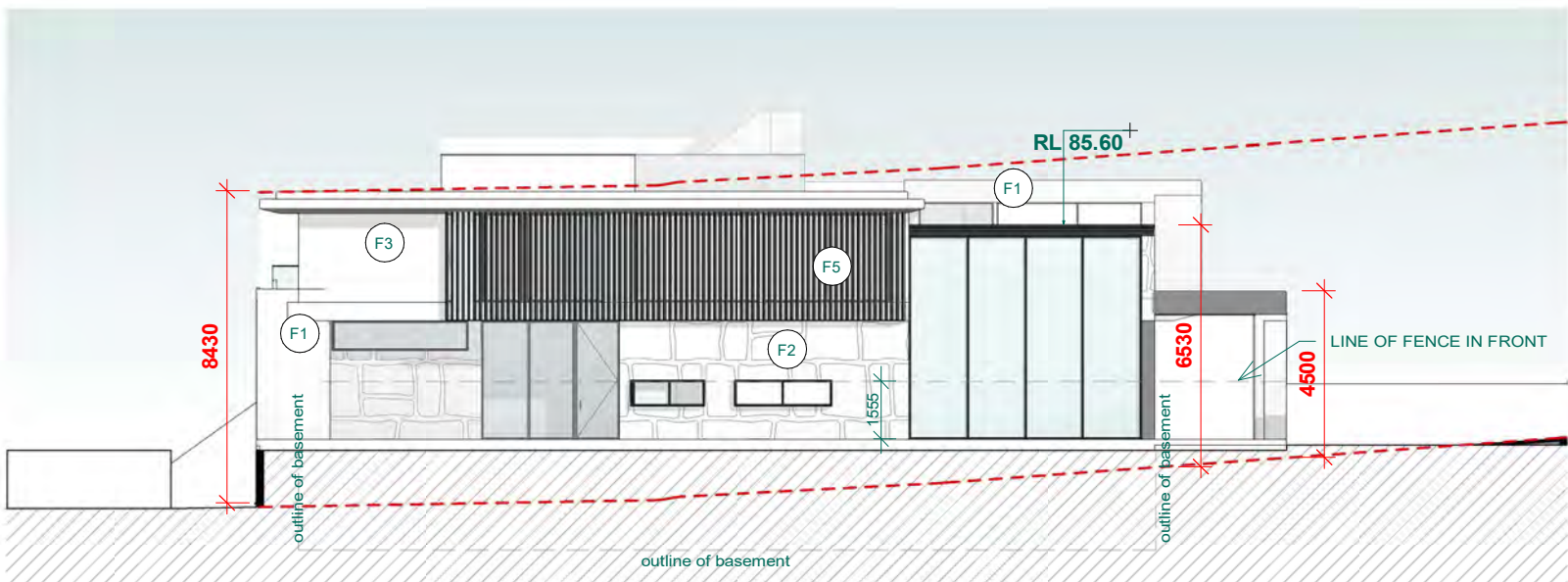
FRONT ELEVATION



NORTH ELEVATION



REAR ELEVATION



South Elevation Copy 1



F1: SELECTED LIGHT GREY RENDER FINISH



F2: SELECTED STONE FINISH



F3: SELECTED WHITE RENDER FINISH



F4: SELECTED SEAMLESS BLACK CLADDING



F5: SELECTED BLACK PRIVACY SCREEN

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PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A911

DRAWING TITLE  
NOTIFICATION PLAN - ELEVATIONS

DRAWING BY  
ND

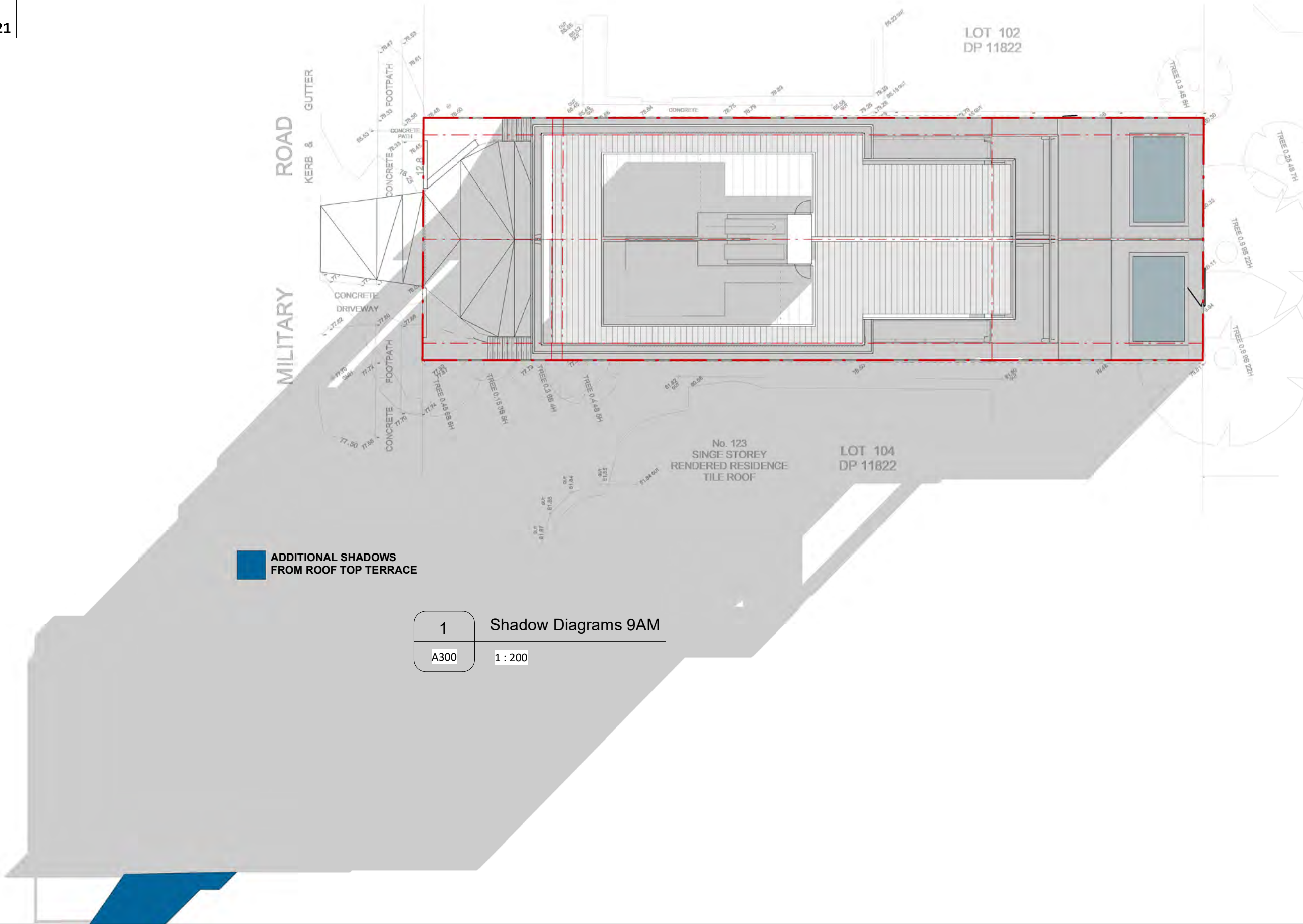
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PROJECT NO.  
20176

SCALE  
1 : 200 @ A3



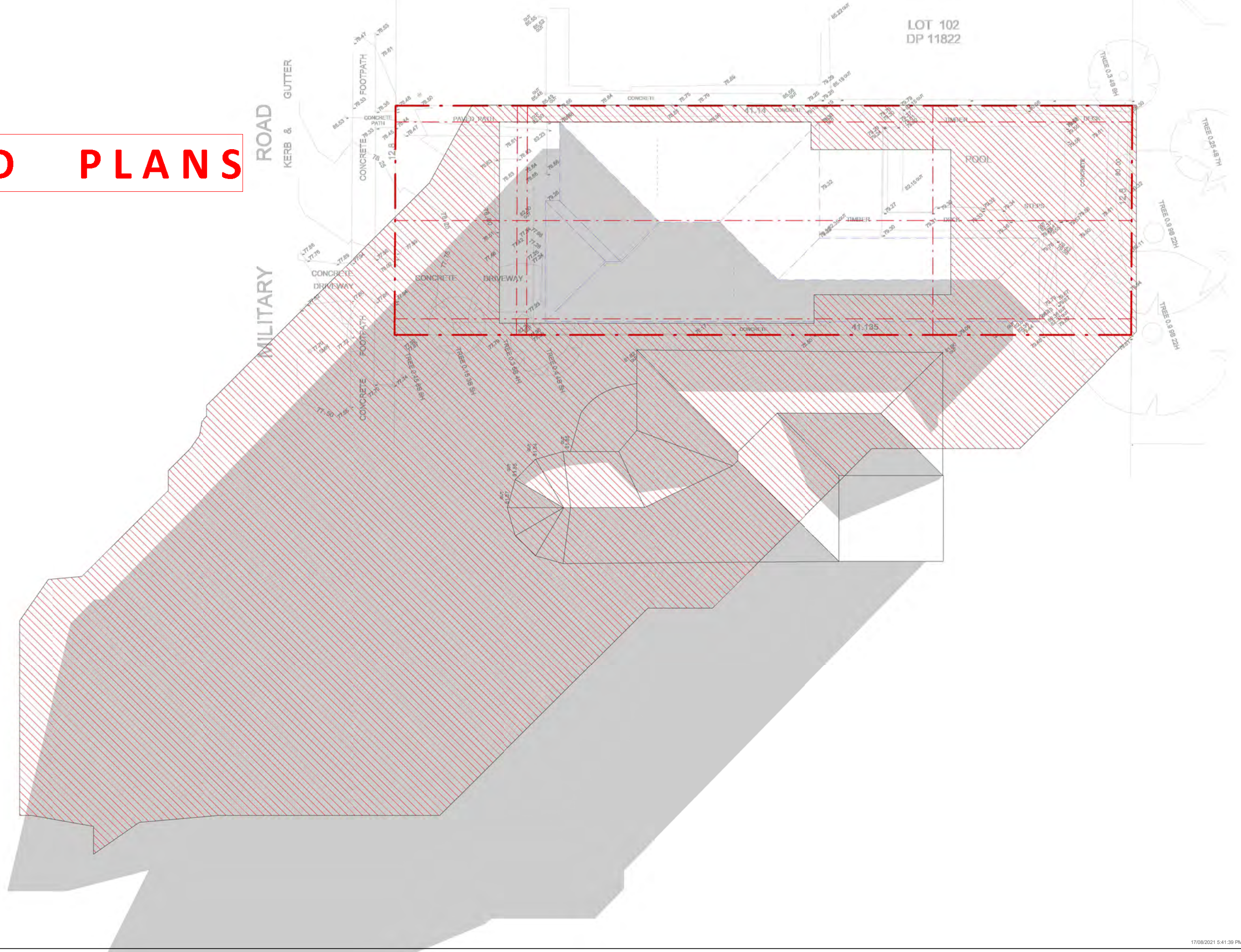
AMENDED PLANS



1	Shadow Diagrams 9AM
A300	1 : 200



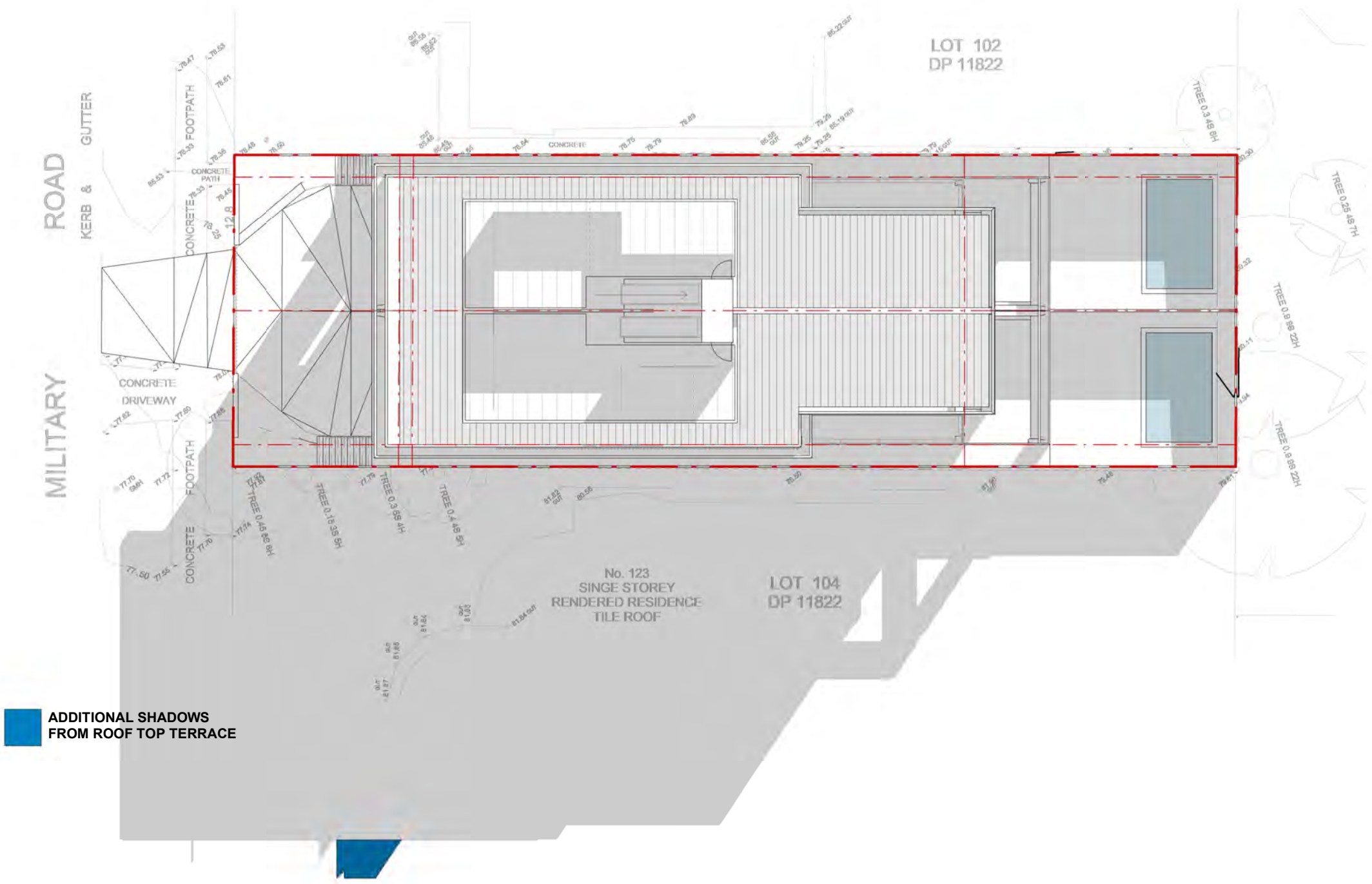
AMENDED PLANS



 PROPOSED SHADOWS



AMENDED PLANS



1

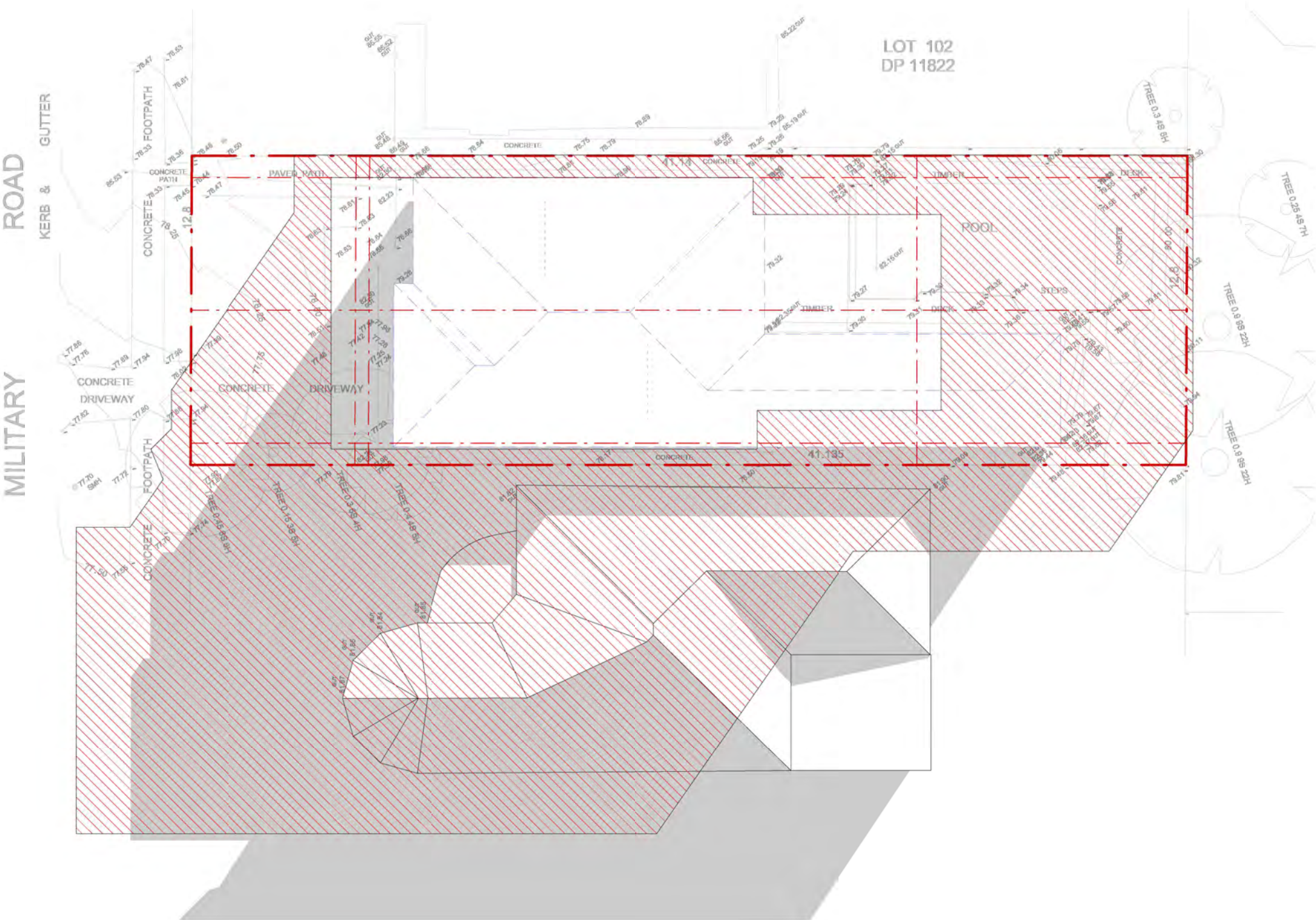
Shadow Diagrams 10AM

A300

1 : 200



AMENDED PLANS



 PROPOSED SHADOWS



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PROJECT  
DUPLEX

ADDRESS  
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DRAWING NO.  
A921A

DRAWING TITLE  
SHADOWS 10AM EXSTING

DRAWING BY  
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PROJECT NO.

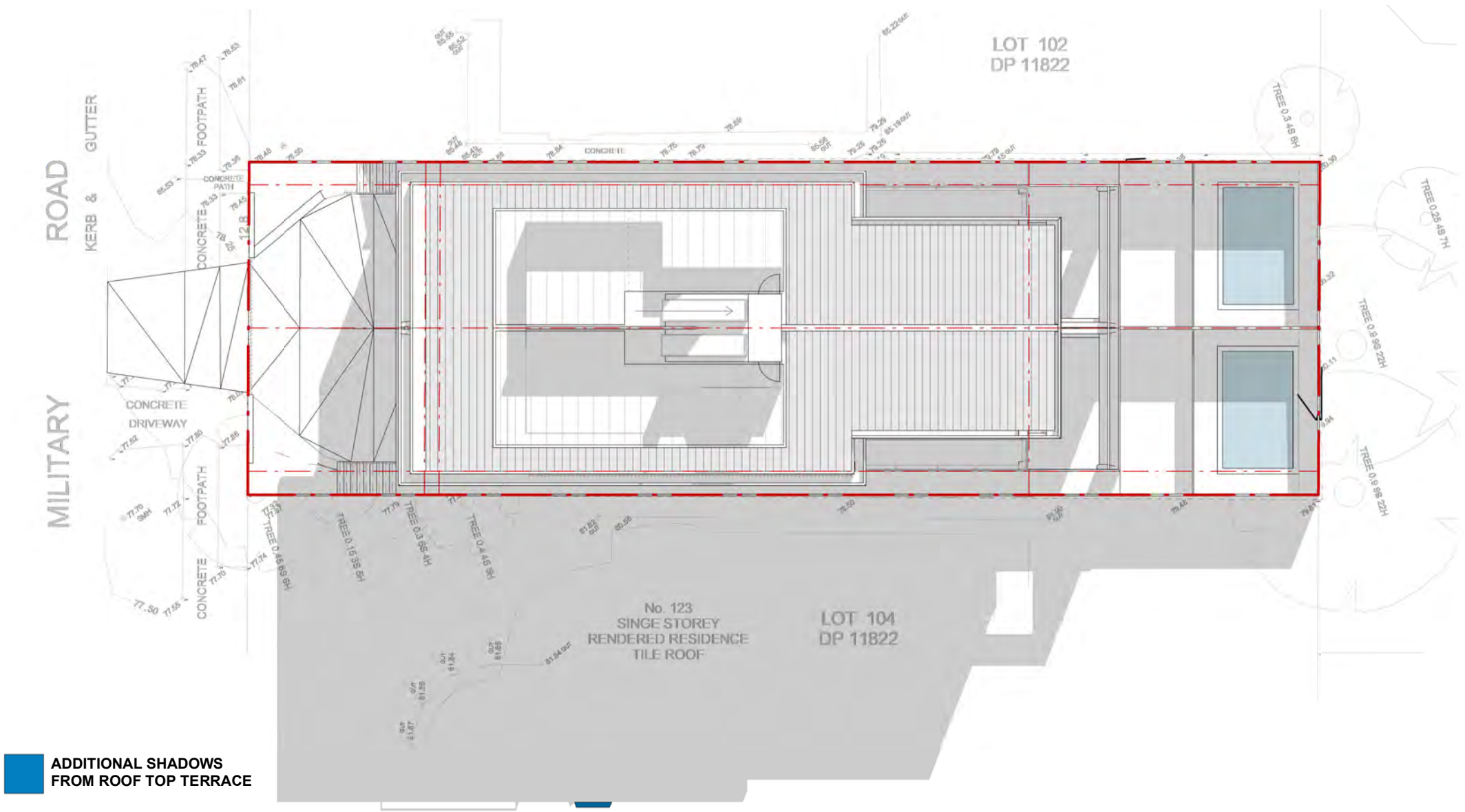
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SCALE

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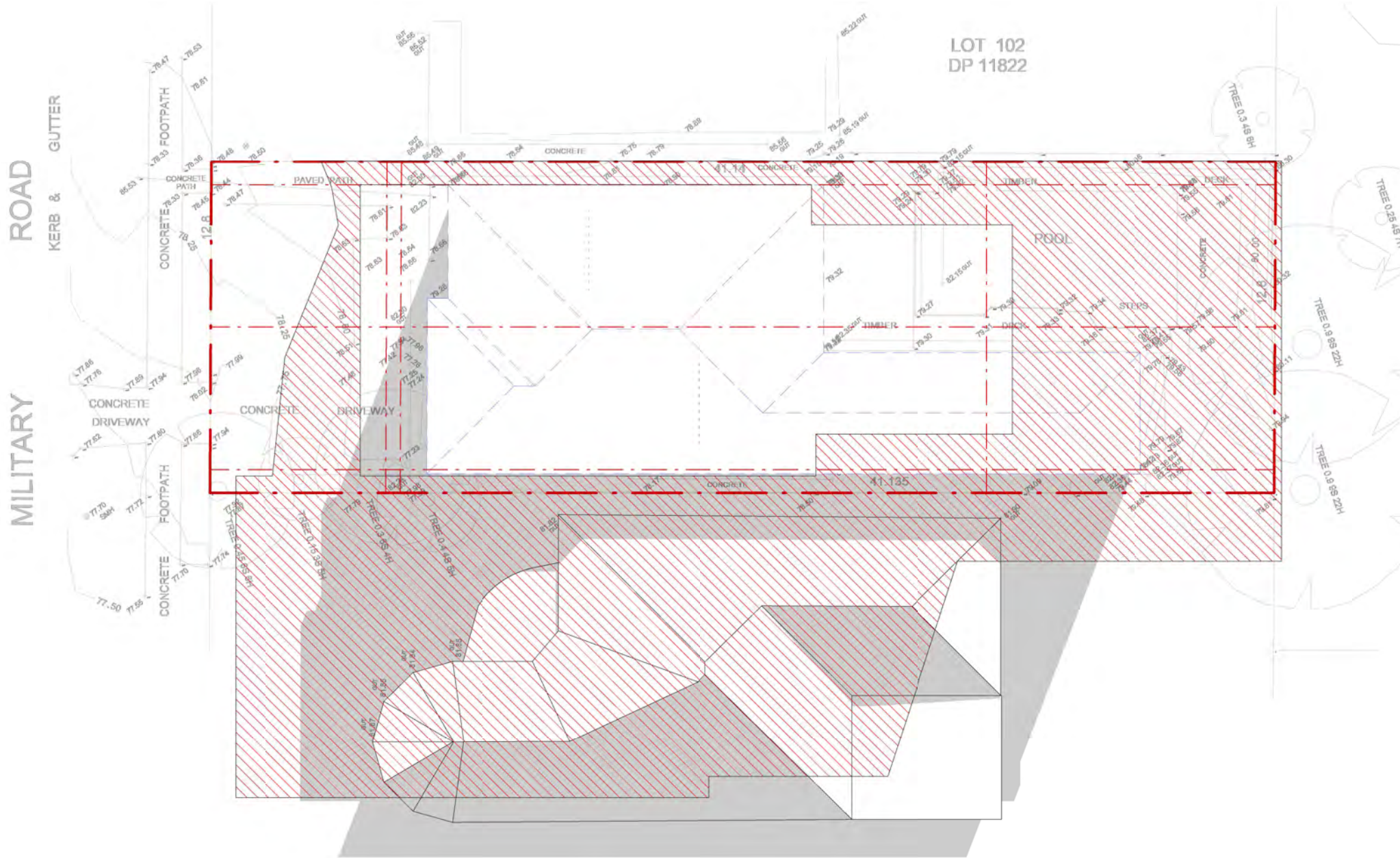


AMENDED PLANS



1	Shadow Diagrams 11AM
A300	1 : 200

AMENDED PLANS



 PROPOSED SHADOWS



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Australian Institute  
of Architects  
2019

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PROJECT  
DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A922A

DRAWING TITLE  
SHADOWS 11AM EXSTING

DRAWING BY  
EM

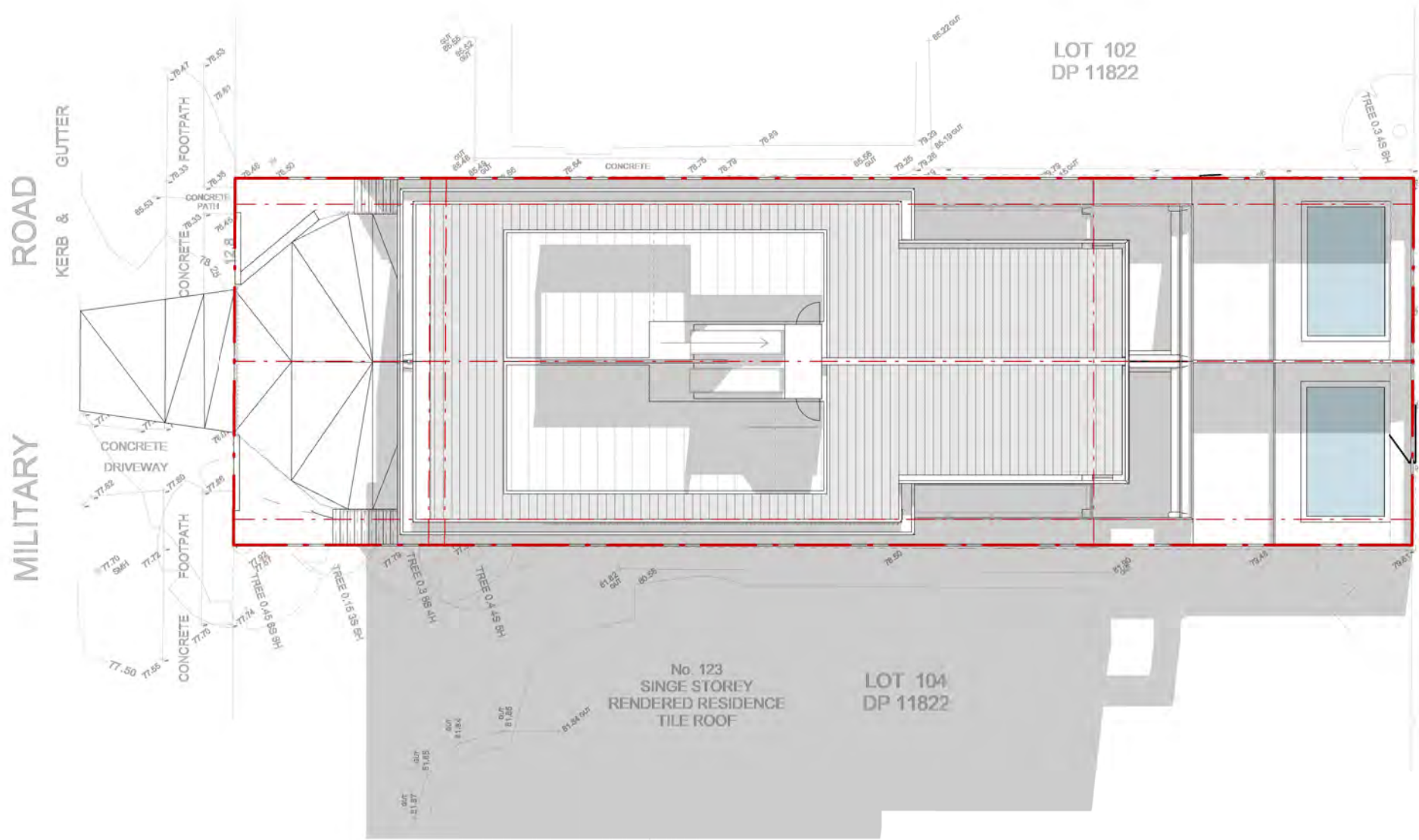
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ARQ

PROJECT NO.  
20176

SCALE  
As indicated @  
A3



AMENDED PLANS



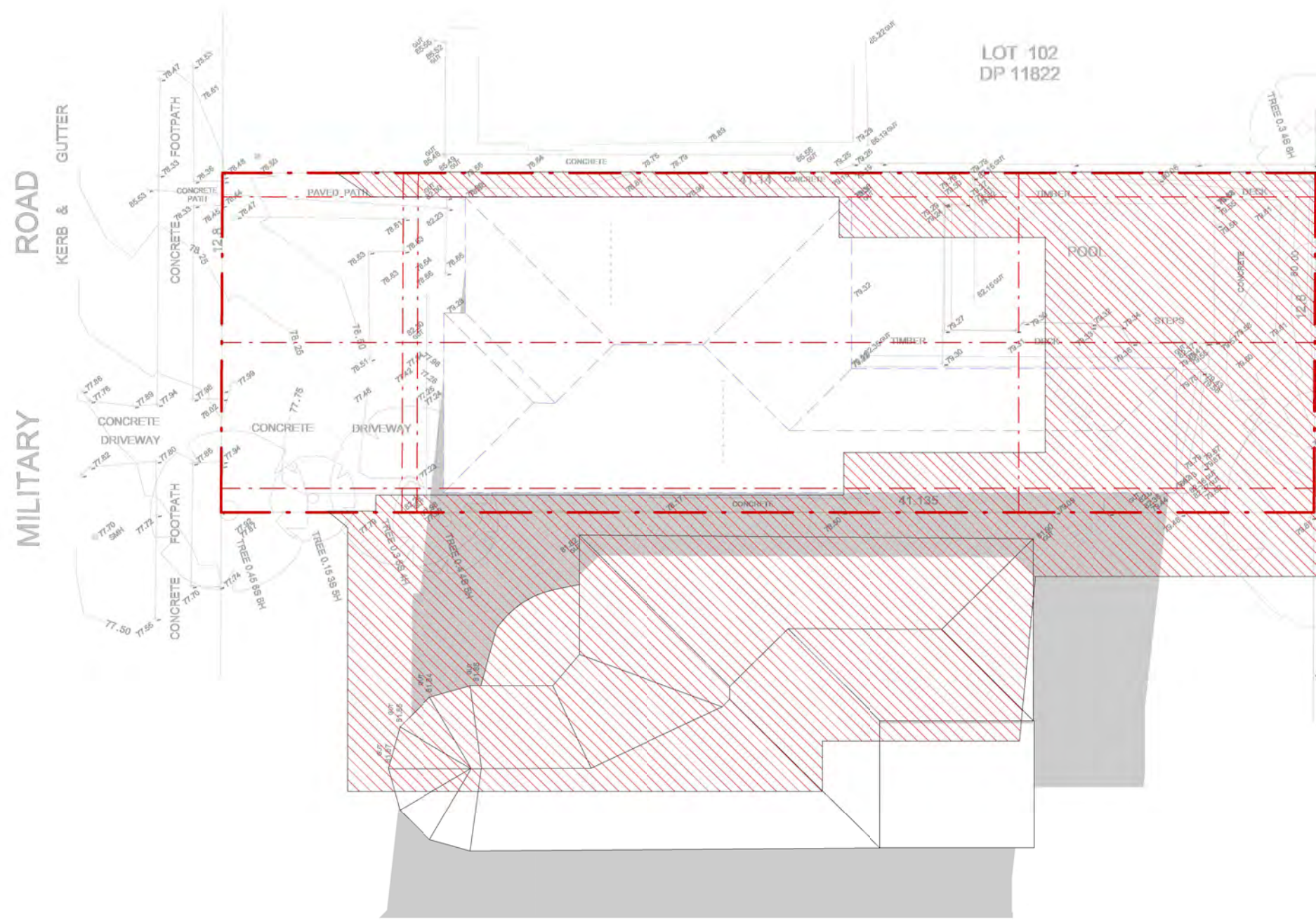
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A300

Shadow Diagrams 12PM

1 : 200

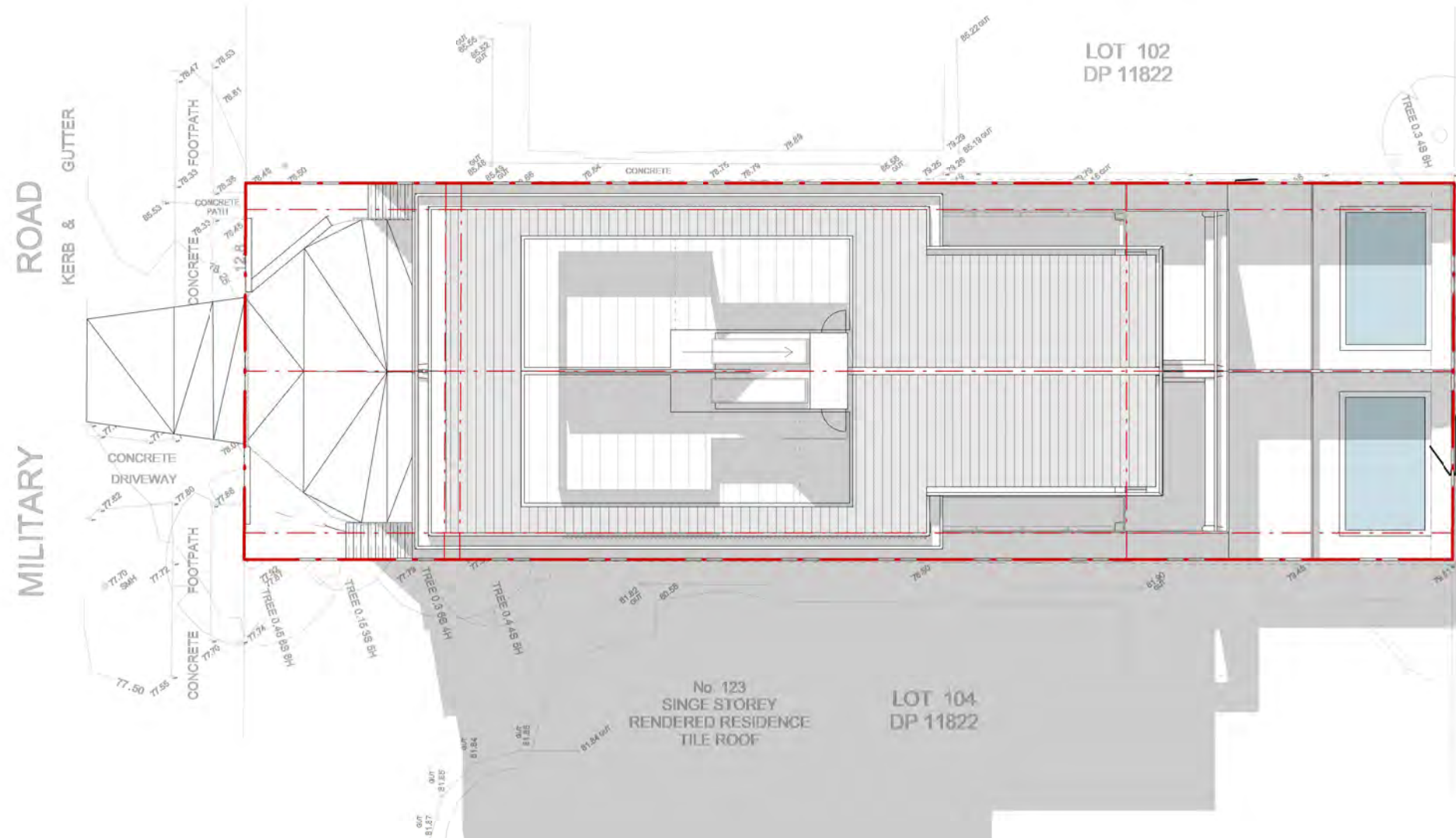
AMENDED PLANS



 PROPOSED SHADOWS

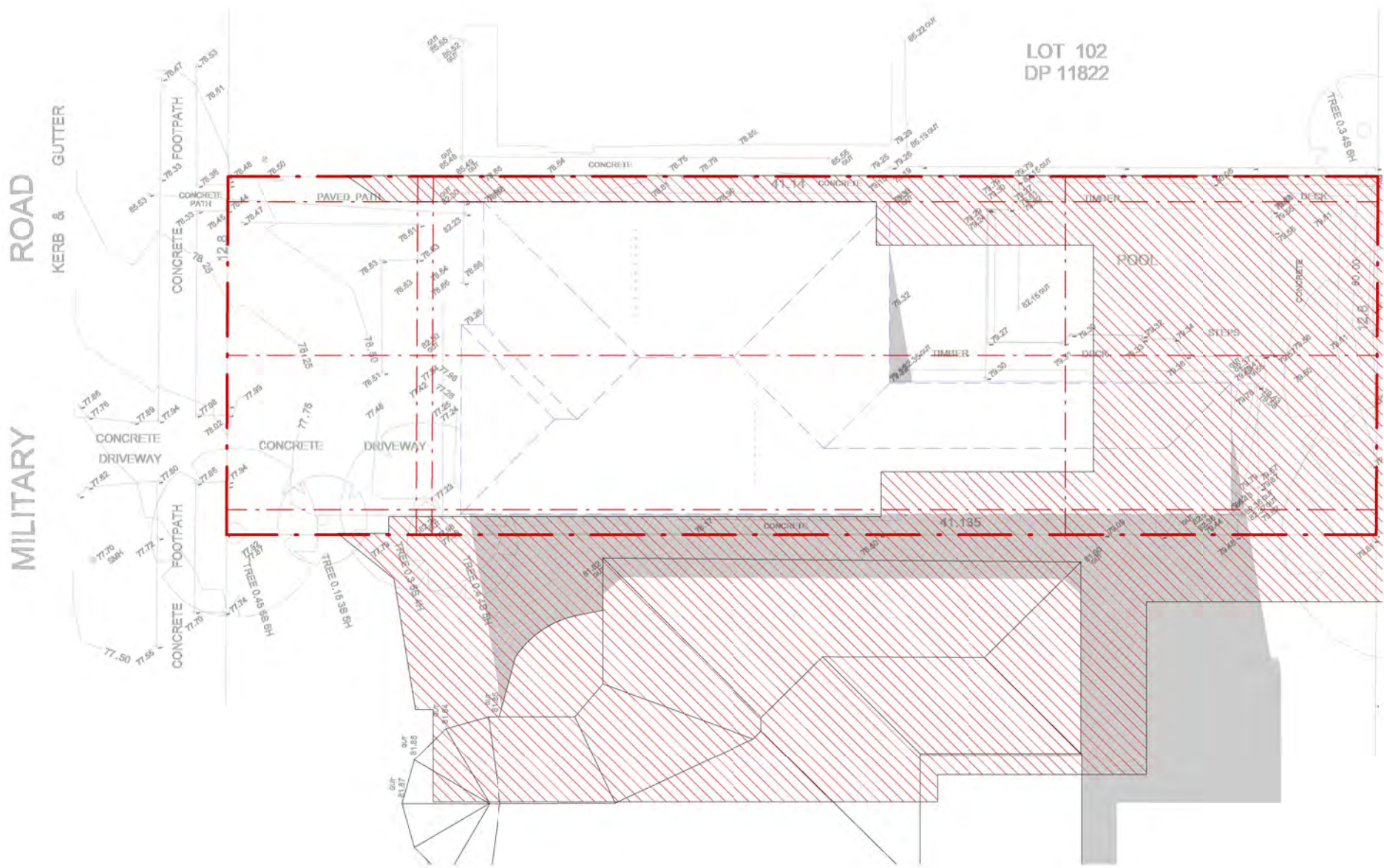


AMENDED PLANS



1	Shadow Diagrams 1PM
A300	1 : 200

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DUPLEX

ADDRESS  
125 MILITARY RD. DOVER HEIGHTS

DRAWING NO.  
A924A

DRAWING TITLE  
SHADOWS 1PM EXSTING

DRAWING BY  
EM

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PROJECT NO.

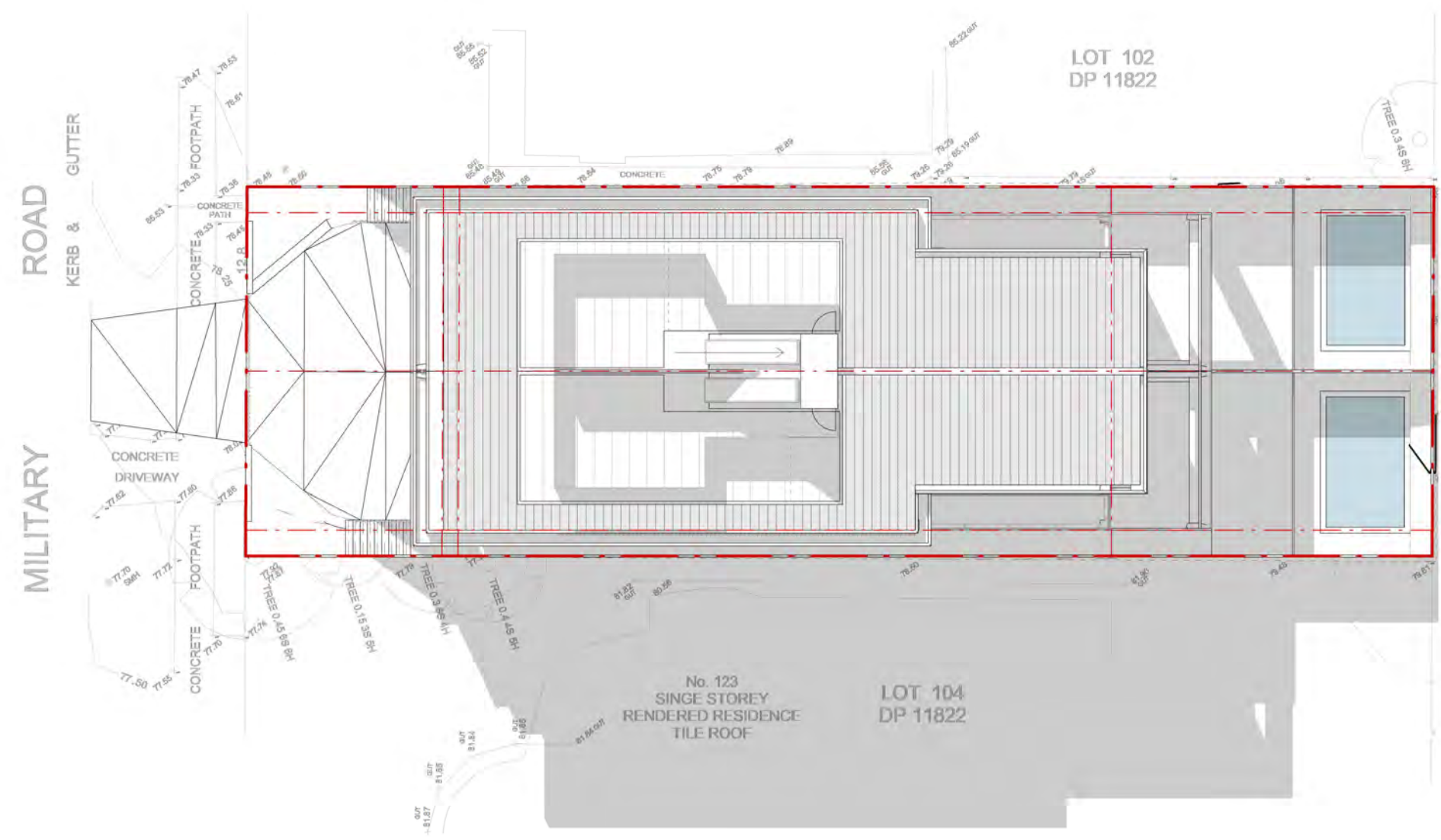
20176

SCALE

As indicated @  
A3

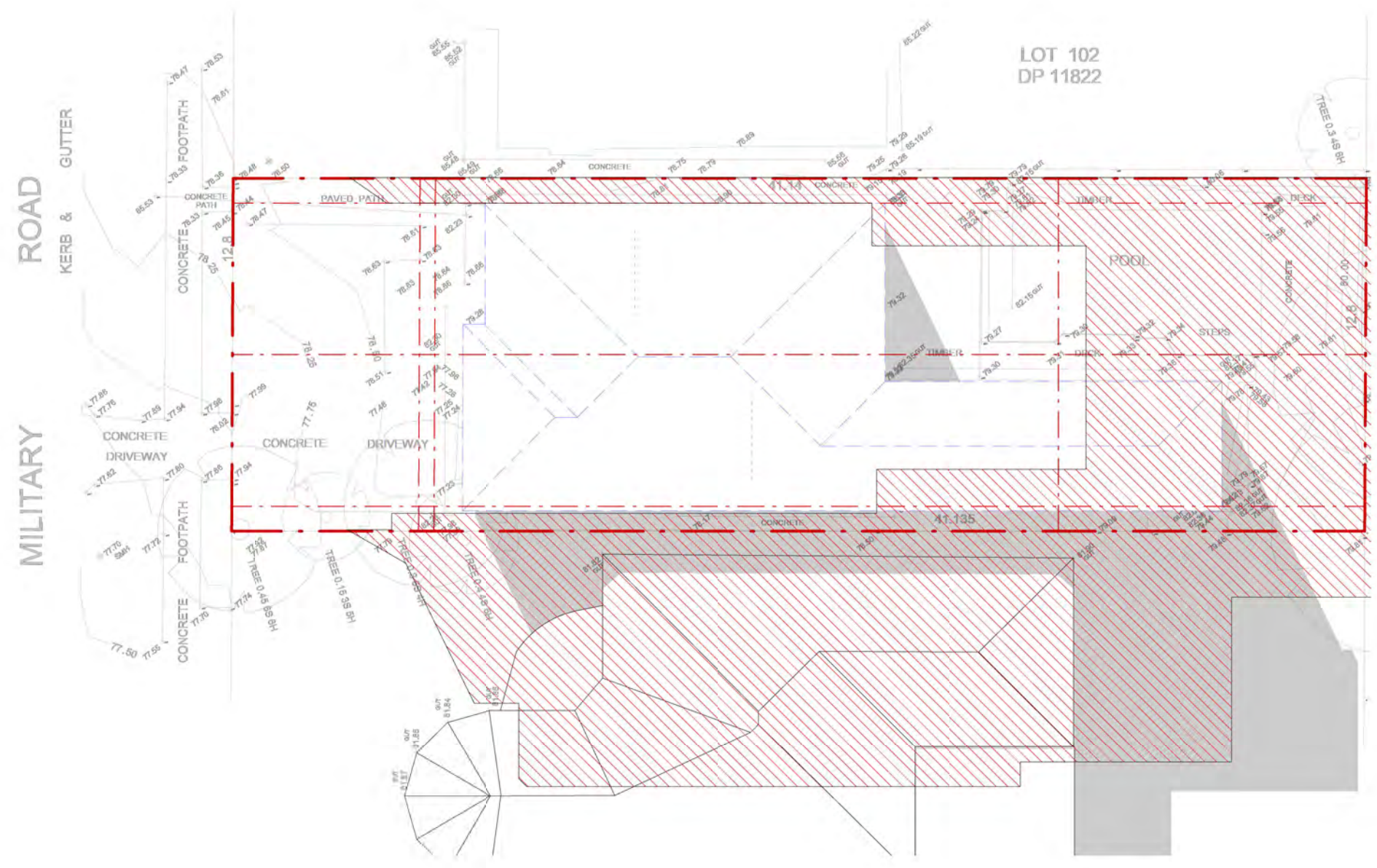


AMENDED PLANS



1	Shadow Diagrams 2PM
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 PROPOSED SHADOWS



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DUPLEX

ADDRESS  
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DRAWING NO.  
A925A

DRAWING TITLE  
SHADOWS 2PM EXSTING

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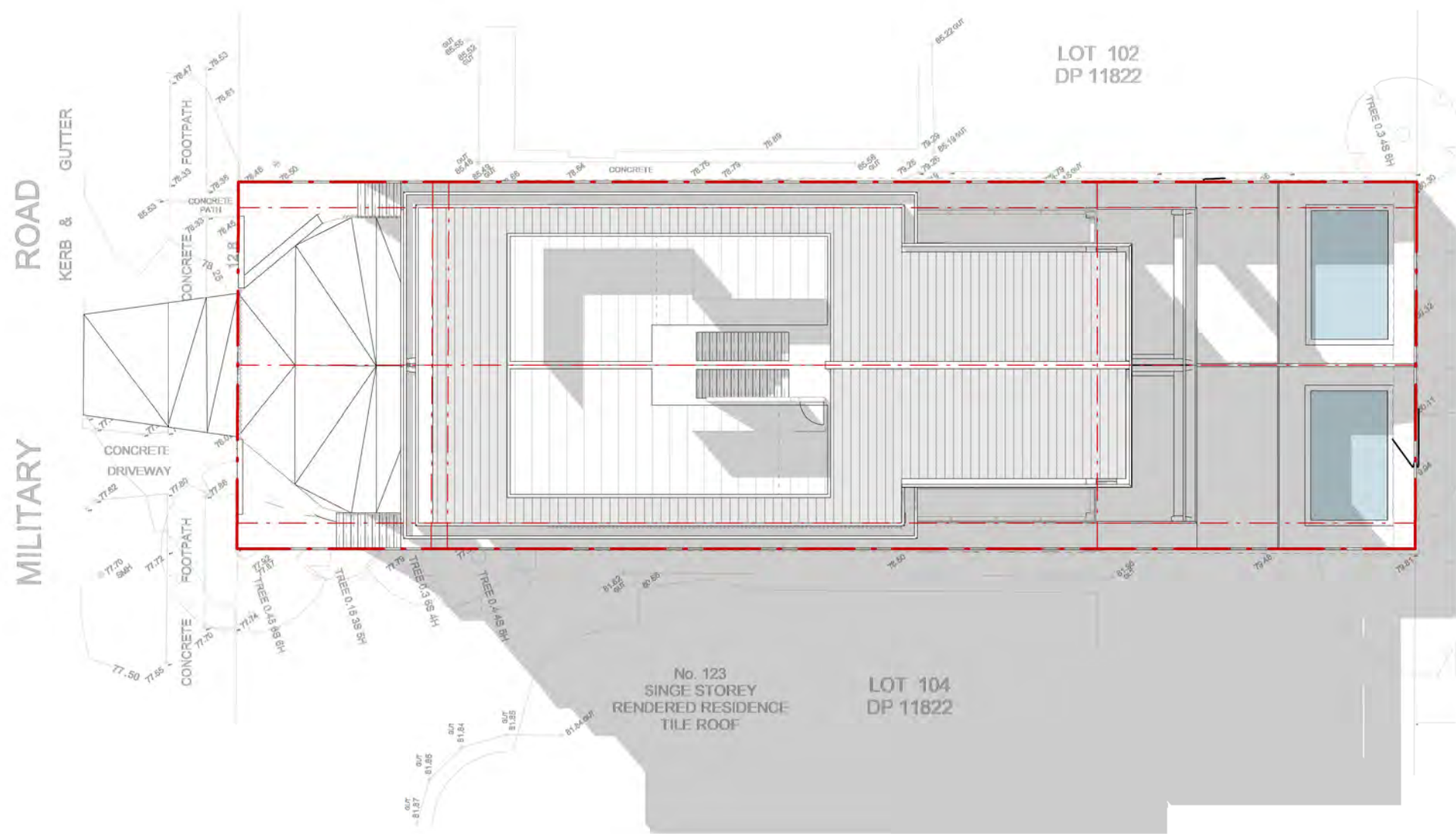
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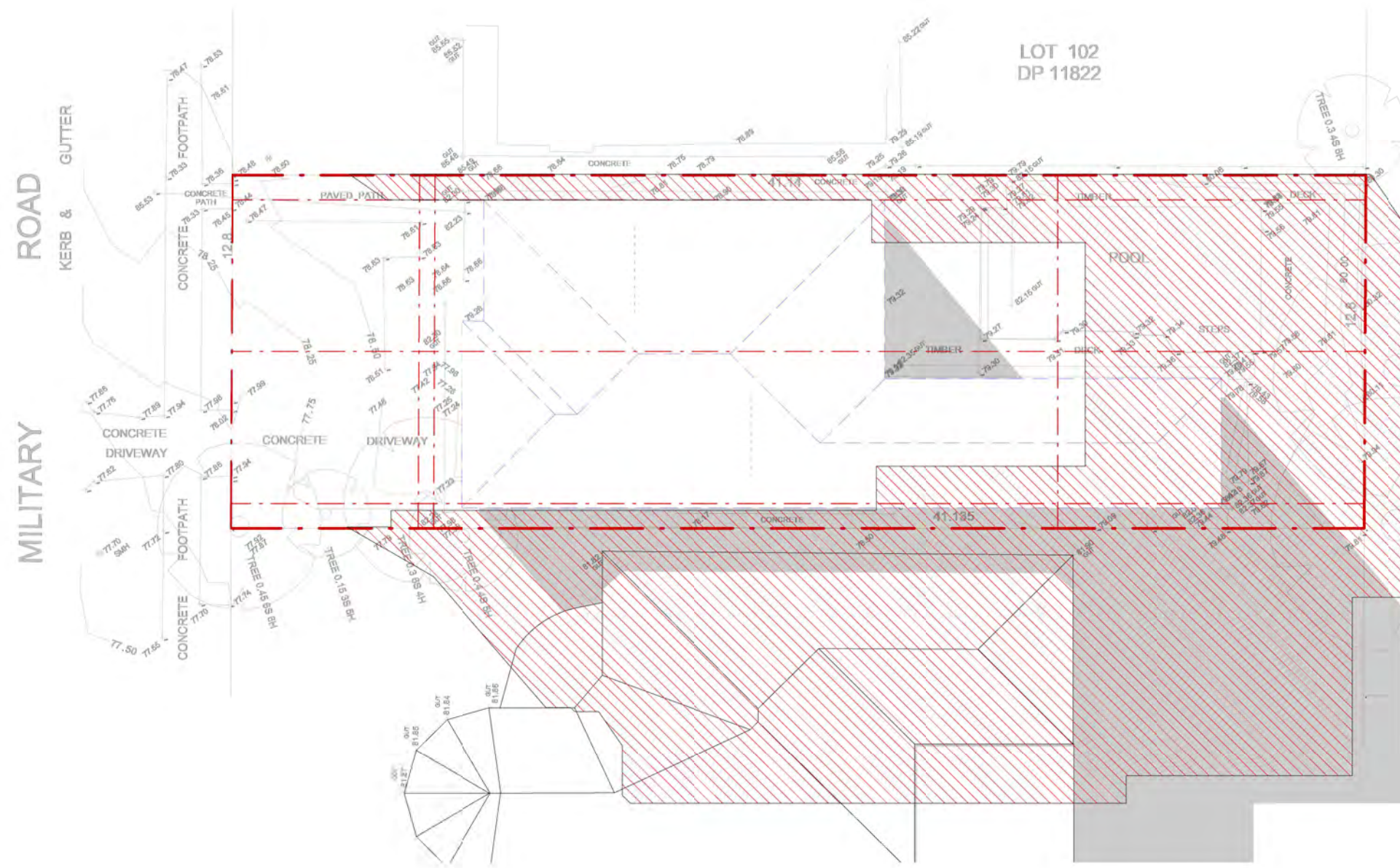


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1	Shadow Diagrams 3P
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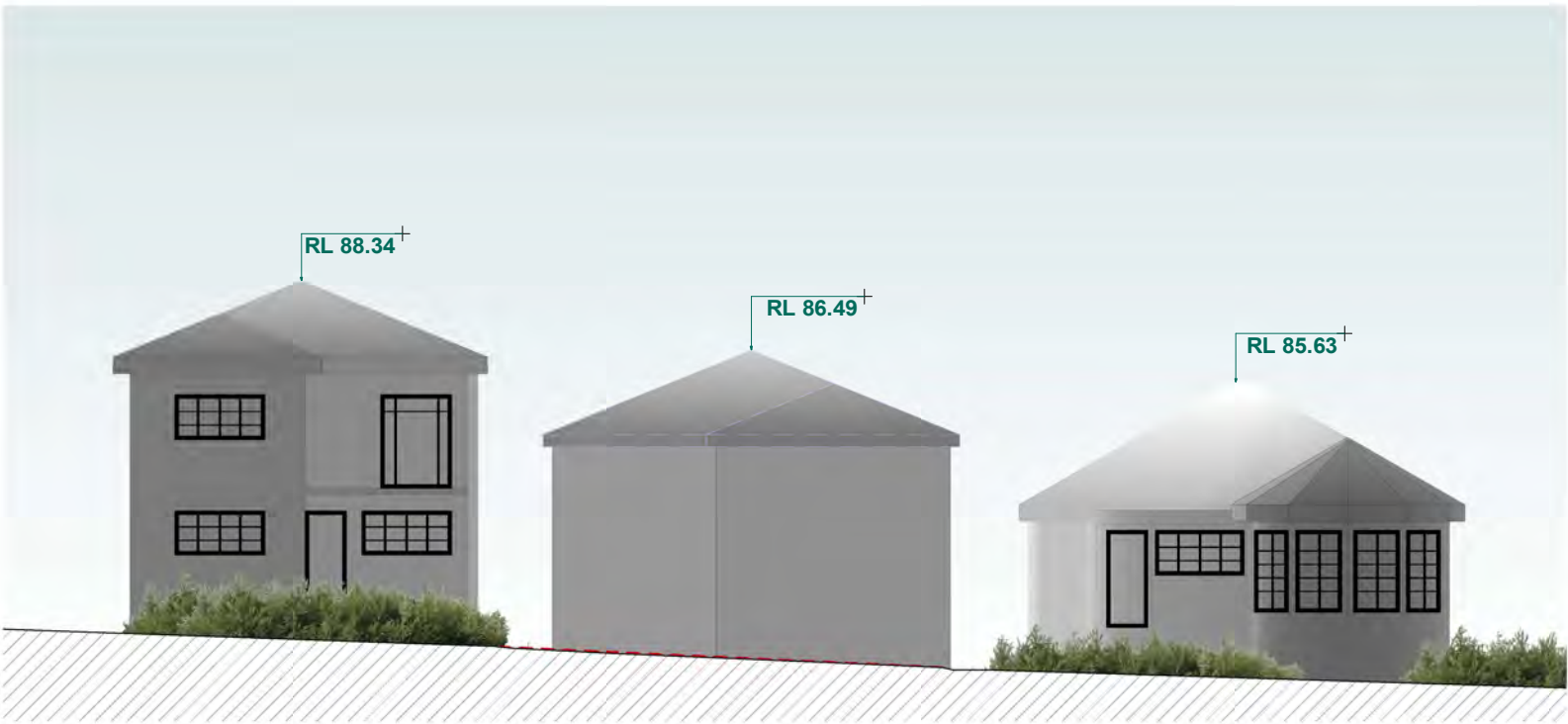
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FRONT ELEVATION EXISTING SHADOWS - 9AM

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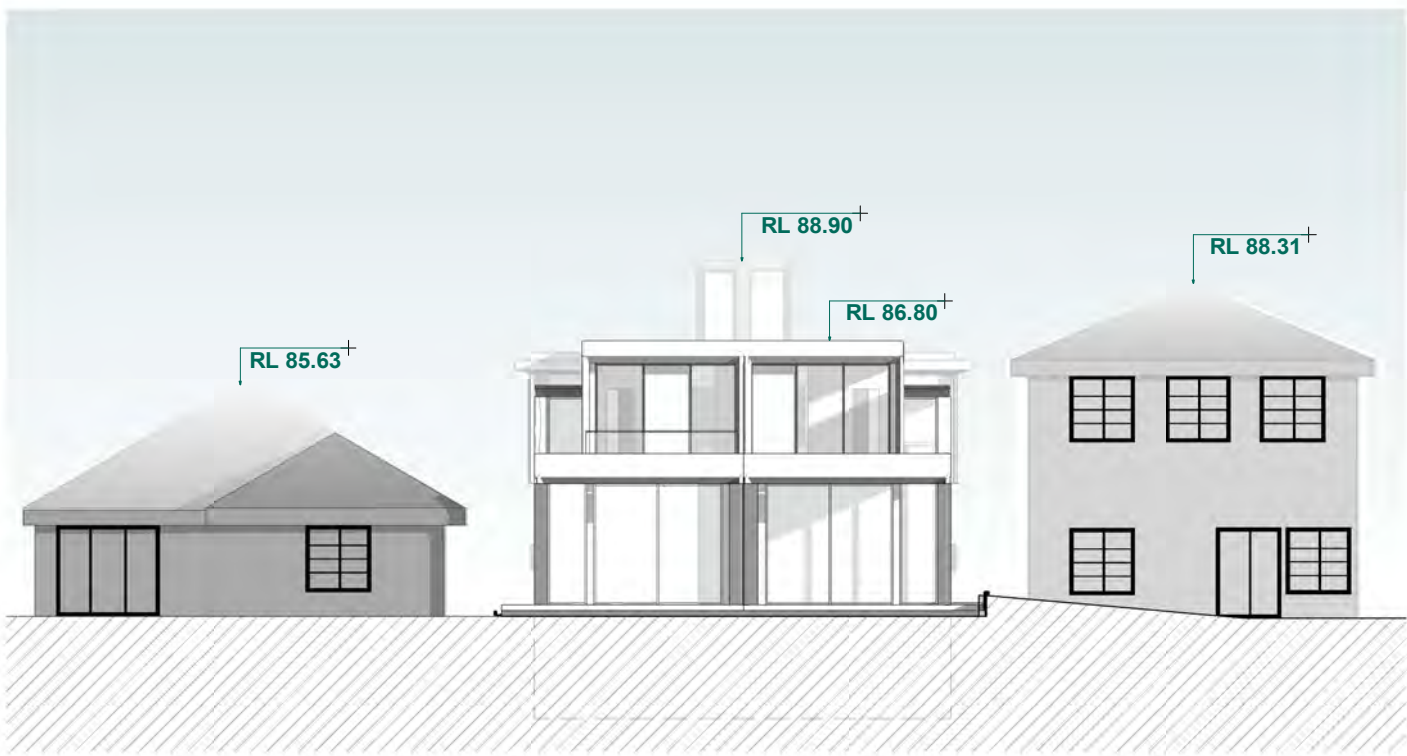


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REAR ELEVATION PROPOSED SHADOWS - 9AM



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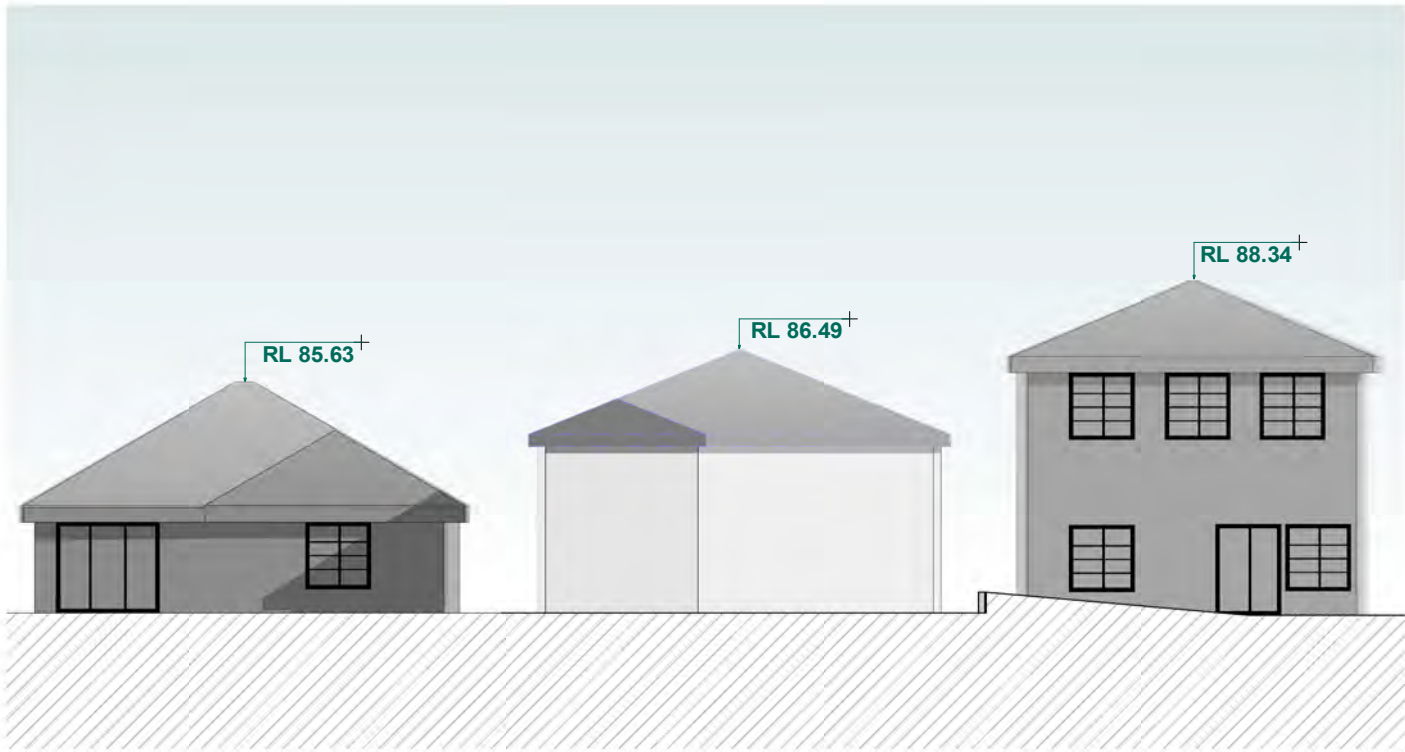
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FRONT ELEVATION EXISTING SHADOWS - 10AM



REAR ELEVATION EXISTING SHADOWS - 10AM

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DRAWING TITLE  
ELEVATION SHADOWS 10AM

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FRONT ELEVATION EXISTING SHADOWS - 11AM



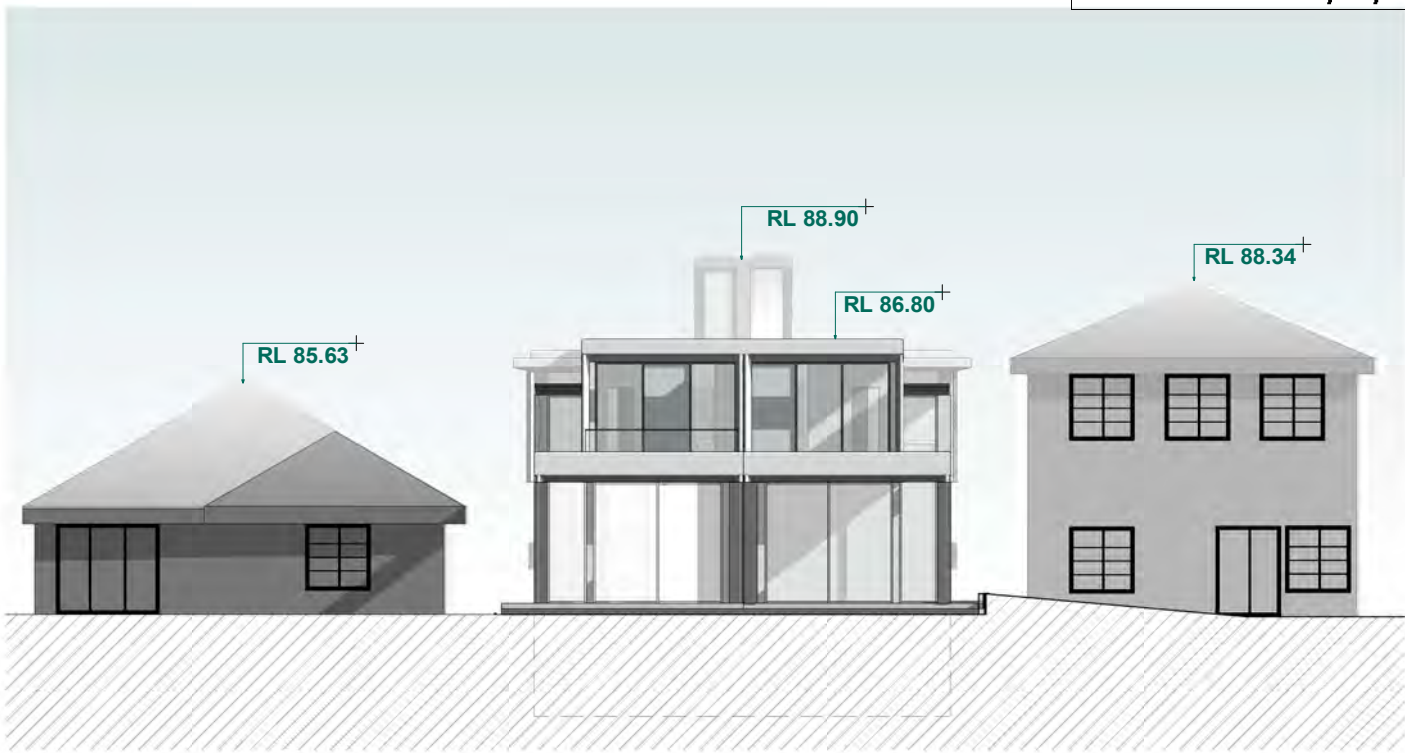
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FRONT ELEVATION PROPOSED SHADOWS - 11AM



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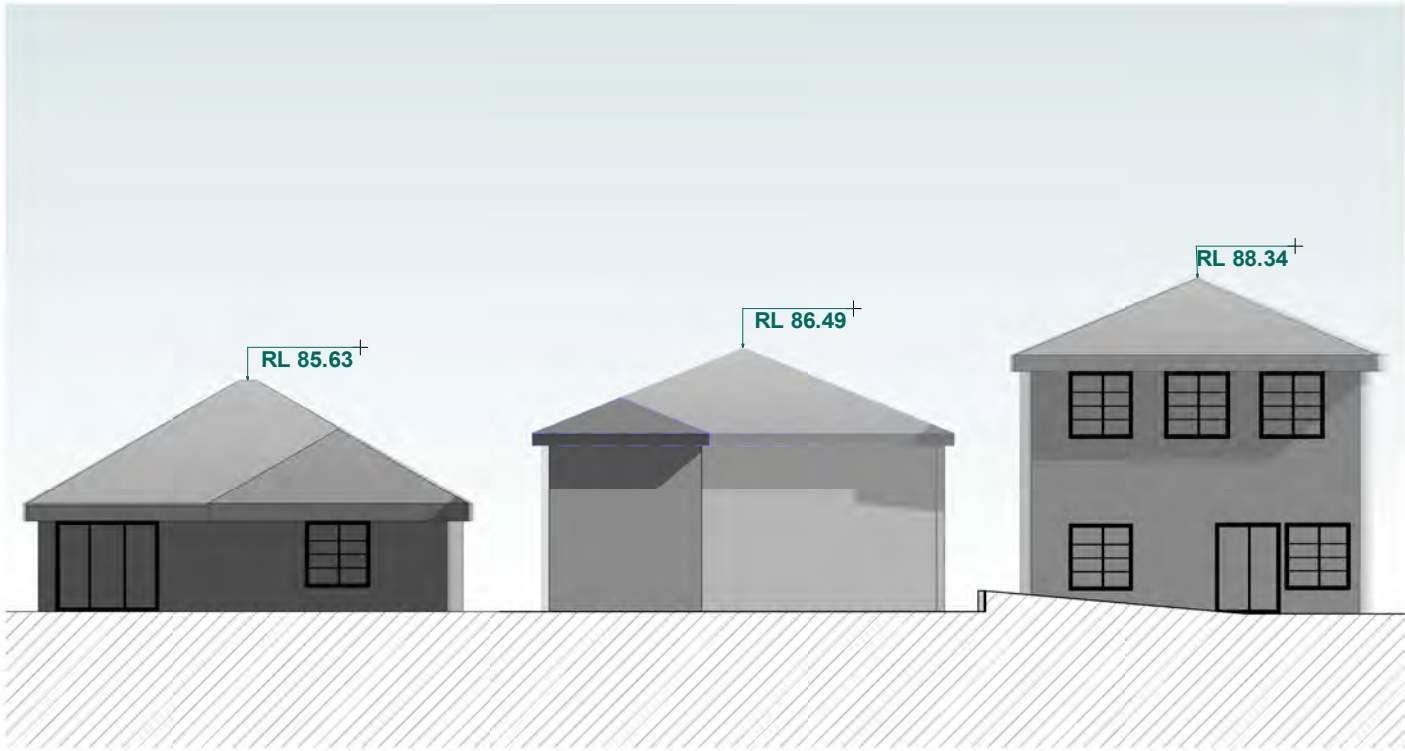
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FRONT ELEVATION EXISTING SHADOWS - 12AM



REAR ELEVATION EXISTING SHADOWS - 12PM

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FRONT ELEVATION PROPOSED SHADOWS - 12PM



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FRONT ELEVATION EXISTING SHADOWS - 1PM

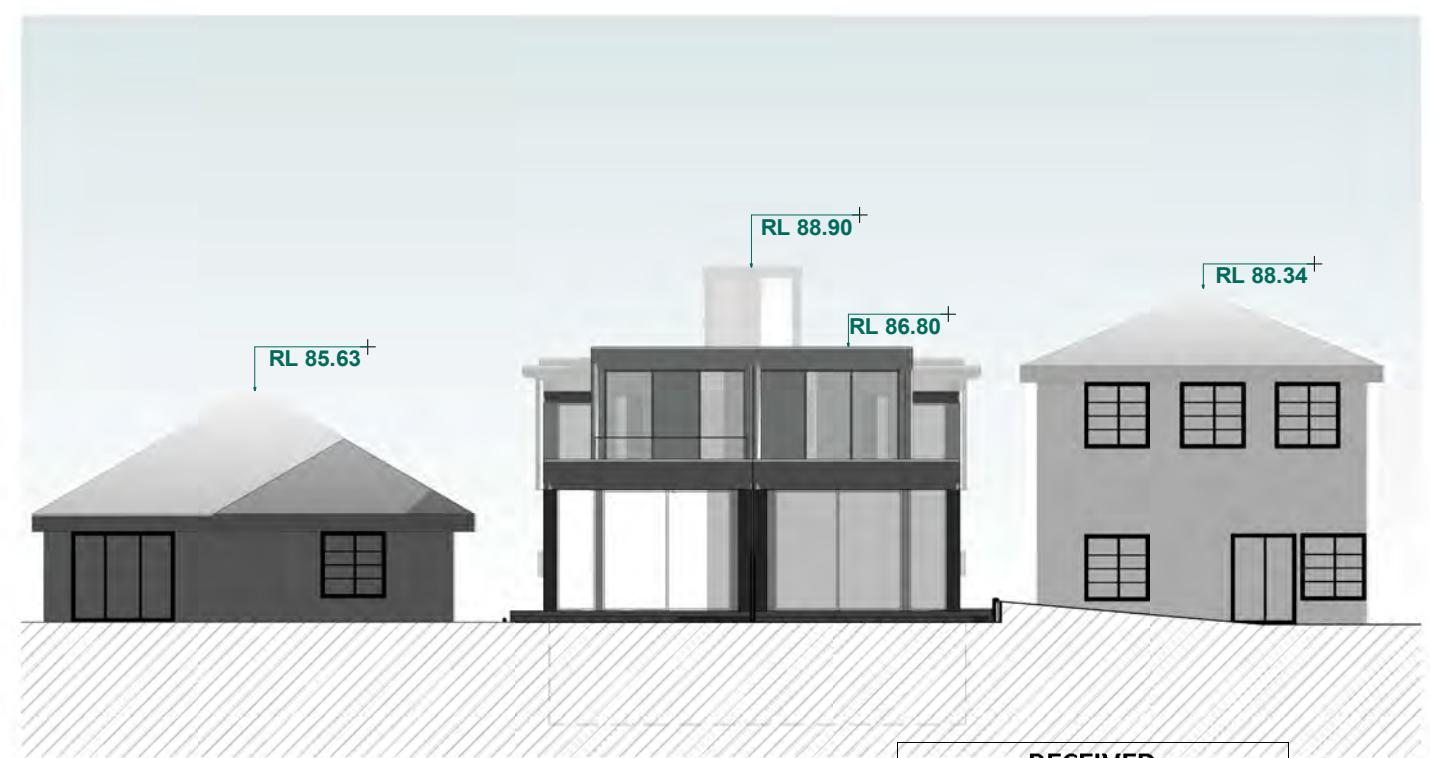


REAR ELEVATION EXISTING SHADOWS - 1PM

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FRONT ELEVATION PROPOSED SHADOWS - 1PM



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**ELEVATION SHADOWS 1PM**

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FRONT ELEVATION EXISTING SHADOWS - 2PM



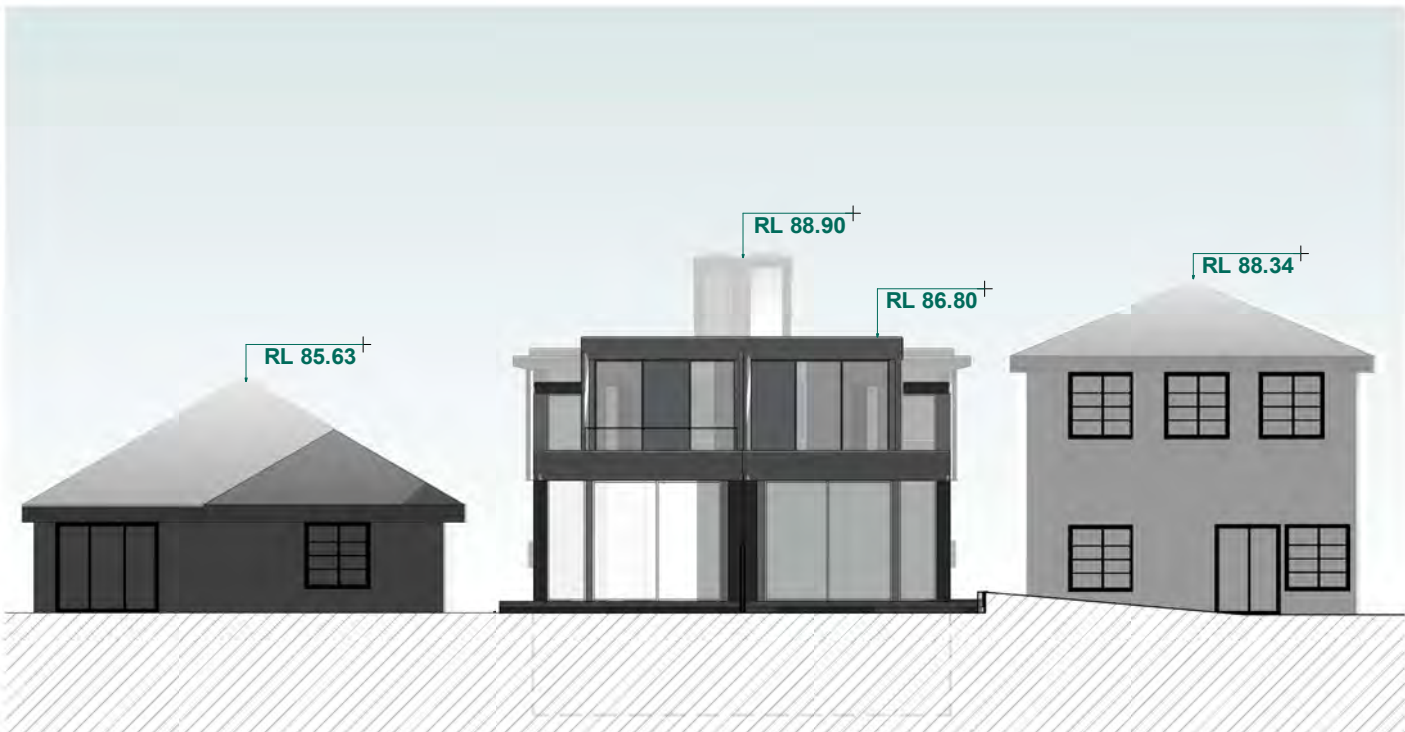
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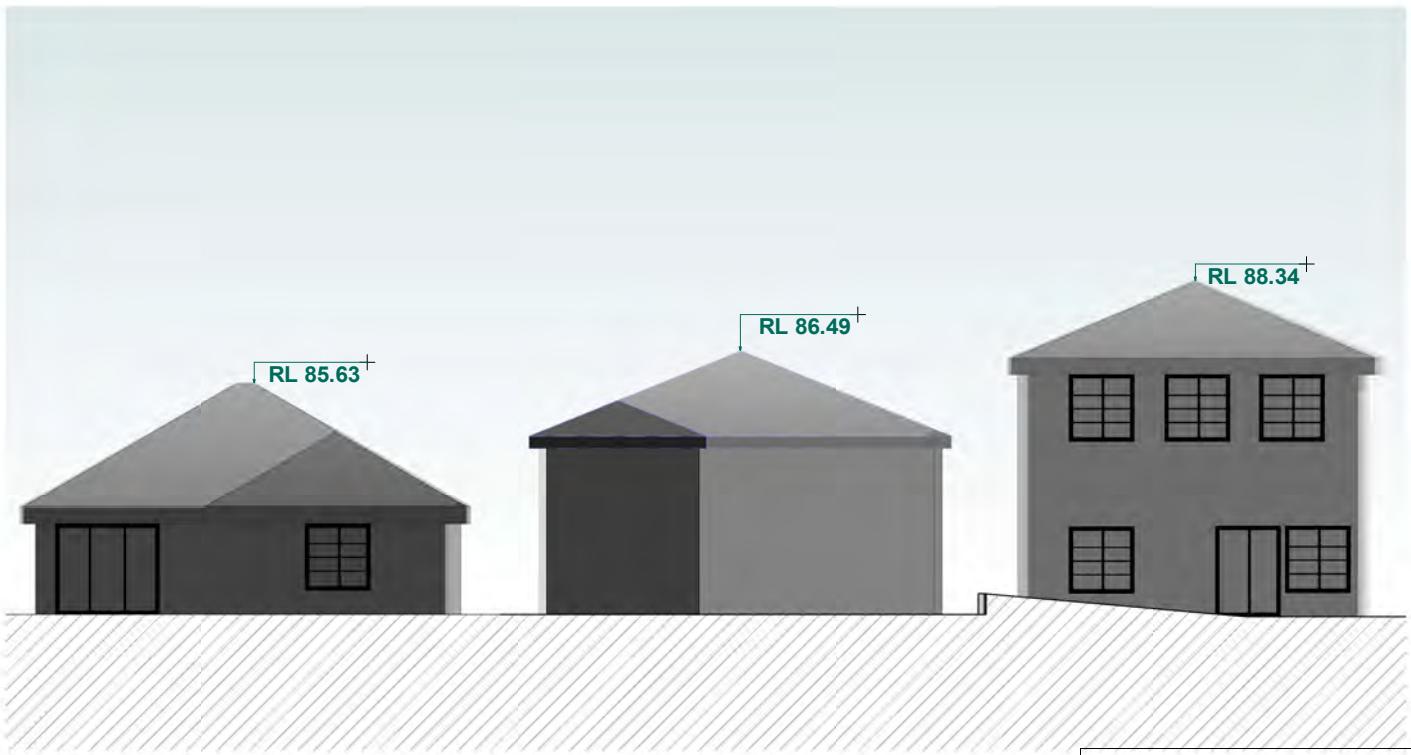
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FRONT ELEVATION EXISTING SHADOWS - 3PM



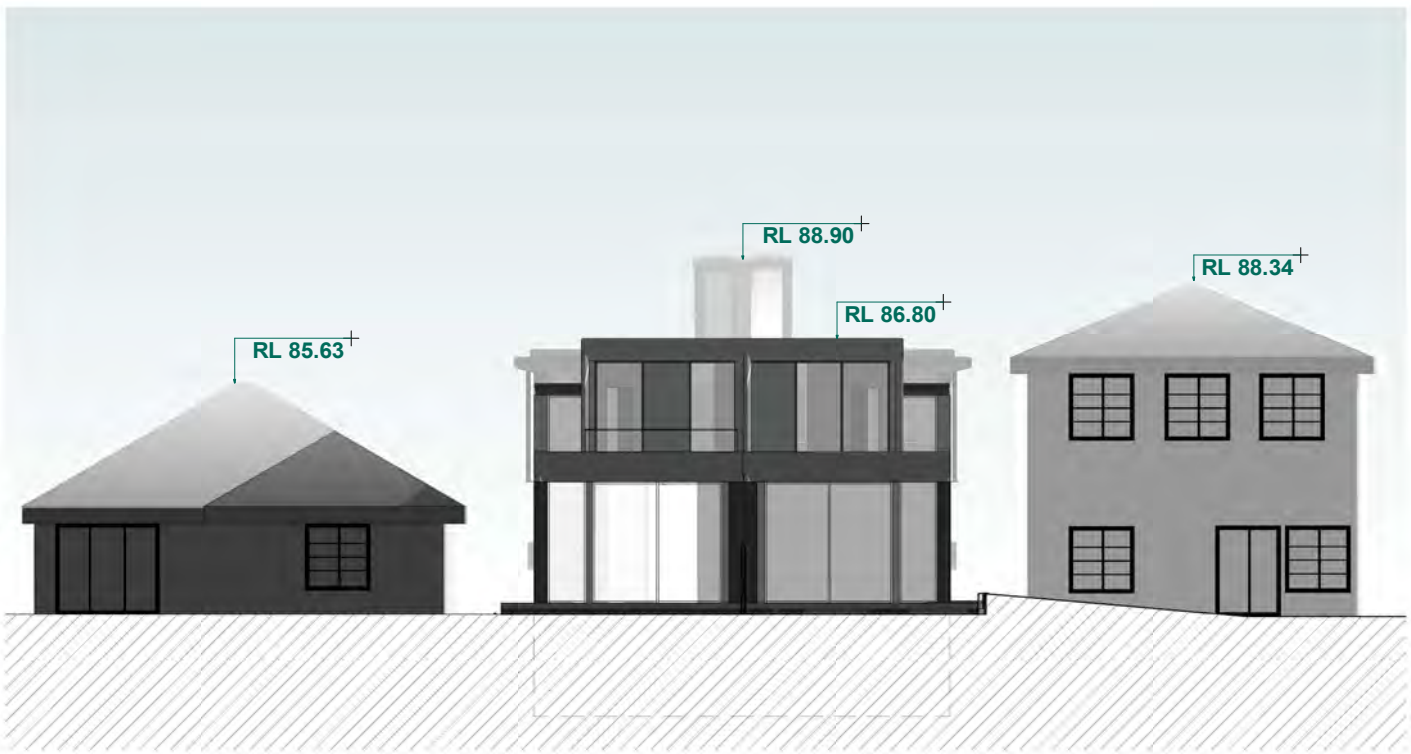
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FRONT ELEVATION PROPOSED SHADOWS - 3PM



REAR ELEVATION PROPOSED SHADOWS - 3PM



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## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-206/2021
<b>Site address</b>	Bondi Pavilion, Queen Elizabeth Drive, BONDI BEACH NSW 2026
<b>Proposal</b>	Integrated Development: Installation of building identification signage, business identification signage and way finding signage at Bondi Pavilion.
<b>Date of lodgement</b>	2 June 2021
<b>Owner</b>	Waverley Council
<b>Applicant</b>	Waverley Council
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$22,000
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>Excavation for freestanding signs FR1 and FR2</li> </ul>
<b>Recommendation</b>	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 installation of building identification signage, business identification signage and way finding signage at the site referred to as Bondi Pavilion, Queen Elizabeth Drive, BONDI BEACH.

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

- Excavation required for freestanding signs FR1 and FR2.
- Consistency of signage across the site.

The assessment finds these issues acceptable, subject to recommended conditions of consent that are to be provided by Heritage NSW.

At the time of finalising this assessment report, Heritage NSW (having regard to the proposal being Integrated Development) have not provided their final comments/approval (though have indicated their imminent support for the proposal). Having regard to contractual arrangements and construction timing of the project presently underway, it is paramount this item be referred to the September Local Planning Panel meeting for determination. Therefore, given the Heritage NSW representative has indicated support in principle for the proposal (subject to conditions), the approval from Heritage NSW is imminent and will be provided to the Panel under separate comment for consideration prior to the meeting of 22 September 2021.

The application was notified in accordance with the Community Participation Plan. No submissions were received.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 9 October 2020 in relation to DA-105/2019. Construction works in relation to **DA-105/2019** are currently being undertaken on site.

The Bondi Pavilion is located within Bondi Park and bounded by Campbell Parade to the north west and Queen Elizabeth Drive to the south east. The site is 3.1km from Bondi Junction and 8.5km from the Sydney CBD. The site is located within the grounds of Bondi Park, with landscaped areas to the north and west of the site. Further north is a carpark accessible from Campbell Parade. Uses along Campbell Parade include residential flat buildings, shop-top housing, retail and the Bondi Public School.

The site comprises the Bondi Pavilion, the existing forecourt and a small part of the Bondi Park grounds. The existing Pavilion building is comprised of a central two (2) storey building with single storey wings forming a central open-air courtyard. Within the courtyard is a small amphitheatre surrounded by grassed and paved areas.

Around the perimeter of the main building are pedestrian walkways and public seating and benches including picnic tables within loggias along the northern boundary. The western boundary is landscaped and adjoins Bondi Park, with the eastern side adjacent to the Bondi Surf Bathers Life Saving Club.

The Queen Elizabeth Drive frontage was previously tenanted by restaurants and retail premises. It serves as the main pedestrian entrance to the Pavilion. The first floor contains a theatre and function rooms used by community groups and private bookings. The east and west wing uses include art studios, music rooms and function rooms. The Campbell Parade frontage serves as the vehicular access for the site, with Waverley Council occupying office space above the northern gateway entrance. The entrance is serviced by a hard paved forecourt and path which connects the Pavilion and the Campbell Parade carpark.

The Bondi Pavilion is listed as a State significant heritage item and is located within the Bondi Beach locality, which is identified as place of significance on Australia's National Heritage List. The Bondi Pavilion is also located within the Bondi Beach Beachfront Scenic Protection Area.



**Figure 1:** View of Pavilion from Queen Elizabeth Drive prior to construction works (Source: Google Maps)





**Figure 2:** View looking south from Campbell Parade vehicular access point, situated towards rear frontage of subject site, prior to construction works. Roof tiles have been recently replaced as per **HEC-29/2019**.

### 1.3. Relevant Development History

A search of Council's records revealed the following relevant development history for the Bondi Pavilion:

- **DA-105/2019:** Restoration and refurbishment of the Bondi Pavilion including Heritage Conversation Works, improve equitable access, quality of spaces and facilities and ancillary public domain works - Integrated Development. Approved by the Sydney Eastern City Planning Panel (due to cost of works associated with a Council project) on 19 December 2019.

**Condition 10** of this consent is directly relevant to the subject application:

#### **10. SEPARATE APPLICATION FOR SIGNAGE**

*Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council (if required).*

- **DA-105/2019/A:** Modification including additional slab demolition, reconfiguration of plant and equipment, redesign of theatre, removal of solar panels, update to roof and various other alterations. Approved by the Waverley Local Planning Panel on 28 October 2020.

### 1.4. Proposal

The development application seeks consent for the installation of building identification signage, business identification signage and way finding signage at Bondi Pavilion. A total of 98 signs are proposed that consist of the following:

- 27 signs for external identification;
- 29 signs for internal identification;
- 18 signs for external directional;
- 19 signs for internal directional; and
- 5 internal digital signs (illuminated).

A summary of the different types of signs proposed is provided in the following table:

**Table 1: Summary of Proposed Sign Types**

External Identification	Internal Identification	External Directional	Internal Directional	Digital Signage
FG Flag Sign	FG Flag Sign	FR Free standing Sign	FG Flag Sign	SC1 Screen to Wall Sign
LE Individual Letters	PA wall Panel Sign	GR Ground Graphic Signage (ground level only)	PA Wall Panel Sign	SC2 Hanging Screen Sign
PA Wall Panel Sign	LE Individual Letters	PA Wall Panel Sign		

Details of the proposed signage including dimensions and location can be found in **Section 2.1.4** of this report.

The intent of condition 10 of DA-105/2019 was to ensure a consolidated Signage Plan for the entire site was developed to ensure a consistent approach towards signage occurred having regard to the heritage significance of the site and its prominent location. This application seeks to address these requirements.

## 1.5. Background

There is no background relevant to the subject application. See **Section 1.3** of this report for development history.

## 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. Acts

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

- Environment Protection and Biodiversity Conservation (EPBC) Act 1999
- Heritage Act 1977
- National Parks and Wildlife (NP&W) Act 1974
- Crown Land Management Act 2016

A detailed discussion is provided for relevant Acts as follows:

#### *Heritage Act 1977*

The Bondi Pavilion is a listed State heritage item as well as being located within the catchment of the 'Bondi Beach Cultural Landscape'. The proposed works constitute Integrated Development under Clause 4.46 of the *EP&A Act 1979* and require approval from the Heritage Council under Section 57 of the *Heritage Act 1977*. A separate Section 60 approval will also be required for the proposed works.

The development application was referred to the Heritage Council of NSW and further information was provided from the applicant in response to their requests relating to the following:

- Clarification on excavation required for freestanding signs – Received from applicant on 1 September 2021; and
- Clarification on signage branding strategy – Requested from applicant on 9 September 2021.

The application has been referred to Heritage NSW for approval. Ongoing discussions between the assessing officer at Heritage NSW, Applicant representative and Council's assessment officer have occurred. Additional information was also sought by Heritage NSW which has been provided by the Applicant as detailed above.

At the time of finalising this assessment report, Heritage NSW have not provided their final comments/approval (though have indicated their imminent support for the proposal). Having regard to contractual arrangements and construction timing of the project presently underway, it is paramount this item be referred to the September Local Planning Panel meeting for determination. Therefore, given the Heritage NSW representative has indicated support in principle for the proposal (subject to conditions), the approval from Heritage NSW is imminent and will be provided to the Panel under separate comment for consideration prior to the meeting of 22 September 2021. In this regard, it is anticipated that Heritage NSW will provide their approval, subject to recommended conditions of consent for imposition (that is, General Terms of Approval).

#### *Crown Land Management Act 2016*

The subject site is classified as Crown Land dedicated to Waverley Council. The development application was referred to the Crown Lands for consideration. As no comment was received within the nominated timeframe, it is assumed there are no outstanding issues and standard conditions shall be imposed.

Given that this application is for signage in relation to the building works approved to the Bondi Pavilion under **DA-105/2019**, this is considered to be acceptable.

#### Bondi Park, Beach and Pavilion Plan of Management 2014-2024

Under the *Crown Lands Act 2016* a Plan of Management (POM) is required for the site.

The Bondi Park, Beach and Pavilion (BPBP) POM was adopted by Waverley Council in 2014 to provide a strategic framework to guide use, management and maintenance of the wider site. The 2014 POM updates the previous 1995 POM for the recreation precinct. In addition to guiding use and management of the entire Bondi Beach area, the POM is tasked with identifying the future vision and objectives for the upgrade and conservation works of Bondi Pavilion. The building works approved to the Bondi Pavilion under **DA-105/2019** was assessed against the BPBP POM 2014 and was considered to be satisfactory. Therefore, this application for business identification and wayfinding signage at the Bondi Pavilion is considered to be satisfactory as the proposed works are minor and are not considered to impact upon the future vision and objectives for the Bondi Beach area.

#### 2.1.2. State Environmental Planning Policies (SEPPs)

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

- SEPP 55 Remediation of Land
- SEPP 64 Advertising and Signage
- SEPP (Coastal Management) 2018
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011

A detailed discussion is provided for relevant SEPPs as follows:

##### *SEPP 64 Advertising and Signage*

In accordance with clause 8 of SEPP 64, Council must not grant development consent unless it is satisfied that the proposed signage is consistent with the objectives of the SEPP and the assessment criteria set out under Schedule 1 of the SEPP.

An assessment against the criteria under Schedule 1 of the SEPP is provided in **Table 2** of this report.

**Table 2: SEPP 64 Advertising and Signage Compliance Table**

Assessment Criteria	Compliance	Comment
1 Character of the area		



Assessment Criteria	Compliance	Comment
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes	The proposed signage builds on the Waverley Council branding strategy that covers Bondi Park and is considered to follow the relevant policies on signage within the broader Bondi Beach cultural landscape contained within the Conservation Management Plan.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes	The proposed signage is cohesive and will provide consistency for signage in relation to the Bondi Pavilion and surrounds.
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Yes	The proposed colours and typeface of the proposed signage are considered to be cohesive with the Bondi Pavilion building and suitable for the cultural landscape of Bondi Beach.
3 Views and vistas		
Does the proposal obscure or compromise important views?	Yes	The proposed signage is not located above the height of the Bondi Pavilion and will therefore not compromise any views or vistas.
Does the proposal dominate the skyline and reduce the quality of vistas?	Yes	
Does the proposal respect the viewing rights of other advertisers?	Yes	
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes	The size of the proposed signage, particularly those on the external facades of the building, the pavement and the free standing signs are considered to be suitably scaled in line with the proportions of the Bondi Pavilion building and are therefore satisfactory.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes	The proposed building and business identification and wayfinding signage are to be suitably located to contribute to the visual interest within the landscape setting of Bondi Pavilion within Bondi Park.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes	The proposed signage is cohesive and compatible with the ongoing restoration works of the Bondi Pavilion.
Does the proposal screen unsightliness?	N/A	The proposed signage is for building and business identification as well as wayfinding and is not proposed to screen unsightliness in this instance.
Does the proposal protrude above buildings, structures or	Yes	The proposed external signage is limited to the height of the external façade of the

Assessment Criteria	Compliance	Comment
tree canopies in the area or locality?		ground floor level of the building and is therefore acceptable.
Does the proposal require ongoing vegetation management?	N/A	Ongoing vegetation management is not required.
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes	The proposed signage is compatible with the scale, proportion and character of Bondi Pavilion and the surrounding landscape of Bondi Park.
Does the proposal respect important features of the site or building, or both?	Yes	The proposed signage is to be placed in a manner that respects the important features of the Bondi Pavilion building and the surrounding landscape.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes	The proposed colours and typeface of the signage are cohesive with the Bondi Pavilion building and suitable for the cultural landscape of Bondi Beach.
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A	No associated devices or logos are proposed.
<b>7 Illumination</b>		
Would illumination result in unacceptable glare?	Yes	The proposed illuminated digital screens are to be located within the Bondi Pavilion and would not be visible from outside the building.
<b>8 Safety</b>		
Would the proposal reduce the safety for any public road?	Yes	The proposed signage is considered to maintain safety for pedestrians, cyclists and vehicles. The proposed external free standing signs are located closely to the Bondi Pavilion building and are not considered to disrupt pathway of pedestrians or cyclists and is therefore satisfactory.
Would the proposal reduce the safety for pedestrians or bicyclists?	Yes	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Yes	

Given the above assessment of the proposed signs, the proposal satisfies the assessment criteria specified in Schedule 1 of SEPP 64 and is consistent with the objectives set out in clause 3(1)(a) of SEPP 64. The proposed signs are therefore acceptable.

## SEPP (Coastal Management) 2018

The subject site is located within a 'coastal use area' as identified by the Coastal Management SEPP 2018. Clause 14 of the SEPP identifies the matters for considering in assessing a development application within a coastal use area. The proposed signage is not considered to cause any adverse impact upon the matters listed and therefore satisfies Clause 14(a) of the Coastal Management SEPP 2018. Furthermore, the proposed works are considered to satisfy Clause 14(b) and 14(c). The proposed works are therefore consistent with the surrounding building and coastal environment.

### 2.1.3. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 3: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table RE1: Public Recreation Zone	Yes	The proposal is defined as building identification signage and business identification signage that is permitted with consent in the RE1 zone. The proposal does not seek to change the approved uses of the Bondi Pavilion under <b>DA-105/2019</b> .
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings	N/A	There is no applicable height of buildings control for this site.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	<i>See discussion below.</i>
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	Some minor earthworks are proposed to accommodate the installation of the proposed freestanding signs that are not anticipated to result in any adverse impacts upon the surrounding locality, subject to recommended conditions of consent. This is discussed in detail in Section 2.1.4 of this report.
6.9 Design excellence	Yes	The northern boundary of the site is located within a designated 'Key Sites' area under WLEP 2012. However, the proposal does not involve new building or works to an existing building greater than 15m in height and therefore is not subject to the provisions of Clause 6.9 of WLEP 2012. The proposed signage is considered to continue to display

Provision	Compliance	Comment
		design excellence and addresses the considerations required under Clause 6.9 of WLEP 2012.

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

#### *Clause 5.10 - Heritage Conservation*

The Bondi Pavilion is a heritage item of State heritage significance under Schedule 5 of WLEP 2012 (Item Number I124). The Bondi Pavilion is situated within the 'Bondi Beach Cultural Landscape', which is a State item listed under the State Heritage Register (Listing Number 1786).

The site is also within the 'Bondi Beach and Park Landscape Conservation Area', labelled C25 on the Heritage Map, identified as having local heritage significance and listed under Schedule 5 of WLEP 2012.

The site has a number of relevant heritage documents applicable to development including a Conservation Management Plan (CMP) prepared in 2018 and the BBPP POM 2014. It is noted that the CMP for the broader Bondi Beach cultural landscape (currently under review for endorsement) includes the following policies on signage:

##### *Policy 7.3.6*

*Develop a signage policy for Bondi Park to coordinate and manage the full range of signage to present a coordinated site specific set of signage design controls and to minimise heritage impacts.*

##### *Policy 7.3.7*

*Continue to coordinate and design way finding, information, safety and restriction signage specifically for Bondi Park and manage to limit clutter and intrusion on heritage values.*

The application was assessed against the provisions of Clause 5.10 of WLEP 2012 and referred to Council's Heritage Advisor who provided the following comments and recommendations to be observed in the provision of signage at the Pavilion to maintain cohesion with the existing significant fabric:

- *The proposed signage provides increased amenity in the form of Wayfinding and safety provisions to the Pavilion.*
- *Signage has incorporated limited multi language information, this appearing limited to identifiable 'profiles' of male and female forms for amenity areas. Supplementary interpretation signage may be required for this international tourist destination.*
- *The selected colours, type face and signage set out are considered cohesive with the building.*
- *Issues may arise with suspended flag signs due to the large number of seagulls frequenting the beach and seeking shelter at night and during strong winds.*
- *Illumination of signs appears largely reliant on remote sources which would be a practical response to the need for extension of power services.*



- *Whilst the selected materials appear durable it needs to be accepted that periodic replacement is an inevitability of the location. Hence sources of matching replacement materials and colours should be recorded in the site offices.*
- *The program of signage installation should include guidelines for tenancy signage - an ongoing issue with commercial leases at the Pavilion.*
- *Similarly, traffic and other compliance signage needs to be carefully located to avoid detracting from this consistent and well considered signage.*
- *Provision for special events signage e.g. City to Surf, needs to be accommodated in the form of fixings points particularly to the upper level of the Pavilion.*

A Heritage Impact Statement was included with the submission of the application for assessment where it is noted that the proposed signage strategy builds on the Waverley Council branding strategy for the Bondi Park.

Furthermore, the application was referred to Heritage NSW who are anticipated to provide their support, subject to General Terms of Approval.

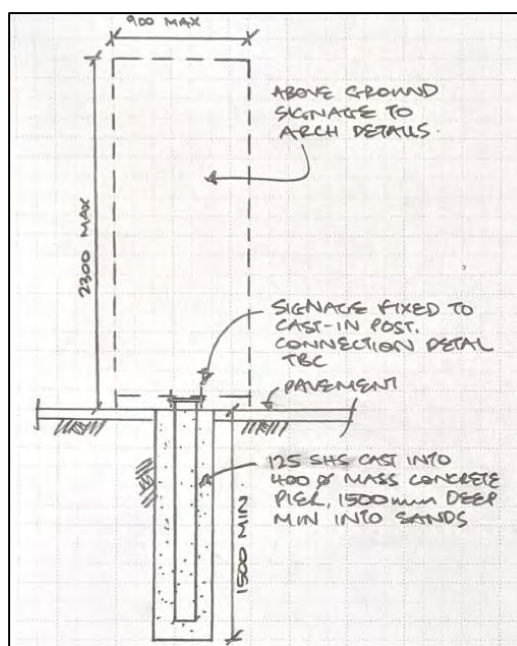
It is considered that the proposed signage satisfy the provisions of Clause 5.10 of WLEP 2012. Special conditions will be recommended for imposition based on the above comments.

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

The relevant matters to be considered under WDCP 2012 for the proposed signage are discussed below.

##### *B14 - Excavation*

The proposed freestanding signs labelled as FR1 and FR2 providing external directional content is required to have a foundation footing of 1.5m into the ground. This is demonstrated in the sketch provided below by the Applicant.



**Figure 3:** FR1 & FR2 sketch demonstrating foundation detail.

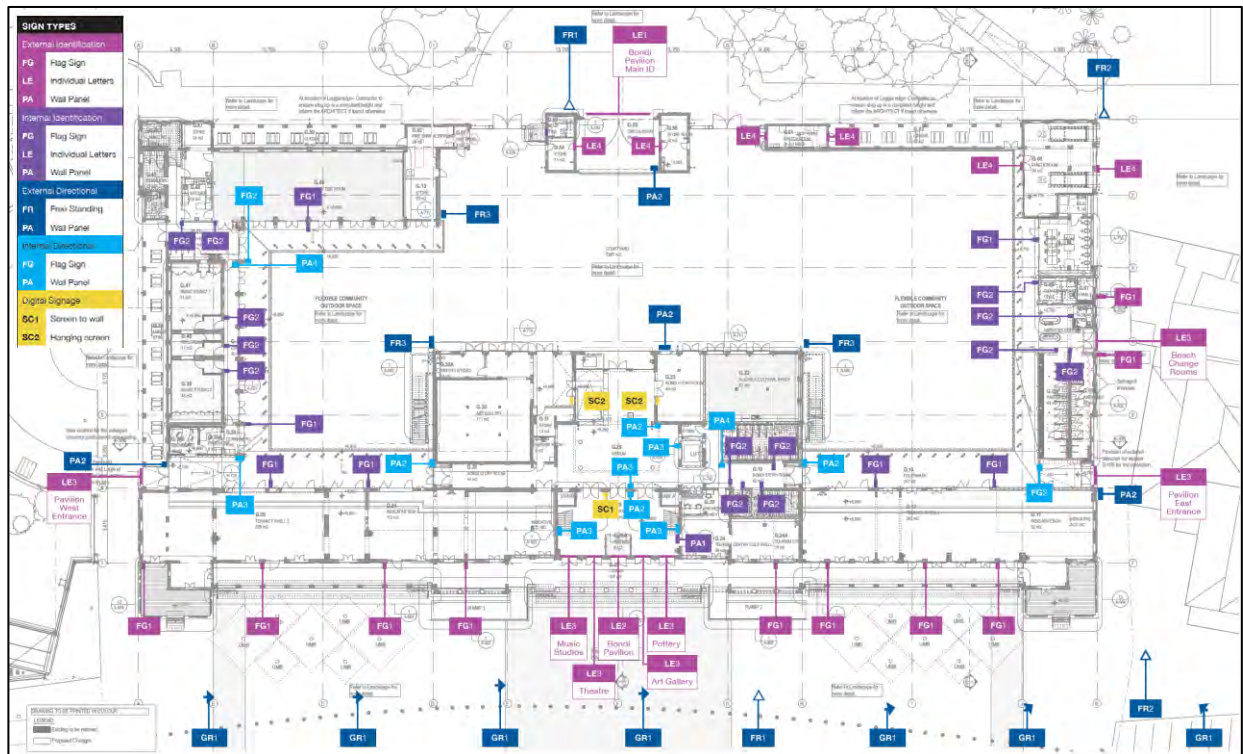
Details on the proposed excavation were required by Heritage NSW to be provided who forwarded this information to their internal Aboriginal Cultural Heritage team for review. Heritage NSW have indicated that additional terms of approval will be added to address the excavation required for these signs in their email to Council dated 8 September 2021. Therefore, the proposed excavation for these signs is considered to be satisfactory, subject to GTA to be issued by Heritage NSW.

### ***B15 – Advertising and Signage***

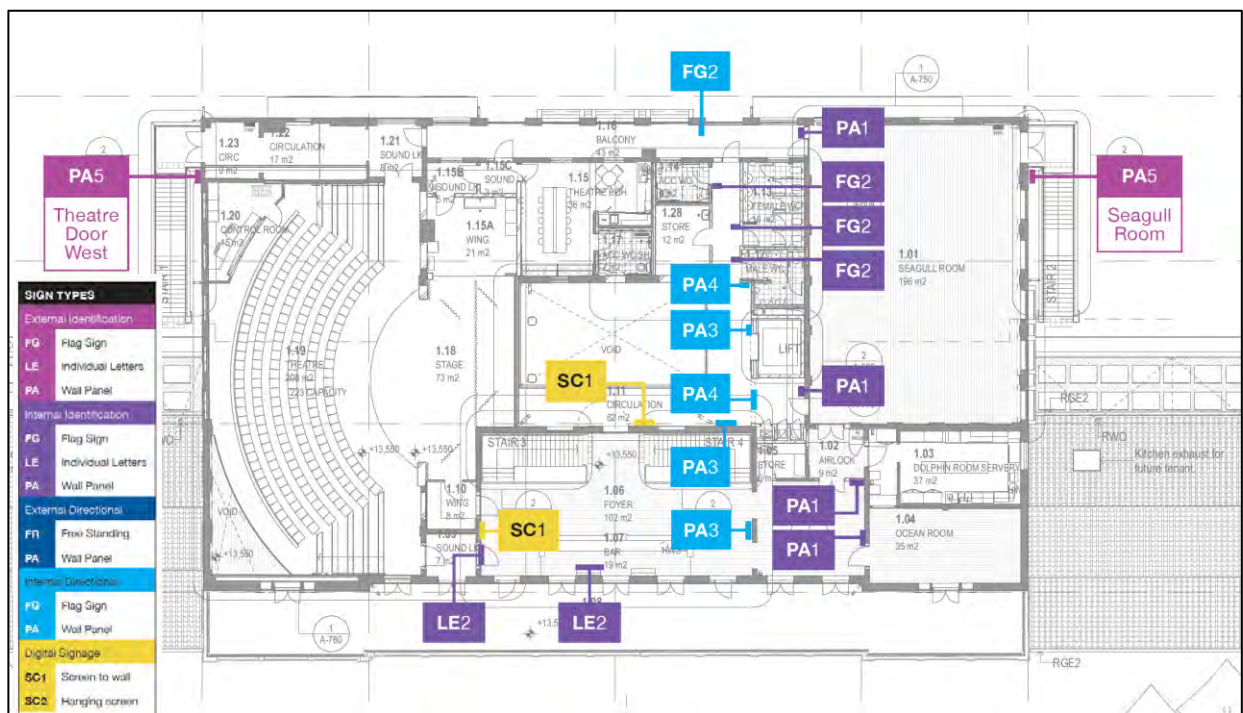
The proposal has been assessed against the relevant objectives and controls of Part B15 Advertising and Signage in WDCP 2012.

The proposed signage is generally in accordance with the provisions of *Section 15.1 Design and Location* as the application is for building identification, business identification and wayfinding in relation to the Bondi Pavilion and surrounds. The colours and typologies chosen for the proposed signage are considered to be compatible with the colour scheme of the Bondi Pavilion restoration works currently under construction under **DA-105/2019**. The signs are also suitably located so as to not obscure any decorative forms of the Bondi Pavilion. The number of signs proposed is also acceptable, given that they are suitably distributed on the external and internal facades of the building. Furthermore, the proposed building identification signage is consistent with the controls of *Section 15.2.3 Campbell Parade* whereby they are located to form part as a feature of the building. Furthermore, Council's Heritage Advisor has reviewed the proposal and the signage has been deemed appropriate for the heritage significant nature of the Bondi Pavilion and surrounding cultural landscape of Bondi Park in accordance with the provisions of *Section 15.2.9 Heritage Significant Buildings*.

The following images depict the location of the proposed signage types and a detailed assessment against the types of signage proposed in relation to the sign specific controls contained in Section 15.3 is provided in the following table.

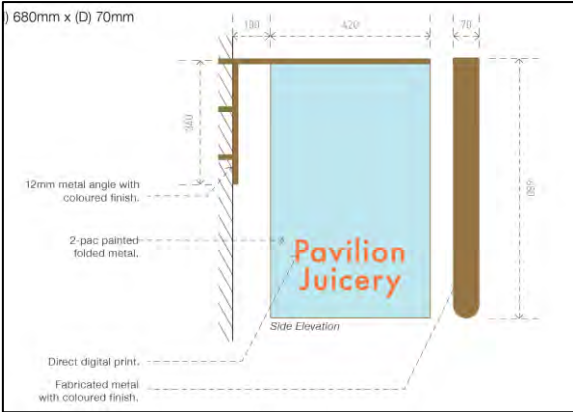
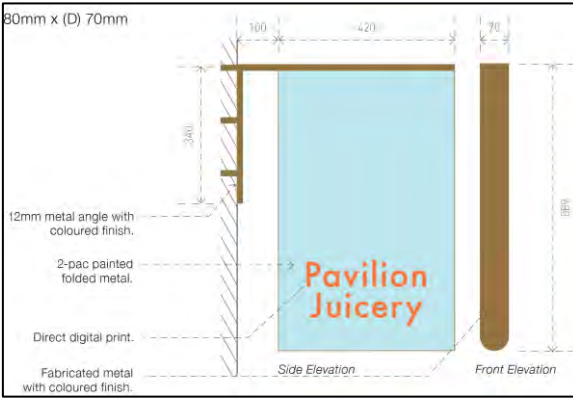


**Figure 4:** Extract of ground floor level plan demonstrating location of proposed signage discussed in detail below.



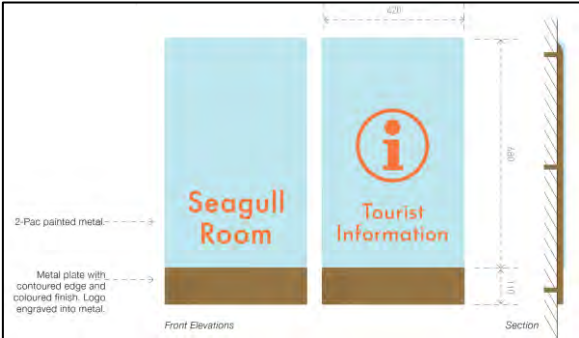
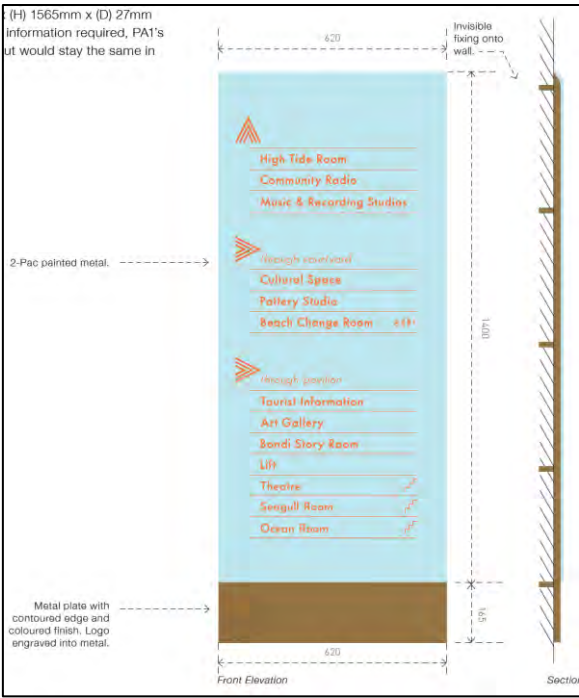
**Figure 5:** Extract of first floor level plan demonstrating location of proposed signage discussed in detail below.

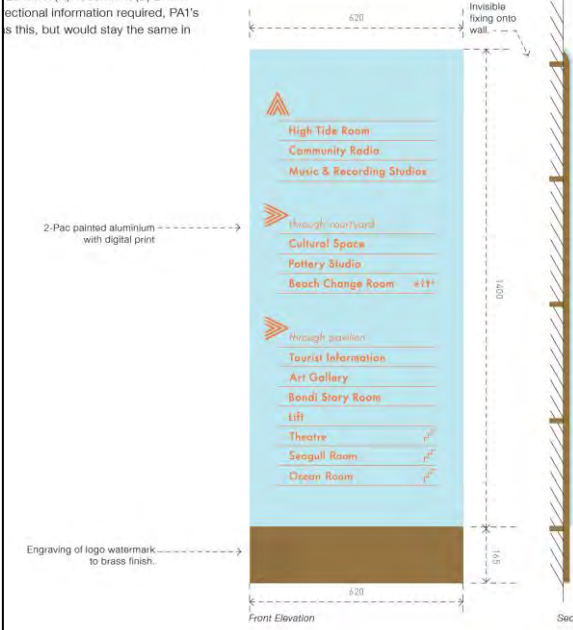
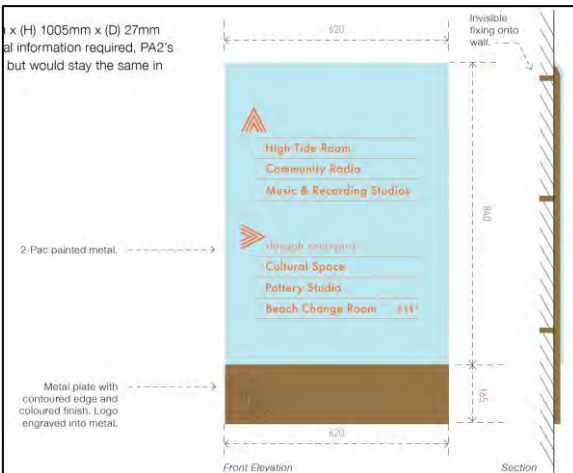
**Table 4: Waverley DCP 2012 – Part B15 Advertising & Signage – Compliance Table**

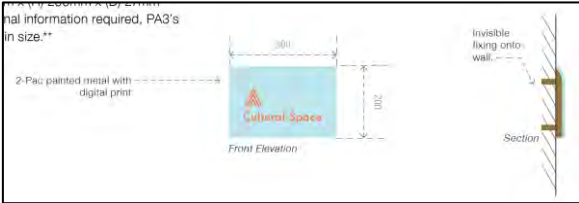
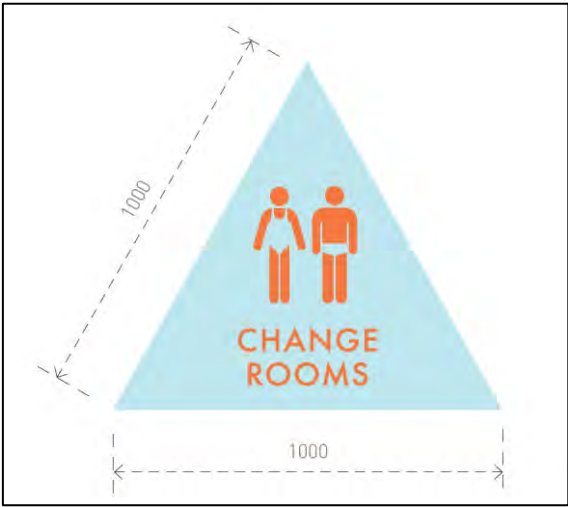


Signage Type & Quantity	Design & Location	Compliance/Comments
<b>Projecting Wall Signs</b>		
<b>External Identification</b>  FG1 Flag Sign (x10) <ul style="list-style-type: none"> <li>Business Identification</li> <li>(W) 420mm x (H) 680mm x (D) 70mm</li> <li>Text Height: 65mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor of Pavilion on the external façade of the east elevation and on the external columns under the colonnade.</li> </ul>  <p><b>Figure 6: FG1 (front and side elevations).</b></p>	<b>Merit Assessment.</b>  A prescribed minimum clearance of 2.6m is required for projecting wall signs however, these proposed signs are to be located a minimum distance of 2.3m from the ground level.  The applicant has justified this minor departure as the signs are proposed to be aligned with the original openings, archways and architectural features of the heritage building. This justification is accepted and is considered to be reasonable to complement the heritage significant characteristics of Bondi Pavilion.
<b>Internal Identification</b>  FG1 Flag Sign (x7) <ul style="list-style-type: none"> <li>Business Identification</li> <li>(W) 420mm x (H) 680mm x (D) 70mm</li> <li>Text Height: 65mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on the north elevation of the internal courtyard above tenancy 1 and tenancy 2 under the colonnade.</li> <li>Ground Floor on internal wall of south, east and west elevations of internal courtyard underneath the colonnade.</li> </ul>  <p><b>Figure 7: FG1 (front and side elevations).</b></p>	The projecting wall signs will be attached to undecorated areas and engaged piers and do not project greater than 750mm from the attached wall in compliance with Council's controls.
<b>Internal Identification</b>  FG2 Flag Sign (x15) <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 260mm x (H) 430mm x (D) 50mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on internal wall of south, east and west elevations of internal courtyard underneath the colonnade.</li> <li>Ground floor on the external wall of foyer on the west side of the Pavilion.</li> <li>Ground floor on the internal wall of amenities on the east side of the Pavilion.</li> <li>Ground floor on the bathroom walls fronting the Bondi Pavilion Story Room on the east side of the Pavilion.</li> <li>First floor outside the bathrooms on the east side of the Pavilion.</li> </ul>	All signage is to be fitted with anti-graffiti coating.






Signage Type & Quantity	Design & Location	Compliance/Comments
	<p><b>Figure 8: FG2 (front and side elevations).</b></p>	
<b>Internal Directional</b>  FG2 Flag Sign (x3) <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 260mm x (H) 430mm x (D) 50mm</li> <li>Text Height: 30mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on internal column under colonnade on west side of Pavilion.</li> <li>Ground floor on internal wall opposite Pavilion east entrance and underneath colonnade.</li> <li>First floor on balcony wall of Pavilion.</li> </ul> <p><b>Figure 9: FG2 side and front elevations.</b></p>	
<b>Flush Façade Panels</b>		
<b>External Identification</b>  PA5 Wall Panel Sign (x2) <ul style="list-style-type: none"> <li>Business Identification</li> <li>(W) 420mm x (H) 680mm x (D) 27mm</li> </ul>	<ul style="list-style-type: none"> <li>First floor on the external façade of the east and west elevations.</li> </ul> <p><b>Figure 10: PA5 (front elevation and section).</b></p>	<p><b>Complies.</b></p> <p>The signage is proposed to be attached to undecorated wall areas of the Bondi Pavilion and would align with architectural features of the building, similar to the proposed projecting wall signs described above.</p>

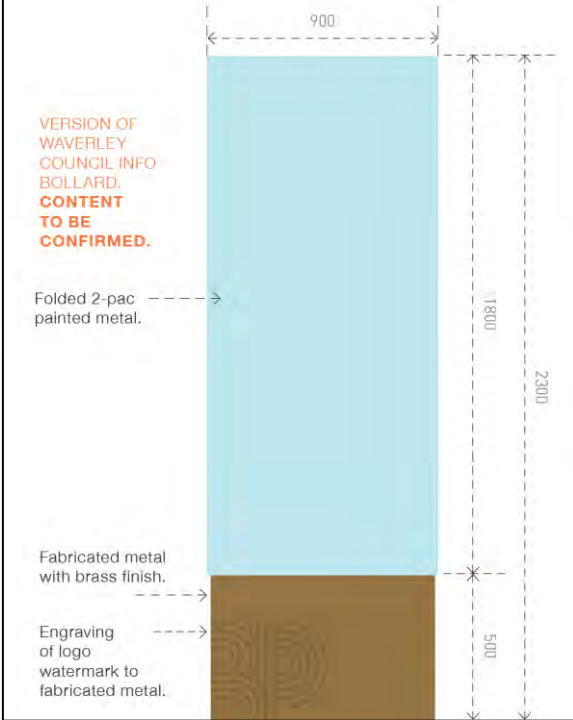
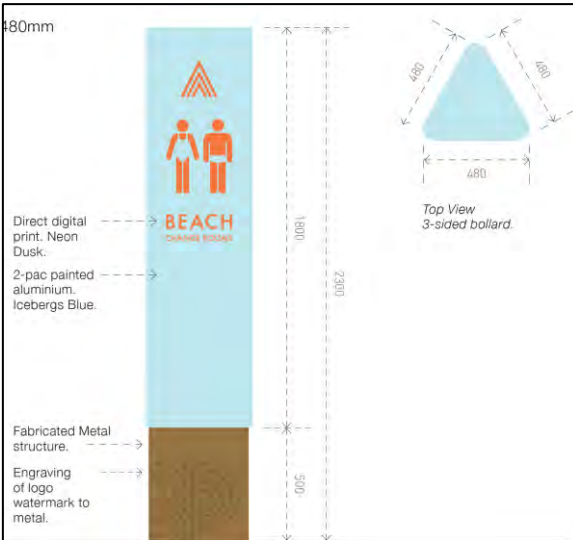
Signage Type & Quantity	Design & Location	Compliance/Comments
<b>Internal Identification</b>  PA1 Wall Panel Sign (x5) <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 420mm x (H) 680mm x (D) 27mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on internal wall of Tourism Centre Cold Shell located on the east side of the Pavilion.</li> <li>First floor on the eastern wall of the balcony, on internal wall outside of the Ocean Room, Seagull Room and Airlock.</li> </ul>  <p><b>Figure 11:</b> PA1 (front elevations and section).</p>	
<b>External Directional</b>  PA2 Wall Panel Sign (x4) <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 620mm x (H) 1565mm (max) x (D) 27mm</li> <li>Text Height: 25mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on external façade of north, east and west elevations on Pavilion.</li> <li>Ground floor on external wall of internal courtyard – north elevation.</li> </ul>  <p><b>Figure 12:</b> PA2 detailing.</p>	<b>Complies.</b>  In addition to the comments provided above, it is noted that the height dimensions of the PA2 wall panel signs (external directional and internal directional) may vary depending on the directional information content. The maximum proposed height of 1565mm is not considered to raise any concerns.
<b>Internal Directional</b>  PA2 Wall Panel Sign (x4) <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 620mm x (H) 1565mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on internal walls of Entrance Foyer and Atrium on the southern elevation (beachfront entrance) of the Pavilion.</li> <li>Ground floor on internal wall under colonnade on east and west side of the Pavilion.</li> </ul>	

Signage Type & Quantity	Design & Location	Compliance/Comments
<p>(max) x (D) 27mm</p> <ul style="list-style-type: none"> <li>Text Height: 25mm</li> </ul>	 <p>Figure 13: PA2 front elevation and section.</p>	
<p><b>Internal Directional</b></p> <p>PA3 Wall Panel Sign (x8)</p> <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 620mm x (H) 1005mm (max) x (D) 27mm</li> <li>Text Height: 25mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on internal walls of Entrance Foyer and Atrium on the southern elevation (beachfront entrance) of the Pavilion.</li> <li>Ground floor on internal wall opposite tenancy 2.</li> <li>First floor on internal walls next to lift doors, in between openings to Foyer and Bar and on the internal wall of the Circulation Area.</li> </ul>  <p>Figure 14: PA3 front elevation and section.</p>	<p><b>Complies.</b></p> <p>In addition to the comments provided above, it is noted that the height dimensions of the PA3 wall panel signs (internal directional) may vary depending on the directional information content. The maximum proposed height of 1005mm is not considered to raise any concerns.</p>
<p><b>Internal Directional</b></p> <p>PA4 Wall Panel Sign (x4)</p> <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 300mm x (H) 200mm x (D) 27mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on the internal wall underneath the colonnade opposite the Visitor Information spaces on the eastern side of the Pavilion.</li> <li>Ground floor on internal wall next to the entrance to the Foyer on the western side of the Pavilion.</li> </ul>	<p><b>Complies.</b></p> <p>See comments above.</p>

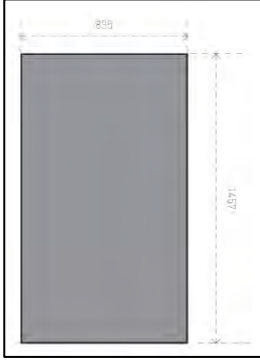

Signage Type & Quantity	Design & Location	Compliance/Comments
<ul style="list-style-type: none"> <li>Text Height: 25mm</li> </ul>	 <p>Figure 15: PA4 front elevation and section.</p>	
<b>External Directional</b>  GR1 Ground Graphic (x7) <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 1000mm x (H) 1000mm x</li> </ul>	<ul style="list-style-type: none"> <li>On the ground floor pavement outside of the Pavilion (south elevation beachfront entrance) in the direction of changerooms.</li> </ul>  <p>Figure 16: GR1 detailing.</p>	<b>Complies.</b>  The proposed signage on the pavement outside the Bondi Pavilion would be sited flush to the ground and are not anticipated to result in any adverse impacts. Council's Public Domain Engineer raised no objection to these proposed signs.
<b>Building Identification Signs</b>		
<b>External Identification</b>  LE1 Individual Letters (x1) <ul style="list-style-type: none"> <li>Business Identification</li> <li>(W) 7200mm x (H) 610mm x (D) 25mm</li> </ul>	<ul style="list-style-type: none"> <li>On the ground floor above the main entrance of the Pavilion (north entrance).</li> </ul>  <p>Figure 17: LE1 detailing.</p>	<b>Complies.</b>  There is sufficient wall surface area to display the proposed signage that is considered to be proportionate to the façade area.
<b>External Identification</b>  LE2 Individual Letters (x1) <ul style="list-style-type: none"> <li>Business Identification</li> <li>(W) varies x (H) 290mm x (D) 12mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor of Pavilion on external wall under colonnade on south elevation.</li> </ul>  <p>Figure 18: LE2 detailing.</p>	The proposed brass lettering does not project more than 300mm from the wall in compliance with Council's controls.
<b>External Identification</b>	<ul style="list-style-type: none"> <li>Ground floor on south elevation on external wall under colonnade (see Figure 9 above).</li> </ul>	The building identification signage is considered to be well integrated with the character and form of the building.



Signage Type & Quantity	Design & Location	Compliance/Comments
<p>LE3 Individual Letters (x7)</p> <ul style="list-style-type: none"> <li>Business Identification</li> <li>(W) varies x (H) 145mm x (D) 12mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on external façade of the west and east elevations.</li> </ul>  <p>Figure 19: LE3 detailing.</p>	
<p><b>External Identification</b></p> <p>LE4 Individual Letters (x6)</p> <ul style="list-style-type: none"> <li>Business Identification</li> <li>(W) varies x (H) 50mm x (D) 1mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on external façade of north and east elevations of the Pavilion.</li> <li>Ground floor on external façade of west elevation of internal courtyard.</li> </ul>  <p>Figure 20: LE4 detailing.</p>	
<p><b>Internal Identification</b></p> <p>LE2 Individual Letters (x2)</p> <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) varies x (H) 290mm x (D) 12mm</li> </ul>	<ul style="list-style-type: none"> <li>First floor on internal walls of south elevation.</li> </ul>  <p>Figure 21: LE2 detailing.</p>	
<b>Free Standing Signs</b>		
<p><b>External Directional</b></p> <p>FR1 Free-standing sign (x2)</p> <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 900mm x (H) 2300mm x (D) 900mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor outside the main entrance of the Pavilion (north elevation).</li> <li>Ground floor outside Pavilion on the south elevation (beachfront entrance).</li> </ul>	<p><b>Acceptable.</b></p> <p>Council does not have any specific controls for free-standing signs located within the public domain. Despite this, the freestanding signage is considered to be</p>

Signage Type & Quantity	Design & Location	Compliance/Comments
	 <p><b>Figure 22: FR1 front elevation.</b></p>	<p>acceptable, subject to conditions that are anticipated to be received from Heritage NSW regarding the depth of excavation required for the installation of signs labelled FR1 and FR2 only. <i>See discussion above for further details.</i></p> <p>The freestanding signs are considered to be suitably located and would therefore not impact upon pedestrian and cyclist movements.</p> <p>It is noted that the content of the external directional free standing sign labelled FR1 is still to be confirmed. Council cannot recommend specific content to be included in this panel however, it is recommended that the applicant give consideration to providing content in multiple languages given that Bondi Pavilion and the surrounding area is an international tourist destination.</p>
<p><b>External Directional</b></p> <p>FR2 Free-standing sign (x2)</p> <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 480mm x (H) 2300mm x (D) 480mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor outside of the Pavilion on the eastern elevation.</li> </ul>  <p><b>Figure 23: FR2 front elevation and top view.</b></p>	
<p><b>External Directional</b></p> <p>FR3 Free-standing sign (x3)</p> <ul style="list-style-type: none"> <li>Wayfinding</li> <li>(W) 760mm x (H) 1900mm x (D) 150mm</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor in the internal courtyard on the east and west elevations.</li> </ul>	

Signage Type & Quantity	Design & Location	Compliance/Comments
<ul style="list-style-type: none"> <li>Text Height: 30mm</li> </ul>	<p>Figure 24: FR3 front elevation and side view.</p>	
<b>Digital Signage</b>		
<p>SC1 Screen to wall sign (x3)</p> <ul style="list-style-type: none"> <li>Building Identification</li> <li>Business Identification</li> <li>(W) 559mm x (H) 965mm x (D) 45mm</li> <li>Commercial mounting to wall.</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on the internal wall of the Foyer fronting the Beachfront Entrance.</li> <li>First floor on the internal wall of the Circulation Area and internal wall west of the Bar.</li> </ul> <div style="display: flex; justify-content: space-around; align-items: center;"> </div> <p>Figure 25: SC1 detailing.</p> <p>Figure 26: SC1 commercial mounting to wall.</p>	<p><b>Acceptable.</b></p> <p>Council does not have specific controls for digital signage. However, the proposed digital signage is considered to be acceptable as they are to be internally located within the Bondi Pavilion. The digital screens are to be positioned so as to have limited visibility (if any) from the external areas of the Bondi Pavilion.</p>
<p>SC2 Hanging Screen Sign (x2)</p> <ul style="list-style-type: none"> <li>Building Identification</li> <li>Business Identification</li> <li>(W) 835mm x (H) 1457mm x (D) 70mm</li> <li>Pole mounted floor to ceiling.</li> </ul>	<ul style="list-style-type: none"> <li>Ground floor on the internal wall of the Foyer fronting the Beachfront Entrance.</li> <li>First floor on the internal wall of the Circulation Area and internal wall west of the Bar.</li> </ul>	

Signage Type & Quantity	Design & Location		Compliance/Comments
	 <p><b>Figure 27:</b> SC2 detailing.</p>	 <p><b>Figure 28:</b> SC2 pole mounted floor to ceiling.</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 28 days and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*. No submissions were received.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Heritage NSW

As previously discussed, Heritage NSW have not provided their general terms of approval (GTA) at the time of writing this report, but have indicated their imminent support for the proposal. The approval from Heritage NSW is imminent and will be provided to the Panel under separate comment for consideration prior to the meeting of 22 September 2021.



### 3.2. Crown Lands

No comment received.

### 3.3. Heritage Advisor

*See discussion in Section 2.1.3 of this report.*

### 3.4. Public Domain

The application was reviewed by Council's Public Domain Infrastructure Engineer who raised no objection to the proposal.

## 4. CONCLUSION

The development application seeks consent for the installation of building identification signage, business identification signage and way finding signage at the site referred to as Bondi Pavilion, Queen Elizabeth Drive, BONDI BEACH.

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

- Excavation required for freestanding signs FR1 and FR2.
- Consistency of signage across the site.

The assessment finds these issues acceptable, subject to recommended conditions of consent that are to be provided by Heritage NSW.

At the time of finalising this assessment report, Heritage NSW have not provided their final comments/approval (though have indicated their imminent support for the proposal). Having regard to contractual arrangements and construction timing of the project presently underway, it is paramount this item be referred to the September Local Planning Panel meeting for determination. Therefore, given the Heritage NSW representative has indicated support for the proposal (subject to conditions), the approval from Heritage NSW is imminent and will be provided to the Panel under separate comment for consideration prior to the meeting of 22 September 2021.

Following notification of the application, no submissions were received.

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

#### *Development and Building Unit (DBU) Decision:*

The application was reviewed by the DBU at the meeting on 31 August 2021 and the DBU determined:

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

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



Judith Elijah  
**Senior Development Assessment Planner**

**Date: 10 September 2021**

*Reason for WLPP referral:*

1. Council related development

**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: 10 September 2021**

## **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 Tonkin Zulaikha Greer of Project No: 15026 including the following:

<b>Plan Number</b>	<b>Revision</b>	<b>Plan Description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
SG-001	-	Cover Page	20/05/21	2 June 2021
SG-002	-	Naming Plan – Ground Floor	20/05/21	2 June 2021
SG-003	-	Naming Plan – First Floor	20/05/21	2 June 2021
SG-100	-	Signage Plan – Ground Floor	20/05/21	2 June 2021
SG-101	-	Signage Plan – First Floor	20/05/21	2 June 2021
SG-200	-	North Elevation	20/05/21	2 June 2021
SG-201	-	South Elevation	20/05/21	2 June 2021
SG-202	-	East & West Elevations	20/05/21	2 June 2021
SG-203	-	Internal Courtyard Elevations 1	20/05/21	2 June 2021
SG-204	-	Internal Courtyard Elevations 2	20/05/21	2 June 2021
SG-205	-	Internal Courtyard Elevations 3	20/05/21	2 June 2021
SG-300	-	Signage Height Overview	20/05/21	2 June 2021
SG-400	-	Type FG – Flag Signage – External Identification	20/05/21	2 June 2021
SG-410	-	Type FG – Flag Signage – Internal Identification	20/05/21	2 June 2021
SG-420	-	Type FG – Flag Signage – Internal Directional	20/05/21	2 June 2021
SG-500	-	Type FR – Free Standing Signage – External Identification	20/05/21	2 June 2021
SG-501	-	Type FR – Free Standing Signage – External Identification	20/05/21	2 June 2021
SG-502	-	Type FR – Free Standing Signage – External Identification	20/05/21	2 June 2021
SG-600	-	Type GR – Ground Graphics – External Identification	20/05/21	2 June 2021
SG-700	-	Type LE – Individual Letters – External Identification	20/05/21	2 June 2021
SG-710	-	Type LE – Individual Letters – Internal Identification	20/05/21	2 June 2021
SG-800	-	Type PA – Wall Fixed Panel – Internal Identification	20/05/21	2 June 2021
SG-810	-	Type PA – Wall Fixed Panel – External Directional	20/05/21	2 June 2021
SG-820	-	Type PA – Wall Fixed Panel – Internal Directional	20/05/21	2 June 2021
SG-821	-	Type PA – Wall Fixed Panel – Internal Directional	20/05/21	2 June 2021

SG-830	-	Type PA – Wall Fixed Panel – External Identification	20/05/21	2 June 2021
SG-900	-	Type SC – Digital Screens	20/05/21	2 June 2021

Except where amended by the following conditions of consent.

## 2. HERITAGE NSW – GENERAL TERMS OF APPROVAL

To be provided under separate cover.

## 3. SIGNAGE REQUIREMENTS

The following subclauses are to be considered and encouraged with the proposed signage and any future signage of the site:

- a) Supplementary interpretation signage (multi lingual) may be required for this international tourist destination.
- b) Issues may arise with suspended flag signs due to the large number of seagulls frequenting the beach and seeking shelter at night and during strong winds.
- c) Whilst the selected materials appear durable it needs to be accepted that periodic replacement is an inevitability of the location. Hence sources of matching replacement materials and colours should be recorded in the site offices.
- d) The program of signage installation should include guidelines for tenancy signage. In this regard, a signage information package shall be provided to all future tenants of the building, for their information. It is anticipated all future tenancies will adhere to these guidelines, to ensure consistency of signage is maintained into the future.
- e) Similarly, traffic and other compliance signage needs to be carefully located to avoid detracting from this consistent and well considered signage.
- f) Provision for special events signage e.g. City to Surf, needs to be accommodated in the form of fixings points particularly to the upper level of the Pavilion. It is recommended the Plan of Management for the site, and Event documentation of Council be updated to reflect these.



## **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.

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

#### **5. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$1,680.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

#### **6. LONG SERVICE LEVY**

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

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

### **CONSTRUCTION MATTERS**

#### **7. 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.

## **8. 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.

## **9. ENGINEERING DETAILS**

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

## **WASTE**

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

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

#### **11. CONSTRUCTION SIGNS**

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

#### **12. DILAPIDATION REPORT**

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

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

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

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

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

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

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

#### **15. 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.

#### **16. 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**

#### **17. 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.

## **18. 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.

## **19. 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.

## **20. 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.

## **TREE PROTECTION AND REMOVAL**

### **21. 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.

### **22. 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.

## **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**

#### **23. 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.

## ADVISORY MATTERS

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

### AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

### AD2. DIAL BEFORE YOU DIG

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

### 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. EXCAVATION TO BE LIMITED**

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

**AD5. 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.

**AD6. SEPARATE APPLICATION FOR SIGNAGE**

Any signage not proposed in this application requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

**AD7. SIGNS/GOODS IN THE PUBLIC WAY**

No signs or goods are to be placed on the footway or roadway adjacent to the property (other than those expressly approved under this consent).



BONDI  
PAVILION  
SIGNAGE &  
WAYFINDING

DEVELOPMENT  
APPLICATION

RECEIVED  
Waverley Council

Application No: DA-206/2021

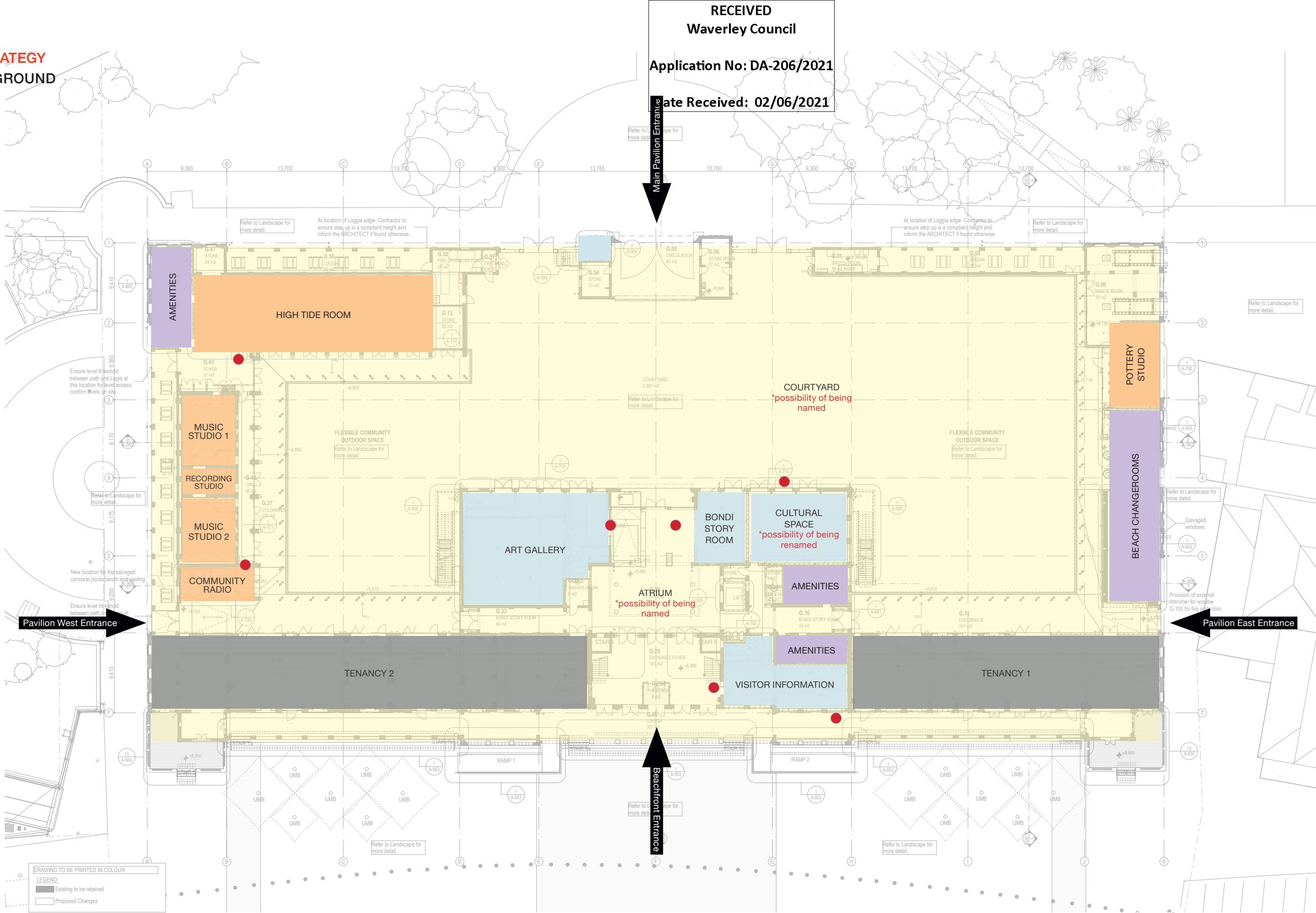
Date Received: 02/06/2021

Drawing No.	Title	Rev
Front Material		
SG-001	Cover Page	-
SG-002	Naming Plan - Ground Floor	-
SG-003	Naming Plan - First Floor	-
Signage Location Plans		
SG-100	Signage Plan - Ground Floor	-
SG-101	Signage Plan - Ground Floor	-
Signage Location Elevations		
SG-200	North Elevation	-
SG-201	South Elevation	-
SG-202	East & West Elevations	-
SG-203	Internal Courtyared Elevations 1	-
SG-204	Internal Courtyared Elevations 2	-
SG-205	Internal Courtyared Elevations 3	-
Signage Heights		
SG-300	Signage Height Overview	-
Signage Specifications (currently per type)		
SG-400	Type FG - Flag Signage - External Identification	-
SG-410	Type FG - Flag Signage - Internal Identification	-
SG-420	Type FG - Flag Signage - Internal Directional	-
SG-500	Type FR - Free Standing Signage - External Identification	-
SG-501	Type FR - Free Standing Signage - External Identification	-
SG-502	Type FR - Free Standing Signage - External Identification	-
SG-600	Type GR - Ground Graphics - External Identification	-
SG-700	Type LE - Individual Letters - External Identification	-
SG-710	Type LE - Individual Letters - Internal Identification	-
SG-800	Type PA - Wall-Fixed Panel - Internal Identification	-
SG-810	Type PA - Wall-Fixed Panel - External Directional	-
SG-820	Type PA - Wall-Fixed Panel - Internal Directional	-
SG-821	Type PA - Wall-Fixed Panel - Internal Directional	-
SG-830	Type PA - Wall-Fixed Panel - External Identification	-
SG-900	Type SC - Digital Screens	-

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title		Drawn By
			This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE  117 Reservoir Street ABN: 46002722349 9215 4900 wolfgang@tzg.com.au www.tzg.com.au	COVER PAGE		CW, WR, MP, KL, ER, JT, BS, EG
-	Development Application	20/05/2021					No Scale.		Checked PT
							Phase Development Application	Drawing No. <b>SG-001</b>	Date 20/05/21

WAYFINDING STRATEGY  
NAMING PLAN - GROUND

- Public Circulation
- Council Managed Spaces
- Community Hire Spaces
- Amenities
- Commercial Tenancies
- Primary Entrance



Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title		Drawn By
L	Development Application	20/05/2021	This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE 117 Reservoir Street ABN: 4600272349 9215 4900 wolfgang@tzg.com.au www.tzg.com.au 	NAMING PLAN - GROUND FLOOR		CW, WR, MP, KL, ER, JT, BS, EG
							NOT TO SCALE @ A3		Checked PT
							Phase Development Application	Drawing No. SG-002	Date 20/05/21

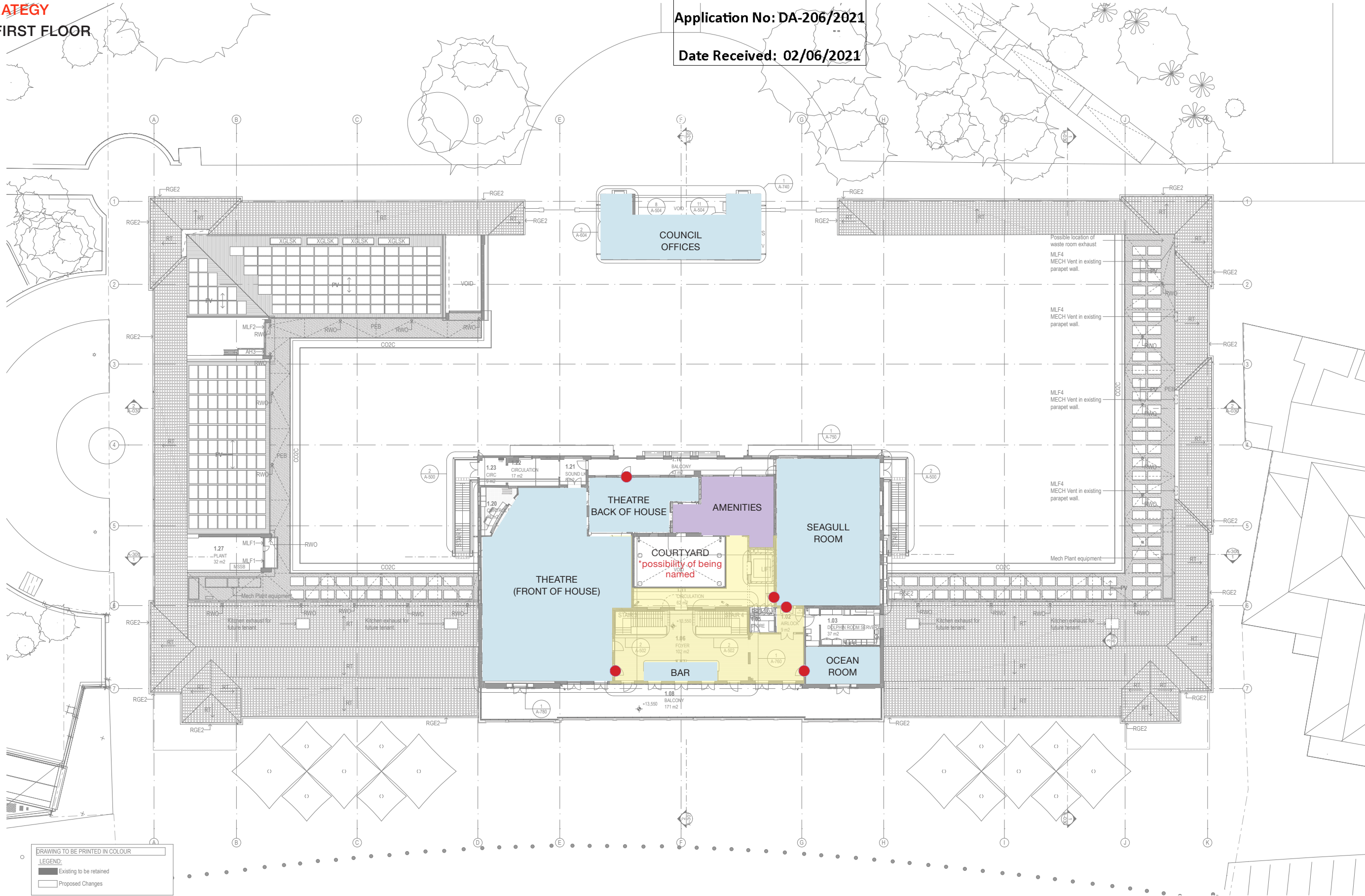
WAYFINDING STRATEGY  
NAMING PLAN - FIRST FLOOR

- Public Circulation
- Council Managed Spaces
- Community Hire Spaces
- Amenities
- Commercial Tenancies
- Primary Entrance

RECEIVED  
Waverley Council

Application No: DA-206/2021

Date Received: 02/06/2021



Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title	Drawn By
L	Development Application	20/05/2021	This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE 117 Reservoir Street ABN: 46002722349 9215 4900 wolfgang@tzg.com.au www.tzg.com.au 	NAMING PLAN - FIRST FLOOR  NOT TO SCALE @ A3	CW, WR, MP, KL, ER, JT, BS, EG  Checked PT
							Phase Development Application	Date 20/05/21
							Drawing No. <b>SG-003</b>	



WAYFINDING STRATEGY  
SIGNAGE PLAN - GROUND FLOOR

RECEIVED  
Waverley Council

Application No: DA-206/2021

Date Received: 02/06/2021

SIGN TYPES

External Identification

FG Flag Sign

LE Individual Letters

PA Wall Panel

Internal Identification

FG Flag Sign

LE Individual Letters

PA Wall Panel

External Directional

FR Free Standing

PA Wall Panel

Internal Directional

FG Flag Sign

PA Wall Panel

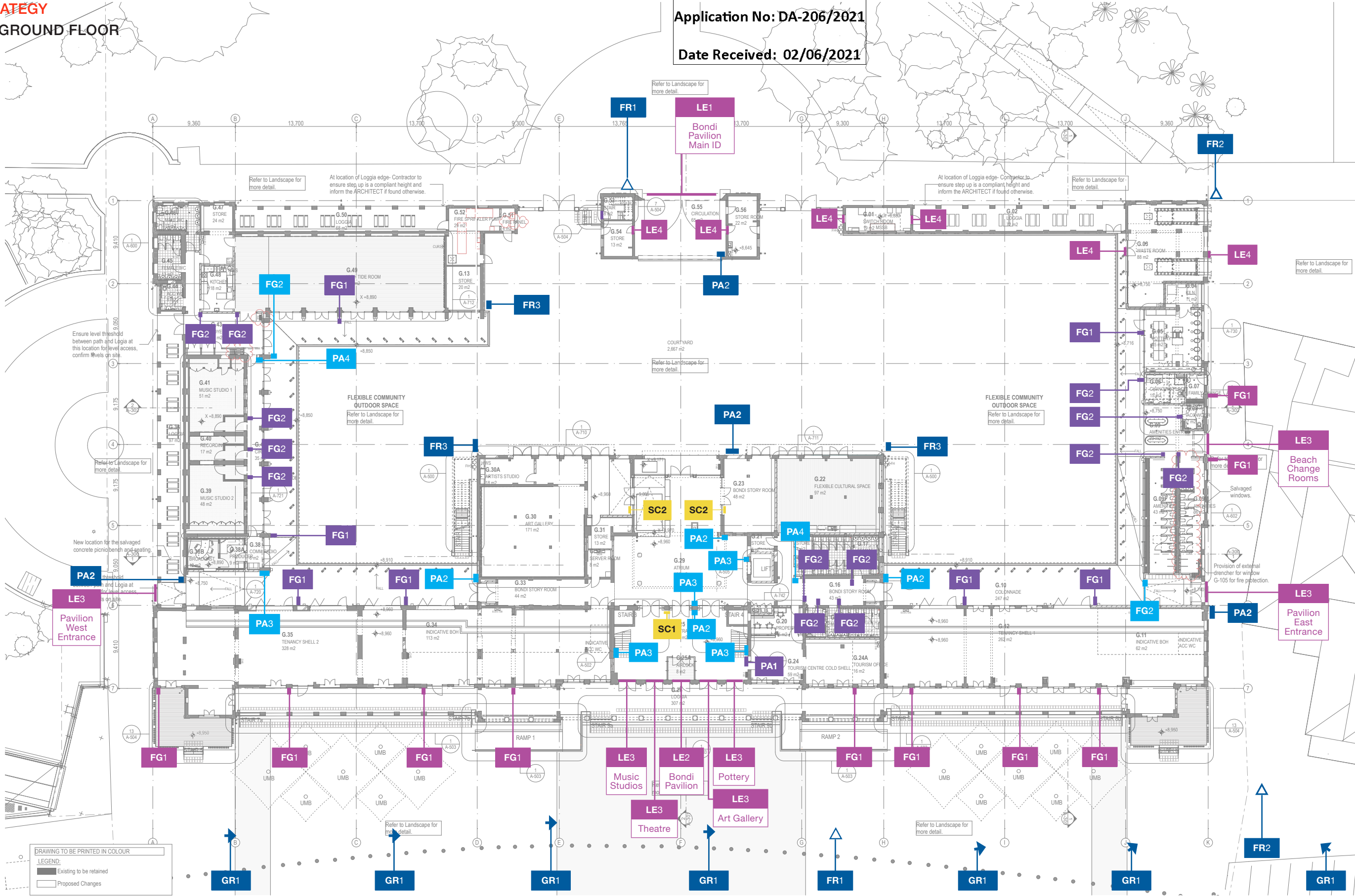
Digital Signage

SC1 Screen to wall

SC2 Hanging screen

Please note: Signage schedule to be approved by Access Consultant and Fire Engineer prior to sign off.

Signage numbering runs anti-clockwise from this point.



Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title	Drawn By
L	Development Application	20/05/2021	This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE 117 Reservoir Street ABN: 4600272349 9215 4900 wolfgang@tzg.com.au www.tzg.com.au	SIGNAGE PLAN - GROUND FLOOR  NOT TO SCALE @ A3  Phase Development Application	CW, WR, MP, KL, ER, JT, BS, EG  Checked PT  Date 20/05/21
							Drawing No. SG-100	

WAYFINDING STRATEGY  
SIGNAGE PLAN - FIRST FLOOR

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Application No: DA-206/2021

Date Received: 02/06/2021

SIGN TYPES

External Identification

FGFlag Sign

LEIndividual Letters

PAWall Panel

Internal Identification

FGFlag Sign

LEIndividual Letters

PAWall Panel

External Directional

FRFree Standing

PAWall Panel

Internal Directional

FGFlag Sign

PAWall Panel

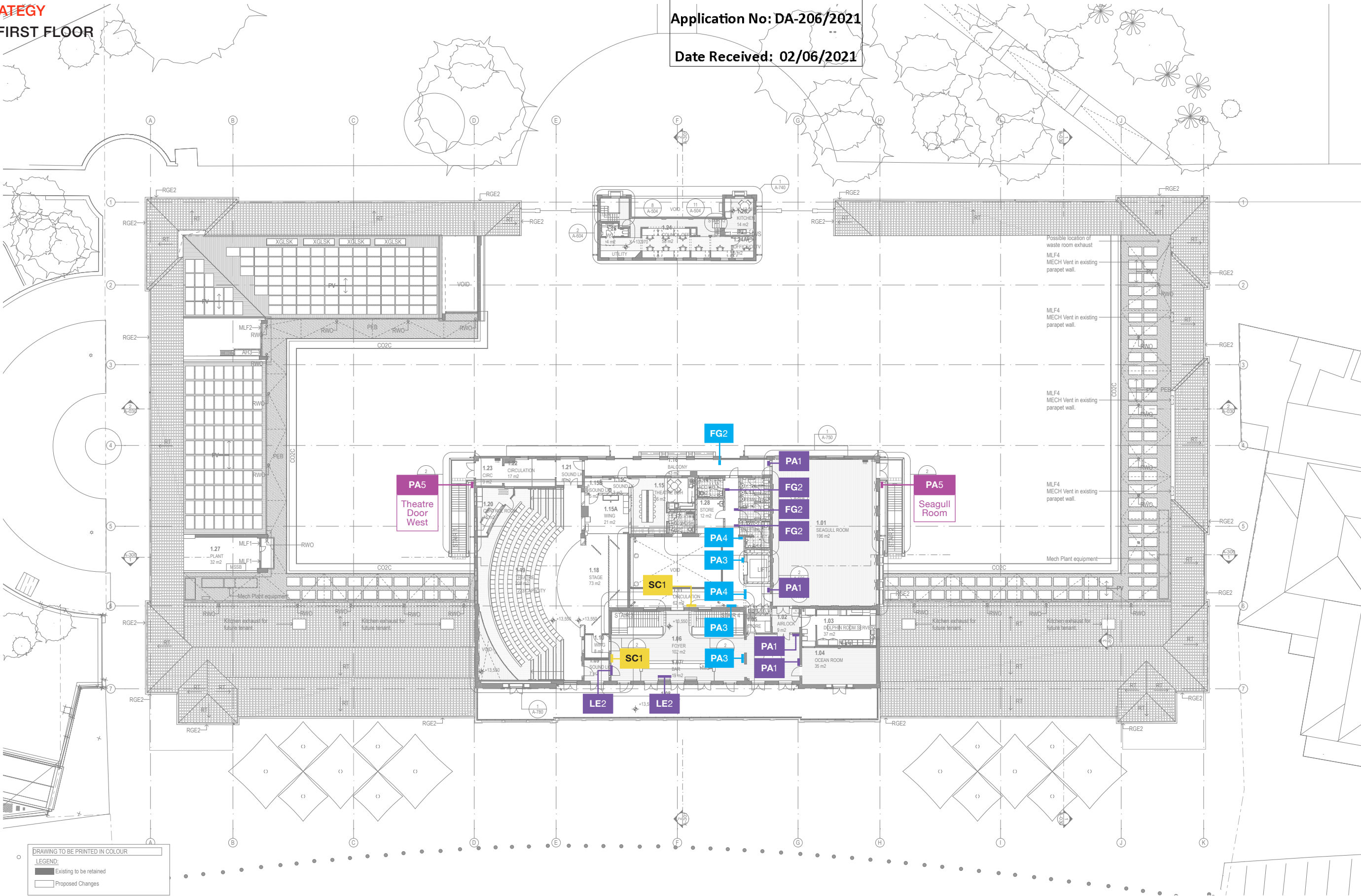
Digital Signage

SC1Screen to wall

SC2Hanging screen

Please note: Signage schedule to be approved by Access Consultant and Fire Engineer prior to sign off.

Signage numbering runs anti-clockwise from this point.

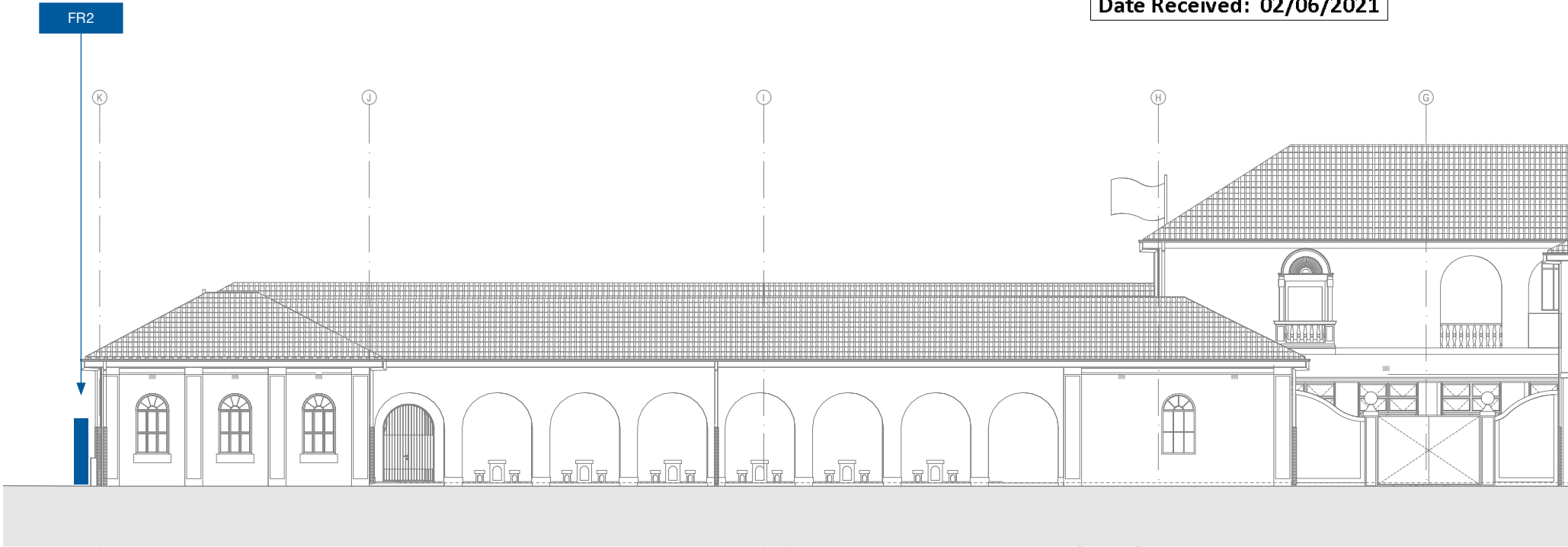



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							Phase Development Application	Checked PT
							Drawing No. SG-101	Date 20/05/21



LOCATIONAL ELEVATIONS  
 NORTH ELEVATION 1:200

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 Application No: DA-206/2021  
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L	Development Application	20/05/2021					1:200 @ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-200</b>	Date 20/05/21

LOCATIONAL ELEVATIONS  
 SOUTH ELEVATION 1:200

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 Waverley Council  
 Application No: DA-206/2021  
 Date Received: 02/06/2021

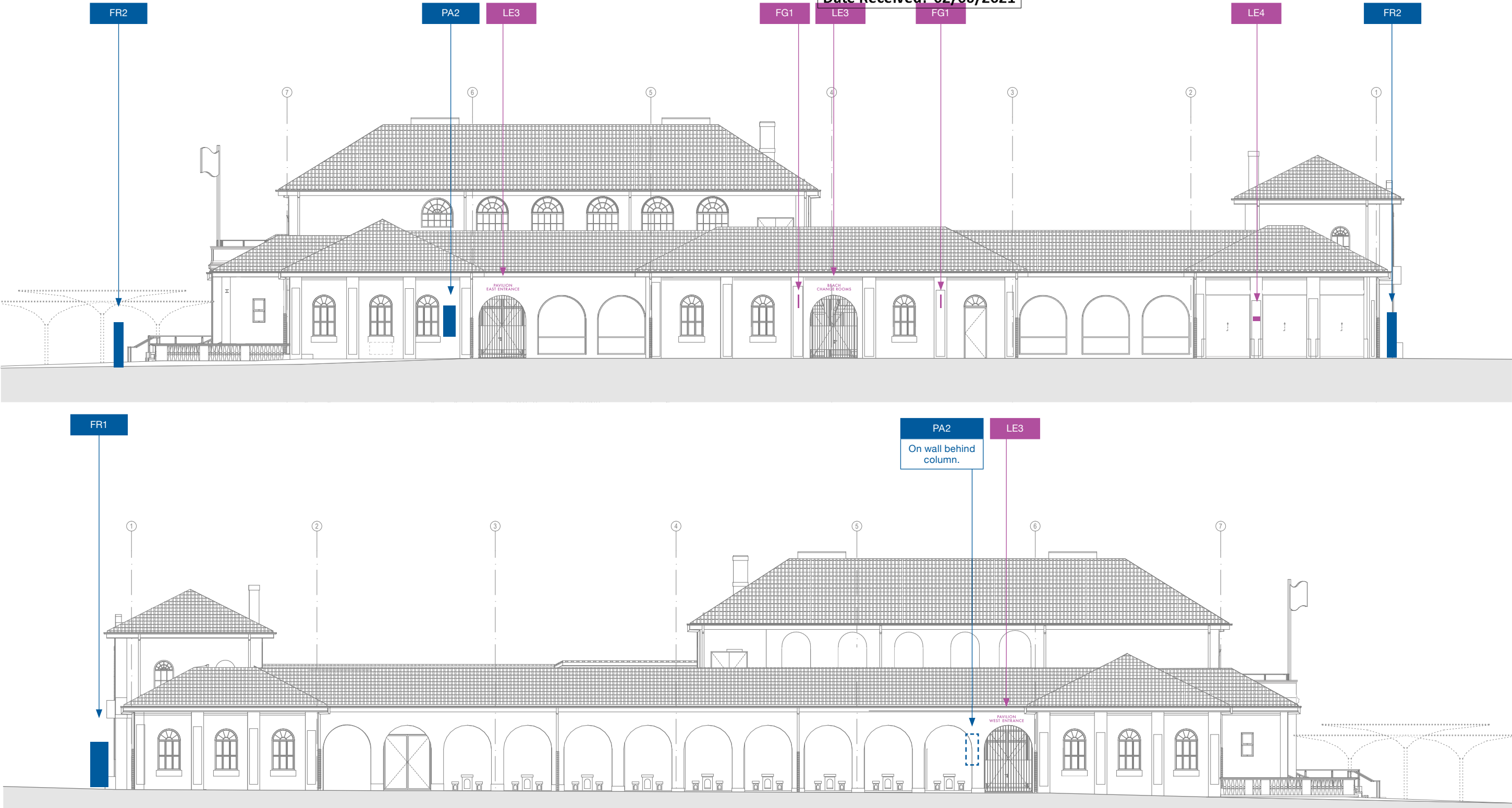



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L	Development Application	20/05/2021	This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE 117 Reservoir Street ABN: 4600272349 9215 4900 wolfgang@tzg.com.au www.tzg.com.au 	SOUTH ELEVATION		CW, WR, MP, KL, ER, JT, BS, EG
							1:200 @ A3		Checked PT
							Phase Development Application	Drawing No. <b>SG-201</b>	Date 20/05/21



LOCATIONAL ELEVATIONS  
EAST & WEST ELEVATIONS 1:200

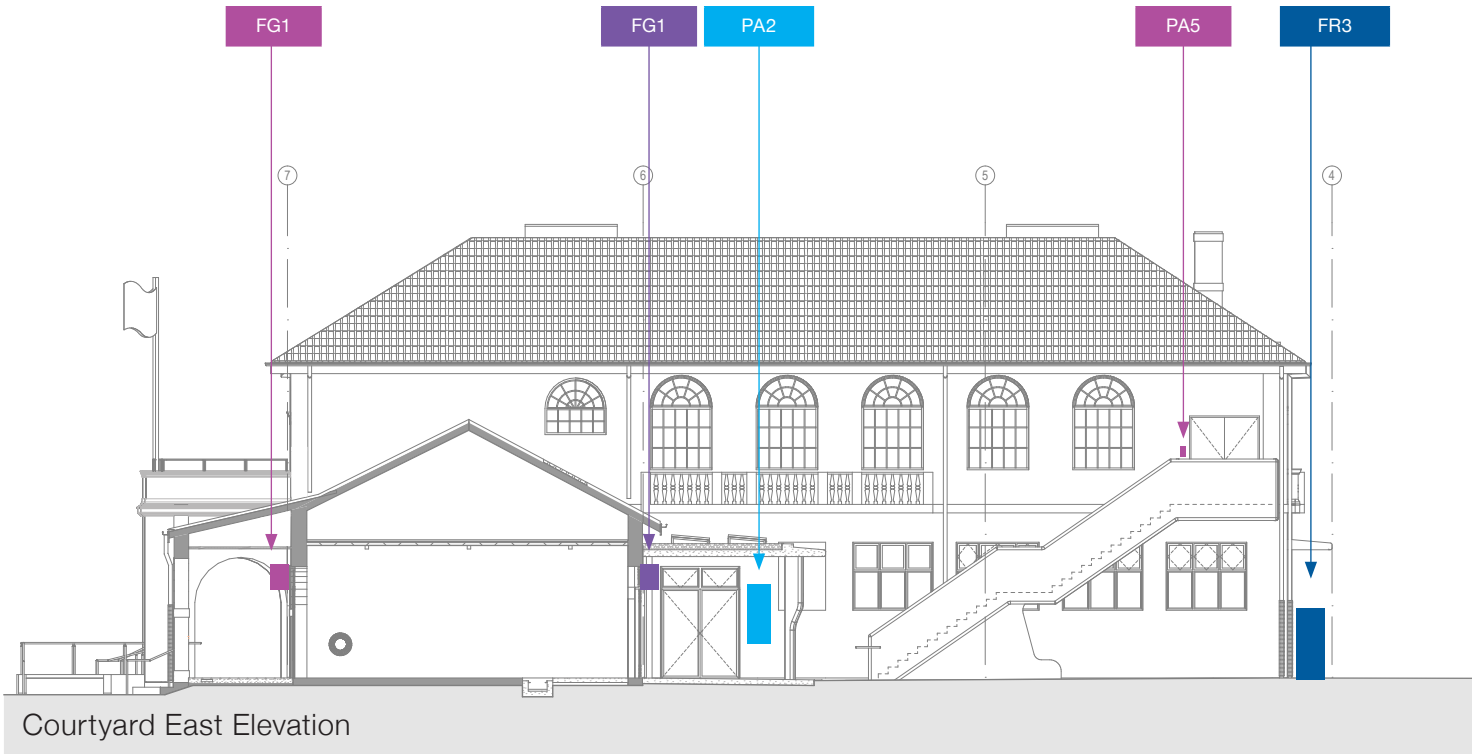
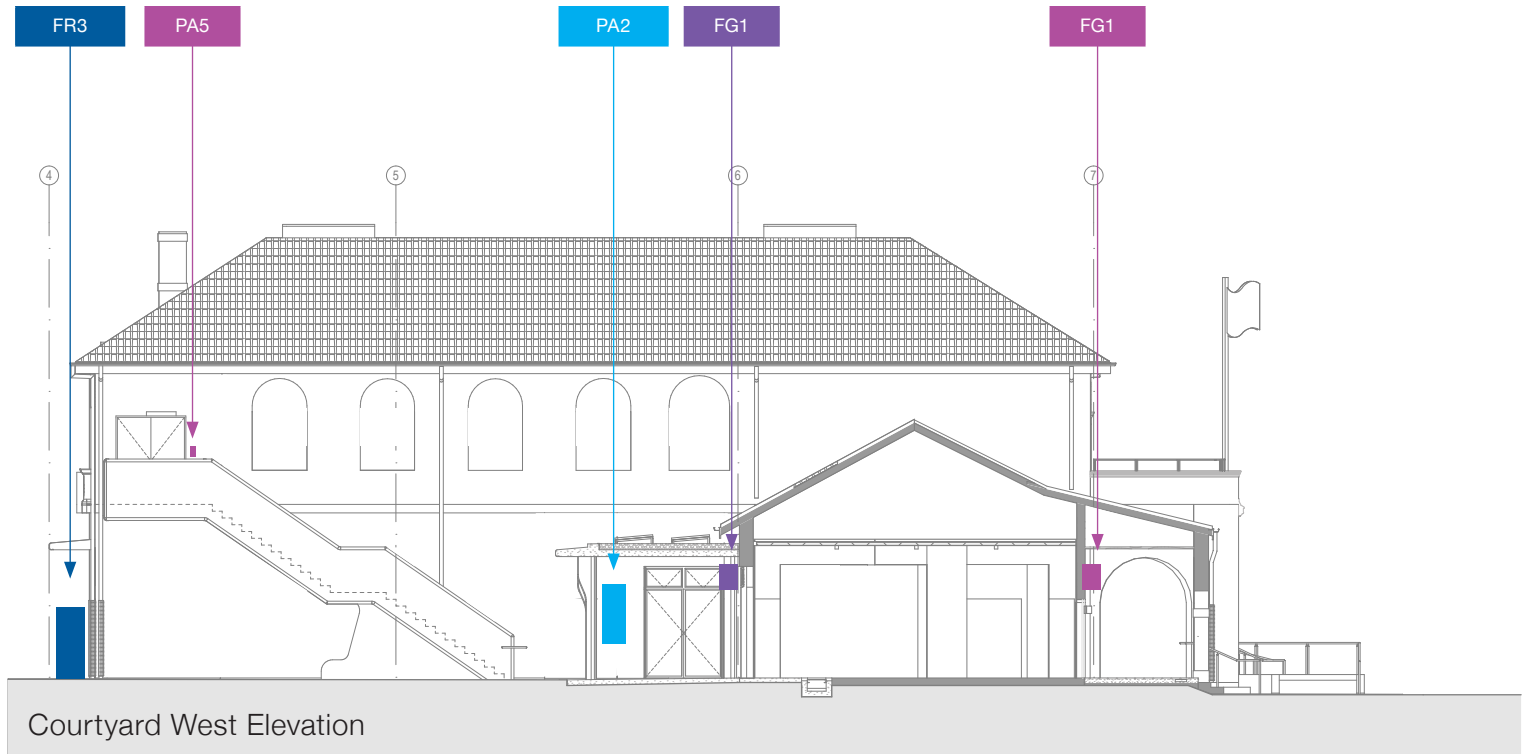
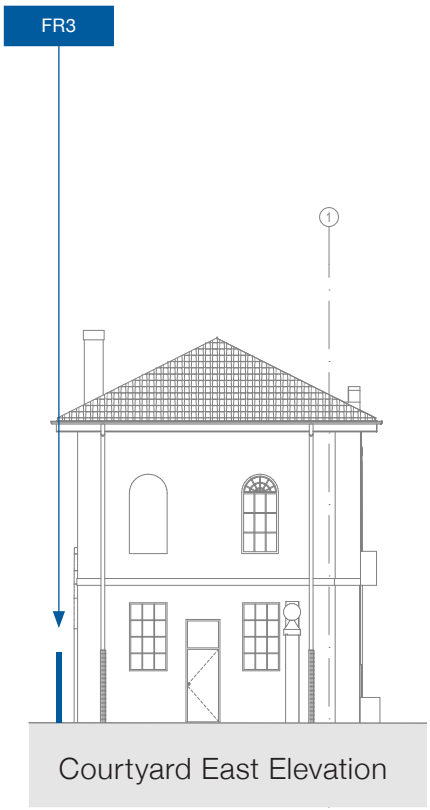
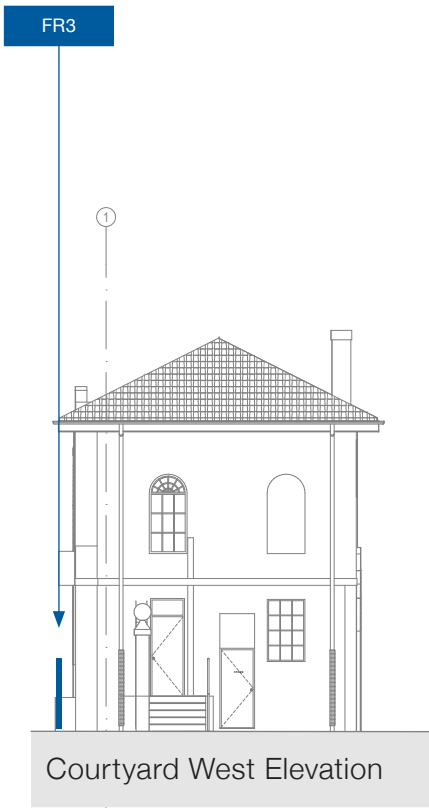
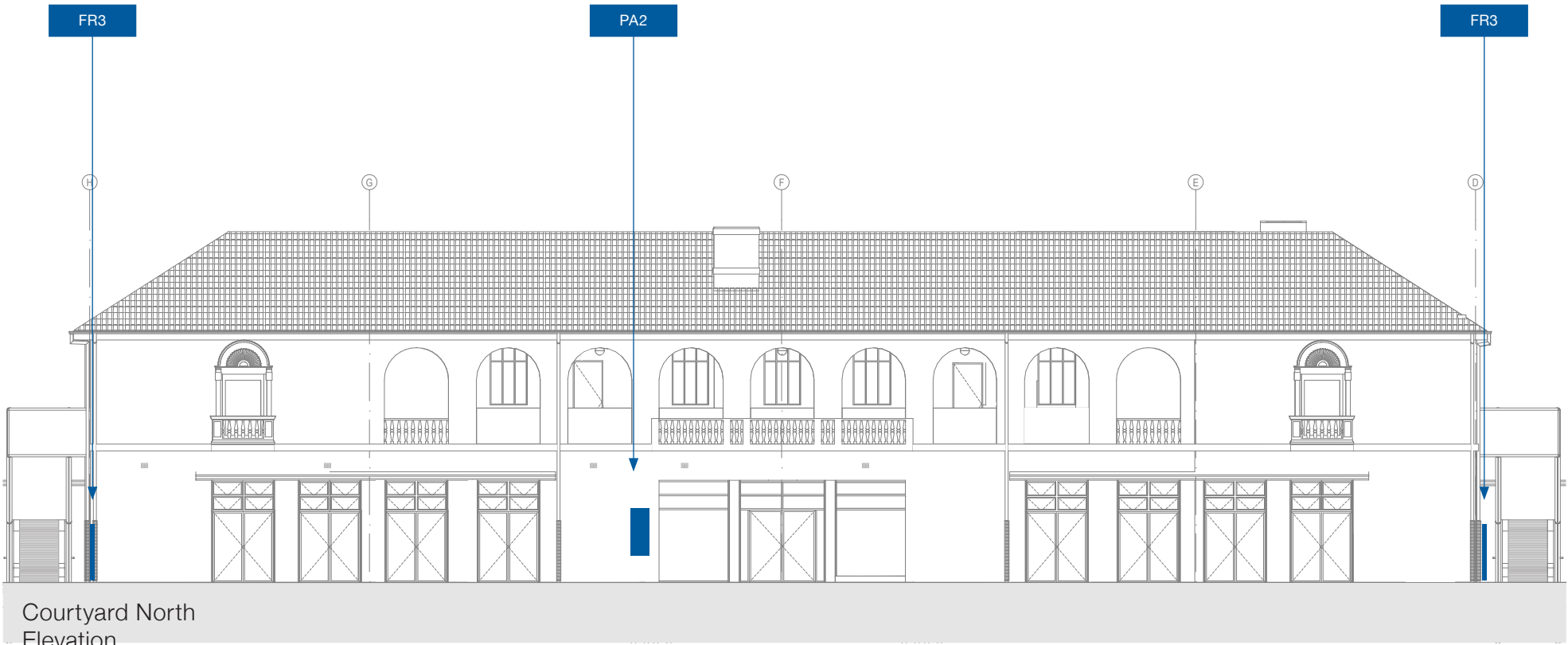
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Waverley Council  
Application No: DA-206/2021  
Date Received: 02/06/2021




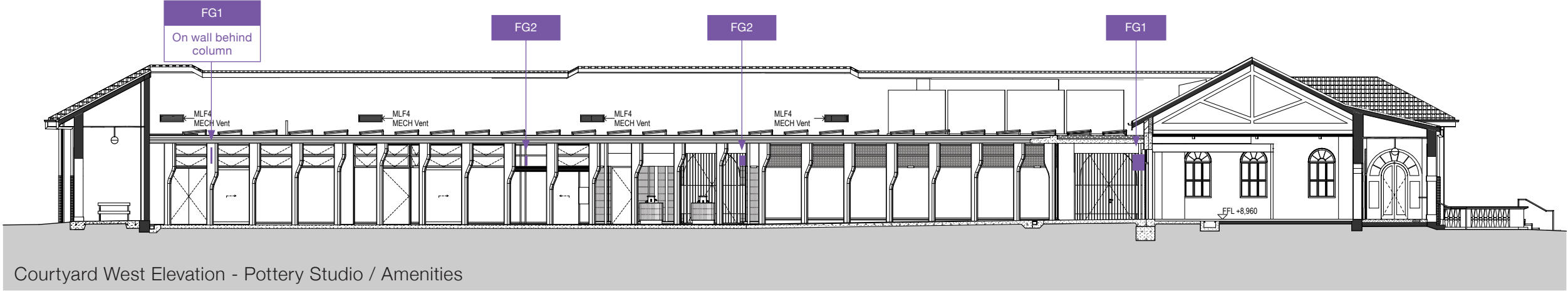
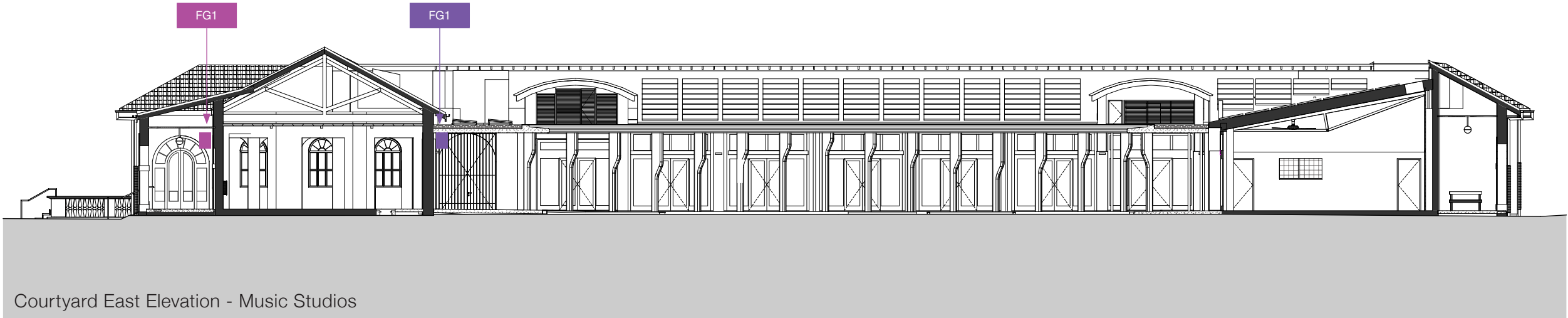
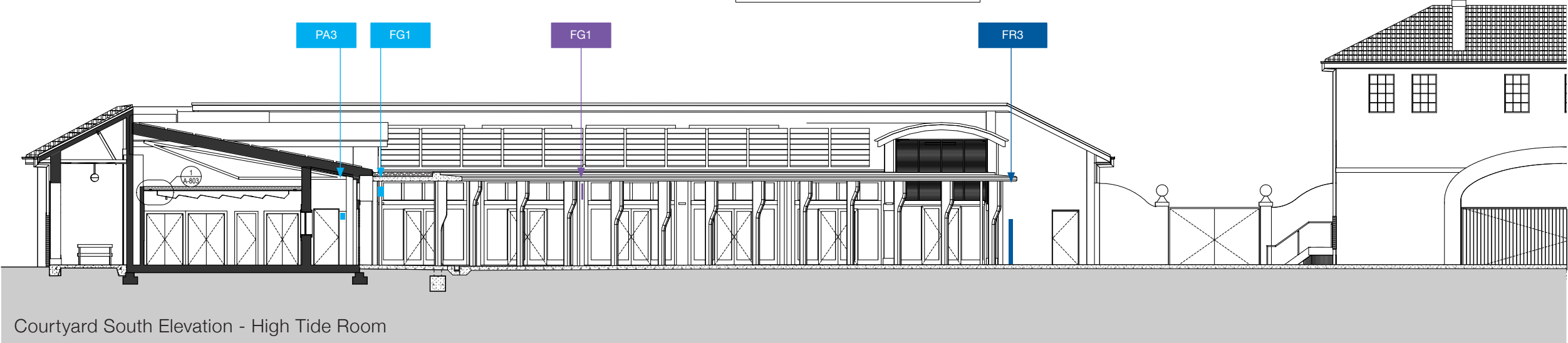
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							1:200 @ A3	Checked PT
							Phase Development Application	Drawing No. SG-202 Date 20/05/21


LOCATIONAL ELEVATIONS  
COURTYARD ELEVATIONS 1, 1:200

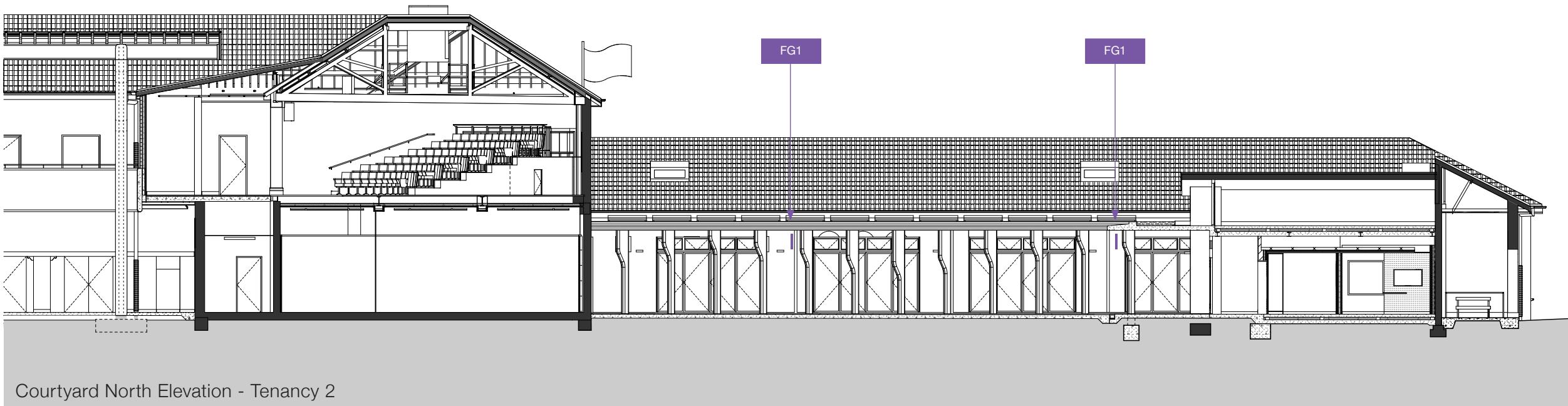
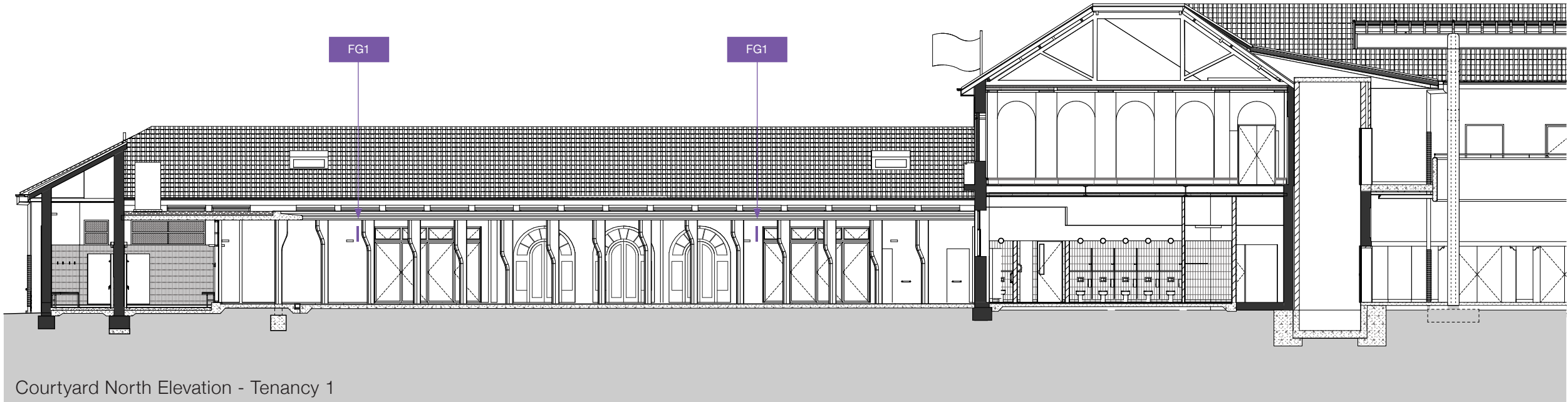
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Application No: DA-206/2021  
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							1:200 @ A3	Checked PT
							Phase Development Application	Drawing No. <b>SG-203</b> Date 20/05/21



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							1:120 @ A3		Checked PT
							Phase Development Application	Drawing No. <b>SG-204</b>	Date 20/05/21



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							1:200 @ A3		Checked PT
							Phase Development Application	Drawing No. <b>SG-205</b>	Date 20/05/21



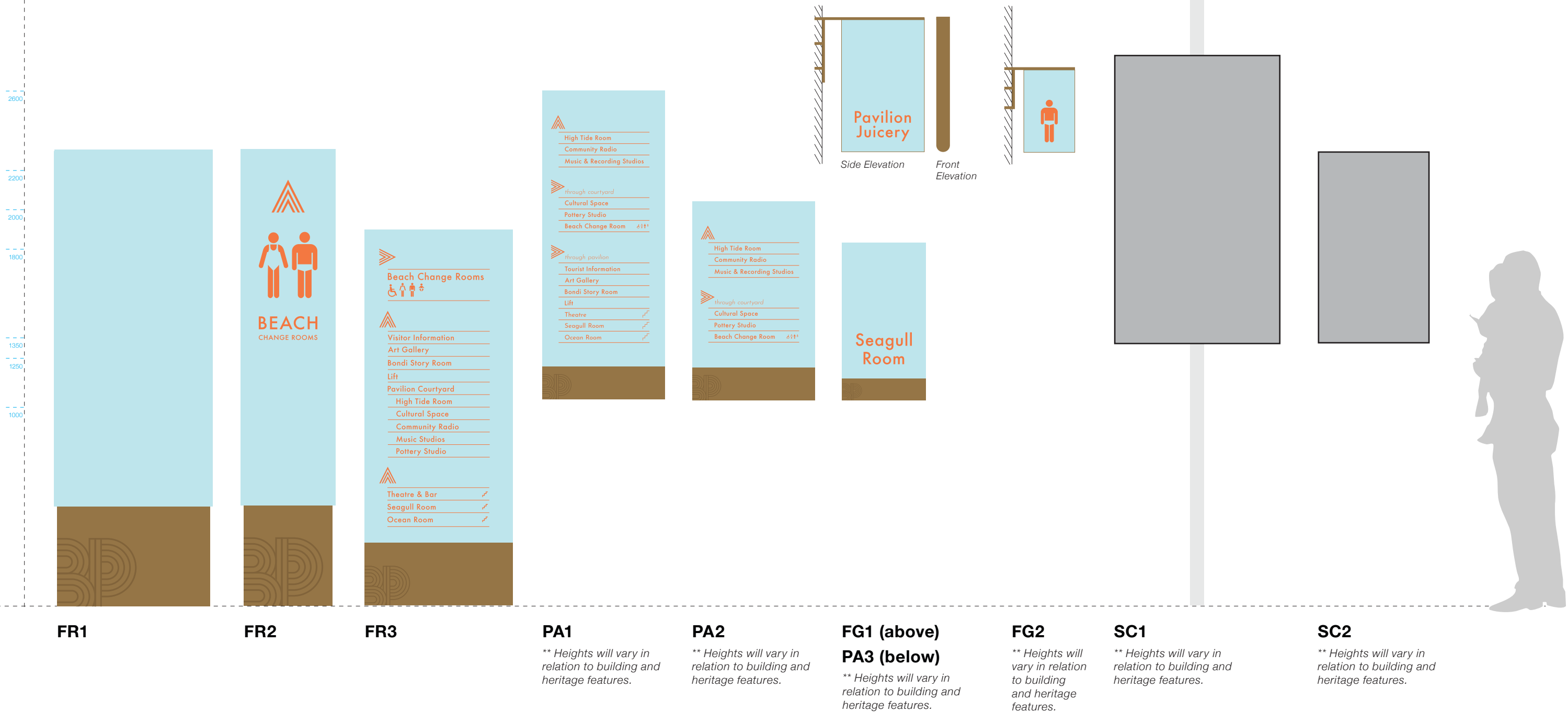
HEIGHT OVERVIEW

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Waverley Council

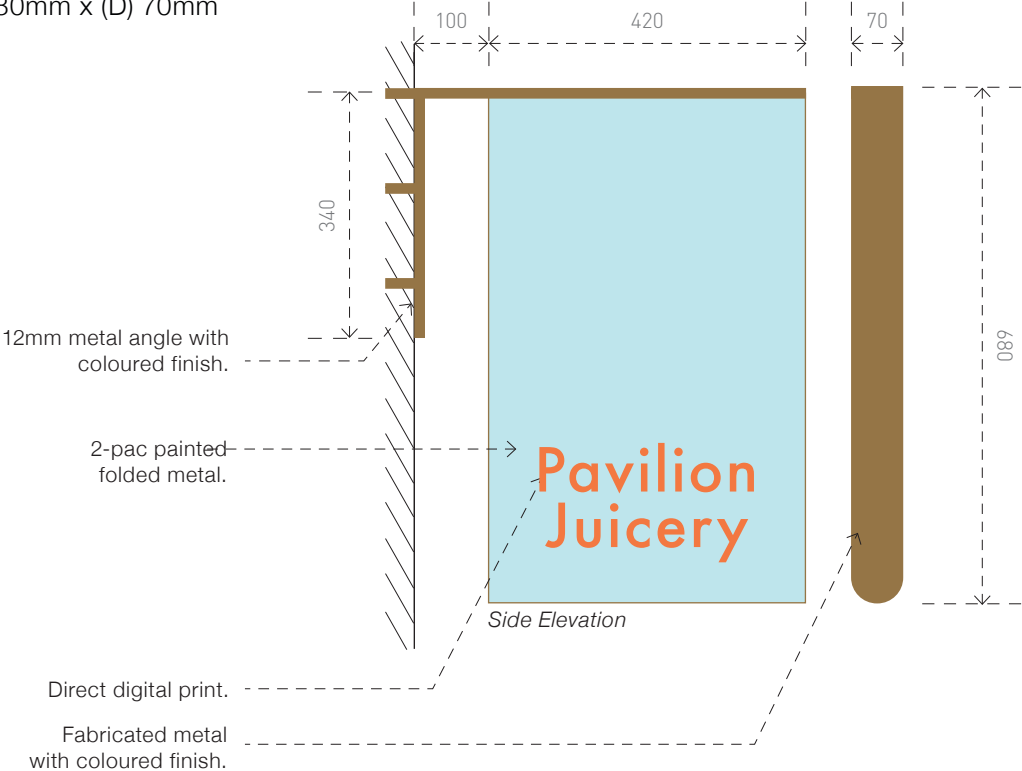
Application No: DA-206/2021

Date Received: 02/06/2021



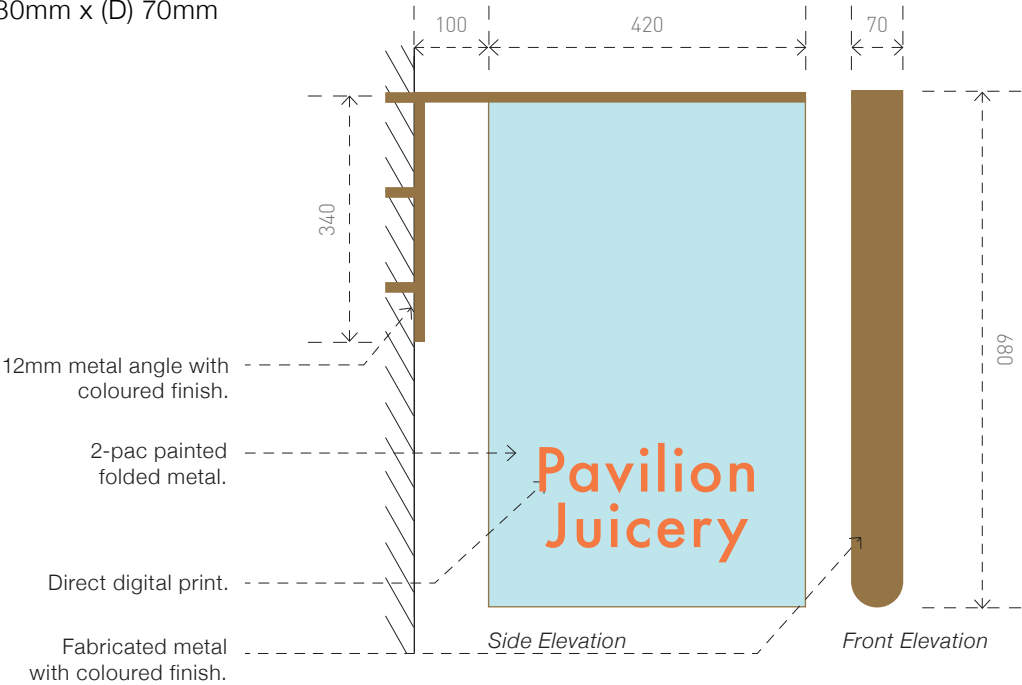
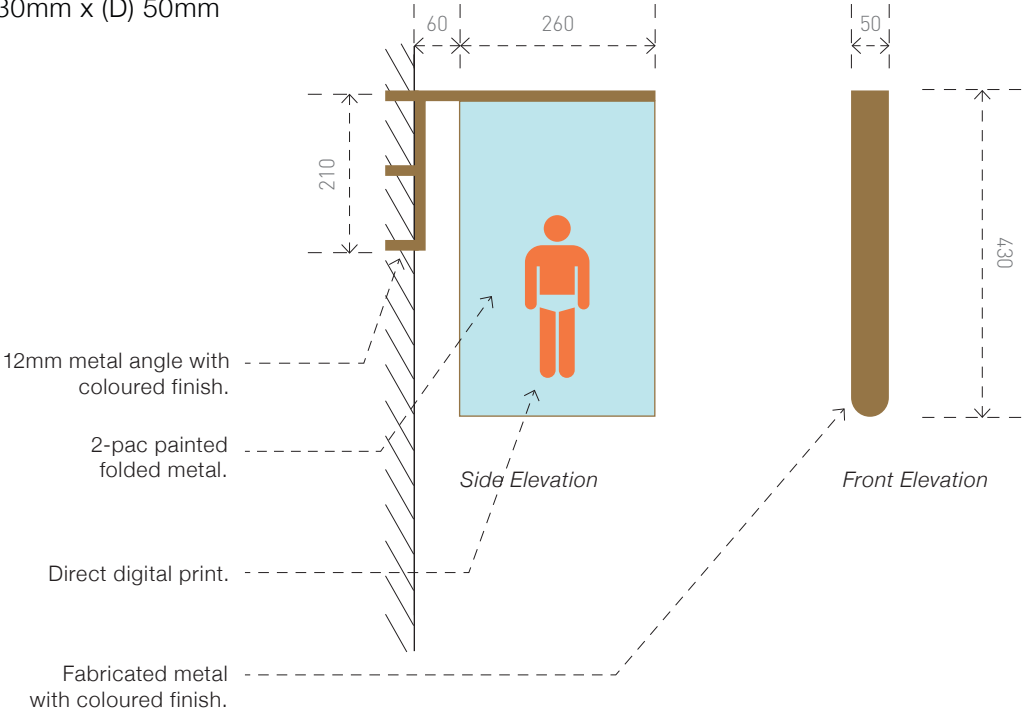
Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title		Drawn By
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L	Development Application	20/05/2021					1:20 @ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-300</b>	Date 20/05/21


TYPE FG: FLAG SIGNAGE - EXTERNAL IDENTIFICATION

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)
FG1	<p><b>Inner layer:</b> Fabricated marine grade metal with colour finish TBC.</p> <p><b>Outer layer:</b> Folded marine grade metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Text / Pictograms digital print to match Neon Dusk (0,66,81,0).</p> <p>Hanger: Fabricated 12mm metal angle with colour finish TBC.</p> <p>Anti-Graffiti coating.</p>	Stainless steel pin fixings into existing fabric.	Futura Medium. Text height: 65mm	<p>Approximate size: (W) 420mm x (H) 680mm x (D) 70mm</p> 

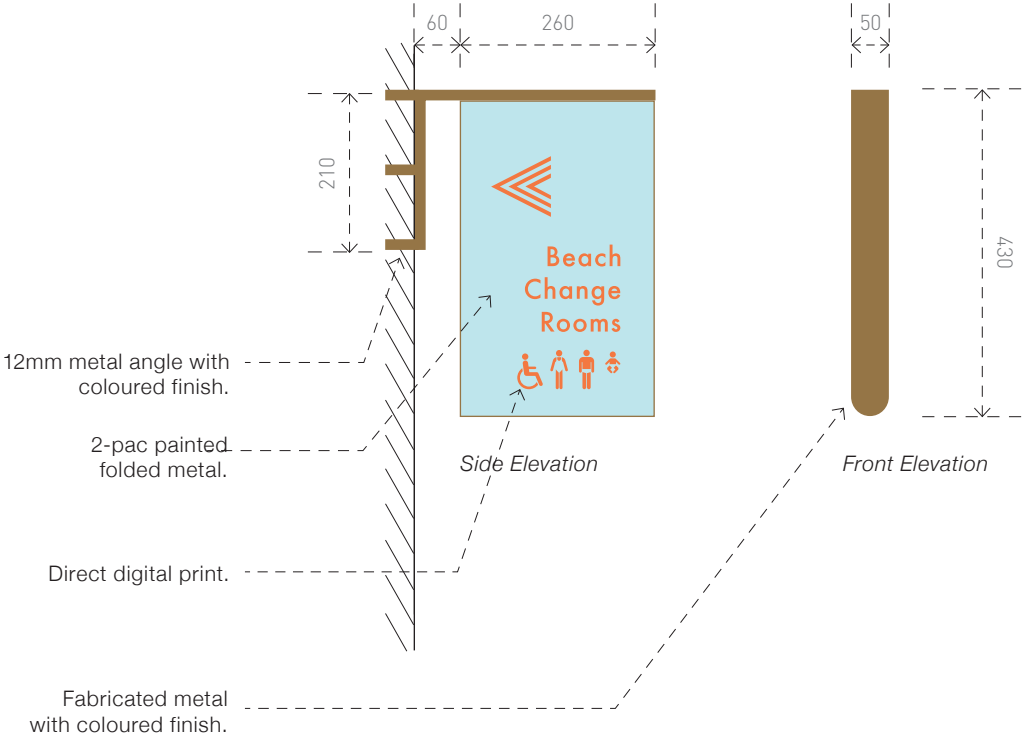
Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title		Drawn By
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L	Development Application	20/05/2021					1:10 @ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-400</b>	Date 20/05/21

TYPE FG - FLAG SIGNAGE - INTERNAL IDENTIFICATION

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)	
FG1	<p><b>Inner layer:</b> Fabricated marine grade metal with colour finish TBC.</p> <p><b>Outer layer:</b> Folded marine grade metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Text / Pictograms digital print to match Neon Dusk (0,66,81,0).</p> <p>Hanger: Fabricated 12mm metal angle with colour finish TBC.</p> <p>Anti-Graffiti coating.</p>	Stainless steel pin fixings into existing fabric.	Futura Medium. Text height: 65mm	Approximate size: (W) 420mm x (H) 680mm x (D) 70mm	
FG2	<p><b>Inner layer:</b> Fabricated marine grade metal with colour finish TBC.</p> <p><b>Outer layer:</b> Folded marine grade metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Text / Pictograms digital print to match Neon Dusk (0,66,81,0).</p> <p>Hanger: Fabricated 12mm metal angle with colour finish TBC.</p> <p>Anti-Graffiti coating.</p>	Stainless steel pin fixings into existing fabric.	Futura Medium.	Approximate size: (W) 260mm x (H) 430mm x (D) 50mm	

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title	Drawn By
L	Development Application	20/05/2021	This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE 117 Reservoir Street ABN: 4600272349 9215 4900 wolfgang@tzc.com.au www.tzg.com.au 	SPECIFICATIONS - TYPE FG - INT ID	CW, WR, MP, KL, ER, JT, BS, EG
							1:10 @ A3	Checked PT
							Phase Development Application	Date 20/05/21
							Drawing No. <b>SG-410</b>	

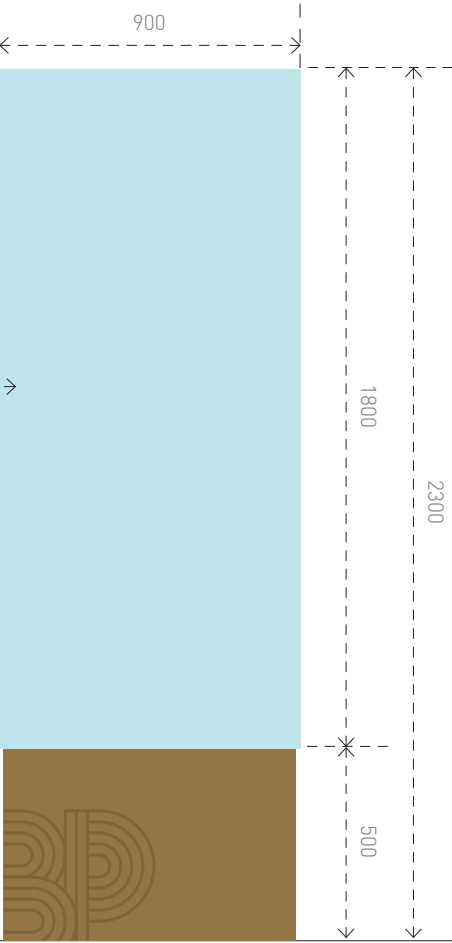
TYPE FG: FLAG SIGNAGE - INTERNAL DIRECTIONAL


LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)
FG2	<p><b>Inner layer:</b> Fabricated marine grade metal with colour finish TBC.</p> <p><b>Outer layer:</b> Folded marine grade metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Text / Pictograms digital print to match Neon Dusk (0,66,81,0).</p> <p><b>Hanger:</b> Fabricated 12mm metal angle with colour finish TBC.</p> <p>Anti-Graffiti coating.</p>	Stainless steel pin fixings into existing fabric.	Futura Medium. Text size 30mm.	<p>Approximate size: (W) 260mm x (H) 430mm x (D) 50mm</p>  <p>The drawing shows two views of the signage: a 'Side Elevation' and a 'Front Elevation'. The side elevation shows a rectangular sign with a height of 430mm and a width of 260mm. It is mounted on a 12mm metal angle with a height of 210mm. The sign has a 60mm wide top section and a 50mm wide bottom section. The front elevation shows the sign's profile, which is 50mm wide and 430mm high. Callouts indicate materials: '12mm metal angle with coloured finish.', '2-pac painted folded metal.', 'Direct digital print.', and 'Fabricated metal with coloured finish.' The sign features a blue background with orange text 'Beach Change Rooms' and pictograms of a person in a wheelchair, a person with a stroller, and a person with a dog.</p>

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title	Drawn By
L	Development Application	20/05/2021	This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE 117 Reservoir Street ABN: 46002722349 9215 4900 wolfgang@tztg.com.au www.tztg.com.au	SPECIFICATIONS - TYPE FG - INT DIR	CW, WR, MP, KL, ER, JT, BS, EG
							1:10 @ A3	Checked PT
							Phase Development Application	Drawing No. SG-420 Date 20/05/21



TYPE FR - FREE-STANDING SIGNAGE - EXTERNAL DIRECTIONAL

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:20)
FR1	<p>Three sided bollard. Different print content on each side.</p> <p>Inner layer: Fabricated marine grade metal with colour finish TBC.</p> <p>Outer layer: Folded marine grade metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Text / Pictograms digital print to match Neon Dusk (0,66,81,0).</p> <p>Engraved logo to bottom-left of front elevation of metal.</p> <p>Anti-Graffiti coating.</p>	Invisible conceal fixings inside bollard frame, mechanically anchored by four points to existing slab.	Futura Medium. 'BP' logo.	<p>Approximate size: (W) 900mm x (H) 2300mm x (D) 900mm</p> <div><p>VERSION OF WAVERLEY COUNCIL INFO BOLLARD. CONTENT TO BE CONFIRMED.</p><p>Folded 2-pac painted metal.</p><p>Fabricated metal with brass finish.</p><p>Engraving of logo watermark to fabricated metal.</p></div>

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title	Drawn By
L	Development Application	20/05/2021	This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE 117 Reservoir Street ABN: 46002722349 9215 4900 wolfgang@tzg.com.au www.tzg.com.au 	SPECIFICATIONS - TYPE FR - EXT DIR	CW, WR, MP, KL, ER, JT, BS, EG
							1:120 @ A3	Checked PT
							Phase Development Application	Drawing No. SG-500 Date 20/05/21

Label Key	Materials	Fixing	Font	Size (1:20)
FR2	<p>Three sided bollard.</p> <p><b>Inner layer:</b> Fabricated marine grade metal with colour finish TBC.</p> <p><b>Outer layer:</b> Folded marine grade metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Text / Pictograms digital print to match Neon Dusk (0,66,81,0).</p> <p>Engraved logo to bottom-left of front elevation of metal.</p> <p>Anti-Graffiti coating.</p>	Invisible conceal fixings inside bollard frame, mechanically anchored by four points to existing slab.	Futura Medium. 'BP' logo.	<p>Approximate size: (W) 480mm x (H) 2300mm x (D) 480mm</p> <p>Direct digital print. Neon Dusk. -----&gt;</p> <p>2-pac painted aluminium. Icebergs Blue. -----&gt;</p> <p>Fabricated Metal structure. -----&gt;</p> <p>Engraving of logo watermark to metal. -----&gt;</p> <p>1800</p> <p>500</p> <p>2300</p> <p>480</p> <p>480</p> <p>480</p> <p>Top View 3-sided bollard.</p>

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title		
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L	Development Application	20/05/2021					1:20 @ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-501</b>	Date 20/05/21

TYPE FR - FREE-STANDING SIGNAGE - EXTERNAL DIRECTIONAL

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:20)
FR3	<p>Two sided bollard.</p> <p>Inner layer: Fabricated marine grade metal with colour finish TBC.</p> <p>Outer layer: Folded marine grade metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Text / Pictograms digital print to match Neon Dusk (0,66,81,0).</p> <p>Engraved logo to bottom-left of front elevation of metal.</p> <p>Anti-Graffiti coating.</p>	Invisible conceal fixings inside bollard frame, mechanically anchored to existing slab.	Futura Medium. 'BP' logo. Text height: 30mm	<p>Approximate size: (W) 750mm x (H) 1900mm x (D) 150mm</p>

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title	Drawn By
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							1:100 @ A3	Checked PT
							Phase Development Application	Date 20/05/21
							Drawing No. <b>SG-502</b>	





TYPE GR - GROUND GRAPHICS - EXTERNAL DIRECTIONAL


LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:20)
GR1	Digitally printed pavement decals to ground cover. Placed in direction to changerooms.	Direct to groundcover.	Futura Medium.	Approximate size: (W) 1000mm x (H) 1000mm x (D) 0mm

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L	Development Application	20/05/2021					1:20 @ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-600</b>	Date 20/05/21





TYPE LE - INDIVIDUAL LETTERS - EXTERNAL IDENTIFICATION

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)
LE1	Solid 25mm thick brass letters.	Individual letters pin-fixed 50mm off existing wall with stainless steel pins.	Bondi Pavilion Logo.	Approximate size: (W) 7200mm x (H) 610mm x (D) 25mm 
LE2	Solid 12mm thick brass letters.	Individual letters pin-fixed 20mm off existing wall with stainless steel pins. Application of clear sealer as necessary.	Bondi Pavilion Logo.	Approximate size: (W) varies x (H) 290mm x (D) 12mm 
LE3	Solid 12mm thick brass letters.	Individual letters pin-fixed 20mm off existing wall with stainless steel pins. Application of clear sealer as necessary.	Futura Medium.	Approximate size: (W) varies x (H) 145mm x (D) 12mm 
LE4	Laser-cut 1mm marine grade metal letters with coloured finish TBC.	Individual letters glue fixed to new fabric or pin fixed off existing wall (7mm) stainless steel pins.	Futura Medium.	Approximate size: (W) varies x (H) 50mm x (D) 1mm 

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L	Development Application	20/05/2021					1:10 @ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-700</b>	Date 20/05/21

TYPE LE - INDIVIDUAL LETTERS - INTERNAL IDENTIFICATION

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)
LE2	Solid 12mm thick brass letters.	Individual letters pin-fixed 20mm off existing wall with stainless steel pins. Application of clear sealer as necessary.	Bondi Pavilion Logo.	Approximate size: (W) varies x (H) 290mm x (D) 12mm 

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title		Drawn By
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L	Development Application	20/05/2021					1:100 @ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-710</b>	Date 20/05/21

TYPE PA - WALL PANEL SIGNAGE - INTERNAL IDENTIFICATION

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)
PA1	<p><b>Inner layer:</b> 10mm metal plate with contoured edge. Coloured finish TBA.</p> <p><b>Outer layer:</b> Folded metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Digital print to match Neon Dusk (0,66,81,0).</p> <p>Engraved logo to bottom-left of front elevation of metal.</p> <p>Anti-Graffiti coating.</p>	Invisible pin-fixings into existing fabric.	Futura Medium. Text height: 50mm	<p>Approximate size: (W) 420mm x (H) 680mm x (D) 27mm</p>

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							1:10 @ A3	Checked PT
							Phase Development Application	Drawing No. <b>SG-800</b> Date 20/05/21

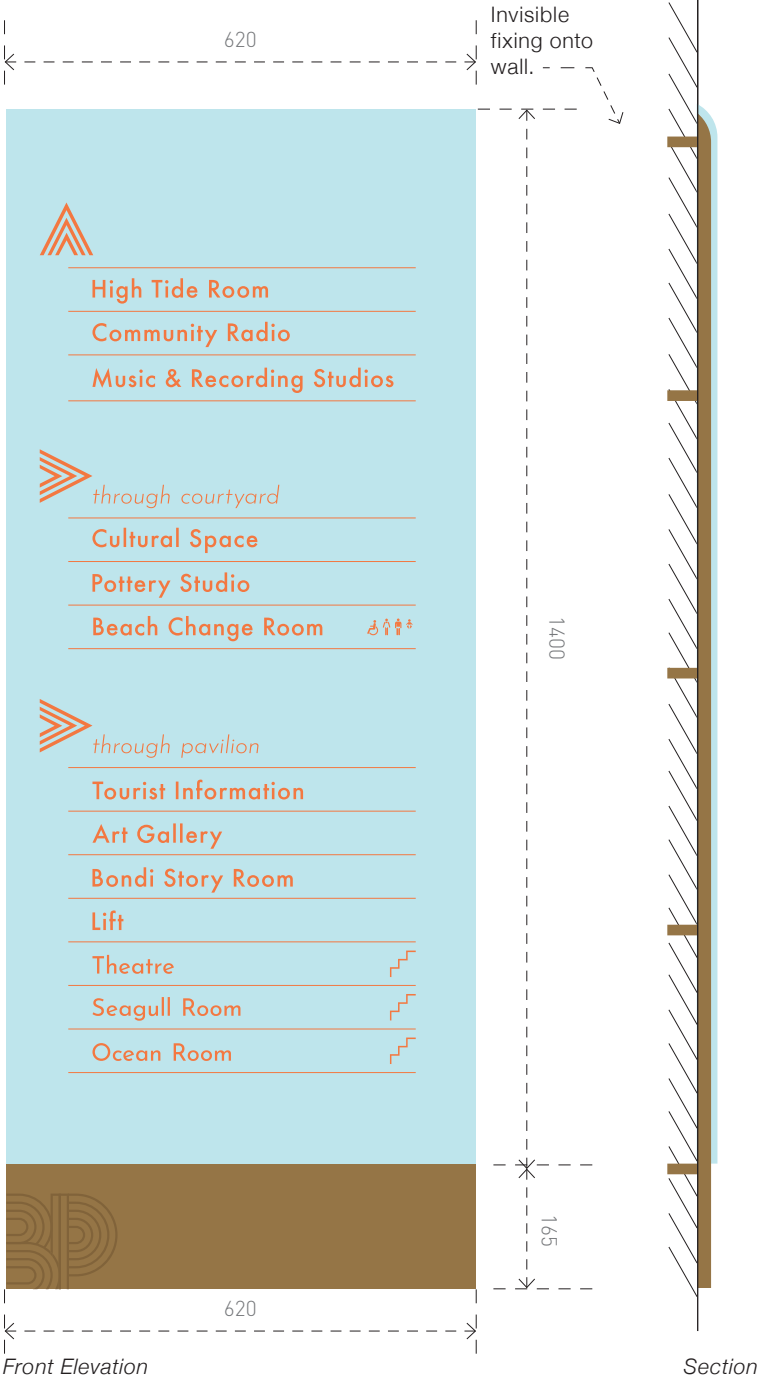
TYPE PA - WALL PANEL SIGNAGE - EXTERNAL DIRECTIONAL

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)	
PA2	<p>Inner layer: 10mm marine grade metal plate with contoured edge. Coloured finish TBA.</p> <p>Outer layer: Folded marine grade metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Digital print to match Neon Dusk (0,66,81,0).</p> <p>Engraved logo to bottom-left of front elevation of metal.</p> <p>Anti-Graffiti coating.</p>	Invisible pin-fixings into existing fabric.	Futura Medium. Text height: 25mm	Approximate size: (W) 620mm x (H) 1565mm x (D) 27mm ** Depending on the directional information required, PA1's may not be as long as this, but would stay the same in width.**	<div><div>2-Pac painted metal.</div><div>Metal plate with contoured edge and coloured finish. Logo engraved into metal.</div><div></div></div>

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title		Drawn By
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L	Development Application	20/05/2021					1:10 @ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-810</b>	Date 20/05/21



TYPE PA - WALL PANEL SIGNAGE - INTERNAL DIRECTIONAL

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)	
PA2	<p>Inner layer: 10mm aluminium plate with contoured edge. Anodised Brass finish.</p> <p>Outer layer: Fabricated aluminium with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Digital print to match Neon Dusk (0,66,81,0).</p> <p>Engraved logo to bottom-left of front elevation of metal.</p> <p>Anti-Graffiti coating.</p>	Invisible fixings into existing fabric.	Futura Medium. Text height: 25mm	Approximate size: (W) 620mm x (H) 1565mm x (D) 27mm ** Depending on the directional information required, PA1's may not to be as long as this, but would stay the same in width.**	<div><div>2-Pac painted aluminium with digital print</div><div>Engraving of logo watermark to brass finish.</div><div></div></div>

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title	Drawn By
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							1:10 @ A3	Checked PT
							Phase Development Application	Drawing No. SG-820 Date 20/05/21


TYPE PA - WALL PANEL SIGNAGE - INTERNAL DIRECTIONAL

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)	
PA3	<p><b>Inner layer:</b> 10mm metal plate with contoured edge. Coloured finish TBA.</p> <p><b>Outer layer:</b> Folded metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Digital print to match Neon Dusk (0,66,81,0).</p> <p>Engraved logo to bottom-left of front elevation of metal.</p> <p>Anti-Graffiti coating.</p>	Invisible pin-fixings into existing fabric.	Futura Medium. Text height: 25mm	<p>Approximate size: (W) 620mm x (H) 1005mm x (D) 27mm</p> <p>** Depending on the directional information required, PA2's may not to be as long as this, but would stay the same in width.**</p>	<p>The drawing for PA3 shows a front elevation of a wall panel that is 620mm wide and 1005mm high. It is divided into two main sections: a top light blue section (840mm high) and a bottom brown section (165mm high). The top section contains directional text: 'High Tide Room', 'Community Radio', 'Music &amp; Recording Studios', 'through courtyard' (with an arrow), 'Cultural Space', 'Pottery Studio', and 'Beach Change Room' (with a wheelchair icon). The bottom brown section features an engraved logo. A section view on the right shows the panel is 27mm thick and is fixed to a wall with invisible pin-fixings. Callouts indicate the top section is '2-Pac painted metal' and the bottom section is a 'Metal plate with contoured edge and coloured finish. Logo engraved into metal.'</p>
PA4	<p><b>Inner layer:</b> 10mm metal plate with contoured edge. Coloured finish TBA.</p> <p><b>Outer layer:</b> Folded metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Digital print to match Neon Dusk (0,66,81,0).</p>	Invisible pin-fixings into existing fabric.	Futura Medium. Text height: 25mm	<p>Approximate size: (W) 300mm x (H) 200mm x (D) 27mm</p> <p>** Depending on the directional information required, PA3's may differ slightly differently in size.**</p>	<p>The drawing for PA4 shows a front elevation of a wall panel that is 300mm wide and 200mm high. It is a single light blue section containing the text 'Cultural Space' with an arrow. A section view on the right shows the panel is 27mm thick and is fixed to a wall with invisible pin-fixings. A callout indicates the panel is '2-Pac painted metal with digital print'.</p>



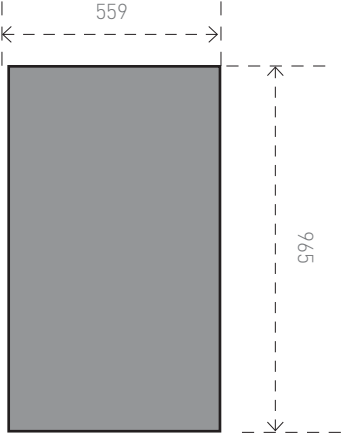


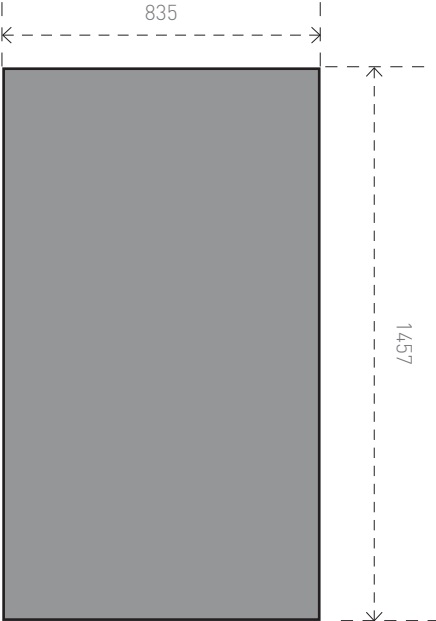
Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title	Drawn By
L	Development Application	20/05/2021	This document must be reproduced and read in its coloured format. Do not scale of drawings. Report any discrepancies to the architect. These designs, plans, specifications and the copyright therein are the property of Tonkin Zulaikha Greer Architects Pty Ltd, and must not be reproduced or copied wholly or in part without written permission of Tonkin Zulaikha Greer Architects Pty Ltd.	Waverley Council 9083 8698 matthew.henderson@waverley.nsw.gov.au	BONDI PAVILION RESTORATION AND CONSERVATION PROJECT.  Project No. 15026	TONKIN ZULAIKHA GREER ARCHITECTS SIGNAGE 117 Reservoir Street ABN: 4600272349 9215 4900 wolfgang@tzg.com.au www.tzg.com.au 	SPECIFICATIONS - TYPE PA - INT DIR	CW, WR, MP, KL, ER, JT, BS, EG
							1:10 @ A3	Checked PT
							Phase Development Application	Drawing No. <b>SG-821</b> Date 20/05/21

TYPE PA - WALL PANEL SIGNAGE - EXTERNAL IDENTIFICATION

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:10)
PA5	<p>Inner layer: 10mm metal plate with contoured edge. Coloured finish TBA.</p> <p>Outer layer: Folded metal sheet with 2-pac paint coating to match 40% Icebergs Aqua (60,0,16,0). Digital print to match Neon Dusk (0,66,81,0).</p> <p>Engraved logo to bottom-left of front elevation of metal.</p> <p>Anti-Graffiti coating.</p>	Invisible pin-fixings into existing fabric.	Futura Medium. Text height: 25mm	<p>Approximate size: (W) 420mm x (H) 680mm x (D) 27mm</p> 

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							1:100 @ A3	Checked PT
							Phase Development Application	Drawing No. SG-830 Date 20/05/21

TYPE SC - INTERNAL DIGITAL SIGNAGE (PRELIMINARY ONLY)

LABEL KEY	MATERIALS	FIXING	FONT	SIZE (1:20)	
SC1	LED Screen similar to Philips 49BDL4050D 42 inch 450 Nits Commercial Display D-Line - Android powered by Android Digital Signage Display.	Commercial mounting to wall. Mounting similar to Ezymount commercial grade portrait wall mount. 	NA	Proposed size: (W) 559mm x (H) 965mm x (D) 45mm 	
SC2	LED Screen similar to Philips 65BDL4150D 65 Inch 500 Nits Commercial Display D-Line - Android powered by Android Digital Signage Display.	Pole mountd floor to ceiling. Mounting similar to Atdec modular pole mounting system. 	NA	Proposed size: (W) 835mm x (H) 1457mm x (D) 70mm 	

Rev	Description	Date	Notes	Client	Project	Signage and Wayfinding Designer	Drawing Title		Drawn By
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L	Development Application	20/05/2021					1:20@ A3	Checked PT	
							Phase Development Application	Drawing No. <b>SG-900</b>	Date 20/05/21





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-178/2021
<b>Site address</b>	13 Thompson Street, TAMARAMA
<b>Proposal</b>	Demolition of dwelling and construction of a three storey dwelling with integrated double garage and new swimming pool to rear
<b>Date of lodgement</b>	14 May 2021
<b>Owner</b>	Mr E L Watkins
<b>Applicant</b>	Tobias Partners
<b>Submissions</b>	11
<b>Cost of works</b>	\$6,473,543
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• FSR</li> <li>• Building Height</li> <li>• View loss</li> <li>• Excavation</li> </ul>
<b>Recommendation</b>	That the application be APPROVED

### SITE MAP



## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for demolition of dwelling and construction of a three storey dwelling with integrated double garage and new swimming pool to rear at the site known as 13 Thompson Street, TAMARAMA.

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

- FSR
- Height of buildings
- View loss
- Excavation

The assessment finds these issues acceptable due to the context of the surrounding area. The dwelling will not sit out of character within the streetscape and will not provide a large and bulky structure in comparison to the surrounding development.

A total number of 11 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 15 June 2021.

The site is identified as Lot 47 in DP 10771, known as 13 Thompson Street, TAMARAMA.

The site is rectangular in shape with a frontage to Thompson Street, measuring 12.495m. The site has an area of 578.5m<sup>2</sup> and a steep topography, with a fall from the south down to the east by approximately 10.66m.

The site is presently occupied by a two storey dwelling house with vehicular access provided from Thompson Street.

The site is adjoined by 3 storey dwellings on either side. The locality is characterised by a variety of low residential development.



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



**Figure 1: Subject site viewed from Thompson St**



**Figure 2: Streetscape view of No 15 Thompson Street**



**Figure 3: Streetscape view of No. 2 Mirimar Avenue (opposite the subject site)**



**Figure 4: Streetscape view of No. 14 Thompson Street (opposite subject site)**



**Figure 5: Site viewed from the rear yard looking south**



**Figure 6: Site view from the rear yard showing the neighbouring property (No 11), looking south west**

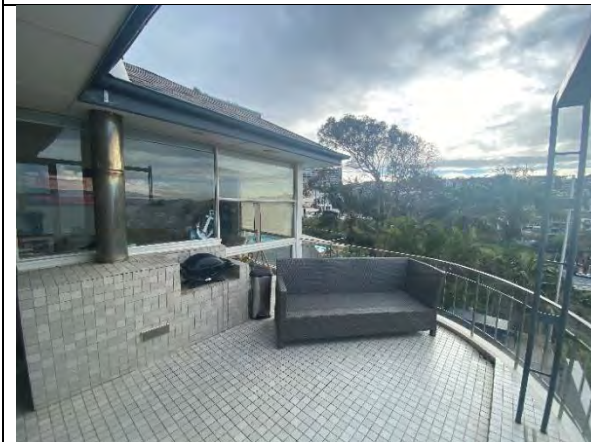




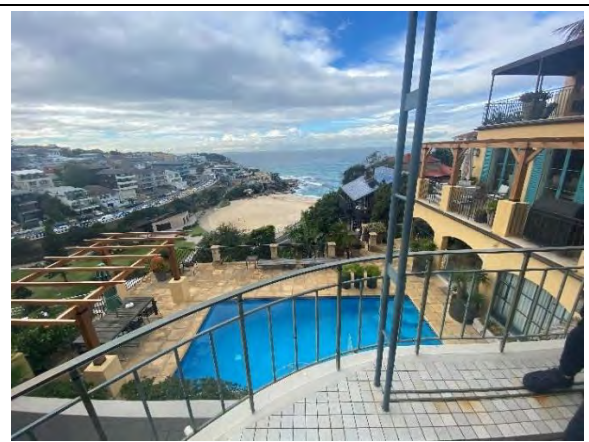
**Figure 7: Site view from the rear yard showing the neighbouring property (No 15), looking south east**



**Figure 8: Site viewed from the rear yard looking south to rear of dwelling**



**Figure 9: View from first floor terrace, looking north**



**Figure 10: View of Tamarama Beach from first floor terrace, looking east over No 15**

### 1.3. Relevant Development History

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

- DA-357/2011 – Alterations to garage to enlarge for two vehicles & new front fence, approved 24 August 2011.

### 1.4. Proposal

The development application seeks consent for demolition of existing structures and the construction of a new dwelling house and garage, specifically the following:

- Demolition of all structures on site, including the dwelling house, garage, terrace and swimming pool;
- Construction of a 3 storey dwelling with basement set into the slope of the land;
- Garage development comprising a double vehicle garage at street level to Thompson Street (corresponds with Level 2 of dwelling due to slope of land) with guest bedroom/home office below, linked to main dwelling.



- Level 2 contains a double width garage, 2 bedrooms, 2 bathrooms, a lift and a staircase
- Level 1 contains a bedroom located underneath the garage, kitchen, dining, living, terrace, and courtyard
- The ground level contains a living room, laundry, outdoor terrace and inground swimming pool
- The lower ground level contains a large plant room located underneath the terrace

A 3D render has been provided by the applicant as it would be viewed from the street.



**Figure 11: 3D render of proposal as viewed from Thompson Street**

### 1.5. Background

The development application was lodged on 14 May 2021 and deferred to seek amendments to the proposal on 21 July 2021 for the following reasons:

1. Earthworks – The proposed earthworks on site was considered to be significant and unnecessary for the size of the plant room on the lower ground level. It was recommended to be reduced in size.
2. Height of buildings – The proposed concrete frame on the roof exceeds the building height and will sit higher than the surrounding dwellings. The concrete frame was recommended to be removed or redesigned to have a lesser impact.
3. View loss impact – A view loss assessment was required to be undertaken by the applicant for surrounding properties.
4. Visual and acoustic privacy – greater consideration needed to be provided for the ground floor terrace and overlooking into the neighbouring property to the east (no 15).
5. Landscaping – Further clarification was required as to the landscaping proposed on site.
6. Stormwater – A stormwater drainage plan was required to provide an accurate assessment on drainage of the site.
7. Traffic – Swept path diagrams were requested to assess the entry and exit of vehicles from the garage.

Additional information was provided on 10 August and 1 September 2021, providing additional information and clarification on the above points. No amended plans were submitted with the application and therefore renotification was not required.

## 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 modification application:

- SEPP 55 Remediation of Land.
- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP (Coastal Management) 2018.

A detailed discussion is provided for relevant SEPP as follows:

#### *SEPP (Coastal Management) 2018*

SEPP Coastal Management applies to the subject site as it is wholly located within the Coastal Environment Area (i.e. defined by clause 13) and a Coastal Use Area (i.e. defined by clause 14) .

Clause 13 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration outlined in **Table 1** of this report.

**Table 1: Clause 13 of SEPP (Coastal Management) 2018 Matters for Consideration Table**

Matters for consideration	Compliance
<i>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</i>	
<i>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i>	The development will have no adverse impact on safe access to such locations.
<i>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</i>	There will be no adverse effect on views, overshadowing, and wind funnelling from public places to the foreshore.

Matters for consideration	Compliance
<i>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</i>	The proposed development will not impact on the visual amenity or scenic qualities of the coastal headland.
<i>(iv) Aboriginal cultural heritage, practices and places,</i>	The site has already been disturbed by the existing development and use, therefore it is unlikely that any Aboriginal cultural heritage items or places will be impacted as a result of the proposal.
<i>(v) cultural and built environment heritage, and</i>	The development is not listed as a heritage item, located within a conservation area or located in close proximity to either.
<i>(b) is satisfied that:</i>	
<i>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i>	The development has been designed and sited to avoid adverse impacts, as outlined within this assessment report.
<i>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</i>	As above.
<i>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</i>	As above.
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</i>	The proposed development is appropriate for the lot.

Clause 15 states that *development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

Planners Comment: The proposed development is not anticipated to cause increased risk of coastal hazards on the subject site or surrounding land, as outlined within this report. A geotechnical report has been submitted and reviewed by Council's public domain officer who is satisfied that the proposal will not impact on the coastal zone in relation to risk of hazards.

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

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

**Table 2: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		

Provision	Compliance	Comment
Land Use Table R2 Zone	Yes	The proposal is defined as a dwelling, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	No	The development proposes an overall height of 10.14m, which result in a non-compliance of 19% from the development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.5:1 or 289.25m<sup>2</sup></li> </ul>	No	The development proposes an FSR of 0.69:1 or 401m <sup>2</sup> , which does not comply with the development standard by 38.6%.
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 and Height of Buildings development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site contains 'Class 5' acid sulfate soils. The site is located greater than 500m from land known as containing Classes 1, 2, 3 or 4 acid sulfate soils. The proposal does not involve excavation deeper than 5m below AHD. Therefore, the proposed development is not expected to disturb or expose acid sulfate soils.
6.2 Earthworks	Condition recommended	<p>The development proposes excavation associated with the sub floor plant room on the lower ground floor, part of the ground floor level and the bedroom located underneath the garage on the first floor level.</p> <p>The plant room located on the lower ground floor proposes a total floor area of 66m<sup>2</sup>, which is considered to be significant and unnecessary for the purpose of a plant room. A condition is recommended to reduce the length of the plant room by 5m into the site. This will significantly reduce unnecessary excavation on site and will limit the majority of the plant room to the area already excavated from the existing pool.</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 (FSR)*

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



The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has an FSR of 0.69:1, exceeding the standard by 111.75m<sup>2</sup> equating to a 38.6% 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:

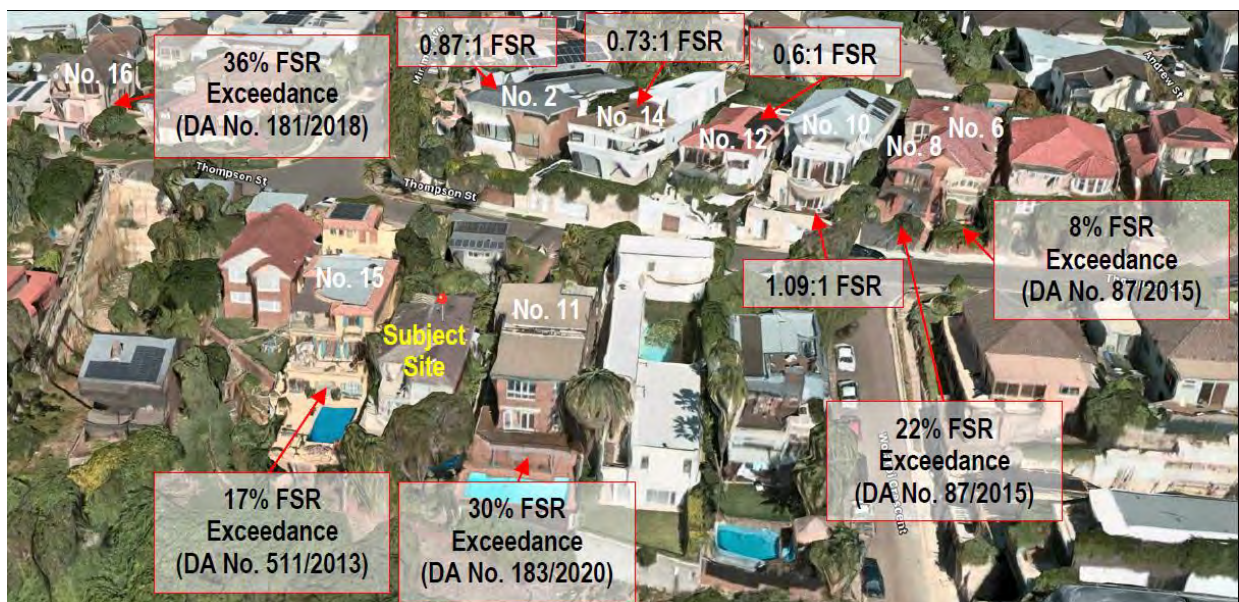
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

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 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) *There are numerous examples of recent developments in the vicinity which have been approved under the current controls with FSR non-compliances, including, inter alia, a 17% FSR exceedance in DA No. 511/2013 for a new dwelling with a front double garage to the immediate east at No. 15 Thompson Street, and a 30% FSR exceedance (plus an 8% height exceedance) in DA No. 183/2020 to the immediate west at No. 11 Thompson Street (see [below]). It is recognised that each DA is assessed on its own merits and each site has different characteristics. However, it is a relevant consideration to understand if Council has accepted breaches to the FSR standard in the past, under what circumstances these were supported and if indeed there are any comparable principles to the subject DA.*



- (ii) *The additional FSR will not result in substantial bulk as it is within the maximum building height and recessed below a flat roof. This provides an articulated one to three-storey built form above the rear pool terrace, harmonising with the area's character on the lower side of Thompson Street. The proposed GFA offers an architecturally designed dwelling compatible*

*with surrounding developments in bulk and scale, including many existing and recently approved dwellings. The FSR exceedance will not be easily discernible from the public domain and will not impact neighbours' amenity.*

- (iii) The proposal is also compatible with the envelope of neighbouring developments recently approved and constructed on Thompson Street. This demonstrates the proposed external envelope is contextually compatible. In other words, the height and envelope is consistent with these buildings and compatible with the area's desired future character.*
- (iv) Thompson Street is characterised by a mix of older-style and contemporary two to four storey detached and attached dwellings on steep sites, many elevated pool decks at the rear. As the proposed floor space is below the maximum building height and mostly below and recessed from the street, the proposal will appear compatible within the streetscape and coastal locality.*
- (i) The sympathetic design scheme accommodates floor space within the maximum building height, maintaining a single-storey appearance in the street, which transitions into three storeys above the pool terrace towards the rear, similar to adjoining properties.*
- (ii) The proposal has been carefully designed to ensure that the additional floor space will not be readily discernible from the street or neighbouring sites. The proposal provides an increased rear setback from the existing, improving views available from No. 11 Thompson Street.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

  - (i) The proposal has been carefully to maintain or improve neighbours' amenity, compared to the existing situation. The additional floor space will not contribute significantly to the building's perceived scale, as the majority of it will be below the street level, and a high level of articulation and more than compliant landscaping will be provided throughout the site.*
  - (i) Privacy is maintained as new windows on the eastern side are either offset in relation to neighbouring windows or significantly recessed behind the landscaped courtyard on the subject site. No windows are proposed on the western side. To the rear towards the Ocean, the existing level of mutual overlooking common in the coastal area is generally maintained. This is anticipated by Council's DCP for properties enjoying significant views and therefore considered appropriate.*
  - (ii) The additional floor area will also not generate significant shadows. In fact, the shadow diagrams indicate the FSR variation will not affect the existing solar access to any principal private open space from 9am to 3pm (or windows from 9am to 12pm). This is more than compliant with Council's requirement.*
  - (iii) Importantly, the thoughtfully rearranged massing of the floor space at the rear will facilitate equitable view sharing for neighbours, much better than the existing situation.*
  - (iv) Although the proposed FSR is more than 10% greater than the maximum, this additional area will still maintain the single-storey street appearance of the dwelling and can therefore be considered acceptable. The proposed FSR allows for a new dwelling with a high level of amenity and contemporary living space for future residents. The additional FSR is considered appropriate in this situation.*

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

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

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

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

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

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

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

The proposal results in a non-compliance of 111.75m<sup>2</sup> above the development standard. The image shown above provided by the applicant shows properties in close proximity to the subject site along with their corresponding approved FSRs of those selected properties. The proposed density is compatible with several nearby properties on Thompson Street, being two to four storey dwellings, due largely to the significant fall of the land. The proposed FSR is considered appropriate within the locality, providing a building which fits within the context of surrounding building forms and residential uses and is consistent with the desired future character of the area. The proposed breach of the FSR control is considered to have no unreasonable impacts. The proposed built form is of an architectural aesthetic which is consistent with the emerging character of the area.

It has been successfully demonstrated that the non-compliance will not impact on the visual bulk and scale of the built form from a streetscape perspective. The dwelling will be viewed as a single storey building from Thompson Street that aligns with the overall scale of dwellings on either side of the site. From the rear, Tamarama Parklands and beach, the scale will be commensurate to other development

along this section of Thompson Street. Additionally, the architectural style of the dwelling has been designed to minimise internal void areas and maximise the use of the space within the dwelling and to make use of the significant slope of the land. The breach in the FSR development standard is supported.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposed development does not result in a non-compliance in amenity related controls within the DCP, including views, solar access, overshadowing, overlooking, and visual bulk.

Due to the steep slope of the site, the majority of the bulk is located in the rear, which will not be visible from the streetscape. The built form provides a greater rear setback than the existing dwelling on site and steps back to line up with the predominant front and rear setback line within the street. The dwelling also complies with the front and rear setback controls within the DCP. The proposed setbacks of the dwelling will limit environmental impacts to neighbouring properties and reduce its visual bulk in relation to the context of the area.

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.*

Whilst a small section of the roof does not comply with the maximum height of buildings required under the Waverley LEP 2012, the development provides for an appropriate density on site. The overall bulk and scale of the dwelling is compatible with the surrounding development and presents as a single storey dwelling from the street. As mentioned above, the development complies with front and rear setbacks, and provides for a dwelling that aligns with the desired future character of the locality. The dwelling will improve amenity impacts to the neighbouring property (No 11) in relation to views to Tamarama Beach due to the increased rear setback. The bulk and scale will fit in with the context of the area.

The overall environmental amenity will not be detrimentally impacted by this development as the dwelling will not cause unreasonable overshadowing, overlooking, or visual bulk to neighbouring properties. The breach in FSR is therefore considered acceptable.

The objectives of the R2 zone are as follows:

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



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

The development provides for appropriate housing needs of the community within a low density environment, by providing a dwelling house that allows for sufficient space and density compatible with the area. The proposal is consistent with the objectives of the zone and is acceptable in this instance.

### Conclusion

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

### *Clause 4.6 Exceptions to Development Standards (Height of Buildings)*

The application seeks to vary the height of buildings development standard in clause 4.6 under Waverley LEP 2012.

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has an overall building height of 10.14m, exceeding the standard by 1.64m equating to a 19% 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.

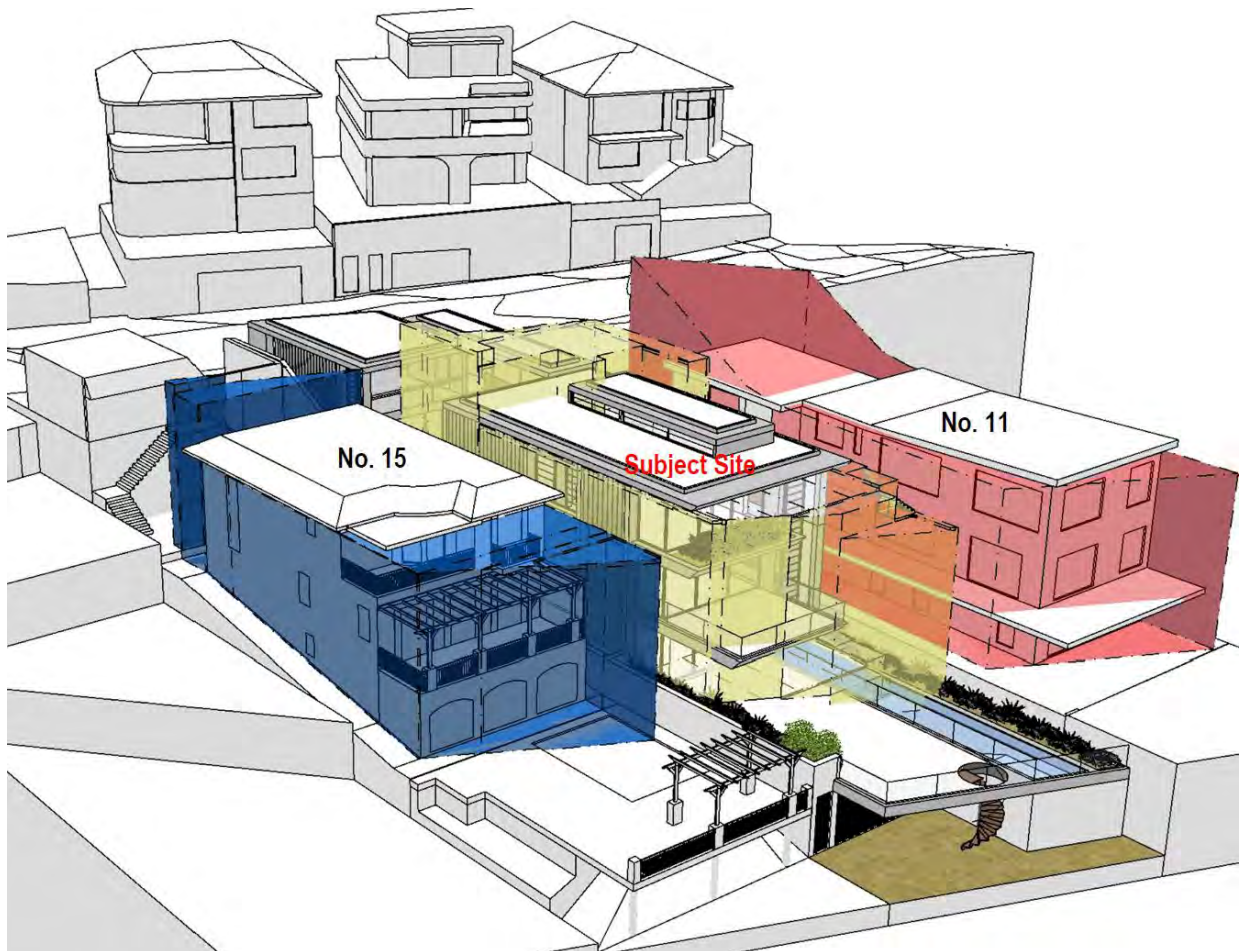
A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

### 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) *Towards the front, the proposal is significantly below the maximum building height. Throughout the site, the majority of the new roof remains below the RL of the neighbouring roof to the west. Furthermore, the area of height non-compliance is unlikely to have additional view impact when compared to the existing or compliant envelope. In fact, a compliant envelope would create greater impact on Ocean views for No. 11 Thompson Street, due to the potential horizontal addition in bulk towards the rear allowed within a reduced height. The proposed height actually results in a view gain for western neighbours. Accordingly, the proposal will facilitate equitable view sharing.*

- (ii) *Privacy will also be maintained as the area of building height exceedance comprises part of the non-trafficable roof, including a portion of clerestory windows only.*
- (iii) *Given the topographical constraints and neighbouring development pattern, any new dwelling is likely to exceed the height standard. Requiring compliance with the height standard on the excavated terrain would encourage a more expansive built form. While lowering the rear portion of the dwelling would technically achieve numerical compliance with the height standard, it could result in additional height towards the front, which would be more imposing on Thompson Street, or horizontal bulk to the rear. This scenario would have greater visual impact on the coastal area and additional amenity impact on neighbours. This is unreasonable and undesirable for a new dwelling compatible with adjacent developments' height, bulk, scale and character.*
- (iv) *The development will present as a single-storey garage to the street and three storeys above the pool terrace to the rear. This is consistent with the height, bulk and scale of existing and recently approved developments. Due to the steep terrain, the variation occurs over the rear only, where many nearby properties also appear to exceed the 8.5m building height, shown below.*



- (v) *The proposal provides a visual benefit through a high-quality, contemporary dwelling. This will enhance the site's presentation to both the street and the landscape reserve, positively contribute to the locality's emerging character and provide an appropriate interface with the public domain and adjoining dwellings. A variety of materials as well as more than compliant landscaping will provide visual amenity and contribute to the physical definition of the street and Council's landscape reserve. Planters on the dwelling will further soften the built form.*

- (vi) *The proposed built form sympathetically responds to adjacent developments' character. There are many examples of recent developments in the vicinity which have been approved under the current controls with building height non-compliances, including DA No. 183/2020 to the immediate west at No. 11 Thompson Street with an 8% height exceedance (as well as a 30% FSR exceedance). These DAs for low density residential development in the same R2 zone had a comparable breach which was supported by Council staff and the Panel on similar arguments as those made in our submissions (being due to the site topography, achieving the height standard's objectives and having sufficient environmental planning grounds).*
  - (vii) *As it is limited to the rear, the height variation will not add to the dwelling's bulk and scale from the street, and the new development remains substantially below the maximum building height at the front. In fact, except for the centrally located clerestory windows, the RLs of the new roof (42.90-43.20 AHD) will be 0.34-0.64m lower than that of the western neighbour at No. 11 Thompson Street (43.54 AHD) (see Figure 4 on the following page). Therefore, the proposed dwelling will not appear out of character when viewed in its context. The proposal is compatible with the neighbourhood's desired future character.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *There are sufficient environmental planning grounds to justify the building height non-compliance, especially as existing bulk is removed from the rear to provide an open outlook towards the Ocean for neighbours, and the vertical increase in the non-trafficable roof will have no view or privacy impact. The non-compliance is due the existing excavated level. Compliance with the standard could result in additional height towards the front, which would detract from the streetscape.*
  - (ii) *The proposed area of exceedance will not be readily viewable from the street as it is limited to the rear roof. The new development continues to appear substantially below the maximum building height at the front, similar to the existing situation. To ensure a fully compliant building height would require pulling the bulk closer to the street or pushing the bulk down to the rear, resulting in a dwelling that is either more elevated in the streetscape or more expansive towards the Ocean. This would compromise an architecturally designed, reasonable low density residential upgrade. It would also not serve benefit to neighbours or pedestrians and would have detrimental visual impact on the streetscape and view impact on neighbours. The sympathetic new dwelling is a sensible design response to the many competing objectives in the sensitive coastal location.*
  - (iii) *Regardless of the height exceedance, the shadow diagrams indicate the proposal is consistent with Council's requirements for three hours sunlight to 50% of adjoining properties' principal private open spaces. The area of non-compliance will cast additional shadow at No. 15 Thompson Street over two western windows, which belong to a bathroom and stairs respectively, at 3pm. However, the area of non-compliance will not overshadow any private open space from 9am to 3pm or any windows from 9am to 12pm. The development is therefore more than compliant with the DCP requirement for solar access.*
  - (iv) *Ocean views to the east are available across the steep site. The proposal has been carefully sited to maintain and in fact improve views for neighbours to the west, through the increased rear setback from the existing dwelling wall.*

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

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

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

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

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

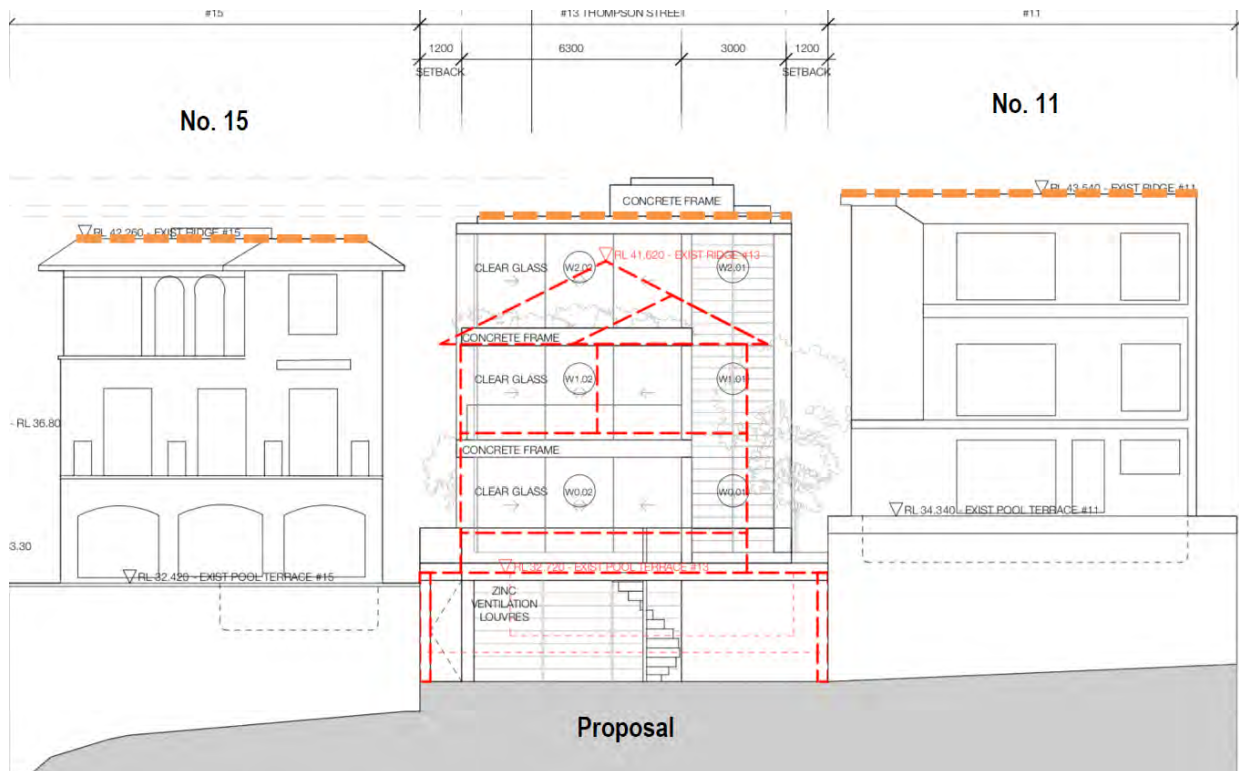
It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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

The proposed breach in height is limited to the roof slab from the mid to rear sections of the dwelling, as well as the concrete frame pop-up skylight (mid section of dwelling) providing light and natural ventilation to the bathrooms and hallway on level 2. The concrete frame will only occupy a small section of the roof and will not be visible from the streetscape or surrounding properties. The breach in height of the roof section (excluding the concrete frame) is the only section of the non-compliance that will be visible. This part only accounts for a 0.54m increase to the development standard. As shown in the figure below, the height of the roof when viewed from neighbouring properties and the public domain will sit in line with the height of the two neighbouring properties on either side of the subject site (Nos 11 and 15).





**Figure 12:** South elevation of subject site and adjoining properties showing the height of the roof (excludes popup skylight)

Notwithstanding the above, the concrete frame pop up skylight does result in an unnecessary visual bulk to the overall built form, particularly when viewed from the public domain areas of Tamarama parklands, beach and coastal walk. A condition has been recommended to amend the design to either delete this element, or amend to clerestory windows, rather than the bulky concrete frame currently proposed. This will not change the overall height of the building, rather just reduce the visual bulk of the windows in this section. This is discussed further in Table 3 of this report. As this section of the building will not be seen from the streetscape or neighbouring properties (evident further afield), it will not have any impact on the amenity to the adjoining properties and is considered acceptable.

It has been successfully demonstrated that the non-compliance will not impact on the visual bulk and scale of the built form from a streetscape perspective. The dwelling will be viewed as a single storey building that aligns with the overall scale of dwellings on either side of the site. The breach in the height of buildings development standard is supported.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The height non-compliance is a result of a minor section of the roof form at the mid to rear section, as well as the concrete frame that will not be visible from the streetscape or adjoining properties. The breach will not result in environmental or amenity impacts to the neighbouring properties, as it will not increase overshadowing, overlooking or block significant views. The majority of the dwelling will sit well under the 8.5m limit, allowing the dwelling to maintain a single storey presentation from the street.

Is the development in the public interest?

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

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

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

Objectives (b) and (c) are not applicable as the site is not located in the Bondi Junction Centre or Zone B3 Commercial Core.

The components of development above the height control will preserve the environmental amenity of neighbouring properties including the sharing of views, privacy, and solar access. No views will be impacted by the breach in height, rather the views from the adjoining property to the west (No 11) will be improved by the development. The non-compliance is minor with the section visible from neighbouring properties only being 0.54m and sitting in line with both adjoining dwellings. The breach in height would not be indiscernible from the streetscape and surrounding properties.

The objectives of the R2 zone are as follows:

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

The development achieves the objectives of the R2 zone as it will provide for the housing needs within a low density area by improving the internal amenity of the dwelling and providing an additional light source to the bathrooms and hallways on level 2 (through amended roof skylight options to be recommended via conditions of consent). The development is compatible with the surrounding development and existing character of the area and is supported.

### Conclusion

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

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

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

**Table 3: Waverley DCP 2012 – Part B General Provisions Compliance Table**

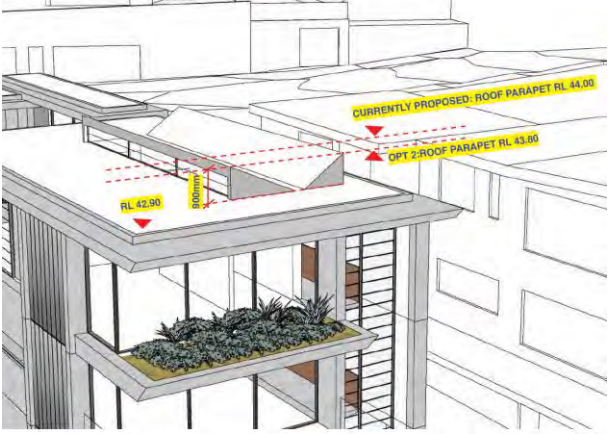
Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
4. Coastal Risk Management	Yes	Satisfactory
5. Vegetation Preservation	Yes	Satisfactory
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
8. Transport  Minimum parking rate: • 0 Maximum parking rate: • 2 spaces for 3 or more bedrooms.	Yes	The proposal provides for two car spaces. Its design and location are satisfactory.
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory
14. Excavation	Yes	The plant room on the lower level proposes a total area of 66m <sup>2</sup> , which seems excessive and results in unnecessary excavation on site. A condition has been recommended to reduce the length of the plant room by 5m. This will result in the plant room occupying the majority of already excavated area where the existing pool is currently located.

**Table 4: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table**

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Flat roof dwelling house • Maximum wall height of 7.5m	No	See discussion below.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines	Yes	The proposed dwelling will sit within the building footprint of the existing dwelling on site. As

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>		<p>shown in the image below, the dwellings along Thompson Street are stepped at an angle to ensure views are maintained to Tamarama Beach. The front setback of the dwelling will sit in context with the predominant front building line on an angle as set out by No. 9 and 11 Thompson Street.</p> <p>The garage is proposed to sit on a nil front boundary setback, which is seen as a consistent approach along Thompson Street.</p> <p>Similarly, the rear setback will sit in line with the angled predominant rear building line as provided by 9, 11 and 15 Thompson Street.</p> <p>The front and rear building lines are considered to be consistent within the immediate area and are supported.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> <li>Minimum of 1.5m</li> </ul>	Acceptable	<p>The building proposes side setbacks of 1.2m from both the eastern and western side boundaries. It is important to note that had the building been lowered by 0.5m, a 0.9m setback would be compliant (as it would sit under 8.5m building height) along the side boundaries. The proposed 1.2m setback on both sides is considered to be appropriate in this location and for this proposed development. The setbacks are consistent with the setbacks of the existing dwelling and setback of neighbouring properties on either side of the subject site.</p>
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>	Yes	<p>The proposed development is designed to enhance and modernise the exterior façade of the dwelling to Thompson Street and when viewed from Tamarama Beach and Park. The garage is of a similar scale and proportion to adjoining garages and is consistent with the established character of the streetscape.</p> <p>Landscaping is proposed along the front façade on either side of the garage, which is considered to be a consistent approach along Thompson Street.</p> <p>The proposed concrete frame pop up skylight located on the roof top has been provided to allow natural light and ventilation into the bathrooms and hallway on the second level. The concrete frame will be visible from the public domain at Tamarama and along the coastal walk. The concrete frame is not in keeping with the</p>



Development Control	Compliance	Comment
		<p>design or character of the dwelling and will result in a bulky box like structure above the roof form. The applicant has submitted a 3D render of a potential design change to reduce the bulk of the concrete frame whilst still providing light and natural ventilation.</p>  <p>A condition has been recommended to replace the box like structure with the clerestory style windows in a butterfly design as shown above to reduce the visual bulk. Subject to this condition, the proposal is not considered to erode the character or outlook of Tamarama Gully.</p>
<b>2.4 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes	<p>No front fence is proposed along the front boundary. A small section of rendered wall is proposed along the eastern section of the front boundary and has been proposed to match the height of the gate at No. 15 Thompson Street.</p> <p>A 1.8m high fence is proposed along both the east and western side boundaries. The side fence will increase in height along the northern section of the side fence to the east, however this is not proposed to be any higher than the existing side boundary fence in this location. Due to the significantly slope in land towards the north of the side, the side boundary fences are required to sit higher to provide for sufficient privacy between neighbouring properties. The side boundary fences are therefore considered acceptable.</p>
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Habitable windows are not to directly face habitable windows or open space of</li> </ul>	Yes	See discussion below.

Development Control	Compliance	Comment
<p>neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design</p> <ul style="list-style-type: none"> <li>• External stairs are not acceptable.</li> <li>• Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>• Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>		
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>• Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>• Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li> <li>• Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li> </ul>	Yes	<p>The private open space and principal living areas of the subject site are north facing and will receive more than 3 hours of sunlight during the day.</p> <p>Shadow diagrams have been submitted with the application which demonstrate that the development will result in part overshadowing to No. 11 Thompson Street in the morning and part overshadowing to No. 9 Thompson Street in the afternoon. The development will not result in any overshadowing to the principal private open space or principal living area of each properties on either side of the subject site. The development will therefore comply with the control.</p>
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>• Views from the public domain are to be maintained</li> <li>• Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	See discussion below.
<b>2.8 Car parking</b>		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> <li>• Parking only allowed where site conditions permit</li> </ul>	Yes	The proposed garage will sit along the front boundary, which is a consistent approach taken along Thompson Street, due to the significantly sloping sites, particularly along the north side of the street. The design of the garage will fit in with

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Designed to complement the building and streetscape</li> <li>Car parking structures to be behind the front building line</li> <li>Driveways are to be located to minimise the loss of on street parking</li> <li>Parking to be provided from secondary streets or lanes where possible.</li> </ul>		<p>the existing character of the area and will complement the streetscape character.</p> <p>The development proposes to utilise the relocate the existing crossover further east, and will not result in the loss of any street parking on site.</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"> <li>Behind front building line for new dwellings</li> <li>Existing development to be in accordance with the hierarchy of preferred car parking locations</li> </ul>	Yes	Due to the sloping site, it is not possible for the garage to be located behind the front building line. Garages along Thompson Street are all located at the front boundary and this forms the main character of Thompson Street.
2.8.4 Design <ul style="list-style-type: none"> <li>Complement the style, massing and detail of the dwelling</li> <li>Secondary in area and appearance to the design of the residences</li> <li>Gates to have an open design</li> </ul>	Yes	The style and design of the garage will complement the streetscape and contribute to the improved emerging character of Thompson Street. This is the most common character of Thompson Street.
2.8.5 Dimensions <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	The garage will have dimensions measuring 6.4m x 8m which complies with the control.
2.8.6 Driveways <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> <li>Crossings not permitted where 2 on street spaces are lost</li> </ul>	Yes	The proposed double width crossover will replace the existing double width crossover and will not result in the loss of any additional car parking spaces. Council's traffic engineer has reviewed the designed crossover and is supportive.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> </ul>	Yes	<p>59% of the site has been dedicated to open space. 34% of the site will be landscaped.</p> <p>The rear maintains more than 25m<sup>2</sup> of private open space.</p> <p>52% of the front setback is dedicated to open space.</p>

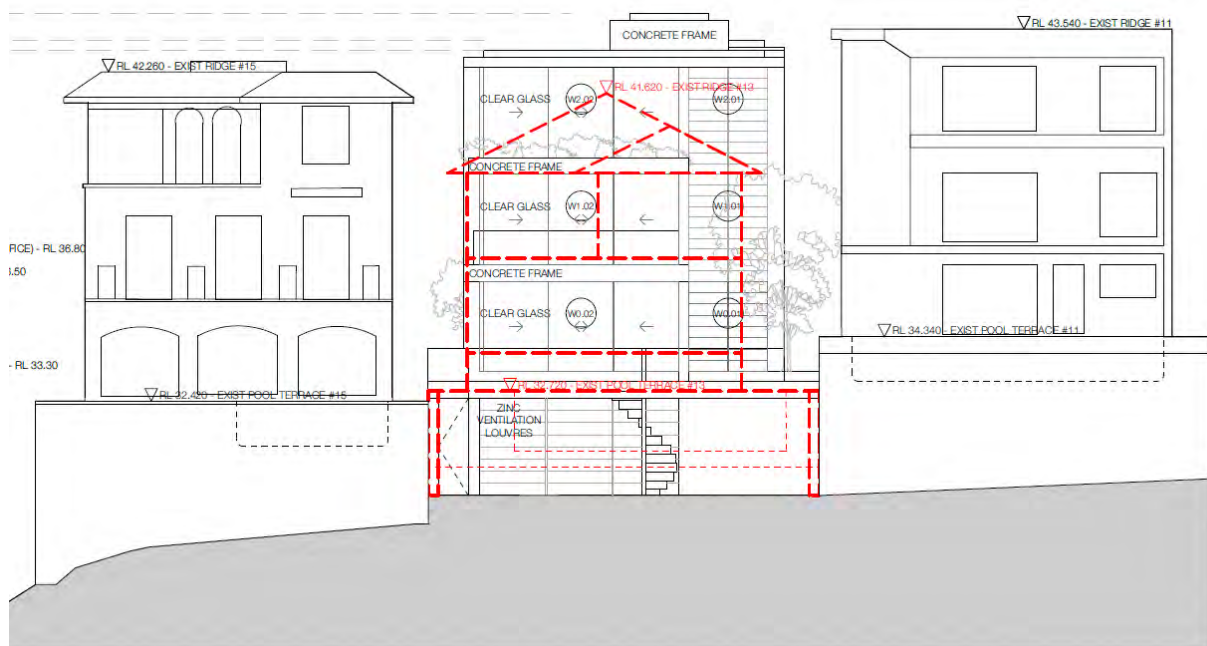
Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>		<p>78% of the open space will be landscaped.</p> <p>An outdoor clothes drying area is available in the rear yard.</p>
<b>2.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>	Yes	The swimming pool is located in the rear of the side and will not result in acoustic or visual privacy to neighbouring properties.
<b>2.16 Secondary dwellings and ancillary buildings</b>		
2.16.2 - Ancillary buildings	Yes	Beneath the garage is a level containing a guest bedroom/home office with ensuite. It is less than 10% of the site area.
<ul style="list-style-type: none"> <li>Floor area not to exceed 10% of site area</li> <li>Maximum wall height when on a property boundary of 2.1m</li> <li>Maximum overall height of 2.4m</li> </ul>	No	The maximum wall height is >2.1m and overall height is >2.4m. Due to the slope of the land and siting being located directly below the garage (which is at street level), this component is subject to a merit assessment and considered acceptable in this instance, as it is largely hidden from view of adjoining properties and street and subsequently there are negligible associated impacts.

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 development proposes an external wall height of 8.5m, which does not comply with the control. In support of this non-compliance, it is noted that the built form will sit in context to the buildings immediate east and west of the subject site, as shown in the image below.





**Figure 13:** View of site looking south showing the adjoining properties

The overall height of the external wall will sit lower than the wall height at No. 11 Thompson Street and higher than the wall height at No. 15 Thompson Street, as it follows the natural slope of the land.

The overall external wall height in this location will not sit out of context in the area and is therefore considered appropriate in this instance.

#### *Visual and Acoustic Privacy*

No west facing windows will be proposed as part of this development on any level.

The east facing windows labelled 2.06 and 2.09 on level 2 occupy the garage and hallway link from the entrance to the main dwelling. These areas are not habitable rooms and would therefore not impact on privacy into the neighbouring property. Furthermore, the window labelled 2.06 would not have views in the courtyard or into any habitable windows at No. 15 Thompson Street.

The east facing windows on level 2 labelled W2.04A and 2.04B both service the walk in wardrobe of two bedrooms. It is unclear whether these windows are proposed to be clear glazing or have some type of privacy screening. As both windows look directly into the neighbouring property to the east (no 15), a condition is recommended to provide obscure glazing to both windows to a minimum height of 1.5m above finished floor level.

The second floor east facing window labelled W2.03 will have direct views into the private open space of the property to the east at No. 15 Thompson Street. The purpose of the window is to provide views across the site to Tamarama Beach. Due to the significant views of Tamarama Beach, overlooking across properties is a common characteristic along Thompson Street. As this window is considered to be a bedroom window, it is not envisaged to be frequently utilised. Therefore, the overlooking from this window is considered to be acceptable.

The remaining windows on level 2 (W.201, W.202 and W2.05) face the private open spaces on the subject site and would not result in overlooking to neighbouring properties.

The east facing window on level 1 labelled W1.06 will be obscured by the side boundary fence and will not have any overlooking opportunities to the neighbouring property to the east.

The windows on level 1 labelled W1.01, W1.02, W1.05, W1.07 and W1.08 are all internally facing and will not have direct overlooking into neighbouring properties on either side.

The first floor window labelled W1.04 services a kitchen and directly looks into a habitable window at No. 15 Thompson Street. A condition has been recommended to provide glazing to the window to limit overlooking.

W1.03 on the first floor will have direct views over the private open space of the neighbouring property to the east at No. 15 Thompson Street. A window at this location already existing on the subject site, which extend further than the proposed window. Furthermore, this corner window leads directly onto the first floor terrace and will have significant views of Tamarama Beach. In order to maintain and provide shared views across properties, it is considered acceptable to allow some overlooking in this case.

The first floor proposes a terrace at the rear of the site to replace the existing terrace that currently exists at this property. The terrace is proposed to have a depth of 5m and an overall area of 33m<sup>2</sup>, which does not comply with the maximum control of 1.5m in depth and 10m<sup>2</sup> in area. The terrace will also have direct views into the private open space of the neighbouring properties on either side of the subject site. In support of this non-compliance, it is noted that most dwellings along Thompson Street all maintain large terraces or balconies at this level, due to the significant slope of the land within the area. It is also noted that the terraces and balconies on this level within surrounding properties have all been designed to enjoy expansive views of the ocean and Tamarama Beach. The controls in part C2.7 of the DCP states that *"Where views are enjoyed by a neighbouring property across a proposed terrace, balcony or deck, it is accepted that privacy is of lesser value than the retention of views and it may not be appropriate to erect a privacy screen"*. The terrace will improve the views of the beach for the neighbouring to the west at No. 11 Thompson Street from their principal living areas and will allow for sufficient view sharing across properties for all neighbours further west. As such, the terrace should be supported in this instance.

The ground floor terrace is proposed to be raised by 0.58m, which would result in the eastern boundary side fence only sitting 1m above the finished floor level. A landscaped area has been proposed along the eastern section of the terrace, however the landscape plan is unclear on what vegetation will be placed in this area. As the landscaping is proposed at the floor level, it is possible that this area could be easily trafficable and would result in direct views into the neighbouring property to the east. Due to the significant views of Tamarama Beach looking east, increasing the height of the side boundary fence would result in view loss impact to the subject site and adjoining sites further west. As such, a condition is recommended for imposition to provide a step between the ground floor living area and the terrace to ensure the finished floor level of the terrace is not raised from the existing floor level. This will maintain views from properties further west and will not increase on the privacy of the neighbouring property to the east.

#### **View Loss**

Clause 2.7 Views of Part C2 in the Waverley DCP 2012 outlines the objectives and controls relating the assessment of views and view loss. The development proposes a replacement dwelling that will see an increase in the overall height from the existing dwelling, by the equivalent of an additional storey, and also provide a greater rear setback on the first floor level than presently exists.

Submissions were received by surrounding properties with concerns relating to view impacts as a result of the proposed development. It was requested of the applicant that view impacts from the following properties be assessed:

- 8 Thompson Street, Tamarama
- 9 Thompson Street, Tamarama
- 11 Thompson Street, Tamarama (no submission was received from this property, however it was considered this property would be impacted the most)

The photos below were provided by both the applicant and owners of surrounding properties. Due to COVID-19 restrictions, these properties were not visited by the Assessing Officer and as such, the assessment of the applicant and neighbouring owner is relied upon for the assessment of impacts upon views.

Council's view sharing objectives under Waverley DCP 2012 require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regard to view sharing. The applicant has submitted their own 'View Analysis', prepared by Tobias Partners and received by Council on 10 August 2021.

An assessment against all four steps has been undertaken below.

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

## 8 Thompson Street, Tamarama



**Figure 14:** View from balcony (provided by the owner)

The existing views from No. 8 Thompson Street are views of Tamarama Beach and the Pacific Ocean looking north-east. The image above was provided by the owner of No. 8 Thompson Street as part of their submission. The coastal headland can be seen, as well as some beach and the horizon. The view in the figure above has been taken from a standing position on the balcony and is viewed across multiple property boundaries.

The applicant has provided an image showing the proposed dwelling overlayed to accurately demonstrate the impact the proposal may have from this view.





**Figure 15:** View from balcony showing proposed development

As can be seen in Figure 15 above the proposed development will sit lower than the existing dwelling at No. 15 Thompson Street and will therefore have no impact on ocean views from the balcony of No. 8 Thompson Street. The impact on this property is therefore negligible.

#### 9 Thompson Street



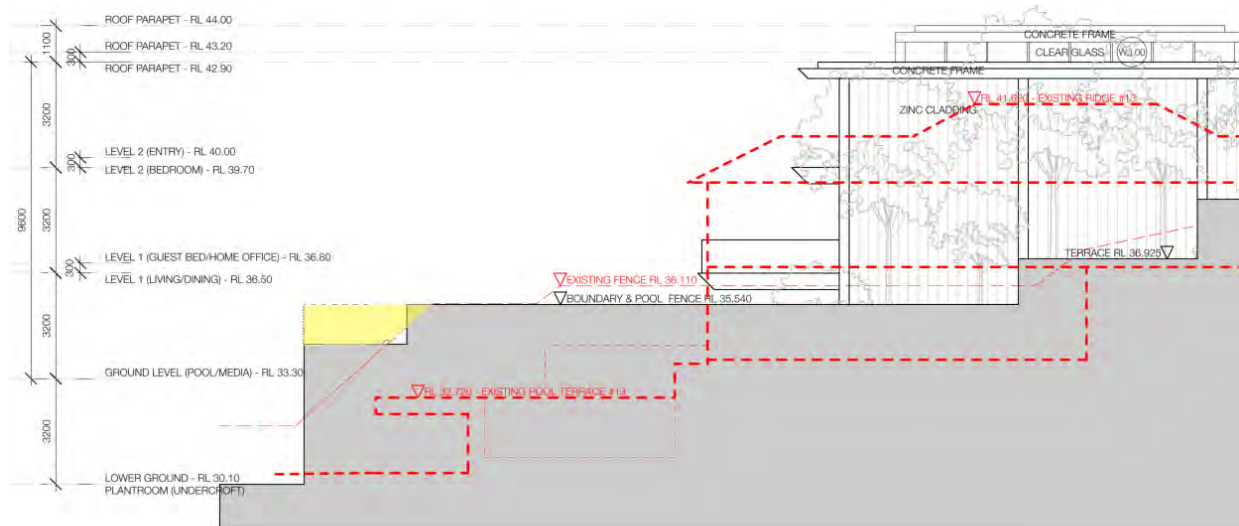
**Figure 16:** View from balcony showing the levels of the outdoor terrace



**Figure 17:** View from master bedroom (left and middle) and upper level terrace (right)

The existing views from the outdoor terrace of No. 9 Thompson Street are views of Tamarama Beach, including views of the sand and water interface, water and horizon interface, and the rock cliff on the northern side of the beach. The images above were provided by the owner of No. 9 Thompson Street as part of their submission raising concerns that the side boundary retaining wall will impact on views from their rear deck. The views have been taken from a standing position and are seen across multiple property boundaries.

As can be seen in Figure 16 and 17 above, the height of the deck will not have any impact on the views from No. 9 Thompson Street. However, the elevation plan provided by the applicant shows that the retaining wall will sit forward of the existing angled retaining wall between No. 13 and 11 Thompson Street, as shown below in the section highlighted yellow.



**Figure 18:** Elevation plan showing the proposed retaining wall along the western boundary

The height of this section of wall will sit 1.18m above the deck of No. 11 Thompson Street and lower than the eastern retaining wall at No. 15 Thompson Street which can be seen in the background of the figures above. The retaining wall will not impact on the existing views of the beach or the water from the property at No. 9 Thompson Street. Furthermore, the applicant is proposing to remove trees within



their rear yard which will improve the existing views from the deck, upper level terrace and master bedroom at No. 9 Thompson Street. The impact from this property is therefore negligible.

### 11 Thompson Street

The owners of No. 11 Thompson Street have provided a letter of support for the proposed design of the new dwelling on the subject site. Nonetheless, a view analysis assessment was requested by the assessing officer to accurately determine the impact of the proposed dwelling on views from the neighbouring property to the west. Some images were not able to be obtained from some rooms, however the applicant has provided 3D renders demonstrating the impact of the new dwelling.

#### ***Principal Living Room***



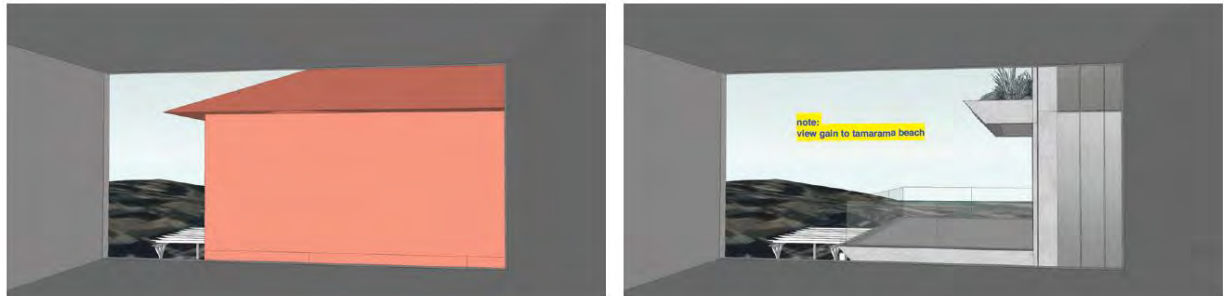
**Figure 19:** View from principal living room

The image above has been provided by the applicant to assist in demonstrating the potential impact the proposal may have on the property at No. 11 Thompson Street. As seen above, the image has been taken from the principal living area and has views of Tamarama Beach, including the beach to water interface, water to horizon interface, and the rock cliff on the northern side of the beach. The image has been taken from a standing position.

The development proposes to increase the rear building setback on the subject site by removing part of the built form and converting this area to an outdoor terrace. The section of the building shown in red is the area proposed as a terrace and will result in a significant improvement of views to the ocean from the neighbouring property at No. 11 Thompson Street. As the living area is considered to be highly

valuable with regard to view locations, the improvement of views from this room is encouraged and supported.

### ***Dining Room***



**Figure 20:** Hypothetical view from the dining room

Photographs were not able to be obtained from the dining room of the neighbouring property, however a 3D render (based on survey data) has been provided by the applicant. The views from the dining room are expected to be of Tamarama Beach showing the water, cliff and horizon interfaces. Some sand area may be visible. The 3D render has been shown from what would be equivalent to a standing position.

The renders above demonstrate that the increase in rear setback of the built form will increase views of Tamarama Beach and the Pacific Ocean from the dining room at No. 11 Thompson Street. An improvement on views of highly encouraged and supported in this instance.

### ***Master Bedroom***



**Figure 21:** View from the master bedroom



Figure 21 above shows the view from the master bedroom on the top level of the dwelling at No. 11 Thompson Street. The image has been taken from a standing position looking directly east. The views obtained include whole views of Tamarama Beach, including the adjacent park, cliff edge, sand and the beach and water interface. The views from this window are considered to be significant.

As shown in Figure 21 above, the rear portion of the existing dwelling is proposed to be removed and replaced by a first floor terrace. The terrace will actually improve views from this window and will enable some more sand and water to be visible along the southern side of Tamarama Beach.

Support is provided in this instance as the proposal will result in an improvement of views.

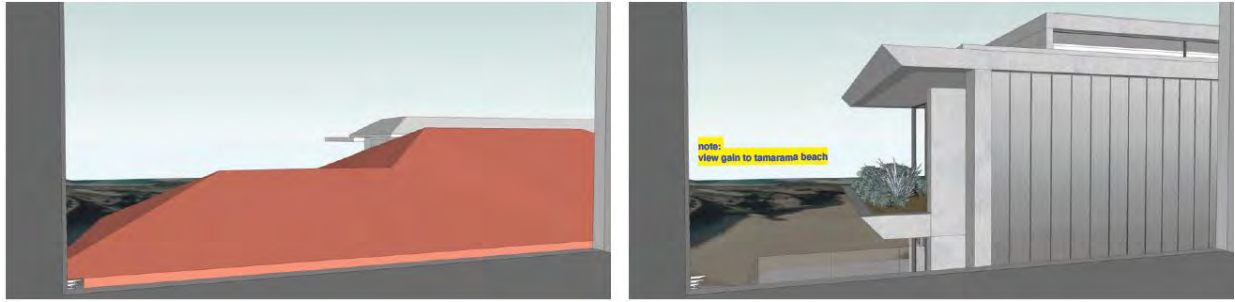
### **Bedroom 2**



**Figure 22:** View from bedroom 2

The view from bedroom 2 on the first floor of the dwelling maintains water views with some views of the northern cliff face. The view is partially blocked by the existing dwelling and the dwelling at No. 15 Thompson Street. The image has been taken from a standing position and is viewed looking directly east across multiple properties.

The red section shown in the image above highlights the area that will be replaced by an outdoor terrace. The applicant has provided a 3D render of the proposed dwelling as viewed from this window and is shown below.



**Figure 23:** 3D render of existing and proposed dwelling as view from Bedroom 2

As shown in the render and image above, the proposed dwelling will obscure some views of the ocean looking directly east over the rooftop of the existing dwelling on the subject site. However, the introduction of the terrace at the rear will improve the views further north and will provide some additional water and beach views when looking north-east. Overall, the impact of views from this window are considered to be minor, if not negligible, as the improvement of views looking north east will counteract the blocking of views directly east over the existing roof top.

When assessing the view as a whole from this window, it is considered the impact is supported and the views are slightly improved.

### Conclusion

It is acknowledged that although there would be some view loss impact for the neighbouring property at No. 11 Thompson Street, it is considered that the overall views would be improved on balance, by the increase in the rear setback of the building at the back. It is considered that the proposal is reasonable and that a fully compliant development on the subject site would likely result in some view loss impacts for the neighbour's property. All properties will maintain water views to the ocean and in the views enjoyed from No. 11 Thompson Street, these will significantly be improved as a result of the development.

Accordingly, the proposed development and corresponding view sharing arrangements are considered reasonable and are an appropriate response to the view loss controls in the Waverley DCP 2012 and NSW Land and Environment Court Tenacity view loss planning principle.

## 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 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

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

- The plans were not amended and remain unchanged.

A total of 11 unique submissions were received from the following properties:

**Table 5: Number of and where submissions were received from.**

Count	Property Address
1.	2/2 Simpson Street, BONDI
2.	6 Mirimar Avenue, BRONTE
3.	7 Thompson Street, BRONTE
4.	14 Thompson Street, BRONTE
5.	8 Mirimar Avenue, BRONTE
6.	9 Thompson Street, BRONTE
7.	17 Thompson Street, BRONTE
8.	1 Mirimar Avenue, BRONTE
9.	19 Thompson Street, BRONTE
10.	2 Mirimar Avenue, BRONTE
11.	15 Mirimar Avenue, BRONTE

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
- The development does not comply with FSR and height of buildings development standards
- The roof concrete frame is bulky and would create a precedence in the street
- Overshadowing
- Loss of privacy to the neighbouring property at No. 15 Thompson Street
- Bulk and scale of the building is out of character
- Implications on stormwater
- The development does not comply with side setbacks

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

**Issue:** Visual bulk when viewed from Tamarama Beach

**Response:** The visual bulk of the dwelling will fit in with the bulk and scale of dwelling on either side of the subject site and is considered acceptable, subject to recommended conditions of consent.

**Issue:** The dwelling is out of character with the streetscape

**Response:** The garage located at the front of the site is the only section of the proposal that will be visible from the streetscape. The design, location and scale of the garage is similar to that of surrounding properties and will not be out of character for Thompson Street.

**Issue:** View loss as a result of the increase height in the side fences

**Response:** The side fences are not proposed to be increased in height. There is one section of the western side boundary fence that will sit forward of the existing wall, however this will not sit any higher than what is existing. This is discussed further in section 2.1.3 of this report.

**Issue:** The proposed design may result in future applications for additional development or subdivision into two properties

**Response:** The development only proposes a single dwelling located on the site. Should the owner wish to provide for multiple dwellings on site, a separate development application is required to be submitted to Council and will be assessed on its merits.

**Issue:** The excavation proposed may cause damage to the surrounding properties

**Response:** Council's public domain officer has reviewed the Geo-technical report submitted with the application and is satisfied that the recommendations within the report will maintain structural stability of surrounding properties. This is discussed further in section 3 of this report. Standard conditions are also recommended that align with industry standards for this type of building work.

**Issue:** Traffic congestion during construction

**Response:** Standard conditions will be imposed on the consent, including the provision of a Construction Traffic Management Plan to limit traffic impacts throughout construction.

**Issue:** Removal of trees from the street

**Response:** Council's tree management officer has reviewed the design and is satisfied with the proposed removal and replacement of trees on site. Currently, no trees are located in the street. The trees located within the property boundary that are visible from the street will be removed and replacement trees have been proposed which will improve the streetscape character.

**Issue:** Acoustic impacts from the first floor terrace

**Response:** The subject site is to be used as a private residential premise. The noise generated from the site will be in line with its residential use.

## 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. Biodiversity

Council's biodiversity officer has reviewed the design and made the following comments:

*The property lies within the identified coastal biodiversity corridor, so under the DCP Section 3.2.2 (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 dated 14/5/2020 does not comply with this control.*

A condition has been recommended to provide an amended landscape plan showing at least 50% of all plantings to be indigenous or native plants listed in Annexure B2-1 of the Waverley DCP.



### 3.2. Traffic and Transport

Council's traffic engineer has reviewed the design and made the following comments.

*Prior to the determination of the DA, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting the garage from Thompson Street shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services.*

*The swept wheel path drawings shall:*

- 1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.*
- 2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Thompson Street both opposite and to the immediate east and west of the proposed driveway.*
- 3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garage.*
- 4. Accurately show the length of the Council's kerb and gutter remaining between the eastern side wing of the existing driveway at No.11 and the western side wing of the proposed driveway at No.13*

*Once the above swept wheel paths are approved the application is subject to the conditions.*

Swept path diagrams were submitted on 10 August 2021, which complies with the above. Standard conditions have been recommended with regard to traffic.

### 3.3. Stormwater

Council's stormwater engineer has reviewed the design and made the following comments.

*From a stormwater drainage perspective there are no objections to approval of this application subject to conditions.*

Conditions have been recommended in Appendix A.

### 3.4. Tree Management

Council's tree management officer has reviewed the design and made the following comments.

- Arboricultural Impact Assessment Report prepared by Martin Peacock Tree Care, Date: 24 April 2021 is satisfactory and should be used as the approved arborist report.*
- Tree 1 Angophora costata (Sydney Red Gum) to be retained as per the Arboricultural Impact Assessment Report by Martin Peacock Tree Care, Date: 24 April 2021.*

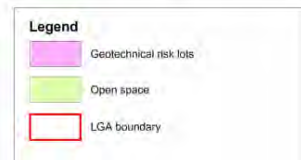
Standard conditions have been recommended on the consent.

### 3.5. Public Domain

Council's public domain officer has reviewed the design and made the following comments.

1. The subject site is located outside the land identified as Geotechnical Risk Lots, as shown below:

#### Geotechnical Risk Lots



2. All the recommendations provided under the Geotechnical Report prepared by Crozier Geotechnical Consultants must be adhered to.
3. Any access from the rear of the property to Council reserve Tamarama Gully is not permitted.

Conditions have been recommended on the consent that do not allow access to the Council reserve or Tamarama Gully and to include the Geo-technical Report in the approved documents.

### 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 6 July 2021 and the DBU determined:

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

DBU members: A Rossi, B McNamara and B Magistrale

### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Katie Johnstone	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 6 September 2021	Date: 10 September 2021

*Reason for WLPP referral:*

1. Contentious development (10 or more objections)
2. Departure from any development standard in an EPI by more than 10%

## **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 Tobias Partners including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA1.000	Site Plan	22/04/21	14/05/21
DA1.001	Level 3 Plan (Roof)	22/04/21	14/05/21
DA1.002	Level 2 Plan	22/04/21	14/05/21
DA1.003	Level 1 Plan	22/04/21	14/05/21
DA1.004	Ground Floor Plan	22/04/21	14/05/21
DA1.005	Lower Ground Floor Plan	22/04/21	14/05/21
DA2.001	North Elevation	22/04/21	14/05/21
DA2.002	South Elevation	22/04/21	14/05/21
DA2.003	East Elevation	22/04/21	14/05/21
DA2.004	West Elevation	22/04/21	14/05/21
DA2.101	Section AA	22/04/21	14/05/21
DA2.102	Section BB	22/04/21	14/05/21
DA2.103	Section CC	22/04/21	14/05/21
DA2.104	Section DD	22/04/21	14/05/21
DA2.105	Section EE	22/04/21	14/05/21
DA2.106	Section FF	22/04/21	14/05/21
DA9.201	External Finishes and Materials	22/04/21	14/05/21

(b) BASIX Certificate

(c) Geotechnical Report prepared by Grozier Geotechnical Consultants of Project No. 2021-032, dated 10 May 2021, and received by Council on 14 May 2021

(d) Arborist Report prepared by Martin Peacock Tree Care Consultancy dated 24 April 2021, and received by Council on 14 May 2021,

(e) Landscape Plan Nos 537\_DA\_01, 537\_DA\_02, 537\_DA\_10, 537\_DA\_11, 537\_DA\_12, 537\_DA\_13, 537\_DA\_35, 537\_DA\_50, all Issue B dated 05.08.21 prepared by 'Myles Baldwin Design' and received by Council on 11 August 2021.

(f) Stormwater Drainage Services and Management Plans, Drawing Nos SWDA 1.1 to SWDA 1.5, Rev P2 dated 11.05.21 of Job No. 2021H0011 prepared by 'Partridge Hydraulic Services; and received by Council on 11 August 2021.

(g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 14 May 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 plantroom (lower ground level) shall be reduced in size to subsequently reduce the scope of excavation to the site. In this regard, the plant room shall be reduced in length by 5m, deducted / measured from the northern side. The overcut/drainage cavity and doors to the walkway shall be shifted further south accordingly.
- (b) In order to ensure no additional unnecessary excavation, the plant room is to have a maximum floor to ceiling height of 2.1m. The lower ground floor level shown on plan shall be raised accordingly.
- (c) The concrete frame structure situated on the rooftop is not approved and is to be deleted (that is, section of roof structure above RL43.20). A butterfly clerestory window generally in accordance with Opt 2 plan provided by applicant on 1 September 2021 is acceptable and the architectural plans are to be updated accordingly.
- (d) The roof services, including solar panels shall be flush with the roof (that is, RL 43.20).
- (e) The second floor east facing windows labelled W2.04A and W2.04B are to be translucent glazing or alternatively, provide fixed external privacy screens (angled to the sky) to a minimum height of 1.5m above finished floor level.
- (f) The first floor east facing window labelled W1.04 is to be translucent glazing to limit overlooking into the neighbouring property.
- (g) A step is to be provided between the ground floor living area and the outdoor terrace, and the ground floor outdoor terrace is to be lowered to sit no higher than the existing floor level of the terrace on site (that is, RL 32.72).

The amendments are to be approved by the **Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

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

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

### **GENERAL REQUIREMENTS**

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

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

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

#### **4. 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 **\$129,470.86** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

## **7. LONG SERVICE LEVY**

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

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

## **CONSTRUCTION MATTERS**

### **8. HOARDING**

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

### **9. EROSION & SEDIMENT CONTROL**

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

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

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

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

## **11. ENGINEERING DETAILS**

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

## **GEOTECHNICAL MATTER**

## **12. GEOTECHNICAL RISK MANAGEMENT**

The following geotechnical risk management measures must be followed:

- a) The recommendations set out in the *Geotechnical Investigation Report, Project No. 2021-032, Issue 0, dated 10 May 2021, prepared by Crozier Geotechnical Consultants*, must be addressed in the detailed design documentation and followed through for the full construction of the development.
- b) Prior to the issue of any Construction Certificate, a qualified Geotechnical Engineer and/or Structural Engineer must be engaged to review the structural compatibility and construction methodology. Any proposed excavations shall be undertaken with minimal vibration methods, with a PPV below 5mm/s (Maximum Peak Particle Velocity). The full detailed design including the temporary and permanent excavation, and shoring support systems must be reviewed by the qualified Engineer. This review and findings must be submitted to the Principle Certifying Authority and Waverley Council outlining methodology in undertaking excavation works is suitable in this application.
- c) During the bulk excavation stages, a qualified supervising engineer will be required to be present on site for the duration of these works. A daily log is to be kept on site and submitted to the Principle Certifying Authority.

## **13. PRE-DEMOLITION DILAPIDATION REPORT**

To ensure Council's infrastructure is adequately protected a pre-demolition dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- a) Road pavement
- b) Kerb and gutter
- c) Footpath
- d) Drainage pits and lintels
- e) Traffic signs
- f) Any other relevant infrastructure.



The report is to be dated, submitted to, and accepted by Council's Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

#### **14. GROUND ANCHORS**

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

Separate approval will be required for ground anchors beneath roadways governed by the Roads and Maritime Services.

### **STORMWATER & FLOODING**

#### **15. STORMWATER MANAGEMENT**

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

The 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 proposed on-site stormwater detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory checklist as set out in Council's Water Management Technical Manual shall be submitted.
- b) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system.
- c) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided.
- e) Details of the discharge location of the existing stormwater drainage system shall be provided.
- f) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system (independent of the OSD system).

- g) The proposed drainage works shall have no impact on any adjacent property.
- h) A grated trench drain shall be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300 mm wide by 100 mm deep at the shallow end and have a “bottom” slope of 2%. This trench drain shall be connected to an approved drainage system.
- i) The 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.
- j) Any affected Council’s infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

**Notes:**

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

## **TRAFFIC**

### **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](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

## **LANDSCAPING & TREES**

### **19. LANDSCAPE WORKS FOR PROPERTIES ADJACENT TO REMNANT VEGETATION**

A updated 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 minimum of 50% of the proposed plantings (not including turfed areas) to be indigenous or local native plants as listed in Annexure B2 - 1 of the *Waverley Development Control Plan 2012*.

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

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

### **PRIOR TO ANY WORKS**

#### **20. 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.

#### **21. DILAPIDATION REPORT**

A comprehensive 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 cover at a minimum the following neighbouring properties of 11 Thompson Street and 15 Thompson Street. The report is to be submitted to Principal Certifying Authority and Waverley Council.

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**

#### **22. 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.

### **23. 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.

### **24. 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.

### **25. EXCAVATION AND BACKFILLING**

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

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**

### **26. 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.

## **27. 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.

## **28. 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.

## **29. 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.

## **30. 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.

## **31. WORK OUTSIDE PROPERTY BOUNDARY**

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

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

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

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure

- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.

### **TREE PROTECTION AND REMOVAL**

#### **33. 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.

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

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

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

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

#### **35. 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.

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

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

#### **37. VEHICULAR ACCESS - FINISHED LEVEL**

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

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

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.

### **38. 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.

### **39. CERTIFICATION OF BASIX COMMITMENTS**

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

### **40. 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, rainwater harvesting facility, 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.

### **41. 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 the any Occupation Certificate.

### **42. 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

### **43. 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.

#### **44. COUNCIL PUBLIC INFRASTRUCTURE**

Prior to the issue of any Occupation Certificate, a Compliance Certificate shall be obtained from Council's Infrastructure Services Department confirming any affected Councils infrastructure as the result of construction activities within the public domain area including Council's reserve, stormwater, stormwater outlet/s, kerb and gutter, road pavement, pedestrian footpath, grass verges and vehicle crossover within the extent works shall be replaced as per Waverley Councils Public Domain Technical Manual and Development Control Plan.

#### **45. ROOF NON-TRAFFICABLE**

The roof shall be non-trafficable and access for maintenance purposes only.

## 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](mailto: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](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new

development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

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

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

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

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

#### **AD6. TREE REMOVAL/PRESERVATION**

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

#### **AD7. SITE RECTIFICATION WORKS**

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

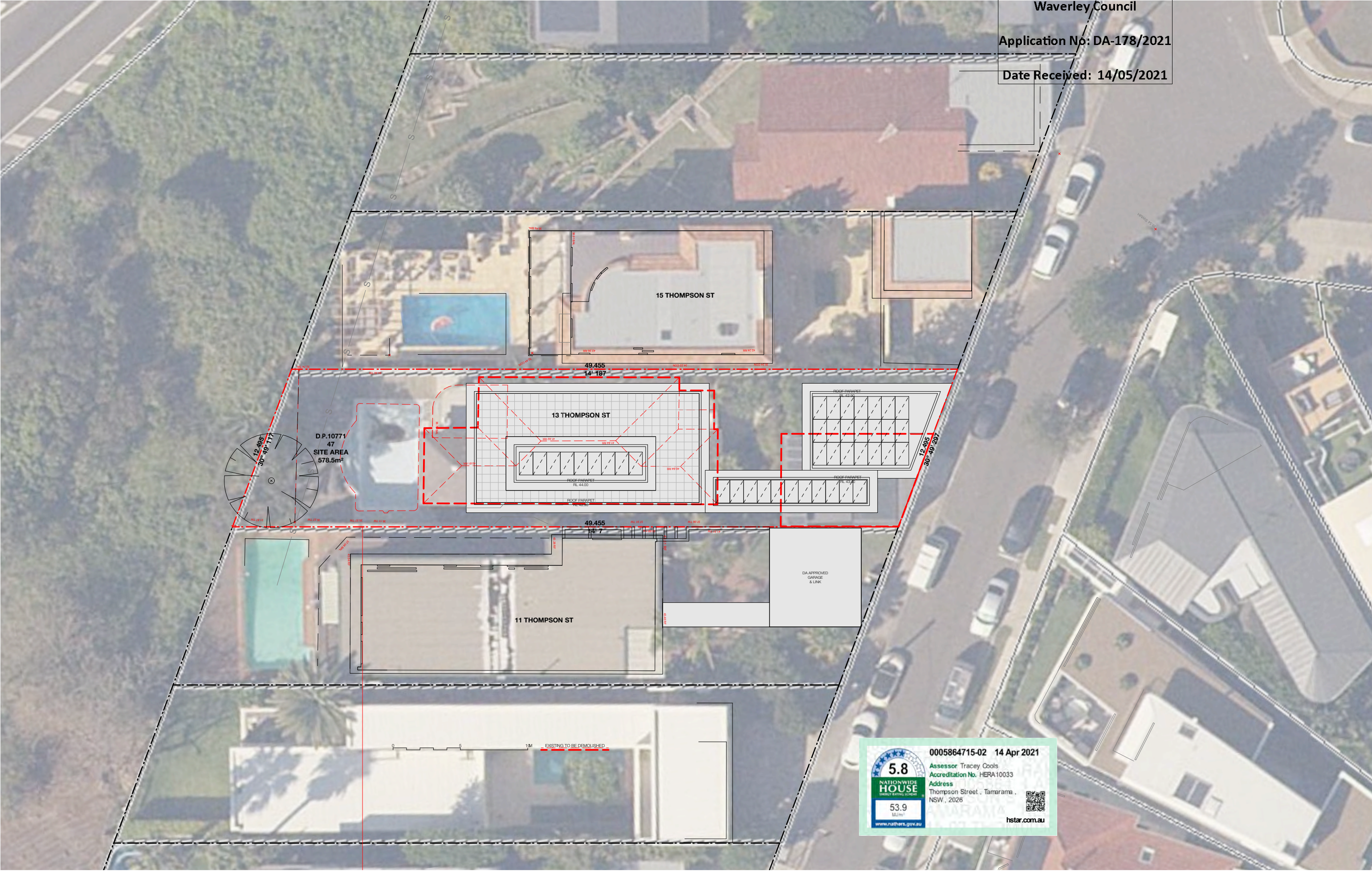
If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

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

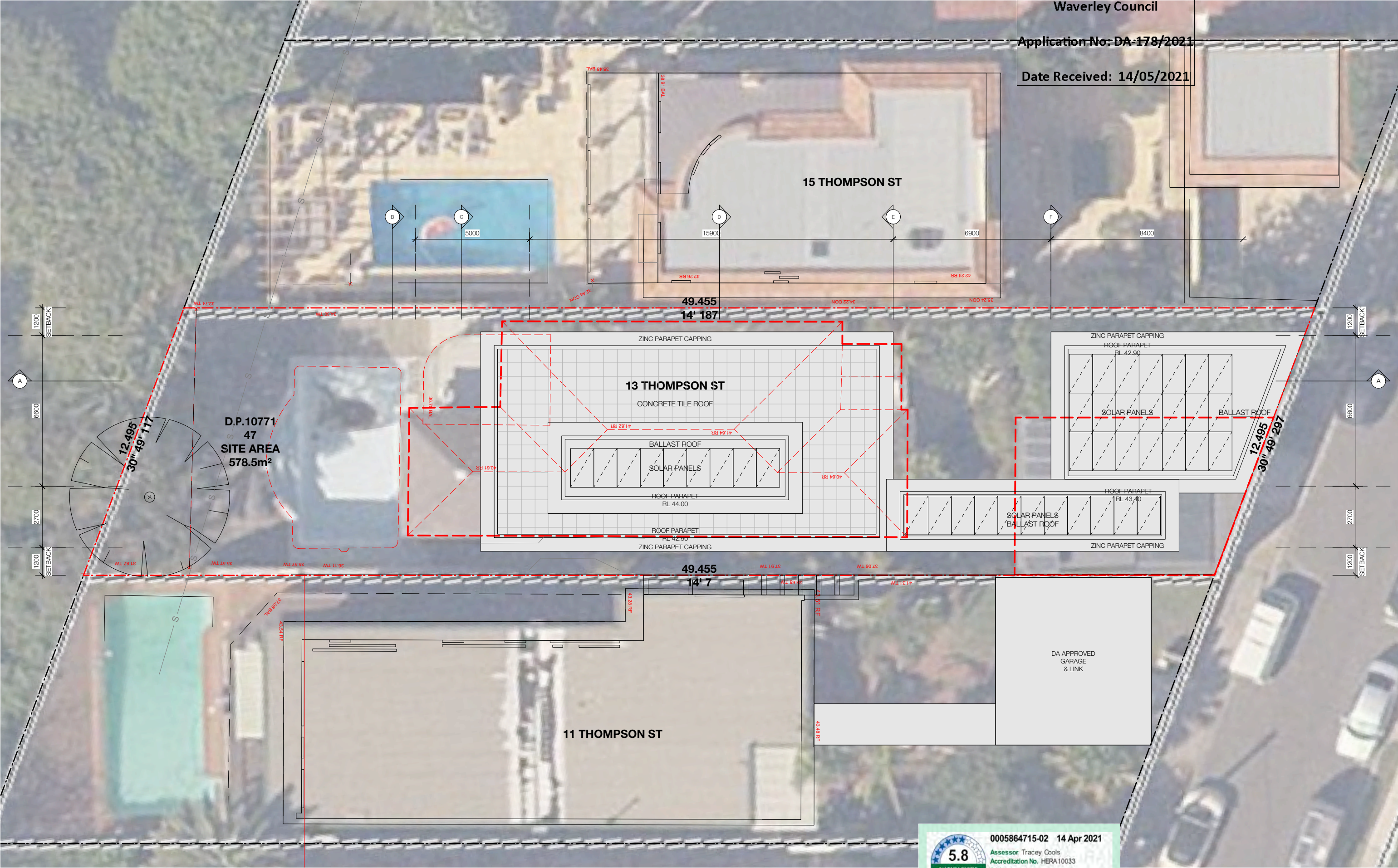
#### **AD8. RAINWATER HARVESTING AND REUSE**

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.









RECEIVED  
Waverley Council  
Application No: DA-178/2021  
Date Received: 14/05/2021



13 Thompson Street Tamarama

Elliott Watkins



EXISTING TO BE DEMOLISHED

DA 1.001

LEVEL 3 PLAN (ROOF)

1:150

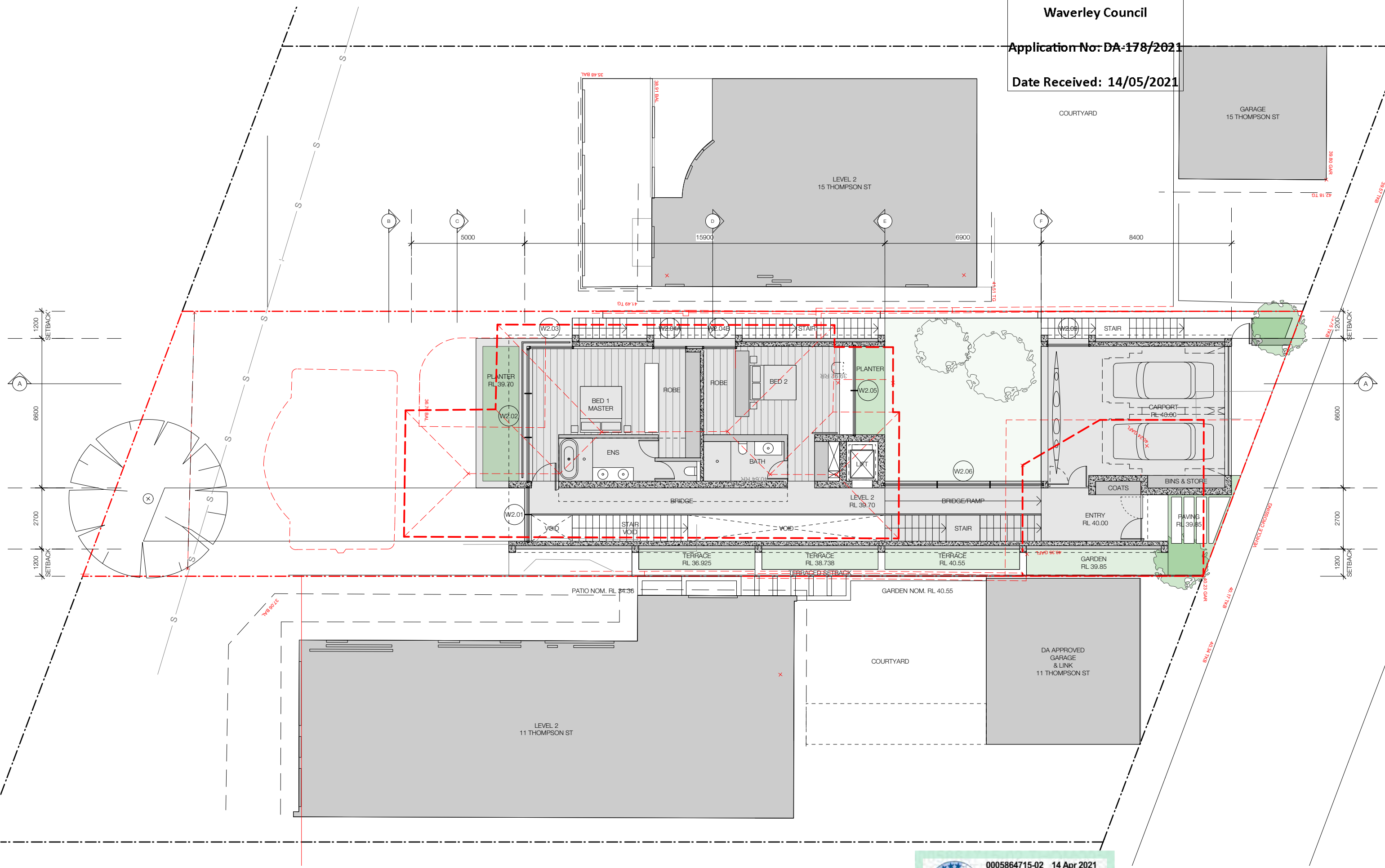
22/04/21



TOBIAS PARTNERS

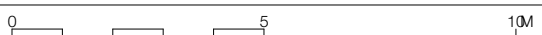
27 Penny Street Paddington NSW Australia 2021  
T +61 2 9361 4800 F +61 2 9361 4900 E studio@tobiaspartners.com





13 Thompson Street Tamarama

Elliott Watkins



DA 1.002

LEVEL 2 PLAN (ENTRY, BEDROOM & GARAGE)

1:150

22/04/21

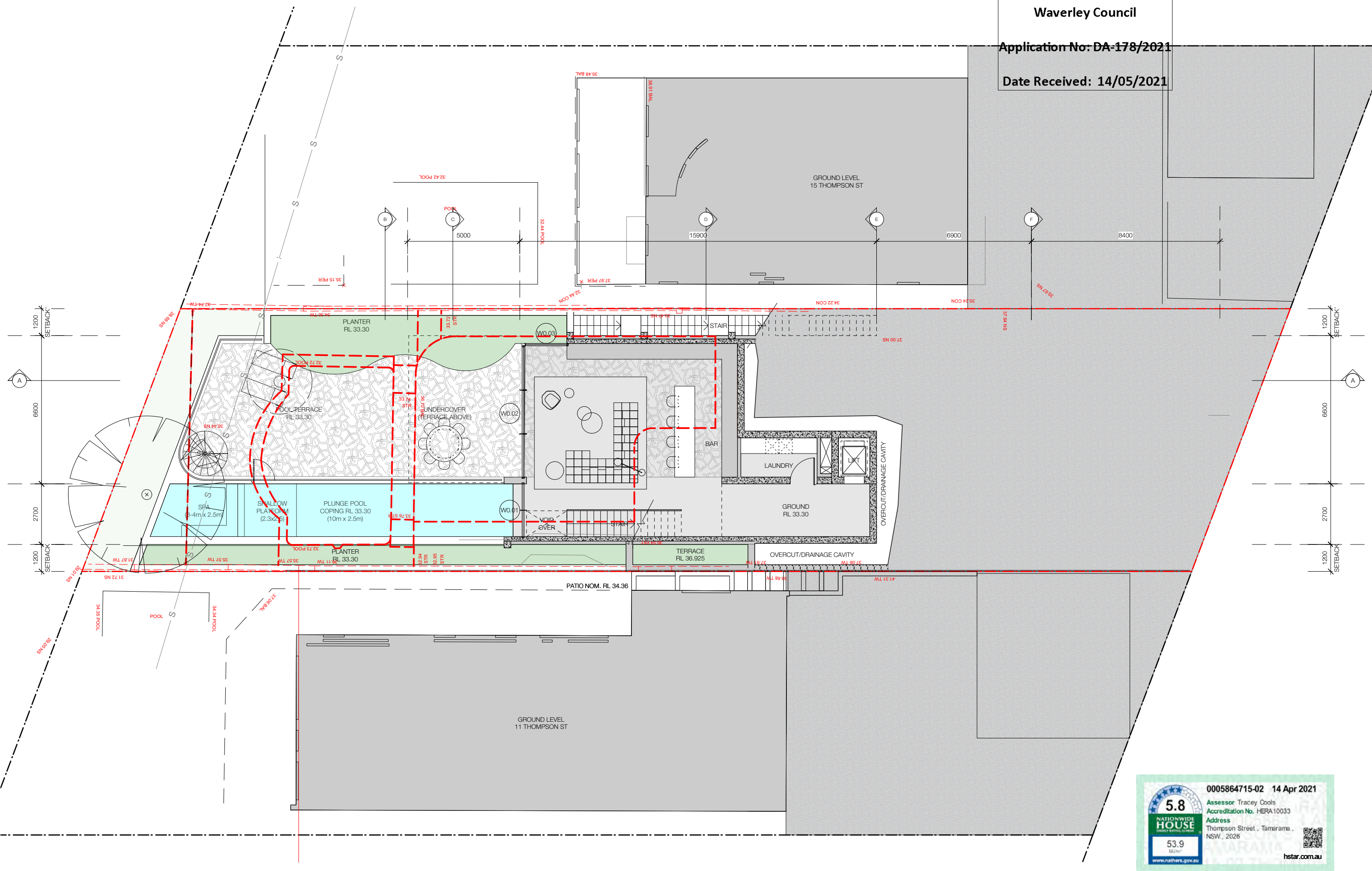


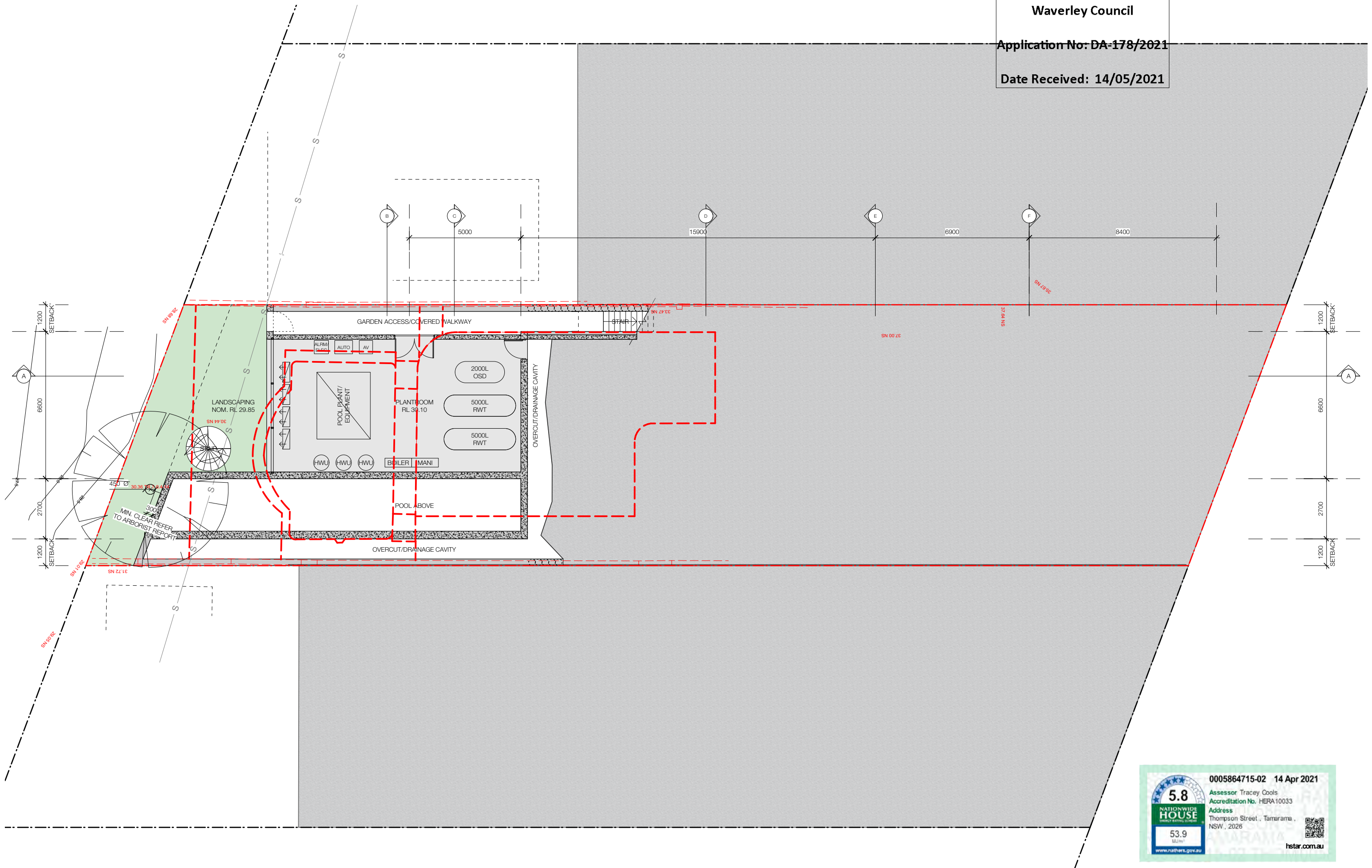
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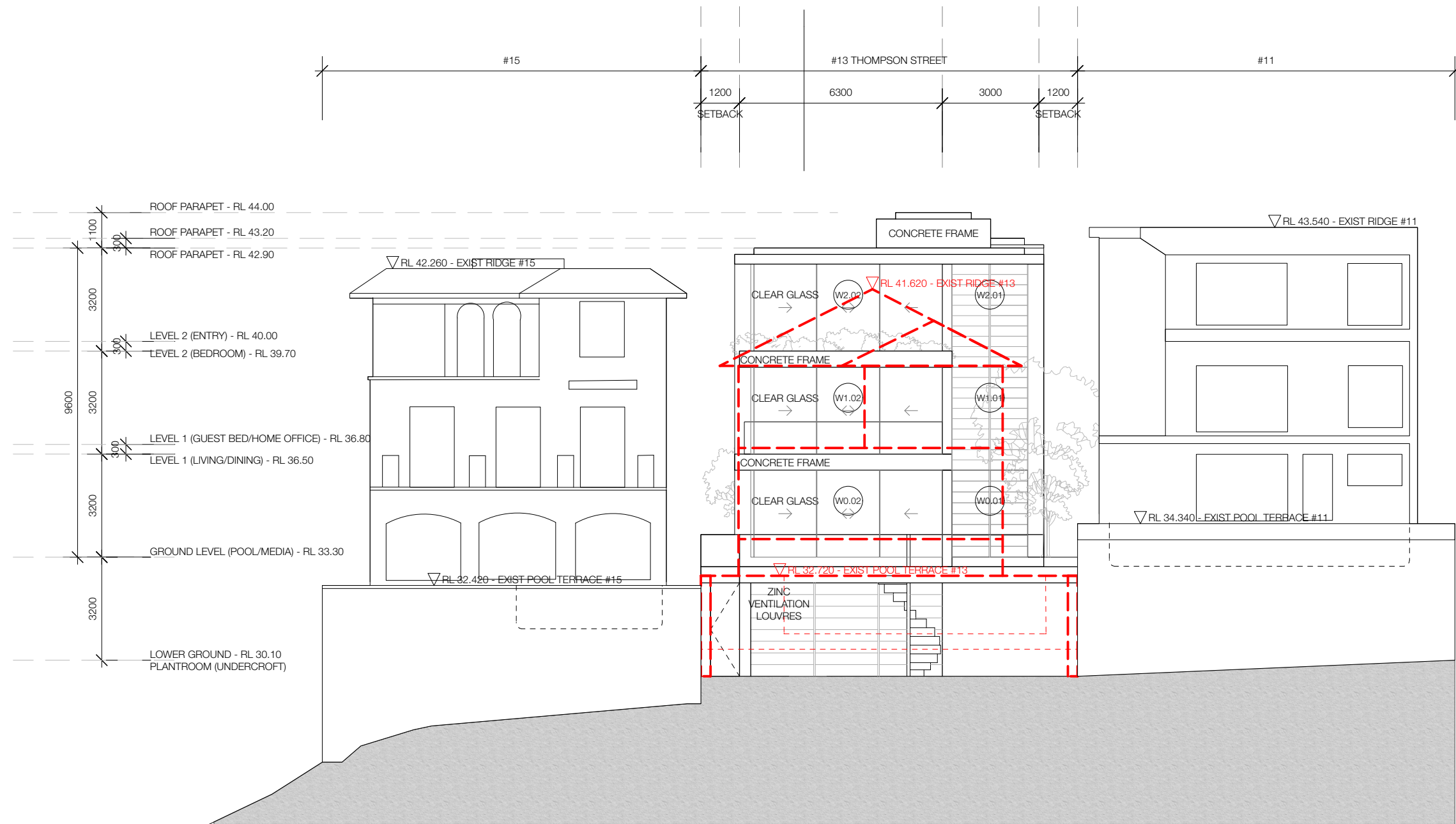
27 Renny Street Paddington NSW Australia 2021  
T +61 2 9361 4800 F +61 2 9361 4900 E studio@tobiaspartners.com

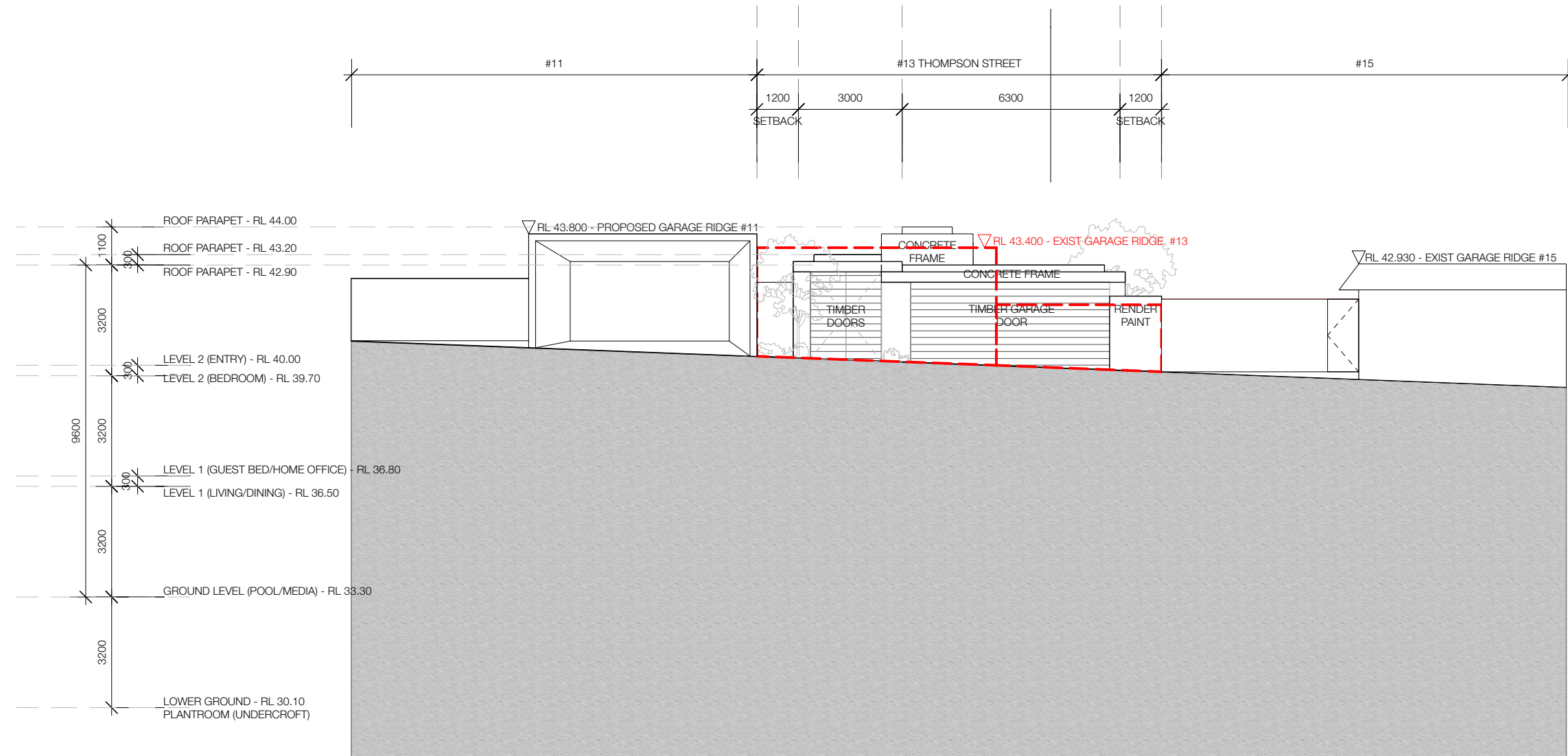




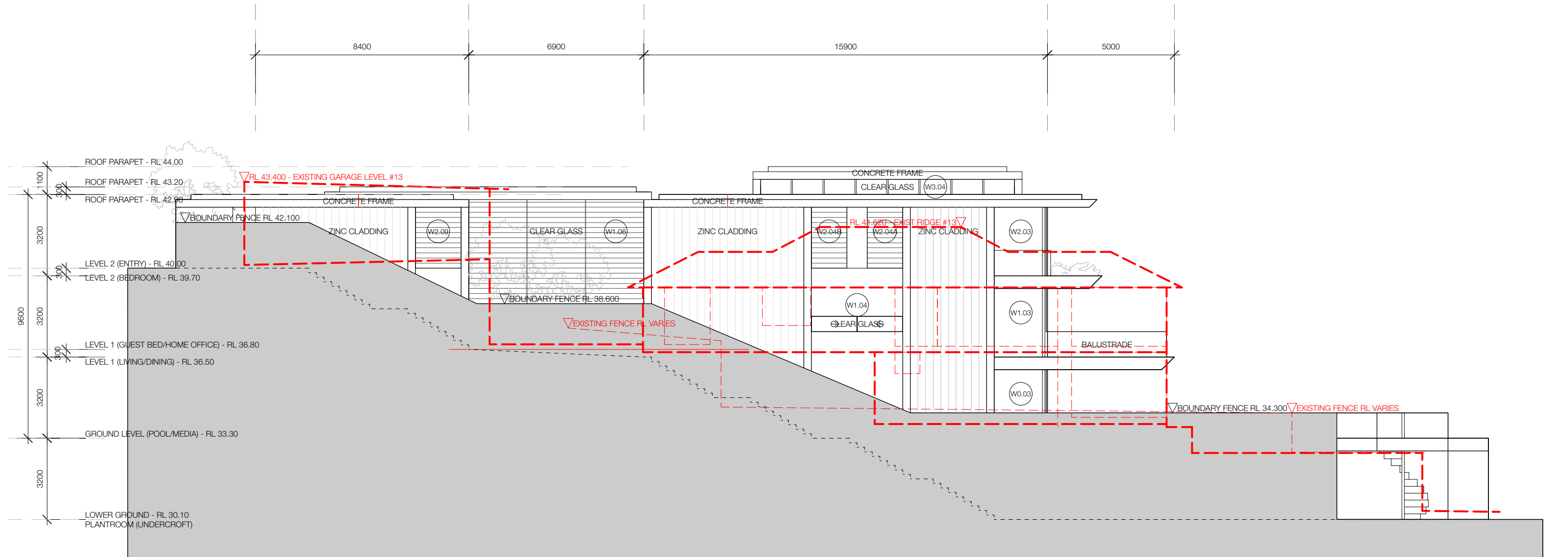


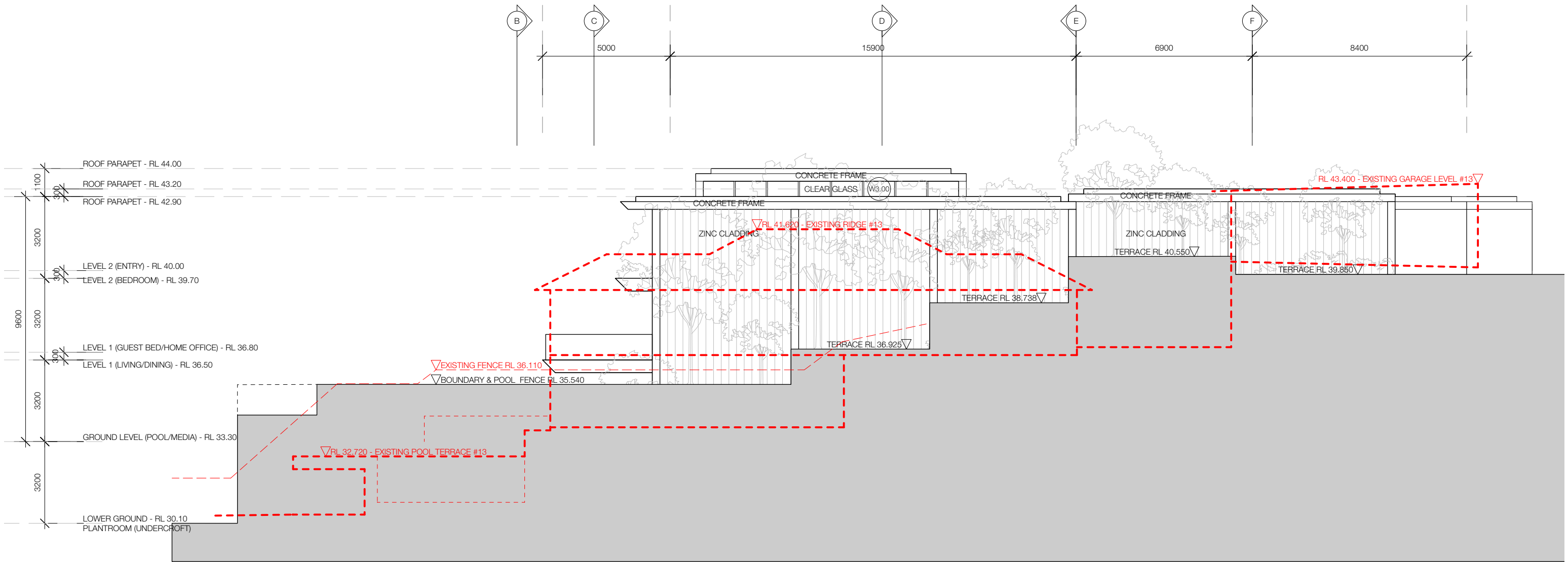


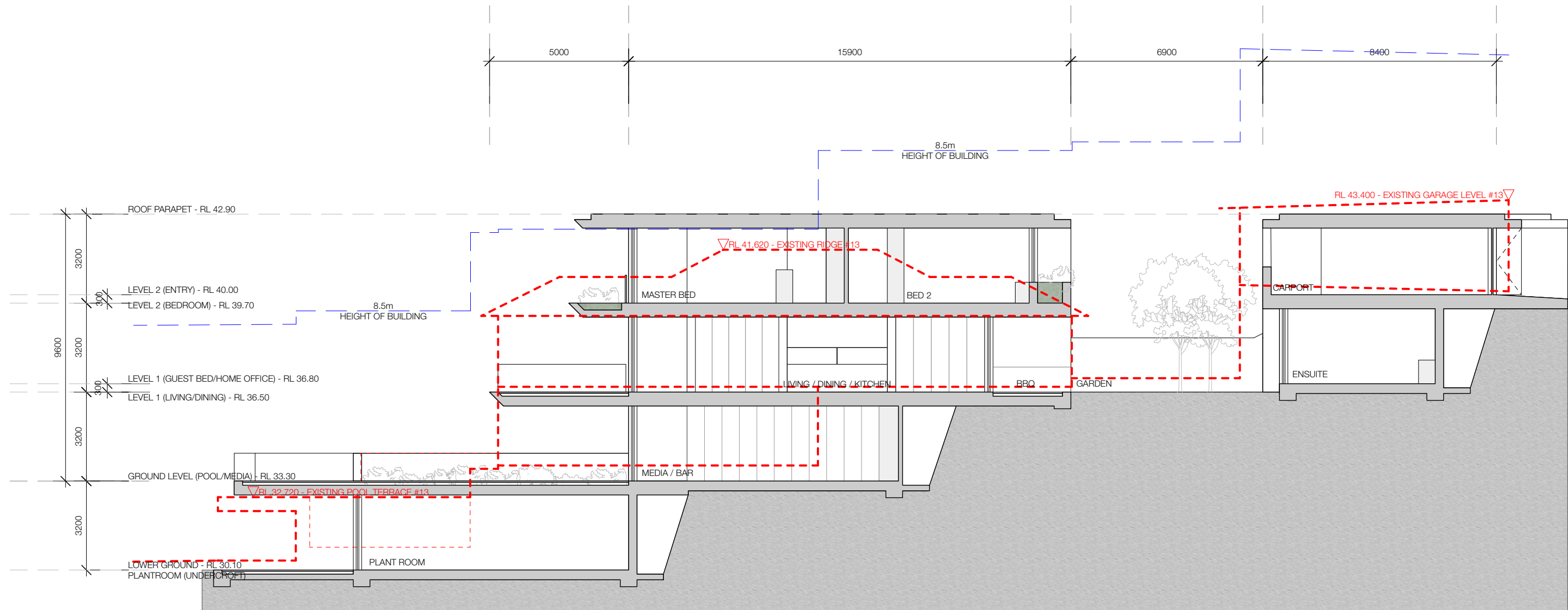


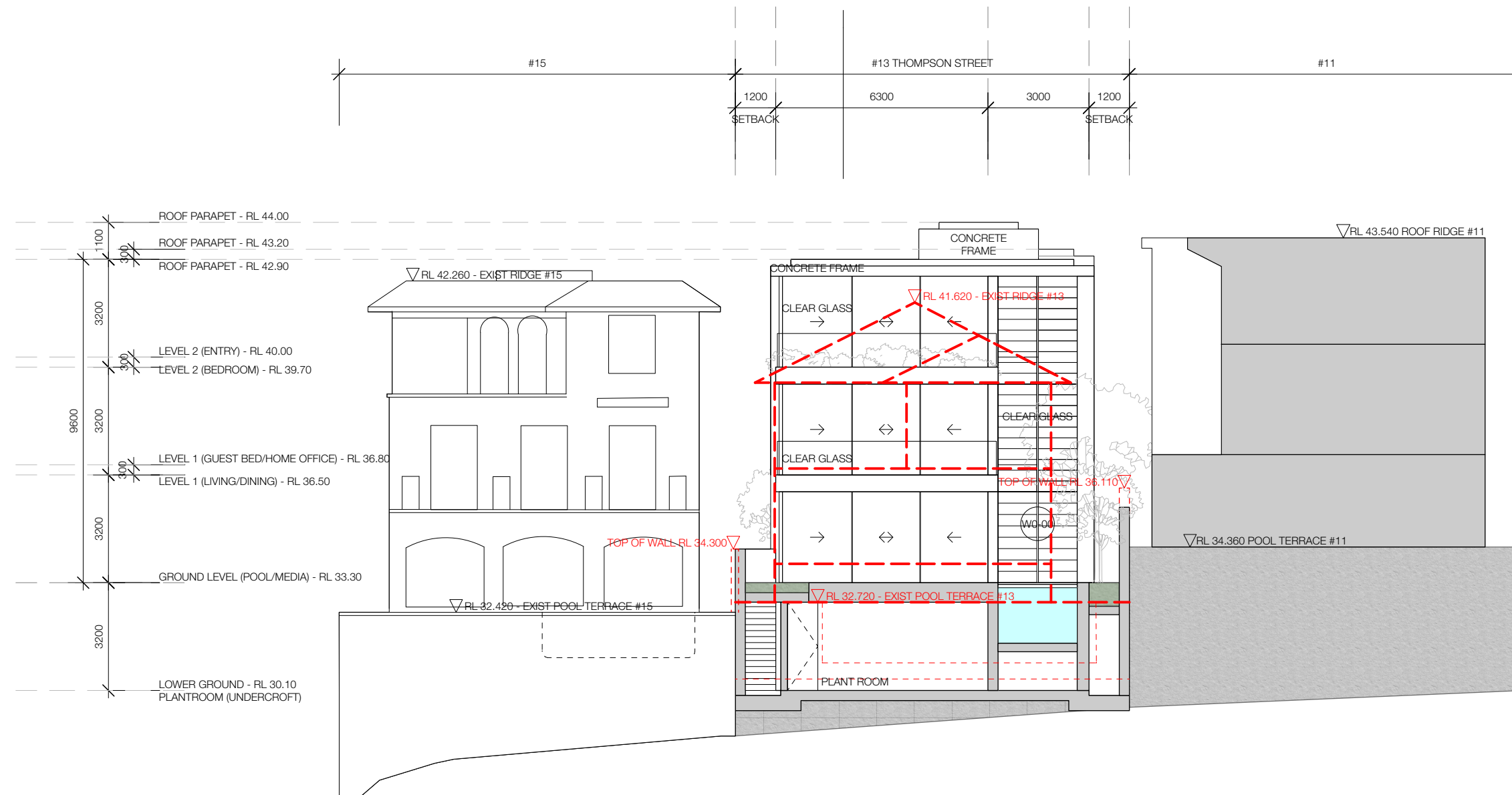




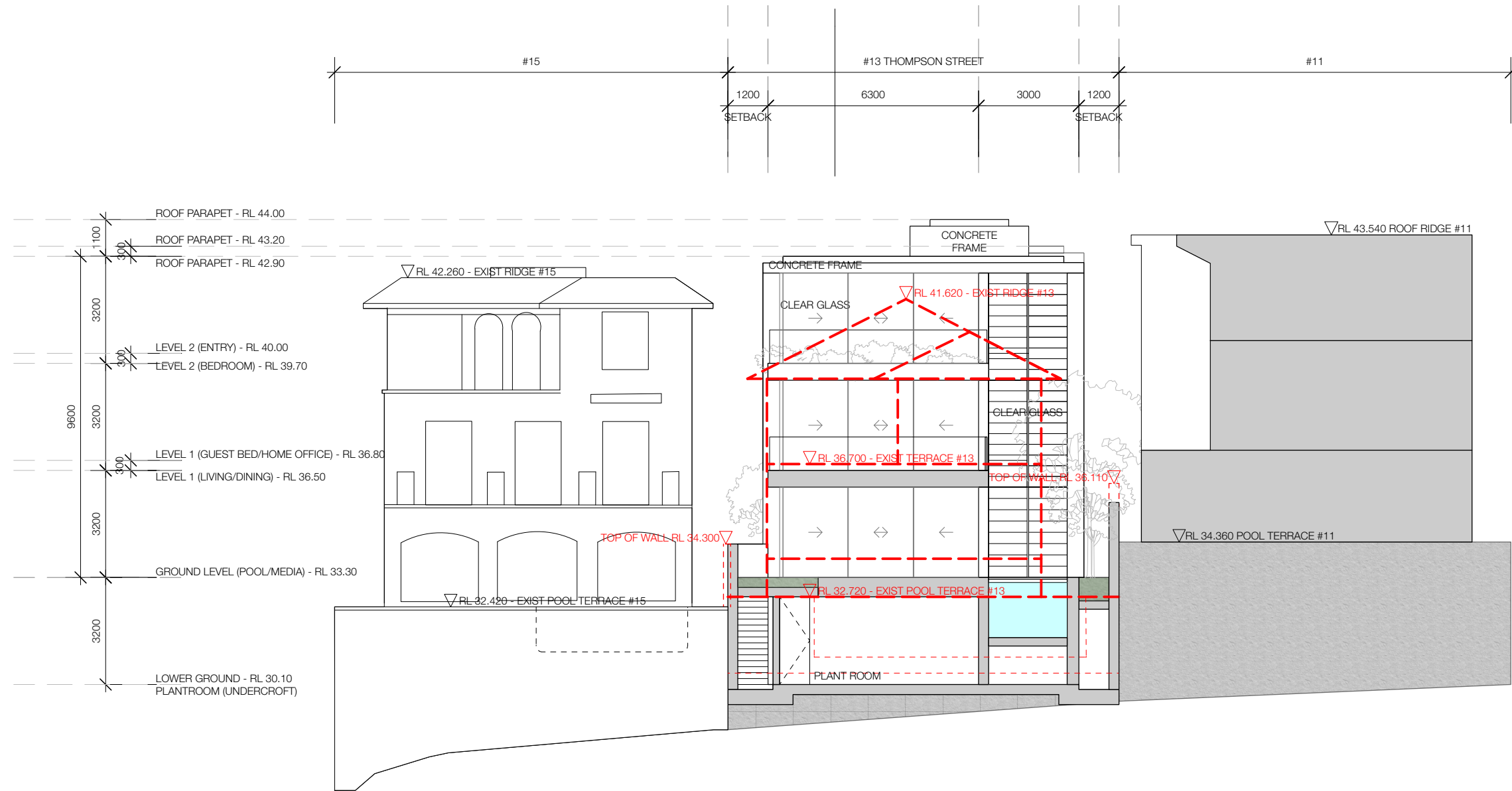


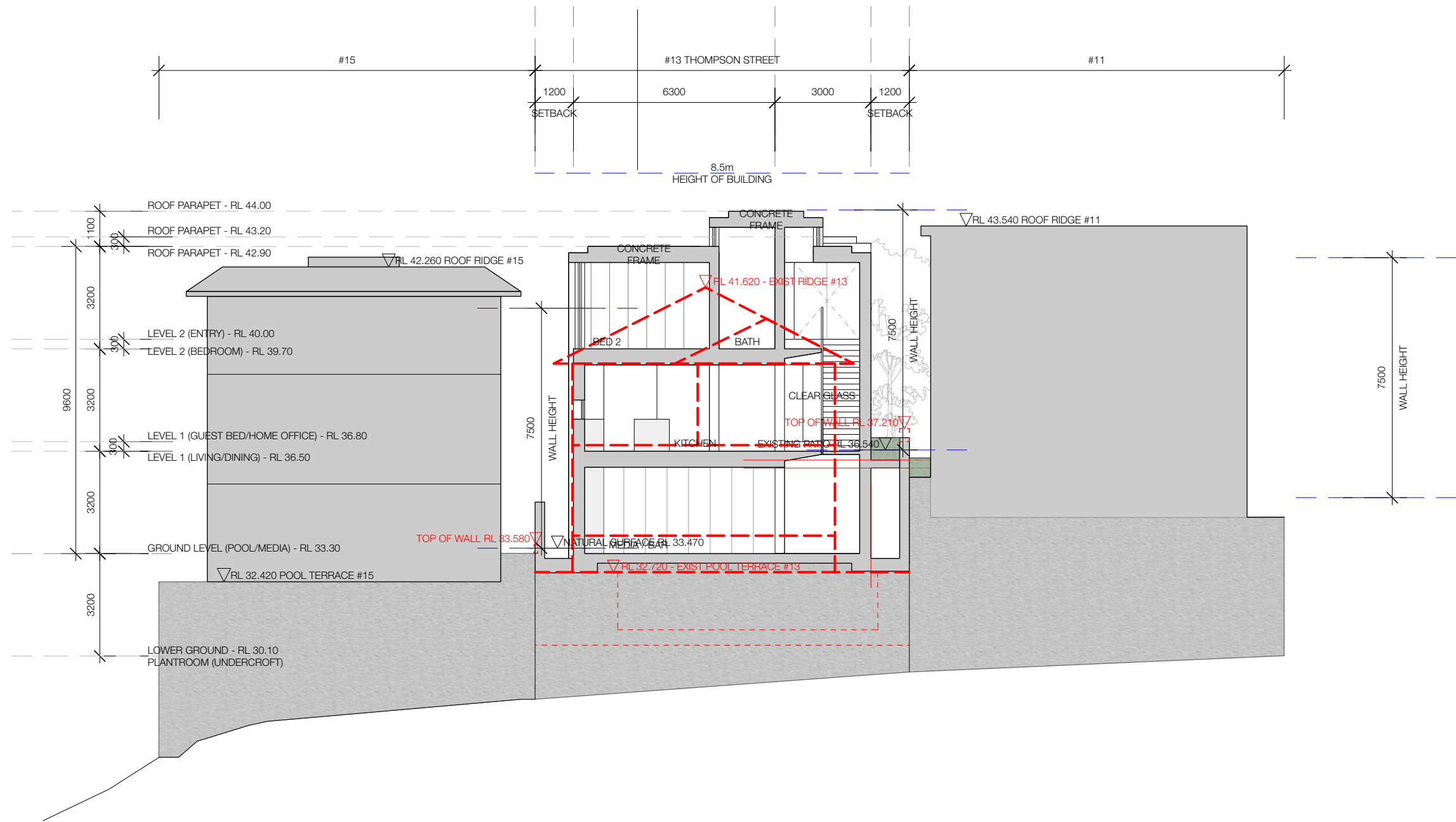




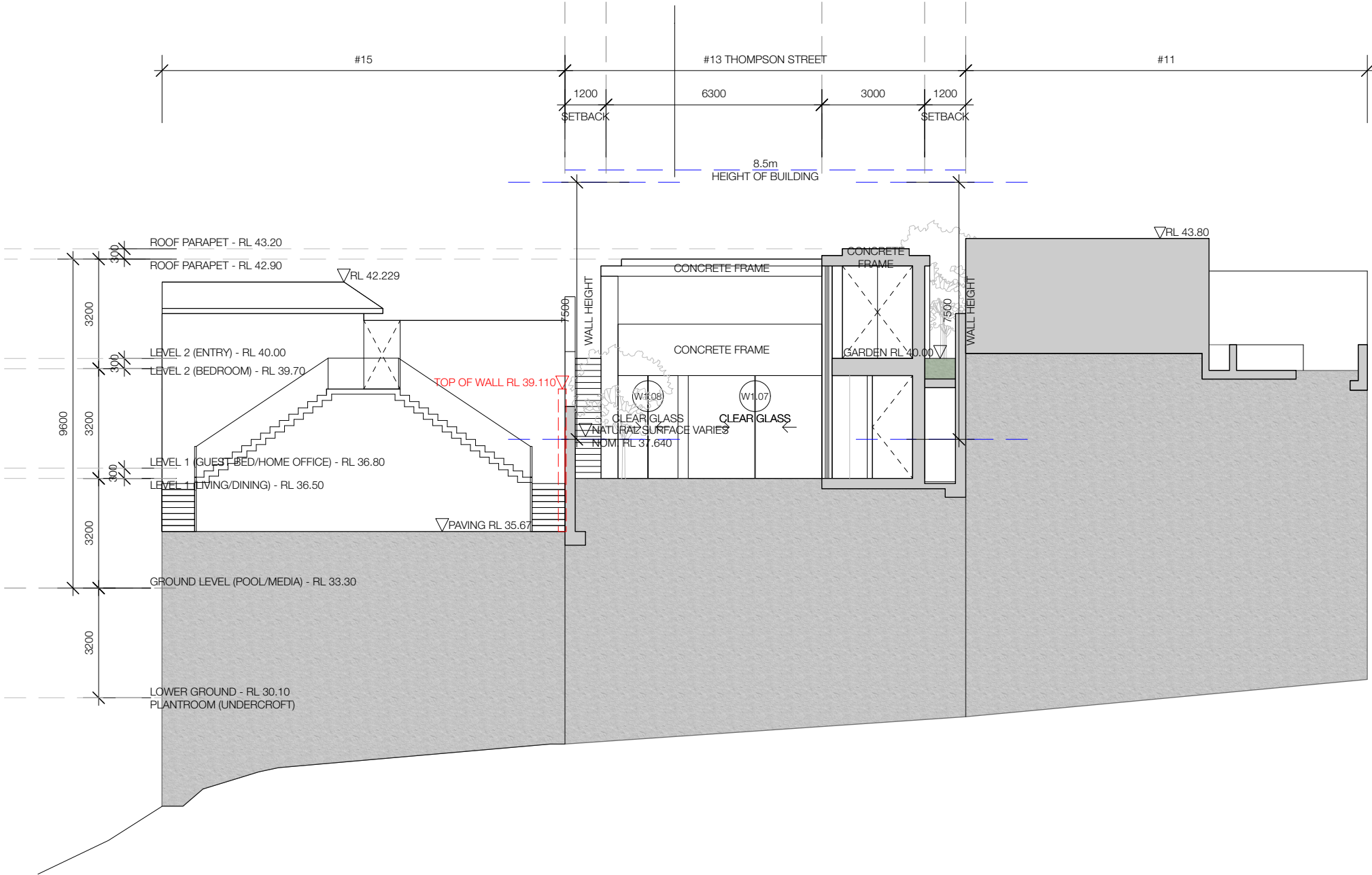
















1 **NATURAL ZINC CLADDING**



2 **CONCRETE FRAME STRUCTURE**



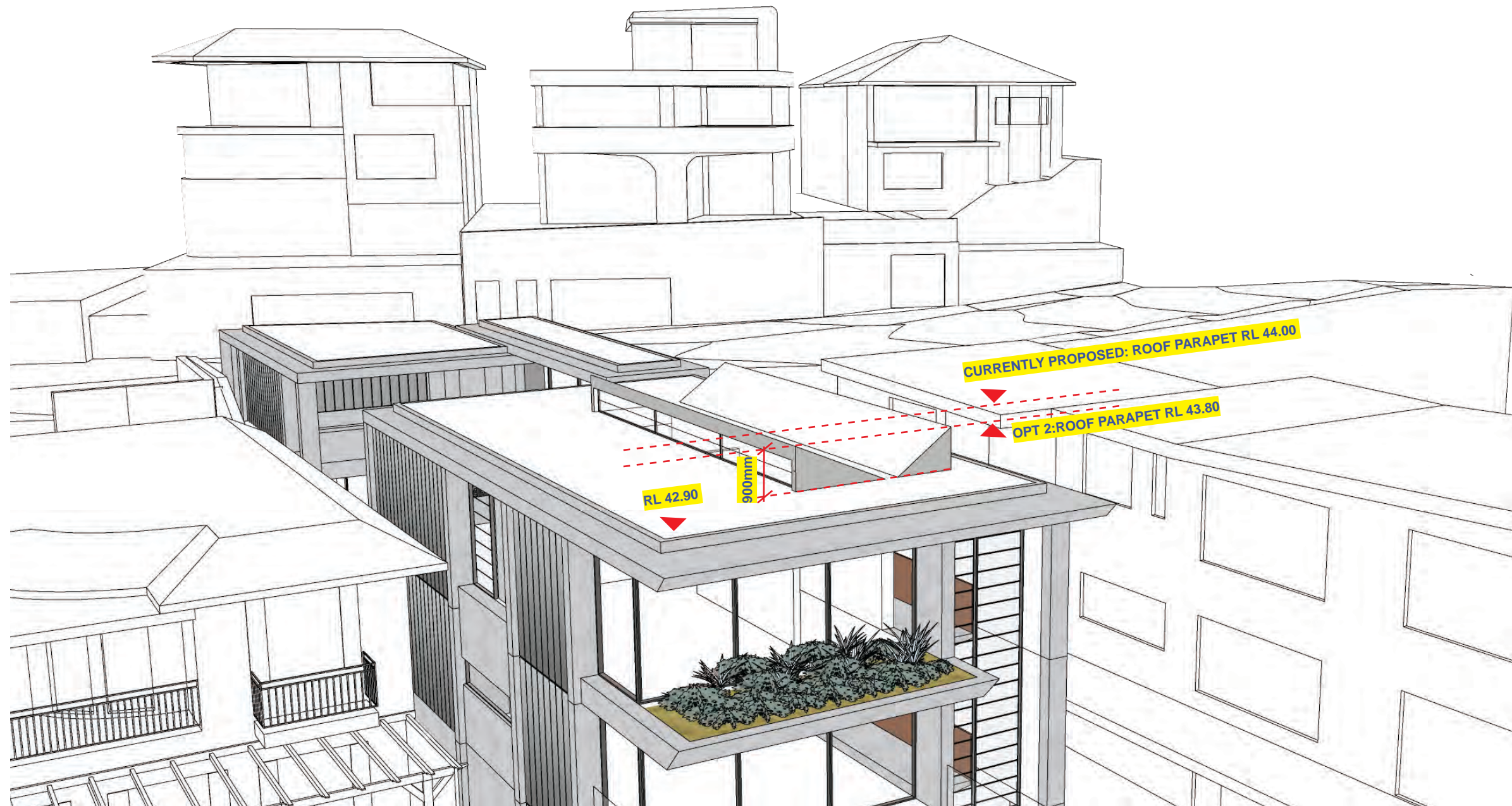
3 **TIMBER GARAGE AND ENTRY DOORS**



4 **GLASS BALUSTRADE**



## POP-UP ROOF FORM OPTIONS



### OPT 2: BUTTERFLY POP-UP ROOF

- butterfly roof falls centrally to main roof form
- side lights with 2x louvre blades (600mm H)
- reduction in height from currently proposed: 200mm
- overall height = 900mm

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## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-193/2021
<b>Site address</b>	2 Mackenzie Street, BONDI JUNCTION
<b>Proposal</b>	Alterations and additions to semi detached dwelling including internal reconfiguration, ground and first floor additions and attic dormer
<b>Date of lodgement</b>	27 May 2021
<b>Owner</b>	Doctor L Myers
<b>Applicant</b>	VRM Architects
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$573,511
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• FSR</li> <li>• Height of buildings</li> <li>• Heritage</li> <li>• Streetscape</li> </ul>
<b>Recommendation</b>	That the application be granted DEFERRED COMMENCEMENT CONSENT

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The initial application sought alterations and additions to the existing semi-detached dwelling including conversion of the building to a dual occupancy. Following the preliminary assessment, the conversion to a dual occupancy was not supported by Council and the applicant was requested to retain the dwelling as a single occupancy. Accordingly, the application was amended to delete that component and retain the use of site as a single dwelling. The amended application seeks consent for alterations and additions to an existing semi-detached dwelling including internal reconfiguration, ground and first floor additions and attic dormer at the site known as 2 Mackenzie Street, Bondi Junction.

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

- FSR
- Height of buildings
- Bulk and scale
- Rear building line
- Heritage
- Streetscape
- Use of dwelling

The assessment finds these issues acceptable, subject to recommended conditions as the works will not result in an overly dominant development in the context of the area. Conditions have been recommended to enhance the streetscape presentation and heritage character of the existing building and remove the intrusive additions at the front and rear to return the dwelling to be more in keeping with its original form.

The application was notified in accordance with Council's Community Participation Plan and no submissions were received.

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

### 1.2. Site and Surrounding Locality

A site visit was carried out on 11 August 2021.

The site is identified as Lot 1 in DP 737661, known as 2 Mackenzie Street, BONDJ JUNCTION.

The site is rectangular in shape with a frontage to Mackenzie Street, measuring 6.73m. It has an area of 177.1m<sup>2</sup> and has a slight fall of approximately 0.16m from the east down to the western front boundary.

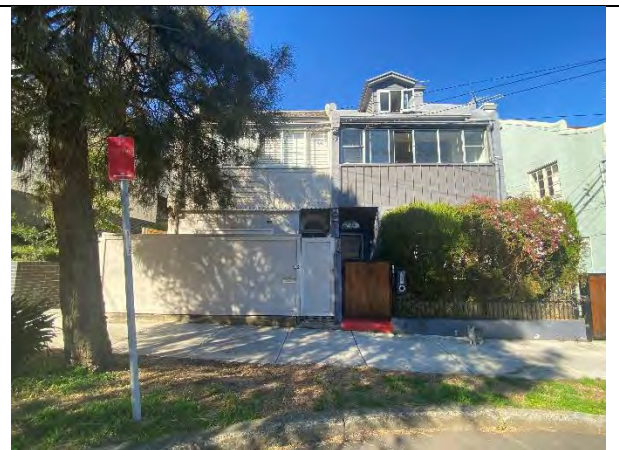
The site is occupied by a semi-detached dwelling presenting in a terrace style form with no vehicular access.

The site is adjoined by an attached dwelling to the south (No 4) and shop top housing including residential apartments to the north fronting Ebley St (73 Ebley St). The locality is characterised by a variety of low and medium residential development and surrounds the Bondi Junction commercial centre.

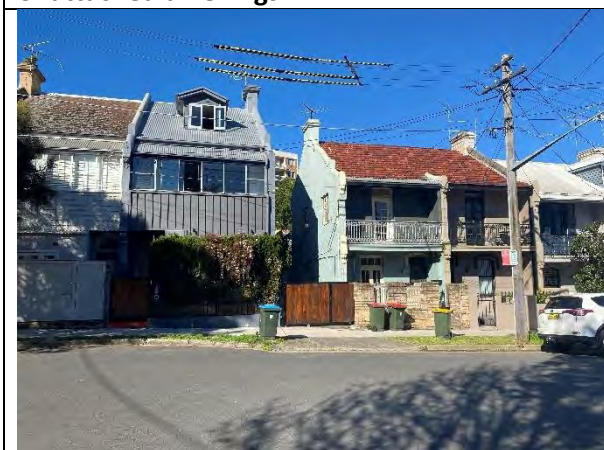
**Figures 1 to 6** are photos of the site and its context.



**Figure 1: Subject site (on the left) showing pair of attached dwellings**



**Figure 2: Subject site (on the left) showing pair of attached dwellings**



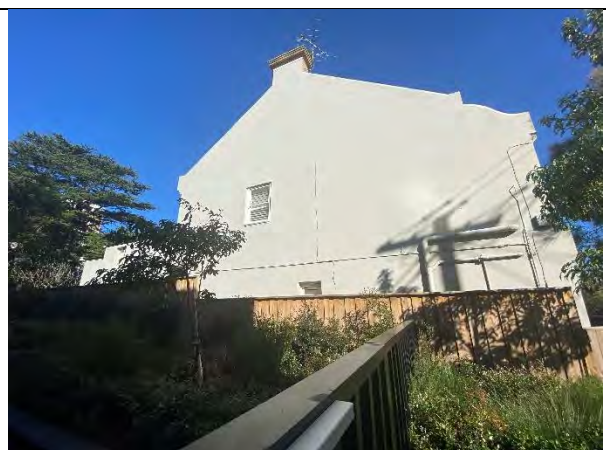
**Figure 3: Streetscape Context looking south-east, showing No. 4-10 Mackenzie Street**



**Figure 4: Neighbouring property to the north at No. 73 Ebley Street**



**Figure 5: Side view of the subject site showing the existing dwelling looking south**



**Figure 6: Side view of the subject site showing the existing dwelling looking south**

### 1.3. Proposal

The development application seeks consent for alterations and additions to the existing semi-detached dwelling, specifically the following:

- Internal alterations to the ground floor;
- Demolition and reconstruction of the rear extension of the existing dwelling to include a kitchen, living room, staircase and laundry;
- Demolition and reconstruction of ground floor façade;
- Reconstruction of front fence;
- Reinstatement of the first floor front balcony to its original heritage state;
- Internal alterations to include 4 bedrooms, 3 bathrooms and a rumpus room; and
- Construction of a dormer on the front roof of the façade (note, no internal access sought for attic).

### 1.4. Background

The development application was lodged on 27 May 2021 and deferred on 14 July 2021 for the following reasons:

1. The original application proposed the reconstruction of the existing attached dwelling to be converted into two dwellings. One of the proposed dwellings was significantly undersized and resulted in amenity issues for future owners and occupiers.

Amended plans were submitted on 11 August 2021 to combine the two dwellings into one single dwelling. The amendments made to the architectural plans were internal only, use intensity is reduced and therefore did not warrant renotification. This is discussed further later in the report.

The applicant was also contacted as part of the assessment process with regard to concerns being raised that the rear first floor addition seeks to be rebuilt (larger than existing), extends beyond the

predominant rear building line and would set an undesirable precedent. The attic level is also not sought as usable area or to be provided with access and subsequently it was suggested to the applicant that greater support would occur for internal use of the attic in lieu of rear addition (particularly having regard to the associated impacts and exceedance in GFA for the site). The applicant sought to amend the plans further, however these did not address the issue and subsequently have not been accepted. These aspects are discussed in greater detail later in 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).

### 2.1. Planning Instruments and Development Control Plans

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

#### 2.1.1. State Environmental Planning Policies (SEPPs)

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

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

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

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposed development is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as alterations and additions to a dwelling, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>• 9.5m</li> </ul>	No	The development proposes an overall height of 9.63m, which does not comply with the standard by 1.3%.



Provision	Compliance	Comment
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.91:1 or 161.2m <sup>2</sup>	No	The development proposes an FSR of 1.05:1 or 186.03m <sup>2</sup> , which does not comply with the standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	<p>The building is in and is contributory to the Mill Hill Conservation Area. The proposed works, particularly to the front façade at first floor level to reinstate the heritage characteristics of terrace housing is commended.</p> <p>The dormer to the roof is in keeping with other examples nearby and considered acceptable.</p> <p>The rear first floor addition, however, will not sit in line with the predominant rear building line and will impact on the visual character of the heritage conservation area from the rear. The predominant rear setback is discussed in more detail in Table 4 of this report. Council's heritage advisor has reviewed the design and is generally supportive of the proposal, subject to conditions regarding the reinstatement of the ground floor porch. This is discussed in more detail in the Referrals section of this report.</p>

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

*Clause 4.6 Exceptions to Development Standards (height of buildings)*

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

The site is subject to a height of building development standard of 9.5m maximum. The existing building has a height of 10.13m to ridge (or 11m to top of chimney). The proposed dormer sits at a height of 9.63m, which is above the development standard and therefore is subject to a cl 4.6 variation. This new

section (ie proposed dormer) equates to 0.13m above the height standard, or a 1.36% variation (noting the existing variation already is more than this).

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 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 proposed variation to building height is largely derived by seeking to match the height of the existing adjacent dormer window to create a symmetrical frontage.*
  - (ii) *The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.*
  - (iii) *The proposal will maintain and enhance the residential amenity of the surrounding dwellings including their current levels of solar access, visual and acoustic privacy and ventilation.*
  - (iv) *The new dormer is generally consistent with the existing building line setbacks of neighbouring properties, and no loss of views are anticipated.*
  - (v) *The new building form and height has limited opportunity to overlook neighbouring habitable rooms.*
  - (vi) *No impacts from the proposed pitched roof are anticipated to neighbouring amenity, including to views enjoyed by neighbours.*
  - (vii) *The proposed additional building height has been provided in part as a result of the proposed dormer design and seeking to match the height of the adjacent dormer and ensuring an appropriate floor to ceiling height is achieved, which contributes to any exaggeration of exceeding building heights.*
  - (viii) *The development of the new dormer as a whole is intended to fit comfortably within the existing streetscape in terms of scale and function. The proposed design of the building will positively complement the existing character of the area.*
  - (ix) *The proposed height of the dormer is similar in scale to the one approved adjacent the site.*
  - (x) *It is also noted the dormer is lesser in height than the existing pitched roof of the building which currently exceeds the maximum 9.5m height limit.*
  - (xi) *The proposed massing of the development is considered acceptable with regard to the height controls and intent for the locality, and appropriate building setbacks have been implemented and maintained.*

- (xii) *The provision of a mix of façade treatments and articulation contribute to minimising the visual perception of bulk and scale of the buildings.*
  - (xiii) *The overall scale and bulk of the proposed building are similar to surrounding residential developments in the area and are considered appropriate to the locality.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The proposed additional building height has been provided in part as a result of the proposed dormer design and seeking to match the height of the adjacent dormer and ensuring an appropriate floor to ceiling height is achieved, which contributes to any exaggeration of exceeding building heights.*
  - (ii) *The development of the new dormer as a whole is intended to fit comfortably within the existing streetscape in terms of scale and function. The proposed design of the building will positively complement the existing character of the area.*
  - (iii) *The proposed height of the dormer is similar in scale to the one approved adjacent the site.*
  - (iv) *It is also noted the dormer is lesser in height than the existing pitched roof of the building which currently exceeds the maximum 9.5m height limit.*
  - (v) *The proposed massing of the development is considered acceptable with regard to the height controls and intent for the locality.*
  - (vi) *The provision of a mix of façade treatments and articulation contribute to minimising the visual perception of bulk and scale of the buildings.*
  - (vii) *The overall scale and bulk of the proposed building are similar to surrounding residential developments in the area, and are considered appropriate to the locality.*
  - (viii) *The bulk and scale of the proposal is consistent with this style of residential building which is common for residential areas.*
  - (ix) *The proposed building form provides an appropriate height, bulk and scale to the site.*
  - (x) *In light of the proposals contribution to achieving the desired future character of the area, a reduction of height would serve no material planning purpose, other than numerical compliance with a generic Council control.*
  - (xi) *The proposal will add to delivering a mix of well-designed housing that meets the needs of Sydney's growing population unique family dwellings to meet the changing population needs.*
  - (xii) *The proposed development will not significantly impact on the amenity of adjoining occupiers.*

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. Further discussion regarding how the proposal achieves the objectives of the development standard is detailed 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. The height non-compliance is a result of a minor section of the dormer window at the front of the site and only breaches the standard by 0.13m. The breach will not result in environmental or amenity impacts to the neighbouring properties, as it will not increase overshadowing, overlooking or block significant views. the dormer window will sit lower than the existing roof ridge on site and has been designed to match the existing dormer on the neighbouring property to the south. It is considered that the dormer will enhance the heritage character of the building from the streetscape.

Is the development in the public interest?

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



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

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

Objectives (b) and (c) are not applicable as the site is not located in the Bondi Junction Centre or Zone B3 Commercial Core.

The components of development above the height control will preserve the environmental amenity of neighbouring properties including the sharing of views, privacy, and solar access. No views will be impacted by the addition of the dormer window, nor will it create unreasonable amenity impacts to surrounding properties. The non-compliance is minor with a 0.13mm, 1.36% variation to the building height development standard proposed, which would not be indiscernible from the streetscape and surrounding properties. Furthermore, the dormer window will sit lower than the existing ridge and chimney of the dwelling on site.

The objectives of the R2 zone are as follows:

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

The development achieves the objectives of the R2 zone as it will provide for the housing needs within a low density area by improving the internal amenity of the dwelling and providing an additional light source to the bedroom at the front (first floor level). The development is compatible with the surrounding development and existing character of the area.

### Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be

addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the R3.

*Clause 4.6 Exceptions to Development Standards (FSR)*

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 minimum FSR development standard of 0.91:1. The proposed development has an FSR of 1.05:1, exceeding the standard by 24.83m<sup>2</sup> equating to a 15.4% 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 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 does not result in a building that is higher than the existing building.*
  - (ii) *The proposed building envelope and additional GFA is consistent with the existing building envelope of the adjoining dwellings and other similar development.*
  - (iii) *The bulk and scale proposed is largely consistent with the existing building on site and remains within the bulk of the building and overall envelope of the building is not affected.*
  - (iv) *The proposal is consistent with this style of residential building which is common for residential areas.*
  - (v) *The proposed building provides an appropriate height, bulk and scale to the site.*
  - (vi) *The proposal will maintain and enhance the residential amenity of the surrounding dwelling houses including their current levels of solar access, visual and acoustic privacy and ventilation.*
  - (vii) *The proposal gives provision of a building that is compatible with the surrounding residential land uses.*
  - (viii) *The scale of the development and its typology is considered to be appropriate for the site and the surrounding area and meets the needs of the local residents and the wider Sydney metropolitan area.*
  - (ix) *The proposed design of the development achieves an appropriate built form in that it enhances the appearance of the building from public domain, and maintains the character of the streetscape.*

- (x) *In light of the proposals contribution to achieving the desired future character of the area, a reduction of gross floor area would serve no material planning purpose, other than numerical compliance with a generic Council control.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) *The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.*
  - (ii) *The proposal will maintain and enhance the residential amenity of the surrounding dwellings including their current levels of solar access, visual and acoustic privacy and ventilation.*
  - (iii) *The proposal will enhance the existing open space on the site and give provision of a new landscaped garden for the benefit of residents.*
  - (iv) *The new works are generally consistent with the existing building line setbacks of neighbouring properties.*
  - (v) *The new building works has limited opportunity to overlook neighbouring habitable rooms.*
  - (vi) *No impacts from the proposed new building additions are anticipated to neighbouring amenity, including to views enjoyed by neighbours.*
  - (vii) *The bulk of the additional floor space is contained within the current roof void.*

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 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 extension of the first floor rear to provide an additional bedroom would not sit in line with the predominant rear building line and would create an additional visual bulk to the rear of the site that is not in keeping with development in the immediate area. Furthermore, the first floor extension would impact on the heritage conservation of the area as it would not align with any built forms further south of Mackenzie Street. In order to reduce the visual bulk from the rear and better comply with the predominant rear setback and heritage controls of the Waverley DCP, it is recommended that the application be granted a deferred commencement condition recommending to remove the first floor addition of Bedroom 1. The rumpus / play room can be converted into a Bedroom, which would not result in the loss of any bedrooms on site.

Furthermore, having regard to the heritage character of the dwelling, it is recommended that the façade be wholly reinstated to original form and this includes the reinstatement of the verandah at ground level (noting the proposal already seeks the first floor verandah to be reinstated). This will also assist to reduce the scope of excess GFA for the site to be closer aligning with the standard. This is also recommended via a deferred commencement condition.

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 majority of the additional floor space will not impact on the amenity of neighbouring properties, with the exception of the addition of Bedroom 1 on the first floor. Bedroom 1 would result in some overshadowing impact to the neighbouring property at No. 6 Mackenzie Street, would extend beyond the predominant rear building alignment and also set an undesirable precedent. As mentioned above, it is recommended that the Bedroom 1 addition at the rear be deleted, so the first floor level aligns with No 4 Mackensize St. The rumpus/play room with the wardrobe area of Bed 1 could be reconfigured to retain this space as a bedroom, with the reduced rear building line. This would ensure a similar level of amenity can be maintained, whilst the environmental impacts are minimised.



With the first floor rear extension removed, the adjoining properties will continue to enjoy the same level of solar access, visual and acoustic privacy, and views will not be impacted.

Also as mentioned above, the front ground floor verandah is recommended to be reinstated to original form (ie open) which will ensure the heritage character of the dwelling, located within a heritage conservation area is maintained. This will also constitute a minor reduction in GFA for the site.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

Objective (a) is not applicable as the subject site is not located within the Bondi Junction Centre.

The proposed development complies with objectives (b) to (d), as the proposed additional floor space will not result in any adverse perceivable visual bulk to the streetscape or surrounding properties, subject to the removal of Bedroom 1 and reinstatement of front verandah. The remaining additional area has been designed to sit to the rear of the site and will sit in line with the existing rear building line of dwellings further south. The addition will complement the existing bulk and scale of development in the area.

Subject to the removal of Bedroom 1 and reinstatement of front verandah, the development will not result in amenity impact to neighbouring properties as there will be no additional adverse overlooking or overshadowing impacts. The environmental amenity of neighbouring properties will be maintained and the heritage significance of the dwelling will be restored.

The objectives of the R2 zone are as follows:

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

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

The proposal is consistent with the objectives of the zone in that it will continue to provide for the housing needs of the community within a low density residential environment. The proposal will not inhibit other land uses that provide facilities or services to meet the day to day needs of residents. The proposed works will improve amenity of the existing dwelling for current and future occupants. The proposed works are compatible with the existing dwelling, surrounding development and the desired future character of the area in terms of bulk, height and scale.

### Conclusion

For the reasons provided above, the requested variation to the FSR development standard is supported, subject to a deferred commencement condition requiring the removal of Bedroom 1 on the first floor and reinstatement of the front verandah. It is noted that the proposed dormer is sought to provide light to the first floor front bedroom. Potential exists for future use of the attic space as GFA, subject to development consent. The applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the R2 zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
6. Stormwater	Yes	Satisfactory, subject to conditions. Refer to section 3 of this report on referral commentary in relation to stormwater.
9. Heritage	Yes	Satisfactory, subject to conditions. Refer to Section 3 of this report on referral commentary in relation to heritage.
10. Safety	Yes	Satisfactory
12. Design Excellence	Yes	Satisfactory
13. Subdivision	Yes	Satisfactory
16. Public Domain	Yes	Satisfactory

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Pitched roof dwelling house <ul style="list-style-type: none"> <li>Maximum external wall height of 7m</li> </ul>	Yes	The development proposes a wall height of 6.8m at the rear, which complies with the control.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes	<p>The first floor level seeks to remove a bathroom and reinstate a balcony, considered a positive contribution to the streetscape. At ground level, the proposal seeks to retain the enclosure at the front. Traditionally, this area was a verandah with the front wall set in. It is recommended this also be reinstated, to ensure the heritage character of the dwelling is reinstated. Together, these amendments to the existing building will contribute positively on the streetscape, with the presentation of this terrace style semi-detached dwelling.</p> <p>The dormer located on the front rooftop is in line with the existing dormer on the neighbouring property to the south, which is compatible in the context of the immediate area. This is considered acceptable.</p> <p>The development proposes to reconstruct the rear later addition of the dwelling on both the ground and first floor, however the wall of the first floor is proposed to increase in height to provide for compliant floor to ceiling heights. The first floor rear addition would sit beyond the predominant rear building line as shown on dwellings located further west of the subject site. The applicant argues that the dwelling maintains a first floor at this setback currently on site. As the rear later addition is proposed to be demolished completely, the design must comply with the controls within the DCP. As such, a condition will be recommended to remove the addition area of Bedroom 1 (shown in brown on the Architectural Plans). The bedroom may be relocated to the rumpus / play room area in order to maintain 4 bedrooms on site. Furthermore, as a dormer window is proposed to be provided within the attic level, there is scope in the future to provide additional usable space</p>

Development Control	Compliance	Comment
		within the roof form. This would not impact on visual bulk or the heritage conservation of the site.
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	Yes	The development proposes a side setback of 0.98m to the northern boundary, which complies with the control.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>	Yes	<p>The proposed works to the front façade of the dwelling including the reinstatement of the first floor balcony and dormer addition are compatible to the heritage character of the streetscape and are supported.</p> <p>The proposed double entrance along the front façade, along with the separation between the front yard and side access is not cohesive to the single dwelling character of the building and will not sit comfortably within the streetscape. As detailed above, it is recommended the verandah at ground floor level be reinstated and the front wall set in to the traditional / original building line.</p> <p>Dense landscaping is proposed to match the attached dwelling to the south. The landscaping is supported, subject to a condition requiring the northern section of the hedge to sit along the northern property boundary, and the northern side entry gate moved slightly to the south. This will create a more cohesive singular front yard space to match that of the attached dwelling to the south.</p>
<b>2.4 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes	The front fence proposes a height of 1.2m, which complies with the standard. As mentioned above, the second entry gate to the north is proposed to be slightly moved further south to provide room for the dense hedge to sit along the northern boundary.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened or other appropriate measures</li> </ul>	Yes	<p>The ground floor windows will be obscured by the existing side boundary fence, which will limit overlooking to the northern property.</p> <p>The north facing first floor windows will not look directly into any private open space or habitable rooms of the neighbouring apartment building to the north.</p>



Development Control	Compliance	Comment
<p>are incorporated into the design</p> <ul style="list-style-type: none"> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> </ul>		<p>The first floor east facing window will look into the private open space of the existing dwelling and will have limited opportunities for overlooking.</p> <p>A first floor balcony is proposed at the front of the site, which will primarily overlook the public domain, considered acceptable.</p>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li> <li>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li> </ul>	Yes	<p>Shadow diagrams have been submitted with the application which demonstrate that the proposed development will result in a minor amount of additional overshadowing to the neighbouring property at No. 6 Mackenzie Street at midday. As direct sunlight into the rear open space of No. 6 Mackenzie Street currently does not comply with the controls, any additional overshadowing is considered to be unreasonable. As such, a condition has been recommended to remove Bedroom 1 from the plans. This will result in no increase in the wall height along the southern boundary and will therefore have no impact on overshadowing to neighbouring properties.</p>
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	<p>No views will be impacted by the development.</p>
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Acceptable	<p>36.49% of the site will be maintained as open space. Due to the small size of the site, the amount of open space is considered acceptable in this area, as it fits in with the context of the surrounding area.</p> <p>The development proposes 3.48% of the site to be maintained as landscaping, which is an increase to the existing.</p> <p>The rear maintains more than 25m<sup>2</sup> of private open space at the rear.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Outdoor clothes drying area to be provided</li> </ul>		<p>100% of the front area is proposed as open space.</p> <p>Only 17.6% of the front area is dedicated to landscaped area. As mentioned above, a condition has been recommended to increase the landscaping within the front yard by removing the side entry gate and separation between the side access and front yard area.</p> <p>An outdoor clothes drying area is located in the rear.</p>
<b>2.11 Dormer windows</b>		
<ul style="list-style-type: none"> <li>If &lt; 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling</li> <li>Minimum 0.3m below main roof ridge</li> </ul>	Yes	<p>A dormer is proposed along the front section of the existing roof. The dormer has been designed to match the character and style of the existing dormer on the neighbouring property to the south.</p> <p>The dormer will sit more than 0.3m below the existing top of the ridge line.</p> <p>The proposed dormer will match the existing character of the streetscape and complement the style of the built form.</p>
<b>2.13 Semi-detached dwellings and terrace style development</b>		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> <li>Additions to match the style of the original semi-detached dwelling</li> <li>Existing roof form maintained forward of principal ridgeline</li> <li>Use of roof as an attic permitted provided</li> <li>Front verandahs to be maintained.</li> </ul>	Yes	<p>The majority of the proposed works are located at the rear of the site and are not visible from the street.</p> <p>The proposed works to the front of the site include the reinstatement of the first floor balcony to its original heritage character, which will complement and enhance the character of the building from the streetscape. As indicated, its also recommended the ground floor level verandah also be reinstated, to ensure the traditional form of the terrace style dwelling is restored.</p>
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> <li>First floor addition to be setback from the principal street frontage and maintain the existing front roof slope</li> </ul>	Yes	<p>Upon the recommended conditions being imposed, the reconstruction of the ground and first floor at the rear is compatible with the style and design of the dwelling and complements the heritage character within the context. The removal of Bed 1 will restore the rear alignment of first floors for 2 and 4 Mackensie St.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Additions to be located a minimum of 1m behind the front main gable</li> <li>Flat roofs should be only used when not seen in a Heritage Conservation Area</li> <li>Limit the rise of the interface with adjoining semi-detached dwelling to 600mm</li> <li>First floor additions should match the style of the additions on the adjoining semi (if relevant).</li> </ul>		
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> <li>Finishes and detailing are to be cohesive with the existing dwelling</li> <li>Historic features of the roofscape are to be incorporated into the addition</li> <li>Dorms roof forms are to match the style of the original dwelling</li> <li>New windows to have a similar proportion to the existing</li> <li>Upper wall finishes to reflect the style and character of the original building.</li> </ul>	Yes	<p>The development proposes a mix of metal cladding and painted render to the rear, which complements the existing heritage character.</p> <p>The proposed dormer at the front is proposed to match the style and design of the existing dormer on the neighbouring property to the south.</p> <p>The proposed windows will be in proportion to the building and is acceptable.</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, subject to conditions.

## 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 notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The proposed amendments were internal only and resulted in the combination of two dwellings into one.

No submissions were received.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Heritage

*The application proposes alteration and additions converting the existing residence to a dual occupancy comprising a single bedroom apartment to the forward ground floor area and a four bedroom apartment occupying the remainder of the building including reconstructed ground and first floor areas of the rear service wing.*

#### **Comments**

- *The application appears to be focused on provision of interiors of shared rental form rather than of high amenity.*
- *The proposed alteration of the residence to a dual occupancy has generated limited reinstatement of original detail particularly to the street elevation.*
- *The ground floor verandah should be fully reinstated to balance the impact of new works on the Conservation Area and streetscape.*
- *The proposed development provides limited internal amenity due to the location of the internal stair in Apartment B and the location and extent of ensuites to the same apartment.*
- *Similarly, the provision of a larger study to Apartment A appears more intended as a second bedroom at the expense of incursion into the original front verandah area.*
- *A more rationalised design for both apartments would provide improved overall amenity and enable greater cohesion of the residence with the Conservation Area through the reinstatement of the ground floor front verandah.*

#### **Recommendations.**

*To enable reinstatement of the original street elevation and verandas and to improve cohesion with the original residential form and the Conservation Area it is recommended that:*



*The proposed internal floor plans are amended and provide:*

- *Reinstatement of the ground floor front verandah.*
- *Realignment of the new internal stair to Apartment B to improve solar and natural light to inner living areas.*
- *Consideration of an attic bedroom in order to free up planning of the front first floor bedroom and ensuites.*

Planner Comments:

Amended plans have since been provided to combine the two proposed dwellings into one. Many of the above comments have therefore been satisfied. It is recommended that a deferred commencement be issued in order to reinstate the ground floor front verandah to its original heritage form.

### 3.2. Stormwater

Council's stormwater engineer has reviewed the proposal and has raised no issues, subject to standard conditions regarding stormwater runoff.

### 3.3. Tree Management

Council's tree management officer has reviewed the proposal and has raised no issues, subject to a condition requiring a tree bond to protect the existing street tree.

## 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 deferred commencement.

*Development and Building Unit (DBU) Decision:*



The application was reviewed by the DBU at the meeting on 13 July 2021 and the DBU determined to support the application subject to deferred commencement consent, specifically with regard to:

1. The reconstruction of the ground floor front sunroom is not approved. This section must be reinstated to its original heritage state as a front verandah, to the satisfaction of Council's heritage advisor.
2. The proposed northern section of the dense hedge to be relocated to sit along the northern boundary of the subject site. The northern front entry gate may be relocated further south to account for sufficient space for the hedge. No fences are approved within the front setback of the subject site.
3. First floor rear extension not supported.

DBU members: *A Rossi, B McNamara and B Magistrale*

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be GRANTED DEFERRED COMMENCEMENT by the Waverley Local Planning Panel subject to the matters in Appendix A and conditions in Appendix B.

<b>Report prepared by:</b>	<b>Application reviewed and agreed on behalf of the Development and Building Unit by:</b>
	
Katie Johnstone	Angela Rossi
<b>Senior Development Assessment Planner</b>	<b>Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)</b>
<b>Date: 13 August 2021</b>	<b>Date: 10 September 2021</b>

*Reason for WLPP referral:*

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

## **APPENDIX A – DEFERRED COMMENCEMENT**

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

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

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

1. The ground floor front verandah shall be reinstated back to its original form. In this regard, no approval is granted or implied for the sunroom extension to the front of the dwelling. This area shall be deleted, the verandah reinstated and the original front wall reinstated/retained as the front façade with the French door openings set in to be in line with the front building wall and entry doorway.
2. The proposed dense hedge in the northern section of the front yard shall be relocated to along the northern boundary of the subject site. The northern front entry gate may be relocated further south to account for sufficient space for the hedge. No fences are approved within the front setback of the subject site.
3. The first floor extension of Bedroom 1 is not approved and shall be deleted from the plans. In this regard, the rear building line of the first floor level shall be reduced to align with No 4 Mackenzie Street (at this same level). The rumpus/playroom may be converted to a bedroom, so there is no net loss of bedrooms to the dwelling, if desired (W15 would be deleted and W16 would be set back accordingly).
4. A Schedule of Materials and Finishes shall be submitted, that includes details of heritage components (particularly for front façade) that ensure works are in keeping with the heritage conservation area.

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

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

## **APPENDIX B – APPROVED DEVELOPMENT**

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

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

- (a) Architectural Plans prepared by Van Rooijen Meyers Architects of Project No. 894-20 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
1-Rev.A	Site Plan	26/07/2021	12/08/2021
2-Rev.A	Ground Floor Plan	26/07/2021	12/08/2021
3-Rev.A	First Floor Plan	26/07/2021	12/08/2021
4-Rev.A	Attic Plan	26/07/2021	12/08/2021
5-Rev.A	Roof Plan	26/07/2021	12/08/2021
6-Rev.A	Northern Elevation	26/07/2021	12/08/2021
7-Rev.A	Southern Elevation	26/07/2021	12/08/2021
8-Rev.A	Western and Eastern Elevation	26/07/2021	12/08/2021
9-Rev.A	Section 1	26/07/2021	12/08/2021
10-Rev.A	Section 5	26/07/2021	12/08/2021
11-Rev.A	Section 2, 3 and 4	26/07/2021	12/08/2021

- (b) Landscape Plan No. L01, L02 & L03 prepared by A Total Concept Landscape Architects, dated 21/04/2021 and received by Council on 27 May 2021
- (c) BASIX certificate
- (d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 27 May 2021

Except where amended by the following conditions of consent.

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

#### **2. WORK OUTSIDE PROPERTY BOUNDARY**

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

#### **3. USE OF DWELLING**

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



## 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 **\$16,790.00** 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, 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.

#### **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. 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 chimneys 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 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) OSD Details: The plans shall provide details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system.
- c) 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.
- d) 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.
- e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- f) The pipeline within the footpath verge of Mackenzie Street must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres.
- 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.
- h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The 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](mailto: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.

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

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

### **PRIOR TO ANY WORKS**

#### **18. CONSTRUCTION SIGNS**

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

#### **19. DILAPIDATION REPORT**

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

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

### **DEMOLITION & EXCAVATION**

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

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

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

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

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

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

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

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

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

## **CONSTRUCTION MATTERS**

### **22. 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.

### **23. 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.

### **24. 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.

## **25. 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.

## **26. 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

## **27. 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.
- (c) Any chimney.

## **TREE PROTECTION AND REMOVAL**

### **28. TREE 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 of the one (1) *Casuarina glauca* (Swamp Oak) and the One (1) *Callistemon viminalis* (weeping bottlebrush) **Situated on the naturestrip of 2 MacKenzie Street**. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

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



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

## **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.

### **30. 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.

### **31. CERTIFICATION OF BASIX COMMITMENTS**

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

### **32. CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM**

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that the stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

### **33. 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.

### **34. 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](mailto:info@waverley.nsw.gov.au), in person (at Council's Customer Service Centre) or via post service.
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition)
- Include DA reference number
- Include condition number/s seeking to be addressed
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.
- Any queries, please contact Council's Duty Planner on [duty.planner@waverley.nsw.gov.au](mailto:duty.planner@waverley.nsw.gov.au)

### AD2. SYDNEY WATER REQUIREMENTS

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

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

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

### AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at

www.1100.com.au 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. BONDI - ROSE BAY SAND BODY**

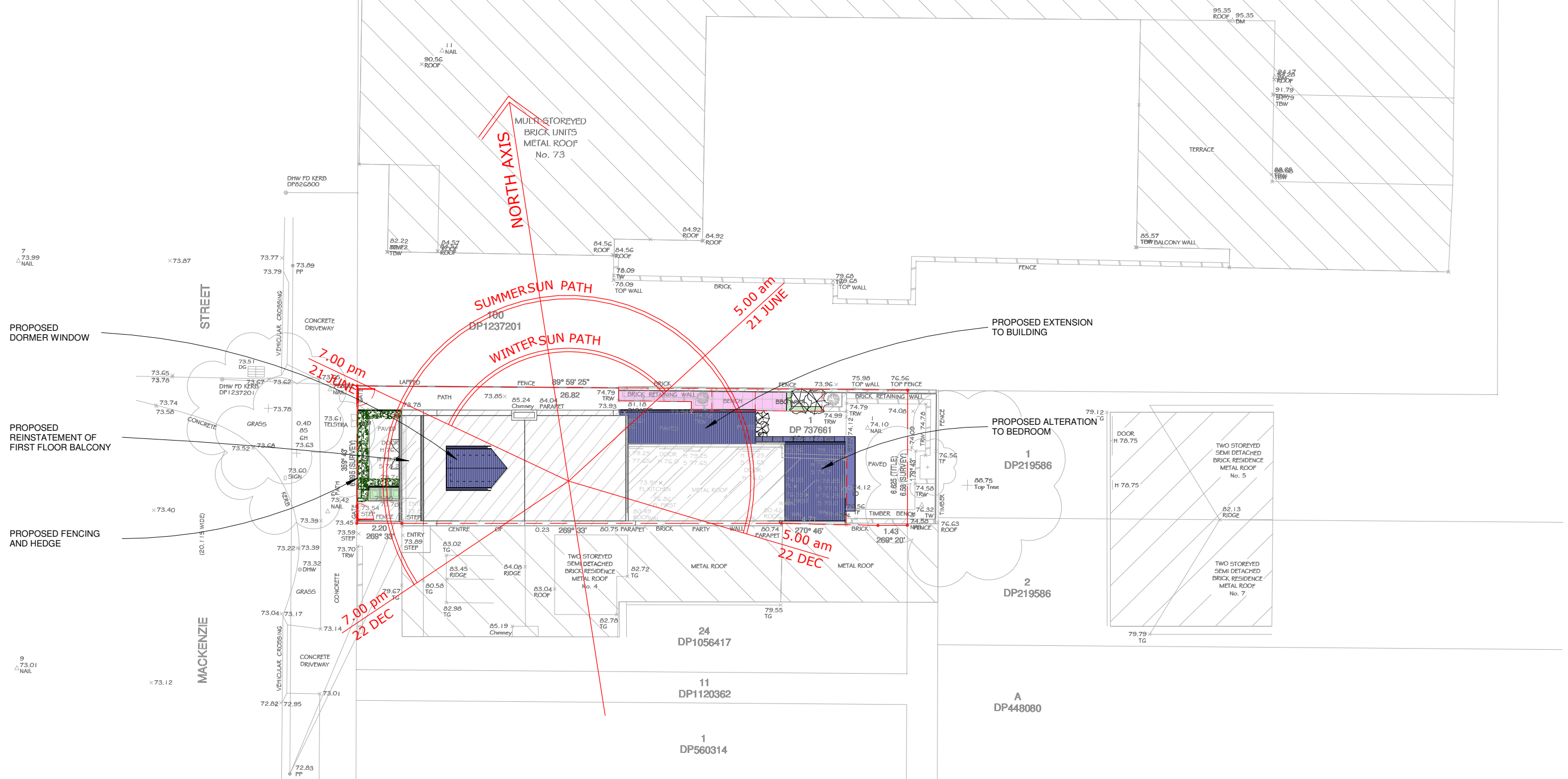
This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

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

#### **AD7. TREE REMOVAL/PRESERVATION**


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





**1** Site Plan  
1 : 200

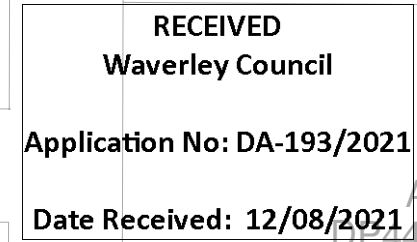
RECEIVED  
Waverley Council  
Application No: DA-193/2021  
Date Received: 12/08/2021

PROJECT: Alterations and additions  Project Name <b>2 MacKenzie Street</b> <b>Bondi Junction NSW</b>	Site Plan		NO.	DESCRIPTION	DATE	NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.		P.O. BOX 114, ROSE BAY NSW 2029 TEL: (02) 9371 9677 FAX: (02) 9371 0114 ARNOLD VAN ROOIJEN, AIA GARY MEYERS, AIA #4980
	SCALE: 1 : 200	DRAWN: WH	Rev.A	No Changes	26-Jul-2021			
	DATE: 26 JUL 21	JOB NO: 894-20						
	DRAWING NO: 1-Rev.A							

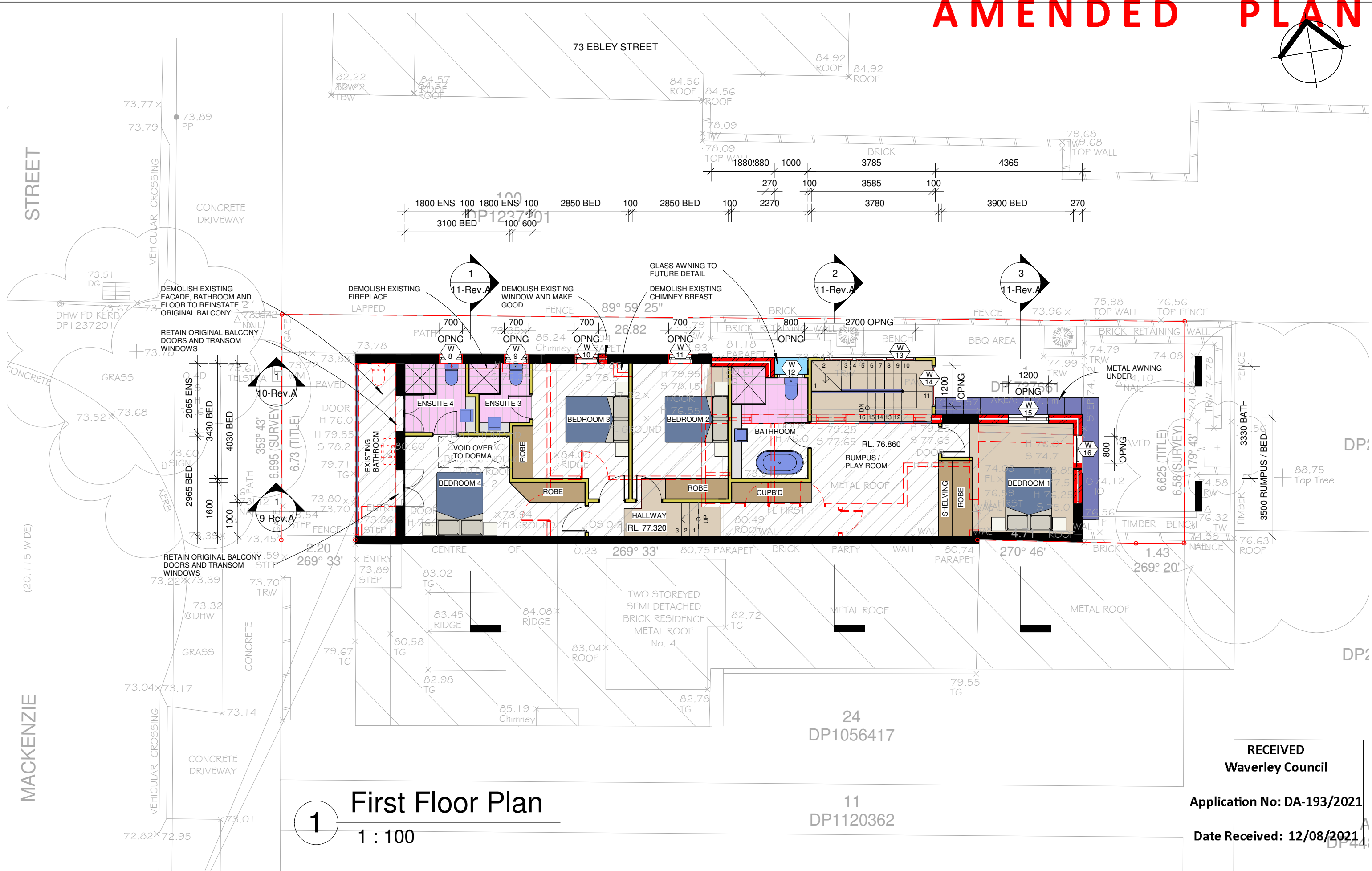
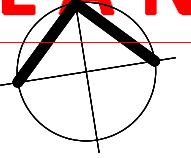


1 : 100

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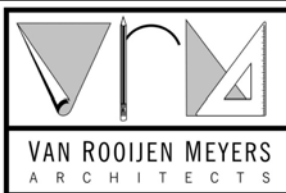


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TEL: (02) 9371 9677  
FAX: (02) 9371 0114  
ARNOLD VAN ROOIJEN, AIA  
GARY MEYERS, AIA #4980



**1** First Floor Plan  
1 : 100

**RECEIVED**  
**Waverley Council**  
Application No: DA-193/2021  
Date Received: 12/08/2021

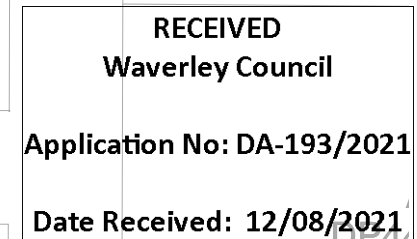
PROJECT: Alterations and additions  Project Name <b>2 MacKenzie Street</b> <b>Bondi Junction NSW</b>	First Floor Plan		NO.	DESCRIPTION	DATE	NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.	 VAN ROOIJEN MEYERS ARCHITECTS	P.O. BOX 114, ROSE BAY NSW 2029 TEL: (02) 9371 9677 FAX: (02) 9371 0114 ARNOLD VAN ROOIJEN, AIA GARY MEYERS, AIA #4980
	SCALE: 1 : 100	DRAWN: WH	Rev.A	No Changes	26-Jul-2021			
	DATE: 26 JUL 21	JOB NO: 894-20						
	DRAWING NO: 3-Rev.A							





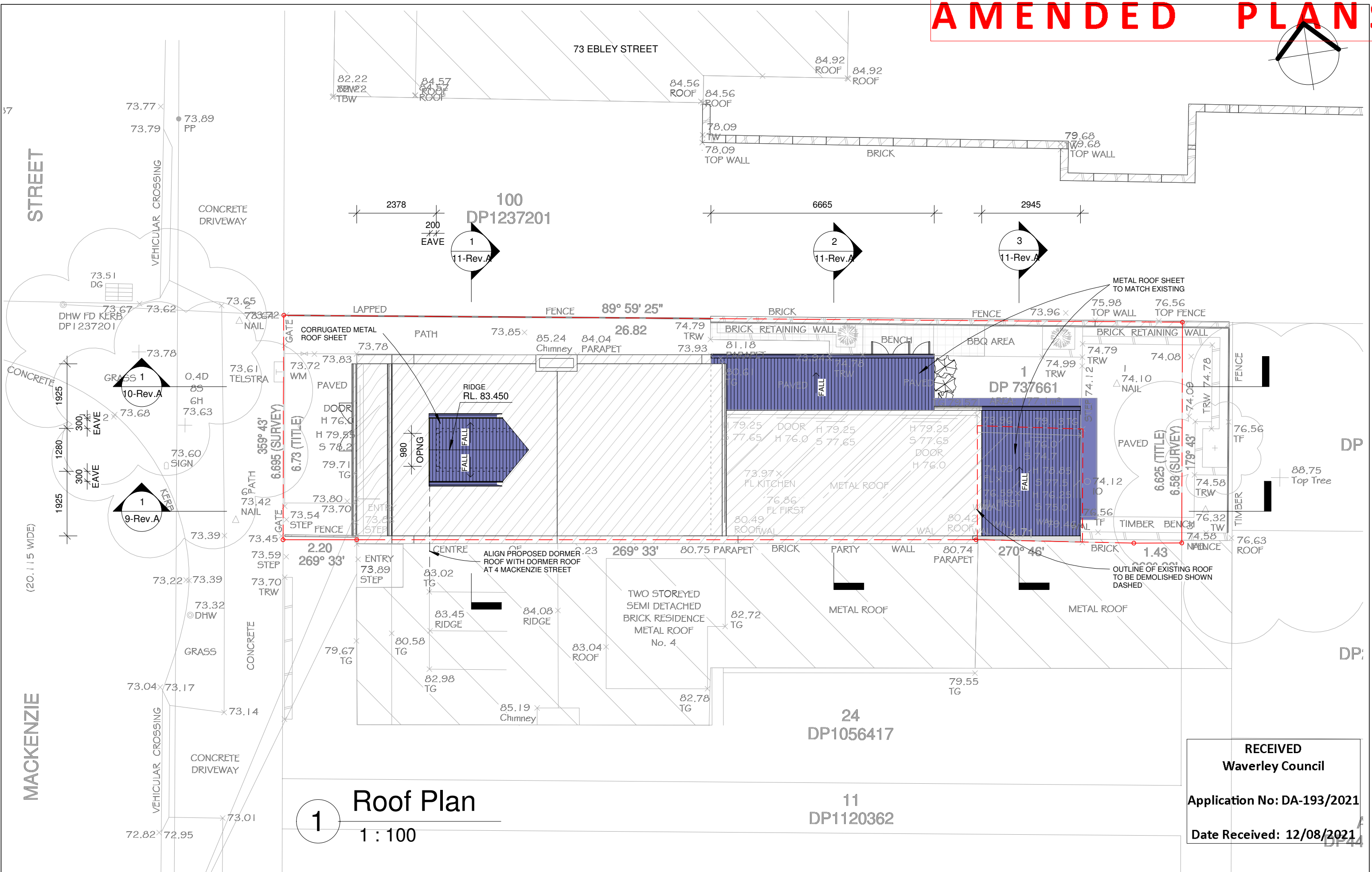
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PROJECT: Alterations and additions

Project Name

**2 MacKenzie Street**

**Bondi Junction NSW**

Roof Plan	
SCALE: 1 : 100	DRAWN: WH
DATE: 26 JUL 21	JOB NO: 894-20
DRAWING NO: 5-Rev.A	

NO.	DESCRIPTION	DATE
Rev.A	No Changes	26-Jul-2021

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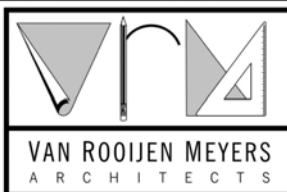
Application No: DA-193/2021

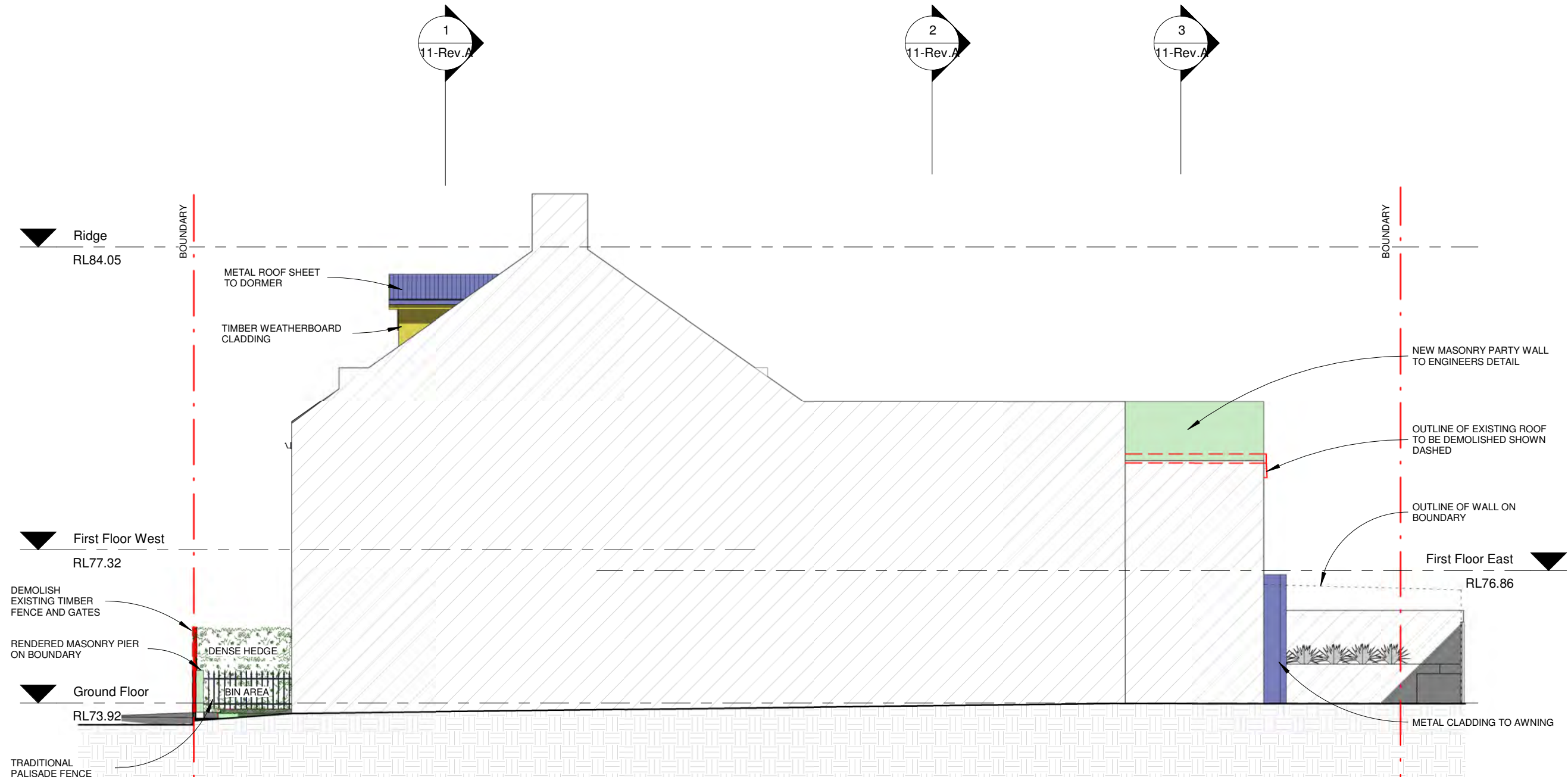
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**1 Northern Elevation**  
1 : 100

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PROJECT: Alterations and additions  Project Name <b>2 MacKenzie Street</b> <b>Bondi Junction NSW</b>	Northern Elevation		NO.	DESCRIPTION	DATE	NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.		P.O. BOX 114, ROSE BAY NSW 2029 TEL: (02) 9371 9677 FAX: (02) 9371 0114 ARNOLD VAN ROOIJEN, AIA GARY MEYERS, AIA #4980
	SCALE: 1 : 100	DRAWN: WH	Rev.A	Reduction in width of the side door on the ground floor after the amalgamation of the proposed two dwellings into one.	26-Jul-2021			
	DATE: 26 JUL 21	JOB NO: 894-20						
	DRAWING NO: 6-Rev.A							



1 Southern Elevation  
1 : 100

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Date Received: 12/08/2021

PROJECT: Alterations and additions  
Project Name  
2 MacKenzie Street  
Bondi Junction NSW

Southern Elevation  
SCALE: 1 : 100  
DATE: 26 JUL 21  
DRAWN: WH  
JOB NO: 894-20  
DRAWING NO: 7-Rev.A

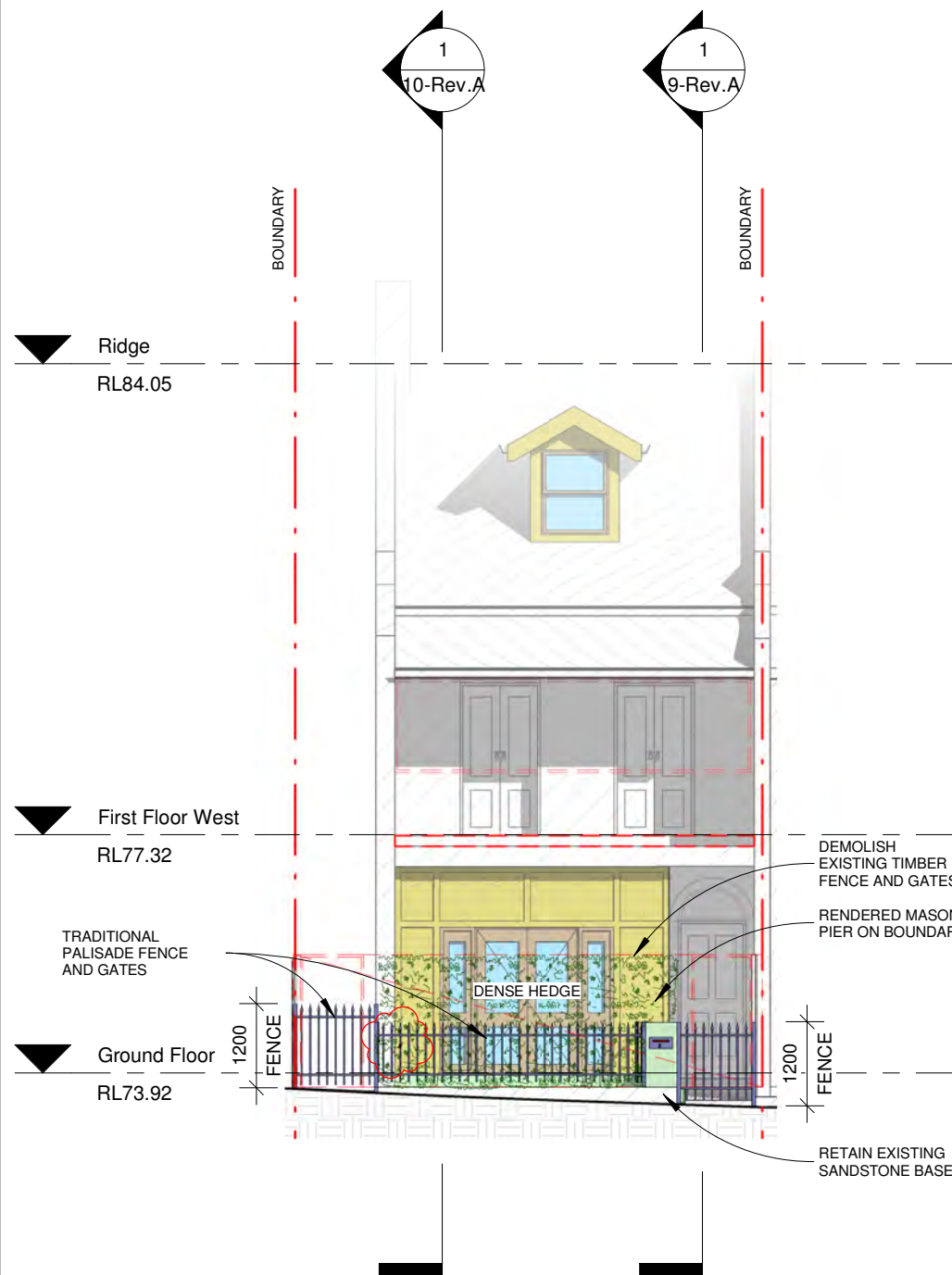
NO.	DESCRIPTION	DATE
Rev.A	No Changes	26-Jul-2021

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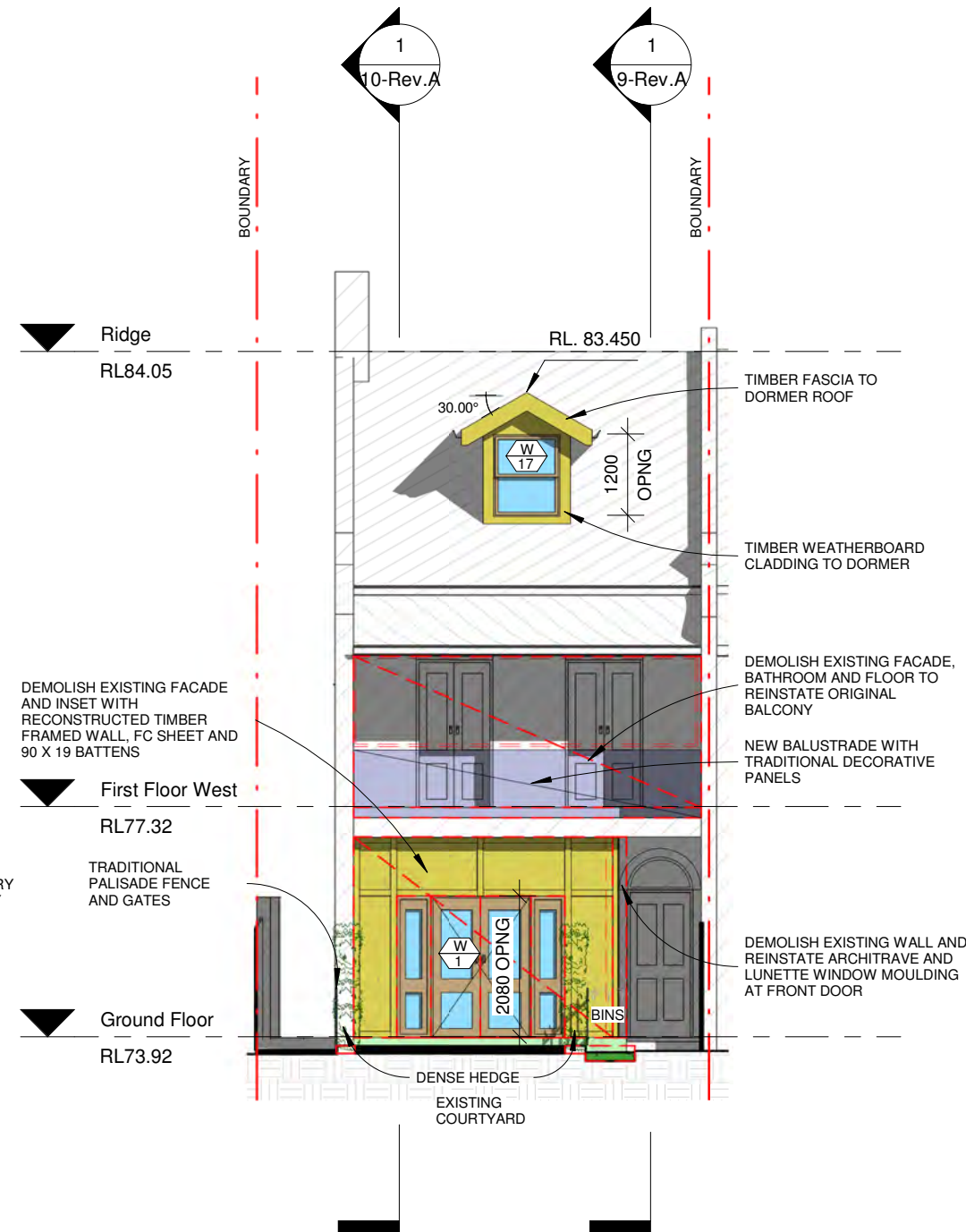


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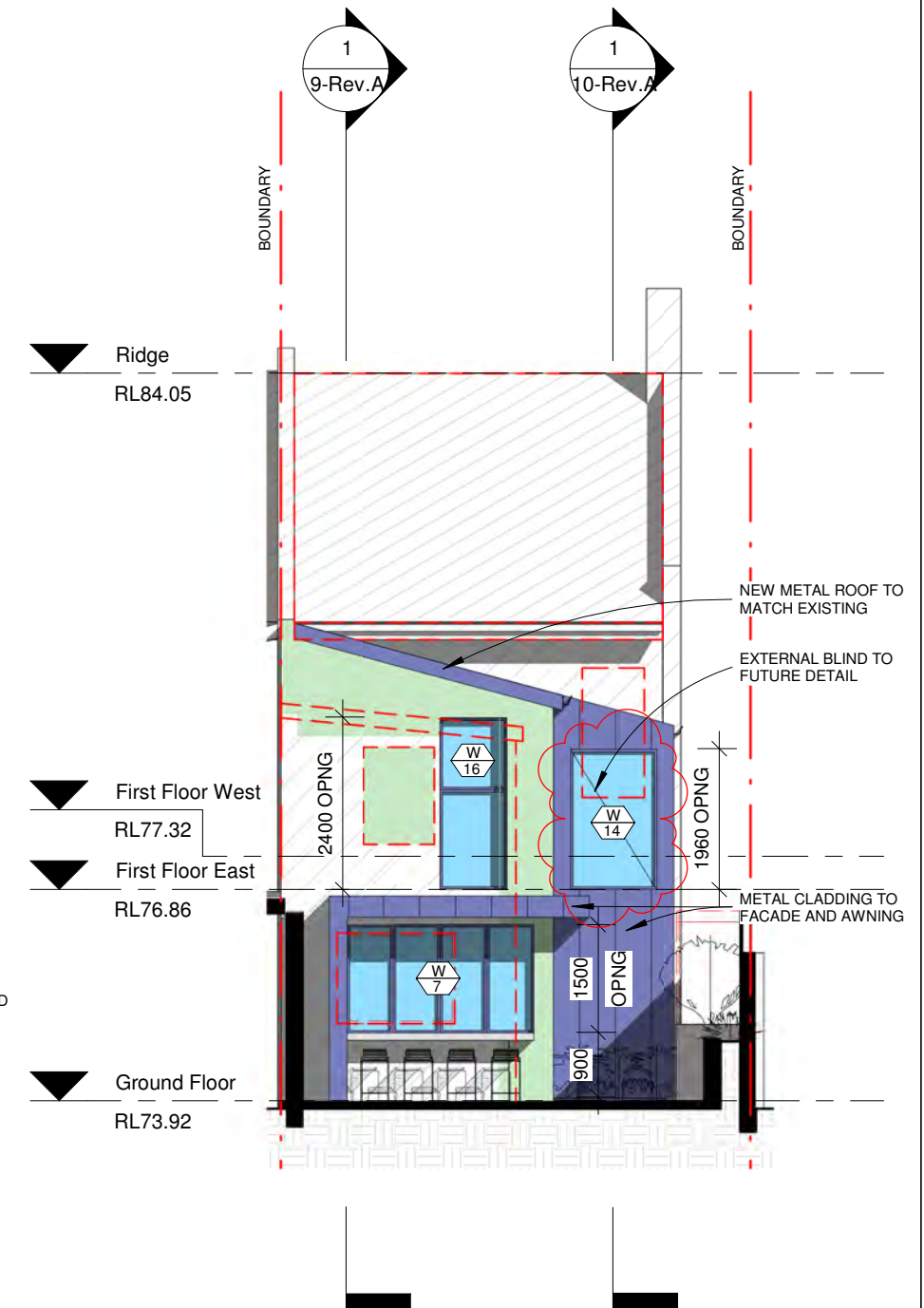




**1 Western Street Elevation**  
1 : 100



**2 Western Elevation**  
1 : 100



**3 Eastern Elevation**  
1 : 100

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Application No: DA-193/2021  
Date Received: 12/08/2021

PROJECT: Alterations and additions  
Project Name  
**2 MacKenzie Street**  
**Bondi Junction NSW**

Elevations	
SCALE: 1 : 100	DRAWN: WH
DATE: 26 JUL 21	JOB NO: 894-20
DRAWING NO: 8-Rev.A	

NO.	DESCRIPTION	DATE
Rev.A	Removal of second letter box. External blind to W14	26-Jul-2021

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PROJECT: Alterations and additions

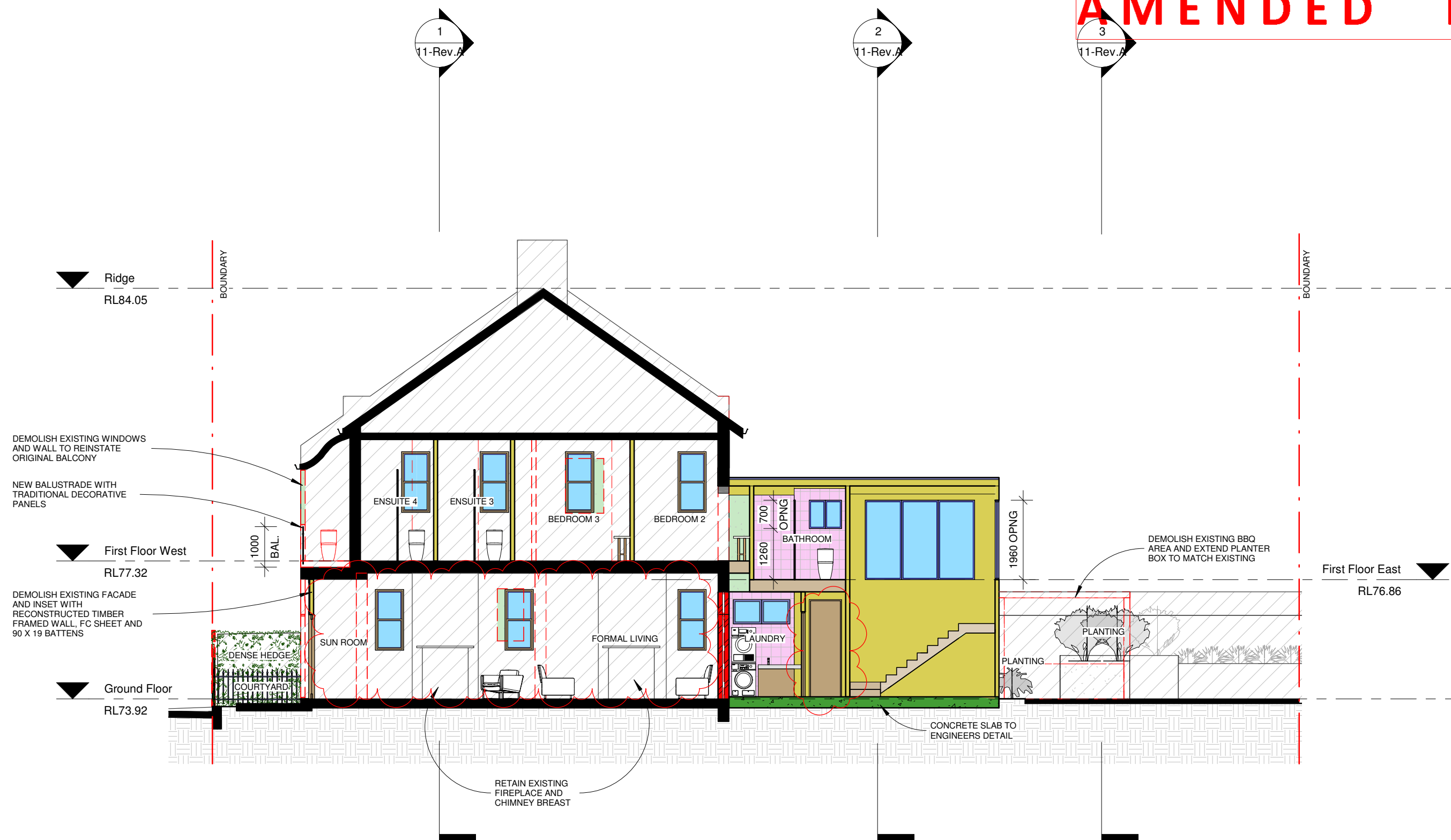
Project Name  
**2 MacKenzie Street**  
**Bondi Junction NSW**

Section		NO.	DESCRIPTION	DATE
		Rev.A	Reconfiguration of the ground floor by amalgamating the proposed two dwellings into one.	26-Jul-2021
SCALE: 1 : 100	DRAWN: WH		Thus, creating a bigger kitchen and a dedicated formal living, dining and sunroom.	
DATE: 26 JUL 21	JOB NO: 894-20			
DRAWING NO: 9-Rev.A				

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**Section 5**  
1 : 100

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PROJECT: Alterations and additions  
Project Name  
**2 MacKenzie Street**  
**Bondi Junction NSW**

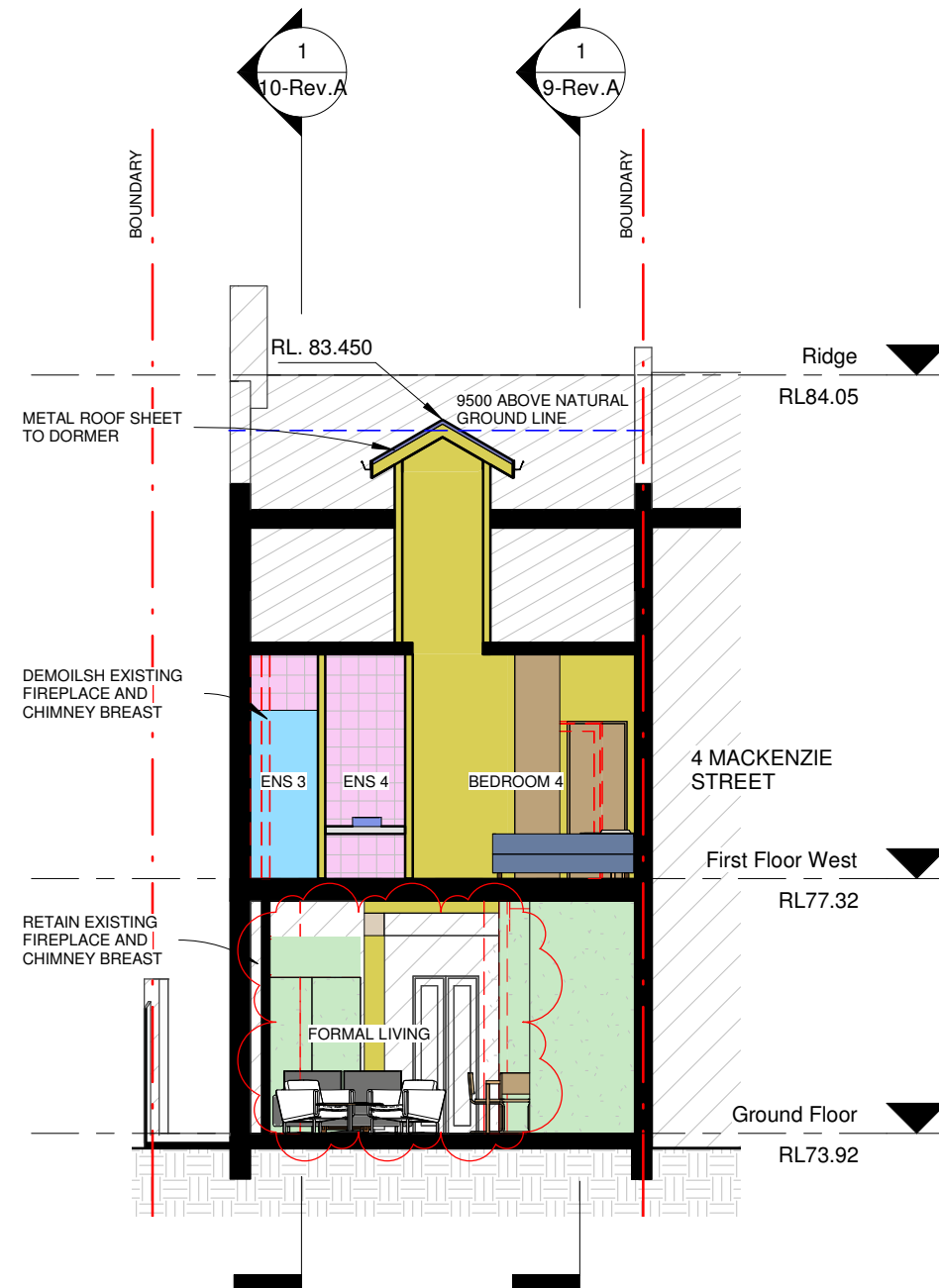
Section  
SCALE: 1 : 100  
DATE: 26 JUL 21  
DRAWN: WH  
JOB NO: 894-20  
DRAWING NO: 10-Rev.A

NO.	DESCRIPTION	DATE
Rev.A	Reconfiguration of the ground floor plan by amalgamating the proposed two dwellings into one.	26-Jul-2021
	Reduction in width of side entry door.	

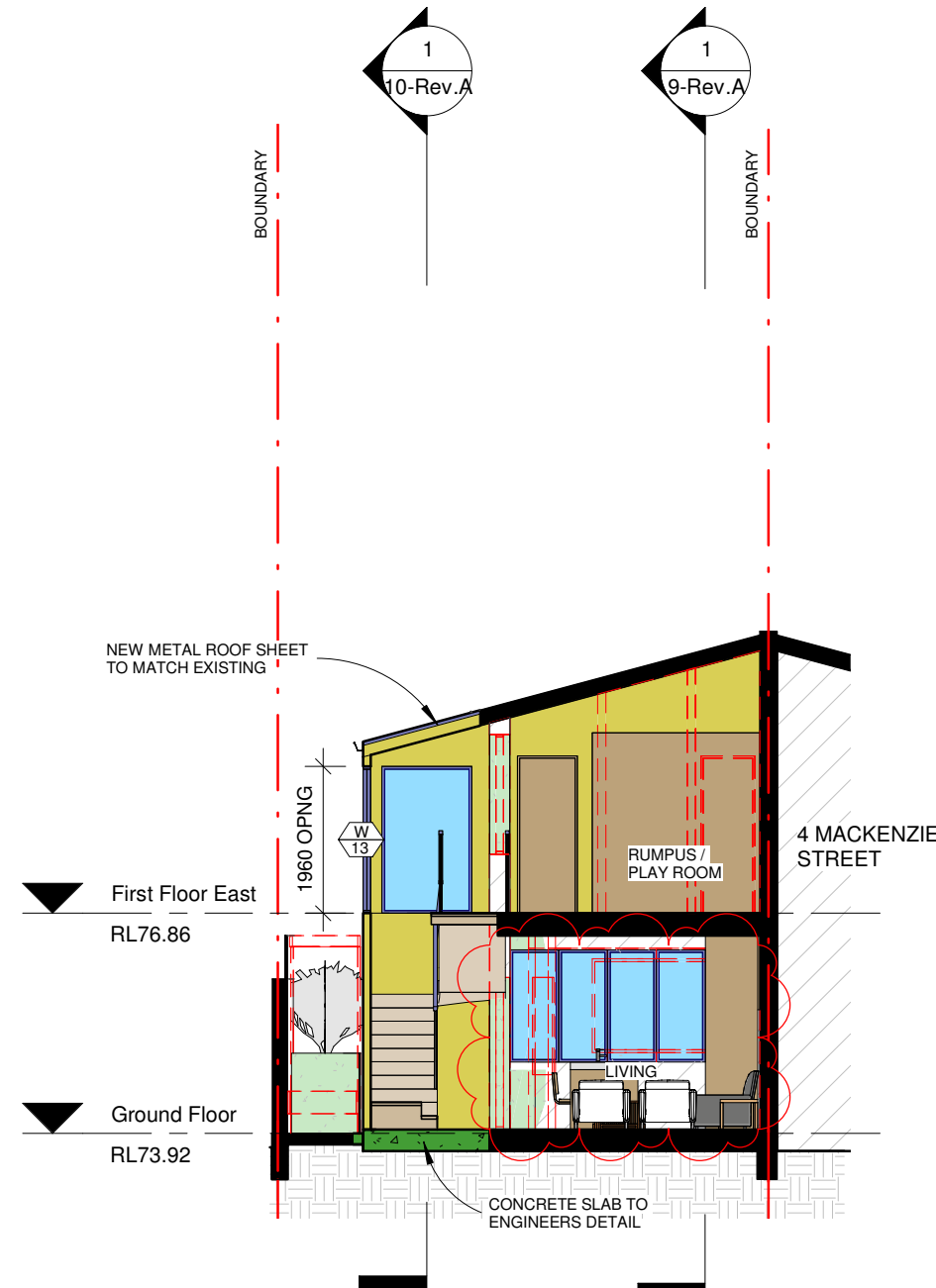
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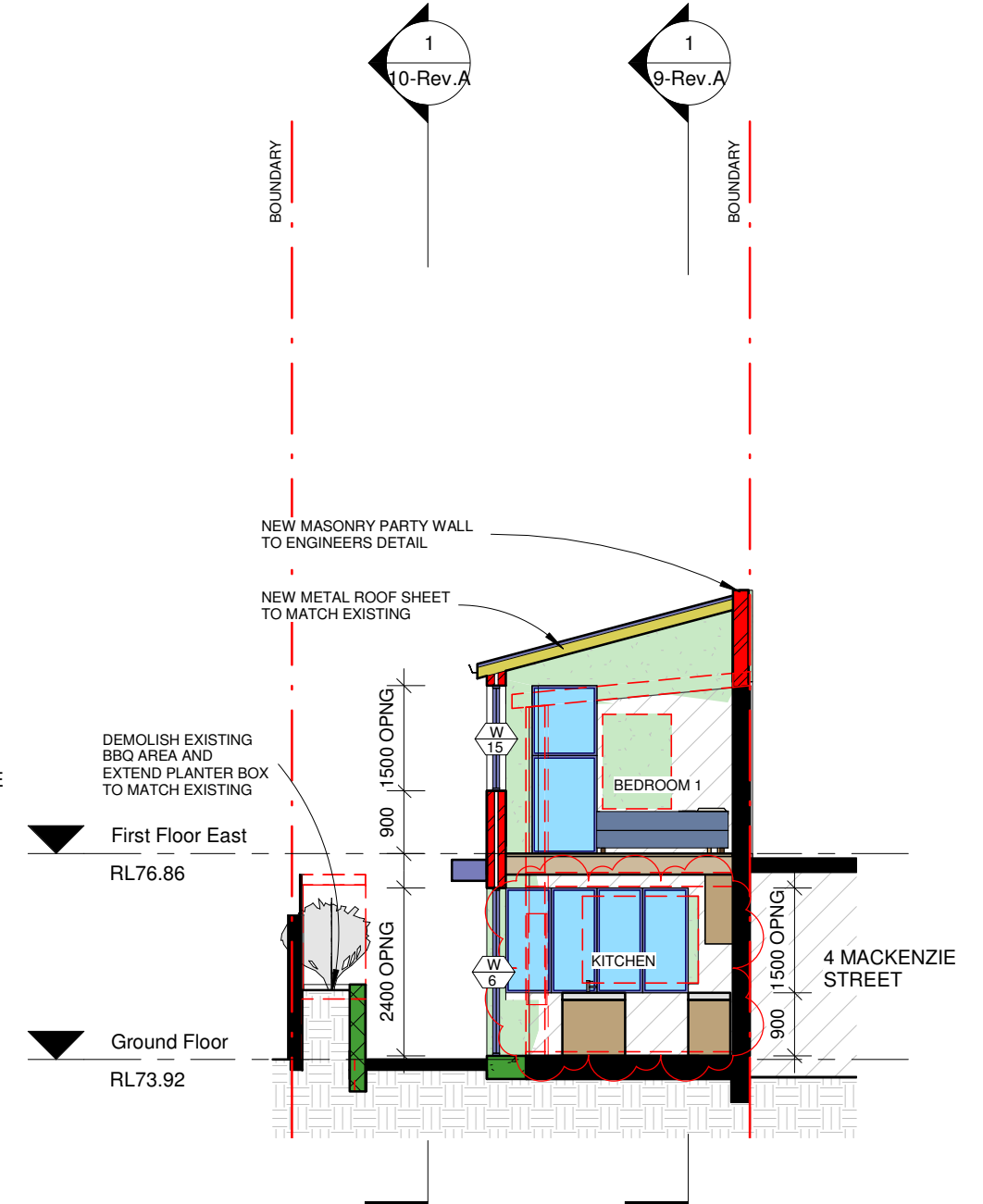
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1 Section 2  
1 : 100



2 Section 3  
1 : 100



3 Section 4  
1 : 100

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Application No: DA-193/2021  
Date Received: 12/08/2021

PROJECT: Alterations and additions  
Project Name  
**2 MacKenzie Street**  
**Bondi Junction NSW**

Sections  
SCALE: 1 : 100  
DATE: 26 JUL 21  
DRAWN: WH  
JOB NO: 894-20  
DRAWING NO: 11-Rev.A

NO.	DESCRIPTION	DATE
Rev.A	Reconfiguration of the ground floor plan by amalgamating the proposed two dwellings into one.	26-Jul-2021
	Thus, creating a bigger kitchen and a dedicated formal living, dining and sunroom.	

NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.



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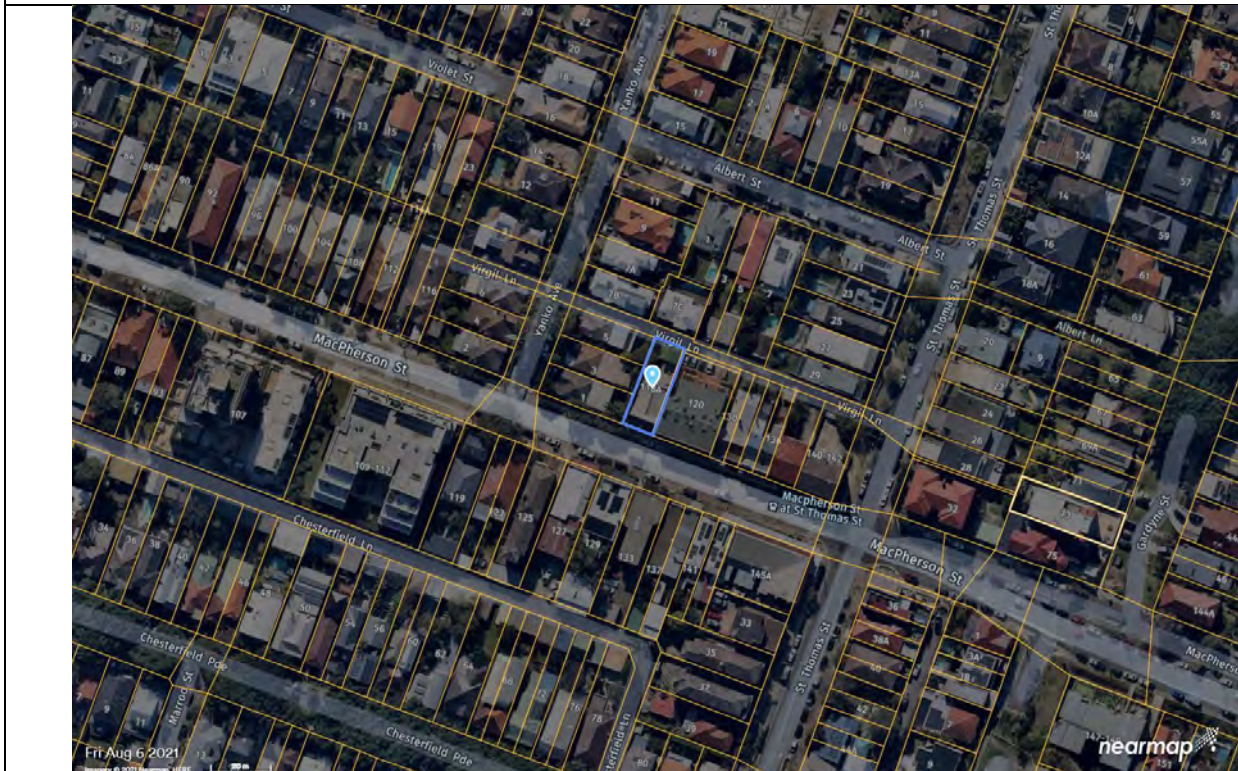




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-40/2021
<b>Site address</b>	118 Macpherson Street, Bronte
<b>Proposal</b>	Substantial alterations and additions to the existing shop top housing development to provide four new studio apartments above two ground floor commercial tenancies and construction of a new rear garage
<b>Date of lodgement</b>	3 February 2021
<b>Owner</b>	Mr A and Mrs L Imvriotis
<b>Applicant</b>	Mr Julian Dolk, Bureau SRH Architects
<b>Submissions</b>	14 submissions (original)
<b>Cost of works</b>	\$475,000
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Non-compliance with the floor space ratio development standard</li> <li>• Visual and acoustic privacy impacts</li> <li>• Internal amenity impacts for the proposed units</li> <li>• Non-compliances with Waverley DCP 2012</li> </ul>
<b>Recommendation</b>	That the application be <b>REFUSED</b> for the reasons contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for substantial alterations and additions to the existing shop top housing development to provide four new studio apartments above two ground floor commercial tenancies and construction of a new rear garage at the site known as 118 Macpherson Street, Bronte.

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

- Non-compliance with the floor space ratio development standard of Waverley Local Environment Plan 2012.
- Visual and acoustic privacy impacts.
- Unacceptable internal amenity impacts for occupants of the proposed units.
- Non-compliances with Waverley Development Control Plan 2012.

The assessment finds these issues unacceptable due to the unreasonable impacts on the amenity of neighbouring properties and the internal amenity for the occupants of the development.

A total number of 14 submissions were received during notification of the original application, three during notification of the amended application and two during notification of the updated 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 refusal.

### 1.2. Site and Surrounding Locality

A site visit was carried out on 3 April 2021.

The site is identified as Lot 7 in DP78510, known as 118 Macpherson Street, Bronte.

The site is rectangular in shape with a frontage to Macpherson Street measuring 10.425m. It has an area of 316.2m<sup>2</sup> and is generally flat.

The site is occupied by a two storey shop top housing development containing two commercial tenancies at ground floor level and two x two bedroom units on the first floor level. A detached garage containing two off-street car parking spaces is sited at the rear of the property with vehicular access provided from Virgil Lane. The existing building is identified as a locally listed heritage item in accordance with the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) (Item I323).

The site is adjoined by a three storey shop top housing development to the east and low density residential dwellings to the west. The B1 Neighbourhood Centre zoned site abuts the Low Density Residential R2 Zone to the west. The locality is characterised by a variety of low or medium density residential and shop top housing developments and is located within the Bronte (Macpherson Street) Neighbourhood Centre.

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



**Figure 1:** View of the Macpherson Street frontage of the subject site



**Figure 2:** View looking south-west towards the rear of the subject site



**Figure 3:** Streetscape view looking west along Virgil Lane.

### 1.3. Relevant Development History

A search of Council's records revealed a number of change of use applications for the commercial tenancies at ground floor level.

## 1.4. Proposal

The development application seeks consent for substantial alterations and additions to the existing shop top housing development to provide four new studio apartments above two ground floor commercial tenancies, and construction of a new garage to Virgil Lane at the rear. New open space areas are proposed for each apartment in the form of rear balconies for the two north facing units and a communal roof terrace for the two south facing studio units. Details of the proposal are as follows:

### *Ground Floor*

- Demolition of various internal and external walls including the existing rear laundries, front and rear stairs and detached garage building.
- Reconstruction of new front stairs, internal and external walls and retention of the two commercial tenancies at ground floor level.
- New outdoor area to the rear of the proposed commercial tenancies accessed via new rear sliding doors.
- New rear detached garage building containing two off street car spaces, accessible toilet and commercial waste room.
- A new residential waste room is proposed at the eastern side boundary.
- New landscaping is also proposed.

### *First Floor Level*

- Partial demolition, reconstruction and extension of the building footprint towards the rear boundary by approximately 4.5m.
- Accommodation for four studio units. Studio units 1 and 2 are proposed to be south facing and Studio units 3 and 4 are proposed to the north end of the building.
- Studio Units 3 and 4 are to be provided with north facing balconies.
- New internal stair access is proposed from Studio Units 1 and 2 to a communal roof top terrace which is to service these two units only.
- A residential waste chute is proposed at the eastern side of the building.

### *Roof Level*

- Demolition of part of the roof and extension towards the rear.
- A 19.81m<sup>2</sup> roof top terrace is proposed to service Units 1 and 2 below.
- New skylights.



**Figure 4:** Perspective of the rear of the proposed development when viewed from Virgil Lane

### 1.5. Background

The development application was lodged on 3 February 2021 and notified from 9 February 2021 until 23 February 2021. The application was then deferred on 26 April 2021 for the following reasons:

- Incorrect calculation of floor space ratio (FSR) based on exclusion of areas not identified in accordance with the definition of gross floor area (GFA) under Waverley LEP 2012. There was also identified inconsistencies across documents with the site area used to calculate the FSR.
- Heritage matters.
- Unreasonable impacts from the proposed roof terraces which would not be supported.
- General internal amenity of the proposed apartments.
- Visual and acoustic privacy impacts.
- Rear building line and side setbacks
- Location of the external access stair at the eastern side boundary.
- Building services including inadequate mechanical ventilation.
- Location of rear alfresco dining area to commercial units at ground level.
- Reduction in the existing car parking provided on site.
- Matters to be addressed under the National Construction Code.
- Waste management.
- Stormwater management.



Council received email correspondence from the applicant prior to lodging the amended plans to ascertain whether Council would still be supportive of the number of units proposed ie. four units, whilst removing access to private open space to two of the studio units due to the removal of the roof terraces as required by Council's deferral letter. In an email to the applicant dated 18 May 2021 it was further confirmed to the applicant that Council did not support the proposed roof terraces and that by increasing the intensity on site from two units to four units was creating internal amenity impacts for the occupants of those units.

Amended plans and documentation were submitted on 16 June 2021 to address some of the above matters as listed. The amended plans addressed the proposed floor space calculations but not the discrepancy between the site area used, removal of the roof terraces, enclosure of the rear external stair access, an increase to two car parking spaces on site and waste management. The proposal retained the four studio units on site. The amendment sought more extensive demolition of the first floor level, removed all proposed first floor windows to Studios 3 and 4 from both side elevations and extended the building envelope beyond the predominant rear building line. The amended plans were notified from 22 June 2021 until 6 July 2021.

On 8 July 2021, an email was forwarded to the applicant advising that Council still had concerns with the amended DA but sought to give the applicant a further opportunity to address these issues in order to seek a positive design resolution and outcome. The issues raised in Council's email are outlined as follows:

- Continued concerns with the internal amenity of the proposed apartments, particularly access to natural light and ventilation. The email advised the applicant to reduce the number of units from four studio units to two larger units.
- Non-compliance with the rear building line.
- Visual bulk and scale impacts of the rear balcony additions.
- Visual and acoustic privacy impacts.
- Submission still required of additional information including fully dimensioned floor plans and elevations, internal rear north facing elevation to show works to the commercial tenancies, and details regarding window operability.

Amended plans were lodged on 10 August 2021 and notified for a period of seven days from 16 August 2021 until 23 August 2021. These amended plans still retain the four studio units and reintroduce a roof terrace albeit with a communal use arrangement between Studios 1 and 2. The rear building line appears to now align with the adjoining shop top housing development to the east. It is also now proposed to demolish the front stairs and reconstruct for compliance with the NCC. The proposal has now removed access to the rear of the site from the first floor level (noting that this was not a request of Council's to remove this stair access). Amendments have also been made to waste management. The amended plans received on 10 August 2021 are the subject of this assessment report.

It is noted that these amended plans are not provided with dimensions as requested in Council's email correspondence dated 8 July 2021. Other omissions from the application which were requested from the applicant is the internal north facing building elevation showing the proposed works to the ground

floor level commercial tenancies. There are also inaccuracies on the submitted shadow diagrams and view from the sun diagrams which are identified under the Waverley Development Control Plan 2012 (Waverley DCP 2012) **Table 3** below. Inconsistencies have also still been identified with the applicable site area used to calculate FSR for the development which is also discussed in further detail below.

## 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 in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004.

BASIX Certificates were lodged with the original development application however, amended BASIX certificates have not been submitted with the amended documentation to ascertain acceptability. Should the application be approved, however, this could be addressed by a condition of the development consent.

- SEPP 55 Remediation of Land.

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

#### 2.1.2. Waverley LEP 2012

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	No	The proposal is not consistent with the aims of the plan.

Provision	Compliance	Comment
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B1 Neighbourhood Centre Zone	Yes	The proposal is defined as alterations and additions to an existing <i>shop top housing</i> development, which is permitted with consent in the B1 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 9m	Yes	9m (existing)
4.4 FSR • 1:1 (316.2m <sup>2</sup> of GFA)	No	1.01:1 (320.10m <sup>2</sup> of GFA)  There are inconsistencies across the documents submitted with the application of the applicable total site area. This is discussed in further detail below this table.
4.6 Exceptions to development standards	No	The application is not accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The subject building on the site is identified as local heritage item I323 being an Inter-war classical revival style mixed development. The application was referred to Council's Heritage Architect who raised no objection subject to conditions should the application be approved.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	Class 5 Acid sulfate soils. The proposed works would not result in disturbance or impacts relating to the presence of acid sulfate soils
6.9 Design excellence	N/A	The subject site is identified as a key site on the Key Sites Map of Waverley LEP 2012. Clause 6.9 applies to development that involves the erection of a new building or external alterations to an existing building that has a building height equal to or greater than 15 metres. The subject development will reach an overall height of 9 metres only.

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

#### Clause 4.4 - Floor Space Ratio

There are inconsistencies across all documents submitted with the DA of the applicable total site area. The submitted Survey Plan prepared by Norton Survey Partners dated 15 November 2020 indicates the site area as 316.2m<sup>2</sup> 'by title dimensions'. The submitted Statement of Environmental Effects (SEE) states that *the site has an area of 321.16m<sup>2</sup>* (Page 6 of the amended SEE prepared by Planning Ingenuity Pty Ltd dated 15 June 2021 and received by Council on 16 June 2021). The submitted GFA plans dated 9 August 2021 and received by Council on 10 August 2021 states that the site area is 320.97m<sup>2</sup>. This inconsistency across the documentation submitted with the DA package is unacceptable.

Notwithstanding, the site area shown on the submitted Survey Plan is the site area used for the purposes of calculating the overall FSR. In this regard, the proposed FSR is calculated as 1.01:1 or a GFA of 320.10m<sup>2</sup>, resulting in a non-compliance with the FSR development standard of 3.9m<sup>2</sup> or 1.2%. Given this non-compliance, a submission under Clause 4.6 of Waverley LEP 2012 is required to be submitted, which the applicant has failed to provide. This is considered a threshold issue, which warrants a reason for refusal of the application.

#### 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	No	Unsatisfactory (see further discussion below).
2. Ecologically Sustainable Development	No	The proposed development is considered to be unacceptable in regards to passive design principles due to the inadequate provision for natural light and ventilation, particularly to Studio Units 1 and 2.
3. Landscaping and Biodiversity	Yes	Satisfactory
6. Stormwater	Yes	Satisfactory
7. Accessibility and Adaptability	No	Doorways to the existing ground floor level residential lobby and commercial tenancies have a 100mm stepped access only. At grade access is not proposed to be provided to the existing ground floor level commercial tenancies. A new accessible toilet is proposed to the rear of these tenancies with at grade access. Equitable access is not provided to the first floor residential units, noting that the building is heritage listed and two storeys only.



Development Control	Compliance	Comment
<p>8. Transport</p> <p>Zone 2</p> <p>Minimum parking rate:</p> <ul style="list-style-type: none"> <li>0 per studio unit</li> <li>0 for Retail</li> </ul> <p>Maximum parking rate:</p> <ul style="list-style-type: none"> <li>0 per studio unit</li> <li>3.3/100m<sup>2</sup> GFA for retail = 5</li> </ul> <p>Visitor parking:</p> <ul style="list-style-type: none"> <li>1 space per 5 units = 1 space</li> </ul> <p>Accessible parking: 10% of all car spaces</p> <p>Motorcycle parking:</p> <ul style="list-style-type: none"> <li>1 per 3 car spaces = 1 motorcycle space</li> </ul> <p>Bicycle parking:</p> <ul style="list-style-type: none"> <li>Resident: 4</li> <li>Visitor: 1</li> <li>Retail: Employee 0.1/100m<sup>2</sup> Visitor: 0.4/100m<sup>2</sup></li> </ul> <p>Loading Facilities: Retail - 1 per 400m<sup>2</sup> GFA</p>	<p>A total of two car spaces are proposed</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>	<p>The proposal provides for two off street car spaces which is equivalent to the existing development on site, but within new garage accommodation. Its design and location are satisfactory and compliant with the minimum rates of the Waverley DCP 2012.</p> <p>An accessible parking space is not provided</p> <p>None provided</p> <p>None provided</p> <p>No loading facilities are proposed on site. The proposed retail GFA is 164.58m<sup>2</sup> only which does not generate the need for the provision of an off street loading bay.</p>
9. Heritage	Yes	The subject building on the site is identified as local heritage item I323, being an Inter-war classical revival style mixed development. The application was referred to Council's Heritage Architect who raised no objection subject to conditions should the application be approved.
10. Safety	Yes	Satisfactory
12. Design Excellence	No	Unsatisfactory. See further discussion below
17. Inter War Buildings	Yes	The subject building on the site is identified as local heritage item I323 being an Inter-war classical revival style mixed development. The application was referred to Council's Heritage Architect who raised no objection subject to conditions should the application be approved.

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

Development Control	Compliance	Comment
<b>3.2 Height</b>		
<ul style="list-style-type: none"> <li>Compliance with WLEP</li> </ul>	Yes	
<b>3.3 Setbacks</b>		
3.3.1 - Street setbacks		No change proposed
<ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	Yes	
3.3.2- Side and rear setbacks		
<ul style="list-style-type: none"> <li>Minimum side setback: 1.5m</li> <li>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</li> <li>Deep soil alongside boundary min 2m wide</li> </ul>	<p>No</p> <p>Not demonstrated</p> <p>No</p>	<p>The existing setbacks range from nil up to 900mm for the first floor level shop top housing. The proposal seeks to extend the non-compliant side setbacks at both the east and west sides of the building at first floor level. At both side boundaries, the proposed setback is approximately 800mm only. The subject site abuts the boundary of the Low Density Residential R2 zoning to the west.</p> <p>It is noted that the applicant has failed to provide setback dimensions on the submitted architectural plans.</p> <p>In regards to the rear building line, it would appear that the proposed building aligns with the upper level rear balconies of the adjoining property to the east at 120-128 Macpherson Street, however, no rear setback dimensions have been provided to ascertain compliance.</p> <p>The proposal fails to comply with the minimum 2m width of deep soil landscaping.</p>
<b>3.4 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> </ul>	Yes	Approximately 22m.
<ul style="list-style-type: none"> <li>Façade to be articulated</li> </ul>	Yes	Retention of the front heritage articulated façade is proposed.
<ul style="list-style-type: none"> <li>Maximum unit depth: 18m</li> </ul>	Yes	
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> </ul>	Yes	Retention of the front heritage articulated façade is proposed.
<ul style="list-style-type: none"> <li>Sympathetic external finishes</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Removal of original architectural features not supported.</li> </ul>	No	The roof terrace results in the partial demolition of the roof. While the proposed roof terrace is predominantly sunken down within the existing roof form, it will result in additional visual impact when viewed from the sides and the rear particularly given the 1.8m high privacy screens proposed around its edges. This will result in this

Development Control	Compliance	Comment
		element not appearing as a cohesive part of the existing heritage roof profile.
<b>3.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level and respond to pattern within the street</li> <li>Accessible entry</li> <li>Separate to vehicular entry</li> <li>Legible, safe, well-lit</li> </ul>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Not shown</p>	A common stair entry from Macpherson Street to gain access to the first floor level units is proposed to be upgraded for compliance with the National Construction Code (NCC).
<b>3.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Comply with part B3- Landscaping and Biodiversity</li> <li>Minimum of 30% of site area landscaped area: 94.86m<sup>2</sup></li> <li>50% of the above is to be deep soil: 47.43m<sup>2</sup></li> </ul>	<p>Partial</p> <p>No</p> <p>No</p>	<p>Minimal soft landscaping is proposed</p> <p>Approximately 85m<sup>2</sup> or 27%</p> <p>Approximately 33m<sup>2</sup> or 35%</p>
<b>3.10 Communal open space</b>		
<ul style="list-style-type: none"> <li>Minimum dimensions: 6m x 6m</li> <li>May be provided on a podium or roof top terrace provided the controls within this part are met</li> <li>In considering a roof top terrace Council will consider impact on privacy and noise for neighbouring residents, with the reasonableness of the proposal</li> <li>Minimum of 30% of communal area must receive three hours of sunlight</li> <li>Accessible</li> </ul>	<p>No</p> <p>No</p> <p>Unacceptable</p> <p>Yes</p> <p>No</p>	<p>A roof top communal open space terrace area is proposed for Studio Units 1 and 2. This is discussed in further detail below this Table.</p> <p>The proposed roof top terrace results in unreasonable visual and acoustic privacy impacts which are not supported.</p> <p>The proposed communal roof terrace is to be accessible to Units 1 and 2 only. Units 3 and 4 are proposed to have private open space areas in the form of rear north facing balconies.</p>
<b>3.11 Private Open Space</b>		
<p>3.11.2 – Balconies/decks</p> <ul style="list-style-type: none"> <li>Balcony additions to match the character of the building</li> </ul>	Yes	The application was referred to Council's Heritage Architect who raised no objections to the proposed additions subject to conditions should the application be approved.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Should not dominate the façade</li> <li>Located to maximise solar access and privacy</li> <li>Balustrades to allow views and casual surveillance of the street and privacy</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	
<b>3.12 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>Car parking to be integrated into the design of the development</li> <li>Provided from secondary street or lane</li> <li>Pedestrian safety considered</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>There are two existing car spaces on site provided within a detached garage building. The original proposal included the demolition of the existing garage and construction of a new rear garage building containing one off street car space only. In Council's deferral letter dated 26 April 2021, the applicant was requested to retain the two off street car spaces on site. The amended proposal now retains two off-street car spaces within a new detached garage building accessed via Virgil Lane at the rear.</p>
<b>3.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June</li> <li>New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter.</li> <li>Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings not to be reduced to less than three hours of sunlight on 21 June.</li> </ul>	<p>No</p> <p>Not demonstrated</p> <p>No</p>	<p>Only 50% of units within the building are capable of satisfying this requirement.</p> <p>The submitted view from the sun diagrams fail to show the location of windows at the west side north facing elevation of the adjoining building at 120-128 Macpherson Street (which are also considered to be solar collectors in accordance with its definition under Waverley DCP 2012), which may be unreasonably impacted as a result of the proposed alterations and additions.</p> <p>The submitted shadow diagrams are inaccurate. The plans do not demonstrate the existing or proposed shadow cast from the extended building onto the adjoining property to the east at 120-128 Macpherson Street from 12pm onwards.</p>
<b>3.14 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss through design</li> <li>Views from public spaces to be maintained.</li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The submitted SEE states that there are <i>no views currently enjoyed across or over the site and given there are no significant alterations proposed to the height of the existing built form, the proposed development will have no adverse impacts on the surrounding properties in terms of view loss.</i></p> <p>No submissions were received that identified the loss of iconic or significant views as a result of the</p>



Development Control	Compliance	Comment
		development proposed. The loss of district views to the west was raised as an issue by an objector from a unit within 120-128 Macpherson Street, however, this impact is not considered unreasonable to warrant a reason for refusal of the application.
<b>3.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Dwellings to be orientated to the street with entrances and street numbering visible</li> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>Privacy be considered in relation to context density, separation use and design.</li> <li>Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site.</li> </ul>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p>	<p>The extension to the building at first floor level seeks to accommodate new rear north facing balconies to Units 3 and 4. Whilst batten privacy screens are proposed, these balconies are to be sited only 800mm from the western side boundary, providing limited separation from the neighbouring low density residential properties to the west.</p> <p>A roof top communal open space terrace area is proposed for Studio Units 1 and 2. The proposed roof top terrace results in unreasonable visual and acoustic privacy impacts which are not supported. This is discussed in further detail below this Table.</p>
<b>3.16 Dwelling size and layout</b>		
<ul style="list-style-type: none"> <li>Max habitable room depth for single aspect dwelling is 8m from a window</li> <li>All habitable rooms to have a window</li> <li>Provide a range of dwelling types and sizes</li> <li>Min sizes Studio = 35m<sup>2</sup></li> <li>Flexible design</li> <li>Accessible and Adaptable</li> </ul>	<p>Yes</p> <p>Partial</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p>	<p>See discussion below regarding internal amenity of the proposed units.</p>
<b>3.17 Ceiling Heights</b>		
<ul style="list-style-type: none"> <li>Min 2.7m floor to ceiling height residential floor</li> </ul>	<p>Yes</p>	

Development Control	Compliance	Comment
<b>3.18 Storage</b>		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> <li>• Studio and 1 bed = 6m<sup>3</sup></li> <li>• All to provide bulk storage are in basement or ancillary structure</li> </ul>	<p>Not shown</p> <p>Not shown</p>	
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• Internal amenity by locating noisy areas away from quiet areas</li> </ul>	No	See discussion below
<b>3.20 Natural Ventilation</b>		
<ul style="list-style-type: none"> <li>• All dwellings to be naturally cross-ventilated</li> <li>• Building to be orientated to maximise breezes</li> <li>• Ceiling fans are to be provided in all habitable rooms.</li> </ul>	<p>No</p> <p>No</p> <p>No</p>	See discussion below
<b>3.21 Building services</b>		
<ul style="list-style-type: none"> <li>• Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> <li>• Outdoor Communal clothes drying area to be provided</li> <li>• Plant rooms away from entry communal and private open spaces and bedrooms.</li> <li>• Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge</li> </ul>	<p>Partial</p> <p>No</p> <p>No</p> <p>No</p>	<p>The proposed upgrade of the building provides an important opportunity for the upgrading of plant and equipment, including provision for upgraded mechanical ventilation from the existing commercial tenancies at ground floor level. The application does not propose to upgrade or integrate these facilities.</p> <p>The existing commercial mechanical exhaust is located adjoining first floor bedroom windows.</p>

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

Development Control	Compliance	Comment
<b>1.1 Other Policies, Strategies and Standards</b>		
<b>1.2 Design</b>		
1.2.1 Frontages	Yes	Retention and refurbishment of the existing façade is proposed. The proposal retains the active street frontage at ground floor level which is currently used as a restaurant and business premises. It is proposed to reinstate a first floor arched window to the Macpherson Street façade.
1.2.2 Awnings	Yes	Existing awning to be upgraded
1.2.3 Lighting	Not shown	
1.2.4 General Amenity	No	Whilst alterations and additions are proposed to the existing ground floor level commercial units, the application does not propose to upgrade these areas in order to integrate services such as mechanical ventilation. Should the application be approved, it is recommended that conditions be imposed to upgrade these services and to integrate them within the development given the substantial alterations and additions proposed to the building.
1.2.5 Noise	No details provided	
<b>1.3 Hours of operation</b>		
	Not provided	The SEE states that the existing uses on the site will be retained.

**Table 5: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Specific objectives and controls</b>		
3.1.2- Bronte Neighbourhood Centre Objectives		
(a) To maintain the built form arising from the historical subdivision pattern and the small shop character at street level	Yes	
(b) Maintain the public views and outlook at the eastern end of the centre	Yes	

Development Control	Compliance	Comment
<b>3.2 Generic controls</b>		
3.2.1 Land uses	Yes	The proposal maintains the use of the building as <i>shop top housing</i>
3.2.2 Public domain interface	Yes	The proposal retains the streetscape elevation/ interface to Macpherson Street
3.2.3 Built form	No	The proposal does not uphold the objectives and controls of this part of the DCP. The proposal does not ensure that buildings provide high quality internal environments for the occupants and users of the building
3.2.4 Building facade articulation	Yes	Satisfactory
3.2.5 Buildings of historic character	Yes	Satisfactory
3.2.6 Building services and site facilities	No	See discussion below regarding the provision of services and facilities

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

#### ***Design Excellence and Apartment Amenity***

The objectives of Part C3 Section 3.16 *Dwelling and Layout* of Waverley DCP 2012 seek to ensure that *the internal arrangements of dwellings is functional and satisfies occupants needs* and that *dwellings provide high standards of residential amenity*.

The application seeks to enlarge and refurbish the existing heritage listed building on the subject site. The proposal seeks to retain the existing ground floor level retail/commercial tenancies but proposes to extend the first floor level to accommodate four studio units compared to the existing two x two bedroom units.

The existing two bedroom units within the building are orientated south to north with existing windows to both side elevations and to the north (rear) and south (front) elevations. This enables cross ventilation and solar access, creating a reasonable level of amenity for the occupants of the existing units. Dividing the extended area into four studio units limits access to cross ventilation and solar access for the new units. This is particularly the case for Studio Units 1 and 2 located towards the front of the building overlooking Macpherson Street to the south.

Studio Unit 1 is located at the south-west corner of the building and is to have an overall floor area of 35m<sup>2</sup>. Limited access is proposed to natural light and ventilation. The only available living room window is the existing south facing window to Macpherson Street, which is to be retained. A small bedroom window and bathroom window are the only other openings proposed to the unit at the west elevation. No details have been provided on the operability of any of these windows. The bedroom window to this unit will be sited near the existing mechanical exhaust servicing the tenancy below. The proposed



limited access to natural light and ventilation, south facing orientation and location adjoining the mechanical exhaust all contribute to the poor internal amenity for the occupants of this unit.

Studio Unit 2 is to be located at the south-east corner of the building and is to comprise a total overall floor area of 35m<sup>2</sup>. Limited access is proposed to natural light and ventilation with the existing south facing window to Macpherson Street being the only window proposed to this unit. This results in poor internal amenity for the occupants of this unit.

Both Studio Units 1 and 2 are proposed to have access to a common roof top terrace area accessed via a new common lobby/stair off the living areas of both of these units. The roof top terrace is proposed to have a total overall area of 19.81m<sup>2</sup>. This is the only available area of open space proposed to Units 1 and 2. The proposed roof top terrace, however, is not supported in accordance with the controls of Waverley DCP 2012, which is addressed in further detail below under 'Visual and Acoustic privacy'.

Studio Units 3 and 4 are to be sited at the rear of the extended building at first floor level. Studio Unit 3 is to be located at the north-west corner and is to comprise a total floor area of 37.5m<sup>2</sup>. Windows are proposed along the western elevation to the bedroom, bathroom and kitchen/living area. An 8m<sup>2</sup> north facing private balcony is proposed accessed from the living area. Studio Unit 4 is to be located at the north-east corner and is to comprise a total floor area of 37m<sup>2</sup>. Windows are proposed at the eastern elevation to the bedroom, bathroom and kitchen/living area. An 8m<sup>2</sup> north facing private balcony is also proposed to this unit.

There has been no information provided on the operability of windows proposed to both side elevations. Notwithstanding this, conditions could be imposed to address this issue should the application be approved. The internal amenity to both Studio Units 3 and 4 is deemed to be acceptable given the provision for cross ventilation, access to natural light and suitable areas for north facing private open space.

The applicant was requested to consider retaining and upgrading the existing two x two bedroom units within the building to address the issue of poor internal amenity that results due to the increase in density on site. The applicant, however, has chosen to proceed with the design to provide for the four studio units. Consequently, the proposed layout of the new units results in a number of non-compliances with the Waverley DCP 2012 contributing to the poor amenity that will be experienced for the occupants of the units, which is not supported.

Furthermore, the proposed refurbishment of the building provides an important opportunity for the upgrading of plant and equipment including provision for upgraded mechanical ventilation from the existing commercial tenancies at ground floor level. The application does not propose to upgrade or integrate these facilities within the building. It is also noted that no details have been provided on the provision of ceiling fans and air conditioning units to the apartments. The location of condenser units has not been indicated or integrated into the design of the development.

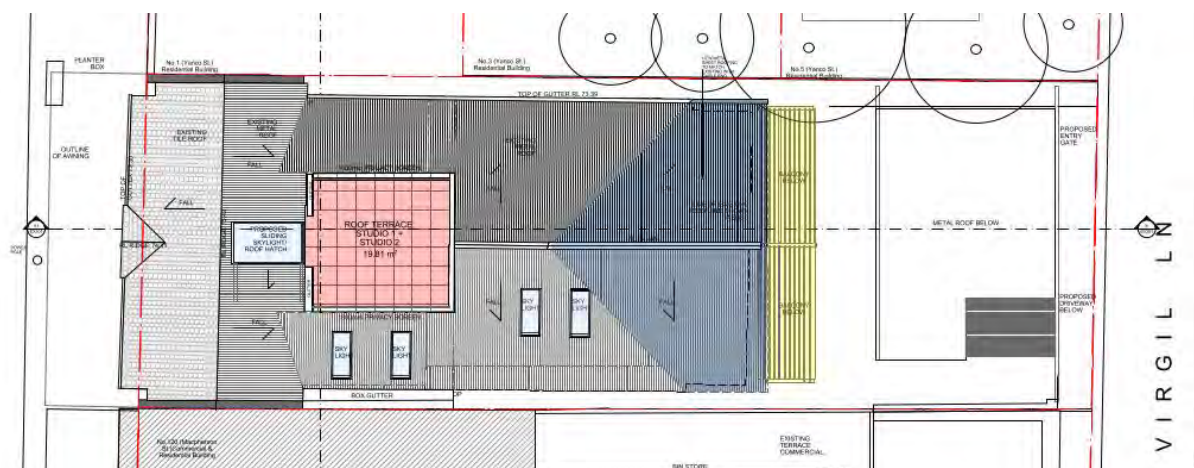
### *Visual and Acoustic Privacy*

The application proposes to provide a communal rooftop terrace for the use of Units 1 and 2 below. Access to the proposed terrace is to be made available via a new communal staircase from the southern end of Units 1 and 2 at first floor level to a sliding skylight roof hatch. The terrace is to have an overall

area of 19.81m<sup>2</sup> and surrounded by 1.8m high privacy screens. No setback dimensions have been provided to ascertain the proposed distance from side boundaries to the rooftop terrace area.

Part C3 Section 3.15 outlines the objectives and controls relating to visual privacy and security in accordance with Waverley DCP 2012. Objective (d) seeks to *minimise adverse impacts of roof top terraces*. Control (i) requires that roof tops are to be non-trafficable and not capable of being used as roof top terraces or as entertainment areas, except in the following circumstances:

- (i) *There is a predominance of roof terraces in the immediate vicinity of the site;*
- (ii) *They will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise;*
- (iii) *They must not exceed 15m<sup>2</sup> in area;*
- (iv) *They satisfy the considerations of the Privacy Planning Principle from Super Studio v Waverley Council [2004] NSWLEC 91 at 5-7;*
- (v) *They are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas; and*
- (vi) *Any access must be provided within the envelope of the main building and there are to be no access hoods or lift overruns proposed above the main roof level. Operable skylights and hydraulic lifts are acceptable where they finish generally flush with the roof level.*



**Figure 5:** Proposed location of the communal roof terrace

Part C3 Section 3.15 control (i)(i) of Waverley DCP 2012 is considered a threshold issue, which warrants a reason for refusal of the application. There is no predominance of roof terraces in the immediate vicinity of the site. The proposal will allow a trafficable area of over 15m<sup>2</sup> which may result in adverse noise and privacy impacts to the surrounding properties contravening controls (ii) and (iii) outlined above.

The rooftop is accessed via a new permanent staircase with a glass roof hatch from the first floor lobby area between Units 1 and 2, providing the main principal open space area for these units. If approved, there is no practical way of ensuring the rooftop will be used for casual and infrequent activity contravening control (i)(v) outlined above. Furthermore, Council is concerned that the proposal may create an undesirable precedent that is contrary to its development controls, and it is not supported.



It is noted that the *Waverley Community Development Participation and Consultation Plan* normally requires a 21 day notification for works to a heritage listed item. Given the extent of notification undertaken totalling 35 days, it is considered that the provisions of the *Waverley Community Development Participation and Consultation Plan* have been satisfied.

A total of 14 unique submissions were received from the following properties during notification of the original plans and documentation. Further submissions received from properties during notification of the amended plans have been identified:

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

Count	Property Address
1.	Lot 1, 120-128 Macpherson Street, Bronte
2.	Shop 2/ 120-128 Macpherson Street, Bronte
3.	Unit 4/ 120-128 Macpherson Street, Bronte (original and both amended)
4.	Unit 5/ 120-128 Macpherson Street, Bronte
5.	Unit 6/ 120-128 Macpherson Street, Bronte
6.	Unit 7/ 120-128 Macpherson Street, Bronte
7.	Unit 8/ 120-128 Macpherson Street, Bronte (original and both amended)
8.	Unit 9/120-128 Macpherson Street, Bronte
9.	Strata Committee – 120-128 Macpherson Street, Bronte
10.	1 Yanko Avenue, Bronte
11.	3 Yanko Avenue, Bronte (original and first amended)
12.	5 Yanko Avenue, Bronte
13.	7B Yanko Avenue, Bronte
14.	Bronte Beach Precinct Committee

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

- Negative impacts on Bronte Village
- Noise, odour and inadequate mechanical ventilation
- Inadequate parking
- Visual and acoustic privacy impacts
- Rear building line and impacts on view corridors (district views)
- Impacts on solar access
- Impacts from use of rooftop terrace
- Insufficient landscaping and deep soil areas
- Increase in traffic
- No loading/ unloading facility
- Exterior rear staircase (since removed)
- Construction impacts
- Inaccurate representation of windows of adjoining neighbour on the submitted plans.

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



**Issue:** *Proposed alfresco dining*

**Response:** Whilst an outdoor area is proposed to the rear of the commercial tenancies, the use of this area for alfresco dining has since been removed from the plans and does not form part of this application.

**Issue:** *Impacts on property values*

**Response:** There is no evidence to suggest that the proposed development will impact on property values and this matter does not provide a justified reason for a refusal of the development application. Notwithstanding, property values is not a planning consideration.

**Issue:** *Construction impacts*

**Response:** The application is recommended for refusal. Should the application be approved, standard conditions to address construction would be imposed accordingly.

## 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 application was referred to Council's Traffic and Development Engineer who raised no objection, subject to conditions should the application be approved. This is to include a condition requiring that one of the two car parking spaces is to be allocated as a resident visitor space and one as a retail space.

### 3.2. Stormwater

The application was referred to Council's Stormwater Engineer who raised no objections subject to conditions.

### 3.3. Environmental Health

The application was referred to Council's Environmental Health Officer who raised no objections subject to conditions should the application be approved.

### 3.4. Heritage

The application was referred to Council's Heritage Architect who raised no objections subject to conditions should the application be approved.

### 3.5. Fire and Safety

The application was referred to Council's Building Surveyor – Fire Safety who raised no objections subject to conditions should the application be approved.

## 4. CONCLUSION

The development application seeks consent for substantial alterations and additions to the existing shop top housing development to provide four new studio apartments above two ground floor commercial tenancies and construction of a new rear garage at the site known as 118 Macpherson Street, Bronte.

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

- Non-compliance with the floor space ratio development standard of Waverley LEP 2012.
- Visual and acoustic privacy impacts.
- Unacceptable internal amenity impacts for occupants of the proposed units.
- Non-compliances with Waverley DCP 2012.

The assessment finds these issues unacceptable resulting in unreasonable impacts on the amenity of the occupants of the building itself, the amenity of neighbouring properties and the locality.

A total number of 14 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 has been received and there has been no declared conflict of interest.

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

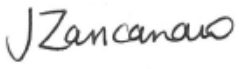

#### *Development and Building Unit (DBU) Decision:*

The application was reviewed by the DBU at the meeting on 17 August 2021 and the DBU determined that the application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: *A Rossi, B McNamara and B Magistrale*

## 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:
	
Jo Zancanaro	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 1 September 2021	Date: 13 September 2021

### *Reason for WLPP referral:*

1. Contentious development (10 or more objections)

## 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 section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular the following provisions:
  - a. *Clause 4.4 Floor Space Ratio* as the proposal exceeds the Floor Space Ratio development standard applicable to the subject site in accordance with the Waverley Local Environmental Plan 2012.
  - b. *Clause 4.6 Exceptions to development standards* (1) and (3) as the applicant has failed to provide a written request seeking to justify the contravention of the Floor Space Ratio development standard.
2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:

*Part B1 Waste*

  - a. General objective (c), Section 1.2 *Ongoing Management* specifically objectives (c), (d), (f), and Section 1.4.2 *Access and Collection* specifically 1.4.2.1 control (a), as the proposed location of the residential waste and recycling storage area is not in a position convenient for residents or users of the development resulting in unreasonable impacts on the occupants of the development and the locality.

### *Part B12 – Design Excellence*

- a. Section 12.1 *Design* specifically objectives (a), (c) and (d), controls (a) and (e) and 12.2 *Context Analysis* objectives (a) to (d), control (a) as the proposal has failed to consider the suitability of the land for the development given the relationship of the development to other development on neighbouring sites in terms of separation, setbacks, amenity and urban form. The proposal does not demonstrate an understanding of an appropriate response to the specific conditions of both the site and neighbouring properties and fails to ensure that the opportunities and constraints of a site are fully considered and incorporated into the design. The proposal results in poor internal amenity for the residents of the development.

### *Part C3 – Other Residential Development*

- a. Section 3.3.2 *Side and Rear Setbacks*, specifically objectives (a) and (b) control (b). The proposed side setback does not comply with the 1.5m side setback control required by Waverley Development Control Plan 2012, resulting in unreasonable visual and acoustic privacy impacts to the adjoining properties.



- b. Section 3.15 *Visual Privacy and Security*, specifically objectives (a), (b) and (d), control (i) as unreasonable visual and acoustic privacy impacts may arise from the proposed roof terrace.
- c. Section 3.16 *Dwelling Size and Layout* specifically objective (b) and (c), control (c) as the proposed units result in limited access to daylight and natural ventilation resulting in poor internal amenity for the occupants of the units.
- d. Section 3.18 *Storage* specifically objectives (a) and (b), controls (a) and (b) as the proposed units have not been provided with adequate storage areas.
- e. Section 3.19 *Acoustic Privacy* specifically objectives (a) and (b), control (b) as the proposal will result in unreasonable acoustic privacy impacts to the neighbouring properties.
- f. Section 3.20 *Natural Ventilation* specifically objectives (a), (b), (c) and (d), controls (a), (b), (c), (d) and (f) as the proposed units have not been designed to promote and facilitate natural ventilation and to minimise the use of air-conditioning.
- g. Section 3.21 *Building Services* specifically objectives (a) and (c), controls (a), (c), (d) and (e). The proposal fails to integrate building services into the design of the development and the refurbishment of the building.

#### *Part E3 – Local Village Centres*

- a. Section 3.2 *Generic Controls*, 3.2.3 *Built Form* specifically objectives (d) as the development does not provide high quality internal environments for the occupants and users of the building.
  - b. Section 3.2.6 *Building Services and Site Facilities* specifically objectives (a), (b) and (c), controls (d), (e), (f) and (h), as the proposal has failed to integrate adequate building services into the design of the development including but not limited to mechanical ventilation ducting including venting and exhaust structures and equipment, adequate and manageable waste facilities, external clothes drying area, storage areas.
3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development results in unacceptable amenity impacts upon the locality and surrounding built environment.
  4. 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 development of the subject site as proposed could consequently affect orderly future redevelopment of adjoining sites.
  5. 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.

6. 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.

# AMENDED PLANS

## ALTERATIONS AND ADDITIONS SHOP TOP HOUSING 118 MACPHERSON ST, BRONTE

DRAWING ID	NAME	REV	SCALE
DA000	COVER PAGE	01	NA
DA001	SITE ANALYSIS PLAN	01	1:200
EX101	EXISTING GROUND FLOOR PLAN	01	1:100
EX102	EXISTING FIRST FLOOR PLAN	01	1:100
EX103	EXISTING ROOF PLAN	01	1:100
EX201	EXISTING ELEVATIONS	01	1:100
EX202	EXISTING ELEVATIONS	01	1:100
EX301	EXISTING SECTIONS	01	1:100
DA100	PROPOSED SITE PLAN	01	1:200
DA101	PROPOSED GROUND FLOOR PLAN	01	1:100
DA102	PROPOSED FIRST FLOOR PLAN	01	1:100
DA103	PROPOSED ROOF PLAN	01	1:100
DA201	PROPOSED ELEVATIONS	01	1:100
DA202	PROPOSED ELEVATIONS	01	1:100
DA301	PROPOSED SECTIONS	01	1:100
DA501	PROPOSED SHADOWS	01	1:200
DA502	PROPOSED SHADOWS	01	1:200
DA503	PROPOSED SHADOWS	01	1:200
DA504	PROPOSED SHADOWS	01	1:200
DA505	PROPOSED SHADOWS	01	1:200
DA506	PROPOSED SHADOWS	01	1:200
DA507	PROPOSED SHADOWS	01	1:200
DA510	PROPOSED VIEWS FROM SUN	01	NA
DA601	AREA DIAGRAMS	01	1:200
DA701	LANDSCAPE PLAN	01	1:100
DA800	MATERIAL SCHEDULE	01	NA



### Basix Commitments

/for details: See the Basix certificate/

### Fixtures and systems

#### Lighting

- The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

#### Fixtures

- The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.
- The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.
- The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating

### Construction

#### Additional Insulation Requirements

Construction	Additional insulation requirement (R-value)
concrete slab on ground floor.	nil
floor above existing dwelling or building.	nil
external wall: cavity brick (R0.67)	nil
flat ceiling, pitched roof	ceiling: R1.45 (up), roof: foil backed blanket (55 mm)
flat ceiling, flat roof: framed	ceiling: R1.58 (up), roof: foil backed blanket (55 mm)
raked ceiling, pitched/skillion roof: framed	ceiling: R1.74 (up), roof: foil backed blanket (55 mm)

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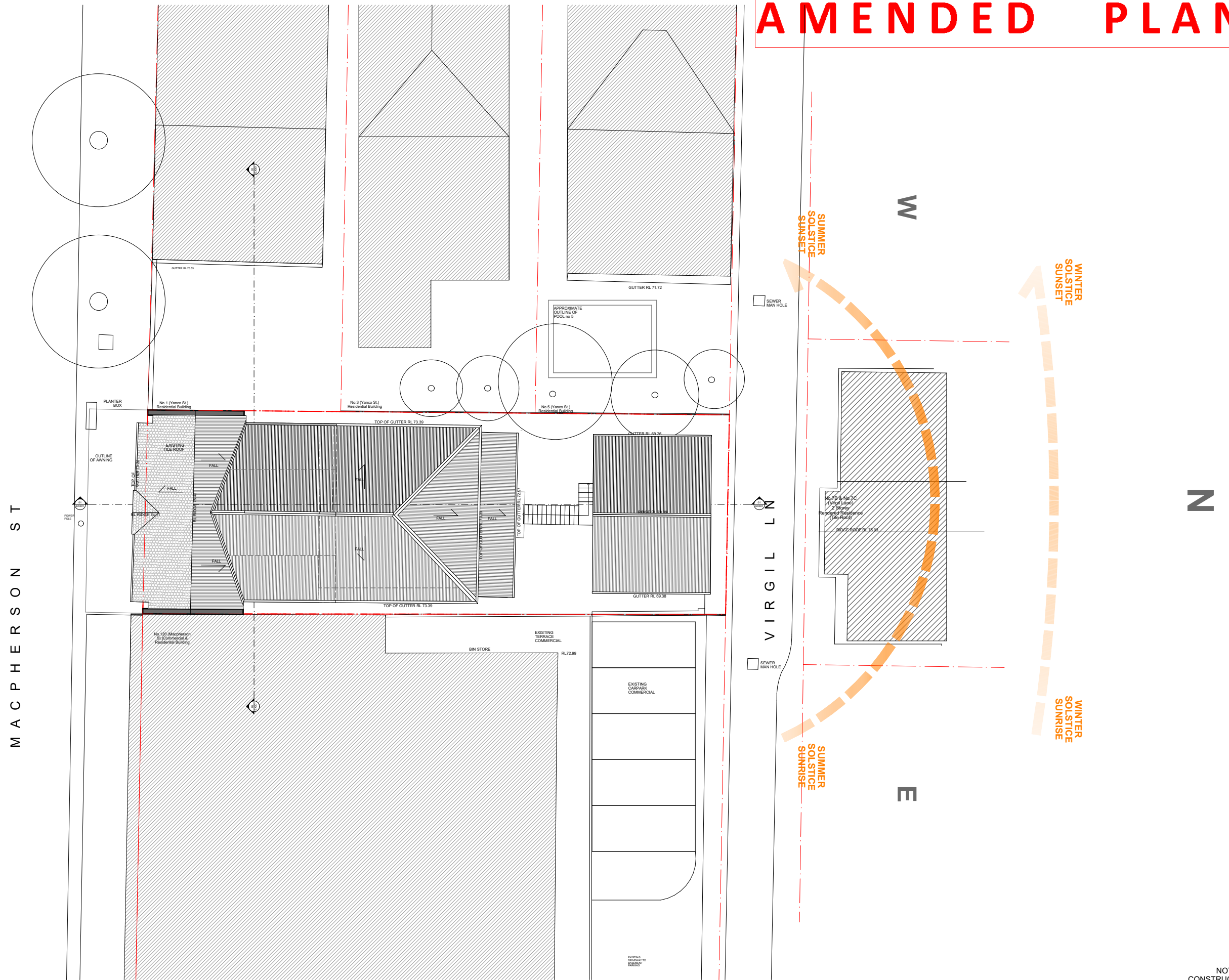
### 118 Macpherson st Bronte

STAGE: DA	DRAWING TITLE: COVER PAGE	PROJECT No: 19011
SCALE @ A3:	CLIENT: ALEX IMVRIOTIS DRAWN: JAD	DRAWING No: DA000
	CHECKED: MH APPROVED: SRH	REVISION: 03

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REV	DATE	NAME
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118 Macpherson st Bronte	
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STAGE:  
**DA**

SCALE @ A3:

1:200



DRAWING TITLE:  
**SITE ANALYSIS PLAN**

CLIENT: **ALEX IMVRIOTIS**

DRAWN: JAD

CHECKED: **MH**

APPROVED: **SRH**

PROJECT No: **19011**

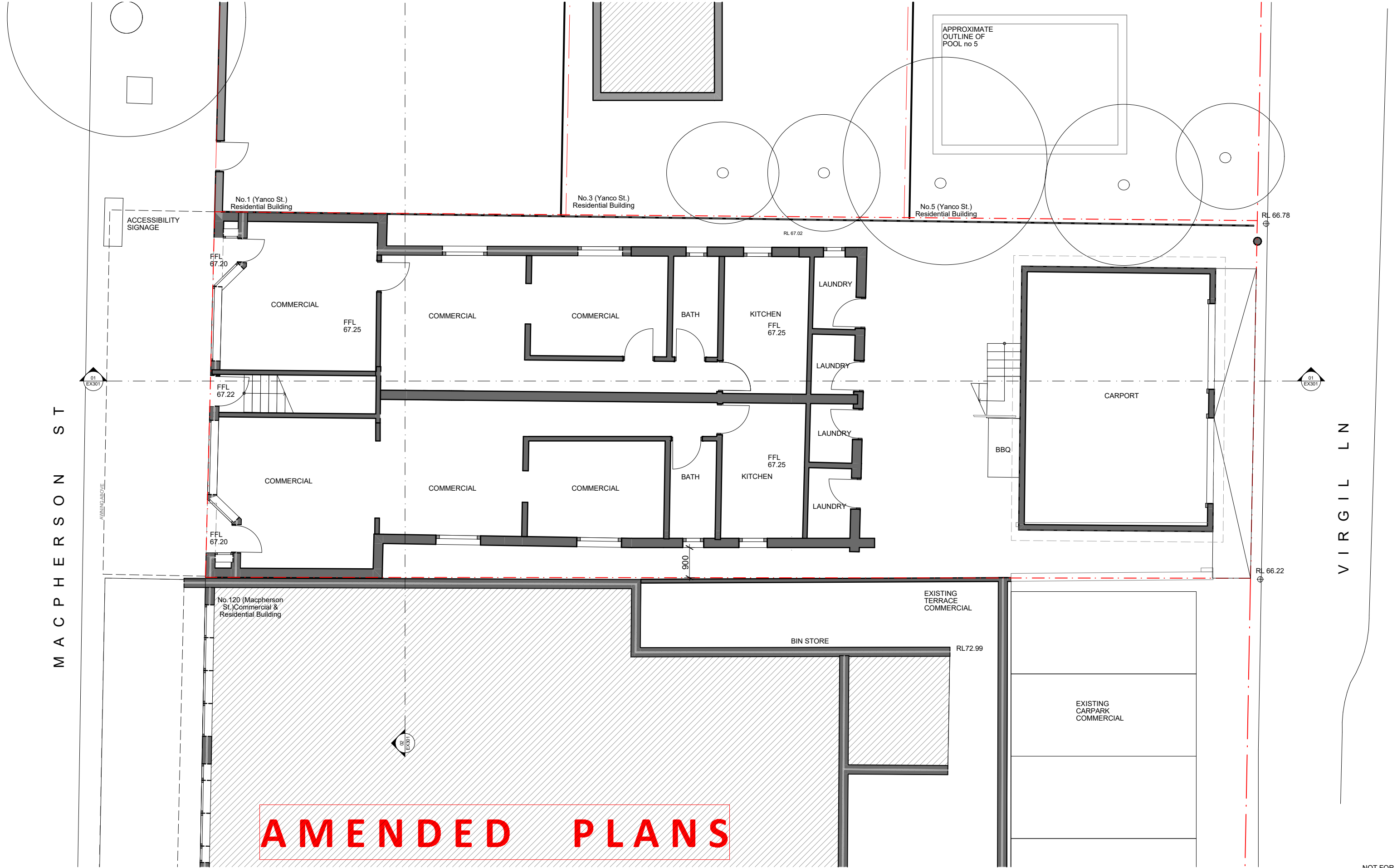
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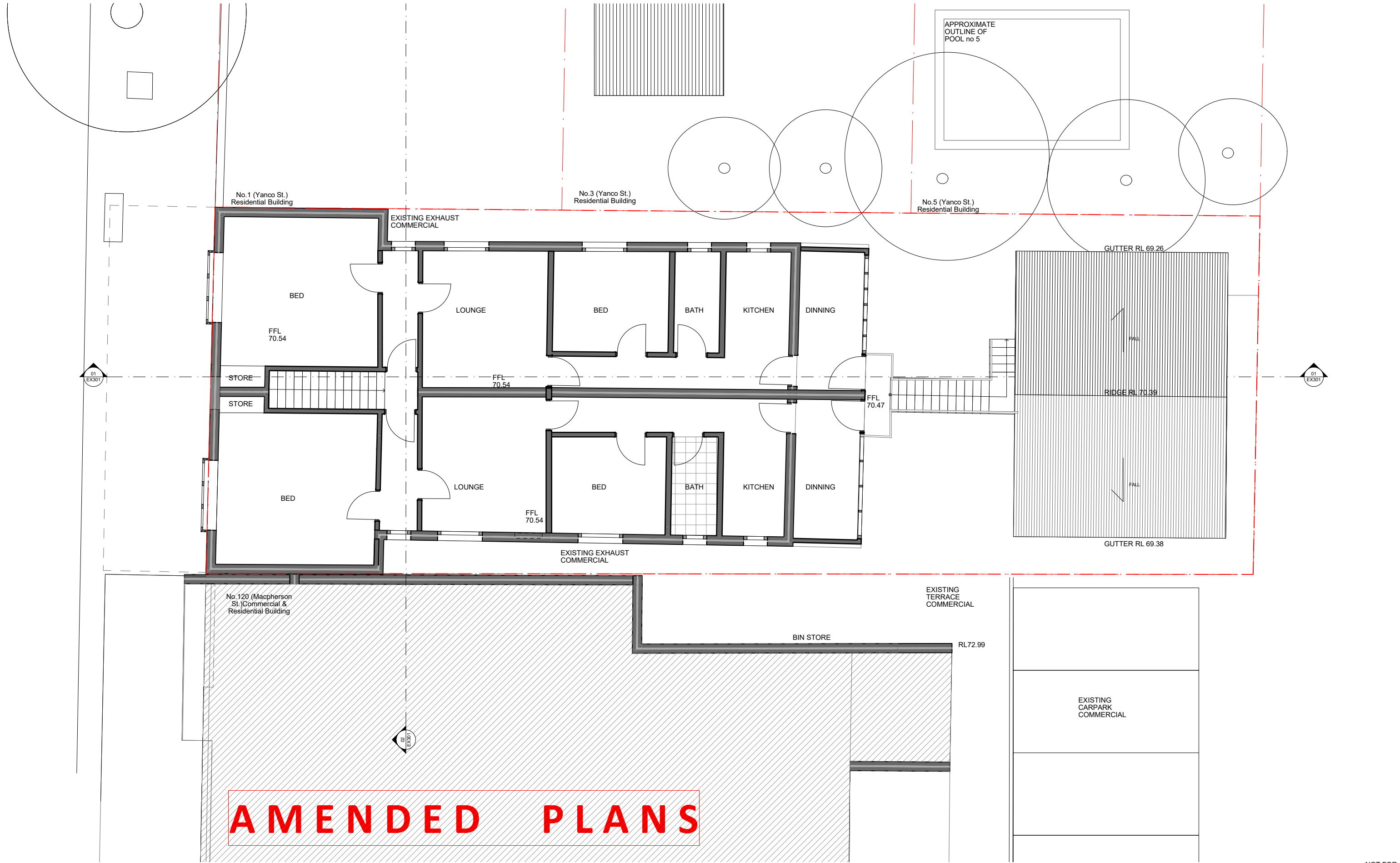
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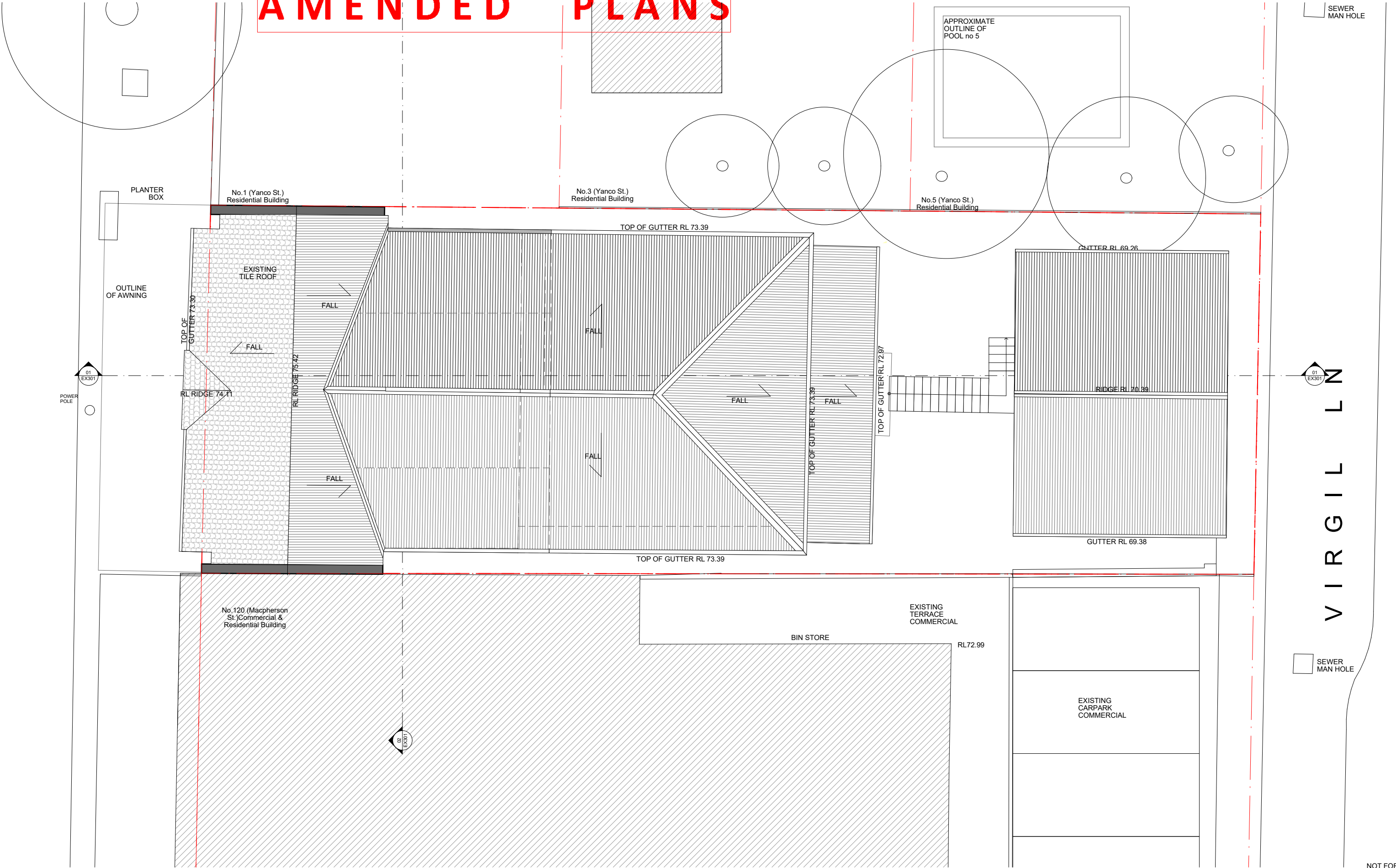




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118 Macpherson st Bronte

STAGE: DA

SCALE @ A3: 1:100

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CLIENT: ALEX IMVRIOTIS  
DRAWN: JAD

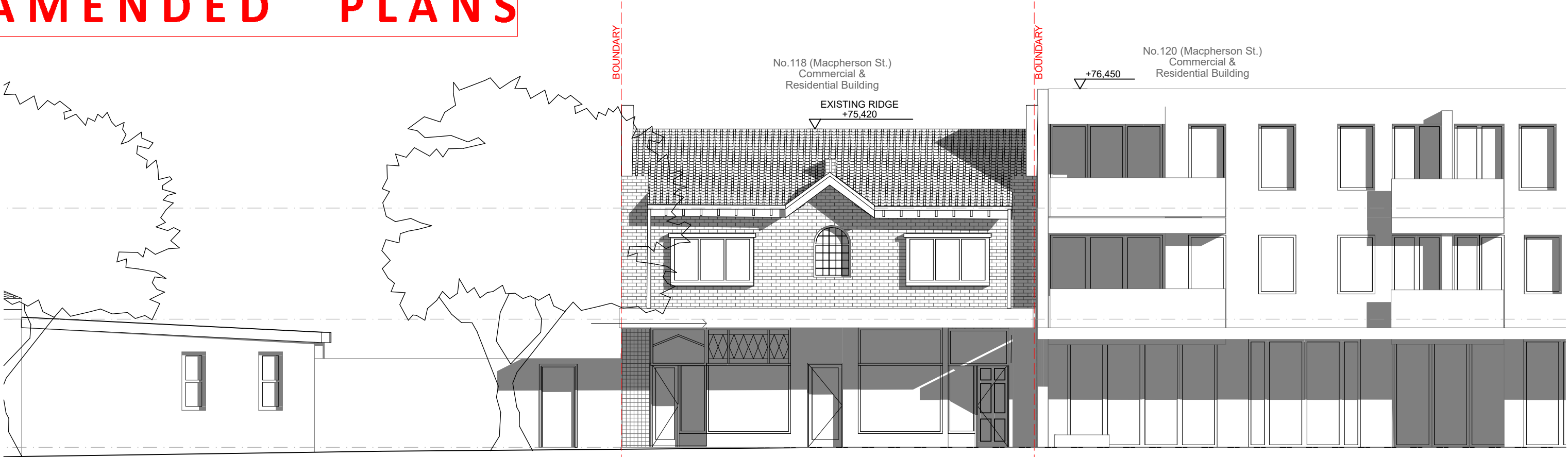
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APPROVED: SRH

PROJECT No: 19011

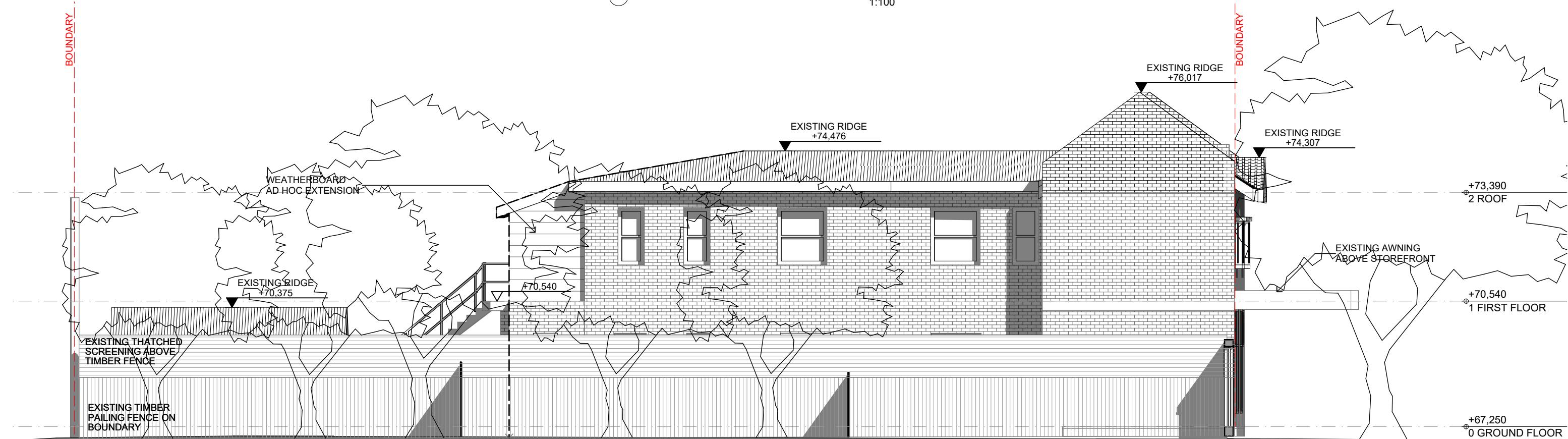
DRAWING No: EX103

REVISION: 03

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01 SOUTH ELEVATION  
1:100



02 WEST ELEVATION  
1:100

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## 118 Macpherson st Bronte

STAGE:  
DA

SCALE @ A3:

1:100



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ELEVATIONS EXISTING

CLIENT: ALEX IMVRIOTIS  
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APPROVED: SRH

PROJECT No: 19011

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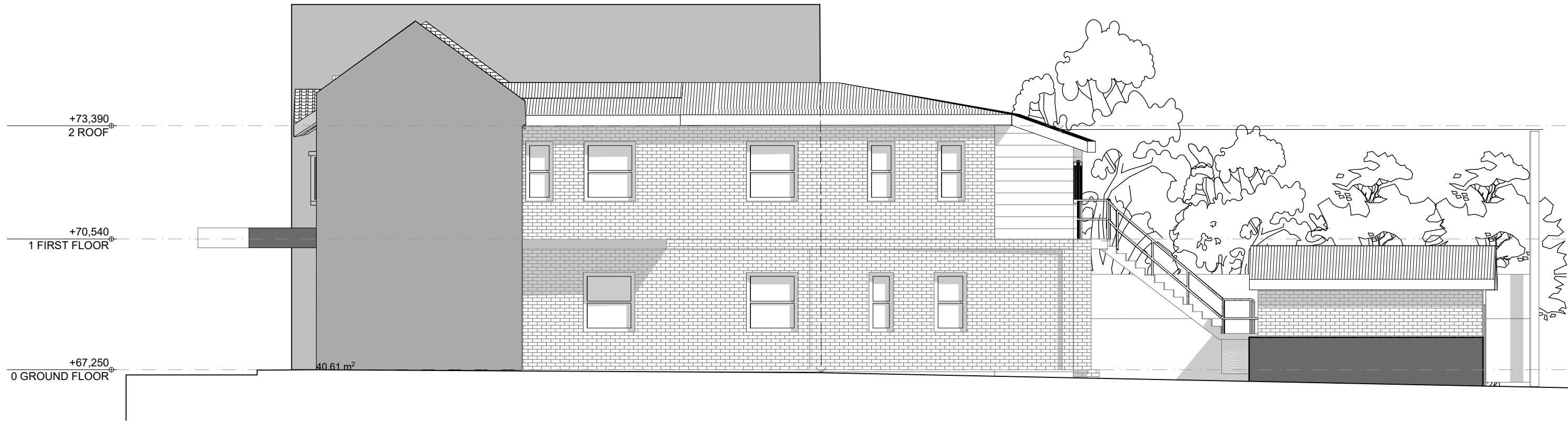
REVISION:  
03



# AMENDED PLANS



03 NORTH ELEVATION  
1:100



04 EAST ELEVATION  
1:100

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STAGE:  
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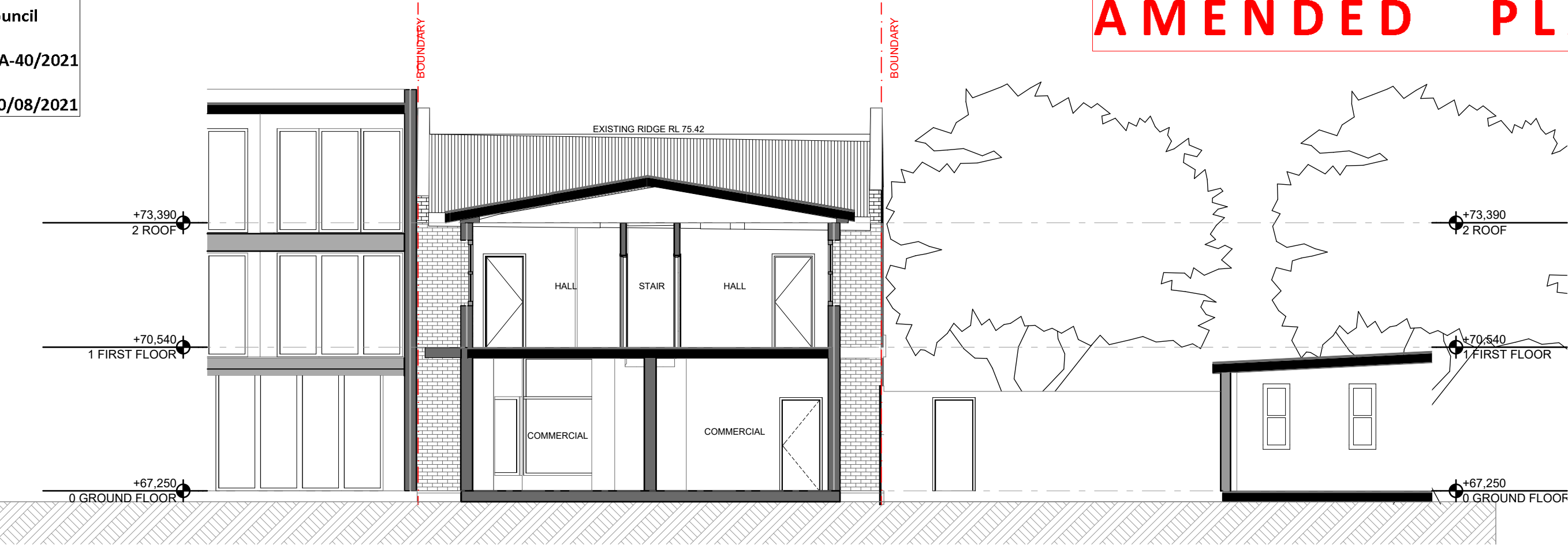
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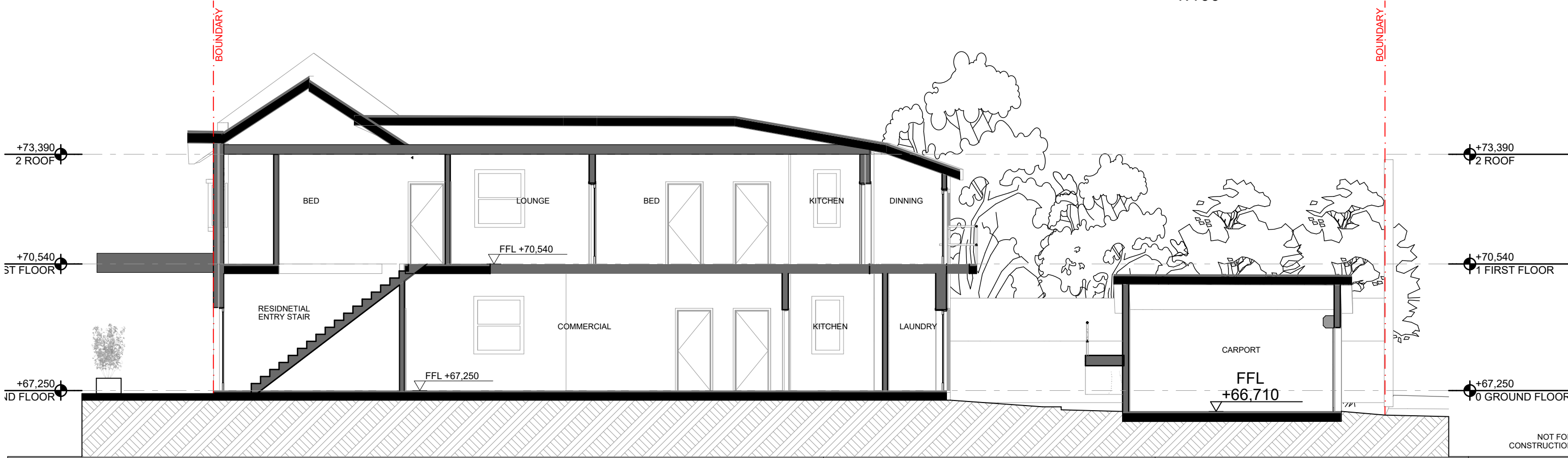
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REVISION:  
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SECTION 03  
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STAGE:	DRAWING TITLE:
DA	SECTIONS SECTION 02
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CHECKED: MH

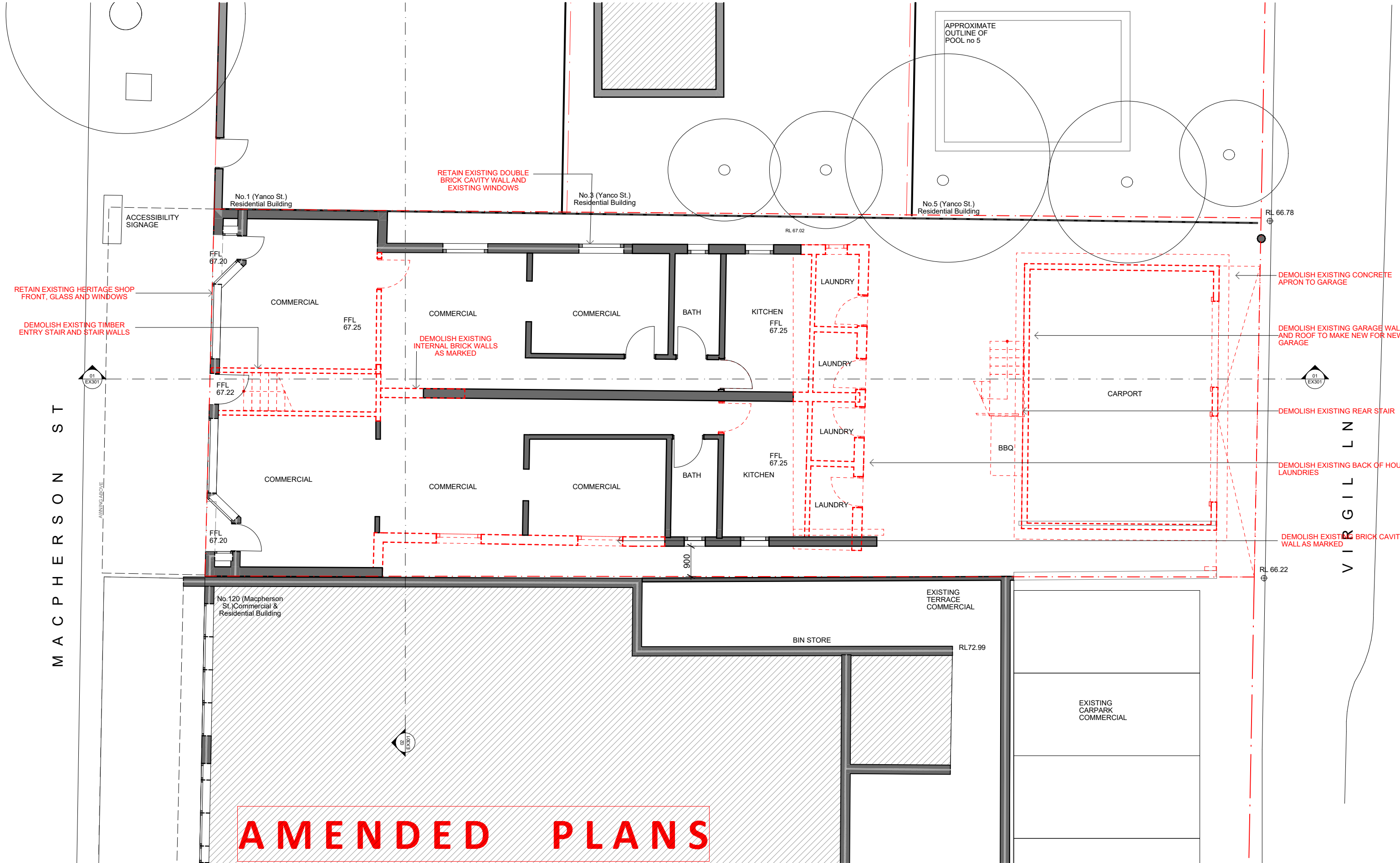
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PROJECT No: 19011

DRAWING No: EX301

REVISION: 03



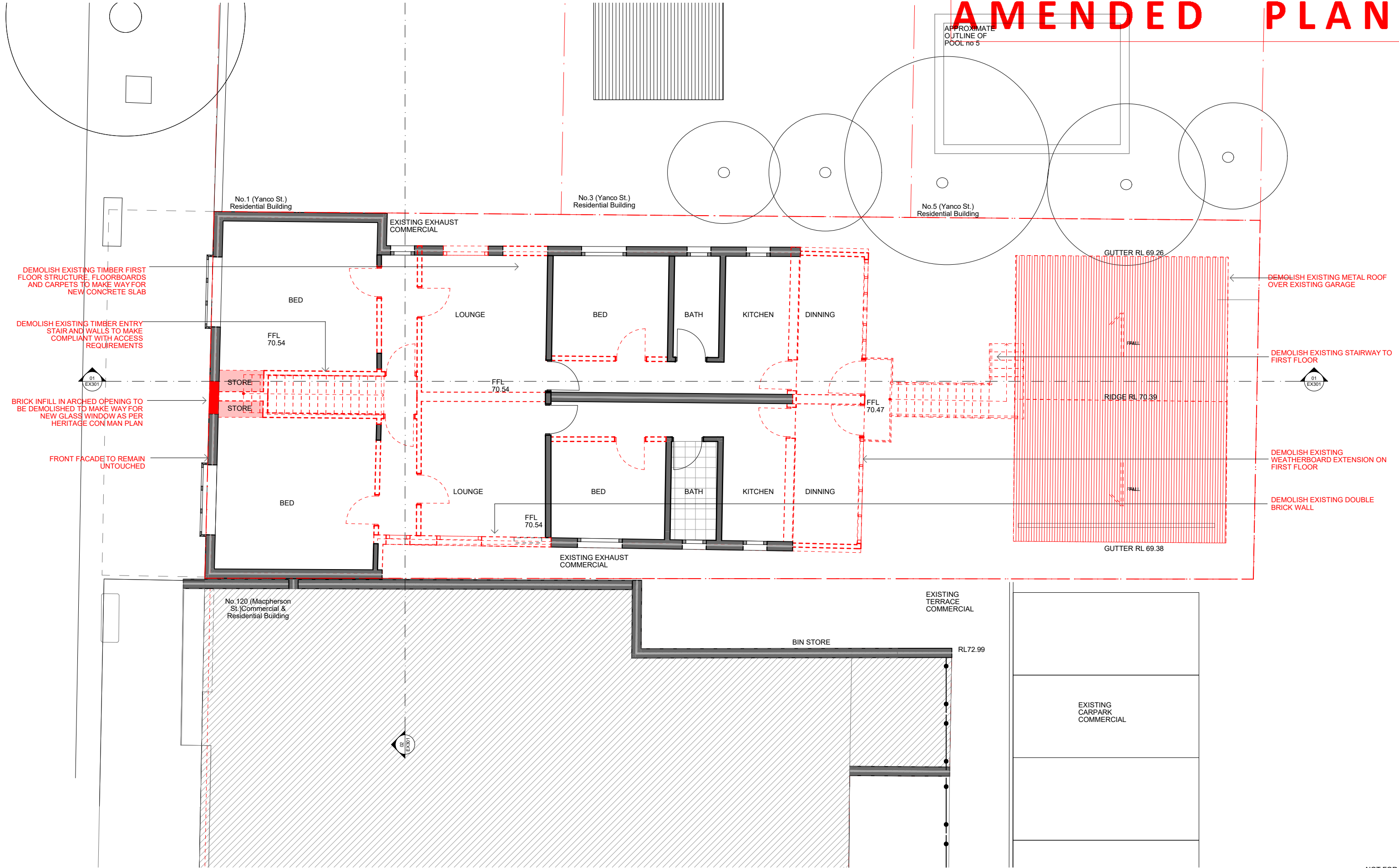
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03	8/9/2021	ISSUE TO COUNCIL

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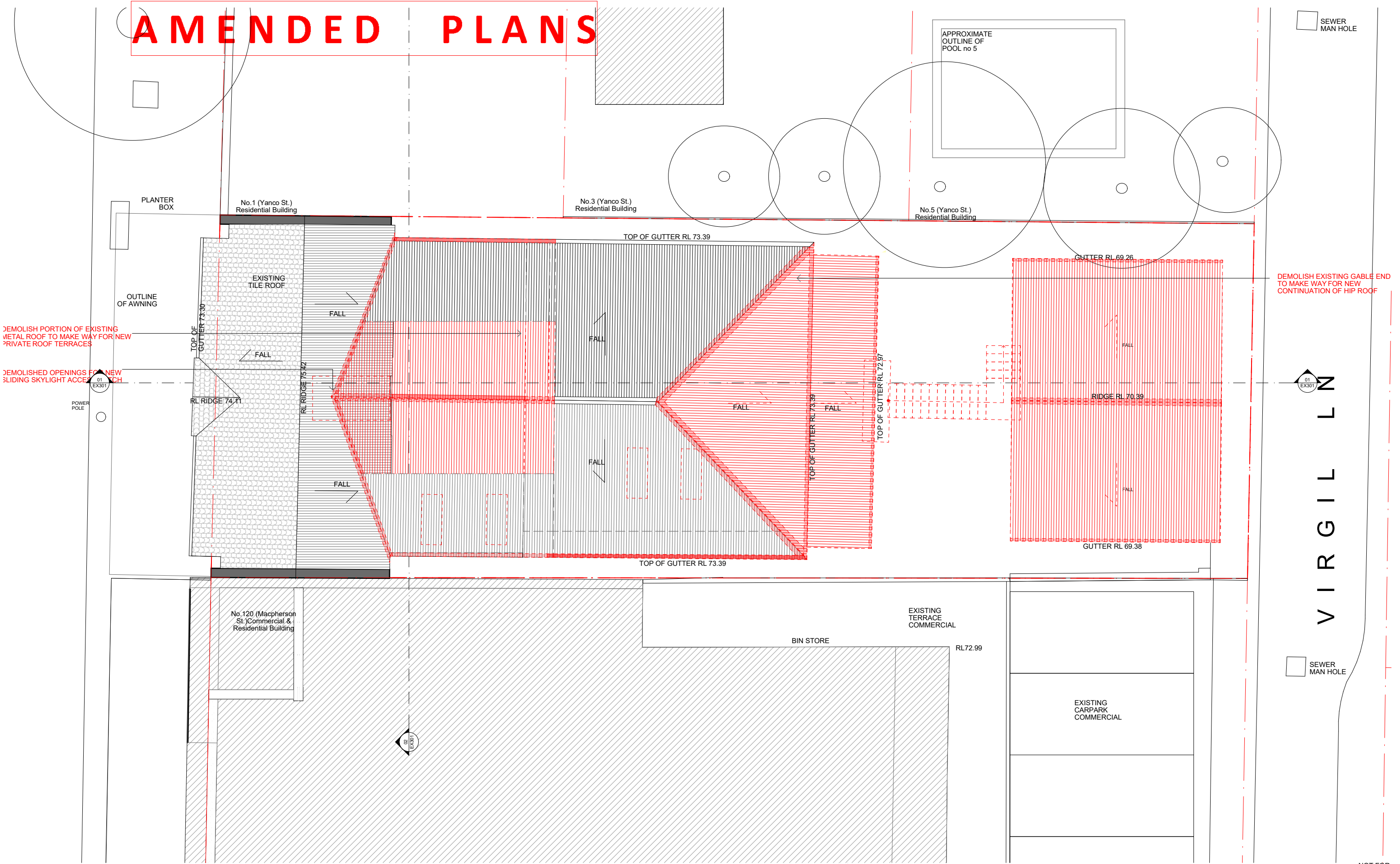
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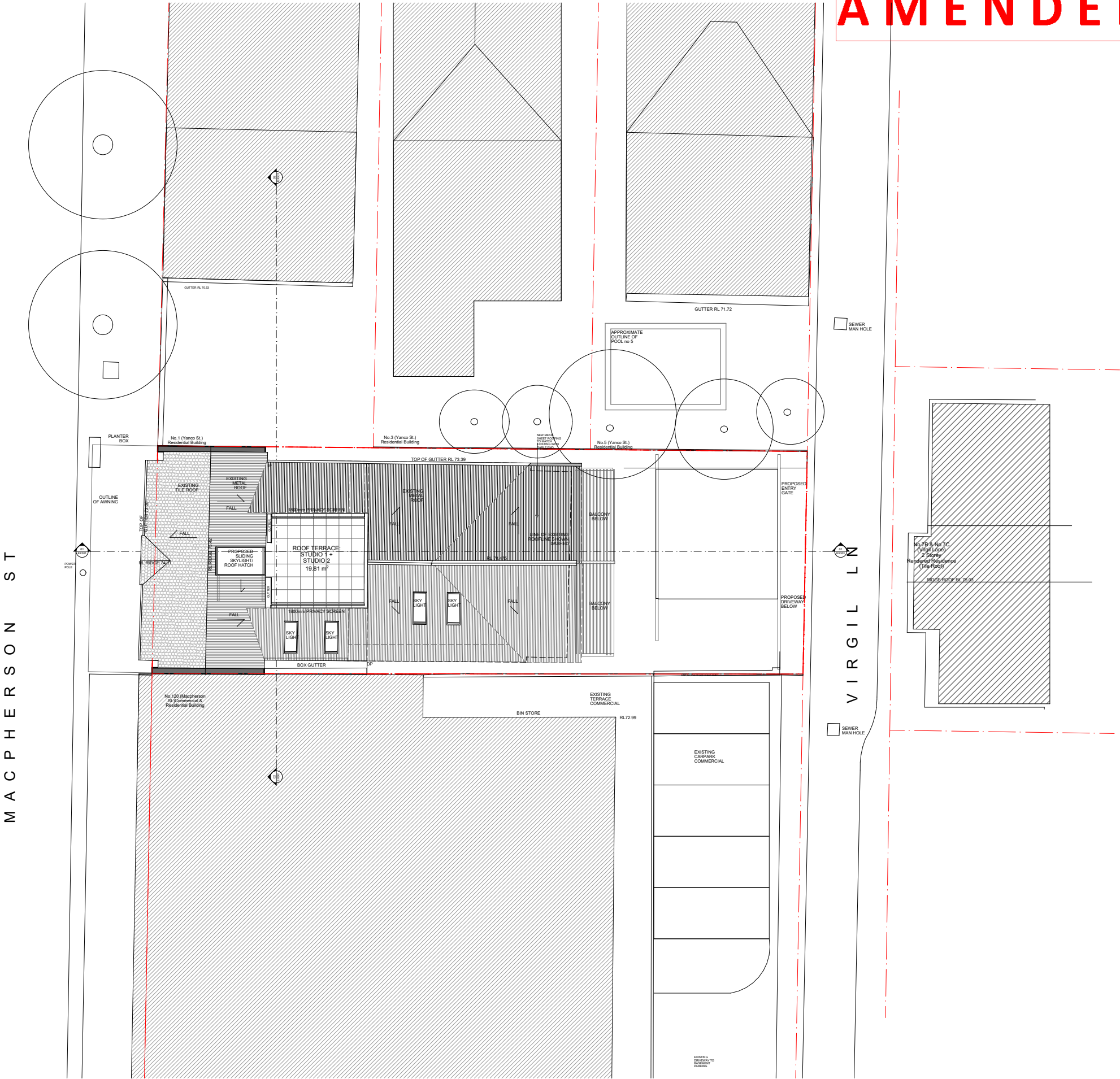
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ROOF PLAN DEMOLITION  
  
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CHECKED: MH  
APPROVED: SRH

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DRAWING No:  
DA003  
  
REVISION:  
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- LEGEND:
- |                              |                               |
|------------------------------|-------------------------------|
| ASD - ALUMINIUM SLIDING DOOR | TBS - TIMBER BATTEN SCREENING |
| BR - BRICK                   | WR - WHITE RENDER             |
| TC - TIMBER CLADDING         | WPS - STEELWORK WHITE PAINTED |
| FC - FIBRE CEMENT SHEETING   | G - GLAZING                   |
| MR - METAL ROOFING           | GS - GLASS SKYLIGHT           |

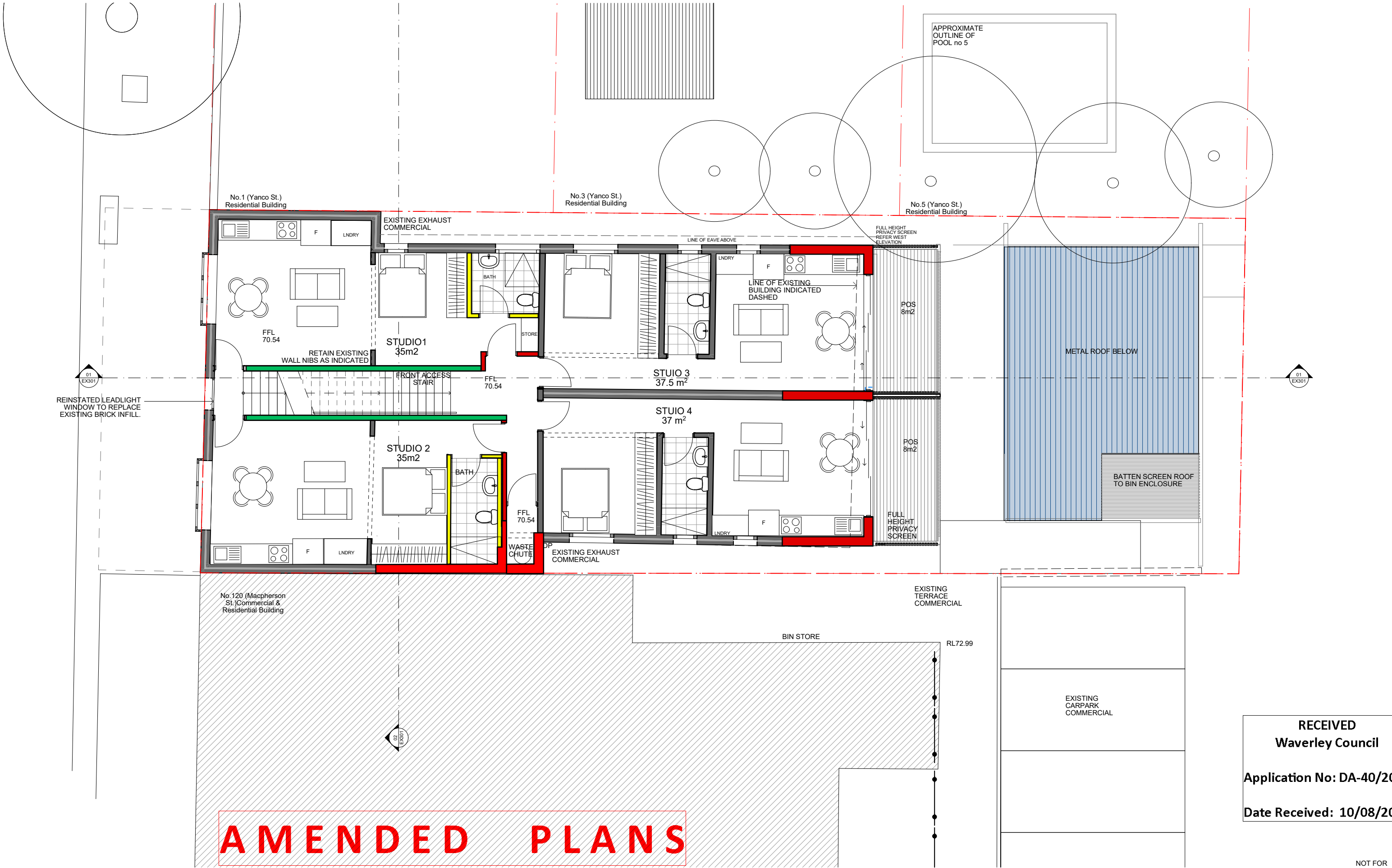
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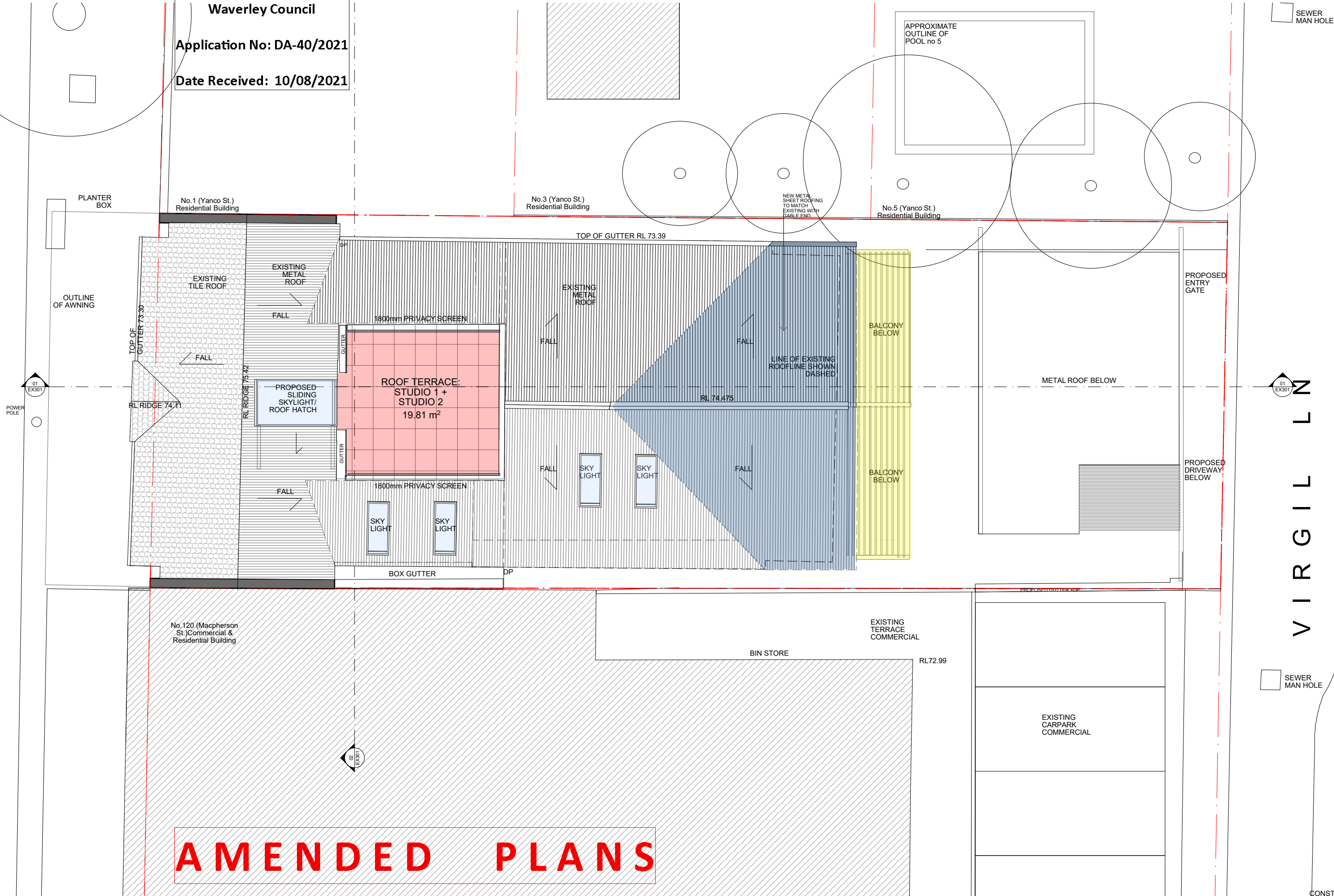
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	CHECKED: MH APPROVED: SRH	REVISION: 03







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Application No: DA-40/2021  
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LEGEND:  
PROPOSED WORK  
ASD - ALUMINIUM SLIDING DOOR  
BR - BRICK  
TC - TIMBER CLADDING  
FC - FIBRE CEMENT SHEETING  
MR - METAL ROOFING  
TBS - TIMBER BATTEN SCREENING  
WR - WHITE RENDER  
WPS - STEELWORK WHITE PAINTED  
G - GLAZING  
GS - GLASS SKYLIGHT

### #Project Description

REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
02	6/15/2021	ISSUE TO COUNCIL
03	8/9/2021	ISSUE TO COUNCIL

### 118 Macpherson st Bronte

STAGE:  
DA

DRAWING TITLE:  
PROPOSED ROOF PLAN

SCALE @ A3:

1:100

⊕ z

CLIENT: ALEX IMVRIOTIS  
DRAWN: JAD

CHECKED: MH  
APPROVED: SRH

PROJECT No: 19011

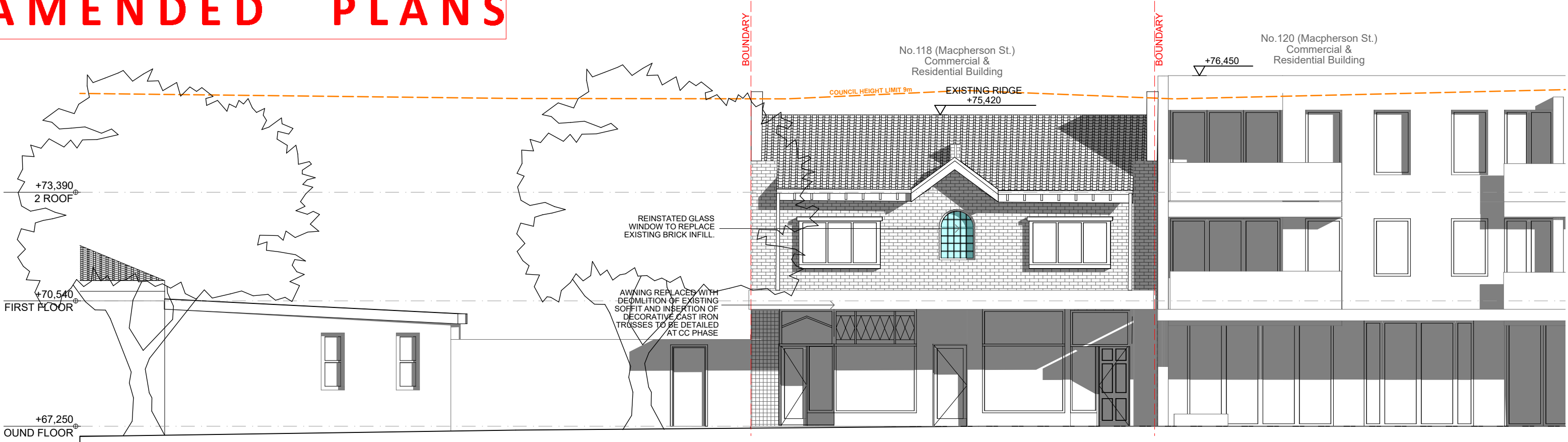
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DA103

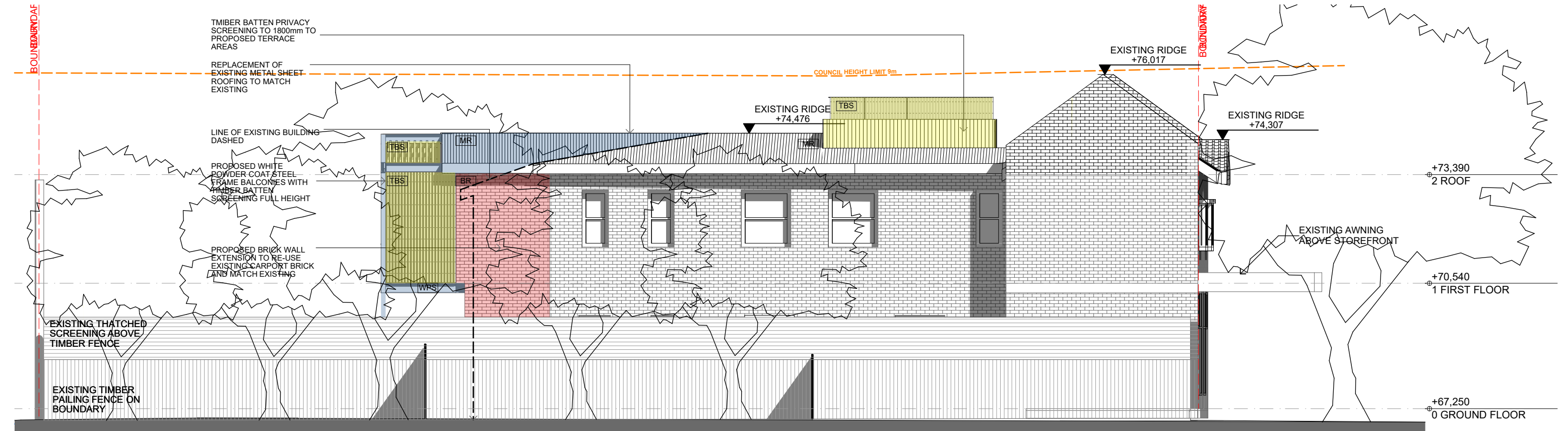
REVISION:

03

# AMENDED PLANS



SOUTH ELEVATION  
1:100



WEST ELEVATION  
1:100

**BUREAU SRH | architecture**

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LEGEND:

ASD - ALUMINIUM SLIDING DOOR	TBS - TIMBER BATTEN SCREENING
BR - BRICK	WR - WHITE RENDER
TC - TIMBER CLADDING	WPS - STEELWORK WHITE PAINTED
FC - FIBRE CEMENT SHEETING	G - GLAZING
MR - METAL ROOFING	GS - GLASS SKYLIGHT

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**Waverley Council**  
**Application No: DA-40/2021**  
**Date Received: 10/08/2021**

**#Project Description**

REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
02	6/15/2021	ISSUE TO COUNCIL
03	8/9/2021	ISSUE TO COUNCIL

**118 Macpherson st Bronte**

STAGE: DA	DRAWING TITLE: PROPOSED ELEVATIONS
SCALE @ A3: 1:100	CLIENT: ALEX IMVRIOTIS
	CHECKED: MH
	APPROVED: SRH

PROJECT No: 19011

DRAWING No: DA201

REVISION: 03

**RECEIVED**  
**Waverley Council**  
**Application No: DA-40/2021**  
**Date Received: 10/08/2021**



PROJECT No: **19011**

DRAWING No:

**DA202**

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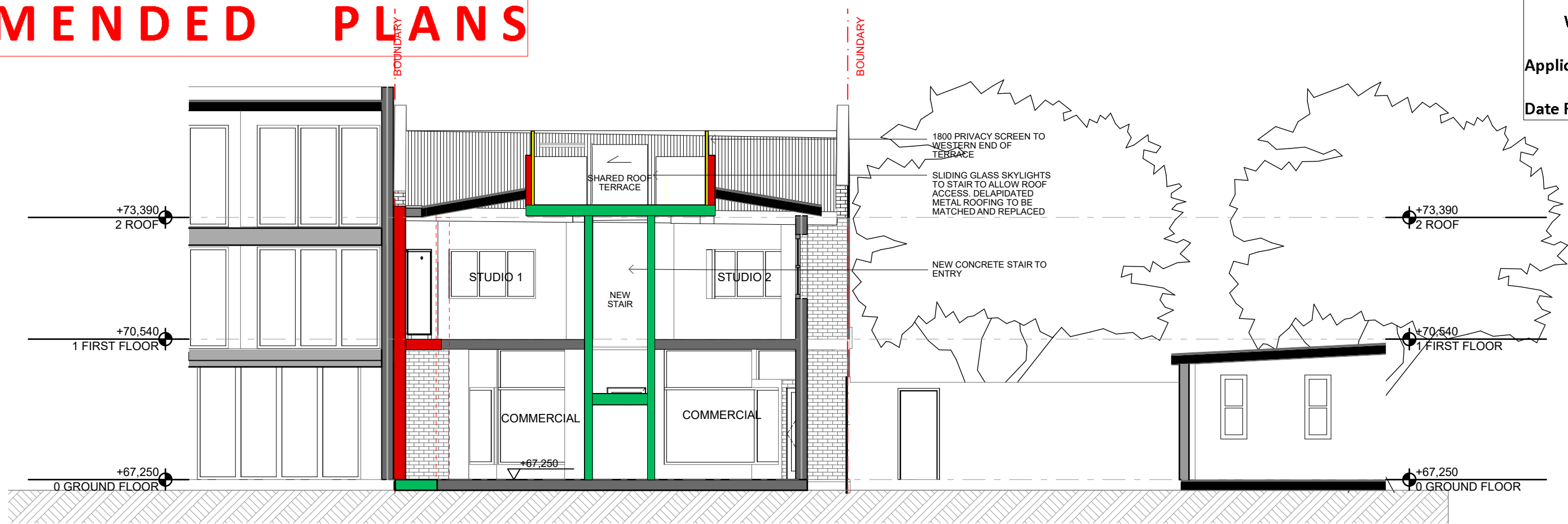
REVISION:

**03**

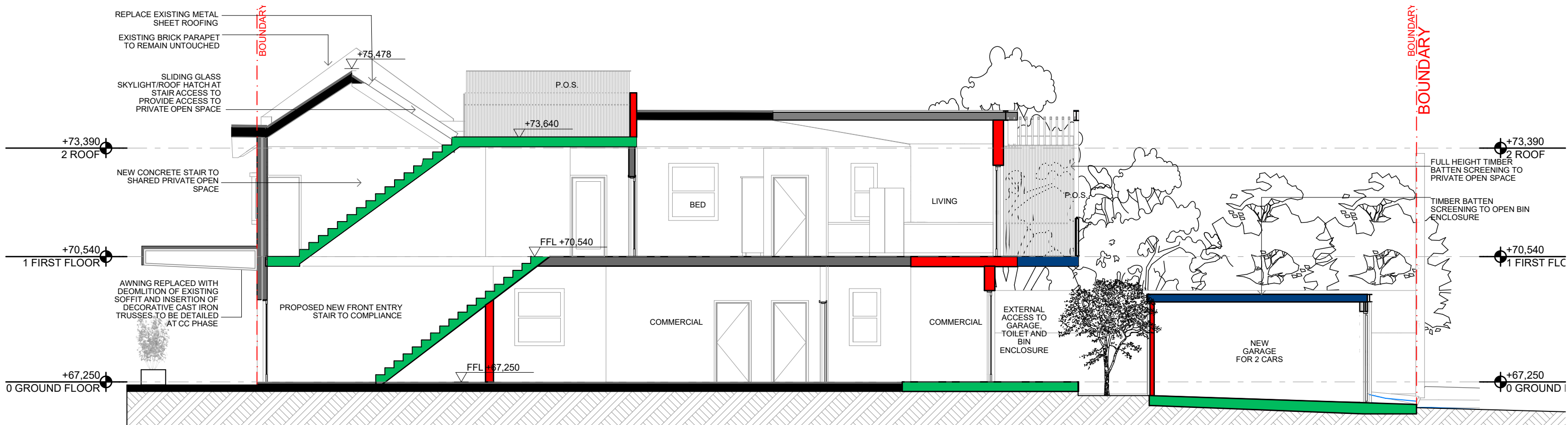


# AMENDED PLANS

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Waverley Council  
Application No: DA-40/2021  
Date Received: 10/08/2021



SECTION 03  
1:100



SECTION 02  
1:100

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LEGEND:

ASD - ALUMINIUM SLIDING DOOR  
BR - BRICK  
TC - TIMBER CLADDING  
FC - FIBRE CEMENT SHEETING  
MR - METAL ROOFING

PROPOSED WORK

TBS - TIMBER BATTEN SCREENING  
WR - WHITE RENDER  
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## #Project Description

REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
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03	8/9/2021	ISSUE TO COUNCIL

## 118 Macpherson st Bronte

STAGE:  
DA

SCALE @ A3:  
1:100



## DRAWING TITLE: PROPOSED SECTIONS

CLIENT: ALEX IMVRIOTIS  
DRAWN: JAD

CHECKED: MH  
APPROVED: SRH

## PROJECT No: 19011

DRAWING No:  
**DA301**

REVISION:  
**03**

NOT FOR  
CONSTRUCTION

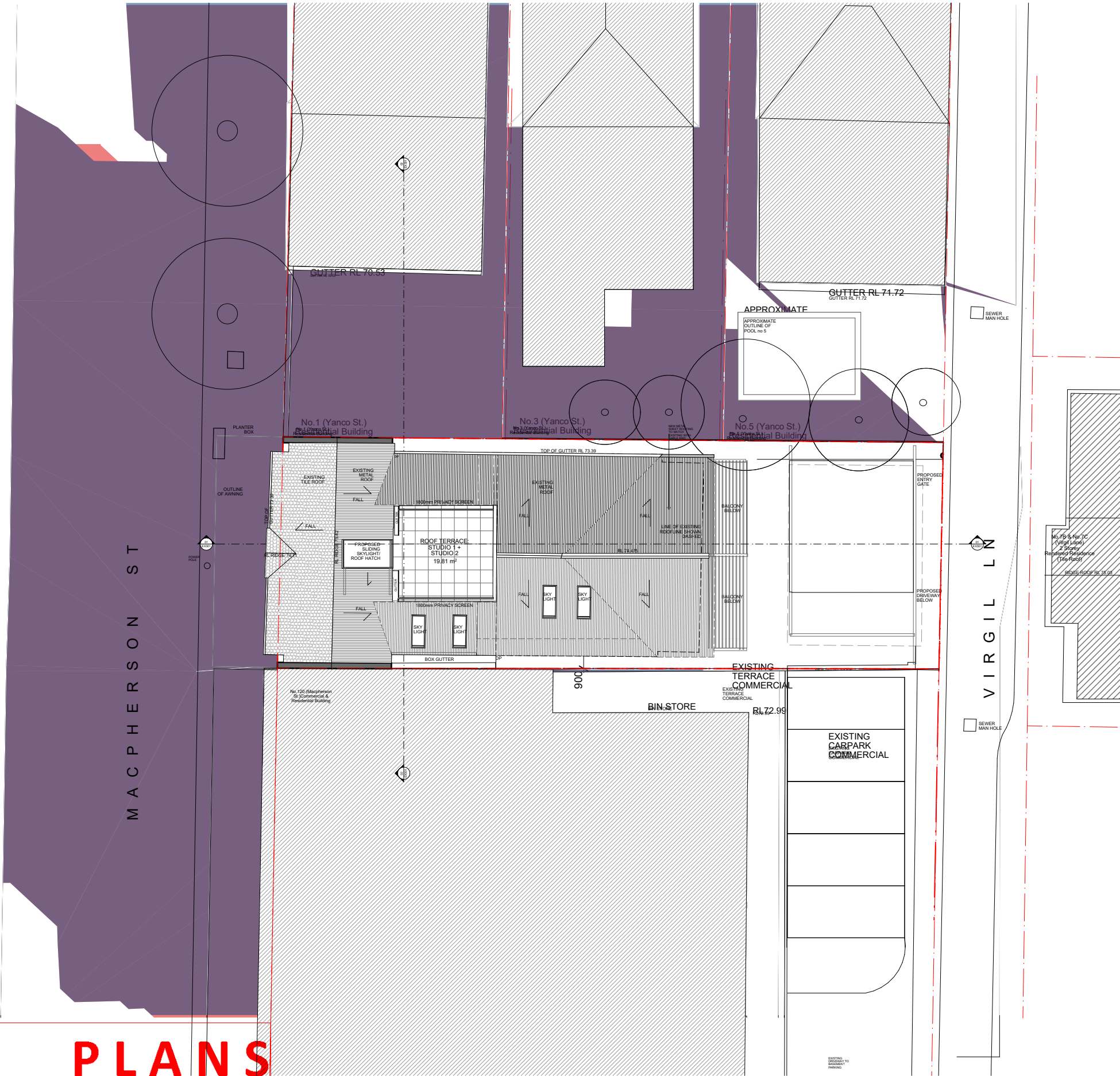


NOTE:  
SHADOW DIAGRAMS  
DEMONSTRATE SHADOW  
IMPACTS OUTSIDE 118  
MACPHERSON. SHADOWS IN 118  
MACPHERSON BOUNDARY HAVE  
BEEN EXCLUDED FOR EASE OF  
READING DIAGRAM

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Application No: DA-40/2021

Date Received: 10/08/2021



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LEGEND:

- EXISTING SHADOW
- PROPOSED SHADOW
- REDUCED SHADOW

#Project Description

REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
02	6/15/2021	ISSUE TO COUNCIL
03	8/9/2021	ISSUE TO COUNCIL

118 Macpherson st Bronte

STAGE: <b>DA</b>	DRAWING TITLE: <b>SHADOW DIAGRAM JUNE 21 9AM</b>
SCALE @ A3: <b>1:200</b>	CLIENT: <b>ALEX IMVRIOTIS</b> CHECKED: <b>MH</b> DRAWN: <b>JAD</b> APPROVED: <b>SRH</b>

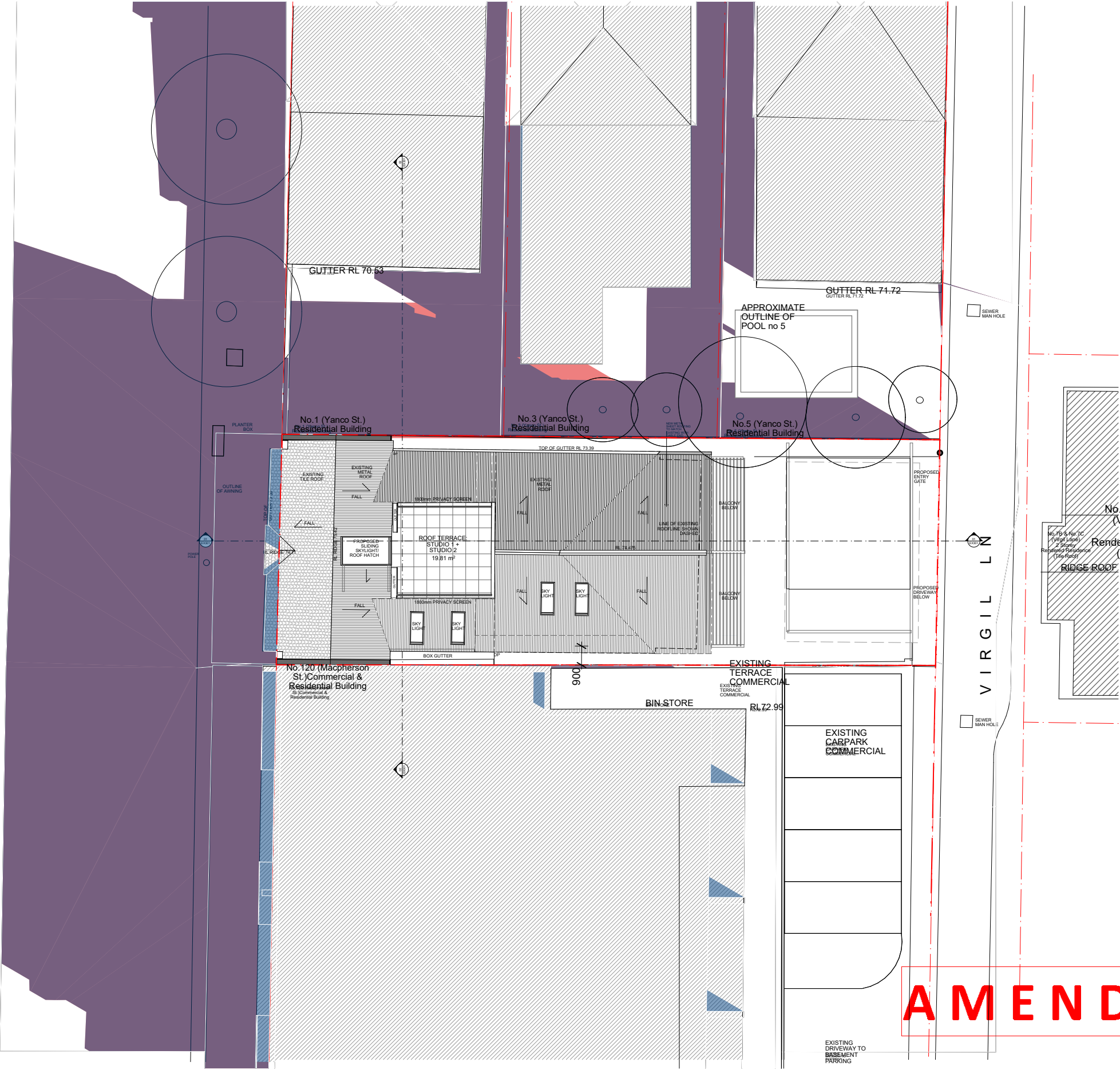
PROJECT No: 19011

DRAWING No: <b>DA501</b>
REVISION: <b>03</b>

NOT FOR  
CONSTRUCTION

NOTE:  
SHADOW DIAGRAMS  
DEMONSTRATE SHADOW  
IMPACTS OUTSIDE 118  
MACPHERSON. SHADOWS IN 118  
MACPHERSON BOUNDARY HAVE  
BEEN EXCLUDED FOR EASE OF  
READING DIAGRAM

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Application No: DA-40/2021  
  
Date Received: 10/08/2021



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LEGEND:

- EXISTING SHADOW
- PROPOSED SHADOW
- REDUCED SHADOW

#Project Description

REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
02	6/15/2021	ISSUE TO COUNCIL
03	8/9/2021	ISSUE TO COUNCIL

118 Macpherson st Bronte

STAGE:  
DA  
  
SCALE @ A3:  
1:200

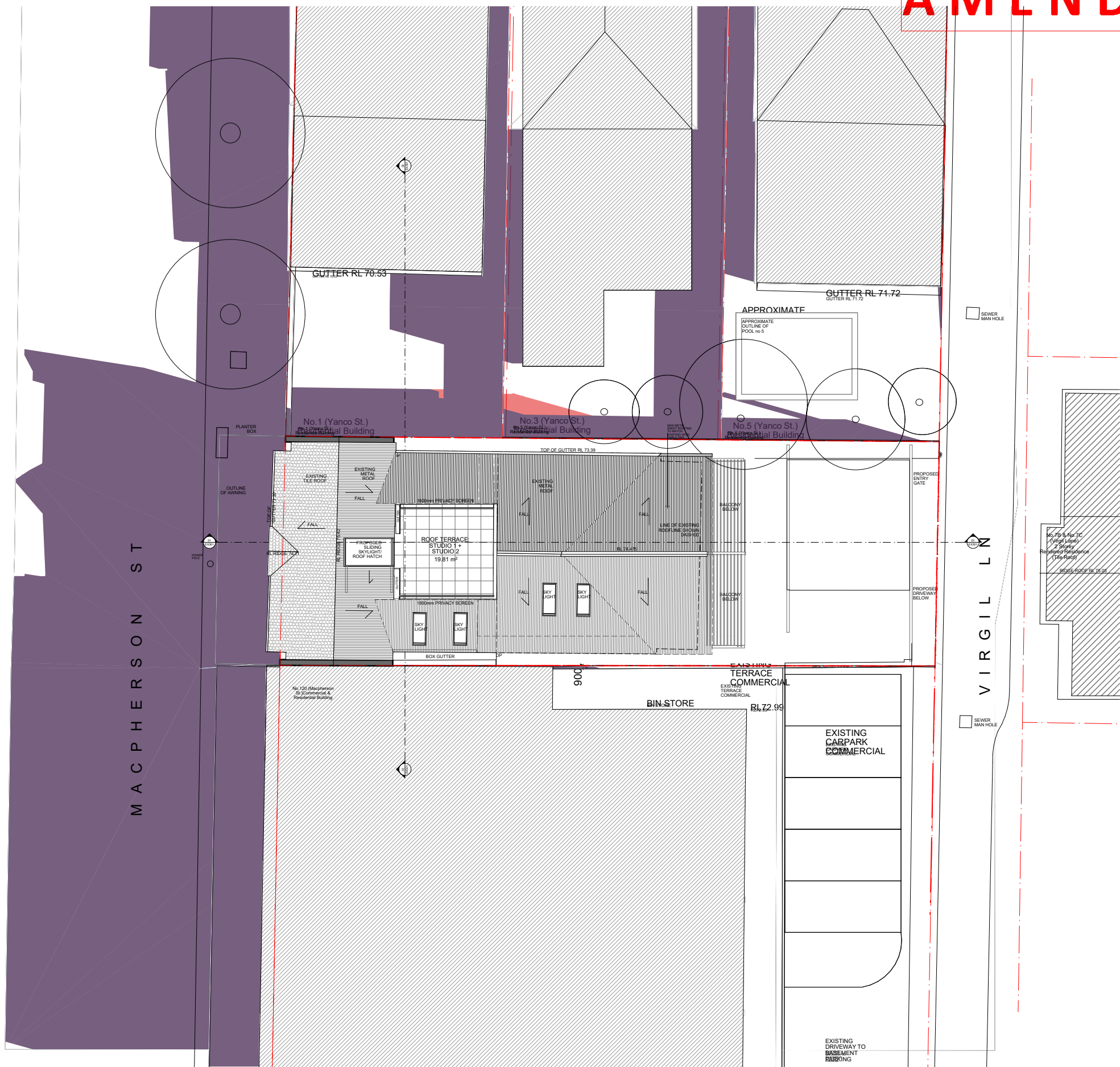
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CLIENT: ALEX IMVRIOTIS  
DRAWN: JAD

CHECKED: MH  
APPROVED: SRH

PROJECT No: 19011  
DRAWING No:  
DA502  
REVISION:  
03

# AMENDED PLANS

**Date Received: 10/08/2021**



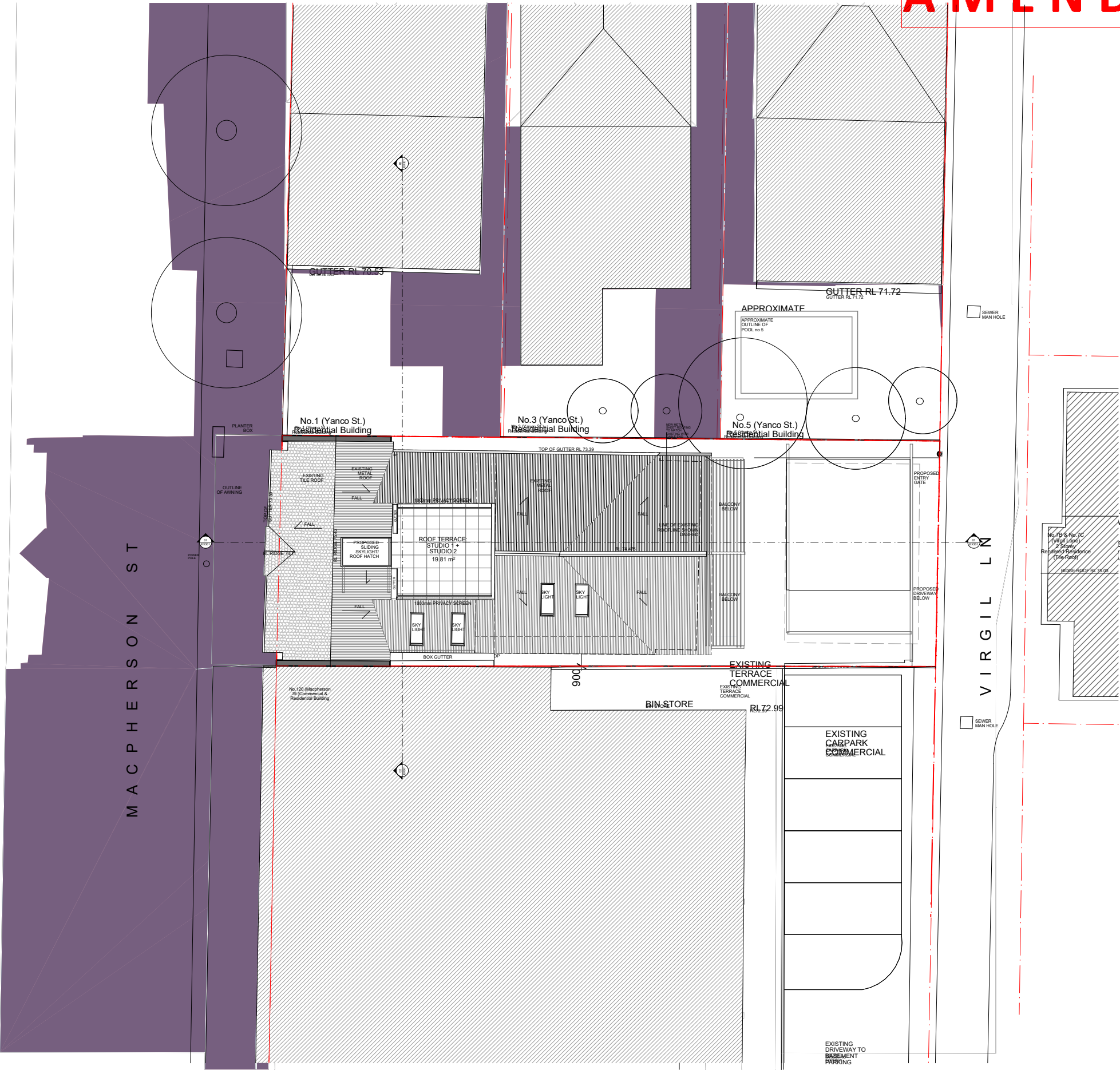
NOTE:  
SHADOW DIAGRAMS  
DEMONSTRATE SHADOW  
IMPACTS OUTSIDE 118  
MACPHERSON. SHADOWS IN 118  
MACPHERSON BOUNDARY HAVE  
BEEN EXCLUDED FOR EASE OF  
READING DIAGRAM

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LEGEND:

- EXISTING SHADOW
- PROPOSED SHADOW
- REDUCED SHADOW

#Project Description

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01	12/22/2020	ISSUE TO COUNCIL
02	6/15/2021	ISSUE TO COUNCIL
03	8/9/2021	ISSUE TO COUNCIL

118 Macpherson st Bronte

STAGE:  
DA  
  
SCALE @ A3:  
1:200

DRAWING TITLE:  
SHADOW DIAGRAM JUNE 21 12PM  
  
CLIENT: ALEX IMVRIOTIS  
DRAWN: JAD

CHECKED: MH  
APPROVED: SRH

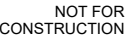
PROJECT No: 19011

DRAWING No:  
DA504  
REVISION:  
03



# AMENDED PLANS

**Date Received: 10/08/2021**



PROJECT No: **19011**  
DRAWING No:  
**DA505**  
REVISION:  
**03**

# AMENDED PLANS

Date Received: 10/08/2021



EXISTING SHADOW  
PROPOSED SHADOW  
REDUCED SHADOW

DRAWING No:  
**DA506**

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REVISION:  
**03**

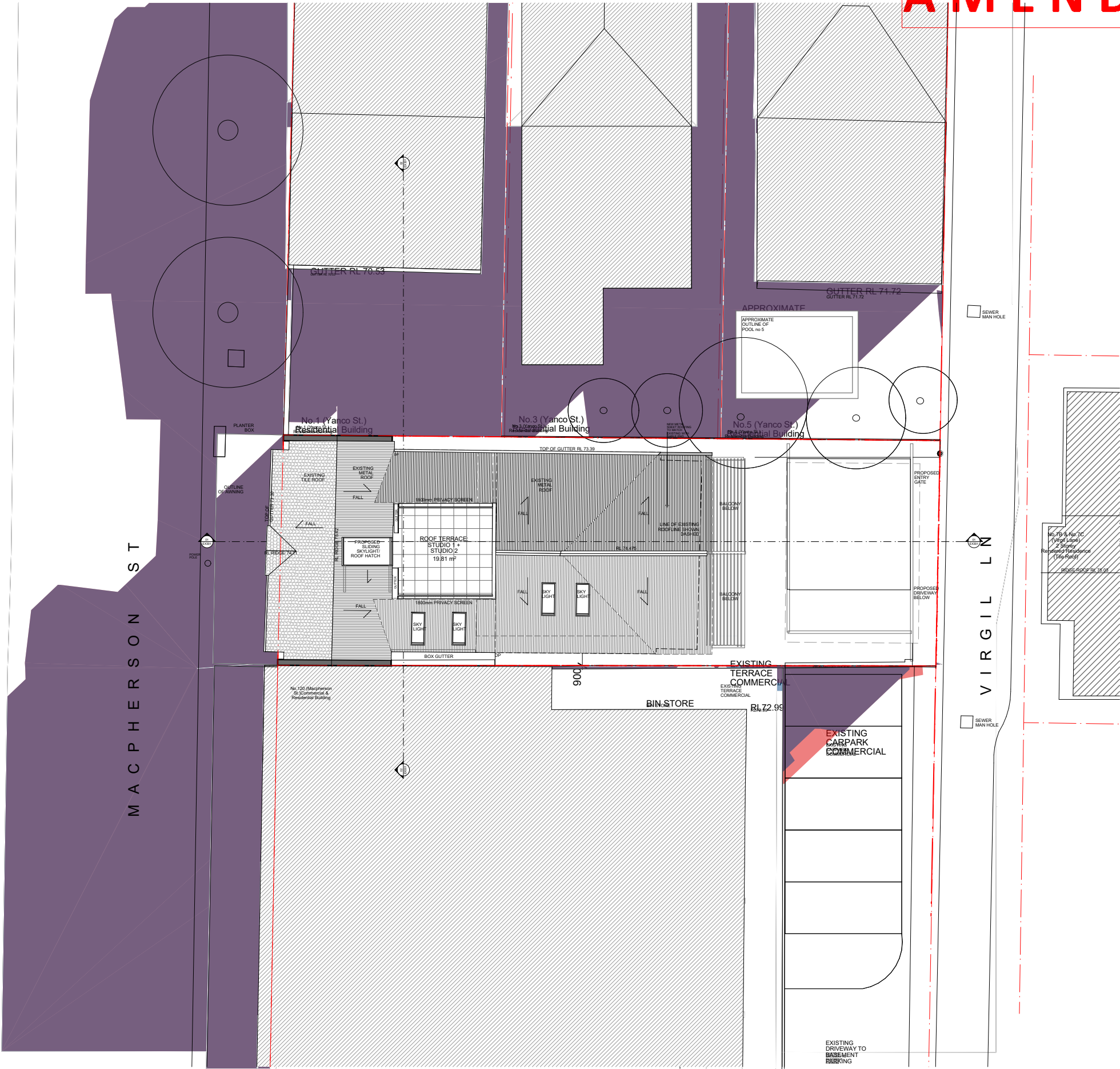
NOTE:  
SHADOW DIAGRAMS  
DEMONSTRATE SHADOW  
IMPACTS OUTSIDE 118  
MACPHERSON. SHADOWS IN 118  
MACPHERSON BOUNDARY HAVE  
BEEN EXCLUDED FOR EASE OF  
READING DIAGRAM

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Application No: DA-40/2021

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LEGEND:

- EXISTING SHADOW
- PROPOSED SHADOW
- REDUCED SHADOW

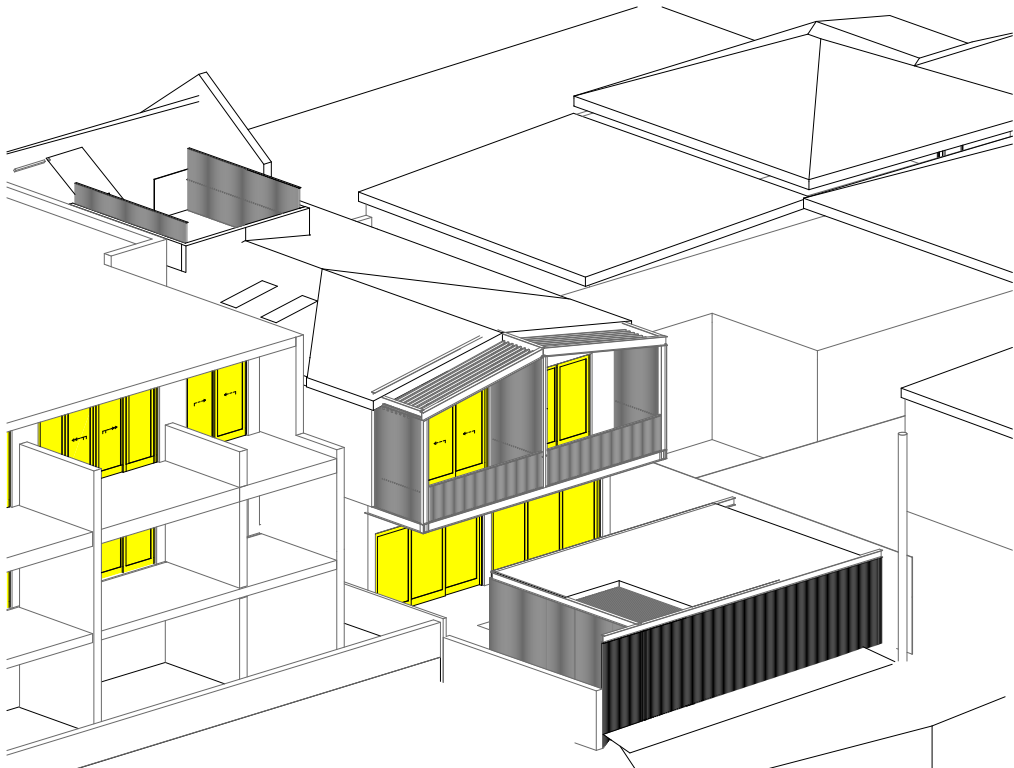
#Project Description

REV	DATE	NAME
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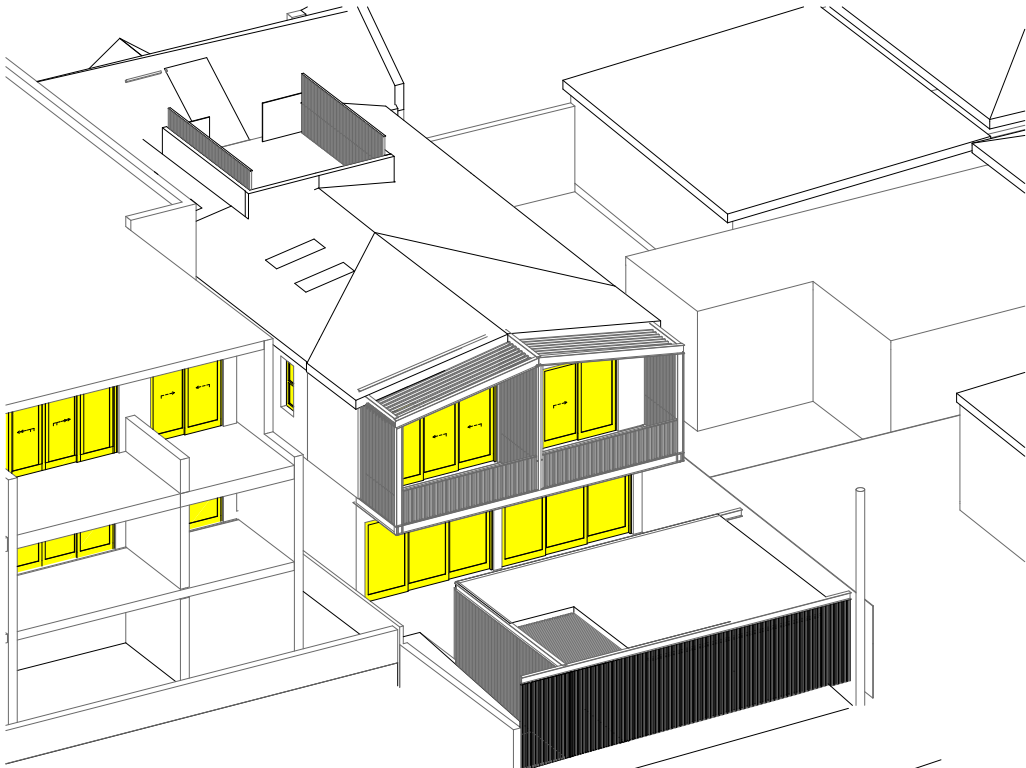
118 Macpherson st Bronte

STAGE: DA	DRAWING TITLE: SHADOW DIAGRAM JUNE 21 3PM	PROJECT No: 19011
SCALE @ A3: 1:200	CLIENT: ALEX IMVRIOTIS DRAWN: JAD	DRAWING No: DA507
	CHECKED: MH APPROVED: SRH	REVISION: 03

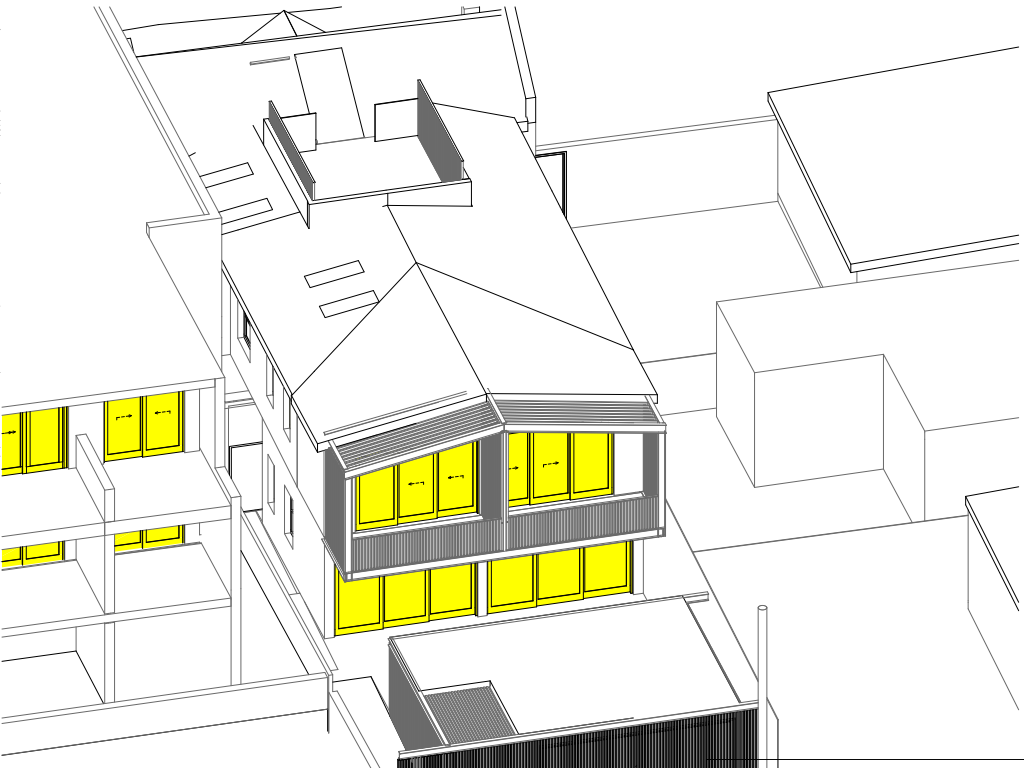




JUNE 21 9 AM



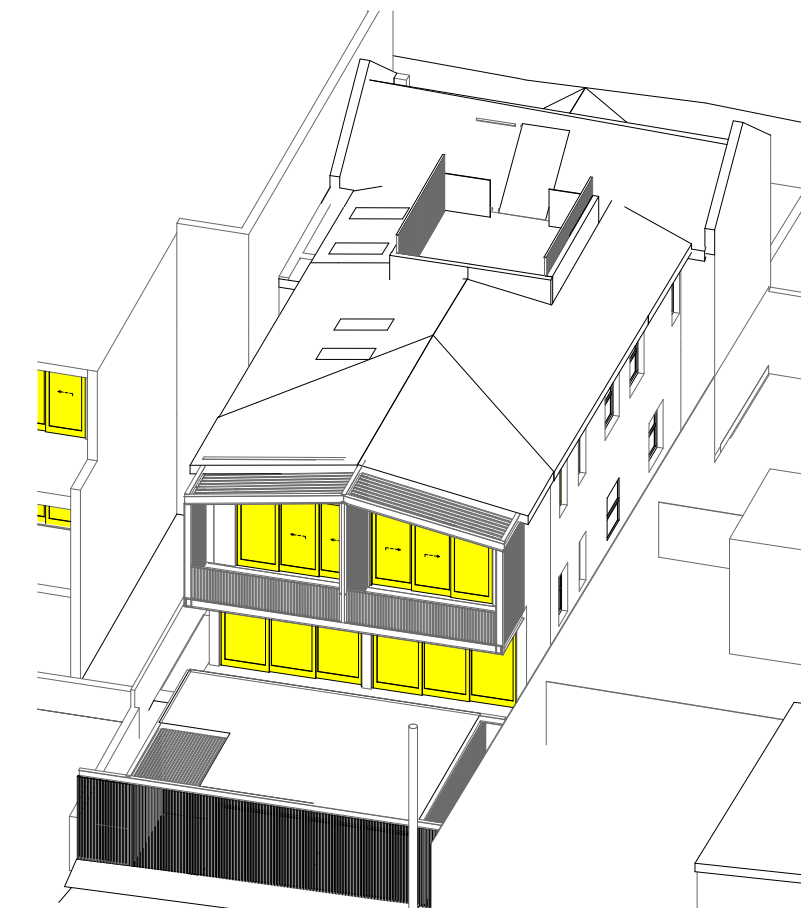
JUNE 21 10 AM



JUNE 21 11 AM



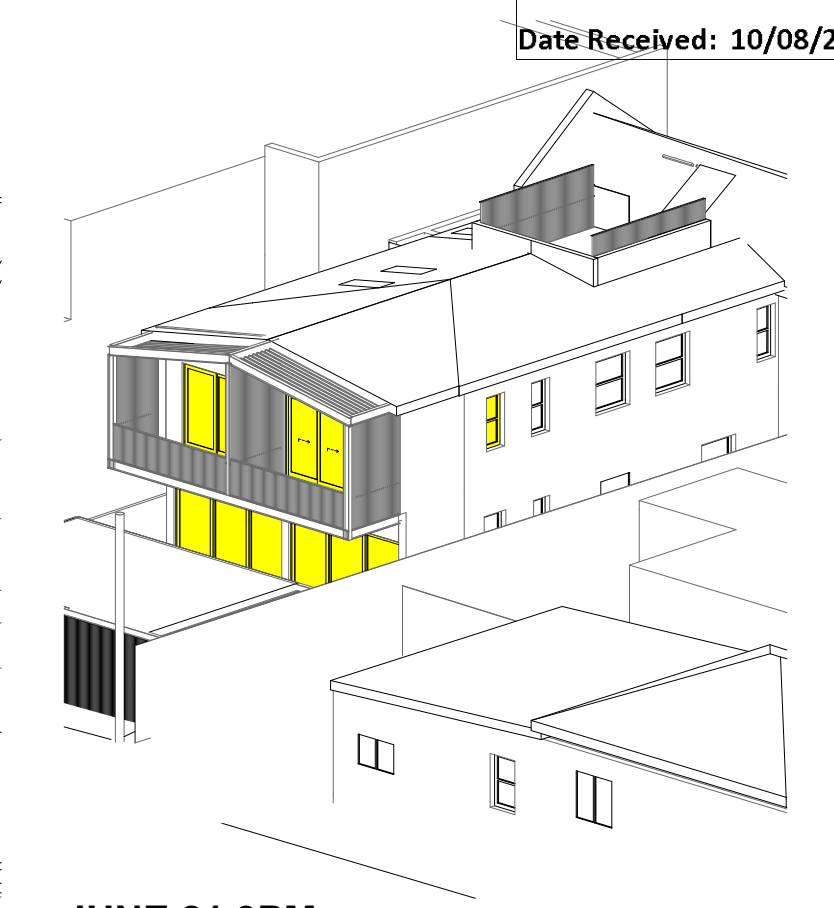
JUNE 21 12 PM



JUNE 21 1PM



JUNE 21 2PM



JUNE 21 3PM

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LEGEND:

#Project Description

REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
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03	8/9/2021	ISSUE TO COUNCIL

118 Macpherson st Bronte

STAGE:  
DA

SCALE @ A3:

1:200

DRAWING TITLE:  
**VIEW FROM THE SUN JUNE 21**

CLIENT: ALEX IMVRIOTIS  
DRAWN: JAD

CHECKED: MH  
APPROVED: SRH

PROJECT No: 19011

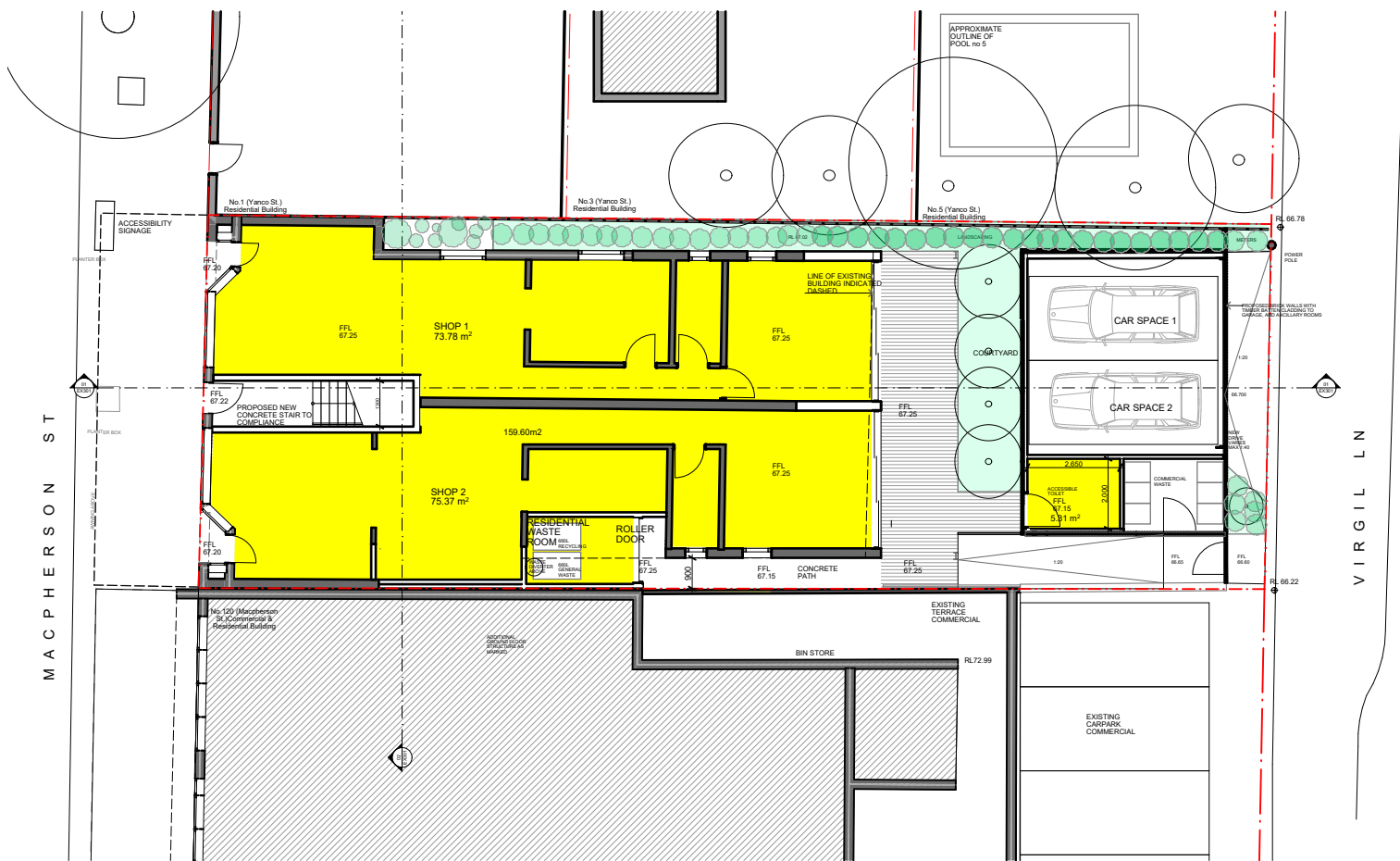
DRAWING No:  
**DA510**

REVISION:  
**03**

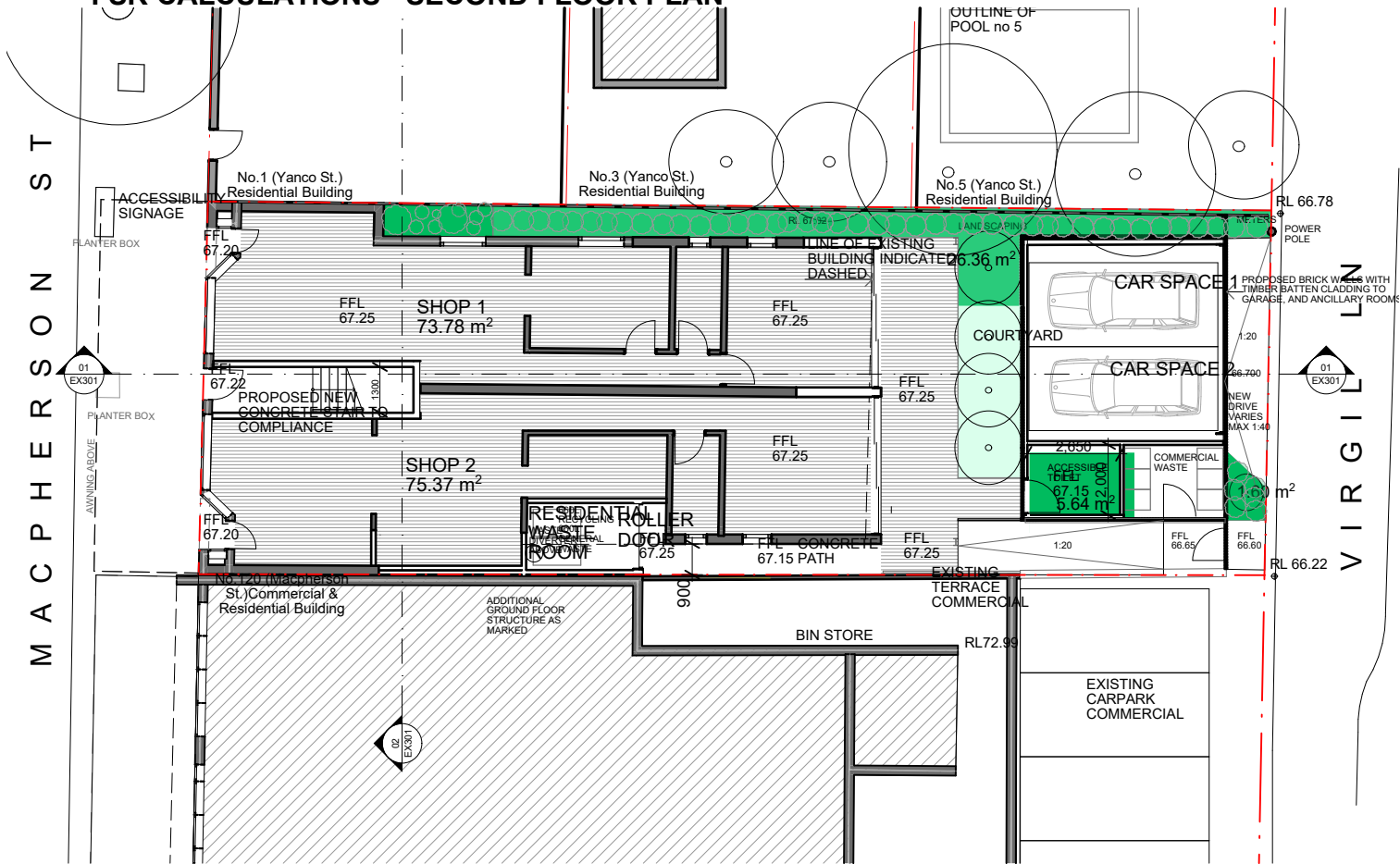
NOT FOR  
CONSTRUCTION

**AMENDED PLANS**  
Page 456 of 700

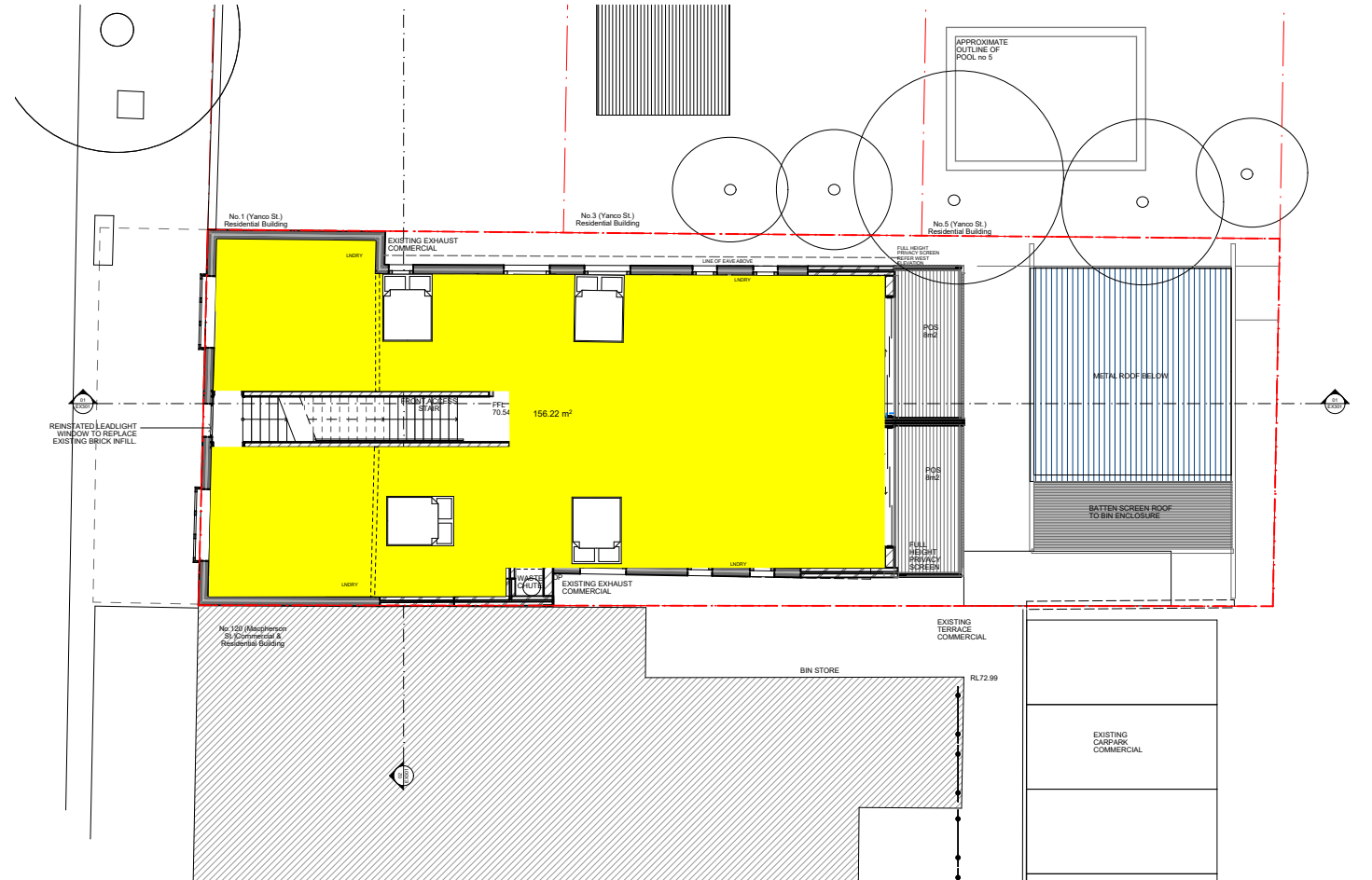




FSR CALCULATIONS - SECOND FLOOR PLAN



LANDSCAPE/DEEP SOIL CALCULATIONS



FSR CALCULATIONS - FIRST FLOOR PLAN

### AREA CALCULATIONS

SITE AREA = 320.97m<sup>2</sup>  
ALLOWABLE FSR = 320.97

GROUND FLOOR GFA = 164.58m<sup>2</sup>  
FIRST FLOOR GFA = 155.5m<sup>2</sup>  
TOTAL GFA = 320.10  
= 0.997:1

LANDSCAPE AREA = 33.60m<sup>2</sup>  
DEEP SOIL AREA = 33.60m<sup>2</sup>

AMENDED PLANS

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Application No: DA-40/2021

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REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
02	6/15/2021	ISSUE TO COUNCIL
03	8/9/2021	ISSUE TO COUNCIL

### 118 Macpherson st Bronte

STAGE:  
DA

SCALE @ A3:

1:200

DRAWING TITLE:  
AREA DIAGRAMS

CLIENT: ALEX IMVRIOTIS  
DRAWN: JAD

CHECKED: MH  
APPROVED: SRH

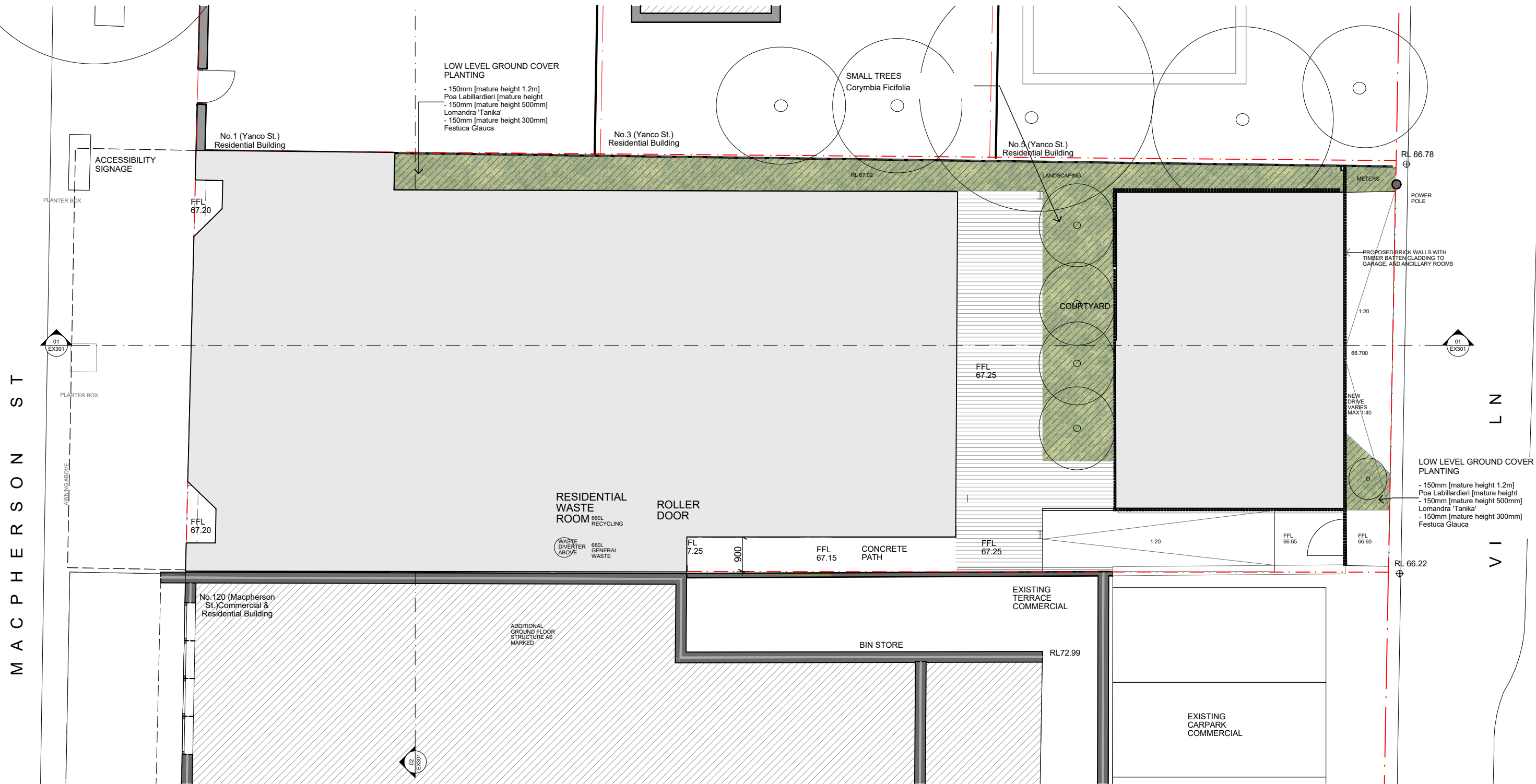
NOT FOR  
CONSTRUCTION

PROJECT No: 19011

DRAWING No:  
DA601

REVISION:  
03

# AMENDED PLANS



1

2

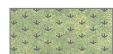
3

4

## PLANTING



PROPOSED DEEP SOIL NATIVE PLANTING - GROUP 1



PROPOSED GROUND COVER PRATIA PEDUNCULATA 'COUNTRY PARK'

## GROUND COVERS/ GRASSES

1. Lomandra 'Tanika'	Mat-rush 'Tanika'	150mm
2. Festuca glauca	Elijah Blue	150mm
3. Poa labillardieri	Tussock grass	150mm
4. Pratia pedunculata	Country Grass	150mm

**BUREAU SRH | architecture** STUDIO 3 | 2 VERONA STREET | PADDINGTON | NSW | 2021 | AUSTRALIA |  
ABN: 94 115 880 834 | TEL: +61 2 9380 4666 | admin@bureau.srh.com

NOMINATED ARCHITECT: SIMON HANSON # 6739  
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LEGEND:

RECEIVED  
Waverley Council

Application No: DA-40/2021

Date Received: 10/08/2021

## #Project Description

REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
02	6/15/2021	ISSUE TO COUNCIL
03	8/9/2021	ISSUE TO COUNCIL

## 118 Macpherson st Bronte

STAGE: DA	DRAWING TITLE: 701 LANDSCAPE PLAN	PROJECT No: 19011
SCALE @ A3: 1:100	CLIENT: ALEX IMVRIOTIS DRAWN: JAD	DRAWING No: DA
	CHECKED: MH APPROVED: SRH	REVISION: 03

NOT FOR  
CONSTRUCTION





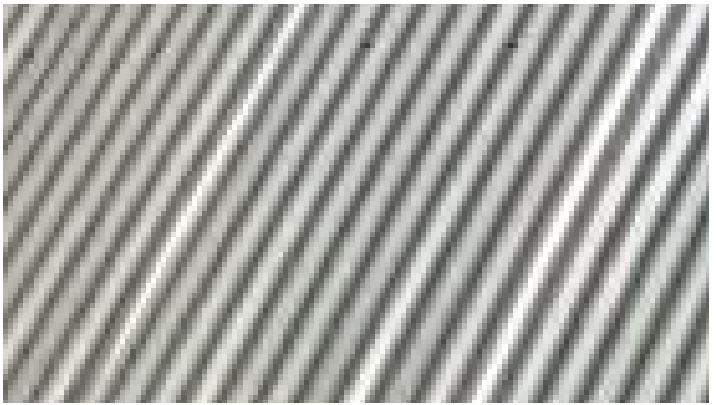
SGS- GLASS SLIDING SKYLIGHT



ASD - ALUMINIUM SLIDING DOOR



TC - TIMBER CLADDING



MR - METAL ROOF - MATCH EXISTING



WPS - WHITE PAINTED STEEL



ARTISTS IMPRESSION - REAR LANE PERSPECTIVE



BR - BRICK - REUSE EXISTING



TBS - TIMBER BATTEN SCREENING

NOT FOR CONSTRUCTION

# AMENDED PLANS

LEGEND:

RECEIVED  
Waverley Council  
Application No: DA-40/2021

Date Received: 10/08/2021

## #Project Description

REV	DATE	NAME
01	12/22/2020	ISSUE TO COUNCIL
02	6/15/2021	ISSUE TO COUNCIL
03	8/9/2021	ISSUE TO COUNCIL

## 118 Macpherson st Bronte

STAGE: DA
SCALE @ A3:

DRAWING TITLE: <b>MATERIAL SCHEDULE</b>
CLIENT: ALEX IMVRIOTIS DRAWN: JAD
CHECKED: MH APPROVED: SRH

PROJECT No: 19011
DRAWING No: <b>DA800</b>
REVISION: <b>03</b>

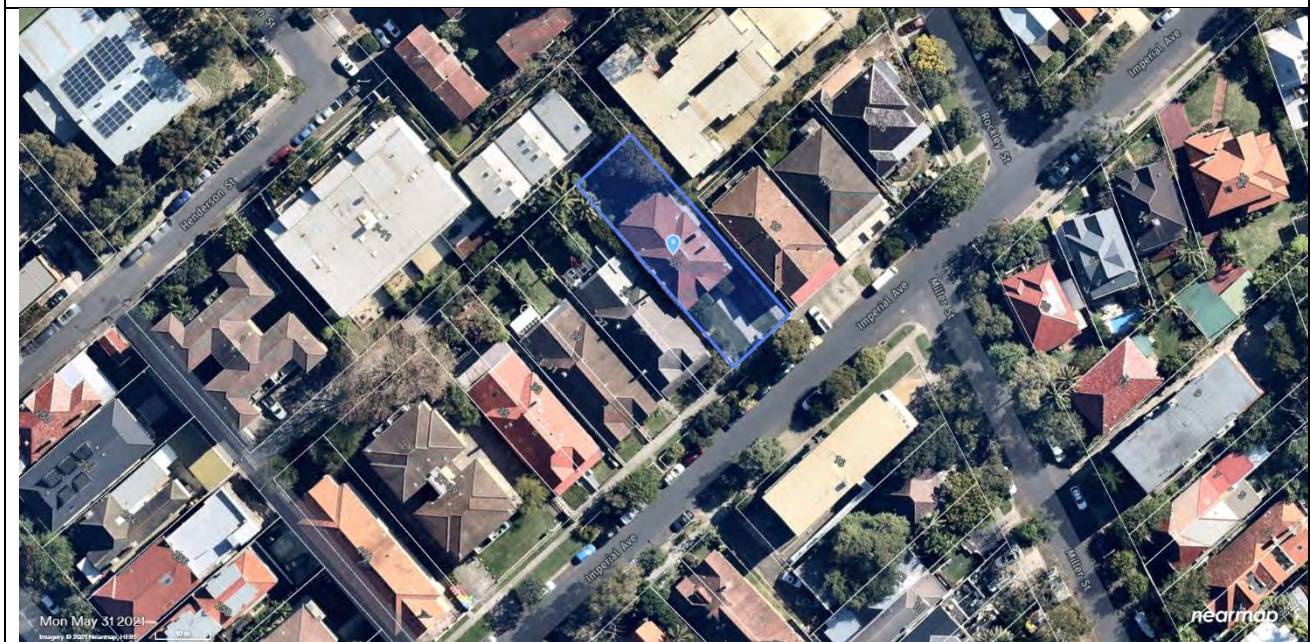




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-121/2021
<b>Site address</b>	21-23 Imperial Avenue, BONDI
<b>Proposal</b>	Alterations and additions to convert a residential flat building to an attached dual occupancy, including rear extensions, new decks to ground and first floor levels; and Torrens title subdivision of site into two lots.
<b>Date of lodgement</b>	09/04/2021
<b>Owner</b>	Portier Family P/L
<b>Applicant</b>	Portier Family Trust
<b>Submissions</b>	Two
<b>Cost of works</b>	\$868 416
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Minimum subdivision lot size</li> <li>• FSR</li> <li>• Rear setback</li> </ul>
<b>Recommendation</b>	That the application be APPROVED in accordance with the conditions contained in the report.

### SITE MAP





## 1. PREAMBLE

### 1.1. Executive Summary

The development application seeks consent for alterations and additions to convert a residential flat building to an attached dual occupancy, including rear extensions, new decks to ground and first floor levels and Torrens title subdivision of site into two lots at the site known as 21-23 Imperial Avenue, Bondi.

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

- The proposal seeks to vary the minimum subdivision lot size development standard of Local Environmental Plan 2012 (the LEP) by 9% for Lot 1 and 7.6% for Lot 2.
- The proposal seeks to vary the maximum floor space ratio (FSR) development standard of LEP 2012 by 82.05m<sup>2</sup> or 27.5%.
- The proposal seeks to vary the rear setback control of Development Control Plan 2012 (the DCP).

The assessment finds these issues acceptable. The proposal for two new allotments with areas of 295.48m<sup>2</sup> and 300.16m<sup>2</sup> will continue the row of semi-detached dwellings on smaller sites consistent with the pattern of development along this part of Imperial Avenue. Upon subdivision both dwellings will have an FSR that is substantially less than the maximum that would be permitted. In this regard, the non-compliance with the FSR development standard is a technical non-compliance in that the lots have not yet been subdivided. Despite the extensions to the rear of the building, the proposal actually results in a similar FSR for the site as the previously infilled front balconies will be reinstated. The proposal effectively redistributes floor space from the front at the first floor level to the rear at the ground floor level.

The building at 21-23 Imperial Avenue is located in, and contributory to, the Imperial Avenue Conservation Area. The proposal has been designed to retain those parts of the building of most heritage significance, concentrating new works to the least intact section of the building, being the rear. The rear setback is considered acceptable given the lack of unreasonable impacts upon surrounding properties and the heritage significance of the site. The redistribution of the floor space through the reinstatement of the balconies will contribute greatly to the heritage significance of the building and the conservation area. The proposal will not harm the amenity of surrounding properties as discussed in detail elsewhere in this report.

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

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

## 1.2. Site and Surrounding Locality

A site visit was carried out on 23 September 2020 (during assessment of the previous application for this site).

The site is identified as Lot 191 in DP 626967, known as 21-23 Imperial Avenue, BONDI. It is located on the western side of Imperial Avenue.

The site is rectangular in shape with northern and southern side boundaries measuring 43.725m and 43.815m respectively and eastern (front) and western (rear) boundaries measuring 13.705m and 13.515m respectively. The site has an area of 595.5m<sup>2</sup> and falls from the rear towards the front by approximately 4m.

The site is occupied by a two-storey residential flat building with no vehicular access. The building contains four apartments, two at ground floor and two at the first floor level with entry to the upper floor units from both side elevations and entry to the ground level units from the front elevation. There is no on-site carparking.

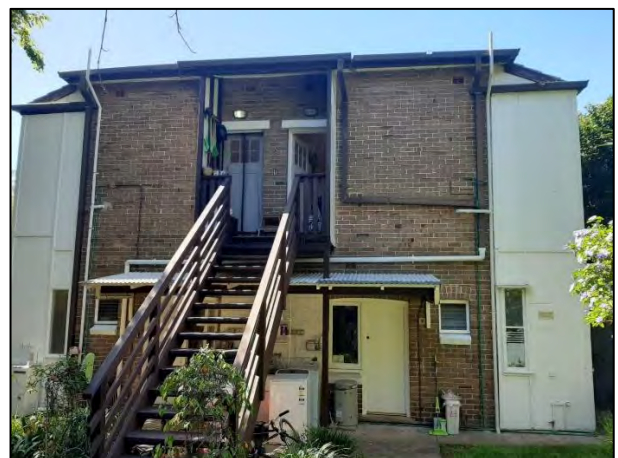
The subject site is adjoined by a group of heritage-listed semi-detached dwellings to the south and a three-storey residential flat building to the north. The property directly to the rear is a two-storey residential flat building containing five double-level apartments (configured as townhouses) accessed from 7-11 Henderson Street. The property to the north-west, adjoining the rear yard of the site, is a four-storey residential flat building (3 Rockley Street) with pedestrian access to the rear of this building being obtained via a walkway adjoining the northern boundary of the subject site.

The locality is characterised by a variety of residential development, including semi-detached dwellings and residential flat buildings.

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



**Figure 1:** Subject site frontage



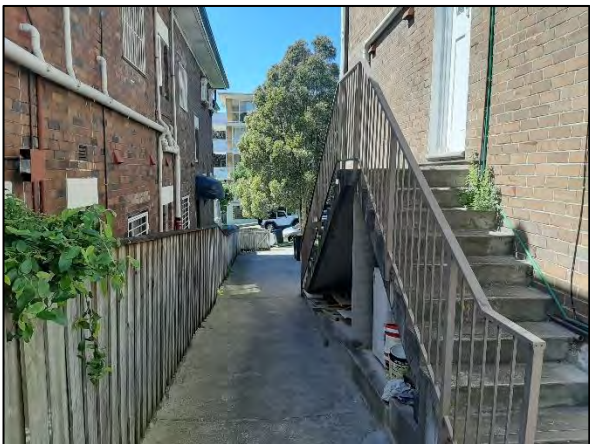
**Figure 2:** Building viewed from the rear



**Figure 3:** No. 3 Rockley St RFB adjoining rear yard to the north-west



**Figure 4:** No. 7-11 Henderson Street located to the rear



**Figure 5:** Walkway from Imperial Avenue to No. 3 Rockley St RFB adjoining the northern boundary



**Figure 6:** No. 19 Imperial Avenue located to the north

### 1.3. Relevant Development History

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

- **BA-545/1993:** Construction of new stairs and awning was approved 11/10/1993.
- **TPO-62/2012:** Pruning of a Celtis species of tree located on the rear, northern boundary. This permit expired on 14/03/2013.
- **DA-249/2020:** Alterations and additions to residential flat building including demolition of rear, internal reconfiguration and rear extension to ground floor and first floor was approved on 21/12/2020.

It is worth noting that the proposed works under the current development application are very similar to that approved under DA-249/2020. The extensions to the rear are largely the same however the current application is for a dual occupancy and associated internal works rather than four apartments.

#### 1.4. Proposal

The proposal seeks consent for alterations and additions to the existing residential flat building specifically comprised of the following works:

- Demolition of the existing rear stairs from the first floor apartments to the ground level and part of the existing rear portion of the building to facilitate the extensions described following.
- Demolition of the stairs to the ground floor level on each side elevation.
- Internal alterations to convert to a dual occupancy each providing four bedrooms.
- Extension of the building at the ground floor level 2.1m further to the rear with new covered decks extending 2.7m beyond.
- Minor extension of the building at the first floor level (approx. 140mm) further to the rear with new balconies extending beyond.
- Reinstatement of previously infilled front balconies at the first floor level by removing existing windows and restoring the face brick wall beyond.
- New windows on the side and rear elevations.
- Landscaping of the existing rear yard with boundary fencing to allocate to each dwelling.
- Torrens title subdivision of the site into two lots.

#### 1.5. Background

The development application was lodged on 08/04/2021 and deferred on 12/08/2021 for the provision of the following information:

1. A written request under Clause 4.6 to vary the FSR development standard. It is noted that if subdivided each dwelling will comply with the new FSR for each site however the proposal does not comply with the current FSR applicable to the parent site. For an abundance of caution, a Clause 4.6 Objection to the FSR development standard is required.
2. Part 3 *Retention of existing affordable rental housing* of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) applies to this development given that the existing building is a residential flat building that has not been strata subdivided. Please address the provisions of the ARHSEPP and provide records for the past 5-years rental history for the existing building on the site.

The written request to vary the development standard was received by Council on 26/08/2021 however, the information in relation to the ARHSEPP has not been provided to Council.



## 2. ASSESSMENT

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

### 2.1. Planning Instruments and Development Control Plans

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

#### 2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP (Affordable Rental Housing) 2009 (refer to discussion below for further detail).
- SEPP (Vegetation in Non-Rural Areas) 2017 (refer to discussion below for further detail).

##### *SEPP (Affordable Rental Housing) 2009*

Clause 50 (1) of the SEPP requires development consent for any proposal to:

- (a) *demolish the building,*
- (b) *alter or add to the structure or fabric of the inside or outside of the building,*
- (c) *change the use of the building to another use (including, in particular, a change of use to backpackers accommodation),*
- (d) *if the building is a residential flat building, strata subdivide the building.*

The subject building is a residential flat building that has not been strata subdivided and as such, the applicant must establish that it has not contained a low-rental dwelling within the previous 5 years from the lodgement date of the development application. The information provided (refer to the comments of the Housing Planner in Section 3 of this report) indicates that the proposal will result in a loss of affordable rental housing on the site as the apartments were rented at the median (not above) within the preceding 5-year period.

Given the proposal will contribute to the loss of affordable rental housing within Waverley, it is considered that the extent of the proposed loss can be mitigated through the provision of a monetary contribution of \$283,275 formulated in accordance with clause 51(3) of the ARH SEPP. A condition to this effect is included in Appendix A.

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

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

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

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

The site is not identified as 'biodiversity' or as within a 'biodiversity habitat corridor'. The site is within a heritage conservation area although there are no trees on site on the 'Significant Tree Register'.

The proposal includes the removal of a *Celtis* species of tree from the rear north-western corner of the site. This is a weed species and exempt from requiring Council consent for removal. The application was referred to Council's Tree Preservation Officer who noted that the trees on site possess no outstanding attributes worthy of retention and removal is supported.

#### 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
2.6 Subdivision – consent requirements	Yes	Development consent is sought under this application for Torrens title subdivision into two allotments.
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a 'dual occupancy', which is permitted with consent in the R3 zone.

Provision	Compliance	Comment
		If consent for Torrens title subdivision is granted, each site would contain a ' <i>semi-detached dwelling</i> ', which is also a permissible land use with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> <li>• 325m<sup>2</sup></li> </ul>	No	<ul style="list-style-type: none"> <li>• Lot 1 will have a site area of 295.48m<sup>2</sup> varying the development standard by 29.52m<sup>2</sup> or 9%.</li> <li>• Lot 2 will have a site area of 300.16m<sup>2</sup> varying the development standard by 24.84m<sup>2</sup> or 7.6%.</li> </ul>
4.3 Height of buildings <ul style="list-style-type: none"> <li>• 9.5m</li> </ul>	Yes	The existing building exceeds the 9.5m height control. However, the proposed new works do not exceed the height development standard having a maximum height of 7m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>• Unsubdivided site (595.5m<sup>2</sup>): 0.5:1 (297.75m<sup>2</sup>)</li> <li>• Subdivided sites:                Lot 1 - 0.78:1                Lot 2 - 0.77:1</li> </ul>	No	<p>The proposal has an FSR of 0.64:1 (379.8m<sup>2</sup>) exceeding the development standard by 82.05m<sup>2</sup> or 27.5%.</p> <p>However, it should be noted that the proposal includes Torrens title subdivision into two lots. Upon subdivision each dwelling will have an FSR as follows:</p> <ul style="list-style-type: none"> <li>• Dwelling (lot) 1 will have a site area of 295.48m<sup>2</sup> and an FSR of 0.63:1.</li> <li>• Dwelling (lot 2) will have a site area of 300.16m<sup>2</sup> and an FSR of 0.63:1.</li> </ul>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the minimum subdivision lot size and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The building at 21-23 Imperial Avenue is located in, and contributory to, the Imperial Avenue Conservation Area. Adjacent buildings to the south are listed in LEP 2012 as items of local heritage significance.

Provision	Compliance	Comment
		<p>The application was referred to Council's Heritage Advisor and conditions were recommended which are included in the consent conditions (for full comments refer to Section 3 <i>REFERRALS</i> of this report). In summary the following comments are of relevance:</p> <ul style="list-style-type: none"> <li>• <i>The applicant's heritage report is well researched and clarifies the significance of the subject building.</i></li> <li>• <i>The proposed works are similar to those recently approved with additional works including further extension to the rear and interior alterations.</i></li> <li>• <i>Subject to recommendations in this assessment, the works are considered cohesive with the overall site and its contributory value to the Conservation Area.</i></li> <li>• <i>The reopening of the front verandas is a positive proposal and should be accompanied by a schedule of restoration works and colour finishes.</i></li> <li>• <i>Supplementary photographic recording of the building both externally and internally should be provided (this could be appended to the Heritage Report – as this is a key example of the emergence of the residential flat building in Waverley).</i></li> </ul> <p>The proposal, subject to the recommended conditions, will not harm the character of the building or the conservation area.</p>

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

*Clause 4.6 Exceptions to Development Standards (minimum subdivision lot size)*

The application seeks to vary the minimum subdivision lot size in clause 4.1 under Waverley LEP 2012.

The site is subject to a minimum subdivision lot size development standard of 325m<sup>2</sup>. The proposed development exceeds the standard by:

- Lot 1 will have a site area of 295.48m<sup>2</sup> varying the development standard by 29.52m<sup>2</sup> or 9%,



- Lot 2 will have a site area of 300.16m<sup>2</sup> varying the development standard by 24.84m<sup>2</sup> or 7.6%.

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 minimum subdivision lot size development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *Despite numerical non-compliance, the proposal remains consistent with the relevant environmental and planning objectives of the R3 Zone and Minimum Subdivision Lot Size development standard.*
  - (ii) *The variation results in a subdivision pattern and residential character that remains compatible with the surrounding locality and is supported on Heritage grounds. A development compliant with the minimum lot size would not achieve a perceivably different or better planning outcome.*
  - (iii) *Strict compliance with the development standard would result in no difference to the built form outcome or visual appearance of the development and hinders the ability for separate home ownership of dwellings compatible with the area. This outcome would result in no discernible benefit to the site or surrounding locality.*
  - (iv) *The proposed subdivision results in a subdivision pattern that reflects adjoining properties and provides a similar built-form outcome of semi-detached dwellings.*
  - (v) *The proposed subdivision has no bearing on the proposed development outcome which respects the heritage conservation area. The built form reflects the envelope recently approved under DA-249/2020 and results in a lesser intensity of development.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) *The public interest is served by supporting the variation as it allows the opportunity for the dwellings to be under separate ownership, providing additional home-ownership opportunities.*

- (ii) *The proposal satisfies the objectives of the R3 Medium Density Residential Zone and the objectives of the Minimum Subdivision Lot Size development standard, having regard to the particular nature of the development and the particular circumstances of the Site.*
- (iii) *The non-compliance with the standard will nevertheless result in lot sizes that are compatible with both the existing character of the locality and readily accommodate the proposed development on the site.*
- (iv) *The variation to the minimum subdivision lot size standard will not have any visual impact or change to the built form outcome. The extent of variation solely relates to the subdivision which has no bearing on appearance or character.*

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

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

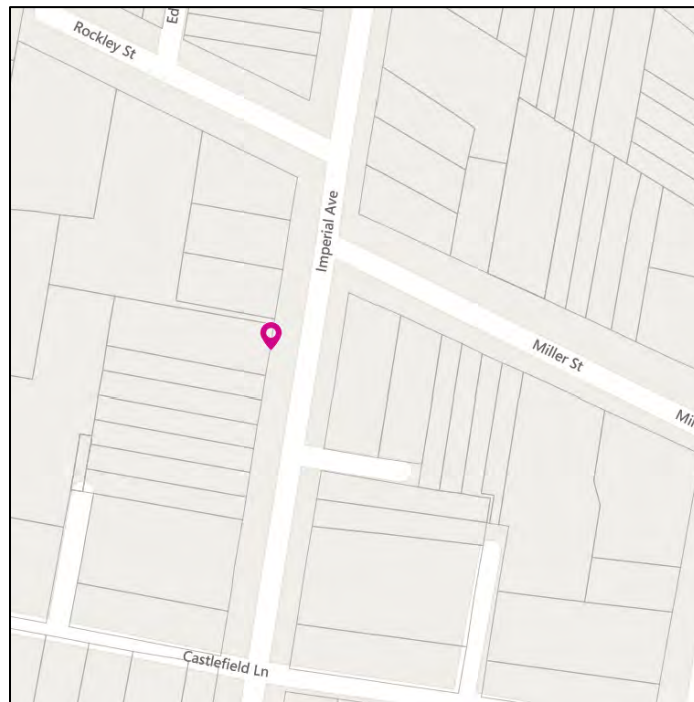
Is the development in the public interest?

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

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

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

The subject site is surrounded by a mixture of land uses including residential flat buildings and dwellings to the north and west which are on larger sites and a row of semi-detached dwellings located on smaller sites to the south. Along Imperial Avenue the subject site is located at the northern end of this row of small sites containing pairs of semi-detached dwellings. These smaller sites number six in total, all with an approximate area around 300m<sup>2</sup>, similar to that proposed for the two new allotments. The proposal for two new allotments with areas of 295.48m<sup>2</sup> and 300.16m<sup>2</sup> will continue the row of semi-detached dwellings on smaller sites consistent with the pattern of development along this part of Imperial Avenue.



**Figure 7:** Pattern of subdivision surrounding the site

The proposal will not adversely affect the amenity of the surrounding area as discussed in detail elsewhere in this report. The proposal will not result in unreasonable overshadowing, privacy impacts nor will it have a detrimental or unacceptable impact upon the streetscape.

The proposal is considered to be consistent with the objectives of the development standard.

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 provides two dwellings on the site, a reduction from the four existing apartments currently contained within the building. Both dual occupancies and semi-detached dwellings are permitted uses within the R3 zone and as such, the proposal is consistent with the objective to provide for the housing needs of the community within a medium density residential environment. Council's controls contain FSR provisions as a means of controlling density, rather than bedrooms or people per hectare. The proposal provides a similar FSR to the existing building on site, however with fewer dwellings. Upon subdivision, each site will contain a semi-detached dwelling with four-bedrooms being more likely to be utilised by large families and/or extended families. Given that most new medium density development within the LGA is comprised predominantly of one and two-bedroom apartments, the proposal to provide four-bedroom dwellings targeting larger family groups clearly contributes to the variety of housing types being offered within the area.



The subject site is within walking distance of Bondi Road and the public transport routes Bondi Road provides. The site is also within walking distance of the Bondi Junction centre. Maximisation of public transport use, walking and cycling will be encouraged by the provision of no parking spaces on site.

The proposal is considered to be consistent with the relevant objectives of the R3 zone.

### Conclusion

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

### *Clause 4.6 Exceptions to Development Standards (FSR)*

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

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has an FSR of 0.64:1, exceeding the standard by 82.05m<sup>2</sup> equating to a 27.5% 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 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) *Following subdivision, Clause 4.4A (b) permits a maximum FSR for a dwelling on each site of 0.78:1 and 0.77:1 respectively. Accordingly, the final outcome sought as part of this development application results in a compliant floor space ratio of 0.63:1 on each site for the development.*

- (ii) *The proposal includes subdivision of the site, which renders the final outcome a permissible, compliant and envisaged scale of development.*
  - (iii) *Despite proposed subdivision, the overall built form, bulk and scale is appropriate for the site and reflects the envelope recently approved within DA-249/2020. The extent of gross floor area and FSR in that DA was justified based on a satisfactory streetscape, and an envelope that complied with setbacks and the existing ridge height, resulting in no material impacts as a consequence of the variation. Similar reasons remain applicable to the development as submitted within this DA.*
  - (iv) *The variation results in a built form and residential character that remains compatible with the surrounding locality and is supported on Heritage grounds. A development compliant with the floor space ratio across the total site would not achieve a perceivably different or better planning outcome.*
  - (v) *Strict compliance with the development standard would result in no difference to the built form outcome or visual appearance of the development and hinders the ability for separate home ownership of dwellings compatible with the area. This outcome would result in no discernible benefit to the site or surrounding locality.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *The public interest is served by supporting the variation as it allows the opportunity for the dwellings to be under separate ownership, providing additional home-ownership opportunities.*
  - (ii) *The proposal satisfies the objectives of the R3 Medium Density Residential Zone and the objectives of the Floor Space Ratio development standard, having regard to the particular nature of the development and the particular circumstances of the site.*
  - (iii) *The variation to the floor space ratio standard will not have any visual impact or change to the built form outcome, which is of a permissible and envisaged scale following subdivision.*

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

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

Objective (a) is not relevant to the subject site.

Upon subdivision into two allotments, each site will contain a semi-detached dwelling. The site area of each lot will result in a maximum FSR development standard of 0.78:1 for Lot 1 and 0.77:1 for Lot 2. Upon subdivision both dwellings will have an FSR of 0.63:1, being substantially less than the maximum that would be permitted. In this regard, the non-compliance is a technical non-compliance in that the lots have not yet been subdivided.

Despite the extensions to the rear of the building, the proposal results in a similar FSR for the site as the existing building due to previously infilled front balconies being reinstated. The proposal effectively redistributes floor space from the front at the first floor level to the rear at the ground floor level. The FSR of the existing building is 0.638:1 and the proposed FSR will be 0.636:1 reducing the gross floor area (GFA) of the building by 1.2m<sup>2</sup>. The proposal will also marginally increase the side setbacks of the rear two-storey portion of the building. The new works to the rear of the site will be contained a storey below the maximum height development standard providing a flat-roofed form to minimise impacts upon surrounding properties.

The redistribution of the floor space through the reinstatement of the balconies will contribute greatly to the heritage significance of the building and the conservation area. The reinstated balconies also provide articulation to the front of the building. The proposal will not harm the amenity of surrounding properties as discussed in detail elsewhere in this report.

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

The compatibility of the proposal with the zone objectives is considered above in the previous discussion regarding minimum subdivision lot size development standard and the proposal is considered consistent with the relevant objectives of the R3 zone.

### Conclusion

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



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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	<p>The proposal incorporates passive design by improvements in light and ventilation through new windows and openings. The new balconies, rear extensions and full height glazed doors will allow greater solar access and ventilation to living areas.</p> <p>The retention of existing trees and further planting of vegetation will ensure shading in the summer months.</p> <p>BASIX Certificates have been provided achieving energy and water efficiency targets.</p> <p>Although the proposal will result in increased overshadowing of the adjoining property to the south during the winter solstice this is not considered to impact upon the property in such a way as to inhibit the ability of this property to achieve passive design strategies. The adjoining property is already largely overshadowed by the subject site and surrounding residential flat buildings at the winter solstice. The proposal will not unreasonably increase the overshadowing of windows or solar panels.</p> <p>Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.</p>
3. Landscaping and Biodiversity	Yes	The landscaping plan has been reviewed and is considered acceptable, maintaining as much existing vegetation as possible and is cohesive with the site and streetscape.
5. Vegetation Preservation	Yes	The proposal includes the removal of a <i>Celtis</i> species of tree from the rear north-western corner of the site. Although this tree provides privacy to neighbouring properties, this is a weed

Development Control	Compliance	Comment
		<p>species and exempt from requiring Council consent for removal. The landscaping plan indicates that this tree will be replaced with two coastal banksia trees which are native species that can grow up to 25m in height. This is considered appropriate particularly given that native plants are encouraged in the DCP.</p> <p>Two other existing trees, nominated as a Camelia and a cypress, in the rear yard are to be retained and protected. The landscaping plan nominates additional screening plants along the rear boundary including Blueberry Ash which is also a native tree.</p> <p>The application was referred to Council's Tree Preservation Officer who noted that the trees on site possess no outstanding attributes worthy of retention and removal is supported.</p>
6. Stormwater	Yes (subject to condition)	The stormwater plans submitted with the application are unsatisfactory. Appropriate conditions are provided in the consent conditions.
9. Heritage	Yes	Refer to previous discussion in Table 1 and section 3 of this report.
10. Safety	Yes	The reinstatement of the front balconies will increase passive surveillance of the street. The proposal does not contravene the objectives of this part of the DCP.
12. Design Excellence	Yes	The proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape.
13. Subdivision	Yes	Refer to previous discussion in section 2.1.2 of this report.

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

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		

Development Control	Compliance	Comment
Pitched roof dwelling house <ul style="list-style-type: none"> <li>Maximum external wall height of 7m</li> </ul>	Yes	The overall height has been discussed previously in this report.  The proposed rear extensions do not have wall heights which exceed 7m.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	N/A  Yes	The front setback is unchanged as part of this proposal.  The proposal provides a rear setback of 6m. The rear setback is discussed in detail following this table.
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 1.2m</li> </ul>	Yes	The building is an existing structure with existing side setbacks. The proposal includes demolition of the rear part of the building and construction of a new rear addition extending further toward the rear. The rebuilt and new section will have side boundary setbacks increased by 200mm on each side, being 1300mm from the southern boundary and 1460mm from the northern boundary complying with the controls.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style and proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>	Yes	The reintroduction of the previously infilled front balconies will contribute to the articulation of the building providing an improved streetscape appearance, particularly as the building contributes to the conservation area.  The remaining works are concentrated at the rear and will not impact upon the streetscape character. Notwithstanding, the new works will read as clearly contemporary providing a juxtaposition between the old and the new parts of the building.  Conditions regarding the finishes as recommended by the Heritage Architect are included in the consent conditions.
<b>2.4 Fences</b>		
<i>Front:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <i>Side and Rear:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes	New fencing is proposed within the rear yard to separate it into two courtyards. The fencing is generally 1800mm high and is considered appropriate.

Development Control	Compliance	Comment
		Existing boundary fencing along the southern side, rear boundary and the western boundary within the rear yard are to be retained. The front boundary treatment is to remain as existing.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>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</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>	Yes	<p>The proposal contains balconies at the front and rear at the first floor level. The front balconies comply with the depth and area controls of the DCP and the rear balconies exceed these controls, although only marginally. Notwithstanding, the rear balconies will provide privacy screening on the side elevations to inhibit overlooking of the properties on either side.</p> <p>The proposed rear first floor balconies are accessed via a room of low privacy impacts (ie, bedroom) and will provide adequate separation from the rear boundary at a minimum of 8.5m to ensure privacy impacts to the properties at the rear are not unreasonable. It should also be noted that the property is surrounded by residential flat buildings built close to the boundaries of the site which overlook the rear yard and elevation of the existing building. The residential flat building at the rear has balconies set back approximately 4m from the shared boundary with the subject site. In this regard, there is a degree of mutual overlooking between properties, and it is unreasonable to expect a property to limit the use of their own property due to insufficient setbacks on adjoining properties.</p> <p>Views from the proposed rear balconies to the windows of the adjoining residential flat building to the north-west, 3 Rockley Street, and into the rear yard of the adjoining property to the south, No. 25 Imperial Avenue, are not direct, being obscurely angled. Privacy screening will largely inhibit views into adjoining windows.</p> <p>Ground floor balconies are at ground level and will not impact unreasonably upon the privacy of adjoining properties with outlook obscured by boundary fencing.</p> <p>The reinstatement of the front first floor balconies will not result in unreasonable privacy impacts given that they are small in area and</p>



Development Control	Compliance	Comment
		<p>width, accessed via rooms of low use (bedrooms) with few associated privacy impacts. Screening on these balconies is not considered appropriate given it may affect the heritage significance of the building. The open front balconies are being reinstated to reflect the historical character of the building.</p> <p>New windows on the side elevations are highlight for solar access or are at ground floor level with few privacy impacts. New windows on the upper floor level, where there is the potential for privacy impacts are conditioned accordingly.</p>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>• Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>• Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</li> <li>• Avoid unreasonably overshadowing of solar collectors (including habitable windows).</li> </ul>	Yes	<p>The living area windows and balconies are located on the western (rear) elevation leading to the rear courtyards. The rear elevation and yard are heavily overshadowed on the winter solstice due to the density of surrounding development and the orientation of the site. This is an existing constraint. There is sufficient solar access received to the front balconies and front yards to offset the lack of same at the rear.</p> <p>Notwithstanding the reconfiguration of the building into two semi-detached dwellings will result in improved light and solar access to living areas of each.</p> <p>Shadow diagrams indicate that the proposal will result in additional overshadowing of the property to the south at midday to the rear yard. The remaining shadows fall within existing shadows cast by the existing building and surrounding residential flat buildings. Aerial imagery from August 2021 (Nearmap) indicates that the property to the south has solar panels on the roof at the rear on the northern side. Comparison with the shadow diagrams indicates that this area of the roof is already largely overshadowed throughout the day by the existing building and as such, the proposal will not have additional unreasonable impact in this regard.</p> <p>Given that the proposed additions are well under the height development standard, that the FSR on the site is being slightly reduced and setbacks increased marginally, the overshadowing impacts are not considered to be unreasonable.</p>

Development Control	Compliance	Comment
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	<p>The proposed extensions will not impact upon public views being contained at the rear of the site.</p> <p>During the notification period the following image was provided by the apartment at the rear at 16/7-11 Henderson Street:</p>  <p>There is a minor view through trees however given that the new additions will retain the existing roof line being lower than the main roof, this view is unlikely to be impacted. Notwithstanding, it is a partial view largely obscured by trees over an addition that is substantially lower than the height development standard allows. In this regard, any view loss would not warrant refusal of the application.</p> <p>The image below was provided during notification of the <b>previous application, DA-249/2020</b> by a property to the south-west at 23/7-11 Henderson Street (this image is still relevant to the current assessment):</p> 

Development Control	Compliance	Comment
		The significant view is that of the Pacific Ocean with the remaining view being classed as 'outlook'. The proposal will not impact upon the water view.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	<p>Both dwellings will provide 65% of the site as open space.</p> <p>Dwelling 1: 33% of the site as landscaped area Dwelling 2: 34% of the site as landscaped area</p> <p>The front setback is to remain as existing with 100% open space and more than 50% as landscaped area.</p> <p>There is sufficient space within each rear yard for clothes drying areas.</p>
<b>2.13 Semi-detached dwellings and terrace style development</b>		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> <li>Additions to match the style of the original semi-detached dwelling</li> <li>Existing roof form maintained forward of principal ridgeline</li> <li>Front verandahs to be maintained.</li> </ul>	Yes	<p>The proposed additions are located at the rear of the building and will have no impact upon the built form of the original building.</p> <p>The proposal includes the reinstatement of the previously enclosed front first floor balconies. This will reinstate historical features enhancing the contribution of the building to the conservation area.</p>
<p>2.13.2 - First floor additions to semi-detached dwellings</p> <ul style="list-style-type: none"> <li>First floor addition to be setback from the principal street frontage and maintain the existing front roof slope</li> <li>Additions to be located a minimum of 1m behind the front main gable</li> <li>Flat roofs should be only used when not seen in a Heritage Conservation Area</li> <li>Limit the rise of the interface with adjoining</li> </ul>	Yes	<p>The proposed additions are contained at the rear and will not be visible from the street. This enables the use of a flat roof over the rear balcony additions minimising height and impact upon properties at the rear. The existing roof of the building is to be predominantly maintained.</p> <p>The proposal is consistent with the relevant controls within this part of the DCP.</p>

Development Control	Compliance	Comment
semi-detached dwelling to 600mm <ul style="list-style-type: none"> <li>First floor additions should match the style of the additions on the adjoining semi (if relevant).</li> </ul>		
2.13.3 - Material finishes and detail for semi-detached dwellings <ul style="list-style-type: none"> <li>Finishes and detailing are to be cohesive with the existing dwelling</li> <li>Historic features of the roofscape are to be incorporated into the addition</li> <li>Dorms roof forms are to match the style of the original dwelling</li> <li>New windows to have a similar proportion to the existing</li> <li>Upper wall finishes to reflect the style and character of the original building.</li> </ul>	Yes	<p>The rear additions are comprised of contemporary materials providing a juxtaposition between the old and new works. In order to ensure that new works are not a pastiche of old works, the contemporary finishes are considered appropriate and complementary to the historical finishes of the existing building. New windows and works to the retained existing building will be consistent with the existing finishes such as timber-framed replacement windows.</p> <p>Council's Heritage Architect has reviewed the proposal and recommended only minor conditions in relation to materials and finishes (refer to comments in Section 3 of this report) as follows:</p> <ul style="list-style-type: none"> <li><i>Recommendations in the applicant's heritage report as to treatment of existing detailing and new works are to be incorporated in the works as a condition of any approval. These include.</i> <ul style="list-style-type: none"> <li><i>The doors from the first-floor rear stairs are to be reused as doors to bathrooms.</i></li> <li><i>The lining to the stair soffit is to be retained.</i></li> </ul> </li> <li><i>Existing unpainted external face and common brickwork is not to be painted, rendered, or otherwise coated.</i></li> <li><i>The reopening of the front verandas should be accompanied by a schedule of restoration works and colour finishes.</i></li> </ul> <p>A condition to this effect is included in Appendix A.</p>
<b>2.15 Dual Occupancy Development</b>		
<ul style="list-style-type: none"> <li>Min 450m<sup>2</sup> attached dwellings</li> </ul>	Yes	<p>The site provides an attached dual occupancy and has a site area of 595.5m<sup>2</sup> complying with the control.</p>



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Provide a min 5.5m<sup>2</sup> courtyard between each dwelling</li> </ul>		Each dwelling will provide open space at the front and rear. The rear yards will be 58m <sup>2</sup> (dwelling 1) and 60m <sup>2</sup> (dwelling 2).

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

### *Rear setback*

The DCP requires that extensions to existing buildings are to extend no further to the rear than the predominant rear building line. The predominant rear setback is determined separately for each level. The DCP provides circumstances where the rear setback may be varied.

**Figure 1** provides an aerial image of the subject site and surrounding development and demonstrates that there is a consistent rear setback for dwellings in the row however the rear setback of residential flat buildings is varied.

The first floor setback to the building essentially remains the same, with the balconies extending within the existing rear setback. At the ground floor level the building will be extended further toward the rear with balconies extending beyond. The ground floor level will be set back 6m from the rear with the first floor level being 8.5m.

The existing building on the subject site is unique, in that it is an older building with historic character set well back from the street frontage. The Heritage Report states that:

*The rear wing will be demolished at both levels. This is the least intact section of the property and has very poor amenity with small bathrooms and kitchen and a bedroom that now has internal windows due to the infill of the rear verandahs. The rear section has none of the detail of the front and the verandah infill is crudely detailed.*

*The works will retain the majority of the layout and detail to the front and the whole of the tiled roof, including that over the rear wing, and we consider that the extent of demolition is commensurate with the level of significance of the place.*

Council's Heritage Architect states that 'the assessment of the building as of local heritage significance in the applicant's heritage report is supported as the basis for listing of the building within Schedule 5 of Waverley LEP. Such listing is not proposed to alter recommendations supporting consent to the current application.'

The proposal has therefore been designed to retain those parts of the building of most significance, concentrating new works to the least intact section of the building, being the rear. As the increased setback at the front must be retained in order to maintain the significance of the building for potential future listing, the new balconies must be located at the rear. In these circumstances, it is considered that the proposal may exceed the rear alignment of the dwellings to the south of the site as the heritage importance of the site is considered to outweigh the requirement to comply with the rear predominant rear setback.

The proposal provides increased side setback to the rear part of the building and well exceeds the minimum open space and landscaped area controls of the DCP. Given that amenity impacts upon surrounding properties are not deemed unreasonable, the rear setback is supported in this instance.

## 2.2. Other Impacts of the Development

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

## 2.3. Suitability of the Site for the Development

The site is considered 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 two unique submissions were received from the following properties:

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

Count	Property Address
1.	25 Imperial Avenue, Bondi
2.	16/7-11 Henderson Street, Bondi

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 privacy from rear balconies and windows
- Loss of privacy from front balconies viewing into side windows of adjoining property
- Side setbacks
- Loss of vegetation
- Overshadowing impacts on solar panels on the roof of adjoining property.

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

**Issue:** Sense of enclosure and loss of skyline view from the ground floor living area of the property at the rear.

**Response:** As previously stated, surrounding properties with inadequate setbacks cannot rely on adjoining properties to overcome any lack of separation. The property at the rear is set back from the rear boundary by 6m at the ground level and 4m to the first floor balconies. The subject development will be set back 6m from the ground level and 8.5m to the first floor balconies. Both levels have a separation distance of 12m between structures. This is considered sufficient to ensure no sense of enclosure.

**Issue:** Noise from air-conditioning units within the side setback.

**Response:** A condition is recommended in Appendix A to relocate the air conditioning unit associated with Dwelling 1 away from windows on the neighbouring property and to restrict the times of use to minimise noise impacts upon surrounding properties.

**Issue:** Privacy issue and light spillage from new windows on the southern elevation.

**Response:** The new window on the southern boundary is to the stairwell at the first floor level. The proposal retains the landing in this location however it will no longer provide access to a room. Given there is a void between the landing and the new window and it no longer serves a purpose, it is not likely to be highly utilised. In this regard, it is a non-habitable area of the apartment with fewer privacy impacts. Additionally, the window will not have direct outlook to a window on the adjoining property as there is no window directly opposite (the adjoining dwelling being single storey). Any view would be angled downwards to a side window with eaves inhibiting direct viewing. It is not reasonable to expect that there will be no viewing, however obscurely angled, into an adjoining property given the density of the area. The proposal does not have a direct view into an opposing window and as such, the privacy impact is not considered to be unreasonable.

**Issue:** Ecologically sustainable development has not been considered as the proposal will impact upon neighbouring properties by way of restricting natural light and airflow and overshadowing.

**Response:** The proposal will not restrict natural light and air flow maintaining sufficient setbacks from adjoining properties. This does not warrant the refusal or amendment of the application.

**Issue:** The shadow diagrams have overestimated the amount of shadows cast by the existing dense vegetation.

**Response:** The shadow diagrams show the overshadowing from built structures only. The plans are notated to that effect.

**Issue:** Inaccurate species of trees/plants depicted on the neighbouring property.

**Response:** The species of trees and plants on the neighbouring property is not relevant to the assessment of the application.

**Issue:** Acoustic privacy impacts.

**Response:** The property is zoned for residential use and as such, noise associated with the residential use is considered to be a reasonable expectation for the site. This is consistent with the use, and associated noise generation, of surrounding properties.

## 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

### 3.1. Heritage

The following comments were provided by Council's Heritage Architect:

*The building Loretto was erected c1920 in late Federation style on a later subdivision of the Henderson Estate, marketed in 1889 by the owner William Henderson builder of the large house Rockleigh [1868] located to the northwest of the subject site. Robert Dugan, the purchaser of Lot 19 including the subject site and Rockleigh, built the apartment building for his daughter in 1920. The building at 21-23 Imperial Avenue is located in and contributory to the Imperial Avenue Conservation Area. Adjacent buildings to the south are listed in Waverly LEP 2012 as items of local heritage significance.*

#### Comments:

- *The applicant's heritage report is well researched and clarifies the significance of the subject building.*
- *The proposed works are similar to those recently approved with additional works including further extension to the rear and interior alterations.*
- *Subject to recommendations in this assessment, the works are considered cohesive with the overall site and its contributory value to the Conservation Area.*
- *The reopening of the front verandas is a positive proposal and should be accompanied by a schedule of restoration works and colour finishes.*
- *Supplementary photographic recording of the building both externally and internally should be provided [this could be appended to the Heritage Report – as this is a key example of the emergence of the residential flat building in Waverley].*

#### Recommendations:

*To maintain cohesion with the Conservation Area and to maintain the contributory significance of this key building in the Conservation Area it is recommended that:*

- *The heritage report is amended to include additional images of the building interior and exterior provided as an appendix.*
- *Recommendations in the applicant's heritage report as to treatment of existing detailing and new works are to be incorporated in the works as a condition of any approval. These include:*
  - *The doors from the first-floor rear stairs are to be reused as doors to bathrooms.*
  - *The lining to the stair soffit is to be retained.*
- *Existing unpainted external face and common brickwork is not to be painted, rendered, or otherwise coated.*
- *The reopening of the front verandas should be accompanied by a schedule of restoration works and colour finishes.*



- *The assessment of the building as of local heritage significance in the applicant's heritage report is supported as the basis for listing of the building within Schedule 5 of Waverley LEP. Such listing is not proposed to alter recommendations supporting consent to the current application.*

A condition to this effect is included in Appendix A.

### 3.2. Strategic Planning (Housing)

The following comments were provided:

#### **Clause 50(2) Assessment**

***(a) whether there is likely to be a reduction in affordable housing on the land to which the application relates***

*As the application is for alterations to a residential flat building, under clause 50(1)(b) of the ARHSEPP, Council must assess against the provisions of the ARHSEPP.*

*The Proponent has provided the following information regarding rental records for the subject site:*

<b>Unit</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>1 (1 bedroom)</b>	\$600	\$600	\$600	\$650	\$600
<b>2 (1 bedroom)</b>	\$600	\$600	\$600	\$650	\$600
<b>3 (2 bedrooms)</b>	\$770	\$780	\$775	\$750	\$725
<b>4 (2 bedrooms)</b>	\$780	\$780	\$780	\$750	\$750

Median 1 bedroom rental level for flat/unit in Waverley LGA	December 2017 quarter: \$600	September 2018 quarter: \$600			
Median 2 bedroom rental level for flat/unit in Waverley LGA		March 2018 quarter: \$780		March 2020 quarter: \$750	

*In accordance with the [FACS rent and sales report](#), the December 2017 quarter median rental level for a 1 bedroom flat/unit in Waverley LGA is \$600. The rental data provided by the applicants shows that Units 1 and 2 were rented at \$600 during 2017, rendering those two units low rental dwellings. The median rental level aligns with the rental price of the subject units again in September 2018.*

In accordance with the [FACS rent and sales report](#), the March 2018 quarter median rental level for a 2 bedroom flat/unit in Waverley LGA is \$780. The rental data provided by the applicants shows that Units 3 and 4 were rented at \$780 during 2018, rendering those two units low rental dwellings. The median rental level aligns with the rental price of the subject units again in March 2020.

Therefore all 4 units are considered to be low rental dwellings, and their removal is therefore considered to be a loss of affordable housing.

***There is therefore a likelihood that there could be a reduction in affordable housing on the land to which this application relates, and a contribution to offset this can be calculated in accordance with 50(2)(g) of the ARH SEPP for all 4 units.***

***(b) whether there is available sufficient comparable accommodation to satisfy the demand for such accommodation***

As outlined in Clause 50 (3) of the ARH SEPP, sufficient comparable accommodation is deemed to be not available to mitigate the impact of the proposal, if the average vacancy rate in private rental accommodation for Sydney is less than 3% for the 3 months immediately preceding the date of lodgment of the DA. If the Sydney vacancy rate is equal to or exceeds 3% in the preceding quarter, then it is open to the applicant to demonstrate that adequate comparable accommodation is available in the locality. The Sydney rental vacancy rate is published by the Real Estate Institution of NSW.

The Inner Sydney (includes Waverley, Woollahra, Randwick etc.) rental vacancy rate as of March 2021 (most recent report at time of lodgement) was 4.5%. The applicants have not demonstrated that that adequate comparable accommodation is available in the locality.

Due to the lack of further information from the applicants regarding comparable accommodation in the Bondi locality, Strategic Planning is not satisfied that there is sufficient comparable accommodation to satisfy the demand for such accommodation.

***(c) whether the development is likely to cause adverse social and economic effects on the general community***

The proposal would result in the reduction of dwellings from 4 to 2, removing at least 2 dwellings from the affordable rental market. Furthermore, Torrens Title subdividing means the 2 remaining dwellings can be sold individually and as such would likely remove them from the affordable rental market. This impact can be somewhat mitigated as the contributions to be levied from the development will be put towards affordable rental housing.

***(d) whether adequate arrangements have been made to assist the residents (if any) of the building are likely to be displaced to find alternative comparable accommodation***

*The applicant has not discussed any arrangements.*

***(e) the extent to which the development contributes to any cumulative loss of affordable housing in the local government area***

*The proposed development will contribute to the loss of affordable housing within the LGA as the development proposes to alter an existing 4-unit residential flat building, all of which could be rented at a rate identified as being affordable rental housing. This loss is intended to be offset by the contribution fees the developer is required to pay.*

***(f) the structural soundness of the building, the extent to which the building complies with any relevant fire safety requirements and the estimated cost of carrying out work necessary to ensure the structural soundness of the building and compliance of the building with the fire safety requirements***

*At discretion of assessing officer.*

***(g) Whether the imposition of a condition requiring the payment of a monetary contribution for the purposes of affordable housing would adequately mitigate the reduction of affordable housing resulting from the development.***

*The development proposes to alter an existing 4-unit residential flat building, all units of which could be currently rented at a rate considered to be affordable rental housing. Given the proposal could contribute to the loss of affordable rental housing within Waverley, it is considered that the extent of the proposed loss can be mitigated through the provision of a monetary contribution of \$283,275 formulated in accordance with clause 51(3) of the ARH SEPP. This contribution will be formalised by way of condition of consent in accordance with section 7.11 of the Environmental Planning and Assessment Act 1979.*

***(h) In the case of a boarding house, the financial viability of the continued use of the boarding house***

*Not applicable to this application.*

Information was not provided regarding the structural adequacy of the building however a Building Report outlining fire safety upgrading of the building as being achievable was provided. No indication of the cost of these works were provided by the Applicant.

A condition was recommended that a monetary contribution of \$283,275 is payable for the provision of affordable rental housing. This is included in Appendix A.

### 3.3. Stormwater

Conditions were provided which are included in Appendix A.

### 3.4. Tree Management

Council's Tree Management Officer advised that upon inspection, there were no trees of significance on site.

### 3.5. Fire Safety

Conditions were provided which are included in Appendix A.

### 3.6. Land Information

Conditions were provided which are included in Appendix A.

## 4. CONCLUSION

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

### *Development and Building Unit (DBU) Decision:*



The application was reviewed by the DBU at the meeting on 31/08/2021 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 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:
	
Kylie Lucas	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Central) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 10 September 2021	Date: 13 September 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 Dominic Levene Design Group including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
DA 00 Rev. A	Cover Sheet	26/03/2021	08/04/2021
DA 03 Rev. A	Site/Roof Plan	26/03/2021	08/04/2021
DA 04 Rev. A	Ground Floor Plan	26/03/2021	08/04/2021
DA 05 Rev. A	First Floor Plan	26/03/2021	08/04/2021
DA 06 Rev. A	North Elevation	26/03/2021	08/04/2021
DA 07 Rev. A	South Elevation	26/03/2021	08/04/2021
DA 08 Rev. A	East (Street) Elevation	26/03/2021	08/04/2021
DA 09 Rev. A	West (Rear) Elevation	26/03/2021	08/04/2021
DA 10 Rev. A	Section AA	26/03/2021	08/04/2021
DA 11 Rev. A	Section BB	26/03/2021	08/04/2021
DA 12 Rev. A	Section CC	26/03/2021	08/04/2021
DA 13 Rev. A	Section DD	26/03/2021	08/04/2021
DA 20 Rev. A	Ground Floor – Existing/Demolition Plan	26/03/2021	08/04/2021
DA 21 Rev. A	First Floor – Existing/Demolition Plan	26/03/2021	08/04/2021
DA 25 Rev. A	BASIX Commitments	26/03/2021	08/04/2021
DA 26 Rev. A	Schedule of Finishes	26/03/2021	08/04/2021
DA 27 Rev. A	Subdivision Plan	26/03/2021	08/04/2021

(b) Landscape Plan No. LD 00, LD 01, LD 02 and LD 03, all Revision B, and documentation prepared by David Whitworth, dated 19/03/2021 and received by Council on 08/04/2021.

(c) BASIX Certificate/s.

(d) Heritage Impact Statement prepared by John Oultram Heritage & Design dated April 2021 and received by Council on 08/04/2021.

(e) BCA Assessment Report prepared by Accurate Fire and Building Consulting dated 23 February 2021 and received by Council on 08/04/2021.

(f) 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) New windows to the living areas at the rear first floor level on the side elevations shall be suitably screened or alternatively be highlight windows, to inhibit overlooking of the neighbouring properties.
- (b) Recommendations in the applicant's heritage report as to treatment of existing detailing and new works are to be incorporated in the works. These include:
  - (i) The doors from the first-floor rear stairs are to be reused as doors to bathrooms.
  - (ii) The lining to the stair soffit is to be retained.
- (c) The reopening of the front verandas should be accompanied by a schedule of restoration works and colour finishes.
- (d) Existing unpainted external face and common brickwork is not to be painted, rendered, or otherwise coated.
- (e) The heritage report is amended to include additional images of the building interior and exterior provided as an appendix.
- (f) The air conditioning unit to Dwelling 1 shall be relocated in accordance with condition 3(a).

The amendments are to be approved by the Manager, Development Assessment or delegate prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

## **3. INSTALLATION OF AIR CONDITIONING**

The air conditioning unit(s) installed on the site shall:

- (a) Not be adjacent to neighbouring windows and in this regard the air conditioning unit to Dwelling 1 shall be relocated further toward the rear yard of the site to be clear of any windows on the adjoining property.
- (b) Not reduce the structural integrity of the building.
- (c) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day.
- (d) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

## B. 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. AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009**

The Affordable Housing Contribution is as follows:

- (a) Pursuant to clause 51(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area.
- (b) The contribution of **\$283,275** payable for the provision of affordable rental housing under s7.33 of the Environmental Planning and Assessment Act 1979 for the purpose of mitigating the loss of low-rental accommodation proposed by the subject DA, shall be paid in one complete payment to Waverley Council prior to the issue of any Construction Certificate.

#### **8. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$21,525** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

#### **9. LONG SERVICE LEVY**

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

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



## 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 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. FIRE SAFETY UPGRADING WORKS**

- a) Fire safety upgrading works are to be undertaken in accordance with all recommendations detailed in the Building Code of Australia Assessment Report prepared by Scott Robshaw of Accurate Fire & Building Consulting, dated 23 February 2021 with Reference No. 2050-1.
- b) Details demonstrating compliance with the Building Code of Australia (BCA) and the matters listed in condition (a) must be submitted and approved by the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.
- c) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.

### **15. FIRE SAFETY WORKS TO BE REVIEWED BY A REGISTERED HERITAGE ARCHITECT**

The required fire safety works recommended in the report (BCA Assessment Report, prepared by Accurate Fire and Building Consulting) are to be reviewed by a registered Heritage Architect to ensure that these works are generally consistent with the heritage significance of the building. In this respect, the project's Heritage Architect and Building Surveyor must jointly confer and agree on these works. These works may be modified to address a balance between retention of the heritage significance of the building and contemporary building standards.

The Heritage Architect's report is to be provided as an addendum to the approved and suitably modified Building Code of Australia Compliance Report prior to release of the construction certificate for the building."

## **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 include:

- a) The plans shall provide details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) Seepage water must not be directly or indirectly discharged to Council's street gutter.
- c) 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.
- d) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.
- e) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- f) The pipeline within the footpath verge of Imperial Avenue must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres.

- 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.

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](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

## **17. 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**

### **18. BASIX**

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

## **WASTE**

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

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

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



## **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**

#### **20. 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.

#### **21. 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**

#### **22. 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.

### **23. 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.

### **24. 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.

### **25. EXCAVATION AND BACKFILLING**

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

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**

### **26. 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.

## **27. 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.

## **28. 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.

## **29. 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.

## **30. 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**

### **31. TREE PROTECTION**

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

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

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

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

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

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

### **33. FINAL OCCUPATION CERTIFICATE**

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

### **34. 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.

### **35. CERTIFICATION OF BASIX COMMITMENTS**

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

### **36. ALLOCATION OF STREET NUMBER**

The subdivision of the properties has led to the following allocation of primary address numbers for a Torrens title subdivision:

- No. 21 Imperial Avenue for the north allotment.
- No. 23 Imperial Avenue for the south allotment.

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

The primary address site 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 address to be lodged with Council.

### **37. STREETScape PRESENTATION**

Existing unpainted external face and common brickwork is not to be painted, rendered, or otherwise coated, without the prior consent of Council.



## STORMWATER

### **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, 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.

### **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 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](mailto:info@waverley.nsw.gov.au), in person (at Council's Customer Service Centre) or via post service.
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition)
- Include DA reference number
- Include condition number/s seeking to be addressed
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.
- Any queries, please contact Council's Duty Planner on [duty.planner@waverley.nsw.gov.au](mailto:duty.planner@waverley.nsw.gov.au)

### AD2. SYDNEY WATER REQUIREMENTS

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

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

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

### AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at

www.1100.com.au 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. TREE REMOVAL/PRESERVATION**

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

#### **AD8. WORK OUTSIDE PROPERTY BOUNDARY**

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

Loretto Duplex

Alterations and Additions  
21-23 Imperial Avenue  
Bondi, NSW 2026

Drawing List

DA 00	Cover Sheet	NTS	DA 14	Shadows Diagram - 9am	1:100
DA 01	Site Analysis Plan	1:200	DA 15	Shadows Diagram - 12pm	1:100
DA 02	Site Analysis Photos	NTS	DA 16	Shadows Diagram - 3pm	1:100
DA 03	Site/Roof Plan	1:200	DA 17	Ground Floor - FSR Calculations	1:100
DA 04	Ground Floor Plan	1:100	DA 18	First Floor - FSR Calculations	1:100
DA 05	First Floor Plan	1:100	DA 19	Landscape Calculations	1:200
DA 06	North Elevation	1:100	DA 20	Ground Floor Demolition Plan	1:100
DA 07	South Elevation	1:100	DA 21	First Floor Demolition Plan	1:100
DA 08	East Elevation	1:100	DA 22	Stormwater Drawing - H1	1:200
DA 09	West Elevation	1:100	DA 23	Stormwater Drawing - H2	1:200
DA 10	Section AA	1:100	DA 24	Stormwater Drawing - H3	1:200
DA 11	Section BB	1:100	DA 25	BASIX Commitments	NTS
DA 12	Section CC	1:100	DA 26	Schedule of Finishes	NTS
DA 13	Section DD	1:100			









Consultants

Land Surveyor	Planning Consultant	Heritage Consultant	Hydraulic Engineer	Landscape Architect	Quantity Surveyor
Sam Gault Sure Line Geomatics 25 Geoffrey Street Constitution Hill NSW 2145	Nick Dowman Lighthouse Planning PO Box 389 Newcastle NSW 2300	John Oultram Heritage & Design Lvl 2, 386 Proposed South Head Road Double Bay NSW 2028	Markus Lachele ITM Design PO Box 1438 Mona Vale NSW 1660	David Whitworth 1/84 Mullens Street Balmain NSW 2041	Andy Lau Level 24, Three International Towers 300 Barangaroo, Sydney NSW 2000
T 9896 8025	M 0403 977 113	T 9327 2748	T 9997 1566 F 9997 3266	Phone 0407 239 460	Phone 0416 663 958

General Specification

Generally	Carpentry and Joinery	Plumbing and Drainage	Steelwork	Structure Generally	Tiling
All work shall be carried out using Proposed materials to a first class quality of workmanship and in accordance with all relevant regulations, NCC requirements, SAA codes and Local Authority requirements.	All timbers shall be best quality of their respective selection and grade conforming with AS 1684 Light Timber Framing Code specification requirements. Structural timber shall be minimum F7 grade. Framing shown is indicative only.	Work shall be carried out by a licensed contractor in accordance with authorities having jurisdiction over the works. Connect Proposed bathrooms to existing sewerage. Connect all Proposed stormwater drain points to existing stormwater drainage. Refer Hydraulic drawings for roof catchment and any stormwater detention/re-use. Toilet cisterns to be water efficient dual flush systems and plumbing fixtures to be water efficient triple A rated. All Proposed hot water service pipes to NCC and AS3500.	All steelwork to be in accordance with structural engineers plans & specification.	All structural works to practising Structural Engineer's details and specifications. Refer all structural Engineer's details prior to construction.	Tiles as selected shall be laid in accordance with manufacturers recommendation. Maintain finished floor levels without step or break. Grade floor tiling to even and correct falls to floor waste.
<b>Demolition</b>  Complete all demolition required to complete the works. Demolition to be carried out and refuse removed with minimum disturbance to the existing dwelling and adjoining dwellings. Make good disturbed surfaces and structure before commencing Proposed work. Any walls shown to remain are subject to structural engineer certification and if failed will be part of this application. Demolition to be carried out in accordance with AS2601-2001.	<b>Damp-proofing, Flashing &amp; Waterproofing</b>  Install flashings, drips, storm molds, weather seals, caulking, pointing, or the like so that water is prevented from entering the building. All waterproofing to be in accordance with AS 3740. All wet areas to be examined and certified by an Accredited Certifier.	<b>Brickwork</b>  All brickwork to be perfectly level, straight & plumb & perfectly bonded. Build in all Dpc's, arch bars, wall ties & the like. All work to be carried out in a skillful & workmanlike manner in accordance with best trade practice, & as per Australian Standards.	<b>Electrical</b>  Work shall be carried out by a licensed contractor in accordance with authorities having jurisdiction over the works. Smoke Alarms are to be installed to comply with AS3786	<b>Existing Materials</b>  Where possible existing materials are to be re-used for the purpose of Proposed construction and waste minimised generally.	<b>Insulation</b> Refer to BASIX report included in DA package for details of insulation requirements.
	<b>Energy Efficiency</b>  Refer to BASIX report included in DA package for details of energy requirements		<b>Plastering and Render</b>  13mm standard grade plasterboard to all stud walls, fixed in accordance with manufactures instructions. Villaboard to wet areas.	<b>Windows/Doors</b>  All external doors and windows are to include weather-stripping to manufacturer's recommendations and/or specification.	<b>Water Saving Devices</b>  Install hot water system with water saving shower roses or shower flow restrictors, with a water conservation rating of 'AAA'. Refer to BASIX report included in DA Package for any requirements.
			<b>Boundaries</b>  No portion of the proposed alterations and additions, including the footings and roof eaves, is to encroach beyond the boundaries of the subject property.	<b>Termite Control</b>  All termite control to be provided to comply with NCC and Council requirements.	

DA Key

 Existing in Section	 Proposed in Section	 Proposed Joinery in Elevation
 Existing in Elevation	 Proposed in Elevation	 Proposed Glazing
 Proposed Demolition	 Proposed Joinery in Section	

Abbreviations

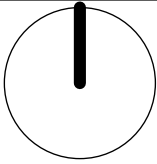
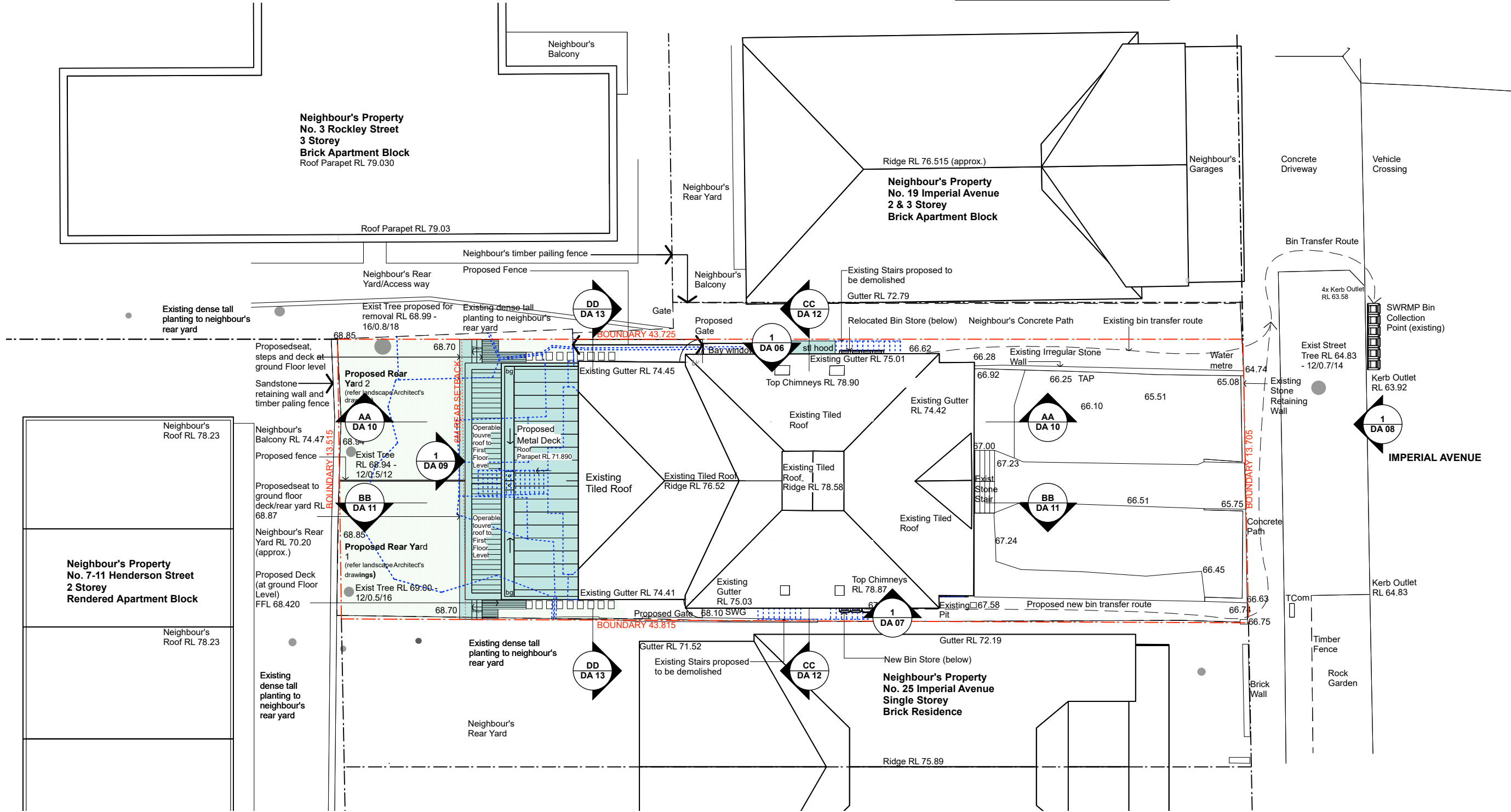
AL	Aluminium	DP	Downpipe	FR	Fridge	SNK	Sink
AR	Acrylic Render	DR	Dryer	FZ	Freezer	SWG	Stormwater Grate
BBQ	Barbeque	E	Existing	P*TRY	Pantry	TB	Timber
BG	Box Gutter	FB	Face Brick	PF	Paint Finish	TL	Tile
CTP	Cooktop	FC	Fibre Cement	N	Proposed	W	window
C	Concrete	FCL	Finished Ceiling Level	O	Opening	WM	Washing Machine
D	Door	FFL	Finished Floor Level	RL	Relative Level		



For Development Application Purposes

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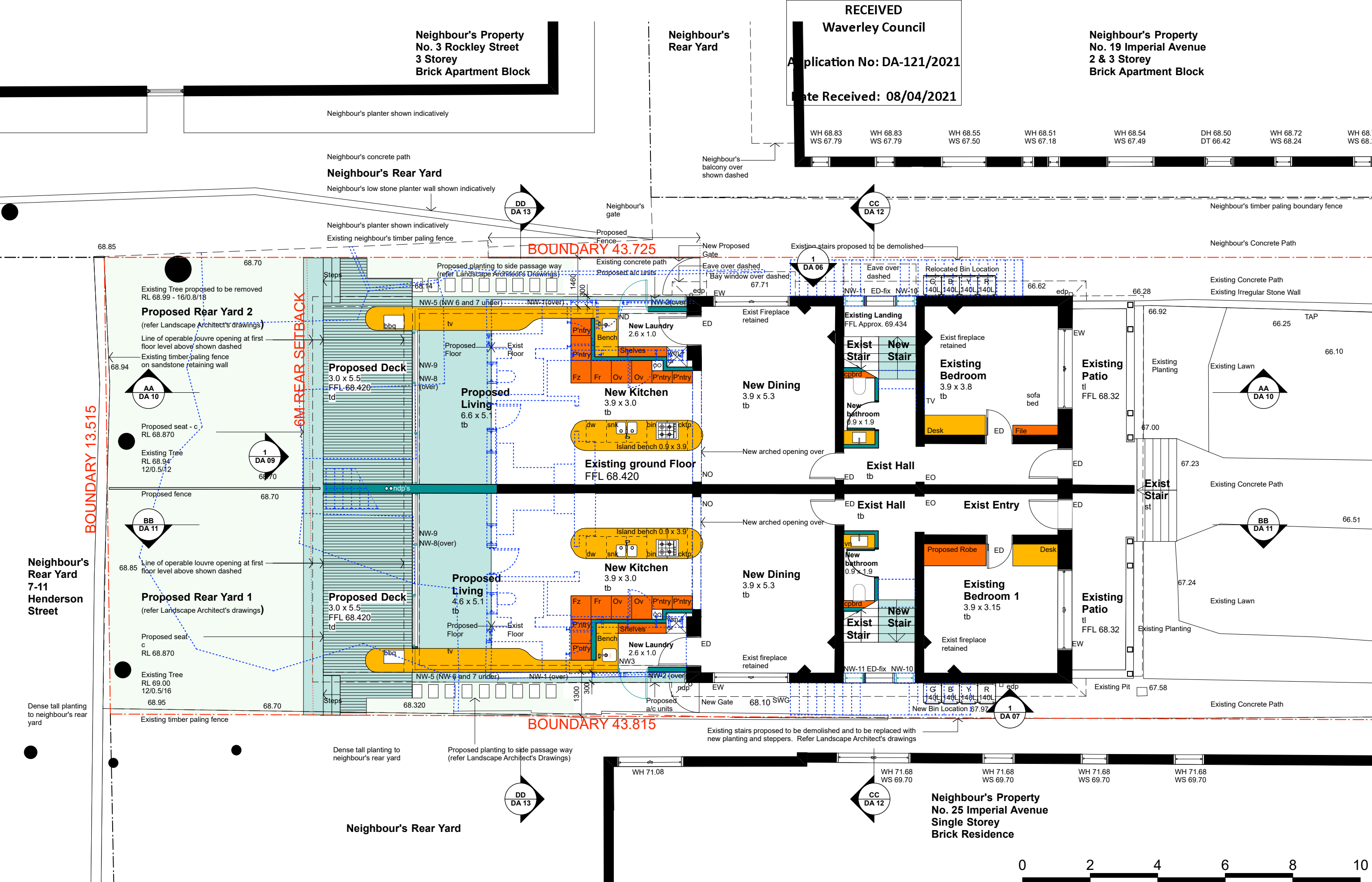




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21-23 Imperial Avenue, Bondi NSW 2026				PROJECT No. 2002	
				SCALE 1:200 @ A3	
				DRWN BY DL	

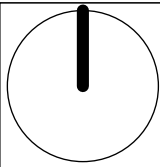
DRAWING TITLE		DRAWING No.		REVISION	
Site/Roof Plan		DA 03		A	





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REVISION		
A	26.03.21	DA Issue to Council

DATE	26.03.21
PROJECT No.	2002
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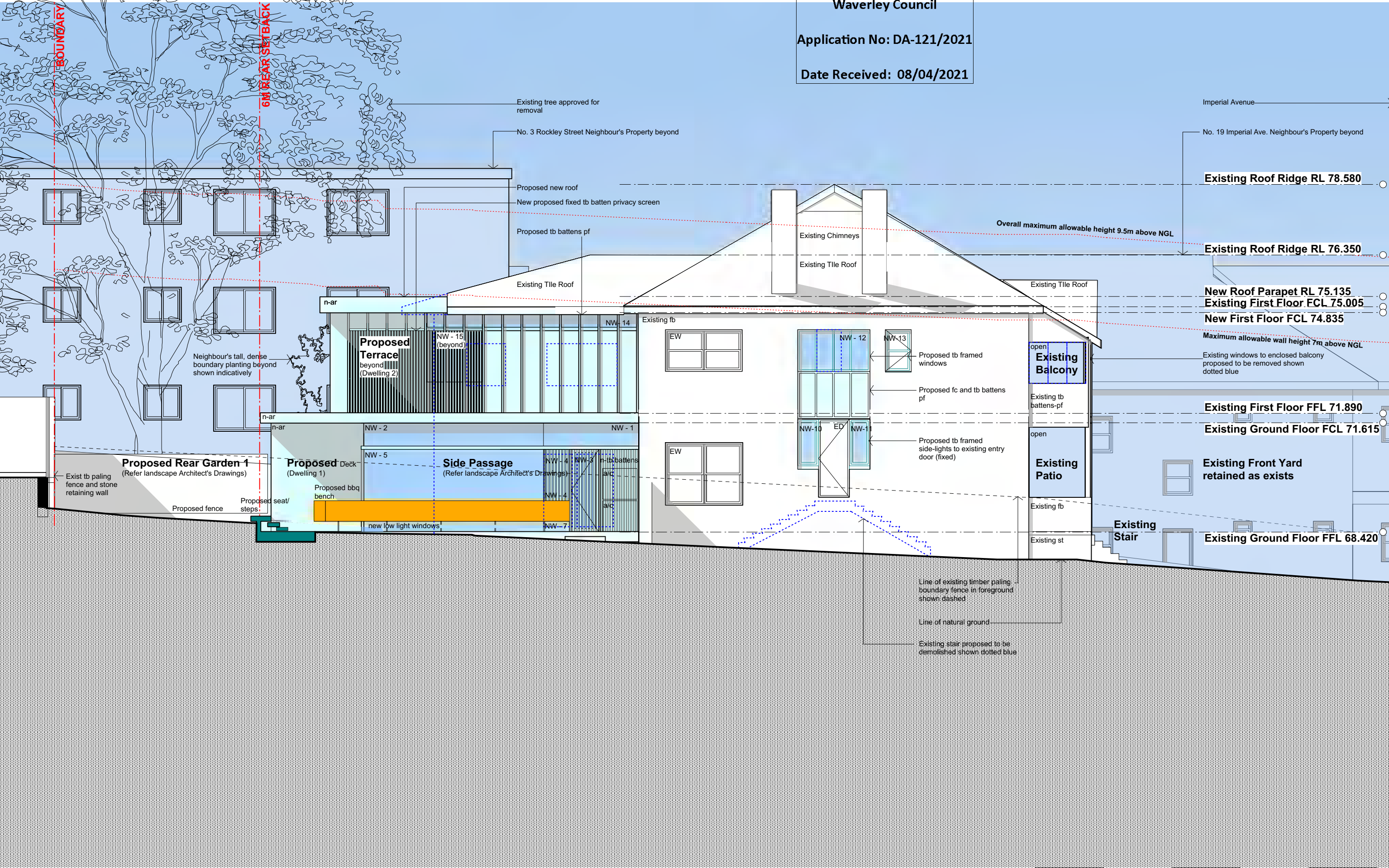
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Ground Floor Plan	<b>DA 04</b>	<b>A</b>





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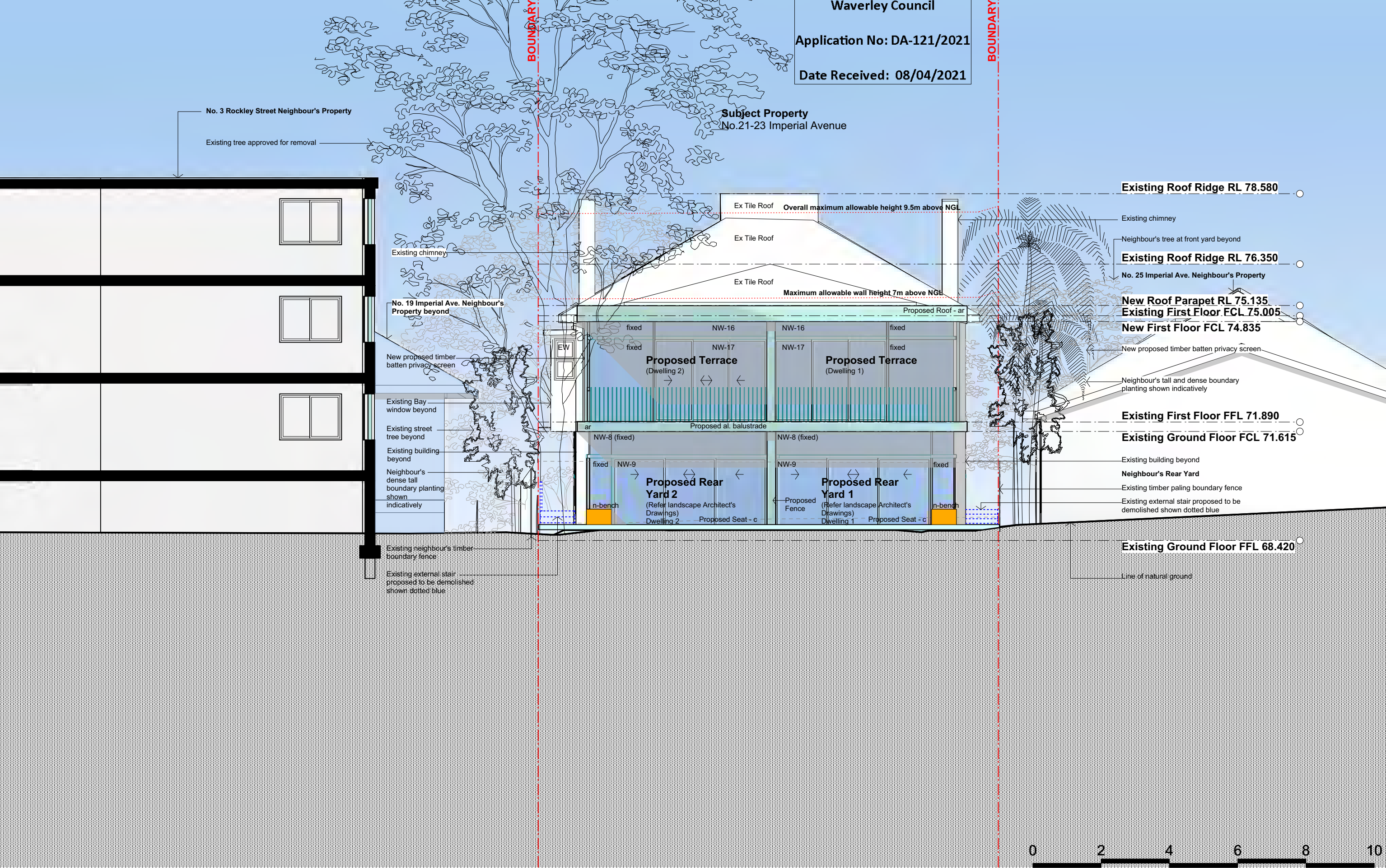




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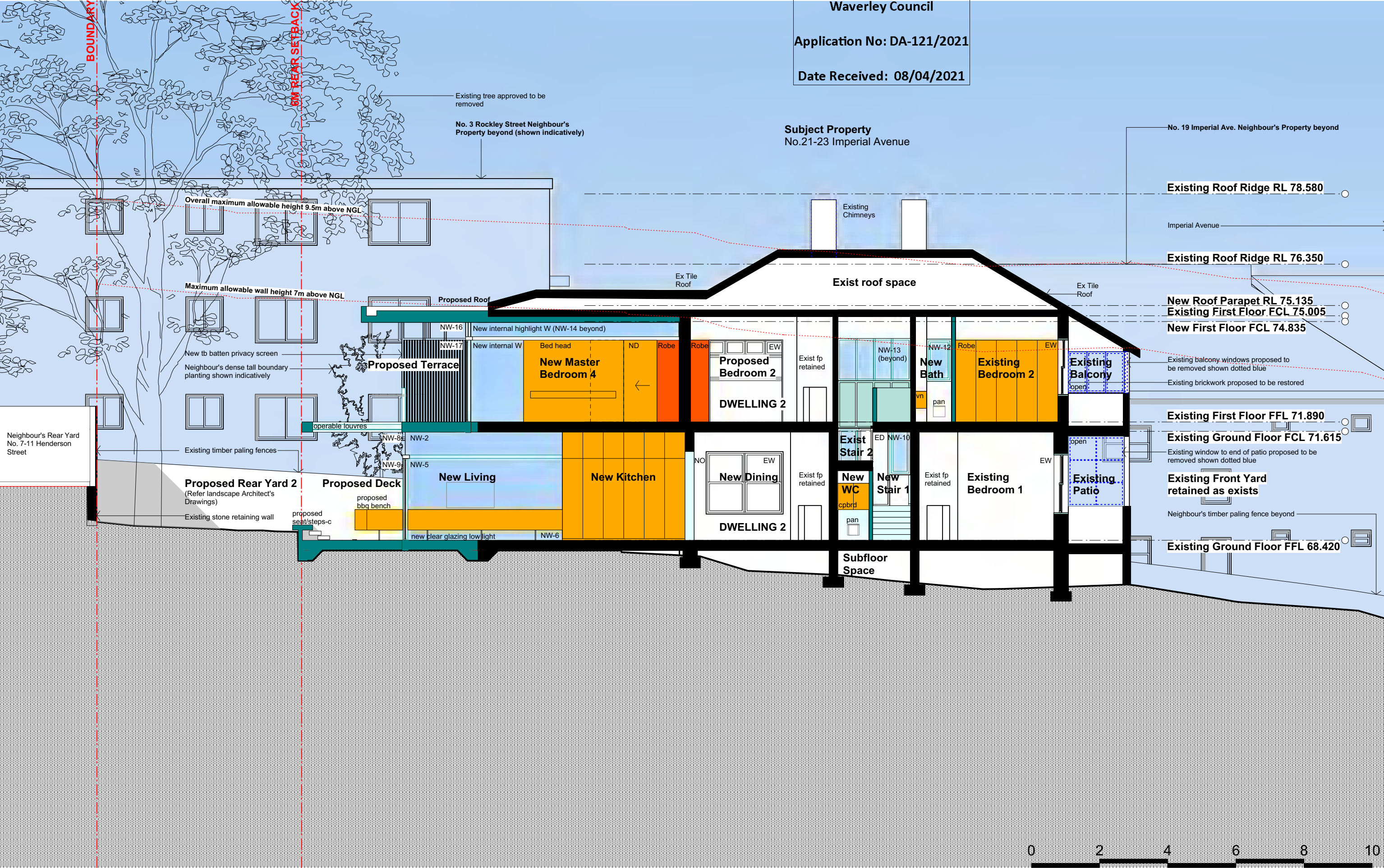
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DRAWING TITLE	DRAWING No.	REVISION	
West (Rear) Elevation	<b>DA 09</b>	<b>A</b>	



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Section AA	DA 10	A	



**Date Received: 08/04/2021**

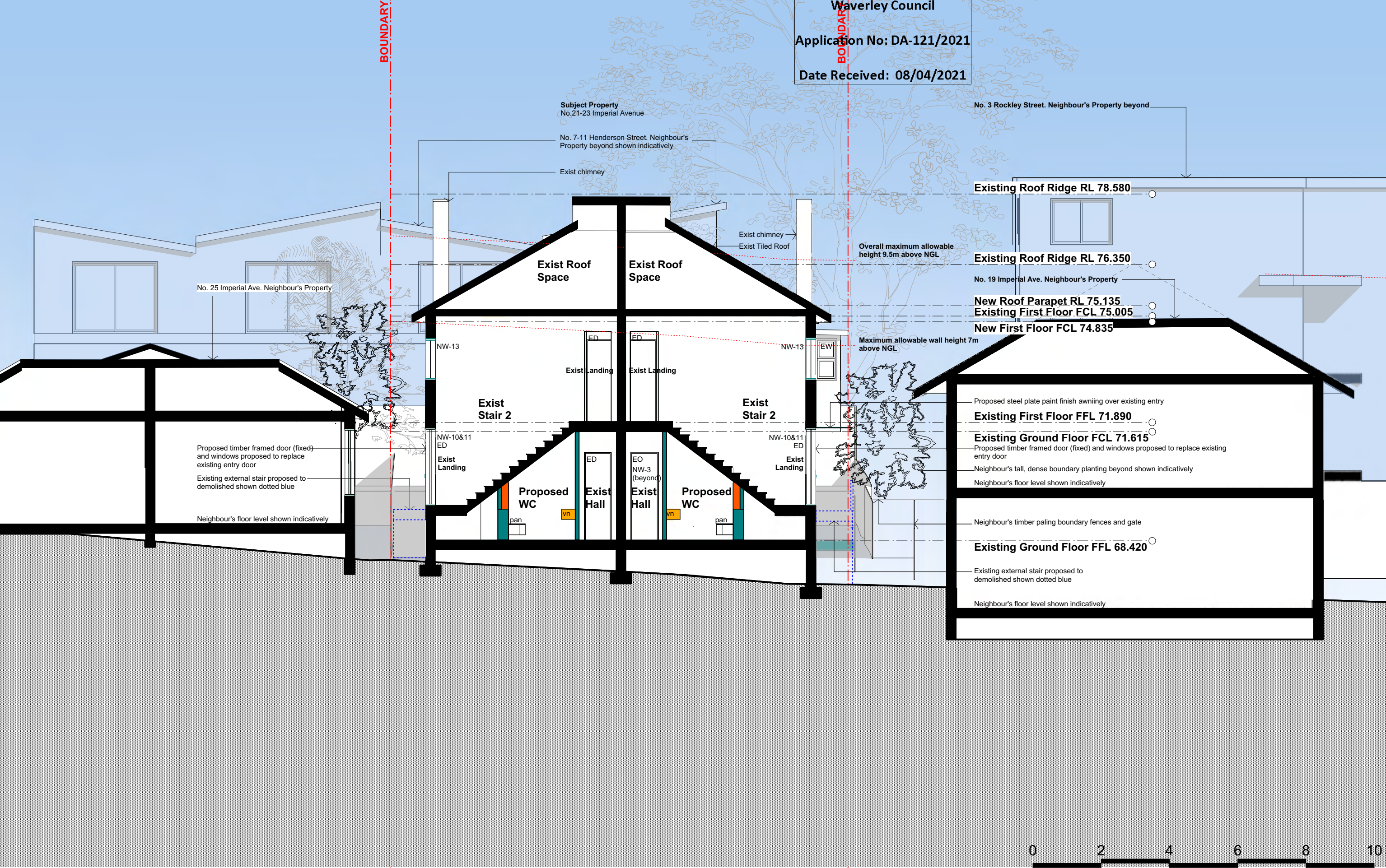
**Existing Ground Floor FFL 68.420**

existing →  
 mber fence  
 n sandstone  
 etaining wall

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21-23 Imperial Avenue, Bondi NSW 2026			
A	26.03.21	DA Issue to Council	

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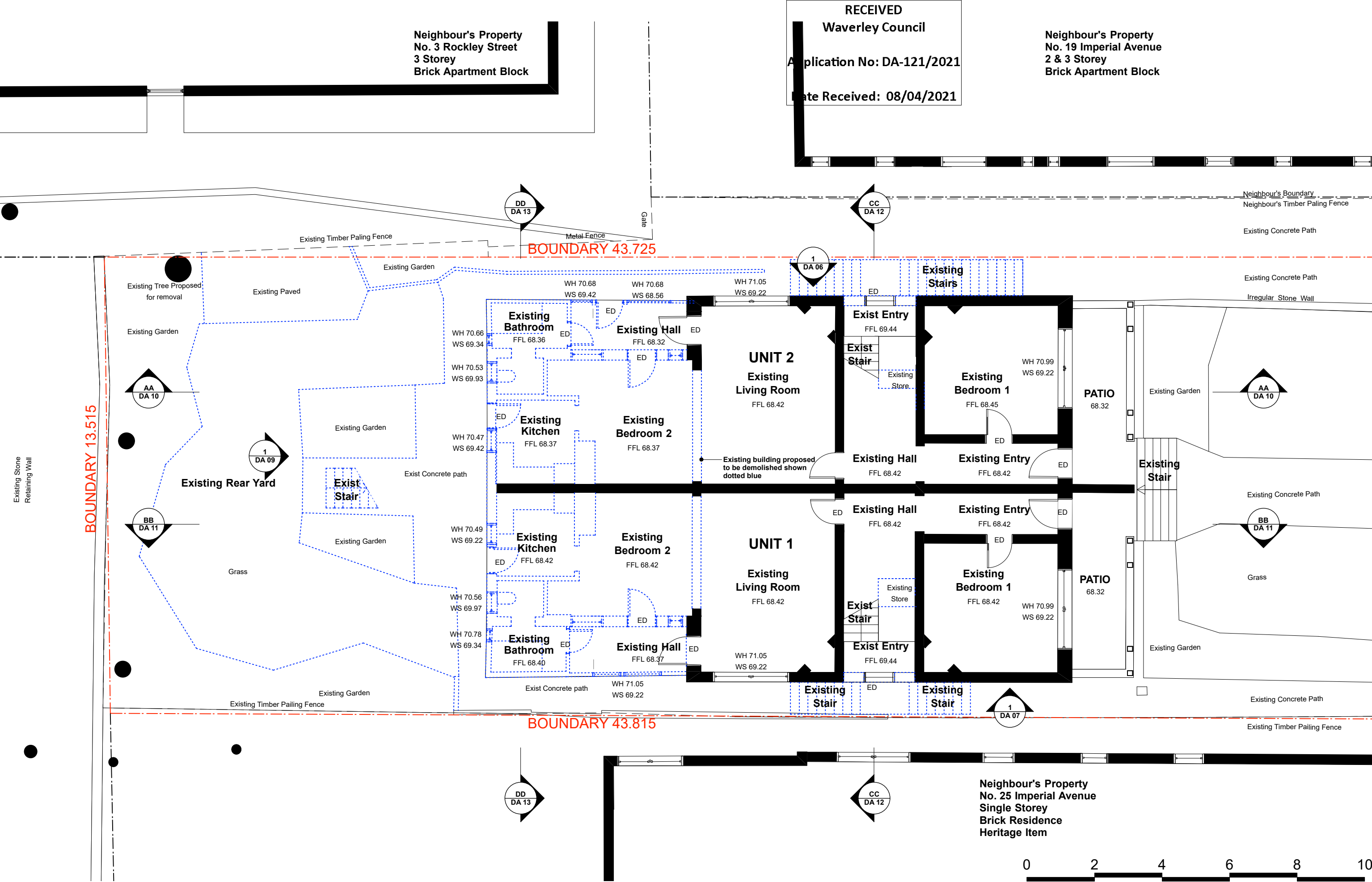


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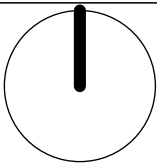
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Section DD	<b>DA 13</b>	<b>A</b>





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PROJECT  
**Loretto Duplex**  
21-23 Imperial Avenue, Bondi NSW 2026

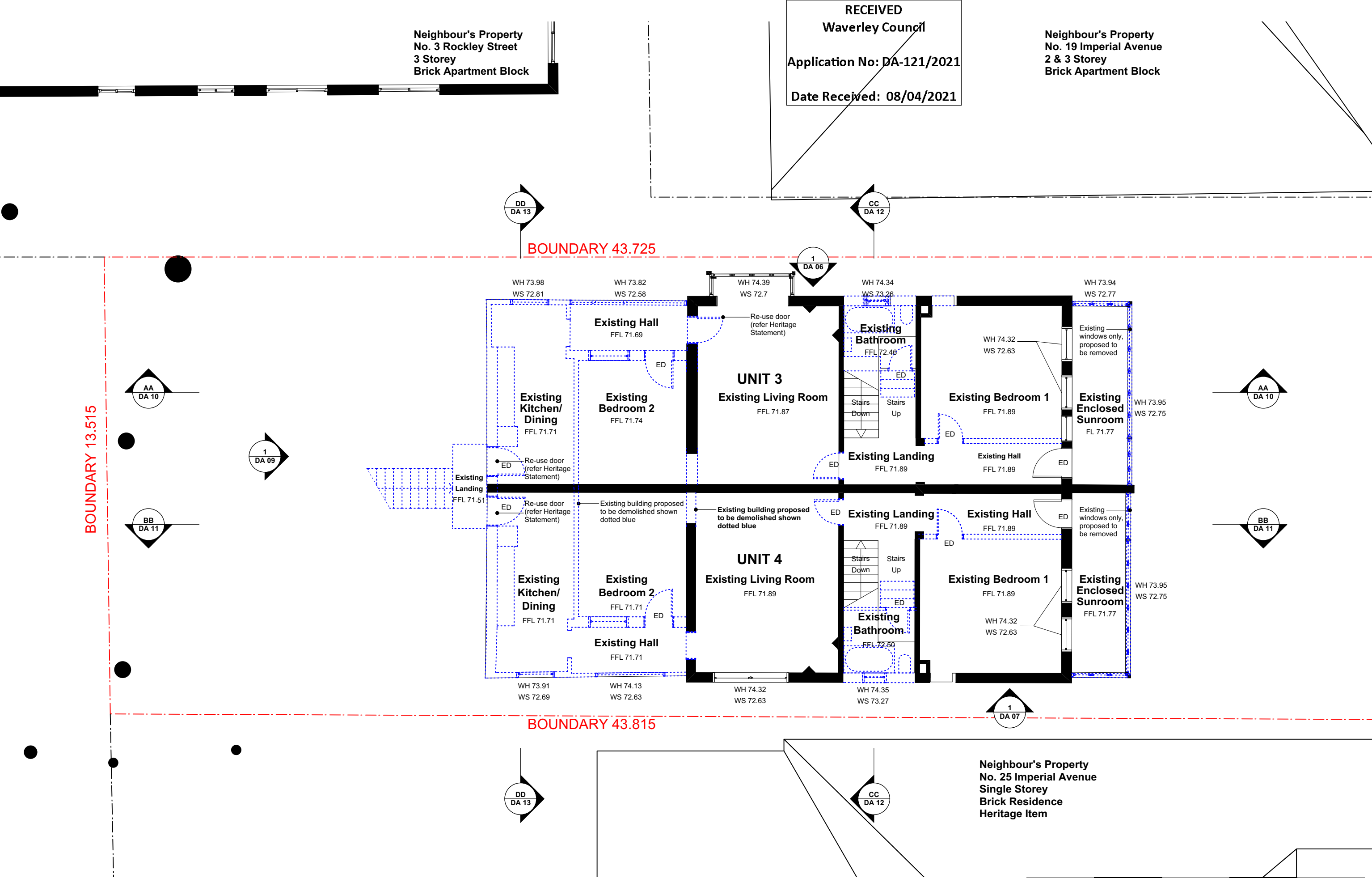
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DATE 26.03.21  
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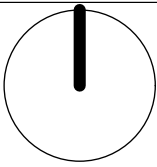
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REVISION  
**A**



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PROJECT		REVISION		DATE	
Loretto Duplex		A		26.03.21	
21-23 Imperial Avenue, Bondi NSW 2026				2002	
				1:100 @ A3	
				DL	

DRAWING TITLE		DRAWING No.		REVISION	
First Floor - Existing/Demolition Plan		DA 21		A	

For Development Application Purposes



BASIX COMMITMENTS

Proposed New Dwelling 1

BASIX Certificate number: A411599

Insulation requirements

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor.	nil	
suspended floor with enclosed subfloor: framed (R0.7).	R0.60 (down) (or R1.30 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
external wall: cavity brick	nil	
flat ceiling, pitched roof	ceiling: R2.25 (up), roof: foil/sarking	light (solar absorptance < 0.475)
flat ceiling, flat roof: framed	ceiling: R2.32 (up), roof: foil/sarking	light (solar absorptance < 0.475)

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	S	2.14	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	S	4	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3	S	2.2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	S	1.1	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W5	S	8	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W6	S	1.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W7	S	0.2	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W8	W	3.5	0	0	pergola (adjustable shade) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W9	W	10.2	0	0	pergola (adjustable shade) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W10	S	0.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W11	S	0.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W12	S	2.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W13	S	0.9	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W14	S	3.3	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W15	S	2.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

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Application No: DA-121/2021  
Proposed New Dwelling 2

Date Received: 08/04/2021  
BASIX Certificate number: A411610

Insulation requirements

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor.	nil	
suspended floor with enclosed subfloor: framed (R0.7).	R0.60 (down) (or R1.30 including construction)	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
external wall: cavity brick	nil	
flat ceiling, pitched roof	ceiling: R2.25 (up), roof: foil/sarking	light (solar absorptance < 0.475)
flat ceiling, flat roof: framed	ceiling: R2.32 (up), roof: foil/sarking	light (solar absorptance < 0.475)

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	N	2.14	0	0	projection/height above sill ratio >=0.36	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	N	4	0	0	projection/height above sill ratio >=0.36	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W3	N	2.2	1.3	1.4	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	N	1.1	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W5	N	8	9.7	6.18	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W6	N	1.6	1.65	1.4	projection/height above sill ratio >=0.23	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W7	N	0.2	1.4	1.4	projection/height above sill ratio >=0.23	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W8	W	3.5	0	0	pergola (adjustable shade) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W9	W	10.2	0	0	pergola (adjustable shade) >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W10	N	0.9	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W11	N	0.9	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W12	N	2.6	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W13	N	0.9	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W14	N	3.3	0	0	projection/height above sill ratio >=0.23	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W15	N	2.6	0	0	external louvre/blind (adjustable)	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

For Development Application Purposes

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				A	26.03.21	DA Issue to Council					





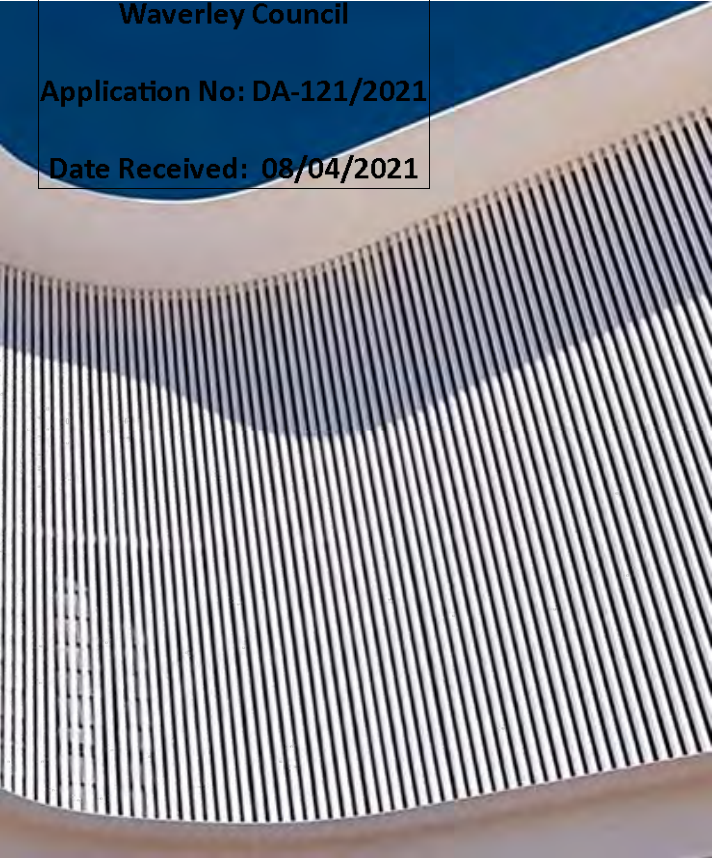
Aluminium framed clear and frosted, fixed and openable glazing - White colour



Timber framed clear and frosted, fixed and openable windows to exist walls - White colour



Timber decking - Natural/aged finish



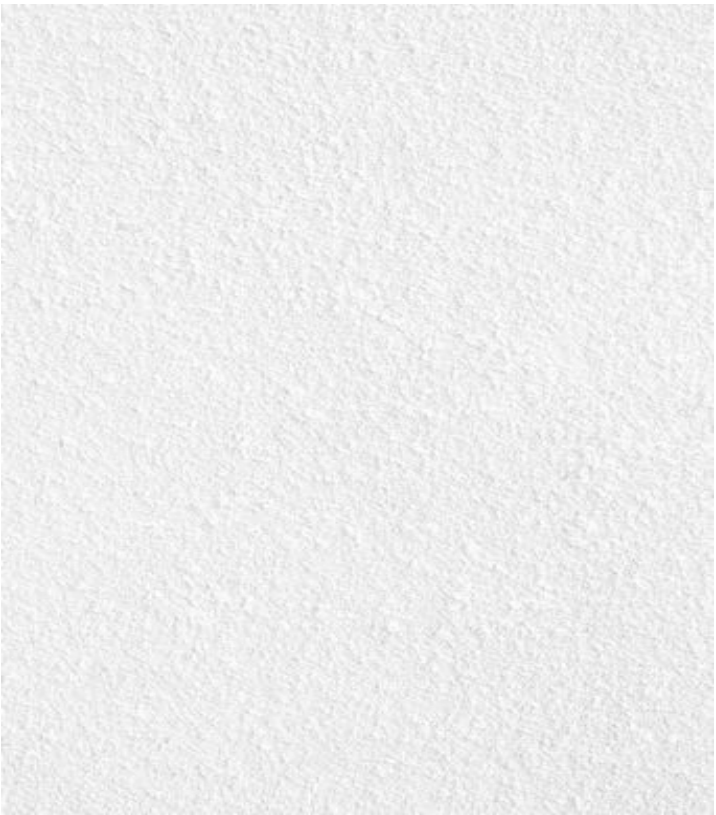
Aluminium battens to screens and balustrades - White colour



Off form finish concrete steps and seats - Standard concrete colour



Metal deck roof - White colour



Acrylic Render to masonry and cfc - White colour



Existing timber decking to patio/balcony soffits - Paint finish, white colour

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PROJECT  
**Loretto Duplex**  
21-23 Imperial Avenue, Bondi NSW 2026

REVISION		
A	26.03.21	DA Issue to Council

DATE 26.03.21  
PROJECT NO. 2002  
SCALE NTS  
DRAWN BY DL

For Development Application Purposes

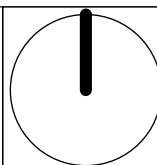
DRAWING TITLE	DRAWING NO.	REVISION
Schedule of Finishes	<b>DA 26</b>	<b>A</b>





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**Loretto Duplex**  
21-23 Imperial Avenue, Bondi NSW 2026

<b>REVISION</b>		
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DATE	26.03.21
PROJECT No.	2002
SCALE	1:200 @ A3
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<b>DRAWING TITLE</b>
Subdivision Plan

DRAWING No.

**DA 27**

REVISION

A



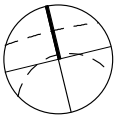
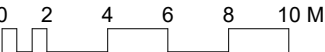
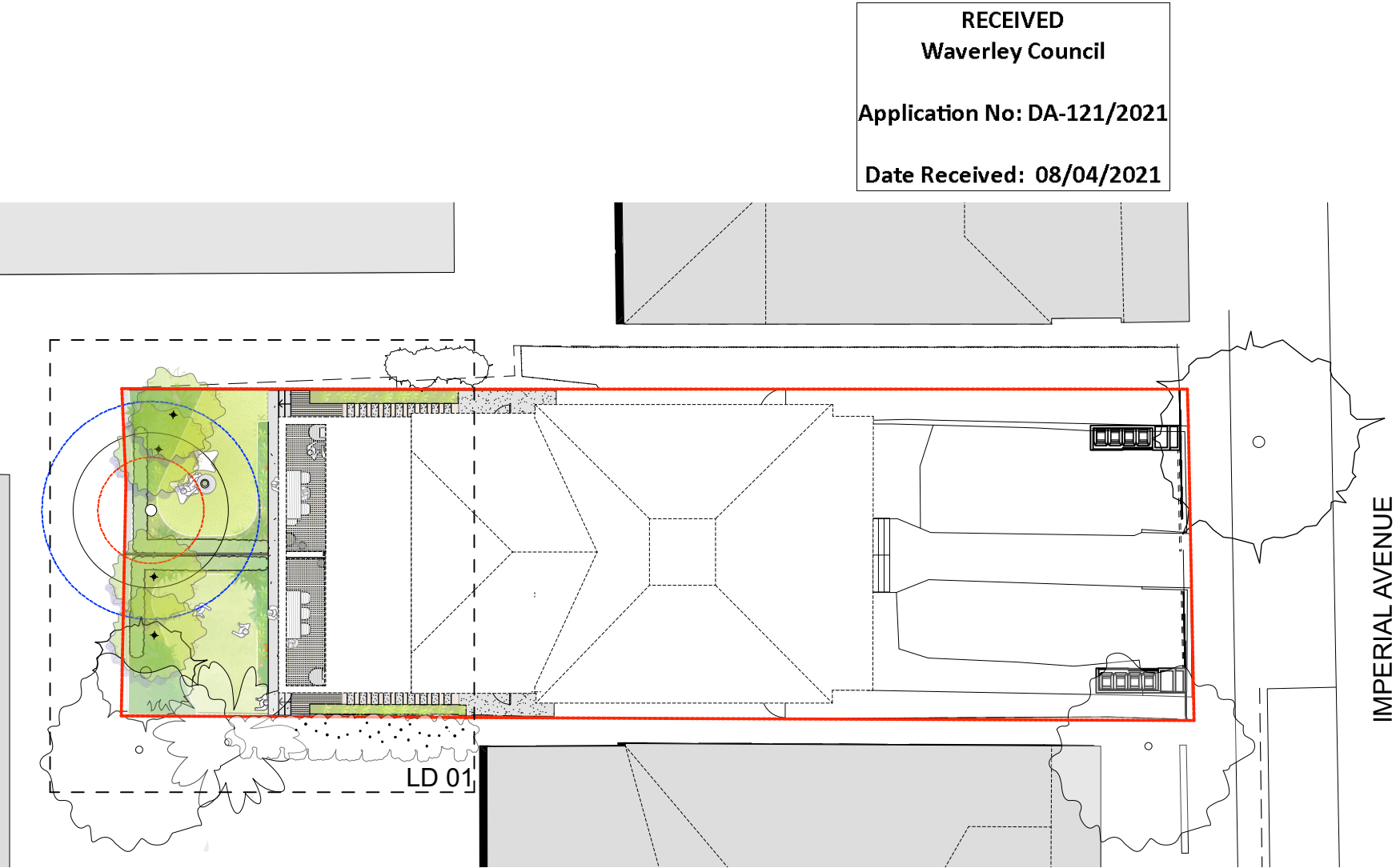
Loretto Duplex

Alterations and Additions

21-23 Imperial Avenue Bondi, NSW 2026

Drawing List

- LD 00cover page
- LD 01landscape plan - backyard
- LD 02landscape section
- LD 03plant selection + schedule + materials



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Date	Issue	Revision
18.03.21	architect review	A
19.03.21	Development Application	B

Loretto Duplex, 21-23 Imperial Avenue, Bondi

cover page • scale 1:250@A3

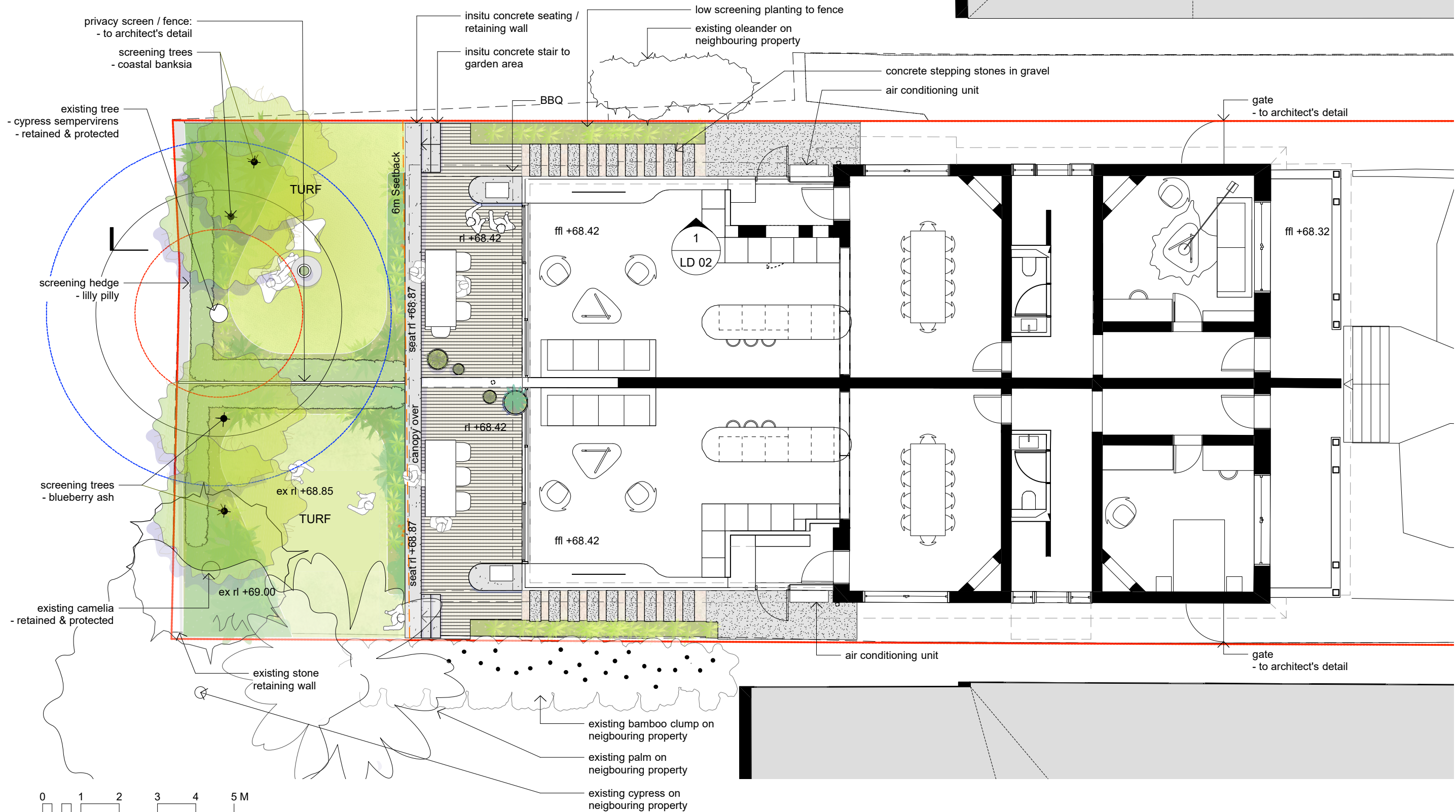
for Dominique Portier

**david whitworth**  
AILA registered landscape architect, member no: 3446

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Date  
16.03.21  
19.03.21

Issue  
architect review  
Development Application

Revision  
A  
B

**Loretto Duplex, 21-23 Imperial Avenue, Bondi**

landscape plan • scale 1:100@A3

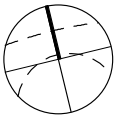
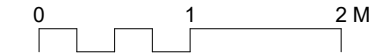
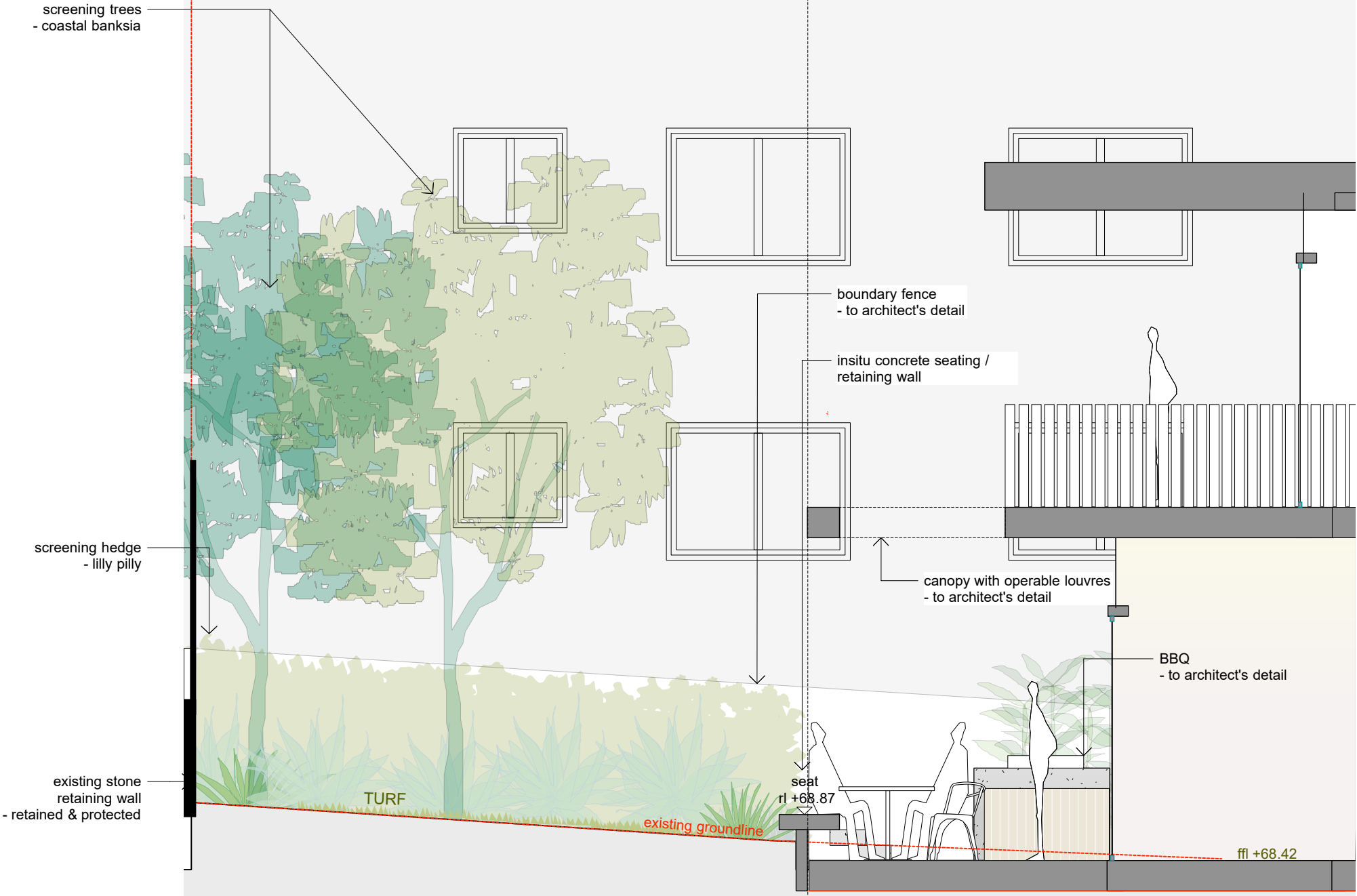
for Dominique Portier

**david whitworth**

AILA registered landscape architect, member no: 3446

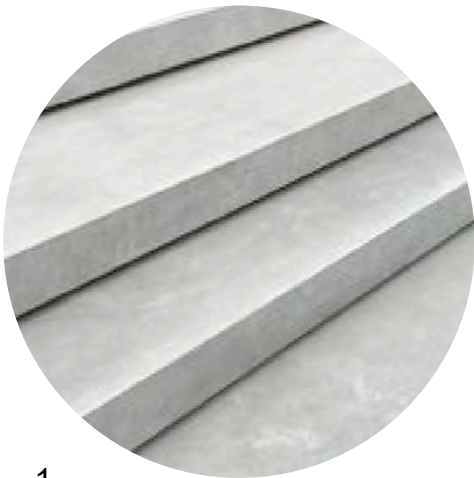
16/46 Roslyn Gardens Rushcutters Bay 2011 tel: + 61 (0)407 239 460 Email: dm\_whitworth@hotmail.com

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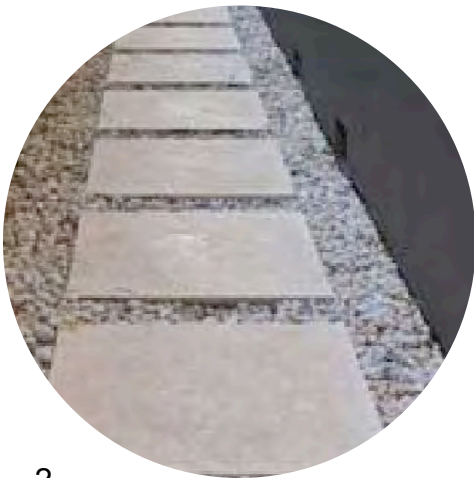




Materials



1



2



3

Planting Palette



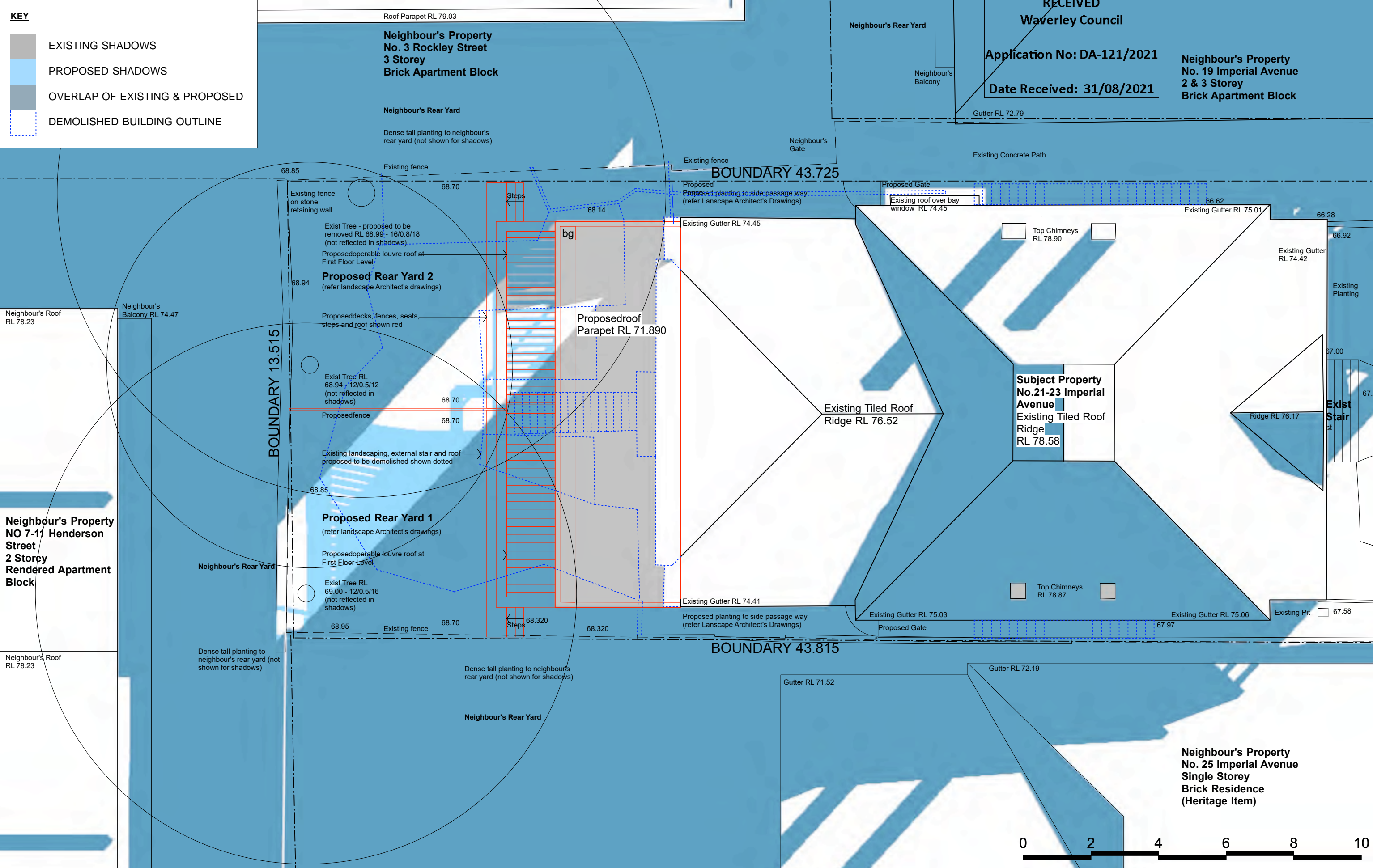
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Application No: DA-121/2021  
Date Received: 08/04/2021

- 1 - insitu concrete stair & retaining wall
- 2 - concrete stepping stones in gravel
- 3 - hardwood timber decking

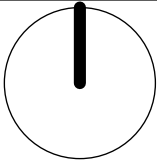
PLANT SCHEDULE			
Latin Name	Common Name	Spacing (mm)	Pot Size
TREES			
Banksia integrifolia	coastal banksia	as shown	100L
Elaeocarpus reticulatus	Blueberry Ash	as shown	25L
SHRUBS			
Acronychia oblongifolia	White Aspen	1800	75 litre
Alpinia caerulea	Native Ginger	600	200mm
Carissa grandiflora 'Emerald Star'	Natal Plum	800	25L
Correa alba	White Correa	500	5 litre
Gardenia augusta 'Magnifica'	Gardenia	800	45L
CYCADS,			
Zamia furfuracea	Cardboard palm	as shown	25L
PERENNIALS, GROUND COVERS & HERBS			
Alcantarea imperialis	Alcantarea - green form	1200	25 litre
Arthropodium cirratum	Renga Renga Lily	600	200mm
Crinum procerum (Red Form)	Giant Red-Leaved Crinum	600	25L
Crinum pedunculatum	Swamp Lily, River Lily	500	25L
Dianella congesta	Coastal Flax Lily	350	150mm
CLIMBERS			
Hibbertia scandens	Golden Guinea Flower	2000	200mm





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PROJECT  
**Loretto Duplex**  
21-23 Imperial Avenue, Bondi NSW 2026

REVISION		
A	26.03.21	DA Issue to Council
B	31.08.21	Update Issue to Council

DATE  
28.08.21  
PROJECT No.  
2002  
SCALE  
1:100 @ A3  
DRWN BY  
DL

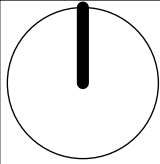
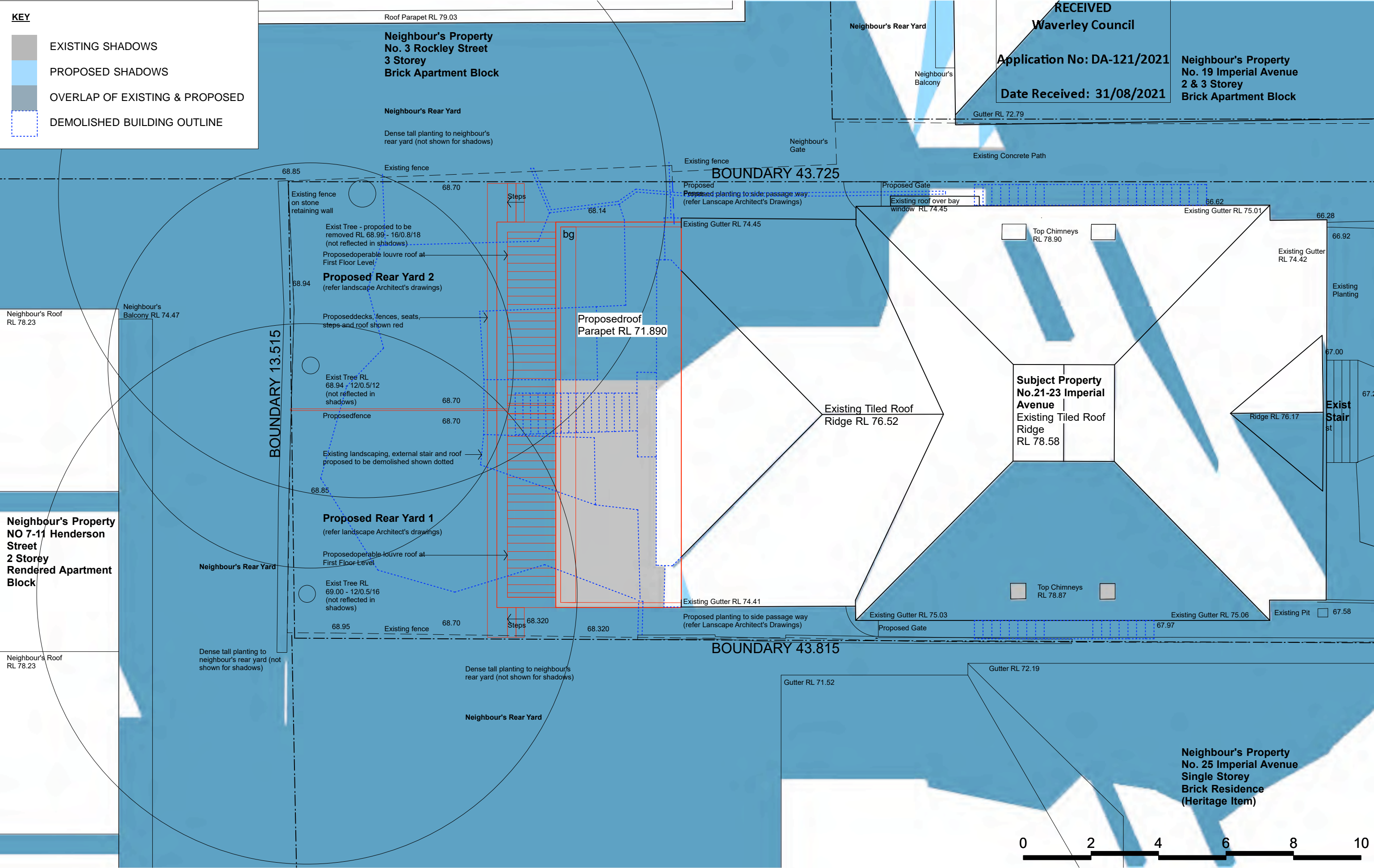
DRAWING TITLE  
Shadow Diagram  
Winter Solstice - June 21  
9 a.m.

DRAWING No.  
**DA 14**

REVISION  
**B**







PROJECT		REVISION	
<b>Loretto Duplex</b>			
21-23 Imperial Avenue, Bondi NSW 2026			
A	26.03.21	DA Issue to Council	
B	31.08.21	Update Issue to Council	

DATE	28.08.21
PROJECT No.	2002
SCALE	1:100 @ A3
DRWN BY	DL

DRAWING TITLE
Shadow Diagram Winter Solstice - June 21 3 p.m.

DRAWING No.
<b>DA 16</b>

REVISION
<b>B</b>





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-204/2020
<b>Site address</b>	575, 577, 581, 581A Old South Head Road, ROSE BAY
<b>Proposal</b>	Demolition of all dwellings and structures and construction of a four-storey residential flat building including infill affordable housing units and basement parking.
<b>Date of lodgement</b>	6 July 2020
<b>Owner</b>	Mercurie 21; EG NSW P/L and Jeleis P/L; Proprietors of SP 20874
<b>Applicant</b>	Mercurie 21 P/L
<b>Submissions</b>	First notification: 18 submissions Second notification: 9 submissions Third notification: 4 submissions
<b>Cost of works</b>	\$17,500,085
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>• Separation distances</li> <li>• Height</li> </ul>
<b>Recommendation</b>	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 demolition of all dwellings and structures on the sites and construction of three x four-storey residential flat buildings including infill affordable housing units and basement parking at the sites known as 575, 577, 581 and 581A Old South Head Road, Rose Bay.

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

- Separation distances; and
- Height with the plant on the roof of each building and part of the roof of Buildings A and C fronting Old South Head Road exceeding the height development standard of 12.5m.

The assessment finds these issues acceptable.

The setbacks and separation distances are consistent with surrounding recent residential flat development within the vicinity. The proposal has been extensively revised to lower the FSR and increase separation distances from adjoining properties. The proposal has been designed to achieve reasonable levels of privacy to surrounding properties through the use of separation distances, pop-out and screened windows and the orientation of living areas.

The variation to the height development standard will result in minor additional impacts upon surrounding properties; however, the proposed buildings are consistent with surrounding development and the desired future character.

The proposal has been notified three times to surrounding properties. The initial notification attracted 18 submissions, the second notification attracted nine submissions and the final notification attracted four submissions (submissions were received from 20 properties in total). 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 2 September 2020.

The sites are identified as:

- Lot B in DP 415418, known as 575 Old South Head Road, Rose Bay with an area of 317.2m<sup>2</sup>. This site contains a single storey semi-detached dwelling with no vehicular access.

- Lot A in DP 415418, known as 577 Old South Head Road, Rose Bay with an area of 297.2m<sup>2</sup>. This site contains the other single storey semi-detached dwelling in the pair (attached to 575) with vehicular access from Old South Head Road to hardstand parking within the front setback of the site.
- SP 20874, known as 581A Old South Head Road, Rose Bay with an area of 1475.2m<sup>2</sup>. This site contains a four-storey residential flat building (RFB) containing nine apartments. The site is a battle-axe block accessed from Old South Head Road, both by vehicles and pedestrians, by way of an access handle between 581 and 579 Old South Head Road. Parking spaces are provided within garages at the ground level and a forecourt adjacent to the western elevation of the building.
- Lot 1 in DP 217458, known as 581 Old South Head Road, Rose Bay with an area of 382.4m<sup>2</sup>. This site contains a two-storey detached dwelling with vehicular access to a double garage within the front setback.

The development site will be comprised of the above four sites amalgamated into an irregular U-shaped site essentially surrounding No. 579 Old South Head Road. The combined sites (the site) have an area of 2,472m<sup>2</sup>. There are various falls and cross falls over the site with the highest point being in the north-eastern corner of No. 581A at RL33.06 and the lowest being on the southern side of No. 575 at RL28.84. Generally, the site is predominantly flat in an east-west orientation however slopes from the north down to the south. Across the site's frontage with Old South Head Road there is a fall of 1.53m, from RL31.40 at the northern edge of 581 Old South Head Road, to RL29.87 at the southern edge of 575 Old South Head Road.

To the north of No. 581, along Old South Head Road, the site is adjoined by No. 583 Old South Head Road, a part three and four-storey RFB with vehicular access to a basement car park from Old South Head Road. No. 579 Old South Head Road, a three-storey RFB also with vehicular access to a basement car park from Old South Head Road, is located between Nos. 581 (and the access handle to No. 581A) and No 577. A four-storey RFB at No. 573 Old south Head Road is located to south of No. 575 with vehicular access provided from Old South Head Road also.

No 581A Old South Head Road is the battle-axe allotment for the development site and given the large size of this site, it adjoins a number of properties. To the south the site adjoins the rear setbacks of residential dwellings fronting Roberts Road (nos. 8, 10 and 12). To the east, the site is adjoined by a two-storey dwelling at No. 3A Princess Street, also a battle-axe site with access from Princess Street. The access handle to 3A Princess Street also provides access to the rear garage on No. 3 Princess Street. To the north the site adjoins the rear boundary of No. 1 Princess Street which contains a dwelling and the rear portion of the side boundary of No. 583 Old South Head Road. The site also adjoins the rear boundary of No. 579 Old South Head Road.

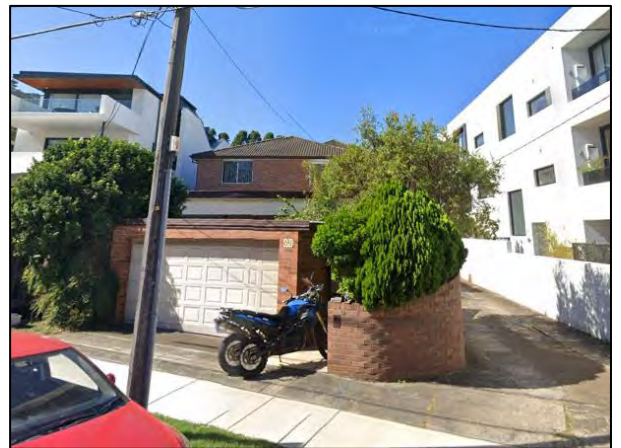
Figures 1 to 11 are photos of the site and its context.



**Figure 1:** Configuration of the site and surrounding properties (Source: NearMap)



**Figure 2:** No. 575-577 Old South Head Road (the southern portion of the development site fronting Old South Head Road)



**Figure 3:** No. 581 Old South Head Road and access handle to No. 581A (the northern portion of the development site fronting Old South Head Road)





**Figure 4:** No 581A Old South Head Road (the battle-axe site at the rear)



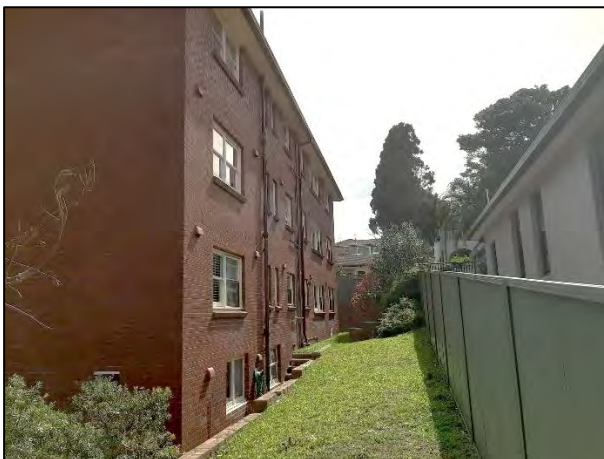
**Figure 5:** View from the open space area of the battle-axe site looking toward the rear elevation of No. 579 Old South Head Road



**Figure 6:** Access driveway viewed toward entry from Old South Head Road



**Figure 7:** South-western setback (communal open space) area and parking of No. 581A Old South Head Road (battle-axe block)



**Figure 8:** Western elevation of the existing RFB at No. 581A (battle-axe site)



**Figure 9:** Rear elevation of No. 3A Princess Street to the east of No. 581A (battle-axe site) as viewed from the rear communal open space





**Figure 10:** Southern elevation of No. 586 Old South Head Road as viewed from No. 581A (battle-axe site)



**Figure 11:** Shared western boundary with No. 573 Old South Head Road as viewed from the rear communal space of No. 581A (battle-axe site). The rear elevation of No. 573 OSH is visible in the background.

### 1.3. Relevant Development History

A search of Council's records revealed there is no relevant recent development history for these sites.

In 2019 Pre-DA advice was provided in relation to the construction of a three-storey RFB containing 21 apartments and basement parking for 21 vehicles at 581 and 581A Old South Head Road (575-577 Old South Head Road was not included).

In summary, the advice provided related to overshadowing, privacy, setbacks, streetscape and parking. Ultimately it was concluded that the Pre-DA lacked sufficient contextual information and the impacts upon surrounding properties were unknown and therefore, no advice regarding the acceptability of the proposal could be provided in terms of layout, bulk, scale, orientation, setbacks etc.

### 1.4. Proposal

The development application seeks consent for a new RFB development. All existing structures on the sites are to be demolished including a pair of semi-detached dwellings at 575-577 Old South Head Road, a dwelling at 581 Old South Head Road and a RFB at 581A Old South Head Road.

The proposed development will be comprised of three separate RFB's, each being four-storeys with two levels of basement parking beneath the majority of the combined sites. The RFB's will contain 26 apartments comprised of 20 x 3-bedroom and 6 x 2-bedroom apartments nominated as Buildings A, B and C which are described following:

- **Building A:**

Building A will have frontage to Old South Head Road, located on the northern part of the site on 581 Old South Head Road and the access handle to No. 581A. This building will contain eight x three-bedroom apartments with balconies/courtyards oriented to the west (street) and east.

- **Building B:**

Building B will be located on the rear portion of the site, located on 581A Old South Head Road (the battle-axe allotment). The building will contain six x two-bedroom and five x three-bedroom apartments with balconies/courtyards contained on the northern and southern elevations.

- **Building C:**

Building C will be located on the southern part of the site, located on 575 and 577 Old South Head Road with frontage to the street. This building will contain seven x three-bedroom apartments with balconies/courtyards on the western (Old South Head Road frontage) and eastern elevations. This building contains all the affordable housing apartments.

A deep soil communal open space area will be located on the southern part of No. 581A Old South Head Road (battle-axe).

The proposal will provide two levels of basement parking with access and egress via the southern site fronting Old South Head Road. The basement car park will be comprised of the following:

- 34 resident spaces (including 5 adaptable spaces),
- 5 visitor parking spaces (including 3 spaces with electric vehicle charging points),
- 13 motorcycles spaces,
- 26 storage units,
- garbage storage room.

## **1.5. Background**

The development application was lodged on 6 July 2020 for RFB's on the site providing 47 apartments, 28 of which were to be affordable housing apartments. In this scheme Buildings A and B were connected at the ground and first floor levels. This scheme had an FSR of 1.37:1 (3389m<sup>2</sup>).

The application was deferred on 20 October 2020 for the reasons following (summarised):

- **Bulk and scale:** Although compliant with the FSR development standard (with the bonus allowed by the Affordable Housing SEPP), the bulk and scale of the resultant building is inappropriate for the subject site. The proposal results in unacceptable privacy impacts and overshadowing, inadequate separation distances and landscaped area and bulk and scale impacts upon surrounding properties.
- Buildings A, B and C are to be separated with a break/setback between each building form allowing opportunities for improved amenity to the development itself and adjoining properties.
- Design matters raised by the Design Excellence Advisory Panel (DEAP).
- Stormwater matters.

These plans were referred to Transport for NSW for concurrence under s138 of the Roads Act as there are new driveway crossings from a classified road. Transport for NSW did not grant concurrence for this proposed scheme for the following reasons:

*It is noted that the development proposes 47 residential apartments, with 28 proposed to be affordable. TfNSW notes that the current frontage on Old South Head Road is designated 'No Parking' zone.*

*With consideration to the above TfNSW has concerns regarding how the site will undertake waste management, freight and servicing without impacting Old South Head Road. TfNSW recommends that the site accommodate all waste management, freight and servicing on site. Loading bays shall be clearly shown on plans with sufficient height clearances along with swept path analysis for vehicles turning into the site.*

Amended plans were received by Council on 17 December 2020. The amended scheme increased setbacks; however continued to connect Buildings A and B at the ground and first floor levels. This scheme reduced the number of apartments to 40, with 21 of these as affordable housing apartments. The FSR was reduced to 1.35:1 (reduced by 58m<sup>2</sup> to 3331m<sup>2</sup>).

The application was again deferred on 2 March 2021 for the reasons following (summarised):

- Bulk and scale.
- Setbacks:
  - Building A is to be separated from Building B in its entirety by a minimum of 6m;
  - Building B setbacks are to be increased to a minimum of 6m from the northern boundary for the first three levels and 9m for the upper floor level; 6m from the eastern boundary; and the southern setback to align with the rear setback of No. 3a Princess Street with the upper floor level set back a further 3m beyond. The balconies of Building B are not to extend within the 6m separation distance.
  - Building C: The front setback at Level 2 is to align with the levels below; demonstrate that the rear setback will not result in unreasonable overshadowing of surrounding sites.
- Waste storage matters.
- Provide further details of materials and finishes, particularly regarding the services cupboard facing the street.

Further amended plans were received by Council on 7 June 2021. These plans have generally addressed the matters raised in the deferral letter above in regard to setbacks and the separation of the buildings into three separate buildings. The number of apartments has been reduced to 26 and the FSR to 1.17:1 (2890m<sup>2</sup>).

The final amended plans were referred to Transport for NSW and concurrence was granted. This is discussed further in Section 2.1.1 of this report.

Further refinement of the proposal regarding nominating finishes on the plans and reducing the plant at the roof level have subsequently occurred since submission of the final scheme. All final plans and full documentation were received by Council on 1 September 2021.

Overall, the amended plans make the following reductions since the original proposal was submitted to Council:

- The FSR has been reduced from 1.37:1 to 1.17:1, a reduction of 499m<sup>2</sup>.
- The number of apartments has been reduced from 47 to 26, a reduction of 21 apartments.
- The driveway crossing has been reduced to a single entry and exit off the southern portion of the site from Old South Head Road.
- The affordable housing component has been reduced from 50% of the proposal to 28%.

## 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. Concurrence

The application was referred to Transport for NSW for concurrence under s138 of the Roads Act as there will be new connections (ie, driveway crossing and stormwater connection) to a classified road.

Transport for NSW provided concurrence to the final amended scheme in a letter dated 4 August 2021 subject to conditions which are included in Appendix A.

### 2.2. Planning Instruments and Development Control Plans

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

#### 2.2.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004.
- SEPP 55 Remediation of Land.
- SEPP 65 (Design Quality of Residential Apartment Development).
- SEPP (Affordable Rental Housing) 2009 (ARHSEPP).
- SEPP (Vegetation in Non-Rural Areas) 2017.
- SEPP (Infrastructure) 2007, specifically clause 101 as the site has a frontage to classified road.



Further detailed discussion regarding SEPP 65 (Design Quality of Residential Apartment Development), SEPP (Affordable Rental Housing) 2009 and SEPP Infrastructure 2007 as follows:

*SEPP (Design Quality of Residential Apartment Design)*

The application was referred to the Waverley DEAP on 16 September 2020. The amended plans were not referred to the DEAP. The Panel's comment of the proposed development with regard to the nine design quality principles under SEPP 65 and a planning response to each comment in relation to the amended scheme are set out in **Table 1** below.

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

<b>Principle 1: Context and Neighbourhood</b>
<ul style="list-style-type: none"> <li><i>Slender edge of buildings A and C presenting to OSH road is supported, as it continues the built form approach taken along this side of OSH Road.</i></li> <li><i>Services to street should be screened and supplemented with additional landscape and canopy trees in deep soil to improve the streetscape interface.</i></li> <li><i>Retention of open space area and associated mature trees in south-eastern corner support by panel – as this space provides shared amenity with neighbouring properties.</i></li> </ul> <p><b>Planning comment:</b> The amended plans retain the slender built form to Old South Head Road on both the northern and southern portions of the site and the deep soil and communal space in the south-eastern corner. The services have been amended since first submitted and are located on the northern site fronting Old South Head Road contained within a low height rendered wall with a raised planter behind. The rendered wall is to be painted charcoal and will have an appearance and height consistent with a front boundary wall. An electricity substation is also included on the southern site fronting Old South Head Road and will be concealed behind planter walls.</p>
<b>Principle 2: Built Form and Scale</b>
<p><i>Where possible reduce the extent of intrusion into the northern setback for Building C, which could be addressed through the following points:</i></p> <ul style="list-style-type: none"> <li><i>Separation of Buildings A, B and C to form a 'collection of buildings', rather than an amalgamated form – with a break that aligns with the rear of 579, on the north south axis.</i></li> <li><i>This break will allow opportunities for improved amenity to a number of units, including C12, and neighbouring units across all floors, which currently feature balconies primarily to the north or south – this is not an ideal outcome.</i></li> <li><i>Breezeway, southern elevation (excluded from GFA) to be reviewed – this approach to circulation and the need to service this number of units, is pushing the built form into the northern setback and should be reviewed as part of the points above.</i></li> </ul>

**Planning comment:** The amended proposal separates the buildings into three individual RFB's addressing the matters raised above. The balconies are now located on the east and west elevations of Buildings A and C and the north, south and south-western side of Building B. The abovementioned breezeway has been removed with the lobbies to each of the buildings internalised.

### Principle 3: Density

*Many of the points noted in this report relate to the accommodation of additional floorspace on the site (via the AHSEPP), which is already constrained by its arrangement and relationships to adjoining properties. The panel expects a reduction in yield to address these points.*

**Planning comment:** The amended plans reduce the FSR from 1.4:1 (original proposal) to 1.17:1 which represents a reduction in gross floor area of 499m<sup>2</sup>. The number of apartments has been reduced from 47 originally proposed to 26 apartments as part of the final amendments.

### Principle 4: Sustainability

*The OSD tank location could be reviewed to improve deep soil opportunities along the street frontage*

*Other sustainability measures that should be addressed include:*

- *Provision of ceiling fans in bedrooms to reduce the reliance on A/C.*
- *Shading devices to north-facing windows to reduce heat load.*
- *Provision of PV cells on the extensive roof area.*

**Planning comment:** The OSD has been relocated away from the front boundary within the basement car park allowing deep soil along the street frontage for the northern site (ie, 581 OSH). The southern site (ie, 575-577 OSH) provides vehicular access to the basement car park and given the limited width of the site, there are few opportunities for deep soil along this frontage. Notwithstanding, a tree and landscaping has been provided along this frontage on the southern side to improve the streetscape presentation of the building. Planters have also been provided to the north of the pedestrian entry path.

Ceiling fans to all habitable rooms are now shown on the amended plans. Shading is provided to windows including louvred pergolas to top level balconies. Photovoltaic cells have not been included on the roof and a condition to this effect is included in Appendix A.

### Principle 5: Landscape

- *Maximise deep soil zone for planting along the street (OSHR) frontage and consider the duplication of pedestrian paths off OSHR on the southern boundary with # 573.*
- *Mature trees in south-eastern corner – retention is supported.*
- *Further detail on the boundary conditions, including walls and planters, with RLs to better appreciate the interfaces of the internal pathways, planters on structure and privacy into the ground floor units of buildings A, B & C.*

- *Consider the use of appropriate slender / tall vegetation in planters as screens for proposed units that look into existing neighbours.*

**Planning comment:** The amended proposal provides planting along the boundary with No. 573 OSH to the south and retains the communal open space and mature trees in the south-eastern corner of the site. The plans and sections provide greater detail regarding boundary walls and planters. This is discussed in Section 2.2.3 of this report.

The amended landscape plan includes a variety of plantings across the site, with most concentrated along the boundaries to provide screening to surrounding site. The listed species can achieve heights up to the 5m which is considered appropriate for reducing the perceived bulk of the building from neighbouring sites and providing effective screening between properties.

#### Principle 6: Amenity

- *Potential consolidation of units in Building C to allow orientation to west and east – this will reduce yield, but not necessarily GFA.*
- *Solar access to be improved as a result of the above, without relying on sunlight access to the primary living space, whilst the balcony is orientated to the south (note unit size).*
- *Consideration should be given to internal communal spaces oriented to the SW garden.*

**Planning comment:** The amended proposal consolidates the apartments within all buildings to provide orientation toward the front and the rear. Solar access is discussed in Table 2. The proposal provides external communal spaces within the garden in the south-eastern corner of the site.

#### Principle 7: Safety

*The panel has no concerns in relation to safety.*

**Planning comment:** The amended proposal does not introduce any safety or security concerns.

#### Principle 8: Housing Diversity and Social Interaction

*The mix of units may need to be reviewed to reduce the loss of amenity and improve the interfaces between apartments within the site and on neighbouring properties.*

**Planning comment:** The amended proposal has reviewed the mix of units with increased two and three-bedroom apartments to address the issues raised by the DEAP. The one-bedroom affordable housing apartments of the original proposal have been replaced with three-bedroom apartments within Building C (these apartments are nominated as the affordable housing apartments).

### Principle 9: Aesthetics

*The proposal is generally well conceived with a clear delineation between the masonry base and the recessed top floors. Though the panel would like to see further detail around the materiality and detailing around the balconies.*

**Planning comment:** The amended proposal retains the masonry base and recessed top floor levels, in fact increasing upon this for Building B. Further details have been provided regarding the materiality of the balconies and these are considered acceptable.

### Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide (ADG)

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the ADG in respect of the following:

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

If a development control plan 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 the table below.

**Table 2: ADG**

Design Criteria	Compliance	Comment
<b>Part 3 Siting the development</b>		
<b>3A Site analysis</b>	Yes	The application and proposed buildings have considered the site, local and wider context.
<b>3B Orientation</b>	Yes	The proposed buildings have been orientated and designed to relate to the shape of the site, location of neighbouring buildings and public domain.  Overshadowing is discussed in detail following this table.
<b>3C Public domain interface</b>	Yes	The proposed building provides a successful interface with the public domain and will improve the character and quality of the streetscape.



Design Criteria	Compliance	Comment
<b>3D Communal and public open space</b> <ul style="list-style-type: none"> <li>Minimum of 25% of site</li> <li>Minimum of 50% direct sunlight to the principal usable part on winter solstice</li> </ul>	Yes	<p>The proposal provides 750m<sup>2</sup> (30% of the site) as communal and public open space, which includes circulation areas around the site providing landscaping and seating.</p> <p>A consolidated area of communal open space with shared BBQ facilities is provided in the south-eastern corner of the site with an area of 367m<sup>2</sup> (49% of the communal open space).</p> <p>The proposal provides sufficient areas of communal space and landscaping to satisfy the intent of the controls and is considered acceptable.</p>
<b>3E Deep soil zones</b> <ul style="list-style-type: none"> <li>7% of the site, deep soil zones should be provided</li> <li>6m min width</li> </ul>	Yes	<p>The deep soil is 265m<sup>2</sup> or 10.5% of the site located in the southern portion of the site.</p> <p>The deep soil zone has sufficient width for maximum usability for the provision of landscaping along the southern boundary with the lower density dwellings to the south. A large existing tree is also retained within the area.</p>
<b>3F Visual privacy</b> Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> <li>Up to 12m (4-storeys) – 6m habitable &amp; 3m non-habitable</li> </ul>	No	Refer to detailed discussion following this table.
<b>3G Pedestrian access and entries</b>	Yes	Pedestrian entries are from the side; however this is consistent with the pattern of development to the group of RFBs within this row given the narrow width of the sites at the street frontage.
<b>3H Vehicle access</b>	Yes	The amended plans provide access from the southern site fronting Old South Head Road (ie, No. 575-577). The proposal includes a double width driveway for access and egress to the basement car park. The amended driveway location is an appropriate distance from the bus stop further to the north.



Design Criteria	Compliance	Comment
<p><b>4D Apartment size and layout</b></p> <p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li>• 2 Bed = 70 m<sup>2</sup></li> <li>• 3 Bed = 90 m<sup>2</sup></li> <li>• Add 5m<sup>2</sup> for each additional bathroom (above 1)</li> <li>• Add 12m<sup>2</sup> for each additional bedroom</li> </ul> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	Yes	<p>All units have internal areas that meet the minimum ADG requirements. In this regard, the proposed apartment sizes and layouts are acceptable.</p> <p>Windows are provided to each habitable room. Prescribed conditions require compliance with the National Construction Code (NCC).</p> <p>All bedrooms and open plan living areas meet the requirements in terms of dimensions and/or area.</p> <p>Kitchens are separate to the circulation spaces.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
<p><b>4E Private open space and balconies</b></p> <p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>• 2-bed - 10m<sup>2</sup> &amp; 2m depth</li> <li>• 3+bed - 12m<sup>2</sup> &amp; 2.4m depth</li> <li>• Ground level, min 15m<sup>2</sup> &amp; 3m depth</li> </ul>	Yes	<p>100% of the units are provided with a balcony or courtyard accessed from the main living areas that generally meet the minimum requirements of the ADG in terms of area and depth. For the majority of apartments, if the minimum width is not met, the area of the private open space exceeds the requirements. Supplementary information has been provided by the applicant to demonstrate that sufficient width is provided to contain dining and lounging areas. This is considered acceptable as sufficient private open space is provided to meet user needs for each apartment.</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building overall. Balconies are angled or screened to prevent direct cross-viewing between balconies to enhance privacy.</p>

Design Criteria	Compliance	Comment
<b>4F Common circulation and spaces</b> <ul style="list-style-type: none"> <li>Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes	The lobbies to each building access no more than three apartments per floor.
<b>4G Storage</b> In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> <li>2-bed – 8m<sup>3</sup></li> <li>3+bed – 10m<sup>3</sup></li> </ul>	Yes	The proposal provides separate storage within each apartment in addition to storage allocated to each apartment within the basement car park. The storage provided meets the requirements and objectives of the ADG.
<b>4H Acoustic privacy</b>	Yes	<p>An Acoustic Report was provided with the application and is discussed in detail in the section regarding <i>SEPP (Infrastructure) 2007</i>.</p> <p>The amended proposal groups rooms with similar noise requirements together over the layout of each level of the buildings. The consolidation of the apartments into larger apartments has the benefit of reducing the number of shared walls, minimising noise transference between apartments.</p> <p>The amended proposal has adequately considered and addressed the design guidance requirements in 4H of the ADG.</p>
<b>4J Noise and pollution</b>	Yes	<p>An acoustic assessment has been provided to consider the acoustic impacts from Old South Head Road and mechanical plant.</p> <p>Recommendations have been made to minimise impacts from noise which is referenced in the conditions of consent, meeting section 4J of the ADG.</p> <p>Refer to detailed discussion in the section of this report related to <i>SEPP (Infrastructure) 2007</i>.</p>
<b>4K Apartment mix</b>	Yes	The proposal includes two and three-bedroom apartments that that will support a wide variety of household types and sizes. The apartment mix is considered appropriate taking into consideration the sites proximity to public transport options and the high density urban environment.



Design Criteria	Compliance	Comment
		Additionally, the proposal provides larger three-bedroom affordable housing apartments.
<b>4L Ground floor apartments</b>	Yes	<p>It is not possible to provide apartments accessed directly front the street to Buildings A and C due to the narrow frontages of these sites. Notwithstanding, the proposal provides front gardens, where possible, at the street frontage.</p> <p>The ground floor apartments in Building B and to the rear of Buildings A and C have access to private courtyards for increased amenity.</p>
<b>4M Facades</b>	Yes	The proposed buildings provide an interesting architectural design with each façade contributing to the visual interest of the building and character of the local area.
<b>4N Roof design</b>	Yes	The roof design has a cohesive relationship with the overall building design and streetscape. The plant on the roof is set back from the building edge and screened for concealment.
<b>4O Landscape design</b>	Yes	<p>The proposed landscaping of the site is diverse with landscaping incorporated on all boundaries. Where possible, landscaping is provided along Old South Head Road, contributing positively to the streetscape.</p> <p>Additionally, landscaping and the retention of large trees within the south-eastern corner of the site will provide privacy to the subject development and adjoining properties.</p> <p>The proposed landscaping responds to the conditions of the site and is appropriate in this high density area.</p>
<b>4P Planting on structures</b>	Yes	The landscape plans and concept plans address the objectives and design criteria in 4P of the ADG.
<b>4Q Universal Design</b>	Yes	The plans indicate that six apartments will be nominated as silver level universal design. A condition is recommended to ensure that 20%

Design Criteria	Compliance	Comment
		of the apartments achieve a benchmark of silver level universal design features.
<b>4U Energy efficiency</b>	Yes	<p>Apartments within the building incorporate passive environmental design, meeting the cross-ventilation requirements in the ADG.</p> <p>Natural ventilation is incorporated in all apartments reducing the need for mechanical ventilation and climate control.</p> <p>Notwithstanding, and as discussed in detail later in this report (refer to discussion in <i>SEPP (Infrastructure) 2007</i>), some apartments need to incorporate a forced ventilation system due to the requirements of the Infrastructure SEPP and proximity to Old South Head Road.</p>
<b>4V Water management and conservation</b>	Yes	A BASIX Certificate has been provided with the application which indicates that the proposal will meet the required water target.
<b>4W Waste management</b>	Yes	The application proposes waste collection from within the street with waste storage from the basement car park accessed via Old South Head Road. A detailed waste management plan has been provided and conditions regarding waste storage and collection are included in Appendix A.
<b>4X Building maintenance</b>	Yes	The guideline suggests that building design should provide protection from weathering, systems and access for maintenance and materials which reduce ongoing maintenance costs. There is no evidence to suggest that the proposed building could not achieve this through the detailed construction certificate documentation process.

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

## Visual privacy

The proposal has been amended twice during assessment, in large part to address separation distances from adjoining properties and itself and reduce the bulk and scale of the proposal. The proposal has separation distances to the site boundary from windows and balconies of:

- Building A: 2m (north); 3m (south)
- Building B: 5m - 6m (east); 6m (north); 5.5m - 6m (west); 18.5m (south)
- Building C: 2m - 3m (north); 2.3m - 3m (south).

Buildings A and C front Old South Head Road with narrow frontages to the street. Adjoining and surrounding properties within this part of the street have been redeveloped with residential flat buildings, all presenting to the street with narrow frontages and limited side boundary setbacks. Proposed Buildings A and C will have a similar pattern of development to Nos. 579, 583 and 585 Old South Head Road which contain narrow residential flat buildings oriented toward the front and rear with side setbacks of 3m or less. The main living areas and private open space of the apartments within Buildings A and C are orientated toward the east (rear) and west (front) with the windows of non-habitable rooms and bedrooms located on the side elevations where there are limited setbacks. These rooms are considered rooms of low use with less privacy impacts than active living spaces. Appropriate screening is provided to windows, where relevant, to protect the privacy of occupants and neighbouring properties.

Building B is located on the battle-axe allotment (581 Old South Head Road) and has no street frontage; however, adjoins lower density dwellings to the north, south and east. Successive amendments to the proposal have substantially reduced the size, bulk and scale of this building with the boundary setbacks increased to meet the requirements of the ADG in terms of separation distances. Building B will generally be 6m from all boundaries with the exception being to pop-out windows on the eastern facade. Given these pop-out windows are orientated away from the side boundary, privacy impacts to the adjoining dwelling at 3a Princess Street will not be unreasonable. Screening of habitable windows and side boundaries of balconies is included to further enhance privacy.

It should be noted that separation distances are not strictly setback controls. The separation distances are only required where there is a window or balcony, not where there is a blank wall. Notwithstanding, the proposal has considered surrounding properties and provides appropriate separation from adjoining properties and/or screening of windows and balconies where appropriate.

Given the above analysis, it is considered that the proposal has been designed to achieve reasonable levels of privacy to surrounding properties through the use of separation distances, pop-out and screened windows and the orientation of living areas.

The proposal is for three separate RFB's on the subject site and as such, the separation distances and privacy impacts internal to the site must also be considered. The ADG requires that separation distances between buildings on the same site should combine required building separations depending on the type of room.

Building B is separated from Buildings A and C by 6m being half of that required by the ADG. The shape, dimensions and orientation of the site ensure the proximity of the RFB's. The required 12m setbacks between buildings would prevent development of the site. Window placement, pop-out windows and privacy louvres will control the views in and out to preserve inter-site visual privacy, which is considered appropriate.

The screening/blades to windows on the ground floor level adjacent the walkways will inhibit pedestrian access with privacy concerns for occupants of the bedrooms. There are other means of ensuring privacy to these windows, such as highlight or obscure glazing to the lower parts of the window or external screening such as louvres that do not project within the walkways. A condition to this effect is included in Appendix A to overcome this issue.

### **Overshadowing**

Objective 3B-2 of the ADG is to ensure that overshadowing of neighbouring properties is minimised during mid-winter. Design guidance to achieve this is provided; however, the ADG provides no controls in this regard.

The proposal will result in additional overshadowing of surrounding properties, particularly the properties to the south of the site, including Nos. 579 and 573 Old South Head Road and the residential dwellings on Roberts Road.

The impact from new developments that are compliant with increased development standards is significantly greater than impacts from sites which are currently underdeveloped, however if the development meets all relevant standards and controls, these impacts are accepted as being generally anticipated by the controls. The purpose of development standards is to stipulate the maximum development potential of a site, providing certainty to the public and facilitating economic and orderly use of land.

The proposal complies with the FSR development standard (including bonus under the ARHSEPP) and generally complies with the height development standard, with the exception of the plant. As discussed in Section 2.1.7 of this report, that part of the building which does not comply with the height does not result in unacceptable additional overshadowing. The proposal complies with all other built form controls of the ADG and DCP, with the exception of separation distances.

As discussed above, on merit, the separation distances are considered acceptable. It should also be noted that separation distances are reliant upon the layout of the building, i.e. the distance is based on which rooms are opposite the boundary. In this regard, the actual separation distance is not fixed and as there are no setback controls in either the DCP or the ADG, there is no certainty to the setbacks of a proposal and as such the overshadowing impacts will also vary. In this regard, the development standards of height and FSR provide the certainty for surrounding properties and in this case, the proposal largely complies.



For these reasons, it is considered that the overshadowing of the properties to the south is a consequence of the redevelopment of the site to a medium density development and the impacts are those anticipated by the zoning and development standards. As such, the overshadowing impacts are not considered unreasonable.

*SEPP (Infrastructure) 2007*

**101 Development with frontage to classified road**

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal has frontage to, and vehicular access from, Old South Head Road, which is a classified road.

A Traffic Report was provided with the application indicating that the proposal for 26 apartments with 39 parking spaces will not result in unacceptable or unreasonable frequency of vehicles using the classified road, particularly given the zoning of the site for medium density residential development. The application was also referred to Transport for NSW for consideration under clause 101 of the SEPP. As previously detailed, Transport for NSW provided concurrence for the amended proposal subject to conditions provided in Appendix A.

In accordance with subclause (2)(c) above, an acoustic report has been provided with the application which assesses the noise intrusion from Old South Head Road in addition to the noise emissions from the development itself. The Acoustic Report concludes that:

*Provided that the complying constructions set out in Section 4.3 of this report are employed, internal noise levels should satisfy requirements outlined in:*

- *NSW Department of Planning and Environment's document - 'State Environmental Planning Policy (SEPP) (Infrastructure) 2007.*
- *NSW Department of Planning Document - 'Development Near Rail Corridors and Busy Roads' (DNRCBR) 2008'.*

The Acoustic Report makes a number of recommendations in relation to the Old South Head Road frontages in order to achieve this, including:

- Thicker glazing may be required for some windows and doors.
- Listed external windows and doors are to be fitted with Q-Lon type acoustic seals.
- Acoustic upgrading of roof and ceiling construction where recommended.
- Acoustic upgrading of external wall construction to some areas.
- All facades facing Old South Head Road are required to have windows closed to meet the required noise goals for natural ventilation. Alternative ventilation methods are recommended to comply with the BCA is required.

The acoustic report, including the recommendations, is referenced in the conditions of consent in Appendix A.

The proposal is considered to adequately address the provisions of the Infrastructure SEPP and can be supported in this respect.

#### **102 Impact of road noise or vibration on non-road development**

*(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.*

*(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:*

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

Old South Head Road has an average daily traffic volume in excess of 20,000 vehicles, and as detailed above, an acoustic report has been provided with the application which assesses the noise intrusion from Old South Head Road and provides recommendations in order to achieve the stated noise criteria

in 102 (3) above. The acoustic report, including the recommendations, is referenced in the conditions of consent in Appendix A.

In terms of clause 102(2) above, which requires consideration of any guidelines for the purposes of this clause, *Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008)* has been considered and referenced in the Acoustic Report. The Acoustic Report adequately addresses this guideline in terms of the acoustic treatment of the apartments. All apartments fronting Old South Head Road are triple aspect allowing for natural cross ventilation, however only when windows are open which due to the noise from Old South Head Road may be an issue. The affected apartments are to be provided with mechanical ventilation to ensure air quality in accordance with the recommendations contained in the Acoustic Report.

It is considered that the requirements of the Infrastructure SEPP have been appropriately considered and addressed.

#### **ARHSEPP**

#### **Part 2 Division 1 – In-fill affordable housing**

Part 2 Division 1 of ARHSEPP relates to development for the purposes of in-fill affordable housing.

The subject site is zoned R3 Medium Density Residential and RFB's are permissible with development consent. The site does not contain a heritage item or draft heritage item.

The site is located within an 'accessible area' being within 400m walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday. There is a bus stop immediately adjacent to the northern boundary of the site, servicing the 386 and 387 bus routes, which meet the definition of a regular bus service.

Accordingly, this Division, and the following clauses, apply to the development application.

**Table 3: Clause 13 Floor space ratios (FSR)**

Development Standard	Compliance	Planning Comment
13 - Floor space ratios:		Site = 2,472m <sup>2</sup>
(1) 20% of GFA to be used for affordable housing;	Yes	Total GFA = 2,890m <sup>2</sup>
(2) (a) if the existing maximum floor space ratio is 2.5:1 or less:		A minimum of 20% of the floor space must be affordable.
(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable	Yes	All apartments within Building C will be allocated to affordable housing. The proposal will provide 28% (818m <sup>2</sup> ) of floor space as affordable housing and as such qualifies for the bonus.

Development Standard	Compliance	Planning Comment
<p>housing is 50 per cent or higher, or</p> <p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p><b>AH</b> is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p><math>Y = AH \div 100</math></p>		<p>The proposal provides 28% of the floor space as affordable housing and therefore the bonus allowable equates to 0.28:1.</p> <p>Given the applicable FSR under the LEP is 0.9:1, the maximum FSR with bonus under the SEPP is 1.18:1.</p> <p>The proposed development has an FSR of 1.17:1 complying with the development standard.</p>

#### Clause 14 - Standards that cannot be used to refuse consent

Clause 14 of the SEPP outlines that if the proposal complies with set standards, the application cannot be refused on the grounds of those standards. Notwithstanding, subclause (3) allows that a consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

An assessment of the proposal has been carried out according to these standards as outlined in the table below.

**Table 4: Clause 14 – Standards that cannot be used to refuse consent**

Development Standard	Compliance	Planning Comment
<p>Site area:</p> <p>At least 450m<sup>2</sup></p>	Yes	The site is 2,472m <sup>2</sup>
<p>Landscaped area:</p> <ul style="list-style-type: none"> <li>30% of the site (741m<sup>2</sup>)</li> </ul> <p><b>landscaped area</b> means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.</p>	Yes	The proposal provides 766m <sup>2</sup> or 31% of the site as landscaped area.
<p>Deep soil zone:</p> <ul style="list-style-type: none"> <li>15% of site;</li> <li>Min dimension of 3m;</li> <li>If practicable, at least 2/3 at rear.</li> </ul>	No	<p>The proposal provides 265m<sup>2</sup> or 10.5% of the site as deep soil, which is contained along the rear southern part of the site with a minimum dimension of 13m.</p> <p>It is noted that the ADG requires 7% of the site as deep soil for residential flat development, with which the proposal complies. The site retains the southern section of the battle-axe site as deep soil enabling adequate landscaping and the</p>



Development Standard	Compliance	Planning Comment
		retention of a large tree within this part of the site.  The proposal also provides landscaping with sufficient soil depth around the perimeters of the site to enable screening and increased amenity. The landscaping on site, overall, is considered to be abundant and well considered. In this regard, the variation to the deep soil requirement of the ARSHEPP can be supported.
Solar access: <ul style="list-style-type: none"><li>Living rooms and POS of 70% of units receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter</li></ul>	Yes	The proposal provides 7 affordable housing apartments, 5 of which will receive more than 3 hours of solar access equating to 71% of the affordable housing units.
Parking: <ul style="list-style-type: none"><li>At least 0.5 parking spaces for each dwelling containing 1 bedroom and at least 1 parking space for each dwelling containing 2 bedrooms and at least 1.5 parking spaces for each dwelling containing 3 or more bedrooms.</li></ul>	Yes	The minimum parking under the ARHSEPP is: <ul style="list-style-type: none"><li>3-bed: <math>7 \times 1.5 = 10.5</math></li></ul> A total of 11 spaces is required for the affordable housing units. The proposal provides a basement car park with 34 resident spaces with 11 to be allocated to the affordable housing apartments. A condition to this effect is included in Appendix A.
Dwelling size: 95m <sup>2</sup> – 3+ bedroom	Yes	The affordable housing units comply with these requirements.
16 – Continued application of SEPP 65	Yes	SEPP 65 applies and is discussed in detail in Tables 1 and 2 of this report.
16A – Character of local area	Yes	Refer to discussion following this table and Table 1 of this report for discussion in relation to the comments of the DEAP.  The proposal is considered to appropriately respond to the emerging character of the local area. The amended proposal is consistent with the height, bulk and scale of surrounding recent development and the emerging character of the area given the zoning of the site for medium density development.
17 – Must be used for affordable housing for 10 years	Yes	A condition to this effect is included in Appendix A.
18 – Subdivision	N/A	No subdivision is proposed.

## Clause 16A – Character of local area

Clause 16A 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 *Venture Developments v Pittwater Council [2005] NSWLEC 191* provides a framework in considering the design compatibility of the proposal 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:

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

The physical impacts of the proposal upon surrounding properties are discussed in detail elsewhere in this report and are assessed as being reasonable. The proposal has been amended twice since it was first submitted to address issues in relation to visual and acoustic privacy, setbacks, overshadowing and compatibility of bulk and scale.

The proposal does not constrain the development potential of surrounding sites, simply as this is the last site to be redeveloped within the sites fronting Old South Head Road between Roberts and Princess Streets. The development site is comprised of three parts, the ‘front lots’ being 581 and 575-577 Old South Head Road which each front the road (separated by a three-storey RFB at No. 579 Old South Head Road) and the ‘battle-axe lot’ being No. 581A Old South Head Road, located at the rear of these sites.

Buildings A and C on the two front lots have been designed to respond to the character of surrounding buildings which are three to four-storey RFB’s with limited side setbacks built close to Old South Head Road. Given the narrow width and small area of these sites, recent RFB development has not been able to achieve the maximum height of 12.5m envisaged by the development standards whilst complying with the FSR development standard. This has resulted in RFB’s of three-storey scale with no, or a very limited, fourth storey. The subject development relies upon the bonus FSR provided under the ARHSEPP to achieve a more substantial fourth storey, similar in scale to Nos. 567 and 573 Old South Head Road to the south of the group. In order to provide a transition to the smaller more recent development within the group, the fourth storey will be set back from the main frontage of both Buildings A and C with contrasting finishes to read as recessive elements within the streetscape.

Given the above analysis, the amended proposal is considered compatible with the character of the local area.

### 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 5: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
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.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>12.5m</li> </ul>	No	<p>The maximum extent of non-compliance with the height standard is to the lift overrun of Building B, being 14.14m above existing ground level – a variation of 1.64m or 13.1%.</p> <p>The lift overruns and plant extend above the height development standard as follows:</p> <ul style="list-style-type: none"> <li>Building A: 13.35m (850mm/6.8% variation)</li> <li>Building B: 14.14m (1.64m/13.1% variation)</li> <li>Building C: 13.7m (1.2m/10% variation)</li> </ul>
4.4 Floor space ratio <ul style="list-style-type: none"> <li>0.9:1</li> </ul>	Yes	<p>This has been discussed previously in this report under the provisions of the ARHSEPP. The subject development is permitted a bonus FSR of 0.28:1 under the provisions for infill affordable housing.</p> <p>The maximum FSR permitted by the LEP with the bonus under the ARHSEPP is 1.18:1. The proposal provides an FSR of 1.17:1 complying with the development standard.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.

Provision	Compliance	Comment
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is classified as Class 5 on the Acid Sulfate Soils Map. A standard condition of consent regarding this is included in Appendix A.
6.2 Earthworks	Yes	<p>The proposal includes extensive excavation to provide two levels of basement parking. A 'Geotechnical Desktop Study' was provided with the application which assesses the likely site surface and subsurface conditions and anticipated geotechnical factors associated with the proposed development.</p> <p>The report makes recommendations including that further geotechnical investigations be carried out during the detailed design phase prior to and during construction.</p> <p>Conditions relating to excavation are included within Appendix A.</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 or minimum height development standard of 12.5m. The proposed development has a height of 14.14m, exceeding the standard by 1.64m equating to a 13.1% 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 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 building preserves the environmental amenity of public scapes and the sharing of views despite the variation to the height limit as the area of height breach is not visible from the public domain and there are no view impacts associated with the breach.*
  - (ii) *In terms of the preservation of the environmental amenity of neighbouring properties, the building forms of 'Building A' and 'Building C' are consistent with anticipated and compliant development of this portion of land (575-577 Old South Head Road for Building A and 581 Old South Head Road for Building C). Any overshadowing, visual bulk, parking, privacy or other impacts arising from these parts of the building are preserved to the same extent as can be reasonably be anticipated from a compliant development.*
  - (iii) *In terms of Building B, located on the battle-axe portion of the site (581A Old South Head Road), the building's height complies with the height development standard and is only wider as a result of the development sites' additional floor space as incentivised to offer affordable rental housing in the locality. The height breach associated with the lift overruns and plant on the roof has no impact on the adjoining properties and preserves their amenity to the same extent as a compliant building. That is, if the carpark exhaust, plant and lift overrun were removed, there would be zero additional material benefit to the adjoining properties.*
  - (iv) *The improved outcomes in terms of the plant on the roof are the environmental efficiencies that arise from providing naturally ventilated plant/equipment as compared to basement level plant that relies on more energy-reliant mechanical ventilation.*
  - (v) *The improved outcomes in terms of the slice of roof extending above the height plane to Building A and Building C is that given the breach occurs as a result of the mild topographic undulation of the site, the portion of non-complaint rooves could be made to comply by sinking the building form slightly into the ground (by 245mm to Building A and 450mm to Building C). Doing this would provide no perceivable benefit to the adjoining properties or from the perspective of the public domain, but would result in a worse outcome for amenity and access arrangements for the buildings.*
  - (vi) *The height breach does not impact in any way on the building's positive contribution to the physical definition of the street network and is not discernibly visible from any public space. The front of the building complies with the development standard and it is that component of the building that positively complements the street network.*
  - (vii) *The proposal provides 3m setbacks generally, with some limited areas of modulation, consistent with adjoining and surrounding developments to the north and south of the site. This development is the last in the street block to be undertaken and the design and setbacks take cues from the surrounding context to reinforce its compatibility.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *A lack of environmental impact does not in itself provide for sufficient environmental planning grounds to vary a standard, however it is noteworthy that the height breach itself does not cause any view loss, does not introduce unreasonable privacy impacts, overshadowing and does not have any impact on the streetscape or the character of the locality.*
  - (ii) *The proposal introduces a significant amount of affordable rental housing to a desirable location with excellent connection to public transport, employment and recreational facilities.*
  - (iii) *The building generally complies with the setback controls despite the inherent pressure from accommodating 664m<sup>2</sup> of bonus floor space onto the site as facilitated by the incentives under the ARH SEPP, whereby 818m<sup>2</sup> in the overall development (28%) is being offered as affordable rental housing to a registered community housing provider for 10 years.*
  - (iv) *Where the building setbacks vary from the controls, they are expressed in small areas that modulation the building form consistent with adjoining developments and characteristic of Old South Head Road properties generally.*
  - (v) *The scale of the building is 4 storeys as anticipated by the controls, despite the pressure of the additional floor space as noted above.*
  - (vi) *The buildings themselves comply or have imperceptible variations to the height standard when the lift overrun and plant is excluded, as follows:*
    - *Building A - 12.745m (0.245m/1.96% variation) on the south-western corner only.*
    - *Building B - Compliant; and*
    - *Building C - 12.7m (200mm / 1.6%) on the northern side; and - 12.95m (450mm /3.6%) on the southern side.*
  - (vii) *The comparative overshadowing analysis of the proposal to a genuinely 'Council-compliant' building without the bonus FSR, being of 4 storeys, with a height of 12.5m and compliant side setbacks, demonstrates that the proposal provides only a marginal increase in overshadowing to adjoining properties. The impact is caused by the increased width/depth of the buildings created by the FSR bonus and not related to any area of height breach.*
  - (viii) *The additional height is necessary to facilitate a more environmentally responsible location for plant/equipment that requires reduced energy consumption when open to fresh air as opposed to a basement.*
  - (ix) *The additional height is required to facilitate equitable access to all level by virtue of allowing lift overruns to peak through the height plane.*
  - (x) *The design satisfies the Object 1(g) of the EP&A Act 1979 which seeks to promote good design and amenity of the built environment.*
  - (xi) *The proposal is consistent with the objectives of the height development standard and the objectives of the 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.

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 written request has outlined the minimal consequences of the non-compliance upon the environmental amenity of surrounding properties and the streetscape and sufficiently argued that these consequences are reasonable. The written request provides a convincing argument that strict compliance would be burdensome on the proposal achieving orderly and economic use of the site to accommodate additional housing stock in the locality. Further discussion is provided below justifying how the development achieves the objectives of the development standard and the zone objectives despite the non-compliance with the development standard.

### Is the development in the public interest?

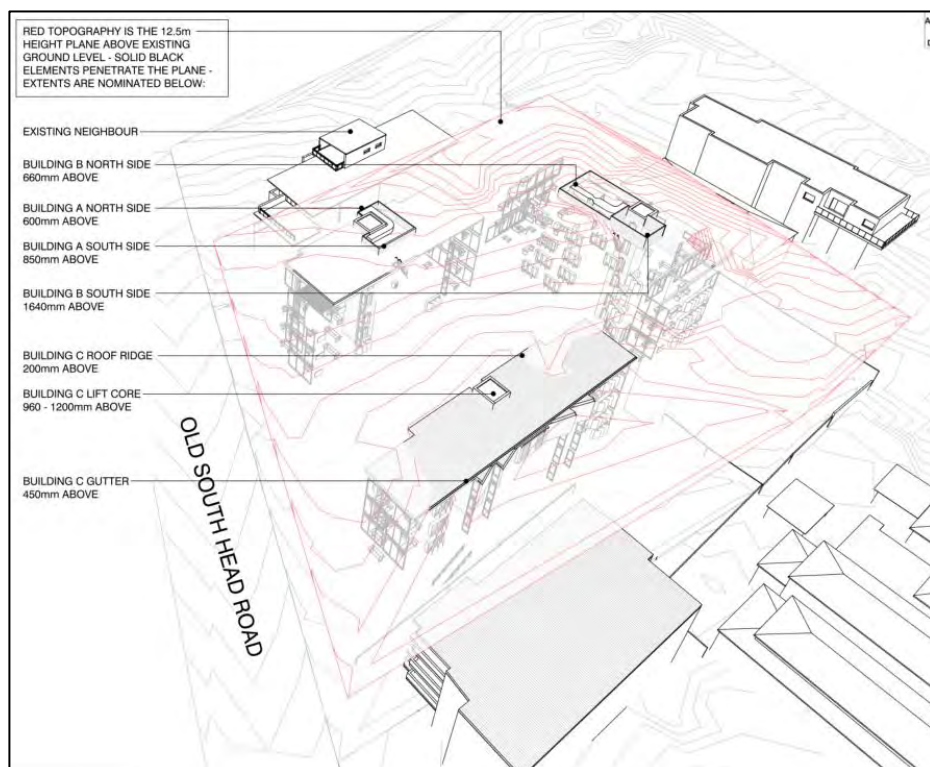
The proposed development will be in the public interest because it is consistent with both the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the 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.*

Objectives (b) and (c) are not relevant to the subject site.

The variation to the height development standard is largely confined to plant with only minor variations to the building proper for Buildings A and C. The following diagram in **Figure 12** demonstrates the extent of the height variation across the development site:



**Figure 12:** Height plane diagram provided by applicant

As previously discussed in Section 2.2.1 of this report, overshadowing as a consequence of the reasonable redevelopment of the site are impacts anticipated by the zoning and development standards.



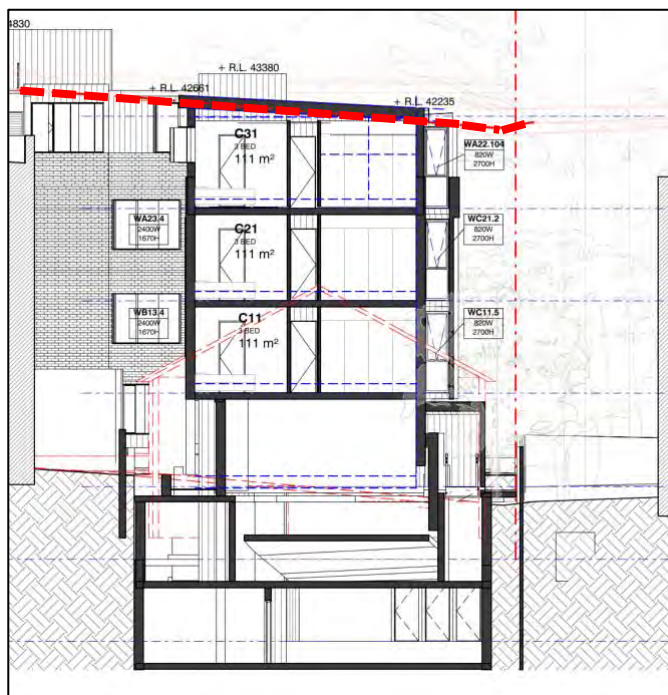
Each RFB within the immediate streetscape overshadows the properties to the south to the extent anticipated by the development standards, particularly given the limited side setbacks already established by development within the immediate vicinity. As such, the overshadowing impacts of a compliant development form are not considered unreasonable.

Notwithstanding, the proposal seeks to vary the height development standard, and as such any impact from that part of the proposed buildings which exceeds the development standard are not those anticipated and must be more comprehensively considered. In this regard, the applicant has provided detailed shadow diagrams which indicate the **additional** overshadowing that will occur for any parts of the building above the 12.5m height development standard.

**Figure 12** above shows the extent of the non-compliances to each building. For Building A the plant on the roof and a minor part of the front roof will exceed the height development standard. For Building B, only the plant will exceed with the building itself contained within the height development standard. For Building C, the plant and the majority of the roof will exceed the height development standard.

The shadow diagrams indicate that the additional overshadowing associated with the plant on the rooves of the individual buildings will fall onto the roof of the building itself or within the shadows cast by the compliant building form. This is also the case for the minor height exceedance to the roof of Building A.

Building C will have a skillion style roof with a minor height variation on the northern side of 450mm (1.6% variation to the height development standard) and 450mm on the southern side (3.6% variation) as indicated in **Figure 13** below which is extracted from the architectural plans.



**Figure 13:** Section through Building C indicating in red dash line extent of non-compliance with the height development standard

The shadow diagrams indicate that the height variation to the roof will result in a slither of additional shadow at various times throughout the day on the winter solstice on the rear and northern side elevation of No. 573 Old South Head Road to the south. The affected windows or balconies will continue to receive solar access as the shadows move over the building throughout the day, with only a minor reduction attributed to the variation to the development standard.

As detailed throughout this report, the proposed development will not have unreasonable impacts upon the amenity of surrounding properties particularly in terms of significant view loss, overshadowing or acoustic and visual privacy. In this regard, the proposal is considered to be consistent with objective (a) of the height development standard.

Objective (d) of the height development standard is 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 contribution of the building to the streetscape and surrounding area has been extensively discussed throughout this report, particularly during the discussion of Clause 30A of the ARHSEPP. The minor variation to the height development standard to both Buildings A and C which front Old South Head Road, will not result in detrimental impacts to the streetscape or the locality. The minor height variation is due to variations in the fall of the land and as both buildings will straddle different allotments it can be reasonably expected that there will be variations to levels made over time. The height variations could be overcome by sinking the building further into the ground, however the minor additional overshadowing does not warrant the additional excavation associated with this.

The development standard dictates medium density development of four-storey scale. The proposal presents to the street with this anticipated scale with the upper floor levels set back to read as recessive within the streetscape. The proposal has a height, bulk and scale which is considered to respond to the surrounding context and the desired future character of the locality. The proposal is considered to be consistent with objective (d).

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 relevant zone objectives in that it provides for the housing needs of the community within a medium density zone. The proposal will provide a variety of dwellings within the building including three-bedroom affordable housing apartments. There is a significant need for affordable housing within the Waverley Local Government Area and the subject development will

provide a generous contribution to the affordable housing stock available. A condition will require that the affordable housing is retained for 10 years consistent with the requirements of the ARHSEPP.

### Conclusion

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

### 2.2.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.7

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

**Table 6: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
<p>Waste</p> <p>1.4.1.1 Storage</p> <ul style="list-style-type: none"> <li>Bin storage area to be provided with rates in B1-2</li> </ul> <p>1.4.1.2 – Residential</p> <ul style="list-style-type: none"> <li>Bulky waste storage area</li> <li>To be provided and bulky problem waste area with rates. <ul style="list-style-type: none"> <li>➤ 3 storeys convenient waste transport system (ie. Chute)</li> </ul> </li> <li>11.4.2 – Access and Collection</li> <li>1.4.3 – Amenity</li> <li>1.4.4- Management</li> </ul>	Yes	<p>A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction. Conditions of consent will be imposed regarding ongoing waste on site.</p> <p>The waste and recycling storage area is located in the basement below Building B.</p> <p>The DCP requires on-site collection for developments with more than 20 apartments. Due to site constraints, the proposal does not include on-site collection however includes a bin hoist and holding bay room adjacent to the vehicular ramp on the southern side of Building C. This allows the transportation of the bins from the central waste room under Building B, to a holding area in the basement under Building C, and up to the kerbside collection point via a dedicated hoist without using the vehicular ramp or resident lifts.</p> <p>There is currently no parking in front of the southern frontage of the site and a number of driveway crossings to surrounding RFB's. This enables garbage trucks to pull over to the side of the road to collect waste and retains the road carriageway clear to enable traffic to pass.</p>

Development Control	Compliance	Comment
		Council's Waste and Recycling Officer has reviewed the proposal and raised no objections subject to the imposition of conditions relating to the size or waste storage areas, number of bins and ongoing management of waste.
2. Ecologically sustainable Development	Yes	<p>The cost of the development is over \$3 million, therefore the applicant has provided a commitment in the form of a draft proposal to reducing the greenhouse gas emissions from the development to equal a 30% reduction from a reference building.</p> <p>A condition of consent therefore will be imposed which requires an energy assessment report to be submitted prior to the issue of a CC which specifically outlines how the detailed design of the building will achieve the 30% reduction.</p>
3. Landscaping and Biodiversity	Yes	The landscaping plan has been reviewed and is considered acceptable, maintaining as much existing vegetation as possible and is cohesive with the site and streetscape.
5. Vegetation Preservation	Yes	The application, including the submitted Arborist Report, were referred to Council's Tree Management Officer who supported the removal and replacement of several trees on the site. The proposal has been designed to ensure that a large tree within the southern part of the battle-axe site will be retained in the communal open space area.
6. Stormwater	Yes	<p>The stormwater plans were referred to Council's Stormwater Engineers and conditions were recommended which are included in Appendix A.</p> <p>The battle-axe site has an open drainage culvert along the southern boundary of the site. A condition is recommended to ensure easy access to this channel for maintenance by Council and that it be fenced for safety.</p>
7. Accessibility and adaptability	Yes	The proposal provides level access to the entry foyer of each building and lift access from the basement car park to all levels of each building. Accessible access is provided throughout the site,



Development Control	Compliance	Comment
		<p>including via pathways to the communal open space area.</p> <p>The proposal provides the required number of accessible parking spaces, and liveable apartments under the ADG (previously discussed). Conditions that the required number of accessible and 'liveable' apartments are provided are included in Appendix A.</p> <p>Prescribed conditions of consent ensure that the proposed works comply with the access standards.</p>
<p>8. Transport</p> <p>8.1 – Streetscape</p> <p>8.2 – On Site Parking</p> <p>Zone 2</p> <ul style="list-style-type: none"> <li>• Vehicle Access</li> <li>• Car parking Provision Rates</li> <li>• Motorcycle Parking</li> <li>• Bike Parking</li> <li>• Loading Facilities</li> <li>• Pedestrian/Bicycle Circulation and Safety</li> <li>• Green Travel Plan</li> <li>• Traffic and Transport Management Plan</li> <li>• Car Share</li> <li>• Electric Vehicle Charging Points</li> </ul>	<p>Yes</p>	<p>The development is comprised of 26 apartments, of which 7 are affordable housing under the ARH SEPP. As previously discussed, 11 car spaces are required for the affordable housing apartments under the ARHSEPP.</p> <p>The provisions of the DCP apply to the remaining 19 apartments with the minimum parking requirement for these units being nil with a maximum of 22.</p> <p>Upon considering that the ARHSEPP is a minimum requirement and the DCP is a maximum, the amount of resident parking required on site is a minimum of 11 and a maximum of 22 for the non-affordable housing apartments (total of 33).</p> <p>The proposal provides a basement carpark with a total of 34 resident spaces complying with the requirements of both the ARHSEPP and DCP. Given that the ARHSEPP requirement is a minimum, the additional space will be allocated to the affordable housing units by condition.</p> <p>The DCP also requires 5 visitor car spaces, 13 motorbike spaces, 26 bicycle spaces and 3 visitor bicycle spaces. The proposal complies with the DCP requirements.</p> <p>Three electric vehicle charging points and a Green Travel Plan are also provided.</p>

Development Control	Compliance	Comment
		<p>A Transport Management Plan was provided that indicates that the additional traffic generation consequential to the development scheme will be relatively imperceptible and there will be no adverse road capacity or safety implications. This has also been confirmed by Council's Traffic referral.</p> <p>Subject to conditions recommended by Council's Traffic and Development Department, and as outlined above, the proposal will comply with this part of the DCP.</p>
9. Heritage	Yes	The site is not heritage listed or contained within a conservation area. However, the site is located within the 'Bondi Rose-Bay Sand body' and as such there is the possibility that it may contain an Aboriginal object or artefact and due diligence must be exercised during excavation and construction. Accordingly, an advisory condition is included in Appendix A regarding this matter.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP in particular by way of providing balconies overlooking the street, the communal space and the internal walkways, increasing passive surveillance of these areas.
11. Design Excellence	Yes	As previously discussed in this report, the proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape.
14. Excavation	No	<p>Refer to <b>Table 5</b> of this report for further discussion regarding excavation.</p> <p>The proposed basement car park is not setback 900mm from the site boundaries as required by the DCP. The Geotechnical Report outlines appropriate measure to avoid, minimise or mitigate the impacts of the development upon surrounding properties. Detailed investigations throughout the construction are required to ensure that adjoining properties are protected.</p>

Development Control	Compliance	Comment
		The proposed excavation does not add to the scale of the building or result in the loss of naturally occurring sandstone outcroppings. Standard excavation conditions are recommended in Appendix A.
16. Public Domain	Yes	The proposal does not contravene the relevant controls and objectives of this part of the DCP. Conditions have been provided by Council's Public Domain Department which are included in Appendix A.

**Table 7: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table**

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development, including the residential flat buildings, shop top house or mixed use developments that are 3 or more storeys and contain 4 or more dwellings.

Development Control	Compliance	Comment
<b>4.1 Site, scale and frontage</b>		
<ul style="list-style-type: none"> <li>Minimum frontage: 15m – R3 zone</li> </ul>	Yes (on merit)	<p>FSR and the bulk and scale of the proposal has been discussed previously in this report.</p> <p>The proposal is to be constructed over four sites effectively amalgamating these sites into one larger development site. The northern site fronting Old South Head Road has an approximate width of 15m and the southern site has a width of approximately 14m. Although the southern site has a width less than 15m, this is reflective of the pattern of development within the vicinity. Surrounding RFB's have narrow street widths presenting to the street with narrow frontages and limited side setbacks.</p>
<b>4.2 Height</b>		
<ul style="list-style-type: none"> <li>Refer to the LEP</li> </ul>	Yes	This matter is discussed in Section 2.2.2 and meets the objectives of the DCP control.
<b>4.3 – Excavation</b>		
<ul style="list-style-type: none"> <li>Fill shall not be used to raise the ground level.</li> </ul>	Yes (on merit)	<p>There is very limited fill proposed.</p> <p>The basement car park will be built up to the boundaries of the site, with the exception of the</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Not within a 1.5m setback from side boundaries and only within the building footprint except where access to a basement car park is required.</li> <li>Basement car parking is to be located fully below natural ground level or max 1.2m above ground</li> <li>Excavation should not add to the visual bulk and scale of the building.</li> <li>Existing natural features including trees and sandstone walls should be retained</li> <li>OSD to be within the excavated area.</li> </ul>		<p>rear south-eastern corner and the road frontages. The narrow width of the sites fronting Old South Head Road and the retention of the deep soil at the street frontages and within the rear communal space, necessitates full width excavation.</p> <p>A Geotechnical Desktop Study was submitted with the application with general recommendations for ensuring that neighbouring structures, roadways and services are not impacted due to the excavation. Further detailed geotechnical and structural engineering reports and investigations are required by condition.</p> <p>The basement car park is located fully below the existing ground and will not add to the bulk and scale of the buildings. Major trees on site are to be retained in the south-eastern corner which retains deep soil.</p> <p>The OSD is contained within the footprint of the building within the excavated area.</p>
<b>4.4 Streetscape</b>		
<ul style="list-style-type: none"> <li>Setbacks to be consistent with building line along the street</li> <li>Maintain existing trees</li> <li>Front setback to provide deep soil landscaping</li> <li>Sympathetic external finishes</li> <li>Setbacks above street frontage height are to be included where the adjacent buildings includes upper level setbacks</li> <li>Max building length to the street is 24m.</li> </ul>	Yes	<p>Buildings A and C front Old South Head Road. The front setbacks of these buildings are consistent with the pattern of development to the group of RFB's within the row, with splayed frontages to Old South Head Road resulting in staggered front setbacks.</p> <p>The upper levels of both buildings addressing the street frontages are set back from the levels below to provide a recessive upper level. The use of varying materials and finishes to the upper level will aid in giving this level a recessive appearance within the streetscape.</p> <p>Landscaping will be provided within both front setbacks, where possible, contributing to the streetscape.</p> <p>The proposed external finishes reflect the contemporary design of the building consistent</p>



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Buildings to be articulated to respond to the streetscape.</li> </ul>		<p>with, and/or complementary to, surrounding similar development.</p> <p>The maximum length at the street of Building A is 10.3m and Building C is 7m complying with the DCP control. Both buildings are articulated at the street frontage either by way of staggered front setbacks, varying materials and finishes or forward projecting balconies.</p>
<b>4.5 Building Design and Streetscape</b>		
<ul style="list-style-type: none"> <li>Building design is to respond to the existing streetscape character of the area.</li> <li>The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building.</li> </ul>	Yes	<p>These issues have been discussed previously in this report and are considered acceptable.</p>
<b>4.6 Fences and walls</b>		
<ul style="list-style-type: none"> <li>Front fence to be provided where it is characteristic of the street</li> <li>Front fences must have a max proportion of two thirds solid to one third open design.</li> <li>Rear and side fences behind the building line must not exceed 1.8m in height and taper down from the front building line.</li> <li>Fences are to respond to the architectural character of the street in terms of materials used,</li> </ul>	Yes	<p>A front fence is provided on the northern site fronting Old South Head Road (Building A) which will be 1.2m at the street frontage increasing to a maximum of 1.4m for the structure housing the services fronting the street. Although marginally above the control, the majority of the fence is within the height control. This is consistent with both adjoining residential flat buildings and as such is not out of character with this part of the street.</p> <p>The front fence will be a combination of face brick to match the buildings or a painted and rendered masonry wall for the services cupboard. This will integrate the fencing with the design of the buildings.</p> <p>The other building fronting Old South Head Road, being Building C, will not have a front boundary fencing as the majority of this frontage will be used for vehicular and pedestrian access. The side</p>

Development Control	Compliance	Comment
<p>predominant height, vertical/horizontal rhythm and predominant setback.</p> <ul style="list-style-type: none"> <li>Fences are to clearly delineate between public, communal and private areas.</li> <li>Sightlines between pedestrians and vehicles exiting the site are not to be obscured and gates do not open over the public roadway or footpath or into parks.</li> </ul>		<p>boundary walls within the front setback step in height.</p> <p>The side boundary fencing is to be 1800mm from the existing ground level. The ground floor levels of all three buildings are predominantly excavated lower than the existing ground level. Along the boundaries of the site, particularly Building B which adjoins residential properties, raised planting has been incorporated to provide further privacy screening.</p> <p>Low height walls are provided on either side of the driveway toward the footpath to ensure sightlines for vehicles exiting the car park are available.</p>
<b>4.7 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>Car parking integrated into the design of the development</li> <li>Max 1 x 2 way vehicle access point</li> <li>Provided from secondary street or lane</li> <li>Pedestrian safety</li> <li>Basement parking should not contravene deep soil zone controls</li> </ul>	Yes	<p>The proposal provides a basement car park with the vehicular entry integrated into the design of the building. One 2-way entry and exit will be provided from the southern site fronting Old South Head Road.</p> <p>Adequate sightlines will be available to ensure pedestrian safety.</p> <p>Sufficient deep soil is retained on site.</p>
<b>4.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level and respond to pattern within the street</li> <li>Accessible entry</li> <li>Separate to vehicular entry</li> <li>Legible, safe, well-lit</li> </ul>	Yes	<p>Each of the three buildings has an entry from the ground level. Pedestrian paths are provided throughout the site from both street frontages on Old South Head Road to the entry lobby of each building.</p> <p>The pedestrian entries will be accessible and separate to the vehicular entry. Given the nature of this development with three separate buildings, signage may be required for wayfinding throughout the site. The entries should also be</p>

Development Control	Compliance	Comment
		well lit for safety. Conditions to this effect are included in Appendix A.
<b>4.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Comply with part B3-Landscaping and Biodiversity</li> <li>Minimum of 30% of site area landscaped</li> <li>50% of the above is to be deep soil</li> </ul>	Yes	<p>Refer to Table 6 of this report.</p> <p>Landscaped area and deep soil have been previously discussed in this report.</p>
<b>4.10 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss through design</li> <li>Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface.</li> <li>Views from public spaces to be maintained.</li> </ul>	Yes	<p>Refer to discussion following this table.</p> <p>No known public domain views would be impacted by the proposal.</p>
<b>4.11 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Dwellings to be orientated to the street with entrances and street numbering visible</li> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>Prevent overlooking of more than 50% of private open space of lower level dwellings in same development</li> </ul>	Yes	<p>Privacy has been discussed in Section 2.1.1 of this report.</p> <p>The dwellings fronting Old South Head Road are orientated toward the street. The remaining have balconies on the front and rear elevations or where there are the greatest separation distances from surrounding properties to limit privacy impacts. The windows and balconies, where privacy impacts may result, will be fitted with screening to inhibit overlooking of adjoining properties and cross-viewing within the development site.</p> <p>There are opportunities for overlooking of the ground level courtyards by the apartments above, however the ground level courtyards are generally</p>

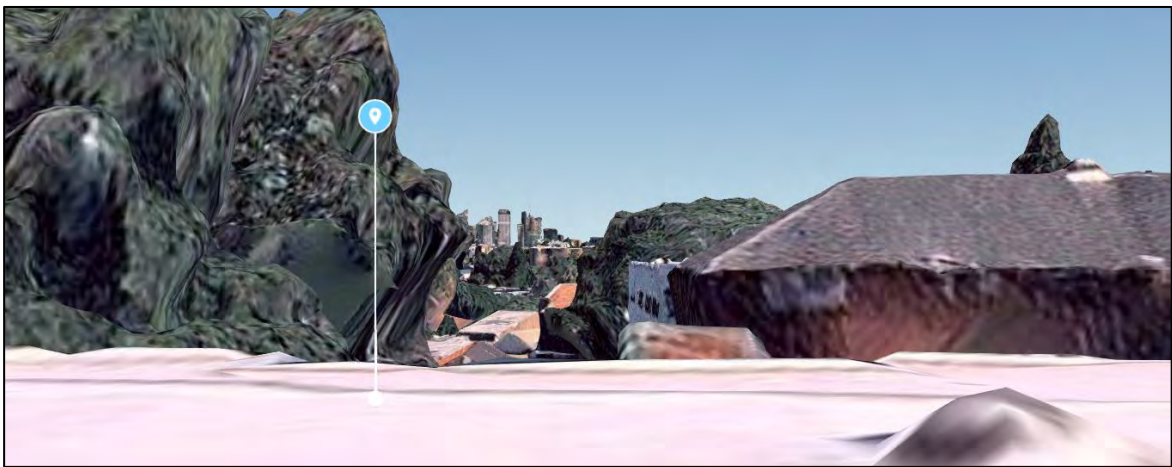
Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Privacy be considered in relation to context density, separation use and design.</li> </ul>		extensive and extend to within the side setbacks where privacy will be improved.
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Sound proofing through acoustic glazing</li> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	<p>The Acoustic Report has been previously discussed in this report.</p> <p>The configuration of each building is similar between levels ensuring that noisy areas are located adjoining each other.</p>
<b>3.21 Building services</b>		
<ul style="list-style-type: none"> <li>Outdoor Communal clothes drying area to be provided</li> <li>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> <li>Plant rooms away from entry communal and private open spaces and bedrooms.</li> <li>Building services setback from walls, edges and front entrances</li> <li>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge</li> </ul>	Yes	<p>There is sufficient communal space for the provision of an outdoor clothes drying area. A condition to this effect is included within Appendix A.</p> <p>The fire hydrant boosters and electrical substation have been integrated into the design of the building and front boundary wall as previously discussed in this report. The mailboxes are integrated into the boundary walls at the front of each site fronting Old South Head Road. Services and plant rooms are also located within the basement car park.</p> <p>Those services and plant that are located on the roof are set back from the roof edge and concealed by louvred screening. These services are set back a sufficient distance so as not to be readily viewed from the street.</p>

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

### View Impacts

During notification, objections from the adjoining property to the south of No. 575 were received which raised the issue of loss of views; however, the photos provided show a loss of outlook or district views rather than significant views.

There is the potential for a partial City skyline view between the existing building at No. 581A and the large, retained tree on the site from properties higher than the subject site to the east on Princess Street. **Figure 13** below is from manipulating NearMap which provides high resolution aerial imagery. This represents the potential view from the buildings to the east indicated on Google images in **Figure 14**. Notwithstanding, an assessment against the potentially affected view and the general planning principles articulated in [\*Tenacity Consulting v Warringah Council \[2004\] NSWLEC 140\*](#) is provided below.



**Figure 14:** Potential view from properties to the east, looking west to the City.



**Figure 15:** Google view of higher properties to the east of the site (the red brick building in the foreground is the existing RFB on the subject site battle-axe portion)



This view would be achieved over the single storey semi-detached dwellings at No. 575 and 577 Old South Head Road where a compliant development form on this site would result in the loss of this view. It would also be lost due the location and the compliant building height of Building B. It is likely that the plant height which exceeds the development standard would impact only on sky views and not the significant City skyline view.

From analysis, it is considered that that part of the proposal compliant with the height development standard would substantially impact upon any view achieved. There is the potential for further view impacts from properties further to the east however any view from properties to the east of the site would be over the side boundary of the subject site or the affected site. In this regard, the likely view impacts upon properties to the east of the site would be largely due to the compliant building forms upon the subject site which is an unfortunate consequence of the redevelopment of the site to a higher density as anticipated by the controls.

Given the above analysis it is considered that any potential view impact from surrounding properties is not unreasonable.

### 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 has been notified three times since it was first in accordance with the *Waverley Community Development Participation and Consultation Plan*.

The original proposal was notified for 21 days from 10 to 31 July 2020 and a site notice erected. This notification received 18 submissions.

The first amended proposal was re-notified for 21 days from 17 December 2020 to 4 February 2021 (noting that the period from 20 December 2020 to 10 January 2021 is excluded as per the requirements of Schedule 1, Clause 16 of the Environmental Planning and Assessment Act 1979). This notification received 9 submissions.

The final amended proposal was notified for 14 days from 18 June to 2 July 2021. This notification received 4 submissions.

Further refinement of the proposal has subsequently occurred since submission of the final scheme with the final plans received by Council on 1 September 2021. These final plans nominate the finishes on the

plans and reduce the plant screening at the roof level marginally. Due to the minor changes that do not increase impacts upon surrounding properties, these plans were not renotified.

**Table 8: Properties from where submissions were received:**

Count	Property Address
1.	4 Roberts Road, Rose Bay
2.	6 Roberts Road, Rose Bay
3.	10 Roberts Road, Rose Bay
4.	16 Roberts Road, Rose Bay
5.	1 Princess Street, Rose Bay
6.	3 Princess Street, Rose Bay
7.	672 Old South Head Road, Rose Bay
8.	115 New South Head Road, Vaucluse
9.	20 Clarke Street, Vaucluse
10.	3/571 Old South Head Road, Rose Bay
11.	4/571 Old South Head Road, Rose Bay
12.	5/571 Old South Head Road, Rose Bay
13.	8/571 Old South Head Road, Rose Bay
14.	9/571 Old South Head Road, Rose Bay
15.	1/579 Old South Head Road, Rose Bay ( <i>proforma</i> )
16.	2/579 Old South Head Road, Rose Bay ( <i>proforma</i> )
17.	3/579 Old South Head Road, Rose Bay ( <i>proforma</i> )
18.	4/579 Old South Head Road, Rose Bay ( <i>proforma</i> )
19.	5/579 Old South Head Road, Rose Bay ( <i>proforma</i> )
20.	6/579 Old South Head Road, Rose Bay ( <i>proforma</i> )

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

- Height, bulk and scale
- FSR (density)
- Materials and finishes
- Privacy
- Traffic and parking
- Overshadowing
- Inadequate landscaping and green space
- Garbage
- Excavation and structural issues
- Streetscape and character
- Setbacks
- Stormwater
- Safety
- Loss of district views and outlook

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

**Issue:** Increased crime due to the affordable housing apartments.

**Response:** The demographic profile of future residents of the proposed development cannot be used to reasonably refuse development consent.

**Issue:** Health implications and noise from the substation.

**Response:** A substation is necessary for the development. Impacts from a substation are not unlikely to be unreasonable as to warrant the refusal of the application.

**Issue:** Loss of property value.

**Response:** This is not a planning issue.

**Issue:** Construction issues.

**Response:** Disturbance or potential impacts due to construction are not matters for consideration under the Act. Appropriate conditions of consent regarding construction, in addition to the prescribed conditions under the Act, are included in Appendix A.

**Issue:** Impacts upon flora and fauna.

**Response:** As discussed throughout this report, a number of trees are being retained and those to be removed are to be replaced with extensive landscaping and replacement trees.

**Issue:** Noise, smells and fumes from BBQ area.

**Response:** The proposal includes a BBQ area within the communal open space area internal to the site. This area adjoins the rear yards of surrounding residential dwellings. The provision of a BBQ on a residential site for the use of residents (ie, not a commercial venture) is not considered unreasonable and noise/smells/fumes from the use of such an area could be reasonably anticipated within a residential zone, much like the use of the rear open spaces of adjoining dwellings.

Notwithstanding, the architectural plans provide no details of the structure with the landscaping plan only indicating the footprint and that it has a height of 2.4m. Council officers requested that the BBQ area be shown on the plans however insufficient detail has been provided. In this regard a condition is recommended removing this structure from the proposal.

It should be noted however that BBQs and other structures are permitted under State Environmental Planning Policy (Exempt and Complying Development Codes) 2009 (Codes SEPP) subject to specific criteria. Any structure that exceeds these standards will require separate development consent.

**Issue:** Is there sufficient space in schools to accommodate apartments.

**Response:** The site is zoned for medium density development and as such, the proposal is of a density anticipated by the zoning.

## 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. Strategic Planning

Conditions were recommended regarding the provision of affordable housing which are included in Attachment A.

### 3.2. Traffic and Development

Conditions were recommended which are included in Attachment A.

### 3.3. Stormwater

Conditions were recommended which are included in Attachment A. Additionally, the following comment was provided in relation to access to the stormwater culvert along the south boundary of the rear site (No. 581A):

*Prior to approval, to ensure that there is easy access to inspect and maintain the open channel that traverses through the property, the landscaping will need to be modified to ensure that:*

- *There is at least a 1.5 m wide gap in between any raised planting; and*
- *There is a straight path (i.e. no zig-zags).*

*In addition, the channel needs to be fenced off with a 100 mm gap from the underside of the gate to the ground with a gate to access the channel for maintenance purposes. Details of the proposed fencing shall be submitted to Council for review and approval.*

The issue of access to the open channel was raised by stormwater engineers only during assessment of the final set of amended plans. Notwithstanding, this has been forwarded to the Applicant's representative who advised that this could be accommodated and as such, a condition to this effect is included in Appendix A.

### 3.4. Tree Management

Conditions were recommended which are included in Attachment A.

### 3.5. Public Domain

Conditions were recommended which are included in Attachment A.

### 3.6. Waste and Recycling

Conditions were recommended which are included in Attachment A.

### 3.7. Urban Design

Comments were not provided by the time of writing of this report in regard to the final amended plans. However, it should be noted that the comments received from Council's Urban Designer to the original proposal have been addressed by the amended plans.

Refer to comments by the DEAP in section 2.1.1 of this report for further comments regarding the urban design of the development.

### 3.8. Land Information (GIS)

Conditions were recommended which are included in Attachment A.

### 3.9. Environmental Services (Green Travel Plans)

At the time of writing of this report, no comments had been provided. Notwithstanding, a relevant condition is included in Appendix A.

### 3.10. Environmental Services (Sustainability)

The proposal was assessed in regard to BASIX and NatHERS and found satisfactory with no further action recommended.

## 4. CONCLUSION

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

#### *Development and Building Unit (DBU) Decision:*

The application was reviewed by the DBU at the meeting on 24/08/2021 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 development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Kylie Lucas	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (North/South) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 03/09/2021	Date: 13 September 2021

### *Reason for WLPP referral:*

1. Contentious development (10 or more objections)
2. Departure from any development standard in an EPI by more than 10%
3. Sensitive development:
  - (a) SEPP 65 development

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by DJRD Architects of Project No: 19 448 including the following:

<b>Plan Number and Revision</b>	<b>Plan description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
A1.101 Rev. S	Basement 2 Plan	25/08/2021	01/09/2021
A1.102 Rev. T	Basement 1 Plan	25/08/2021	01/09/2021
A1.103 Rev. U	Ground Level Plan	25/08/2021	01/09/2021
A1.104 Rev. S	Level 1 General Arrangement Plan	25/08/2021	01/09/2021
A1.105 Rev. S	Level 2 General Arrangement Plan	25/08/2021	01/09/2021
A1.106 Rev. S	Level 3 General Arrangement Plan	25/08/2021	01/09/2021
A1.107 Rev. L	Roof General Arrangement Plan	25/08/2021	01/09/2021
A2.001 Rev. Q	Elevations Sheet 1	25/08/2021	01/09/2021
A2.002 Rev. Q	Elevations Sheet 2	25/08/2021	01/09/2021
A2.003 Rev. D	Elevations Sheet 3	25/08/2021	01/09/2021
A2.501 Rev. S	Sections Sheet 1	25/08/2021	01/09/2021
A2.502 Rev. R	Sections Sheet 2	25/08/2021	01/09/2021
A2.503 Rev. R	Sections Sheet 3	25/08/2021	01/09/2021
A8.201 Rev. H	ADG Sheet 2	25/08/2021	01/09/2021
A9.100 Rev. K	Materials	25/08/2021	01/09/2021

(b) Landscape Plan Nos. A1-1, A2-1, A2-2, A2-3, A2-4, all Revision F, and documentation prepared by Starr Landscapes, dated 27/08/2021 and received by Council on 01/09/2021.

(c) BASIX and NatHERs Certificates.

(d) Traffic and Parking Assessment Ref 20086 Issue H prepared by Transport and Traffic Planning Associated dated June 2021 and received by Council on 17/06/2021.

(e) DA Acoustic Assessment reference 20210022.1/2508A/R0/AZ prepared by Acoustic Logic dated 25/08/2021 and received by Council on 01/09/2021.

(f) Arborist Report prepared by Stuart Sutton EziGrow dated 21/04/2020 and received by Council on 06/07/2020.

(g) Geotechnical Desktop Study prepared by EI Australia dated 21 April 2020 and received by Council on 06/07/2020.

- (h) Green Travel Plan reference 20086 prepared by Transport and Traffic Planning Associates received by Council on 06/07/2020.

Except where amended by the following conditions of consent.

## **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) The BBQ area, including the patio/pergola over, is to be deleted from the proposal due to insufficient information provided. Please consult State Environmental Planning Policy (Exempt and Complying Development Codes) 2009 for a similar structure or otherwise separate development consent is required for these structures.
- (b) The privacy blades to windows on the ground floor level that extend into the communal walkways are to be replaced with alternative privacy measures that do not inhibit pedestrian pathways and access, such as screening directly on the window, obscure glass or other means approved by Council.
- (c) An outdoor communal clothes drying area in a sunny, accessible position is to be provided.
- (d) Photovoltaic cells are to be provided on the roof of each building for improved energy efficiency. The photovoltaic cells are to be installed flush with the roof.
- (e) A clear pathway from the street to the drainage culvert along the southern boundary of No. 581A Old South Head Road is to be provided through the site. The pathway is to be designed to enable easy access to inspect and maintain the open channel and must be a straight with a minimum width of 1.5 m and clear of structures (including landscaping planting).

In addition, the channel needs to be fenced off with a 100 mm gap from the underside of the gate to the ground with a gate to access the channel for maintenance purposes. Details of the proposed fencing shall be submitted to Council for review and 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. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)**

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.

## **4. AFFORDABLE HOUSING**

The following condition is imposed in accordance with Clause 17 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*:

For 10 years, commencing from the date of issue of any Occupation Certificate;

- (a) All seven (7) apartments in Building C as nominated on the approved plans contained in condition 1 of this consent are to be used for the purposes of 'affordable housing', as defined in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*,
- (b) All accommodation that is used for affordable housing must be managed by a registered community housing provider,

A restriction as to user must be registered against the title of the property in accordance with section 88E of the *Conveyancing Act 1919* which restricts the use of any accommodation to which this development consent relates.

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

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

### **GENERAL REQUIREMENTS**

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

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

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

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

#### **6. SECTION 7.12 CONTRIBUTION**

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

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

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

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

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

## **7. SECURITY DEPOSIT**

A deposit (cash or cheque) or guarantee for the amount of **\$350 000** 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.

## **PLAN DETAILS**

## **9. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)**

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having



regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

#### **10. BASEMENT STORAGE**

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment.

Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

#### **11. ADAPTABLE HOUSING**

A minimum of 20% of the apartments in the development are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

#### **12. UNIVERSAL HOUSING**

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupant's over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2012*.

### **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. ENGINEERING DETAILS**

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

## **17. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING DEVELOPMENTS**

Evidence is to be provided to the Principal Certifier that arrangements have been made for:

- (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

## **18. 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.

## **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:

## **20. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM**

A vehicle priority system (mirrors etc.) or traffic light system shall be provided for driveways and ramps which have access via a single lane to or from car parking spaces. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issue of the Construction Certificate.

## **21. SWEPT PATH DRAWINGS**

Vertical swept wheel path drawings showing the ground clearance of a vehicle from Old South Head Road to the basement level are to be approved by Council's Executive Manager, Infrastructure Services, or delegate prior to the issue of any Construction Certificate. The drawings shall:

- Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking along the centreline of the driveway and ramp.
- Show the kerb and gutter, driveway, footpath and ramp to the basement.

## **STORMWATER & FLOODING**

### **22. 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 services plans prepared by Greenarrow Hydraulic Pty Ltd., Project No. 220-1915, Drawing No. STW-000, STW-100, STW-101, STW-102, STW-103, STW-104, STW-105, STW-106 & STW-107 (Revision A), dated 24/06/2020, are considered concept only.

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

- a) The plans shall provide details of any proposed On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. Council's mandatory OSD checklist as set out in page 22 of the Council's Water Management Technical Manual shall be submitted.
- b) A certificate from a registered structural engineer certifying the structural adequacy of any below ground OSD tank structure shall be submitted.
- c) Any amendments to the architectural drawings shall be incorporated into the plan.

- d) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the drainage infrastructure on Old South Head Road (independent of the OSD system).
- e) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system shall be included.
- f) Seepage water must not be directly or indirectly discharged to the street gutter.
- g) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided.
- h) A long section of the connection to any below ground stormwater drainage infrastructure shall be provided and its details shall be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- i) As the calculated site discharge is more than 25 L/s, stormwater from the site shall be connected directly to the below ground drainage system on Old South Head Road.

Notes:

- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- Council's contact for infrastructure assessment: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).
- Council must be notified prior to any works being carried out on the existing stormwater infrastructure on Old South Head Road. An inspection must be made by a Council officer prior to the commencement of works. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.

## **ENERGY EFFICIENCY & SUSTAINABILITY**

### **23. BASIX**

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

### **24. ENERGY EFFICIENCY**

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2012*, which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Co-ordinator Sustainable Energy prior to the issue of a Construction Certificate for any works above ground level.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

## WASTE

### **25. 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.

### **26. WASTE STORAGE AREAS**

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development.

- **Residential (26 x 2-3 bedroom units)**
  - 5 x 660L Mobile Garbage Bins (MGBs) for general waste with a weekly collection
  - 5 x 660L MGBs for paper and cardboard recycling with a fortnightly collection
  - 5 x 660L MGBs for container recycling with a fortnightly collection
  - 1 x 240L MGB for garden organics, should this type of waste be generated at the premises
- A minimum of 5m<sup>2</sup> floor space for household bulky waste waiting for collection
- A minimum of 1m<sup>2</sup> floor space for problem waste storage (e.g. electronic waste or textile waste) waiting for collection
- 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.

## PUBLIC DOMAIN

### **27. PUBLIC DOMAIN IMPROVEMENTS**

The public domain is to be upgraded along Old South Head Road frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- Pedestrian footpath
- Vehicular crossing
- Kerb and gutter
- Street lighting and undergrounding of powerlines
- Stormwater infrastructure located within the Council road reserve
- Street tree plantings and landscape



## 28. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional to be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The applicant must submit plans and specifications for the following infrastructure works to Council's Public Domain Engineer:

- a) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing Old South Head Road along the full frontage of the site. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage. The existing paved footpath traversing the Old South Head Road frontage to be upgraded to comply with the local village centre precinct, in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath material, profile and street furniture details traversing the frontage to be advised by Council.
- b) Street Trees: Minimum of three (3) street trees shall be planted along the Old South Head Road street frontage. All trees proposed within the Council verge will require installation of the suitable tree pits, surrounds and root barriers. Replenish and returf the existing Council verge for the full frontage of the development.

The tree species and location shall not interfere with the local pedestrian and/or traffic activities. All the proposed tree species, locations and sizes are to be approved by Council's Officer prior to commencement of public domain works.

- c) Street Lights: Make provision for a new street lights serviced by metered underground power and on a multifunction poles (MFP) on Old South Head Road. All existing light columns traversing the development frontage shall be removed, and the associated overhead power/utility lines shall be routed underground.
- d) Transport for NSW (TfNSW) Plan Approval: The design and construction of the vehicular crossing, stormwater infrastructure, kerb and gutter within Old South Head Road shall be approved by TfNSW and to the satisfaction of Waverley Council. Details of the necessary TfNSW requirements should be obtained.

Approved correspondence to be submitted to Council prior to the issue of a construction certificate and commencement of any Public Domain works within Old South Head Road.

\*Note Council will provide final approval once TfNSW approval is granted.

- e) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.

- f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

Note: Council's contact for public domain: E-mail: [assets@waverley.nsw.gov.au](mailto:assets@waverley.nsw.gov.au) or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

## **29. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

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

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

### **PRIOR TO ANY WORKS**

## **30. CONSTRUCTION SIGNS**

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

## **31. 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

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

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

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

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

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

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

### **34. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

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

### **35. EXCAVATION AND BACKFILLING**

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

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

### **CONSTRUCTION MATTERS**

### **36. CONSTRUCTION HOURS**

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

- (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.

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

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

### **38. CONSTRUCTION INSPECTIONS**

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

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

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

#### 40. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

#### TREE PROTECTION AND REMOVAL

#### 41. TREE REMOVAL

Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property.

##### Trees to be removed:

Tree No.	Species	Location	Action
1	<i>Callistemon sp.</i>	On site	Remove as per Arborist report.
2	<i>Celtis sp.</i>	On site	Remove as per Arborist report
3	<i>Senna pendula</i>	On site	Remove as per Arborist report
4	<i>Cupressocyparis sp</i>	On site	Remove as per Arborist report
5	<i>Ligustrum sp.</i>	On site	Remove as per Arborist report
6	<i>Syzigium sp.</i>	On site	Remove as per Arborist report
7	<i>Eucalyptus botryoides</i>	On site	Remove as per Arborist report
17	<i>Persea americana</i>	On site	Remove as per Arborist report

##### Trees to be retained and protected:

Tree No.	Species	Location	Action
8	<i>Eucalyptus botryoides</i>	On site	Retain and protect
9	<i>Eucalyptus botryoides</i>	On site	Retain and protect

##### Trees to be retained and protected on adjoining sites:

Tree No.	Species	Location	Action
10	<i>Cupressocyparis sp</i>	adjacent properties	Retain and protect



11	<i>Banksia integrifolia</i>	adjacent properties	Retain and protect
12	<i>Eucalyptus botryoides</i>	adjacent properties	Retain and protect
13	<i>Liquidambar styraciflua</i>	adjacent properties	Retain and protect
14	<i>Eucalyptus botryoides</i>	adjacent properties	Retain and protect
15	<i>Liquidambar styraciflua</i>	adjacent properties	Retain and protect
16	<i>Eucalyptus botryoides</i>	adjacent properties	Retain and protect
18	<i>C. anacardioides</i>	adjacent properties	Retain and protect
19	<i>Cupressocyparis sp</i>	adjacent properties	Retain and protect
20	<i>Syzigium sp.</i>	adjacent properties	Retain and protect
21	<i>Syzigium sp.</i>	adjacent properties	Retain and protect
22	<i>Syzigium sp.</i>	adjacent properties	Retain and protect
23	<i>Camellia sasanqua</i>	adjacent properties	Retain and protect

#### 42. 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.

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.

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.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted,

when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.

If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an '*Application to Prune or Remove Trees on Private Property*' is then to be presented to Council for processing.

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

### **43. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed basement car park. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

### **44. EXISTING VEHICLE CROSSINGS ARE TO BE CLOSED**

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

### **45. VEHICULAR ACCESS - FINISHED LEVEL**

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

### **46. PRE-CONSTRUCTION DILAPIDATION REPORT**

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath

- Drainage pits and lintels
- Traffic signs
- Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

#### **47. PUBLIC DOMAIN ENGINEERING INSPECTIONS**

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's Public Domain Engineer for the kerb and gutter, stormwater, footpath paving, street landscape and street lighting hold points.

All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.

### **STORMWATER**

#### **48. PRE-CONSTRUCTION STORMWATER PIPE CCTV AND OPEN CHANNEL DILAPIDATION REPORT**

Prior to the issue of the Construction Certificate, an internal inspection of the stormwater conduit on Old South Head Road (between Roberts Street and Princess Street) to determine its structural condition must be carried out by a Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to Council's Executive Manager, Infrastructure Services (or delegate) engineer for its review.

A report on the existing open channel traversing 581A Old South Head Road to determine its condition must be carried out by a suitably qualified and practising civil engineer. The report is to be submitted to Council's stormwater engineer for its review.

Any works on the stormwater conduit or open channel shall not commence until given approval by Council.

### **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

### **49. 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.

### **50. RESTRICTION AS TO USER – AFFORDABLE HOUSING**

A restriction as to user must be registered in accordance with section 88E of the Conveyancing Act 1919 on the title which restricts the use of any accommodation to which this development consent relates.

The terms of the restriction as to user are to be approved by Council in writing prior to registration. The Council shall be the party who has the right to modify or extinguish the restriction. All legal costs associated with the registration of the restriction is to be borne by the owner.

### **51. CERTIFICATION OF ACOUSTIC PERFORMANCE**

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.

### **52. CERTIFICATION OF ALL MECHANICAL PLANT**

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

### **53. CERTIFICATION OF BASIX COMMITMENTS**

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

### **54. CERTIFICATION OF APPROVED DESIGN**

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

## **55. CERTIFICATION OF LANDSCAPING**

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

## **56. 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.

## **57. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN**

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

## **58. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN**

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

## **59. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**

Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Council confirming that all works in the road reserve including all public domain infrastructure works and restoration, have been completed to Council's satisfaction.

## **60. STREET LIGHTING**

The consultant shall liaise with Council in obtaining Council's requirements and specifications for the street columns and components, including the appropriate LED luminaire to service the development frontages. LED luminaire columns shall be supplied and installed to meet pedestrian compliance standards.

New lighting shall be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces. Plans shall be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Councils Public Domain Engineer for approval prior to lodgement of the scheme with Ausgrid for their approval.



Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Public Domain Engineer regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

#### **61. WAYFINDING THROUGH THE SITE**

Appropriate wayfinding signage and lighting shall be installed throughout the site prior to the issue of an Occupation Certificate.

#### **VEHICLE ACCESS AND PARKING**

#### **62. CAR PARKING**

A total of **39** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 22 residential parking spaces allocated to the non-affordable housing apartments
- (b) 12 residential parking spaces allocated to the affordable housing apartments
- (c) 5 residential visitor parking spaces
- (d) At least 10% of all the car parking spaces are to be allocated as accessible parking spaces and be shared amongst the residential, visitor and commercial spaces where applicable.

Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces are to be appropriately signposted and parked.

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

#### **63. BICYCLE PARKING**

A total of 29 bicycle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 26 residential bicycle spaces
- (b) 3 visitor bicycle spaces

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks. Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

#### **64. ALLOCATION OF STREET NUMBER**

The consolidation of the properties/parcels has led to the following allocation of address numbering:

- 575 - primary address site number
- Old South Head Road - primary address site location.

The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary located near the entry point(s) and clearly visible from Old South Head Road.

As the redevelopment has multi-level sub addressing the following sub addressing will apply;

- All sub premises numbers must be unique,
- The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
- For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,
- Buildings will be allocated an identifies A, B and C and will prefix each unit number ie A307
- Sub premises numbers must not be duplicated regardless of the prefix.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation/Subdivision Certificate.

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

#### **STORMWATER**

#### **65. ON-SITE STORMWATER DETENTION CERTIFICATION**

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

#### **66. 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.

## **67. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**

- a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, the detention facility 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.

## **68. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of any pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of any pump out system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

## **69. POST-CONSTRUCTION STORMWATER PIPE CCTV AND OPEN CHANNEL DILAPIDATION REPORT**

Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on the existing pipeline Old South Head Road (between Roberts Street and Princess Street). This is to ensure that the stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.

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

A post-construction report on the existing open channel traversing 581A Old South Head Road to verify its condition has not worsened due to the development must be carried out by a suitably qualified and practising Civil Engineer. The report is to be submitted to Council's Executive Manager, Infrastructure Services (or delegate) for its review and approval.

## **MANAGEMENT PLANS**

### **PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) for approval prior to the issue of an Occupation Certificate 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 and storage area for bulky household waste and problem waste must be displayed.
- (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (g) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
- (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

## **E. OPERATIONAL MATTERS**

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

### **70. VEHICLE ACCESS**

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

Any vehicle utilising a car, motorcycle or bicycle space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

### **71. ADJUSTMENTS TO STREET SIGNS**

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements.

### **72. ONGOING MAINTENANCE – STORMWATER DRAINAGE**

Council will need to be provided with an OSD Maintenance Schedule that supports the routine maintenance activities. At a minimum, the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

### **73. 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.

#### **74. 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.
- (a) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

### **F. TRANSPORT FOR NSW CONDITIONS OF CONCURRENCE**

#### **75. STRUCTURES WITHIN THE SITE**

All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Old South Head Road boundary.

#### **76. VEHICULAR CROSSING AND DRAINAGE WORKS**

The reconstruction of the vehicular crossings and drainage works on Old South Head Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@transport.nsw.gov.au](mailto:developerworks.sydney@transport.nsw.gov.au).

Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. It is advised that direct stormwater pipe connections to the drainage system within the road is not permitted unless a stormwater pit is constructed. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.



## **77. DESIGN DRAWINGS - EXCAVATION**

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

## **78. DESIGN DRAWINGS - STORMWATER**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

## **79. VEHICLES**

All vehicles shall enter and exit the site in a forward direction.

## **80. DRIVEWAY DESIGN**

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.

## **81. PUBLIC UTILITIES**

7. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## **82. NO STOPPING SIGNAGE – OLD SOUTH HEAD ROAD**

‘No Stopping signage’ shall be installed along the Old South Head Road frontages of the development, at no cost to TfNSW.

### **83. CONSTRUCTION VEHICLES**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

### **84. ROAD OCCUPANCY LICENCE**

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Old South Head Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

## **ADVISORY MATTERS**

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

### **AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**

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

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

### **AD2. SYDNEY WATER REQUIREMENTS**

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

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

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

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

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

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

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

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

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

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

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

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

#### **AD7. MANAGEMENT OF ACIDIC SULFATE SOIL**

Following the demolition stage, but prior to the construction stage, further investigations for Acid Sulfate soils shall be undertaken by a suitably qualified expert. Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement and Concrete Association of Australia Technical Note TN57 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
  - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
  - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

#### **AD8. POTENTIAL DEWATERING OF THE SITE**

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

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

#### **AD9. TREE REMOVAL/PRESERVATION**

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

#### **AD10. WORK OUTSIDE PROPERTY BOUNDARY**

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

**AD11. 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.

**AD12. PUBLIC UTILITIES AND SERVICE ALTERATIONS**

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

**AD13. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**

Prior to commencement of the public domain works notice shall be submitted to Council's Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

**AD14. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING**

To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.

**AD15. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**

The issue of a final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.

To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.



# DEVELOPMENT APPLICATION - PROPOSED RESIDENTIAL DEVELOPMENT

## 575, 577, 581, 581A, OLD SOUTH HEAD ROAD, ROSE BAY

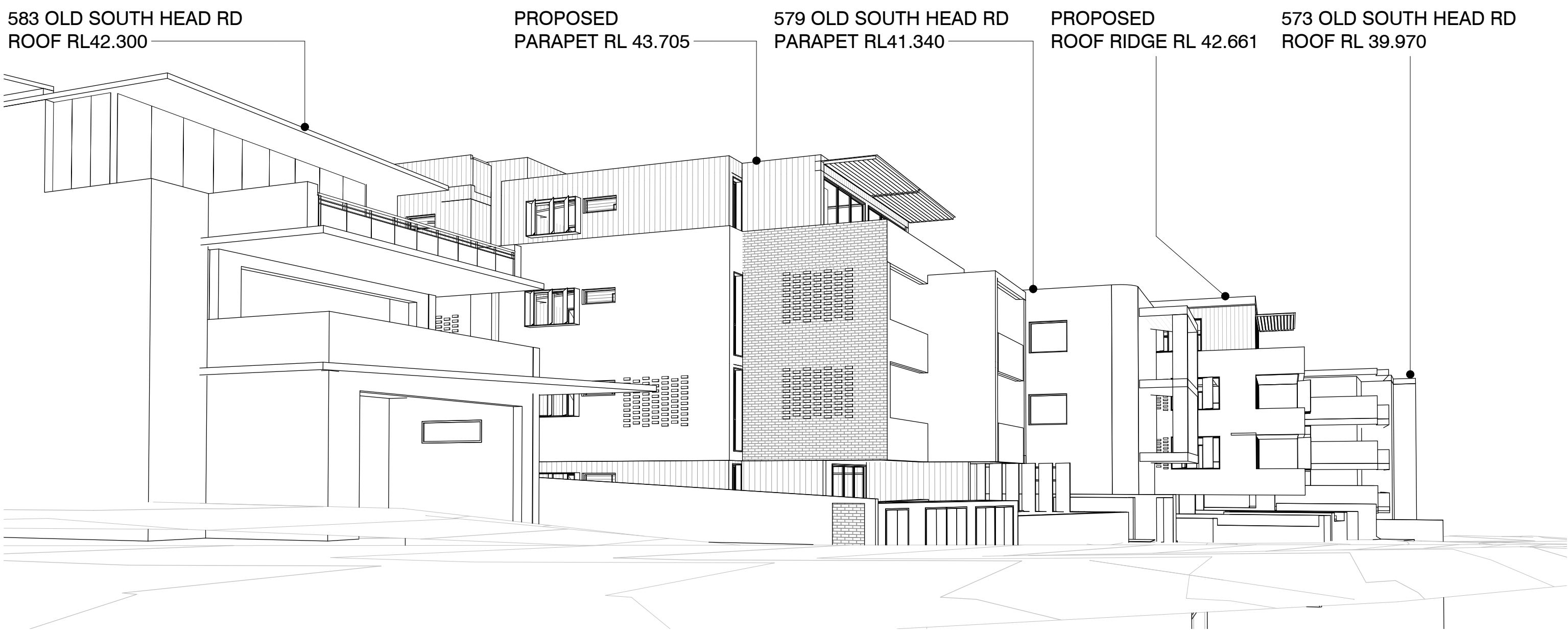


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PHOTOMONTAGE FROM OLD SOUTH HEAD ROAD LOOKING SOUTH EAST



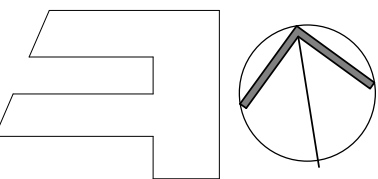
STREET LEVEL VIEW

### DRAWING LIST

DWG #	REV	Current Revision Date	DRAWING TITLE
A0.100	R	25/08/21	COVER PAGE
A0.101	K	21/05/21	SITE ANALYSIS PLAN
A0.102	J	21/05/21	SITE AERIAL PHOTO
A1.101	S	25/08/21	BASEMENT 2 PLAN
A1.102	T	25/08/21	BASEMENT 1 PLAN
A1.103	U	25/08/21	GROUND LEVEL PLAN
A1.104	S	25/08/21	LEVEL 1 GENERAL ARRANGEMENT PLAN
A1.105	S	25/08/21	LEVEL 2 GENERAL ARRANGEMENT PLAN
A1.106	S	25/08/21	LEVEL 3 GENERAL ARRANGEMENT PLAN
A1.107	L	25/08/21	ROOF GENERAL ARRANGEMENT PLAN
A1.700	H	21/05/21	ADAPTABLE APARTMENTS
A2.001	Q	25/08/21	ELEVATIONS SHEET 1
A2.002	Q	25/08/21	ELEVATIONS SHEET 2
A2.003	D	25/08/21	ELEVATIONS SHEET 3
A2.501	S	25/08/21	SECTIONS SHEET 1
A2.502	R	25/08/21	SECTIONS SHEET 2
A2.503	R	25/08/21	SECTIONS SHEET 3
A8.100	Q	21/05/21	SCHEDULES
A8.200	P	21/05/21	ADG SHEET 1 AND NATHERS + BASIX
A8.201	H	25/08/21	ADG SHEET 2
A8.300	O	21/05/21	SHADOW DIAGRAM WINTER 9AM
A8.301	O	21/05/21	SHADOW DIAGRAM WINTER 12PM
A8.302	O	21/05/21	SHADOW DIAGRAM WINTER 3PM
A8.303	D	21/05/21	SHADOW DIAGRAM WINTER REAR 1
A8.304	D	21/05/21	SHADOW DIAGRAM WINTER REAR 2
A8.310	G	21/05/21	SUN VIEWS
A9.001	G	21/05/21	PERSPECTIVES SHEET 1
A9.002	G	21/05/21	PERSPECTIVES SHEET 2
A9.100	K	25/08/21	MATERIALS

ISSUE	DATE	SUBJECT	AUTHORISED	ISSUE	DATE	SUBJECT	AUTHORISED
J	07/05/20	ISSUED FOR REVIEW	GM	Q	21/05/21	AMENDED DA SUBMISSION	
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E	26/02/20	ISSUED FOR REVIEW	GM	L	27/11/20	AMENDED DA REVIEW	ARH
D	20/02/20	ISSUED FOR REVIEW	GM	K	28/05/20	DA SUBMISSION	GM

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Amended Development Application

PROJECT

NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

CLIENT

NEW(\*)SPACE CONSTRUCTIONS

AUTHORISED FOR ISSUE

DIRECTOR

DATE

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Author B1 25/08/21

DESCRIPTION  
COVER PAGE

PROJECT No DRAWING No REVISION

19 448 A0.100 R

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7.7

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NATIONWIDE HOUSE

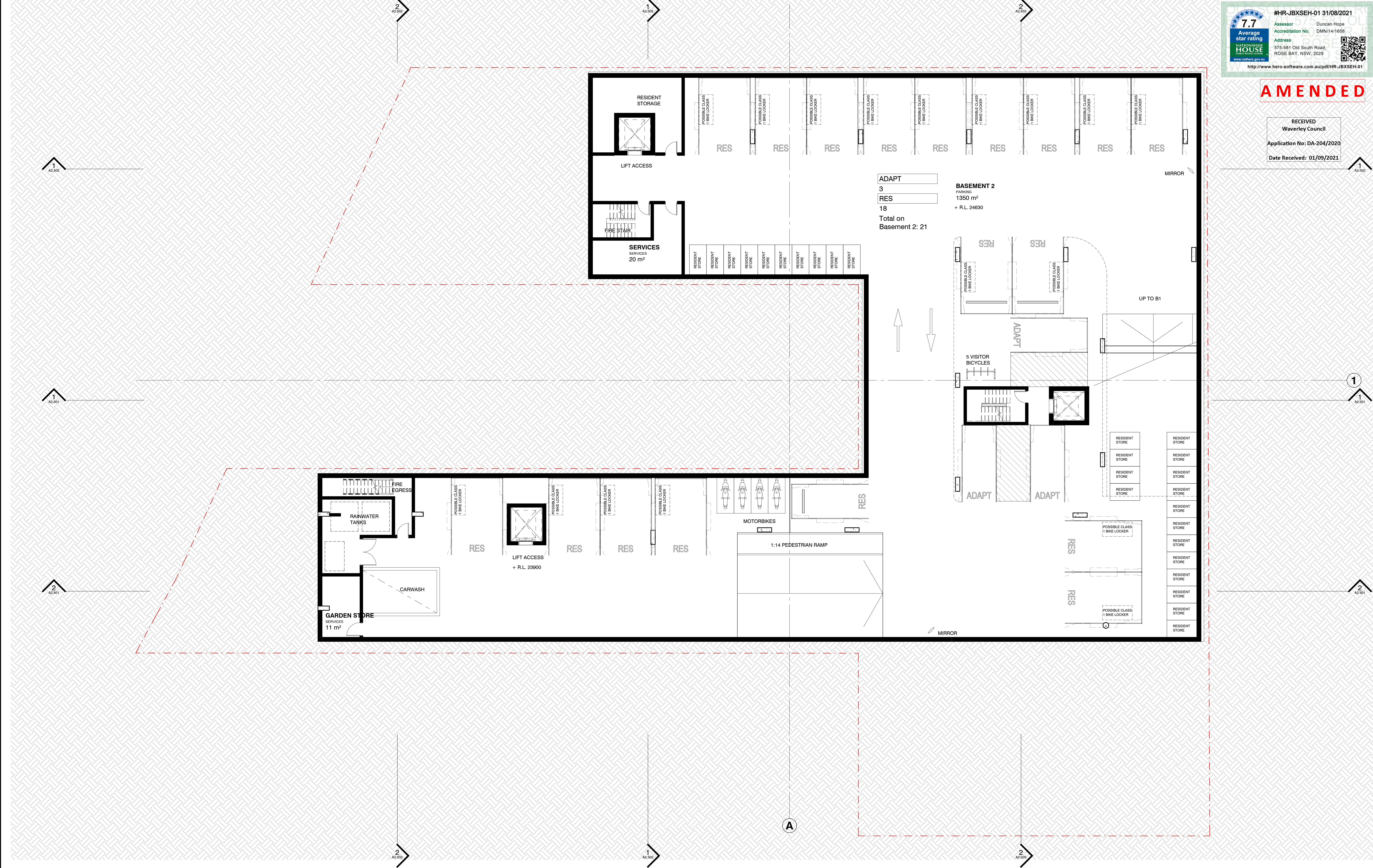
HERO3 RATING SYSTEM

www.hero3.com.au

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Assessor: Duncan Hope  
Accreditation No: DMN/14/1658  
Address: 575-581 Old South Road, ROSE BAY, NSW, 2029  
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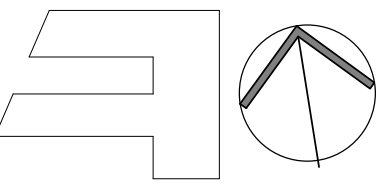
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NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

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DESCRIPTION  
BASEMENT 2 PLAN

PROJECT No DRAWING No REVISION

19 448 A1.101 S

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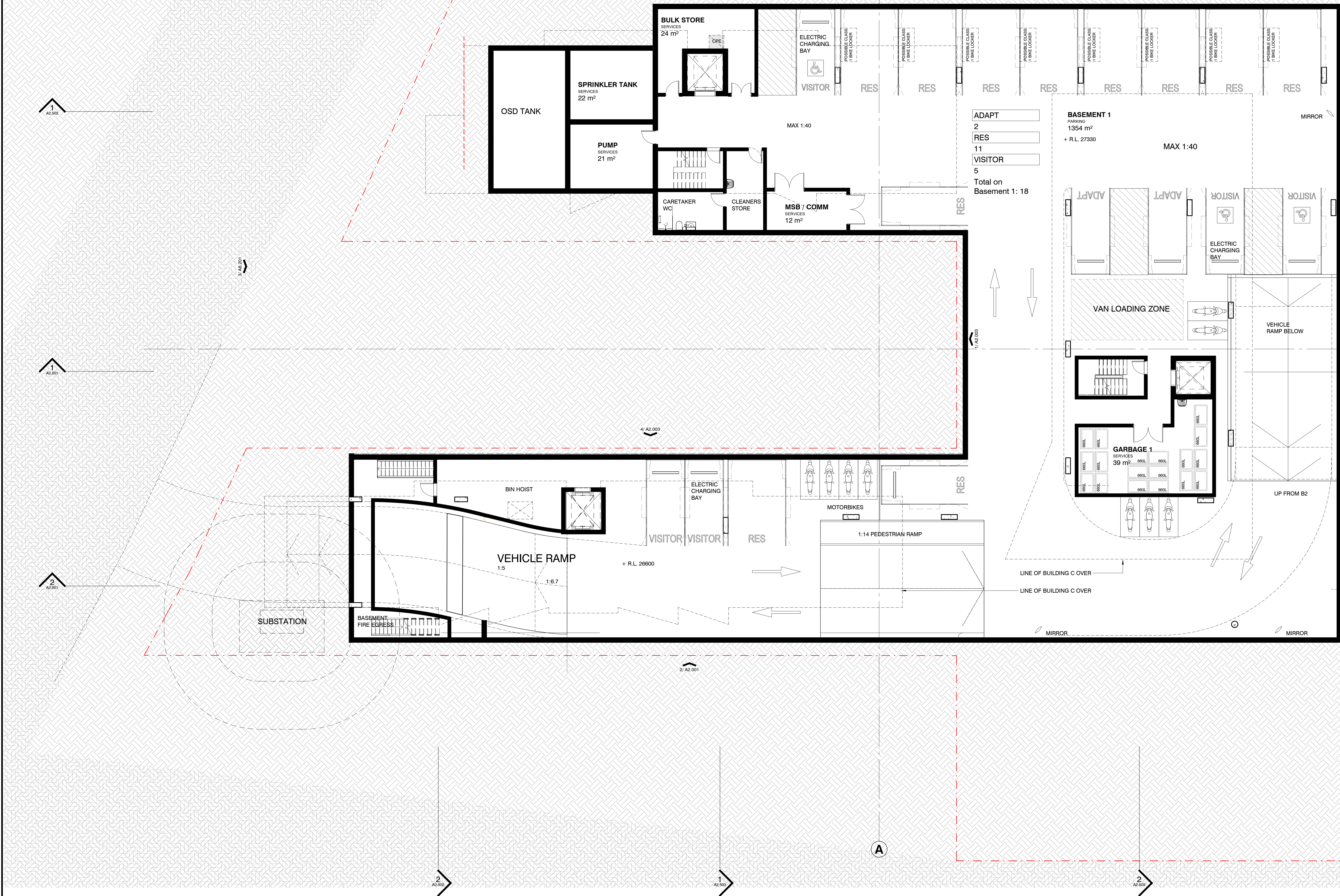
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Old South Head Road, Rose Bay

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DESCRIPTION

**BASEMENT 1 PLAN**

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19 448

A1.102

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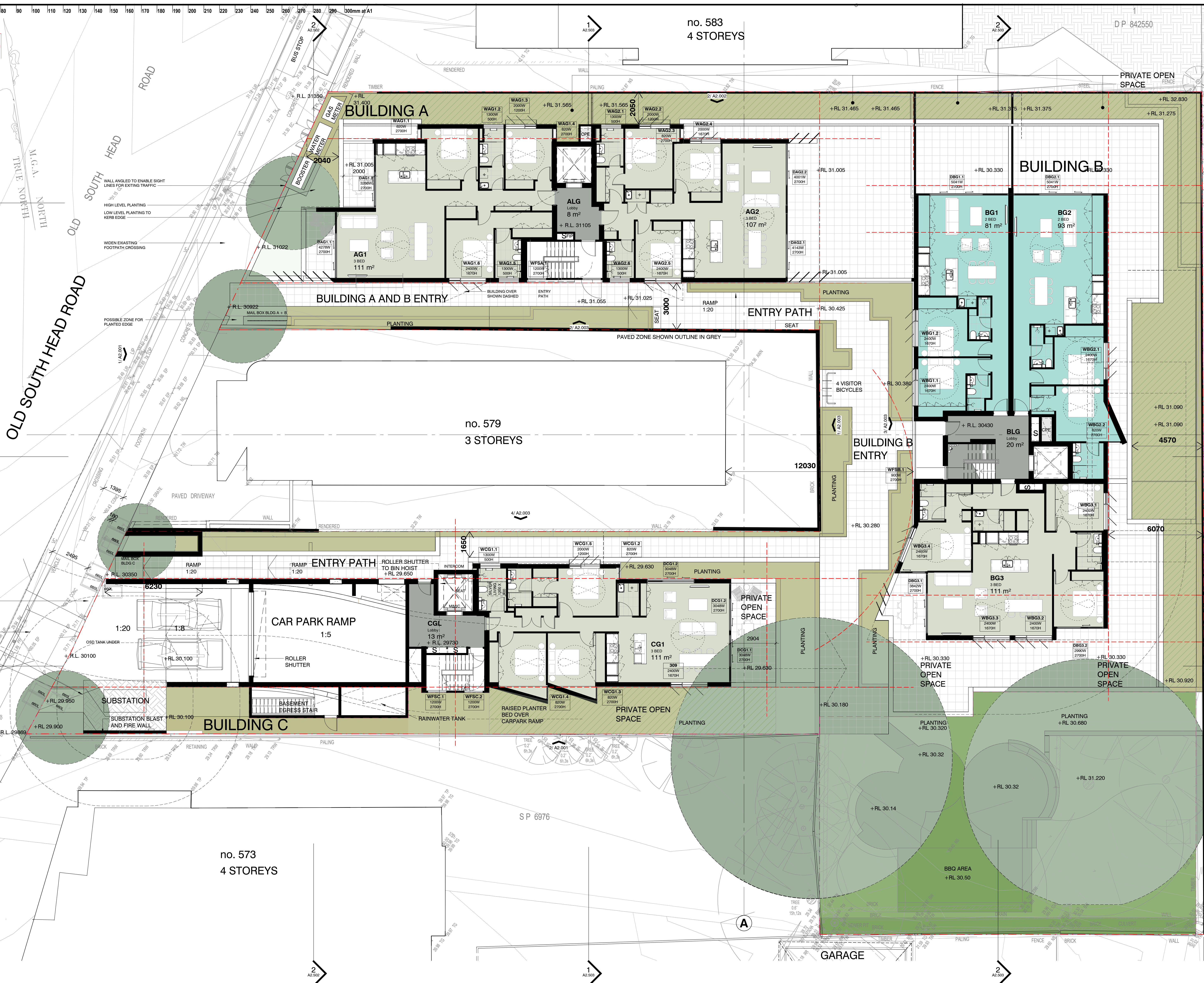
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Old South Head Road, Rose Bay

CLIENT  
**NEW(\*)SPACE CONSTRUCTIONS**

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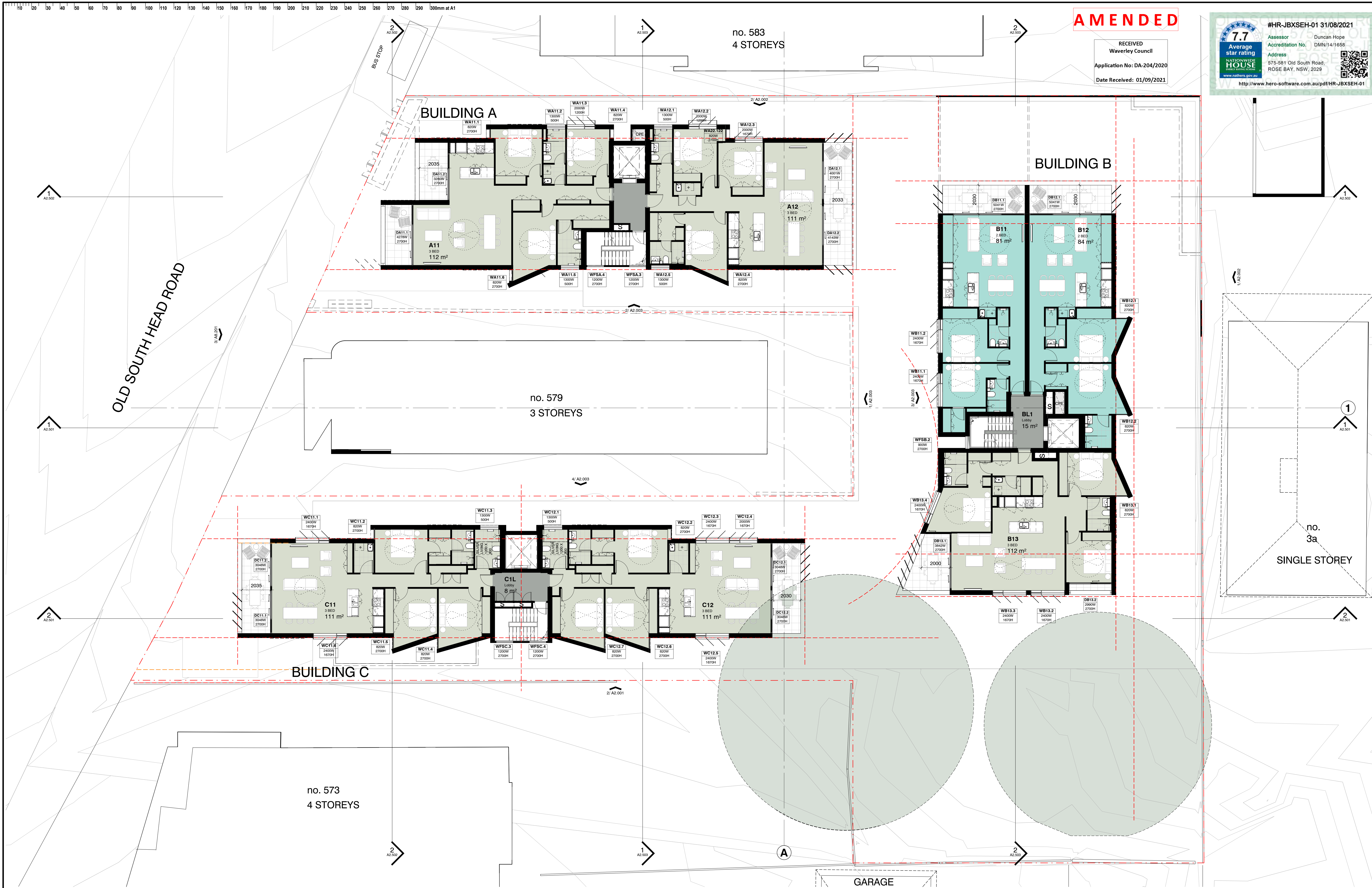
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<b>GROUND LEVEL PLAN</b>

PROJECT No	DRAWING No	REVISION
19 448	A1.103	U

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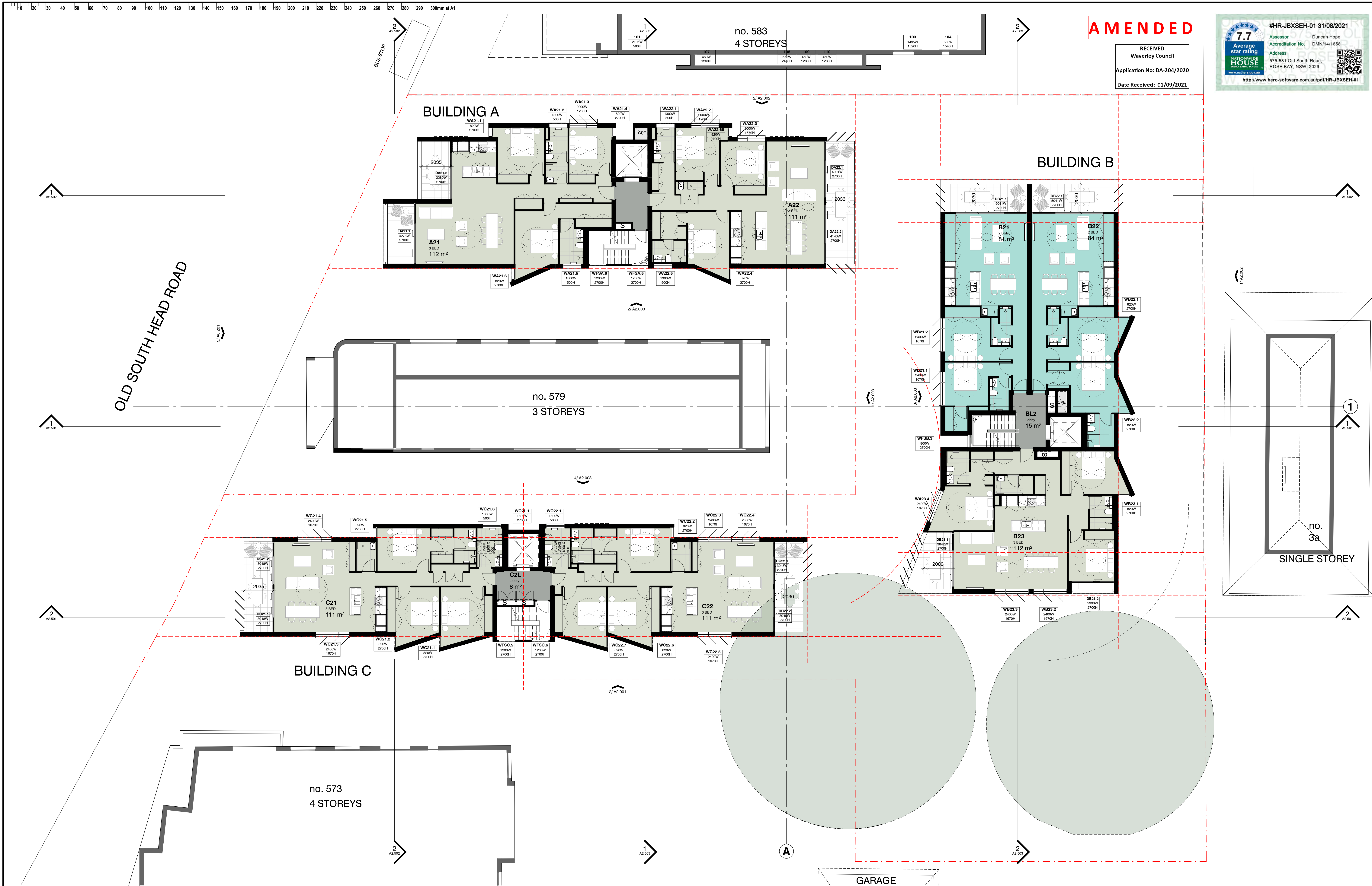
PROJECT  
**NEW RESIDENTIAL DEVELOPMENT**  
Old South Head Road, Rose Bay

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**NEW(\*)SPACE CONSTRUCTIONS**

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Author	1:100	B1	25/08/21
DESCRIPTION <b>LEVEL 1 GENERAL ARRANGEMENT PLAN</b>			
PROJECT No	DRAWING No	REVISION	
19 448	A1.104	S	





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PROJECT

**NEW RESIDENTIAL DEVELOPMENT**

Old South Head Road, Rose Bay

CLIENT

**NEW(\*)SPACE CONSTRUCTIONS**

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DATE

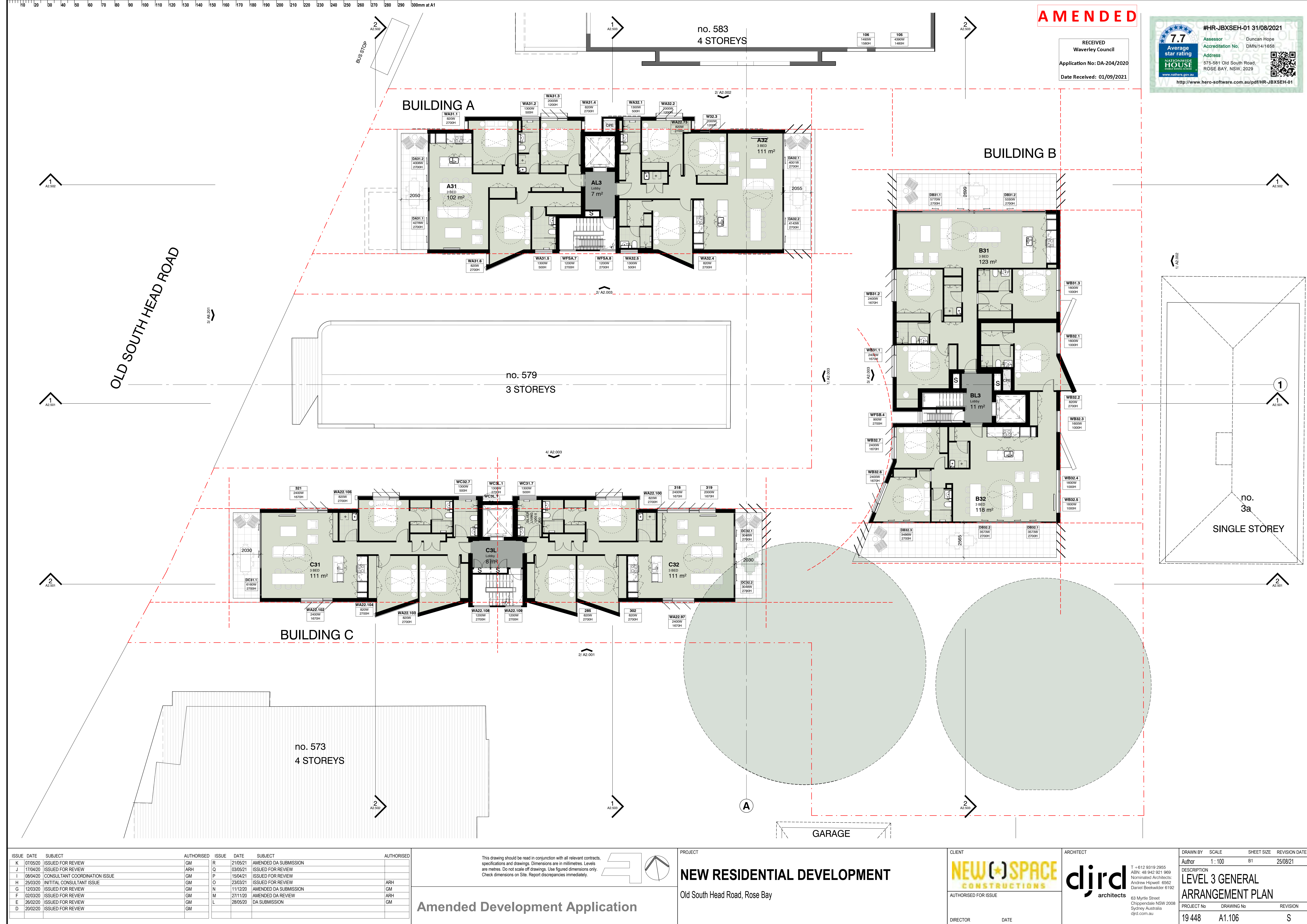
ARCHITECT

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Sydney Australia  
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Author	1:100	B1	25/08/21
DESCRIPTION			
<b>LEVEL 2 GENERAL ARRANGEMENT PLAN</b>			
PROJECT No	DRAWING No	REVISION	
19 448	A1.105	S	





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Accreditation No: DMN/14/1658  
Address: 575-581 Old South Road,  
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ARCHITECT

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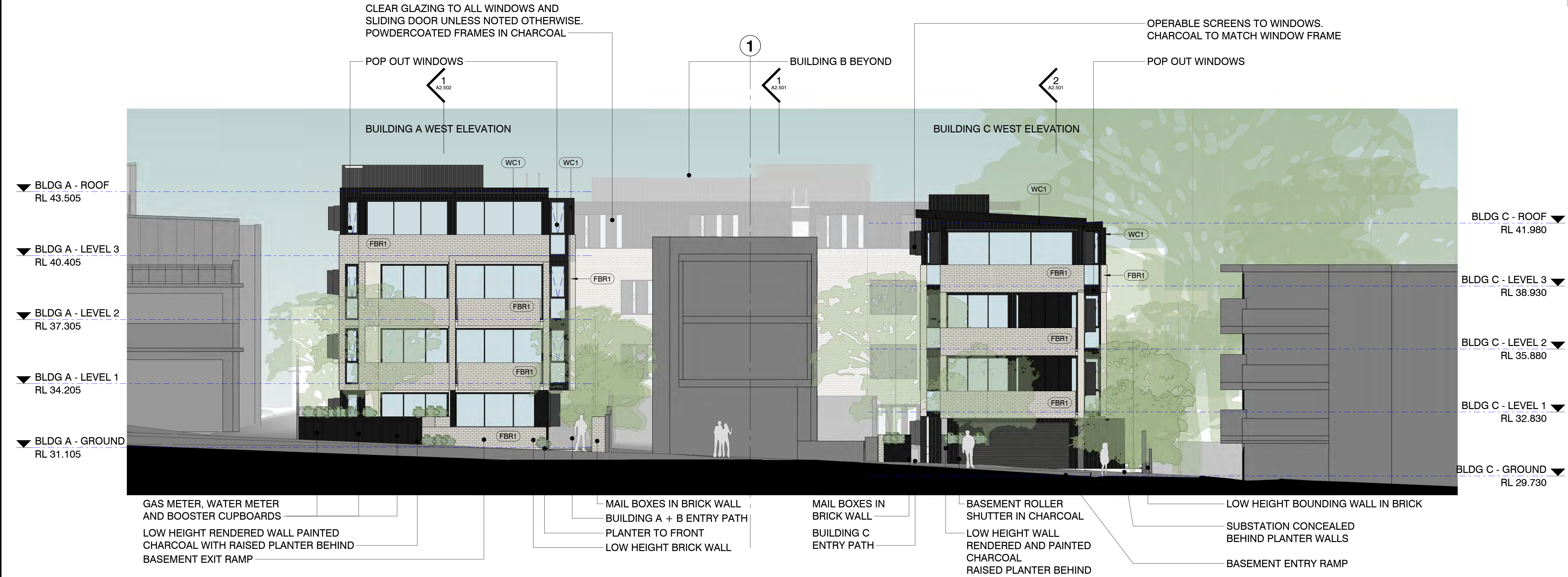




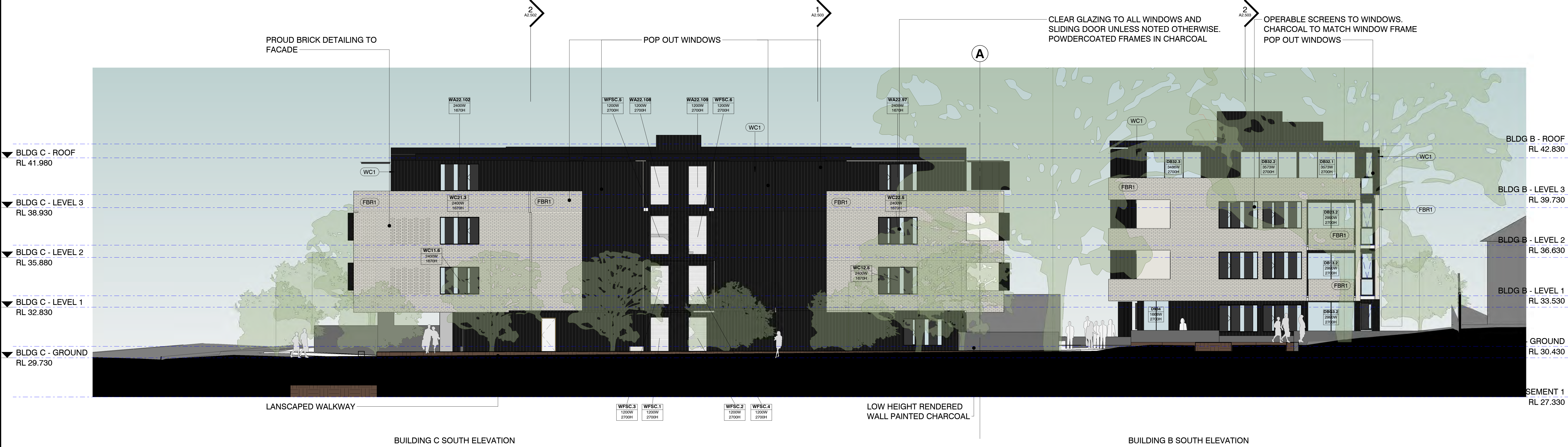
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LEGEND	
KEYNOTE	TYPE
FBR1	FACE BRICK TYPE 1
WC1	WALL CLADDING TYPE 1 - CHARCOAL METAL SHEETING

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1 | WEST ELEVATION  
A1.102 1 : 100 @ A1



2 | SOUTH ELEVATION  
A1.102 1 : 100 @ A1

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DIRECTOR DATE

ARCHITECT  
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Chippendale NSW 2008  
Sydney Australia  
djrd.com.au

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Author	1 : 100	B1	25/08/21
DESCRIPTION			
ELEVATIONS SHEET 1			
PROJECT No	DRAWING No	REVISION	
9 448	A2.001	Q	





**#HR-JBXSEH-01 31/08/2021**

**Assessor** Duncan Hope

**Accreditation No.** DMN/14/1658

**Address**

575-581 Old South Road,  
ROSE BAY, NSW, 2029



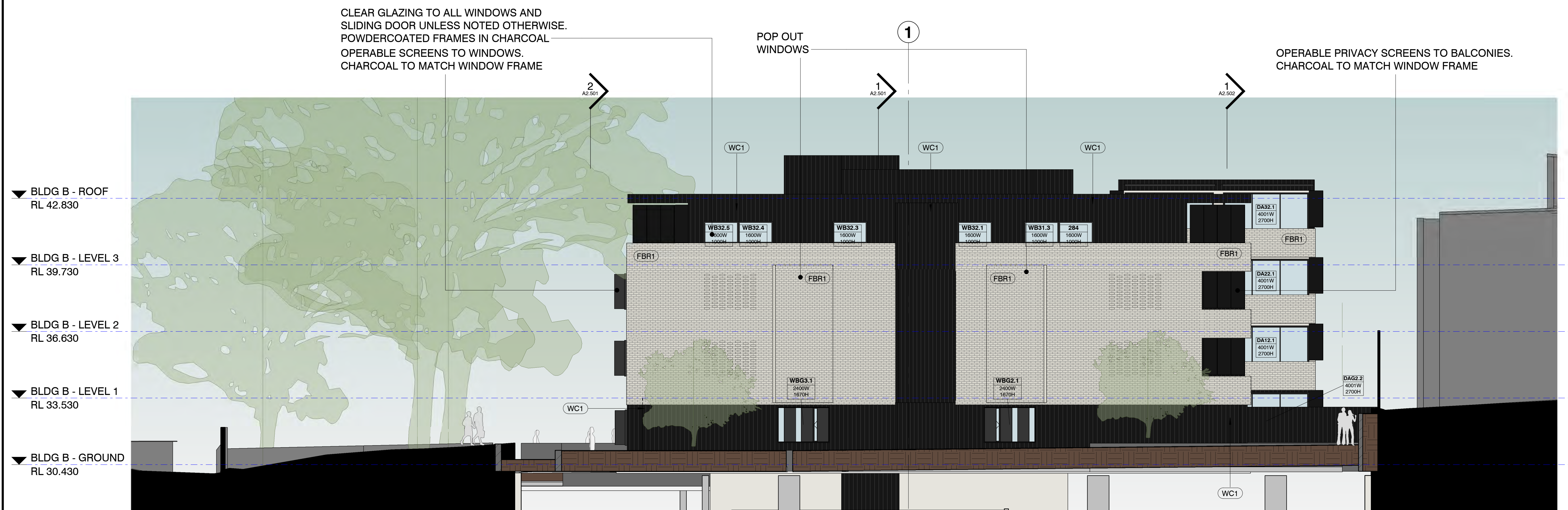
**7.7**

**Average star rating**

**NATIONALLY  
ACCREDITED  
HOUSE  
RATING**

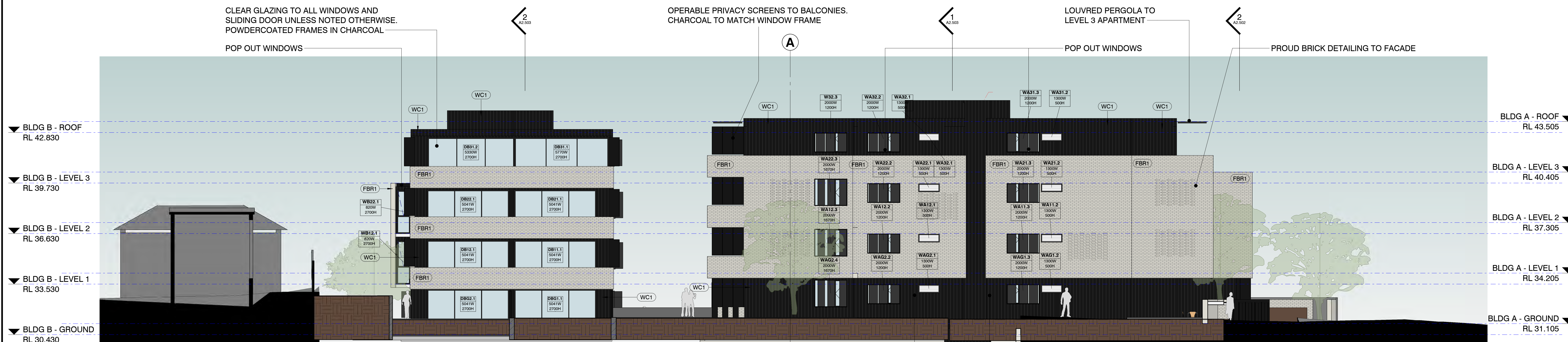
**www.nathers.gov.au**

<http://www.hero-software.com.au/pdf/HR-JBXSEH-01>



BUILDING B EAST ELEVATION

1 | EAST ELEVATION  
A1.102 1 : 100 @ A1



BUILDING B NORTH ELEVATION

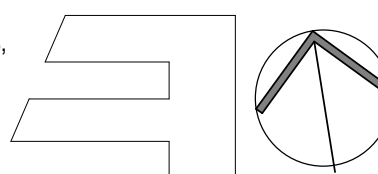
## BUILDING A NORTH ELEVATION

— HIGH LEVEL WINDOWS TO  
BATHROOM WITH OPAQUE  
LOUVRES

2 | NORTH ELEVATION  
A1.103 1 : 100 @ A1

ISSUE	DATE	SUBJECT	AUTHORISED	ISSUE	DATE	SUBJECT	AUTHORISED
J	07/05/20	ISSUED FOR REVIEW	GM	P	21/05/21	AMENDED DA SUBMISSION	
I	17/04/20	ISSUED FOR REVIEW	ARH	O	03/05/21	ISSUED FOR REVIEW	
H	08/04/20	CONSULTANT COORDINATION ISSUE		N	19/04/21	ISSUED FOR REVIEW	
G	25/03/20	INITIAL CONSULTANT ISSUE		M	23/03/21	ISSUED FOR REVIEW	ARH
F	12/03/20	ISSUED FOR REVIEW	GM	L	11/12/20	AMENDED DA SUBMISSION	GM
E	02/03/20	ISSUED FOR REVIEW	GM	K	28/05/20	DA SUBMISSION	GM
D	20/02/20	ISSUED FOR REVIEW	GM				

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## Amended Development Application

	PROJECT
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## NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

	CLIENT
--	--------

**NEW(★)SPACE**  
CONSTRUCTIONS

AUTHORISED FOR ISSUE

DIRECTOR

DATE \_\_\_\_\_

ARCHITECT

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architects

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ABN: 48 942 921 969  
Nominated Architects:  
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Chippendale NSW 2008  
Sydney Australia  
djrd.com.au

DRAWN BY	SCALE	SHEET SIZE	REVISION DATE
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Author	1 : 100	B1	25/08/21
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DESCRIPTION  
ELEVATIONS SHEET 2

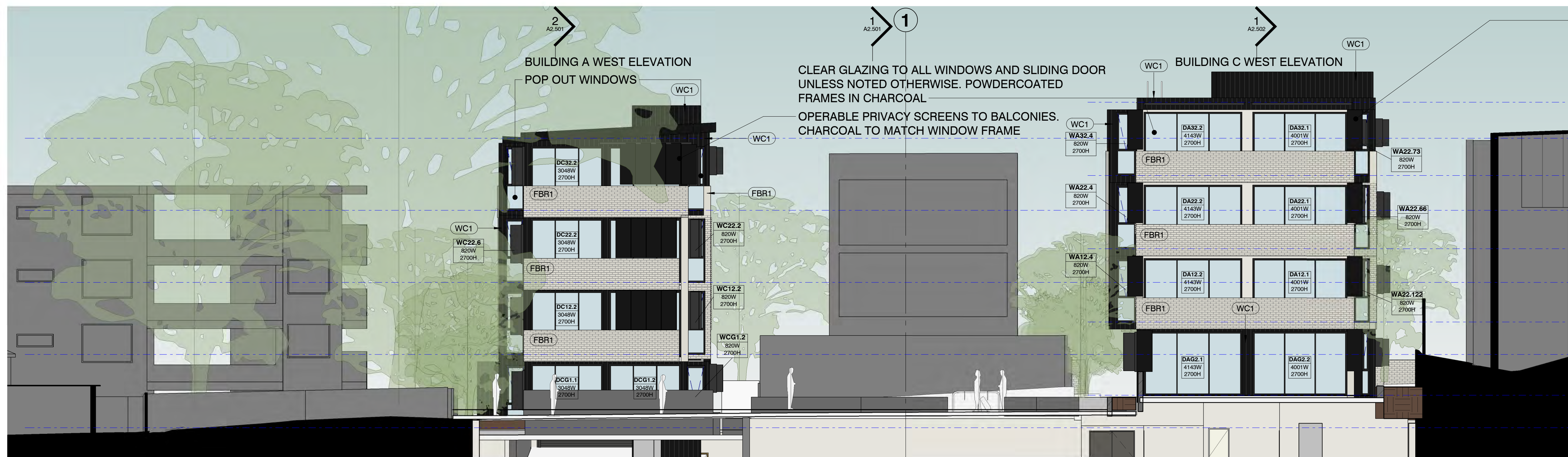
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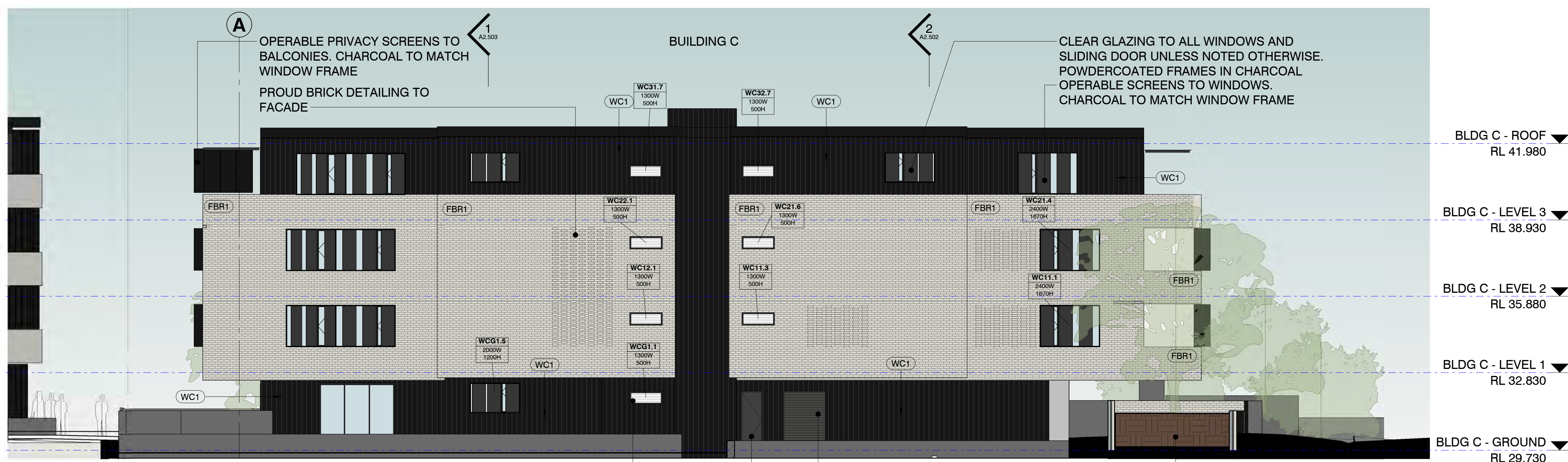
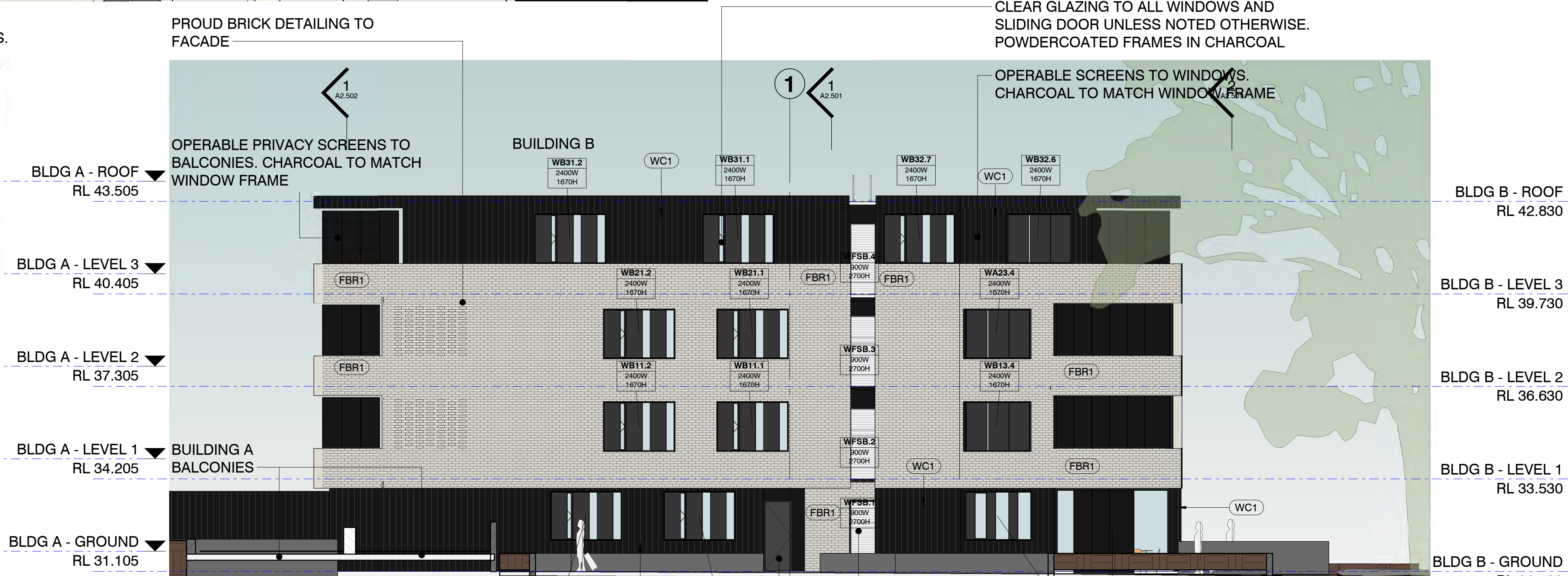
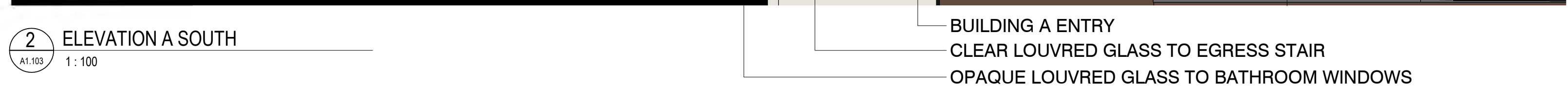
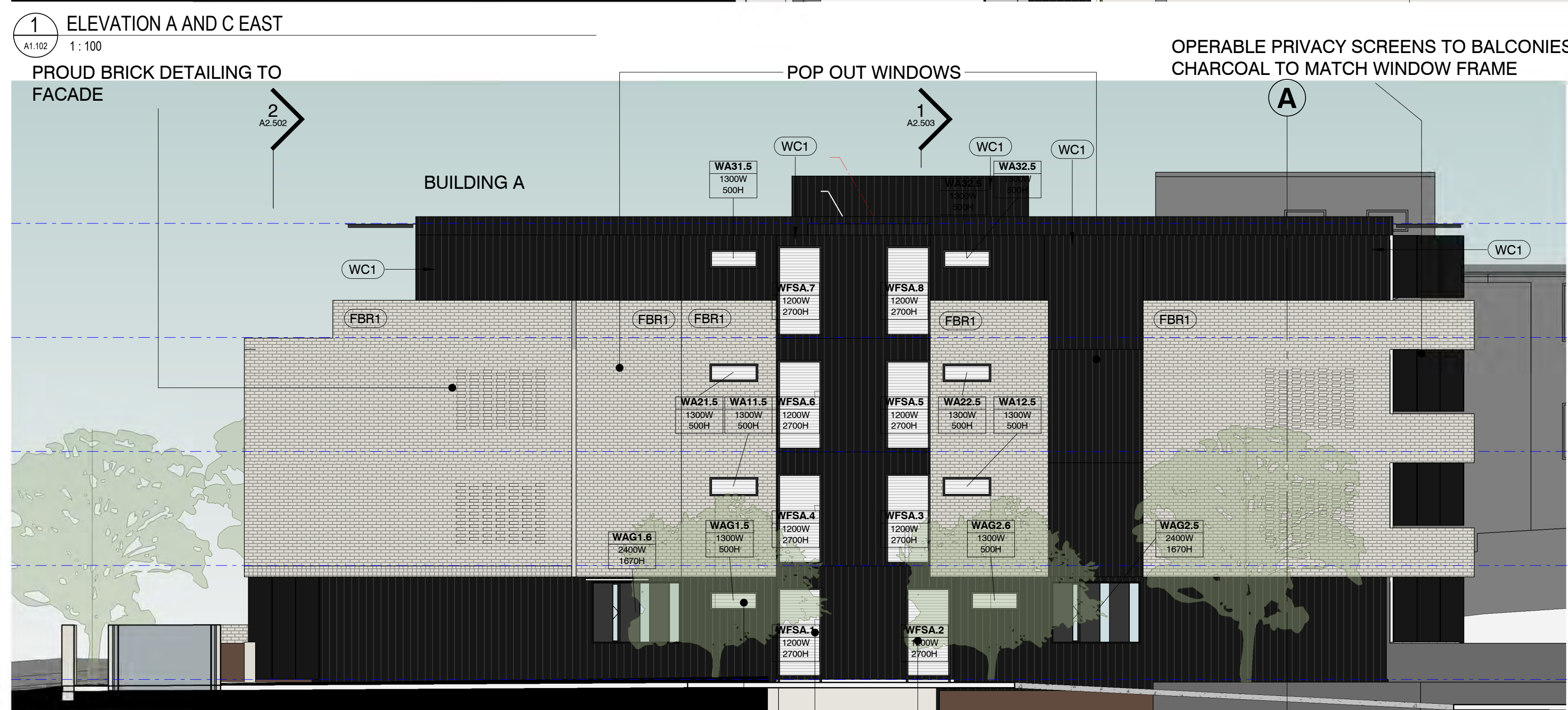
PROJECT No	DRAWING No	REVISION
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19 448	A2.002	Q
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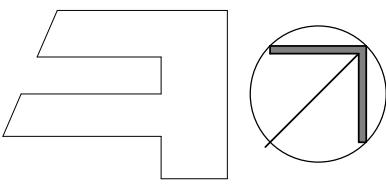




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Application No: DA-204/2020  
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PROJECT

# NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

ARCHITECT

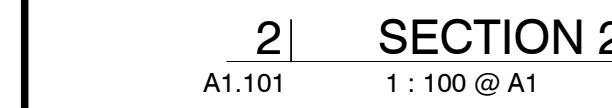
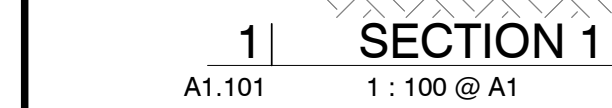
**djrd**  
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Daniel Beekwilder 6192

63 Myrtle Street  
Chippendale NSW 2008  
Sydney Australia  
[djrd.com.au](http://djrd.com.au)

Page 624 of 700



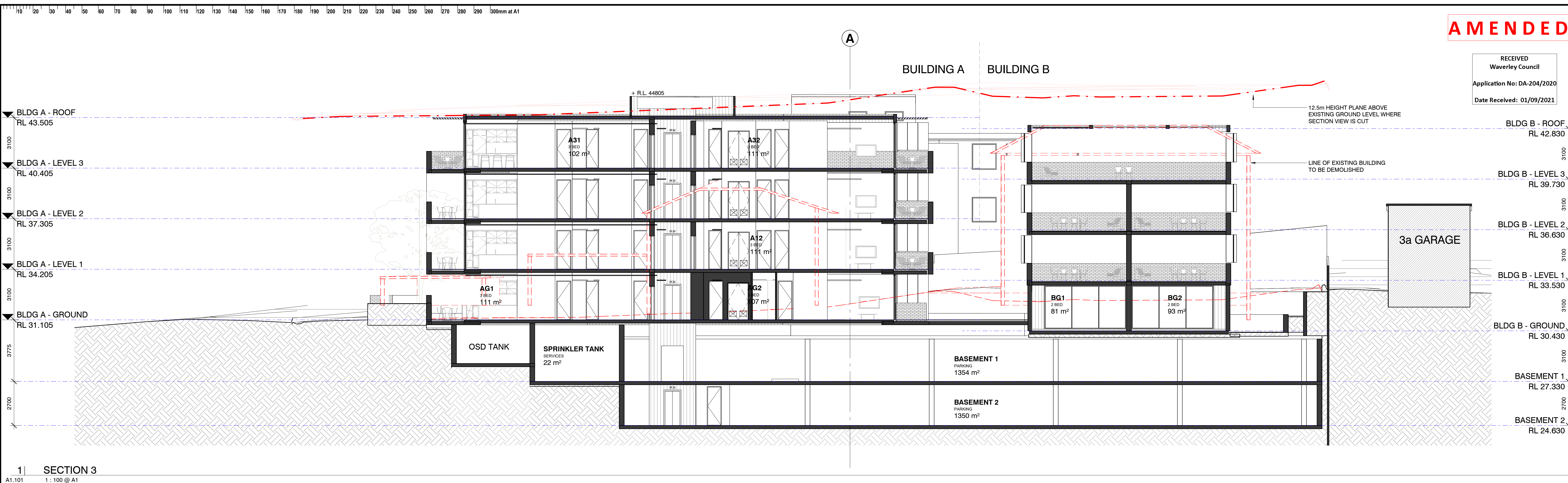


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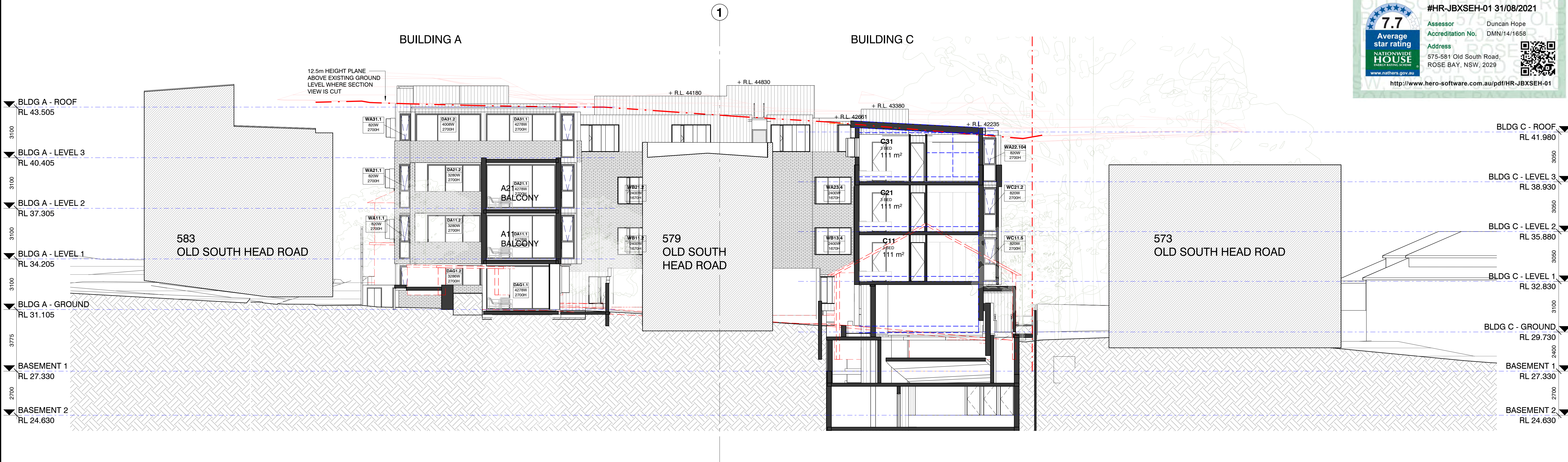


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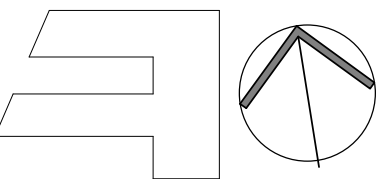
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A1.101 1 : 100 @ A1



2 | SECTION 4  
A1.101 1 : 100 @ A1

ISSUE	DATE	SUBJECT	AUTHORISED	ISSUE	DATE	SUBJECT	AUTHORISED
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## Amended Development Application

PROJECT

## NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

CLIENT

**NEW(\*)SPACE**  
CONSTRUCTIONS

AUTHORISED FOR ISSUE

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djrd.com.au

DRAWN BY SCALE SHEET SIZE REVISION DATE

Author 1 : 100 B1 25/08/21

## SECTIONS SHEET 2

PROJECT No DRAWING No REVISION

19 448 A2.502 R

DATE PRINTED: 31/08/2021 5:25:36 PM



AMENDED

7.7

Average star rating

NATIONWIDE HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

#HR-JBXSEH-01 31/08/2021

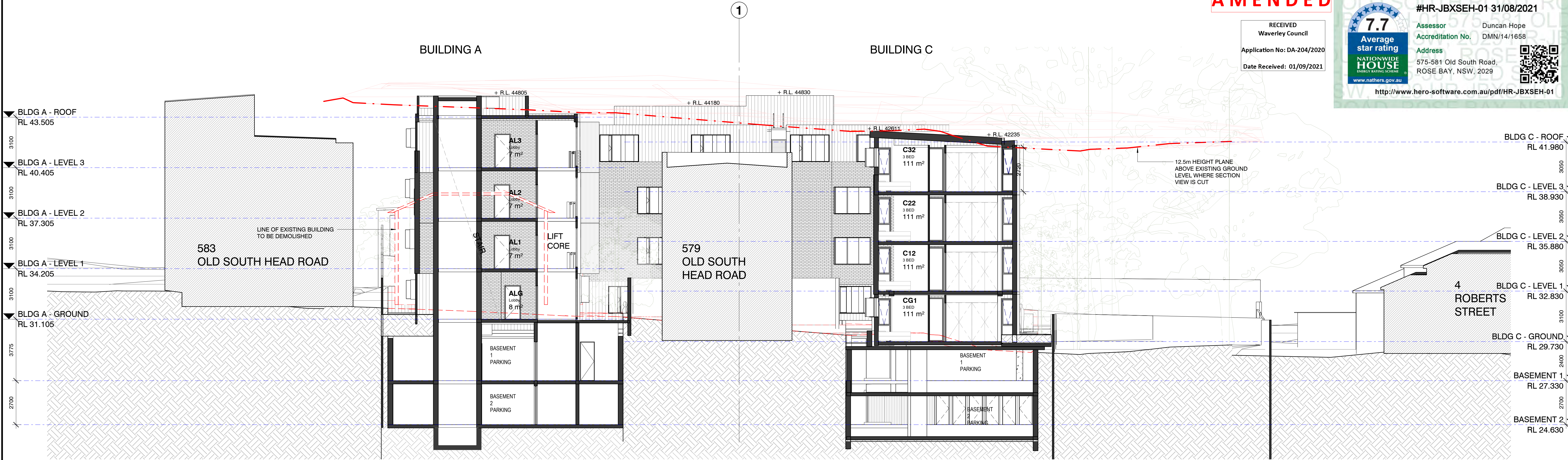
Assessor Duncan Hope

Accreditation No. DMN/14/1658

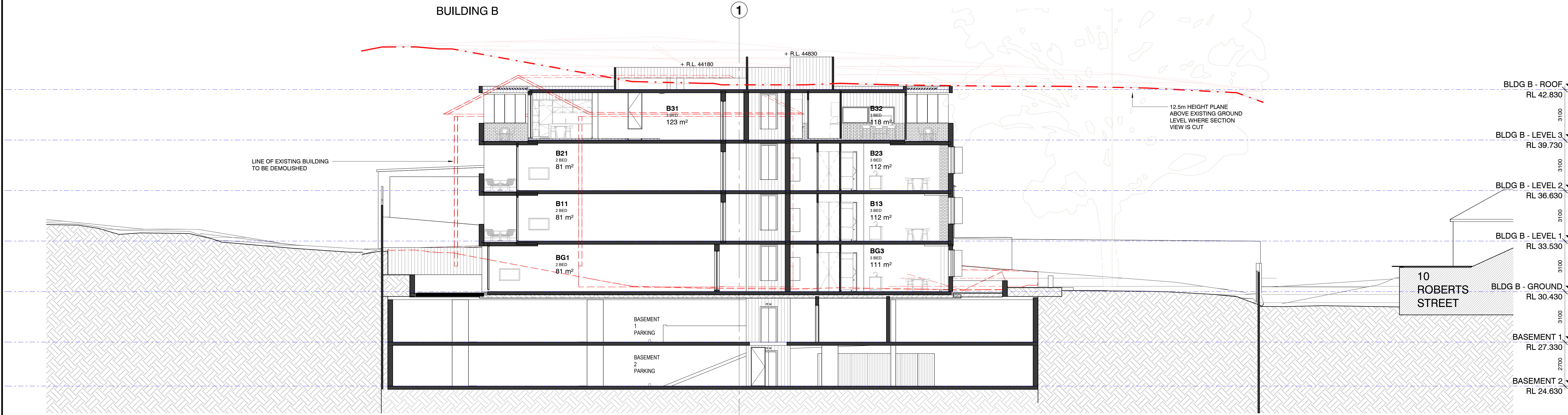
Address 575-581 Old South Road, ROSE BAY, NSW, 2029

http://www.hero-software.com.au/pdf/HR-JBXSEH-01

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Waverley Council  
Application No: DA-204/2020  
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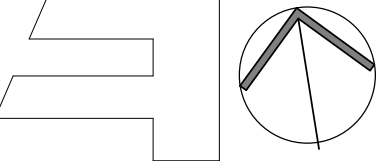
1 | SECTION 5  
A1.101 1: 100 @ A1



2 | SECTION 6  
A1.101 1: 100 @ A1

ISSUE	DATE	SUBJECT	AUTHORISED	ISSUE	DATE	SUBJECT	AUTHORISED
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Amended Development Application

PROJECT

NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

CLIENT

NEW(\*)SPACE CONSTRUCTIONS

AUTHORISED FOR ISSUE

DIRECTOR

DATE

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Author 1: 100 B1 25/08/21

DESCRIPTION  
SECTIONS SHEET 3

PROJECT No DRAWING No REVISION

19 448 A2.503 R

DATE PRINTED: 31/08/2021 5:25:51 PM

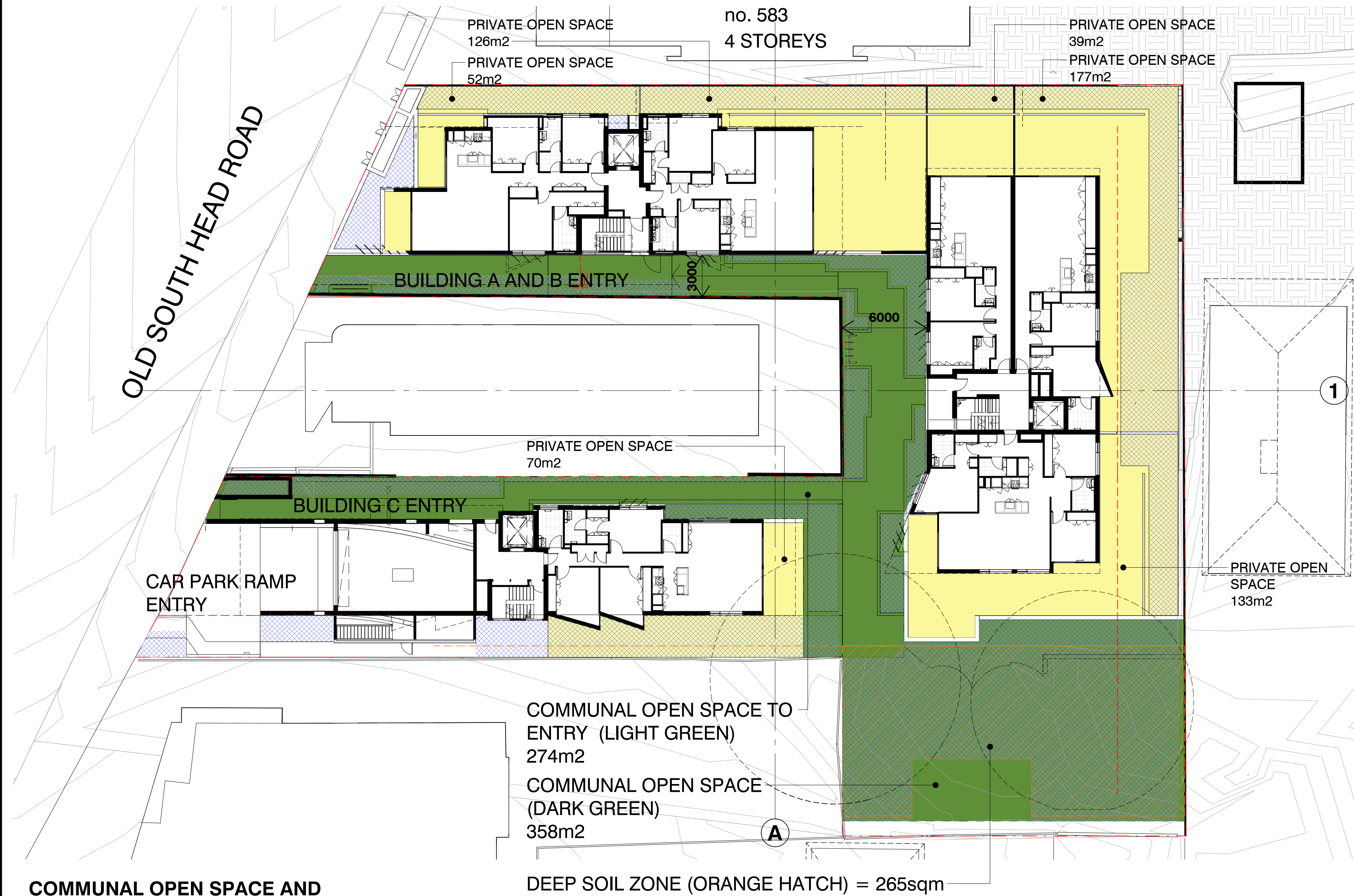


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Waverley Council

Application No: DA-204/2020

Date Received: 01/09/2021



### COMMUNAL OPEN SPACE AND LANDSCAPE AREA DIAGRAM

- COMMUNAL OPEN SPACE MINIMUM AREA EQUAL TO 25% OF SITE
- MINIMUM 50% DIRECT SUNLIGHT TO PRINCIPAL AREA: AREA TO RECEIVE MIN. 2HRS OF MID WINTER LIGHT
- MINIMUM DEEP SOIL ZONE 7% OF SITE AREA

### APARTMENT STORAGE SCHEDULE

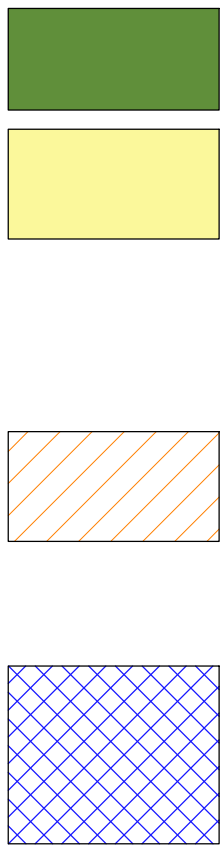
APARTMENT STORAGE			
Number	Level	Name	Linen Area
A11	BLDG A - LEVEL 1	3 BED	3.1m³
A11	BASEMENT 2	4m³ cage	
A12	BLDG A - LEVEL 1	3 BED	3.3m³
A14	BASEMENT 2	4m³ cage	
A21	BLDG A - LEVEL 2	3 BED	3.1m³
A21	BASEMENT 2	4m³ cage	
A22	BLDG A - LEVEL 2	3 BED	3m³
A22	BASEMENT 2	4m³ cage	
A31	BLDG A - LEVEL 3	3 BED	3.3m³
A31	BASEMENT 2	4m³ cage	
A32	BLDG A - LEVEL 3	3 BED	3m³
A32	BASEMENT 2	4m³ cage	
AG1	BLDG A - GROUND	3 BED	3.3m³
AG1	BASEMENT 2	4m³ cage	
AG2	BLDG A - GROUND	3 BED	3.6m³
AG2	BASEMENT 2	4m³ cage	
B11	BLDG A - LEVEL 1	2 BED	5.65m³
B11	BASEMENT 2	5m³ cage	
B12	BLDG A - LEVEL 1	2 BED	4.4m³
B12	BASEMENT 2	4m³ cage	
B13	BLDG A - LEVEL 1	3 BED	3m³
B13	BASEMENT 2	4m³ cage	
B21	BLDG A - LEVEL 2	2 BED	4m³
B21	BASEMENT 2	4m³ cage	
B22	BLDG A - LEVEL 2	2 BED	4.4m³
B22	BASEMENT 2	4m³ cage	

APARTMENT STORAGE			
Number	Level	Name	Linen Area
B23	BLDG A - LEVEL 2	3 BED	3m³
B23	BASEMENT 2	4m³ cage	
B31	BLDG A - LEVEL 3	3 BED	4m³
B31	BASEMENT 2	4m³ cage	
B32	BLDG A - LEVEL 3	3 BED	4.4m³
B32	BASEMENT 2	4m³ cage	
BG1	BLDG A - GROUND	2 BED	5.65m³
BG1	BASEMENT 2	5m³ cage	
BG2	BLDG A - GROUND	2 BED	4.4m³
BG2	BASEMENT 2	4m³ cage	
BG3	BLDG A - GROUND	3 BED	5.35m³
BG3	BASEMENT 2	5m³ cage	
C11	BLDG A - LEVEL 1	3 BED	4.1m³
C11	BASEMENT 2	5m³ cage	
C12	BLDG A - LEVEL 1	3 BED	5.35m³
C12	BASEMENT 2	5m³ cage	
C21	BLDG A - LEVEL 2	3 BED	5.35m³
C21	BASEMENT 2	5m³ cage	
C22	BLDG A - LEVEL 2	3 BED	5.35m³
C22	BASEMENT 2	5m³ cage	
C31	BLDG A - LEVEL 3	3 BED	4.1m³
C31	BASEMENT 2	5m³ cage	
C32	BLDG A - LEVEL 3	3 BED	5.35m³
C32	BASEMENT 2	5m³ cage	
CG1	BLDG A - GROUND	3 BED	8m³
CG1	BASEMENT 2	5m³ cage	

Grand total: 52

### OPEN SPACE AND LANDSCAPE AREA SUMMARY

- SITE AREA = 2472.23sqm
- COMMUNAL OPEN SPACE = 750sqm OR 30.3% OF SITE
- GROUND LEVEL PRIVATE OPEN SPACE = 597sqm (24.1% OF SITE)
- TOTAL OPEN SPACE = 1347sqm OR 54.4% OF SITE
- INDICATES DEEP SOIL PLANTING = 265sqm (10.47% OF SITE) (7% OR 173sqm REQUIRED)
- LANDSCAPE AREA IN ACCORDANCE WITH AFFORDABLE HOUSING SEPP (CROSSHATCH)
- TOTAL OF ALL SOFT LANDSCAPING IN DEEP SOIL AND PLANTER BOXES LOCATED IN BOTH PRIVATE AND COMMUNAL AREAS
- TOTAL = 766sqm (30.9% OF SITE AREA PROVIDED)
- (30% MIN REQUIRED)



RED TOPOGRAPHY IS THE 12.5m HEIGHT PLANE ABOVE EXISTING GROUND LEVEL - SOLID BLACK ELEMENTS PENETRATE THE PLANE - EXTENTS ARE NOMINATED BELOW:

EXISTING NEIGHBOUR

BUILDING B NORTH SIDE  
660mm ABOVE

BUILDING A NORTH SIDE  
600mm ABOVE

BUILDING A SOUTH SIDE  
850mm ABOVE

BUILDING B SOUTH SIDE  
1640mm ABOVE

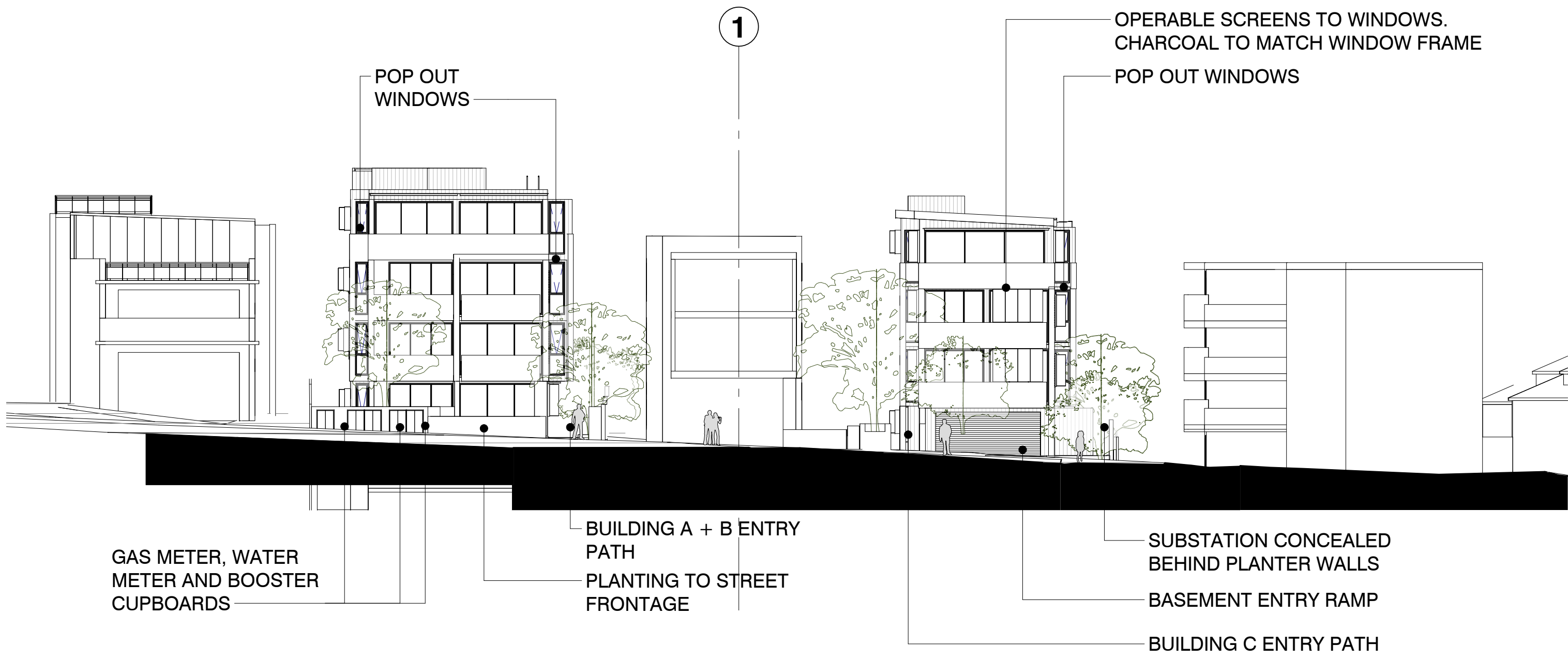
BUILDING C ROOF RIDGE  
200mm ABOVE

BUILDING C LIFT CORE  
960 - 1200mm ABOVE

BUILDING C GUTTER  
450mm ABOVE

OLD SOUTH HEAD ROAD

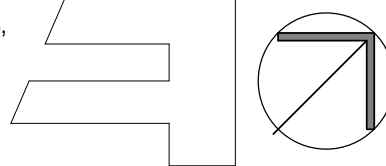
### HEIGHT PLANE DIAGRAM



### STREETSCAPE ANALYSIS

ISSUE	DATE	SUBJECT	AUTHORISED	ISSUE	DATE	SUBJECT	AUTHORISED
				G	21/05/21	AMENDED DA SUBMISSION	
				F	03/05/21	ISSUED FOR REVIEW	
				E	15/04/21	ISSUED FOR REVIEW	
				D	23/03/21	ISSUED FOR REVIEW	ARH
				C	11/12/20	AMENDED DA SUBMISSION	GM
				B	27/11/20	AMENDED DA REVIEW	ARH
				A	28/05/20	DA SUBMISSION	GM
				H	25/08/21	UPDATED DA SUBMISSION	

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### Amended Development Application

PROJECT

### NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

CLIENT

**NEW(\*)SPACE**  
CONSTRUCTIONS

AUTHORISED FOR ISSUE

DIRECTOR

DATE

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DRAWN BY SCALE SHEET SIZE REVISION DATE

Author As indicated B1 25/08/21

DESCRIPTION  
ADG SHEET 2

PROJECT No DRAWING No REVISION

19 448 A8.201 H

DATE PRINTED: 31/08/2021 11:29:55 PM





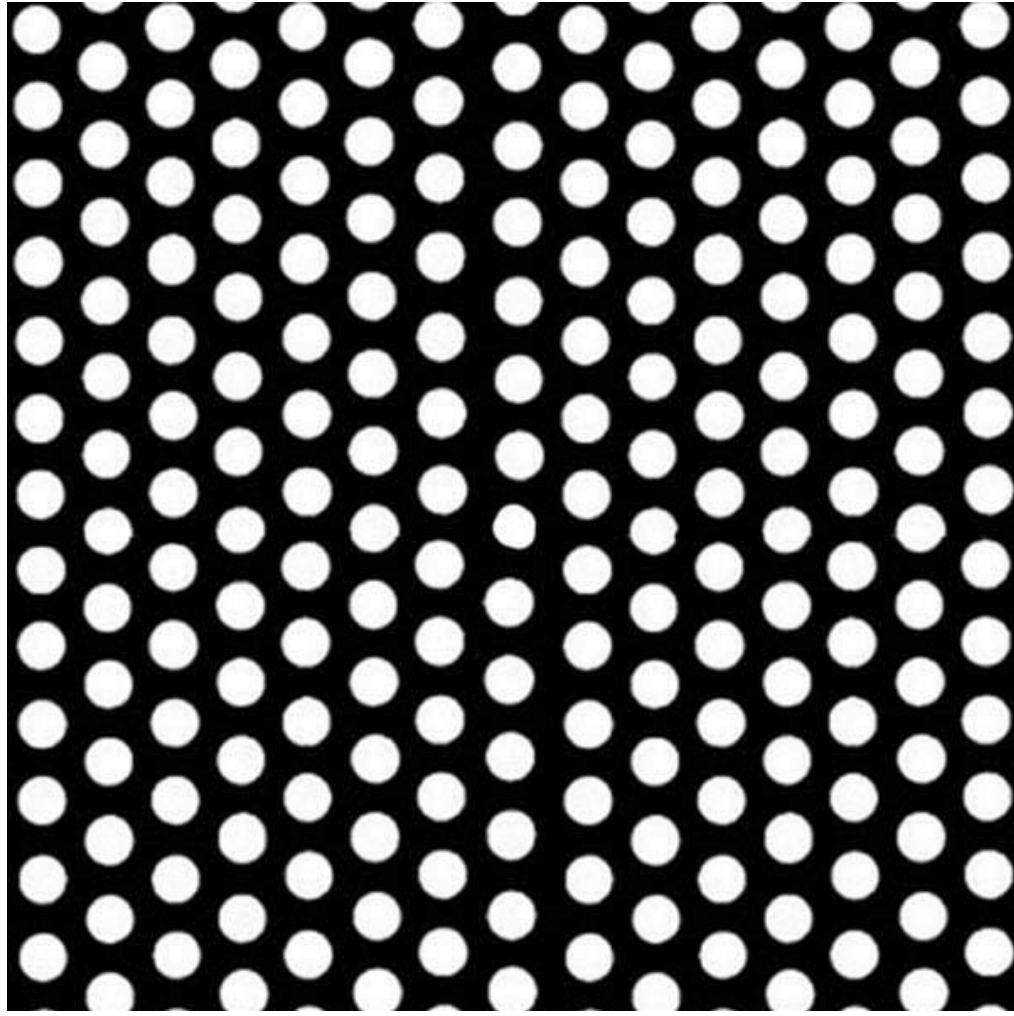
SOFT GREY/LIGHT BROWN BRICK  
LIGHT NETURAL COLOUR WITH MINIMAL VARIATION



PATTERN MAKING WITH BRICK  
STRONG CONTRAST WITH BLACK METAL SHROUDS



FBR.1 - FACEBRICK 1  
SIMILAR TO AUSTRAL GREY CASHMERE  
SIZE: STANDARD  
MORTAR: LIGHT MORTAR TO MATCH BRICK



FINE BLACK PERFORATED MESH TO  
OPERABLE SCREENS  
FINISH: MATT FINISH  
COLOUR: TO MATCH COLORBOND  
"MONUMENT"



TYPICAL RESIDENTIAL WINDOW GLAZING



CEMENTITIOUS PAINT AND RENDER IN  
CHARCOAL TO GROUND LEVEL WALLS



5. CHARCOAL METAL FINISH, PERGOLA ,  
WINDOW AND DOOR FRAMING, FACADE  
DETAILING AND PLANT ROOM LOUVRES  
FINISH: MATT FINISH  
COLOUR: TO MATCH COLORBOND  
"MONUMENT"



WC1 - WALL CLADDING 1  
VERTICAL STANDING SEAM METAL  
PANELLING SIMILAR TO MAXLINE  
FINISH: MATT FINISH  
COLOUR: TO MATCH COLORBOND  
"MONUMENT"



MATT CHARCOAL STANDING SEAM METAL CLADDING



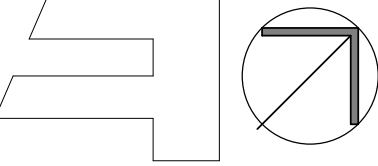
AMENDED

REFER TO ELEVATION SHEETS A2.001,  
A2.002, A2.003 FOR LOCATION OF  
BRICK AND METAL CLADDING  
INDICATED BY TAGS "FBR1" AND "WC1"

RECEIVED  
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				G	23/03/21	ISSUED FOR REVIEW	ARH
D	07/05/20	ISSUED FOR REVIEW	GM	F	11/12/20	AMENDED DA SUBMISSION	GM
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B	08/04/20	CONSULTANT COORDINATION ISSUE	GM				
A	12/03/20	ISSUED FOR REVIEW	GM				

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DRAWN BY SCALE SHEET SIZE REVISION DATE

Author B1 25/08/21

DESCRIPTION  
MATERIALS

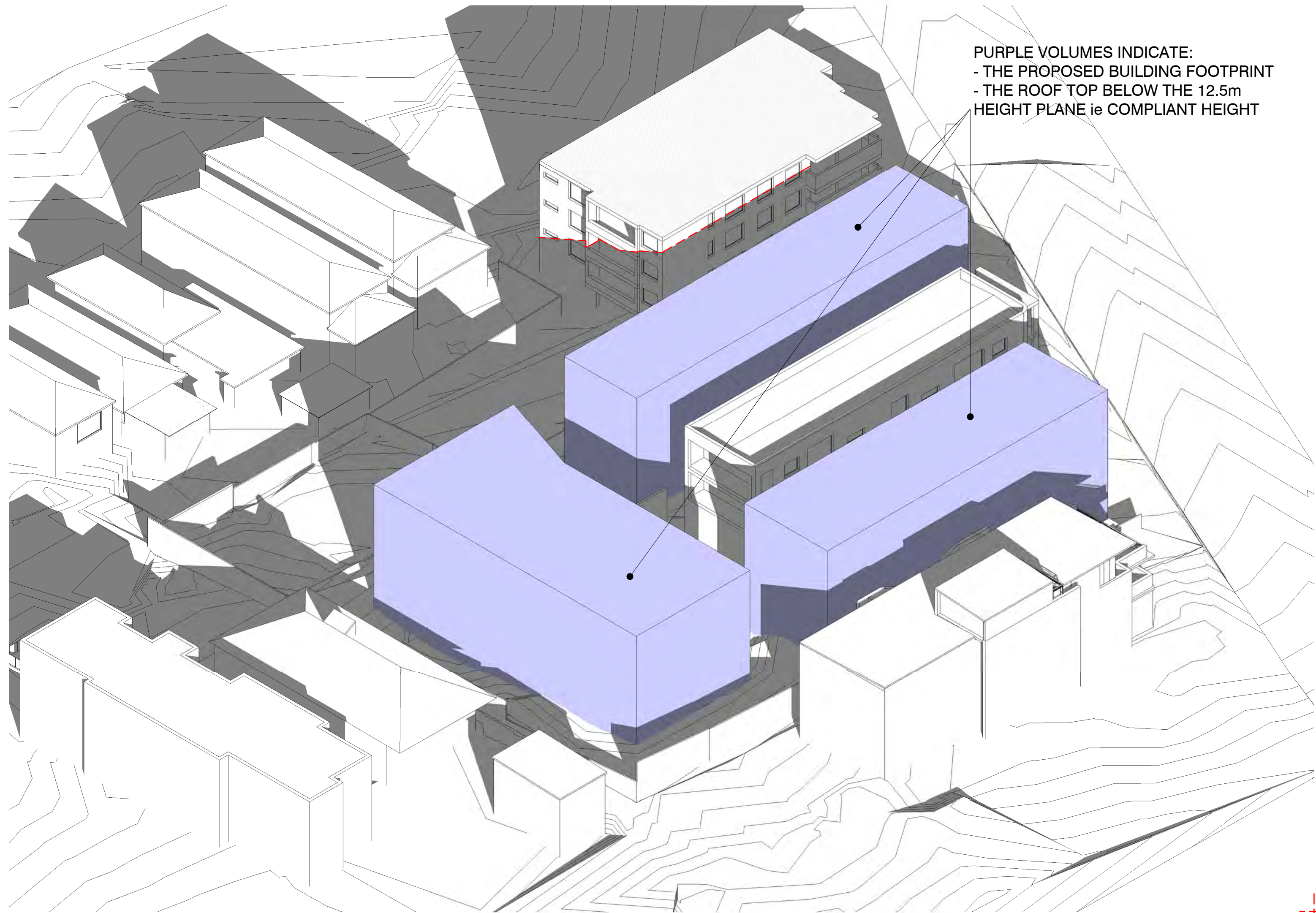
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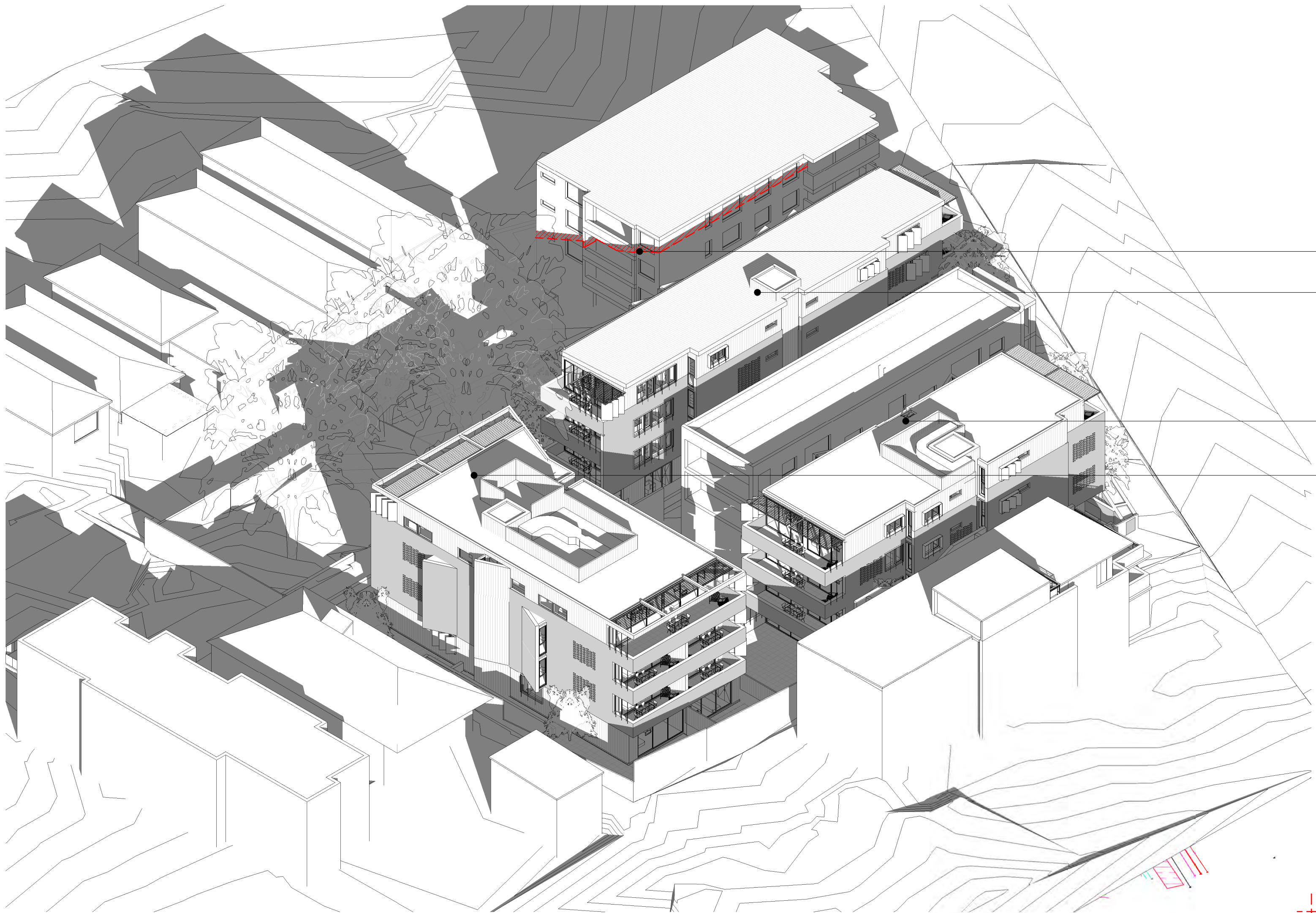
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PURPLE VOLUMES INDICATE:  
- THE PROPOSED BUILDING FOOTPRINT  
- THE ROOF TOP BELOW THE 12.5m  
HEIGHT PLANE ie COMPLIANT HEIGHT



3 SHADOW 3D DCP COMPLIANT HEIGHT - 9AM



2 SHADOW 3D PROPOSED 9AM - 579 REAR VIEW

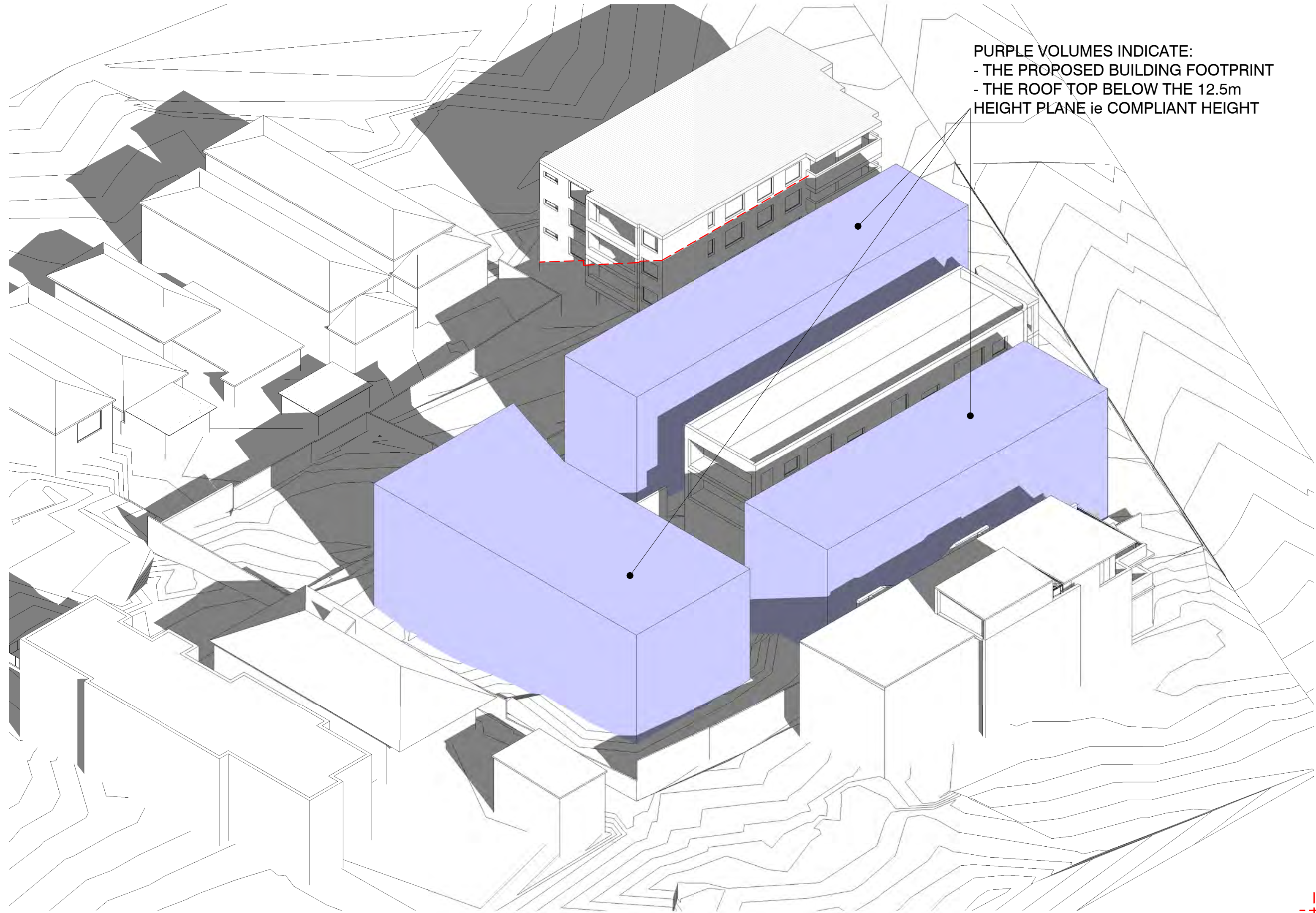
ADDITIONAL SHADOW CAST ON THE  
FACADE OF 579 AT 9AM  
(DOES NOT ACCOUNT FOR LARGE  
EXISTING TREE TO YARD OF NO.579)

BUILDING C LIFT OVERRUN CASTS  
SHADOW ON BUILDING C ROOF ONLY

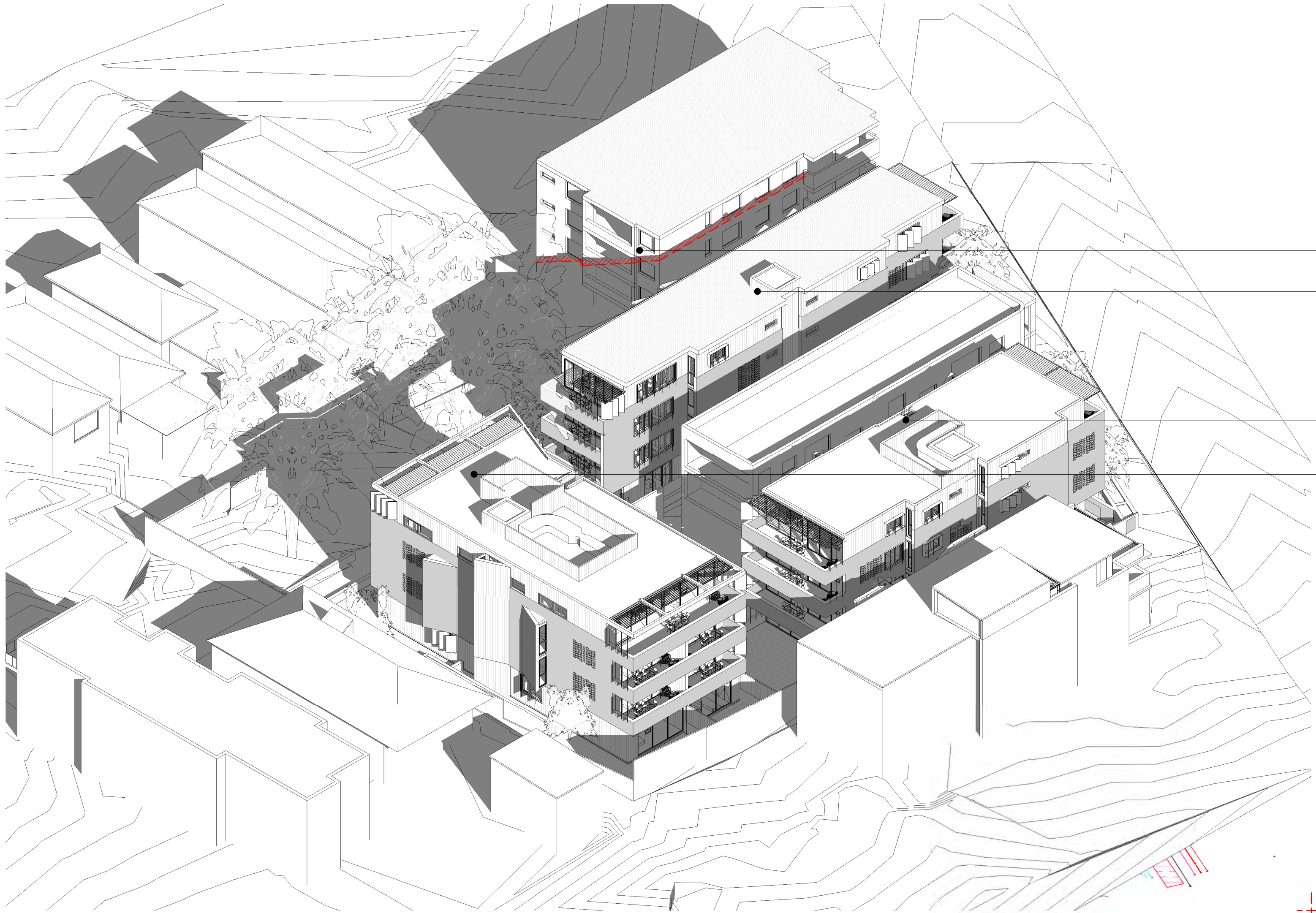
BUILDING A PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING A ROOF ONLY

BUILDING B PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING B ROOF ONLY

PURPLE VOLUMES INDICATE:  
- THE PROPOSED BUILDING FOOTPRINT  
- THE ROOF TOP BELOW THE 12.5m  
HEIGHT PLANE ie COMPLIANT HEIGHT



1 SHADOW 3D DCP COMPLIANT HEIGHT - 10AM



4 SHADOW 3D PROPOSED 10AM - 579 REAR VIEW

ADDITIONAL SHADOW CAST ON THE  
FACADE OF 579 AT 10AM  
(DOES NOT ACCOUNT FOR LARGE  
EXISTING TREE TO YARD OF NO.579)

BUILDING C LIFT OVERRUN CASTS  
SHADOW ON BUILDING C ROOF ONLY

BUILDING A PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING A ROOF ONLY

BUILDING B PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING B ROOF ONLY

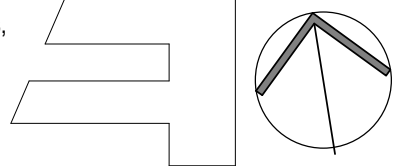
#### FINDINGS:

- PROPOSED LIFT OVERRUNS  
AND PLANT SCREENS CAST  
NO ADDITIONAL SHADOW

- APPROXIMATELY 300mm OF  
ADDITIONAL SHADOW IS  
CAST ON THE FACADE OF NO  
579 DUE TO THE BUILDING C  
GUTTER BEING IN PART  
ABOVE THE HEIGHT PLANE

ISSUE	DATE	SUBJECT	AUTHORISED	ISSUE	DATE	SUBJECT	AUTHORISED
D	21/05/21	AMENDED DA SUBMISSION		C	03/05/21	ISSUED FOR REVIEW	
B	15/04/21	ISSUED FOR REVIEW		A	23/03/21	ISSUED FOR REVIEW	
E	25/08/21	UPDATED DA SUBMISSION					ARH

This drawing should be read in conjunction with all relevant contracts, specifications and drawings. Dimensions are in millimetres. Levels are metres. Do not scale off drawings. Use figured dimensions only. Check dimensions on Site. Report discrepancies immediately.



## Amended Development Application

#### PROJECT

### NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

#### CLIENT

**NEW(\*)SPACE**  
CONSTRUCTIONS

AUTHORISED FOR ISSUE

DIRECTOR

DATE

#### ARCHITECT

**djrd**  
architects

T + 612 9319 2855  
A/N: 48 942 921 969  
Nominated Architects:  
Andrew Hipwell 6562  
Daniel Beekwilder 6192  
63 Myrtle Street  
Chippendale NSW 2008  
Sydney Australia  
djrd.com.au

#### DRAWN BY SCALE SHEET SIZE REVISION DATE

Author 1:100 B1 25/08/21

#### DESCRIPTION

SHADOW IMPACT STUDY -  
SHEET 1

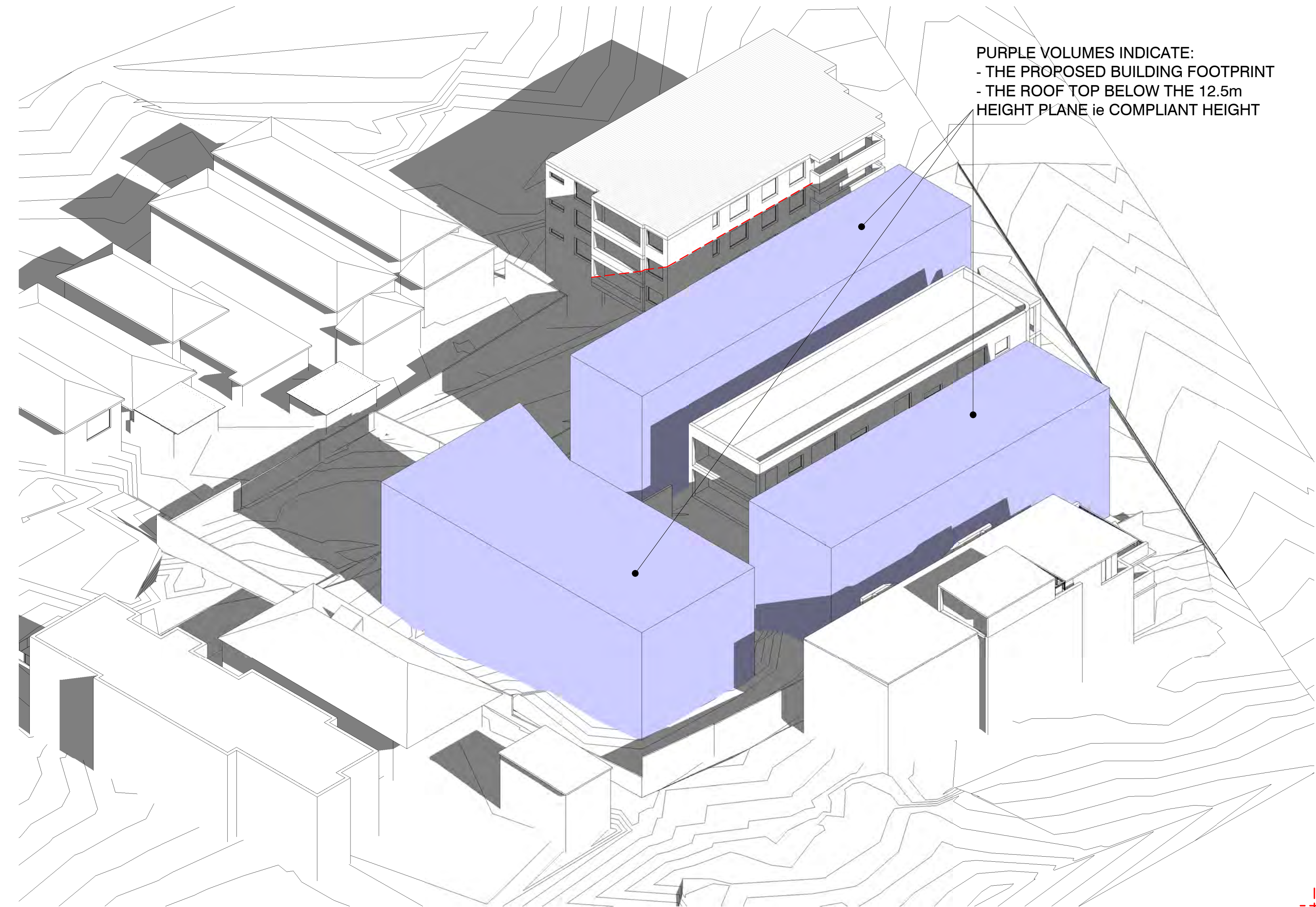
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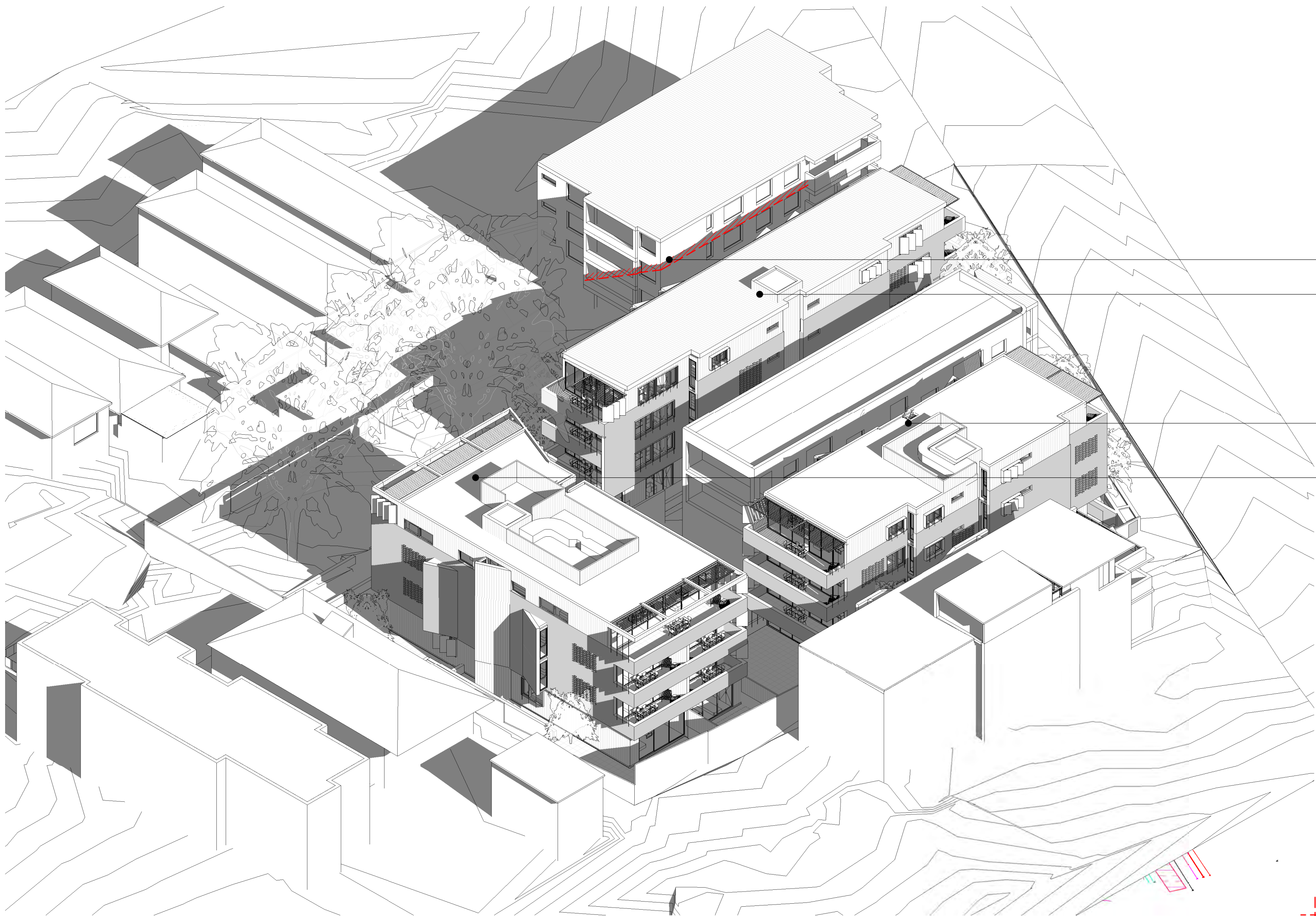
DATE PRINTED: 2/09/2021 3:36:53 PM



PURPLE VOLUMES INDICATE:  
- THE PROPOSED BUILDING FOOTPRINT  
- THE ROOF TOP BELOW THE 12.5m  
HEIGHT PLANE ie COMPLIANT HEIGHT



1 SHADOW 3D DCP COMPLIANT HEIGHT - 11AM



2 SHADOW 3D PROPOSED 11AM - 579 REAR VIEW

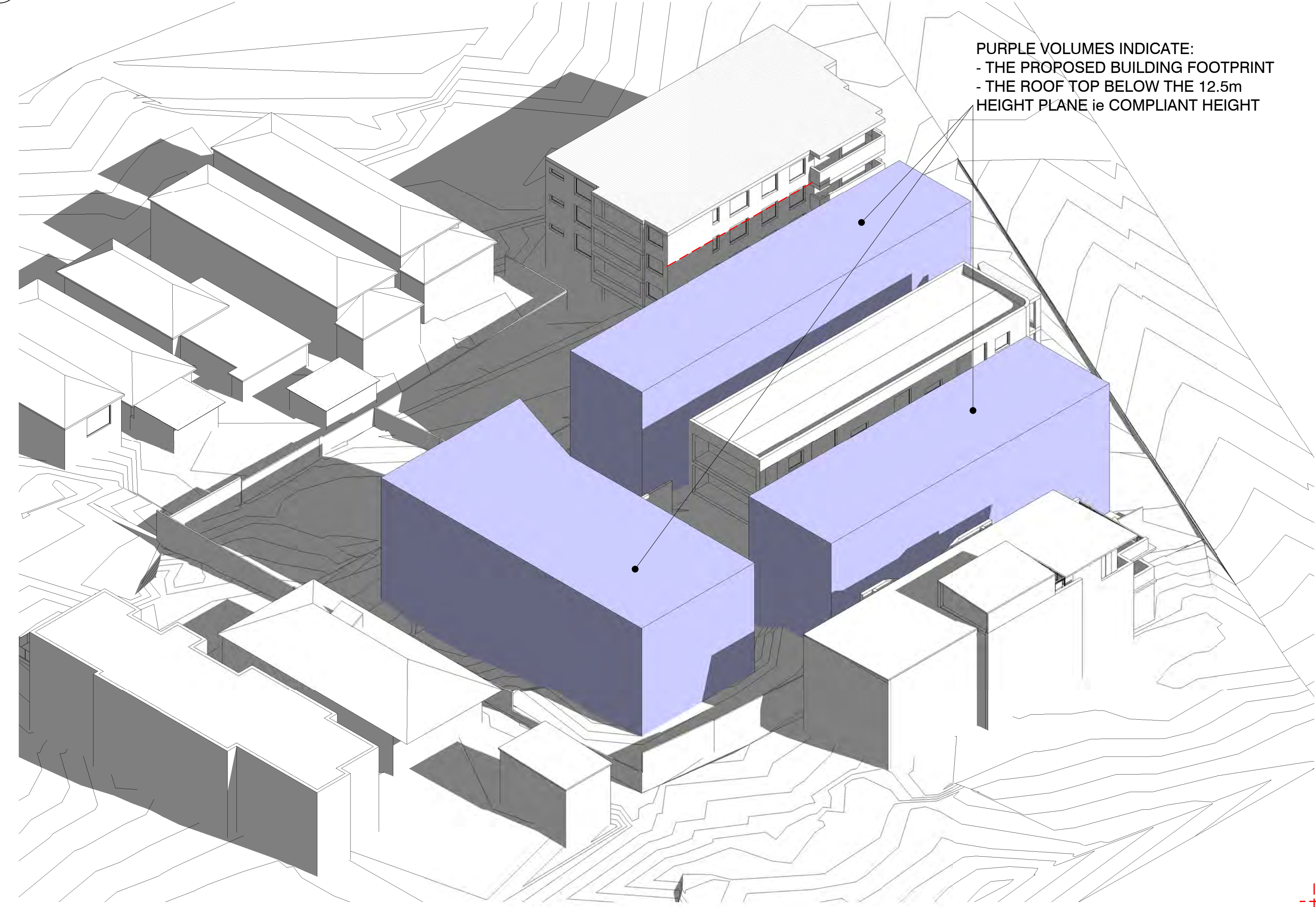
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FACADE OF 579 AT 11AM  
(DOES NOT ACCOUNT FOR LARGE  
EXISTING TREE TO YARD OF NO.579)

BUILDING C LIFT OVERRUN CASTS  
SHADOW ON BUILDING C ROOF ONLY

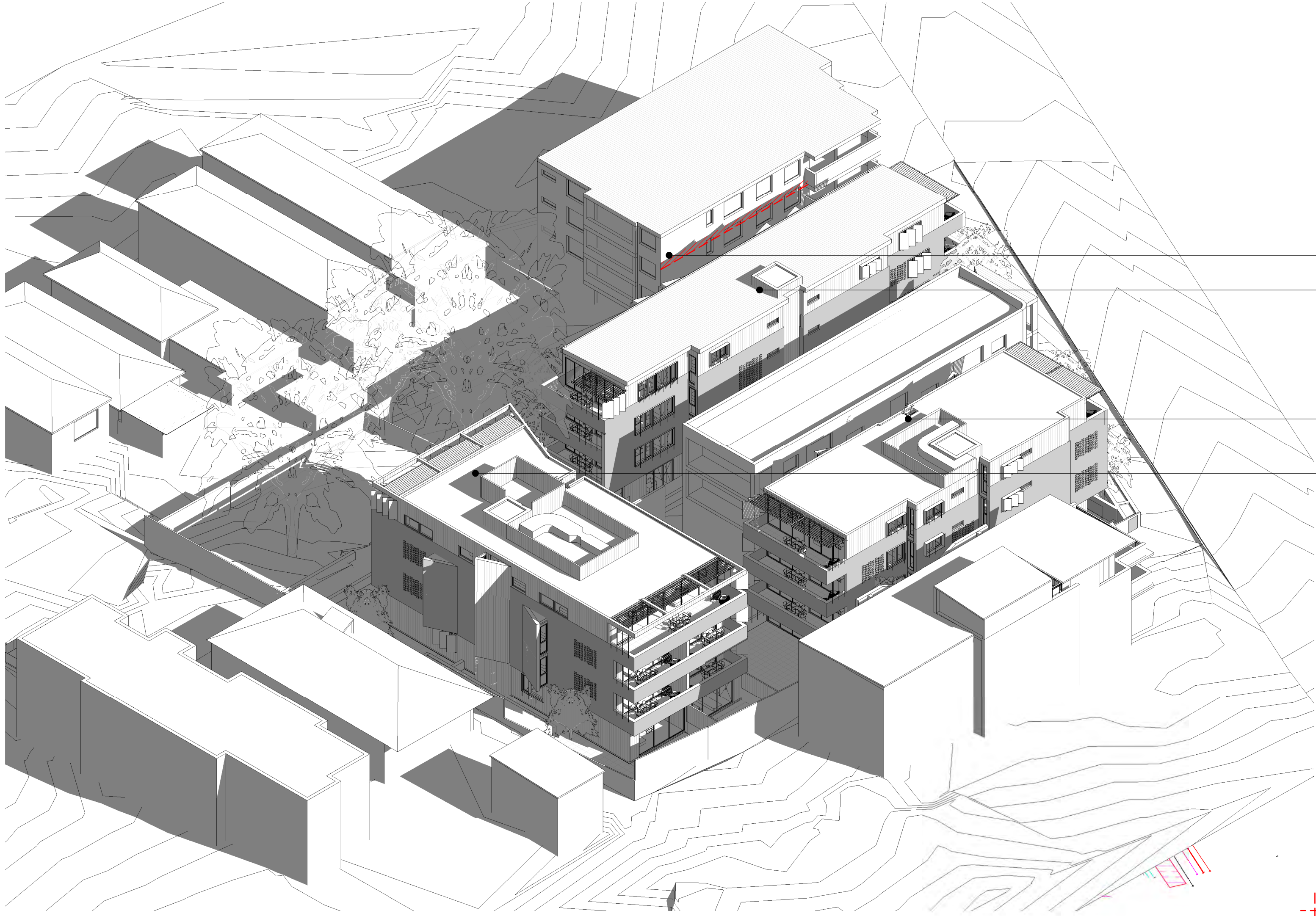
BUILDING A PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING A ROOF ONLY

BUILDING B PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING B ROOF ONLY

PURPLE VOLUMES INDICATE:  
- THE PROPOSED BUILDING FOOTPRINT  
- THE ROOF TOP BELOW THE 12.5m  
HEIGHT PLANE ie COMPLIANT HEIGHT



3 SHADOW 3D DCP COMPLIANT HEIGHT - 12PM



4 SHADOW 3D PROPOSED 12PM - 579 REAR VIEW

ADDITIONAL SHADOW CAST ON THE  
FACADE OF 579 AT 12PM  
(DOES NOT ACCOUNT FOR LARGE  
EXISTING TREE TO YARD OF NO.579)

BUILDING C LIFT OVERRUN CASTS  
SHADOW ON BUILDING C ROOF ONLY

BUILDING A ENCLOSURE CASTS  
SHADOW ON BUILDING A ROOF ONLY

BUILDING B PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING B ROOF ONLY

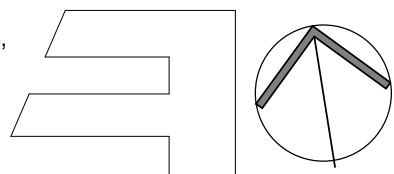
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- PROPOSED LIFT OVERRUNS  
AND PLANT SCREENS CAST  
NO ADDITIONAL SHADOW

- APPROXIMATELY 300mm OF  
ADDITIONAL SHADOW IS  
CAST ON THE FACADE OF NO  
579 DUE TO THE BUILDING C  
GUTTER BEING IN PART  
ABOVE THE HEIGHT PLANE

ISSUE	DATE	SUBJECT	AUTHORISED	ISSUE	DATE	SUBJECT	AUTHORISED
				D	21/05/21	AMENDED DA SUBMISSION	
				C	03/05/21	ISSUED FOR REVIEW	
				B	15/04/21	ISSUED FOR REVIEW	
				A	23/03/21	ISSUED FOR REVIEW	ARH
				E	25/08/21	UPDATED DA SUBMISSION	

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## Amended Development Application

#### PROJECT

### NEW RESIDENTIAL DEVELOPMENT

Old South Head Road, Rose Bay

#### CLIENT

**NEW(\*)SPACE**  
CONSTRUCTIONS

AUTHORISED FOR ISSUE

DIRECTOR

DATE

#### ARCHITECT

**djrd**  
architects

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ABN: 48 942 921 969  
Nominated Architects:  
Andrew Hipwell 6562  
Daniel Beekwilder 6192  
63 Myrtle Street  
Chippendale NSW 2008  
Sydney Australia  
djrd.com.au

#### DRAWN BY SCALE SHEET SIZE REVISION DATE

Author 1:100 B1 25/08/21

DESCRIPTION

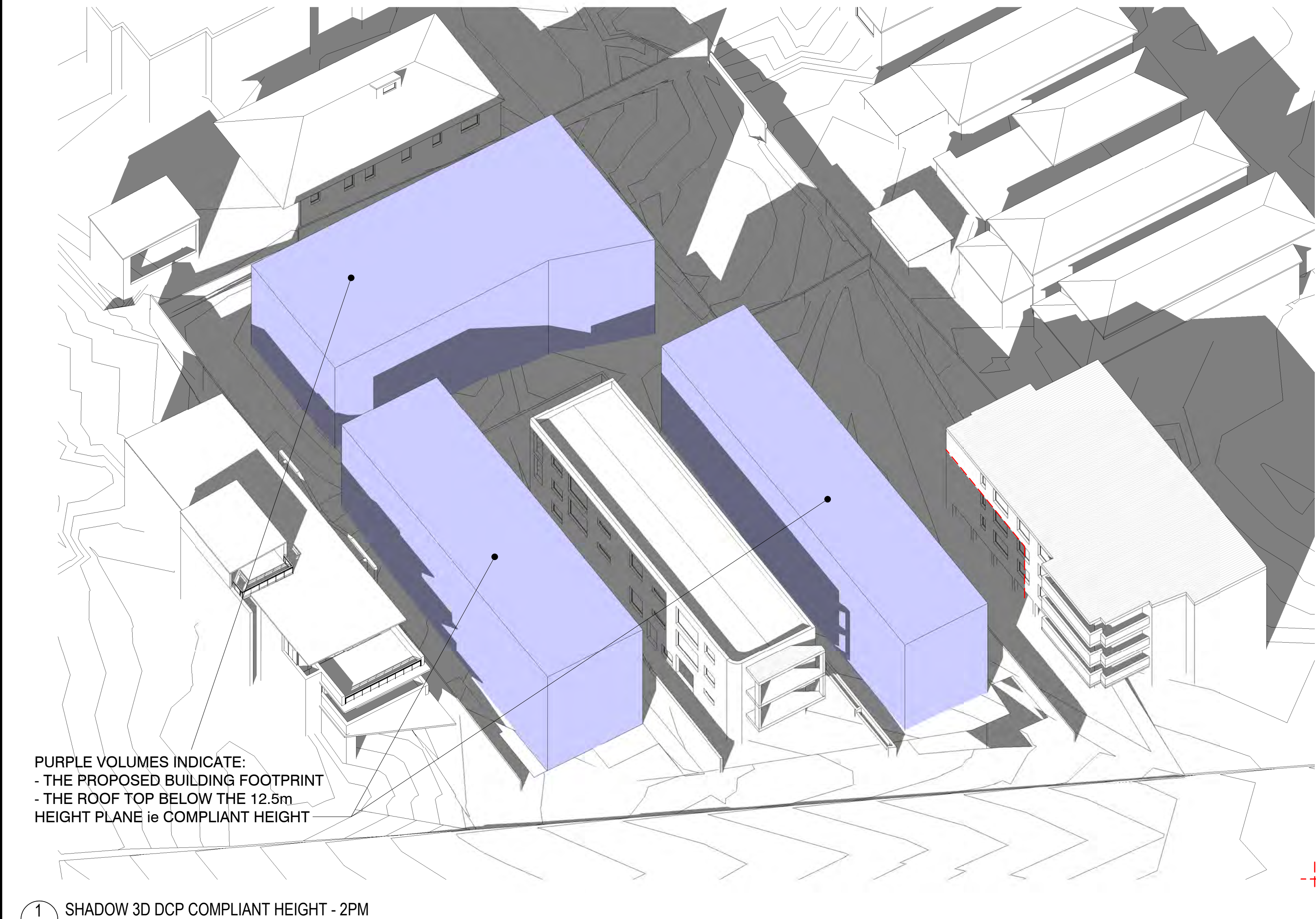
SHADOW IMPACT STUDY -  
SHEET 2

PROJECT No DRAWING No REVISION

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DATE PRINTED: 2/09/2021 3:37:42 PM





RECEIVED  
Waverley Council  
Application No: DA-204/2020  
Date Received: 03/09/2021

BUILDING B PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING B ROOF ONLY

BUILDING C LIFT OVERRUN CASTS  
SHADOW ON BUILDING C ROOF ONLY

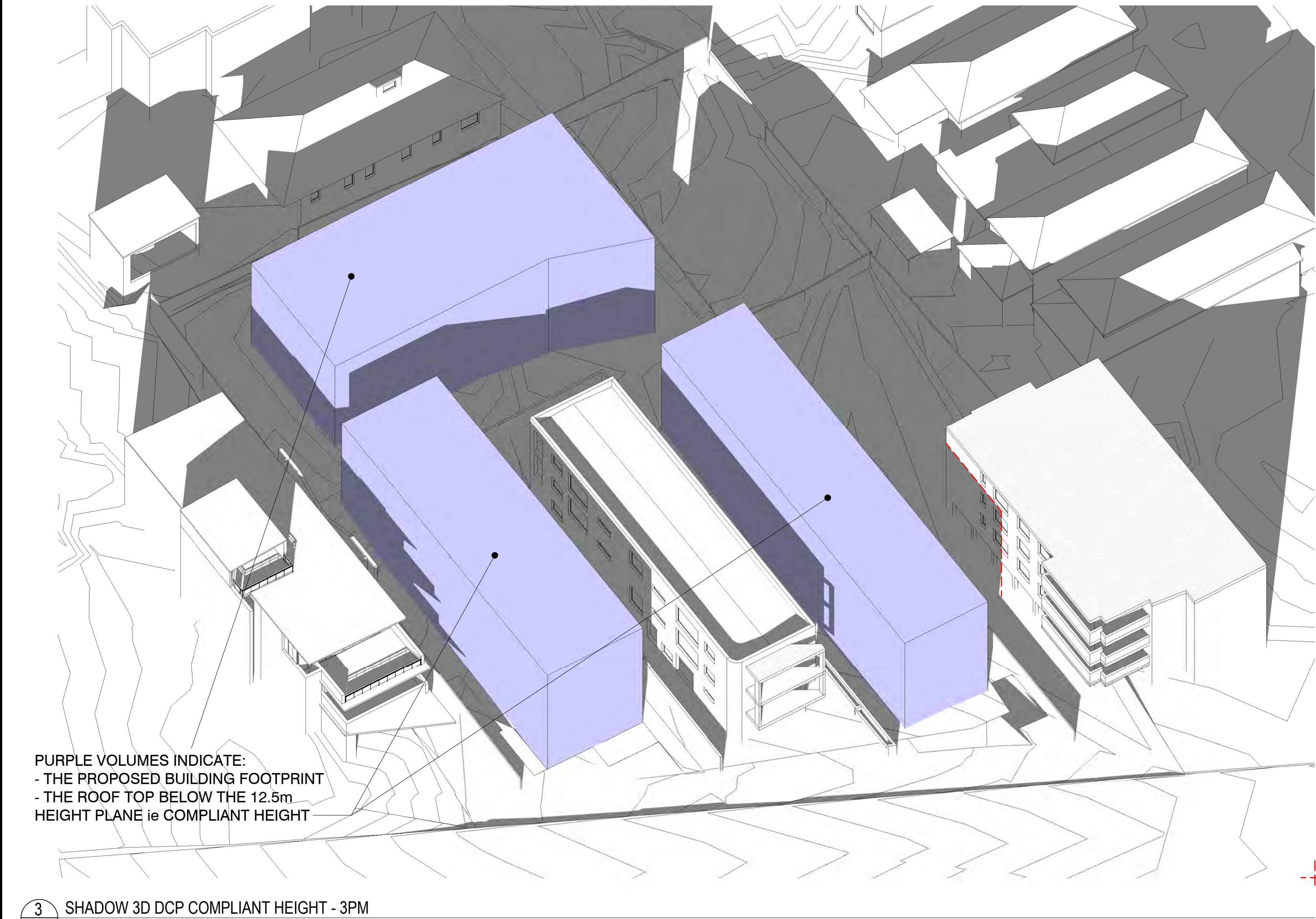
BUILDING A PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING A ROOF ONLY

ADDITIONAL SHADOW CAST ON THE  
FACADE OF 579 AT 2PM

FINDINGS:

- PROPOSED LIFT OVERRUNS  
AND PLANT SCREENS CAST  
NO ADDITIONAL SHADOW

- NEGLIGIBLE ADDITIONAL  
SHADOW IS CAST ON THE  
FACADE OF NO 579 DUE TO  
THE BUILDING C GUTTER  
BEING IN PART ABOVE THE  
HEIGHT PLANE



MARGINAL ADDITIONAL SHADOW CAST BY  
BUILDING B PLANT ENCLOSURE ON ROOF  
OF ADJACENT BUILDING

BUILDING C LIFT OVERRUN CASTS  
SHADOW ON BUILDING C ROOF ONLY

BUILDING A PLANT ENCLOSURE CASTS  
SHADOW ON BUILDING A ROOF ONLY

ADDITIONAL SHADOW CAST ON THE  
FACADE OF 579 AT 3PM

ISSUE	DATE	SUBJECT	AUTHORISED	ISSUE	DATE	SUBJECT	AUTHORISED
				A	25/08/21	UPDATED DA SUBMISSION	
A	25/08/21	UPDATED DA SUBMISSION	GM				

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**Amended Development Application**

PROJECT  
**NEW RESIDENTIAL DEVELOPMENT**  
Old South Head Road, Rose Bay

CLIENT  
**NEW(\*)SPACE CONSTRUCTIONS**  
AUTHORISED FOR ISSUE  
DIRECTOR  
DATE

ARCHITECT  
**djrd architects**  
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djrd.com.au

DRAWN BY	SCALE	SHEET SIZE	REVISION DATE
Author	1:100	B1	25/08/21
DESCRIPTION <b>SHADOW IMPACT STUDY - SHEET 3</b>			
PROJECT No	DRAWING No	REVISION	
19 448	A8.305	A	

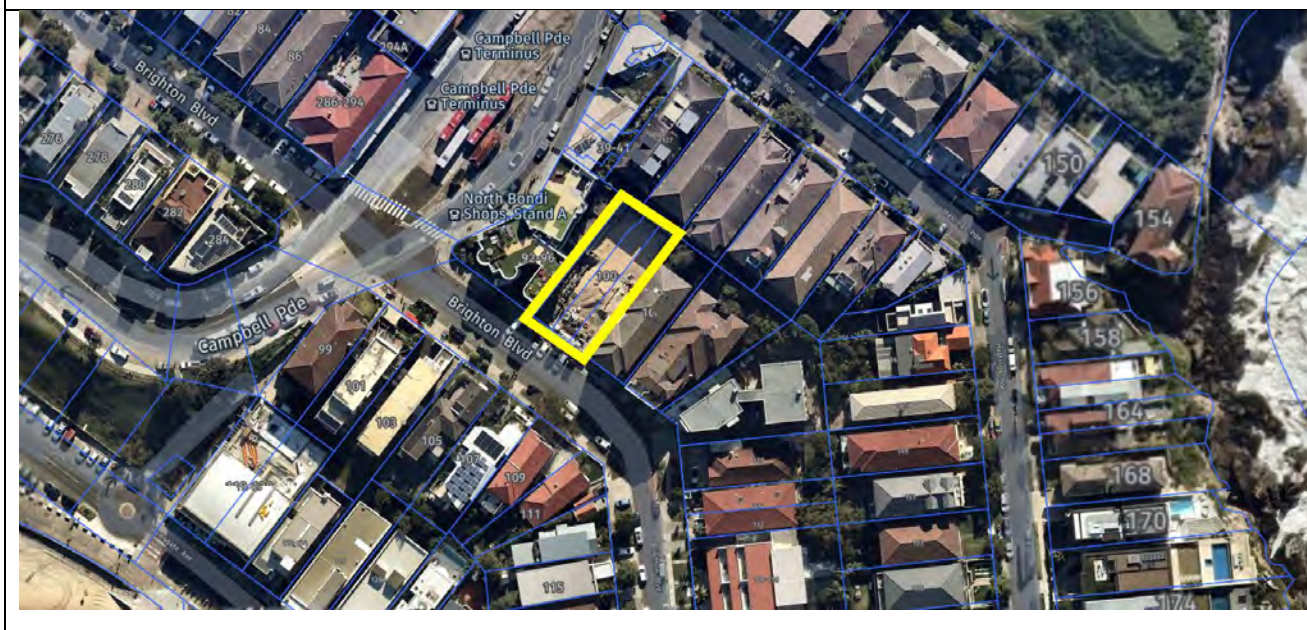




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-159/2015/B
<b>Site address</b>	98-102 Brighton Blvd, NORTH BONDI
<b>Proposal</b>	Modifications to approved shop top housing development, including proposed balcony on the uppermost floor level, raising central roof area, and new window openings.
<b>Description of Approved Development</b>	Demolition of existing buildings and construction of a new three to four storey shop top housing development.
<b>Date of lodgement</b>	21 June 2021
<b>Owner</b>	Bullish Bear Trading Pty Ltd
<b>Applicant</b>	Fiducia Development Management
<b>Submissions</b>	Six
<b>Amended cost of works</b>	\$2,500,000 (unchanged)
<b>Principal Issues</b>	<ul style="list-style-type: none"> <li>Breach to height</li> <li>Height of north-western boundary wall</li> </ul>
<b>Recommendation</b>	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-159/2015 for the demolition of the existing buildings and construction of a new three storey shop top housing development at the site known as 98-102 Brighton Blvd, NORTH BONDI. In summary, the proposed modifications are for changes to the approved shop top housing development, including proposed balcony on the uppermost floor level, raising central roof area, and new window openings.

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

- Exceedance to overall building height; and
- Height of north-western boundary wall.

The assessment finds the breach in height acceptable as it results in a consistent height with the development approved under DA-159/2015, meets the objectives of the height of building within the Waverley Local Environmental Plan 2012 (Waverley LEP 2012) and does not result in unreasonable amenity impacts in terms of view loss or overshadowing. However, the increased height to the north-western boundary wall is excessive and is recommended to revert back to what was approved previously.

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

The application has been assessed against the relevant matters for consideration under section 4.55 (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 this modification, as the Assessment Officer is familiar with the site conducting a site visit on 7 July 2020 for DA-159/2015/A.

The subject site is located on the north-eastern side of Brighton Boulevard, near the intersection of Campbell Parade. The subject site is rectangular in shape, comprising of three allotments being 98, 100 and 102 Brighton Boulevard, having a cumulative frontage of 17.065m, a length of 39.165m and a total site area of 669.3m<sup>2</sup>. The site is generally flat towards the Brighton Boulevard frontage of the site; however, rises steeply towards the rear of the properties by approximately 5.25m.

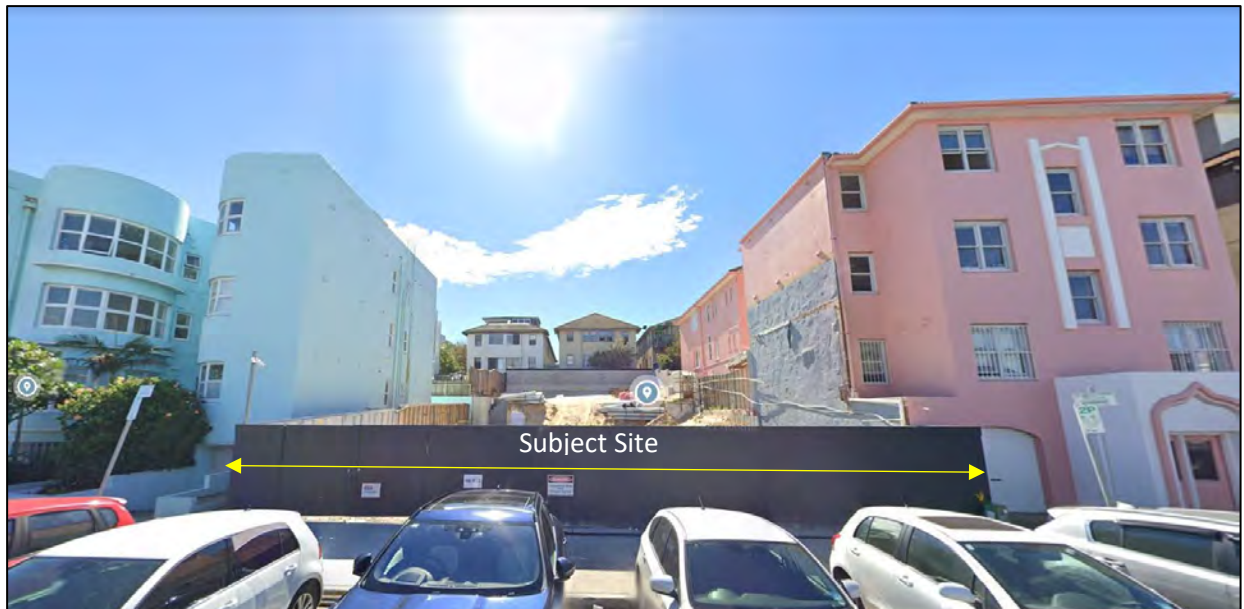
The site is currently under construction; however, the site previously accommodated a two storey mixed use building.

The surrounding locality consists of a mix of residential flat buildings (RFBs), mixed use buildings and detached dwellings. Adjoining the site to the west is 92-96 Brighton Boulevard, is a 3-4 storey Interwar mixed use building, with commercial and retail uses at ground level and residential apartments above with underground parking. Adjoining the site to the east is 104 and 106 Brighton Boulevard, 3-4 storey RFBs with garages at ground (street) level, constructed close to the street boundaries. Immediately to the north-east (rear) are 127, 129 and 131 Hastings Parade, each RFB is two storeys in height. Opposite the site, to the south, is 105 Brighton Boulevard, a 2-3 storey single dwelling house and 103 Brighton

Boulevard, a 3-5 storey RFB that presents to the street as three stories and increases to five stories at the rear due to the slope of the land.

The subject site is not listed as a heritage item, nor situated within a heritage conservation area, however the site does border the Bondi Beach Conservation Area—General (C2) and adjoins a heritage item at 92-96 Brighton Boulevard being an example of an Inter-war Art Deco style RFB (I377).

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



**Figure 1:** Front of site currently under construction as viewed from Brighton Blvd. (Source: Google Maps, 2021)

### 1.3. Details of Approved Development

The original development application, known as DA-159/2015 for the demolition of the existing buildings and construction of a new part three, part four storey shop top housing development, was approved on 26 August 2015 by the Waverley Local Planning Panel (formerly Waverley Development Assessment Panel).

DA-159/2015/A for modifications to shop top housing development, including reconstructed front facade, internal modifications, window changes, increased height of chimneys, additional gross floor area (GFA) and modify conditions 1, 2 & 7, relating to amended plans, was approved on 1 September 2020 under delegation by the Development Building Unit.

### 1.4. Proposal

The modification application has been submitted under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*. The modifications to the approved shop top housing development, include expansion of and new balcony on the uppermost floor level, raising central roof area, and new window openings. In detail the works include:

### Level 1 (Street level)

- Internal reconfiguration, including:
  - Repurpose the approved plant and storage rooms to accommodate end of trip facilities and a disabled water closet;
  - Reconfigure stairs and lift;
  - Reduction to commercial storeroom (reduced excavation);
  - New metal security gate to driveway;
  - Slightly increased plant room to accommodate a geothermal plant;
  - Relocated bin storage;
  - New sliding glass doors between the residential entry corridor and the commercial tenancy; and
  - Three bicycle spaces as per condition 37 of DA-159/2015/A and modify the location of the motorcycle parking.

### Level 2

- Internal and external layout changes, inclusive of:
  - Reconfigure stairs and lift;
  - Increased Gross Floor Area (GFA) to laundry through nil side boundary setback;
  - Amended planter box shapes;
  - Awning over approved BBQ area;
  - Shift the gas fire place to the north; and
  - Reduce width of external stairs from rumpus deck to lawn at the rear.

### Level 3

- Internal layout changes, inclusive of:
  - Reconfigure stairs and lift;
  - New linen closet; and
  - Reconfigure guest bedroom, bedrooms 3 and 4 and their associated ensuites and walk-in-robe.

### Level 4

- Internal layout changes, inclusive of:
  - Reconfigure stairs and lift;
  - Proposed storage area, powder room and BBQ to outdoor terrace; and
  - Increased GFA to master suite and proposed south facing balcony.

### Roof Plan

- Raise the central roof to match the approved front and rear parapets from RL 29.385 to RL29.735 (350mm);
- Two new skylights to the front portion of the building;
- Re-locate two approved skylights more to the rear of the building; and
- Re-locate and increase the amount of PV Cells.

### External

- Window modifications;
- Increase boundary wall height to north-western boundary;
- Increase thickness to awning (fronts Brighton Boulevard);
- Front columns be extended to top of awning; and
- Louvers/operable screens to level 1 front windows to be deleted.

## **1.5. Background**

The modification application was lodged on 21 June 2021.

On 19 August 2021, the applicant was requested to provide view loss diagrams from apartments 5 and 6 of 129 Hastings Parade as well as a waste management plan. The requested information was provided on 30 August 2021 as well as an amended roof plan which added notation that the skylights would not exceed RL 30.235.

Further additional information was requested on 31 August, requesting justification to the breach in height as well as an explanation to where the reduction and increase in view loss (from the view loss diagrams provided on 30 August 2021) came from. This information was provided on 2 September 2021 and is discussed further below.

## **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 six 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.

## 2.3. 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.

### 2.3.1. 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.
- SEPP (Coastal Management) 2018.

### 2.3.2. Waverley LEP 2012

The land use definition of the approved development as shop-top housing remains unchanged and continues to be permitted development in the B1 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 or unchanged.

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings <ul style="list-style-type: none"><li>• 9m</li></ul>	11.66m	11.38m  Breach of the maximum height control of 9m by 2.38m or 26.4%.	No
4.4 Floor Space Ratio (FSR); and 4.4A Exceptions to FSR <ul style="list-style-type: none"><li>• Site Area: 669.3m<sup>2</sup></li><li>• Max GFA: 669.3m<sup>2</sup></li><li>• Max FSR: 1:1</li></ul>	Approved Gross Floor Area (GFA): <b>629.9m<sup>2</sup></b>  Approved FSR: <b>0.94:1</b>	<u>Proposed GFA Calculations:</u> Level 1: 138.2m <sup>2</sup> Level 2: 264.5m <sup>2</sup> Level 3: 129.2m <sup>2</sup> Level 4: 122.0m <sup>2</sup>  <b>Total GFA: 653.9m<sup>2</sup></b>  <b>Proposed FSR: 0.97:1</b>	Yes



The following is a detailed discussion of the exceedance of the height development standard under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

### Height of Buildings

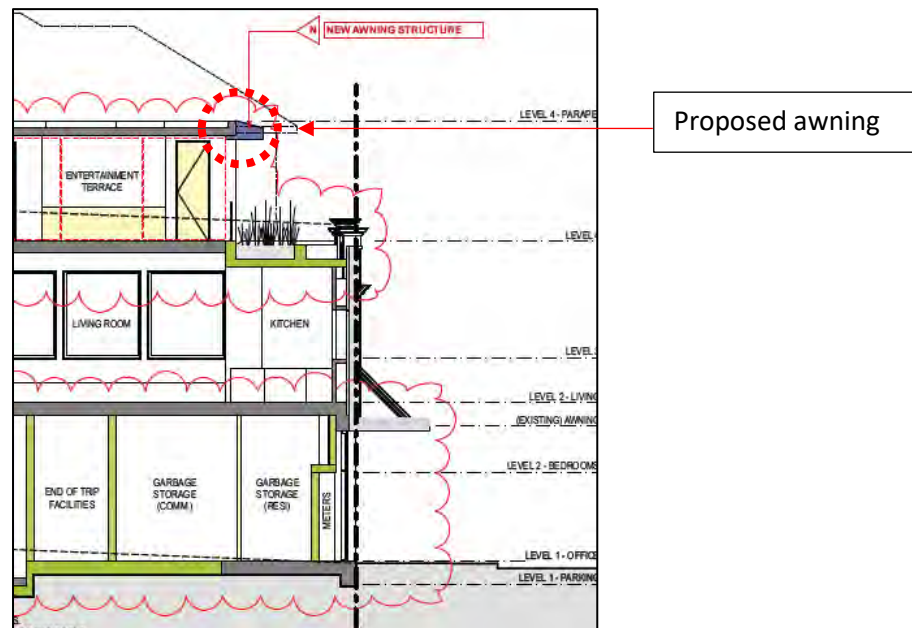
According to the report under DA-159/2015, the Assessment Officer concluded the application had a height of 11.76m. The current Assessment Officer disagrees with this calculation, with the approved height being 11.66m.

The proposed modification retains the maximum parapet height of RL 29.735. However, the development proposes to raise the central roof of the building to match the approved front and rear parapets from RL 29.385 to RL29.735 (350mm increase) (refer to **Figure 2**). This construction form raising this parapet height results in an overall height of 11.38m, which will breach the maximum height control of 9m by 2.38m or 26.4%.



**Figure 2:** Location of increased parapet height that will match the existing parapet to the front and rear of the building. (Source: MHNDUNION, 2021)

It is noted the modification also proposes an awning to the front of the building at level 4, although this does not exceed the previously approved height of 11.66m.



**Figure 3:** Location of the proposed awning at level 4. (Source: MHNDUNION, 2021)

The applicant has provided written justification for the non-compliance with the height of buildings development standard and has based the justification on the performance of the proposal against the objectives of the development standard.

### **Objectives of height of building**

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

*Environmental amenity comprises a number of elements including privacy, solar access and views. If there is a negligible impact in terms of one aspect (such as a minor impact on the solar access of one window of a neighbouring property), it does not mean that the amenity is not preserved for that property. Preservation of amenity is a question to be posed in general and is not limited to one aspect of amenity such as loss of solar access. It is a question of fact and degree as to whether a certain impact on one aspect of amenity is such that the overall amenity of an affected property is or is not preserved (STM 123 No. 7 Pty Ltd v Waverley Council [2020] NSWLEC 1495 at [75]).*

*As the building envelope and leading edges are not readily changing, the amenity of neighbouring properties will be preserved.*

*The shadow diagrams prepared by Cad Draft P/L and submitted previously show there will be no additional overshadowing over neighbouring windows on the winter solstice. Any additional overshadowing will be negligible and not noticeable.*

*The works above the height limit to do not provide additional windows or trafficable areas and therefore privacy will be preserved.*

*Relocating the solar panels will improve views from No. 129 Hastings Parade at the rear. In addition, as the leading edges at the front will be maintained, there will not be any view impacts to the adjoining No. 92 Brighton Boulevard from the modifications above the height limit.*

*Amenity will also be preserved from the public domain as the modifications above the height limit are typically in the middle of the site and not visible from the street.*

**NOTE:** Objectives (b) and (c) of the height of building development standard within the Waverley LEP 2012 are not applicable as the site is not located within the Bondi Junction Centre.

*(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 minor modifications above the height limit will generally maintain the approved building envelope and will therefore remain compatible with the height, bulk and scale of the desired future character of the locality. The changes will not be readily visible from the public domain, other than a new awning at the front façade which will assist in the physical definition of the street network.*

*In summary, the proposed modifications will partially occur above the height limit, however will match the parapet RL of the approved building and will remain consistent with the objectives of the standard. Accordingly, the exceedance is considered reasonable in this instance.*

#### **Objectives of the B1 zone**

**NOTE:** There are no relevant zone objectives for the residential component that breaches the height standard. The objectives of the B1 zone are centred more around commercial uses.

It is concluded that the raised parapet (resulting in a breach in height) meets objectives (a) and (d) of the height of building development standard within the Waverley LEP 2012.

The development meets objective (a), as the parapet will be increased 350mm to match the height of the previously approved parapets (refer to **Figure 2**), resulting in a consistent height to the overall development. Additionally, it will be discussed in greater detail below, that the raised parapet to the central roof form will not result in adverse environmental impacts in terms of view loss or overshadowing to neighbouring land uses (refer to **Table 3**).

The modification also meets objective (d), as the development will remain compatible with the height, bulk and scale of the desired future character of the locality being medium density mixed use. The central roof form will match the height of the previously approved dwelling, maintaining a scale that is similar to 96 and 104 Brighton Boulevard buildings on either side of the subject site).



**Figure 4:** Building remains appropriate in scale in context to neighbouring buildings. (Source: MHNDUNION, 2021)

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the height of buildings development standard. Therefore, the net exceedance is considered acceptable and is supported.

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

The approved development, as proposed to be modified, will be discussed against 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
1. Waste	No. Conditions recommended.	The proposal has been reviewed by Council's Waste Officer, who has recommended suitable conditions of consent.
2. Ecologically Sustainable Development	Yes	A modified BASIX Certificate is submitted with the application, which is acceptable.
8. Transport	Yes	Three bicycle spaces are proposed to the level 1 garage as per condition 37 of the consent.  No other changes to parking rates are proposed.
12. Design Excellence	Yes	The proposal as viewed from Brighton Boulevard will be substantially the same as approved and is considered acceptable.





Development Control	Compliance	Comment
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes	The streetscape presentation to Brighton Boulevard remains substantially the same as approved.
<b>3.6 Attic and roof design</b>		
<ul style="list-style-type: none"> <li>Roof design should contribute to the architectural design and the environmental performance of the development.</li> <li>Roof design should respond to the streetscape character of the area</li> </ul>	Yes	<p>The modification proposes to raise the central portion of the roof to match the approved front and rear parapets from RL 29.385 to RL 29.735 (increase of 350mm). This will result in a consistent height with what has been previously approved to the front and rear of the building.</p> <p>Other amendments to the roof form include two new skylights to the front portion of the roof, alter the location of the two approved rear skylights and amended the location of the approved PV Cells. These amendments are considered to be acceptable.</p>
<b>3.7 Fences and walls</b>		
<ul style="list-style-type: none"> <li>Rear and side fences behind the building line must not exceed 1.8m in height.</li> <li>Side fences must taper down from the front building line to the front boundary fence.</li> </ul>	No. Condition recommended.	<p>The modification proposes to increase the height of the north-western boundary wall (shared with 92-96 Brighton Blvd) by 1.18m. In correspondence dated 02 September 2021, the applicant has justified that it is required to <i>improve visual privacy between properties, with a number of apartments looking down into the central courtyard area of the subject site. The height increase in the middle of the boundary fence will also provide visual consistency, providing a consistent RL height before stepping higher at the frontage as approved.</i></p> <p>This increase in wall height will result in a 6.4m high fence as viewed from the existing ground level of 92-96 Brighton Blvd, which is positioned lower than the finished floor level of the pool deck of the subject site. Therefore, to reduce the overall scale and height of this wall, it must remain as previously approved.</p>
<b>3.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level and respond to</li> </ul>	Yes	The modification will still provide acceptable entry for both the commercial and residential uses.



Development Control	Compliance	Comment
<b>3.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to a minimum of 70% of units on 21 June.</li> <li>New development should maintain at least 2 hrs of sunlight to solar collectors on adjoining properties in mid winter.</li> <li>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.</li> </ul>	Yes	<p>At 9.00am there is no increase to shadowing.</p> <p>At noon, small additional overshadowing occurs to the public domain of Brighton Blvd and to a small portion of the north-western elevation of 104 Brighton Blvd. This additional shadowing does not fall on windows or private open space.</p> <p>At 3.00pm, additional shadowing will fall to the north-western elevation of 104 Brighton Blvd, this will not impact windows.</p> <p>In summary, the proposed modifications do not create adverse additional impacts from the previously approved.</p>
<b>3.14 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss through design</li> <li>Views from public spaces to be maintained.</li> </ul>	See discussion below this table.	
<b>3.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Dwellings to be orientated to the street with entrances and street numbering visible</li> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>Privacy be considered in relation to context density, separation use and design.</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p><b>Windows</b></p> <p><u>South East Elevation (front)</u> The modification proposes to delete the operable screens to the level 2 windows. As these windows overlook Brighton Blvd, their deletion is supported.</p> <p><u>South East Elevation</u> Modified windows will still be fitted with translucent glazing.</p> <p><u>North West Elevation</u> The modified windows are supported. The windows are of an acceptable size and are setback significantly from the south eastern side of 96 Brighton Blvd.</p>



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Prevent overlooking of more than 50% of private open space of lower level dwellings in same development</li> </ul>	<p>Yes</p> <p>Refer to section 3.11 of this table.</p>	<p><u>North East Elevation (rear)</u> The modified windows to level 4 are fitted with screened glazing.</p> <p><b>Balconies</b> Refer to the comments within section 3.11 of this table.</p>
<b>3.21 Building services</b>		
<ul style="list-style-type: none"> <li>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> <li>Outdoor Communal clothes drying area to be provided</li> <li>Plant rooms away from entry communal and private open spaces and bedrooms.</li> <li>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Garbage rooms, storage and plant rooms will be integrated into the building, located at basement level (level 1).</p> <p>The plant room will be located in an acceptable location.</p> <p>Services on the roof are located in acceptable locations, largely setback from the sites boundaries.</p>

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

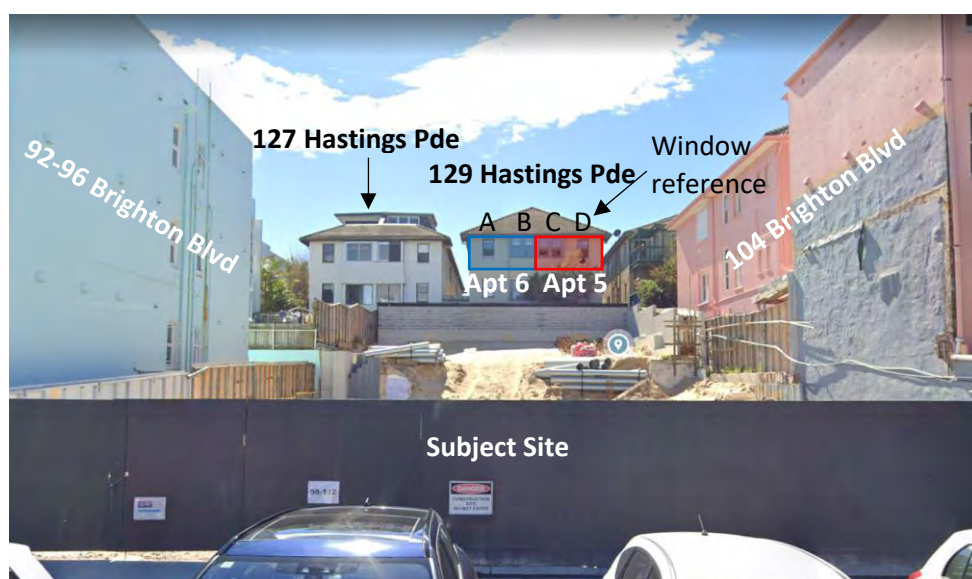
Development Control	Compliance	Comment
<b>1.1 Other Policies, Strategies and Standards</b>		
<b>1.2 Design</b>		
1.1.1 Frontages	Yes	The proposed front windows are substantially the same as the previously approved. The proposed windows will promote an active street frontage and provide casual surveillance to the street.

Development Control	Compliance	Comment
1.1.2 Awnings	Yes.	The modification proposes to increase the thickness of the awning by 0.2m. The modified awning is of a scale that relates to the building.
1.1.3 General Amenity	Yes	The modified plant room is located within the building.

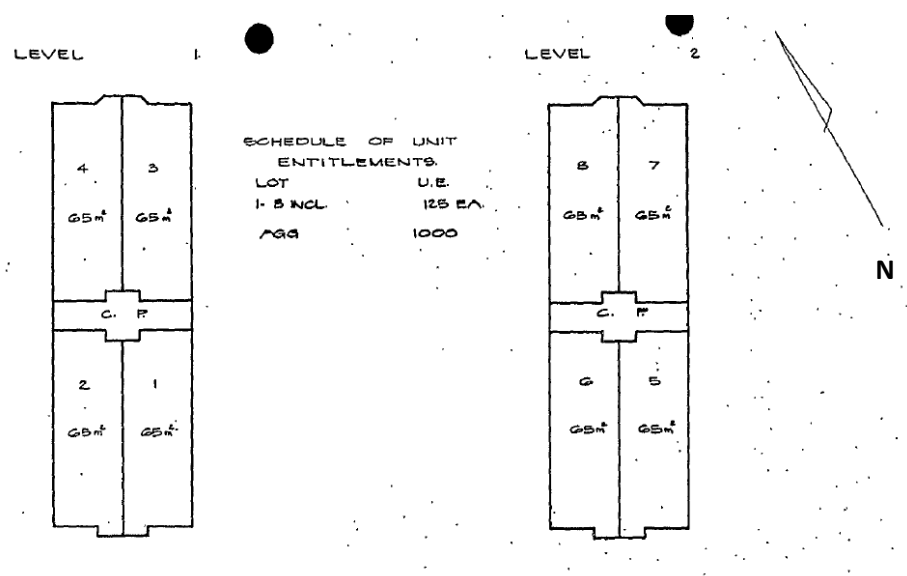
The following is a detailed discussion of the issues identified in the compliance tables above in relation to Waverley DCP 2012.

#### View Loss

View loss objections were received from apartments 5, 6 and 7 of 129 Hastings Parade.



**Figure 5:** Context of subject views in relation to subject site. (Source: Google maps, 2021)



**Figure 6:** Strata Plan of 129 Hastings Parade, North Bondi (Source: Waverley Council, 2021)

#### Apartment 5

The view loss analysis completed by MHNDUNION is prepared from the view accessed from Window D (refer to **Figures 5 and 7**). According to the floor plans accessed from Realestate.com, Windows C and D (refer to **Figure 5**) are accessed from a living/dining room. The view loss diagram indicates a minimal impact from the proposed modification to part of the sea cliffs (refer to **Figure 7**). The diagram also indicates that the dwelling will still receive water views through a view corridor to the eastern side of the lot.

**Figure 8** below indicates where the increase and reduction in views from the proposed modification comes from as outlined in **Figure 7**. **Figure 8** demonstrates the reduction in views is impacted from additional solar panels to the south-eastern portion of the roof (highlighted red in **Figure 8**). Whilst the increased views arise from the deletion of the approved solar panels to the south-western portion of the building (highlighted yellow in **Figure 8**).

#### Apartment 6

The applicant has not provided a view loss diagram for 6/129 Hastings Parade, as the photographs provided (by the objector) did not contain enough context to definitively establish an accurate view. However, given the views are taken from the same level as Apartment 5, it is anticipated there would be a similar outcome to Apartment 5, which is not an unreasonable impact to views.

#### Apartment 7

The Assessment Officer emailed the objector in relation to providing a photo of the affected view, however no response was received. Given Apartment 7 is located to the northern side of the apartment building (refer to **Figure 6**) it is anticipated that there will be no view loss from the proposed development.

#### *Summary*

In summary, the modification results in a building that complies with FSR and setbacks and will have an overall height that will not exceed what has already been approved.



1. VIEW ANALYSIS: 129 HASTINGS PARADE - UNIT 5  
VIEW TAKEN FROM WINDOW HIGHLIGHTED YELLOW

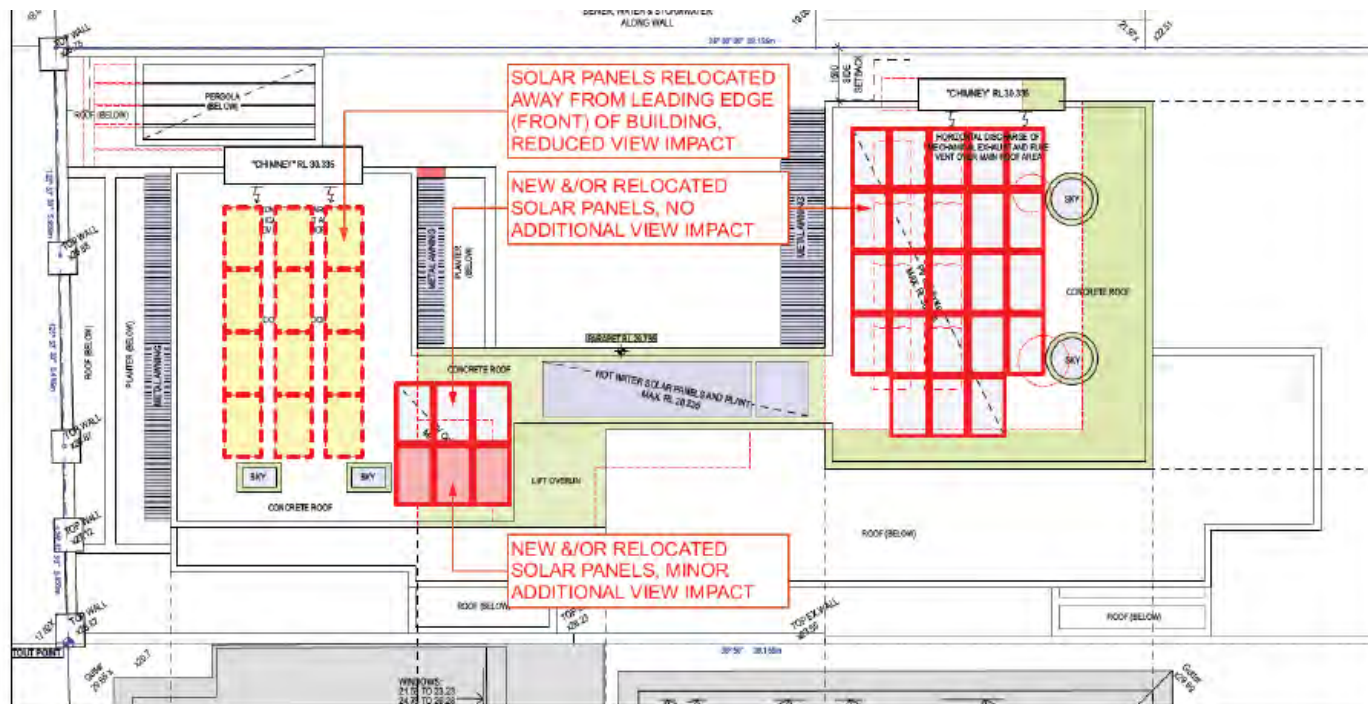


2. VIEW WITH CAD MODEL OVERLAY  
CAMERA POSITION AT RL 30.735  
(ESTIMATED EYE LEVEL OF A PERSON STANDING IN UNIT - 1600mm ABOVE FLOOR LEVEL)



Figure 7. View loss diagram from 5/129 Hastings Parade, North Bondi (Source: MHNDUNION, 2021)





**Figure 8.** Plan indicating the portion of the proposed modification that will contribute to additional view loss as well as view loss reduction (Source: MHNDUNION, 2021)

#### 2.3.4. 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.

#### 2.3.5. Suitability of the Site for the Development

The site is considered suitable for the proposal, subject to conditions.

#### 2.3.6. Any Submissions

The application was notified for 14 days (from 24 June to 8 July 2021) in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal does not reflect a greater impact from what was previously proposed, but provides additional information:

- View loss diagrams from 5/129 Hastings Parade; and
- Notation that PV Cell System would not exceed RL30.235.

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

**Table 5: Number of and where submissions were received from.**

Count	Property Address
1.	1/92 Brighton Blvd, NORTH BONDI
2.	106 Brighton Blvd, NORTH BONDI

3.	2/129 Hastings Pde, NORTH BONDI
4.	5/129 Hastings Pde, NORTH BONDI
5.	6/129 Hastings Pde, NORTH BONDI
6.	7/129 Hastings Pde, NORTH BONDI

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

- Increased boundary wall height to north-eastern boundary;
- Increase to GFA;
- Increase in height and confirmation of the proposed height;
- View loss;
- Request that the modification is reviewed against the Waverley LEP 2012, height restrictions and its impact on the amenity of 129 Hastings Parade;
- Scale of the modification in context to the surrounding buildings; and
- Amenity impacts from level 4 balcony.

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

**Issue:** Revised bulk of the level 4 addition affects the amenity to the rear of 129 Hastings Parade.

**Response:** The rear addition to level 4 results in compliant side and rear setbacks, a compliant height and a compliant GFA. In addition, the assessment has concluded that the increased bulk to the rear portion of level 4 will not result in unreasonable view loss or overshadowing.

**Issue:** Confirmation if the front of the building higher than the back or vice versa.

**Response:** The modification proposes to raise the central portion of the roof by 350mm to provide a consistent parapet height of RL 29.735.

**Issue:** Loss of light and breeze to 129 Hastings Parade

**Response:** The shadow diagrams indicate the modification will not cast shadows on 129 Hastings Parade. Additionally impacts of development on a 'breeze' is not a consideration as guided by the relevant planning instruments.

**Issue:** *'The backyard of 129 will look like a prison courtyard when this building is complete.'*

**Response:** This statement is unclear.

### 2.3.7. Public Interest

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

### 3. REFERRALS

The following internal referral comments were sought:

#### 3.1. Traffic and Development

An internal referral was sought from Council's Traffic Engineer who stated the reconfiguration of the motorcycle spaces intruded into the shared space access but not enough to prevent use of the shared space. The approved plans are to include a bollard in the shared space as per AS2890.6 - 2009 Off Street Parking for People with Disabilities. This is recommended as a condition of consent.

#### 3.2. Stormwater

An internal referral was sought from Council's Stormwater Engineer who stated given the nature of the development, the built drainage system will most likely differ from the approved stormwater management plans. Consequently, Condition 87 is recommended to be reworded to account for any changes. In addition, a condition regarding the Positive Covenant and Restriction on use of Land for the OSD system will be added to ensure the system is maintained and no causing nuisance flooding. This is recommended as a condition of consent.

#### 3.3. Waste

An internal referral was sought from Council's Waste Officer who recommended conditions of consent.

### 4. CONCLUSION

The modification application seeks to modify development consent, known as DA-159/2015 for the demolition of the existing buildings and construction of a new three storey shop top housing development at the site known as 98-102 Brighton Blvd, NORTH BONDI. In summary, the proposed modifications are for modifications to approved shop top housing development, including a proposed new balcony on the uppermost floor level, raising central roof area, and new window openings.

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

- Exceedance to overall building height; and
- Height of north-western boundary wall.

The assessment finds the breach in height acceptable as it meets the objectives of the height of building within the Waverley LEP 2012 and does not result in unreasonable amenity impacts in terms of view loss or overshadowing. However, the increased height to the boundary wall is excessive and it is recommended to revert back to what was approved under DA-159/2015/A.

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

The application has been assessed against the relevant matters for consideration under section 4.55 (2) 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 31 August 2021 and the DBU determined:

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

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

**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:**



Joseph Somerville  
**Development Assessment Planner**

**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:** 03 September 2021

**Date:** 13 September 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 DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan dwg nos 1.201 (Site Analysis and Waste Management Plan), 1.102 to 1.106, 2.101, 2.102, 3.101, 3.102, issue H, dated 1/10/14, tables and documentation prepared by Tobias Partners, and received by Council on 29 April 2015,
- (i) As amended by Architectural Plans prepared by MHDUNION including the following:

Plan Number / Revision	Plan Description	Plan Date	Date received by Council
1.102 / Rev <del>M</del> <b>N</b>	Level 1 Plan - Basement	<del>18/08/2020</del> <b>02/06/2021</b>	<del>19/08/2020</del> <b>18/06/2021</b>
1.103 / Rev <del>M</del> <b>N</b>	Level 2 Plan	<del>18/08/2020</del> <b>02/06/2021</b>	<del>19/08/2020</del> <b>18/06/2021</b>
1.104 / Rev <del>M</del> <b>N</b>	Level 3 Plan	<del>18/08/2020</del> <b>02/06/2021</b>	<del>19/08/2020</del> <b>18/06/2021</b>
1.105 / Rev <del>M</del> <b>N</b>	Level 4 Plan	<del>18/08/2020</del> <b>02/06/2021</b>	<del>19/08/2020</del> <b>18/06/2021</b>
1.106 / Rev <del>M</del> <b>P</b>	Roof Plan	<del>18/08/2020</del> <b>26/06/2021</b>	<del>19/08/2020</del> <b>30/08/2021</b>
1.107 / Rev <del>M</del> <b>N</b>	Elevations – South West (Section D) and South East (Section C)	<del>18/08/2020</del> <b>02/06/2021</b>	<del>19/08/2020</del> <b>18/06/2021</b>
1.108 / Rev <del>M</del> <b>N</b>	Elevations – North East (Section H) and North West (Section A)	<del>18/08/2020</del> <b>02/06/2021</b>	<del>19/08/2020</del> <b>18/06/2021</b>
1.109 / Rev <del>M</del> <b>N</b>	Section B and Section E	<del>18/08/2020</del> <b>02/06/2021</b>	<del>19/08/2020</del> <b>18/06/2021</b>
1.110 / <del>M</del> <b>N</b>	Section F and Section G	<del>18/08/2020</del> <b>02/06/2021</b>	<del>19/08/2020</del> <b>18/06/2021</b>
1.202 / Rev <b>M</b>	Demolition Plan	18/08/2020	19/08/2020

**(AMENDED DA-159/2015/A) (AMENDED DA-159/2015/B)**

- (b) Landscape Plan No. LP-DA-01 and documentation prepared by 360, issue A, dated 05/09/14, and received by Council on 29 April 2015;
- (i) As amended by Landscape Plans prepared by Dangar Barin Smith including the following:

Plan Number / Revision	Plan Description	Plan Date	Date received by Council
LP01-D3520 / Rev B	Cover Sheet	01/06/2020	05/06/2020
LP02-D3520 / Rev B	Ground Landscape Plan	01/06/2020	05/06/2020
LP03-D3520 / Rev B	First Floor Landscape Plan	01/06/2020	05/06/2020
LP04-D3520 / Rev B	Second Floor Landscape Plan	01/06/2020	05/06/2020

**(AMENDED DA-159/2015/A)**

- (c) The BASIX Certificate;
- (d) Stormwater Details, documentation and dwg no. SW1 to SW7, prepared by Donnelley Simpson Cleary, issue 2, dated 7.10.14, and received by Council on 29 April 2015;
- (e) BCA Compliance Assessment Report, report no. 2111, prepared by AE&D Group, rev 02, dated 21st August 2014, and received by Council on 29 April 2015;
- (i) As amended by the BCA Compliance Assessment Report, prepared by Building Certificates Australia, dated 01/06/2020, and received by council 05/06/2020  
**(AMENDED DA-159/2015/A)**
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

## 2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Satisfied under DA-159/2015/A
- (b) Satisfied under DA-159/2015/A
- (c) ***The proposed increase in height to the north-western boundary wall is not approved. The boundary wall height is to revert back to what was approved under DA-159/2015.***

***The amendments are to be approved by Principal Certifying Authority prior to the issue of any amended Construction Certificate under the Environmental Planning and Assessment Act 1979.***

**(AMENDED DA-159/2015/B)**

## 2. 8. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a minimum;
  - **Residential**
    - 1 x 140L Mobile Garbage Bin (MGB) for general waste,
    - 1 x 140L MGB for recyclables,
    - 1 x 140L MGB for paper and cardboard, and.

- 1 x 140L MGB for garden organics.
  - **Commercial**
    - ~~To be advised by applicant.~~
    - **2 x 240L bin for garbage**
    - **2 x 240L bin for recycling**
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (c) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (d) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (e) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (f) Should the commercial area be used for a food premises, separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap. The storage of liquid wastes and oils containers on public land and kerbside is not permitted at any time.
- (g) Should the commercial area be used for a food premises, liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (h) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (i) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (j) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (k) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

**(AMENDED DA-159/2015/B)**

## **87. ~~STORMWATER CERTIFICATION~~**

**~~Prior to issuance of occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.~~**

## **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.*

**(AMENDED DA-159/2015/B)**

### **B. New Conditions**

#### **6A. INTRODUCTION OF A BOLLARD**

*The approved plans are to include a bollard in the shared space as per AS2890.6 - 2009 Off Street Parking for People with Disabilities.*

*A plan with the proposed bollard is to be approved by Council's Traffic Engineers prior to the issues of a Construction Certificate.*

**(ADDED DA-159/2015/B)**

#### **87A. 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.*

**(ADDED DA-159/2015/B)**

## **APPENDIX B – FULL SET OF CONDITIONS**

### **B. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan dwg nos 1.201 (Site Analysis and Waste Management Plan), 1.102 to 1.106, 2.101, 2.102, 3.101, 3.102, issue H, dated 1/10/14, tables and documentation prepared by Tobias Partners, and received by Council on 29 April*



2015,

- (i) As amended by Architectural Plans prepared by MHDUNION including the following:

<b>Plan Number / Revision</b>	<b>Plan Description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
1.102 / Rev N	Level 1 Plan - Basement	02/06/2021	18/06/2021
1.103 / Rev N	Level 2 Plan	02/06/2021	18/06/2021
1.104 / Rev N	Level 3 Plan	02/06/2021	18/06/2021
1.105 / Rev N	Level 4 Plan	02/06/2021	18/06/2021
1.106 / Rev P	Roof Plan	26/06/2021	30/08/2021
1.107 / Rev N	Elevations – South West (Section D) and South East (Section C)	02/06/2021	18/06/2021
1.108 / Rev N	Elevations – North East (Section H) and North West (Section A)	02/06/2021	18/06/2021
1.109 / Rev N	Section B and Section E	02/06/2021	18/06/2021
1.110 / Rev N	Section F and Section G	02/06/2021	18/06/2021
1.202 / Rev M	Demolition Plan	18/08/2020	19/08/2020

**(AMENDED DA-159/2015/A) (AMENDED DA-159/2015/B)**

- (b) Landscape Plan No. LP-DA-01 and documentation prepared by 360, issue A, dated 05/09/14, and received by Council on 29 April 2015;

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<b>Plan Number / Revision</b>	<b>Plan Description</b>	<b>Plan Date</b>	<b>Date received by Council</b>
LP01-D3520 / Rev B	Cover Sheet	01/06/2020	05/06/2020
LP02-D3520 / Rev B	Ground Landscape Plan	01/06/2020	05/06/2020
LP03-D3520 / Rev B	First Floor Landscape Plan	01/06/2020	05/06/2020
LP04-D3520 / Rev B	Second Floor Landscape Plan	01/06/2020	05/06/2020

**(AMENDED DA-159/2015/A)**

- (c) The BASIX Certificate;
- (d) Stormwater Details, documentation and dwg no. SW1 to SW7, prepared by Donnelley Simpson Cleary, issue 2, dated 7.10.14, and received by Council on 29 April 2015;
- (e) BCA Compliance Assessment Report, report no. 2111, prepared by AE&D Group, rev 02, dated 21st August 2014, and received by Council on 29 April 2015;

(i) As amended by the BCA Compliance Assessment Report, prepared by Building Certificates Australia, dated 01/06/2020, and received by council 05/06/2020  
**(AMENDED DA-159/2015/A)**

- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

## **2. GENERAL MODIFICATIONS**

*The proposal shall be amended as follows:*

*(a) Satisfied under DA-159/2015/A*

*(b) Satisfied under DA-159/2015/A*

*(c) The proposed increase in height to the north-western boundary wall is not approved.  
The boundary wall height is to revert back to what was approved under DA-159/2015.*

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

**(AMENDED DA-159/2015/B)**

## **2A. WASTE**

The Site Waste & Recycling Management Plan (SWRMP) for ongoing management post construction must be submitted in accordance with the Waverley Development Application Guide.

The SWRMP is to be approved by Council's Waste Officer prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

**(ADDED DA-159/2015/A)**

## **3. SEPERATE APPLICATIONS FOR NON-RESIDENTIAL USE**

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises.

## **4. DOMESTIC HEATERS**

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

## **5. USE OF DWELLING**

The residential component of the building is to be used only as a single unit dwelling house.

## **6. PARKING ALLOCATIONS**

Two parking spaces shall be limited to the use of the residential dwelling. The loading space and accessible car space shall be used in association with the commercial spaces only.

## 6A. INTRODUCTION OF A BOLLARD

*The approved plans are to include a bollard in the shared space as per AS2890.6 - 2009 Off Street Parking for People with Disabilities.*

*A plan with the proposed bollard is to be approved by Council's Traffic Engineers prior to the issues of a Construction Certificate.*

**(ADDED DA-159/2015/B)**

## 7. ~~RETENTION AND RESTORATION OF FRONT FAÇADE~~ (DELETED DA-159/2015/A)

## 8. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a minimum;
- **Residential**
    - 1 x 140L Mobile Garbage Bin (MGB) for general waste,
    - 1 x 140L MGB for recyclables,
    - 1 x 140L MGB for paper and cardboard, and.
    - 1 x 140L MGB for garden organics.
  - **Commercial**
    - 2 x 240L bin for garbage
    - 2 x 240L bin for recycling
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (c) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (d) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (e) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (f) Should the commercial area be used for a food premises, separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap. The storage of liquid wastes and oils containers on public land and kerbside is not permitted at any time.
- (g) Should the commercial area be used for a food premises, liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (h) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (i) All businesses at this development must have written evidence, held on-site, of a

valid and current contract with a licensed collector of waste and recycling.

- (j) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (k) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

**(AMENDED DA-159/2015/B)**

## **9. ROLLER SHUTTERS**

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

## **10. DELIVERY OF GOODS**

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

## **11. 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.

## **12. 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.

### **13. EMISSIONS**

No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

### **14. INSTALLATION OF AIR CONDITIONING**

Air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
  - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
  - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

### **15. INTRUDER ALARM**

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

### **16. ERECTION OF SIGNS**

- (a) The erection of the sign is to satisfy the following requirements:
- (b) Be subject to development consent of Council:
- (c) Be erected/supported in a secure manner for safety purposes;
- (d) Does not cause measures that would cause irreversible damage to the building;  
and

- (e) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

## **17. SWIMMING POOLS**

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

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

## **18. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS**

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

## **19. EXCAVATION TO BE LIMITED**

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 96 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

## **20. 19A. HERITAGE DEED OF AGREEMENT**

The owner(s) of the premises shall enter into and execute a Deed of Agreement with Council to ensure that the 'approved heritage works' to 98-102 Brighton Boulevard are completed before or concurrently with any other approved work on the site. The Deed of Agreement shall ensure that:

- (a) A detailed survey and photographic record are to be provided prior to any works to the façade.
- (b) Any changes of detailing and finishes to the facade are to be submitted to Councils Heritage Officer for approval
- (c) In the event of additional structure being required, the design and detail of this is to be submitted to Councils Heritage Officer for approval of visual impact.
- (d) All shopfront and window designs and detailing are to be submitted to Councils Heritage Officer for approval.
- (e) A schedule of colours and finishes is to be submitted to Councils Heritage

officer for approval

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

**(ADDED DA-159/2015/A)**

## **C. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **20. SECTION 94A CONTRIBUTION**

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

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

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

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

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

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

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

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

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

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

#### Advisory Note

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

### **21. EXISTING TENANTS ASSISTANCE FOR DISPLACEMENT**

(a) The applicant shall ensure that if existing residents of units 1/102 and 3/102 Brighton Boulevard, North Bondi are to be displaced from the building as a result of the proposal, they shall be assisted to find an alternative comparable

accommodation. This shall include making enquiries with local real estate agents to secure alternative accommodation, and providing 90 days notice to vacate. In this regard the applicant shall provide to the satisfaction of Council's Strategic Planning Division, prior to the issue of a Construction Certificate evidence that these measures have been put in place to comply with this condition.

- (b) The applicant shall submit evidence to Council that tenants have been assisted and rehoused in accordance with Condition (a) prior to the issue of the construction certificate.

## **22. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of **\$10,400.00** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

## **23. LONG SERVICE LEVY**

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

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

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

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

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

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



## **25. ESSENTIAL SERVICES - NEW BUILDING**

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- basis of design;
- standard to which the system is to be installed; and
- all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) inspection, testing and commissioning details;
- (b) date of inspection, testing and commissioning;
- (c) the name and address of the individual who carried out the test; and
- (d) a statement that the service has been designed, installed and is capable of operating to the above standard.

## **26. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system. Any future mechanical ventilation system shall be contained within the envelope of the approved building and no approval shall be granted for external ductwork or the like to be affixed to the outside of the building. In this regard plans are to incorporate for the provision of internal mechanical ventilation to service any potential users, including any future food premises, within the building which may require such facilities prior to the issue of a Construction Certificate.

## **27. HOARDING REQUIRED**

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

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

## **28. GEOTECHNICAL ENGINEERS REPORT**

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk

excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

**29. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

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

**30. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

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

**31. EROSION, SEDIMENT AND POLLUTION CONTROL**

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

**32. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

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

The CVPPM shall show:

- a. The size and number of trucks to be used during the various stages of the development.
- b. The route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information

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

**33. STORMWATER MANAGEMENT**

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

**34. ENGINEERING DETAILS**

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

**35. FENCE NOT TO ENCROACH BEYOND BOUNDARIES**

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

**36. SERVICE AUTHORITIES**

The applicant is to seek approval from Telstra and Sydney Water regarding any possible modification to the service authorities infrastructure prior to the issue of a Construction Certificate.

**37. BICYCLE PARKING**

A total of three bicycle parking spaces are to be provided. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the car parking area. Details are to be indicated on the plans prior to the issue of the Construction Certificate.

**38. UNISEX TOILET**

At least one unisex sanitary facility designed in accordance with AS1428.1 shall be provided in all new or refurbished buildings and car parking stations that provide public sanitary facilities. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**39. EXTERNAL FINISHES**

A schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. Where specified, the schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

**40. ROOFWATER GUTTERING**

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

**41. BASIX**

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

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

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

**42. USE OF RENEWABLE TIMBERS**

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.



**43. SOLAR ELECTRIC PANELS**

The development is to incorporate solar electric panels for hot water and common property lighting (with any excess being integrated back into the Electricity Grid) wherever reasonably possible. Details are to be indicated on the plans prior to the issue of the Construction Certificate.

**44. MAXIMUM CAPACITY OF SOLAR PANELS**

The solar PV panel system on the roof is to have the capacity to generate no more than 100kW. Certification/evidence is to be submitted with the Construction Certificate.

**45. AMENDED LANDSCAPE PLAN**

The Landscape Plan is to be amended by the following changes:

- (a) All species selected for the site are to be local native and native species only.
- (b) deleted
- (c) Selected species for this garden is to be changed to a species that will grow to a minimum of 4.0 metres tall. Spacings of selected species are to reflect this height.
- (d) Plantings on the western boundary and adjacent to the pool edge are to be selected to be capable of growing with the restricted root area of only 1.0 metres.
- (e) Selected species for the garden bed on the eastern side of the property are to be selected to grow in very low light levels.

The amended landscape plan is to be submitted to the Principal Certifying Authority with the plans for the Construction Certificate.

***(AMENDED DA-159/2015/A)***

**45A. 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) with a maximum maturity height of 200mm above the roof level;
- (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.

***(ADDED DA-159/2015/A)***

## **D. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **46. PRIOR TO SITE WORKS**

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

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

### **47. 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.

### **48. 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.

### **49. 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.

### **50. EXCAVATION BELOW FOOTINGS**

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

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

#### **51. OBSTRUCTION TO PUBLIC AREAS**

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

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

#### **52. TOILET FACILITIES**

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

#### **53. NO USE OF ORGANOCHLORIN PESTICIDES**

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

#### **54. DILAPIDATION REPORTS**

Dilapidation surveys must be conducted and dilapidation reports prepared by a practising professional engineer (structural) of all buildings, (both internal and external), including ancillary structures located on land adjoining the site and of such further buildings located within the likely "zone of influence" of any excavation, dewatering and/or construction induced vibration. The survey must identify which properties are within the likely 'zone of influence'.

These properties must include (but are not limited to) 92-96, 104 and 105 Brighton Boulevard and 127, 129 and 131 Hastings Parade, and any others identified to be in the zone of influence in the Dilapidation Survey.

The dilapidation reports must be completed and submitted to Council and the Principal Certifying Authority with or prior to the Notice of Commencement and prior to the commencement of any development work. The adjoining building owner(s) must be given a copy of the dilapidation report for their building(s) prior to the commencement of any work.

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

#### **55. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

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

#### **56. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

#### **57. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

The applicant must ensure that the waste generated during the demolition phase complies with the following;



- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.
 See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

## **58. SOIL AND WATER MANAGEMENT PLAN**

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

## **59. FOOTPATH PROTECTION**

The footpath and driveway must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction.

The protective measure is to be installed prior to the commencement of any works on the site.

**60. STOCKPILES**

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

**61. LOCATION OF BUILDING OPERATIONS**

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

**62. TEMPORARY DIVERSION OF ROOF WATERS**

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

**63. ALL BUILDING MATERIALS STORED ON SITE**

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

**64. CONSTRUCTION HOURS**

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

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

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

**65. USE OF HEAVY EARTH MOVEMENT EQUIPMENT**

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

**66. BUILDING CODE OF AUSTRALIA**

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

**67. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS  
(RESIDENTIAL FLAT DEVELOPMENT AND COMMERCIAL, CLASS 2 AND 6)**

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

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

The specified **MANDATORY** inspections are:

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

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

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

**68. CERTIFICATE OF SURVEY - LEVELS**

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

Certifying Authority during construction and prior to continuing to a higher level of the building.

**69. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

**70. IN-SINK WASTE DISPOSAL SYSTEMS**

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

**71. ENCROACH BEYOND THE BOUNDARIES**

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

**72. WATER PROOFING**

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

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

**73. HOT TAP WATER SCALDING**

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

**74. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED**

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

**75. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER**

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



**76. SERVICE PIPES**

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

**77. HERITAGE ARCHITECT**

The applicant is to commission an experienced conservation architect to work with the consultant team and be involved in the resolution of all matters regarding the preservation, and restoration, reconstruction, adaptive reuse, recording and demolition works surrounding the front façade of the building. 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 relevant conservation issues throughout the project.

The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

**78. TREE PRESERVATION**

For trees not approved for removal, a tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

**79. STREET TREES**

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

**80. TREE PROTECTION**

Precautions shall be taken when working near trees to ensure their retention, including the following:

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

In line with Council's policy to maintain and increase tree cover in the Council area, all trees where consent has been given to remove are to be replaced with a local native tree of minimum container size of 75 litres and shall be maintained until they

attain a mature height of at least six (6) metres, or whereby they will be protected by Council's Tree Preservation Order.

Any replacement tree is to be planted a minimum of 1.0 metres from any boundary, structure or underground services.

Trees shall not be tied to stakes unless support is essential. All advanced trees are to be planted in holes at least 450mm square and 450mm deep, containing good quality soil and humus. In lawn areas, grass is to be kept back for a radius of at least 450mm from stems and trunks, a depression should be formed for the collection of water and the area mulched.

Woodchip mulch is to be installed to a depth of 75-90mm to all mass planted garden areas and around the base of trees in lawn areas. The mulch should be kept at least 50mm away from plant stems to reduce the risk of collar rot.

If the replacement trees are found to be faulty, damaged, dying or dead before being protected by Council's Tree Preservation Order the tree/s shall be replaced with the same species at no cost to Council.

**81. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed **basement 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.

**82. VEHICULAR ACCESS - FINISHED LEVEL**

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

**83. WORK OUTSIDE PROPERTY BOUNDARY**

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

**84. CONSTRUCTION OF SWIMMING POOLS**

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and

- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

**85. POOL DRAINAGE**

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

**86. AWNINGS**

Awnings shall be a minimum of 3m above the footpath level and offset a minimum of 600mm behind the kerb.

**E. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

**87. 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.*

**(AMENDED DA-159/2015/B)**

**87A. 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. **(ADDED DA-159/2015/B)***

**88. SUBDIVISION**

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

**89. SYDNEY WATER**

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

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

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

**90. OCCUPATION CERTIFICATE**

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

**91. POOL SIGN**

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

**92. INSPECTION OF POOL**

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

**93. WASTE STORAGE**

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to Council to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises.



- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.

**94. LANDSCAPE PLAN**

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

**95. LIGHTING**

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

**96. PARKING PERMITS**

In accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

**97. STREET NUMBER/S**

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

## **ADVICE TO APPLICANT**

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

### **SYDNEY WATER REQUIREMENTS**

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

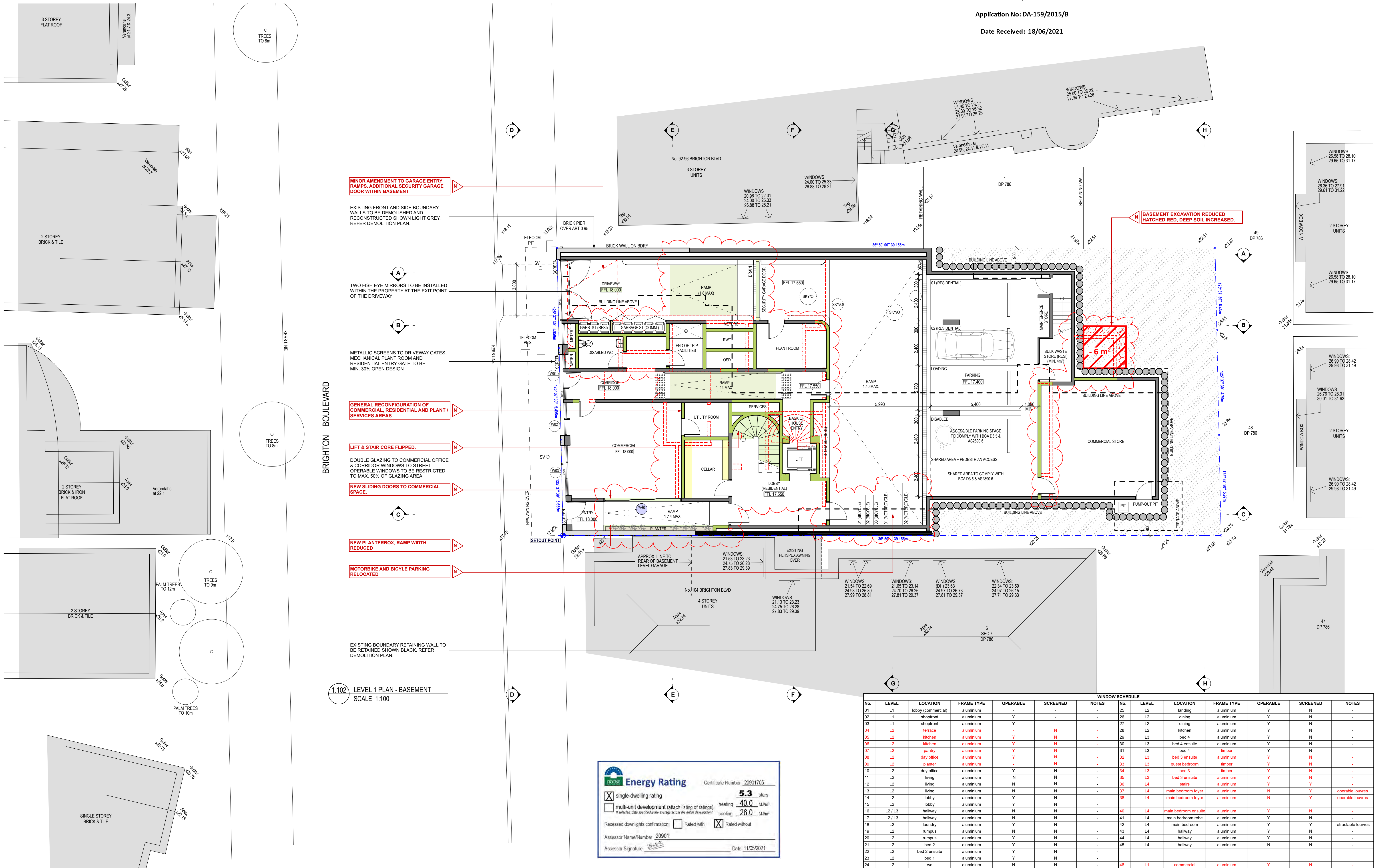
### **DIAL BEFORE YOU DIG**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development

application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial beforeyou dig service in advance of any construction or planning activities.

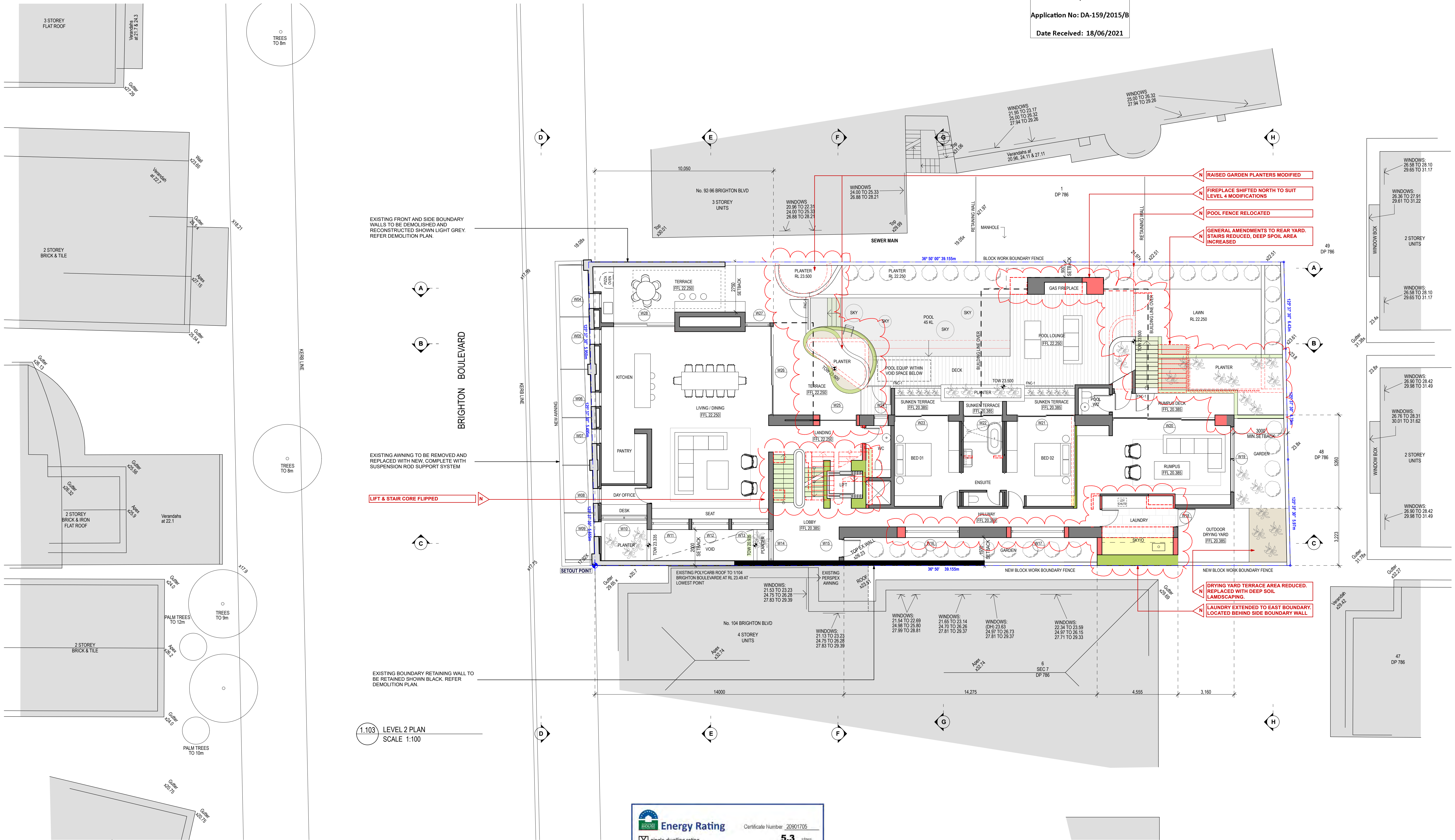
#### TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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



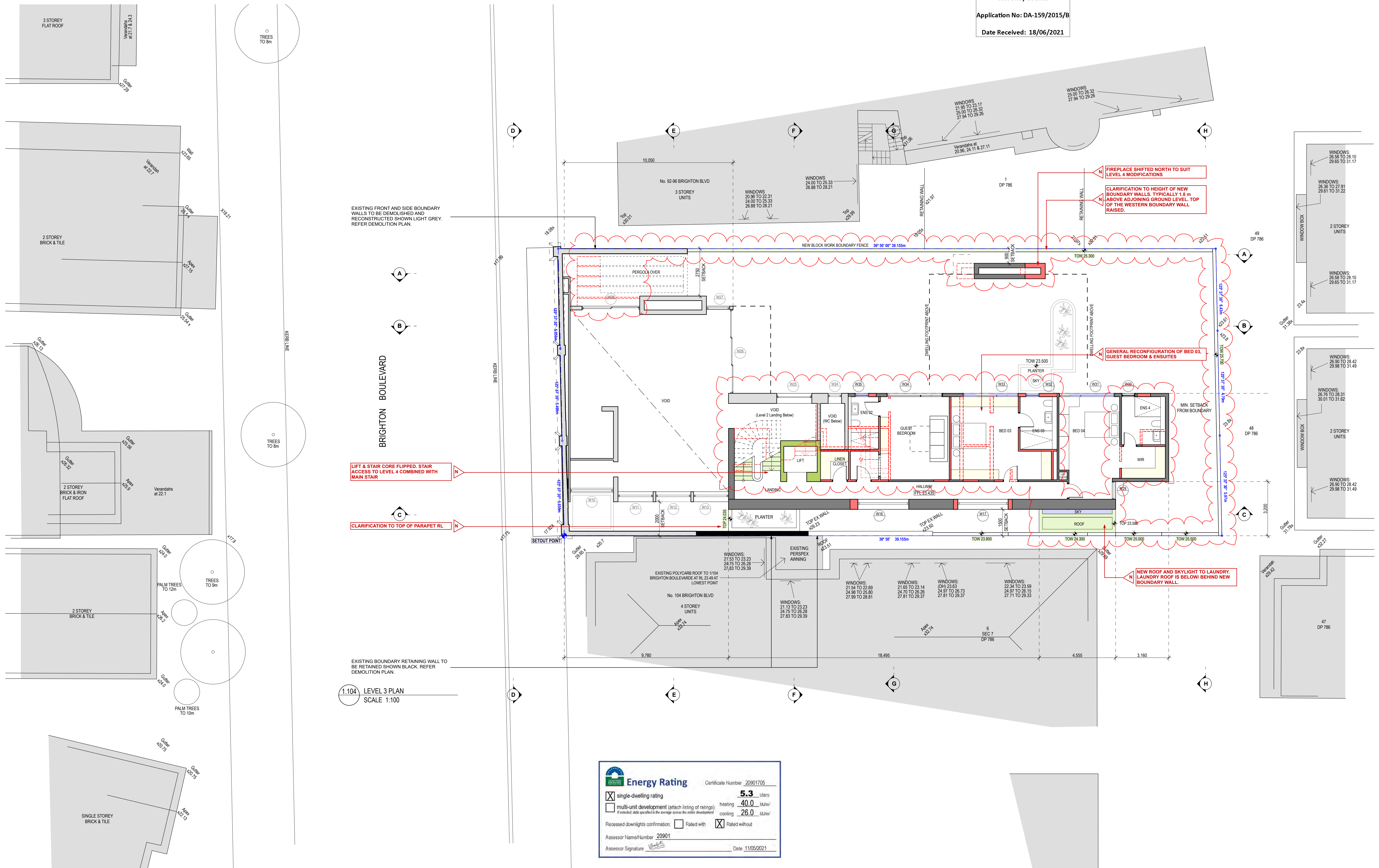
NOTE		DATE	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 12.18 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 4.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTIONS 4 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 17 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL EXHAUST/VENTILATION: TO COMPLY WITH PART 4.6 OF BCA MECHANICAL EXHAUST/VENTILATION: TO COMPLY WITH AS1680 & AS88.2 SMOKE ALARMS: TO COMPLY WITH BCA PART 4.4 & AS1224.2 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4.3005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE 12.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	NOTES:	ARCHITECT: <b>MHNDU</b> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 <a href="http://www.mhndu.com">www.mhndu.com</a> M-H Design Union Pty Ltd. ABN 04 003 717 682 NSW Registration Number 4907	PROJECT ADDRESS: <b>98-102 Brighton Boulevard North Bondi</b>	DRAWN BY: KN / WN SCALE: 1:100@A1 ISSUE DATE: 26/21 PROJECT NUMBER: 19-066	REVISION: <div><div></div></div> <b>N</b> DWG NUMBER: <b>1.102</b>	
H	DA APPROVAL	26.10.2015	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT. 2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. 3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. 4. MHNDU DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS. 5. CONTRACTOR TO NOTIFY MHNDU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING. 6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED. 7. MHNDU TO REVIEW ALL CONTRACTORS' DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. 8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.	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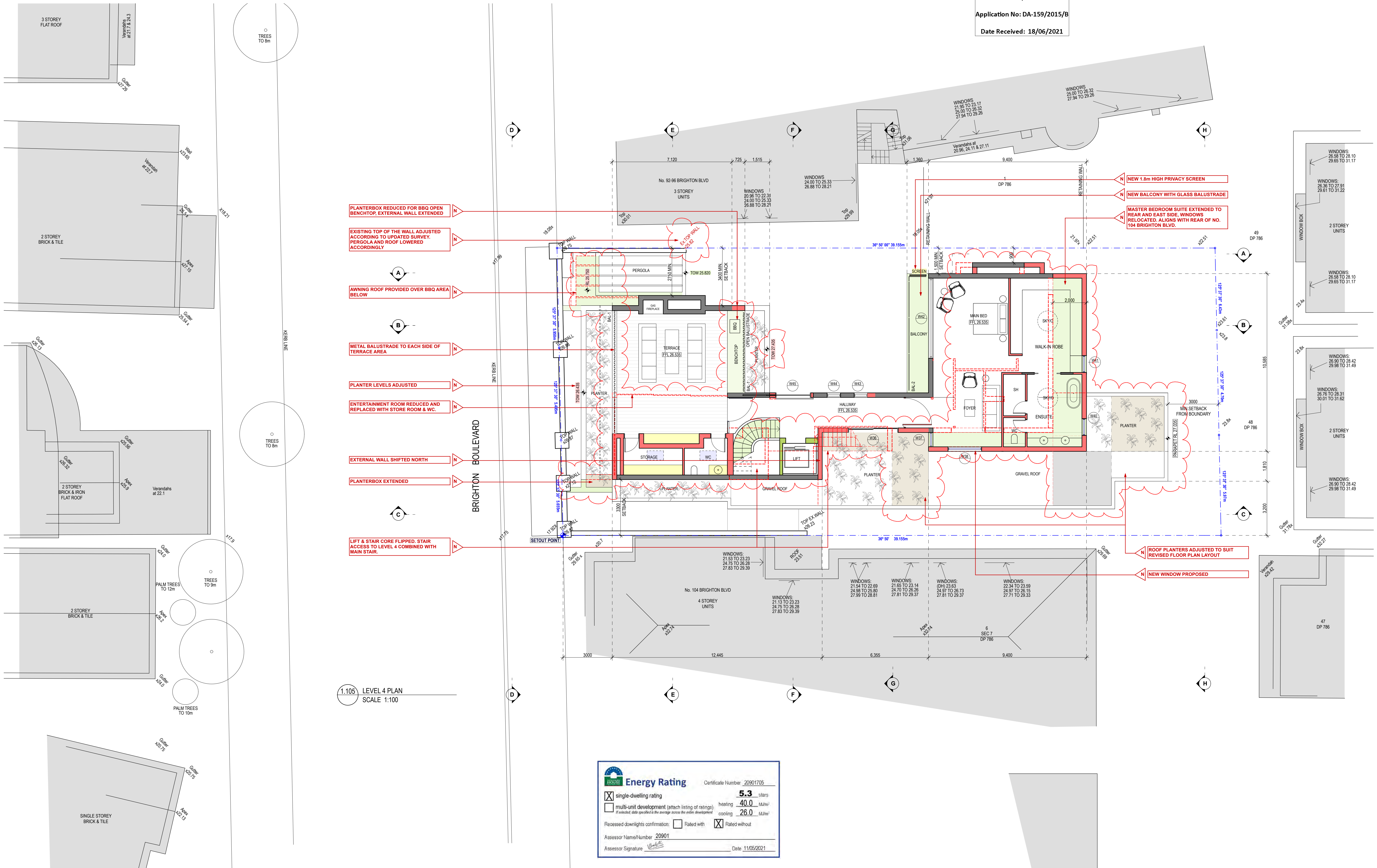
REV	NOTE	DATE	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 10.18 DRAINAGE OUTLET & DOWNPIPES: TO COMPLY WITH AS/NZS 3600 3.2 ENERGY EFFICIENCY CYCLING: TO COMPLY WITH 2.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION 6 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 17 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL/HYDRAULIC: BCA CLAUSE C3.15 & AS1530 4.2005 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS88.2 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE 8 & SPEC 2.2.6 AS3785 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4.2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE 10.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	NOTES:	ARCHITECT: <b>MHNDUNION</b> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com M-H Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907	PROJECT ADDRESS: <b>98-102 Brighton Boulevard North Bondi</b>	DRAWN BY: KN / WN SCALE: 1:100@A1 ISSUE DATE: 26/21 PROJECT NUMBER: <b>19-066</b>	REVISION: N DWG NUMBER: <b>1.103</b>
J	DA APPROVAL	26.10.2015	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT. 2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. 3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. 4. IMPROVED DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS. 5. CONTRACTOR TO NOTIFY MHN/DU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING. 6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED. 7. MHN/DU TO REVIEW ALL CONTRACTOR'S DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. 8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C2.1 - FIRE RESISTING CONSTRUCTION SPEC C1.10 - FIRE HAZARD PROPERTIES SPEC C2.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SEPARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C3.1 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE D2.7 - INSTALLATIONS FOR SERVICE INSTALLATIONS CLAUSE D1.10 - DISCHARGE FROM EXITS CLAUSE D2.14 - LANDINGS CLAUSE D2.15 - THERMOCOOL CLAUSE D2.16 - BALUSTRADES CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LATCH CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.8 - IDENTIFICATION OF ACCESSIBLE FACILITIES/FEATURES CLAUSE D3.8 - TACTILE INDICATORS CLAUSE F1.7 - WATERPROOFING OF WET AREAS CLAUSE F1.9 P1.10 - DAMP PROOFING CLAUSE F1.9 - CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 - LIGHTING AND VENTILATION CLAUSE F5.4 - SOUND INSULATION OF FLOORS CLAUSE F5.6 - SOUND INSULATION OF WALLS CLAUSE F5.7 - SOUND INSULATION OF SERVICES CLAUSE F5.7 - SOUND INSULATION OF PUMPS	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT. 2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. 3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. 4. IMPROVED DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS. 5. CONTRACTOR TO NOTIFY MHN/DU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING. 6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED. 7. MHN/DU TO REVIEW ALL CONTRACTOR'S DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. 8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.	NOTES:	ARCHITECT: <b>MHNDUNION</b> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com M-H Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907	PROJECT ADDRESS: <b>98-102 Brighton Boulevard North Bondi</b>	DRAWN BY: KN / WN SCALE: 1:100@A1 ISSUE DATE: 26/21 PROJECT NUMBER: <b>19-066</b>	REVISION: N DWG NUMBER: <b>1.103</b>





REV	NOTE	DATE	GENERAL NOTES:	ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH CLAUSE 4 & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BICAP PART 4 CLAUSE 4.6 & AS1680 BALUSTRADE LIGHTING: TO COMPLY WITH BICAP CLAUSE 4.6.18 REINFORCEMENT: TO COMPLY WITH BICAP PART 4 CLAUSE 4.6.19 ENERGY EFFICIENCY RATING: TO COMPLY WITH 2-STAR ENERGY EFFICIENCY RATING FIRE RESISTANCE: TO COMPLY WITH SECTION 7 OF BICAP MASONRY: TO COMPLY WITH AS3700 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 2.3 OF BICAP SMOKE ALARMS: TO COMPLY WITH BICAP PART 4.6.22 & 4.6.23 PENETRATIONS THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL PENETRATIONS TO COMPLY WITH BICAP CLAUSE 4.6.23.1 & AS1530 SOUND TRANSMISSION: TO COMPLY WITH PART 4.6 OF BICAP STAIR CONSTRUCTION: TO COMPLY WITH BICAP CLAUSE 4.6.13 TERRACE CONSTRUCTION: TO COMPLY WITH BICAP CLAUSE 4.6.14 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	NOTES:	ARCHITECT: <b>MINDUNION</b> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 <a href="http://www.mhndu.com">www.mhndu.com</a> M+H Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number: 4907	PROJECT ADDRESS: <b>98-102 Brighton Boulevard North Bondi</b>	DRAWN BY: KJ / NN SCALE: 1:100 @ A1 ISSUE DATE: 26/21 PROJECT NUMBER: <b>19-066</b>	MHNDU REVISION: DWG NUMBER: <b>1.104</b>				
A	DA APPROVAL	26.10.2015	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSSENT.	CLAUSE 1.4 - MATERIAL & FORM CONSTRUCTIONS SPEC C11 - FIRE REDUCING CONSTRUCTION SPEC C12 - FIRE ALARM SYSTEMS SPEC C13 - FIRE ESCAPE ROUTES SPEC C14 - FIRE ESCAPE ROUTES SPEC C15 - FIRE ESCAPE ROUTES SPEC C16 - FIRE ESCAPE ROUTES SPEC C17 - FIRE ESCAPE ROUTES SPEC C18 - FIRE ESCAPE ROUTES SPEC C19 - FIRE ESCAPE ROUTES SPEC C20 - FIRE ESCAPE ROUTES SPEC C21 - FIRE ESCAPE ROUTES SPEC C22 - FIRE ESCAPE ROUTES SPEC C23 - FIRE ESCAPE ROUTES SPEC C24 - FIRE ESCAPE ROUTES SPEC C25 - FIRE ESCAPE ROUTES SPEC C26 - FIRE ESCAPE ROUTES SPEC C27 - FIRE ESCAPE ROUTES SPEC C28 - FIRE ESCAPE ROUTES SPEC C29 - FIRE ESCAPE ROUTES SPEC C30 - FIRE ESCAPE ROUTES SPEC C31 - FIRE ESCAPE ROUTES SPEC C32 - FIRE ESCAPE ROUTES SPEC C33 - FIRE ESCAPE ROUTES SPEC C34 - FIRE ESCAPE ROUTES SPEC C35 - FIRE ESCAPE ROUTES SPEC C36 - FIRE ESCAPE ROUTES SPEC C37 - FIRE ESCAPE ROUTES SPEC C38 - FIRE ESCAPE ROUTES SPEC C39 - FIRE ESCAPE ROUTES SPEC C40 - FIRE ESCAPE ROUTES SPEC C41 - FIRE ESCAPE ROUTES SPEC C42 - FIRE ESCAPE ROUTES SPEC C43 - FIRE ESCAPE ROUTES SPEC C44 - FIRE ESCAPE ROUTES SPEC C45 - FIRE ESCAPE ROUTES SPEC C46 - FIRE ESCAPE ROUTES SPEC C47 - FIRE ESCAPE ROUTES SPEC C48 - FIRE ESCAPE ROUTES SPEC C49 - FIRE ESCAPE ROUTES SPEC C50 - FIRE ESCAPE ROUTES SPEC C51 - FIRE ESCAPE ROUTES SPEC C52 - FIRE ESCAPE ROUTES SPEC C53 - FIRE ESCAPE ROUTES SPEC C54 - FIRE ESCAPE ROUTES SPEC C55 - FIRE ESCAPE ROUTES SPEC C56 - FIRE ESCAPE ROUTES SPEC C57 - FIRE ESCAPE ROUTES SPEC C58 - FIRE ESCAPE ROUTES SPEC C59 - FIRE ESCAPE ROUTES SPEC C60 - FIRE ESCAPE ROUTES SPEC C61 - FIRE ESCAPE ROUTES SPEC C62 - FIRE ESCAPE ROUTES SPEC C63 - FIRE ESCAPE ROUTES SPEC C64 - FIRE ESCAPE ROUTES SPEC C65 - FIRE ESCAPE ROUTES SPEC C66 - FIRE ESCAPE ROUTES SPEC C67 - FIRE ESCAPE ROUTES SPEC C68 - FIRE ESCAPE ROUTES SPEC C69 - FIRE ESCAPE ROUTES SPEC C70 - FIRE ESCAPE ROUTES SPEC C71 - FIRE ESCAPE ROUTES SPEC C72 - FIRE ESCAPE ROUTES SPEC C73 - FIRE ESCAPE ROUTES SPEC C74 - FIRE ESCAPE ROUTES SPEC C75 - FIRE ESCAPE ROUTES SPEC C76 - FIRE ESCAPE ROUTES SPEC C77 - FIRE ESCAPE ROUTES SPEC C78 - FIRE ESCAPE ROUTES SPEC C79 - FIRE ESCAPE ROUTES SPEC C80 - FIRE ESCAPE ROUTES SPEC C81 - FIRE ESCAPE ROUTES SPEC C82 - FIRE ESCAPE ROUTES SPEC C83 - FIRE ESCAPE ROUTES SPEC C84 - FIRE ESCAPE ROUTES SPEC C85 - FIRE ESCAPE ROUTES SPEC C86 - FIRE ESCAPE ROUTES SPEC C87 - FIRE ESCAPE ROUTES SPEC C88 - FIRE ESCAPE ROUTES SPEC C89 - FIRE ESCAPE ROUTES SPEC C90 - FIRE ESCAPE ROUTES SPEC C91 - FIRE ESCAPE ROUTES SPEC C92 - FIRE ESCAPE ROUTES SPEC C93 - FIRE ESCAPE ROUTES SPEC C94 - FIRE ESCAPE ROUTES SPEC C95 - FIRE ESCAPE ROUTES SPEC C96 - FIRE ESCAPE ROUTES SPEC C97 - FIRE ESCAPE ROUTES SPEC C98 - FIRE ESCAPE ROUTES SPEC C99 - FIRE ESCAPE ROUTES SPEC C100 - FIRE ESCAPE ROUTES	CLAUSE 1.4 - MATERIAL & FORM CONSTRUCTIONS SPEC C11 - FIRE REDUCING CONSTRUCTION SPEC C12 - FIRE ALARM SYSTEMS SPEC C13 - FIRE ESCAPE ROUTES SPEC C14 - FIRE ESCAPE ROUTES SPEC C15 - FIRE ESCAPE ROUTES SPEC C16 - FIRE ESCAPE ROUTES SPEC C17 - FIRE ESCAPE ROUTES SPEC C18 - FIRE ESCAPE ROUTES SPEC C19 - FIRE ESCAPE ROUTES SPEC C20 - FIRE ESCAPE ROUTES SPEC C21 - FIRE ESCAPE ROUTES SPEC C22 - FIRE ESCAPE ROUTES SPEC C23 - FIRE ESCAPE ROUTES SPEC C24 - FIRE ESCAPE ROUTES SPEC C25 - FIRE ESCAPE ROUTES SPEC C26 - FIRE ESCAPE ROUTES SPEC C27 - FIRE ESCAPE ROUTES SPEC C28 - FIRE ESCAPE ROUTES SPEC C29 - FIRE ESCAPE ROUTES SPEC C30 - FIRE ESCAPE ROUTES SPEC C31 - FIRE ESCAPE ROUTES SPEC C32 - FIRE ESCAPE ROUTES SPEC C33 - FIRE ESCAPE ROUTES SPEC C34 - FIRE ESCAPE ROUTES SPEC C35 - FIRE ESCAPE ROUTES SPEC C36 - FIRE ESCAPE ROUTES SPEC C37 - FIRE ESCAPE ROUTES SPEC C38 - FIRE ESCAPE ROUTES SPEC C39 - FIRE ESCAPE ROUTES SPEC C40 - FIRE ESCAPE ROUTES SPEC C41 - FIRE ESCAPE ROUTES SPEC C42 - FIRE ESCAPE ROUTES SPEC C43 - FIRE ESCAPE ROUTES SPEC C44 - FIRE ESCAPE ROUTES SPEC C45 - FIRE ESCAPE ROUTES SPEC C46 - FIRE ESCAPE ROUTES SPEC C47 - FIRE ESCAPE ROUTES SPEC C48 - FIRE ESCAPE ROUTES SPEC C49 - FIRE ESCAPE ROUTES SPEC C50 - FIRE ESCAPE ROUTES SPEC C51 - FIRE ESCAPE ROUTES SPEC C52 - FIRE ESCAPE ROUTES SPEC C53 - FIRE ESCAPE ROUTES SPEC C54 - FIRE ESCAPE ROUTES SPEC C55 - FIRE ESCAPE ROUTES SPEC C56 - FIRE ESCAPE ROUTES SPEC C57 - FIRE ESCAPE ROUTES SPEC C58 - FIRE ESCAPE ROUTES SPEC C59 - FIRE ESCAPE ROUTES SPEC C60 - FIRE ESCAPE ROUTES SPEC C61 - FIRE ESCAPE ROUTES SPEC C62 - FIRE ESCAPE ROUTES SPEC C63 - FIRE ESCAPE ROUTES SPEC C64 - FIRE ESCAPE ROUTES SPEC C65 - FIRE ESCAPE ROUTES SPEC C66 - FIRE ESCAPE ROUTES SPEC C67 - FIRE ESCAPE ROUTES SPEC C68 - FIRE ESCAPE ROUTES SPEC C69 - FIRE ESCAPE ROUTES SPEC C70 - FIRE ESCAPE ROUTES SPEC C71 - FIRE ESCAPE ROUTES SPEC C72 - FIRE ESCAPE ROUTES SPEC C73 - FIRE ESCAPE ROUTES SPEC C74 - FIRE ESCAPE ROUTES SPEC C75 - FIRE ESCAPE ROUTES SPEC C76 - FIRE ESCAPE ROUTES SPEC C77 - FIRE ESCAPE ROUTES SPEC C78 - FIRE ESCAPE ROUTES SPEC C79 - FIRE ESCAPE ROUTES SPEC C80 - FIRE ESCAPE ROUTES SPEC C81 - FIRE ESCAPE ROUTES SPEC C82 - FIRE ESCAPE ROUTES SPEC C83 - FIRE ESCAPE ROUTES SPEC C84 - FIRE ESCAPE ROUTES SPEC C85 - FIRE ESCAPE ROUTES SPEC C86 - FIRE ESCAPE ROUTES SPEC C87 - FIRE ESCAPE ROUTES SPEC C88 - FIRE ESCAPE ROUTES SPEC C89 - FIRE ESCAPE ROUTES SPEC C90 - FIRE ESCAPE ROUTES SPEC C91 - FIRE ESCAPE ROUTES SPEC C92 - FIRE ESCAPE ROUTES SPEC C93 - FIRE ESCAPE ROUTES SPEC C94 - FIRE ESCAPE ROUTES SPEC C95 - FIRE ESCAPE ROUTES SPEC C96 - FIRE ESCAPE ROUTES SPEC C97 - FIRE ESCAPE ROUTES SPEC C98 - FIRE ESCAPE ROUTES SPEC C99 - FIRE ESCAPE ROUTES SPEC C100 - FIRE ESCAPE ROUTES	CLAUSE 1.4 - MATERIAL & FORM CONSTRUCTIONS SPEC C11 - FIRE REDUCING CONSTRUCTION SPEC C12 - FIRE ALARM SYSTEMS SPEC C13 - FIRE ESCAPE ROUTES SPEC C14 - FIRE ESCAPE ROUTES SPEC C15 - FIRE ESCAPE ROUTES SPEC C16 - FIRE ESCAPE ROUTES SPEC C17 - FIRE ESCAPE ROUTES SPEC C18 - FIRE ESCAPE ROUTES SPEC C19 - FIRE ESCAPE ROUTES SPEC C20 - FIRE ESCAPE ROUTES SPEC C21 - FIRE ESCAPE ROUTES SPEC C22 - FIRE ESCAPE ROUTES SPEC C23 - FIRE ESCAPE ROUTES SPEC C24 - FIRE ESCAPE ROUTES SPEC C25 - FIRE ESCAPE ROUTES SPEC C26 - FIRE ESCAPE ROUTES SPEC C27 - FIRE ESCAPE ROUTES SPEC C28 - FIRE ESCAPE ROUTES SPEC C29 - 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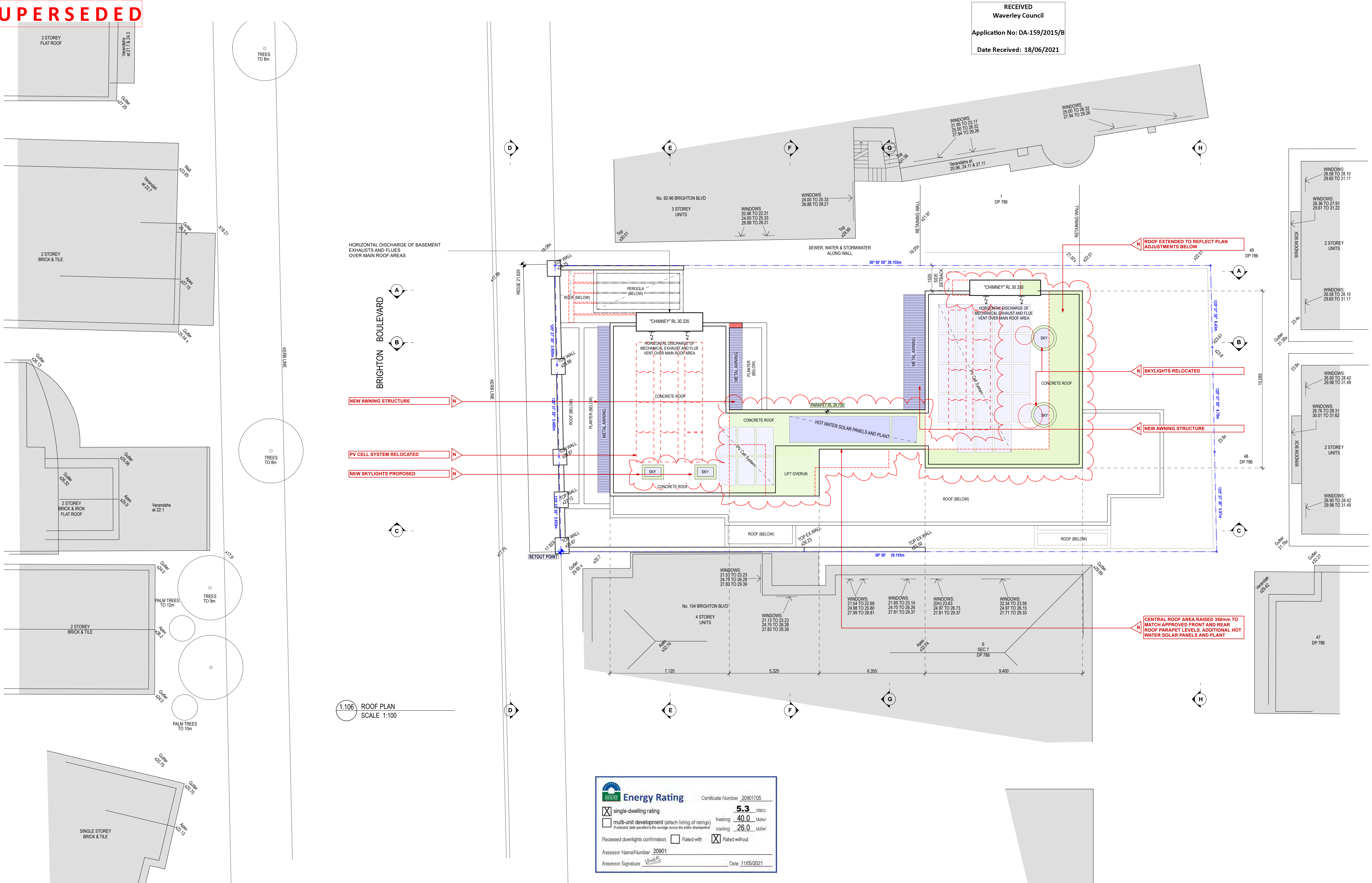





REV	NOTE	DATE	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 22.18 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY CYCLING: TO COMPLY WITH 2.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTIONS 4.6 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 4.7 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL/HYDRAULIC: TO COMPLY WITH PART 2.2 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS68.2 SMOKE ALARMS: TO COMPLY WITH BCA PART 4.4 & AS1228.6 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4.2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE 22.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	NOTES:	ARCHITECT: <b>MHNDUNION</b> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 <b>www.mhndu.com</b> M-H Design Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907	PROJECT ADDRESS: <b>98-102 Brighton Boulevard North Bondi</b>	DRAWN BY: KN / WN SCALE: 1:100@A1 ISSUE DATE: 2/6/21 PROJECT NUMBER: <b>19-066</b>	MHNDU REVISION: <b>N</b> DWG NUMBER: <b>1.105</b>
H	DA APPROVAL	26.10.2015	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT. 2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. 3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. 4. IMPROVISED DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS. 5. CONTRACTOR TO NOTIFY MHNDU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING. 6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED. 7. IMPROVISED DRAWINGS TO BE REVIEWED BY ALL CONSULTANTS / SETTING OUT PRIOR TO CONSTRUCTION. 8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C2.11 - FIRE RESISTING CONSTRUCTION SPEC C2.10 - FIRE HAZARD PROPERTIES SPEC C2.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE SPEC C2.12 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.13 - SEPARATION OF EQUIPMENT CLAUSE C2.14 - ELECTRICITY SUPPLY SYSTEM CLAUSE C2.15 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C2.16 - OPENING IN FIRE ISOLATED EXITS CLAUSE C2.17 - INSTALLATIONS FOR SERVICE INSTALLATIONS CLAUSE C2.18 - DISCHARGE FROM EXITS CLAUSE C2.19 - DISCHARGE FROM EXITS CLAUSE C2.20 - DISCHARGE FROM EXITS CLAUSE C2.21 - DISCHARGE FROM EXITS CLAUSE C2.22 - DISCHARGE FROM EXITS CLAUSE C2.23 - DISCHARGE FROM EXITS CLAUSE C2.24 - DISCHARGE FROM EXITS CLAUSE C2.25 - DISCHARGE FROM EXITS CLAUSE C2.26 - DISCHARGE FROM EXITS CLAUSE C2.27 - DISCHARGE FROM EXITS CLAUSE C2.28 - DISCHARGE FROM EXITS CLAUSE C2.29 - DISCHARGE FROM EXITS CLAUSE C2.30 - DISCHARGE FROM EXITS CLAUSE C2.31 - DISCHARGE FROM EXITS CLAUSE C2.32 - DISCHARGE FROM EXITS CLAUSE C2.33 - DISCHARGE FROM EXITS CLAUSE C2.34 - DISCHARGE FROM EXITS CLAUSE C2.35 - DISCHARGE FROM EXITS CLAUSE C2.36 - DISCHARGE FROM EXITS CLAUSE C2.37 - DISCHARGE FROM EXITS CLAUSE C2.38 - DISCHARGE FROM EXITS CLAUSE C2.39 - DISCHARGE FROM EXITS CLAUSE C2.40 - DISCHARGE FROM EXITS CLAUSE C2.41 - DISCHARGE FROM EXITS CLAUSE C2.42 - DISCHARGE FROM EXITS CLAUSE C2.43 - DISCHARGE FROM EXITS CLAUSE C2.44 - DISCHARGE FROM EXITS CLAUSE C2.45 - DISCHARGE FROM EXITS CLAUSE C2.46 - DISCHARGE FROM EXITS CLAUSE C2.47 - DISCHARGE FROM EXITS CLAUSE C2.48 - DISCHARGE FROM EXITS CLAUSE C2.49 - DISCHARGE FROM EXITS CLAUSE C2.50 - DISCHARGE FROM EXITS CLAUSE C2.51 - DISCHARGE FROM EXITS CLAUSE C2.52 - DISCHARGE FROM EXITS CLAUSE C2.53 - DISCHARGE FROM EXITS CLAUSE C2.54 - DISCHARGE FROM EXITS CLAUSE C2.55 - DISCHARGE FROM EXITS CLAUSE C2.56 - DISCHARGE FROM EXITS CLAUSE C2.57 - DISCHARGE FROM EXITS CLAUSE C2.58 - DISCHARGE FROM EXITS CLAUSE C2.59 - DISCHARGE FROM EXITS CLAUSE C2.60 - DISCHARGE FROM EXITS CLAUSE C2.61 - DISCHARGE FROM EXITS CLAUSE C2.62 - DISCHARGE FROM EXITS CLAUSE C2.63 - DISCHARGE FROM EXITS CLAUSE C2.64 - DISCHARGE FROM EXITS CLAUSE C2.65 - DISCHARGE FROM EXITS CLAUSE C2.66 - DISCHARGE FROM EXITS CLAUSE C2.67 - DISCHARGE FROM EXITS CLAUSE C2.68 - DISCHARGE FROM EXITS CLAUSE C2.69 - DISCHARGE FROM EXITS CLAUSE C2.70 - DISCHARGE FROM EXITS CLAUSE C2.71 - DISCHARGE FROM EXITS CLAUSE C2.72 - DISCHARGE FROM EXITS CLAUSE C2.73 - DISCHARGE FROM EXITS CLAUSE C2.74 - DISCHARGE FROM EXITS CLAUSE C2.75 - DISCHARGE FROM EXITS CLAUSE C2.76 - DISCHARGE FROM EXITS CLAUSE C2.77 - DISCHARGE FROM EXITS CLAUSE C2.78 - DISCHARGE FROM EXITS CLAUSE C2.79 - DISCHARGE FROM EXITS CLAUSE C2.80 - DISCHARGE FROM EXITS CLAUSE C2.81 - DISCHARGE FROM EXITS CLAUSE C2.82 - DISCHARGE FROM EXITS CLAUSE C2.83 - DISCHARGE FROM EXITS CLAUSE C2.84 - DISCHARGE FROM EXITS CLAUSE C2.85 - DISCHARGE FROM EXITS CLAUSE C2.86 - DISCHARGE FROM EXITS CLAUSE C2.87 - DISCHARGE FROM EXITS CLAUSE C2.88 - DISCHARGE FROM EXITS CLAUSE C2.89 - DISCHARGE FROM EXITS CLAUSE C2.90 - DISCHARGE FROM EXITS CLAUSE C2.91 - DISCHARGE FROM EXITS CLAUSE C2.92 - DISCHARGE FROM EXITS CLAUSE C2.93 - DISCHARGE FROM EXITS CLAUSE C2.94 - DISCHARGE FROM EXITS CLAUSE C2.95 - DISCHARGE FROM EXITS CLAUSE C2.96 - DISCHARGE FROM EXITS CLAUSE C2.97 - DISCHARGE FROM EXITS CLAUSE C2.98 - DISCHARGE FROM EXITS CLAUSE C2.99 - DISCHARGE FROM EXITS CLAUSE C2.100 - DISCHARGE FROM EXITS						



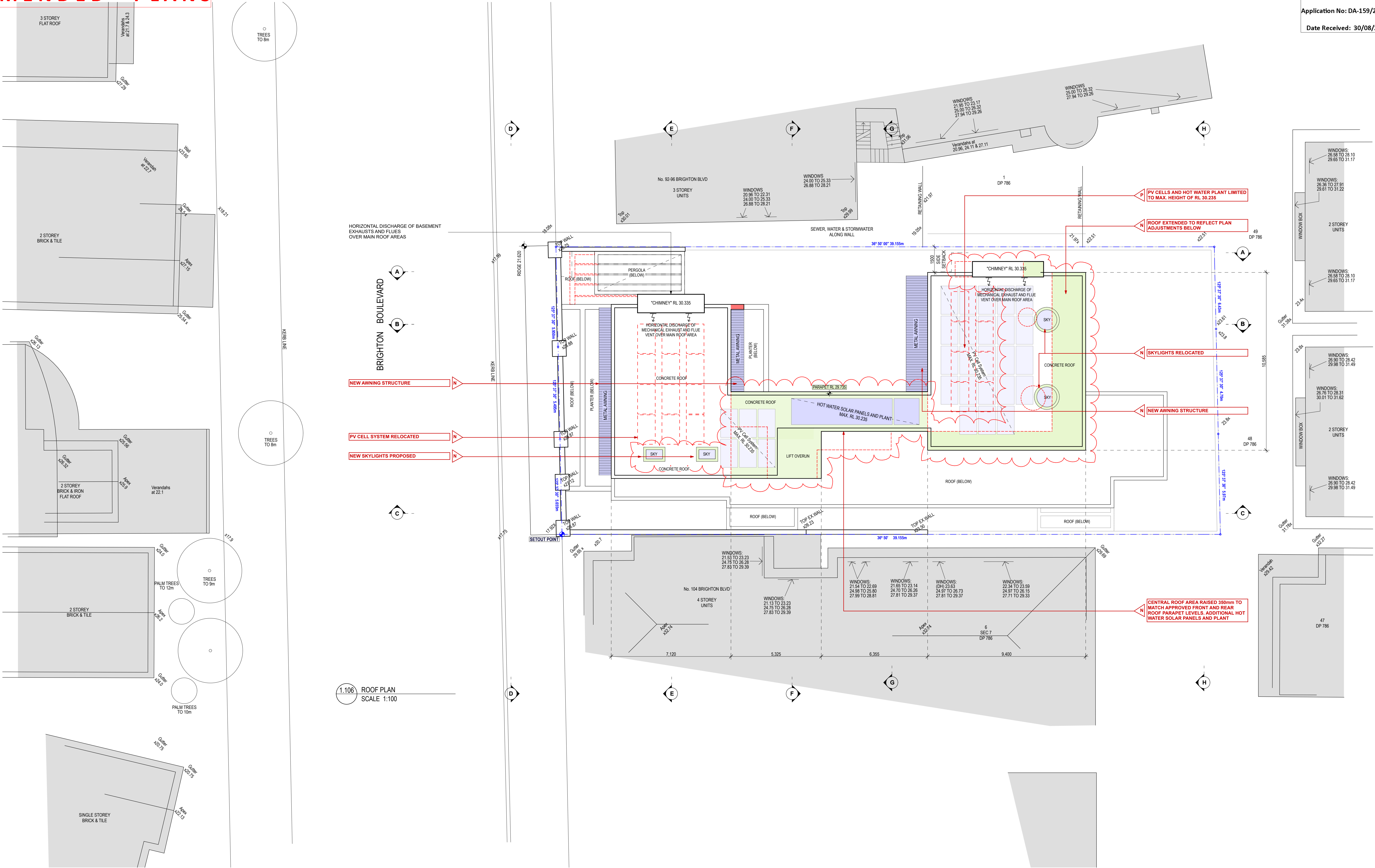
**SUPERSEDED**



REV	NOTE	DATE	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1600 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE OUTLERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY CYCLING: TO COMPLY WITH 4.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTIONS 4.6 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 4.7 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL/HYDRAULIC: TO COMPLY WITH PART 4.6 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS68.2 SMOKE ALARMS: TO COMPLY WITH BCA PART 4.4 & SPEC D2.2.6 AS3785 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4.3.005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	NOTES:	ARCHITECT: <b>MHNDU</b> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MhN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907	PROJECT ADDRESS: <b>98-102 Brighton Boulevard North Bondi</b>	DRAWN BY: KN / WN SCALE: 1:100@A1 ISSUE DATE: 26/21 PROJECT NUMBER: <b>19-066</b>	REVISION:  N DWG NUMBER: <b>1.106</b>
H	DA APPROVAL	26.10.2015	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT.	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C1.1 - FIRE RESISTING CONSTRUCTION SPEC C1.10 - FIRE HAZARD PROPERTIES SPEC C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.1 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SEPARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C3.1 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D2.15 - DISCHARGE FROM EXITS CLAUSE D2.17 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D2.14 - LANDINGS CLAUSE D2.15 - THRESHOLDS CLAUSE D2.16 - BALUSTRADES	CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LATCH CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D2.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.8 - IDENT. OF ACCESSIBLE FACILITIES/ FEATURES CLAUSE D3.8 - TACTILE INDICATORS CLAUSE F1.7 - WATERPROOFING OF WET AREAS CLAUSE F1.8P1.10 - DAMP PROOFING CLAUSE F5.5 - CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 - LIGHTING AND VENTILATION CLAUSE F5.4 - SOUND INSULATION OF WALLS CLAUSE F5.6 - SOUND INSULATION OF SERVICES CLAUSE F5.7 - SOUND INSULATION OF PUMPS					
J	DA AMENDMENTS	27.03.2020	2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED.							
K	S4.55 TO COUNCIL	01.06.2020	3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK.							
M	S4.55 MODIFICATIONS TO COUNCIL	18.08.2020	4. MANU/DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS.							
N	S4.55 (#2) TO COUNCIL	02.06.2021	5. CONTRACTOR TO NOTIFY MANU/D OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING. 6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED. 7. MANU/D TO REVIEW ALL CONTRACTOR'S DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. 8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.							



AMENDED PLANS

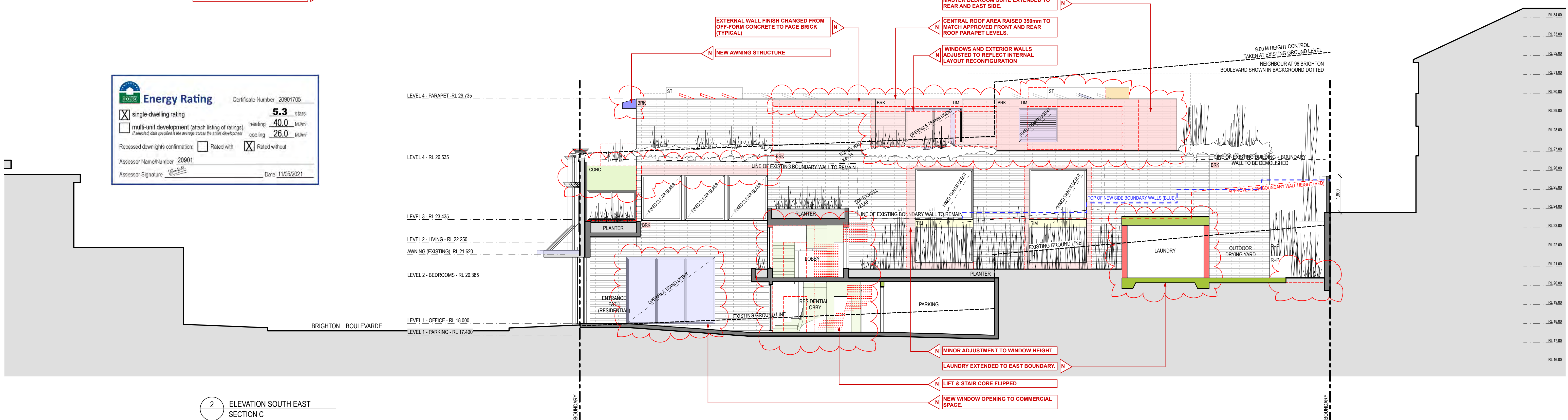
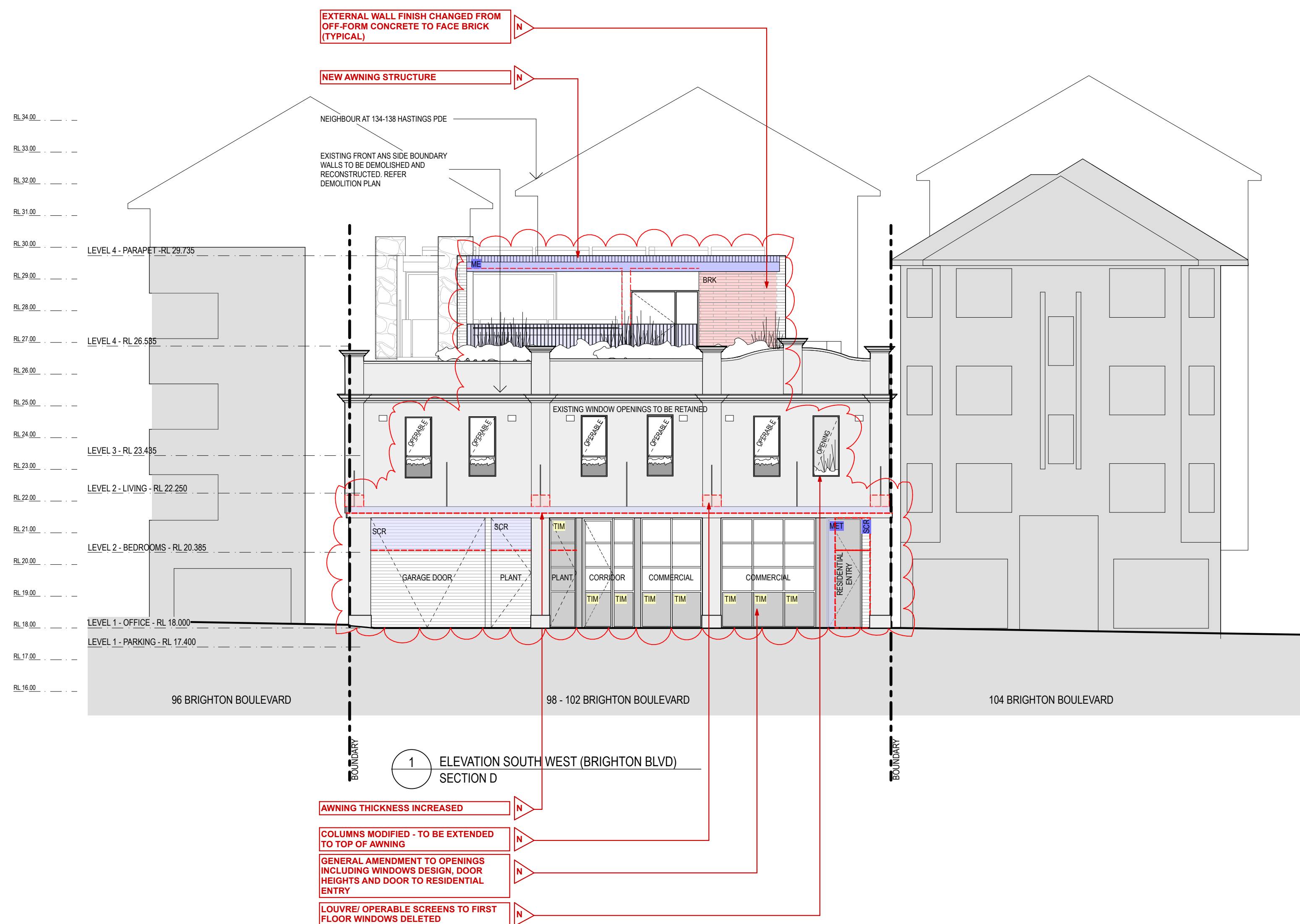


REV	NOTE	DATE	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1680 BALUSTRADE LIGHTING: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE OUTLERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY CYCLING: TO COMPLY WITH 2.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION 9 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 17 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL/ HYDRAULIC: TO COMPLY WITH PART 6 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS88.2 SMOKE ALARMS: TO COMPLY WITH BCA PART 4.4 & SPEC D2.2.4 AS3700 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/ HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4.3005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	NOTES:	ARCHITECT: <b>MHNDU</b> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 <a href="http://www.mhndu.com">www.mhndu.com</a> MH-ND Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number: 4907	PROJECT ADDRESS: <b>98-102 Brighton Boulevard North Bondi</b>	DRAWN BY: KN / WN SCALE: 1:100@A1 ISSUE DATE: 25/8/21 PROJECT NUMBER: <b>19-066</b>
H	DA APPROVAL	26.10.2015	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT. 2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. 3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. 4. MANU DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS. 5. CONTRACTOR TO NOTIFY MANU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING. 6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED. 7. MANU TO REVIEW ALL CONTRACTOR'S DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. 8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C1.1 - FIRE RESISTING CONSTRUCTION SPEC C1.10 - FIRE HAZARD PROPERTIES SPEC C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.1 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SEPARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C3.1 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D1.10 - DISCHARGE FROM EXITS CLAUSE D2.17 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D2.18 - LANDINGS CLAUSE D2.19 - THERMOCOOL CLAUSE D2.16 - BALUSTRADES	CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LATCH CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.8 - IDENT. OF ACCESSIBLE FACILITIES/ FEATURES CLAUSE D3.8 - TACTILE INDICATORS CLAUSE D4.1 - WATERPROOFING OF WET AREAS CLAUSE D4.1.1 - DAMP PROOFING CLAUSE D4.1.2 - CONSTRUCTION OF SANITARY COMPARTMENTS PART 4 - LIGHTING AND VENTILATION CLAUSE D4.1 - SOUND INSULATION OF WALLS CLAUSE D4.1 - SOUND INSULATION OF FLOORS CLAUSE D4.1 - SOUND INSULATION OF SERVICES CLAUSE D4.1 - SOUND INSULATION OF PUMPS				
J	DA AMENDMENTS	27.03.2020							
K	S4.55 TO COUNCIL	01.06.2020							
M	S4.55 MODIFICATIONS TO COUNCIL	18.08.2020							
N	S4.55 (#2) TO COUNCIL	02.06.2021							
P	ADDITIONAL INFO. TO COUNCIL	26.08.2021							

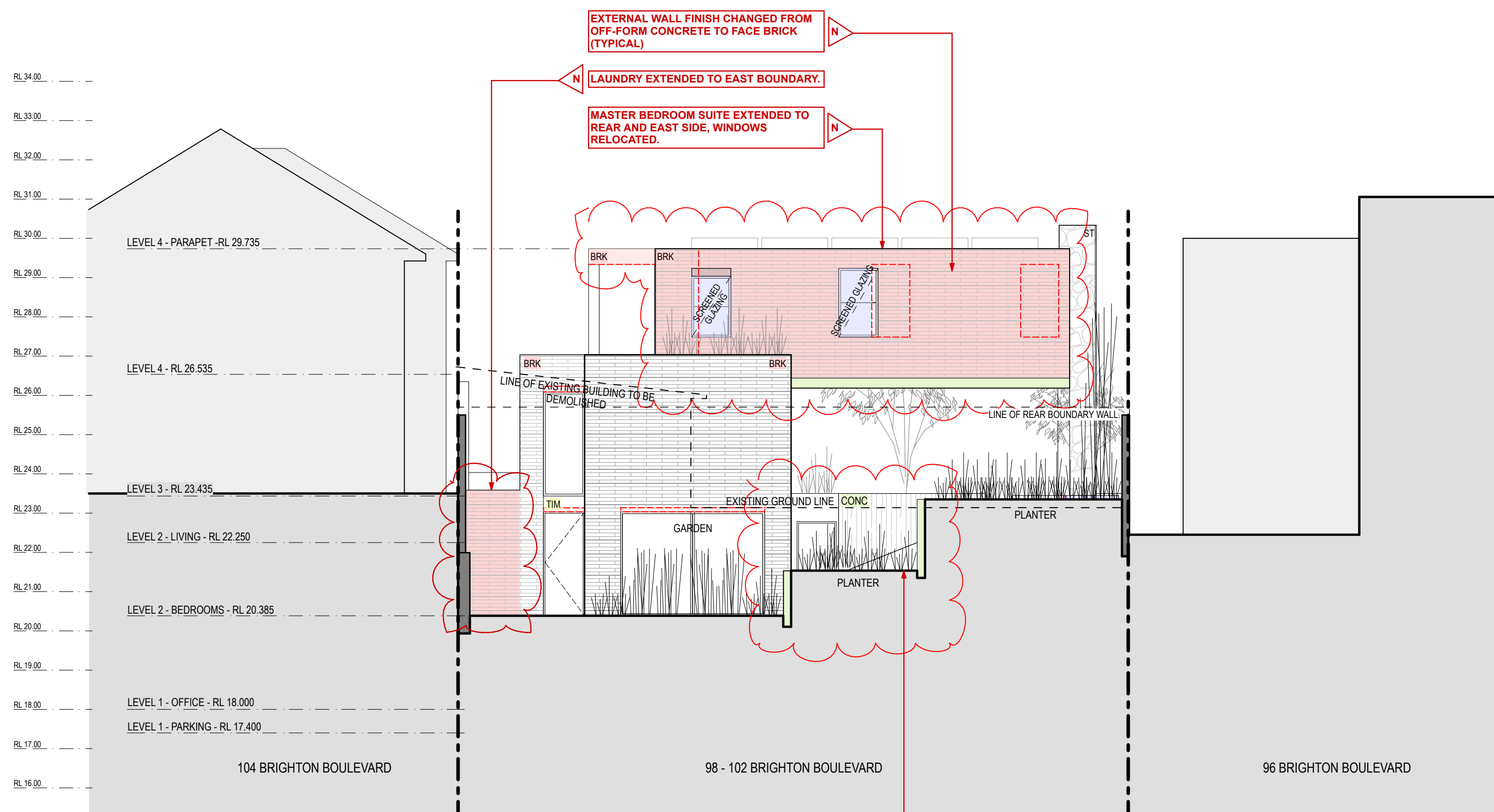
DRAWING TITLE: <b>ROOF PLAN (P)</b>	REVISION: <b>P</b> DWG NUMBER: <b>1.106</b>
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NonNominated Architect  
REF: Volume8/BA04/Project/096/98-102 Brighton Blvd North Bondi/WORKING DRAWING/Issue 5 - 2/2021 -  
Revision: 000001/0821/ET/LOD ANALYSIS.jn



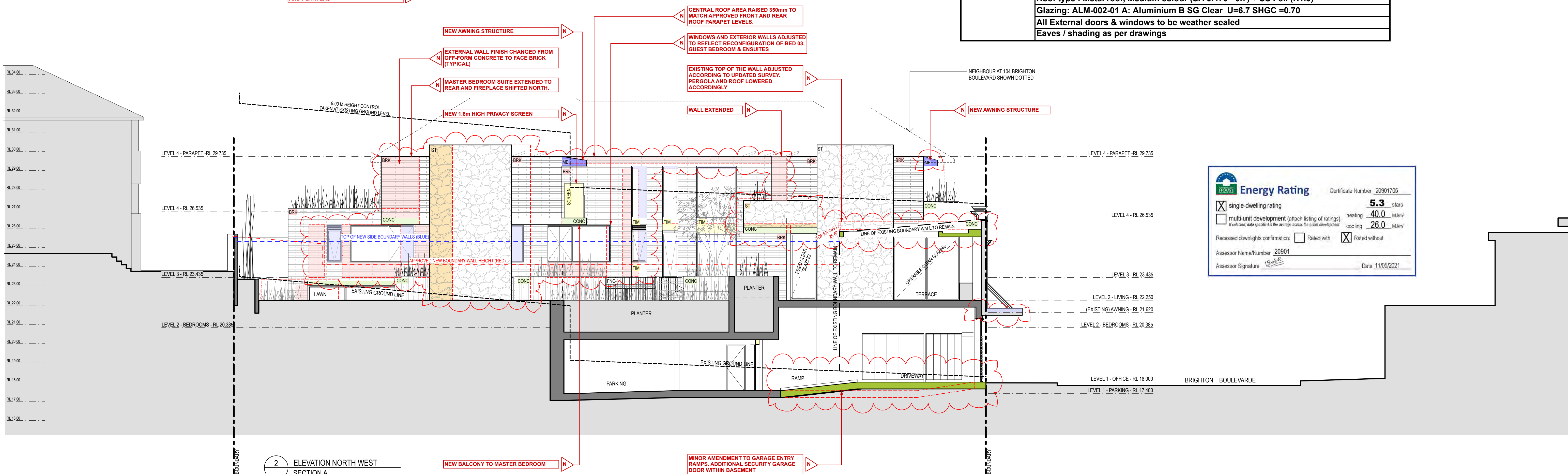
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1 ELEVATION NORTH EAST  
SECTION H

### GENERAL AMENDMENTS TO REAR YARD AND PLANTERS



2 ELEVATION NORTH WEST  
SECTION A

**NEW BALCONY TO MASTER BEDROOM**

**MINOR AMENDMENT TO GARAGE ENTRY  
RAMPS. ADDITIONAL SECURITY GARAGE  
DOOR WITHIN BASEMENT**

BASIS COMMITMENTS SUMMARY NOTES (TO BE READ IN CONJUNCTION WITH BASIS CERTIFICATE )				
Assessor # 20901		BASIX Certificate # 11057055_06		Assessor's Certificate # 15211705
Assessor's name: Ved Baheti		m: 0421 530 876		e: ved@outsourcideas.com.au
<b>WATER</b>	No hot water reticulation required			
<b>Fixtures</b>	<b>All shower heads</b>	<b>All toilets</b>	<b>All kitchen taps</b>	<b>All bathrooms taps</b>
<b>Rating</b>	3 Star(>4.5 But<=6L/Min)	3 star	4 star	4 star
<b>Alternate water source</b>				
<b>Rain Water Tank</b>	<b>Type</b>	<b>Size</b>	<b>Roof area connected</b>	<b>Connections</b>
	Individual RWT	4000L	200 m2	Landscape tap only
<b>ENERGY</b>				
<b>Hot water</b>	<b>Type</b>	<b>Rating</b>		
	Individual, gas instantaneous	3 star		
<b>Mech. Ventilation</b>	<b>System</b>	<b>Operation Control</b>		
<b>Bath</b>	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
<b>L'dry</b>	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
<b>Kitchen</b>	Indiv. fan, ducted to facade or roof	Manual Switch On/Off		
<b>Cooling System</b>	<b>Type</b>	<b>Living areas</b>	<b>Bed rooms</b>	
	1 Phase Air conditioning: Day / Night Zoned	EER < 2.5	EER < 2.5	
<b>Heating System</b>	<b>Type</b>	<b>Living areas</b>	<b>Bed rooms</b>	
	1 Phase Air conditioning: Day / Night Zoned	EER < 2.5	EER < 2.5	
<b>Artificial Lighting</b>	<b>Primary type of artificial lighting is fluorescent or light emitting diode (LED)</b>			
	<b>Toilets, L'dry &amp; Hallway</b>	<b>Living</b>	<b>Kitchen</b>	<b>Bed rooms</b>
<b>Dedicated</b>	Yes	Yes	Yes	Yes
<b>Alternate Energy</b>	Min. 4KW Peak solar PV Panels on roof			
<b>Others</b>	<b>Indoor private Cloth Line</b>		<b>Not Required</b>	
	<b>Outdoor or sheltered Cloth Line</b>		Yes	
	<b>Well ventilated Fridge space</b>		Yes	
	<b>Kitchen Cook top / Oven</b>		Gas Cook top + Electric Oven	
<b>THERMAL</b>	<b>As per thermal simulation carried out by assessor</b>			
	<b>External Wall Insulation: R1.5</b>			
	<b>Ceiling Insulation: R3.0</b>			
	<b>Roof type : Metal roof, Medium colour (SA 0.475 - 0.7) + SS Foil (R1.3)</b>			
	<b>Glazing: ALM-002-01 A: Aluminium B SG Clear U=6.7 SHGC =0.70</b>			
	<b>All External doors &amp; windows to be weather sealed</b>			
	<b>Eaves / shading as per drawings</b>			



## Energy Rating

☒ single-dwelling rating  
☐ multi-unit development (attach listing of ratings)  
If selected, data provided is the average across the entire development

Certificate Number 20901705  
  


5.3

stars

heating	40.0
cooling	26.0
	MWh/yr

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

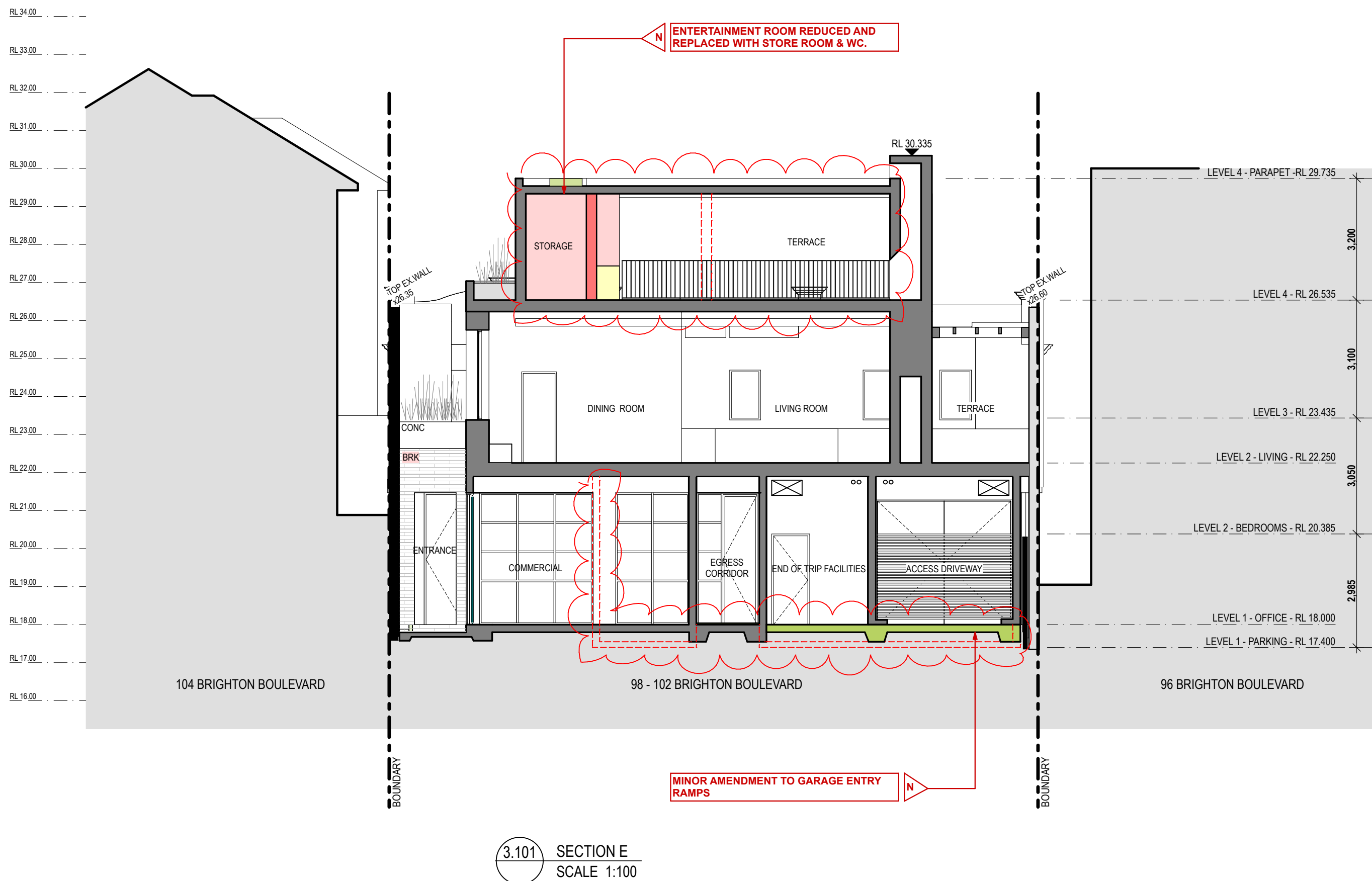
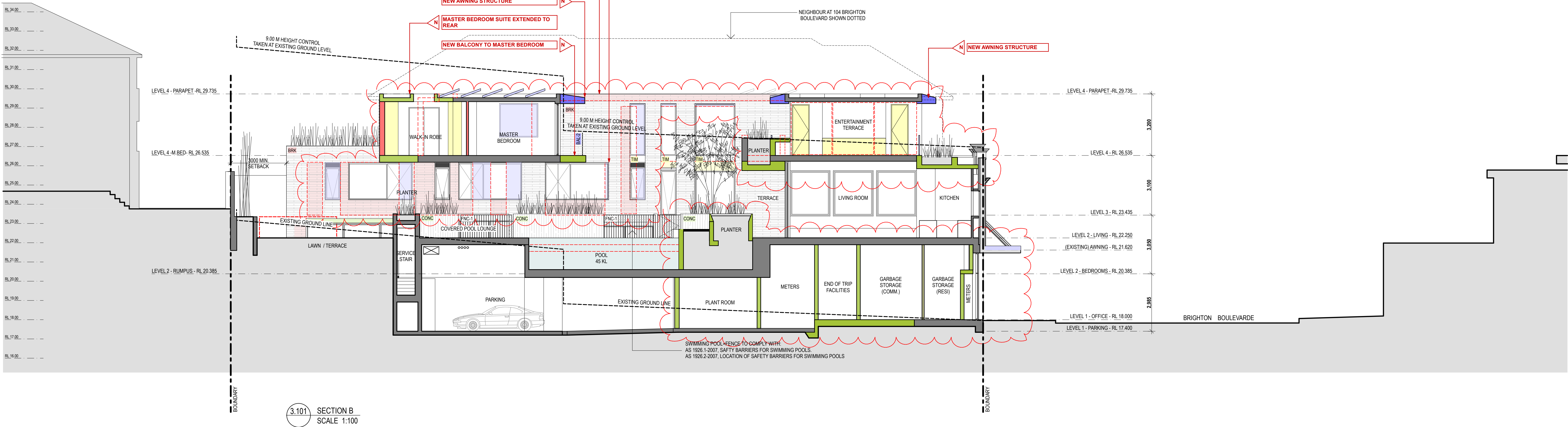
Assessor Name/Number 20901

Assessor Signature 

Date 11/05/2021

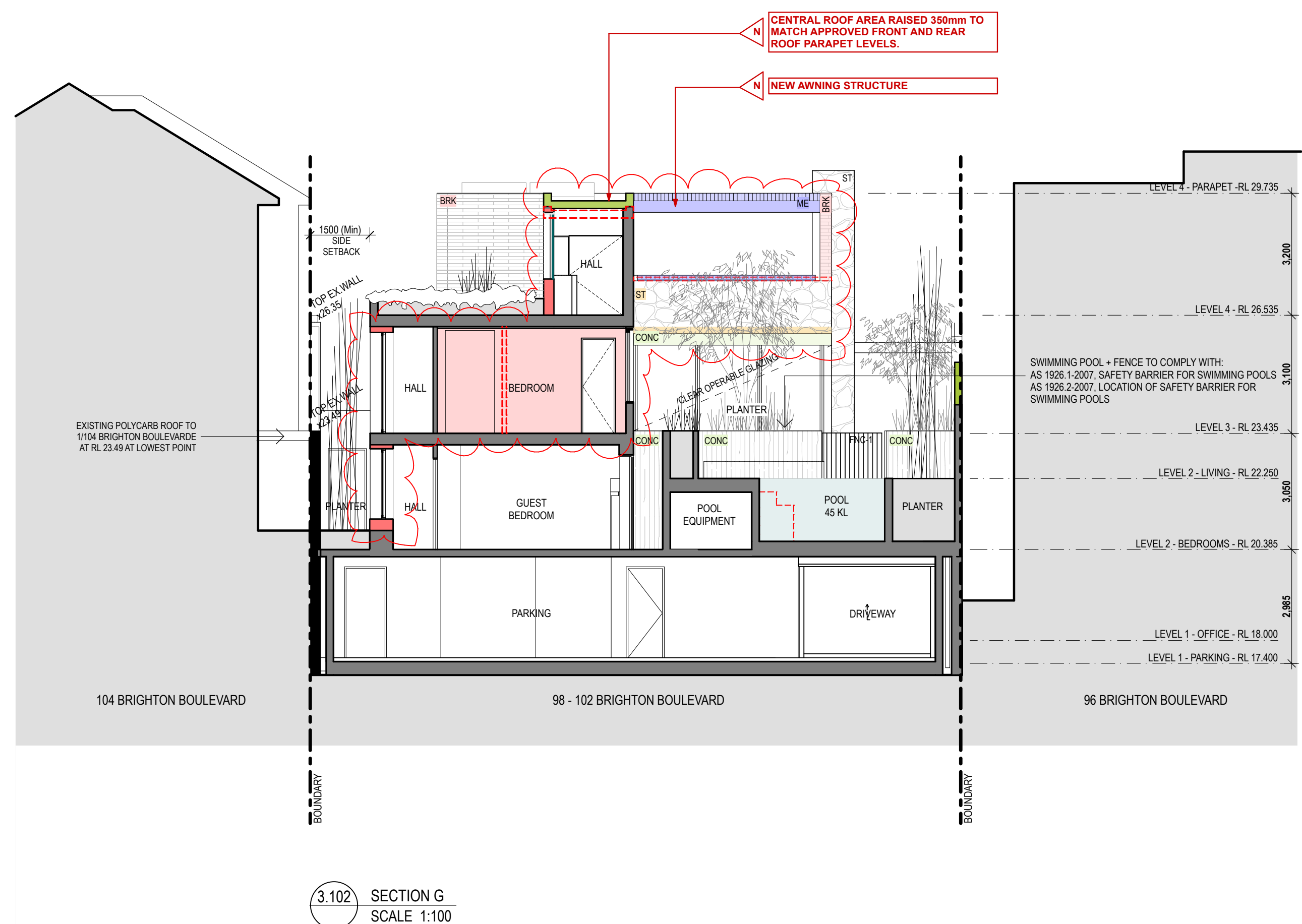
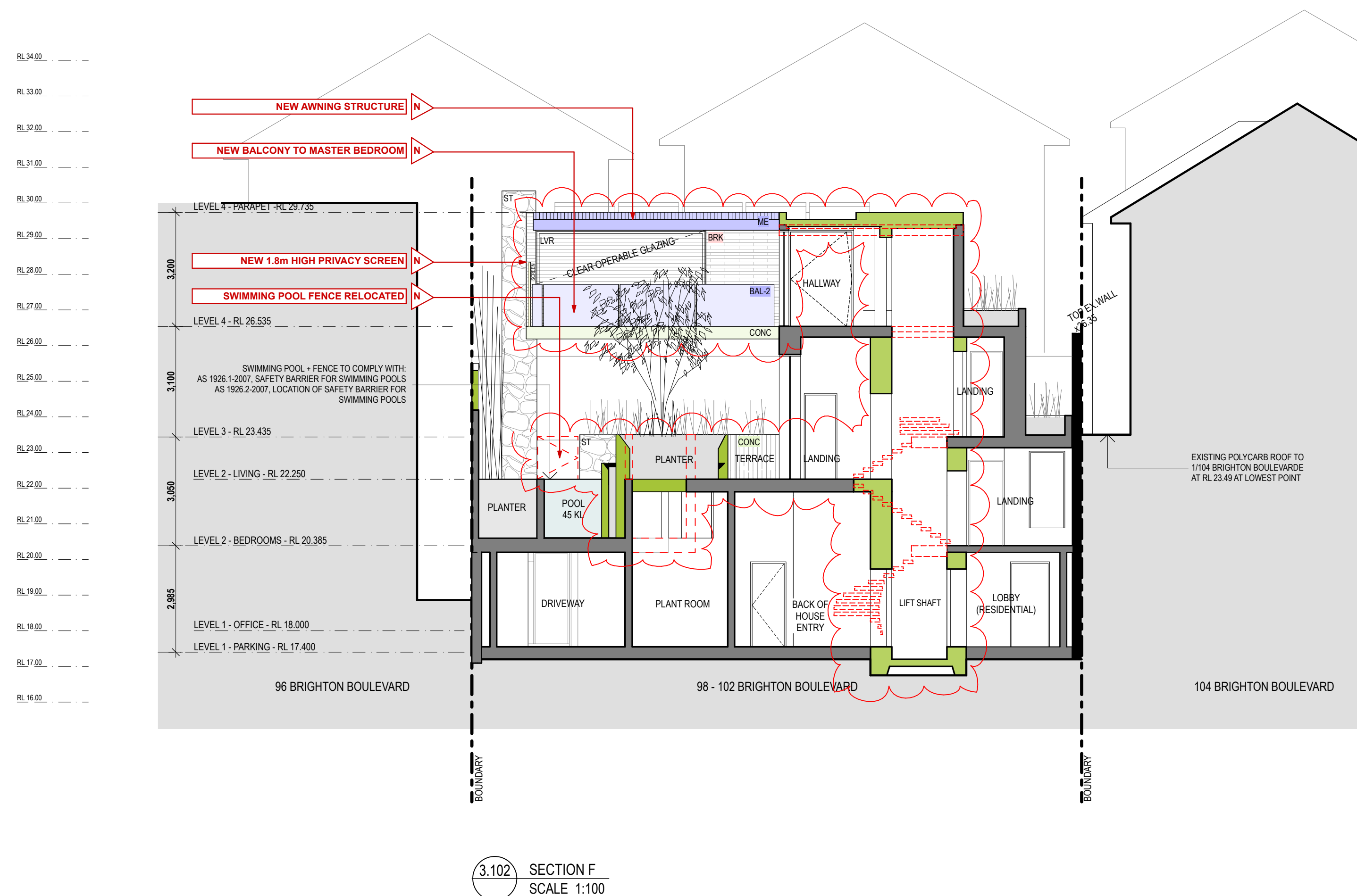
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REV	NOTE	DATE	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE 4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 02.16 DRAINAGE OUTLETS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2 ENERGY EFFICIENCY CLADDING: TO COMPLY WITH 2.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTIONS 9 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 17 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL/CLIMATE: TO COMPLY WITH PART 6.5 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS88.2 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE 4 & SPEC 2.2.8 AS3785 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/CLIMATE PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4.2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE 02.13 CLAUDE 22.15 - THERMALLY INSULATED WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	NOTES:	ARCHITECT: <div>MHNDUNION</div> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com Nominated Architect Brihan Myerson Ref N 40219-005 - 98-102 Brighton Blvd - DA-159-210002-01 Rev 1/2021-005 - 98-102 Brighton Blvd - DA-159-210002-01	PROJECT ADDRESS: <b>98-102 Brighton Boulevard North Bondi</b>	DRAWN BY: KN / WN SCALE: @A1 ISSUE DATE: 2/6/21 PROJECT NUMBER: <b>19-066</b>	REVISION: <b>N</b> DWG NUMBER: <b>1.109</b>
H	DA APPROVAL	26.10.2015	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT. 2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. 3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. 4. MANDU DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS. 5. CONTRACTOR TO NOTIFY MANDU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING. 6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED. 7. MANDU TO REVIEW ALL CONTRACTOR'S DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. 8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C1.1 - FIRE RESISTING CONSTRUCTION SPEC C1.10 - FIRE HAZARD PROPERTIES SPEC C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.1 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SEPARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C3.11 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE C3.12 - DISCHARGE FROM EXITS CLAUSE C3.13 - DISCHARGE FROM EXITS CLAUSE C3.14 - DISCHARGE FROM EXITS CLAUSE C3.15 - DISCHARGE FROM EXITS CLAUSE C3.16 - DISCHARGE FROM EXITS CLAUSE C3.17 - DISCHARGE FROM EXITS CLAUSE C3.18 - DISCHARGE FROM EXITS CLAUSE C3.19 - DISCHARGE FROM EXITS CLAUSE C3.20 - DISCHARGE FROM EXITS CLAUSE C3.21 - DISCHARGE FROM EXITS CLAUSE C3.22 - DISCHARGE FROM EXITS CLAUSE C3.23 - DISCHARGE FROM EXITS CLAUSE C3.24 - DISCHARGE FROM EXITS CLAUSE C3.25 - DISCHARGE FROM EXITS CLAUSE C3.26 - DISCHARGE FROM EXITS CLAUSE C3.27 - DISCHARGE FROM EXITS CLAUSE C3.28 - DISCHARGE FROM EXITS CLAUSE C3.29 - DISCHARGE FROM EXITS CLAUSE C3.30 - DISCHARGE FROM EXITS CLAUSE C3.31 - DISCHARGE FROM EXITS CLAUSE C3.32 - DISCHARGE FROM EXITS CLAUSE C3.33 - DISCHARGE FROM EXITS CLAUSE C3.34 - DISCHARGE FROM EXITS CLAUSE C3.35 - DISCHARGE FROM EXITS CLAUSE C3.36 - DISCHARGE FROM EXITS CLAUSE C3.37 - DISCHARGE FROM EXITS CLAUSE C3.38 - DISCHARGE FROM EXITS CLAUSE C3.39 - DISCHARGE FROM EXITS CLAUSE C3.40 - DISCHARGE FROM EXITS CLAUSE C3.41 - DISCHARGE FROM EXITS CLAUSE C3.42 - DISCHARGE FROM EXITS CLAUSE C3.43 - DISCHARGE FROM EXITS CLAUSE C3.44 - DISCHARGE FROM EXITS CLAUSE C3.45 - DISCHARGE FROM EXITS CLAUSE C3.46 - DISCHARGE FROM EXITS CLAUSE C3.47 - DISCHARGE FROM EXITS CLAUSE C3.48 - DISCHARGE FROM EXITS CLAUSE C3.49 - DISCHARGE FROM EXITS CLAUSE C3.50 - DISCHARGE FROM EXITS CLAUSE C3.51 - DISCHARGE FROM EXITS CLAUSE C3.52 - DISCHARGE FROM EXITS CLAUSE C3.53 - DISCHARGE FROM EXITS CLAUSE C3.54 - DISCHARGE FROM EXITS CLAUSE C3.55 - DISCHARGE FROM EXITS CLAUSE C3.56 - DISCHARGE FROM EXITS CLAUSE C3.57 - DISCHARGE FROM EXITS CLAUSE C3.58 - DISCHARGE FROM EXITS CLAUSE C3.59 - DISCHARGE FROM EXITS CLAUSE C3.60 - DISCHARGE FROM EXITS CLAUSE C3.61 - DISCHARGE FROM EXITS CLAUSE C3.62 - DISCHARGE FROM EXITS CLAUSE C3.63 - DISCHARGE FROM EXITS CLAUSE C3.64 - DISCHARGE FROM EXITS CLAUSE C3.65 - DISCHARGE FROM EXITS CLAUSE C3.66 - DISCHARGE FROM EXITS CLAUSE C3.67 - DISCHARGE FROM EXITS CLAUSE C3.68 - DISCHARGE FROM EXITS CLAUSE C3.69 - DISCHARGE FROM EXITS CLAUSE C3.70 - DISCHARGE FROM EXITS CLAUSE C3.71 - DISCHARGE FROM EXITS CLAUSE C3.72 - DISCHARGE FROM EXITS CLAUSE C3.73 - DISCHARGE FROM EXITS CLAUSE C3.74 - DISCHARGE FROM EXITS CLAUSE C3.75 - DISCHARGE FROM EXITS CLAUSE C3.76 - DISCHARGE FROM EXITS CLAUSE C3.77 - DISCHARGE FROM EXITS CLAUSE C3.78 - DISCHARGE FROM EXITS CLAUSE C3.79 - DISCHARGE FROM EXITS CLAUSE C3.80 - DISCHARGE FROM EXITS CLAUSE C3.81 - DISCHARGE FROM EXITS CLAUSE C3.82 - DISCHARGE FROM EXITS CLAUSE C3.83 - DISCHARGE FROM EXITS CLAUSE C3.84 - DISCHARGE FROM EXITS CLAUSE C3.85 - DISCHARGE FROM EXITS CLAUSE C3.86 - DISCHARGE FROM EXITS CLAUSE C3.87 - DISCHARGE FROM EXITS CLAUSE C3.88 - DISCHARGE FROM EXITS CLAUSE C3.89 - DISCHARGE FROM EXITS CLAUSE C3.90 - DISCHARGE FROM EXITS CLAUSE C3.91 - DISCHARGE FROM EXITS CLAUSE C3.92 - DISCHARGE FROM EXITS CLAUSE C3.93 - DISCHARGE FROM EXITS CLAUSE C3.94 - DISCHARGE FROM EXITS CLAUSE C3.95 - DISCHARGE FROM EXITS CLAUSE C3.96 - DISCHARGE FROM EXITS CLAUSE C3.97 - DISCHARGE FROM EXITS CLAUSE C3.98 - DISCHARGE FROM EXITS CLAUSE C3.99 - DISCHARGE FROM EXITS CLAUSE C3.100 - DISCHARGE FROM EXITS	CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LATCH CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D2.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3.1 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.8 - IDENT. OF ACCESSIBLE FACILITIES/ FEATURES CLAUSE D3.8 - TACTILE INDICATORS CLAUSE F1.7 - WATERPROOFING OF WET AREAS CLAUSE F1.9.1.10 - DAMP PROOFING CLAUSE F5.4 - SOUND INSULATION OF SERVICES CLAUSE F5.7 - SOUND INSULATION OF PUMPS					





 **Energy Rating**

Certificate Number 20901705

☒ single-dwelling rating

☐ multi-unit development (attach listing of ratings)  
if listed data specified is the average across the entire development

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

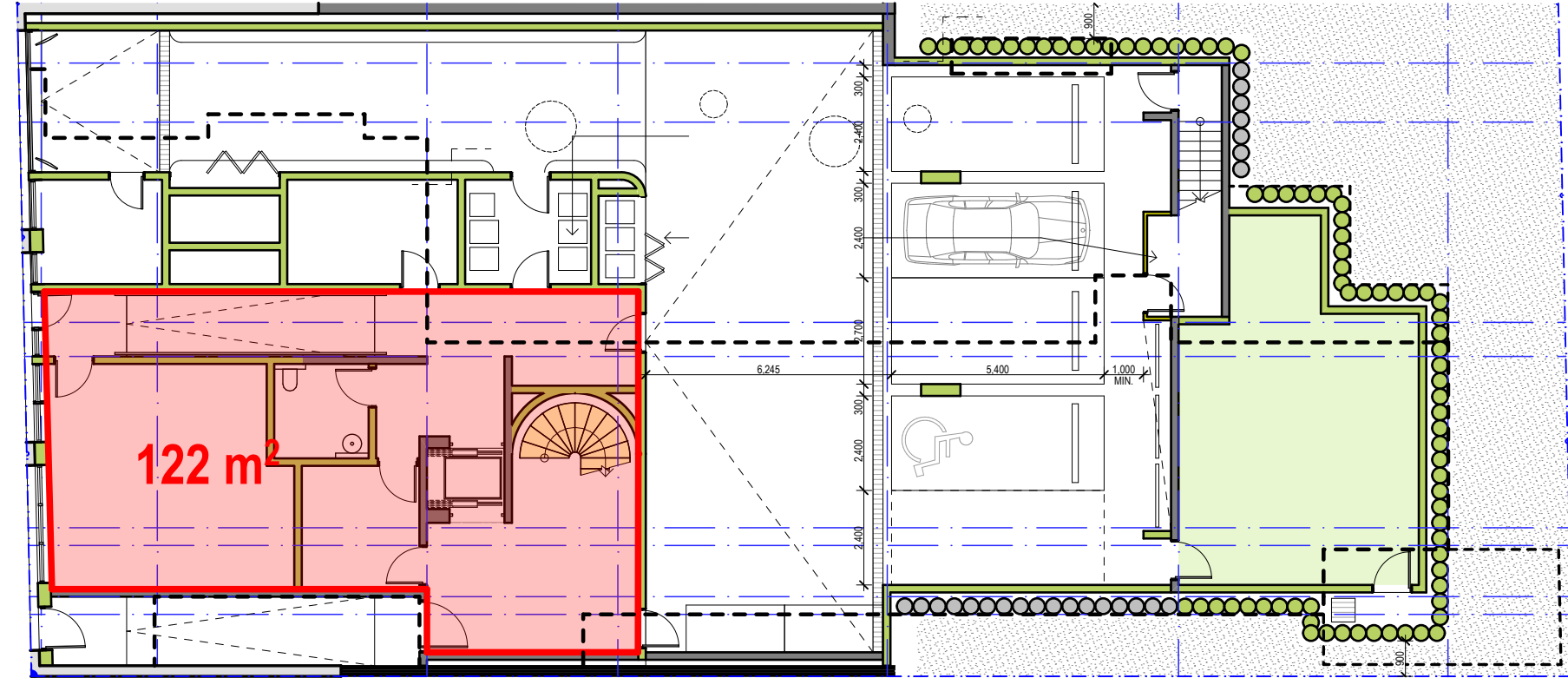
Assessor Name/Number 20901

Assessor Signature [Signature] Date 11/05/2021

Heating	Cooling
<b>5.3</b> stars	<b>4.0</b> stars
heating <u>40.0</u> MJ/m <sup>2</sup> /h	cooling <u>26.0</u> MJ/m <sup>2</sup> /h

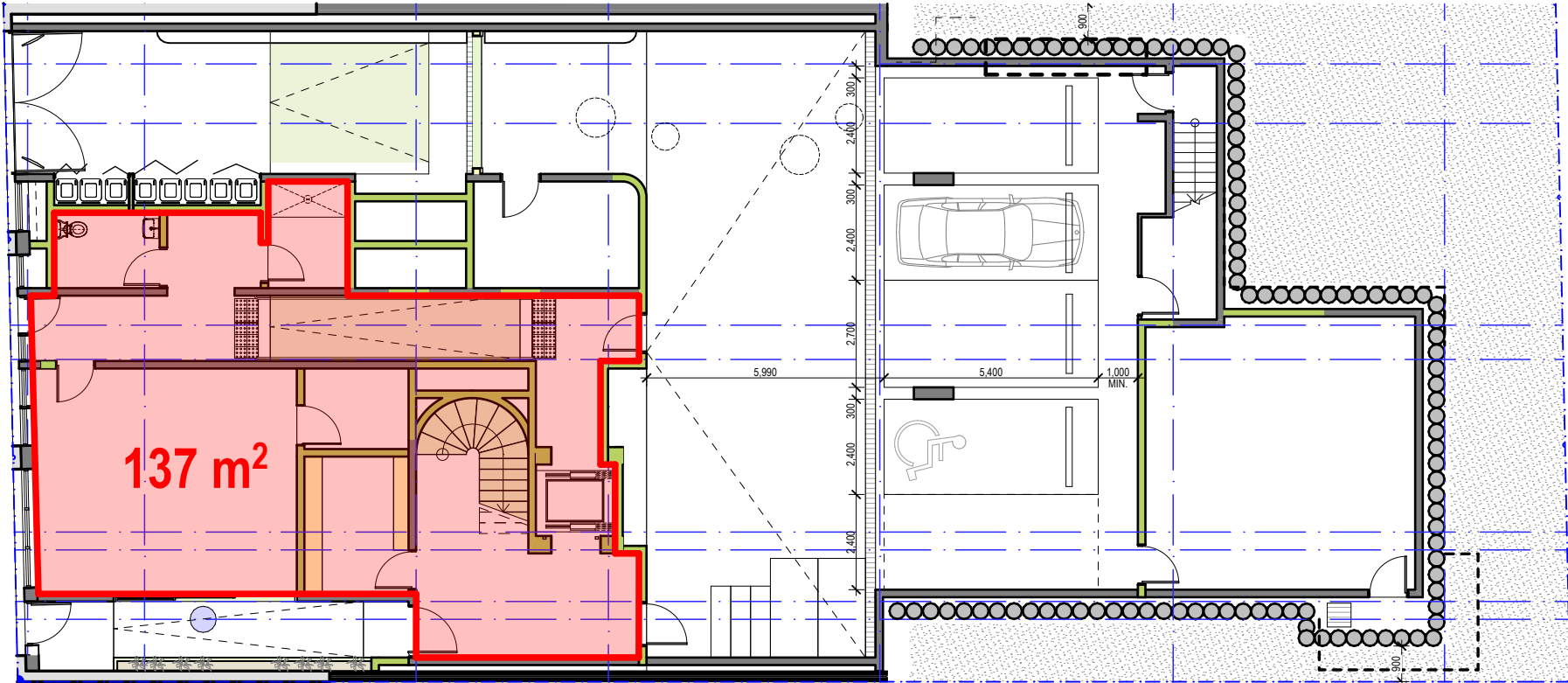
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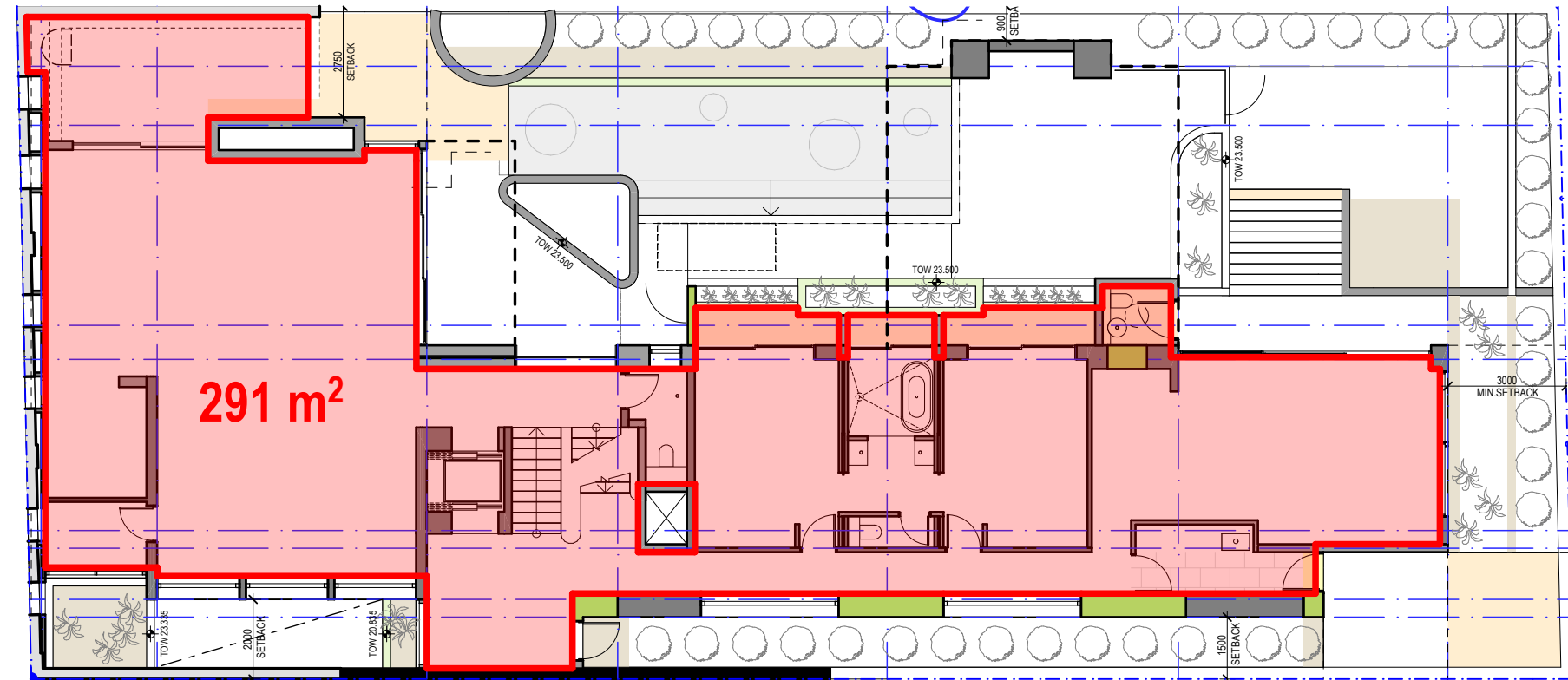
GFA : Approved - LEVEL 1

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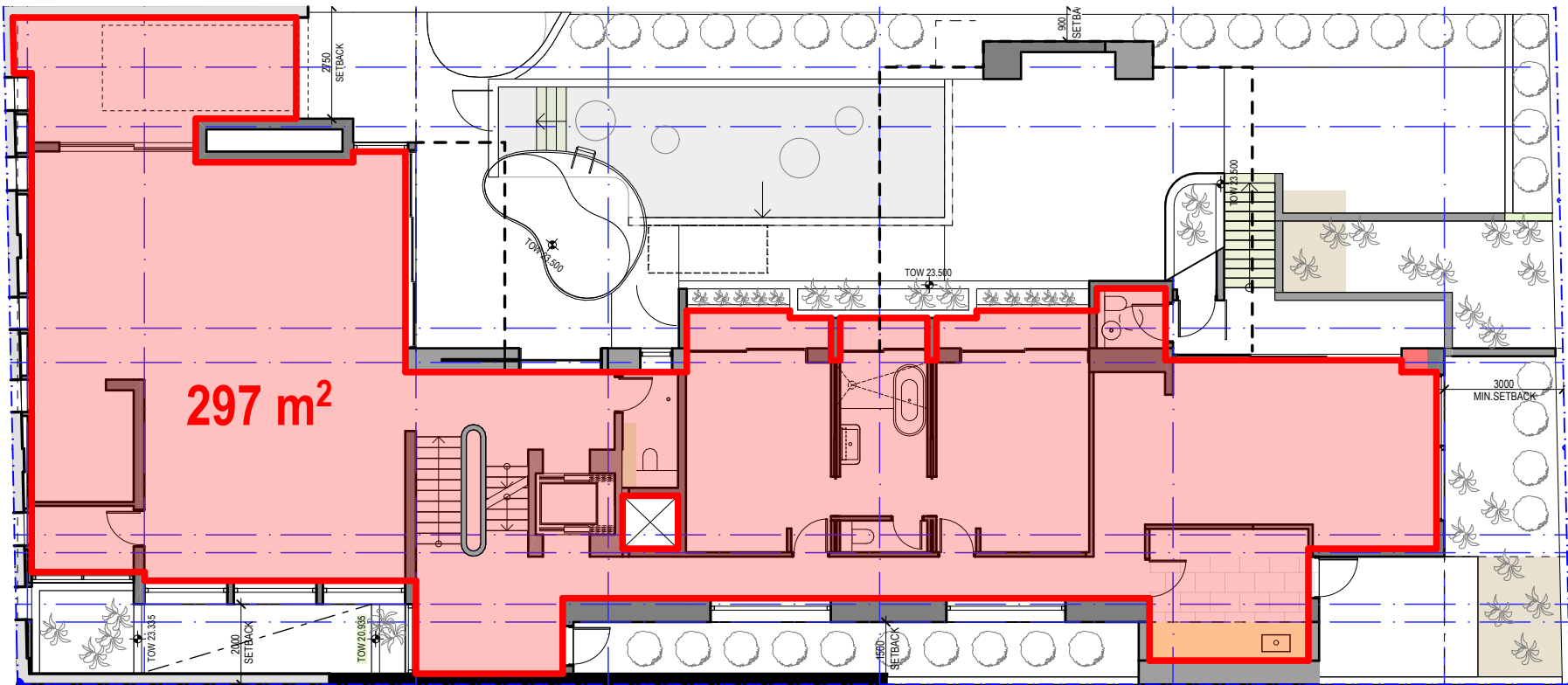
GFA : Proposed - LEVEL 1

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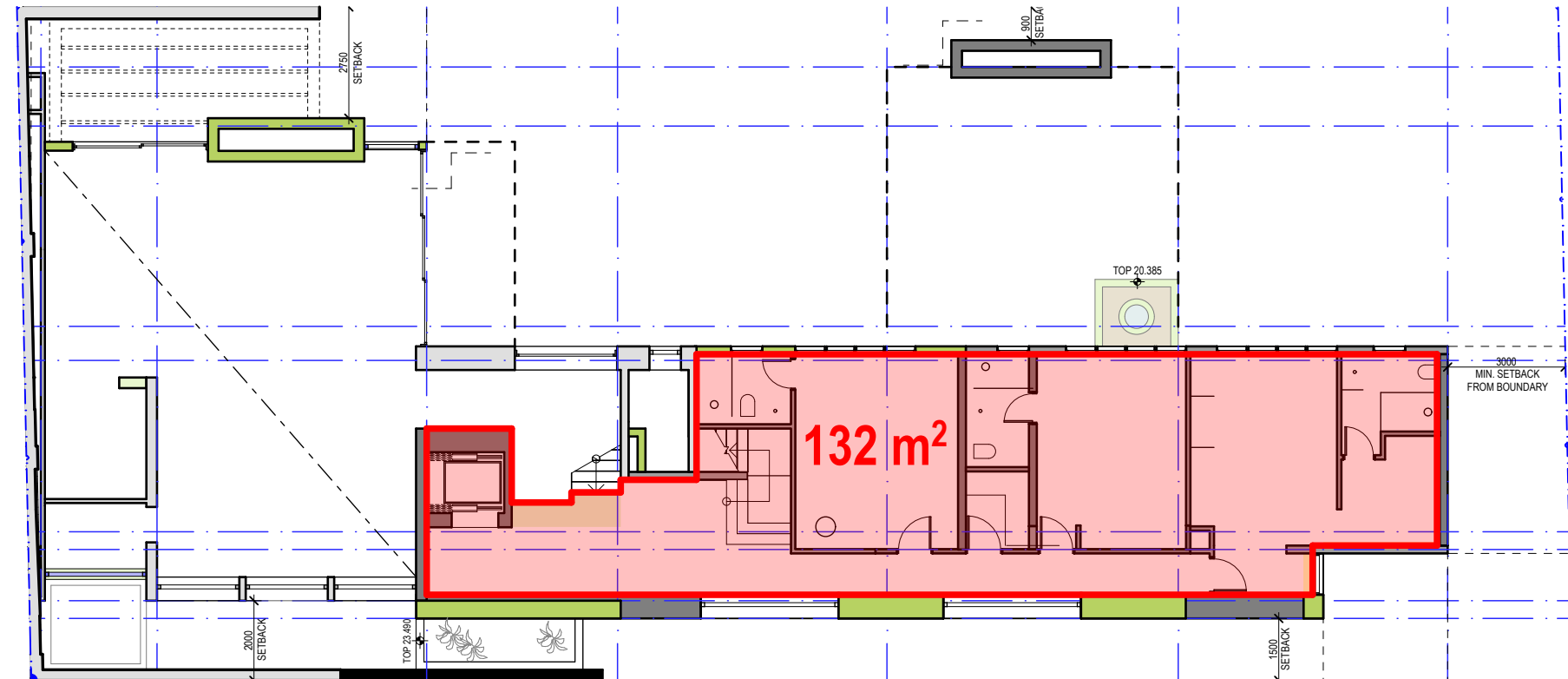
GFA : Approved - LEVEL 2

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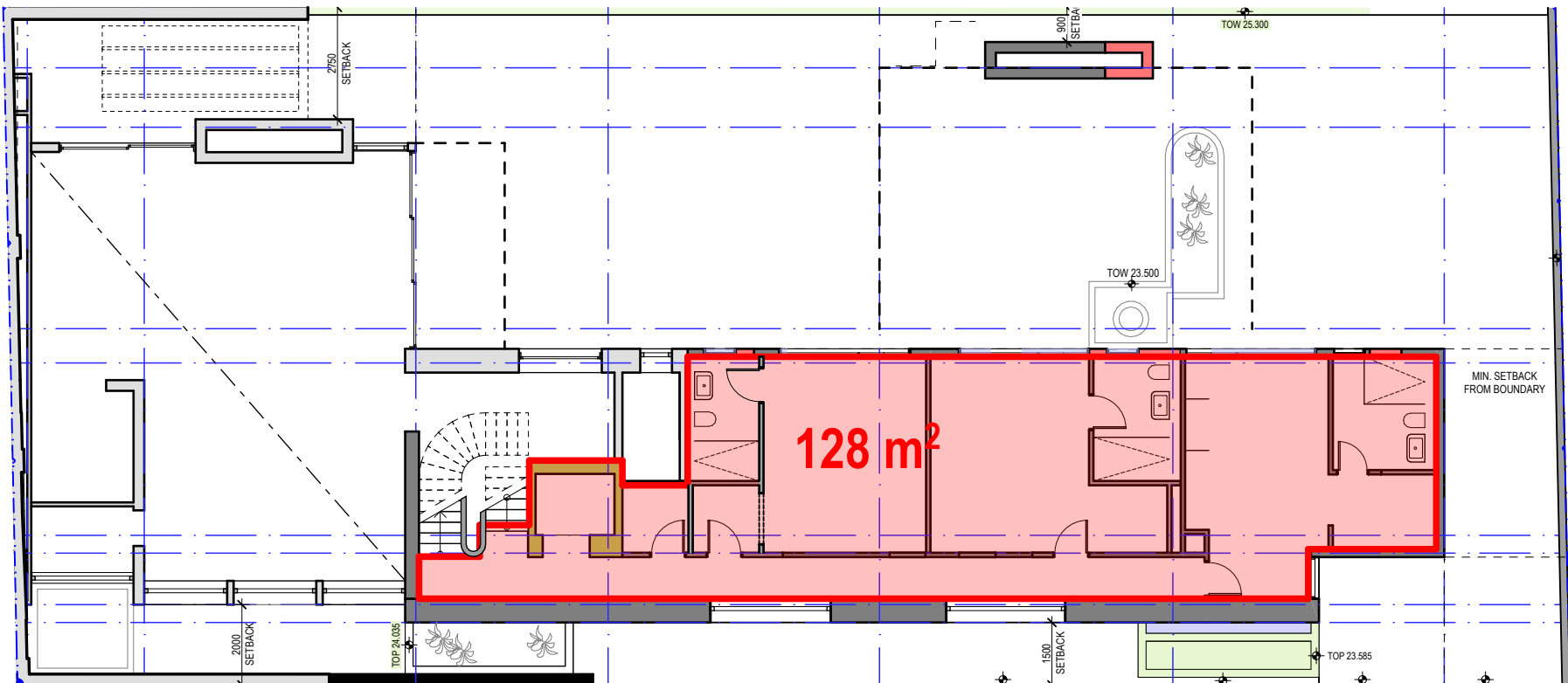
GFA : Proposed- LEVEL 2

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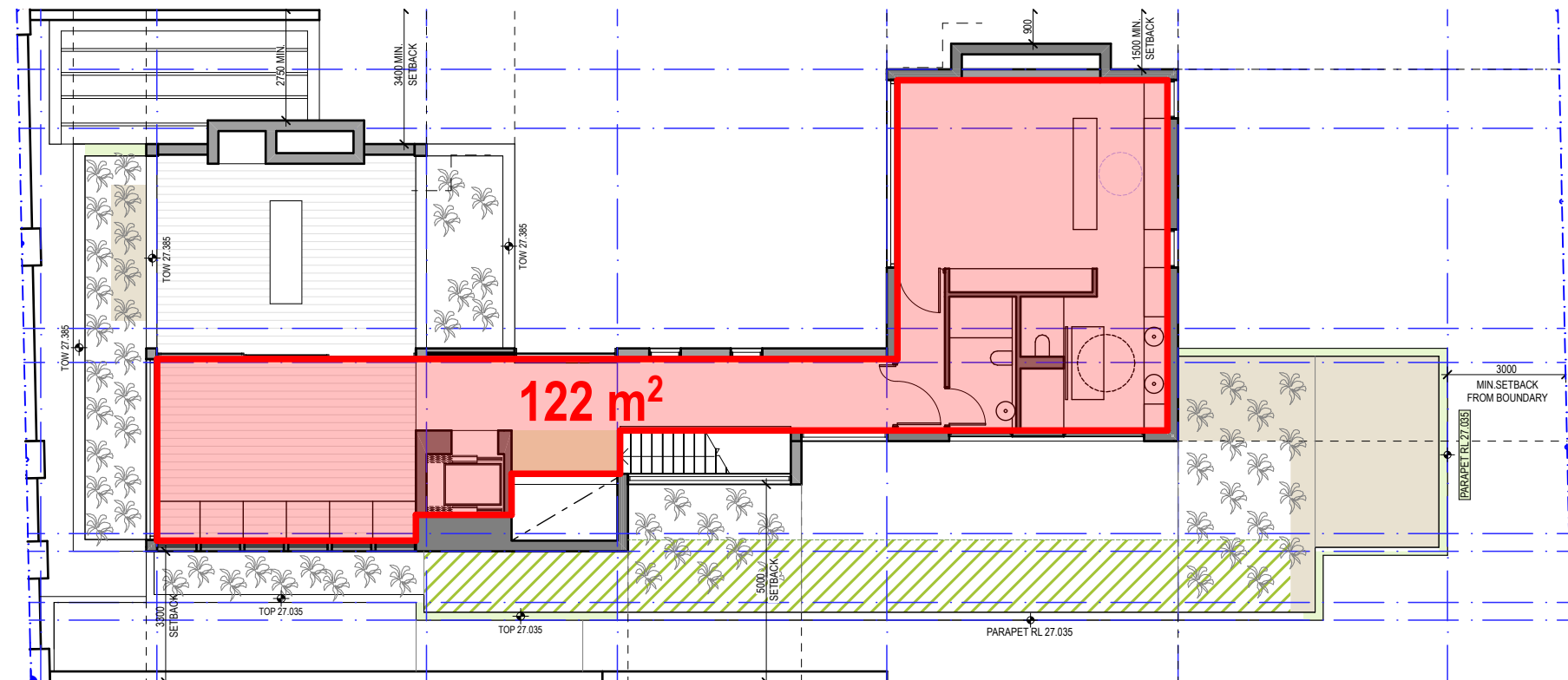
GFA : Approved - LEVEL 3

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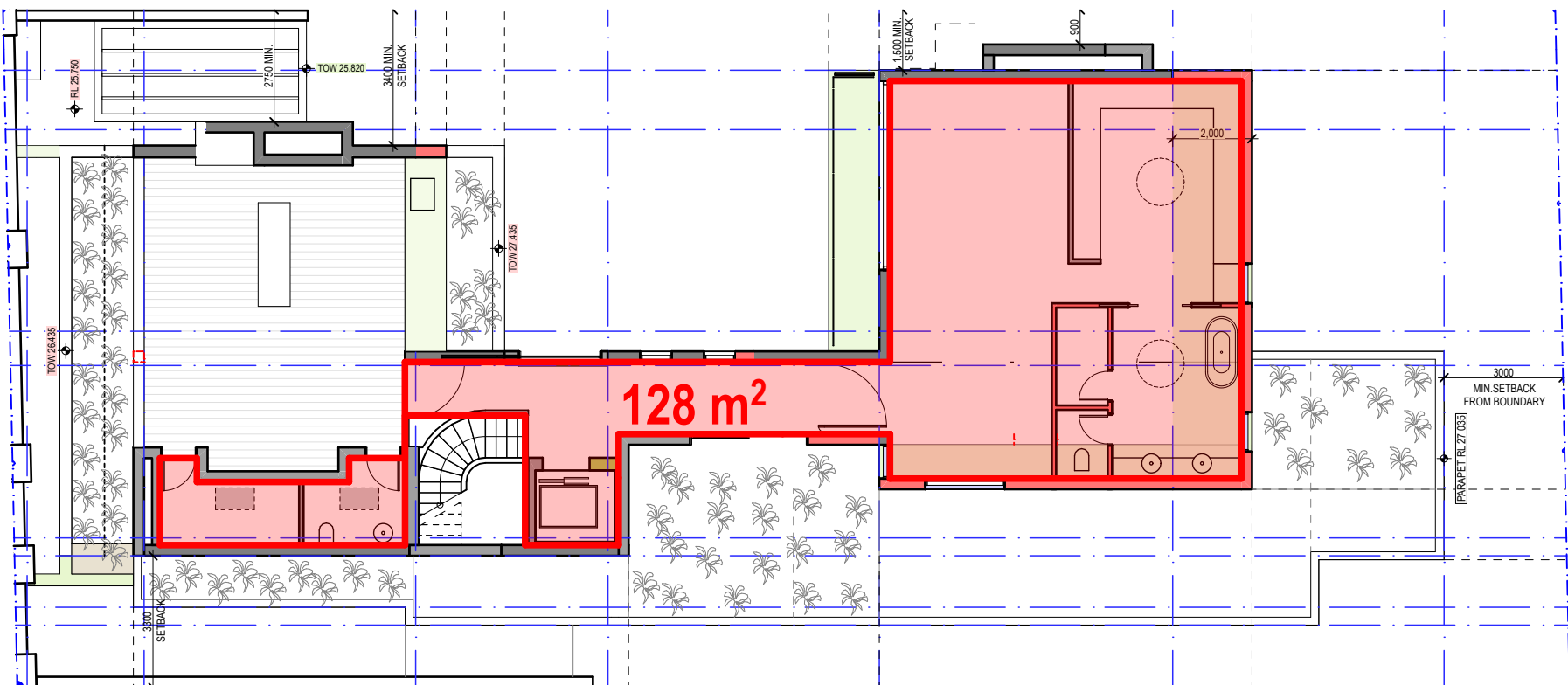
GFA : Proposed - LEVEL 3

1:200



GFA : Approved - LEVEL 4

1:200



GFA : Proposed - LEVEL 4

1:200

SITE INFORMATION	RECEIVED
	Waverley Council
	Application No: DA-159/2015/B
	SHOP TOP HOUSING
TITLE DESCRIPTION	B1 Neighbourhood Centre
ZONING	Date Received: 18/06/2021
SITE AREA	669 m² (By Calculation)

CONTROLS SUMMARY

COUNCIL CONTROL	TARGET	APPROVED (Rev M)	PROPOSED	COMPLIES
FLOOR SPACE RATIO	1 : 1	0.99 : 1	1.03 : 1	
GROSS FLOOR AREA	669m²	667m²	690m²	NO
LANDSCAPED AREA (min. % of site area)	30%	Calculated 207m² 31%	214m² 32%	YES
DEEPSOIL AREA (min. % of landscaped area)	101m² 50%	82m² 41%	85m² 42%	NO

DEFINITION

**GFA - Gross Floor Area (Waverley LEP 2012)**  
Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes :

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

but excludes:

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

REV	NOTE	DATE	GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4.4 & AS1680 BALUSTRADE HANDRAILS: TO COMPLY WITH BCA CLAUSE 12.18 DRAINAGE OUTLETS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY/CYCLING: TO COMPLY WITH 2.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION 9 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 17 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL/MECHANICAL: TO COMPLY WITH PART 16 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS88.2 SMOKE ALARMS: TO COMPLY WITH BCA PART 4.5 SPEC 2.2.8 AS3785 FIRE PROTECTION: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4.2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE 12.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	NOTES:	ARCHITECT: <div>MHNDUNION</div> 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com MH-ND Design Union Pty Ltd. ABN 94 003 717 662 NSW Registration Number 4907	PROJECT ADDRESS: 98-102 Brighton Boulevard North Bondi	DRAWN BY: KN / WN SCALE: 1:166.67@A1 ISSUE DATE: 2/6/21 PROJECT NUMBER: 19-066	DRAWING TITLE: AREA & COMPLIANCE DIAGRAMS 01 (N)	REVISION: N DWG NUMBER: 4.101
H	DA APPROVAL	26.10.2015	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, STATUTORY REGULATIONS AND LOCAL AUTHORITY REQUIREMENTS, INCLUDING CONDITIONS OF CONSENT. 2. DO NOT SCALE OFF THIS DRAWING. ONLY USE DIMENSIONS PROVIDED. 3. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. 4. IMPROVISED DRAWINGS TO BE READ IN CONJUNCTION WITH ALL CONTRACT DOCUMENTS FROM ALL CONSULTANTS. 5. CONTRACTOR TO NOTIFY MHNDU OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES, OR THE NEED FOR CLARIFICATION PRIOR TO PROCEEDING TO CONSTRUCTION. 6. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED. 7. MHNDU TO REVIEW ALL CONTRACTORS' DETAILED DRAWINGS, SETTING OUT PRIOR TO CONSTRUCTION. 8. PROGRESS WORK TO BE VERIFIED AGAINST DRAWINGS FOLLOWING EXECUTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO CONTRACTOR PROCEEDING WITH NEXT TRADE.	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C1.1 - FIRE RESISTING CONSTRUCTION SPEC C1.10 - FIRE HAZARD PROPERTIES SPEC C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.1 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SEPARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C3.10 - DISCHARGE FROM EXITS CLAUSE C3.12 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE C2.14 - LANDINGS CLAUSE C2.15 - THERMOCOLES CLAUSE D2.16 - BALUSTRADES CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LATCH CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.8 - IDENT. OF ACCESSIBLE FACILITIES/ FEATURES CLAUSE D3.8 - TACTILE INDICATORS CLAUSE D3.4 - WATERPROOFING OF WET AREAS CLAUSE F1.9.1.10 - DAMP PROOFING CLAUSE D3.8 - CONSTRUCTION OF SANITARY COMPARTMENTS PART 4 - LIGHTING AND VENTILATION CLAUSE F5.4 - SOUND INSULATION OF FLOORS CLAUSE F5.5 - SOUND INSULATION OF WALLS CLAUSE D2.15 - THERMOCOLES CLAUSE F5.7 - SOUND INSULATION OF PUMPS							

**Energy Rating**

Certificate Number 20901705

☒ single-dwelling rating

☐ multi-unit development (attach listing of ratings)  
If selected, date specified is the average across the entire development

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number 20901

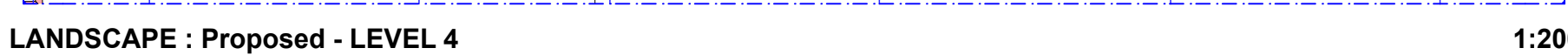
Assessor Signature  Date 11/05/2021

**5.3** stars

heating **40.0** MJ/m²

cooling **26.0** MJ/m²

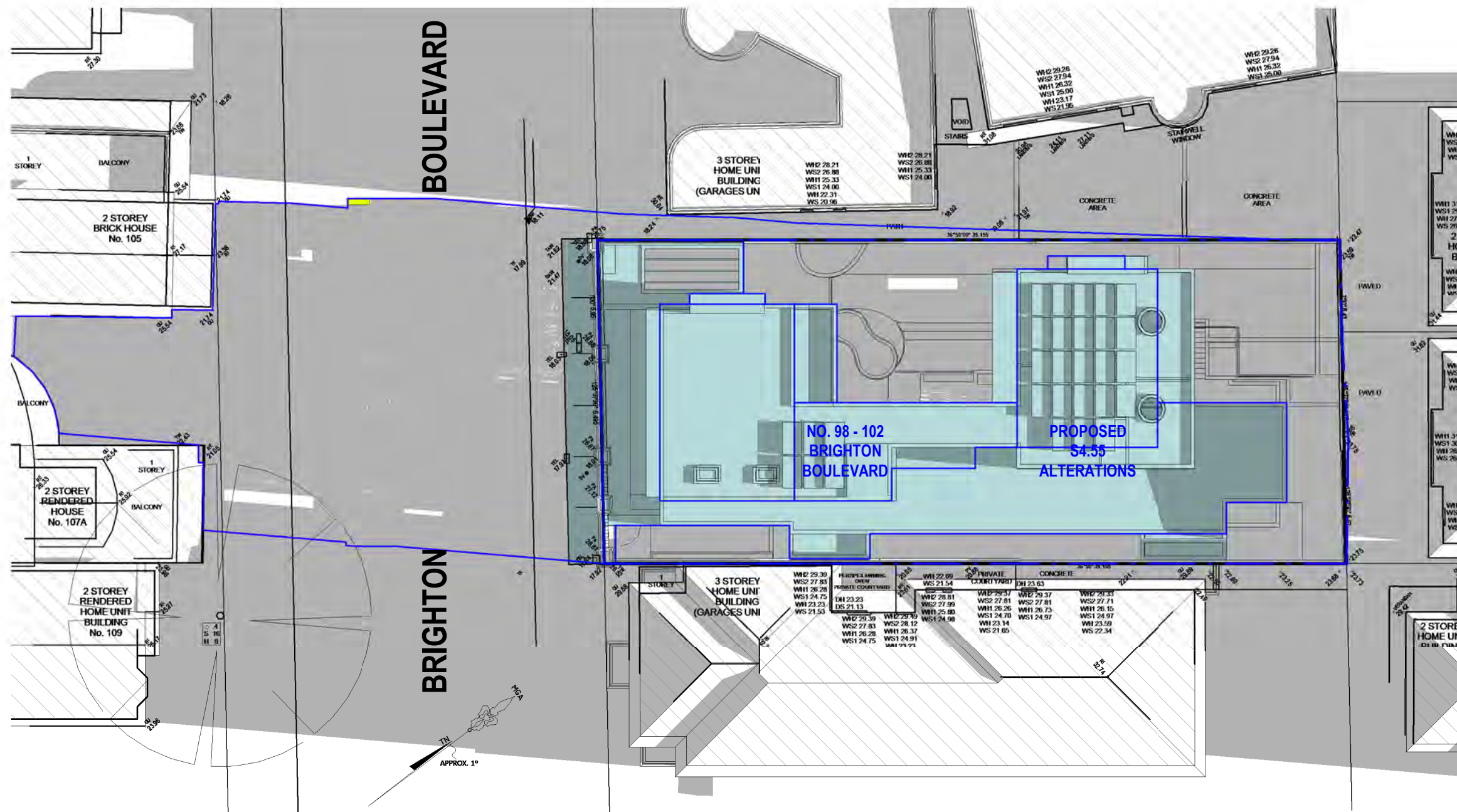


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Waverley Council

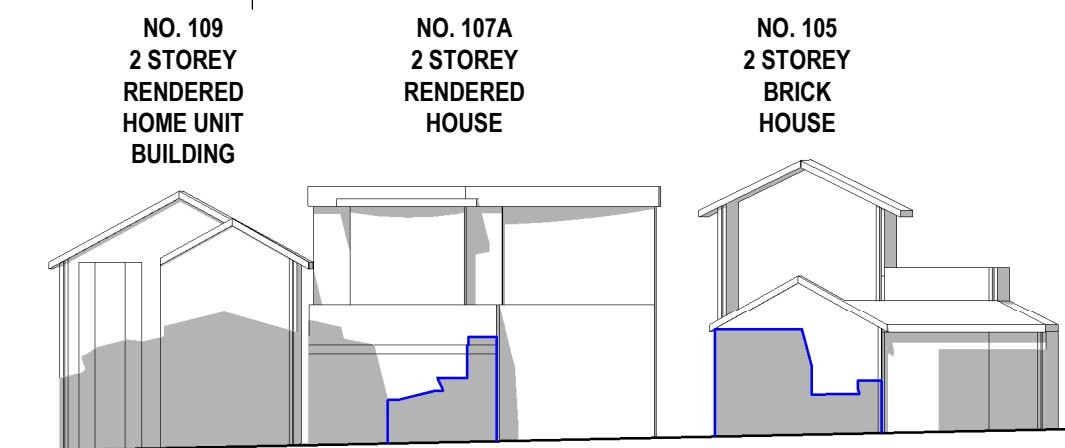
Application No: DA-159/2015/B

Date Received: 29/06/2021

1 Shadowing June 21st 9.00am  
1 : 250

**NOTE:**

SHADOWS SHOWN HAVE BEEN COMPILED FROM DETAIL & LEVEL SURVEY BY JOHN B STEPHEN SURVEYING SERVICES REF NO. 31179-1 ISSUE B DATED 21-05-2020 AND ARCHITECTURAL PLANS AND MODELS SUPPLIED BY MHNDU PROJECT NO. 19 - 066 S.4.55 DATED 06-05-2021 AND DA APPROVED PLANS DA-159/2015/A DATED 29 APR 2015



**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
A	REV N: S4.55 MODIFICATIONS	06-05-21

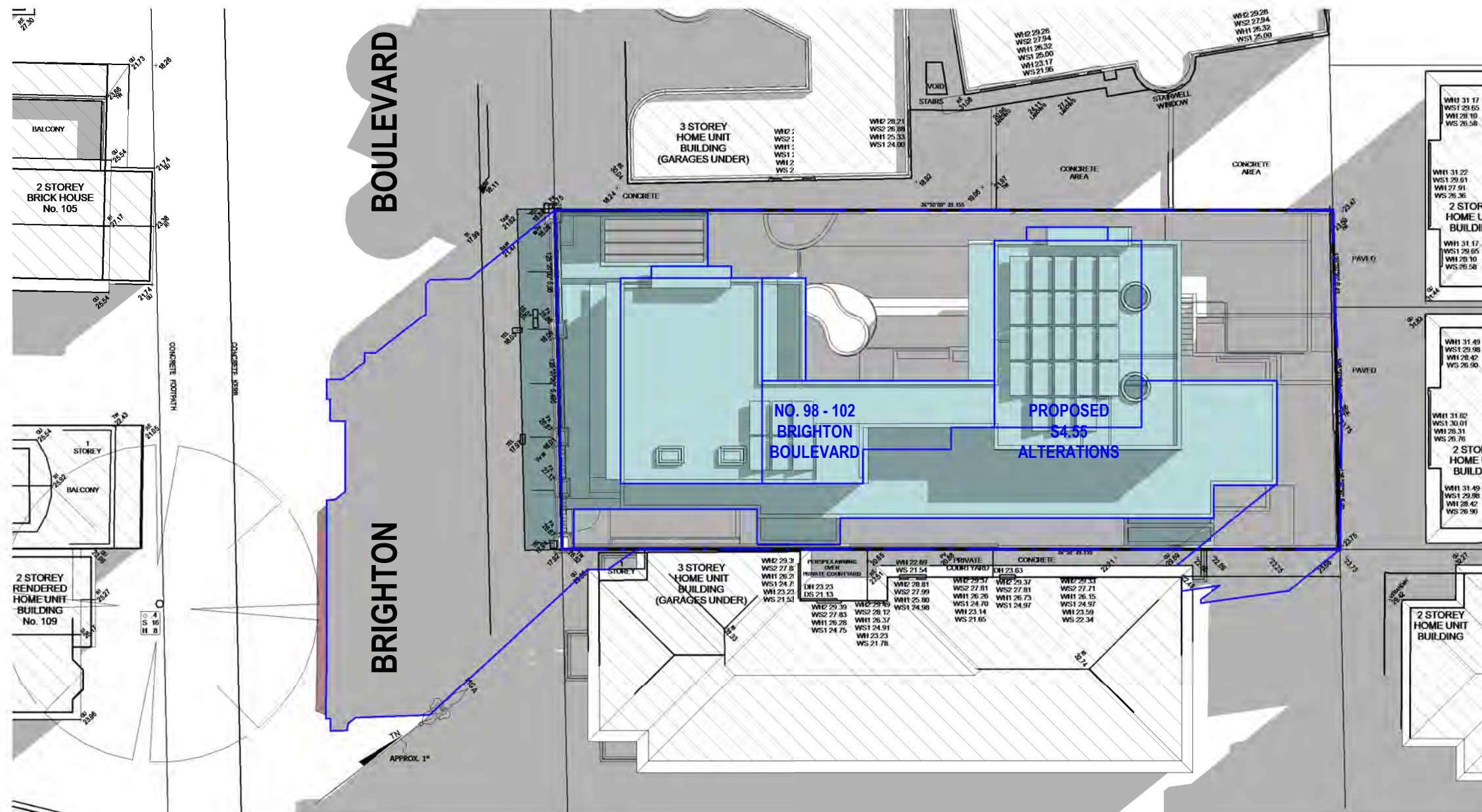
SHADOW DIAGRAMS - S4.55 APPLICATION  
No. 98 - 102 BRIGHTON BOULEVARD  
NORTH BONDI

CLIENT: C/O MHNDU

Shadowing June 21st 9.00am

Project number	20-69	A100
Date	06-05-21	
Drawn by	KP	
Checked by	JD	Scale
		As indicated



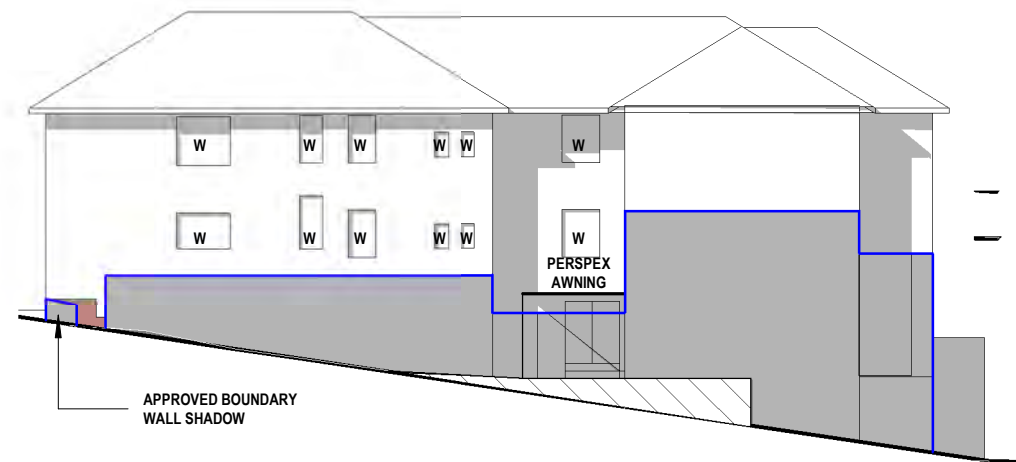


**LEGEND:**

- DENOTES AREA OF SURROUNDING & APPROVED BUILDING SHADOW
- DENOTES OUTLINE OF APPROVED DA (DA-159/2015/A) + SHADOW
- DENOTES AREA OF FOOTPRINT OF PROPOSED STRUCTURES
- DENOTES AREA OF ADDITIONAL PROPOSED SHADOW AS COMPARED TO APPROVED BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION IN SHADOW AS COMPARED TO APPROVED BUILDING SHADOW

RECEIVED  
Waverley Council  
Application No: DA-159/2015/B  
Date Received: 29/06/2021

NO. 104  
3 STOREY  
HOME UNIT  
BUILDING  
(GARAGES UNDER)



**1** Shadowing June 21st 12.00pm  
1 : 250

**NOTE:**  
SHADOWS SHOWN HAVE BEEN COMPLIED FROM DETAIL & LEVEL SURVEY BY JOHN B STEPHEN SURVEYING SERVICES REF NO. 31179-1 ISSUE B DATED 21-05-2020 AND ARCHITECTURAL PLANS AND MODELS SUPPLIED BY MHNDU PROJECT NO. 19 - 066 S.4.55 DATED 06-05-2021 AND DA APPROVED PLANS DA-159/2015/A DATED 29 APR 2015

**Cad Draft P/L**

SHADOW ANALYSIS CONSULTANTS

ABN 27 083 288 153  
SUITE 4, 670 DARLING STREET,  
ROZELLE, NSW  
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545

info@caddraftnsw.com.au

No.	Description	Date
A	REV N: S4.55 MODIFICATIONS	06-05-21

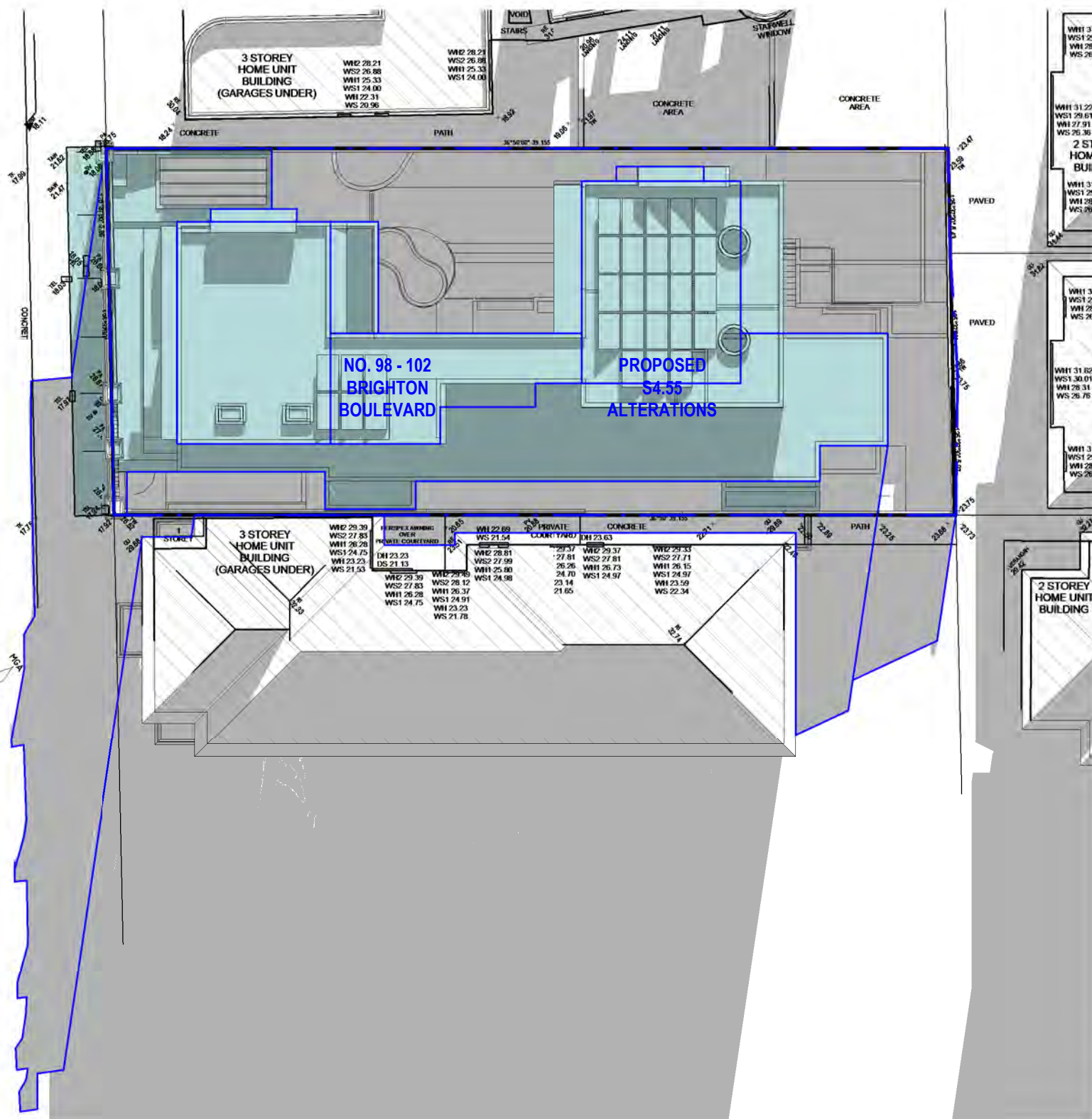
SHADOW DIAGRAMS - S4.55 APPLICATION  
No. 98 - 102 BRIGHTON BOULEVARD  
NORTH BONDI  
  
CLIENT: C/O MHNDU

Shadowing June 21st 12.00pm			
Project number	20-69	A101	
Date	06-05-21		
Drawn by	KP		
Checked by	JD	Scale	As indicated



BOULEVARD

BRIGHTON



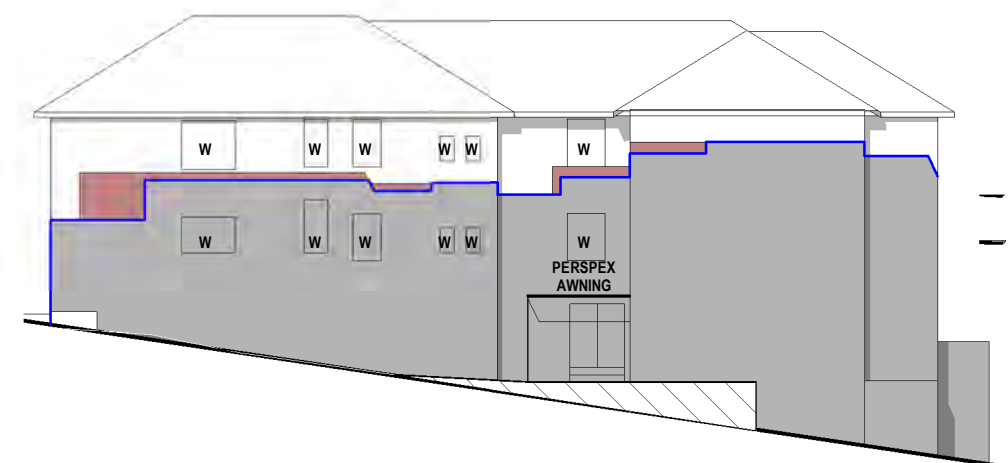
LEGEND:

- DENOTES AREA OF SURROUNDING & APPROVED BUILDING SHADOW
- DENOTES OUTLINE OF APPROVED DA (DA-159/2015/A) + SHADOW
- DENOTES AREA OF FOOTPRINT OF PROPOSED STRUCTURES
- DENOTES AREA OF ADDITIONAL PROPOSED SHADOW AS COMPARED TO APPROVED BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION IN SHADOW AS COMPARED TO APPROVED BUILDING SHADOW

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM DETAIL & LEVEL SURVEY BY JOHN B STEPHEN SURVEYING SERVICES REF NO. 31179-1 ISSUE B DATED 21-05-2020 AND ARCHITECTURAL PLANS AND MODELS SUPPLIED BY MHNDU PROJECT NO. 19 - 066 S.4.55 DATED 06-05-2021 AND DA APPROVED PLANS DA-159/2015/A DATED 29 APR 2015

NO. 104  
3 STOREY  
HOME UNIT  
BUILDING  
(GARAGES UNDER)



1

Shadowing June 21st 3.00pm

1 : 250

**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
A	REV N: S4.55 MODIFICATIONS	06-05-21

SHADOW DIAGRAMS - S4.55 APPLICATION  
No. 98 - 102 BRIGHTON BOULEVARD  
NORTH BONDI

CLIENT: C/O MHNDU

Shadowing June 21st 3.00pm

Project number	20-69	A102	
Date	06-05-21		
Drawn by	KP		
Checked by	JD	Scale	As indicated